

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 45-10804
Date Received: 5/24/1989
Receipt No: M003691
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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: 03/17/1925

3. Source: SPRING , SPRING , SPRING , SPRING , SPRING , GROUND WATER , SPRING ,
SPRING , SPRING , SPRING , SPRING , SPRING , SPRING , SPRING , SPRING ,
SPRING , SPRING , SPRING , SPRING , SPRING , SPRING , GROUND WATER Trib. to: SINKS
, 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
15S	22E	15	NE	NE		CASSIA	
14S	22E	33	SE	NE		CASSIA	
15S	22E	3	NW	NE		CASSIA	
15S	22E	3	SW	NE		CASSIA	
15S	22E	10	SW	NE		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	9	SE	NE	NE	CASSIA	I
14S	22E	33	SE	SE		CASSIA	
15S	22E	3	SE	NW		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	10	NE	NE	CASSIA	
15S	22E	10	SE	NE	CASSIA	
15S	22E	10	SE	NW	CASSIA	
15S	22E	10	NE	SE	CASSIA	
15S	22E	14	NW	NW	CASSIA	
15S	22E	3	NE	SW	CASSIA	
15S	22E	3	SE	SW	NW	CASSIA I
14S	22E	9	SE	NW	SE	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	0.44	

7. Total Quantity Appropriated is:
0.44 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

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

SOURCE

SPRINGS
GROUNDWATER

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:

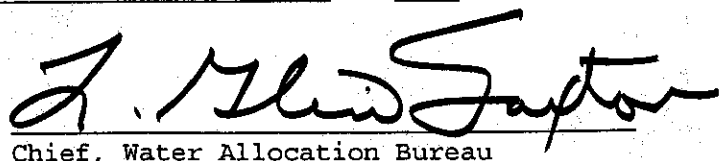
Injection	NESE , Sec. 10, Township 15S, Range 22E ✓
Injection	NWNW , Sec. 14, Township 15S, Range 22E ✓
Rediversion	NENE , Sec. 15, Township 15S, Range 22E ✓
Rediversion	SESWNW , Sec. 3, Township 15S, Range 22E ✓
	SENE , Sec. 9, Township 15S, Range 22E ✓
	NESENE , Sec. 33, Township 14S, Range 22E ✓
	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: **A45-10804**
Date Received: 5/24/1989
Receipt No: M003691
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AMENDED

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: APR 1, 1895

3. Source: SPRINGS Trib. to: SINKS
GROUNDWATER

4. Point of Diversion:

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

5. Description of diverting works:
GRAVITY PIPELINES FROM 8 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	0.440		
STOCKWATER	01/01	12/31	0.440		
DOMESTIC	01/01	12/31	0.250		

7. Total Quantity Appropriated is:
0.440 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/30 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	
		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	
			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
13S	22E	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	
		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	
		6	SE		SE		MUNI	
			NE		NE		STOCK	
			NW		NE		STOCK	
			NE		NW		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14S	22E	6	NW		NW		STOCK	
			NE		NE		STOCK	
		8	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	
			NE		SE		STOCK	
			SW		NW		STOCK	
			SW		NW		DOMEST	
		16	NW		SW		STOCK	
			NW		SW		DOMEST	
			SW		SW		STOCK	
			SW		SW		DOMEST	
			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	
			SE		SE		STOCK	
15S	22E	32	SE		SE		STOCK	
		33	NE		SW		STOCK	
		3	NW		NW	4	DOMEST	
			NE		NE	1	STOCK	
		5	SE		SE		STOCK	
			NE		NE	1	STOCK	
		10	SE		NE		STOCK	
			SE		NW		STOCK	
			SE		NW		DOMEST	
			NW		SE		DOMEST	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	22E	10	SE		SE		DOMEST	
		14	NW		NW		STOCK	
			NW		NW		DOMEST	
		15	NE		NE		STOCK	
			NE		NE		DOMEST	
			NW		NE		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, A45-10802, A45-10803

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 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.

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.

Daniel N. Ballard
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 3-11-04

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OAKLEY ID 83346

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GROUNDWATER

4. Point of Diversion:

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

5. Description of diverting works:
GRAVITY PIPELINES FROM 8 SPRINGS AND SPRINGBOXES, 1 WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
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7. Total Quantity Appropriated is:
0.440 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/30 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	
		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	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		34	NE		NW		MUNI	

MICROFILMED
OCT 28 1994

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	22E	34	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	
		6	NE		NE		STOCK	
			NW		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
		8	NE		NE		STOCK	

MICROFILMED
OCT 28 1994

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres		
14S	22E	8	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		
				SW		NW		STOCK		
		17		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		STOCK			
			SE		SE		DOMEST			
		28	NW		SW		STOCK			
		29	NE		SW		STOCK			
			NE		SE		STOCK			
			NW		SE		STOCK			
			SE		SE		STOCK			
		32	SE		SE		STOCK			
		33	NE		SW		STOCK			
		15S	22E	3	NW		NW	4	DOMEST	
					NE		NE	1	STOCK	
				4	SE		SE		STOCK	
NE					NE	1	STOCK			
5	SE				NE		STOCK			
	SE				NE		STOCK			
10	SE				NW		STOCK			
	SE				NW		DOMEST			
	SE				SE		DOMEST			
	NW				SE		DOMEST			

MICROFILMED
OCT 28 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	22E	10	SE	SE		DOMEST	
		14	NW	NW		STOCK	
			NW	NW		DOMEST	
		15	NE	NE		STOCK	
			NE	NE		DOMEST	
			NW	NE		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, A45-10802, A45-10803

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 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.

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: _____

MICROFILMED

OCT 28 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3819

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 _____

2. Describe the reason for the proposed change: CLAIM:
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
A45-10802	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
AND Groundwater

4. Point(s) of Diversion:

[illegible]

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.

historical use rate.

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. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED

MAR 10 1993

CONDITIONS OF APPROVAL

Transfer of Water Right Nos. A45-10802/10803/10804

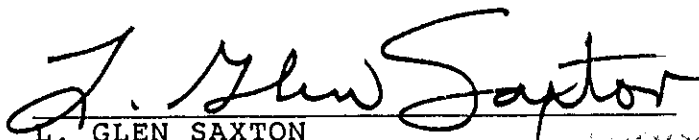
on

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 RESOURCESA45-10802
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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. 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 _____

9. Describe any other water rights used for the same purpose as described above A45-04184A isconnected 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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

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

3. 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

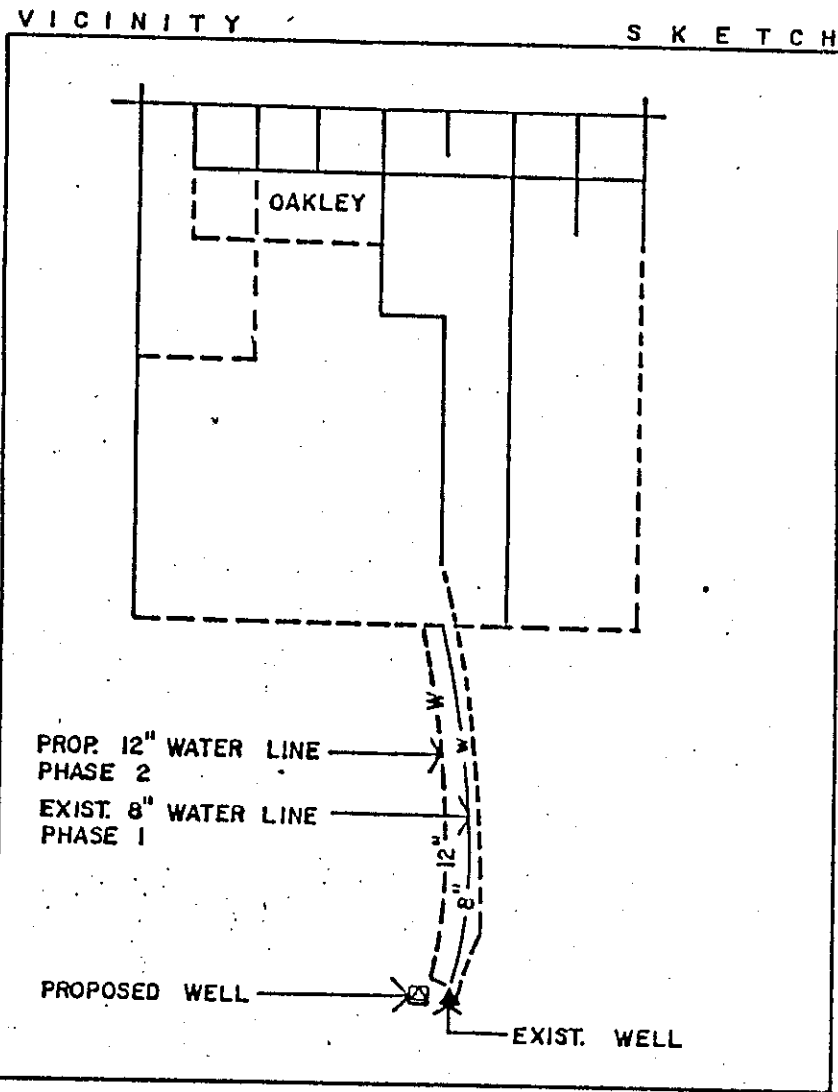
MAR 10 1993

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.

MICROFILMED
MAR 1 1993



RECEIVED

FEB - 4 1991

MICROFILMED

MAR 10 1993

Department of Water Resources
Southern Region Office

A45-10802, 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.

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

George F. Tremblay
(Signature of Applicant)

Kearthy Robinson
(Notary Public)

My commission expires May 9 - 1992

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 1 attachments

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

Prelim. check by _____ Fee 50.00

Receipted by SLH 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 SLH 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

AAS-10804
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

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: A45-10804
Date Received: 5/24/1989
Receipt No: M003691
Received By: _____

RECEIVED

JAN 23 1991

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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

208-862-3313

83346

2. Date of Priority: MAR 17, 1925

3. Source: SPRINGS

Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:
GRAVITY PIPELINES FROM 8 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	0.440		
STOCKWATER	01/01	12/31	0.440		
DOMESTIC	01/01	12/31	0.250		

7. Total Quantity Appropriated is:
0.440 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/30 HOMES; STOCKWATER/4000 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13S	22E	27	NW	SW		STOCK	

A45-10804

Page 1

Date: 11/29/90

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MAR 1 1993

10. Place of Use: Continued

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

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	22E	34	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	
		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	
		9	NW		NE		STOCK	
			SW		NE		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres		
14S	22E	9	NE		NW		STOCK			
			NW		NW		STOCK			
			SE		NW		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		STOCK	
					SE		SE		DOMEST	
				28	NW		SW		STOCK	
				29	NE		SW		STOCK	
					NE		SE		STOCK	
					NW		SE		STOCK	
				32	SE		SE		STOCK	
				33	NE		SW		STOCK	
		15S	22E	3	NW		NW	4	DOMEST	
				4	NE		NE	1	STOCK	
					SE		SE		STOCK	
				5	NE		NE	1	STOCK	
				10	SE		NE		STOCK	
					SE		NW		STOCK	
					SE		NW		DOMEST	
					NW		SE		DOMEST	
					SE		SE		DOMEST	
14	NW				NW		STOCK			
	NW				NW		DOMEST			
15	NE				NE		STOCK			
	NE				NE		DOMEST			
	NW				NE		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, A45-10802, A45-10803

14. Remarks:

THIS CLAIM IS FOR A PORTION OF THE SPRING WATER WHICH SERVICES

14. Remarks: Continued

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.

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

George F. Trombly
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

Seal

Verathy Robinson
Notary Public

Residing at Cable

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: A45-10804
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 17, 1925

3. Source: SPRING

Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:
GRAVITY PIPELINES FROM 8 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	0.440		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15S	22E	14	NE	NE		COWHER	

11. Place of use in counties: CASSIA

A45-10804

MICROFILMED
MAR 10 1993

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

13. Other Water Rights Used:

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

14. Remarks:

P/U = CITY OF OAKLEY THIS CLAIM IS BASED ON BENEFICIAL USE RIGHT S ON SPRINGS ORIGINALLY CLAIMED IN LICENSE #45-04184 AND IS NOT AN EXPANSION OF THAT LICENSE. THIS CLAIM AND A45-02141 HAVE CONBI NED WATER SOURCES AN DELIVERY SYSTEMS AS AGREED UPON BY THE PICKETT RANCH AND SHEEP CO. INC. AND THE CITY OF OAKLEY WHICH IS IN THE CASSIA COUNTY RECORDERS OFFICE. THIS WATER IS COMBINED AND USED AT THE POINTS OF DIVERSION AND PLACES OF USE AS DESCRIBED IN THE AFOREMENTION WATER RIGHTS. PLACES OF USE, WITH THE EXCEPTION OF THE CITY SHOP, YARD, HALL AN D PARK, ARE OWNED BY CITIZENS OF THE MUNICIPALITY.

15. Basis of Claim: BENEFICIAL USE

A45-10804

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): City of Oakley Date: _____
by David Balliett Date: 9/19/89

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of Sept. 19 89
Robert W. Fehlemon
Notary Public

Seal

Residing at Oakley, ID
My Commission Expires 8-15-91

A45-10804

MICROFILMED

MAR 10 1993

CLAIMANT'S NAME: City of OakleyDATE: 6/23/89EMPLOYEE: Bruce A. Schmitt

RE:

I n the beginning of the interview with the City's representative David R. Babbitt it was indicated that a licence #45-04184 needed to be split to reflect four different delivery systems and places of use. A therefore the splits A45-04184A, A45-04184B, A45-04184C & A45-04184D were created. During the ~~middle~~ later portion of the interview, additional points of diversion (springs) were discussed and evidenced by an agreement with the Pickett Ranch and Sheep 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 in "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

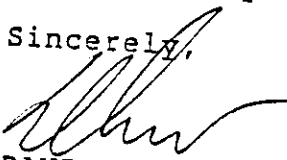
Gentlemen:

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

10802

10803

04184

04184C

04184D

MICROFILMED

MAR 10 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. Eos. Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

AUGUST 16, 1989

CITY OF OAKLEY
ATTN: DAVID N. BABBITT
CITY HALL
OAKLEY, ID 83346

A45-10804

DEAR MR. BABBITT,

PLEASE FIND ENCLOSED TWO COPIES OF YOUR ADJUDICATION CLAIM A45-10804. ONE COPY IS FOR YOUR RECORDS THE OTHER NEEDS TO BE SIGNED, NOTARIZED, AND RETURNED TO OUR OFFICE IN TWIN FALLS.

THIS CLAIM WAS APPARENTLY MISSED DURING YOUR MEETING WITH BRUCE SCHULD IN MAY.

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT OUR OFFICE IN TWIN FALLS.

SINCERELY,


STEVE CLELLAND
WATER RESOURCE AGENT

ENC:

MICROFILMED

MAR 10 1993

4/5/91

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?

Thx
MB

Tr240 # 3819

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: A45-04184D
Date Received: 5/24/1989
Receipt No: M003691
Received By: BA5

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 17, 1925

3. Source: SPRING

Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:
GRAVITY PIPELINES FROM 8 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	0.440		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15S	22E	14	NE	NE		COMMER	

11. Place of use in counties: CASSIA

A45-04184D

Page

MICROFILMED

MAR 08 1993

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

13. Other Water Rights Used:

A45-04184A, A45-04184B, A45-04184C

14. Remarks:

P/U = CITY OF OAKLEY THIS CLAIM IS BASED ON BENEFICIAL USE RIGHTS ON SPRINGS ORIGINALLY CLAIMED IN LICENSE #45-04184 AND IS NOT AN EXPANSION OF THAT LICENSE. THIS CLAIM AND A45-02141 HAVE COMBINED WATER SOURCES AND DELIVERY SYSTEMS AS AGREED UPON BY THE PICKETT RANCH AND SHEEP CO. INC. AND THE CITY OF OAKLEY WHICH IS IN THE CASSIA COUNTY RECORDERS OFFICE. THIS WATER IS COMBINED AND USED AT THE POINTS OF DIVERSION AND PLACES OF USE AS DESCRIBED IN THE AFOREMENTIONED WATER RIGHTS. PLACES OF USE, WITH THE EXCEPTION OF THE CITY SHOP, YARD, HALL AND PARK, ARE OWNED BY CITIZENS OF THE MUNICIPALITY.

15. Basis of Claim: BENEFICIAL USE

A45-04184D

Page

MICROFILMED

MAR 08 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 X Jorman of
X City of Oakley Title
Organization, that I have signed the foregoing
document in the space below as X Jorman of
X City of Oakley Title
Organization and that the statements contained in the
foregoing document are true and correct.

X David M. Bullett
Signature of Authorized Agent

X 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. Schult
Notary Public

Residing at BRUCE A. SCHULT, NOTARY PUBLIC

My Commission Expires RECIDING AT TOSHE, IDAHO
MY COMMISSION EXPIRES APRIL 11, 1991

A45-04184D

Page

MICROFILMED

MAR 08 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 29, 1989

RECEIVED

JUL 17 1989

Department of Water Resources
Southern Region Office

Mr. David N. Babbitt
City Engineer/Formal
City Hall
Oakley, Idaho 83346

RE: Snake River Basin Adjudication
A45-04184, A45-10804, A45-10803, A45-10802
Cassia County

Dear Mr. Babbitt:

During your claims work at our Mobile Adjudications Unit in Burley the City of Oakley's claims were inadvertently assigned improper water rights numbers. The files have been updated and we have attached copies of the City of Oakley's claims for your files. Please remove and destroy your copies with the old numbers as these may cause you some confusion in the future.

Do not hesitate to contact this office if you have any questions or concerns.

Yours Truly,

Donald V. Shaff
Manager, Adjudication Section

DVS:BAS:mcc:south
Enclosures:

Claims #A45-04184A/#A45-10802/#A45-10803/#A45-10804

MICROFILMED

MAR 08 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

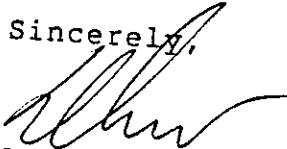
Gentlemen:

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

10802

10803

10804

04184

04184C

MICROFILMED

MAR 18 1993

04/29/2004

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

RIGHT NUMBER: 45-10804

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

SOURCE: GROUND WATER
SPRING

TRIBUTARY:
TRIBUTARY: SINKS

QUANTITY: 0.440 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: 04/01/1895

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
0.440 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 transfer 5592 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under approved transfer 5592, 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.

04/29/2004

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

RIGHT NUMBER: 45-10804

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

SOURCE: GROUND WATER
SPRING

TRIBUTARY:
TRIBUTARY: SINKS

QUANTITY: 0.440 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: 04/01/1895

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
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T15S R22E S3 SENW Within CASSIA County
T15S R22E S3 NESW Within CASSIA County
T15S R22E S3 SWSW Within CASSIA County
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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
0.440 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 transfer 5592 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under approved transfer 5592, 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

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.

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. claimant is going
to present the possibility of a transfer
to the city & other entities
prior to acting on this as la
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

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.

DEC 03 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin 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

DEC 03 1996

Page 2
10/18/94
Letter to City of Oakley

Code.

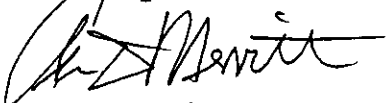
In review of your proposal to change the way you divert and use the springs it appears to me that you need to file with the department an application for either a transfer or permit which is consistent with the previously described statutes of the Idaho Code. Since I cannot give you legal advice I leave 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

DEC 03 1996

CITY OF OAKLEY

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

5 0 1 1 1

October 12, 1994

State of Idaho
Dept. of Water Resources
202 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.

DEC 03 1996

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

DEC 03 1996

1774 37, 8. 111 8W

42° 07' 30" 113° 52' 30"

63-721P

5

Lower
Div. continued

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. This group of springs is known by Department of Water Resources as file number A45-10802.

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.

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.

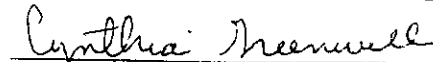
Over the years on the mountain, everyone except Pickett Ranch and Sheep Company has acknowledged the city's right to the water. Each has been sent a bill and everyone has paid the bills as the bills have come due. Pickett Ranch and Sheep Company claims mutual ownership in some of the city's springs.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

#139969 COMPAREO

(\$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, his wife, of Oakley, County of Cassia, State of Idaho, the parties of the first part, and Village of Oakley, a municipal corporation, organized and existing under 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:

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 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.

*located
of
"Wild cat"
springs*

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 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

, 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 name s are

subscribed to)

the within instrument, and acknowledged to me

that

~~that the notary public thereunto~~
 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.

STATE OF IDAHO,
 COUNTY OF Cassia,

ss.

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 45 of Deeds at page 540

A. D. 1941

THIS INDENTURE, of this 19th day of September, 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- - - 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 of 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;

← Location of "Chokecherry Spring"

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 } ss.
On this 19th day of September, 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 (persons whose names 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 Burley, Idaho.

STATE OF IDAHO, }
COUNTY OF CASSIA, } ss.
I hereby certify that this instrument was filed for record at the request of S. T. Lowe at 12 minutes past 11 o'clock A. M., this 20th day of September, A. D. 1941, in my office, and duly recorded in Book 46 of Deeds at page 541.

14-15-22

B8 JDG

#129737

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 #3582

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

This cause came regularly in for hearing before the Court on the 11th day of July, 1938, 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 E. M. Toire, his attorney, and the defendant appeared by S. F. Loe, 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, was 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 Raisin; Homestead Act upon the following described real estate in the County of Cassia, State of Idaho, to-wit:

North half of the Northwest quarter (NW1/4), the Southwest quarter of the Northwest quarter (SW1/4), Northwest quarter of the Northwest quarter (NW1/4), North half of the Southwest quarter (N1/2SW1/4), Southeast quarter of the Southeast quarter (SE1/4SE1/4), the Northeast quarter of the Southeast quarter (NE1/4SE1/4), the South half of the Southeast quarter (S1/2SE1/4) of Section 14 and the Northwest quarter and the North half of the Northwest quarter (NW1/4) of Section 34 Township 18 South, Range 22 East Boise Meridian.

That in the year 1930 he constructed upon the said premises of Quakenbush 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, 1938, 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 (SW1/4NW1/4), Southwest quarter and the Southeast quarter of the Southeast quarter (SE1/4) (SE1/4SE1/4) of Section 28, Township 14 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 rises on the Northwest quarter of the Northwest quarter (NW1/4NW1/4) 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 the said springs under their original and natural condition flowed in a well-defined channel across the Northwest quarter of the Northwest quarter (NW1/4NW1/4) of Section 14, the Northeast quarter of the Northwest quarter (NE1/4NW1/4) of Section 18 and Section 10, all in Township 18 South, Range 22 East Boise Meridian.

6.

That prior to the first day of April, 1938 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

1895

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Section 28
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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 northeast quarter of the Northwest quarter (NE1/4) 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 (NE1/4) 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 B. 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 1935, 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 has 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 (NE1/4) of said Section 14, but that the said plaintiff still be

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.

Per: x.

George E. Booth, Jr., County Recorder.

278

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

B8 JD G

Levell S. Gumsline, Plaintiff.

-vs-

Village of Oakley, Defendant.

DECIRES.

Case # 3582

This cause came regularly on for hearing before the Court on the 11th day of July, 1938 on the amended complaint of the plaintiff, the answer and cross-complaint of the defendant and cross-complainant and the answer of the plaintiff to the cross-complaint of the cross defendant. The Plaintiff appeared in person and by E. M. Telfe, his attorney, and the defendant appeared by A. T. Lare, 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 (SW1/4) of Section (14) (2) That 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 damage 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) in Township 15 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 Casia, State of Idaho, to-wit:

Southwest quarter of the Northwest quarter (SW1/4) Southwest quarter and the Southeast quarter of the Southeast quarter (SE1/4) (SW1/4) of Section (29) 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

right thereto is hereby adjudged, decreed and established. That the said plaintiff, Lowell E. Gummert, 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 interfere with the use of the said water; and from removing, obstructing, changing or interfering with the pipe lines leading from the said springs to the collecting box, the collecting 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 Bill P.M., December 17th, 1938.

For: x.

George E. Booth, Jr., County Recorder

A 45-10804

See File A 45-10802 For evidence of
Priority 95 submitted by David Babbitt
for the City of Oakley.