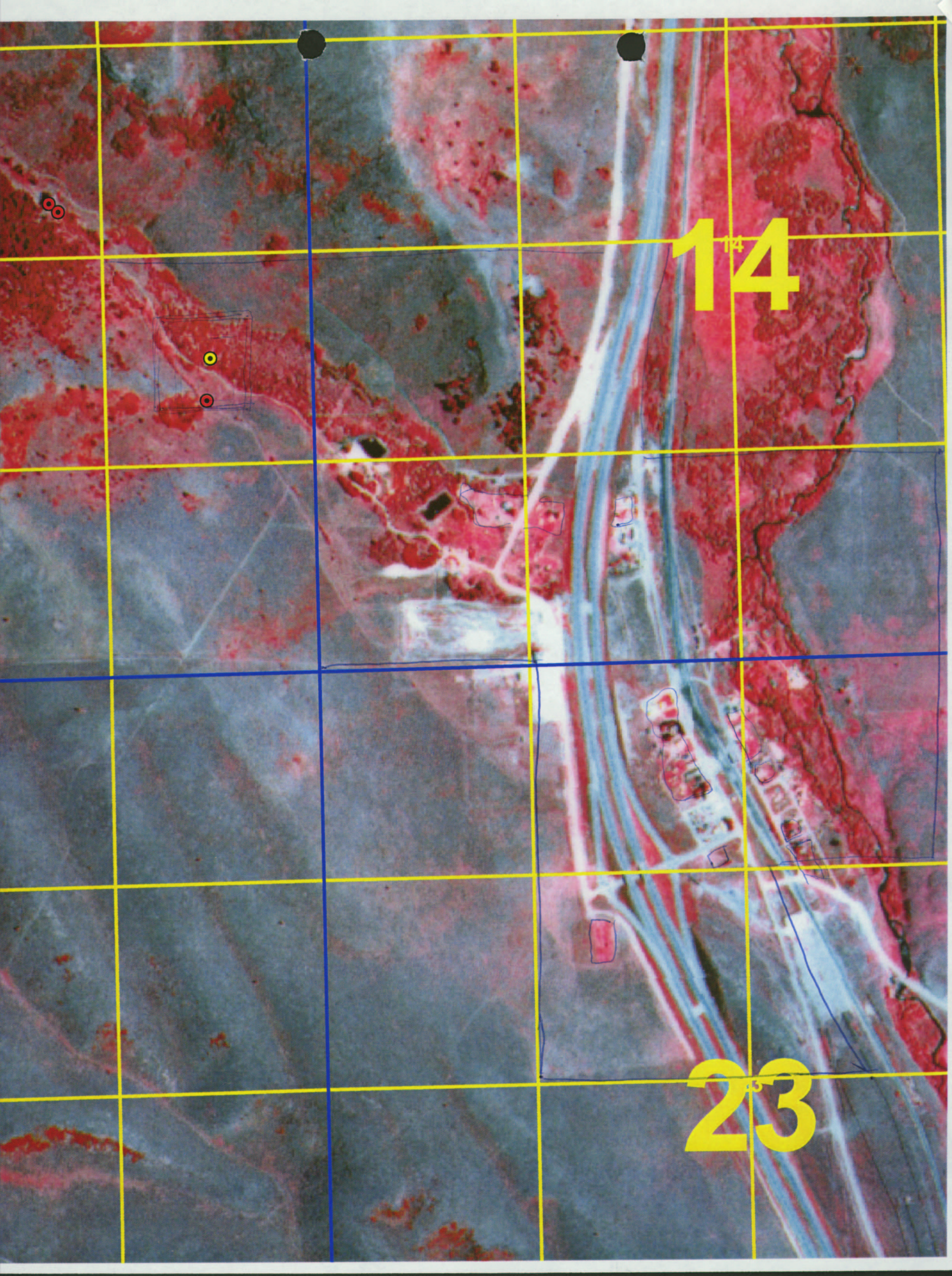




14

23

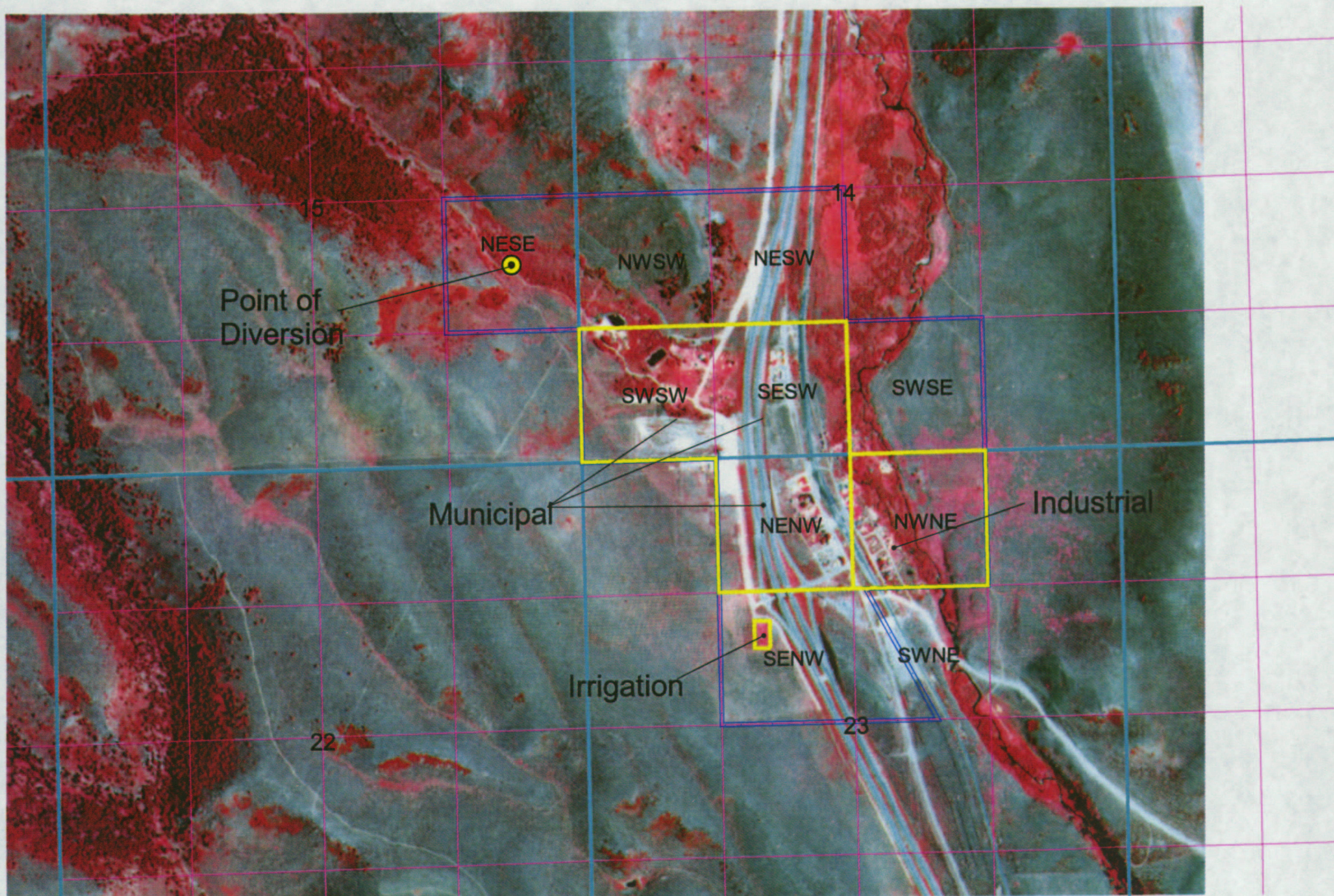


STATE OF IDAHO

Department of Water Resources

Water Right(s): 31-177

T12N R36E

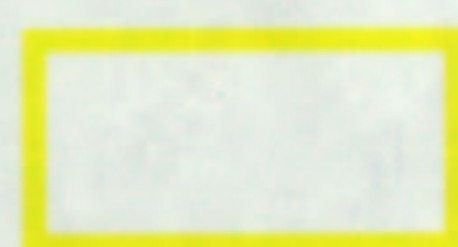


0 1320 2640 3960 5280 6600 7920 Feet

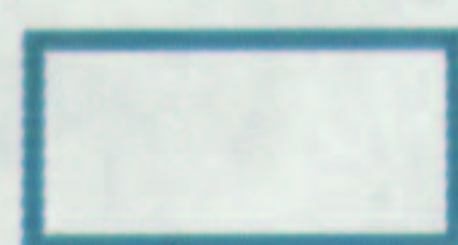
LEGEND



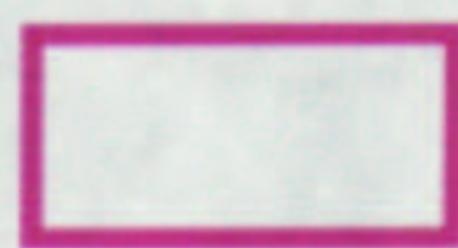
Point of Diversion



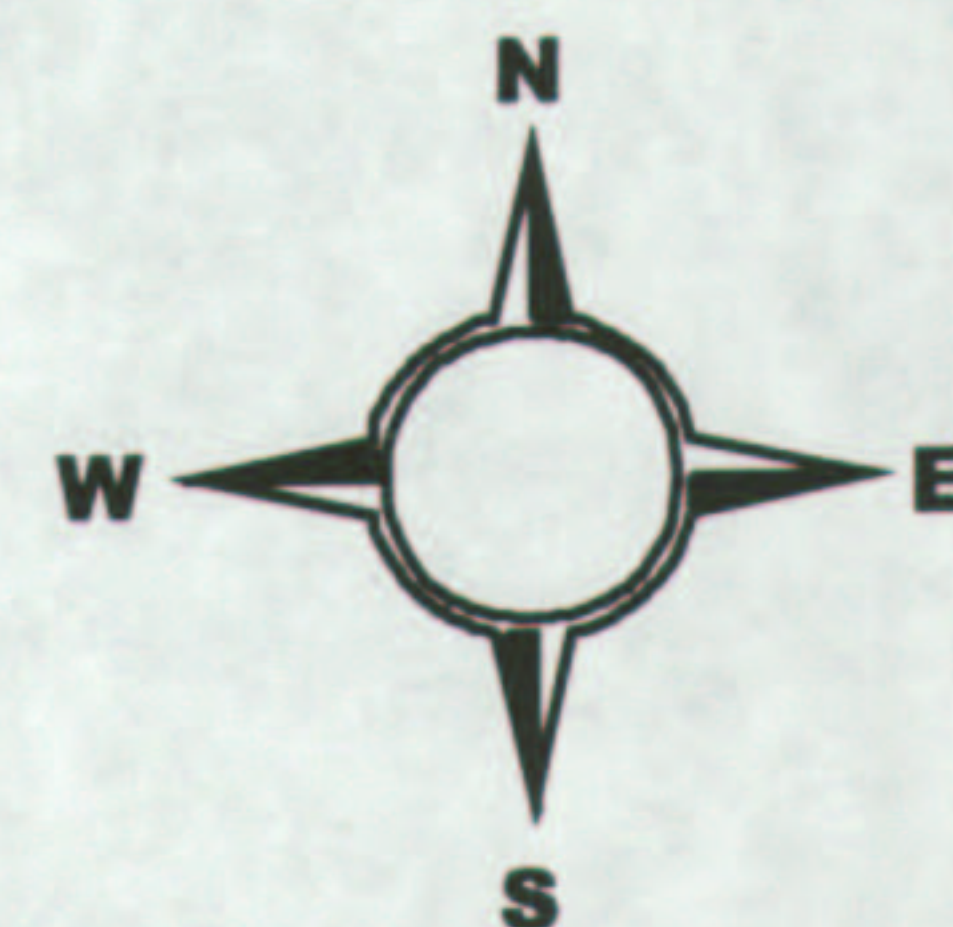
Place of Use



Section Line



Quarter-section line



GIS Place of Use illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: January 2001

01/10/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-177

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNION PACIFIC RAILROAD CO 1416 DODGE ST OMAHA, NE 68179 (402)271-3728

Priority Date: 09/01/1879
Basis: Statutory Claim
Status: Valid

<u>Source</u>	<u>Tributary to</u>
THOMAS CREEK	BEAVER CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	05/01	10/31	0.03 CFS		
INDUSTRIAL	01/01	12/31	0.07 CFS		
MUNICIPAL	01/01	12/31	0.13 CFS		
Total Diversion			0.23 CFS		

Location of Point(s) of Diversion:

THOMAS CREEK	NESE	Sec. 15	Township 12N	Range 36E	CLARK County
--------------	------	---------	--------------	-----------	--------------

IRRIGATION Use:
Acre Limit: 1

Place(s) of use:

Place of Use Legal Description: IRRIGATION	CLARK County
--	--------------

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
12N	36E	23		SESW	1									

Place of Use Legal Description: INDUSTRIAL	CLARK County
--	--------------

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
12N	36E	23		NWNE										

Place of Use Legal Description: MUNICIPAL	CLARK County
---	--------------

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
12N	36E	14		SWSW			SESW							
		23		NENW										

Total Acres: 1

Conditions of Approval:

1. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 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-

Water Right 31-177

A31C0177



- 1412(6), IDAHO CODE.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:
Claim Received Date: 01/04/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date: 11/01/1930
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recomm Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	1/10/01 8:07:05 AM	ECarlsen			In Process
POD	1/10/01 8:15:43 AM	ECarlsen			In Process
POU	1/10/01 8:55:19 AM	ECarlsen			In Process
Priority Date	1/10/01 8:08:52 AM	ECarlsen			In Process
Quantity	1/10/01 8:27:37 AM	ECarlsen			In Process
Season	1/10/01 8:40:50 AM	ECarlsen			In Process
Source	1/10/01 8:11:10 AM	ECarlsen			In Process
Use	1/10/01 8:45:15 AM	ECarlsen			In Process

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:C
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
Contacts	1/10/01 8:07:02 AM	ECarlsen	1. Appointment has not been scheduled. Comment for 1: CONDUCTED WINDSHIELD SURVEY ON DECEMBER 12, 00 AND SUBSEQUENTLY TALKED WITH JOY MEYERS AND THE MAYOR. THE MAYOR EXPLAINED THE OPERATION OF THE SYSTEM AND INDICATED THE RAILROAD HAS NOT BEEN WILLING TO PART WITH THE WATER RIGHT.
POD	1/10/01 8:22:51 AM	ECarlsen	Edited point location
POD	1/10/01 8:15:41 AM	ECarlsen	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (NO) The claimed Point of Diversion can not be verified using the water right file. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: UPPER POINT OF DIVERSION ADDED BY TRANSFER IN 1950'S HAS BEEN ABANDONED. RAILROAD AND SPENSER USE THE SAME POD. 6. (NO) The file does not contain all the necessary information to verify the POD. Comment for 6: DAVE CARLSON VISITED SITE WHILE EXAMINING

OTHER NOTICES OF CLAIM.			7. (NO) A transfer was not filed. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required. 1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (NO) The Parent Right does not have a POU. 5. (YES) There is evidence that there has been a change in the POU. 6. (YES) The change can be verified as an accomplished transfer. Comment for 6: WHEN RAILROAD CEASED USING WATER FOR STEAM ENGINES IT ALLOWED THE CITY OF SPENCER TO USE THE WATER FOR PURPOSES ASSOCIATED WITH THE CITY AND OPERATION OF THE RAILROAD MAINTENANCE IN SPENCER. 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: WINDSHIELD SURVEY CONDUCTED DEC. 12, 00. 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.		
POU	1/10/01 8:55:17 AM	ECarlsen			
Priority Date	1/10/01 8:08:50 AM	ECarlsen			
Quantity	1/10/01 8:27:34 AM	ECarlsen			
Season	1/10/01 8:40:49 AM	ECarlsen			
Source	1/10/01 8:11:06 AM	ECarlsen			
Use	1/10/01 8:45:14 AM	ECarlsen	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required. 1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (NO) The claimed diversion rate and/or volume can not be verified using the water right file. 5. (NO) A flow measurement was not required. Comment for 5: RECOMMENDED Q IS BASED ON CLAIM. PLUS DISCUSSION WITH WATERMASTER REVEALED THAT CITY OF SPENCER HAS AGREEMENT WITH WATER DISTRICT TO PAY ASSESSMENTS FOR DELIVERY OF WATER RIGHTS. SYSTEM IS USED YEAR AROUND FOR FIRE PROTECTION, USES WITHIN SPENCER AND IRRIGATION OF CEMETARY. 6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 9. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required. 1. (NO) The basis of claim is not beneficial use. 2. (NO) The parent right does not have a period of use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (YES) The file contains all the necessary information to verify the period of use. 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 13. (YES) Irrigation is the purposed use. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required. 1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. Comment for 7: WINDSHIELD SURVEY ON DECEMBER 12, 00. PLUS DAVE CARLSON HAD BEEN TO THE POD. 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required. 1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (NO) The claimed purpose of Use can not be verified using the water right file. 4. (NO) There is not evidence that there has been a change to the purpose of use.		

9. (NO) The file does not contain all the necessary information to verify the purpose of use.

Description of purpose of use verification: THROUGH DISCUSSIONS WITH JOY MEYERS, CITY TREASURE, AND THE MAYOR.

11. (NO) Purpose of Use remark was not required.

12. (YES) Purpose of Use condition was required.

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 31-177
Date Received: 1/4/01
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

UNION PACIFIC RAILROAD CO Phone: (402)271-3728

1416 DODGE ST
OMAHA NE USA 68179

2. Date of Priority: 09/01/1879

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
12N	36E	15	NE SE	CLARK

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.03	
INDUSTRIAL	01/01	12/31	0.07	
MUNICIPAL	01/01	12/31	0.13	

7. Total Quantity Appropriated is:
0.23 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
12N	36E	14	SW SE	SW SW	MUNICIPAL MUNICIPAL	
12N	36E	23	NE NW NW SE	NW NW NE NW	MUNICIPAL MUNICIPAL INDUSTRIAL IRRIGATION	1.5
Section Acres						1.5
Total Acres						1.5

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:

14. Remarks:

DAM & PIPELINES

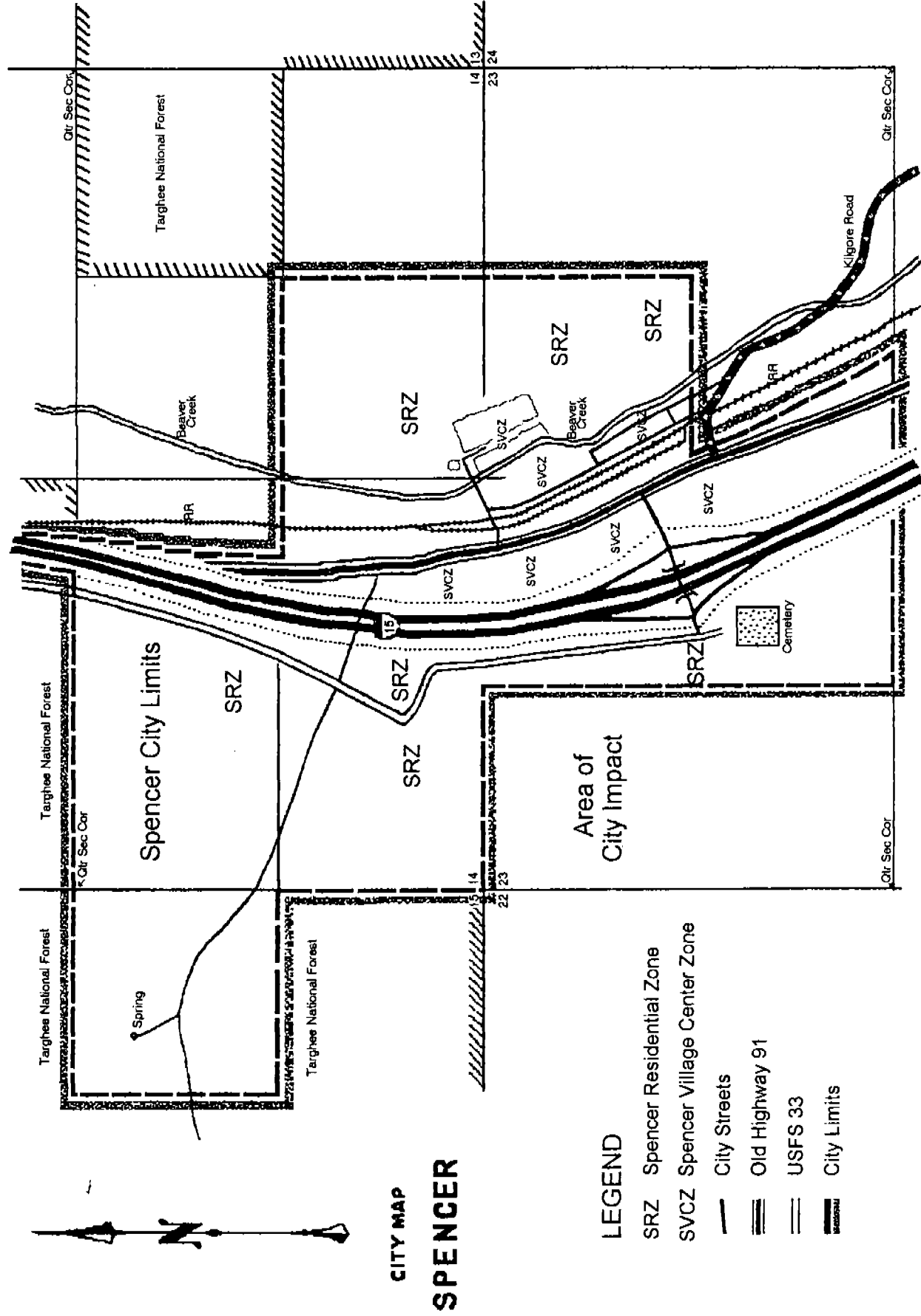
P/D IS DIVERSION DAM WITH 3390' OF 3" & 4" PIPELINES TO RAILROAD FACILITIES, 2" CONNECTION TO CITY OF SPENCER, AND A 2" PIPELINE TO CLARK CONTY CEMETARY. WATER IS USED IN COMPANY HOUSE BY MAINTENANCE SECTION CREW AND BY TRAVELING MAINTENANCE GANGS. SURPLUS WATER IS USED BY THE CITY OF SPENCER IN THEIR MUNICIPLE SYSTEM BY AGREEMENT WITH THE RAILROAD COMPANY. WATER IS USED BY THE CLARK COUNTY CEMETARY DISTRICT BY AN AGREEMENT WITH THE RAILROAD COMPANY. THE RAILROAD HAS A "DECREE OF COURT" FROM THE UNITED STATES DISTRICT COURT DATED NOVEMBER 1, 1930, FOR 0.23 CFS OF WATER FROM THOMAS CREEK WITH A PRIORITY DATE OF SEPTEMBER 1, 1879.

15. Basis of Claim: Statutory Claim

CITY OF SPENCER

CLARK COUNTY COMPREHENSIVE PLAN

PLANNING



LEGEND

- SRZ Spencer Residential Zone
- SVCZ Spencer Village Center Zone
- City Streets
- Old Highway 91
- USFS 33
- City Limits

CITY MAP

SPENCER

#11.50

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

Renumber A31-00177
Ident. Number: A31-04087
Date Received: 9/14/1988
Receipt No: E002295
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UNION PACIFIC RAILROAD COMPANY 402-271-3728
Address: 1416 DODGE ST
OMAHA, NB 68179

2. Date of Priority: SEP 01, 1879

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	36E	15	NE	SE			CLARK

5. Description of diverting works:
DAM, & PIPELINES - SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.130		
INDUSTRIAL	01/01	12/31	0.070		
IRRIGATION	04/01	11/01	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	36E	14	SW	SW		MUNI	

A31-04087

Page 1

Date: 09/14/88

MICROFILMED
NOV 17 1992

A3104087



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	36E	14	SE	SW		MUNI	
		23	NW	NE		INDUST	
			NE	NW		MUNI	
			NW	NW		MUNI	
			SE	NW		IRR	1.5
						Section Acres	1.5
						Total Acres	1.5

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:
NONE

14. Remarks:

CLAIM IS BASED ON DECREE RIGHT 31-0177.
P/D IS DIVERSION DAM WITH 3390' OF 3" & 4" PIPELINES TO RAILROAD FACILITIES, 2" CONNECTION TO CITY OF SPENCER, AND A 2" PIPELINE TO CLARK COUNTY CEMETARY. WATER IS USED IN COMPANY HOUSE BY MAINTENANCE SECTION CREW AND BY TRAVELING MAINTENANCE GANGS. SURPLUS WATER IS USED BY THE CITY OF SPENCER IN THEIR MUNICIPLE SYSTEM BY AGREEMENT WITH THE RAILROAD COMPANY. WATER IS USED BY THE CLARK COUNTY CEMETARY DISTRICT BY AN AGREEMENT WITH THE RAILROAD COMPANY. THE RAILROAD HAS A "DECREE OF COURT" FROM THE UNITED STATES DISTRICT COURT DATED NOVEMBER 1, 1930 FOR 0.23 CFS OF WATER FROM THOMAS CREEK WITH A PRIORITY DATE OF SEPTEMBER 1, 1879.

15. Basis of Claim: STATUTORY CLAIM
Water Right Number: 4087

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

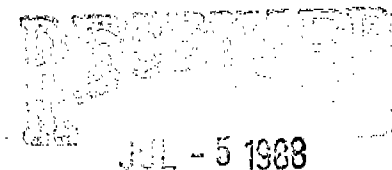
My Commission Expires _____

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: 39356
Ident. Number 31-4087 31-0177 A31-0408
Date Received 7/5/88
Receipt Number E002295

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW



Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Union Pacific Railroad Company Phone (402) 271-3728
Mailing Address 1416 Dodge Street, Omaha, Nebraska Zip 68179
2. Date of Priority (Only one (1) per claim) September 1, 1879
3. Source of water supply (a) Thomas Creek
which is tributary to (b) Beaver Creek
4. a. Location of existing point of diversion is: Township 12 N. Range 36 E. Section 15,
NE 1/4 of SE 1/4 of 1/4, Govt. Lot, B.M., County of Clark
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diversion dam with 3390' of 3" & 4" pipelines
to railroad facilities 2" connection to City of Spencer and a 2" pipeline to Clark County
Cemetery.

MICROFILMED

NOV 17 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Industrial purposes from 1-1 to 12-31 amount 0.07 or _____

For Municipal purposes from 1-1 to 12-31 amount 0.13 or _____

For Irrigation purposes from 4-1 to 11-1 amount 0.03 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.23 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
12 N	36 E	14											M	M					
12 N	36 E	23		I			M	M		1.5									

Total number of acres irrigated 1.5 Acres *1.5 acres*

11. In which county (ies) are lands listed above as place of use located? Clark

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks:
Water is used in company house by maintenance section crew and by traveling maintenance gangs. Surplus water is used by the City of Spencer in their municipal system by an agreement with the Railroad Co. Water is used by the Clark County Cemetary District by an agreement with the Railroad Company. The Railroad has a "Decree of Court" from the United States District Court dated November 1, 1930 for 0.23 cfs of water from Thomas Creek with a priority date of September 1, 1879.

MICROFILMED

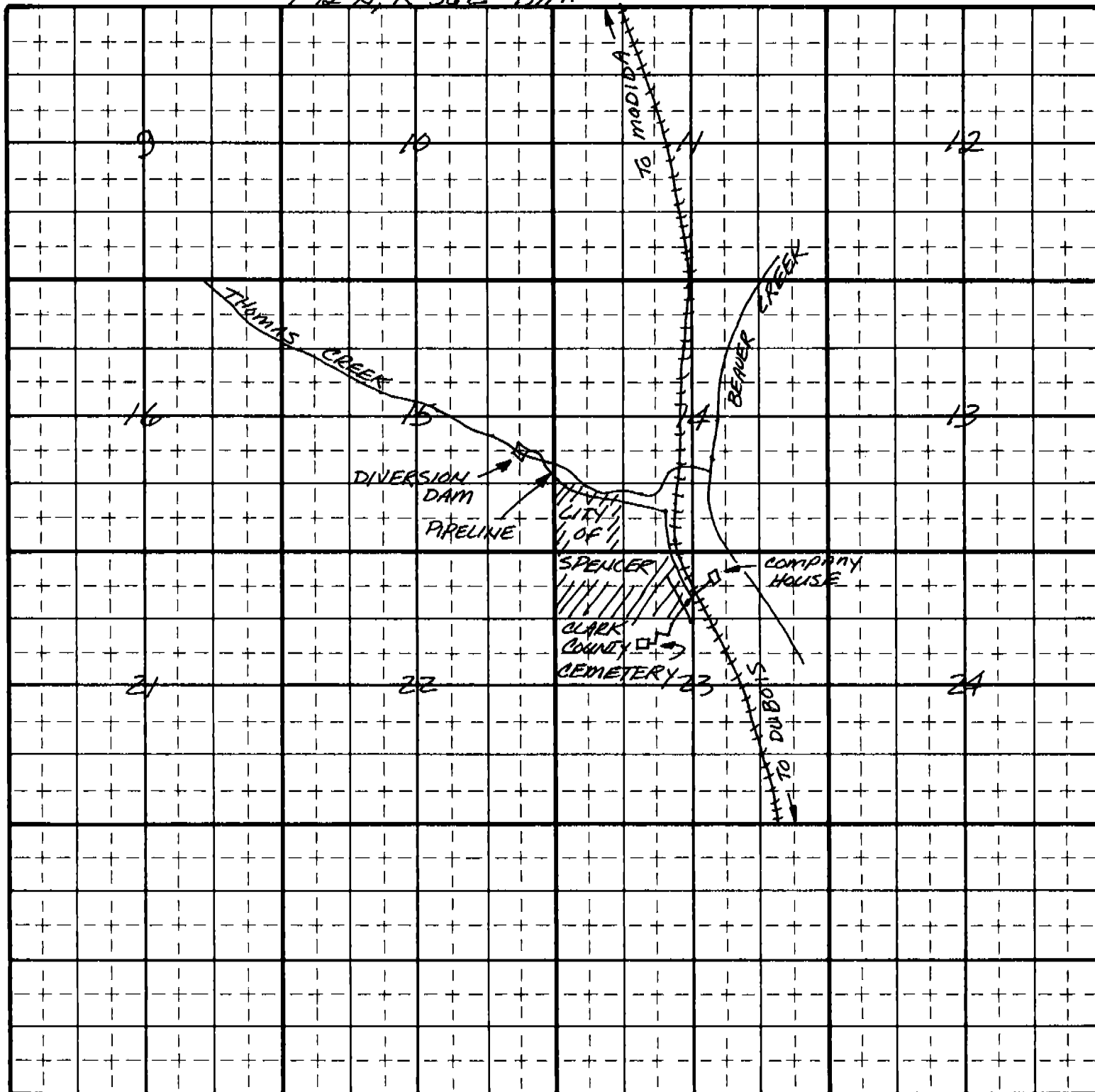
Last Name Union Pacific Ident No. 31-4087
31-0177

NOV 17 1992
Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T 12 N, R 36 E B.M.



MICROFILMED

NOV 17 1992

Last Name Union Pacific

Ident No. 31-4087 31-0177

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒ _____

If applicable provide IDWR Water Right Number 31-0178

Court District _____ Case Number 635 Decree Date 11/1/30

Plaintiff vs Defendant Ernest Sauve vs. W. H. Abbott, et al

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am CHIEF ENGINEER - DESIGN

Title

of UNION PACIFIC RAILROAD , that I have signed the foregoing

Organization

document in the space below as CHIEF ENGINEER of UPRR Co.

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent J. R. Beran

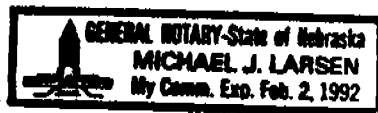
Title and Organization Chief Engr-Design UPRR Date 6/28/88

State of Idaho/or Nebraska)

County of Douglas) SS.

Subscribed and sworn (or affirmed) before me this 28 day of June 19 88

SEAL



Notary Public M. J. Larsen

Residing at Omaha, NE

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

NOV 1 / 1992

Last Name Union Pacific Ident. Number 31-4087 31-0177

Copies White-State, Yellow-Claimant

4

D

231

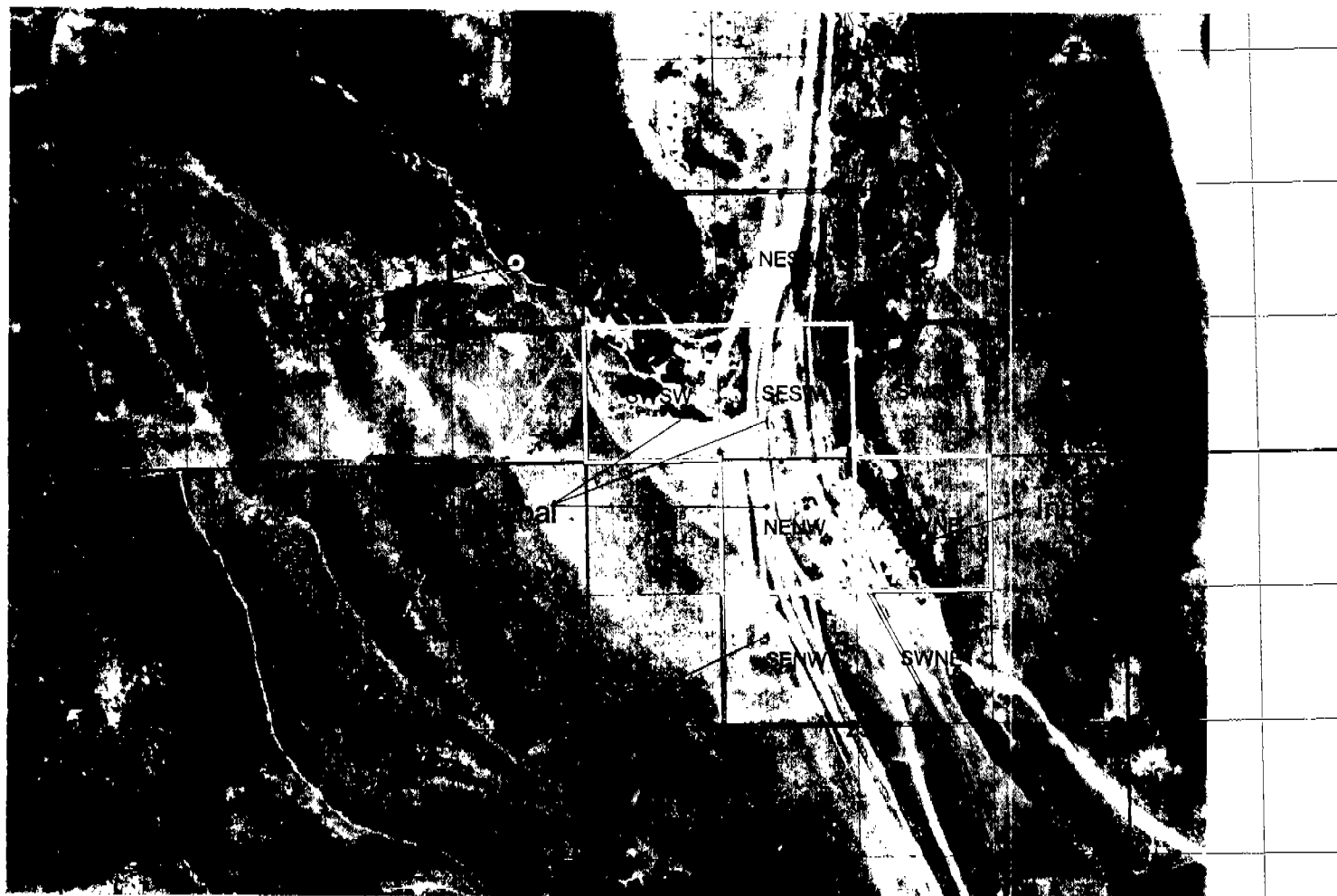


STATE OF IDAHO

Department of Water Resources

Water Right(s): 31-177

T12N R36E



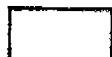
0 1320 2640 3960 5280 6600 7920 Feet

LEGEND



Point of Diversion

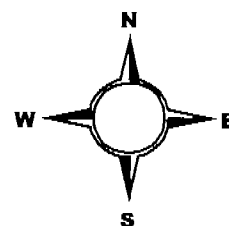
Place of Use



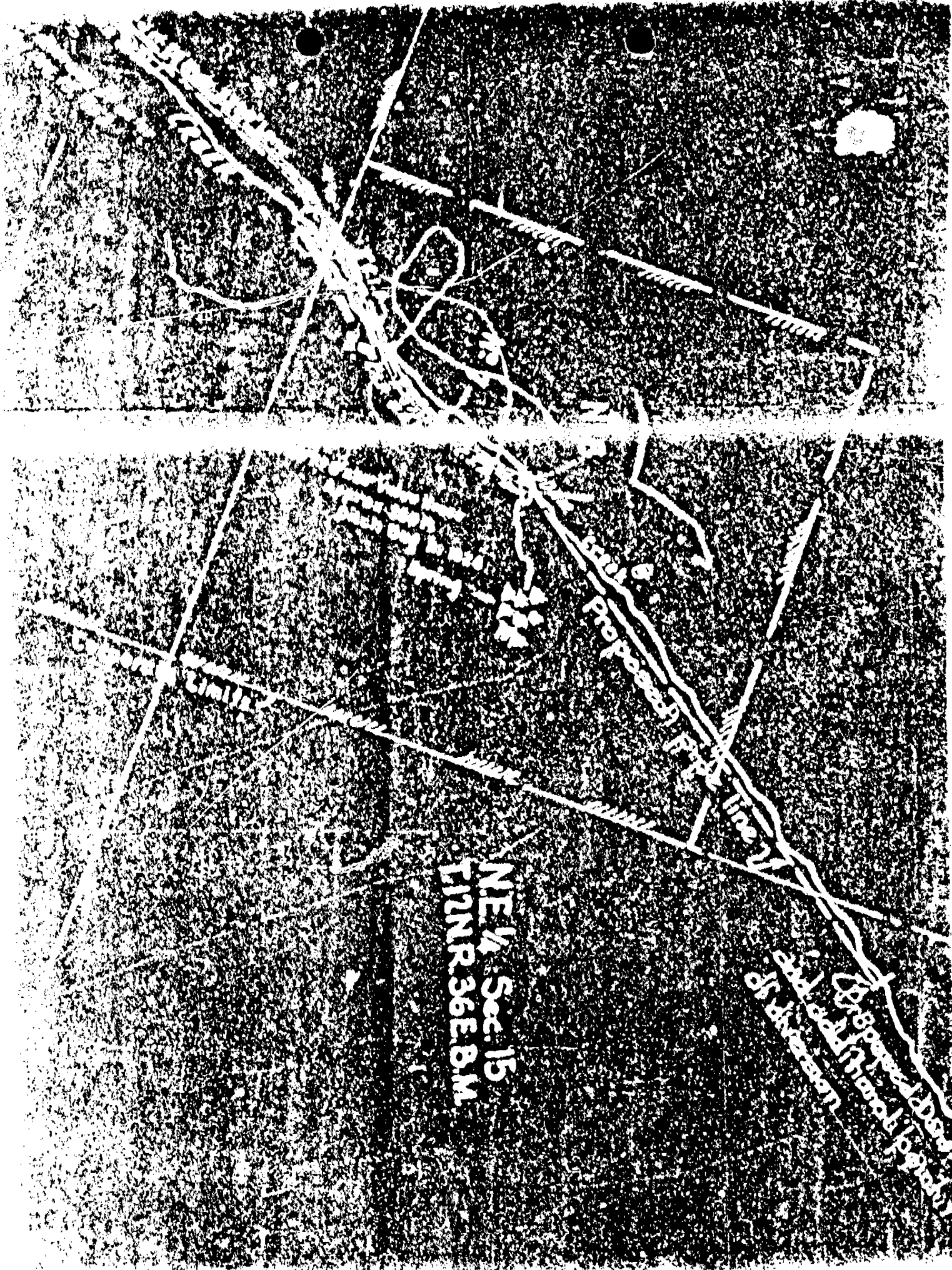
Section Line



Quarter-section line



GIS Place of Use illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: January 2001



NE 1/4 Sec 15
T12N R36E B1M

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF DECREED WATER RIGHT
NO. 226

THIS IS TO CERTIFY That Union Pacific Railroad Company is the owner of and using 0.23 cubic foot per second of the waters of Thomas Creek with priority of September 1, 1879, said water being decreed to the Oregon Shortline Railroad by Judge C. C. Cavanaugh of the United States District Court in and for the District of Idaho, Eastern Division in the case of

Ernest Sauve
Plaintiff

vs.

W. H. Abott, et al.,
Defendants.

said decree bearing date of November 1, 1930.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 5 of Decrees beginning at page 535.

And that now, upon the application of W. C. Perkins, Agent for the Union Pacific Railroad Company, for Certificate of Change of Point of Diversion of 0.23 cubic foot per second of the waters of Thomas Creek made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is HEREBY GRANTED.

That said change of point of diversion shall not modify in effect said decreed water right, or place of use. Said water is to be limited at any given time to an amount actually and beneficial used for such purposes and shall not exceed the following amount, to-wit:

0.23 cubic foot per second with priority of September 1, 1879

That the water right above described is now diverted from Thomas Creek with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, Township 12 North, Range 36 East B.M.

That this point of diversion is to be retained and another point of diversion be added at a point located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, township 12 North, Range 36 East B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 5th day of November, 1954.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

UNION PACIFIC RAILROAD COMPANY

CONTRACTS & REAL ESTATE DEPARTMENT



March 8, 1993

File: 993-78

ROOM 1100, 1416 DODGE STREET
OMAHA, NEBRASKA 68179-1100
(402) 271-3753
FAX (402) 271-5493

Jack L. Nelson
(402) 271-2347

RECEIVED

MAR 12 1993

Department of Water Resources
Eastern District Office

Eric Verner
Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718

Dear Eric:

I am writing in response to your letters of February 9 concerning Evidence of Priority for Water Rights Claims No. A31-10001, No. A31-04086 and No. A31-04087 at Dubois, Humphrey, and Spencer, Idaho, respectively.

I trust the enclosed Affidavits and related material will be sufficient to support the claimed priority dates on these rights.

However, if I can be of further assistance, please feel free to call me at (402) 271-2347.

Yours Truly,

Jack L. Nelson
Jack L. Nelson
Water Rights Representative

wb/jln/stateof.ida

MICROFILMED

APR 14 1994

RECEIVED

Department of Water Resources
Eastern District Office

concerning

at

I, R. D. (Dave) Uhrich, being duly sworn, do hereby certify that I am Assistant Vice President - Contracts and Real Estate for Union Pacific Railroad Company, and on behalf of said Company do further certify that the facts concerning the above referenced Water Rights Claim's priority date as represented in the accompanying "Decree of Court" was supplied under authority of the Company; that the facts disclosed therein were obtained from information contained in files known to exist as of the date shown thereon; that presently, to the best of my knowledge and belief, the original sources of this information either cannot be located or do not exist.

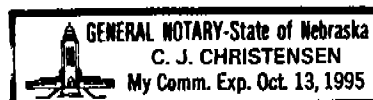
Rollins

Asst. V. P. - Contracts and
Real Estate

Sworn and subscribed to before me this 8th day of March, 1993.

A. J. Christensen

(Notary Public)



jln:affidavi.gen

NOTES

APR 14 1934

OREGON SHORT LINE RAILROAD COMPANY

POOR ORIGINAL

LAND PURCHASED
DEED
AUDIT NO. 7040

7040

Chief Engineer's

Deed

No. 6008.

RECEIVED

MAR 12 1993

Department of Water Resources
Eastern District Office

"DECREE OF COURT"

UNITED STATES DISTRICT COURT

to

OREGON SHORT LINE RAILROAD COMPANY, ET AL,

NOV. 1, 1930

Covering Water Rights at Camas,
Dubois, Spencer and Humphrey, Idaho.

Supersedes Water Rights covered
under Deeds C.E. Nos. 718 and 2879

MICROFILMED

APR 14 1994

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF IDAHO, EASTERN DIVISION.

ERNEST SAUVE,

Plaintiff,

-vs-

W. H. ABBOTT, et al

Defendants.

No. 635 -- In Equity

DECREE

BE IT REMEMBERED, that this cause came on for final hearing at Pocatello, Idaho, this 13th day of Oct., in the year 1930, and having been duly presented, and the Court having made and filed its findings of fact and conclusions of law herein, and in accordance therewith, on motion of counsel for plaintiff, it is ORDERED, and ADJUDGED and DECREED as follows, to-wit:

PART I

1.

That this action be, and is dismissed as against Thomas Waggoner. That the waters used by Thomas Waggoner are not tributary to, nor a part of Mud Lake.

2.

The default of J. W. Dill be, and is, vacated insofar as the rights of his successors in interest, Thomas J. Williams and R. P. Cope, are concerned, and not otherwise. That the defaults entered in this cause be, and are confirmed, without prejudice

to any community property rights in waters herein decreed to a spouse.

3.

That there is hereby drawn within the jurisdiction of this Court, for distribution for beneficial uses under and pursuant to the terms of this decree, all the waters of Mud Lake (sometimes known as Crystal Lake) and its tributaries which are hereby decreed to constitute a single inter-dependent source of water supply to be administered under the terms of this decree, and Spring Lake and North Lake which are independent of Mud Lake.

4.

That Mud Lake, sometimes called Crystal Lake, is a natural body of water situated in Jefferson County, Idaho, and, in part, receives its supply of water, from the flow of Camas Creek and its tributaries, Beaver Creek, (sometimes called Dry Creek) and its tributaries, Rays Lake, Deadline Lake, and Sandhole Lake and each of their tributaries, all of which are herein decreed to be tributaries of Mud Lake. That North Lake and Spring Lake are not tributaries of Mud Lake, and the rights herein awarded in Spring Lake and the rights herein awarded to North Lake, if any, may be respectively separately administered and diverted without reference to the priority of right awarded to any other party to this suit. And while the provisions of this decree shall govern and determine as between themselves the rights and priorities of those persons diverting water from said respective lakes they are not affected by and do not affect the rights and priorities of any other parties to this suit. Except as otherwise specifically

APR 14 1994

provided, all the waters of the various lakes, ponds, streams and sloughs herein allotted constitute part of the supply of Mud Lake and shall be administered and distributed with reference to the priorities herein decreed.

5.

It being necessary in order to give effect (as among themselves), to the priority of rights herein allotted, having points of diversion from Mud Lake or its tributaries at points affected by the back waters of Mud Lake, that the diversion of all such water should be regulated during each irrigation season so as to leave available at all times, so far as practicable, sufficient water to fill such rights in the order of their priority during the balance of the irrigation season.

IT IS HEREBY DECREED, as follows: That on May 1st of each year, the Commissioner, water master, or other official charged with the distribution of water under this decree, shall compute from the gauge height of the lake the amount of water then available in the lake for diversion and use, and shall add thereto the sum of 18,000 acre feet being the average inflow during the past seven years between the period of May 1st to September 1st, and the aggregate amount of water then in the lake, plus said estimated inflow, shall be provisionally deemed the amount of waters of Mud Lake available that season for use; likewise, on May 1st said official shall compute in acre feet the allotment of water necessary to fill each right from May 1st to September 1st, in the order of their respective priorities as such rights in Mud Lake and its tributaries having points of diversion as aforesaid, as the same are herein decreed; and such of those rights of earliest priority, the cumu-

ative total of whose allotments does not exceed the said calculated amount available that season, shall be permitted to begin the use of water that season; thereafter at intervals during the irrigation season, not less frequent than 15 days, such official shall compute the amount of water theretofore used by each right (including the amount, if any, used prior to May 1st) and the amount of water remaining available to fill such rights, taking into consideration actual accretion to the lake from natural inflow and charge each right its proportionate part of the evaporation losses in the lake; and whenever, according to such computation, at any time there shall no longer remain in the lake any water available to fill any right after deducting from the available supply computed up to date as aforesaid, the amount necessary to supply prior rights to September 1st, such later right shall be cut off.

The commissioner, water master, or other official charged with the distribution of the water under this decree, shall keep records of the daily deliveries to users, records of evaporation, of inflow, of daily gauge heights and the capacity of the lake.

Nothing herein contained shall require that there be kept available water to fill the right of any owner whose pumping plant, or other works of diversion, are not that season being operated, nor kept available to fill the right of any owner after the time in the season when such owner is unable to put the water to beneficial use. Nothing herein contained shall restrict any user from using at such times and in such quantities as he may desire, his said seasonal allotment in any one calendar month, but all water.

APR 14 1924

whenever used, (including that water, if any, used prior to April 1st and after September 1st) shall be charged against his seasonal allotment. In computing the capacity of Mud Lake, and the available water supply therein contained at any time such portion of said waters as are below gauge height of one foot below zero, or (-1.0 ft.) on the present United States Geological Survey gauge, shall be disregarded as waters unavailable for diversion and likewise there shall be disregarded any waters brought into Mud Lake from independent or non-tributary sources of supply.

The court reserves jurisdiction hereafter, from time to time, to modify the provisions of this paragraph numbered 5, if it should appear that such modification is necessary to give effect to the rights and priorities herein decreed.

6.

The parties hereto and their successors in interest shall install and maintain suitable and efficient headgates, controlling works and measuring devices at their respective points of diversion, and all water herein allotted and decreed shall be measured at said points of diversion. Said works and devices shall be built and installed in accordance with plans and specifications to be approved by the official charged with the duty of supervising the distribution of water, subject, however, to review by this court. All such devices shall be of such design as to accurately measure the amount of water diverted; and in cases where in the opinion of the official charged with the duty of supervising the distribution of water, automatic measuring and registering devices are required for the proper administration of this decree, such devices shall be installed and maintained. All such headgates, control works

and measuring devices and gauges shall at all times be subject to the inspection of any party to this suit and the public officials or the water master having jurisdiction over the distribution and diversion of water; and no dam or other obstruction to the natural flow of the stream shall be maintained so as to divert water from the channel of the stream, except thru ditches, canals or other works provided with such headgates, control works and measuring devices; and each of the parties hereto, their successors agents, servants and employees are hereby perpetually enjoined from diverting from the channel of any stream, lake, slough or the tributaries thereof any water through any ditch, conduit or other device not provided with such headgates, control works and measuring devices. Each of the parties hereto and their agents, servants and employees are hereby perpetually enjoined and restrained from maintaining in any stream or slough, or permitting to exist within such stream or slough where the same traverses their respective lands, or any land owned or controlled by them, any obstruction to the flow of water, except in connection with the diversion of water as herein permitted through headgates equipped with measuring device. The dam or embankment at what is known as the Lone Tree Reservoir belonging to the defendant Wood Livestock Company shall on or before April 1, 1931, at the expense of said Wood Livestock Company, or its successors in interest, be provided with a conduit of sufficient capacity to permit the full natural flow of Camas Creek in flood to pass through said dam or embankment without backing up the water in said reservoir; or in lieu of providing said conduit, said dam or embankment shall, on or before said date, be removed.

RECORDED

by the owner thereof; and from and after said date said defendant, Wood Livestock Company and its successors, agents, servants and employees, and each of them, are hereby enjoined and restrained from maintaining said dam so as to obstruct the natural flow of said creek, or from permitting it to obstruct the natural flow of said creek.

In case any user shall fail to install any headgate, measuring or control device as in this decree prescribed, within thirty days after the official in charge of the administration of this decree has notified him so to do, or, after like notice, to remove any obstruction required herein to be removed, where the date for removal is not specified, the said commissioner or other official may install such headgate or measuring device or remove such obstruction and charge the expense thereof to such user, and such user shall not thereafter be entitled to the use of his water as herein decreed until he has repaid to said official the expense of such work; the expense of removal of obstructions on public land shall be taxed as ordinary expense of administration by the watermaster.

7.

The Court further retains jurisdiction to appoint a commissioner or water-master to administer this decree as herein-after set out, and to make corrections of clerical errors in the rights herein decreed, and to administer this decree shall be final.

8.

Up to January 1st, 1932, the administration of this decree

shall be left with a Commissioner to be hereafter appointed by the court for that purpose, with such salary as may be fixed in the order of appointment, together with his actual and necessary expenses incurred in the discharge of his duties. Said Commissioner is moreover authorized to employ such assistants or water masters as may be necessary. Nothing herein contained shall prevent said Commissioner, if he so desires, from employing water masters elected or appointed under the statutes of Idaho for the election and appointment of water masters, for any water district or water districts comprising Mud Lake or any of its tributaries; and in case said Commissioner shall appoint said water master as his assistants, they shall receive their compensation in the manner provided by the Statutes of Idaho with reference to such matters; but nothing herein contained shall require said Commissioner to appoint as his assistants such water masters so elected or appointed under the statutes of Idaho, unless, in his opinion, such appointment shall be conducive to the proper administration of this decree; and unless so appointed by said Commissioner as his assistants, said water masters shall have no authority to distribute the waters of Mud Lake or any of its tributaries while the distribution of the waters thereof shall be under the control of said Commissioners.

The salary and necessary expenses of said Commissioner and his assistants in the administration of this decree for the season of 1931 shall be borne as follows:

Pro rata, according to the amount of water herein decreed to each party.

POOR ORIGINAL

Said Commissioner shall on or before April 1, 1931, prepare a budget covering the estimated expenditures for the ensuing season. After approval of this budget by the Court, said Commissioner shall distribute, pro rata, said estimated expenditures among the various users on the basis above set forth. Said Commissioner shall notify the parties to whom rights are herein decreed, or their successors, of the amount charged to each respectively, and shall also notify such parties of the time within which their respective shares of the installments thereof shall be paid to such Commissioner.

The Commissioner shall have authority to refuse to deliver water to any user until such time as such user's share of the expenses herein provided for is paid.

Said Commissioner shall at the close of the irrigation season of 1931 report to the Court his proceedings of the distribution of water, together with any recommendations touching directions for the administration of the waters herein decreed as they grow out of his experience in the distribution of water for said initial season.

9.

The rights set forth in the Schedule of Rights, (Part II hereof) immediately following, are hereby decreed to the parties to this cause, respectively, as indicated in said schedule, which rights are to be used and enjoyed in accordance with the provisions of this decree, to-wit:

PART II.

SCHEDULE OF RIGHTS.

ENCLOSURE
APR 14 1931

Definitions:

- c.f.s.** is used throughout this schedule to designate a flow of one cubic foot of water per second of time.
- inch** (meaning one inch) where and if used in this decree to indicate water rights shall be construed to be the equivalent of 1/50th of a cubic foot per second of time.
- use** Water herein decreed for use on land shall be construed to include the usual ordinary and customary use thereof for irrigation, for watering livestock, and for other domestic purposes.

Note: The left-hand column of this schedule of rights headed "Name and Date of Priority", shows the name of the owner of the water right or water rights, the date or dates of priority, and for convenience the water right or water rights of each individual are given a number, which number appears at the lower left-hand corner of the paragraph defining the water right or water rights decreed to each individual. The center column shows the amount of water in c.f.s. under each date of priority. The right-hand column gives the source, the point of diversion, and the description of the land constituting the place of use.

RECORDED

APR 14 1934

SUBDIVISION A.

The plaintiff, ERNEST SAUVE, is entitled to divert from Mud Lake for use on his lands as hereinafter described the following amount:

Name and Date of Priority	Amount in Second Feet	Point of Diversion and Place of Use.
---------------------------------	--------------------------	---

Ernest Sauve

1926 - August 28	6.4. c.f.s.	Source: Mud Lake
------------------	-------------	------------------

Point of Diversion: North 42°30' East 3985 feet distant from the quarter corner common to Sections 11 and 14, Township 6 North, Range 34 East, B.M., which point of diversion is in the Southwest quarter of the Northwest Quarter of Section 12, Township 6 North, Range 34 East, B.M.

For use on the following described land, to-wit: The South half of Section 22, Township 6 North, Range 24 East, B.M.

The respective defendants herein named are entitled to divert from Mud Lake and its tributaries as hereinafter indicated, for use on their respective lands as hereinafter described, the following amounts:

Name and Date of Priority	Amount in Second Feet	Point of Diversion and Place of use.
* * * *		
<u>Oregon Short Line Railroad Company a corporation.</u>		
1879 - July 1	0.26 c.f.s.	Source: Camas Creek, a tributary of Mud Lake. Point of Diversion: Diverted from the North Bank of Camas Creek at a point on the right of way of the Oregon Short Line Railroad Co., near the Station of Camas, Idaho. For use at Camas, Jefferson County, Idaho.
1879 - Sept. 1	0.37 c.f.s.	Source: Beaver Creek, a tributary of Camas Creek. Point of Diversion: In the North- east quarter of the Southwest Quarter of Section 21, Township 10 North, Range 36 East, B.M. For use at Dubois, Clark County, Idaho.
1879 - Sept. 1	0.23 c.f.s.	Source: Thomas Creek, a tributary of Beaver Creek. Point of Diversion: Through two circular pipe lines into a 50,000 gallon water tank, said tank being located in the Northeast Quarter of the Northwest

A31-04087

E.O.P. - Same

100

APPROVED

APR 14 1921

1880 - May 1.

0.15 c.f.s.

AB1-04086

E.O.P. - P.O.O.N

SAVE PROPERTY

Wood Livestock Company,
a corporation, as Trustee
for the Town and Community
of Spencer, Idaho

1879 - September 1 0.2 c.f.s.

This right to be subsequent in
point of priority, nevertheless,
to that certain water right herein
awarded to the Oregon Short Line
Railroad Company for 0.23 c.f.s.
of the waters of Thomas Creek,
priority September 1, 1879.

Quarter of Section 23, Township
12 North, Range 36 East, B.M.

For use at Spencer, Clark County,
Idaho.

Source: Beaver Creek, a tributary
of Camas Creek.

Point of Diversion: A point in
unsurveyed township 14 North,
Range 36 East, B.M.

For use at Humphrey, Clark County,
Idaho.

Source: Thomas Creek, a
tributary of Beaver Creek.

Point of Diversion: At or near
the Town of Spencer, Idaho.

For use on lands by and
immediately contiguous to the
Town of Spencer, Idaho.

POOR ORIGINAL

PART III

1.

IT IS FURTHER ADJUDGED AND DECREED HEREIN, that none of the parties to this cause have any rights or right in or to the waters of Mud Lake and its tributaries, other than those set forth in said schedule of rights, none of them have any right or rights whatever in or to the said waters, PROVIDED, that nothing in this decree contained shall be construed to affect the mortgage, or other lien of any party hereto, the interest of a spouse in community property, nor the interest of a corporation stockholder in such waters, as are herein decreed, nor to affect rights which may hereafter be initiated.

2.

It is further ORDERED, ADJUDGED and DECREED that each of the parties hereto, both plaintiff and defendants, cross-complainants and intervenors, together with their heirs, successors, assigns, agents, servants, and employees are hereby severally and particularly RESTRAINED and ENJOINED from using, attempting to use, diverting, or attempting to divert, any of the waters herein decreed as hereinbefore defined and set out, in any manner except as hereinbefore provided and set out, and in strict accordance with the terms of this decree.

3.

It is further ORDERED, ADJUDGED and DECREED that each of the parties hereto, both plaintiff and defendants, cross-complainants and intervenors, shall pay his own costs expended in this cause, such costs being filing fees, marshall's fees, publication

fees, witness fees, and reporters' fees; that the costs of securing supplies, necessary expenses of the Commissioners, and compensation allowed said Commissioners for preparing Findings and this Decree, including stenographic expenses incurred in the drawing of this Decree, be, and hereby are, fixed at the sum of \$3,110.00 of which sum the following named parties shall pay the amount hereinafter specified, and that the Commissioners, J. H. Peterson and H. S. MacMartin, be, and hereby are, adjudged to have a lien upon the property of each of the several parties in this decree described for the amount of costs hereby taxed against each of said parties, to-wit:

<u>NAME</u>	<u>AMOUNT</u>
Ernest Sauve	\$16.90
W.H.Abbott	10.55
G.B.Allen	10.55
Anderson Bros.Bank	80.20
Lovise Barney	8.70
Ernest Bauerle	8.14
Ambrose J. Beckner	6.55
Gus E.Brauer, etc.	9.81
Gustave E.Brauer	9.45
William Broadhurst	8.70
Nicholas Burggraff	12.41
Arthur G.Burnside	9.81
John H.Burnside	16.12
Robert Burnside	8.33
Alice M. Cain	10.92
Charles G. Carlson	8.33
Central Ida.Irr.Dist.	53.95
R.P.Cope, etc.	10.93
R.P.Cope	6.10
Margaret Craig Curran	12.41
Donning Clark L.S.Co.	6.86
Margaret Donahue	9.74
William B. Ellis	18.36
Preston B.Ellsworth	9.81
William Beck	9.45

APR 14 1934

POOR ORIGINAL

<u>NAME</u>	<u>AMOUNT</u>
H.A. & Mary L. Englund	9.63
Federal Ind. Bank, Spokane	13.52
Henry Fitter	16.87
Fredrick Fredericksen	25.14
Ernest Halverson	10.92
Hamer Canal Co.	60.55
Sidney A. Hanks	10.92
John Hansen	10.46
Harmon Reservoir Co.	226.85
John W. Hays, Jr.	9.70
Olive M. Hays	15.76
E.W. & Dolly M. Henninger	23.55
M. Hillman	38.78
David Hirschi, Sr.	10.00
David Hirschi, Jr.	6.30
Charles A. Hjort	6.48
W.C. Holley	8.13
W.H. Hutchinson	9.81
Earle Jackson, etc.	10.92
H.R. Jackett & F.S. Jackett	51.65
J.P. Jacoby)	
Joseph P. Jacoby)	15.94
Joseph Jacoby)	
Jefferson Irr. Co. Ltd.	190.08
Mary Jemmett, etc.	7.96
Henry Jemmett, etc.	10.47
Emil Jensen	7.78
H.P. Jensen	17.05
Oscar Julius Johnson	11.30
Niels Kelson	10.47
Sarah A. Kendrick	10.06
Thomas Knotwell	7.62
E.W. Laird	23.53
James Laird	21.31
Joseph A. Laird	39.51
Peter Lawson	6.86
R.D. Leatherman	11.30
C.W. Leonardson	10.47
Los Angeles F.N. Bank & T. Company.	16.12
Mary L. McCann	7.78
Frank E. McClain	13.60
Mrs. Flossie McGarry	12.41
Mrs. Isabella McGarry	7.96
C.O. McGill & G.B. Adams	8.70
William McGovern	9.82
Peter McKevitt	13.80
James A. Melton	12.41
Bert H. Miller	19.47
Miller & Viele, a corp	35.45
William H. Miller, etc.	9.52

ORIGINAL

APR 14 1934

POOR ORIGINAL

<u>NAME</u>	<u>Amount</u>
Alexander Mitchell	9.70
Mary E. Mitchell	13.90
George E. Monroe	8.70
Mud Lake Canal Co.	18.31
Bertha I. Nielson, etc.	8.18
New World Life Ins. Co.	9.41
Carl Nordstrum	10.93
Bartholomew O'Brien	9.45
Josephine O'Brien	6.49
Oregon Mtg. Co. Ltd.	18.27
Oregon Short Line R.R. Co.	6.90
Mabel E. Orin	6.42
August W. Ossman	10.17
Caluson P. Ouldhouse	10.00
Garrett Ouldhouse	6.30
Owsley Canal Co.	477.05
Bertha I. Owsley	46.60
Merritt M. Owsley	34.50
E. F. Palmer	11.48
William Patt	9.81
Bert H. Paul	36.17
Martin Peterson	7.21
Marie V. Peterson	10.40
O. E. Peterson	11.30
James A. Potter	8.35
Joseph B. Potter	8.70
Annie Rasmussen	33.40
Elizabeth M. A. K. Rober	10.93
Al Richens	10.93
Mrs. Frank Robbins	9.23
Lloyd Roberts	15.37
Andrew Sandback	10.93
David A. Sanders	11.37
J. L. Saunders	6.36
Charles J. Schaller	10.18
S. E. Schaller, etc.	13.53
Martin D. Schlagel	6.47
Bert Shoaf	7.96
Alice Shuttleworth	9.97
O. A. Skoda	6.66
Chetwin Smith	10.92
Fred L. Spalding	7.92
Merritt E. Staley	9.43
State of Idaho (Public Corp)	13.56
P. D. Stoops	15.34
Albert C. Swanstrum	7.22
J. T. Sykes	9.80
William V. Tascher	10.93
U. W. Taylor	7.97

UNOFFICIAL

APR 14 1934

POOR ORIGINAL

<u>NAME</u>	<u>AMOUNT</u>
Charles Thieman	10.25
Dan Thomas & H.T.Thomas	12.15
Union Central Life Ins.Co.	49.10
Ludger Vadnais	16.84
J.E.Walker & Wm.F.Woodard	7.22
Clara M.Welchman	9.95
T.J.Williams & R.P.Cope	14.44
M.W.Wilmot & C.E.Pope	9.82
Perry B. Woodard	5.92
Wood Livestock Co., trustee for Spencer, Ida.	5.37
Wood Livestock Co., a corporation	378.09

4.

And it is further ordered, adjudged and decreed, that no party hereto shall divert or use any of the waters herein decreed until he or his successors or assigns, have paid to the Commissioners aforesaid, the amount due and owing by such party, nor shall the official charged with the enforcement hereof permit any party, their successors or assigns, to divert any of the waters herein decreed without creditable evidence that such amount has been fully paid to such commissioners. A receipt from such commissioners, or either of them for the full amount so adjudged and decreed to be due them, exhibited to such official shall be creditable evidence that they have been paid.

DATED AND SIGNED AT POCA TELLO, Idaho, this 1st day of November in the year 1930.

C. C. Cavanaugh

United States District Judge.

RECORDED

APR 14 1931



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

FEBRUARY 9, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

POOR ORIGINAL

*

RE: EVIDENCE OF PRIORITY

Dear Claimant(s):

The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". 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, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a 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. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

EVIDENCE OF PRIORITY

Page - 2 -

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

The Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by MARCH 9, 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,

Eric Verner
Senior Water Agent

EV:jt

Enclosure: Brochure on "Evidence of Priority"
Proof Report

Other Water Right Numbers Needing Evidence of Priority

RECORDED

APR 14 1994