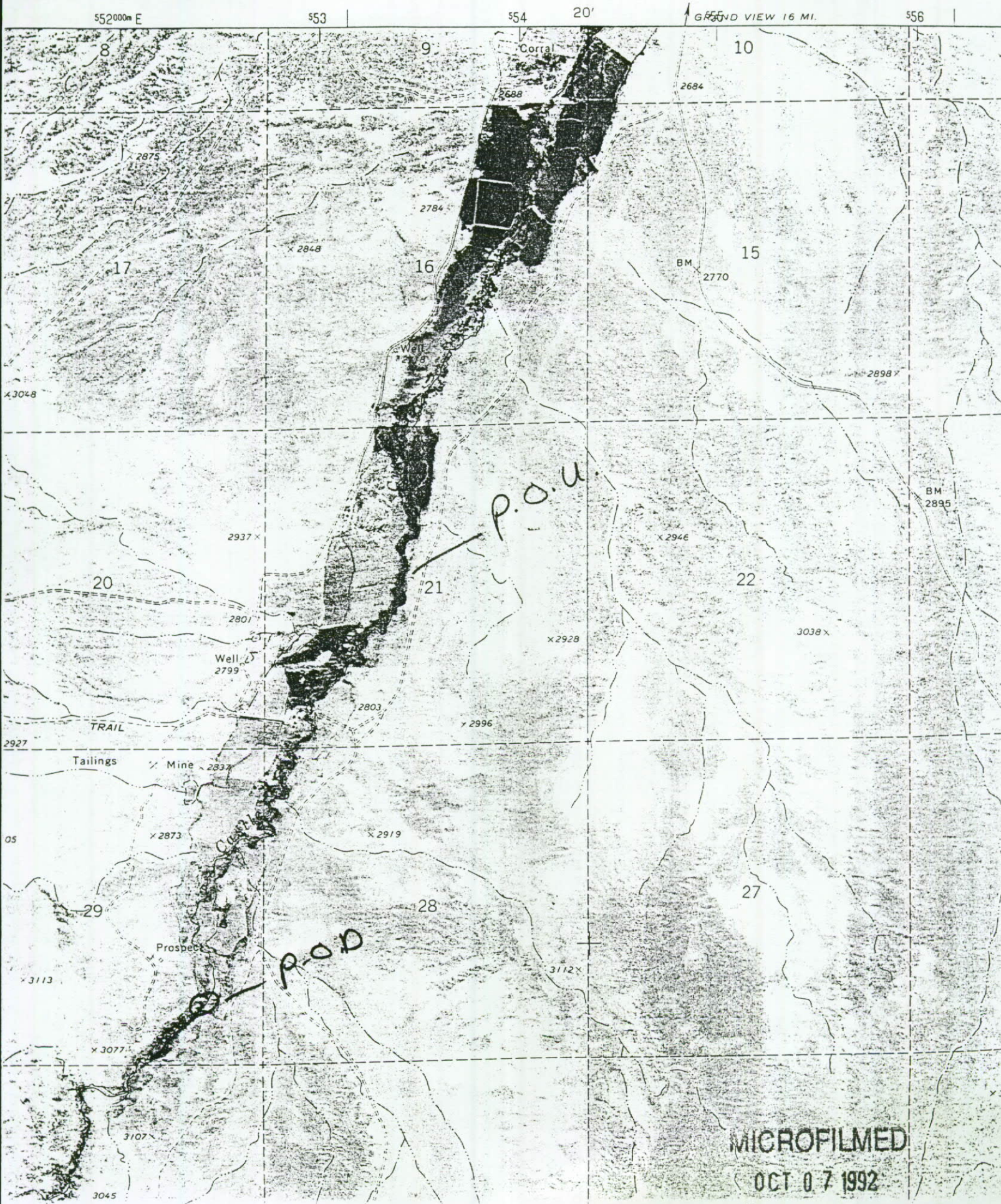


T55 R1E Sec 21

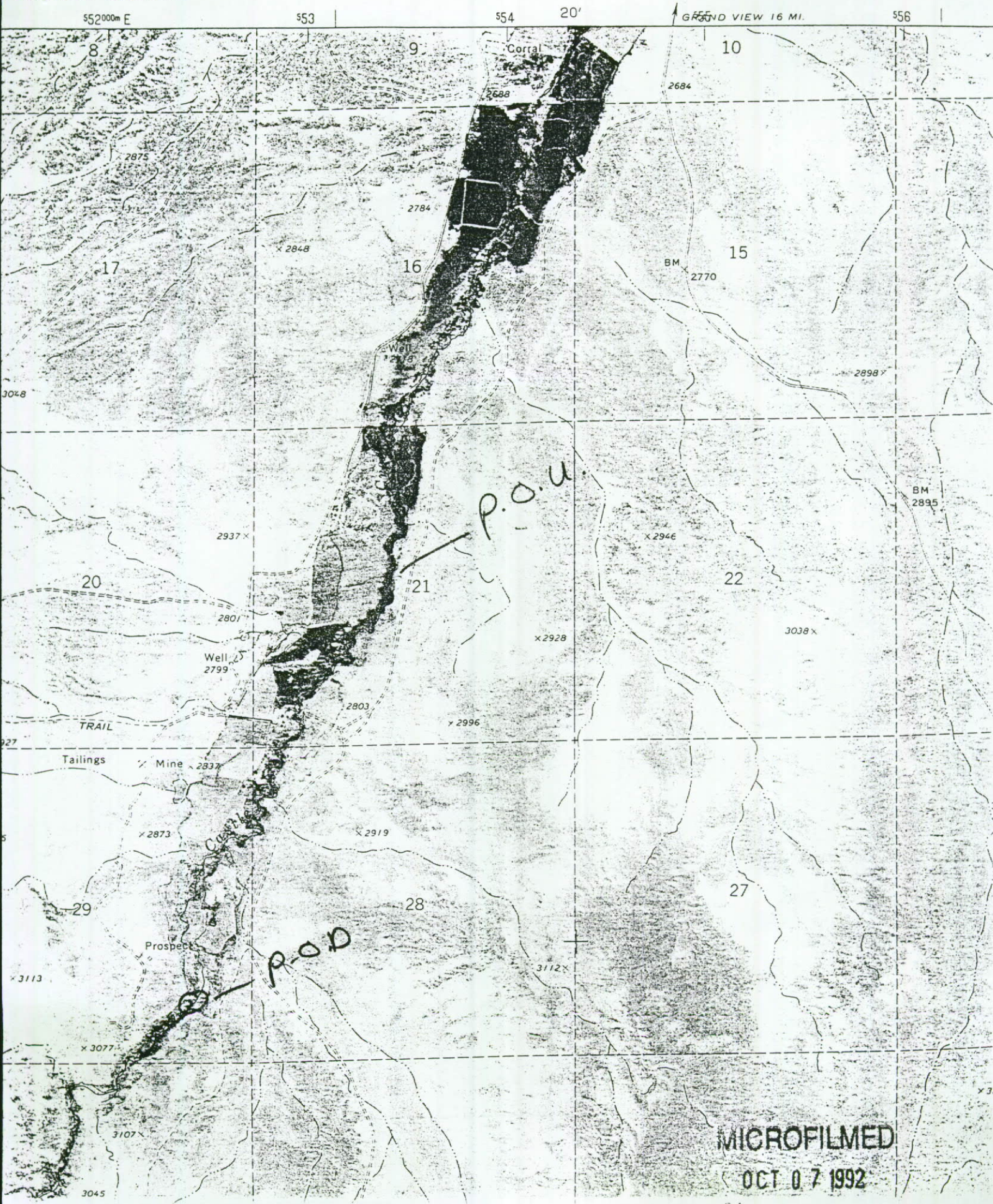
A57-00133



MICROFILMED
OCT 07 1992

WATER RESOURCES
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

T55 R1E Sec 21
A57-00133



MICROFILMED
OCT 07 1992

CONSERVATION PLAN MAP



Prepared by UNITED STATES DEPARTMENT of AGRICULTURE * SOIL CONSERVATION SERVICE
cooperating with

Bruneau River
U.S. DISTRICT

OWNER Elmer D. Johnston

FARM NO. DATE 8-16

OPERATOR SATS

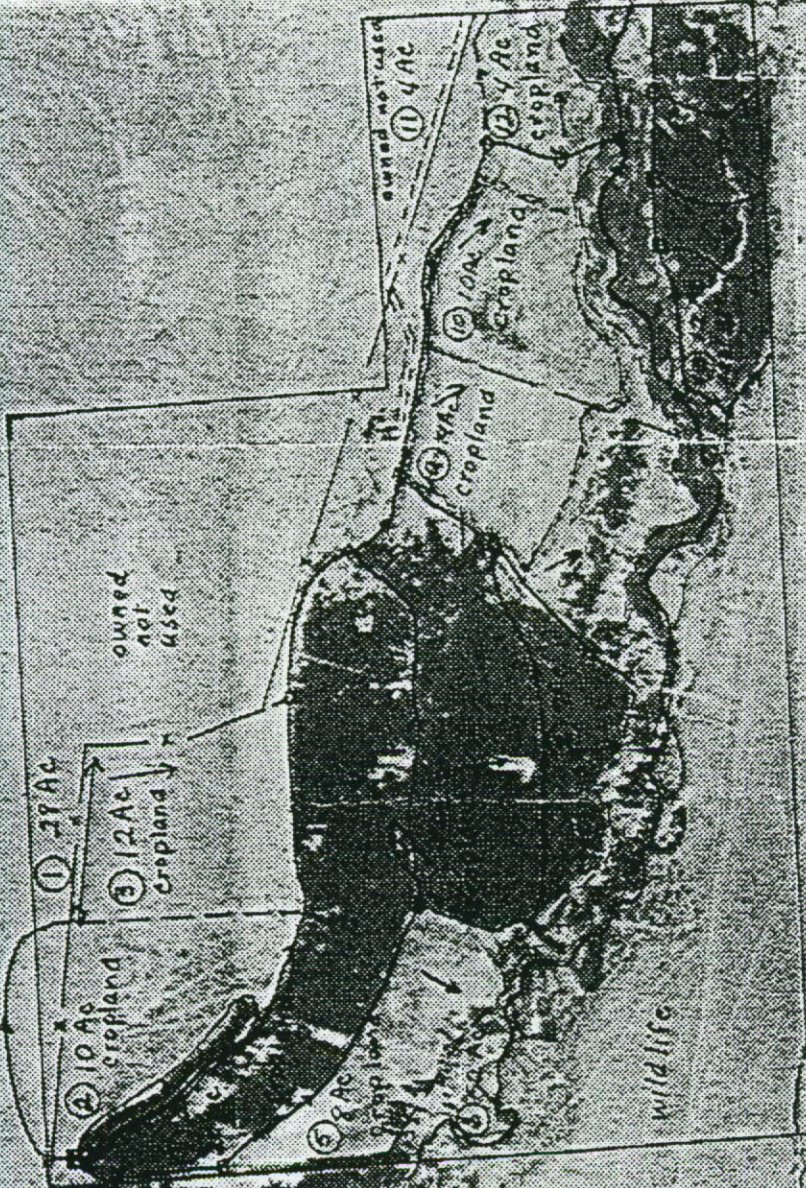
SCALE 3" = 1 mi ACRES 200

Boise

Idaho

PHOTO NO. CS-5-47

R.I.E.



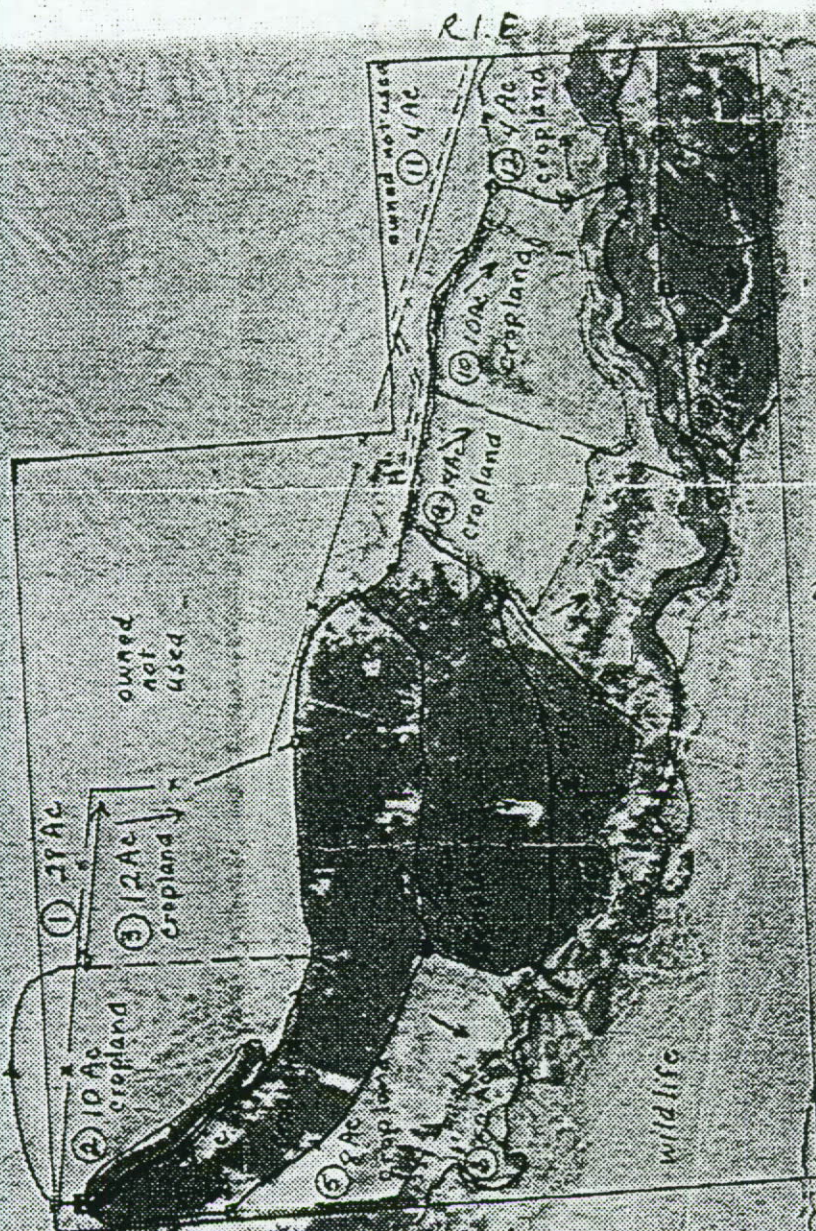
5 miles a River

FARM NO. DATE Sept 19

SCALE 3"=1 MI ACRES 200

Id320

PHOTO NO. 001-552



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: A57-00133
Date Received: 1/12/1989
Receipt No: W001937
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MICHAEL W RANDALL
Address: 7761 MURPHY RD
MELBA ID

83651

AND

Name: CHARLIENE R RANDALL
Address: 7761 MURPHY RD
MELBA ID

83651

2. Date of Priority: JUN 1, 1902

3. Source: CASTLE CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	01E	29		SE	SE		OWYHEE

5. Description of diverting works:

TRASH DAM IN CREEK TO DITCH W/HEADGATE TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

7. Total Quantity Appropriated is:

0.200 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05S	01E	21	NE		NW		IRR	16.0
			SW		NW		IRR	12.0
			SE		NW		IRR	28.0
			NE		SW		IRR	15.0
			NW		SW		IRR	20.0
							Section Acres	91.0
							Total Acres	91.0

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:

57-00101, 57-00111, 57-00084, 57-00146, 57-02210A

14. Remarks:

OWNERSHIP CHANGE - RMC - 3-28-96

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JAMES L. DAVEY

Decree Plaintiff

GEORGE F. BROWN ET. AL.

vs Decree Defendant



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP RECEIVED

Please print or type

(see instructions on back of page)

MAR 22 1996

DATE OF CLOSING: 3/8/96

LEGAL DESCRIPTION OF PROPERTY: Township 5 South Range 1 East, B. M. Department of Water Resources
 Section 21, 1/4 of 1/4 of 1/4 Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

All permits attached plus any and all appurtenant to said premises.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s) 57-00084, 57-00101, 57-00111, 57-00133, 57-00146,
 Assigned by IDWR: 57-02210A

[] Name and Address of Former Owner/Claimant(s)(Seller): Eva M. Johnston
 507 5th Ave. South, Nampa, ID 83651

[] New Owner/Claimant (Purchaser): Michael W. Randall and Charliene R. Randall

[] New Mailing Address: 7761 Murphy Rd., Melba, ID 83641

[] New Telephone Number: () _____

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s) Michael W. Randall Date 3-8-96

Charliene R. Randall Date 3/8/96

[] Signature of Former Owner/Claimant(s): Eva M. Johnston Date 3-8-96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 3-28-96 By: RMF

Claim Numbers of Split, if any:

RECEIVED

MAR 26 1996

RECEIVED

MAR 22 1996

Department of Water Resources

Original to be mailed to Idaho Department of Water Resources

Copies to Former Owner and New Owner

WATER RESOURCES
WESTERN REGION

2246

WARRANTY DEED

218315

RECEIVED
MAR 2 2 1996
WATER RESOURCES
WESTERN REGION

REQUEST OF
FEE
6.00

FOR VALUE RECEIVED, EVA M. JOHNSTON, a single person,
The Grantor, does hereby grant, bargain, sell and convey
unto

MICHAEL W. RANDALL and CHARLIENE R. RANDALL, husband and
wife, the Grantees, whose current address is

7761 Murphy Rd, Melba, ID 83641

the following described real property, located in Owyhee
County, Idaho, to-wit:

IN TOWNSHIP 5 SOUTH, RANGE 1 EAST, B. M., OWYHEE COUNTY,
IDAHO

Section 21: NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, LESS THE FOLLOWING
DESCRIBED PARCEL:

A parcel of land situate in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec.
21, T5S, R1E, B. M., more particularly
described as follows:

COMMENCING at the Southwest corner of Sec. 21,
T5S, R1E, B. M. thence North on the West section line of
said Sec. 21, a distance of 1753 feet, more or less to a
point being the REAL POINT OF BEGINNING; thence continue
North along said West section line, a distance of 417 feet;
thence East on a line perpendicular to said West line a
distance of 417 feet; thence South a line parallel to said
West line a distance of 417 feet; thence West a distance of
417 feet to the REAL POINT OF BEGINNING.

Together with all and singular the tenements, hereditaments
and appurtenances thereunto belonging or in anywise
appertaining, including all water and ditch rights and
rights of way for water and ditches.

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto said Grantees, their heirs and assigns
forever. And the said Grantor does hereby covenant to and
with the said Grantees, that she is the owner in fee simple
of said premises; that said premises are free from all
encumbrances except: NONE

Subject to such rights, easements, covenants, restrictions
and zoning regulations as appear of record or by use upon
the premises.

RECEIVED

MAR 22 1996

Department of Water Resources

Taxes and assessments of all taxing units not yet due and payable.

Reservations in patents or state grants or in acts authorizing the issuance thereof.

All repayment contracts between any irrigation district within which the premises are situated and any government or agency.

The bonded debt of all taxing units within which said premises are located.

Restrictions imposed by law, ordinance, or regulation imposed by any governmental entity, department or agency.

Restrictions contained in any covenants of record affecting the premises.

All rights of way or easements affecting the premises regardless of how evidenced or acquired and whether the same appear of record or not.

DATED: March 8th 1996

Eva M. Johnston
Eva M. Johnston

RECEIVED

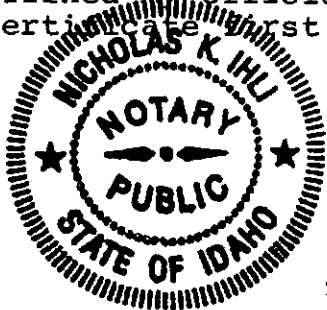
MAR 22 1996

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO, COUNTY OF OWYHEE

On this 8th day of March, 1996, before me, a Notary Public in and for the State, personally appeared Eva M. Johnston, a single person, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the date and year in this certificate first above written.



Nicholas K. Ihli
Notary Public for Idaho
Residing at Murphy, Idaho
Commission Expires: 1/31/2000

Ehli Telle

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: A57-00133
Date Received: 1/12/1989
Receipt No: W001937
Received By: EJR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EVA M. JOHNSTON 208-467-3582
Address: 507 5TH AVE. SOUTH
NAMPA, ID 83651

2. Date of Priority: JUN 01, 1902

3. Source: CASTLE CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	01E	29	SE	SE			OWYHEE

5. Description of diverting works:
TRASH DAM IN CREEK TO DITCH W/HEADGATE TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	01E	21	NE	NW		IRR	16.0
			SW	NW		IRR	12.0
			SE	NW		IRR	28.0

A57-00133

Page 1

Date: 01/12/89

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OCT 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	01E	21	NE	SW		IRR	15.0
			NW	SW		IRR	20.0
					Section Acres		91.0
					Total Acres		91.0

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:

57-00101, 57-00111, 57-00084, 57-00146, 57-02210A

14. Remarks:

WHEN THIS RIGHT AND ALL OTHER RIGHTS ARE COMBINED, THE RATE OF
DIVERSION SHALL NOT EXCEED 0.02 CFS/ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JAMES L. DAVEY

Decree Plaintiff

vs

GEORGE F. BROWN ET. AL.

Decree 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Eva M. Johnston Date: 1-12-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 12 day

of Jan 19 89

Ellen J. Poush
Notary Public

Seal

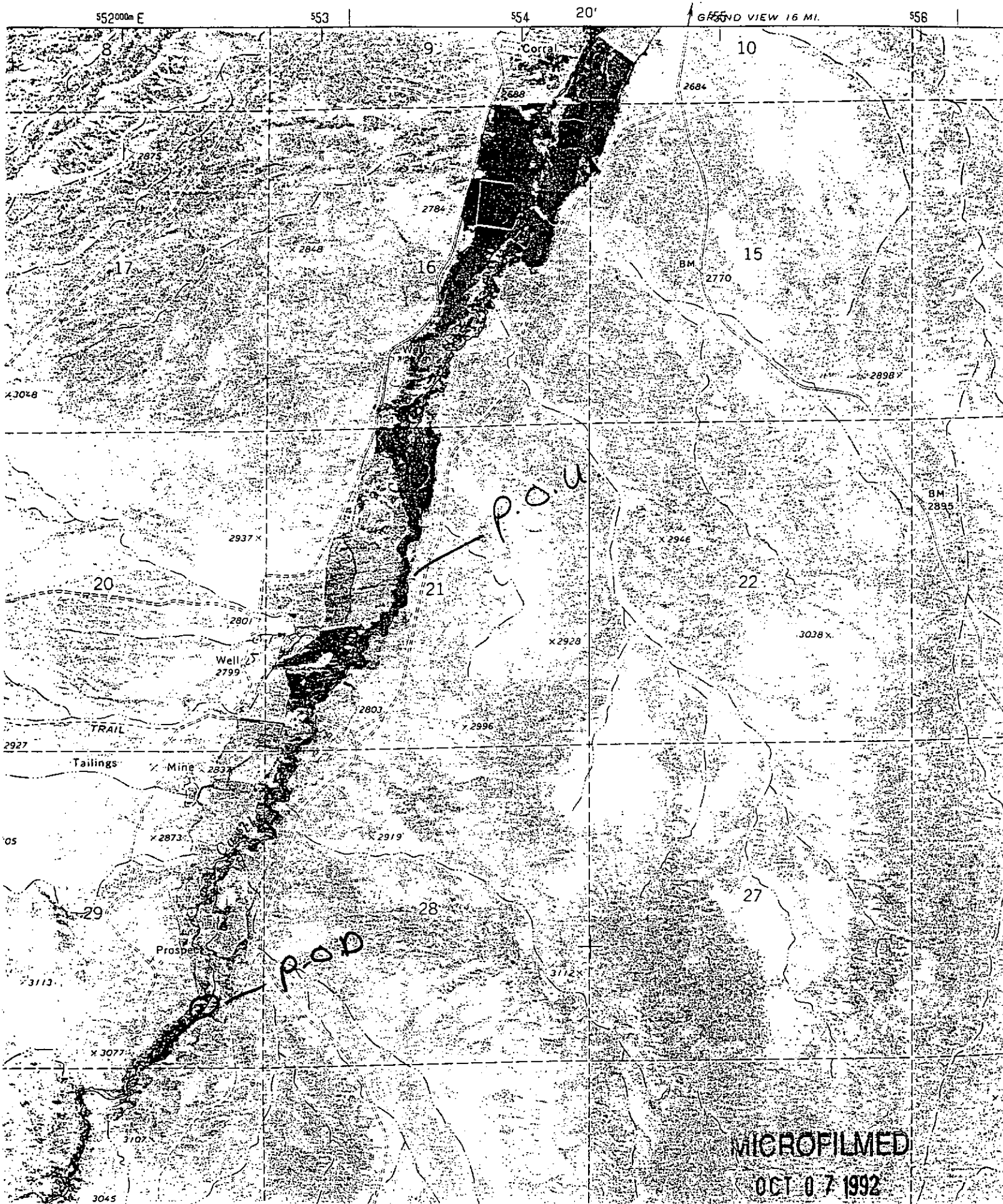
Residing at Boise

My Commission Expires 02/08/1999

WATER RESOURCES
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

T55 R1E Sec 21

A57-00133



Water Right Number - 57-00133 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - + - - - - +

*** C - CURRENT OWNER ***
HARDIMAN

JOSEPH W.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1902 D - DECREED

+ - - - - Source - - - - + + - - - - Tributary - - - - - +
CASTLE CREEK SNAKE RIVER

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
Twn Rng Sec Tract Lot Rflg County

+ - - - - - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume - - - - - +
Code Description Period From Period To

01 - IRRIGATION
43 - DOMESTIC
04 - STOCKWATER

04/01 10/15 0.200

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KW Usage - +
0.200

+ - - - - - - - - - - - - - - - Place of Use - - - - - Description - - - - - County - - - - - +
Twn Rng Sec Tract Lot Acres Code

| | | | | | | | |
|-----|-----|----|-------|----|------------|----|--------|
| 05S | 01E | 21 | NE NW | 01 | IRRIGATION | 73 | OWYHEE |
| 05S | 01E | 21 | SW NW | 01 | IRRIGATION | 73 | OWYHEE |
| 05S | 01E | 21 | SE NW | 01 | IRRIGATION | 73 | OWYHEE |
| 05S | 01E | 21 | NE SW | 01 | IRRIGATION | 73 | OWYHEE |
| 05S | 01E | 21 | NW SW | 01 | IRRIGATION | 73 | OWYHEE |

Total Acres:

+ - - Diversion Means -

- - - Non-Irrigation Use -

- - - Other Rights for Same Use -

- - - Remarks - - - - -
No Remarks found.

- - - Conditions of Approval - - - - -
No Conditions of Approval found.

MICROFILMED

OCT 07 1992

| Name of Party | Source of Water | Priority | Amt. in inches | Res. of All Surface County Land. Sec. 47, Range |
|--|-----------------|---------------|----------------|--|
| William Toy | Castle Creek | 57-00831870 ✓ | 25 | E 1/4 NW 1/4
SW 1/4 NW 1/4
NW 1/4 SW 1/4
NE 1/4 SW 1/4
21 5 S 1 E 1 N. |
| | | 57-00961885 ✓ | 20 | |
| | | 57-01051897 ✓ | 20 | |
| | | 57-01171905 ✓ | 20 | |
| | | 57-01451908 ✓ | 15 | |
| | | 57-01571908 ✓ | 20 | |
| Joseph W. Hardiman (successor to Hardiman Bros. consisting of Joseph Hardiman, Charles I. Hardiman and Eugene A. Hardiman) | Castle Creek | 57-00841870 ✓ | 25 | E 1/4 NW 1/4
SW 1/4 NW 1/4
NW 1/4 SW 1/4
NE 1/4 SW 1/4
21 5 S 1 E 1 N. |
| | | 57-01011887 ✓ | 5 | |
| | | 57-01111890 ✓ | 20 | |
| | | 57-01381902 ✓ | 10 | |
| | | 57-01461906 ✓ | 15 | |
| William L. Evans & William D. Evans | Castle Creek | 57-00851870 ✓ | 25 | E 1/4 NW 1/4
SW 1/4 NW 1/4
NW 1/4 SW 1/4
NE 1/4 SW 1/4
21 5 S 1 E 1 N. |
| | | 57-00871871 ✓ | 20 | |
| | | 57-01021887 ✓ | 10 | |
| | | 57-01121890 ✓ | 20 | |
| | | 57-01511905 ✓ | 20 | |
| | | 57-01351902 ✓ | 15 | |
| | | 57-01471902 ✓ | 5 | |
| Andrew T. Evans | Castle Creek | 57-00861870 ✓ | 25 | E 1/4 NW 1/4
SW 1/4 NW 1/4
NW 1/4 SW 1/4
NE 1/4 SW 1/4
21 5 S 1 E 1 N. |
| | | 57-01261899 ✓ | 10 | |
| | | 57-01311901 ✓ | 15 | |

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: A57-00133
Date Received: 1/12/1989
Receipt No: W001937
Received By: EJR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EVA M. JOHNSTON 208-467-3582
Address: 507 5TH AVE. SOUTH
NAMPA, ID 83651

2. Date of Priority: JUN 01, 1902

3. Source: CASTLE CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05S | 01E | 29 | SE | SE | | | OWYHEE |

5. Description of diverting works:
TRASH DAM IN CREEK TO DITCH W/HEADGATE TO FLOOD IRRIGATION

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.500 | | |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 05S | 01E | 21 | NE | NW | | IRR | 16.0 |
| | | | SW | NW | | IRR | 12.0 |
| | | | SE | NW | | IRR | 28.0 |

A57-00133

Page 1

Date: 01/12/89

MICROFILMED

OCT 07 1992

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 05S | 01E | 21 | NE | SW | | IRR | 15.0 |
| | | | NW | SW | | IRR | 20.0 |
| Section Acres | | | | | | | 91.0 |
| Total Acres | | | | | | | 91.0 |

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:

57-00101, 57-00111, 57-00084, 57-00146, 57-02210A

14. Remarks:

WHEN THIS RIGHT AND ALL OTHER RIGHTS ARE COMBINED, THE RATE OF
DIVERSION SHALL NOT EXCEED 0.02 CFS/ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JAMES L. DAVEY

Decree Plaintiff

vs

GEORGE F. BROWN ET. AL.

Decree 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Eva M. Johnston Date: 1-12-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 12 day

of Jan 19 89

Elder J. Housh
Notary Public

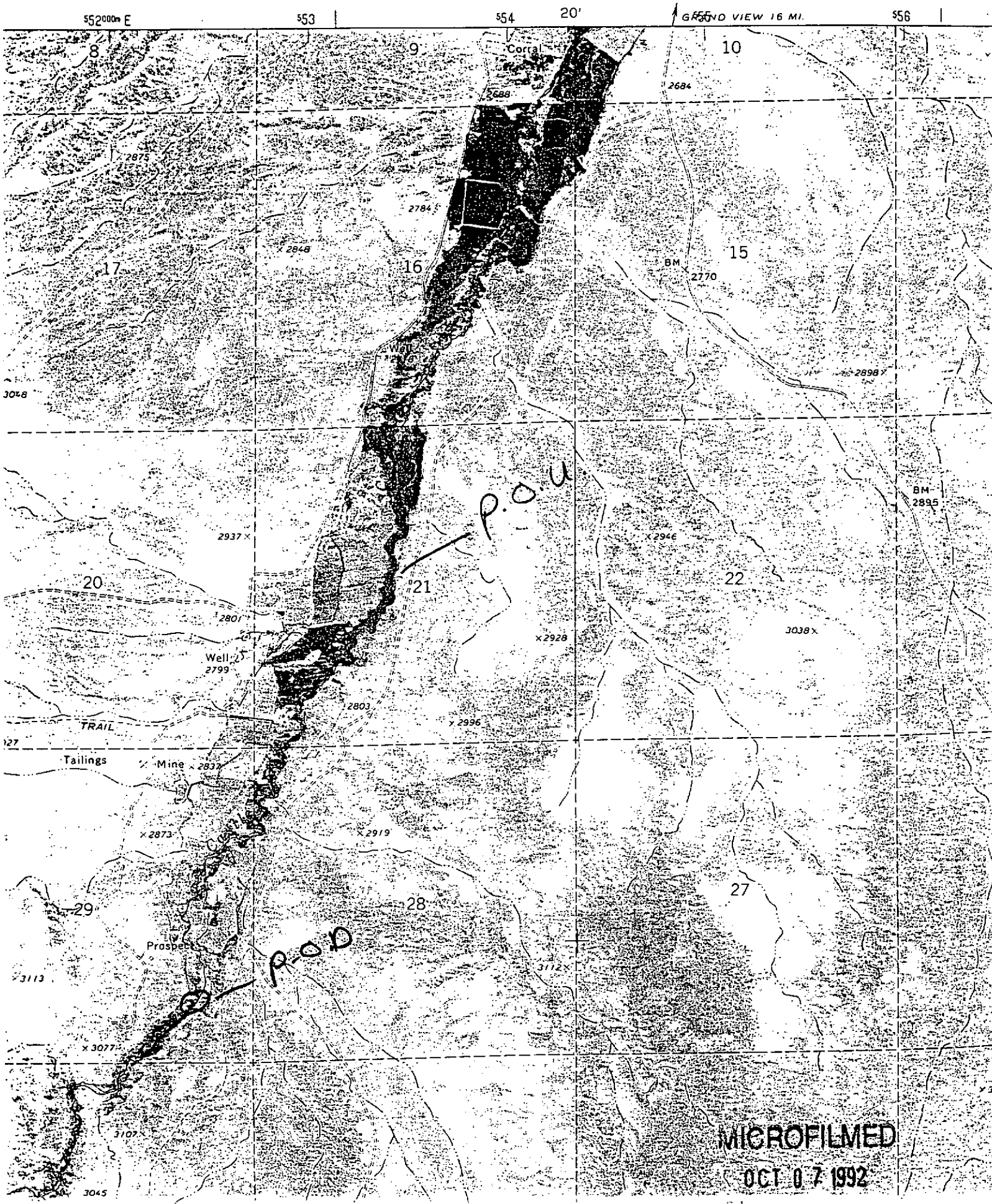
Seal

Residing at Boise

My Commission Expires 09/08/1999

TER RESOURCES
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

T55 R1E Sec 21
A57-00133



MICROFILMED
OCT 07 1992

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

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-00133

2001 SEP 10 PM 3:39

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

NAME AND ADDRESS: MICHAEL W RANDALL
CHARLENE R RANDALL
7761 MURPHY ROAD
MELBA, ID 83641-5141

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.20 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 57-00101, 57-00111,
57-00084, 57-00146 AND 57-02210A IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.18 CFS.

PRIORITY DATE: 04/01/1902

POINT OF DIVERSION: T05S R01E S21 SESENW Within Owyhee County
S29 NWSESE

| PURPOSE AND
PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|----------------|----------|
| | Irrigation | 04-01 TO 10-15 | 0.20 CFS |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE
DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

| PLACE OF USE: | Irrigation | Within Owyhee County |
|---------------|-------------------|-------------------------------------|
| | T05S R01E S21 | NENW 23.0
SESW 30.0
NWSW 28.0 |
| | 109.0 Acres Total | SWNW 16.0
NESW 12.0 |

USE OF THIS RIGHT WITH RIGHT NOS. 57-00101, 57-00111,
57-00084, 57-00156 AND 57-02210A IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 109.0 ACRES IN A SINGLE IRRIGATION SEASON.

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

THIS RIGHT INCLUDES A CHANGE IN USE APPROVED BY ADMINISTRATIVE
ORDER OF IDWR. THE CHANGE IN USE SHALL BE ACCOMPLISHED WITHIN
ONE (1) YEAR OF THE DATE OF THE ADMINISTRATIVE ORDER APPROVING
THE CHANGE.

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

RULE 54(b) CERTIFICATE

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



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

SEP 11 2001

Department of Water Resources

2001 SEP 10 PM 3:39

FILED T-SRBA
IDaho
FILED

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

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Right 57-00133

On April 22, 1998, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

On July 26, 1999, in response to the Idaho Supreme Court decision in *A&B Irrigation District v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions* which included a recommendation for the irrigation season of use for this water right. No objections to this Supplemental Report were filed and the time period for filing objections has now expired.

Therefore, IT IS ORDERED that water right 57-00133 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 9-10-, 2001.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

2001 SEP 10 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO
FILED *[Signature]*

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 57-00133

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 57-00133 was mailed
on September 10, 2001, with sufficient first-class postage prepaid
to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

MICHAEL W RANDALL
Represented by:
DANIEL V. STEENSON
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

CERTIFICATE OF MAILING

PAGE 1
09/10/01

USDI BLM,

Represented by:

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

EVA M. JOHNSTON
507 5TH AVENUE S
NAMPA, ID 83651

Lettie Messick
LETTIE MESSICK
Chief Deputy Clerk

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 57-133 V2

WATER RIGHT NUMBER: 57-133 V2

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|--|
| Attorney | DANIEL V STEENSEN
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE, ID 83701 |
| Current Owner | MICHAEL W RANDALL
7761 MURPHY RD
MELBA, ID 83641
(208)495-2801 |
| Original Owner | EVA M JOHNSTON
507 5TH AVE SOUTH
NAMPA, ID 83651
(208)467-3582 |
| Current Owner | CHARLIENE R RANDALL
7761 MURPHY RD
MELBA, ID 83641
(208)495-2801 |
| Original Owner | JOSEPH W HARDIMAN

, ID |

Priority Date: 04/01/1902

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| CASTLE CREEK | SNAKE RIVER |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION | 4/01 to 10/15 | 0.200 CFS | |
| | <u>Total Diversion:</u> | 0.200 CFS | |

Location of Point(s) of Diversion

| | | |
|-------------------------------|-----------------|---------------------------------|
| CASTLE CREEK
OWYHEE County | NW1/4SE1/4SE1/4 | Sec. 29, Twp 05S, Rge 01E, B.M. |
| CASTLE CREEK
OWYHEE County | SE1/4SE1/4NW1/4 | Sec. 21, Twp 05S, Rge 01E, B.M. |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|----|----|------|----|------|------|------|------|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 05S | 01E | 21 | | | | | 23.0 | | 16.0 | 30.0 | 12.0 | 28.0 | | | | | | | 109.0 |

Total Acres: 109

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 57-133 V2

Conditions of Approval:

1. A04 THIS RIGHT INCLUDES A CHANGE IN USE APPROVED BY ADMINISTRATIVE ORDER OF IDWR. THE CHANGE IN USE SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THE ADMINISTRATIVE ORDER APPROVING THE CHANGE.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NOS. 57-00101, 57-00111, 57-00084, 57-00146 AND 57-02210A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.18 CFS.
USE OF THIS RIGHT WITH RIGHT NOS. 57-00101, 57-00111, 57-00084, 57-00146 AND 57-02210A IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 490.5 AF.
2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00101, 57-00111, 57-00084 & 57-00146.
4. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NOS. 57-00101, 57-00111, 57-00084, 57-00146 AND 57-02210A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 109.0 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. SMITH 7/14/1992 DATA ENTRY
Comment: CHANGED CFS ON WATER USE SCREEN TO .200 NO CHANGE TO VERIFICATION STATUS
2. SSHERMAN 8/8/1997 NOTICE OF APPEARANCE
Comment: NOTICE OF APPEARANCE FROM D V STEENSON APPEARING FOR MICHAEL AND CHARLIENE RANDALL.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: NONE RECEIVED
 State or Federal: S
 Owner Name Connector:
 Water District Number: 57C
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 57-133 V2

SubCase:

SubCase Number: 57-133
Class: 1
SF5 Filed Date: 4/14/1998
Special Master Recom Signed Date: 4/22/1998
Attorney Assigned: SUSAN E HAMLIN-NYGARD
Adjudication Agent:
Basis of Claim:
Date Filed: 2/26/1993 Objection Status: Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 57-133A V1

WATER RIGHT NUMBER: 57-133A V1

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|---|
| Attorney | DANIEL V STEENSON
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE, ID 83701
(208)342-4591 |
| Original Owner | JOSEPH W HARDIMAN

, ID |
| Current Owner | CHARLIENE R RANDALL
7761 MURPHY RD
MELBA, ID 83651 |
| Current Owner | MICHAEL W RANDALL
7761 MURPHY RD
MELBA, ID 83651 |
| Original Owner | EVA M JOHNSTON
507 5TH AVE S
NAMPA, ID 83651
(208)467-3582 |

Priority Date: 04/01/1902

Basis: Beneficial Use

Status: See Remarks

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| CASTLE CREEK | SNAKE RIVER |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION | 4/01 to 10/15 | 0.190 CFS | |
| | <u>Total Diversion:</u> | 0.190 CFS | |

Location of Point(s) of Diversion

| | | |
|---------------|-----------------|---------------------------------|
| CASTLE CREEK | NW1/4SE1/4SE1/4 | Sec. 29, Twp 05S, Rge 01E, B.M. |
| OWYHEE County | | |
| CASTLE CREEK | SE1/4SE1/4NW1/4 | Sec. 21, Twp 05S, Rge 01E, B.M. |
| OWYHEE County | | |

Place of UseIRRIGATION Within OWYHEE County

| | | | |
|------------------|-----------|---------------|-----------|
| T05S R01E S21 | NENW 23.0 | T05S R01E S21 | SWNW 12.0 |
| T05S R01E S21 | SENW 30.0 | T05S R01E S21 | NESW 12.0 |
| T05S R01E S21 | NWSW 28.0 | | |
| Total Acres: 105 | | | |

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 57-133A V1

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NOS. 57-00101A, 57-00111A, 57-00084A, 57-00146A AND 57-02210C IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.10 CFS.
2. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00101A, 57-00111A, 57-00084A & 57-00146A.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NOS. 57-00101A, 57-00111A, 57-00084A, 57-00146A AND 57-02210C IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 105.0 ACRES IN A SINGLE IRRIGATION SEASON.
4. General This right was not decreed in the SRBA - See Right No. 57-133 only.

Comments:

1. SMITH 7/14/1992 DATA ENTRY

Comment: CHANGED CFS ON WATER USE SCREEN TO .200 NO CHANGE TO VERIFICATION STATUS

2. SSHERMAN 8/8/1997 NOTICE OF APPEARANCE

Comment: NOTICE OF APPEARANCE FROM D V STEENSON APPEARING FOR MICHAEL AND CHARLIENE RANDALL.

3. jshurte 7/10/2003 Right Not Decreed

Comment: This right was not decreed as a part of the settlement of objections to 57-133. 57-133 only was decreed in the SRBA.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: NONE RECEIVED
 State or Federal: S
 Owner Name Connector:
 Water District Number: 57C
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 57-133B V1

WATER RIGHT NUMBER: 57-133B V1

| | |
|-------------------|---|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Current Owner | UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WY
BOISE, ID 83709-1657
(208)373-4000 |

Priority Date: 04/01/1902

Basis: Beneficial Use

Status: See Remarks

| | |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| CASTLE CREEK | SNAKE RIVER |

| | | | |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION | 4/01 to 10/15 | 0.010 CFS | |
| | <u>Total Diversion:</u> | 0.010 CFS | |

Location of Point(s) of Diversion

| | | |
|---------------|-----------------|---------------------------------|
| CASTLE CREEK | SE1/4SE1/4NW1/4 | Sec. 21, Twp 05S, Rge 01E, B.M. |
| OWYHEE County | | |
| CASTLE CREEK | NW1/4SE1/4SE1/4 | Sec. 29, Twp 05S, Rge 01E, B.M. |
| OWYHEE County | | |

Place of UseIRRIGATION With in OWYHEE County

T05S R01E S21 NWNE 4.0

Total Acres: 4

Conditions of Approval:Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NOS. 57-00101B, 57-00111B, 57-00084B, 57-00146B AND 57-02210D IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.08 CFS.
2. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00101B, 57-00111B, 57-00084B & 57-00146B.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NOS. 57-00101B, 57-00111B, 57-00084B, 57-00146B AND 57-02210D IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4.0 ACRES IN A SINGLE IRRIGATION SEASON.
4. General This right was not decreed during settlement of objections - See Right No. 57-133.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 57-133B V1

Comments:

1. SMITH 7/14/1992 DATA ENTRY

Comment: CHANGED CFS ON WATER USE SCREEN TO .200 NO CHANGE TO VERIFICATION STATUS

2. SSHERMAN 8/8/1997 NOTICE OF APPEARANCE

Comment: NOTICE OF APPEARANCE FROM D V STEENSON APPEARING FOR MICHAEL AND CHARLIENE RANDALL.

3. jshurte 7/10/2003 Right Not Decreed

Comment: This right was not decreed during settlements. See Right No. 57-133.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: NONE RECEIVED

State or Federal: S

Owner Name Connector:

Water District Number: 57C

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

SRBA

SUBCASE SUMMARY REPORT 57-00133

[Return to SRBA Home Page](#)

SRBA
12-26-2001

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 57-00133 FILE#: 00491
CLAIMANT: RANDALL, MICHAEL W
 CHARLIENE R RANDALL
 7761 MURPHY ROAD

MELBA ID 83641
STATUS: PD ISSUED
WATER SOURCE: CASTLE CREEK, SNAKE RIVER
ISSUES: NAME AND ADDRESS DESCRIPTION
 QUANTITY OF WATER USED
 PRIORITY DATE
 PURPOSE OF USE DESCRIPTION
 PERIOD OF YEAR WHEN WATER IS USED
 PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.
 WATER RIGHT RECOMMENDATION
 11

**** PARTIES INVOLVED ****

| | |
|-------------------|----------------------------------|
| MICHAEL W RANDALL | C ATTY: DANIEL V. STEENSON |
| USDI BLM | O ATTY: US DEPARTMENT OF JUSTICE |
| IDWR | ATTY: CLIVE STRONG |
| EVA M. JOHNSTON | R PRO SE |

**** ROA ENTRIES ****

| | | | | |
|------------|--|----|------------|------|
| 02-26-1993 | OBJECTION (OBJ 1) FILED BY BLM | RF | 07-01-1993 | 0001 |
| 05-28-1993 | RESPONSE TO OBJ #1 FILED BY IDWR | | | 0001 |
| 06-08-1993 | RESPONSE TO OBJ #1 FILED BY EVA M. JOHNSTON | | | 0002 |
| 11-04-1993 | ORDER OF REFERENCE APPOINTING RICHARD SIMMS
SPECIAL MASTER IN REPORTING AREA 2 (B-57) | | | |
| 12-17-1993 | ORDER WITHDRAWING ORDER OF REFERENCE
APPOINTING RICHARD A SIMMS SPECIAL MASTER
IN REPORTATION AREA 2 (BASIN 57) | | | |
| 04-19-1994 | ORDER STAYING PROCEEDINGS IN SUBCASES IN
R.A. 1,2 &3 AND STAYING THE OBJECTION AND
PERIOD AS TO THE DIR RPT OF THE U.S. &
TRIBAL NONCONSUMPTIVE CLAIMS & THE DIR RPT
FOR THE 1990 FORT HALL INDIAN WATER RIGHTS
AGREEMENT AND STAYING PROCEEDINGS IN
TWIN FALLS COUNTY CASE 39576 (DL13) | OT | | |
| 04-27-1994 | AMENDED ORDER STAYING PROCEEDINGS IN SUBCASES
IN REPORTING AREAS 1, 2 AND 3 & STAYING
THE OBJECTION PERIOD OF THE DIR'S RPT OF
THE U.S. & TRIBAL NON-CONSUMPTIVE CLAIMS &
STAYING PROCEEDINGS IN TWIN FALLS COUNTY
CASE NO, 39576 (DL19) | | | |

| | | | |
|------------|---|----|-----------------|
| 12-07-1994 | ORDER LIFTING STAY IN REPORTING AREAS 1, 2
AND 3; AND TWIN FALLS COUNTY CASE NO.
39576, AND CONTNUING STAY OF DIRECTOR'S
REPORTS ABSTRACTING FEDERAL RESERVED WATER
RIGHTS (DL43) | OL | |
| 12-22-1994 | 42-1416/1416A CLAIM PER IDWR RPT OF 2/16/94
SUBCASE STAYED-12/22 ORDER RE MOT FOR STAY | OT | 12-22-1994 |
| 11-01-1995 | ORDER OF REFERENCE APPOINTING FRITZ X.
HAEMMERLE SPECIAL MASTER IN REPORTING
AREA 2 (BASIN 57) | | |
| 03-25-1996 | SUBSTITUTE PARTY - RANDALL FOR JOHNSTON | | |
| 02-21-1997 | ORDER SETTING STATUS CONFERENCE | US | 03-28-1997 0200 |
| 03-14-1997 | ORDER DENYING CONSOLIDATION OF SUBCASES | | |
| 03-28-1997 | HEARING HELD-STATUS CONFERENCE | UH | 03-28-1997 0200 |
| 03-28-1997 | MINUTES FILED-STATUS CONFERENCE | | |
| 04-07-1997 | NOTICE SETTING STATUS CONFERENCE | US | 04-18-1997 0145 |
| 04-18-1997 | HEARING HELD-STATUS CONFERENCE | UH | 04-18-1997 0145 |
| 04-18-1997 | MINUTES FILED-STATUS CONFERENCE | | |
| 04-28-1997 | ORDER SETTING STATUS CONFERENCE | UV | 05-09-1997 0330 |
| 05-06-1997 | ORDER VACATING STATUS CONFERENCE | | |
| 05-06-1997 | ORDER RESETTNG STATUS CONFERENCE | US | 06-09-1997 1000 |
| 06-10-1997 | NOTICE SETTING SCHEDULING CONFERENCE | SS | 07-17-1997 0100 |
| 07-17-1997 | NOTICE SETTING HEARING | HS | 07-23-1997 0930 |
| | Motion to Amend Claims. This hearing was | | |
| 07-17-1997 | HEARING HELD-SCHEDULING CONFERENCE | SH | 07-17-1997 0100 |
| 07-17-1997 | MINUTES FILED-SCHEDULING CONFERENCE | | |
| 07-17-1997 | TRIAL SCHEDULING ORDER | TV | 11-20-1997 0900 |
| | STATUS CONFERENCE | ZZ | 08-19-1997 0930 |
| 07-21-1997 | NOTICE OF APPEARANCE STEENSON FOR RANDALLS | | |
| 07-21-1997 | MOTION TO FILE AMENDED CLAIM F/B STEENSON | MG | 07-21-1997 |
| 07-23-1997 | BENCH ORDER GRANTING MTN TO AMEND CLAIMS | | |
| 09-03-1997 | AFFIDAVIT OF DAVID R TUTHILL, JR. | | |
| 09-03-1997 | AFFIDAVIT OF MELVIN T SCHULTE | | |
| 09-03-1997 | AFFIDAVIT OF STEVE LESTER | | |
| 09-03-1997 | AFFIDAVIT OF ROXANNE BROWN | | |
| 09-26-1997 | LDGD: STATEMENT OF BOB COLLETT | | |
| 11-18-1997 | MOTION TO VACATE TRIAL | MG | 11-18-1997 |
| 11-18-1997 | ORDER GRANTING MOTION TO VACATE TRIAL PER
SPECIAL MASTER HAEMMERLE | | |
| 12-16-1997 | NOTICE SETTING STATUS CONFERENCE | US | 01-12-1998 0300 |
| 01-12-1998 | STATUS CONFERENCE HELD | UH | 01-12-1998 0300 |
| 01-12-1998 | MINUTES FILED-STATUS CONFERENCE | | |
| 02-13-1998 | HEARING HELD ON TRANSFER #5173 CONDITIONS | HH | 02-13-1998 1000 |
| 02-13-1998 | MINUTES FILED-HEARING ON TRANSFER CONDITIONS | | |
| 04-09-1998 | STANDARD FORM 5 FILED | | 04-09-1998 |
| 04-22-1998 | REPORT & RECOMMENDATION OF MASTER | CB | 05-28-1998 |
| 04-22-1998 | NOTICE OF ISSUANCE - MASTERS R&R | | |
| 04-22-1998 | CERTIFICATE OF MAILING - MASTER R&R | | |
| 08-05-1999 | SUPPLEMENTAL DIRECTOR'S REPORTS, RP 1, BASIN
57 PERIOD OF USE & CONJUNCTIVE MANAGEMENT | | |
| 09-10-2001 | ORDER ISSUING PARTIAL DECREE | | |
| 09-10-2001 | CERTIFICATE OF MAILING - PARTIAL DECREE | | |
| 09-10-2001 | PARTIAL DECREE FILED | | 09-10-2001 |

[Return to SRBA Home Page](#)

SRBA

DIRECTORS REPORT 57-00133

[Return to SRBA Home Page](#)

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 57-00133

*
* THIS DIRECTORS REPORT HAS BEEN AMENDED SINCE *
* IT WAS 1ST FILED. *
*

This Electronic Director's Report is NOT accurate.
For accurate information see the printed copy of the
Director's Report on file with the Court or IDWR.

Name and Address: EVA M JOHNSTON
507 5TH AVE SOUTH
NAMPA, ID 83651

Source: CASTLE CREEK Tributary: SNAKE RIVER

Quantity: .20 CFS

Priority Date: 04-01-1902

Diversion Point: T05S R01E S21 SESENW Within Owyhee County
S29 NWSESE

| Purpose and | | | |
|----------------|----------------|----------------|----------|
| Period of Use: | Purpose of Use | Period of Use | Quantity |
| | Irrigation | 04-01 TO 10-15 | .20 CFS |

| Place of Use: | | | |
|---------------|---------|----------|----------------------|
| Irrigation | | | Within Owyhee County |
| T05S R01E S21 | NWNE 4 | NENW 13 | |
| | SWNW 12 | SENEW 22 | |
| | NESW 12 | NWSW 28 | |

91 Acres Total

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Decreed

USE OF THIS RIGHT WITH RIGHT NO. 57-00084 AND OTHER RIGHTS
LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
1.82 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 318.5
AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 91.0 ACRES IN A
SINGLE IRRIGATION SEASON.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 57-00084, 57-00101, 57-00111 AND 57-00146.

[Return to SRBA Home Page](#)

Domestic claim to well in Mantain house.
is late claim necessary?

Put SF-5 and Objection form on DWR
housepage?

(#964)
The transfer doc't states that water transferred is
limited to ~~the~~ a new place of use owned and operated
by someone other than claimant's predecessor.
By implication, a portion of the ^{licensed} place of use must
~~become~~ inapplicable / accessible or else the transfer would
have enlarged the water right. IDWR does not permit
~~transfers~~ to enlarge rights and will expect an exchange of
S.O.R's.

The Dept reduced the remaining acres to 72
based on the apparent beneficial use. After the
transfer, no evidence indicate application to any more
than 72 acres. Based on 1990 and 1997 field exams,
and 1987 ASCS aerial photo and land description.
That lack of use after the transfer indicates the
intent to dry up those acres not in the recommendation
showing an abandonment. (106 inches after transfer by ag't of parties)
1964 ASCS indicates "Cropland" but does not
make clear whether this means it is irrigated or not.
There is no known date on the underlying photo, and
the photo shows the acres not irrigated.

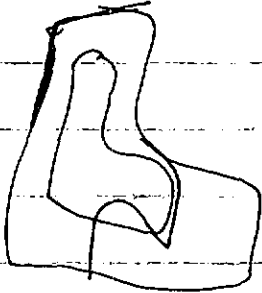
Deed left them w/ 90 inches. They claimed 90.

3.

~~The~~ Transfer of storage would allow expansion in acres,
but not otherwise. IC 42-222.

Transfer cannot constitute enlargement 42-222 (1969)

Cannot recommend.



PPU based on ~~gr~~ duty of
water.

200 acre reg's & cfs.

RECEIVED

JUL 18 1997

Department of Water Resources

D. V. STEENSON
RINGERT CLARK CHARTERED
455 S. Third St., P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591

Attorneys for Michael and Charlene Randall

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 No. 57-00133 |
| |) | |
| |) | |
| Case 39576 |) | STANDARD FORM 4 |
| |) | |
| |) | MOTION TO FILE: |
| |) | LATE NOTICE OF CLAIM |
| |) | X AMENDED NOTICE OF CLAIM |

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-numbered pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of the litigation.

☒ I have read SRBA Administrative Order 1, Rules of Procedure (amended Sept. 30, 1996).

My name is: _____

My address is: _____

My phone number is: Work _____ Home _____

I am an attorney representing Michael and Charlene Randall

My name is: Daniel V. Steenson

My address is: 455 South Third Street, P.O. Box 2773,
Boise, Idaho, 83701
My phone number is: (208) 342-4591

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of Claim to the use of water in the SRBA because:

I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee and a late claim fee. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine the amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$_____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$_____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☒ I must amend my Notice of Claim to the use of water in the SRBA because:

Please see Attachment 1, Reasons for Amending Notice of Claim.

☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

☒ I have attached:

Attachment 1: Reasons for Amending Notice of Claim.
Attachment 2: Davey V. Brown ("Castle Creek Decree")
Attachment 3: Deeds in chain of title
Attachment 4: Bob Collett letter dated June 30, 1997

☒ An amended Notice of Claim (available from IDWR)

☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Ada

Daniel V. Steenson, being first duly sworn, upon Oath,
(Insert name of person filing form)
deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

Daniel Steenson

Attorney signing in representative capacity

Subscribed and sworn to before me on: July 17, 1997
(Insert date)

Esther Lipkin
Notary Public for Idaho
Residing at: Bosse
My Commission expires: 7/10/2001

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the SRBA Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

I certify that on July _____, 1997, I mailed the original and copies of this form, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 4449
Boise, Idaho 83711-4449

Andrew Helminger (BY HAND DELIVERY)
Office of Attorney General
Natural Resources Division
1301 N. Orchard
P.O. Box 83720
Boise, Idaho 83270-0098

Director of IDWR
P.O. Box 83720
Boise, Idaho 83720-0098

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

Signature of person or attorney mailing the form

David Allen

(over)

ATTACHMENT 1. REASONS FOR AMENDING NOTICE OF CLAIM

1. The original Notice of Claim was prepared by Eva Johnston, the Randalls' predecessor in interest, with the assistance and consultation of IDWR. Mrs. Johnston failed to claim all lands to which this water right is appurtenant by the Decree issued in Davey v. Brown (the "Castle Creek Decree," (copy attached)) dated May 15, 1923. This water right is identified at page 7 of the Castle Creek Decree under the name of the Johnstons' predecessor, Joseph W. Hardimen, by the priority date 1870 for 25 miners inches. The Decree makes this water right, together with the four others listed at page 7, appurtenant to the lands owned by Joseph Hardimen as generally identified by five quarter sections in Section 21 of Township 5 South, Range 1 East, Boise Meridian. A more precise legal description and quantification of acreage is not described in the Decree. However, the Decree allocates the waters of Castle Creek to each party, including Joseph Hardimen:

in the amount, priorities and for the lands, hereinafter set forth, for the irrigation of the lands owned by them respectively at the date [of the Decree], and for domestic use and for live stock according to the date of priority on which the said waters were first diverted and used upon said lands and in the quantity so diverted as hereinafter specifically set forth.

As of the date of the decree, Joseph Hardimen owned 200 acres within the lands identified in the decree. These lands were subsequently transferred to Mrs. Johnston, who transferred these lands to the Randalls in 1996 (see attached deeds). Pursuant to the SRBA District Court's decisions relating to partial forfeiture and reductions of decreed water rights based on IDWR's beneficial use determinations, currently before the Idaho Supreme Court, this water right is not subject to partial forfeiture or reduction, and should be confirmed in this proceeding as decreed in the Castle Creek Decree.

2. The Notice of Claim filed by Eva Johnston for this water right claims only 16 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and only 28 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, Township 5 South, Range 1 East, B.M. The Directors' Report recommends only 13 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and only 22 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, Township 5 South, Range 1 East, B.M. As discussed above, the License entitles the Randalls to apply this water right to irrigate all the land identified in the License (i.e. 67 acres) within these quarter sections. Attached hereto is a letter written by Bob Collett, who leases the Randalls' land within these quarter sections. Mr. Collett identifies 20 acres, more or less, within these quarter sections (Mr. Collett circled this area on the map attached to his letter), all or part of which were not claimed in Mrs. Johnston's Notices of claims, and not recommended by IDWR. Mr. Collett's letter establishes that this water right has been beneficially used on these acres, and that this water right should be confirmed to include irrigation of these acres within the place of use.

①
91433

IN THE DISTRICT COURT OF THE THIRD JUDICIAL
DISTRICT OF THE STATE OF IDAHO,
IN AND FOR AND A COUNTY.

JAMES L. DAVEY,

Plaintiff,

vs.

George F. Brown, James E.
Murphy, William Gordy, William
Toy, Joseph W. Hardiman, Andrew
T. Evans, William D. Evans,
Lillian E. Evans, William Hender-
son, Martha Henderson, Urcilla
McDonough, John J. Evans, Thomas
A. Foreman, Victor Foreman,
Donald (Fred D.) Henderson, Thomas
E. Henderson, John Henderson, Charles
H. Forehouse, Maggie Devino, Robert
J. Kelley, James L. Gees, John M. (James H.)
Vorgan, Arsey Grill, Lilt Carothers,
Iva Reed, Atta Bethel, Charles
Johnson, James Henderson, Belos
Foreman, John H. Munger, Edna
Munger, his wife, James Torrence,
Mina B. Torrence, his wife, Alex
Belap, Thomas Payne, John Kidd,
John Skillern, John Lee Kehovarria,
Will T. Skillern, Victor Gabica,
J. S. Flachor, Della Bethel, John
Bethel, her husband, Richard McCumber,
Harry Belap, John Holmberg, and the
Castle Lake Mining Company, a cor-
poration, (whose charter was forfeited
November 30, 1914) and J. L. Conley,
H. F. Ross, P. L. Bloom, A. C. Garber,
and S. L. Kennedy, as directors and
statutory trustees of said the Castle
Lake Mining Company, Walter H. Jones
and Anna Joyce,

Defendants.

The above entitled cause came on regularly
for trial on November 14th, 1922, in open court be-
fore Honorable Charles F. Seddock, Judge of said Court.

DLC EE

-17

JUN 19 1996

The plaintiff appeared by his attorneys, Perky & Brinck, Esquires; Hawley & Hawley, Esquires, and L. H. Johnson, Esquire, appeared as attorneys for defendants, George E. Brown, James H. Murphy, William Toy, Joseph W. Hardiman, Andrew T. Evans, William E. Evans, Lillian E. Evans, Uccilla McDonough, John J. Evans, Thomas E. Foreman, Victor Foreman, John Henderson, James L. Dees, William Gordy and Amsey Crill; L. H. Johnson, Esquire, appeared as attorney for James E. Morgan, James Henderson, John H. Mungar, Edna Mungar, James Torrence, Nina B. Torrence, James L. Dees, Robert W. Henderson and Anna Joyce (who has been duly substituted for Harry Delap and Max Delap, defendants); Hawley & Hawley, Esquires, appeared as attorneys for defendant Charles Johnson; Martin & Martin, Esquires, appeared as attorneys for defendant Walter B. Jones who was substituted for defendants, Maggie Devine and Robert J. Colley; Wright Stacey, Esquire, appeared as attorney for defendant Hilt Carothers; Frank T. Gyan, Esquire, appeared as attorney for defendants, Martha Henderson, Donald Henderson, Thomas E. Henderson and John Malmberg; and Frawley & Koelsch, Esquires, appeared as attorneys for defendants, Pedro Echevarria and W. T. Skillern.

It appearing that the true name of the defendant named in the amended complaint as John Doe Echevarria is Pedro Echevarria, it was ordered that the amended complaint be amended by substituting the true name of said defendant, Pedro Echevarria for said John Doe Echevarria; and it is further ordered that the true name of the cross-complainant named in his cross-com-

JUN 19 1936

plaint as John Mullenberg is John Malmberg, it was ordered that said cross complaint be amended by substituting the true name of said defendant, John Malmberg, for said John Mullenberg.

It appearing to the satisfaction of the court that defendants, Charles H. Horsehouse, Alva Reed, Delos Foreman, Thomas Payne, John Kidd, John Skillern, The Castle Falls Mining Company, a corporation, and J. L. Conley, H. P. Jess, P. M. Bloom, A. S. Garber, and G. L. Kennedy, as directors and statutory trustees of said Castle Falls Mining Company, a corporation, (whose charter has been forfeited), have been regularly served with summons herein and with the complaint and amended complaints of plaintiff, and with the cross-complaints filed herein, and that their time for answering each of said complaints and cross-complaints has expired, and that they and each of them have failed to answer the same, or any of them, or to make other appearance in said cause, the default of each of said defendants was duly entered; and that defendants, Della Pethel and John Pethel having appeared by their attorney, C. S. Hunter, Esquire, and having demurred to the complaint and their demurrer having been overruled, and they having refused to plead further, the default of said Della Pethel and John Pethel was duly entered.

Whereupon, the following stipulation was made by and between all of the aforesaid parties appearing by counsel in open court, to-wit:

"It is stipulated as between the parties to this action that, whereas, a decree was heretofore, on May 18th, 1911, entered in the District Court of the Third Judicial District of the State of Idaho, in and for Owyhee County, in the cause wherein

D. Evans, et al, were plaintiffs and William Toy, et al, were defendants, adjudicating the rights in the waters of Castle Creek as between the parties hereto who were parties to said former action and their successors in interest respectively, the parties to this action have agreed that the respective priorities as specified in said former decree shall remain in full force and effect except that the plaintiff herein shall be decreed the right to use one of 20 inches of the waters of said Castle Creek, with priorities as follows:

| | | | |
|----|------|-----------|------------|
| 57 | 0168 | 1870----- | 25 inches, |
| 57 | 0167 | 1873----- | 5 inches, |
| 57 | 0167 | 1874----- | 10 inches, |
| 57 | 0167 | 1885----- | 10 inches, |
| 57 | 0171 | 1887----- | 20 inches, |
| 57 | 0171 | 1890----- | 20 inches, |

and provision, that since more than one right is by said priorities and by this stipulation fixed for the same year, they will all take equal rank as to priority.

"The said water rights of said J. L. Dwyer shall be decreed for his land described in said complaint.

"The rights of all parties hereto in the waters of said creek which they respectively claimed as of a prior date later than the date of said former decree, or which are not adjudicated by the former decree, or which were not completed at the date of said former decree, shall be subject of a further stipulation among the respective parties, or trial, if no stipulation is made, and shall be included in any decree made herein; provided, that if said further stipulation, or trial, shall not be completed within 30 days from the date hereof, or final decision in said matter had within said time, the court shall enter a final decree as to the respective water rights governed by this stipulation, and such as may be stipulated within said time, and that subsequent decree may further be entered, settling the rights of the parties not settled by the decree just referred to."

And it appearing that a decree was heretofore, on May 13, 1914, entered in this court in an action wherein William E. Evans, et al, were plaintiffs, and William Toy, et al, were defendants, adjudicating to the

JUN 1 5 1915

parties thereto the waters of Castle Creek in Owyhee County, Idaho, as therein set forth, being the decree referred to in aforesaid stipulation, and that since the entry of said decree, the defendant herein, Joseph W. Hardiman, has succeeded to the water rights awarded to Hardiman Brothers, consisting of Charles I. Hardiman, Joseph W. Hardiman and Eugene A. Hardiman, described in said former decree; that Walter C. Jones, since the said former decree, has succeeded to the water rights awarded to Maggie Levine, described in said former decree; that Thomas A. Foreman, since the said former decree, has succeeded to the water rights awarded to Charles H. Forehouse, described in said former decree; that Amosy Grill, since said former decree, has succeeded to the water rights awarded to Elbert Foreman, described in said former decree; that George F. Brown and James M. Murphy, since said former decree, have succeeded to the water rights awarded to Victor Gehica, described in said former decree; that George F. Brown, since said former decree, has succeeded to the water rights awarded to Harlan Clark, described in said former decree; that William Gordy, since said former decree, has succeeded to the water rights awarded to J. P. Dunham, described in said former decree; that Edith Campbell, since said former decree, has succeeded to the water rights awarded to Fred T. Smith, described in said former decree; that John Walzberg, since said former decree, has succeeded to the water rights awarded to Martha Henderson, described in said former decree, so far as the land therein des-

RECORDED
JUN 19 1906

cribed as her homestead entry and the water right thereto decreed is involved; and agreement having been reached pursuant to said stipulation; and findings of fact and conclusions of law having been specifically waived by all parties in open court,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. That the waters of Castle Creek, Cuyahoe County, Idaho, be and the same are hereby allotted and decreed to the several parties to this suit in the amount, priorities and for the lands, hereinafter set forth, for the irrigating of the lands owned by them respectively at the date hereof and described in the complaint, answers and cross-complaints of the parties hereto and for domestic use and for live stock according to the date of priority on which the said waters were first diverted and used upon said lands and in the quantity so diverted as hereinafter specifically set forth. That where more than one right is fixed upon the same date, they will all take equal rank as to priority. That the various rights so decreed and allotted, with the date of the right, the party to whom allotted and decreed, and the amount of water allotted, and the lands for which allotted, are as follows:

RECORDED

JUN 19 1996

| Name of Party | Source of Water | Date of Priority. | Amt. in inches. | Pos. of All Owyhee County Land. | Sec. | Twp. | Range | |
|--|--------------------|-------------------|-----------------|--|------|------|-------|------|
| William Roy | Castle Creek | 1870 | 25 | { (subd)
21 NE
21 SE
21 SW
21 NW
21 E
21 W
21 S
21 N | 29 | 5 | 13 | B.M. |
| | | 1885 | 20 | | | | | |
| | | 1887 | 20 | | | | | |
| | | 1895 | 30 | | | | | |
| | | 1903 | 15 | | | | | |
| | | 1908 | 20 | | | | | |
| Joseph B. Hardiman (successor to Hardiman Bros. consisting of Joseph Hardiman, Charles I. Hardiman and Eugene A. Hardiman) | Castle Creek | 1870 | 25 | { (subd)
21 NE
21 SE
21 SW
21 NW
21 E
21 W
21 S
21 N | 21 | 5 | 13 | B.M. |
| | | 1887 | 5 | | | | | |
| | | 1890 | 30 | | | | | |
| | | 1902 | 10 | | | | | |
| | | 1906 | 15 | | | | | |
| | | | 85 | | | | | |
| William I. Evans & William D. Evans | Castle Creek | 1870 | 25 | { (subd)
21 NE
21 SE
21 SW
21 NW
21 E
21 W
21 S
21 N | 10 | 5 | 13 | B.M. |
| | | 1871 | 20 | | | | | |
| | | 1887 | 20 | | | | | |
| | | 1890 | 25 | | | | | |
| | | 1895 | 20 | | | | | |
| | | 1902 | 12 | | | | | |
| | | 1906 | 9 | | | | | |
| Andrew T. Evans | Castle Creek | 1870 | 25 | { (subd)
21 NE
21 SE
21 SW
21 NW
21 E
21 W
21 S
21 N | 16 | 5 | 13 | B.M. |
| | | 1890 | 18 | | | | | |
| | | 1901 | 15 | | | | | |
| James H. Levey | Castle Creek | 1870 | 25 | { (subd)
21 NE
21 SE
21 SW
21 NW
21 E
21 W
21 S
21 N | 13 | 5 | 13 | B.M. |
| | | 1873 | 5 | | | | | |
| | | 1874 | 10 | | | | | |
| | | 1885 | 10 | | | | | |
| | | 1887 | 20 | | | | | |
| | | 1890 | 20 | | | | | |
| Urcilla McEnough | Castle Creek | 1874 | 8 | { (subd)
21 NE
21 SE
21 SW
21 NW
21 E
21 W
21 S
21 N | 3 | 5 | 13 | B.M. |
| | | 1885 | 15 | | | | | |
| | | 1887 | 4 | | | | | |
| | | 1890 | 5 | | | | | |
| | | 1896 | 14 | | | | | |
| | | 1906 | 10 | | | | | |
| | | 1908 | 17 | | | | | |
| John J. Evans | Castle Creek #3350 | 1874 | 12 | { (subd)
21 NE
21 SE
21 SW
21 NW
21 E
21 W
21 S
21 N | 34 | 4 | 13 | B.M. |
| | | 1885 | 18 | | | | | |
| | | 1887 | 10 | | | | | |
| | | 1895 | 5 | | | | | |
| | | 1896 | 15 | | | | | |
| | | 1899 | 20 | | | | | |
| | | 1906 | 10 | | | | | |

JUN 19 1906

| Name of Party | Source of Water | Date of Priority. | Amt. in inches. | Pos of All Owyhee County Land. | Sec. | Twp. | Range. |
|---|-----------------|---|-----------------|---|----------------|------------|--------------------------|
| J. E. Morgan | Castle Creek | 1874 11 1
1906 11 6
1908 11 34 | | { Lot 3
Lot 4
Lot 4
Lot 5 } | 6
31 | 4 S
3 S | 2E
2E
B.M.
B.M. |
| Thomas A. Foreman | Castle Creek | 1874 11 10
1885 11 20
1887 11 10
1895 11 5
1896 11 15
1899 11 20
1902 11 10
1906 11 10
1908 11 10 | | { SE 1/4
E 1/2
SE 1/4
SW 1/4
NW 1/4 } | 27
26
35 | 4 S | 1E
B.M. |
| Thomas A. Foreman
(successor to
Charles H. Foreman
house) | Castle Creek | 1897 11 50 | | { E 1/2
SE 1/4
NE 1/4 } | 26 | 4 S | 1E
B.M. |
| Amey Grill
(successor to
Wilbur Mosaman) | Castle Creek | 1878 11 3
1900 11 7 | | { E. Sparks
Ranch in
SW 1/4
Sec. 9; SE 1/4
Sec. 10 } | 7 | 5 S | 1E
B.M. |
| Amey Grill | Castle Creek | 1884 11 8
1904 11 2
1911 11 2 | | { Formerly
F. Wicher
Ranch in
E 1/2 Sec. 9
SW 1/4 Sec. 10 } | 7 | 5 S | 1 W
B.M. |
| Amey Grill | Castle Creek | 1913 11 22 | 8 | SW 1/4 | 16 | 7 S | 1 W
B.M. |
| Amey Grill | Pixley Creek | 1918 11 11 | | SW 1/4 | 10 | 7 S | 1E
B.M. |
| Thomas D.
Henderson &
Donald
Henderson | Castle Creek | 1885 11 20
1887 11 35 | | { E 1/2
SE 1/4 } | 24
23 | 4 S | 1E
B.M. |
| Balter B. Jones
(successor to
Maggie Devine &
Robert J. Kelley.) | Castle Creek | 1885 11 15
1887 11 20
1906 11 6
1908 11 20 | | { E 1/2
NE 1/4 } | 24 | 4 S | 1E
B.M. |

JUN 1 9 1906

| Name of Party | Source of Water. | Date of Priority | Amt. in inches. | Loc. of Land. | All Owyhee County | Sec. | Twp. | Range. |
|---------------|------------------|------------------|-----------------|---------------|-------------------|------|------|--------|
|---------------|------------------|------------------|-----------------|---------------|-------------------|------|------|--------|

| | | | | | | | | | |
|---|-----------------|------|----|--------------------------------------|---|---|---|----|------|
| John Palmberg
(successor to
Martha Henderson) | Castle
Creek | 1886 | 30 | {
H. 25
N. 35
S. 10
E. 3 | 3 | 5 | S | 1E | B.M. |
| | | 1887 | 5 | | | | | | |
| | | 1890 | 5 | | | | | | |
| | | 1896 | 4 | | | | | | |
| | | 1908 | 3 | | | | | | |

| | | | | | | | | | |
|---|-----------------|------|----|--------------------------------------|----|---|---|----|------|
| Milt Carothers
(successor to
Fred T. Smith) | Castle
Creek | 1888 | 20 | {
H. 25
N. 35
S. 10
E. 3 | 23 | 6 | S | 1E | B.M. |
| | | 1903 | 5 | | | | | | |

| | | | | | | | | | |
|------------------|-----------------|------|---|--------------------------------------|----|---|---|----|------|
| Martha Henderson | Castle
Creek | 1897 | 7 | {
H. 25
N. 35
S. 10
E. 3 | 25 | 4 | S | 1E | B.M. |
|------------------|-----------------|------|---|--------------------------------------|----|---|---|----|------|

| | | | | | | | | | |
|---|-----------------|------|----|--|----|---|---|----|------|
| William Gordy
(successor to
L. F. Dunham) | Castle
Creek | 1898 | 15 | {
H. 25
N. 35
S. 10
E. 3
(lands formerly owned
by John Goodman). | 23 | 7 | S | 1E | B.M. |
|---|-----------------|------|----|--|----|---|---|----|------|

| | | | | | | | | | |
|----------------|-----------------|------|---|--------------------------------------|----|---|---|----|------|
| John Henderson | Castle
Creek | 1899 | 5 | {
H. 25
N. 35
S. 10
E. 3 | 25 | 4 | S | 1E | B.M. |
| | | 1902 | 7 | | | | | | |
| | | 1906 | 3 | | | | | | |

| | | | | | | | | | |
|---|-----------------|------|----|--------------------------------------|----|---|---|----|------|
| George F. Brown
and James E.
Murphy (successors
to Victor Gabica.) | Castle
Creek | 1901 | 15 | {
H. 25
N. 35
S. 10
E. 3 | 10 | 7 | S | 2E | B.M. |
| | | 1902 | 5 | | | | | | |
| | | 1904 | 5 | | | | | | |
| | | 1905 | 5 | | | | | | |
| | | 1907 | 10 | | | | | | |
| | | 1908 | 5 | | | | | | |

| | | | | | | | | | |
|---|-----------------|------|----|--------------------------------------|----|---|---|----|------|
| George F. Brown
(successor to
Harlan Clark) | Castle
Creek | 1903 | 5 | {
H. 25
N. 35
S. 10
E. 3 | 36 | 3 | S | 1E | B.M. |
| | | 1904 | 5 | | | | | | |
| | | 1905 | 5 | | | | | | |
| | | 1906 | 5 | | | | | | |
| | | 1907 | 15 | | | | | | |
| | | 1908 | 3 | | | | | | |

| | | | | | | | | | |
|---|-----------------|---------------|-----------------|--------------------------------------|----|---|---|----|------|
| James Henderson
(successor to
James Henderson
and John Hender-
son under license
#6250) 57-2037 | Castle
Creek | July 13, 1910 | (1.04 sec. ft.) | {
H. 25
N. 35
S. 10
E. 3 | 35 | 4 | S | 1E | B.M. |
| 20 | | | | | | | | | |
| 32 | | | | | | | | | |

| | | | | | | | | | |
|--|---------------|----------------|----|--------------------------------------|----|---|---|----|------|
| Anna Joyce
(successor to
Alex Delapp under
license 7743)
57-2040 | Castle creek | Sept. 20, 1911 | 25 | {
H. 25
N. 35
S. 10
E. 3 | 34 | 6 | S | 2E | B.M. |
| | (.5 sec. ft.) | 14 | | | | | | | |
| | (.5 sec. ft.) | 14 | | | | | | | |

JUN 1 8 1906

| Name of Party | Source of Water. | Date of Priority | Amt. in inches. | Sec. of Land (Subd.) | All Owyhee County Sec. | Twp. | Range. | B.M. |
|--|---|--------------------------------------|---|---|------------------------|------|--------|------|
| John Munger
(water license
#602) 57-2046 | Castle Creek | Aug. 10, 1912 | 25
(.5 sec. ft.) | { SW 1/4 NE 1/4 }
{ NW 1/4 NE 1/4 } | 34 | 4 S | 1E | B.M. |
| Edna Munger
(water license
#2776)
11494 57-1090 | Castle Creek | Sept. 2, 1915 | 20
(.4 sec. foot) | { NW 1/4 NE 1/4 } | 34 | 4 S | 1E | B.M. |
| Charles Johnson. | Alder Cr. and John-son Reser-voir. Jan 31, 1921 | 1894
1903
1913
Jan 31, 1921 | { 10
32
25
54 }
(1.08
sec. ft.
water
license
#15135.) 57-2130 | { NW 1/4 NE 1/4 }
{ SW 1/4 NE 1/4 } | 15 | 6 S | 1E | B.M. |
| Thomas E. Henderson.
(water license
#6161) 57-2036 | Castle Creek | May 23, 1910 | 50
(.5 sec. ft.) | { SW 1/4 NE 1/4 }
{ SW 1/4 NE 1/4 }
{ SW 1/4 NE 1/4 } | 13
24 | 4 S | 1E | B.M. |
| Fred P. Henderson and Thomas E. Henderson.
(water license
#9896) 57-2064 | Castle Creek | Nov. 11, 1913 | 75
(.5 sec. ft.) | { NW 1/4 NE 1/4 }
{ SW 1/4 NE 1/4 }
{ SW 1/4 NE 1/4 } | 23
24 | 4 S | 1E | B.M. |
| James L. Leas
(water license
#3301) 57-2021 | Castle Creek | Dec. 10, 1907 | 55
(.5 sec. ft.) | { SW 1/4 NE 1/4 }
{ SW 1/4 NE 1/4 } | 35 | 3 S | 1E | B.M. |
| Mina E. Torrence
(water license
#3301) 57-2021 | Castle Creek | Dec. 10, 1907 | 55
(.5 sec. ft.) | { Lot 4 }
{ SW 1/4 NE 1/4 }
{ SW 1/4 NE 1/4 } | 1 | 4 S | 1E | B.M. |

That the water so decreed to the said parties shall be appurtenant to the lands owned by them respectively and which are described above.

The water above decreed is the amount above stated

measured under a four-inch pressure.

The several parties to this action whose rights in the use of the waters of said streams are of even date, are entitled, whenever the amount of water flowing in the channel of said streams is insufficient in quantity to sup-

ply all of said parties with the amounts herein decreed, to share in the use of the available supply in the proportion that the several quantities awarded as of the same date, bear to the total available supply for said rights, but subject to the prior rights awarded hereby.

Each and every party hereto is, and his agents, attorneys, employees, privies and successors in interest, are, hereby enjoined and restrained from interfering, in any manner, with the rights of prior appropriators, as herein decreed, and from obstructing, using and wasting the waters of said streams to the injury of such prior appropriators.

That the defendants hereinafter named are the holders of certain water permits issued by the State of Idaho as hereinafter designated, and this decree is not intended to, nor does it, interfere with or prevent the acquiring of such licenses or further licenses under the said permits upon performance of the requirements of law relating to the securing of such licenses or further licenses, notwithstanding that such licenses or further licenses may grant rights or priorities earlier than the date of this decree or of rights herein decreed:

James Henderson ~~James Henderson~~
Henderson and John Henderson, Permit No. 6258.

Amsey Grill, Permit No. 15852 (Castle Creek and Pixley Creek),

Charles Johnson, Permit No. 15135, (Alder Creek and Johnson Reservoir),

Lillian C. Evans, Permit No. 15427, ✓

~~J. H. Evans and Lillian C. Evans,~~
Permit No. 15418.

JUN 1 9 1936

James L. Davoy, Permits No. 12842 ⁵⁷⁻²¹⁰
and No. 13712,

Pedro Schevarria and William T.
Skillern, Permit No. 8006,

A. T. Evans, Permit No. 15112,

John J. Evans, Permit No. 12871,

Donald F. Henderson, Permit No. 9901,

Thomas F. Henderson, Permit No. 6151, *in decree*

Robert F. Henderson (successor to Robert
W. Henderson and James Henderson) Per-
mit No. 11266,

Edna Langer, Permit No. 11494, *4cc. 1 #2172 in decree*

John H. Langer, Permit No. 8602, *in decree*

Anna Joyce. (successor to Alex
Polapp) Permit no 7743. *in decree*

IT IS FURTHER ORDERED, ADJUDGED AND DECREED:

That the foregoing rights are established and shall
be in operation during the irrigation season from the
1st day of April to and until the 15th day of October
of each year. It is further adjudged that the average
amount of water required each year for the irrigation
of the lands hereinbefore described during such season
is one inch of water to the acre. It is further ad-
judged that the water hereinbefore decreed shall be
diverted and applied to the respective lands to which
they are made appurtenant as aforesaid, by means of the
headgates, ditches and laterals owned by the respective
parties at the date of this decree. It is further
adjudged and decreed that each party shall pay his
own costs herein.

Done in open court this 15th day of May,
1923.

AMERICAN
JUN 19 1923

M. J. Church

District Judge.

William Hardiman

to

WARRANTY DEED.

Jon. W. Hardiman et al

THIS INDENTURE, Made this 21st day of February in the year of our Lord one thousand nine hundred and seven between WILLIAM HARDIMAN of Oregan County of Owyhee State of Idaho the party of the first part, and JOS. W. HARDIMAN, CHAS. I. HARDIMAN and E. A. HARDIMAN of Oregan County of Owyhee State of Idaho the parties of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of ONE HUNDRED \$ DOLLARS, lawful money of the United States of America, to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in Owyhee County, State of Idaho, to-wit:

The East half of the Northwest quarter, the Southwest quarter of the North west quarter and the North west quarter of the Southwest quarter of Section twenty one Township five South Range one East and also the North East quarter of the South west quarter of Section twenty one Township five South Range One East all in Owyhee County Idaho and containing 200 acres. Together with all water rights and water privileges thereunto belonging or in anywise appertaining to said lands, particularly all rights under water right notice recorded in book 3 of water rights page 53 Owyhee County records.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said party of the first part his heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents DEFEND.

IN WITNESS WHEREOF, The said party of the first part has herunto set his hand and seal the day and year first above written.

Signed, Sealed and

William Hardiman (SEAL)

Delivered in Presence of

Fred G. Muck

C. R. Hickey

State of Idaho, :
 :--ss.
 County of Canyon. :

On this 23rd day of February 1907 before me Fred G. Mock, a Notary Public in and for said County, personally appeared William Hardiman, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal, the day and year in this certificate first above written.

.....
 : FRED G. MOCK :
 : NOTARY PUBLIC :
 : Canyon County :
 : Idaho. :
 :.....

Fred G. Mock,
 Notary Public.

Filed May 6th, 1910, at 3:50 o'clock P. M., at request of F. A. Hardiman

F. A. Hardiman
 Ex-Officio Recorder.

Fee, \$1.00

Chas. I. Hardiman et al. :
 to :
 Joseph W. Hardiman. :

WARRANTY DEED

THIS INDENTURE, Made this 11th day of March, in the year of our Lord one thousand nine hundred and eighteen, between CHAS. I. HARDIMAN and E. A. HARDIMAN, both unmarried, of Castle Creek, County of Owyhee, State of Idaho, the parties of the first part, and JOSEPH W. HARDIMAN, of Castle Creek, County of Owyhee, State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of ONE HUNDRED (\$100.00) DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in the County of Owyhee, State of Idaho, to-wit:

An undivided two-thirds interest of, in and to the East half of the Northwest quarter, the Southwest quarter of the Northwest quarter and the Northwest quarter of the Southwest quarter of Section twenty-one, Township five South, Range one East, of the Boise Meridian.

Also, an undivided two-thirds interest of, in and to the Northeast quarter of the Southwest quarter of Section twenty-one, Township five South, Range one East, of the Boise Meridian.

Together with a like interest of, in and to all water rights and water privileges thereunto belonging or in anywise appertaining, particularly all rights acquired under and by virtue of that certain notice of appropriation of the waters of Castle Creek, in Owyhee County, Idaho, as made by M. H. Presby on the 15th day of August, 1879, and recorded in Book 3 of Water Rights, at page 53, among the records of Owyhee County, Idaho.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set

their hands and seals the day and year first above written.

| | | | |
|------------------------------|---|--------------------|--------|
| Signed, Sealed and | : | Chas. I. Hardiman | (SEAL) |
| Delivered in the Presence of | : | Eugene A. Hardiman | (SEAL) |
| Mrs. E. J. Toy | : | | |
| Mrs. Susan Bruce | : | | |

(\$4.00 Documentary Revenue Stamps, J. W. H., 3/11/18.)

State of Idaho. :
:--ss.
County of Owyhee. :

On this 26 day of March, in the year 1918, before me, Martha Henderson, a Notary Public in and for the State of Idaho, personally appeared Chas. I. Hardiman and E. A. Hardiman, both unmarried, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Martha Henderson

| | |
|----------------------------|---|
| Notary Public, residing at | |
| Castle Creek, Idaho. | |
| | |
| MARTHA HENDERSON | : |
| Notary Public | : |
| State of Idaho | : |
| | |

Filed April 23rd, A. D. 1918, at 9 o'clock A. M., at request of Joseph W. Hardiman.

J. H. Clair
Ex-Officio Recorder.

Fees, \$1.20

their hands and seals the day and year first above written.

| | | | |
|------------------------------|---|--------------------|--------|
| Signed, Sealed and | : | Chas. I. Hardiman | (SEAL) |
| Delivered in the Presence of | : | Eugene A. Hardiman | (SEAL) |
| Mrs. E. J. Toy | : | | |
| Mrs. Susan Bruce | : | | |

(\$4.00 Documentary Revenue Stamps, J. W. H., 3/11/18.)

State of Idaho, :
:--ss.
County of Owyhee. :

On this 25 day of March, in the year 1918, before me,
Martha Henderson, a Notary Public in and for the State of Idaho, personally
appeared Chas. I. Hardiman and E. A. Hardiman, both unmarried, known to me
to be the persons whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal, the day and year in this certificate first above written.

Martha Henderson

| | |
|----------------------|----------------------------|
| | Notary Public, residing at |
| : MARTHA HENDERSON : | Castle Creek, Idaho. |
| : Notary Public : | |
| : State of Idaho : | |
| | |

Filed April 23rd, A. D. 1918, at 9 o'clock A. M., at request of Joseph W.
Hardiman.

J. H. Blair
Ex-Officio Recorder.

Fees, \$1.20

William Hardiman et ux :
to : QUITCLAIM DEED
Joseph W. Hardiman :

THIS INDENTURE, Made this 23rd day of September in the year of our Lord one thousand nine hundred and Twenty-four, between WILLIAM HARDIMAN and MARY H. HARDIMAN, husband and wife, of Boise, County of Ada, State of Idaho, the parties of the first part, and JOSEPH W. HARDIMAN, of Boise, County of Ada, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Dollar and other good and valuable consideration, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assigns, all that certain lot, piece, or parcel of land, situate, lying and being in County of Owyhee, State of Idaho, bounded and particularly described as follows, to-wit:

The East Half (E $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$), Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) North half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section Twenty One (21), Township Five (5) South of Range One (1) East of the Boise Meridian, Owyhee County, State of Idaho, containing Two-Hundred (200) acres, more or less excepting all rights of way thereon, together with all other water rights, ditch rights and canal rights thereunto belonging or in anywise appertaining.

This deed is given for the purpose of clearing that certain deed made and executed by Wm. Hardiman as Grantor and Joseph W. Hardiman, Chas. I. Hardiman and Z. A. Hardiman as Grantees, which deed is dated February 21, 1907, and recorded in Book 5 of deeds at pages 363 and 364, records of Owyhee County, Idaho, in which deed the wife of the said Wm. Hardiman did not join

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof;

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the 30th day of September, 1924.

| | | |
|------------------------------|---|-------------------------|
| Signed, Sealed and | : | |
| Delivered in the Presence of | : | William Hardiman (SEAL) |
| Florence M. Ferguson | : | Mary H. Hardiman (SEAL) |
| I. L. Anislie | : | |

State of California :
: ss.
County of San Francisco :

On this 30th day of September, in the year 1924, before me, Edwin G. Bath, a Notary Public in and for said County, personally appeared Mary H. Hardiman, wife of William Hardiman, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

| | |
|----------------------|--------------------------|
| | |
| : EDWIN G. BATH : | Edwin G. Bath. |
| : Notary Public : | |
| : City & County of : | Notary Public in and |
| : San Francisco : | for the City and |
| : California : | County of San Francisco. |
| | State of California. |

State of Idaho, :
: ss.
County of Ada. :

On this 13th day of October in the year 1924, before me, A. J. Tracy, a Notary Public in and for said State, personally appeared William Hardiman, known to me to be the person whose name is subscribed to the annexed instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year in this certificate first above written.

| | |
|--------------------|---------------------------|
| | |
| : A. J. TRACY : | A. J. Tracy, |
| : Notary Public : | |
| : State of Idaho : | Notary Public residing at |
| | Boise, Idaho. |

State of Idaho, :
: ss.
County of Owyhee. :

I hereby certify that this instrument was filed for record at the Request of Owyhee County Abstract Co., at 25 minutes past 9 o'clock A. M., this 22nd day of October, 1924, in my office, and duly recorded in Book 18 of Deeds, at page 177.

W. A. LEWIS,
Ex-Officio Recorder.

Fees, \$1.20.

STATE OF IDAHO DEED

Number 10967

Certificate No. 20745

Loan No. 4302, Joseph
& Mary E. Hardiman

All to Whom These Presents Shall Come, Greetings:

Whereas, on the 15th day of MARCH 1940, all that tract or parcel of PUBLIC SCHOOL FORECLOSED
of the State of Idaho, hereinafter mentioned and particularly described, was sold in the manner provided by law to

- WILLIAM HARDIMAN -

12 Thatcher Street, Boise..... State of..... IDAHO..... for the aggregate price of
-----THREE THOUSAND SIX HUNDRED FIFTY & NO/100----- DOLLARS

and Whereas, the said sum of -----THREE THOUSAND SIX HUNDRED FIFTY & NO/100----- DOLLARS

was fully paid to the proper receiving officer for the State of Idaho, by...ELMER D. JOHNSTON, of Oresco, Idaho: who
received full interest by Assignment from Mary E. Hardiman, February 17, 1950, recorded March 7, 1974; and
received her interest by Assignment from William Hardiman, February 20, 1944, recorded February 26, 1945.

and by the records in the office of the State Board of Land Commissioners, the said sum being the whole amount of the purchase
of the said tract or parcel of land hereinafter described:

Now, Know Ye, That the said State of Idaho, in pursuance of law in such case made and provided, and in consideration of the prem-
ises, and of the aforesaid sum of

-----THREE THOUSAND SIX HUNDRED FIFTY & NO/100----- DOLLARS

said State of Idaho paid, doth by these presents grant, bargain, sell, convey and confirm, in fee, unto the said

- ELMER D. JOHNSTON -

.....heirs and assigns, all of the said tract and parcel of land situated in the County ofONYSEE
State of Idaho, and described as follows, to-wit:

The Northeast Quarter of the Northwest Quarter (NE1/4), the South Half of the Northwest
Quarter (SW1/4), the North Half of the Southwest Quarter (NW1/4), in Section Twenty-One
(21), Township Five (5) South, Range One (1) East, Boise Meridian, containing Two Hundred
(200.0) acres, more or less.

Together with all water rights, ditch and canal rights, thereto belonging or in anywise
appertaining.

To have and to hold the said premises and parcel of land above particularly described, with the appurtenances there-
to, unto the said

- ELMER D. JOHNSTON -

his.....heirs and assigns, in fee simple forever, subject to the provisions of Section 58-604, Idaho Code, as amended
1991 Session Laws; which grants over all lands belonging to the State a right of way for ditches constructed by
United States; and to the provisions of Section 47-701, Idaho Code, reserving to the State all Mineral rights in lands so
the 8th day of May, 1923.

In Witness Whereof, I, CECIL D. ANDRUS

, the Governor of the
have hereunto signed my name and caused the Great Seal of the State of Idaho and
Board of Land Commissioners to be hereunto affixed, this 15th day of March.

Countersigned:

[Signature] Secretary of State
[Signature] State Board of Land

Countersigned:

[Signature]
State Land Commissioner

STATE OF IDAHO,
County of Ada,

On this 12th day of MARCH, 1940, in the year 1940

me, a Notary Public in and for said State, personally appeared Cecil D. Andrus
known to me to be the Governor of the State of Idaho, and
known to me to be the Secretary of the State of Idaho, and
known to me to be the Land Commissioner of the State of Idaho, who executed said
acknowledged to me that such State of Idaho executed the same.

In Witness Whereof, I have hereunto set my hand and seal on the day and year last

[Signature]
Notary Public



Loan No. 4302-Joseph W. & Mary E. Hardiman

State of Idaho

LAND SALE CERTIFICATE

No. 20745

THIS IS TO CERTIFY, That on the 15th day of March, 1940, the State of Idaho sold unto William Hardiman, 612 Thatcher St. Boise, Idaho upon terms and conditions hereinafter set forth, the following described State Public School Foreclosed lands, lying, situate and being in the County of Owyhee, State of Idaho: NE-1/4, Sec. 17, Twp. 5 S., Rg. 1 E., B. M., containing 200 Acres. Consideration Thirty-six hundred fifty and no/100 (\$ 365.00) Dollars, the receipt whereof is hereby acknowledged and the balance of Thirty-two hundred eighty-five and no/100 (\$ 325.00) Dollars in annual installments with interest at the rate of four per cent. per annum, payable in advance on the first day of January, of each year, as shown herewith to-wit:

RECORD OF ASSIGNMENTS

| ASSIGNEE | DATE |
|-------------------------------------|---------|
| (1) Mary E. Hardiman | 2-2-40 |
| (2) Elmer D. Johnson, Oregon, Idaho | 2-2-40 |
| | 3-11-50 |
| | 3-1-74 |

The State reserves the right to all coal, oil, gas, phosphate, sodium and other mineral deposits contained in this land, as required by Chapter 46 of the 1923 Session Laws.

No prescriptive right shall be acquired to any water appurtenant to this land through use of said water upon any other land during the life of this contract.

IN WITNESS WHEREOF, The State Board of Land Commissioners of the State of Idaho has caused these presents to be executed in duplicate by its President, the Governor of the State of Idaho, and countersigned by its Commissioner this 15th day of April, 1940.

State Board of Land Commissioners of the State of Idaho
By: *[Signature]*
President of the State Board of Land Commissioners,
and by error of the State of Idaho.

Countersigned: *[Signature]*
Secretary of State of Idaho.

Countersigned: *[Signature]*
State Land Commissioner.

| PAYMENTS IN ADVANCE AS FOLLOWS | | | DATE PAID | | RECEIPT NO. | | DATE PAID | | RECEIPT NO. | | BALANCE PRINCIPAL | INTEREST | PRINCIPAL | WHEN DUE | DATE | ASSIGNEE |
|--------------------------------|-------------|-----------|-----------|-------------|-------------|-----------|-------------|-----------|-------------|-----------|-------------------|----------|-----------|----------------|--------|------------------|
| AMT. PAID | RECEIPT NO. | DATE PAID | AMT. PAID | RECEIPT NO. | DATE PAID | AMT. PAID | RECEIPT NO. | DATE PAID | RECEIPT NO. | DATE PAID | | | | | | |
| 469 02 | Y 4-3-87 | 3-7-40 | 3225 00 | | | 365 00 | | | | | 365 00 | 104 02 | 365 00 | March 15, 1940 | 2-2-40 | Mary E. Hardiman |
| | | | 3202 87 | | | 82 13 | | | | | 82 13 | 128 11 | 82 13 | Jan. 1, 1941 | 2-2-40 | Mary E. Hardiman |
| | | | 2120 74 | | | 82 13 | | | | | 82 13 | 124 82 | 82 13 | Jan. 1, 1942 | 2-2-40 | Mary E. Hardiman |
| | | | 3038 61 | | | 82 13 | | | | | 82 13 | 121 54 | 82 13 | Jan. 1, 1943 | 2-2-40 | Mary E. Hardiman |
| | | | 2956 48 | | | 82 13 | | | | | 82 13 | 118 25 | 82 13 | Jan. 1, 1944 | 2-2-40 | Mary E. Hardiman |
| | | | 2874 35 | | | 82 13 | | | | | 82 13 | 114 97 | 82 13 | Jan. 1, 1945 | 2-2-40 | Mary E. Hardiman |
| | | | 2792 22 | | | 82 13 | | | | | 82 13 | 111 68 | 82 13 | Jan. 1, 1946 | 2-2-40 | Mary E. Hardiman |
| | | | 2710 09 | | | 82 13 | | | | | 82 13 | 108 40 | 82 13 | Jan. 1, 1947 | 2-2-40 | Mary E. Hardiman |
| | | | 2627 96 | | | 82 13 | | | | | 82 13 | 105 11 | 82 13 | Jan. 1, 1948 | 2-2-40 | Mary E. Hardiman |
| | | | 2545 83 | | | 82 13 | | | | | 82 13 | 101 83 | 82 13 | Jan. 1, 1949 | 2-2-40 | Mary E. Hardiman |
| | | | 2463 70 | | | 82 13 | | | | | 82 13 | 98 54 | 82 13 | Jan. 1, 1950 | 2-2-40 | Mary E. Hardiman |
| | | | 2381 57 | | | 82 13 | | | | | 82 13 | 95 26 | 82 13 | Jan. 1, 1951 | 2-2-40 | Mary E. Hardiman |
| | | | 2299 44 | | | 82 13 | | | | | 82 13 | 91 97 | 82 13 | Jan. 1, 1952 | 2-2-40 | Mary E. Hardiman |
| | | | 2217 31 | | | 82 13 | | | | | 82 13 | 88 69 | 82 13 | Jan. 1, 1953 | 2-2-40 | Mary E. Hardiman |
| | | | 2135 18 | | | 82 13 | | | | | 82 13 | 85 40 | 82 13 | Jan. 1, 1954 | 2-2-40 | Mary E. Hardiman |
| | | | 2053 05 | | | 82 13 | | | | | 82 13 | 82 12 | 82 13 | Jan. 1, 1955 | 2-2-40 | Mary E. Hardiman |
| | | | 1970 92 | | | 82 13 | | | | | 82 13 | 78 83 | 82 13 | Jan. 1, 1956 | 2-2-40 | Mary E. Hardiman |
| | | | 1888 79 | | | 82 13 | | | | | 82 13 | 75 55 | 82 13 | Jan. 1, 1957 | 2-2-40 | Mary E. Hardiman |
| | | | 1806 66 | | | 82 13 | | | | | 82 13 | 72 26 | 82 13 | Jan. 1, 1958 | 2-2-40 | Mary E. Hardiman |
| | | | 1724 53 | | | 82 13 | | | | | 82 13 | 68 98 | 82 13 | Jan. 1, 1959 | 2-2-40 | Mary E. Hardiman |
| | | | 1642 40 | | | 82 13 | | | | | 82 13 | 65 69 | 82 13 | Jan. 1, 1960 | 2-2-40 | Mary E. Hardiman |
| | | | 1560 28 | | | 82 12 | | | | | 82 12 | 62 41 | 82 12 | Jan. 1, 1961 | 2-2-40 | Mary E. Hardiman |
| | | | 1478 16 | | | 82 12 | | | | | 82 12 | 59 12 | 82 12 | Jan. 1, 1962 | 2-2-40 | Mary E. Hardiman |
| | | | 1396 04 | | | 82 12 | | | | | 82 12 | 55 84 | 82 12 | Jan. 1, 1963 | 2-2-40 | Mary E. Hardiman |
| | | | 1313 92 | | | 82 12 | | | | | 82 12 | 52 55 | 82 12 | Jan. 1, 1964 | 2-2-40 | Mary E. Hardiman |
| | | | 1231 80 | | | 82 12 | | | | | 82 12 | 49 27 | 82 12 | Jan. 1, 1965 | 2-2-40 | Mary E. Hardiman |
| | | | 1149 68 | | | 82 12 | | | | | 82 12 | 45 98 | 82 12 | Jan. 1, 1966 | 2-2-40 | Mary E. Hardiman |
| | | | 1067 56 | | | 82 12 | | | | | 82 12 | 42 70 | 82 12 | Jan. 1, 1967 | 2-2-40 | Mary E. Hardiman |
| | | | 985 44 | | | 82 12 | | | | | 82 12 | 39 41 | 82 12 | Jan. 1, 1968 | 2-2-40 | Mary E. Hardiman |
| | | | 903 32 | | | 82 12 | | | | | 82 12 | 36 13 | 82 12 | Jan. 1, 1969 | 2-2-40 | Mary E. Hardiman |
| | | | 821 20 | | | 82 12 | | | | | 82 12 | 32 84 | 82 12 | Jan. 1, 1970 | 2-2-40 | Mary E. Hardiman |

Deed No. 10862
this date of 3-2-24
to Elmer D. Johnson

218315

RECORDED
FILED
FEB 6 1966

WARRANTY DEED

FOR VALUE RECEIVED, EVA M. JOHNSTON, a single person,
The Grantor, does hereby grant, bargain, sell and convey
unto

MICHAEL W. RANDALL and CHARLIENE R. RANDALL, husband and
wife, the Grantees, whose current address is

7761 Murphy Rd, Melba. ID 83641

the following described real property, located in Owyhee
County, Idaho, to-wit:

IN TOWNSHIP 5 SOUTH, RANGE 1 EAST, B. M.. OWYHEE COUNTY,
IDAHO

Section 21: NE1NW1, S1NW1, N1SW1, LESS THE FOLLOWING
DESCRIBED PARCEL:

A parcel of land situate in the NW1SW1, Sec.
21, T5S, R1E, B. M., more particularly
described as follows:

COMMENCING at the Southwest corner of Sec. 21,
T5S, R1E, B. M. thence North on the West section line of
said Sec. 21, a distance of 1753 feet, more or less to a
point being the REAL POINT OF BEGINNING; thence continue
North along said West section line, a distance of 417 feet;
thence East on a line perpendicular to said West line a
distance of 417 feet; thence South a a line parallel to said
West line a distance of 417 feet; thence West a distance of
417 feet to the REAL POINT OF BEGINNING.

Together with all and singular the tenements, hereditaments
and appurtenances thereunto belonging or in anywise
appertaining, including all water and ditch rights and
rights of way for water and ditches.

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto said Grantees, their heirs and assigns
forever. And the said Grantor does hereby covenant to and
with the said Grantees. that she is the owner in fee simple
of said premises; that said premises are free from all
encumbrances except: NONE

Subject to such rights, easements, covenants, restrictions
and zoning regulations as appear of record or by use upon
the premises.

Taxes and assessments of all taxing units not yet due and payable.

Reservations in patents or state grants or in acts authorizing the issuance thereof.

All repayment contracts between any irrigation district within which the premises are situated and any government or agency.

The bonded debt of all taxing units within which said premises are located.

Restrictions imposed by law, ordinance, or regulation imposed by any governmental entity, department or agency.

Restrictions contained in any covenants of record affecting the premises.

All rights of way or easements affecting the premises regardless of how evidenced or acquired and whether the same appear of record or not.

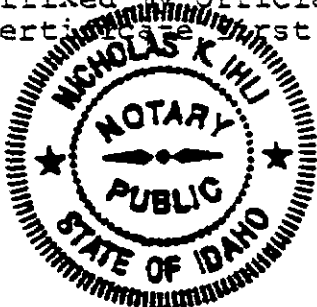
DATED: March 8th 1996

Eva M. Johnston
Eva M. Johnston

STATE OF IDAHO, COUNTY OF OWYHEE

On this 8th day of March, 1996, before me, a Notary Public in and for the State, personally appeared Eva M. Johnston, a single person, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the date and year in this certificate first above written.



Nicholas K. Ishli
Notary Public for Idaho
Residing at Marysville, Idaho
Commission Expires: 11/31/2000

John F. Fish

to whom it may concern.

I have farmed the place on Castle Creek, now owned by Mike and Char Randall for over 40 years.

Several different years I have flooded water on the piece of ground that seems to be in dispute, the brushland just east of the house.

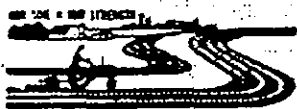
I have also cleared that land and irrigated it before. The last time I flooded water on it to help raise a little cow feed was 1995.

It is land that takes quite a little time and patience to farm and with the past owner was not to economically feasible.

The new owners and I do plan to establish it in crops again.

Bob D Collett

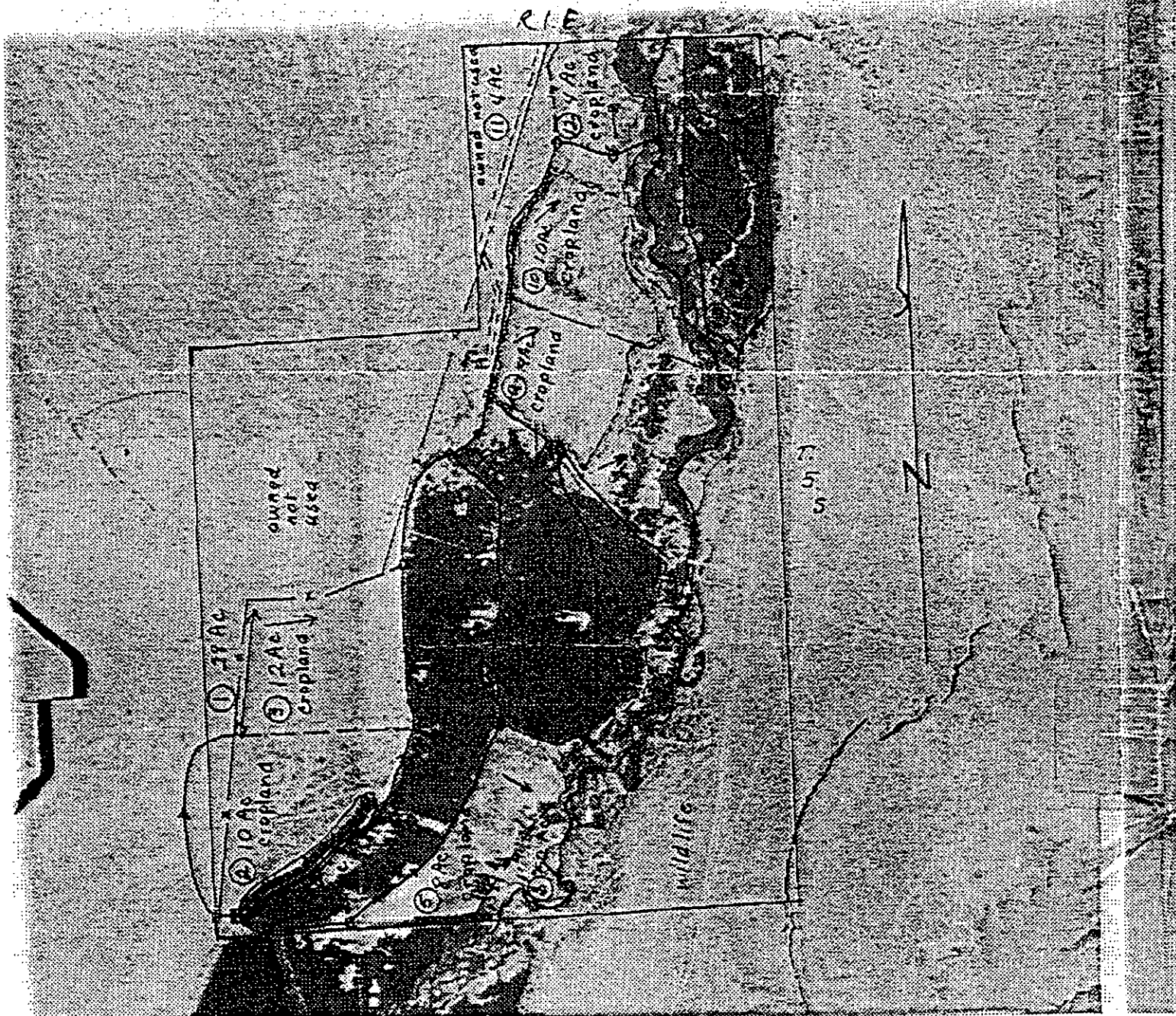
June 30, 1997



CONSERVATION PLAN MAP

Prepared by UNITED STATES DEPARTMENT of AGRICULTURE * SOIL CONSERVATION SERVICE
cooperating with
Bruneau River

OWNER Elmer D. Johnston FARM NO. _____ DATE 8-21
OPERATOR SARS SCALE 3" = 1/2 ACRES 200
Bruneau Idaho PHOTO NO. 675 - 5752



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: A57-00133

Date Received:

Receipt No.: _____

Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: Michael W. Randall and Charliene R. Randall
Address: 7761 Murphy Road, Melba, Idaho 83651

2. Date of Priority: April 1, 1902

3. Source: Castle Creek Trib. to: SNAKE RIVER

4. Point of Diversion

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05S | 01E | 21 | SE | NW | | | OWYHEE |
| 05S | 01E | 29 | SE | SE | | | OWYHEE |

5. Description of diverting works: Diversion dam, headworks,
TWO TRASH DAMS IN CREEK TO DITCH W/ HEADGATE

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|------|-------|--------|------|--------|
| Irrigation | 3/15 | 11/15 | 0.2 | | |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC
STOCKWATER

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 5S | 01E | 21 | NE | NW | | Irr | 40.0 |
| | | | SW | NW | | Irr | 40.0 |
| | | | SE | NW | | Irr | 40.0 |
| | | | NW | SW | | Irr | 40.0 |
| | | | NE | SW | | Irr | 40.0 |

10. Place of Use: continued

Section Acres 200.00

Total Acres 200.00

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:

57-00084, 57000101, 57-00111, 57-00146, 57-02210A

14. Remarks:

15. Basis of Claim: DECREED

JAMES L. DAVEY

Decree Plaintiff

vs

GEORGE F. BROWN ET. AL

Decree 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

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

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): Mike Randall Date: 7-16-97

William Randall Date: 7-16-97

STATE OF IDAHO)
COUNTY OF Ada) ss.

Subscribed and sworn (or affirmed) before me this 16 day of July, 1997.

David Hammerquist
Notary Public
Residing at Boise, Idaho
My commission expires Aug 19, 1999

RECEIVED

JUL 17 1997

Department of Water Resources

D. V. STEENSON
RINGERT CLARK CHARTERED
455 S. Third St., P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591

Attorneys for Michael and Charliene Randall

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 No. 57-00133 |
| |) | |
| |) | |
| Case 39576 |) | STANDARD FORM 4 |
| |) | |
| |) | MOTION TO FILE: |
| |) | LATE NOTICE OF CLAIM |
| |) | X AMENDED NOTICE OF CLAIM |

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-numbered pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a Motion to File a Late Notice of Claim or a Motion to File an Amended Notice of Claim, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of the litigation.

☐ I have read SRBA Administrative Order 1, Rules of Procedure (amended Sept. 30, 1996).

My name is: _____

My address is: _____

My phone number is: Work _____ Home _____

I am an attorney representing Michael and Charlene Randall

My name is: Daniel V. Steenson

My address is: 455 South Third Street, P.O. Box 2773,

Boise, Idaho, 83701

My phone number is: (208) 342-4591

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of Claim to the use of water in the SRBA because:

I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee and a late claim fee. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine the amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$_____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$_____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☒ I must amend my Notice of Claim to the use of water in the SRBA because:

Please see Attachment 1, Reasons for Amending Notice of Claim.

☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

Attachment 1: Reasons for Amending Notice of Claim.
Attachment 2: Davey V. Brown ("Castle Creek Decree")
Attachment 3: Deeds in chain of title
Attachment 4: Bob Collett letter dated June 30, 1997

☒ I have attached:

☒ An amended Notice of Claim (available from IDWR)

☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Ada

Daniel V. Steenson, being first duly sworn, upon Oath,
(Insert name of person filing form)
deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

Daniel Steenson

Attorney signing in representative capacity

Subscribed and sworn to before me on: July 17, 1997
(Insert date)

Esther Lipkin
Notary Public for Idaho
Residing at: Boise
My Commission expires: 7/10/2001

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the SRBA Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

I certify that on July _____, 1997, I mailed the original and copies of this form, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720

Chief, Natural Resources Division
Office of the Attorney General

State of Idaho
P. O. Box 4449
Boise, Idaho 83711-4449

Andrew Helmlinger (BY HAND DELIVERY)

Office of Attorney General
Natural Resources Division
1301 N. Orchard

P.O. Box 83720
Boise, Idaho 83270-0098

Director of IDWR

P.O. Box 83720
Boise, Idaho 83720-0098

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

Howard Helmlinger

Signature of person or attorney mailing the form

(over)

Page 6

SF. 4
Amended 9/30/96

ATTACHMENT 1. REASONS FOR AMENDING NOTICE OF CLAIM

1. The original Notice of Claim was prepared by Eva Johnston, the Randalls' predecessor in interest, with the assistance and consultation of IDWR. Mrs. Johnston failed to claim all lands to which this water right is appurtenant by the Decree issued in Davey v. Brown (the "Castle Creek Decree," (copy attached)) dated May 15, 1923. This water right is identified at page 7 of the Castle Creek Decree under the name of the Johnstons' predecessor, Joseph W. Hardimen, by the priority date 1870 for 25 miners inches. The Decree makes this water right, together with the four others listed at page 7, appurtenant to the lands owned by Joseph Hardimen as generally identified by five quarter sections in Section 21 of Township 5 South, Range 1 East, Boise Meridian. A more precise legal description and quantification of acreage is not described in the Decree. However, the Decree allocates the waters of Castle Creek to each party, including Joseph Hardimen:

in the amount, priorities and for the lands, hereinafter set forth, for the irrigation of the lands owned by them respectively at the date [of the Decree], and for domestic use and for live stock according to the date of priority on which the said waters were first diverted and used upon said lands and in the quantity so diverted as hereinafter specifically set forth.

As of the date of the decree, Joseph Hardimen owned 200 acres within the lands identified in the decree. These lands were subsequently transferred to Mrs. Johnston, who transferred these lands to the Randalls in 1996 (see attached deeds). Pursuant to the SRBA District Court's decisions relating to partial forfeiture and reductions of decreed water rights based on IDWR's beneficial use determinations, currently before the Idaho Supreme Court, this water right is not subject to partial forfeiture or reduction, and should be confirmed in this proceeding as decreed in the Castle Creek Decree.

2. The Notice of Claim filed by Eva Johnston for this water right claims only 16 acres in the NE¼ NW¼, and only 28 acres in the SE¼ NW¼ Section 21, Township 5 South, Range 1 East, B.M. The Directors' Report recommends only 13 acres in the NE¼ NW¼, and only 22 acres in the SE¼ NW¼ Section 21, Township 5 South, Range 1 East, B.M. As discussed above, the License entitles the Randalls to apply this water right to irrigate all the land identified in the License (i.e. 67 acres) within these quarter sections. Attached hereto is a letter written by Bob Collett, who leases the Randalls' land within these quarter sections. Mr. Collett identifies 20 acres, more or less, within these quarter sections (Mr. Collett circled this area on the map attached to his letter), all or part of which were not claimed in Mrs. Johnston's Notices of claims, and not recommended by IDWR. Mr. Collett's letter establishes that this water right has been beneficially used on these acres, and that this water right should be confirmed to include irrigation of these acres within the place of use.

①
7/1/1933

IN THE DISTRICT COURT OF THE THIRD JUDICIAL
DISTRICT OF THE STATE OF IDAHO,
IN AND FOR AND A COUNTY.

JAMES L. DAVEY,

Plaintiff,

vs.

George F. Brown, James E.
Murphy, William Gordy, William
Toy, Joseph W. Hardiman, Andrew
T. Evans, William D. Evans,
Lillian E. Evans, William Hender-
son, Martha Henderson, Urcilla
McDonough, John J. Evans, Thomas
A. Foreman, Victor Foreman,
Donald (Fred D.) Hondo son, Thomas
D. Henderson, John Henderson, Charles
H. Morehouse, Maggie Devine, Robert
J. Kelley, James L. Dees, John W. (James H.)
Vorgan, Arsey Brill, Elt Carothers,
Iva Reed, Etta Bethel, Charles
Johnson, James Henderson, Delos
Forbes, John W. Munger, Edna
Munger, his wife, James Torrence,
Mina B. Torrence, his wife, Alex
Polap, Thomas Payne, John Kidd,
John Skillern, John Doe Echovarria,
Bill T. Skillern, Victor Gabien,
J. S. Fischer, Della Bethel, John
Bethel, her husband, Richard McCumber,
Harry Polap, John Polberg, and the
Castle Falls Mining Company, a cor-
poration, (whose charter was forfeited
November 30, 1914) and J. L. Sonley,
H. F. Ross, P. L. Bloom, A. S. Garber,
and S. L. Kennedy, as directors and
statutory trustees of said the Castle
Falls Mining Company, Walter H. Jones
and Anna Joyce,

Defendants.

DIC EE

The above entitled cause came on regularly
for trial on November 14th, 1933, in open court be-
fore Honorable Charles F. Sedgwick, Judge of said Court.

-1-

JUN 19 1936

The plaintiff appeared by his attorneys, Perky & Brinck, Esquires; Hawley & Hawley, Esquires, and A. H. Johnson, Esquire, appeared as attorneys for defendants, George F. Brown, James H. Murphy, William Toy, Joseph D. Hardiman, Andrew T. Evans, William D. Evans, Lillian E. Evans, Ursilla McDonough, John J. Evans, Thomas F. Foreman, Victor Foreman, John Henderson, James L. Aeos, William Gordy and Amsey Grill; A. H. Johnson, Esquire, appeared as attorney for James H. Morgan, James Henderson, John H. Mungler, Edna Mungler, James Torrence, Nina B. Torrence, James L. Aeos, Robert A. Henderson and Anna Joyce (who has been duly substituted for Harry Delap and Iox Delap, defendants); Hawley & Hawley, Esquires, appeared as attorneys for defendant Charles Johnson; Martin & Martin, Esquires, appeared as attorneys for defendant Walter B. Jones who was substituted for defendants, Maggie Devine and Robert J. Bolloy; Dwight Stacey, Esquire, appeared as attorney for defendant Hilt Carothers; Frank T. Lyman, Esquire, appeared as attorney for defendants, Martha Henderson, Donald Henderson, Thomas D. Henderson and John Kalmberg; and Frawley & Koelsch, Esquires, appeared as attorneys for defendants, Pedro Echevarria and W. T. Skillern.

It appearing that the true name of the defendant named in the amended complaint as John Eoe Echevarria is Pedro Echevarria, it was ordered that the amended complaint be amended by substituting the true name of said defendant, Pedro Echevarria for said John Eoe Echevarria; and it is ~~ordered that~~ the true name of the cross-complainant named in his cross-com-

JUN 19 1936

plaint as John Fullenberg is John Malmberg, it was ordered that said cross complaint be amended by substituting the true name of said defendant, John Malmberg, for said John Fullenberg.

It appearing to the satisfaction of the court that defendants, Charles H. Morehouse, Alva Reed, Delos Foreman, Thomas Payne, John Kidd, John Skillern, The Castle Falls Mining Company, a corporation, and J. W. Conley, H. P. Ross, P. M. Bloom, A. S. Garber, and G. L. Kennedy, as directors and statutory trustees of said Castle Falls Mining Company, a corporation, (whose charter has been forfeited), have been regularly served with summons herein and with the complaint and amended complaints of plaintiff, and with the cross-complaints filed herein, and that their time for answering each of said complaints and cross-complaints has expired, and that they and each of them have failed to answer the same, or any of them, or to make other appearance in said cause, the default of each of said defendants was duly entered; and that defendants, Della Pethel and John Pethel having appeared by their attorney, C. S. Hunter, Esquire, and having demurred to the complaint and their demurrer having been overruled, and they having refused to plead further, the default of said Della Pethel and John Pethel was duly entered.

Whereupon, the following stipulation was made by and between all of the aforesaid parties appearing by counsel in open court, to-wit:

"It is stipulated as between the parties to this action that, whereas, a decree was heretofore, on May 18th, 1911, entered in the District Court of the Third Judicial District of the State of Idaho, in and for Owyhee County, in the cause wherein
JUN 11 1911

D. Evans, et al, were plaintiffs and William Toy, et al, were defendants, adjudicating the rights in the waters of Castle Creek as between the parties hereto who were parties to said former action and their successors in interest respectively, the parties to this action have agreed that the respective priorities as specified in said former decree shall remain in full force and effect except that the plaintiff herein shall be decreed the right to a use of 20 inches of the waters of said Castle Creek, with priorities as follows:

| | | | |
|----|------|-----------|------------|
| 57 | 0168 | 1870----- | 25 inches, |
| 57 | 0167 | 1873----- | 5 inches, |
| 57 | 0167 | 1874----- | 10 inches, |
| 57 | 0167 | 1883----- | 10 inches, |
| 57 | 0168 | 1887----- | 20 inches, |
| 57 | 0171 | 1890----- | 20 inches, |

and providing, that where more than one right is by said prior decrees and by this stipulation fixed for the same year, they will all take equal rank as to priority.

"The said water rights of said J. L. Davey shall be decreed for his land described in said complaint.

"The rights of all parties hereto in the waters of said creek which they respectively claim as of a prior date later than the date of said former decree, or which are not adjudicated by the former decree, or which were not contested at the date of said former decree, shall be subject of a further stipulation among the respective parties, or trial, if no stipulation is made, and shall be included in any decree made herein; provided, that if said further stipulation, or trial, shall not be completed within 30 days from the date hereof, or final decision in said matter had within said time, the court shall enter a final decree as to the respective water rights governed by this stipulation, and such decree may be stipulated within said time, and that subsequent decree may further be entered, settling the rights of the parties not settled by the decree just referred to."

And it appearing that a decree was heretofore, on May 13, 1914, entered in this court in an action wherein William L. Evans, et al, were plaintiffs, and William Toy, et al, were defendants, adjudicating to the

JUN 1 9 1936

parties thereto the waters of Castle Creek in Owyhee County, Idaho, as therein set forth, being the decree referred to in aforesaid stipulation, and that since the entry of said decree, the defendant herein, Joseph E. Hardiman, has succeeded to the water rights awarded to Hardiman Brothers, consisting of Charles I. Hardiman, Joseph W. Hardiman and Eugene A. Hardiman, described in said former decree; that Walter L. Jones, since the said former decree, has succeeded to the water rights awarded to Maggie Levine, described in said former decree; that Thomas A. Forester, since the said former decree, has succeeded to the water rights awarded to Charles H. Forehouse, described in said former decree; that Amsey Grill, since said former decree, has succeeded to the water rights awarded to Albur Foreman, described in said former decree; that George E. Brown and James M. Murphy, since said former decree, have succeeded to the water rights awarded to Victor Gibson, described in said former decree; that George E. Brown, since said former decree, has succeeded to the water rights awarded to Earlan Clark, described in said former decree; that William Gordy, since said former decree, has succeeded to the water rights awarded to J. M. Dunham, described in said former decree; that Al Garbath, since said former decree, has succeeded to the water rights awarded to Fred T. Smith, described in said former decree; that John Halmberg, since said former decree, has succeeded to the water rights awarded to Martha Henderson, described in said former decree, so far as the land therein des-

JUN 19 1936

cribed as her homestead entry and the water right thereto decreed is involved; and agreement having been reached pursuant to said stipulation; and findings of fact and conclusions of law having been specifically waived by all parties in open court,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. That the waters of Castle Creek, Owyhee County, Idaho, be and the same are hereby allotted and decreed to the several parties to this suit in the amount, priorities and for the lands, hereinafter set forth, for the irrigating of the lands owned by them respectively at the date hereof and described in the complaint, answers and cross-complaints of the parties hereto and for domestic use and for live stock according to the date of priority on which the said waters were first diverted and used upon said lands and in the quantity so diverted as hereinafter specifically set forth. That where more than one right is fixed upon the same date, they will all take equal rank as to priority. That the various rights so decreed and allotted, with the date of the right, the party to whom allotted and decreed, and the amount of water allotted, and the lands for which allotted, are as follows:

RECORDED

JUN 19 1996

| Name of Party | Source of Water | Date of Priority | Amt. in Inches | Res. of All Owyhee County Land, Sec. Twp. Range |
|--|--------------------|---|----------------|--|
| William Loy | Castle Creek | 1870 11-20-77 25
1885 11-20-77 20
1887 11-20-77 20
1895 11-20-77 20
1903 11-20-77 15
1908 11-20-77 20 | 85 | {
29 5 12 B.M.
21
28 5 12 B.M.
} |
| Joseph E. Hardiman (successor to Hardiman Bros. consisting of Joseph Hardiman, James L. Hardiman and Eugene E. Hardiman) | Castle Creek | 1870 11-20-77 25
1887 11-20-77 5
1890 11-20-77 20
1902 11-20-77 10
1906 11-20-77 15 | 85 | {
21 5 12 B.M.
} |
| William L. Evans & William D. Evans | Castle Creek | 1870 11-20-77 25
1871 11-20-77 20
1887 11-20-77 20
1890 11-20-77 25
1895 11-20-77 20
1902 11-20-77 12
1906 11-20-77 9 | 85 | {
10
9 5 12 B.M.
} |
| Andrew T. Evans | Castle Creek | 1870 11-20-77 25
1890 11-20-77 18
1901 11-20-77 15 | 85 | {
16 5 12 B.M.
} |
| James L. Davey | Castle Creek | 1870 11-20-77 25
1873 11-20-77 5
1874 11-20-77 10
1885 11-20-77 10
1887 11-20-77 20
1900 11-20-77 20 | 85 | {
13
14
12
13 5 12 B.M.
} |
| Urcilla McEnough | Castle Creek | 1874 11-20-77 5
1885 11-20-77 15
1887 11-20-77 4
1890 11-20-77 5
1896 11-20-77 14
1906 11-20-77 10
1908 11-20-77 17 | 85 | {
3 5 12 B.M.
} |
| John J. Evans | Castle Creek #3300 | 1874 11-20-77 12
1885 11-20-77 18
1887 11-20-77 10
1895 11-20-77 5
1896 11-20-77 15
1899 11-20-77 20
1906 11-20-77 10 | 85 | {
34 4 3
38 4 3
3 5 3
2
35 4 3 12 B.M.
} |

JUN 19 1906

| Name of Party | Source of Entry | Date of Priority. | Amt. in Acres. | Des of All Owyhee County Land. | Sec. | Twp. | Range. |
|---|-----------------|--|---|--------------------------------|------------|----------|--------------|
| J. M. Morgan | Castle Creek | 1874 11
1906 6
1908 34 | {
Lot 3
Lot 4
Lot 5 | 6
31 | 4 S
3 S | 2E
2E | B.M.
B.M. |
| Thomas A. Foreman | Castle Creek | 1874 10
1885 20
1887 10
1895 5
1896 15
1899 20
1902 10
1906 10
1908 10 | {
SE 1/4
E 1/2
SW 1/4
SW 1/4
NE 1/4
NE 1/4 | 27
26
35 | 4 S | 1E | B.M. |
| Thomas A. Foreman
(successor to
Charles H. Foreman) | Castle Creek | 1897 50 | {
E 1/2
E 1/2
NE 1/4 | 26 | 4 S | 1E | B.M. |
| Amsey Grill
(successor to
Wilbur Hossman) | Castle Creek | 1878 8
1900 7 | {
F. Sparks
Ranch in
SW 1/4
Sec. 9; SE
NE 1/4, Sec. 10 | 7 S | 1E | | B.M. |
| Amsey Grill | Castle Creek | 1884 0
1884 2
1911 2 | {
Formerly
F. Wicher
Ranch in
SW 1/4, Sec. 9
NE 1/4, Sec. 10 | 7 S | 1E | | B.M. |
| Amsey Grill | Castle Creek | 1913 8 | {
NE 1/4 | 16 | 7 S | 1E | B.M. |
| Amsey Grill | Pixley Creek | 1918 11 | {
SW 1/4 | 10 | 7 S | 1E | B.M. |
| Thomas D.
Henderson &
Donald
Henderson | Castle Creek | 1885 20
1887 35 | {
E 1/2
E 1/2 | 24
23 | 4 S | 1E | B.M. |
| Walter B. Jones
(successor to
Maggie Devine &
Robert J. Kelley.) | Castle Creek | 1885 15
1887 20
1906 6
1908 20 | {
E 1/2
NE 1/4 | 24 | 4 S | 1E | B.M. |

JUN 1 9 1906

| Name of Party | Source of Water. | Date of Priority | Amt. in inches. | Pos. of Land. | All Owyhee County | Sec. | Twp. | Range. |
|--|------------------|--|------------------------------|---|-------------------|------|------|--------|
| John Malmberg
(successor to Martha Henderson) | Castle Creek | 1886 10/1/1886 30
1887 10/1/1887 5
1890 10/1/1890 5
1896 10/1/1896 4
1908 10/1/1908 3 | 30
5
5
4
3 | NE 1/4
NW 1/4
N 1/2 | 3
10 | 5 S | 1E | B.M. |
| Milt Carothers
(successor to Fred T. Smith) | Castle Creek | 1888 10/1/1888 20
1903 10/1/1903 5 | 20
5 | SW 1/4 | 23 | 6 S | 1E | B.M. |
| Martha Henderson | Castle Creek | 1897 10/1/1897 7 | 7 | NE 1/4
NW 1/4 | 25 | 4 S | 1E | B.M. |
| William Gordy
(successor to L. F. Dunham) | Castle Creek | 1898 10/1/1898 15 | 15 | SE 1/4
NE 1/4
(lands formerly owned by John Goodman). | 23 | 7 S | 1E | B.M. |
| John Henderson | Castle Creek | 1899 10/1/1899 5
1902 10/1/1902 7
1906 10/1/1906 3 | 5
7
3 | NE 1/4 | 25 | 4 S | 1E | B.M. |
| George F. Brown and James E. Murphy (successors to Victor Gabica.) | Castle Creek | 1901 10/1/1901 15
1902 10/1/1902 5
1904 10/1/1904 5
1905 10/1/1905 5
1907 10/1/1907 10
1908 10/1/1908 5 | 15
5
5
5
10
5 | NE 1/4
NW 1/4 | 10
3 | 7 S | 2E | B.M. |
| George F. Brown
(successor to Harlan Clark) | Castle Creek | 1903 10/1/1903 5
1904 10/1/1904 5
1905 10/1/1905 5
1906 10/1/1906 5
1907 10/1/1907 15
1908 10/1/1908 3 | 5
5
5
5
15
3 | SW 1/4 | 36 | 3 S | 1E | B.M. |
| James Henderson
(successor to James Henderson and John Henderson under license #6258) 57-2037 | Castle Creek | July 18, 1910
(1.04 sec. ft.)
20
32 |
20
32 | NE 1/4
SW 1/4 | 35
25 | 4 S | 1E | B.M. |
| Anna Joyce
(successor to Alex Leapp under license 7743)
57-2040 | Castle creek | Sept. 20, 1911
(.5 sec. ft.)
14
14
14
57-2040 | 25

14
14
14 | NE 1/4
NW 1/4
SW 1/4 | 34 | 6 S | 2E | B.M. |

| Name of Party | Source of Water. | Date of Priority | Amt. in inches. | Pos. of Land (Subd.) | All Owyhee County | | | |
|---|--|---------------------|--|--|-------------------|------|--------|------|
| | | | | | Sec. | Twp. | Range. | |
| John Munger
(water license #8602) 57-2046 | Castle Creek | Aug. 10, 1912 | 25
(.5 sec. ft.) | { SW 1/4 NE 1/4 }
{ NW 1/4 NE 1/4 } | 34 | 4 S | 1E | B.M. |
| Edna Munger
(water license #8776) 11494 57-2090 | Castle Creek | Sept. 2, 1915 | 20
(.4 sec. feet) | { SW 1/4 NE 1/4 } | 34 | 4 S | 1E | B.M. |
| Charles Johnson. | Alder Cr. and Johnson Reservoir. Jan. 31, 1921 | 1994-1908-1913-1921 | 10-32-25-54
(1.08 sec. ft. water license #15135.) 57-2130 | { NW 1/4 NE 1/4 }
{ SW 1/4 NE 1/4 } | 15 | 6 S | 1E | B.M. |
| Thomas D. Henderson.
(water license #6181) 57-2036 | Castle Creek | May 25, 1910 | 50 | { SW 1/4 NE 1/4 }
{ SE 1/4 NE 1/4 }
{ NE 1/4 NE 1/4 }
{ NW 1/4 NE 1/4 } | 13
24 | 4 S | 1E | B.M. |
| Fred P. Henderson and Thomas P. Henderson.
(water license #9895) 57-2064 | Castle Creek | Nov. 11, 1913 | 75 | { NW 1/4 NE 1/4 }
{ SE 1/4 NE 1/4 }
{ NE 1/4 NE 1/4 }
{ SW 1/4 NE 1/4 } | 23
24 | 4 S | 1E | B.M. |
| James H. Lees
(water license #3301) 57-2021 | Castle Creek | Dec. 10, 1907 | 55 | { SW 1/4 SE 1/4 }
{ SE 1/4 SE 1/4 } | 35 | 3 S | 1E | B.M. |
| Mina E. Torrence
(water license #3301) 57-2021 | Castle Creek | Dec. 10, 1907 | 55 | { Lot 4 }
{ SW 1/4 NE 1/4 }
{ SE 1/4 NE 1/4 } | 1 | 4 S | 1E | B.M. |

That the water so decreed to the said parties shall be appurtenant to the lands owned by them respectively and which are described above.

The water above decreed is the amount above stated

measured under a four-inch pressure.

JUN 1 9 1936 The several parties to this action whose rights the use of the waters of said streams are of even date, are entitled, whenever the amount of water flowing in the channel of said streams is insufficient in quantity to sup-

ply all of said parties with the amounts herein decreed, to share in the use of the available supply in the proportion that the several quantities awarded as of the same date, bear to the total available supply for said rights, but subject to the prior rights awarded hereby.

Each and every party hereto in, and his agents, attorneys, employees, privies and successors in interest, are, hereby enjoined and restrained from interfering, in any manner, with the rights of prior appropriators, as herein decreed, and from obstructing, using and wasting the waters of said streams to the injury of such prior appropriators.

That the defendants hereinafter named are the holders of certain water permits issued by the State of Idaho as hereinafter designated, and this decree is not intended to, nor does it, interfere with or prevent the acquiring of such licenses or further licenses under the said permits upon performance of the requirements of law relating to the securing of such licenses or further licenses, notwithstanding that such licenses or further licenses may grant rights or priorities earlier than the date of this decree or of rights herein decreed:

James Henderson ~~James Henderson~~ and John Henderson, Permit No. 6258.

Amey Grill, Permit No. 15652 (Castle Creek and Pixley Creek).

Charles Johnson, Permit No. 15135, (Alder Creek and Johnson Reservoir).

Lillian L. Evans, Permit No. 15427, ✓

~~W. M. Evans~~ and Lillian L. Evans, Permit No. 15413.

JUN 19 1936

James L. Davey, Permits No. 12842 ⁵⁷⁻²¹⁰
and No. 15712,

Pedro Schewarria and William T.
Skillern, Permit No. 6006,

A. T. Evans, Permit No. 15112,

John J. Evans, Permit No. 12871,

Donald F. Henderson, Permit No. 9901,

Thomas F. Henderson, Permit No. 8151, *in decree*

Robert F. Henderson (successor to Robert
W. Henderson and James Henderson) Per-
mit No. 11266,

Edna Manger, Permit No. 11494, *Allocated #2776 in decree*

John H. Manger, Permit No. 8602, *in decree*

Anna Joyce. (successor to Alex
Polapp) Permit no 7743. *in decree*

IT IS FURTHER ORDERED, ADJUDGED AND DECREED:

That the foregoing rights are established and shall
be in operation during the irrigation season from the
1st day of April to and until the 15th day of October
of each year. It is further adjudged that the average
amount of water required each year for the irrigation
of the lands hereinbefore described during such season
is one inch of water to the acre. It is further ad-
judged that the waters hereinbefore decreed shall be
diverted and applied to the respective lands to which
they are made appurtenant as aforesaid, by means of the
headgates, ditches and laterals owned by the respective
parties at the date of this decree. It is further
adjudged and decreed that each party shall pay his
own costs herein.

Done in open court this 15th day of May,
1923.

MAILED

JUN 19 1923

M. J. Church

District Judge.

William Hardiman :

to :

WARRANTY DEED.

Jos. W. Hardiman et al :

THIS INSTRUMENT, Made this 21st day of February in the year of our Lord one thousand nine hundred and seven between WILLIAM HARDIMAN of Oreana County of Owyhee State of Idaho the party of the first part, and JOS. W. HARDIMAN, CHAS. I. HARDIMAN and R. A. HARDIMAN of Oreana County of Owyhee State of Idaho the parties of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of ONE HUNDRED \$ DOLLARS, lawful money of the United States of America, to him in hand paid by the said parties of the second part, the ~~the~~ receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in Owyhee County, State of Idaho, to-wit:

The East half of the Northwest quarter, the Southwest quarter of the North west quarter and the North west quarter of the Southwest quarter of Section twenty one Township five South Range one East and also the North East quarter of the South west quarter of Section twenty one Township five South Range One East all in Owyhee County Idaho and containing 200 acres. Together with all water rights and water privileges thereunto belonging or in anywise appertaining to said lands, particularly all rights under water right notice recorded in book 3 of water rights page 53 Owyhee County records.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said party of the first part his heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and :

William Hardiman (SEAL)

Delivered in Presence of :

Fred G. Muck :

C. R. Hickey :

Attachment 3

State of Idaho, :
 :--ss.
 County of Canyon. :

On this 23rd day of February 1907 before me Fred G. Mock, a Notary Public in and for said County, personally appeared William Hardiman, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal, the day and year in this certificate first above written.

.....
 : FRED G. MOCK :
 : NOTARY PUBLIC :
 : Canyon County :
 : Idaho. :
 :.....

Fred G. Mock,
 Notary Public.

Filed May 6th, 1910, at 3:50 o'clock P. M., at request of E. A. Hardiman.

E. A. Hardiman
 Ex-Officio Recorder.

Fee, \$1.00

Chas. I. Hardiman et al. :
 to :
 Joseph W. Hardiman. :

WARRANTY DEED

THIS INDENTURE, Made this 11th day of March, in the year of our Lord one thousand nine hundred and eighteen, between CHAS. I. HARDIMAN and E. A. HARDIMAN, both unmarried, of Castle Creek, County of Owyhee, State of Idaho, the parties of the first part, and JOSEPH W. HARDIMAN, of Castle Creek, County of Owyhee, State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of ONE HUNDRED (\$100.00) DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in the County of Owyhee, State of Idaho, to-wit:

An undivided two-thirds interest of, in and to the East half of the Northwest quarter, the Southwest quarter of the Northwest quarter and the Northwest quarter of the Southwest quarter of Section twenty-one, Township five South, Range one East, of the Boise Meridian.

Also, an undivided two-thirds interest of, in and to the Northeast quarter of the Southwest quarter of Section twenty-one, Township five South, Range one East, of the Boise Meridian.

Together with a like interest of, in and to all water rights and water privileges thereunto belonging or in anywise appertaining, particularly all rights acquired under and by virtue of that certain notice of appropriation of the waters of Castle Creek, in Owyhee County, Idaho, as made by M. H. Presby on the 15th day of August, 1879, and recorded in Book 3 of Water Rights, at page 53, among the records of Owyhee County, Idaho.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set

their hands and seals the day and year first above written.

| | | | |
|------------------------------|---|--------------------|--------|
| Signed, Sealed and | : | Chas. I. Hardiman | (SEAL) |
| Delivered in the Presence of | : | Eugene A. Hardiman | (SEAL) |
| Mrs. E. J. Toy | : | | |
| Mrs. Susan Bruce | : | | |

(\$4.00 Documentary Revenue Stamps, J. W. H., 3/11/18.)

State of Idaho, :
:--ss.
County of Owyhee. :

On this 26 day of March, in the year 1918, before me,
Martha Henderson, a Notary Public in and for the State of Idaho, personally
appeared Chas. I. Hardiman and E. A. Hardiman, both unmarried, known to me
to be the persons whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal, the day and year in this certificate first above written.

Martha Henderson

.....
: MARTHA HENDERSON :
: Notary Public :
: State of Idaho :
:.....

Notary Public, residing at
Castle Creek, Idaho.

Filed April 23rd, A. D. 1918, at 9 o'clock A. M., at request of Joseph W.
Hardiman.

J. H. Clair
Ex-Officio Recorder.

Fees, \$1.20

their hands and seals the day and year first above written.

| | | | |
|------------------------------|---|--------------------|--------|
| Signed, Sealed and | : | Chas. I. Hardiman | (SEAL) |
| Delivered in the Presence of | : | Eugene A. Hardiman | (SEAL) |
| Mrs. E. J. Toy | : | | |
| Mrs. Susan Bruce | : | | |

(\$4.00 Documentary Revenue Stamps, J. W. E., 3/11/18.)

State of Idaho. :
:--ss.
County of Owyhee. :

On this 26 day of March, in the year 1918, before me,
Martha Henderson, a Notary Public in and for the State of Idaho, personally
appeared Chas. I. Hardiman and E. A. Hardiman, both unmarried, known to me
to be the persons whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal, the day and year in this certificate first above written.

Martha Henderson

::::::::::::::::::::::::::
: MARTHA HENDERSON :
: Notary Public :
: State of Idaho :
: ::::::::::::::::::::::::::::

Notary Public, residing at
Castle Creek, Idaho.

Filed April 23rd, A. D. 1918, at 9 o'clock A. M., at request of Joseph W.
Hardiman.

J. H. Blair
Ex-Officio Recorder.

Fees, \$1.20

William Hardiman et ux :
to : QUITCLAIM DEED
Joseph W. Hardiman :

THIS INDENTURE, Made this 23rd day of September in the year of our Lord one thousand nine hundred and Twenty-four, between WILLIAM HARDIMAN and MARY H. HARDIMAN, husband and wife, of Boise, County of Ada, State of Idaho, the parties of the first part, and JOSEPH W. HARDIMAN, of Boise, County of Ada, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Dollar and other good and valuable consideration, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assigns, all that certain lot, piece, or parcel of land, situate, lying and being in County of Owyhee, State of Idaho, bounded and particularly described as follows, to-wit:

The East Half (E $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$), Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) North half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section Twenty One (21), Township Five (5) South of Range One (1) East of the Boise Meridian, Owyhee County, State of Idaho, containing Two-Hundred (200) acres, more or less excepting all rights of way thereon, together with all other water rights, ditch rights and canal rights thereunto belonging or in anywise appertaining.

This deed is given for the purpose of clearing that certain deed made and executed by Wm. Hardiman as Grantor and Joseph W. Hardiman, Chas. I. Hardiman and E. A. Hardiman as Grantees, which deed is dated February 21, 1907, and recorded in Book 5 of deeds at pages 363 and 364, records of Owyhee County, Idaho, in which deed the wife of the said Wm. Hardiman did not join

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof;

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the 30th day of September, 1924.

| | | |
|------------------------------|---|-------------------------|
| Signed, Sealed and | : | |
| Delivered in the Presence of | : | William Hardiman (SEAL) |
| Florence M. Ferguson | : | Mary H. Hardiman (SEAL) |
| I. L. Anialie | : | |

State of California :
 : ss.
 County of San Francisco :

On this 30th day of September, in the year 1924, before me, Edwin G. Bath, a Notary Public in and for said County, personally appeared Mary H. Hardiman, wife of William Hardiman, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

| | |
|----------------------|--------------------------|
| | Edwin G. Bath, |
| : EDWIN G. BATH : | |
| : Notary Public : | |
| : City & County of : | Notary Public in and |
| : San Francisco : | for the City and |
| : California : | County of San Francisco, |
| | State of California. |

State of Idaho, :
 : ss.
 County of Ada. :

On this 13th day of October in the year 1924, before me, A. J. Tracy, a Notary Public in and for said State, personally appeared William Hardiman, known to me to be the person whose name is subscribed to the annexed instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year in this certificate first above written.

| | |
|--------------------|---------------------------|
| | A. J. Tracy, |
| : A. J. TRACY : | |
| : Notary Public : | |
| : State of Idaho : | Notary Public residing at |
| | Boise, Idaho. |

State of Idaho, :
 : ss.
 County of Owyhee. :

I hereby certify that this instrument was filed for record at the request of Owyhee County Abstract Co., at 25 minutes past 9 o'clock A. M., this 22nd day of October, 1924, in my office, and duly recorded in Book 18 of Deeds, at page 177.

W. A. LEWIS,
 Ex-Officio Recorder.

Fees, \$1.20.

STATE OF IDAHO DEED

Number 10967

Certificate No. 20745

Loan No. 4302, Joseph
& Mary E. Hardiman

All to Whom These Presents Shall Come, Greetings:

Whereas, on the 15th day of MARCH 1944, all that tract or parcel of PUBLIC SCHOOL FORECLOSED
in the State of Idaho, hereinafter mentioned and particularly described, was sold in the manner provided by law to

- WILLIAM HARDIMAN -

12 Thatcher Street, Boise..... State of..... IDAHO..... for the aggregate price of
-----THREE THOUSAND SIX HUNDRED FIFTY & NO/100-----DOLLARS

and Whereas, the said sum of -----THREE THOUSAND SIX HUNDRED FIFTY & NO/100-----DOLLARS

was fully paid to the proper receiving officer for the State of Idaho, by...ELMER O. JOHNSTON, of Orem, Idaho; who
received full interest by Assignment from Mary E. Hardiman, February 11, 1950, recorded March 7, 1974; who
received her interest by Assignment from William Hardiman, February 20, 1944, recorded February 26, 1945.

and by the records in the office of the State Board of Land Commissioners, the said sum being the whole amount of the purchase
of the said tract or parcel of land hereinafter described:

Now, Know Ye, That the said State of Idaho, in pursuance of law in such case made and provided, and in consideration of the prem-
ises, and of the aforesaid sum of

-----THREE THOUSAND SIX HUNDRED FIFTY & NO/100-----DOLLARS

said State of Idaho paid, doth by these presents grant, bargain, sell, convey and confirm, in fee, unto the said

- ELMER O. JOHNSTON -

.....heirs and assigns, all of the said tract and parcel of land situated in the County of.....Owyhee
State of Idaho, and described as follows, to-wit:

The Northeast Quarter of the Northwest Quarter (NE1/4), the South Half of the Northwest
Quarter (SW1/4), the North Half of the Southwest Quarter (NW1/4), in Section Twenty-One
(21), Township Five (5) South, Range One (1) East, Boise Meridian, containing Two Hundred
(200.0) acres, more or less.

Together with all water rights, ditch and canal rights, thereto belonging or in anywise
appertaining.

To Have and to hold the said premises and parcel of land above particularly described, with the appurtenances there-
to

- ELMER O. JOHNSTON -

His.....heirs and assigns, in fee simple forever, subject to the provisions of Section 58-604, Idaho Code, as amended
1951 Session Laws; which grants over all lands belonging to the State a right of way for ditches constructed by
United States; and to the provisions of Section 17-701, Idaho Code, reserving to the State all Mineral rights in lands so
the 8th day of May, 1923.

In Witness Whereof, I, CECIL D. ANDRUS

, the Governor of the
have hereunto signed my name and caused the Great Seal of the State of Idaho and
Board of Land Commissioners to be hereunto affixed, this 15th day of March.

Countersigned:

[Signature] *[Signature]*
Secretary of State
State Board of Land

Countersigned:

[Signature]
State Land Commissioner

STATE OF IDAHO,
County of Ada,

On this 12th day of MARCH, in the year 19

me, a Notary Public in and for said State, personally appeared Cecil D. Andrus, known to me to be the Governor of the State of Idaho, and known to me to be the Secretary of the State of Idaho, and known to me to be the Land Commissioner of the State of Idaho, who executed said acknowledged to me that such State of Idaho executed the same.

In Witness Whereof, I have hereunto set my hand and seal on the day and year last

[Signature]
Notary Public



Loan No. 4302-Joseph W. & Mary E. Hardiman

State of Idaho

LAND SALE CERTIFICATE

No 20745

THIS IS TO CERTIFY, That on the 15th day of March, 1940, the State of Idaho sold unto William Hardiman, 612 Thatcher St. Boise, Idaho upon terms and conditions hereinafter set forth, the following described State Public School Foreclosed lands, lying, situate and being in the County of Owyhee, State of Idaho: NE-1/4, SE-1/4, SW-1/4, ME-1/4, NW-1/4, Section 21, Twp. 5 S., Rg. 1 E., B. M., containing 200 Acres. Consideration Thirty-six hundred fifty and no/100 (\$ 365.00) Dollars, the receipt whereof is hereby acknowledged and the balance of Thirty-two hundred eighty-five and no/100 (\$ 3255.00) Dollars in annual installments with interest at the rate of four per cent. per annum, payable in advance on the first day of January, of each year, as shown herewith to-wit:

RECORD OF ASSIGNMENTS

| ASSIGNEE | DATE |
|-------------------------------------|---------|
| (1) Mary E. Hardiman | 2-2-44 |
| (2) Elmer D. Johnson, Oregon, Idaho | 2-11-50 |
| | 3-7-74 |

The State reserves the right to all coal, oil, shale, gas, phosphate, sodium and other mineral deposits contained in this land, as required by Chapter 46 of the 1923 Session Laws. No prescriptive right shall be acquired to any water appurtenant to this land through use of said water upon any other land during the life of this contract.

IN WITNESS WHEREOF, The State Board of Land Commissioners of the State of Idaho has caused these presents to be executed in duplicate by its President, the Governor of the State of Idaho, and countersigned by its Commissioner this 4th day of April, 1940.

State Board of Land Commissioners of the State of Idaho

By W. H. H. H. H.
President of the State Board of Land Commissioners,
and Governor of the State of Idaho

Countersigned:

W. H. H. H.
Secretary of State of Idaho

Countersigned:

W. H. H. H.
State Land Commissioner

| PAYMENTS IN ADVANCE AS FOLLOWS | | | |
|--------------------------------|-------------|-----------|-----------|
| AMT. PAID | RECEIPT NO. | DATE PAID | DATE PAID |
| 469 02 | Y-1-3-8-7 | 3-25-40 | |
| BALANCE | | | |
| PRINCIPAL | INTEREST | PRINCIPAL | INTEREST |
| 365.00 | 104.02 | 3255.00 | |
| 82.13 | 128.11 | 3202.87 | |
| 82.13 | 124.82 | 3120.74 | |
| 82.13 | 121.54 | 3038.61 | |
| 82.13 | 118.25 | 2956.48 | |
| 82.13 | 114.97 | 2874.35 | |
| 82.13 | 111.68 | 2792.22 | |
| 82.13 | 108.40 | 2710.09 | |
| 82.13 | 105.11 | 2627.96 | |
| 82.13 | 101.83 | 2545.83 | |
| 82.13 | 98.54 | 2463.70 | |
| 82.13 | 95.26 | 2381.57 | |
| 82.13 | 91.97 | 2299.44 | |
| 82.13 | 88.69 | 2217.31 | |
| 82.13 | 85.40 | 2135.18 | |
| 82.13 | 82.12 | 2053.05 | |
| 82.13 | 78.83 | 1970.92 | |
| 82.13 | 75.55 | 1888.79 | |
| 82.13 | 72.26 | 1806.66 | |
| 82.13 | 68.98 | 1724.53 | |
| 82.13 | 65.69 | 1642.40 | |
| 82.13 | 62.41 | 1560.28 | |
| 82.13 | 59.12 | 1478.16 | |
| 82.13 | 55.84 | 1396.04 | |
| 82.13 | 52.55 | 1313.92 | |
| 82.13 | 49.27 | 1231.80 | |
| 82.13 | 45.98 | 1149.68 | |
| 82.13 | 42.70 | 1067.56 | |
| 82.13 | 39.41 | 985.44 | |
| 82.13 | 36.13 | 903.32 | |
| 82.13 | 32.84 | 821.20 | |

Deed No. 10962
Date of 3-7-24
To Elmer D. Johnson

218315

WARRANTY DEED

FOR VALUE RECEIVED, EVA M. JOHNSTON, a single person,
The Grantor, does hereby grant, bargain, sell and convey
unto

MICHAEL W. RANDALL and CHARLIENE R. RANDALL, husband and
wife, the Grantees, whose current address is

7761 Murphy Rd, Melba. ID 83641

the following described real property, located in Owyhee
County, Idaho, to-wit:

IN TOWNSHIP 5 SOUTH, RANGE 1 EAST, B. M., OWYHEE COUNTY,
IDAHO

Section 21: NE1NW1, S1NW1, N1SW1, LESS THE FOLLOWING
DESCRIBED PARCEL:

A parcel of land situate in the NW1SW1, Sec.
21, T5S, R1E, B. M., more particularly
described as follows:

COMMENCING at the Southwest corner of Sec. 21,
T5S, R1E, B. M. thence North on the West section line of
said Sec. 21, a distance of 1753 feet, more or less to a
point being the REAL POINT OF BEGINNING; thence continue
North along said West section line, a distance of 417 feet;
thence East on a line perpendicular to said West line a
distance of 417 feet; thence South a a line parallel to said
West line a distance of 417 feet; thence West a distance of
417 feet to the REAL POINT OF BEGINNING.

Together with all and singular the tenements, hereditaments
and appurtenances thereunto belonging or in anywise
appertaining, including all water and ditch rights and
rights of way for water and ditches.

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto said Grantees, their heirs and assigns
forever. And the said Grantor does hereby covenant to and
with the said Grantees. that she is the owner in fee simple
of said premises; that said premises are free from all
encumbrances except: NONE

Subject to such rights, easements, covenants, restrictions
and zoning regulations as appear of record or by use upon
the premises.

RECORDED
FILED
6.00

Taxes and assessments of all taxing units not yet due and payable.

Reservations in patents or state grants or in acts authorizing the issuance thereof.

All repayment contracts between any irrigation district within which the premises are situated and any government or agency.

The bonded debt of all taxing units within which said premises are located.

Restrictions imposed by law, ordinance, or regulation imposed by any governmental entity, department or agency.

Restrictions contained in any covenants of record affecting the premises.

All rights of way or easements affecting the premises regardless of how evidenced or acquired and whether the same appear of record or not.

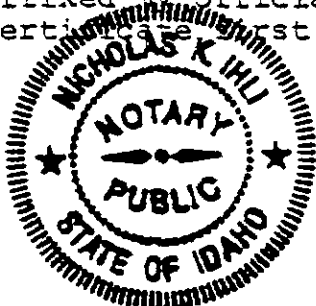
DATED: March 8th 1996

Eva M. Johnston
Eva M. Johnston

STATE OF IDAHO, COUNTY OF OWYHEE

On this 8th day of March, 1996, before me, a Notary Public in and for the State, personally appeared Eva M. Johnston, a single person, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the date and year in this certificate first above written.



Nicholas K. Ishli
Notary Public for Idaho
Residing at Marysville, Idaho
Commission Expires: 11/31/2000

244-544

to whom it may concern.

I have farmed the place on Castle Creek now owned by Mike and Char Randall for over 40 years.

Several different years I have flooded water on the piece of ground that seems to be in dispute the brushland just east of the house.

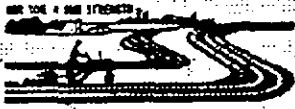
I have also cleared that land and irrigated it before. The last time I flooded water on it to help raise a little cow feed was 1995.

It is land that takes quite a little time and patience to farm and with the past owner was not to economically feasible.

The new owners and I do plan to establish it in crops again.

Bob D. Collett

June 30, 1997



CONSERVATION PLAN MAP

Prepared by UNITED STATES DEPARTMENT of AGRICULTURE * SOIL CONSERVATION SERVICE
cooperating with

Bruneau River

OWNER Elmer D. Johnston

OPERATOR SAMS

FARM NO. DATE 8-1

SCALE 5" = 1/2 ACRES 200

Bruneau

Idaho

PHOTO NO. 57-247



JUL 17 1997

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: A57-00133

Date Received:

Receipt No.: _____

Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: Michael W. Randall and Charliene R. Randall
Address: 7761 Murphy Road, Melba, Idaho 83651
2. Date of Priority: April 1, 1902
3. Source: Castle Creek Trib. to: SNAKE RIVER
4. Point of Diversion

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05S | 01E | 21 | SE | NW | | | OWYHEE |
| 05S | 01E | 29 | SE | SE | | | OWYHEE |

5. Description of diverting works: Diversion dam, headworks,
TWO TRASH DAMS IN CREEK TO DITCH W/ HEADGATE

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|------|-------|--------|------|--------|
| Irrigation | 3/15 | 11/15 | 0.2 | | |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC
STOCKWATER

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 5S | 01E | 21 | NE | NW | | Irr | 40.0 |
| | | | SW | NW | | Irr | 40.0 |
| | | | SE | NW | | Irr | 40.0 |
| | | | NW | SW | | Irr | 40.0 |
| | | | NE | SW | | Irr | 40.0 |

10. Place of Use: continued

Section Acres 200.00

Total Acres 200.00

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:
57-00084, 57000101, 57-00111, 57-00146, 57-02210A

14. Remarks:

15. Basis of Claim: DECREED

JAMES L. DAVEY
Decree Plaintiff

vs

GEORGE F. BROWN ET. AL
Decree 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

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

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): Miko Randall Date: 7-16-97

[Signature] Date: 7-16-97

STATE OF IDAHO)
COUNTY OF Ada) ss.

Subscribed and sworn (or affirmed) before me this 16 day of July, 1997.

David Hammerquist
Notary Public
Residing at Boise, Idaho
My commission expires Aug 18, 1999

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAR-29-1996

PAGE: A-1

 RIGHTS FROM: SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 57-00133

NAME AND ADDRESS: EYA M JONHSTON
 307 3TH AVE SOUTH
 NAMPA ID 83631

MICHAEL W RANDALL
 CHARLIENE R RANDALL
 7761 MURPHY RD
 MELBA ID 83651

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.2 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 57-00084, 57-00101, 57-00111, 57-00146 AND 57-02210A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.74 CFS.

PRIORITY DATE: 04/01/1902

POINT OF DIVERSION:

T05S R01E S21 SESENW
 S29 NWSESE

RIGHT NOS. 57-00084, 57-00101, 57-00111 AND 57-00146 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

PURPOSE OF USE:

| | PERIOD OF USE | QUANTITY |
|------------|---------------|----------|
| IRRIGATION | 04-01 10-15 | 0.2 CFS |

PLACE OF USE: IRRIGATION

| | | | | |
|---------------|-----------|-----------|------------|-----------|
| T05S R01E S21 | NENW 13.0 | SNNW 12.0 | SENNW 22.0 | NESW 12.0 |
| | NWSW 28.0 | NWNE 14.0 | | |

87.0 ACRES TOTAL
11193.10 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 57-00084, 57-00101, 57-00111, 57-00146 AND 57-02210A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 87.0 ACRES IN A SINGLE IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NOS. 57-00084, 57-00101, 57-00111, 57-00146 AND 57-02210A IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 304.5 AF.

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

USE OF THIS RIGHT WITH RIGHT NO. 57-00084 AND OTHER RIGHTS

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAR-29-1996

PAGE: A-2

LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
1182 CFS; A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 31819
AF; AND TO THE IRRIGATION OF A COMBINED TOTAL OF 9110 ACRES IN A
SINGLE IRRIGATION SEASON;

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 97/00084; 97/00101; 97/00111 AND 97/00146;

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT
TO IDAHO CODE 42/1416(11);

MEMORANDUM

To: Lynne Krogh
From: Roxanne McCarthy
Re: Castle Creek decree expansions
Date: March 28, 1996

The Castle Creek decree does not contain the number of acres actually irrigated by each party. As with many of the old decrees, the only description of the lands is by 40-acre tract. The duty of water is not specifically addressed, although on page 12 of the original document it does say, "...the average amount of water required each year for the irrigation of the lands...is one inch of water to the acre."

Given the above information, many of the Castle Creek claims were recommended with Condition C01, referring to §42-1416(1).

I am currently reviewing objections to rights in that area and have come across one that may be easily settled. The original recommendation included 4 acres of BLM ground for a total of 91 acres, served by 85" of decreed water from Castle Creek. The parties have agreed to the removal of the 4 acres from the recommendation, leaving 87 acres within the description given in the decree.

Can I assume that expansion is no longer an issue, given that 1" to the acre was merely considered "average" and all of the recommended acres are now within the 40 acre legal description given in the decree?

Dave Shaw has asked me to correspond with the new owner of this property in regards to the objection; I'd like an answer ASAP. Thanks!

*assuming we have no info
to indicate that 87 acres
were not the original acres,
YES.*

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAR-22-1994
PAGE: A-4

| RIGHT
NUMBER | NAME & ADDRESS | PRIORITY
DATE | PURPOSE OF USE | PERIOD OF USE
FROM TO | MAXIMUM
QUANTITY | BASIS OF CLAIM |
|-----------------|----------------|------------------|----------------|--------------------------|---------------------|----------------|
|-----------------|----------------|------------------|----------------|--------------------------|---------------------|----------------|

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

| | | | | | | |
|----------|--|------------|------------|-------------|----|------------|
| 57-00133 | EVA M. JOHNSTON
507 5TH AVE SOUTH
Nampa ID 83651 | 04/01/1902 | IRRIGATION | 04-01 10-15 | .2 | CFS DECREE |
|----------|--|------------|------------|-------------|----|------------|

POINT OF DIVERSION:

T05S R01E S21
S29

PLACE OF USE: IRRIGATION

SESEW
NWSESE

T05S R01E S21

~~NWNE 4.0~~
NESW 12.0NENW 13.0
NWSW 28.0

SENW 22.0

87.0 ~~91.0~~ ACRES TOTALREMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT
TO IDAHO CODE 42-1416(1).

USE OF THIS RIGHT WITH RIGHT NO. 57-00084 AND OTHER RIGHTS

LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
1.82 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 318.5

AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 91.0 ACRES IN A

SINGLE IRRIGATION SEASON.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 57-00084, 57-00101, 57-00111 AND 57-00146.

1.74

304.5

87.0

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)

Case No. 39576

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as director)
of the Idaho Department of)
Water Resources,)

Subcase No. 57-00133-0001

Petitioner,
v.

STIPULATION AND ORDER
TO RESOLVE OBJECTION

The United States;)
the State of Idaho;)
and all claimants to the use)
of water from the Snake River)
Basin Water System,)

Respondents.

DESCRIPTIVE SUMMARY

This is a stipulation and order to resolve the United
States' objection to water right number 57 - 00133

STIPULATION

To resolve the dispute over the above-captioned water right,
the claimant, Eva M. Johnston, the objector, the United States
of America, and the Idaho Department of Water Resources (IDWR),
stipulate and agree as follows:

1. The place of use as recommended in the Director's Report
is incorrect. The following place of use should be deleted:
T05S R01E S21 NWNE 4.0 acres

2. In connection with the change of the place of use, the amount of water recommended shall be reduced proportionately with the reduction of acreage. The amount of water shall be reduced from _____ to _____.

3. The water right is accurately described in Exhibit 1, a revised page of the Director's report containing the changes described above showing specific changes made to the Director's original recommendation in an underline/overstrike format.

1 4. All decrees, whether partial or final, should describe the water right as modified and described in Exhibit 1.

5. Upon entry of partial and final decrees for this water right number describing the right as shown in Exhibit 1, including the modification indicated thereon, the objection of the United States shall be deemed withdrawn.

6. Because there are no remaining objections to this water right, a partial decree may be entered for it pursuant to I.C. 42-1412(8).

7. All parties agree to bear their own costs and attorneys' fees in connection with this matter.

8. This stipulation is entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence, whatsoever.

Respectfully submitted,

CLAIMANT

Dated:

UNITED STATES OF AMERICA
on behalf of the BLM

Dated:

By:

Daria J. Zane
Attorney
General Litigation Section
Environment & Natural Resources Division
U.S. Department of Justice
P.O. Box 663
Washington, D.C. 20044
(202) 272-8351

Dated:

By:

David Brunner
District Manager
Bureau of Land Management
Boise, Idaho 83720

IDAHO DEPARTMENT OF WATER RESOURCES

Dated:

By:

Daniel L. Steckel
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720-9000
(208) 327-7900

Stipulation to Resolve Objection

ORDER

This matter having come before the Court upon stipulation of counsel, and good cause having been shown,

IT IS HEREBY ORDERED that the Court shall enter a partial decree for water right ____-____ as described in the attached Exhibit 1. The United States' objection shall be deemed withdrawn upon entry of the partial decree. Because no other objections have been raised to this water right, the hearing for entry of this partial decree is scheduled for _____, 199__, at the Snake River Basin Adjudication Courthouse, 253 Third Avenue North, Twin Falls, Idaho.

DATED and signed this ____ day of _____, 1994.

DANIEL C. HURLBUTT JR.
District Judge

3/21/96

RECEIVED

MAR 25 1996

Department of Water Resources
Adjudication Bureau

Diana R Delaney
Chief Deputy Clerk
District Court, Snake River Basin Adjudication
253 Third Ave North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Water Rights Nos. 57-00084, 57-00101, 57-00111, 57-00133, 57-00146 and 57-02210A

Dear Ms. Delaney,

Enclosed is the completed Standard Form 3 you sent us last week. I do have some questions regarding this matter.

Eva M Johnston the previous owner stated that she had been to the BLM office regarding the disputed 4 Acres and then she followed their instructions and went back to the Water Resources office in Boise, Idaho, Orchard Street site, and had the 4 acres in question removed from her water right. She believed an attorney was present at the Orchard Street address when this was done. Her understanding was that per that agreement, the dispute was settled on her water rights.

Can you please verify the above information or forward to the appropriate party as I would like to know just what this status is regarding this matter.

Thank you very much for your help. Being a new property owner in this area we are pretty much overwhelmed by all of this adjudication information and requirements. We don't want to neglect anything pertaining to the protection of these water rights. Thanks again.

Sincerely,

Charliene R Randall

cc: Jack Haugrud, US Dept of Justice
Chief, Natural Resources Division, Office of the Attorney General
United States Department of Justice, Environment & Natural Resource Division

RECEIVED
MAR 14 1996

Department of Water Resources
Adjudication Bureau

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



RECEIVED

MAR 14 1996

GENERAL COUNSEL
ATTORNEY GENERAL

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

March 12, 1996

Michael and Charlene Randall
7761 Murphy Road
Melba, ID 83641

RE: Water Right Nos. 57-00084, 57-00101, 57-00111, 57-00133, 57-00146 and 57-02210A

Dear Mr. and Mrs. Randall:

The court was recently notified that you purchased property from Mrs. Eva M. Johnston. The water rights appurtenant to that property are: 57-00084, 57-00101, 57-00111, 57-00133, 57-00146 and 57-02210A.

These water rights are currently being contested before the District Court in the Snake River Basin Adjudication. In order to substitute your names in place of Eva M. Johnston as claimants to these water rights, please complete pages 3-6 of the enclosed *Standard Form 3 Consent to Substitution of Party*. Because I have attached a copy of the letter the court received from Ms. Eva M. Johnston, you will not be required to obtain her signature on the Standard Form 3.

If you have questions about this Standard Form or about the status of these water rights, please give me a call at the Snake River Basin Adjudication District Court at 208-736-3011.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diana R. Delaney".

Diana R. Delaney
Chief Deputy Clerk

DRD
Enclosure

cc: Chief Natural Resources Division
U S Department of Justice

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 the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 57-00133 -0001

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

MICROFILMED

JUL 20 1994

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
3. ☒ Quantity: I respond to the objection concerning the total quantity of water used in cubic feet per second.
4. ☒ Priority Date: I respond to the objection concerning the priority date.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I respond to the objection concerning the legal description of the place of use.
- 9a. ☒ The legal description of the place of use.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

II. STATEMENT OF THE RESPONSE

2. Person who filed objection:
 Name: US BUREAU OF LAND MANAGEMENT
 IDAHO STATE OFFICE
 3380 AMERICANA TERRACE
 BOISE ID 83706-2544
3. If this response is filed by an attorney:
 Attorney Name(s): DANIEL L. STECKEL
 Attorney Address: DEPUTY ATTORNEY GENERAL(S)
 IDAHO DEPARTMENT OF WATER RESOURCES
 P.O. BOX 44449
 BOISE, ID 83711-4449
 Attorney Phone No.: (208) 327-7900

11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12a. ☒ This water right being recommended at all.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 3, 3a, 4, 7, 8, 9, 9a, 10, 11, 12, and 12a and all allegations of the objection regarding these items IDWR responds as follows: This is an ownership dispute between the claimant and the United States (objector). IDWR is informed and therefore believes that the parties have resolved the matters raised by the objection. The United States asserts ownership of four acres in the claimant's place of use and the claimant has agreed. In recognition of this agreement a revised description of the water right, deleting the four acres and including appropriate reductions in the amount of water (based on the reduced acreage), is attached to this response. IDWR denies the objection and all allegations of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

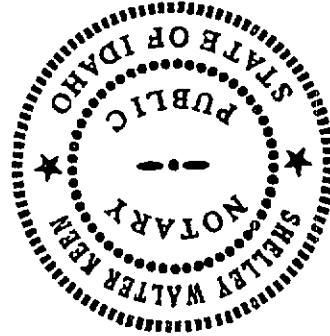
See attached List of Recommended Water Rights Acquired under State Law.

- ☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

| | No. of
Pages |
|---|-----------------|
| Notice of Claim No. A57-00133 | 4 |
| Recommended Water Rights Acquired under State Law | 1 |

(Over)

MICROFILMED
JUL 20 1984



Shelley Walter Keen
Notary Public for Idaho
Residing at: Bonneville, Idaho
My Commission expires: July 31, 1997

Subscribed and sworn to before me this 27th day of May, 1993.

By: [Signature]
(Attorney signing in
representative capacity)
[Signature]
Signature of person filing response

Donald V. Shaff, being first duly sworn, upon oath, deposes and says:
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Section Manager for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

State of IDAHO
County of ADA

VERIFICATION (Must be Completed)

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of May, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

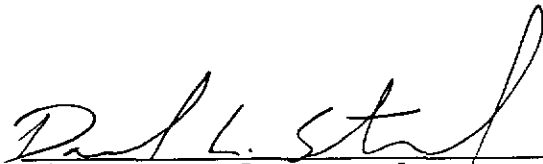
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: EVA JOHNSTON
Address: 507 5TH AVE SOUTH
NAMPA ID 83651

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE
Address: K JACK HAUGRUD & DARIA J ZANE
550 W FORT ST
PO BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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JUL 20 1994

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-24-1993
PAGE: A-1

| RIGHT
NUMBER | NAME & ADDRESS | PRIORITY
DATE | PURPOSE OF USE | PERIOD OF USE
FROM TO | MAXIMUM
QUANTITY | BASIS OF
CLAIM |
|----------------------|---|------------------|----------------|--------------------------|---------------------|-------------------|
| SOURCE: CASTLE CREEK | | | | | | |
| 57-00133 | EVA M JOHNSTON
507 5TH AVE SOUTH
Nampa ID 83651 | 04/01/1902 | IRRIGATION | 04-01 10-15 | .2 | CFS DECREASED |

POINT OF DIVERSION:

T05S R01E S21
T05S R01E S29

PLACE OF USE: IRRIGATION

T05S R01E S21

~~NWNE~~ 4.0
NESW 12.0

 NENW 13.0
NWSW 28.0

SENW 22.0

TOTAL QUANTITY: .2 CFS

91-087.0 ACRES TOTAL

REMARKS:

THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT
TO IDAHO CODE 42-1416(1).

USE OF THIS RIGHT WITH RIGHT NO. 57-00084 AND OTHER RIGHTS

LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF

4-821.74 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 310-5304.5

AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 91-087.0 ACRES IN A

SINGLE IRRIGATION SEASON.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 57-00084, 57-00101, 57-00111 AND 57-00146.MICROFILMED
JUL 20 1994

AJ5809NP
No. 57-00133

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/19/93
PAGE: 30

OWNER
CODE

NAME & ADDRESS

C EVA M JOHNSTON
507 5TH AVE SOUTH
Nampa ID 83651
(208) 467-3582

PRIORITY
DATE

04/01/1902

WATER USE

IRRIGATION

USE PERIOD
FROM TO

04-01 10-15

DIVERSION
RATE

0.20 CFS

DIVERSION
VOLUME

0.20 CFS

TOTAL DIVERSION:

Water Source: CASTLE CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T05S R01E S21
S29

SESENW
NWSESE

OWYHEE County
OWYHEE County

Place of use Legal Description for: IRRIGATION

NE

NW

SW

SE

| | | | | | | | | | | | | | | | | | | |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|------|------|------|------|-------------|------|
| T | R | S | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : | NESE | NWSE | SWSE | SESE | : | SUM |
| 05S | 01E | 21 | : | 04 | : | 13 | : | 12 | : | 22 | : | 12 | : | 12 | : | 28 | : | |
| | | | | | | | | | | | | | | | | | TOTAL ACRES | 91.0 |

POU County: OWYHEE

Non-Irrigation Uses: NONE

Other Rights: SEE REMARKS

Conditions of Approval:

C01 - THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT
- TO IDAHO CODE 42-1416(1).

Remarks:

USE OF THIS RIGHT WITH RIGHT NO. 57-00084 AND OTHER RIGHTS LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.82 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 318.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 91.0 ACRES IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00084, 57-00101, 57-00111 AND 57-00146.

Dates:

Exam Made Date: 10/04/1990 Verified Date:

Misc:

Water District Number: 57C Field Inspection Flag:
Presumption Flag:

Comments:

Date: 07/14/1992 User-ID: SMITH Subject: DATA ENTRY
CHANGED CFS ON WATER USE SCREEN TO .200
NO CHANGE TO VERIFICATION STATUS

Adjt:

11/18/91 MCCARTHY 12/11/91 MCCARTHY 07/14/92 SMITH 07/29/92 PR-PRODM
10/13/92 CPSHAW 12/05/92 ADT-SHAW

MAILED
JUL 20 1994

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

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

Case No. 57-00133
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 26 1993

Department of Water Resources
Adjudication Bureau

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

OBJECTION - 1

RECEIVED
JUL 20 1993

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: United States of America
Bureau of Land Management
U.S. Department of the Interior
Idaho State Office
Address: 3380 Americana Terrace
Boise, Idaho 83706

Briefly describe your interest in this water right:
The United States, through the Bureau of Land
Management (BLM), is the owner of the land
upon which this water right is claimed, and
claimant does not have a valid water right.

2. Owner of the water right:

Name: Claimant: Eva M. Johnston
Address: 507 5th Ave South
Nampa, Idaho 83651

3. If this objection is filed by an attorney:

Attorney Name: K. Jack Haugrud
Daria J. Zane
Attorney Address: U.S. Department of Justice
550 West Fort Street
P.O. Box 33
Boise, Idaho 83734
Attorney Phone No.: (202) 272-8351

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - a. ☒ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I object to:
 - a. ☒ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.

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(Over)

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

The Director's Report should be changed to recommend disallowance of this claim.

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

CHANGES TO THE DIRECTOR'S REPORT

and water source. that other members of the public have had access to this land has not been the exclusive beneficial user of this water given objects to the recommendation in its entirety because claimant period of use, place of use, and consumptive use. BIM also quantity, priority date, points of diversion, purpose of use, facts, including the recommended name and address, source, States objects to all aspects of the right because of these water right appurtenant to federally owned lands. The United no property interest in the claimed water right or any other the beneficial use of the American public. The claimant has United States, has managed and controlled this property for right on public domain lands. The BIM, on behalf of the because the claimant is a private individual claiming a water Land Management, objects to this water right recommendation The United States of America, acting through the Bureau of necessary.

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

REASONS SUPPORTING EACH BOX CHECKED

14. ☐ Other: I object to:
13. ☐ Description of Reservation: I object to the legal description of the reservation.
12. ☒ Water Right Recommendation: I object to:
- a. ☒ this water right being recommended at all; or
- b. ☐ this water right not being recommended.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

Map of claim showing federal parcel(s).

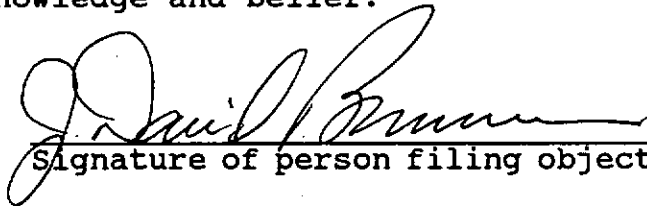
VERIFICATION (Must be Completed)

State of Idaho

County of Ada

J. DAVID BRUNNER, BOISE DISTRICT MANAGER, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing objection

By:

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 23 day of February,
1993.

Clarence D. Bale
Notary Public for Ada County
Residing at: BOISE IDAHO
My Commission expires: April 26, 1997

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JUL 20 1994

(Over)

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of February, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name: Eva M. Johnston

Owner's Address: 507 5th Ave South

Nampa, Idaho 83651

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

Signature of objector or attorney
mailing on objector's behalf

LOGICAL SURVEY

POOR ORIGINAL

RANGE 16 MI.

2770 III SE (CASTLE BUTTE)

CLAIM NUMBER 5700133

☒ Denotes Public Land Included in this Claim

Well 2718

⑦

⑧

④

⑤

⑥

③

22

27

28

③

20

④

Rough Mtn. NE, EDWARDS

5S, 1E

100 1504

33

34

32

OWYHEE County
OWYHEE County

Field Inspection
Presumption Flag:

MICROFILMED
OCT 07 1992

STATE OF UTAH
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:08:57
09/02/90

PAGE: 13

QUICKLOOK INFORMATION

00133

CLAIM NUMBER: A57-00084

| 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 | Y | | 10/4/90 | Y | 45.6 | 10/4/90 | | 10/11/91 |
| POINT OF DIV | Y | | | Y | | | | |
| SOURCE | Y | | | N | | | | |
| PLACE OF USE | Y | | | Y | | | | |
| DIV. AMOUNT
CFS/VOLUME | Y | | | N | | | | |
| CONSUMPTIVE USE | - | | | N | | | | |
| PURPOSES | Y | | | N | | | | |
| PERIOD OF USE | Y | | | Y | | | | |
| BASIS OF CLAIM | Y | | | N | | | | |
| REMARKS | Y | | | Y | | | | |

"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.

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OCT 07 1992

F06: 101, 111, 133, 146

E09: 101, 111, 133, 146, 2210A, 1.82, 318.5, 91.0

COI

See 57-00084 for analysis and maps

DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet For

SRBA Claim Verification Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Claim Verification Report(CVR)
- ☒ Copy of Adjudication Claim
- ☒ Copies of pertinent files(prev. rts., exams, etc.)
- ☒ Well Inspection Form (If Needed)
- ☒ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography
- ☒ Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of the Govt. plat is needed to add the lot onto the R claim file later.)
- ☐ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)
- ☐ Check AJ & WR P/D indexes(to ck. accuracy of CVR overlap ckd. above)
- Overlap ☐ yes ☐ no If yes: ☐ copy of claims & water rights incl?
- Type of Overlap? ☐ Add acres or uses to existing system
- ☐ Increase rate of flow or volume
- ☐ Other: _____
- ☐ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)
- ☐ Check AJ & WR P/U indexes(to ck. accuracy of CVR overlap ckd. above)
- Overlap ☐ yes ☐ no If yes: ☐ copy of claims & water rights incl?
- Type of Overlap? ☐ Increase rate of flow or volume
- ☐ Add P/D's
- ☐ Increase number of acres within tracts
- ☐ Different source for same acres
- ☐ Other: _____
- ☒ Appointment Letter Sent? By RH 7/19/90 (initial & date)
- ☒ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully Completed and Signed CVR Form
- ☒ Photographs of Point(s) of Diversion and Place of Use
- ☒ Completed map outlining Point(s) of Diversion and Place of Use. *See A57-00084*

C. Review and Processing:

- Claim No. submitted for weekly exam completed prog. report? ☒ Yes ☐ No
- Exam completed date data entered on claim _____ (initial & date)
- Claim Verification Report completed _____ (initial & date)
- Was CVR spot-checked by Supervisor? ☐ Yes ☐ No _____ (initial & date)
- R claim file created _____ (initial & date)
- Recommendations entered on R claim file _____ (initial & date)

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OCT 07 1992