

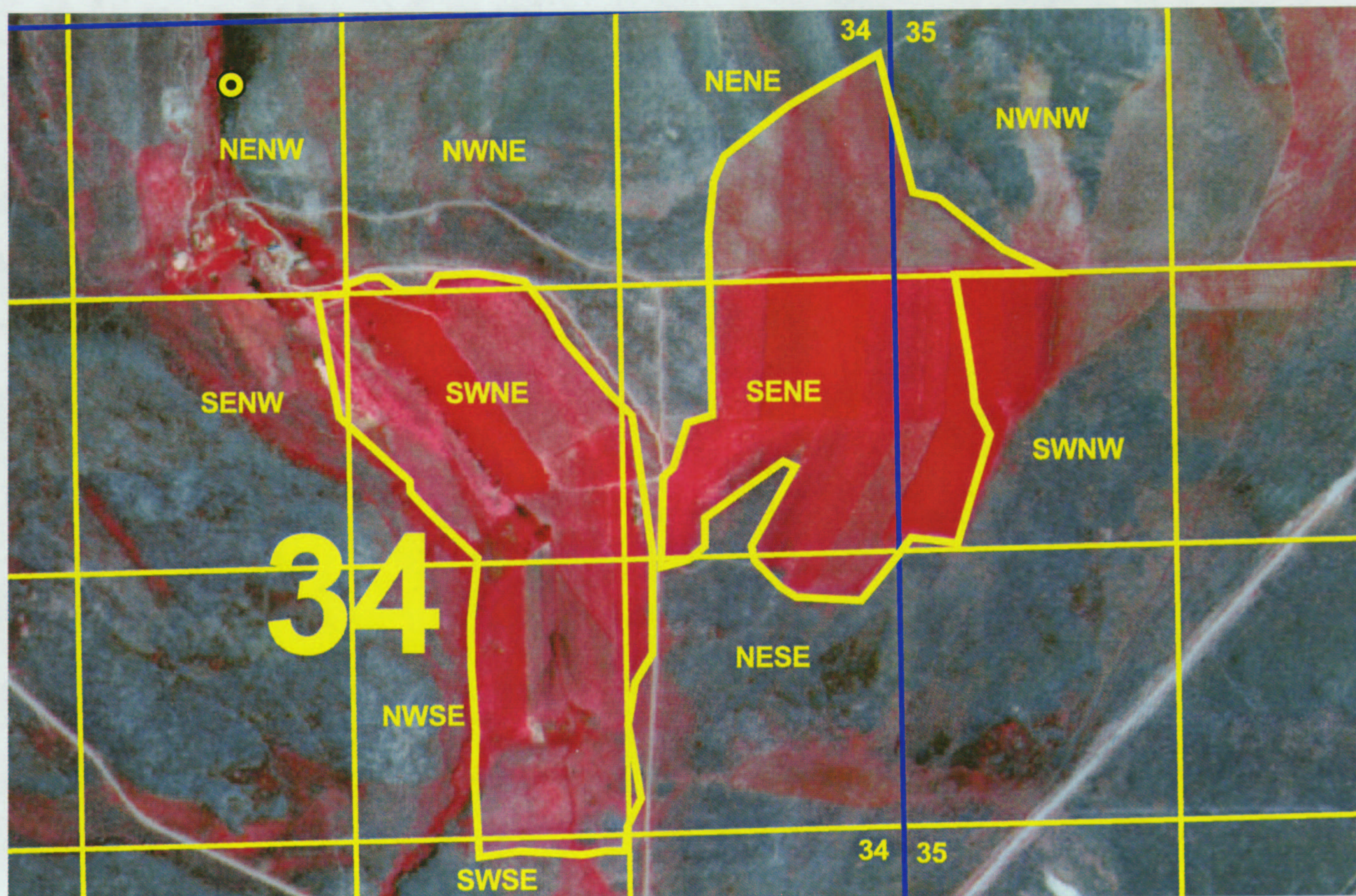
IDAHO DEPARTMENT OF WATER RESOURCES

31-00028A, 31-00031

T12N, R36E SEC 34, 35

Original ~~area~~
claims sent to
court.

9-18-01



POINT OF DIVERSION

ACRES IRRIGATED- 123



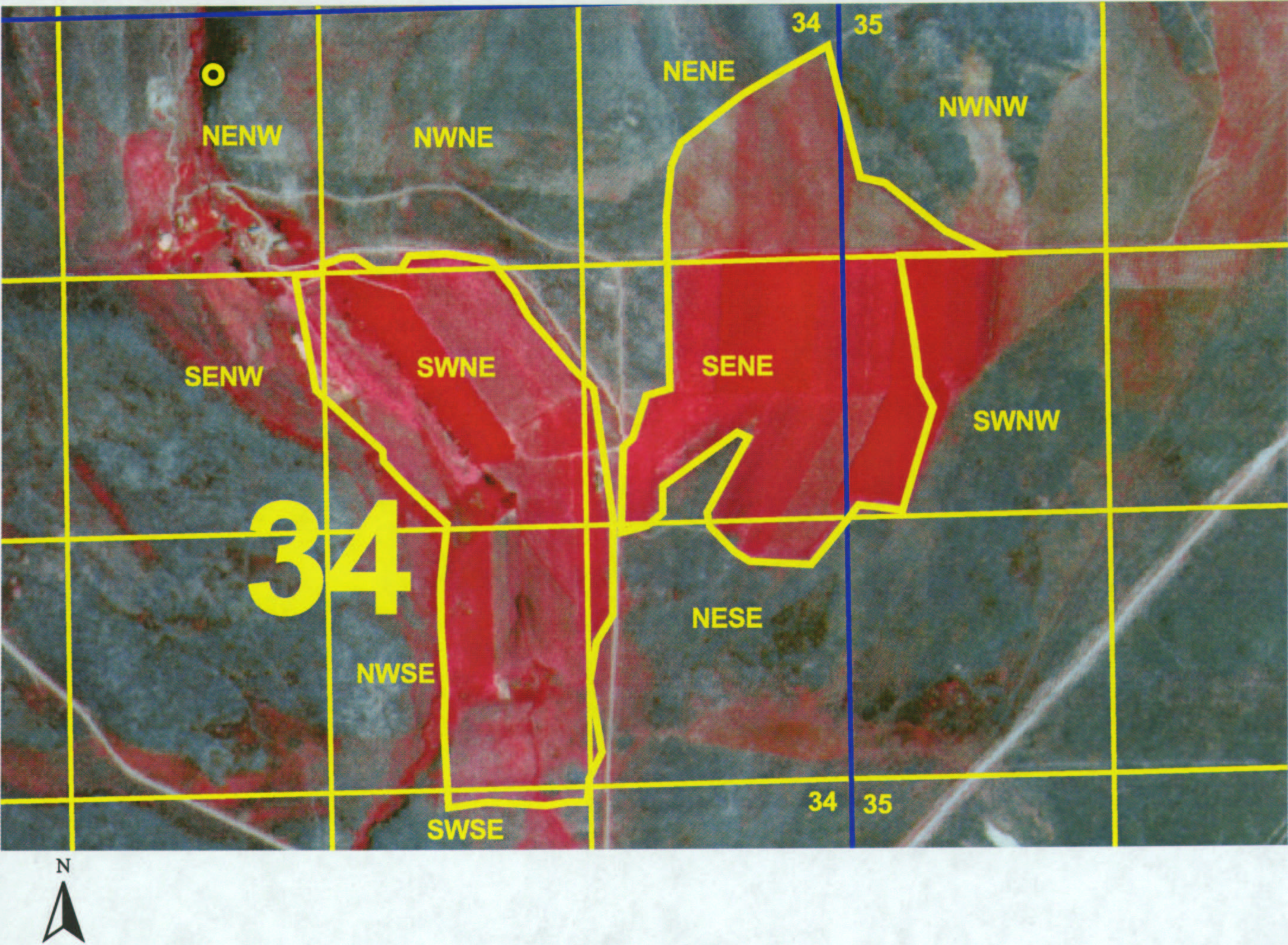
PLACE OF USE

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

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

31-31, 31-28A

NENW

NWNE

NENE

NWNW

NENW

SWNE

SENE

2N R36E

34

35

NWSE

NESE

SWSE

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 31-00031

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: 1.50 CFS
283.40 AFY

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: T12N R36E S34 NENENW Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.07 CFS
			3.40 AFY
	Irrigation	04-15 TO 10-31	1.50 CFS
			280.00 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
Stockwater Within Clark County
Same as Irrigation

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
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:

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
Presiding Judge of the
Snake River Basin Adjudication

03/22/2002

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

RIGHT NUMBER: 31-31 MODIFIED PER TRANSFER 69619
NAME AND ADDRESS: THOMAS MC CULLOUGH
PO BOX 157
DUBOIS ID 83423
SOURCE: DRY CREEK TRIBUTARY: BEAVER CREEK
QUANTITY: 1.50 CFS
283.4 AFY
PRIORITY DATE: 04/01/1894
POINT OF DIVERSION:

T12N R36E S34 NENENW Within CLARK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.070 CFS 3.40 AFY
IRRIGATION	04/15 10/31	1.500 CFS 280.00 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

STOCKWATER, 250 CATTLE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 31-28A, 31-31

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: 31-31

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

SOURCE: DRY CREEK

TRIBUTARY: BEAVER CREEK

QUANTITY: 1.5 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: 04/01/1894

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	1.50 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

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

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:

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 PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 31-00028A, 31-00031
STOCKWATER, 250 CATTLE

50

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: A31-00031
Date Received: 6/08/1988
Receipt No: M000069
Received By: KCW

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: APR 01, 1894

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, 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	1.500		
STOCKWATER	01/01	12/31	0.070		

7. Total Quantity Appropriated is:
1.500 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	

A31-00031

Page 1

Date: 06/08/88

MICROFILMED

NOV 16 1992

A3100031



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	
			SE		SW		IRR	2.0
			NE		SE		IRR	4.0
			NE		SE		STOCK	
			NW		SE		IRR	15.0
			NW		SE		STOCK	
			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:
A31-00028A

14. Remarks:
SOURCE KNOWN LOCALLY AS LITTLE DRY CREEK.
PUMP FROM DITCHES FOR SPRINKLER IRRIGATION IS LOCATED WITHIN THE
SE 1/4 SE 1/4 NE 1/4 SEC 34, T12N, R36E.B.M.

15. Basis of Claim: DECREED
Water Right Number:
Case Number:
Court :
Decree date:

ERNEST SAUVE

Decree Plaintiff

vs

W. H. ABBOTT.

Decree Defendant

A31-00031

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): *Rhonda M. Cullough* Date: *6/8/88*
_____ Date: _____

State of Idaho)
County of *Blaine*) SS.

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

of *June* 19 *88*

John Dale Cochran
Notary Public

Seal

Residing at *Blaine Id.*
My Commission Expires *6/2/94*

POINT OF DIVERSION

B18
798

MSC Lough

PLACE OF USE

A31-000

NOV 16 1992

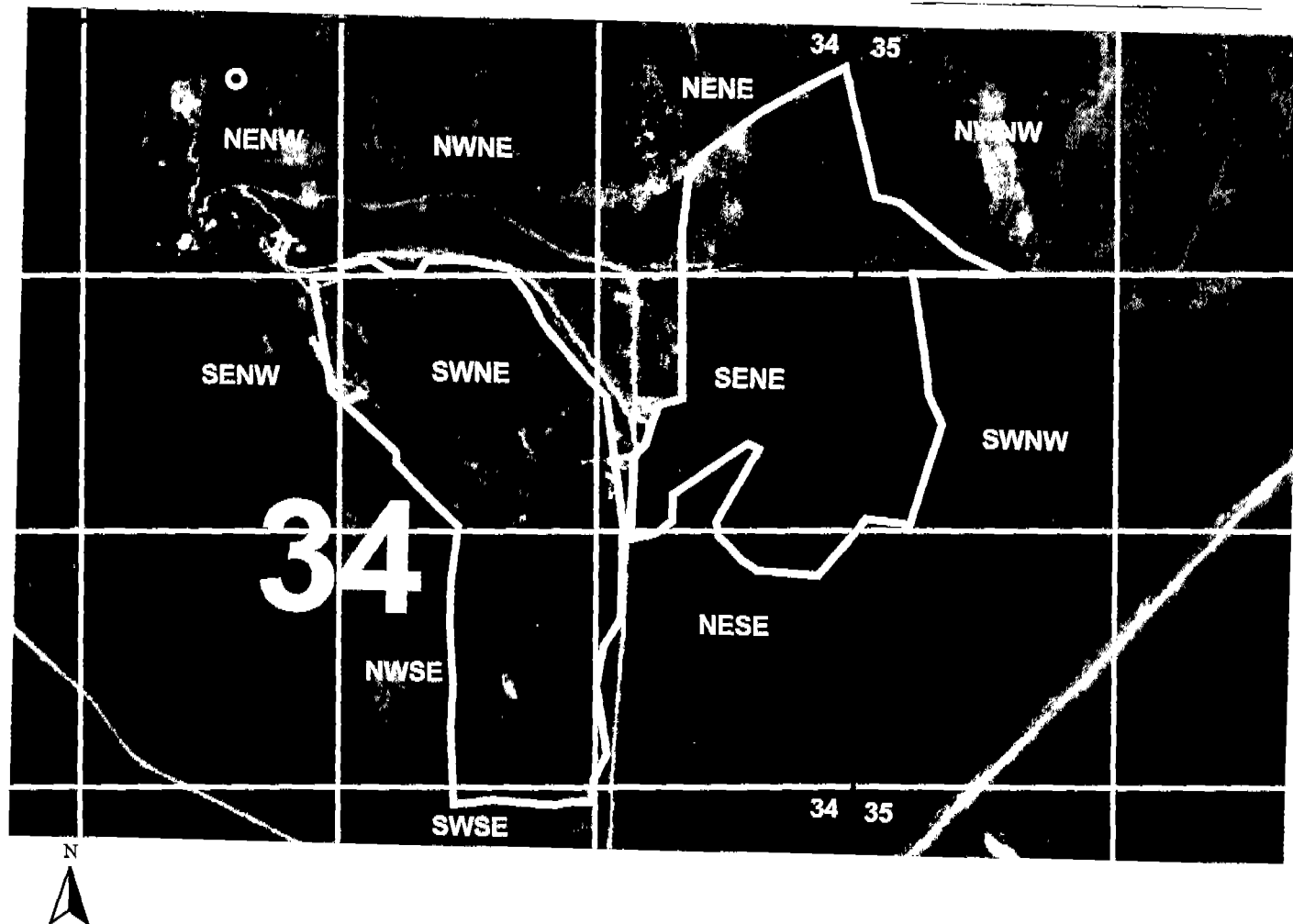
IDAHO DEPARTMENT OF WATER RESOURCES

31-00028A, 31-00031

*Original ~~case~~
claims sent to
court.*

T12N, R36E SEC 34, 35

9-18-01



⊙ POINT OF DIVERSION

ACRES IRRIGATED- 123

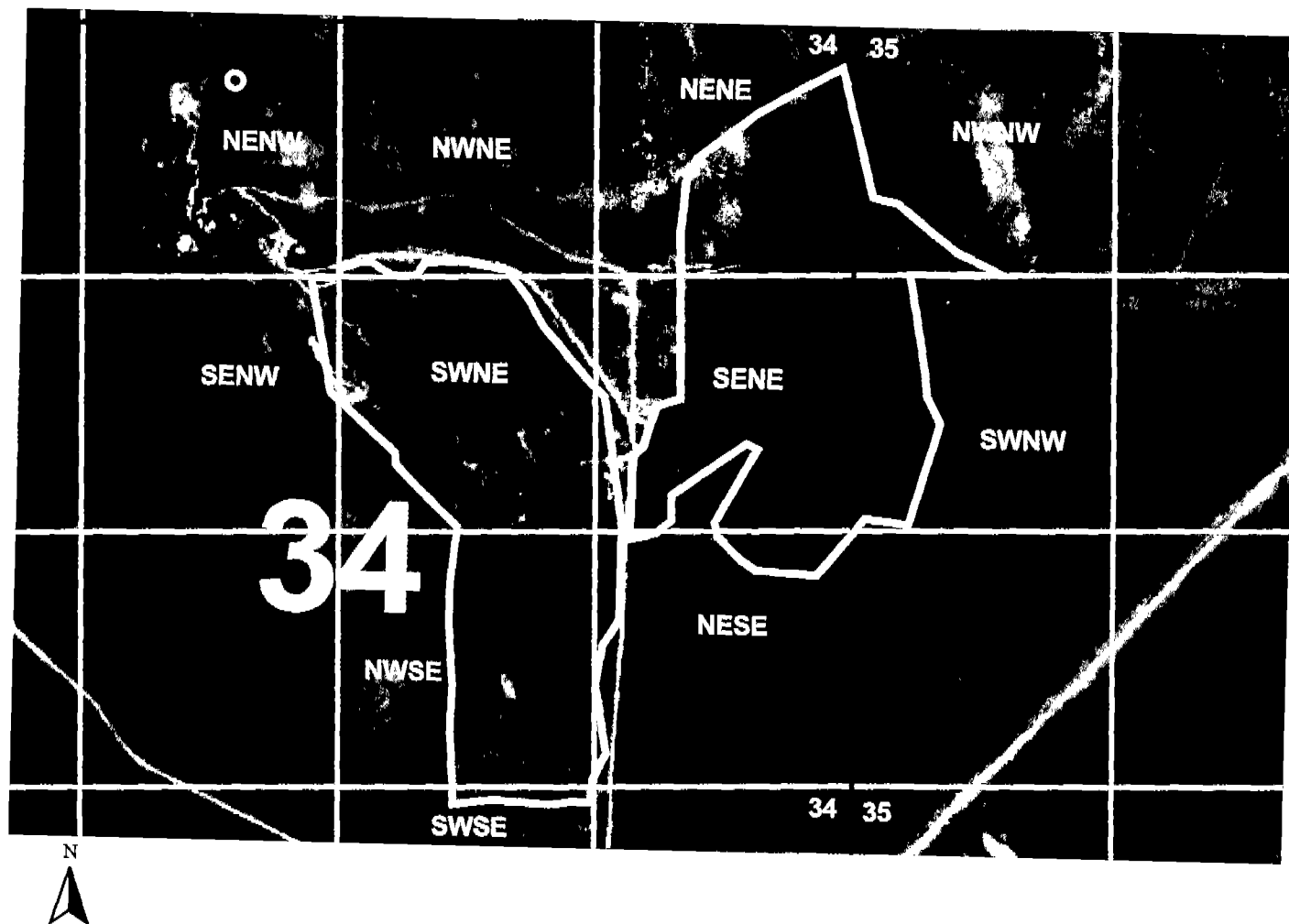
PLACE OF USE

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

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

31-31, 31-28A

NENW

NWNE

NENE

NWNW

NENW

SWNE

SENE

12-13-30E

34

35

NWSE

NESE

SWSE

A. AJ CLAIM: # A31-00031 PRI

B. WR RECORD: # 31-00031 PRI

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY

ARE THERE OBVIOUS REASONS TO QUESTION
IF YES EXPLAIN.

NOTES:

Deere

RECOMMENDED PRIORITY DATE:
04-01-1894

REVIEWED BY

DC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:03:27
03/11/93

CLAIM NUMBER: A31-00031

PAGE: 1
GENERAL INFORMATION

LAST: MCCULLOUGH
ADDRESS: BOX 157
CITY: DUBOIS
PHONE NUMBER: 208-374-5281

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 LOCALLY AS LITTLE DRY CREEK.
PUMP FROM DITCHES FOR SPRINKLER IRRIGATION IS LOCATED WITHIN THE
SE 1/4 SE 1/4 NE 1/4 SEC 34, T12N, R36E.8M.

FIELD EXAMINATION INFORMATION

CONTACT PERSON:

DATE OF FIELD EXAM: 8/1/2000

APPOINTMENT MADE: Y() N(X)

PHONE NUMBER: () -

TIME: : A() P()

PHONE NUMBER: () -

ACCOMPANIED BY:

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / NOTES:

field exam

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-00031	12N	36E	34	NE	NE	NW		CLARK

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A31-00028A NONE

HR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: DRY CREEK

TRIG: BEAVER CREEK

B. HR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
31-00031	12N	36E	34		NE	NW		CLARK

OTHER HR RECORDS WITH SAME HR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

A31-00029A NONE
A31-10050

SOURCE: UNNAMED STREAM

TRIG: BEAVER CREEK

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
Y

FIELD
EXAMINER

NOTES:

Pod-headgate ditches - pumps in ditch to sprinklers

GPSed - see 31-28A

USGS maps ~~show~~ show that the source should
be - Dry Creek -

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
---	---	31	NE	NE	NW	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---

SOURCE: DRY CREEK TRIB: BEAVER CRK

REVIEWED BY: DC DATE: 8/2000

SYSTEM DESCRIPTION:

A. ROOT WATER RIGHT NUMBERS: A31-00031

B. POB LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12N	36E	34	NE	NE		MCCULLOUGH, THOMAS	A31-00031 / 11.0	- /	8.0		17.
			NE	NE		MCCULLOUGH, THOMAS	A31-00028A / 11.0	- /			
12N	36E	34	NE	NE		MCCULLOUGH, THOMAS	A31-00031 /	- /	8.0		32.
			NE	NE		MCCULLOUGH, THOMAS	A31-00028A / 11.0	- /			
12N	36E	34	SW	NE		MCCULLOUGH, THOMAS	A31-00031 / 35.0	- /	33.0		32.
			SW	NE		MCCULLOUGH, THOMAS	A31-00028A / 35.0	- /			
12N	36E	34	SW	NE		MCCULLOUGH, THOMAS	A31-00031 /	- /	33.0		
			SW	NE		MCCULLOUGH, THOMAS	A31-00028A / 35.0	- /			
12N	36E	34	SE	NE		MCCULLOUGH, THOMAS	A31-00031 / 25.0	- /	40.0		29
			SE	NE		MCCULLOUGH, THOMAS	A31-00028A / 25.0	- /			
12N	36E	34	SE	NE		MCCULLOUGH, THOMAS	A31-00031 /	- /	40.0		
			SE	NE		MCCULLOUGH, THOMAS	A31-00028A / 25.0	- /			
12N	36E	34	SE	NW		MCCULLOUGH, THOMAS	A31-00031 / 2.0	- /	20.0		1.0
			SE	NW		MCCULLOUGH, THOMAS	A31-00028A / 2.0	- /			
12N	36E	34	SE	NW		MCCULLOUGH, THOMAS	A31-00031 /	- /	20.0		
			SE	NW		MCCULLOUGH, THOMAS	A31-00028A / 2.0	- /			
12N	36E	34	SE	SW		MCCULLOUGH, THOMAS	A31-00031 / 2.0	- /			
12N	36E	34	NE	SE		MCCULLOUGH, THOMAS	A31-00031 / 4.0	- /	3.0		5.0
			NE	SE		MCCULLOUGH, THOMAS	A31-00028A / 4.0	- /			
12N	36E	34	NE	SE		MCCULLOUGH, THOMAS	A31-00031 /	- /	3.0		
			NE	SE		MCCULLOUGH, THOMAS	A31-00028A / 4.0	- /			
12N	36E	34	NW	SE		MCCULLOUGH, THOMAS	A31-00031 / 15.0	- /	27.0		22.0
			NW	SE		MCCULLOUGH, THOMAS	A31-00028A / 15.0	- /			
12N	36E	34	NW	SE		MCCULLOUGH, THOMAS	A31-00031 /	- /	27.0		
			NW	SE		MCCULLOUGH, THOMAS	A31-00028A / 15.0	- /			
12N	36E	34	SW	SE		MCCULLOUGH, THOMAS	A31-00031 /	51-00031 /	4.0		1.0
			SW	SE		MCCULLOUGH, THOMAS	A31-00028A / 2.0	- /			
12N	36E	35	NW	NW		MCCULLOUGH, THOMAS	A31-00031 / 3.0	- /	4.0		5.0
			NW	NW		MCCULLOUGH, THOMAS	A31-00028A / 3.0	- /			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ W/ACRES	AR W/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12N	36E	35	NA	NW	MCCULLOUGH, THOMAS	A31-00031 /	-	/	4.0		
			NA	NW	MCCULLOUGH, THOMAS	A31-00028A / 3.0	-	/			
12N	36E	35	S4	NW	MCCULLOUGH, THOMAS	A31-00031 / 25.0	-	/	5.0		
			S4	NW	MCCULLOUGH, THOMAS	A31-00028A / 25.0	-	/			10.0
12N	36E	35	S4	NW	MCCULLOUGH, THOMAS	A31-00031 /	-	/	5.0		
			S4	NW	MCCULLOUGH, THOMAS	A31-00028A / 25.0	-	/			
TOTAL ACRES						A31-00031	123.00		284.00		

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

C. FIELD EXAM REQUIRED?

DUE TO POB DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

POB COUNTY: CLARK

PRESUMPTION FLAG:

NOTES:

See GIS MAP

RECOMMENDATIONS:

TOTAL ACRES:

123 AC

REVIEWED BY:

DC

DATE:

8/2000

1006-80 ACRES

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A31-00031 IRRIGATION	FROM 04-15 TO 10-15	1.500 CFS
A31-00031 STOCKWATER	FROM 01-31 TO 12-31	1.070 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.500 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
31-00031 IRRIGATION	FROM 05-31 TO 09-01	1.500 CFS
31-00031 STOCKWATER	FROM TO	1.500 CFS
31-00031 DOMESTIC	FROM TO	1.500 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.500 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-IRRIGATION

stock - 01/01-12/31

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

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

Deer

*** 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

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

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A31-000284

LIST ALL RIGHTS WITH SAME POB AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A31-00031	DRY CREEK	MCCULLOUGH, THOMAS	1.500	0.012		
A31-000284	DRY CREEK	MCCULLOUGH, THOMAS	1.500	0.010		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A31-00031	STOCKWATER	MCCULLOUGH, THOMAS	FROM 01-01 TO 12-31	.070 CFS	
A31-000284	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()

1B. CALCULATIONS
Ditch Loss - covers the extra CFS

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 337.5 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()
SOURCE KNOWN LOCALLY AS LITTLE DRY CREEK.

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
IRR	4/05 - 10/31	1.50		
stock	01/01 12/31	0.07		
		1.50		
TOTAL FOR THIS RIGHT				

REVIEWED BY: DC

DATE: 8/2000

Q_{WT} - CMB 2.80 CFS 31-31, 31-28A

POU1 - CMB POU - 123 ACRES

1006 - 80 AC

EXP - stockwater 250 cattle

C02
C05
C18

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	☒	☐
FORFEIT/ABANDON _____	☒	☐
ADDITIONAL DIV. AMOUNT _____	☒	☐

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBERS: 31-00031

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.500

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A31-00031	1.500	-		31-00031	1.500
TOTAL CFS		1.500				1.500

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
Y

FIELD
EXAMINER

NOTES:

OK

AUTHENTICATION:

SIGNATURE: DAVE CARLSON DATE: 8/2000

NAME OF FIELD EXAMINER: DAVE CARLSON TITLE: WA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:03:27
03/11/93

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A31-00031

WR 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			DCB/2000					
POINT OF DIV	Y			No				
SOURCE	Y			No				
PLACE OF USE	Y			Yes				
DIV. AMOUNT CFS/VOLUME	Y			No				
CONSUMPTIVE USE	-							
PURPOSES	Y			No				
PERIOD OF USE	Y			Yes				
BASIS OF CLAIM								
REMARKS	Y			Yes				

"VERIFIED BY" CODES

TOPO MAP/ORTHOPHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
MAP PHOTO = 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

04:57:18
03/11/93

PAGE: 15
PROFILE REPORT

CLAIM NUMBER: A31-00051

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	04/01/1994	IRRIGATION STOCKWATER	04-15 10-15 01-01 12-31	1.50 CFS 0.07 CFS	
TOTAL DIVERSION:					1.50 CFS	
CONSUMPTIVE USE:						307.5 AFI

WATER SOURCE: DRY CREEK

TRIBUTARY TO: BEAVER CREEK

STAGE: DECREED

POINT(S) OF DIVERSION:

T12N R3SE 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				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		
12N	36E	35	:							S		S								

POU COUNTY: CLARK

NON-IRRIGATION USES: 5/250 RANGE CATTLE

OTHER RIGHTS: A31-000284

REMARKS: SOURCE KNOWN LOCALLY AS LITTLE DRY CREEK.
PUMP FROM DITCHES FOR SPRINKLER IRRIGATION IS LOCATED WITHIN THE
SE 1/4 SE 1/4 NE 1/4 SEC 34, T12N, R36E.B.M.

DATES: EXAM MADE DATE: VERIFIED DATE: 08/19/1985

MISC: WATER DISTRICT NUMBER: 31 FIELD INSPECTION FLAG:
PRESUMPTION FLAG:

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 31-00031
)

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 31-00031 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

2002 JUN 10 PM 02:00
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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 31-00031

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 31-00031 was mailed
on June 10, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

THOMAS MCCULLOUGH
PO BOX 157
DUBOIS, ID 83423
Phone: 208-374-5281

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
06/10/02



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

Jennifer Crabtree
Signature of person or attorney mailing the form

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

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

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

Priority Date: 04/01/1894

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	10/15	1.50 CFS	280.0 AF
			1.50 CFS	283.4 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.

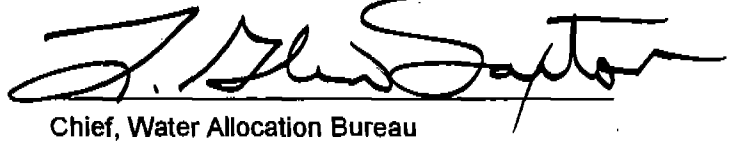
WATER RIGHT NO. 31-31
As Modified by Transfer No. 69619

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 31-28A 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 20th 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. McCullough:

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 Calver
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)

A. Subcase 31-00031

(Insert water right number)

Case No. 39576)

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: ;

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.

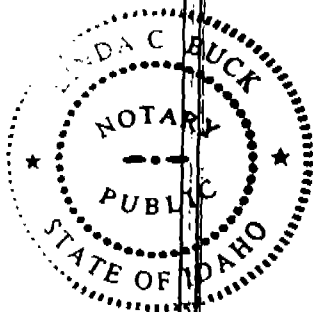
Fredric W. Price
(Signature of person filing objection)

Larry 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: ;

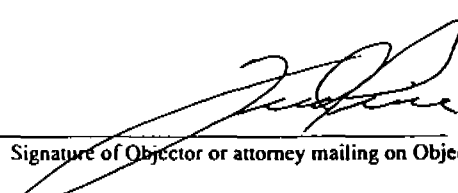
Name:
Address: ;

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: 31-31

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: 1.500 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.30 CFS. COMBINED RIGHT NOS.: 31-00028A,
31-00031

PRIORITY DATE: 04/01/1894

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	1.500 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>SENEW</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 same as IRRIGATION

100 ACRES TOTAL

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
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:

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 31-00028A, 31-00031
RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE 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

1370

31-00031

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: 31-31

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

WR5809NP
No. 31-00031

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/04/00
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBERT BURNSIDE	04/01/1894	IRRIGATION STOCKWATER DOMESTIC	05/01 09/01 00/00 00/00 00/00 00/00	1.500 CFS	
TOTAL DIVERSION:					1.500 CFS	

Water Source: UNNAMED STREAM

Tributary to: BEAVER CREEK

Stage: DECREED

Point(s) of Diversion: T12N R36E S34

NENW

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	:											I						:	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: CLARK

Remarks: GEN SOURCE KNOWN LOCALLY AS LITTLE DRY CREEK.

Dates:	App. Received:	Priority Date:	04/01/1894
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 31 Field Exam Fee:

Audit: 08/19/85 05/22/88 CONVERT

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

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