

12/19/2000

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

RIGHT NUMBER: 31-10001

NAME AND ADDRESS: CITY OF DUBOIS
PO BOX 27
DUBOIS, ID 83423

OREGON SHORT LINE/UNION PACIFIC RR CO
1416 DODGE STREET
OMAHA, NE 68179

SOURCE: GROUND WATER

QUANTITY: 0.33 CFS
238.9 AFY

PRIORITY DATE: 02/16/1903

POINT OF DIVERSION: T10N R36E S21 SENESW Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01-01 12-31	0.33 CFS 238.90 AFY

PLACE OF USE:

PLACE OF USE IS WITHIN THE SERVICE AREA INCLUDING THE CITY
LIMITS OF THE CITY OF DUBOIS.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

12/19/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-10001

<u>Owner Type</u> Current Owner	<u>Name and Address</u> OREGON SHORT LINE/UNION PACIFIC RR CO 1416 DODGE STREET OMAHA, NE 68179
------------------------------------	--

Current Owner	CITY OF DUBOIS PO BOX 27 DUBOIS, ID 83423 (208)374-5241
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Priority Date:	02/16/1903
Basis:	Beneficial Use
Status:	Valid

<u>Source</u> GROUND WATER	<u>Tributary to</u>
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<u>Beneficial Use</u> MUNICIPAL	<u>From</u> 01/01	<u>To</u> 12/31	<u>Diversion Rate</u> 0.33 CFS	<u>Volume</u> 238.9 AFA	<u>Subuse Code</u>
Total Diversion			0.33 CFS	238.9 AFA	

Location of Point(s) of Diversion:

GROUND WATER	SENESEW Lt	Sec. 21	Township 10N	Range 36E	CLARK County
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Place(s) of use: No POUs found for this right

Conditions of Approval:

1. C18 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.

Remarks:

1. Place of Use PLACE OF USE IS WITHIN THE SERVICE AREA INCLUDING THE CITY LIMITS OF THE CITY OF DUBOIS.

Dates:

Licensed Date:
 Claim Received Date: 06/30/1988
 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>
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Contacts	12/15/00 8:48:25 AM	ECarlsen		In Process
POD	12/15/00 8:55:05 AM	ECarlsen		In Process
	12/15/00 8:51:33 AM	ECarlsen		In Process
POU	12/15/00 11:13:51 AM	ECarlsen		In Process
Priority Date	12/15/00 8:49:20 AM	ECarlsen		In Process
Quantity	12/15/00 10:56:42 AM	ECarlsen		In Process
Season	12/15/00 2:32:15 PM	ECarlsen		In Process
Source	12/15/00 3:24:45 PM	ECarlsen		In Process
Summary	12/15/00 2:40:13 PM		12/15/00 2:40:13 PM	ECarlsen
Use	12/15/00 8:56:12 AM	ECarlsen		Complete
				In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Overall Max Diversion Rate: 0.33
 Overall Max Diversion Volume: 238.9
 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:

Element	Date Time Stamp	Reviewer
Contacts	12/15/00 8:48:23 AM	ECarlsen
POD	12/19/00 4:28:34 PM	csaxton
POD	12/15/00 11:36:08 AM	ECarlsen
POD	12/15/00 8:55:03 AM	ECarlsen
POD	12/15/00 8:51:31 AM	ECarlsen
POU	12/15/00 11:13:49 AM	ECarlsen
Priority Date	12/15/00 8:49:17 AM	ECarlsen

Log Text

1. Appointment has not been scheduled.
 Comment for 1: MET WITH MAJOR AND CITY MAINTENANCE SUPERVISOR ON DEC. 13, 2000. VISITED ALL THREE WELL LOCATIONS AND RESEARCHED RECORDS IN CITY BUILDING TO VERIFY PRIORITY DATE.
 Edited point location
 Edited point location
 1. (YES) The basis is beneficial use.
 4. (NO) There is not evidence that there has been a change in the Point of Diversion.
 6. (YES) The file contains all the necessary information to verify the POD.
 Comment for 6: VERIFIED BASED ON FIELD INSPECTION AND USE OF AERIAL PHOTOS. WELL HAS A DEQ SITE TAG #E0007191.
 8. (NO) Point of Diversion remark was not required.
 9. (NO) Point of Diversion condition was not required.
 1. (YES) The basis is beneficial use.
 4. (NO) There is not evidence that there has been a change in the Point of Diversion.
 6. (YES) The file contains all the necessary information to verify the POD.
 Comment for 6: VERIFIED BASED ON FIELD INSPECTION AND USE OF AERIAL PHOTOS.
 8. (NO) Point of Diversion remark was not required.
 9. (NO) Point of Diversion condition was not required.
 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. (YES) The basis of claim is beneficial use.
 4b. (NO) The priority date was not claimed after the date a permit was required for the source and water use.
 10. (YES) The claim file contains sufficient evidence of priority date.
 12. (YES) The claim is recommended.
 13. (YES) The claim is coded correctly.

Quantity 12/15/00 10:56:39 AM ECarlsen

Season 12/15/00 2:32:13 PM ECarlsen

Source 12/15/00 3:24:42 PM ECarlsen
Summary 12/15/00 2:40:11 PM ECarlsen

Use 12/15/00 8:56:09 AM ECarlsen

14. (NO) Priority remark was not required.

15. (NO) Priority condition was not required.

1. (YES) The basis of claim is beneficial use.

5. (YES) A flow measurement was required.

Comment for 5: IN LINE FLOW METER.

6. (YES) The source is ground water and the purpose of use requires a diversion volume limit.

8. (NO) Irrigation is not a purpose of use.

1. (YES) The basis of claim is beneficial use.

4. (NO) There is not evidence that there has been a change to the period of use.

9. (YES) The file contains 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. (NO) Irrigation is not the purposed use.

Comment for 13: Year around for Municipal Use.

15. (NO) Period of Use remark was not required.

16. (NO) Period of Use condition was not required.

1. (YES) The basis is beneficial use.

1. (YES) The basis of the claim is beneficial use.

2. (YES) All the water being used for all the purposes is being claimed and to the extent it was claimed.

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. (NO) This is not a combined right.

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

12. (YES) Set the verification date.

1. (YES) The basis of claim is beneficial use.

4. (NO) There is not evidence that there has been a change to the purpose of use.

9. (YES) The file contains all the necessary information to verify the purpose of use.

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

A31-10001

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly Oregon Short Line/Union Pacific R.R. co. 1416 Dodge St.
City of Dubois OR Omaha, NE 68179
Phone (208) 374-5241

1. Name of Claimant (s) City of Dubois

Mailing Address P.O. Box 27 Dubois, ID Zip 83423

2. Date of Priority (Only one (1) per claim) February 16, 1903

3. Source of water supply (a) Groundwater
which is tributary to (b)

4. a. Location of existing point of diversion is: Township 10N Range 36E Section 21,
NW 1/4 of SW 1/4 of SE 1/4, Govt. Lot, B.M., County of Clark

Additional points of diversion if any:

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

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

Govt. Lot B.M., County of

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Well #2, pump, mainline to municipal water system.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For municipal purposes from 01-01 to 12-31 amount 0.33 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.33 (cfs) and/or (b) _____ (acre feet)

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

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

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	
10N	36E	20	Municipal																
		21																	
		28																	
		29																	
		33																	

Total number of acres irrigated _____

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
A31-10002 / A31-07011 or None ()

14. Remarks:

P/D aka east (R.R.) Well

P/U within the city limits of Dubois, Idaho

Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

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

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Mayor Title _____
of City of Dubois Organization _____, that I have signed the foregoing
document in the space below as Mayor Title _____ of City of Dubois Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Kirk R. Inwood
Title and Organization Mayor City of Dubois Date 14 Dec-2000

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

Subscribed and sworn to (affirmed) before me this 14th day of December 2000



Notary Public Betty Kirkpatrick
Residing at Dubois, Id.
My Commission Expires 3-27-06

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 _____

Last Name _____ Ident. Number _____

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: A31-10001
Date Received: 4/25/1988
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF DUBOIS 208-374-5241
Address: P.O. BOX 27
DUBOIS, ID 83423

OR

Name: OREGON SHORT LINE/UNION PACIFIC R.R. CO.
Address: 1416 DODGE STREET
OMAHA, NE 68179

2. Date of Priority: FEB 18, 1921

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	36E	21	SE	SW			CLARK

5. Description of diverting works:
WELL, PUMP, MAINLINE TO MUNICIPAL WATER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.330		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL WATER FOR DUBOIS, ID.

A310001



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	36E	20			MUNI	
		21			MUNI	
		28			MUNI	
		29			MUNI	
		33			MUNI	

11. Place of use in counties: CLARK

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A31-10002/A31-07011

14. Remarks:
P/D AKA EAST (R.R.) WELL
P/U WITHIN THE CITY LIMITS OF DUBOIS, IDAHO

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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 _____ Mayor _____ of _____ Title _____

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

The City of Dubois _____ and that the statements contained in the _____ Organization _____ foregoing document are true and correct.

Mr. Wagon
Signature of Authorized Agent

Mayor of City of Dubois
Title and Organization

June 17, 1988
Date

State of Idaho _____)
County of Clark) SS.

Subscribed and sworn (or affirmed) before me this 17th day

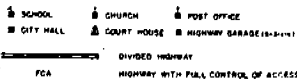
of June 19 88

[Signature]
Notary Public

Seal

Residing at Dubois, Id

My Commission Expires 9-30-91



If you do not need this report after it has served your purpose, please return it to the Geological Survey, using the official mailing label at the end.

UNITED STATES DEPARTMENT OF THE INTERIOR

**GEOLOGY AND WATER RESOURCES
OF THE MUD LAKE REGION, IDAHO**

Prepared in cooperation with the
GENERAL LAND OFFICE OF THE UNITED STATES DEPARTMENT OF
THE INTERIOR, IDAHO DEPARTMENT OF RECLAMATION,
AND IDAHO BUREAU OF MINES AND GEOLOGY

GEOLOGICAL SURVEY WATER-SUPPLY PAPER 818

MAR 11 1934

Department of the Interior
Eastern District

MICROFILMED

APR 14 1934

MUD LAKE REGION, IDAHO

UTILIZATION OF WATER SUPPLIES

WELL CONSTRUCTION

Most of the dug wells in this region are in localities underlain by alluvium. The wells are sunk into the alluvium and are cased with wood. They have proved satisfactory for domestic purposes, although considerable difficulty has been experienced with burrowing animals falling into them. Where the lava rock is close to the surface and the depth to the water table is not great a few wells have been blasted into the rock and have obtained sufficient water. A well belonging to Charles Holland, at Howe, near the mouth of the Little Lost River and not far west of the Mud Lake region, is 3 feet in diameter and blasted through lava to a depth of 135 feet.

About 1921 several wells, 8 to 10 feet in diameter, were dug in the alluvium in the vicinity of Montevieu with an orange-peel steam shovel for purpose of developing irrigation supplies. A few of the wells were equipped with pumps. Beds of running sand encountered just below the water table gave considerable trouble, and much time was spent in experimenting with different types of casing, in developing methods of shutting out the sand, and in reaching effective depths below the water table. Properly constructed drilled wells would probably give better results in deposits of this kind.³⁹

Wells drilled into the lava rocks by the percussion method have been generally successful. Drillers average about 12 feet a day in the basalt when making a 6-inch hole. Thin beds of dune sand interstratified with the lava rocks cause trouble for the drillers. These "pockets of sand" are often not adequately cased out of the hole, and in a few years after a well has been drilled it may become clogged with sand and may have to be cleaned out.

PUMPING FROM WELLS FOR IRRIGATION

The water table is so close to the surface under several thousand acres in the low part of the basin that pumping from wells for irrigation is economically feasible. In the vicinity of Montevieu well 459, which is equipped with a 10-horsepower gasoline engine and a horizontal centrifugal pump, is used for irrigation. The owner reports a total lift of about 25 feet. About 1927 Thomas Wagner started a project to pump water from drilled wells in the NW¼ sec. 31, T. 8 N., R. 34 E., on the north side of Spring Lake. The depth to water in the group of wells at this place in September 1928 was only about 3 feet. One line of wells is connected by suction pipes to a large centrifugal pump operated by a Diesel engine.

³⁹ Stearns, H. T., and Bryan, L. L., Preliminary report on the geology and water resources of the Mud Lake Basin, Idaho: U. S. Geol. Survey Water-Supply Paper 560, p. 130, 1925.

UTILIZATION OF WATER SUPPLIES

With the present irrigation schedule of the electric power plant serving this territory, water can be lifted 20 feet in 20-horsepower plants at a cost of 1 cent a kilowatt-hour or 50 cents an acre-foot for electric current. With this method it is feasible in the Mud Lake region wherever the lift of electricity is available. It may also prove feasible on the west side of irrigated tracts to install deep-well turbines in place of domestic wells to pump water for lawns, shade trees, and fields of alfalfa.

DEEP-WELL PUMPING

The depth to the water level in some wells on the lava plains of the Mud Lake region is 300 to 1,000 feet. This necessitates the use of deep-well pumps capable of high lifts. On wells with water levels about 300 feet below the surface, adequate supplies for domestic use by means of lift pumps are not obtainable. On ranches with considerable stock the water pumps are not stored in reservoirs to provide a supply for calm days. A portable gas engine is installed. The following paragraphs are taken from an article previously published.

The well of the Oregon Short Line at Dubois (near the mouth of the Snake River) is 10 feet deep and is cased with oil-well casing that is 10 inches at the top and 6 inches at the bottom. The well is equipped with a sand strainer 16 feet long. It was drilled most of the way into the lava rock but ends in a bed of sand. Its original depth was 15 feet. The well is equipped with a lift pump 5 feet long. At the time the test was made the water level in the well was 370 feet. During this test the pump was operated by steam at the rate of 30 strokes a minute for a test of 1 hour and yielded 6,700 gallons an hour. The supply of water was appreciably affected by this test.

Another well, 450 feet deep, with a water level 350 feet from the surface, is equipped with a lift pump and an 8-horsepower motor. The pump yields 11 gallons a minute and the engine delivers 500 gallons an hour. In 1921 the owner made a profit for sheep at half a cent a gallon and to neighborly purposes at a third of a cent a gallon.

At the United States Sheep Experiment Station near Dubois is a well (no. 591) that is 750 feet deep and ends in sand. The depth of the water level in this well is 680 feet. The pump is a Morse no. 4 type H power head, having wooden staves and a single-acting plunger. The pump requires about 10 horsepower to operate it at a maximum capacity. The pump j

⁴⁰ Stearns, H. T., Deep-well pumping in Idaho: Howell Drillers' News, vol. 4, no. 1, p. 1, 1925.

O.S.L. - Mont. Division

Vertical Section of Deep Well

AT

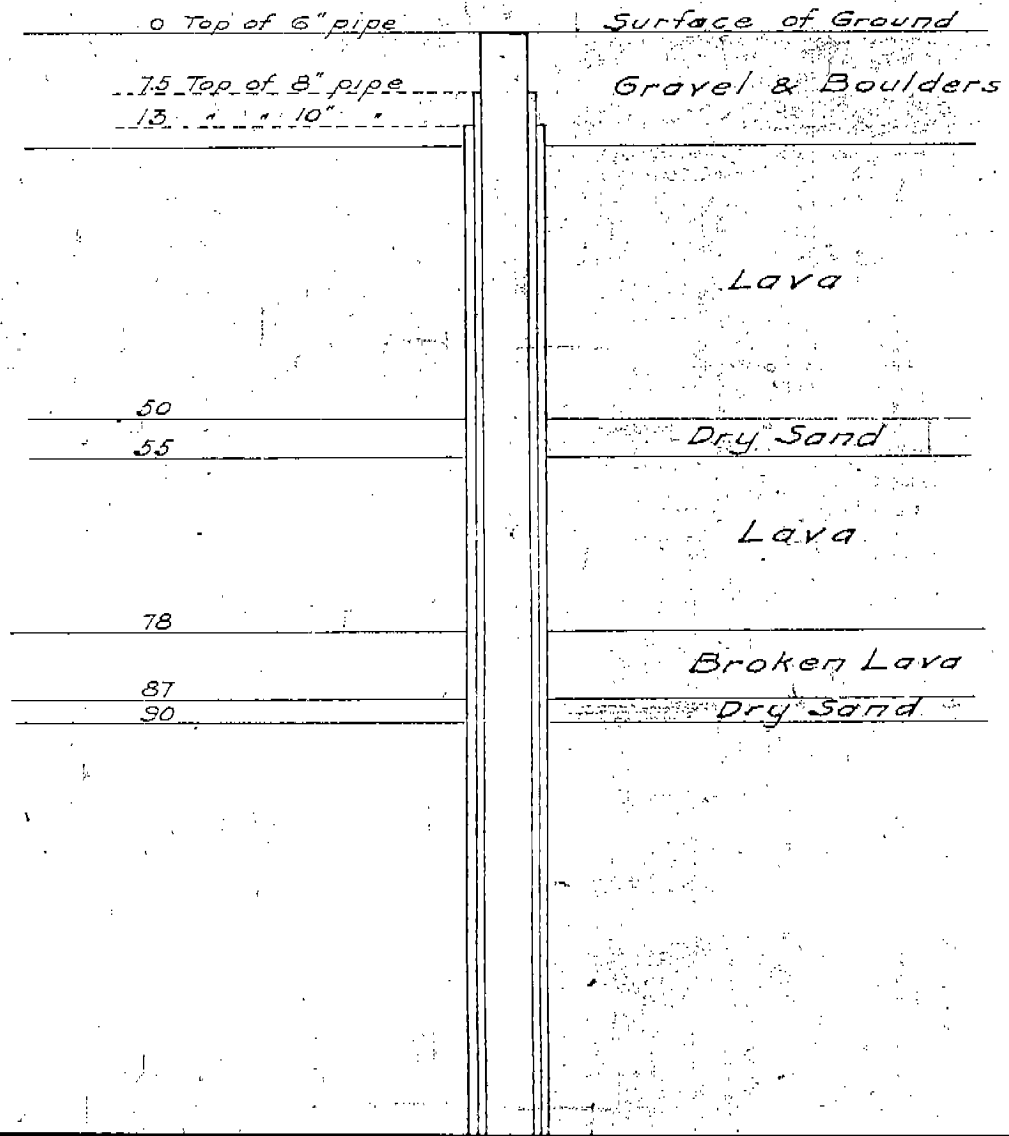
Dubois, Idaho.

Scale 1 in. = 25 ft.

Office of Division Engr.

Pocatello, Idaho.

Feb. 16, 1903



370 Water Level

383 Bottom of 10" pipe

400

410

Cave

May, 1904

423 Top of Working Barrel

428 Bottom " " "

Lava

510'-5 Position of Working Barrel Nov. 1903

516 Top of Strainer 515

Sand & Water

Original Position 557 Top of Working Barrel

562 Bottom

588.5 Bottom of 8" pipe

Original Position of Strainer

600 Bottom of Well

Lava

Note:-

Well originally 615 ft. deep but was filled to 600 ft. point.

RECEIVED

MAR 12 1997

Department of Water Resources
Eastern District Office

concerning

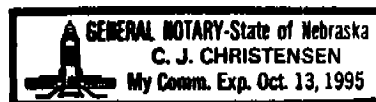
Water Rights Claim No. A31-04087

at

Spencer, Clark County, Idaho

Rollman
Asst. V. P. - Contracts and
Real Estate

D. J. Christensen
(Notary Public)



jln:affidavi.gen

MICROFILMED

APR 14 1994

UNION PACIFIC RAILROAD COMPANY

CONTRACTS & REAL ESTATE DEPARTMENT



March 8, 1993

File: 993-78

ROOM 1100, 1416 DODGE STREET
OMAHA, NEBRASKA 68179-1100
(402) 271-3753
FAX (402) 271-5493

Jack L. Nelson

(402) 271-2347

RECEIVED

MAR 12 1993

Department of Water Resources
Eastern District Office

Eric Verner
Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718

Dear Eric:

I am writing in response to your letters of February 9 concerning Evidence of Priority for Water Rights Claims No. A31-10001, No. A31-04086 and No. A31-04087 at Dubois, Humphrey, and Spencer, Idaho, respectively.

I trust the enclosed Affidavits and related material will be sufficient to support the claimed priority dates on these rights.

However, if I can be of further assistance, please feel free to call me at (402) 271-2347.

Yours Truly,

Jack L. Nelson
Jack L. Nelson
Water Rights Representative

wb/jln/stateof.ida

MICROFILMED

APR 14 1994

OREGON SHORT LINE RAILROAD COMPANY

POOR ORIGINAL

LAND PURCHASED
DEED
AUDIT NO. 7040

7040

Chief Engineer's

Deed

No. 6008.

RECEIVED

MAR 12 1993

Department of Water Resources
Eastern District Office

"DECREE OF COURT"

UNITED STATES DISTRICT COURT

to

OREGON SHORT LINE RAILROAD COMPANY, ET AL,

NOV. 1, 1930

Covering Water Rights at Camas,
Dubois, Spencer and Humphrey, Idaho.

Supersedes Water Rights covered
under Deeds C.E. Nos. 718 and 2879

MICROFILMED

APR 14 1984

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

POOR ORIGINAL

ERNEST SAUVE,

Plaintiff,

-vs-

W. H. ABBOTT, et al

Defendants.

No. 635 -- In Equity

DECREE

BE IT REMEMBERED, that this cause came on for final hearing at Pocatello, Idaho, this 13th day of Oct., in the year 1930, and having been duly presented, and the Court having made and filed its findings of fact and conclusions of law herein, and in accordance therewith, on motion of counsel for plaintiff, it is ORDERED, and ADJUDGED and DECREED as follows, to-wit:

PART I

1.

That this action be, and is dismissed as against Thomas Waggoner. That the waters used by Thomas Waggoner are not tributary to, nor a part of Mud Lake.

2.

The default of J. W. Dill be, and is, vacated insofar as the rights of his successors in interest, Thomas J. Williams and R. P. Cope, are concerned, and not otherwise. That the defaults entered in this cause be, and are confirmed, without prejudice

to any community property rights in waters herein decreed to a spouse.

3.

That there is hereby drawn within the jurisdiction of this Court, for distribution for beneficial uses under and pursuant to the terms of this decree, all the waters of Mud Lake (sometimes known as Crystal Lake) and its tributaries which are hereby decreed to constitute a single inter-dependent source of water supply to be administered under the terms of this decree, and Spring Lake and North Lake which are independent of Mud Lake.

4.

That Mud Lake, sometimes called Crystal Lake, is a natural body of water situated in Jefferson County, Idaho, and, in part, receives its supply of water, from the flow of Camas Creek and its tributaries, Beaver Creek, (sometimes called Dry Creek) and its tributaries, Rays Lake, Deadline Lake, and Sandhole Lake and each of their tributaries, all of which are herein decreed to be tributaries of Mud Lake. That North Lake and Spring Lake are not tributaries of Mud Lake, and the rights herein awarded in Spring Lake and the rights herein awarded to North Lake, if any, may be respectively separately administered and diverted without reference to the priority of right awarded to any other party to this suit. And while the provisions of this decree shall govern and determine as between themselves the rights and priorities of those persons diverting water from said respective lakes they are not affected by and do not affect the rights and priorities of any other parties to this suit. Except as otherwise specifically

provided, all the waters of the various lakes, ponds, streams and sloughs herein allotted constitute part of the supply of Mud Lake and shall be administered and distributed with reference to the priorities herein decreed.

5.

It being necessary in order to give effect (as among themselves), to the priority of rights herein allotted, having points of diversion from Mud Lake or its tributaries at points affected by the back waters of Mud Lake, that the diversion of all such water should be regulated during each irrigation season so as to leave available at all times, so far as practicable, sufficient water to fill such rights in the order of their priority during the balance of the irrigation season.

IT IS HEREBY DECREED, as follows: That on May 1st of each year, the Commissioner, water master, or other official charged with the distribution of water under this decree, shall compute from the gauge height of the lake the amount of water then available in the lake for diversion and use, and shall add thereto the sum of 18,000 acre feet being the average inflow during the past seven years between the period of May 1st to September 1st, and the aggregate amount of water then in the lake, plus said estimated inflow, shall be provisionally deemed the amount of waters of Mud Lake available that season for use; likewise, on May 1st said official shall compute in acre feet the allotment of water necessary to fill each right from May 1st to September 1st, in the order of their respective priorities as such rights in Mud Lake and its tributaries having points of diversion as aforesaid, as the same are herein decreed; and such of those rights of earliest priority, the cumula-

ative total of whose allotments does not exceed the said calculated amount available that season, shall be permitted to begin the use of water that season; thereafter at intervals during the irrigation season, not less frequent than 15 days, such official shall compute the amount of water theretofore used by each right (including the amount, if any, used prior to May 1st) and the amount of water remaining available to fill such rights, taking into consideration actual accretion to the lake from natural inflow and charge each right its proportionate part of the evaporation losses in the lake; and whenever, according to such computation, at any time there shall no longer remain in the lake any water available to fill any right after deducting from the available supply computed up to date as aforesaid, the amount necessary to supply prior rights to September 1st, such later right shall be cut off.

The commissioner, water master, or other official charged with the distribution of the water under this decree, shall keep records of the daily deliveries to users, records of evaporation, of inflow, of daily gauge heights and the capacity of the lake.

Nothing herein contained shall require that there be kept available water to fill the right of any owner whose pumping plant, or other works of diversion, are not that season being operated, nor kept available to fill the right of any owner after the time in the season when such owner is unable to put the water to beneficial use. Nothing herein contained shall restrict any user from using at such times and in such quantities as he may desire, his said seasonal allotment in any one calendar month, but all water,

whenever used, (including that water, if any, used prior to April 1st and after September 1st) shall be charged against his seasonal allotment. In computing the capacity of Mud Lake, and the available water supply therein contained at any time such portion of said waters as are below gauge height of one foot below zero, or (-1.0 ft.) on the present United States Geological Survey gauge, shall be disregarded as waters unavailable for diversion and likewise there shall be disregarded any waters brought into Mud Lake from independent or non-tributary sources of supply.

The court reserves jurisdiction hereafter, from time to time, to modify the provisions of this paragraph numbered 5, if it should appear that such modification is necessary to give effect to the rights and priorities herein decreed.

6.

The parties hereto and their successors in interest shall install and maintain suitable and efficient headgates, controlling works and measuring devices at their respective points of diversion, and all water herein allotted and decreed shall be measured at said points of diversion. Said works and devices shall be built and installed in accordance with plans and specifications to be approved by the official charged with the duty of supervising the distribution of water, subject, however, to review by this court. All such devices shall be of such design as to accurately measure the amount of water diverted; and in cases where in the opinion of the official charged with the duty of supervising the distribution of water, automatic measuring and registering devices are required for the proper administration of this decree, such devices shall be installed and maintained. All such headgates, control works

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and measuring devices and gauges shall at all times be subject to the inspection of any party to this suit and the public officials or the water master having jurisdiction over the distribution and diversion of water; and no dam or other obstruction to the natural flow of the stream shall be maintained so as to divert water from the channel of the stream, except thru ditches, canals or other works provided with such headgates, control works and measuring devices; and each of the parties hereto, their successors agents, servants and employees are hereby perpetually enjoined from diverting from the channel of any stream, lake, slough or the tributaries thereof any water through any ditch, conduit or other device not provided with such headgates, control works and measuring devices. Each of the parties hereto and their agents, servants and employees are hereby perpetually enjoined and restrained from maintaining in any stream or slough, or permitting to exist within such stream or slough where the same traverses their respective lands, or any land owned or controlled by them, any obstruction to the flow of water, except in connection with the diversion of water as herein permitted through headgates equipped with measuring device. The dam or embankment at what is known as the Lone Tree Reservoir belonging to the defendant Wood Livestock Company shall on or before April 1, 1931, at the expense of said Wood Livestock Company, or its successors in interest, be provided with a conduit of sufficient capacity to permit the full natural flow of Camas Creek in flood to pass through said dam or embankment without backing up the water in said reservoir; or in lieu of providing said conduit, said dam or embankment shall, on or before said date, be removed.

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by the owner thereof; and from and after said date said defendant, Wood Livestock Company and its successors, agents, servants and employees, and each of them, are hereby enjoined and restrained from maintaining said dam so as to obstruct the natural flow of said creek, or from permitting it to obstruct the natural flow of said creek.

In case any user shall fail to install any headgate, measuring or control device as in this decree prescribed, within thirty days after the official in charge of the administration of this decree has notified him so to do, or, after like notice, to remove any obstruction required herein to be removed, where the date for removal is not specified, the said commissioner or other official may install such headgate or measuring device or remove such obstruction and charge the expense thereof to such user, and such user shall not thereafter be entitled to the use of his water as herein decreed until he has repaid to said official the expense of such work; the expense of removal of obstructions on public land shall be taxed as ordinary expense of administration by the watermaster.

7.

The Court further retains jurisdiction to appoint a commissioner or water-master to administer this decree as herein-after set out, and to make corrections of clerical errors in the rights herein decreed, and to administer this decree shall be final.

8.

Up to January 1st, 1932, the administration of this decree

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shall be left with a Commissioner to be hereafter appointed by the court for that purpose, with such salary as may be fixed in the order of appointment, together with his actual and necessary expenses incurred in the discharge of his duties. Said Commissioner is moreover authorized to employ such assistants or water masters as may be necessary. Nothing herein contained shall prevent said Commissioner, if he so desires, from employing water masters elected or appointed under the statutes of Idaho for the election and appointment of water masters, for any water district or water districts comprising Mud Lake or any of its tributaries; and in case said Commissioner shall appoint said water master as his assistants, they shall receive their compensation in the manner provided by the Statutes of Idaho with reference to such matters; but nothing herein contained shall require said Commissioner to appoint as his assistants such water masters so elected or appointed under the statutes of Idaho, unless, in his opinion, such appointment shall be conducive to the proper administration of this decree; and unless so appointed by said Commissioner as his assistants, said water masters shall have no authority to distribute the waters of Mud Lake or any of its tributaries while the distribution of the waters thereof shall be under the control of said Commissioners.

The salary and necessary expenses of said Commissioner and his assistants in the administration of this decree for the season of 1931 shall be borne as follows:

Pro rata, according to the amount of water herein decreed to each party.

Said Commissioner shall on or before April 1, 1931, prepare a budget covering the estimated expenditures for the ensuing season. After approval of this budget by the Court, said Commissioner shall distribute, pro rata, said estimated expenditures among the various users on the basis above set forth. Said Commissioner shall notify the parties to whom rights are herein decreed, or their successors, of the amount charged to each respectively, and shall also notify such parties of the time within which their respective shares of the installments thereof shall be paid to such Commissioner.

The Commissioner shall have authority to refuse to deliver water to any user until such time as such user's share of the expenses herein provided for is paid.

Said Commissioner shall at the close of the irrigation season of 1931 report to the Court his proceedings of the distribution of water, together with any recommendations touching directions for the administration of the waters herein decreed as they grow out of his experience in the distribution of water for said initial season.

9.

The rights set forth in the Schedule of Rights, (Part II hereof) immediately following, are hereby decreed to the parties to this cause, respectively, as indicated in said schedule, which rights are to be used and enjoyed in accordance with the provisions of this decree, to-wit:

PART II.

SCHEDULE OF RIGHTS.

Definitions:

- c.f.s.** is used throughout this schedule to designate a flow of one cubic foot of water per second of time.
- inch** (meaning one inch) where and if used in this decree to indicate water rights shall be construed to be the equivalent of 1/50th of a cubic foot per second of time.
- use** Water herein decreed for use on land shall be construed to include the usual ordinary and customary use thereof for irrigation, for watering livestock, and for other domestic purposes.

Note: The left-hand column of this schedule of rights headed "Name and Date of Priority", shows the name of the owner of the water right or water rights, the date or dates of priority, and for convenience the water right or water rights of each individual are given a number, which number appears at the lower left-hand corner of the paragraph defining the water right or water rights decreed to each individual. The center column shows the amount of water in c.f.s. under each date of priority. The right-hand column gives the source, the point of diversion, and the description of the land constituting the place of use.

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SUBDIVISION A.

The plaintiff, ERNEST SAUVE, is entitled to divert from Mud Lake for use on his lands as hereinafter described the following amount:

Name and Date of Priority	Amount in Second Feet	Point of Diversion and Place of Use.
---------------------------------	--------------------------	---

Ernest Sauve

1926 - August 28	6.4. c.f.s.	Source: Mud Lake
------------------	-------------	------------------

Point of Diversion: North 42°30' East 3985 feet distant from the quarter corner common to Sections 11 and 14, Township 6 North, Range 34 East, B.M., which point of diversion is in the Southwest quarter of the Northwest Quarter of Section 12, Township 6 North, Range 34 East, B.M.

For use on the following described land, to-wit: The South half of Section 22, Township 6 North, Range 24 East, B.M.

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The respective defendants herein named are entitled to divert from Mud Lake and its tributaries as hereinafter indicated, for use on their respective lands as hereinafter described, the following amounts:

Name and Date of Priority	Amount in Second Feet	Point of Diversion and Place of use.
* * * *		
<u>Oregon Short Line Railroad Company a corporation.</u>		
1879 - July 1 175	0.26 c.f.s.	Source: Camas Creek, a tributary of Mud Lake. Point of Diversion: Diverted from the North Bank of Camas Creek at a point on the right of way of the Oregon Short Line Railroad Co., near the Station of Camas, Idaho. For use at Camas, Jefferson County, Idaho.
1879 - Sept. 1 176	0.37 c.f.s.	Source: Beaver Creek, a tributary of Camas Creek. Point of Diversion: In the Northeast quarter of the Southwest Quarter of Section 21, Township 10 North, Range 36 East, B.M. For use at Dubois, Clark County, Idaho.
1879 - Sept. 1 A31-04087 177 E.O.B. - Same POO	0.23 c.f.s.	Source: Thomas Creek, a tributary of Beaver Creek. Point of Diversion: Through two circular pipe lines into a 50,000 gallon water tank, said tank being located in the Northeast Quarter of the Northwest

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

For use at Spencer, Clark County,
Idaho.

Source: Beaver Creek, a tributary
of Camas Creek.

Point of Diversion: A point in
unsurveyed township 14 North,
Range 36 East, B.M.

For use at Humphrey, Clark County,
Idaho.

1880 - May 1.

0.15 c.f.s.

AB1-04086 178

EOP. - POW ON

SAVE PROPERTY

Wood Livestock Company,
a corporation, as Trustee
for the Town and Community
of Spencer, Idaho

1879 - September 1 0.2 c.f.s.

Source: Thomas Creek, a
tributary of Beaver Creek.

Point of Diversion: At or near
the Town of Spencer, Idaho.

For use on lands by and
immediately contiguous to the
Town of Spencer, Idaho.

This right to be subsequent in
point of priority, nevertheless,
to that certain water right herein
awarded to the Oregon Short Line
Railroad Company for 0.23 c.f.s.
of the waters of Thomas Creek,
priority September 1, 1879.

PHOTOCOPYED

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PART III

1.

IT IS FURTHER ADJUDGED AND DECREED HEREIN, that none of the parties to this cause have any rights or right in or to the waters of Mud Lake and its tributaries, other than those set forth in said schedule of rights, none of them have any right or rights whatever in or to the said waters, PROVIDED, that nothing in this decree contained shall be construed to affect the mortgage, or other lien of any party hereto, the interest of a spouse in community property, nor the interest of a corporation stockholder in such waters, as are herein decreed, nor to affect rights which may hereafter be initiated.

2.

It is further ORDERED, ADJUDGED and DECREED that each of the parties hereto, both plaintiff and defendants, cross-complainants and intervenors, together with their heirs, successors, assigns, agents, servants, and employees are hereby severally and particularly RESTRAINED and ENJOINED from using, attempting to use, diverting, or attempting to divert, any of the waters herein decreed as hereinbefore defined and set out, in any manner except as hereinbefore provided and set out, and in strict accordance with the terms of this decree.

3.

It is further ORDERED, ADJUDGED and DECREED that each of the parties hereto, both plaintiff and defendants, cross-complainants and intervenors, shall pay his own costs expended in this cause, such costs being filing fees, marshall's fees, publication

fees, witness fees, and reporters' fees; that the costs of securing supplies, necessary expenses of the Commissioners, and compensation allowed said Commissioners for preparing Findings and this Decree, including stenographic expenses incurred in the drawing of this Decree, be, and hereby are, fixed at the sum of \$3,110.00 of which sum the following named parties shall pay the amount hereinafter specified, and that the Commissioners, J. H. Peterson and H. S. MacMartin, be, and hereby are, adjudged to have a lien upon the property of each of the several parties in this decree described for the amount of costs hereby taxed against each of said parties, to-wit:

<u>NAME</u>	<u>AMOUNT</u>
Ernest Sauve	\$16.90
W.H.Abbott	10.55
G.B.Allen	10.55
Anderson Bros.Bank	80.20
Lovise Barney	8.70
Ernest Bauerle	8.14
Ambrose J. Beckner	6.55
Gus E.Brauer,etc.	9.81
Gustave E.Brauer	9.45
William Broadhurst	8.70
Nicholas Burggraff	12.41
Arthur G.Burnside	9.81
John H.Burnside	16.12
Robert Burnside	8.33
Alice M. Cain	10.92
Charles G.Carlson	8.33
Central Ida.Irr.Dist.	53.95
R.P.Cope,etc.	10.93
R.P.Cope	6.10
Margaret Craig Curran	12.41
Donning Clark L.S.Co.	6.86
Margaret Donahue	9.74
William B. Ellis	18.36
Preston B.Ellsworth	9.81
William Beck	9.45

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<u>NAME</u>	<u>AMOUNT</u>
H.A. & Mary L. Englund	9.63
Federal Ind. Bank, Spokane	13.52
Henry Fitter	16.87
Fredrick Fredericksen	25.14
Ernest Halverson	10.92
Hamer Canal Co.	60.55
Sidney A. Hanks	10.92
John Hansen	10.46
Harmon Reservoir Co.	226.85
John W. Hays, Jr.	9.70
Olive M. Hays	15.76
E.W. & Dolly M. Henninger	23.55
M. Hillman	38.78
David Hirschi, Sr.	10.00
David Hirschi, Jr.	6.30
Charles A. Hjort	6.48
W.C. Holley	8.13
W.E. Hutchinson	9.81
Earle Jackson, etc.	10.92
H.R. Jackett & F.S. Jackett	51.65
J.P. Jacoby	
Joseph P. Jacoby	15.94
Joseph Jacoby	
Jefferson Irr. Co. Ltd.	190.08
Mary Jemmett, etc.	7.96
Henry Jemmett, etc.	10.47
Emil Jensen	7.78
H.P. Jensen	17.05
Oscar Julius Johnson	11.30
Niels Kelson	10.47
Sarah A. Kendrick	10.06
Thomas Knotwell	7.62
E.W. Laird	23.53
James Laird	21.31
Joseph A. Laird	39.51
Peter Lawson	6.86
R.D. Leatherman	11.30
C.W. Leonardson	10.47
Los Angeles F.N. Bank & T. Company.	16.12
Mary L. McCann	7.78
Frank E. McClain	13.60
Mrs. Flossie McGarry	12.41
Mrs. Isabella McGarry	7.96
C.O. McGill & G.B. Adams	8.70
William McGovern	9.82
Peter McKevitt	13.80
James A. Melton	12.41
Bert H. Miller	19.47
Miller & Viele, a corp	35.45
William H. Miller, etc.	9.52

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<u>NAME</u>	<u>Amount</u>
Alexander Mitchell	9.70
Mary E. Mitchell	13.90
George E. Monroe	8.70
Mud Lake Canal Co.	18.31
Bertha I. Nielson, etc.	8.18
New World Life Ins. Co.	9.41
Carl Nordstrum	10.93
Bartholomew O'Brien	9.45
Josephine O'Brien	6.49
Oregon Mtg. Co. Ltd.	18.27
Oregon Short Line R.R. Co.	6.90
Mabel E. Orin	6.42
August W. Ossman	10.17
Caluson P. Ouldhouse	10.00
Garrett Ouldhouse	6.30
Owsley Canal Co.	477.05
Bertha I. Owsley	46.60
Merritt M. Owsley	34.50
E. F. Palmer	11.48
William Patt	9.81
Bert H. Paul	36.17
Martin Peterson	7.21
Marie V. Peterson	10.40
O. E. Peterson	11.30
James A. Potter	8.35
Joseph B. Potter	8.70
Annie Rasmussen	33.40
Elizabeth M. A. K. Rober	10.93
Al Richens	10.93
Mrs. Frank Robbins	9.23
Lloyd Roberts	15.37
Andrew Sandback	10.93
David A. Sanders	11.37
J. L. Saunders	6.36
Charles J. Schaller	10.18
S. E. Schaller, etc.	13.53
Martin D. Schlagel	6.47
Bert Shoaf	7.96
Alice Shuttleworth	9.97
O. A. Skoda	6.66
Chetwin Smith	10.92
Fred L. Spalding	7.92
Merritt E. Staley	9.43
State of Idaho (Public Corp)	13.56
P. D. Stoops	15.34
Albert C. Swanstrum	7.22
J. T. Sykes	9.80
William V. Tascher	10.93
U. W. Taylor	7.97

<u>NAME</u>	<u>AMOUNT</u>
Charles Thieman	10.25
Dan Thomas & H.T.Thomas	12.15
Union Central Life Ins.Co.	49.10
Ludger Vadnais	16.84
J.E.Walker & Wm.F.Woodard	7.22
Clara M.Welchman	9.95
T.J.Williams & R.P.Cope	14.44
M.W.Wilmot & C.E.Pope	9.82
Perry B. Woodard	5.92
Wood Livestock Co., trustee for Spencer, Ida.	5.37
Wood Livestock Co., a corporation	378.09

4.

And it is further ordered, adjudged and decreed, that no party hereto shall divert or use any of the waters herein decreed until he or his successors or assigns, have paid to the Commissioners aforesaid, the amount due and owing by such party, nor shall the official charged with the enforcement hereof permit any party, their successors or assigns, to divert any of the waters herein decreed without creditable evidence that such amount has been fully paid to such commissioners. A receipt from such commissioners, or either of them for the full amount so adjudged and decreed to be due them, exhibited to such official shall be creditable evidence that they have been paid.

DATED AND SIGNED AT POCA TELLO, Idaho, this 1st day of November in the year 1930.

C. C. Cavanaugh

United States District Judge.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RECEIVED

MAR 1 - 1990

Department of Water Resources
Eastern District Office

February 22, 1990

Dubois Water Dept.
P. O. Box 27, Main St.
Dubois, ID 83423

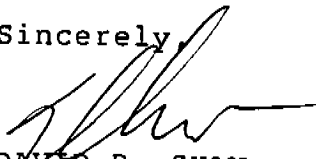
Gentlemen:

Our records show you have filed your adjudication claim(s) in the Snake River Basin Adjudication. Our records do not, however, include a clear map of your service area. Would it be possible for us to get a map of your customer service area for your municipal water system, both to supplement the record of your claim(s) and for use as described below?

In our review and investigation phase of the Snake River Basin Adjudication, the map would be helpful for us to have this information in verifying individual claims to water rights for domestic purposes. We will be happy to discuss with you the most convenient way for you to provide this information to us. I can be reached at 327-7931 or you may contact my assistant, Anita Warntjes at 327-7986.

Your assistance in this matter is greatly appreciated.

Sincerely,


DAVID B. SHAW
Adjudication Bureau Chief

DBS:alw

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A31-10002

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