

GEM IRRLIGATION DISTRICT

59-04/04
59-10913
CREEK



Division Dam
in Sage Creek
Facing Downstream
Also Facing North
And East.



HEADGATE APPROX.
75' BELOW
DIVERSION DAM
DIVERSITY WATER
ON THE WESTSIDE
OF Sage Cr.
Facing West.

MICROFILMED
OCT 07 1992

PHOTOS TAKEN BY KAY WALKER
ON 10-25-90 - JAN QUARTE
ALSO PRESENT & GARY HUTTON OF GEM IRR. DIST.

GEM IRRIGATION DISTRICT - 57-04104 +
 SAGE CK. DIV. WORKS
 + DITCHES

57-10913
 (SAGE CREEK)

FACING EAST AT
 POINT WHERE THE
 DIV. DITCH FROM SAGE
 CK. SPLITS AND THE
 UNDERGROUND PIPELINE
 TO THE PATCH DITCH
 TAKES OFF OF ONE SPLIT
 AND THE OTHER DITCH
 FLOWS INTO THE
 Mc DOWELL DITCH.
 THIS PICTURE SHOWS
 THE SPLIT TO THE
 Mc DOWELL DITCH.



SAME LOCATION AS
 ABOVE ONLY FACING
 NORTH TO SHOW
 WHERE THE UNDER-
 GROUND PIPELINE
 SPLIT GOES TO THE
 PATCH DITCH.



PHOTOS TAKEN 10-25-90 BY
 KAY WALKER + JAN THURTELL
 WITH CHLOE HUTTON - GEM IRR. DIST.

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 OCT 07 1992

4N

6W

Sec. 25

$NE\frac{1}{4}$ $NE\frac{1}{4}$
 $NW\frac{1}{4}$ $NE\frac{1}{4}$
 $SW\frac{1}{4}$ $NE\frac{1}{4}$
 $SE\frac{1}{4}$ $NE\frac{1}{4}$
 $NE\frac{1}{4}$ $NW\frac{1}{4}$
 $NW\frac{1}{4}$ $NW\frac{1}{4}$
 $SW\frac{1}{4}$ $NW\frac{1}{4}$
 $SE\frac{1}{4}$ $NW\frac{1}{4}$
 $NE\frac{1}{4}$ $SW\frac{1}{4}$
 $NW\frac{1}{4}$ $SW\frac{1}{4}$
 $SW\frac{1}{4}$ $SW\frac{1}{4}$
 $SE\frac{1}{4}$ $SW\frac{1}{4}$
 $NE\frac{1}{4}$ $SE\frac{1}{4}$
 $NW\frac{1}{4}$ $SE\frac{1}{4}$
 $SW\frac{1}{4}$ $SE\frac{1}{4}$
 $SE\frac{1}{4}$ $SE\frac{1}{4}$

Acres

36.7
35.0
40.3
32.2
35.0
19.0

21.0

6.6
39.4
40.0
38.5
38.8

22.0

39.0

26.0

17.4

19.1

Total 3,025.4 acres

2909.80

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OCT 07 1992

Gem Irrigation District
#57-04104

R. 5 W.



Wilder

Greenleaf

R. 4 W.

T. 3 N.

T. 2 N.

Homedale

Huston

Marsing

SNAKE

R.R.

ACME

S35

O-LINE

O-LINE

O-LINE

O-LINE

O-LINE

CANAL

CANAL

CANAL

CANAL

CANAL

Creek

Creek

Creek

Creek

Creek

Creek

Creek

Creek

Creek

Creek

Creek

Creek

OREGON

IDAHO

OWYHEE COUNTY

EUR COUNTY

TUNNEL NO. 6

TUNNEL NO. 7

GEM DISTRICT
PUMPING PLANT NO. 2

GEM DISTRICT
PUMPING PLANT NO. 1

MICROFILMED
OCT 07 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A57-04104
Date Received: 8/ 2/1989
Receipt No: W003966
Received By: *[Signature]*

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: GEM IRRIGATION DISTRICT 208-337-3760
Address: P.O. BOX 67
HOMEDALE ID 83628

2. Date of Priority: JAN 1, 1906

3. Source: SAGE CREEK Trib. to: SUCCOR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	05W	17	NW	NW	NW		OWYHEE

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	30.000		

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

8. Total consumptive use is 10588.9 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	05W	4	NW	NW		IRR	26.0
			SW	NW		IRR	10.9
			NW	SW		IRR	11.9
			SW	SW		IRR	33.8

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MAR 02 1998

MICROFILMED
MAR 07 1992

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of July, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

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

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

Name: BRAD A FLINDERS
Address: STUNZ FONDA NICHOLS KIYUNA
OKAI HORTON & FLINDERS
PO BOX 1565
NYSSA OR 97913-2268

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

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



Signature of Respondent or attorney
mailing on Respondent's behalf

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MAR / 2 1998

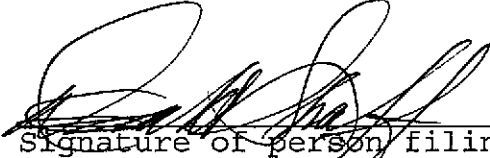
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

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



Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 30 day of June,
1993.



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

MICROFILMED

MAR / 2 1998

use of natural channels in Idaho for the conveyance of stored water diverted in other states in general provision 7. The source of the contested right is Sage Creek. Water stored in Owyhee Reservoir is not conveyed in the natural channel of Sage Creek. IDWR denies the objection and all allegations of the objections not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

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

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

No. of
Pages

Notice of Claim No. A57-04104

6

(Over)

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 57-04104

DISTRICT COURT
FIFTH JUDICIAL DISTRICT
COUNTY OF TWIN FALLS

DEC 12 1996

NAME & ADDRESS: GEM IRRIGATION DISTRICT
PO BOX 67
HOMEDALE ID 83628

SOURCE: SAGE CREEK

TRIBUTARY: SUCCOR CREEK

QUANTITY: 20.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 57-10913 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 20 CFS.

PRIORITY DATE: 06/13/1906

POINT OF DIVERSION: T03N R05W S17

SWNNW

Within Owyhee County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
20.00 CFS

PLACE OF USE:

IRRIGATION

Within Owyhee County

T03N R05W S04	Lot 3	(NWNW)	26.0	SWNW	16.0	NWSW	11.9	SWSW	33.8			
S05	Lot 1	(NENE)	8.7	Lot 2	(NWNE)	32.5	SWNE	13.5	SENE	29.2		
	Lot 3	(NENW)	8.1		NESE	27.1	NWSE	1.8	SWSE	2.6		
		SESE	24.7									
S07		NESE	3.7		SESE	8.2						
S08		NENE	27.4		NWNE	9.5	SWNE	23.0	SENE	31.8		
		SENE	13.4		NESW	18.6	NWSW	21.6	SWSW	4.8		
		NESE	39.5		NWSE	23.6	SWSE	20.5	SESE	38.2		
S09		SWNE	31.8		NENW	20.3	NWNW	25.0	SWNW	38.9		
		SENE	40.2		NESW	39.7	NWSW	38.6	SWSW	32.0		
		SESE	31.5		NESE	37.5	NWSE	39.4	SWSE	36.6		
		SESE	37.4									
S10		NWSW	18.1		SWSW	16.5						
S16		NENE	4.0		NWNE	7.8						
T04N R05W S19		NESW	33.4	Lot 9	(NWSW)	31.5	Lot 10	(SWSW)	35.6	SESW	35.4	
		SWSE	37.4		SESE	32.4						
S29	Lot 8	(NWNW)	3.4	Lot 7	(SWNW)	8.1	Lot 6	(NWSW)	24.6	Lot 5	(SWSW)	33.4
S30		NENE	15.2		NWNE	37.2		SWNE	40.0		SENE	11.3
		NENW	36.9	Lot 1	(NWNW)	34.1	Lot 2	(SWNW)	28.3		SENE	30.1
		NESW	21.1	Lot 3	(NWSW)	2.6		SESE	1.4		NESE	21.6
		NWSE	33.9		SWSE	31.2		SESE	32.1			
S31		NENE	17.0		NWNE	8.5		SENE	7.1			
S32		NESW	12.9		NWSW	13.2		SESW	32.6		SWSE	9.4
R06W S23		SENE	27.8		NESE	21.1						
S24	Lot 6	(SWNE)	13.4	Lot 4	(SWNW)	34.4	Lot 5	(SENE)	23.4		NESW	35.6
		NWSW	31.7		SWSW	24.7		SESE	35.7		NESE	8.1
		NWSE	7.2		SWSE	38.2		SESE	28.1			
S25		NENE	35.5		NWNE	14.4		SENE	3.9		NENW	1.8
2152.9 ACRES TOTAL												

USE OF THIS RIGHT WITH RIGHT NOS. 57-02118, 57-02177 &
57-10854 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
2794.1 ACRES IN A SINGLE IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NOS. 57-02118, 57-02177 &
57-10854 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE
VOLUME OF 9779.4 AF.

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

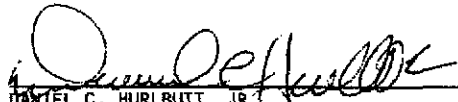
PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-04104

PAGE 1
DEC-2-1996

OTHER PROVISIONS: (CONT)

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 02 RIGHTS.

DATED: Dec 12 1994


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

RULE 54(b) CERTIFICATE

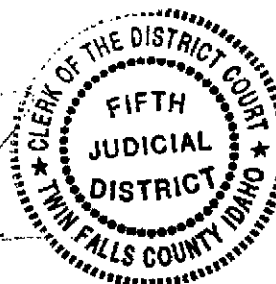
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment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

DATED: Dec 12 1994


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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-04104

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



PAGE 2
DEC 2-1996

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

Important Information About Your Water Right

January 3, 2003

RECEIVED

Gem Irrigation District
PO Box 67
Homedale, ID 83650

JAN - 8 2003

Department of Water Resources

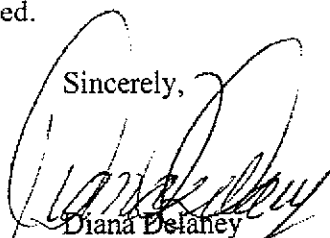
Dear Water Right Claimant(s):

This letter accompanies copies of an **Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc** (hereinafter "**Order**") for water right numbers 57-2118, 57-2177, 57-4104, 57-10912 and 57-10913. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of these water rights. If you are not the current owner, please contact IDWR immediately at:

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

The purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for each of these water rights. As stated in the face of each **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). The **Order** also incorporates into the **Partial Decrees** an express statement that each **Partial Decree** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). These **Orders**, in combination with the **Partial Decrees** that were issued for these water rights on December 12, 1996, set forth all of the elements of your water rights. The Snake River Basin Adjudication (SRBA) Court suggests that you keep these documents in a safe location together with a copy of each **Partial Decree** to show evidence of these water rights. The original of these **Orders** and the original of each **Partial Decree** for these water rights are on file with SRBA Court. If you do not have a copy of the original **Partial Decree**, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the **Orders** are entered **Nunc Pro Tunc**, meaning that the **Orders** will be treated as if they were issued on the same date that the **Partial Decrees** were originally issued.

Sincerely,



Diana Delaney
Case Administrator

2003 JAN 3 PM 4 42

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	)	Water Right 57-4104
	)	
Case No. 39576	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on December 12, 1996. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on July 26, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

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

PERIOD OF USE: 03-01 to 11-15

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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

RULE 54(b) CERTIFICATE

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

Dated January 3, 2002.

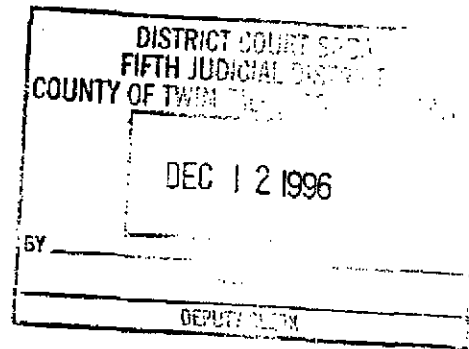


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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DEC 17 1996

Department of Water Resources



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

In Re SRBA

Case No. 39576

) ORDER OF PARTIAL DECREE

) For Water Right 57-04104

On October 16, 1996, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-04104 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED December 12, 1996.

A handwritten signature of Daniel C. Hurlbutt, Jr. in black ink.

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

DISTRICT COURT SRBA FIFTH JUDICIAL DISTRICT COUNTY OF TWIN FALLS, STATE OF IDAHO	
DEC 12 1996	
BY _____	DEPUTY CLERK

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

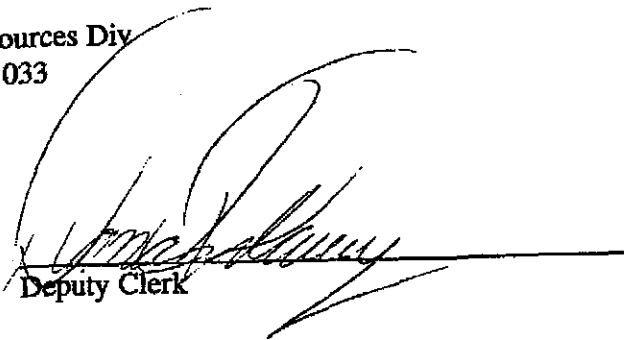
In Re SRBA	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	For Water Right 57-04104
_____	)	

I certify that a true and correct copy of the *Order of Partial Decree for Water Right 57-04104* and *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 57-04104* was mailed on December ¹⁵~~12~~, 1996 with sufficient first-class postage prepaid to the following:

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

Brad Flinders
PO Box 1565
Nyssa, OR 97913

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


Deputy Clerk

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: United States of America
Bureau of Reclamation
U.S. Department of Interior
Address: 1150 North Curtis
Boise, Idaho 83706-1234

Briefly describe your interest in this water right:

The claim of the irrigation district may encompass the 30 cfs (more or less) of Reclamation Project water originating from the Owyhee Reservoir, Oregon, which was claimed in the name of the United States in claim number 57-10807. U.S. claim number 57-10807 was not recommended by the Director. That failure to recommend claim number 57-10807 was, we believe, an error by the Director.

2. Owner of the water right:

Name: Claimant: Gem Irrigation District
Address: PO Box 67
Homedale, Idaho 83628

3. If this objection is filed by an attorney:

Attorney Name: K. Jack Haugrud
Daria J. Zane

Attorney Address: U.S. Department of Justice
550 West Fort Street
Box 33
Boise, Idaho 83724

MAR 02 1998

Attorney Phone No.: 202-272-4134
202-272-8351

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

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

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System

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

Petitioner,

vs.

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

Respondents.

Case No. 57-04104
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

MAR 01 1993

Department of Water Resources
Adjudication Bureau

INSTRUCTIONS

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

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

MICROFILMED

MAR 02 1993

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

Box 1: The United States may be the appropriate holder of title of all or a portion of this "right" recommended to the irrigation district.

Box 2: The source of a portion of this "right" may be the Owyhee River.

Box 11, 12(a): The United States of America, acting through the Regional Director, PN Region, USBR, objects to this water right recommendation because it may involve some or all of water associated with U.S. claim 57-10807 which was erroneously not recommended. That claim is based upon storage of water pursuant to Oregon law in the Owyhee Reservoir, which water is released and transported via canal over the Idaho state line for discharge into Succor Creek, from which it is subsequently rediverted for district use pursuant to federal contract. The United States should be recognized as retaining title to the waters originating from the Owyhee Reservoir through their rediversion from Succor Creek to the district. The United States requires recognition of its rights to be assured that Owyhee Reservoir water transported through Succor Creek is not decreed or administered as if it were natural flow subject to any sort of adverse appropriation in Idaho. The United States must be recognized as title holder of record to U.S. claim 57-10807 in order to be assured of notice of state activities concerning Owyhee Reservoir waters and to participate in their protection for project purposes. This claim must be reconciled with U.S. claim 57-10807.

CHANGES TO THE DIRECTOR'S REPORT

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

The report should explicitly recognize the United States' interest in certain waters imported to Idaho from the Owyhee River and the Owyhee Reservoir.

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

II. STATEMENT OF THE OBJECTION

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

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

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MAR 02 1998

(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Owner name: Gen Irrigation District

Owner's address: PO Box 67

Homedale, Idaho 83628

3. One copy to:

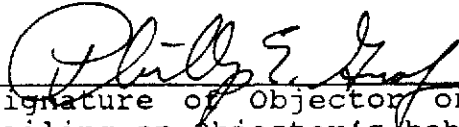
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724

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MAR / 2 1998



Signature of Objector or attorney
mailing on Objector's behalf

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

1. Copies of USBR claim 57-10807 on Succor Creek, Owyhee Creek.

VERIFICATION (Must be Completed)

State of Idaho

County of Ada

22

Phillip E. Graf, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

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

Phillip E. Graf
Signature of person filing objection

By:

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 25th day of February,
1993.

James P. Brackley
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission expires: 9/3/93

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MAR 02 1998

(Over)

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
GEM IRRIGATION DISTRICT

14. Remarks:

OWYHEE RESERVOIR STORAGE WATER IS RELEASED INTO SUCCOR CREEK AT T23S, R46E, SEC 7, SENE, IN MALHEUR CO., OR., FOR REDIVERSION IN IDAHO FOR IRRIGATION OF 1305.3 IRRIGABLE ACRES W/I THE BOUNDARIES OF THE GEM IRRIGATION DISTRICT.

15. Basis of Claim: BENEFICIAL USE

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MAR / 2 1998

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

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: A57-10807
Date Received: 6/01/1989
Receipt No: _____
Received By: _____

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

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-334-1165
Address: REGIONAL DIRECTOR, P.N. REGION
BUREAU OF RECLAMATION
BOX 043-550 WEST FORT STREET
BOISE, ID 83724

2. Date of Priority: APR 11, 1935

3. Source: SUCCOR CREEK Trib. to: SNAKE RIVER
(OWYHEE RESERVOIR-OREGON)

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
03N	09W	7	NE SW		OWYHEE

5. Description of diverting works:
CHECK STRUCTURE AND HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	30.000		

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

8. Total consumptive use is 3916.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

2. Person who filed objection:

Name: US BUREAU OF RECLAMATION
Address: 1150 N CURTIS
BOISE ID 83706-1234

3. If this response is filed by an attorney:

Attorney Name(s): DANIEL L. STECKEL

Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ Source: I respond to the objection concerning the source of water.
11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12a. ☒ This water right being recommended at all.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 12, and 12a., and all allegations of the objection regarding these items, IDWR responds as follows: IDWR is informed and therefore believes that the United States holds an Oregon water right for the storage of water pursuant to Oregon law in the Owyhee Reservoir. IDWR further recognizes that this water is diverted and stored in Oregon, transported by canal into Idaho, injected into and rediverted from Succor Creek and then put to beneficial use in Idaho. The director's report acknowledges the

MICROFILMED
MAR 7 2 1998

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE PN 5: 00

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

In Re the General Adjudication)
of the Rights to the Use of Water)
from the Snake River Basin)
Water System)

Case No. 57-04104 -0001

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

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

Respondents.)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

MICROFILMED
MAR 02 1998

CLAIMANT	O C	WATER RIGHT NUMBER	STG STA	PRIORITY DATE	SOURCES OF WATER	TRIBUTARIES OF
GEM IRRIGATION DISTRICT	C	57-02118	L/	04/25/1919	JUMP CREEK	SNAKE RIVER
GEM IRRIGATION DISTRICT	C	57-02177	L/	11/24/1942	JUMP CREEK	SNAKE RIVER
GEM IRRIGATION DISTRICT	C	~~57-04102~~ ✓	/Z			
GEM IRRIGATION DISTRICT	C	~~57-04103~~ ✓	/Z			
GEM IRRIGATION DISTRICT	C	57-04104	J/	06/13/1906	SAGE CREEK	SUCCOR CREEK
GEM IRRIGATION DISTRICT	C	57-10854	J/	06/13/1906	SUCCOR CREEK	SNAKE RIVER
GEM IRRIGATION DISTRICT	C	57-10901	J/	11/13/1913	JUMP CREEK	SNAKE RIVER
GEM IRRIGATION DISTRICT	C	57-10912	J/	03/15/1937	SUCCOR CREEK	SNAKE RIVER
GEM IRRIGATION DISTRICT	C	57-10913	J/	03/15/1937	SAGE CREEK	SUCCOR CREEK
GEM IRRIGATION DISTRICT	C	A02-00064	J/	12/01/1911	SNAKE RIVER	COLUMBIA RIVER
GEM IRRIGATION DISTRICT	C	A02-00065 ✓	J/	04/01/1956	SNAKE RIVER	COLUMBIA RIVER
GEM IRRIGATION DISTRICT	C	~~A02-02014~~ ✓	/Z	01/27/1925	SNAKE RIVER	COLUMBIA RIVER
GEM IRRIGATION DISTRICT	C	A57-02118	L/	06/16/1926	JUMP CREEK	SNAKE RIVER
GEM IRRIGATION DISTRICT	C	A57-02177	L/	11/24/1942	JUMP CREEK	SNAKE RIVER
GEM IRRIGATION DISTRICT	C	~~A57-04102~~ ✓	/Z			
GEM IRRIGATION DISTRICT	C	~~A57-04103~~ ✓	/Z			
GEM IRRIGATION DISTRICT	C	A57-04104	J/	01/01/1906	SAGE CREEK	SUCCOR CREEK
GEM IRRIGATION DISTRICT	C	A57-10854	S/	01/01/1906	SUCCOR CREEK	SNAKE RIVER
GEM IRRIGATION DISTRICT	C	A57-10901	J/	11/13/1913	JUMP CREEK	SNAKE RIVER
GEM IRRIGATION DISTRICT	C	A57-10912	S/	03/15/1937	SUCCOR CREEK	SNAKE RIVER
GEM IRRIGATION DISTRICT	C	A57-10913	S/	03/15/1937	SAGE CREEK	SUCCOR CREEK

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MAR 02 1998

INPUT: AJ_SELECTION:FRAZEE-GEM-NOA.SEL

TYPE OF ACTION: ADD

MODIFY ALL FIELDS FLAG:

LAST NAME: FLINDERS

ADDRESS LINE 1: STUNZ FONDA NICHOLS KIYUNA

ADDRESS LINE 3: PO BOX 1565

CITY: NYSSA

STATE: OR ZIP: 97913

FIRST NAME: BRAD A

ADDRESS LINE 2:OKAI HORTON & FLINDERS

PHONE NUMBER: (503) 372-2268

57-02118 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
57-02177 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
57-04104 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
57-10854 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
57-10901 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
57-10912 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
57-10913 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A02-00065 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A57-02118 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A57-02177 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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MAR 02 1998

41-16-936d
received

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

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

Petitioner,

vs.

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

Respondents.

Case No. 39576

ORDER FOR WITHDRAWAL
OF COUNSEL FOR GEM
IRRIGATION DISTRICT

DESCRIPTIVE SUMMARY

This is an order withdrawing Davis Wright Tremaine as
counsel of record for Gem Irrigation District.

Gem Irrigation District and Davis Wright Tremaine having
stipulated to the withdrawal of Davis Wright Tremaine as counsel of
record for Gem Irrigation District, the Court hereby orders the
withdrawal of Davis Wright Tremaine as counsel of record for Gem
Irrigation District.

DATED this 16 day of April, 1993.


Daniel C. Hurlbutt, Jr. MICROFILMED
Presiding Judge
Snake River Basin Adjudicator
MAR 22 1998

ORDER FOR WITHDRAWAL OF COUNSEL - 1

851659\000004.ORD\4.6.93

Boise

1 Brad A. Flinders
2 STUNZ, FONDA, NICHOLS, KIYUNA, OKAI,
3 HORTON & FLINDERS
4 P. O. Box 1565
5 Nyssa, OR 97913
6 Telephone: (503) 372-2268

1993 APR 28 AM 10:35

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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

9 -----
10 The State of Idaho, ex rel.)
11 R. Keith Higginson in his)
12 official capacity as Director)
13 of the Idaho Department of)
14 Water Resources,)
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(VBR) FEB 20 1996

Department of Water Resources
Adjudication Bureau

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

In Re SRBA	)	
	)	Subcase Nos. 57-02118, 57-02177,
	)	57-04104, 57-10854, 57-10912,
	)	57-10913 and 57-10807
Case No. 39576	)	
	)	PARTIES' STIPULATION TO CONSOLIDATE
	)	SUBCASES

I. DISCUSSION

Pursuant to I.R.C.P. Rule 42(a), the parties hereby move to consolidate the above-referenced subcases. These subcases, currently pending before the Court, raise common issues of fact and law.

At present, one of these subcases, 57-02118, is set for scheduling conference on March 5, 1996, at 2:30 p.m. The parties ask that the scheduling conference include the other above-referenced subcases.

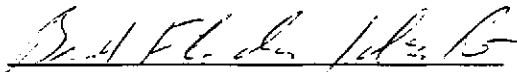
The parties have discussed the matter with IDWR and it concurs in consolidating these subcases.

MICROFILMED
MAR 02 1998

II. CONCLUSION

WHEREFORE, for the foregoing reasons, the parties stipulate and respectfully request that the subcases identified above be consolidated.

Respectfully submitted,


Brad Flinders, Esquire
Stunz, Fonda, Nichols, Kiyuna
Horton & Flinders
PO Box 1565, 106 Main St.
Nyssa, OR 97913
(541) 372-2268


Daria J. Zane, Esquire
General Litigation Sec.
U.S. Dept. of Justice
PO Box 663
Washington, DC 20044
(202) 305-0471

DATED: _____

MICROFILMED
MAR 02 1998

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

In Re SRBA	)	
	)	Subcase Nos. 57-02118, 57-02177,
	)	57-04104, 57-10854, 57-10912,
	)	57-10913 and 57-10807
Case No. 39576	)	
	)	ORDER CONSOLIDATING
_____	)	SUBCASES

This matter is before the Court on the parties' stipulation to consolidate the above-captioned subcases pursuant to I.R.C.P. Rule 42(a). Upon consideration of this matter, it is this _____ day of February, 1996,

ORDERED, that the above-captioned subcases should be and hereby CONSOLIDATED. A scheduling conference on these subcases shall be held on March 5, 1996, at 2:30 p.m., the time and date previously set.

FRITZ X. HAEMMERLE
Special Master

MICROFILMED
MAR 02 1998

CERTIFICATE OF SERVICE

I hereby certify that on this 16TH day of February, 1996, a true and correct copy of the Stipulation to Consolidate Subcases was mailed via first-class, postage-paid mail to the following:

Brad Flinders, Esquire
Stunz, Fonda, Nichols, Kiyuna, Horton
& Flinders
PO Box 1565, 106 Main St.
Nyssa, OR 97913

Clyde Hutton
GEM Irrigation District
PO Box 67
Homedale, ID 83628

and a courtesy copy to:

Richard Burleigh
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706



Daria J. Zane

MICROFILMED
MAR 02 1998

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER CONSOLIDATING SUBCASES was mailed on February 21, 1996, with sufficient first-class postage to the following:

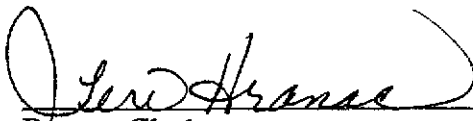
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

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

Gem Irrigation District
P.O. Box 67
Homedale, ID 83628

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

COURTESY COPY:
Brad Flinders
P.O. Box 1565
Nyssa, OR 97913-2268


Deputy Clerk

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MAR 02 1996

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FEB 22 1996

Department of Water Resources

1996 FEB 21 PM 4: 49

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

In Re SRBA	)	Subcase Nos.: 57-02118, 57-02177,
	)	57-04104, 57-10854, 57-10912, 57-10913
Case No. 39576	)	and 57-10807
	)	
	)	ORDER CONSOLIDATING SUBCASES

This matter is before the court on the *Parties Stipulation to Consolidate* the above-captioned subcases pursuant to I.R.C.P. 42(a) and *SRBA Administrative Order 1*. Having reviewed the parties *Stipulation*, IT IS ORDERED that the above-captioned subcases be and hereby are consolidated.

The lead designated case shall be subcase no. 57-02118. The scheduling conference on these consolidated subcases shall be held on March 5, 1996 at 2:30 p.m. at the SRBA Courthouse, 253 Third Avenue North, Twin Falls, Idaho, the time and date previously set for subcase 57-02118. Furthermore, IT IS HEREBY ORDERED that if there are any dual-based claims, those claims shall be identified by the parties upon which those claims shall likewise be consolidated. The parties shall address whether any dual-based claims exist at the scheduling conference.

DATED February 21, 1996.



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

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MAR 14 1996

Brad Flinders
STUNZ, FONDA, NICHOLS, KIYUNA, Department of Water Resources
HORTON & FLINDERS Adjudication Bureau
P. O. Box 1565
Nyssa, OR 97913
Telephone: (503) 372-2268

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MAR 14 1996
ADJUDICATION BUREAU
AT TWIN FALLS

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

-----	)	Subcase Nos.: 57-02118,
In Re SRBA	)	57-02177, 57-04104,
	)	57-10854, 57-10912,
Case No. 39576	)	57-10913 and 57-10807
	)	
-----	)	NOTICE OF APPEARANCE

Please take notice that I appear for the Gem Irrigation
District in the above-captioned subcases.

STUNZ, FONDA, NICHOLS, KIYUNA,
HORTON & FLINDERS

By: Brad Flinders
Brad Flinders

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MAR 12 1996

NOTICE OF APPEARANCE.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF APPEARANCE was mailed on March 11, 1996, with sufficient first-class postage to the following:

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

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



Brad Flinders

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MAR 12 1996

On April 3, 1996, the parties, the United States Bureau of Reclamation, and GEM Irrigation District filed a *Stipulation to Dismiss Objection and Dismiss the United States as a Party (Stipulation)*, which stated in part: "[t]he parties further agree that the water right filed by the United States on behalf of the Bureau of Reclamation, Subcase No. 57-04104, should be decreed as recommended." *Stipulation*, ¶ 7. Subsequently, the United States' objection was dismissed. *Order Dismissing Objections*, Apr. 8, 1996. On April 10, 1996, the United States' and GEM Irrigation filed *Parties' Stipulation to Amend Prior Stipulation to Dismiss Objection and Dismiss the United States as a Party*, which further clarified the parties' intent that water right 57-04104 should be decreed.

CONCLUSIONS OF LAW

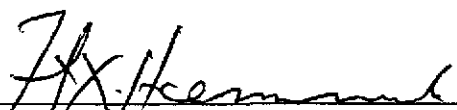
Under *SRBA Administrative Order 1*, a Special Master is required to make a recommendation to the Presiding Judge as to whether and how a water right should be recommended for each subcase.

Under I.R.C.P. 41, an action may be dismissed with prejudice by stipulation or court order. The record on file for this subcase, particularly the *Stipulation to Dismiss Objection and Dismiss United States as a Party*, clearly establishes the intent of the parties that this subcase be decreed as recommended.

Therefore, based on the file and record herein, IT IS RECOMMENDED that subcase 57-04104 be decreed as recommended in the *Preliminary Special Master's Report*.

IT IS SO RECOMMENDED.

DATED February 9, 1996.


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

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MAR 02 1998

SEP 09 1996

Department of Water Resources

7/17/96 11:11:27
 DISTRICT COURT - 5TH JUDICIAL DISTRICT
 TWIN FALLS, IDAHO
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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	)	PRELIMINARY SPECIAL
	)	MASTER'S REPORT AND
Case No. 39576	)	RECOMMENDATION
	)	
	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW FOR
	)	
_____	)	WATER RIGHT NO: 57-04104

FINDINGS OF FACT

A notice of claim was filed for this water right to pursuant to I.C. § 42-1409(1990). The director of the State of Idaho Department of Water Resources (IDWR) examined the water system for Reporting Area 1 and investigated and abstracted the notices of claim for Reporting Area 2 (Basin 57), which includes portions of Owyhee County. The Director of the Idaho Department of Water Resources then filed a *Director's Report for Reporting Area 57 (Director's Report)* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 57-04104 was filed on February 26, 1993, by the United States Bureau of Reclamation. A response to the objection was filed on July 1, 1993 by the State of Idaho Department of Water Resources.

On February 16, 1996, the United States and GEM Irrigation District filed *Parties' Stipulation to Consolidate Subcases*. An *Order Consolidating Subcases (Order)* was issued February 21, 1996, the *Order* consolidated subcases 57-02118, 57-02177, 57-04104, 57-10854, 57-10912, 57-10913 and 57-10807.

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

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SEP 09 1996

Department of Water Resources

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

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-04104

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED *DL*

PRELIMINARY

NAME & ADDRESS: GEM IRRIGATION DISTRICT
PO BOX 67
HOMEDALE ID 83628

SOURCE: SAGE CREEK

TRIBUTARY: SUCCOR CREEK

QUANTITY: 20.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 57-10913 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 20 CFS.

PRIORITY DATE: 06/13/1906

POINT OF DIVERSION: T03N R05W S17

SWNNWN

Within Owyhee County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
20.00 CFS

PLACE OF USE:

IRRIGATION

Within Owyhee County

T03N R05W S04	Lot 3	(NWNW) 26.0	SWNW 16.0	NWSW 11.9	SWSW 33.8
S05	Lot 1	(NENE) 8.7	Lot 2 (NWNE) 32.5	SWNE 13.5	SENE 29.2
	Lot 3	(NENW) 8.1	NESE 27.1	NWSE 1.8	SWSE 2.6
		SESE 24.7			
S07		NESE 3.7	SESE 8.2		
S08		NENE 27.4	NWNE 9.5	SWNE 23.0	SENE 31.8
		SENE 13.4	NESW 18.6	NWSW 21.6	SWSW 4.8
		NESE 39.5	NWSE 23.6	SWSE 20.5	SESE 38.2
S09		SWNE 31.8	NENW 20.3	NWNW 25.0	SWNW 38.9
		SENE 40.2	NESW 39.7	NWSW 38.6	SWSW 32.0
		SESW 31.5	NESE 37.5	NWSE 39.4	SWSE 36.6
		SESE 37.4			
S10		NWSW 18.1	SWSW 16.5		
S16		NENE 4.0	NWNE 7.8		
T04N R05W S19		NESW 33.4	Lot 9 (NWSW) 31.5	Lot 10 (SWSW) 35.6	SESW 35.4
		SWSE 37.4	SESE 32.4		
S29	Lot 8	(NWNW) 3.4	Lot 7 (SWNW) 8.1	Lot 6 (NWSW) 24.6	Lot 5 (SWSW) 33.4
S30		NENE 15.2	NWNE 37.2	SWNE 40.0	SENE 11.3
		NENW 36.9	Lot 1 (NWNW) 34.1	Lot 2 (SWNW) 28.3	SENE 30.1
		NESW 21.1	Lot 3 (NWSW) 2.6	SESW 1.4	NESE 21.6
		NWSE 33.9	SWSE 31.2	SESE 32.1	
S31		NENE 17.0	NWNE 8.5	SENE 7.1	
S32		NESW 12.9	NWSW 13.2	SESW 32.6	SWSE 9.4
R06W S23		SENE 27.8	NESE 21.1		
S24	Lot 6	(SWNE) 13.4	Lot 4 (SWNW) 34.4	Lot 5 (SENE) 23.4	NESW 35.6
		NWSW 31.7	SWSW 24.7	SESW 35.7	NESE 8.1
		NWSE 7.2	SWSE 38.2	SESE 28.1	
S25		NENE 35.5	NWNE 14.4	SENE 3.9	NENW 1.8
2152.9 ACRES TOTAL					

USE OF THIS RIGHT WITH RIGHT NOS. 57-02118, 57-02177 &
57-10854 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
2794.1 ACRES IN A SINGLE IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NOS. 57-02118, 57-02177 &
57-10854 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE
VOLUME OF 9779.4 AF.

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

SPECIAL MASTER'S RECOMMENDATION

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MAR 02 1998

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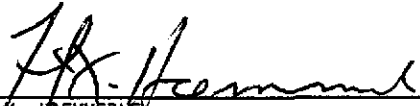
SEP 09 1996

Department of Water Resources

OTHER PROVISIONS: (CONT)

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 02 RIGHTS.

DATED:


FRITZ X. HAMMERLE
Special Master
Snake River Basin Adjudication

MICROFILMED
MAR 02 1998

RECEIVED
SEP 09 1996
Department of Water Resources

204 SEP -6 PM 1:21

DISTRICT CLERK - SRBA
TWIN FALLS CO., IDAHO

FILED *DL*

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right No: 57-04104

CERTIFICATE OF MAILING

I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on September 06, 1996, with sufficient first-class postage prepaid to the following:

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

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720

CHIEF, NTRL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
PO BOX 44449
BOISE, ID 83711-4449

BRAD A. FLINDERS
PO BOX 1565
NYSSA, OR 97913

MICROFILMED
MAR 02 1998

CERTIFICATE OF MAILING

PAGE 1
09/06/96

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10/10/1964

PAGE 1
09/06/96

RECEIVED

SEP 30 1996

Department of Water Resources

SEP 26 PM 5:02

DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED

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

In Re SRBA	)	AMENDED PRELIMINARY
	)	SPECIAL MASTER'S REPORT
Case No. 39576	)	AND RECOMMENDATION
	)	
	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW FOR
	)	
_____	)	WATER RIGHT NO: 57-04104

FINDINGS OF FACT

A notice of claim was filed for this water right to pursuant to I.C. § 42-1409(1990). The director of the State of Idaho Department of Water Resources (IDWR) examined the water system for Reporting Area 1 and investigated and abstracted the notices of claim for Reporting Area 2 (Basin 57), which includes portions of Owyhee County. The Director of the Idaho Department of Water Resources then filed a *Director's Report for Reporting Area 57 (Director's Report)* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 57-04104 was filed on February 26, 1993, by the United States Bureau of Reclamation. A response to the objection was filed on July 1, 1993 by the State of Idaho Department of Water Resources.

On February 16, 1996, the United States and GEM Irrigation District filed *Parties' Stipulation to Consolidate Subcases*. An *Order Consolidating Subcases (Order)* was issued February 21, 1996, the *Order* consolidated subcases 57-02118, 57-02177, 57-04104, 57-10854, 57-10912, 57-10913 and 57-10807.

MICROFILMED
MAR 02 1998

On April 3, 1996, the parties, the United States Bureau of Reclamation, and GEM Irrigation District filed a *Stipulation to Dismiss Objection and Dismiss the United States as a Party (Stipulation)*, which stated in part: "[t]he parties further agree that the water right filed by GEM Irrigation District, Subcase No. 57-04104, should be decreed as recommended." *Stipulation*, ¶ 7. Subsequently, the United States' objection was dismissed. *Order Dismissing Objections*, Apr. 8, 1996. On April 10, 1996, the United States' and GEM Irrigation filed *Parties' Stipulation to Amend Prior Stipulation to Dismiss Objection and Dismiss the United States as a Party*, which further clarified the parties' intent that water right 57-04104 should be decreed.

CONCLUSIONS OF LAW

Under *SRBA Administrative Order 1*, a Special Master is required to make a recommendation to the Presiding Judge as to whether and how a water right should be recommended for each subcase.

Under I.R.C.P. 41, an action may be dismissed with prejudice by stipulation or court order. The record on file for this subcase, particularly the *Stipulation to Dismiss Objection and Dismiss United States as a Party*, clearly establishes the intent of the parties that this subcase be decreed as recommended.

Therefore, based on the file and record herein, IT IS RECOMMENDED that subcase 57-04104 be decreed as recommended in the *Preliminary Special Master's Report*.

IT IS SO RECOMMENDED.

DATED February 9, 1996.


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

MICROFILMED
MAR 02 1998

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

In Re SRBA)
Case No. 39576)
_____)

1997 SEP 26 PM 5:02
SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
Water Right 57-04104
FILED *[Signature]*

RECEIVED
SEP 30 1996

Department of Water Resources
Adjudication Bureau

NAME & ADDRESS: GEM IRRIGATION DISTRICT
PO BOX 67
HOMEDALE ID 83628

SOURCE: SAGE CREEK TRIBUTARY: SUCCOR CREEK

QUANTITY: 20.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 57-10913 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 20 CFS.

PRIORITY DATE: 06/13/1906

POINT OF DIVERSION: T03N R05W S17 SWNNW Within Owyhee County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 20.00 CFS

PLACE OF USE: IRRIGATION Within Owyhee County

T03N R05W S04	Lot 3	(NWNW)	26.0	SWNW	16.0	NWSW	11.9	SWSW	33.8			
S05	Lot 1	(NENE)	8.7	Lot 2	(NWNE)	32.5	SWNE	13.5	SENE	29.2		
	Lot 3	(NENW)	8.1		NESE	27.1	NWSE	1.8	SWSE	2.6		
		SESE	24.7									
S07		NESE	3.7		SESE	8.2						
S08		NENE	27.4		NWNE	9.5	SWNE	23.0	SENE	31.8		
		SENE	13.4		NESW	18.6	NWSW	21.6	SWSW	4.8		
		NESE	39.5		NWSE	23.6	SWSE	20.5	SESE	38.2		
S09		SWNE	31.8		NENW	20.3	NWNW	25.0	SWNW	38.9		
		SENE	40.2		NESW	39.7	NWSW	38.6	SWSW	32.0		
		SESW	31.5		NESE	37.5	NWSE	39.4	SWSE	36.6		
		SESE	37.4									
S10		NWSW	18.1		SWSW	16.5						
S16		NENE	4.0		NWNE	7.8						
T04N R05W S19		NESW	33.4	Lot 9	(NWSW)	31.5	Lot 10	(SWSW)	35.6	SESW	35.4	
		SWSE	37.4		SESE	32.4						
S29	Lot 8	(NWNW)	3.4	Lot 7	(SWNW)	8.1	Lot 6	(NWSW)	24.6	Lot 5	(SWSW)	33.4
S30		NENE	15.2		NWNE	37.2		SWNE	40.0		SENE	11.3
		NENW	36.9	Lot 1	(NWNW)	34.1	Lot 2	(SWNW)	28.3		SENE	30.1
		NESW	21.1	Lot 3	(NWSW)	2.6		SESW	1.4		NESE	21.6
		NWSE	33.9		SWSE	31.2		SESE	32.1			
S31		NENE	17.0		NWNE	8.5		SENE	7.1			
S32		NESW	12.9		NWSW	13.2		SESW	32.6		SWSE	9.4
R06W S23		SENE	27.8		NESE	21.1						
S24	Lot 6	(SWNE)	13.4	Lot 4	(SWNW)	34.4	Lot 5	(SENE)	23.4		NESW	35.6
		NWSW	31.7		SWSW	24.7		SESW	35.7		NESE	8.1
		NWSE	7.2		SWSE	38.2		SESE	28.1			
S25		NENE	35.5		NWNE	14.4		SENE	3.9		NENW	1.8

2152.9 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 57-02118, 57-02177 &
57-10854 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
2794.1 ACRES IN A SINGLE IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NOS. 57-02118, 57-02177 &
57-10854 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE
VOLUME OF 9779.4 AF.

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

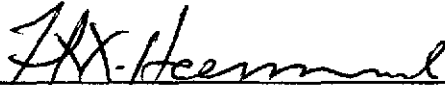
SPECIAL MASTER'S RECOMMENDATION

MICROFILMED
MAR 02 1998

OTHER PROVISIONS: (CONT)

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 02 RIGHTS.

DATED:


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

MICROFILMED
MAR 02 1998

RECEIVED
SEP 30 1996
Department of Water Resources

1996 SEP 26 PM 5:02

DISTRICT COURT-SRBA
TWIN FALLS COUNTY
FILED

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

In Re SRBA

Case No. 39576

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

Water Right No. 57-04104

On September 26, 1996, Special Master Fritz X. Haemmerle issued a *Amended Preliminary Special Master's Report and Recommendation* for subcase 57-04104 pursuant to *SRBA Administrative Order 1*, sections 11 (e) and (f).

The *Amended Preliminary Special Master's Report and Recommendation* is served only on parties to the subcase and is not served on the Presiding Judge. Parties to this subcase may file a *Motion to Reconsider* or a *Motion to Correct Clerical Errors* with the Special Master, but must do so within 10 days after receipt of the *Amended Preliminary Special Master's Report and Recommendation*.

DATED: September 26, 1996.

Deputy Clerk

MICROFILMED
MAR 02 1998

RECEIVED

SEP 30 1996

Department of Water Resources

SEP 26 PM 5:02

DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED PL

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

In Re SRBA	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	Water Right No. 57-04104
_____	)	

I certify that a true and correct copy of the *Amended Preliminary Special Master's Report and Recommendation; Findings of Fact and Conclusions of Law for Water Right No. 57-04104* and *Notice of Issuance of Amended Preliminary Special Master's Report and Recommendation* were mailed on September 26, 1996, with sufficient first-class postage prepaid to the following:

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

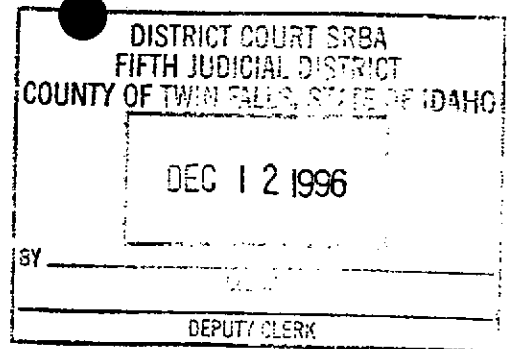
Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83724

Brad A Flinders
P O Box 1565
Nyssa, Oregon 97913

DATED: September 26, 1996.

Debbie L. Ladd
Deputy Clerk
MICROFILMED
MAR 8 2 1998



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

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

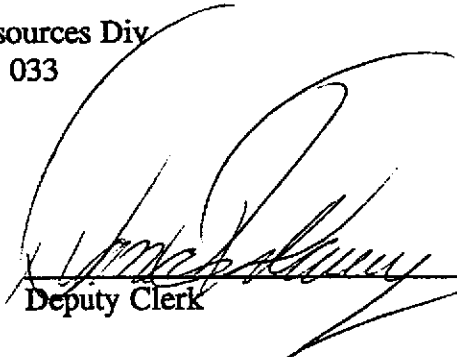
For Water Right 57-04104

I certify that a true and correct copy of the *Order of Partial Decree for Water Right 57-04104* and *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 57-04104* was mailed on December ¹⁵~~12~~, 1996 with sufficient first-class postage prepaid to the following:

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

Brad Flinders
PO Box 1565
Nyssa, OR 97913

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

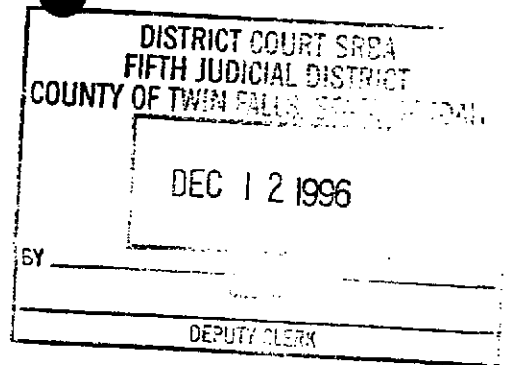

Deputy Clerk

MICROFILMED
MAR 02 1998

RECEIVED

DEC 17 1996

Department of Water Resources



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

In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 57-04104
_____	)	

On October 16, 1996, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-04104 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED December 12, 1996.



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

MICROFILMED
MAR 8 2 1998

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

DATE: 09/20/92
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GEM IRRIGATION DISTRICT PO BOX 67 HOMEDALE ID 83628 (208) 337-3760	06/13/1906	IRRIGATION	03-15 11-15	20.00 CFS	
					TOTAL DIVERSION:	20.00 CFS

Water Source: SAGE CREEK

Tributary to: SUCCOR CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T03N R05W S17

SWNWNW

OWYHEE County

Place of use Legal Description for: IRRIGATION

				NE								NW								SW								SE								
				NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
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	SUM		
03N	05W	4	:											03-26	16					11	33													87.7		
03N	05W	5	:	01-08	02-32		13	29				03-08										27	01	02	24								148.2			
03N	05W	7	:																			03			08								11.9			
03N	05W	8	:		27	09	23	31								18	21	04				39	23	20	38								271.9			
03N	05W	9	:				31			20	25	38	40			39	38	32	31			37	39	36	37								448.9			
03N	05W	10	:															18	16														34.6			
03N	05W	16	:		04	07																											11.8			
04N	05W	19	:													33	09-31	10-35	35							37	32						205.7			
04N	05W	29	:									08-03	07-08					06-24	05-33														69.5			
04N	05W	30	:		15	37	40	11		36	01-34	02-28	30			21	03-02		01			21	33	31	32								377.0			
04N	05W	31	:		17	08		07																									32.6			
04N	05W	32	:													12	13		32						09								68.1			
04N	06W	23	:					27														21											48.9			
04N	06W	24	:				06-13					04-34	05-23			35	31	24	35			08	07	38	28								280.5			
04N	06W	25	:		35	14		03		01																							55.6			
																												TOTAL ACRES		2152.9						

POU County: OWYHEE

Other Rights: 02-00064, 02-00065, 57-10854, 57-02118, 57-02177.

Conditions of Approval:

F02 - USE OF THIS RIGHT IS COMBINED WITH WATER DIVERTED IN THE STATE
- OF OREGON.

Remarks:

WATER IS DELIVERED THROUGH THE PATCH AND MCDOWELL DITCHES.
RIGHT NO. 57-10913 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF
THESE RIGHTS IS LIMITED TO 20 CFS.
USE OF THIS RIGHT WITH RIGHT NOS. 57-02118, 57-02177 & 57-10854
IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF
9779.4 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 2794.1
ACRES IN A SINGLE IRRIGATION SEASON.
RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME
PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH

MICROFILMED
OCT 07 1992

Remarks: WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN REMARKS LIMITING THE COMBINED USE OF THIS RIGHT AND THE BASIN 02 RIGHTS.

Dates: Exam Made Date: 11/19/1990 Verified Date:

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

Comments: Date: 11/22/1991 User-ID: SHURTE Subject: COPIED FROM REMARKS
P/U WITHIN THE LANDS OF THE GEM IRR. DIST.
AC. IRR. = 785.
SUPPLEMENTAL WATER SUPPLY TO BOTH THE MC DOWELL DITCH &
PATCH DITCH.
DESCRIP. OF DIVERSION WORKS: CONCRETE DIVERSION DAM WITH A SPILL
GATE ACROSS THE ENTIRE WIDTH OF SAGE CREEK WITH A HEADGATE ON THE
NORTH SIDE FOR THE SAGE CREEK DIVERSION DITCH. THE DAM IS
CAPABLE OF BLOCKING NEARLY THE ENTIRE FLOW.

Date: 08/25/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 8/24/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 7/1/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 09/19/1992 User-ID: SHURTE Subject: ADDITIONAL ACRES NOT A RESULT OF ERROR
GEM IRRIG. DISTRICT SUBMITTED AN AMENDED LANDLIST FROM WHAT THEY
HAD SUBMITTED PRIOR TO THE PREL. RECOMMENDED REPORT. THE NEW
ACRES ADDED ON ARE THOSE THAT HAVE NOT BEEN ASSESSED IN THE PAST
BUT ARE USING GEM IRRIG. DIST. WATER ON ADDITIONAL ACRES. GEM IS
NOW IN THE PROCESS OF NOTIFYING THESE INDIVIDUALS AND WILL UP THE
TOTAL NUMBER OF ACRES ON THEIR ASSESSMENT.

Audit: 09/20/92 SHURTE

MICROFILMED
OCT 07 1992

NEW LANDLIST SUBMITTED BY GEM IRRIG. DIST.
DURING THE NOTICE OF ERROR PROCEDURE -- REC'D LIST
ON 9-14-92

GEM IRRIGATION DISTRICT

Twn	Rge	Sec	Quarter	Total	57- 10854 Succor Creek	57- 10912 Succor Creek	57- 10913 Sage Creek	57- 04104 Sage Creek	57- 02118 Jump Creek	57- 02177 Jump Creek
3N	5W	3	SW SW	30.0					30.0	30.0
3N	5W	4	NE NW	10.0						
			NW NW	26.0	26.0			26.0		
			SW NW	24.0	16.0			16.0	8.0	8.0
			SE NW	46.0					46.0	46.0
			NE SW	41.2					25.0	25.0
			NW SW	29.0	11.9	16.6	16.6	11.9	29.0	29.0
			SW SW	35.6	33.8	1.8	1.8	33.8	35.0	35.0
			SE SW	41.0					25.0	25.0
			NE SE	15.0					15.0	15.0
			NW SE	36.8					28.0	28.0
			SW SE	38.2					22.0	22.0
			SE SE	38.5					22.0	22.0
3N	5W	5	NE NE	8.7	8.7			8.7		
			NW NE	32.5	32.5			32.5		
			SW NE	13.5	13.5			13.5		
			SE NE	29.2	29.2			29.2		
			NE NW	8.1	8.1	0.9	0.9	8.1		
			NW NW							
			SW NW							
			SE NW							
			NW SW							
			SW SW							
			SE SW							
			NE SE	28.1	27.1	1.0	1.0	27.1		
			NW SE	1.8	1.8			1.8		
			SW SE	2.6	2.6			2.6		
			SE SE	24.6	24.7			24.7		
3N	5W	7	NE NE							
			NW NE							
			SW NE							
			SE NE							
			NE NW							
			NW NW							
			SW NW							
			SE NW							
			NE SW							
			NW SW							
			SW SW							
			SE SW							
			NE SE	26.7	3.7	23.0	23.0			
			NW SE	20.9		20.9	20.9			
			SW SE	31.9		31.9	31.9			
			SE SE	36.4	8.2	28.2	28.2			

MICROFILMED
OCT 07 1992

Gem Irrigation - Page 2

3N	5W	8	NE NE	27.4	27.4			27.4		
			NW NE	9.5	9.5			9.5		
			SW NE	25.0	23.0	2.0	2.0	23.0		
			SE NE	31.8	31.8			31.8		
			NE NW							
			NW NW							
			SW NW							
			SE NW	13.4	13.4			13.4		
			NE SW	21.6	18.6	3.0	3.0	18.6		
			NW SW	21.6	21.6			21.6		
			SW SW	24.0	4.8	19.2	19.2	4.8		
			SE SW	31.0						
			NE SE	39.5	39.5			39.5		
			NW SE	28.9	23.6	5.3	5.3	23.6		
			SW SE	37.0	20.5	16.5	16.5	20.5		
			SE SE	38.2	38.2			38.2		
3N	5W	9	NE NE	41.2					24.0	24.0
			NW NE	40.6					26.0	26.0
			SW NE	39.8	31.8			31.8	8.0	8.0
			SE NE	40.6					32.0	32.0
			NE NW	40.7	20.3			20.3		
			NW NW	39.8	25.0			25.0		
			SW NW	38.9	38.9			38.9		
			SE NW	40.2	40.2			40.2		
			NE SW	39.7	39.7			39.7		
			NW SW	38.6	38.6			38.6		
			SW SW	35.1	32.0	3.1	3.1	32.0		
			SE SW	35.7	31.5	4.2	4.2	31.5		
			NE SE	37.5	37.5			37.5		
			NW SE	39.4	39.4			39.4		
			SW SE	36.6	36.6			36.6		
			SE SE	37.4	37.4			37.4		
3N	5W	10	SW NE	22.0					22.0	22.0
			NE NW	27.0					27.0	27.0
			NW NW	35.0					35.0	35.0
			SW NW	40.0					40.0	40.0
			SE NW	40.0					40.0	40.0
			NE SW	40.0					40.0	40.0
			NW SW	30.9	18.1			18.1	25.0	25.0
			SW SW	32.7	16.5			16.5	35.0	35.0
			SE SW	40.0					40.0	40.0
			SW SE	17.0					17.0	17.0
3N	5W	16	NE NE	4.0	4.0			4.0		
			NW NE	35.4	7.8			7.8		

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Gem Irrigation - Page 3

4N	5W	19	SE NW	20.0		20.0	20.0	
			SW NW	20.0		20.0	20.0	
			NE SW	34.8	33.4	1.4	1.4	33.4
			NW SW	33.7	31.5	2.2	2.2	31.5
			SW SW	35.6	35.6			35.6
			SE SW	38.9	35.4	3.5	3.5	35.4
			NE SE	41.6		41.6	41.6	
			NW SE	40.6		40.6	40.6	
			SW SE	40.2	37.4	2.8	2.8	37.4
			SE SE	41.2	32.4	8.8	8.8	32.4
4N	5W	(20)	SW SW	14.6		14.6	14.6	
			NW SW	17.9		17.9	17.9	
4N	5W	29	NW NW	36.5	3.4	33.1	33.1	3.4
			SW NW	35.3	8.1	27.2	27.2	8.1
			NW SW	40.2	24.6	15.6	15.6	24.6
			SW SW	48.6	33.4	15.2	15.2	33.4
4N	5W	30	NE NE	38.0	15.2	22.8	22.8	15.2
			NW NE	37.2	37.2			37.2
			SW NE	40.0	40.0			40.0
			SE NE	38.6	11.3	27.3	27.3	11.3
			NE NW	37.3	36.9	0.4	0.4	36.9
			NW NW	34.1	34.1			34.1
			SW NW	32.5	28.3			28.3
			SE NW	40.1	30.1	9.9	9.9	30.1
			NE SW	32.2	21.1	11.1	11.1	21.1
			NW SW	33.2	2.6	29.4	29.4	2.6
			SW SW	34.6				
			SE SW	35.5	1.4	34.1	34.1	1.4
			NE SE	32.4	21.6	10.8	10.8	21.6
			NW SE	37.2	33.9	3.3	3.3	33.9
			SW SE	33.0	31.2	1.8	1.8	31.2
			SE SE	38.3	32.1	6.2	6.2	32.1
4N	5W	31	NE NE	25.4	17.0	8.4	8.4	17.0
			NW NE	33.9	8.5	25.4	25.4	8.5
			SW NE	34.7				
			SE NE	27.8	7.1	20.7	20.7	7.1
			NE NW	36.4				
			NW NW	32.7				
			SW NW	1.1				
			SE NW	8.1				
			NE SW					
			NW SW					
			SW SW					
			SE SW					
			NE SE	20.6				
			NW SE	2.0				
			SW SE					
			SE SE					

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Gem Irrigation - Page 4

4N	5W	32	NE NW	28.6		28.6	28.6	
			NW NW	35.3		35.3	35.3	
			SW NW	37.4		5.0	5.0	
			SE NW	34.5		34.5	34.5	
			NE SW	15.7	12.9	2.8	2.8	12.9
			NW SW	13.2	13.2			13.2
			SW SW	40.3				
			SE SW	29.4	32.6			32.6
			NW SE	19.0		19.0	19.0	
			SW SE	9.4	9.4			9.4
4N	6W	23	NE NE	11.0		11.0	11.0	
			NW NE	17.0		17.0	17.0	
			SW NE	13.8		13.8	13.8	
			SE NE	28.0	27.8	0.2	0.2	27.8
			NE NW	5.0		5.0	5.0	
			Lot 3					
			Lot 4					
			SE NW					
			NE SW					
			Lot 5					
			Lot 6					
			NE SE	25.2	21.1			21.1
			SE SE	0.5				
4N	6W	24	Lot 6	21.5	13.4	8.1	8.1	13.4
			Lot 7	27.1		23.0	23.0	
			Lot 4	34.4	34.4			34.4
			Lot 5	34.4	23.4	11.0	11.0	23.4
			NE SW	35.6	35.6			35.6
			NW SW	32.3	31.7	0.6	0.6	31.7
			SW SW	36.0	24.7	11.3	11.3	24.7
			SE SW	35.9	35.7	0.2	0.2	35.7
			NE SE	31.6	8.1	23.5	23.5	8.1
			NW SE	30.7	7.2	23.5	23.5	7.2
			SW SE	38.2	38.2			38.2
			SE SE	36.8	28.1	8.7	8.7	28.1
4N	6W	25	NE NE	36.7	35.5	1.2	1.2	35.5
			NW NE	35.0	14.4	20.6	20.6	14.4
			SW NE	40.3				
			SE NE	32.2	3.9	28.3	28.3	3.9
			NE NW	35.0	1.8			1.8
			NW NW	19.0				
			SW NW					
			SE NW	21.0				
			NW SW					
			SW SW					
			SE SW	6.6				
			NE SE	39.4				
			NW SE	40.0				
			SW SE	38.5				
			SE SE	38.8				

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Totals -

57-10854	Succor Creek	2,152.9 acres
57-10912	Succor Creek	985.9
57-10913	Sage Creek	~~953.4~~ 985.9
57-04104	Sage Creek	2,152.9
57-02118	Jump Creek	712.0
57-02177	Jump Creek	712.0

MICROFILMED
OCT 07 1992

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

DATE: JUL-20-1992

PAGE: A-855

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SAGE CREEK			TRIBUTARY: SUCCOR CREEK			
57-04104	GEM IRRIGATION DISTRICT PO BOX 67 HOMEDALE ID 83628	06/13/1906	IRRIGATION	03-15 11-15	20.00 CFS	BENEFICIAL USE
TOTAL QUANTITY:					20.00 CFS	
POINT OF DIVERSION: T03N R05W S17						
PLACE OF USE: IRRIGATION						
T03N R05W S04						
S05 Lot 1 (NENE) 8.1 Lot 2 (NWNE) 32.5						
Lot 3 (NENW) 8.1 NESE 27.1						
SESE 24.7						
S07 NESE 3.7 SESE 8.2						
S08 NENE 27.4 NWNE 9.5						
SENE 23.0						
SENE 31.8						
SENE 4.8						
SESE 38.2						
S09 SESE 39.5 NWSE 20.5						
SENE 31.8 NENW 25.0						
SENE 38.9						
SENE 40.0 NESW 39.7						
SESE 31.5 NESW 38.6						
SESE 35.9 NESW 32.0						
S10 NESW 31.5 NESW 36.6						
S16 NESW 8.5 SWSW 12.0						
T04N R05W S19 NENE 4.0 NWNE 3.8						
NESW 33.4 Lot 9 (NWSW) 31.5 Lot 10 (SWSW) 34.9						
SESE 37.4 SESE 32.4						
S29 Lot 8 (NWNW) 3.4 Lot 7 (SNNW) 8.1 Lot 6 (NWSW) 24.6 Lot 5 (SWSW) 33.4						
S30 NENE 15.2 NWNE 37.2						
SENE 11.3						
NENW 36.9 Lot 1 (NWNW) 34.1 Lot 2 (SNNW) 28.3						
SENE 30.1						
NESW 21.1 Lot 3 (NWSW) 2.6						
SESE 21.6						
S31 NWSE 33.9 SWSW 31.2						
S32 NENE 17.0 NWNE 8.5						
SENE 7.1						
R06W S23 NESW 12.9 NWSW 5.0						
SENE 27.8 NESW 17.0						
S24 Lot 6 (SWSW) 13.4 Lot 4 (SNNW) 34.4 Lot 5 (SENE) 23.4						
NESW 35.6						
NWSW 31.7 SWSW 24.7						
NWSE 7.2 SWSW 8.1						
S25 NENE 35.5 NWNE 14.4						
SENE 3.9						

2092.9 ACRES TOTAL

REMARKS: USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER DIVERTED
 IN THE STATE OF OREGON.
 WATER IS DELIVERED THROUGH THE MCDOWELL AND PATCH DITCHES.
 RIGHT NO. 57-10913 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
 DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF

OCT 07 1992

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Copy of 57-04104 as orig. recommended
 in the Proposed Recommended Rights

Gem submitted an amended landlist as a part of the
 Notice of G. 1101 procedure & the acre are changed.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JUL-20-1992
PAGE: A-856

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SAGE CREEK		TRIBUTARY: SUCCOR CREEK				

57-04104 CONTINUED

THESE RIGHTS IS LIMITED TO 20 CFS.
USE OF THIS RIGHT WITH RIGHT NO.'S 57-02118 & 57-10854 IS LIMITED
TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 9501.1 AF,
AND TO THE IRRIGATION OF A COMBINED TOTAL OF 2714.6 ACRES IN A
SINGLE IRRIGATION SEASON.
RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME
PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH
WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER
DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR
THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE
WILL CONTAIN REMARKS LIMITING THE COMBINED USE OF THIS RIGHT AND
THE BASIN 02 RIGHTS.

57-02313	NOLENE S JOHNSTONE ALAN J JOHNSTONE RT 1 BOX 1251 HOMEDALE ID 83628	07/30/1917	STOCKWATER STORAGE	01-01 12-31	6.7	AFY	LICENSE	
			STOCKWATER FROM STORAGE	01-01 12-31	6.7	AFY		
			RECREATION STORAGE	01-01 12-31	8.0	AFY		
			TOTAL QUANTITY:			8.0		AFY

NON-IRRIGATION-USES:

STOCKWATER, 500 HEAD RANGE.

POINT OF DIVERSION:

T02N R06W S24 SENWSW

PLACE OF USE: STOCKWATER STORAGE

SAME AS OTHER USE

PLACE OF USE: STOCKWATER FROM STORAGE

T02N R06W S24 NWSW

PLACE OF USE: RECREATION STORAGE

SAME AS OTHER USE

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT
TO IDAHO CODE 42-1416A.RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CODE 42-1416A.MICROFILMED
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:54:58
02/11/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A57-04104

LAST: GEM IRRIGATION DISTRICT
ADDRESS: P.O. BOX 67
CITY: HOMEDALE
PHONE NUMBER: 208-337-3760

FIRST:
STATE: ID ZIP: 83628

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: P/U WITHIN THE LANDS OF THE GEM IRR. DIST.
SUPPLEMENTAL WATER SUPPLY TO BOTH THE MC DOWELL DITCH &
PATCH DITCH.
DESCRIP. OF DIVERSION WORKS: CONCRETE DIVERSION DAM WITH A SPILL
GATE ACROSS THE ENTIRE WIDTH OF SAGE CREEK WITH A HEADGATE ON THE
NORTH SIDE FOR THE SAGE CREEK DIVERSION DITCH. THE DAM IS
CAPABLE OF BLOCKING NEARLY THE ENTIRE FLOW.

*Sent to
comments*

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A. AJ CLAIM: # A57-04104 PRIORITY DATE: 01-01-1906 STAGE: J
B. WR RECORD: # 57-04104 PRIORITY DATE: 01-01-1906 STAGE: S

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

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N() *See 57-10854 CUR*
IF YES EXPLAIN.

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:
01-01-1906

REVIEWED BY *[Signature]*

DATE *2-12-92*

=====

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A57-04104	03N	05W	17	NW	NW	NW		OWYHEE

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

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: SAGE CREEK

TRIB: SUCCOR CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
57-04104	03N	05W	17		NW	NW		OWYHEE

OTHER WR RECORDS WITH SAME WR POD

NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A57-10318 NONE
A57-10913

SOURCE: SAGE CREEK

TRIB: SUCCOR CREEK

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER

*Exam conducted for
measurement & P.D. verification*

REMARKS:

*See 57-10854 for map showing P.D. location
& location of acres irrigated.*

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>3N</u>	<u>SW</u>	<u>17</u>	<u>SW</u>	<u>NW</u>	<u>NW</u>	<u>—</u>	<u>Owyhee</u>

SOURCE: SAGE CREEK

TRIB: SUCCOR CREEK

REVIEWED BY: [Signature]

DATE: 2-12-92

E07-10913 diverted same P.P. Total cfs allowable per ditch capacity is 20 cfs.

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OCT 07 1992

A. ROOT WATER RIGHT NUMBERS: A57-04104
R57-04104

*SEE PLACE OF USE REVIEW SHEET
IN 57-10854 - SAME ACRES EXACTLY*

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
03N	05W	4	NW	NW		GEM IRRIGATION DISTRICT	A57-04104 /26.0	- /			
			NW	NW		GEM IRRIGATION DISTRICT	R57-04104 /26.0	- /			
			NW	NW		GEM IRRIGATION DISTRICT	R57-10854 /26.0	- /			
			NW	NW	3	AMERICA, ACTING THROUGH , UNITA02-07188	/ 1.0	02-07188 / 1.0			
			NW	NW	3	GEM IRRIGATION DISTRICT	A02-00064 /26.0	- /			
			NW	NW	3	GEM IRRIGATION DISTRICT	A02-00065 /26.0	- /			
			NW	NW		GEM IRRIGATION DISTRICT	A57-10854 /26.0	- /			
			NW	NW		GEM IRRIGATION DISTRICT		02-02276 /26.0			
			NW	NW		SNELL , E. B.		57-02167 /35.0			
			NW	NW	3	RAGAN , JAMES		57-07543 /40.0			
			NW	NW	3	LASSELLE , RICHARD E.		A02-07188 / 1.0			
03N	05W	4	SW	NW		GEM IRRIGATION DISTRICT	A57-04104 /16.0	- /	29.0		
			SW	NW		GEM IRRIGATION DISTRICT	R57-02118 / 8.0	57-02118 / 8.0			
			SW	NW		GEM IRRIGATION DISTRICT	R57-04104 /16.0	- /			
			SW	NW		GEM IRRIGATION DISTRICT	R57-10854 /16.0	- /			
			SW	NW		GEM IRRIGATION DISTRICT	A57-02118 / 8.0	- /			
			SW	NW		GEM IRRIGATION DISTRICT	A02-00064 /16.0	- /			
			SW	NW		GEM IRRIGATION DISTRICT	A02-00065 /16.0	- /			
			SW	NW		GEM IRRIGATION DISTRICT	A57-10854 /16.0	- /			
			SW	NW		GEM IRRIGATION DISTRICT		02-02276 /16.0			
			SW	NW		RAGAN , JAMES		57-07543 /35.0			
03N	05W	4	NW	SW		GEM IRRIGATION DISTRICT	A57-04104 /11.9	- /	26.0		
			NW	SW		GEM IRRIGATION DISTRICT	R57-02118 /29.0	57-02118 /30.0			
			NW	SW		GEM IRRIGATION DISTRICT	R57-04104 /11.9	- /			
			NW	SW		GEM IRRIGATION DISTRICT	R57-10854 /11.9	- /			
			NW	SW		GEM IRRIGATION DISTRICT	R57-10912 /16.6	- /			
			NW	SW		GEM IRRIGATION DISTRICT	R57-10913 /16.6	- /			
			NW	SW		GEM IRRIGATION DISTRICT	A57-02118 /30.0	- /			
			NW	SW		GEM IRRIGATION DISTRICT	A02-00064 /28.5	- /			
			NW	SW		GEM IRRIGATION DISTRICT	A02-00065 /28.5	- /			
			NW	SW		GEM IRRIGATION DISTRICT	A57-10854 /11.9	- /			
			NW	SW		GEM IRRIGATION DISTRICT	A57-10913 /16.6	- /			
			NW	SW		GEM IRRIGATION DISTRICT	A57-10912 /16.6	- /			
			NW	SW		GEM IRRIGATION DISTRICT		02-02276 /18.0			
03N	05W	4	SW	SW		GEM IRRIGATION DISTRICT	A57-04104 /33.8	- /	38.0		
			SW	SW		GEM IRRIGATION DISTRICT	R57-02118 /35.0	57-02118 /33.0			
			SW	SW		GEM IRRIGATION DISTRICT	R57-04104 /33.8	- /			
			SW	SW		GEM IRRIGATION DISTRICT	R57-10854 /33.8	- /			
			SW	SW		GEM IRRIGATION DISTRICT	R57-10912 / 1.6	- /			

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

POU COUNTY: OWYHEE

PRESUMPTION FLAG:

REMARKS:

*Field exam & map verification of
acres.*

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

2152.9 acres
[Signature] *2-12-92 & 9-21-92*

See remarks in 57-10854 for further info.

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A57-04104 IRRIGATION	FROM 03-15 TO 11-15	30.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		30.000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
57-04104 IRRIGATION	FROM 04-01 TO 10-15	30.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		30.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☐) N(☐) Explain in remarks, below.

REMARKS:

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OCT 07 1992

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 30.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 30.000 CFS

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

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER

Y

yes

B.

FLOW MEASUREMENT

MEASUREMENT METHOD

PYROMETER

SEE ATTACHED CALCULATIONS.

NEXT PAGE

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

OTHER RIGHTS LISTED IN CLAIM: 02-00064, 02-00065, 57-02118, 57-10854.

*Overlap review copies
are attached.*

LIST ALL RIGHTS WITH A SAME POI AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A57-04104	SAGE CREEK	GEM IRRIGATION DISTRICT	30.000	0.014		
A02-00064	SNAKE RIVER	GEM IRRIGATION DISTRICT	306.000	0.013		
A02-00065	SNAKE RIVER	GEM IRRIGATION DISTRICT	50.000	0.002		
A02-02178	SNAKE RIVER	MC RAE, KENNETH R.	2.510	0.019		
A02-02401	SNAKE RIVER	AMERICA, ACTING THROUGH, UNIT	1.280	0.018		
A02-07095	SNAKE RIVER	MC RAE, KENNETH R.	1.600	0.020		
A02-07188	SNAKE RIVER	AMERICA, ACTING THROUGH, UNIT	0.660	0.020		
A02-07241	SNAKE RIVER	WILLIAMS, STANLEY J.	0.310	0.018	59.50	3.50
R02-07384	SNAKE RIVER	MC RAE, KENNETH R.	1.900	0.020		
A02-07384	SNAKE RIVER	MC RAE, KENNETH R.	1.900	0.020		
A57-02118	JUMP CREEK	GEM IRRIGATION DISTRICT	8.000	0.009		
R57-02118	JUMP CREEK	GEM IRRIGATION DISTRICT	8.000	0.011		
R57-02306	UNNAMED DRAIN	ECHEVARRIA, RICHARD	1.130	0.015	319.50	4.50
A57-02306	UNNAMED DRAIN	ECHEVARRIA, RICHARD	1.130	0.015		
R57-04053	UNNAMED STREAMS	PROW, DARLENE	1.220	0.020		
A57-04053	UNNAMED STREAM	PROW, L. E.	1.760	0.020		
R57-04091	UNNAMED DRAIN	METZER, DARLENE	0.280	0.020		
A57-04091	UNNAMED DRAIN	METZER, KENNETH	1.000	0.071		

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OCT 07 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

A57-04104

Water Right No.
(if applicable)

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: SAGE CREEK. .92
2. Location: APPROX. 100' FROM PIONEER RD - SOUTH
3. Person conducting measurement: KAY WALKER & JAN SHURTE .94
4. Date and time of measurement: 1:00 PM 8-13-91
5. Accompanied by: LORI HAKILIS & JAN SHURTE .96
6. Measuring device size and ID no.: PY6MY METER
7. Spin test before measurement OK? OK after measurement OK? OK .97
8. Purpose of measurement: AQS. CLAIM VERIFICATION - A57-04104 .98

B. MEASUREMENT DATA

NOTE: DITCH WAS NOT FULL. ALLOW 20 CFS

[illegible]

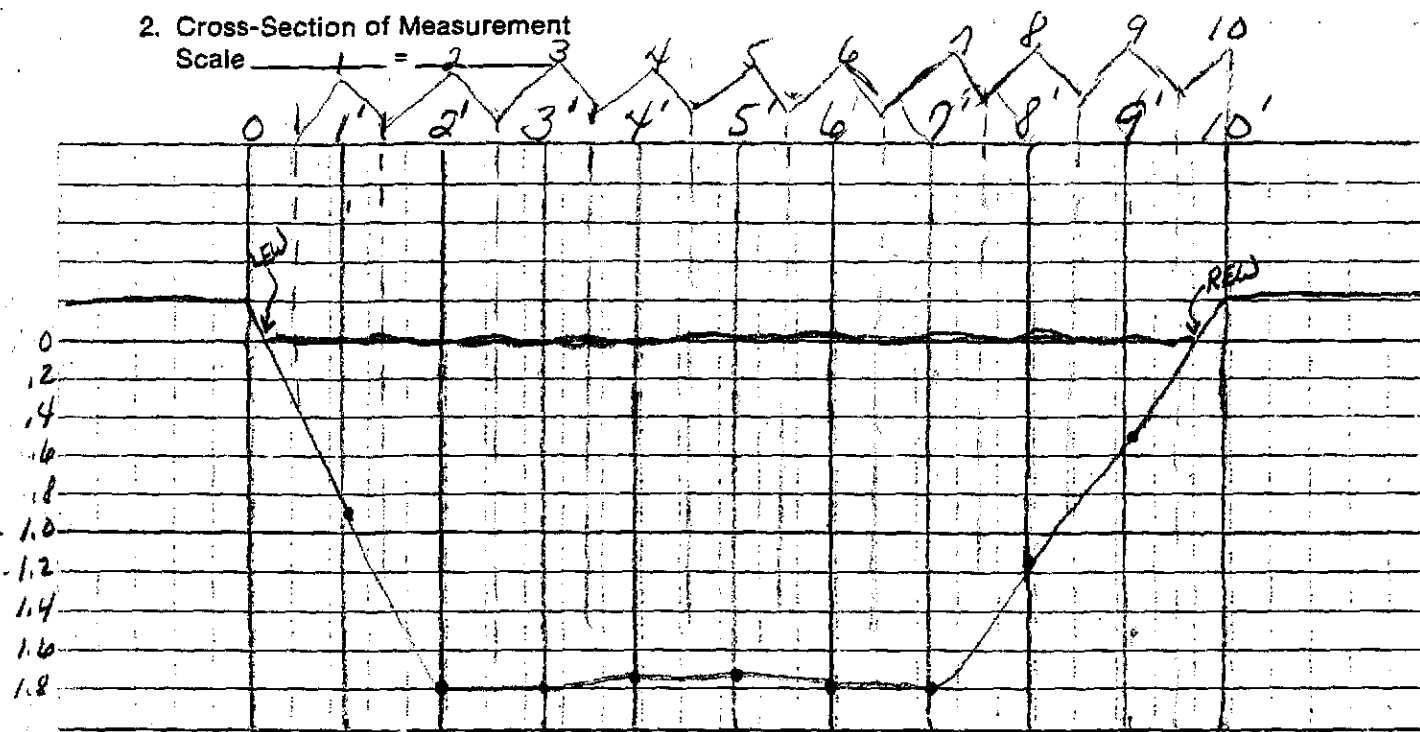
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C. DIAGRAMS

1. Measurement Location

Scale: _____ = _____



D. SUMMARY INFORMATION

1. Measurement rated _____ excellent X good _____ fair _____ poor

2. Remarks: DITCH NOT TO FULL CAPACITY - APPROX. 2" FROM HIGH WATER MARK (BELOW)

3. Width: 10' Area: 13.15 sq ft Discharge in cubic feet per second: 116.08 CFS

2-11-93
DATE

SIGNATURE OF PERSON CONDUCTING MEASUREMENT

OVERLAP REVIEW SHEET FOR THE FOLLOWING WR #'s: 157-04104 157-10854

AGENT JAN SHURT DATE 2-12-92 * 157-02118 157-02177

9-21-92

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
JUMP CK.	02177/ 02118		3N	5W	3																30	30
SUCKER CK.	04104/ 10854		3N	5W	4																87.7	
(10854)	02177/ 02118				4																255	
SAGE CK.	02177/ 10410N																					
ALL																					297.4	

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
	04104/ 10854		3N	5W	5	8.7	32.5	3.5	32.1								27.1	1.8	2.6	34.7	148.2	148.2
				7													3.7		8.2		11.9	11.9
				8	27.4	9.5	23	31.8					13.4	18.6	27.6	48	39.5	3.6	10.5	38.2	271.9	271.9
	02177/ 02118		3N	5W	9	24	26	8	32												90	

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
	04104/ 10854			9			31.8		20.3	25	38.9	40.2	39.7	38.6	32	31.5	37.5	39.4	36.6	37.4	148.9	
	ALL		3N	5W	9	24	26	39.8	32	20.5	25	38.9	40.2	39.7	38.6	32	31.5	37.5	39.4	36.6	37.4	538.9
	02118/ 02177		3N	5W	10			45	46	27	35	40	40	40	25	35	40		17.6	16	337.6	
	04104/ 10854			10											18.1	16.5					34.6	

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
	ALL		3N	5W	10			45	46	27	35	40	40	40	25	35	40		17.6	16		346.1
REMAINING TOTAL FOR 57-04104/10854																						1149.7

TOTAL ACRES 2994.1
OCT 07 1992

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
R57-04104	SAGE CREEK	GEM IRRIGATION DISTRICT	20.000	0.009		
R57-07242	SUCCOR CREEK	VANCE , MARION L	0.020	0.025		
A57-07242	SUCCOR CREEK	VANCE , MARION L.	0.280	0.020		
R57-07265	UNNAMED DRAIN	US DEPT OF AGRICULTURE	3.410	0.020		
A57-07265A	UNNAMED DRAIN	U.S. DEPT. OF AGRICULTURE	3.410	0.020		
A57-10664	GROUNDWATER	KELLY , CREIGHTON F.	0.080	0.080		
R57-10664	GROUNDWATER	KELLY , CREIGHTON F	0.050	0.050	4.50	4.50
R57-10854	SUCCOR CREEK	GEM IRRIGATION DISTRICT	30.000	0.014		
A57-10854	SUCCOR CREEK	GEM IRRIGATION DISTRICT	40.000	0.018		
R57-10912	SUCCOR CREEK	GEM IRRIGATION DISTRICT	30.000	0.030		
A57-10912	SUCCOR CREEK	GEM IRRIGATION DISTRICT	30.000	0.030		
A57-10913	SAGE CREEK	GEM IRRIGATION DISTRICT	20.000	0.020		
R57-10913	SAGE CREEK	GEM IRRIGATION DISTRICT	20.000	0.020		

NO RIGHTS WITH SAME POI BUT NOT USED FOR IRRIGATION

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 2152.9 x 0.02 CFS/ACRE = 43.05 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 10588.9 AF/A

ACRES 2152.9 x CONSUMPTIVE VOL. AF/A FOR AREA 9.5 =

TOTAL CONSUMPTIVE USE 2535.1 AF/A *limited*

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 16/A AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

FO7 - ~~Does cover overlap with Gen's Snake River rts.~~

FO1 - Overlaps with 57-02118, 57-02177, & 57-10854 - see
overlap sheet - Total acre limit of all 4 rights
is 2794.1 & 9,779.4 AF.

FO8 - as explained earlier on P.O. review pg.

FO2 - Water commingled w/ Dwykes Res. water which is diverted in
Oregon.

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	03-15 11-15	DATABASE 30.000 EXAMINER <u>20 CFS</u>	DATABASE EXAMINER <u>N/A</u>	DATABASE 10588.9 EXAMINER <u>N/A</u>
TOTAL FOR THIS RIGHT		30.000 <u>20 CFS</u>		10588.9
REVIEWED BY: <u>[Signature]</u>		DATE: <u>2-12-92</u>		

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 57-04104

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 30.000	EXAMINER _____	CFS
-----------------------------------	--------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A57-04104	30.000	R57-04104	20.000	57-04104	30.000
TOTAL CFS		30.000		20.000		30.000

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 Y	FIELD EXAMINER _____ _____
---------------	-------------------------------------

REMARKS:

System Description & photos attached.

Map filed in 57-10854.

AUTHENTICATION:

SIGNATURE:

NAME OF FIELD EXAMINER:

DATE:

TITLE:

[Signature]

JAN THURTELL

9-12-92 + 9-21-92

WATER RTS SUPERV.

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OCT 07 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

October 12, 1990

RE: Claim No(s):

A57-04103

CECIL D. ANDRUS

A57-04104

GEM IRRIGATION DISTRICT

P.O. BOX 67

A57-04104

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

HOMEDALE

ID 83628

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no license, decree or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of first use, or "Priority Date", for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes the types of evidence required and explains what kind of documents will fulfill this requirement. While we encourage you to read the entire pamphlet, we would like to direct your attention to the right-hand half of this pamphlet once you open it. There you will find information concerning the evidence requirements mentioned above. The other sections describe to you why this evidence is necessary.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, cannot be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the above claim(s) have been or soon will be conducted by Department personnel.

Please submit the required evidence supporting the priority date(s) by December 1, 1990, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact a water resource agent in this office.

Sincerely,

Jan Shurte

Jan Shurte
Water Rights Supervisor
Adjudication Section

JS:lh

Enclosures

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03. Please contact me for an appt. to do your exams too.
THANKS!

South Board of Control, Owyhee Project

P.O. Box 67
Homedale, Idaho 83628
Phone 337-3760

August 15, 1990

RECEIVED
AUG 16 1990

Ms. Jan Shurte
Adjudications Supervisor, Western Region
Department of Water Resources
2735 Airport Way
Boise, ID 83705

Department of Water Resources
Western Regional Office

Dear Jan:

Please find enclosed copies of the data entries of our claims A57-04103, A57-04104, A02-00064, and A02-00065. They have been signed and notarized.

On claims A57-04103 and A57-04104, I had made a calculation error and the correct total should be the 2,909.8 as shown on your print-out. On claims A02-00064 and A02-00065, I inadvertently added in the City of Homedale for 343.75 acres and City of Marsing for 212.66 acres for a total of 556.41 acres which was actually a double entry as they had already been entered in the quarter/quarter descriptions as place of use. The total for these two claims should be 23,173.8 as shown on your print-out.

In Item #14 "Remarks" I have drawn a line through the remarks pertaining to the city acreages. You may want to make that deletion from your data entry in the computer.

With the correctd acreage totals, our filing fees should have been \$23,174 (\$1.00 per acre) plus \$300 (six filings at \$50 each) for a total of \$23,474. Our original adjudication fee paid was \$24,031, which would result in a \$557 overpayment.

I do apologize for the inconvenience my errors have made for you. We would like to request the \$557 refund, and would like to extend a "Thank you" for your assistance and patience with us in this matter.

Sincerely,

Joyce A. Cuddeback

Joyce A. Cuddeback
Gem Irrigation District

Enclosures: A02-00064, A02-00065, A57-04104, A57-04103

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State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Clyde Hulton Jr.
Secretary
Gem Irrigation
P. O. Box 67
Homedale, Idaho 83628

RE: SRBA Claims - A02-00064, A02-00065, A57-04103, A57-04104,
A57-02118, A57-02177

Dear Mr. Hulton;

Please find attached receipt #W003966 for \$24,031.00 for the above listed Adjudication Claims. Also attached are the carbon copies of your original submittals, copies of the data entries of the claims, and copies of the lands listed you submitted with the claims.

During the review process, we have found discrepancies between the lands lists submitted and the total number of acres noted on the four of the claims. Your lands lists indicate 2,909.8, 2,909.8, 23,173.8, 23,173.8 acres for claims A57-04103, A57-04104, A02-00064, and A02-00065, respectively. However, the Total Acres Claimed on the claims are 3,025.4, 3,025.4, 23,730.21 and 23,730.21 acres for A57-04103, A57-04104, A02-00064 and A02-00065 respectively. Because of the size of the discrepancies, we would like your organization to review the lands lists and let us know if there was a calculation error on your part or that not all of the acres on the lands list were properly highlighted for the submittals.

These discrepancies would also indicate a sizable refund may be in order.

Please review the materials and respond promptly as we have begun the claims verification process in Owyhee County and must process your claims for the Fifth District Court this season.

Regards

Jan Shurte,
Adjudications Supervisor
Western Region

cc:JS:BAS:CH:files

Enclosures: W003966, A02-00064, A02-00065, A57-02157,
A57-02118, A57-04104, A57-04103.

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GEM IRRIGATION DISTRICT

DR 66
CREEK

57-04104 &
57-10913



DIVERSION DAM
IN JACK CREEK
FACING DOWNSTREAM,
ALSO FACING NORTH
AND EAST.



HEADGATE APPROX.
75' BELOW
DIVERSION DAM
DIVERTS WATER
ON THE WESTSIDE
OF JACK CK.
FACING WEST.

* PHOTOS TAKEN BY KAY WALKER
* JUN 10-25-90 - JAN THURTE
ALSO PRESENT & CHRYSE HUTTON OF GEM IRR. DIST.

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GEM IRRIGATION DISTRICT - 51-04104 &
 SAGE CK. DIV. WORKS
 & DITCHES

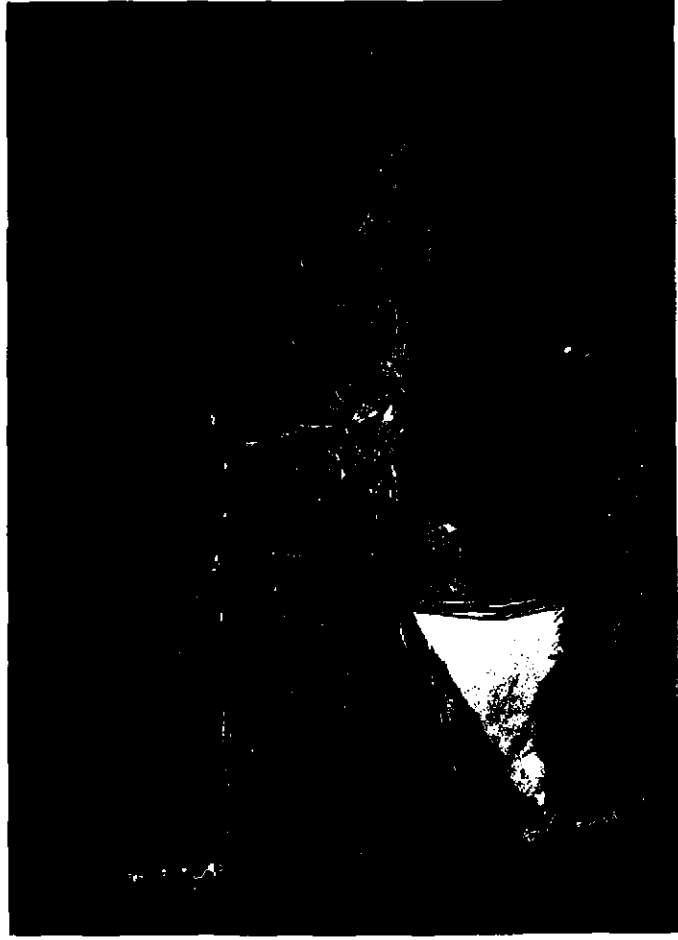
51-10913
 (SAGE CREEK)
 FACING EAST AT

POINT WHERE THE

DIV. DITCH FROM SAGE
 CK. SPLITS AND THE
 UNDERGROUND PIPELINE
 TO THE PATCH DITCH
 TAKES OFF OF ONE SPLIT
 AND THE OTHER DITCH
 FLOWS INTO THE
 Mc DOWELL DITCH.
 THIS PICTURE SHOWS
 THE SPLIT TO THE
 Mc DOWELL DITCH.



SAME LOCATION AS
 ABOVE ONLY FACING
 NORTH TO SHOW
 WHERE THE UNDER-
 GROUND PIPELINE
 SPLIT GOES TO THE
 PATCH DITCH.



PHOTOS TAKEN 10-25-90 BY
 KAY WALKER & JAN PHURTE
 WITH CHLOE HUTTON - GEM IRR. DIST.

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SYSTEM DESCRIPTION ATTACHMENT TO CLAIM VERIFICATION REPORT

CLAIM NO. 57-84104 & 57-10913 - SAGE CREEK.

Diversion from Sage Creek consists of a Cement & wood diversion dam in Sage Creek approx. 75' ~~below~~ ^{before} diversion ditch. Water is dammed up and forced thru ~~the~~ a 30" headgate located on the westside of the creek, then thru a 30" pipeline underground for a short distance (under road by creek) & into an open ditch which flows northeast towards Tucuman Creek. Approx. ~~1/4~~ mile after the diversion this ditch splits into 2 ditches. One is a 24" underground pipeline which takes a straight north direction and empties directly into the Patch Canal - note - this pipeline crosses over the McDowell ditch. The 2ND ditch ^{WITH AN 18" CONCRETE PIPE} splits off in a northerly direction & empties into the McDowell ditch within a 1/4 mile from the split. Therefore, Sage Creek water can supply both the Patch & McDowell ditches which divert Tucuman Creek water under 57-10854 & 57-10912.

57-84104 ¹⁹⁰⁶ & 57-10854 are Sage Cr & Tucuman Cr rights for the same land and 57-10912 are also for Sage Cr & Tucuman Cr added lands in 1937 & are for the same lands. Irrigation thru the Patch & McDowell via delivery by Gen. Dist. OCT 10 7 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
Section Acres						87.7
		5	NE	NE	1	IRR 8.1
			NW	NE	2	IRR 32.5
			SW	NE		IRR 13.5
			SE	NE		IRR 29.2
			NE	NW	3	IRR 8.1
			NE	SE		IRR 27.1
			NW	SE		IRR 1.8
			SW	SE		IRR 2.6
			SE	SE		IRR 24.7
Section Acres						147.6
		7	NE	SE		IRR 3.7
			SE	SE		IRR 8.2
Section Acres						11.9
		8	NE	NE		IRR 27.4
			NW	NE		IRR 9.5
			SW	NE		IRR 23.0
			SE	NE		IRR 31.8
			SE	NW		IRR 13.4
			NE	SW		IRR 18.6
			NW	SW		IRR 21.6
			SW	SW		IRR 4.8
			NE	SE		IRR 39.5
			NW	SE		IRR 23.6
			SW	SE		IRR 20.5
			SE	SE		IRR 38.2
Section Acres						271.9
		9	SW	NE		IRR 31.8
			NE	NW		IRR 20.3
			NW	NW		IRR 29.2
			SW	NW		IRR 38.9
			SE	NW		IRR 40.2
			NE	SW		IRR 39.7
			NW	SW		IRR 38.6
			SW	SW		IRR 32.0
			SE	SW		IRR 31.5
			NE	SE		IRR 29.6
			NW	SE		IRR 39.4
			SW	SE		IRR 36.6
			SE	SE		IRR 35.9

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	443.7
		10	NW	SW	IRR	8.5
			SW	SW	IRR	13.8
					Section Acres	22.3
		16	NE	NE	IRR	4.0
			NW	NE	IRR	3.8
					Section Acres	7.8
04N	05W	19	NE	SW	IRR	33.4
			NW	SW	9 IRR	31.5
			SW	SW	10 IRR	34.9
			SE	SW	IRR	35.4
			SW	SE	IRR	37.4
			SE	SE	IRR	32.4
					Section Acres	205.0
		29	NW	NW	8 IRR	3.4
			SW	NW	7 IRR	8.1
			NW	SW	6 IRR	24.6
			SW	SW	5 IRR	33.4
					Section Acres	69.5
		30	NE	NE	IRR	15.2
			NW	NE	IRR	37.2
			SW	NE	IRR	40.2
			SE	NE	IRR	11.3
			NE	NW	IRR	36.9
			NW	NW	1 IRR	34.1
			SW	NW	2 IRR	28.3
			SE	NW	IRR	30.1
			NE	SW	IRR	21.1
			NW	SW	3 IRR	2.6
			SE	SW	IRR	1.4
			NE	SE	IRR	21.6
			NW	SE	IRR	33.9
			SW	SE	IRR	31.2
			SE	SE	IRR	32.1
					Section Acres	377.2
		31	NE	NE	IRR	17

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	05W	31	NW	NE		IRR	8.5
			SE	NE		IRR	7.1
			Section Acres				32.6
		32	NE	SW		IRR	12.9
			NW	SW		IRR	5.0
			SE	SW		IRR	20.3
			SW	SE		IRR	9.4
			Section Acres				47.6
	06W	23	SE	NE		IRR	27.8
			NE	SE		IRR	21.1
			Section Acres				48.9
		24	SW	NE	6	IRR	13.4
			SW	NW	4	IRR	34.4
			SE	NW	5	IRR	23.4
			NE	SW		IRR	35.6
			NW	SW		IRR	31.7
			SW	SW		IRR	24.7
			SE	SW		IRR	35.7
			NE	SE		IRR	8.1
			NW	SE		IRR	7.2
			SW	SE		IRR	38.2
			SE	SE		IRR	28.1
			Section Acres				280.5
		25	NE	NE		IRR	35.5
			NW	NE		IRR	14.4
			SE	NE		IRR	3.9
			NE	NW		IRR	1.8
			Section Acres				55.6
			Total Acres				~~2109.8~~

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:

02-00064, 02-00065, 57-02118, 57-10854.

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14. Remarks:

P/U WITHIN THE LANDS OF THE GEM IRR. DIST.
SUPPLEMENTAL WATER SUPPLY TO BOTH THE MC DOWELL DITCH &
PATCH DITCH.

DESCRIP. OF DIVERSION WORKS: CONCRETE DIVERSION DAM WITH A SPILL
GATE ACROSS THE ENTIRE WIDTH OF SAGE CREEK WITH A HEADGATE ON THE
NORTH SIDE FOR THE SAGE CREEK DIVERSION DITCH. THE DAM IS
CAPABLE OF BLOCKING NEARLY THE ENTIRE FLOW.

15. Basis of Claim: BENEFICIAL USE

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: 0

For Organizations:

I do solemnly swear or affirm that I am SECRETARY of
Title
GEM IRRIG. DISTRICT, that I have signed the foregoing
Organization
document in the space below as SECRETARY of
Title
GEM IRRIG. DIST. and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

SEC. GEM IRR. DIST.
Title and Organization

2-18-92

Date

MICROFILMED
OCT 07 1992

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of February 19 92

Seal

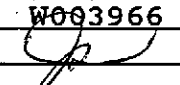
Jan Thute
Notary Public

Residing at Meridian ID
My Commission Expires 9-14-94

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A57-04104
Date Received: 8/ 2/1989
Receipt No: W003966
Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: GEM IRRIGATION DISTRICT 208-337-3760
Address: P.O. BOX 67
HOMEDALE ID 83628

2. Date of Priority: JAN 1, 1906

3. Source: SAGE CREEK Trib. to: SUCCOR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	05W	17	NW	NW	NW		OWYHEE

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	30.000		

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

8. Total consumptive use is 10588.9 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	05W	4	NW	NW		IRR	26.0
			SW	NW		IRR	10.9
			NW	SW		IRR	11.9
			SW	SW		IRR	33.8

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1007 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	87.7
		5	NE	NE	1	IRR 8.1
			NW	NE	2	IRR 32.5
			SW	NE		IRR 13.5
			SE	NE		IRR 29.2
			NE	NW	3	IRR 8.1
			NE	SE		IRR 27.1
			NW	SE		IRR 1.8
			SW	SE		IRR 2.6
			SE	SE		IRR 24.7
					Section Acres	147.6
		7	NE	SE		IRR 3.7
			SE	SE		IRR 8.2
					Section Acres	11.9
		8	NE	NE		IRR 27.4
			NW	NE		IRR 9.5
			SW	NE		IRR 23.0
			SE	NE		IRR 31.8
			SE	NW		IRR 13.4
			NE	SW		IRR 18.6
			NW	SW		IRR 21.6
			SW	SW		IRR 4.8
			NE	SE		IRR 39.5
			NW	SE		IRR 23.6
			SW	SE		IRR 20.5
			SE	SE		IRR 38.2
					Section Acres	271.9
		9	SW	NE		IRR 31.8
			NE	NW		IRR 20.3
			NW	NW		IRR 29.2
			SW	NW		IRR 38.9
			SE	NW		IRR 40.2
			NE	SW		IRR 39.7
			NW	SW		IRR 38.6
			SW	SW		IRR 32.0
			SE	SW		IRR 31.5
			NE	SE		IRR 29.6
			NW	SE		IRR 39.4
			SW	SE		IRR 36.6
			SE	SE		IRR 35.9

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	443.7
		10	NW	SW		IRR	8.5
			SW	SW		IRR	13.8
						Section Acres	22.3
		16	NE	NE		IRR	4.0
			NW	NE		IRR	3.8
						Section Acres	7.8
04N	05W	19	NE	SW		IRR	33.4
			NW	SW	9	IRR	31.5
			SW	SW	10	IRR	34.9
			SE	SW		IRR	35.4
			SW	SE		IRR	37.4
			SE	SE		IRR	32.4
						Section Acres	205.0
		29	NW	NW	8	IRR	3.4
			SW	NW	7	IRR	8.1
			NW	SW	6	IRR	24.6
			SW	SW	5	IRR	33.4
						Section Acres	69.5
		30	NE	NE		IRR	15.2
			NW	NE		IRR	37.2
			SW	NE		IRR	40.2
			SE	NE		IRR	11.3
			NE	NW		IRR	36.9
			NW	NW	1	IRR	34.1
			SW	NW	2	IRR	28.3
			SE	NW		IRR	30.1
			NE	SW		IRR	21.1
			NW	SW	3	IRR	2.6
			SE	SW		IRR	1.4
			NE	SE		IRR	21.6
			NW	SE		IRR	33.9
			SW	SE		IRR	31.2
			SE	SE		IRR	32.1
						Section Acres	377.2
		31	NE	NE		IRR	17

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	05W	31	NW	NE		IRR	8.5
			SE	NE		IRR	7.1
			Section Acres				32.6
		32	NE	SW		IRR	12.9
			NW	SW		IRR	5.0
			SE	SW		IRR	20.3
			SW	SE		IRR	9.4
			Section Acres				47.6
	06W	23	SE	NE		IRR	27.8
			NE	SE		IRR	21.1
			Section Acres				48.9
		24	SW	NE	6	IRR	13.4
			SW	NW	4	IRR	34.4
			SE	NW	5	IRR	23.4
			NE	SW		IRR	35.6
			NW	SW		IRR	31.7
			SW	SW		IRR	24.7
			SE	SW		IRR	35.7
			NE	SE		IRR	8.1
			NW	SE		IRR	7.2
			SW	SE		IRR	38.2
			SE	SE		IRR	28.1
			Section Acres				280.5
		25	NE	NE		IRR	35.5
			NW	NE		IRR	14.4
			SE	NE		IRR	3.9
			NE	NW		IRR	1.8
			Section Acres				55.6
			Total Acres				~~2109.8~~

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:

02-00064, 02-00065, 57-02118, 57-10854.

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14. Remarks:

P/U WITHIN THE LANDS OF THE GEM IRR. DIST.

SUPPLEMENTAL WATER SUPPLY TO BOTH THE MC DOWELL DITCH & PATCH DITCH.

DESCRIP. OF DIVERSION WORKS: CONCRETE DIVERSION DAM WITH A SPILL GATE ACROSS THE ENTIRE WIDTH OF SAGE CREEK WITH A HEADGATE ON THE NORTH SIDE FOR THE SAGE CREEK DIVERSION DITCH. THE DAM IS CAPABLE OF BLOCKING NEARLY THE ENTIRE FLOW.

15. Basis of Claim: BENEFICIAL USE

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: 0

For Organizations:

I do solemnly swear or affirm that I am SECRETARY of _____

Title

GEM IRRIG. DISTRICT, that I have signed the foregoing

Organization

document in the space below as SECRETARY of _____

Title

GEM IRRIG. DIST. and that the statements contained in the

Organization

foregoing document are true and correct.

Chad E. Stutton
Signature of Authorized Agent

SEC. GEM IRR. DIST.
Title and Organization

2-18-92
Date

MICROFILMED
OCT 07 1992

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 18th day

of February 19 92

Seal

Jan Thute
Notary Public

Residing at Meridian ID

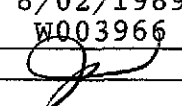
My Commission Expires 9-14-94

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OCT 07 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A57-04104
Date Received: 8/02/1989
Receipt No: W003966
Received By: 

RECEIVED
AUG 13 1989

AMENDED
Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: GEM IRRIGATION DISTRICT 208-337-3760
Address: P.O. BOX 67
HOMEDALE, ID 83628

2. Date of Priority: JAN 01, 1906

3. Source: SAGE CREEK Trib. to: SUCCOR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	05W	17	NW	NW	NW		OWYHEE

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	30.000		

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

8. Total consumptive use is 10588.9 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	05W	4	NW	SW		IRR	28.5
			SW	SW		IRR	35.4

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	63.9
		5	NE	NE	1	IRR 8.7
			NW	NE	2	IRR 32.5
			SW	NE		IRR 13.5
			SE	NE		IRR 29.2
			NE	NW	3	IRR 8.1
			NE	SE		IRR 28.1
			NW	SE		IRR 1.8
			SW	SE		IRR 2.6
			SE	SE		IRR 24.6
					Section Acres	149.1
		7	NE	SE		IRR 26.7
			NW	SE		IRR 20.9
			SW	SE		IRR 31.9
			SE	SE		IRR 36.4
					Section Acres	115.9
		8	NE	NE		IRR 27.4
			NW	NE		IRR 9.5
			SW	NE		IRR 25.0
			SE	NE		IRR 31.8
			SE	NW		IRR 13.4
			NE	SW		IRR 21.6
			NW	SW		IRR 21.6
			SW	SW		IRR 31.1
			NE	SE		IRR 39.5
			NW	SE		IRR 28.9
			SW	SE		IRR 37.0
			SE	SE		IRR 38.2
					Section Acres	325.0
		9	NE	NW		IRR 40.7
			NW	NW		IRR 39.8
			SW	NW		IRR 38.9
			SE	NW		IRR 40.2
			NE	SW		IRR 39.7
			NW	SW		IRR 38.6
			SW	SW		IRR 35.1
			SE	SW		IRR 35.7

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
Section Acres							308.7
04N	05W	19	SW	NW	8	IRR	20.0
			SE	NW	7	IRR	20.0
			NE	SW		IRR	34.8
			NW	SW	9	IRR	33.7
			SW	SW	10	IRR	34.9
			SE	SW		IRR	38.0
			NE	SE		IRR	41.6
			NW	SE		IRR	40.6
			SW	SE		IRR	40.0
			SE	SE		IRR	41.2
Section Acres							344.8
	20			3	IRR	14.6	
			4	IRR	17.9		
Section Acres							32.5
	29			5	IRR	48.6	
				6	IRR	40.2	
				7	IRR	35.3	
				8	IRR	36.5	
Section Acres							160.6
	30	NE	NE		IRR	38.0	
		NW	NE		IRR	37.2	
		SW	NE		IRR	39.0	
		SE	NE		IRR	38.6	
		NE	NW		IRR	37.3	
		NW	NW	1	IRR	34.0	
		SW	NW	2	IRR	32.5	
		SE	NW		IRR	40.1	
		NE	SW		IRR	32.2	
		NW	SW	3	IRR	33.2	
		SE	SW		IRR	35.5	
		NE	SE		IRR	32.4	
		NW	SE		IRR	37.2	
		SW	SE		IRR	33.0	
		SE	SE		IRR	38.3	
Section Acres							538.5
	31	NE	NE		IRR	25.4	
		NW	NE		IRR	33.9	

10. Place of Use: Continued

Township 04N	Range 05W	Section 31	1/4 SE	of 1/4 NE	Lot	Use IRR	Acres 27.8
						Section Acres	87.1
		32	NE	NW	7	IRR	28.6
			NW	NW		IRR	35.3
			SW	NW		IRR	37.4
			SE	NW	6	IRR	34.5
			NE	SW		IRR	15.7
			NW	SW		IRR	10.3
			SE	SW		IRR	20.3
			NW	SE	5	IRR	19.0
			SW	SE		IRR	9.4
						Section Acres	210.5
	06W	23	NE	NE	1	IRR	11.0
			NW	NE	2	IRR	17.0
			SW	NE		IRR	13.8
			SE	NE		IRR	28.0
			NE	NW		IRR	5.0
						Section Acres	74.8
		24			4	IRR	34.4
					5	IRR	34.4
					6	IRR	21.5
					7	IRR	27.1
			NE	SW		IRR	35.6
			NW	SW		IRR	32.3
			SW	SW		IRR	36.0
			SE	SW		IRR	35.9
			NE	SE		IRR	31.6
			NW	SE		IRR	30.7
			SW	SE		IRR	38.2
			SE	SE		IRR	36.8
						Section Acres	394.5
		25	NE	NE		IRR	36.7
			NW	NE		IRR	35.0
			SE	NE		IRR	32.2
						Section Acres	103.9
						Total Acres	2909.8

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

57-02118, 57-02177, 57-04103, 02-00065, 02-00064

14. Remarks:

P/U WITHIN THE LANDS OF THE GEM IRR. DIST.

AC. IRR. = 785.

SUPPLEMENTAL WATER SUPPLY TO BOTH THE MC DOWELL DITCH & PATCH DITCH.

DESCRIP. OF DIVERSION WORKS: CONCRETE DIVERSION DAM WITH A SPILL GATE ACROSS THE ENTIRE WIDTH OF SAGE CREEK WITH A HEADGATE ON THE NORTH SIDE FOR THE SAGE CREEK DIVERSION DITCH. THE DAM IS CAPABLE OF BLOCKING NEARLY THE ENTIRE FLOW.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s):

Charles H. Hutton
Secretary / Treasurer

Date: 8/15/90

Date: _____

State of Idaho)

) SS.

County of Owyhee)

Subscribed and sworn (or affirmed) before me this 15th day

of August 19 90

Jayce A. Cuddibach
Notary Public

Seal

Residing at Homedale, Idaho

My Commission Expires May 22, 1993

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

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

CIVIL CASE NUMBER: 39356

Ident. Number

H 57-04104

Date Received

8-2-89

Receipt Number

W003966 (50)

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of Claimant (s) Gem Irrigation District Phone (208) 337-3760
Mailing Address P. O. Box 67, Homedale, Idaho Zip 83628
- Date of Priority (Only one (1) per claim) 1/1/1906
- Source of water supply (a) Sage Creek
which is tributary to (b) Succor Creek
- a. Location of existing point of diversion is: Township 3N Range 5W Section 17,
NW 1/4 of NW 1/4 of NW 1/4, Govt. Lot, - B.M., County of Owyhee
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
- Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Concrete Diversion Dam with a spillgate
across the entire width of Sage Creek with a headgate on the North side for the
Sage Creek Diversion Ditch. The Dam is capable of blocking nearly the entire flow.

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OCT 07 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount 30 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 30 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 10,588.9 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
See attached list for description of place of use.																			

Total number of acres irrigated 3,025.4

11. In which county (ies) are lands listed above as place of use located? Owyhee

12. Do you own the property listed above as place of use? Yes _____ No X
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
57,02118, 57-02177, 57-04103, 02-00065, 02-00064 or None ()

14. Remarks: Land is within service area of the Gem Irrigation District.

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 OCT 07 1992

Last Name Gem I.D. Ident No. 57-04104

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

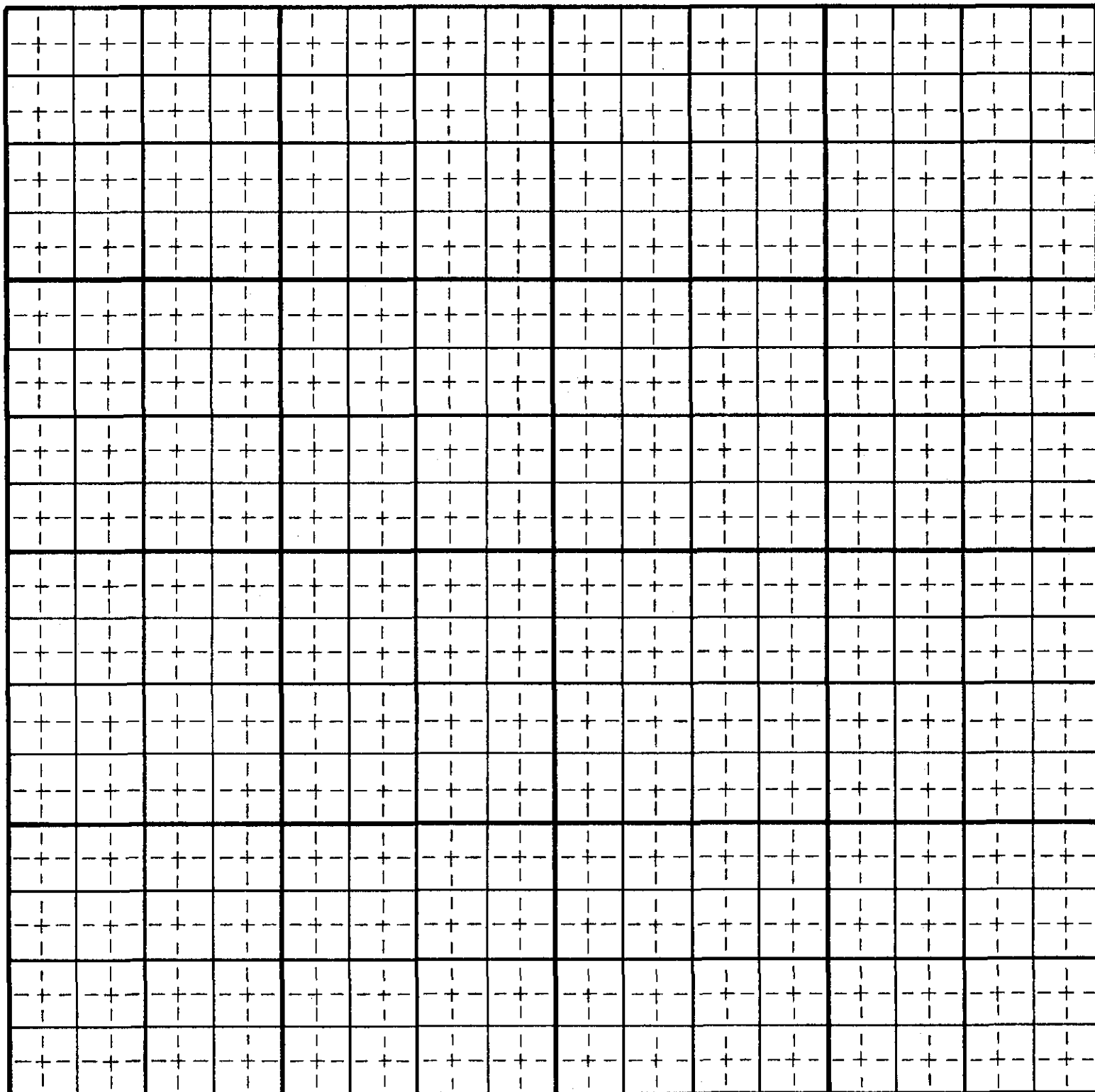
The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

*See attached map



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OCT 07 1992

Last Name Gem I.D. Ident No. 57-04104

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 57-4104
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ✓
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 3

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Secretary
Title
of Gem Irrigation District, that I have signed the foregoing
Organization
document in the space below as Secretary of Gem Irrigation District
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent *Chapman Hutton, Jr.*
Title and Organization Secretary, Gem Irrigation District Date 1/13/89

State of Idaho/or _____)
County of Owyhee) SS.

Subscribed and sworn (or affirmed) before me this 13th day of January 19 89

SEAL

Notary Public *Joyce A. Cuddeback*
Residing at Homedale

My Commission Expires May 22, 1993

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Gem I.D. Ident. Number 57-04104

Copies White-State, Yellow-Claimant

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The water diverted into the Sage Creek Diversion is used to help supply water to both the McDowell Ditch and the Patch Ditch for irrigation water for the following parcels of land located in Owyhee County, Idaho:

Patch Ditch:

- (a) All irrigable lands between the Patch Ditch and Succor Creek in Section 5, T3N, R5W, B.M.
- (b) All irrigable lands between the Patch Ditch and Succor Creek in Section 8, T3N, R5W, B.M.
- (c) All irrigable lands between the Patch Ditch and the Snake River in Section 19, T4N, R5W, B.M.
- (d) All irrigable lands between the Patch Ditch and the Snake River in Section 20, T4N, R5W, B.M.
- (e) All irrigable lands between the Patch Ditch and the Snake River in Section 30, T4N, R5W, B.M.
- (f) All irrigable lands between the Patch Ditch and the Snake River in Section 31, T4N, R5W, B.M.
- (g) All irrigable lands between the Patch Ditch and the Snake River in Section 32, T4N, R5W, B.M.
- (h) All irrigable lands between the Patch Ditch and the Snake River in Section 24, T4N, R6W, B.M.
- (i) All irrigable lands East of the Patch Ditch to the Snake River in Section 23, T4N, R6W, B.M.
- (j) All irrigable lands West of the Snake River in Section 29, T4N, R5W, B.M.
- (k) All irrigable lands North and East of the Railroad in Section 25, T4N, R6W., B.M.

McDowell Ditch:

- (a) All irrigable lands between the McDowell Ditch and Succor Creek in Section 5, T3N, R5W, B.M.
- (b) All irrigable lands between the McDowell Ditch and Succor Creek in Section 7, T3N, R5W, B.M.
- (c) All irrigable lands between the McDowell Ditch and Succor Creek in Section 8, T3N, R5W, B.M.
- (d) All irrigable lands in the W $\frac{1}{2}$ of Section 9, T3N, R5W, B.M.
- (e) All irrigable lands located in that portion of Section 4, T3N, R5W, B.M. lying West of the Rail Road tracks.

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Gem I.D.
#57-04104

3N

5W

Sec. 4

NE $\frac{1}{4}$ NW $\frac{1}{4}$	10.0
NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3)	26.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	16.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 4)	25.4
NE $\frac{1}{4}$ SW $\frac{1}{4}$	41.2
NW $\frac{1}{4}$ SW $\frac{1}{4}$	28.5
SW $\frac{1}{4}$ SW $\frac{1}{4}$	35.4
SE $\frac{1}{4}$ SW $\frac{1}{4}$	41.0

Acres

NW $\frac{1}{4}$ SE $\frac{1}{4}$	----
SW $\frac{1}{4}$ SE $\frac{1}{4}$	36.8
SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.2
	38.5

Sec. 5

NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 1)	8.7	
NW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 2)	32.5	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	13.5	10.3
SE $\frac{1}{4}$ NE $\frac{1}{4}$	29.2	
NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3)	8.1	12.4
NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 4)		24.5
SW $\frac{1}{4}$ NW $\frac{1}{4}$		32.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$		37.3
NE $\frac{1}{4}$ SW $\frac{1}{4}$		28.5
NW $\frac{1}{4}$ SW $\frac{1}{4}$		36.6
SW $\frac{1}{4}$ SW $\frac{1}{4}$		20.8
SE $\frac{1}{4}$ SW $\frac{1}{4}$		15.1
NE $\frac{1}{4}$ SE $\frac{1}{4}$	28.1	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.8	26.5
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.6	8.4
SE $\frac{1}{4}$ SE $\frac{1}{4}$	24.6	

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3N 5W

Acres

Sec. 7

NE $\frac{1}{4}$	NE $\frac{1}{4}$		26.0
NW $\frac{1}{4}$	NE $\frac{1}{4}$		12.4
SW $\frac{1}{4}$	NE $\frac{1}{4}$		28.9
SE $\frac{1}{4}$	NE $\frac{1}{4}$		25.0
NE $\frac{1}{4}$	NW $\frac{1}{4}$		22.2
NW $\frac{1}{4}$	NW $\frac{1}{4}$		28.9
SW $\frac{1}{4}$	NW $\frac{1}{4}$	(Lot 2)	24.7
SE $\frac{1}{4}$	NW $\frac{1}{4}$		38.0
NE $\frac{1}{4}$	SW $\frac{1}{4}$		24.1
NW $\frac{1}{4}$	SW $\frac{1}{4}$	(Lot 3)	18.3
SW $\frac{1}{4}$	SW $\frac{1}{4}$	(Lot 4)	23.1
SE $\frac{1}{4}$	SW $\frac{1}{4}$		36.9
NE $\frac{1}{4}$	SE $\frac{1}{4}$		26.7
NW $\frac{1}{4}$	SE $\frac{1}{4}$		20.9
SW $\frac{1}{4}$	SE $\frac{1}{4}$		31.9
SE $\frac{1}{4}$	SE $\frac{1}{4}$		36.4

3N 5W

Sec. 8

NE $\frac{1}{4}$	NE $\frac{1}{4}$	27.4	
NW $\frac{1}{4}$	NE $\frac{1}{4}$	9.5	
SW $\frac{1}{4}$	NE $\frac{1}{4}$	25.0	
SE $\frac{1}{4}$	NE $\frac{1}{4}$	31.8	
NE $\frac{1}{4}$	NW $\frac{1}{4}$	--	
NW $\frac{1}{4}$	NW $\frac{1}{4}$		20.0
SW $\frac{1}{4}$	NW $\frac{1}{4}$		36.2
SE $\frac{1}{4}$	NW $\frac{1}{4}$	13.4	
NE $\frac{1}{4}$	SW $\frac{1}{4}$	21.6	
NW $\frac{1}{4}$	SW $\frac{1}{4}$	21.6	
SW $\frac{1}{4}$	SW $\frac{1}{4}$	31.1	
SE $\frac{1}{4}$	SW $\frac{1}{4}$	31.0	
NE $\frac{1}{4}$	SE $\frac{1}{4}$	39.5	
NW $\frac{1}{4}$	SE $\frac{1}{4}$	28.9	
SW $\frac{1}{4}$	SE $\frac{1}{4}$	37.0	
SE $\frac{1}{4}$	SE $\frac{1}{4}$	38.2	

Sec. 9

NE $\frac{1}{4}$	NE $\frac{1}{4}$	41.2
NW $\frac{1}{4}$	NE $\frac{1}{4}$	40.6
SW $\frac{1}{4}$	NE $\frac{1}{4}$	38.3
SE $\frac{1}{4}$	NE $\frac{1}{4}$	40.6
NE $\frac{1}{4}$	NW $\frac{1}{4}$	40.7
NW $\frac{1}{4}$	NW $\frac{1}{4}$	39.8
SW $\frac{1}{4}$	NW $\frac{1}{4}$	38.9
SE $\frac{1}{4}$	NW $\frac{1}{4}$	40.2
NE $\frac{1}{4}$	SW $\frac{1}{4}$	39.7
NW $\frac{1}{4}$	SW $\frac{1}{4}$	38.6
SW $\frac{1}{4}$	SW $\frac{1}{4}$	35.1
SE $\frac{1}{4}$	SW $\frac{1}{4}$	35.7
NE $\frac{1}{4}$	SE $\frac{1}{4}$	37.5
NW $\frac{1}{4}$	SE $\frac{1}{4}$	39.4
SW $\frac{1}{4}$	SE $\frac{1}{4}$	36.9
SE $\frac{1}{4}$	SE $\frac{1}{4}$	37.4

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4N	5W		Acres
		Sec. 19	
		SE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 7)	20.0
		SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 8)	20.0
		NE $\frac{1}{4}$ SW $\frac{1}{4}$	34.8
		NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 9)	33.7
		SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 10)	34.9
		SE $\frac{1}{4}$ SW $\frac{1}{4}$	38.0
		NE $\frac{1}{4}$ SE $\frac{1}{4}$	41.6
		NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.6
		SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
		SE $\frac{1}{4}$ SE $\frac{1}{4}$	41.2
		Sec. 20	
		Lot 3	14.6
		Lot 4	17.9
		Sec. 29	
		Lot 8	36.5
		Lot 7	35.3
		Lot 6	40.2
		Lot 5	48.6
		Sec. 30	
		NE $\frac{1}{4}$ NE $\frac{1}{4}$	38.0
		NW $\frac{1}{4}$ NE $\frac{1}{4}$	37.2
		SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
		SE $\frac{1}{4}$ NE $\frac{1}{4}$	38.6
		NE $\frac{1}{4}$ NW $\frac{1}{4}$	37.3
		NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1)	34.0
		SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2)	32.5
		SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.1
		NE $\frac{1}{4}$ SW $\frac{1}{4}$	32.2
		NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 3)	33.2
		SW $\frac{1}{4}$ SW $\frac{1}{4}$	34.6
		SE $\frac{1}{4}$ SW $\frac{1}{4}$	35.5
		NE $\frac{1}{4}$ SE $\frac{1}{4}$	32.4
		NW $\frac{1}{4}$ SE $\frac{1}{4}$	37.2
		SW $\frac{1}{4}$ SE $\frac{1}{4}$	33.0
		SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.3

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4N

5W

Acres

Sec. 31

NE $\frac{1}{4}$ NE $\frac{1}{4}$	25.4	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	33.9	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	34.7	3.1
SE $\frac{1}{4}$ NE $\frac{1}{4}$	27.8	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	36.4	
NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1)	32.7	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	1.1	33.2
SE $\frac{1}{4}$ NW $\frac{1}{4}$	8.1	28.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$		34.2
NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 3)		33.7
SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 4)		30.9
SE $\frac{1}{4}$ SW $\frac{1}{4}$		30.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	20.6	8.7
NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.0	22.4
SW $\frac{1}{4}$ SE $\frac{1}{4}$		34.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$		35.9

Sec. 32

NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 7)	28.6	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	35.3	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.4	
SE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 6)	34.5	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	15.7	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	10.3	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.3	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	20.3	
NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 5)	19.0	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	9.4	

4N

6W

Sec. 23

NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 1)	11.0	
NW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 2)	17.0	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	13.8	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	28.0	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	5.0	20.5
Lot 3		9.4
Lot 4		11.2
SE $\frac{1}{4}$ NW $\frac{1}{4}$		38.8
NE $\frac{1}{4}$ SW $\frac{1}{4}$		26.5
Lot 5		11.5
Lot 6		1.5
NE $\frac{1}{4}$ SE $\frac{1}{4}$	25.2	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.5	

Sec. 24

Lot 6	21.5	
Lot 7	27.1	
Lot 4	34.4	
Lot 5	34.4	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	35.6	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	32.3	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	36.0	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	35.9	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	31.6	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	30.7	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.2	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	36.8	

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4N

6W

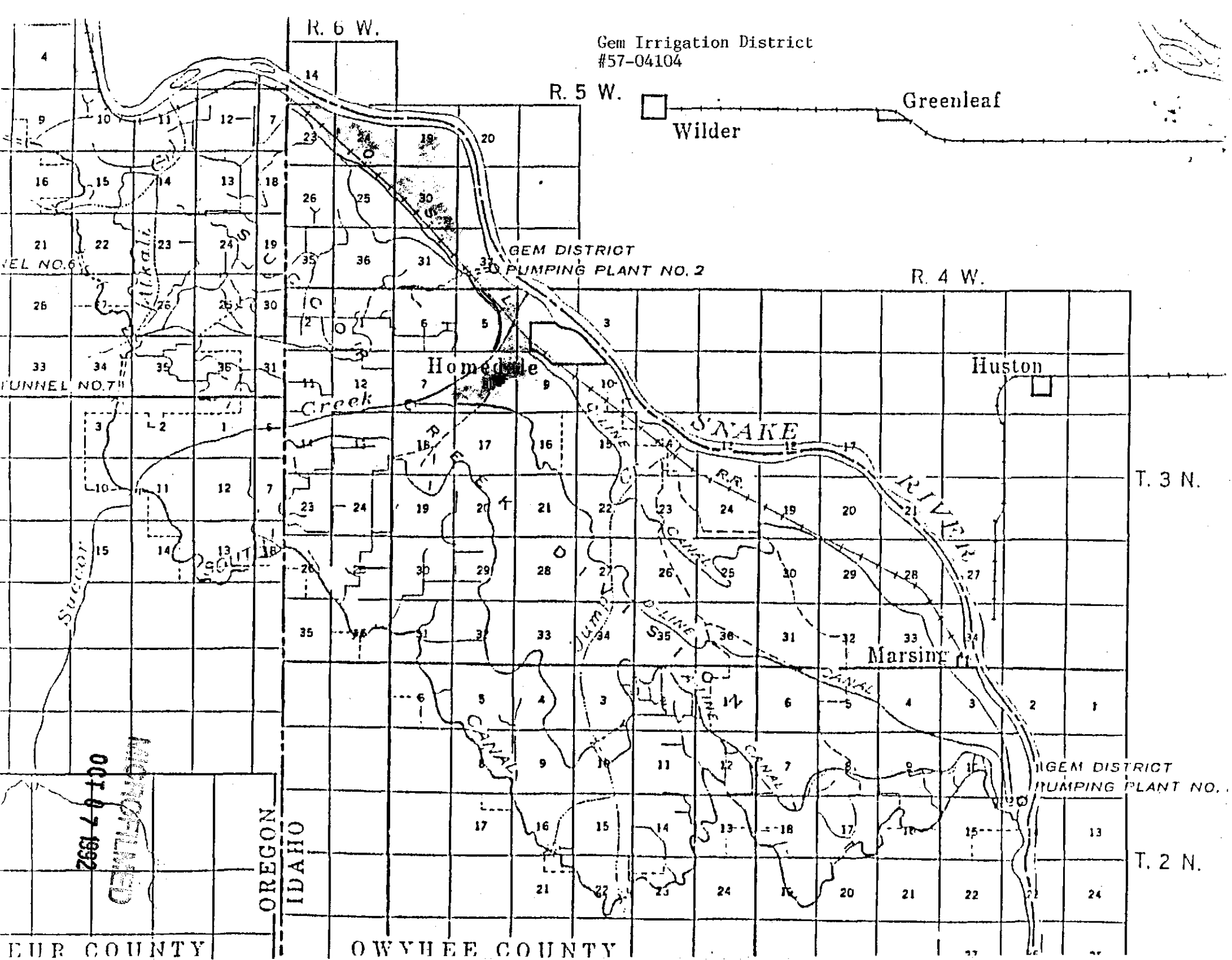
Sec. 25

NE $\frac{1}{4}$	NE $\frac{1}{4}$	36.7	
NW $\frac{1}{4}$	NE $\frac{1}{4}$	35.0	
SW $\frac{1}{4}$	NE $\frac{1}{4}$	40.3	
SE $\frac{1}{4}$	NE $\frac{1}{4}$	32.2	
NE $\frac{1}{4}$	NW $\frac{1}{4}$	35.0	
NW $\frac{1}{4}$	NW $\frac{1}{4}$	19.0	
SW $\frac{1}{4}$	NW $\frac{1}{4}$		22.0
SE $\frac{1}{4}$	NW $\frac{1}{4}$	21.0	
NE $\frac{1}{4}$	SW $\frac{1}{4}$		39.0
NW $\frac{1}{4}$	SW $\frac{1}{4}$		26.0
SW $\frac{1}{4}$	SW $\frac{1}{4}$		17.4
SE $\frac{1}{4}$	SW $\frac{1}{4}$	6.6	19.1
NE $\frac{1}{4}$	SE $\frac{1}{4}$	39.4	
NW $\frac{1}{4}$	SE $\frac{1}{4}$	40.0	
SW $\frac{1}{4}$	SE $\frac{1}{4}$	38.5	
SE $\frac{1}{4}$	SE $\frac{1}{4}$	38.8	

Total 3,025.4 acres

3,025.4

RECORDED
OCT 07 1892



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Western Regional Office



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that the Gem Irrigation District
(Name of Claimant)

P. O. Box 67, Homedale, Idaho 83628 Telephone No. (208) 337-3760
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows: The Sage Creek Diversion Water is used to help supply water to both the McDowell Ditch and the Patch Ditch located in Owyhee County, Idaho.

(1) Date of priority: (When was the water first applied to a beneficial use) 1906

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Sage Creek tributary to Succor Creek tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		Season Dates (Month)	
				(Mo., Day)	(Mo., Day)
Quantity	30 cfs	Use	irrigation	Period of Use From	4-1 To 10-15*
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 30 cfs TOTAL QUANTITY USED. *This period of use may vary according to
(cfs, af) seasonal weather conditions & irrigation require-

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ NW ¼, Sec. 17 Twp. 3N Rge. 5W B.M., County of Owyhee, Idaho
 Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Concrete Diversion Dam with a spillgate across the entire width of Sage Creek with a headgate on the North side for the Sage Creek Diversion Ditch.
The Dam is capable of blocking nearly the entire flow.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location. See Exhibit A attached hereto and by this reference incorporated herein.

[illegible]

*Same acres as McDowell and also feeds Patch (by siphon)

No. of acres 785*

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: N/A

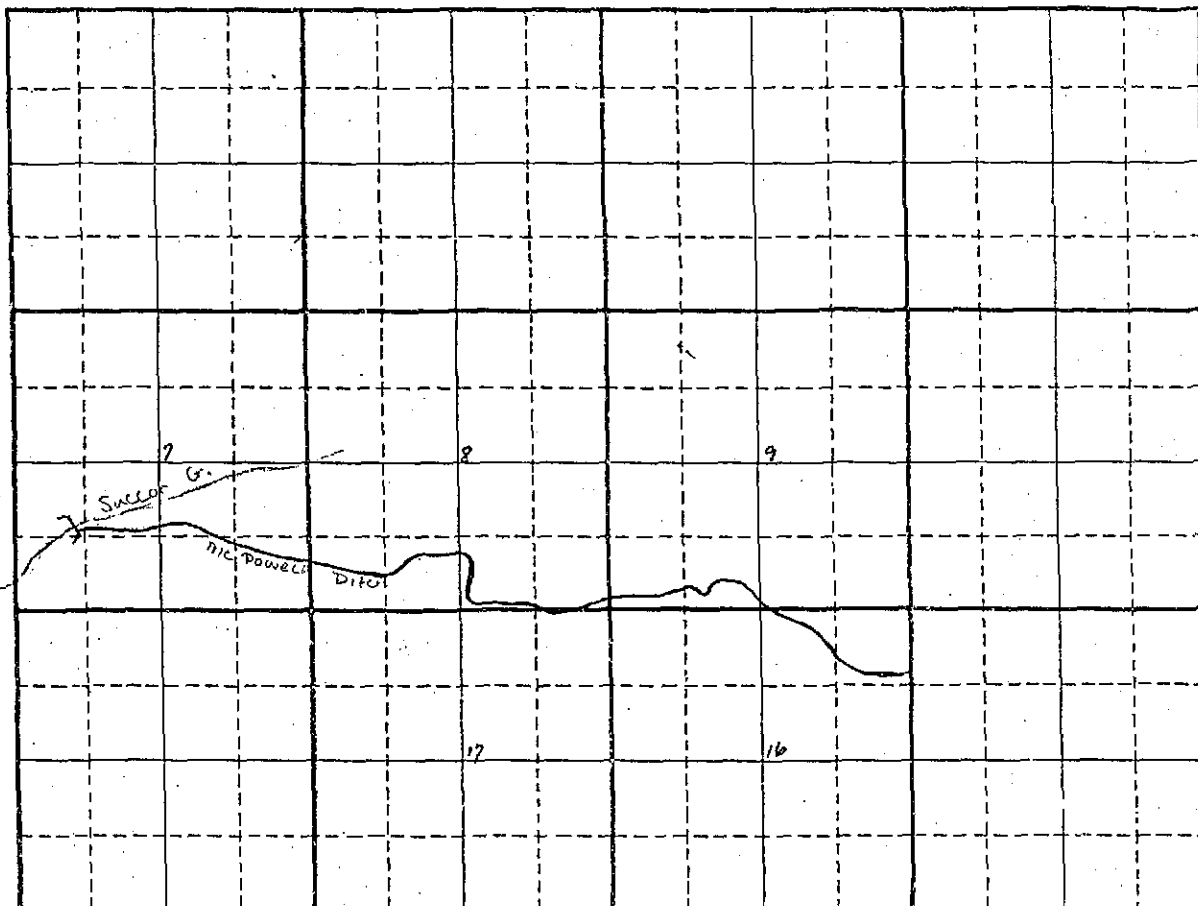
NOTE: Include here the type and number of stock watered: N/A

(7) If you are claiming water as a member of an organization, list name of organization: the Gem Irrigation District, Homedale, Idaho.

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(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Owyhee) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 22nd day of December

Carol Johnstone
Gem Irrigation District, By Carol Johnstone
President, Board of Directors, Gem Irr. Dist.
19 82

Dorothy Fisher
Notary Public
Residing at Homedale, Idaho

My commission expires May 22, 1986

FOR DEPARTMENT USE ONLY

Received by WVS Date 6-15-83 Exception filed by: _____
Prelim. check by WVS Date _____
\$30.00 fee received by WVS Date 6/21/83 31056
Published in Owyhee Chronicle
Dates 2-23-84 2/1/84

Forwarded to
claimant by: _____

Date OCT 07 1992

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EXHIBIT A

ANSWER TO NUMBER 6.(A)

The water diverted into the McDowell Ditch provides irrigation water for the following parcels of land located in Owyhee County, Idaho:

- (a) All irrigable lands between the McDowell Ditch and Succor Creek in Section 5, T3N, R5W, B.M.
- (b) All irrigable lands between the McDowell Ditch and Succor Creek in Section 7, T3N, R5W, B.M.
- (c) All irrigable lands between the McDowell Ditch and Succor Creek in Section 8, T3N, R5W, B.M.
- (d) All irrigable lands in the W $\frac{1}{2}$ of Section 9, T3N, R5W, B.M.
- (e) All irrigable lands located in that portion of Section 4, T3N, R5W, B.M. lying West of the Rail Road tracks.

ANSWER TO NUMBER 1

1906 appears to be the date in which water was first applied by the right, however, the rights are claimed by the Gem Irrigation District as successors to J. G. Tracy, J. W. McDowell and B. F. McDowell and their successors, by Permits No. 2879 posted at point of diversion at 11:00 o'clock A.M., 5 November, 1902. This matter is still under investigation as to whether the correct priority date is 1902 the date of the permit or 1906 or a date in between.

Resources
Washington, D.C.

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OCT 07 1992

Water Right Number - 57-04104

Water Right

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***
GEM IRRIGATION DISTRICT

1 - P.O. BOX 67

2 -

3 -

City- HOMEDALE

State- ID Zip- 83628

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/01/1906 14 S - STATUTORY CLAIM+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
SAGE CREEK SUCCOR CREEK+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

03N 05W 17 NW NW (73) OWYHEE

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

01 - IRRIGATION

04/01

10/15

30.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
30.000+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

Total Acres:

+ - - Diversion Means - DAM, SPILLGATE & DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 57-4102 & 57-4103.

+ - - - - Remarks - - - - - +
P/U WITHIN THE LANDS OF THE GEM IRR. DIST.
AC. IRR. = 785.
SUPPLEMENTAL WATER SUPPLY TO BOTH THE MC DOWELL DITCH &
PATCH DITCH.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.MICROFILMED
OCT 07 1992

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 01/13/1986	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		
				Microfilm Roll Number	-

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