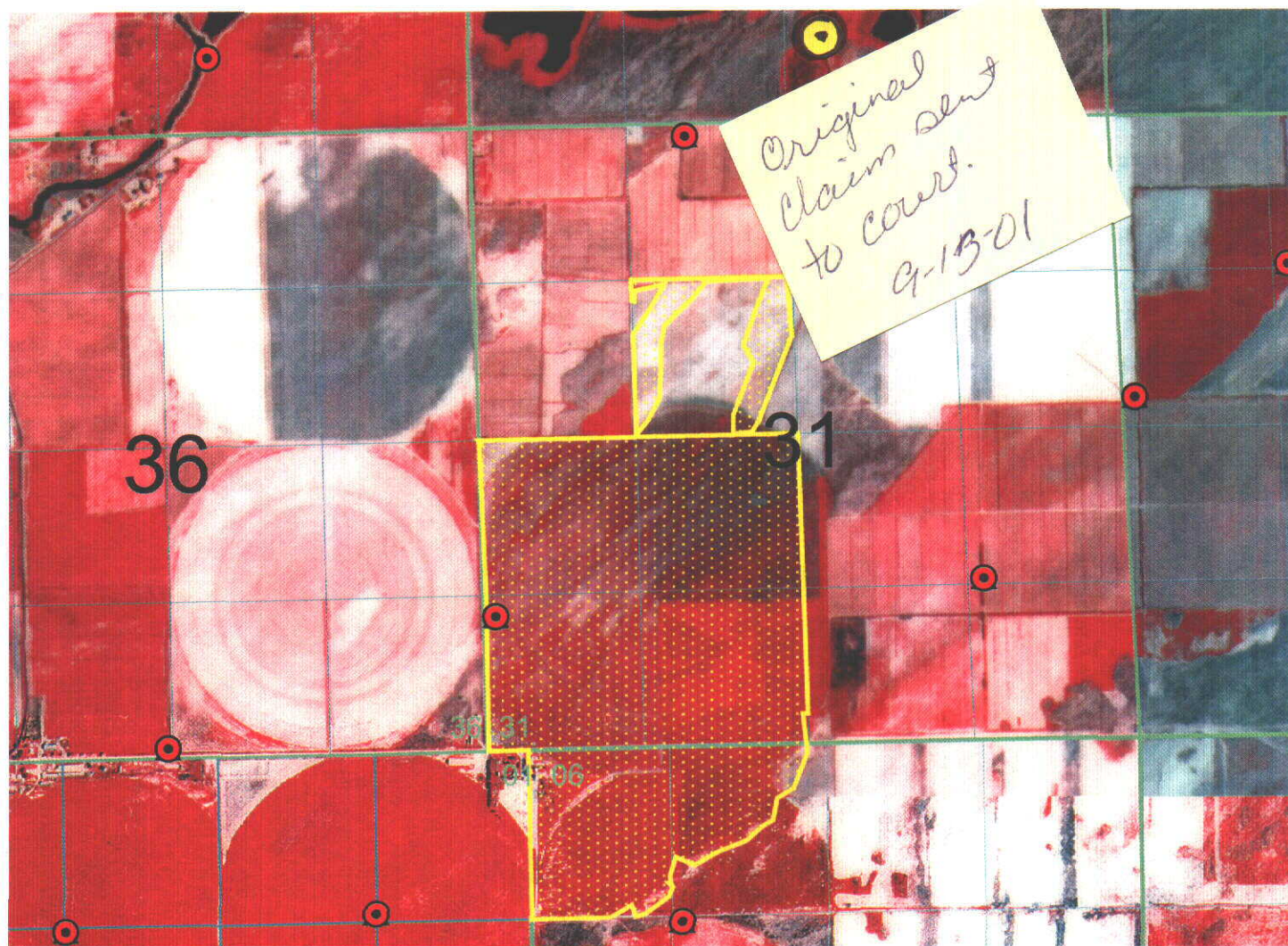


Idaho Department of Water Resources

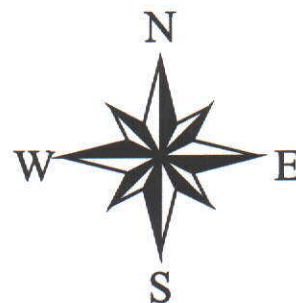
Water Rights 31-10499 (Originally 31-203 and 31-205)

Township 7N Range 36E Section 31,
Township 6N Range 36E Section 6



0 1320 Feet

-  Point of Diversion
-  Point of Diversion - Other Rights
-  Place of Use
-  Place of Use - Other Rights
-  Quarter-quarter Sections
-  Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000

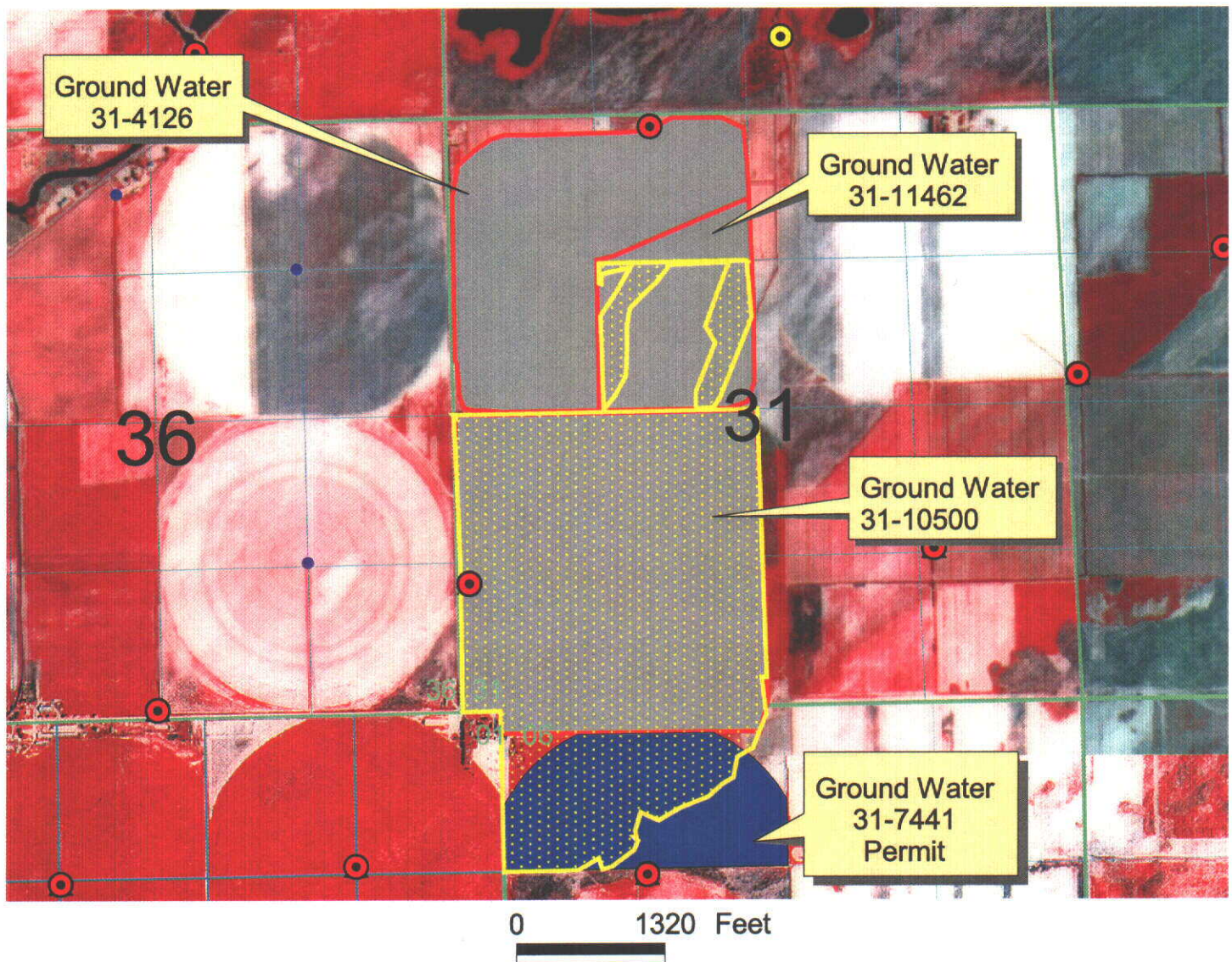
Combined
Pool

371 acrs 31

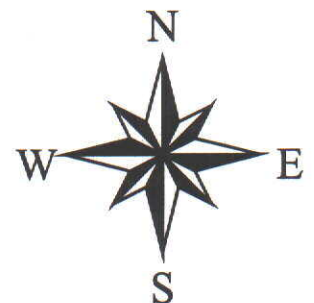
Idaho Department of Water Resources

Water Rights 31-10499 (Originally 31-203 and 31-205)

Township 7N Range 36E Section 31,
Township 6N Range 36E Section 6



- Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000

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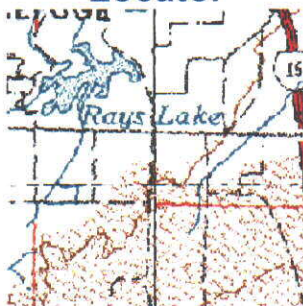
Image Info

Image Size: Small Medium Large
Style: Relief Topo Image

Print

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Locator

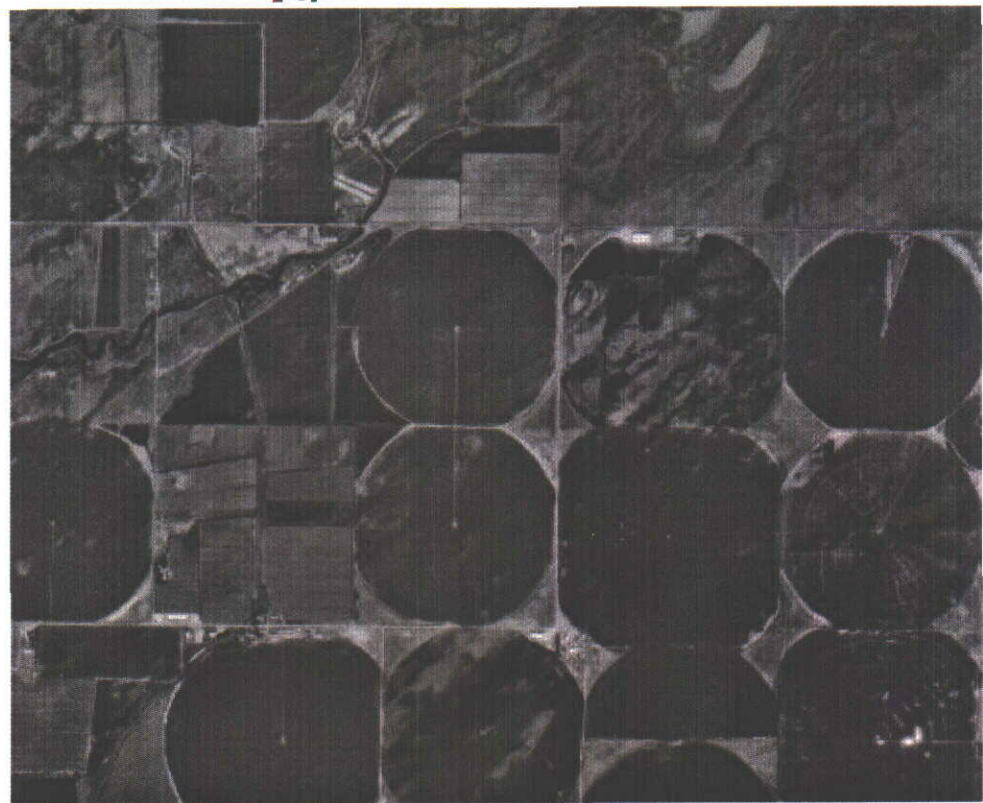


Other Imagery:

[USGS Topo Map](#)
01 Jul 1977

7 km SW of Hamer, Idaho, United States 26 Jul 1992

Zoom 8m



0 1Km

0 1.5Mi

Image courtesy of the US Geological Survey.

OrigMetaTag = '4311206SE' Center Lon,Lat= -112.27478,43.88599 Running Time 16 ms Time 10/4/2000 3:28:21 PM

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 13 2002

By _____

Clerk

Deputy Clerk

In Re SRBA)
Case No. 19576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 31-10499

NAME AND ADDRESS: JANA ASHCRAFT
SIDNEY ASHCRAFT
2104 E 1800 N
HAMER, ID 83425

SOURCE: RAYS LAKE

TRIBUTARY: MUD LAKE

QUANTITY: 5.82 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 7.42 CFS. COMBINED RIGHT NOS.: 31-4126,
31-10499, 31-10500, 31-11462.

PRIORITY DATE: 09/05/1912

POINT OF DIVERSION: T07N R36E S30 SWSWSE Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	5.82 CFS

PLACE OF USE:	Irrigation	Within Jefferson County
	T06N R36E S06 LOT 03 (NENW) 20.0	LOT 04 (NWNW) 39.0
	T07N R36E S31 SENW 15.0	NESW 42.0
	LOT 03 (NWSW) 40.0	LOT 04 (SWSW) 40.0
	SESW 42.0	
	238.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 171 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 31-4126, 31-10499, 31-10500, 31-11462.

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

THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT
GROUND WATER RIGHTS IN CONJUNCTION WITH SURFACE WATER DIVERTED
UNDER THIS RIGHT AND SHALL ONLY DIVERT SURFACE WATER UNDER THIS
RIGHT WHEN WATER FROM THE APPURTENANT GROUND WATER RIGHTS CANNOT
BE DELIVERED TO THE RIGHT HOLDER.

IF THE GROUND WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS
SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE, THIS
RIGHT TO DIVERT SURFACE WATER SHALL NOT BE USED WITHOUT AN
APPROVED TRANSFER PURSUANT TO SECTION 42-222, IDAHO CODE, OR
APPROVAL OF THE DEPARTMENT IF A TRANSFER IS NOT REQUIRED.

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

RULE 54(b) CERTIFICATE

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



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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

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

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

CERTIFICATE OF MAILING

Water Right(s): 31-10499

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 31-10499 was mailed
on July 18, 2002, with sufficient first-class postage prepaid
to the following:

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

INDEPENDENT WATER USERS
MUD LAKE WATER USERS INC
Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

JANA ASHCRAFT
SIDNEY ASHCRAFT
Represented by:
RAY W. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
07/18/02

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 18 2002

By _____ Clerk
Deputy Clerk

RECEIVED

JUL 19 2002

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)
) ORDER OF PARTIAL DECREE
Case No. 39576)
) For Water Right 31-10499
)

On May 24, 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 31-10499 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED July 18, 2002

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
bcontor	11/28/00	Combined limitation	Combined acreage limitation includes all AJ overlapping groundwater rights. Post-AJ permti 31-7441 also overlaps, as licensed acreage is not yet determined, not included in overlap condition. I assume 31-11462 will be claimed.
bcontor	11/28/00	Diversion Rate/acre	REcommended at slightly more than 0.02/acre. See 31-2398 and 31-11406 physical files, also Joe Marty physical files, 31-4126 files and eCVR. Hubble analyses of similar soil types and similar irr systems justify far more cfs/acre than recommended here.
bcontor	11/28/00	Source	Claimed as "surface water," recommended as "Rays Lake and Camas Creek" per decree and transfer 2129.
bcontor	11/28/00	POU	See aerial photos and FSA documentation in 31-4126 paper file.
bcontor	11/28/00	POU	Southern edge of POU from aerial photo and contour lines on USGS.
bcontor	11/28/00	POD	Only one PD exists; recommended twice because two sources. Location digitized off USGS topo.
bcontor	11/28/00	Combined Q	As current systems and GW licenses are sprinkler, combined Q limitation is 371 acres x 0.02 = 7.42 cfs.
bcontor	11/28/00	season	Claimed 3/15 - 11/15 but no documentation provided to indicate anything other than std. season of use.
bcontor	11/28/00	Forfeiture	See physical file for copy of 1996 letter from attorney Kent Foster re: forfeiture. As Ernie Carlsen 1994 notes in file indicate water was used in 1987 and claim was filed in 1988, and as interview with Perry Woodard confirms use, I recommend the claim.
bcontor	11/28/00	Forfeiture cont.	I have told Garth Soderquist of Owsley Canal co that if he wishes to assert forfeiture, the objection process gives him a forum.
bcontor	11/28/00	Source Revisited	See physical file for instructions from Don Shaff to reduce the water right by removing Camas Creek as a source. No other documentation supports this reduction.

Dates:

Licensed Date:
 Claim Received Date: 11/23/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
POD	11/28/00 11:12:06 AM	bcontor			In Process
POU	11/28/00 11:26:03 AM	bcontor			In Process
Priority Date	11/28/00 11:06:59 AM	bcontor			In Process
Quantity	11/28/00 11:33:40 AM	bcontor			In Process
Season	11/28/00 11:29:29 AM	bcontor			In Process
Source	11/28/00 11:12:57 AM	bcontor			In Process
Summary	11/28/00 11:35:26 AM		11/28/00 11:35:26 AM	bcontor	Complete
Use	11/28/00 11:28:02 AM	bcontor			In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector: OR
 Overall Max Diversion Rate: 5.82
 Overall Max Diversion Volume:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:

Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
POD	11/28/00 11:12:05 AM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (YES) The claimed Point of Diversion can be verified using the water right file. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required. Edited PLS Edited point location Edited PLS Edited PLS Edited point location 1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (NO) The claimed POU can not be verified using the water right file. 5. (NO) There is no evidence that there has been a change in the POU. 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: GIS per documentation in 31-4126. Not considered partial forfeiture as all is recommended that appears was ever irrigated. 12. (YES) POU remark was required. 13. (NO) POU condition was not required. 1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required. 1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 9. (YES) Quantity remark was required. 10. (NO) Quantity condition was not required. 1. (NO) The basis of claim is not beneficial use. 2. (NO) The parent right does not have a period of use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (NO) The file does not contain all the necessary information to verify the period of use. 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 13. (YES) Irrigation is the purposed use. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required. 1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. Comment for 7: Transfer 2129, decree, drive-by inspection, aerial photo, GIS 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required. 1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of
POD	11/28/00 11:10:39 AM	bcontor	
POD	11/28/00 11:10:21 AM	bcontor	
POD	11/28/00 11:10:02 AM	bcontor	
POD	11/28/00 11:09:32 AM	bcontor	
POD	11/28/00 11:08:53 AM	bcontor	
POU	11/28/00 11:26:02 AM	bcontor	
Priority Date	11/28/00 11:06:57 AM	bcontor	
Quantity	11/28/00 11:33:39 AM	bcontor	
Season	11/28/00 11:29:28 AM	bcontor	
Source	11/28/00 11:12:55 AM	bcontor	
Summary	11/28/00 11:35:25 AM	bcontor	

Use

11/28/00 11:28:01 AM bcontor

continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture.

5. (NO) General remark was not required.

6. (NO) Explanatory remark was not required.

7. (YES) Additional condition was required.

8. (YES) Wanted to view the recommended right.

9. (NO) This is not a split right.

10. (YES) This is a combined right.

11. (NO) Documents were not linked or attached to this file.

12. (YES) Set the verification date.

1. (NO) The basis of claim is not beneficial use.

2. (YES) The parent right has a purpose of use.

3. (YES) The claimed purpose of Use can be verified using the water right file.

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

12. (NO) Purpose of Use condition was not required.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A31-10499
Date Received: 11/23/1988
Receipt No: E004391
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SIDNEY ASHCRAFT 208-662-5465
Address: 2104 E 1800 N
HAMER ID 83425
OR
Name: JANA ASHCRAFT
Address: HAMER ID 83425

2. Date of Priority: SEP 5, 1912

3. Source: SURFACE WATER Trib. to: MUD LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	36E	30	SW	SE			JEFFERSON

5. Description of diverting works:
10 HP PMP MAINLINE TO DITCH, CONTINUING TO FIELD/FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.820		

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

8. Total consumptive use is 727.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	35E	1	NE	NE		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	35E	1	SE	NE		IRR	5.0
						Section Acres	10.0
	36E	6	NE	NW		IRR	43.0
			NW	NW		IRR	40.0
						Section Acres	83.0
07N	36E	31	SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	39.0
			SW	SW		IRR	39.0
			SE	SW		IRR	40.0
						Section Acres	198.0
						Total Acres	291.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
31-2292 & 31-2293 GROUNDWATER RIGHTS

14. Remarks:
FROM TRANSFER #2129. THIS CLAIM COMBINES DECREED RIGHTS #31-0203 & 31-0205

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 11/ 1/1930

SAUVE

Decree Plaintiff

ABBOT

vs

Decree Defendant

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A31-10499
Date Received: 11/23/1988
Receipt No: E004391
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SIDNEY ASHCRAFT
Address: 2104 E 1800 N
HAMER, ID 83425
OR
Name: JANA ASHCRAFT
Address: HAMER, ID 83425
208-662-5465
2. Date of Priority: SEP 05, 1912
3. Source: SURFACE WATER Trib. to: MUD LAKE
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|-----------|
| 07N | 36E | 30 | SW | SE | | | JEFFERSON |
5. Description of diverting works:
10 HP PMP MAINLINE TO DITCH, CONTINUING TO FIELD/FLOOD IRRIG.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 5.820 | | |
7. Total Quantity Appropriated is:
5.820 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 727.5 Acre Feet Per Annum.
9. Non-irrigation uses:

A31-10499

Page 1

Date: 12/22/88

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	1	NE	NE		IRR	5.0
			SE	NE		IRR	5.0
					Section Acres		10.0
		6	NE	NW		IRR	43.0
			NW	NW		IRR	40.0
					Section Acres		83.0
		31	SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	39.0
			SW	SW		IRR	39.0
			SE	SW		IRR	40.0
					Section Acres		198.0
					Total Acres		291.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
31-2292 & 31-2293 GROUNDWATER RIGHTS

14. Remarks:
FROM TRANSFER #2129. THIS CLAIM COMBINES DECREED RIGHTS #310203
&310205

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576
Ident. Number New Do. A31-10499
Date Received 11-23-88
Receipt Number E004391
EBV

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

A310499



Please type or print clearly

1. Name of Claimant (s) Sidney or Jana Ashcraft Phone (208) 662-5465
Mailing Address 2104 E 1800 N Hamer Id Zip 83425

2. Date of Priority (Only one (1) per claim) Sept 5, 1912

3. Source of water supply (a) surface water
which is tributary to (b) Mud Lake

4. a. Location of existing point of diversion is: Township 7 N Range 36 E Section 30,
1/4 of SW 1/4 of SE 1/4, Govt. Lot, B.M., County of Jefferson

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 10 HP Pump mainline to ditch
ditch continuing to field. Flood irrigated

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NOV 17 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Mar 15 to Nov 15 amount 2.42 or _____

For Irrigation purposes from Mar 15 to Nov 15 amount 3.40 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 5.82 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 727.5 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7N	36E	31								40	40	39	39	40					198
6N	36E	6					43	40											83
6N	35E	1	5			5													10

Total number of acres irrigated 291

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
31-2292 & 31-2293 groundwater rights or None ()

14. Remarks: From Transfer # 2129 This claim combines decreed rights
31-0203 & 31-0205

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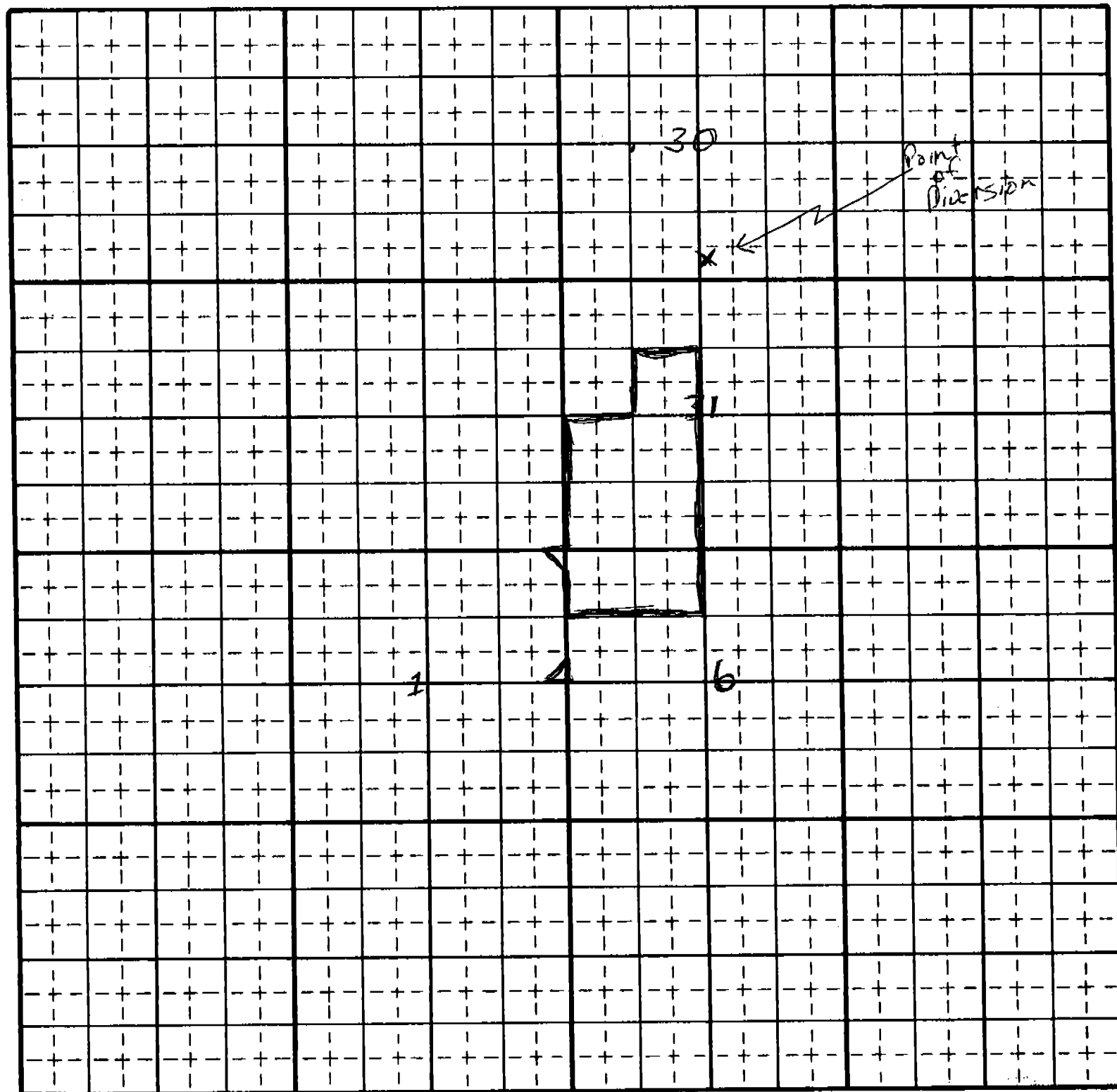
NOV 17 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



MICROFILMED

NOV 17 1992

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

Is of Claim (check one) ☒ Beneficial Use ☐ Posted Notice ☐ License ☐ Permit ☐

Decree ☒

If applicable provide IDWR Water Right Number 31-0203, 31-0205

Court _____ Case Number _____ Decree Date Nov 1 1930

Plaintiff vs Defendant Sauve Vs Abbot

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) Laney Ashcraft

Date 11-23-88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23 day of November 1988

SEAL

Notary Public [Signature]

Residing at Idaho Falls, ID

My Commission Expires 22 Aug 1994

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

MICROFILMED

NOV 17 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

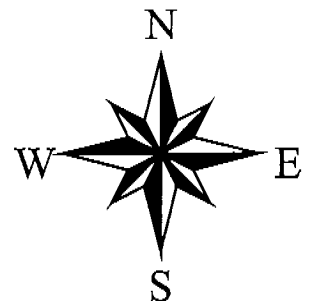
Idaho Department of Water Resources

Water Rights 31-10499 (Originally 31-203 and 31-205)

Township 7N Range 36E Section 31,
Township 6N Range 36E Section 6



- ⊙ Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000

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

A: Subcase 31-10499

(insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: Independent Water Users

Address: C/O Andy Dobson

1595 N 1500 E Hamer ID 83425

Daytime Phone: (208) 663-4328

Name & Address of Attorney, if any:

Kent Foster

PO. Box 50130

Idaho Falls ID 83405-1030

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

Name: Sidney Ashcraft, Jana Ashcraft

Address: 2104 E 1800 N

Hamer ID 83425

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: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☐ Place 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): SEE ATTACHMENTS

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 _____, 2001__, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Sidney Ashcraft, Jana Ashcraft

Address: 2104 E 1800 N

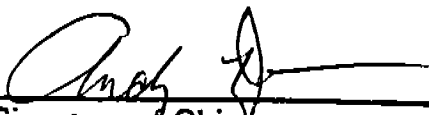
Hamer ID 83424

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

F:

VERIFICATION (Must be Completed)

State of Idaho)
County of Jefferson)ss.

Andy Dobson, 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.

Andy Dobson
(Signature of person filing objection)

(Attorney signing in representative capacity)

3 Copies to:

Subscribed and sworn to before me on:

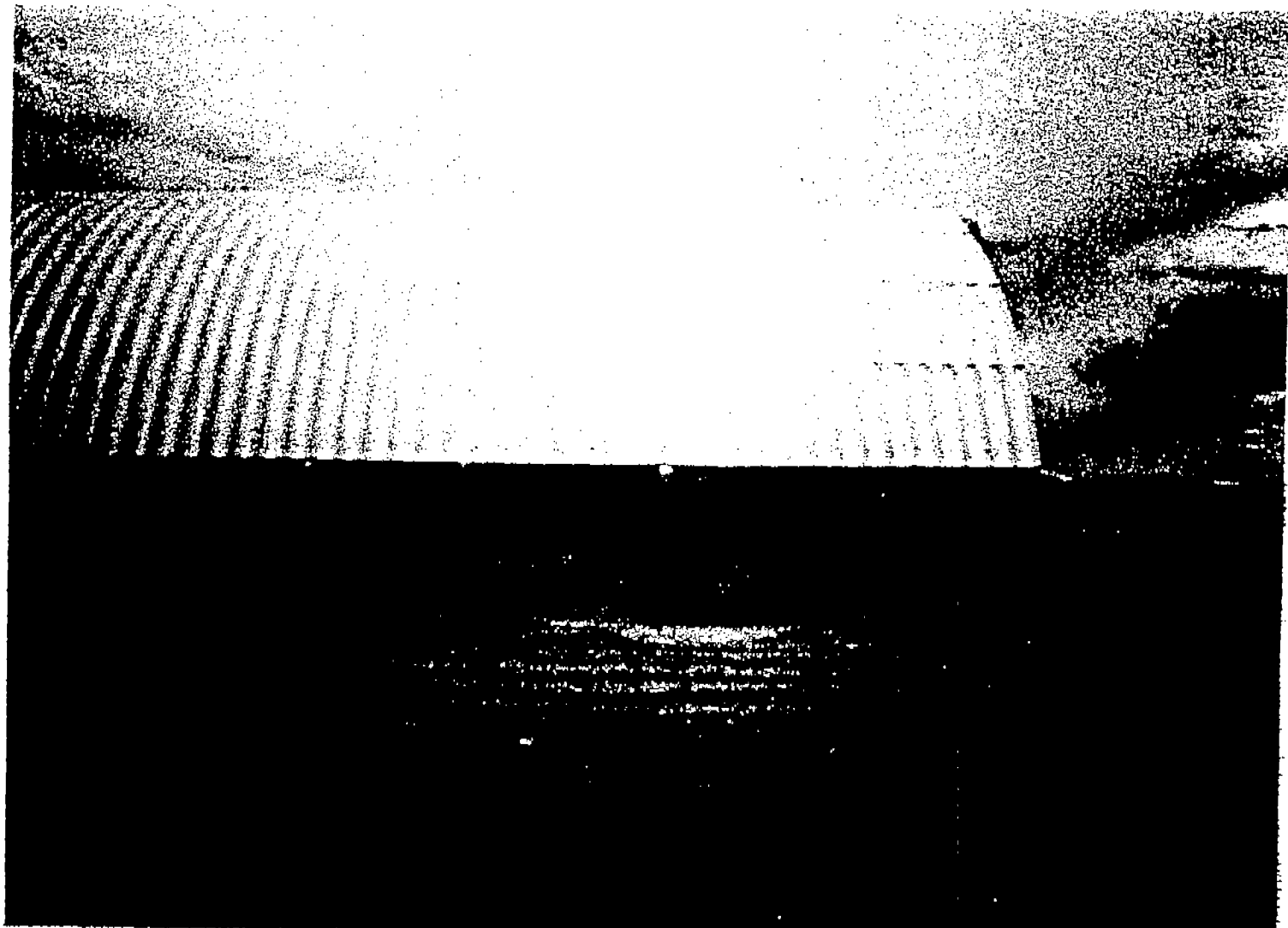
9-5-2001

Shawna Bae
Notary Public for Ike's Ampco
Residing at: Testerton, Idaho
My Commission Expires: 5-24-02

- A. The above water right has not been used since the irrigation season of 1987. No water has been diverted or applied to any beneficial use pursuant to any such rights for a period of 14 irrigation seasons, 1988 through 2001.
- B. Under the provisions of Idaho Code 42-222(2) and the cases construing said statutory language, all right to the diversion and use of water pursuant to the above Listed water rights have been lost and forfeited by the failure for the term of more than (5) years to apply water under such fights to the beneficial uses for which they were appropriated.

Wherefore, petitioners that upon examination into this matter as required by the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Twin Falls. Issue a decision formally declaring that each and all of said water rights have been lost and forfeited.

- C. Land that this water right is tied to is currently being irrigated by well water.
- D. We the petitioner have already filled a forfeiture with the IDWR concerning this matter and no action was taken by the department. (See attachment).



Picture taken standing on the old Hamer highway looking South. The existing ditch is covered up with a cellar.



Standing the same location as the previous picture, looking North at the existing ditch coming from the pump at Ray's Lake. You can see the ditch has not been used for an extended period of time.

BEFORE THE DIRECTOR OF THE
IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE)
FORFEITURE OF WATER RIGHTS) PETITION FOR DECLARATORY
NOS. 31-00203, 31-00204, 31-00205,) RULING
31-00262 and 31-00267 IN THE)
NAMES OF PERRY WOODARD)
and SID ASHCRAFT.)
_____)

Petitioners, Owsley Canal Company, Holley Water Users, Inc., Jackett Canal Company, and Independent Water Users of Mud Lake, Inc., allege and petition the Director of Idaho Department of Water Resources as follows:

I.

Each of the petitioners is a corporation duly organized and existing under and by virtue of the laws of the State of Idaho, for the purpose of holding water rights and owning and operating a diversion and delivery system for diverting water pursuant to such water rights from the public source of supply and delivering the same for use upon the lands of their respective stockholders for the proper irrigation of the same. The service areas of said petitioners are in Jefferson and Clark Counties of the State of Idaho, and each is dependant for its water supply upon the ground and surface waters of Mud Lake, Camas Creek and the tributaries thereto and the aquifers underlying the surrounding areas.

II.

Certain decreed water rights, identified in the records of Idaho Department of Water Resources as rights nos. 31-00203, 31-00204, 31-00205, 31-00262 and 31-00267, apparently

held by Perry B. Woodard or Woodard Farms Limited Partnership and Sidney Ashcraft, have not been used since the irrigation season of 1987. No water has been diverted or applied to any beneficial use pursuant to any of such rights for a period of eight irrigation seasons, 1988 through 1995.

III.

Under the provisions of Idaho Code §42-222(2) and the cases construing said statutory language, all rights to the diversion and use of water pursuant to the above listed water rights have been lost and forfeited by the failure for the term of more than five (5) years to apply water under such rights to the beneficial uses for which they were appropriated.

WHEREFORE, petitioners pray that upon examination into this matter as required by law, the Director of Idaho Department of Water Resources issue a decision formally declaring that each and all of said water rights have been lost and forfeited, and directing the Watermaster of Water District 31 not to deliver water pursuant to any of said rights in the future.

DATED this 26th day of April, 1996.



Kent W. Foster, Esq.
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
Attorney for Petitioners

G:\WPDATA\KWF\004\0WLY0426.PET:qjw

RECEIVED

SEP - 6 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

A: Subcase 31-10499

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: Mud Lake Water Users, Inc. (Formerly Owsley Canal)

Address: Po Box 68

Territon ID 83450

Daytime Phone: 663-44359

Name & Address of Attorney, if any:

Kent Foster

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

Name: Sidney Ashcraft & Jana Ashcraft

Address: 2104 E 1800N

Hamer ID 83425

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: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☐ Place 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): Please see attached documents

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 _____, ~~199~~²⁰⁰¹, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Sidney Ashcraft
Address: 2102 E 1800N
Terreton ID 83450

3. Copies to:

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

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

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

Garold Mussel
Signature of Objector or attorney
mailing on Objector's behalf

F:

VERIFICATION (Must be Completed)

State of Idaho)

County of Jefferson)ss.

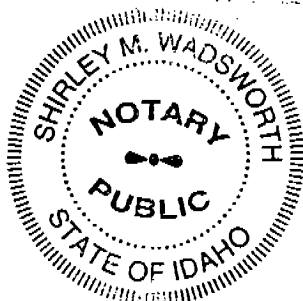
Gerald Messerli, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Gerald Messerli
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 30, 2001



Shirley Wadsworth
Notary Public for Jefferson County
Residing at: Perkerson, Id.
My Commission Expires: 1/25/2005

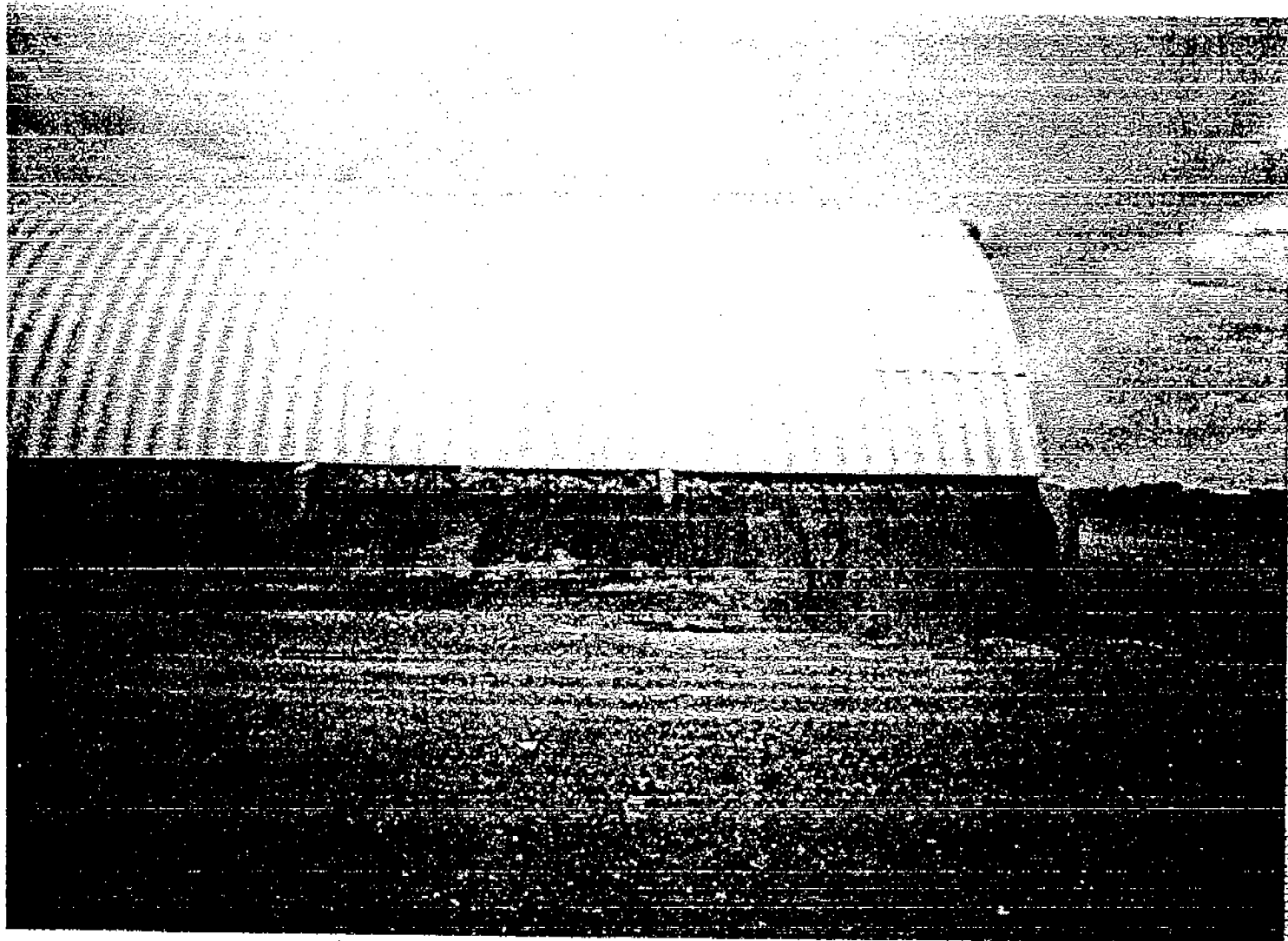
A. The above water right has not been used since the irrigation season of 1987. No water has been diverted or applied to any beneficial use pursuant to any such rights for a period of 14 irrigation seasons, 1988 through 2001.

B. Under the provisions of Idaho Code 42-222(2) and the cases construing said statutory language, all right to the diversion and use of water pursuant to the above Listed water rights have been lost and forfeited by the failure for the term of more than (5) years to apply water under such rights to the beneficial uses for which they were appropriated.

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C. Land that this water right is tied to is currently being irrigated by well water.

D. We the petitioner have already filled a forfeiture with the IDWR concerning this matter and no action was taken by the department. (See attachment)



Picture taken standing on the old Hamer highway looking South. The existing ditch is covered up with a cellar.

Original Color Copy to IDWR



Standing the same location as the previous picture, looking North at the existing ditch coming from the pump at Ray's Lake. You can see the ditch has not been used for an extended period of time.

Original Color Copy to IDWR

BEFORE THE DIRECTOR OF THE
IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE	)	
FORFEITURE OF WATER RIGHTS	)	PETITION FOR DECLARATORY
NOS. 31-00203, 31-00204, 31-00205,	)	RULING
31-00262 and 31-00267 IN THE	)	
NAMES OF PERRY WOODARD	)	
and SID ASHCRAFT.	)	

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Each of the petitioners is a corporation duly organized and existing under and by virtue of the laws of the State of Idaho, for the purpose of holding water rights and owning and operating a diversion and delivery system for diverting water pursuant to such water rights from the public source of supply and delivering the same for use upon the lands of their respective stockholders for the proper irrigation of the same. The service areas of said petitioners are in Jefferson and Clark Counties of the State of Idaho, and each is dependant for its water supply upon the ground and surface waters of Mud Lake, Camas Creek and the tributaries thereto and the aquifers underlying the surrounding areas.

II.

Certain decreed water rights, identified in the records of Idaho Department of Water Resources as rights nos. 31-00203, 31-00204, 31-00205, 31-00262 and 31-00267, apparently

held by Perry B. Woodard or Woodard Farms Limited Partnership and Sidney Ashcraft, have not been used since the irrigation season of 1987. No water has been diverted or applied to any beneficial use pursuant to any of such rights for a period of eight irrigation seasons, 1988 through 1995.

III.

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WHEREFORE, petitioners pray that upon examination into this matter as required by law, the Director of Idaho Department of Water Resources issue a decision formally declaring that each and all of said water rights have been lost and forfeited, and directing the Watermaster of Water District 31 not to deliver water pursuant to any of said rights in the future.

DATED this 26th day of April, 1996.


Kent W. Foster, Esq.
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
Attorney for Petitioners

G:\WPDATA\KWF\5054\OWLY0426.PET:sjw

01/24/2001

**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: 31-10499

SIDNEY ASHCRAFT
2104 E 1800 N
HAMER ID 83425
Telephone Number: (208)662-5465

JANA ASHCRAFT
2104 E 1800 N
HAMER ID 83425

RECEIVED

MAR 07 2001

Department of Water Resources
Eastern Region

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: 3-6-01 SIGNATURE: Sidney J Ashcraft

Please print your name: _____

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

Contor, Bryce

From: Contor, Bryce
Sent: Monday, December 04, 2000 8:06 AM
To: McHugh, Candice; Baxter, Garrick
Cc: Music, Vicky
Subject: Potential Objection B31

I can't remember if I've reported this or not, but here's a heads up for you.

Claims 31-262, 31-267, and 31-10499 are for surface water from Rays Lake (two different claimants on a shared delivery system). Evidence in the file indicates that the water was used up through 1986 or 1987 and claims were filed in 1988 and 1989. All POU is overlapped by various GW rights.

In September, Garth Soderquist of Mud Lake Water users asked me about the status of those recommendations, and presented a copy of a letter written to the water users from attorney Kent Foster in 1996. The attorney recounts the history of an attempt to have the rights declared forfeited. The letter states in part:

"We concluded to go ahead and file a petition for declaratory ruling with the Department to see if the Department would take a look at the forfeiture issues.

As all of you are aware, the notice of the filing of the petition has never been published and the Department has taken no action so far....

Having not heard from [Mr. Phil Rassier], we called and spoke to him by telephone.... It appeared to us that Mr. Rassier believes the Department should not take the position that it has the authority to determine forfeiture issues in such a proceeding....

It may be necessary for us to make a decision whether to wait for an Application for Transfer to be filed and then protest the transfer on the grounds of forfeiture, or whether to proceed with the declaratory judgment action in District Court, or whether to just wait and let the matter take its course in the adjudication proceeding."

I've finished my review of all these claims and recommended them all, with appropriate combined use limitations tying them to the overlapping GW recommendations. Unless you think otherwise, If MLWU raises the issue again I plan to say that I've recommended these according to Judge Wood's instructions regarding finding of forfeiture, and they'll have to take their objections to the special master.

Contor, Bryce

From: Shaff, Don
Sent: Tuesday, November 28, 2000 4:17 PM
To: Contor, Bryce
Subject: RE: instruction please

-----Original Message-----

From: **Shaff, Don**
Sent: Tuesday, November 28, 2000 1:37 PM
To: Contor, Bryce; Fritschle, Carter
Cc: Defect Tracking; Jones, Kristine; Sherman, Sally; Ciscell, Michael
Subject: RE: instruction please

Bryce, I have looked at the location of the pump and concluded I think the claimant was on target by claiming only Rays Lake as the source. Despite the transfer and/or decree (I talked to Carter some.) I would recommend the source as the lake only. The creek does enter the lake from the north and flows out of the lake to the southwest. However, the pump located only on the south arm of the lake compels me to restrict the source to the lake. Administratively, the water right holder is in a position to make a call for any creek diversions upstream of the lake and subject to a call for any senior water rights down the creek. Should the level of the lake drop and yet still have his water right in it, the water right holder would have to chase the water to divert it no different than a user of ground water.

My rational is shaped by other lakes in the state (Coeur d Alene and Big Payette Lake) where any water rights from those lakes do not include the river (Spokane or North Fork Payette River) while the water rights in those lakes have the same advantage of priority as against water rights from the river.

Don
dshaff@idwr.state.id.us
208/327-7932

-----Original Message-----

From: Contor, Bryce
Sent: Tuesday, November 28, 2000 11:44 AM
To: Shaff, Don; Fritschle, Carter
Cc: Defect Tracking; Halter, Mike; Sherman, Sally; Ciscell, Michael
Subject: instruction please

31-10499 has two sources diverted from a common PD. To make the SDE layers work like I supposed they should, I entered the PD twice in the eCVR, once for each source, and associated both with the same dot on the SDE layer. So far so good, but now the Court Reporting word document and the Water Right Reporting word document both make it look like there are two PDs at the same qqq location.

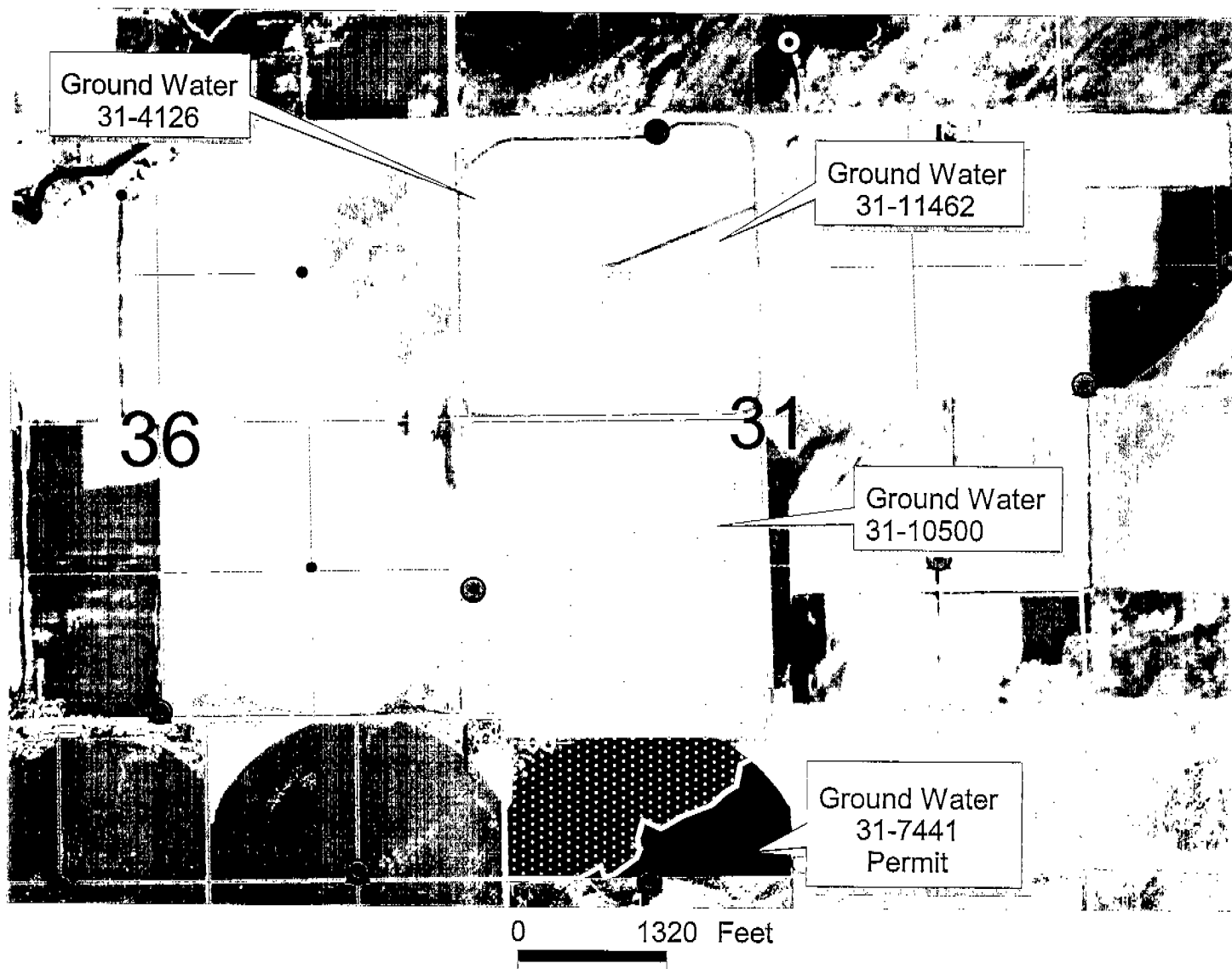
Did I do right? If not please instruct me.



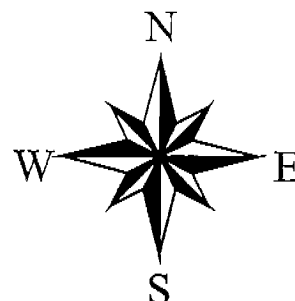
Idaho Department of Water Resources

Water Rights 31-10499 (Originally 31-203 and 31-205)

Township 7N Range 36E Section 31,
Township 6N Range 36E Section 6



- ⊙ Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000

To: Sid Ashcraft Files
Fr: Bryce Contor
Date: 11/20/2000



Re: PODs and Diversion Rates

<u>Diversion</u>	<u>PLS</u>	<u>NWMD ID #</u>	<u>Measurement</u>	<u>Confidence</u>
#1	7N 36E 1 NWNENW	300272	2.22 cfs	Fair
#2	7N 36E 1 NWSWSW	300273	2.76 cfs ¹	Fair
#3	6N 36E 6 NW	300828	1.66 cfs	Good
#4	6N 35E 1 SWNENE	300070	2.02 cfs	Good
#5	6N 35E 1 NESE	300831	1.96 cfs	Good
#6	6N 35E 1 SENW	300069	2.02 cfs	Good ²
#7	6N 35E 1 NWSW	300068	3.22 cfs	Excellent ²
#8	6N 35E 12 NWNE	300827	2.02 cfs	Excellent
#9	6N 35E 2 SWNESW	300830	not measured; co-mingled w/ MLWU rights out of same well.	
#10, 11	6N 35E 12 SWNW	300076	4.36 cfs	Fair

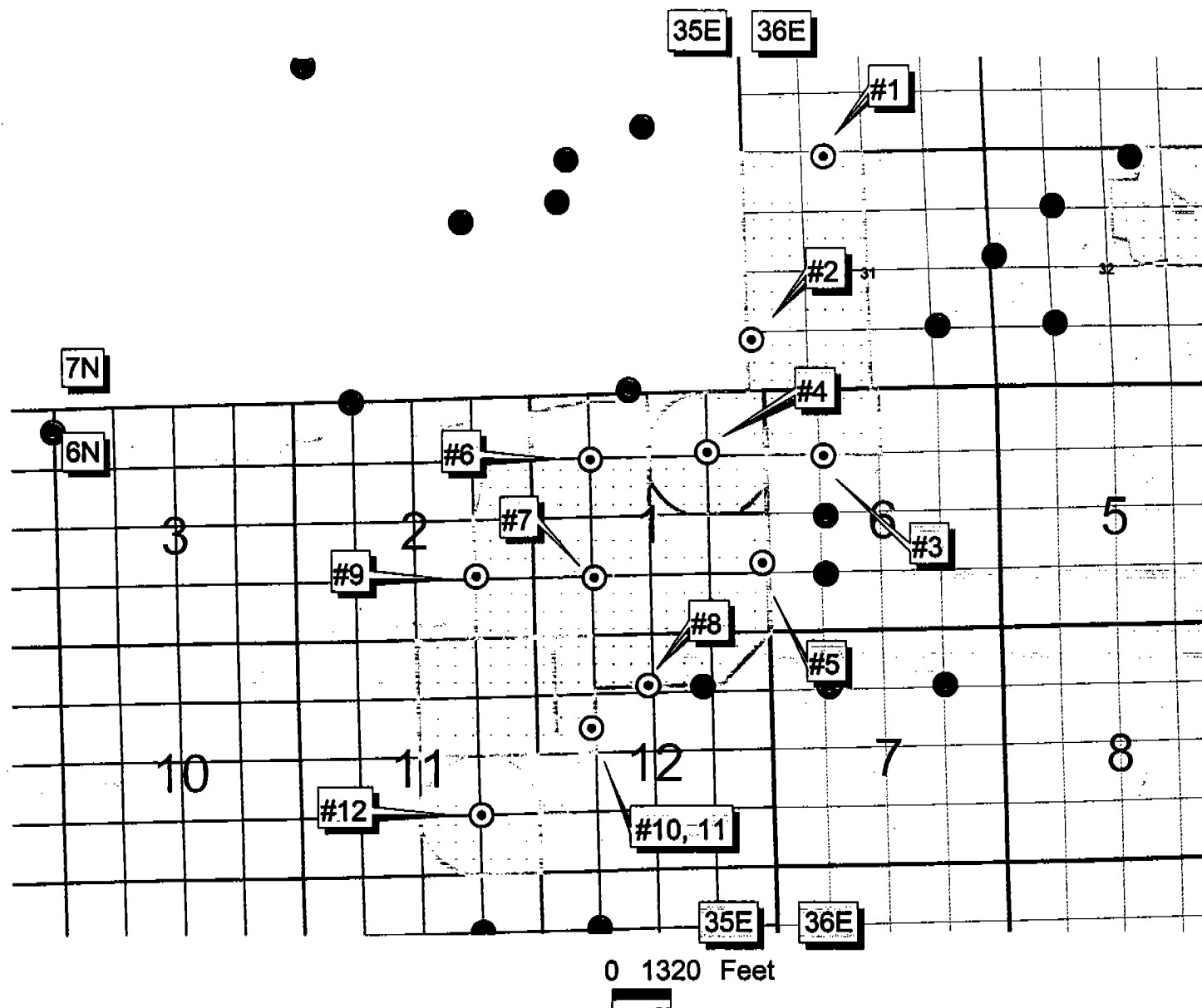
¹ Calculated full capacity flow, based on measured flow at part capacity. See NWMD file for complete calculation.

² Not recorded in NWMD records; determination made based on my recollection of performing the measurements.

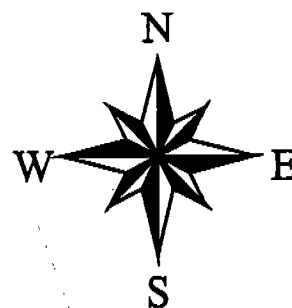
Idaho Department of Water Resources

Sid Ashcraft Diversions

Township 6N and 7N Range 35E and 36E



- Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000

To: Sid Ashcraft Files
Fr: Bryce Contor
Date: 11/22/2000

Re: Documentation



See file 31-2410 for additional documentation of all Sid Ashcraft recommendations except the west pivots in 6N 33E.

11/17/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

WATER RIGHT NO. 31-7441

Owner Type Name and Address
Current Owner JANA ASHCRAFT
Current Owner SIDNEY ASHCRAFT
 2104 E 1800 N
 TERRETON, ID 83450
 (208)662-5466

Claim A31-10499
Doc Source IDWR Computer
Post-87 Permit, overlapping
Date 11/17/00 Sig. BAC

Priority Date: 06/11/1985
Status: Valid

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/15	10/15	1.32 CFS		
Total Diversion			1.32 CFS		

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	36E	6	NE NW	0	JEFFERSON

IRRIGATION Use:

Acre Limit: 66

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	35E	1		SENE	5									
	36E	6	3	NENW	33	4	NWNW	28						

Total Acres: 66

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 068 This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
3. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
6. 079 This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
7. 074 This right does not authorize the irrigation of land not previously irrigated.
8. 051 Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
9. 052 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
10. 053 The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
VAULT	6/24/99	Proof of Beneficial Use Rcvd	Proof of Beneficial Use Rcvd

Dates:

Proof Due Date: 10/1/99
Proof Made Date: 6/23/99
Approved/Denied Date: 5/20/99
Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Overall Max Diversion Rate: 1.32
Overall Max Diversion Volume: 0
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

11/17/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

There is no water right ID for water right number 31-7441

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Erle V. Peterson Phone 302-762-4825
Post office address 5 Brandywine Blvd., Wilmington, Delaware 19809

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to Marie V. Peterson, No. 31-0203; O.E. Peterson, No. 31-0205
(Name)
in case of Sauve vs Abbot
dated Nov 1, 1930 in U.S. District Crt ~~County~~ Idaho, East, Div
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is record owner of the land.

3. Source of water Camas Cr. & Ray's Lake tributary to Mud Lake

4. Date of priority Sept 5, 1912

5. Water is used for the following purposes:

31-0203 amount 2.42 cfs for Irrigation purposes from _____ to _____
31-0205 amount 3.40 cfs for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 5.82 cubic feet per second
&/or
b. _____ acre feet per annum

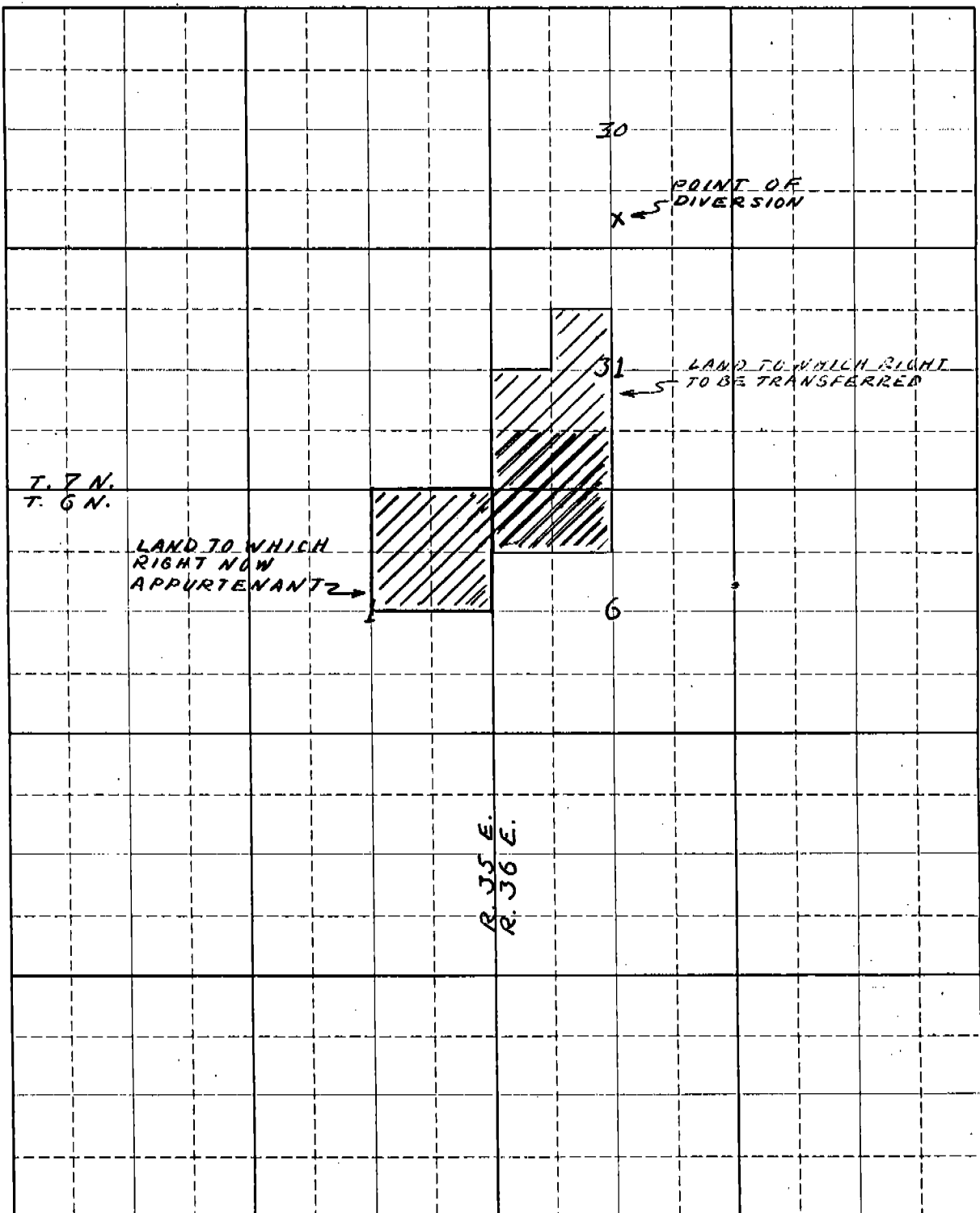
7. Location of original point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30
Township 7 N Range 36E, B.M., in Jefferson County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6N	35	1	44	43	40	40													167
6N	36	6					43	40											83
7N	36	31											39	40					79

Total number of acres to be irrigated 329

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
3. Place of use: _____

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion NO CHANGE
 - a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
 - c. Description of diverting works _____
 - d. Describe the reasons for applying for a change in the point(s) of diversion _____

2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	36E	31								40	40	39	39	40					198
6N	36E	6					43	40											83
6N	35E	1	5			5													10

Total number of acres to be irrigated 291

3. Remarks This transfer in no way has any effect on water right No. 31-0205

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Evelyn D. Hester
(Signature of applicant)

Subscribed and sworn to before me this 4th day of June, 1977

Mary Ann Wright
(Notary public)

My commission expires Nov. 28 1978

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 31-0203/31-0205, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

Use of water under this permit is subject to control by the watermaster of State Water District No.'s 31 & 32-C, Mud Lake & Tribs., & Medicine Lodge Creek.

Witness my hand this 23 day of September, 19 77

A. H. Stewart
Deputy Director

FOR DEPARTMENT USE ONLY

Received by AW Date 6-13-77

Protest filed by _____

Prelim. check by EMC Fee \$30.00
#8222

Received by AW Date 6-28-77

Published in Regley Star

Copies of protest forwarded by _____

Pub. dates July 7 & 14-1977

Hearing held by _____ Date _____

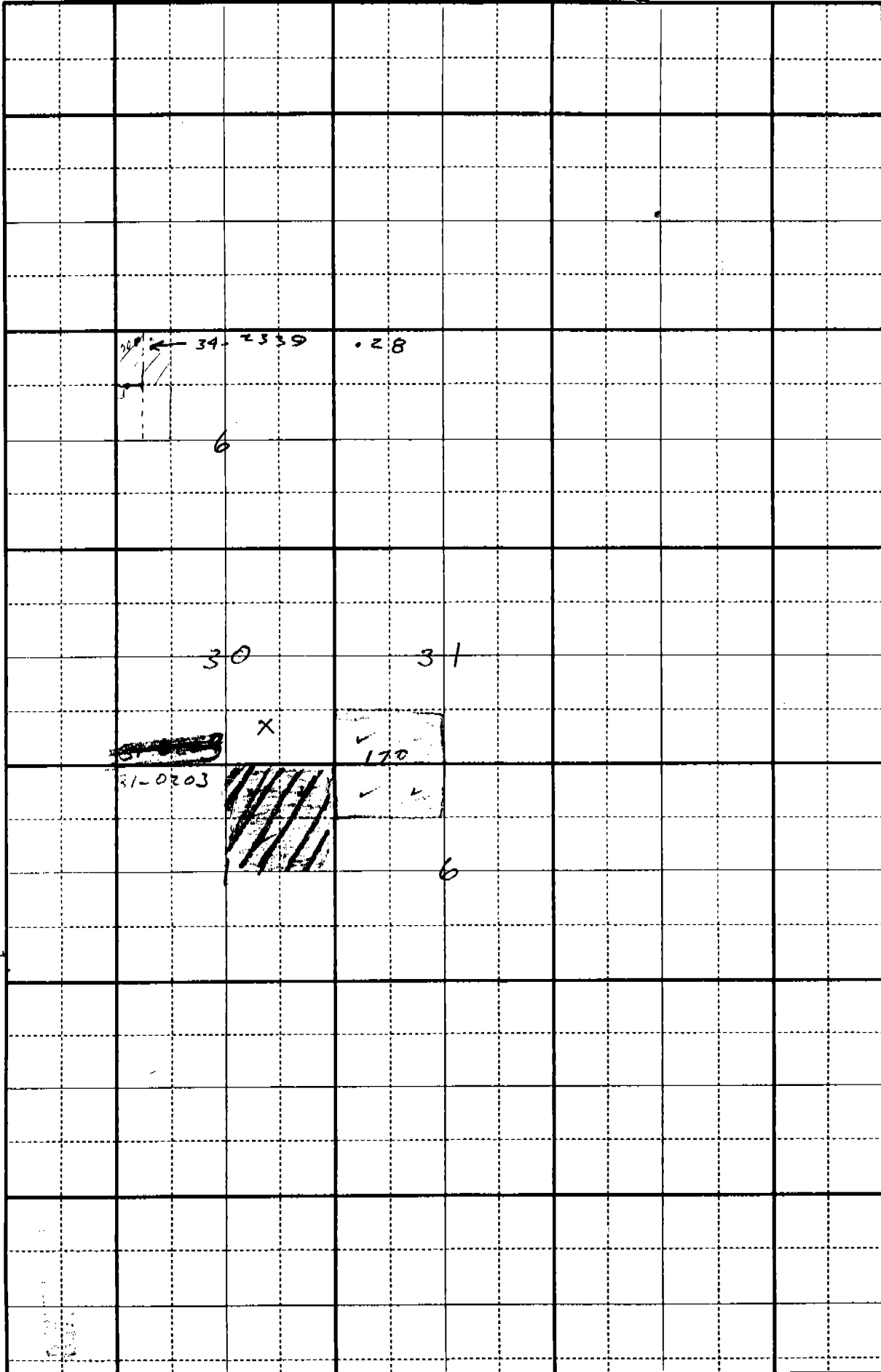
Watermaster recommendation requested on 7-06-77

Recommended for approval denial

W.D. #31 rec'd. 7-28-77

by RDC 33

DON SHENTON



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

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

ERNEST SAUVE,

Plaintiff,

No. 635. -- In Equity

- vs -

D E C R E E

To W. H. Abbott, Fay Abbott, Mary C. Adels, Allen Almonda, G. B. Allen, Allen & Harn, a co-partnership, consisting of G. B. Allen and H. R. Harn; Wm. A. Andrews, Joseph Andrasen, Anderson Bros. Bank, a corporation; Gerret Auldhouse (sometimes known as Gerret Oldhouse); Clausen Auldhouse (sometimes known as Clausen Oldhouse), William Axline, Ernest Bauerle, Edward C. Barnes, May L. Barnes, Lovisa Barney, Arthur J. Barber, Charles Bartlett, Ambrose J. Beckner, Laura E. Beckner, William Beck, David Bethune, Lloyd Bennett, Gus E. Brauer, Administrator of the Estate of Annie J. Bennett, deceased; A. W. Belnap, C. W. Belnap, The Bennett Investment Company, Limited, a corporation; Gussie Binnard, Burka Binnard, Horace L. Birch, Binnard Ranch Company, a corporation; B. Binnard, Sarah Binnard and E. F. Mobley, Trustees for Binnard Ranch Company, a defunct corporation; Charles O. Rickman, as Trustee in Bankruptcy of Binnard Ranch Company, a corporation; Oscar A. Johanneson, as Receiver of Binnard Ranch Company, a corporation; Heber J. Blackburn, W. B. Boucher, Ray Bohney, R. T. Boatman, Mary Nicholas Boyd, Frank Boe, Charles E. Brosic, E. L. Browning, Adna E. Bramwell, Afton Bradshaw, Theresa Brinkmann, Lottie Burcham, G. F. Burcham, Kath-

Marie V. Peterson

1912 - September 5

1922 - January 1

31

2.42 c.f.s.

31

0.5 c.f.s.

203

204

Trans. #2129

Source: Ray's Lake and Camas
Creek, tributaries of Mud Lake.

Point of Diversion: In the South-
west Quarter of the Southeast
Quarter of Section 30, Township
7 North, Range 36 East, B. M.

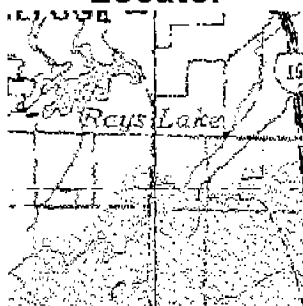
For use on the following described
land, to-wit: Lots 1 and 2, the
Southwest Quarter of the North-
east Quarter, and the Southeast
Quarter of the Northeast Quarter,
of Section 1, Township 6 North,
Range 35 East, B. M.

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REFERENCE****ENCARTA INQUIRE** Enter your question:**GO TO ENCARTA**

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Locator



Other Imagery:

[USGS Topo Map](#)
[01 Jul 1977](#)**7 km SW of Hamer, Idaho, United States 26 Jul 1992**[Zoom](#) [Sat](#) [Relief](#) [Topo](#) [Image](#)

0 1km

0 1.5mi

Image courtesy of the US Geological Survey.

Orig:MetaTag = '4311206SE' Center Lon,Lat= -112.27478,43.88599 Running Time 16 ms Time 10/4/2000 3:28:21 PM

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4789

BM 4785

REFUGE

BOUNDARY

Flume

Well

CANAL

32

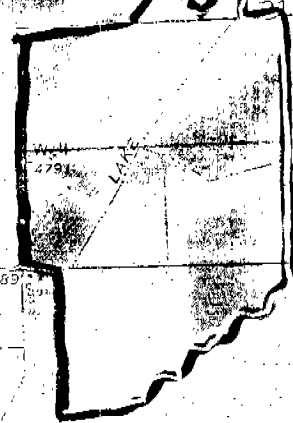
CREEK

35

Claim 257-1000

Doc Source WFO 8-5-78

Date 10-4-92 Sig. 257-1000



HOLLY

WAYS

Well

4804

Well

4819

2

1

6

5

1

Wells

3

5

787

4783

Claim A31-10-99

Doc Source WFO 8-5-78

Date 10-4-92 Sig. 257-1000

12

4789

7

4876

8

4

4789

Well

4789

13

18

17

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS, P.A.
DALE W. STORER
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
FREDERICK J. HAHN, III

WEST ONE BANK BLDG.
330 SHIOP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

September 11, 1996

Mr. Garth Soderquist
OWSLEY CANAL COMPANY
Terreton, Idaho 83450

Mr. Dwain Kirkham
HOLLEY WATER USERS
Terreton, Idaho 83425

Mr. Andy Dobson
INDEPENDENT CANAL CO.
Terreton, Idaho 83450

Mr. Edgar Green
JACKETT CANAL COMPANY
Hamer, Idaho 83425

Gentlemen:

You will undoubtedly recall our discussions last spring regarding what, if anything, to do about raising the forfeiture issues regarding some of the rights in Ray's Lake that have not been used for many years. We originally suggested that until someone filed an application for transfer, there was no way to raise the issue of forfeiture through a protest and that the alternative was a declaratory judgment action before Judge Moss. We were not overly enthusiastic about the declaratory judgment action because of the last decision by Judge Moss.

Because of concern that there might be a call for delivery, we considered as an alternative a declaratory ruling under the Department of Water Resources rules although we have never used that procedure before. We concluded to go ahead and file a petition for declaratory ruling with the Department to see if the Department would take a look at the forfeiture issues.

As all of you are aware, the notice of the filing of the petition has never been published and the Department has taken no action so far. We have called the Eastern Idaho Region office from time to time to find out the status and always received some sort of vague response that it had been sent to Boise for review.

A few weeks ago, we were advised that the matter had been handed to the Department's attorney, Mr. Phil Rassier, for review, and that we would be hearing from him.

Having not heard from him, we called him and spoke to him by telephone. We had a fairly lengthy discussion about the scope of the declaratory ruling procedure but it appeared to us that Mr. Rassier believes the Department should not take the position that it has authority to determine forfeiture issues in such a proceeding. He said he had been planning to do some more extensive research and to make a formal recommendation to the Department but had not yet been able to

10499

Claim A31-00262, 00461, 10499
Doc Source Mud Lake Water
Users
Date 9/24/02 Sig. G. Conter

Garth Soderquist
Dwain Kirkham
Andy Dobson
Edgar Green
September 11, 1996
Page 2

complete that process. We do not know when to expect a formal decision from the Department as to whether they will process our petition or refuse to do so.

Apparently no call was made upon the Water Master for delivery of these water rights during the 1996 irrigation season. As soon as we hear from the Department we will let you know. However it may be necessary for us to make a decision whether to wait for an Application for Transfer to be filed and then protest the transfer on the grounds of forfeiture, or whether to proceed with the declaratory judgment action in District Court, or whether to just wait and let the matter take its course in the adjudication proceeding. If any of you have thoughts or comments and wish to discuss the matter, we will appreciate hearing from you.

Very truly yours,



Kent W. Foster

G:\WPDATA\KWF\8414\ALL0911.LTR:bjw

Claim AD-00262, 02461, 10499
Doc Source Mud Lake Water
USFS
Date 9/21/02 Sig. BJW

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
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WILLIAM D. FALER
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Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

April 26, 1996

Mr. Garth Soderquist
OWSLEY CANAL COMPANY
Terreton, Idaho 83450

Mr. Dwain Kirkham
HOLLEY WATER USERS
Terreton, Idaho 83425

Mr. Andy Dobson
INDEPENDENT CANAL CO.
Terreton, Idaho 83450

Mr. Edgar Green
JACKETT CANAL COMPANY
Hamer, Idaho 83425

Gentlemen:

Pursuant to discussions we have had with Mssrs. Gerald Messerli and Don Shenton, we have prepared and filed a Petition for Declaratory Ruling before the Department of Water Resources seeking a declaration of forfeiture of five water rights in Ray's Lake. A copy of the petition is enclosed with this letter and of course if anyone has questions or comments, we will look forward to receiving those.

This is the first time we have used this procedure and are not even aware of any other matters in which it has been used, so it is hard to predict exactly what the steps will be. We will keep you advised as we hear from the Department of Water Resources.

Very truly yours,


Kent W. Foster

Enclosure

G:\WPDATA\KWF\S054\ALL0426.LTR:sjw

Ray's
Lake
for future

Claim 31-00262 02461, 104 94
Doc Source Med Lake Water
Users
Date 7/24/02 Sig. BAC

42-351

Contor, Bryce

From: Contor, Bryce
Sent: Monday, July 31, 2000 12:40 PM
To: Carlsen, Ernie
Cc: McHugh, Candice; Music, Vicky
Subject: Disallowal of overlapping surface right

Sid Ashcraft's claim A31-10499 is a combination of decreed surface rights 31-00203 and 31-00205. The POU is overlapped by GW licenses, which actually have provided all the irrigation for a number of years.

Unsigned, undated field exam notes in the claim file indicate "Water from Rays Lake not used for 8 years." Supposing this field exam was done in 1993 or 1994, that puts last use about 1985 or 1986. Further, in 1987 NAPP shows the POU was still border irrigated; the diversion works from Rays Lake are for border irrigation. So even if forfeiture has/has occurred by now, it apparently had not occurred by 1987.

Based on the above, I plan to continue review of the claim, intending to recommend it with a combined use acreage and cfs limitation with the GW rights. This memo in the file and the combined use limitations should prevent an accomplished enlargement by a future transfer that might attempt to "unstack" these rights.

Please let me know if you have other thoughts.

FIELD NOTES - SPASHCRAFT.

NORTH OF HOUSE 531 - SW $\frac{1}{4}$.

well serves pivot. installed by 1987.

506 N $\frac{1}{2}$ NW $\frac{1}{4}$ Lot. 3 & 4.

well serves pivot - $\frac{1}{2}$ circle.

501 NE $\frac{1}{4}$ FIELD 246

well serves pivot.

water from Rays Lake not used for 8 years.

531 NW $\frac{1}{4}$ old Stock place. -

SE $\frac{1}{4}$ NW $\frac{1}{4}$ - covered by pivot. -

- prior to pivot he flood irrigated from 3 wells.

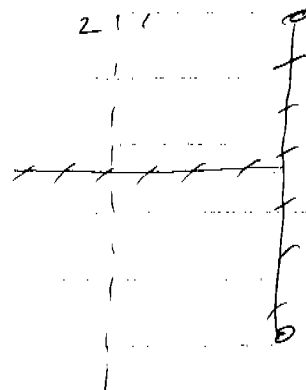
① center of NW NW - 50 hp - most recent drilled.

② - 2 well close together in NENE. original

well.

501 NW $\frac{1}{4}$ Field 284 - well in center
of pivot.

SEC 02 SE NE } well at center of pivot.
SW & SW $\frac{1}{4}$



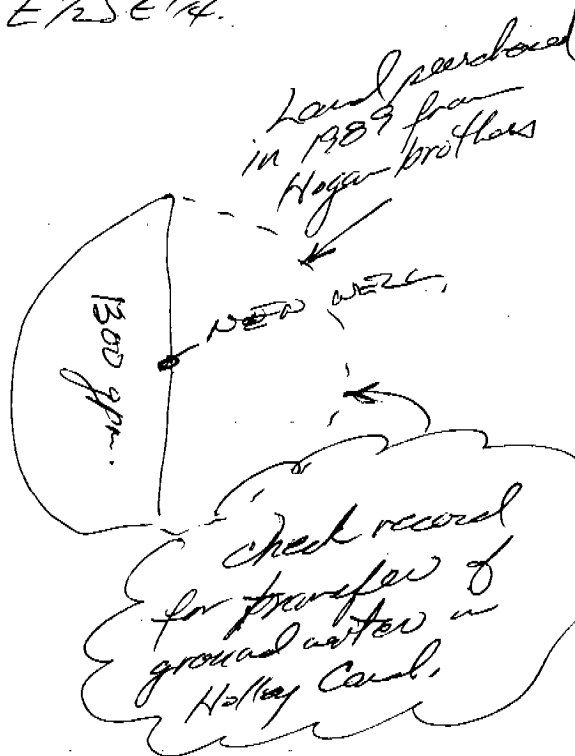
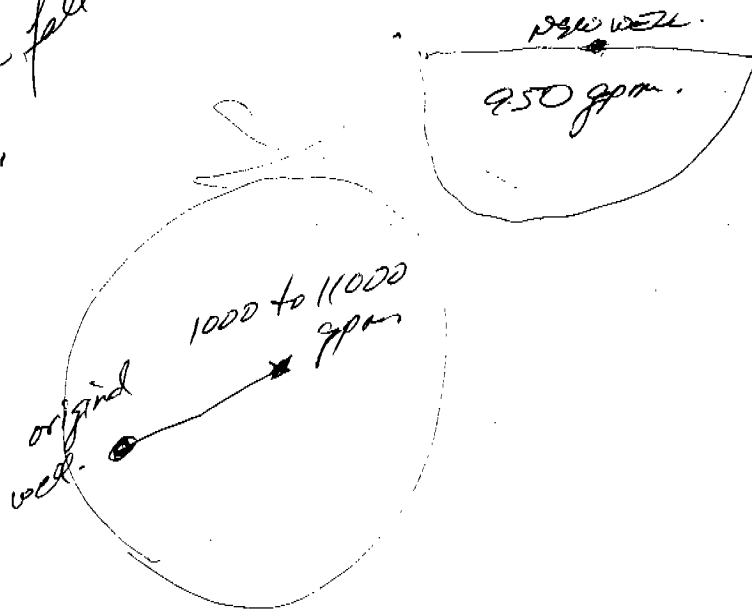
SE 1/4 301 pivot installed in fall of 89.
well in NESE.

IN 1987 land was flood irrigated
SE 1/4 301

part of NW 1/4 NE 1/4, NE NW Sec 12
E 1/2 SE 1/4, SE 1/4 NE 1/4 Sec 02.

Now in Sec 12 new well covers NWNE, NENE.
SW 02 " " " E 1/2 SE 1/4.

System
changed in fall
of 1989.



original wells. Sidney was told that the two
wells were discharging 4000 gpm.
200 Hp, 150 Hp

Wells.

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. $\phi 1$ 125 HP GE MOTOR, Photo 15

NE NW. Sec 12 Photo 16,
60 HP Hollowshaft.

SE SE Sec $\phi 2$
125 or 150 HP. Hollowshaft. - no ID plate. Photo 17.

USED
Together -
{ ~~SE SW $\frac{1}{4}$ 501~~ NO PHOTO. ~~18~~

NW $\frac{1}{4}$ S $\phi 1$ photo - 18
GE 100 HP. STATIC LEVEL 80'
north well needs to be supplemented by south well.

S $\phi 6$ 40 HP. General Electric. photo 19
750-800 gpm.

NE $\frac{1}{4}$ S $\phi 1$. photo 20.
100 HP, Hollowshaft.
1000 gpm.

SW $\frac{1}{4}$ S 31. NO ID plate. photo 21

NW $\frac{1}{4}$ S 31 photo 22
General Electric 75 HP.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Erle V. Peterson Phone 302-762-4825

Post office address 5 Brandywine Blvd., Wilmington, Delaware 19809

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to Marie V. Peterson, No. 31-0203; O.E. Peterson, No. 31-0205
(Name)
in case of Sauve vs Abbot
dated Nov 1, 1930 in U.S. District Crt ~~Fourth~~ Idaho, East, Div
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is record owner of the land.

3. Source of water Camas Cr. & Ray's Lake tributary to Mud Lake

4. Date of priority Sept 5, 1912

5. Water is used for the following purposes:
- | | |
|---------|---|
| 31-0203 | amount <u>2.42 cfs</u> for <u>Irrigation</u> purposes from _____ to _____ |
| 31-0205 | amount <u>3.40 cfs</u> for _____ purposes from _____ to _____ |
| | amount _____ for _____ purposes from _____ to _____ |
- (month/day - both dates inclusive)

6. Total amount of water under right: a. 5.82 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30
Township 7 N Range 36E, B.M., in Jefferson County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6N	35	1	44	43	40	40													167
6N	36	6					43	40											83
7N	36	31											39	40					79

RECORDED

Total number of acres to be irrigated 329

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion NO CHANGE
 - a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
 - c. Description of diverting works _____
 - d. Describe the reasons for applying for a change in the point(s) of diversion _____

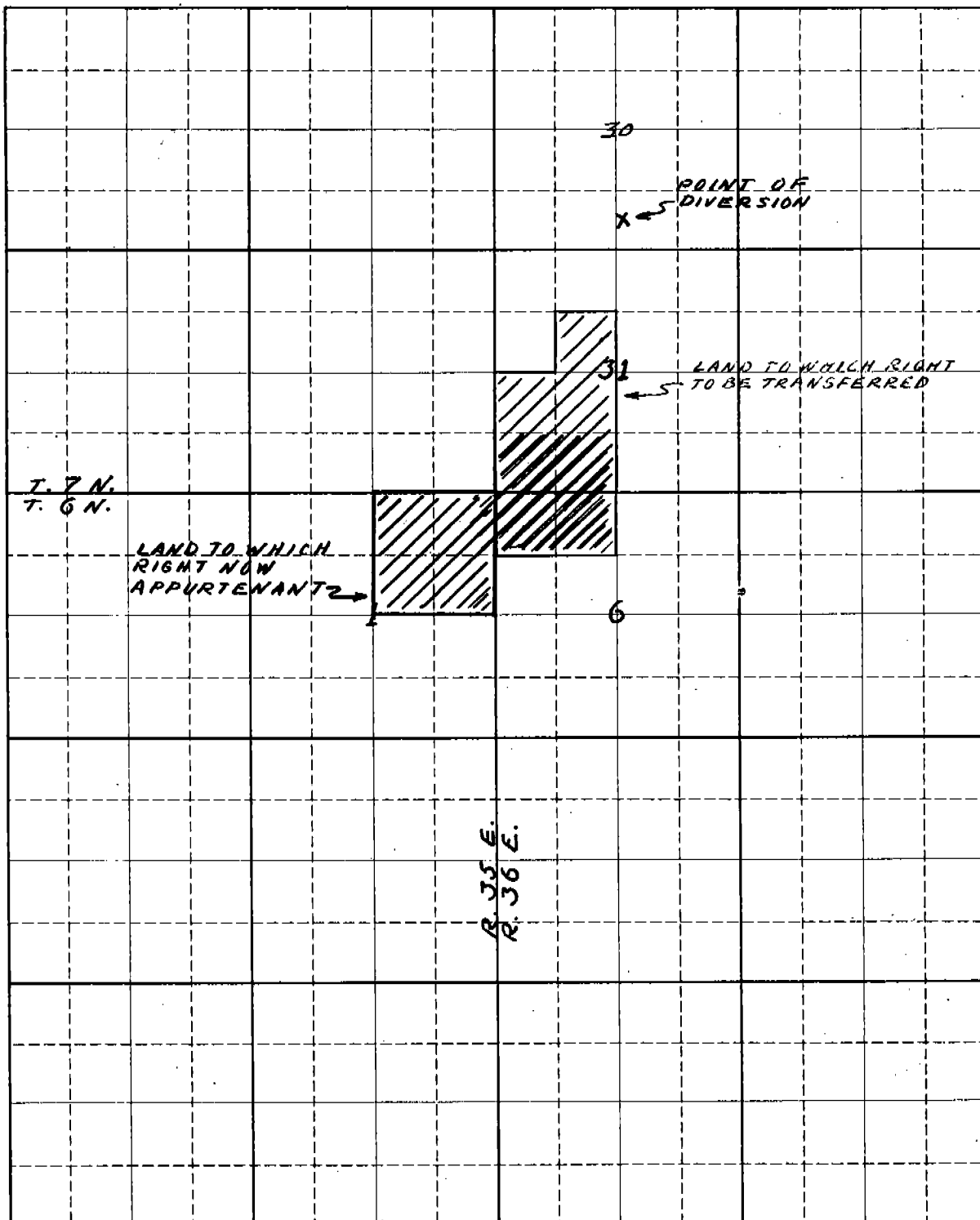
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	36E	31								40	40	39	39	40					198
6N	36E	6					43	40											83
6N	35E	1	5			5													10

Total number of acres to be irrigated 291

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks This transfer in no way has any effect on water right No. 31-0205

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Subscribed and sworn to before me this 4th day of June, 1977

Evelyn J. Peterson
(Signature of applicant)

My commission expires Nov. 28 1978

Mary Ann Wright
(Notary public)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 31-0203/31-0205 and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

Use of water under this permit is subject to control by the watermaster of State Water District No.'s 31 & 32-C, Mud Lake & Tribs., & Medicine Lodge Creek.

Witness my hand this 23 day of September, 19 77

W. H. Hennrich
Deputy Director

FOR DEPARTMENT USE ONLY

Received by AW Date 6-13-77

Prelim. check by EMC Fee \$30.00
#8222

Receipted by AW Date 6-28-77

Published in Highway Star

Pub. dates July 7 + 14-1977

Watermaster recommendation requested on 7-06-77

W.D. #31 rec'd. 7-28-77
DON SHENTON

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial

by RDC 23

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

ERNEST SAUVE,

Plaintiff,

- vs -

No. 635. -- In Equity

D E C R E E

To W. H. Abbott, Fay Abbott, Mary C. Adels, Allen Almorda, G. B. Allen, Allen & Harn, a co-partnership, consisting of G. B. Allen and H. R. Harn; Wm. A. Andrews, Joseph Andrasen, Anderson Bros. Bank, a corporation; Gerret Auldhouse (sometimes known as Gerret Oldhouse); Clausen Auldhouse (sometimes known as Clausen Oldhouse), William Axline, Ernest Bauerle, Edward C. Barnes, May L. Barnes, Lovisa Barney, Arthur J. Barber, Charles Bartlett, Ambrose J. Beckner, Laura E. Beckner, William Beck, David Bethune, Lloyd Bennett, Gus E. Brauer, Administrator of the Estate of Annie J. Bennett, deceased; A. W. Belnap, C. W. Belnap, The Bennett Investment Company, Limited, a corporation; Gussie Binnard, Burka Binnard, Horace L. Birch, Binnard Ranch Company, a corporation; B. Binnard, Sarah Binnard and E. F. Mobley, Trustees for Binnard Ranch Company, a defunct corporation; Charles O. Rickman, as Trustee in Bankruptcy of Binnard Ranch Company, a corporation; Oscar A. Johannesson, as Receiver of Binnard Ranch Company, a corporation; Heber J. Blackburn, W. B. Boucher, Ray Bohney, R. T. Boatman, Mary Nicholas Boyd, Frank Boe, Charles E. Brosic, E. L. Browning, Adna E. Bramwell, Afton Bradshaw, Theresa Brinkmann, Lottie Burcham, G. F. Burcham, Kath-

O. E. Peterson

1912 - September 5

31 200 Trans. #2129
3.4 c.f.g.

Source: Ray's Lake and Camas
Creek, tributaries of Mud Lake.

Point of Diversion: 800 feet
North of the quarter corner of
Sections 30 and 31, Township 7
North, Range 36 East, B. F.

For use on the following described
land, to-wit: 170 acres of ir-
rigated land situated in the fol-
lowing subdivisions: Lots 3 and
4 of Section 6, Township 6 North;
Lot 4 and the Southeast Quarter
of the Southwest Quarter of Sec-
tion 31, Township 7 North, -- all
being in Range 36 East, B. F.;
and in the Northeast quarter of
Section 1, Township 8 North, Range
35 East, B. F.

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Sid Ashcroft CLAIM IDENT. NO. A31-10499

DATE RECEIVED _____ CK # _____ AMOUNT \$ _____

1. Is the name and address complete with zip code? YES ☒ NO ☐2. Is a priority date entered? YES ☒ NO ☐

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? YES ☒ NO ☐(b) Is a tributary to entered? (if required) N/A ☒4. Is the legal description of the p.d. sufficient? YES ☒ NO ☐5. Is there a description of the diverting works? YES ☒ NO ☐6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. YES ☒ NO ☐Is the period of use included? YES ☒ NO ☐Is a quantity claimed for each use? YES ☒ NO ☐7. Is a total quantity claimed entered? YES ☒ NO ☐8. If required is a consumptive use entered? N/A ☒Is the consumptive use correct? N/A ☒9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ☒10. Is (are) the place(s) of use entered? YES ☒ NO ☐11. Is (are) the county(ies) entered? YES ☒ NO ☐12. Is the ownership of p.u. checked? YES ☒ NO ☐13. Are other water rights listed or "none" indicated? YES ☒ NO ☐14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒15. Is the basis of the claim checked? YES ☒ NO ☐16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) YES ☒ NO ☐Has the claim been signed, sealed, and dated by a notary? YES ☒ NO ☐Was this claim filed on time, or was an extension granted? YES ☒ NO ☐Is the fee enclosed correct? Exempt ☒If this claim is based on an existing water right, has the identification number been entered? N/A ☒Should this claim be receipted and data entered? YES ☒ NO ☐Claim checked by: [Signature]

Comments: _____

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NOV 17 1992