

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

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. §4(b) FOR
Water Right 31-02028A

2002 APR -8 PM 1:43

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: WEBSTER RANCH
MC 61 BOX 1010
DUBOIS, ID 83423

SOURCE: HOOLIE SPRINGS TRIBUTARY: BEAVER CREEK

QUANTITY: 1.00 CFS

PRIORITY DATE: 10/25/1907

POINT OF DIVERSION: T11N R35E S04 SWNW Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	1.00 CFS

PLACE OF USE:	Stockwater		Within Clark County
	T10N R35E S01	SESW	
	S03	NESW	
	S10	SESE	
	S11	NWNW	
	S12	NWSE	
	S14	NESE	
	S15	SESE	
	R36E S07	NESW	
	S18	NWSE	
	S19	SESW	
	T11N R35E S08	SESW	NESE
	S09	SENE	NENW
		NESE	
	S10	SWNW	
	S15	NENW	SWSW
	S16	NESE	
	S17	SWNE	NWSW
	S19	NWSW	
	S20	SESW	
	S21	NWSW	
	S22	SESW	
	S23	SWNW	
	S24	SESW	
	S26	SESW	NESW
	S27	SENE	NWNW
	S28	NENE	NESE
	S31	SWNE	
	S33	SWNW	SWSW
	S34	SWSW	
	S35	NWSW	
	S36	NWSW	

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

IDAHO DEPARTMENT OF WATER RESOURCES 01/22/2002
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right 31-2028A

NAME AND ADDRESS: WEBSTER RANCH
HC 61 BOX 1010
DUBOIS ID 83423

SOURCE: HOOLIE SPRINGS

TRIBUTARY: BEAVER CREEK

QUANTITY: 1.00 CFS

PRIORITY DATE: 10/25/1907

POINT OF DIVERSION:

T11N R35E S4 SWNENW Within CLARK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01/01 12/31

QUANTITY
1.000 CFS

PLACE OF USE: STOCKWATER Within CLARK County

T10N R35E S10	SESE	T10N R35E S11	NWNW
T10N R35E S01	SESW	T10N R35E S12	NWSE
T10N R35E S14	NESE	T10N R35E S15	SESE
T10N R35E S03	NESW	T10N R36E S18	NWSE
T10N R36E S19	SESW	T10N R36E S07	NESW
T11N R35E S10	SWNW	T11N R35E S15	NENW
T11N R35E S15	SWSE	T11N R35E S16	NESE
T11N R35E S17	SWNE	T11N R35E S17	NWSW
T11N R35E S19	NWSW	T11N R35E S20	SESW
T11N R35E S21	NWSW	T11N R35E S22	SESW
T11N R35E S23	SWNW	T11N R35E S24	SESW
T11N R35E S26	SESW	T11N R35E S26	NESW
T11N R35E S27	SENE	T11N R35E S27	NWNW
T11N R35E S28	NENE	T11N R35E S28	NESE
T11N R35E S31	SWNE	T11N R35E S33	SWNW
T11N R35E S33	SWSW	T11N R35E S34	SWSW
T11N R35E S35	NWSW	T11N R35E S36	NWSW
T11N R35E S08	SESW	T11N R35E S08	NESE
T11N R35E S09	SENE	T11N R35E S09	NENW
T11N R35E S09	NESE		

THE USE OF WATER ON T11N R35E S16 AND T11N R36E S36 IS ON STATE PUBLIC SCHOOL ENDOWMENT LAND PRUSUANT TO LEASE NO. G-9782-4. THE USE OF WATER ON THE STATE LANDS IS FOR STOCK WATERING PURPOSES ONLY.

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:

12/26/2000

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

RIGHT NUMBER: 31-2028A

NAME AND ADDRESS: WEBSTER RANCH
PO BOX 85
DUBOIS, ID 83423

SOURCE: HOOLIE SPRINGS

RY: BEAVER CREEK

QUANTITY: 1 CFS

PRIORITY DATE: 10/25/1907

POINT OF DIVERSION: T11N R35E S4

Within CLARK County

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

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01-01 12-31

QUANTITY
1.00 CFS

PLACE OF USE:

STOCKWATER Within CLARK County

T10N R35E S10	SESE	T10N R35E S11	NWNW
T10N R35E S1	SENW	T10N R35E S12	NWSE
T10N R35E S14	NESE	T10N R35E S15	SESE
T10N R35E S3	NESW	T10N R36E S18	NWSE
T10N R36E S19	SENW	T10N R36E S7	NESW
T11N R35E S10	SWNW	T11N R35E S15	NENW
T11N R35E S15	SWSE	T11N R35E S16	NESE
T11N R35E S17	SWNE	T11N R35E S17	NWSW
T11N R35E S19	NWSW	T11N R35E S20	SENW
T11N R35E S21	NWSW	T11N R35E S22	SENW
T11N R35E S23	SWNW	T11N R35E S24	SESW
T11N R35E S26	SENW	T11N R35E S26	NESW
T11N R35E S27	SENE	T11N R35E S27	NWNW
T11N R35E S28	NENE	T11N R35E S28	NESE
T11N R35E S31	SWNE	T11N R35E S33	SWNW
T11N R35E S33	SWSW	T11N R35E S34	SWSW
T11N R35E S35	NWSW	T11N R35E S36	NWSW
T11N R35E S8	SESW	T11N R35E S8	NESE
T11N R35E S9	SENE	T11N R35E S9	NENW
T11N R35E S9	NESE		

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 - License

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.
STOCKWATER, 1100 CATTLE

50+50+25
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.

125
CIVIL CASE NUMBER: 39576

Ident. Number: A31-02028A
Date Received: 6/16/1988
Receipt No: 17000127
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WEBSTER RANCH 208-374-5259
Address: P.O. BOX 85
DUBOIS, ID 83423

2. Date of Priority: OCT 25, 1907

3. Source: COTTONWOOD CREEK Trib. to: BEAVER CREEK
HOOLEY SPRINGS COTTONWOOD CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
11N	35E	4	NE NW		CLARK

5. Description of diverting works:
DITCH FROM SPRING.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.000		
STOCKWATER	04/15	10/15	0.250		

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

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER - 1100 CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	35E	10	SE SW		IRR	25.0
Section Acres						25.0

A31-02028A

Page 1

Date: 06/16/88

MICROFILMED

NOV 17 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	35E	15	NE NW		IRR	25.0
					Section Acres	25.0
					Total Acres	50.0

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:
A31-02028B

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 3240

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 5

For Organizations:

I do solemnly swear or affirm that I am PARTNER Title of WEBSTER RANCH Organization, that I have signed the foregoing document in the space below as PARTNER Title of WEBSTER RANCH Organization and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

PARTNER WEBSTER RANCH
Title and Organization

JUNE 16, 1988
Date

State of Idaho)
County of Clark) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of June 19 88

[Signature]
Notary Public

Seal

Residing at Eagle

My Commission Expires 3-21-94

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22:45:51
03/13/93

PAGES: 1
GENERAL INFORMATION

CLAIM NUMBER: A31-32028A

LAST: WEBSTER RANCH
ADDRESS: P.O. BOX 33
CITY: OUBOIS
PHONE NUMBER: 203-374-5259

FIRST:
STATE: ID ZIP: 83423

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIMES: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. RJ CLAIM: # A31-02028A PRIORITY DATE: 10-25-1907 STAGE: L

B. WR RECORD: # A1-020284 PRIORITY DATE: 10-25-1907 STAGE: L

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:

RECOMMENDED PRIORITY DATE:
10-25-1907

REVIEWED BY

DATE

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-02028A	11N	35E	4		NE	NW		CLARK

OTHER AJ CLAIMS WITH SAME AJ POC
A PREFIX R PREFIX
A31-00319 NONE
A31-02028B

WR RECORDS IN SAME 40 ACRE TRACT
31-00319
31-02028B

SOURCE: COTTONWOOD CREEK
HOLEY SPRINGS

TRIG: BEAVER CREEK
COTTONWOOD CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
31-02028A	11N	35E	4		NE	NW		FREMONT
31-02028A	12N	35E	17		SE	SW		FREMONT

OTHER WR RECORDS WITH SAME WR POC
31-00319
31-02028B

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A31-00319 NONE
A31-02028B

SOURCE: COTTONWOOD CREEK
HOLEY SPRINGS

TRIG: MEDICINE LODGE CREEK
COTTONWOOD CREEK

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DOE TO POC DISCREPANCY? (Y/N)	Y	---
DOE TO SOURCE DISCREPANCY? (Y/N)	N	---

NOTES:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	R3E.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---

SOURCE: COTTONWOOD CREEK

TRIS: MEDICINE LODGE CREEK

REVIEWED BY: _____ DATE: _____

SYSTEM DESCRIPTION:

A. ROOT WATER RIGHT NUMBERS: A31-01028A
A31-02028B

B. POB LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	JR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11N	35E	10	SE	SW		WEBSTER RANCH	A31-02028A /25.0	31-02028A /25.0			
			SE	SW		WEBSTER RANCH	A31-02028B /15.0	31-02028B /15.0			
11N	35E	15	NE	NW		WEBSTER RANCH	A31-02028A /25.0	31-02028A /25.0			
			NE	NW		WEBSTER RANCH	A31-02028B /10.0	31-02028B /10.0			
TOTAL ACRES							A31-02028A	50.00			50.00

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

C. FIELD EXAM REQUIRED? DATABASE FIELD
DUE TO POB DISCREPANCY? (Y/N) Y EXAMINER
POB COUNTY: CLARK

PRESUMPTION FLAG:

NOTES:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A31-02028A IRRIGATION	FROM 04-15 TO 10-15	1.000 CFS
A31-02028A STOCKWATER	FROM 04-15 TO 10-15	.250 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
31-02028A IRRIGATION	FROM TO	1.000 CFS
31-02028A DOMESTIC	FROM TO	1.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.000 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:

4. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 1.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.000 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

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

5.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A31-02028A

LIST ALL RIGHTS WITH A SAME POB AND IRRIGATION USAGES:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A31-02028A	COTTONWOOD CREEK	WEBSTER RANCH	1.000	0.020		
	MOOLEY SPRINGS					
A31-02028A	COTTONWOOD CREEK	WEBSTER RANCH	1.700	0.020		
	MOOLEY SPRINGS					

NO RIGHTS WITH SAME POB BUT NOT USED FOR IRRIGATION

0. RATE/VOLUME CALCULATIONS: (IRRIGATION)

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

1B. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 125.0 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()

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
-----	-----		-----		-----		-----
-----	-----		-----		-----		-----
TOTAL FOR THIS RIGHT			-----		-----		-----

REVIEWED BY: -----

DATE: -----

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 31-02028

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 2.700	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A31-02028A	1.000	-	-	31-02028A	1.000
-	A31-02028B	1.700	-	-	31-02028B	1.700
-	-	-	-	-	31-02028	-
TOTAL CFS		2.700				2.700

DIVERSION RATE REVIEW

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

DATABASE N	FIELD EXAMINER _____ _____
---------------	-------------------------------------

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:15:54
03/14/95

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PROFILE REPORT

CLAIM NUMBER: A31-02028A

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WEBSTER RANCH P.O. BOX 35 DUJOUIS ID 83423 (208) 374-5259	10/25/1907	IRRIGATION STOCKWATER	04-15 10-15 04-15 10-15	1.00 CFS 0.25 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					1.00 CFS	125.0 AFA

WATER SOURCE: COTTONWOOD CREEK
MOOLEY SPRINGS

TRIBUTARY TO: BEAVER CREEK
COTTONWOOD CREEK

STAGE: LICENSE

POINT(S) OF DIVERSION:

T11N R35E S04

NENW

CLARK COUNTY

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

NW				SW				SE				
T	R	S	LT AC	LT AC	LT AC	LT AC	LT AC	LT AC	LT AC	LT AC	LT AC	SUM
11N	35E	15										25.0
11N	35E	13										25.0
TOTAL ACRES											50.0	

PLACE OF USE LOCATION FOR STOCKWATER IS THE SAME LOCATION AS DESCRIBED FOR: IRRIGATION

POL COUNTY: CLARK

NON-IRRIGATION USES: STOCKWATER - 1100 CATTLE.

OTHER RIGHTS: A31-02028A

DATES: EXAM MADE DATE:

VERIFIED DATE: 07/01/1985

MISC: WATER DISTRICT NUMBER:

FIELD INSPECTION FLAG:
PRESUMPTION FLAG:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22:45:51
03/15/93

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QUICKLOOK INFORMATION

CLAIM NUMBER: A31-32028A

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								
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y							
BASES OF CLAIM	Y							
REMARKS								

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 MASTER RECORDS = 3
 AAPP 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.

APR 12 PM 3:29
DISTRICT COURT-CRBA
TWIN FALLS, IDAHO

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	)	
	)	AMENDED ORDER OF PARTIAL DECREE
Case No. 39576	)	
	)	For Water Right 31-02028A

On April 8, 2002, an *Order of Partial Decree* was erroneously issued for water right 35-02028A instead of water right 31-02028A.

On February 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 31-02028A is hereby decreed as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b)* issued April 8, 2002.

DATED 4/12/02



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the AMENDED ORDER OF PARTIAL DECREE was mailed on April 12, 2002, with sufficient first-class postage to the following:

Idaho Department of Lands

Represented by:

Steven J Schuster

PO Box 83720

Boise, Id 83720-0010

Webster Ranch

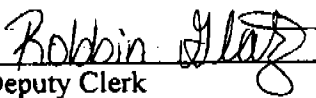
HC 61 Box 1010

Dubois, ID 83423

IDWR Document Depository

PO Box 83720

Boise, ID 83720-0098


Deputy Clerk

APR - 9 2002

2072 APR -8 PM 1:43

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Right 35-02028A

Therefore, IT IS ORDERED that water right 35-02028A is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 4/8/02

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

2002 APR 08 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): 31-02028A

CERTIFICATE OF MAILING

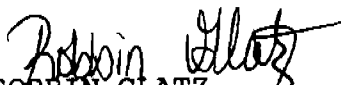
I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 31-02028A was mailed
on April 08, 2002, with sufficient first-class postage prepaid
to the following:

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

IDAHO DEPARTMENT OF LANDS

Represented by:
STEVEN J. SCHUSTER
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-332-3542

WEBSTER RANCH
HC 61 BOX 1010
DUBOIS, ID 83423
Phone: 208-374-5452


ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
04/08/02

RECEIVED

NOV 13 2001

Department of Water Resources

RECEIVED

NOV 19 2001

Department of Water Resources
Eastern Region

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 No. 31-02028A

STANDARD FORM 2
RESPONSE TO OBJECTION

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name: United States of America, acting through the USDA Forest Service
Address: 550 W. Fort St. MSC 033
Boise, ID 83724

Name and Address of Attorney:

Attorney Name: David L. Negri
Attorney Address: United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St. MSC 033
Boise, ID 83724
Attorney Phone: (208) 331-5943

C. NAME AND ADDRESS OF PERSON WHO FILED OBJECTION TO WHICH YOU
ARE RESPONDING:

Name: Idaho Department of Lands
Address: 954 West Jefferson Street
P.O. Box 83720
Boise, ID 83720-0050

D. I am responding to the objection(s) to the following elements:

1. ☒ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use

11. Recommendation:

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

VERIFICATION

State of Idaho)
) ss.
County of Ada)

MICHAEL COLLETTE, duly sworn, upon oath, deposes and says:

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



Michael Collette

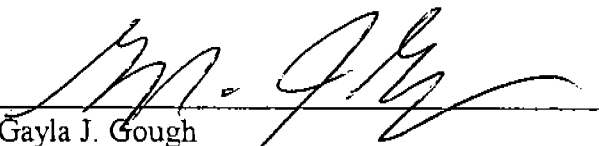


David L. Negri
United States Department of Justice

Subscribed and sworn to before me on: November 8, 2001



(seal)



Gayla J. Gough
Notary Public for: Idaho
Residing at: Kuna, Idaho
My Commission Expires: 11-17-2004

CERTIFICATE OF MAILING

I certify that on November 9, 2001, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original BY HAND DELIVERY to:

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

2. One copy by U.S. Mail to the claimant of the water right at the following address:

Webster Ranch
HC 61, Box 1010
Dubois, Idaho 83423

3. One copy by U.S. Mail to the party who filed the objection at the following address:

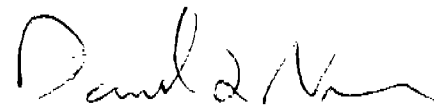
Steven J. Shuster
Deputy Attorney General
Idaho Department of Lands
954 West Jefferson Street
P.O. Box 83720
Boise, Idaho 83720-0050

4. Copies by U.S. Mail to:

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

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

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



David L. Negri

SEP 10 2001

Department of Water Resources

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

In Re SRBA

Subcase 31-2028A

Case No. 39576

STANDARD FORM 1
OBJECTION

NAME AND ADDRESS OF PERSON OBJECTING

Name: Idaho Department of Lands
Address: 954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050

Daytime Phone: (208) 334-0200

Name & Address of Attorney, if any:

Attorney Name:	ALAN G. LANCE Attorney General CLIVE J. STRONG Deputy Attorney General Chief, Natural Resources Division STEVEN J. SCHUSTER Deputy Attorney General Idaho Department of Lands
Attorney Address:	954 West Jefferson Street PO Box 83720 Boise, Idaho 83720-0050
Attorney Phone No.	(208) 334-0200 Idaho State Bar # 3453

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Webster Ranch
Address: HC 61, Box 1010
Dubois, Idaho 83423

I object to the following elements as recommended in the Director's Report.

1. ☒ **Name and Address**
Should be: Idaho Department of Lands
954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050
2. ☐ **Source**
Should be: As claimed
3. ☐ **Quantity**
Should be: As claimed
4. ☐ **Priority Date**
Should be: As claimed
5. ☐ **Point(s) of Diversion**
Should be: As claimed
6. ☐ **Instream Flow Description**
Should be: As claimed
7. ☐ **Purpose(s) of Use**
Should be: As claimed
8. ☐ **Period of Year**
Should be: As claimed
9. ☐ **Place of Use**
Should be: As claimed
10. **I object because:**
 - ☐ This water right should not exist.
 - ☒ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING OBJECTION(S):

The State of Idaho, through the Idaho Department of Lands, is the owner of a portion of the land upon which use is claimed. This land is State Public School endowment land. This land is more particularly described as the NE $\frac{1}{4}$ SE $\frac{1}{4}$, of Section 16, Township 11 North, Range 35 East, Boise Meridian, and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 11 North, Range 35 East, Boise Meridian. The claimant does not have a valid water right for use on the endowment land because a private claim cannot be made on such lands.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

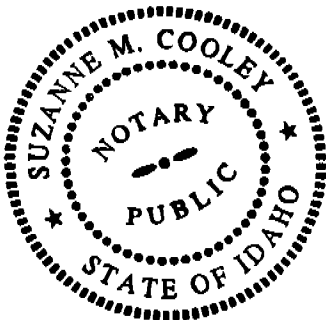
Steven J. Schuster, duly sworn, upon oath, deposes and says:

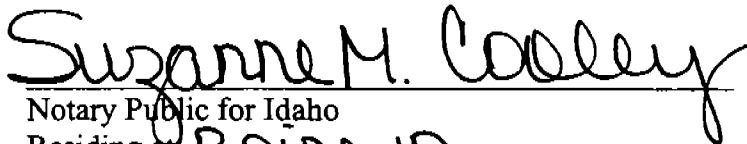
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands which is a party/claimant in this proceeding as defined by I.C. § 42-1401A (1) and (6), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
STEVEN J. SCHUSTER
Deputy Attorney General
Idaho Department of Lands


STEVEN J. SCHUSTER
Deputy Attorney General
Idaho Department of Lands

Subscribed and sworn to before me on this 6th day of September
2001.




Notary Public for Idaho
Residing at: Boise, ID
My Commission expires: 7-22-2002

CERTIFICATE OF MAILING

I certify that on this 6th day of September, 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, Idaho 83303-2707

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

Name: Webster Ranch
Address: HC 61, Box 1010
Dubois, Idaho 83424

3. Copies to:

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

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

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


STEVEN J. SCHUSTER
Deputy Attorney General
Idaho Department of Lands

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): 31-43A, 31-11297, 31-11285,
31-4135, 31-2028A, 31-2028B
Disallowed

ALL WATER RIGHTS IN BASIN 32 - all partially decreed.

[] Old Mailing Address: WEBSTER RANCA
PO Box 85
DUBOIS ID 83423

[] New Mailing Address: WEBSTER RANCA
HC 61 Box 1010
DUBOIS ID 83423

[] Telephone Number: (208) 374-5452

[] Signature of Claimant: Jack W. Webster

[] Date: 2/15/01

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

01/18/2001

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 31-2028A

WEBSTER RANCH

~~PO BOX 85~~

DUBOIS, ID 83423

HC 61 Box 1010

Daytime Telephone Number: (208)374-5259

Evening Telephone Number:

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

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

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

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

DATE: 02-15-01 SIGNATURE:

Jack Webster

Please print your name:

JACK WEBSTER

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, (208) 525-7161



United States
Department of
Agriculture

Soil
Conservation
Service

50 No. 2nd E.
Rexburg, ID 83440

Subject: Hooley Springs Livestock
Water System Design Revision

Date: January 27, 1988

To: Dale Schlader
Area Engineer
Area III
SCS, Pocatello Area Office

File Code: 210-5

Summary: This project was reviewed and approved as a Job class V. Due to pipe length revisions the project now exceeds the 30 mile limit of Job class V.

History: The Hooley Springs Group requested a gravity pressure Livestock water pipeline design and applied for ASCS cost sharing.

As the 1987 fiscal year drew to a end cost share money became available and a pooling agreement was funded as a 1987 project. The planning was done on a small scale map and resulted in approximately 26 miles of pipeline proposed.

The design was prepared for 29.9 miles of system, and 35 tank sites.

The group requested pipe prices and received quotes for both ripping in the pipe and trenching backhoe.

Low quote for both the pipe and installation were from E.J. Wilson and Sons of Lidy Hot Springs, near Dubois Idaho. They have had considerable experience in ripping in stock water pipe lines and telephone cable with their D-9's

The pipe order was placed and the company started making the pipe after ASCS assured them cost share money was approved. Following delivery of the 2 inch diameter polyethylene (PE) pipe, installation started. It became apparent that more pipe was needed than had been designed. Some snaking of the pipe takes place during installation plus route selection changes to miss rocky sections and Lava outcrops resulted in a 14% increase in 2 inch pipe length on B line to reach the same tank sites as on the design.



The Soil Conservation Service
is an agency of the
Department of Agriculture

The group held a meeting to review the increased length of pipe needed. Also each group members tanks location were reviewed and several changes and additions were make, all resulting in more pipe.

Several changes resulted ~~from~~ CRP bids being accepted and tank location being moved to install the tank outside of the CRP land. Four new tank sites were added to the design, to fit future fencing plans made possible by stock water becomming available and converting from cropland to pasture.

This resulted in the revised drawing submitted at this time for total of:

Revised Design:

<u>Diameter</u>	<u>Mainline</u>	<u>Latervals</u>
2½	3,300 LF	
2	67,500	
1½	38,000	
1¼	<u>49,400</u>	<u>31,600</u>
Total	158,200 29.96 miles	31,600 5.98 miles

The total length of pipe now exceeds 30 miles, the upper limit of Job class V. The project now needs WNTC review according to H. Leroy Zollinger, State Conservation Engineer.

Revised plan - profile drawings and new computer printouts for hydraulics of the three revised branches are included.

The changes in C line have reduced the average outflow from 1.4 gpm to 1.3 gpm per tanks site on C. line.

At any one time Websters could have 600 head of cattle grazing in the lower end of C. line; 600 head and 15 gallons per day requires 6.25 gpm, 6.5 gpm will be available.

To meet peak flow needs a storage tank at the open outlet site on C line is the next level of priority, after getting water to the tank sites to distribute the cattle.



Robert Lehman
Conservation Engineer

Attachments

cc: Robert Zinszer, AC, SCS, Pocatello AO
Mitchell Flanagan, DC, SCS, Rexburg FO (w/o attachments)



United States
Department of
Agriculture

Soil
Conservation
Service

Room 345
304 North 8th Street
Boise, Idaho 83702

SUBJECT: ENG - Hooley Springs Group
Stockwater Pipeline

DATE: November 18, 1987

TO: Dale Schlader
Area Engineer
SCS, Pocatello Area Office

FILE CODE: 210-5

In accordance with National Engineering Manual, Part 501, Subpart A, the subject project is returned approved.

I analyzed several alternative situations and plotted the hydraulic grade lines to ensure no pressures could exceed our allowable. Based on where you located the open vent, the following are different conditions:

All Lines Open

49 gpm from the spring.

Maximum Q in line B = 15 gpm

Maximum Q in line C = 15 gpm

Maximum Q in line D = 17 gpm

Line B Open, C and D Closed

Maximum Q = 17 gpm

Lines C and D Open, B Closed

Maximum Q in line C = 16 gpm

Maximum Q in line D = 17 gpm

Lines D and B Open, C Closed

Maximum Q in line D = 19 gpm

These are not all the options but I am satisfied any other combination would not increase head.

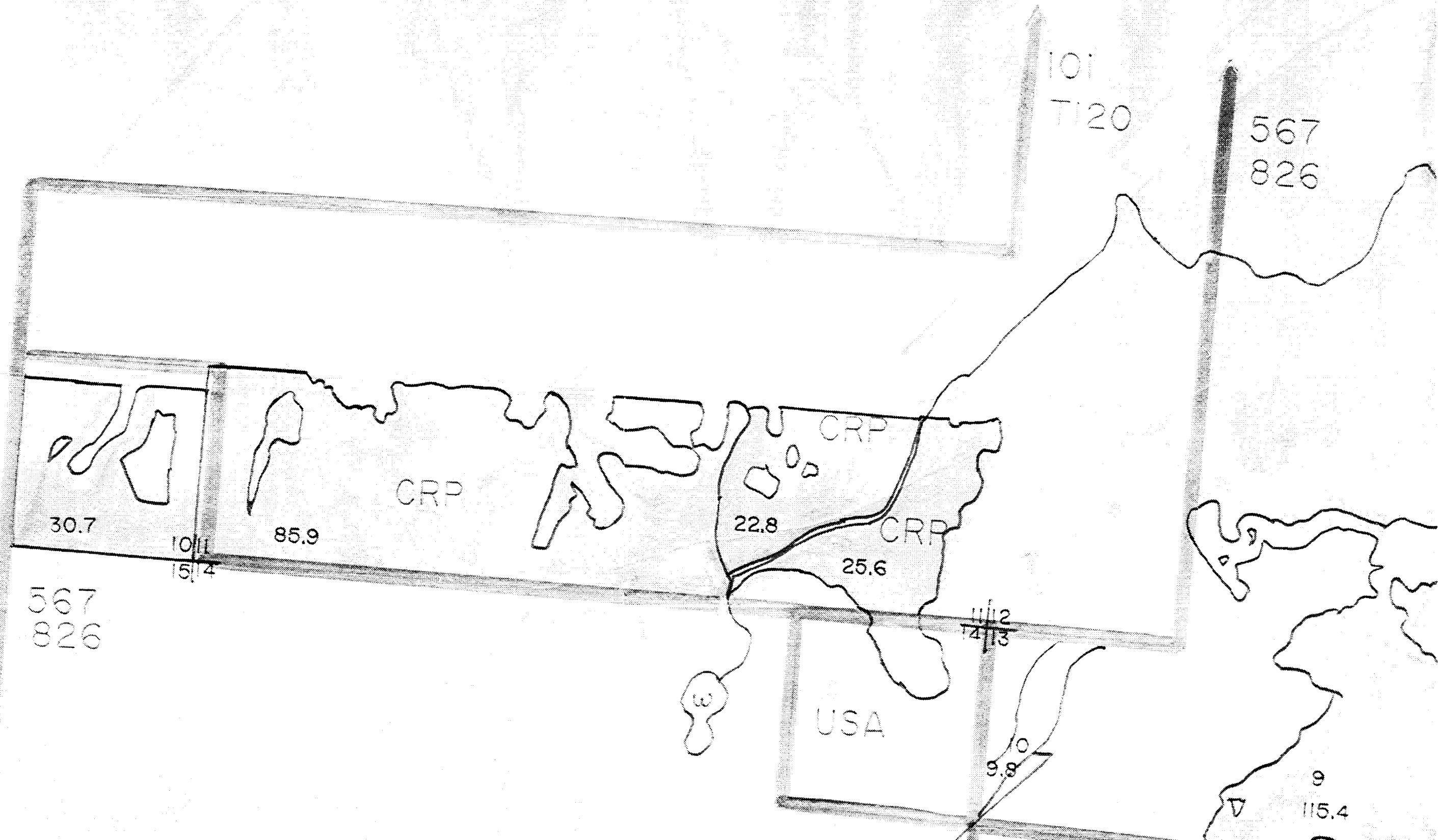
The 2 inch open standpipe design for reducing head downstream will work with these low flows. However, they will continually be running water out like a nozzle uncontrolled. It's just going to look bad, whereas a larger cmp standpipe with an overflow would be better.



59 (25)
(20) EXTRA 1.4 gpm/t.

HOOLEY SPRINGS WATER USERS ASSOC. TROUGH LOCATIONS

TROUGH I.D.	TWP.	RANGE	SECTION	DESCRIPTION
Spring	11N	35E	4	NE1/4 NW1/4
TB1	11N	35E	9	NE1/4 NW1/4
TB2	11N	35E	8	NE1/4 SE1/4
TB3	11N	35E	8	SE1/4 SW1/4
TB4	11N	35E	17	SW1/4 NE1/4
TB5	11N	35E	17	NW1/4 SW1/4
TB6	11N	35E	20	SE1/4 NW1/4
TB7	11N	35E	19	NW1/4 SW1/4
TB8	11N	35E	31	SW1/4 NE1/4
TB9	11N	35E	33	SW1/4 NW1/4
TB10	11N	35E	33	SW1/4 SW1/4
TC1	11N	35E	9	SE1/4 NE1/4
TC2	11N	35E	10	SW1/4 NW1/4
TC3	11N	35E	9	NE1/4 SE1/4
TC4	11N	35E	15	NE1/4 NW1/4
TC5	11N	35E	16	NE1/4 SE1/4
TC6	11N	35E	22	SE1/4 NW1/4
TC7	11N	35E	21	NW1/4 SW1/4
TC8	11N	35E	28	NE1/4 NE1/4
TC9	11N	35E	27	NW1/4 NW1/4
TC10	11N	35E	28	NE1/4 SE1/4
TC11	11N	35E	27	SE1/4 NE1/4
TC12	11N	35E	35	NW1/4 SW1/4
TC13	11N	35E	34	SW1/4 SW1/4
TC14	10N	35E	3	NE1/4 SW1/4
TC15	10N	35E	11	NW1/4 NW1/4
TC16	10N	35E	10	SE1/4 SE1/4
TC17	10N	35E	15	SE1/4 SE1/4
TC18	10N	35E	14	NE1/4 SE1/4
TD1	11N	35E	15	SW1/4 SE1/4
TD2	11N	35E	23	SW1/4 NW1/4
TD3	11N	35E	24	SE1/4 SW1/4
TD4	11N	35E	26	SE1/4 NW1/4
TD5	11N	35E	26	NE1/4 SW1/4
TD6	11N	35E	36	NW1/4 SW1/4
TD7	10N	35E	1	SE1/4 NW1/4
TD8	10N	35E	12	NW1/4 SE1/4
TD9	10N	36E	7	NE1/4 SW1/4
TD10	10N	36E	18	NW1/4 SE1/4
TD11	10N	36E	19	SE1/4 NW1/4



9|10
16|15

10|11
15|14

266

27

16|15
21|22

15|14
22|23

Cottonwood Creek and
Hoeley Springs
Fremont County
1 second foot
Irrigation and domestic
Priority 10-25-1907

S T A T E O F I D A H O

Water License No. 3240

WHEREAS, On the 25th day of October, A.D. 1907, THOMAS HENDERSON, JR., of Spencer, County of Fremont, State of Idaho, duly made application (No. 4513) to me for a permit to use 3.2 cubic feet per second of the waters of Cottonwood Creek and Hoeley Springs, County of Fremont, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 16th day of November, A.D. 1907, Permit No. 3240, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 16th day of November, A.D. 1908, and for the application to beneficial use of said water on or before the 16th day of November, A.D. 1910, and

WHEREAS, On the 2nd day of November, A.D. 1908, THOMAS HENDERSON, JR., the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 3240, dated December 22, 1908, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of said water, with date of priority of October 25, 1907 and

WHEREAS, On the 1st day of November, A.D. 1910, THOMAS HENDERSON, JR., the holder of said permit duly made proof of the application to beneficial use of 1 cubic foot per second of said water:

NOW, THEREFORE, by virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to THOMAS HENDERSON, JR., of Spencer, County of Fremont, State of Idaho the holder and owner of said Permit No. 3240, a perpetual right, dating from October 25, 1907, to the use of 1 cubic foot per second of the waters of Cottonwood Creek and Hoeley Springs, in the County of Fremont, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbefore mentioned, to be diverted at a point in the northeast quarter of northwest quarter (NE 1/4 NW 1/4) of section 4, township 11 North of Range 35 East Boise Meridian, and 1 mile north of Township 11 North of Range 35 East of the Boise Meridian, and conducted to and upon 25 acres in the southeast quarter of southwest quarter (SE 1/4 SW 1/4) of section 10, and 25 acres in the northeast quarter of northwest quarter (NE 1/4 NW 1/4) of section 15, township 11 North of Range 35 East Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my seal of my office at Boise, Idaho, this eighth day of December, A.D. Nineteen hundred and ten.

(SEAL)

Recorded December 8, 1910

D.G. Martin

State Engineer

34 2028

REPORT OF ENGINEER

1. State name of applicant and number of permit: Thos. Henderson Jr., Permit #3240
 2. State source of water supply: Cottonwood Creek and Hooley Springs
 3. Location of point of diversion: NE¹/₄ Sec. 4 Tp. 11 N. R. 35 E. Hooley Spring
5/10 cu.ft. And one mile north of Tp. line 11 N. R. 35 E. S. 4 on
Cottonwood Creek 2-7/10 cu.ft.
 4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: They are
 5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: 3 ft.
 - (b) Width at water line: 4 ft.
 - (c) Depth of water: 3 ft.
 - (d) Grade per mile: 200 ft. to a mile.
 - (e) Capacity of ditch: 4 to 5 second feet.
 6. State whether or not water has been turned into works of diversion and if so. to what extent: yes to full capacity of ditch.
 7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract:

<u>SE¹/₄ SW¹/₄</u>	<u>all natural land irrigated. Sec 10</u>
<u>SW¹/₄ SW¹/₄</u>	<u>30 acres cultivated Sec 10</u>
<u>NE¹/₄ NW¹/₄</u>	<u>10 acres cultivated Sec 15</u>
<u>NW¹/₄ NE¹/₄</u>	<u>30 acres cultivated Sec 15 Tp 11 N. R. 35</u>
	<u>N.B.M.</u>
 8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.
- Remarks: 50 acres of above described cultivated land used to alfalfa
and three crops have been taken off from it.

Hugh C. Macauley
 Examining Engineer

STATE OF IDAHO,

County of Fremont ss.

H. C. Wood

being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this first day of June 1912

My Commission Expires July 20, 1912.

W. H. Wood
 Notary Public.

3240

Report of Engineer

RECEIVED

NOV 23 1910

OFFICE OF STATE ENGINEER

1. State name of applicant and number of permit: Thomas Henderson, permit No. 2235
2. State source of water supply: Cottonwood Creek and Hoolley Springs
3. Location of point of diversion: NE 1/4 NW 1/4 Sec. 4, T. 11 N.R. 35 E., and 1 mile north of T. 11 N.R. 35 E.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: 2 feet
- (b) Width at water line: 3 feet
- (c) Depth of water: 1 foot
- (d) Grade per mile: 25 feet

6. State whether or not water has been turned into works of diversion and if so, to what extent:

There is now about 1 second foot of water in ditch. More has been used earlier in season.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: SE 1/4 of SW 1/4 and SW 1/4 of SE 1/4 Sec. 10 NW 1/4 of NW 1/4 Sec. 15 Tp. 12 N. R. 35 E. B.M.

There is now under cultivation 25 acres in SE 1/4 of SW 1/4 Sec. 10 and 25 acres in NW 1/4 of NW 1/4 Sec. 15 Tp. 12 N. R. 35 E. B.M.

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: Early in season this may be a stream of 3 to 4 second feet but drops down to 1 to two feet during summer.

J. D. Roberts
Water Commissioner
1st Deputy

STATE OF IDAHO,

County of _____ } ss.

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 1910.

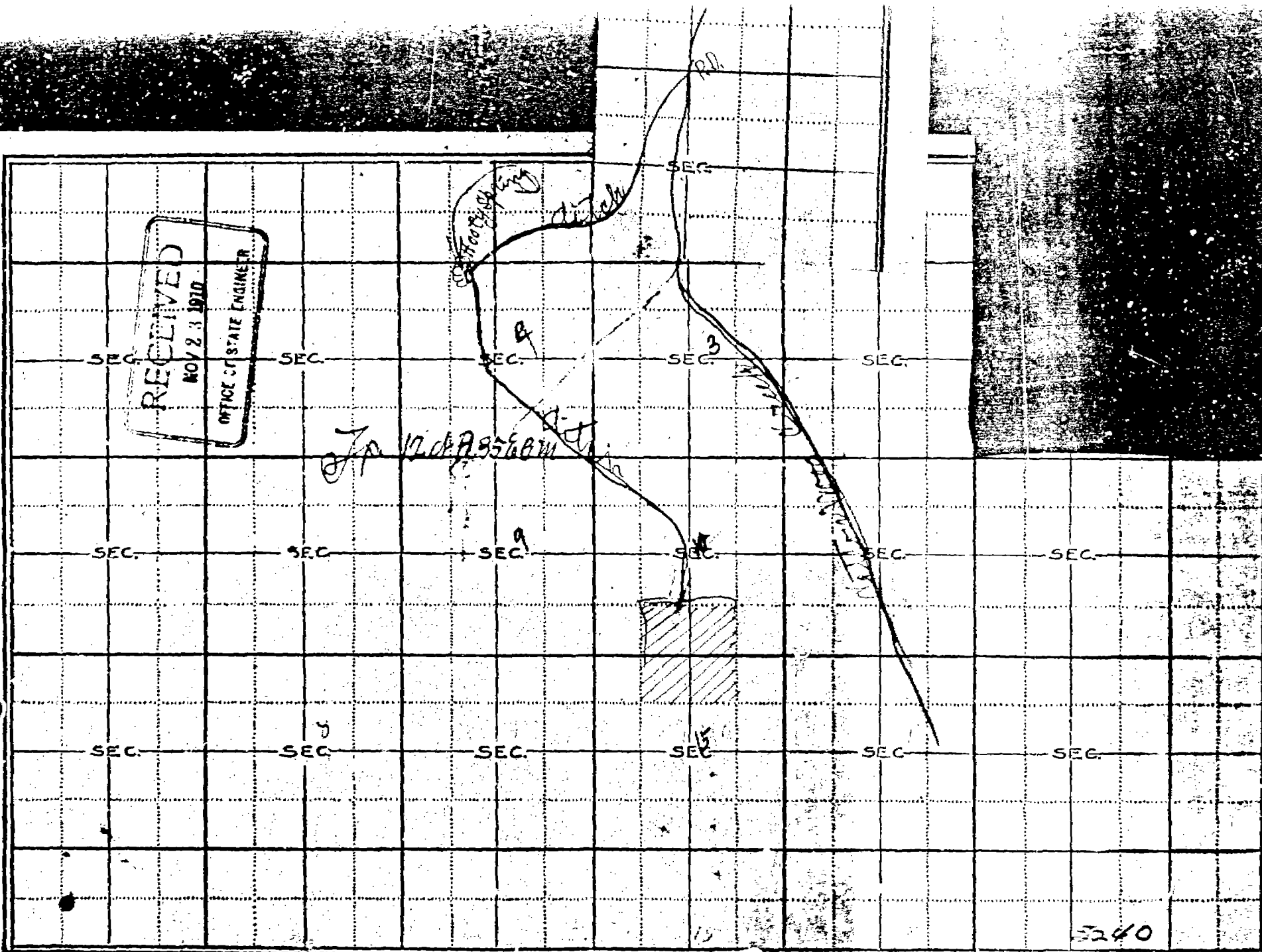
My Commission expires _____

Notary Public.

3240

Printed and for Sale by National Map, Stone Falls

SCALE: 8 INCHES=1 MILE. DRAWN IN INK.



Hagenbarth & Henderson executed an agreement in an attempt to resolve a dispute over water rights. To resolve it, water rights in Hooley Springs and Cottonwood Creek. This would have left Henderson with 1.7 cfs plus 1.0 cfs in only but less any water for stock he had relinquished to Wood and Hagenbarth.

Hagenbarth relinquished all of their rights (presumably including the 1890, 1900 and 1901 filings) EXCEPT .8 cfs from Cottonwood Creek to be used to irrigate the 40 acres immediately around Hooley Springs. The agreement does not say how much water is to be taken. Wood from his 1901 filing had 4 cfs in Cottonwood Creek and it must have been from this Creek was held back. Wood Livestock had .8 cfs from 1890 in Hooley Springs and 1 cfs from 1900 in Hooley Springs. As far as to which of these rights .8 cfs was held back. The agreement also is not clear as to whether it was the place of use from Wood and Hagenbarth's lands over to Henderson. Presumably it was to create such a transfer Henderson would be of no benefit to him, i.e., he needed to be able to use those rights on the lands he held at the

which could impact on the continued validity of these water rights. First, any water right cannot go without use or fall into disuse (subject to proof of non-use which is often difficult). Second, in the 1910 agreement Wood and Hagenbarth gave Hooley Springs and Cottonwood Creek to water the 40 acres around Hooley Springs. This is a total of 1.6 cfs or 80 acre-inches. Current water law generally permits only 1 inch per acre so part of this old right may have lapsed anyway unless arid soil can be shown to require more water.

The decree. It mentions several other rights in a Cottonwood Creek. However there appear to be two Cottonwood Creeks in the area, one to Camas Creek and one to Warm Creek. I have indicated the two or three rights in the Warm Creek one. Also, Henderson was never served and the decree. I have listed all rights in Cottonwood Creeks shown in the decree. It appears Henderson was never served and the decree. This casts some question on the Henderson rights, but Water Resources still shows them as licensed. The agreement. Henderson is never accounted for in the decree either.

"domestic use" included stockwater. So that would be included under the Henderson right and any others mentioning only

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NOTES AND SUMMARY:

Apparently in 1910 Wood, Hagenbarth & Henderson executed an agreement in an attempt to resolve a dispute over water. Henderson relinquished any stockwater rights in Hooley Springs and Cottonwood Creek. This would have left Henderson with from License 3240 for irrigation only but less any water for stock he had relinquished to Wood and Hagenbarth.

In return Wood and Hagenbarth relinquished all of their rights (presumably including the 1890, 1900 and 1901 filings in Hooley Springs and .8 cfs from Cottonwood Creek to be used to irrigate the 40 acres immediately around Hooley Springs. which water right the .8 cfs from Hooley is to be taken. Wood from his 1901 filing had 4 cfs in Cottonwood Creek and it is that the .8 cfs from Cottonwood Creek was held back. Wood Livestock had .8 cfs from 1890 in Hooley Springs and 1 cfs from Cottonwood Springs. The agreement is unclear as to which of these rights .8 cfs was held back. The agreement also is not clear as to whether it was intended to make a transfer of the place of use from Wood and Hagenbarth's lands over to Henderson. Presumably it was intended that the rights relinquished to Henderson would be of no benefit to him, i.e., he needed to be able to use those rights at that time.

There are still some laws which could impact on the continued validity of these water rights. First, any water right is subject to loss for five years or it is subject to loss (subject to proof of non-use which is often difficult). Second, in the 1910 agreement, .8 cfs was held back from each of Hooley Springs and Cottonwood Creek to water the 40 acres around Hooley Springs. This is more than 10 miners inches to water 40 acres. Current water law generally permits only 1 inch per acre so part of this old right may be due to special circumstances such as porous soil can be shown to require more water.

Finally, there is the 1930 decree. It mentions several other rights in a Cottonwood Creek. However there appear to be - one that is a tributary to Warm Creek and one to Camas Creek. I have indicated the two or three rights in the Warm Creek area which is not mentioned in the 1930 decree. I have listed all rights in Cottonwood Creeks shown in the decree. It appears Henderson made a part of the decree action. This casts some question on the Henderson rights, but Water Resources still shows the agreement between Wood, Hagenbarth & Henderson is never accounted for in the decree either.

Under old water law "domestic use" included stockwater. So that would be included under the Henderson right and a domestic use too.

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	<u>Name of Original Holder</u>	<u>License or Permit No.</u>	<u>Priority Date</u>	<u>Amount</u>	<u>Type of Use</u>	<u>Pt. of Dive</u>
6.	Henderson, Hagenbarth & Wood, and Wood Livestock Company, Ltd.	Agreement in file for License No. 33385	Date of agreement is Aug. 8, 1910	Henderson relinquishes any rights to water Hooley Springs or Cottonwood Creek. This i irrigation rights, and this is the only rig successors in interest. <u>In return</u> , Wood, H relinquished to Henderson all their water r and 4 above) EXCEPT the right to use .8 cfs .8 cfs from Cottonwood creek to water 40 ac Presumably this 40 acres is the 40 acres re R.35 E.B.M. in No. 2 above on which Hagenba		
7.	~~Wood Livestock~~ <i>BETWEEN SPENCE & KILGORE EAST</i>	Decree 31-0319 dated 11-1-30 now 31-312	Oct. 18, 1913	3.2 cfs	Irr. & stock	Diverted at corner of N Sec. 5, T.1 R.39 E.B.M.
8.	Albina Henderson	License X 31-2144	April 22, 1914	1.1 cfs	Irr. & domestic	Cottonwood
9.	~~Wood Livestock~~	Decree 31-0319 dated 11-1-30 now 31-316	Sept. 20, 1913	2.4 cfs	Irr. & stock	diverted at NW SE Sec. T.13 N., R.
10.	~~Frederick-Frederickson~~ <i>EAST</i>	Decree 31-0319	May 1, 1896	3.0 cfs	Irr. of stock	Cottonwood (Warm Creek 2.5 mi. upst from use pt
11.	~~Frederick-Frederickson~~ <i>EAST</i>	Decree 31-0319	May 20, 1908	1.6 cfs	Irr. of stock	Cottonwood (Warm Creek Sec. 8, T.1 R.39 E.B.M.
12.	~~Bert H. Miller~~ <i>EAST</i>	Decree 31-0319	May 1, 1898 Oct. 1, 1900	4.5 cfs .8 cfs	Irr. of stock	Cottonwood (tributary Ca 1.5 mi. NW use land
13.	~~P.D. Steops~~ <i>EAST</i>	Decree 31-0319	May 28, 1904	2.4 cfs	Irr. & stock	Dry Cottonwo tributary to Creek. SW NW

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<u>Order</u>	<u>License or Permit No.</u>	<u>Priority Date</u>	<u>Amount</u>	<u>Type of Use</u>	<u>Pt. of Diversion</u>	<u>Pt. of Use</u>
th vestock	Agreement in file for License No. 33385	Date of agreement is Aug. 8, 1910	Henderson relinquishes any rights to water sheep or other livestock from Hooley Springs or Cottonwood Creek. This is, Henderson was left with only his irrigation rights, and this is the only right that could pass down to his successors in interest. <u>In return</u> , Wood, Hagenbarth & Wood Livestock Company relinquished to Henderson all their water rights from 1900 and 1909 (nos. 2 and 4 above) EXCEPT the right to use .8 cfs from Hooley Springs (4/5 cfs) and .8 cfs from Cottonwood creek to water 40 acres around Hooley Springs. Presumably this 40 acres is the 40 acres referred to as Lot 3, Sec. 4 T.4 N. R.35 E.B.M. in No. 2 above on which Hagenbarth filed.			
	Decree 31-0319 dated 11-1-30 now 31-312	Oct. 18, 1913	3.2 cfs	Irr. & stock	Diverted at NE corner of NW 1/4 Sec. 5, T.13 N., R.39 E.B.M.	used at numerous in T.13 N., R.39 E.B.M.
	License X 31-2144	April 22, 1914	1.1 cfs	Irr. & domestic	Cottonwood use	55 acres, SE NW and 40 acres, SW NE Sec. 9, T.11 N., R.35 E.B.M.
	Decree 31-0319 dated 11-1-30 now 31-316	Sept. 20, 1913	2.4 cfs	Irr. & stock	diverted at NW SE Sec. 5, T.13 N., R.39 E.B.M.	used on numerous in T.13 N., R.35 E.B.M.
son	Decree 31-0319	May 1, 1896	3.0 cfs	Irr. of stock	Cottonwood Creek (Warm Creek) diverted 2.5 mi. upstream from use pt.	used on SW Sec. 29, T.13 N., R.39 E.B.M.
son	Decree 31-0319	May 20, 1908	1.6 cfs	Irr. of stock	Cottonwood Creek (Warm Creek) SE NW Sec. 8, T.13 N., R.39 E.B.M.	E 1/2 NW Sec. 20, Sec. 20, T.13 N., R.39 E.B.M.
	Decree 31-0319	May 1, 1898 Oct. 1, 1900	4.5 cfs .8 cfs	Irr. of stock	Cottonwood Creek tributary Camas Crk. 1.5 mi. NW of use land	NE NW; NW SE and NW Sec. 17; W 1/2 NW Sec. 26; E 1/2 SE Sec. 27; N 1/2 NE Sec. 34, T.13N., R.39 E.B.M.
	Decree 31-0319	May 28, 1904	2.4 cfs	Irr. & stock	Dry Cottonwood Crk. tributary to Camas Creek. SW NW Sec. 5.	NW NW; S 1/2 NW; N 1/2 SW; SE SW; SW SE; all Sec 27 T 13 N

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HOOLEY SPRINGS AND COTTONWOOD CREEK WATER RIGHTS AS OF JANUARY 1988

	<u>Name of Original Holder</u>	<u>License or Permit No.</u>	<u>Priority Date</u>	<u>Amount</u>	<u>Type of Use</u>	<u>Pt. of Diversion</u>
1.	Wood Livestock Company Glen Zwifel's name written in pencil by it on the decree.	Decree 31-0319 Suave vs. Abbott	April 1, 1890	.8 cfs	Irr., domestic & stock	Hooley Springs
2.	F.J. Hagenbarth	License NO. not read- able on copy	June 6, 1900	1.0 cfs	Ag., domestic & industrial	Hooley Springs
3.	Thomas Henderson Jr.	3240 ✓ (now 31-2028A)	Oct. 25, 1907 ~~May 10, 1909~~	1.0 cfs (had app. for 3.2 but only proved use of 1 cfs)	Irr. & domestic (includes stock)	NE NW Sec. 4, T.11 N., R.35 E.B.M. waters of Cottonwood Creek & Hooley Springs
4.	H.C. Wood	File No. 270 State Engineer	June 17, 1901	4.0 cfs	Ag., domestic & industrial (includes stock)	Cottonwood Creek near mouth of canyon at SW 1/4 Sec. 34, T.12 N., R.34 E.B.M.
5.	Thomas Henderson Jr.	3240 new no. is License X 3120-28B	May 10, 1909	1.7 cfs This is where Henderson proved up another 1.7. Gave him total 2.7 - so he lost .5 cfs from his app.	Irr. & domestic (includes stock)	Cottonwood Creek & Hooley Springs from Cottonwood Crk. 1 mile N. of T.1 of 11 N. R.35 E.B.M. & Hooley Springs at NENW Sec.4 T.11 N. R.35 E.B.M.

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HOOLEY SPRINGS AND COTTONWOOD CREEK WATER RIGHTS AS OF JANUARY 1988

<u>License Holder</u>	<u>License or Permit No.</u>	<u>Priority Date</u>	<u>Amount</u>	<u>Type of Use</u>	<u>Pt. of Diversion</u>	<u>Pt. of Use</u>
Bank Company name Council by ree.	Decree 31-0319 Suave vs. Abbott	April 1, 1890	.8 cfs	Irr., domestic & stock	Hooley Springs	NE NW Sec.4, T.11 N., 35 E.B.M.
th	License NO. not read- able on copy	June 6, 1900	1.0 cfs	Ag., domestic & industrial	Hooley Springs	Lot 3, Sec.4, T.4 N., R.35 E.B.M. Use of 40 acres immediately around the spring.
son Jr.	3240 X (now 31-2028A)	Oct. 25, 1907 ~~May 10, 1909~~	1.0 cfs (had app. for 3.2 but only proved use of 1 cfs)	Irr. & domestic (includes stock)	NE NW Sec. 4, T.11 N., R.35 E.B.M. waters of Cottonwood Creek & Hooley Springs	25 acres in NE NW Sec. 15; and 25 acres in SE SW Sec. 10, T.11 N., R.35 E.B.M. Total of 50 acres.
	File No. 270 State Engineer	June 17, 1901	4.0 cfs	Ag., domestic & industrial (includes stock)	Cottonwood Creek near mouth of canyon at SW 1/4 Sec. 34, T.12 N., R.34 E.B.M.	Lot 3, Sec. 4, T.11 N., R.34 E.B.M.
son Jr.	3240 new no. is License. X 3120-28B	May 10, 1909	1.7 cfs This is where Henderson proved up another 1.7. Gave him total 2.7 - so he lost .5 cfs from his app.	Irr. & domestic (includes stock)	Cottonwood Creek & Hooley Springs from Cottonwood Crk. 1 mile N. of T.1 of 11 N. R.35 E.B.M. & Hooley Springs at NENW Sec.4 T.11 N. R.35 E.B.M.	85 acres: a. 15 acres in SE SW Sec. 10 b. 30 acres in SW SE Sec. 10 c. 10 acres in NE NW Sec. 15 d. 30 acres in NW NE Sec. 15 T.11 N., R.35 E.B.M.

WHEREAS, on the 17th day of June 1901, H. C. Wood Spencer, Idaho filed, under the then law prescribed by the statutes of Idaho, for 4 cubic feet per second flow from the waters of Cottonwood Creek "at a point near the mouth of Cottonwood Creek canon supposed to be in the S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 34 Twp. 12 N.R. 34 E.B.M." and said location was made for "Agricultural, domestic and industrial" purposes, and the place of intended use was on "lot 3, Sec. 4, Twp 11 N.R. 34 E. and the unsurveyed supposed to be the S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 34 Twp. 12 N.R. 34 E.B.M." and said location was filed on July 12, 1901 in File No. 270 of the records of State Engineer at Boise, Idaho, and recorded on June 21st, 1901 in Book B of water rights at page 339 of the records of Fremont County, State of Idaho, and whereas said H. C. Wood is the owner or represents the ownership of said lot 3 Sec. 4 Twp 11 N.R. 34 E. and the unsurveyed supposed to be the S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 34, Twp. 12 N.R. 34 E.B.M. and

P 90
WHEREAS, on the 6th day of June 1900 F. J. Hagenbarth recorded and appropriated, under the then law of the State of Idaho, 1 cubic foot per second flow of the waters of Cottonwood or Hooley Springs, as near the head of said Spring as is practicable and supposed to be in Twp 12 N.R. 35 E.B.M. for "Agricultural, domestic and industrial" purposes and said water was to be used "in conjunction with that parcel of land adjacent to and surrounding said Spring and consisting of about 40 acres" and said location was recorded on June 11th, 1900 in file No. 318 of the records of the State Engineer at Boise, Idaho, and said appropriation was recorded on June 8th, 1900 in Book B of water rights at page 242 of the records of Fremont County and whereas F. J. Hagenbarth is owner or represents the ownership of said 40 acres at Hooley Springs which has been identified as Lot 3 sec. 4 Twp. 11 N.R. 35 E.B.M. and

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WHEREAS on the 25th day of October, 1907, Thomas Henderson, Jr., appropriated under the then law of the State of Idaho 3.2 cubic feet per second flow of the waters of Cottonwood Creek and Hooley Springs" at N.E. $\frac{1}{4}$ N.W. $\frac{1}{4}$ Sec. 4 Twp. 11 N.R. 35 E.B.M. 5 cubic feet and 1 mile north of Twp. line 11 N.R. 35 E. on Cottonwood Creek 2.7 cubic feet for "irrigation and domestic use" to be used on N.E. $\frac{1}{4}$ N.W. $\frac{1}{4}$ N.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$ Sec. 15 and S.W. $\frac{1}{4}$ S.E. $\frac{1}{4}$ and S.E. $\frac{1}{4}$ S.W. $\frac{1}{4}$ of Sec. 10 Twp. 11 N.R. 35 E.B.M. and said location was recorded in Book 9 page 3240 of the records of the State Engineer at Boise, Idaho and Permit No. 3240 issued therefor, and certificate of completion of work, dated Sept. 22, 1908, was issued therefor.

Now and therefore it is hereby mutually agreed for and in consideration of the sum of \$1.00 paid by each of the parties hereto, receipt of which is hereby acknowledged, that said Thomas Henderson, Jr. hereby waives and forever quit claims any right, title or interest in and to the water locations made by said H. C. Wood or F. J. Hagenbarth and said Thomas Henderson, Jr. hereby and forever confirms to said Wood and Hagenbarth and their successors in interest which is Wood Live Stock Company, Ltd. exclusive right to the use of the waters of and ditches from said Hooley Springs and Cottonwood Creek for the purpose of watering sheep or other live stock and H. C. Wood and F. J. Hagenbarth and their successor in interest, Wood Live Stock Company, Ltd. forever relinquishes to said Thomas Henderson, Jr. and confirm to him the rights in the waters of Hooley Springs

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purposes and said water was to be used "in conjunction with that parcel of land adjacent to and surrounding said Spring and consisting of about 40 acres" and said location was recorded on June 11th, 1900 in file No. 318 of the records of the State Engineer at Boise, Idaho, and said appropriation was recorded on June 8th, 1900 in Book B of water rights at page 242 of the records of Fremont County and whereas F. J. Hagenbarth is owner or represents the ownership of said 40 acres at Hooley Springs which has been identified as Lot 3 sec. 4 twp. 11 N.R. 35 E.B.M. and

P 212
WHEREAS on the 25th day of October, 1907, Thomas Henderson, Jr., appropriated under the then law of the State of Idaho 3.2 cubic feet per second flow of the waters of Cottonwood Creek and Hooley Springs" at N.E. $\frac{1}{4}$ N.W. $\frac{1}{4}$ Sec. 4 twp. 11 N.R. 35 E.B.M. 5 cubic feet and 1 mile north of twp. line 11 N.R. 35 E. on Cottonwood Creek 2.7 cubic feet for "irrigation and domestic use" to be used on N.E. $\frac{1}{4}$ N.W. $\frac{1}{4}$ N.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$ Sec. 15 and S.W. $\frac{1}{4}$ S.E. $\frac{1}{4}$ and S.E. $\frac{1}{4}$ S.W. $\frac{1}{4}$ of Sec. 10 twp. 11 N.R. 35 E.B.M. and said location was recorded in Book 9 page 3240 of the records of the State Engineer at Boise, Idaho and Permit No. 3240 issued therefor, and certificate of completion of work, dated Sept. 22, 1908, was issued therefor.

Now and therefore it is hereby mutually agreed for and in consideration of the sum of \$1.00 paid by each of the parties hereto, receipt of which is hereby acknowledged, that said Thomas Henderson, Jr. hereby waives and forever quit claims any right, title or interest in and to the water locations made by said H. C. Wood or F. J. Hagenbarth and said Thomas Henderson, Jr. hereby and forever confirms to said Wood and Hagenbarth and their successors in interest which is Wood Live Stock Company, Ltd. exclusive right to the use of the waters of and ditches from said Hooley Springs and Cottonwood Creek for the purpose of watering sheep or other live stock and H. C. Wood and F. J. Hagenbarth and their successor in interest, Wood Live Stock Company, Ltd. forever relinquishes to said Thomas Henderson, Jr. and confirm to him the rights in the waters of Hooley Springs and Cottonwood Creek except as acquired by the locations made in 1900 and 1901, which locations shall not in any event exceed the water that can be acquired for 40 acres at Hooley Springs and on Cottonwood and said parties quit claim and confirm to said Thomas Henderson, Jr. all waters at either place in excess of $\frac{4}{5}$ of one cubic foot at each place.

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IN WITNESS WHEREOF the parties hereto have hereinto set their hands and seals
on this the 8th day of August, 1910.

Witness:

Thomas Henderson, Jr.

Sam Sample

F. J. Hugenbarth,

H. C. Wood.

Subscribed and sworn to before me C. W. Hardy, Notary Public, in and for
Fremont County on this 8th day of August 1910.

(SEAL)

C. W. Hardy, Notary Public.

My Commission expires 7/2/12.

Filed for record at Request of C. W. Hardy at 1 o'clock P.M. this 13th
day of Aug. 1910.

I. N. Corey, Recorder

By Rose D. Miller, Deputy.

Transcribed from Fremont County Records, Book "C" Miscellaneous Records page 440.

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Memo

From: Steve McCormick

To: Fk 31-02028A § B.

These claims will be amended by Mr. Webster.
when the changes in the coater right.

These rights will be put into a pipeline for
stock watering purposes, at that time the
claim will be amended.

SM

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A31-02018A/B.