



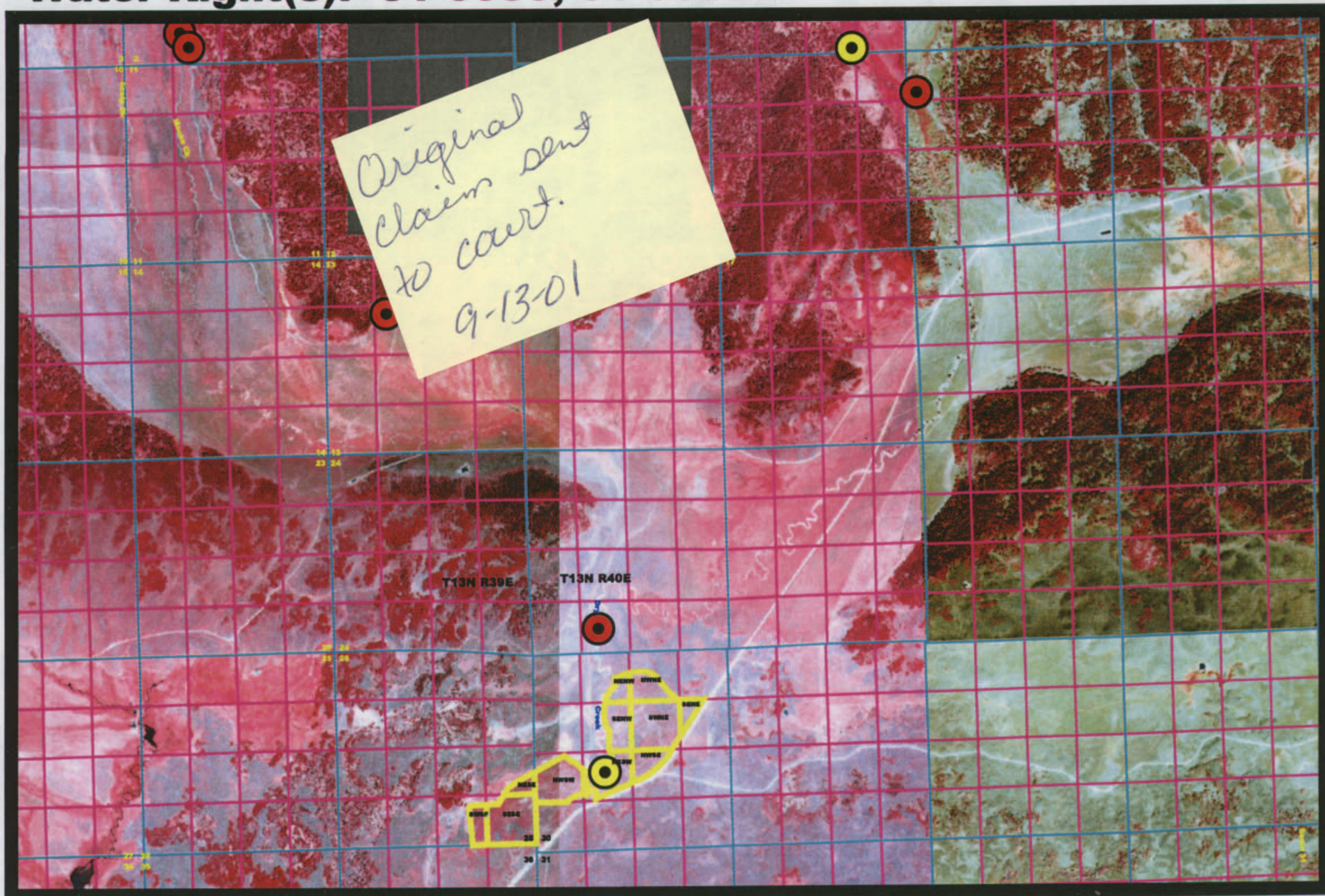
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: USDA, ARS, Sheep Station

Water Right(s): 31-0080, 31-00326



2500 0 2500 5000 7500 10000 12500 15000 17500 20000 22500 25000 27500 Feet

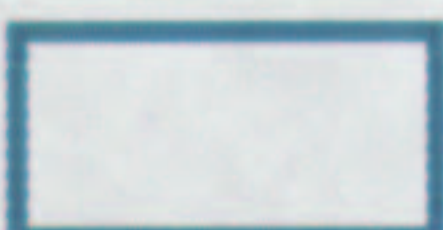
LEGEND



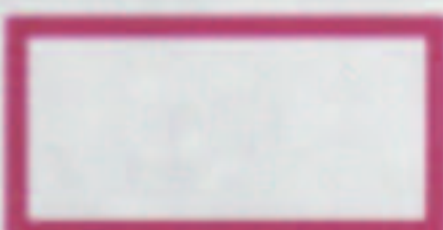
Point of Diversion

SESE

Place of Use



Section Line



Quarter-section line

Legal Description: T13N, R39E

Sec. 25 (parts of) E2SE, SWSE

T13N, R40E

Sec. 30 (parts of) E2NW, W2NE,

SENE, N2SW, NWSE

Point(s) of Diversion: T13N, R40E

Sec. 5 SWSWSE

Sec. 30 NWNESW



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: Jan. 2001

A3100326



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 PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
STOCKWATER 3000 SHEEP

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 31-326
Date Received: 12/28/00
Receipt No: 71111
Received By: *Bae*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

UNITED STATES OF AMERICA, USDA ARS Phone: (208)374-5409

USDA ARS
HC 62 BOX 2010
USSES
DUBOIS ID USA 83423

2. Date of Priority: 05/01/1924

3. Source: DRY CREEK Trib. to: SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
13N	40E	5	SW SW SE	CLARK
13N	40E	30	NW NE SW	CLARK

5. Description of diverting works:

DIVERSION IN SEC. 5 IS A CONCRETE GATED STRUCTURE OFF MAIN DRY CK CHANNEL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	10	
STOCKWATER	05/01	10/31	0.11	

7. Total Quantity Appropriated is:
10 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 3000

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres			
13N	39E	25	NE	SE		IRRIGATION	7			
			SE	SE		IRRIGATION	38			
			SW	SE		IRRIGATION	10			
			SW	SE		STOCKWATER				
			SE	SE		STOCKWATER				
			NE	SE		STOCKWATER				
			SE	NE		STOCKWATER				
			SW	NE		STOCKWATER				
			SE	NW		STOCKWATER				
						Section Acres	55			
13N	40E	19	SE	SW		STOCKWATER				
			NE	SW		STOCKWATER				
			SE	NW		STOCKWATER				
13N	40E	30	NE	SW	3	IRRIGATION	20			
			NW	SW		IRRIGATION	30			
			NE	NW		IRRIGATION	8			
			NW	NE	IRRIGATION	17				
			SE	NE	IRRIGATION	7				
			SW	NE	IRRIGATION	39				
			SE	NW	IRRIGATION	20				
			NW	SE	IRRIGATION	13				
			NW	NE	STOCKWATER					
			SW	NE	STOCKWATER					
			SE	NE	STOCKWATER					
			NE	NW	STOCKWATER					
			SE	NW	STOCKWATER					
			NE	SW	STOCKWATER					
			NW	SW	3	STOCKWATER				
			NW	SE		STOCKWATER				
			SW	NW		STOCKWATER				
			SE	NW		STOCKWATER				
			NE	NW		STOCKWATER				
									Section Acres	154
									Total Acres	209

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:

STOCKWATER 3000 SHEEP SAME POU AS IRRIG. USED IN COMBINATION WITH 31-00080.
THIS CLAIM REPLACES 31-10944. POU KNOWN AS THE HENNINGER RANCH.

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 RESEARCH LEADER of
Title
USDA Organization, that I have signed the foregoing
document in the space below as RESEARCH LEADER of
Title
USDA Organization and that the statements contained in the
foregoing document are true and correct. Gregory S. Oliver
Signature of Authorized Agent
RESEARCH LEADER USDA
Title and Organization
1-3-01
Date

State of Idaho)
County of Bonneville) SS.

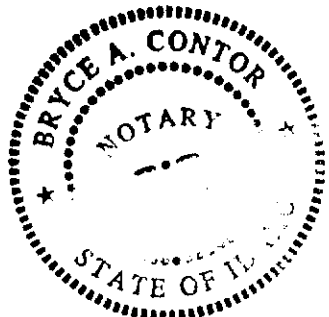
Subscribed and sworn (or affirmed) before me this
of Jan 2001

3rd day
Bryce A. Contor

Notary Public

Residing at Mud Lake ~~Utah~~ ID

My commission Expires 10/14/2005 BAC





SE

T13N R40E

USDA, ARS

SHEEP RESEARCH STATION

31-00080, 31-003

30

N1NW
8

NWNE
17

SENE
7

S1NW
20

SWNE
39

N1SW
20

NWSE
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NWSW
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SWS
10

S1SE
38

25

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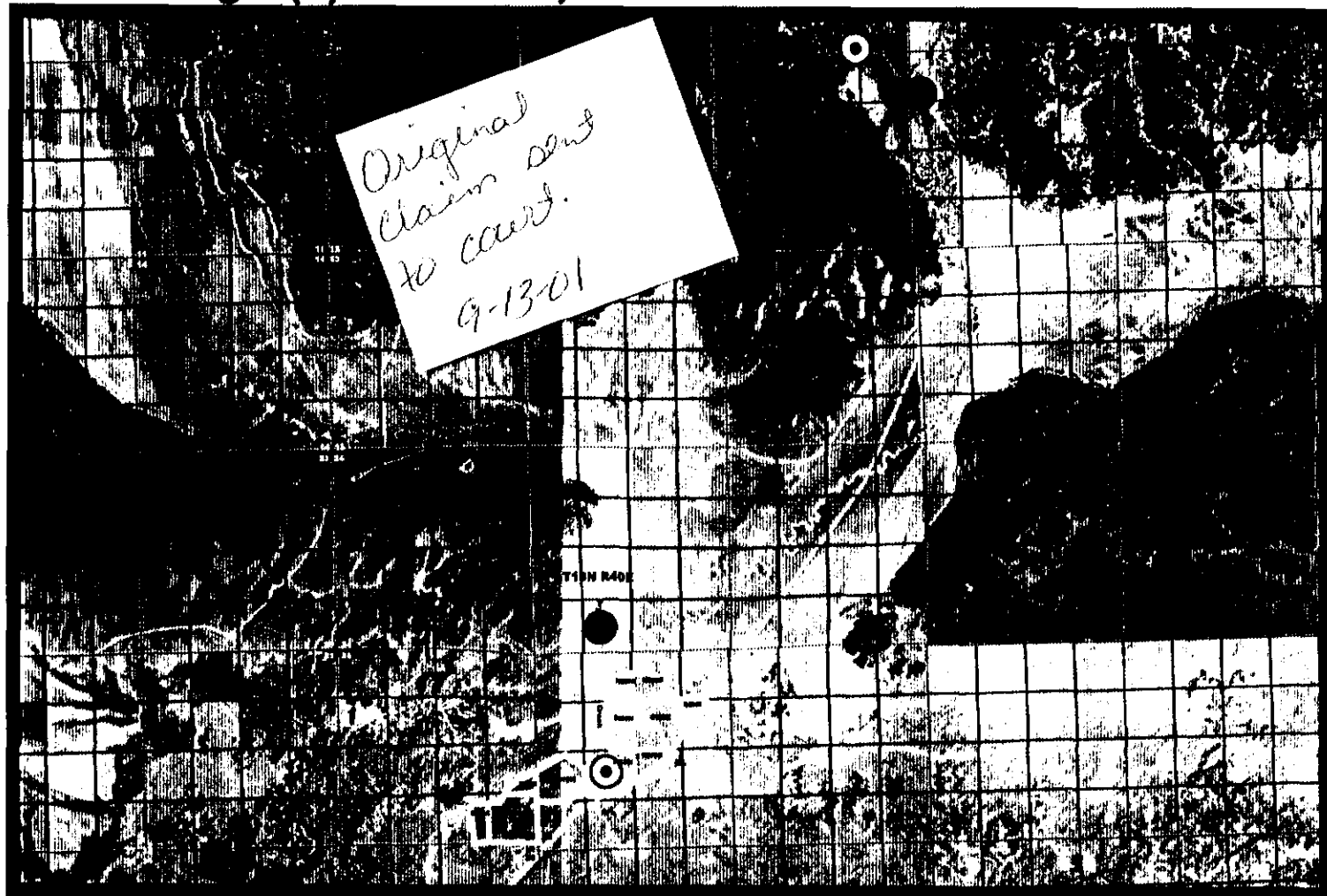
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: USDA, ARS, Sheep Station

Water Right(s): 31-0080, 31-00326



2500 0 2500 5000 7500 10000 12500 15000 17500 20000 22500 25000 27500 Feet

LEGEND



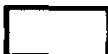
Point of Diversion

SESE

Place of Use



Section Line



Quarter-section line

Legal Description: T13N, R39E

Sec. 25 (parts of) E2SE, SWSE

T13N, R40E

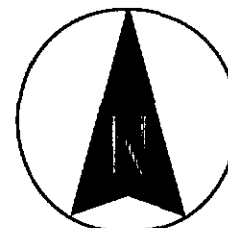
Sec. 30 (parts of) E2NW, W2NE,

SENE, N2SW, NWSE

Point(s) of Diversion: T13N, R40E

Sec. 5 SWSWSE

Sec. 30 NWNESW



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: Jan. 2001

2002 MAY -1 AM 9:35

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

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

In Re SRBA

Case No. 39576

)
)
)
)
ORDER OF PARTIAL DECREE

For Water Right 31-00326

On March 21, 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 31-00326 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 1, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 31-00326

2002 MAY -1 AM 9:36

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

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTIN
USDA ARS
US SHEEP EXPERIMENT STATION
HC 62 BOX 2010
DUBOIS, ID 83423

SOURCE: DRY CREEK TRIBUTARY: SPRING CREEK

QUANTITY: 10.00 CPS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 31-00080 SHALL
PROVIDE NO MORE THAN .02 CPS PER ACRE.

PRIORITY DATE: 05/01/1924

POINT OF DIVERSION: T13N R40E S05 SWSWSE Within Clark County
S30 NWNESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	10.00 CPS
	Stockwater	05-01 TO 10-31	0.11 CFS

PLACE OF USE:	Irrigation		Within Clark County
	T13N R39E S25	NESE 7.0	SWSE 10.0
		SESE 38.0	
	R40E S30	NWNE 17.0	SWNE 39.0
		SENE 7.0	NENW 8.0
		SENW 20.0	NESW 20.0
	LOT 03 (NWSW) 30.0		NWSE 13.0
	209.0 Acres Total		

Stockwater		Within Clark County
T13N R39E S25	SWNE	SENE
	SENW	NESE
	SWSE	SESE
R40E S19	SENW	NESW
	SESW	
S30	NWNE	SWNE
	SENE	NENW
	NENW	SWNW
	SENW	SENE
	NESW	LOT 03 (NWSW)
	NWSE	

USE OF THIS RIGHT WITH RIGHT NO. 31-00080 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 209 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE

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

2002 MAY 01 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): 31-00326

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 31-00326 was mailed
on May 01, 2002, with sufficient first-class postage prepaid
to the following:

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

UNITED STATES OF AMERICA ACTIN
USDA ARS
US SHEEP EXPERIMENT STATION
HC 62 BOX 2010
DUBOIS, ID 83423
Phone: 208-374-5409

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/01/02

RECEIVED

SEP 10 2001

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase: _31-00326 _

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 ARS

Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724

Daytime Phone: (208) 387-0835

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: United States of America Acting Through

Address: USDA ARS
U.S. Sheep Experiment Station
HC 62 Box 2010
Dubois, ID 83423

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: T13N R40E S5 SESWSE
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.

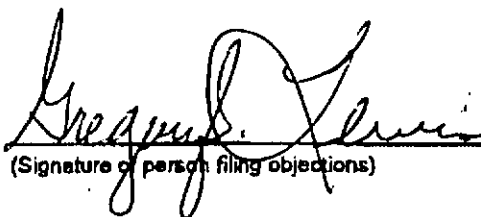
E. **REASONS SUPPORTING OBJECTION(S):**

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Gregory S. Lewis , 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.

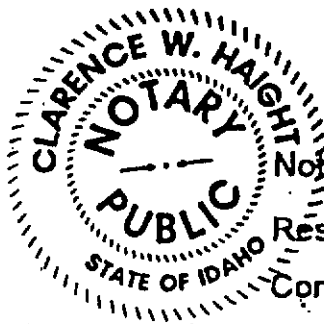

(Signature of person filing objections)

(Attorney signing in representative capacity)

Subscribed and sworn before me on:

16 September 2001

Clarence W. Haight



Notary Public for: Clark County

Residing at: Dubois Rd 83423

Commission Expires: 01-31-2006

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 9-7-01, 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:

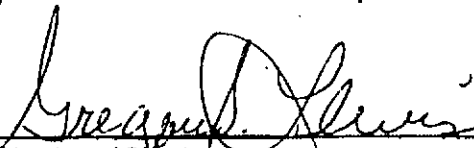
Name: United States of America Acting Through
Address: USDA ARS
U.S. Sheep Experiment Station
HC 62 Box 2010
Dubois, ID 83423

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

01/25/2001

**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: 31-326

UNITED STATES OF AMERICA ACTING THROUGH
USDA ARS
US SHEEP EXPERIMENT STATION
HC 62 BOX 2010

DUBOIS ID 83423
Telephone Number: (208)374-5409

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:

X I AGREE with this proposed recommendation; no changes need to be made.

DATE: 02-12-01

SIGNATURE: Gregory S. Lewis

Please print your name: Gregory S. Lewis

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, 2085257161

Attention: Al Ruberry

Stockwater areas in non-irrigated pastures

Section 19

SE $\frac{1}{4}$ of NW $\frac{1}{4}$

NE $\frac{1}{4}$ of SW $\frac{1}{4}$

SE $\frac{1}{4}$ of SW $\frac{1}{4}$

Section 30

NE $\frac{1}{4}$ of NW $\frac{1}{4}$

NW $\frac{1}{4}$ of NW $\frac{1}{4}$

Section 25

SE $\frac{1}{4}$ of NE $\frac{1}{4}$

SW $\frac{1}{4}$ of NE $\frac{1}{4}$

SE $\frac{1}{4}$ of NW $\frac{1}{4}$

* SUB FIELD EXAM / AMONO NOTES
IN CVR IN FILE 31-00080.

Reviewed 12/29/00
Store
w/ map

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Sec. 7.

Sec. 8.

Sec. 9.

T. 13N. R. 40E.

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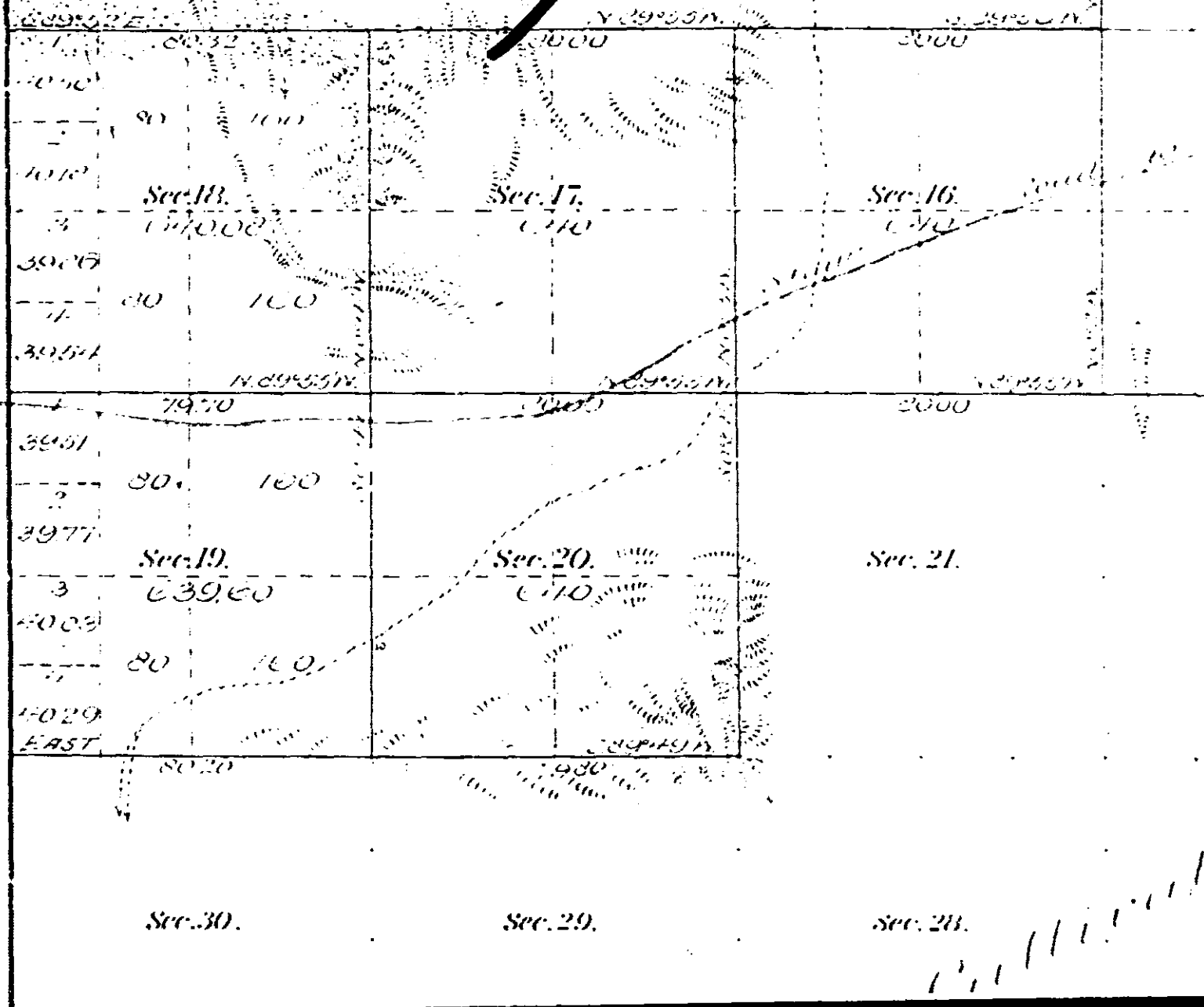
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WR0749NP
No. 31-00326

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/05/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA	05/01/1924	IRRIGATION	05/01 09/30	10.000 CFS	
TOTAL DIVERSION:					10.000 CFS	

Water Source: DRY CREEK

Tributary to: SPRING CREEK

Stage: DECREED

Point(s) of Diversion:	T13N R40E S09	SWNW	CLARK County
	S19	SESW	CLARK County
	S30	SENW	CLARK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
13N	39E	13	:			I	(I	:				:				:				:
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13N	40E	30	:		I	I		:	I	I	I	:	I	I		:	I			:

Pou County: CLARK

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

31-00080 31-04095

Other Water Rights Listing Overlapping Place(s) of use:

31-00080

Dates:	App. Received:	Priority Date:	05/01/1924
	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: 07/23/85 05/22/88 CONVERT

New Claim?
DeWenous?
Division of High
Water?

✓ DEPT OF WATER RESOURCES

Q. 1007 26000000 6.7
Submittal

SD-4112
INQUIRY

Idaho Department of Water Resources
Water Rights Screen 4

Date: 12/28/00
Time: 09:20:56

Water Right Number: 31-00326

Stage/Status : D/	Temporary Right : P	Region : 15
Water District: 31	Swan Falls Flag :	Field Exam :
PoU Owned :	Transfer/Amended:	DLE Carey Act :
T/A Descrip. :		Presumption Flag:

Dates:

Priority : 5/ 1/1924	Appl. Rec.: / /	Appr/Deny : / /
Proof Due : / /	Proof Made: / /	Field Exam: / /
Exam to SO: / /	Protested : / /	Hearing : / /
Show Cause: / /	Licensed : / /	Decree : 12/29/1959

Receipt No.: Old Number:

Civil Case No.:

Defendent: LEO SINGLETON.

Plaintiff: UNITED STATES OF AMERICA

(Enter=Exit)

(GOLD8=Cancel)

Donning-Renck
Water Right #1 A31-10944

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RECEIVED
JUN 29 1958
VS -
LEO SINGLETON,

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO
EASTERN DIVISION
Lodged.
U. S. DISTRICT COURT
DISTRICT OF IDAHO
Filed at *11:20 A.M.*
Plaintiff,)
DEC 29 1958
ED. M. BRYAN Clerk
LEO SINGLETON,)
Defendant.)
CIVIL NO. 2083
J U D G M E N T

THIS CAUSE coming on for final hearing on the 9th day of June, 1958, pursuant to order of the Court heretofore made and entered herein, the plaintiff appearing by and through Len Peterson, United States Attorney, and R. E. Whittier, Assistant U. S. Attorney, and the defendant appearing neither through his counsel nor in person, and the plaintiff having offered oral and documentary evidence, and the Court having entered Findings of Fact and Conclusions of Law in this case, NOW, THEREFORE,

IT IS HEREBY ORDERED, DECREED AND ADJUDGED:

I

That Dry Creek, which runs into Spring Creek and is a tributary of Camas Creek is a natural stream of water situated in Clark County, Idaho;

II

That the United States of America is the owner of the following described lands:

The Northeast Quarter of the Northwest quarter, the West Half of the Northeast quarter, the Northwest quarter of the Southeast quarter, the Northeast quarter of the Southwest quarter, the Northwest Quarter of the Southwest quarter, the Southeast quarter of the Northwest quarter, the Southwest Quarter of the Northwest quarter, all in Section 30, Township 13 North, Range 40 East, B.M.

Also, the Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest quarter and the Southeast Quarter of the Southwest Quarter of Section 19, Township 13 North, Range 40 East, B.M.

1 The Northeast Quarter of the Southwest Quarter;
2 the Southwest Quarter of the Southwest Quarter, all in
3 Section 30, Township 13 North, Range 40 East, B. M.

4 The Southeast Quarter of the Southwest Quarter;
5 the Southwest Quarter of the Southwest Quarter,
6 the Northwest Quarter of the Southwest Quarter,
7 the Northeast Quarter of the Southwest Quarter;
8 The Southeast Quarter of the Northwest Quarter;
9 the Northeast Quarter of the Northwest Quarter,
10 all in Section 19, Township 13 North, Range 40 East, B.M.

11 The South Half of the Northeast Quarter of Section 25,
12 Township 13 North, Range 39 East, B.M.

13 III

14 That on the 1st day of November, 1930, there was entered in the
15 District Court of the United States of America for the District of
16 Idaho, Eastern Division, in the case of Ernest Suave v. W. H. Abbott,
17 et al, Case No. 635, a decree of distribution, decreeing among other
18 things the water of Dry Creek and Spring Creek; that Water Right No. 79
19 of said decree was granted to Bert S. Miller, with a priority date of
20 June 21, 1902, for 2.5 cfs from Dry Creek, a tributary of Camas Creek;
21 that the defendant, Leo Singleton, is the successor in interest of the
22 said land to which this water was decreed appurtenant; that there has
23 been no use of said water right on the said land since May 1, 1924;
24 and that said water right has been abandoned by the said defendant,
25 Leo Singleton, and his predecessors in interest.

26 IV

27 The plaintiff, United States of America, is entitled to the follow-
28 ing water right:

31-00326

29 10.0 c.f.s. of the waters of Dry Creek which run into Spring Creek,
30 a tributary of Camas Creek with a priority date of May 1, 1924.

31 Points of Diversion: SW NW Sec. 9, T. 13 N., R. 40 E., B.M.;
32 SE NW Sec. 30, T. 13 N., R. 40 E., B.M.; and the SE SW
33 Sec. 19, T. 13 N., R. 40 E., B.M.

34 For use on the following described land, to-wit:

35 The Northeast Quarter of the Northwest Quarter, the
36 West Half of the Northeast Quarter, the Northwest
37 Quarter of the Southeast Quarter, the Northeast
38 Quarter of the Southwest Quarter, the Northwest
39 Quarter of the Southwest Quarter, the Southeast
40 Quarter of the Northwest Quarter, the Southwest
41 Quarter of the Northwest Quarter, all in Section 30,
42 Township 13 North, Range 40 East, B.M.

NENW, W¹/₂ NE, NWSE,
NENW, NWSE, SE NW
SW NW Sec. 30
13/40

8440-1300

1 Also, the Southeast Quarter of the Northwest Quarter,
2 the Northeast Quarter of the Southwest Quarter and
3 the Southeast Quarter of the Southwest Quarter of
4 Section 19, Township 13 North, Range 40 East, B.M.

SE NW 1/4 SW 1/4
Sec. 19 13/40

5 The Northeast Quarter of the Southwest Quarter;
6 the Southwest Quarter of the Southwest Quarter, all
7 in Section 30, Township 13 North, Range 40 East, B.M.

NE SW 1/4 SW 1/4
Sec. 30 13/40

8 The Southeast Quarter of the Southwest Quarter;
9 the Southwest Quarter of the Southwest Quarter,
10 the Northwest Quarter of the Southwest Quarter,
11 the Northeast Quarter of the Southwest Quarter;
12 the Southeast Quarter of the Northwest Quarter;
13 the Northeast Quarter of the Northwest Quarter, all
14 in Section 19, Township 13 North, Range 40 East, B.M.

SE SW 1/4 SW 1/4
NW SW 1/4 NE SW 1/4
SE NW 1/4 NE NW 1/4
Sec. 19 13/40

15 The South Half of the Northeast Quarter of Section
16 25, Township 13 North, Range 39 East, B.M.

S 1/2 NE Sec. 25
13/39

17 V

18 That all the lands hereinbefore mentioned and described are semi-arid
19 in character and require water for irrigation and without irrigation are
20 incapable of producing ordinary agricultural crops; that it is necessary
21 that 10.0 cfs of water be used to properly irrigate the aforescribed
22 land;

23 VI

24 That the irrigation season, during which the water users from Camas
25 Creek and its tributaries shall be entitled to the use of the water for
26 irrigation purposes, extends from May 1 of each year to on or about
27 September 30 of each year, that irrigation depends upon climatic conditions
28 and changes in the season, the season hereby fixed shall not prevent water
29 users awarded a right herein from using the waters of Camas Creek and its
30 tributaries for the purposes of irrigation according to their relative
31 rights of priority, and in quantities in accordance with this decree, at
32 other times when such use will be beneficial to the land and the crops
grown thereon when the ground is not frozen and the same can be used
without needless waste;

33 VII

34 The defendant is enjoined from interfering with plaintiff's use of
35 said water right.

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Dated this 29th day of December, 1959.


FRED M. TAYLOR, District Judge
United States District Court.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

EASTERN DIVISION

U. S. DISTRICT COURT
DISTRICT OF IDAHO
Filed at _____ M

DEC 29 1959

ED. M. STEVENS Clerk

CIVIL NO. 72083

FINDINGS OF FACT

AND CONCLUSIONS OF LAW

UNITED STATES OF AMERICA,)
Plaintiff,)
- vs -)
LEO CASTERLIN,)
Defendant.)

The plaintiff, United States of America, having duly filed its complaint in equity in the above entitled court on October 24, 1957, and the court having jurisdiction under Title 28, U. S. Code, Section 1345; and

The defendant having appeared through his attorney E. H. Casterlin by the filing of a motion to dismiss and the defendant having thereafter on January 30, 1958, filed a withdrawal of motion and refusal to plead further; and

This cause having come on regularly for final hearing on June 9, 1958, the plaintiff appearing by and through Ben Paterson, United States Attorney, and A. H. Bittier, Assistant U. S. Attorney, and the defendant appearing neither through his counsel nor in person, and the plaintiff having offered oral and documentary evidence;

NOW, THEREFORE, the court being fully advised in the premises, makes the following findings of fact and conclusions of law in this case:

FINDINGS OF FACT

I

This is an action involving the United States of America and jurisdiction is based upon Title 28, U. S. Code, Section 1345;

II

Dry Creek which runs into Spring Creek is a natural stream of water situated in Clark County, Idaho, and is a tributary of Camas Creek;

III

The United States of America is the owner of the following-described lands;

The Northeast Quarter of the Northwest Quarter, the West Half of the Northeast Quarter, the Northwest Quarter of the Southeast Quarter, the Northeast Quarter of the Southwest Quarter, the Northwest Quarter of the Southwest Quarter, the Southeast Quarter of the Northwest Quarter, the Southwest Quarter of the Northwest Quarter, all in Section 30, Township 13 North, Range 40 East, B.M.

Also, the Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 19, Township 13 North, Range 40 East, B.M.

The Northeast Quarter of the Southwest Quarter; the Southwest Quarter of the Southwest Quarter, all in Section 30, Township 13 North, Range 40 East, B.M.

The Southeast Quarter of the Southwest Quarter; the Southwest Quarter of the Southwest Quarter, the Northwest Quarter of the Southwest Quarter, the Northeast Quarter of the Southwest Quarter; the Southeast Quarter of the Northwest Quarter; the Northeast Quarter of the Northwest Quarter, all in Section 19, Township 13 North, Range 40 East, B.M.

The South Half of the Northeast Quarter of Section 25, Township 13 North, Range 39 East, B.M.

IV

On November 1, 1930, there was entered in the District Court of the United States of America for the District of Idaho, Eastern Division, in the case of Ernest Suave v. W. H. Abbott, et al, case No. 635, a decree of distribution, decreeing among other things the water of Dry Creek and Spring Creek; Water Right No. 79 of said decree was granted to Bert H. Miller, with a priority date of June 21, 1902, for 2.5 cfs from Dry Creek, a tributary of Camas Creek; the defendant, Leo Singleton, is the successor in interest of the said land to which this water was decreed appurtenant; there has been no use of said water right on the said land since May 1, 1924; and said water right has been abandoned by the said defendant, Leo Singleton, and his predecessors in interest.

V

The plaintiff, United States of America, has appropriated to

1 beneficial use water in the amount of 10.0 cfs, said amount having been
2 used continuously, openly, notoriously and exclusively by the United
3 States of America since May 1, 1921;

4
5 lands hereinbefore mentioned and described are semi-arid in
6 character and require water for irrigation and without irrigation are
7 incapable of producing ordinary agricultural crops; it is necessary that
8 10.0 cfs of water be used to properly irrigate the aforescribed land;

9 VII

10 The irrigation season, during which the water users from Camas Creek
11 and its tributaries are entitled to the use of the water for irrigation
12 purposes, extends from May 1 of each year to on or about September 30 of
13 each year, irrigation depends upon climatic conditions and changes in
14 the season, the season hereby fixed should not prevent water users
15 awarded a right herein from using the waters of Camas Creek and its
16 tributaries for the purposes of irrigation according to their relative
17 rights of priority, and in quantities in accordance with this decree,
18 at other times when such use will be beneficial to the land and the crops
19 grown thereon when the ground is not frozen and the same can be used
20 without needless waste;

21 VIII

22 The points of diversion of all of the aforementioned water are
23 located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, Township 13 North, Range 40 East, B.M.;
24 SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, Township 13 North, Range 40 East, B.M.; and the SE $\frac{1}{4}$ SW $\frac{1}{4}$
25 Section 19, Township 13 North, Range 40 East, B.M. Each of the above
26 stated points of diversion are used alternately or concurrently depending
27 upon the amount of water available during the irrigating season;

28 CONCLUSIONS OF LAW

29 I

30 The Court has jurisdiction of all parties of this suit and the
31 subject matter thereof;

II

The plaintiff, United States of America, is entitled to the following water right:

10.0 c.f.s. of the waters of Dry Creek which run into Spring Creek, a tributary of Camas Creek with a priority date of May 1, 1924.

Points of Diversion: SW $\frac{1}{4}$ Sec. 9, T. 13 N., R. 40 E., B.M.; SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 30, T. 13 N., R. 40 E., B.M.; and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19, T. 13 N., R. 40 E., B.M.

For use on the following described land, to-wit:

The Northeast Quarter of the Northwest Quarter, the West Half of the Northeast Quarter, the Northwest Quarter of the Southeast Quarter, the Northeast Quarter of the Southwest Quarter, the Northwest Quarter of the Southwest Quarter, the Southeast Quarter of the Northwest Quarter, the Southwest Quarter of the Northwest Quarter, all in Section 30, Township 13 North, Range 40 East, P.M.

Also, the Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 19, Township 13 North, Range 40 East, P.M.

The Northeast Quarter of the Southwest Quarter; the Southwest Quarter of the Southwest Quarter, all in Section 30, Township 13 North, Range 40 East, P.M.

The Southeast Quarter of the Southwest Quarter; The Southwest Quarter of the Southwest Quarter, The Northwest Quarter of the Southwest Quarter, The Northeast Quarter of the Southwest Quarter; The Southeast Quarter of the Northwest Quarter; The Northeast Quarter of the Northwest Quarter, all in Section 19, Township 13 North, Range 40 East, P.M.

The South Half of the Northeast Quarter of Section 25, Township 13 North, Range 39 East, B. L.

III

Dry Creek, which runs into Spring Creek and is a tributary of Camas Creek is a natural stream of water situated in Clark County, Idaho, and the lands aforescribed should have a total of 10.0 cfs of water for irrigation purposes;

IV

The defendant and his predecessors in interest have abandoned the Bert W. Miller right which was decreed to the land owned by him on Page 113 as Right No. 79 of Decree No. 635 in the above-entitled court;

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V

The defemlant should be enjoined from interfering with plaintiff's
use of said water right.

FRED M. TAYLOR, District Judge
United States District Court
for the District of Idaho.