

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 45-2062
Date Received: 1/8/1993
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

OAKLEY CANAL CO Phone: (208)862-3356

PO BOX 207
OAKLEY ID USA 83346

2. Date of Priority: 03/10/1909

3. Source: COTTONWOOD CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	21E	9	NW NE NW	CASSIA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	70	
IRRIGATION STORAGE	01/01	12/31		75000
IRRIGATION FROM STORAGE	03/15	11/15		75000

7. Total Quantity Appropriated is:
70 C.F.S. and/or 75000 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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SEE REMARKS

11. Place of use in counties:

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

2/4/2004: SRBA CLAIM 45-12442 WAS SPLIT INTO THE ORIGINAL LICENSED RIGHT NUMBERS TO REFLECT THE FOUR DIFFERENT SOURCES. THE NUMBER 45-2062 HAS BEEN REACTIVATED IN THE SRBA FOR BIG COTTONWOOD CREEK.

THE CLAIMED PLACE OF USE IS 27891 ACRES WITHIN THE OAKLEY CANAL COMPANY SERVICE AREA. SEE PAPER CLAIM IN FILE FOR CLAIMED POU.

PODS CLAIMED ON 45-12442 DETERMINED TO BE FROM GOOSE, BIRCH AND LITTLE COTTONWOOD CREEKS HAVE BEEN DELETED FROM CLAIM 45-2062. - VH

Remarks:

SYSTEM DESCRIPTION: THE CANAL CO. OWNS AND OPERATES OAKLEY RESEVOIR & THE CANAL SYSTEM. OAKLEY RESERVOIR STORES APPROX.

75,000 ACRE FEET OF WATER BEHIND OAKLEY DAM WHICH IS AN EARTHEN DAM WITH CONCRETE CORE. THE DAM IS APPROX. 1100 FT LONG, 150 FT HIGH, 750 FT WIDE AT THE BASE, AND 16 FT WIDE AT THE TOP. THE OUTLET WORKS CONSIST OF A 73 INCH STEEL LINED OUTLET TUNNEL THRU THE RIGHT ABUTMENT WHICH DELIVERS TO THE MAIN CANAL. A SPILLWAY ON THE LEFT ABUTMENT IS NOT USED. THE HIGHLINE DIVERSION FROM THE MAIN CANAL IS APPROX. 250 YDS. BELOW THE OUTLET FROM THE DAM. THE MAXIMUM DELIVERY INTO THE HIGHLINE CANAL IS 4.0 CFS. THE MAIN CANAL SPLITS INTO THE EAST AND WEST CANALS APPROX. 1/4 MILE BELOW THE DAM. THE EAST CANAL HAS A CAPACITY OF 160 CFS AND THE WEST CANAL HAS A CAPACITY OF 160 CFS. BOTH OF THESE MAIN DELIVERY CANALS SERVICE THE LANDS VIA NUMEROUS LATERALS AND DITCHES.

THESE CANALS AND DITCHES INTERCEPT COTTONWOOD AND LITTLE COTTONWOOD CREEKS AND UTILIZE THESE WATERS FOR DELIVERY IN THE SYSTEM. THE GOOSE CREEK DRAINAGE BELOW THE DAM HAS BEEN FARMED OVER AND PRESENTLY NO DIRECT CHANNEL EXISTS BELOW THE DAM TO THE SNAKE RIVER. (NOTE THAT IN 1984 A TEMPORARY CHANNEL WAS CONSTRUCTED TO SAFELY PASS FLOOD WATERS FROM THE DAM TO THE SNAKE RIVER BUT PORTIONS OF THIS CHANNEL ON PRIVATE LAND HAVE SINCE BEEN FILLED. THE EMERGENCY CHANNEL CONSTRUCTED TO MURTAUGH LAKE AT THAT SAME TIME STILL EXISTS.)

***** THE LANDS SERVED BY THE OAKLEY CANAL CO. ARE PRIVATELY OWNED BY THE SHAREHOLDERS OF THE COMPANY. THESE

SHAREHOLDERS ALSO HAVE PRIVATELY HELD WATER RIGHTS FROM GROUNDWATER AND OTHER SOURCES WHICH ALSO SUPPLY WATER TO SOME OF THE SAME LANDS SERVED BY THE OAKLEY CANAL CO.

***** THE WATER RIGHTS OF THE OAKLEY CANAL CO. ARE INCLUDED IN: A45-00093 A45-00094 A45-00132 A45-00133 A45-02040 A45-12438 A45-12442 A45-12443 A45-12448 A45-12449 A45-12455 A45-12457 A45-12749 A45-12750

***** THIS CLAIM IS BASED ON A COMBINATION OF LICENSES WITH THE SAME PRIORITY OF USE AND THESE LICENSES ARE: 45-02059 FOR 600 CFS FROM GOOSE CREEK 45-02060 FOR 70 CFS FROM LITTLE COTTONWOOD CREEK 45-02062 FOR 70 CFS FROM COTTONWOOD CREEK 45-02063 FOR 100 CFS FROM BIRCH CREEK TOTAL 840 CFS THE WATERS FROM BIRCH & GOOSE CREEK GO DIRECTLY INTO THE DAM AND THEN ARE DELIVERED THRU THE CANAL SYSTEM. THE WATERS OF COTTONWOOD AND LITTLE COTTONWOOD CREEKS ENTER THE CANAL SYSTEMQ BELOW THE RESERVOIR BUT ARE USED BY EXCHANGE THROUGHOUT THE CANAL SYSTEM.

***** SEE RECEIPT NO. S017751 FOR FEES TO ADD 6 ACRES. jr 2/16/95

P/D IN SW 1/4, SEC. 17, T13S, R21E & SE 1/4, SEC. 7, T13S, R21E. P/U SAME AS RT. 45-2059.

***** THIS RT COMBINED WITH 45-02059, 02060, AND 02063 AND CLAIMED AS A45-12442. HHT 1/8/93 *****

15. Basis of Claim: License

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APR 21 1989

RECEIVED
CIVIL CASE NO. 39576

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A45-12442**
Date Received: 9/ 6/1989
Receipt No: S017751
Received By: Adm
5022054

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

AMENDED

1. Name: OAKLEY CANAL CO
Address: PO BOX 207
OAKLEY ID 83346
208-862-3356

2. Date of Priority: MAR 10, 1909

3. Source: GOOSE CREEK
BIRCH CREEK
COTTONWOOD CREEK
LITTLE COTTONWOOD CREEK
Trib. to: SNAKE RIVER
GOOSE CREEK
SINKS
SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	21E	9	NW	NE	NW	8 <i>portion of</i>	CASSIA
		36	NE	NE	NE	<i>portion of</i>	CASSIA
14S	22E	17	SW	NW	SW	5000 R	CASSIA
		19	NW	NE	NE	4000 R	CASSIA
			SW	NE	NE	9000	CASSIA
		24	SE	SW	NW	8000	CASSIA

5. Description of diverting works:
(SEE REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	840.000		
IRRIGATION STORAGE	01/01	12/31			75000.00
IRRIGATION FROM STORAGE	03/15	11/15			75000.00

7. Total Quantity Appropriated is:
840.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 74460.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	21E	23	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	640.0
		24	NE		NE		IRR	39.0
			NW		NE		IRR	39.0
			SW		NE		IRR	39.0
			SE		NE		IRR	39.0
			NE		NW		IRR	39.0
			NW		NW		IRR	39.0
			SW		NW		IRR	39.0
			SE		NW		IRR	39.0
			NE		SW		IRR	38.0
			NW		SW		IRR	39.0
			SW		SW		IRR	39.0
			SE		SW		IRR	38.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	39.0
							Section Acres	624.0
		25	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	21E	25	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	320.0
		36	NE	SW		IRR	39.0
			NW	SW		IRR	39.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0
			NE	SE		IRR	38.0
			NW	SE		IRR	39.0
			SW	SE		IRR	39.0
			SE	SE		IRR	38.0
						Section Acres	310.0
	22E	17	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	38.0
			NW	NW		IRR	39.0
			SW	NW		IRR	39.0
			SE	NW		IRR	38.0
			NE	SW		IRR	38.0
			NW	SW		IRR	39.0
			SW	SW		IRR	39.0
			SE	SW		IRR	38.0
			NE	SE		IRR	36.0
			NW	SE		IRR	36.0
			SW	SE		IRR	36.0
			SE	SE		IRR	36.0
						Section Acres	612.0
		19	NE	NE		IRR	39.0
			NW	NE		IRR	39.0
			SW	NE		IRR	38.0
			SE	NE		IRR	38.0
			NE	NW		IRR	39.0
			NW	NW	1	IRR	39.0
			SW	NW	2	IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW	3	IRR	40.0
			SW	SW	4	IRR	40.0
			SE	SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	22E	19	NE		SE		IRR	39.0
			NW		SE		IRR	39.0
			SW		SE		IRR	39.0
			SE		SE		IRR	39.0
							Section Acres	628.0
		20	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	37.0
			NW		NW		IRR	39.0
			SW		NW		IRR	39.0
			SE		NW		IRR	37.0
			NE		SW		IRR	39.0
			NW		SW		IRR	39.0
			SW		SW		IRR	39.0
			SE		SW		IRR	39.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	628.0
		22	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	320.0
		23	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	22E	23	SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					480.0
		24	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			Section Acres					160.0
		25	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	20.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	20.0
			Section Acres					280.0
		26	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	39.0
			SW		SW		IRR	39.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					638.0
		27	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	22E	27	NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	37.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	637.0
		28	SW		NE		IRR	15.0
			SE		NE		IRR	40.0
			NW		NW		IRR	10.0
			SW		NW		IRR	12.0
			NE		SW		IRR	32.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	20.0
			SW		SE		IRR	30.0
			SE		SE		IRR	40.0
							Section Acres	359.0
		29	NE		NE		IRR	40.0
			NW		NE		IRR	25.0
			SW		NE		IRR	28.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	30.0
			NW		SE		IRR	30.0
			SW		SE		IRR	30.0
			SE		SE		IRR	30.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
					Section Acres	573.0	
		30	NE	NE	IRR	38.0	
			NW	NE	IRR	40.0	
			SW	NE	IRR	40.0	
			SE	NE	IRR	38.0	
			NE	NW	IRR	40.0	
			NW	NW	1	IRR	40.0
			SW	NW	2	IRR	40.0
			SE	NW	IRR	40.0	
			NE	SW	IRR	40.0	
			NW	SW	3	IRR	40.0
			SW	SW	4	IRR	40.0
			SE	SW	IRR	40.0	
			NE	SE	IRR	39.0	
			NW	SE	IRR	39.0	
			SW	SE	IRR	39.0	
			SE	SE	IRR	36.0	
					Section Acres	629.0	
		31	NE	NE	IRR	30.0	
			NW	NE	IRR	36.0	
			SW	NE	IRR	37.0	
			SE	NE	IRR	39.0	
			NE	NW	IRR	40.0	
			NW	NW	1	IRR	40.0
			SW	NW	2	IRR	39.0
			SE	NW	IRR	40.0	
			NE	SW	IRR	40.0	
			NW	SW	3	IRR	40.0
			SW	SW	4	IRR	38.0
			SE	SW	IRR	38.0	
			NE	SE	IRR	40.0	
			NW	SE	IRR	32.0	
			SW	SE	IRR	32.0	
			SE	SE	IRR	36.0	
					Section Acres	597.0	
		32	NE	NE	IRR	39.0	
			NW	NE	IRR	25.0	
			SW	NE	IRR	25.0	
			SE	NE	IRR	34.0	
			NE	NW	IRR	40.0	
			NW	NW	IRR	26.0	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	22E	32	SW		NW		IRR	35.0
			SE		NW		IRR	39.0
			NE		SW		IRR	40.0
			NW		SW		IRR	37.0
			SW		SW		IRR	40.0
			SE		SW		IRR	37.0
			NE		SE		IRR	40.0
			NW		SE		IRR	37.0
			SW		SE		IRR	36.0
			SE		SE		IRR	39.0

Section Acres 569.0

33	NE	NE	IRR	40.0
	NW	NE	IRR	38.0
	SW	NE	IRR	38.0
	SE	NE	IRR	39.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	38.0
	SE	NW	IRR	38.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	38.0
	SE	SW	IRR	38.0
	NE	SE	IRR	40.0
	NW	SE	IRR	38.0
	SW	SE	IRR	34.0
	SE	SE	IRR	39.0

Section Acres 618.0

34	NE	NE	IRR	38.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	39.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	39.0
	SE	SW	IRR	39.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	22E	34	SE	SE		IRR	39.0
						Section Acres	633.0
		35	NE	NE		IRR	38.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	38.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	39.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	38.0
			SE	SW		IRR	39.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	39.0
			SE	SE		IRR	39.0
						Section Acres	630.0
13S	21E	1	NE	NE	1	IRR	39.0
			NW	NE	2	IRR	39.0
			SW	NE		IRR	39.0
			SE	NE		IRR	39.0
			NE	NW	3	IRR	38.0
			NW	NW	4	IRR	39.0
			SW	NW		IRR	39.0
			SE	NW		IRR	38.0
						Section Acres	310.0
		25	NE	SE		IRR	35.0
			NW	SE		IRR	23.0
			SW	SE		IRR	23.0
			SE	SE		IRR	35.0
						Section Acres	116.0
		36	NE	SE		IRR	39.0
			NW	SE		IRR	38.0
			SW	SE		IRR	37.0
			SE	SE		IRR	37.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
					Section Acres	151.0	
	22E	1	NW	NW	4	IRR	40.0
			SW	NW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
					Section Acres	160.0	
		2	NE	NE	1	IRR	40.0
			NW	NE	2	IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW	3	IRR	40.0
			NW	NW	4	IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres	640.0	
		3	NE	NE	1	IRR	38.0
			NW	NE	2	IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW	3	IRR	40.0
			NW	NW	4	IRR	40.0
			SW	NW		IRR	38.0
			SE	NW		IRR	40.0
			NE	SW		IRR	38.0
			NW	SW		IRR	37.0
			SW	SW		IRR	38.0
			SE	SW		IRR	40.0
			NE	SE		IRR	39.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	627.0
		4	NE	NE	1	IRR 31.0
			NW	NE	2	IRR 31.0
			SW	NE		IRR 31.0
			SE	NE		IRR 31.0
			NE	NW	3	IRR 40.0
			NW	NW	4	IRR 39.0
			SW	NW		IRR 39.0
			SE	NW		IRR 40.0
			NE	SW		IRR 40.0
			NW	SW		IRR 39.0
			SW	SW		IRR 39.0
			SE	SW		IRR 39.0
			NE	SE		IRR 38.0
			NW	SE		IRR 38.0
			SW	SE		IRR 38.0
			SE	SE		IRR 38.0
					Section Acres	591.0
		5	NE	NE	1	IRR 39.0
			NW	NE	2	IRR 35.0
			SW	NE		IRR 35.0
			SE	NE		IRR 40.0
			NE	NW	3	IRR 40.0
			NW	NW	4	IRR 36.0
			SW	NW		IRR 34.0
			SE	NW		IRR 39.0
			NE	SW		IRR 39.0
			NW	SW		IRR 31.0
			SW	SW		IRR 39.0
			SE	SW		IRR 39.0
			NE	SE		IRR 39.0
			NW	SE		IRR 33.0
			SW	SE		IRR 37.0
			SE	SE		IRR 35.0
					Section Acres	590.0
		6	NE	NE	1	IRR 36.0
			NW	NE	2	IRR 39.0
			SW	NE		IRR 39.0
			SE	NE		IRR 37.0
			NE	NW	3	IRR 40.0
			NW	NW	4	IRR 40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	22E	6	SW		NW	5	IRR	39.0
			SE		NW		IRR	39.0
			NE		SW		IRR	40.0
			NW		SW	6	IRR	40.0
			SW		SW	7	IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	32.0
			NW		SE		IRR	39.0
			SW		SE		IRR	40.0
			SE		SE		IRR	38.0
Section Acres								618.0
		7	NE		NE		IRR	39.0
			NW		NE		IRR	39.0
			SW		NE		IRR	30.0
			SE		NE		IRR	35.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	22.0
			SW		NW	2	IRR	22.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	40.0
			SW		SW	4	IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	37.0
Section Acres								582.0
		8	NE		NE		IRR	32.0
			SE		NE		IRR	32.0
			NE		NW		IRR	40.0
			NW		NW		IRR	37.0
			SW		NW		IRR	37.0
			SE		NW		IRR	29.0
			NE		SW		IRR	29.0
			NW		SW		IRR	38.0
			SW		SW		IRR	39.0
			SE		SW		IRR	29.0
			NE		SE		IRR	38.0
			SE		SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
Section Acres						420.0
		9	NE	NE	IRR	40.0
			NW	NE	IRR	31.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	38.0
			NW	NW	IRR	38.0
			SW	NW	IRR	31.0
			SE	NW	IRR	39.0
			NE	SW	IRR	39.0
			NW	SW	IRR	37.0
			SW	SW	IRR	39.0
			SE	SW	IRR	39.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	39.0
			SE	SE	IRR	39.0
Section Acres						609.0
		10	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	31.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	37.0
			SW	NW	IRR	40.0
			SE	NW	IRR	39.0
			NE	SW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	33.0
			SW	SE	IRR	38.0
			SE	SE	IRR	20.0
Section Acres						598.0
		11	NE	NE	IRR	30.0
			NW	NE	IRR	40.0
			SW	NE	IRR	20.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
13S	22E	11	SW	NW		IRR	31.0
			SE	NW		IRR	25.0
			NE	SW		IRR	35.0
			NW	SW		IRR	15.0
			SW	SW		IRR	24.0
			SE	SW		IRR	37.0
			NE	SE		IRR	40.0
			NW	SE		IRR	26.0
			SW	SE		IRR	26.0
			SE	SE		IRR	20.0
			Section Acres				489.0
		12	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			NW	SW		IRR	6.0
			Section Acres				86.0
		14	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			Section Acres				160.0
		15	NE	NE		IRR	40.0
			NW	NE		IRR	38.0
			SW	NE		IRR	38.0
			SE	NE		IRR	40.0
			NE	NW		IRR	32.0
			NW	NW		IRR	34.0
			SW	NW		IRR	34.0
			SE	NW		IRR	34.0
			NE	SW		IRR	35.0
			NW	SW		IRR	35.0
			SW	SW		IRR	34.0
			SE	SW		IRR	34.0
			NE	SE		IRR	32.0
			NW	SE		IRR	31.0
			SW	SE		IRR	32.0
			SE	SE		IRR	32.0
			Section Acres				555.0
		16	NE	NE		IRR	38.0
			NW	NE		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	22E	16	SW		NE		IRR	38.0
			SE		NE		IRR	38.0
			NE		NW		IRR	38.0
			NW		NW		IRR	38.0
			SW		NW		IRR	31.0
			SE		NW		IRR	40.0
			NE		SW		IRR	38.0
			NW		SW		IRR	38.0
			SW		SW		IRR	38.0
			SE		SW		IRR	38.0
			NE		SE		IRR	38.0
			NW		SE		IRR	25.0
			SW		SE		IRR	35.0
			SE		SE		IRR	30.0
Section Acres								579.0
		17	NE		NE		IRR	39.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	37.0
			NW		NW		IRR	38.0
			SW		NW		IRR	20.0
			SE		NW		IRR	30.0
			NE		SW		IRR	39.0
			NW		SW		IRR	37.0
			SW		SW		IRR	26.0
			SE		SW		IRR	38.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								584.0
		18	NE		NE		IRR	38.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	38.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	40.0
			SW		NW	2	IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	36.0
			SW		SW	4	IRR	32.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	22E	18	SE		SW		IRR	40.0
			NE		SE		IRR	39.0
			NW		SE		IRR	39.0
			SW		SE		IRR	39.0
			SE		SE		IRR	31.0
							Section Acres	612.0
		19	NE		NE		IRR	39.0
			NW		NE		IRR	37.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	30.0
			SE		NW		IRR	30.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	30.0
			SW		SW	4	IRR	38.0
			SE		SW		IRR	38.0
			NE		SE		IRR	37.0
			NW		SE		IRR	39.0
			SW		SE		IRR	38.0
			SE		SE		IRR	35.0
							Section Acres	511.0
		20	NE		NE		IRR	38.0
			NW		NE		IRR	38.0
			SW		NE		IRR	38.0
			SE		NE		IRR	38.0
			NE		NW		IRR	37.0
			NW		NW		IRR	35.0
			SW		NW		IRR	37.0
			SE		NW		IRR	37.0
			NE		SW		IRR	37.0
			NW		SW		IRR	38.0
			SW		SW		IRR	39.0
			SE		SW		IRR	30.0
			NE		SE		IRR	37.0
			NW		SE		IRR	38.0
			SW		SE		IRR	37.0
			SE		SE		IRR	32.0
							Section Acres	586.0
		21	NE		NE		IRR	39.0
			NW		NE		IRR	38.0
			SW		NE		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	22E	21	SE		NE		IRR	37.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	38.0
			SE		NW		IRR	37.0
			NE		SW		IRR	39.0
			NW		SW		IRR	38.0
			SW		SW		IRR	39.0
			SE		SW		IRR	37.0
			NE		SE		IRR	36.0
			NW		SE		IRR	39.0
			SW		SE		IRR	37.0
			SE		SE		IRR	38.0
							Section Acres	611.0
		22	NE		NE		IRR	32.0
			NW		NE		IRR	32.0
			SW		NE		IRR	32.0
			SE		NE		IRR	32.0
			NE		NW		IRR	39.0
			NW		NW		IRR	38.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	36.0
			NW		SW		IRR	37.0
			SW		SW		IRR	37.0
			SE		SW		IRR	40.0
			NE		SE		IRR	30.0
			NW		SE		IRR	30.0
			SW		SE		IRR	30.0
			SE		SE		IRR	30.0
							Section Acres	555.0
		26	NW		SW		IRR	40.0
			SW		SW		IRR	40.0
							Section Acres	80.0
		27	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	30.0
			SE		NE		IRR	40.0
			NE		NW		IRR	36.0
			NW		NW		IRR	36.0
			SW		NW		IRR	37.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	22E	27	SE		NW		IRR	39.0
			NE		SW		IRR	40.0
			NW		SW		IRR	37.0
			SW		SW		IRR	35.0
			SE		SW		IRR	35.0
			NE		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	525.0
		28	NE		NE		IRR	39.0
			NW		NE		IRR	38.0
			SW		NE		IRR	37.0
			SE		NE		IRR	35.0
			NE		NW		IRR	37.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	38.0
			NE		SW		IRR	38.0
			NW		SW		IRR	39.0
			SW		SW		IRR	37.0
			SE		SW		IRR	37.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	33.0
			SE		SE		IRR	34.0
							Section Acres	602.0
		29	NE		NE		IRR	37.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	37.0
			NE		NW		IRR	39.0
			NW		NW		IRR	32.0
			SW		NW		IRR	40.0
			SE		NW		IRR	39.0
			NE		SW		IRR	39.0
			NW		SW		IRR	38.0
			SW		SW		IRR	38.0
			SE		SW		IRR	40.0
			NE		SE		IRR	38.0
			NW		SE		IRR	39.0
			SW		SE		IRR	38.0
			SE		SE		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
Section Acres						612.0
		30	NE	NE	IRR	39.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	38.0
			NE	NW	IRR	40.0
			NW	NW	1 IRR	40.0
			SW	NW	2 IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	37.0
			NW	SW	3 IRR	40.0
			SW	SW	4 IRR	38.0
			SE	SW	IRR	38.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	38.0
			SE	SE	IRR	38.0
Section Acres						626.0
		31	NE	NE	IRR	30.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	35.0
			SE	SW	IRR	8.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	20.0
			SE	SE	IRR	36.0
Section Acres						409.0
		32	NE	NE	IRR	11.0
			NW	NE	IRR	40.0
			SW	NE	IRR	35.0
			SE	NE	IRR	35.0
			NE	NW	IRR	40.0
			NW	NW	IRR	37.0
			SW	NW	IRR	37.0
			SE	NW	IRR	40.0
			NE	SW	IRR	40.0
			NW	SW	IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	22E	32	SW		SW		IRR	38.0
			SE		SW		IRR	37.0
			NE		SE		IRR	38.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	24.0
Section Acres								570.0
		33	NE		NE		IRR	40.0
			NW		NE		IRR	38.0
			SW		NE		IRR	37.0
			SE		NE		IRR	39.0
			NE		NW		IRR	40.0
			NW		NW		IRR	39.0
			SW		NW		IRR	34.0
			SE		NW		IRR	38.0
			NE		SW		IRR	32.0
			NW		SW		IRR	34.0
			SW		SW		IRR	10.0
			SE		SW		IRR	12.0
			NE		SE		IRR	38.0
			NW		SE		IRR	38.0
			SW		SE		IRR	17.0
			SE		SE		IRR	15.0
Section Acres								501.0
		34	NE		NE		IRR	3.0
			NE		NW		IRR	34.0
			NW		NW		IRR	37.0
			SW		NW		IRR	30.0
			SE		NW		IRR	36.0
			NW		SW		IRR	15.0
			SW		SW		IRR	20.0
Section Acres								175.0
14S	22E	3	NE		NW	3	IRR	10.0
			NW		NW	4	IRR	18.0
			SW		NW		IRR	2.0
Section Acres								30.0
		4	NE		NE	1	IRR	10.0
			NW		NE	2	IRR	10.0
			SW		NE		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14S	22E	4	SE		NE		IRR	5.0
			NE		NW	3	IRR	17.0
			NW		NW	4	IRR	24.0
			SW		NW		IRR	37.0
			SE		NW		IRR	29.0
			NE		SW		IRR	7.0
			NW		SW		IRR	28.0
			NE		SE		IRR	10.0

Section Acres 187.0

5	NE	NE	1	IRR	16.0
	NW	NE	2	IRR	33.0
	SW	NE		IRR	40.0
	SE	NE		IRR	35.0
	NE	NW	3	IRR	38.0
	NW	NW	4	IRR	35.0
	SW	NW		IRR	37.0
	SE	NW		IRR	40.0
	NE	SW		IRR	40.0
	NW	SW		IRR	40.0
	SW	SW		IRR	37.0
	SE	SW		IRR	37.0
	NE	SE		IRR	39.0
	NW	SE		IRR	37.0
	SW	SE		IRR	37.0
	SE	SE		IRR	34.0

Section Acres 575.0

6	NE	NE	1	IRR	33.0
	NW	NE	2	IRR	16.0
	SW	NE		IRR	5.0
	SE	NE		IRR	24.0
	NE	SE		IRR	25.0
	SE	SE		IRR	8.0

Section Acres 111.0

7	NE	NE		IRR	4.0
	SE	NE		IRR	7.0
	NE	SE		IRR	10.0
	SE	SE		IRR	10.0

Section Acres 31.0

8	NE	NE		IRR	8.0
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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14S	22E	8	NW		NE		IRR	38.0
			SW		NE		IRR	39.0
			SE		NE		IRR	11.0
			NE		NW		IRR	38.0
			NW		NW		IRR	40.0
			SW		NW		IRR	37.0
			SE		NW		IRR	31.0
			NE		SW		IRR	38.0
			NW		SW		IRR	40.0
			SW		SW		IRR	38.0
			SE		SW		IRR	35.0
			NE		SE		IRR	2.0
			NW		SE		IRR	37.0
			SW		SE		IRR	20.0
							Section Acres	452.0
		17	NE		NW		IRR	33.0
			NW		NW		IRR	32.0
			SW		NW		IRR	20.0
			SE		NW		IRR	22.0
			NE		SW		IRR	19.0
			NW		SW		IRR	5.0
			SW		SW		IRR	2.0
							Section Acres	133.0
		18	NE		NE		IRR	12.0
			SE		SE		IRR	10.0
							Section Acres	22.0
		19	NE		NE		IRR	15.0
			NW		NE		IRR	10.0
							Section Acres	25.0
							Total Acres	27891.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

SYSTEM DESCRIPTION: THE CANAL CO. OWNS AND OPERATES OAKLEY RESEVOIR & THE CANAL SYSTEM. OAKLEY RESERVOIR STORES APPROX. 75,000 ACRE FEET OF WATER BEHIND OAKLEY DAM WHICH IS AN EARTHEN DAM WITH CONCRETE CORE. THE DAM IS APPROX. 1100' LONG, 150' HIGH, 750' WIDE AT THE BASE, AND 16' WIDE AT THE TOP. THE OUTLET WORKS CONSIST OF A 73" STEEL LINED OUTLET TUNNEL THRU THE RIGHT ABUTMENT WHICH DELIVERS TO THE MAIN CANAL. A SPILLWAY ON THE LEFT ABUTMENT IS NOT USED. THE HIGHLINE DIVERSION FROM THE MAIN CANAL IS APPROX. 250 YDS. BELOW THE OUTLET FROM THE DAM. THE MAXIMUM DELIVERY INTO THE HIGHLINE CANAL IS 4.0 CFS. THE MAIN CANAL SPLITS INTO THE EAST AND WEST CANALS APPROX. 1/4 MILE BELOW THE DAM. THE EAST CANAL HAS A CAPACITY OF 160 CFS AND THE WEST CANAL HAS A CAPACITY OF 160 CFS. BOTH OF THESE MAIN DELIVERY CANALS SERVICE THE LANDS VIA NUMEROUS LATERALS AND DITCHES. THESE CANALS AND DITCHES INTERCEPT COTTONWOOD AND LITTLE COTTONWOOD CREEKS AND UTILIZE THESE WATERS FOR DELIVERY IN THE SYSTEM. THE GOOSE CREEK DRAINAGE BELOW THE DAM HAS BEEN FARMED OVER AND PRESENTLY NO DIRECT CHANNEL EXISTS BELOW THE DAM TO THE SNAKE RIVER. (NOTE THAT IN 1984 A TEMPORARY CHANNEL WAS CONSTRUCTED TO SAFELY PASS FLOOD WATERS FROM THE DAM TO THE SNAKE RIVER BUT PORTIONS OF THIS CHANNEL ON PRIVATE LAND HAVE SINCE BEEN FILLED. THE EMERGENCY CHANNEL CONSTRUCTED TO MURTAUGH LAKE AT THAT SAME TIME STILL EXISTS.)

THE LANDS SERVED BY THE OAKLEY CANAL CO. ARE PRIVATELY OWNED BY THE SHAREHOLDERS OF THE COMPANY. THESE SHAREHOLDERS ALSO HAVE PRIVATELY HELD WATER RIGHTS FROM GROUNDWATER AND OTHER SOURCES WHICH ALSO SUPPLY WATER TO SOME OF THE SAME LANDS SERVED BY THE OAKLEY CANAL CO.

THE WATER RIGHTS OF THE OAKLEY CANAL CO. ARE INCLUDED IN:

A45-00093	A45-00094	A45-00132	A45-00133	A45-02040
A45-12438	A45-12442	A45-12443	A45-12448	A45-12449
A45-12455	A45-12457	A45-12749	A45-12750	

THIS CLAIM IS BASED ON A COMBINATION OF LICENSES WITH THE SAME PRIORITY OF USE AND THESE LICENSES ARE:

45-02059 FOR 600 CFS FROM GOOSE CREEK
45-02060 FOR 70 CFS FROM LITTLE COTTONWOOD CREEK
45-02062 FOR 70 CFS FROM COTTONWOOD CREEK
45-02063 FOR 100 CFS FROM BIRCH CREEK
TOTAL 840 CFS

THE WATERS FROM BIRCH & GOOSE CREEK GO DIRECTLY INTO THE DAM AND THEN ARE DELIVERED THRU THE CANAL SYSTEM. THE WATERS OF COTTONWOOD AND LITTLE COTTONWOOD CREEKS ENTER THE CANAL SYSTEMQ BELOW THE RESERVOIR BUT ARE USED BY EXCHANGE THROUGHOUT THE CANAL SYSTEM.

SEE RECEIPT NO. S017751 FOR FEES TO ADD 6 ACRES. jr 2/16/95

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am President of Oakley Canal Co, that I have signed the foregoing document in the space below as President of Oakley Canal Co and that the statements contained in the foregoing document are true and correct.

Kandy Rob
Signature of Authorized Agent

President, OCC.
Title and Organization

4-21-99

Date

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of April 19 99

[Signature]
Notary Public

Seal

Residing at Kimberly, ID

My Commission Expires 6/30/2000

07/21/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-2062
NAME AND ADDRESS: OAKLEY CANAL CO
PO BOX 207
OAKLEY ID 83346

SOURCE: BIG COTTONWOOD CREEK TRIBUTARY: DRY CREEK
QUANTITY: 70.000 CFS
PRIORITY DATE: 03/10/1909

POINT OF DIVERSION:
T13S R21E S8 SENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	70.000 CFS

PLACE OF USE:

27550 ACRES TOTAL

Place of use is within the area served by Oakley Canal Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 27,550 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-93, 45-94, 45-132, 45-133, 45-2040, 45-2059, 45-2060, 45-2062, 45-2063, 45-12438, 45-12443, 45-12449, 45-12455, 45-12749, 45-12750.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 24,974 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-2059, 45-2060, 45-2062, 45-2063.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 24,974 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-2062

WATER RIGHT NUMBER: 45-2062

Owner Type Name and Address
 Original Owner TWIN FALLS OAKLEY LAND & WATER CO

Current Owner OAKLEY, ID 83346
 OAKLEY CANAL CO
 PO BOX 207 ✓
 OAKLEY, ID 83346
 (208)862-3356

Original Owner SAMUEL H HAYS
 15 PINEVIEW AVE
 DELMAR, NY 12054

Priority Date: 03/10/1909 ✓

Basis: License ✓

Status: Active

Source

BIG COTTONWOOD CREEK ✓

Tributary
SINKS

DRY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	03/15	11/15	70.000 CFS ✓	
~~IRRIGATION STORAGE~~	~~01/01~~	~~12/31~~		~~75,000.00 AF~~
~~IRRIGATION FROM STORAGE~~	~~03/15~~	~~11/15~~		~~75,000.00 AF~~
<u>Total Diversion:</u>			70.000 CFS ✓	75,000.00 AF

does not reach Res

Location of Point(s) of Diversion

COTTONWOOD CREEK
 CASSIA County

NW1/4NE1/4NW1/4 Sec. 9, Twp 13S, Rge 21E, B.M.

SE NE SE SEC 8

per GPS 10/2001

Place of Use

Limited to 24,974 in PDU

Conditions of Approval:Remarks:

1. General P/D IN SW 1/4, SEC. 17, T13S, R21E & SE 1/4, SEC. 7, T13S, R21E. P/U SAME AS RT. 45-2059.
 ***** THIS RT COMBINED WITH 4 5-02059, 02060, AND 02063 AND CLAIMED AS A45-12442. HHT 1/8/93 *****

- 2059, 2060, 2062, 2063 limited to 24,974 AC
- 2040, 2054, 2060, 2062, 2063 limited to 29,549 AC
- in PDU
- comb limits with other decrees PDU
- Quant limits for irrigation use ?

MEMO TO FILE

From: Vikie Hancock

Date: 2/6/2004

Regarding: Oakley Canal Company

Claim Nos: **45-2040** – Goose Creek, 500 cfs

45-2059 – Goose Creek, 600 cfs

45-2060 – Little Cottonwood Creek, 70 cfs

45-2062 – Big Cottonwood Creek, 70 cfs

45-2063 – Birch Creek, 100 cfs

The above five claims are all based upon licenses issued to Oakley Canal Company for use of water for irrigation utilizing storage in the Goose Creek (Oakley) Reservoir. The first application for permit, 45-2040, was filed in March 1908. The four subsequent permits were filed a year later in March 1909. Note that a sixth license, 45-2061, was issued on Basin Creek, concurrent with those listed above. That license is listed as abandoned in the water right database.

A review of the map found in file 45-2040 shows that, under these five licenses and by use of the reservoir, additional lands were proposed for development beyond those already irrigated under the numerous private rights on Goose Creek dating from the late 1870's and early 1880's. The reservoir and canal system was a Carey Act project.

Place of Use

45-2040 was licensed in November 1917 for 26,905.86 acres, and included a land list of acres irrigated. The land list actually totals 27,716 acres. The acre figure on the license agrees with the Disposition of Holder which included a land list supposedly totaling 26,905.86 acres. I did not compare the lists at this point, and in any case it would seem that in the SRBA recommendation, this right would be limited to 26,906 acres within the current service area of Oakley Canal Company.

45-2059, 45-2060, 45-2062 & 45-2063 were all license in October 1923 for "the irrigable portions of 25,000 acres of land covering 634...legal subdivisions situated in and being a part of the Twin Falls Oakley Land and Water Company's Carey Act Project". Three different field reports in 45-2059 refer to *the land list attached* and two different land lists are included in the file. The one that appears to have been filed with the Disposition of Holder lists 24,974.19 acres. A comment in the electronic water right record of 45-2059 states that the POU equals 24,974 acres. An electronic comment in water right 45-2060 states there are 25,000 acres. Correspondence in the file indicates that the sources were licensed on a shared place of use and were assessed one fee as such, even though different numbers of acres were applied for on the

permits: 45-2059 = 60,000 acres; 45-2060 = 25,000 acres; 45-2062 = 15,000 acres; 45-2063 = 15,000 acres.

In the water right database, the POU acres were data-entered only into 45-2059 and then just referred to in 45-2060, 45-2062 & 45-2063. The POU for these rights overlaps the licensed place of use of 45-2040 - but not exactly. Using our water right database, a POU comparison revealed that some acres covered under license 45-2040 were not included in the later licenses, and also that 1,883 acres covered under the four later licenses were not listed in the first license. Disregarding the difference between the listed acres and the stated licensed acres on 45-2040, and using the actual listed acres for both 45-2040 & 45-2059, the five licensed rights combined cover 29,599 acres according to our water right database. From looking at the map included with application 45-2040, it appears that the licensed rights overlap the lands developed by the early settlers in all but a few fortys, so there may be a different number of combined acres when the older rights are factored in.

Quantity

If the five licenses combined are limited to 29,599 acres then they would normally be limited to a combined total of 591.98 cfs [29,599 x .02 cfs] for irrigation. The total quantity licensed under these five rights is 1,340 cfs, but that would include a right for diversion to storage for 45-2040, 45-2059 & 45-2063.

According to information found in file 45-2059, the stated capacity of the reservoir is 74,350 acre feet in volume.

Purpose of Use and PODs

All five rights were licensed for *Irrigation and Domestic purposes*. The five rights described the stream sources as all being conveyed into the reservoir and re-distributed through the delivery system downstream of the dam, but no storage or irrigation from storage use is listed on any of the licenses. There is, however, some correspondence in file 45-2059 that indicates that the storage component, and how to deal with it as part of a water right, was being discussed at the time of licensing. Remarks included in original combined SRBA claim 45-12442 state that Goose and Birch Creeks are conveyed into the reservoir, but Big and Little Cottonwood Creeks are not. I learned during a field exam done on Big Cottonwood Creek in October 2001 that the conveyance ditch (the Cottonwood Feeder) that was constructed to divert water from Big and Little Cottonwood Creeks around the hill and southeast to the reservoir was found to be impractical soon after construction and is no longer used.

Big Cottonwood is diverted by the water master downstream of the original licensed POD and conveyed almost directly west and into the Oakley Canal system. I propose to not recommend a *storage or irrigation from storage* use for that source, although those uses are included on the SRBA claim.

From the claimed point of diversion for Little Cottonwood, NENENE Sec 36, T13S, R21E, it appears that the stream is now considered to end at the West Canal, or in a ditch close to it. The licensed point of diversion (the same as listed in the application for permit) was located in the SE ¼ of Section 36, and both points indicate that the channel officially identified as Little Cottonwood Creek may have changed over the years (see USGS quad CC77) and may affect the recommended POD legal. A review of USGS quad map DD27 shows that the licensed POD actually would not have enabled conveyance of Little Cottonwood Creek to Oakley Reservoir, however the point of diversion named in the licensing field report would have. It describes the point in Section 1 that Little Cottonwood intersects the old Cottonwood Feeder canal and probably should have been the licensed POD. On paper, and in reality even, there is an accomplished transfer of POD for 45-2060.

There are small ponds or reservoirs located within the canal system that may be used for storage of Little Cottonwood water, but not the volume claimed in 45-12442. Stock water could be added based on the licensed domestic use. I think more information is needed on this source if claimants want more than a right for irrigation.

Goose Creek, and Birch Creek, are both still conveyed into the reservoir and therefore it seems like storage and irrigation from storage would be valid uses on those rights, if it is possible to add them in the SRBA. The licensed POD for Birch Creek is incorrect, and like Little Cottonwood, it wasn't amended from the POD listed on the original application and was probably always incorrect. The 1914 licensing field report agrees with the currently claimed point of diversion in the NW ¼ Section 24, T14S, R22E, but on paper there would be an accomplished transfer of POD. A review of USGS quad DD28 shows that water from Birch can probably also be conveyed directly into the East Canal below the dam.

Season of Use

None of the licenses listed a season of use. The 1914 field report on Big Cottonwood actually states that it is diverted during times of flood flow, and in 2001 the water master told me he delivered it only during those times. I propose to recommend a season of use of 3/15-11/15 for irrigation only for 45-2062.

Little Cottonwood looks to be permanently intercepted and may flow into the canal system year round and used for year-round stock water or storage if either use is substantiated. I believe all other private claims to Little Cottonwood for irrigation and stockwater are diverted upstream of the POD claimed by Oakley Canal.

As mentioned above, Goose and Birch creeks could be recommended for the seasons claimed, if the three uses claimed are recommended.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 16, 2004

Oakley Canal Company
PO Box 207
Oakley, Idaho 83346

RE: Announcement of Meeting

Certain water right holders on Big Cottonwood Creek
Snake River Basin Adjudication (SRBA)

Dear Water User,

On or about April 1, 2004 you should have received copies of my proposed recommendation(s) of your water rights from Big Cottonwood Creek. You are receiving this letter because some or all of your rights from Big Cottonwood Creek are conveyed some distance east from the creek and used in the general area of Goose Creek.

Specific water rights with specific quantities of water were previously decreed, licensed or otherwise legally made appurtenant to various properties in your area. Over time, some of these rights have been moved through recorded deed or other non-recorded means from the properties they irrigated according to IDWR records. The recommendations sent to you on April 1st represent ownership of these rights according to information available to me up to that date, however that information may or may not be complete.

It is my desire to create an accurate, agreed-upon set of water rights on Big Cottonwood Creek and you may have additional documentation that would help me to do that. Since it goes without saying that there is a limited amount of water to share, it is in all our best interests to come to an understanding of where these water rights are now legally appurtenant and in whose name these rights should be decreed in the SRBA.

With that goal in mind, I have set up a meeting of water users to be held at the Oakley Canal Company office at 7:00 PM on April 29, 2004. Please plan to attend and bring with you any information that you

believe will document your rights to the creek. A list of addressees is attached. If I have failed to notify anyone you believe should attend this meeting, please pass the information on to them. If you have not yet received my proposed recommendation of your rights, please let me know immediately, and I will send that to you for review.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Adjudication Unit, Twin Falls
email: vhancock@idwr.state.id.us

FRANK BEDKE
PO BOX 83
OAKLEY, ID 83346

BYRON MARTIN TRUST
238 S HWY 27
BURLEY, ID 83318

CRANNEY LAND COMPANY
1610 S 600 W
OAKLEY, ID 83346

PICKETT RANCH AND SHEEP
1650 S 570 E
OAKLEY, ID 83346

VAUGHN AND PAUL WOODHOUSE
1550 S HWY 27
BURLEY, ID 83318

LCS ENTERPRISES
433 E LAS COLINAS BLVD
SUITE 1290 BOX 12
IRVING, TX 75039

OAKELY CANAL COMPANY
PO BOX 207
OAKLEY, ID 83346

State of Idaho

Water License No. 4734
Water District No. 10-B

Amount 70 sq. ft.
Priority 3-10-09

THIS IS TO CERTIFY that **S. H. Hays**
of **Boise, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **March 10**, 19**09**; that Permit No. **4734**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
70 second feet, was issued thereunder on **March 18**, 19**15**, showing that said works
were completed on the **7th** day of **June**, 19**14**; and that on the **10th**
day of **October**, 19**18**,

Twin Falls Oakley Land & Water Company
of Oakley, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Cottonwood
Creek, a tributary of _____, for the purpose of irrigation &
domestic use, under Use Permit No. 4734 of the State Engineer
and that said right to the use of said waters has been perfected in accordance with the laws of
Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in
Volume 6 of Licenses, at page 3108, on the 23rd day of October, 1923;

The right hereby confirmed dates from **March 10**, 19 **09**;

The Point of Diversion is located in the SW $\frac{1}{4}$, Sec. 17 and
in the SE $\frac{1}{4}$ $\frac{1}{4}$, Sec. 7, Tp. 13 S., R. 21 E., B. M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 70 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
				Water to be used upon the irrigable portion of 25,000 acres of land covering 634 forty-acre tracts, or legal subdivisions, situated in and being a part of the Twin Falls Oakley Land & Water Company's Carey Act Project; the said water, together with the water afforded by permits and licenses Nos. 4731-4732-4733 and 4735, is appurtenant to and to be used as the water right for the Twin Falls Oakley Land & Water Company's Project.	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 23rd day of October, 1928.

W. G. SWENDSEN.
Commissioner of Reclamation.

(SEAL)

45 2062

State of Idaho
DEPARTMENT OF RECLAMATION
Boise

In Re: Permits 4731-32-33-34-35)
Twin Falls Oakley Land and Water Co.)

ORDER

WHEREAS, pursuant to the statutory provisions, the owner of the above stated permits offered proof of application of water to beneficial use, and in connection with the said proof, requested the undersigned Commissioner of Reclamation to consider the said proof, particularly in relation to the fee to be paid thereunder, representing that the water supply appropriated under the said permits was made available to lands in the Oakley Project through a common irrigation system and that the said water as represented by each of the permits was spread over the entire land and that it was impossible, therefore, to segregate the area and designate the particular parcels of land that were or might be irrigated from the water of each of the several permits;

THAT the said water was combined and the rights acquired under the said permits were owned by the settlers on the said project, or the said stockholders in the Oakley Canal Company, each enjoying an equal right as to date of priority, thus making it impossible to dedicate water obtained under each of the said permits to any other than the entire area in the said project, and

WHEREAS, upon a consideration of the said proof and the statute under which the same is offered and particularly that provision thereof relating to the payment of fee, it is found that these said proofs are offered jointly and that only one field examination under the said proofs was necessary, and in view of these conditions, it is thought equitable and proper because of the wording of the statute relating to fees, that one fee only under the said several permits fixed at the statutory rate for each forty acre tract in the project, and upon which water as actually been applied, should be collected, especially in view of the consent on the part of the permit holder to pay such additional fee, if any, as may be subsequently found necessary under the said statute.

NOW, THEREFORE, it is hereby ordered that the fee in connection with the said proof of application of water to beneficial use in the above stated permits be fixed, according to the foregoing, at \$634.00, the rate being \$1.00 for each forty-acre tract irrigated thereunder.

WITNESS the seal and signature of the Commissioner of Reclamation this 26th day of October, 1923, affixed at Boise, Idaho.



Commissioner of Reclamation

Combined pool of 4 permits

September 17, 1921.

Re: Per
Re: Permits 4731-2-3-4-5

Mr. C. A. Bauer,
Manager, T. F. O. L. & W. Co.
Oakley, Idaho.

Dear Sir:-

Relative to the proofs of beneficial use of water made under the above numbered permits on October 10, 1918, would say that a re-examination was made July 13, 1921, by ← our engineer, Mr. Geo. Carter, and report filed. This report shows all, or parts, of 634 forty acre tracts under cultivation and irrigation. The statutory fees amount to \$634.00 for each permit, in view of the fact that each permit covers the entire list of lands. Upon receipt, therefore, of fees in the sum of \$3170.00, licenses will be issued under these permits.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____

4732

No. 6320.

45-2062

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: S.H.Hays

Postoffice address: Boise

County: Ada

State: Idaho

II. The financial resources of the applicant are:

(d) Other resources: \$10,000

2. The quantity of water claimed is 300 cubic feet per second.

3. Source of water supply: Cottonwood Creek

County of Cassia

4. Location of point of diversion: SW $\frac{1}{4}$ Sec. 17. 275 sec. ft., and SE $\frac{1}{4}$ Sec. 7, Tp. 13 S.R. 21 East. 25 sec. ft.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 15000 acres.

(b) In the following legal subdivisions: As shown on List A herewith and map.

6. Estimated cost of works: 35,000.00

7. Description of works for diversion:

I. Kind of works: Diverting dam, ditch, flume

II. Dimensions of works:

(a) Height of dam 8 feet, length of dam at top 35 feet, length of dam at bottom 18 feet. Material used in construction: Earth, stone, concrete and steel.

(d) Conduit ditch, width at bottom 24 feet, width at water line 36 feet, depth of water 3 feet. Average grade per mile is 2 feet. Length of conduit is 12 $\frac{3}{4}$ miles, and it crosses the following quarter sections: See List B herewith and map, to land described in 5 I (b) above which is the point of intended use.

8. Time required for the completion of the construction of such work is 5 years.

9. Time required for the complete application of the water to the proposed use is 4 additional years.

BE IT KNOWN, That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

S.H. Hays,

Applicant.

REPORT OF ENGINEER

This proof is for Beneficial UseIn Water District No. 103

1. State name of applicant and number of permit: Twin Falls Oakley Land & Water Co.
Permits 4731-2-3-4-5-
2. State source of water supply: Goose Cr., Little Cottonwood Cr., Basin Cr., Cottonwood Cr.,
Birch Creek.
3. Location of point of diversion: See Attached Sheet.

4. Describe works as they exist, giving dimensions and capacities of same:

See Reports on Completion of Works on file in this office. Structures are all completed as called for in Permits.

5. State whether or not water has been turned into works of diversion: Yes

6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): See list attached.

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system? Applicant Only

9. Give names and amount of each right:

10. What large stream would the water here appropriated finally reach? Snake River

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream: Goose Creek to Snake River.

Remarks: License # 2179 was issued 11-1-17 for 500 ac. ft. of the waters of Goose Creek. See land list attached to license.

This examination was made on the 13th day of July 1921

(Signed)

Geo. H. Carter

Examiner.

4731

OVER

*See
45-2040*

REPORT OF ENGINEER

1. State name of applicant and number of permit: Twin Falls Oakley Land & Water Co.
Permit # 4734
2. State source of water supply: Cottonwood Cr.
3. Location of point of diversion: NE SW Sec. 17 T. 13 S. R. 21 E.
See map on file with permit.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:
Yes except that one diversion called the Cedar Cr. diversion has been omitted.
5. Describe works as they exist, giving dimensions of same as follows:
- (a) Width of conduit at bottom: Flume steel shell.
 - (b) Width at water line: 6.6' diameter.
 - (c) Depth of water: Semicircular.
 - (d) Grade per mile: 13.2'
 - (e) Capacity of ditch: 70 second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent:
Yes to the extent of 50 second ft. during May, 1914.
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: See land list attached to "Deposition of Holder."
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: See map attached to Engineer's report on Permit #4731. Works of diversion consist of a concrete dam across Cottonwood Cr., 18" wide on top 50' long on top and 50' long on bottom and 5.5 high. The water from Cottonwood Cr. is taken during the flood flow of said Cr. through the "Cottonwood Feeder" and stored in the reservoir. The Cottonwood Feeder also carries water from Little Cottonwood. A Certificate of Completion has been issued for this canal under Permit #4732.

M. Burkett

STATE OF IDAHO,

County of _____

} ss.

July 31 1914

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 191_____

My Commission Expires _____

4731

Notary Public.

PERMIT NOS.

4731, 4732, 4733, 4734, 4735.

PARAGRAPH 6. List of lands upon which Beneficial Use of Water has been made.

Township 12 S., Range 21 East.

Section 5	Lot 3	39.32	acres
	" 4	39.50	"
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	80	"
	SW $\frac{1}{2}$	160	"
Section 6	Lot 1	39.62	"
	Lot 2	39.75	"
	SE $\frac{1}{2}$ NE $\frac{1}{2}$	40	"
	Lot 7	38.21	"
Section 7	NE $\frac{1}{2}$ NW $\frac{1}{2}$	40	"
	Lot 2	38.12	"
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	40	"
	E $\frac{1}{2}$ SW $\frac{1}{2}$	80	"
	Lot 3	38.23	"
	" 4	38.34	"
	SE $\frac{1}{2}$	160	"
Section 8	All	640	"
Section 9	SW $\frac{1}{2}$	160	"
	N $\frac{1}{2}$ SE $\frac{1}{2}$	80	"
	SE $\frac{1}{2}$ SE $\frac{1}{2}$	40	"
Section 11	SW $\frac{1}{2}$ SW $\frac{1}{2}$	40	"
Section 12	S $\frac{1}{2}$ SE $\frac{1}{2}$	80	"
Section 13	NE $\frac{1}{2}$	160	"
	S $\frac{1}{2}$ NW $\frac{1}{2}$	80	"
	SW $\frac{1}{2}$	160	"
	W $\frac{1}{2}$ SE $\frac{1}{2}$	80	"
Section 14	NE $\frac{1}{2}$ NE $\frac{1}{2}$	40	"
	S $\frac{1}{2}$ NE $\frac{1}{2}$	80	"
	NW $\frac{1}{2}$	160	"
	NW $\frac{1}{2}$ SW $\frac{1}{2}$	40	"
	E $\frac{1}{2}$ SE $\frac{1}{2}$	80	"
Section 15	NE $\frac{1}{2}$ NE $\frac{1}{2}$	40	"
	S $\frac{1}{2}$ NE $\frac{1}{2}$	80	"
	S $\frac{1}{2}$ NW $\frac{1}{2}$	80	"
	SW $\frac{1}{2}$	160	"
	N $\frac{1}{2}$ SE $\frac{1}{2}$	80	"
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	40	"
Section 17	N $\frac{1}{2}$	320	"
Section 18	N $\frac{1}{2}$ NE $\frac{1}{2}$	80	"
	E $\frac{1}{2}$ NW $\frac{1}{2}$	80	"
	Lot 1	38.31	"
	" 2	38.44	"
	" 3	38.49	"
	" 4	38.54	"
	E $\frac{1}{2}$ SW $\frac{1}{2}$	80	"

Township 12 S., Range 21 East. (Cont'd.)

Section 19	E $\frac{1}{2}$ NE $\frac{1}{4}$	80	Acres
Section 20	E $\frac{1}{2}$ NE $\frac{1}{4}$	80	"
	N $\frac{1}{2}$ SE $\frac{1}{4}$	80	"
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	"
Section 21	N $\frac{1}{2}$	320	"
	N $\frac{1}{2}$ SE $\frac{1}{4}$	80	"
Section 22	NW $\frac{1}{4}$	160	"
	S $\frac{1}{2}$	320	"
Section 23	All	640	"
Section 24	N $\frac{1}{2}$	320	"
	SW $\frac{1}{4}$	160	"
	W $\frac{1}{2}$ SE $\frac{1}{4}$	80	"
Section 25	N $\frac{1}{2}$	320	"
	W $\frac{1}{2}$ SW $\frac{1}{4}$	80	"
Section 26	N $\frac{1}{2}$	320	"
	S $\frac{1}{2}$ S $\frac{1}{2}$	80	"
Section 27	N $\frac{1}{2}$	320	"
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	"
	SE $\frac{1}{4}$	160	"
Section 28	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	"
	S $\frac{1}{2}$ NE $\frac{1}{4}$	80	"
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	"
Section 35	W $\frac{1}{2}$ NW $\frac{1}{4}$	80	"

Township 12 South, Range 22 E.

Section 4	Lot 3	39.72	"
	" 4	39.61	"
	S $\frac{1}{2}$ NW $\frac{1}{4}$	80	"
	SW $\frac{1}{4}$	160	"
	N $\frac{1}{2}$ SE $\frac{1}{4}$	80	"
Section 5	Lot 1	39.5	"
	" 2	39.32	"
	SE $\frac{1}{4}$	160	"
Section 7	Lot 3	41.89	"
	" 4	41.96	"
Section 8	NE $\frac{1}{4}$	160	"
	N $\frac{1}{2}$ NW $\frac{1}{4}$	80	"
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	"
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	"
Section 15	S $\frac{1}{2}$	320	"
Section 18	NE $\frac{1}{4}$	160	"
	Lot 1	41.89	"
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	35.5	"
Section 28	W $\frac{1}{2}$ SW $\frac{1}{4}$	80	"
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	"
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	39.8	"
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.8	"

4761

Township 12 S. Range 22 East. (Cont'd.)

Section 29	S ₁ ¹ NW ₄ ¹	80	Acres
	N ₂ ¹ SW ₄ ¹	80	"
	SW ₄ ¹ SW ₄ ¹	40	"
Section 30	NE ₂ ¹ SE ₂ ¹	40	"
	S ₂ ¹ SE ₂ ¹	80	"
Section 31	E ₂ ¹ NE ₂ ¹	80	"
	Lot 3	42.64	"
	" 4	42.52	"
	SE ₂ ¹	160	"
Section 32	S ₂ ¹ NE ₂ ¹	80	"
	W ₂ ¹ NW ₂ ¹	80	"
	SE ₂ ¹ NW ₂ ¹	40	"
	S ₂ ¹	320	"
Section 33	E ₂ ¹	320	"
Section 34	NW ₄ ¹ NE ₄ ¹	40	"
	NW ₄ ¹	160	"
	N ₂ ¹ SW ₂ ¹	80	"
	SW ₂ ¹ SW ₂ ¹	40	"
Section 35	SE ₂ ¹ NE ₂ ¹	27	"
	NE ₂ ¹ SE ₂ ¹	40	"

Township 13 S. Range 21 East.

Section 14	W ₂ ¹ NE ₂ ¹	80	"
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Township 13 S. Range 22 East.

Section 1	W ₂ ¹ SW ₂ ¹	80	"
Section 2	E ₂ ¹ SE ₂ ¹	80	"
Section 3	Lot 3	41.46	"
	" 4	41.8	"
	SW ₂ ¹ NW ₂ ¹	40	"
Section 4	Lot 1	42.35	"
	" 2	42.9	"
	S ₂ ¹ NE ₂ ¹	80	"
	Lot 3	43.45	"
	" 4	44	"
	S ₂ ¹ NW ₂ ¹	80	"
	N ₂ ¹ SW ₂ ¹	80	"
	SW ₂ ¹ SW ₂ ¹	40	"
	NW ₂ ¹ SE ₂ ¹	40	"
Section 5	Lot 1	44	"
	" 2	43.96	"
	S ₂ ¹ NE ₂ ¹	80	"
	Lot 3	43.92	"
	" 4	43.88	"
	S ₂ ¹ NW ₂ ¹	80	"
	SW ₂ ¹	160	"
	N ₂ ¹ SE ₂ ¹	80	"
	SE ₂ ¹ SE ₂ ¹	40	"

4731

Township 13 S. Range 22 East.

Section 6	Lot 1	43.84	Acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	"
	Lot 4	45.24	"
	" 5	45.77	"
	" 6	46.03	"
	" 7	46.3	"
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	"
	N $\frac{1}{2}$ SE $\frac{1}{4}$	80	"
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	"
Section 7	NE $\frac{1}{4}$	160	"
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	"
	Lot 3	47.53	"
	" 4	47.94	"
	E $\frac{1}{2}$ SW $\frac{1}{4}$	80	"
	SE $\frac{1}{4}$	160	"
Section 8	E $\frac{1}{2}$ NE $\frac{1}{4}$	80	"
	N $\frac{1}{2}$ NW $\frac{1}{4}$	80	"
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	"
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	"
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	"
	N $\frac{1}{2}$ S $\frac{1}{2}$	40	"
Section 9	S $\frac{1}{2}$ NE $\frac{1}{4}$	80	"
	NW $\frac{1}{4}$	160	"
	S $\frac{1}{2}$	320	"
Section 10	S $\frac{1}{2}$ NW $\frac{1}{4}$	80	"
	N $\frac{1}{2}$ SW $\frac{1}{4}$	80	"
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	"
Section 11	W $\frac{1}{2}$ NW $\frac{1}{4}$	80	"
Section 15	W $\frac{1}{2}$ NE $\frac{1}{4}$	80	"
	N $\frac{1}{2}$ NW $\frac{1}{4}$	80	"
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	"
	SW $\frac{1}{4}$	160	"
	W $\frac{1}{2}$ SE $\frac{1}{4}$	80	"
Section 16	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	"
	S $\frac{1}{2}$ S $\frac{1}{2}$	80	"
Section 17	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	"
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	30	"
	NW $\frac{1}{4}$	160	"
	S $\frac{1}{2}$	320	"
Section 18	NE $\frac{1}{4}$	160	"
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	"
	Lot 1	47.94	"
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	"
	SE $\frac{1}{4}$	160	"
Section 19	NE $\frac{1}{4}$	160	"
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	20	"
	SE $\frac{1}{4}$	160	"
Section 20	All	640	"
Section 21	All	640	"
Section 22	N $\frac{1}{2}$	160	"
	W $\frac{1}{2}$	320	"

Township 13 S., Range 22 East. (Cont'd.)

Section 22	N $\frac{1}{2}$ SE $\frac{1}{4}$	80	Acres
Section 27	W $\frac{1}{2}$	320	"
Section 28	All	640	"
Section 29	All	640	"
Section 30	NE $\frac{1}{4}$	160	"
	E $\frac{1}{2}$ NW $\frac{1}{4}$	80	"
	Lot 2	45.94	"
	" 3	45.74	"
	E $\frac{1}{2}$ SW $\frac{1}{4}$	80	"
	SE $\frac{1}{4}$	160	"
Section 31	NE $\frac{1}{4}$	160	"
	SE $\frac{1}{4}$	160	"
Section 32	All	640	"
Section 33	All	640	"
Section 34	NW $\frac{1}{4}$	160	"
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	"

Township 14 S., Range 22 East.

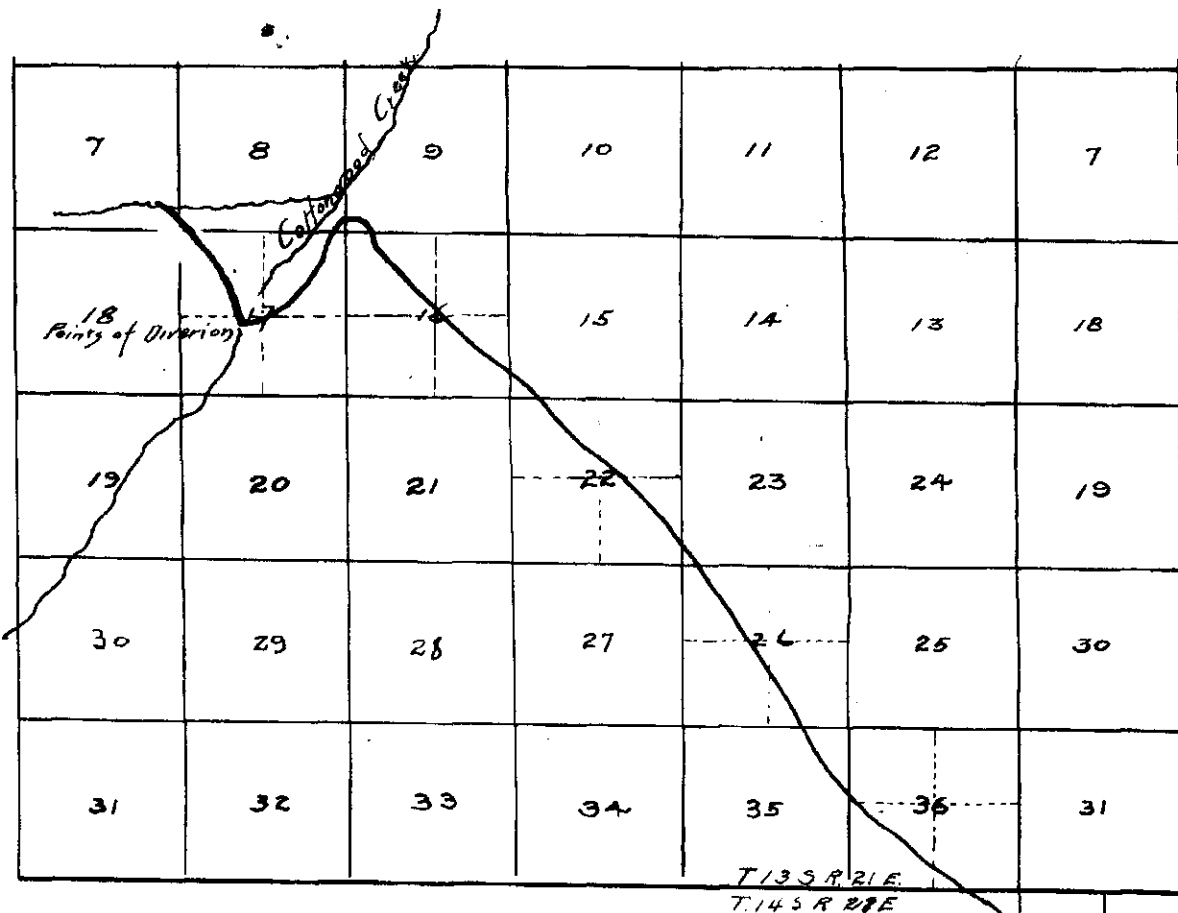
Section 4	Lot 1	39.12	"
	" 2	39.25	"
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	"
	Lot 3	39.37	"
	" 4	39.50	"
	S $\frac{1}{2}$ NW $\frac{1}{4}$	80	"
	N $\frac{1}{2}$ SW $\frac{1}{4}$	80	"
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	18	"
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	12	"
Section 5	Lot 1	39.52	"
	" 2	39.55	"
	S $\frac{1}{2}$ NE $\frac{1}{4}$	80	"
	Lot 3	39.57	"
	" 4	39.60	"
	S $\frac{1}{2}$ NW $\frac{1}{4}$	80	"
	SW $\frac{1}{4}$	160	"
	SE $\frac{1}{4}$	160	"
Section 6	Lot 1	39.70	"
	" 2	35.	"
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	5	"
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	"
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	10	"
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	5	"
Section 7	NE $\frac{1}{4}$ NE $\frac{1}{4}$	10	"
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	10	"
Section 8	NE $\frac{1}{4}$ NE $\frac{1}{4}$	35	"
	W $\frac{1}{2}$ NE $\frac{1}{4}$	80	"
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	20	"
	NW $\frac{1}{4}$	160	"
	SW $\frac{1}{4}$	160	"
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	18	"
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	"
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	38	"
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	2	"

Township 14 S., R. 22 East.

Section 17

N ¹ / ₄ NW ¹ / ₄	80	Acres
SW ¹ / ₄ NW ¹ / ₄	32	"
SE ¹ / ₄ NW ¹ / ₄	35	"
NE ¹ / ₄ SW ¹ / ₄	<u>15</u>	"

Total 24,974.19Acres



CERTIFICATE

I hereby certify that this map is made from field notes of a survey made by me during the months of July and August 1908, and that the same is correct.
My post office address is Milner, Idaho

04734 J. C. Porterfield

MAP SHOWING POINTS OF DIVERSION FROM

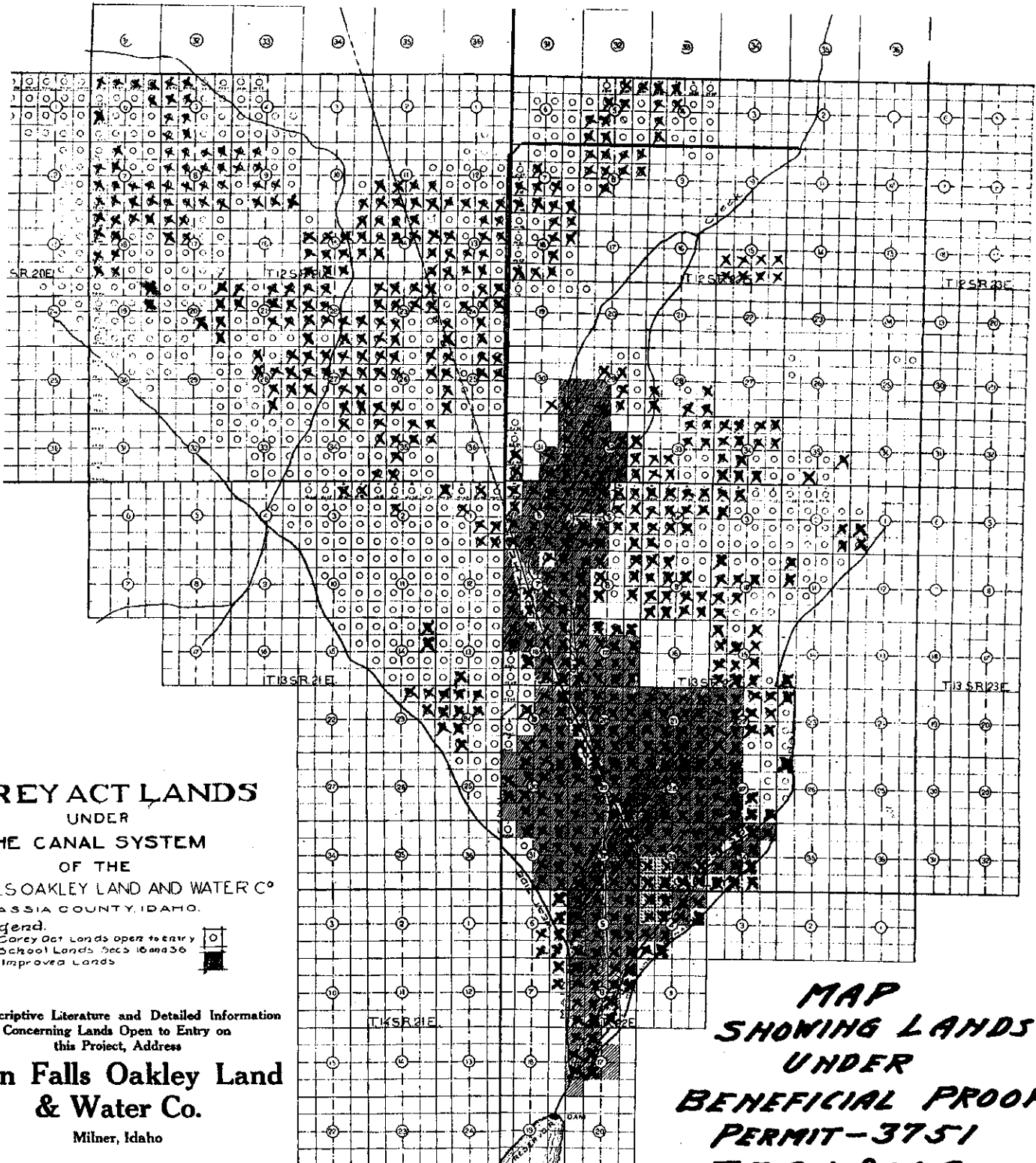
COTTONWOOD CREEK

IN SE $\frac{1}{4}$ sec 7 and SW $\frac{1}{4}$ S 17. T. 13S R. 21E.

CASSIA COUNTY.

Note: For Lands and Distribution system see Map showing Lands to be irrigated.

From 45-2040
(3751)
Application 3/27/1908



KEY ACT LANDS

UNDER
THE CANAL SYSTEM
OF THE
F. OAKLEY LAND AND WATER CO.
ASSIA COUNTY, IDAHO.

Land.
Carey Act Lands open to entry
School Lands Secs 16 and 36
Improved Lands

Descriptive Literature and Detailed Information
Concerning Lands Open to Entry on
this Project, Address

in Falls Oakley Land
& Water Co.

Milner, Idaho

MAP
SHOWING LANDS
UNDER
BENEFICIAL PROOF
PERMIT-3751
T.F. O.L. & W. CO.

NOTATION-
X = 40 Acre Tract under PROOF.

Remarks: These waters are to be collected for use in a reservoir situated on sections 19 and 30, Tp. 14 S.R. 22 East, and Sections 25 and 36, Tp. 14 S.R. 21 East and sections 1 and 2, Tp. 15 S.R. 21 East B.M., for use on lands described in List A. by distribution system shown in Application #6317.

List of lands to be irrigated from

Cottonwood Creek, under Permit No. 4734.

Township 12 S.R. 20 E.B.M.

Section 1	- - - - - All	- - - - - 640.00
" 2	- - - - - "	- - - - - 640.00
" 3	- NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$	- - - - - 240.00
" 12	- E $\frac{1}{2}$	- - - - - 320.00
" 13	- E $\frac{1}{2}$	- - - - - 320.00
" 14	- NE $\frac{1}{4}$	- - - - - 160.00
" 24	- E $\frac{1}{2}$, E $\frac{1}{2}$ of NW $\frac{1}{4}$	- - - - - 490.00
		<u>2720.80</u>

Township 12 S.R. 21 E.B.M.

Section 1	- E $\frac{1}{2}$, E $\frac{1}{2}$ of NW $\frac{1}{4}$, E $\frac{1}{2}$ and SW $\frac{1}{4}$ of SW $\frac{1}{4}$	- - - - - 519.47 acres
" 2	- SE $\frac{1}{4}$ of SE $\frac{1}{4}$	- - - - - 40.00
" 3	- W $\frac{1}{2}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$	- - - - - 160.00
" 4	- - - - - All	- - - - - 633.70
" 5	- - - - - "	- - - - - 636.94
" 6	- - - - - "	- - - - - 633.94
" 7	- - - - - "	- - - - - 632.70
" 8	- - - - - "	- - - - - 640.00
" 9	- - - - - "	- - - - - 640.00
" 10	- - - - - "	- - - - - 640.00
" 11	- - - - - "	- - - - - 640.00
" 12	- - - - - "	- - - - - 640.00
" 13	- - - - - "	- - - - - 640.00
" 14	- - - - - "	- - - - - 640.00
" 15	- - - - - "	- - - - - 640.00
" 16	- - - - - "	- - - - - 640.00
" 17	- - - - - "	- - - - - 640.00
" 18	- - - - - "	- - - - - 633.86
" 19	- - - - - "	- - - - - 634.00
" 20	- - - - - "	- - - - - 640.00

"	21	- - - - -	"	- - - - -	640.00
"	22	- - - - -	"	- - - - -	640.00
"	23	- - - - -	"	- - - - -	640.00
"	24	- - - - -	"	- - - - -	640.00
"	25	- - - - -	"	- - - - -	640.00
"	26	- - - - -	"	- - - - -	640.00
"	27	- - - - -	"	- - - - -	640.00
"	28	- - - - -	"	- - - - -	640.00
"	29	- E $\frac{1}{2}$ of S $\frac{1}{2}$, N $\frac{1}{2}$ and SW $\frac{1}{4}$ of NW $\frac{1}{4}$	- - - - -	280.00	
"	30	- - - NE $\frac{1}{4}$, NE $\frac{1}{2}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$	- - - - -	320.00	
"	32	- E $\frac{1}{2}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$	- - - - -	200.00	
"	33	- N $\frac{1}{2}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$	- - - - -	560.00	
"	34	- - - - -	- All - - - - -	640.00	
"	35	- - - - -	"	- - - - -	640.00
"	36	- - - - -	"	- - - - -	640.00
					19964.61

Township 12 S.R. 22 E.B.M.

Section	4	- - - - -	All	- - - - -	639.10 acres.
"	5	- - - - -	"	- - - - -	637.93
"	6	- - - - -	"	- - - - -	640.64
"	7	- - - - -	"	- - - - -	647.44
"	8	- N $\frac{1}{2}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$	- - - - -	400.00	
"	9	- N $\frac{1}{2}$ of NE $\frac{1}{4}$	- - - - -	90.00	
"	16	- - - - -	All	- - - - -	640.00
"	18	- - - - -	"	- - - - -	647.51
"	19	- - - N $\frac{1}{2}$ of N $\frac{1}{2}$	- - - - -	161.79	
"	20	- NW $\frac{1}{4}$ of NW $\frac{1}{4}$	- - - - -	40.00	
"	28	- S $\frac{1}{2}$ and NW $\frac{1}{4}$	- - - - -	480.00	
"	29	- - - - -	All	- - - - -	640.00
"	31	- - - - -	"	- - - - -	650.80
"	32	- - - - -	"	- - - - -	640.00
"	33	- - - - -	"	- - - - -	640.00
"	34	- - - - -	"	- - - - -	640.00
"	35	- S $\frac{1}{2}$	- - - - -	320.00	
"	36	- - - - -	All	- - - - -	640.00
					<u>9185.21</u>

Township 13 S.R. 21 E.B.M.

Section	1	All	-644.10
"	2	"	-647.12
"	3	All	-644.12
"	4	NE $\frac{1}{4}$, E $\frac{1}{2}$ of SE $\frac{1}{4}$	-239.40
"	10	E $\frac{1}{2}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$	-560.00
"	11	All	640.00
"	12	"	640.00
"	13	"	-640.00
"	14	"	-640.00
"	15	NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$	-200.00
"	23	NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$	-240.00
"	24	All	640.00
"	25	NE $\frac{1}{4}$, E $\frac{1}{2}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$	-280.00
			<u>6554.74</u>

Township 13 S.R. 22 E.B.M.

Section	1	SW $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$	-160.00	acres
"	2	S $\frac{1}{2}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$	602.16	"
"	3	All	-645.16	"
"	4	"	652.67	"
"	5	W $\frac{1}{2}$	327.96	"
"	6	W $\frac{1}{2}$ of NW $\frac{1}{4}$	91.01	"
"	7	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	40.00	"
"	8	NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$, of SW $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$	-320.00	"
"	9	All	640.00	"
"	10	"	-640.00	"
"	11	NW $\frac{1}{4}$, W $\frac{1}{2}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$	360.00	"
"	12	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	40.00	"
"	14	W $\frac{1}{2}$ of W $\frac{1}{2}$	-160.00	"
"	15	NW $\frac{1}{4}$, E $\frac{1}{2}$ of E $\frac{1}{2}$	-320.00	"
"	16	All	-640.00	"
"	17	NW $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$	-80.00	"
"	18	SW $\frac{1}{4}$	-174.80	"
"	19	NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of SW $\frac{1}{4}$	-260.06	"
"	22	E $\frac{1}{2}$	320.00	"
"	23	W $\frac{1}{2}$ of W $\frac{1}{2}$	-160.00	"
"	26	W $\frac{1}{2}$ of W $\frac{1}{2}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$	-200.00	"
"	27	SE $\frac{1}{4}$, E $\frac{1}{2}$ of NE $\frac{1}{4}$	240.00	"
"	30	NW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$	91.91	"
"	31	NW $\frac{1}{4}$ and S $\frac{1}{2}$ of NW $\frac{1}{4}$	-125.34	"
			<u>7291.07</u>	"

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-2062

WATER RIGHT NUMBER: 45-2062

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SAMUEL H HAYS 15 PINEVIEW AVE DELMAR, NY 12054
Current Owner	TWIN FALLS OAKLEY LAND & WATER CO OAKLEY, ID 83346

Priority Date: 03/10/1909

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/	to /		
IRRIGATION	/	to /	70.000 CFS	
	<u>Total Diversion:</u>		70.000 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK	NW1/4SW1/4	Sec. 17, Twp 13S, Rge 21E, B.M.
CASSIA County		
COTTONWOOD CREEK	NE1/4SW1/4	Sec. 17, Twp 13S, Rge 21E, B.M.
CASSIA County		
COTTONWOOD CREEK	NE1/4SE1/4	Sec. 7, Twp 13S, Rge 21E, B.M.
CASSIA County		
COTTONWOOD CREEK	NW1/4SE1/4	Sec. 7, Twp 13S, Rge 21E, B.M.
CASSIA County		

Place of UseConditions of Approval:Remarks:

- General P/D IN SW 1/4, SEC. 17, T13S, R21E & SE 1/4, SEC. 7, T13S, R21E. P/U SAME AS RT. 45-2059.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-2062

Dates and Other Information:

Licensed Date: 5/24/1979

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits: