

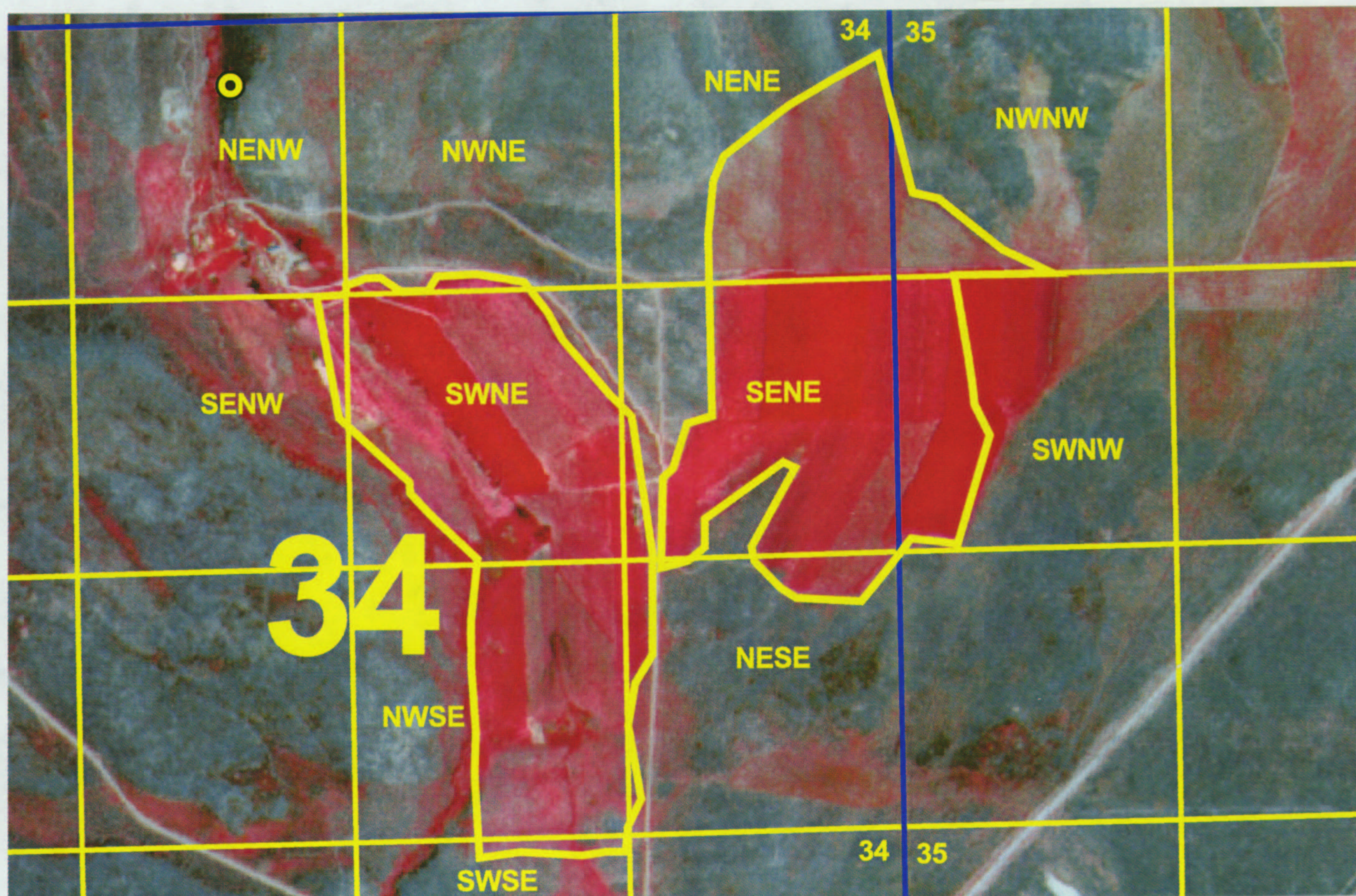
IDAHO DEPARTMENT OF WATER RESOURCES

31-00028A, 31-00031

T12N, R36E SEC 34, 35

*Original claims
sent to court.*

9-18-01



POINT OF DIVERSION

ACRES IRRIGATED- 123



PLACE OF USE

GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
PREPARED BY DAVE CARLSON

31-31, 31-28A

NENW

NWNE

NENE

NWNW

NENW

SWNE

SENE

2N R36E

34

35

NWSE

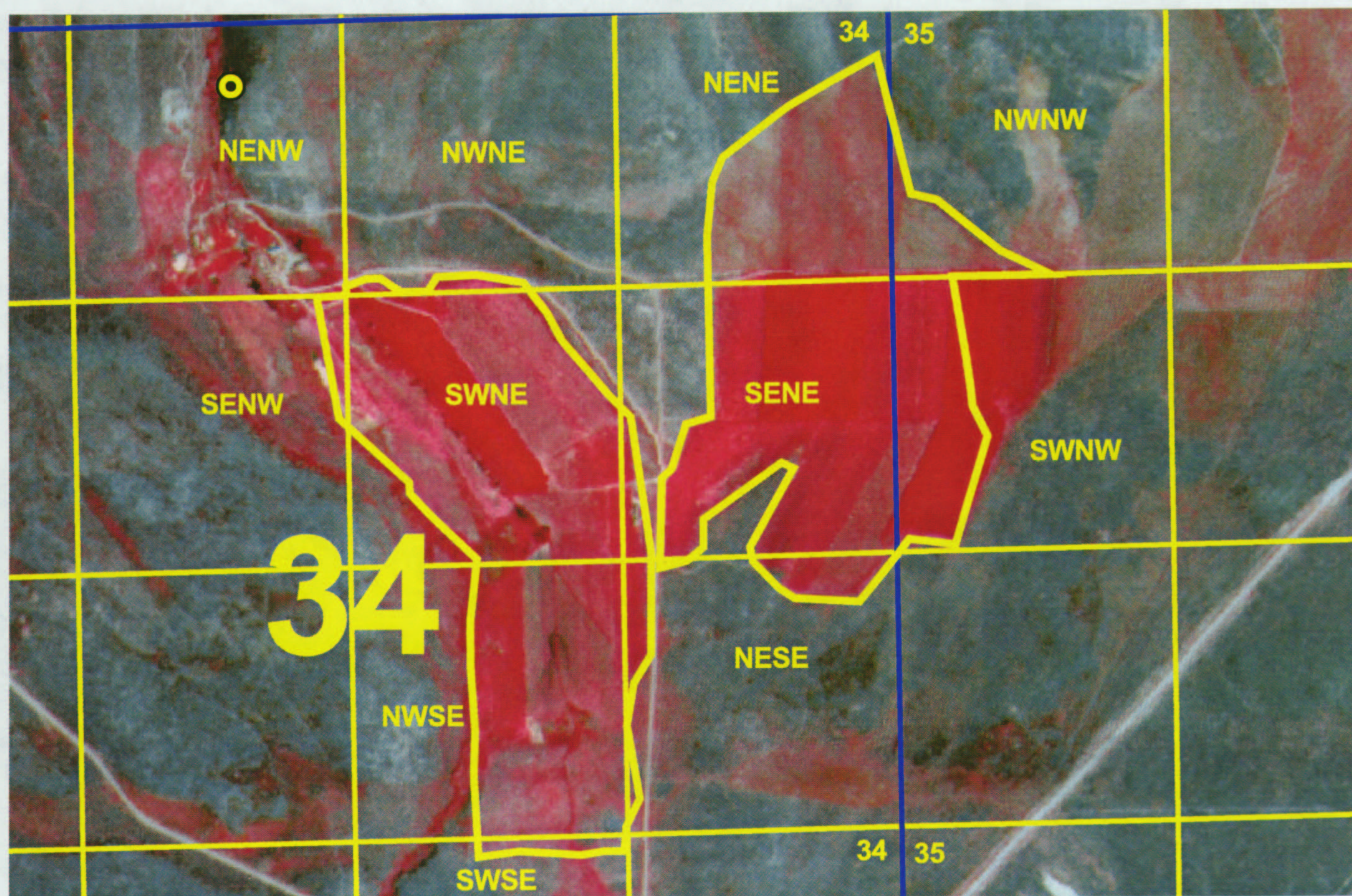
NESE

SWSE

IDAHO DEPARTMENT OF WATER RESOURCES

31-00028A, 31-00031

T12N, R36E SEC 34, 35



POINT OF DIVERSION

ACRES IRRIGATED- 123



PLACE OF USE

GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
PREPARED BY DAVE CARLSON

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

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 31-00028A

2002 JUN 10 PM 3:15

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: THOMAS MCCULLOUGH
PO BOX 157
DUBOIS, ID 83423

SOURCE: DRY CREEK

TRIBUTARY: BEAVER CREEK

QUANTITY: 1.30 CFS
153.90 AFY

PRIORITY DATE: 03/23/1914

POINT OF DIVERSION: T12N R36E S34 NENENW Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.30 CFS 150.50 AFY
	Stockwater	01-01 TO 12-31	0.07 CFS 3.40 AFY

PLACE OF USE:	Irrigation		Within Clark County
	T12N R36E S34	NENE 17.0	NWNE 1.1
		SWNE 32.0	SENE 29.0
		NESE 4.7	NWSE 22.0
		SWSE 1.3	
	S35	NENW 3.9	NWNW 12.0
	123.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 123 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-00028A, 31-00031

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE
WATERMASTER OF STATE WATER DISTRICT NO. 31, MUD LAKE AND
TRIBUTARIES.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JUN 11 2002

Department of Water Resources
Adjudication Bureau

2002 JUN 10 PM 3:16

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

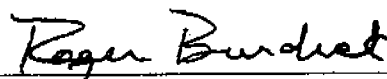
)
) ORDER OF PARTIAL DECREE
)
) For Water Right 31-00028A
)

On April 22, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 31-00028A is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED June 10, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

03/22/2002

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

RIGHT NUMBER: 31-28A MODIFIED PER TRANSFER 69619
NAME AND ADDRESS: THOMAS MC CULLOUGH
PO BOX 157
DUBOIS ID 83423
SOURCE: DRY CREEK TRIBUTARY: BEAVER CREEK
QUANTITY: 1.30 CFS
153.9 AFY
PRIORITY DATE: 03/23/1914
POINT OF DIVERSION:

T12N R36E S34 NENENW Within CLARK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	1.300 CFS 150.50 AFY
STOCKWATER	01/01 12/31	0.070 CFS 3.40 AFY

PLACE OF USE: IRRIGATION Within CLARK County

T12N R36E S34	NENE	17.0	T12N R36E S34	NWNE	1.1
T12N R36E S34	SWNE	32.0	T12N R36E S34	SENE	29.0
T12N R36E S34	NESE	4.7	T12N R36E S34	NWSE	22.0
T12N R36E S34	SWSE	1.3	T12N R36E S35	NENW	3.9
T12N R36E S35	NWNW	12.0			

STOCKWATER same as IRRIGATION

123 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 123 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-28A, 31-31

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 31, MUD LAKE AND TRIBUTARIES.

EXPLANATORY MATERIAL: Decreed

RIGHT NO. 31-31 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

STOCKWATER, 250 CATTLE

THE RIGHT HOLDER SHALL MAINTAIN A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE APPROVED BY THE DEPARTMENT IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION.

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN 3.5 AFA PER ACRE AT THE FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY TRANSFER 69619 BY MARCH 21, 2003.

FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF THE TRANSFER.

11/28/2000

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

RIGHT NUMBER: 31-28A
NAME AND ADDRESS: THOMAS MCCULLOUGH
BOX 157
DUBOIS, ID 83423

SOURCE: DRY CREEK TRIBUTARY: BEAVER CREEK

QUANTITY: 1.3 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.80 CFS. COMBINED RIGHT
NOS.: 31-00028A, 31-00031

PRIORITY DATE: 03/23/1914

POINT OF DIVERSION: T12N R36E S34 NENENW Within CLARK County

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	01-01 12-31	0.07 CFS
	IRRIGATION	04-15 10-31	1.30 CFS

PLACE OF USE:

STOCKWATER Use same as IRRIGATION

IRRIGATION Within CLARK County

T12N R36E S34	NENE	17	T12N R36E S34	NWNE	1
T12N R36E S34	SENE	29	T12N R36E S34	SWNE	32
T12N R36E S34	SENE	1	T12N R36E S34	NESE	5
T12N R36E S34	NWSE	22	T12N R36E S34	SWSE	1
T12N R36E S35	NWNW	5	T12N R36E S35	SWNW	10

123 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 123 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-00028A, 31-00031

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.
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: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

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

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

STOCKWATER, 250 CATTLE

173

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: A31-00028A
Date Received: 6/08/1988
Receipt No: M000069
Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THOMAS MCCULLOUGH 208-374-5281
Address: BOX 157
DUBOIS, ID 83423

2. Date of Priority: MAR 23, 1914

3. Source: DRY CREEK Trib. to: BEAVER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	36E	34	NE	NE	NW		CLARK

5. Description of diverting works:
HEADGATE TO DITCHES FOR FLOOD AND SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.300		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is 307.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/250 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	36E	34	NE	NE		IRR	11.0
			NE	NE		STOCK	

A31-00028A

Page 1

Date: 06/08/88

MICROFILMED
NOV 16 1992



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12N	36E	34	SW		NE		IRR	35.0
			SW		NE		STOCK	
			SE		NE		IRR	25.0
			SE		NE		STOCK	
			SE		NW		IRR	2.0
			SE		NW		STOCK	
			NE		SE		IRR	4.0
			NE		SE		STOCK	
			NW		SE		IRR	15.0
			NW		SE		STOCK	
			SW		SE		IRR	2.0
			SW		SE		STOCK	
						Section Acres	94.0	
		35	NW		NW		IRR	3.0
			NW		NW		STOCK	
			SW		NW		IRR	26.0
			SW		NW		STOCK	
							Section Acres	29.0
						Total Acres	123.0	

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:
A31-00031

14. Remarks:
SOURCE KNOWN AS LITTLE DRY CREEK

15. Basis of Claim: DECREED
Water Right Number:
Case Number: 635
Court :
Decree date: 2/25/1931

ERNEST SAUVE

Decree Plaintiff

vs

W. H. ABBOTT

Decree Defendant

A31-00028A

Page

2

Date: 06/08/88

MICROFILMED

NOV 16 1992

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): Romas M' Cullough Date: 6/8/88

Date: _____

State of Idaho)
County of Clark) SS.

Subscribed and sworn (or affirmed) before me this 8th day

of June 19 88

John Dale Carlsen
Notary Public

Seal

Residing at Bow Id.

My Commission Expires 6/2/94

POINT OF DIVERSION

TOM

818

798

McCullough

11

3

25

23

35

4

PLACE OF USE

15

2

A31-00028A

UNCLASSIFIED

NOV 18 1992

Shively

62

34 35

3 2

P/D 31-00030

R36E
T
12
N

P/D 31-00028A
31-00031

21 26
34 35

T.O.M.

818
798

McCallough



P/u 31-00030

P/u 31-00028A
31-00031

U.S.A.

U.S.A.

Zwe Fel
&
Shively
6/26/

34 35
21 26

MICROFILMED
NOV 1992

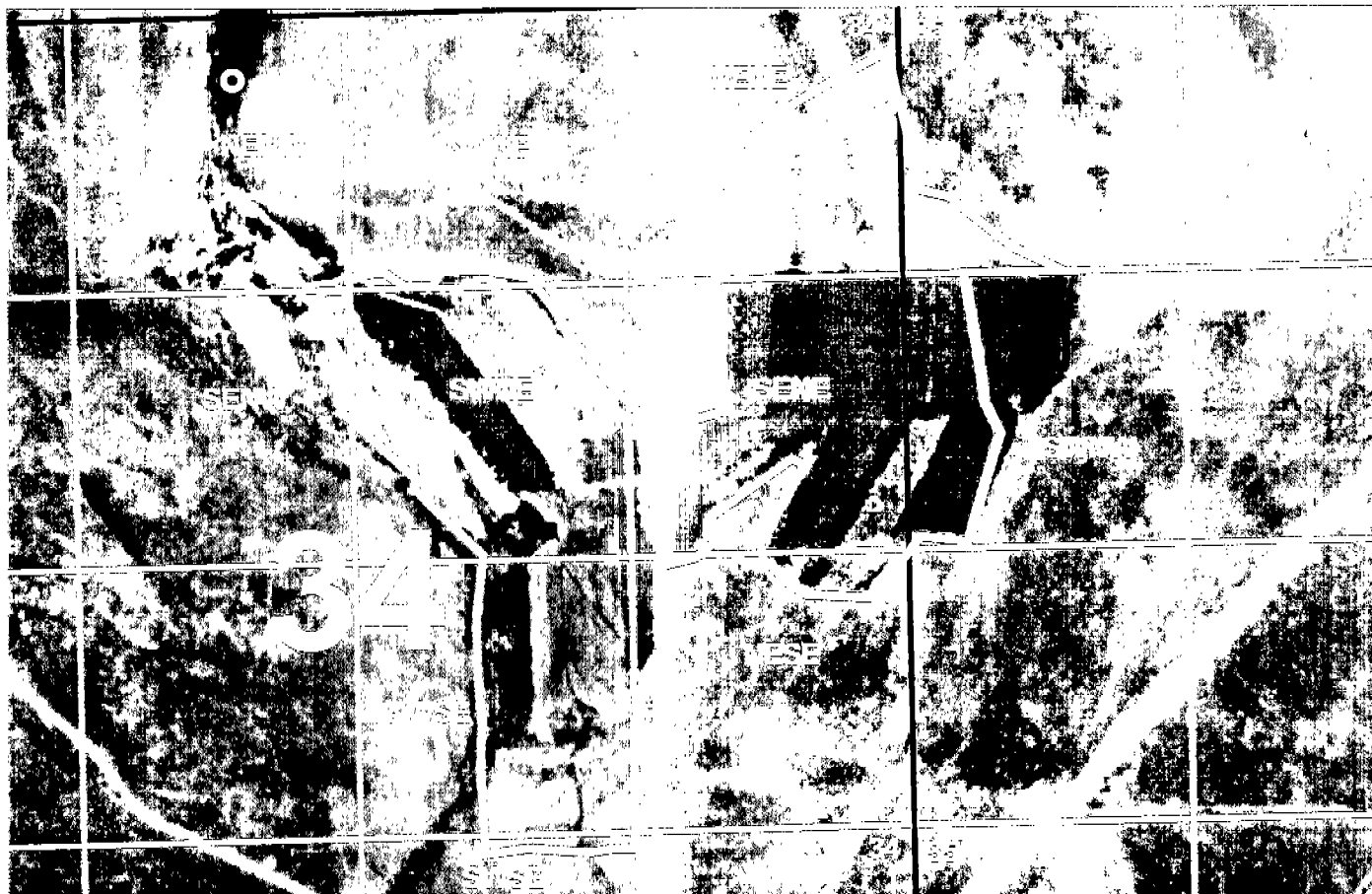
IDAHO DEPARTMENT OF WATER RESOURCES

31-00028A, 31-00031

*Original claims
sent to court.*

T12N, R36E SEC 34, 35

9-18-01



⊙ POINT OF DIVERSION

ACRES IRRIGATED-123

PLACE OF USE

GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
PREPARED BY DAVE CARLSON

31-31, 31-28A

NENW

NWNE

NENE

NWNW

NENW

SENE

SENE

34

35

NWSE

NESE

SWSE

IDAHO DEPARTMENT OF WATER RESOURCES

31-00028A, 31-00031

T12N, R36E SEC 34, 35



⊙ POINT OF DIVERSION

PLACE OF USE

ACRES IRRIGATED-123

GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
PREPARED BY DAVE CARLSON

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:03:27
03/11/93

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A31-00028A

LAST: MCCULLOUGH
ADDRESS: BOX 157
CITY: JUBBIS
PHONE NUMBER: 238-374-5231

FIRST: THOMAS
STATE: ID ZIP: 83423

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: SOURCE KNOWN AS LITTLE DRY CREEK

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

DATE OF FIELD EXAM: 8/1/2000

APPOINTMENT MADE: Y() N()

ACCOMPANIED BY: _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

PHONE NUMBER: () -

TIME: : A() P()

PHONE NUMBER: () -

Field Review

A. AD CLAIM: # A31-00028A PRIORITY DATE: 03-23-1914

STAGE: D

B. WR RECORD: # 31-00028 PRIORITY DATE: 03-23-1914

STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(☒)
IF YES EXPLAIN.

NOTES:

Decreed - ok

RECOMMENDED PRIORITY DATE:

03-23-1914

REVIEWED BY

DC

DATE

8/2000

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-00028A	12N	36E	34	NE	NE	NW	OK	CLARK

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A31-00031 NONE

WR RECORDS IN SAME 40 ACRE TRACT
31-00031

SOURCE: DRY CREEK

TRIB: BEAVER CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
31-00028	12N	36E	34		SW	SE		CLARK

OTHER WR RECORDS WITH SAME WR POD
NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE

SOURCE: LITTLE DRY CREEK

TRIB: BEAVER CREEK

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
Y

FIELD
EXAMINER

NOTES:

Headgate POD-ditch-to pump in ditch and sprinklers

GPS N44 19 31.8 (pod)
W112 12 22.4

US GS maps show that the source is called
- Dry Creek - 602

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	R&E.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
---	---	34	NE	NE	NW	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---

SOURCE: DRY CREEK TRIB: BEAVER CREEK

REVIEWED BY: DC DATE: 8/2060

SYSTEM DESCRIPTION:

A. ROOT WATER RIGHT TUMBERS: A31-00028A
A31-00028B

B. POB LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	NR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12N	36E	34	NE	NE		MCCULLOUGH, THO 1AS	A31-00028A /11.0	-	/	8.0	
			NE	NE		MCCULLOUGH, THO 1AS	A31-00031 /11.0	-	/		17 IRR
12N	36E	34	NE	NE		MCCULLOUGH, THO 1AS	A31-00028A /	-	/	8.0	
			NE	NE		MCCULLOUGH, THO 1AS	A31-00031 /11.0	-	/		X STOCK
12N	36E	34	SW	NE		MCCULLOUGH, THO 1AS	A31-00028A /35.0	-	/	33.0	
			SW	NE		MCCULLOUGH, THO 1AS	A31-00031 /35.0	-	/		32 - IRR
12N	36E	34	SW	NE		MCCULLOUGH, THO 1AS	A31-00028A /	-	/	33.0	
			SW	NE		MCCULLOUGH, THO 1AS	A31-00031 /35.0	-	/		X STOCK
12N	36E	34	SE	NE		MCCULLOUGH, THO 1AS	A31-00028A /25.0	-	/	40.0	
			SE	NE		MCCULLOUGH, THO 1AS	A31-00031 /25.0	-	/		29 - IRR
12N	36E	34	SE	NE		MCCULLOUGH, THO 1AS	A31-00028A /	-	/	40.0	
			SE	NE		MCCULLOUGH, THO 1AS	A31-00031 /25.0	-	/		STOCK
12N	36E	34	SE	NW		MCCULLOUGH, THO 1AS	A31-00028A / 2.0	-	/	20.0	
			SE	NW		MCCULLOUGH, THO 1AS	A31-00031 / 2.0	-	/		1 - IRR
12N	36E	34	SE	NW		MCCULLOUGH, THO 1AS	A31-00028A /	-	/	20.0	
			SE	NW		MCCULLOUGH, THO 1AS	A31-00031 / 2.0	-	/		STOCK
12N	36E	34	NE	SE		MCCULLOUGH, THO 1AS	A31-00028A / 4.0	-	/	3.0	
			NE	SE		MCCULLOUGH, THO 1AS	A31-00031 / 4.0	-	/		5. IRR
12N	36E	34	NE	SE		MCCULLOUGH, THO 1AS	A31-00028A /	-	/	3.0	
			NE	SE		MCCULLOUGH, THO 1AS	A31-00031 / 4.0	-	/		STOCK
12N	36E	34	NW	SE		MCCULLOUGH, THO 1AS	A31-00028A /15.0	-	/	27.0	
			NW	SE		MCCULLOUGH, THO 1AS	A31-00031 /15.0	-	/		22 - IRR
12N	36E	34	NW	SE		MCCULLOUGH, THO 1AS	A31-00028A /	-	/	27.0	
			NW	SE		MCCULLOUGH, THO 1AS	A31-00031 /15.0	-	/		STOCK
12N	36E	34	SW	SE		MCCULLOUGH, THO 1AS	A31-00028A / 2.0	-	/	4.0	
			SW	SE		MCCULLOUGH, THO 1AS	A31-00031 /	31-00031 /			1.0 - IRR
12N	36E	34	SW	SE		MCCULLOUGH, THO 1AS	A31-00028A /	-	/	4.0	
			SW	SE		MCCULLOUGH, THO 1AS	A31-00031 /	31-00031 /			STOCK

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	4R #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12N	36E	35	NW	NW		MCCULLOUGH, THO1AS	A31-00028A / 3.0	-	/	4.0	
			NW	NW		MCCULLOUGH, THO1AS	A31-00031 / 3.0	-	/		5-IRR
12N	36E	35	NW	NW		MCCULLOUGH, THO1AS	A31-00028A /	-	/	4.0	
			NW	NW		MCCULLOUGH, THO1AS	A31-00031 / 3.0	-	/		STOCK
12N	36E	35	SW	NW		MCCULLOUGH, THO1AS	A31-00028A / 26.0	-	/	5.0	
			SW	NW		MCCULLOUGH, THO1AS	A31-00031 / 26.0	-	/		10.0-IRR
12N	36E	35	SW	NW		MCCULLOUGH, THO1AS	A31-00028A /	-	/	5.0	
			SW	NW		MCCULLOUGH, THO1AS	A31-00031 / 26.0	-	/		STOCK
TOTAL ACRES							A31-00028A	123.00		288.00	

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(X)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO PDJ DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

POU COUNTY: CLARK

PRESUMPTION FLAG:

NOTES:

see GIS MAP some Blm ground.

RECOMMENDATIONS:

TOTAL ACRES:

123

REVIEWED BY:

DL

DATE:

8/2000

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A31-00028A IRRIGATION	FROM 04-15 TO 10-15	1.300 CFS
A31-00028A STOCKWATER	FROM 01-31 TO 12-31	.070 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.300 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
31-00028 IRRIGATION	FROM 05-31 TO 09-01	2.600 CFS
31-00028 STOCKWATER	FROM TO	2.600 CFS
31-00028 DOMESTIC	FROM TO	2.600 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.600 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	-----
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	-----
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	-----

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(☒)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N() EXPLAIN IN NOTES, BELOW.

NOTES:

new standards 4/15-10/31 for irrigation
stock - 01/01-12/31

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 1.500 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.500 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **
** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN NOTES. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
Y

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

Y (X) N () split into A & B
Decreased cfs

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y (Y) N () IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A31-00031

LIST ALL RIGHTS WITH A SAME POB AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A31-00028A	DRY CREEK	MCCULLOUGH, THOMAS	1.500	0.010		
A31-00031	DRY CREEK	MCCULLOUGH, THOMAS	1.500	0.012		

LIST ALL RIGHTS WITH SAME POB BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A31-00028A	STOCKWATER	MCCULLOUGH, THOMAS	FROM 01-01 TO 12-31	.070 CFS	
A31-00031	STOCKWATER	MCCULLOUGH, THOMAS	FROM 01-01 TO 12-31	.070 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE
ACRES 123 X 0.02 CFS/ACRE = 2.46 CFS
(TAKEN FROM P/U REVIEW)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(X) N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 307.5 AF/A

ACRES _____ X CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ X DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()
SUPERSEDES 31-2149.

1B. CALCULATIONS

CMB CFS

2.80 CFS / Ditch Loss will cover
the extra!

NOTES: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
<u>IRR</u>	<u>4/15-10/31</u>	<u>1.30</u>		
<u>STOCK</u>	<u>01/01 12/31</u>	<u>0.07</u>		
TOTAL FOR THIS RIGHT		<u>1.30</u>		

REVIEWED BY:

DK

DATE:

8/2000

GWT - ~~123~~ Combined CFS - 2.80 CFS

31-00028A
31-00031

POU - 123 acres

106 - 80 acres

C18

stock - 13,000 gal

C02

C03

C05

stockwater 250 cattle

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
()	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 31-00028

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.600

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A31-00028A	1.300	-	-	-	-
-	A31-00028B	1.300	-	-	-	-
-	-	-	-	-	31-00028	2.600
TOTAL CFS		2.600				2.600

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

DATABASE
N

FIELD
EXAMINER

NOTES:

AUTHENTICATION:

SIGNATURE: DAVE CALSON DATE: 8/2000

NAME OF FIELD EXAMINER: DAVE CALSON TITLE: WA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:27
03/11/93

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A31-00028A

NR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			DC 3/2000					
POINT OF DIV	Y			No				
SOURCE	Y			Yes				
PLACE OF USE	Y			Yes				
DIV. AMOUNT CFS/VOLUME	Y			No				
CONSUMPTIVE USE	-							
PURPOSES	Y			No				
PERIOD OF USE	Y			Yes				
BASIS OF CLAIM	Y			No				
REMARKS	Y			Yes				

VERIFIED BY CODES

TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

04:55:01
03/11/93

PAGE: 13
PROFILE REPORT

CLAIM NUMBER: A31-00028A

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THOMAS MCCULLOUGH BOX 157 DUBOIS ID 83423 (208) 374-5281	03/23/1914	IRRIGATION STOCKWATER	04-15 10-15 01-01 12-31	1.30 CFS 0.07 CFS	
TOTAL DIVERSION:					1.30 CFS	
CONSUMPTIVE USE:						307.5 AFI

WATER SOURCE: DRY CREEK

TRIBUTARY TO: BEAVER CREEK

STAGE: DECREED

POINT(S) OF DIVERSION:

T12N R36E S34

NENENW

CLARK COUNTY

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	SUM	
12N	36E	34	:	11				35		25						02		04	15	02	94.0
12N	36E	35	:									03		26						29.0	
TOTAL ACRES																			123.0		

PLACE OF USE LEGAL DESCRIPTION FOR: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	
12N	36E	34	:	S				S		S						S		S	S	
12N	36E	35	:									S		S						

POU COUNTY: CLARK

NON-IRRIGATION USES: 5/250 RANGE CATTLE

OTHER RIGHTS: A31-00131

REMARKS: SOURCE KNOWN AS LITTLE DRY CREEK

DATES: EXAM MADE DATE:

VERIFIED DATE:

MISC: WATER DISTRICT NUMBER:

FIELD INSPECTION FLAG:
PRESUMPTION FLAG:



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 22, 2002

THOMAS MC CULLOUGH
PO BOX 157
DUBOIS ID 83423

RE: Transfer #69619 for water right(s) 31-28A, 31-31 and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. McCullough:

The Idaho Department of Water Resources (IDWR) approved Transfer #69619, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

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

In Re SRBA

Water Rights: 31-28A, 31-31

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer **69619**
 - ☐ point of diversion ☒ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 22, 2002

Ernest Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 22, 2002, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
THOMAS MC CULLOUGH
PO BOX 157
DUBOIS ID 83423

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

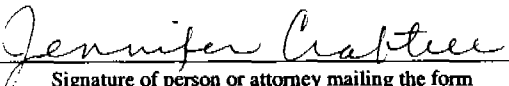
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

WATER RIGHT NO. 31-28A
As Modified by Transfer No. 69619

In accordance with the approval of Transfer No. 69619, Water Right No. 31-28A is now described as follows.

Right Holder: THOMAS MC CULLOUGH
 PO BOX 157
 DUBOIS ID 83423

Priority Date: 03/23/1914

Source: DRY CREEK

Tributary: BEAVER CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to 12/31		0.07 CFS	3.4 AF
IRRIGATION	04/15 to 10/31		1.30 CFS	150.5 AF
			1.30 CFS	153.9 AF

LOCATION OF POINT(S) OF DIVERSION:

DRY CREEK NENENW Sec. 34 Twp 12N Rge 36E CLARK County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N 36E 34	X	X	X	X									X	X	X		
12N 36E 35					X	X											

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N 36E 34	17.0	1.1	32.0	29.0									4.7	22.0	1.3		107.1
12N 36E 35					3.9	12.0											15.9

Total Acres: 123

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80.0 acres within the place of use described above in a single irrigation season.
2. Rights 31-28A and 31-31 when combined shall not exceed the irrigation of 123.0 acres.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 31, Mud Lake and Tributaries.

WATER RIGHT NO. 31-28A
As Modified by Transfer No. 69619

CONDITIONS OF APPROVAL

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. Right 31-31 is also diverted through the point(s) of diversion described above.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20 th day of March, 2002


Chief, Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 3, 2002

THOMAS MC CULLOUGH
PO BOX 157
DUBOIS ID 83423

RE: Application for Transfer #69619 (31-28A and 31-31) and Notice
of Administrative Proceeding (NAP)

Dear Mr. Mc Cullough:

The Idaho Department of Water Resources (IDWR) received an
Application for Transfer for the above referenced water right(s).

In response to the Application, this office is sending the enclosed NAP
to the SRBA Court and other parties listed on page 2 of the form. The
intent of this mailing is to notify those parties of the requested change.

Please feel free to contact me if you have any questions concerning this
matter.

Respectfully,

Cheri Vandermeulen
Records Clerk

Enclosure

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

In Re SRBA

Case No. 39576

Water Rights: 31-28A AND 31-31

NOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ I.C. § 42-222 transfer **69619**

☐ point of diversion ☒ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than: January 2, 2003

DATED: January 3, 2002

Ernest Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Jan 4, 2002, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
THOMAS MC CULLOUGH
PO BOX 157
DUBOIS ID 83423
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div.
550 West Fort Street MSC 033
Boise ID 83724

Cheri Undermeulen
Signature of person or attorney mailing the form

RECEIVED

SEP 10 2001

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 31-00028A

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Thomas McCullough

Address: P.O. Box 157; DuBois, Idaho 83423

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: See attached

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

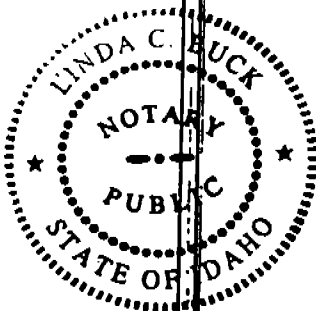
Fredric W. Price
(Signature of person filing objection)

Sam C. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

September 7, 2001

Linda C. Buck
Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on September 7, 2001, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Thomas McCullough
Address: P.O. Box 157; DuBois, Idaho 83423

Name:
Address: ;

Name:
Address: ;

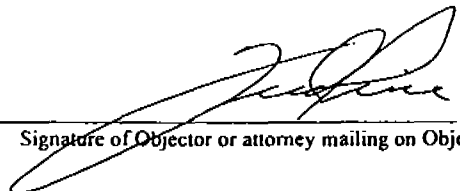
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449


Signature of Objector or attorney mailing on Objector's behalf

05/04/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-28A
NAME AND ADDRESS: THOMAS MCCULLOUGH
PO BOX 157
DUBOIS ID 83423

UNAUTHORIZED USE

-POU
-FARMING OF PUBLIC LAND
IS NOT AUTHORIZED.

SOURCE: DRY CREEK TRIBUTARY, BEAVER CREEK

QUANTITY: 1.300 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.80 CFS. COMBINED RIGHT NOS.: 31-00028A,
31-00031

PRIORITY DATE: 03/23/1914

POINT OF
DIVERSION: T12N R36E S34 NENENW Within CLARK County

PURPOSE AND
PERIOD OF USE

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.070 CFS
IRRIGATION	04/15 10/31	1.300 CFS

PLACE OF USE: IRRIGATION Within CLARK County

T12N R36E S34	NENE	17.0	T12N R36E S34	NWNE	1.0
T12N R36E S34	SENE	29.0	T12N R36E S34	SWNE	32.0
T12N R36E S34	<u>SENE</u>	1.0 BLM	T12N R36E S34	NESE	5.0
T12N R36E S34	NWSE	22.0	T12N R36E S34	SWSE	1.0
T12N R36E S35	NWNW	5.0	T12N R36E S35	<u>SWNW</u>	10.0 BLM

STOCKWATER AND IRRIGATION

122 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 122 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 31-00028A, 31-00031

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER
USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
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 BASIS OF CLAIM - Decreed

Issue:
Circled places of use are on public land.

05/04/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION
42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO
SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
STOCKWATER, 350 CATTLE

1365

31-00028A

12N
36E

A31-00028A
THOMAS MCCULLOUGH
BOX 157
DUBOIS

ID 83423



A3100028A

Dry Crk
see 34

N 44' 19' 51.8"
W 112' 12' 22.4"

5889
5895

RECEIVED

MAR 15 2001

01/25/2001

NOTICE OF ERROR
REPLY

Department of Water Resources
Eastern Region

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 9, 2001

Water right number: 31-28A

THOMAS MCCULLOUGH

PO BOX 157

DUBOIS ID 83423

Telephone Number: (208)374-5281

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

3/5/01

SIGNATURE:

Thomas McCullough

Please print your name:

Thomas McCullough

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, 2085257161

27
34

2726
3435

NW

2
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4
5.2

5
14.5

6
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7
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USSES

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441
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353
21

USA

ASSIGNMENT OF SALE CONTRACT

KNOW ALL MEN BY THESE PRESENTS:

That WILLIAM J. McCULLOUGH and LYDIA M. McCULLOUGH, his wife, of the County of Bonneville, State of Idaho, the parties of the first part, in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to them paid by THOMAS McCULLOUGH of the County of Clark, State of Idaho, the party of the second part, the receipt whereof is hereby acknowledged, have sold, and by these presents do sell, assign, and transfer unto the said party of the second part, a certain Sale Contract, and all of the first parties' right, title and interest therein and thereto, said Sale Contract being in writing and bearing date the _____ day of January, 1960, executed by Robert W. Burnside as party of the first part therein, and William J. McCullough as party of the second part therein, wherein and whereby said party of the first part agreed to sell to the said party of the second part, and said party of the second part agreed to buy from said party of the first part, the following described real property situated in Clark County, Idaho, to-wit:

The Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section Twenty-seven (27), the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), Section Thirty-four (34), all in Township Twelve (12) North, Range Thirty-six (36), East of the Boise Meridian,

Together with all water and water rights, ditches and ditch rights, thereunto belonging or in anywise appertaining, including 75 inches of water from Little Dry Creek, with priority of 1894, 65 inches of water from Little Dry Creek, with priority of 1914, and 15 inches of water from Little Spring Creek, with priority of 1914.

Together with all Taylor Grazing Rights owned or used in connection with said real property.

Together with all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining

MICROFILMED

NOV 16 1992

together with an Escrow Agreement executed between said parties and the First Security Bank of Idaho, National Association, Idaho Falls