

3 CFS 1112-12-5

T4S R1E

AS7-00038

4/1/1866

MICROFILMED

OCT 07 1992

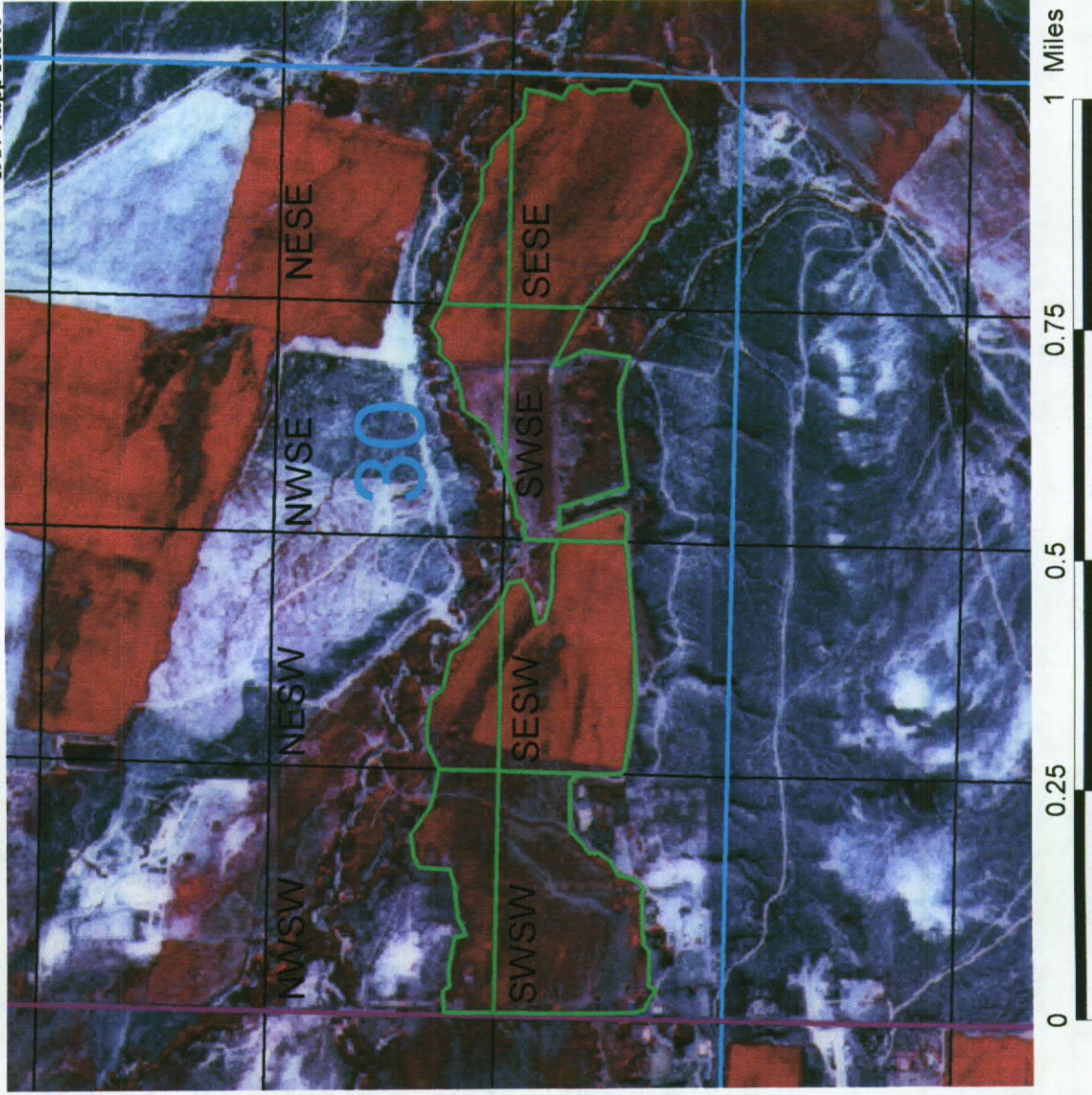
T4S



Idaho Department of Water Resources

Claim Number: 57-00038
 Legal: T04S, R01E, S30
 Reviewed By:

1987 Napp Photo



Point of Diversion
 (located outside view)



Place of Use



Section Lines



Quarter Quarter Lines



Township/Range Lines



3 CFS 148-10-5

T4S R1E

AS7-00038

4/1/1866

MICROFILMED

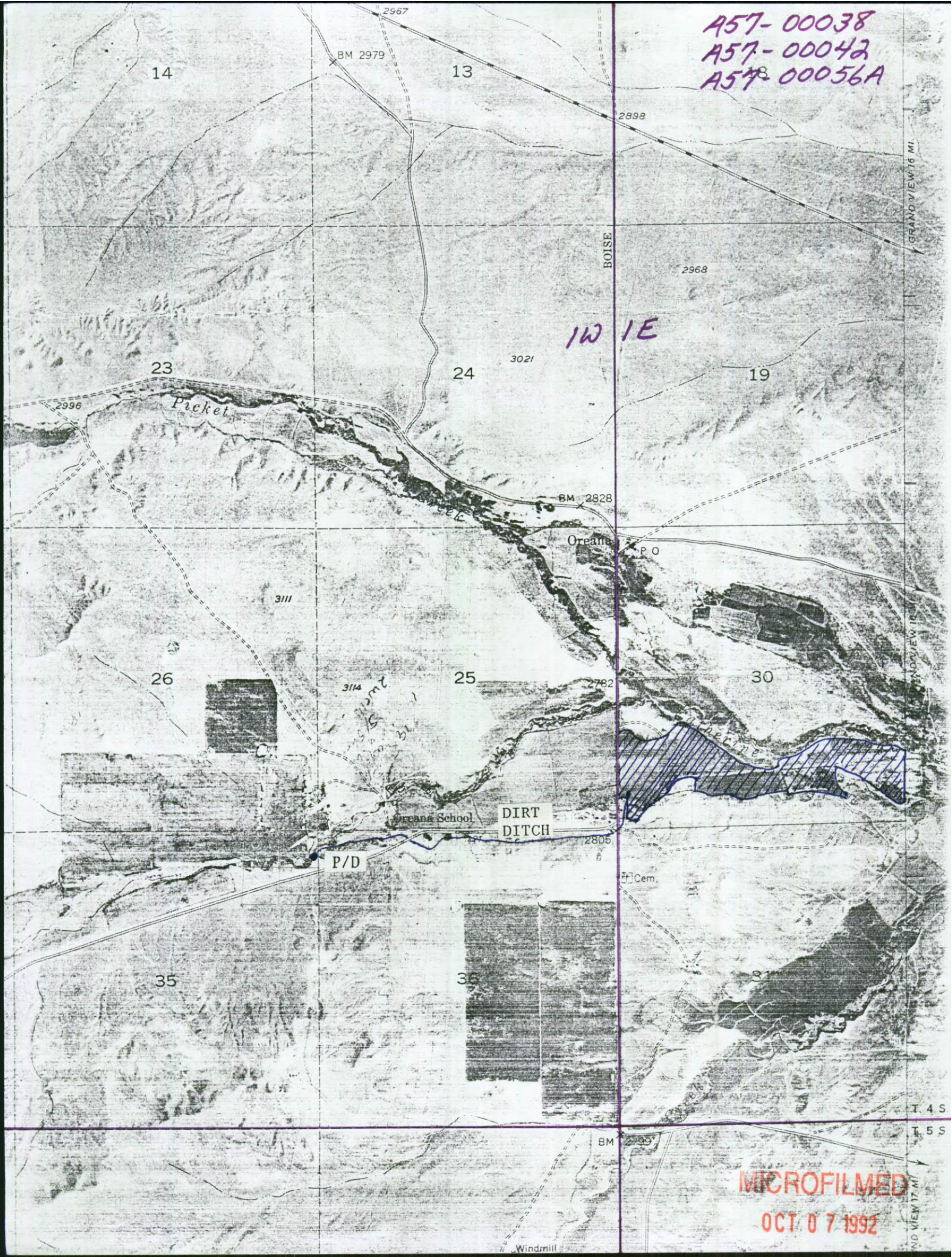
OCT 07 1992

T4S



A57-00038
A57-00042
A57-00056A

1W 1E



MICROFILMED
OCT 07 1992

GRAND VIEW 16 MI.
GRAND VIEW 15 MI.
GRAND VIEW 14 MI.
GRAND VIEW 13 MI.
GRAND VIEW 12 MI.
GRAND VIEW 11 MI.
GRAND VIEW 10 MI.
GRAND VIEW 9 MI.
GRAND VIEW 8 MI.
GRAND VIEW 7 MI.
GRAND VIEW 6 MI.
GRAND VIEW 5 MI.
GRAND VIEW 4 MI.
GRAND VIEW 3 MI.
GRAND VIEW 2 MI.
GRAND VIEW 1 MI.

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: A57-00038
Date Received: 1/19/89
Receipt No: C005201
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HYDE RANCH PARTNERSHIP 415-538-9600
Address: 20630 PATIO DRIVE
CASTRO VALLEY, CA 94546

2. Date of Priority: APR 01, 1866

3. Source: HART CREEK Trib. to: CATHERINE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	01W	35	NE	NE	NE		OWYHEE

5. Description of diverting works:
ROCK AND GRAVEL INSTREAM DAMMING SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		

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

8. Total consumptive use is 336.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	01E	30	SW	SW		IRR	31.0
			SE	SW		IRR	32.0
			SW	SE		IRR	33.0
						Section Acres	96.0

A57-00038

Page 1

Date: 01/19/89

MICROFILMED

OCT 07 1992

10. Place of Use: Continued

Total Acres. 96.0

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:
57-07043 -02181 -00056 -00039

14. Remarks:
NO. 2 HARTS CK.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

J. M. NEIL
Decree Plaintiff

vs

MICHAEL HYDE 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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Atty of
Hyde Ranch Partnership Title
organization that I have signed the foregoing
document in the space below as Atty of
Hyde Ranch Partnership Title
organization that the statements contained in the
foregoing document are true and correct.

Samuel K. Koon
Signature of Authorized Agent

Atty: Hyde Ranch Part.
Title and Organization

1/19/89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of JAN 1989

Jeff Ruppel
Notary Public

Seal

Residing at Boise

My Commission Expires 11-8-94

17. Notice of Appearance:

Notice is hereby given that I, J. KISER will be
Print Name

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

Signature [Signature]

Address 5405 Overland Blvd. 83705

Date 1/19/89

3 CFS 1ER-D-S

T4S RIE

AS7-00038

4/1/1866

MICROFILMED

OCT 07 1992

T4S



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: **A57-00038**
Date Received: 1/19/1989
Receipt No: C005201
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: WILLIAM WHITE 208-834-2505
Address: PO BOX 2087
MURPHY ID 83651
AND
Name: BEVERLY WHITE 208-834-2505
Address: PO BOX 2087
MURPHY ID 83651
2. Date of Priority: APR 1, 1866
3. Source: HART CREEK Trib. to: CATHERINE CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 04S | 01W | 35 | NE | NE | NE | | OWYHEE |
5. Description of diverting works:
ROCK AND GRAVEL INSTREAM DAMMING SYSTEM
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 3.000 | | |
7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 336.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

MICROFILMED

OCT 07 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	01E	30	SW SW		IRR	31.0
			SE SW		IRR	32.0
			SW SE		IRR	33.0

Section Acres 96.0

Total Acres	96.0
-------------	------

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:

57-07043 -02181 -00056 -00039

14. Remarks:

NO. 2 HARTS CK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

J. M. NEIL

Decree Plaintiff

MICHAEL HYDE ET. AL.

vs Decree Defendant

RECEIVED

CHANGE IN OWNERSHIP

NOV 29 1991 Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

Division of Water Resources
Western Regional Office

[] Water Right Number(s): Those set out on Exhibit B attached hereto.

[] Name and Address of
Former Claimant(s): Hyde Ranch Partnership
20630 Patio Drive
Castro Valley, CA 94546

[] New Claimant(s): William and Beverly White

[] New Mailing Address: HC 79, P.O. Box 2087
Murphy, ID 83651

New Telephone Number: (208) 834 - 2505

[] Does the change in ownership result in a splitting of the water right claimed? yes x no
If yes, then describe the portion of the water right that is now 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 claimant.)

[] Signature of New Claimant(s): William L. White
William White
Beverly L. White
Beverly White

Date: Nov 11-24-91

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s): Hyde Ranch Partnership

by: R.T. Nahas

R.T. Nahas

Date: 11/21/91

(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: By:

Claim Numbers of Split, if any:

After form has been completed, please return to the nearest
IDWR office below:

WESTERN REGIONAL OFFICE

2735 AIRPORT WAY

BOISE, IDAHO 83705

(208) 334-2190

EASTERN REGIONAL OFFICE

150 SHOUP SUITE #15

IDAHO FALLS, IDAHO 83402

(208) 525-7161

STATE OFFICE

1301 N. ORCHARD ST.

STATEHOUSE MAIL

BOISE, IDAHO 83720

(208) 327-7906

SOUTHERN REGIONAL OFFICE

222 SHOSHONE STREET EAST

TWIN FALLS, ID 83301

(208) 734-3578

NORTHERN REGIONAL OFFICE

1910 NORTHWEST BLVD. SUITE 210

COEUR D'ALENE, IDAHO 83814

(208) 765-4639

SRBA WATER RIGHTS FILINGS

HYDE RANCH

A57-

1.	0038	April 1, 1866 (D)	3.0 cfs	96 acres
2.	10548	April 1, 1868 (B)	.19 cfs	stock
3.	0039	April 1, 1868 (D)	1.46 cfs	73 acres
4.	0042	February 14, 1870 (D)	1.98 cfs	73 acres
5.	0041B	February 14, 1870 (D)	3.18 cfs	73 acres
6.	0056A	March 16, 1885 (D)	.72 cfs	31 acres
7.	0058	April 1, 1885 (D)	.70 cfs	35 acres
8.	0060	April 1, 1886 (D)	10.1 cfs	240 acres
9.	10549	April 1, 1945 (B)	.23 cfs	stk/domestic
10.	2181	March 15, 1946 (L)	2.32 cfs	116 acres
11.	7043	October 30, 1970 (P)	6.58 cfs	435 acres
12.	10550	December 8, 1987 (B)	.23 cfs	stk/domestic

(D) = Decree
 (L) = License
 (P) = Permit
 (B) = Beneficial Use

MICROFILMED

OCT 07 1992

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-00038

Date: 5-22-03

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	45	1E	30									12	6	23	21	10	11	19	23	125
GIS												6.6	10	22	21	5	5.4	17	23	110
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 125

Total GIS Acres: 110

Overlapping FOU Claim #'s:

57-02181, 57-07043, 57-00039

COMMENTS:

Per claim map & overlapping claims.

Idaho Department of Water Resources

Claim Number: 57-00038
Legal: T04S, R01E, S30
Reviewed By:

Point of Diversion
(located outside view)



Place of Use



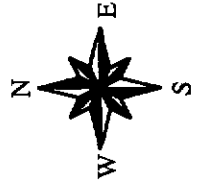
Section Lines



Quarter Quarter Lines



Township/Range Lines



1987 Napp Photo



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 57-00038

1997 SEP 12 AM 10:14
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: BEVERLY WHITE
WILLIAM WHITE
PO BOX 2087
MURPHY ID 83651

SOURCE: HART CREEK

TRIBUTARY: CATHERINE CREEK

QUANTITY: 2.84 CFS

THE USE OF THIS RIGHT WITH RIGHT NOS. 57-00039, 57-02181 AND
57-07043 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.72
CFS.

PRIORITY DATE: 04/01/1866

POINT OF DIVERSION: T04S R01W S35

NENENE

Within OWYHEE County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
2.84 CFS

PLACE OF USE: IRRIGATION
T04S R01E S30
125 ACRES TOTAL

Within OWYHEE County
NESW 12
NESE 10

NWSW 6
NWSE 11

SWSW 23
SWSE 19

SESW 21
SESE 23

USE OF THIS RIGHT WITH RIGHT NOS. 57-00039, 57-02181 AND
57-07043 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
286.0 ACRES IN A SINGLE IRRIGATION SEASON.

DATED: SEP 12 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

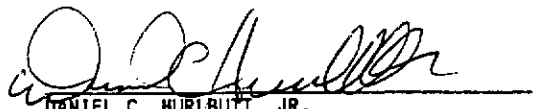
MICROFILMED

RULE 54(b) CERTIFICATE

MAR 2 - 1998

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.

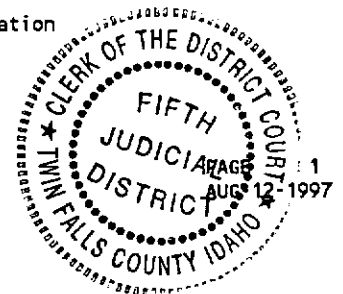
DATED: SEP 12 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-00038

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.
ROBERT S. FORT
CLERK OF THE DISTRICT COURT

By 
DEPUTY CLERK



RECEIVED

SEP 15 1997

Department of Water Resources

1997 SEP 12 AM 10:14

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA

Case No. 39576

) ORDER OF PARTIAL DECREE

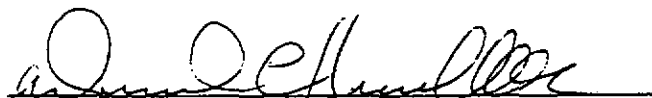
) For Water Right 57-00038

On June 20, 1997, 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 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-00038 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED September 12, 1997.



DANIEL C. HURLBUTT, JR.

Presiding Judge

Snake River Basin Adjudication

MICROFILMED

MAR 2 - 1998

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 57-00038

1997 SEP 12 AM 10:14
DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO
FILED

NAME & ADDRESS: BEVERLY WHITE
WILLIAM WHITE
PO BOX 2087
MURPHY ID 83651

SOURCE: HART CREEK

TRIBUTARY: CATHERINE CREEK

QUANTITY: 2.84 CFS

THE USE OF THIS RIGHT WITH RIGHT NOS. 57-00039, 57-02181 AND
57-07043 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.72
CFS.

PRIORITY DATE: 04/01/1866

POINT OF DIVERSION: T04S R01W S35 NENENE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	2.84 CFS

PLACE OF USE:	IRRIGATION	Within Owyhee County			
	T04S R01E S30	NESW 12	NWSW 6	SWSW 23	SESW 21
		NESE 10	NWSE 11	SWSE 19	SESE 23
	125 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHT NOS. 57-00039, 57-02181 AND
57-07043 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
286.0 ACRES IN A SINGLE IRRIGATION SEASON.

DATED: SEP 12 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

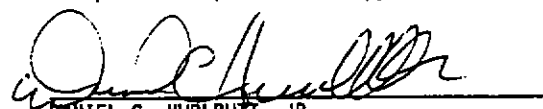
MICROFILMED

MAR 2 - 1998

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.

DATED: SEP 12 1997

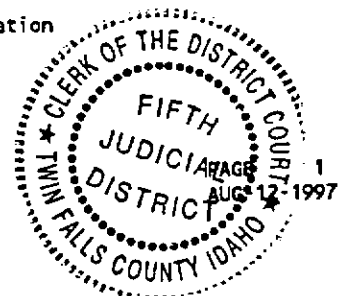

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-00038

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.

ROBERT S. FORT
CLERK OF THE DISTRICT COURT

By 



RECEIVED

SEP 15 1997

Department of Water Resources

1997 SEP 12 AM 10:14

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 57-00038
_____	)	

On June 20, 1997, 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 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-00038 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED September 12, 1997.



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

MICROFILMED

MAR 2 - 1998

RECEIVED

JUN 23 1997

Department of Water Resources
Adjudication Bureau

1997 JUN 20 AM 11:09

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO

FILED DL

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 57-00038
	)	
Case No. 39576	)	SPECIAL MASTER'S REPORT
	)	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990) by William and Beverly White. The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 57-00038 was filed by United States (BLM). Subsequently, the objection was withdrawn by stipulation of the parties.

A *Preliminary Special Master's Report and Recommendation* was issued. No motion to alter or amend was filed and the time for filing such a motion has now expired; therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-00038 be decreed as recommended in the attached *Special Master's Report and Recommendation for Partial Decree*.

DATED May 20, 1997.

Jur


FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

1997 JUN 20 AM 11:09

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S REPORT
AND RECOMMENDATION

Water Right(s): 57-00038

On June 20, 1997, Special Master FRITZ X HAEMMERLE issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION for the above subcase pursuant to SRBA Administrative Order 1 (AO1), Section 9.

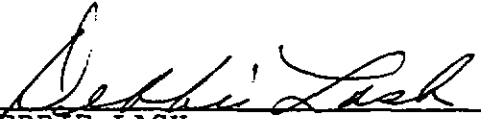
Pursuant to SRBA Administrative Order 1, Section 14b, any party to the adjudication may file a Notice of Challenge to a SPECIAL MASTER'S REPORT AND RECOMMENDATION within 21 days following the date of publication of the filing of the Special Master's report in the Docket Sheet except parties to the subcase who failed to file a Motion to Alter or Amend before the Special Master (AO1, Section 9f). The Notice of Challenge shall appear on the Docket Sheet and shall be served on parties to the subcase(s) covered by the challenged report and the SRBA Court Reporter.

DATED June 20, 1997.


DEBBIE LASH
Deputy Clerk

MICROFILMED
MAR 2 - 1998

JAMES W KISER
5405 OVERLAND RD
BOISE, ID 83705


DEBBIE LASH
Deputy Clerk

MICROFILMED

MAR 2 - 1998

8661 - 2 MAR
MICROFILMED

1997 JUN 20 AM 11:09

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-00038

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 20, 1997, with sufficient first-class postage prepaid to the following:

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

U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449

WILLIAM WHITE
WHITE, BEVERLY
PO BOX 2087
MURPHY, ID 83650

CERTIFICATE OF MAILING

PAGE 1
06/20/97

RECEIVED

MAY 29 1997

Department of Water Resources
Adjudication Bureau

1997 MAY 28 AM 9:14

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED DL

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 57-00038
)
)
)
)

Case No. 39576

PRELIMINARY SPECIAL
MASTER'S REPORT

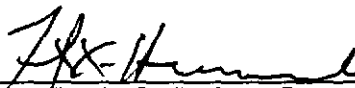
FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1909(1990) by William and Beverly White. The Director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 57-00038 was filed by the United States on behalf of the Bureau of Land Management (BLM). Subsequently, the objection was withdrawn by stipulation of the parties; now therefore,

IT IS RECOMMENDED that subcase 57-00038 be decreed as recommended in the *Preliminary Special Master's Report and Recommendation for Partial Decree*.

DATED May 28, 1997.


FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

MICROFILMED

MAR 2 - 1998

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)
_____)

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-00038

1997 MAY 28 AM 9:14

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED DL

NAME & ADDRESS: BEVERLY WHITE
WILLIAM WHITE
PO BOX 2087
MURPHY ID 83651

SOURCE: HART CREEK

TRIBUTARY: CATHERINE CREEK

QUANTITY: 2.84 CFS

THE USE OF THIS RIGHT WITH RIGHT NOS. 57-00039, 57-02181 AND
57-07043 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.72
CFS.

PRIORITY DATE: 04/01/1866

POINT OF DIVERSION: T04S R01W S35

NENENE

Within Owyhee County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
2.84 CFS

PLACE OF USE: IRRIGATION
T04S R01E S30
125.0 ACRES TOTAL

Within Owyhee County

NESW 12.0
NESE 10.0

NWSW 6.0
NWSE 11.0

SWSW 23.0
SWSE 19.0

SESW 21.0
SESE 23.0

USE OF THIS RIGHT WITH RIGHT NOS. 57-00039, 57-02181 AND
57-07043 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
286.0 ACRES IN A SINGLE IRRIGATION SEASON.

DATED: 5/28/97

Fritz X. Haemmerle
FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

MICROFILMED
MAR 2 - 1998

RECEIVED

NOV 13 1996

OFFICE OF THE
ATTORNEY GENERAL

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural Resources Division

R. LEE LEININGER
PAUL F. HOLLEMAN
DARIA J. ZANE
WILLIAM M. FERRY
Attorneys, Department of Justice
General Litigation Section
Environment and Natural Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 305-0494

**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	)	Sub-case No. 57-00038
	)	
Case No. 39576	)	
	)	STIPULATION FOR WITHDRAWAL
_____	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve water right number 57-00038. The parties stipulate to the withdrawal of the United States' objection to the water right claimed in this subcase.

STIPULATION

1. Pursuant to I.R.C.P. 41(a)(1), the United States of America and Beverly and William White stipulate that the objection filed by the Bureau of Land Management (BLM) to water right number 57-00038 is hereby withdrawn without prejudice.

REPROFILMED
MAR 2 - 1998



2. This stipulation was reached through negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding, and that this agreement is not and shall not be used as precedent for any other claim to a water right.

3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

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

UNITED STATES OF AMERICA

Dated:

11/6/96

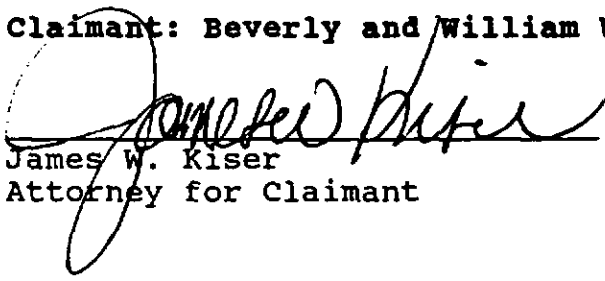
by:


R. Lee Leininger
Paul F. Holleman
Attorneys, Department of Justice

Claimant: Beverly and William White

Dated:

by:


James W. Kiser
Attorney for Claimant

MICROFILMED
MAR 2 - 1998

CERTIFICATE OF SERVICE

I certify that on the 12th day of November, 1996 I served a true and correct copy of this Stipulation of Withdrawal upon the following individuals:

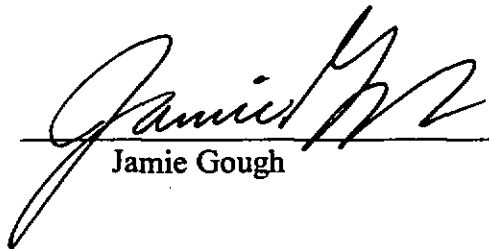
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

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

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

A. Lynne Krogh
Deputy Attorney General
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83702

James W. Kiser
5405 Overland Road
Boise, ID 83705


Jamie Gough

MICROFILMED
MAR 2 - 1998

RECEIVED

NOV 14 1996

Department of Water Resources

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural Resources Division

R. LEE LEININGER
PAUL F. HOLLEMAN
DARIA J. ZANE
WILLIAM M. FERRY
Attorneys, Department of Justice
General Litigation Section
Environment and Natural Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 305-0494

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	)	Sub-case No. 57-00038
	)	
Case No. 39576	)	
	)	STIPULATION FOR WITHDRAWAL
_____	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve water right number 57-00038. The parties stipulate to the withdrawal of the United States' objection to the water right claimed in this subcase.

STIPULATION

1. Pursuant to I.R.C.P. 41(a)(1), the United States of America and Beverly and William White stipulate that the objection filed by the Bureau of Land Management (BLM) to water right number 57-00038 is hereby withdrawn without prejudice.

MAR 2 - 1998

2. This stipulation was reached through negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding, and that this agreement is not and shall not be used as precedent for any other claim to a water right.

3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

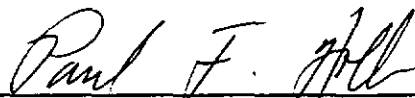
4. This stipulation was entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

UNITED STATES OF AMERICA

Dated:

11/6/96

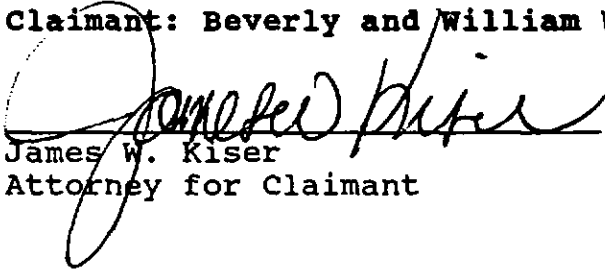
by:


R. Lee Leininger
Paul F. Holleman
Attorneys, Department of Justice

Claimant: Beverly and William White

Dated:

by:


James W. Kiser
Attorney for Claimant

MICROFILMED
MAR 2 - 1998

CERTIFICATE OF SERVICE

I certify that on the 12th day of November, 1996 I served a true and correct copy of this Stipulation of Withdrawal upon the following individuals:

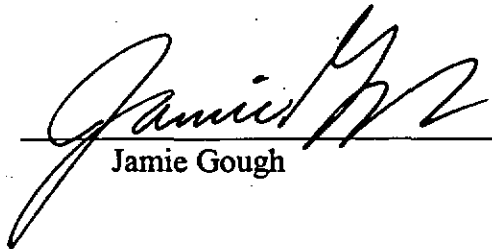
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

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

IDWR Document Depository
P.O. Box 83720
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A. Lynne Krogh
Deputy Attorney General
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83702

James W. Kiser
5405 Overland Road
Boise, ID 83705



Jamie Gough

MICROFILMED

MAR 2 - 1998

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. 57-00038
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 26 1998

Department of Water Resources
Adjudication Bureau

MICROFILMED

MAR 2 - 1998

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

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

Briefly describe your interest in this water right:

The United States, through the Bureau of
Land Management, is the owner of land
affected by this claimed water right and
has a senior existing water right.

2. Owner of the water right:
Beverly White
Name: claimant William White MICROFILMED
Address: P.O. Box 2087 MAR 2 - 1998
Murphy, ID 83651

3. If this objection is filed by an attorney:
K. Jack Haugrud
Attorney Name: Daria J. Zane
U. S. Department of Justice
Attorney Address: 500 West Fort Street
P.O. Box 33
Boise, Idaho 83734
Attorney Phone No.: 202-272-4134/8351

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.

ENCLOSURE

MAR 2 - 1993

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

The Directors report should be changed to recommend disallowance of this claim.

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

MAR 2 - 1998

☒ 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. _____

~~CONFIDENTIAL OR PROPRIETARY~~

1. 2. Conflicting USDI claims

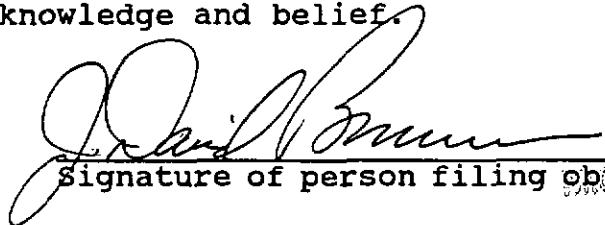
VERIFICATION (Must be Completed)

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

MAR 2 - 1998

By: _____

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 23 day of February,
199 3.


Notary Public for Ada County
Residing at: Boise, Idaho
My Commission expires: April 26, 1992

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 26 day of February, 1993, I ~~mailed~~^{sent} the original and ~~copies~~^{four} 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: Beverly White
William White
Owner's address: P.O. Box 2087
Murphy, ID 83651

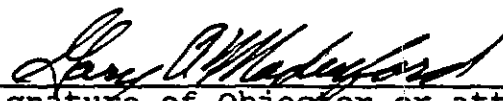
3. One copy to:

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

MICROFILMED
MAR 2 - 1998

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

CLAIM NUMBER: 57-00038

CONFLICTING CLAIMS FOUND IN THE DIRECTORS REPORT

57-07330

57-11117

57-11123

57-11142

57-11329

MICROFILMED

MAR 2 - 1998

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. 57-00038
(Insert the Case No.
from the Objection
you are responding to)

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.)

RECEIVED

APR 2 1993

Department of Water Resources
Bureau

INSTRUCTIONS

This form must be used to file a response to any objection filed against a water right recommended in a Director's Report. You may respond to objections filed against one water right, using one response form. The water right number listed as the "Case No." on the Objection you are responding to must be inserted above as the "Case No." If you choose to file one form to respond to all objections filed against the same water right, your response should cover every issue raised in the objections.

To respond to objections filed against more than one water right, you must file a separate response form for each water right. 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 response by the deadline shown in the notice that IDWR mailed to you. The response must be received by the court on or before the deadline specified. Instructions for filing this response are found on Page 5, and must be strictly followed.

MICROFILMED

JUL 20 1994

(Over)

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

By filing a response form, you are certifying that the response 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 responding to objection:

Name: William White & Beverly White

Address: Box 2087

Murphy Idaho 83650

Briefly describe your interest in this water right:

We are the Owners of
the land affected by this
water right.

2. Person who filed objection: United States of America

Name: Bureau of Land Management
U.S. Department of the Interior

Address: 3380 Americana Terrace

Boise, Idaho 83706

3. If this response is filed by an attorney:

Attorney Name: _____

Attorney Address: _____

Attorney Phone No.: _____

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

II. STATEMENT OF THE RESPONSE

Please check each "box" which identifies your response.

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
 - 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 respond to the objection concerning the priority date.
5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I respond to the objection concerning the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) 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:
 - 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 respond to the objection concerning the annual volume of consumptive use.

MICROFILMED

JUL 20 1994

(Over)

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:
- a. ☒ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I respond to the objection concerning the legal description of the reservation.
14. ☐ Other: I respond to the objection concerning: _____
- _____
- _____
- _____

REASONS SUPPORTING EACH BOX CHECKED

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

William & Beverly White responds to the objections concerning
Name & address, Source, Quantity, Priority Date, Points of Diversion
Purpose of use, Period of year, Consumptive use, Remarks, and
water rights recommendation because we are putting the water to beneficial use.
CHANGES TO THE DIRECTOR'S REPORT

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

The Director's report should allow this water
right as it was decreed in 1915 by Judge
Charles P. McCarthy

Please note that you should attach copies of documents which support your response. Note on each document the "box number" it supports.

- ☒ 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: _____

Co. Ltd Plaintiff VS Michael Hyde et al
Defendants 3 pages

VERIFICATION (Must be Completed)

State of Idaho

County of Dwyer

William White, being first duly
(Name of person filing response)
sworn, upon oath, deposes and says:

That I am the person or entity filing this response, 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 response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

William A. White
Signature of person filing response

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 19th day of March,
1993.

Nicholas K. Shli
Notary Public for Idaho
Residing at: Maryland
My Commission expires 1/31/94

INSTRUCTIONS FOR MAILING

You must mail the response, 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 you responded to, if other than yourself; to the party who filed the objection to which you are responding, if different from the owner of the water right; 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.

MICROFILMED
JUL 20 1994

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of March, 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 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:

Name: William L & Beverly White
Address: H.C. 79 Box 2087
Murphy Id. 83650

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: K Jack Haugrud & Daria I Zane
Address: US. Dept. of Justice 500 West Fort St.
P.O. Box 33

4. One copy to: Boise Id. 83734

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

5. One copy to:

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

William L & Beverly White
Signature of Respondent or attorney
mailing on Respondent's behalf

POOR ORIGINAL

FILE
OF
CASE

Co. Ltd.

vs.

Michael Hyde et al

Plaintiff

Defendants

Creek, Bates Creek, Brown County, Oregon

WATER DIST. 3

JUDICIAL DIST. 3

DATE OF DECREE 10-7-1915

JUDGE Charles P. McCarthy

RECORDED

IN BOOK NO. 3 AT PAGE NO. 302 FILE NO. 258

P.N.	D.N.	DECEDED OWNER	NAME	PRESENT OWNER	INCHES ANT. SEC. FT.	PRIORITY	SUBDIV.	SEC.	TWR.	R.G.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
26	060	B. H. Hyde			505	4-1-86	Pickett Creek				NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	4130
26	061	Alva & Frank Reed			211.3	4-1-86	Hart's				SE 1/4 Sec. 25, SE 1/4 Sec. 26, T. 4 S., R. 1 E.	4341
27	063	Thomas Fenrose			109.9	4-15-86	Pickett				NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	4451
27	064	Alexander Younie			175	5-1-86					NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	4626
27	065	Patrick Hardiman			81.45	7-22-86					NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	4708
28	066	Thomas Fenrose			101.25	4-1-87					NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	4909
28	067	Alexander Younie			150	3-1-89					NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	5104
28	068	Michael Hyde			150	4-1-94					NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	5232
28	069	J. M. Neil			129	4-1-96	Catherine				NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	5397
28	070	" "			153	4-1-97					NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	559
28	071	A. C. Southern			195	4-1-1901	Hart's				NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	5631
28	072	James F. Carrothers			45	10-1-01	Brown's				NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	5931
28	073	George Jess			300	4-1-02	Hart's				NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	6025
28	074	James F. Carrothers			93.55	4-1-04	Brown's				NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	6174
28	075	George H. Lewis			145	4-1-05	Hart's				NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	6291
28	076	Elizabeth Jane Fenrose			120	5-1-05	Pickett				NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	6371
28	077	Nora Linehan			86.9	4-1-07	Bates				NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	6395
28	078	Thomas Henderson			16	5-22-07	Catherine				NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	6454
28	079	William Koopma			57.6	3-11-08	Brown's				NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	6461
28	080	Thomas Henderson			19	5-22-08	Catherine				NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	650
28	081	William Koeppe			34.86	7-19-08	Brown's				NE 1/4 Sec. 23, NE 1/4 Sec. 24, T. 4 S., R. 1 E.	650

C.T. - CUMULATIVE TOTAL

D.N. - DECREE NUMBER

PRIORITY NUMBER

FILED

1994

POOR ORIGINAL

WATER DIST. 57-3 COUNTY Oryhee

CASE Michael Hyde et al. VS. Defendant JUDICIAL DIST. 3 JUDGE Charles P. McCarthy 148
 DECEED OWNER NAME PRESENT OWNER INCHESQ ANT. SEC. FT. O PRIORITY SUBDIV. SEC. TWR Rg. REMARKS, LAND TO BE IRRIGATED, ETC. C.T.

735782	Albert Herman Koeppe Compliance necessary	See Permit 3940	24.59	8-25-08	Brown's Creek		SW 1/4 Sec. 1, NW 1/4 NE 1/4, NE 1/4 NW 1/4 Sec. 12, T. 5S, R. 1E	6528.0
735783	John L. Kull Compliance necessary	See Permit 9857	50	12-2-13	Pickett		E 1/2 NW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4 Sec. 32, T. 4S, R. 1E	6528.0
							Note: In distributing the waters under this decree, there is further provision made by the court that Patrick Hardiman is first entitled before any one else, to the use of 27 inches out of Pickett Creek with the further right to flow 90 inches thru his ditches in order to secure same. Provided he returns 63 in. to creek(?) Then J. M. Kull is entitled to use 370 inches of Catherine & Pickett creek. Balance to be distributed as per decree.	
5	Victor Gabica	Trans #319	100.	4-1-74	Hatt's Creek		SE 1/4 Sec. 25, T. 1S, R. 1W	

LEGEND P.N. : PRIORITY NUMBER D.N. : DECREE NUMBER C.T. : CUMULATIVE TOTAL

MICROFILMED

JUL 20 1984

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. 57-00038 -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)

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
4. ☒ Priority Date: I respond to the objection concerning the priority date.
5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the points(s) of diversion.
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.
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
 Address: 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 4449
 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, 2, 3, 4, 5, 7, 8, 10, 11, 12 and 12a. and all allegations of the objection regarding these items, IDWR responds as follows:

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. IDWR admits that the claims listed in the objection are recommended in the director's report. IDWR admits that the exercise of rights to water from the same source may impact each other. IDWR denies the objection and all allegations of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ 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:

Notice of Claim No. A57-00038

No. of
Pages

8

(Over)

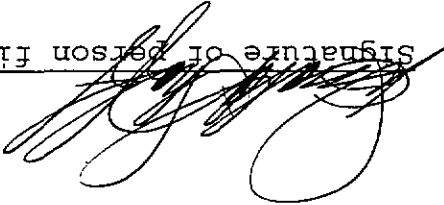
MICROFILMED
JUL 20 1994

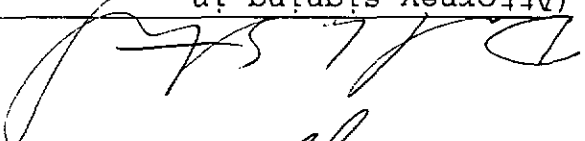
VERIFICATION (Must be completed)

State of IDAHO
County of ADA

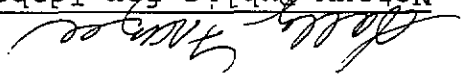
Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

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.


Signature of person filing response

By: 
(Attorney signing in
representative capacity)

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


Notary Public for Idaho
Residing at: Boise
My Commission expires: 11-14-1998

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of June, 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: BEVERLY & WILLIAM WHITE
Address: PO BOX 2087
MURPHY ID 83650

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

CHANGE IN OWNERSHIP

RECEIVED

NOV 29 1991 Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): Those set out on Exhibit B attached hereto.

[] Name and Address of
Former Claimant(s): Hyde Ranch Partnership
20630 Patio Drive
Castro Valley, CA 94546

[] New Claimant(s): William and Beverly White

[] New Mailing Address: HC 79, P.O. Box 2087
Murphy, ID 83651

New Telephone Number: (208) 834 - 2505

[] Does the change in ownership result in a splitting of the water right claimed? yes x no
If yes, then describe the portion of the water right that is now 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 claimant.)

[] Signature of New Claimant(s): William L. White
Beverly L. White
William White
Beverly White

Date: Nov 11-24-91

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s): Hyde Ranch Partnership

by: R.T. Nahas

R.T. Nahas

Date: 11/21/91

(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: By:

Claim Numbers of Split, if any:

After form has been completed, please return to the nearest IDWR office below:

WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705
(208) 334-2190

EASTERN REGIONAL OFFICE
150 SHOUP SUITE #15
IDAHO FALLS, IDAHO 83402
(208) 525-7161

STATE OFFICE
1301 N. ORCHARD ST.
STATEHOUSE MAIL
BOISE, IDAHO 83720
(208) 327-7906

SOUTHERN REGIONAL OFFICE
222 SHOSHONE STREET EAST
TWIN FALLS, ID 83301
(208) 734-3578

NORTHERN REGIONAL OFFICE
1910 NORTHWEST BLVD. SUITE 210
COEUR D'ALENE, IDAHO 83814
(208) 765-4639

SRBA WATER RIGHTS FILINGS

HYDE RANCH

A57-

1.	0038	April 1, 1866 (D)	3.0 cfs	96 acres
2.	10548	April 1, 1868 (B)	.19 cfs	stock
3.	0039	April 1, 1868 (D)	1.46 cfs	73 acres
4.	0042	February 14, 1870 (D)	1.98 cfs	73 acres
5.	0041 ^B	February 14, 1870 (D)	3.18 cfs	73 acres
6.	0056A	March 16, 1885 (D)	.72 cfs	31 acres
7.	0058	April 1, 1885 (D)	.70 cfs	35 acres
8.	0060	April 1, 1886 (D)	10.1 cfs	240 acres
9.	10549	April 1, 1945 (B)	.23 cfs	stk/domestic
10.	2181	March 15, 1946 (L)	2.32 cfs	116 acres
11.	7043	October 30, 1970 (P)	6.58 cfs	435 acres
12.	10550	December 8, 1987 (B)	.23 cfs	stk/domestic

(D) = Decree
 (L) = License
 (P) = Permit
 (B) = Beneficial Use

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

CIVIL CASE NUMBER: 39576

Ident. Number: A57-00038
Date Received: 1/19/89
Receipt No: C005201
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HYDE RANCH PARTNERSHIP 415-538-9600
Address: 20630 PATIO DRIVE
CASTRO VALLEY, CA 94546

2. Date of Priority: APR 01, 1866

3. Source: HART CREEK Trib. to: CATHERINE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	01W	35	NE	NE	NE		OWYHEE

5. Description of diverting works:
ROCK AND GRAVEL INSTREAM DAMMING SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		

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

8. Total consumptive use is 336.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	01E	30	SW	SW		IRR	31.0
			SE	SW		IRR	32.0
			SW	SE		IRR	33.0

Section Acres 96.0

A57-00038

Page 1

Date: 01/19/89

MICROFILMED

OCT 07 1992

10. Place of Use: Continued

Total Acres 96.0

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:
 57-07043 -02181 -00056 -00039

14. Remarks:
 NO. 2 HARTS CK.

15. Basis of Claim: DECREED
 Case Number:
 Court :
 Decree date:

J. M. NEIL

Decree Plaintiff

vs

MICHAEL HYDE 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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Atty of
Hyde Ranch Partnership Title
Organization that I have signed the foregoing
document in the space below as Atty of
Hyde Ranch Partnership Title
Organization that the statements contained in the
foregoing document are true and correct.

James W. Kiser
Signature of Authorized Agent

Atty: Hyde Ranch Part.
Title and Organization

1/19/89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of Jan 1989

Jeff Rymund
Notary Public

Seal

Residing at Boise

My Commission Expires 11-8-94

17. Notice of Appearance:

Notice is hereby given that I, J. Kiser will be
Print Name

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

Signature

Address

Date

James W. Kiser
5405 Overland Road, Bld. 83705
1/19/89

3 CFS 144-12-5

T4S R1E

AS7-00038

4/1/1866

MICROFILMED
OCT 07 1992
T4S



DATE: 07/07/92
PAGE: 1

DIVERSION VOLUME

TOTAL DIVERSION:

Stage: DECREE

OWYHEE County

35

11	19	23	:	125.0
TOTAL ACRES				125.0

MICROFILMED
OCT 07 1992

Claim No.: _____

CVR CORRECTIONS

Season of Use, Consumptive Use, Diversion Volume

[] Change season of Use

Use Code ____ From ____/____ to ____/____

Use Code ____ From ____/____ to ____/____

Use Code ____ From ____/____ to ____/____

☒ Change Consumptive Use Volume

286.0 acres x 3.5 af/a (for area) = 1001.0 af/a

[] Change Diversion Volume

____ acres x ____ af/a (for area) = ____ af/a

[] Change Remarks

<u>Code</u>	<u>Recommended Change</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

[] Corrections Made 2-3-92
(date)

Data-entry Complete 2-3-92
(date)

Reviewing Agent R. McCarthy
(signature)

MICROFILMED

OCT 07 1992

08:50:18
05/01/91

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A57-00038

PAGE: 1
GENERAL INFORMATION

LAST: NEIL
ADDRESS: X
CITY:
PHONE NUMBER: 208-000-0000
OWNER CODE: 0
FIRST: J. M.
STATE: ID ZIP: 0

LAST: HYDE RANCH PARTNERSHIP
ADDRESS: 20630 PATIO DRIVE
CITY: CASTRO VALLEY
PHONE NUMBER: 415-538-9600
OWNER CODE: C
FIRST: CA ZIP: 94546
FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
CLAIM REMARKS: NO. 2 HARTS CK.
DATABASE Y
FIELD EXAMINER

CONTACT PERSON:

Bill White

DATE OF FIELD EXAM: 7/25/90

APPOINTMENT MADE: Y(☒) N(☐)

PHONE NUMBER: (☐) 834-3505

TIME: 10:00 A(☒) P(☐)

ACCOMPANIED BY:

PHONE NUMBER: (☐)

RELATIONSHIP TO CLAIMANT:

partner

DIRECTIONS TO PROPERTY / REMARKS:

FIELD EXAM
TELEPHONE CONVERSATION MEMO

I.D. NUMBER A57-00038, 39, 41, 42, 56A, 58, 60, 2181, 10548, 10549, 1055

NAME OF CONTACT Bill White

PHONE NO. 834-2505 ADJ. AGENT Linda Werner

DATE SET FOR EXAM 7-25-90

LOCATION Ho to Oreama, double wide trailer, white
w/ brown trim. Behind stone church on left.

Diverting at full rates? NO

Type of measuring devices? None

Places to make measurements? _____

Type of system? (pipeline, ditches) Ditches

How many laterals are used? _____

Length and size of mainline? _____

Size of Motor used for each P/D? _____

Estimate of depth to water? _____

Pressure at well? _____

Pressure at sprinkler head? _____

COMMENTS: Most creeks are dry.

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OCT 07 1992

DATE _____

5/1/91

OCT 07 1992

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A57-00038	04S	01W	35	NE	NE	NE		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD
 A PREFIX
 A57-00042
 A57-00056A
 A57-00056
 A57-000568

WR RECORDS IN SAME 40 ACRE TRACT
 57-02199

SOURCE: HART CREEK TRIB: CATHERINE CREEK

B. WR POINT OF DIVERSION AND SOURCE:

5700038 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: HART CREEK TRIB: CATHERINE CREEK

C. FIELD EXAM REQUIRED?

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

FIELD EXAMINER
 [Signature]
 DATE

REMARKS:

Point of diversion was found as claimed;
 see map.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	LOT	COUNTY
<u>04S</u>	<u>01W</u>	<u>35</u>	<u>NE</u>	<u>NE</u>	<u>---</u>	<u>Anyhwa</u>

SOURCE: HART CREEK

TRIB: CATHERINE CREEK

REVIEWED BY:

RMP

DATE:

5/1/91

MICROFILMED

OCT 07 1992

A. ROOT WATER RIGHT NUMBERS: A57-00038

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
04S	01E	30	SW	SW	4	HYDE RANCH PARTNERSHIP	A57-00038 /31.0	57-00038 /			
			SW	SW		HYDE RANCH PARTNERSHIP	A57-00056A /31.0	- /			
			SW	SW		HYDE RANCH PARTNERSHIP	A57-02181 /31.0	57-02181 /31.0			
			SW	SW		HYDE RANCH PARTNERSHIP	A57-10548 /	- /			
			SW	SW		HYDE RANCH PARTNERSHIP	A57-10549 /	- /			
			SW	SW		HYDE RANCH PARTNERSHIP	R57-10548 /	- /			
			SW	SW		HYDE RANCH PARTNERSHIP	R57-10549 /	- /			
			SW	SW	4	NEIL, J. M.	57-00056 /				
04S	01E	30	SE	SW		HYDE RANCH PARTNERSHIP	A57-00038 /32.0	57-00038 /	22.0		
			SE	SW		HYDE RANCH PARTNERSHIP	A57-02181 / 8.0	57-02181 / 8.0			
			SE	SW		HYDE RANCH PARTNERSHIP	A57-07043 /32.0	57-07043 /13.0			
			SE	SW		HYDE RANCH PARTNERSHIP	A57-10548 /	- /			
			SE	SW		HYDE RANCH PARTNERSHIP	A57-10549 /	- /			
			SE	SW		HYDE RANCH PARTNERSHIP	R57-10548 /	- /			
			SE	SW		HYDE RANCH PARTNERSHIP	R57-10549 /	- /			
04S	01E	30	SW	SE		HYDE RANCH PARTNERSHIP	A57-00038 /33.0	57-00038 /	26.0		
			SW	SE		HYDE RANCH PARTNERSHIP	A57-00039 /33.0	57-00039 /			
			SW	SE		HYDE RANCH PARTNERSHIP	A57-02181 / 7.0	57-02181 / 7.0			
			SW	SE		HYDE RANCH PARTNERSHIP	A57-07043 /33.0	57-07043 /12.0			
			SW	SE		HYDE RANCH PARTNERSHIP	A57-10548 /	- /			
			SW	SE		HYDE RANCH PARTNERSHIP	A57-10549 /	- /			
			SW	SE		HYDE RANCH PARTNERSHIP	R57-10548 /	- /			
			SW	SE		HYDE RANCH PARTNERSHIP	R57-10549 /	- /			
TOTAL ACRES							A57-00038	96.00	48.00		

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET: *additional place of use*

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y
FIELD EXAMINER *RTE*

PRESUMPTION FLAG:

REMARKS:

water is co-mingled in holding pond and distributed over the lands identified (see map).

Place of Use was mapped during field exam and verified with 7/14/87 NAPP.

RECOMMENDATIONS:

TOTAL ACRES: 135.0

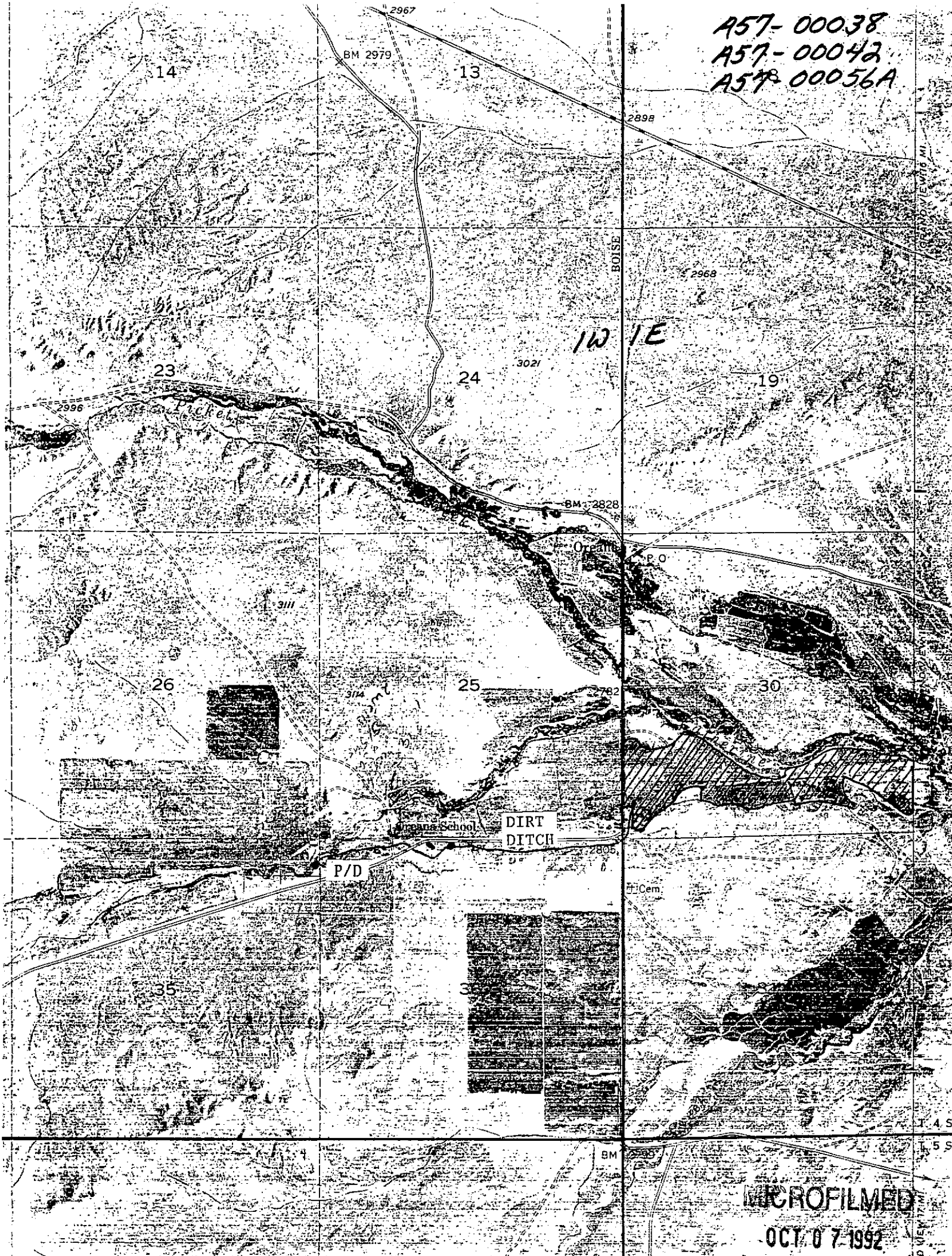
REVIEWED BY: RME

DATE: 5/1/91

This claim represents an expansion but will not be considered such due the fact that 1¹¹/₁₆ acre + is available when all claims are considered.

It is assumed that the claimant intended this claim to represent all acres found irrigated due to comingled surface - groundwater system; no amended claim needed.

A57-00038
A57-00042
A57-00056A



Hyde Ranch Partnership Overlaps

Catharine Dr.

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
00039	45	1E	30															4	20	24.0	24.0
00058		forfeit																			0

Hart Dr.

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
00038	45	1E	30									12	6	23	21	10	11	19	23	125.0	125.0
00042		forfeit																			0
00056		forfeit																			0

Pickett Dr.

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
00041(12)	45	1E	30									10	5							15.0	0
00060	45	1E	30	5	16	38	35	22			30					15				161.0	161.0

Groundwater

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
02181	45	1E	30			22	5				13	3	4	31	8			7	23	116.0	—
07043	45	1E	30	5	16	16	30	22			17	9	2		13	25	11	12		178.0	286.0
total irr.				5	16	38	35	22			30	12	6	23	21	25	11	19	23	286.0	286.0

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A57-00038 IRRIGATION	FROM 03-15 TO 11-15	3,000 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED	3,000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
57-00038 IRRIGATION	FROM TO	3,000 CFS
57-00038 STOCKWATER	FROM TO	3,000 CFS
57-00038 DOMESTIC	FROM TO	3,000 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED	3,000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(✓) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() Explain in remarks, below.

REMARKS:

Season of use was not specified in prior decree. Four standard was claimed and is recommended.

No domestic or stock use from this source.

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

AJ TOTAL CLAIMED DIVERSION RATE: 3.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.000 CFS

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

FLOW MEASUREMENT REQUIRED?

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

B. MEASUREMENT METHOD N/A FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

Manpower formula used to establish ditch capacity Capacity found: 12.37 cfs

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

OTHER RIGHTS LISTED IN CLAIM: 57-07043 -02181 -00056 -00039

LIST ALL RIGHTS WITH A SAME POI AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A57-00038	HART CREEK	HYDE RANCH PARTNERSHIP	3.000	0.031		
A57-00036A	HART CREEK	HYDE RANCH PARTNERSHIP	0.720	0.023		
A57-07043	GROUNDWATER	HYDE RANCH PARTNERSHIP	6.580	0.015		
A57-00039	CATHERINE CREEK	HYDE RANCH PARTNERSHIP	1.460	0.020		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A57-10548	STOCKWATER	HYDE RANCH PARTNERSHIP	FROM 01-01 TO 12-31	.190 CFS	
A57-10549	DOMESTIC	HYDE RANCH PARTNERSHIP	FROM 01-01 TO 12-31	.040 CFS	
A57-10549	STOCKWATER	HYDE RANCH PARTNERSHIP	FROM 01-01 TO 12-31	.190 CFS	
R57-10548	STOCKWATER	HYDE RANCH PARTNERSHIP	FROM 01-01 TO 12-31	.190 CFS	
R57-10549	DOMESTIC	HYDE RANCH PARTNERSHIP	FROM 01-01 TO 12-31	.040 CFS	
R57-10549	STOCKWATER	HYDE RANCH PARTNERSHIP	FROM 01-01 TO 12-31	.190 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 286.0 x 0.02 CFS/ACRE = 5.72 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

$$286.0 \times 0.02 = 5.72 \text{ cfs}$$

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 336.0 AF/A

ACRES 125.0 x CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =

TOTAL CONSUMPTIVE USE 362.5 AF/A

$$286.0 \times 2.5 = 715.0 \text{ afa}$$

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(☐) N(☒)

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

EO9: 57-02181, 57-07043, 5.72, 715.0, 286.0

57-00038

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ESTIMATING CONVEYANCE LOSS

Formula: $S = (W)(i)(0.0667)$ where: S is loss in cfs per mile
 W is the top width of the high water mark in feet
 i is the loss rate in feet per day (see Table)
 0.0667 is a factor used to convert to cfs per mile

Type of soil	Loss rate i (ft/day)
medium clay loam	0.5 to 1.5
impervious clay	0.5
medium soils	1.0
somewhat pervious soils	1.5 to 2.0
gravel	2.5 to 5.0

Worksheet: $S = (\underline{4.5} \text{ ft})(\underline{1.0} \text{ ft/day})(0.0667)$
 $S = \underline{0.30} \text{ cfs/mi}$
 Conveyance loss = $(S)(\text{length of ditch in miles})$
 Conveyance loss = $(\underline{0.30} \text{ cfs/mi})(\underline{1.25} \text{ mi})$
 Conveyance loss = $\underline{0.34} \text{ cfs}$

MANNING EQUATION CHANNEL CAPACITY RESULTS

07-12-1991
~~04-30-1980~~

File Number: A57-00038

Claimant: HYDE RANCH (BILL WHITE)

Channel measured: DIRT DITCH

Date of measurement: JULY 11

Measurement location:

MEASUREMENT WAS DONE SOUTH OF THE ROAD THAT RUNS FROM OREANA TOWARD THE OLD OREANA SCHOOL SITE.

Calculation prepared by: ROXANNE MCCARTHY

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 332 feet.

The upstream and downstream rod readings are 6.28 and 8.34 feet.

The channel cross section is 4.83 ft-sq.

The wetted perimeter is 7.26 feet.

The hydraulic radius is 0.67 feet.

The slope is 0.0062

The roughness coefficient is 0.0350

The flow velocity is 2.558 ft/sec.

The rate of flow is 12.37 cfs.

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CROSS SECTION NUMBER 1

For File Number A57-00038 for the DIRT DITCH

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.84	0.84	0.50
3	1.08	1.08	1.00
4	1.19	1.19	1.50
5	1.20	1.20	2.00
6	2.50	2.50	2.50
7	1.28	1.28	3.00
8	0.94	0.94	3.50
9	0.64	0.64	4.00
10	0.00	0.00	4.50

The area for this cross section is 4.83 square feet
and the wetted perimeter is 7.26 feet.

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MANNING EQUATION - DATA COLLECTION

Claim No(s): A57-00038, A57-00042, A57-00056A

Name of Claimant: Hyde Ranch

Date of Measurement: 7/11/91 Data Collected by: RMF & LLD

General Description and Comments

are maps and/or photos attached? yes(✓)

Cross Section Data

basis: high water mark(✓) maximum capacity()

note: minimum of five depth or rod readings; first and last must be equal

distance from initial point	depth or rod reading	distance from initial point	depth or rod reading
<u>0</u>	<u>0</u>		
<u>0.5</u>	<u>0.84</u>		
<u>1.0</u>	<u>1.08</u>		
<u>1.5</u>	<u>1.19</u>		
<u>2.0</u>	<u>1.20</u>		
<u>2.5</u>	<u>2.50</u>		
<u>3.0</u>	<u>1.28</u>		
<u>3.5</u>	<u>0.94</u>		
<u>4.0</u>	<u>0.64</u>		
<u>4.5</u>	<u>0</u>		

Slope Data

basis: high water mark(✓) channel bottom() land surface()

channel length used: 332'

upstream rod reading: 6.28 downstream rod reading: 8.34

note: downstream rod reading must be higher than upstream

upstream
 high 7.16
 low 5.38
1.78

downstream
 high 9.10
 low 7.56
1.54

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MANNING'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS			
earth	.020	✓	(1)	negligible	.000	✓	(1)
rock	.025		(2)	minor	.010		(2)
fine gravel	.024		(3)		.015		(3)
coarse gravel	.028		(4)	appreciable	.020		(4)
					.030		(5)
				severe	.040		(6)
					.050		(7)
					.060		(8)
SURFACE IRREGULARITY				VEGETATION			
smooth	.000		(1)	low	.005		(1)
minor	.005	✓	(2)		.010	✓	(2)
moderate	.010		(3)	medium	.015		(3)
severe	.020		(4)		.020		(4)
					.025		(5)
				high	.030		(6)
					.040		(7)
					.050		(8)
				very high	.060		(9)
					.075		(10)
					.100		(11)
VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION				DEGREE OF MEANDERING			
gradual	.000	✓	(1)	minor	1.00	✓	(1)
occasional	.005		(2)	appreciable	1.15		(2)
frequent	.010		(3)	severe	1.30		(3)
	.015		(4)				

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	DATABASE EXAMINER	REC. DIV VOL. AF/A	DATABASE EXAMINER	REC. CONS. USE
<i>irrigation</i>	<i>3/15 11/15</i>		<i>2.84</i>			
			<i>2.84</i>			
TOTAL FOR THIS RIGHT						

REVIEWED BY: *RMF* DATE: *10/4/91*

*125.0 acres @ 1"/acre = 2.50 cfs
 conveyance loss = 0.34 cfs
2.84 recommended*

DOZ: 0.34

*Water from Hot Creek is conveyed in a
 small pond with groundwater (licensed as
 57-02181 and 57-07043). 20" metered water is
 applied through sprinkler irrigation. It is
 assumed that 1"/acre is sufficient.*

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP	ACCEPTED	NEEDS
FORFEIT/ABANDON	AS CLAIMED	REVIEW
ADDITIONAL DIV. AMOUNT	()	()
	()	()
	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 57-00038

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE	EXAMINER	CFS
3.000		

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A57-00038	3.000	-		57-00038	3.000

TOTAL CFS 3.000

DIVERSION RATE REVIEW

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

REMARKS:

No splits.

AUTHENTICATION:

SIGNATURE:

Deanne M. Harty

DATE:

10/4/91

NAME OF FIELD EXAMINER:

DME

TITLE:

Dr. John R. Rappert

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:50:18
05/01/91

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A57-00038

MR 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		DATE 7/20/90	N	5, 6	DATE 7/20/90		DATE 7/20/90
POINT OF DIV	Y			N				
SOURCE	Y			N				
PLACE OF USE	Y			Y				
DIV. AMOUNT CFS/VOLUME	Y			Y				
CONSUMPTIVE USE	Y			Y				
PURPOSES	Y			N				
PERIOD OF USE	Y			N				
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

June 29, 1990

James W. Kiser → 370-3100
Attorney at Law
5405 Overland
Boise, ID 83705

RE: Hyde Ranch Partnership /
Adjudication Notice of Claims to a Water Right

Dear Mr. Kiser:

I am writing this letter to inform you that the Department will be performing a field exam on the properties of Hyde Ranch Partnership for which Snake River Basin Adjudication Claims have been filed.

At this time I have not determined the exact date of the exam; however, I wanted to give you some advance notice. I estimate for the exam to be done in August or early September. I will contact you when I know exactly when I will be in that area and at that time I would like to set up an appointment. Although it is not required, it would be beneficial if someone who is knowledgeable about the water usage accompany me in case questions should arise.

It is necessary that the exam be completed sometime during the summer of 1990 as we will be submitting reports to the Director of Water Resources sometime in June, 1991. If you have any questions or comments in regard to this letter, please feel free to contact me.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Set up appt. in late Sept.

Bill White
834-2505

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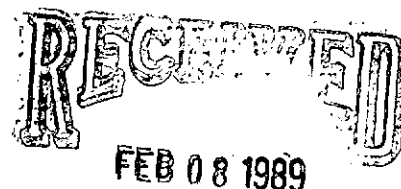
OCT 07 1992

*Check into field exam - was it licensed → Did it
show P.O.D. -*

JAMES W. KISER

ATTORNEY AT LAW
5405 OVERLAND ROAD
(OVERLAND AT PHILLIPP)
BOISE, IDAHO 83705

208 376-3100



Department of Water Resources

February 6, 1989

Jeff Peppersack
Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Re: SRBA signing authorization

Dear Jeff:

Enclosed please find an original authorization for me to
sign the SRBA filings.

Sincerely,

A handwritten signature in dark ink, appearing to be "JW Kiser", written over the typed name.

James W. Kiser

JWK:km

enclosure

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RECEIVED
FEB 08 1989

AUTHORIZATION TO SIGN
SRBA WATER RIGHTS
CLAIMS

Department of Water Resources

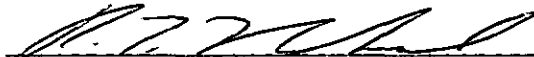
TO: Idaho Department of Water Resources

FROM: R.T. Nahas Company
Hyde Ranch Partnership

James W. Kiser, Attorney at Law, is hereby authorized, empowered and directed to execute any and all claims to water rights with the Idaho Department of Water Resources on behalf of and as agent for those entitled named above.

R.T. NAHAS COMPANY

by


R.T. Nahas, President

EDEN MANAGERMENTS,
General Partner of Hyde Ranch
Partnership

by


R.T. Nahas, President

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001 07 1992