

09/30/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-77C

NAME AND ADDRESS: SLASH E RANCH
C/O JAMES T COLE
2135 HUNTINGTON DR STE 202
SAN MARINO CA 91108

SOURCE: TARGHEE CREEK

TRIBUTARY: HENRYS LAKE

QUANTITY: 0.590 CFS

PRIORITY DATE: 06/01/1900

POINT OF DIVERSION:
T15N R43E S10 NESWNE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/15 10/15	0.040 CFS
IRRIGATION	05/01 10/31	0.590 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

T15N R43E S09	NENE	7.0	T15N R43E S09	SENE	8.0
T15N R43E S09	NESE	1.0	T15N R43E S10	SWNE	25.1
T15N R43E S10	SENE	22.0	T15N R43E S10	NENW	40.0
T15N R43E S10	NWNW	40.0	T15N R43E S10	SWNW	40.0
T15N R43E S10	SENW	40.0	T15N R43E S10	NESW	40.0
T15N R43E S10	NWSW	36.0			

STOCKWATER Within FREMONT County

T15N R43E S10	SWNE	T15N R43E S10	SWNE
T15N R43E S10	SENE	T15N R43E S10	SENW
T15N R43E S10	SENW		

299.1 ACRES TOTAL

This right is limited to the irrigation of 47 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 299.1 acres in a single irrigation season. Combined Right Nos.: 21-36B, 21-77C, 21-133B, 21-134

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

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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 21-77C
Date Received: 12/14/1989
Receipt No: C013520
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SLASH E RANCH Phone: (818)289-5311
C/O JAMES T COLE
2135 HUNTINGTON DR STE 202
SAN MARINO CA USA 91108

2. Date of Priority: 06/01/1900

3. Source: TARGHEE CREEK Trib. to: HENRYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	43E	10	SW NE	FREMONT	

5. Description of diverting works:

SEE ATTACHMENTS A AND B
DIVERSION STRUCTURE AND HEADGATE OR DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	1.2	
STOCKWATER	04/15	10/15	0.04	

7. Total Quantity Appropriated is:
1.24 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15N	43E	9	NE	NE	IRRIGATION	20
			NE	NW	IRRIGATION	20
			NE	SE	IRRIGATION	10
					Section Acres	50
15N	43E	10	SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			SW	NE	IRRIGATION	30
			NE	NW	IRRIGATION	30
			SW	NE	STOCKWATER	
			SE	NE	STOCKWATER	
			SE	NW	STOCKWATER	
			SW	NE	STOCKWATER	
			SE	NW	STOCKWATER	
					Section Acres	300
					Total Acres	350

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

14. Remarks:

300 HEAD RANGE CATTLE

SEE ATTACHMENTS A AND B ADDED PEREDAY AS ATTORNEY; UPDATED TEMP HOST TO PERM
5/6/96/JT

15. Basis of Claim: Decreed

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 21-77C

Date Received _____

Receipt Number _____

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

1. Name of Claimant(s) Slash E. Ranch, c/o James T. Cole Phone (208) 558-9062

Mailing Address HC 66, Box 186A, Island Park, ID Zip 83429

2. Date of Priority (Only (1) per claim) June 1, 1900

3. Source of water supply (a) Targhee Creek

which is tributary to (b) Henry's Lake

4.a. Location of existing point of diversion is:

Township 15N Range 43E Section 10, NW 1/4 of SE 1/4 of NE 1/4, Govt. Lot _____,
County of Fremont

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Diversion structure and headgate or ditch

6. Water is claimed for the following purposes: (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/15 to 10/15 amount 1.2 cfs or _____

For Stockwater purposes from 04/15 to 10/15 amount 0.04cfs or _____

7. Total quantity claimed (a) 1.24 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 300 head range cattle

- [illegible]

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ($\sqrt{\quad}$)

[illegible]

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

Date _____

_____, that I have signed the foregoing document in the space below as
(Organization)

Signature of Authorized Agent _____

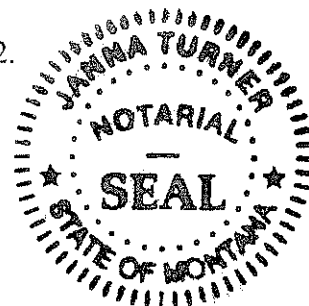
Title and Organization _____ Date _____

Last Name Cole Ident. Number 21-77C

State of ~~Idaho~~ Montana)
) SS.
County of Gallatin)

Subscribed and sworn (or affirmed) before me this 8 day of September 2002.

Notary Public Janna Turner
Residing at West Yellowstone
My Commission Expires May 14, 2006

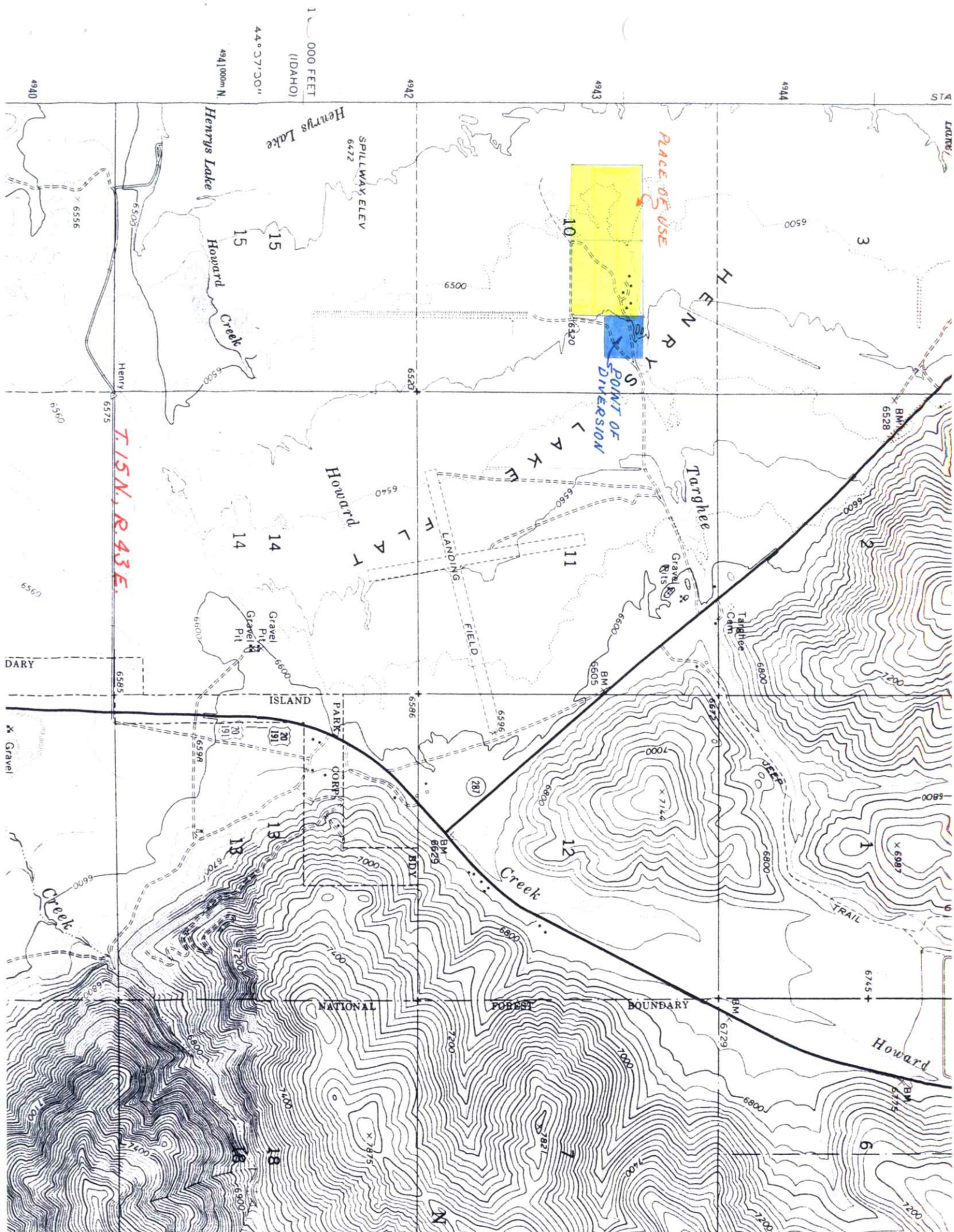


17. Notice of Appearance:

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

Signature Kent W. Foster
Address PO Box 50150 10410 Falls, ID 83405
Date 10/1/04

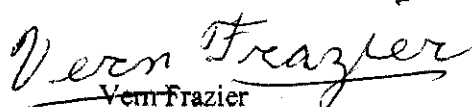
G:\WPDATA\KWF\12327 Cole, Tom\Amended Claim Notice.77C.wpd:cdv

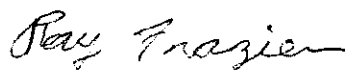


September 29, 2004

We, Vern Frazier and Ray Frazier were born and have lived all of our lives in the Henry's Lake area. We have worked for the Diamond D Ranch and the Slash E Ranch for 40+ years. These ranches adjoin the Howard Creek Ranch owned by Mr. & Mrs. Cole. We now work for all three ranches. From our earliest memories, we recollect that Howard Creek was always used for stock watering, along with a small lateral that feeds a low area for stock watering. It has been this way for at least 40 years.

Sincerely;


Vern Frazier

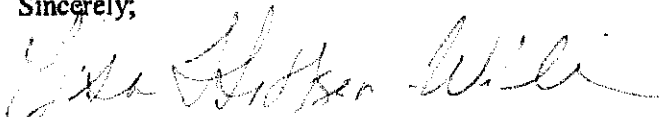

Ray Frazier

September 30, 2004

Acknowledgment
Regarding Water Usage
Howard Creek, Henry's Lake, Idaho

I, Lisa Williams, am the granddaughter of D. F. Richards, who acquired the Flying R/Howard Creek Ranch in the 1920's. Ever since I was a young girl, I remember my grandparents and parents using Howard Creek for stock watering. I also remember we had a small irrigation lateral that took off from Howard Creek to fill a shallow natural area for stock watering. We sold the ranch to Mr. & Mrs. Cole in 1994 and presently live across the road from the ranch.

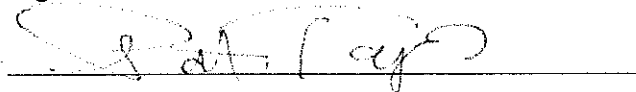
Sincerely;



Lisa Hittson Williams

State of Montana
County of Gallatin
Date: 8th October, 2004

Signed or attested before me on 8th October, 2004 by Lisa Williams



Signature of Notarial officer

Pati Taylor
Notary Public for the State of Montana
Residing at West Yellowstone, Montana
My commission expires September 9th, 2007

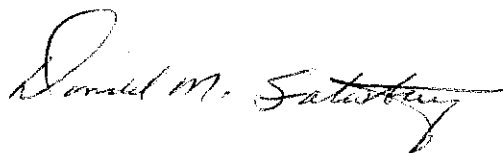
October 15, 2004

To Whom It May Concern:

The Salisbury Corporation has owned the Diamond D Ranch on Henry's Lake for over 100 years. It shares the boundary with Howard Creek Ranch (Mr. & Mrs. Cole). We also have approximately 1 mile of Howard Creek on our ranch.

The Howard Creek Ranch has always used Howard Creek for stock watering. The ranch also includes a small, shallow natural pond that is fed by a lateral and is used for stock watering. This lateral is several hundred yards from our property line. I have been around the ranch for over 70 years and it has always been that way.

Sincerely;

A handwritten signature in cursive script that reads "Donald M. Salisbury". The signature is written in dark ink and is positioned above the printed name.

Don Salisbury

Don - SALISBURY CORP.

SCANNED

RECEIVED

APR 30 1996

Department of Water Resources

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A21-00077C

Date Received: 12/14/1989

Receipt No: C013520

Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SLASH E RANCH 818-289-5311
Address: C/O JAMES T COLE
2135 HUNTINGTON DR STE 202
SAN MARINO CA 91108

2. Date of Priority: JUN 1, 1900

3. Source: TARGHEE CREEK Trib. to: HENRYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	43E	10	SW	NE			FREMONT
		11	SW	NW			FREMONT

5. Description of diverting works:
SEE ATTACHMENTS A AND B

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.600		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, RANCH W/FIVE GUEST CABINS; STOCKWATER, 0 TO 12 HORSES

10. Place of Use:

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Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	43E	9	NE	NE		IRR	20.0

NOV 05 1990

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	43E	9	NE	NW		IRR	20.0
			NE	SE		IRR	10.0
			Section Acres				50.0
		10	SW	NE		IRR	40.0
			SW	NE		STOCK	
			SE	NE		IRR	40.0
			SE	NE		STOCK	
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			SE	NW		STOCK	
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			Section Acres				320.0
			Total Acres				370.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

21-00036, -00076, -00119, -00133, -00134

14. Remarks:

SEE ATTACHMENTS A AND B

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRR. CO ET AL

Decree Plaintiff

TETON IRR. CANAL CO ET AL

vs Decree Defendant

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NOV 05 1996

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: 0

For Organizations:

I do solemnly swear or affirm that I am owner of
Shel E Rand Title
Organization, that I have signed the foregoing
document in the space below as owner of
Shel E Rand Title
Organization and that the statements contained in the
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

owner
Title and Organization
4/22/96
Date

State of California)
~~Idaho~~)
County of Los Angeles) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of April 19 96

[Signature]
Notary Public

Seal

Residing at San Marino, CA
My Commission Expires 10-6-98



17. Notice of Appearance:

Notice is hereby given that I, JEFFREY C. FEREDAY will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Jeffrey C. Fereday

Address Box 2720 Boise, ID 83701

Date April 26, 1996

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NOV 05 1996

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: *Remembered to A21-00077C*

39576

Ident. Number 21-00077B. *ST*

Date Received

Receipt Number CO 13520
DE/go

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Slash E Ranch, c/o James T. Cole Phone (818) 289-5311
Mailing Address 2135 Huntington Dr., Ste 202, San Marino, CA Zip 91108
2. Date of Priority (Only one (1) per claim) June 1, 1900
3. Source of water supply (a) Targhee Creek
which is tributary to (b) Henry's Lake
4. a. Location of existing point of diversion is: Township 15N Range 43E Section 10,
1/4 of SW 1/4 of NE 1/4, Govt. Lot, B.M., County of Fremont
Additional points of diversion if any: T. 15N., R. 43E., Sec. 11, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Fremont County
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Et
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. See Attachments A and B.

A2100077C



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NOV 05 1996

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Jan. 1 to Dec. 31 amount 6.0 or _____

For Domestic purposes from Jan. 1 to Dec. 31 amount _____ or _____

For Stockwater purposes from Jan. 1 to Dec. 31 amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 6.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic for ranch and five guest cabins; stockwater for 0 to 12 horses.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15N	43E	9	20				20								10				50
		10			40	40	40	40	40	40	40	40							320
		10			D.S.	D.S.				D.S.									

Total number of acres irrigated 370

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
21-0036, 21-0076, 21-0119, 21-0133, 21-0134 or None ()

14. Remarks: See Attachments A and B.

MICROFILMED

NOV 05 1996

Last Name Slash E Ranch Ident No. 21-0077

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 21-0077

Court Dist. Ct., Fremont Co. Case Number _____ Decree Date Dec., 1910

Plaintiff vs Defendant Rexburg Irrigation Co., et al v. Teton Irrigation Canal Co., et al

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 2 (A and B)

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

Signature of Claimant (s)

[Signature]

Date _____

[Signature]

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of ~~Idaho~~ or California)

) SS.

County of Los Angeles)

Subscribed and sworn (or affirmed) before me this 21st day of November 1989

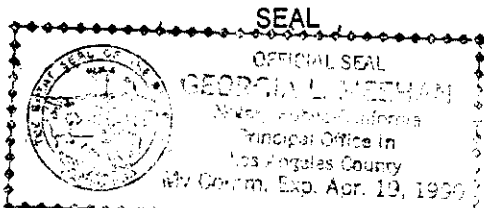
Notary Public

[Signature]

Residing at 2030 Huntington Drive, San Marino, Ca 91108

My Commission Expires 4-19-90

Please Print Name



17. Notice of Appearance:

James D. Hansen

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

Signature

Jeffrey C. Fereday

Givens, Pursley, Webb & Huntley

Address P. O. Box 2720, Boise, ID 83701

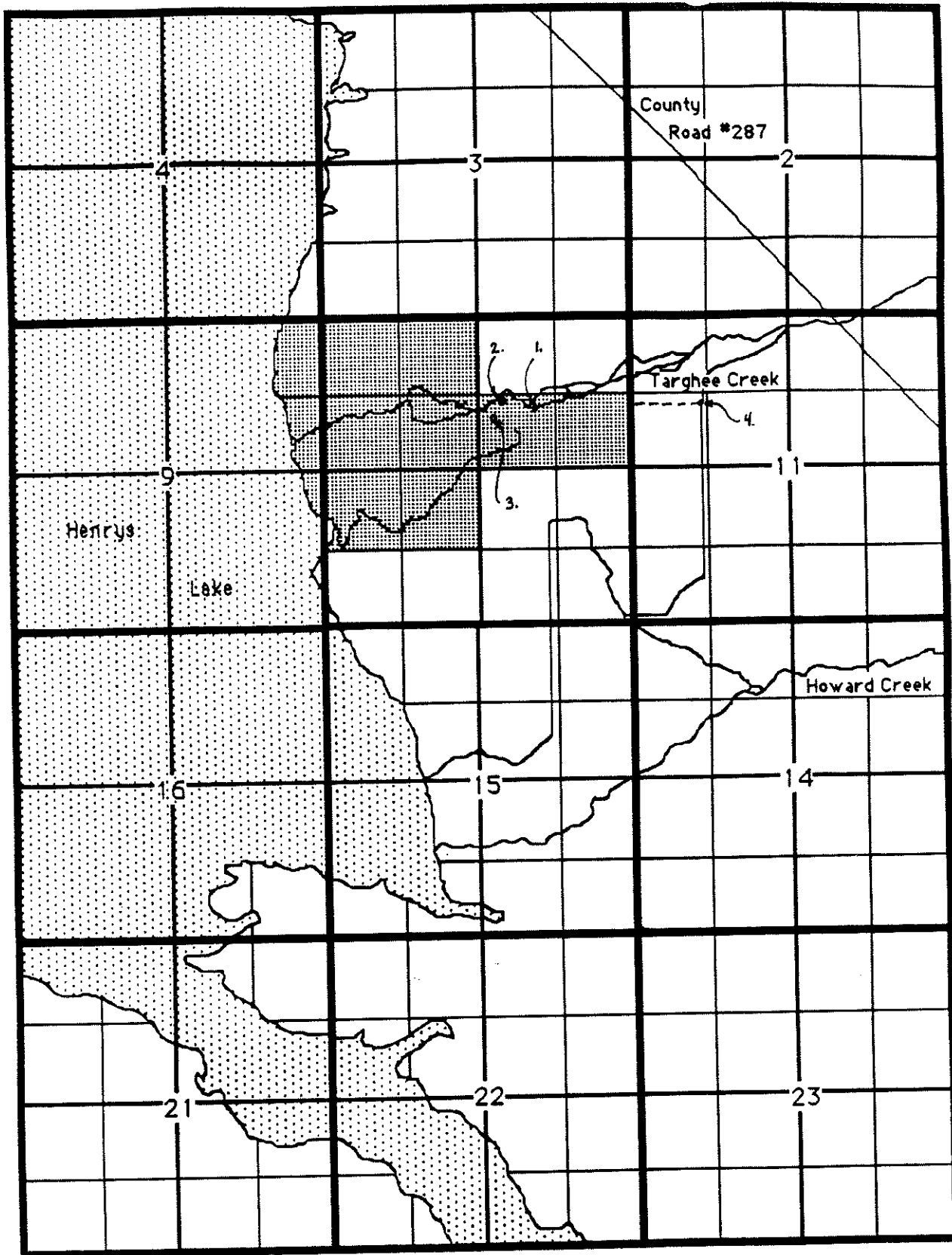
Date

12/12/89

MICROFILMED
NOV 05 1996

Last Name Slash E Ranch Ident. Number 21-0077

Copies White-State, Yellow-Claimant



Slash E Ranch property

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NOV 05 1996

Description of Existing Diversion Works

(The numbers below correspond to the numbers on the map attached as Attachment A)

1. A diversion gate located in the SW 1/4 NE 1/4, Section 10, T. 15N., R. 34E., B.M., Fremont County, Idaho, which diverts water from Targhee Creek through a small ditch for field irrigation.
2. A concrete stand and pump located in the SW 1/4 NE 1/4, Section 10, T. 15N., R. 34E., B.M., Fremont County, Idaho, which pumps water from Targhee Creek for irrigation of the grass and landscaping surrounding the five guest cabins.

Also

A gas powered mobile pump is located in the same general area as the concrete stand which also is used to divert water from Targhee Creek for irrigation of the grass and landscaping surrounding the five guest cabins.

3. A domestic water well located in the SW 1/4 NE 1/4, Section 10, T. 15N., R. 34E., B.M., Fremont County, Idaho, which is approximately 75 feet south of Targhee Creek. The well is approximately 24 feet deep and is used to supply domestic water to the five guest cabins.
4. A diversion gate located in the SW 1/4 NW 1/4, Section 11, T. 15N., R. 34E., B.M., Fremont County, Idaho, which diverts water from Targhee Creek through a small ditch which crosses adjacent property and is used to supply irrigation water to the upper pasture on the Slash E Ranch.

Attachment B

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NOV 05 1996