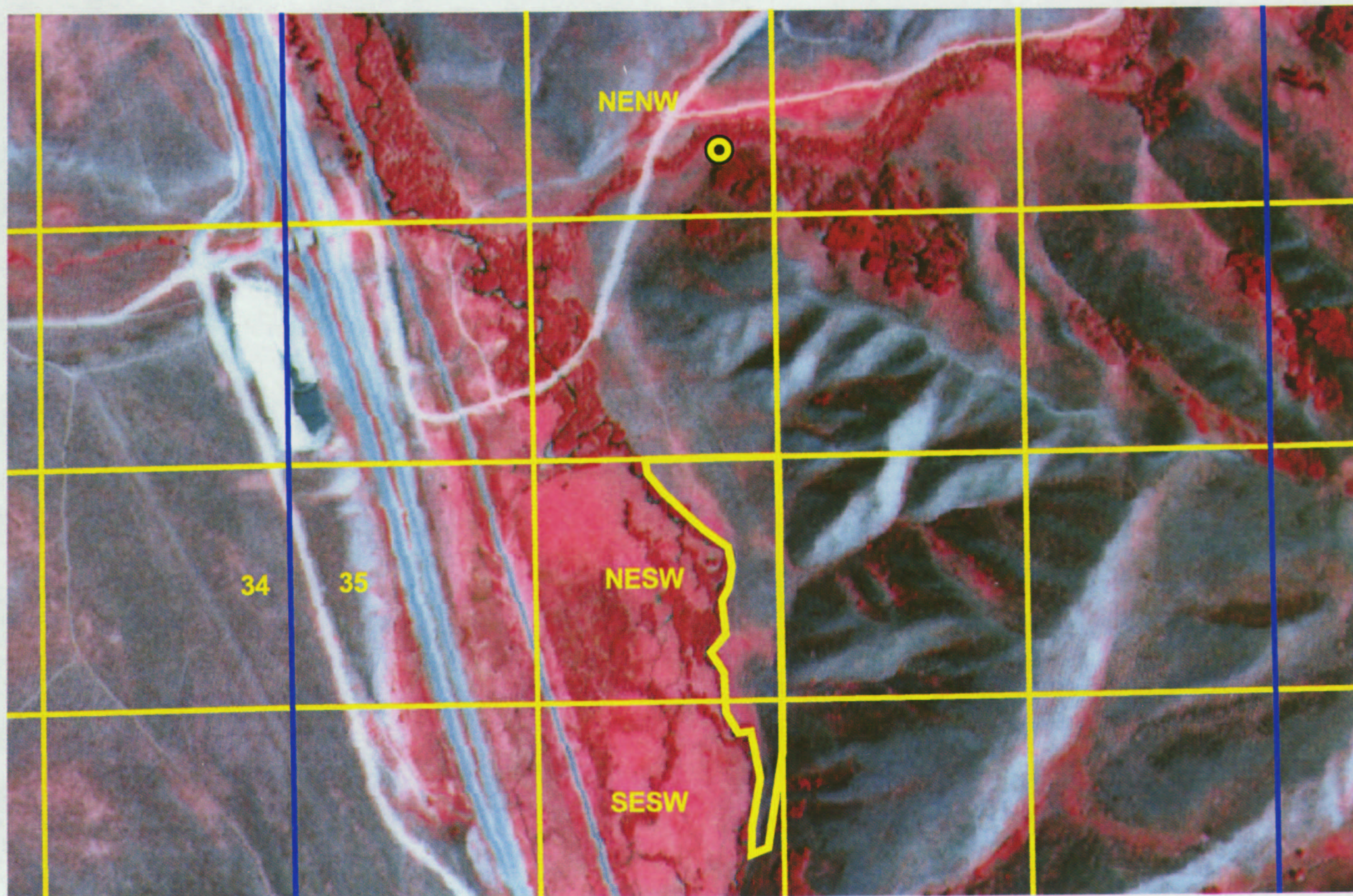


IDAHO DEPARTMENT OF WATER RESOURCES

31-00089, 31-00090

T13N, R36E SEC 35



POINT OF DIVERSION



PLACE OF USE

ACRES IRRIGATED- 15

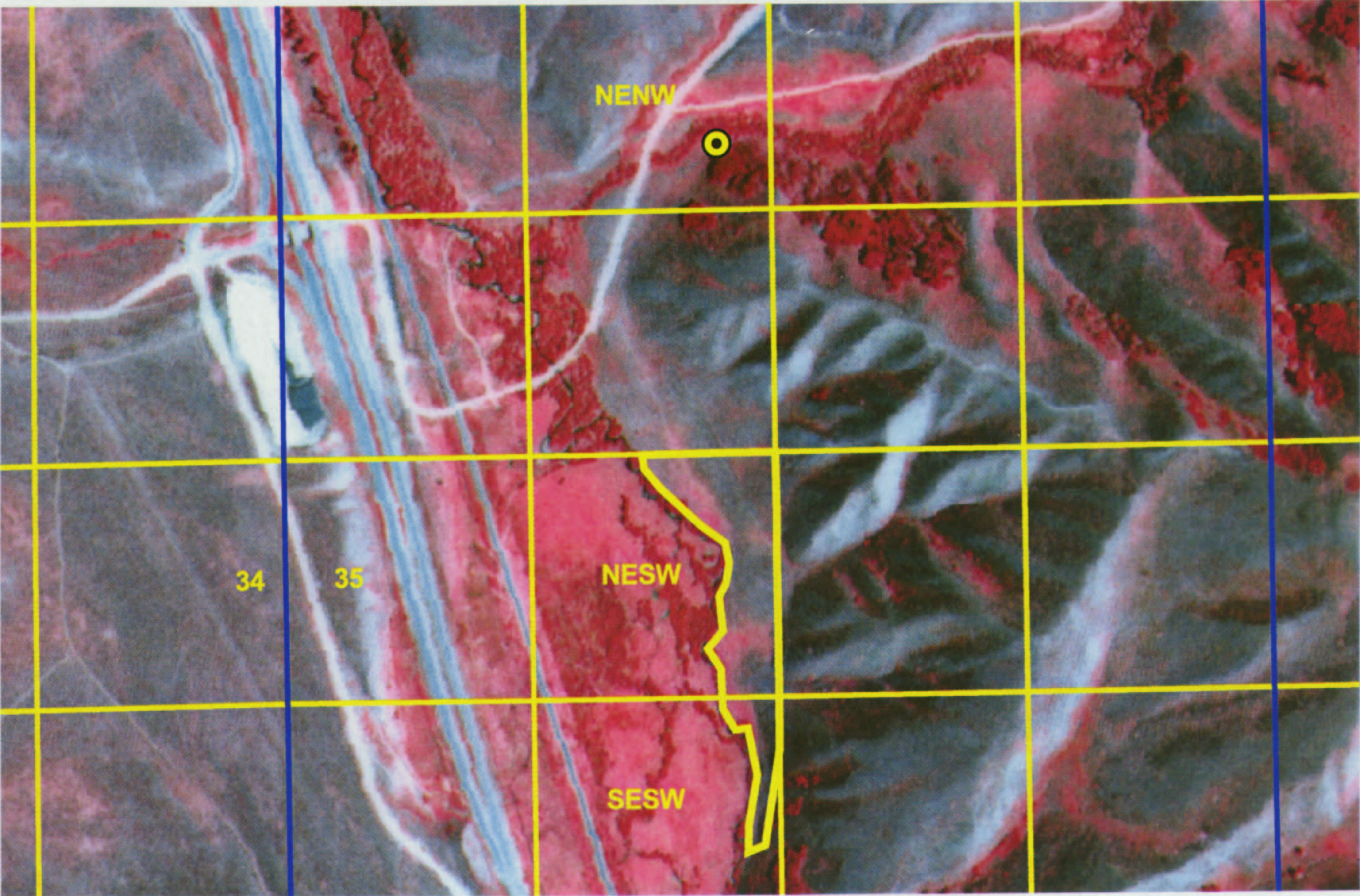
GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
PREPARED BY DAVE CARLSON

IDAHO DEPARTMENT OF WATER RESOURCES

31-00089, 31-00090

T13N, R36E SEC 35

Original
claims sent
to court.
9-13-01



POINT OF DIVERSION



PLACE OF USE

ACRES IRRIGATED- 15

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

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

DISTRICT COURT-SRBA

County of Twin Falls - State of Idaho

JUL 13 2002

By _____ Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

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

Water Right 31-00089

NAME AND ADDRESS:

PAULINE SUTTON
STANLEY SUTTON
578 E 7000 S
REXBURG, ID 83440

SOURCE:

DAIRY CREEK

TRIBUTARY: BEAVER CREEK

QUANTITY:

0.20 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.80 CFS. COMBINED RIGHT NOS.:
31-89, 31-90

PRIORITY DATE:

05/15/1891

POINT OF DIVERSION:

T13N R36E S35

SENEW

Within Clark County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

Irrigation

05-01 TO 10-31

0.20 CFS

Stockwater

04-15 TO 10-15

0.05 CFS

PLACE OF USE:

Irrigation

T13N R36E S35

NESW 12.0

Within Clark County

SESW 3.0

15.0 Acres Total

Stockwater

Within Clark County

Same as Irrigation

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 15 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-89, 31-90

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

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

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

RULE 54(b) CERTIFICATE

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



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 JUL 18 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 31-00089

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 31-00089 was mailed
on July 18, 2002, with sufficient first-class postage prepaid
to the following:

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

PAULINE SUTTON
STANLEY SUTTON
578 E 7000 S
REXBURG, ID 83440
Phone: 208-356-3562

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
07/18/02

RECEIVED

JUL 19 2002

Department of Water Resources

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 19 2002	
By _____	Clerk
_____	Deputy Clerk

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

In Re SRBA

Case No. 39576

)
) ORDER OF PARTIAL DECREE
)
) For Water Right 31-00089
)

On May 7, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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

Therefore, IT IS ORDERED that water right 31-00089 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED July 18, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

10/30/2000

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

RIGHT NUMBER: 31-89

NAME AND ADDRESS: PAULINE SUTTON
STANLEY SUTTON
578 E 7000 S
REXBURG, ID 83440

SOURCE: DAIRY CREEK TRIBUTARY: BEAVER CREEK

QUANTITY: 0.2 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.80 CFS. COMBINED RIGHT
NOS.: 31-89, 31-90

PRIORITY DATE: 05/15/1891

POINT OF DIVERSION: T13N R36E S35 SENENW Within CLARK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	04-15 10-15	0.05 CFS
IRRIGATION	05-01 10-31	0.20 CFS

PLACE OF USE:

IRRIGATION Within CLARK County					
T13N R36E S35	NESW	12	T13N R36E S35	SESW	3
15 ACRES TOTAL					

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 15 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-89, 31-90

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

STOCKWATER, 120 CATTLE

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A31-00089
Date Received: 6/28/1988
Receipt No: 6000959
Received By: ES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STANLEY SUTTON 208-356-3562
Address: 578 E. 7000 S.
REXBURG, ID 83440
AND/OR
Name: PAULINE SUTTON 208-356-3562
Address: 578 E. 7000 S.
REXBURG, ID 83440

2. Date of Priority: MAY 15, 1891

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	36E	35	SE	NE	NW		CLARK

5. Description of diverting works:
HEADGATE IN CREEK TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.200		
STOCKWATER	04/15	10/15	0.050		

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

8. Total consumptive use is 80.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 120 H RANGE

A3100089



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	36E	2	NW	NW	5	IRR	10.0
						Section Acres	10.0
13N	36E	35	NE	SW		IRR	18.0
			SW	SW		IRR	6.0
						Section Acres	24.0
						Total Acres	34.0

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:
31-0090.

14. Remarks:
DECREE LISTS SOURCE AS VENOY OR BENOY CREEK.
THIS CLAIM REFLECTS CURRENT USE OF WATER AS DELIVERED BY WATER-
MASTER.

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

ERNEST SAUVE

Decree Plaintiff

vs

W. H. ABBOTT.

Decree Defendant

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: 1

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): Stanley Sutton Date: 6-28-88
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28th day

of June 19 88

Carter Fritchelle
Notary Public

Seal

Residing at Engle, Id
My Commission Expires 3-21-94

STUNG

18 AC R
6 AC R

13N

12N

POINTS OF DIVERSION

MECON

00090
A31-00089

282 acres.

SCALE 1:24,000

MICROFILMED

NOV 17 1992

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

IDAHO DEPARTMENT OF WATER RESOURCES

31-00089, 31-00090

T13N, R36E SEC 35



POINT OF DIVERSION

ACRES IRRIGATED- 15

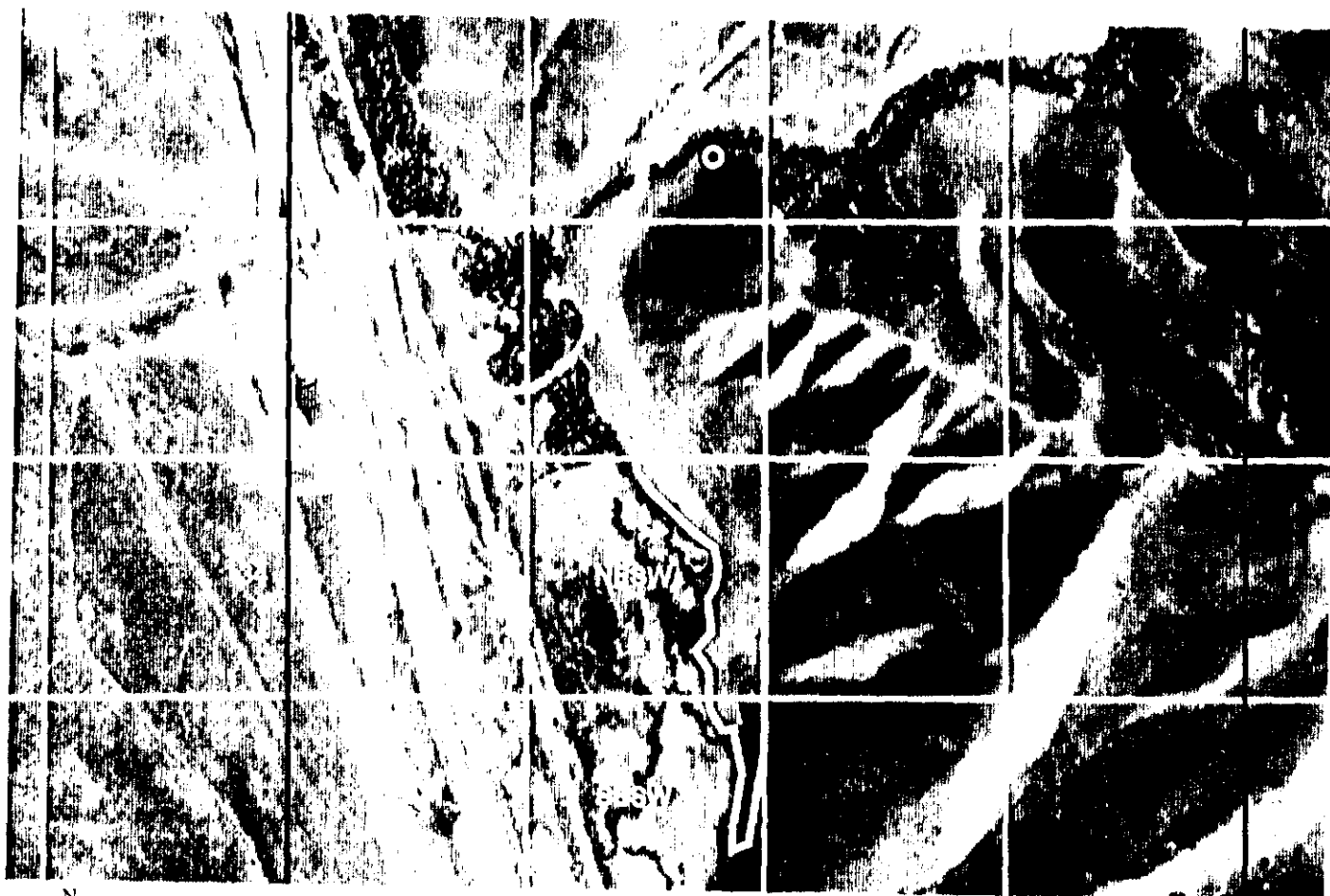
PLACE OF USE

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

IDAHO DEPARTMENT OF WATER RESOURCES

31-00089, 31-00090

T13N, R36E SEC 35



⊙ POINT OF DIVERSION

ACRES IRRIGATED- 15

PLACE OF USE

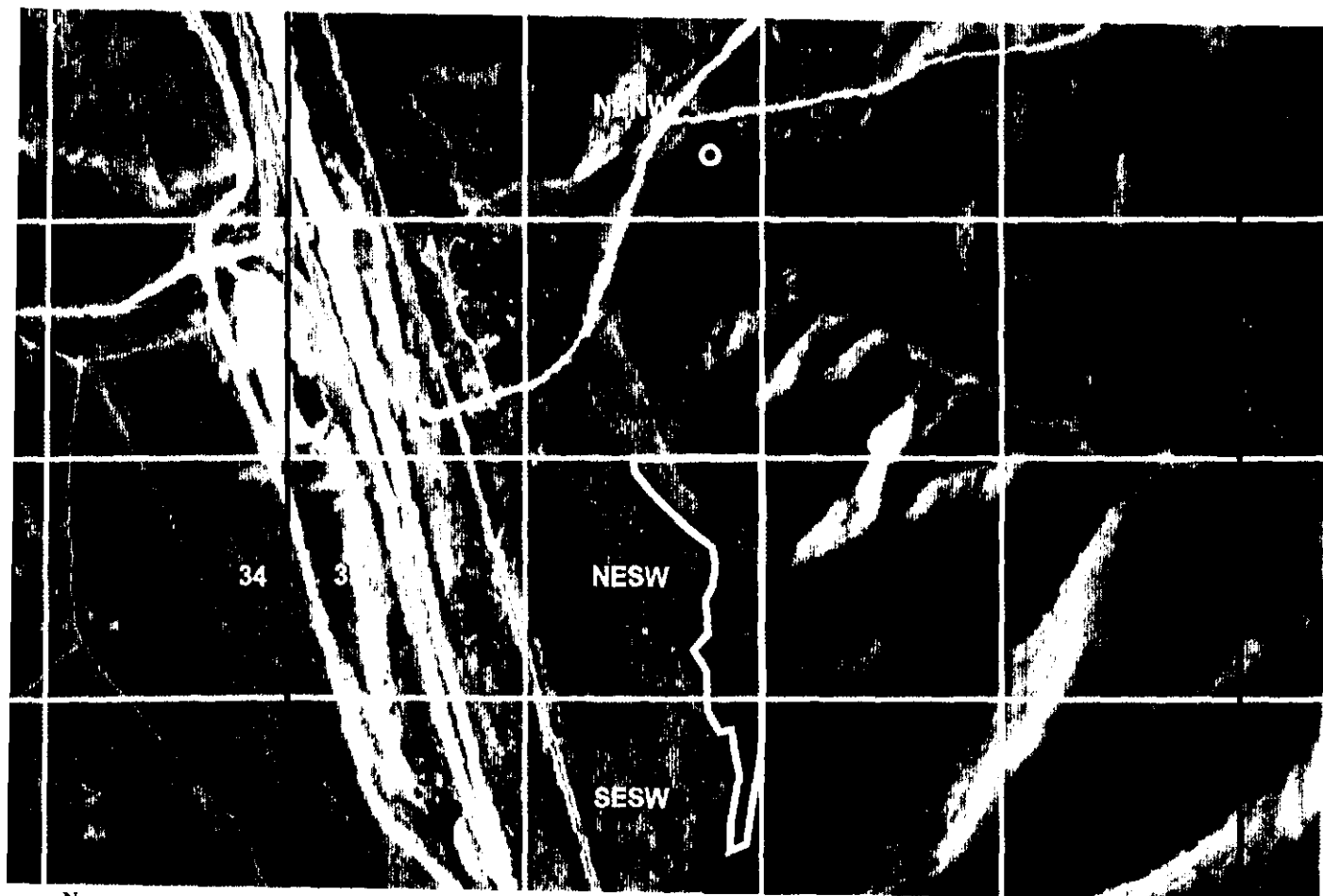
GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
PREPARED BY DAVE CARLSON

IDAHO DEPARTMENT OF WATER RESOURCES

31-00089, 31-00090

*Original
claim sent
to court.
9-13-01*

T13N, R36E SEC 35



⊙ POINT OF DIVERSION

ACRES IRRIGATED- 15

PLACE OF USE

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22:45:51
03/15/93

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A31-00089

LAST: SUTTON
ADDRESS: 578 E. 7000 S.
CITY: REXBURG
PHONE NUMBER: 208-356-3562

FIRST: STANLEY
STATE: ID ZIP: 83440

OWNER CODE: C

LAST: SUTTON
ADDRESS: 578 E. 7000 S.
CITY: REXBURG
PHONE NUMBER: 208-356-3562

FIRST: PAULINE
STATE: ID ZIP: 83440

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: DECREE LISTS SOURCE AS VENDOY OR BENDOY CREEK.
THIS CLAIM REFLECTS CURRENT USE OF WATER AS DELIVERED BY WATER-
MASTER.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 9 / 1 / 2000

APPOINTMENT MADE: Y(____) N(~~____~~)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

Field Exam

A. AJ CLAIM: # A31-00089

PRIORITY DATE: 05-15-1891

STAGE: D

B. MR RECORD: # 31-00089

PRIORITY DATE: 05-15-1891

STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER

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

NOTES:

Decree

RECOMMENDED PRIORITY DATE:
05-15-1891

REVISSED BY *DE*

DATE

12/2000

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-00089	13N	36E	35	SE	NE	NW		CLARK

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A31-00090 NONE

WR RECORDS IN SAME 40 ACRE TRACT
31-00179

SOURCE: DAIRY CREEK

TRIS: BEAVER CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
31-00089	13N	36E	35		NW	SW		CLARK

OTHER WR RECORDS WITH SAME WR POD
NONE

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

SOURCE: VAN NOY CREEK

TRIS: BEAVER CREEK

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
Y

FIELD
EXAMINER

NOTES:

Pod is in Dairy Creek / ditch to flood irrigation

GPS Pod - N44° 24' 52.8"
W112° 11' 28.1"

C02 - source change
C03 - Pod change

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
14N	36E	35	SE	NE	NW	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---

SOURCE: Dairy Ck TRIB: Beaver Creek

REVIEWED BY: ~~12/2000~~ DC DATE: 12/2000

SYSTEM DESCRIPTION:

A. ROOT WATER RIGHT NUMBERS: A31-00089

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD : EXAM.	RECONV. ACRES
12N	36E	2	N4	N4	5	SUTTON, STANLEY	A31-00089 /10.0	-	/		
			N4	N4	6	SUTTON, STANLEY	A31-00179 /13.0	-	/		
			N4	N4	6	SUTTON, STANLEY	A31-00180 /13.0	31-00180	/		
			N4	N4	6	SUTTON, STANLEY	A31-00295 /13.0	-	/		0.0
13N	36E	35	NE	SW		SUTTON, STANLEY	A31-00089 /18.0	31-00089	/	19.0	
			NE	SW		SUTTON, STANLEY	A31-00090 /18.0	31-00090	/		
			NE	SW		SUTTON, STANLEY	A31-00179 /20.0	-	/		12.0
			NE	SW		SUTTON, STANLEY	A31-00180 /20.0	-	/		
			NE	SW		SUTTON, STANLEY	A31-00285 /20.0	-	/		
			NE	SW		SUTTON, STANLEY	A31-10195 /	-	/		
13N	36E	35	S4	SW		SUTTON, STANLEY	A31-00089 / 6.0	31-00089	/	19.0	
			S4	SW		SUTTON, STANLEY	A31-00090 / 6.0	31-00090	/		
			S4	SW		SUTTON, STANLEY	A31-00179 / 2.0	-	/		6.0
			S4	SW		SUTTON, STANLEY	A31-00180 / 4.0	-	/		
			S4	SW		SUTTON, STANLEY	A31-00285 / 4.0	-	/		
			S4	SW		SUTTON, STANLEY	A31-10193 /	-	/		
			S4	SW		SUTTON, STANLEY	A31-10195 /	-	/		
TOTAL ACRES							A31-00089	34.00		38.00	

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

POU COUNTY: CLARK

sec 35 - SE SW - 3

PRESUMPTION FLAG:

NOTES:

see GIS MAP

RECOMMENDATIONS:

TOTAL ACRES:

15AC

REVIEWED BY:

DC

DATE:

12/2000

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A31-00089 IRRIGATION	FROM 04-15 TO 10-15	.200 CFS
A31-00089 STOCKWATER	FROM 04-15 TO 10-15	.050 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.200 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
31-00089 IRRIGATION	FROM 05-01 TO 09-01	.200 CFS
31-00089 STOCKWATER	FROM TO	.200 CFS
31-00089 DOMESTIC	FROM TO	.200 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.200 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(☒)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N() EXPLAIN IN NOTES, BELOW.

NOTES:

new standards 5/01-10/31

stock - ok

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y (X) N ()
Decreased

AJ TOTAL CLAIMED DIVERSION RATE: 0.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.200 CFS

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

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

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

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
Y

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

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM 31-0090.

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A31-00039	DAIRY CREEK	SUTTON, STANLEY	0.200	0.005		
A31-00030	DAIRY CREEK	SUTTON, STANLEY	0.500	0.017		
A31-00179	BEAVER CREEK	SUTTON, STANLEY	0.400	0.001		
A31-00130	BEAVER CREEK	SUTTON, STANLEY	0.570	0.001		
A31-00235	BEAVER CREEK	SUTTON, STANLEY	2.300	0.007		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A31-00039	STOCKWATER	SUTTON, STANLEY	FROM 04-15 TO 10-15	.050 CFS	
A31-10135	STOCKWATER	SUTTON, STANLEY	FROM 05-01 TO 11-01	.050 CFS	
A31-10193	STOCKWATER	SUTTON, STANLEY	FROM 05-01 TO 11-01	.050 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

ACRES 15 X 0.02 CFS/ACRE = 0.30 CFS
(TAKEN FROM P/U REVIEW)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 30.0 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()

DECREE LISTS SOURCE AS VENOY OR BENDY CREEK.

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

1B. CALCULATIONS

*Ditch Loss - and high spring flow / low summer flow
accounts for extra
CFS.*

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS		REC. DIV VOL. AFYA		REC. CONS. USE	
		DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
<u>IRR</u>	<u>5/01 10/31</u>		<u>0.20</u>				
<u>stock</u>	<u>4/15 - 10/15</u>		<u>.05</u>				
TOTAL FOR THIS RIGHT			<u>0.20</u>				

REVIEWED BY: DX DATE: 12/2000

Qnt - .80 CFS CWB USE 31-89, 31-090

POU1- 15AC

EXP- stock 120 cattle

CO2
CO3

A. CHECK ONLY THE 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: 31-00089

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.200

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A31-00089	0.200	-		31-00089	0.200
TOTAL CFS		0.200				0.200

DIVERSION RATE REVIEW

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

DATABASE
Y

FIELD
EXAMINER

NOTES:

OK

AUTHENTICATION:

SIGNATURE: DAVE CARLSON DATE: 12/2000
NAME OF FIELD EXAMINER: DAVE CARLSON TITLE: SWA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

224551
03/13/95

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A31-00039

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			DC 12/2000					
POINT OF DIV	Y			No				
SOURCE	Y			Yes				
PLACE OF USE	Y			Yes				
DIV. AMOUNT CFS/VOLUME	Y			No				
CONSUMPTIVE USE	-							
PURPOSES	Y			No				
PERIOD OF USE	Y			Yes				
BASIS OF CLAIM								
REMARKS	Y			Yes				

VERIFIED BY CODES

TOPD MAP/ORTHO-PQ = 1
NCS MAP = 2
WATERMASTER RECORDS = 3
NAPP 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.

23:25:15
03/15/93

CLAIM NUMBER: A31-30039

STAGE: DECEED

WISC: WATER DISTRICT NUMBER: 31 FIELD INSPECTION FLAG: Y
PRESUMPTION FLAG:

RECEIVED

SEP - 7 2001

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase: _31-00089_
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724
Daytime Phone: (208) 331-5943

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

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

Name:	Pauline Sutton	Stanley Sutton
Address:	578 E 7000 S Rexburg, ID 83440	578 E 7000 S Rexburg, ID 83440

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

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☒ **Point(s) of Diversion**

Should be: See E below.

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☐ **Places of Use**

Should be:

11. I object because:

☐ This water right should not exist.

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

E. **REASONS SUPPORTING OBJECTION(S):**

The point of diversion shown in the Directors Report is on National Forest System land. The claimants are not authorized to occupy and use the National Forest for this purpose.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Michael Collette , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

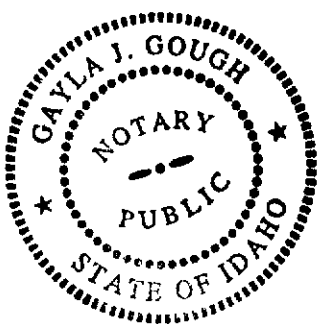
Michael Collette
(Signature of person filing objections)

David A. Noy
(Attorney signing in representative capacity)

Subscribed and sworn before me on:

Sep 6, 2001

Gayla J. Gough
Gayla J. Gough



Notary Public for: Idaho
Residing at: Kuna, Idaho
Commission Expires: 11/17/2004

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on Sep 6, 2001, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

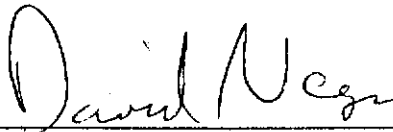
Name:	Pauline Sutton	Stanley Sutton
Address:	578 E 7000 S Rexburg, ID 83440	578 E 7000 S Rexburg, ID 83440

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource
Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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



Signature of Objector or attorney
mailing on Objector's behalf

42

David Hirschi, Jr.

1891 - June 1 0.7 c.f.s.

Source: East Camas Creek, a tributary of Mud Lake.
Points of Diversion: No. 1 Three-fourths mile up stream from the land to be irrigated, and hereinafter described. No. 2

In the Northwest corner of the land to be irrigated, and hereinafter described.

For use on the following described land, to-wit: Lots 3 and 4 of Sec. 5, Township 12 North, Range 39 East, B.M.

No. 43

Charles A. Hjort

1891 - May 15 0.2 c.f.s.

M. J. Steel

Source: Vency Creek, sometimes called Bency Creek, a tributary of Beaver Creek.

Point of Diversion: At a point in the Northwest Quarter of the Southwest Quarter of Section 35, Township 13 North, Range 36 East, B. M.

For use on the following described lands, to-wit: The Southwest Quarter of Section 35, Township 13 North, Range 36 East, B. M.

1898 - May 1 0.6 c.f.s.

M. J. Steel

Source: Dairy Creek, a tributary of Beaver Creek.

Point of Diversion: In the Northeast Quarter of the Southwest Quarter of Section 35, Township 13 North, Range 36 East, B.M.

For use on the land above described.

No. 44

W. C. Holley

1913 - November 12 1.7 c.f.s.

Source: Sand Hole Creek and Spring Creek, tributaries of Mud Lake.

Point of Diversion: The intake of the Holley Water Users Association canal, which intake is located in the Southeast corner of the Northwest Quarter of the Northwest Quarter of Sec. 36, Twp. 7 North, Range 35 East, B. M.

For use on the following described land, to-wit: The South Half of the Southwest Quarter of Section 10; the North Half of the Southeast Quarter of Section 15, Township 6 North, Range 35 East, B. M.

No. 45