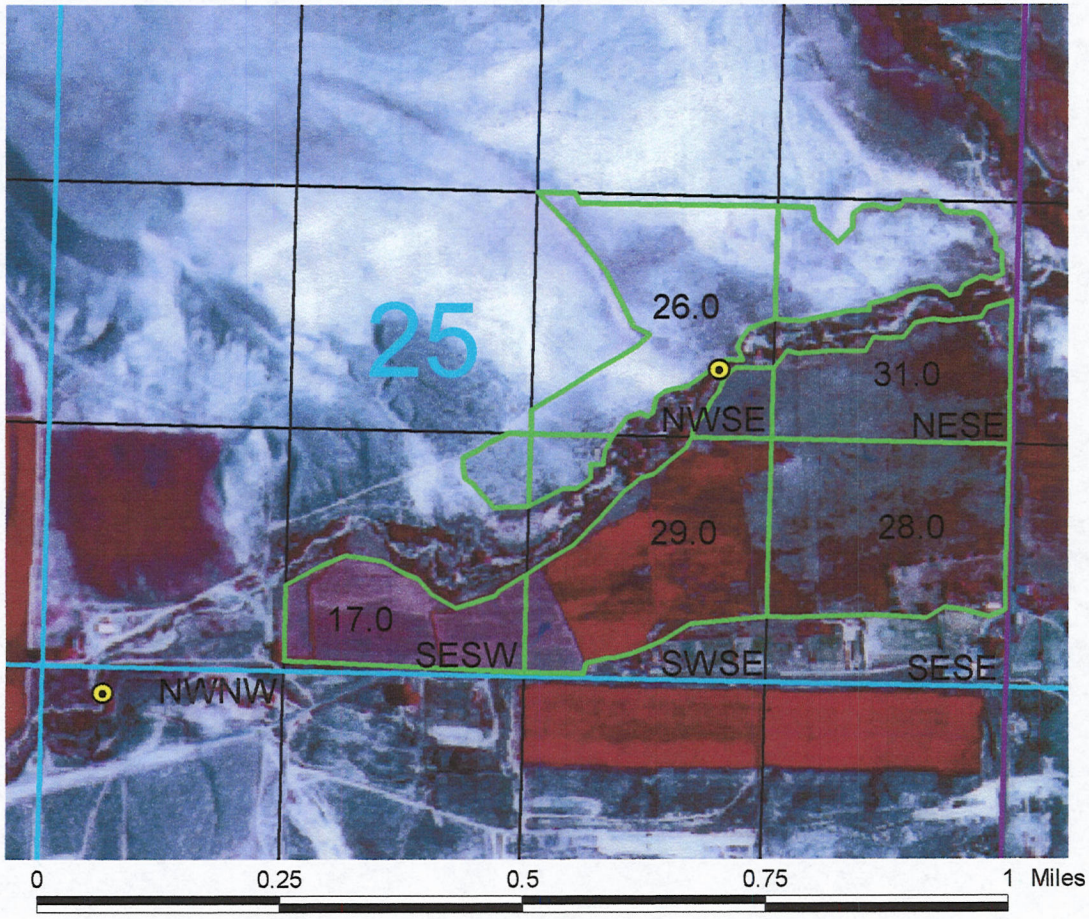
Idaho Department of Water Resources

Claim Number: 57-10833
Legal: T04S, R01W, S25
Reviewed By:

1987 Napp Photo



Point of Diversion

Place of Use

Section Lines

Quarter Quarter Lines

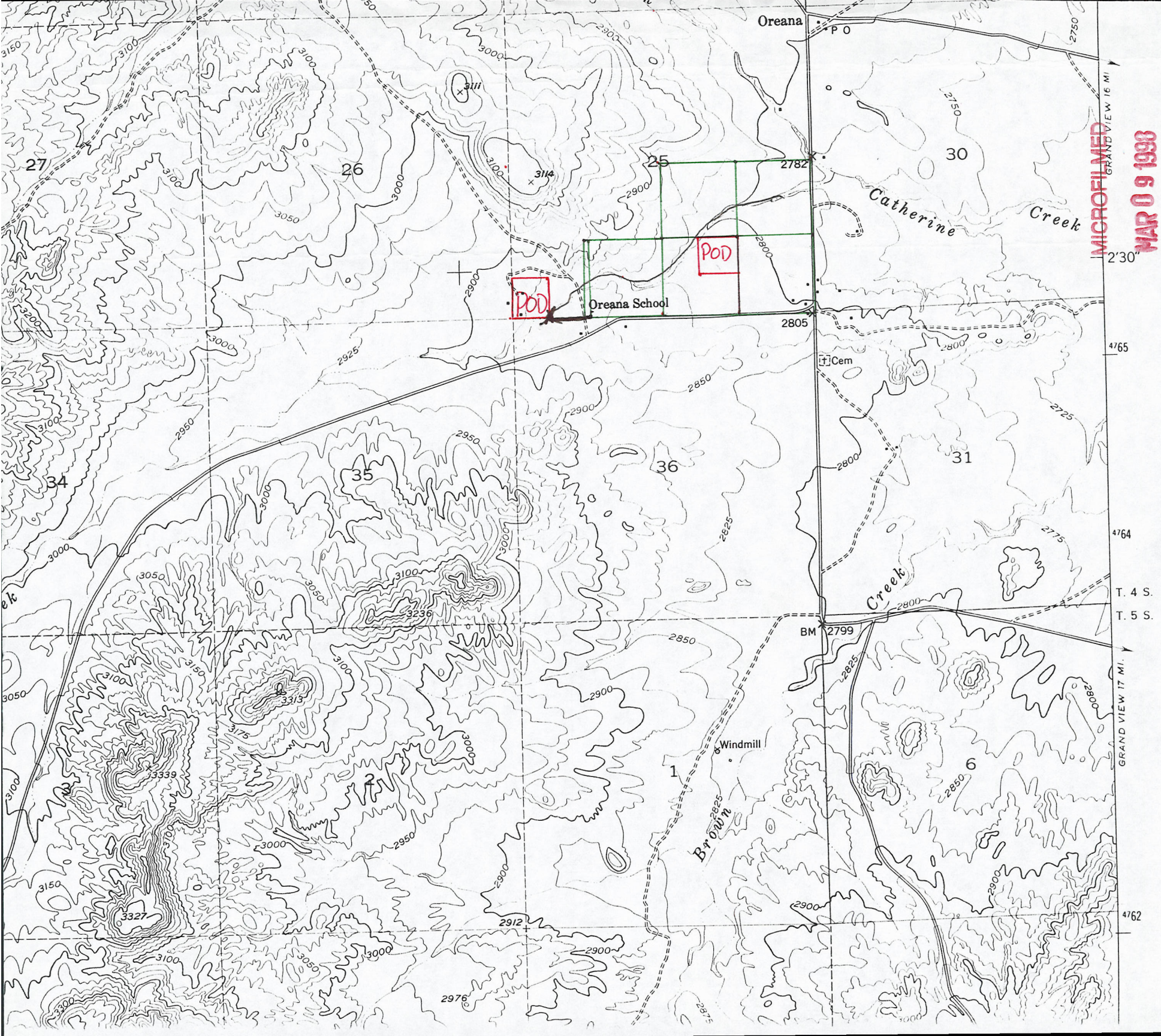
Township/Range Lines

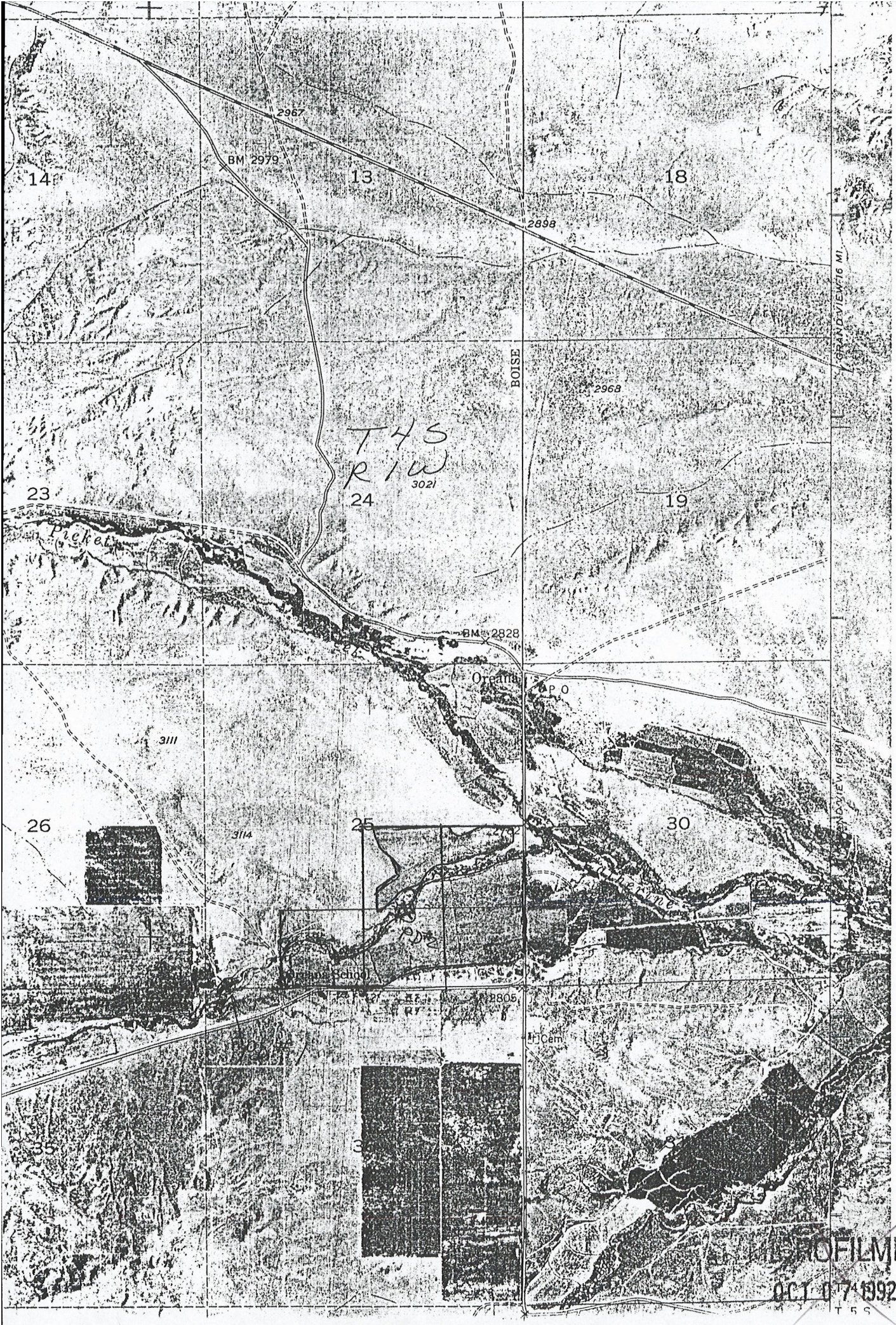
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MAR 0 9 1998


Oreana
P O
Oreana School
POD
POD
Cem
Windmill
BM 2799
2782
2805
Catherine Creek
Creek
Brown
Creek
25
26
27
30
31
34
35
36
1
2
6
GRAND VIEW 16 MI
GRAND VIEW 17 MI.
4765
4764
4762
T. 4 S.
T. 5 S.
2'30"
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MAR 0 9 1998



AS7-00043

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JUL 21 1994

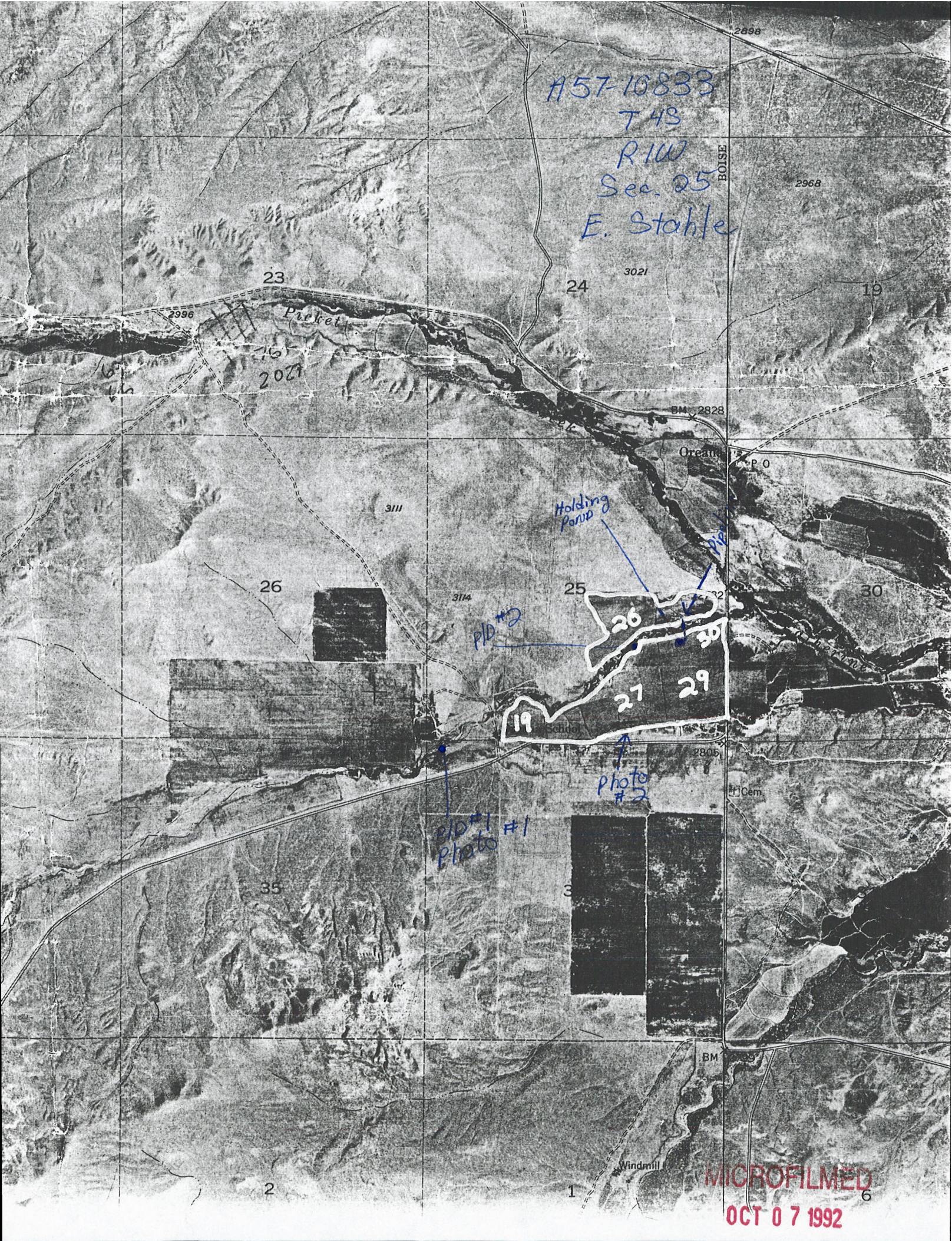
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Amended 12-22-15 - Judge Charles R. McCarthy

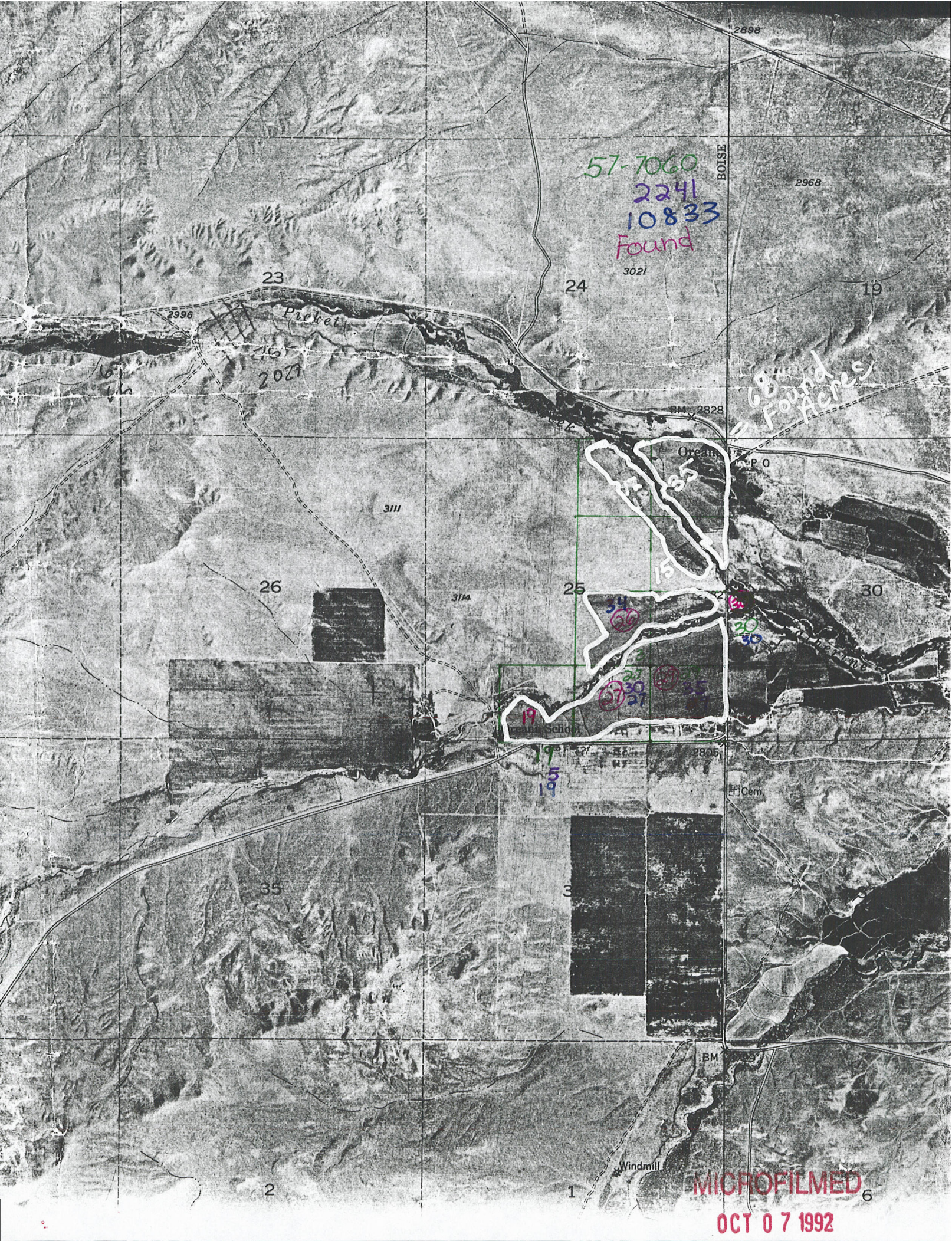
	NAME OF PARTY	SOURCE OF WATER	PRIORITY OF APPROPRIATION	AMOUNT IN INCHES		DESCRIPTION OF LAND BY SMALLEST SUBDIVISION TO WHICH WATER IS APPURTENANT		
						Sub.	Sec.	Tp.
57 0038	J. M. Neil	Hart's Creek	April 1, 1866	72		Lot 4	30	4S
				69		SE¼ SW¼	"	"
				9	150	SW¼ SE¼	"	"
57 0039	J. M. Neil	Catherine Creek	April 1, 1868	48		SW¼ SE¼	"	"
				111	159	SE¼ SE¼	"	"
57 0040	J. M. Neil	Catherine Creek (Below Brown's Creek)	Oct. 1, 1869	66		SE¼ SE¼	29	"
				36		SE¼ SE¼	"	"
				42		NE¼ SE¼	"	"
				72		NW¼ SW¼	28	"
				114		NE¼ SW¼	"	"
				6		SE¼ NW¼	"	"
				24		SE¼ SW¼	"	"
				42	402	SW¼ SW¼	"	"
57 0041	J. M. Neil	Pickett Creek	Feb. 14, 1870	54		Lot 2	30	"
				24		" 3	"	"
				81	159	NE¼ SW¼	"	"
57 0042	J. M. Neil	Hart's Creek	Feb. 14, 1870	72		Lot 3	"	"
				27	99	NE¼ SW¼	"	"
57 0043	J. M. Neil	Hart's Creek	April 1, 1874	15		NW¼ SE¼	25	"
				33	48	NE¼ SE¼	"	"
57 0044	B. H. Hyde	Hart's Creek	April 1, 1874	153.55		SE¼ SE¼	"	"
	Trans #319 103.55 priority 4-1-74 and 50" priority 4-1-86							
57 0046	Patrick Hardiman	Pickett Creek	Aug. 28, 1875	74.45		SW¼ SW¼	22	4S
	Spring in SW SE 21-45-1W Cmc. 1888 - 15" for SW SE 21-45-1W	(and that he be given the flow of a 4 finger, not amount of 151 inches)	amended to read 36.80 Total 242.60	89.15	Amended SW NE	SE¼ SE¼	21	"
				51.80	36.80	SW¼ SE¼	"	"
				42.20	~~257.60~~ 242.60	SE¼ NE¼	28	"
57 0047	Nora Linehan	Bates Creek	April 1, 1876	16.80		SE¼ NW¼	28	"
				51.40	68.20	SE¼ NE¼	29	"
57 0048	Alva & Frank Reed	Hart's Creek	April 1, 1876	53.30		NE¼ NE¼	35	"
				78.70		NW¼ NE¼	"	"
				56.10	198.10	NE¼ NW¼	"	"

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57-7060
2241
10833
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BOISE
2898
2968
3021
23
24
19
2996
Pocket
2027
BM 2828
Oreana
P O
3111
3114
26
25
30
35
Oreana School
2805
Cem
BM
Windmill
2
1
6
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A57-00043 139Ac @ 4.03
A57-00053 70 Ac @ 7.27
A57-00057 139 Ac @ 2.268
A57-2241 109 @ 0.84 Elmer Stahle

A57-7060 108 Ac @ 2.10 cfs
as claimed

CARD NO. TOWNSHIP RANGE EAST

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

4S 1W

According to map this does not seem to overlap

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A57-00043
AKA A57-10833

Picture #1



The creek is flowing in the direction of the arrow. (Dry at this time) The earthen dam is situated right behind the arrow's point.

7-30-90

Ditch

Both photos taken by L. Werner

lower diversion located in section 36, T4S. R1W. System consists of gravity flow ditch.

Picture #2



7-30-90

Irrigated Property south of Hart creek. This Property is overlain with A57-02241 & A57-07060 which is why it is so Green. There is no water in Hart creek at time of exam (7-30-90).

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#1

A57-10833



Conveyance ditch for irrigation of the field south of Hart creek.

#2



South field - Irr. from well

Pictures 1-6 taken on 6-10-91. By L. Werner

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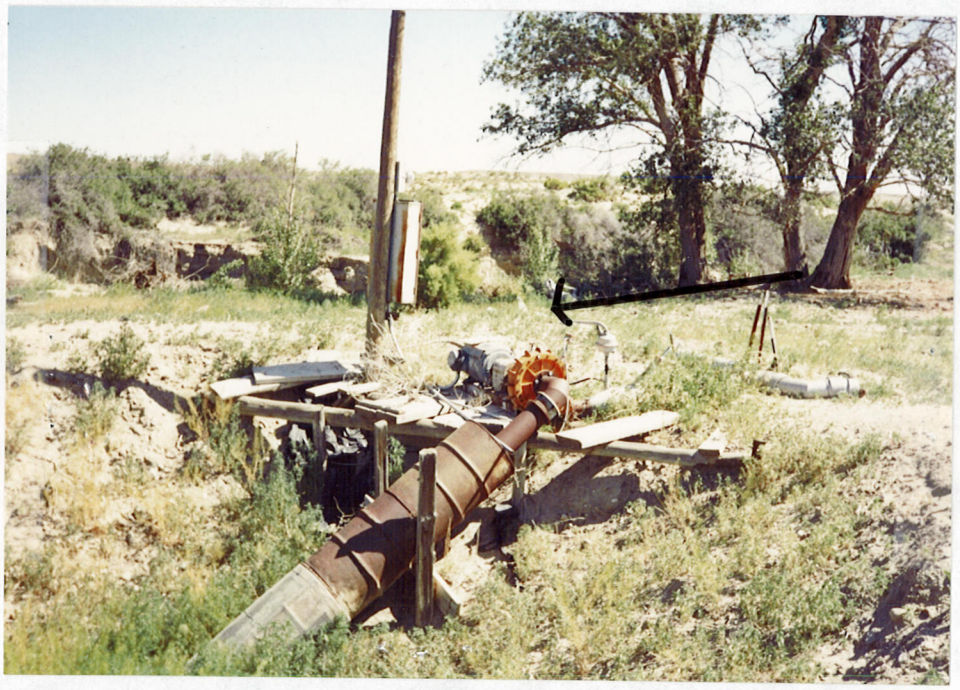
~~A57-00057~~ A57-10833

#3



Holding Pond & Pump. Note Pipe in background. Allows excess water from field to be reused.

#4



This Picture shows a Pipeline used to take water from Pond across creek.

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~~A57-00057~~ A57-10833

#5



This Picture was taken from the N. side of Hart creek. There is evidence indicating water was once Piped across creek to the field.

#6



This is the field which lies north of Hart creek.

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TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Hyde, B. H.	3.071		57-0044
319	Gubica, Victor	2.0	1.071	57-0044A

TRANSFER

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 319

This is to certify that Victor Gabica, of Oreana, County of Owyhee, State of Idaho, has a right to the use of the waters of Harts Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the court of the Third Judicial District of the State of Idaho, in and for the County of Owyhee, in the case of J. M. Neal, et al, plaintiffs, vs. B. H. Hyde, et al, defendants, Charles McCarthy, District Judge, wherein 155.55 inches of the waters of Harts Creek, in Water District #14-B, were decreed to B. H. Hyde for the irrigation of the Southeast quarter of the Southeast quarter (SE¼SE¼), Section 25, Township 4 South, Range 1 West, Boise Meridian, with date of priority of April 1, 1874; that said decree has been entered at Boise, Idaho, in the records of the Department of Reclamation of the State of Idaho, in Book 3 of Decrees, page 940; that, upon the application of Victor Gabica for transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 100 miners inches, or 2.0 cubic feet per second, of the waters of Harts Creek, upon the lands above described, is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is shown in the following table, limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

2.0 second feet, dated April 1, 1874:

		NE¼			NW¼			SW¼			SE¼			
Twp.	Rge.	Sec.	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	Total
4 S	1 W	25								40					40

The right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands above described, as provided by the laws of the State of Idaho.

No right to the use of waters on the lands herein described exists at the date of this certificate except as herein stated.

WITNESS The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 28th day of April, 1922.

Commissioner of Reclamation.

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STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Re: Application for Transfer, Case. No. 101, Water District No. 14 B, by Victor Cabica, Applicant. } ORDER GRANTING TRANSFER.

Under date of March 21, 1922, there was received in the Department of Reclamation the application of Victor Cabica for the transfer of one hundred (100) miners inches of the waters of Harts Creek as evidenced by the provisions of that certain decree of Judge Charles McCarthy of the Third Judicial District of Idaho in and for the County of Owyhee in the case of J. M. Neal, et al, plaintiffs vs. B. H. Hyde, et al, defendants, said decree bearing date of October 7, 1915. Upon a consideration of the said application and pursuant to the provisions of the statutes, notice of a public hearing in connection with the said petition was given and duly published in the Owyhee Avalanche for four consecutive weekly issues, beginning March 24, 1922 and ending April 14, 1922, as evidenced by the notice of publication on file, the said notice fixing April 22, 1922 at Oreana, Idaho, as the time and place of said hearing, and pursuant to the said notice, a hearing was held at the time and place designated, where all evidence offered was taken and the said hearing concluded.

The said application, together with the data accompanying the same, all facts and information produced at the said hearing, together with all information on file and available to the Commissioner of Reclamation having been duly and fully considered and a field examination covering all of the conditions on the ground affecting or that may affect the said application for transfer having been made by George N. Carter, acting for and on behalf of the Commissioner of Reclamation, the said Carter having rendered a report which is on file in the Department of Reclamation and the same having been duly and fully considered

The following state of facts are found to exist:

First, the application for transfer seeks to transfer water which has been decreed to and used upon the SE¼SE¼ Sec. 25, T. 4 S. R. 1 W. B. M. to the following described land, SE¼SW¼ Sec. 25, T. 4 S. R. 1 W. B. M., which transfer contemplates a change in the place or point of diversion from the said Harts Creek the new point to be situated approximately one-half mile up stream from the point now in use and described in the decree.

Second, no injury to other appropriators can result from the granting of this transfer by reason of a loss of water through seepage or percolation in the said creek bed, since the said transfer contemplates a diversion higher up on the stream.

Third, the allegations and contentions of the protestants are found to be unwarranted and not tenable.

Now, therefore, it is hereby ordered that the said application for transfer be granted and that a certificate evidencing such transfer be prepared in proper and appropriate form, executed and delivered to the applicant.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 27th day of April, 1922.

R. E. Swendsen
Commissioner of Reclamation

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In Re: Victor Gabica
Transfer Case.

April 24, 1922.

Arguments in favor of transfer.

Applicant is owner of this right and all of same is not necessary for irrigation of land to which it was made appurtenant on account of land now being wet and in a semi-swampy condition.

If a portion of this water is transferred, as specified in the application for transfer, it will enable the applicant to make good and beneficial use of same on about 25 acres of alfalfa which now has no decreed right. Applicant stated that should this transfer be not granted he can still divert this water to new dry land on the same 40 acre tract as originally decreed and thus put the water to beneficial use, but this land is not as well suited to agricultural development and will not be as productive as that for which the transfer is sought. (This statement is borne out by an examination on the ground.)

Arguments against the transfer.

Protestant claimed that granting of this transfer would injure his right to the extent of 100 miners inches.

That the right as it now stands of 153.55 miners inches, is not ordered out of the creek in an amount to exceed approximately 50 inches. That a greater amount can not be retained on the land for any period of time, but almost immediately finds its way back to the creek and is there available for the filling of subsequent rights.

That the same amount of water diverted to the new land will also be retained upon the land and thus not find its way back to the creek.

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In Re: Victor Gabica
Transfer Case.

April 24, 1922.

Only one bona fide protestant was present at the time and place set for the above hearing, namely, Alva Reed. One other person made considerable protest, however. He was the son of the owner of subsequent rights and brought no evidence of his authority to act as agent.

Objectors to this transfer stated that they would withdraw their objections provided the 100 inches of right named in petition is dated back to the same date of priority as the Alva Reed right (April 1, 1886) for the SwiSwi Sec. 25, T. 4 S. R. 1 W. This on the face of it, sounded unreasonable.

Summing up all of the facts on the ground and the rather informal evidence presented at the hearing, it would appear that the granting of this transfer would be consistent with the past actions of this department in similar cases. Possibly the water right of Mr. Reed and of the Brown and Murphy Land Company, who were represented by C. A. Brown, son of Mr. Geo. Brown, one of the owners of the Brown-Murphy Company, will be somewhat lessened by this transfer, due to the fact that in previous years this water has not been ordered out of the creek in the full amount.

However, Mr. Gabica is no doubt entitled to the full use of his decreed right and has voluntarily asked to have same transferred to land upon which he can realize the most return from the diversion of this water, notwithstanding the fact that he could use this water without asking for the transfer.

One of the principal contentions of the objectors was that if this water was diverted in accordance with the proposed transfer, it would not find its way back to the creek. The applicant is asking that 100 inches of water be made appurtenant to a 40 acre tract, which does not contain over 25 acres of irrigable land. I can not conceive of a condition where 100 inches of water can be applied upon only 25 acres of land for a very long period of time without a considerable portion of the same reaching the creek channel in a similar manner as it now does from the land where is has been previously used.

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I would, therefore, recommend that the above transfer be allowed.

Geo. H. Carter

Assistant Commissioner of
Reclamation.

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Form 3

RECEIVED
JAN 21 1922
DEPARTMENT OF RECLAMATION

Application for Transfer of Water Right

STATE OF IDAHO,
County of Owyhee } ss.

Victor Gubica, being first duly sworn, deposes and says:

That his name is Victor Gubica; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Oreana, Idaho.

That he is the owner and using a certain water right, bearing date of priority of April 1st 1874 for 152.55 inches cubic feet per second of the waters of Bartle Creek County of Owyhee, State of Idaho, decreed to B. H. Hyde 3/4, by decree of Judge, Chas. McCarthy of the Third Judicial District of the State of Idaho, in and for the County of Owyhee, in the case of J. M. Neal et al vs. B. H. Hyde et al, said decree bearing date of October 7th, 1916. (or obtained by virtue of License No. ____, issued by the State Engineer of the State of Idaho, dated ____, 19__, bearing date of priority of ____, 19__) for the purpose of irrigating the following described lands situate, lying and being in Water District No. 14 B in the County of Owyhee and State of Idaho, to-wit: Southeast Quarter of the Southeast Quarter (SE¼ SE¼) of Section Twenty-five (25), Township Four (4) South, Range One (1) West, B.M.

and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. by Warranty Deed from B. H. Hyde as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream in the (SW¼ SE¼) of Section 25, Township 4 South, Range 1 West B. M., and conducted to the above described lands through Ditch as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of ~~1.0~~ 20 (100 miners inches) cubic ~~feet~~ per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Owyhee and State of Idaho, to-wit:

The Southeast Quarter of the Southwest Quarter (SE¼ SW¼) of Section Twenty-five (25), Township Four (4) South, Range One (1) West, B.M.

That his reasons for desiring to make such transfer are as follows: ~~SE¼SE¼ will have sufficient supply left and the use of this water on the SE¼SW¼~~ will allow him to preserve about 50 acres of alfalfa which he has on SE¼SW¼ and the change will not effect any of the other water rights on creek

Bartle Creek - Div. 2 - 84-9 Ho

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That he intends to divert and convey said 100 inches ~~second feet~~ of water to the tract of land last above described in the following manner, to-wit: By ditch diverted from Harts Creek in the Southwest quarter of the Southeast Quarter (SW¼SE¼) of Section Twenty-five (25), Township Four (4) South, Range One (1) West, B.M., as shown by map herewith and of this affidavit made a part. Said ditch having been constructed many years ago and having been used by affiant and his predecessors in interest.

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFOR, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

Victor Galicco
Applicant.

Subscribed and sworn to before me this 19th day of May, A. D. 19 21.

W. Emmett Brain
Notary Public residing at Boise, Idaho.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Harts Creek

Where is the diversion point located? (SE¼ SW¼), Section 25, Twp. 4 South, 1 West, B.M.

Through what ditch is it now conducted? Ditch known as B. H. Hyde Ditch

How much Land is now irrigated by the water sought to be transferred?

Give the description: (SE¼ SE¼) of Section 25, Twp. 4 South, R. 1 W. B. M.

What is the total amount of water in inches, or second feet, dedicated to said land? 153.55 inches.

What kind of crops are being raised? alfalfa and garden

How much water per acre is now required to irrigate said land? 53.55 miners inches

What will be the effect on the land now irrigated, if the use of water on it is discontinued? None Sufficient water is left to irrigate said lands. A portion will be used for other purposes.

Give location of new point of diversion, if change is to be made SW¼ SW¼, Sec. 25, T. 4 S.R 1 W.B.M.

Through what ditch will it be conducted after transfer? That is known as B.H.Hyde and Reed Ditch

How much water will be required per acre to irrigate the land to which this water is transferred? 100 miners inches

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source 53.55 inches left of right

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source None

Signed Victor Galicco
Applicant.

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STATE OF IDAHO,
County of Owyhee } ss.

_____ and _____

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at _____; that he is a user of water from _____, in Water District No. 14-B County of Owyhee State of Idaho; that he has read or heard read the foregoing affidavit and petition of Victor Gubica and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

_____

_____

Subscribed and sworn to before me this _____ day of May, A. D. 19 21.

_____

Notary Public, Residing at Boise, Idaho

STATE OF IDAHO,
County of Owyhee } ss.

I, Leonard E. Ulrich, Watermaster of _____ Water District No. 14-B, County of Owyhee, State of Idaho, whose postoffice address is Oreana, Idaho, have read or heard read the foregoing affidavit and petition of Victor Gubica, and, of my own knowedge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons: _____

_____

_____

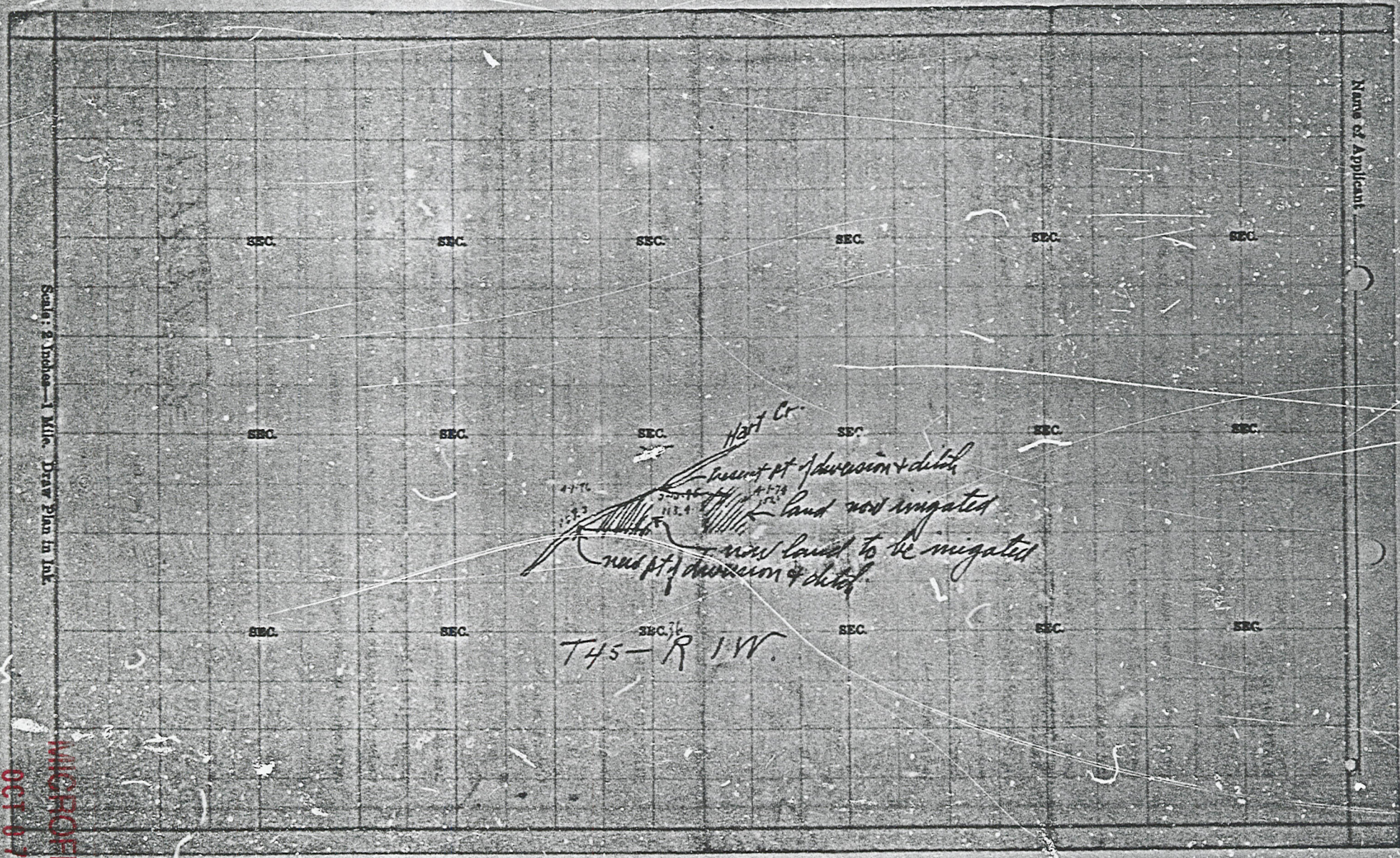
_____

Watermaster, Dist. No. _____

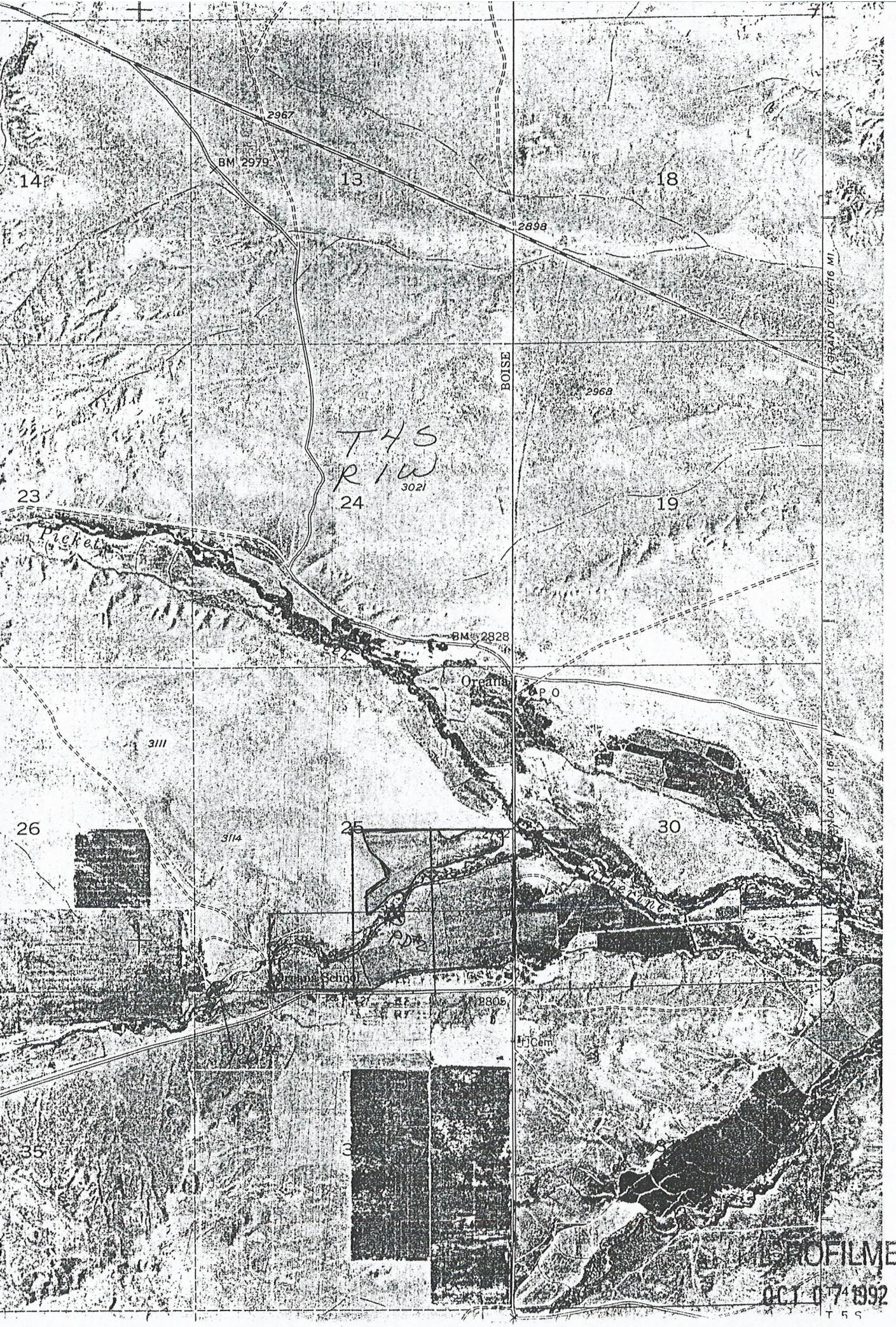
Leonard E. Ulrich

Dated at Oreana, Idaho, this 19th day of May, 19 21.

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OCT 07 1992



A57-00043

MICROFILMED

OCT 07 1992

T 4

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
renumbered as: A57-10833
Ident. Number: ~~A57-00043~~
Date Received: 1/09/1989
Receipt No: C004979
Received By: CF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELMER STAHLE 208-834-2790
   Address: HC 79, BOX 2140
   OREANA, ID 83650

2. Date of Priority: APR 01, 1874

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

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
04S	01W	25	SW	SW	SW		OWYHEE
			NE	SW	SE		OWYHEE

5. Description of diverting works:
   EARTH DAM, HEADGATE, GRAVITY FLOW DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.030		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is 486.5 Acre Feet Per Annum.

9. Non-irrigation uses:
   STOCKWATER, 300 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
04S	01W	25	SE	SW		IRR	19.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
04S	01W	25	SE	SW		STOCK	
			NE	SE		IRR	30.0
			NE	SE		STOCK	
			NW	SE		IRR	34.0
			NW	SE		STOCK	
			SW	SE		IRR	27.0
			SW	SE		STOCK	
			SE	SE		IRR	29.0
						Section Acres	139.0
						Total Acres	139.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
57-00057, 57-02241, 57-07060

14. Remarks:
THIS CLAIM IS BASED ON DECREED WATER RIGHTS 57-00043, 57-00044A, AND 57-00044B. THIS ALL HAVE THE SAME SOURCE AND SAME PRIORITY DATE.

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

J. M. NEIL
Decree Plaintiff

vs

MICHAEL HYDE ET. AL.
Decree Defendant

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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): James L. Stahle Date: 1-9-89

_____ Date: _____

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 9th day of January 19 89

Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

MICROFILMED
JUL 21 1994

MICROFILMED
OCT 07 1992

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-10833 Date: 4-24-03

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4S	1W	25												19	30	26	27	29	131
GIS															17	31	26	29	28	131
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 2

Total Claimed Acres: 131

Total GIS Acres: 131

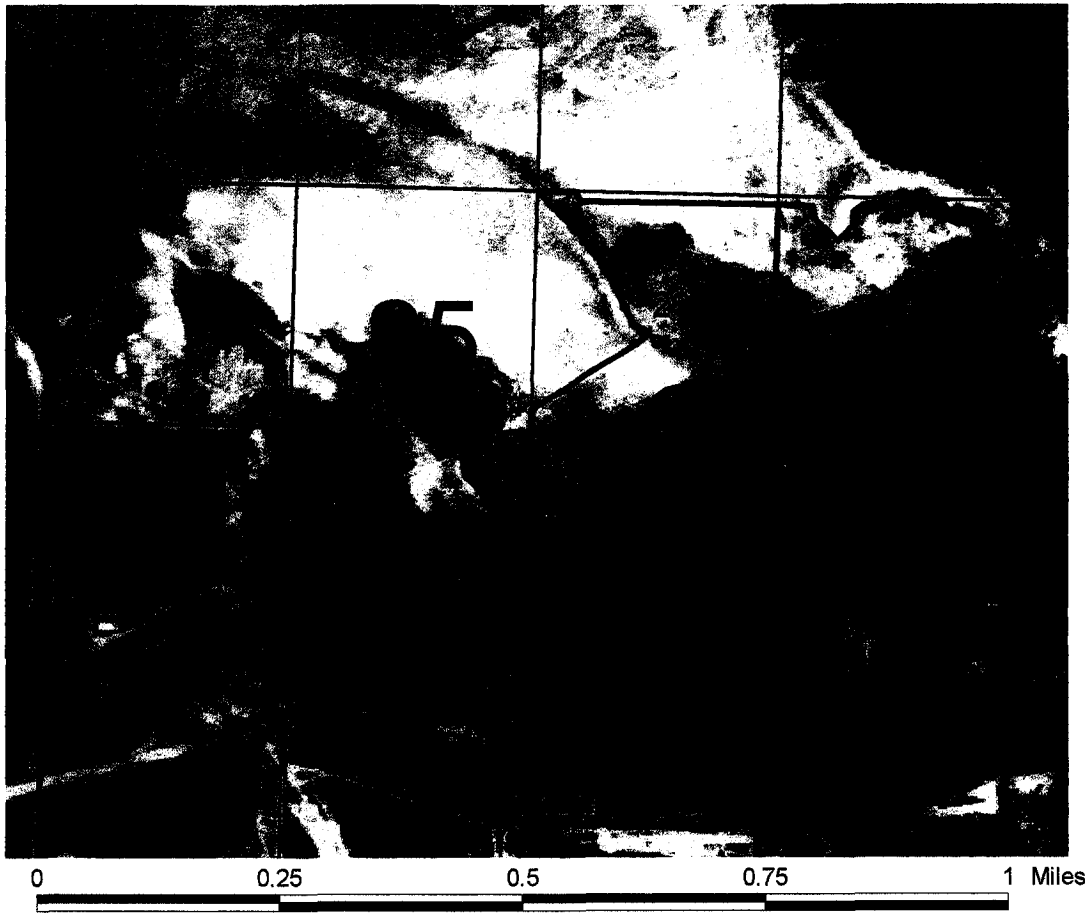
Overlapping POU Claim #'s:
57-07060, 57-02241

COMMENTS:
Per claim map & image interpretation

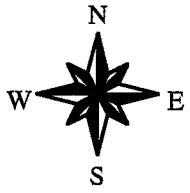
Idaho Department of Water Resources

Claim Number: 57-10833
Legal: T04S, R01W, S25
Reviewed By:

1987 Napp Photo



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines
- Township/Range Lines



4\03

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 57-10833

1997 SEP 12 AM 9:04
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: ELMER G STAHLE
HC 79 BOX 2140
OREANA ID 83650

SOURCE: HART CREEK TRIBUTARY: CATHERINE CREEK

QUANTITY: 2.65 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHT NO'S. 57-02241 AND 57-07060 IS LIMITED TO A COMBINED DIVERSION RATE OF 2.65 CFS.

PRIORITY DATE: 04/01/1874

POINT OF DIVERSION: T04S R01W S25 SENWSE Within OWYHEE County
S36 NWNWNW

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	2.65 CFS
STOCKWATER	01-01 12-31	0.07 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County
T04S R01W S25 SESW 19 NESE 30 NWSE 26 SWSE 27
SESE 29
131 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO'S. 57-02241 AND 57-07060 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 131 ACRES IN A SINGLE IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

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

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

DATED: SEP 12 1997

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

MICROFILMED
MAR 0 3 1998

RULE 54(b) CERTIFICATE

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

DATED: SEP 12 1997

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

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

CLERK OF THE DISTRICT COURT
FIFTH JUDICIAL DISTRICT
TWIN FALLS COUNTY IDAHO

MICROFILMED
MAR 09 1998

RECEIVED
SEP 15 1997
Department of Water Resources
1997 SEP 12 AM 9:04
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	**ORDER OF PARTIAL DECREE**
	)	
Case No. 39576	)	**For Water Right 57-10833**
	)	

On June 20, 1997, a ***Special Master's Report and Recommendation*** was filed for the above water right. No Challenges were filed to the ***Special Master's Report and Recommendation*** and the time for filing Challenges has now expired.

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

Therefore, IT IS ORDERED that water right 57-10833 be decreed as set forth in the attached ***Partial Decree Pursuant to I.R.C.P. 54(b)***.

DATED September 12, 1997.

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

MICROFILMED
MAR 09 1998

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH	01/01/1875	STOCKWATER	01-01	12-31	0.03 CFS	
					TOTAL DIVERSION:	0.03 CFS	

Water Source: HART CREEK Tributary to: CATHERINE CREEK Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T05S R01W S19 SWNW OWYHEE County
Point(s) of Ending Stream Reach: T05S R01W S19 NWNW OWYHEE County

Place of use Legal Description for: STOCKWATER

			NE				NW				SW				SE			
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
05S	01W	19									S		01-S		02-S			

			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
05S	01W	19																

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 124 RANGE CATTLE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A57-11117 R57-11117

Conditions of Approval:
L12 - THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
- ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
- USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

Remarks: GEN BLM RECORD ID = 5701580181

Dates: Exam Made Date: Verified Date: Objection Filed Date: 02/26/1993

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

MICROFILMED
MAR 0 9 1998

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH	01/01/1875	STOCKWATER	01-01	12-31	0.23 CFS	
					TOTAL DIVERSION:	0.23 CFS	

Water Source: HART CREEK Tributary to: CATHERINE CREEK Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T05S R02W S23 NWSE OWYHEE County
Point(s) of Ending Stream Reach: T05S R02W S24 SWSW OWYHEE County

Place of use Legal Description for: STOCKWATER

			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	Lt Ac
05S	02W	23													S	S		
05S	02W	24											S					

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 990 RANGE CATTLE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A57-11123 R57-11123

Conditions of Approval:
L12 - THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
- ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
- USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

Remarks: GEN BLM RECORD ID = 5701580187

Dates: Exam Made Date: Verified Date: Objection Filed Date: 02/26/1993

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

MICROFILMED
MAR 0 9 1998

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH	01/01/1875	STOCKWATER	01-01	12-31	0.09 CFS	
					TOTAL DIVERSION:	0.09 CFS	

Water Source: HART CREEK Tributary to: CATHERINE CREEK Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T05S R02W S27 SWSW OWYHEE County
Point(s) of Ending Stream Reach: T05S R02W S23 NESW OWYHEE County

Place of use Legal Description for: STOCKWATER

			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	Lt Ac
05S	02W	22															S	S
05S	02W	23									S		S	S				
05S	02W	27		S			S		S	S		S	S					

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 356 RANGE CATTLE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A57-11142 R57-11142

Conditions of Approval:
L12 - THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
- ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
- USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

Remarks: GEN BLM RECORD ID = 5701580210

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

MICROFILMED
MAR 0 9 1998

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH	01/01/1875	STOCKWATER	01-01	12-31	0.23 CFS	
					TOTAL DIVERSION:	0.23 CFS	

Water Source: HART CREEK Tributary to: CATHERINE CREEK Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T05S R01W S18 SENE OWYHEE County
Point(s) of Ending Stream Reach: T05S R01W S08 SENE OWYHEE County

Place of use Legal Description for: STOCKWATER

			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	Lt Ac
05S	01W	8			S	S					S		S	S		S		
05S	01W	17						S	S									
05S	01W	18				S												

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 990 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A57-11329 R57-11329

Conditions of Approval:
L12 - THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
- ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
- USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

Remarks: GEN BLM RECORD ID = 5701581735

Dates: Exam Made Date: Verified Date: Objection Filed Date: 02/26/1993

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

MAR 0 9 1998
MICROFILMED

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH	01/01/1875	STOCKWATER	01-01	12-31	0.03 CFS	
					TOTAL DIVERSION:	0.03 CFS	

Water Source: HART CREEK Tributary to: CATHERINE CREEK Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T05S R01W S19 SWNW OWYHEE County
Point(s) of Ending Stream Reach: T05S R01W S19 NWNW OWYHEE County

Place of use Legal Description for: STOCKWATER

			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	Lt Ac
05S	01W	19					S	01-S	02-S									

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 124 RANGE CATTLE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A57-11117 R57-11117

Conditions of Approval:
L12 - THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
- ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
- USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

Remarks: GEN BLM RECORD ID = 5701580181

Dates: Exam Made Date: Verified Date: Objection Filed Date: 02/26/1993

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

MAR 0 9 1998
MICROFILMED

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH	01/01/1875	STOCKWATER	01-01	12-31	0.23 CFS	
					TOTAL DIVERSION:	0.23 CFS	

Water Source: HART CREEK Tributary to: CATHERINE CREEK Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T05S R02W S23 NWSE OWYHEE County
Point(s) of Ending Stream Reach: T05S R02W S24 SWSW OWYHEE County

Place of use Legal Description for: STOCKWATER

			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	Lt Ac
05S	02W	23													S	S		
05S	02W	24											S					

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 990 RANGE CATTLE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A57-11123 R57-11123

Conditions of Approval:
L12 - THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
- ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
- USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

Remarks: GEN BLM RECORD ID = 5701580187

Dates: Exam Made Date: Verified Date: Objection Filed Date: 02/26/1993

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

MICROFILMED
MAR 0 9 1998

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH	01/01/1875	STOCKWATER	01-01	12-31	0.09 CFS	
					TOTAL DIVERSION:	0.09 CFS	

Water Source: HART CREEK Tributary to: CATHERINE CREEK Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T05S R02W S27 SWSW OWYHEE County
Point(s) of Ending Stream Reach: T05S R02W S23 NESW OWYHEE County

Place of use Legal Description for: STOCKWATER

	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	Lt Ac
05S 02W 22															S	S
05S 02W 23									S		S	S				
05S 02W 27		S			S		S	S		S	S					

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 356 RANGE CATTLE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A57-11142 R57-11142

Conditions of Approval:
L12 - THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
- ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
- USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

Remarks: GEN BLM RECORD ID = 5701580210

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

MICROFILMED
MAR 0 6 1998

MICROFILMED
MAR 0 9 1998

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH	01/01/1875	STOCKWATER	01-01	12-31	0.23 CFS	
					TOTAL DIVERSION:	0.23 CFS	

Water Source: HART CREEK Tributary to: CATHERINE CREEK Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T05S R01W S18 SENE OWYHEE County
Point(s) of Ending Stream Reach: T05S R01W S08 SENE OWYHEE County

Place of use Legal Description for: STOCKWATER

	NE				NW				SW				SE			
T R S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac
05S 01W 8			S	S					S		S	S		S		
05S 01W 17						S	S									
05S 01W 18				S												

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 990 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

Other Rights: NONE

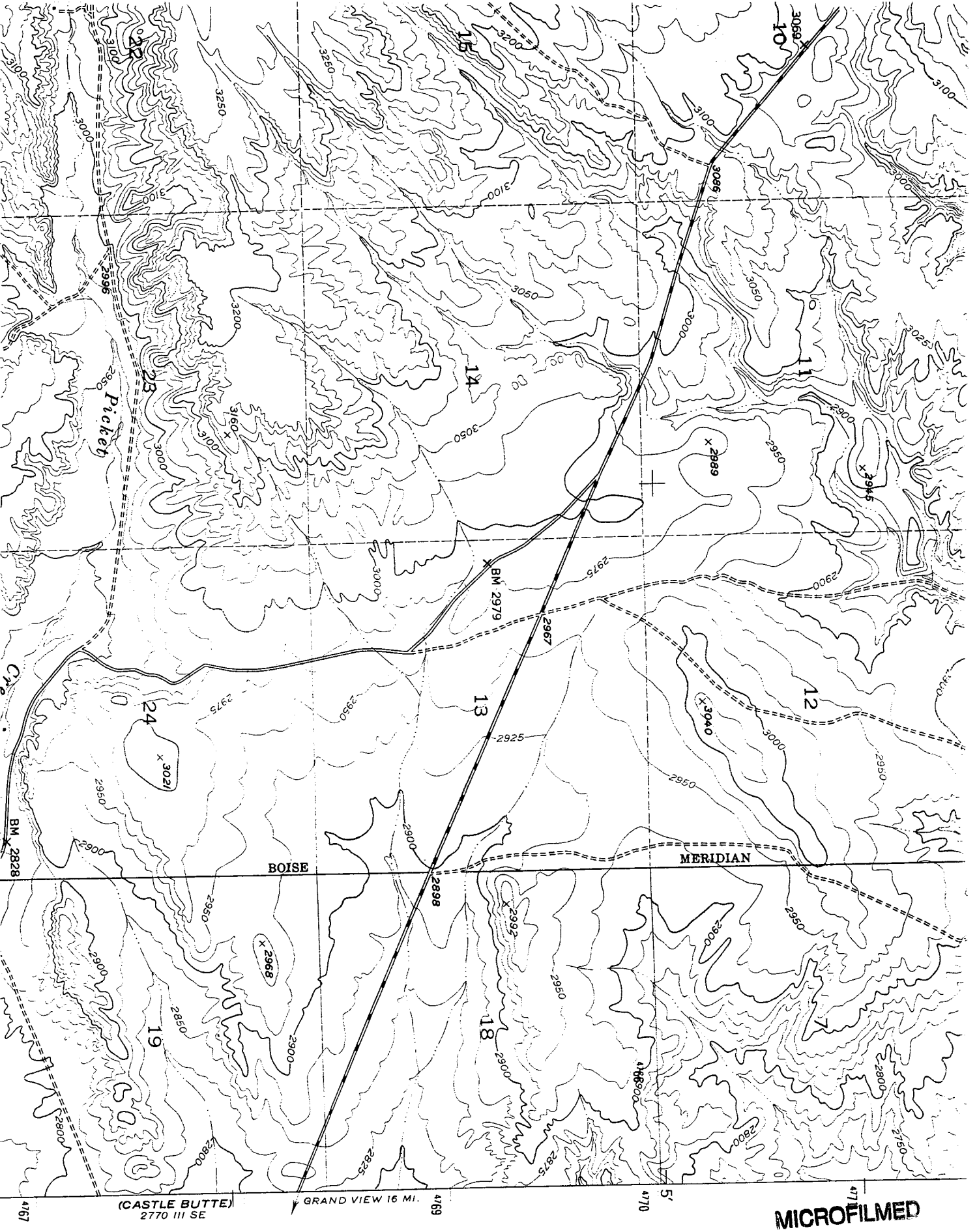
Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A57-11329 R57-11329

Conditions of Approval:
L12 - THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
- ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
- USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

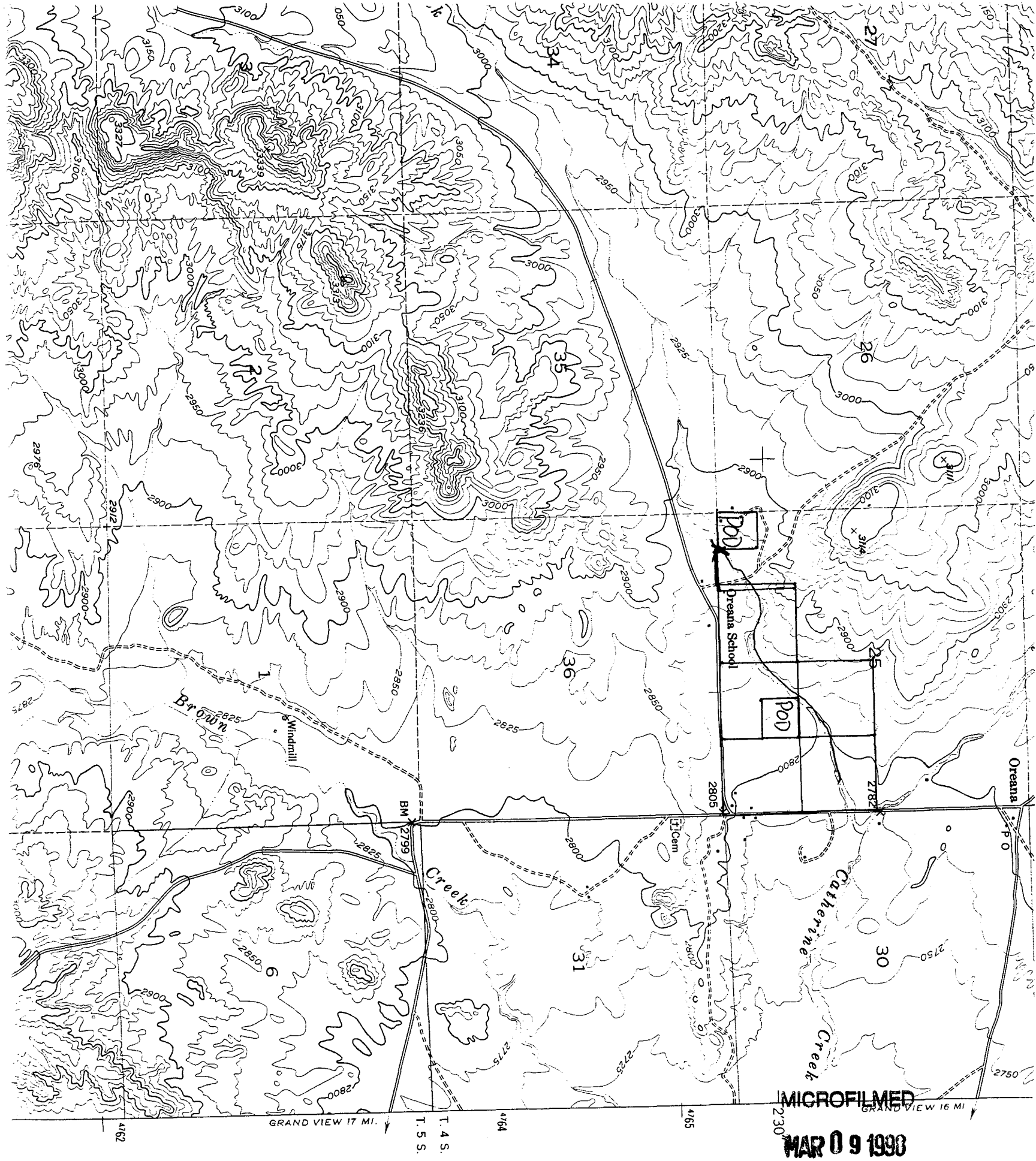
Remarks: GEN BLM RECORD ID = 5701581735

Dates: Exam Made Date: Verified Date: Objection Filed Date: 02/26/1993

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



MICROFILMED
MAR 0 9 1994



MICROFILMED
MAR 0 9 1998

RECEIVED

APR 0 9 1997

Department of Water Resources

1997 APR 07 AM 07:55
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	)	NOTICE SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
	)	SUBCASE NO: 57-10833

Please be advised that Special Master FRITZ X HAEMMERLE has set a Status Conference in the above subcase(s) as follows:

FRIDAY, APRIL 18, 1997 at 01:00 PM

OWYHEE COUNTY COURTHOUSE
HIGHWAY 78
PO BOX 128
MURPHY, ID

MICROFILMED
MAR 0 9 1998

Dated: APRIL 07, 1997

/S/ DEBBIE LASH
Deputy Clerk
Snake River Basin Adjudication

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

MAR 0 9 1998
MICROFILMED

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on APRIL 07, 1997, with sufficient first-class postage to the following:

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720
Phone: 208-334-2400
Rep: STATE OF IDAHO

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

ELMER STAHLE
HC 79, BOX 2140
OREANA, ID 83650

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

/S/ DEBBIE LASH
Deputy Clerk

RECEIVED
APR 2 2 1997
Department of Water Resources
Adjudication Bureau

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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

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

MICROFILMED
MAR 0 9 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	)	57-10833
	)	
Case No. 39576	)	
	)	STIPULATION FOR WITHDRAWAL
	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve water right number 57-10833. The parties stipulate to the withdrawal of the United States' objection to the water right claimed in this subcase.

STIPULATION

1. Pursuant to I.R.C.P. 41(a)(1), the United States of America and Elmer Stahle, stipulate that the objection filed by the Bureau of Land Management (BLM) to water right number 57-10833 is hereby withdrawn with prejudice.

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

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

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

UNITED STATES OF AMERICA

Dated: 4/18/97

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

Claimant: Elmer Stahle

Dated: 4-18-97

MICROFILMED
MAR 0 9 1990

CERTIFICATE OF SERVICE

I certify that on the 21st day of April, 1997, I served a true and correct copy of this Stipulation of Withdrawal upon the following individuals:

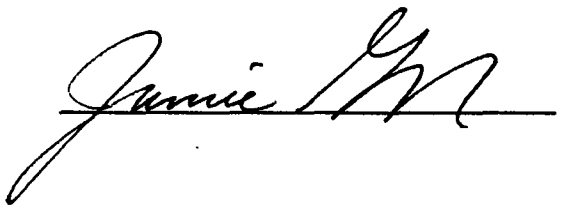
Department of Justice
C/O Boise Adjudication Team
550 West Fort Street
MSC 033
Boise, Idaho 83724

Elmer Stahle
HC 79, Box 2140
Oreana, ID 83650

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

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

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



MICROFILMED
MAR 0 9 1998

1997 MAY 15 PM 1:24

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA)	CERTIFICATE OF MAILING
)	
Case No. 39576)	
)	Water Right(s): 57-10833

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 May 15, 1997, with sufficient first-class postage prepaid to the following:

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

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

ELMER STAHLE
HC 79, BOX 2140
OREANA, ID 83650

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

Teri Hranac

TERI HRANAC

CERTIFICATE OF MAILING

MICROFILMED
05/15/97
MAR 0 9 1998

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

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

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR
Water Right 57-10833

1997 MAY 15 PM 1:24
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: ELMER G STAHLE
HC 79 BOX 2140
OREANA ID 83650

SOURCE: HART CREEK TRIBUTARY: CATHERINE CREEK

QUANTITY: 2.65 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHT NO'S. 57-02241 AND 57-07060 IS LIMITED TO A COMBINED DIVERSION RATE OF 2.65 CFS.

PRIORITY DATE: 04/01/1874

POINT OF DIVERSION: T04S R01W S25 SENWSE Within OWYHEE County
S36 NWNWNW

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	2.65 CFS
STOCKWATER	01-01 12-31	0.07 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County
T04S R01W S25 SESW 19.0 NESE 30.0 NWSE 26.0 SWSE 27.0
SESE 29.0
131.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO'S. 57-02241 AND 57-07060 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 131 ACRES IN A SINGLE IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

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

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

DATED: MAY 15 1997

FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

MICROFILMED
MAR 09 1998

1997 MAY 15 PM 1:24
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA	)	**Subcase 57-10833**
	)	
Case No. 39576	)	**PRELIMINARY SPECIAL MASTER'S REPORT**
	)	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

An objection to the *Director's Report* for water right 57-10833 was filed by United States (BLM). Subsequently, the objection was withdrawn by stipulation of the parties; now therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-10833 be **decreed** as recommended in the attached ***Preliminary Special Master's Report and Recommendation for Partial Decree.***

DATED May 15, 1997.

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

MICROFILMED
MAR 0 1998

1997 JUN 20 AM 11:08

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA Case No. 39576	CERTIFICATE OF MAILING Water Right(s): 57-10833

CERTIFICATE OF MAILING

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

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

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

ELMER STAHLE
HC 79, BOX 2140
OREANA, ID 83650

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

DEBBIE LASH

MICROFILMED
MAR 0 9 1998

1997 JUN 20 AM 11:08
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA	NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION
Case No. 39576	
	Water Right(s): 57-10833

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

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

DATED June 20, 1997.

Debbie Lash
DEBBIE LASH
Deputy Clerk

MICROFILMED
MAR 09 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)
)
)
)

SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR
Water Right 57-10833

1997 JUN 20 AM 11: 03
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: ELMER G STAHLE
HC 79 BOX 2140
OREANA ID 83650

SOURCE: HART CREEK TRIBUTARY: CATHERINE CREEK

QUANTITY: 2.65 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHT NO'S. 57-02241 AND 57-07060 IS LIMITED TO A COMBINED DIVERSION RATE OF 2.65 CFS.

PRIORITY DATE: 04/01/1874

POINT OF DIVERSION: T04S R01W S25 SENWSE Within OWYHEE County
S36 NWNWNW

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	2.65 CFS
STOCKWATER	01-01 12-31	0.07 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County
T04S R01W S25 SESW 19.0 NESE 30.0 NWSE 26.0 SWSE 27.0
SESE 29.0
131.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO'S. 57-02241 AND 57-07060 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 131 ACRES IN A SINGLE IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

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

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

DATED: 6/20/97

FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

ED

98

RECEIVED
JUN 23 1997
Department of Water Resources
Adjudication Bureau

1997 JUN 20 AM 11: 08
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 57-10833**
	)	
Case No. 39576	)	**SPECIAL MASTER'S REPORT**
	)	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

An objection to the *Director's Report* for water right 57-10833 was filed by United States (BLM). Subsequently, the objection was withdrawn by stipulation of the parties.

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

IT IS THEREFORE RECOMMENDED that subcase 57-10833 be **decreed** as recommended in the attached ***Special Master's Report and Recommendation for Partial Decree.***

DATED ~~May~~ June 20, 1997.

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

MICROFILMED
MAR 09 1998

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

In Re the General Adjudication of the Rights to the Use of Water from the Snake River Basin Water System	Case No. 57-10833 -0001
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.	**RESPONSE TO OBJECTION**

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
JUL 2 1 1994

2. Person who filed objection:

Name: US BUREAU OF LAND MGMT
Address: IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706-2544

3. If this response is filed by an attorney:

Attorney Name(s): DANIEL L. STECKEL

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. |X| Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.

2. |X| Source: I respond to the objection concerning the source of water.

3. |X| Quantity: I respond to the objection concerning:

4. |X| Priority Date: I respond to the objection concerning the priority date.

5. |X| Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.

7. |X| Purposes of Use: I respond to the objection concerning the purpose(s) of use.

8. |X| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.

10. |X| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

11. |X| Remarks: I respond to the objection concerning the "remarks" listed with the water right.

12. |X| Water Right Recommendation: I respond to the objection concerning:

12a. |X| This water right being recommended at all.

REASONS SUPPORTING EACH BOX CHECKED

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

|X| 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. A57-10833	4

(Over)

MICROFILMED
JUL 2 1 1994

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

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

Signature of person filing response

By: _____
(Attorney signing in representative capacity)

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

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

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of June, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

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

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

   Name: ELMER STAHLE
   Address: HC 79 BOX 2140
   OREANA ID 83650

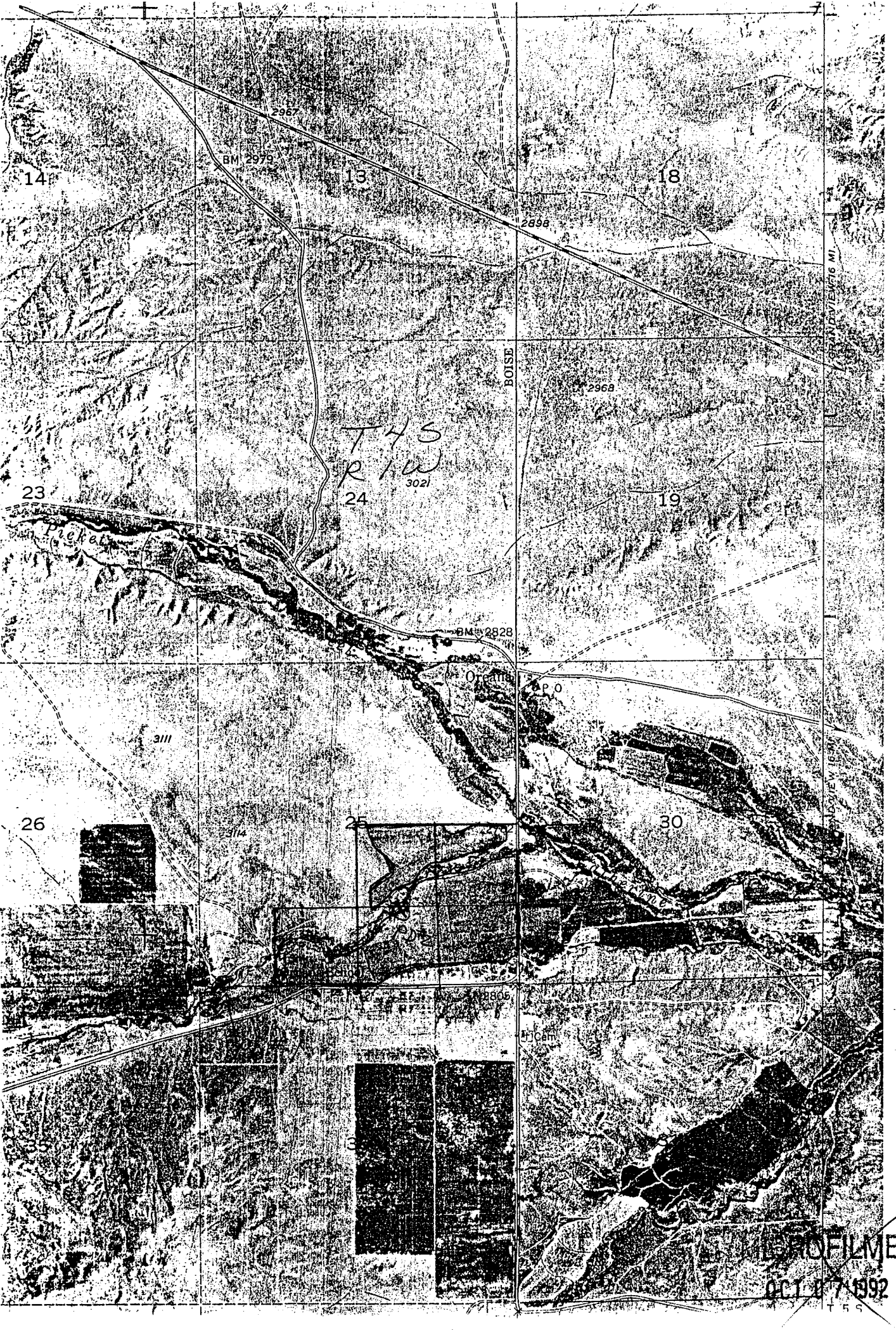
3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

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

Dale L. Stahle

Signature of Respondent or attorney mailing on Respondent's behalf

MICROFILMED
JUL 21 1994



A57-00043

MICROFILMED
JUL 21 1994

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	Case No. 57-10833 (You must insert the water right number you are objecting to)
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.	**OBJECTION**

RECEIVED
FEB 2 6 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
JUL 2 1 1994

(Over)

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting: United States of America
Bureau of Land Management
Name: U.S. Department of the Interior

Address: 3380 Americana Terrace

Boise, Idaho 83706

Briefly describe your interest in this water right:

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

2. Owner of the water right:

Name: claimant Elmer Stahle

Address: HC 79, Box 2140

Oreana, ID 83650

3. If this objection is filed by an attorney:

Attorney Name: K. Jack Haugrud
Daria J. Zane

Attorney Address: U. S. Department of Justice
500 West Fort Street
P.O. Box 33
Boise, Idaho 83734

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

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

II. STATEMENT OF THE OBJECTION

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

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.

2. ☒ Source: I object to the source of water.

3. ☒ Quantity: I object to:

   a. ☐ the total quantity of water used in cubic feet per second; or

   b. ☐ the total quantity of water stored in acre-feet per year; or

   c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.

4. ☒ Priority Date: I object to the priority date.

5. ☒ Points of Diversion: I object to the legal description of the point(s) of diversion.

6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.

7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.

8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.

9. ☐ Place of Use: I object to:

   a. ☐ the legal description of the place of use; or

   b. ☐ the number of irrigated acres within each forty (40) acre subdivision.

10. ☒ Consumptive Use: I object to the annual volume of consumptive use.

11. ☒ Remarks: I object to the "remarks" listed with the water right.

MICROFILMED
JUL 2 1 1994

(Over)

12. ☒ Water Right Recommendation: I object to:

a. ☒ this water right being recommended at all; or

b. ☐ this water right not being recommended.

13. ☐ Description of Reservation: I object to the legal description of the reservation.

14. ☐ Other: I object to: _____

_____

_____

REASONS SUPPORTING EACH BOX CHECKED

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

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

☒ 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. _____

[redacted]

12. Conflicting USDI claims

VERIFICATION (Must be Completed)

State of Idaho

County of Ada

J. DAVID BRUNNER, BOISE DISTRICT MANAGER, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

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

J. David Brunner
Signature of person filing objection

By: _____
(Attorney signing in representative capacity)

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

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

MICROFILMED
JUL 21 1994

(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

   Owner name: Elmer Stahle

   Owner's address: HC 79, Box 2140

   Oreana, ID 83650

3. One copy to:

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

4. One copy to:

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

Signature of Objector or attorney mailing on Objector's behalf

CLAIM NUMBER: 57-10833

CONFLICTING CLAIMS FOUND IN THE DIRECTORS REPORT

57-07330
57-11117
57-11123
57-11142
57-11329

MICROFILMED
JUL 2 1 1994

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	ELMER STAHLE HC 79 BOX 2140 OREANA ID 83650 (208) 834-2790	04/01/1874	IRRIGATION STOCKWATER	03-15 01-01	11-15 12-31	2.65 CFS 0.07 CFS	
				TOTAL DIVERSION:		2.65 CFS	

Water Source: HART CREEK Tributary to: CATHERINE CREEK Stage: DECREED

Point(s) of Diversion: T04S R01W S25 SENWSE OWYHEE County
S36 NWNWNW 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	Lt Ac	SUM
04S	01W	25												19	30	26	27	29	131.0
																TOTAL ACRES			131.0

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

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 300 HEAD CATTLE

Other Rights: NONE

Conditions of Approval:
C01 - THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT - TO IDAHO CODE 42-1416(1).
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION - PURSUANT TO IDAHO CODE 42-1416A.
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO - IDAHO CODE 42-1416A.

Remarks: 0.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
USE OF THIS RIGHT WITH RIGHT NO'S. 57-02241 AND 57-07060 IS LIMITED TO A COMBINED DIVERSION RATE OF 2.65 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 458.5 AF AND TO THE IRRIGATION OF A COMBINED TOTAL OF 131 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 57-00043, 57-00044A AND 57-00044B

Dates: Exam Made Date: 07/30/1990 Verified Date:

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

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Comments: Date: 10/30/1991 User-ID: WERNER Subject: COPIED FROM REMARKS
THIS CLAIM IS BASED ON DECREED WATER RIGHTS 57-00043, 57-00044A
AND 57-00044B. THEY ALL HAVE THE SAME SOURCE AND THE SAME
PRIORITY DATE.

Date: 02/24/1992 User-ID: WERNER Subject: PARTIAL FORFEITURE/ABANDONMENT
PORTION OF RIGHT FORFEITED/ABANDONED DUE TO DECREASE IN FLOW OR
ACREAGE. SEE CVR.

Audit: 00/00/00

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OCT 07 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:00:12
06/06/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A57-00043
COMBINED # = A57-10833

Combined right? Check it out. See remarks. YES it is

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			L. Werner		*6	LW 7-9-90	LW - NO D.B. Down	
POINT OF DIV	Y Not previously listed		R. McCarthy	Y	5			
SOURCE			7-30-90		5,6			
PLACE OF USE	Y Map Check		Also 6-10-91	Y	1,2,4,5,6			
DIV. AMOUNT CFS/VOLUME	Y				Dept. STD.			
CONSUMPTIVE USE	-				Dept. STD.			
PURPOSES	Y Drop. D				6			
PERIOD OF USE	Y				6			
BASIS OF CLAIM	Y				6			
REMARKS	Y							

"VERIFIED BY" CODES

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

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

Other Rights
A57-00053
A57- 57
2241
10467
7060
10468 10466

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OCT 07 1992

A57-10833

6-90 STATE OF IDAHO Adjudication Claim No.

DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet For

SRBA Claim Verification Field Report

A. Prior to Conducting the Exam, the File Contains:

__/__ Claim Verification Report(CVR)

__/__ Copy of Adjudication Claim

__/__ Copies of pertinent files(prev. rts., exams, etc.)

__—__ Well Inspection Form (If Needed)

__/__ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography

__/__ Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of the Govt. plat is needed to add the lot onto the R claim file later.

__/__ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)

__/__ Check AJ & WR P/D indexes(to ck. accuracy of CVR overlap ckd. above)

Overlap __X__ yes ___ no If yes: ___ copy of claims & water rights incl?

Type of Overlap? ___ Add acres or uses to existing system

__/__ Increase rate of flow or volume

___ Other: _____

__/__ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)

__/__ Check AJ & WR P/U indexes(to ck. accuracy of CVR overlap ckd. above)

Overlap __/__ yes ___ no If yes: ___ copy of claims & water rights incl?

Type of Overlap? __/__ Increase rate of flow or volume

___ Add P/D's

___ Increase number of acres within tracts

__/__ Different source for same acres

___ Other: _____

__/__ Appointment Letter Sent? _____ (initial & date)

__—__ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

__/__ Fully Completed and Signed CVR Form

__/__ Photographs of Point(s) of Diversion and Place of Use

__/__ Completed map outlining Point(s) of Diversion and Place of Use

C. Review and Processing:

Claim No. submitted for weekly exam completed prog. report? __/__ Yes ___ No

Exam completed date data entered on claim LRW 10/30/91 (initial & date)

Claim Verification Report completed LRW 10/30/91 (initial & date)

Was CVR spot-checked by Supervisor? ___ Yes __/__ No _____ (initial & date)

R claim file created LRW 10/30/91 (initial & date)

Recommendations entered on R claim file LRW 10/30/91 (initial & date)

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OCT 07 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:00:12
06/06/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A57-00043

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

OWNER CODE: O

LAST: STAHLE FIRST: ELMER
ADDRESS: HC 79, BOX 2140
CITY: OREANA STATE: ID ZIP: 83650
PHONE NUMBER: 208-834-2790

OWNER CODE: C

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

CLAIM REMARKS: THIS CLAIM IS BASED ON DECREED WATER RIGHTS 57-00043, 57-00044A, AND 57-00044B. THIS ALL HAVE THE SAME SOURCE AND SAME PRIORITY DATE.

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FIELD EXAMINATION INFORMATION

CLAIM NUMBER: A57-00043

CONTACT PERSON: Tom Bachman

PHONE NUMBER: (___) 834 2790 - Elmer Stahle

DATE OF FIELD EXAM: 7/30/90 APPOINTMENT MADE: Y(X) N(___) TIME: 8:00 A(X) P(___)

ACCOMPANIED BY: _____ PHONE NUMBER: (___) 834 2698

RELATIONSHIP TO CLAIMANT: _____

Can call Nuises service in Grandview to get message to E. Stahle - His wife works there. 834-2487

DIRECTIONS TO PROPERTY / REMARKS:

Initial contact was made w/ Elmer Stahle. Mr. Bachman accompanied us on the exam.

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CLAIM NUMBER: ~~A57-00043~~ A57-10833

A. AJ CLAIM: # A57-00043 PRIORITY DATE: 04-01-1874 STAGE: D

B. WR RECORD: # 57-00043 PRIORITY DATE: 04-01-1874 STAGE: D

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N)	N	N

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

REMARKS: This is a combination of A57-00043 & A57-00044A & B. The priority date is Apr. 1, 1874 for all. The copy of a pg. of the Decree says (as written by someone unknown) that Transfer 319 gave 103.55" w/priority of 4-1-74 & 50" w/priority of 4-1-86 but I can find nothing to substantiate it. Therefore I'm recommending the priority of 4-1-1874 for this right.

RECOMMENDED PRIORITY DATE:
04-01-1874

REVIEWED BY Linda Werner DATE 10/15/91

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Amending 12-22-15 - Judge Charles P. McCarthy

	NAME OF PARTY	SOURCE OF WATER	PRIORITY OF APPROPRIATION	AMOUNT IN INCHES		DESCRIPTION OF LAND BY SMALLEST SUBDIVISIONS TO WHICH WATER IS APPURTENANT			
						Sub.		Sec.	Tp.
1038	J. M. Neil	Hart's Creek	April 1, 1866	72		Lot 4		30	4S
				69	✓	SE¼	SW¼	"	"
				9	150	SW¼	SE¼	"	"
1039	J. M. Neil	Catherine Creek	April 1, 1868	48	✓	SW¼	SE¼	"	"
				111	159	SE¼	SE¼	"	"
1040	J. M. Neil	Catherine Creek (Below Brown's Creek)	Oct. 1, 1869	66		SE¼	SE¼	29	"
				36		SE¼	SE¼	"	"
				42		NE¼	SE¼	"	"
				72		NE¼	SW¼	28	"
				114	✓	NE¼	SW¼	"	"
				6		SE¼	NW¼	"	"
				24		SE¼	SW¼	"	"
				42	402	SW¼	SW¼	"	"
1041	J. M. Neil	Pickett Creek	Feb. 14, 1870	54		Lot 2		30	"
				24	✓	" 3		"	"
				81	159	NE¼	SW¼	"	"
1042	J. M. Neil	Hart's Creek	Feb. 14, 1870	72		Lot 3		"	"
				27	99	NE¼	SW¼	"	"
1043	J. M. Neil	Hart's Creek	April 1, 1874	15		NW¼	SE¼	25	"
				33	48	NE¼	SE¼	"	"
1044	B. H. Hyde (Cert. #319) 103.55 priority 4-1-74 and 50" priority 4-1-86	Hart's Creek	April 1, 1874	153.55		SE¼	SE¼	"	"
1046	Patrick Hardiman (and that he be given the flow of a stranger and amount of 15" in SW¼SE 21-45-1W April - 15" SW¼SE 21-45-1W)	Pickett Creek	Aug. 28, 1875	74.45		SW¼	NE¼	22	4S
				89.15	amended SW NE	SE¼	SE¼	21	"
				51.80 amended to read 36.80	36.80	SW¼	SE¼	"	"
				42.80 Total 242.60	~~257.60~~ 242.60	SE¼	NE¼	28	"
1047	Nora Linehan	Bates Creek	April 1, 1876	16.80		SW¼	NW¼	28	"
				51.40	68.20	SE¼	NE¼	29	"
1048	Alva & Frank Read	Hart's Creek	April 1, 1876	53.30		NE¼	NE¼	35	"
				78.70		NW¼	NE¼	"	"
				56.10	198.10	NE¼	NW¼	"	"

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POINT OF DIVERSION REVIEW SHEET CLAIM NUMBER: A57-00043

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A57-00043	04S	01W	25	NE	SW	SE		OWYHEE
A57-00043	04S	01W	25	SW	SW	SW		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A57-00057	NONE

WR RECORDS IN SAME 40 ACRE TRACT

57-00044A
57-00044B
57-02241

SOURCE: HART CREEK TRIB: CATHERINE CREEK

B. WR POINT OF DIVERSION AND SOURCE:

5700043 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: HART CREEK TRIB: CATHERINE CREEK

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y	Y
DUE TO SOURCE DISCREPANCY? (Y/N)	N	N

REMARKS:

How long has this diversion been used? The diversion located in section 36 has been used for approx 50 years. The one in section 25 has been used for 20 years (approx.) ~~The first diversion~~ → See system description

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POINT OF DIVERSION REVIEW SHEET CONTINUED CLAIM NUMBER: A57-00043

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
4S	1W	36	NW	NW	NW	—	Gwy
4S	1W	25	SE	NW	SE	—	Gwy

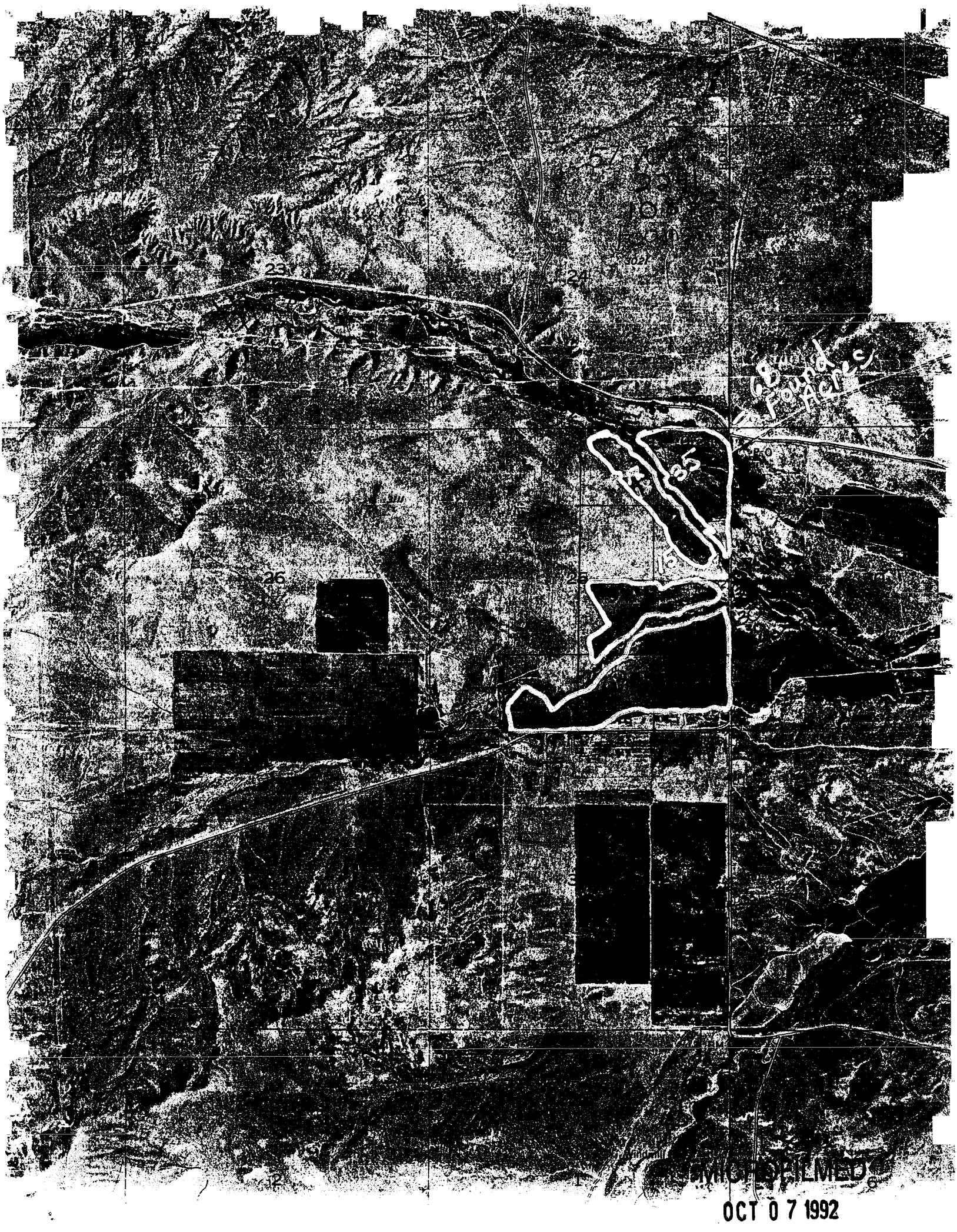
SOURCE: HART CREEK TRIB: CATHERINE CREEK

REVIEWED BY: Linda Wemmer DATE: 10/15/91

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OCT 0 7 1992



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PLACE OF USE REVIEW SHEET

CLAIM NUMBER: A57-00043

A. ROOT WATER RIGHT NUMBERS: A57-00043

B. POU LISTING

From 1974 USGS Quad

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	~~LANDSAT~~ DATA	FIELD EXAM.	RECOMM. ACRES w/evidence	w/o evidence
04S	01W	25	SE	SW		STAHLE , ELMER	A57-00043 /19.0	- /				
						STAHLE , ELMER	A57-00057 /19.0	- /				
						STAHLE , ELMER	A57-02241 /19.0	57-02241 / 5.0				
						STAHLE , ELMER	A57-07060 /19.0	57-07060 /19.0				
						GABICA , VICTOR		57-00044A /40.0		19	19	19
04S	01W	25	NE	SE		STAHLE , ELMER	A57-00043 /30.0	57-00043 /				
						STAHLE , ELMER	A57-00057 /30.0	- /				
						STAHLE , ELMER	A57-02241 /30.0	- /				
						STAHLE , ELMER	A57-07060 /30.0	57-07060 /30.0				
						STAHLE , ELMER G.	A57-10468 /	- /		24	30	24
04S	01W	25	NE	SE		STAHLE , ELMER	A57-00043 /	57-00043 /				
						STAHLE , ELMER	A57-00057 /30.0	- /				
						STAHLE , ELMER	A57-02241 /30.0	- /				
						STAHLE , ELMER	A57-07060 /30.0	57-07060 /30.0				
						STAHLE , ELMER G.	A57-10468 /	- /		32		
04S	01W	25	NW	SE		STAHLE , ELMER	A57-00043 /34.0	57-00043 /				
						STAHLE , ELMER	A57-00057 /	- /				
						STAHLE , ELMER	A57-02241 / 4.0	- /				
						STAHLE , ELMER	A57-07060 / 3.0	57-07060 / 3.0		4	26	4
04S	01W	25	NW	SE		STAHLE , ELMER	A57-00043 /	57-00043 /				
						STAHLE , ELMER	A57-00057 /	- /				
						STAHLE , ELMER	A57-02241 / 4.0	- /				
						STAHLE , ELMER	A57-07060 / 3.0	57-07060 / 3.0				
04S	01W	25	SW	SE		STAHLE , ELMER	A57-00043 /27.0	- /				
						STAHLE , ELMER	A57-00057 /27.0	57-00057 /				
						STAHLE , ELMER	A57-02241 /27.0	57-02241 /30.0				
						STAHLE , ELMER	A57-07060 /27.0	57-07060 /27.0		27	27	27
04S	01W	25	SW	SE		STAHLE , ELMER	A57-00043 /	- /				
						STAHLE , ELMER	A57-00057 /27.0	57-00057 /				
						STAHLE , ELMER	A57-02241 /27.0	57-02241 /30.0				
						STAHLE , ELMER	A57-07060 /27.0	57-07060 /27.0				
04S	01W	25	SE	SW		STAHLE , ELMER	A57-00043 /	- /				
						STAHLE , ELMER	A57-00057 /19.0	- /				
						STAHLE , ELMER	A57-02241 /19.0	57-02241 / 5.0				
						STAHLE , ELMER	A57-07060 /19.0	57-07060 /19.0				
						GABICA , VICTOR		57-00044A /40.0				
04S	01W	25	SE	SE		STAHLE , ELMER	A57-00043 /29.0	- /				
						STAHLE , ELMER	A57-00057 /29.0	- /				
						STAHLE , ELMER	A57-02241 /29.0	57-02241 /35.0				
						STAHLE , ELMER	A57-07060 /29.0	57-07060 /29.0				
						STAHLE , ELMER G.	A57-10466 /	- /		29	29	29
										103	131	103

Total: 139

117.1

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HYDE , B. H. 57-00044B /

TOTAL ACRES	A57-00043	139.00

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

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POU DISCREPANCY? (Y/N)	Y	Y

PRESUMPTION FLAG:

REMARKS:
Change in POU. How long has this been irrigated? Also an expansion & chg. in POU - Land has been irrigated for at least 60 years. No irr. from Hart creek in last 3 years due to lack of water. The 1987 Napp's shows no irr. on the field North of Hart Creek. Acres recommended on this area are based on those seen on O-P quad, claimants affidavit & some w/r master records (1980 & 1981)

RECOMMENDATIONS:

TOTAL ACRES: 131

REVIEWED BY: Linda Wesner DATE: 10/28/91

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PURPOSES REVIEW SHEET

CLAIM NUMBER: A57-00043

A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A57-00043	IRRIGATION	FROM 03-15 TO 11-15	4.030 CFS
A57-00043	STOCKWATER	FROM 01-01 TO 12-31	.070 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED		4.030 CFS

B. WR RECORDED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
57-00043	IRRIGATION	FROM TO	.960 CFS
57-00043	DOMESTIC	FROM TO	.960 CFS
57-00043	STOCKWATER	FROM TO	.960 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED		.960 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(___) N(___)

RECOMMEND TO WR STANDARDS OR OTHER? Y(X) N(___) Explain in remarks, below.

REMARKS:

This water right is a combination of 57-00043 57-00044A & 57-00044B. 0.96cfs, 2.00cfs & 1.07cfs respectively Total of all 3 quantities = 4.03cfs. The claim has been given a combined claim number of A57-10833.

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DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A57-00043

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

AJ TOTAL CLAIMED DIVERSION RATE: 4.030 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.960 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?	DATABASE	FIELD EXAMINER
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)	Y	✓

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

No measmt. obtained due to lack of flow in creek.

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

OTHER RIGHTS LISTED IN CLAIM: 57-00057, 57-02241, 57-07060

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A57-00043	HART CREEK	STAHLE , ELMER	4.030	0.028		
A57-00057	HART CREEK	STAHLE , ELMER	2.268	0.016		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A57-00043	STOCKWATER	STAHLE , ELMER	FROM 01-01 TO 12-31	.070 CFS	
A57-00057	STOCKWATER	STAHLE , ELMER	FROM 01-01 TO 12-31	.070 CFS	
A57-10468	DOMESTIC	STAHLE , ELMER G.	FROM 01-01 TO 12-31	.040 CFS	
A57-10468	STOCKWATER	STAHLE , ELMER G.	FROM 01-01 TO 12-31	.070 CFS	
A57-10466	DOMESTIC	STAHLE , ELMER G.	FROM 01-01 TO 12-31	.040 CFS	
A57-10466	STOCKWATER	STAHLE , ELMER G.	FROM 01-01 TO 12-31	.070 CFS	

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 CLAIM NUMBER: A57-00043

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES ~~139~~ as claimed x 0.02 CFS/ACRE = 2.78 CFS
(Taken from p/u review)

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

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

1b. CALCULATIONS

$\frac{4.03 \text{ cfs}}{.02 \text{ cfs}} = 201.5''$

$\frac{201.5''}{5''/Ac} = 40.3 \text{ Ac.}$

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 486.5 AF/A

ACRES 139 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 =

TOTAL CONSUMPTIVE USE 486.5 AF/A

Recommended Acres = 131
Flow = 131 Ac x .02cfs = 2.62
Conveyance loss = 0.03cfs
Total flow = 2.65

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = N/A AF/A

ACRES 139 x DIVERSION VOL. AF/A FOR AREA 3.5 =

TOTAL DIVERSION VOLUME 486.5 AF/A

C.U. = 131 Ac x 3.5 AF/A = 458.5 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(___) N(X)

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

See overlap map enclosed. There is overlap & there should be limitations on C.U. This claim overlaps w/ A57-00057, A57-2241 & A57-7060.

See back of this page for standard remarks.

App. Condition: C01: Possible condition for expansion. - Yes - Based on 5"/Ac w/a cumulative flow of 4.03cfs these claims originally irr. 40.3 acres

C03: Right includes chg. in P.O.D.
C05: " " " " P.O.U.
C09: Partial forfeiture due to decrease in flow. Claimant did not return excessive flow questionnaire

Standard remarks

D02 : 0.03 cfs (Conveyance loss)

E01- Use of this right w/right no's. 57-00057, 57-02241 & 57-7060 is limited to a total combined diversion rate of 2.65 cfs, a total combined ann. con. use volume of 458.5 AF & to the irr. of a combined total of 131 Ac in a single irr. season.

ESTIMATING CONVEYANCE LOSS

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

Table:

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

Worksheet:

S = (2 ft)(1 ft/day)(0.0667)

S = 0.13 cfs/mi

Conveyance loss = (S)(length of ditch in miles)

Conveyance loss = (0.13 cfs/mi)(_____ mi)

Conveyance loss = 0.03 cfs

W = 2'
i = 1.0
length of ditch = 1195.5' = 0.23 mi.
Measured from diversion point in section 36.

No conveyance loss was determined for the field north of Hart creek as no ditch was seen in the field exam to do a loss on.

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A57.00043 139Ac @ 4.03
A57-00053 70 Ac @ 7.27
A57.00057 139A @ 2.268
A57.2241 109 @ 0.84 Elmer Stahle As claimed

CARD NO. TOWNSHIP RANGE EAST

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

4S 1W
20 35
15
25 34 34 30 30 30
19 19 27 27 29 29
19 19 27 27 29 29

According to map this is not a section corner

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM	TO	REC. DIV RATE CFS DATABASE	REC. DIV RATE CFS EXAMINER	REC. DIV VOL. AF/A DATABASE	REC. DIV VOL. AF/A EXAMINER	REC. CONS. USE DATABASE	REC. CONS. USE EXAMINER
Irrigation	3-15	11-15		2.65		N/A		458.5
Stockwater	~~1-1~~ ~~3-15~~ * 1-1	~~12-31~~ ~~11-15~~ 12-31		0.01		N/A		
TOTAL FOR THIS RIGHT				2.65				458.5

REVIEWED BY: Linda Wenner DATE: 10/29/91

System description: System consists of dam & dirt ditch is w/ gravity flow to places of use. This applies to the diversion in section 36. This water can also flow to the diversion in section 25 where it is pumped from a holding pond w/a 60 hp pump. Normally the water diverted in section 36 goes straight to the places of use via gravity flow ditch. The exception to this would be in times of high flows.

There is a culvert which is designed to pick up runoff water from the lower field for drainage to the pond which can be reused on the field across the creek.

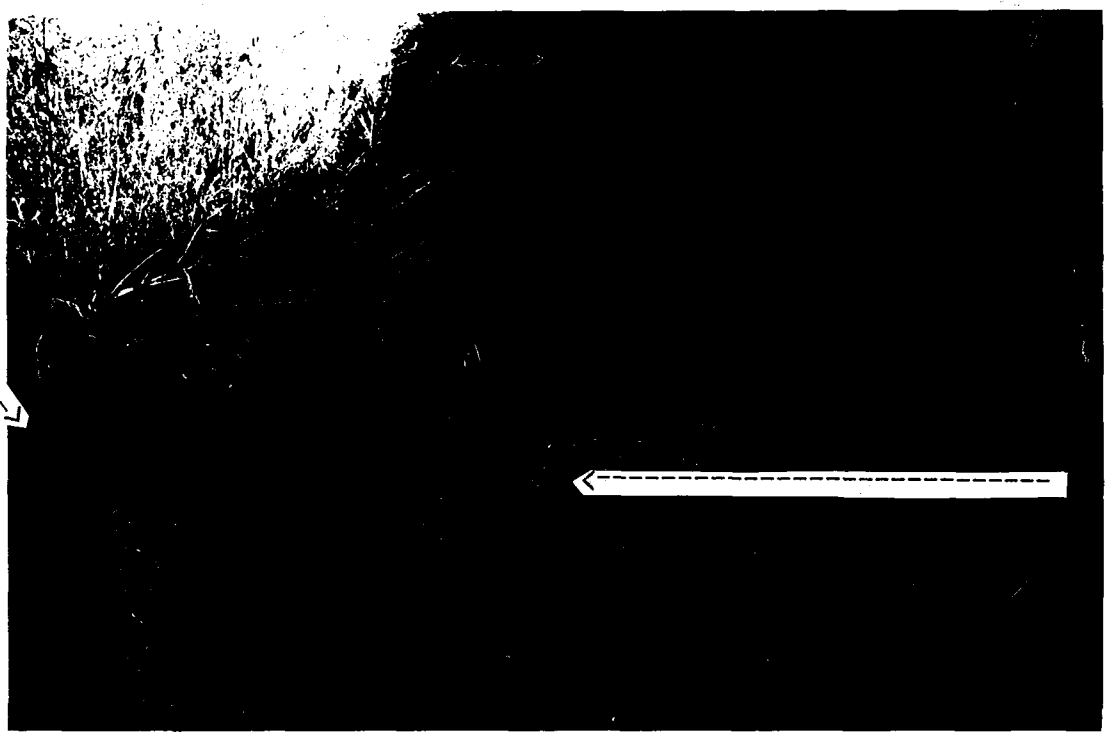
See A57-0005~~X~~[57] for pictures of the system.

* Stockwater usage, unless specified otherwise in a decree, is year round usage.
12-2-91 - L.R.W.

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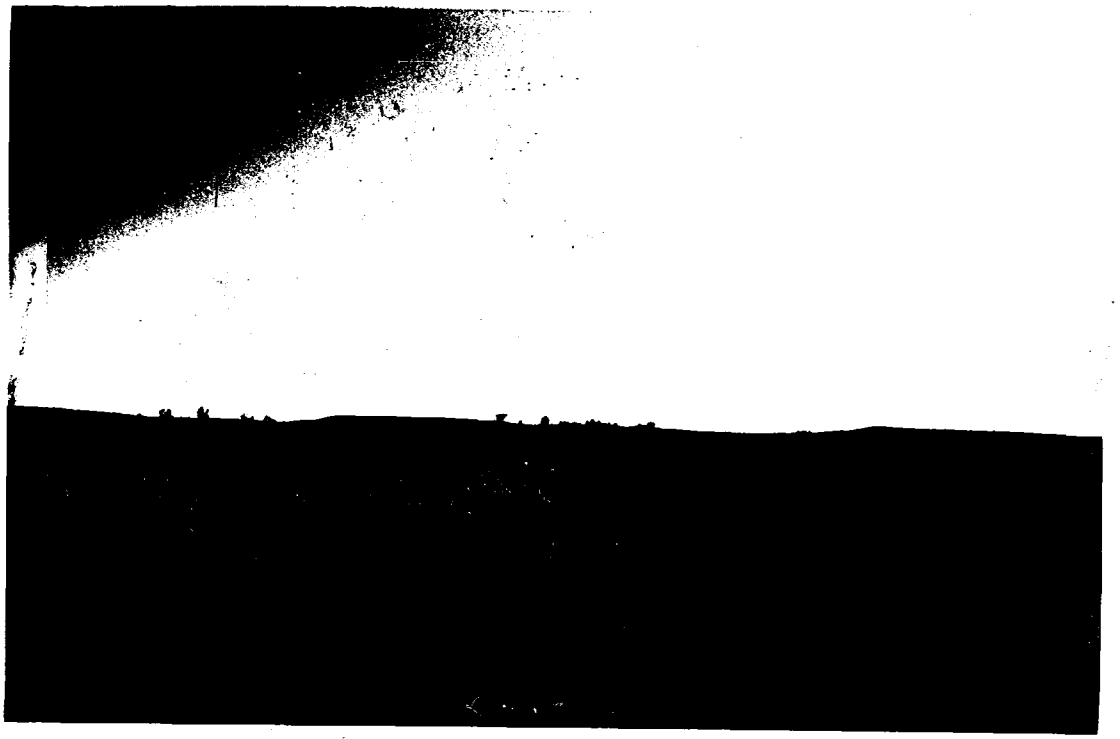
A57-00043
AKA A57-10833

Picture #1



Lower diversion located in section 36, T4S. R1W. System consists of gravity flow ditch.

Picture #2



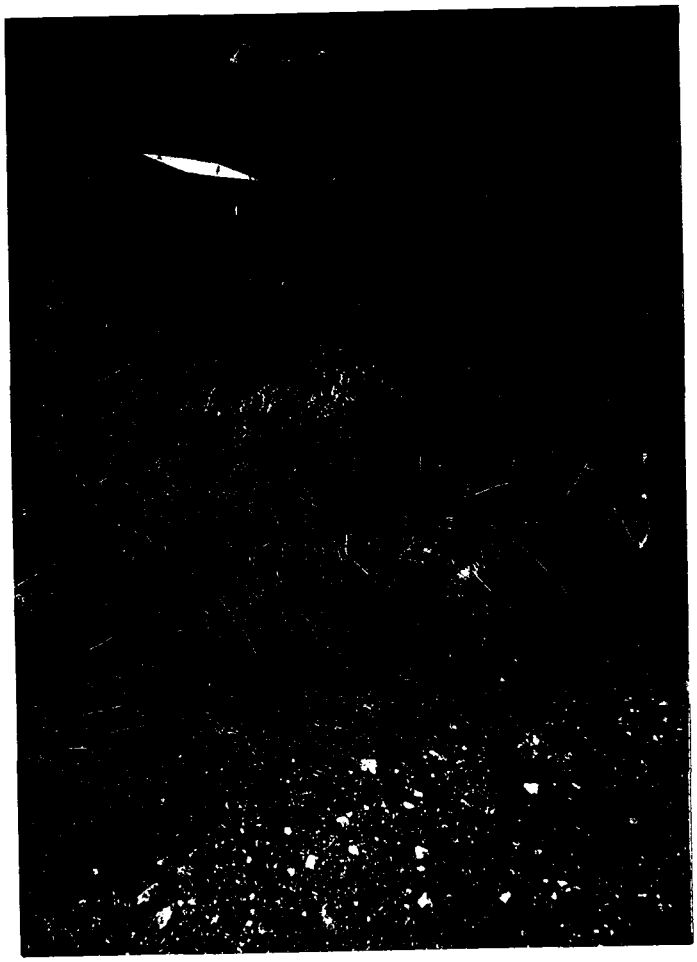
Both photos taken by L. Werner

Irrigated Property south of Hart creek. This Property is overlain with A57-02241 + A57-07060 which is why it is so Green. There is no water in Hart creek at time of exam (7-30-90).

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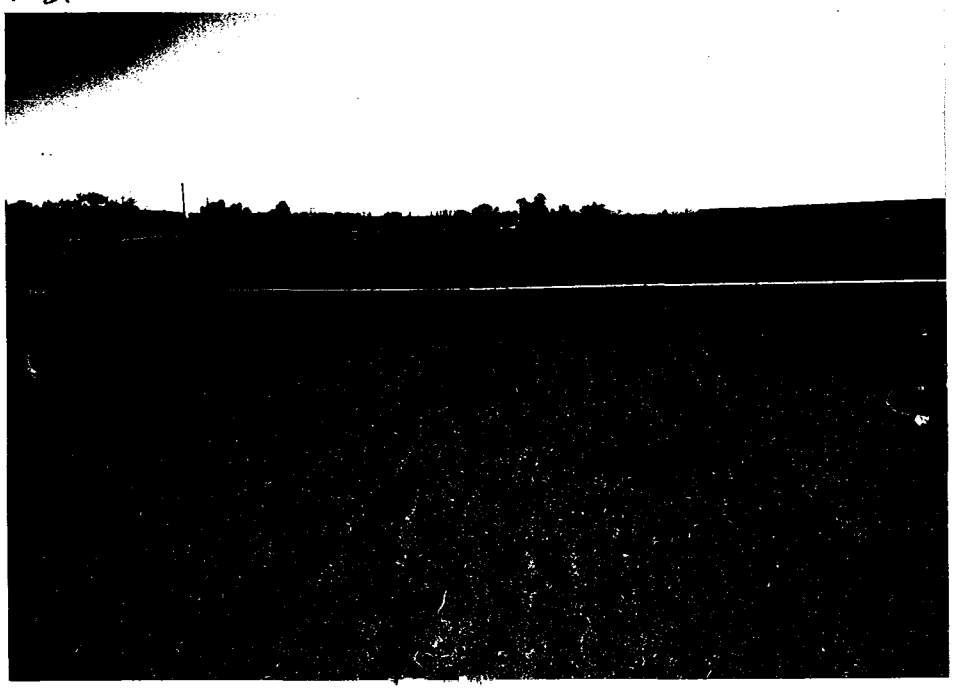
#1

A57-10833



Conveyance ditch for irrigation of the field south of Hart creek.

#2



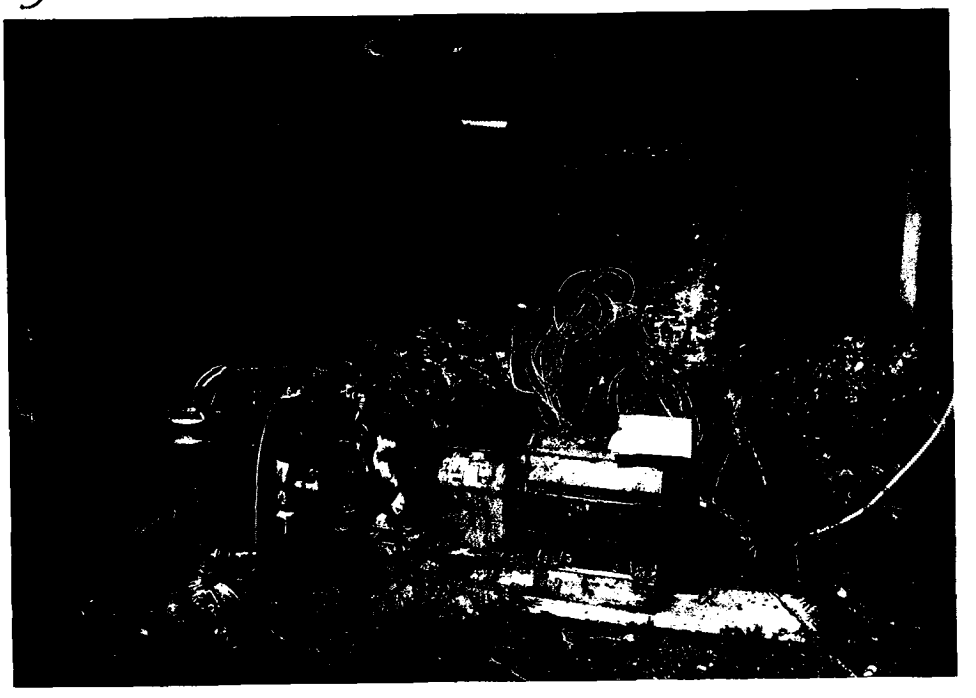
South field - Irr. from well

Pictures 1-6 taken on 6-10-91. By L. Werner

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~~A57-00057~~ A57-10833

#3



Holding Pond & Pump. Note Pipe in background. Allows excess water from field to be reused.

#4

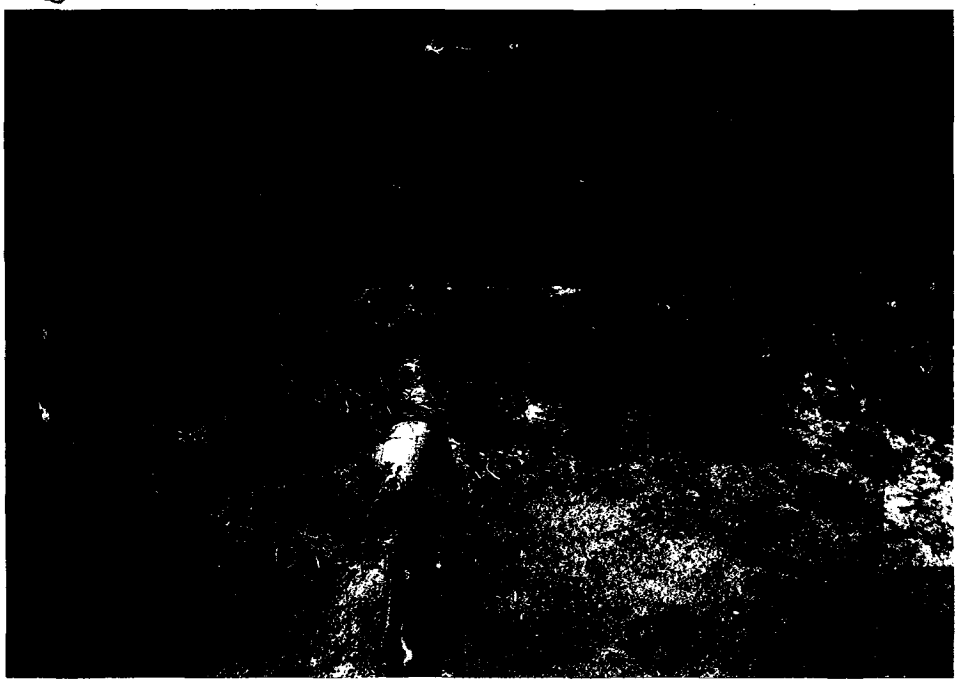


This Picture shows a Pipeline used to take water from Pond across creek.

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OCT 0 7 1992

~~A57-00057~~ A57-10833

#5



This Picture was taken from the N. side of Hart creek. There is evidence indicating water was once Piped across creek to the field.

#6



This is the field which lies north of Hart creek.

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BASIS OF CLAIM REVIEW SHEET

CLAIM NUMBER: A57-00043

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 57-00043

TOTAL DIVERSION RATE OF WR SPLITS — DATABASE 0.960 — EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A57-00043	4.030	-		57-00043	0.960
	TOTAL CFS	4.030				0.960

DIVERSION RATE REVIEW

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

REMARKS: See remarks in regard to the above on pg. 8.

AUTHENTICATION:

SIGNATURE: Linda Werner DATE: 8-1-90 & 10/29/91

NAME OF FIELD EXAMINER: Linda Werner TITLE: Sr. W.R. Agent

MICROFILMED
OCT 07 1992

RECEIVED
OCT 24 1991
Department of Water Resources
Western Regional Office

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S)) AFFIDAVIT
A-57-10833)
A-57-00057)
A-57-00053)
State of Idaho)
County of Owyhee)

Joann Boeger being first duly sworn,

deposes and says: The land in question has grown grain and pasture. I have live in Oreana for 12 years. Water was used on this land when it was available

Joann Boeger
(Signature)

Subscribed and sworn to before me this day 23 of Oct, 19 91.

SEAL

Linda R. Smith
(Notary Public)

Residing at Mt Home, Id.

My Commission Expires 4-18-94.

MICROFILMED
OCT 07 1992

Elmer Stahle
HC 79 Box 2140
Oreana, ID 83650

MAILING DATE: October 16, 1991

RESPONSE DATE: October 28, 1991

RE: NOTICE OF CLAIM NO[S]: A57-10833, A57-00053, A57-00057, A57-02241 and A57-07060

Dear Mr. Stahle:

We are currently in the process of preparing the above referenced Notice(s) of Claim for court decree in the Snake River Basin Adjudication. During this review certain questions arose concerning the claims listed above. These claims require the following information.

Our initial investigation of these claims indicate that the following portion of the water right claimed was not used: the land which lies south of Pickett creek and the land lying north of Hart creek.

Under Idaho law, a portion of a water right may be forfeited by five years continuous nonuse of the right. The use of water may be resumed under certain conditions. However, resumption of use after forfeiture may sometimes result in a change in the priority of the water right to the date of resumption.

Before we can recommend the portion of of the claims listed above, you must submit one of two types of evidence. First, you may submit evidence showing use of the water. (This evidence should show use frequent enough to leave no five year period of nonuse.) Second, you may provide us with the date you resumed using the water and submit some evidence tending to support that date.

Your response must be received in our office by the response date shown above. If no response is received, then the portion listed above will not be recommended to be decreed.

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OCT 0 7 1992

CLAIM NO'S: A57-10833, A57-00053 and A57-00057

These rights were claimed with a duty of water of more than one inch to the acre. Idaho law states that the normal duty of water in Idaho be limited to one inch of water per acre, unless it can be shown that more water is necessary. In order to determine if more water is necessary, the enclosed Irrigation Flow Rate Questionnaire must be completed. If we do not receive this form by the response date indicated above, we will assume you agree with the inch per acre rule and these rights will be recommended per this standard.

Thank-you for your cooperation. If you should have any questions, or feel that you need help in any way, please contact me at 208-334-2190.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Bureau

Enclosures: Irrigation flow rate questionnaire
Map showing place of use in question
IDWR Info. Sheet

10-16-91 Pg. 2

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OCT 0 7 1992

CONVERSATION MEMORANDUM

DATE 8-22-91

FILE

NAME OF PARTY Elmer Stahl

EMPLOYEE Linda Werner

RE: He called today in re. to my letter of 8-7-91 requesting info. on his irr. system. He said he has a pipe in Pickett cr. There hasn't been enough water in this creek for the last 3 yrs. to irr. When there is water, the watermaster shuts his off so Shirley Cox's rights can be fulfilled. He's concerned about this because Cox's right is on Castle cr. & wants to know why he gets shut off to satisfy Castle cr. rights. Pickett is trib. to Catherine trib. to Castle cr.

The reason the fuld S. of Pickett looks so poor is because his neighbor put 60 hd. of cattle on it & they ate it up. (Spring, 1991)

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The water from Hart cr. has not been put on the N. Hart fuld for 9 yrs. because of lack of water. There was grain in this fuld. Also. he had leased the property for 4 yr. & lease did not irr.

As far as the system description - It is a described in my fuld exam report

August 7, 1991

Elmer Stahle
HC 79, Box 2140
Oreana, ID 83650

Dear Mr. Stahle:

I am writing in regard to your Notices of Claim to a Water Right, numbers A57-00053, A57-00057 and A57-10833. These are the claims based on decreed rights from Pickett and Hart Creek.

Please send me a description of the diversion works and conveyance system used to irrigate your fields from the above mentioned creeks. Also, when was the last time these fields were irrigated? Have all fields been irrigated or only parcels? I am particularly concerned with the field south of Pickett creek and the field north of Hart creek.

Please address your response to my attention and return to me by August 21, 1991. Feel free to contact me if you have any questions.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

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OCT 0 7 1992

Response due by 7-19-90

July 12, 1990

Elmer Stahle
HC 79, Box 2140
Oreana, ID 83650

RE: Adjudication claim numbers: A57-00043, A57-00053, A57-00057, A57-02241

Dear Mr. Stahle:

The Department of Water Resources will be conducting beneficial use and water right claim verification examinations in your area during the week of July 23. An examination is needed to verify your water use in order to issue a water right license and/or decree.

Information on your permit or claim which may need to be verified includes source of water, type of usage, amount of water used and legal description of the point of diversion and/or place of use. In some cases we may need documentation verifying the date of priority as claimed in the Snake River Basin Adjudication.

In order to expedite these field examinations, we request that you call our office at (208) 334-2190 and establish an appointment during the above week. Although it is not mandatory that you accompany the field examiner, it would be helpful for you or someone who knows the details of your water right to go with the examiner should questions arise during the exam. It may also be necessary for the system to be operated normally at the time of the exam.

Please advise me within seven days of the date of this letter as to the best time for us to perform this field exam.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

T 4S, R 1W, Sec. 25

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OCT 07 1992

Boise, Idaho, for Approval.)

DEC 29 1981

Department of Water Resources
Western Regional Office

WATERMASTER'S REPORT

From April 29, 1981 To June 4, 1981

Water District No. 57B

Name of Watermaster Shirley C. Kroeger

P. O. Address Murphy, Idaho 83650

AFFIDAVIT OF WATERMASTER

STATE OF IDAHO,
COUNTY OF Owyhee } ss.

Shirley C. Kroeger, being first duly sworn, deposes and says that he is (Deputy) Watermaster on Last Chance Creek in District 57B, having been lawfully appointed by the Director, Department of Water Resources A. Kenneth Dunn and that the volumes of water, as stated in this report, prorated by him to the several users, are correct; that the sum of $_____ is justly due as stated.

Shirley C. Kroeger
(Deputy) Watermaster District No. _____

Subscribed and sworn to before me, this 24 day of December, 19 81

Susan Sayo.
Notary Public.
Clerk of the District Court.

(SEAL) My Commission expires 1/10/83

Boise, Idaho, January 5, 19 82

I HEREBY CERTIFY, That Shirley C. Kroeger was lawfully appointed by me (Deputy) Watermaster of District No. 57-B, and that his bill for services rendered prorated to the several users, as herein sworn to, is, to the best of my knowledge and belief, correct.

A. Kenneth Dunn
Director, Department of Water Resources

Pg 1 of 3

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OCT 0 7 1992

OWNER OR DITCH	WATER RIGHT IDENT. NO.	DESCRIPTION OF LAND			
		Subdivision	Sec.	Twp.	R.
Carry Boegen	57-0038				
	57-0039				
	5-700 41				
	5-700 42				
	5-700 56				
	5-700 58				
	5-700 60				
Elmer Stahle	5700 43				
	5-70043				
	5-700 53				
	5-70057				
Edith adcock	5-70040				
Oliver Cox	5-70046				Stone Ha
	5-70047				
	5-70049				Cox
	5-70050				
	5-70051				
	5-70054				
	5-70053				
	5-70059				
	5-70065				
	5-70068				
	5-70069				
	5-70070				
	5-70072				
	5-70074				
	5-70075				
	5-70077				
	5-70079				
	5-70081				
	5-70082				
R.T. Nahmus	5-70063				
	5-700 66				
	5-70076				
Larry Buchman					
George Jess					
William Cox					
Mike Guisti					
Chester Moore					

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OCT 07 1992

74.97	328	19	338	94	10	25
9.15	9	41	392	70	383	29
102.50						
121.94						
224.44	982	51	1,032	78	50	27
6.32	27	67	150	15	122	48
	1347	78				
307.88						
			37	17	37	17
			92	61	92	61
			55	65	55	65
307.88	1347	78	2100	00		

Total No. Days of Watermaster	36	
36 days at $ 20 per day	$ 720	00
Social S / Total No. Days of Asst. Watermaster	47 / ~~93~~	88 / ~~12~~
.30/mile mileage days at $ per day	579 / ~~$393~~	90 / ~~02~~
Other expenses charged pro rata	$	
TOTAL COST	1347 / ~~1893~~	78 / ~~02~~
Total No. 24-Hour Sec. Feet. Delivered		
Cost per 24-Hour Sec. Feet. Delivered	$	

Wages = 720.00

SS at 6.65% = 47.88

Mileage 1933 at .30 = 579.90

1347.78

Because of lack of experience and knowledge will go with the 1981 budget

Shirley C. [illegible]

Pg. 3 of 3

MICROFILMED
OCT 07 1992

WATERMASTER'S REPORT

From APRIL 8, 1980 To JULY 18, 1980

Water District No. 57B

Name of Watermaster W.K. NEAVILL

P. O. Address STAR RT. BOX 40 MELBA, IDAHO 83641

AFFIDAVIT OF WATERMASTER

STATE OF IDAHO,
COUNTY OF OWYHEE } ss.

W.K. NEAVILL, being first duly sworn, deposes and says that he is (Deputy) Watermaster on CATHERINE AND TRIBUTARIES Creek in District 57-B, having been lawfully appointed by the Director, Department of Water Resources C. Stephen Allred and that the volumes of water, as stated in this report, prorated by him to the several users, are correct; that the sum of $ -0- is justly due as stated.

W K Neavill

(Deputy) Watermaster District No. 57B

Subscribed and sworn to before me, this 18 day of December, 1980

Nancy M. Nathway
Notary Public

(SEAL) My Commission expires Life

Boise, Idaho, December 23, 1980

I HEREBY CERTIFY, That W. K. Neavill was lawfully appointed by me (Deputy) Watermaster of District No. 57-B, and that his bill for services rendered prorated to the several users, as herein sworn to, is, to the best of my knowledge and belief, correct.

C. STEPHEN ALLRED
Director, Department of Water Resources

By DAVID B. SHAW

MICROFILMED
OCT 0 7 1992

OWNER OR DITCH	WATER RIGHT IDENT. NO.	DESCRIPTION OF LAND			
		Subdivision	Sec.	Twp.	Rge.
GARY BOEGER	57-0038				
	57-0039				
	57-0041				
	57-0042				
	57-0056				
	57-0058				
	57-0060				
ELMER STAHLE	57-0043				
	57-0044				
	57-0053				
	57-0057				
EDITH ADCOCK OLIVER COX	57-0040				
	57-0046				
	57-0047				
	57-0049				
	57-0050				
	57-0051				
	57-0054				
	57-0055				
	57-0059				
	57-0065				
	57-0068				
	57-0069				
	57-0070				
	57-0072				
	57-0074				
	57-0075				
	57-0077				
	57-0079				
	57-0081				
	57-0082				
LARRY BACHMAN	57-0041				
	57-0071				
R.T. NAHAS	57-0063				
	57-0066				
	57-0076				
GEORGE JESS	57-0073				
William Cox	57-0078				
	57-0080				
MIKE Giusti	57-0048				
	57-0052				
	57-0061				
CHESTER MOORE	57-0067				

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	...ur ...Feet	Total Cost $	cts.	Adopted Budget $	cts.	Credits $	cts.	Debits $	cts.
	204.56	248	25	360	00	111	75		
870	237.00	287	60	175	00			112	60
918	623.28	756	36	* 756	43		07		
177	22.40	27	18	48	00	20	82		
715	90.60	109	94	19	00			90	94
441	56.00	67	96	19	00			48	96
165	33.60	40	77	50	00	9	23		
	—	—		78	00	78	00		
	—	—		12	00	12	00		

Cost Per 24-Hr. Sec. Ft. $	1.213517	
Total No. Days of Watermaster.		
49 days at $ 15.00 per day	$ 735	00
Total No. Days of Asst. Watermaster	—	
days at $ per day	$ —	
Other expenses charged pro rata	$ 803	06
TOTAL COST	$ 1538	06
Total No. 24-Hour Sec. Feet. Delivered	1267	44
Cost per 24-Hour Sec. Feet. Delivered	$ 1.213	517

OTHER EXPENSE:

SOCIAL SECURITY	45.06
TRAVEL (49 DAYS @ $15.00)	735.00
TOLL CALLS	22.00
XEROXING	1.00
	803.06

* $612.00 - BUDGET
144.43 - SUPPLEMENT
$756.43 - TOTAL

Pg. 3 of 3

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OCT 07 1992

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Hyde Ditch			
	Gibson Ditch			

TRANSFER

OCT 07 1992

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 219

This is to certify that Victor Gabica of Oreana, County of Owyhee, State of Idaho, has a right to the use of the waters of Harts Creek for irrigation and domestic purposes, and that said right has been confirmed by decree of the court of the Third Judicial District of the State of Idaho, in and for the County of Owyhee, in the case of J. M. Neal et al, plaintiffs, vs. E. H. Hyde, et al, defendants; Charles McCarthy, District Judge, wherein 155.55 inches of the waters of Harts Creek, in Water District #14-B, were decreed to E. H. Hyde for the irrigation of the Southeast quarter of the Southeast quarter (SE¼SE¼), Section 25, Township 4 South, Range 1 West, Boise Meridian, with date of priority of April 1, 1874; that said decree has been entered at Boise, Idaho, in the records of the Department of Reclamation of the State of Idaho, in Book 3 of Decrees, page 340; that, upon the application of Victor Gabica for transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 100 miners inches, or 2.0 cubic feet per second, of the waters of Harts Creek, upon the lands above described, is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is shown in the following table, limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

2.0 second feet, dated April 1, 1874:

		NE¼			SE¼			SE¼			
Twp.	Rge.	Sec.	NE¼NW¼SW¼SE¼	NE¼NW¼SW¼SE¼	NE¼NW¼SW¼SE¼	NE¼NW¼SW¼SE¼	NE¼NW¼SW¼SE¼	NE¼NW¼SW¼SE¼	NE¼NW¼SW¼SE¼	NE¼NW¼SW¼SE¼	Total
4	S	1	W	25				40			40

The right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands above described, as provided by the laws of the State of Idaho.

No right to the use of waters on the lands herein described exists at the date of this certificate except as herein stated.

WITNESS The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 28th day of April, 1922.

Commissioner of Reclamation.

MICROFILMED

DEPARTMENT OF RECLAMATION

In re: Application for Transfer, Case: No. 101, Water District No. 14 B, by Victor Cabica, Applicant.

ORDER GRANTING TRANSFER

Under date of March 21, 1922, there was received in the Department of Reclamation the application of Victor Cabica for the transfer of one hundred (100) miners inches of the waters of Harts Creek as evidenced by the provisions of that certain decree of Judge Charles McCarthy of the Third Judicial District of Idaho in and for the County of Owyhee in the case of J. M. Neal, et al, plaintiffs vs. B. H. Hyde, et al, defendants, said decree bearing date of October 7, 1915. Upon a consideration of the said application and pursuant to the provisions of the statutes, notice of a public hearing in connection with the said petition was given and duly published in the Owyhee Avalanche for four consecutive weekly issues, beginning March 24, 1922 and ending April 14, 1922, as evidenced by the notice of publication on file, the said notice fixing April 22, 1922 at Oreana, Idaho, as the time and place of said hearing, and pursuant to the said notice, a hearing was held at the time and place designated, where all evidence offered was taken and the said hearing concluded.

The said application, together with the data accompanying the same, all facts and information produced at the said hearing, together with all information on file and available to the Commissioner of Reclamation, having been duly and fully considered and a field examination covering all of the conditions on the ground affecting or that may affect the said application for transfer having been made by George N. Carter, acting for and on behalf of the Commissioner of Reclamation, the said Carter having rendered a report which is on file in the Department of Reclamation and the same having been duly and fully considered,

The following state of facts are found to exist:

First, the application for transfer seeks to transfer water which has been decreed to and used upon the SE¼SE¼ Sec. 25, T. 4 S. R. 1 W. B. M. to the following described land, SE¼SW¼ Sec. 25, T. 4 S. R. 1 W. B. M., which transfer contemplates a change in the place or point of diversion from the said Harts Creek the new point to be situated approximately one-half mile up stream from the point now in use and described in the decree;

Second, no injury to other appropriators can result from the granting of this transfer by reason of a loss of water through seepage or percolation in the said creek bed, since the said transfer contemplates a diversion higher up on the stream;

Third, the allegations and contentions of the protestants are found to be unwarranted and not tenable.

Now, therefore, it is hereby ordered that the said application for transfer be granted and that a certificate evidencing such transfer be prepared in proper and appropriate form, executed and delivered to the applicant.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 27th day of April, 1922.

Commissioner of Reclamation.

MICROFILMED

OCT 07 1992

OCT 07 1992

Application for Change of Water Right

STATE OF IDAHO

County of ...

...

That he is the owner and claimant of the right bearing date of priority of ... for ... cubic feet per second of the water of ... Basin Creek ... County of ... Bingham ... State of Idaho, decreed to ... D. H. Hyde ... by decree of Judge ... Edgar Morgan ... of the ... Fifth ... Judicial District of the State of Idaho, in and for the County of ... Bingham ... in the case of ... J. M. Neal et al. ... vs. ... D. H. Hyde et al. ... said decree bearing date of ... January 21, 1918 ... (or obtained by virtue of License No. ... issued by the State Engineer of the State of Idaho) dated ... 19... bearing date of priority of ... 19...) for the purpose of irrigating the following described lands situate, lying and being in Water District No. 11 C ... in the County of ... Bingham ... and State of Idaho, to-wit: Southeast Quarter of the Southeast Quarter (SE¼ SE¼) of Section Twenty-five (25), Township Four (4) South, Range One (1) West, B.M.

... and is the person (or representative of the corporation) to whom such right as issued, or has become the owner thereof in the following manner, ... by Warranty Deed from ... dated ...

as per abstract of title of said water right hereto attached and made a part of this statement.

That said waters are now diverted from said stream in the ... SW¼ SE¼ ... of Section ... 25 ... Township ... 4 South ... Range ... 1 West ... B. M. and conducted to the above described lands through ... pipe ...

as per map herewith and of this affidavit made a part. (pipe measures 8 inches)

That affiant and petitioner desires to abandon the use of ... 2.0 ... cubic feet per second of said water upon the above described land, and to convey and use same upon the following described lands situate, lying and being in the County of ... Bingham ... and State of Idaho, to-wit: ... the Southeast Quarter of the Southwest Quarter (SE¼ SW¼) of Section Twenty-five (25), Township Four (4) South, Range One (1) West, B.M.

That his reasons for desiring to make said change (is) (are) as follows: ... to supply water for the use of his stock on the above described land, which is below him in point of elevation and to irrigate a portion of the land now irrigated by him from the SE¼ SW¼ and the change will not affect any of the other rights on said creek.



set forth upon the map thereto attached, and prays [illegible] injured by such transfer.

WHEREFORE, [illegible] Commissioner of Reclamation of the State of Idaho, as to him the law directs, [illegible] in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

[illegible] Applicant.

Subscribed and sworn to before me this [illegible] day of [illegible] 19[illegible]

[illegible] Notary Public residing at [illegible]

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? [illegible]

Where is the diversion point located? [illegible] North 25, Twp. [illegible] North, [illegible]

Through what ditch is it now conducted? [illegible]

How much land is now irrigated by the water sought to be transferred? [illegible]

Give description: [illegible]

What is the total amount of water in inches or second feet dedicated to said land? 163.56 inches

What kind of crops are being raised? [illegible] and garden

How much water per acre is now required to irrigate said land? 3.55 miner's inches

What will be the effect on the land now irrigated, if the use of water on it is discontinued? None [illegible] water to the said lands. A portion will be used for other purposes.

Give location of new point of diversion, if change is to be made: [illegible]

Through what ditch will it be conducted after transfer? [illegible]

How much water will be required per acre to irrigate the land to which this water is transferred? [illegible]

Do you claim any other water right for the land from which you seek to abandon the use of this water? [illegible]

If so, give amount, date and source: 63.56 inches 1st right

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source: None

[illegible] Applicant

STATE OF IDAHO,

County of

I, [redacted], being duly sworn, depose and say: That I am [redacted] in Water District No. [redacted]

County of [redacted] and have read or heard read the foregoing affidavit and petition of [redacted] and am familiar with its allegations and with the ditch and lands therein mentioned and described; that I am not in any way interested in either and in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Subscribed and sworn to before me this [redacted] day of May, A. D. 19 21.

[redacted]

Notary Public, Residing at Boise, Idaho.

STATE OF IDAHO,

County of [redacted]

I, [redacted], Watermaster of [redacted] Water District No. [redacted], [redacted] County, [redacted], State of Idaho, whose postoffice address is [redacted], Idaho, have read or heard read the foregoing affidavit and petition of [redacted] and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons: [redacted]

[redacted]

Watermaster, Dist. No. [redacted]

Dated at [redacted], Idaho, this [redacted] day of May, 19 21.

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: A57-10833
Date Received: 08/06/1990
Receipt No: 0004979
Received By: _____

COPY

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: ELMER STAHLE 208-834-2790
   Address: HC 79 BOX 2140
   OREANA, ID 83650

2. Date of Priority: APR 01, 1874

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	01W	25	SW	SW	SW		OWYHEE
			NE	SW	SE		OWYHEE

5. Description of diverting works:
   EARTH DAM, HEADGATE, GRAVITY FLOW DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.030		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is 486.5 Acre Feet Per Annum.

9. Non-irrigation uses:
   STOCKWATER, 300 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	01W	25	SE	SW		IRR	19.0
			NE	SE		IRR	30.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
04S	01W	25	NW	SE		IRR	34.0
			SW	SE		IRR	27.0
			SE	SE		IRR	29.0
					Section Acres		139.0
					Total Acres		139.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
57-00057, 57-02241, 57-07060

14. Remarks:
THIS CLAIM IS BASED ON DECREED WATER RIGHTS 57-00043, 57-00044A AND 57-00044B. THEY ALL HAVE THE SAME SOURCE AND THE SAME PRIORITY DATE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

J.M. NEIL (Decree Plaintiff) vs MICHAEL HYDE ET. AL. (Decree Defendant)

16. Signature(s)

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

Number of attachments: _____

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For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____ _____
Notary Public

Seal

Residing at _____

My Commission Expires _____

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A57-00043**
Date Received: 1/09/1989
Receipt No: C004979
Received By: CF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELMER STAHLE 208-834-2790
   Address: HC 79, BOX 2140
   OREANA, ID 83650

2. Date of Priority: APR 01, 1874

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	01W	25	SW	SW	SW		OWYHEE
			NE	SW	SE		OWYHEE

5. Description of diverting works:
   EARTH DAM, HEADGATE, GRAVITY FLOW DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.030		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is 486.5 Acre Feet Per Annum.

9. Non-irrigation uses:
   STOCKWATER, 300 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	01W	25	SE	SW		IRR	19.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
04S	01W	25	SE	SW		STOCK	
			NE	SE		IRR	30.0
			NE	SE		STOCK	
			NW	SE		IRR	34.0
			NW	SE		STOCK	
			SW	SE		IRR	27.0
			SW	SE		STOCK	
			SE	SE		IRR	29.0
						Section Acres	139.0
						Total Acres	139.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
57-00057, 57-02241, 57-07060

14. Remarks:
THIS CLAIM IS BASED ON DECREED WATER RIGHTS 57-00043, 57-00044A, AND 57-00044B. THIS ALL HAVE THE SAME SOURCE AND SAME PRIORITY DATE.

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

J. M. NEIL
Decree Plaintiff

vs

MICHAEL HYDE ET. AL.
Decree Defendant

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OCT 0 7 1992

16. Signature(s)

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

Number of attachments: -1-

For Individuals:

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

Signature of Claimant(s): James L. Stahle Date: 1-9-89

_____ Date: _____

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 9th day of January 19 89

Carter Fritschle
Notary Public

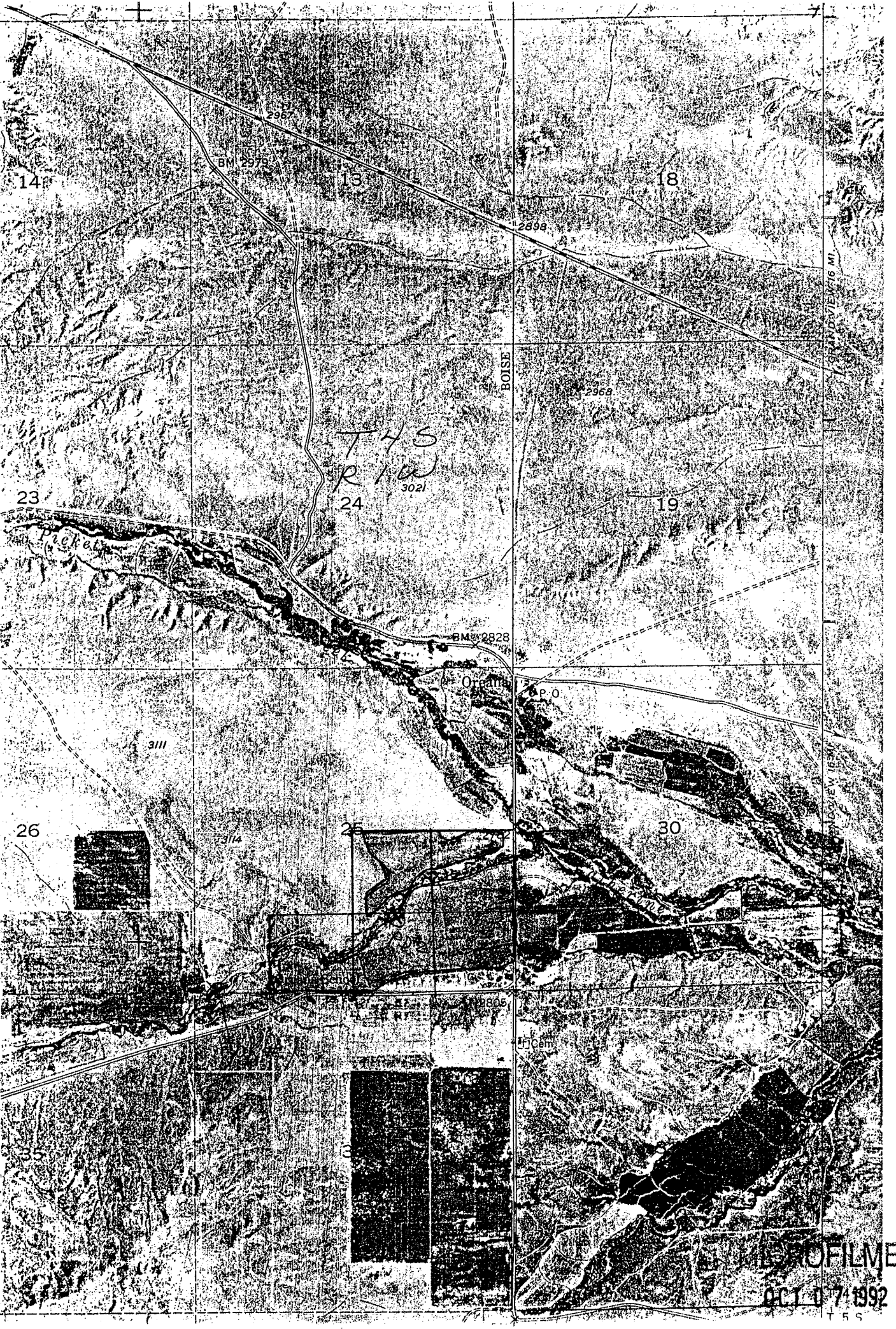
Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

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OCT 07 1992



A57-00043

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OCT 07 1992

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 57-00043 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

Last Name | First Name | Address

Priority Date	Region	Stage	Status
04/01/1874	14	D - DECREED	

Source	Tributary
HART CREEK	CATHERINE CREEK

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION			0.960	
43	DOMESTIC				
04	STOCKWATER				

Total Div. Rate	Total Div. Volume	Total Div. Capacity
0.960		

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
			NWSE					
			NESE					

Decreed POU:

Total Acres:

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use -

Remarks

NO. 2 HARTS CK.

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
M. NEIL	MICHAEL HYDE ET. AL.	10/07/1915

Audit Fields -

Water Rights Dates and Flags Area

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

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Water right number - 57-00043 Adj. flag translation: Standard Water Right Number

Water Rights Dates and Flags Area

Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 57B
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 10/07/1915				

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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

Water Right Number - 57-00044A Adj. Flag Translation: Standard Water Right Number Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
GABICA	VICTOR	1 - 2 - 3 - City- State- Zip- Phone -
*** O - ORIGINAL OWNER ***		
HYDE	B. H.	1 - 2 - 3 - City- State- Zip- Phone -

Priority Date	Region	Stage	Status
04/01/1874	14	D - DECREED	

Source	Tributary
HART CREEK	CATHERINE CREEK

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index (Blank if no Index Code)
04S	01W	25	SW SE			(73) OWYHEE	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION			2.000	
43	DOMESTIC				
04	STOCKWATER				

Total Div. Rate	Total Div. Volume	Total Div. Capacity	Total Consumptive Use	KW Usage
2.000				

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
04S	01W	25	SE SW		40.0	01	IRRIGATION	(73) OWYHEE

Total Acres: 40.0

2.00
1.07
3.07

- Diversion Means -
- Non-Irrigation Use -
- Other Rights for Same Use -

Remarks

NO. 2 HARTS CK.

Diversion No.

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Water right number - 57-00044A Adj. flag translation: Standard Water Right Number

+ - Old Water Right Numbers - +

+ - Old Water Right Numbers - +
No Old Water Right Numbers found.

+ - Conditions of Approval - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +	+ - Decree Date - +
J. M. NEIL	MICHAEL HYDE ET. AL.	10/07/1915

+ - - Audit Fields - 04/16/85 05/01/88 CONVERT

+ - Water Rights Dates and Flags Area - +

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	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 57B
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- P
Decree Date	- 10/07/1915	Presumption Flag	-		
				Microfilm Roll Number	-

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OCT 0 7 1992

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

Water Right Number - 57-00044B Adj. Flag Translation: Standard Water Right Number Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER *** HYDE	B. H.	1 - 2 - 3 - City- State- Zip- Phone -

Priority Date	Region	Stage	Status
04/01/1874	14	D - DECREED	

Source	Tributary
HART CREEK	CATHERINE CREEK

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index (Blank if no Index Code)
04S	01W	25	SW SE		(73)	OWYHEE	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION			1.070	
04	STOCKWATER				
43	DOMESTIC				

Total Div. Rate	Total Div. Volume	Total Div. Capacity	Total Consumptive Use	KW Usage
1.070				

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
04S	01W	25	SE SE			01	IRRIGATION	(73) OWYHEE

Total Acres:

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use -

Remarks

NO. 2 HARTS CK.

Old Water Right Numbers

No Old Water Right Numbers found.

Conditions of Approval

No Conditions of Approval found.

MICROFILMED
OCT 0 7 1992

Water right number - 57-00044B Adj. flag translation: Standard Water Right Number

Decree Plaintiff	Decree Defendant	Decree Date
NEIL	HYDE	10/07/1915

Audit Fields - 01/14/87 05/01/88 CONVERT

Water Rights Dates and Flags Area

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	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 57B
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- P
Decree Date	- 10/07/1915	Presumption Flag	-		
				Microfilm Roll Number	-

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