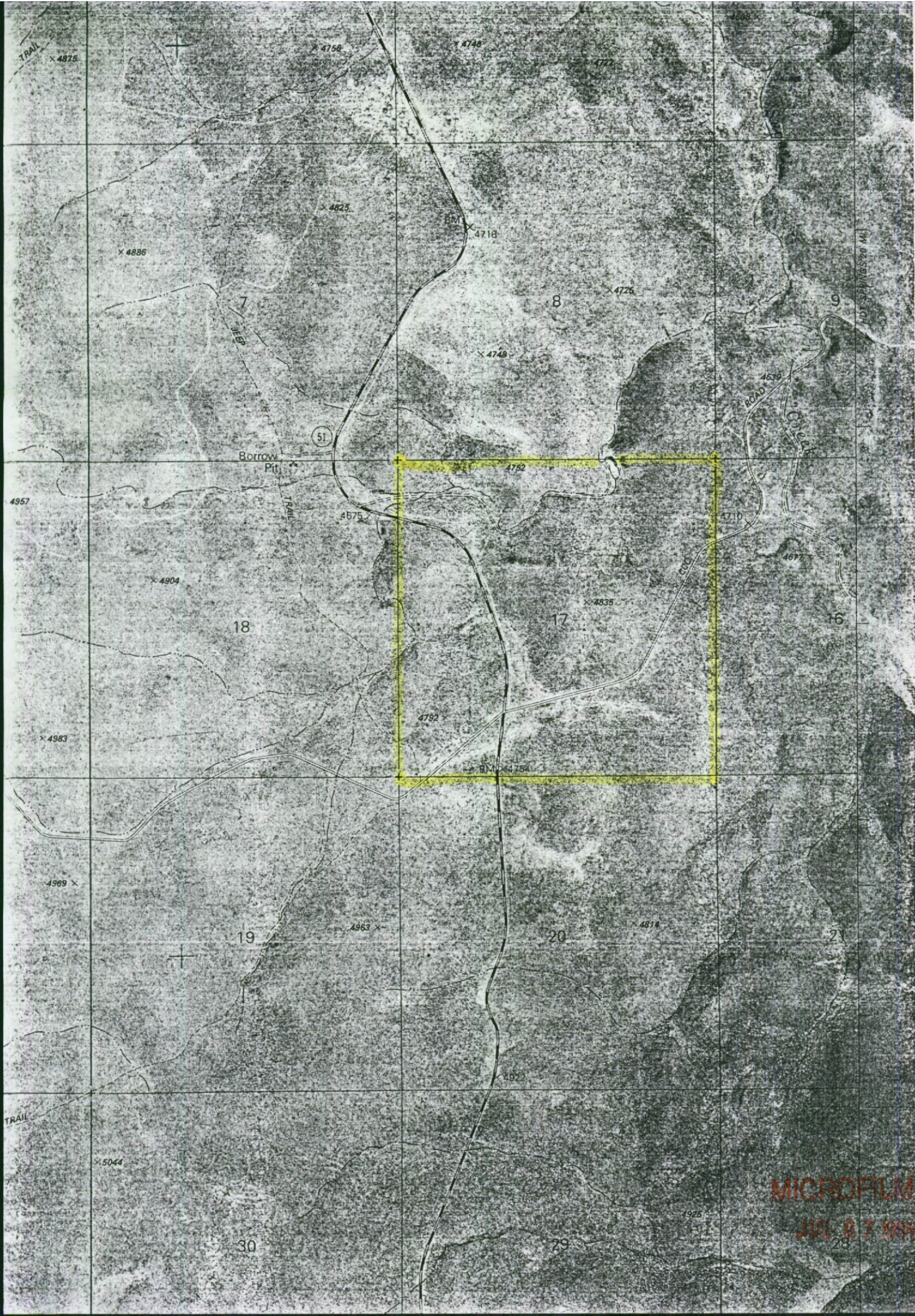


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JUL 27 1994

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

AS1-04087

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

PRIORITY DATE: 1940-04-15
IDWR NUMBER: 5104087
BLM NUMBER: 5101688203
BASIS OF CLAIM: STATUTORY
BASIN NUMBER: 51

SOURCE

TRIBUTARY TO

UNNAMED STREAM

SUGAR CREEK

DESCRIPTION OF DIVERSION WORKS

EARTHEN DAM

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER STORAGE	0.000	14.00	0101	1231
STOCKWATER FROM STORAGE	0.000	14.00	0101	1231
WILDLIFE STORAGE	0.000	14.00	0101	1231
WILDLIFE FROM STORAGE	0.000	14.00	0101	1231
TOTAL:	0.000 CFS	14.00 AF		

NON-IRRIGATION USES

STOCKWATER, 1533 RANGE CATTLE; WILDLIFE VAR. AMT.

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
10S	05E	17		NW	NE	00	OWYHEE

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY
10S	05E	17	NW	NE	00	OWYHEE

IRRIGATED
OWNED ACRES

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BLM NUMBER: 5101688203

PAGE: 2

10S	05E	17	NW	NE	00	OWYHEE	0.0
10S	05E	17	NW	NE	00	OWYHEE	0.0
10S	05E	17	NW	NE	00	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

PREVIOUSLY FILED WITH THE DEPARTMENT OF WATER RESOURCES

DATE: 01/10/94
PAGE: 1

DIVERSION RATE
DIVERSION VOLUME

14.0 AFA
14.0 AFA
14.0 AFA
14.0 AFA

14.0 AFA

Stage: BENEFICIAL USE

OWYHEE County

SE

NESW NWSW S
Lt Ac Lt Ac Lt

MS

NESW NWSW
Lt Ac Lt Ac Lt

MS

NESW NWSW S
Lt AC Lt AC Lt

MS

NESW NWSW S
Lt AC Lt AC Lt

Other Rights: NONE

- THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
- ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICALLY
- USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

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AJ0749NP
No. R51-04087

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

DATE: 01/10/94
PAGE: 2

Remarks: BLM RECORD ID = 5101688203
SOURCE IS ALSO KNOWN AS SUGAR CREEK RESERVOIR.

Dates: Exam Made Date: Verified Date:

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

Audit: 01/10/94 FOSTER

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JUN 9 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Claim No. 51-4087

781

Department of Water Resources
Western Regional Office

CLAIM TO A WATER RIGHT

JUN 7 1983

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

U.S. Dept. Interior
Bureau of Land Management
Bonneville District Office
3948 Development Ave
(Mailing Address) Bonneville, ID 83206 Telephone No. 334 1582

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) April 15, 1940
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)
Sugar Creek tributary to Bruneau River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	Period of Use From		(Both dates inclusive)	
				(Mo., Day)	To	(Mo., Day)	To
14 AF		Use Storage for stockwater		1/1	12/31		
		Use Stockwater/wildlife		1/1	12/31		
14 AF		Use From storage		1/1	12/31		
		Use					
14 AF		TOTAL QUANTITY USED.					

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 SE 8 Twp. 10 S Rge. SE B.M., County of Owyhee
Additional points of diversion: NONE

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.
Reservoir

- (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.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10 S	5 E	8															X		

No. of acres

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
used by cattle and wildlife year/round

NOTE: Include here the type and number of stock watered: 800 cattle
(7) If you are claiming water as a member of an organization, list name of organization: U.S. Dept. Interior BLM

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JUL 9 7 1983

Sugar Valley Resv.

(8) Remarks

BLM Proj # 0271

RSE

T 10S

B

A

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.

State of Idaho

)
) ss.

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.

C. K. Brown
Brown (Claimant) Chas. Menzies

Sworn to before me this 20 day of May, 1983.

Lawrence F. Hanlon
Notary Public
Residing at Boise ID

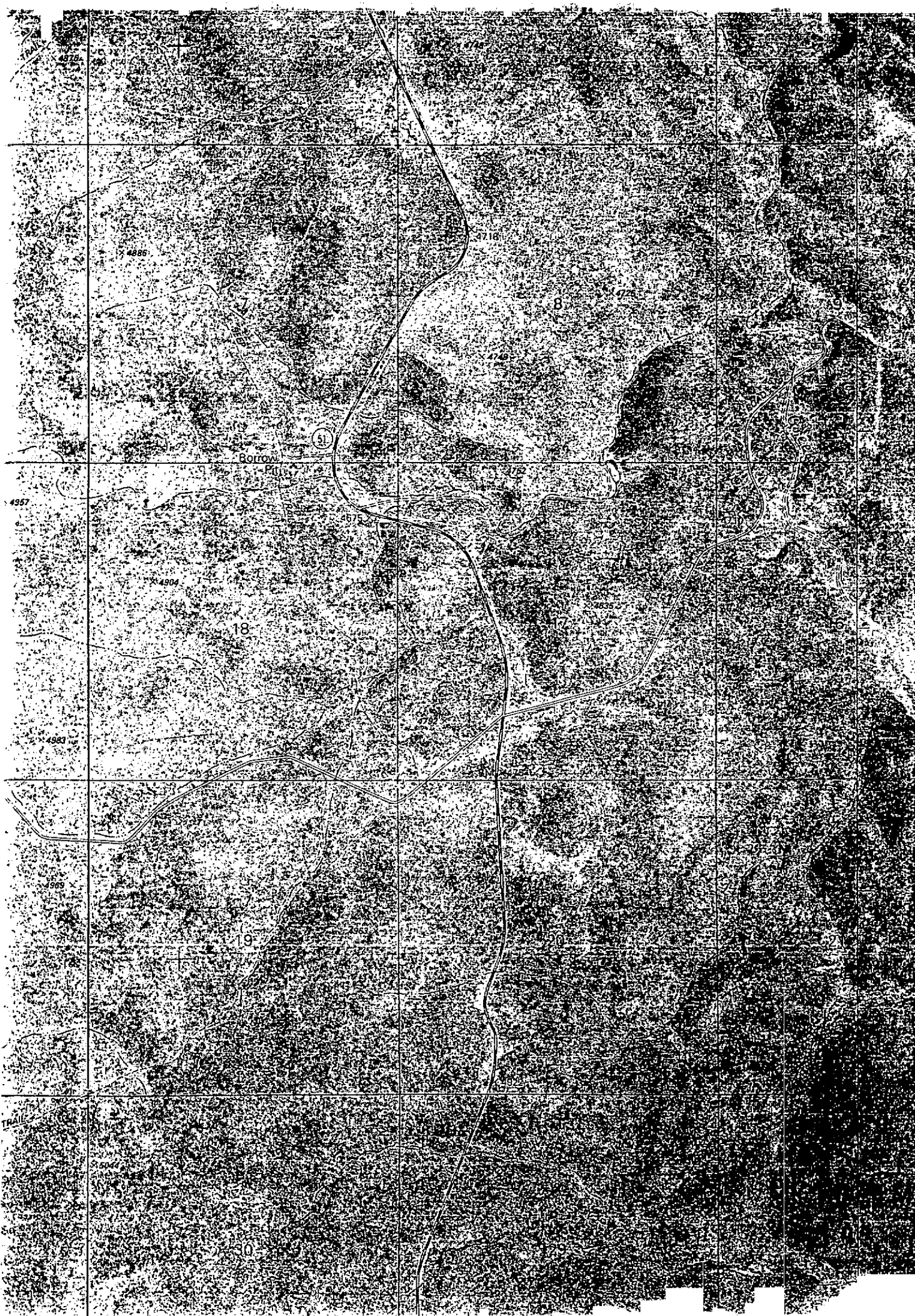
My commission expires 2/17/84

ID-910-BP3-0003

6-9-83 FOR DEPARTMENT USE ONLY

Received by <u>SRL</u>	Date <u>6/7/83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>625</u>	Date <u>6/20/83</u>		claimant by:	
\$30.00 fee received by <u>14</u>	Date <u>9-2-83 #32644</u>			
Published in <u>Campana</u>				
Dates <u>8/24</u> & <u>8/31/83</u>				

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OVERLAP REVIEW PAGE

CLAIM NUMBER: A51-04087

☒ NO OVERLAP WITH PRIVATE INDIVIDUAL CLAIM

☐ OVERLAPS WITH CLAIM BY PRIVATE INDIVIDUAL

CLAIM NO.: _____

☐ OVERLAPPING CLAIM DISALLOWED

☐ OVERLAPPING CLAIM PARTIALLY DELETED

PRIVATE CLAIMANT NOTIFIED/DATE: _____

☐ NO OVERLAP WITH OTHER FEDERAL CLAIM

☒ OVERLAPS WITH CLAIM BY FEDERAL GOVERNMENT

CLAIM NO.: A51-12738

~~THIS~~ OVERLAPPING CLAIM DISALLOWED

☐ THIS CLAIM DISALLOWED

☐ OVERLAPPING CLAIM ALLOWED/REMARKS: A51-12738 disallowed, recommended as

51-04087 statutory claim provides earliest evidence of
use and construction of reservoir

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JUL 07 1964

A. AJ CLAIM: # A51-04087 PRIORITY DATE: 04-15-1940 STAGE: *J*
B. WR RECORD: # 51-04087 PRIORITY DATE: 04-15-1940 STAGE: S

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

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? (C_) N(X)
IF YES EXPLAIN.

NOTES: *priority matches claim*

RECOMMENDED PRIORITY DATE:
04-15-1940

REVIEWED BY *RT* DATE *12-27-93*

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	LOT	CNTY
-------	------	------	------	-----	-----	-----	------

AS1-04087	105	05E	17	NW	NE	OWYHEE
-----------	-----	-----	----	----	----	--------

OTHER AJ CLAIMS WITH SAME AJ PDD

A PREFIX	R PREFIX
A51-12738	NONE

WR RECORDS IN SAME 40 ACRE TRACT

NON

SOURCE: UNNAMED STREAM

TRIB: SUGAR CREEK

3. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1 / 4	1 / 4	LOT	CNTY

51-04087 105 05E 8 ~~SN~~ ~~SE~~ DMYHEE

OTHER MR RECORDS WITH SAME MR PDD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

51-02265

Norm

NON

SOURCE: ~~SUGAR CREEK~~ *Anna and Stream*

Siagar Creek
TRIB: ~~BRUNEAU RIVER~~

C. FIELD EXAM REQUIRED?

FIELD	EXAMINER
Y	N
Y	N

NOTES:

As recommended POB, verified on OQ BB-61, this reservoir is located in the extreme NW 1/4 of S17-T05-R5E source and tributary classification of sources and tributary

~~Box 105 presentation~~
~~Box 103 presentation~~
~~Box 105 presentation~~

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC. 1/4 1/4

LOT

COUNTY

DIVERSION NAME

105 056 17

NW

NE

Dupke

SOURCE: diverted stream

TRIB: Sugar Creek

REVIEWED BY:

KE

DATE: 12-27-93

SYSTEM DESCRIPTION:

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A. ROOT WATER RIGHT NUMBERS: A51-04087

8. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	05E	17	NW	NE		US DEPT OF INTERIOR	A51-04087 /	-			
			NW	NE		US DEPT OF INTERIOR	A51-10938 /	-			
			NW	NE		US DEPT OF INTERIOR	A51-12738 /	-			
<i>A51-10938 - in stream was</i>											
10S	05E	17	NW	NE		US DEPT OF INTERIOR	A51-04087 /	-			
			NW	NE		US DEPT OF INTERIOR	A51-10938 /	-			
			NW	NE		US DEPT OF INTERIOR	A51-12738 /	-			
<i>A51-10738 - diatlowed</i>											
10S	05E	17	NW	NE		US DEPT OF INTERIOR	A51-04087 /	-			
			NW	NE		US DEPT OF INTERIOR	A51-10938 /	-			
			NW	NE		US DEPT OF INTERIOR	A51-12738 /	-			
10S	05E	17	NW	NE		US DEPT OF INTERIOR	A51-04087 /	-			
			NW	NE		US DEPT OF INTERIOR	A51-10938 /	-			
			NW	NE		US DEPT OF INTERIOR	A51-12738 /	-			
TOTAL ACRES							A51-04087				

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y FIELD EXAMINER --M--

POU COUNTY: DWYHEE

PRESUMPTION FLAG:

NOTES:

A51-10938 - claims in stream was
A51-12738 - diatlowed recommended as 51-04087, statutory claim provided earliest evidence
of use and construction of reservoir

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: *RF*

DATE: *12-27-93*

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JUL 07 1994

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A51-04087 STOCKWATER STORAGE	FROM 01-01 TO 12-31	14.00 AF/A
A51-04087 STOCKWATER FROM STORAGE	FROM 01-01 TO 12-31	14.00 AF/A
A51-04087 WILDLIFE STORAGE	FROM 01-01 TO 12-31	14.00 AF/A
A51-04087 WILDLIFE FROM STORAGE	FROM 01-01 TO 12-31	14.00 AF/A

TOTAL DIVERSION RATE/VOLUME CLAIMED 14.00 AF/A

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
51-04087 STOCKWATER STORAGE	FROM 01-01 TO 12-31	14.00 AF/A
51-04087 STOCKWATER FROM STORAGE	FROM 01-01 TO 12-31	14.00 AF/A
51-04087 WILDLIFE STORAGE	FROM 01-01 TO 12-31	14.00 AF/A
51-04087 WILDLIFE FROM STORAGE	FROM 01-01 TO 12-31	14.00 AF/A

TOTAL DIVERSION RATE/VOLUME CLAIMED 14.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y() N()
RECOMMEND TO WR STANDARDS OR OTHER? Y() N() EXPLAIN IN NOTES, BELOW.

NOTES:

non-inigation uses included wildlife, variable amount

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