

T 45, R 15 N 32 E





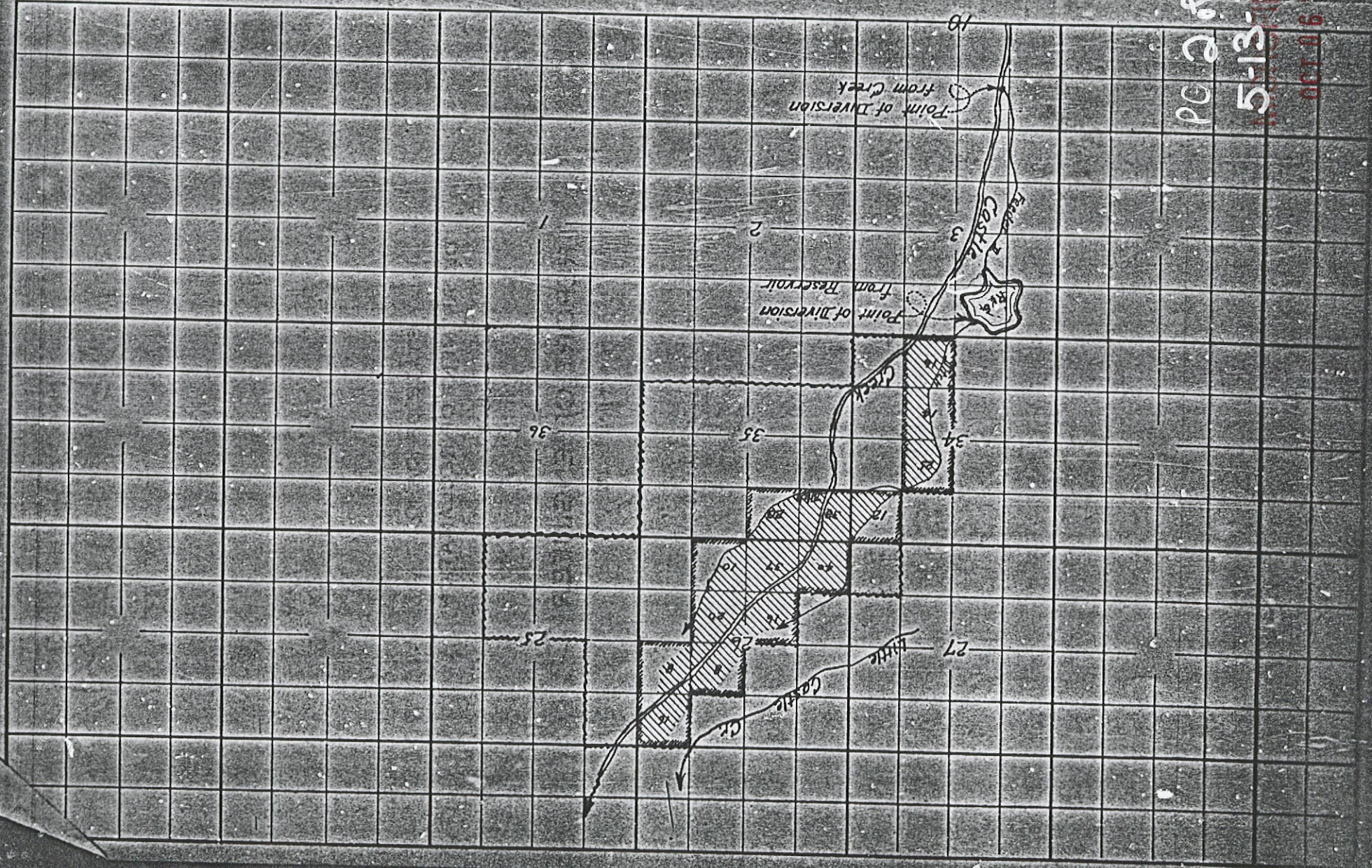
Pg. 2 of 2  
6-24-29

RECORDED  
OCT 06 1992

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5-13-38  
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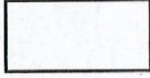
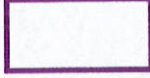
# Idaho Department of Water Resources

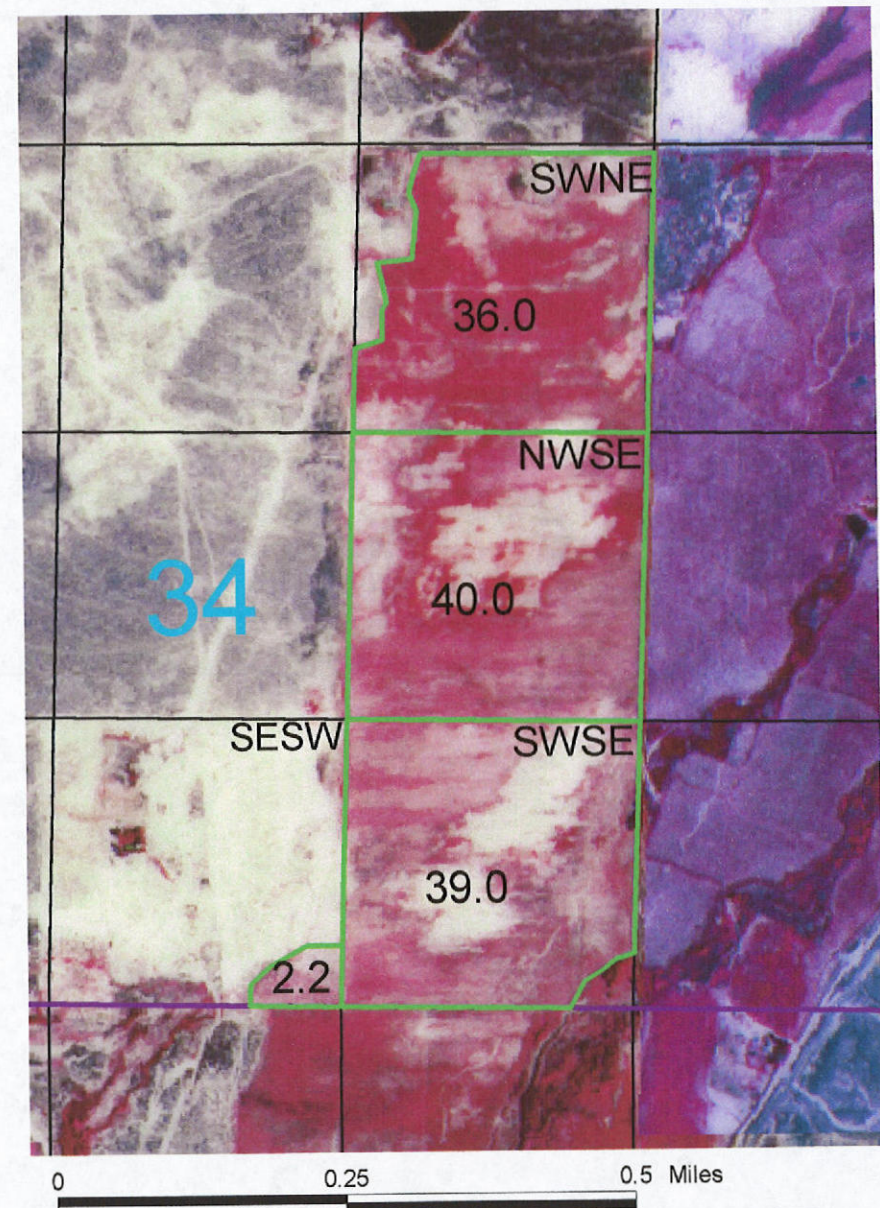
Claim Number: 57-02314

Legal: T04S, R01E, S34

Reviewed By:

1987 Napp Photo

-  Point of Diversion  
(Located outside of view)
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines
-  Township/Range Lines



MICROFILMED

JUL 20 1994

## ADJUDICATION MEMORANDUM

57-00085, 87, 100, 102, 108, 112, 114, 115, 121, 135, 147 & 1602 - CAROL GILBERT - CASTLE CREEK

CLAIM NO.: 57-00223, 224, 02132BY 02314 SUBJECT: PHONE CONVERSATION CONCERNING DITCH PROBLEMS BETWEEN THESE TWO RIGHT HOLDERS

EMPLOYEE: JOHN FUGUAY - CASTLE CREEK

DATE: 8-17-93

On this date, John Fuguey phoned concerning a dispute he is having with Don Bainhill who manages Carol Gilbert's property. Mr. Fuguey stated that in the past he shared his diversion ditch, from Castle Creek with Carol Gilbert's deceased husband, John Gilbert, by allowing a diversion ditch or pipeline from his main ditch to Gilbert's ditch to use for irrigation. In return, John Gilbert supplemented Fuguey with water from their hot well which flowed into Fuguey's ditch. Then, according to John Fuguey, the well water was stopped, therefore, he spoke with Don Bainhill concerning the ditch use and an argument began. Mr. Fuguey closed the diversion off of his main ditch because the well water was stopped and approx. 2 wks ago, Don Bainhill, installed another pipeline from Fuguey's main ditch over to his ditch. I informed both parties that this is a civil matter because it involves lateral ditches & not the diversion thru the main ditch from Castle Creek. Mr. Fuguey stated he may seek civil action & I told him I would document the appropriate files with a memo about our conversation.

POD  
SS. 1 E. Sec. 10

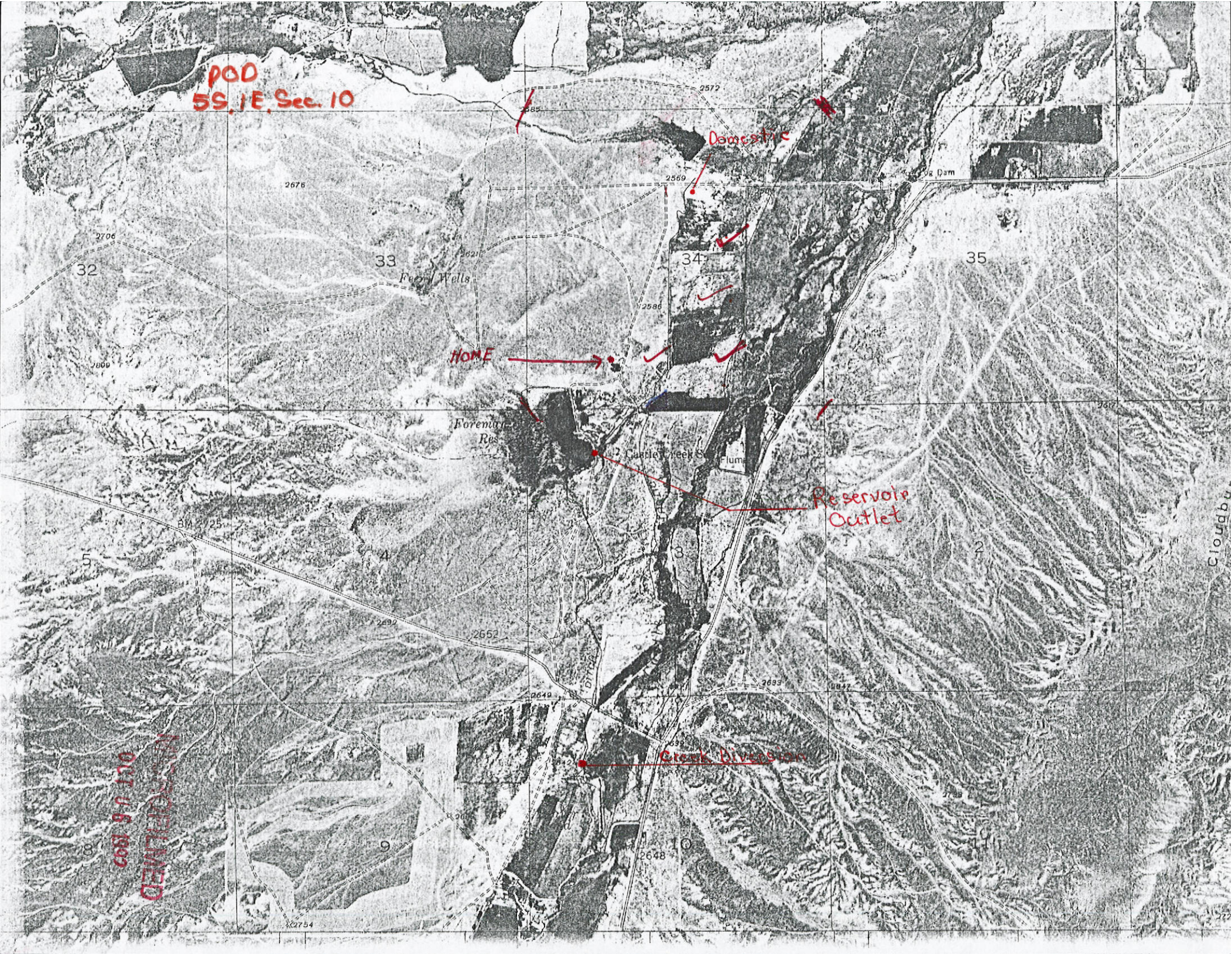
Domestic

HOME

Reservoir  
Outlet

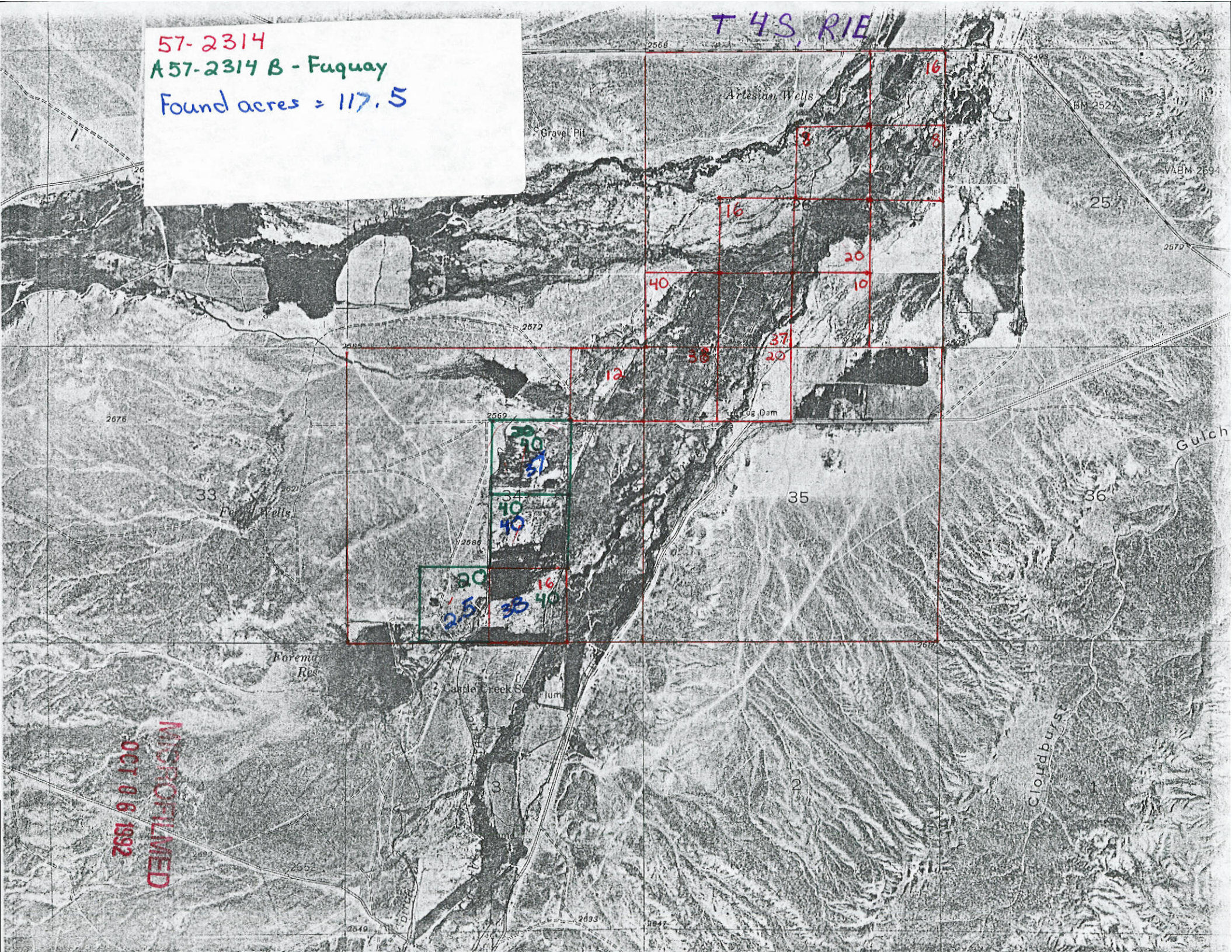
Creek Diversion

RESERVED  
OUT OF 1900



57-2314  
A57-2314 B - Fuquay  
Found acres = 117.5

T 4 S, R 1 E



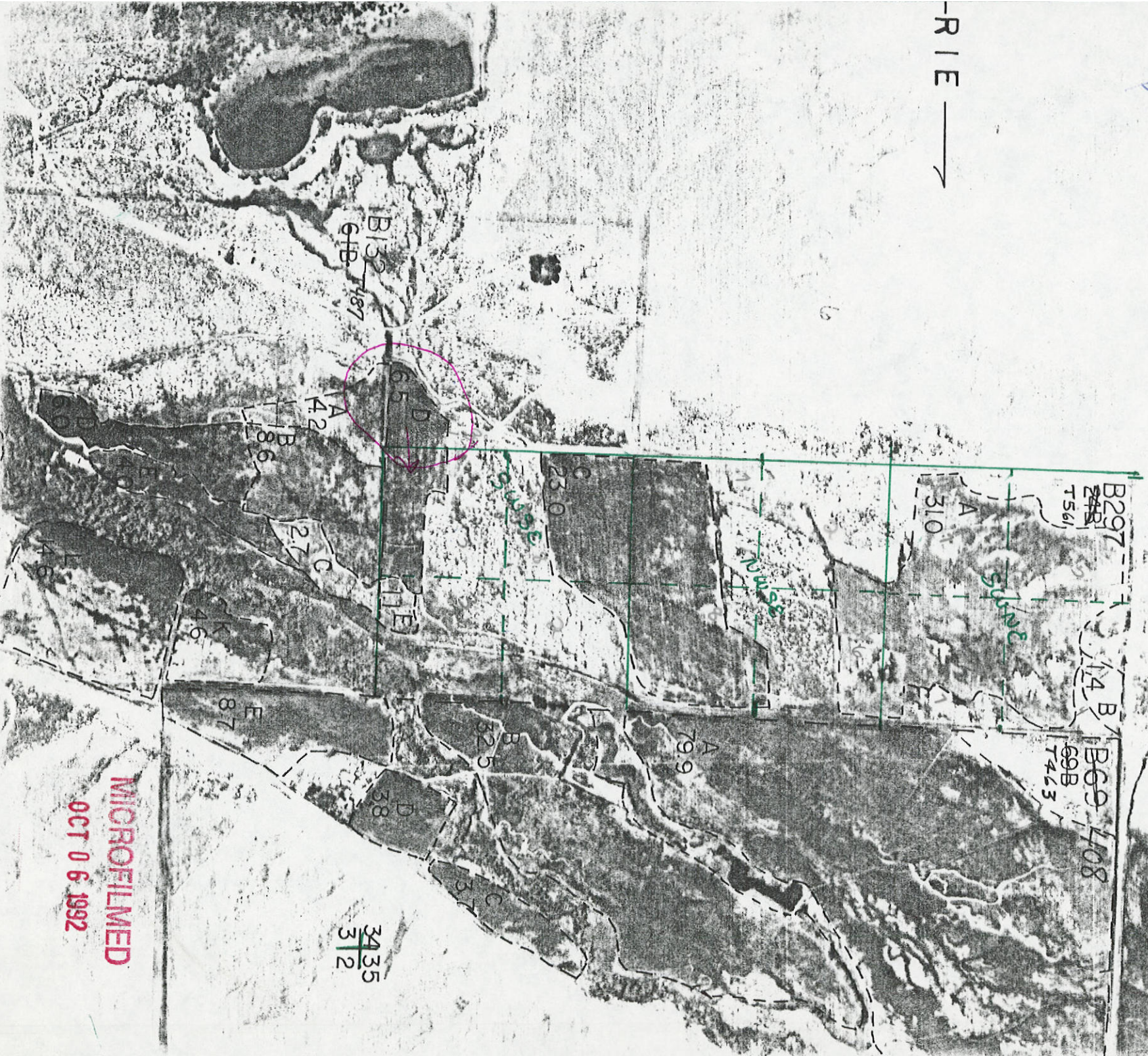
REPRODUCTION  
OCT 8 8 1992

~~Total~~  
Average = 61.6  
63



70

— R — E —



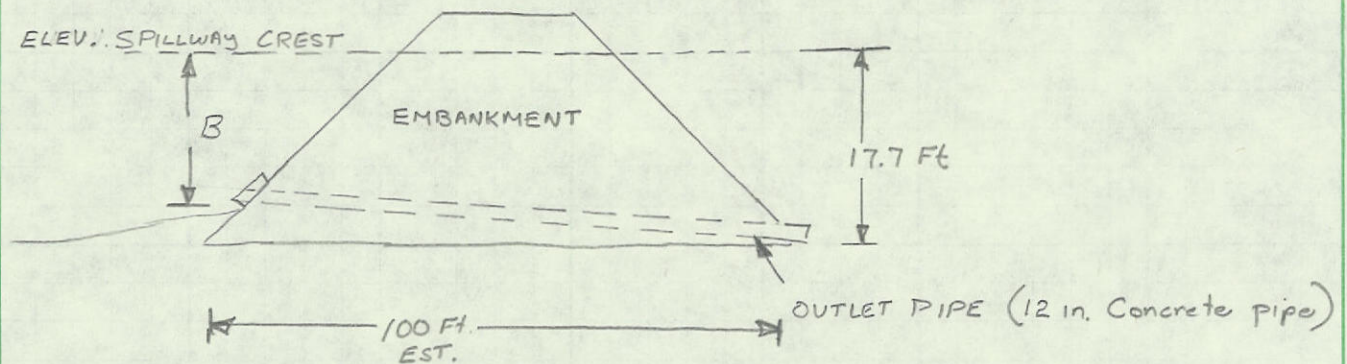
Aug. 20, 1991

FOREMAN RESERVOIR

WESTRA  
LINDA WERNER, WESTERN REG.

# RESERVOIR VOLUME CALCULATIONS:

DAM Hyd Height = 17.70 Ft. [SEE ATTACHMENT]



Estimated Max. Reservoir Depth "B" (at the inlet gate) = 16.5 Ft. (Est.)

[USED DAM SAFETY PHOTOS; AND ASSUMED 1% OUTLET PIPE SLOPE.  
INLET WAS SUBMERGED AT THE TIME OF MEASUREMENTS]

$$\begin{aligned} \text{EST. RESERVOIR VOLUME} &= (\text{DEPTH}) \times (\text{SURFACE AREA}) \times (.4) \\ &= (16.5 \text{ Ft.}) \times (92. \text{ ACRES}) \times (.4) \end{aligned}$$

$$\text{EST. RESERVOIR VOLUME} = \underline{\underline{607.2 \text{ ACRE-Ft.}}}$$

See Picture #1.

Culvert measurement - To determine flow capability of ditch.  
This culvert is a limiter of flow

Average diameter = 3.0'

Head = 3.5'

diameter = 3.0'

$$H/d = 3.5' \div 3.0' = 1.16$$

FIG. 17-29. Chart for estimating headwater on box culverts with square-edged entrances, flowing partly full. (Based on data of U.S. Bureau of Public Roads [29].)

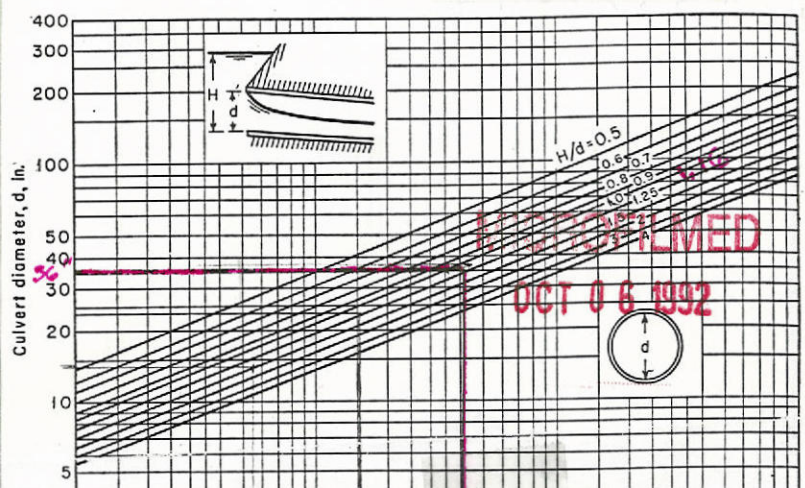
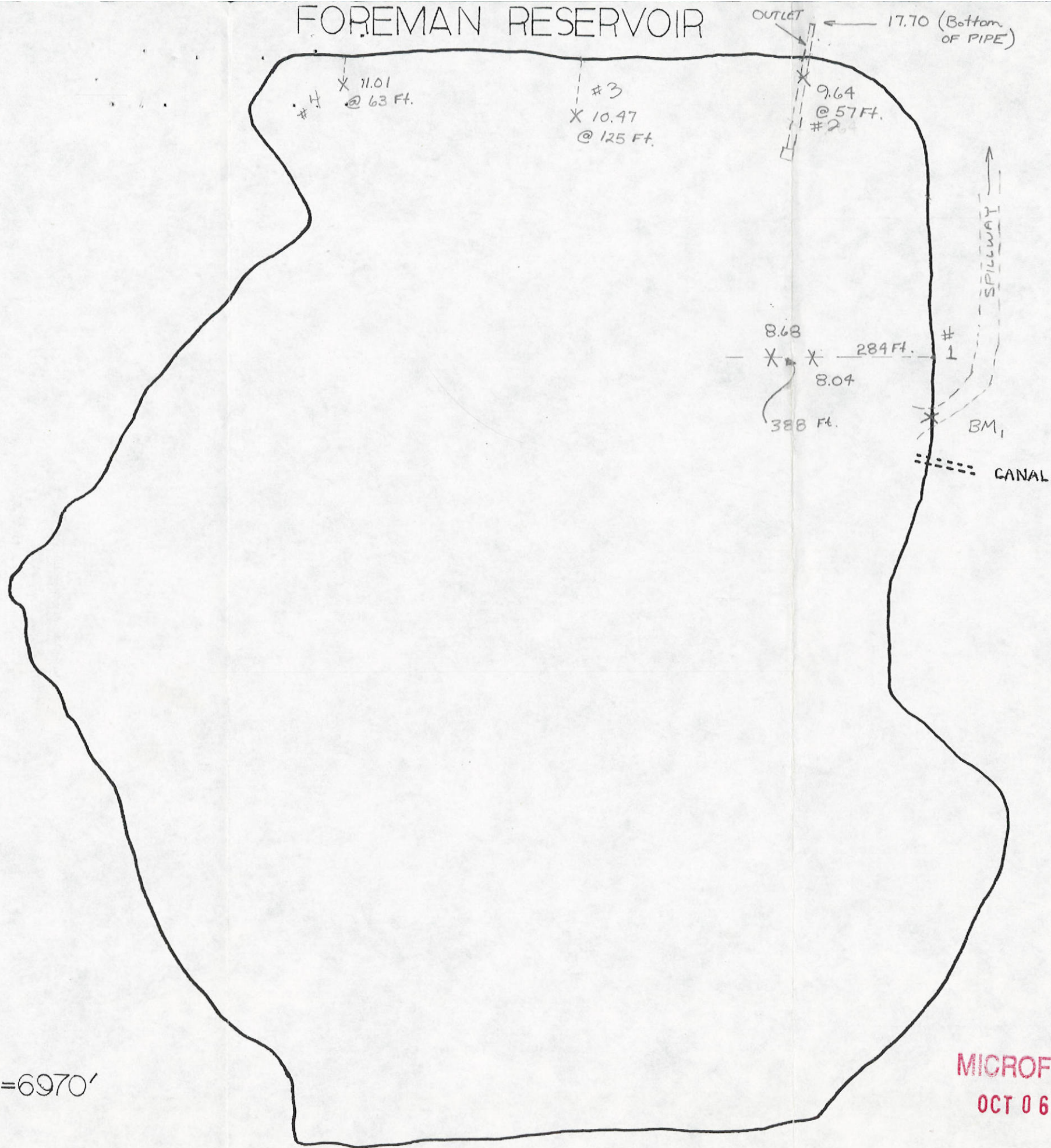


Chart taken from pg. 498  
of Open Channel Hydraulics.  
Copyright 1959

# FOREMAN RESERVOIR



PERIMETER = 6970'

Pg. 3 of 3

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OCT 06 1992

Linda Werner  
8-29-91

A57-02314

Picture # 1



Conveyance ditch from Castle creek. located in T 58, R 1E,  
Section 10; NE NW NW.

Picture # 2



Cement ditch bordering upper west side of  
irrigated land.

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All Photos taken on 8-2-90  
by L. Werner

A57-02314

Picture #3



Rock dam located in Castle creek

Picture #4



Diversion from Castle creek to ditch.

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**OCT 06 1992**

A57-02314

Picture # 5



PIPELINE TO POND USED FOR LAWN IRRIGATION. POND LOCATED AT THE  
END OF THE DITCH.

Picture # 6



Another view of the home above showing the lawn irrigation.

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A57-02314

Picture #7



Picture #8



Both of the above Pictures are of the edge of the Pond which is for domestic irrigation. On the bottom Picture you see the ditch leading to the Pond.

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AS7-02314

Foreman Reservoir

Pictorial Sequence from left to right  
2 August 1990

#1



#3



#2



#4



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OCT 06 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: **A57-02314**  
Date Received: 11/28/1989  
Receipt No: C013059  
Received By: \_\_\_\_\_

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

1. Name: JOHN E. FUQUAY 208-834-2495  
Address: HC 79 BOX 2240  
MURPHY ID 83650

2. Date of Priority: MAR 16, 1931

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05S      | 01E   | 10      | SE     | NW     | NW  |     | OWYHEE |

5. Description of diverting works:  
DIV. DAM W/GRAVITY DITCH TO 150 AC POND W/DIST. DITCHES TO POU.

6. Water is used for the following purposes:

| Purpose                 | From  | To    | C.F.S  | (or) | A.F.A.  |
|-------------------------|-------|-------|--------|------|---------|
| IRRIGATION STORAGE      | 01/01 | 12/31 |        |      | 2300.00 |
| IRRIGATION FROM STORAGE | 01/01 | 12/31 |        |      | 2300.00 |
| DIVERSION TO STORAGE    | 10/01 | 03/15 | 45.000 |      |         |
| DOMESTIC FROM STORAGE   | 01/01 | 12/31 |        |      | 1.20    |
| DOMESTIC STORAGE        | 01/01 | 12/31 |        |      | 1.20    |

7. Total Quantity Appropriated is:  
45.000 C.F.S. (and/or) 2300.00 A.F.A.

8. Total consumptive use is 490.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
STOCKWATER INCIDENTAL TO IRR., DOMESTIC LAWN, GARDEN, 1 HOUSE

**MICROFILMED**  
OCT 06 1992

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|---------------|-------|---------|--------|-----|-----|--------|-------|
| 04S           | 01E   | 34      | SW     | NE  |     | DOM FS |       |
|               |       |         | SE     | SW  |     | IRR FS | 20.0  |
| Section Acres |       |         |        |     |     |        | 20.0  |
| 05S           | 01E   | 3       | NW     | NW  |     | DOM S  |       |
|               |       |         | NW     | NW  |     | IRR S  |       |
|               |       | 34      | SW     | NE  |     | IRR S  | 40.0  |
|               |       |         | NW     | SE  |     | IRR S  | 40.0  |
|               |       |         | SW     | SE  |     | IRR S  | 40.0  |
| Section Acres |       |         |        |     |     |        | 120.0 |
| Total Acres   |       |         |        |     |     |        | 140.0 |

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:  
N/A

14. Remarks:

THIS RIGHT WAS ORIGINALLY LICENSED FOR THE IRRIGATION OF SOME 241 ACRES FROM STORAGE AND THE RECORDS STATE THAT THE AREA OF THE LAKE IS 154 ACRES AND THE STORAGE CAPACITY IS 2300 ACRE FEET. CLAIMANT FEEL THAT THESE FIGURES MAY BE SOMEWHAT OVERSTATED, AS HE IS ONLY ABLE TO GET 3 IRRIGATIONS ON THE APPROXIMATELY 140 ACRES THAT ARE CLAIMED HERE. THE 2300 AC-FT STORAGE CAPACITY IS CLAIMED HERE AS THAT IS WHAT IS SHOWN ON THE LICENSE AND IN THE INVENTORY OF DAM PUBLICATION. THE DAM AS ORIGINALLY CONCEIVED WAS TO IRRIGATE SOME LANDS UNDER OTHER OWNERSHIPS, BUT HAS NEVER DONE SO FOR MANY YEARS AND HAS BEEN USED ONLY TO IRRIGATE CLAIMANT'S LANDS AS INDICATED HERE.

15. Basis of Claim: LICENSE

Water Right Number: R277

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:                     

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OCT 06 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 06 1992**

INTER-DEPARTMENT MEMO

TO: A57-02314 B

SUBJECT: Renumbered claim

FROM: Anda Warner

DATE: 9-17-91

This claim has been renumbered from  
A57-02314 B to A57-02314.

MICROFILMED  
 OCT 06 1992

☒ For your information

☐ Response required

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

CIVIL CASE NUMBER: 39576

Ident. Number: A57-02314B  
Date Received: 11/28/1989  
Receipt No: C013059  
Received By: SS

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JOHN E. FUQUAY 208-834-2495  
Address: HC 79, BOX 2240  
MURPHY, ID 83650

2. Date of Priority: MAR 16, 1931

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05S      | 01E   | 10      | SE     | NW     | NW  |     | OWYHEE |

5. Description of diverting works:

DIV.DAM WITH GRAV.DITCH TO 150 AC.POND WITH DIST.DITCHES TO P/U'S

6. Water is used for the following purposes:

| Purpose                 | From  | To    | C.F.S  | (or) | A.F.A.  |
|-------------------------|-------|-------|--------|------|---------|
| IRRIGATION STORAGE      | 01/01 | 12/31 |        |      | 2300.00 |
| IRRIGATION FROM STORAGE | 01/01 | 12/31 |        |      | 2300.00 |
| DIVERSION TO STORAGE    | 10/01 | 03/15 | 45.000 |      |         |
| DOMESTIC FROM STORAGE   | 01/01 | 12/31 |        |      | 1.20    |
| DOMESTIC STORAGE        | 01/01 | 12/31 |        |      | 1.20    |

7. Total Quantity Appropriated is:

45.000 C.F.S. (and/or) 2300.00 A.F.A.

8. Total consumptive use is 490.0 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER INCIDENTAL TO IRRIGATION, DOMESTIC LAWN, GARDEN, 1 HOUSE

10. Place of Use:

| Township | Range | Section | 1/4 of        | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|---------------|-----|-----|--------|-------|
| 04S      | 01E   | 34      | SW            | NE  |     | DOM FS |       |
|          |       |         | SE            | SW  |     | IRR FS | 20.0  |
|          |       |         | Section Acres |     |     |        | 20.0  |
| 05S      | 01E   | 3       | NW            | NW  |     | DOM S  |       |
|          |       |         | NW            | NW  |     | IRR S  |       |
|          |       | 34      | SW            | NE  |     | IRR S  | 40.0  |
|          |       |         | NW            | SE  |     | IRR S  | 40.0  |
|          |       |         | SW            | SE  |     | IRR S  | 40.0  |
|          |       |         | Section Acres |     |     |        | 120.0 |
|          |       |         | Total Acres   |     |     |        | 140.0 |

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:  
N/A

14. Remarks:

THIS RIGHT WAS ORIGINALLY LICENSED FOR THE IRRIGATION OF SOME 241 ACRES FROM STORAGE AND THE RECORDS STATE THAT THE AREA OF THE LAKE IS 154 ACRES AND THE STORAGE CAPACITY IS 2300 ACRE FEET. CLAIMANT FEELS THAT THESE FIGURES MAY BE SOMEWHAT OVER-STATED, AS HE IS ONLY ABLE TO GET 3 IRRIGATIONS ON THE APPROXIMATELY 140 ACRES THAT ARE CLAIMED HERE. THE 2300 AC-FT STORAGE CAPACITY IS CLAIMED HERE AS THAT IS WHAT IS SHOWN ON THE LICENSE AND IN THE INVENTORY OF DAM PUBLICATION. THE DAM AS ORIGINALLY CONCEIVED WAS TO IRRIGATE SOME LANDS UNDER OTHER OWNERSHIPS, BUT HAS NEVER DONE SO FOR MANY YEARS AND HAS BEEN USED ONLY TO IRRIGATE CLAIMANT'S LANDS AS INDICATED HERE.

15. Basis of Claim: LICENSE  
Water Right Number: R277

16. Signature(s)

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

Number of attachments: 1

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): John E. Ferguson Date: 11-28-89  
Date: \_\_\_\_\_

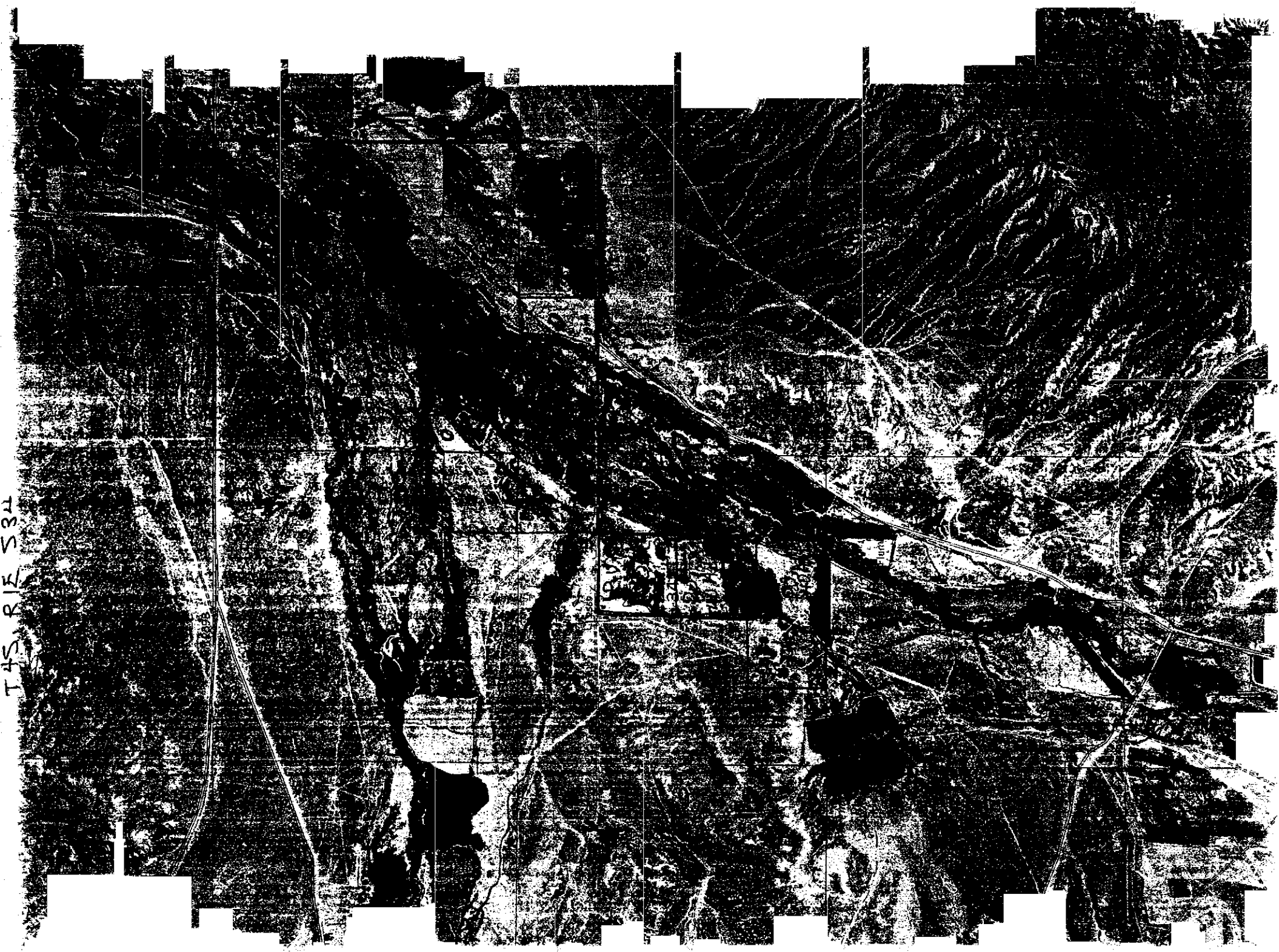
State of Idaho )  
County of ADA ) SS.

Subscribed and sworn (or affirmed) before me this 28<sup>th</sup> day  
of NOVEMBER 19 89 Shirley E. Sullivan  
Notary Public

Seal

Residing at Boise, ID  
My Commission Expires 11/08/1994

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Water Right Number - 57-02314

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - R277

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
FOREMAN

T. A.

1 -  
2 -  
3 -City- OREANA  
Phone -

State- ID Zip- 83659

+ - - Priority Date - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +  
03/16/1931 ✓ 14 L - LICENSE ✓+ - - - - Source - - - - + + - - - - - Tributary - - - - - +  
CASTLE CREEK ✓ SNAKE RIVER ✓+ - - - - Point of Diversion - - - - - +  
Twn Rng let Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

05S 01E 3 NE NW (73) OWYHEE 272.0 353.0 1.7 1.5

+ - - - - Water Use - - - - - +

Code Description Period From Period To Diversion Rate Diversion Volume

02 - IRRIGATION STORAGE 1-1 12-31 WR 1205.00  
03 - IRRIGATION FROM STORAGE 3-15 12-31 11-15 1205.00  
43 - DOMESTIC 01/01 12/31+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
1205.00+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County

|     |     |    |              |      |    |                    |             |
|-----|-----|----|--------------|------|----|--------------------|-------------|
| 04S | 01E | 26 | NE NE King   | 16.0 | 02 | IRRIGATION STORAGE | (73) OWYHEE |
| 04S | 01E | 26 | SW NE King   | 8.0  | 02 | IRRIGATION STORAGE | (73) OWYHEE |
| 04S | 01E | 26 | SE NE King   | 8.0  | 02 | IRRIGATION STORAGE | (73) OWYHEE |
| 04S | 01E | 26 | NE SW King   | 16.0 | 02 | IRRIGATION STORAGE | (73) OWYHEE |
| 04S | 01E | 26 | SW SW King   | 40.0 | 02 | IRRIGATION STORAGE | (73) OWYHEE |
| 04S | 01E | 26 | SE SW King   | 37.0 | 02 | IRRIGATION STORAGE | (73) OWYHEE |
| 04S | 01E | 26 | NW SE King   | 20.0 | 02 | IRRIGATION STORAGE | (73) OWYHEE |
| 04S | 01E | 26 | SW SE King   | 10.0 | 02 | IRRIGATION STORAGE | (73) OWYHEE |
| 04S | 01E | 34 | NE NE King   | 12.0 | 02 | IRRIGATION STORAGE | (73) OWYHEE |
| 04S | 01E | 34 | SW SE Fuquay | 16.0 | 02 | IRRIGATION STORAGE | (73) OWYHEE |
| 04S | 01E | 35 | NE NW Fuquay | 20.0 | 02 | IRRIGATION STORAGE | (73) OWYHEE |
| 04S | 01E | 35 | NW NW King   | 38.0 | 02 | IRRIGATION STORAGE | (73) OWYHEE |

Total Acres: 241.0

+ - - Division Means -

+ - - No Irrigation Use -

OCT 06 1992

MICROFILMED

Pou - old Pou - old W.R.  
New Pou - adj. claim

**MICROFILMED**  
**OCT 06 1992**

# State of Idaho

## License and Certificate of Water Right

Water License No. P-277

Water District No. \_\_\_\_\_

Amount 1205 acre feet

Priority March 16, 1931

THIS IS TO CERTIFY that T. A. FORSLAN

of Oreana, Idaho

made application for a permit to appropriate the

public waters of the State of Idaho, dated June 24, 1921; that Permit No. P-277

was issued under said application; that Certificate of Completion of works, with a carrying capacity of

2300 second feet, was issued thereunder on February 10, 1930, showing that said works

were completed on the 19th day of July, 1928; and that on the 11th

day of April, 1930

T. A. FORSLAN

of Oreana

State of Idaho

made proof to the satisfaction of the

of Idaho, of the right to use the waters of Castle

Creek, a tributary of Snake River

for the purpose of Irrigation and domestic

use under Use Permit No. P-277

of the Commission of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is

hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7

of Licenses, at page 3932, on the 2nd day of March, 1930

The right hereby confirmed dates from March 16, 1921

Quit

The Point of Diversion is located

in the 15th NW 1/4 Sec. 35, T. 5 S., R. 11 E., B. M. Orwhee County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,

is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1205 acre feet

cubic feet per second

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract                  | No. Acres Described in Permit | No. Acres Actually Irrigated |
|------|-------|------|-----------------------------------|-------------------------------|------------------------------|
| 4 S. | 1 E.  | 35   | 12 NE 1/4                         | 40                            | 15                           |
|      |       |      | 37 NE 1/4                         | 40                            | 8                            |
|      |       |      | 38 NE 1/4                         | 40                            | 8                            |
|      |       |      | 39 NE 1/4                         | 40                            | 16                           |
|      |       |      | 40 NE 1/4                         | 40                            | 40                           |
|      |       |      | 41 NE 1/4                         | 40                            | 37                           |
|      |       |      | 42 NE 1/4                         | 40                            | 20                           |
|      |       |      | 43 NE 1/4                         | 40                            | 10                           |
|      |       |      | 44 NE 1/4                         | 40                            | 12                           |
|      |       |      | 45 NE 1/4                         | 40                            | 16                           |
|      |       |      | 46 NE 1/4                         | 40                            | 20                           |
|      |       |      | 47 NE 1/4                         | 40                            | 35                           |
|      |       |      | Total number of Acres Irrigated - | 241                           | 241                          |

The right to the use of the water aforesaid hereby confirmed is restricted to the lands of place of use

herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,

this 2nd day of March, 1930

JAMES STOFFORD

Commissioner of Reclamation

(SEAL)

5742314

# Application for a Permit to Construct the

Boyle Foreman

## Reservoir

And to Store the Unappropriated Waters of the State of Idaho

Application No. 21640  
Permit No. R 277  
District No. 145A

1. Name of Applicant Boyle Foreman

Postoffice Address Oreana

County Owyhee

State Idaho

2. If applicant is a corporation, give

- Date and place of incorporation
- Amount of capital stock
- Amount paid in
- Names and addresses of directors

3. The financial resources of the applicant are (a) Cash on hand \$  
(b) Treasury stock \$  
(c) Other resources

4. Quantity of water to be stored 2353

acre feet per annum

5. Source of water supply Snake Creek

which is a tributary of Snake River

6. Water is to be used for irrigation and domestic use

7. The outlet of the proposed reservoir is located

feet distant from the

corner of Section

of Section 3 T. 15 S. R. 1 E. B. M. County of Owyhee

8. Fill out either (a) or (b)

(a) The reservoir is located in the channel of

(b) The reservoir is located in the channel of the

Reeder Canal

which is a width at bottom of 18 ft. width at top of 18 ft. depth of 2.5

ft. average

grade per mile 2.64 ft. capacity 60 cubic feet per second

9. (a) The area of the high water line of the reservoir is 153.65 acres

(b) The available capacity of the reservoir is 2353

acre feet

10. Height of dam 35 feet length of dam at top 2940 feet length of dam at bottom 200 feet

Material used in dam earth

11. The estimated cost of proposed reservoir is \$ 25,000.00

12. Amount of bond to be fringed 1533

acre field and being described in Use Permit mentioned in

13. The time required for the completion of such work is one year

year

14. The water stored in accordance with this permit will be conducted to the place of use through the

canal constructed under the terms of Permit No. 15223

affiliated by Boyle Foreman

on June 24 1921

15. It is KNOWN that the undersigned hereby makes application for permit to construct a reservoir and to store the unap-

propriated waters of the State of Idaho as therein set forth.

5-25-26

By Boyle Foreman

Agent

Page 1 of 2

Now, wherefore, in 1928, is hereby, that the execution of the suggested in the said application be and the same is, hereby granted, and it is further ordered that certificate evidencing such extension be issued to the permit holder, extending the time within which permit holder shall be required to make proof of completion of work of diversion under said permit to July 19, 1928.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official stamp of my office, at Boise, this 25th day of May, 1928.

W. B. MUNDEN  
Commissioner of Reclamation

By: C. C. Carter  
Assistant

Permit No. R-277

### CERTIFICATE OF COMPLETION OF RESERVOIR

#### AND RIGHT TO STORE WATER

Priority 6-24-1921

Amount 2300 Acre feet

This is to certify that A. Foreman, of Orocana, County of Owyhee, and State of Idaho, the holder of Permit No. R-277, issued upon Application No. R-21440, bearing date of priority of June 24, 1921, authorizing the construction of a reservoir and the right to store the waters of Castle Creek, a tributary of Snake River, County of Owyhee, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works as set out and described in said Permit; that said works are adequate for the storage of 2300 acre feet of water annually; that the location of the outlet of said reservoir is in the NE 1/4 of NW 1/4 of Section 3, Township 6 S., Range 1 E., Boise Meridian; that a right to store the said waters has been perfected in accordance with the laws of Idaho and is hereby confirmed by the Commissioner of Reclamation and entered of record in Volume 1 of Reservoir Permits at page 277, records of the Department of Reclamation on the 10th day of February, 1930; that the right hereby confirmed dates from June 24, 1921, and that the amount of water to which said right is subject is hereby certified, entitled to store annually, shall not exceed 2300 acre feet.

Witness the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 10th day of February, 1930.

S. F. A. L.  
Commissioner of Reclamation

Proof of Completion of Works made July 19, 1928.

Certificate of Completion of work issued February 10, 1930.

12245 SEP 7  
Page 3993

Page 2 of 2  
5-25-26



pg. 2 of 2  
6-24-29

6-11

6-11

6-11

6-11

22-00000

# VOICE

**This proof is for Beneficial Use**

1. Name of applicant: T. A. FAYMAN

1. Name of applicant: T. A. FAYMAN

3. Source of water supply: .....

3. Source of water supply: .....

Location of point of ~~maximum~~ **outflow** is in the

Location of point of ~~maximum~~ **outflow** is in the

**T**he Public Reading Room  
of the Society of

**T**he Public Reading Room  
of the Society of

Describe works as they exist, giving dimensions and capacities of same.

Kind system & thick soil heavy head gate long 200 ft by 10 ft  
admits to feeder canal 6 ft wide 3 ft deep. Run of east filler  
along 19 ft high. Discharge from summit set by  
by standard screw stem gate with

Water is used for: Irrigation and Domestic use

6. State whether or not water has been turned into works of diversion.

7. List legal subdivisions of lands to be irrigated. (If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract.) (Describe manner and place of use if for other than irrigation):

W<sub>2</sub> NW<sub>4</sub> SW<sub>4</sub>, W<sub>4</sub> SW<sub>4</sub>, Sec. 25, NE<sub>2</sub> NE<sub>2</sub>, S<sub>2</sub> NW<sub>2</sub>, NE<sub>2</sub> SW<sub>2</sub>, S<sub>2</sub> SW<sub>2</sub>, SE<sub>2</sub>, Sec. 26; SE<sub>2</sub> SW<sub>2</sub>, Sec. 27; NE<sub>2</sub> NW<sub>2</sub>, S<sub>2</sub> NW<sub>2</sub>, NE<sub>2</sub>, Sec. 28; NE<sub>2</sub> NW<sub>2</sub>, W<sub>4</sub> SW<sub>2</sub>, W<sub>4</sub> SW<sub>2</sub>, Sec. 29; all in T. 4 S., R. 1 E., S. 3 M.

Sub--it may be attached plat showing location and details of above description

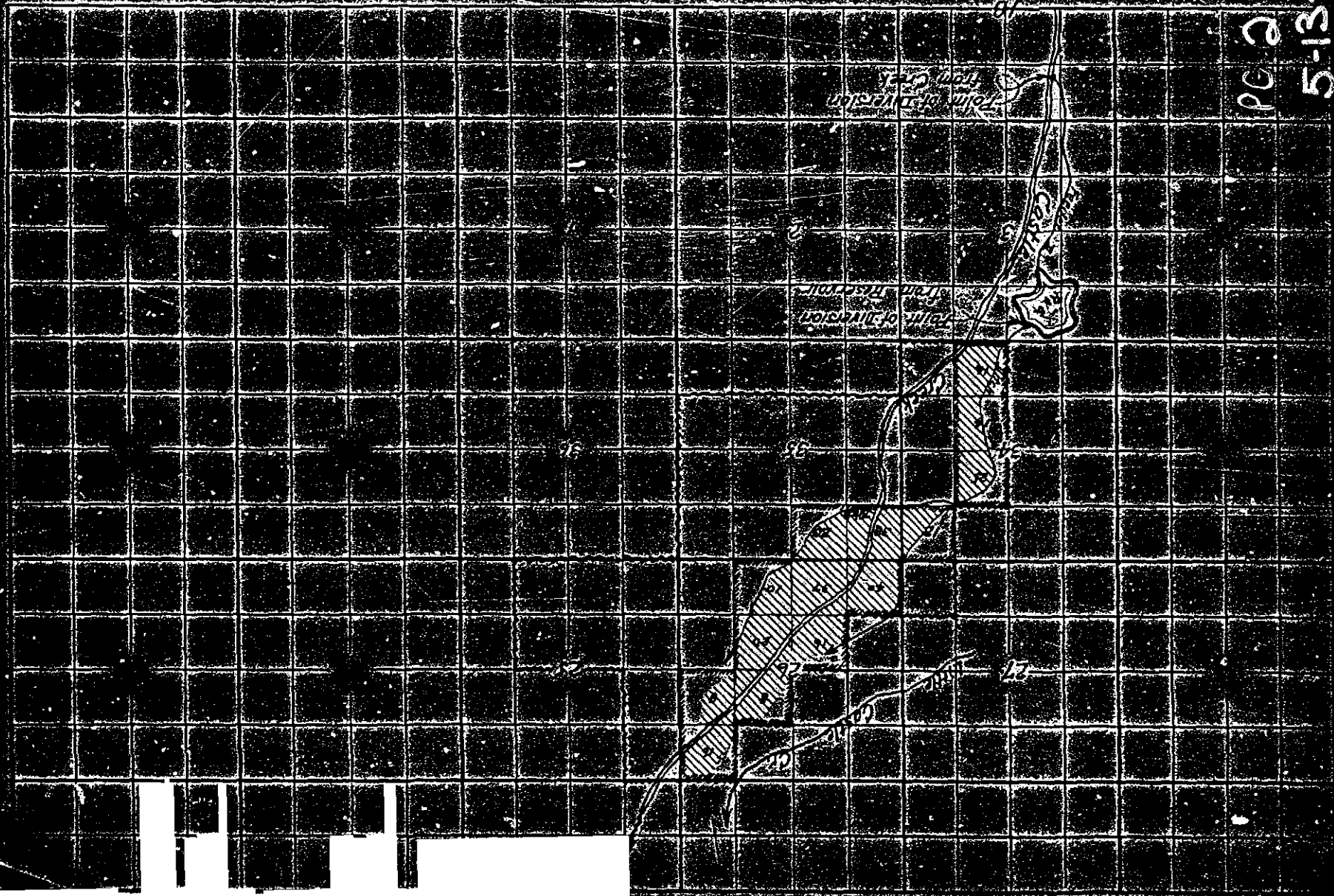
8. What large stream would the water here appropriated finally reach?

Remarks

10/2/88

THE UNIVERSITY OF CHICAGO  
 LIBRARY  
 1215 EAST 58TH STREET  
 CHICAGO, ILL. 60637  
 312 937 1311

Point of Diversion  
from Creek



PC 282  
5-13-38

# Idaho Department of Water Resources

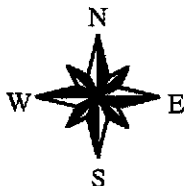
Claim Number: 57-02314

Legal: T04S, R01E, S34

Reviewed By:

1987 Napp Photo

- Point of Diversion  
(Located outside of view)
- Place of Use
- Section Lines
- Quarter Quarter Lines
- Township/Range Lines



0 0.25 0.5 Miles

# IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-02314

Date: 5-23-03

|       | TNS | RNG | SEC | NE |    |      |    | NW |    |    |    | SW |    |     |    | SE   |      |    |    | Sum   |
|-------|-----|-----|-----|----|----|------|----|----|----|----|----|----|----|-----|----|------|------|----|----|-------|
|       |     |     |     | NE | NW | SW   | SE | NE | NW | SW | SE | NE | NW | SW  | SE | NE   | NW   | SW | SE |       |
| Claim | 45  | 1E  | 34  |    |    | 37   |    |    |    |    |    |    |    | 2.5 |    | 40   | 38   |    |    | 117.5 |
| GIS   |     |     |     |    |    | 35.6 |    |    |    |    |    |    |    | 2.2 |    | 40.5 | 39.2 |    |    | 117.5 |
| Claim |     |     |     |    |    |      |    |    |    |    |    |    |    |     |    |      |      |    |    |       |
| GIS   |     |     |     |    |    |      |    |    |    |    |    |    |    |     |    |      |      |    |    |       |
| Claim |     |     |     |    |    |      |    |    |    |    |    |    |    |     |    |      |      |    |    |       |
| GIS   |     |     |     |    |    |      |    |    |    |    |    |    |    |     |    |      |      |    |    |       |
| Claim |     |     |     |    |    |      |    |    |    |    |    |    |    |     |    |      |      |    |    |       |
| GIS   |     |     |     |    |    |      |    |    |    |    |    |    |    |     |    |      |      |    |    |       |

Number of POD's 1

Total Claimed Acres: 117.5

Overlapping FOU Claim #'s:

57-00224 57-02132 B

Total GIS Acres: 117.5

## COMMENTS:

Per claim maps & image interpretation.

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 57-02314

1997 DEC 15 AM 10:55

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED \_\_\_\_\_

NAME & ADDRESS: JOHN E FUQUAY  
HC 79 BOX 2240  
MURPHY ID 83650

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 45.00 CFS  
607.0 AFY

STORAGE CAPACITY 607 AF.

PRIORITY DATE: 03/16/1931

POINT OF DIVERSION: T05S R01E S10 SENWNW Within Owyhee County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE     | QUANTITY  |
|----------------|-------------------------|-------------------|-----------|
|                | IRRIGATION STORAGE      | 01-01 12-31       | 607.0 AFY |
|                | IRRIGATION FROM STORAGE | Irrigation Season | 588.0 AFY |
|                | DIVERSION TO STORAGE    | 01-01 12-31       | 45.00 CFS |

PLACE OF USE: IRRIGATION FROM STORAGE Within Owyhee County  
T04S R01E S34 SWNE 37 SESW 2.5 NWSE 40 SWSE 38  
117.5 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 117.5 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 57-00223, 57-00224 &  
57-02132B

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.



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

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

[illegible]

POU County: OWYHEE

Other Rights: N/A

Remarks: QNT STORAGE CAPACITY 607 AF.

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 117.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 57-00223, 57-00224 & 57-02132B

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00223, 57-00224 & 57-02132B

|               |                               |                               |            |                              |
|---------------|-------------------------------|-------------------------------|------------|------------------------------|
| <b>Dates:</b> | <b>Exam Made Date:</b>        | <b>Verified Date:</b>         | 11/13/1997 | <b>Objection Filed Date:</b> |
| <b>Misc:</b>  | <b>Water District Number:</b> | <b>Field Inspection Flag:</b> |            |                              |
|               |                               | <b>Presumption Flag:</b>      |            |                              |

=====

Comments: Date: 09/17/1991 User-ID: WERNER Subject: COPIED FROM REMARKS  
THIS RIGHT WAS ORIGINALLY LICENSED FOR THE IRRIGATION OF SOME  
241 ACRES FROM STORAGE AND THE RECORDS STATE THAT THE AREA OF THE  
LAKE IS 154 ACRES AND THE STORAGE CAPACITY IS 2300 ACRE FEET.  
CLAIMANT FEEL THAT THESE FIGURES MAY BE SOMEWHAT OVERSTATED, AS  
HE IS ONLY ABLE TO GET 3 IRRIGATIONS ON THE APPROXIMATELY 140  
ACRES THAT ARE CLAIMED HERE. THE 2300 AC-FT STORAGE CAPACITY IS  
CLAIMED HERE AS THAT IS WHAT IS SHOWN ON THE LICENSE AND IN THE  
INVENTORY OF DAM PUBLICATION. THE DAM AS ORIGINALLY CONCEIVED  
WAS TO IRRIGATE SOME LANDS UNDER OTHER OWNERSHIPS, BUT HAS NEVER  
DONE SO FOR MANY YEARS AND HAS BEEN USED ONLY TO IRRIGATE  
CLAIMANT'S LANDS AS INDICATED HERE.  
THERE IS A DIFFERENCE OF 19 AF BETWEEN STORAGE AND IRRIGATION  
FROM STORAGE. THIS AMOUNT IS A CARRYOVER AMOUNT FOR USAGE IN A  
FOLLOWING YEAR.

Date: 08/24/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)  
RECEIVED NOE 8/19/92. CHANGED NOE FLAG FROM BLANK TO A.  
CLAIM VERIFIED 2/14/92. DID NOT REVERIFY ANY PART OF CLAIM.

Audit: 11/13/97 KWALKER

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

DATE: NOV-13-1997

PAGE: A-1

-----  
 RIGHTS FROM: SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER  
 -----

RIGHT NUMBER: 57-02314

NAME AND ADDRESS: JOHN E FUQUAY  
 HC 79 BOX 2240  
 MURPHY ID 83650

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 45.00 CFS  
 607.0 AFY  
STORAGE CAPACITY 607 AF.

PRIORITY DATE: 03/16/1931

POINT OF DIVERSION: T05S R01E S10 SENWNW Within Owyhee County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE                 | PERIOD OF USE            | QUANTITY  |
|----------------------------|--------------------------------|--------------------------|-----------|
|                            | <u>IRRIGATION FROM STORAGE</u> | <u>Irrigation Season</u> | 588.0 AFY |
|                            | <u>IRRIGATION STORAGE</u>      | 03/13 11/13              |           |
|                            | IRRIGATION STORAGE             | 01-01 12-31              | 607.0 AFY |
|                            | DIVERSION TO STORAGE           | 01-01 12-31              | 45.00 CFS |

PLACE OF USE: IRRIGATION FROM STORAGE Within Owyhee County  
 T04S R01E S34 SWNE 37 SESW 2.5 NWSE 40 SWSE 38  
 117.5 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 117.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 57-00223, 57-00224 & 57-02132B

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

USE OF THIS RIGHT WITH RIGHT NOS. 57-00223, 57-00224 AND 57-02132B IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 411.2 AF AND TO THE IRRIGATION OF A COMBINED TOTAL OF 117.5 ACRES IN A SINGLE IRRIGATION SEASON.  
 STORAGE CAPACITY 607 AF.  
 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00223, 57-00224, 57-02132B

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE  
 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO

AJ5856NP

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

DATE: NOV-13-1997

PAGE: A-2

57-02314 (CONT.)

SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 57-00223, 57-00224 & 57-02132B

6/9/94

## COMMUNICATION DOCUMENTATION

CLAIM NOS. AS7-00085, 87, 100, 102, 108, 112,  
114, 115, 121, 135, 147, 162 - CAROL GILBERT  
Claim Nos. AS7-00223, 00224, 02132B,  
AS7-02314 - JOHN FUQUAY.

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JAN THURTE Date 5-8-95

Contact Person(s) JOHN FUQUAY - OREANA - CAME INTO OFFICE ON 5-8-95.

Nature of Contact TO INFORM THE DEPT. OF ACTION HE TOOK DUE TO FLOODING IN CASTLE CREEK.

Substance of Communication MR. FUQUAY CAME IN TO LET THE DEPT. KNOW ABOUT AN EMERGENCY ACTION HE TOOK DUE TO FLOODING IN HIS DIVERSION DITCH FROM CASTLE Ck. MR. FUQUAY STATES THAT CASTLE CREEK WAS FLOODING OUT OF ITS BANKS & INTO HIS DIVERSION DITCH TO FOREMAN RESERVOIR.

THE RESERVOIR IS FULL & THE WATER IN THE DITCH BEGAN FLOODING ONTO THE COUNTY ROAD, THEREFORE, MR. FUQUAY CUT THE SIDE OF HIS DITCH, <sup>PUTTING</sup> ~~PUTTING~~ IN ANOTHER DITCH TO DIVERT THE WATER BACK TO THE CREEK. THIS DID STOP THE FLOW OF WATER OVER THE ROAD. THE DIVERSION DITCH IS NEW DITCH DUG BACK TO THE CREEK BOTH CROSS OVER LAND OWNED BY DON BARNHILL (CAROL GILBERT CLAIMS) AND MR. BARNHILL HAS CALLED IN STATING THAT MR. FUQUAY'S ACTIONS HAVE CAUSED FLOOD DAMAGES TO HIS PROPERTY. GEN. COUNSEL OF OUR OFFICE IS PREPARING TO INVESTIGATE THE WHOLE SITUATION PER MR. BARNHILL'S CALL RELATING TO A STREAM CHANNEL ALTERATION VIOLATION. THIS MEETING IS TO DOCUMENT MY

MICROFILMED  
SEP 25 1996

MICROFILMED

JUL 20 1994

## ADJUDICATION MEMORANDUM

57-00025, 87, 100, 102, 108, 112, 114, 115, 121, 135, 147 & 1402 - CAROL GILBERT - CASTLE CREEK  
 CLAIM NO.: 57-00223, 224, 02132BY [REDACTED] SUBJECT: PHONE CONVERSATION CONCERNING DITCH PROBLEMS BETWEEN THESE TWO RIGHT HOLDERS.  
 JOHN FUGUAY - CASTLE CREEK  
 EMPLOYEE: JAN SHURTE DATE: 8-17-93

On this date, John Fuguey phoned concerning a dispute he is having with Don Bainhill who manages Carol Gilbert's property. Mr. Fuguey stated that in the past he shared his diversion ditch, from Castle Creek with Carol Gilbert's deceased husband, John Gilbert, by allowing a diversion ditch or pipeline from his main ditch to Gilbert's ditch, to use for irrigation. In return, John Gilbert supplemented Fuguey with water from their hot well which flowed into Fuguey's ditch. Then, according to John Fuguey, the well water was stopped, therefore, he spoke with Don Bainhill concerning the ditch use and an argument began. Mr. Fuguey closed the diversion off of his main ditch because the well water was stopped and approx. 2 wks ago, Don Bainhill, installed another pipeline from Fuguey's main ditch over to his ditch. I informed both parties that this is a civil matter because it involves lateral ditches & not the diversion thru the main ditch from Castle Creek. Mr. Fuguey stated he may seek civil action & I told him I would document the appropriate files with a memo about the conversation.

| OWNER<br>CODE    | NAME & ADDRESS                                                       | PRIORITY<br>DATE | WATER USE               | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------------------|------------------|-------------------------|-----------------------|-------------------|---------------------|
| C                | JOHN E FUQUAY<br>HC 79 BOX 2240<br>MURPHY ID 83650<br>(208) 834-2495 | 03/16/1931       | IRRIGATION STORAGE      | 01-01 12-31           |                   | 607.0 AFA           |
|                  |                                                                      |                  | IRRIGATION FROM STORAGE | 03-15 11-15           |                   | 588.0 AFA           |
|                  |                                                                      |                  | DIVERSION TO STORAGE    | 01-01 12-31           | 45.00 CFS         |                     |
| TOTAL DIVERSION: |                                                                      |                  |                         |                       | 45.00 CFS         | 607.0 AFA           |

Water Source: CASTLE CREEK

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:

T05S R01E S10

SENWNW

OWYHEE County

Place of use Legal Description for: IRRIGATION FROM STORAGE

| NENE |     |    |         | 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 |   |
| 04S  | 01E | 34 | :       |       |       | 37    | :       |       |       |       | :       |       |       | 02    | :       |             | 40    | 38    | : |
|      |     |    |         |       |       |       |         |       |       |       |         |       |       |       |         | TOTAL ACRES |       | 117.5 |   |

POU County: OWYHEE

Other Rights: N/1

Conditions of Approval:

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

Remarks:

USE OF THIS RIGHT WITH RIGHT NO'S. 57-00223, 57-00224 AND  
57-02132B IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE  
VOLUME OF 411.2 AF AND TO THE IRRIGATION OF A COMBINED TOTAL OF  
117.5 ACRES IN A SINGLE IRRIGATION SEASON.  
STORAGE CAPACITY 607 AF.  
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE: 57-00223, 57-00224, 57-02132B

Dates:

Exam Made Date: 08/02/1990

Verified Date:

09/22/1992

Misc:

Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments:

Date: 09/17/1991 User-ID: WERNER Subject: COPIED FROM REMARKS  
THIS RIGHT WAS ORIGINALLY LICENSED FOR THE IRRIGATION OF SOME  
241 ACRES FROM STORAGE AND THE RECORDS STATE THAT THE AREA OF THE  
LAKE IS 154 ACRES AND THE STORAGE CAPACITY IS 2300 ACRE FEET.  
CLAIMANT FEEL THAT THESE FIGURES MAY BE SOMEWHAT OVERSTATED, AS  
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ACRES THAT ARE CLAIMED HERE. THE 2300 AC-FT STORAGE CAPACITY IS  
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INVENTORY OF DAM PUBLICATION. THE DAM AS ORIGINALLY CONCEIVED  
WAS TO IRRIGATE SOME LANDS UNDER OTHER OWNERSHIPS, BUT HAS NEVER  
DONE SO FOR MANY YEARS AND HAS BEEN USED ONLY TO IRRIGATE

MICROFILMED  
JUL 20 1994

Comments: Date: 09/17/1991 User-ID: WERNER Subject: COPIED FROM REMARKS  
CLAIMANT'S LANDS AS INDICATED HERE.  
THERE IS A DIFFERENCE OF 19 AF BETWEEN STORAGE AND IRRIGATION  
FROM STORAGE. THIS AMOUNT IS A CARRYOVER AMOUNT FOR USAGE IN A  
FOLLOWING YEAR.

Date: 08/24/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)  
RECEIVED NOE 8/19/92. CHANGED NOE FLAG FROM BLANK TO A.  
CLAIM VERIFIED 2/14/92. DID NOT REVERIFY ANY PART OF CLAIM.

Audit: 09/17/91 WERNER 11/22/91 WERNER 01/08/92 WERNER 02/14/92 WERNER  
07/29/92 PR-PRODM 08/24/92 SCHULTZ 09/22/92 WERNER 10/13/92 CP SHAW  
12/05/92 ADT-SHAW

MICROFILMED  
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 1, 1992

JOHN FUQUAY  
HC 79 BOX 2240  
MURPHY ID 83650

RE: Notices of Claim to a Water Right numbered 57-00223,  
57-00224, 57-02132B and 57-02314.

Dear Mr. Fuquay;

We are in receipt of the Notice of Error you submitted on the  
above water right claims.

I have enclosed a copy of a map, which along with my field  
examination of your property, was used to calculate the number  
of irrigated acres. Please review this map and outline the  
missing acreages.

Return this information to my attention by September 15, 1992.  
If I do not hear from you by that time I will assume that you  
now agree with our recommendation and will take no further  
action on the Notice of Error submitted in regard to these  
claims.

Sincerely,

Linda A. Werner  
Sr. Water Resource Agent  
Adjudication Section

Enclosure: Map

*9.22.92. No response received. Changed notice  
of error flag in data base to "B."  
JRW*

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OCT 06 1992

# NOTICE OF ERROR FORM

JUL-26-1992

RECEIVED

AUG 19 1992

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

**Idaho Department of Water Resources**

**Statehouse Mail**

**Boise, Idaho 83720-9000**

Department of Water Resources  
Western Regional Office

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

**YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS:** AUG-23-1992 ✓

1. Water right number: 57-02314 ✓ - 57-00224 ✓ - 57-00223 ✓ - 57-02132B ✓

2. Name: John Fuquay

Address: Hc. 79 Box 2240, Murphy, Id. 83650

Weekday Telephone Number: 208-834-2495

**TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE**

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(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 proposed recommendation with which you disagree:

*combined total of Acres*

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

*I wish to have a 16 acres added to total*

5. Describe why you disagree with the proposed recommendation:

*I have irrigated these 16 acres in past years  
and plan to irrigate in near future*

6. Date: *8-15-92*

SIGNATURE

*John E. Ferguson*

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

| OWNER<br>CODE | NAME & ADDRESS                                                       | PRIORITY<br>DATE | WATER USE               | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|----------------------------------------------------------------------|------------------|-------------------------|-----------------------|-------------------|---------------------|
| C             | JOHN E FUQUAY<br>HC 79 BOX 2240<br>MURPHY ID 83650<br>(208) 834-2495 | 03/16/1931       | IRRIGATION STORAGE      | 01-01 12-31           |                   | 607.0 AFA           |
|               |                                                                      |                  | IRRIGATION FROM STORAGE | 03-15 11-15           |                   | 588.0 AFA           |
|               |                                                                      |                  | DIVERSION TO STORAGE    | 01-01 12-31           | 45.00 CFS         |                     |
|               |                                                                      |                  |                         |                       |                   |                     |
|               |                                                                      |                  |                         | TOTAL DIVERSION:      | 45.00 CFS         | 607.0 AFA           |

**Water Source: CASTLE CREEK**

**Tributary to: SNAKE RIVER**

**Stage: LICENSE**

**Point(s) of Diversion:**

T05S-R01E S10

**SENWNW**

**OWYHEE County**

Place of use Legal Description for: IRRIGATION FROM STORAGE

[illegible]

PDU County: OWYHEE

**Other Rights: N/A**

**Conditions of Approval:**

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

Remarks: USE OF THIS RIGHT WITH RIGHT NO'S. 57-00223, 57-00224 AND 57-02132B IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 411.2 AF AND TO THE IRRIGATION OF A COMBINED TOTAL OF 117.5 ACRES IN A SINGLE IRRIGATION SEASON. STORAGE CAPACITY 607 AF. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00223, 57-00224, 57-02132B

Dates: Exam Made Date: 08/02/1990 Verified Date:

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

Comments: Date: 09/17/1991 User-ID: WERNER Subject: COPIED FROM REMARKS  
THIS RIGHT WAS ORIGINALLY LICENSED FOR THE IRRIGATION OF SOME  
241 ACRES FROM STORAGE AND THE RECORDS STATE THAT THE AREA OF THE  
LAKE IS 154 ACRES AND THE STORAGE CAPACITY IS 2300 ACRE FEET.  
CLAIMANT FEEL THAT THESE FIGURES MAY BE SOMEWHAT OVERSTATED, AS  
HE IS ONLY ABLE TO GET 3 IRRIGATIONS ON THE APPROXIMATELY 140  
ACRES THAT ARE CLAIMED HERE. THE 2300 AC-FT STORAGE CAPACITY IS  
CLAIMED HERE AS THAT IS WHAT IS SHOWN ON THE LICENSE AND IN THE  
INVENTORY OF DAM PUBLICATION. THE DAM AS ORIGINALLY CONCEIVED  
WAS TO IRRIGATE SOME LANDS UNDER OTHER OWNERSHIPS, BUT HAS NEVER

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**OCT 06 1992**

=====

Comments: Date: 09/17/1991 User-ID: WERNER Subject: COPIED FROM REMARKS  
DONE SO FOR MANY YEARS AND HAS BEEN USED ONLY TO IRRIGATE  
CLAIMANT'S LANDS AS INDICATED HERE.  
THERE IS A DIFFERENCE OF 19 AF BETWEEN STORAGE AND IRRIGATION  
FROM STORAGE. THIS AMOUNT IS A CARRYOVER AMOUNT FOR USAGE IN A  
FOLLOWING YEAR.

Date: 08/24/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)  
RECEIVED NOE 8/19/92. CHANGED NOE FLAG FROM BLANK TO A.  
CLAIM VERIFIED 2/14/92. DID NOT REVERIFY ANY PART OF CLAIM.

Audit: 00/00/00

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OCT 06 1992

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

08:23:17  
06/28/90

PAGE: 12  
QUICKLOOK INFORMATION

CLAIM NUMBER: A57-02314B

| WR ELEMENT                | FIELD EXAM<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | VERIFIED BY<br>CODE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|-------------------|-------------------------------------------------|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             |                   | L. Werner<br>7-18-91                            | 8-2-90<br>L. Werner        |                        | 6                   |                                  |                                      |                               |
| POINT OF DIV              | Y                 |                                                 | R. McCarthy                | Y                      | 5                   |                                  |                                      |                               |
| SOURCE                    |                   |                                                 |                            |                        | 6                   |                                  |                                      |                               |
| PLACE OF USE              | Y                 | Y                                               |                            | Y                      | 4, 2, 4, 5, 6       |                                  |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME | Y                 | Y                                               |                            |                        | 6                   |                                  |                                      |                               |
| CONSUMPTIVE USE           | -                 |                                                 |                            |                        | ADJ<br>STD.         |                                  |                                      |                               |
| PURPOSES                  | Y                 |                                                 |                            | Y                      | 5, 6                |                                  |                                      |                               |
| PERIOD OF USE             | Y                 |                                                 |                            | Y                      | ADJ<br>STD.         |                                  |                                      |                               |
| BASIS OF CLAIM            | Y                 |                                                 |                            |                        | 6                   |                                  |                                      |                               |
| REMARKS                   | Y                 |                                                 | ✓                          |                        |                     |                                  |                                      |                               |

"VERIFIED BY" CODES

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

\*: Same as licensed

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

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remarks pg. 7 & pg 6  
Copy of field exam also  
Add additional acres to maps.

Check presumptions on  
additions of usage. Will  
need dates

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

08:23:17  
06/28/90

PAGE: 1  
GENERAL INFORMATION

CLAIM NUMBER: A57-02314B

LAST: FOREMAN  
ADDRESS:  
CITY: OREANA  
PHONE NUMBER: 208-000-0000  
  
OWNER CODE: 0

FIRST: T. A.  
  
STATE: ID ZIP: 83659

LAST: FUQUAY  
ADDRESS: HC 79, BOX 2240  
CITY: MURPHY  
PHONE NUMBER: 208-834-2495

FIRST: JOHN E.  
  
STATE: ID ZIP: 83650

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE  
Y

FIELD  
EXAMINER

CLAIM REMARKS: THIS RIGHT WAS ORIGINALLY LICENSED FOR THE IRRIGATION OF SOME 241 ACRES FROM STORAGE AND THE RECORDS STATE THAT THE AREA OF THE LAKE IS 154 ACRES AND THE STORAGE CAPACITY IS 2300 ACRE FEET. CLAIMANT FEELS THAT THESE FIGURES MAY BE SOMEWHAT OVER-STATED, AS HE IS ONLY ABLE TO GET 3 IRRIGATIONS ON THE APPROXIMATELY 140 ACRES THAT ARE CLAIMED HERE. THE 2300 AC-FT STORAGE CAPACITY IS CLAIMED HERE AS THAT IS WHAT IS SHOWN ON THE LICENSE AND IN THE INVENTORY OF DAM PUBLICATION. THE DAM AS ORIGINALLY CONCEIVED WAS TO IRRIGATE SOME LANDS UNDER OTHER OWNERSHIPS, BUT HAS NEVER DONE SO FOR MANY YEARS AND HAS BEEN USED ONLY TO IRRIGATE CLAIMANT'S LANDS AS INDICATED HERE.

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CONTACT PERSON: John Liguori  
DATE OF FIELD EXAM:     /    /     APPOINTMENT MADE:     /    /    

PHONE NUMBER: ( ) -

DATE OF FIELD EXAM:     /    /     APPOINTMENT MADE: Y(      ) N(      )

APPOINTMENT MADE: Y ( ) N ( )

TIME: \_\_\_\_\_ : \_\_\_\_\_ A ( \_\_\_\_\_ ) P ( \_\_\_\_\_ )

ACCOMPANIED BY: \_\_\_\_\_

PHONE NUMBER: ( ) -

RELATIONSHIP TO CLAIMANT: \_\_\_\_\_

DIRECTIONS TO PROPERTY / REMARKS:

See A57-00223

**MICROFILMED**  
**OCT 06 1992**

A. AJ CLAIM: # A57-02314B PRIORITY DATE: 03-16-1931 STAGE: L

B. WR RECORD: # 57-02314 PRIORITY DATE: 03-16-1931 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE  
N

FIELD  
EXAMINER  
AD

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:

03-16-1931

REVIEWED BY

Linda Wimmer

DATE

7-10-91

=====

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OCT 06 1992

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT      | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY   |
|------------|------|------|------|-----|-----|-----|-----|--------|
| A57-02314B | 05S  | 01E  | 10   | SE  | NW  | NW  |     | OWYHEE |

OTHER AJ CLAIMS WITH SAME AJ POD  
A PREFIX R PREFIX  
A57-00223 NONE  
A57-00224

WR RECORDS IN SAME 40 ACRE TRACT  
57-02132

SOURCE: CASTLE CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT    | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY   |
|----------|------|------|------|-----|-----|-----|-----|--------|
| 57-02314 | 05S  | 01E  | 3    |     | NE  | NW  |     | OWYHEE |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT  
A PREFIX R PREFIX  
NONE NONE NONE

SOURCE: CASTLE CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

|  | DUE TO POD DISCREPANCY? (Y/N) | DUE TO SOURCE DISCREPANCY? (Y/N) | DATABASE | FIELD EXAMINER |
|--|-------------------------------|----------------------------------|----------|----------------|
|  | Y                             | N                                | Y        | <u>NO</u>      |

REMARKS:

*Has there been a transfer in diversion? If not - when did change occur? → Diversion or water right is reserved.  
The diversion point claimed is the diversion from the creek.*

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP.      | RGE.      | SEC.      | 1/4       | 1/4       | 1/4       | LOT      | COUNTY     |
|-----------|-----------|-----------|-----------|-----------|-----------|----------|------------|
| <u>5S</u> | <u>1E</u> | <u>10</u> | <u>SE</u> | <u>NW</u> | <u>NW</u> | <u>—</u> | <u>OWY</u> |

SOURCE: CASTLE CREEK

TRIB: SNAKE RIVER

REVIEWED BY: Linda Warner

DATE: 7-10-91

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SYSTEM DESCRIPTION ATTACHMENT TO CLAIM VERIFICATION REPORT

CLAIM NO. A57-02314

The water is diverted from the creek by means of a rock dam and plastic dam

diversion to the ditch. The ditch runs in a northerly direction to the inflow

of Foreman reservoir. The inflow is located in T5S, R1E, Section 3, NESWNW.

Outflow from the reservoir is located in T5S, R1E, Section 3, SENWNW via ditch

to the places of use. The ditches at the places of use are cement lined. This

is a gravity flow system.

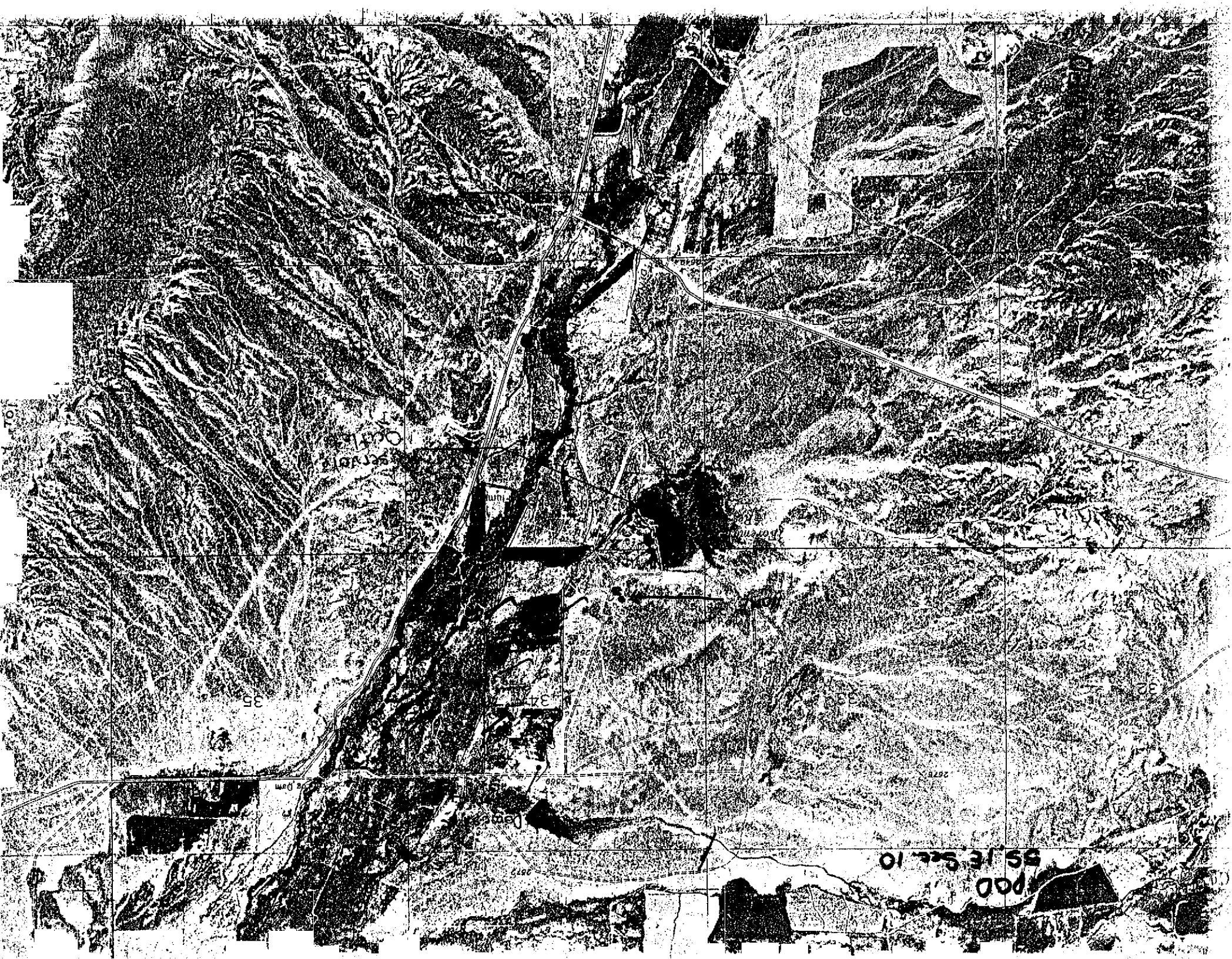
There is a pond located in the NWSWNE of Section 34, T4S, R1E. This pond is at

the end of the ditch system and is used for the domestic lawn irrigation by means

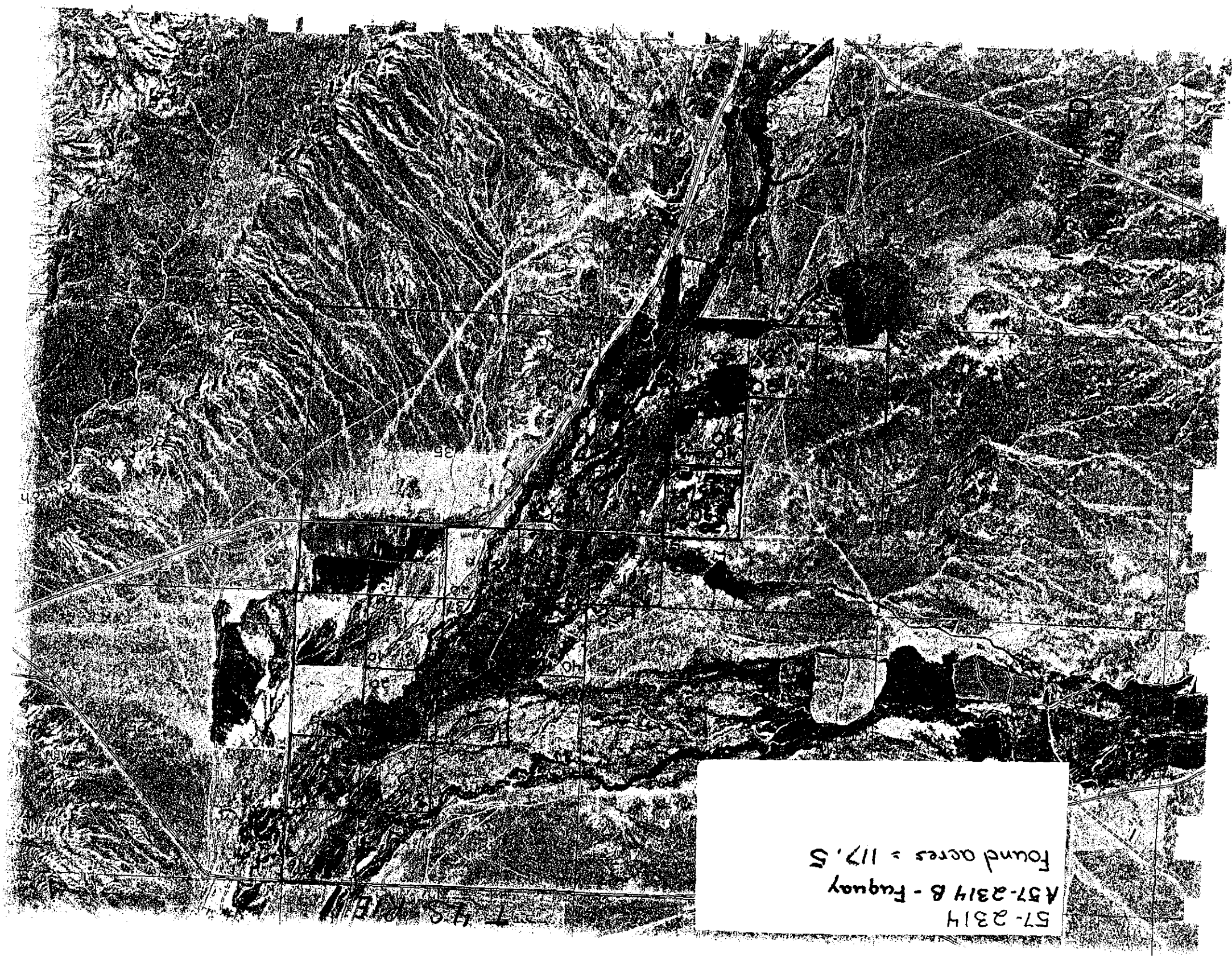
of pump and pipeline.

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POD 55 JE Sec 10



57-2314  
A57-2314 B - Fugway  
Found acres = 117.5

A. ROOT WATER RIGHT NUMBERS: A57-02314B

B. POU LISTING

| TWP         | RNG | SEC | 1/4 | 1/4 | LOT | NAME            | AJ<br>#/ACRES    | WR<br>#/ACRES | LANDSAT<br>DATA | MAPS<br>O-P<br>ASCS<br>Map | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-------------|-----|-----|-----|-----|-----|-----------------|------------------|---------------|-----------------|----------------------------|----------------|------------------|
| 04S         | 01E | 34  | SW  | NE  |     | FUQUAY, JOHN E. | A57-02314B /     | -             | /               | 2 homes on land            | 40.0           |                  |
|             |     |     | SW  | NE  |     | FUQUAY, JOHN E. | A57-00223 /18.0  | 57-00223      | /18.0           |                            |                |                  |
| 04S         | 01E | 34  | SE  | SW  |     | FUQUAY, JOHN E. | A57-02314B /20.0 | -             | /               |                            | 24.0           | 37 37 37         |
|             |     |     |     |     |     |                 |                  |               |                 |                            |                | 2.5 0 2.5        |
| 05S         | 01E | 3   | NW  | NW  |     | FUQUAY, JOHN E. | A57-02314B /     | -             | /               |                            |                |                  |
| 05S         | 01E | 3   | NW  | NW  |     | FUQUAY, JOHN E. | A57-02314B /     | -             | /               |                            |                |                  |
| 05S         | 01E | 34  | SW  | NE  |     | FUQUAY, JOHN E. | A57-02314B /40.0 | -             | /               |                            |                |                  |
| 05S         | 01E | 34  | NW  | SE  |     | FUQUAY, JOHN E. | A57-02314B /40.0 | -             | /               |                            |                |                  |
|             |     |     |     |     |     |                 |                  |               |                 |                            | 40 40 40       |                  |
| 05S         | 01E | 34  | SW  | SE  |     | FUQUAY, JOHN E. | A57-02314B /40.0 | -             | /               |                            |                |                  |
|             |     |     |     |     |     |                 |                  |               |                 |                            | 38 38 38       |                  |
| TOTAL ACRES |     |     |     |     |     |                 | A57-02314B       | 140.00        |                 | 64.00                      | 117.5          | 115.0 117.5      |

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE  
Y

FIELD  
EXAMINER  
Y

PRESUMPTION FLAG:

REMARKS:

Location of domestic lawn irr. is in the SW NE 1/4. The P.O.U. are in T4S rather than in T5S as shown above. Claimant irr. his lawn in the SE SW 1/4 well. Only portion irr. as seen in exam (field) was around the house (from well). Stockyard also located in SE SW takes up large area. Homes located in SE NE take up area plus ditch does not run

RECOMMENDATIONS:

TOTAL ACRES: 117.5

REVIEWED BY: Linda Werner

DATE: 7-10-91 + 9-12-91

Along the western boundary of the SW NE 1/4. In the SW SE 1/4 the area west of the ditch is irr. The 2 1/2 acres recommended in the SE SW 1/4 is taken from the ASCS map & the O-P quad. This claim includes a change in place of use. This right used to be on lands owned by Gordon King; he does not use any of this storage water. New places of use claimed by Fuquay are substantiated on maps, also storage water is only used on Fuquay land.

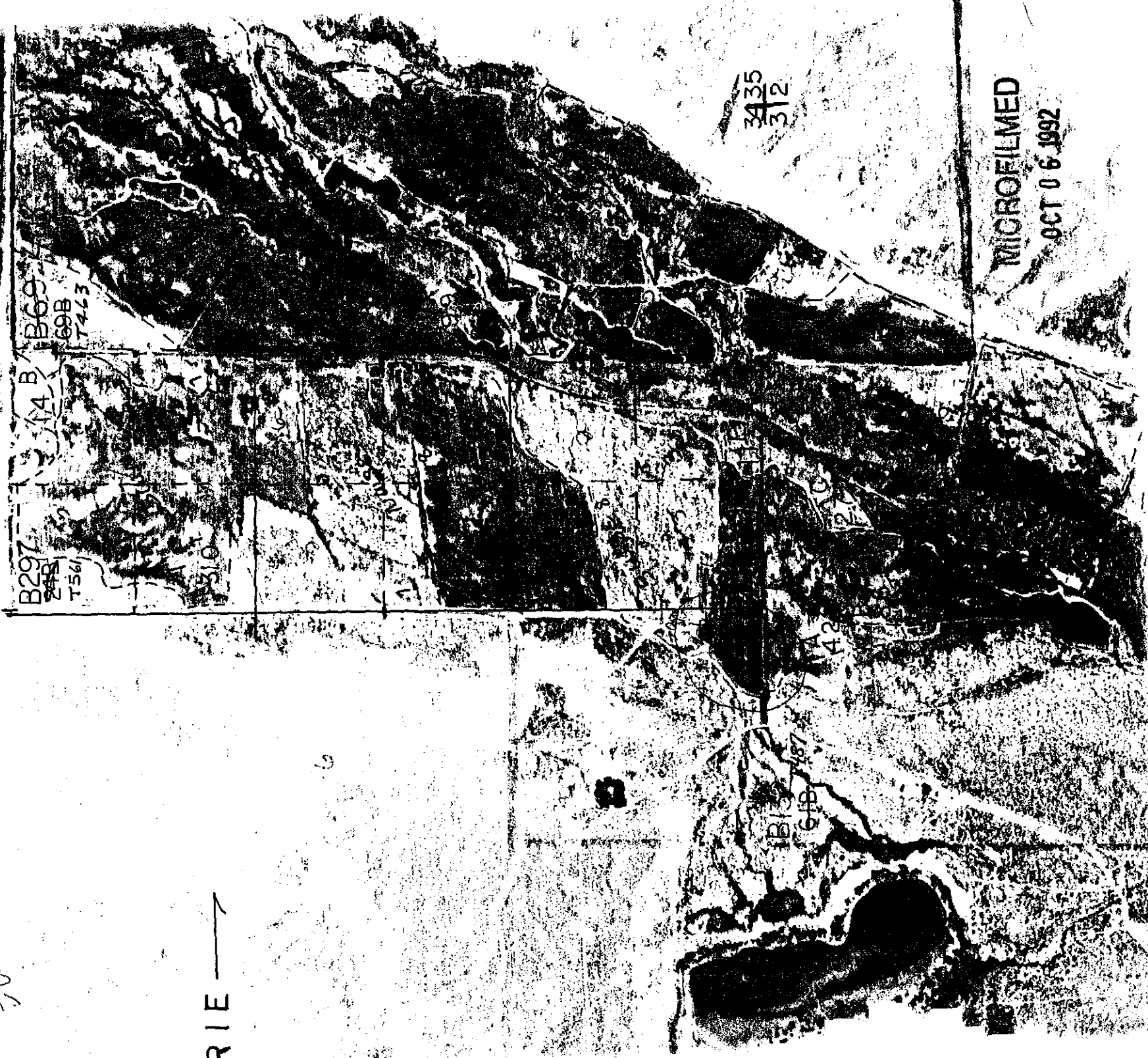
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67

R

Total  
Average = 61.6  
63

-RIE—7



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A. AJ CLAIMED USES:

| PURPOSES                            | FROM       | MONTH/DAY | TO | DIVERSION QUANTITY      |
|-------------------------------------|------------|-----------|----|-------------------------|
| A57-02314B IRRIGATION STORAGE       | FROM 01-01 | TO 12-31  |    | 2300.00 AF/A            |
| A57-02314B IRRIGATION FROM STORAGE  | FROM 01-01 | TO 12-31  |    | 2300.00 AF/A            |
| A57-02314B DIVERSION TO STORAGE     | FROM 10-01 | TO 03-15  |    | 45.000 CFS              |
| A57-02314B DOMESTIC FROM STORAGE    | FROM 01-01 | TO 12-31  |    | 1.20 AF/A               |
| A57-02314B DOMESTIC STORAGE         | FROM 01-01 | TO 12-31  |    | 1.20 AF/A               |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |            |           |    | 45.000 CFS 2300.00 AF/A |

B. WR RECORDED USES:

| PURPOSES                            | FROM       | MONTH/DAY | TO | DIVERSION QUANTITY |
|-------------------------------------|------------|-----------|----|--------------------|
| 57-02314 IRRIGATION STORAGE         | FROM       | TO        |    | 1205.00 AF/A       |
| 57-02314 IRRIGATION FROM STORAGE    | FROM       | TO        |    | 1205.00 AF/A       |
| 57-02314 DOMESTIC                   | FROM 01-01 | TO 12-31  |    |                    |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |            |           |    | 1205.00 AF/A       |

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y( ) N( )

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

*Do a field mnt. on this? (Based on remarks)*

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 45.000 CFS  
WR ROOT RIGHT TOTAL DIVERSION RATE: 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  
Y

Y-Possible

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: N/A

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM      | SOURCE       | NAME            | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|--------------|-----------------|-----------|----------------|-----------|----------------|
| A57-02314B | CASTLE CREEK | FUQUAY, JOHN E. | 45.000    | 0.321          | 2300.00   | 16.42          |
| A57-00223  | CASTLE CREEK | FUQUAY, JOHN E. | 0.500     | 0.020          |           |                |

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

The field exam completed on 6-24-1929 indicates the feeder canal has a capacity of 45 cfs. The culvert meas. I did on 8-20-91 substantiates this. There is a discrepancy over the volume of the reservoir. IDWR dam safety records show a reservoir capacity of 200 AF. The license was issued with a volume of 225 AF. Our findings from the survey completed on 8-20-91 yielded a volume of 200 AF. NOTE: The license shows 2300 AF as carrying capacity.

NOT RECORDED  
10/27/92

Aug. 20, 1991

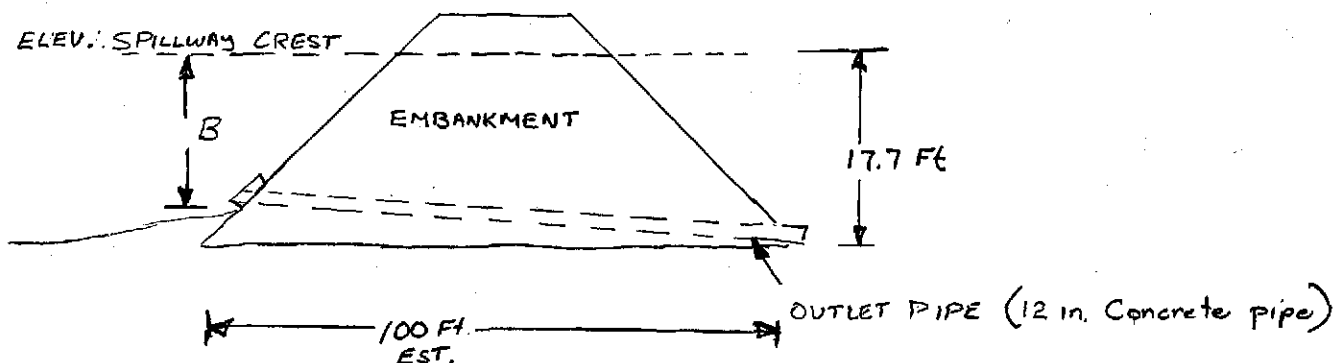
FOREMAN RESERVOIR

WESTRA

LINDA WERNER, WESTERN REG.

# RESERVOIR VOLUME CALCULATIONS:

DAM Hyd Height = 17.70 Ft. [SEE ATTACHMENT]



Estimated Max. Reservoir Depth "B" (at the inlet gate) = 16.5 Ft. (Est.)

[USED DAM SAFETY PHOTOS; AND ASSUMED 1% OUTLET PIPE SLOPE.]  
INLET WAS SUBMERGED AT THE TIME OF MEASUREMENTS

$$\begin{aligned} \text{EST. RESERVOIR VOLUME} &= (\text{DEPTH}) \times (\text{SURFACE AREA}) \times (.4) \\ &= (16.5 \text{ Ft.}) \times (92 \text{ ACRES}) \times (.4) \end{aligned}$$

$$\text{EST. RESERVOIR VOLUME} = \underline{\underline{607.2 \text{ ACRE-FT.}}}$$

See Picture #1.

Culvert measurement - To determine flow capability of ditch.  
This culvert is a limiter of flow

Average diameter = 3.0'

Head = 3.5'

diameter = 3.0'

$$H/d = 3.5' \div 3.0' = 1.16$$

FIG. 17-29. Chart for estimating headwater on box culverts with square-edged entrances, flowing partly full. (Based on data of U.S. Bureau of Public Roads [29].)

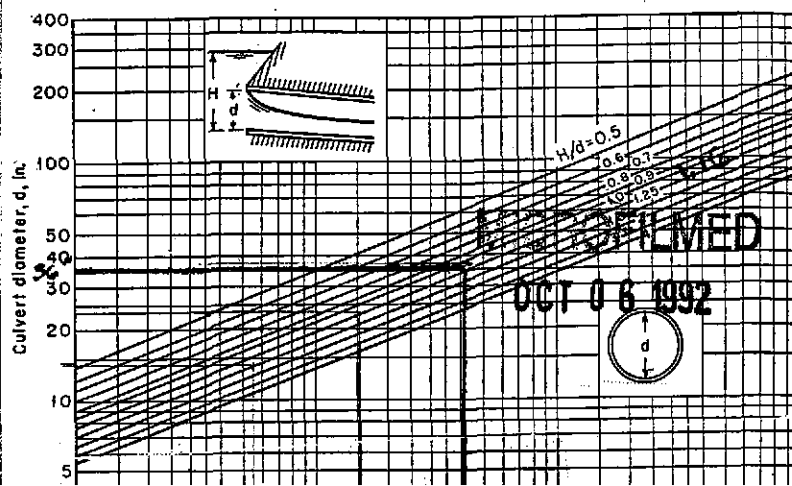


Chart taken from pg. 498  
of Open Channel Hydraulics.  
Copyright 1959



PROFILE LEVELS: FOREMAN Res. (Owyhee Co.)

LINDA WERNER,  $\pi$   
J. Westra, Rod

DATE: Aug. 20, 1991

| STATION<br>*              | B.S.  | H.I. | I. FS | F.S.  | DEPTH<br>(Ft) | STADIA DIST. |       | DIST.<br>INTO RES. | REMARKS                            |
|---------------------------|-------|------|-------|-------|---------------|--------------|-------|--------------------|------------------------------------|
|                           |       |      |       |       |               | UPPER        | LOWER |                    |                                    |
| BM, 0+00                  | 7.09  | 7.09 |       |       | 0.00          |              |       |                    | SPILLWAY CREST.                    |
| #1 (142 Ft)               |       | 7.09 | 15.13 |       | 8.04          | 16.56        | 13.72 | 284 Ft.            |                                    |
|                           |       | 7.09 | 15.77 |       | 8.68          | 17.68        | 13.80 | 388 Ft.            |                                    |
| TP <sub>1</sub> (315 Ft)  | 4.64  | 7.95 |       | 3.78  |               |              |       |                    |                                    |
| #2 (900 Ft)               |       |      | 17.59 |       | 9.64          | 17.86        | 17.29 | 57 Ft              | Reading @ outlet on crest          |
| TP <sub>2</sub>           | 17.26 | 6.67 |       | 18.54 |               |              |       |                    | Lowered level for outlet reading   |
| #3 (908 Ft)               |       |      | 24.37 |       | 17.70         | 24.75        | 23.96 | -79 Ft             | Reading @ outlet pipe (down slope) |
|                           |       |      | 17.14 |       | 10.47         |              |       | 125 Ft             | Point along the dam.               |
| TP <sub>3</sub> (1400 Ft) | 3.79  | 6.64 |       | 3.82  |               |              |       |                    |                                    |
| #4 (1800 Ft)              |       |      |       | 17.65 | 11.01         | 17.97        | 17.34 | 63 Ft              |                                    |

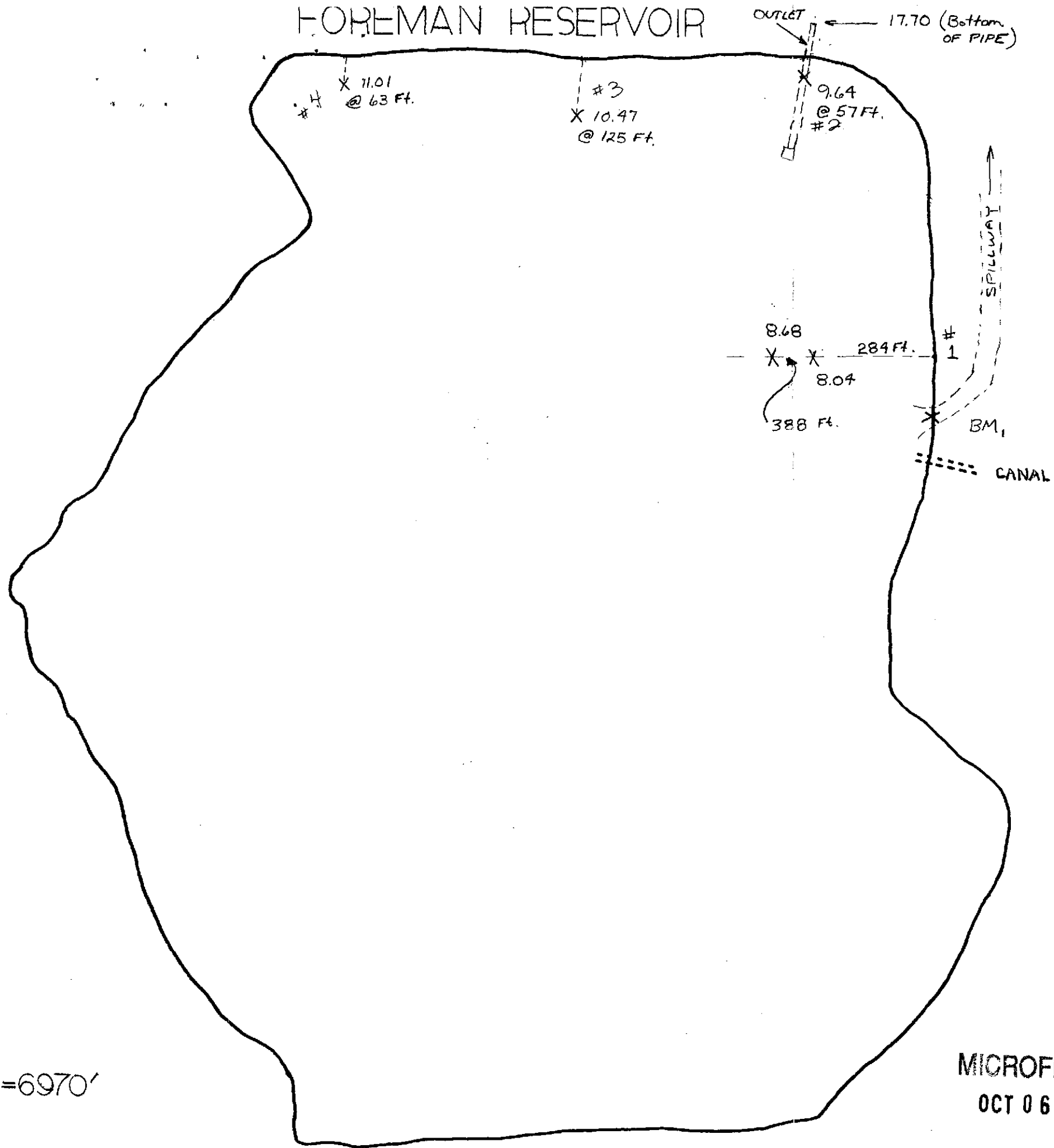
WATER LEVEL = 7.76 Ft below spillway crest

\* Stations are measured from the  $\pi$  of the spillway  
and follow the dam crest.

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Pg 2 of 3

# FOREMAN RESERVOIR



PERIMETER = 6970'

Pg. 3 of 3

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Linda Glover  
8-29-92

D. N/A

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

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

1b. CALCULATIONS

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 = 490.0 AF/A

ACRES 117.5 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 =

TOTAL CONSUMPTIVE USE 411.2 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 2300.00 AF/A

ACRES 117.5 x DIVERSION VOL. AF/A FOR AREA 5.0 =

TOTAL DIVERSION VOLUME 587.5 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(X) N(~~3~~)

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

4.5 cfs used for diversion to storage. This amount was initially  
obtained from the engineers report of completion works dated  
6-24-1989. A culvert measurement was done on 8-20-91 &  
substantiates this.

Standard remark:

EOI: 57-00223, 57-00224, 57-02132B; C.U.: 411.2 AFA + 117.5 Acres

FOG: Other rights w/ same P.O.D.: 57-00223, 57-00224 + 57-02132B.

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RECOMMENDATIONS:

| REC.<br>PURPOSES     | REC. PERIOD<br>FROM TO | REC. DIV<br>RATE CFS | REC. DIV<br>VOL. AF/A     | REC. CONS.<br>USE |
|----------------------|------------------------|----------------------|---------------------------|-------------------|
|                      |                        | DATABASE EXAMINER    | DATABASE EXAMINER         | DATABASE EXAMINER |
| TOTAL FOR THIS RIGHT |                        |                      |                           |                   |
| REVIEWED BY: _____   | DATE: _____            |                      |                           |                   |
| RECOMMENDATIONS:     |                        |                      |                           |                   |
|                      |                        | Div.<br>Rate<br>CFS  | VOL.<br>AF/A              | CON.<br>USE       |
| Irr. Storage         | 1-1 to 12-31           |                      | 607.0<br><del>588.0</del> |                   |
| Irr. From Storage    | 3-15 to 11-15          |                      | 588.0                     | 411.2             |
| Div. To Storage      | 1-1 to 12-31           | 45.0                 |                           |                   |
| TOTAL                |                        | 45.0                 | 588.0                     | 411.2             |

A musth storage & usage dropped as this is for lawn irr. & is included in the total usage in the SWBE 1/4.

The 607.0 AF/A recommended under irr. storage is based on the total reservoir capacity. The difference between 607 AF & 588 AF is carryover water.

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A57-02314

Picture #1



Conveyance ditch from Castle creek. located in T 5S, R 1E,  
Section 10; NE NW NW.

Picture #2



Cement ditch bordering upper west side of  
irrigated land.

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All photos taken on 8-2-90  
by L. Werner

A57-02314

Picture #3



Rock dam located in Castle creek

Picture #4



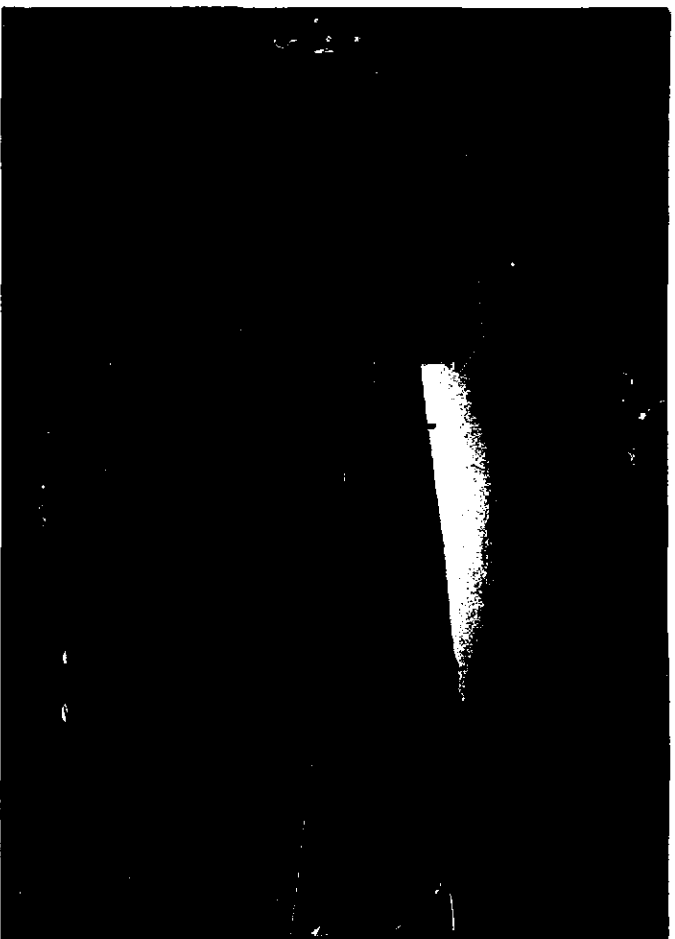
Diversion from Castle creek to ditch.

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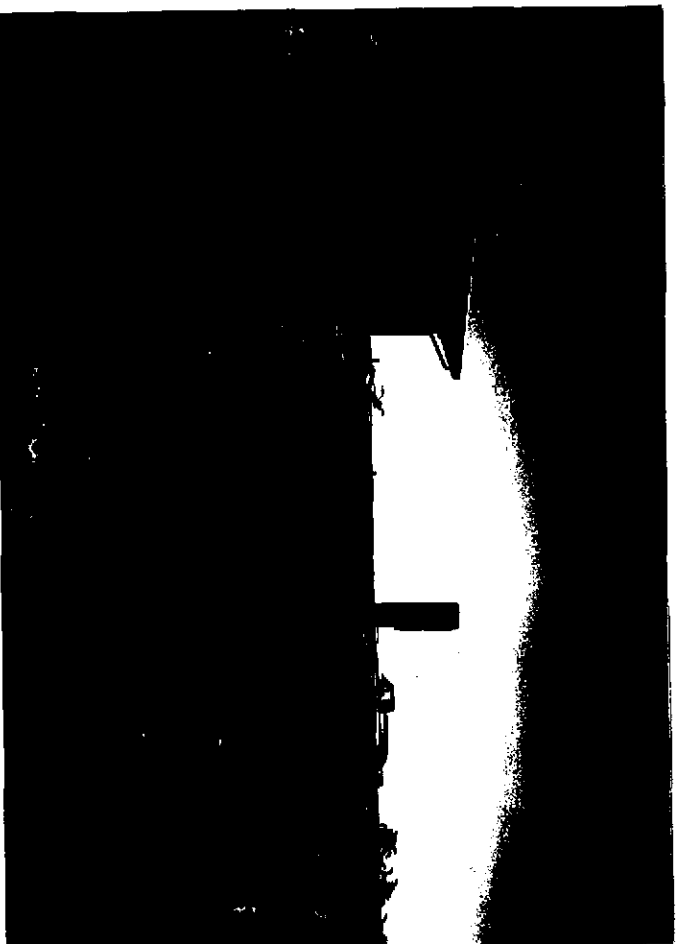
A57-02314

Picture # 5



PIPELINE TO POND, USED FOR LAWN IRRIGATION. POND LOCATED AT THE  
END OF THE DITCH.

Picture # 6



Another view of the home above showing the lawn irrigation.

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A57-02314

Picture #7



Picture #8



Both of the above pictures are of the edge of the pond which is for domestic irrigation. On the bottom picture you see the ditch leading to the pond.

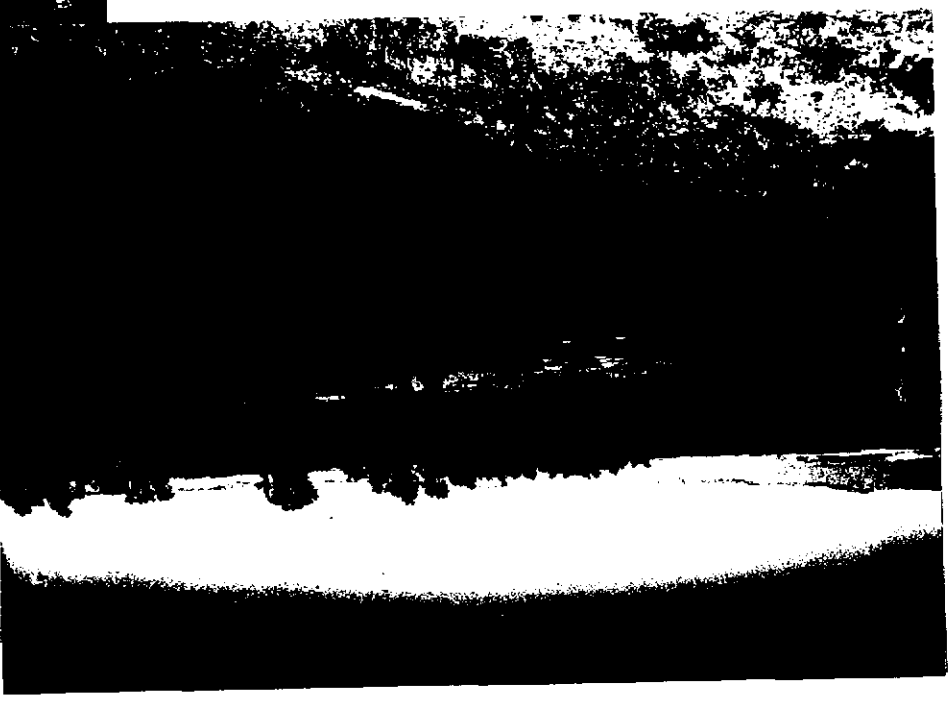
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Foreman Reservoir  
Pictorial Sequence from left to right  
2 August 1990

A57-002314

#1



#2



#3



#4



001 00 000

A. CHECK ONLY THE FOLLOWING THAT APPLY:

|                              | ACCEPTED<br>AS CLAIMED | NEEDS<br>REVIEW |
|------------------------------|------------------------|-----------------|
| OWNERSHIP _____              | (X)                    | ( )             |
| FORFEIT/ABANDON _____        | ( )                    | ( )             |
| ADDITIONAL DIV. AMOUNT _____ | ( )                    | ( )             |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 57-02314

DATABASE

EXAMINER

CFS

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| -                    | A57-02314B               | 45.000            | -                         | -                | -                   | -                 |
| -                    | -                        | -                 | -                         | -                | 57-02314            | -                 |

TOTAL CFS

45.000

DIVERSION RATE REVIEW

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

DATABASE  
N

FIELD  
EXAMINER

REMARKS:

Renumber claim to A57-02314

AUTHENTICATION:

SIGNATURE

Linda Werner

DATE:

7-10-91 & 9-12-91

NAME

FIELD EXAMINER:

Linda Werner

TITLE:

Sr. W. R. Agent

DC 06 1992

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TO: A57-02314B, A57-00223  
FROM: Linda Werner  
DATE: 7/29/91

JOHN FUQUAY WAS IN THE OFFICE ON THIS DATE TO DISCUSS THE LETTER MAILED TO HIM DATED 7/18/91.

HE STATED THAT THE PLACES OF USE CLAIMED ON A57-00223 HAVE BEEN IN EFFECT SINCE HE BOUGHT THE PLACE 14 YEARS AGO AND ALSO HAS BEEN USED THAT WAY BY THE FORMER OWNER, BOB COLLETT. THE ORTHO-PHOTO QUAD DATED 1974 INDICATES THAT THIS IS THE CASE. SINCE THIS WAS DECREED MORE THAN FIVE YEARS PRIOR TO THE SRBA THE MAP WILL SUFFICE AS EVIDENCE.

A57-02314B

1. CLAIMANT INDICATED HE WOULD LIKE TO AMEND SEASON OF USE ON CLAIM TO 1/1 TO 12/31 FOR IRRIGATION FROM STORAGE AND 10/1 TO 4/1 FOR DIVERSION TO STORAGE.

2. CLAIMANT DID NOT AGREE WITH ME ON THE NUMBER OF IRRIGATED ACRES. MR. FUQUAY INDICATED THAT 30 ACRES HAVE BEEN IRRIGATED IN THE SE1/4SW1/4. HE HAS NOT IRRIGATED IT SINCE 1988 BECAUSE OF THE PUMPING COSTS BUT THE DIVERSION WORKS ARE THERE. HE ALSO INDICATED THAT THE DITCH WHICH RUNS ALONG THE WEST SIDE OF THE EAST HALF HAS BEEN MOVED TO RUN WITH THE FENCE LINE. ALSO, THE PORTION OF LAND IN THE SE CORNER OF THE SW1/4SE1/4 IS IRRIGATED. I NEED TO RETURN TO HIS PLACE BECAUSE OF A DISCREPANCY IN THE VOLUME OF THE RESERVOIR. THE DAM SAFETY RECORDS SHOW A VOLUME OF 200 ACRE-FEET AND THE LICENSE LISTS THE VOLUME OF 2300 A/F. I WILL REVIEW ACREAGES AT THIS TIME. 1205

3. RESERVOIR VOLUME-AS STATED ABOVE. CLAIMANT AGREES THAT THE RESERVOIR IS NOT AS LARGE AS 2300 A/F. HE BELIEVES THAT IT COULD BE MORE LIKE 700 A/F. 1205

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OCT 06 1992

John E. Fuquay  
HC 79, Box 2240  
Murphy, ID 83650

MAILING DATE: July 18, 1991

RESPONSE DATE: August 5, 1991

RE: NOTICE OF CLAIM NO[S]: A57-02314B and A57-00223

Dear Mr. Fuquay,

We are currently in the process of preparing the above referenced Notice(s) of Claim for court decree in the Snake River Basin Adjudication. During this review certain questions arose concerning the claims listed above. All claims with an A57 prefix number are being reviewed at this time. If you have other claims with this prefix, that are not shown here, we may be contacting you again if questions should arise during their review. Also, if you filed other claims with yet a different prefix for the claim number, such as A02, A51 or A55, please be advised that these claims will be reviewed at a later date. The following claims require the information or changes listed:

Claim No(s): A57-00223

Our initial investigation of this claim indicates that there has been a change in the place of use as follows:

| <u>Original Place of Use</u>                | <u>Claimed Place of Use</u>                 |
|---------------------------------------------|---------------------------------------------|
| T4S, R1E, Sec. 34, SW1/4NE1/4<br>NW1/4SW1/4 | T4S, R1E, Sec. 34, SW1/4NE1/4<br>NW1/4SE1/4 |

A water right owner who has made a change in the use of his right prior to November 19, 1987 may claim this change in the Snake River Basin Adjudication. We may recommend the right as changed, however, only if the change meets certain requirements.

Before your claim can be recommended, you must provide us with the date the change was made and submit some evidence tending to support that date. If the change was prior to November 19, 1987, then you must include the month, day and year. If the change occurred after November 19, 1987, then a specific date is not necessary and you need only support that the change occurred after November 19, 1987. An information sheet is enclosed that describes the types of evidence that can be submitted to support the date of change. Enclosed is a map which shows this right the way it was decreed vs the way it was claimed.

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✓  
The 1974  
O-Pquad  
map  
Substantiates  
the a irr.  
at the  
new p.o.u.  
also that  
irr. at the  
old p.o.u.  
has been  
stopped.

7-18-91

Your response must be received by the date noted above. If no response is received your claim to water for the new places of use will not be recommended to be decreed.

**Claim No(s):** A57-02314B

This claim is based on the license which is for your stored water. This was licensed for the storage amount of 1205 acre-feet per annum. That was based on 241 irrigated acres at 5 acre-feet per acre per annum. You have claimed 140 acres on this claim. My findings from the field and from our 1974 ortho-photo quad yield 112.5 acres. Idaho code 42-202 states that no more than 5.0 acre-feet per acre of stored water used for irrigation can be claimed. Also, all waters stored must be put to beneficial use. Based on this information I can recommend this claim in the following ways.

1)

| <u>Purpose</u>          | <u>From</u> | <u>To</u> | <u>C.F.S.</u> | <u>A.F.A.</u> |
|-------------------------|-------------|-----------|---------------|---------------|
| Irrigation Storage      | 1/1         | 12/31     |               | 1205.0        |
| Irrigation from Storage | 3/15        | 11/15     |               | 562.5         |
| Diversion to Storage    | 3/15        | 11/15     | 45.0          |               |

2)

|                         |      |       |      |       |
|-------------------------|------|-------|------|-------|
| Irrigation Storage      | 1/1  | 12/31 |      | 562.5 |
| Irrigation from Storage | 3/15 | 11/15 |      | 562.5 |
| Diversion to Storage    | 3/15 | 11/15 | 45.0 |       |

The only difference between numbers one and two is the irrigation storage. If you were to go with number one, the claim would be filed as licensed (except with a smaller irrigation from storage amount). That would leave a remaining storage amount of 642.5 acre-feet. This would not satisfy the statute that states that all water must be beneficially used. In order to fulfill this requirement you could amend your claim to include a wildlife usage, keeping in mind that you should file your claim the way the water is used.

If you do not wish to add another usage to this claim, you could file as suggested above on the basis that the remaining 642.5 acre-feet is held as carry-over for the next year in the event of a dry year. This water must be beneficially used and you will need to show that this excess amount is necessary.

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Page 3 7-18-91

The second mode of filing would be based on the amount of water that is actually stored and used for your irrigation needs. Your claim will not need to be amended; however, the irrigation storage amount would be different then the original license.

Please contact me as soon as possible. I would like to discuss any ideas, questions or comments you may have.

Sincerely,

Linda A. Werner  
Sr. Water Resource Agent  
Adjudication Section

Enclosures: IDWR Information Sheet  
Map

9-12-91 - Since this letter was written a field exam has been completed to determine the actual reservoir capacity. This was done on 8-20-91 by John Wiest & myself. It was determined that the reservoir capacity is 607 AF.

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From: DWR03::SHAW 15-JUL-1991 11:59:51.64  
To: DWR80::SHURTE  
CC:  
Subj: RE: PROCESSING QUESTION

Regarding the analysis of the Fuquay storage claim, I think you have reviewed it correctly. One item I could not determine from you mail message is the amount of STORAGE that will be recommended as opposed to the amount of USE FROM STORAGE. The 535 AF is the amount I would recommend for USE FROM STORAGE but I think we could recommend the capacity of the reservoir or at least the amount of the old license as the amount of STORAGE. This would allow the storage to be carried over from year to year for dry years if desired by the owner. As I recall this is an off stream storage so a diversion rate to storage is appropriate.

Thanks, have a nice day.  
Dave

42-202

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OCT 06 1992

From: DWR80::SHURTE  
To: DWR03::SHAW  
CC: SHURTE  
Subj: PROCESSING QUESTION

10-JUL-1991 12:49:23.70

HI DAVE. WE HAVE DISCUSSED THIS ONE, BUT JUST WANT TO BE SURE WHAT WE DECIDED TO DO IS OK. BASIN 57 - FOREMAN RESERVOIR - NOW OWNED BY FUQUAY. SOURCE-CASTLE CREEK-ORIG. LICENSE WAS FOR 241 ACRES AND 1205 AF STORAGE. MR. FUQUAY SOLD MOST OF THE LANDS TO GORDON KING AND NOW ONLY IRRIGATES 107 ACRES FROM THE RESERVOIR. THE LAND HE SOLD KING ALSO HAD DECREED RIGHTS FROM CASTLE CREEK - SO THE RESERVOIR WAS PROBABLY SUPPLEMENTAL WHEN USED ON ALL THE LANDS BEFORE. WE FIGURED SINCE THE ONLY ACRES NOW IRRIGATED FROM THE RESERVOIR ARE 107, THEN WE ARE SAFE ON THE PRIMARY VS SECONDARY RIGHTS ISSUE SINCE HE IS NOW USING A LOT LESS WATER, JUST AS HE WAS WHEN THIS WAS A SUPPLEMENTAL SOURCE FOR MORE ACRES. THE RESERVOIR WATER IS THE PRIMARY WATER (NO OTHER RIGHTS) FOR FUQUAY'S 107 ACRES NOW IRRIGATED, AND ALL KING HAS CLAIMED IS THE DECREED RIGHTS FROM CASTLE CREEK. SO, WE HAVE A CHANGE IN THE PLACE OF USE AND A DATE OF CHANGE PRIOR TO 1982 - NO PROB. ONE ITEM THAT WE ARE WORRIED ABOUT IS THE REDUCTION IN THE STORAGE RIGHT FROM 1205(5 AF/AC FOR 241 ACRES), TO 535 AF FOR STORAGE(5 AF/AC FOR 107 ACRES). DAM SAFETY SAYS IT HOLDS 2300 AF. ALSO, WE ARE ADDING A DIVERSION TO STORAGE USE-IT WAS AN OLD LICENSE AND ALWAYS HAS HAD A DIVERSION TO STORAGE, BUT WAS NEVER DESIGNATED. ON THE FIELD EXAM THE DIVERSION WAS ESTIMATED AT 45 CFS AND SO THAT IS THE FIGURE THAT IS BEING CONSIDERED FOR RECOMMENDATION BY THE EXAMINER WHO FEELS IT COULD EASILY HOLD THAT AMOUNT OF WATER. ALSO, THE EXAMINER WILL BE COUNTING IN A FEW ACRES THAT ARE OBVIOUSLY ALKALI ACRES, BUT ARE IRRIGATED BY FUQUAY - HOPING FOR THE BEST. THERE ARE A FEW BLADES OF GRASS HERE AND THERE-COULD BE HE'S HOPING TO EVENTUALLY FLUSH THE ALKALI OUT? ANYWAY, DOES ALL THIS SOUND OK TO YOU? WE JUST WANTED TO RUN IT BY YOU TOO. THANKS FOR ANY INPUT, GOOD OR BAD. JAN.

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OCT 06 1992

CONVERSATION MEMORANDUM

DATE 4-9-97

FILE A57234B

NAME OF PARTY

John Luquay

EMPLOYEE

Linda Wether

RE:

Called me to see if I needed any info. from him because I was out there on 4-6-91 & talking to spouse (Karen). Her has concerns they care.

1. limiting diversion to storage flow. i.e. taking moent at culvert. Its basically ok w/ him as long as he has enough water for Phil.

2 Warren Taylor's use of water for storage right.

Its okay to animal volume to 1205 AF/A.

Domestic water is lawn watering at his dads house.

I talked to him about lawn pond by his driveway. Said its caused by seepage which backs up at ditch by the road.

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John Fugway

4-1-91

Water leakage from ditch causing ponding by driveway. And litter re this.

Remove outflow - pipe to dirt ditch in process of digging out ditch. Surplus ditch is out. Took pic of inflow ditch too.

Karen Fugway said no water from creek in last 4-5 years. Talked about cold weather in Dec. & causing freezing saturation off. Guess they calved about 93 this season.

→ Caused by seepages, backups at ditch by road.

✓ Files to see if we have something re a transfer on lands in 857-2314.

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| Angle co-efficient | Dist. from initial point | Width | Depth | Observation depth | Revolutions                         | Time in seconds | VELOCITY |                  | Adjusted for hor. angle or | Area  | Discharge |
|--------------------|--------------------------|-------|-------|-------------------|-------------------------------------|-----------------|----------|------------------|----------------------------|-------|-----------|
|                    |                          |       |       |                   |                                     |                 | At point | Mean in vertical |                            |       |           |
|                    | 0.70                     | 0.20  |       |                   | REW @ 1600                          |                 |          |                  |                            |       |           |
|                    | 0.80                     | 0.35  | .25   |                   | 72                                  | 40              | 1.80     |                  |                            | 0.076 | 0.13      |
|                    | 1.10                     | 0.30  | .30   |                   | 82                                  | 40              | 2.05     |                  |                            | 0.09  | 0.18      |
|                    | 1.40                     | 0.30  | .35   |                   | 62                                  | 40              | 1.55     |                  |                            | 0.10  | 0.15      |
|                    | 1.70                     | 0.30  | .30   |                   | 70                                  | 41              | 1.71     |                  |                            | 0.09  | 0.15      |
|                    | 2.0                      | 0.30  | .35   |                   | 64                                  | 40              | 1.60     |                  |                            | 0.10  | 0.16      |
|                    | 2.3                      | 0.30  | .30   |                   | 64                                  | 40              | 1.60     |                  |                            | 0.09  | 0.14      |
|                    | 2.6                      | 0.30  | .20   |                   | 41                                  | 40              | 1.02     |                  |                            | 0.06  | 0.06      |
|                    | 2.9                      | 0.30  | .20   |                   | 22                                  | 40              | 0.55     |                  |                            | 0.06  | 0.03      |
|                    | 3.2                      | 0.35  | .20   |                   | 7                                   | 42              | 0.17     |                  |                            | 0.07  | 0.01      |
|                    |                          |       |       |                   |                                     |                 |          |                  |                            |       |           |
|                    | 3.6                      | 0.20  |       |                   | LEW @ 1620                          |                 |          |                  |                            |       |           |
|                    | 3.2                      | 3.2   |       |                   |                                     |                 |          |                  |                            | 0.73  | 1.01      |
|                    |                          |       |       |                   | <del>Q = V/A = 1.38 cfs</del>       |                 |          |                  |                            |       |           |
|                    |                          |       |       |                   | Q = 1.01 cfs = 453.4 GPM            |                 |          |                  |                            |       |           |
|                    |                          |       |       |                   | Ditch was not full at time of msmt. |                 |          |                  |                            |       |           |
|                    |                          |       |       |                   | MICROFILMED                         |                 |          |                  |                            |       |           |
|                    |                          |       |       |                   | OCT 06 1992                         |                 |          |                  |                            |       |           |

QUIT CLAIM AND DISCLAIMER

OF INTEREST

WE, NELLIE B. FOREMAN and ROLAND M. FOREMAN, of Caldwell, Idaho hereby certify that no lands in which either of us have ever at any time had an interest in Owyhee County, State of Idaho, claimed or used any water from, or any right to the waters in what is known as Foreman Reservoir, which is located in portions of:

The NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  in Section 3, the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  in Section 4, Twp. 5 S., R. 1 E., B.M., also the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 34 and the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  in Section 33, Twp. 4 S., R. 1 E., B.M.

And we do hereby QUIT CLAIM to Winifred Foreman, Bob Collett and Ruth Collett any interest that may appear of record with the Bureau of Reclamation of the State of Idaho, or any place else, any interest which may show thereon on lands owned by D. I. Foreman or Nellie B. Foreman, and disclaim any right in water of the said Foreman Reservoir as being appurtenant to, or the right to use any of the waters.

We further state that we have personal knowledge since 1942 that all of the waters from the Foreman Reservoir were used upon lands owned by Kirby A. Foreman and Winifred Foreman or their successors, and for no other lands.

Nellie B. Foreman

Roland M. Foreman

Instrument No. 154715  
Submitted on 1-2-92 by  
John Fuquay,

Pg. 1 of 2  
2-25-77

STATE OF IDAHO,        )  
County of Canyon,    ) ss.

On this 25<sup>th</sup> day of February, 1977, before me, the undersigned, a Notary Public in and for said State, personally appeared Nellie B. Foreman and Roland M. Foreman, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

  
\_\_\_\_\_  
Notary Public for Idaho,  
Post Office: Nampa, Idaho.

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OCT 06 1992

Pg. 2 of 2  
2-25-77