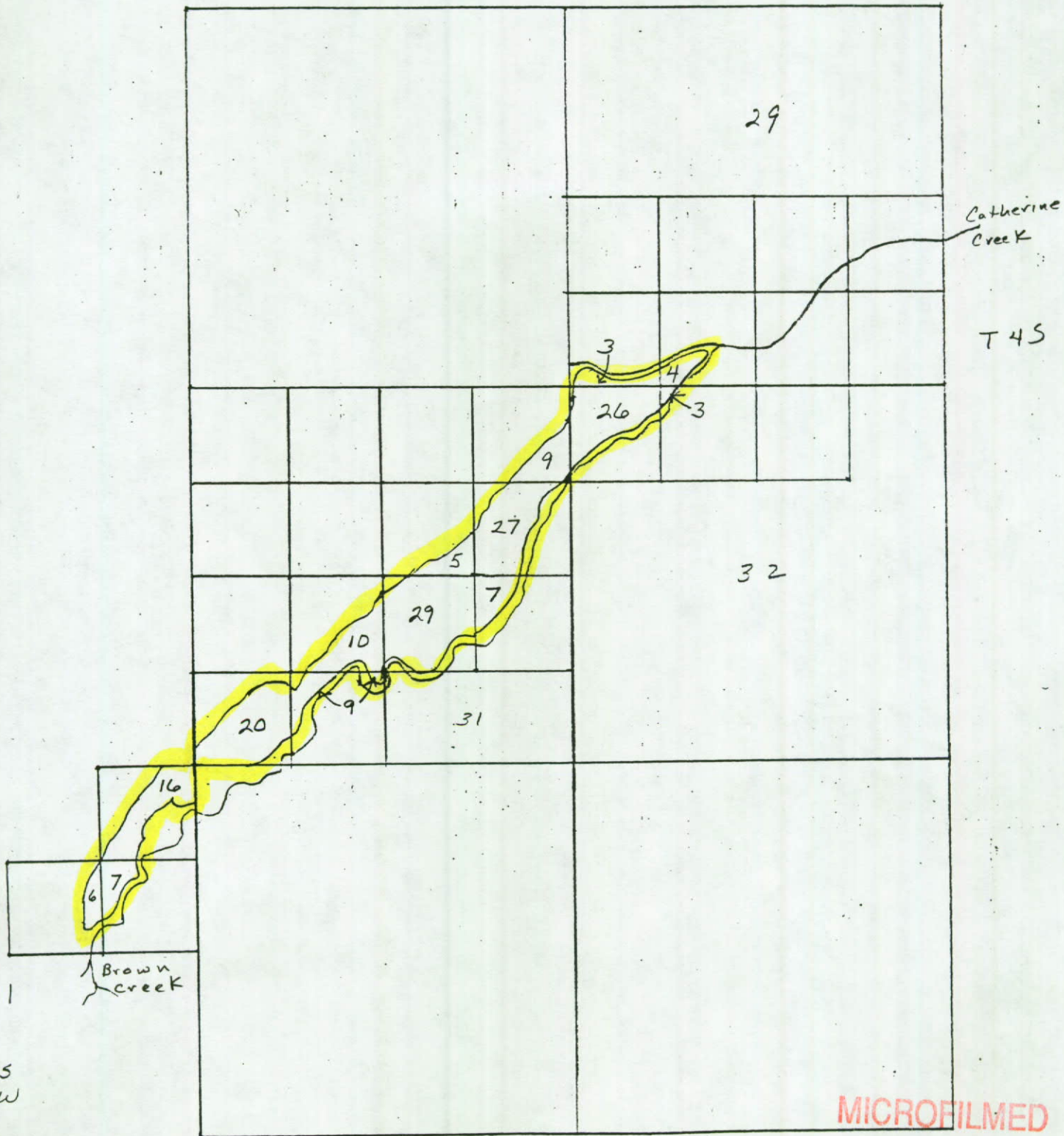


A57-00055

A57-00081



T55  
R1W

R1E

MICROFILMED

OCT 07 1992

# RIW RIE

A57-00055

ANTELOPE SPRING QUADR

IDAHO

7.5 MINUTE SERIES (ORTHOPHO

GRAND VIEW 20 MI  
330 000 FEET

546

547

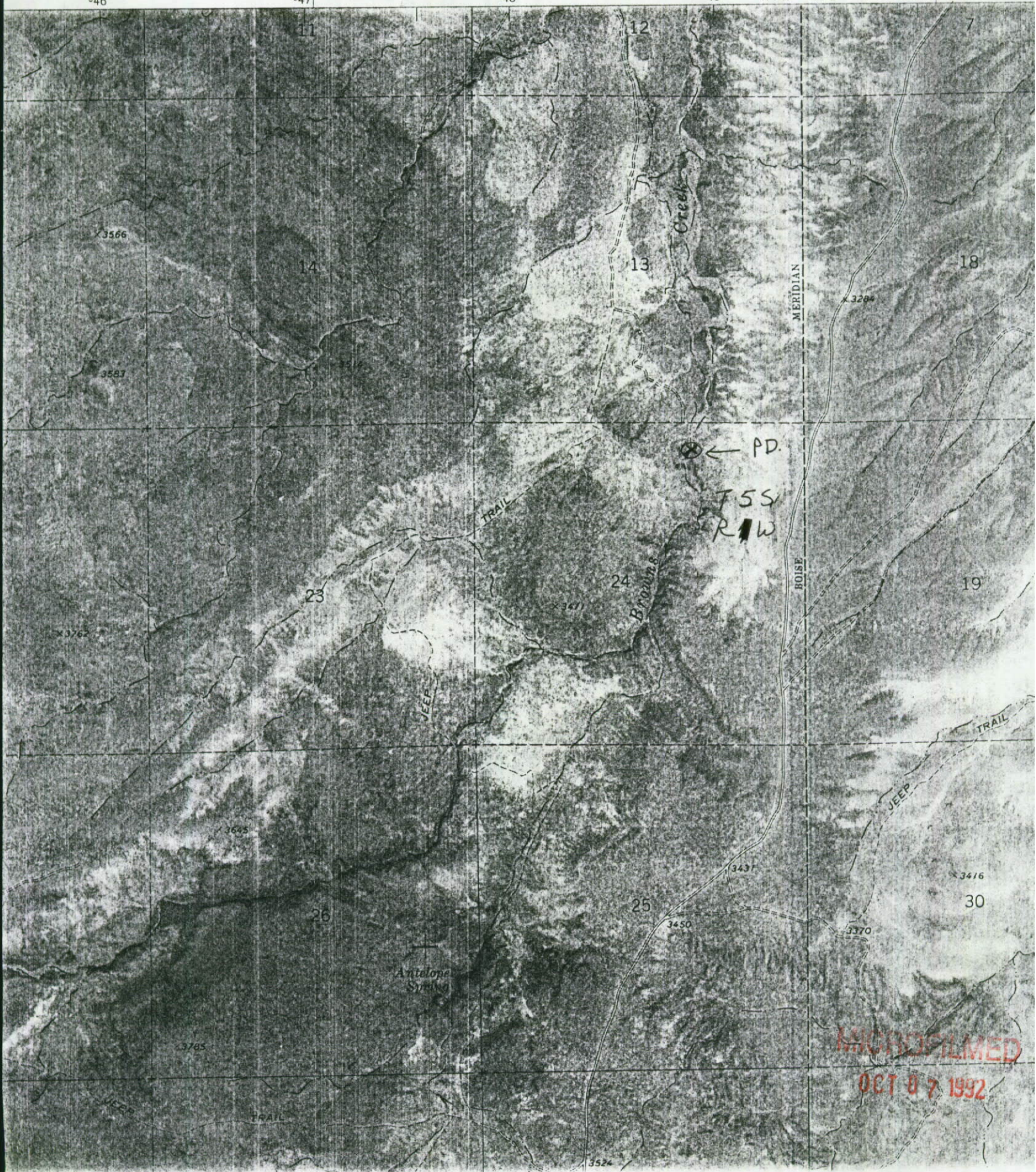
25'

548

549

RIW RIE

330 000 FEET



RIW R1E

A57-00055

ANTELOPE SPRING QUADRA  
IDAHO

7.5 MINUTE SERIES (ORTHOPHOT)

GRAND VIEW 20 MI  
330 000 FEET

546

547

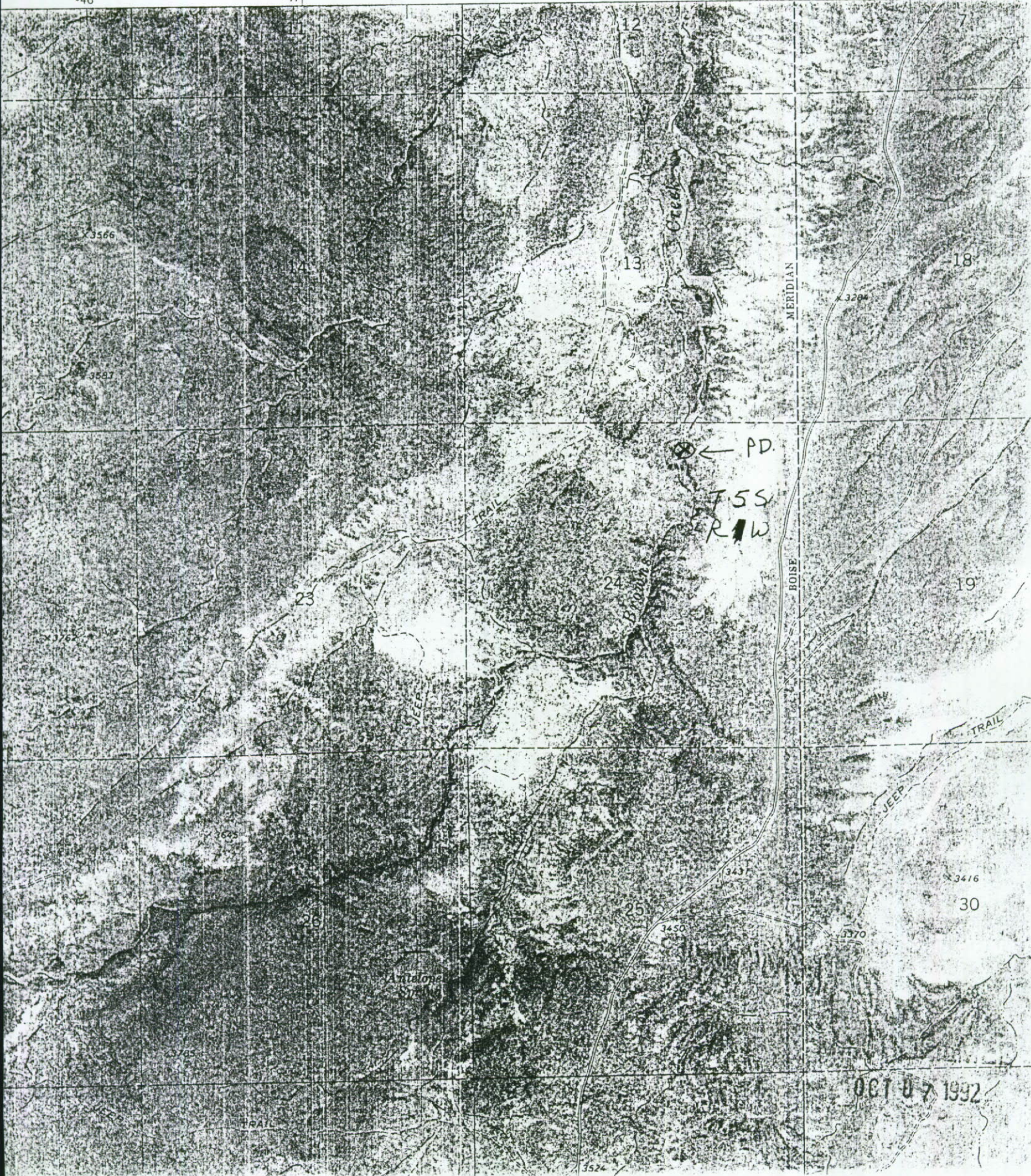
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548

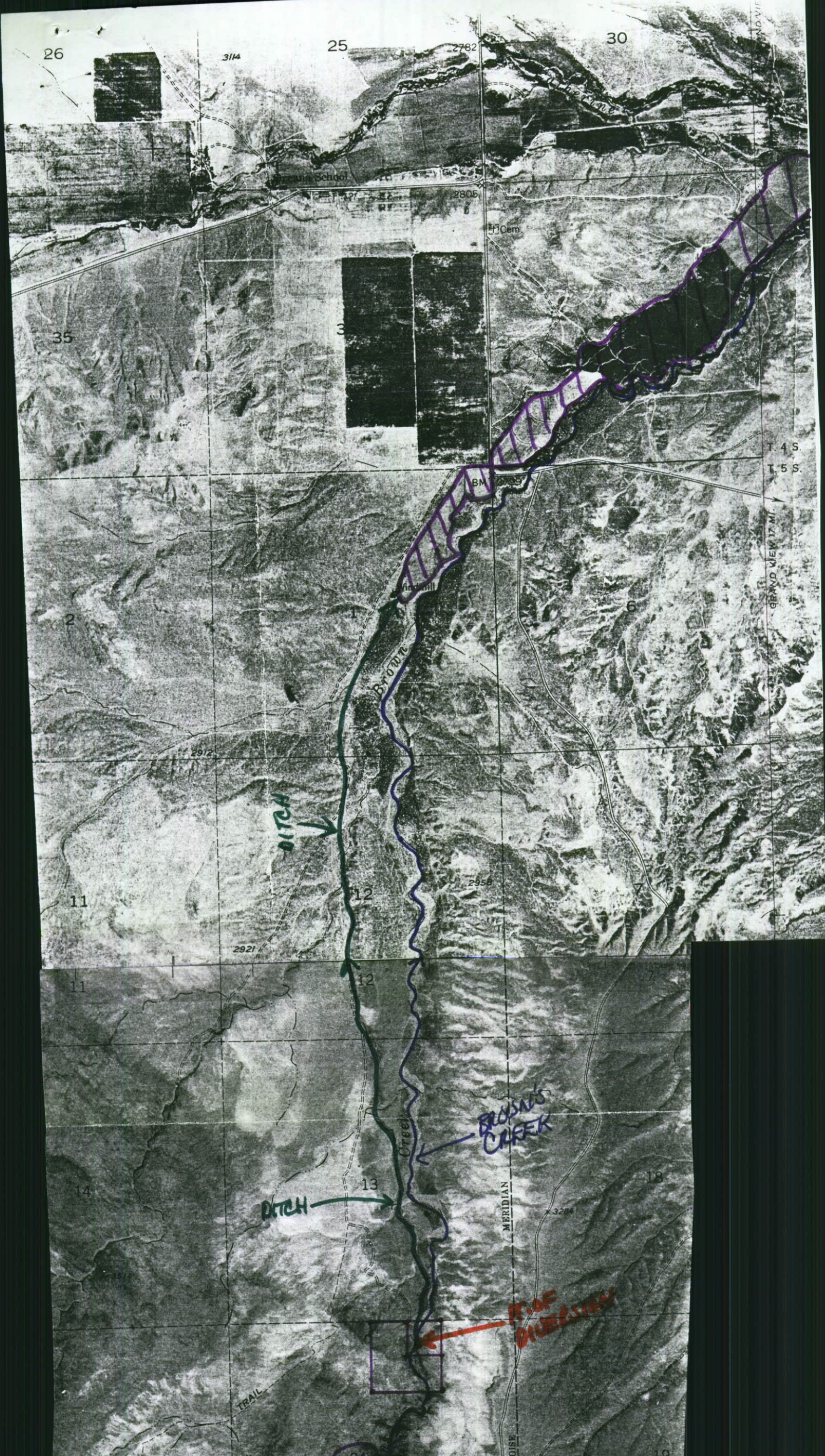
549

RIW R1E

330 000 FEET



OCT 07 1992



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3/14

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ND-VIF

St. Anna School

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H. Cem.

35

3

T. 4 S.  
T. 5 S.

GRAND VIEW 17 MI.

2

Brown

2812

DITCH

11

12

2958

2921

11

12

14

13

BROWN'S CREEK

DITCH

MERIDIAN

3284

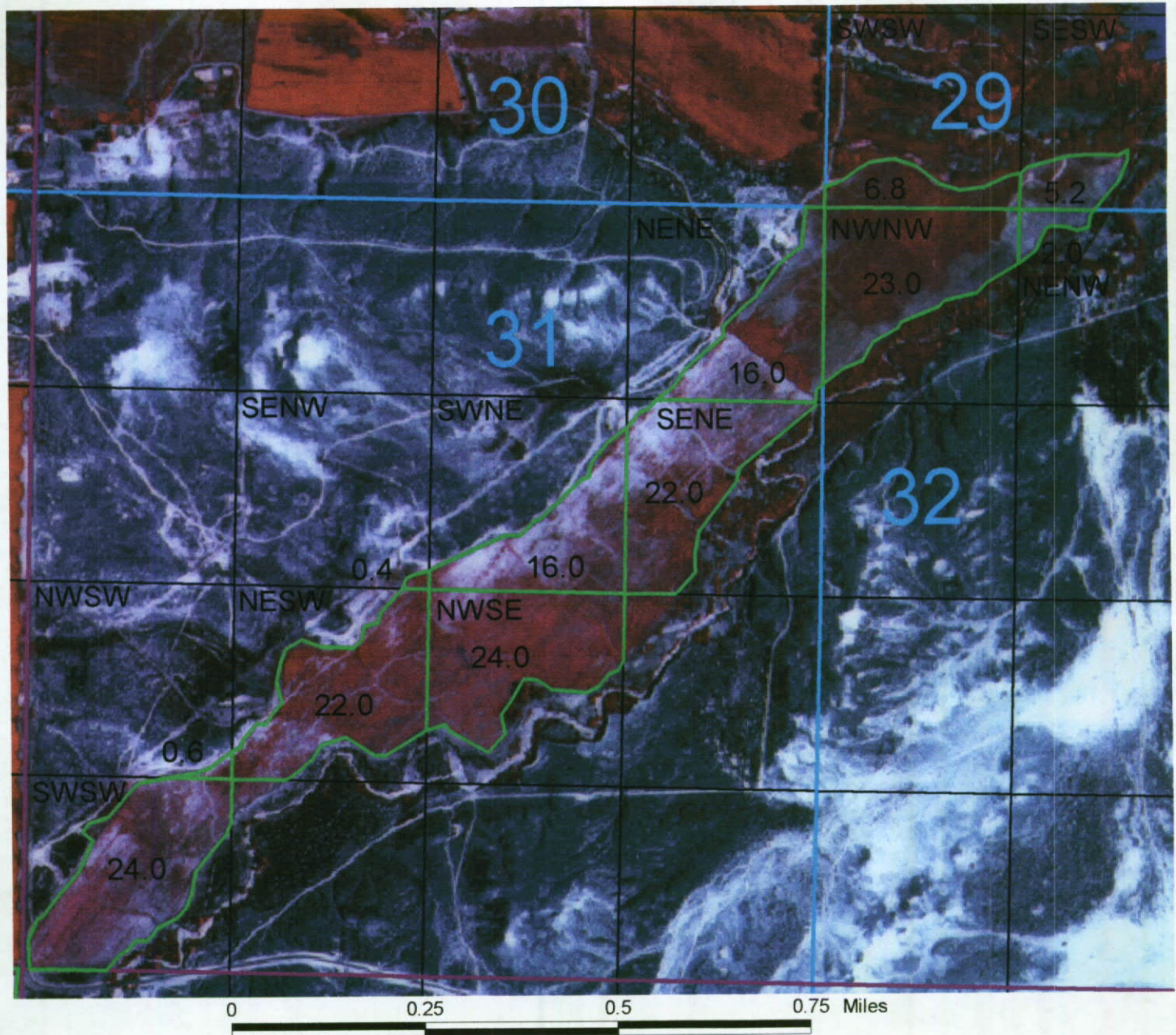
18

LINE OF DISSECTION

TRAIL

# Idaho Department of Water Resources

1987 Napp Photo



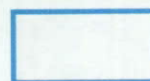
Claim Number: 57-00055 (Pg 1)  
Legal: T04S, R01E, S29, 31, 32  
T05S, R01W, S01  
Reviewed By:



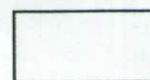
Point of Diversion  
(Located outside of view)



Place of Use



Section Lines



Quarter Quarter Lines



Township/Range Lines



# Idaho Department of Water Resources

Claim Number: 57-00055(Pg 2)  
 Legal: T04S, R01E, S29, 31, 32  
 T05S, R01W, S01  
 Reviewed By:

Point of Diversion  
 (Located outside of view)



Place of Use



Section Lines



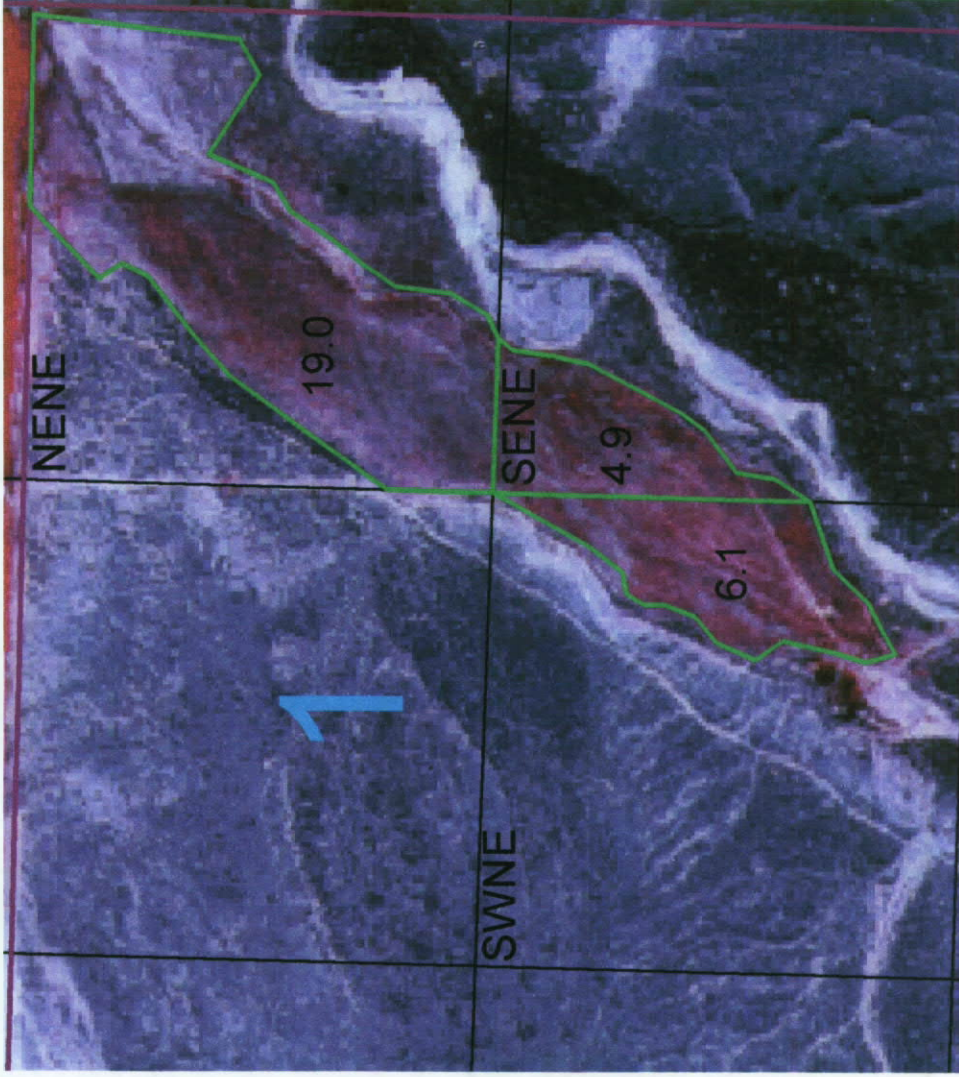
Quarter Quarter Lines



Township/Range Lines

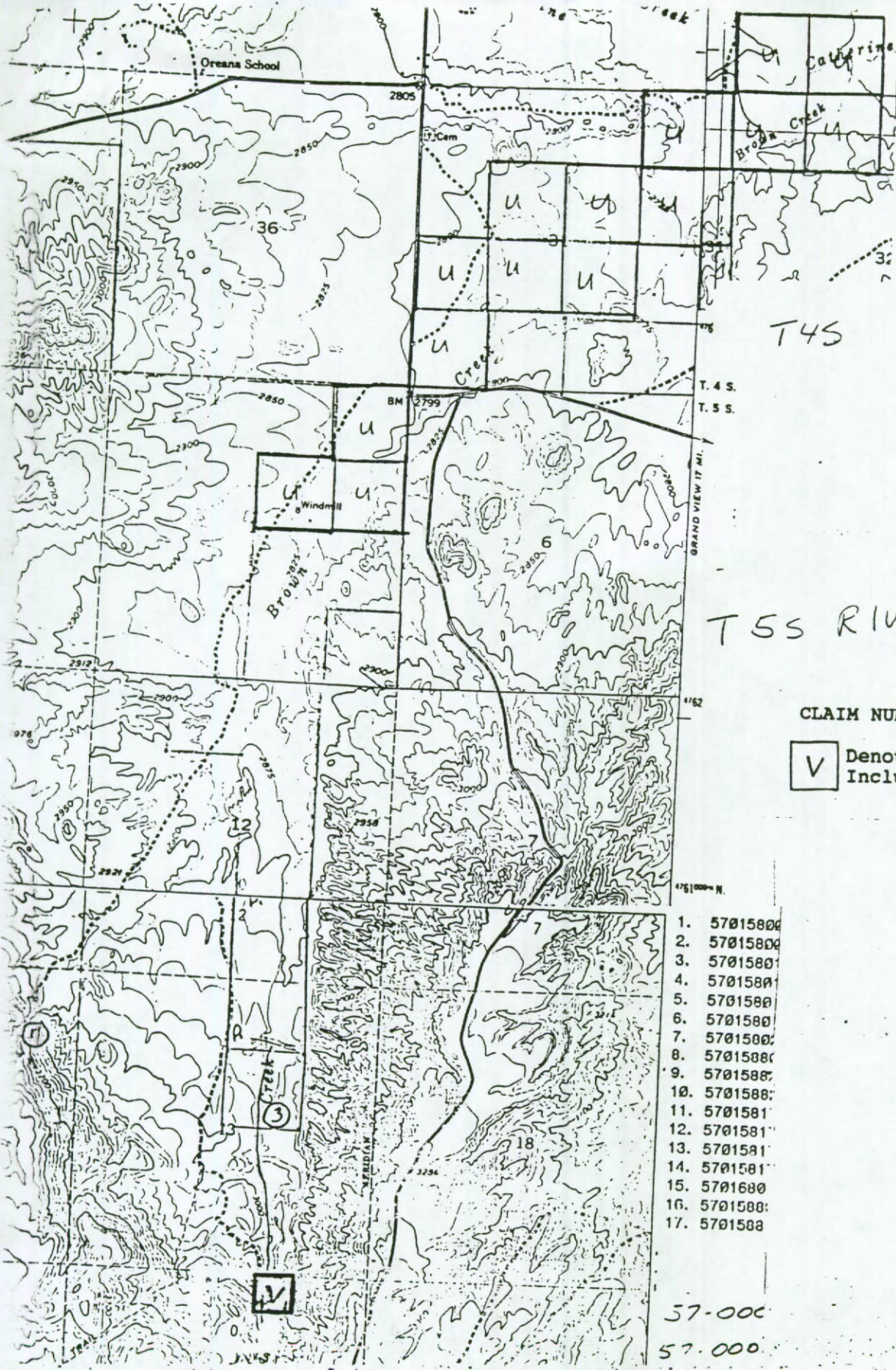


1987 Napp Photo



0 0.25 0.5 Miles





POOR ORIGINAL

T4S R1E

T5S R1W

CLAIM NUMBER 57-00055

V Denotes Public Land Included in this Claim

1. 57015800
2. 57015800
3. 57015800
4. 57015800
5. 57015800
6. 57015800
7. 57015800
8. 57015800
9. 57015800
10. 57015800
11. 57015801
12. 57015801
13. 57015801
14. 57015801
15. 57016800
16. 57015800
17. 57015800

57-000

57-000

MICROFILMED

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.

CIVIL CASE NUMBER: 39576

Ident. Number: A57-00055  
Date Received: 1/19/1989  
Receipt No: C005210  
Received By: CA

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SHIRLEY COX  
Address: HC 79, BOX 2065  
OREANA, ID

83650

208-834-2028

2. Date of Priority: MAR 16, 1885

3. Source: BROWNS CREEK

Trib. to: CATHERINE CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05S      | 01W   | 24      | NE     | NW     | NE  |     | OWYHEE |

5. Description of diverting works:  
DAM AND HEADGATE DIVERT INTO GRAVITY DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/01 | 11/15 | 3.360 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.240 |      |        |

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

8. Total consumptive use is 633.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
STOCKWATER, 1000 HEAD CATTLE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 04S      | 01E   | 29      | SW     | SW  |     | IRR | 3.0   |
|          |       |         | SE     | SW  |     | IRR | 4.0   |

Section Acres

A57-00055

Page

1

Date: 01/25/89

MICROFILMED  
OCT 07 1992

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of        | 1/4 | Lot  | Use   | Acres |     |       |
|---------------|-------|---------|---------------|-----|------|-------|-------|-----|-------|
| 04S           | 01E   | 31      | NE            | NE  |      | IRR   | 9.0   |     |       |
|               |       |         | SW            | NE  |      | IRR   | 5.0   |     |       |
|               |       |         | SE            | NE  |      | IRR   | 27.0  |     |       |
|               |       |         | NE            | SW  |      | IRR   | 10.0  |     |       |
|               |       |         | SW            | SW  | 4    | IRR   | 20.0  |     |       |
|               |       |         | SE            | SW  |      | IRR   | 9.0   |     |       |
|               |       |         | NE            | SE  |      | IRR   | 7.0   |     |       |
|               |       |         | NW            | SE  |      | IRR   | 29.0  |     |       |
|               |       |         | Section Acres |     |      |       |       |     | 116.0 |
|               |       |         | 32            | NE  | NW   |       | IRR   | 3.0 |       |
| NW            | NW    |         |               | IRR | 26.0 |       |       |     |       |
| Section Acres |       |         |               |     |      | 29.0  |       |     |       |
| 05S           | 01W   | 1       | NE            | NE  | 1    | IRR   | 16.0  |     |       |
|               |       |         | SW            | NE  |      | IRR   | 6.0   |     |       |
|               |       |         | SE            | NE  |      | IRR   | 7.0   |     |       |
|               |       |         | Section Acres |     |      |       |       |     | 29.0  |
| Total Acres   |       |         |               |     |      | 181.0 |       |     |       |

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:

57-00040/00049/00050/00054/00056/00081/02235

14. Remarks:

THE PLACE OF USE FOR THE STOCKWATER IS THE SAME AS THE IRRIGATED LAND. STOCK DRINK FROM BROWNS CREEK AND THE DITCHES.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

J. M. NEIL

Decree Plaintiff

vs

B. H. HYDE ET. AL.

Decree Defendant

MICROFILMED  
OCT 07 1992

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

For Individuals:

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

Signature of Claimant(s): Shirley Cox Date: 1/25/89  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 25<sup>th</sup> day

of January 19 89

Seal

Carter Fritschle  
Notary Public

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

Carter Fritschle, Notary Public  
Residing at Eagle, Idaho  
My Commission Expires March 21, 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.

CIVIL CASE NUMBER: 39576

Ident. Number: A57-00055  
Date Received: 1/18/1989  
Receipt No: C005210  
Received By: CF 1-19-89

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: SHIRLEY COX 208-834-2028  
Address: HC 79, BOX 2065  
OREANA, ID 83650

2. Date of Priority: MAR 16, 1885

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 05S      | 01W   | 24      | NE     | NW     | NE     |     | OWYHEE |

5. Description of diverting works:  
DAM AND HEADGATE DIVERT INTO GRAVITY DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/01 | 11/15 | 3.360  |      |        |

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

8. Total consumptive use is 633.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|---------------|-------|---------|--------|--------|-----|-----|-------|
| 04S           | 01E   | 29      | SW     | SW     |     | IRR | 3.0   |
|               |       |         | SE     | SW     |     | IRR | 4.0   |
| Section Acres |       |         |        |        |     |     | 7.0   |

A57-00055

Page 1

Date: 01/19/89

MICROFILMED  
OCT 07 1992

10. Place of Use: Continued

| Township      | Range | Section | 1/4           | of | 1/4 | Lot | Use   | Acres |  |       |
|---------------|-------|---------|---------------|----|-----|-----|-------|-------|--|-------|
| 04S           | 01E   | 31      | NE            |    | NE  |     | IRR   | 9.0   |  |       |
|               |       |         | SW            |    | NE  |     | IRR   | 5.0   |  |       |
|               |       |         | SE            |    | NE  |     | IRR   | 27.0  |  |       |
|               |       |         | NE            |    | SW  |     | IRR   | 10.0  |  |       |
|               |       |         | SW            |    | SW  | 4   | IRR   | 20.0  |  |       |
|               |       |         | SE            |    | SW  |     | IRR   | 9.0   |  |       |
|               |       |         | NE            |    | SE  |     | IRR   | 7.0   |  |       |
|               |       |         | NW            |    | SE  |     | IRR   | 29.0  |  |       |
|               |       |         | Section Acres |    |     |     |       |       |  | 116.0 |
|               |       |         |               |    | 32  | NE  |       | NW    |  | IRR   |
| NW            |       | NW      |               |    |     |     | IRR   | 26.0  |  |       |
| Section Acres |       |         |               |    |     |     | 29.0  |       |  |       |
| Total Acres   |       |         |               |    |     |     | 181.0 |       |  |       |
| 05S           | 01W   | 1       | NE            |    | NE  | 1   | IRR   | 16.0  |  |       |
|               |       |         | SW            |    | NE  |     | IRR   | 6.0   |  |       |
|               |       |         | SE            |    | NE  |     | IRR   | 7.0   |  |       |
|               |       |         | Section Acres |    |     |     |       |       |  | 29.0  |

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:

57-00040/00049/00050/00054/00056/00081/02235

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

J. M. NEIL

Decree Plaintiff

vs

B. H. 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:   -2-  

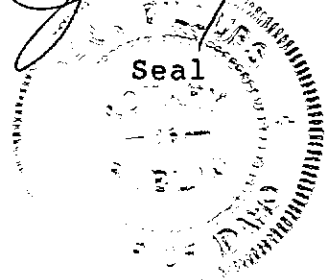
**For Individuals:**

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

Signature of Claimant(s): Shirley Cox Date: Jan. 19, 1989  
Date:                     

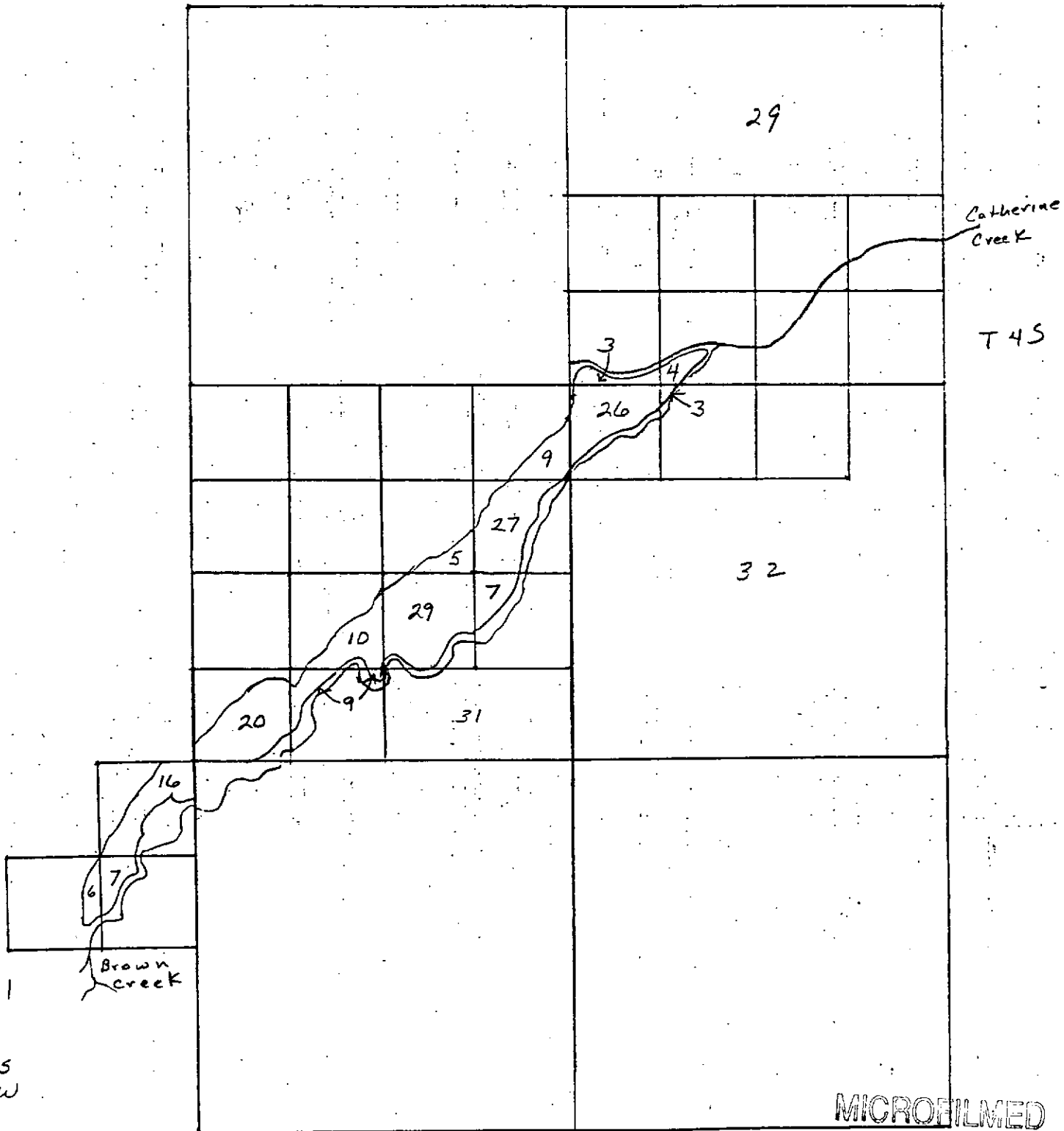
State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 19<sup>th</sup> day  
of January 19 89 Dena Billups  
Notary Public



Residing at Dena Billups, Notary Public  
Residing at Caldwell, Idaho  
My Commission Expires March 21, 1994

A57-00055  
A57-00081



R 1 E

OCT 07 1992

RIW RIE

A57-00055

ANTELOPE SPRING QUADR.  
IDAHO

7.5 MINUTE SERIES (ORTHOPHO)

GRAND VIEW 20 MI.

330 000 FEET

546

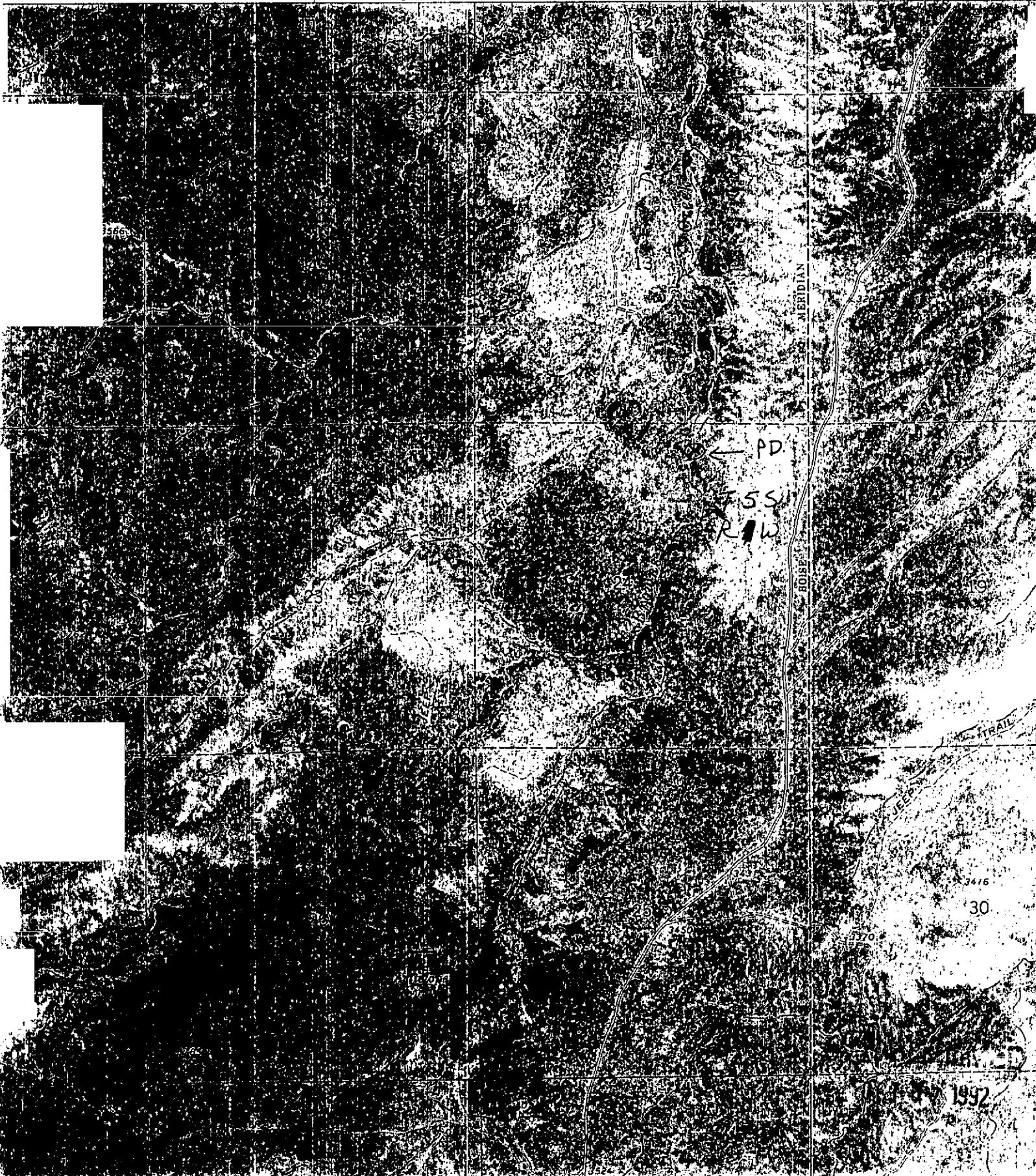
547

25'

548

549

RIW RIE



DESCRIPTION OF LAND  
BY CHALLENGE LOCAL  
SUBDIVISION TO WHICH  
TAXES IS APPLICABLE

AMOUNT  
IN  
INCHES

PRIORITY  
OF  
APPROPRIATION

SOURCE  
OF WATER

NAME OF PARTY

Sub. 200.12.23.

|                                  |                                             |               |        |        |          |
|----------------------------------|---------------------------------------------|---------------|--------|--------|----------|
| J. M. Neil                       | Catherine Creek                             | Jan. 14, 1879 | 81     | SW 1/4 | 29 48 12 |
|                                  |                                             |               | 69     | SE 1/4 | " " "    |
|                                  |                                             |               | 102    | NE 1/4 | 32 " "   |
|                                  |                                             |               | 66     | NE 1/4 | 31 " "   |
| J. M. Neil                       | Catherine Creek<br>(Below Brown's<br>Creek) | April 5, 1879 | 24     | SW 1/4 | 28 " "   |
|                                  |                                             |               | 99     | SE 1/4 | " " "    |
|                                  |                                             |               | 51     | NE 1/4 | " " "    |
|                                  |                                             |               | 36     | NE 1/4 | " " "    |
| Mora Linehan                     | Pickett Creek                               | April 1, 1880 | 51.80  | SW 1/4 | " " 17   |
|                                  |                                             |               | 65.45  | NE 1/4 | 29 " "   |
| Alva & Frank<br>Read             | Hart's Creek                                | April 1, 1882 | 33     | NE 1/4 | 35 " "   |
|                                  |                                             |               | 30     | SE 1/4 | " " "    |
|                                  |                                             |               | 89.06  | SE 1/4 | 34 " "   |
|                                  |                                             |               | 24.70  | SE 1/4 | " " "    |
| J. M. Neil and<br>James Torrance | Pickett Creek                               | April 1, 1882 | 103.56 | SE 1/4 | 25 " "   |
|                                  |                                             |               | 191.65 | NE 1/4 | " " "    |
|                                  |                                             |               | 68.60  | NE 1/4 | " " "    |
| J. M. Neil                       | Catherine Creek<br>(Below Brown's Creek)    | Jan. 8, 1884  | 15     | SW 1/4 | 28 " 12  |
|                                  |                                             |               | 9      | SE 1/4 | " " "    |
| J. M. Neil                       | Brown's Creek                               | Mar. 16, 1885 | 78     | Lot 4  | 31 " "   |
|                                  |                                             |               | 9      | SE 1/4 | " " "    |
|                                  |                                             |               | 81     | NE 1/4 | " " "    |
| J. M. Neil                       | Hart's Creek                                | Mar. 16, 1885 | 96     | SE 1/4 | " " "    |
|                                  |                                             |               | 114    | SW 1/4 | " " "    |
|                                  |                                             |               | 97     | SE 1/4 | " " "    |
|                                  |                                             |               | 16     | NE 1/4 | " " "    |
|                                  |                                             |               | 48     | Lot 4  | 50 " "   |
| B. H. Hyde                       | Hart's Creek                                | Mar. 16, 1885 | 113.40 | SW 1/4 | 25 " 17  |
| B. H. Hyde                       | Catherine Creek                             | April 1, 1885 | 18     | NE 1/4 | 30 " 13  |
|                                  |                                             |               | 17     | NE 1/4 | " " "    |

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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: A57-00055  
Date Received: 1/19/1989  
Receipt No: C005210  
Received By: CA

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SHIRLEY COX 208-834-2028  
Address: HC 79, BOX 2065  
OREANA, ID 83650

2. Date of Priority: MAR 16, 1885

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05S      | 01W   | 24      | NE     | NW     | NE  |     | OWYHEE |

5. Description of diverting works:  
DAM AND HEADGATE DIVERT INTO GRAVITY DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/01 | 11/15 | 3.360 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.240 |      |        |

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

8. Total consumptive use is 633.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
STOCKWATER, 1000 HEAD CATTLE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 04S      | 01E   | 29      | SW     | SW  |     | IRR | 3.0   |
|          |       |         | SE     | SW  |     | IRR | 4.0   |

Section Acres

7.0

A57-00055

Page 1

Date: 01/25/89

MICROFILMED  
OCT 07 1992

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of        | 1/4 | Lot  | Use   | Acres |     |       |
|---------------|-------|---------|---------------|-----|------|-------|-------|-----|-------|
| 04S           | 01E   | 31      | NE            | NE  |      | IRR   | 9.0   |     |       |
|               |       |         | SW            | NE  |      | IRR   | 5.0   |     |       |
|               |       |         | SE            | NE  |      | IRR   | 27.0  |     |       |
|               |       |         | NE            | SW  |      | IRR   | 10.0  |     |       |
|               |       |         | SW            | SW  | 4    | IRR   | 20.0  |     |       |
|               |       |         | SE            | SW  |      | IRR   | 9.0   |     |       |
|               |       |         | NE            | SE  |      | IRR   | 7.0   |     |       |
|               |       |         | NW            | SE  |      | IRR   | 29.0  |     |       |
|               |       |         | Section Acres |     |      |       |       |     | 116.0 |
|               |       |         | 32            | NE  | NW   |       | IRR   | 3.0 |       |
| NW            | NW    |         |               | IRR | 26.0 |       |       |     |       |
| Section Acres |       |         |               |     |      | 29.0  |       |     |       |
| 05S           | 01W   | 1       | NE            | NE  | 1    | IRR   | 16.0  |     |       |
|               |       |         | SW            | NE  |      | IRR   | 6.0   |     |       |
|               |       |         | SE            | NE  |      | IRR   | 7.0   |     |       |
| Section Acres |       |         |               |     |      | 29.0  |       |     |       |
| Total Acres   |       |         |               |     |      | 181.0 |       |     |       |

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:

57-00040/00049/00050/00054/00056/00081/02235

14. Remarks:

THE PLACE OF USE FOR THE STOCKWATER IS THE SAME AS THE IRRIGATED LAND. STOCK DRINK FROM BROWNS CREEK AND THE DITCHES.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

J. M. NEIL

Decree Plaintiff

vs

B. H. HYDE ET. AL.

Decree Defendant

MICROFILMED  
OCT 07 1992

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

For Individuals:

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

Signature of Claimant(s): Shirley Cox Date: 1/25/89  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 25<sup>th</sup> day

of January 19 89

Seal

Carter Fritschle  
Notary Public

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

Carter Fritschle, Notary Public  
Residing at Eagle, Idaho  
My Commission Expires March 21, 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  
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NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: SHIRLEY COX 208-834-2028  
Address: HC 79, BOX 2065  
OREANA, ID 83650

2. Date of Priority: MAR 16, 1885

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05S      | 01W   | 24      | NE     | NW     | NE  |     | OWYHEE |

5. Description of diverting works:  
DAM AND HEADGATE DIVERT INTO GRAVITY DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/01 | 11/15 | 3.360  |      |        |

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

8. Total consumptive use is 633.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 04S      | 01E   | 29      | SW     | SW  |     | IRR           | 3.0   |
|          |       |         | SE     | SW  |     | IRR           | 4.0   |
|          |       |         |        |     |     | Section Acres | 7.0   |

A57-00055

Page 1

Date: 01/19/89

MICROFILMED

OCT 07 1992

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 04S      | 01E   | 31      | NE     | NE  |     | IRR           | 9.0   |
|          |       |         | SW     | NE  |     | IRR           | 5.0   |
|          |       |         | SE     | NE  |     | IRR           | 27.0  |
|          |       |         | NE     | SW  |     | IRR           | 10.0  |
|          |       |         | SW     | SW  | 4   | IRR           | 20.0  |
|          |       |         | SE     | SW  |     | IRR           | 9.0   |
|          |       |         | NE     | SE  |     | IRR           | 7.0   |
|          |       |         | NW     | SE  |     | IRR           | 29.0  |
|          |       |         |        |     |     | Section Acres | 116.0 |
|          |       | 32      | NE     | NW  |     | IRR           | 3.0   |
|          |       |         | NW     | NW  |     | IRR           | 26.0  |
|          |       |         |        |     |     | Section Acres | 29.0  |
| 05S      | 01W   | 1       | NE     | NE  | 1   | IRR           | 16.0  |
|          |       |         | SW     | NE  |     | IRR           | 6.0   |
|          |       |         | SE     | NE  |     | IRR           | 7.0   |
|          |       |         |        |     |     | Section Acres | 29.0  |
|          |       |         |        |     |     | Total Acres   | 181.0 |

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:  
57-00040/00049/00050/00054/00056/00081/02235

14. Remarks:

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

J. M. NEIL  
Decree Plaintiff

B. H. HYDE ET. AL.  
Decree Defendant

vs

16. Signature(s)

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

Number of attachments: -2-

For Individuals:

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

Signature of Claimant(s): Shirley Cox Date: Jan. 19, 1989  
Date: \_\_\_\_\_

State of Idaho )  
County of Ada ) SS.

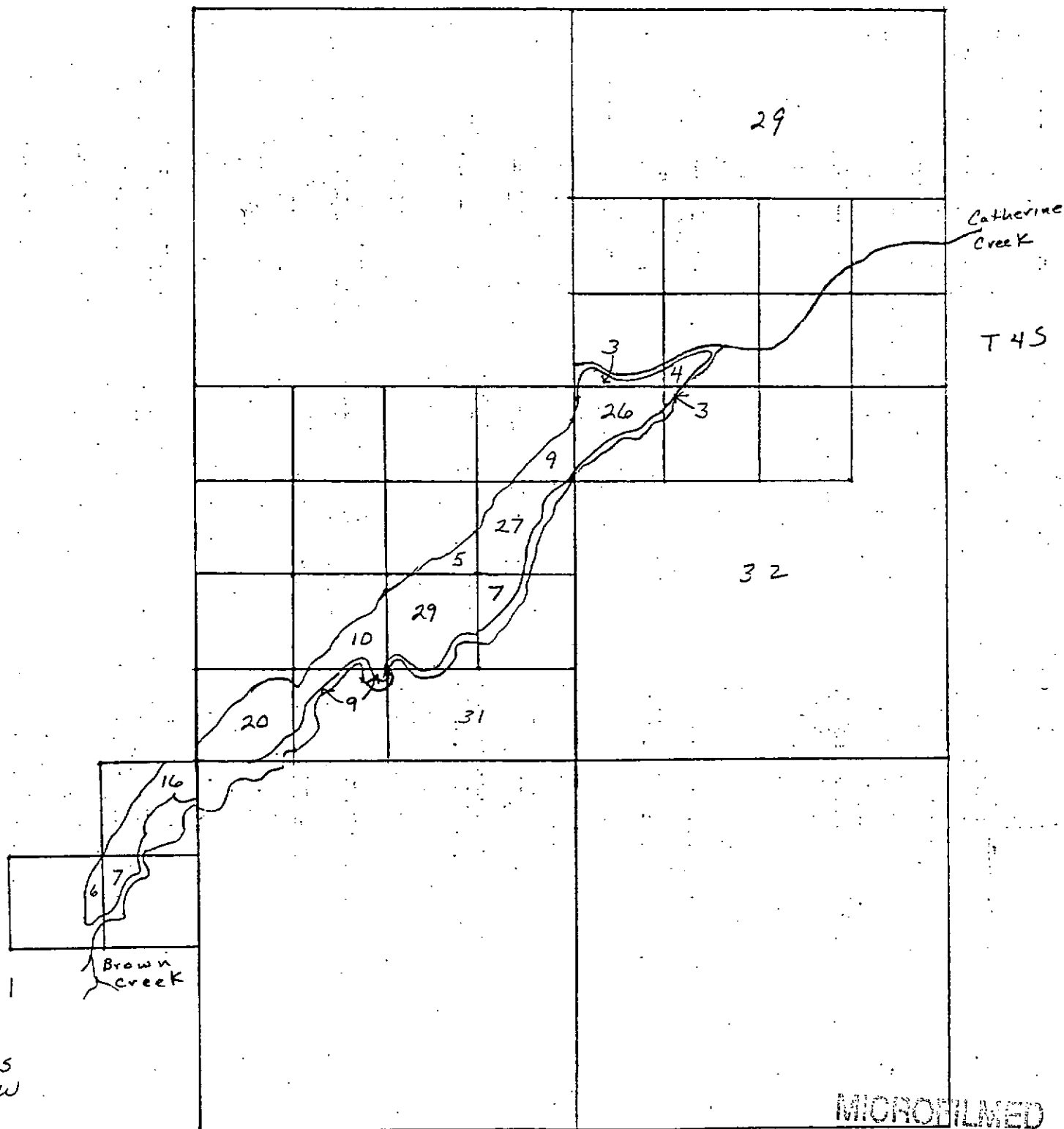
Subscribed and sworn (or affirmed) before me this 19th day

of January 19 89  
Seal

Dena Billups  
Notary Public

Residing at Dena Billups, Notary Public  
Residing at Caldwell, Idaho  
My Commission Expires March 21, 1994

A57-00055  
A57-00081



R 1 E

OCT 07 1992

RIW RIE

A57-00055

ANTELOPE SPRING QUADR.  
IDAHO

7.5 MINUTE SERIES (ORTHOPHO

GRAND VIEW 20 MI.  
330 000 FEET

546

547

25'

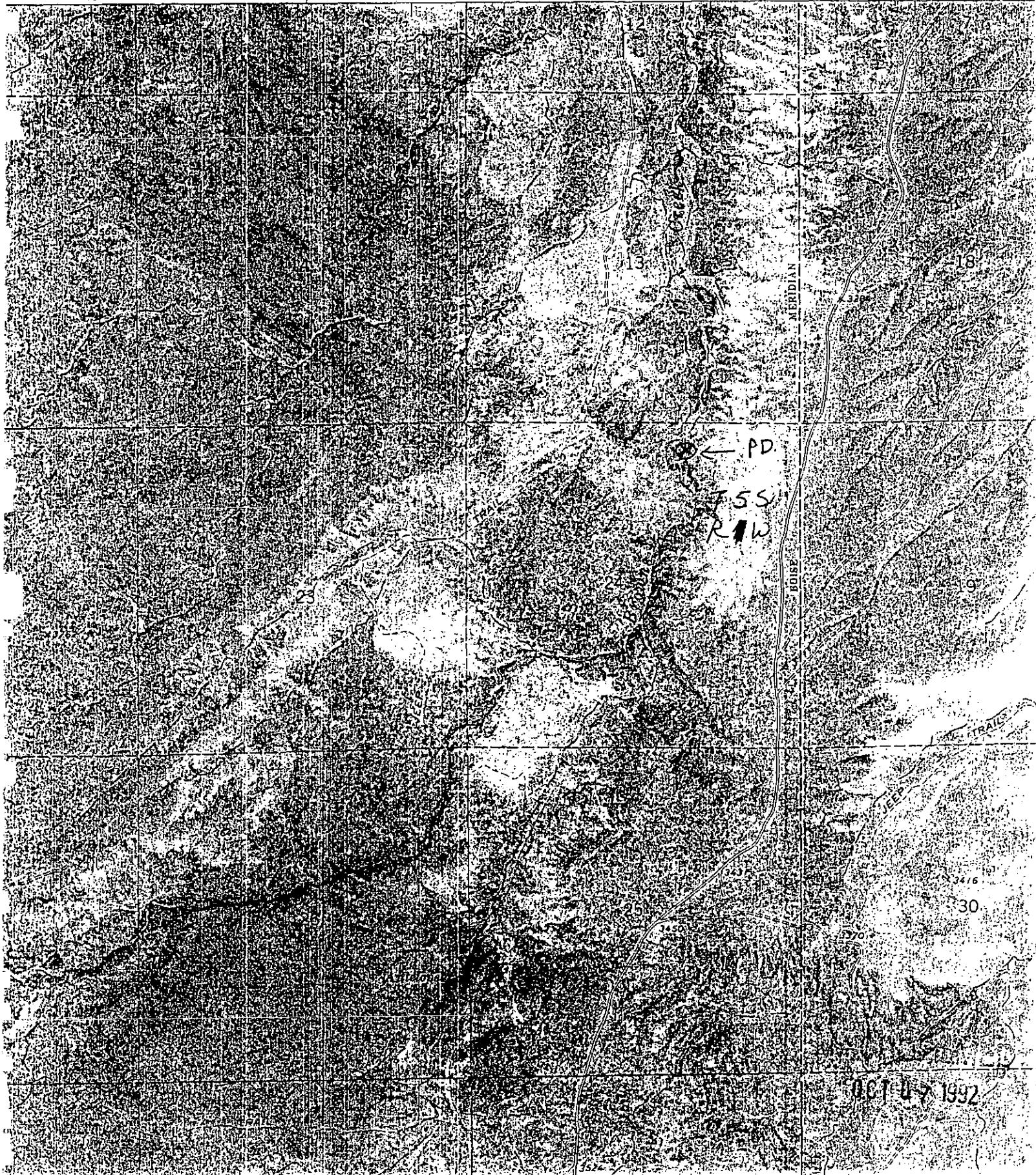
548

549

RIW

RIE

330 000 FEET



OCT 10 1992

DESCRIPTION OF LAND  
BY CHALLENGE LEGAL  
SUBDIVISION TO WHICH  
TAXES IS APPLICABLE

AMOUNT  
IN  
INCHES

PRIORITY  
OF  
APPROPRIATION

SOURCE  
OF WATER

NAME OF PARTY

Sub. Sec. 12.25.

|                                   |                                             |               |                             |        |                                               |                             |
|-----------------------------------|---------------------------------------------|---------------|-----------------------------|--------|-----------------------------------------------|-----------------------------|
| J. M. Neill                       | Catherine Creek                             | Jan. 14, 1879 | 81<br>69<br>102<br>66       | 318    | SW 1/4<br>SE 1/4<br>NW 1/4<br>NE 1/4          | 29 49 13<br>" " " " " " " " |
| J. M. Neill                       | Catherine Creek<br>(Below Brown's<br>Creek) | April 5, 1879 | 24<br>99<br>51<br>36        | 210    | SW 1/4<br>SW 1/4<br>NW 1/4<br>NE 1/4          | 29 " " " " " "              |
| Hora Linahan                      | Pickett Creek                               | April 1, 1880 | 51.80<br>65.45              | 117.25 | SW 1/4<br>NE 1/4                              | " " 17<br>29 " " "          |
| Alva & Frank<br>Bard              | Hart's Creek                                | April 1, 1882 | 33<br>30<br>89.05<br>24.70  | 176.75 | SW 1/4<br>SE 1/4<br>NE 1/4<br>SW 1/4          | " " " " " " " "             |
| J. E. Neils and<br>James Torrance | Pickett Creek                               | April 1, 1882 | 103.55<br>191.65<br>68.60   | 363.80 | SW 1/4<br>NE 1/4<br>NE 1/4                    | 25 " " " " " "              |
| J. E. Neill                       | Catherine Creek<br>(Below Brown's Creek)    | Jan. 8, 1884  | 15<br>9                     | 24     | SW 1/4<br>SE 1/4                              | 29 " " " " " "              |
| J. M. Neill                       | Brown's Creek                               | Mar. 16, 1885 | 78<br>9<br>81               | 168    | Lot 4<br>SE 1/4<br>NE 1/4                     | 21 " " " " " "              |
| J. M. Neill                       | Hart's Creek                                | Mar. 16, 1885 | 96<br>114<br>87<br>16<br>48 | 360    | SW 1/4<br>SW 1/4<br>SW 1/4<br>NE 1/4<br>Lot 4 | " " " " " " " "             |
| B. H. Hyde                        | Hart's Creek                                | Mar. 16, 1885 | 113.40                      | 113.40 | SW 1/4                                        | 25 " " 17                   |
| B. H. Hyde                        | Catherine Creek                             | April 1, 1885 | 18<br>17                    | 35     | NE 1/4<br>NE 1/4                              | 30 " " 13                   |

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MICROFILMED

OCT 07 1992



# IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-00055

Date: 4-1-03

|       | TMS | RNG | SEC | NE |     |     |    | NW |    |    |    | SW |    |    |     | SE |    |    |    | Sum |
|-------|-----|-----|-----|----|-----|-----|----|----|----|----|----|----|----|----|-----|----|----|----|----|-----|
|       |     |     |     | NE | NW  | SW  | SE | NE | NW | SW | SE | NE | NW | SW | SE  | NE | NW | SW | SE |     |
| Claim | 4S  | 1E  | 29  |    |     |     |    |    |    |    |    |    |    | 6  | 3   |    |    |    |    | 9   |
| GIS   |     |     |     |    |     |     |    |    |    |    |    |    |    | 68 | 5.2 |    |    |    |    | 12  |
| Claim |     |     | 31  | 18 |     | 20  | 15 |    |    |    | 1  | 27 | -3 | -4 | 2   | 25 |    | 22 |    | 130 |
| GIS   |     |     |     | 16 |     | 16  | 22 |    |    |    | 14 | 22 | 16 | 24 |     |    | 24 |    |    | 125 |
| Claim |     |     | 32  |    |     |     |    | 1  | 23 |    |    |    |    |    |     |    |    |    |    | 24  |
| GIS   |     |     |     |    |     |     |    | 2  | 23 |    |    |    |    |    |     |    |    |    |    | 25  |
| Claim | 5S  | 1W  | 1   | 18 | 4   | 7   |    |    |    |    |    |    |    |    |     |    |    |    |    | 29  |
| GIS   |     |     |     | 19 | 6.1 | 4.9 |    |    |    |    |    |    |    |    |     |    |    |    |    | 30  |

Number of POD's 1

Total Claimed Acres: 192

Total GIS Acres: 192

Overlapping ECU Claim #'s:

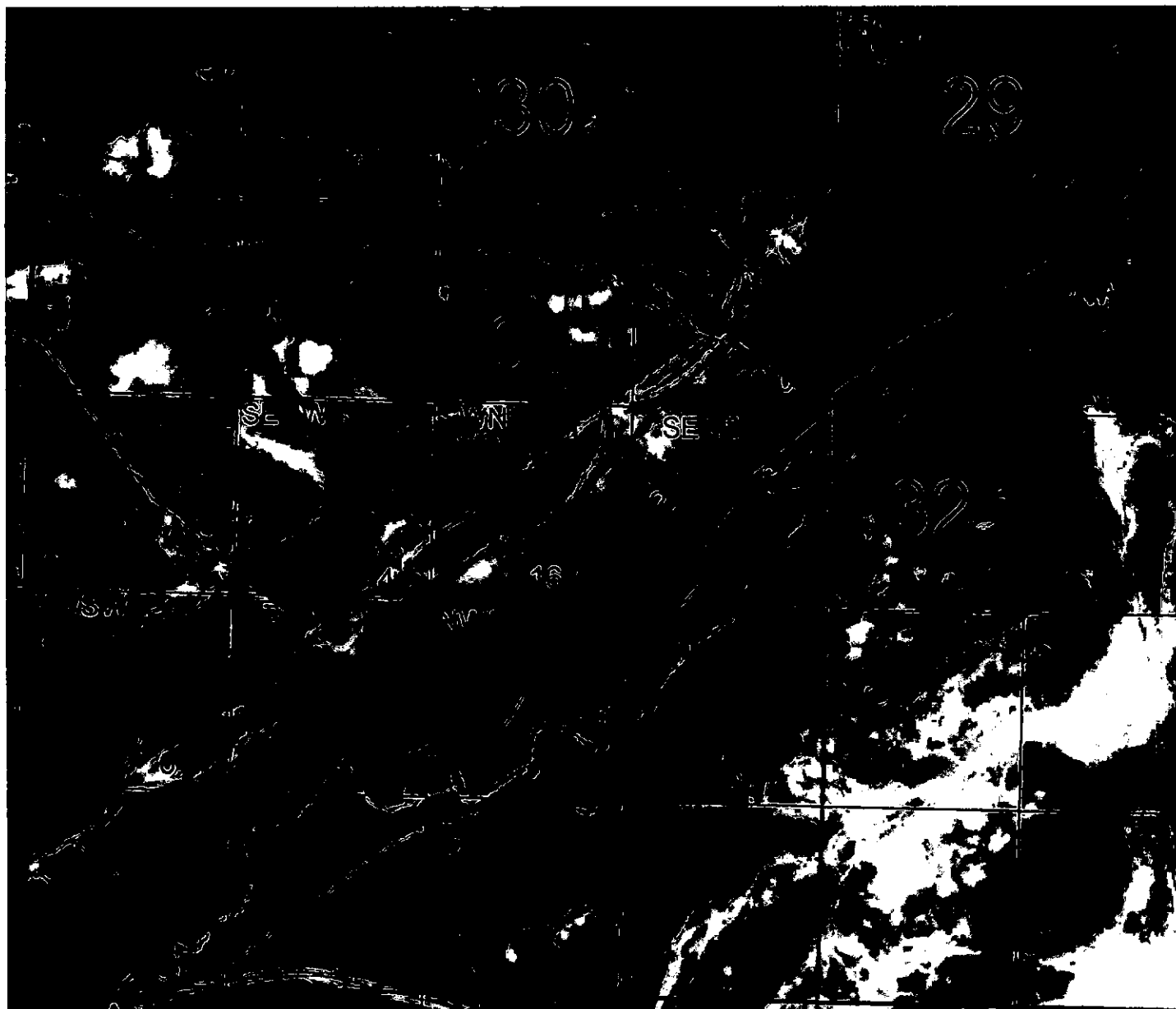
57-00074; 57-00081, 57-00072, 57-00079

COMMENTS:

See comments in 57-00074

# Idaho Department of Water Resources

1987 Napp Photo



0 0.25 0.5 0.75 Miles

Claim Number: 57-00055 (Pg 1)  
Legal: T04S, R01E, S29, 31, 32  
T05S, R01W, S01  
Reviewed By:

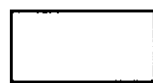
⊙ Point of Diversion  
(Located outside of view)



Place of Use



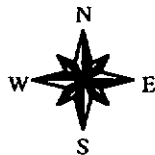
Section Lines



Quarter Quarter Lines



Township/Range Lines



# Idaho Department of Water Resources

Claim Number: 57-00055(Pg 2)  
Legal: T04S, R01E, S29, 31, 32  
T05S, R01W, S01

Reviewed By:

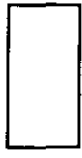
⊙ Point of Diversion  
(Located outside of view)



Place of Use



Section Lines



Quarter Quarter Lines

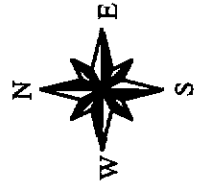


Township/Range Lines

1987 Napp Photo



0 0.25 0.5 Miles



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 57-00055

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

NAME & ADDRESS: ROBERT A THOMAS  
KELLY A THOMAS  
BEN A THOMAS JR  
LINDA K FERRIS  
HC 79 BOX 2060  
MURPHY ID 83650

SOURCE: BROWNS CREEK TRIBUTARY: CATHERINE CREEK

QUANTITY: 3.36 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE  
SHALL NOT EXCEED 13,000 GALLONS PER DAY.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 13.16 CFS. COMBINED RIGHT NOS.:  
57-00049, 57-000568, 57-00072, 57-00074, 57-00079 & 57-00081

PRIORITY DATE: 03/16/1885

POINT OF DIVERSION: T05S R01W S24 MENWNE Within Owyhee County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE     | QUANTITY |
|----------------------------|----------------|-------------------|----------|
|                            | IRRIGATION     | Irrigation Season | 3.36 CFS |
|                            | STOCKWATER     | 01-01 12-31       | 0.24 CFS |

| PLACE OF USE: | IRRIGATION      | Within Owyhee County |                |                 |  |         |
|---------------|-----------------|----------------------|----------------|-----------------|--|---------|
|               | T04S R01E S29   | SWSW 6               | SESW 3         |                 |  |         |
|               | S31             | NENE 18              | SWNE 20        | SENE 15         |  | SENW 1  |
|               |                 | NESW 27              | Lot 3 (NWSW) 2 | Lot 4 (SWSW) 25 |  | NWSE 22 |
|               | S32             | NENW 1               | NWNW 23        |                 |  |         |
|               | T05S R01W S01   | Lot 1 (NENE) 18      | SWNE 4         | SENE 7          |  |         |
|               | 192 ACRES TOTAL |                      |                |                 |  |         |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 57-00049, 57-000568,  
57-00072, 57-00074, 57-00079 & 57-00081

Place of use for STOCKWATER is same as IRRIGATION

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR  
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL  
USE.

DATED: SEP 12 1997

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

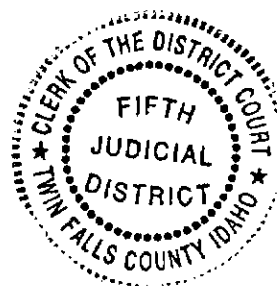
RULE 54(b) CERTIFICATE

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

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



District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls, ID 83303-2707

## Important Information About Your Water Right

August 28, 2002

Robert A Thomas  
Kelly A Thomas  
Ben A Thomas Jr  
Linda K Ferris  
HC 79 Box 2060  
Murphy, ID 83650

RECEIVED

AUG 29 2002

Department of Water Resources

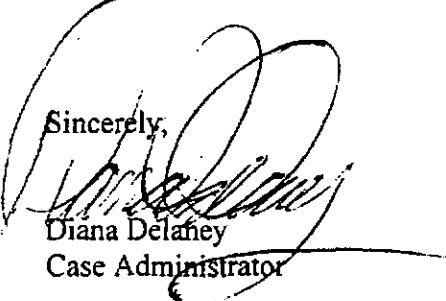
Dear Water Right Claimant(s):

Attached to this letter is a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 57-55. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources  
1301 North Orchard  
Boise, ID 83706  
800-451-4129

The purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order*, in combination with the *Partial Decree* that was issued for this water right on September 12, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of this water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued on the same date that the *Partial Decree* was originally issued.

Sincerely,

  
Diana Delaney  
Case Administrator

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

AUG 28 2002

By \_\_\_\_\_ Clerk

Deputy Clerk

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

|                |   |                                         |
|----------------|---|-----------------------------------------|
|                | ) | Water Right 57-55                       |
| In Re SRBA     | ) |                                         |
|                | ) |                                         |
|                | ) | ORDER AMENDING IRRIGATION PERIOD OF USE |
|                | ) | ELEMENT IN PARTIAL DECREE and           |
| Case No. 39576 | ) | INCORPORATING INTO PARTIAL DECREES AN   |
|                | ) | EXPRESS STATEMENT REGARDING GENERAL     |
|                | ) | PROVISIONS, <i>NUNC PRO TUNC</i>        |

A *Partial Decree* was entered for the above-captioned irrigation water right on September 12, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on July 26, 1999, 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 an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-01 to 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

This order is being entered *nunc pro tunc* as of the date the ***Partial Decree*** was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the ***Partial Decree***.

### **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 August 28, 2002.

  
\_\_\_\_\_  
ROGER BURDICK  
Presiding Judge  
Snake River Basin Adjudication

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 57-00055 |
| _____          | ) |                          |

On June 23, 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 57-00055 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

AJ5856NP

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

DATE: JAN-24-1997  
PAGE: A-2

-----  
 RIGHTS FROM: SOURCE: BROWNS CREEK TRIBUTARY: CATHERINE CREEK  
 -----  
 RIGHT NUMBER: 57-00055  
 NAME & ADDRESS: ROBERT A THOMAS  
 KELLY A THOMAS  
 BEN A THOMAS JR  
 LINDA K FERRIS  
 HC 79 BOX 2060  
 MURPHY ID 83650  
 SOURCE: BROWNS CREEK TRIBUTARY: CATHERINE CREEK  
 QUANTITY: 3.36 CFS  
 PRIORITY DATE: 03/16/1885  
 POINT OF DIVERSION: T05S R01W S24 NENWNE Within Owyhee County  
 PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
 IRRIGATION Irrigation Season 3.36 CFS  
 STOCKWATER 01-01 12-31 0.24 CFS  
 PLACE OF USE: IRRIGATION Within Owyhee County  
 T04S R01E S29 SWSW 6.0 SESW 3.0  
 S31 NENE 18.0 SWNE 20.0 SENE 15.0 SENW 1.0  
 NESW 27.0 Lot 3 (NWSW) 2.0 Lot 4 (SWSW) 25.0 NWSE 22.0  
 S32 NENW 1.0 NWNW 23.0  
 T05S R01W S01 Lot 1 (NENE) 18.0 SWNE 4.0 SENE 7.0  
 192.0 ACRES TOTAL

Place of use for STOCKWATER is same as IRRIGATION

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

MICROFILMED  
MAR 2 - 1999

-----  
RIGHTS FROM: SOURCE: BROWNS CREEK TRIBUTARY: CATHERINE CREEK  
-----  
RIGHT NUMBER: 57-00055 (CONT)

## OTHER PROVISIONS: (CONT)

USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-00056B, 57-00072, 57-00074, 57-00079 & 57-00081 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.16 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 672 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE IRRIGATION SEASON.

THE RATE OF DIVERSION FOR IRRIGATION OF LANDS UNDER THIS RIGHT & RIGHT NOS. 57-00072, 57-00074, 57-00079 & 57-00081 WAS DETERMINED BASED ON A DIVERSION RATE OF .03 CFS PER ACRE AT FIELD HEADGATE. 3.02 CFS OF RIGHT NOS. 57-00074, 57-00079, 57-00081 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN THE DELIVERY OF THIS RIGHT AND RIGHT NOS. 57-00072 AND 57-00074.

1.27 CFS OF RIGHT NO. 57-00049 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN THE DELIVERY OF RIGHT NO. 57-00049.

2.88 CFS OF RIGHT NO. 57-00056B IS LIMITED TO USE FOR CONVEYANCE LOSSES IN THE DELIVERY OF RIGHT NO. 57-00056B.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: RIGHT NOS. 57-00072, 57-00074, 57-00079 AND 57-00081.

## EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

STOCKWATER, 1000 RANGE CATTLE.

MICROFILMED

MAR 2 - 1998

AJ0749NP  
No. 57-00055

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

DATE: 01/16/97  
PAGE: 1

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME

|                  |                 |            |            |       |       |          |  |
|------------------|-----------------|------------|------------|-------|-------|----------|--|
| C                | ROBERT A THOMAS | 03/16/1885 | IRRIGATION | 03-15 | 11-15 | 3.36 CFS |  |
| C                | KELLY A THOMAS  |            | STOCKWATER | 01-01 | 12-31 | 0.24 CFS |  |
| C                | BEN A THOMAS JR |            |            |       |       |          |  |
| C                | LINDA K FERRIS  |            |            |       |       |          |  |
|                  | HC 79 BOX 2060  |            |            |       |       |          |  |
|                  | MURPHY ID 83650 |            |            |       |       |          |  |
| TOTAL DIVERSION: |                 |            |            |       |       | 3.36 CFS |  |

D SHIRLEY COX  
HC 79 BOX 2065  
OREANA ID 83650  
(208) 834-2028

Water Source: BROWNS CREEK Tributary to: CATHERINE CREEK Stage: DECREED  
Point(s) of Diversion: T05S R01W S24 NENNE OWYHEE County

Place of use Legal Description for: IRRIGATION

|             |     | NE |    | NW    |    | SW |    | SE |    | SUM |       |       |
|-------------|-----|----|----|-------|----|----|----|----|----|-----|-------|-------|
| T           | R   | S  | Lt | Ac    | Lt | Ac | Lt | Ac | Lt | Ac  | Lt    | Ac    |
| 04S         | 01E | 29 | :  | :     | :  | :  | :  | :  | :  | :   | :     | :     |
| 04S         | 01E | 31 | :  | 18    | 20 | 15 | :  | 01 | :  | 27  | 03-02 | 04-25 |
| 04S         | 01E | 32 | :  | :     | :  | :  | :  | :  | :  | :   | :     | :     |
| 05S         | 01W | 1  | :  | 01-18 | 04 | 07 | :  | :  | :  | :   | :     | :     |
| TOTAL ACRES |     |    |    |       |    |    |    |    |    |     | 192.0 |       |

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 1000 HEAD CATTLE

Other Rights: 57-00049/000568/00072/00074/00079/00081.

Conditions of Approval:

- C01 - THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks: GEN

USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-000568, 57-00072, 57-00074, 57-00079 & 57-00081 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.16 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 672 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE IRRIGATION SEASON.

THE RATE OF DIVERSION FOR IRRIGATION OF LANDS UNDER THIS RIGHT &

MICROFILMED

MAR 2 - 1993

AJ0749NP  
No. 57-00055

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

DATE: 01/16/97  
PAGE: 2

Remarks:

RIGHT NOS. 57-00072, 57-00074, 57-00079 & 57-00081 WAS DETERMINED  
BASED ON A DIVERSION RATE OF .03 CFS PER ACRE AT FIELD HEADGATE.  
3.02 CFS OF RIGHT NOS. 57-00074, 57-00079, 57-00081 IS LIMITED  
TO USE FOR CONVEYANCE LOSSES IN THE DELIVERY OF THIS RIGHT AND  
RIGHT NOS. 57-00072 AND 57-00074.  
1.27 CFS OF RIGHT NO. 57-00049 IS LIMITED TO USE FOR CONVEYANCE  
LOSSES IN THE DELIVERY OF RIGHT NO. 57-00049.  
2.88 CFS OF RIGHT NO. 57-000568 IS LIMITED TO USE FOR CONVEYANCE  
LOSSES IN THE DELIVERY OF RIGHT NO. 57-000568.  
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE: RIGHT NOS. 57-00072, 57-00074, 57-00079 AND  
57-00081.

Dates:

Exam Made Date: 11/05/1990 Verified Date: Objection Filed Date: 02/26/1993

Misc:

Water District Number: 57B Field Inspection Flag: D  
Presumption Flag:

Comments:

Date: 12/04/1991 User-ID: LINDSEY Subject: COPIED FROM REMARKS (CMNT RESTORED-ORIG BY SHURTE 11/29/91)  
THE PLACE OF USE FOR THE STOCKWATER IS THE SAME AS THE IRRIGATED  
LAND. STOCK DRINK FROM BROWNS CREEK AND THE DITCHES.

Date: 01/16/1997 User-ID: LHARRIS Subject: NAME CHANGE  
THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN  
OWNERSHIP CHANGE.

Audit:

01/16/97 LHARRIS

MICROFILMED

MAR 2 - 1998

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APR 22 1997

Department of Water Resources  
Adjudication Bureau

**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  
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  
Case No. 39576

57-00055

STIPULATION FOR WITHDRAWAL

**DESCRIPTIVE SUMMARY**

This is a stipulation to resolve water right number 57-00055. 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 Robert A. Thomas, Kelly A. Thomas, Ben A. Thomas Jr., and Linda K. Ferris, stipulate that the objection filed by the Bureau of Land Management (BLM) to water right number 57-00055 is hereby withdrawn with prejudice.

2. This stipulation was reached through negotiations for the purpose of resolving legal disputes, including pending

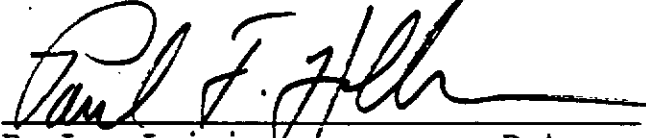
MAR 2 - 1998

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.

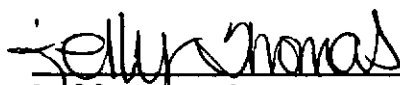
4. This stipulation was entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

**UNITED STATES OF AMERICA**

 3/13/97  
\_\_\_\_\_  
R. Lee Leininger Date  
Paul F. Holleman  
Attorneys, Department of Justice

**Claimant: Robert A. Thomas  
Kelly A. Thomas  
Ben A. Thomas, Jr.  
Linda K. Ferris**

 3/26/97  
\_\_\_\_\_  
Robert A. Thomas Date

 3/26/97  
\_\_\_\_\_  
Kelly A. Thomas Date

 3/18/97  
\_\_\_\_\_  
Ben A. Thomas, Jr. Date

 4/8/97  
\_\_\_\_\_  
Linda K. Ferris Date

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MAR 2 - 1998

CERTIFICATE OF SERVICE

I certify that on the 21<sup>ST</sup> APRIL day of ~~March~~, 1997, I served a true and correct copy of this Stipulation of Withdrawal upon the following individuals:

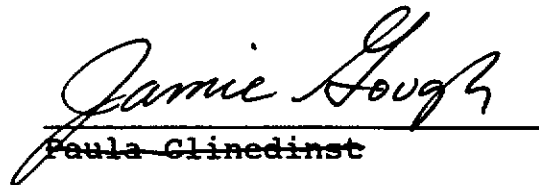
Department of Justice  
C/O Boise Adjudication Team  
550 West Fort Street  
MSC 033  
Boise, Idaho 83724

Robert A. Thomas  
Kelly A. Thomas  
Ben A. Thomas, Jr.  
Linda K. Ferris  
HC 79, Box 2060  
Murphy, ID 83650

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

Idaho Department of Water  
Resources  
1301 N. Orchard St.  
Boise, ID 83706

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

  
~~Paula Clinedinst~~

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JUN 04 1997

Department of Water Resources

1997 JUN -3 AM 10: 21

DISTRICT COURT-SRBA  
TWINFALLS CO., IDAHO  
FILED AK

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 57-00055    |
|                | ) |                     |
| Case No. 39576 | ) | PRELIMINARY SPECIAL |
|                | ) | MASTER'S REPORT     |

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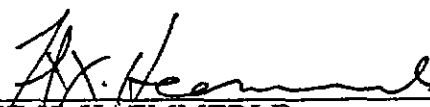
FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1909(1990) by Shirley Cox. 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 57-00055 was filed by United States (BLM). On February 3, 1997, a *Notice of Completed Administrative Proceeding* was filed listing the new owner as Robert Thomas. Subsequently, the objection was withdrawn by stipulation of the parties; now therefore,

IT IS RECOMMENDED that subcase 57-00055 be decreed as recommended in the *Preliminary Special Master's Report and Recommendation for Partial Decree*.

DATED June 3, 1997.

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

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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

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JUN 04 1997

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

PRELIMINARY

Department of Water Resources  
SPECIAL MASTER'S RECOMMENDATION FOR  
PARTIAL DECREE FOR  
Water Right 57-00055

1997 JUN -3 AM 10:21  
DISTRICT COURT-SRBA  
TWIN FALLS CO, IDAHO  
FILED *[Signature]*

NAME & ADDRESS: ROBERT A THOMAS  
KELLY A THOMAS  
BEN A THOMAS JR  
LINDA K FERRIS  
HC 79 BOX 2060  
MURPHY ID 83650

SOURCE: BROWNS CREEK TRIBUTARY: CATHERINE CREEK

QUANTITY: 3.36 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE  
SHALL NOT EXCEED 13,000 GALLONS PER DAY.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 13.16 CFS. COMBINED RIGHT NOS.:  
57-00049, 57-000568, 57-00072, 57-00074, 57-00079 & 57-00081

PRIORITY DATE: 03/16/1885

POINT OF DIVERSION: T05S R01W S24 NENWNE Within Owyhee County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE     | QUANTITY |
|----------------------------|----------------|-------------------|----------|
| IRRIGATION                 | IRRIGATION     | Irrigation Season | 3.36 CFS |
| STOCKWATER                 | STOCKWATER     | 01-01 12-31       | 0.24 CFS |

| PLACE OF USE:       | IRRIGATION      | Within Owyhee County | QUANTITY              |
|---------------------|-----------------|----------------------|-----------------------|
| T04S R01E S29       | SWSW 6.0        | SESW 3.0             |                       |
| S31                 | NENE 18.0       | SWNE 20.0            | SENE 15.0 SENW 1.0    |
|                     | NESW 27.0 Lot 3 | (NWSW) 2.0 Lot 4     | (SWSW) 25.0 NWSE 22.0 |
| S32                 | NENW 1.0        | NWNW 23.0            |                       |
| T05S R01W S01 Lot 1 | (NENE) 18.0     | SWNE 4.0             | SENE 7.0              |
| 192.0 ACRES TOTAL   |                 |                      |                       |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 57-00049, 57-000568,  
57-00072, 57-00074, 57-00079 & 57-00081

Place of use for STOCKWATER is same as IRRIGATION

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR  
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL  
USE.

DATED: 6/3/97

*[Signature]*  
FRITZ X. HAEMMERLE  
Special Master  
Snake River Basin Adjudication

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SPECIAL MASTER'S RECOMMENDATION  
Water Right 57-00055

MAR 2 - 1997

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Department of Water Resources

1997 JUN -3 AM 10: 21

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

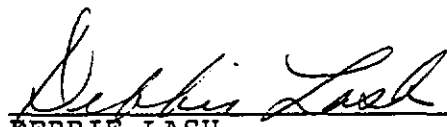
NOTICE OF ISSUANCE OF  
PRELIMINARY SPECIAL MASTER'S  
REPORT AND RECOMMENDATION

Water Right(s): 57-00055

On June 03, 1997, Special Master FRITZ X HAEMMERLE  
lodged a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY  
SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative  
Order 1 section 9 (f).

These documents are served only on parties to the subcase.  
They are not served on the Presiding Judge. Parties to this subcase  
may file a Motion to Alter or Amend with the Special Master, but  
must do so before June 17, 1997.

DATED June 03, 1997.

  
DEBBIE LASH  
Deputy Clerk

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MAR 2 - 1998

NOTICE OF ISSUANCE

PAGE 1  
06/03/97

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JUN 04 1997

Department of Agriculture

1997 JUN -3 AM 10:22

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): 57-00055

CERTIFICATE OF MAILING

I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 03, 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

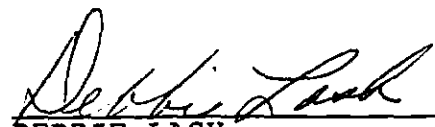
ROBERT A & KELLY A THOMAS  
BEN JR & FERRIS, LINDA THOMAS  
HC 79 BOX 2060  
MURPHY, ID 83650

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

MICROFILMED

MAR 2 - 1998

CERTIFICATE OF MAILING

  
DEBBIE LASH  
Deputy Clerk

PAGE 1  
06/03/97

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

1997 JUN 23 AM 9:33

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

SPECIAL MASTER'S RECOMMENDATION FOR  
PARTIAL DECREE FOR DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
Water Right 57-00055 FILED *PL*

NAME & ADDRESS: ROBERT A THOMAS  
KELLY A THOMAS  
BEN A THOMAS JR  
LINDA K FERRIS  
HC 79 BOX 2060  
MURPHY ID 83650

SOURCE: BROWNS CREEK TRIBUTARY: CATHERINE CREEK  
QUANTITY: 3.36 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE  
SHALL NOT EXCEED 13,000 GALLONS PER DAY.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 13.16 CFS. COMBINED RIGHT NOS.:  
57-00049, 57-00056B, 57-00072, 57-00074, 57-00079 & 57-00081

PRIORITY DATE: 03/16/1885

POINT OF DIVERSION: T05S R01W S24 NENWNE Within Owyhee County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE     | QUANTITY |
|----------------------------|----------------|-------------------|----------|
|                            | IRRIGATION     | Irrigation Season | 3.36 CFS |
|                            | STOCKWATER     | 01-01 12-31       | 0.24 CFS |

| PLACE OF USE: | IRRIGATION                      | Within Owyhee County                         |
|---------------|---------------------------------|----------------------------------------------|
|               | T04S R01E S29                   | SWSW 6.0 SESW 3.0                            |
|               | S31                             | NENE 18.0 SWNE 20.0                          |
|               |                                 | NESW 27.0 Lot 3 (NWSW) 2.0 Lot 4 (SWSW) 25.0 |
|               | S32                             | NENW 1.0 NWNW 23.0                           |
|               | T05S R01W S01 Lot 1 (NENE) 18.0 | SWNE 4.0 SENE 7.0                            |
|               | 192.0 ACRES TOTAL               |                                              |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 57-00049, 57-00056B,  
57-00072, 57-00074, 57-00079 & 57-00081

MICROFILMED

Place of use for STOCKWATER is same as IRRIGATION

MAR 2 - 1997

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR  
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL  
USE.

DATED: 6/23/97

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

1997 JUN 23 AM 9:33

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): 57-00055

On June 23, 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 23, 1997.

  
DEBBIE LASH  
Deputy Clerk

MICROFILMED  
MAR 2 - 1998

1997 JUN 23 AM 9:33

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 )

Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 57-00055

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 23, 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

ROBERT A & KELLY A THOMAS  
BEN JR & FERRIS, LINDA THOMAS  
HC 79 BOX 2060  
MURPHY, ID 83650

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

MICROFILMED

MAR 2 1998

CERTIFICATE OF MAILING

*Debbie Lash* PAGE 1  
DEBBIE LASH 06/23/97  
Deputy Clerk

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.

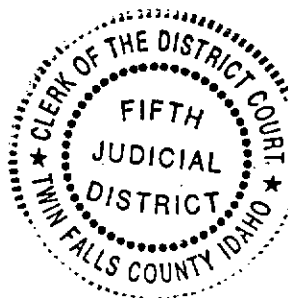
DATED: SEP 12 1997

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

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



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MAR 2 - 1998

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JUN 24 1997

Department of Water Resources  
Adjudication Bureau

1997 JUN 23 AM 9:33

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

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

In Re SRBA

Subcase 57-00055

Case No. 39576

SPECIAL MASTER'S REPORT

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

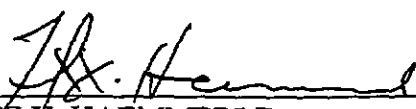
A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990) by Shirley Cox. The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director 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 57-00055 was filed by United States (BLM). Subsequently, a *Standard Form 5* was filed as to how the elements of this water right should be decreed. The parties agreed that the owner of the right should be Robert, Kelly, and Ben Ferris, and Linda Ferris. The *Standard Form 5* was accepted by the court.

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

IT IS THEREFORE RECOMMENDED that subcase 57-00055 be decreed as recommended in the attached *Special Master's Report and Recommendation for Partial Decree*.

DATED June 23, 1997.

  
FRITZ X. HAEMMERLE

Special Master, Reporting Area 2  
Snake River Basin Adjudication

MICROFILMED  
MAR 2 - 1998

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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

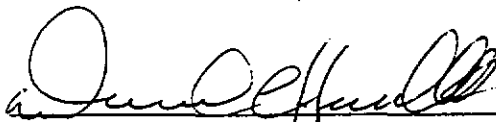
|                |   |                          |
|----------------|---|--------------------------|
| In Re SRBA     | ) | ORDER OF PARTIAL DECREE  |
|                | ) |                          |
| Case No. 39576 | ) | For Water Right 57-00055 |
| _____          | ) |                          |

On June 23, 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 57-00055 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

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES  
**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

COPY

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right Number(s) See Schedule A attached hereto and by this reference  
made a part hereof  
Adjudication Claim Number(s) \_\_\_\_\_
2. The following REQUIRED information must be submitted with this form.
  - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
  - AND
  - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
  - OR
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Shirley M. Murdoch, formerly Shirley M. Cox
4. New Owner/Claimant(s) Robert A. Thomas and Kelly A. Thomas, husband and wife;  
Ben A. Thomas, Jr., married person dealing with his sole an  
with her sole separate property; Linda K. Ferris, a married person dealing  
Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR  
New Mailing Address HC 79 Box 2060, Murphy, ID 83650  
City, State and ZIP Code Murphy, Idaho 83650  
New Telephone Number ( ) -
5. Date you acquired the property October 1, 1996
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

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MAR 2 - 1998

Number of acres actually irrigated \_\_\_\_\_ Number and type of stock \_\_\_\_\_

Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_  
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s)  
Robert A. Thomas Date 10-1-96  
Kelly Anne Thomas Date 10-1-96  
Ben A. Thomas Date 10-1-96  
Linda K. Ferris Date 10-1-96
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

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. 57-00055 -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)

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

II. STATEMENT OF THE 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:
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.

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, 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. The notice of claim attached to the objection was not filed with IDWR and IDWR has not recommended a water right based on this notice of claim. IDWR admits that the claim listed in the objection is 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:

|                               | No. of<br>Pages |
|-------------------------------|-----------------|
| Notice of Claim No. A57-00055 | 3               |

(Over)

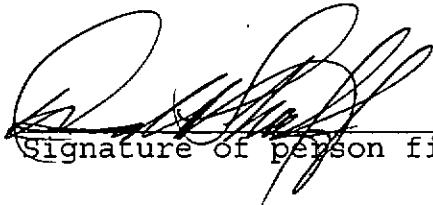
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

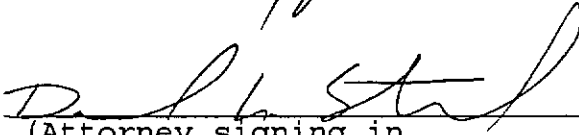
Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

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.



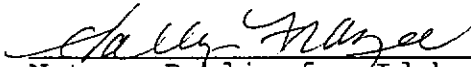
Signature of person filing response

By:



(Attorney signing in  
representative capacity)

Subscribed and sworn to before me this 23<sup>rd</sup> 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:

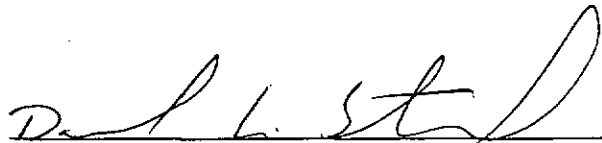
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

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

Name: SHIRLEY COX  
Address: HC 79 BOX 2065  
OREANA 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

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. 57-00055  
(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

JUL 20 1994

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 the land  
upon which this water right is claimed,  
has a senior existing water right, and  
claimant does not have a valid water  
right.

2. Owner of the water right:  
Name: claimant Shirley Cox  
Address: HC 79, Box 2065  
Oreana, ID 83650
3. If this objection is filed by an attorney:  
Attorney Name: K. Jack Haugrud  
Daria J. Zane  
Attorney Address: U. S. Department of Justice  
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.

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(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 on 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 downstream.

**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.

☒ 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. \_\_\_\_\_

1. Map of claim on public land

2. Conflicting USDI claims

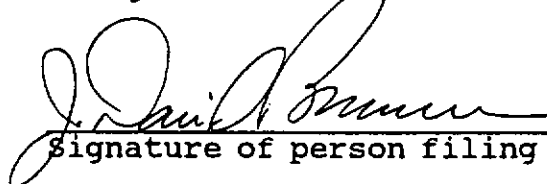
**VERIFICATION (Must be Completed)**

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.

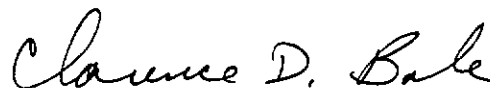


Signature of person filing objection

By: \_\_\_\_\_

(Attorney signing in  
representative capacity)

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



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 26 day of February, 1993, I ~~mailed~~<sup>filed</sup> 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:

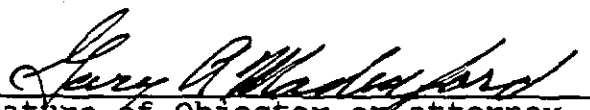
Owner name: Shirley Cox  
Owner's address: HC 79, Box 2065  
Oreana, ID 83650

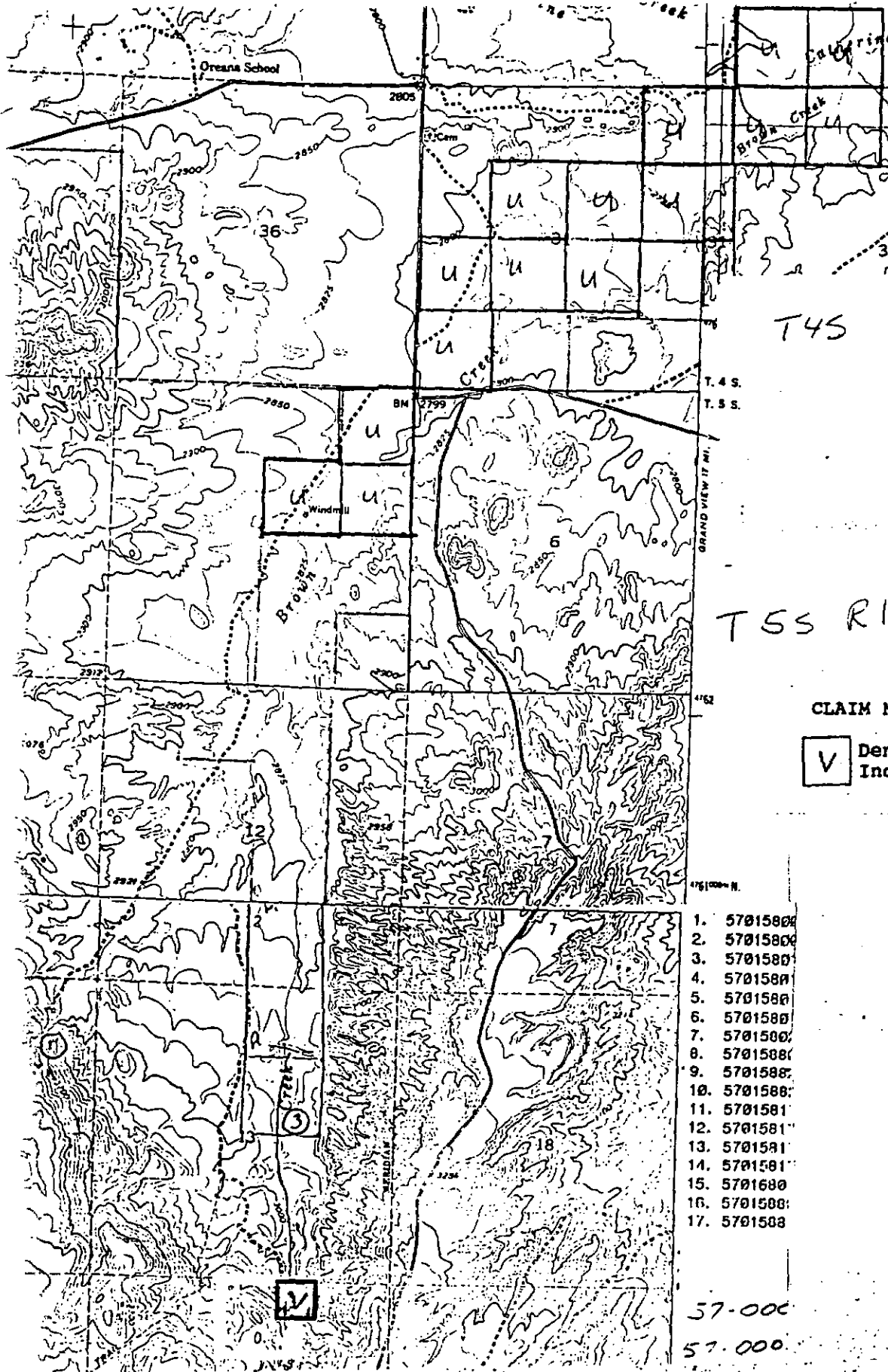
3. One copy to:

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



POOR ORIGINAL

T4S R1E

T5S R1W

CLAIM NUMBER 57-00055

V Denotes Public Land Included in this Claim

1. 57015800
2. 57015800
3. 57015800
4. 57015800
5. 57015800
6. 57015800
7. 57015800
8. 57015800
9. 57015800
10. 57015800
11. 57015800
12. 57015800
13. 57015800
14. 57015800
15. 57015800
16. 57015800
17. 57015800

57-000  
57-000

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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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1968-12-31  
AGENCY NUMBER: 5701582501  
BLM NUMBER: 5701582501  
BASIS OF CLAIM: BENEFICIAL USE  
BASIN NUMBER: 57

| <u>SOURCE</u> | <u>TRIBUTARY TO</u> |
|---------------|---------------------|
| BROWNS CREEK  | CATHERINE CREEK     |

| <u>DESCRIPTION OF DIVERSION WORKS</u> |
|---------------------------------------|
| INSTREAM USE                          |

| <u>PURPOSE OF USE</u> | <u>DIVERSION RATE</u> | <u>DIVERSION VOLUME</u> | <u>PERIOD OF USE FROM</u> | <u>TO</u> |
|-----------------------|-----------------------|-------------------------|---------------------------|-----------|
| STOCKWATER            | 0.05                  | 0.00                    | 0101                      | 1231      |
| WILDLIFE              | 0.02                  | 0.00                    | 0101                      | 1231      |
| TOTAL:                |                       | 0.07 CFS                | 0.00 AF                   |           |

| <u>NON-IRRIGATION USES</u>        |
|-----------------------------------|
| S/200 RANGE CATTLE W/ VAR AMOUNTS |

| <u>POINT OF DIVERSION</u> |            |            |               |               |               |            |               |
|---------------------------|------------|------------|---------------|---------------|---------------|------------|---------------|
| <u>TWP</u>                | <u>RNG</u> | <u>SEC</u> | <u>TRACT1</u> | <u>TRACT2</u> | <u>TRACT3</u> | <u>LOT</u> | <u>COUNTY</u> |
| 05S                       | 01E        | 06         |               | NW            | NW            | 00         | OWYHEE        |
| 04S                       | 01E        | 31         |               | SW            | SE            | 00         | OWYHEE        |

| <u>PLACE OF USE</u>    |            |            |               |               |            |               | <u>IRRIGATED OWNED ACRES</u> |
|------------------------|------------|------------|---------------|---------------|------------|---------------|------------------------------|
| <u>TWP</u>             | <u>RNG</u> | <u>SEC</u> | <u>TRACT1</u> | <u>TRACT2</u> | <u>LOT</u> | <u>COUNTY</u> |                              |
| 05S                    | 01E        | 06         | NW            | NW            | 00         | OWYHEE        | YES                          |
| 04S                    | 01E        | 31         | SW            | SE            | 00         | OWYHEE        | YES                          |
| TOTAL ACRES IRRIGATED: |            |            |               |               |            |               | 0.0                          |

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

| <u>OTHER WATER RIGHTS</u> |
|---------------------------|
| NONE                      |

| <u>REMARKS</u> |
|----------------|
| NONE           |

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DIVERSION RATE DIVERSION VOLUME

03-15 11-15 3.36 CFS  
 01-01 12-31 0.24 CFS  
 -----  
 DIVERSION: 3.36 CFS

Stage: DECREED

**OWYHEE County**

## IRRIGATION

```

NW
:  NENW  NWNW  S
:  Lt  Ac  Lt  Ac  Lt
:

```

: NENW NWNW  
 : Lt Ac Lt Ac Lt  
 :

1000

01 23

Other Rights: 57-00049/00056B/00072/00074/00079/00081.

C01 - THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT  
 - TO IDAHO CODE 42-1416(1).  
 C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
 - IDAHO CODE 42-1416A.

USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-00056B, 57-00072, 57-00074, 57-00079 & 57-00081 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.16 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 672 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE IRRIGATION SEASON.

THE RATE OF DIVERSION FOR IRRIGATION OF LANDS UNDER THIS RIGHT & RIGHT NOS. 57-00072, 57-00074, 57-00079 & 57-00081 WAS DETERMINED BASED ON A DIVERSION RATE OF .03 CFS PER ACRE AT FIELD HEADGATE.

3.02 CFS OF RIGHT NOS. 57-00074, 57-00079, 57-00081 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN THE DELIVERY OF THIS RIGHT AND RIGHT NOS. 57-00072 AND 57-00074.

1.27 CFS OF RIGHT NO. 57-00049 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN THE DELIVERY OF RIGHT NO. 57-00049.

2.28 CFS OF RIGHT NO. 57-00056B IS LIMITED TO USE FOR CONVEYANCE LOSSES IN THE DELIVERY OF RIGHT NO. 57-00056B.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION

MICROFILMED  
JUL 20 1994

AJ5809NP  
No. 57-00055

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/05/93  
PAGE: 2

Remarks: DESCRIBED ABOVE: RIGHT NOS. 57-00072, 57-00074, 57-00079 AND 57-00081.

Dates: Exam Made Date: 11/05/1990 Verified Date:

Misc: Water District Number: 57B Field Inspection Flag: D  
Presumption Flag:

Comments: Date: 12/04/1991 User-ID: LINDSEY Subject: COPIED FROM REMARKS (CMNT RESTORED-ORIG BY SHURTE 11/29/91)  
THE PLACE OF USE FOR THE STOCKWATER IS THE SAME AS THE IRRIGATED  
LAND. STOCK DRINK FROM BROWNS CREEK AND THE DITCHES.

Audit: 08/01/91 WHITNEY 11/29/91 SHURTE 12/02/91 SHURTE 12/04/91 LINDSEY  
07/17/92 SHURTE 07/29/92 PR-PRODM 09/02/92 SHURTE 09/19/92 SHURTE  
10/13/92 CPSHAW 12/05/92 ADT-SHAW

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JUL 20 1994



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

September 18, 1992

Re: Water Right Nos. 57-00055, 57-00072, 57-00074, 57-00079 &  
57-00081(Browns Creek), 57-00056B, 57-00059 & 57-00075(Hart  
Creek), 57-00040, 57-00049, 57-00050, 57-00078, 57-00080 &  
57-02259(Catherine Creek), 57-00132, 57-00134, 57-00160A,  
57-00237B, 57-10855 & 57-10859 (Castle Creek)

Dennis & Shirley Cox Murdoch  
HC 79, Box 2065  
Oreana, ID 83650

Dear Dennis & Shirley:

This letter is being written in response to the Notice of Error filed September 1, 1992, on the above referenced water rights. This notice of error was on the proposed season of use for these rights.

As explained while you were in my office, the seasons of use for these rights will not be changed prior to submittal to the court on October 1, 1992. The Department's standard season of use for this area is 3-15 to 11-15 for other than Castle Creek previously decreed rights. Castle Creek previously decreed rights were decreed a season of use of 4-1 to 10-15 in 1923 when the decree was finalized, and the Department cannot recommend a longer season of use than what was previously decreed. Therefore, the season of use for these water rights will not be recommended for a longer season of use.

You can file an objection with the court once these rights are entered and submit evidence as to why you feel a longer season of use is needed. The objection procedure will be explained completely when you receive copies of your water rights submitted to the court on October 1, 1992. This notification will be mailed at the same time the report is given to the court. If you have any questions concerning this letter, please feel free to contact me.

Sincerely,

JAN SHURTE  
Water Rights Supervisor  
Adjudication Section  
Western Region

JS:j

MICROFILMED  
OCT 07 1992

# NOTICE OF ERROR FORM

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources  
Statehouse Mail  
Boise, ID 83720-9000

**YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS:**

**AUGUST 20, 1992**

1. Water Right Number: *ALL CASTLE & CATHERINE CREEK IRRIG. RTS.*  
*(SEE ATTACHED LIST) & ALL HART & BROWNS CREEK IRRIG. RTS.*
2. Name: *DENNIS & SHIRLEY MURDOCH (AKA SHIRLEY COX)*

Address: *HC 79 Box 2065*  
*ORFANA, ID 83650*

Weekday Telephone Number: *834-2028*

(Instead of filling in items 3 and 4 below, you may include a copy of your proposed recommendation with the changes marked on the copy.)

3. Describe the portion of the proposed recommendation with which you disagree:

*PROPOSED SEASON OF USE*

4. Describe the changes you wish to have made in the proposed recommendation:

*ALLOW EARLIER IRRIGATION IN SPRING - FEBRUARY 1<sup>ST</sup>*  
*TO NOV. 15<sup>TH</sup>.*

5. Describe why you disagree with the proposed recommendation:

*HISTORICALLY, IRRIGATION OCCURS AS EARLY AS FEB. 1<sup>ST</sup> & IN*  
*CASE OF A STORAGE RIGHT BEING APPROVED FOR THE NON-IRRIGATION*  
*SEASON OUR PRESENT SEASON OF USE WILL BE JEOPARDIZED*

6. DATE: *Sept 1, 1992* SIGNATURE: *Shirley Cox Murdoch*

(7/92 KW)

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**OCT 07 1992**

*ANY PRE-IRRIGATION SEASON FLOODWATER USE.*

LISTING OF SHIRLEY COX MURDOCH'S BROWNS, HART, CASTLE & CATHERINE  
CREEK RIGHTS FOR THE NOTICE OF ERROR FILED 9-1-92.

BROWNS CREEK - 57-00055, 57-00072, 57-00074, 57-00079, 57-00081

HART CREEK - 57-00056B, 57-00059 & 57-00075

CATHERINE CREEK SOURCE - 57-00040, 57-00049, 57-00050, 57-00078,  
57-00080 & 57-02259

CASTLE CREEK SOURCE - 57-00132, 57-00134, 57-00160A, 57-00237B,  
57-10855 & 57-10859

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IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)DATE: 07/17/92  
PAGE: 1

OWNER  
CODE  
C  
NAME & ADDRESS  
SHIRLEY COX  
HC 79 BOX 2065  
OREANA ID 83650  
(208) 834-2028

PRIORITY  
DATE  
03/16/1885

WATER USE  
IRRIGATION  
STOCKWATER

USE PERIOD  
FROM TO  
03-15 11-15  
01-01 12-31

DIVERSION  
RATE  
3.36 CFS  
0.24 CFS

DIVERSION  
VOLUME  
3.36 CFS

TOTAL DIVERSION:

Stage: DECREED

Tributary to: CATHERINE CREEK

OWYHEE County

Point(s) of Diversion:

T05S R01W S24

NENWNE

Place of use Legal Description for: IRRIGATION

|     |     | NE   |    |       |    | NW   |    |      |    | SW   |    |      |    | SE    |       |      |    |             |       |
|-----|-----|------|----|-------|----|------|----|------|----|------|----|------|----|-------|-------|------|----|-------------|-------|
|     |     | NENE |    | NWNE  |    | SWNE |    | SENE |    | NENW |    | NWSW |    | SWSW  |       | SESW |    |             |       |
| T   | R   | S    | Lt | Ac    | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac    | Lt    | Ac   | Lt | Ac          | SUM   |
| 04S | 01E | 29   | :  | :     | :  | :    | :  | :    | :  | :    | :  | :    | :  | :     | :     | :    | :  | :           | 9.0   |
| 04S | 01E | 31   | :  | 18    | :  | 20   | :  | 15   | :  | 01   | :  | 27   | :  | 03-02 | 04-25 | :    | 22 | :           | 130.0 |
| 04S | 01E | 32   | :  | :     | :  | :    | :  | :    | :  | :    | :  | :    | :  | :     | :     | :    | :  | :           | 24.0  |
| 05S | 01W | 1    | :  | 01-18 | :  | 04   | :  | 07   | :  | :    | :  | :    | :  | :     | :     | :    | :  | :           | 29.0  |
|     |     |      |    |       |    |      |    |      |    |      |    |      |    |       |       |      |    | TOTAL ACRES | 192.0 |

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 1000 HEAD CATTLE

Other Rights: 57-00049/000568/00072/00074/00079/00081.

## Conditions of Approval:

- C01 - THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT  
- TO IDAHO CODE 42-1416(1).
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
- IDAHO CODE 42-1416A.

## Remarks:

USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-000568, 57-00072, 57-00074, 57-00079 & 57-00081 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.16 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 672 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE IRRIGATION SEASON.

THE RATE OF DIVERSION FOR IRRIGATION OF LANDS UNDER THIS RIGHT & RIGHT NOS. 57-00072, 57-00074, 57-00079 & 57-00081 WAS DETERMINED BASED ON A DIVERSION RATE OF .03 CFS PER ACRE AT FIELD HEADGATE.

3.02 CFS OF RIGHT NOS. 57-00074, 57-00079, 57-00081 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN THE DELIVERY OF THIS RIGHT AND RIGHT NOS. 57-00072 AND 57-00074.

1.27 CFS OF RIGHT NO. 57-00049 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN THE DELIVERY OF RIGHT NO. 57-00049.

2.88 CFS OF RIGHT NO. 57-000568 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN THE DELIVERY OF RIGHT NO. 57-000568.

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AJ0749NP  
No. R57-00055

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

DATE: 07/17/92  
PAGE: 2

Remarks:

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE: RIGHT NOS. 57-00072, 57-00074, 57-00079 AND  
57-00081.

Dates:

Exam Made Date: 11/05/1990 Verified Date:

Misc:

Water District Number: 57B Field Inspection Flag: D  
Presumption Flag:

Comments:

Date: 12/04/1991 User-ID: LINDSEY Subject: COPIED FROM REMARKS (CMNT RESTORED-ORIG BY SHURTE 11/29/91)  
THE PLACE OF USE FOR THE STOCKWATER IS THE SAME AS THE IRRIGATED  
LAND. STOCK DRINK FROM BROWNS CREEK AND THE DITCHES.

Audit:

07/17/92 SHURTE

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# ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. 57-00055

| FIELD EXAM<br>Y/N-IF NO,<br>DO OFFICE<br>VERIFICATION | FIELD EXAM<br>OR IN-OFFICE<br>VERIFICATION<br>WHOM/DATE | CLAIM<br>VERIFIED BY<br>CODE<br>(SEE BELOW) | CHANGE<br>CLAIM<br>Y/N | CLAIMANT CONTACT<br>NEEDED - Y/N** | REVIEW<br>COMPLETED<br>WHOM/DATE | "R" RECORD |
|-------------------------------------------------------|---------------------------------------------------------|---------------------------------------------|------------------------|------------------------------------|----------------------------------|------------|
| PRIORITY* <u>NO</u>                                   | <u>2/15/90</u>                                          | <u>1, 2, 4 &amp; 5</u>                      | <u>YES</u>             | <u>NAME OF FEDERAL</u>             | <u>11-1-91</u>                   |            |
| PT. OF DIV. <u>YES</u>                                |                                                         |                                             | <u>NO</u>              | <u>THINKS</u>                      |                                  |            |
| SOURCE <u>NO</u>                                      |                                                         |                                             | <u>NO</u>              |                                    |                                  |            |
| PL. OF USE <u>YES</u>                                 |                                                         |                                             | <u>YES</u>             |                                    |                                  |            |
| DIV. AMOUNT<br>CFS/AF                                 |                                                         |                                             | <u>NO</u>              |                                    |                                  |            |
| CONSUMPTIVE<br>USE                                    |                                                         |                                             | <u>YES</u>             |                                    |                                  |            |
| NATURE OF<br>USE                                      |                                                         |                                             | <u>NO</u>              |                                    |                                  |            |
| PERIOD OF<br>USE                                      |                                                         |                                             | <u>NO</u>              |                                    |                                  |            |
| BASIS OF<br>CLAIM                                     |                                                         |                                             | <u>NO</u>              |                                    |                                  |            |
| REMARKS                                               |                                                         |                                             | <u>YES</u>             |                                    |                                  |            |

DATA ENTRY COMPLETED  
BY [Signature] DATE 1/28/91

FINAL RECOMMENDATION  
BY [Signature] DATE 1/28/91

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

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

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

COMMENTS:

00 MICROFILMED  
0 1 19 92

16:20:06  
10/08/91

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1  
GENERAL INFORMATION

CLAIM NUMBER: A57-00055

LAST: NEIL  
ADDRESS:  
CITY: N/A  
PHONE NUMBER: 208-000-0000  
OWNER CODE: 0  
FIRST: J. M.  
STATE: ID ZIP: 00000

LAST: BROWN  
ADDRESS:  
CITY: N/A  
PHONE NUMBER: 208-000-0000  
OWNER CODE: 0  
FIRST: G. F.  
STATE: ID ZIP: 00000

LAST: COX  
ADDRESS: HC 79 BOX 2065  
CITY: OREANA  
PHONE NUMBER: 208-834-2028  
OWNER CODE: C  
FIRST: SHIRLEY  
STATE: ID ZIP: 83650

LAST: MURPHY  
ADDRESS:  
CITY: N/A  
PHONE NUMBER: 208-000-0000  
OWNER CODE: 0  
FIRST: J. E.  
STATE: ID ZIP: 00000

FIELD EXAM REQUIRED?  
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE Y FIELD EXAMINER

CLAIM REMARKS: THE PLACE OF USE FOR THE STOCKWATER IS THE SAME AS THE IRRIGATED LAND. STOCK DRINK FROM BROWNS CREEK AND THE DITCHES.

→ Send to  
Comments

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See memo in 57-00040 for EXACT DIRECTIONS GIVEN.

CONTACT PERSON:

SHIRLEY COX (MARRIED NAME)

PHONE NUMBER:

888347028

DATE OF FIELD EXAM:

11/5/90

APPOINTMENT MADE: Y(X) N( )

TIME: 9:00 AM P( )

ACCOMPANIED BY:

DENNIS MURDOCK

PHONE NUMBER: ( ) - -

RELATIONSHIP TO CLAIMANT:

HUSBAND

DIRECTIONS TO PROPERTY / REMARKS:

MEET AT RANCH.

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A. AJ CLAIM: # A57-00055 PRIORITY DATE: 03-16-1885 STAGE: D  
B. WR RECORD: # 57-00055 PRIORITY DATE: 03-16-1885 STAGE: D

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

FIELD EXAMINER *[Signature]*

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

REMARKS: *Same as checked.*

RECOMMENDED PRIORITY DATE:

03-16-1885

REVIEWED BY *[Signature]*

DATE

*10-29-91*

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY   |
|-----------|------|------|------|-----|-----|-----|-----|--------|
| A57-00055 | 05S  | 01W  | 24   | NE  | NW  | NE  |     | OWYHEE |

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX  
R PREFIX  
A57-00072  
A57-00074  
A57-00079  
A57-00081  
A57-00081  
A57-00079A

57-00072A  
57-00074A  
57-00079

WR RECORDS IN SAME 40 ACRE TRACT

SOURCE: BROWN CREEK

TRIB: CATHERINE CREEK

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT    | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY   |
|----------|------|------|------|-----|-----|-----|-----|--------|
| 57-00055 | 05S  | 01W  | 24   | NW  | NW  | NE  |     | OWYHEE |

OTHER WR RECORDS WITH SAME WR POD

57-00072A  
57-00074A  
57-00079

AJ CLAIMS IN SAME 40 ACRE TRACT  
A PREFIX  
R PREFIX

A57-00074A  
A57-00072  
A57-00074  
A57-00079  
A57-00081  
A57-00079A

SOURCE: BROWN CREEK

TRIB: CATHERINE CREEK

C. FIELD EXAM REQUIRED?

| DUE TO POD DISCREPANCY?<br>(Y/N) | DUE TO SOURCE DISCREPANCY?<br>(Y/N) | DATABASE<br>Y | FIELD<br>EXAMINER  |
|----------------------------------|-------------------------------------|---------------|--------------------|
|                                  |                                     |               | <i>[Signature]</i> |

*POD OK - 10 acre parcel  
discrepancy in database  
shows POD needing exam*

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## REMARKS:

P.D. transferred in 1919 per filed transfer - was in the SUBSE, S. 1, S. 5, 1/4 & changed to present P.D. See attached copy of approved transfer.

## RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP.                     | RGE. | SEC. | 1/4 | 1/4 | LOT | COUNTY        |
|--------------------------|------|------|-----|-----|-----|---------------|
| 55                       | 1W   | 24   | NE  | NW  | NE  | Dwyer         |
| SOURCE: BROWNS CREEK     |      |      |     |     |     | DATE: 11-1-91 |
| REVIEWED BY: [Signature] |      |      |     |     |     |               |

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Change in P.O. from Sec. 1-551W to Sec. 4N 551W

125/1919

STATE OF IDAHO,

County of Ada

G. F. Brown and J. M. Murphy

bring first duly sworn

That he is the owner of a decreed water right appurtenant to the following described land to-wit:  
Lot 4, Blk 2, Sec. 21, T. 4 S., R. 1 E., bearing date of priority of  
March 16, 1885, for 160 inches

as evidenced by the decree dated 7th day of October 1918

in the cause entitled J. M. Hall Plaintiff,

vs. M. Hyde, B. H. Hyde, et al Defendant, brought

in the District Court of the 2nd Judicial District of the State of Idaho; or,

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho  
No.

That he intends to change the point of diversion, as described in said decree or permit, to the following described point:

Blk 2, Sec. 24, T. 6 S., R. 1 W.

That such change will be made for the following reasons, to-wit: old P.O.D. is in  
SW 34 - 1 - T. 6 S., R. 1 W., and the water is practically lost in  
the 2 1/2 miles of gravel bed of the stream (Brown's Creek) by the  
change, this saving is effected and thus beneficial use could be  
made of the water that is now lost by seepage

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

Subscribed and sworn to before me this 25th day of January 1919

My commission expires 25th March 1920

(Over)

Notary Public

FILED  
1919

A. ROOT WATER RIGHT NUMBERS: A57-00055  
R57-00055

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME         | AJ<br>#/ACRES    | WR<br>#/ACRES    | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|--------------|------------------|------------------|-----------------|----------------|------------------|
| 04S | 01E | 29  | SW  | SW  |     | COX, SHIRLEY | A57-00055 / 3.0  | - / -            | 39.0            | B              | B                |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | R57-00079 / 3.0  | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | A57-00040 / 3.0  | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | A57-00049 / 3.0  | 57-00049 /       |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | A57-00050 / 3.0  | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | R57-00040 / 6.0  | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | A57-00054 / 3.0  | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | A57-000568 / 3.0 | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | A57-00072 / 3.0  | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | A57-00074 / 3.0  | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | A57-00079 / 3.0  | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | A57-00081 / 3.0  | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | R57-00050 / 3.0  | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | R57-00054 / 3.0  | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | R57-00055 / 3.0  | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | R57-000568 / 3.0 | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | R57-00072 / 3.0  | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | R57-00074 / 3.0  | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | R57-00049 / 3.0  | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | R57-00081 / 3.0  | - / -            |                 |                |                  |
|     |     |     | SW  | SW  |     | NEIL, J. M.  | 57-00070 /       | 57-00070 /       |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | 57-07267 / 17.0  | 57-07267 / 17.0  |                 |                |                  |
|     |     |     | SW  | SW  |     | COX, SHIRLEY | P57-07267 / 40.0 | P57-07267 / 40.0 |                 |                |                  |
| 04S | 01E | 29  | SE  | SW  |     | COX, SHIRLEY | A57-00055 / 4.0  | - / -            | 35.0            | 3              | 3                |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | R57-00079 / 4.0  | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | A57-00040 / 4.0  | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | A57-00049 / 4.0  | 57-00049 /       |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | A57-00050 / 4.0  | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | R57-00040 / 3.0  | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | A57-00054 / 4.0  | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | A57-000568 / 4.0 | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | A57-00072 / 4.0  | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | A57-00074 / 4.0  | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | A57-00079 / 4.0  | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | A57-00081 / 4.0  | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | R57-00049 / 4.0  | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | R57-00050 / 4.0  | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | R57-00054 / 4.0  | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | R57-00055 / 4.0  | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | R57-000568 / 4.0 | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | R57-00072 / 4.0  | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | R57-00074 / 4.0  | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | R57-00081 / 4.0  | - / -            |                 |                |                  |
|     |     |     | SE  | SW  |     | NEIL, J. M.  | 57-00070 /       | 57-00070 /       |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | 57-07267 / 5.0   | 57-07267 / 5.0   |                 |                |                  |
|     |     |     | SE  | SW  |     | COX, SHIRLEY | P57-07267 / 40.0 | P57-07267 / 40.0 |                 |                |                  |

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| 04S 01E 31 | NE | NE  | COX     | SHIRLEY   | A57-00055 | / 9.0 | - | /        | 35.0 | 18 | 18 |
|------------|----|-----|---------|-----------|-----------|-------|---|----------|------|----|----|
| NE         | NE | COX | SHIRLEY | A57-00055 | / 9.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | R57-00079 | / 9.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | A57-00040 | / 6.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | A57-00049 | / 6.0     | -     | / | 57-00049 |      |    |    |
| NE         | NE | COX | SHIRLEY | A57-00050 | / 6.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | A57-00054 | / 6.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | A57-00058 | / 9.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | A57-00072 | / 9.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | A57-00074 | / 9.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | A57-00079 | / 9.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | A57-00081 | / 9.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | A57-00049 | / 6.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | R57-00050 | / 6.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | R57-00054 | / 6.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | R57-00055 | / 9.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | R57-00058 | / 9.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | R57-00072 | / 9.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | R57-00074 | / 9.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | R57-00081 | / 9.0     | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | R57-00040 | / 13.0    | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | 57-07267  | / 35.0    | -     | / |          |      |    |    |
| NE         | NE | COX | SHIRLEY | P57-07267 | / 40.0    | -     | / |          |      |    |    |

| 04S 01E 31 | SW | NE          | COX     | SHIRLEY    | A57-00055 | / 5.0 | - <th>/</th> <th>26.0</th> <th>20</th> <th>20</th> | / | 26.0 | 20 | 20 |
|------------|----|-------------|---------|------------|-----------|-------|----------------------------------------------------|---|------|----|----|
| SW         | NE | COX         | SHIRLEY | A57-00055  | / 5.0     | -     | /                                                  |   |      |    |    |
| SW         | NE | COX         | SHIRLEY | R57-00079  | / 5.0     | -     | /                                                  |   |      |    |    |
| SW         | NE | COX         | SHIRLEY | R57-00081  | / 5.0     | -     | /                                                  |   |      |    |    |
| SW         | NE | COX         | SHIRLEY | A57-000568 | / 5.0     | -     | /                                                  |   |      |    |    |
| SW         | NE | COX         | SHIRLEY | A57-00072  | / 5.0     | -     | /                                                  |   |      |    |    |
| SW         | NE | COX         | SHIRLEY | A57-00074  | / 5.0     | -     | /                                                  |   |      |    |    |
| SW         | NE | COX         | SHIRLEY | A57-00079  | / 5.0     | -     | /                                                  |   |      |    |    |
| SW         | NE | COX         | SHIRLEY | A57-00081  | / 5.0     | -     | /                                                  |   |      |    |    |
| SW         | NE | COX         | SHIRLEY | R57-00055  | / 5.0     | -     | /                                                  |   |      |    |    |
| SW         | NE | COX         | SHIRLEY | R57-00058  | / 5.0     | -     | /                                                  |   |      |    |    |
| SW         | NE | COX         | SHIRLEY | R57-00072  | / 5.0     | -     | /                                                  |   |      |    |    |
| SW         | NE | COX         | SHIRLEY | R57-00074  | / 5.0     | -     | /                                                  |   |      |    |    |
| SW         | NE | NEIL, J. M. |         | 57-00056   | /         | -     | /                                                  |   |      |    |    |
| SW         | NE | COX         | SHIRLEY | 57-07267   | / 26.0    | -     | /                                                  |   |      |    |    |
| SW         | NE | COX         | SHIRLEY | P57-07267  | / 40.0    | -     | /                                                  |   |      |    |    |

| 04S 01E 31 | SE | NE          | COX     | SHIRLEY    | A57-00055 | / 27.0 | - | / | 25.0 | 15 | 15 |
|------------|----|-------------|---------|------------|-----------|--------|---|---|------|----|----|
| SE         | NE | COX         | SHIRLEY | A57-00055  | / 27.0    | -      | / |   |      |    |    |
| SE         | NE | COX         | SHIRLEY | R57-00079  | / 27.0    | -      | / |   |      |    |    |
| SE         | NE | COX         | SHIRLEY | R57-00081  | / 27.0    | -      | / |   |      |    |    |
| SE         | NE | COX         | SHIRLEY | A57-000568 | / 27.0    | -      | / |   |      |    |    |
| SE         | NE | COX         | SHIRLEY | A57-00072  | / 27.0    | -      | / |   |      |    |    |
| SE         | NE | COX         | SHIRLEY | A57-00074  | / 27.0    | -      | / |   |      |    |    |
| SE         | NE | COX         | SHIRLEY | A57-00079  | / 27.0    | -      | / |   |      |    |    |
| SE         | NE | COX         | SHIRLEY | A57-00081  | / 27.0    | -      | / |   |      |    |    |
| SE         | NE | COX         | SHIRLEY | R57-00055  | / 27.0    | -      | / |   |      |    |    |
| SE         | NE | COX         | SHIRLEY | R57-00058  | / 27.0    | -      | / |   |      |    |    |
| SE         | NE | COX         | SHIRLEY | R57-00072  | / 27.0    | -      | / |   |      |    |    |
| SE         | NE | COX         | SHIRLEY | R57-00074  | / 27.0    | -      | / |   |      |    |    |
| SE         | NE | NEIL, J. M. |         | 57-00056   | /         | -      | / |   |      |    |    |
| SE         | NE | COX         | SHIRLEY | 57-07267   | / 25.0    | -      | / |   |      |    |    |
| SE         | NE | COX         | SHIRLEY | P57-07267  | / 40.0    | -      | / |   |      |    |    |

| 04S 01E 31 | NE | SW  | COX     | SHIRLEY    | A57-00055 | / 10.0 | - | / | 35.0 | 27 | 27 |
|------------|----|-----|---------|------------|-----------|--------|---|---|------|----|----|
| NE         | SW | COX | SHIRLEY | A57-00055  | / 10.0    | -      | / |   |      |    |    |
| NE         | SW | COX | SHIRLEY | R57-00081  | / 10.0    | -      | / |   |      |    |    |
| NE         | SW | COX | SHIRLEY | A57-000568 | / 7.0     | -      | / |   |      |    |    |







# OVERLAP ANALYSIS FOR 27-0005613 - HART CREEK

57-00055, 00072, 00074, 00079 & 00081  
BROWN'S CK.

57-00049 - CATHERINE CK.

| HART CREEK       | 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      |       |              |
| REC. AT .02      | 0005613 |     | 45  | 1E  | 29    |    |    |    |    |    |    |    |    |    | 6  | 3  |    |    |    |         | 9     |              |
| CFS/AC X         |         |     |     |     |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |         |       |              |
| 120 = 2.4 CFS    |         |     |     |     | 31    | 18 | 20 | 15 |    |    |    | 1  | 11 |    |    |    |    | 22 |    |         | 87    |              |
| + DITCH LOSS     |         |     |     |     | 32    |    |    |    |    |    | 1  | 23 |    |    |    |    |    |    |    |         | 24    |              |
| (2.88 CFS) =     |         |     |     |     |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |         |       |              |
| TOTAL - 5.28 CFS |         |     |     |     | TOTAL |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL - | 120   |              |

| BROWNS CK.   | 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 |       |              |
| REC. AT .03  | 00055  |     | 45  | 1E  | 29    |    |    |    |    |    |    |    |    |    | 6  | 3  |    |    |    |    | 9     |              |
| CFS/AC PER   |        |     |     |     |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
| EXC. FLOW    | 00072  |     |     |     | 31    | 18 | 20 | 15 |    |    |    | 1  | 27 | 2  | 25 |    |    | 22 |    |    | 130   |              |
| SHEET = 192  | 00074  |     |     |     | 32    |    |    |    |    |    | 1  | 23 |    |    |    |    |    |    |    |    | 24    |              |
| X .03 = 5.76 | 00079  |     | 55  | 1W  | 1     | 18 | 4  | 7  |    |    |    |    |    |    |    |    |    |    |    |    | 29    |              |
| + DITCH LOSS | 00081  |     |     |     | TOTAL |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL | 192          |
| = 3.02 CFS = |        |     |     |     |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
| 8.78 CFS     |        |     |     |     |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
| TOTAL        |        |     |     |     |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |

| CATHERINE CREEK - REC. | 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 |       |              |
| AT .035 CFS/AC         | 00049  |     | 45  | 1E  | 29    |    |    |    |    |    |    |    |    |    | 6  | 3  |    |    |    |    | 9     |              |
| X .46 = 1.61 CFS       |        |     |     |     | 31    | 13 |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 13    |              |
| + DITCH LOSS OF        |        |     |     |     | 32    |    |    |    |    |    | 1  | 23 |    |    |    |    |    |    |    |    | 24    |              |
| 1.32 CFS PER A         |        |     |     |     |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
| TOTAL OF 288 CFS       |        |     |     |     | TOTAL |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL | 46           |

| TOTAL ACRES UNDER ALL OF THE ABOVE RIGHTS | 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 |       |              |
|                                           |        |     | 45  | 1E  | 29 |    |    |    |    |    |    |    |    |    | 6  | 3  |    |    |    |    | 9     |              |
|                                           |        |     |     |     | 31 | 18 | 20 | 15 |    |    |    | 1  | 27 | 2  | 25 |    |    | 22 |    |    | 130   |              |
|                                           |        |     |     |     | 32 |    |    |    |    |    | 1  | 23 |    |    |    |    |    |    |    |    | 24    |              |
|                                           |        |     | 55  | 1W  | 1  | 18 | 4  | 7  |    |    |    |    |    |    |    |    |    |    |    |    | 29    |              |

(DID NOT USE HARTCK. SINCE .02 CFS/AC IS LESS)

CATHERINE BROWNS

TOTAL - 192

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WHEN ALL COMBINED

MAX. DITCH RATE =  $46 \times .035$  +  $146 \times .03$  = 5.99 CFS + 7.78 CFS DITCH LOSS = 13.77 CFS UNDER

(1.61 CFS) + (4.38 CFS)

PRESUMPTION FLAG: D

REMARKS:

Place of use is the same as it always has been (except for expansion) - only changed acres are a result of map discrepancies when the lots were not drawn or correctly dividing claims taking. That area more than claimed will require an amended claim. \*

RECOMMENDATIONS:

TOTAL ACRES: 192

REVIEWED BY: [Signature]

DATE: 11-1-91

Acres have expanded for the orig. deeded right under this claim. However, expansion is only by permissible place of use & show where all the acres originated by the P.O. & water under this right as used. Expansion allowed or deeded as due to change in portion expansion. It will use Cond. # 101. Expansion occurred around 1910 to 1920\* according to claimant. \* (late 1920's when claimants parents purchased properties) \* Notified claimant - she agreed with recommendation for more acres - discrepancy when filing claims Acres paid for under other overlaps - 00049 & 00050 & 00051.

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A. AJ CLAIMED USES:

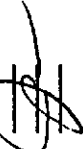
| PURPOSES                            | MONTH/DAY           | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| A57-00055 IRRIGATION                | FROM 03-01 TO 11-15 | 3.360 CFS          |
| A57-00055 STOCKWATER                | FROM 01-01 TO 12-31 | .240 CFS           |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |                     | 3.360 CFS          |

B. WR RECORDED USES:

| PURPOSES                            | MONTH/DAY | DIVERSION QUANTITY |
|-------------------------------------|-----------|--------------------|
| 57-00055 IRRIGATION                 | FROM TO   | 3.360 CFS          |
| 57-00055 DOMESTIC                   | FROM TO   | 3.360 CFS          |
| 57-00055 STOCKWATER                 | FROM TO   | 3.360 CFS          |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |           | 3.360 CFS          |

PRESUMPTION FLAG: D

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

*Sept's standards are 3-15 to 11-15 for this area. Early late diversions will be covered under the Gen. Provisions. Stockwater season of use way round OK'd per Dave (I have since Catherine will discuss mentions stockwater as a use of this right specifically. No domestic use now made.*

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

AJ TOTAL CLAIMED DIVERSION RATE: 3.360 CFS  
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.360 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) Y

B. MEASUREMENT METHOD MANNINGS FLOW MEASUREMENT

*Ditch can carry 22.13 cfs  
See attached sheet.*

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

OTHER RIGHTS LISTED IN CLAIM: ~~57-00040~~/00049/00050/00054/00055/00081/002233, 00672, 00074 + 00079 + 00081

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM      | SOURCE          | NAME          | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|-----------------|---------------|-----------|----------------|-----------|----------------|
| A57-00055  | BROWNS CREEK    | COX , SHIRLEY | 3.360     | 0.018          |           |                |
| R57-00079  | BROWNS CREEK    | COX , SHIRLEY | 1.840     | 0.010          |           |                |
| A57-00050  | CATHERINE CREEK | COX , SHIRLEY | 4.200     | 0.015          |           |                |
| R57-00040  | CATHERINE CREEK | COX , SHIRLEY | 5.000     | 0.020          |           |                |
| A57-00054  | CATHERINE CREEK | COX , SHIRLEY | 0.480     | 0.001          |           |                |
| A57-00056B | HART CREEK      | COX , SHIRLEY | 6.240     | 0.052          |           |                |
| A57-00072  | BROWNS CREEK    | COX , SHIRLEY | 0.900     | 0.004          |           |                |
| A57-00074  | BROWNS CREEK    | COX , SHIRLEY | 1.870     | 0.010          |           |                |
| A57-00079  | BROWNS CREEK    | COX , SHIRLEY | 1.840     | 0.010          |           |                |
| A57-00081  | BROWNS CREEK    | COX , SHIRLEY | 1.000     | 0.005          |           |                |
| R57-00050  | CATHERINE CREEK | COX , SHIRLEY | 4.200     | 0.015          |           |                |
| R57-00054  | CATHERINE CREEK | COX , SHIRLEY | 0.480     | 0.001          |           |                |
| R57-00055  | BROWNS CREEK    | COX , SHIRLEY | 3.360     | 0.018          |           |                |
| R57-00056B | HART CREEK      | COX , SHIRLEY | 6.240     | 0.052          |           |                |
| R57-00072  | BROWNS CREEK    | COX , SHIRLEY | 0.900     | 0.004          |           |                |
| R57-00074  | BROWNS CREEK    | COX , SHIRLEY | 1.870     | 0.010          |           |                |
| R57-00049  | CATHERINE CREEK | COX , SHIRLEY | 8.040     | 0.030          |           |                |
| R57-00081  | BROWNS CREEK    | COX , SHIRLEY | 1.000     | 0.005          |           |                |

MANNING EQUATION CHANNEL CAPACITY RESULTS

08-30-1980

File Number: 57-00055  
Claimant: SHIRLEY COX  
Channel measured: BROWNS CREEK  
Date of measurement: 11-12-91  
Measurement location:

S.24

Calculation prepared by: JAN SHURTE  
Comments about the measurement:

The results of the calculation are:

The length of the channel measured is %13700 feet.  
The upstream and downstream rod readings are %2825 and %2980 feet.  
The channel cross section is 6.15 ft-sq.  
The wetted perimeter is 7.11 feet.  
The hydraulic radius is 0.87 feet.  
The slope is 0.0113  
The roughness coefficient is 0.0400  
The flow velocity is 3.598 ft/sec.  
The rate of flow is 22.13 cfs.

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CROSS SECTION NUMBER 1

For File Number 57-00055 for the BROWNS CREEK

| Number | Rod<br>Reading | Water<br>Depth | Distance |
|--------|----------------|----------------|----------|
| 1      | 0.00           | 0.00           | 0.00     |
| 2      | 0.80           | 0.80           | 1.00     |
| 3      | 1.60           | 1.60           | 2.00     |
| 4      | 2.50           | 2.50           | 3.00     |
| 5      | 1.25           | 1.25           | 4.00     |
| 6      | 0.00           | 0.00           | 5.00     |

The area for this cross section is 6.15 square feet  
and the wetted perimeter is 7.11 feet.

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DIV.  
VOL./ACREDIV. RATE  
RATE/ACRE

NAME

CLAIM NO.

SOURCE

COX, SHIRLEY

BROWNS CREEK

1.000 0.005

NO RIGHTS WITH SAME POJ BUT NOT USED FOR IRRIGATION

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE 3.84 CFS  
ACRES 192 x 0.02 CFS/ACRE = 3.84 CFS  
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y( ) N(X) <sup>FOR THIS ONE</sup>

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 633.5 AF/A

ACRES 192 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5TOTAL CONSUMPTIVE USE 672 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = N/A AF/AACRES        x DIVERSION VOL. AF/A FOR AREA       TOTAL DIVERSION VOLUME        AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y( ) N(X)

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

See Pg. 15 for remarks  
& condition's explanation  
for each one.

Excessive flow sheet com-  
pleted & attached showing  
.03 cfs/acre at 39% efficiency, good  
for flood irrig. / gravity flow system.  
May. cfs at .03 x 192 = 5.76 cfs.  
This it. is being recommended  
totally for 5.36 cfs of this 5.76 cfs.  
57-60072 & 74 will make up  
the rest, then .37 cfs of 0074 along  
with 1.84 cfs of 0079 & .81 cfs of  
0081 will total the 3.02 cfs needed  
for ditch loss. Both the spec. flow  
sheet & ditch loss calc. sheet are  
attached.

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DATE: 11-13-91.  
ID NO. BROWNS CK.

CLAIMANT: S. Cox

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LARGEST SUMMARY MONTHLY VALUE 6.99, DIVIDE BY SUMMARY IRR. EFF. = 18.16 MM/DAY, MULTIPLY BY 0.001657 = .03 CFS/ACRE FIELD REQUIREMENT, ADD FARM APPLICATION LOSS N/A CFS/AC. = 4.14 CFS/AC., MULTIPLY BY SUMMARY ACRES = 5.26 CFS FIELD REQUIREMENT. ADD CONVENANCE LOSS OF 3.02 CFS = 8.28 CFS DIVERSION REQUIREMENT. DIVIDE BY SUMMARY ACRES TO CHECK CFS/ACRE = .046 AT THE DIVERSION

MAZUMA - ALFALFA - 37 ACRES - 18 HRS  
PER EA. 16 AC

$$NIA = 3.68''$$

$$GIA = \frac{43,200 \times 8.97 \text{ CFS} \times 55.5 \text{ HRS}}{1,611,720 \text{ SQ FT}}$$

$$GIA = 13.34''$$

$$IE = \frac{3.68}{13.34} = 28\%$$

GARBUTT - ALFALFA - 155 AC - 18 HRS  
PER EA. 16 AC

$$NIA = 5.45''$$

$$GIA = \frac{43,200 \times 8.97 \text{ CFS} \times 232.5 \text{ HRS}}{6,751,800}$$

$$GIA = 13.34''$$

$$IE = \frac{5.45''}{13.34''} = 41\%$$

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## IRRIGATION FLOW RATE QUESTIONNAIRE

THIS INFORMATION IS REQUIRED FOR ANY ADJUDICATION CLAIM(S) FOR WHICH THE IRRIGATION FLOW RATE CLAIMED IS MORE THAN 0.02 CFS PER ACRE (ONE EXCEPTION IS THAT 0.03 CFS PER ACRE MAY BE ALLOWED FOR IRRIGATION OF UP TO 5 ACRES).

CLAIM NO(S). A57-00055, 00072, 00074, 00079 & 00081

NAME SHIRLEY COX

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_

1. TOTAL IRRIGATED ACRES SHOWN ON CLAIM(S) REFERENCED ABOVE 192 ACRES.

2. SHOW THE NUMBER OF ACRES OF CROPS GROWN FOR YOUR IRRIGATION SYSTEM(S) DURING A TYPICAL SEASON

|              | Border | Furrow | Corrugation | Sprinkler | Contour Ditch | Other |
|--------------|--------|--------|-------------|-----------|---------------|-------|
| Alfalfa      |        |        |             |           |               | 192   |
| Beans        |        |        |             |           |               |       |
| Field Corn   |        |        |             |           |               |       |
| Silage       |        |        |             |           |               |       |
| Spring Grain |        |        |             |           |               |       |
| Winter Wheat |        |        |             |           |               |       |
| Orchard      |        |        |             |           |               |       |
| Pasture      |        |        |             |           |               |       |
| Potatoes     |        |        |             |           |               |       |
| Sugar Beets  |        |        |             |           |               |       |
| Other        |        |        |             |           |               |       |

PLEASE COMPLETE ITEMS 3 THROUGH 8 FOR EACH OF THE IRRIGATION SYSTEM TYPES SPECIFIED ABOVE

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## INSTRUCTIONS FOR IRRIGATION FLOW RATE QUESTIONNAIRE

The information required in this questionnaire will describe your water delivery system and irrigation methods. This information is essential in order for staff of IDWR to evaluate your irrigation water requirements. Much of the information is technical, and you may wish to contact the Soil Conservation Service or other professionals for assistance with this form.

Please provide your name, address, and phone number where you may be contacted for further information or clarification. Include the claim number(s) for those claims where the irrigation flow rate is more than 0.02 cfs (1 miner's inch) per acre.

1. provide the total number of acres irrigated for the claims listed.
2. provide a breakdown in acres of the types of crops grown in a typical irrigation season for each of your irrigation system types.

Items 3 through 8 must be completed for each of the irrigation system types you specified in item 2. This information must be completed as accurately as possible. All information must be based on peak water use during the irrigation season.

### **Inflow -**

this is the flow of water applied to an individual furrow, border, ditch, etc.; proper evaluation requires good accuracy

### **spacing or width -**

this is the distance between individual furrows, border ridges, sprinkler laterals, etc.

### **length -**

this is the maximum length of run of furrows, corrugations, borders etc.

### **field slope -**

this is the slope of the field in the direction of the run of furrows, borders, etc.; specify in percent or give units if specified otherwise

### **set time -**

this is the number of hours that water is applied during an irrigation set

### **frequency -**

this is the number of days between irrigation start times of the same set of furrows or border(s) etc.

9. complete the appropriate items for the main ditch from the point of diversion to the farm; if this ditch is shared by other water users a more complete description of the system will be required

Items 10, 11, 12, and 13 see questionnaire.

3.

## BORDER (COMPLETE BELOW BASED ON PEAK USE)

|                        |                     |                           |
|------------------------|---------------------|---------------------------|
| inflow to border (cfs) | border width (feet) | border length (feet)      |
| field slope (%)        | set time (hours)    | number of borders per set |
| frequency (days)       |                     |                           |

4.

## FURROW (COMPLETE BELOW BASED ON PEAK USE)

|                        |                         |                           |
|------------------------|-------------------------|---------------------------|
| inflow to furrow (gpm) | furrow spacing (inches) | furrow length (feet)      |
| field slope (%)        | set time (hours)        | number of furrows per set |
| frequency (days)       |                         |                           |

5.

## CORRUGATION (COMPLETE BELOW BASED ON PEAK USE)

|                       |                        |                                |
|-----------------------|------------------------|--------------------------------|
| inflow to corr. (gpm) | corr. spacing (inches) | corr. length (feet)            |
| field slope (%)       | set time (hours)       | number of corrugations per set |
| frequency (days)      |                        |                                |

6.

## SPRINKLER (COMPLETE BELOW BASED ON PEAK USE)

|                            |                        |
|----------------------------|------------------------|
| average nozzle flow (gpm)  | nozzle spacing (feet)  |
| lateral length (feet)      | lateral spacing (feet) |
| number of laterals per set | set time (hrs.)        |
| frequency (days)           |                        |

7.

## CONTOUR DITCH (COMPLETE BELOW BASED ON PEAK USE)

|                           |                                 |
|---------------------------|---------------------------------|
| inflow to ditch (cfs)     | field slope (%)                 |
| ditch length (feet)       | distance between ditches (feet) |
| number of ditches per set | set time (hours)                |
| frequency (days)          |                                 |

8. OTHER IRRIGATION SYSTEM TYPE (specify)  
(COMPLETE BELOW BASED ON PEAK USE)

8.97 CFS  
inflow (cfs)

01  
field slope (%)

ONCE EVERY 45 DYS  
frequency (days)

AVE. FIELD - 12 AC (192' x 10' FIELD)  
total area irrigated per set (acres)

12 HRS TO 24 HRS  
set time (hrs.)

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9.

CONVEYANCE FROM SOURCE TO FARM

UNLINED DITCH-SPECIFY SOIL TYPE \_\_\_\_\_

length (feet) \_\_\_\_\_

ave. depth from land surface (inches) \_\_\_\_\_

ave. top width of water surface (inches) \_\_\_\_\_

LINED DITCH-SPECIFY TYPE OF LINING \_\_\_\_\_

length (feet) \_\_\_\_\_

ave. depth from land surface (inches) \_\_\_\_\_

ave. top width of water surface (inches) \_\_\_\_\_

PIPELINE

length (feet) \_\_\_\_\_

\_\_\_\_\_ diameter (inches)

IS THIS CONVEYANCE SYSTEM SHARED BY OTHER WATER USERS? \_\_\_\_\_

IF YES, PLEASE DESCRIBE OR SKETCH THE SYSTEM SHOWING THE NUMBER OF WATER USERS, LOCATION OF HEADGATES, LENGTHS ETC.

DATE: 11-13-91

ID. NO. BROWNS CK.

**VEGES USE BELOW**

2 CABBAGE, BROCCOLI, CAULIFLOWER, SPINACH  
4 FRACTION OF AWC READILY AVAILABLE TO CROP

ABLE TO CROP  
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# SNAKE RIVER ADJUDICATION SOIL PROFILES

BROWNS CK.

TECH: JS

DATE: 11-13-91

| SOIL: SAMPLE |                 |      |
|--------------|-----------------|------|
| DEPTH        | AVAILABLE WATER |      |
|              |                 |      |
| 0            | 0.12            | 0    |
| 12           |                 | 1.44 |
| 14           | 0.04            | 1.68 |
| 24           |                 | 2.08 |
| 36           |                 | 2.56 |
| 48           |                 | 3.04 |
| 60           |                 | 3.52 |
|              |                 |      |
|              |                 |      |
|              |                 |      |

| SOIL:  |                 |        |
|--------|-----------------|--------|
| DEPTH  | AVAILABLE WATER |        |
| INCHES | IN/IN           | INCHES |
|        |                 |        |
|        |                 |        |
|        |                 |        |
|        |                 |        |
|        |                 |        |
|        |                 |        |
|        |                 |        |
|        |                 |        |
|        |                 |        |
|        |                 |        |

TECH: JS

DATE: \_\_\_\_\_

| SOIL: <u>GARBUTT</u> |                 |        |
|----------------------|-----------------|--------|
| DEPTH                | AVAILABLE WATER |        |
| INCHES               | IN/IN           | INCHES |
| 0                    | .20             | 0      |
| 5                    | .18             | 1.0    |
| 12                   |                 | 2.26   |
| 24                   |                 | 4.42   |
| 36                   |                 | 6.58   |
| 48                   |                 | 8.74   |
| 60                   |                 | 10.9   |
|                      |                 |        |
|                      |                 |        |
|                      |                 |        |

| SOIL:  |                 |        |
|--------|-----------------|--------|
| DEPTH  | AVAILABLE WATER |        |
| INCHES | IN/IN           | INCHES |
|        |                 |        |
|        |                 |        |
|        |                 |        |
|        |                 |        |
|        |                 |        |
|        |                 |        |
|        |                 |        |
|        |                 |        |
|        |                 |        |
|        |                 |        |

TECH: JS

DATE: \_\_\_\_\_

| SOIL: <u>MAZUMA</u> |                 |        |
|---------------------|-----------------|--------|
| DEPTH               | AVAILABLE WATER |        |
| INCHES              | IN/IN           | INCHES |
| 0                   | .125            | 0      |
| 12                  |                 | 1.5    |
| 16                  | .115            | 2.0    |
| 24                  |                 | 2.92   |
| 36                  |                 | 4.3    |
| 40                  | .13             | 4.76   |
| 48                  |                 | 5.8    |
| 60                  |                 | 7.36   |
|                     |                 |        |
|                     |                 |        |
|                     |                 |        |

| SOIL:  |                 |        |
|--------|-----------------|--------|
| DEPTH  | AVAILABLE WATER |        |
| INCHES | IN/IN           | INCHES |
|        |                 |        |
|        |                 |        |
|        |                 |        |
|        |                 |        |
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|        |                 |        |

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ROBERT WROSTEN  
BASED ON SOUTHERN  
IDAHO JOINS.

BROWN'S CH. - A57-00055, 00072, 00074, 00079, 00081

# 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

**Table:**

| 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             |

DITCH SIZE  
 5' WIDE  
 30" DEEP

**Worksheet:**  $S = ( \underline{5} \text{ ft} ) ( \underline{2.0} \text{ ft/day} ) ( 0.0667 )$   
 $S = \underline{.67} \text{ cfs/mi}$

Conveyance loss =  $(S)(\text{length of ditch in miles})$   
 Conveyance loss =  $( \underline{.67} \text{ cfs/mi} ) ( \underline{4.5} \text{ mi} ) ( \text{TO BEG. OF FIELD} )$   
 Conveyance loss =  $\underline{3.02} \text{ cfs}$

RECOMMENDATIONS:

| REC.<br>PURPOSES     | REC. PERIOD<br>FROM TO | REC. DIV<br>RATE CFS | REC. DIV<br>VOL. AF/A |  | DATABASE | EXAMINER | REC. CONS.<br>USE |          |
|----------------------|------------------------|----------------------|-----------------------|--|----------|----------|-------------------|----------|
|                      |                        |                      |                       |  |          |          | DATABASE          | EXAMINER |
| IRRIGATION           | 3-15 11-15             | 3.36                 | N/A                   |  |          |          |                   | 672      |
| STOCKWATER           | 1-1 12-31              | 24                   | N/A                   |  |          |          |                   | N/A      |
| TOTAL FOR THIS RIGHT |                        | 3.36                 | N/A                   |  |          |          |                   | 672      |

REVIEWED BY: [Signature] DATE: 11-1-91

E01- Overlaps with other Browns Ch. rts, Catherine Ch. rt. + short Ch. rt.  
Using the .035 cfs allowed for Catherine Ch (see 00049) x the 16 acres  
on that rt., plus the remaining 146 acres under the .03 cfs/acre  
allowed on Browns Ch. rts. = 7.61 cfs + 4.38 cfs totalling 5.99 cfs.  
plus the ditch loss for Catherine Ch ditch (00049 - 6.27 cfs), short Ch.  
ditch (00056B - 2.88 cfs) and Browns Ch. ditch (see 002 cfs) = 7.17 cfs + 5.99  
cfs = the 13.16 cfs div. is to limit in this cond. Cons. use based  
on the total 192 acres irrig. under all 3 rts. See attached  
overlap analysis sheet for more detailed info. on acres.  
F06- All Browns Ch. rights divert from same P.O. (00055, 00072, 00074, 00079, 00081).  
003- 5.02 cfs of Right No's 59-00074, 00079 + 00081 is limited for conveyance  
of this right - See pg. 14 for explanation of Browns Ch. ditch losses.  
001 } To take care of expansion + change due to permissible pl. of use.  
005 }

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED AS CLAIMED ☒ NEEDS REVIEW ☐  
☒ ☐  
☒ ☐  
☒ ☐

OWNERSHIP                       
 FORFEIT/ABANDON                       
 ADDITIONAL DIV. AMOUNT                     

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 57-00055

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

| OLD RIGHT NUMBERS | CURRENT CLAIM NUMBERS | DIVERSION RATE | DATABASE | EXAMINER   | CFS | WR RIGHT NUMBERS | DIVERSION RATE |
|-------------------|-----------------------|----------------|----------|------------|-----|------------------|----------------|
| -                 | A57-00055             | 3.360          | 3.360    | <u>yes</u> |     | 57-00055         | 3.360          |

TOTAL CFS

3.360

3.360

3.360

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)

DATABASE  
Y

FIELD EXAMINER

[Signature]

REMARKS:

Discrepancy in 900 x acres due to the way the map was drawn for claims taking the Govt. lots included. Also, discrepancy in decedent's records of use in what is now irrigated was shown in the late 1920's when claimants wanted to purchase their lands.

AUTHENTICATION:

SIGNATURE:

[Signature]

DATE: 11-1-91

NAME OF FIELD EXAMINER:

JAN SHURTLE

TITLE: WR, R.T.S. SUPERVISOR

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04S01E

**LOTS**

[illegible]

110

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05S01W

[illegible]

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SYSTEM DESCRIPTION ATTACHMENT TO CLAIM VERIFICATION REPORT

CLAIM NO. 5 A57-00055, 00072, 00074, 00079 & 00081- Brown's Ch.

Small div. dam in ditch diverts to lands  
via a 5' wide 30" deep ditch approx. 4 1/2  
miles to lands. Gravity flow and flood  
irrigation.

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