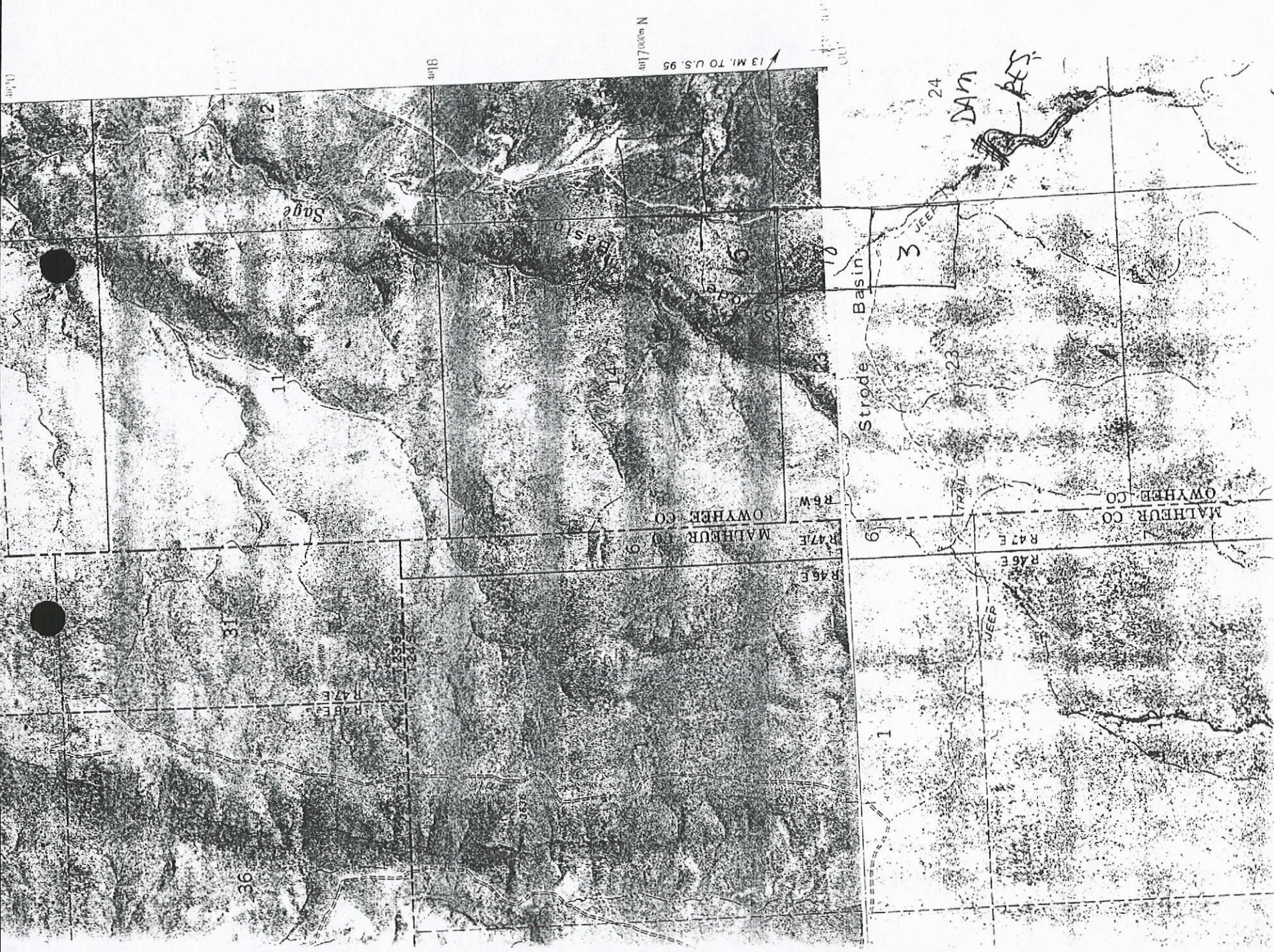




57-02313

POD SE, NW, SW Sec 24

T2N, R6W MICROFILMED

POOF

2671 III S
(HOMED

2 920 000 FEET
(OREG.) !!

498

R. 6 W.

499

117° 00'

43°30'

HOMEDALE, IDAHO 16 MI.

2'30"

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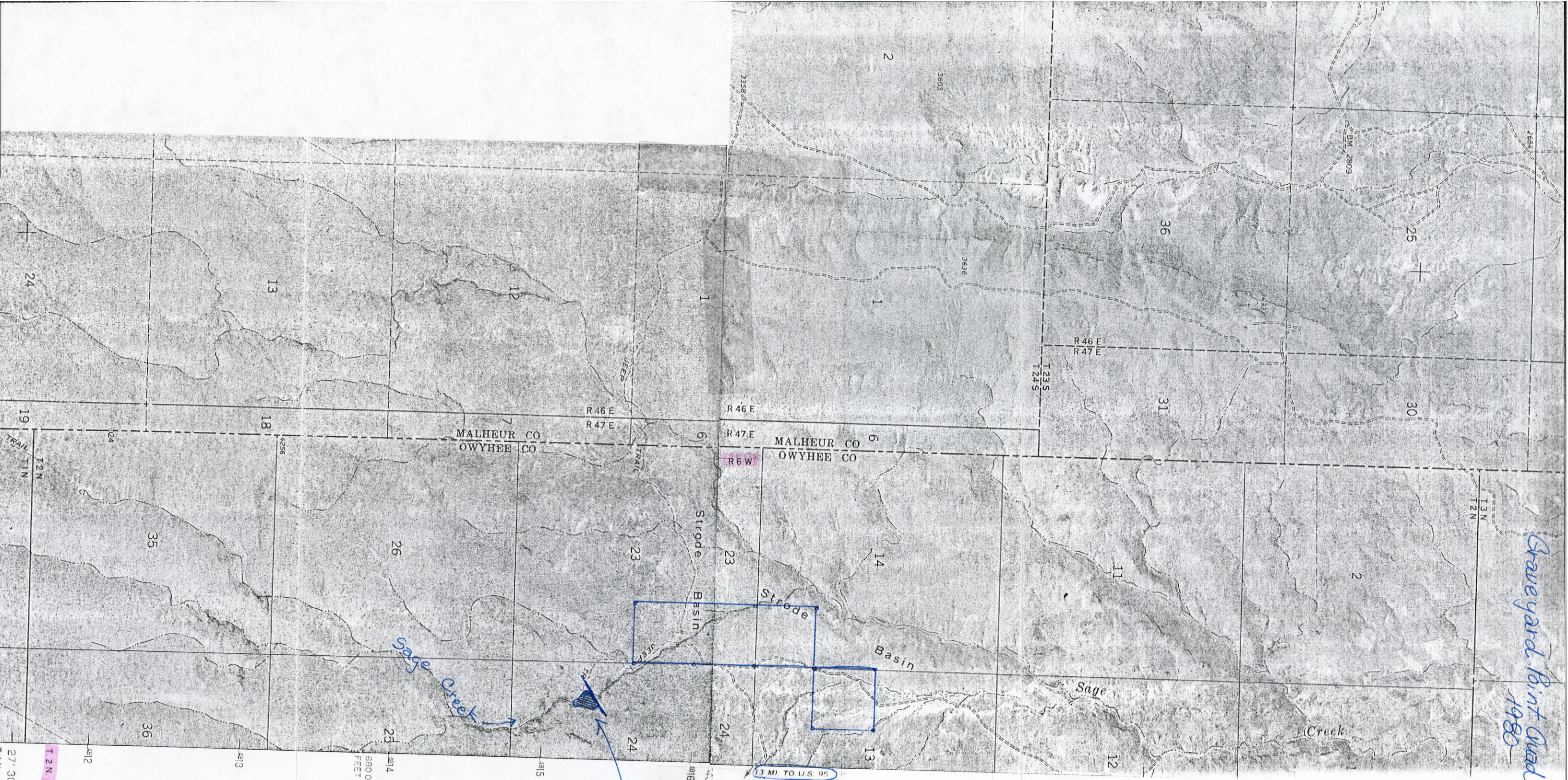
5)

CLAIM NUMBER 57-02313

✓ Denotes Public Land
Included in this Claim

JUL 20 1994

Graveyard Point Quad
1980

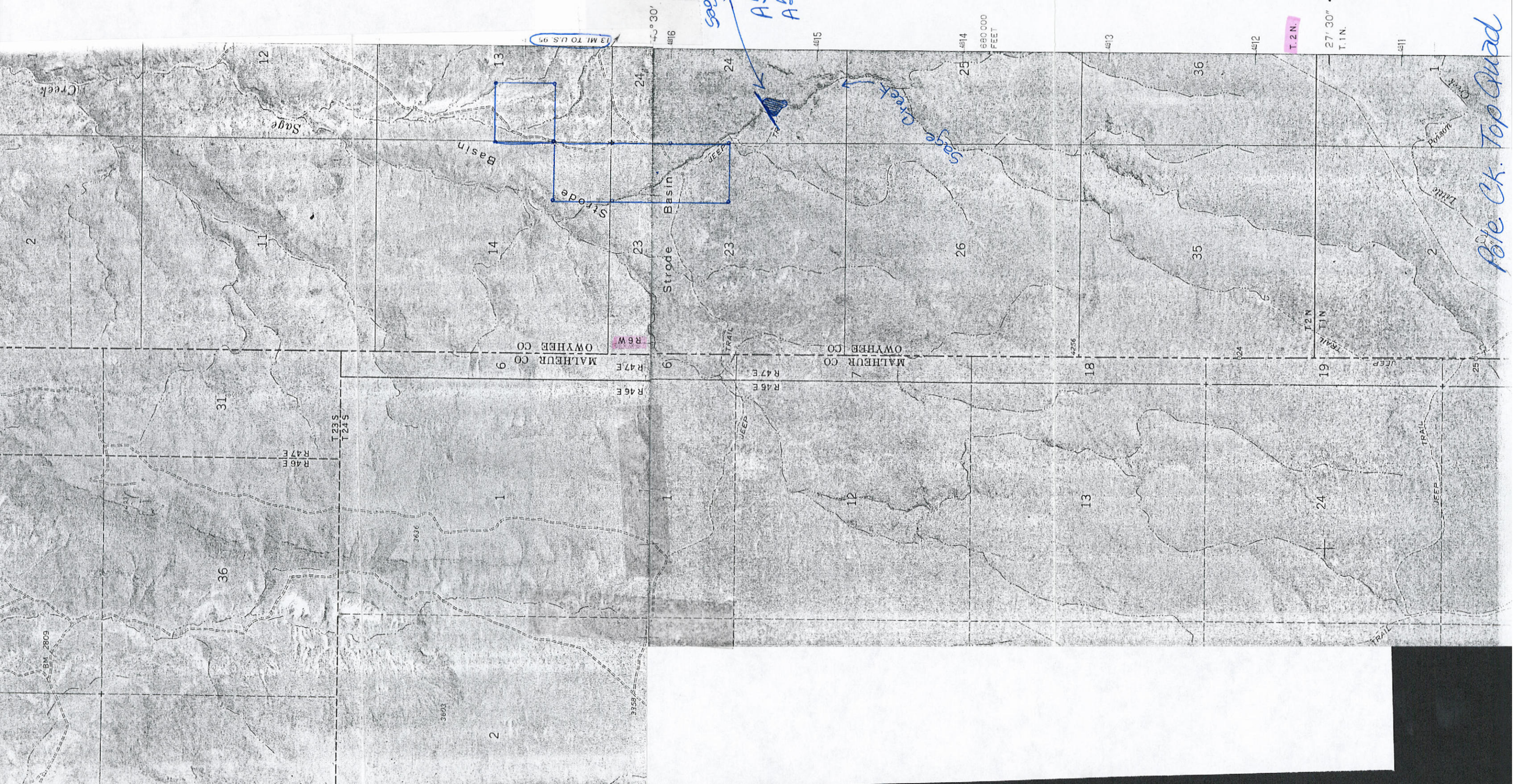


Sage Cr.
9/10 02313
A57-02331
A57-02331

MICROFILMED
OCT 07 1992
MICROFILMED

T2N

T2N



sage ck.
P/D 3/3
A57-02331
A57-02331

MICROFILMED
Oct 07 1992

T 2N

T 1N

Pole Ck. Top Quad

INVENTORY OF DAMS BY DAM NAME

28-Mar-1990

Page 2

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*****
DAM NAME                NUMBER      NAME OF OWNER      COUNTY      STREAM      IDF      LOCATION
INSP      DAM  DAM  STORAGE  HEIGHT  DRAINAGE  RES AREA  YEAR  CREST  -----SPILLWAY-----  CERT
DATE  PURPOSE  RISK  SIZE  TYPE  AC-FT  FT  SQ-MI  ACRES  COMP  LEN-FT  TYPE  DEPTH-FT  DISC-CFS  IDF-CFS  COND  EXPIR
*****
BISSELL CREEK
1289  EI      3    2    D65-12382  DAVE LITTLE FARMS
      EARTH      20    26.5    17.2    3    1975    300    BISSELL CREEK
      OVFL      5.5    894    Q100    35-08N-02W
      845    GD    1190

BLACK CANYON
889   IPR      1    1    D65-2288   U S BUREAU OF RECLAMATION
      CNGRV      29822   111.0    2712.0    1100    1924    1039    PAYETTE RIVER
      CNOVFL     17.5    39060    PMF     22-07N-01W
      192500   GD    1190

BLACKS CREEK
988   L      1    1    D63-0379   PLEASANT VALLEY IRRIGATION CO
      EARTH      3640    48.0    39.0    300    1915    1700    BLACKS CREEK
      RKCHAN     6.5    570    PMF     31-02N-03E
      0       GD    1190

BLACKSTOCK
0     I      3    3    D57-XX02   TED K BLACKSTOCK
      EARTH      93     19.8    3.4    20    OWYHEE
      PROP      750    SQUAW CREEK (OS)
      ERCHAN     3.0    0    Q50     03-01N-04W
      0       UF    0

BLACKWELL (FALL CREEK)
887   L      3    2    D65-2923   JOHN C STRINGER
      RKMAS      178     6.0    2.3    37    VALLEY
      1925     50    FALL CREEK
      OVFL      0.0    150    Q100    20-19N-04E
      0       FR    1187

BLIND HORSE
0     S      3    3    D57-7377   U S BUREAU OF LAND MGMT
      EARTH      3     15.0    0.6    1    OWYHEE
      PROP      255    TR-WEST SPRING CREEK
      3.0    0    Q50     27-07S-02W
      0       UF    0

BOGGEMAN
788   RH      2    3    D77-4053   WORTH BOGGEMAN
      EARTH      50     16.0    34.0    9    LEMHI
      1963     300    SILVER CREEK
      CNCHAN     7.0    375    Q100    27-18N-17E
      640    GD    1190

BOISE DIVERSION
988   IP      1    2    D63-2388   U S BUREAU OF RECLAMATION
      CNGRV      800    35.0    2800.0    80    ADA
      1908     500    BOISE RIVER
      CNOVFL     17.0    40000    0.5 PMF  03-02N-03E
      0       GD    1191

BOULDER LAKE
1088  I      2    2    D65-3115   ROSEBERRY IRRIGATION DIST
      RKMAS      1310    15.0    2.1    114    VALLEY
      1922     450    BOULDER CREEK
      OVFL      0.0    200    Q500    27-18N-04E
      160    GD    1190

BOULDER MEADOW
1088  I      2    2    D65-2963   JOHN CAREY AND RAY POTTER
      EARTH      490    30.0    3.7    39    VALLEY
      1968     580    BOULDER CREEK
      GLHOLE     5.0    300    Q500    28-18N-04E
      230    GD    1190

BOX LAKE
989   I      3    2    D65-10520   LAKE RESERVOIR CO
      EARTH      1295    10.0    0.8    145    VALLEY
      1935     200    BOX CREEK
      RPCHAN     4.0    134    Q100    33-20N-04E
      62     GD    1191

BROWN
689   I      3    2    D57-4005   DICK SHENK
      EARTH      80     25.0    0.5    10    OWYHEE
      1958     500    MCBRIDE CREEK (OS)
      ERCHAN     3.0    4    Q100    31-01S-05W
      43     GD    1191

BROWN
789   I      3    3    D65-7209   SIMCO LANDS
      EARTH      99     17.0    2.4    12    VALLEY
      1979     500    LAFFINWELL CREEK
      RPCHAN     5.5    169    Q50     17-16N-04E
      130    GD    1191

BROWN
887   I      3    2    D57-2313   EDWARD C BROWN ESTATE
      EARTH      8      21.0    4.0    3    OWYHEE
      1919     250    SAGE CREEK
      RKCHAN     7.0    334    Q100    24-02N-06W
      0       FR    0

BROWNLEE
588   P      1    1    D03-2018   IDAHO POWER CO
      ROCK      1426700  297.0    72800.0    15000    WASHINGTON
      1958    1380    SNAKE RIVER
      CNOVFL     63.0    307000    PMF     02-17N-05W
      0       EX    1190

```

see dam safety file.

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: A57-02313
Date Received: 12/14/1988
Receipt No: M002154
Received By: _____

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

1. Name: ALAN J. JOHNSTONE 208-337-3555
Address: RT 1 BOX 1251
HOMEDALE ID 83628

AND/OR

Name: NOLENE S. JOHNSTONE 208-337-3555
Address: RT 1 BOX 1251
HOMEDALE ID 83628

2. Date of Priority: JUL 30, 1917

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	06W	24	SE	NW	SW		OWYHEE

5. Description of diverting works:
DAM, LESS THEN 10 FEET, FORMS RES. LESS THEN 100 AF.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			65.80
IRRIGATION FROM STORAGE	05/01	08/31	0.260		

7. Total Quantity Appropriated is:
C.F.S. (and/or) 65.80 A.F.A.

8. Total consumptive use is 150.5 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

OCT 07 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	06W	13	NW SW		IRR S	7.0
					Section Acres	7.0
		14	SE SE		IRR S	15.0
					Section Acres	15.0
		23	NE NE		IRR S	18.0
			SE NE		IRR S	3.0
					Section Acres	21.0
					Total Acres	43.0

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:
57-2331.

14. Remarks:

PLACE OF USE AS SHOWN IN THIS RIGHT IS LICENSED UNDER 57-2331.
OWNERSHIP CHANGED BY KW ON 12/2/91.

15. Basis of Claim: LICENSE

Water Right Number: R74

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: _____

MICROFILMED

OCT 07 1992

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED

OCT 07 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

NOV 27 1991

Department of Water Resources
Bozeman Regional Office

DATE OF CLOSING: May 1, 1991

LEGAL DESCRIPTION OF PROPERTY: Township 02N Range 06W
Section See Water 1/4 of Right 1/4 of 1/4, GbH/Lot BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A57-02331/A57-02313
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Beverly A. Edwards / Helen E. Mead
Route # 1 Box 1115 Homedale, Idaho 83628 -Edwards
1629 South 136th. Omaha. NB. 68144 -Mead
- ☐ New Owner/Claimant (Purchaser):
Contract leave @ Alan J. Johnstone and Nolene S. Johnstone
- ☐ in Previous Owners New Mailing Address: Route # 1 Box 1251 Homedale, Idaho 83628
- ☐ New Telephone Number: (208) 337 - 3555
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Memorandum of Agreement

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

- ☐ Signature of New Owner/Claimant(s) Alan J. Johnstone Date
Nolene S. Johnstone Date
- ☐ Signature of Former Owner/Claimant(s): Beverly A. Edwards Date
Helen E. Mead Date

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

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OCT 07 1992

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

RECEIVED

NOV 27 1991

Department of Water Resources
Western Regional Office

MEMORANDUM OF AGREEMENT
FOR RECORDING

THE PARTIES hereto are BEVERLY EDWARDS, as her sole and separate property, as to an undivided one-half interest, and HELEN E. MEAD, as her sole and separate property, as to an undivided one-half interest, hereinafter referred to as "Seller", and ALAN J. JOHNSTONE and NOLENE S. JOHNSTONE, husband and wife, hereinafter referred to as "Buyer".

AGREEMENT: It is mutually agreed by and between the parties hereto as follows:

Premises. The Seller shall sell and the Buyer shall buy that real property, herein called "premises" (which term includes all improvements and fixtures thereon together with all water rights appurtenant thereto) situated in the County of Owyhee, State of Idaho, and described as follows, to-wit:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13; E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 14; E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 23; all in Township 2 North, Range 6 West, Boise Meridian, Owyhee County, Idaho.
(Strodes Basin)

Other Provisions. This Memorandum is subject to all of the terms and provisions of the formal agreement of the parties dated May 1, 1991, pertaining to the sale and purchase of the premises, which formal agreement is, by this reference, incorporated herein and made a part hereof.

Recorded. It is agreed that this Memorandum may be recorded in the records of Owyhee County, Idaho.

Binding Effect. The agreements herein shall apply to and bind the heirs, executors, administrators, successors in interest and assigns of the respective parties.

Dated this 1st day of May, 1991.

Beverly A. Edwards
Beverly Edwards

x Helen E. Mead
Helen E. Mead

"Seller"

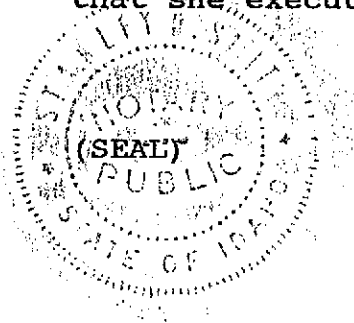
Alan J. Johnstone
Alan J. Johnstone

Nolene S. Johnstone
Nolene S. Johnstone

"Buyer"

STATE OF IDAHO)
County of Owyhee) :ss

On this 28th day of June, in the year 1991, before me, Stanley D. Smith, a Notary Public, personally appeared BEVERLY EDWARDS, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Stanley D. Smith
Notary Public for Idaho
Commission expires: 7-10-93

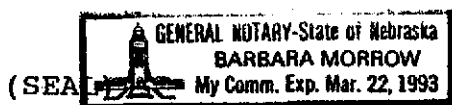
MEMORANDUM OF AGREEMENT
FOR RECORDING - 2

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OCT 07 1992

STATE OF Nebraska)
County of Douglas) :ss

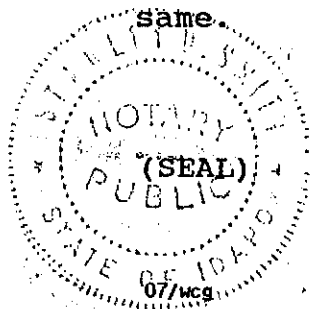
On this 2 day of July, in the year 1991, before me, Barbara Morrow, a Notary Public, personally appeared HELEN E. MEAD, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Barbara Morrow
Commission expires: 3/22/93

STATE OF IDAHO)
County of Carleton) :ss

On this 9th day of July, in the year 1991, before me, Stanley D. Smith, a Notary Public, personally appeared ALAN J. JOHNSTONE and NOLENE S. JOHNSTONE, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Stanley D. Smith
Notary Public for Idaho
Commission expires: 7-10-93

205435

FILED-RECORDED

JUL 10 1 07 PM '91

BARBARA MORROW
OWYHEE COUNTY CLERK
BY C. J. [Signature]
DEPUTY

REQUEST OF
O.T.C.
FEE 9.00

INDEXED
MICROFILMED

MEMORANDUM OF AGREEMENT
FOR RECORDING - 3

MICROFILMED
OCT 07 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDA
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: A57-02313
Date Received: 12/14/1988
Receipt No: M002154
Received By: AB

RECEIVED
JAN 17 1989

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BEVERLY A. EDWARDS 208-337-4588
Address: BOX 1115
RT. 1
HOMEDALE, ID 83628

AND/OR

Name: JOHN D. EDWARDS 208-337-4588
Address: BOX 1115
RT. 1
HOMEDALE, ID 83628

2. Date of Priority: JUL 30, 1917

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	06W	24	SE	NW	SW		OWYHEE

5. Description of diverting works:
DAM, LESS THEN 10 FEET, FORMS RES. LESS THEN 100 AF.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			65.80
IRRIGATION FROM STORAGE	05/01	08/31	0.260		

7. Total Quantity Appropriated is:
C.F.S. (and/or) 65.80 A.F.A.

8. Total consumptive use is 150.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A57-02313

Page 1

Date: 12/14/88

MICROFILMED
OCT 07 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	06W	13	NW	SW		IRR S	7.0
						Section Acres	7.0
		14	SE	SE		IRR S	15.0
						Section Acres	15.0
		23	NE	NE		IRR S	18.0
			SE	NE		IRR S	3.0
						Section Acres	21.0
						Total Acres	43.0

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:
57-2331.

14. Remarks:
PLACE OF USE AS SHOWN IN THIS RIGHT IS LICENSED UNDER 57-2331.

15. Basis of Claim: LICENSE
Water Right Number: R74

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and 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): Beverly A Edwards Date: December 14, 1988

Date: _____

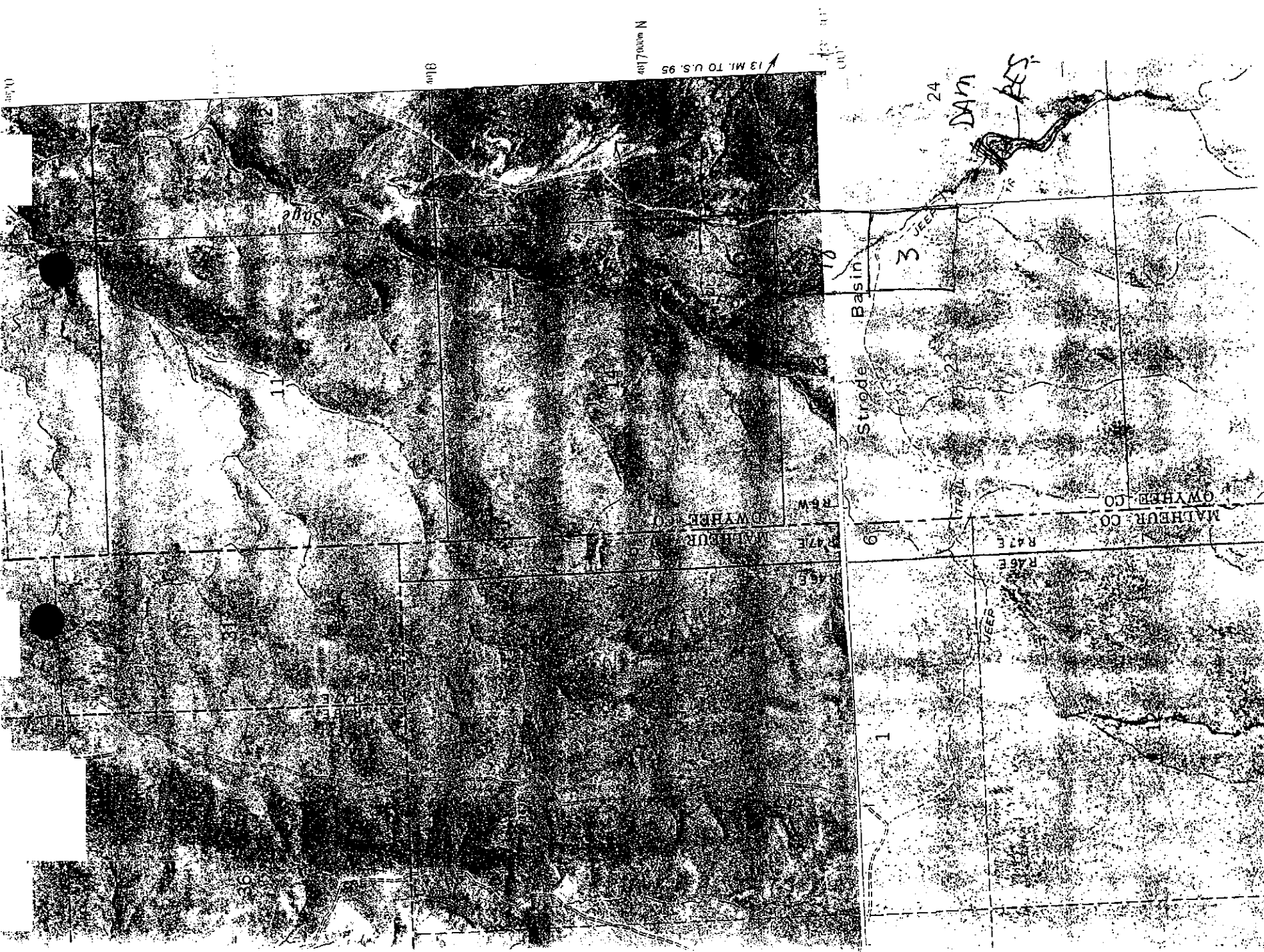
State of Idaho)
County of Oneida) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of December 19 88

Anna Baumgardner
Notary Public

Seal

Residing at Boise Idaho
My Commission Expires 12-7 1994



57-02313

POD SE, NW, SW SEC 24

T2N, R6W MICROFILMED

OCT 07 1992

1998 MAR 02 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 57-02313

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 57-02313 was mailed
on March 02, 1998, with sufficient first-class postage prepaid
to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

USDI BLM
Represented by:
U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

CERTIFICATE OF MAILING

PAGE 1
03/02/98

NOLENE S JOHNSTON
JOHNSTON, ALAN J
ROUTE 1 BOX 1251
HOMEDALE, ID 83268

ALAN JOHNSTONE
ROUTE 1 BOX 1251
HOMEDALE, ID 83628

DIANA DELANEY
Chief Deputy Clerk

MICROFILMED

OCT 0 1 1998

1998 MAR -2 AM 10: 49

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 57-02313

)

On January 13, 1998, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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

Therefore, IT IS ORDERED that water right 57-02313 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 2, 1998.



DANIEL C. HURLBUTT, JR.

Presiding Judge

Snake River Basin Adjudication

MICROFILMED

OCT 6 1998

RECEIVED

JAN 15 1998

Department of Water Resources

1998 JAN 13 PM 1:28

FILED
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 57-02313

Case No. 39576

) SPECIAL MASTER'S REPORT
)
)
)

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the claim and his *Report* contained a recommendation of the elements of this water right.

- ☐ There were no objections to this claim; however, this claim is used in combination with another claim which is the subject of an objection.
- ☒ All objections to this claim were resolved by stipulation of the parties.
- ☐ All objections to this claim were resolved at trial. The court made oral findings of fact and conclusions of law at the trial and they are incorporated herein reference.

Therefore, based on the file and record herein, IT IS RECOMMENDED that this claim be decreed with the elements as set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: Jan. 13, 1998

[Signature]
Special Master
Snake River Basin Adjudication

MICROFILMED

OCT 6 1998

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

In Re SRBA

Case No. 39576

RECEIVED

JAN 15 1998

Department of Water Resources

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-02313

1998 JAN 13 PM 1:23

FILED

NAME & ADDRESS:

NOLENE S JOHNSTONE
ALAN J JOHNSTONE
RT 1 BOX 1251
HOMEDALE ID 83628

SOURCE:

SAGE CREEK

TRIBUTARY: SUCCOR CREEK

QUANTITY:

8.0 AFY

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

PRIORITY DATE:

07/30/1917

POINT OF DIVERSION:

T02N R06W S24

SENWSW

Within Owyhee County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
STOCKWATER STORAGE
STOCKWATER FROM STORAGE
RECREATION STORAGE

PERIOD OF USE
01-01 12-31
01-01 12-31
01-01 12-31

QUANTITY
6.7 AFY
6.7 AFY
8.0 AFY

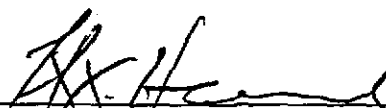
PLACE OF USE:

STOCKWATER FROM STORAGE Within Owyhee County
T02N R06W S24 NWSW

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: JAN 13 1998


FRITZ X. MAEMMERWE
Special Master
Snake River Basin Adjudication

MICROFILMED

OCT 6 1998

SPECIAL MASTER'S RECOMMENDATION
Water Right 57-02313

PAGE 1
OCT-3-1997

RECEIVED

JAN 15 1998

Department of Water Resources

1998 JAN 13 PM 1:28

SRBA
TWIN FALLS
FILED

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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

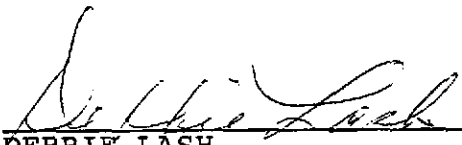
Water Right(s): 57-02313

On January 13, 1998, Special Master FRITZ X HAEMMERLE issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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

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

DATED January 13, 1998.


DEBBIE LASH
Deputy Clerk

MICROFILMED

OCT 01 1998

RECEIVED

JAN 15 1998

Department of Water Resources

1998 JAN 13 PM 1:29

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

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-02313

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 January 13, 1998, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

USDI BLM
Represented by:
U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

MICROFILMED

CERTIFICATE OF MAILING

OCT 1 1998

PAGE 1
01/13/98

RECEIVED
AUG 10 1994
WATER RESOURCES
WESTERN REGION

SIMMS & STEIN, P.A.
102 Aspen Lakes Drive
P.O. Box 280
Hailey, ID 83333
(208) 788-9145

*Modified
A + blank
Records.*

*QA. said to only change
57-10948
10920
10917 and
ss 8-9-94*

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 APPEARANCE

COMES NOW the firm of Simms & Stein, P.A., and hereby
enters an appearance for ALAN JOHNSTONE, subcase numbers attached.

All further pleadings, notices, and correspondence of any
kind filed hereafter in this matter should be sent to Simms &
Stein, P.A., P.O. Box 280, Hailey, Idaho 83333.

DATED this 26 day of May, 1994.

SIMMS & STEIN, P.A.

By:

Margaret J. King
Margaret J. King

MICROFILMED

OCT 10 1994

ALAN JOHNSTONE

SUBCASE NUMBERS:

57 10948

57 11095

57 11103

57 11298

57 11355

57 02313

57 10917

57 10920

MICROFILMED

OCT 6 1988

CERTIFICATE OF MAILING

The undersigned certifies that on the 26 day of May, 1994, a true and correct copy of the above and foregoing Notice of Appearance was served on the following persons by depositing true and correct copies thereof in the United States Mail, first class postage prepaid, or personally delivering the same, addressed as follows:

Clerk of the SRBA Court (original)
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Chief, Natural Resources Division (1)
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

The United States Department of Justice (1)
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83734


Margaret J. King

MICROFILMED

OCT 6 1993

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. 57-02313 -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. |X| Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. |X| Source: I respond to the objection concerning the source of water.
3. |X| Quantity: I respond to the objection concerning:
4. |X| Priority Date: I respond to the objection concerning the priority date.
5. |X| Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
7. |X| Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. |X| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. |X| Place of Use: I respond to the objection concerning:

10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12a. ☒ This water right being recommended at all.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 2, 3, 4, 5, 7, 8, 10, 11, 12 and 12a. and all allegations of the objection regarding these items, IDWR responds as follows:

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. IDWR admits that this right is not used for irrigation purposes; the right includes an accomplished change in purpose of use from irrigation to stockwater and recreation. IDWR does not have information to support a finding that this right has been abandoned or forfeited. 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:

(Over)

No. of
Pages

Notice of Claim No. A57-02313

4

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

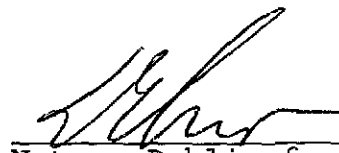
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Section Manager for IDWR and am authorized by R. Keith Higginson, in his official capacity as director 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 30 day of June,
1993.


Notary Public for Idaho
Residing at: Emmett
My Commission expires: 5/30/98

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of July, 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:

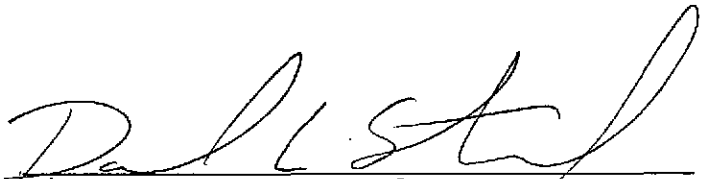
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

Name: NOLENE S & ALAN J JOHNSTONE
Address: ROUTE 1 BOX 1251
HOMEDALE ID 83628

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. 57-02313
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 26 1993

Department of Water Resources
Appellate 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

MICROFILMED

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,
and claimant does not have a valid water
right.

2. Owner of the water right:
Name: claimant Nolene S. Johnstone
Alan J. Johnstone
Address: Route 1 Box 1251
Homedale, ID 83628
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.

MICROFILMED

JUL 20 1994

(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. In addition, the United States objects to this water right because the original water use was irrigation which has now been abandoned, forfeited and/or relinquished.

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

~~Map of claim on public land~~

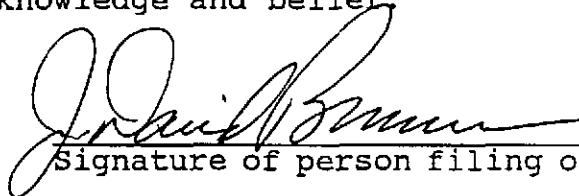
VERIFICATION (Must be Completed)

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.

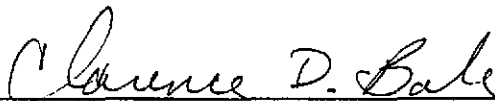


Signature of person filing objection

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

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on the 26 day of February, 1993, I ~~mailed~~^{sent} the original and ~~copies~~^{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: Nolene S. Johnstone
Alan S. Johnstone
Owner's address: Route 1 Box 1251
Homedale, ID 83628

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

POOR

POLE CREEK TOP QUADRANGLE
OREGON-IDAHO
7.5 MINUTE SERIES (TOPOGRAPHIC)

2871 III S
(HOMED)

2 920 000 FEET
(OREG.)

R. 6 W.

117°00'

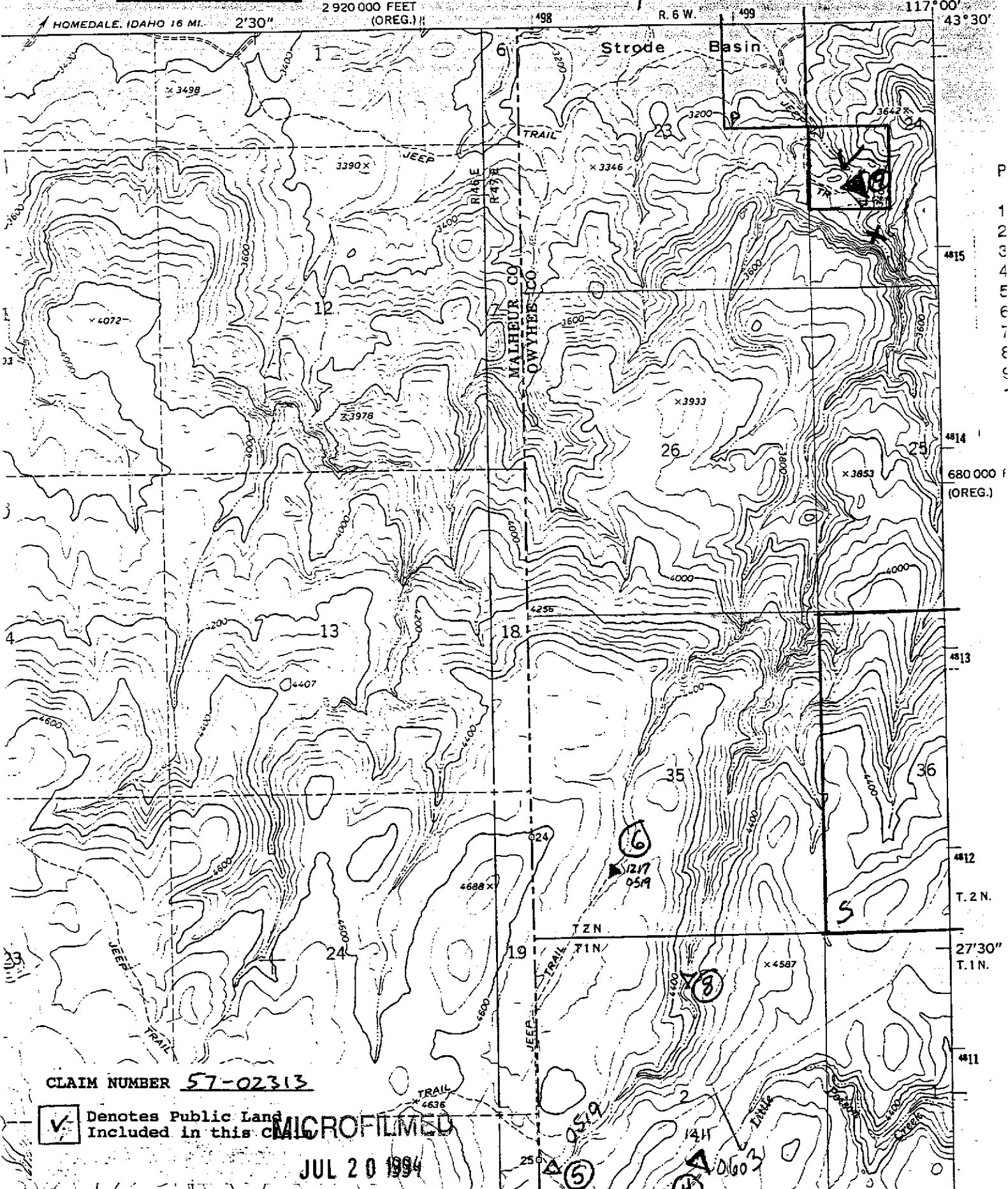
43°30'

HOMEDALE, IDAHO 16 MI. 2'30"

498

499

Strode Basin



P
1
2
3
4
5
6
7
8
9

4815

4814

680 000 f
(OREG.)

4813

4812

T. 2 N.

27°30"
T. 1 N.

4811

CLAIM NUMBER 57-02313



Denotes Public Land
Included in this claim

MICROFILMED

JUL 20 1994

February 5, 1991

RE: Aerial Photo

Owyhee County ASCS Office
P.O. Box 488
Marsing, ID 83639

Ladies:

Could you please copy, and send me, an aerial photo of the lands owned by John D. &/or Beverly A. Edwards? The lands I am most interested in are within Sections 13 (NWSW), 14 (SESE), and 23 (E1/2NE), Twp. 2N, Rge. 6W, Owyhee County.

If you want to enclose a billing for the photo, I will forward it to our state office for payment. I appreciate all of your help. Thank you.

Sincerely,

Kay Walker
Water Resource Agent

kw:k

2-6-91
per Teresa at ASCS (she called me
in response to above) - there is no
coverage of this area in their photos.
she thought this area was mostly rangeland. kw

MICROFILMED

OCT 07 1992

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NOLENE S JOHNSTONE	07/30/1917	STOCKWATER STORAGE	01-01 12-31		6.7 AFA
C	ALAN J JOHNSTONE		STOCKWATER FROM STORAGE	01-01 12-31		6.7 AFA
	RT 1 BOX 1251		RECREATION STORAGE	01-01 12-31		8.0 AFA
	HOMEDALE ID 83628					
	(208) 337-3555					
TOTAL DIVERSION:						8.0 AFA

Water Source: SAGE CREEK

Tributary to: SUCCOR CREEK

Stage: LICENSE

Point(s) of Diversion:

T02N R06W S24

SENWSW

OWYHEE County

Place of use Legal Description for: STOCKWATER FROM STORAGE

NE				NW				SW				SE						
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
02N	06W	24	:				:				:				:			

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 500 HEAD RANGE.

Conditions of Approval:

- C04 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT
- TO IDAHO CODE 42-1416A.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 12/04/1991 User-ID: WALKER Subject: RECOMMENDATIONS
DAM SAFETY FILE SHOWS THAT THIS DAM HAS SILTED IN QUITE EXTENSIVE
AND CAN ONLY HOLD 8 AF. SEE DAM SAFETY FILE FOR MORE INFORMATION
IF PROBLEM WITH MY RECOMMENDATIONS.

Audit: 07/31/91 WALKER 12/04/91 WALKER 02/26/92 WALKER 06/29/92 WALKER
07/29/92 PR-PRODM 10/13/92 CPSHAW 12/05/92 ADT-SHAW

JUL 20 1994
MICROFILMED

AJ5809NP
No. R57-02313

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/18/92
PAGE: 125

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NOLENE S JOHNSTONE	07/30/1917	STOCKWATER STORAGE	01-01 12-31		6.7 AFA
C	ALAN J JOHNSTONE		STOCKWATER FROM STORAGE	01-01 12-31		6.7 AFA
	RT 1 BOX 1251		RECREATION STORAGE	01-01 12-31		8.0 AFA
	HOMEDALE ID 83628					
	(208) 337-3555					
				TOTAL DIVERSION:		8.0 AFA

Water Source: SAGE CREEK

Tributary to: SUCCOR CREEK

Stage: LICENSE

Point(s) of Diversion:

T02N R06W S24

SENWSW

OWYHEE County

Place of use Legal Description for: STOCKWATER FROM STORAGE

NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
02N	06W	24	:													:

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 500 HEAD RANGE.

Conditions of Approval:

- C04 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO IDAHO CODE 42-1416A.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 12/04/1991 User-ID: WALKER Subject: RECOMMENDATIONS
DAM SAFETY FILE SHOWS THAT THIS DAM HAS SILTED IN QUITE EXTENSIVE
AND CAN ONLY HOLD 8 AF. SEE DAM SAFETY FILE FOR MORE INFORMATION
IF PROBLEM WITH MY RECOMMENDATIONS.

Audit: 07/31/91 WALKER 12/04/91 WALKER 02/26/92 WALKER 06/29/92 WALKER
07/29/92 PR-PRODM

MICROFILMED
OCT 07 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:21:09
06/04/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A57-02313

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	N			N		EW 12-4-91	EW 12-4-91	EW 12-4-91
POINT OF DIV	Y			N		[Wavy line]	[Wavy line]	[Wavy line]
SOURCE	N			N				
PLACE OF USE	Y			Y				
DIV. AMOUNT CFS/VOLUME	Y			Y				
CONSUMPTIVE USE	-			Y				
PURPOSES	Y			Y				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Lic			N				
REMARKS	Y			N				

"VERIFIED BY" CODES

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

No coverage of claimant's
land at ASCS office
in Marsing.

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

Could not verify place of use on 1980 ortho-photo quad
or 1987 Napp. Tried to locate in field, to no avail.
See attached documentation regarding my
recommendations. EW 12/4/91

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OCT 07 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:21:09
06/04/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A57-02313

LAST: EDWARDS
ADDRESS: BOX 1115
RT. 1
CITY: HOMEDALE
PHONE NUMBER: 208-337-4588

OWNER CODE: C

FIRST: BEVERLY A.

STATE: ID ZIP: 83628

LAST: EDWARDS
ADDRESS: BOX 1115
RT. 1
CITY: HOMEDALE
PHONE NUMBER: 208-337-4588

OWNER CODE: C

FIRST: JOHN D.

STATE: ID ZIP: 83628

LAST: BROWN
ADDRESS:
CITY: N/A
PHONE NUMBER: 208-000-0000

OWNER CODE: O

FIRST: HELEN

STATE: ID ZIP: 00000

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE

FIELD
EXAMINER

CLAIM REMARKS: PLACE OF USE AS SHOWN IN THIS RIGHT IS LICENSED UNDER 57-2331.

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OCT 07 1992

A. AJ CLAIM: # A57-02313 PRIORITY DATE: 07-30-1917 STAGE: L

B. WR RECORD: # 57-02313 PRIORITY DATE: 07-30-1917 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER

fw

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
07-30-1917

REVIEWED BY *fw*

DATE

12-4-91

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OCT 07 1992

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A57-02313	02N	06W	24	SE	NW	SW		OWYHEE

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

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: SAGE CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
57-02313	02N	06W	24		NW	SW		OWYHEE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: SAGE CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER

[Signature]
[Signature]

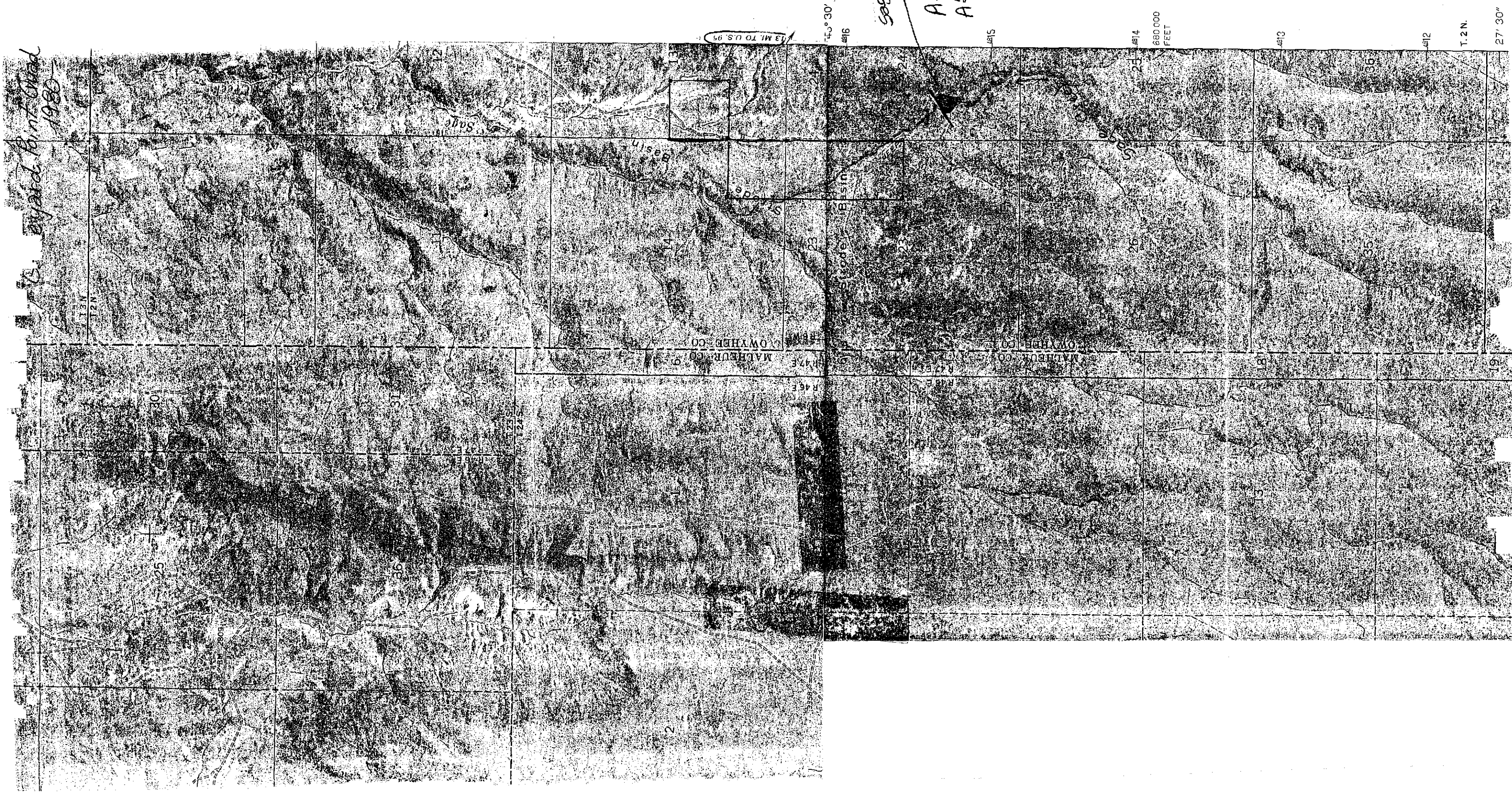
REMARKS:

*Added 10 ac. tract description - Verified on
copy of quad sheet attached.*

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OCT 07 1992

13. Dryad Pint Chad
1980



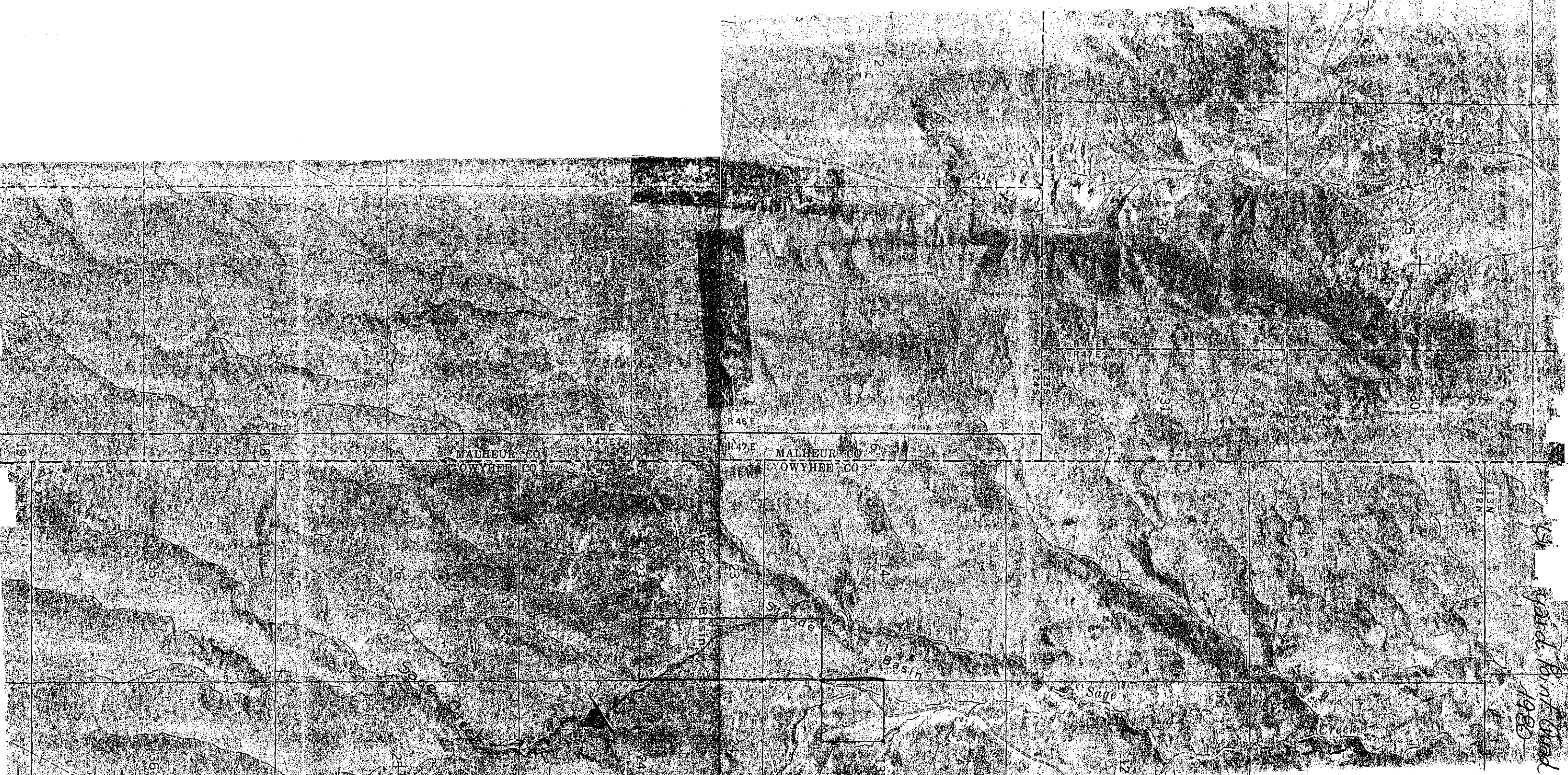
see
p/D 2313
A57-02331
A57-02331

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T2N

27' 30"

1st yard Point Quad
1980



Sage Cr.
P/D
A57-02313
A57-02331

MICROFILMED
OCT 07 1992
MICROFILMED

T 2N

27° 30' T 1 1

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>2N</u>	<u>6W</u>	<u>24</u>	<u>SE</u>	<u>NW</u>	<u>SW</u>	<u>—</u>	<u>Owyhee</u>

SOURCE: SAGE CREEK

TRIB: SNAKE RIVER

REVIEWED BY: KW DATE: 12-4-91

UNRECORDED

OCT 07 1992

A. ROOT WATER RIGHT NUMBERS: A57-02313

B. POU LISTING 2N 6W 24 NWSW - stockwater from storage only.

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
02N	06W	13	NW	SW		EDWARDS, BEVERLY A.	A57-02313 / 7.0	57-02313 / 7.0			
						EDWARDS, BEVERLY A.	A57-02331 / 7.0	57-02331 / 7.0			
02N	06W	14	SE	SE		EDWARDS, BEVERLY A.	A57-02313 / 15.0	57-02313 / 15.0			
						EDWARDS, BEVERLY A.	A57-02331 / 15.0	57-02331 / 15.0			
02N	06W	23	NE	NE		EDWARDS, BEVERLY A.	A57-02313 / 18.0	57-02313 / 18.0			
						EDWARDS, BEVERLY A.	A57-02331 / 18.0	57-02331 / 18.0			
02N	06W	23	SE	NE		EDWARDS, BEVERLY A.	A57-02313 / 3.0	57-02313 / 3.0			
						EDWARDS, BEVERLY A.	A57-02331 / 3.0	57-02331 / 3.0			
TOTAL ACRES							A57-02313	43.00		43.00	

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
KW

PRESUMPTION FLAG:

REMARKS:

No irrigation has occurred under this right for at least 14 yrs. - one dam safety report says there has been no irrigation since 1925. The water is used for recreational fishing and stockwater only. See attached documentation.

RECOMMENDATIONS:

TOTAL ACRES: -0-

REVIEWED BY: KW

DATE: 12-4-91

INVENTORY OF DAMS BY DAM NAME

28-Mar-1990

Page 2

DAM NAME		NUMBER		NAME OF OWNER				COUNTY		STREAM		IDF	LOCATION			
INSP	DAM	DAM	STORAGE	HEIGHT	DRAINAGE	RES AREA	YEAR	CREST	-----SPILLWAY-----				CERT			
DATE	PURPOSE	RISK	SIZE	TYPE	AC-FT	FT	SQ-MI	ACRES	COMP	LEN-FT	TYPE	DEPTH-FT	DISC-CFS	IDF-CFS	COND	EXPIR

BISSELL CREEK 1289	EI	3	2	D65-12382 EARTH	DAVE LITTLE FARMS 20	26.5	17.2	3	GEM 1975	300	BISSELL CREEK OVFL	5.5	894	Q100 845	35-08N-02W GD	1190
BLACK CANYON 889	IPR	1	1	D65-2288 CNGRV	U S BUREAU OF RECLAMATION 29822	111.0	2712.0	1100	GEM 1924	1039	PAYETTE RIVER CNOVFL	17.5	39060	PMF 192500	22-07N-01W GD	1190
BLACKS CREEK 988	L	1	1	D63-0379 EARTH	PLEASANT VALLEY IRRIGATION CO 3640	48.0	39.0	300	ADA 1915	1700	BLACKS CREEK RKCHAN	6.5	570	PMF 0	31-02N-03E GD	1190
BLACKSTOCK 0	I	3	3	D57-XX02 EARTH	TED K BLACKSTOCK 93	19.8	3.4	20	OWYHEE PROP	750	SQUAW CREEK (OS) ERCHAN	3.0	0	Q50 0	03-01N-04W UF	0
BLACKWELL (FALL CREEK) 887	L	3	2	D65-2923 RKMAS	JOHN C STRINGER 178	6.0	2.3	37	VALLEY 1925	50	FALL CREEK OVFL	0.0	150	Q100 0	20-19N-04E FR	1187
BLIND HORSE 0	S	3	3	D57-7377 EARTH	U S BUREAU OF LAND MGMT 3	15.0	0.6	1	OWYHEE PROP	255	TR-WEST SPRING CREEK 3.0	0	0	Q50 0	27-07S-02W UF	0
BOGGEMAN 788	RH	2	3	D77-4053 EARTH	WORTH BOGGEMAN 50	16.0	34.0	9	LEMHI 1963	300	SILVER CREEK CNCHAN	7.0	375	Q100 640	27-18N-17E GD	1190
BOISE DIVERSION 988	IP	1	2	D63-2388 CNGRV	U S BUREAU OF RECLAMATION 800	35.0	2800.0	80	ADA 1908	500	BOISE RIVER CNOVFL	17.0	40000	0.5 PMF 0	03-02N-03E GD	1191
BOULDER LAKE 1088	I	2	2	D65-3115 RKMAS	ROSEBERRY IRRIGATION DIST 1310	15.0	2.1	114	VALLEY 1922	450	BOULDER CREEK OVFL	0.0	200	Q500 160	27-18N-04E GD	1190
BOULDER MEADOW 1088	I	2	2	D65-2963 EARTH	JOHN CAREY AND RAY POTTER 490	30.0	3.7	39	VALLEY 1968	580	BOULDER CREEK GLHOLE	5.0	300	Q500 230	28-18N-04E GD	1190
BOX LAKE 989	I	3	2	D65-10520 EARTH	LAKE RESERVOIR CO 1295	10.0	0.8	145	VALLEY 1935	200	BOX CREEK RPCHAN	4.0	134	Q100 62	33-20N-04E GD	1191
BROWN 689	I	3	2	D57-4005 EARTH	DICK SHENK 80	25.0	0.5	10	OWYHEE 1958	500	MCBRIDE CREEK (OS) ERCHAN	3.0	4	Q100 43	31-01S-05W GD	1191
BROWN 789	I	3	3	D65-7209 EARTH	SIMCO LANDS 99	17.0	2.4	12	VALLEY 1979	500	LAFFINWELL CREEK RPCHAN	5.5	169	Q50 130	17-16N-04E GD	1191
BROWN 987	I	3	2	D57-2313 EARTH	EDWARD C BROWN ESTATE 8	21.0	4.0	3	OWYHEE 1919	250	SAGE CREEK RKCHAN	7.0	334	Q100 0	24-02N-06W FR	0
BROWNLEE 588	P	1	1	D03-2018 ROCK	IDAHO POWER CO 1426700	297.0	72800.0	15000	WASHINGTON 1958	1380	SNAKE RIVER CNOVFL	63.0	307000	PMF 0	02-17N-05W EX	1190

see dam safety file.

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 OCT 07 1992

IDAHO DEPARTMENT OF WATER RESOURCES
INVENTORY WORKSHEET - DAM

FORM NO. 1

Identification No. D 57 - 2313
Name of Dam BROWN
County Owyhee
River or Stream SAGE CREEK
Purpose I (Specify if other)
Location Sec 24 Twnshp 02N Range 06W NW 1/4 SW 1/4 - MAP Y2 - POLE CREEK TOP

FORM NO. 2

Name of Owner EDWARD C BROWN ESTATE
Owner's Phone No. 337 - 3555 MR. JOHNSTONE (Alternate phone no.)
Address Line 1 C/O BEVERLY EDWARDS

FORM NO. 3

Address Line 2 ROUTE 1 BOX 1115
Address Line 3 City HOMEDALE State ID Zip Code 83628

FORM NO. 4

Type of Dam EARTH (Other dam types)
Storage Capacity (ac-ft) 30 ESTIMATE ← Dam has silted in
Height of Dam (ft) 21.0
Drain. Area (sq. mi.) 4.0
Res. Surface Area (ac) 3 FROM QUAD MAP
Year Completed 1919 (Date enlarged, reconstructed, etc.)
Crest Elev. (M.S.L.) 3,330 APPROXIMATE
Crest Length (ft) 250 (Dike lengths)
Spillway Type RKCHAN (Auxiliary spillways)
Spillway Depth (ft) 7.0 (Aux. spillway depths)
Spillway Capacity (cfs) 334 W/ 2.5' FREEBOARD
Hazard Classification 3
Region 2

FORM NO. 5

Last Inspection Month 06 Year 86
Approval Expiration Month 00 Year 00
General Condition NA
Q 100 (cfs) 312 ESTIMATE
Outlet Type NONE ABANDONED
Outlet Capacity (cfs) 0
Problems/Remarks * - LAND CURRENTLY BEING LEASED BY ALAN JOHNSTONE PH# 337-3555
ALSO CONTACT AT 583-2381 (GEORGE JOHNSTONE - SOUTH MTN)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

9:30 A.M.
5/12/81

RECORD OF INSPECTION OF DAM

Name of dam: BROWN Stream: SAGE CREEK ☐ Offstream
Name of owner: EDWARD BROWN Location: SEC 24 2N-6W
Individuals accompanying inspector: MR + MRS BROWN
Reservoir characteristics: Dam height 28' ST Surface area 7 AC Storage capacity 66 AC-FT
Hazard class: LOW (NO CHANGE) Photographs: YES

CONDITION OF EMBANKMENT OR STRUCTURE: CREST LENGTH $\approx$ 250 FEET

Type: ☒ Earth ☐ Rockfill ☐ Conc. arch ☐ Conc. gravity ☐ Timber crib ☐ Other _____

	UPSTREAM SLOPE	CREST	DOWNSTREAM SLOPE	TOE AREA
Surface cover material	<u>BRUSH + WILLOWS</u>	<u>BRUSH</u>	<u>SOME THISTLES BRUSH + BUSHES</u>	<u>BUSHES</u>
Growth	<u>EARTH</u>			
Settlement or cracks	<u>NONE NOTED</u>			
Surface erosion	<u>MINOR NONE ACTION</u>	<u>NONE</u>	<u>FEW CATTLE TRAILS</u>	
Debris	<u>NONE</u>			
Animal burrows	<u>NONE NOTED - BRUSH TOO THICK</u>			
Crest width and slope measurements	<u>UPPER SLOPE 2:1</u>	<u>9-10' WIDE</u>	<u>50% 2:1</u>	

$\approx$ 1-2' VERT AT WATER SURFACE

CONDITION OF OUTLET WORKS: NONE LOCATED

Location: ☐ Left side ☐ Center ☐ Right side ☐ Other _____

Description and condition: _____

Gate hoist: ☐ Manual ☐ Electric ☐ Other _____
Stem: ☐ Inclined from entrance to crest ☐ Vertical on tower at entrance
☐ Vertical through dam from crest ☐ Downstream valve

Entrance: _____ Outlet: _____

CONDITION OF SPILLWAY:

Location: ☒ Left abutment ☐ Right abutment ☐ Away from dam ☐ Other _____

Base width 4' Freeboard at crest 7' Sideslope 3:1 Channel slope MILD Fetch 100 YDS
STEEP AT OUTFALL

Overflow channel: ☒ Well defined ☒ Flow directed away from toe ☐ Flow could reach toe

Erosion control present: SOME ROCK Erosion present: NONE

Maintenance condition: Debris NONE - SOME ROCK Growth SOME BRUSH

SEEPAGE:

7' BELOW DAM CREST

Reservoir level during inspection: FULL - AT SPILLWAY CREST BUT NOT FLOWING

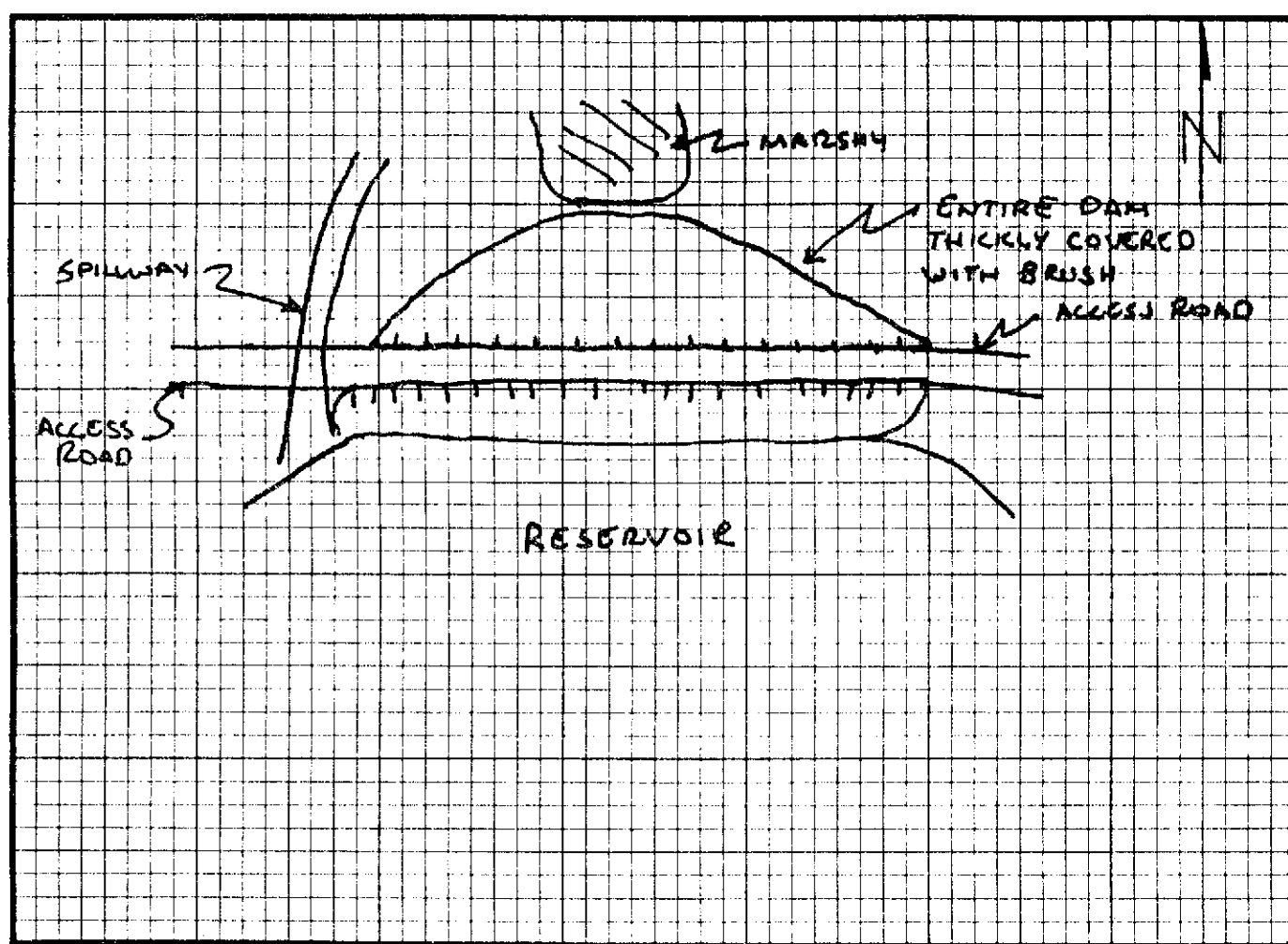
	TOE AREA	DOWNSTREAM SLOPE	ABUTMENTS	OTHER
Piping of material evident (Est. G.P.M.)	<u>NO</u>	$\uparrow$ OK $\downarrow$		
Flowing water (Est. G.P.M.)	<u>SEVERAL GPM</u>			
Marshy or standing water	<u>YES (BOTH)</u>			
Damp	<u>YES</u>			
Evident from growth present	<u>YES</u>			

GENERAL CONDITION AND DESCRIPTION OF DAM: POOR - NO MAINTENANCE DONE
ON DAM FOR QUITE SOMETIME. MR BROWN INDICATED THAT IF WE
FORCE THE ISSUE OF MAINTAINING OR BREACHING THE DAM THAT
HE WILL BREACH IT. DAM HAS NOT BEEN USED FOR IRRIGATION SINCE
1925. DAM IS PRINCIPALLY USED FOR STOCKWATER AND RECREATION.

INSTRUMENTATION READINGS (Piezometer, Seepage measurement, Alignment, Elevation, etc.)

NONE.

SKETCH OF DAM SHOWING LOCATION OF SPILLWAY AND OUTLET WORKS AND ANY MAINTENANCE PROBLEMS:



RECOMMENDATIONS: REMOVE DAM OR REPAIR

SEE JAN. 5, 1981 LETTER OF REQUIRED MAINTENANCE

Date: 12 MAY, 1981

Inspected by: A. Michael Stangor

A. AJ CLAIMED USES:

	PURPOSES	FROM	MONTH/DAY	TO	DIVERSION QUANTITY
A57-02313	IRRIGATION STORAGE	FROM 01-01	TO 12-31		65.80 AF/A
A57-02313	IRRIGATION FROM STORAGE	FROM 05-01	TO 08-31		
				.260 CFS	
TOTAL DIVERSION RATE/VOLUME CLAIMED					65.80 AF/A

B. WR RECORDED USES:

	PURPOSES	FROM	MONTH/DAY	TO	DIVERSION QUANTITY
57-02313	IRRIGATION STORAGE	FROM	TO		.260 CFS 65.80 AF/A
57-02313	IRRIGATION FROM STORAGE	FROM	TO		.260 CFS 65.80 AF/A
TOTAL DIVERSION RATE/VOLUME CLAIMED					65.80 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(☒)

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

Recommend year-round storage for stock water & recreational fishing.

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OCT 07 1992

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

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

CFS
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?

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

FIELD
DATABASE EXAMINER
N

fw

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: 57-2331.

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A57-02313	SAGE CREEK	EDWARDS , BEVERLY A.			65.80	1.53
A57-02331	SAGE CREEK	EDWARDS , BEVERLY A.	0.860	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

No irrigation in this area - ^{claim} ~~st.~~ 57-2331 is recommended as disallowed - see attached documentation.

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 150.5 AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 65.80 AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

Stockwater

500 hd. x 0.0134 = 6.7 AFA

Storage capacity of this dam is 8.0 AF
per Dam Safety files - see this file for more
information.

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
Stack IRRIGATION STORAGE	01-01 12-31	DATABASE EXAMINER KW	DATABASE EXAMINER 65.00 6.7	DATABASE EXAMINER 150.5 N/A
Stack IRRIGATION FROM STORAGE	01-01 12-31	DATABASE EXAMINER 0.260 KW	DATABASE EXAMINER 65.00 6.7	DATABASE EXAMINER N/A
Recreation Storage	01-01 12-31		DATABASE EXAMINER 65.00 8.0	
TOTAL FOR THIS RIGHT			8.0	

REVIEWED BY:

KW

DATE:

12-4-91

MICROFILMED
OCT 07 1992

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

N/A

ROOT WATER RIGHT NUMBER: 57-02313

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A57-02313		-		57-02313	

TOTAL CFS

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

REMARKS:

C04, C05, C09

AUTHENTICATION:

SIGNATURE:

Kay Walker

DATE:

12-4-91

NAME OF FIELD EXAMINER

Kay Walker

TITLE:

Sr. Agent

MICROFILMED

OCT 17 1992

CLAIMANT'S NAME: Alan Johnstone DATE: 12-4-1991EMPLOYEE: Kay WalkerRE: Use of this stored water-

Mr. Johnstone purchased this property from Beverly Edwards last year, but had leased it for several previous years.

In talking with him today about the use of the stored water in the dam, we ~~both~~ agreed that there has been no irrigation use for the last 14 yrs., when the previous owner dynamited the outlet works. APPROX.

The water has been used for recreational fishing and stock watering. Mr. Johnstone has a BLM grazing right for 500 head of cattle. He is trying to raise the BLM's AUM to 600 head of cattle by seeding some new grasses, ect. but the AUM has not been increased yet. MICROFILMED

Mr. Johnstone has been considering re-developing the irrig. system but has not done so yet. I told him to come in and file for a new water right when he gets ready to work on this. OCT-07-1992

CONVERSATION MEMORANDUM

DATE

12-2-1991

FILE

A57-02313/02331

NAME OF PARTY

Mike Stubblefield

EMPLOYEE

Ray Walker

RE:

Use of water from "Brown"
Dam -

Mike stated that the water stored in this dam has not been released for irrigation for as long as he has been inspecting dams - approx. 14 yrs.

He said that this dam is used as a recreational fish pond and possibly stockwater.

MICROFILMED

OCT 07 1992

CLAIMANT'S NAME:

Beverly Edwards

DATE:

11-22-91

EMPLOYEE:

Kay

RE:

"Steele Basin" or "Brown" Dam

Mrs. Edwards called concerning my letter of 11-21-91.

She says that Mike Stubblefield is the expert on this dam - he has been doing the IDWR dam inspections.

Mrs. Edwards reply to my question about how long it had been since the water was used to irrigate the 43 acres was: the water has not been used for irrigation for 5-10 years due to the climate change & for drought conditions.

She also said the dam was sold to Alan Johnstone and that Stan Smith of Ouzhee Title had ~~handled~~ a change in ownership for these claims.

MICROFILMED

OCT 07 1992



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

November 21, 1991

RE: Notice of Claims to Water Rights Nos. A57-02313 and A57-02331

John D. &/or Beverly A. Edwards
Rt. 1, Box 1115
Homedale, ID 83628

Dear Mr. and Mrs. Edwards:

We are in the final stage of reviewing Basin 57 Claims filed in the Snake River Basin Adjudication. I have attempted to verify the claims you filed on your licensed rights and found that I cannot verify your use of Sage Creek water. Our aerial photography of the area of your lands does not show any irrigation taking place. I need to know when you last irrigated these lands.

If you have used the water, I need to set up a time that you can meet with me to go out and look at your water system. I have attempted to make a field inspection of these water rights and could not locate the dam or any irrigated fields. I have been trying to contact you by phone, but I have not had any luck.

If you have not used this water for more than five (5) years, we probably will not recommend your claims in the adjudication. Withdrawing your claims may be an option worth considering.

Please contact me at your earliest convenience and let me know what the status of your water use is. If I don't hear from you by December 6th, 1991, I will make my final recommendations based on my findings to date.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k

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OCT 07 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECORD OF INSPECTION OF DAM

Name of dam: BROWN Stream: SAGE CREEK ☐ Offstream

Name of owner: MRS EDWARD BROWN Location: NW SW 24 2N-6W

Individuals accompanying inspector: BEVERLY EDWARDS - NIECE

Reservoir characteristics: Dam height 21 FT Surface area 3 AC Storage capacity 25 AC-FT

Hazard class: LOW (NO CHANGE) Photographs: YES

CONDITION OF EMBANKMENT OR STRUCTURE: ☒ ^{TO} Poor ☒ Fair ☐ Good ☐ Excellent

Type: ☒ Earth ☐ Rockfill ☐ Conc. arch ☐ Conc. gravity ☐ Timber crib ☐ Other _____

	UPSTREAM SLOPE	CREST	DOWNSTREAM SLOPE	TOE AREA
Surface cover material	<u>EARTH</u>			
Growth	<u>WILLOWS, BRUSH, GRASS, WEEDS, THISTLES</u>			
Settlement or cracks	<u>NONE NOTED</u>			
Surface erosion	<u>MINOR WAVE ACTION</u>	<u>NONE</u>		
Debris	<u>NONE</u>			
Animal burrows	<u>NONE NOTED</u>			
Crest width and slope measurements	<u>≈ 2:1 ABOVE RES. LEVEL</u>	<u>9-10 FT WIDE</u>	<u>2:1</u>	

CONDITION OF OUTLET WORKS: ☐ Poor ☐ Fair ☐ Good ☐ Excellent ~~OUTLET INOPERABLE~~

Location: ☐ Left side ☐ Center ☐ Right side ☐ Other _____

Description and condition: 2 FT STEEL PIPE THRU DAM - GATE VALVES INOPERABLE

Gate hoist: ☒ Manual ☐ Electric ☐ Other _____

Stem: ☐ Inclined from entrance to crest ☐ Vertical on tower at entrance
☐ Vertical through dam from crest ☒ Downstream valve + UPSTREAM VALVE

Entrance: SUBMERGED Outlet: HIDDEN IN UNDERGROWTH

CONDITION OF SPILLWAY: ☐ Poor ☐ Fair ☒ Good ☐ Excellent

Location: ☒ Left abutment ☐ Right abutment ☐ Away from dam ☐ Other _____

Base width ± 4 ft Freeboard at crest 7-8 FT Sideslope 3:1 Channel slope MILD Fetch 100 YDS

Overflow channel: ☒ Well defined ☒ Flow directed away from toe ☐ Flow could reach toe

Erosion control present: ROCK CHANNEL Erosion present: NONE

Maintenance condition: Debris NONE Growth MINOR BRUSH

SEEPAGE:

Reservoir level during inspection: FULL TO SPILLWAY CREST

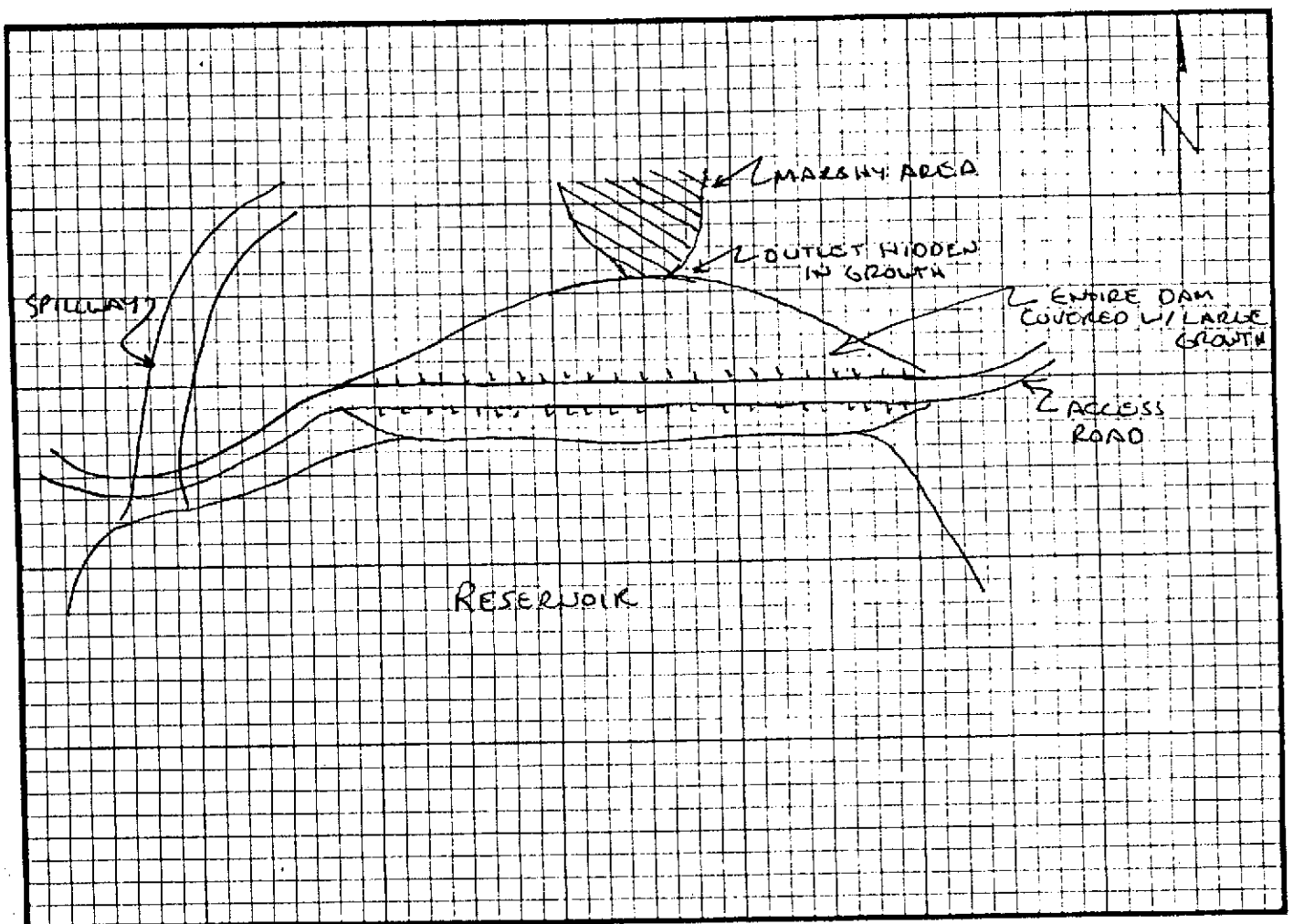
	TOE AREA	DOWNSTREAM SLOPE	ABUTMENTS	OTHER
Piping of material evident (Est. G.P.M.)	<u>NO</u>	↑ OK ↓		
Flowing water (Est. G.P.M.)	<u>SEVERAL GPM#</u>			
Marshy or standing water	<u>YES (BOTH)</u>			
Damp	<u>YES</u>			
Evident from growth present	<u>YES</u>			

* LOWER OUTLET VALVE LEAKS AND APPEARS TO BE CAUSING MOST OF SEEPAGE PROBLEM BEHIND DAM

GENERAL CONDITION AND DESCRIPTION OF DAM: POOR - FAIR MRS. EDWARDS
INDICATION MRS. BROWN DIED SEVERAL MONTHS AGO AND THE DAM AND
PROPERTY ARE IN PROBATE. MRS EDWARDS SAID THEY ARE TRYING TO SELL
THE PROPERTY BUT THEY WILL TRY TO SPRAY AND REMOVE ALL LARGE
GROWTH ON DAM HOPEFULLY BY NEXT YEAR. I TOLD MRS EDWARDS THAT REPAIR
OF THE OUTLET WAS NOT NECESSARY SINCE DAM IS ONLY FOR RECREATION. RES.
IS VERY SMALL & VERY REMOTE.
INSTRUMENTATION READINGS (Piezometer, Seepage measurement, Alignment, Elevation, etc.)

NONE.

SKETCH OF DAM SHOWING LOCATION OF SPILLWAY AND OUTLET WORKS AND ANY MAINTENANCE PROBLEMS:



RECOMMENDATIONS: DO NOT ISSUE STORAGE CERTIFICATE UNTIL MAINTENANCE PROGRAM STARTED.

MAINTENANCE: 1) KILL AND REMOVE ALL LARGE GROWTH ON DAM.
2) CONTROL RODENT ACTIVITY 3) ONCE GROWTH IS REMOVED,
CHECK FOR EROSION, SEEPAGE, RODENT ACTIVITY, ETC TO SEE
IF ANY OTHER PROBLEMS EXIST.

Date: 3 JUNE, 1985

Inspected by: A. Michael Stangor

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECORD OF INSPECTION OF DAM

Name of dam: BROWN Stream: SAGE CREEK ☐ OffstreamName of owner: EDWARD C BROWN Location: SEC 24 2N-6WIndividuals accompanying inspector: NONEReservoir characteristics: Dam height 21 FT Surface area 3 AC Storage capacity 25 AC-FTHazard class: LOW (NO CHANGE) Photographs: YESCONDITION OF EMBANKMENT OR STRUCTURE: ☒ Poor ☐ Fair ☐ Good ☐ ExcellentType: ☒ Earth ☐ Rockfill ☐ Conc. arch ☐ Conc. gravity ☐ Timber crib ☐ Other _____

	UPSTREAM SLOPE	CREST	DOWNSTREAM SLOPE	TOE AREA
Surface cover material	<u>EARTH</u>			
Growth	<u>WILLOWS, BRUSH, GRASS, WEEDS, THISTLES</u>			
Settlement or cracks	<u>NONE NOTED</u>	<u>IRREGULAR CREST</u>	<u>NONE NOTED</u>	
Surface erosion	<u>MINOR WAVE ACTION</u>	<u>MINOR DUE TO VEHICLES AND CATTLE</u>		
Debris	<u>NONE</u>			
Animal burrows	<u>NONE NOTED</u>			
Crest width and slope measurements	<u>UPPER 6 FT STEEP</u>	<u>9-10 FT WIDE</u>	<u>2:1</u>	

BELOW 3:1CONDITION OF OUTLET WORKS: ☒ Poor ☐ Fair ☐ Good ☐ Excellent (DAM MAINLY USED FOR STOCKWATER. NO OUTLET NEEDED)Location: ☐ Left side ☒ Center ☐ Right side ☐ Other _____Description and condition: 2 FT STEEL PIPE THRU DAM - GATE VALVES INOPERABLEGate hoist: ☒ Manual ☐ Electric ☐ Other _____Stem: ☐ Inclined from entrance to crest ☐ Vertical on tower at entrance☐ Vertical through dam from crest ☒ Downstream valve AND UPSTREAM VALVEEntrance: SUBMERGED Outlet: HIDDEN IN UNDERGROWTHCONDITION OF SPILLWAY: ☐ Poor ☐ Fair ☒ Good ☐ ExcellentLocation: ☒ Left abutment ☐ Right abutment ☐ Away from dam ☐ Other _____Base width ±4 ft Freeboard at crest 1-8 FT Sideslope 3:1 Channel slope MILD Fetch 100 YDSOverflow channel: ☒ Well defined ☒ Flow directed away from toe ☐ Flow could reach toeErosion control present: ROCK CHANNEL Erosion present: NONEMaintenance condition: Debris NONE Growth MINOR BRUSH

SEEPAGE:

Reservoir level during inspection: APPROX 1 FT BELOW SPILLWAY CREST - 9 FT BELOW DAM CREST

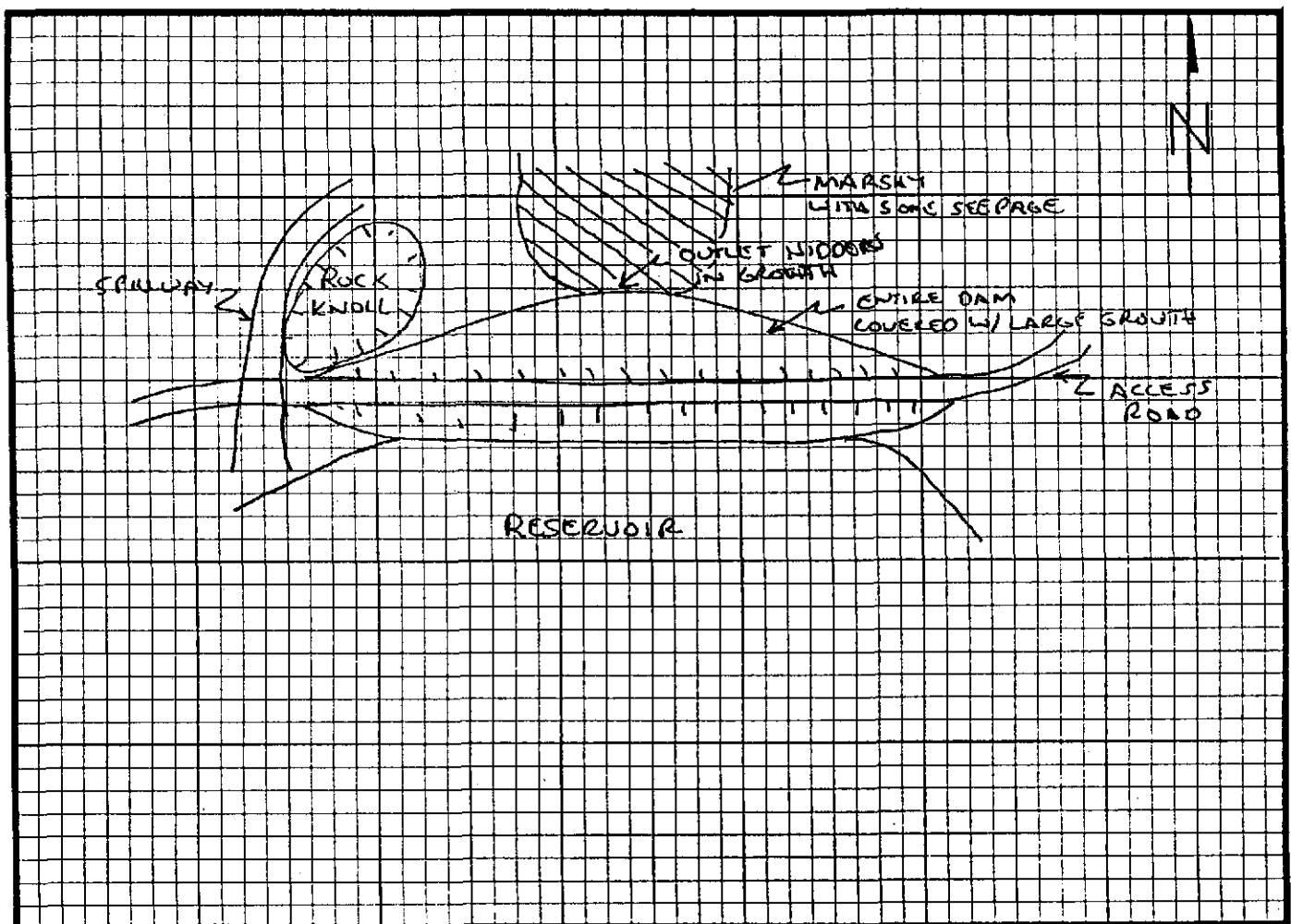
	TOE AREA	DOWNSTREAM SLOPE	ABUTMENTS	OTHER
Piping of material evident (Est. G.P.M.)	<u>NO</u>	↑ OK ↓		
Flowing water (Est. G.P.M.)	<u>SEVERAL GPM</u>			
Marshy or standing water	<u>YES (BOTH)</u>			
Damp	<u>YES</u>			
Evident from growth present	<u>YES</u>			

GENERAL CONDITION AND DESCRIPTION OF DAM: POOR. NO WORK DONE ON DAM
RECENTLY AND IT IS IN GENERALLY SAME CONDITION AS LAST INSPECTION.
MR BROWN DIED IN 1983 AND MRS BROWN IS TRYING TO SELL FARM. NO
WORK IS PLANNED ON DAM AT THIS TIME.

INSTRUMENTATION READINGS (Piezometer, Seepage measurement, Alignment, Elevation, etc.)

NONE.

SKETCH OF DAM SHOWING LOCATION OF SPILLWAY AND OUTLET WORKS AND ANY MAINTENANCE PROBLEMS:



RECOMMENDATIONS: DO NOT ISSUE STORAGE CERTIFICATE TILL EXTENSIVE
WORK DONE ON DAM. MAINTENANCE: 1) SPRAY, KILL, & REMOVE LARGE
GROWTH ON DAM AND ALONG TOE OF DAM. 2) REPAIR ERODED AREAS
AND REGRADO CREST OF DAM 3) REPAIR OUTLET WORKS AND MAKE
OPERABLE (LOW PRIORITY) 4) CONTROL RODENT ACTIVITY.

Date: 10 JULY, 1984

Inspected by: A. Michael Stegner

Alan and Nolene Johnstone
57-02313/57-10948

Both of these objections by BLM concern trespass. 57-02313 is a licensed irrigation storage right; BLM asserts that the reservoir lies on public ground. 57-10948 is an extensive stockwater right that appears to be filed wholly on public ground (Johnstone's BLM allotment).

Glenns Ferry Grazing Association
57-11508

This is an extensive stockwater right. BLM asserts that some of the right serves public lands.

Mary or Robert O'Malley/Joyce Livestock
57-10472

This is a de minimus domestic and stockwater claim. BLM asserts that it lies on public ground. It seems unlikely the folks drilled a well and built their home on BLM ground; this may be resolved by correcting the claim or recommendation.

Bruneau Cattle Co.
57-07332

This is a previously licensed, developed (not instream) stockwater right that was decreed in the Shoofly Creek adjudication. BLM asserts that some parcels recommended are public land.

IDWR recommended this claim incorrectly; the land list includes parcels that were not previously decreed. The map of public land included with the BLM objection is not clear. If the claim was recommended as decreed it might settle this objection.

Bob Collett
57-10501/57-10503

BLM objects to these stockwater rights because some of the parcels recommended are public lands.

BLM
57-11095/11103/11298/11255

Alan Johnstone objects to the ownership of these recommendations for stockwater.

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Department of Water Resources
Adjudication Bureau

1997 MAY 12 PM 2:35

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

Subcases: 57-10948 and 57-02313

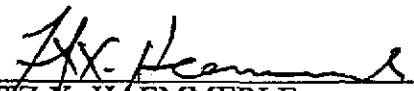
Case No. 39576

ORDER RECOMMENDING
REINSTATEMENT OF CLAIMS

On April 1, 1997 the court issued an *Order Conditionally Dismissing Water Rights* in the aforementioned subcase. The purpose of the recommendation is that the claimants did not appear at various hearings.

On April 17, 1997 the claimants appeared before the court requesting that the court reinstate the claims. The court considered the matter under I.R.C.P. 60(b). The court found good cause for the claimants failure to appear at the prior hearings and therefore reopen the subcases. There was no objection to reinstating the water rights. IT IS HEREBY RECOMMENDED that the court reinstate subcases 57-10948 and 57-02313.

DATED May 12, 1997.


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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER RECOMMENDING REINSTATEMENT OF CLAIMS was mailed on May 12, 1997, with sufficient first-class postage to the following:

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

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

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

Alan and Nolene Johnstone
Route 1 Box 1251
Homedale, Idaho 83628


Deputy Clerk

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Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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

In Re SRBA

Case No. 39576

) Subcases 57-10948 and 57-02313
)
)
)
)

ORDER CONDITIONALLY
DISMISSING WATER RIGHTS

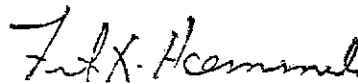
On Thursday March 27, 1997 a *Status Conference* was held on the above listed subcases. These claims were made by Alan Johnstone. The Johnstones failed to appear for that hearing.

Notice was provided to the Johnstones for the hearing date. Because Johnstone failed to appear at the *Status Conference* scheduled for March 27, 1997 the court **conditionally recommends** that the claims made by the Johnstones be decreed as **disallowed**.

However, the court shall set this matter for an *Order to Show Cause Hearing*, at which time a representative for these claims may appear and give cause as to why these subcases should not be **decreed as disallowed**. For good cause the court shall reopen these subcases for further action.

IT IS SO ORDERED.

DATED April 1, 1997.



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

MICROFILMED

OCT 0 1998

CERTIFICATE OF MAILING

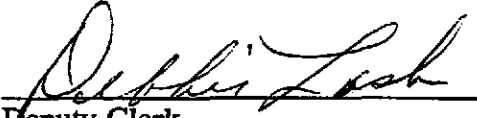
I certify that a true and correct copy of the **ORDER CONDITIONALLY DISMISSING WATER RIGHTS** was mailed on April 1, 1997, with sufficient first-class postage to the following:

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

The U.S. Department of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

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

Alan Johnstone
Route 1 Box 1251
Homedale, Idaho 83628


Deputy Clerk