

12/04/2000

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

RIGHT NUMBER: 31-178

NAME AND ADDRESS: UNION PACIFIC RAILROAD CO
1416 DODGE ST
OMAHA, NE 68179

SOURCE: SPRING TRIBUTARY: BEAVER CREEK

QUANTITY: 0.02 CFS

PRIORITY DATE: 05/01/1880

POINT OF DIVERSION: T13N R36E S4 SENW Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01-01 12-31	0.02 CFS

RAILROAD MAINTENANCE

PLACE OF USE:

INDUSTRIAL Within CLARK County
T13N R36E S4 SENW

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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 31-178
Date Received: 9/28/00
Receipt No: E002295
Received By: DC

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: 05/01/1880

3. Source: SPRING Trib. to: BEAVER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
13N	36E	4	SE NW	CLARK

5. Description of diverting works:

SRING HOUSE 4X4 SPRING HOUSE ON RAILROAD ROW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.02 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
13N	36E	4	SE NW	INDUSTRIAL	

A3100178



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:

WATER IS USED BY SECTION MAINTENANCE FORCES AND BY TRAVELING
MAINTENANCE GANGS. THE RAILROAD HAS A DECREE FOR 0.15 CFS FROM
BEAVER CREEK WITH A PRIORITY DATE OF MAY 1 1880

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____ Title

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

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

WRS809NP
No. 31-00178

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/04/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	OREGON SHORT LINE RAILROAD CO.	05/01/1880	IRRIGATION STOCKWATER DOMESTIC	05/01 09/01 00/00 00/00 00/00 00/00	0.150 CFS	
TOTAL DIVERSION:					0.150 CFS	

Water Source: BEAVER CREEK

Tributary to: CAMAS CREEK

Stage: DECREED

Pou County:

Remarks: GEN P/D IN UNSURVEYED TOWNSHIP OF T14, R36E.
P/U AT HUMPHREY.

Dates: App. Received: 05/01/1880
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: 06/24/85 05/22/88 CONVERT

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

Renumbered to - 31 - 00178

Ident. Number: A31-04086

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: MAY 01, 1880

3. Source: SPRING Trib. to: BEAVER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	36E	4	SE	NW			CLARK

5. Description of diverting works:
SPRING HOUSE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.020 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
13N	36E	4	SE	NW		INDUST	

11. Place of use in counties: CLARK

A31-04086

Page 1

Date: 09/14/88

MICROFILMED

NOV 17 1992

A3104086

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 DECREED RIGHT 31-0178.
WATER IS USED BY SECTION MAINTENANCE FORCES AND BY TRAVELING
MAINTENANCE GANGS. THE RAILROAD HAS A "DECREE OF COURT" FROM
THE UNITED STATES DISTRICT COURT DATED NOVEMBER 1, 1930, FOR
0.15 CFS OF WATER FROM BEAVER CREEK WITH A PRIORITY DATE OF
MAY 1, 1880.

15. Basis of Claim: STATUTORY CLAIM
Water Right Number: 4086

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 31-4086 31-0178 A31-04086Date Received 7/5/88Receipt Number E002895

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

SEP 13 1988

Department of Water Resources
Eastern District Office

SEP 13 1988
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) May 1, 1880
3. Source of water supply (a) Spring
which is tributary to (b) Beaver Creek & Camas Creek
4. a. Location of existing point of diversion is: Township 13 N Range 36 E Section 4,
SE 1/4 of NW 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. _____
4'x4' spring house over spring on railroad right-of-way.

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 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.02 (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	
13 N	36 E	4								I									

Total number of acres irrigated _____

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 by section maintenance forces and by traveling maintenance gangs. The Railroad has a "Decree of Court" from the United States District Court dated November 1, 1930, for 0.15 cfs of water from Beaver Creek with a priority date of May 1, 1880.

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NOV 17 1992

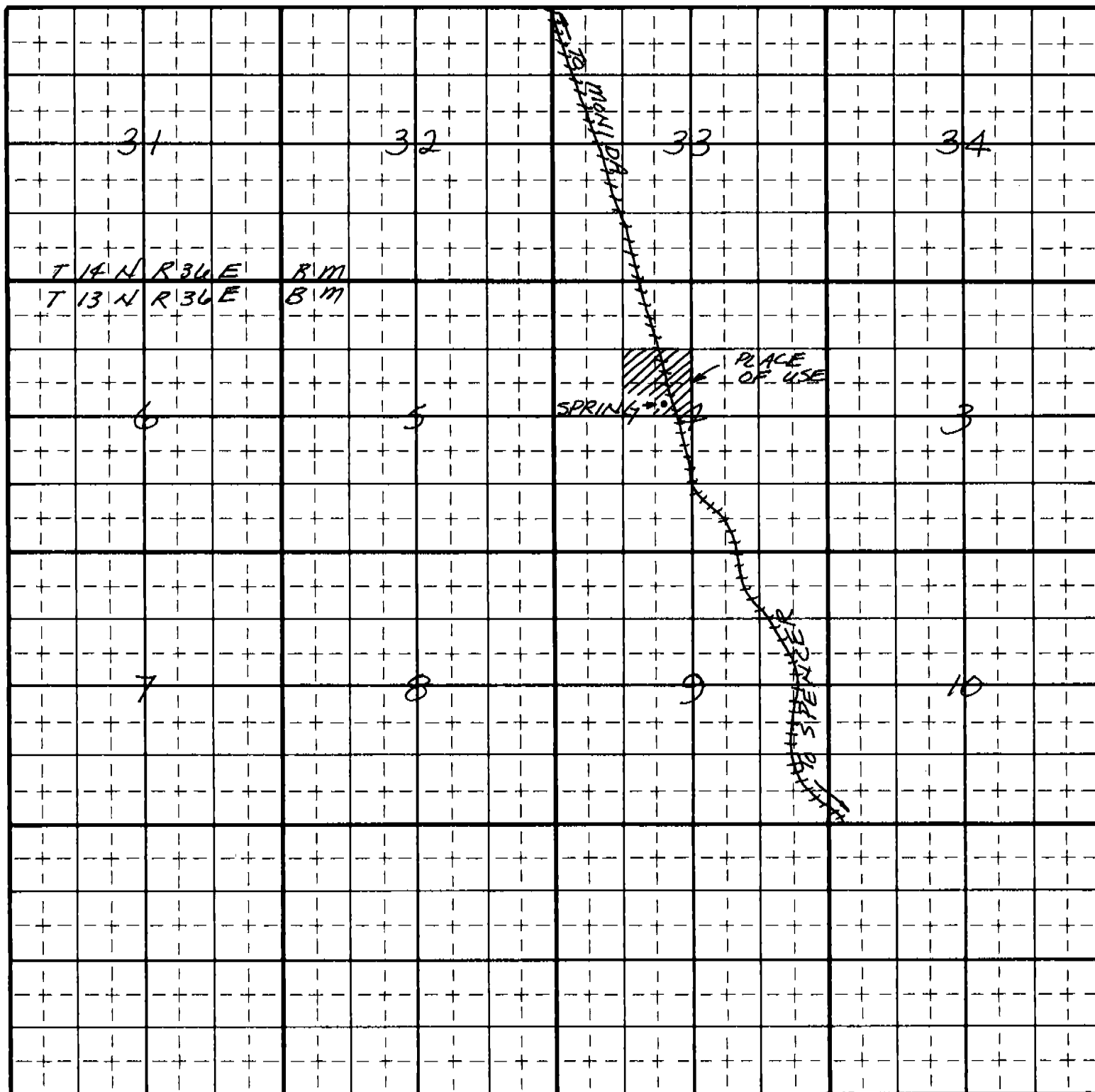
31-4086
31-0178

Last Name Union Pacific Ident No. _____

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



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NOV 17 1992

Last Name Union Pacific

Ident No. 31-4086 31-0178

Copies: White-State, Yellow-Claimant

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

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

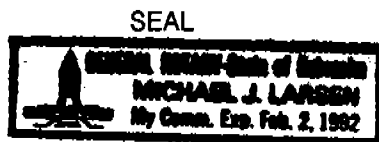
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent J. R. Bean

Title and Organization Chief Eng - 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 1988



Notary Public MJ Larson

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 17 1992

Last Name Union Pacific Ident. Number 31-4086 31-0178

Copies White-State, Yellow-Claimant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22:45:51
03/13/93

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A51-04086

LAST: UNION PACIFIC RAILROAD COMPANY
ADDRESS: 1416 DODGE ST
CITY: CHANA
PHONE NUMBER: 402-271-3720

FIRST:
STATE: NB ZIP: 68179

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: CLAIM IS BASED ON DECREED RIGHT 31-0178.
WATER IS USED BY SECTION MAINTENANCE FORCES AND BY TRAVELING
MAINTENANCE GANGS. THE RAILROAD HAS A "DECREE OF COURT" FROM
THE UNITED STATES DISTRICT COURT DATED NOVEMBER 1, 1930, FOR
0.15 CFS OF WATER FROM BEAVER CREEK WITH A PRIORITY DATE OF
MAY 1, 1880.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

DATE OF FIELD EXAM: 8/1/2000

APPOINTMENT MADE: Y() N(X)

PHONE NUMBER: () - -

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

Renumbered to 31-178 Decreed right

A. AJ CLAIM: # A31-04086 PRIORITY DATE: 05-01-1880

STAGE: ~~1~~

B. MR RECORD: # 31-04086 PRIORITY DATE: 05-01-1880

STAGE: ~~X~~

C. FIELD EXAM REQUIRED?

DATABASE
N

FIELD
EXAMINER

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

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

NOTES:

Devel 5/01/1880

RECOMMENDED PRIORITY DATE:
05-01-1880

REVIEWED BY *DC*

DATE *12/2000*

Renumbered to 31-178

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-04006	15N	36E	4		SE	NW		CLARK

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

MR RECORDS IN SAME 40 ACRE TRACT
31-00195

SOURCE: SPRING

TRIB: BEAVER CREEK

B. MR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
31-04006	15N	36E	4		SE	NW		CLARK

OTHER MR RECORDS WITH SAME MR POD
31-00195

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

SOURCE: SPRING
SPRING

TRIB: BEAVER CREEK
CANAS CREEK

C. FIELD EXAM REQUIRED?

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

DATABASE:
Y
Y

FIELD
EXAMINER

NOTES:

POD ok CO3

Renumbered to 31-178

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SOURCE: Spring

TRIN: Beaver Creek

REVIEWED BY: DC

DATE: 12/2000

SYSTEM DESCRIPTION:

A. ROOT WATER RIGHT NUMBERS: A31-04086

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ S/ACRES	MR S/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
13N	36E	4	SE	NN		UNION PACIFIC RAILROAD COMPANY	A31-04086	/	31-04086	/	28.0
			SE	NN		ROSE, PRESTON L.	A31-00197	/40.0	31-00197	/	
			SE	NN		ROSE, PRESTON L.	A31-00196	/40.0	-	/	
TOTAL ACRES							A31-04086				28.00

INDUSTRIAL

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

C. FIELD EXAM REQUIRED?
DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y

FIELD EXAMINER

POU COUNTY: CLARK

PRESUMPTION FLAG:

NOTES:

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY: DC

DATE: 12/2000

Renumbered to 31-178

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A31-04086 INDUSTRIAL	FROM 01-01 TO 12-31	.020 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.020 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
31-04086 DOMESTIC	FROM 01-01 TO 12-31	.020 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.020 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)	N	_____
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	_____

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(☒)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N() EXPLAIN IN NOTES, BELOW:

NOTES:

change in use

Renumbered to 31-178

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 0.020 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.020 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***

** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **

** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN NOTES. **

FLOW MEASUREMENT REQUIRED?

FIELD

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

DATABASE EXAMINER

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: NONE

LIST ALL RIGHTS WITH A SAME POB AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A31-00196	UNNAMED STREAM	ROSE, PRESTON L.	0.000	0.007		
A31-00197	UNNAMED STREAM	ROSE, PRESTON L.	0.200	0.001		

NO RIGHTS WITH SAME POB BUT NOT USED FOR IRRIGATION

Revised to 3/1/78

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

1B. CALCULATIONS

ACRES _____ X 0.02 CFS/ACRE = _____ CFS
(TAKEN FROM P/U REVIEW)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ 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()

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

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
<u>INDUSTRIAL</u>	<u>6/01</u> <u>12/31</u>	<u>0.02</u>	_____	_____
TOTAL FOR THIS RIGHT		<u>0.02</u>	_____	_____
REVIEWED BY: <u>DC</u>		DATE: <u>12/2000</u>		

Renumbered 31-178

A. CHECK ONLY ONE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 31-04086

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.020

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A31-04086	0.020	-		31-04086	0.020
TOTAL CFS		0.020				0.020

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
Renumbered to 31-0478

AUTHENTICATION:

SIGNATURE:

Dave Carlson

DATE:

12/2000

NAME OF FIELD EXAMINER:

DAVE CARLSON

TITLE:

SWA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22:45:51
03/13/95

PAGE: 11
QUICKLOOK INFORMATION

CLAIM NUMBER: A31-04086

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY M/MON/DATE	FIELD EXAM BY M/MON/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW M/MON/DATE	COMPLETED DATA ENTRY M/MON/DATE	VERIFIED DATE M/MON/DATE
PRIORITY DATE			DC 12/1/00					
POINT OF DIV	Y			No				
SOURCE	Y			No				
PLACE OF USE	Y			No				
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES	Y			No				
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y			Yes				

VERIFIED BY CODES:

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

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

Remembered to
31-178

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

05:23:49
03/15/93

PAGE: 12
PROFILE REPORT

CLAIM NUMBER: A31-04036

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNION PACIFIC RAILROAD COMPANY 1416 BODGE ST OMAHA NE 68179 (402) 271-5728	05/01/1880	INDUSTRIAL	01-01 12-31	0.02 CFS	
TOTAL DIVERSION:					0.02 CFS	

WATER SOURCE: SPRING

TRIBUTARY TO: BEAVER CREEK

STAGE: STATUTORY CLAIM

POINT(S) OF DIVERSION:

T13N R36E S04

SENE

CLARK COUNTY

PLACE OF USE LEGAL DESCRIPTION FOR: INDUSTRIAL

				NE				NW				SW				SE			
T	R	S	:	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC
13N	36E	:																	

POU COUNTY:

NON-IRRIGATION USES: SEE REMARKS

OTHER RIGHTS: NONE

REMARKS: CLAIM IS BASED ON DECREE RIGHT 31-0178.
WATER IS USED BY SECTION MAINTENANCE FORCES AND BY TRAVELING
MAINTENANCE GANGS. THE RAILROAD HAS A "DECREE OF COURT" FROM
THE UNITED STATES DISTRICT COURT DATED NOVEMBER 1, 1930, FOR
0.15 CFS OF WATER FROM BEAVER CREEK WITH A PRIORITY DATE OF
MAY 1, 1880.

DATES: EXAM MADE DATE: VERIFIED DATE: 04/11/1986

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

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 - September 1 0.37 c.f.s. Source: Beaver Creek, a tributary of
Camas Creek.

Sold to → ~~Frank F. Thomas~~
Elaine Grover
(Transferred)

31-00176

176

Point of Diversion: In the Northeast
Quarter of the Southwest Quar-
ter of Section 21, Township 10
North, Range 36 East, B.M.

For use at Dubois, Clark County, Idaho.

1879 - September 1 0.23 c.f.s. Source: Thomas Creek, a tributary
of Beaver Creek.

Village of Spencer
and O.S.L. (UPRR)

31-00177

177

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

For use at Spencer, Clark County
Idaho.

1880 - May 1 0.15 c.f.s. Source: Beaver Creek, a tributary
of Camas Creek.

O.S.L. (UPRR)

1.01

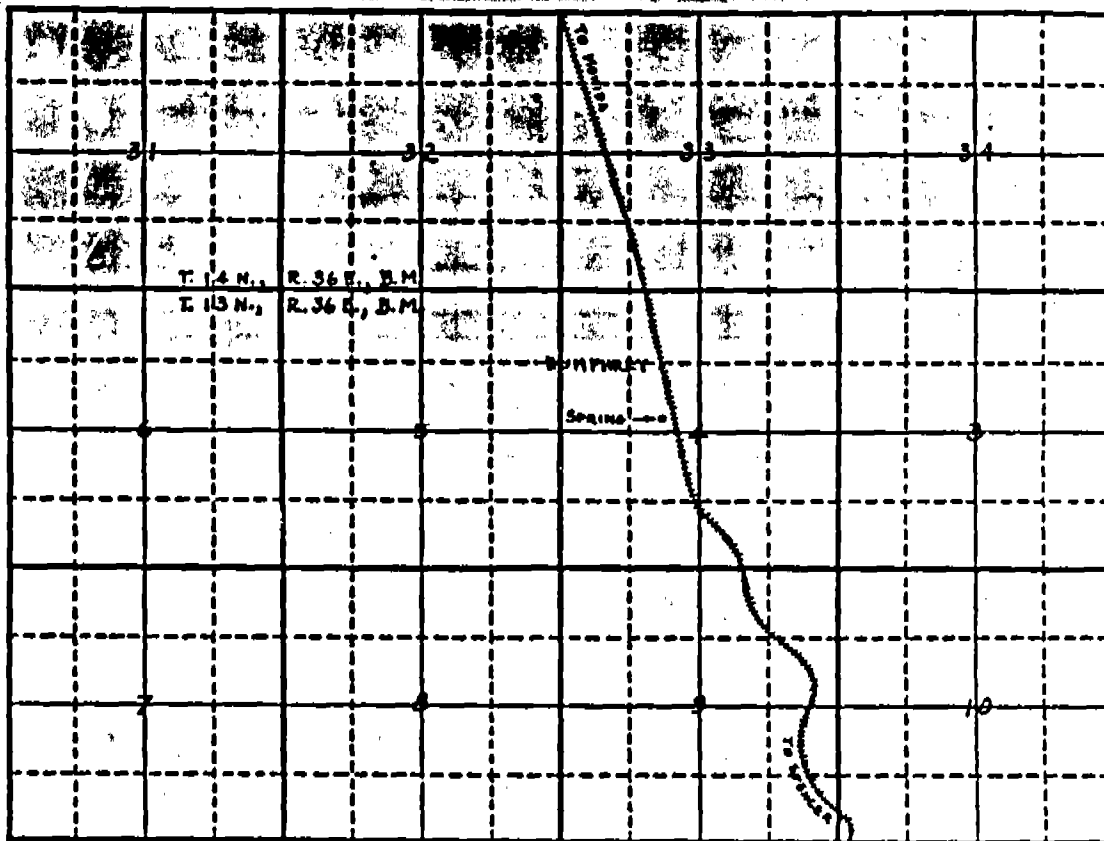
31-00178

178

Point of Diversion: A point in
unsurveyed township 11 North,
Range 36 East, B.M.

For use at Humphrey, Clark County,
Idaho.

No. 92



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

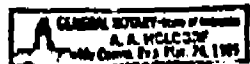
State of Neb.
County of Douglas

Be it known that the undersigned, being duly sworn, depose and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the claimant's knowledge.

Sworn to before me this 27th day of February, 1983.

[Signature]
Assistant Vice President (Claimant)

[Signature]
Notary Public
Residing at Circle 7th



My commission expires _____

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 7-10-83 Exception Filed by: _____ Forwarded to _____ Date _____
 Pym. check by HWT Date 7-18-83
 \$20.00 fee received by [Signature] Date 7-18-83 #28059
 Published in Standard Journal
 Date 4/30/83 5/15/83

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

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Department of Water Resources
Eastern District Office

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OREGON SHORT LINE RAILROAD COMPANY

POOR ORIGINAL

LAND PURCHASED
DEED
AUDIT NO. 7040

7040

Chief Engineer's

Deed

No. 6008.

RECEIVED

MAR 12 1955

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

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APR 14 1994

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

POOR ORIGINAL

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

APPROVED
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,

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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

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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.

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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 hereinafter 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

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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.

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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.

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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.

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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.

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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.
* * * *		
Oregon Short Line Railroad Company <u>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.B. - Same

POU

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1880 - May 1.

0.15 c.f.s.

AB1-04086

E.O.P. - POW ON

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.

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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 Burggraft	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

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<u>NAME</u>	<u>AMOUNT</u>
H.A. & Mary L. Englund	9.63
Federal Ind. Bank, Spokane	13.52
Henry Fitter	16.87
Fredrick Frederickson	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

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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

RECORDED

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<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.H.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 1934



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