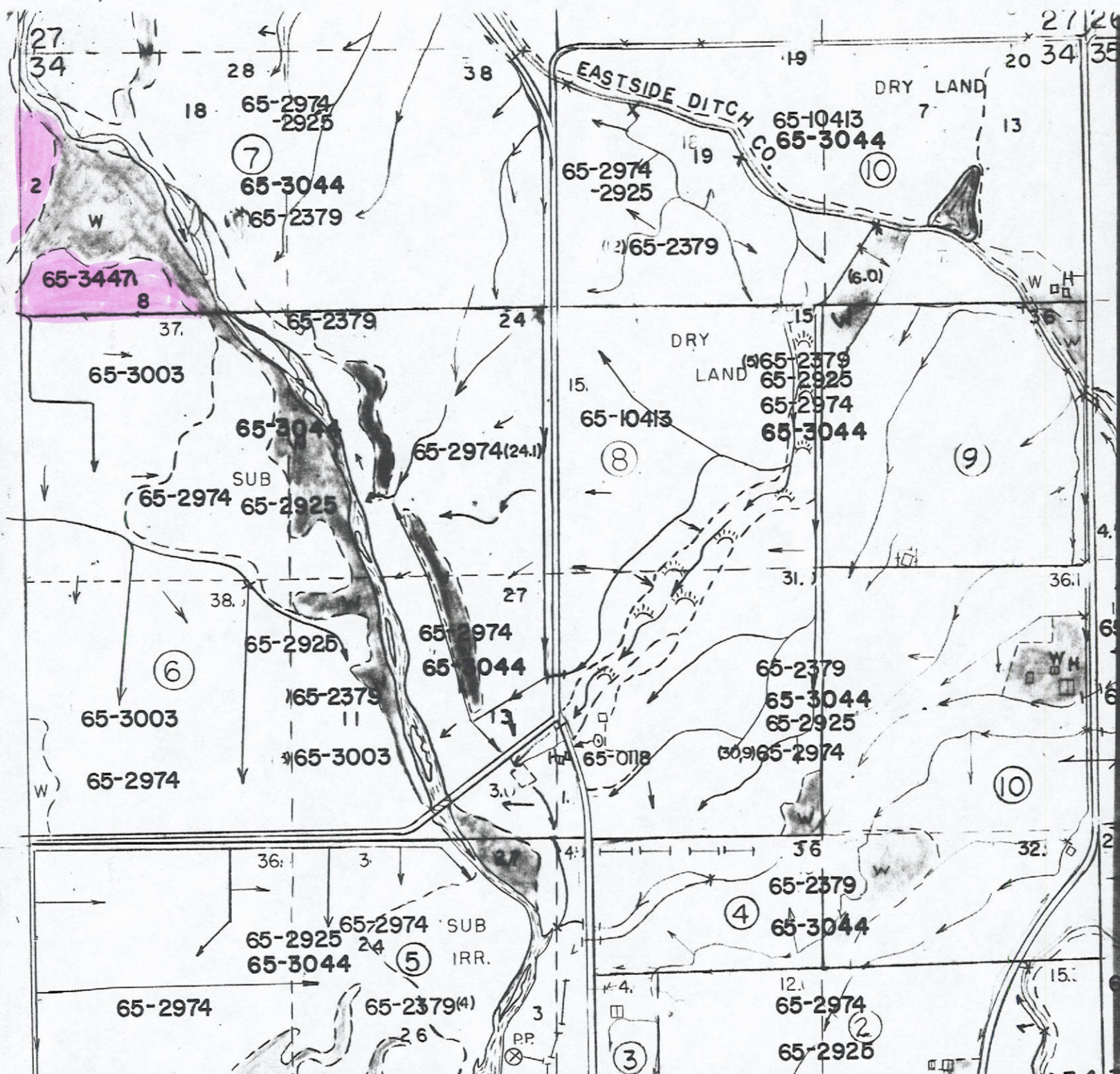
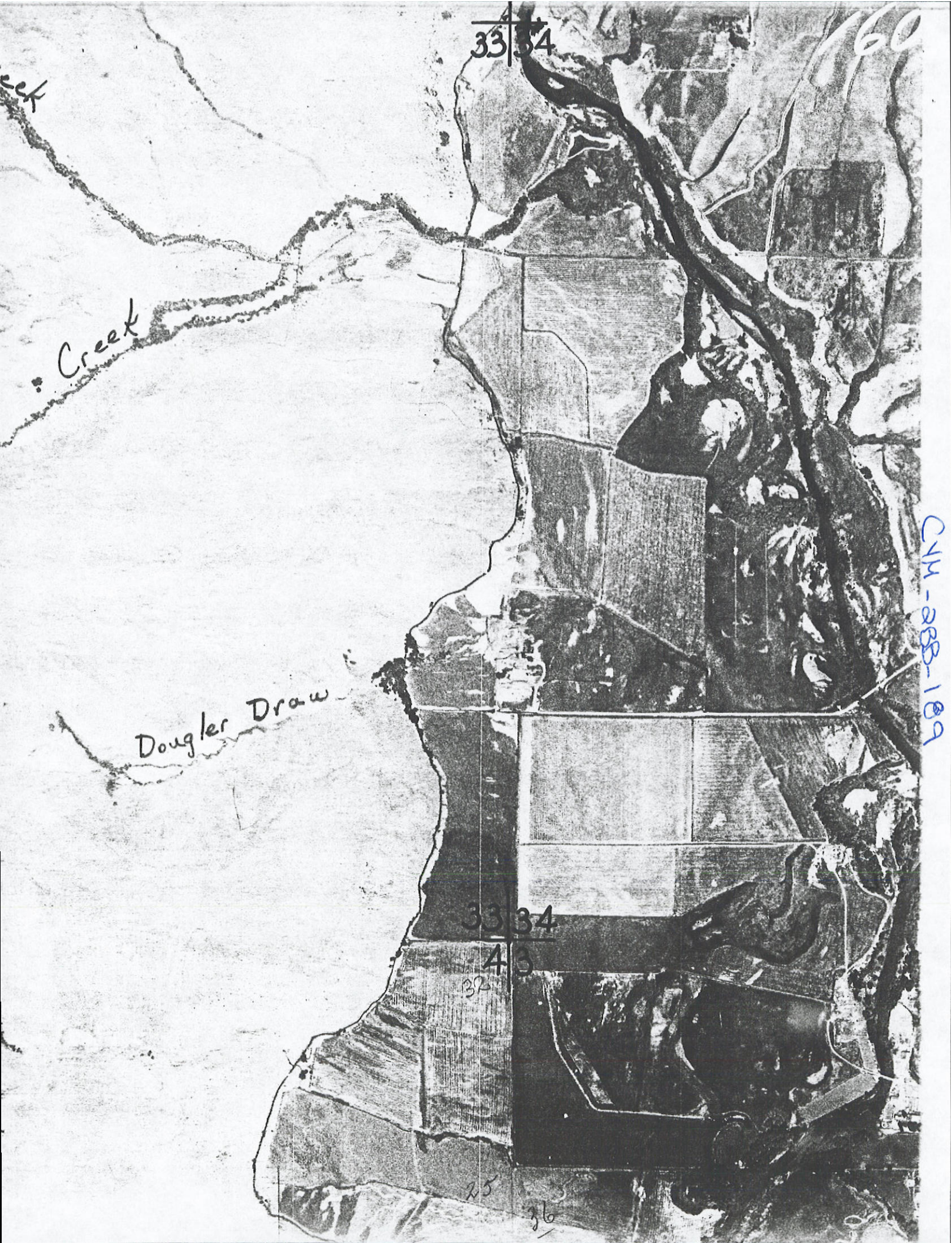






ek

Creek

Douglas Draw

33/34

33/34

4/3

32

25

36

160

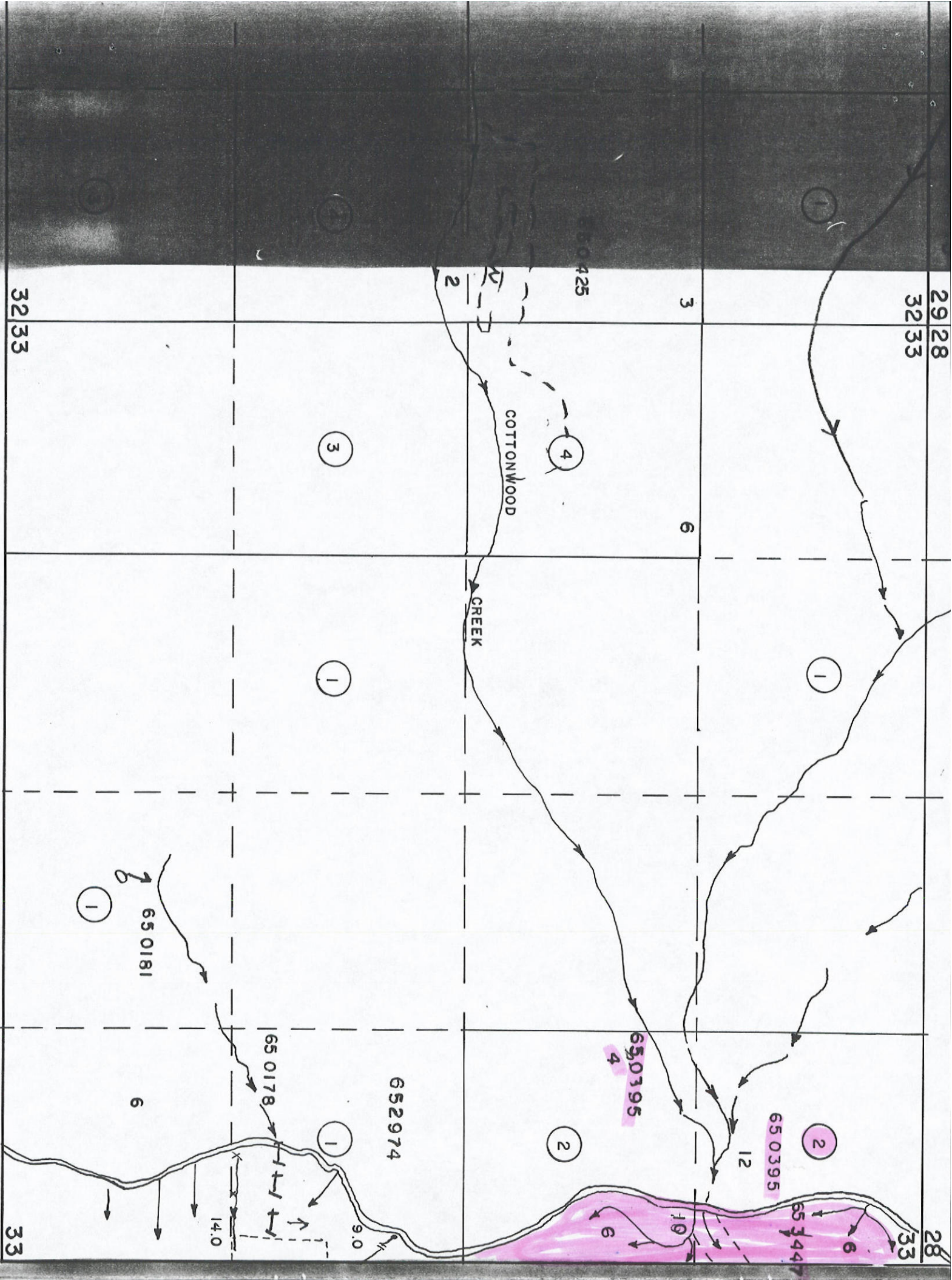
CIV-208-109

29 28
32 33

28
33

32 33

33



Idaho Dept. of Water Resources

Claim No(s): 65-00395,
65-03447, 65-11405

Claimant(s): Moses Cattle Co.

T08N, R01E, S 33, 34

Prepared by: Sue Bock

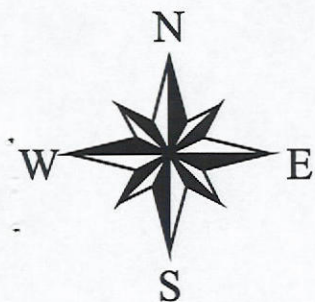
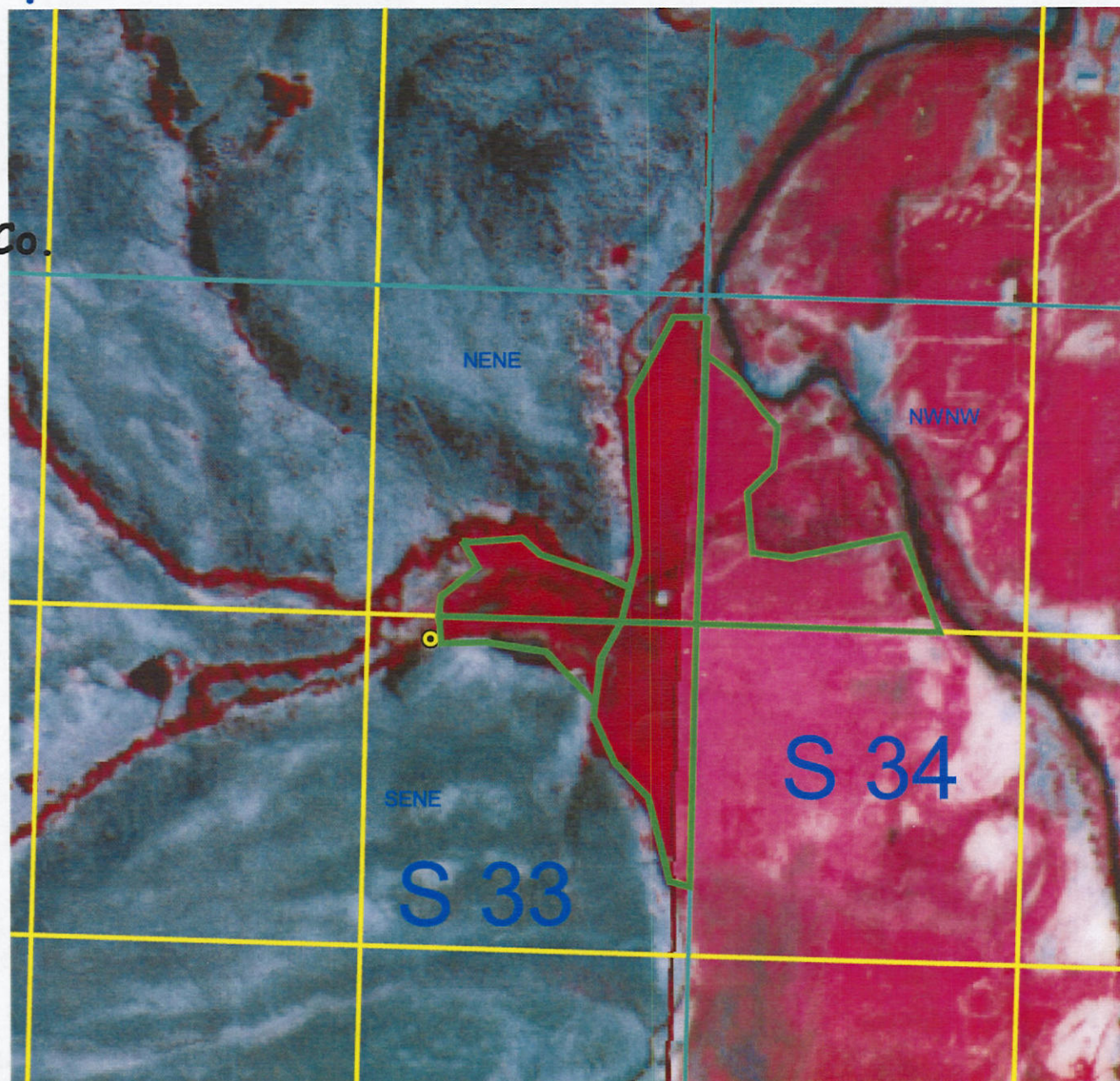
Date: 12/17/1999

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0 1000 2000 Feet

1987 NAPP Photo

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: A65-00395
Date Received: 11/18/1988
Receipt No: X999999
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MOSES CATTLE CO 208-584-3436
Address: C/O ROY MOSES
8777 OLA HWY
SWEET ID 83670

2. Date of Priority: MAY 29, 1927

3. Source: COTTONWOOD CREEK Trib. to: SQUAW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	01E	33		SE	NE		GEM

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.120		
STOCKWATER	01/01	12/31	0.030		1.40

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	01E	33	NE	NE		IRR	2.0
			NE	NE		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	01E	33	SE	NE		IRR	4.0
			SE	NE		STOCK	
					Section Acres		6.0
					Total Acres		6.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
65-11405.

14. Remarks:

SOURCE KNOWN LOCALLY AS DOUGLER DRAW.

THIS RIGHT WHEN COMBINED WITH RIGHT 65-11405 SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE.

** ADDRESS CORRECTION SB 1/12/2000

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-00395

2004 AUG -3 PM 2:20
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *jm*

NAME AND ADDRESS: MOSES CATTLE CO
C/O ROY MOSES
8777 OLA HWY
SWEET, ID 83670

SOURCE: COTTONWOOD CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 0.12 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. 65-11405 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .02 CFS PER ACRE AT FIELD HEADGATE.

PRIORITY DATE: 05/29/1927

POINT OF DIVERSION: T08N R01E S33 SENE Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.12 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS
			1.40 AFY

PLACE OF USE:	Irrigation		Within Gem County
	T08N R01E S33	NENE 2.0	SENE 4.0
	6.0 Acres Total		
Stockwater	T08N R01E S33	NENE	Within Gem County
			SENE

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.

Basin 65 General Provisions No. 3, the Separate Streams
General Provision, does not apply to appropriations of water
after October 18, 1977.

This water right shall be administered as being from a
separate source pursuant to Basin 65 General Provision No. 3.
If the holder of this right seeks to change the right pursuant
to Idaho Code Section 42-222 or successor statute, nothing in
this general provision shall preclude any other person or entity
from demonstrating that such change in use would cause injury to
its water right or from receiving any relief provided by law in
the event of injury.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

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

A. Subcase 65-395
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234
Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Moses Cattle Co. c/o Roy Moses
Address: 8777 Ola Hwy
Sweet, ID 83670

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**
Should be:
 2. ☐ **Source**
Should be:
 3. ☐ **Quantity**
Should be:
 4. ☐ **Priority Date**
Should be:
 5. ☐ **Point(s) of Diversion**
Should be:
 6. ☐ **Instream Flow Description**
Should be:
 7. ☐ **Purpose(s) of Use**
Should be:
 8. ☐ **Period of Year**
Should be:
 9. ☐ **Place of Use**
Should be:
11. **I object because:**
- ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

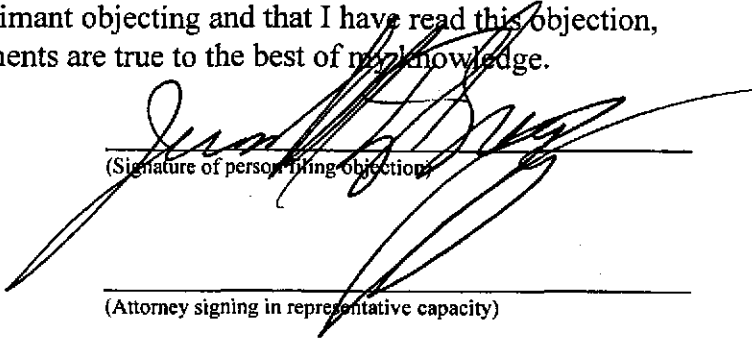
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

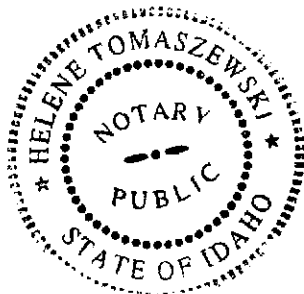
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

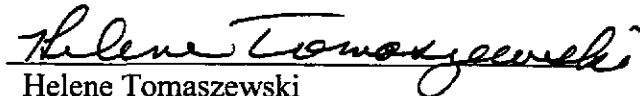

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002




Helene Tomaszewski
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 01-16-2002

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or 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, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Moses Cattle Co. c/o Roy Moses

Address: 8777 Ola Hwy
Sweet, ID 83670

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724


Signature of Objector or attorney mailing on Objector's behalf

AJ0749NP
No. R65-00395

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

DATE: 01/12/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MOSES CATTLE CO C/O ROY MOSES 8777 OLA HWY SWEET ID 83670 (208) 584-3436	05/29/1927	IRRIGATION STOCKWATER	04-01 11-01 01-01 12-31	0.120 CFS 0.030 CFS	1.40 AFA
TOTAL DIVERSION:					0.120 CFS	

Water Source: COTTONWOOD CREEK

Tributary to: SQUAW CREEK

Stage: DECREED

Point(s) of Diversion:

T08N R01E S33

SENE

GEM 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
08N	01E	33	:	02				04												:	6.0
TOTAL ACRES																				6.0	

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
08N	01E	33	:	S				S												:	

POU County: GEM

Other Rights: 65-11405.

Conditions of Approval:

- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 65-11405 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .02 CFS PER ACRE AT FIELD
HEADGATE.

EXP SOURCE KNOWN LOCALLY AS DOUGLER DRAW.
STOCKWATER, 100 RANGE CATTLE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65A

Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. R65-00395

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

DATE: 01/12/00
PAGE: 2

=====

Comments: Date: 01/12/2000 User-ID: SBOCK Subject: ADDRESS CORRECTION
PER CLAIMANT

Audit: 01/12/00 SBOCK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:01:58
12/09/99
128

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A65-00395

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MOSES CATTLE CO	05/29/1927	IRRIGATION STOCKWATER	04-01 11-01 01-01 12-31	0.120 CFS 0.030 CFS	1.40 AFA
TOTAL DIVERSION: CONSUMPTIVE USE:					0.120 CFS	15.00 AFA

Water Source: COTTONWOOD CREEK

Tributary to: SQUAW CREEK

Stage: DECREED

Point(s) of Diversion: T08N R01E S33

SENE

GEM 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	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	SUM
08N	01E	33	: 02			04	:				:					6.0
TOTAL ACRES																6.0

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE				
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	
08N	01E	33	: S			S	:				:					

POU County: GEM

Non-Irrigation Uses: S/100 RANGE.

Other Rights: 65-11405.

Remarks: GEN SOURCE KNOWN LOCALLY AS DOUGLER DRAW.
THIS RIGHT WHEN COMBINED WITH RIGHT 65-11405 SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65A

Field Inspection Flag:
Presumption Flag:

—B01 EXP
QNT 201
NOS
N08

WR5809NP
No. 65-00395

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/08/99
PAGE: 8

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MOSES CATTLE CO. ROUTE 1 SWEET ID 83670	05/29/1927	IRRIGATION STOCKWATER	04/01 11/01 01/01 12/31	0.120 CFS 0.030 CFS	1.40 AFA
TOTAL DIVERSION:					0.120 CFS	

Water Source: COTTONWOOD CREEK

Tributary to: SQUAW CREEK

Stage: DECREED

Point(s) of Diversion:

T08N R01E S33

SENE

GEM 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
08N	01E	33	:	02				04												:	6.0
TOTAL ACRES																				6.0	

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

Pou County: GEM

Remarks: GEN SOURCE KNOWN LOCALLY AS DOUGLER DRAW.

Dates:	App. Received:	Priority Date:	05/29/1927
	Proof Due Date:	Proof Made Date:	
	Exam Made Date: 08/16/1982	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65A Field Exam Fee:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:06
12/09/99

PAGE: 1
GENERAL INFORMATION

112
CLAIM NUMBER: A65-00395

LAST: MOSES CATTLE CO FIRST:
ADDRESS: ROUTE 1
CITY: SWEET STATE: ID ZIP: 83670
PHONE NUMBER: 208-000-0000

OWNER CODE: C

LAST: SMITH FIRST: DORA M
ADDRESS:
CITY: STATE: ZIP:
PHONE NUMBER:

OWNER CODE: O

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN SOURCE KNOWN LOCALLY AS DOUGLER DRAW.
THIS RIGHT WHEN COMBINED WITH RIGHT 65-11405 SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A65-00395 PRIORITY DATE: 05-29-1927 STAGE: D

B. WR RECORD: # 65-00395 PRIORITY DATE: 05-29-1927 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW)

Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☒) Y(☐) N(☐)

LICENSE ISSUED

N/A(☒) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED?

N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y(☒) N(☐)

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

05-29-1927

REVIEWED BY SB

DATE 1-5-00

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-00395	08N 01E	33		SE	NE			GEM		

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

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: COTTONWOOD CREEK

TRIB: SQUAW CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-00395	08N 01E	33		SE	NE			GEM		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: COTTONWOOD CREEK

TRIB: SQUAW CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(☒) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N(☒)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY GEM	DIVERSION NAME	DIVERSION NBR
08N	01E	33		SE	NE					
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: COTTONWOOD CREEK

TRIB: SQUAW CREEK

REVIEWED BY: SB

DATE: 1/5/00

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

A. ROOT WATER RIGHT NUMBERS: A65-00395

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08N	01E	33	NE	NE		MOSES CATTLE CO	A65-00395 / 2.0	65-00395 / 2.0	27.0		
			NE	NE		MOSES CATTLE CO	A65-11405 / 2.0	65-11405 / 2.0			
			NE	NE		MOSES CATTLE CO	A65-03447 / 6.0	65-03447 / 6.0			
08N	01E	33	NE	NE		MOSES CATTLE CO	A65-00395 / 2.0	65-00395 / 2.0	27.0		2
			NE	NE		MOSES CATTLE CO	A65-11405 / 2.0	65-11405 / 2.0			
			NE	NE		MOSES CATTLE CO	A65-03447 / 6.0	65-03447 / 6.0			
08N	01E	33	SE	NE		MOSES CATTLE CO	A65-00395 / 4.0	65-00395 / 4.0	25.0		4
			SE	NE		MOSES CATTLE CO	A65-11405 / 4.0	65-11405 / 4.0			
			SE	NE		MOSES CATTLE CO	A65-03447 / 6.0	65-03447 / 6.0			
08N	01E	33	SE	NE		MOSES CATTLE CO	A65-00395 / 4.0	65-00395 / 4.0	25.0		
			SE	NE		MOSES CATTLE CO	A65-11405 / 4.0	65-11405 / 4.0			
			SE	NE		MOSES CATTLE CO	A65-03447 / 6.0	65-03447 / 6.0			

ADDITIONAL POU FOUND

TOTAL ACRES A65-00395 6.00 12.00 104.00

POU COUNTY: GEM

6

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-00395	COTTONWOOD CREEK	MOSES CATTLE CO	0.120	0.020		
A65-03447	SQUAW CREEK	MOSES CATTLE CO	0.440	0.020		
A65-11405	MONGER CREEK	MOSES CATTLE CO	0.120	0.020		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-00395	STOCKWATER	MOSES CATTLE CO	FROM 01-01 TO 12-31	0.030 CFS	
A65-11405	STOCKWATER	MOSES CATTLE CO	FROM 01-01 TO 12-31	0.030 CFS	1.40 AF/A

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y(☒) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 65-11405.

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N(☒)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

NOTES:

TOTAL ACRES: 6 N/A()
REVIEWED BY: JB DATE: 1-5-00

A. AJ CLAIMED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-00395	IRRIGATION	FROM 04-01 TO 11-01	0.120 CFS	
A65-00395	STOCKWATER	FROM 01-01 TO 12-31	0.030 CFS	1.40 AF/A
	TOTAL DIVERSION RATE/VOLUME		0.120 CFS	

B. WR RECORDED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-00395	IRRIGATION	FROM 04-01 TO 11-01	0.120 CFS	
65-00395	STOCKWATER	FROM 01-01 TO 12-31	0.030 CFS	1.40 AF/A
	TOTAL DIVERSION RATE/VOLUME		0.120 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y(☒) N(☐)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y(☐) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(☒) Y(☐) N(☐)

PAGE: 10

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

121

CLAIM NUMBER: A65-00395

NOTES:

as shown

AJ CLAIM TOTAL DIVERSION RATE: 0.120 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.120 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(☒) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 6 x 0.02 CFS/ACRE = 12 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(☒)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 15.0 AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS		VOL. AF/A		USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	04-01	11-01	0.120				15.0	
STOCKWATER	01-01	12-31	0.030		1.40		15.0	
TOTAL FOR THIS RIGHT			0.120				15.0	

NON-IRRIGATION USES CLAIMED: S/100 RANGE.

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXP B01
QNT E01
NOS, NOS

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

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: 65-00395

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 0.120 EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-00395	0.120	-		65-00395	0.120
TOTAL CFS		0.120				0.120

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 DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE FIELD
Y EXAMINER
Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

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 _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	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()
(X) OTHER <u>GIS map</u>	DATE <u>12/17/99</u>	Y() N()
(X) OTHER <u>Referral form</u>	DATE <u>7</u>	Y() N()
() OTHER _____	DATE _____	Y() N()

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 _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

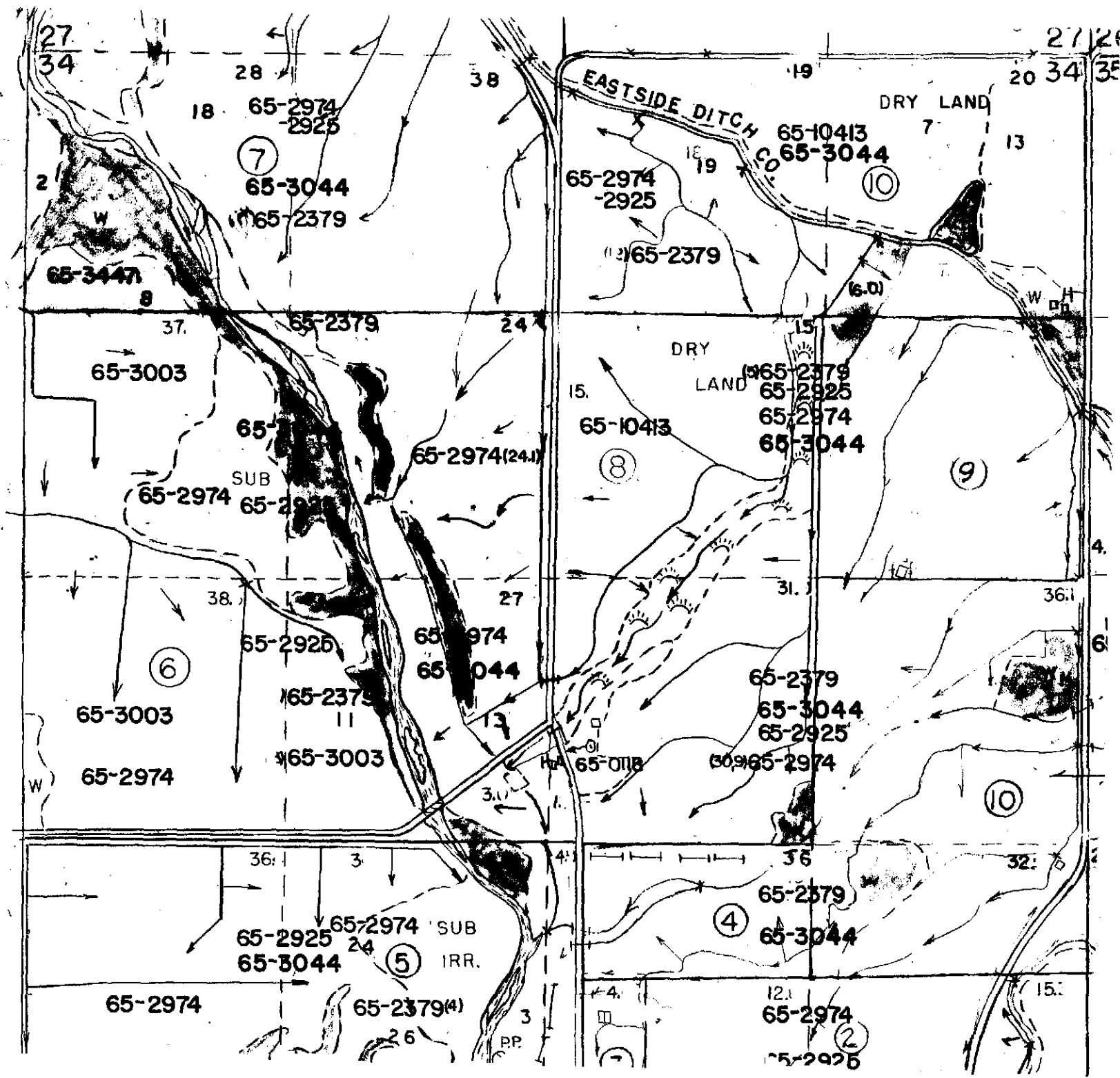
00:00:06
12/09/99

PAGE: 16
QUICKLOOK INFORMATION

127
CLAIM NUMBER: A65-00395

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE				2	0-1-99	3-8		
POINT OF DIV						1-5-00		
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	.							
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE



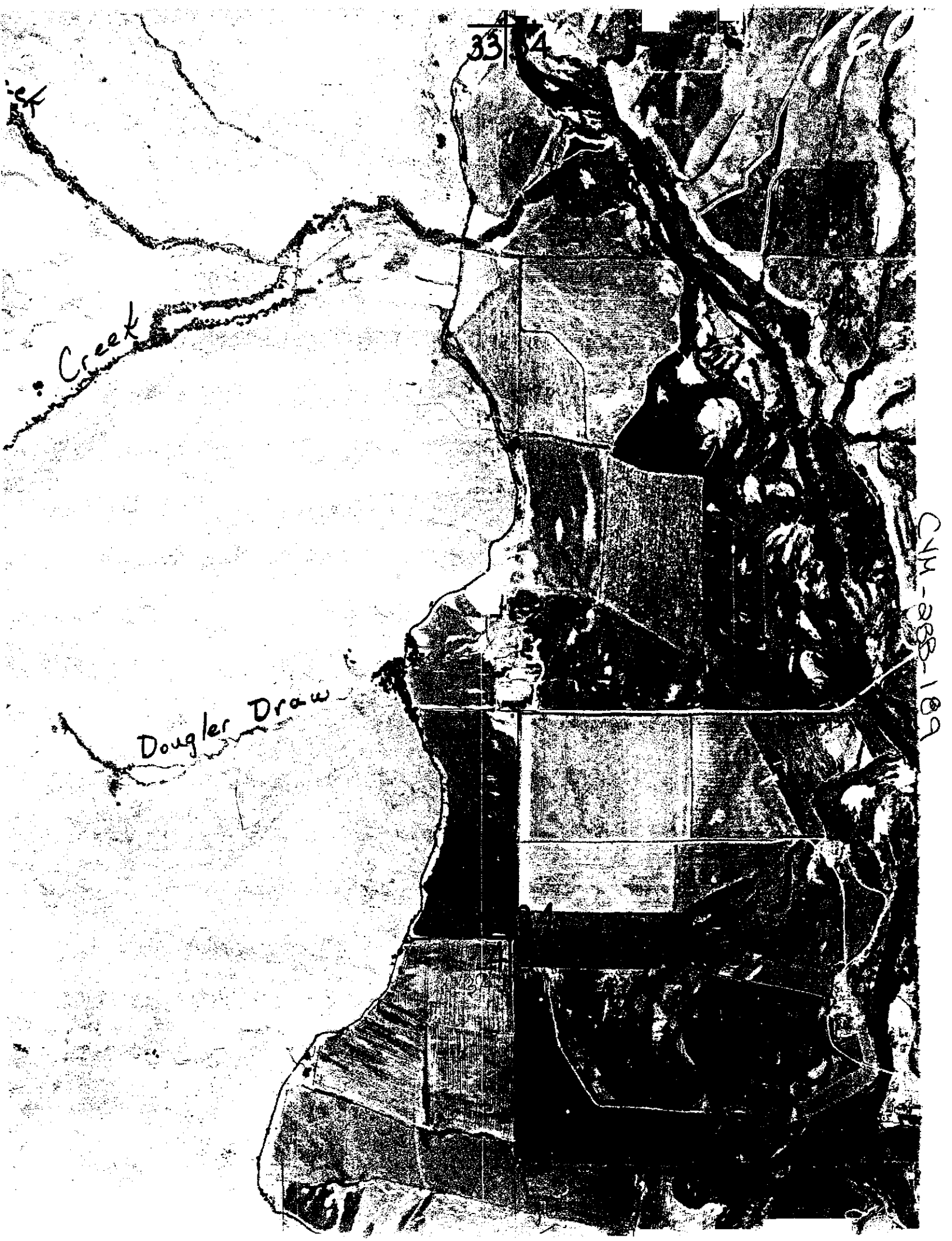
33 14

160

Creek

Douglas Draw

CM-288-189

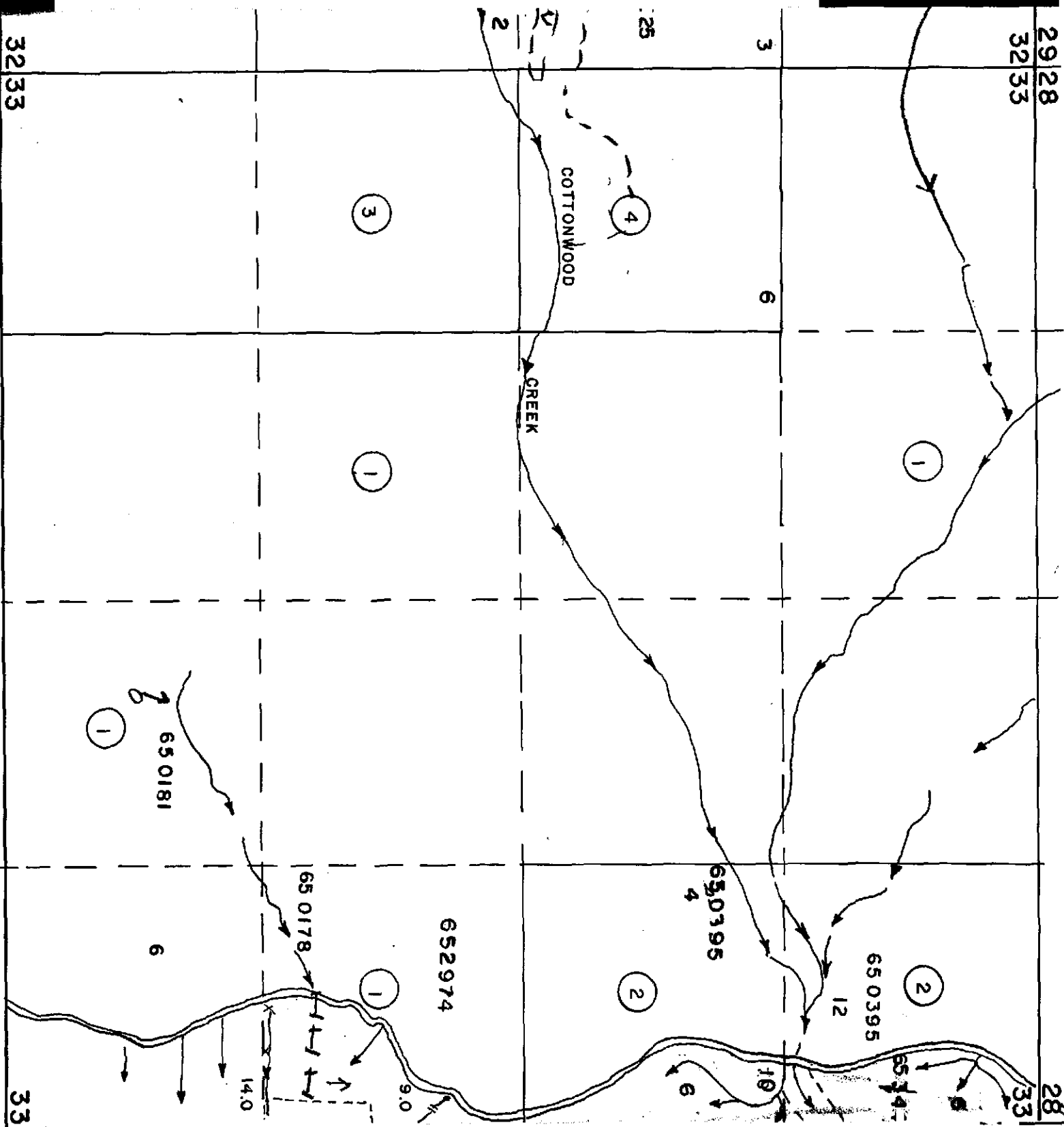


29 28
32 33

28
33

32 33

33



382 -

3465

Idaho Dept. of Water Resources

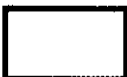
Claim No(s): 65-00395,
65-03447, 65-11405

Claimant(s): Moses Cattle Co

T08N, R01E, S 33, 34

Prepared by: Sue Bock

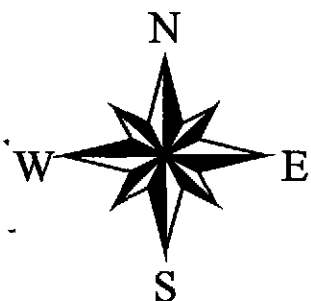
Date: 12/17/1999

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0 1000 2000 Feet



1987 NAPP Photo

APR 10 1987

APR 27 1967

hwei Rambow 0517

2. That water right no. 65-0395 as set forth in the report be amended as follows:

- a. To show Moses Cattle Co. as the current owner of the right,
- b. To show Cottonwood Creek as the name of the water source (replacing Dougler Draw as the name of the water source), and to show that the source is known locally as Dougler Draw, and
- c. To show that use of the water right in combination with other rights is limited to a total use of .02 cubic feet per second (cfs) per acre.

3. That water right no. 65-0464 as set forth in the report be amended as follows:

- a. To show the current address of the owner,
- b. To change the section number of the place of use from eleven (11) to ten (10), and
- c. To show the North Fork Brownlee Creek as the stream to which the water source (unnamed springs) is tributary.

4. That water right nos. 65-0469 and 65-0470 as set forth in the report be amended as follows:

- a. To show the current address of the owner, and
- b. To change the township number of the point of diversion and place of use from eight (8) to nine (9).

5. That water right no. 65-0504 as set forth in the report be amended as follows:

- a. To show the current address of the owner, and

b. To show Boulder Creek as the stream to which the water source (unnamed spring) is tributary.

6. That water right no. 65-0507 as set forth in the report be amended as follows:

a. To show the current address of the owner, and

b. To show the North Fork Brownlee Creek as the stream to which the water source (unnamed spring) is tributary.

7. That the document dated April 17, 1980, filed by Alvin Moses for permission to file late objections for the purpose of submitting late claims be hereby withdrawn.

The amendments to the report described in items 2 through 6 above are also set forth in Exhibit A, attached hereto and incorporated herein by this reference.

DATED this 31st day of March, 1987.

JIM JONES
Attorney General

Josephine P. Beeman
JOSEPHINE P. BEEMAN
Deputy Attorney General
Idaho Department of
Water Resources

DATED this 6th day of March, 1987.

Louie Gorrano
LOUIE GORRANO
Attorney for Alvin Moses

The above stipulation having come before the court, it is hereby approved this 2nd day of April, 1987.

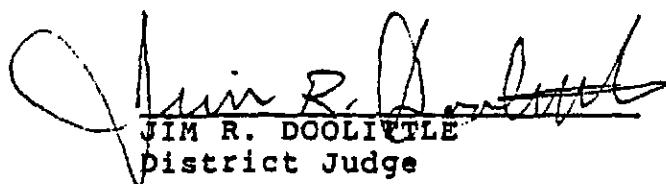

JIM R. DOOLITTLE
District Judge

EXHIBIT A

PAGE 1

AMENDMENT TO PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

RIGHT NO.	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAX AMT. MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65- 0395	SMITH, DALE H. & SMITH, DORA H. MOSES CATTLE CO. ROUTE 1 SWEET, ID 83670 SOURCE: DOUGLER DRAW COTTONWOOD CREEK TRIBUTARY TO: SQUAW CREEK REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-11405 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. SOURCE KNOWN LOCALLY AS DOUGLER DRAW.	05/29/1927	IRRIGATION	04/01 11/01	--- AFA .12 CFS 1.40 AFA .03 CFS *--- AFA* *.12 CFS*	SENE S33 T8N R1E	NENE(2) SENE(4) S33 T8N R1E *6* SAME AS OTHER USE	BENEFICIAL USE
65- 0464	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES RT. 51 CALDWELLSWEET, ID 8360583670 SOURCE: SPRINGS REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-0506 & 65-0470 SHALL PROVIDE NO MORE THAN .07 CFS NOR 4.1 AFA.	05/15/1967	STOCKWATER	01/01 12/31	4.10 AFA .07 CFS	SESE S1110 T8N R2E	SWSW S11 T8N R2E	BENEFICIAL USE
65- 0469	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES RT. 51 CALDWELLSWEET, ID 8360583670 SOURCE: UNNAMED STREAM	07/15/1965	STOCKWATER	01/01 12/31	1.40 AFA .03 CFS	SWSW S25 T89N R2E	SWSW S25 T89N R2E	BENEFICIAL USE

indicates total

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 12 2000

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number(s):

65-00395

65-03447

65-11402, 04, 05

[] Claimant Name(s):

Moses Cattle Co

Clo Alvin Moses

Roy Moses

[] Old Mailing Address:

Rt 1

Sweet, ID 83670

[] New Mailing Address:

8777

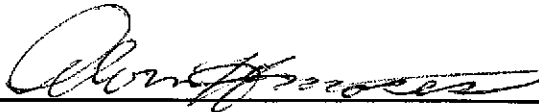
8975 Old Hwy

Sweet, ID 83670

Telephone Number:

() 584-3436
3311

[] Signature of Claimant(s):



Date:

Jan 10, 2000

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: A65-00395
Date Received: 9/23/1988
Receipt No: X999999
Received By: _____

NOV 18 1988

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MOSES CATTLE CO.
Address: ROUTE 1
SWEET, ID

83670

2. Date of Priority: MAY 29, 1927

3. Source: COTTONWOOD CREEK Trib. to: SQUAW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	01E	33	SE	NE			GEM

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.120		
STOCKWATER	01/01	12/31	0.030		1.40

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	01E	33	NE	NE		IRR	2.0
			NE	NE		STOCK	

A65-00395

Page 1

Date: 09/23/88

MICROFILMED
SEP 15 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08N	01E	33	SE SE	NE NE	IRR STOCK	4.0
Section Acres						6.0
Total Acres						6.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
65-11405.

14. Remarks:
SOURCE KNOWN LOCALLY AS DOUGLER DRAW.
THIS RIGHT WHEN COMBINED WITH RIGHT 65-11405 SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., 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: _____

For Organizations:

I do solemnly swear or affirm that I am PARTNER of _____ Title

MOSES CATTLE COMPANY, that I have signed the foregoing Organization document in the space below as PARTNER of Title

MOSES CATTLE COMPANY and that the statements contained in the Organization foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

PARTNER & AGENT-Moses Cattle
Title and Organization COMPANY

11/15/88
Date

State of Idaho)
County of Gay) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of NOVEMBER 1988

[Signature]
Notary Public

Seal

Residing at Emmett, Idaho

My Commission Expires 20 July 1991

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. No.

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

Please type or print clearly:

Name of Claimant(s) MOSES CATTLE COMPANY

Mailing Address RT. 1 SWEET, IDAHO 83670
(include Zip Code)

Phone Number ²⁰⁸ (~~584~~) 584 - 3311

MICROFILMED
SEP 15 1992

RECEIVED

APR 10 1987

APR 27 1987

Department of Water Resources

Boise River
hwei Rainbow DEF

*Do not
microfilm*

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
Statehouse
Boise, Idaho 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR GEM COUNTY

IN THE MATTER OF THE GENERAL	)	Civil Case No. 3667
DETERMINATION OF THE RIGHTS TO	)	
THE USE OF SURFACE AND GROUND	)	STIPULATION RESOLVING
WATER OF THE PAYETTE RIVER	)	LATE OBJECTIONS OF
DRAINAGE.	)	MOSES CATTLE CO.

COMES NOW A. Kenneth Dunn, Director of the Idaho Department of Water Resources (director herein), and Alvin H. Moses (doing business as Moses Cattle Co. and Black Canyon Grazing Association), and stipulate as follows:

1. That late-filed claims designated water right nos. 65-11402, 65-11404, 65-11405, 65-11406, 65-11407, and 65-11408 be accepted and included in the Proposed Finding of Water Rights in the Payette River Drainage (report herein) as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

2. That water right no. 65-0395 as set forth in the report be amended as follows:

EXHIBIT A
AMENDMENT TO PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 1

RIGHT NO.	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAX AMT. MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-0395	~~SMITH, DALE M. & SMITH, DORA M.~~ MOSES CATTLE CO. ROUTE 1 SWEET, ID 83670 SOURCE: ~~DOUGLER DRAW~~ COTTONWOOD CREEK TRIBUTARY TO: SQUAW CREEK REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-11405 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. SOURCE KNOWN LOCALLY AS DOUGLER DRAW.	05/29/1927	IRRIGATION	04/01 11/01	— AFA .12 CFS	SENE S33 T8N R1E	NENE(2) SENE(4) S33 T8N R1E *6* SAME AS OTHER USE	BENEFICIAL USE
65-0464	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES RT. 51 CALDWELLSWEET, ID 8360583670 SOURCE: SPRINGS REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-0506 & 65-0470 SHALL PROVIDE NO MORE THAN .07 CFS NOR 4.1 AFA.	05/15/1967	STOCKWATER	01/01 12/31	4.10 AFA .07 CFS	SESE S1110 T8N R2E	SWSW S11 T8N R2E	BENEFICIAL USE
65-0469	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES RT. 51 CALDWELLSWEET, ID 8360583670 SOURCE: UNNAMED STREAM TRIBUTARY TO: DRY BUCK CREEK	07/15/1965	STOCKWATER	01/01 12/31	1.40 AFA .03 CFS	SWSW S25 T89N R2E	SWSW S25 T89N R2E	BENEFICIAL USE

indicates total

01 WATER RIGHT NUMBER - 65-0395

02 OLD (D) NUMBER -

LAST NAME
03001 - MOSES CATTLE CO.
03002 - SMITH
03003 - SMITHFIRST NAME
04001 -
04002 - DALE M.
04003 - DORA M.ORIG. OWNER
05001 - C
05002 - D
05003 - D

06 ADD LINE 1 - ROUTE 1

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - SWEET

10 STATE - ID

11 ZIP - 83670

12 STAGE - D DECREE

13 STATUS -

SOURCE
14001 - COTTONWOOD CREEKTRIBUTARY CF
15001 - SQUAW CREEK

16 DIVERSION MEANS - DITCH

17 CCUNTY - 45 GEM

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .120

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT - 65A

TRACT	SEC	TWN	RNG	LOT	RFLG	STREAM	INDEX	FIELDS							
22001 - SENE	23001 - 33	24001 - 08N	25001 - 01E	26001 - 27001 -	28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

29 NON-IRRIGATION USE - S/100 RANGE.

USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 01 IRRIGATION	31001 - 08N	32001 - 01E	33001 - 33	34001 - NENE	35001 - 02	36001 -
30002 - 01 IRRIGATION	31002 - 08N	32002 - 01E	33002 - 33	34002 - SENE	35002 - 04	36002 -

TOTAL ACRES: 6

PERIOD FROM	PERIOD TO	USE CODE / USE	WATER USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0401	38001 - 1101	39001 - 01 IRRIGATION	40001 -	0.120	41001 - 0.00
37002 - 0101	38002 - 1231	39002 - 04 STOCKWATER	40002 -	0.030	41002 - 1.40

42 DECREE PLAINTIFF NAME - STATE OF IDAHO

43 DECREE DEFENDANT NAME - A & C CORP., ET AL.

REMARKS
44001 - SOURCE KNOWN LOCALLY AS DOUGLER DRAW.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE - 65-11405.

D A T E S		D A T E S		F L A G S	
47	PRIORITY - 29-MAY-1927	55	LICENSE -	63	TRANSFER/AMENDED -
48	PROOF DUE -	56	APPL RECEIVED -	64	DLE/CAREY ACT -
49	PROOF MADE -	57	FIELD EXAM MADE - 16-AUG-1982	65	FLAG_1 -
50	APPROVE/DENIED -	58	DECREE - 21-JAN-1986	66	FLAG_2 -
51	PROTESTED -	59	START WORK -	67	FLAG_3 -
52	HEARING -	60	ORDER SHOW CAUSE -		
53	VERIFIED -	61	DATE_1 -		
54	LAST UPDATE - 26-SEP-1986	62	DATE_2 -		



12/27/77 The priority date for this right was
set ahead because this right was not
decreed in the Squaw Creek adj. The only
right for this land was decreed to the
Diamond T. Co for the diversion from
Squaw Creek. The date of priority must
be, therefore, the ~~date~~ day after the decree
was issued.

S

Cottonwood Creek (Douglas Draw)

NEW & ~~NEW~~ SENSE

Delete remarks

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF _____
DRAINAGE BASIN. NOTICE OF CLAIM
TO A
WATER RIGHT

I. D. No.	Map No.
\$ Fee Paid	Receipt No.

Notice is hereby given that _____
(Name of Claimant)
_____, claims a right to the diversion
(Mailing Address)

and beneficial use of the surface or groundwater, of or tributary to _____
The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) _____

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

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

Quantity _____ (CFS, GPD, AF.)	Use _____ (Domestic, irrigation, stock, etc.)	Period of Use From _____ (Mo., Day) (Both Dates Inclusive)	To _____ (Mo., Day) (Both Dates Inclusive)
Quantity _____ (CFS, GPD, AF.)	Use _____ (Domestic, irrigation, stock, etc.)	Period of Use From _____ (Mo., Day) (Both Dates Inclusive)	To _____ (Mo., Day) (Both Dates Inclusive)
Quantity _____ (CFS, GPD, AF.)	Use _____ (Domestic, irrigation, stock, etc.)	Period of Use From _____ (Mo., Day) (Both Dates Inclusive)	To _____ (Mo., Day) (Both Dates Inclusive)

(4) _____ TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF.)

(5) A) Point of Diversion: Give location of point where water is diverted from its source _____ ¼ _____ ¼,
Sec. _____, Twp. _____, Rge. _____, B.M.; additional points: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities: be as specific as possible. _____

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total No. of acres _____

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

(7) Effluent, sewage waste, or return water from this use is discharged into _____

(8) If you are claiming water as a member of an organization, list name of organization. _____

(9) Remarks _____

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case. _____
☐ C) Right based on application, permit, license, or claim filed with the Idaho Department of Water Resources. _____

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge. _____
Individual

(Date) (Signature of Claimant)

State of _____ Organization _____
ss. Seal _____
County of _____

On this _____ day of _____, in the year _____, before me,
a notary public, personally appeared _____
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they,
corporation, partnership or _____) executed the same.

My commission expires _____
Notary Public residing at _____

ADJUDICATION DIVISION

REPORT OF EXAMINERS

Claim No. 650395

1. Name of Applicant... Dale M. & Dora M. Smith

2. Priority..... 4-1-1893

3. Source of Water... Douglas Draw

4. Determine Purpose and Quantity of Water Found Used:

(Quantity) (Dom., Irr., Stk. water, etc.) (Mo.-Day) (Mo.-Day)
 . . . 1.6 . . . Use Irr. Period of Use From 4-1 To 10-31
 . . . 201.6 . . . Use Stk. Period of Use From 1-1 To 12-31
 Use Period of Use From To

5. Location of Point of Diversion: NENE of Section 33

Twp. 8N, Reg. 1E, County of Gem

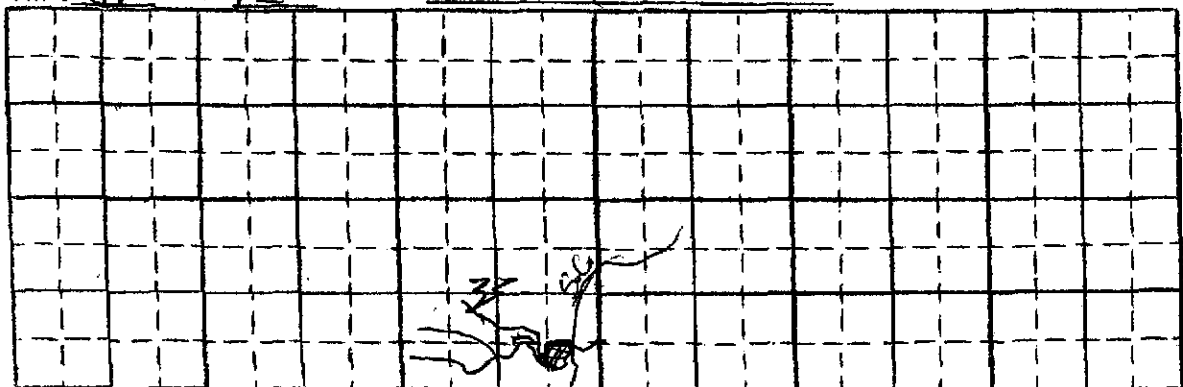
6. Describe Diversion Works: diversion dams into gravity ditch w/ flood irrigation

7. Describe Location of Use:

TWP.	RGE.	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	1E	33																8.0	8.0

TWP. 8N RGE. 1E COUNTY GEM

SCALE: 1" = 1 MILE



8. Purpose Other Than Irrigation: Irr. of 8 acres

increased from 6 acres to 12 acres to 8 acres to 16 acres

9. Remarks: white house w. side of road approx. 1.25 miles N of summit ..
diversion at SW of house on W. side of ..
Squaw Creek on hill side

This examination was made on the 28 day of April, 1971.

(Signed) E. R. Ball
 Examiner.

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered

☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

40200

INSURED NO.

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

3

MAY 1 1970

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$300

POSTMARK OF
DELIVERING OFFICE

MAY
1
1970

RETURN
TO

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Annex # 2 Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

055-10-71548-10

POD Form 3811 Apr. 1967

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHT TO)
THE USE OF SURFACE AND GROUND)
WATERS OF THE PAYETTE RIVER)
DRAINAGE BASIN.)

Civil No. 3667

S U M M O N S

THE STATE OF IDAHO SENDS GREETINGS TO:

DORA SMITH AND SPOUSE

You are hereby notified that an Order has been entered in the District Court of the Third Judicial District in and for the County of Gem, dated November 12, 1969, directing the State Reclamation Engineer of the State of Idaho to commence an investigation and determination of the various rights to the use of surface and ground waters of the Payette River Drainage Basin, from its confluence with the Snake River to its source, such waters lying or being used within Gem, Valley, Boise, Canyon, Payette and Washington Counties,

And you are hereby notified that unless you appear and file a claim with the State Reclamation Engineer, Statehouse - Annex 2, 614 W. State Street, Boise, Idaho, within sixty (60) days of the service of this Summons to the ownership of a water right for the use of any surface or ground waters of the Payette River Drainage Basin from its confluence with the Snake River to its source, such waters lying or being used within Gem, Valley, Boise, Canyon, Payette and Washington Counties, that you will be deemed to have forfeited any water right heretofore acquired for the use of the above waters.

DATED this 2nd day of April, 1970.

Clerk

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered ☐ Deliver ONLY to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

1

Walter M. Smith

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

by Walter M. Smith

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

3

MAY 1 1970

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMARK OF
DELIVERING OFFICE



**RETURN
TO**

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

NAME OF SENDER

STREET AND NO. OR P.O. BOX

POST OFFICE, STATE, AND ZIP CODE

**Department of Reclamation
Annex #2 Statehouse
Boise, Idaho 83707**

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM.

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHT TO)
THE USE OF SURFACE AND GROUND)
WATERS OF THE PAYETTE RIVER)
DRAINAGE BASIN.)

Civil No. 3667

S U M M O N S

THE STATE OF IDAHO SENDS GREETINGS TO:

DALE SMITH AND SPOUSE

You are hereby notified that an Order has been entered in the District Court of the Third Judicial District in and for the County of Gem, dated November 12, 1969, directing the State Reclamation Engineer of the State of Idaho to commence an investigation and determination of the various rights to the use of surface and ground waters of the Payette River Drainage Basin, from its confluence with the Snake River to its source, such waters lying or being used within Gem, Valley, Boise, Canyon, Payette and Washington Counties,

And you are hereby notified that unless you appear and file a claim with the State Reclamation Engineer, Statehouse - Annex 2, 614 W. State Street, Boise, Idaho, within sixty (60) days of the service of this Summons to the ownership of a water right for the use of any surface or ground waters of the Payette River Drainage Basin from its confluence with the Snake River to its source, such waters lying or being used within Gem, Valley, Boise, Canyon, Payette and Washington Counties, that you will be deemed to have forfeited any water right heretofore acquired for the use of the above waters.

DATED this 2nd day of April, 1970.

Clerk

Donald H. Weber

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHT TO)
THE USE OF SURFACE AND GROUND)
WATERS OF THE PAYETTE RIVER)
DRAINAGE BASIN.)

Civil No. 3667

S U M M O N S

THE STATE OF IDAHO SENDS GREETINGS TO:

DALE SMITH AND SPOUSE

You are hereby notified that an Order has been entered in the District Court of the Third Judicial District in and for the County of Gem, dated November 12, 1969, directing the State Reclamation Engineer of the State of Idaho to commence an investigation and determination of the various rights to the use of surface and ground waters of the Payette River Drainage Basin, from its confluence with the Snake River to its source, such waters lying or being used within Gem, Valley, Boise, Canyon, Payette and Washington Counties,

And you are hereby notified that unless you appear and file a claim with the State Reclamation Engineer, Statehouse - Annex 2, 614 W. State Street, Boise, Idaho, within sixty (60) days of the service of this Summons to the ownership of a water right for the use of any surface or ground waters of the Payette River Drainage Basin from its confluence with the Snake River to its source, such waters lying or being used within Gem, Valley, Boise, Canyon, Payette and Washington Counties, that you will be deemed to have forfeited any water right heretofore acquired for the use of the above waters.

DATED this 2nd day of April, 1970.

Donald H. Woodman
Clerk

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

MAP NO.

WATER RIGHT

105-6395

8-1-E

Notice is hereby given that.

DALE M. and DORA M. SMITH (O) MOSES CATTLE CO.
(Name of Claimant)

~~Route #1, Sweet, Idaho~~

(Mailing Address)

claims a right to the diversion

and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) 1893

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) Douglas Draw, trib. to

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
(Both Dates Inclusive) 11-1

Use 0.12 Irrigation Period of Use From April 1 To October 31
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)

Use 0.03 Stock water Period of Use From January 1 To December 31
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both Dates Inclusive) (Both Dates Inclusive)

Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)

(4) Quantity of water claimed: 0.12 Cubic Feet Per Second, or _____ Acre Feet Per Annum,
and/or _____ Gals. Per Minute. SE SE

(5) A) Point of Diversion: Give location of point where water is diverted from its source. NE $\frac{1}{4}$ NE NE $\frac{1}{4}$,
Sec. 33, Twp. 8 N, Rge. 1 E, B.M.; additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities; be as specific as possible. diversion dam, headgate, pipes

(6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

OTHER Rts: 65-11405

Total No. of acres 6 1/2

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

stock water - 100 H.L.

(7) Effluent, sewage waste, or return water from this use is discharged into _____

(8) If you are claiming water as a member of an organization, list name of organization. _____

(9) Remarks ~~(This when combined w/ 65-3003 shall provide no more than .02 cfs/acre nor 3⁵ AFA/acre.)~~

(10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case _____

☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.:

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

1. Paul M. Smith
(Signature of Claimant)

(Signature of Spouse)

Organization _____

State of Idaho

County of San Seal (Signature of Authorized Agent)

On this 22nd day of May, in the year 1970, before me

a notary public, personally appeared Dale M. and Bora M. Smith

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.

Notary Public residing at Boise, Idaho

My commission expires January 19, 1973 11 01

JANUARY 19, 1973