

IDWR T05S, R09E

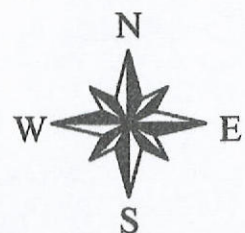
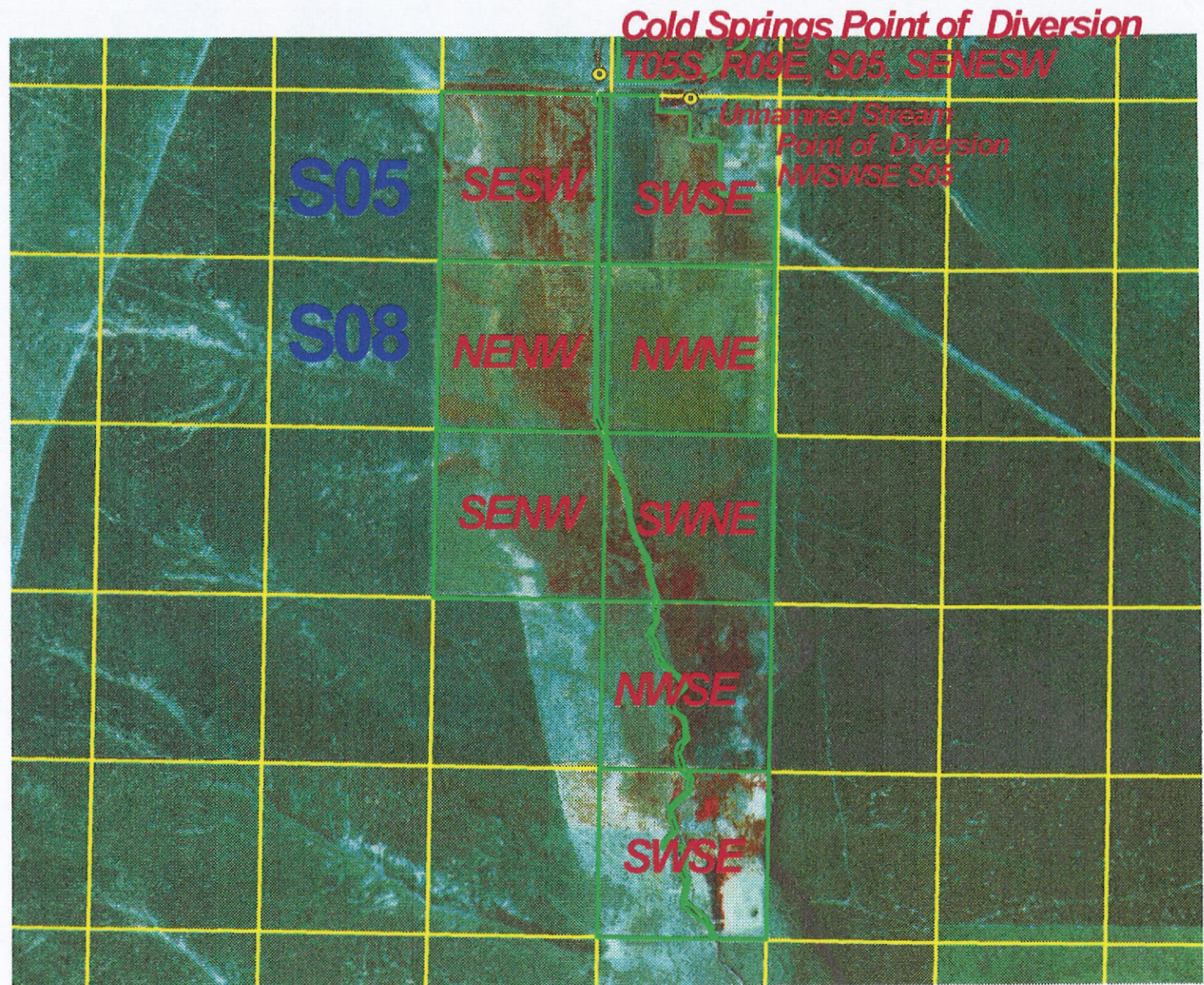
Claim(s) : 61-00318,
-319, -320, -321 &
61-11899 *§ 10660*
Owner(s) : Half Moon
Ranch
Date: 9 Nov 98
Prepared by:
Ron Howerton

 POU

 POD

 SECTION LINES

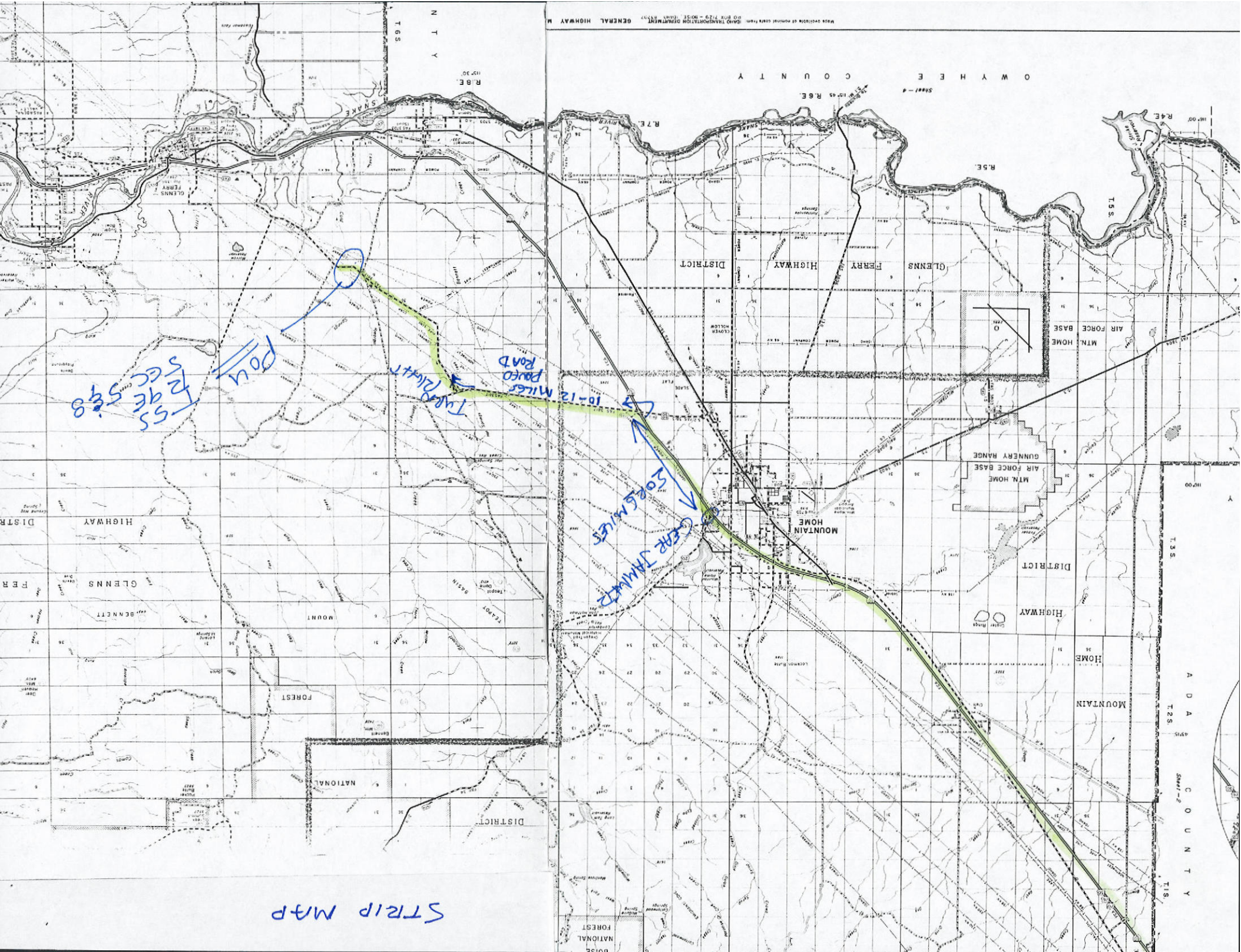
 1/4 1/4

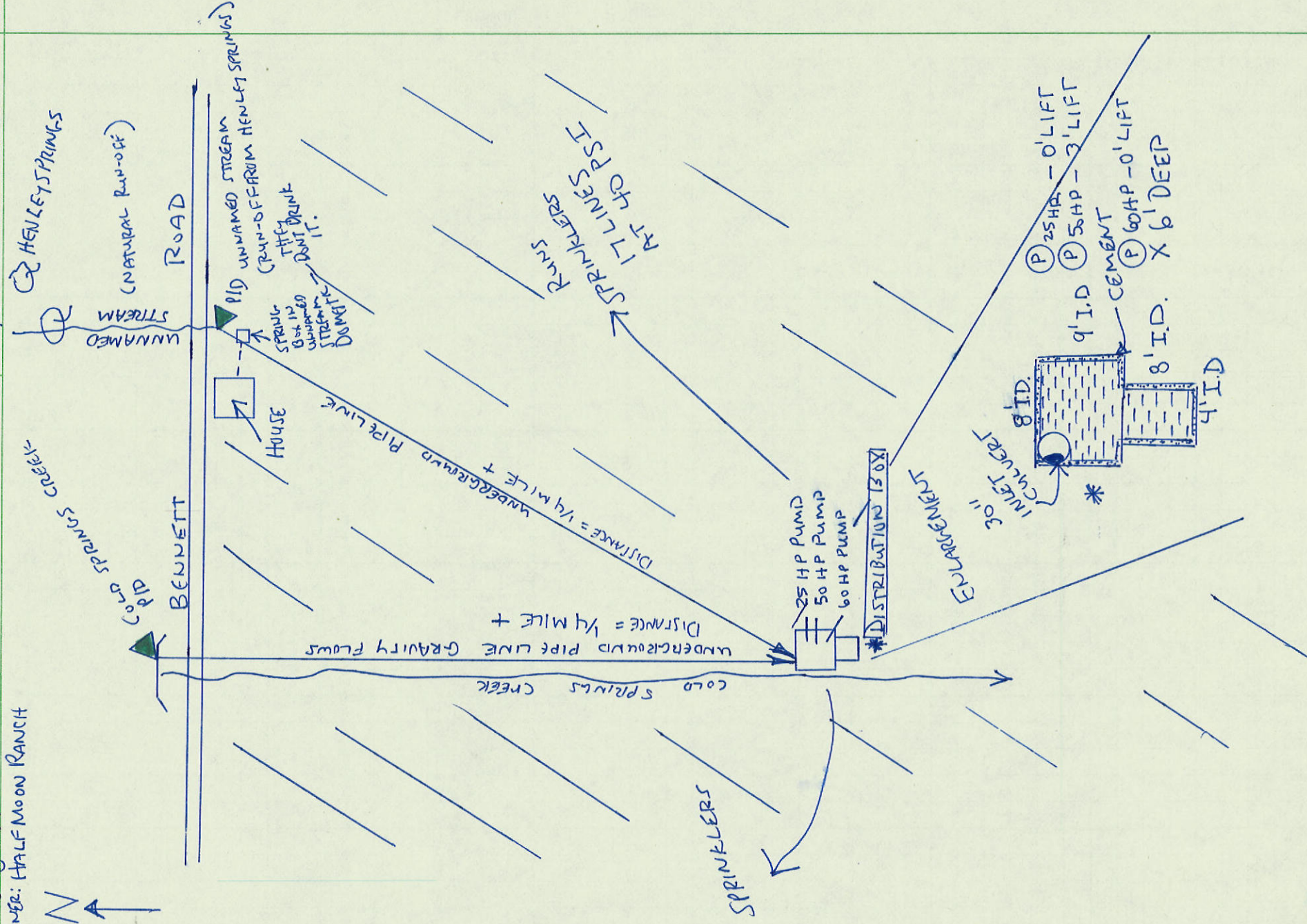


1987 NAPP

0 0.25 0.5 0.75 1 Miles







FOREMAN

HALF MOON (Panel)

GARY GILL

764-2520

FX 8-8-94

PO Box 458

930 AM

FAIRFIELD ID 83327

SEND COPIES OF DECREES / WA RIGHTS / CHAINS

RUNS 17 LINES, GRAVITY FLOWS INTO CEMENT BOX VIA UNDERGROUND PIPELINES. (IDAH0 POWER BOX 4075). 3-BOOSTER PUMPS 60-50-25 HP, NOT OPERATING AT TIME OF FIELD EXAM, RUNG 40 LBS PRESSURE IN HAND LINES SPRINKLERS

3 FT LIFT, ON 50 HP

1 FT LIFT FOR 60 & 25 HP

SIZE 6X4X9A
DC-507025

(GONE) 60 HP
CRANE PUMP

RATED AT
820 GPM

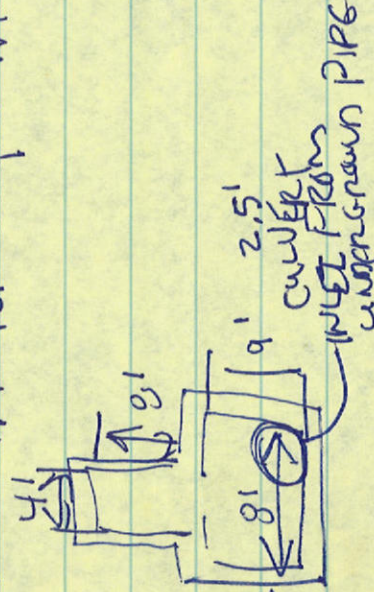
South

0
LIFT

2nd CRANE
START# 25 HP
LIFT DC-726123
SIZE 35

50 MISSING
PARTS

3' LIFT



9/18/94

photo #1 Looking South of Pump Array

#2 Cement Catch Distribution Box

#3 Looking upstream (mountain from

Pump Array)

#4 Looking South at Sides to South

#5 Looking in Culvert

#6 Cement division with head gate to underground pipe line
12' wide

IDWR T05S, R09E

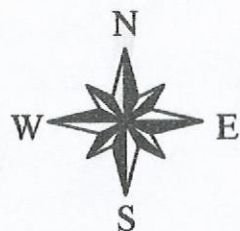
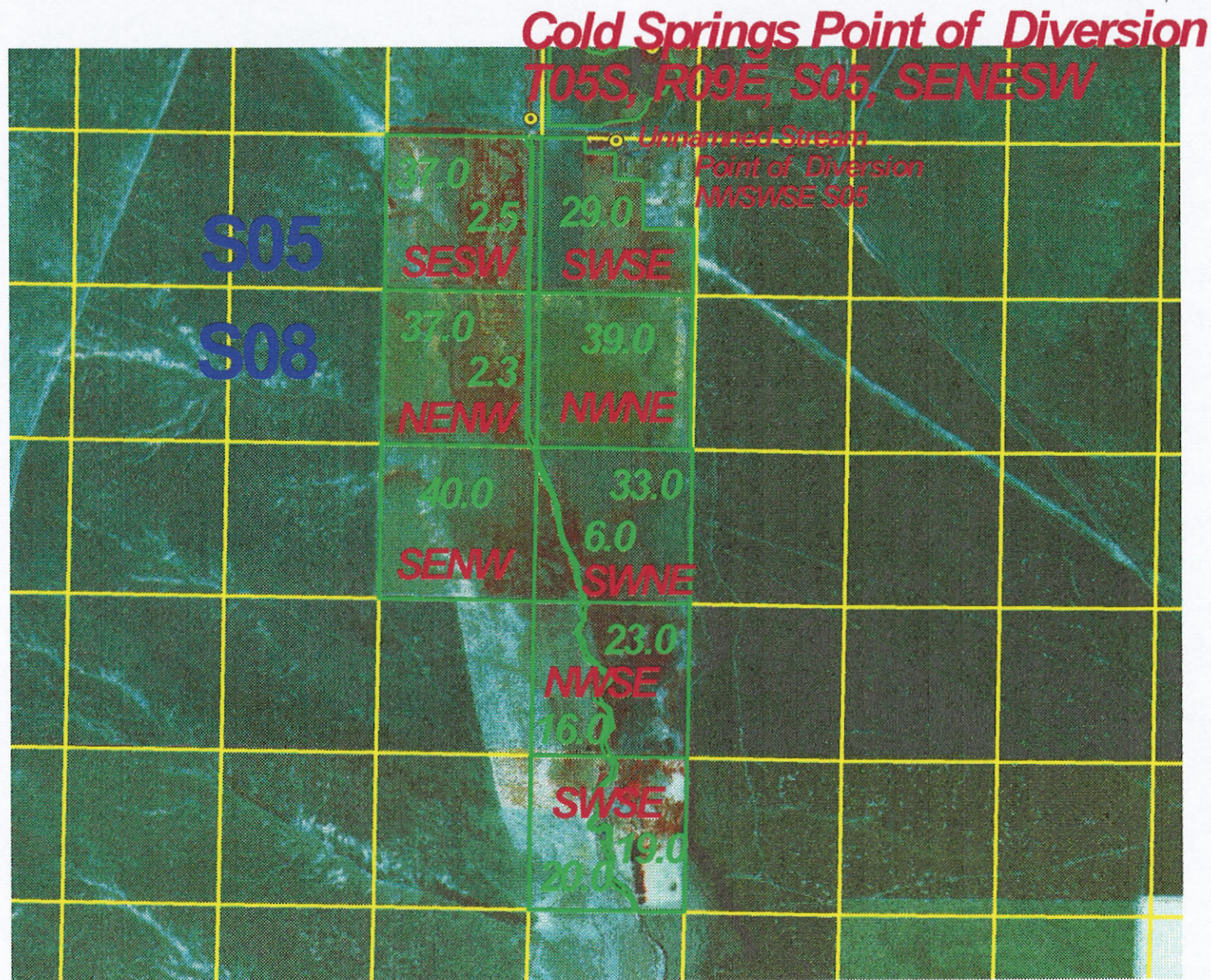
Claim(s) : 61-00318,
-319, -320, -321 &
61-11899 § 10660
Owner(s) : Half Moon
Ranch
Date: 9 Nov 98
Prepared by:
Ron Howerton
Total Acres: 303.8

 POU

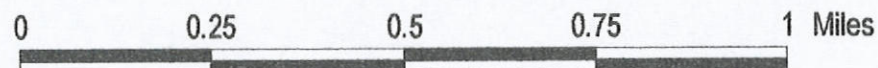
 POD

 SECTION LINES

 1/4 1/4



1987 NAPP

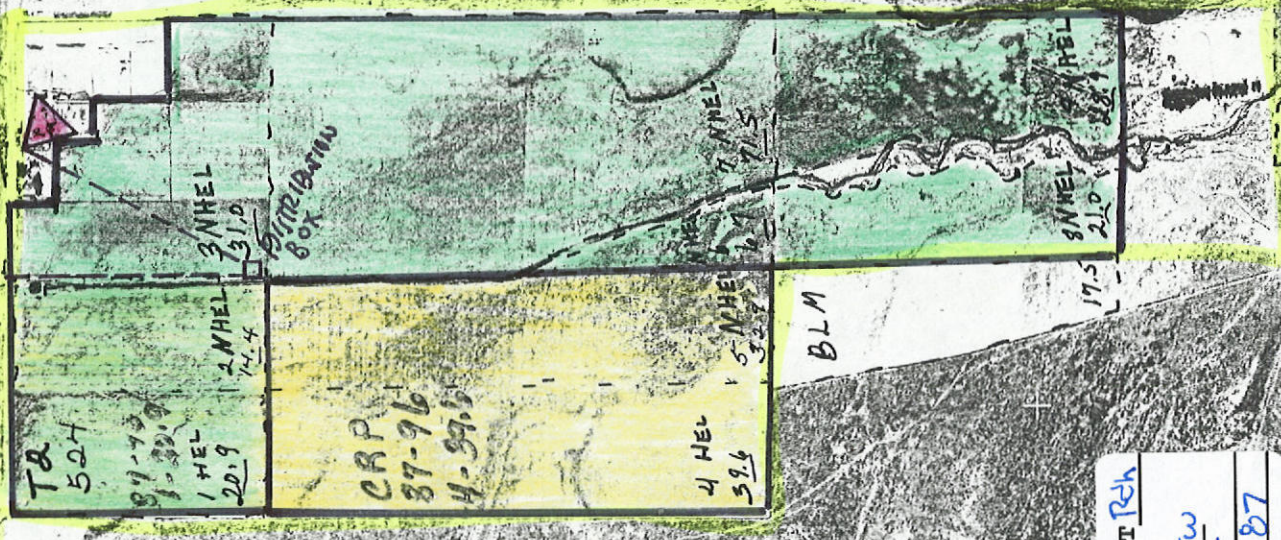


HALFMOON RANCH

ASCS MAP
HALFMOON RANCH

COOL SPRINGS CREEK

P/D
COOL SPRINGS CREEK
P/D
STRAIGHT RIVER
SPRINGS



16 5
7 8

CLAIM	COOL SPRINGS CLAIMS	INIT	REH
T. R. S.	Q/Q		
P/D	T 55, R 9E 50S, SE 1/4 SW		
SCALE	1 inch = 1000 FT		
PHOTO ID.	ASCS	DATE	1987

8 9
10 16

TRANSFER CERT # 114

13

OLD
BARNETT
SE 1/4
SW 1/4
Rd

24

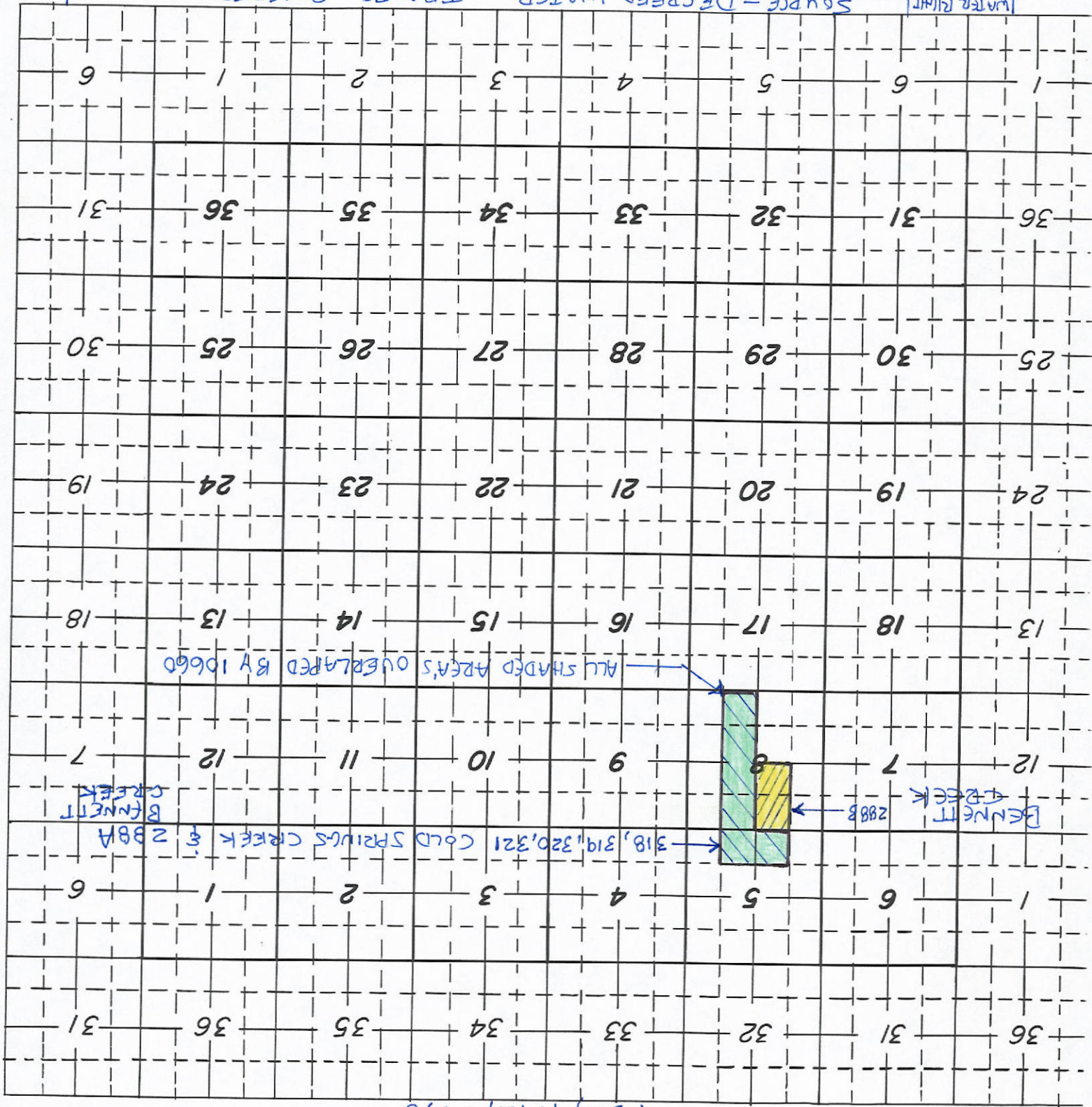
CLAIM 61-00288A & B INIT 24
T. R. S. Q/Q
P/D T45 R8E, 13 SE SW
SCALE 7 1/2" OR 1/4"
PHOTO ID. 2-65 DATE 1974

Ryegrass

Creek

ORIGINAL - DECREEED RIGHTS HALF MOON RANCH

T55, R9E, S5, 8



WATER RIGHT 288B - BENNETT CREEK
SOURCE - DECREEED WATER TRACTS COVERED

55, 9E, S8, NENW, SENW
55, 9E, S5, SE5W, SWSE
55, 9E, S8, NNE, SENE
55, 9E, S5, NWSE, SWSE

BENNETT CREEK

288A

55, 9E, S5, (same as COLD SPRINGS CREEK)

PICTURE #1

61-00318, -319, -320, -321 & -11899: FX 08/08/94. Photo's by RDH. Point of diversion, cement dam, head gate with underground 12 inch pipe to concrete distribution box. Located in T05S, R09E, S05, SENESW.



PICTURE #2

Point of diversion is left of this sign.



PICTURE #3

61-00318, -319, -320, -321 & -11899: FX 08/08/94. Photo's by RDH. Pump array. Idaho power box 4075. Pumps were not present at time of exam. Pump information was provided by Gary Gill. 60HP, 50HP & 25HP, see field notes and Horsepower equation calculations.



PICTURE #4

Distribution box. Dimensions noted on field notes. Located in T5S, R9E, S05, SWSWSE. See ASCS map for location.



PICTURE #5

61-00318, -319, -320, -321 & -11899: FX 08/08/94. Photo's by RDH. Place of use view to South from distribution box.



PICTURE #6

Additional place of use view. Below Distribution box, view is to North.



CONVERSATION MEMORANDUM



Claim No' (s) AG1-00200A _____
AG1-00200B _____

Subject: HALF-MOON RANCH RESPONSE TO SOURCE CHANGE

Agent: Ron Howerton _____

Date: 1-12-95 _____

- GARY GILL (FOREMAN) CAME IN TODAY. HE DIDN'T HAVE ANY PAPERWORK DONE FOR THIS RESPONSE YET.
- I ADVISED HIM THAT WE HAVE TO HAVE THESE WASTE-UP BY APRIL THIS YEAR AND IF WE DON'T GET THE EVIDENCE NEEDED I HAVE NO OTHER ALTERNATIVE BUT TO RECOMMEND BOTH OF THE ABOVE CLAIMS AS DISALLOWED.
- GAVE HIM MORE INFO BASED UPON HIS QUESTIONS AND A MAP FROM ASIS OF AREA, AFFIDAVIT FORMS AND SAMPLE WORDING.
1-19-95
- GARY GILL CAME IN AGAIN TO GAIN MORE INFO, HE IS REALLY TRYING AND BELIEVES HE CAN GET AN AFFIDAVIT TO SHOW THE CHANGE OF DATE.
3-6-95 366-2402
- GARY CALLED ABOUT IF I HAD RECEIVED THE PAPERWORK HE DID RESEARCH? YES
- HE HAS AN AFFIDAVIT NOW FROM SAM BLACKWELL, & BILL WALKER AND WILL CALL ME BACK WHEN HE WILL BRING THEM IN.
- HE HAS SOME EVIDENCE TO SHOW ME AND DAVE T ABOUT HENLEY SPRINGS. HE FEELS THAT SOME OF THAT WATER WAS TAKEN FROM HALF-MOON RANCH AND WANTS TO TALK TO US ABOUT IT...

RECEIVED

AUG 26 1994

WATER RESOURCES
WESTERN REGION

PITCH FORK
RANCH

KING HILL, IDAHO

MEMO

Aug 27, 1994

Ron Howerton
State of Idaho

Department of Water Resources

2735 August Way Boise 83705-5082

Don,

Have received your letter of Aug 11, 1994 concerning Half Moon Lake.
I am requesting permission from you to respond by OCT 19, 1994 instead of Sept 9.
This has become very complex to gather info. Also I am going to be away
the next 3 weeks. Thank you for your consideration. Appreciate your
interest in this project.

Thank you

Jerry L. Caven

ADJUDICATION MEMORANDUM

CLAIM NO.: AGI-00288A
AGI-00288B

SUBJECT: PROOF OF CHANGE

EMPLOYEE: Ron HERTON
14:00

DATE: 8-24-94

JERRY CAWEN OF HALF MOON RANCH CALLED IN RESPONSE
TO CLAIMANT CONTACT LETTER DTD Aug 9, 1994.

He wanted to extend the response deadline to
Oct 10 since he would be gone for 3 weeks.
I said it would be ok but since he wanted
a letter stating it was ok that he should send
me a letter requesting the extension & then I
would respond to it. HE SAID HE WOULD DO IT.

He said that himself and his attorney would like
to meet with me a by officer and bring the
evidence with some people who have personal knowledge
OF the P/D / source change.

WE ALSO DISCUSSED THE FACT THAT NO IRRIGATION
WAS OCCURRING AT THE TIME OF EXAM AND NO MOTORS
OR PUMPS WERE THERE EXCEPT FOR PARTS OF THEM. THIS
COULD POSSIBLY BE QUESTIONED LATER AS TO WHEN IT WAS
LAST USED. BUT THE DEPT WASN'T PURSUING THIS AT THIS
TIME, ONLY THE CHANGE IN SOURCE/PD. WE ALSO DISCUSSED
POSSIBLY THE ADVANCE OF DATE OF PRIORITY ON THE
CHANGE AND THE RIGHT MIGHT BECOME A P/U RIGHT
INSTEAD OF BASED UPON A DECREE AS ORIGINAL
RIGHT ON BENNETT CREEK.

ADJUDICATION MEMORANDUM

CLAIM NO.: A61-00288B-318, 319, 320, 321 SUBJECT: EVIDENCE OF SOURCE CHANGE

EMPLOYEE: Ron Howerton

DATE: 8-5-94 15:45

322-5600 (AT SAME PLACE)
CONV. WITH TIM CHAMBERS: (WORKS WITH OWNER JAY CAVEN)

1) WE NEED EVIDENCE OF SOURCE CHANGE DATE. THIS CAN BE IN THE FORM OF AN AFFIDAVIT OR OTHER POSSIBLE DOCUMENTS.

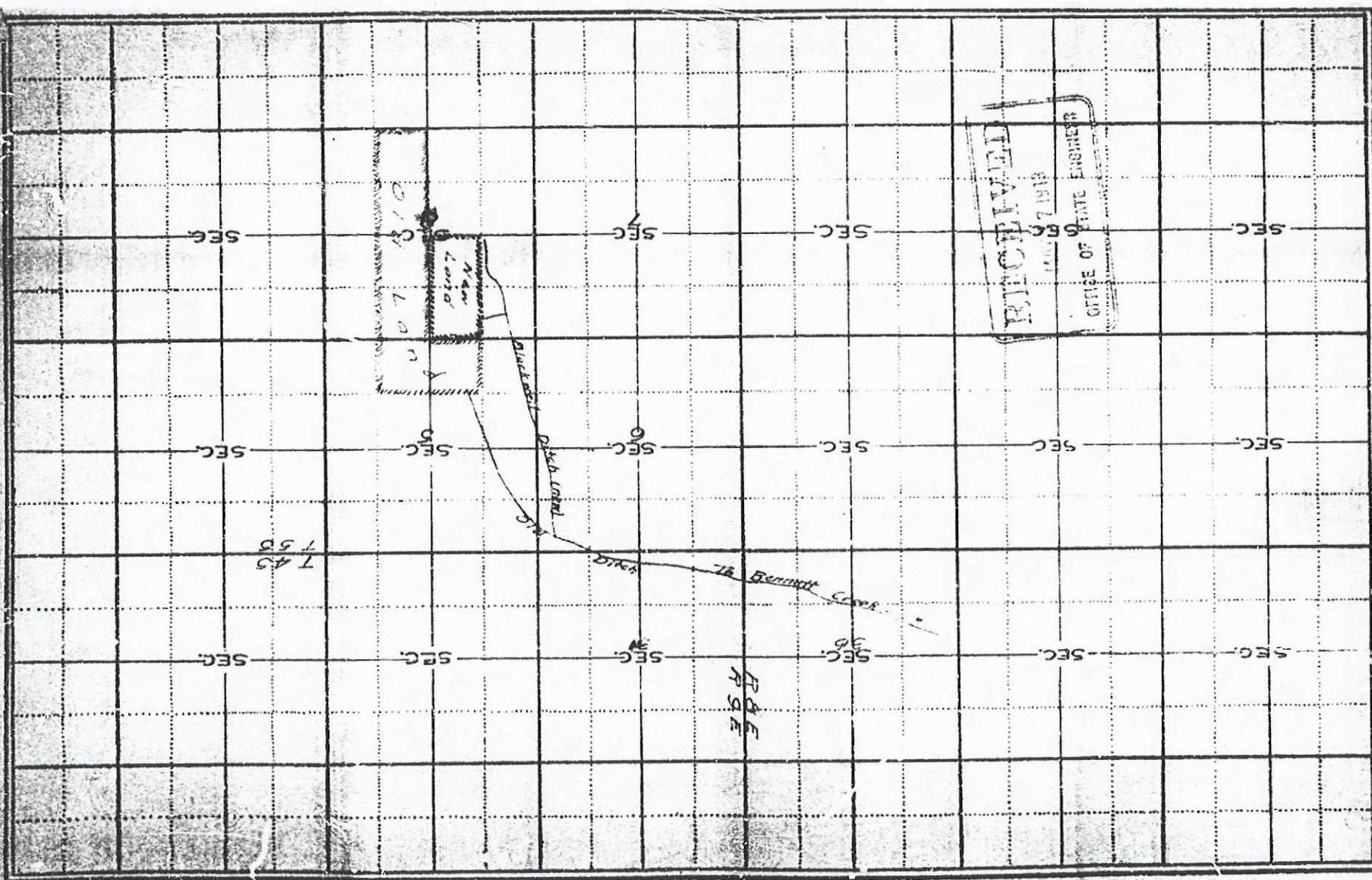
2) I ALSO NOW WILL NEED PUMP DATA ON ALL OF THE COLD SPRINGS RIGHTS SINCE I DISCOVERED THAT THESE CLAIMS WERE ORIGINALLY DECREED FOR BENNETT CR. & CLAIMED BY JOYCE WUNDERLICH-PEARSON TRUST AS COLD SPRINGS CR.

3) THE MOST I CAN DO MONDAY IS TAKE PHOTO'S OF THE P/D'S AND TAKE PUMP & LIFT DATA IF AVAILABLE ON SITE. ALSO TAKE PHOTO'S OF THE POU.

A. JIM SAID THAT HE WOULD TALK TO JAY CAVEN (JERRY) AND GET STARTED WITH THE EVIDENCE.

B. JIM ALSO SAID THAT ONLY GARY GILL MIGHT BE AT RANCH MONDAY.

RECEIVED
JUN 7 1918
OFFICE OF STATE ENGINEER





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: **A61-11899**
Date Received: 12/11/1989
Receipt No: X777777
Received By: _____

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

1. Name: HALF MOON RANCH 208-322-5600
Address: 6874 FAIRVIEW AVE
BOISE ID 83704

2. Date of Priority: MAR 15, 1920

3. Source: COLD SPRINGS CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	09E	5	SE	NE	SW		ELMORE

5. Description of diverting works:
PUMP IN CREEK TO MAINLINE & HANDLINES FOR SPRINKLER IRRIG. SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.180		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	09E	5	SE	SW		IRR	39.5
			SW	SE		IRR	29.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	68.5
		8	NW	NE	IRR	39.0
			SW	NE	IRR	39.0
			NE	NW	IRR	39.3
			SE	NW	IRR	40.0
			NW	SE	IRR	39.0
			SW	SE	IRR	39.0
					Section Acres	235.3
					Total Acres	303.8

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS A RESULT OF RECOMMENDING CLAIMS A61-00288A & A61-00288B AS A BENEFICIAL USE CLAIM. BECAUSE OF A CHANGE SOURCE FROM BENNETT CREEK DECREED WATER TO COLD SPRINGS CREEK WATER.

THE SUPPORTING 1920 DATE OF CHANGE EVIDENCE IS SHOWN ON SIGNED ATTACHED STATEMENT DATED 10/8/98 BY SAMUEL BLACKWELL.

THIS CLAIM BRINGS WATER OF COLD SPRINGS CREEK UP TO ONE INCH PER ACRE.

FEE PAID UNDER RECEIPT NO. W007068.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

**SEE ORIGINAL
CLAIM FILE
DOCUMENTS IN
CLAIM**

NO. A 61 - 00288A
61 00288B

IDWR T05S, R09E

Claim(s) : 61-00318,
-319, -320, -321 &
61-11899 *f 10660*

Owner(s) : Half Moon
Ranch

Date: 9 Nov 98

Prepared by:
Ron Howerton

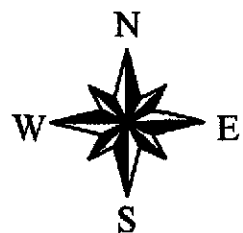
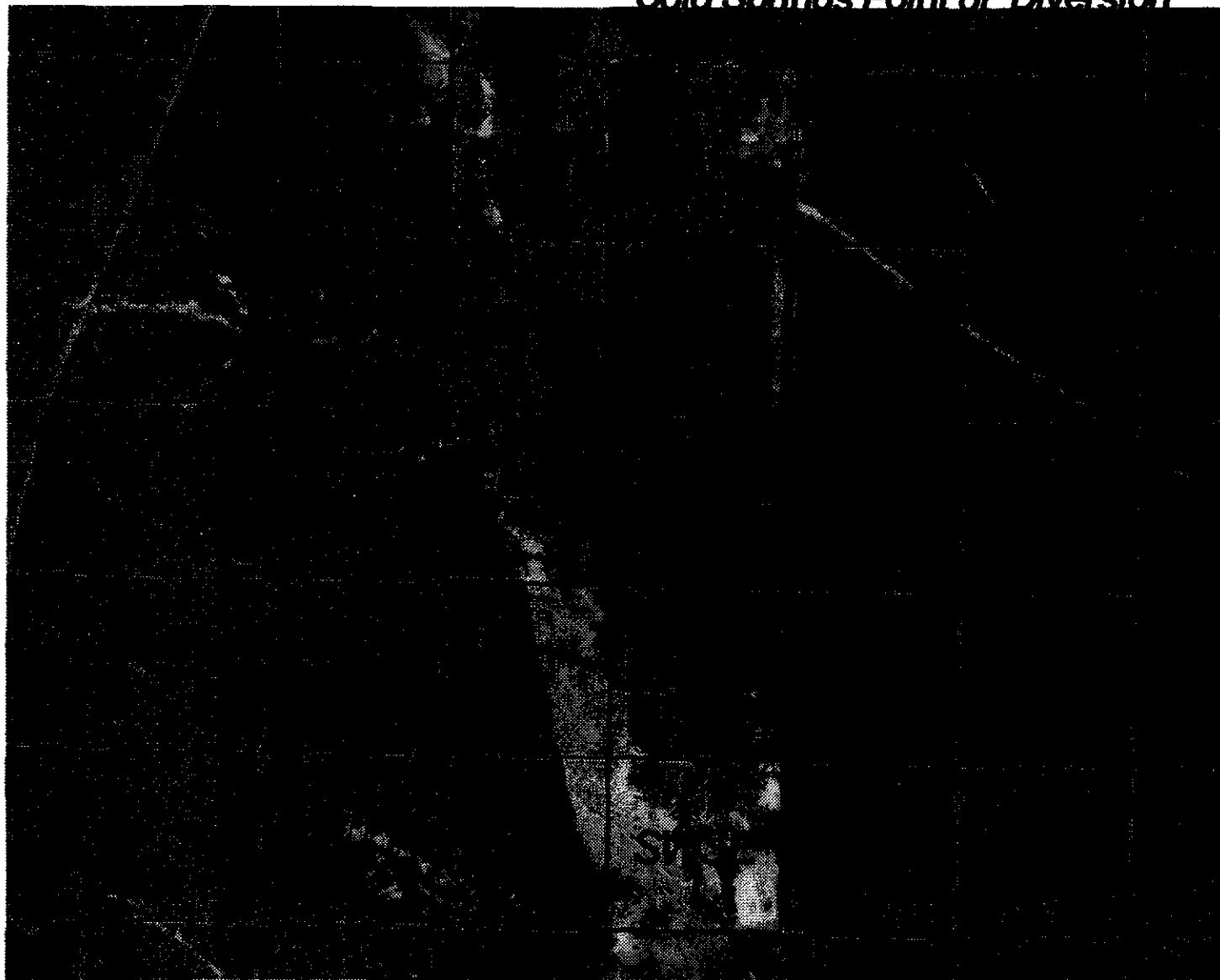
 POU

 POD

 SECTION LINES

 1/4 1/4

Cold Springs Point of Diversion



1987 NAPP

0 0.25 0.5 0.75 1 Miles



November 20, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED

JAN 07 1999

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 61-11899

HALF MOON RANCH
6874 FAIRVIEW AVE
BOISE ID 83704

Daytime Telephone Number:

Evening Telephone Number:

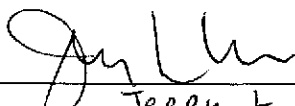
1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation; no changes need to be made.

DATE: 1-6-99

SIGNATURE: 

Please print your name: JERRY L CAVEN

AJ0749NP
No. R61-11899

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

DATE: 11/10/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HALF MOON RANCH 6874 FAIRVIEW AVE BOISE ID 83704 (208) 322-5600	03/15/1920	IRRIGATION	03-15 11-15	3.18 CFS	
TOTAL DIVERSION:					3.18 CFS	

Water Source: COLD SPRINGS CREEK

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T05S R09E S05

SENESEW

ELMORE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: SUM
05S	09E	5	:				:				:				:				:
05S	09E	8	:		39	39	:		39		:				:		39	39	:
TOTAL ACRES																			303.8

POU County: ELMORE

Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1215.2 AF. COMBINED RIGHT NOS.: 61-00318, 61-00319, 61-00320, 61-00321 & 61-10660.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.08 CFS. COMBINED RIGHT NOS.: 61-00318, 61-00319, 61-00320, 61-00321 & 61-10660.

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 303.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00318, 61-00319, 61-00320, 61-00321 & 61-10660.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 61-00318, 61-00319, 61-00320 & 61-00321.

Dates: Exam Made Date: 08/08/1994 Verified Date: 11/10/1998 Objection Filed Date:

Misc: Water District Number: 61C Field Inspection Flag: Y
Presumption Flag: C

AJ0749NP
No. R61-11899

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

DATE: 11/10/98
PAGE: 2

=====

Comments: Date: 11/10/1998 User-ID: RHOWERTO Subject: COPIED FROM REMARKS
THIS CLAIM IS A RESULT OF RECOMMENDING CLAIMS A61-00288A &
A61-00288B AS A BENEFICIAL USE CLAIM. BECAUSE OF A CHANGE SOURCE
FROM BENNETT CREEK DECREED WATER TO COLD SPRINGS CREEK WATER.
THE SUPPORTING 1920 DATE OF CHANGE EVIDENCE IS SHOWN ON SIGNED
ATTACHED STATEMENT DATED 10/8/98 BY SAMUEL BLACKWELL.
THIS CLAIM BRINGS WATER OF COLD SPRINGS CREEK UP TO ONE INCH
PER ACRE.
FEE PAID UNDER RECEIPT NO. W007068.

Audit: 11/10/98 RHOWERTO

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. 61-11899

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	Y	Rdh 8/8/94 (statement)		Y	N		
PT. OF DIV.			4, 5	N			DATA ENTRY COMPLETED BY _____ DATE _____
SOURCE			4, 5	N			
PL. OF USE			4, 5	N			FINAL RECOMMENDATION BY _____ DATE _____
DIV. AMOUNT CFS/AF			5	Y			
CONSUMPTIVE USE			NA	NA			
NATURE OF USE			5	N			
PERIOD OF USE			5	N			
BASIS OF CLAIM			5	N			
REMARKS							

VERIFICATION CODES

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

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
 SUBMITTED - YES ☒ NO ☐

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

COMMENTS: _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

Friday, September 11, 1998

RESPOND BY: Friday, October 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Jerry Caven
Half Moon Ranch
6874 Fairview Ave
Boise, Id 83704

RE: A61-00288A & A61-00288B

Dear Mr. Caven,

We are currently in the *final process* of preparing the above referenced Notice of Claim(s) for court decree in the Snake River Basin Adjudication. During this review certain questions arose concerning the claim(s) listed above. All claims with an A61 prefix number are being reviewed at this time. If you have other claims with this prefix, that are not shown here, we may be contacting you again if questions should arise during their review.

SOURCE/POINT OF DIVERSION CHANGE

Our initial investigation of these above claim(s) indicated that there was transfer allowing decreed Bennett Creek water to be used on the lands you indicated by the above claims. Transfer certificate No. 114.

However, before your claim(s) can be recommended to the court you must provide the Department with the date the change when you stopped using Bennett Creek Water.

This would become the date of priority for a new beneficial use right. A new number **MAY** be assigned by IDWR to replace the Bennett Creek decreed rights, if the date of change meets the below requirements:

REQUIREMENTS:

IDWR needs some evidence to support that date:

1. Types of evidence to submit can include statements from neighbors who knew of the change, relatives, water-masters, ditch-riders, etc. If you go to the ASCS office or SCS, they may have documentation of such a change. If none of the above can be found, your notarized statement of personal knowledge of the date of change may satisfy this requirement.

2. If the change was prior to November 19, 1987, then you must include the month and year. If the change occurred after November 19, 1987, then an Application for Transfer is required to show the new source/point of diversion.

3. Your response must be received in our office by the response date shown above. If the requested information is not received, then your claim(s) will be likely recommended for disallowal for lack of proof of this change.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Howerton", written over a horizontal line.

RON HOWERTON
Senior Water Resource Agent
Adjudication Bureau
334-2190

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:17:38
07/05/94

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER:

1

61-11899

LAST: BLACKWELL
ADDRESS:
CITY: XXXXXX
PHONE NUMBER: 208-000-0000
OWNER CODE: 0

FIRST: SAMUEL B.
STATE: ID ZIP: 00000

LAST: PEARSON 1972 TRUST
ADDRESS: JOYCE W PEARSON
PO BOX 449
CITY: BELLEVUE
PHONE NUMBER: 208-788-3093
OWNER CODE: 0

FIRST: JOYCE WUNDERLICH
STATE: ID ZIP: 83313

LAST: HALF MOON RANCH
ADDRESS: 6874 FAIRVIEW AVE
CITY: BOISE
PHONE NUMBER: 208-322-5600
OWNER CODE: C

FIRST:
STATE: ID ZIP: 83704

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Rch

CLAIM REMARKS: SUBJECT TO RIGHTS IDENTIFIED IN PARAGRAPH 13, ABOVE, AND USED TO IRRIGATE THE ENTIRE RANCH THROUGH THE SAME IRRIGATION SYSTEM. THIS CLAIM IS BASED ON A RIGHT ORIGINALLY DECREED FROM BENNETT CREEK. POINT OF DIVERSION WAS CHANGED TO COLD SPRING CREEK PRIOR TO 1969. PLACE OF USE IS CLAIMED PURSUANT TO IDAHO CODE SECTION 42-1416 TO THE EXTENT IT DIFFERS FROM THE DECREE. OWNERSHIP CHANGED BY KW 4/7/1993.

T. 3 S.

T 2 S.

T.S.

OWHEE

COUNTY

Best available at nominal costs from: IDAHO TRANSPORTATION DEPARTMENT
PO BOX 7120 - BOISE, IDAHO 83727

Q39

Strip Map

CONTACT PERSON: GARY GILL

PHONE NUMBER: () 764-2520

DATE OF FIELD EXAM: 8/8/94

APPOINTMENT MADE: Y ☒ N ()

TIME: 9:30 A ☒ P ()

ACCOMPANIED BY: ABOVE

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: FOREMAN

DIRECTIONS TO PROPERTY / NOTES:

SEE STRIP MAP (ATTACHED)

RECEIVED

OCT 27 1998

WATER RESOURCES
WESTERN REGION

October 8, 1998

To Whom It May Concern:

Regarding water right #'s A61-00288A and A61-00288B, the last known use of Bennett Creek as a point of diversion was in 1920.

appx.
SDB

x Samuel D Blackwell

Sam Blackwell

P.S.

*This water was used by
my grandfather*

A. AJ CLAIM: # A61-00288B PRIORITY DATE: 04-30-1893 STAGE: D
B. WR RECORD: # 61-00288B PRIORITY DATE: 04-30-1893 STAGE: D

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

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

IF YES EXPLAIN.
NOTES: * SEE STATEMENT BY SAMUEL BLACKWELL (RECEIVED DATED 10/8/98)
SUPPORTING A-DATE-OF-CHANGE FROM BENNETT CR WATER TO COLD SPRINGS WATER.
* USED MARCH 15TH AS START DATE AS THIS IS BEGINNING OF IRRIGATION SEASON.
* THIS IS A SOURCE CHANGE, THE DECREED RIGHTS 61-00288A & B ARE NO-LONGER VALID AS DECREED WATER SINCE LAST USE WAS IN 1920. ACCORDING TO BLACKWELL

RECOMMENDED PRIORITY DATE:
~~04-30-1893~~ 3/15/1920

REVIEWED BY RDH DATE 11/9/98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A61-00288B	05S	09E	5	SE	NE	SW		ELMORE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A61-00288A NONE
A61-00318
A61-00319
A61-00320
A61-00321

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: COLD SPRINGS CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
61-00288B	04S	08E	13		SE	SW		ELMORE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

61-00288A

NONE NONE

SOURCE: BENNETT CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

NOTES:

Fx 8-9-94

OWNER: HALF MOON RANCH



COLD SPRINGS CREEK
PID

BENNETT

Q HENLEY SPRINGS

UNNAMED
STREAM

(NATURAL RUN-OFF)

ROAD

House

SPRING
BUT IN
UNNAMED
STREAM
DANGER

PID UNNAMED STREAM
(RUN-OFF FROM HENLEY SPRINGS)

THEY
DON'T DRINK
IT.

UNDERGROUND PIPE LINE GRAVITY FLOWS

$$\text{Distance} = \frac{1}{4} \text{ mile} +$$

UNDERGROUND PIPELINE
DISTANCE = $\frac{1}{4}$ MILE +

→ RUNS
SPRINKLERS
17 LINES
AT 40 PSI

SPRINKLERS

✓ 25 HP PUMP
50 HP PUMP
60 HP PUMP

1. DISTRIBUTION BOX

ENLARGEMENT

30"
INLET
CULVERT

8-10

q' I.D

CEMENT

(P) 60HP - 0' LIFT

8' I.D. X 6' DEEP

4' I.D.

Foreman

Half Moon (Panel)

Gary Gill

764-2520

FX 8-8-94

P.O. Box 458

9:30 AM

FAIRFIELD ID 83327

Send Copies of decrees / wa rights / claims

Runs 17 LINES, Gravity flows into cement box
via UNDERGROUND PIPELINES. (IDATA POWER BOX 4075.)

3-Booster pumps 60-50-25 HP, NOT OPERATING
AT TIME OF FIELD EXAM, Runs 40 lbs pressure in
hard LINES SPRINKLERS

3 FT LIFT, ON 50 HP

1 FT LIFT for 60 & 25 HP

South

(CRANE) 60 HP

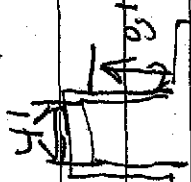
CRANE PUMP

RATED AT

LIFT

820 GPM

SIZE 6X4X9A
DC-507025



9' 2.5'

CULVERT
PIPE FROM
UNDERGROUND PIPE

Cold Springs Cr



2nd CRANE
50 HP

LIFT DC-726123

SIZE 35

50 missing
portion

5' LIFT

BENNETT ROAD

North

photo #1 looking South at Pump Assembly

#2 Cement catch Distribution Box

#3 looking upstream from

Pump Assembly

#4 Looking South at fields to South

#5 Looking in culvert

#6 Cement pipe now with head gate to underground pipeline

12' wide

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:			1/4			LOT	COUNTY	DIVERSION NAME
TWP.	RGE.	SEC.	1/4	1/4	1/4			
T55	R9E	05	SE	NE	SW		ELMORE	
SOURCE: COLD SPRINGS CR			TRIB: SNAKE RIVER					

REVIEWED BY: Rch DATE: 11/9/98

SYSTEM DESCRIPTION:

- SEE ATTACHED SYSTEM DIAGRAM,
DRAWN 8/8/94
- SEE ATTACHED DESCRIPTION FIELD NOTES

EXP-REMARK FOR

SAME PID AS: 61-00918, -319, -320, -this claim
-321

IDWR T05S, R09E

Claim(s) : 61-00318,
-319, -320, -321 &
61-11899 *f 10660*

Owner(s) : Half Moon
Ranch

Date: 9 Nov 98

Prepared by:
Ron Howerton

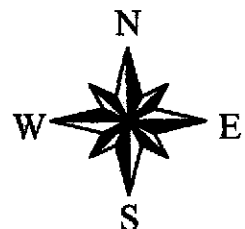
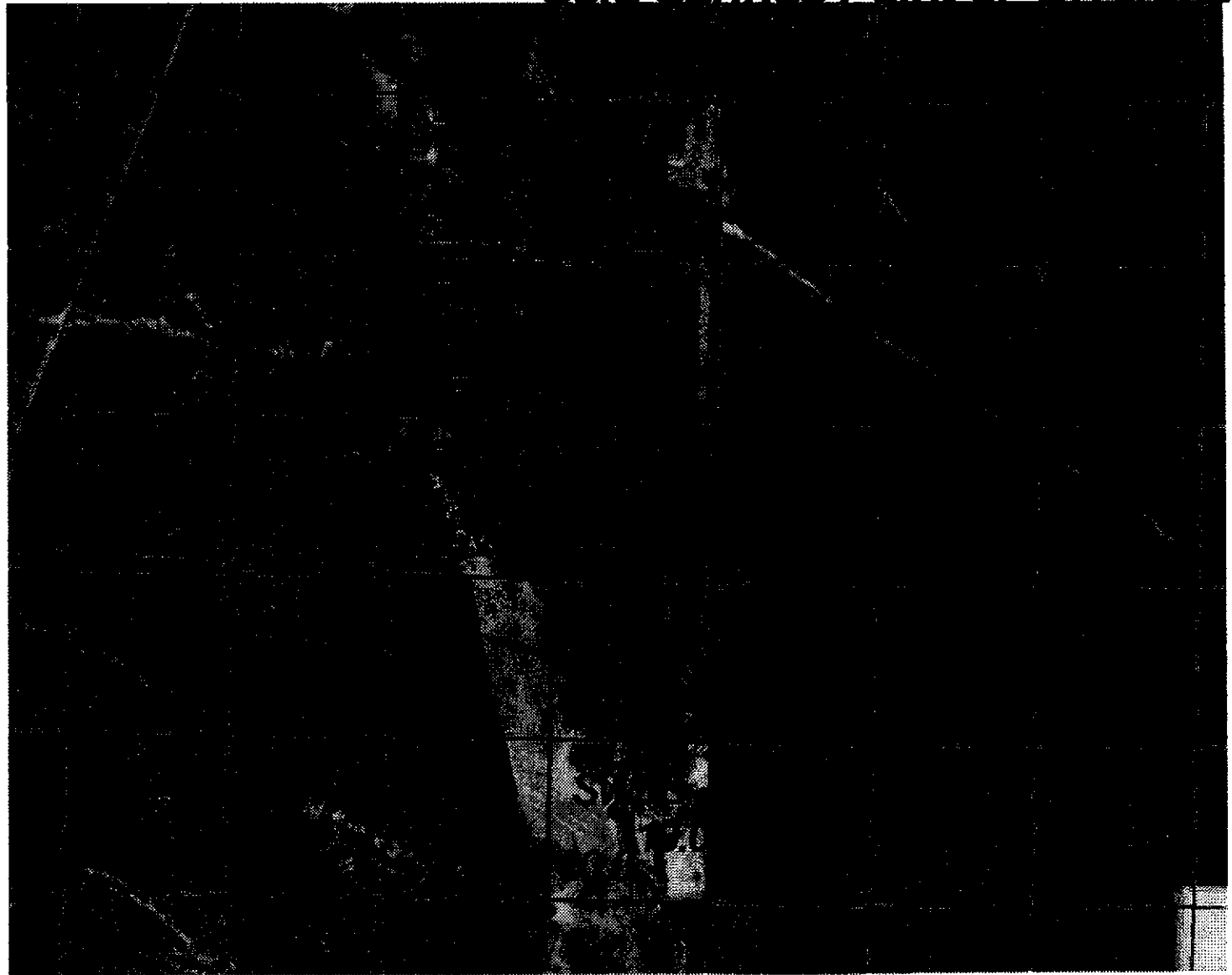
Total Acres: 303.8

 POU

● POD

 SECTION LINES

 1/4 1/4



1987 NAPP

0 0.25 0.5 0.75 1 Miles



HALF MOON RANCH

HALF MOON RANCH

SPRING CREEK



CLAIM CO SPRING INIT Rel
6.51m3
T. R. S. Q/Q
P/D T 55.99E 505.1 SE NE SW
SCALE 1 inch = 1000 Ft
PHOTO ID. ASCS DATE 1987

grass

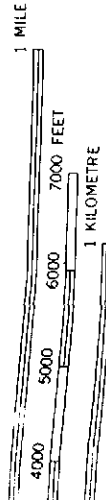
SEC 5
P/D SE NESW
T55, R9E, S58

SE SW SE NW NE
SW SE NW NE
SEC 8 NW SE

HALEMOON
RANCH

CLAIM Cold Spring Creek UNIT Rch
T. R. S. Q/Q
P/D T55, R9E, S58, SE NESW
SCALE 7 1/2' OR THEREABOUTS
PHOTO ID. Z-65 DATE 1974

00



63100m. E.

115°22'
T55, R9E, S58
Z-65
1974 - ORTHO

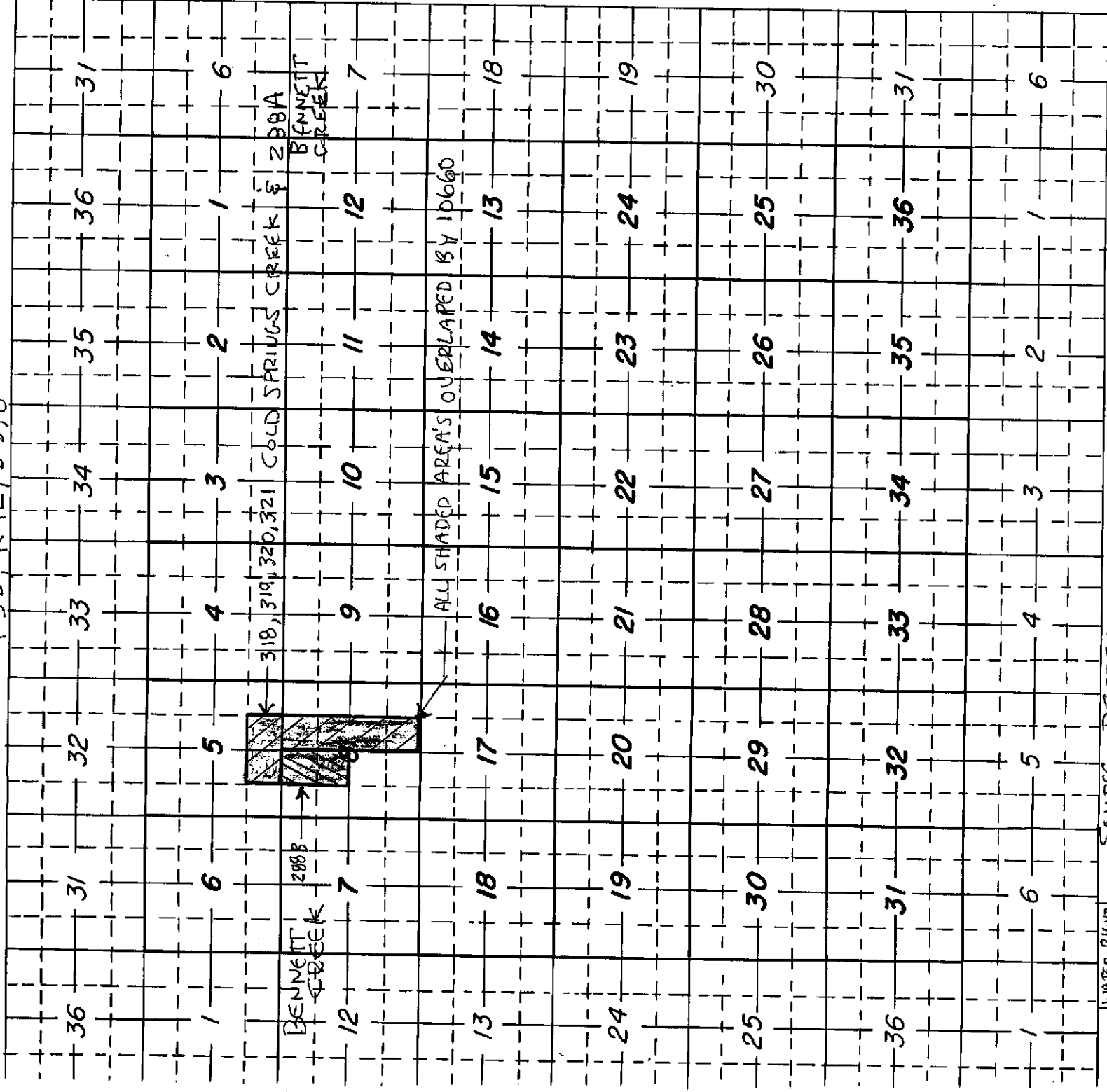
FOR MAP:
CAN SEE ON AA15 NE

CLAIM 61-00288A & 13 INITIATED
T. R. S. Q/Q
P/D T45, R8E, 13, SE5Cw
SCALE 1/2" = 100' OR THEREAFTER
PHOTO ID. 2-65 DATE 1974

ORIGINAL - DECREE

RIGHTS HALF MOON
RANCH

T5S, R9E, S5, 8



WATER RIGHT
288B - BENNETT CREEK

SOURCE - DECREE

WATER

TRACTS COVERED

5S, 9E, S8, NENW, SENW

COLD SPRINGS CREEK

5S, 9E, S5, SESW, SWSE

5S, 9E, S8, NWNW, SWNE

NWSE, SWSE

288A BENNETT CREEK

5S, 9E, S5, (SAME AS COLD SPRINGS CREEK)

A. ROOT WATER RIGHT NUMBERS: A61-00288A
A61-00288B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
05S	09E	5	SE	SW		HALF MOON RANCH	A61-00288B /30.0	- /	40.0		
			SE	SW		PEARSON 1972 TRUST, JOYCE WUNDA	A61-00288A /30.0	61-00288A /			39.5
			SE	SW		HALF MOON RANCH	A61-00318 /30.0	61-00318 /			
			SE	SW		HALF MOON RANCH	A61-00319 /30.0	61-00319 /			
			SE	SW		HALF MOON RANCH	A61-00320 /30.0	61-00320 /			
			SE	SW		HALF MOON RANCH	A61-00321 /30.0	- /			
			SE	SW		HALF MOON RANCH	A61-10660 /30.0	- /			
05S	09E	5	SW	SE		HALF MOON RANCH	A61-00288B /40.0	- /	38.0		
			SW	SE		PEARSON 1972 TRUST, JOYCE WUNDA	A61-00288A /40.0	61-00288A /			29.0
			SW	SE		HALF MOON RANCH	A61-00319 /40.0	61-00319 /			
			SW	SE		HALF MOON RANCH	A61-00320 /40.0	61-00320 /			
			SW	SE		HALF MOON RANCH	A61-00318 /40.0	61-00318 /			
			SW	SE		HALF MOON RANCH	A61-00321 /40.0	- /			
			SW	SE		HALF MOON RANCH	A61-10660 /40.0	- /			
05S	09E	8	NW	NE		HALF MOON RANCH	A61-00288B /40.0	- /	33.0		
			NW	NE		PEARSON 1972 TRUST, JOYCE WUNDA	A61-00288A /40.0	61-00288A /			39.0
			NW	NE		HALF MOON RANCH	A61-00318 /40.0	61-00318 /			
			NW	NE		HALF MOON RANCH	A61-00319 /40.0	61-00319 /			
			NW	NE		HALF MOON RANCH	A61-00320 /40.0	61-00320 /			
			NW	NE		HALF MOON RANCH	A61-00321 /40.0	- /			
			NW	NE		HALF MOON RANCH	A61-10660 /40.0	- /			
05S	09E	8	SW	NE		HALF MOON RANCH	A61-00288B /40.0	- /	33.0		
			SW	NE		PEARSON 1972 TRUST, JOYCE WUNDA	A61-00288A /40.0	61-00288A /			39.0
			SW	NE		HALF MOON RANCH	A61-00318 /40.0	61-00318 /			
			SW	NE		HALF MOON RANCH	A61-00319 /40.0	61-00319 /			
			SW	NE		HALF MOON RANCH	A61-10660 /40.0	- /			
			SW	NE		HALF MOON RANCH	A61-00320 /40.0	61-00320 /			
			SW	NE		HALF MOON RANCH	A61-00321 /40.0	- /			
05S	09E	8	NE	NW		HALF MOON RANCH	A61-00288B /40.0	61-00288B /	36.0		
			NE	NW		PEARSON 1972 TRUST, JOYCE WUNDA	A61-00288A /40.0	- /			39.3
			NE	NW		HALF MOON RANCH	A61-00319 /40.0	- /			
			NE	NW		HALF MOON RANCH	A61-00320 /40.0	- /			
			NE	NW		HALF MOON RANCH	A61-10660 /40.0	- /			
			NE	NW		HALF MOON RANCH	A61-00318 /40.0	- /			
			NE	NW		HALF MOON RANCH	A61-00321 /40.0	- /			
05S	09E	8	SE	NW		HALF MOON RANCH	A61-00288B /40.0	61-00288B /	39.0		
			SE	NW		PEARSON 1972 TRUST, JOYCE WUNDA	A61-00288A /40.0	- /			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SE	NW		HALF MOON RANCH	A61-00319 /40.0	- /			
			SE	NW		HALF MOON RANCH	A61-00320 /40.0	- /			
			SE	NW		HALF MOON RANCH	A61-10660 /40.0	- /			40
			SE	NW		HALF MOON RANCH	A61-00318 /40.0	- /			
			SE	NW		HALF MOON RANCH	A61-00321 /40.0	- /			
05S	09E	8	NW	SE		HALF MOON RANCH	A61-00288B /40.0	- /	33.0		
			NW	SE		PEARSON 1972 TRUST, JOYCE WUNDA	A61-00288A /40.0	61-00288A /			
			NW	SE		HALF MOON RANCH	A61-00319 /40.0	- /			
			NW	SE		HALF MOON RANCH	A61-00320 /40.0	- /			39
			NW	SE		HALF MOON RANCH	A61-00321 /40.0	61-00321 /			
			NW	SE		HALF MOON RANCH	A61-00318 /40.0	- /			
			NW	SE		HALF MOON RANCH	A61-10660 /40.0	- /			
05S	09E	8	SW	SE		HALF MOON RANCH	A61-00288B /40.0	- /	31.0		
			SW	SE		PEARSON 1972 TRUST, JOYCE WUNDA	A61-00288A /40.0	61-00288A /			
			SW	SE		HALF MOON RANCH	A61-00319 /40.0	- /			
			SW	SE		HALF MOON RANCH	A61-00320 /40.0	- /			39
			SW	SE		HALF MOON RANCH	A61-00321 /40.0	61-00321 /			
			SW	SE		HALF MOON RANCH	A61-00318 /40.0	- /			
			SW	SE		HALF MOON RANCH	A61-10660 /40.0	- /			
TOTAL ACRES						A61-00288B	310.00		283.00		

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

303.8

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
RCH

POU COUNTY: ELMORE

PRESUMPTION FLAG:

NOTES:

PERMISSABLE PLACE OF USE - SAME ACRES ARE RECOMMENDED
FOR THE FOLLOWING RIGHTS:

- 1) COLD SPRINGS CREEK - 61-00318, -319, -320, -321 & 11899.
- 2) UNNAMED STREAM - 61-10660

RECOMMENDATIONS:

TOTAL ACRES: 303.8

REVIEWED BY: RCH

DATE: 11/9/98

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A61-002888 IRRIGATION	FROM 03-15 TO 11-15	1.600 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.600 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
61-002888 IRRIGATION	FROM TO	1.600 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.600 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(~~X~~) N()

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

NOTES:

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 61-10660, 61-11899

Examiner: RON HOWERTON

Date of Field Exam 08/08/1994

P/D No.:	OPTION 1 PUMP 1	OPTION 2 PUMP 2	OPTION 3 PUMP 3
PUMP HORSEPOWER	60	50	25
BOOSTER HORSEPOWER	0	0	0
PUMPING LEVEL	0	3	0
DISCHARGE PRESSURE	40	40	40
RATE OF FLOW (cfs)	4.00	3.23	1.67

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

AJ TOTAL CLAIMED DIVERSION RATE: 1.600 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.600 CFS

NA

*** 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 notes. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

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

X
RSH

B. FLOW MEASUREMENT

MEASUREMENT METHOD HORSEPOWER EQUATION SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: ~~61-00288A~~, 61-00318, 61-00319, 61-00320 & 61-00321. \$ 61-10660

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A61-00288B	COLD SPRINGS CREEK	HALF MOON RANCH	1.600	0.005		
A61-00288A	COLD SPRINGS CREEK	PEARSON 1972 TRUST, JOYCE WUND	2.800	0.009		
A61-00318	COLD SPRINGS CREEK	HALF MOON RANCH	0.500	0.001		
A61-00319	COLD SPRINGS CREEK	HALF MOON RANCH	0.800	0.002		
A61-00320	COLD SPRINGS CREEK	HALF MOON RANCH	0.700	0.002		
A61-00321	COLD SPRINGS CREEK	HALF MOON RANCH	0.900	0.002		
A61-10660	HENLEY SPRINGS	HALF MOON RANCH	0.800	0.002		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 303.8 x 0.02 CFS/ACRE = 6.08 CFS 3.18 RECOMMENDED
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 1085.0 AF/A

ACRES 303.8 x CONSUMPTIVE VOL. AF/A FOR AREA 4 =

TOTAL CONSUMPTIVE USE 1215.2 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 303.8 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 1215.2 AF/A *

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(X)

DECREED RIGHTS: CFS
61-00318 .5 cfs
319 .8 cfs
320 .7 cfs
321 .9 cfs
2.9 cfs
+ B/L RIGHT
61-11899 3.18 cfs
TOTAL ALL RIGHTS 6.08 cfs
@ 10/ACRE

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

* Combined Remark - QNT - E08 1215.2 AFA with 318, 319, 320, 321 & 10660.

POU1 Remark - E14 - TOTAL ACRES = 303.8 IN 12R SEASON.

QNT - E04 Combined CFS OF 6.08 CFS with 318, 319, 320, 321 & 10660.

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
IRRIGATION	03-15 11-15	~~1.600~~		~~1085.0~~
TOTAL FOR THIS RIGHT		~~1.600~~		~~1085.0~~

REVIEWED BY: RLH DATE: 11/10/98

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 61-00288

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE	EXAMINER	CFS
	4.400		

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A61-00288A	2.800	-		61-00288A	2.800
-	A61-00288B	1.600	-		61-00288B	1.600
TOTAL CFS		4.400				4.400

(Combined)
Recommended
as this
RIGHT

DIVERSION RATE REVIEW

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

DATABASE	FIELD EXAMINER
N	

NO SPLITS

NOTES:

AUTHENTICATION:

SIGNATURE:

Ron Howerton

DATE:

NOV 9, 1998

NAME OF FIELD EXAMINER:

Ron Howerton

TITLE:

Sr Water Agent

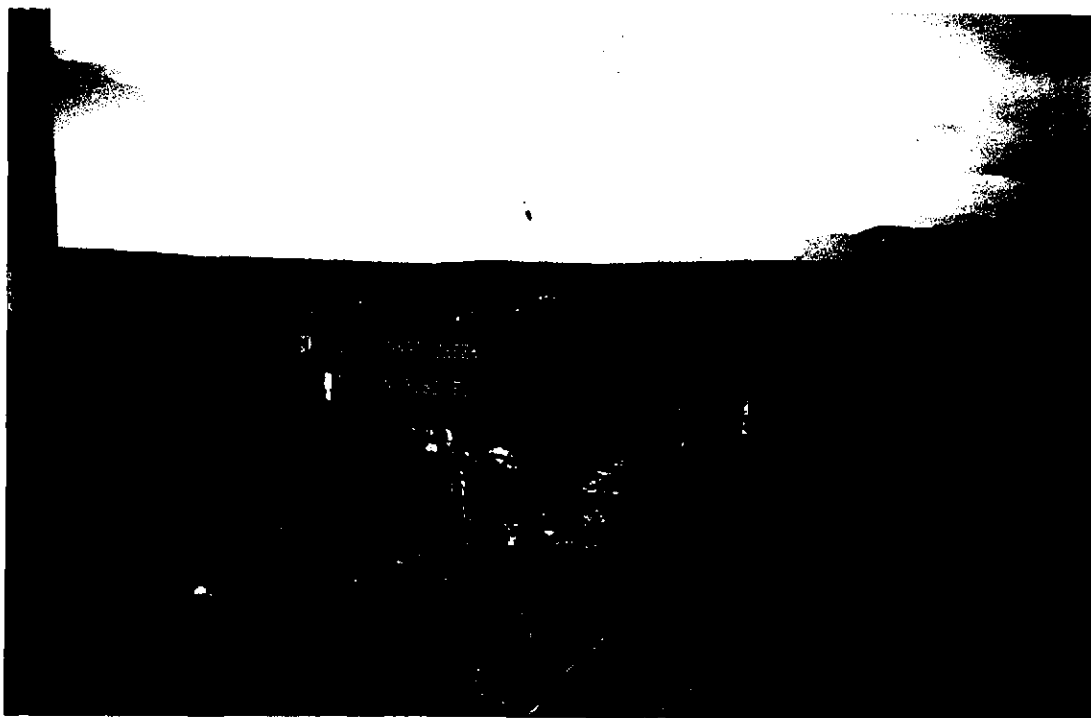
PICTURE #1

61-00318, -319, -320, -321 & -11899: FX 08/08/94. Photo's by RDH. Point of diversion, cement dam, head gate with underground 12 inch pipe to concrete distribution box. Located in T05S, R09E, S05, SENESW.



PICTURE #2

Point of diversion is left of this sign.



PICTURE #3

61-00318, -319, -320, -321 & -11899: FX 08/08/94. Photo's by RDH. Pump array. Idaho power box 4075. Pumps were not present at time of exam. Pump information was provided by Gary Gill. 60HP, 50HP & 25HP, see field notes and Horsepower equation calculations.



PICTURE #4

Distribution box. Dimensions noted on field notes. Located in T5S, R9E, S05, SWSWSE. See ASCS map for location.



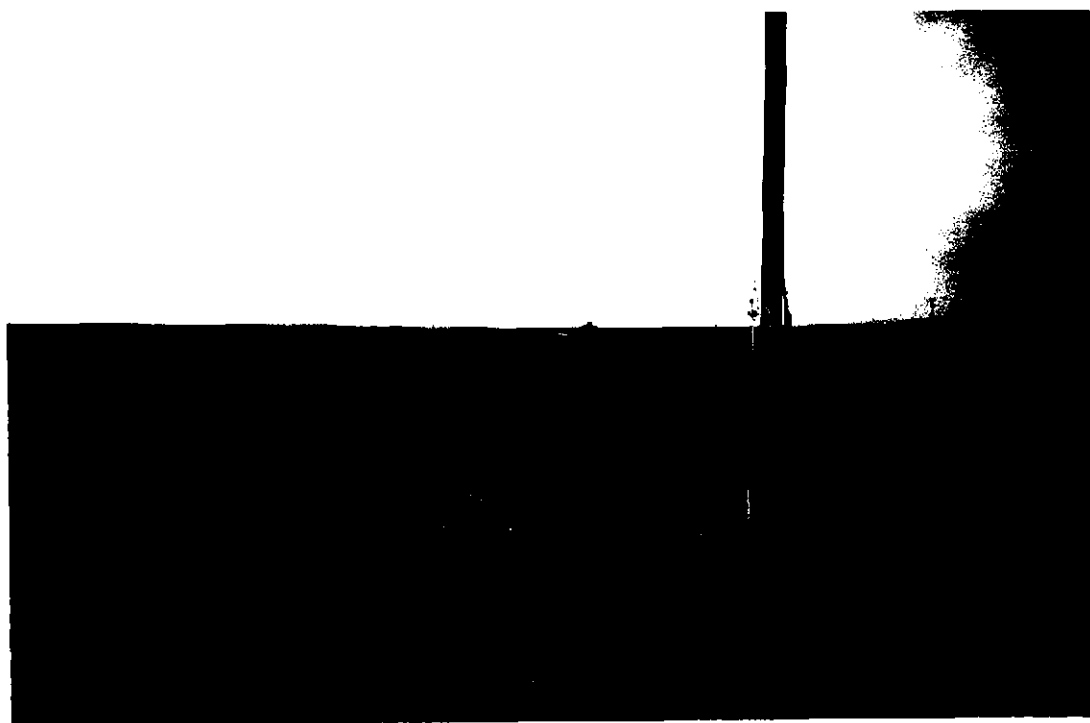
PICTURE #5

61-00318, -319, -320, -321 & -11899: FX 08/08/94. Photo's by RDH. Place of use view to South from distribution box.



PICTURE #6

Additional place of use view. Below Distribution box, view is to North.



MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO <u>1974</u> IDWR ID NO. <u>Z-65</u>	Y(☒) N(☐)
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y(☐) N(☐)
☒ NAPP	DATE OF PHOTO <u>1987</u> IDWR ID NO. <u>Z 65</u>	Y(☒) N(☐)
☒ ASCS AERIAL PHOTO	DATE OF PHOTO <u>1987</u>	Y(☒) N(☐)
☐ ASCS COLOR SLIDE	DATE OF PHOTO _____	Y(☐) N(☐)
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y(☐) N(☐)
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y(☐) N(☐)
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____	Y(☐) N(☐)
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____	Y(☐) N(☐)
☒ OTHER <u>STRIP MAP</u>	DATE <u>COUNTY MAP - LOCATION of Property</u>	Y(☒) N(☐)
☒ OTHER <u>BLACKWELL STATEMENT</u>	DATE <u>10/8/98</u> <u>RECEIVED 10/27/98</u>	Y(☒) N(☐)
☒ OTHER <u>ORTHO</u>	DATE <u>1974</u> <u>SHOWS PID OF Bennett Cr Rights 288A,B</u>	Y(☒) N(☐) <u>TIRMS # 114</u>

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
☒ SYSTEM DESCRIPTION	DATE DRAWN <u>8/8/94</u>	<u>2</u>	_____
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	<u>2</u>	<u>6 photos</u>
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☒ OTHER <u>ORIGINAL DECREE RTS</u>	DATE _____	<u>1</u>	<u>SHOWS LOCATIONS OF ORIGINAL DECREE RTS</u>
☒ OTHER <u>HISTORICAL documents</u>	DATE <u>REC'D 1/31/95</u>	<u>15</u>	<u>RELATED TO BENNETT CR DECREE AND TRANSFER 114</u>

JAN 30 1995

WATER RESOURCES
WESTERN REGION

Now, In Book 3 of Judgements, the full document of the court Rulings shows that Bennett Ck water is apportioned beginning in March 1, 1867 in the following amounts.

1867 114 in + 94 1/2 in. + 22 1/2 in

1872 143 in + 238 in

1874 35 in

1879 150 in

1882 140 in

1883 51 in

1885 100 in

1886 10 in + 20 in + 114 in

1887 75 in

1892 85 in ^{Hall}

1893 220 in. + 220 in. Blackwell

Total water apportioned before 1893 was 1298 in
The 1893 right was Dated April 30th 220 in.

As I am fairly familiar with Bennett Ck, having irrigated one of the ranches that Bennett Ck. runs through, I am certain that after April 30th 1298 in. of water would in most yrs take all the water that could be used. Knowing how the meadows on the three Main Ranches on Bennett Ck. irrigate I think most of the water which Adlin Hall ranch irrigated with had in fact been used once & was actually waste water as his rights were later in time. I didn't look it up, but I know that Adlin Hall (over)

RECEIVED

DEPT OF MAL

RECEIVED
MAY 19 1956
MAY 19 1956

Go through a counteraction in later yrs,
claimed all flood right to Bennett ck.
& diverted that water to Rattlesnake R.,
about 1956, I have heard mentioned,
The notice of water right dated 1892
doesn't call this water "flood water" but
I would think that it would have to be water
that no one was able to use early in the

years

I am sending you this finding of fact
and conclusions of laws, & notice of water
right. It may be something you haven't
need or seen. I'll talk to you the next
time I'm down.

Thank you

Dan Hill

Box 1/2 Moon Ranch.

JAN 30 1895

WATER RESOURCES
WESTERN REGION✓ Notice of Water Right.

State of Idaho } 53.
County of Blaine } To all whom these Presents may
come: Be it known, That we Adin M. Hall and
S. B. Blackwell of Mountain Home and Glenn's Ferry
respectively in said county and State, do hereby publish
and declare, as a legal notice to all the world,

I. That we have a legal right to the use, possession and
control of and claim for hundred 5007 inches of the
waters of Bennett Creek in said county and State, for
irrigating and other purposes.

II. That the special purposes for which said water is
intended to be used, and the places of intended use
is for irrigating purposes and that Rye Grass and
Colds Springs are the places of intended use.

III. That we have taken said water out of, and diverted
it from said Bennett Creek by means of a ditch
which said ditch is 40 inches by 72 inches in
size and carries or conducts 500 inches of water
from said Bennett Creek; said ditch takes and
diverts the water from said stream at a point
up from its east bank about 30 yards below the
Old Emigrant Road that runs between Mr. Black-
man's and J. Ethell's Ranches, and comes out of
the North East corner of Mr. Blackman's Ranch
IV. That we appropriated and took said water on
the 18th day of May A.D. 1892, by means of said
ditch.

V. That the names of the appropriators of said water
are Adin M. Hall and S. B. Blackwell.

VI. That we also hereby claim said ditch and the
right of way therefor, and for said water by it
conveyed, or to be conveyed, from said point of
appropriation to said land or point of final
discharge, and also the right of location upon
any lands of any canals, flumes, reservoirs, con-
structed or to be constructed, by us in appropria-
tion, and in using said water.

VII. That we also claim the right to keep in re-
tain and to enlarge said means of water

appropriations at any time, and the right to dispose of the said right, water, ditch or said apportionances, in part or whole, at any time, claiming the same, all and singular, under any and all laws, National and State, and rulings and decisions the remainder, in the matter of water rights.

Together with all and singular the hereditaments and appurtenances thereto belonging or appertaining, or to accrue to the same.

Witness our hands at Mountain View, Idaho, this 21 day of May 1892.

Adwin McCall
J. B. Blackwell

Filed for record May 21st A.D. 1892 at 12 o'clock M.

W. C. Wickersham

County Recorder

By J. M. Purcell

Deputy

Fees \$1.00

JAN 30 1935

WATER RESOURCES
WESTERN REGION

In the District Court of the Fourth Judicial District
of the State of Idaho, in and for Elmore County

Adm'r of Hall Ed W Wilson
777
Plaintiffs

VS.

Wm H Blackman, Chas. Gerhart,
Chas. F. Ross, Mrs. Ed Ross, Reg.
Sharlin, John McCreary, Ed.
Blackman Ed. Mc Davis
Defendants

Findings of Fact

and

Conclusions of Law.

This cause came on regularly to be heard on the
4th day of December AD 1934, before the Court, without
a jury, a jury having been expressly waived in open
Court, upon the plaintiffs' Complaint and the answer and
cross-Complaint of the following named defendants to wit:
William H Blackman, Charles Gerhart, Charles F. Ross, Mrs.
Ed Ross and Ed Blackman, N. M. Reiser, appearing for
plaintiff Hall and W. E. Sarah & E. M. Wolfe appearing as
attorneys for plaintiff Wilson and J. H. Hawley and Grant
J. Wynn appearing as attorneys for William Blackman.
Charles Gerhart, as administrator of the Estate of Lucinda
Gerhart, deceased, and Mrs. Davis, who was substituted as
a party defendant, having succeeded to the rights of Charles
Gerhart, and Ed Hawley who appeared as attorney for
Charles F. Ross and Ed Ross; witnesses on behalf of
said plaintiffs and said defendants and each of them
having been sworn and examined and cross-examined,
the evidence closed and the trial was concluded on the
7th day of December, AD 1934, and the findings of
fact and conclusions of law were duly made and
filed, and a decree in accordance therewith was
duly rendered and entered; thereupon certain of the
parties to this action took their appeals therefrom to the
Supreme Court of this State and after consideration
of the said appeals, the Court rendered the opinion and judge-
ment and ordered the modification of said decree in
certain particulars with respect to the rights of the
defendant, Blackman and ordered that the findings of
fact, conclusions of law and decree should be mod-
ified accordingly.

Now, therefore, on this 15th, day of May, A.D. 1902, the Court being fully advised in the premises and in accordance with the mandate of the Supreme Court, master and filer the following Modified Findings of Fact and Conclusions of Law, to-wit:

Findings of Fact.

1st. That all of the lands mentioned in the pleadings herein are arid and require water, artificially applied during the irrigating season of each year, in order to secure fully raised crop of any kind; with the exception of a limited acreage on several of the tracts of land owned by the respective parties, and in such cases the amount of said lands not requiring irrigations are not included in the acreage for which water is allowed.

2nd. That the amount of water necessary to irrigate the lands herein is one inch, and no more, per acre of all the lands of the several parties for which water is hereby decreed, with the exception of Charles F. and Ida Ross for whose lands $1\frac{1}{2}$ inches per acre are necessary; the said water always to be measured under a four-inch pressure or second-foot.

3d. Each person using water from Bennett Creek shall before he is entitled to use the same place and maintain at the point or points where such water is diverted a headgate or headgates and box or boxes suitably constructed for measuring water in inches undivided four-inch pressure or its equivalent in second-foot.

4th. That all parties using water under and by virtue of this decree should, as soon as the same shall use thereof has ceased and within ^{the time and place} which they are authorized to use said water, return the same to the channel of said Creek.

5th. That the parties hereto entitled to the use of the water of Bennett Creek should not be permitted to change the place or places of diversion of said water, to the detriment of any party hereto.

6th. That all parties hereto, to whom water is awarded should construct suitable ditches and laterals for the economical distribution and use of such water.

7th. That the several tracts of lands, ^{hereinafter mentioned} appropriated ^{for the purpose of} were at the times of the several parties claiming the respective tracts, as their grantors or predecessors in interest; and that the said parties, their grantors or predecessors in interest appropriated heretofore as the states mentioned herein the several amounts of the waters of said Bennett Creek, herein stated for a beneficial use, and ever since have used the same upon said lands and are entitled to the use of said waters upon said lands in the order of their priority, in the amounts and from the dates hereinafter stated.

Aldine M. Hall- The North Half of the Southeast Quarter, the southeast quarter of the Northeast Quarter of Section Twenty-seven and the southwest quarter of the north ~~west~~ west quarter of Section Twenty-Six, Township four South of Range eight east, containing one hundred and sixty acres and designated in this action as Hall's Pre-emption, to-wit:

↑ 1879- April 1st, 150 inches.

Aldine M. Hall- For use upon the northwest quarter of the northwest quarter of Section twenty-Six and the north half of the northeast quarter and the Southwest Quarter of the northwest quarter of section twenty-seven Township four South of range eight east, containing one hundred and Sixty acres, designated in this action as Hall's Homestead.

↑ 1882- April 1st, 140 inches.

↑ 1886 May 1st, 10 inches.

Aldine M. Hall- For use upon east half of South east quarter of Section twenty-two and west half of Southwest quarter of Section twenty-three, township four South, range eight east, containing 160 acres, known in this action as Hall's Decretory, to-wit:

1885- April 1st, 100 inches. ↑

1886- April 1st, 20 inches. ↑

Aldine M. Hall- For use of Northeast quarter of Southeast quarter, and South Half of the Northwest Quarter and lot No. Three, Section five, Township five South, range nine east; also Southwest quarter

of southwest quarter of Section thirty-three and South
east quarter of Southeast quarter, Section thirty-two,
township four South, Range nine east and lot four of
Section four and lot one, Section five, township five
South, Range nine east.

1893-April 30, 220 inches.

William E. Wilson-Jaw use upon Southwest quarter
of the Southwest quarter of Section twelve and the South
east quarter of the Southeast quarter of Section eleven
and the northeast quarter of the northeast quarter of Section
fourteen and the northwest quarter of the northwest quarter
of Section thirteen all in township four South of range
eleven east except a certain piece of parcel described
as follows, to-wit: Commencing at a stone in center of
lot six, four rods less two feet and seven inches south of
the Southwest corner of the Southeast quarter of the
Southeast quarter of Section eleven, township four
South, Range eight East, from said stone running
in a southeasterly direction to the center of the lot to
a stone 29 rods less ¹⁰ feet and eight inches due south
of the corner of the Sections 11, 12, 13 and 14, thence
in a line in the center of the lot to a stone 7 and
less 3 feet from thence in a northeasterly direction
measuring a right angle with the line in the center
of the lot to a stone to a stone, from thence in an easterly
direction, parallel with the line in the center of
the lot to the eastern boundary of said land. The lands
for which water is given and herein described across
of the line in the center of the lands and to the point
where right angle is described running in a westerly
only direction 17 rods, thence in a southeasterly direction
parallel with the line in the center of the lot to
the eastern boundary; also the South half of the North
west quarter and the north half of the Southwest
quarter of Section 12, township four South, range
eleven East shown in these proceedings as the Ethel
tract in the of the road.

1872-March 1st, 143 inches.

1876-March 1st, 35 inches.

William Wilson-Jaw use upon the

northeast quarter of the northwest quarter of Section 12, and the Southeast quarter of the Southwest quarter and the West half of the Southeast quarter of Section 1, in Township 4 South of range 8 east, known as the Markley Tract, to wit:

1883 - April 1st, 21 inches

William H. Blackman - For use upon the Southwest quarter of the Northwest quarter and the Northwest quarter of the Southwest quarter of section 13, and the Southwest quarter of the Northwest quarter of Section 14, and all that portion of the Northwest quarter of the Northwest quarter of section 13, and the Northwest quarter of the Northeast quarter of Section 14, which lies south of that certain line known as the South line of the William E. Wilson Tract, being all in Township four South of range eight east, 1872 - March 1st, 238 inches

William H. Blackman - For use upon the Southwest quarter of the Southwest quarter of Section 13, and the Northwest quarter of the Northwest quarter of Section 24, the north half of the Northwest quarter of Section 23, the South half of the Southwest quarter and the Northwest quarter of the Southwest quarter and the West half of the Northwest quarter of Section 14 all in township four South of range eight east, 114 inches, dating from March 1st, 1886.

Charles H. Ross - For use upon the East half of the Southwest quarter and the East half of the Northwest quarter of Section 36, in Township 3 South of range 8 east, known as the Charles H. Ross Homestead, to wit:

1867 - March 1st, 114 inches

1892 - March 1st, 23 1/2 inches

Ida E. Ross - For use upon the East half of the Northwest quarter and the Northwest quarter of the Southwest quarter of Section 16, Township 4 South, range 8 east, known as the Chapman Pre-emption tract.

1867- March 1st, 94½ inches.

1892 - March 1st, 85 7/10 inches.

Mr. L. Davis and Charles Garbark. - To be used upon the South half of the Southwest quarter, the Northwest quarter of the northwest quarter and the Southwest quarter of the northwest quarter of Section 25, Township 3, South range 8 each, to wit:

1887- October 1st, 75 inches.

W. H. Blackwell. - For use upon southwest quarter of the Southeast quarter and the Southeast quarter of the Southwest quarter of Section 5, and west half of the northeast quarter of Section 8, Township 5, South Range 9 each, and west half of the Southeast quarter of Section 8, Township 3, South range 9 each, ^{containing} ~~comprising~~ of 240 acres, to wit:

1893 - April 30th, 220 inches.

It is that in so far as the rights of the respective parties in this action were litigated, adjudged and decreed by judgment of this Court made and entered on the 4th day of April 1892, the same shall not be affected by the decree in this action.

It is that the several parties to this action whose rights to the use of the waters under the decree are of record do not share, when even the amount flowing into the Channel of said Bennett Creek is insufficient in quantity to supply the demands of water herein awarded, where in the use of said water in the proportion the several quantities awarded, as of the same date, bears to the quantity of water flowing in said stream at such time of scarcity, not, however, interfering with the rights of any earlier or prior rights.

That each party of this action should pay his or her costs.

Conclusions of Law.

It is as conclusions of law of the foregoing facts, that Court finds.

That the plaintiff, Adin M. Hall is entitled to the undivided amounts of the waters of Bennett Creek from the following dates:

For use upon the track known as Hall's Pre-emptive
150 inches, dating from April 1st, 1879.
For use upon track known as Hall's Pre-emptive,
140 inches, dating from April 1st, 1882, to 1st of Nov, dating
from May 1st, 1886.

For, one up for track between as Hall's Creek, 100 inches
 1886.

For use upon the northeast quarter of Southeast quarter
and South half of northwest quarter and lot No. 3
Section 5, Township 5 South, Range 9 East; also South-
west quarter of Southwest quarter of Section 33,
and Southeast quarter of Southeast quarter, Section 32
Township 4 South, Range 9 East, and lot 4 of Section
4, and lot 1, Section 5, Township 5 South, Range
9 East, 2.20 inches, dating from April 30th 1893.

2nd. — That the Plaintiff William E. Wilson is entitled to the following accounts of the waters of Bennett Creek from the following dates: —

For use upon the Ethel track, north of the road
Barnett Creek, from the railroad
143 inches, dating from March 1st, 1872; 36 inches,
dating from March 1st, 1876.

William E. Wilson for use upon the Working Stock
57 inches, dating from April 1st, 1883.

Bad. That the defendant Wm. H. Root is entitled to the following amount of the waters of Bennett Creek from the following dates: —

Edwards & Blackman - former upon the South Creek grow the following acres: -
 west quarter of the northwest quarter and the northwest quarter of the southeast quarter of Section 13, and southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of Section 14, and also that portion of the northeast quarter of the northwest quarter of Section 13, and the northeast quarter of the northeast quarter of Section 14, which lies south of that certain line given as the South line of William Edwards tract bearing

all in township 4 south of range
inches, Astoria Sound marsh, Feb. 1872

Williams, W. Lactuarius, Feb.

Southwest quarter of the Southwest quarter of section 13, and the northwest quarter of the southwest quarter of Section 24, the north half of the Northeast quarter of Section 23, the South half of the Southwest quarter and the northwestern quarter of the Southeast quarter and the west half of the Northeast quarter of section 14, all in township 4 north of range 8 East, 114 inches, dating from March 1st, 1886.

That Charles E. Moss is entitled to the use of the waters of Bennett Creek from the following dates: - For the Charles E. Moss harvest 114 inches, dating from the 1st day of March 1867; 22½ inches, dating from March 1st, 1892.

That Ida E. Moss is entitled to the use of the waters of Bennett Creek in the following amounts from the following dates; 94½ inches, dating from March 1st, 1867; 85½ inches, dating from March 1st, 1892.

That M. L. Davis and Charles E. Gresham are entitled to the use of the waters of Bennett Creek for twice as far as their lands herein bore described, 175 inches, dating from October 1st, 1887.

That S. B. Westwell is entitled to the use of the waters of Bennett Creek upon his lands herein for as far as the amount of 220 inches, dating from April 30th, 1893.

That the several parties to this action whose rights to the use of the waters of Bennett Creek are of record are entitled, whenever the amount of water flowing in the Channel of said stream is insufficient to supply the amount of water herein authorized to be used in the use of said water in proportion to the several quantities agreed, as of the same date, bears to the quantity of water flowing in and otherwise as much to the capacity, not, however, water for any other use, the right of any earlier water right.

That each of the parties hereto to whom water is awarded shall before being allowed to use the same place and near to the point of

points where he or she diverts said water from the channel of said stream, a headgate or headgate box or boxes, suitably constructed for measuring water in inches, under a four inch pressure with equal about in second-feet.

10th. That each party hereto to whom water is awarded shall whenever the beneficial use thereof turns the water of said stream so used into the channel thereof. That each and every party hereto, their agents, attorneys, employees and privies and their successors and interests shall be enjoined and restrained from interfering, in any manner, with the waters of said stream except as provided in the decree herein.

11th. - That the costs and disbursements of each party herein shall be paid by each party.

Let judgment be entered accordingly.

Dated May 15th 1902.

Wm. H. Hall & W. E. Wilson
Attorneys for Plaintiff

Filed May 15th 1902 at 4:16 pm. At Court Clerk
By J. W. Bell, Deputy.

In the District Court of the Fourth Judicial District of the State of Idaho, in and for Blaine County.

Adam H. Hall & W. E. Wilson

Plaintiffs

vs.

Wm. H. Chetman, Chas. Gunkh, Chas. H. Ross, Mrs. Ida Ross, Roy. Sparkie, John McLean, Wm. O. Chetman & M. Brown.

Defendants.

And now this cause coming on before the Judge the modified findings of fact and the conclusions of law hereinbefore filed, and upon the remittiture of the same to the undersigned Court and the Court being fully advised in the premises, it is ordered that the

I.

That the Plaintiff Adam McCall he and he is hereby awarded the use of the amount of water hereinafter stated from the waters of Bennett Creek, in each year, from the following dates, to-wit:

1st. For Hall Pre-emption claim 100 inches of water, dating from April 1st, 1879.

2nd. For Hall Homestead, 140 inches of water, dating from April 1st, 1882; 10 inches of water, dating from May 1st, 1886.

3rd. For Hall's Deer Creek Entry, 100 inches, dating from April 1st, 1885; 20 inches, dating from April 1st, 1886.

4th. For Northeast quarter of Southwest quarter and South half of northwest quarter and lot No. 3, section 5, township 5 South, range 9 East; also Southwest quarter of Southwest quarter of section 33, and Southwest quarter of Southeast quarter, section 32, township 4 South, range 9 East, and lot 4 of section 4, and lot 1, section 5, township 5 South, range 9 East, 220 inches of water, dating from April 30th, 1893.

II.

1st. That the plaintiff William E. Wilson he and he is hereby awarded the use of the amount of water hereinafter stated, from the waters of Bennett Creek, in each year, from the following dates, to-wit:

For ^{the} McCall tract, north of the road, 143 inches, dating from March 1st, 1872; 35 inches, dating from March 1st, 1876.

2nd. For use upon the Marley tract, 51 inches of water, dating from April 1st, 1883.

III.

That the defendants William H. Blackman he and he is hereby awarded the use of the waters hereinafter stated from the waters from Bennett Creek in each year, from the following dates, to-wit:

1st. For use upon the Southwest quarter of the northwest quarter and the northwest quarter of the Southwest quarter of section 13, and the ^{South} ~~Southwest~~ quarter of the ~~Southwest~~ ^{North} east quarter

and the northeast quarter of the southeast quarter.

1st Section 14 and all that portion of the Northwest quarter of the Northwest quarter of Section 13, and the Northeast quarter of the Northeast quarter of Section 14, which lies South of that certain line given as the South line of the William C. Wilson Tract, being all in Township 4 South of Range 8 East 238 inches, dating from March 1st, 1872.

2nd. For use upon the Southeast quarter of the Southwest quarter of Section 13, and the Northwest quarter of the Northwest quarter of Section 24, the North half of the Northeast quarter of Section 23, the South half of the Southeast quarter and the Northwest quarter of the Southeast quarter and the West half of the Northeast quarter of Section 14, all in Township 4 South of Range 15 East, 114 inches, dating from March 1st, 1886.

IV

That the defendant Charles F. Ross be and he is hereby awarded the use of the amount of water hereinafter stated, from the waters in Bennett Creek, in each year, from the following dates, to-wit:—

1st. For use upon the Charles F. Ross Homestead, 114 inches, dating from March 1st, 1867; 22½ inches, dating from March 1st, 1892.

V

That the defendant Ida C. Ross be and she is hereby awarded the use of the amount of water hereinafter stated, from the waters of Bennett Creek, in each year, from the following dates, to-wit:—

1st. For the G. B. Ross Pre-emption, 94½ inches, dating from March 1st, 1867; 85½ inches, dating from March 1st, 1892.

VI

That the defendants M. S. Davis and Charles Geerhart be and they are hereby awarded the use of the water hereinafter stated, from the water of Bennett Creek, in each year, from the following dates to-wit:—

1st. Upon the South half of the Southwest quarter, the Northwest quarter of the Northwest and the Southwest quarter of the Southwest quarter of Section 25, Township 3 South, Range 8 East, 75 inches, dating from October 1st, 1887.

VII

That the defendant S. B. Blackwell be and he is hereby awarded the use of the amount of water hereinafter stated, from the waters of Bennett Creek in each year, from the following dates to-wit:—

1st. For use upon the Southwest quarter of the Southeast quarter and the Southeast quarter of the Southwest quarter of Section

5, and the West half of the Northeast quarter of Section 8 Township 5 South of Range 9 East, and the West half of the Southeast Quarter of Section 8 Township 5 South, Range 9 East, 220 inches, dating from April 30th 1883.

VIII.

That all of said water heretofore awarded to the respective parties to this action shall be measured at the point or points of diversion thereof from the Channel of said stream, in a box or boxes, headgate or headgates, constructed for measuring water at a four inch pressure, or its equivalent in ^{xxx}feet, and said water shall be measured at said point or points of diversion, under a four inch pressure, or its equivalent in second-feet.

IX.

That insofar as the rights of any of the parties to this action have heretofore been determined or adjudged by decree of this Court the same shall not, by this decree, be disturbed.

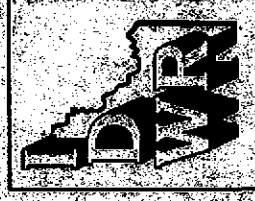
X.

It is further ordered, adjudged and decreed that the several parties hereto, who rights to the use of the waters of said Bennett Creek are of evendate, shall, whenever the amount of water flowing in said Channel or stream is insufficient in quantity to supply the amount of water herein awarded, share in the use of the water in proportion that the several quantities awarded, at same date, bears to the whole quantity flowing in said stream at all time of scarcity; not, however, to interfere with the rights of an earlier or prior date.

XI.

It is further ordered, adjudged and decreed that none of the parties hereto, or their successors in interest, shall have the right to use of the waters of Bennett Creek herein awarded except for a beneficial purpose; and that whenever the beneficial use has reached such point or points shall turn the waters of said stream used by them back into the Channel thereof; that each and every of the Plaintiffs, as defendants, their servants, Attorneys, Employees, Privies and accessories in interest, are hereby enjoined ^{as} restrained from any and all interference with or diversion of the waters of said Bennett Creek except as provided in this decree whenever an interference, diversion or use would in any manner interfere with the quantity of water awarded by this decree to any of the other parties of this action.

CONVERSATION MEMORANDUM



Claim No' (S) AG-00299A

AG-00288B

Subject: HAGF-MOW RANCH RESPONSE TO JURY'S CHANGE

Agent: Rob Howerston

Date:

- GARY GILL (FOREMAN) CAME IN TODAY. HE DIDN'T HAVE ANY MOREWORK DONE FOR THIS RESPONSE YET.
- I ADVISED HIM THAT WE HAVE TO HAVE THESE WENT-4P BY APRIL THIS YEAR AND IF WE DON'T GET THE EVIDENCE NEEDED I HAVE NO OTHER ALTERNATIVE BUT TO RECOMMEND BOTH OF THE ABOVE CLAIMS AS DISALLOWED.
- GAVE HIM MORE INFO BASED UPON HIS QUESTIONS AND A SHAP FROM PAGES OF AGED, AFFIDAVIT FORMS AND SAMPLE WORDING.
- 1-19-95
- GARY GILL CAME IN AGAIN TO GAIN MORE INFO, HE IS READY TRYING AND BELIEVES HE CAN GET AN AFFIDAVIT TO SHOW THE CHANGE OF DATE.
- 3-6-95 366-2402
- GARY CALLED ABOUT IF I HAD RECEIVED HIS PAPERWORK HE DID REQUEST OR? YES
- HE HAS AN AFFIDAVIT NOW FROM SAM BLACKWELL, & BILL WALKER AND WOULD CALL ME BACK WHEN HE WOULD BEING- TAKEN IN.
- HE HAS SOME EVIDENCE TO SHOW ME AND DAVE T ABOUT HENLEY SPRINGS. HE BELIEVES SOME OF THAT WOULD BE TAKEN FROM THAT MOUNT RANCH AND WANTS TO TALK TO US ABOUT IT...



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

August 29, 1994

CECIL D. ANDRUS
GOVERNOR

ORIGINAL RESPONSE DATE: September 9, 1994
NEW RESPONSE DATE: **October 10, 1994**

R. KEITH HIGGINSON
DIRECTOR

Jerry Caven
Half Moon Ranch
6874 Fairview Ave
Boise, Id 83704

RE: New response date granted for;
A61-00288A
A61-00288B

Dear Mr. Caven,

We have received your letter dated August 24, 1994 in response to our telephone discussion that day.

The request for an extension of time in which to respond on the above referenced claims has been granted.

Your response must be received in our office by October 10, 1994.

Sincerely,


RON HOWERTON
Sr. Water Resource Agent
Adjudication Bureau



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

August 9, 1994

RESPOND BY: September 9, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Jerry Caven
Half Moon Ranch
6874 Fairview Ave
Boise, Id 83704

RE: A61-00288B

Dear Mr. Caven,

We are currently in the process of preparing the above referenced Notice of Claim for court decree in the Snake River Basin Adjudication. During this review certain questions arose concerning the claim listed above. All claims with an A61 prefix number are being reviewed at this time. If you have other claims with this prefix, that are not shown here, we may be contacting you again if questions should arise during their review.

SOURCE/POINT OF DIVERSION CHANGE

Our initial investigation of this above claim indicates that there has been a change in the source/point of diversion of the water from which was shown on the original water right.

A change in the source/point of diversion of a water right may be recommended only if certain requirements are met.

One requirement is that the change must have occurred prior to the commencement of this adjudication, November 19, 1987. The other requirement is that this change cannot result in an injury to other water rights.

Before your claim can be recommended to the court you must provide the Department with the date the change occurred and some evidence to support that date.

If the change was prior to November 19, 1987, then you must include the month and year. If the change occurred after November 19, 1987, then an Application for Transfer is required to show the new source/point of diversion.

Types of evidence to submit can include statements from neighbors who knew of the change, relatives, watermasters, ditchriders, etc. If you go to the ASCS office or SCS, they may have documentation of such a change. If none of the above can be found, your notarized statement that you made the change or witnessed it may satisfy this requirement.

The original water right shows the source of water as Bennett Creek tributary to Snake River. Your claim now shows the source as Cold Springs Creek tributary to Snake River.

The original water right shows the point of diversion in the SE 1/4 of the SW 1/4, Section 13, Township 4S, Range 8E. The current point of diversion is shown in the NE 1/4 of the SW 1/4, Section 5, Township 5S, Range 9E.

Your response must be received in our office by the response date shown above. If the requested information is not received, then your claim will be likely recommended for disallowal for lack of proof of change.

Sincerely,

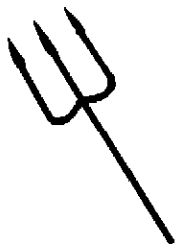


RON HOWERTON
Sr. Water Resource Agent
Adjudication Bureau

Attachments:

1. Map copy showing location of P/D from Bennett Creek & place of use.
2. Township Grid showing existing water rights & legal descriptions.
3. Map Copy of current claimed P/D.
4. Copy of current claim.
5. Copy of existing water right before claim.
6. Copy of transfer certificate 114 dtd 20 May 1913. Split into 61-00288B.
7. Diagram of transfer showing ditch from Bennett Creek to place of use.
8. Copy of decree before transfer and split.

CC: Gary Gill (Foreman)



PITCH FORK
RANCH

RECEIVED

AUG 26 1994

WATER RESOURCES
WESTERN REGION

KING HILL, IDAHO

MEMO

Aug 24, 1994

Ron Howerton

State of Idaho

Department of Water Resources

2735 Airport Way Boise 83705-5082

Ron,

Have received your letter of Aug 11, 1994 concerning Half Moon Lake. I am requesting permission from you to respond by OCT 19, 1994 instead of Sept 9. This has become very complex to gather info. Also I am going to be away the next 3 weeks. Thank you for your consideration. Appreciate your interest in this project.

Thank you

Jerry L Caven

ADJUDICATION MEMORANDUM

CLAIM NO.: AGI-00288A
AGI-00288B

SUBJECT: PROOF OF CHANGE

EMPLOYEE: RON BURNETT
14:00

DATE: [REDACTED]

JERRY CAVEN OF HALF MOON RANCH CALLED IN RESPONSE
TO CLAIMANT CONTACT LETTER DTD AUG 9, 1994.

HE wanted to extend the response deadline to
OCT 10 SINCE he would be gone for 3 weeks.
I said it would be ok but since he wanted
a letter stating it was ok that he should send
us a letter requesting the extension and I
would respond to it. HE SAID HE would Do it.

He said that himself and his attorney would like
to meet with me a by officer and bring the
evidence with some people who have personal knowledge
OF the P/D/source change.

WE ALSO Discussed the fact that NO IRRIGATION
was occurring AT THE TIME OF EXAM AND NO MOTORS
or Pumps were there except for parts of them. This
could possibly be questioned later as to when it was
last used. But the dept was not pursuing this at this
time, only the change in source/P/D. WE ALSO Discussed
possibly the advance OF DATE of PRIORITY ON the
Change and the right might become a P/u RIGHT
INSTEAD OF BASED UPON A DECREE AS ORIGINAL
RIGHT ON BURNETT CREEK.

ADJUDICATION MEMORANDUM

CLAIM NO.: A61-00288B-318, 319, 320, 321 SUBJECT: EVIDENCE OF SOURCE CHANGE

EMPLOYEE: RON HOWERTON

DATE: 8/1/84 15:45

322-5600 (AT SAME PLACE)
CONV. WITH TIM CHAMBERS: (WORKS WITH OWNER JAY CAVEN)

1) WE NEED EVIDENCE OF SOURCE CHANGE DATE. THIS CAN BE IN THE FORM OF AN AFFIDAVIT OR OTHER POSSIBLE DOCUMENTS.

2) I ALSO NOW WILL NEED PUMP DATA ON ALL OF THE COLD SPRINGS RIGHTS SINCE I DISCOVERED THAT THESE CLAIMS WERE ORIGINALLY DECREED FOR BENNETT CR. & CLAIMED BY JOYCE WUNDERLICH-PEARSON TRUST AS COLD SPRINGS CR.

3) THE MOST I CAN DO MONDAY IS TAKE PHOTO'S OF THE P/D'S AND TAKE PUMP & LIFT DATA IF AVAILABLE ON SITE. ALSO TAKE PHOTO'S OF THE P&U.

A. JIM SAID THAT HE WOULD TALK TO ^(JERRY) JAY CAVEN AND GET STARTED WITH THE EVIDENCE.

B. JIM ALSO SAID THAT ONLY CARY GILL MIGHT BE AT RANCH MONDAY.

7-11-94

FIELD EXAM
TELEPHONE CONVERSATION MEMO

I.D. NUMBER A61-00288B, -318, -319, -320, -321 & 10660

NAME OF CONTACT JERRY CAVEN - OWNER (NEED NEW PHONE #)

PHONE NO. AT 322-5600 ^{CONTACTED JIM CHAMBER 8-3-94 15:15} ^{ADJ. AGENT R. HOWERTON}

DATE SET FOR EXAM 9:30 AM 8 AUG & POSSIBLE 9 AUG 94 ^{HE WILL CK WITH JAY IF PUMP IS RUNNING OR HAS INFO ON IT.}

LOCATION MOUNTAIN HOME ON FREEWAY PAST GEAR TANNER,
THEN TAKE FIRST EXIT (5-6 MILES) AFTER GEAR TANNER,
THEN TURN-OFF FREEWAY (to right then OVER FREEWAY) to
NORTH SIDE OF FREEWAY. GO APPROX 12 MILES TO RANCH.
ITS ON RHS, CORRALS & BLDGS. HOUSE IS ON JUST
OTHER SIDE OF CREEK.

Diverting at full rates? UNKNOWN

Type of measuring devices? unk.

Places to make measurements? unk.

Type of system? (pipeline, ditches)

How many laterals are used?

Length and size of mainline?

Size of Motor used for each P/D? unk.

Estimate of depth to water?

Pressure at well? NA

Pressure at sprinkler head? unk

COMMENTS WILL MEET WITH GARY GILL (FOREMAN)
ON 1ST DAY JAY BUT AFTER 1ST DAY IT WILL BE JERRY.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

Date: July 1, 1994

CECIL D. ANDRUS
GOVERNOR

Half Moon Ranch
6874 Fairview Ave
Boise, Id 83704

R. KEITH HIGGINSON
DIRECTOR

RE: Field Exam Scheduling Letter for the following Adjudication Claims:

~~A61-00288B~~, A61-00318, A61-00319, A61-00320, A61-00321 &
A61-10660.

Dear Claimant:

The Adjudication Staff of the Department of Water Resources will be conducting Snake River Basin Adjudication Claim Examinations for Elmore County from July through November 1994.

Information on your claim that may need to be verified includes, source(s) of water, uses and amounts, legal descriptions of point(s) of diversion, place of use and in some cases documentation verifying the date of priority as claimed in the Snake River Basin Adjudication.

Although it is not mandatory that you accompany me, should questions arise during the exam, it would be most helpful for yourself or a knowledgeable representative to be available during the field exam. This will help in the accuracy of collecting specific information about your water right and speed up our findings.

I would appreciate your call **ASAP** to set-up a field exam date. I may also be calling to help speed up the scheduling due to the short field season this year.

If you have other questions prior to scheduling a date or about the field examination, feel free to call me on that too. **Please call today to set-up your exam!**

Sincerely,

Ron Howerton
ADJUDICATION STAFF
Department of Water Resources
Western Region Office
(208) 334-2190



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 8, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RE: Notice of Claims to Water Right Nos. A61-10660, A61-00288B,
A61-00318, A61-00319, A61-00320 and A61-00321

Half Moon Ranch
6874 Fairview Ave.
Boise, ID 83704

Dear Claimants:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the lands and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any other requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

FILE 61-C 61-0288

STATE OF IDAHO

OFFICE OF STATE ENGINEER-----

CERTIFICATE NO. 114, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted Samuel B. Blackwell of Glenna Perry, County of Elmore, State of Idaho, to transfer the use of eighty (80) inches of the waters of Bennett Creek, County of Elmore, State of Idaho, from the land upon which it is now used, i.e., SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 5, and W $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 8, T. 5 S., R. 9 E., B.M., and conducted to and upon the E $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 8, T. 5 S. E. B. M., said waters to be diverted from Bennett Creek at a point about 20 feet north of the SW corner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 13, T. 4 S., R. 8 E., B. M.

The water appurtenant to the above described land was adjudged by decree, dated May 15, 1902, of Kirtland I. Perky, Judge of the Fourth Judicial District of the State of Idaho, in and for Elmore County, in the case entitled Adin M. Hall, et al., Plaintiffs, vs. Wm. H. Blackman, et al., defendants, in the following words, to-wit:

"That S. B. Blackwell is entitled to the use of the waters of Bennett Creek upon his land hereinbefore described in the amount of 220 inches, dating from April 30, 1893."

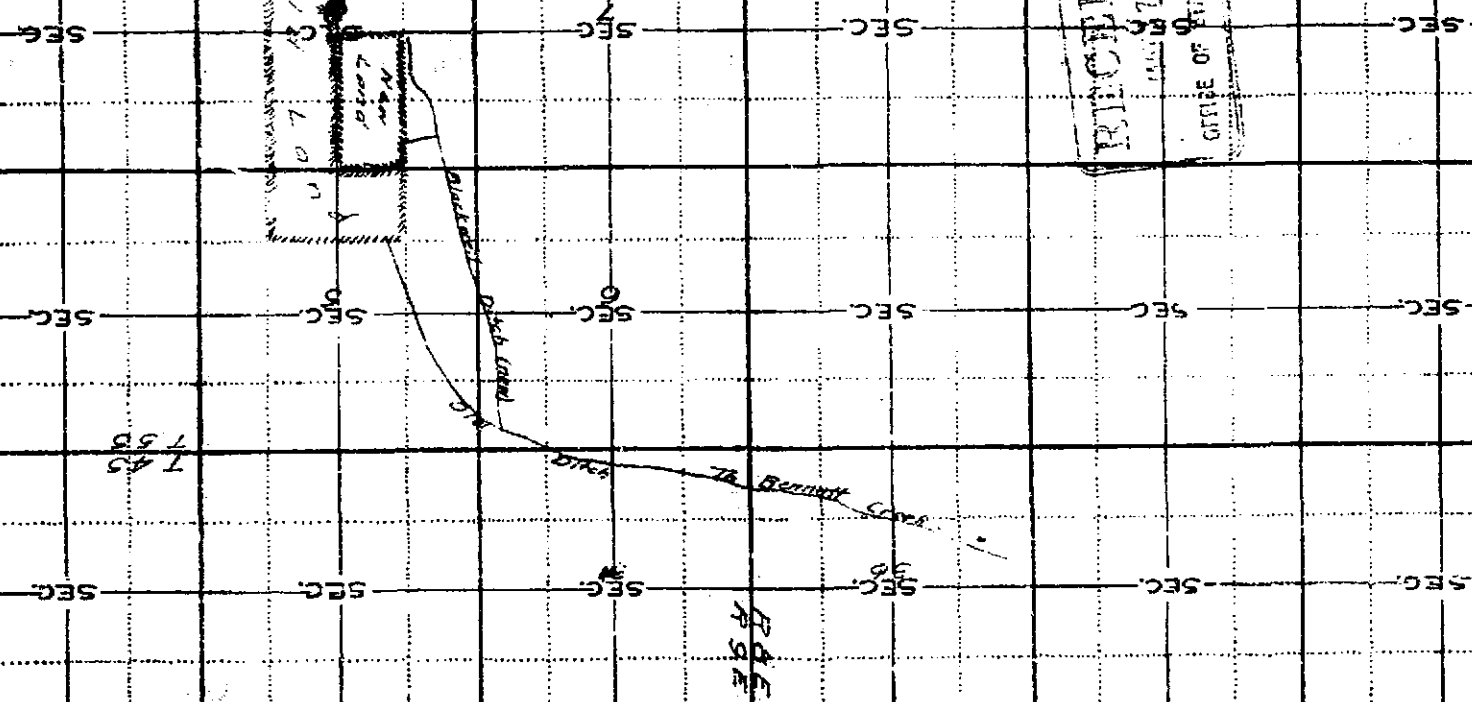
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this twentieth day of May, 1913.

P.P.KING,

State Engineer.

(SEAL)

RECEIVED
JUL 27 1918
OFFICE OF STATE ENGINEER



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR ELMORE COUNTY.

ADIN H. HALL and W.E.WILSON

PLAINTIFFS

VS

WM. H. BLACKMAN, CHAS. GEERHART, CHAS F.

ROSS, MRS IDA ROSS, BENJ. SPARLING, JOHN:

MCCUEN, S.B.BLACKWELL and M.L.DAVIS

DEFENDANTS.

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW.

This cause came on regularly to be heard on the 4th day of December A.D. 1899, before the Court without a jury, a jury having been expressly waived in open Court, upon the plaintiffs Complaint and the answer and cross-complaint of the following name defendants, to-wit: William H. Blackman, Charles Geerhart , Charles F. Ross, Mrs Ida Ross and S.B.Blackwell. N.M.Ruick appearing for plaintiff Hall and W.E.Borah and E.M.Wolfe appearing as attorneys for plaintiff Wilson and J.H.Hawley and Frank T. Wyman appearing as attorneys for William Blackman, Charles Geerhart, as administrator of the Estate of Lucinda Geerhart, deceased and M.L.Davis who was substituted as a party defendant, having succeeded to the rights of Charles Geerhart and W.C.Howie who appeared as attorney for Charles F. Ross and Ida Ross.

FINDINGS OF FACT.

S.B.Blackwell- For use upon southwest quarter of the southeast quarter and the southeast quarter of the southwest quarter of section 5, and west half of of the northeast quarter of Section 8, township 5 South, Range 9 east, and west half of the southeast quarter of Section 8, township 5 south range 9 east, containing of 240 acres, to-wit:

1893- April 30th, 220 inches.

RECEIVED

MAY 13 1913

OFFICE OF STATE ENGINEER

RECEIVED

APR 22 1913

OFFICE OF STATE ENGINEER

RECORDED

was located
in T. 114
61-5288

CONCLUSIONS OF LAW.

7th. That S.B.Blackwell is entitled to the use of the waters of Bennett Creek upon his land hereinbefore described in the amount of 220 inches, dating from April 30th, 1893.

Let Judgment be entered accordingly.

Dated May 15th, 1902.

Kirtland I. Perky, Judge,
Of the Fourth Judicial District of the State
of Idaho, in and for Elmore County.

Filed May 15th, 1902 at 4:15 P.M.

A.G.Smith, Clerk.

By J.W.Ball, Deputy.

Book 3 of Judgments at page 31.

171-CERTIFICATE OF TRUE COPY-CLERK.

Printed and for sale by the Statesman Printing Co., Boise, Idaho.

STATE OF IDAHO, } ss.
County of Elmore
Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County
of Elmore do hereby certify that the foregoing is a true and correct copy of the original
Decree affecting the rights of S.B. Blackwell to the use of the waters of
Bennett Creek
now on Record in my office
Given under my hand and the seal of said court, this 28th day of
March A. D. 1903
J. G. Smith Clerk.
By _____

