

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 45-10802
Date Received: 5/24/1989
Receipt No: M003691
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

CITY OF OAKLEY
200 W MAIN
PO BOX 266
OAKLEY ID USA 83346

Phone: (208)862-3313

2. Date of Priority: 03/10/1917

3. Source: GROUND WATER , SPRING , SPRING , SPRING , SPRING , SPRING , SPRING ,
SPRING , SPRING , SPRING , SPRING , SPRING , SPRING , GROUND WATER , SPRING
, SPRING , SPRING , SPRING , SPRING , SPRING , SPRING , SPRING Trib. to: , SINKS ,
SINKS , SINKS , SINKS , SINKS , SINKS , SINKS , SINKS , SINKS , SINKS , SINKS ,
, SINKS , , SINKS , SINKS , SINKS , SINKS , SINKS , SINKS , SINKS , SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
14S	22E	9	SE	NW	SE	CASSIA	
14S	22E	33		SE	SE	CASSIA	
15S	22E	3		NW	NE	CASSIA	
15S	22E	3		SW	NE	CASSIA	
15S	22E	3	SE	SW	NW	CASSIA	I
15S	22E	3		NE	SW	CASSIA	
15S	22E	3		SW	SW	CASSIA	
15S	22E	3		SE	SW	CASSIA	
15S	22E	3		NW	SE	CASSIA	
15S	22E	3		SW	SE	CASSIA	
15S	22E	9	SE	NE	NE	CASSIA	I
15S	22E	10		NE	NE	CASSIA	
15S	22E	10		SE	NW	CASSIA	
15S	22E	14		NW	NW	CASSIA	

14S	22E	9	SE	NW	SE	CASSIA	
14S	22E	33	NE	SE	NE	CASSIA	R
14S	22E	33	SW	SE	SE	CASSIA	R
15S	22E	3		SE	NW	CASSIA	
15S	22E	10		SW	NE	CASSIA	
15S	22E	10		NE	SE	CASSIA	
15S	22E	15		NE	NE	CASSIA	
15S	22E	10		SE	NE	CASSIA	
14S	22E	33		SE	NE	CASSIA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MUNICIPAL	1/01	12/31	0.67	

7. Total Quantity Appropriated is:
0.67 C.F.S.

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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11. Place of use in counties:

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

13. Other Water Rights Used:

14. Remarks: **CLAIM AMENDED PER APPROVED TRANSFER # 5592.**

TWO (WELLS) POINTS OF DIVERSION LOCATED IN T14S, R22E, S9, SENWSE.

Place of use within service area of the City of Oakley, Idaho.

The combined rate of diversion from the well and the springs shall not exceed a total of 1.56 cfs of water with as much water as available being first diverted from the springs. The priority date for any portion of the claimed rights in which groundwater is diverted shall be advanced to January 23, 1991.

Approval of Transfer 5592 does not confirm Claimed Rights 45-10802, 45-10803 and 45-10804.

Approval of Transfer 5592 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

15. Basis of Claim: Beneficial Use

JUL 05 2000

Department of Water Resources
Southern Region

TRANSFER NO. 5592

WATER RIGHT NO(S). 45-10802/45-10803/45-10804

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

TOTAL: 1.56 CFS

TRIBUTARY OF

SINKS

LOCATION OF POINT(S) OF DIVERSION:

SENWSE , Sec. 9, Township 14S, Range 22E -
SENE , Sec. 33, Township 14S, Range 22E -
SESE , Sec. 33, Township 14S, Range 22E -
NWNE , Sec. 3, Township 15S, Range 22E -
SWNE , Sec. 3, Township 15S, Range 22E -
SENW , Sec. 3, Township 15S, Range 22E -
NESW , Sec. 3, Township 15S, Range 22E -
SWSW , Sec. 3, Township 15S, Range 22E -
SESW , Sec. 3, Township 15S, Range 22E -
NWSE , Sec. 3, Township 15S, Range 22E -
SWSE , Sec. 3, Township 15S, Range 22E -
NENE , Sec. 10, Township 15S, Range 22E -
SWNE , Sec. 10, Township 15S, Range 22E -
SENE , Sec. 10, Township 15S, Range 22E -
SENW , Sec. 10, Township 15S, Range 22E -

TRANSFER NO. 5592
WATER RIGHT NO(S). 45-10802/45-10803/45-10804

LOCATION OF POINT(S) OF DIVERSION:

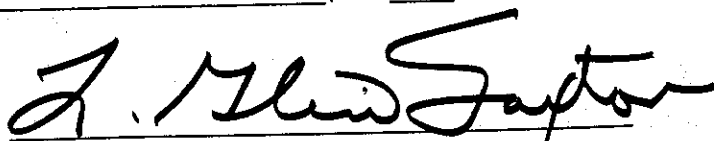
Injection	NESE , Sec. 10, Township 15S, Range 22E ✓
Injection	NWNW , Sec. 14, Township 15S, Range 22E ✓
Rediversion	NENE , Sec. 15, Township 15S, Range 22E ✓
Rediversion	SESWNW , Sec. 3, Township 15S, Range 22E ✓
	SENENE , Sec. 9, Township 15S, Range 22E ✓
	NESENE , Sec. 33, Township 14S, Range 22E ✓
	SWSESE , Sec. 33, Township 14S, Range 22E ✓
	CASSIA County

PLACE OF USE: Within service area of the City of Oakley, Idaho.

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
6. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
7. The combined rate of diversion from the well and the springs shall not exceed a total of 1.56 cfs of water with as much water as available being first diverted from the springs. The priority date for any portion of the claimed rights in which groundwater is diverted shall be advanced to January 23, 1991.
8. Approval of Transfer 5592 does not confirm Claimed Rights 45-10802, 45-10803 and 45-10804.
9. Approval of Transfer 5592 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 29th day of June, 2000.


Chief, Water Allocation Bureau

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: **A45-10802**
Date Received: 5/24/1989
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AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

208-862-3313

1. Name: CITY OF OAKLEY
Address: CITY HALL
OAKLEY ID

83346

2. Date of Priority: APR 1, 1904

3. Source: SPRINGS
GROUNDWATER

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	22E	9	SE	NW	SE		CASSIA
		33		SE	NE		CASSIA
				SE	SE		CASSIA
15S	22E	3		NW	NE		CASSIA
				SW	NE		CASSIA
				SE	NW		CASSIA
				NE	SW		CASSIA
				SE	SW		CASSIA
				NW	SE		CASSIA
				SW	SE		CASSIA

5. Description of diverting works:
GRAVITY PIPELINES FROM 12 SPRINGS AND SPRINGBOXES, 1 WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.670		
DOMESTIC	01/01	12/31	0.250		
STOCKWATER	01/01	12/31	0.670		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

MUNICIPAL/CITY OF OAKLEY;DOMESTIC/26 HOMES;STOCKWATER/4000 RANGE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	22E	27	NW		SW		STOCK	
			NW		SW		DOMEST	
			SW		SW		STOCK	
			SW		SW		DOMEST	
		28	SE		NW		DOMEST	
			NE		SW		STOCK	
			NE		SW		DOMEST	
			SW		SW		STOCK	
			SW		SW		DOMEST	
			SE		SW		DOMEST	
			SW		SE		STOCK	
			SW		SE		DOMEST	
			SE		SE		STOCK	
			SE		SE		DOMEST	
		29	NE		SE		STOCK	
			NE		SE		DOMEST	
			SE		SE		STOCK	
			SE		SE		DOMEST	
		31	SW		SW		STOCK	
			SE		SW		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
		32	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		33	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	22E	33	SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
		34	SE		SE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NW		NE	2	STOCK	
			NW		NE	2	DOMEST	
			NE		NW	3	MUNI	
			NW		NW	4	MUNI	
14S	22E	3	SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		NE	1	MUNI	
			NW		NE	2	MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW	3	MUNI	
			NW		NW	4	MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
		4	NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		NE	1	MUNI	
			NW		NE	2	MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW	3	MUNI	
			NW		NW	4	MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
		5	NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
			NE		NE	1	MUNI	
			NW		NE	2	MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			SE		SW		STOCK	
			SE		SW		DOMEST	
			NE		SE		MUNI	
			NW		SE		MUNI	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14S	22E	5	SW		SE		MUNI	
			SE		SE		MUNI	
		6	NE		NE		STOCK	
			NW		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
		8	NE		NE		STOCK	
			NE		NE		DOMEST	
			NW		NE		STOCK	
			NW		NE		DOMEST	
			SE		NE		STOCK	
			SE		NE		DOMEST	
			NE		NW		STOCK	
			NW		NW		STOCK	
			NE		SE		STOCK	
			NE		SE		DOMEST	
			SE		SE		STOCK	
			SE		SE		DOMEST	
		9	NW		NE		STOCK	
			SW		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
			NW		SW		STOCK	
		16	NE		SE		STOCK	
		17	SW		NW		DOMEST	
			SW		NW		STOCK	
			NW		SW		STOCK	
			NW		SW		DOMEST	
			SW		SW		STOCK	
			SW		SW		DOMEST	
		18	NE		NE		STOCK	
			NE		NE		DOMEST	
			SE		SE		STOCK	
			SE		SE		DOMEST	
		20	SW		NE		STOCK	
			NW		SE		STOCK	
		21	SE		SE		STOCK	
			SE		SE		DOMEST	
		28	NW		SW		STOCK	
		29	NE		SW		STOCK	
			NE		SE		STOCK	
			NW		SE		STOCK	
		33	NE		SW		STOCK	
15S	22E	3	NW		NW	4	DOMEST	
		22	NW		SE		DOMEST	

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:

A45-04184A, A45-10803 , A45-10804

14. Remarks:

THIS CLAIM IS FOR A PORTION OF THE SPRING WATER WHICH SERVICES THE CITY OF OAKLEY AND A FEW DWELLINGS AND STOCK DIVERSIONS OUTSIDE OF THE CITY LIMITS OF THE CITY OF OAKLEY. THE PLACE OF USE LISTED IS THAT PORTION OF THE SYSTEM WHICH CAN BE SUPPLIED WATER FROM THESE SPRINGS BY GRAVITY. BENEFICIAL USE RIGHTS A45-04184A, A45-10803 AND A45-10804 ALSO CONTRIBUTE WATER TO THE SAME SYSTEM.

CLAIM AMENDED TO DELETE THREE 40 ACRE TRACTS ALL WITHIN 14S 22E SEC 9 (STOCKWATER USE) BLM INDICATED THAT NO STOCKWATER TANKS ACTUALLY EXIST WITHIN THOSE TRACTS. KKC 8-31-99

15. Basis of Claim: BENEFICIAL USE

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 Foreman _____ of _____ Title

City of Oakley _____, that I have signed the foregoing Organization document in the space below as Foreman _____ of Title

City of Oakley _____ and that the statements contained in the Organization foregoing document are true and correct.

David N. Balluff
Signature of Authorized Agent

Foreman / City of Oakley
Title and Organization

8/31/99
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of Aug 19 99

Kelly K. Christensen
Notary Public

Seal

Residing at Twin Falls, Id

My Commission Expires 8 3-11-04

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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OAKLEY ID

208-862-3313

83346

2. Date of Priority: APR 1, 1904

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GROUNDWATER

Trib. to: SINKS

4. Point of Diversion:

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		33		SE	NE		CASSIA
				SE	SE		CASSIA
15S	22E	3		NW	NE		CASSIA
				SW	NE		CASSIA
				SE	NW		CASSIA
				NE	SW		CASSIA
				SE	SW		CASSIA
				NW	SE		CASSIA
				SW	SE		CASSIA

5. Description of diverting works:

GRAVITY PIPELINES FROM 12 SPRINGS AND SPRINGBOXES, 1 WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.670		
DOMESTIC	01/01	12/31	0.250		
STOCKWATER	01/01	12/31	0.670		

7. Total Quantity Appropriated is:

0.670 C.F.S. (and/or)

A.F.A.

Acre Feet Per Annum.

9. Non-irrigation uses:

MUNICIPAL/CITY OF OAKLEY;DOMESTIC/26 HOMES;STOCKWATER/4000 RANGE

10. Place of Use:

Township 13S	Range 22E	Section 27	1/4 NW	of SW	1/4 SW	Lot	Use	Acres
			NW		SW		STOCK	
			NW		SW		DOMEST	
			SW		SW		STOCK	
			SW		SW		DOMEST	
		28	SE		NW		DOMEST	
			NE		SW		STOCK	
			NE		SW		DOMEST	
			SW		SW		DOMEST	
			SW		SW		STOCK	
			SE		SW		DOMEST	
			SW		SE		DOMEST	
			SW		SE		STOCK	
			SE		SE		STOCK	
			SE		SE		DOMEST	
		29	NE		SE		STOCK	
			NE		SE		DOMEST	
			SE		SE		STOCK	
			SE		SE		DOMEST	
		31	SW		SW		STOCK	
			SE		SW		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
		32	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		33	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	22E	33	NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		34	NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
14S	22E	3	NW		NE	2	STOCK	
			NW		NE	2	DOMEST	
			NE		NW	3	MUNI	
			NW		NW	4	MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
		4	NE		NE	1	MUNI	
			NW		NE	2	MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW	3	MUNI	
			NW		NW	4	MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		5	NE		NE	1	MUNI	
			NW		NE	2	MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			SE		SW		STOCK	
			SE		SW		DOMEST	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14S	22E	6	NE		NE		STOCK	
			NW		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
		8	NE		NE		STOCK	
			NE		NE		DOMEST	
			NW		NE		STOCK	
			NW		NE		DOMEST	
			SE		NE		STOCK	
			SE		NE		DOMEST	
			NE		NW		STOCK	
			NW		NW		STOCK	
			NE		SE		STOCK	
			NE		SE		DOMEST	
			SE		SE		STOCK	
			SE		SE		DOMEST	
		9	NW		NE		STOCK	
			SW		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
			SW		NW		STOCK	
			SE		NW		STOCK	
			NW		SW		STOCK	
			SW		SW		STOCK	
		16	NE		SE		STOCK	
		17	SW		NW		STOCK	
			SW		NW		DOMEST	
			NW		SW		STOCK	
			NW		SW		DOMEST	
			SW		SW		STOCK	
			SW		SW		DOMEST	
		18	NE		NE		STOCK	
			NE		NE		DOMEST	
			SE		SE		STOCK	
			SE		SE		DOMEST	
		20	SW		NE		STOCK	
			NW		SE		STOCK	
		21	SE		SE		DOMEST	
			SE		SE		STOCK	
		28	NW		SW		STOCK	
		29	NE		SW		STOCK	
			NE		SE		STOCK	
			NW		SE		STOCK	
		33	NE		SW		STOCK	
15S	22E	3	NW		NW	4	DOMEST	
		22	NW		SE		DOMEST	

11. Place of use in counties: CASSIA

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of Sept 19 93

[Signature]
Notary Public

Seal

Residing at Kimberly, ID
My Commission Expires 6/30/94

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

JUN 10 1991

**HT
APPROVED**

Name of applicant City of Oakley Department of Water Resources 826-3313/862-9225
Post Office address Attn: David Babbitt, P.O. Box 266, Oakley, ID, 83346

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Add point of diversion from groundwater to spring water claims
2. Describe the reason for the proposed changes _____

The springs which supply water to the City of Oakley have significantly decreased in flow due to drought conditions of recent years. It is the intent of this transfer to allow the drilling of a new well to replenish the historically enjoyed flow rate from the springs.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/acre-ft)	Nature of Use	Period of Use
~~445-10803~~	03/10/1917	0.67	Municipal/Dom/Stock	1/1 to 12/31
A45-10803	01/01/1930	0.45	"	" to "
A45-10804	03/17/1925	0.44	"	" to "
				to

2. Total amount of water being transferred 1.56 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Springs tributary to Sinks

4. Point(s) of Diversion: Groundwater

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NW	SE	9	14S	22E	Cassia	(Proposed Well)
								Plus numerous springs as claimed with no change
								in these locations. (See Original Proof Report Attached)

5. Lands irrigated or place of use: (No Change)

[illegible]

Total acres _____

PART 1

6. General Information:

- a. Description of diversion system Existing pipeline network connected to numerous springs and one well (A45-04184A) delivers water to City of Oakley and some houses & stock outside city limits. Approval of this transfer would allow the addition of another well without an increase in the
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

Proposed well is between 700' to 2200' in elevation below the springs supplying water to these rights. The well would be drilled into the same aquifer basin in which the springs are located.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

A45-10802/10803/10804

This is to certify that I have examined Application for Transfer of Water Rights No. Statutory Claim No. 45-4184

And said application is hereby APPROVED, subject to the following limitations and conditions:

See attached sheet for conditions of approval.

Witness my hand this 4th day of June, 19 91

J. Blum Saxton
Chief, Water Allocation Bureau

MICROFILMED

MAR 10 1993

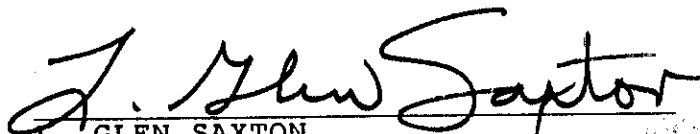
historical use rate.

CONDITIONS OF APPROVAL

Transfer of Water Right Nos. A45-10802/10803/10804
on
Statutory Claim No. 45-4184
Transfer No. 3819

1. This transfer allows an alternative source of supply to replace water usually available to the city from springs which have been affected by a series of low runoff years. No additional use development is authorized by this transfer and the combined rate of diversion from the well and springs shall not exceed a total of 1.56 cfs of water with as much water as available being first diverted from the springs.
2. The priority date for any portion of the claimed rights in which groundwater is diverted from the new well shall be advanced to January 23, 1991. Any portion of the claimed rights filled by diversion of water from the springs shall retain the original claimed dates or the priority dates affixed by the court in the Snake River Basin Adjudication.
3. The Director of IDWR retains jurisdiction of the claimed rights to require reconstruction of the well or other action needed to protect other groundwater rights.
4. The City of Oakley shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. Approval of this transfer in no way confirms the right(s) claimed.
7. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
8. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
9. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 4th day of June, 1991.


L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED

MAR 10 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

A45-10802 ~~_____~~
A45-10803 ~~_____~~
A45-10804 ~~_____~~

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

(See Attached proof reports for referenced rights)

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

MICROFILMED

Total acres MAR 11 1993

9. Describe any other water rights used for the same purpose as described above

A45-04184A is connected to the same system. This is from a well with limited

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

MICROFILMED

MAR 10 1993

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

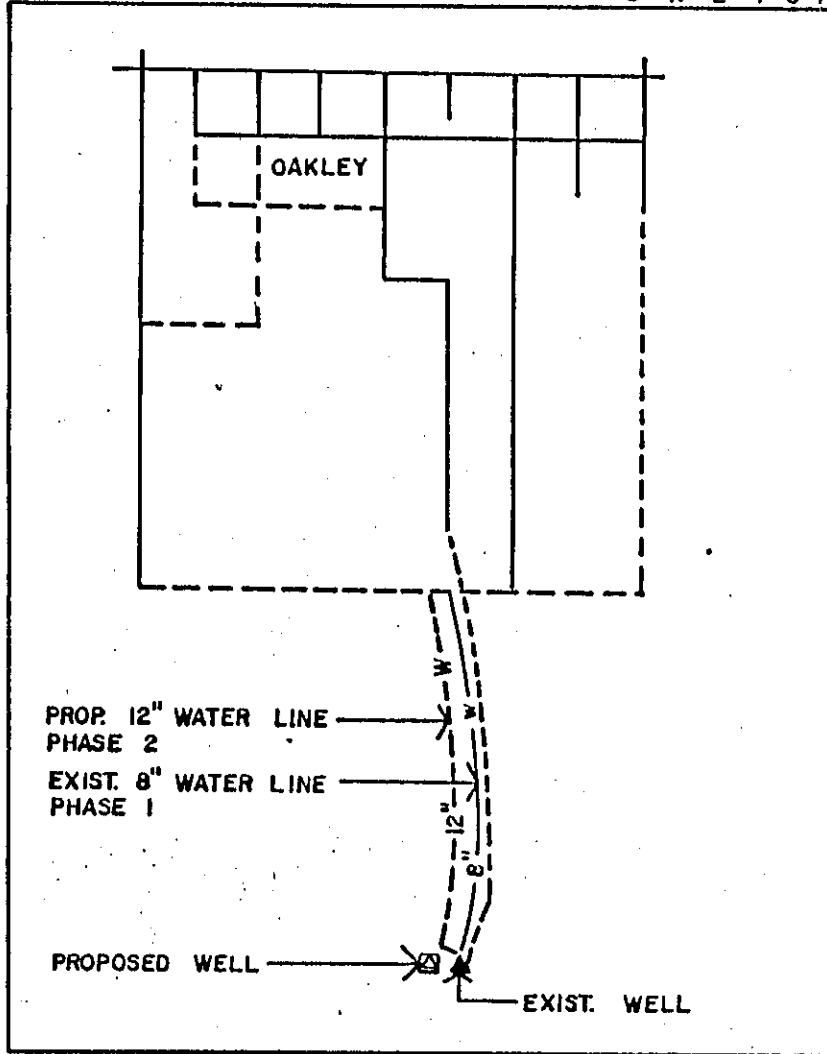
(See Attached Map)

MICROFILMED

MAR 10 1993

V I C I N I T Y

S K E T C H



N.T.S.

MICROFILMED

MAR 10 1993

RECEIVED

FEB - 4 1991

Department of Water Resources
Southern Region Office

445-10802, 10803, 10804

T#

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

George F. Trumble
(Signature of Applicant)

Subscribed and sworn to before me this 15 day of January, 19 91.

Harothy Robinson
(Notary Public)

My commission expires May 9 - 1992**FOR DEPARTMENT USE ONLY**

Transfer contains 8 pages and 1 attachments

Received by LA Date 1/23/91 Protest filed by _____

Prelim. check by _____ Fee 50.00

Receipted by LA Date 1/23/91 5012972

Published in South Idaho Press Copies of protest forwarded by _____

Pub. dates 3/22 + 3/29/91 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

_____ rec'd. by DL 6-3-91

Copy of transfer sent to lien holder _____

MICROFILMED

MAR 10 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

25-Jan-1993

R. KEITH HIGGINSON
Director

A45-10802
CITY OF OAKLEY
CITY HALL
OAKLEY

ID 83346

RE: Evidence of Priority

RESPONSE DEADLINE

APRIL 1, 1993

Dear Claimant:

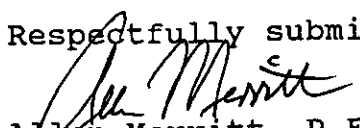
The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will at a later date conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

Please find enclosed a computer printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date by April 1, 1993, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,


Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 10 1993

February 25, 1993

State of Idaho
Department of Water Resources
2148 4th Ave. East
Twin Falls, Idaho 83301

RE: Water adjudication claim and water right update

To Whom it May Concern:

We received the notices that our water rights on claims A45-10802, A45-10803, and A45-10804 had insufficient evidence on the dates of priority. In reviewing title searches, we found the dates of priority are wrong and need to be changed. Inclosed are the decrees that were given on each of these water rights purchased by the city. Also inclosed are other papers to show a chain of ownership.

Don B. [Signature]
4/1/1904

Water right # A45-10802 should have the priority of ~~November 22, 1909~~

Water right # A45-10803 should have the priority of April 1, 1895.

Water right # A45-10804 should have the priority of April 1, 1895.

Each of these water three water rights should also have an additional point of diversion because of a water transfer application that was filed with your office in the first part of 1991.

Township	Range	Section	1/4	of	1/4	of	1/4
14S	22E	9	SE		NW		SE

This may already be added to the water filings, but our paperwork does not indicate any update on the adjudication.

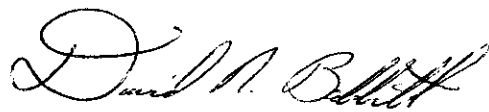
The City of Oakley has one more water filing #A45-04184A. This water filing along with the other three water filings need to have the following points of usage added to them.

Township	Range	Section	1/4	of	1/4	Use
14S	22E	8	SE		SE	STOCK
			NE		SE	DOMEST
						STOCK
						DOMEST
		9	SW		NW	STOCK
			NW		SW	STOCK
			SW		SW	STOCK

Township	Range	Section	1/4	of	1/4	Use
14S	22E	6	NW		NE	STOCK
			NE		NE	STOCK
			NW		NW	STOCK
13S	22E	31	NE		NW	STOCK
			SW		SE	STOCK
			SE		SE	STOCK
			SW		SW	STOCK
15S	22E	22	SE		SW	STOCK
			NW		SE	DOMEST

We appreciate your help in updating our files.

Sincerely,



David N. Babbitt
for the City of Oakley

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: A45-10802
Date Received: 5/24/1989
Receipt No: M003691
Received By: _____

JAN 23 1991

Department of Water Resources

AMENDED Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CITY OF OAKLEY 208-862-3313
Address: CITY HALL
OAKLEY, ID 83346

2. Date of Priority: MAR 10, 1917

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	22E	33	SE	NE			CASSIA
			SE	SE			CASSIA
15S	22E	3	NW	NE			CASSIA
			SW	NE			CASSIA
			SE	NW			CASSIA
			NE	SW			CASSIA
			SE	SW			CASSIA
			NW	SE			CASSIA
			SW	SE			CASSIA

5. Description of diverting works:
GRAVITY PIPELINES FROM 12 SPRINGS AND SPRINGBOXES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.670		
DOMESTIC	01/01	12/31	0.250		
STOCKWATER	01/01	12/31	0.670		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

MUNICIPAL/CITY OF OAKLEY;DOMESTIC/26 HOMES;STOCKWATER/4000 RANGE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	22E	27	NW		SW		STOCK	
			NW		SW		DOMEST	
			SW		SW		STOCK	
			SW		SW		DOMEST	
		28	SE		NW		DOMEST	
			NE		SW		STOCK	
			NE		SW		DOMEST	
			SW		SW		STOCK	
			SW		SW		DOMEST	
			SE		SW		DOMEST	
			SW		SE		DOMEST	
			SW		SE		STOCK	
			SE		SE		STOCK	
			SE		SE		DOMEST	
		29	NE		SE		STOCK	
			NE		SE		DOMEST	
			SE		SE		STOCK	
			SE		SE		DOMEST	
		32	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		33	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		34	NE		NW		MUNI	
			NW		NW		MUNI	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	22E	34	SW NW		MUNI	
			SE NW		MUNI	
			NE SW		MUNI	
			NW SW		MUNI	
			SW SW		MUNI	
			SE SW		MUNI	
14S	22E	3	NW NE	2	STOCK	
			NW NE	2	DOMEST	
			NE NW	3	MUNI	
			NW NW	4	MUNI	
			SW NW		MUNI	
			SE NW		MUNI	
			NE SW		MUNI	
			NW SW		MUNI	
			SW SW		MUNI	
		4	SE SW		MUNI	
			NE NE	1	MUNI	
			NW NE	2	MUNI	
			SW NE		MUNI	
			SE NE		MUNI	
			NE NW	3	MUNI	
			NW NW	4	MUNI	
			SW NW		MUNI	
			SE NW		MUNI	
			NE SW		MUNI	
			NW SW		MUNI	
			SW SW		MUNI	
			SE SW		MUNI	
			NE SE		MUNI	
			NW SE		MUNI	
			SW SE		MUNI	
		5	SE SE		MUNI	
			NE NE	1	MUNI	
			NW NE	2	MUNI	
			SW NE		MUNI	
			SE NE		MUNI	
			SE SW		STOCK	
			SE SW		DOMEST	
			NE SE		MUNI	
			NW SE		MUNI	
			SW SE		MUNI	
		8	SE SE		MUNI	
			NE NE		STOCK	
			NE NE		DOMEST	
			NW NE		STOCK	
			NW NE		DOMEST	
			SE NE		STOCK	
			SE NE		DOMEST	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	22E	8	NE	NW		STOCK	
			NW	NW		STOCK	
		9	NW	NE		STOCK	
			SW	NE		STOCK	
			NE	NW		STOCK	
			NW	NW		STOCK	
			SE	NW		STOCK	
			NE	SE		STOCK	
		16	SW	NW		STOCK	
			SW	NW		DOMEST	
			NW	SW		STOCK	
			NW	SW		DOMEST	
			SW	SW		STOCK	
			SW	SW		DOMEST	
		18	NE	NE		STOCK	
			NE	NE		DOMEST	
			SE	SE		STOCK	
			SE	SE		DOMEST	
			SW	NE		STOCK	
			NW	SE		STOCK	
		21	SE	SE		STOCK	
			SE	SE		DOMEST	
		28	NW	SW		STOCK	
			NE	SW		STOCK	
		29	NE	SE		STOCK	
			NW	SE		STOCK	
			NE	SW		STOCK	
			NW	SW		STOCK	
33	NE	SW		STOCK			
	NW	NW	4	DOMEST			
15S	22E	3	NW	NW			

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:

A45-04184A, A45-10803 , A45-10804

14. Remarks:

THIS CLAIM IS FOR A PORTION OF THE SPRING WATER WHICH SERVICES THE CITY OF OAKLEY AND A FEW DWELLINGS AND STOCK DIVERSIONS OUTSIDE OF THE CITY LIMITS OF THE CITY OF OAKLEY. THE PLACE OF USE LISTED IS THAT PORTION OF THE SYSTEM WHICH CAN BE SUPPLIED WATER FROM THESE SPRINGS BY GRAVITY. BENEFICIAL USE RIGHTS A45-04184A, A45-10803 AND A45-10804 ALSO CONTRIBUTE WATER TO THE SAME SYSTEM.

15. Basis of Claim: BENEFICIAL USE

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 _____ of
City of Oakley Title
Organization, that I have signed the foregoing
document in the space below as _____ of
City of Oakley Title
Organization and that the statements contained in the
foregoing document are true and correct.

D. George Trombley
Signature of Authorized Agent

Mayor / City of Oakley
Title and Organization

1/15/91
Date

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 15 day
of January 19 91

Kerethy Robinson
Notary Public

Seal

Residing at Oakley
My Commission Expires May 9 - 1992

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: A45-10802
Date Received: 5/24/1989
Receipt No: M003691
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF OAKLEY
Address: CITY HALL
OAKLEY, ID

83346

2. Date of Priority: MAR 10, 1917

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	22E	33	SE	NE			CASSIA
			SE	SE			CASSIA
15S	22E	3	NW	NE			CASSIA
			SW	NE			CASSIA
			SE	NW			CASSIA
			NE	SW			CASSIA
			SE	SW			CASSIA
			NW	SE			CASSIA
			SW	SE			CASSIA

5. Description of diverting works:
GRAVITY PIPELINES FROM 12 SPRINGS AND SPRINGBOXES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.670		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A45-10802

Page

MICROFILMED

MAR 10 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14S	22E	16	SE NE		COMMER	
		20	SW NE		COMMER	
		21	NW SE		COMMER	
		28	SE SE		COMMER	
		33	NW SW		COMMER	
		3	SW NE		COMMER	
15S	22E	3	NW NW		COMMER	

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:

A45-04184A, A45-10803 , A45-10804

14. Remarks:

P/U = CITY OF OAKLEY AND THOSE LISTED ABOVE
 THE SPRINGS CLAIMED UNDER THE ORIGINAL LICENSE #45-04184 ARE CLAIMED BY THIS ON THE BASIS OF BENEFICIAL USE.
 THE PLACES OF USE, WITH THE EXCEPTION OF THE CITY'S SHOP, YARD, HALL, AND PARK, ARE OWNED BY CITIZENS OF THE MUNICIPALITY.

15. Basis of Claim: BENEFICIAL USE

A45-10802

Page

MICROFILMED

MAR 10 1993

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

A45-10802

MICROFILMED

MAR 10 1993

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: A45-04184B
Date Received: 5/24/1989
Receipt No: 1003691
Received By: DAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF OAKLEY
Address: CITY HALL
OAKLEY, ID

83346

2. Date of Priority: MAR 10, 1917

3. Source: SPRINGS

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	22E	33	SE	NE			CASSIA
			SE	SE			CASSIA
15S	22E	3	NW	NE			CASSIA
			SW	NE			CASSIA
			SE	NW			CASSIA
			NE	SW			CASSIA
			SE	SW			CASSIA
			NW	SE			CASSIA
			SW	SE			CASSIA

5. Description of diverting works:
GRAVITY PIPELINES FROM 12 SPRINGS AND SPRINGBOXES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.670		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

A45-04184B

Page

MICROFILMED

MAR 10 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14S	22E	16	SE NE		COMMER	
		20	SW NE		COMMER	
		21	NW SE		COMMER	
		28	SE SE		COMMER	
		33	NW SW		COMMER	
15S	22E	3	SW NE		COMMER	
			NW NW		COMMER	

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:

A45-04184A, A45-04184C, A45-04184D

14. Remarks:

P/U = CITY OF OAKLEY AND THOSE LISTED ABOVE
THE SPRINGS CLAIMED UNDER THE ORIGINAL LICENSE #45-04184 ARE CLAIMED BY THIS ON THE BASIS OF BENEFICIAL USE.
THE PLACES OF USE, WITH THE EXCEPTION OF THE CITY'S SHOP, YARD, HALL, AND PARK, ARE OWNED BY CITIZENS OF THE MUNICIPALITY.

15. Basis of Claim: BENEFICIAL USE

A45-04184B

Page

MICROFILMED

MAR 10 1993

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: 0

For Organizations:

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

David D. Ballitt
Signature of Authorized Agent

City of Oakley
Title and Organization

24 May 1989
Date

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 24 day
of May 19 89

Seal

Bruce A. Schuld
Notary Public

Residing at BRUCE A. SCHULD, NOTARY PUBLIC
RESIDING AT POISE, IDAHO
My Commission Expires MY COMMISSION EXPIRES APRIL 11, 1995

A45-04184B

MICROFILMED

MAR 10 1993

CLAIMANT'S NAME:

City of Oakley

EMPLOYEE:

Bruce A. Schult

DATE:

6/23/89

RE:

I in the beginning of the interview with the City's representative David A. Babbitt it was indicated that a license #45-04184 needed to be split to reflect four different delivery systems and places of use. Therefore the splits A45-04184A, A45-04184B, A45-04184C & A45-04184D were created. During the latter portion of the interview, additional points of diversion (springs) were discussed and evidenced by an agreement with the Pickett Ranch and Shap Co. The springs in use were clearly not claimed in the original license but had been put to beneficial use by the City and general population for domestic purposes in the 1920's. Therefore these sources and quantities of water appropriate have are now claimed under Beneficial Use.

Results: The WR Nos. A45-04184B, A45-04184C and A45-04184D have been changed to A45-10802, A45-10803 and A45-10804 respectively. Furthermore, A45-04184A has been amended to reflect the new Adjudication Claim Number as "Other Rights".

Like-wise Receipt # M003691 has been changed to reflect these numbers.

MICROFILMED

MAR 10 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

RECEIVED

MAR 1 1990

Department of Water Resources
Southern Region Office

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 22, 1990

City of Oakley
C/O David Babbitt
P. O. Box 266
Oakley, ID 83346

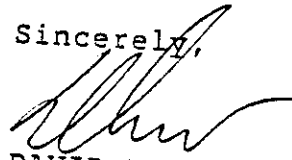
Gentlemen:

Our records show you have filed your adjudication claim(s) in the Snake River Basin Adjudication. Our records do not, however, include a clear map of your service area. Would it be possible for us to get a map of your customer service area for your municipal water system, both to supplement the record of your claim(s) and for use as described below?

In our review and investigation phase of the Snake River Basin Adjudication, the map would be helpful for us to have this information in verifying individual claims to water rights for domestic purposes. We will be happy to discuss with you the most convenient way for you to provide this information to us. I can be reached at 327-7931 or you may contact my assistant, Anita Warntjes at 327-7986.

Your assistance in this matter is greatly appreciated.

Sincerely,


DAVID B. SHAW
Adjudication Bureau Chief

DBS:alw

A45-04184B

04184A

10803

10804

04184

04184C

04184D

MICROFILMED

MAR 10 1993

4/5/81

Allen:

Re: app for TR - City of
Oakley

~~A 45-10802~~

A 45-10803

A 45-10804

This app is protested.
Suggestions on way
to flag your data
base of the protest?

Shf
MB

Trans. # 3819

MICROFILMED

MAR 10 1993

04/29/2004

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

RIGHT NUMBER: 45-10802

NAME AND ADDRESS: CITY OF OAKLEY
200 W MAIN
PO BOX 266
OAKLEY ID 83346

SOURCE: GROUND WATER
SPRINGS

TRIBUTARY:
TRIBUTARY: SINKS

QUANTITY: 0.670 CFS

USE OF RIGHT NOS. 45-10802, 45-10803 & 45-10804 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE FROM ALL SOURCES OF 1.56 CFS.

PRIORITY DATE: 10/27/1904

POINT OF DIVERSION:

T14S R22E S9 SENWSE Within CASSIA County
T14S R22E S9 SENWSE Within CASSIA County
T14S R22E S33 SENE Within CASSIA County
T14S R22E S33 NESENE Rediversion Within CASSIA County
T14S R22E S33 SESE Within CASSIA County
T14S R22E S33 SWSESE Rediversion Within CASSIA County
T15S R22E S3 NWNE Within CASSIA County
T15S R22E S3 SWNE Within CASSIA County
T15S R22E S3 SESWNW Injection Within CASSIA County
T15S R22E S3 SENW Within CASSIA County
T15S R22E S3 NESW Within CASSIA County
T15S R22E S3 SWSW Within CASSIA County
T15S R22E S3 SESW Within CASSIA County
T15S R22E S3 NWSE Within CASSIA County
T15S R22E S3 SWSE Within CASSIA County
T15S R22E S9 SENENE Injection Within CASSIA County
T15S R22E S10 NENE Within CASSIA County
T15S R22E S10 SWNE Within CASSIA County
T15S R22E S10 SENE Within CASSIA County
T15S R22E S10 SENW Within CASSIA County
T15S R22E S10 NESE Within CASSIA County
T15S R22E S14 NWNW Within CASSIA County
T15S R22E S15 NENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
01/01 12/31

QUANTITY
0.670 CFS

PLACE OF USE:

Place of use within service area of the City of Oakley, Idaho.

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

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: Beneficial Use

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The right holder shall use the full allotment of his surface water right, to the extent it is available, before groundwater is diverted pursuant to this right.

The priority date for any portion of the claimed rights in which groundwater is diverted shall be advanced to January 23, 1991.

Approval of transfer 5592 does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.

Approval of Transfer 5592 does not confirm Claimed Rights 45-10802, 45-10803 and 45-10804.

Approval of Transfer 5592 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.



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

May 12, 2004

Ted Booth
Arkoosh Law Offices
PO Box 32
Gooding, Idaho 83330

RE: Snake River Basin Adjudication (SRBA)
Claims for City of Oakley
Nos: 45-2323B, 45-10802, 45-10803, 45-10804,
45-4184A & 45-2659

Dear Ted,

Enclosed please find copies of my Preliminary Recommendations for the following rights in the name of City of Oakley. Please review these proposed recommendations and let me know of any concerns or corrections you may have.

Recommendations for claims 45-10802, 45-10803 & 45-10804 are based upon Transfer No. 5592, approved by IDWR June 29, 2000. A copy of the transfer is included for your convenience.

45-2323B, a ground water right purchased by the City of Oakley from North Oakley Water Company in 1999, requires a transfer pursuant to IC 42-222 to change the place of use from the service area of the *North Oakley Water Company* to the *City of Oakley*.

I received your Notice of Appearance but have not yet received a signed Notice of Claim for 45-2659 based upon a license, which we determined would replace 45-4184A based upon a statutory claim. If you have questions regarding the elements as they appear on the claim, or require another copy of the Notice of Claim, please let me know. I appreciate your attention to this matter.

Sincerely,

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5592
WATER RIGHT NO(S). 45-10802/45-10803/45-10804

RECEIVED

JUL 05 2000

Department of Water Resources
Southern Region

This is to certify that: CITY OF OAKLEY
CITY HALL
OAKLEY ID 83346

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 45-10802 :		
MUNICIPAL	01/01 to 12/31	0.67 CFS
Priority: 03/10/1917		
Right No. 45-10803 :		
MUNICIPAL	01/01 to 12/31	0.45 CFS
Priority: 01/01/1930		
Right No. 45-10804 :		
MUNICIPAL	01/01 to 12/31	0.44 CFS
Priority: 03/17/1925		
TOTAL:		1.56 CFS

862-3313
City
Weston
Hawkes
City of Oakley

these claims
need amended
to reflect new
pds (injection &
diversion)

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SPRINGS	SINKS
GROUNDWATER	

LOCATION OF POINT(S) OF DIVERSION:

(wells) -

- SENWSE , Sec. 9, Township 14S, Range 22E
- SENE , Sec. 33, Township 14S, Range 22E
- SESE , Sec. 33, Township 14S, Range 22E
- NWNE , Sec. 3, Township 15S, Range 22E
- SWNE , Sec. 3, Township 15S, Range 22E
- SENW , Sec. 3, Township 15S, Range 22E
- NESW , Sec. 3, Township 15S, Range 22E
- SWSW , Sec. 3, Township 15S, Range 22E
- SESW , Sec. 3, Township 15S, Range 22E
- NWSE , Sec. 3, Township 15S, Range 22E
- SWSE , Sec. 3, Township 15S, Range 22E
- NENE , Sec. 10, Township 15S, Range 22E
- SWNE , Sec. 10, Township 15S, Range 22E
- SENE , Sec. 10, Township 15S, Range 22E
- SENW , Sec. 10, Township 15S, Range 22E

this spring also claimed
by Oakley under 10-1058
& Oakley taking water under
10-10594

TRANSFER NO. 5592
WATER RIGHT NO(S). 45-10802/45-10803/45-10804

LOCATION OF POINT(S) OF DIVERSION:

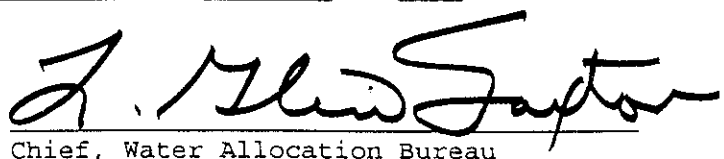
	NESE , Sec. 10, Township 15S, Range 22E
	NWNW , Sec. 14, Township 15S, Range 22E
	NENE , Sec. 15, Township 15S, Range 22E
Injection	SESWNW , Sec. 3, Township 15S, Range 22E
Injection	SENESE , Sec. 9, Township 15S, Range 22E
Rediversion	NESENE , Sec. 33, Township 14S, Range 22E
Rediversion	SWSESE , Sec. 33, Township 14S, Range 22E
	CASSIA County

PLACE OF USE: Within service area of the City of Oakley, Idaho.

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
6. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
7. The combined rate of diversion from the well and the springs shall not exceed a total of 1.56 cfs of water with as much water as available being first diverted from the springs. The priority date for any portion of the claimed rights in which groundwater is diverted shall be advanced to January 23, 1991.
8. Approval of Transfer 5592 does not confirm Claimed Rights 45-10802, 45-10803 and 45-10804.
9. Approval of Transfer 5592 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 29th day of June, 2000.


Chief, Water Allocation Bureau

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-11074

WATER RIGHT NUMBER: 45-11074

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	OAKLEY VALLEY STONE INC PO BOX 28 204 WEST MAIN OAKLEY, ID 83346 (208)862-3450

Priority Date: 12/31/1954
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.020 CFS	
COMMERCIAL	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

SPRINGS	NW1/4NE1/4SW1/4	Sec. 3,	Twp 15S,	Rge 22E, B.M.
CASSIA County				
SPRINGS	SW1/4SE1/4SW1/4	Sec. 3,	Twp 15S,	Rge 22E, B.M.
CASSIA County				
SPRINGS	SW1/4SW1/4NE1/4	Sec. 3,	Twp 15S,	Rge 22E, B.M.
CASSIA County				
SPRINGS	SW1/4SE1/4NW1/4	Sec. 3,	Twp 15S,	Rge 22E, B.M.
CASSIA County				
SPRINGS	SE1/4SE1/4NW1/4	Sec. 3,	Twp 15S,	Rge 22E, B.M.
CASSIA County				
SPRINGS	SW1/4NW1/4SE1/4	Sec. 3,	Twp 15S,	Rge 22E, B.M.
CASSIA County				

Place of Use

DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
15S 22E 3	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
		X L 4			

COMMERCIAL

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-11074

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
15S	22E	3						X											
								L 4											

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Claim Received Date: 11074
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector: 0
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed: False
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-10508 V1

WATER RIGHT NUMBER: 45-10508 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRUCE BEDKE 42 E 1975 SOUTH (BASIN RD) OAKLEY, ID 83346 (208)862-3697

Priority Date: 04/01/1872

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	4/01 to 11/01	0.230 CFS	
	<u>Total Diversion:</u>	0.230 CFS	

Location of Point(s) of Diversion

SPRING	SW1/4SE1/4SW1/4	Sec. 3, Twp 15S, Rge 22E, B.M.
CASSIA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	22E	5	X																
14S	22E	16		X															
14S	22E	20				X													
14S	22E	29										X	X	X					

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-10508 V1

1. Explanatory STOCKWATER, 1000 RANGE CATTLE.

Comments:

1. SSHERMAN 10/15/1997 COPIED FROM REMARKS

Comment: LAND IS USED UNDER GRAZING ALLOTMENT FROM BLM. PIPELINE IS ONE SYSTEM TO ALL P/U. THIS CLAIM IS BASED ON THE OAKLEY CITY PIPELINE WATER. OAKLEY CITY CLAIMED WATER UNDER WR #45-04184. P/D IS NUMEROUS AND UNDEFINED; APPROXIMATELY 30 SPRINGS. P/U INCLUDES SEVERAL TROUGHS; ERIKSON PASTURE, OAKLEY SEEDING TROUGHS. ADDED GRID ADDRESS.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: NONE RECEIVED

State or Federal:

Owner Name Connector: 0

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed: False

DLE Act Number:

Carey Act Number:

Mitigation Plan:

City of Oakley

45-2323B (Sec. 2) groundwater .5 cfs
claimed as D & S (65 households)

- this claim was originally filed by North Oakley Water Co
but deeded to the City of Oakley in '99
(in exchange for back-up in "emergency situations"
to the N. Oakley Water Co)

45-4184 A (Sec. 9) SENSE groundwater .44 cfs (6/23/61)
(parts B, C, & D) are now 45-10802, -10803, & -10804

Trans # 5592
12000

45-10802 } transfer tied numerous springs
45-10803 } & ~~groundwaters~~ together
45-10804 } & allowed one new well in Sec. 9, SENSE

- why wasn't 45-4184 A included in transfer?
(said it was connected to system?)

FEB 09 2000

MEMO

FROM: Allen Merritt

DATE: February 8, 2000

TO: Transfer File No. T5592
Water Right(s): T45-10802
T45-10803
T45-10804

In the Name of: City of Oakley

SUBJECT: Review and Recommendation

This transfer proposes to identify the way the rights to springs have been used over the last few years whereby a portion of the spring water has been used to recharge an area further down the valley that affects lower springs and a well site. The purpose of this recharge effort is avoid treatment requirements for the public water supply system with spring sources. This transfer was proposed in 1994 (See 10/18/1994 letter to Babbitt). The city only recently after some further discussions filed this transfer.

The transfer deals with rights subject of approved transfer 3819 that added a well to the system. Note that the city has amended the subject claims in the fall of 1999 to correct the described P/U.

This transfer application was processed without protest. No GIS work has been done for this proposal.

Recommendation

I recommend this transfer be approved as a preliminary order subject to the following conditions.

- Those similar to ones imposed by T3819.
- Measuring devices with totalizing meters be installed and maintained at both points of injection. The rates and volumes shall be recorded monthly and records be made available to IDWR on request.
- IDWR specifically retains jurisdiction in the SRBA process to review the priorities and system capacities and impose further limitation of same to more correctly define historical use.
- Use subject to other county, state or federal requirements and specifically subject to requirements of public water supply systems.
- Approval does not grant easement across land of others.

C# 5592

FILE PROGRAM

City of Cary

WATER RIGHT NO.

Q45-10802-elat

[illegible]

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

City of Oakley

TRANSFER NO.

5592

1. Right number(s)

A 45-10802 eat

2. Type of right

☐ Decree ☐ License ☒ Statutory Claim
☒ SRBA Beneficial Use Claim

3. Purpose of transfer

☐ Change P/D ☒ Add P/D ☐ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right:

☒ Source ☐ Priority ☐ Amount ☐ Purpose
☒ Period ☐ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments:

This transfer proposed in 1992. SRBA claims
reverted 1999.

5. Check Proposed Right for amount of land &/or water transferred:

Also see attached memo for more analysis information

- a. ☒ All of right
 b. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
 c. ☐ Description of point(s) of diversion
 d. ☐ Description of place of use
 e. ☐ Map showing P/D & P/U after transfer
 f. ☐ Correct notarized signature and \$100 fee
 g. ☐ Proof of ownership of right &/or land from which water is transferred
 h. ☐ Expansion in use of right - Comments: None

i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): A45-04184A
2150 on well

j. ☒ SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) Use address of owner
on recently created claim

k. ☒ Comment letters ☒ Yes ☐ No
 If yes _____ Water District # _____
 _____ Lienholder, others, see #2
 _____ below for name and address
 _____ Sent to DEQ
 INITIAL ALLOCATION REVIEW BY AD DATE 11/6/95
 SRBA SUPERVISOR REVIEW BY JS DATE 2/8/00
 PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWRO3::VAULT ☐ Yes

2. COMMENT LETTERS Copy of Pg 1 to AJ ☐ Yes

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly? ☒ Yes ☐ No

4. Affidavit of publication received? ☒ Yes ☐ No

5. Protests received? ☐ Yes ☒ No; Acknowledgement sent? ☐ Yes

6. Copies made for Region file (see attached supplemental page)? ☐ Yes

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

☒ Also see attached memo for recommendation dated: 2/8/00

4. By AD

Date 2/8/00



STATE OF IDAHO
DIVISION OF
ENVIRONMENTAL QUALITY

601 Pole Line Road, Suite 2 • Twin Falls, Idaho 83301-3035 • (208) 736-2190

Dirk Kempthorne, Governor
C. Stephen Allred, Administrator

December 28, 1999

RECEIVED
DEC 29 1999
Department of Water Resources
Southern Region

Allan Merritt
Dept of Water Resources
1341 Fillmore St. Suite 200
Twin Falls, ID 83301-3380

RE: Application for Transfer No. 5592 (City of Oakley)

Dear Allan:

Greg Misbach and I conducted a Sanitary Survey of the City of Oakley on May 6, 1993. At that time we determined that the springs supplying water to the City were under the direct influence of surface water and would therefore need to comply with the Surface Water Treatment Rule. The City's options at that time were to discontinue the use of the springs, apply filtration and disinfection to the water before use, meet the conditions to remain unfiltered, or reconstruct and re-evaluate the spring sources.

Following some Microscopic Particulate Analysis and further field evaluation, it was determined that the Carpenter Springs could provide water of acceptable quality to the City without filtration and that the water coming from the springs located higher on Middle mountain were the source of surface water organisms that were present in the samples taken of the combined spring flow.

To prevent the possibility of supplying water containing pathogens and/or parasites, the collection lines from the upper springs were disconnected from the lines that collect water from the Carpenter Springs. The lines were disconnected in the same general drainage, but at a higher elevation to enhance flows at Carpenter Springs, while taking advantage of natural filtration that would occur.

Increased flows at the Carpenter Springs have occurred since these changes were made. Additional MPA results have shown the water from the lower springs remains at low to moderate risk of surface water contamination, near levels reported before the changes were made. It appears that changes made to the system have optimized use of water available for the City.

The City has plans to further protect the lower springs from surface flooding and shallow

Allan Merritt
December 28, 1999
Page 2

percolation contamination by installing an impervious liner, diversion ditch and fencing.

If you have any questions or comments, feel free to contact us at this office. 736-2190

Sincerely,

A handwritten signature in cursive script that reads "David Anderson". The signature is fluid and written in dark ink.

David Anderson
Water Quality Science Officer

DA/ph

cc: Mike McMasters
Greg Misbach
Nick Cizmich



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**

December 14, 1999

ATTN NICK CIZMICH
DIV OF ENVIRONMENTAL QUALITY
601 POLELINE RD—STE #2
TWIN FALLS ID 83301

Re: Application for Transfer No. 5592 (City of Oakley)

Dear Mr. Cizmich:

The Department is seeking a written Comment &/or Recommendation from your agency regarding the above referenced application for surface water; a copy of the application is enclosed for your information and reference.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant.

Very truly yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

Transfer No. 5592

RECEIVED

OCT 26 1999

**Department of Water Resources
Southern Region**

A. PURPOSE OF TRANSFER

2. Describe the reason for the proposed changes

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

2. Total amount of water being transferred 1.56 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Springs & Groundwater tributary to _____

4. Point(s) of Diversion: (All existing P/D as described in Trans 3819)

5. Lands irrigated or place of use:

[illegible]

Total acres

PART 1

General Information:

- a. Description of diversion system An artery pipeline network which collects numerous springs then connects to two wells then serves the City of Oakley & surrounding area for Municipal, domestic & stockwater needs.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

The intent of this transfer is to maintain historical water rights for diversion of upper springs. By allowing this upper spring water to filter thru the underground above the two lower springs which we then re-collected it has been demonstrated that water quality improves and meets EPA standards.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A45-10802

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
STOCKWATER	01/01 to 12/31	0.67 CFS
MUNICIPAL	01/01 to 12/31	0.67 CFS
DOMESTIC	01/01 to 12/31	0.25 CFS
Totals		0.67 CFS

SOURCE

SPRINGS
GROUNDWATER

TRIBUTARY OF

SINKS

Priority: 04/01/1904

LOCATION OF POINT(S) OF DIVERSION:

SEWNSE , Sec. 9, Township 14S, Range 22E
SENE , Sec. 33, Township 14S, Range 22E
SESE , Sec. 33, Township 14S, Range 22E
NWNE , Sec. 3, Township 15S, Range 22E
SWNE , Sec. 3, Township 15S, Range 22E
SENW , Sec. 3, Township 15S, Range 22E
NESW , Sec. 3, Township 15S, Range 22E
SESW , Sec. 3, Township 15S, Range 22E
NWSE , Sec. 3, Township 15S, Range 22E
SWSE , Sec. 3, Township 15S, Range 22E
CASSIA County

PLACE OF USE: STOCKWATERTWN RGE SEC

13S 22E	27	NWSW
	28	NESW
		SESE
	29	NESE
	31	SWSW
		SESE
14S 22E	3	Lot 2 (NWNE)
	5	SESW
	6	NENE
		NWNW
	8	NENE
		NENW
		SESE
	9	NWNE
		NWNW
	16	NESE

SWSW	
SWSW	SWSE
SESE	
SESW	SWSE
NWNE	NENW
NWNE	SENE
NWNW	NESE
SWNE	NENW
NWSW	

Claim No. A45-10802

PLACE OF USE: STOCKWATER
TWN RGE SEC

17	SWNW	NWSW	SWSW
18	NENE	SESE	
20	SWNE	NWSE	
21	SESE		
28	NWSW		
29	NESW	NESE	NWSE
33	NESW		

PLACE OF USE: MUNICIPAL
TWN RGE SEC

13S 22E 32	NENE	NWNE	SWNE
	SENE	SESW	NESE
	NWSE	SWSE	SESE
33	NENE	NWNE	SWNE
	SENE	NENW	NWNW
	SWNW	SENW	NESW
	NWSW	SWSW	SESW
	NESE	NWSE	SWSE
	SESE		
34	NENW	NWNW	SWNW
	SENW	NESW	NWSW
	SWSW	SESW	
14S 22E 3	Lot 3 (NENW)	Lot 4 (NWNW)	SWNW
	SENW	NESW	NWSW
	SWSW	SESW	
4	Lot 1 (NENE)	Lot 2 (NWNE)	SWNE
	SENE	Lot 3 (NENW)	Lot 4 (NWNW)
	SWNW	SENW	NESW
	NWSW	SWSW	SESW
	NESE	NWSE	SWSE
	SESE		
5	Lot 1 (NENE)	Lot 2 (NWNE)	SWNE
	SENE	NESE	NWSE
	SWSE	SESE	

PLACE OF USE: DOMESTIC
TWN RGE SEC

13S 22E 27	NWSW	SWSW	SWSW
28	SENW	NESW	SESE
	SESW	SWSE	
29	NESE	SESE	
14S 22E 3	Lot 2 (NWNE)		
5	SESW		
8	NENE	NWNE	SENE
	NESE	SESE	
	SWNW	NWSW	SWSW
17	NENE	SESE	
18	SESE		
21			
15S 22E 3	Lot 4 (NWNW)		
22	NWSE		

Claim No. A45-10802

CONDITIONS/REMARKS:

1. THIS CLAIM IS FOR A PORTION OF THE SPRING WATER WHICH SERVICES THE CITY OF OAKLEY AND A FEW DWELLINGS AND STOCK DIVERSIONS OUTSIDE OF THE CITY LIMITS OF THE CITY OF OAKLEY. THE PLACE OF USE LISTED IS THAT PORTION OF THE SYSTEM WHICH CAN BE SUPPLIED WATER FROM THESE SPRINGS BY GRAVITY. BENEFICIAL USE RIGHTS A45-04184A, A45-10803 AND A45-10804 ALSO CONTRIBUTE WATER TO THE SAME SYSTEM.
2. *****
CLAIM AMENDED TO DELETE THREE 40 ACRE TRACTS ALL WITHIN 14S 22E SEC 9 (STOCKWATER USE) BLM INDICATED THAT NO STOCKWATER TANKS ACTUALLY EXIST WITHIN THOSE TRACTS. KKC 8-31-99

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A45-10803

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
STOCKWATER	01/01 to 12/31	0.45 CFS
MUNICIPAL	01/01 to 12/31	0.45 CFS
DOMESTIC	01/01 to 12/31	0.25 CFS
Totals		0.45 CFS

SOURCE

SPRINGS
GROUNDWATER

TRIBUTARY OF

SINKS

Priority: 04/01/1895

LOCATION OF POINT(S) OF DIVERSION:

SENWSE , Sec. 9, Township 14S, Range 22E
 SWSW , Sec. 3, Township 15S, Range 22E
 NENE , Sec. 10, Township 15S, Range 22E
 SWNE , Sec. 10, Township 15S, Range 22E
 SENE , Sec. 10, Township 15S, Range 22E
 SENW , Sec. 10, Township 15S, Range 22E
 NESE , Sec. 10, Township 15S, Range 22E
 CASSIA County

PLACE OF USE: STOCKWATERTWN RGE SEC

13S 22E	27	NWSW	SWSW	
	28	NESW	SWSW	SWSE
		SESE		
	29	NESE	SESE	
	31	SWSW	SESW	SWSE
		SESE		
14S 22E	3	Lot 2 (NWNE)		
	5	SESW		
	6	NENE	NWNE	NENW
		NWNW		
	8	NENE	NWNE	SENE
		NENW	NWNW	NESE
		SESE		
	9	NWNE	SWNE	NENW
		NWNW	NWSW	
	16	NESE		
	17	SWNW	NWSW	SWSW
	18	NENE	SESE	
	20	SWNE	NWSE	

Claim No. A45-10803

PLACE OF USE: STOCKWATERTWN RGE SEC

21	SESE		
28	NWSW		
29	NESW	NESE	NWSE
32	SESE		
33	NESW		
15S 22E 4	Lot 1 (NENE)	SESE	

PLACE OF USE: MUNICIPALTWN RGE SEC

13S 22E 32	NENE	NWNE	SWNE
	SENE	SESW	NESE
	NWSE	SWSE	SESE
33	NENE	NWNE	SWNE
	SENE	NENW	NWNW
	SWNW	SENW	NESW
	NWSW	SWSW	SESW
	NESE	NWSE	SWSE
	SESE		
34	NENW	NWNW	SWNW
	SENW	NESW	NWSW
	SWSW	SESW	
14S 22E 3	Lot 3 (NENW)	Lot 4 (NWNW)	SWNW
	SENW	NESW	NWSW
	SWSW	SESW	
4	Lot 1 (NENE)	Lot 2 (NWNE)	SWNE
	SENE	Lot 3 (NENW)	Lot 4 (NWNW)
	SWNW	SENW	NESW
	NWSW	SWSW	SESW
	NESE	NWSE	SWSE
	SESE		
5	Lot 1 (NENE)	Lot 2 (NWNE)	SWNE
	SENE	NESE	NWSE
	SWSE	SESE	

PLACE OF USE: DOMESTICTWN RGE SEC

13S 22E 27	NWSW	SWSW	
28	SENW	NESW	SWSW
	SESW	SWSE	SESE
29	NESE	SESE	
14S 22E 3	Lot 2 (NWNE)		
5	SESW		SENE
8	NENE	NWNE	
	NESE	SESE	
17	SWNW	NWSW	SWSW
18	NENE	SESE	
21	SESE		
15S 22E 3	Lot 4 (NWNW)		
10	SENW		
22	NWSE		

Claim No. A45-10803

CONDITIONS/REMARKS:

1. THIS CLAIM IS FOR A PORTION OF THE SPRING WATER WHICH SERVICES THE CITY OF OAKLEY AND A FEW DWELLINGS AND STOCK DIVERSIONS OUTSIDE OF THE CITY LIMITS OF THE CITY OF OAKLEY. THE PLACE OF USE LISTED IS THAT PORTION OF THE SYSTEM WHICH CAN BE SUPPLIED WATER FROM THESE SPRINGS BY GRAVITY. BENEFICIAL USE RIGHTS A45-04184A, A45-10802 AND A45-10804 ALSO CONTRIBUTE WATER TO THE SAME SYSTEM.
2. *****
CLAIM AMENDED TO DELETE THREE 40 ACRE TRACTS ALL WITHIN 14S 22E SEC 9 (STOCKWATER USE) BLM INDICATED THAT NO STOCKWATER TANKS ACTUALLY EXIST WITHIN THOSE TRACTS. KKC 8-31-99

PART 2

TRANS NO. 5592

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A45-10804

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
STOCKWATER	01/01 to 12/31	0.44 CFS
MUNICIPAL	01/01 to 12/31	0.44 CFS
DOMESTIC	01/01 to 12/31	0.25 CFS
	Totals	0.44 CFS

SOURCESPRINGS
GROUNDWATERTRIBUTARY OF

SINKS

Priority: 04/01/1895

LOCATION OF POINT(S) OF DIVERSION:

SENWSE , Sec. 9, Township 14S, Range 22E
 NWNW , Sec. 14, Township 15S, Range 22E
 NENE , Sec. 15, Township 15S, Range 22E
 CASSIA County

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
13S	22E	27	NWSW	SWSW	
		28	NESW	SWSW	SWSE
			SESE		
		29	NESE	SESE	
		31	SWSW	SESW	SWSE
			SESE		
14S	22E	3	Lot 2 (NWNE)		
		5	SESW		
		6	NENE	NWNE	NENW
			NWNW		
		8	NENE	NWNE	SENE
			NENW	NWNW	NESE
			SESE		
		9	NWNE	SWNE	NENW
			NWNW	NWSW	
		16	NESE		
		17	SWNW	NWSW	SWSW
		18	NENE	SESE	
		20	SWNE	NWSE	
		21	SESE		
		28	NWSW		
		29	NESW	NESE	NWSE
		32	SESE		

Claim No. A45-10804

PLACE OF USE: STOCKWATERTWN RGE SEC

	33		NESW		
15S 22E	4	Lot	1(NENE)		SESE
	5	Lot	1(NENE)		
	10		SENE		SENE
	14		NWNW		
	15		NENE		

PLACE OF USE: MUNICIPALTWN RGE SEC

13S 22E	32		NENE		NWNE		SWNE
			SENE		SESW		NESE
			NWSE		SWSE		SESE
	33		NENE		NWNE		SWNE
			SENE		NENW		NWNW
			SWNW		SENE		NESW
			NWSW		SWSW		SESW
			NESE		NWSE		SWSE
			SESE				
	34		NENW		NWNW		SWNW
			SENE		NESW		NWSW
			SWSW		SESW		
14S 22E	3	Lot	3(NENW)	Lot	4(NWNW)		SWNW
			SENE		NESW		NWSW
			SWSW		SESW		
	4	Lot	1(NENE)	Lot	2(NWNE)		SWNE
			SENE	Lot	3(NENW)	Lot	4(NWNW)
			SWNW		SENE		NESW
			NWSW		SWSW		SESW
			NESE		NWSE		SWSE
			SESE				
	5	Lot	1(NENE)	Lot	2(NWNE)		SWNE
			SENE		NESE		NWSE
			SWSE		SESE		

PLACE OF USE: DOMESTICTWN RGE SEC

13S 22E	27		NWSW		SWSW		
	28		SENE		NESW		SWSW
			SESW		SWSE		SESE
	29		NESE		SESE		
14S 22E	3	Lot	2(NWNE)				
	5		SESW				
	8		NENE		NWNE		SENE
			NESE		SESE		
	17		SWNW		NWSW		SWSW
	18		NENE		SESE		
	21		SESE				
15S 22E	3	Lot	4(NWNW)				
	10		SENE		NWSE		SESE
	14		NWNW				
	15		NENE		NWNE		

Claim No. A45-10804

PLACE OF USE: DOMESTIC

TWN RGE SEC

22

NWSE

CONDITIONS/REMARKS:

1. THIS CLAIM IS FOR A PORTION OF THE SPRING WATER WHICH SERVICES THE CITY OF OAKLEY AND A FEW DWELLINGS AND STOCK DIVERSIONS OUTSIDE OF THE CITY LIMITS OF THE CITY OF OAKLEY. THE PLACE OF USE LISTED IS FOR THE ENTIRE SYSTEM. THESE SPRINGS ARE HIGHEST UPSTREAM AND CAN SUPPLY WATER BY GRAVITY TO THE ENTIRE PIPELINE NETWORK. BENEFICIAL USE RIGHTS A45-04184A, A45-10802 AND A45-10803 ALSO CONTRIBUTE WATER TO THE SYSTEM BUT SINCE THEY FLOW INTO THE SYSTEM BY GRAVITY ALSO AND THEIR CONNECTIONS TO THE SYSTEM ARE LOWER IN ELEVATION THEY CAN ONLY SERVE PORTIONS OF THE SYSTEM.
2. *****
CLAIM AMENDED TO DELETE THREE 40 ACRE TRACTS ALL WITHIN 14S 22E SEC 9 (STOCKWATER USE) BLM INDICATED THAT NO STOCKWATER TANKS ACTUALLY EXIST WITHIN THOSE TRACTS. KKC 8-31-99

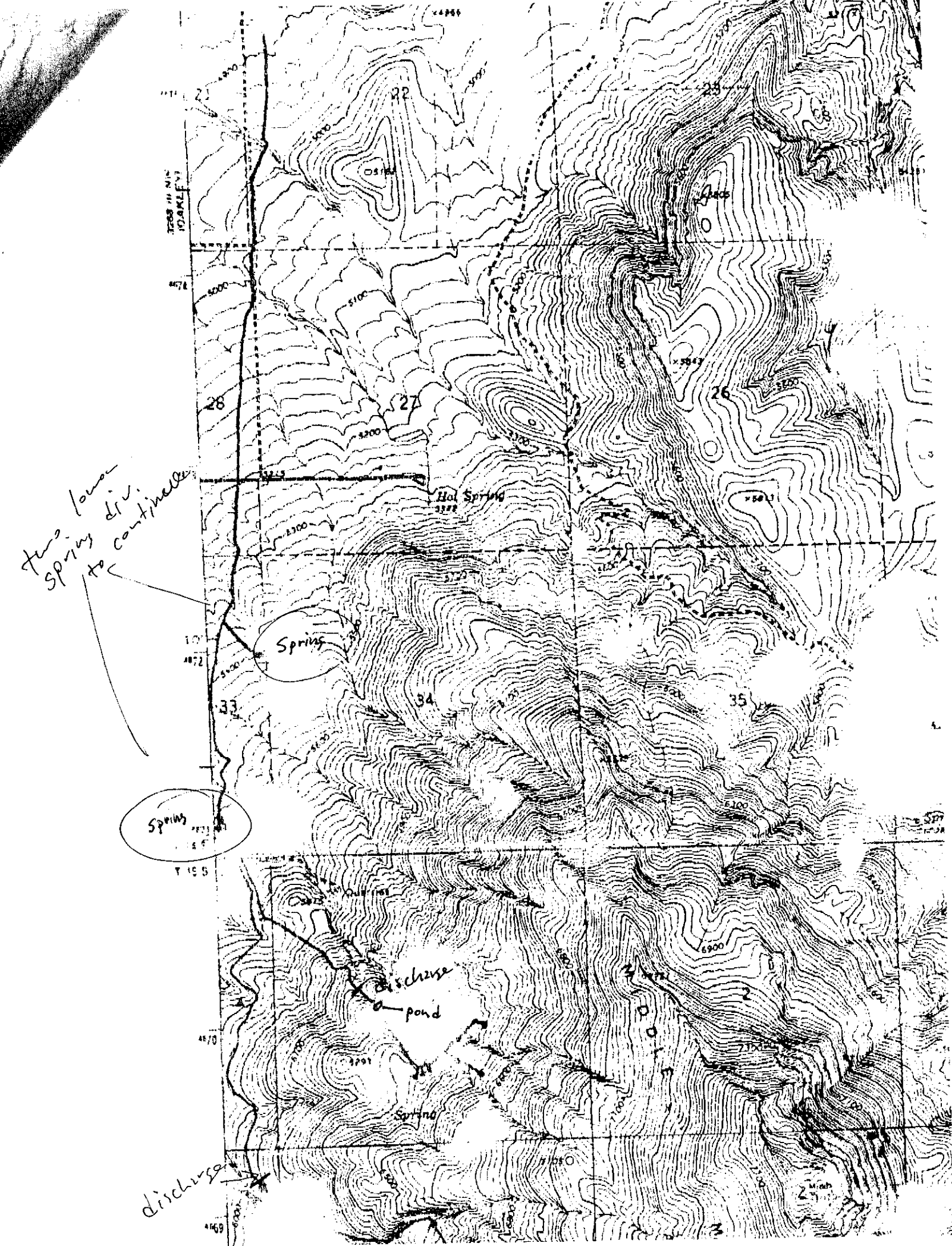
T# 5592

Spring where water is
re-collected.

Spring where water is
re-collected.

Point of Injection into
natural channel where it
sinks

Point of Injection into
natural channel where it
sinks



PART 3

CHANGES IN NATURE OF USE

<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Donald A. Balluff for City of Oakley
(Signature of Applicant)

Subscribed and sworn to before me this 21ST day of October, 19 99.

Stuart C. Balluff
(Notary Public)

My commission expires 12/7/2000

FOR DEPARTMENT USE ONLY

Transfer contains 11 pages and 1 attachments

Received by GLS Date 10/25/99

Protest filed by _____

Prelim. check by GLS Fee \$100 5022633

Receipted by GLS Date 25 Oct 99

Published in So. San Francisco Press

Copies of protest forwarded by _____

Pub. dates 12/20 & 12/27/99

Hearing held by _____ Date _____

Watermaster recommendation requested on N/A

Recommended for ☐ approval ☐ denial

_____ rec'd. N/A

by _____

Copy of transfer sent to lien holder _____

FROM: Allen Merritt

DATE: October 19, 1994

TO: File A45-10802, A45-10803, A45-10804, A45-04184A

SUBJECT: Response to letter from City of Oakley and discussions regarding future plans.

On 10/17/94 we received the attached letter. On 10/18/94 I phoned Mr. Babbitt and we discussed what his letter was all about. Apparently the City of Oakley for health reasons is being required to modify the spring boxes which divert water into their pipeline network. I believe for economic reasons they are proposing only to treat two of the spring diversions and propose to continue diverting water from the upstream springs yet before the pipeline reaches the lower two springs they propose the discharge the pipeline on to the ground where it will sink and thru natural filtration be cleaned and then they will pick this same water up in the lower springs.

Mr. Babbitt indicated that the pipeline was operated in this manner in 1988 when the upper springs were contaminated. Mr. Babbitt faxed a copy of a quad showing the location of the springs and also I noted on this map where the pipe will be cut and where the lower springs are located. Mr. Babbitt indicated that the map locations for the springs were determined using a GPS.

In response to the city's letter I wrote my 10/18/94 letter which i mailed & faxed 10/19/94.

T #5592



DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, ...in Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 18, 1994

David Babbitt
CWP-City of Oakley
PO Box 266
Oakley, ID 83346

RE: City of Oakley Water Rights
A45-10802, A45-10803, A45-10804 & A45-04184A

Dear Mr. Babbitt:

In response to your October 12, 1994 letter and our subsequent phone conversations this day I offer the following comments regarding the City of Oakley's water rights and proposal.

Our records indicate that you have filed four (4) claims in the Snake River Basin Adjudication (SRBA) which have been numbered as referenced above. These claims are subject to review of the validity of these uses in the ongoing SRBA. Additionally our records indicate that three of these rights (the 10000 series numbers) were included on approved transfer 3819 which allowed for the addition of a well to these water rights which were originally developed from numerous springs diverted south of the city. The approved transfer did not increase the historical diversion rate to the city nor did it provide for the addition of new uses but it did allow the city the flexibility of providing the historically used water from a well instead of the old springs. One note worth mentioning is that the amount diverted from the new well has a priority date of January 23, 1991 instead of the historical priority date. (Please review the conditions of approval of transfer 3819)

As you know the City of Oakley is located in the Oakley-Kenyon Critical Groundwater Area initially established January 19, 1962. As such the department cannot issue new water right permits for development of additional consumptive use water rights from groundwater in this area. Additionally the City of Oakley is also within the Eastern Snake River Plain Moratorium Area initially established May 15, 1992. As such the department cannot process new water right permits for development of additional consumptive use water rights from surface waters within this area until the moratorium is lifted. The department will; however, consider applications for transfer of existing rights pursuant to § 42-222 of the Idaho Code for both groundwater and surface water rights in this area or may consider applications for permit or applications for transfer consistent with § 42-105 or § 42-4201A of the Idaho

I #55

10/18/94

Letter to City of Oakley

Code.

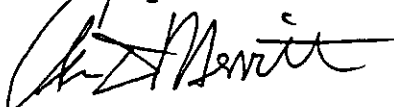
In review of your proposal to change the way you divert and use the springs it appears to me that you need to file with the department an application for either a transfer or permit which is consistent with the previously described statutes of the Idaho Code. Since I cannot give you legal advice I leave this up to you and your attorney as to which process would be best to initiate. To do nothing and merely make the change I believe puts your water rights in jeopardy.

If the city requires more water for their existing and future uses it appears the only alternative is to purchase an existing water right from someone and modify the right pursuant to § 42-222 of the Idaho Code to suit the city's needs.

To specifically address your question about abandonment or sale of your water right consider the following. If the right is abandoned the water is left in the natural source and goes to fill the next right in priority. If you sell your water right (I don't know why you would do this) it would then belong to someone else for them to either use as recorded, be modified pursuant to § 42-222 or to be lost by them through forfeiture or abandonment.

I hope this letter addresses your concerns. If you need further explanation please feel free to contact our office.

Sincerely



Allen Merritt

Acting Southern Region Manager

CITY OF OAKLEY

201 Blaine
Oakley, ID 83346
Phone (208) 862-3313

5 0 1 5 0 1

October 12, 1994

State of Idaho
Dept. of Water Resources
222 Shoshone St. East
Twin Falls ID 83301

OCT 17 1994

Department of Water Resources
Southern Region Office

Dear Mr. Holmes,

The City of Oakley needs to insure their water rights and alter the present method of collection to be in compliance with the Surface Treatment Ruling of the Clean Drinking Water Act. We have been working with EHM Engineers and the DEQ to come to a solution to our dilemma. The Surface Treatment Water Ruling affects many of the springs we are currently using. Over the last few years we have been doing some testing on the springs and their relationships with each other. Our findings on the testing over the last two years show the springs in Range 22 E, Township 14 S, Section 33 to be under less influence from surface water than the remaining springs in our water rights.

We have a well as an additional point of diversion to each of our spring water rights. The springs are directly related to each other, and the number of springs and the total volume of water coming off the total water right are indirectly related to each other. Because the water from the lower springs and water from the wells are the same water as the springs higher on the mountain, the majority of the water comes from the two springs in section 33. We want the balance of the spring water to percolate back into the aquifer on the hill above the two springs located in section 33.

Idaho code 42-105 allows the use of natural channels to convey water. We need to do the paper work that will allow the surface influenced springs to use the natural channel of the aquifer to convey the water to the lower points of diversion.

Currently the City of Oakley's water rights are tied together between the springs and the well. We may have already established the conveyance path and no further paper work needs to be done. However, we do not want any party or organization to assume we have abandoned the spring or springs by allowing them to percolate into the aquifer and be conveyed to other points of diversion.

T# 5592

CITY OF OAKLEY

201 Blaine
Oakley, ID 83346
Phone (208) 862-3313

We are going to be applying for a Community development Block Grant through the Department of Commerce to help pay for the changes necessary to comply with the regulations. Please let us know what steps, if any, are needed to make sure the water that is percolated back into the ground is protected under our current water rights. Following are a few additional questions we would like to have answered in a letter. I know we have discussed them in person, but would you please answer them in writing.

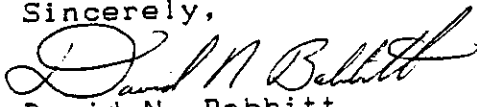
What would happen to our water rights if we abandon our water, or sold it?

Would obtaining another well permit and water right be a possibility here in Oakley? Would drilling another well be a better option as far as the water rights are concerned?

Would you make recommendations and help us find the solution to our problem as described on the first page of this letter?

We need a response to this letter by the October 21, 1994, in order to have time to finish our application. Thank you very much for your time and consideration in this matter.

Sincerely,



David N. Babbitt
PWD-City of Oakley



CITY OF OAKLEY

200 W. Main - P.O. Box 266
Oakley, ID 83546 Phone (208) 862-5515

RECEIVED

OCT 19 1999

Department of Water Resources
Southern Region

October 18, 1999

Kelly Christensen,
Idaho Department of Water Resources
Shoshone St. East
Twin Falls, ID 83301

RE: City of Oakley Water Right Transfer

Dear Mr. Christensen:

The City of Oakley conducted several meetings with Marion Pipe Line Company and North Oakley Water Company. We held a public hearing last week on the 14th of October to discuss public input on the proposed changes to the City of Oakley's water system.

The City will file a transfer for water right as we have discussed previously. Enclosed is a check from the city for \$100.00 and copy of the Application for Transfer of Water Right.

If you have any questions, give me a call.

Sincerely,

David N. Babbitt
Public Works Director

Mayor Dennis K. Smith

T-#559

Christensen, Kelly

Subject: CITY OF OAKLEY A45-10802, 10803, 10804, AND 04184A
Entry Type: Meeting
Contact: DAVID BABBITT
Company: CITY OF OAKLEY

Start: Tue 8/31/99 12:00 AM
End: Tue 8/31/99 12:00 AM
Duration: 0 hours

He met first with Allen Merritt and myself where we discussed the physical operation of the City system, the North Oakley system, and the Marrian system. After much discussion it appears that the most viable option would be for the three organizations to merge into one entity and then file a transfer creating a ppu of the three systems. This would appear to give them the best option for system flexibility. He is going to pursue this option before filing any transfers to add the 40 acre tracts that have been identified as currently part of the system but not part of any claims.

We then moved to my office where I generated amended claims to delete 3 40 acres tracts for stockwater from 14s 22e sec 9.
All 4 claims were amended.

Nick Spencer stopped by and we discussed the system again and Nick offered a legal perspective concerning the City rights.

We anticipate meeting again this fall to further discuss the rights after he has an opportunity to meet with the principals of the three organizations.

4110
INQUIRY

Idaho Department of Water Resources
Adjudication Remarks Screen

Date: 10/20/99
Time: 11:31:24

Water Right Number: A45-04184

FIRST PAGE

GEN

P/U = CITY OF OAKLEY THIS CLAIM HAS BEEN SPLIT INTO FOUR CLAIMS
TO REFLECT THE PRIORITY DATES THAT THE CITY OF OAKLEY IS CLAIMING

THIS WR IS SPLIT:

A45-04184A	FOR 2.00 CFS	CITY OF OAKLEY
A45-04184B	FOR 0.67 CFS	RE-NUMBERED A45-10802
A45-04184C	FOR 0.45 CFS	RE-NUMBERED A45-10803
A45-04184D	FOR 0.44 CFS	RE-NUMBERED A45-10804

(GOLD4=Prev Screen) (GOLD6=End of Data)
(GOLD5=Next Screen)

(Enter=Exit)
(GOLD8=Cancel)

Points of usage to remove from all four filings:

A45-10802, A45-10803, A45-10804, A45-04184A

TOWNSHIP	RANGE	SECTION	1/4	of	1/4	USE
14S	22 E	9	SW		NW	STOCK
			SE		NW	STOCK
			SW		SW	STOCK

*P/U entries deleted
8-31-99
K KC*

Points to add to filings A45-10803, A45-10804

TOWNSHIP	RANGE	SECTION	1/4	of	1/4	USE
14S	22 E	9	NW		NE	STOCK add COMMERCIAL
		31	SW		SE	Stock
			SE		NE	Stock
	22E	9	SW		NW	~~Stock~~
		8	SW		SW	Stock
		9	(ALL)			Stock
		7	NW		NE	Stock
		6	NW		NE	Stock

*P/U identified as being
Part of system but
not on claim.
Anticipate that a
transfer would be the
proper tool to add these P/U's
to the right to add the P/U's
to present the possibility of a transfer
to the city & other entities
prior to acting on this. K KC 8-31-99*

@95

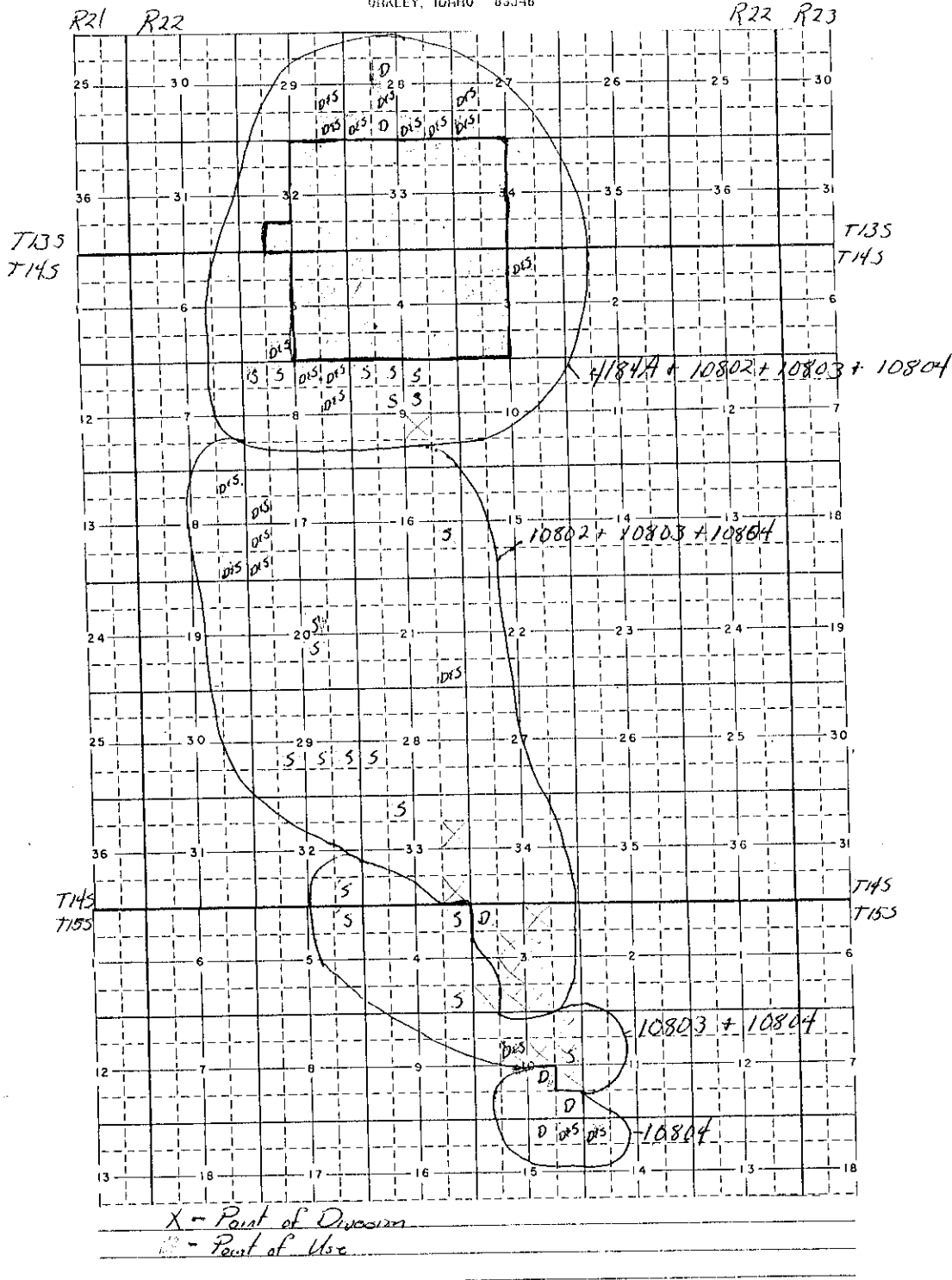
Points to add to filing A45-10804

TOWNSHIP	RANGE	SECTION	1/4	of	1/4	USE
15S	22 E	15	NW		NE	Domestic
		22	NW		NE	Domestic
		23	NE		NW	Domestic

@93

CITY OF OAKLEY

P.O. BOX 266
OAKLEY, IDAHO 83346



* SCALE: 1 INCH = 1 MILE

U.S. Government Printing Office - 1979 670 570/249

Points of Diversion City of Oakley Water System from Map

T 14S R 22E

SW SE Sec 9 Well

SE SE Sec 33

SE NE Sec 33

of Springs in 1/4 Sec

2

1

T 15S R 22E

NE NE Sec 4

SE SE Sec 4

SW NE Sec 3

NE SW Sec 3

SW SW Sec 3

NW SE Sec 3

SW SE Sec 3

SW NE Sec 10

SE NW Sec 10

NE SE Sec 10

NE NE Sec 15

NW NW Sec 14

1

1

1

4

1

2

1

4

3

2

1

6

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two lower
spring div.
to continue

Spring
T. 14 S
T. 15 S

discharge

42°07'30"
113°52'30"

US HILL
1:25,000

Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS

DEC 03 1996

STATE OF IDAHO

AFFIDAVIT

STATE OF IDAHO)
 ss.
County of Cassia)

David N. Babbitt, being first duly sworn on oath.
deposes and states:

I have talked to individuals who have worked on the water system as it was being installed for the City of Oakley. I have also seen evidence of the work preformed by the Work Project Act (WPA) in the 1930's and early 1940's for the City of Oakley. The City of Oakley and the Village of Oakley are the same municipality, the name being changed in 1968.

The WPA improved the springs the City of Oakley purchased. This water was used for beneficial use by the previous owners. This water was put to beneficial use in the late 1800's and the early 1900's, as the valley was first settled. The Village enclosed the springs and piped the water into Oakley for the municipality. The water has been used by the city since that time.

The Lite-Air Water Company, composed of a few individuals, piped the warm springs water into Oakley with the intentions of making a hot pool in the third block on N. Blaine St. The water was ice cold when the water finally reached Oakley, so the pool was abandoned. The same few individuals decided they would plumb this water into their homes. Others bought into this wonderful idea. The Light Air Water Company became known or was purchased by the Warm Springs Water Company. Until this time everyone had their own backyard well from a purged water table. Some of these wells went dry on dryer years.

Water was not sampled during this period of time. The Warm Springs water was extremely high in fluoride, causing most of the people who drank the water to have discolored teeth. (this was similar to nicotine stains) The Warm Springs Water Company was purchased by the Village of Oakley on the 15th of May 1925 #77153 in the county records. The Village council realized the warm springs water would be insufficient to supply the needs of the whole village. The Village purchased the water from Columbus M. Carpenter on the 13 of November 1925. This is recorded in the county records #180059 or #80059. These springs were piped into the system. Included in the papers is an affidavit making the purchase date of November 22, 1909 when the springs were deeded. Beneficial use was previous to that point. Also included is a copy of decree #78608 giving Columbus M. Carpenter full ownership of this water. The location of springs is known by Department of Water Resources as file number A45-10802.

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As the springs were developed in Section 33, Township 14 S. Range 22 E., the Springs in Section 28 dried up. The springs in Section 3, T 14 S., R 22 E. were developed adding some more water to the three lower Carpenter Springs. The two upper springs are close enough together that they are normally referred to as one spring. The middle one has flowed very little water after the springs have been developed in section 3.

The rest of the water filings for the Village of Oakley come from the springs that used to make the Wild Cat and the Choke Cherry Creek. These two groupings of springs were combined in ownership because William Severe bought this water from Leonora Severe and H. H. Severe November 27 1925. Record #78966 in county records.

Before the water was sold to the Village of Oakley on the 17th of March 1941, #139969 of the county records, William Severe was issued a decree on the water rights on the 13th of February 1941. This is #137904 in the county records. These water rights are #A45-10803 and #A45-10804 with the Department of Water Resources for the City of Oakley.

The last filing for the City of Oakley with the Department of Water Resources # A45-10804 was challenged in court in 1938 on the 11th of July. A Decree #129737 was given to the Village of Oakley for the full water right with a priority date of 1 April 1895.

The WPA helped to install these springs in the 1940's. As the Village was installing the pipes, the water rights were challenged in court. And a judgement and a decree was made in favor of the Village of Oakley giving all water rights to the Village.

Each of the canyons, where the springs are, had old homesteads at the base of the mountain. All of the springs were put to beneficial use between 1980 and 1990. All original owners have sold their water rights to the Village of Oakley.

Some of the springs that come to the surface on the mountain, in the City of Oakley's water fillings, are surface impacted and are not suitable to drink. Consequently, the water is left to percolate back into the ground. The water is a contributory to another spring lower on the mountain where the water comes to a point of diversion after the water has been cleaned being purified through the gravel.

The WPA developed all the springs of significant quantity in Section 33, T 14 S., R 22 EBM., and sections 3, 10, 14, and 15, Township 15 S., Range 22 EBM. Other springs that were dependant on these springs dried up. As the number of springs were eventually increased in the system, the total volume of the water did not improve in time on the macro level. The springs are in a direct relationship to each other, one spring feeds the next spring in succession on the mountain.

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The number of springs and the amount of water produced have an indirect relationship with each other. The upper springs will feed the springs lower on the mountain. Eg. If the springs higher on the hill are developed and put into a pipe, the lower springs, being feed by them, will reduce in volume in relationship to the amount of water the upper springs use to feed to them. The lower springs will also increase in volume if the upper springs are again allowed to return to the surface of the ground and allowed to percolate.

I started working for the City of Oakley in 1980. We have just been through the worst drought and the wettest years on record, I have witnessed what the people have told me who installed the original pipes.

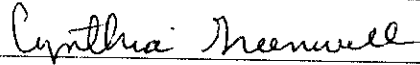
Over the years on the mountain, everyone except Pickett Ranch and Sheep Company has acknowledged the city's right to the water. Each has been sent a bill and everyone has paid the bills as the bills have come due. Pickett Ranch and Sheep Company claims mutual ownership in some of the city's springs. These claims are recorded.

The Village councils of the past had a gentleman's agreement with Picketts not to bill them for the water. The agreement was worked in an agreement in 1982 and filed with in the court house. This could be a debatable issue because Severes deeded to Picketts "any water that did not flow into the pipeline of the Oakley Canal Company." This I believe should have read "of the Village of Oakley", since the city not the canal company had a pipe line. For this reason along with others mentioned in the agreement, the Village Fathers for many years have felt that to have an agreement where both win is much better than to have a battle. The agreement, which is also included, has worked out well for both parties.

DATED this 26 day of February 1993.


DAVID N. BABBITT

SUBSCRIBED AND SWORN to and before me this 26 day of February, 1993.

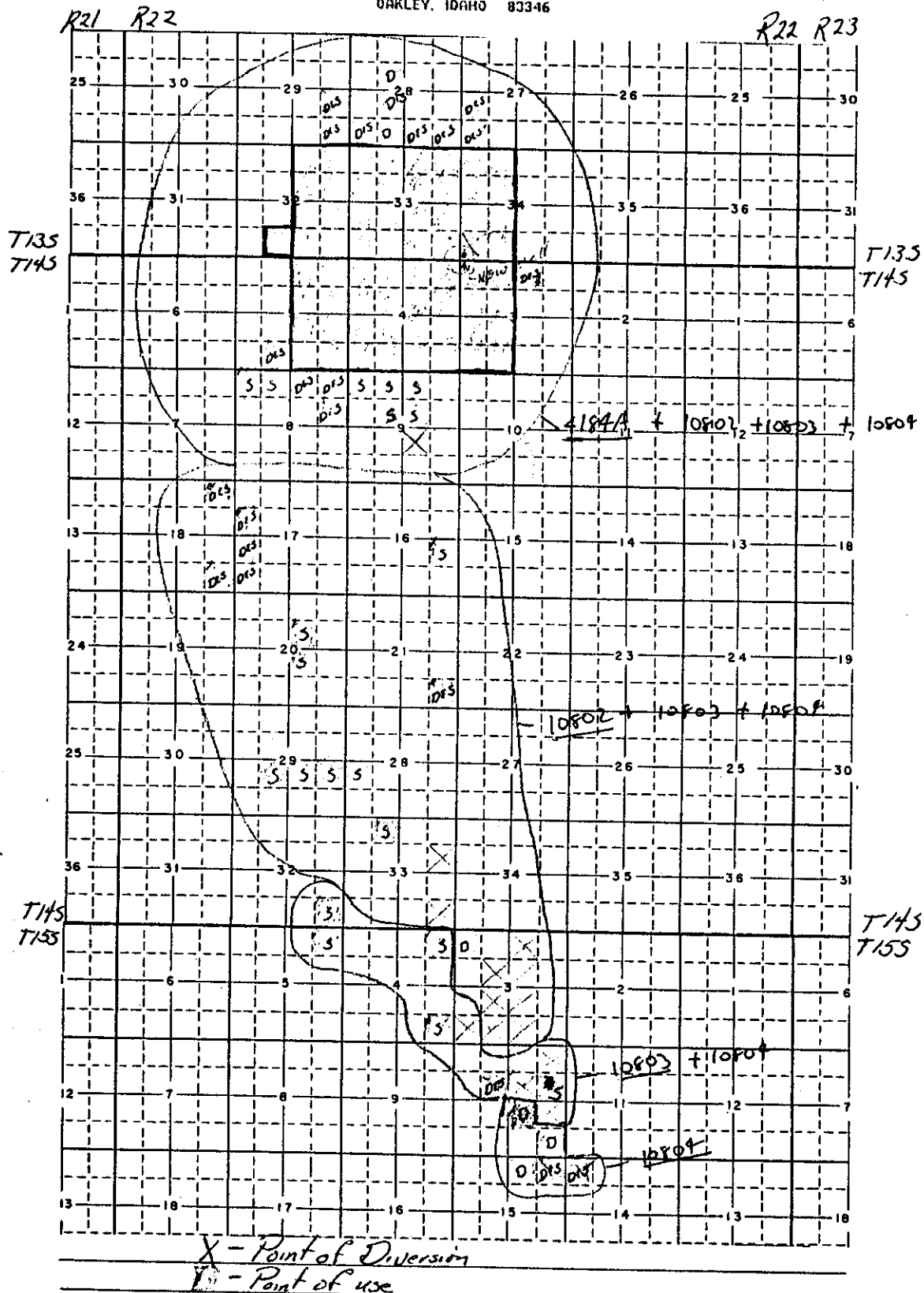

NOTARY PUBLIC FOR IDAHO
Residing at: 1195 Day - Oakley, Idaho
My Commission Expires: Sept. 1, 1998

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OCT 28 1994

CITY OF OAKLEY

POOR ORIGINAL

P.O. BOX 266
OAKLEY, IDAHO 83346



SCALE: 1 INCH = 1 MILE

MICROFILMED

U.S. Government Printing Office: 1970-300-389

OCT 28 1994

TAX DEED

B3TD ED POOR ORIGINAL

A45-10802

170000 CASH

28.16

THIS INSTRUMENT, Made the 9th

Day of March

A. D. 1925

Between Lawrence C. Dunn

County Treasurer and Ex-Officio Tax

Collector of Cassia

County, State of Idaho (hereinafter generally referred to as "Tax Collector"), the party

of the first part, and Cassia

County, State of Idaho, the party of the second part.

WITNESSETH, WHEREAS, The County Treasurer and Ex-Officio Tax Collector of said County, pursuant to law did on or before the first Monday of January, 1925, carry over and assess delinquent taxes and penalties thereon, in the proper columns provided therefor in the real property assessment roll, against the property hereinafter described, which property was entered on the assessment roll and upon which taxes had not been paid; which delinquency entry, under the provisions of Section 2281 of the Compiled Statutes of Idaho operated as a lien upon said property to said tax collector as trustee in trust for the county.

WHEREAS, as shown by said delinquency entry, said property was duly and regularly assessed in the name of Chas. L. Bates for taxes levied for the year 1920, which taxes were and are a lien upon said property and were and are now unpaid and delinquent.

WHEREAS, the amount of the said delinquent taxes, being the sum of all taxes levied for said year which the said County is authorized to collect upon said property, together with penalties and interest, is the sum of \$38.03 DOLLARS.

WHEREAS, the said delinquency entry stated all matters and things required by law to be stated therein, and WHEREAS, the said property was subject to taxes for the said year and was assessed and assessed, as required by law; the taxes so levied on said property were levied and the penalties added according to law; the taxes on any personal property included in said delinquency entry were payable by the owner of the said estate in said delinquency entry and hereinafter described; the said taxes were entered upon the real property assessment roll at the proper time and place and by the proper officer, the delinquency entry was made as prescribed by law, and said taxes have not been paid and the property has not been redeemed therefrom.

WHEREAS, the Tax Collector did heretofore, at the time provided by law, issue a notice, partly written and partly printed, stating when the delinquency entry was made, in which notice the property was assessed, the description of the said property, the amount of taxes and penalties assessed, and that the time of redemption therefrom could expire on the 6th day of JANUARY A. D. 1925, and did serve the same on the person in actual possession and occupancy of such property and also the person in whose name the same appears upon the records in the Recorder's office of said County, by personal service, upon such persons could be found in the State, and where said persons or any of them could not be found, by posting a true copy of said notice upon said land, by publication as required by law, and by mailing to the record owner of said property as required by law; and the said Tax Collector did, at the same time, send a similar notice by registered mail to the following named mortgagees or other holders of recorded liens against said property who had previously filed in his office a written request for such notice, to-wit:

WHEREAS, the said Tax Collector has made an affidavit of service of said notice, as required by law, which was delivered to the County Auditor of Cassia in County, Idaho, and by such officer entered on the records of his office.

WHEREAS, said property has never been redeemed and the time for redemption has expired;

NOW, THEREFORE, the Tax Collector pursuant to law and in consideration of the premises and of the sum of \$38.03 Dollars to him paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold, conveyed and confirmed, and by these presents does grant, bargain, sell, convey and confirm unto the said County of Cassia, State of Idaho, and to its successors and assigns forever, all and singular, the following described property situated in said Cassia County, State of Idaho, to-wit:

\$38.03 \$38.03
 \$38.03 \$38.03
 \$38.03 \$38.03
 \$38.03 \$38.03
 \$38.03 \$38.03

(No-recorded to correct error in date of deed and acknowledgment)

together with all and singular the tenements, hereditaments and appurtenances thereto in anywise appertaining, and the reversion and reversions, residue and remainders, all estate, right, title, interest, paramount and claim, as well in law as in equity, of the said Tax Collector and of the said County of Cassia, in and to the above described property and every part and parcel thereof, except as provided in Section 2280 of the Compiled Statutes of Idaho as amended, reserving therefrom any and all right, title and interest in and to any and all subsequent tax certificates, delinquent taxes, and taxes levied and assessed against said property constituting a lien upon the above described property at the date hereof.

TO HAVE AND TO HOLD, all and singular the above last mentioned and described property, together with the appurtenances thereof, unto the said party of the second part and its successors and assigns forever.

IN WITNESS WHEREOF, Lawrence C. Dunn the duly authorized County Treasurer and Ex-Officio Tax Collector of Cassia County, Idaho, has hereunto set his hand and affixed the seal of his office at Burley, State of Idaho, the day and year first above written.

Lawrence C. Dunn
 County Treasurer and Ex-Officio Tax Collector of
 Cassia County, State of Idaho.

STATE OF IDAHO,

County of Cassia

On this 9th

day of March

A. D. 1925, before me,

B. F. Wilson

a Clerk of the District Court in and for said County of Cassia, in the State of Idaho, personally appeared

Lawrence C. Dunn known to me to be the County Treasurer and Ex-Officio Tax Collector of said Cassia

County, and who executed the within instrument as such and acknowledged to me that he executed the same in such office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

B. F. Wilson, Auditor, Recorder & Clerk
 For CASSIA COUNTY
 By Arthur C. Dunn
 Deputy Auditor, Recorder & Clerk

(CLERK'S SEAL)

STATE OF IDAHO,

County of Cassia

I hereby certify that this instrument was filed for record at the request of

Lawrence C. Dunn

at 81 minutes past 5 o'clock P. M., this

26th day of May

recorded in Book 3 of Tax Deeds at page

148.

1925, in my office, and duly

B. F. Wilson

Ex-Officio Auditor.

Sub.

By

Sign.

MICROFILMED
 OCT 28 1994

11
10-28-22
3-15-22
48.0
B5-JDG
2

PROBATE COMPARED

In the District Court of the Eleventh Judicial District
Of the State of Idaho, in and for Cassia County.

Columbus M. Carpenter.

Plaintiff

vs

Anderson

Emil Berg, Annie Berg, John Anderson, her husband, Moses Balch, Emil Balch, the unknown heirs and or devisees of Emanuel Berg, deceased, the unknown heirs and or devisees of Caroline Berg, deceased, Amanda Berg Keplinger, if living and if dead the unknown heirs and or devisees of Amanda Berg Keplinger, Amanda Berg, if living and if dead the unknown heirs and or devisees of Albertine Berg Balch, deceased, William Stockburger, if living and if dead the unknown heirs and or devisees of William Stockburger, Andy White, if living and if dead the unknown heirs and or devisees of Andy White, Nancy White, if living and if dead the unknown heirs and or devisees of Nancy White, Twanty Nelson, Charlotte Nelson, his wife, E.J. Larson, the unknown heirs and or devisees of Florence Larson, deceased, Louis Solomon, if living and if dead the unknown heirs and or devisees of Louis Solomon, Gertie Solomon, if living and if dead the unknown heirs and or devisees of Gertie Solomon, Chester Rydall, Esther Rydall, his wife, K.I. Perky, J.C. Lewis, if living and if dead the unknown heirs and or devisees of J.C. Lewis, the unknown heirs and or devisees of H.N. Hunter deceased, Forest L. Nickerson, Eabel Nickerson, his wife Leonard Harper, Althera Harper, his wife, Seth F. Harper, Lillian Harper, his wife, L.A. Critchfield and Jane W. Critchfield, his wife, the Utah-Idaho Live Stock Loan Company, a corporation, and all unknown owners and or unknown claimants in and to the parts, pieces or parcels of land and waters and the right to the use of those certain waters all located in the County of Cassia, State of Idaho, and particularly described, as follows:

The Southwest quarter (SW $\frac{1}{4}$); the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and the Southwest quarter of the Northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-eight (28).

Findings of Fact and Conclusions of Law.

POOR ORIGINAL

MICROFILMED
OCT 28 1994

Township Fourteen (14) South, Range Twenty-two (22) East, Boise Meridian, together with any and all water and water rights, thereto belonging or in anywise appertaining, and also all of the flow of the waters of those two certain springs of water, located in the East half (E) of Section Thirty-three (33), Township Fourteen (14) South, Range Twenty-two (22) East, Boise Meridian, which said springs are commonly known as Berg Springs or Carpenter Springs, together with all easements, licenses, privileges, canals, flumes, ditches to and or used in the exercise of said water rights in their application to beneficial use, and also all of the flow of the waters of that certain spring of water located in the East half (E) of Section Three (3), Township Fifteen (15) South, Range Twenty-two (22) East, Boise Meridian, commonly known as Cove Spring or Bates Spring, together with all easements, licenses, privileges, canals, flumes, ditches, and rights-of-way used in connection therewith or appurtenant thereto and used in the exercise of said water rights in their application to beneficial use, together with all and singular the tenements, hereditaments and appurtenances to said lands and water rights belonging or in anywise appertaining, always, however, excepting from said lands a strip of land commencing 701 feet North of said Southwest quarter of the Northwest quarter (SW1/4) of said Section eight (8) and being twenty-five (25) feet wide on each side of the center line of the Birch Creek Feeder of the Oakley Canal and Water Company, and containing 1.76 acres of land more or less.

Defendants.

1.

That plaintiff, is now the owner of and in the possession of the following described real property, consisting of lands and water and water rights, situate in the County of Cassia, State of Idaho, to-wit:

The Southwest quarter (SW1/4), the Northwest quarter of the Northwest quarter (NW1/4) and the Southwest quarter of the Northwest quarter (SW1/4) of Section Twenty-eight (28) Township Fourteen (14) South, Range Twenty-two (22) East, Boise Meridian, together with any and all water and water rights thereto belonging or in anywise appertaining, and also all of the flow of the waters of those two (2) certain springs of (33), Township Fourteen (14) South, Range Twenty-two (22) East, Boise Meridian, which said springs are commonly known as Berg or Carpenter Springs, together with all easements, licenses, privileges, canals, flumes, ditches and rights-of-way in connection therewith or appurtenant thereto and used in the exercise of said water rights in their application to beneficial use; and also all the flow of the waters of that certain spring, located in the East half (E) of Section Three (3), Township Fifteen (15) South, Range Twenty-two (22) East, Boise Meridian, commonly known as Cove or Bates Spring, together with all easements, licenses, privileges, canals, flumes, ditches, and rights-of-way used in connection therewith or appurtenant thereto and used in the exercise of said water rights in their application to beneficial use, and appurtenances belonging to said lands and water rights above described, excepting only therefrom, the following described parcel of said lands, to-wit: A part of the Southwest quarter of the Northwest quarter (SW1/4) of said Section Twenty-eight (28) in said township and range, described, as follows: Being a strip of land twenty-five (25) feet wide on each side of and parallel to the center line of Birch Creek Feeder of the Twin Falls-Oakley Land and Water Company, of the said SW1/4 of said Section 28 and running North eighty-four (84) degrees, fifteen minutes East., 608 feet to the East line of said SW1/4 of said Section 28 and containing one and seventy-six hundredths (1.76) acres of land more or less.

11.

That plaintiff's said ownership of and in and to said lands above described is in fee simple and by himself and his immediate grantors as follows:

111.

That plaintiff's said ownership of said lands in fee simple and plaintiff's actual personal possession of said lands above described and by himself only and solely has been for a period of more than fifteen (15) years last past, and which possession has been open and notorious and against all of the said defendants and against all the world, excepting the portion thereof described, in paragraph VI hereinafter.

POOR COPY

MICROFILMED

OCT 28 1994

IV.

That said Berg or Carpenter Springs having their location, rise and source as aforesaid flow approximately _____ miners inches of water and said Cove or Bates Spring having its location, rise and source as aforesaid flows approximately _____ miners inches of water.

V.

That plaintiff through his immediate grantors and predecessors in interest, has acquired by location, appropriation, prescription, continuous diversion, and continuous application to beneficial use, and by each and every and all of said methods the right to divert from said springs and each and all of said waters and from the source and rise of said springs all of the natural flow of the waters thereof, the flood enters thereof, the winter flow of the waters thereof and the waste thereof for use for irrigation, culinary and domestic purposes and other beneficial uses for a period of more than twenty-one (21) years last past, and plaintiff's personal possession and application to a beneficial use of the said flow of the waters of said springs above described for use for irrigation, culinary and domestic purposes and other beneficial uses in its entirety has been continuous and uninterrupted for a period of more than fifteen (15) years last past.

VI.

That plaintiffs said ownership of said lands described as the South half of the Southwest quarter (34374), the Northeast quarter of the Southwest quarter (34375) and the Southwest quarter of the Southeast quarter (34376) of Section Twenty-eight (28), Township Fourteen (14), South, Range Twenty-two (22), East, Boise Meridian was acquired under the public land laws of the United States, U.S. Patent therefor having issued to plaintiff on the 19th day of April, 1916, and as aforesaid plaintiff has been in the actual possession thereof since long prior to said date and his possession and ownership has continued since said time.

VII.

That plaintiff has paid all taxes assessed on and levied against the said real property described in paragraph 1 of this Complaint, both ordinary and extra ordinary taxes and there are now no unpaid or delinquent taxes standing against the same.

VIII.

That John Anderson, named as one of the defendants herein is deceased, and was at the commencement of this action, and he was not an heir of Emanuel Berg, deceased. That Leonard Harper, one of the defendants above named, who appears herein by disclaimer, is an unmarried man and was such at the commencement of this action, and Althara Harper, named as a Defendant in this action is not an heir of Emanuel Berg, deceased.

IX.

That the claim, or claims of the said defendant, and, or any or all of them, in and to the lands and waters above described or any part, or all thereof, are inferior in right and junior in time to plaintiff's ownership, appropriations, estate and interest therein; and no one of said defendants, or any of them has any estate, right, title or interest whatsoever in and to the above described lands, or any part of parcel thereof, or appurtenances, or the waters of said Springs above described, or right to the use to the flow of the waters of said Springs, or any part thereof, or the appurtenances to the flow of said Springs either easements, licenses, privileges, canals, flumes, ditches or rights-of-way used in connection with or appurtenant to the use of the flow of the waters of said Springs in their application to any beneficial use.

CONCLUSIONS OF LAW.

As conclusions of law from the foregoing facts, the Court now finds the plaintiff is the owner of, and entitled to the possession, as against all of said defendants, and all the world, in and to the real property hereinafter described, consisting of lands and water rights, as follows, to-wit:

The Southwest quarter (374), the Southwest quarter of the Southeast quarter (375), and the Southwest quarter of the Northeast quarter (376) of Section Twenty-eight (28), Township Fourteen (14), South, Range Twenty-two (22), East, Boise Meridian, together with any and all water rights thereunto belonging or in anywise appertaining, and also all of the waters of those two (2) certain springs of water, located in the East half (E) of Section Thirty-three (33), Township Fourteen (14), South, Range Twenty-two (22), East, Boise Meridian, which said springs are commonly known as Berg or Carpenter Springs, together with all easements, licenses, privileges, canals, flumes, ditches and rights-of-way, in connection therewith or appurtenant thereto and used in the exercise of said water rights in their application to beneficial use; and also all the flow of the waters of that certain spring, located in the East half (E) of section Three (3), Township Fifteen (15), South, Range Twenty-two (22), East, Boise Meridian, commonly known as Cove or Bates Spring, together with all easements, licenses, privileges, canals, flumes, ditches, and rights-of-way used in connection therewith or appurtenant thereto and used in the exercise of said water rights in their application to beneficial use. Together with all and singular the tenements, hereditaments and appurtenances belonging to said lands and water rights above described, excepting only therefrom, the following described parcel of said lands, to-wit: A part of the southwest quarter of the Northwest quarter (377) of said Section Twenty-eight (28) in said township and Range, described, as follows, being

POOR ORIGINAL
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a strip of land twenty-five (25) feet wide on each side of and parallel to the center line of Birch Creek Feeder of the Twin Falls-Oakley Land and Water Company, irrigation system, which commences at a point 701 feet North of the said 37 $\frac{1}{2}$ W $\frac{1}{2}$ of said Section 28 and running North eighty-four (84) degrees, fifteen minutes East, and runs to the East line of said 37 $\frac{1}{2}$ W $\frac{1}{2}$ of said Section 28 and containing one and seventy-six-hundredths (1.76) acres of land more or less.

And, that plaintiff is entitled to a decree of this Court in conformity herewith.

T. Bailey Lee

District Judge.

Dated at Chambers, Burley, Idaho, this 27th day of October, 1925.

Filed for record at request of Office at 10:30 A.M., October 28, 1925.

B.F. Wilson, County Recorder.

POOR ORIGINAL

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453

IN THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR CARLETON COUNTY.

Carlson N. Carpenter,

Plaintiff

10-20-25

(2)

J.D.G.

Emil Berg, Annie Berg, Amerson, John Anderson, her husband, Moses Balch, Emil Balch, the unknown heirs and or devisees of Emanuel Berg, deceased, the unknown heirs and or devisees of Carol... Berg, deceased, Amanda Berg Keplinger, if living and if dead the unknown heirs and or devisees of Amanda Berg Keplinger, Amanda Berg, if living and if dead the unknown heirs and or devisees of Albertine Berg, deceased, William Stockburger, if living and if dead the unknown heirs and or devisees of William Stockburger, Andy White, if living and if dead the unknown heirs and or devisees of Andy White, Nancy White, if living and if dead the unknown heirs and or devisees of Nancy White, Swamy Nelson, Charlotte Nelson, his wife, M.J. Larson, the unknown heirs and or devisees of Florence Larson, deceased, Louis Solomon, if living and if dead the unknown heirs and or devisees of Louis Solomon, Gertrude Solomon, if living and if dead the unknown heirs and or devisees of Gertrude Solomon, Chester Rydall, Esther Rydall, his wife, K.I. Perky, W.S. Lewis, if living and if dead the unknown heirs and or devisees of W.S. Lewis, the unknown heirs and or devisees of H.H. Hunter deceased, Forest L. Nickerson, Mabel Nickerson, his wife, Leonard Harper, Althara Harper, his wife, Seth F. Harper, Lillian Harper, his wife, L... Critchfield and Jane W. Critchfield, his wife, the Utah-Idaho Live Stock Loan Company, a corporation, and all unknown owners and or unknown claimants in and to the parts, pieces or parcels of land and waters and the right to the use of those certain waters all located in the County of Cassia, State of Idaho, and particularly described, as follows:

The Southwest quarter (34); the Southwest quarter of the Southeast quarter (37-38); and the Southwest quarter of the Northwest quarter (34-35) of Section Twenty-eight (28) Township Fourteen (14) South, Range Twenty-two (22) East, Boise Meridian, together with any and all water and water rights thereunto belonging or in anywise appertaining, and also all of the flow of the waters of those two certain springs of water located in the East half (E½) of Section Thirty-three (33) Township Fourteen (14) South, Range Twenty-two (22) East, Boise Meridian, which said springs are commonly known as Berg Springs or Carpenter Springs, together with all easements, licenses, privileges, easements, flumes, ditches and rights-of-way in connection therewith or appurtenant thereto and or used in the exercise of said water rights in their application to beneficial use, and also all of the flow of the waters of that certain spring of water located in the East half (E½) of Section Three (3) Township Fifteen (15) South, Range Twenty-two (22) East, Boise Meridian, now only known as Cove Spring or Bates Spring, together

POOR ORIGINAL

MICROFILMED
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with all easements, licenses, privileges, canals, flumes, ditches, and rights-of-way, used in connection therewith or appurtenant thereto and used in the exercise of said water rights in their application to beneficial use. Together with all and singular the tenements, hereditaments, and appurtenances to said lands and water rights belonging or in anywise appertaining, always, however, excepting from said lands a strip of land containing 701 feet North of said Southwest quarter of the Northwest quarter (34-35-36) of said Section Twenty-eight (28), and being twenty-five (25) feet wide on each side of the center line of the Birch Creek Feeder of the Oakley Canal Company water system, constructed by the Twin Falls-Oakley Land and Water Company, and containing 1.76 acres of land more or less.

Defendants.

This cause having come on regularly to be heard on the 27th day of October, 1925, at Chambers, in Burley, County of Cassia, State of Idaho, before Honorable T. Bailey Lee, one of the Judges of the Eleventh Judicial District Court of the State of Idaho, with J. L. Dunn, appearing as counsel for plaintiff and no one appearing for the defendants or any of them, and the Court having made its findings of fact and conclusions of law and ordered a judgment and decree in conformity therewith in favor of the plaintiff and against the defendants and each and every and all of the said defendants, Now, therefore, on motion of J. L. Dunn, counsel for plaintiff,

HEREBY

IT IS NOW ORDERED, ADJUDGED AND DECREED, that the plaintiff have judgment as prayed for in his complaint on file herein, against each and every and all of them; that all adverse claims of the defendants, and each and every and all of them, and all persons claiming by or through the said defendants or any of them and all persons claiming or to claim the said real property consisting of lands and waters and water rights as hereinafter described or any part or parcel or portion thereof either through or by the said defendants or either and without right; and that the plaintiff be and he is hereby declared and adjudged to be the true and lawful owner in fee simple, of the land and water rights described in the complaint herein, and which land and water rights are hereinafter particularly described and that said plaintiff is declared and adjudged to be the lawful owner of each and every part, parcel, and portion and all of said land and water and water rights with the appurtenances, and that his title thereto is hereby adjudged and decreed to be quieted against all claims, demands, or pretensions of the defendants or either or any of them. And all of said defendants and either or any of them and all and every person or persons claiming or to claim the said lands and water rights or any part thereof are hereby perpetually restrained and debarred from setting up any claim or claims thereto or to any part thereof.

Said real estate, consisting of lands and water rights, are all situated in the County of Cassia, State of Idaho, and are particularly described as follows:

The Southwest quarter (36) of the Southwest quarter of the Southeast quarter (34-35-36) of the Southwest quarter of the Northwest quarter (34-35-36) of Section Twenty-eight (28), Township Fourteen (14) South, Range Twenty-two (22) East, Boise Meridian, together with any and all water and water rights thereunto belonging or in anywise appertaining, and also all of the waters of those two (2) certain springs of water located in the East half (24) of Section thirty-three (33) Township Fourteen (14) South, Range Twenty-two (22) East, Boise Meridian, and which said two springs of water are

privileges, canals, flumes, ditches and rights-of-way in connection therewith or appurtenant thereto and used in the exercise of said water rights in their application to beneficial use;

And also all of the flow of the waters of that certain spring located in the East half (24) of Section Three (3) Township Fifteen (15) South, Range Twenty-two (22) East, Boise Meridian, commonly known as Cove or Bates Spring, together with all easements, licenses, privileges, canals, flumes, ditches and rights-of-way used in connection therewith or appurtenant and used in the exercise of said water rights in their application to beneficial use;

Together with all and singular the tenements, hereditaments and appurtenances belonging to said lands and water rights above described, excepting only from said lands, the following described parcel, to-wit:

A part of the Southwest quarter of the Northwest quarter (34-35-36) of said Section Twenty-eight (28) in said Township and Range, and described, as follows:

Being a strip of land twenty-five (25) feet wide on each side of and parallel to the center line of the Birch Creek

POOR MICROFILMED

OCT 28 1994

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Feeder of the Twin Falls Oakley Land and Water Company
Irrigation System and owned by the Oakley Canal Company,
which said strip of land commences at a point seven
hundred one (701) feet North of the said Southwest-quarter
of the Northwest quarter (30-17-74) of said Section (28) and
runs North 64 degrees 15 minutes East to a east line of
said 30-17-74 of said Section 28, containing 1.76 acres of
land.

Dated at Burley, Idaho, this 27th, day of October, 1925.

T. Bailey Lee

District Judge.

Filed for record at request of Office at 10:40 A.M., October 29, 1925.

H.F. Wilson, County Recorder.

POOR ORIGINAL

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OCT 28 1994

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INSTRUMENT NO. 800059

WARRANTY DEED

RECEIVED

03.50 Revenue Stamp Cancelled

THIS INDENTURE, Made this 12th day of November
in the year of our Lord one thousand nine hundred and Twenty-five

between Columbus K. Carpenter, a widower

of The County of Cassia
State of Idaho

Village of Oakley, Cassia County, State of Idaho, a municipal corporation,
of the County of Cassia
State of Idaho

the part y of the first part, and
the part y of the second part.

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of

Thirty-five Hundred and No/100-----DOLLARS,
lawful money

of the United States of America, to him in hand paid by the said part y of

the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant,

confirm, sell, convey and confirm unto the said part y of the second part, and to its Successors
hereby assigns forever, all the following

described real estate, situated in the County of Cassia
State of Idaho, to-wit:

The Southwest Quarter, the Southwest quarter of the Southeast Quarter and the Southwest quarter of the Northwest quarter of section twenty-eight; township fourteen South; Range twenty-two East, Boise Meridian, together with all water and water rights thereunto belonging or in any wise appertaining. Also all the waters of those two certain springs, located in the East half of Section thirty-three; township fourteen South; Range twenty-two East, Boise Meridian, which said springs are commonly known as the Berg or Carpenter springs, together with all easements, licenses, privileges, canals, flumes, ditches and rights-of-way used in connection therewith or appurtenant thereto. Also all the waters of that certain spring, located in the East Half of section three, township fifteen South; Range twenty-two East, Boise Meridian, commonly known as the Cove or Bates Springs, together with all easements, licenses, privileges, canals, flumes, ditches and rights-of-way used in connection therewith or appurtenant thereto. Also all the waters of now flowing from said above mentioned and named springs, and each and all of them, and all water rights to the entire flow of the waters of said springs, and each and all of them;

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the revenues and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the said part y of the second part, and to its Successors forever. And the said part y of the first part, its Successors, heirs, assigns, and assigns, do hereby covenant, warrant and defend, unto the said part y of the second part, its Successors, heirs, assigns, and assigns, against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND, excepting as against

IN WITNESS WHEREOF, The said part y of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Columbus K. Carpenter
SEAL
SEAL
SEAL
SEAL

STATE OF IDAHO,
County of Cassia }
On this 12th day of November

me Ray Agee, Notary Public in the year 1925, before

in and for said COUNTY, personally appeared Columbus K. Carpenter, known to me to be the person - whose name is

subscribed to the within instrument, and acknowledged to me that he executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

My commission expires: Jan., 15, 1929 (N.P. SEAL) Ray Agee
Notary Public Residing at Oakley,
Idaho.

Filed for record at the request of O.G. Larson
at 11:40 o'clock A.M. March, 6th., 1926.

B.F. Wilson County Recorder.

Fee: \$1.20

MICROFILMED
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POOR ORIGINAL

THIS INSTRUMENT, Made this 12th day of November

in the year of our Lord one thousand nine hundred and Twenty-five

between Columbus M. Carpenter, a widower

of The County of Cassia

State of Idaho

the part y of the first part, and

Village of Oakley, Cassia County, State of Idaho, a municipal corporation,

of- of the County of Cassia

State of Idaho

the part y of the second part,

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of

Thirty-five Hundred and No/100-----DOLLARS,

lawful money of the United States of America, to him in hand paid by the said part y of

the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said part of the second part, and to its successors

and assigns forever, all the following described real estate, situated in the

County, of Cassia

State of Idaho, to-wit:

The Southwest Quarter, the Southwest quarter of the Southeast Quarter and the Southwest quarter of the Northwest quarter of section twenty-eight; township fourteen South; Range twenty-two East, Boise Meridian, together with all water and water rights thereunto belonging or in any wise appertaining. Also all the waters of those two certain springs, located in the East half of Section thirty-three; township fourteen South; Range twenty-two East, Boise Meridian, which said springs are commonly known as the Berg or Carpenter springs, together with all easements, licenses, privileges, canals, flumes, ditches and rights-of-way used in connection therewith or appurtenant thereto. Also all the waters of that certain spring, located in the East Half of section three, township fifteen South; Range twenty-two East, Boise Meridian, commonly known as the Cove or Bates Springs, together with all easements, licenses, privileges, canals, flumes, ditches and rights-of-way used in connection therewith or appurtenant thereto. Also all the waters to flow or now flowing from said above mentioned and named springs, and each and all of them, and all water rights to the entire flow of the waters of said springs, and each and all of them;

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part y of the second part, and to its successors here and assigns forever. And the said part y of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, its successors here and assigns, against the said part of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND., excepting as against taxes.

IN WITNESS WHEREOF, The said part y of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Columbus M. Carpenter (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO, ss.
County of Cassia

On this 13th day of November

me Ray Agee

in and for said COUNTY, personally appeared Columbus M. Carpenter

Notary Public

in the year 1925, before

STATE known to me to be the person - whose name is subscribed to the within instrument, and acknowledged to me that he- executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

My commission expires: Jan., 15, 1929 (N.F. SEAL)

Ray Agee
Notary Public Residing at Oakley,
Idaho.

MICROFILMED

OCT 28 1994

Filed for record at the request of C.G. Larson
at 11:40 o'clock A.M., March, 6th., 1926.

B.F. Wilson

County Recorder.

POOR ORIGINAL

tioned, is all land, situate and being in the County of Ouch, State of Idaho, and is particularly described as follows, to wit:

The Southwest quarter, the Southwest quarter of the Southeast quarter and the Southwest quarter of the Northwest quarter of section twenty-eight, township fourteen South; Range twenty-two East, Boise Meridian, together with all water and water rights thereunto belonging or in any wise appertaining.

Also all the waters of those two certain springs, located in the East half of section thirty-three, township fourteen South; Range twenty-two East, Boise Meridian, which said springs are commonly known as the Long or Carpenter Springs, together with all easements, licenses, privileges, canals, flumes, ditches and rights-of-way used in connection therewith, or a purtenant thereto. Also all the waters of that certain spring, located in the East half of section thirty-three, township fourteen South; Range twenty-two East, Boise Meridian, commonly known as the Long or Bates Springs, together with all easements, licenses, privileges, canals, flumes, ditches and rights-of-way used in connection therewith or appurtenant thereto. Also all the waters to flow or now flowing from said above mentioned and named springs, and each and all of them, and all water rights to the entire flow of the waters of said springs, and each and all of them.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

That since the 22nd day of November, 1909, this affiant and the said Alice Carpenter have been the sole owners of and in undisputed possession of all the water rights hereinbefore mentioned; that, during said entire time, the said waters from said springs have all been used on said above-described lands, and that no part thereof has ever, at any time, been used on any other land or lands; that, during said time, no other person or persons have ever, at any time, claimed any right, title or interest in or to said lands or said water rights, or the waters of said springs, or any part or portion thereof.

That since the death of said Alice Carpenter, as aforesaid, all the other heirs of said Alice Carpenter have conveyed all their rights, titles and interests in and to said above described property, and the whole thereof, to this affiant and that this affiant is now the sole and undisputed owner of all said above described property, and each and every part thereof, and each and every parcel thereof, including all said waters and water rights.

That this affidavit is made for the purpose of inducing the Village of Oakley, Cassia County, State of Idaho, to purchase said property and to pay this affiant therefor the sum of thirty-five hundred dollars.

Columbus M. Carpenter

Subscribed and sworn to before me this 13th day of November, 1923.

(M.P. SEAL)

Ray Agos
Notary Public for Idaho, residing at
Oakley, Idaho.

My commission expires: Jan., 15, 1929.

Filed for record request of C.O. Larson at 11:45 A.M., March, 6th., 1926.

Fee: \$1.20

B.F. Wilson County Recorder.

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State of Idaho,
County of Cassia,

3-15-22
3-86-26
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ss.

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Columbus H. Carpenter, being first duly sworn, on his oath deposes and says: That he is a citizen of the United States of America, over and above the age of twenty-one years.

That he is one of the grantees in that certain warranty deed, dated November 22, 1909, filed for record in the office of the County Recorder of Cassia County, State of Idaho, on the 30th day of November, 1909, and recorded in Book Twelve of Deeds at page 381, wherein Swamy Nelson and Charlotte Nelson, E.J. Larson and Florence Larson are the grantors and C.M. Carpenter and Alice Carpenter are grantees; that, through inadvertence and mistake, the name of this affiant was, in said deed, spelled C.M. Carpenter; that this affiant is also known as C.M. Carpenter. That the Alice Carpenter mentioned in said deed was, at the time of said conveyance, the wife of this affiant; that said Alice Carpenter is now dead; that she died, intestate, at Oakley, Idaho, on or about the 30th day of May, 1913; that, on said 22nd day of November, 1909, and at all times thereafter up to the date of the death of said Alice Carpenter, as aforesaid, this affiant and said Alice Carpenter were husband and wife, one of the other; that this affiant has never, at any time, had any wife other than the said Alice Carpenter.

That this affiant, Stella E. Aisen, Lula Alice Henderson and Charles Loren Carpenter are all the heirs of said Alice Carpenter, deceased; that there are no other heirs of said deceased.

That, for more than nine years last past, this affiant and said Alice Carpenter have been the sole owners of and in undisputed possession of all the property hereinafter described; that during said full time, this affiant has paid all the taxes on said property, and each and every part thereof; that, during said full time, no other person, or persons, have ever, at any time, claimed or disputed the ownership or possession of said affiant and said Alice Carpenter to said property, or any part thereof; that the property, hereinafore men-

POOR ORIGINAL

MICROFILMED
OCT 28 1994

WARRANTY DEED

B35NEN

No Revenue Stamps Cancelled

THIS INDENTURE, Made this 11th day of March
in the year of our Lord one thousand nine hundred and twenty-six

between Charles L. Bates and Katherine Bates, his wife,

of the County of Ada

State of Idaho

the parties of the first part, and

A.G. Critchfield

of the County of Cassia

State of Idaho

the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

Fifty and No/100

DOLLARS,

lawful money

of the United States of America, in them in hand paid by the said party

of the second part, the receipt whereof is hereby acknowledged, he ve granted, bargained and sold, and by these presents do - grant,

happen, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following

described real estate, situated in

the

County, of Cassia

State of Idaho, to-wit:

The Southeast quarter of the Northwest quarter, the South half of the Northeast quarter, the East half of the Southwest quarter, the West half of the Southeast quarter, and the Northeast quarter of the Southeast quarter of Section Three, in Township Fifteen South, Range twenty-two East, Boise Meridian.

This conveyance is made subject to all taxes.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the revenues and revenues, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and with WARRANTY and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

G.B. Thomas

Charles L. Bates

Katherine Bates

SEAL

SEAL

SEAL

SEAL

STATE OF IDAHO,

County of Ada,

On this 19th day of March

we G.B. Thomas

in and for witnesses, personally appeared

Charles L. Bates and Katherine Bates

Sts to

admitted to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(N.F. SEAL)

G.B. Thomas

Notary Public Residing at Boise

Idaho.

My commission expires: Feb., 20, 1928.

Filed for record at the request of Arthur G. Critchfield
at 4:35 o'clock P.M., March, 23rd 1926

B.F. Wilson

County Recorder.

Fee: \$1.20

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OCT 28 1994

B38 0

3-25-26

#80424 COMPARED

REDEMPTION DEED

THIS INSTRUMENT, Made this 25th day of March, A.D. 1926, between Lawrence G. Dunn, County Treasurer and ex-Officio Tax Collector of Cassia County, State of Idaho, the party of the first part, and A.C. Grithenfield of Oakley, County of Cassia, State of Idaho, the party of the second part, WITNESSETH:

WHEREAS, The said Cassia County has become the purchaser of the real property herein-after described for delinquent taxes; and

WHEREAS, The time fixed by general law for the redemption of said taxes has expired or a tax deed based upon the said delinquencies has heretofore been issued to the said county and the said county has not disposed of the said real estate; and

WHEREAS, The party of the second part is the owner of the said property, to whom said taxes were assessed, or his successor in interest; and

WHEREAS, The said party of the second part has, pursuant to Section 2 of Chapter 161 of the Session Laws of Idaho, 1923, paid to the County Treasurer of the said county the amount of the original tax or taxes for which said property was sold, less any penalties added at the time of such sale, together with interest thereon at the rate of 7% per annum from the date or dates of delinquency and has also paid the original amount of all unpaid taxes levied or assessed against said property at the time of the right of redemption expired, together with interest thereon at the rate of 7% per annum from the date or dates of such delinquency, and has also paid the taxes for each year since the date the right to redeem expired for which taxes on said land have not been paid, as the same have been extended by the County Assessor, together with interest thereon at the rate of 7% per annum from the dates the said taxes for subsequent years would have become delinquent, as follows:

Amount for which property was sold for taxes of 1920.....	\$ 27.15
Less penalties added at sale Advertising Fees.....	2.00
	\$ 29.15
Interest on last-named amount from January, 1st, 1921.....	9.98
	\$ 39.13

NOW, THEREFORE, The County Treasurer, pursuant to law and in consideration of the premises and of the said sum of \$39.13, paid into the treasury of said county, the receipt whereof is hereby acknowledged, by these presents does quit-claim and convey unto the said party of the second part, his heirs, executors, administrators and assigns forever, all right, title and interest of Cassia County, State of Idaho, in and to the following described property situate in said Cassia County, State of Idaho, to-wit:

South Half Northeast Quarter (S½N½) Sec. 2, Twp. 12 S., R. 24 E., S. 1 E.
Southeast Quarter Northwest Quarter (SE¼NW¼) Sec. 2, Twp. 12 S., R. 24 E., S. 1 E.
East Half Southwest Quarter (E½SW¼) Sec. 2, Twp. 12 S., R. 24 E., S. 1 E.
North Half Southeast Quarter (N½SE¼) Sec. 2, Twp. 12 S., R. 24 E., S. 1 E.
Southwest Quarter Southeast Quarter (SW¼SE¼) Sec. 2, Twp. 12 S., R. 24 E., S. 1 E.

TO HAVE AND TO HOLD All and singular the above last mentioned described property, together with appurtenances thereof unto the said party of the second part, his heirs, executors, administrators and assigns forever.

IN WITNESS WHEREOF, Lawrence G. Dunn, the duly authorized County Treasurer and ex-Officio Tax Collector of Cassia County, Idaho, has hereunto set his hand and affixed the seal of his office at Burley in said County of Cassia State of Idaho, the day and year first above written.

(SEAL)

Lawrence G. Dunn,
County Treasurer and ex-Officio Tax
Collector of Cassia County, State of Idaho.

STATE OF IDAHO,
County of Cassia,

ss:

On this 25th day of March, A.D. 1926, before me, B.F. Wilson, a Clerk of The District Court in and for said County of Cassia, in the State of Idaho, personally appeared Lawrence G. Dunn, known to me to be the County Treasurer and ex-Officio Tax Collector of said Cassia County, and who executed the within instrument as such, and acknowledged to me that he executed the same as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.

(CLERK'S SEAL)

B.F. Wilson,
Clerk of The District Court in and for
Cassia County.

Filed for record at request of A.C. Grithenfield at 9:10 A.M., March, 25th, 1926.

Fee: \$1.40

B.F. Wilson County Recorder.

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COMPARED
100607
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B1 P
THE UNITED STATES OF AMERICA.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING: WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1908, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Charles L. Bates has been established and duly consummated, in conformity to law, for the

Southeast quarter of the northwest quarter, the south half of the northeast quarter, the east half of the southwest quarter, the west half of the southeast quarter, and the northeast quarter of the southeast quarter of Section Three in Township fifteen south of Range twenty-two east of the Boise Meridian, Idaho, containing three hundred twenty acres,

According to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General;

200

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the FIFTH day of JUNE in the year of our Lord one thousand nine hundred and NINETEEN and of the Independence of the United States the one hundred and FORTY-THIRD.

(U.S.G.L.O. SEAL)

By the President:

Woodrow Wilson,

By

K.P. Leedy

Secretary.

RECORDED: Patent Number 652623

L.G.L. Lamar

Recorder of the General Land Office.

Filed for record at request of Arthur C. Critchfield at 4:32 P.M., Mar. 24, 1926.

Fee: \$1.00

B.P. Wilson County Recorder.

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OCT 28 1994

#129737

B8 JDG (C)

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIALowell B. Cummins,
Plaintiff,

CASE #3682

-vs-

FINDINGS OF FACT AND CONCLUSIONS
OF LAW.Village of Oakley,
Defendant.

This cause came regularly in for hearing before the Court on the 11th day of July, 1936, on the amended complaint of the plaintiff, the answer and cross complaint, of the defendant and cross plaintiff and the answer of the cross defendant to the cross complaint of the cross-complainant. The plaintiff appeared in person and by S. K. Jolfe, his attorney, and the defendant appeared by A. T. Lase, its attorney. Thereupon witnesses upon behalf of the plaintiff were sworn, examined and cross examined and documentary evidence introduced and the defendant rested. Witnesses on behalf of the defendant and cross-complainant were sworn, examined and cross examined and documentary evidence introduced and the defendant and cross-complainant rested. The evidence being closed the cause was taken under advisement by the Court, and each of the parties given time in which to prepare and file written briefs.

The Court having duly considered the evidence and being fully advised in the premises, makes and files hereto its findings of Fact and Conclusions of Law, and finds as follows:

FINDINGS OF FACT

1.

That at the time of the institution of this action and for a long time prior the defendant and cross-complainant, the Village of Oakley and now is a municipal corporation, organized and existing under the state laws of Idaho.

2.

That during the year of 1928 the plaintiff, Lowell B. Cummins, filed under and by virtue of the Act of Congress, commonly known as the Stock Raisers' Homestead Act upon the following described real estate in the County of Cassia, State of Idaho, to-wit:

North half of the Northwest quarter (N1/2) of the Southwest quarter of the Northwest quarter (SW1/4) of the Northwest quarter (NW1/4), North half of the Southwest quarter (N1/2) of the Southwest quarter (SW1/4), the Northwest quarter (NW1/4) of the Southwest quarter (SW1/4), the South half of the Southeast quarter (S1/2) of Section 14 and the Northwest quarter and the North half of the Northeast quarter (NE1/4) (N1/2) of Section 34 Township 18 South, Range 22 East Boise Meridian.

That in the year 1930 he constructed upon the said premises of Lunkenshagen trees that grew thereon, a shack approximately 10' x 14' with dirt roof, no floor, in which there has been no window since the year 1931.

3.

That the plaintiff resides at Blackfoot, Idaho and has never established a bona fide residence upon said homestead or expended any money thereon to improve the same excepting the construction of the said shack and the removal of certain brush and trees for roadway thereto, and is not using the same for grazing or pasturing any livestock that are owned by him.

4.

That the defendant and cross-complainant, the Village of Oakley, is the owner in possession and entitled to possession and ever since prior to the first day of April, 1936, its grantors and predecessors in interest have been the owners in possession and entitled to possession of the following described real estate in the County of Cassia, State of Idaho, to-wit:

Southwest quarter of the Northwest quarter (SW1/4), Southwest quarter and the Southwest quarter of the Southeast quarter (SW1/4) (SW1/4) of Section 28, Township 18 South, Range 22, East Boise Meridian.

That the said land is arid in character and without the application of water thereon for the irrigation thereof will not produce beneficial agriculture crops.

5.

That there issues on the Northwest quarter of the Northwest quarter (NW1/4) of Section 14, Township 18 South, Range 22, East Boise Meridian two springs commonly known as Choke Cherry Springs or Choke Cherry Creek. The aggregate flow of the water of said springs is approximately 1/10 cubic feet per second. That the water rising at said springs under their original and natural condition flowed in a well-defined channel across the Northwest quarter of the Northwest quarter (NW1/4) of Section 14, the Northeast quarter of the Northwest quarter (NE1/4) of Section 18 and Section 19, all in Township 18 South, Range 22 East Boise Meridian.

6.

That the grantors and predecessors in interest of the defendant and cross-complainant, the Village of Oakley, by means of a dam placed in the channel of Choke Cherry Creek and a ditch leading therefrom diverted, appropriated and conveyed all of the water of said Choke Cherry Creek or Choke Cherry Springs to and upon the lands of the defendant described in Paragraph 4 hereof for irrigation, stock and domestic purposes and ever since said time the defendant and cross-complainant, its grantors and predecessors in interest have continuously used the said water and the whole

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thereof for irrigation, stock and domestic purposes and the said Village of Oakley is now the owner of the use and the right to the use of all of the water of Choke Cherry Springs or Choke Cherry Creek for domestic, irrigation and fire protection purposes.

7.

That on or about the 10th day of September, 1934, the Village of Oakley in order to better conserve the water of the said springs for domestic and fire protection use within the said Village entered into and upon the Northwest quarter of the Northwest quarter (NW1/4) of Section 14, Township 10 South, Range 22 East, 101st Meridian and constructed a concrete collecting box about 3 feet wide and 5 feet long; and laid pipes from each of the springs into the said collecting box. That from this collecting box it laid a pipe line to the Village of Oakley, a distance of approximately 5 miles. That the said pipe lines were laid in trenches, that the trenches have been refilled with the material taken out of the same and the surface of the ground restored to its natural condition. The collecting box is equipped with a lid and entirely enclosed. The pipe line leading from the collecting box to the Village is laid over a barren, rocky hillside. That no earth or other material has been removed from the said homestead. That the land included in said homestead can only be used for grazing purposes, and the excavations made for said collecting box and the laying of said pipes do not in any manner damage the said land, or interfere with the use of the same for grazing purposes. That in order for the Village of Oakley to use the said water within the said Village for domestic and fire protection it is necessary that the same be piped and the pipe be laid over, upon and across the Northwest quarter of the Northwest quarter (NW1/4) of the said Section 14.

8.

That all of the water from said springs is now being diverted into said pipe line and used by the Village of Oakley for domestic and fire protection purposes within the said Village and the use of the same and the whole thereof is necessary in order to supply sufficient water to meet the domestic requirements of the citizens and residents of the said Village. That if the said Village be deprived of the use of said water it would not have a sufficient supply of water to meet the domestic water requirements of the said Village.

9.

The plaintiff, Lowell S. Cummins, has no right, title, claim or interest of, in or to the water of Choke Cherry Springs or Choke Cherry Creek or any part thereof or any right to the use of the same or any part thereof.

10.

That the plaintiff has never submitted final proof of residence or the expenditure of any money upon the said homestead. That in order to prevent the cancellation of the said homestead entry, he procured an extension of time in which to submit final proof. That under and by virtue of the extension of time he has until the 10th day of January, 1939, in which to submit final proof of compliance with the terms and conditions of said Homestead law.

11.

That the defendant has not acquired an easement by prescription or otherwise over, upon or across the said land for the purpose of laying and maintaining its pipe line and constructing and maintaining its collecting box.

12.

That the plaintiff should have known and is now chargeable with knowledge of the construction of the said collecting box and the laying of the said pipe lines at the time the same were constructed and laid. That it would now be inequitable and unconscionable to enjoin or restrain the said defendant from using or maintaining the said collecting box and pipe lines.

That the plaintiff had a full, speedy and adequate remedy at law to recover any damage or damages which he claims to have sustained by reason of the construction of the collecting box and laying of the pipe lines upon said premises.

CONCLUSIONS OF LAW

As Conclusions of Law from the foregoing Findings of Fact the Court concludes:

1.

That the defendant is the owner of the use and the right to the use of all of the waters of Choke Cherry Springs or Choke Cherry Creek for irrigation and domestic purposes and is entitled to convey the same from said springs to said Village through pipes, and to use the same and the whole thereof in said Village for domestic and fire protection purposes.

2.

That the defendant is entitled to a judgment and decree of this Court quieting its title to all of the water of Choke Cherry Springs or Choke Cherry Creek, and enjoining and restraining the plaintiff from using, diverting or in any other manner interfering with the use of the said water, and from in any manner interfering with, disturbing or molesting the collecting box or pipe lines of the defendant and cross-complainant or any part or parcel thereof.

3.

That the plaintiff has a speedy and adequate remedy at law and is not entitled to a judgment or decree of this Court to quiet his title to the land described in his complaint as against the defendant; and thereby enjoin and restrain the said defendant from maintaining its pipe lines and collecting box upon the said Northwest quarter of the Northwest quarter (NW1/4) of said Section 14 but that the said plaintiff will be

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remitted to an action at law for any damage or injury that he has or may sustain by reason of the said defendant entering into and upon the said premises, laying the said pipes and constructing the collecting box described in the Findings of Fact herein.

4.

That the defendant and cross-complainant is entitled to a judgment and decree of this Court dismissing the amended complaint of the plaintiff and discharging and relieving it therefrom.

5.

That each of the parties hereto shall pay their own costs.

DATED This 17th day of December, 1938.

T. Bailey Lee
District Judge

Filed for record at request of Office at 3:10 P.M., December 17th, 1938.

Foot 2.

George E. Booth, Jr., County Recorder.

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① 14-15-23

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA.

B8 JDG

Lowell J. Cummins, Plaintiff.

-vs-
Village of Oakley, Defendant.

DECEES.

Case # 3582

This cause came regularly on for hearing before the Court on the 11th day of July, 1933 on the amended complaint of the plaintiff, the answer and cross-complaint of the defendant and cross-complaint and the answer of the plaintiff to the cross-complaint of the cross defendant. The Plaintiff appeared in person and by E. K. Toife, his attorney, and the defendant appeared by S. T. Lane, its attorney. Thereupon witnesses on behalf of the plaintiff were sworn, examined and cross-examined and documentary evidence introduced and the plaintiff rested. Witnesses on behalf of the defendant and cross-complainant were sworn, examined and cross-examined and documentary evidence introduced and the defendant rested. The evidence being closed, the cause was taken under advisement by the Court and each party given time in which to file briefs.

The Court having duly considered all of the evidence and being fully advised in the premises and having made and filed herein its findings of fact and conclusions of law and having found and concluded: (1) That the plaintiff has a speedy and adequate remedy at law, and is not entitled to a judgment or decree of this Court quieting his title as against the defendant, and enjoining and restraining the defendant from keeping and maintaining its collecting box and pipe lines upon and across the Northwest quarter of the Northwest quarter (NW1/4) of Section 14, Township 14 South, Range 22 East Boise Meridian and the defendant and cross-complainant is entitled to a judgment and decree of this Court, dismissing the amended complaint of the plaintiff, and quieting its title to the use of all of the waters of Choke Cherry Springs or Choke Cherry Creek and enjoining and restraining the plaintiff and cross defendant from interfering with the use of the said water or the collecting box or pipe lines;

NOW, THEREFORE, by virtue of the law and by reason of the premises aforesaid, it is hereby ordered, adjudged and decreed:

1.

That the plaintiff has a full, complete, speedy and adequate remedy at law, and by reason thereof is not entitled to equitable relief herein. That the amended complaint of this plaintiff be and the same is hereby dismissed and the defendant wholly discharged and relieved therefrom. That the plaintiff be and he is hereby remitted to his action at law for the recovery of any damages that he has or may sustain by reason of the defendant entering into and upon the Northwest quarter of the Northwest quarter (NW1/4) of Section 14, Township 14 South, Range 22 East Boise Meridian and constructing a collecting box thereon, and laying pipes leading from the springs thereon to the collecting box and from the collecting box to the Village of Oakley.

2.

That the defendant and cross-complainant, the Village of Oakley is the owner of the use and right to the use of all of the water of Choke Cherry Springs or Choke Cherry Creek and is entitled to use the same and the whole thereof for stock, irrigation and domestic purposes on the following described real estate in the County of Cassia, State of Idaho, to-wit:

Southwest quarter of the Northwest quarter (SW1/4) Southwest quarter and the Southwest quarter of the Southeast quarter (SE1/4) (SW1/4) of Section 22, Township 14 South, Range 22, East Boise Meridian;

or within the Village of Oakley for domestic, culinary and fire protection purposes, free and clear of any claims, demands, or pretensions of the said plaintiff or any person claiming through or under him, his heirs, executors, administrators and assigns, and its

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OCT 28 1934

right thereto is hereby adjudged, decreed and established. That the said plaintiff, Lowell S. Gunning, his heirs, executors, administrators and assigns, agents, servants, or employees, and all persons acting for him or in aid or assistance of him, be and they are and each of them is hereby perpetually enjoined, restrained and stopped from making, asserting or maintaining any right, title, claim or interest of, in, or to the said water or any part or parcel thereof; or from using, diverting, or attempting to use, divert, pollute the said or any part thereof, or in any other manner interfering with the use of the said water; and from removing, obstructing, diminishing or interfering with the pipe lines leading from the said springs to the collection box, the collection box, and the pipe line leading from said collecting box to the Village of Oakley.

3.

That each of the parties to this action shall pay his and its own costs.

DATED This 17th day of December, 1938.

T. Bailey Lee
District Judge

Filed for record at request of office at Still P.M., December 17th, 1938.

Page 2.

George H. Booth, Jr., County Recorder

POOR ORIGINAL

MICROFILMED
OCT 28 1994

#139969 COMPARE

(\$1.10 revenue stamps attached.)

THIS INDENTURE, Made this 17th day of March, in the year of our Lord one thousand nine hundred and forty-one, between William J. Severe and Lillian Severe, of Oakley, County of Cassia, State of Idaho, the parties of the first part, and by virtue of the laws of the State of Idaho, having its principal office at Oakley, County of Cassia, State of Idaho, the parties of the second part:

Duplicate
see pg. 24

A45-10803

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Seven Hundred & No/100 - - - - - lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all the following described real estate, situated in the County of Cassia, State of Idaho, to-wit:

All of the waters of the following described springs, which said springs are tributary to Wild Cat Creek, to-wit;

- One spring at or near the South quarter corner of Section 3; X
- One spring in the Southeast quarter of the Northwest quarter (SE1/4NW1/4) of Section 10; X
- One spring in the Southwest quarter of the Northeast quarter (SW1/4NE1/4) of Section 10; X
- One spring in the Northeast quarter of the Southeast quarter (NE1/4SE1/4) of Section 10; X
- One spring at or near the East quarter corner of Section 10; X
- One spring near the Section corner common to Sections 10 and 11, 14 and 15; X
- And the water of any and all other springs that rise in said Section 10, all of the above described sections are in Township 15 South, Range 22 East Boise Meridian.

This deed is made subject to all taxes, levies and assessments, taxed, levied and assessed against said property for the year 1941.

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TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in ~~the~~ Presence of

William J. Severe (SEAL)

Lillian Severe (SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

COUNTY OF Cassia

ss.

On this 17th day of March

S. T. Lowe
William J. Severe and Lillian Severe, his wife,
known to me (

to be the person s whose name s are

subscribed to

the within instrument, and acknowledged to me

that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(NOTARIAL SEAL)

S. T. Lowe
Notary Public for the State of Idaho
Residing at _____, Idaho.

MICROFILMED

OCT 28 1994

STATE OF IDAHO, ss.
COUNTY OF CASSIA,

I hereby certify that this instrument was filed for record at the request of S. T. Lowe at 11 minutes past 11 o'clock A.M. this 20th day of September in my office, and duly recorded in Book 46 of Deeds at page 540 . A. D. 1941 .

#159970
THIS INDENTURE, to this 19th day of September, 1941, in the year of our Lord one thousand nine hundred and forty-one, between William J. Severe and Lillian Severe, his wife, of Oakley, County of Cassia, State of Idaho, the parties of the first part, and Eugene Pickett, (whose wife's name is Emma Pickett) of Oakley, County of Cassia, State of Idaho, the party of the second part:

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Seven Hundred & No/100- - - lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in the County of Cassia, State of Idaho, to-wit:

South half of the Northeast quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$);
Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$);
East half of the Southeast quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$);
Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section four (4), Township fifteen (15) South, Range twenty-two (22) East Boise Meridian, (together with one spring in the Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 14, Twp. 15 S.R. 22 E.B.M., and the water from any and all other springs appurtenant to the above described real estate that will not flow by gravity unto the pipe line of the Oakley Canal Company;

EXCEPTING AND RESERVING unto the parties of the first part, all of the waters of the following described springs, which said springs are tributary to Wild Cat Creek, to-wit:
One spring at or near the South quarter corner of Section 3;
One spring in the Southeast quarter of the Northwest quarter of Section 10; one spring in the Southwest quarter of the Northeast quarter of Section 10; One spring in the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ E $\frac{1}{4}$) of Section 10; One spring at or near the East quarter corner of Section 10; One spring near the Section corner common to Sections 10 and 11, 14 and 15; and the water of any and all other springs that rise in said Section 10, all in Township 15 South, Range 22 East, Boise Meridian.

This deed is made subject to all taxes, levies and assessments taxed, levied or assessed against said real estate for the year 1941 and all subsequent years.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in ~~the~~ Presence of

S. T. Lowe.

William J. Severe (SEAL)

Lillian Severe (SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

COUNTY OF Cassia

On this 19th

day of September

, in the year 1941, before me,

S. T. Lowe
William J. Severe and Lillian Severe, his wife

, a Notary Public in and for said State, personally appeared

known to me (

to be the persons whose names are

subscribed to)

the within instrument, and acknowledged to me

that

~~of the corporation that executed~~

they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(NOTARIAL SEAL)

S. T. Lowe

Notary Public for
Residing at Burley, Idaho.

OCT 28 1994

STATE OF IDAHO, }
COUNTY OF CASSIA, } ss.

I hereby certify that this instrument was filed for record at the request of at 12 minutes past 11 o'clock A. M., this 20th day of September, 1941, in my office, and duly recorded in Book 46 of Deeds

S. T. Lowe
day of September
at page 541

, A. D. 1941,

George Booth, Jr.,

Ex-Officio Recorder

Duplicate
See 8927

POOR ORIGINAL

1 Spring to
Pickett
from Severe

#139969 ~~CUM-ARE~~

THIS INDENTURE, Made this 17th day of March (\$1.10 revenue stamps attached.)
 Lord one thousand nine hundred and forty-one, in the year of our
 his wife, between William J. Severe and Lillian Severe,
 of Oakley, County of Cassia, State of Idaho
 the parties of the first part, and Village of Oakley, a municipal corporation, organized and existing
 and by virtue of the laws of the State of Idaho, having its principal office at
 Oakley, County of Cassia, State of Idaho
 the party of the second part:

Duplicate
See pg 17a

445-10804

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
 Seven Hundred & No/100 - - - - -
 lawful money of the United States of America, to them in hand paid by the said party of the second
 part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do of grant, bargain, sell, convey
 and confirm unto the said party of the second part, and to its successors heirs and assigns forever, all the following described real estate,
 situated in the County of Cassia, State of Idaho, to-wit:

All of the waters of the following described springs, which said springs are tributary to Wild Cat Creek, to-wit;

- One spring at or near the South quarter corner of Section 3; X
 - One spring in the Southeast quarter of the Northwest quarter (SE1/4NW1/4) of Section 10; X
 - One spring in the Southwest quarter of the Northeast quarter (SW1/4NE1/4) of Section 10; X
 - One spring in the Northeast quarter of the Southeast quarter (NE1/4SE1/4) of Section 10; X
 - One spring at or near the East quarter corner of Section 10; X
 - One spring near the Section corner common to Sections 10 and 11, 14 and 15; X
- And the water of any and all other springs that rise in said Section 10, all of the above described sections are in Township 15 South, Range 22 East Boise Meridian.

100% ORIGINAL

This deed is made subject to all taxes, levies and assessments, taxed, levied and assessed against said property for the year 1941.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors heirs and assigns forever. And the said parties of the first part and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its successors heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

_____ William J. Severe (SEAL)
 _____ Lillian Severe (SEAL)
 _____ (SEAL)
 _____ (SEAL)

STATE OF IDAHO, } ss.
 COUNTY OF Cassia
 On this 17th day of March, in the year 1941, before me,
 S. T. Lowe, a Notary Public in and for said State, personally appeared
 William J. Severe and Lillian Severe, his wife,
 known to me (

to be the person s whose names are subscribed to)
 that they executed the same. the within instrument, and acknowledged to me

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(NOTARIAL SEAL)

S. T. Lowe
 Notary Public for the State of Idaho,
 Residing at _____, Idaho.

MICROFILMED
OCT 28 1954

STATE OF IDAHO, } ss.
 COUNTY OF CASSIA,
 I hereby certify that this instrument was filed for record at the request of S. T. Lowe
 at 11 minutes past 11 o'clock A.M. this 20th day of September
 in my office, and duly recorded in Book 46 of Deeds at page 540 . A. D. 1941 ,

3-15-22 B9 JDG

23

Duplicate
See pg 23

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA.

WILLIAM J. SEVERE and LILLIAN SEVERE, his wife.

Plaintiffs.

No. 4030

-vs-

George W. Barigar and Annie Barigar, his wife; Frank Chapman, Jr., and Mary Jane Chapman, whose true name is to plaintiffs unknown, his wife; Ira Whiteaker and Mary C. Whiteaker, his wife; Myrus O. Deepain and Jennie Doe Deepain, whose true name is to plaintiffs unknown, his wife; James Haynes and Mary Roe Haynes, whose true name is to plaintiffs unknown, his wife; Louisa M. Nielson, a widow; Barnes Brothers Incorporated, a corporation; and the unknown owners and unknown claimants of S.W. 1/4, 23S24, 2E38E, 2N18N of Sec. 4, Twp. 13 S., R. 22 E., S. 2, in Cassia County, Idaho, together with the waters of Wild Cat Creek and its tributaries.

Defendants.

JUDGMENT AND DECREE.

This cause came regularly on for hearing before Honorable T. Bailey Lee, one of the Judges of the above entitled court, on the 10th day of February, 1921, on the complaint of the plaintiffs filed herein. The plaintiffs appeared by S. T. Lowe and Kales E. Lowe, their attorneys, and the defendants, and each and all of them having failed to appear either in person or by an attorney, and it appearing to the Court that due and legal personal service of summons has been had upon the defendants Louisa M. Nielson, a widow, and Barnes Brothers Incorporated, a corporation, within the State of Idaho; that due and legal constructive service had been had upon each and all of the other defendants named in the complaint of the plaintiffs by publication in the Burley Herald, a weekly newspaper published at Burley in the County of Cassia, State of Idaho, for a full period of four weeks, and that more than twenty-six days intervened between the first and last publication of said summons; that the first publication of said summons was made on the 17th day of December, 1920, and the last publication was made on the 16th day of January, 1921; that the time for appearing and pleading to the complaint of the plaintiffs has expired, and no appearance, answer or demurrer has been made or filed by the said defendants or any or either of them; that the plaintiffs have filed herein their affidavit in conformity with the requirements of the Soldiers' and Sailors' Relief Act of 1940 and an order has been duly made and entered in the above entitled court and cause, ordering that judgment be entered against the said defendants, and each and all of them, by default, without requiring the plaintiffs to file a bond herein. Thereupon witnesses on behalf of the plaintiffs were sworn and examined and documentary evidence introduced and the plaintiff rested; and it appearing to the satisfaction of the Court from the evidence produced;

1.

That William J. Severe and William Severe is one and the same person, that his full, true and correct name is William J. Severe; That at all times mentioned in the complaint of the plaintiff, the plaintiffs William J. Severe and Lillian Severe were, ever since have been and now are husband and wife.

2.

That George W. Barigar and George E. Barigar is one and the same person; that his full, true and correct name is George W. Barigar; that Annie Barigar and Anna Barigar is one and the same person; that her full, true and correct name is Annie Barigar; that at all times mentioned in the complaint of the plaintiff George W. Barigar and Annie Barigar were and now are husband and wife.

That the defendant Frank Chapman, Jr. was a married man; that his wife's name is unknown to the plaintiffs and she is sued herein under the name of Mary Jane Chapman; that the defendants Frank Chapman, Jr. and the person designated herein as Mary Jane Chapman, were and now are husband and wife.

That the defendants Ira Whiteaker and Mary C. Whiteaker were and now are husband and wife.

That the defendant Myrus O. Deepain was a married man; that his wife's true name is unknown to the plaintiffs and she is sued herein under the name of Jennie Doe Deepain; that the defendants Myrus O. Deepain and the person designated herein as Jennie Doe Deepain were and now are husband and wife.

That the defendant James Haynes was a married man; that his wife's true name is unknown to the plaintiffs and she is sued herein under the name of Mary Roe Haynes; that the defendants, James Haynes and the person designated herein as Mary Roe Haynes were and now are husband and wife.

3.

That Barnes Brothers Incorporated was a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and was authorized to do business in the State of Idaho by virtue of having complied with all the provisions of the Constitution and Laws of the State of Idaho, relative to foreign corporations doing business in the State of Idaho; that on the 30th day of November, 1921, the right to do business in the State of Idaho of Barnes Brothers Incorporated was forfeited, and ever since said time it has not been authorized to do business in the State of Idaho.

4.

That Louisa M. Nielson was the sole heir at law of A. F. O. Nielson, and upon the death of A. F. O. Nielson all of his property and property rights descended to and became the property of Louisa M. Nielson.

5.

That the plaintiffs are the owners of the real estate described in the complaint of the plaintiffs, and hereinafter described, together with all of the waters of Wild Cat Creek and all springs that are tributary to or that contribute to the flow of the waters of Wild Cat Creek.

It is ordered that the plaintiffs have judgment as prayed for in their complaint.

POOR ORIGINAL MICROFILMED
OCT 28 1994

WARRANTY DEED

277

(26)

Fifty Cent Revenue Stamp cancelled.

Consideration:\$10.00

THIS INDENTURE, Made this 10th day of June
 in the year of our Lord one thousand nine hundred and Twenty-four
 between Leonora Severe and H.H.Severe,her husband,
 of Burley County of Cassia
 State of Idaho the parties of the first part, and
 William Severe
 of Oakley County of Cassia
 State of Idaho the part y of the second part,

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of
 Ten and oo/100 (\$10.00) DOLLARS,
 lawful money of the United States of America, to them in hand paid by the said part y of
 the second part, the receipt whereof is hereby acknowledged, ha ve granted, bargained and sold, and by these presents do -- grant,
 bargain, sell, convey and confirm unto the said part y of the second part, and to his heirs and assigns forever, all the following
 described real estate, situated in Cassia County,
 State of Idaho, to-wit:

The Southwest quarter of the Northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-eight (28), Township Thirteen (13) South, Range Twenty-two (22) East of Boise Meridian, together with 33 shares of the capital stock of the Oakley Canal Company, representing a water right for said lands; subject to the unpaid lien for water right as evidenced by water contract No.1287 with the Twin Falls Oakley Land & Water Company, which contract was filed for record March 22, 1913, and recorded in the records of Cassia County, State of Idaho in Book 4 of water contracts at page 84.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part y of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part y of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, his heirs and assigns, against the said part ies of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part ha ve hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Leonora Severe (SEAL)
 H.H.Severe (SEAL)
 (SEAL)
 (SEAL)

STATE OF IDAHO, } ss.
 County of Cassia
 On this 10th day of June in the year 1924, before
 me E.M.Wright, a Notary Public
 in and for said County, personally appeared Leonora Severe and H.H.Severe,her husband
 known to me to be the persons whose name s are
 subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(N.P.Seal)

E.M.Wright
 Notary Public.
 My commission expires Jan.1st, 1927.

Filed for record at the request of William Severs
 at 2:02 o'clock P. M., November 27, 1925.
 Fee:\$1.20

B.F.Wilson
 County Recorder.

NOT FOR ORIGINAL

this parcel
 does not have
 wildcat
 springs
 appurtenant
 to it per
 1941 Decree
 VA

MICROFILMED
 OCT 28 1971

#109970 THIS INDENTURE, made this 19th day of September, 1941, between William J. Severe and Lillian Severe, Lord one thousand nine hundred and forty-one, in the year of our his wife, of Oakley, County of Cassia, State of Idaho, the parties of the first part, and Eugene Pickett, (whose wife's name is Emma Pickett) of Oakley, County of Cassia, State of Idaho, the party of the second part:

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Seven Hundred & No/100- - - DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in the County of Cassia, State of Idaho, to-wit:

South half of the Northeast quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$); Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$); East half of the Southeast quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$); Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section four (4), Township fifteen (15) South, Range twenty-two (22) East Boise Meridian, (together with one spring in the Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 14) Twp. 15 S.R. 22 E.B.M., and the water from any and all other springs appurtenant to the above described real estate that will not flow by gravity unto the pipe line of the Oakley Canal Company;

EXCEPTING AND RESERVING unto the parties of the first part, all of the waters of the following described springs, which said springs are tributary to Wild Cat Creek, to-wit; One spring at or near the South quarter corner of Section 3; One spring in the Southeast quarter of the Northwest quarter of Section 10; one spring in the Southwest quarter of the Northeast quarter of Section 10; One spring in the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ E $\frac{1}{4}$) of Section 10; One spring at or near the East quarter corner of Section 10; One spring near the Section corner common to Sections 10 and 11, 14 and 15; and the water of any and all other springs that rise in said Section 10, all in Township 15 South, Range 22 East, Boise Meridian,

This deed is made subject to all taxes, levies and assessments taxed, levied or assessed against said real estate for the year 1941 and all subsequent years.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

S. T. Lowe.

William J. Severe (SEAL)

Lillian Severe (SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

COUNTY OF Cassia

On this 19th

day of September

, in the year 1941, before me,

S. T. Lowe
William J. Severe and Lillian Severe, his wife

, a Notary Public in and for said State, personally appeared

known to me (

to be the persons whose names are

subscribed to)

the within instrument, and acknowledged to me

that

~~not the corporation under seal~~

they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first written.

(NOTARIAL SEAL)

S. T. Lowe

Notary Public for the State of Idaho
Residing at Burley, Idaho.

OCT 28 1941

STATE OF IDAHO,

COUNTY OF CASSIA,

I hereby certify that this instrument was filed for record at the request of at 12 minutes past 11 o'clock A. M., this 20th day of September, 1941, in my office, and duly recorded in Book 46 of Deeds

S. T. Lowe
day of September
at page 541

, A. D. 1941,

George Booth, Jr.,

Ex-Officio Recorder

14-15-22

B9 J D G

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28

117904

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA.

WILLIAM J. SEVERE and WILLIAM SEVERE, his wife.

Plaintiffs.

No. 4030

-vs-

George W. Barigar and Annie Barigar, his wife; Frank Chapman, Jr., and Mary Jane Chapman, whose true name is to plaintiffs unknown, his wife; Ira Whiteaker and Mary C. Whiteaker, his wife; Hyrum O. Despain and Jennie Doe Despain, whose true name is to plaintiffs unknown, his wife; James Haynes and Mary Roe Haynes, whose true name is to plaintiffs unknown, his wife; Louisa M. Nielson, a widow; Barnes Brothers Incorporated, a corporation; and the unknown owners and unknown claimants of S^W 1/4, 23rd N. 22nd E. 15th S., R. 22nd W. 22nd E., in Cassia County, Idaho, together with the waters of Wild Cat Creek and its tributaries.

JUDGMENT AND DECREE.

Defendants.

This cause came regularly on for hearing before Honorable T. Bailey Lee, one of the Judges of the above entitled court, on the 10th day of February, 1941, on the complaint of the plaintiffs filed herein. The plaintiffs appeared by S. T. Low and Kales E. Low, their attorneys, and the defendants, and each and all of them having failed to appear either in person or by an attorney, and it appearing to the Court that due and legal personal service of summons has been had upon the defendants Louisa M. Nielson, a widow, and Barnes Brothers Incorporated, a corporation, within the State of Idaho; that due and legal constructive service had been had upon each and all of the other defendants named in the complaint of the plaintiffs by publication in the Burley Herald, a weekly newspaper published at Burley in the County of Cassia, State of Idaho, for a full period of four weeks, and that more than twenty-six days intervened between the first and last publication of said summons; that the first publication of said summons was made on the 19th day of December, 1940, and the last publication was made on the 16th day of January, 1941; that the time for appearing and pleading to the complaint of the plaintiffs has expired, and no appearance, answer or demurrer has been made or filed by the said defendants or any or either of them; that the plaintiffs have filed herein their affidavit in conformity with the requirements of the Soldiers' and Sailors' Relief Act of 1940 and an order has been duly made and entered in the above entitled court and cause, ordering that judgment be entered against the said defendants, and each and all of them, by default, without requiring the plaintiffs to file a bond herein. Thereupon witnesses on behalf of the plaintiffs were sworn and examined and documentary evidence introduced and the plaintiff rested; and it appearing to the satisfaction of the Court from the evidence produced;

1.

That William J. Severe and William Severe is one and the same person, that his full, true and correct name is William J. Severe; That at all times mentioned in the complaint of the plaintiff, the plaintiffs William J. Severe and William Severe were, ever since have been and now are husband and wife.

2.

That George W. Barigar and George W. Barigar is one and the same person; that his full, true and correct name is George W. Barigar; that Annie Barigar and Anna Barigar is one and the same person; that her full, true and correct name is Annie Barigar; that at all times mentioned in the complaint of the plaintiff George W. Barigar and Annie Barigar were and now are husband and wife.

That the defendant Frank Chapman, Jr. was a married man; that his wife's name is unknown to the plaintiffs and she is sued herein under the name of Mary Jane Chapman; that the defendants Frank Chapman, Jr. and the person designated herein as Mary Jane Chapman, were and now are husband and wife.

That the defendants Ira Whiteaker and Mary C. Whiteaker were and now are husband and wife.

That the defendant Hyrum O. Despain was a married man; that his wife's true name is unknown to the plaintiffs and she is sued herein under the name of Jennie Doe Despain; that the defendants Hyrum O. Despain and the person designated herein as Jennie Doe Despain were and now are husband and wife.

That the defendant James Haynes was a married man; that his wife's true name is unknown to the plaintiffs and she is sued herein under the name of Mary Roe Haynes; that the defendants, James Haynes and the person designated herein as Mary Roe Haynes were and now are husband and wife.

3.

That Barnes Brothers Incorporated was a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and was authorized to do business in the State of Idaho by virtue of having complied with all the provisions of the Constitution and Laws of the State of Idaho, relative to foreign corporations doing business in the State of Idaho; that on the 30th day of November, 1923, the right to do business in the State of Idaho of Barnes Brothers Incorporated was forfeited, and ever since said time it has not been authorized to do business in the State of Idaho.

4.

That Louisa M. Nielson was the sole heir at law of A. V. O. Nielson, and upon the death of A. V. O. Nielson all of his property and property rights descended to and became the property of Louisa M. Nielson.

5.

That the plaintiffs are the owners of the real estate described in the complaint of the plaintiffs, and hereinafter described, together with all of the waters of Wild Cat Creek and all springs that are tributary to or that contribute to the flow of the waters of Wild Cat Creek.

It is ordered that the plaintiffs have judgment as prayed for in their complaint.

Duplicate
see p 9 25

MICROFILMED

FOR ORIGINAL

OCT 28 1954

NOW, THEREFORE, By virtue of the law, and by reason of the premises aforesaid, it is hereby ordered, adjudged and decreed:

1. That William J. Severe and William Severe is one and the same person and that his full, true and correct name is William J. Severe. That at the time of acquiring title to the real estate and water rights hereinafter described, the plaintiffs, William J. Severe and Lillian Severe were, ever since have been and now are husband and wife.

2. That at the time of the institution of this action, the plaintiffs, William J. Severe and Lillian Severe, his wife, were, ever since have been and now are the owners, in possession and entitled to the possession of the real estate, water and water rights, described in the complaint of the plaintiffs and hereinafter described, in fee simple, unconditional; that their right, title, claim and interest of, in and to the said premises, water and water rights, and the whole thereof, as such owners, in fee simple, is hereby found, decreed, declared and established, free and clear of any and all claims, demands or pretensions of the said defendants, and each and all of them, their heirs, executors, administrators, successors and assigns, and the unknown owners and unknown claimants of the real estate and water rights described in the complaint of the plaintiffs and hereinafter described.

3. That the defendants, and each and all of them, their and each of their heirs, executors, administrators, successors and assigns, have no right, title, claim or interest of, in or to the said real estate and water rights, described in the complaint of the plaintiffs, and hereinafter described, or any part or parcel thereof; that the said defendants, and each and all of them, their and each of their heirs, executors, administrators, successors and assigns, and all persons claiming thru or under them, or any or either of them, are hereby perpetually and forever barred, enjoined, restrained and estopped from making, asserting or claiming any right, title, claim or interest of, in or to the real estate and water rights described in the complaint of the plaintiff and hereinafter described, or any part or parcel thereof, and all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

4. That the real estate and water rights described in the complaint of the plaintiffs, and of which the plaintiffs, William J. Severe and Lillian Severe, his wife, are hereby found, adjudged and decreed to be the owners in fee simple, unconditional, free and clear of all incumbrances, is situated in the County of Cassia, State of Idaho, and particularly described as follows, to-wit:

South half of the Northeast quarter (S½NE¼); Southeast quarter of the Northwest quarter (SE¼NW¼); East half of the Southeast quarter (E½SE¼); Southwest quarter of the Southeast quarter (SW¼SE¼) of Section 4, Township 15 South, Range 22 East, Boise Meridian, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and all of the water of Wild Cat Creek, a tributary of Dry Gulch, together with the water of all springs that contribute to Wild Cat Creek.

5. That the springs that are now known to contribute to Wild Cat Creek, which constitute tributaries thereof, and the waters of which are hereby decreed to the plaintiffs are approximately located as follows, to-wit:

- One spring on the South quarter corner of Section 3;
- One spring in the Southeast quarter of the Northwest quarter of Section 10;
- One spring in the Southwest quarter of the Northeast quarter of Section 10;
- One spring on or near the East quarter corner of Section 10;
- One spring in the Northeast quarter of the Southeast quarter of Section 10;
- One spring in the Southeast corner of Section 10;
- One spring in the Northwest quarter of the Northwest quarter of Section 14;

all in Township 15 South, Range 22 East Boise Meridian.

That this decree shall include any and all other spring or springs that contribute to the flow of the water of Wild Cat Creek, and the designation of the location of the certain springs herein shall not be or constitute or be construed to be a limitation as to the number and location of the springs that actually contribute to said stream but the springs designated in this decree are designated for the purpose of finding, adjudging and decreeing that they are tributaries of said Wild Cat Creek.

DATED This 10th day of February, 1941.

T. Bailey Lee
District Judge.

FILED for record at request of OFFICE at 10:10 A. M., February 13, 1941.

For E.

George Smith, Jr., County Recorder.

ALL Section 4

Springs trib to Wildcat Creek are appurtenant only to Section 4

MICROFILMED
OCT 28 1994

AGREEMENT TO ALLOCATE WATER RIGHTS30
COPY
Other copy in C

THIS AGREEMENT, dated as of the 1 day of May, 1989, between PICKETT RANCH & SHEEP COMPANY, a corporation, having its principal office at Oakley, Cassia County, Idaho (hereinafter called the "Company"), and the CITY OF OAKLEY, a subdivision of Cassia County, Idaho, (hereinafter called the "City").

WHEREAS, the parties hereto desire to file their respective claims to water as required by Civil Case Number 39576, Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, commonly known as the Snake River Water Rights Adjudication; and

WHEREAS, the parties hereto have entered into an agreement dated April 7, 1982, duly filed with the Recorder's Office, Cassia County, Idaho, Index # 142541, giving City a pipeline right-of-way across Company's real property located at Section 4, Township 15 South, Range 22 East, Boise Meridian, in exchange for certain rights to the use of a specified amount of water from City's pipeline during the term of the aforesaid Easement, and also acknowledging in Section Twelve thereof that Company may be the rightful owner certain water rights in the City's present system which are superior to those of City's; and

WHEREAS, the Company is the owner of a certain License of Water Right filed with the Idaho Department of Water Resources and recorded under License Number 10324/45-2141, bearing a priority

MICROFILMED

POOR ORIGINAL OCT 28 1984

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date of June 22, 1914 for the appropriation of 0.24 cfs between April 1 and November 1, said water to be diverted at any one time within the Southwest Quarter of the Northwest Quarter of Section 3, Township 15 South, Range 22 East, Boise Meridian; and

WHEREAS, a certain deed dated November 12, 1925, on file with the Recorder's Office, Cassia County, Idaho, located in Book 35 of Deeds, Page 348, Index #80059, conveys to City "....all the waters of that certain spring, located in the East Half of section three, township fifteen South; Range twenty-two East, Boise Meridian, commonly known as the Cove or Bates Springs, together with all easements, licenses, privileges, canals, flumes, ditches and rights-of-way used in connection therewith or appurtenant thereto."; and

WHEREAS, it is believed by the parties hereto that either all or part of the water source for Company's License Number 10324/45-2141 originates from the same spring or springs as conveyed or intended to be conveyed to City in the aforementioned deed (Index #80059), it also being believed by the parties hereto that some of the water presently diverted by the City is located in the West Half of Section 3 rather than in the said East Half; and

WHEREAS, there is no clear indication that Company at any time ever abandoned or intended to abandon, forfeited or intended to forfeit, its licensed right to 0.24 cfs of water by virtue of City's use of water from the said spring sources in Section 3 at

MICROFILMED
OCT 28 1994

(32)

some point in time subsequent to June 22, 1914; and

WHEREAS, Company is presently unable to divert water from its aforementioned point of diversion sufficient to satisfy its licensed right as a result of City's having appropriated the same for its own use and for the use of Company as evidenced by the parties' aforementioned agreement dated April 7, 1982; and

WHEREAS, City is the owner of a certain License of Water Right filed with the Idaho Department of Water Resources and recorded as License Number 45-4184, bearing a priority date of 1930 (no month and day recorded) for the appropriation of the entire flow of thirty springs and a well to be diverted from a number of locations including but not limited to sources within Sections 3, 10 and 14, Township 15 South, Range 22 East; and

WHEREAS, the history of the settlement of the Oakley valley indicates that water from all springs in Sections 3, 10, and 14 of Township 15 South, Range 22 East, Boise Meridian, were used on an annual basis for the watering of domestic livestock long before City's priority date of 1930, and that Company's earliest acquisition of range and accompanying water rights apparently came from certain leases acquired from George Day in 1933 or 1934; and

WHEREAS, a certain deed dated September 19, 1941, on file with the Recorder's Office, Cassia County, Idaho, located in Book 46 of Deeds, page 541, Index #139970, conveys to Company "....one spring in the Northwest quarter of the Northwest quarter

MICROFILMED
OCT 28 1994

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(NW1/4NW1/4) of Section 14, Twp. 15 S.R. 22 E.B.M., and the water from any and all other springs appurtenant to the above described real estate that will not flow by gravity unto the pipe line of the Oakley Canal Company;"

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises and covenants, it is mutually agreed that Company shall allow City to claim an uncontested right to 0.18 cfs of Company's aforementioned License #10324/45-2141, and City shall allow Company to claim an uncontested right to 0.06 cfs of water from City's water system, subject to the following terms and conditions:

1. That this agreement shall otherwise be deemed approvable by the Idaho Department of Water Resources and the District Court of the Fifth Judicial District of the State of Idaho, as well as any other courts to which the respective water claims of the parties may be appealed; and
2. That this agreement shall be interpreted so far as possible so as not to conflict with any terms and conditions of the parties' aforementioned agreement dated April 7, 1982; and
3. That neither City nor Company shall at any time in the future claim that the other has abandoned or forfeited any right or rights to any water from any source within the contemplation of this agreement, including but not limited to the Company's inability to show that it is appropriating specific molecules of

MICROFILMED
OCT 28 1994

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water from its licensed right in Section 3 either as a result of City's piping of such water to a point below Company's established place of use or as a result of Company's failure to divert such water from its established point of diversion as specified by its aforementioned License #10324/45-2141.

4. That the term of this agreement shall be the same as that term specified in the parties' aforementioned agreement dated April 7, 1982, such term to be so long as City's pipeline and appurtenances constructed pursuant to that easement agreement shall be maintained and operated by City.

5. That the parties mutually promise and agree that at the termination of this agreement, City will immediately execute a Quitclaim deed to Company conveying to Company without any reservations, reversions or restrictions, its aforementioned 0.06 cfs right to water, and Company will immediately execute a Quitclaim deed to City conveying to City without any reservations, reversions or restrictions, its aforementioned 0.18 cfs right to water, all from those springs located in Section 3.

6. That the parties mutually promise and agree that despite the aforementioned long and continued diversion of water for the watering of domestic livestock from said springs in Sections 10 and 14 pre-dating City's priority date of 1930 and also despite Company's aforementioned deed (Index #139970) for a right to certain water in the Northwest Quarter of the Northwest Quarter

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of Section 14, Township 15 South, Range 22 East, Boise Meridian (commonly known as Choke Cherry Spring), Company shall not contest City's proclaimed superior right to any water in said Sections 10 or 14; provided that, if the purpose of this agreement should become frustrated or rendered impossible to perform for any reason whatsoever, the parties mutually agree and promise that either party may demand upon the other an exchange of quitclaim deeds allowing Company a vested water right for 0.06 cfs in the said Choke Cherry Spring (or, if the parties mutually agree, in Wildcat Spring located in Section 10) in exchange for Company's quitclaim deed to City conveying its said 0.06 cfs water right in Section 3.

7. That it is mutually understood that this agreement is the compromise of water claims bearing uncertain backgrounds and circumstances relating to their present and respective validities and priorities, and that the execution of this agreement is not to be construed as an admission of any fact or circumstance by any person or organization not a party to this agreement in any court of law or in any agency of the State of Idaho or United States.

8. That the terms of this agreement are intended by the parties to be contractual and not mere recitals. With the exception of the aforementioned agreement between the parties dated April 7, 1982, this agreement for the allocation of water rights contains the entire agreement between the parties, and no promise, inducement, or agreement not herein expressed has been made to the

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undersigned.

IN WITNESS WHEREOF, the parties hereto have executed this agreement at Oakley, Idaho, the day and year first herein written.

COMPANY

PICKETT RANCH & SHEEP COMPANY

By Ennis Pickett
Ennis Pickett, President

Attest Steph Pickett
Secretary

CITY

CITY OF OAKLEY

By George Trombley
George Trombley, Mayor

Attest Dorothy Robinson
Secretary

37)

STATE OF IDAHO)
) ss.
County of Cassia)

On this 1 day of May, 1989, before me, the undersigned, a notary public in and for said state, personally appeared ENNIS PICKETT and FLOYD J. PICKETT, known to me to be the President and Secretary of PICKETT RANCH & SHEEP COMPANY, and who subscribed the name of said Pickett Ranch & Sheep Company to the foregoing instrument and acknowledged to me that they executed the same in the name of Pickett Ranch & Sheep Company.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first herein written.

(SEAL)

Maurice A. Smith
Notary Public for Idaho
Residing at: Oakley, ID.
My Commission Expires: 12-10-94

STATE OF IDAHO)
) ss.
County of Cassia)

On this 3 day of May, 1989, before me, the undersigned, a notary public in and for said state, personally appeared GEORGE TROMBLEY and DOROTHY ROBINSON, known to me to be the Mayor and Secretary of the Oakley City Council, State of Idaho, and who subscribed the name of the said City of Oakley, State of Idaho, to the foregoing instrument and acknowledged to me that they executed the same in the name of the City of Oakley.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first herein written.

(SEAL)

Robert W. Fehlman
Notary Public for Idaho
Residing at: Oakley, Id
My Commission Expires: 8-15-91

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