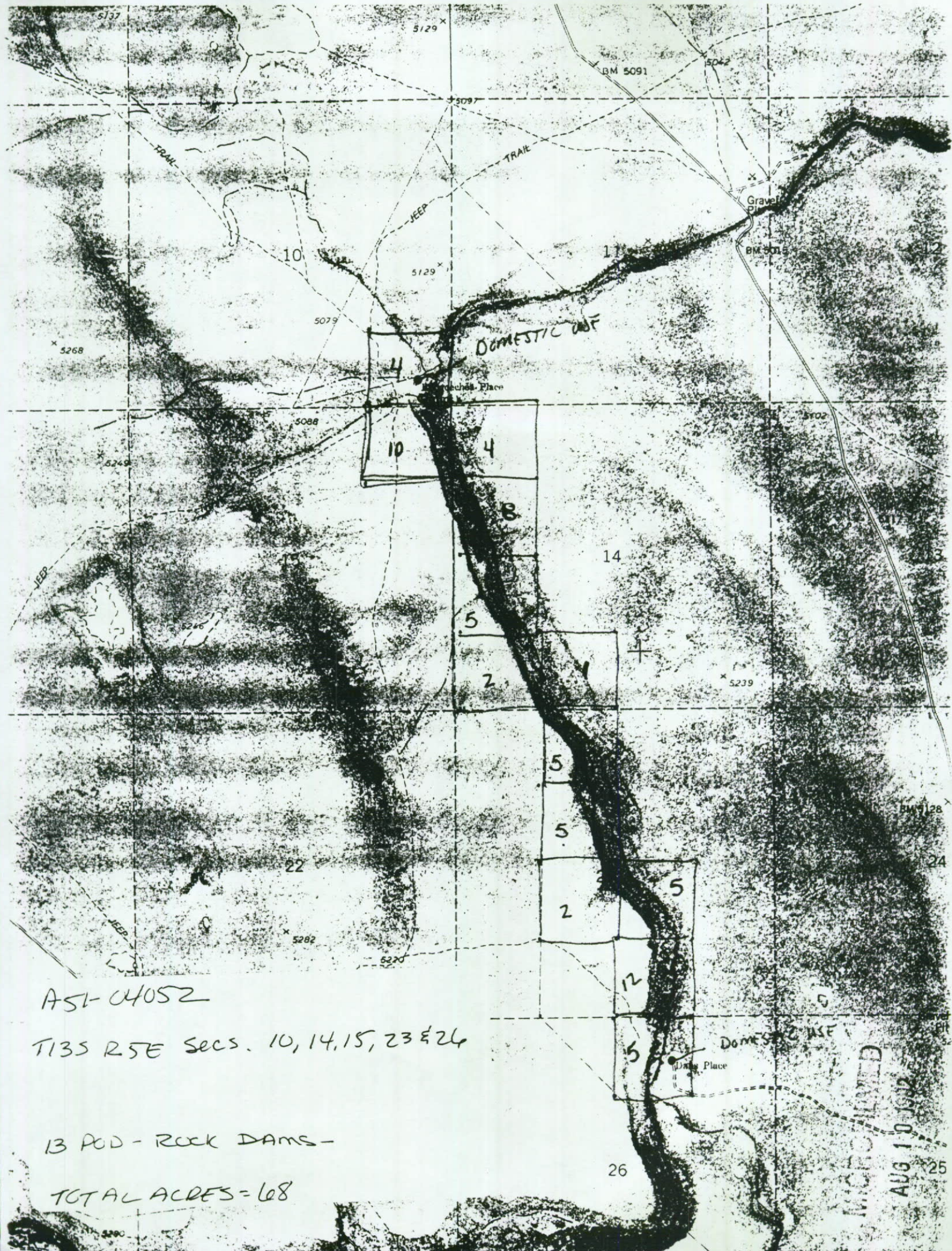




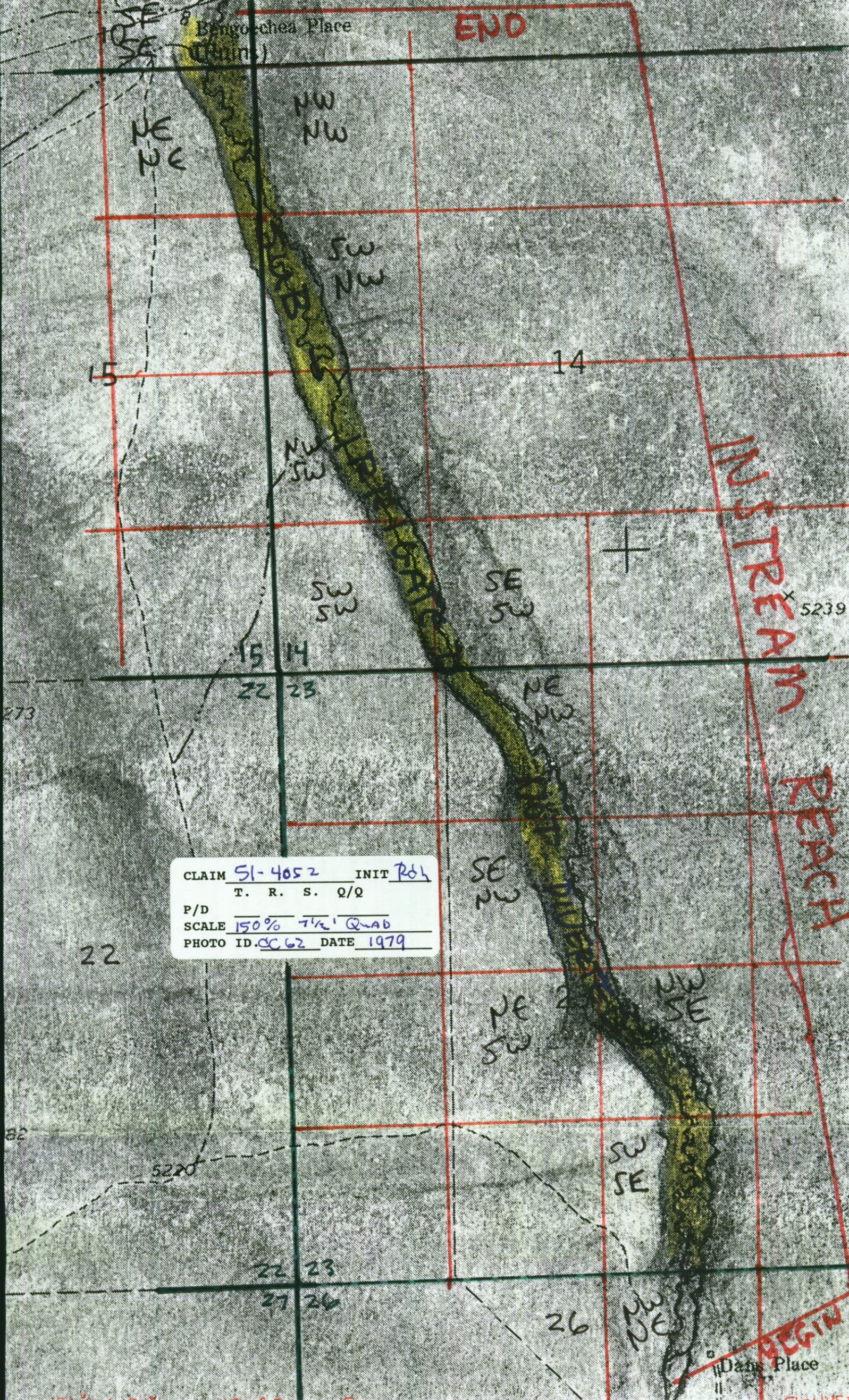
ASL-44052

T13S R5E Secs. 10, 14, 15, 23 & 24

13 POD - ROCK DAMS -

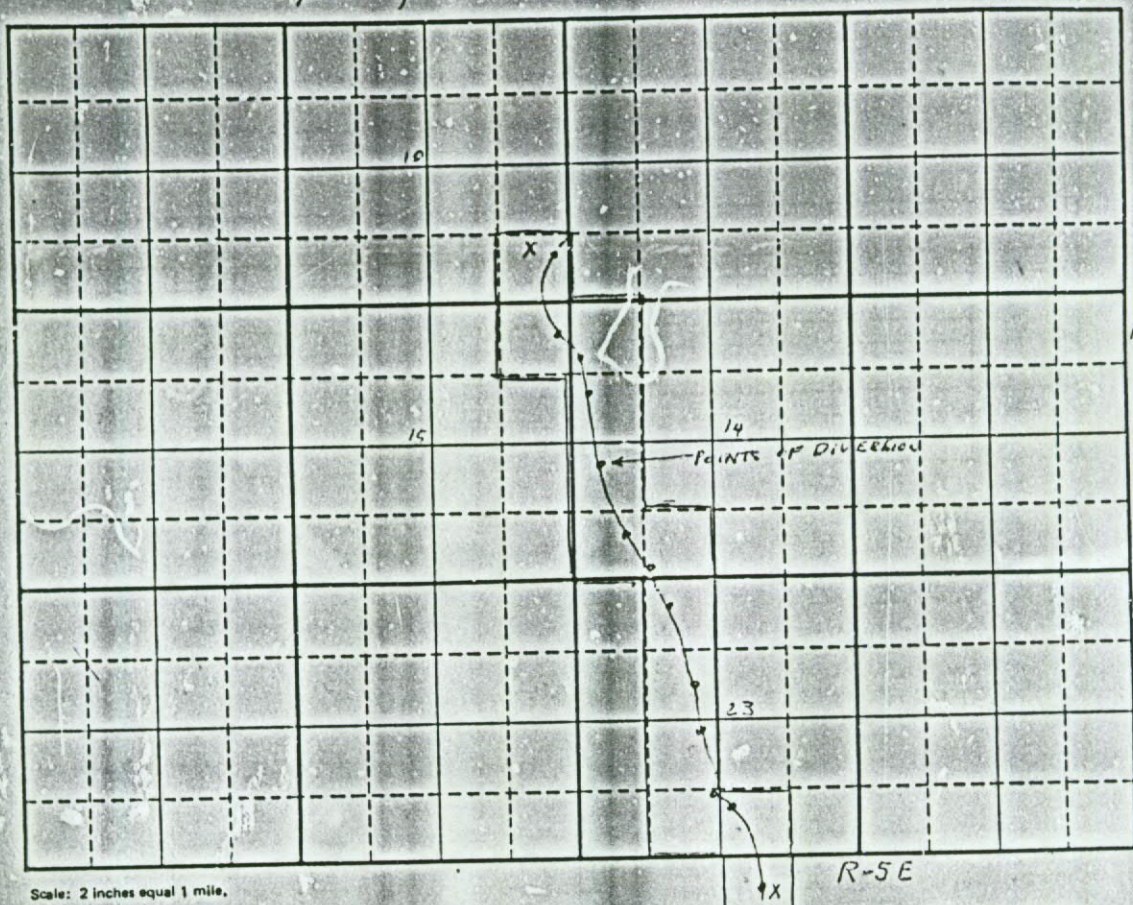
TOTAL ACRES = 68

RECORDED
AUG 10 1962



CLAIM 51-4052 INIT ROL
T. R. S. Q/Q
P/D
SCALE 150% 7 1/2" Quad
PHOTO ID. QC62 DATE 1979

(8) Remarks These irrigated lands lay along the creek channel mostly and have a layer of gravel or sand 2-3 feet below the surface. This adapts to sub-irrigation most satisfactorily.



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

26

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 26 day of January 1983.
William L. Tindall
(Claimant)
Nancy M. Anthony
Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by CHS Date 1/26/83 Exception filed by: _____ Date _____
Prelim. check by CHS Date 1/26/83 # 23199 Forwarded to claimant by: _____ Date _____
Published in Owyhee Nugget _____
Dates 2/16 & 3/3/83 _____

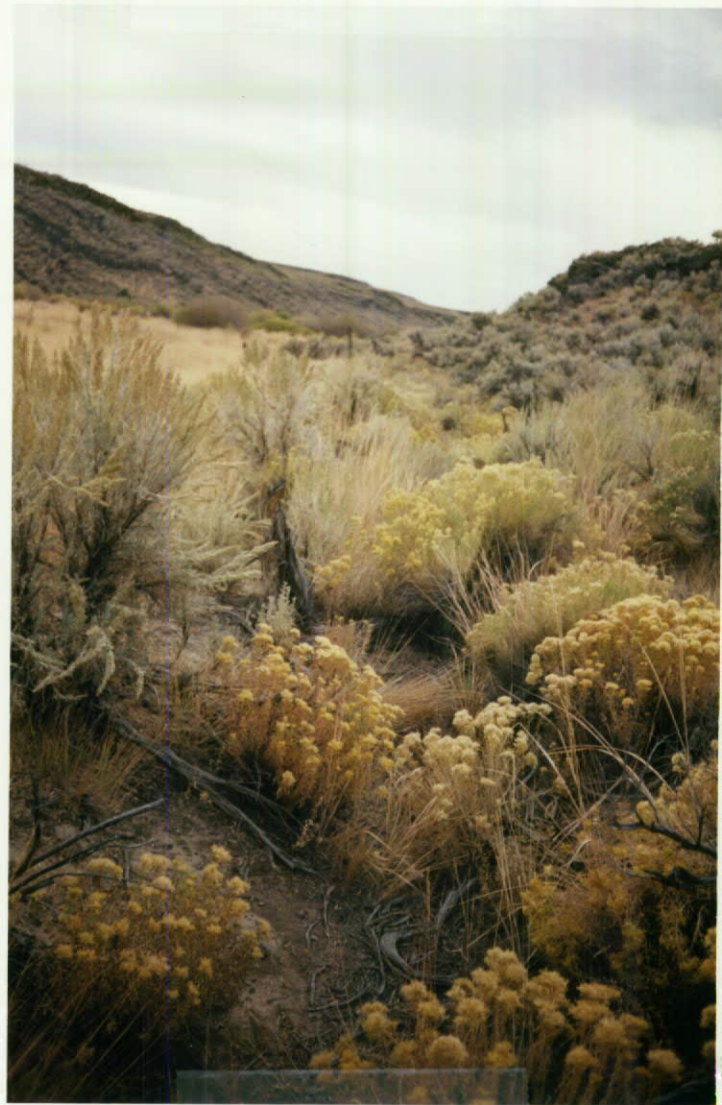
51-4052

PICTURE # 1

A51-04052

This an old abandoned ditch, no evidence of high water marks. Located in the NENE, S10, T13S, R5E.

10/5/93
Photos BY
RDH



PICTURE # 2

This is the Bangshear homestead, listed on map as Bengoechea Place, long abandoned, Bill Tindall admits that no water has been diverted for 10 to 20 years on this property. Located at North end of long field SESE, S10, T13S, R5E.



PICTURE # 3

A51-04052

Most P/D's consisted of rock dams in Mary's Creek that slowed the water up and sub-irrigated the land on both sides of the creek. Some ditches were long as shown in picture #1.

10/5/93
Photos By
RDH



PICTURE # 4

This is another place where evidence that the Creek was dammed-up to slow the water down to sub-irrigate the land. Both photo's 3 & 4 were taken near the Bengoechea place.



PICTURE # 5

A51-04052

Only natural sub-irrigation occurs now, no diversions exist, long washed out. Location of this photo is in the NENE, S15, T13S, R5E. Looking up-stream.



10/5/93
Photos By
RDH

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: A51-04052
Date Received: 12/08/1988
Receipt No: MO02113
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM I. TINDALL 208-759-3932
Address: GRASMERE RT.
BRUNEAU, ID 83604
2. Date of Priority: JAN 01, 1913
3. Source: MARYS CREEK Trib. to: BRUNEAU RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	05E	10		SE	SE		OWYHEE
		14		NW	NW		OWYHEE
				SW	NW		OWYHEE
				NW	SW		OWYHEE
				SW	SW		OWYHEE
				SE	SW		OWYHEE
		15		NE	NE		OWYHEE
		23		NE	NW		OWYHEE
				SE	NW		OWYHEE
				NE	SW		OWYHEE
				SE	SW		OWYHEE
				SW	SE		OWYHEE
		26		NW	NE		OWYHEE

5. Description of diverting works:
DAMS IN THE CREEK TO PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	06/15	1.000		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.020		

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

A51-04052

Page

1

A.F.A.

Date: 12/09/88

MICROFILMED

AUG 10 1992

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/500 RANGE_D/ TWO HOUSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	05E	10	SE	SE		IRR DOMEST	4.0
					Section Acres		4.0
		14	NW	NW		IRR	4.0
			SW	NW		IRR	8.0
			NW	SW		IRR	5.0
			SW	SW		IRR	2.0
			SE	SW		IRR	1.0
					Section Acres		20.0
		15	NE	NE		IRR	4.0
					Section Acres		4.0
		23	NE	NW		IRR	5.0
			SE	NW		IRR	5.0
			NE	SW		IRR	5.0
			SE	SW		IRR	1.0
			NW	SE		IRR	
			SW	SE		IRR	3.0
					Section Acres		19.0
		26	NW	NE		IRR	3.0
			NW	NE		DOMEST	
					Section Acres		3.0
					Total Acres		50.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:

A51-04052

Page 2

Date: 12/09/88

MICROFILMED
AUG 10 1992

15. Basis of Claim: STATUTORY CLAIM

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: 2

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): X William J. Sundall Date: 12-9-88

Date: _____

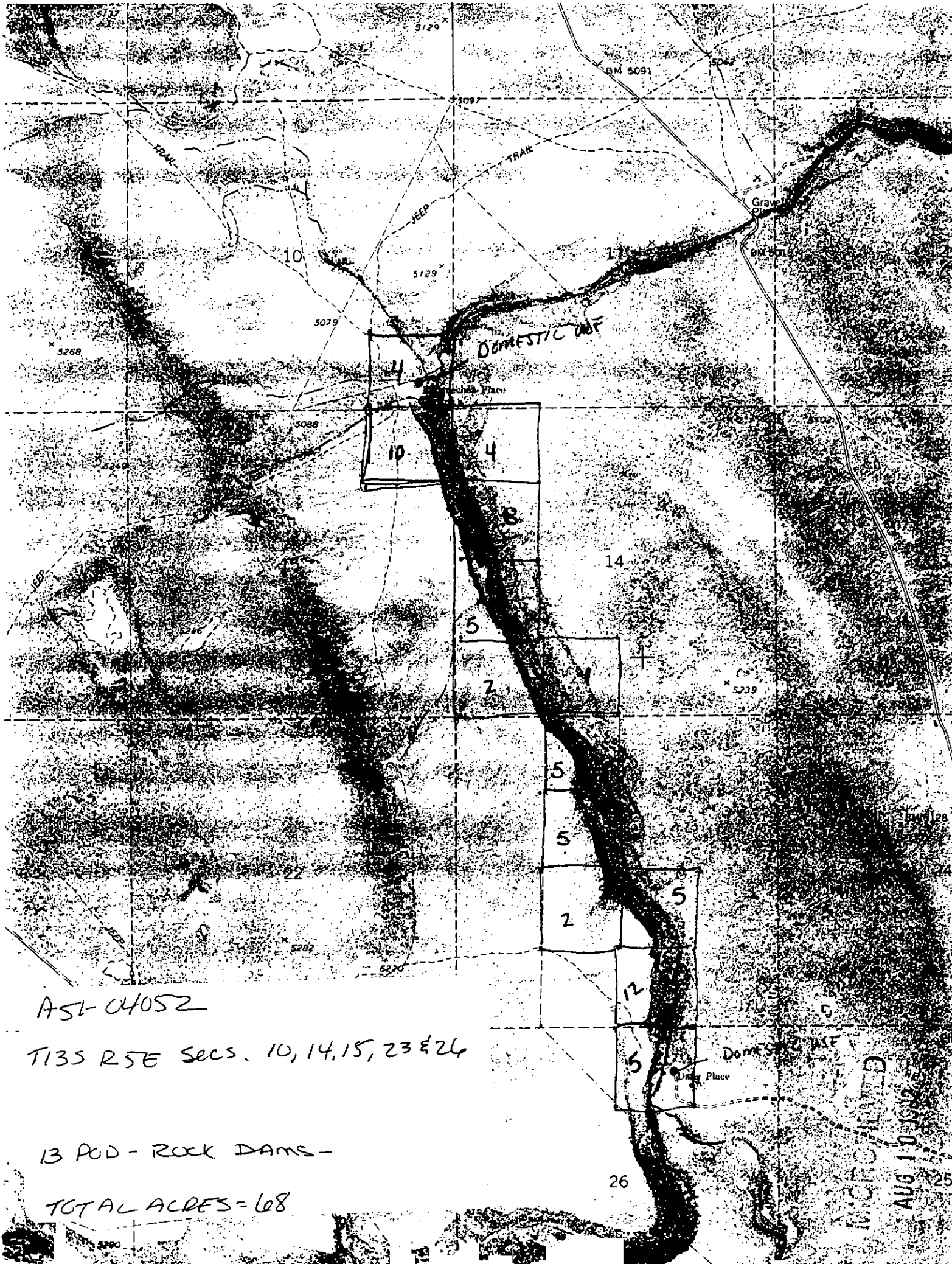
State of Idaho)
County of Owyhee) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of December 19 88

Anna Baumhoff
Notary Public

Seal

Residing at Base Idaho
My Commission Expires 12/7/1994



ASL-04052

T13S R5E Secs. 10, 14, 15, 23 & 26

13 POD - ROCK DAMS -

TOTAL ACRES = 68

RECORDED
AUG 10 1962



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 18, 1994

RECEIVED

AUG 23 1994

WILLIAM I TINDALL
HC 86 BOX 28
BRUNEAU ID 83604-9401

Re: Snake River Basin Adjudication (SRBA)
Notice(s) of Claim No. -- Please see attached list
Change of Address

Dear Claimant,

*all records changed 8-23-94
P. Shuman*

IDWR has been notified by the Bruneau post office the address presently in our claim records is incorrect. Although I have reached you at the address above, I need you to confirm this is your correct mailing address. Future notices related to your SRBA claim can be sent only to the address on your claim or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help to make sure you receive the future notices we intend to send to you that will keep you notified about SRBA matters.

If the ownership of the property to which this water right applies has changed, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

The address is correct as shown above or as otherwise changed.

William I. Tindall
Claimant Signature

RECEIVED

AUG 24 1994

WATER RESOURCES
WESTERN REGION

CLAIMANT	O WATER RIGHT C NUMBER	STG STA	PRIORITY DATE	SOURCES OF WATER	TRIBUTARIES OF
TINDALL, WILLIAM I.	~~C~~ A51-02130	P/	02/03/1961	LOUSE CREEK	SHEEP CREEK
TINDALL, WILLIAM I.	~~C~~ A51-02233	L/	10/01/1931	RATTLESNAKE CREEK	MARYS CREEK
TINDALL, WILLIAM I.	~~C~~ A51-10136	J/	05/15/1912	UNNAMED STREAM	BROKEN WAGON DRAW
TINDALL, WILLIAM I.	~~C~~ A51-10378	J/	10/01/1931	RATTLESNAKE CREEK	MARYS CREEK
TINDALL, WILLIAM I.	~~C~~ A51-00078	D/	09/26/1893	MARYS CREEK	BRUNEAU RIVER
TINDALL, WILLIAM I.	~~C~~ A51-00079	D/	12/14/1915	BULL CREEK, NORTH FORK ALDER PATCH CREEK	BULL CREEK BULL CREEK
TINDALL, WILLIAM I.	~~C~~ A51-00080	D/	11/26/1921	UNNAMED SPRINGS	BULL CREEK
TINDALL, WILLIAM I.	~~C~~ A51-00081A	D/	11/26/1921	TALL CORRAL CREEK	BULL CREEK
TINDALL, WILLIAM I.	~~C~~ A51-00082A	D/	11/26/1921	SPRING GULCH CREEK	BULL CREEK
TINDALL, WILLIAM I.	~~C~~ A51-00084	D/	04/01/1914	BULL CREEK	SHEEP CREEK
TINDALL, WILLIAM I.	~~C~~ A51-00085	D/	04/01/1914	BULL CREEK, EAST FORK	BULL CREEK
TINDALL, WILLIAM I.	~~C~~ A51-00086	D/	04/01/1914	BULL CREEK, WEST FORK	BULL CREEK
TINDALL, WILLIAM I.	~~C~~ A51-00087	D/	08/17/1911	MARYS CREEK	BRUNEAU RIVER
TINDALL, WILLIAM I.	~~C~~ A51-02012	L/	05/21/1909	UNNAMED STREAM	BROKEN WAGON DRAW
TINDALL, WILLIAM I.	~~C~~ A51-02013	L/	01/09/1919	LOUSE CREEK	SHEEP CREEK
TINDALL, WILLIAM I.	~~C~~ A51-02053	L/	12/04/1915	BULL CREEK, WEST FORK UNNAMED STREAM UNNAMED STREAM	BULL CREEK BRUNEAU RIVER BULL CREEK
TINDALL, WILLIAM I.	~~C~~ A51-02081	L/	05/26/1926	BULL CREEK	BRUNEAU RIVER
TINDALL, WILLIAM I.	~~C~~ A51-02082	L/	11/26/1921	BULL CREEK, EAST FORK	BULL CREEK
TINDALL, WILLIAM I.	~~C~~ A51-02083	L/	11/26/1921	BULL CREEK, EAST FORK TALL CORRAL CREEK SPRINGS	BULL CREEK BULL CREEK BULL CREEK
TINDALL, WILLIAM I.	~~C~~ A51-02084	L/	11/26/1921	UNNAMED STREAM	BULL CREEK
TINDALL, WILLIAM I.	~~C~~ A51-02101	L/	08/20/1943	BULL CREEK, WEST FORK	BULL CREEK
TINDALL, WILLIAM I.	~~C~~ A51-02239	L/	01/22/1948	RATTLESNAKE CREEK	BRUNEAU RIVER
TINDALL, WILLIAM I.	~~C~~ A51-02240	L/	01/16/1951	BULL CREEK, WEST FORK	BRUNEAU RIVER
TINDALL, WILLIAM I.	~~C~~ A51-04052	S/	01/01/1913	MARYS CREEK	BRUNEAU RIVER

6 R →

CLAIMANT	O C	WATER RIGHT NUMBER	STG STA	PRIORITY DATE	SOURCES OF WATER	TRIBUTARIES OF
TINDALL, WILLIAM I.	~~C~~	A51-04053	S/	09/26/1893	MARYS CREEK	BRUNEAU RIVER
TINDALL, WILLIAM I.	~~C~~	A51-04054	S/	04/12/1920	CHINA CREEK SPRINGS	LOUSE CREEK CHINA CREEK
TINDALL, WILLIAM I.	~~C~~	A51-10116	J/	01/01/1913	SPRINGS	SHEEP CREEK
TINDALL, WILLIAM I.	~~C~~	A51-10117	J/	05/21/1909	SPRINGS	SINK, HARRIS LAKE
TINDALL, WILLIAM I.	~~C~~	A51-10128	J/	01/01/1914	SPRINGS	BULL CREEK, WEST FORK
TINDALL, WILLIAM I.	~~C~~	A51-10129	J/	01/01/1943	SPRING	BULL CREEK, WEST FORK

Water Right Number - 51-04052 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - + - - - - - +

*** C - CURRENT OWNER ***
TINDALL

WILLIAM I.

1 - GRASMERE RT. BOX 28

2 -

3 -

City- BRUNEAU

Phone -

State- ID Zip- 83604

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/01/1913 14 S - STATUTORY CLAIM

+ - - Source - - - - - + + - - Tributary - - - - - + + - - BRUNEAU RIVER

+ - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) + - - - - +

Twn	Rng	Sec	Tract	Lot	Rfig	County	Point of Diversion	Stream Index (Blank if no Index Code)
13S	05E	10	SE SE			(73)	OWYHEE	
13S	05E	14	NW NW			(73)	OWYHEE	
13S	05E	14	SW NW			(73)	OWYHEE	
13S	05E	14	NW SW			(73)	OWYHEE	
13S	05E	14	SW SW			(73)	OWYHEE	
13S	05E	14	SE SW			(73)	OWYHEE	
13S	05E	15	NE NE			(73)	OWYHEE	
13S	05E	23	NE NW			(73)	OWYHEE	
13S	05E	23	SE NW			(73)	OWYHEE	
13S	05E	23	NE SW			(73)	OWYHEE	
13S	05E	23	SE SW			(73)	OWYHEE	
13S	05E	23	SW SE			(73)	OWYHEE	
13S	05E	26	NW NE			(73)	OWYHEE	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/15	06/15		1.000	
04 - STOCKWATER		01/01	12/31		0.020	
43 - DOMESTIC		01/01	12/31		0.020	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.040

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
13S	05E	10	SE SE		4.0	01	IRRIGATION	(73) OWYHEE	
13S	05E	14	NW NW		4.0	01	IRRIGATION	(73) OWYHEE	
13S	05E	14	SW NW		8.0	01	IRRIGATION	(73) OWYHEE	
13S	05E	14	NW SW		5.0	01	IRRIGATION	(73) OWYHEE	
13S	05E	14	SW SW		2.0	01	IRRIGATION	(73) OWYHEE	
13S	05E	14	SE SW		1.0	01	IRRIGATION	(73) OWYHEE	
13S	05E	15	NE NE		4.0	01	IRRIGATION	(73) OWYHEE	
13S	05E	23	NE NW		5.0	01	IRRIGATION	(73) OWYHEE	

MICROFILMED

NWSE

AUG 10 1992

RECEIVED
APR 01 1999
Department of Water Resources

RECEIVED
APR 06 1999
WATER RESOURCES
WESTERN REGION

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

In Re SRBA

Case No. 39576

A. Subcase 51-04052

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494

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

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

Name: William I. Tindall

Address: HC 86 Box 28 Bruneau, ID. 83604-9401

Name:

Address:

Name:

Address:

Name:

Address:

NOTE TO REVIEWER:

RECOMMENDATION WAS
OK BY LOCATION.

THE NWSE OBJECTED
TO CAN BE CONSIDERED
TO BE BLM AS SHOWN,

Rel
7/APR/99

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: See attached
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: See attached

11. I object because:

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

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant does not have a valid water right with the elements claimed.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Fredric W. Price, Water Rights Specialist, 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.

Fredric W. Price
(Signature of person filing objection)

Kary C. Brown
(Attorney signing in representative capacity)

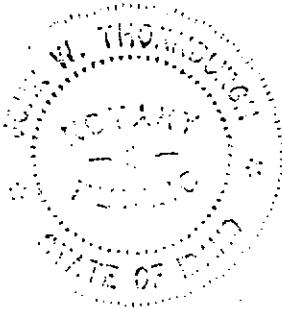
Subscribed and sworn to before me on: Jan. 29, 1999

John W. Thornburgh

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 05-16-2003



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 MAR 31 1999, 1999, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Name: William I. Tindall
Address: HC 86 Box 28 Bruneau, ID. 83604-9401
Name:
Address:
Name:
Address:
Name:
Address:

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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-20-1998
PAGE: A-759-----
RIGHTS FROM: SOURCE: MARYS CREEK TRIBUTARY: SHEEP CREEK

RIGHT NUMBER: 51-04052

NAME & ADDRESS: WILLIAM I TINDALL
HC 96 BOX 28
BRUNEAU ID 83604-9401

SOURCE: MARYS CREEK TRIBUTARY: SHEEP CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1913

POINT OF DIVERSION: T13S R05E S26 NWNE ✓ (INSTREAM BEGINNING POINT) Within Owyhee County
S10 SESE ✓ (INSTREAM ENDING POINT)

PURPOSE AND PERIOD OF USE: PURPOSE OF USE STOCKWATER PERIOD OF USE 01-01 12-31 QUANTITY 0.02 CFS

PLACE OF USE: STOCKWATER Within Owyhee County
T13S R05E S10 SESE ✓
S14 NWNW ✓ SWNW ✓ NWSW ✓ SWSW
S15 NESW ✓
S23 SENW ✓ NESW ✓ SESW ✓
NWSE BLM SWSE ✓
NWNE ✓

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCKWATER, 500 RANGE CATTLE

RECEIVED
DEC 9 1999
Department of Water Resources

1999 DEC -7 AM 11: 52
DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO

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

In Re SRBA	)	Subcase 51-04052
	)	
Case No. 39576	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

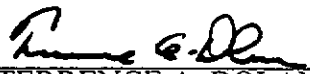
William I. Tindall, HC 86, Box 28, Bruneau, Idaho 83604-9401, filed a *Notice of Claim to a Water Right* on December 8, 1988, claiming 1.04 cfs from Marys Creek for irrigation of 50 acres from April 15 to June 15 and for year 'round domestic and stockwater uses with a priority date of January 1, 1913, based on beneficial use. On November 24, 1998, the Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation and Other Uses, Reporting Area 6, Volume One (IDWR Basin 51)*, recommending the claim for .02 cfs for year 'round stockwater use.

The United States of America, Department of Interior, Bureau of Land Management, filed an *Objection* on March 31, 1999, objecting to priority date and place of use. On November 16, 1999, Mr. Tindall, the United States and IDWR filed a *Standard Form 5*.

Conclusions of Law

Mr. Tindall is entitled to a partial decree adjudicating a water right under claim 51-04052 as described in the *Standard Form 5* and the *Special Master's Recommendation for Partial Decree for Water Right 51-04052*.

DATED December 6, 1999.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

RECEIVED

DEC 9 1999

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

Department of Water Resources

In Re SRBA)
)
Case No. 39576)
)

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

Water Right 51-04052

1999 DEC -7 AM 11:52

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED *[Signature]*

NAME AND ADDRESS: WILLIAM I TINDALL
HC 76 BOX 28
BRUNEAU, ID 83604-9401

SOURCE: MARYS CREEK TRIBUTARY: SHEEP CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1913

POINT OF DIVERSION:	T13S R05E S10	NESESE	(Instream Ending Point)	Within Owyhee County
	S23	SWSWNE	(Instream Beginning Point)	
		NESWSE	(Instream Ending Point)	
	S26	SWNWNE	(Instream Beginning Point)	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Owyhee County
	T13S R05E S10	SESE
	S14	NWNW
		NWSW
		SESW
	S15	NENE
	S23	NENW
		SWSE
	S26	NWNE
		SENW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

DEC 6 1999

[Signature]
SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 51-04052

PAGE 1
Dec-03-1999

RECEIVED
DEC 9 1999
Department of Water Resources

1999 DEC -7 AM 11: 52

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): 51-04052

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 07, 1999, with sufficient first-class postage prepaid to the following:

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

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

WILLIAM I TINDALL
HC 76 BOX 28
BRUNEAU, ID 83604-9401
Phone: 208-759-3932

CERTIFICATE OF MAILING


DEBBIE LASH
Deputy Clerk

PAGE 1
12/07/99

RECEIVED

DEC 9 1999

Department of Water Resources

1999 DEC -7 AM 11: 52

DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO

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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

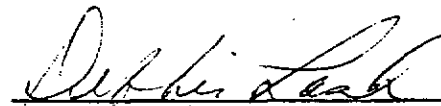
Water Right(s): 51-04052

On December 07, 1999, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED December 07, 1999.


DEBBIE LASH
Deputy Clerk

AJ0749NP
No. R51-04052

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/29/98
PAGE: 1

OWNER CODE NAME & ADDRESS
C WILLIAM I TINDALL
HC 86 BOX 28
BRUNEAU ID 836049401
(208) 759-3932

PRIORITY DATE 01/01/1913 STOCKWATER

WATER USE

USE PERIOD FROM 01-01 TO 12-31

DIVERSION RATE 0.02 CFS

DIVERSION VOLUME

TOTAL DIVERSION: 0.02 CFS

Water Source: MARYS CREEK Tributary to: SHEEP CREEK Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T13S R05E S26
Point(s) of Ending Stream Reach: T13S R05E S10

OWYHEE County
OWYHEE County

Place of use Legal Description for: STOCKWATER

				NE		NW				SW				SE												
		NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESE		NWESE		SWESE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
13S	05E	10	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
13S	05E	14	:	:	:	:	S	S	:	:	:	:	:	S	S	:	:	:	:	:	:	:	:	:	:	:
13S	05E	15	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
13S	05E	23	:	:	:	:	S	:	:	:	:	:	S	:	:	:	S	:	:	:	S	:	:	S	:	:
13S	05E	26	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	BLM	:

POU County: OWYHEE

Conditions of Approval:
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP STOCKWATER, 500 RANGE CATTLE

Dates: Exam Made Date: 10/05/1993 Verified Date: 06/29/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A51-04052

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	<u>Y</u>	<u>Rsh 10/5/93</u>	<u>5</u>	<u>2</u>	<u>2</u>		
PT. OF DIV.				<u>7</u>			
SOURCE				<u>2</u>			
PL. OF USE				<u>2</u>			
DIV. AMOUNT CFS/AF				<u>7</u>			
CONSUMPTIVE USE				<u>NA</u>			
NATURE OF USE				<u>Y</u>			
PERIOD OF USE				<u>2</u>			
BASIS OF CLAIM				<u>Y</u>			
REMARKS							

DATA ENTRY COMPLETED
BY _____ DATE _____

FINAL RECOMMENDATION
BY _____ DATE _____

VERIFICATION CODES

TOPO MAP/ORTHO PHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE COMMENTS) = 6

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: NO-DIVERSIONS, ABANDONED 10/2/93, USE FOUND ONLY SUB-IRRIGATION FROM CREEK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:34:55
10/01/93

PAGE: 1
GENERAL INFORMATION

28
CLAIM NUMBER: A51-04052

LAST: TINDALL
ADDRESS: GRASHERE RT.
CITY: BRUNEAU
PHONE NUMBER: 208-759-3932

FIRST: WILLIAM I.

STATE: ID ZIP: 83604

OWNER CODE: C

FIELD EXAM REQUIRED?

FIELD
EXAMINER

DATABASE
N

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

FIELD EXAMINATION INFORMATION

CONTACT PERSON: BILL TINDALL PHONE NUMBER: () - -
DATE OF FIELD EXAM: 10/5/93 APPOINTMENT MADE: Y(X) N() TIME: - : - A() P()
ACCOMPANIED BY: ABOVE PHONE NUMBER: () - -
RELATIONSHIP TO CLAIMANT: OWNER

DIRECTIONS TO PROPERTY / NOTES:

SEE ORTHO IN FILE - CC-62

A. AJ CLAIM: # A51-04052 PRIORITY DATE: 01-01-1913 STAGE: S / 5
B. WR RECORD: # 51-04052 PRIORITY DATE: 01-01-1913 STAGE: S / 5

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y () N (X)

NOTES:

RECOMMENDED PRIORITY DATE:
01-01-1913
REVIEWED BY PSH DATE 6/29/98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A51-04052	13S	05E	10	SE	SE	SE		OHYHEE
A51-04052	13S	05E	14	NW	NW	NW		OHYHEE
A51-04052	13S	05E	14	SW	SW	SW		OHYHEE
A51-04052	13S	05E	14	NW	NW	SW		OHYHEE
A51-04052	13S	05E	14	SW	SW	SW		OHYHEE
A51-04052	13S	05E	14	SE	SE	SW		OHYHEE
A51-04052	13S	05E	15	NE	NE	NE		OHYHEE
A51-04052	13S	05E	23	NE	NE	NW		OHYHEE
A51-04052	13S	05E	23	SE	SE	NW		OHYHEE
A51-04052	13S	05E	23	NE	NE	SW		OHYHEE
A51-04052	13S	05E	23	SE	SE	SW		OHYHEE
A51-04052	13S	05E	23	SW	SW	SE		OHYHEE
A51-04052	13S	05E	26	NW	NW	NE		OHYHEE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX
R PREFIX
NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: MARYS CREEK

TRIB: BRUNEAU RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
51-04052	13S	05E	26	NW	NW	NE		OHYHEE
51-04052	13S	05E	23	SW	SW	SE		OHYHEE
51-04052	13S	05E	14	SE	SE	SW		OHYHEE
51-04052	13S	05E	14	NW	NW	NW		OHYHEE
51-04052	13S	05E	14	SW	SW	NW		OHYHEE
51-04052	13S	05E	14	NW	NW	SW		OHYHEE
51-04052	13S	05E	14	SW	SW	SW		OHYHEE
51-04052	13S	05E	15	NE	NE	NE		OHYHEE
51-04052	13S	05E	10	SE	SE	SE		OHYHEE
51-04052	13S	05E	23	NE	NE	NW		OHYHEE
51-04052	13S	05E	23	SE	SE	NW		OHYHEE
51-04052	13S	05E	23	NE	NE	SW		OHYHEE
51-04052	13S	05E	23	SE	SE	SW		OHYHEE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX
R PREFIX

NONE

NONE

NONE

SOURCE: MARYS CREEK ✓

TRIB: BRUNEAU RIVER

SHEEP CREEK

C. FIELD EXAM REQUIRED?

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

FIELD EXAMINER Rdw

NOTES:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	LOT	COUNTY	DIVERSION NAME
13S	5E	26	NW	NE		OWY	BEGIN POINT
13S	5E	10	SE	SE		OWY	END POINT

SOURCE: MARYS CREEK

TRIB: BRUNEAU RIVER SHEEP CREEK

REVIEWED BY: Rdw DATE: 6/29/98

SYSTEM DESCRIPTION:

A. ROOT WATER RIGHT NUMBERS: A51-04052

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
13S	05E	10	SE	SE		TINDALL, WILLIAM I.	A51-04052 / 4.0	51-04052 /			5
13S	05E	10	SE	SE		TINDALL, WILLIAM I.	A51-04052 /	51-04052 /			1
13S	05E	14	NW	NW		TINDALL, WILLIAM I.	A51-04052 / 4.0	51-04052 / 4.0			5
13S	05E	14	SW	NW		TINDALL, WILLIAM I.	A51-04052 / 8.0	51-04052 / 8.0			5
13S	05E	14	NW	SW		TINDALL, WILLIAM I.	A51-04052 / 5.0	51-04052 / 5.0			5
13S	05E	14	SW	SW		TINDALL, WILLIAM I.	A51-04052 / 2.0	51-04052 / 2.0			5
13S	05E	14	SE	SW		TINDALL, WILLIAM I.	A51-04052 / 1.0	51-04052 / 1.0			5
13S	05E	15	NE	NE		TINDALL, WILLIAM I.	A51-04052 / 4.0	51-04052 / 4.0			5
13S	05E	23	NE	NW		TINDALL, WILLIAM I.	A51-04052 / 5.0	51-04052 / 5.0			5
13S	05E	23	SE	NW		TINDALL, WILLIAM I.	A51-04052 / 5.0	51-04052 / 5.0			5
13S	05E	23	NE	SW		TINDALL, WILLIAM I.	A51-04052 / 5.0	51-04052 / 5.0			5
13S	05E	23	SE	SW		TINDALL, WILLIAM I.	A51-04052 / 1.0	51-04052 / 1.0			5
13S	05E	23	NW	SE		TINDALL, WILLIAM I.	A51-04052 /	- /			5
13S	05E	23	NW	SE		US DEPT OF INTERIOR	A51-10676 /	- /			5
13S	05E	23	SW	SE		TINDALL, WILLIAM I.	A51-04052 / 3.0	51-04052 / 3.0			5
13S	05E	26	NW	NE		TINDALL, WILLIAM I.	A51-04052 / 3.0	51-04052 /			5
13S	05E	26	NW	NE		TINDALL, WILLIAM I.	A51-04052 /	51-04052 /			5
TOTAL ACRES							A51-04052	50.00	43.00		

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(X)

IF YES SEE ATTACHED SHEET:

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

SE
SE

Bengochea Place
(mine)

END

NE
NE

NW
NW

SW
NW

15

14

NW
SW

SW
SW

SE
SW

15 14
22 23

NE
NW

UPSTREAM REACH

5239

CLAIM 51-4052 INIT ROL
T. R. S. Q/Q
P/D
SCALE 150% 7 1/4" Q-AD
PHOTO ID CC 62 DATE 1979

22

SE
NW

NE
SW

NW
SE

SW
SE

22 23
27 26

26

NW
NE

Bengochea Place

51-4052

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

(Name of Claimant)

(Name of Claimant) Sharon R. Boxer (Mailing Address) Bruneau, Ida. (Zip Code) 83604 Telephone No. 759-3432

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1913

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
Quantity	Use	Period of Use From	(Mo., Day)	To	(Mo., Day)
Quantity <u>10 CFS</u>	Use <u>IRRIGATION</u>	Period of Use From	<u>4-15</u>	To	<u>6-15</u>
Quantity <u>02 CFS</u>	Use <u>DOMESTIC</u>	Period of Use From	<u>1-1</u>	To	<u>12-31</u>
Quantity <u>02 CFS</u>	Use <u>STOCK WATER</u>	Period of Use From	<u>1-1</u>	To	<u>12-31</u>
Quantity _____	Use _____	Period of Use From	_____	To	_____
Quantity _____	Use _____	Period of Use From	_____	To	_____

- (4) 1.04 TOTAL QUANTITY USED.
(Ch, gpd, AFA)

- (5) (A) Point of diversion: (Location of point where water is diverted from its source)

NW ¼ NE ¼, Sec. 26 Twp. 7-13S Rge. 5E B.M., County of Cherokee

[illegible]

- NE, Sec 15, SE 1/4 SE 1/4, Sec. 10 T-13 S R-5 E - NW 1/4, SE 1/4, NE 1/4, SE 1/4, Sec. 2

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. *Points of diversion are rock and earth dams used*

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 50

- 3) If water is used for other than irrigation, fully describe that use, being as specific as possible: Limit to the
watering in neighborhood along the creek at any time
of the year in any or all of the tracts listed
above.

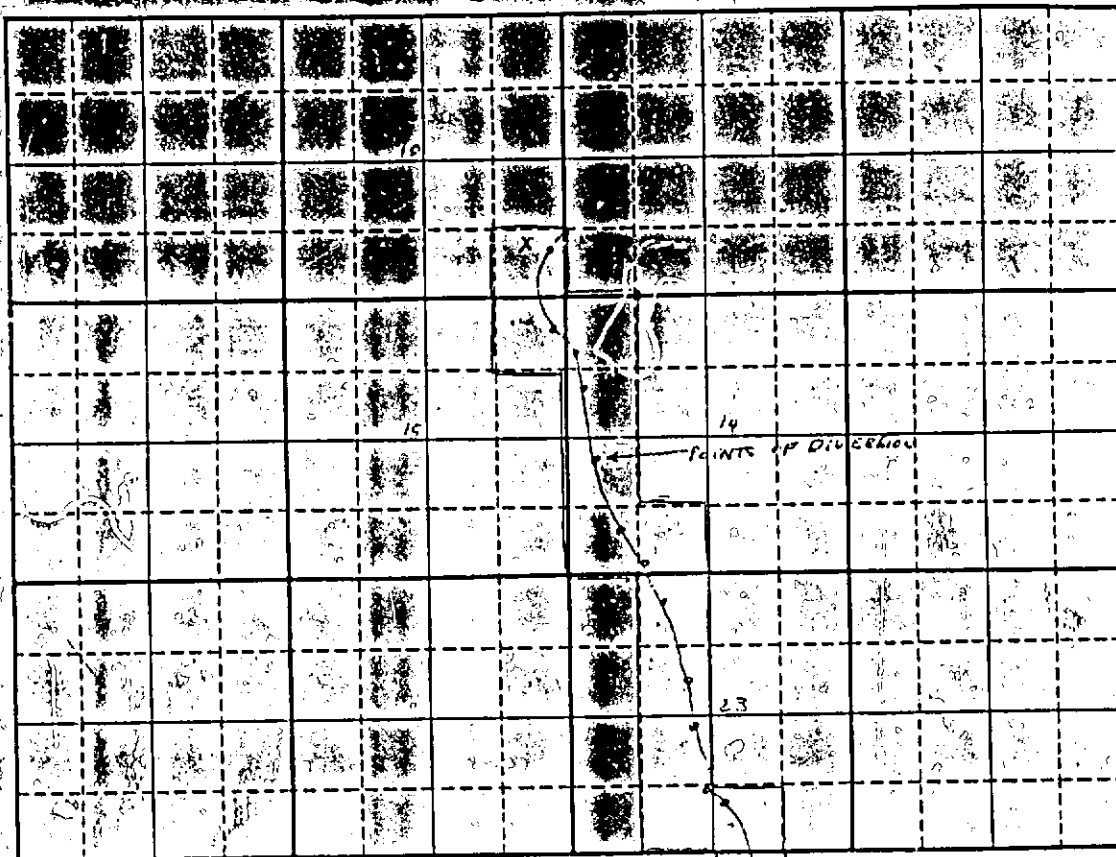
NOTE: Include here the type and number of stock watered: 1 - 300 cattle w/ 2 horses

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8)

Remarks

These irrigated lands along the creek channel
are mostly and have a layer of gravel on surface - 2 feet
below the surface. This is due to sand irrigation
is not satisfactory.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

26

State of Idaho

County of

Ada

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

William D. Tindall
(Claimant)

Sworn to before me this 26 day of January, 1983.

Nancy M. Anthony
Notary Public
Residing at Bon

My commission expires

Life

FOR DEPARTMENT USE ONLY

Received by ahs Date 1/26/83 Exception filed by: _____ Date _____
Prelim. check by _____ Date _____
\$20.00 fee received by ahs Date 1/26/83 # 23199
Published in Owyhee Nugget
Dates 2/14 & 3/3/83

51-4052

PRESUMPTION FLAG:

NOTES:

• ALL LANDS WERE SUB-IRRIGATED, NO DIVERSIONS PRESENT.
ABANDONED IRRIGATION. CLAIMANT ADMITTED THAT THESE
LANDS HADN'T BEEN IRRIGATED FOR 10-20 YEARS.

- NO DOMESTIC DIVERSIONS
- RECOMMEND INSTREAM STOCK

RECOMMENDATIONS:

TOTAL ACRES: 0

REVIEWED BY: REN

DATE: 6/29/98

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY		DIVERSION QUANTITY
	FROM	TO	
A51-04052 IRRIGATION	04-15	06-15	1.000 CFS
A51-04052 STOCKWATER	01-01	12-31	.020 CFS
A51-04052 DOMESTIC	01-01	12-31	.020 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED			1.040 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY		DIVERSION QUANTITY
	FROM	TO	
51-04052 IRRIGATION	04-15	06-15	1.000 CFS
51-04052 STOCKWATER	01-01	12-31	.020 CFS
51-04052 DOMESTIC	01-01	12-31	.020 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED			1.040 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N(☐)
Y(☐) N(☐) Explain in notes, below.

NOTES:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y (X) N ()

AJ TOTAL CLAIMED DIVERSION RATE: 1.040 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.040 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in notes. **

FLOW MEASUREMENT REQUIRED?

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

B. MEASUREMENT METHOD NA FLOW MEASUREMENT, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POJ AND IRRIGATION USAGE

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A51-04052	STOCKWATER	TINDALL, WILLIAM I.	FROM 01-01 TO 12-31	.020 CFS	
A51-04052	DOMESTIC	TINDALL, WILLIAM I.	FROM 01-01 TO 12-31	.020 CFS	
A51-10676	STOCKWATER	US DEPT OF INTERIOR	FROM 01-01 TO 12-31	.260 CFS	
A51-10676	WILDLIFE	US DEPT OF INTERIOR	FROM 01-01 TO 12-31	.020 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 100.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

NOTES: (Include limitations on CONSUMPTIVE USE for combined rights.)

Upstream SJK

N11, N13 CONDITIONS

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
IRIGATION	04-15 06-15	1.000		100.0
STOCKWATER	01-01 12-31	0.020		
DOMESTIC	01-01 12-31	0.020		

TOTAL FOR THIS RIGHT

1.040 .02

REVIEWED BY:

Rch

DATE:

04/29/98

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED AS CLAIMED ☒ () ()
NEEDS REVIEW () () ()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 51-04052

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 1.040

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A51-04052	1.040	-		51-04052	1.040
TOTAL CFS		1.040				1.040

DIVERSION RATE REVIEW

FIELD EXAMINER

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE Y

NOTES:

AUTHENTICATOR: Ron Howerton DATE: 6/29/98
SIGNATURE: Ron Howerton TITLE: SR wa Agent
NAME OF FIELD EXAMINER: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:34:55
10/01/93

PAGE: 12
QUICKLOOK INFORMATION

39
CLAIM NUMBER: A51-04052

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS								

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:59:41
10/01/93
41

CLAIM NUMBER: A51-04052

PAGE: 14
PROFILE REPORT CONTINUED

Dates:	Exam Made Date:	Verified Date:	01/13/1986
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
A51-04052	WILLIAM I. TINDALL GRASMERE RT. BRUNEAU ID 83604	01/01/1913	IRRIGATION STOCKWATER DOMESTIC	04-15 06-15 01-01 12-31 01-01 12-31	1.00 CFS 0.02 CFS 0.02 CFS 1.04 CFS TOTAL 0.00 APA TOTAL	STATUTORY CLAIM

TRIBUTARY: BRUNEAU RIVER

SOURCE: MARYS CREEK
OTHER RIGHTS: NONE
CONDITIONS OF APPROVAL:

REMARKS:

POINT OF DIVERSION:

T13S R05E S10
S14
SESE
NWNW
SNNW
NWSW
SWSW
SESW
NENE
NENW
SENW
NESW
SESW
SWSE
NWNW

PLACE OF USE: IRRIGATION
T13S R05E S10
S14
S15
S23
S26
50.0 ACRES TOTAL

SESE 4.0
NWNW 4.0
NENE 4.0
NENW 5.0
SWSE 3.0
NWNW 3.0
SNNW 8.0
NWSW 5.0
SENW 5.0
NESW 5.0
SESW 1.0
NWSE

PLACE OF USE: STOCKWATER
SAME AS OTHER USE

PLACE OF USE: DOMESTIC
T13S R05E S10
S26

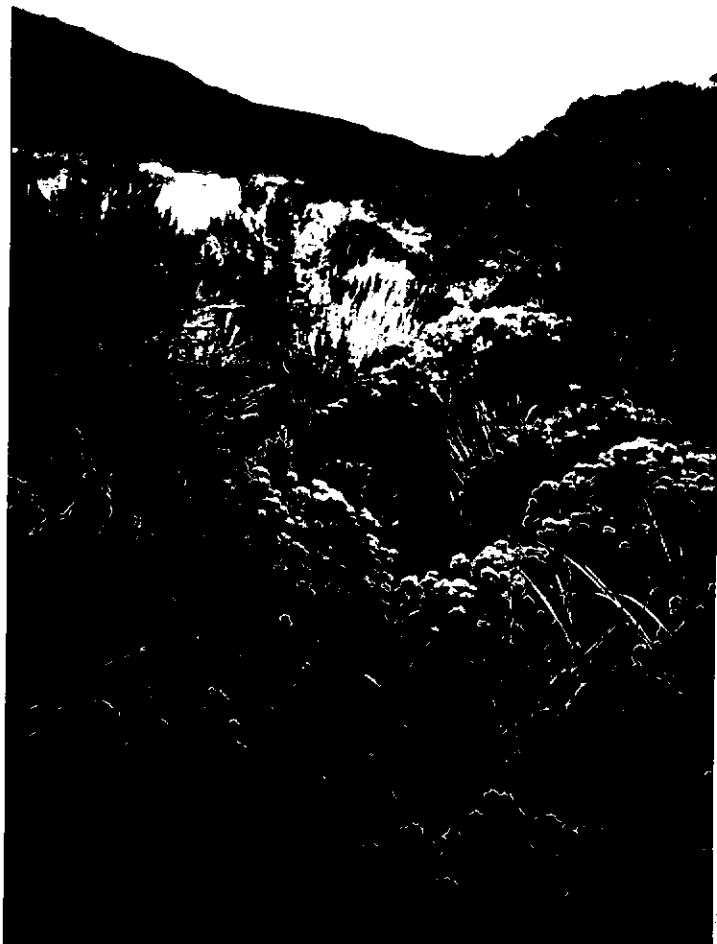
SESE
NWNW

PICTURE # 1

A51-04052

This an old abandoned ditch, no
evidence of high water marks.
Located in the NENE, S10, T13S, R5E.

10/5/93
Photos BY
RDH



PICTURE # 2

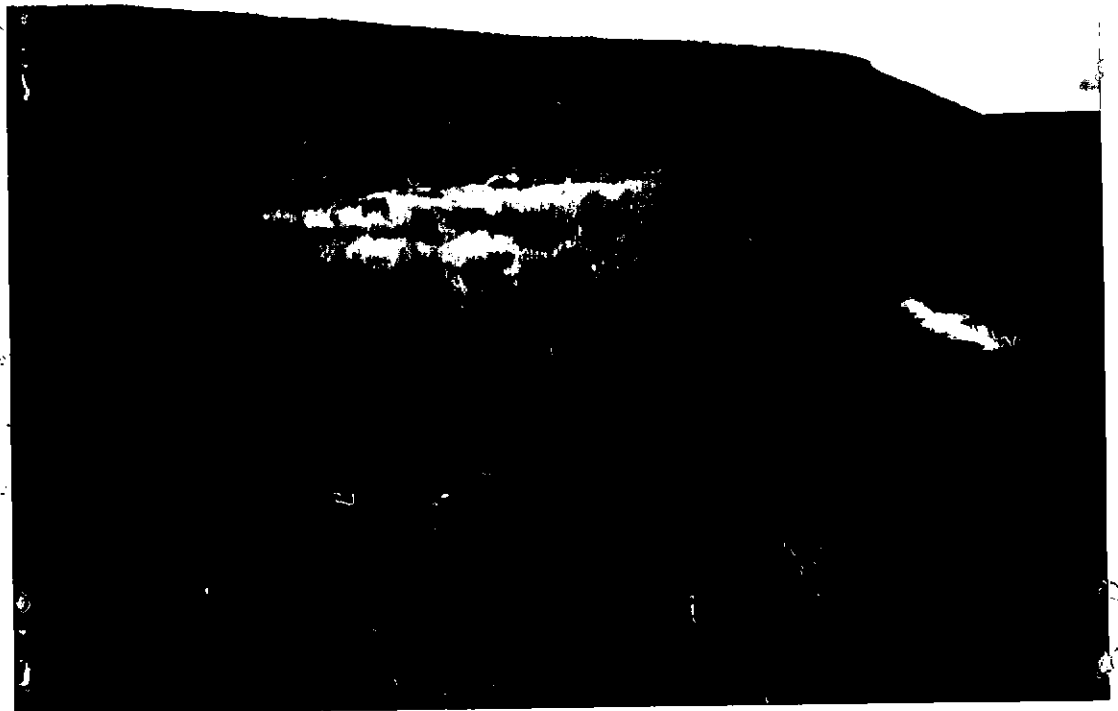
This is the Bangshear homestead,
listed on map as Bengoechea Place,
long abandoned, Bill Tindall admits
that no water has been diverted for
10 to 20 years on this property.
Located at North end of long field
SESE, S10, T13S, R5E.



PICTURE # 3

A51-04052

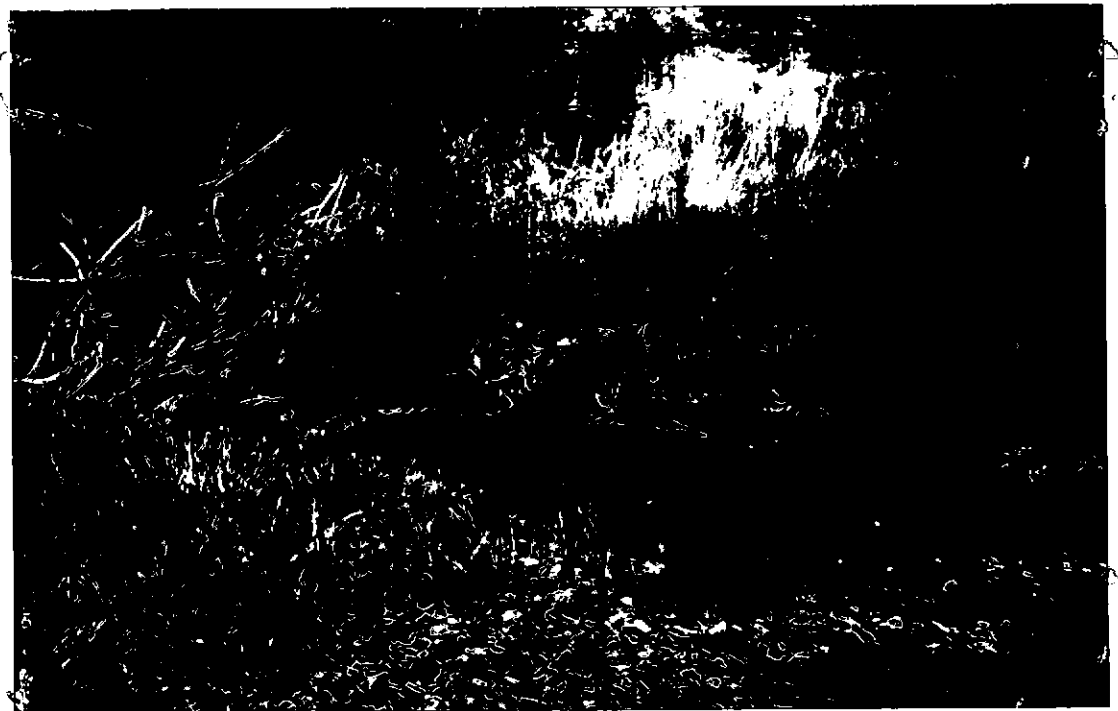
Most P/D's consisted of rock dams in Mary's Creek that slowed the water up and sub-irrigated the land on both sides of the creek. Some ditches were long as shown in picture #1.



10/5/93
Photos By
RDH

PICTURE # 4

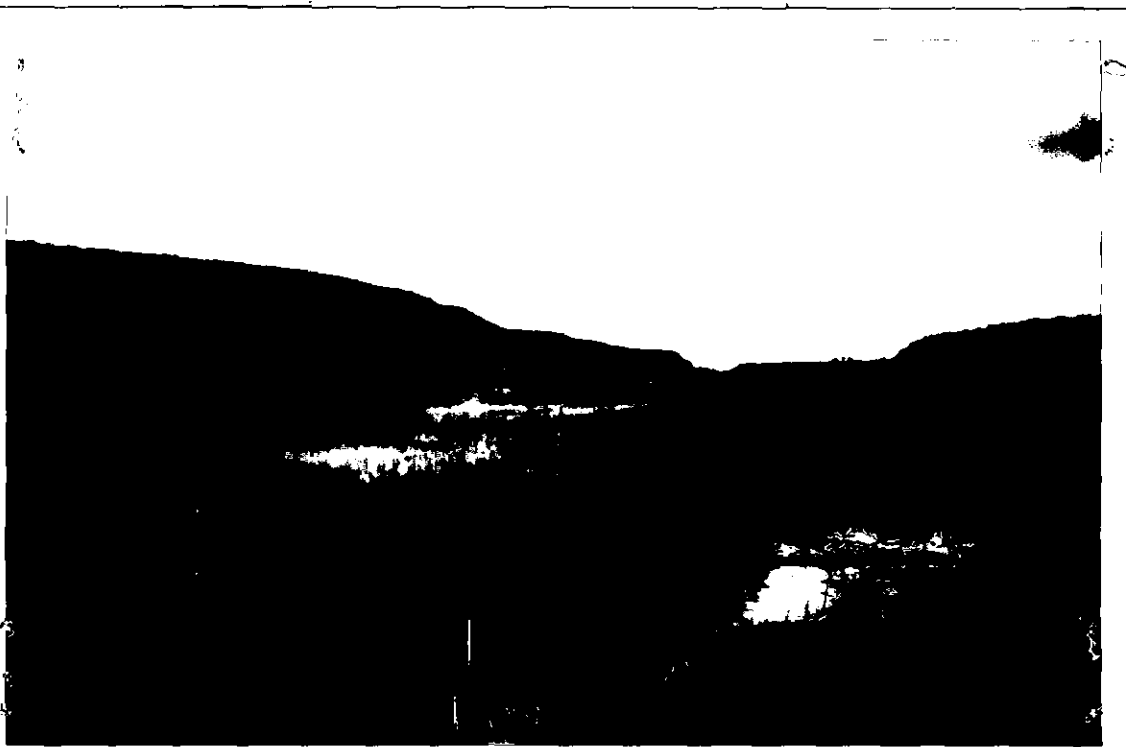
This is another place where evidence that the Creek was dammed-up to slow the water down to sub-irrigate the land. Both photo's 3 & 4 were taken near the Bengoechea place.



PICTURE # 5

A51-04052

Only natural sub-irrigation occurs now, no diversions exist, long washed out. Location of this photo is in the NENE, S15, T13S, R5E. Looking up-stream.



10/5/97
Photos BY
RDH

10/1/93

-2053 -2130 -4054
-2081 -2233 -10378
-2082 -2239
-2083 -2240
-2084 -4052
-2101 -4053

FIELD EXAM
TELEPHONE CONVERSATION MEMO

I.D. NUMBER AS1-078, 079, 080, 081A, 082A, 084, 085, 086, 087, 2012, 2013

NAME OF CONTACT WILLIAM (BILL) TINDALL

PHONE NO. 759-7932 ADJ. AGENT RON HOWERTON

DATE SET FOR EXAM 10-5 & 10-8-93 Tues. & Friday

LOCATION MEET AT RANCH, GO: 1-1/2 MILE PAST
GRASSMERE, EAST SIDE OF Hwy.

Diverting at full rates? _____

Type of measuring devices? _____

Places to make measurements? _____

Type of system? (pipeline, ditches) _____

How many laterals are used? _____

Length and size of mainline? _____

Size of Motor used for each P/D? _____

Estimate of depth to water? _____

Pressure at well? _____

Pressure at sprinkler head? _____

COMMENTS SOME CLAIMS MAY NEED MEASUREMENTS OF
ALL DITCHES SUCH AS AS1-00078.

MAR 3 1 1993

AFFIDAVIT Department of Water Resources
Western Regional Office

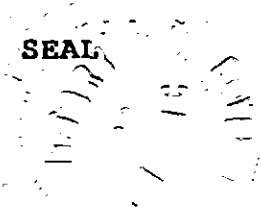
Grant Strickland - Breunau, Ida being first duly sworn,
deposes and says: I and my father & grandfather
before me have continuously lived and run livestock
in this general area. I know the first homesteaders
started irrigating and raising hay and pasture
for their livestock on this ground (T135 - R 5E S
10, 14, 15, 23 and 26) about 1913. After the Trindall
family acquired the land they have continued
to use this water for their livestock, livestock
feed, and domestic uses.

Grant Strickland
(Signature)

Subscribed and sworn to before me this
day 22nd of March, 1993.

David Coryell
(Notary Public)

Residing at Rome IL
My Commission Expires 1/13/68



RECEIVED
MAR 31 1993

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
A 51-04052)

AFFIDAVIT

Department of Water Resources
Western Regional Office

State of Idaho)
County of Owyhee)

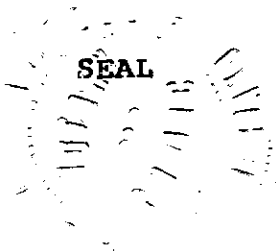
Thomas Hall Bennett, aka (birth 3-8-23) being first duly sworn,
deposes and says: I and my father & grandfather
before me have continuously lived and run livestock
in this general area. I know the first homesteaders
started irrigating and raising hay and pasture
for their livestock on this land (T13S-R5E -
S 10, 14, 15, 23 & 26) about 1913. After the Pindall
family acquired the land they have continued
to use this water for their livestock, livestock
feed and domestic uses.

Thomas C. Hall
(Signature)

Subscribed and sworn to before me this
day 29th of March, 1993.

David Campbell
(Notary Public)

Residing at Bennett Id.
My Commission Expires 1/13/98.





State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

January 28, 1993

Re: Claim No(s). A51-04052

CECIL D. ANDRUS
GOVERNOR

A51-04053

R. KEITH HIGGINSON
DIRECTOR

A51-04054

WILLIAM I TINDALL
GRASMERE RT
BRUNEAU ID 83604

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area should be conducted this summer by Department personnel. Prior to conducting the field exams, we will contact you to discuss details and schedule a time convenient for you.

Please submit the required evidence supporting the priority date(s) by March 15, 1993, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the toll-free number listed on the back page of the pamphlet or the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO 1979	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED	Y() N()
☐ NAPP	DATE OF PHOTO	Y() N()
☐ ASCS AERIAL PHOTO	DATE OF PHOTO	Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO	Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO	Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY	Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED	Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP	Y() N()
☐ OTHER	DATE	Y() N()
☐ OTHER	DATE	Y() N()
☐ OTHER	DATE	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED) IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM		
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED		
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED		
☐ SYSTEM DESCRIPTION	DATE DRAWN		
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN	10/5/93	5 Photos
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED		
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED		
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED		
☒ OTHER Stat Claim	DATE 1983	2	
☐ OTHER	DATE		

RECEIVED

AUG 24 1994

WATER RESOURCES
WESTERN REGION

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A51-04052

Date Received: 12/ 9/1988

Receipt No: M002113

Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: WILLIAM I TINDALL
Address: HC 86 BOX 28
BRUNEAU ID

208-759-3932

83604-9401

2. Date of Priority: JAN 1, 1913

3. Source: MARYS CREEK

Trib. to: BRUNEAU RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	05E	10		SE	SE		OWYHEE
		14		NW	NW		OWYHEE
				SW	NW		OWYHEE
				NW	SW		OWYHEE
				SW	SW		OWYHEE
				SE	SW		OWYHEE
		15		NE	NE		OWYHEE
		23		NE	NW		OWYHEE
				SE	NW		OWYHEE
				NE	SW		OWYHEE
				SE	SW		OWYHEE
				SW	SE		OWYHEE
		26		NW	NE		OWYHEE

5. Description of diverting works:
DAMS IN THE CREEK TO PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	06/15	1.000		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/500 RANGE_D/ TWO HOUSES

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	05E	10	SE		SE		IRR	4.0
			SE		SE		DOMEST	
							Section Acres	4.0
		14	NW		NW		IRR	4.0
			SW		NW		IRR	8.0
			NW		SW		IRR	5.0
			SW		SW		IRR	2.0
			SE		SW		IRR	1.0
							Section Acres	20.0
		15	NE		NE		IRR	4.0
							Section Acres	4.0
		23	NE		NW		IRR	5.0
			SE		NW		IRR	5.0
			NE		SW		IRR	5.0
			SE		SW		IRR	1.0
			NW		SE		IRR	
			SW		SE		IRR	3.0
							Section Acres	19.0
		26	NW		NE		IRR	3.0
			NW		NE		DOMEST	
							Section Acres	3.0
							Total Acres	50.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:

ADDRESS CHANGE REC'D 08/23/94 SS.

15. Basis of Claim: STATUTORY CLAIM