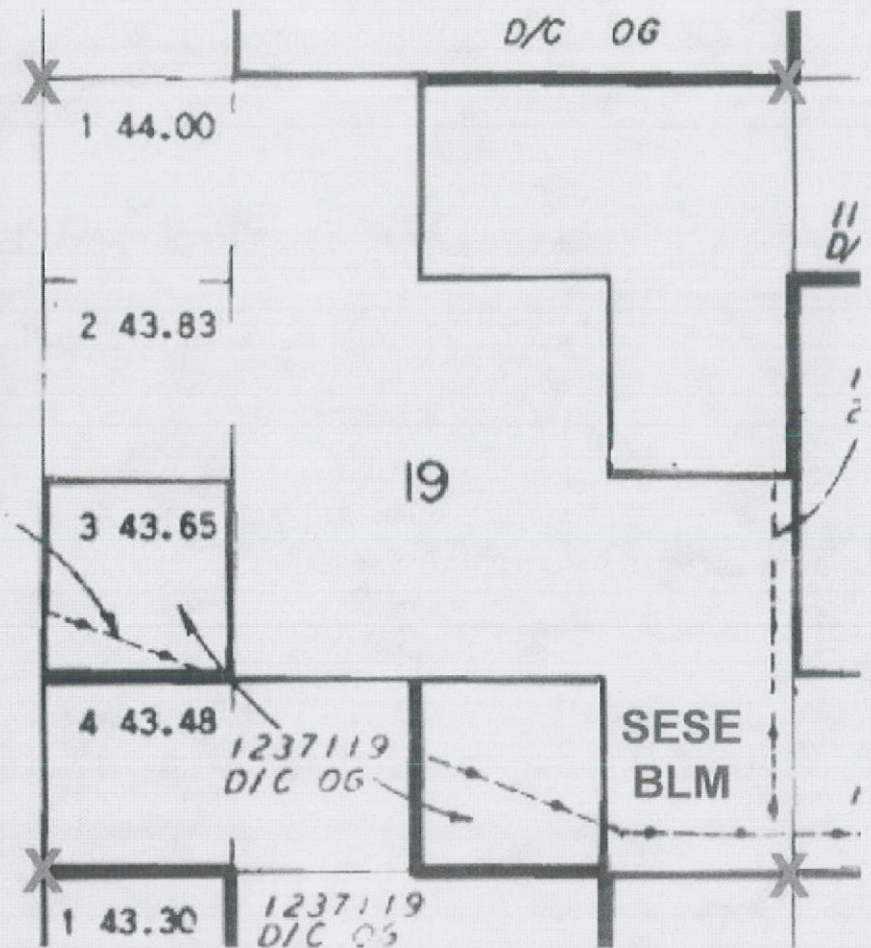
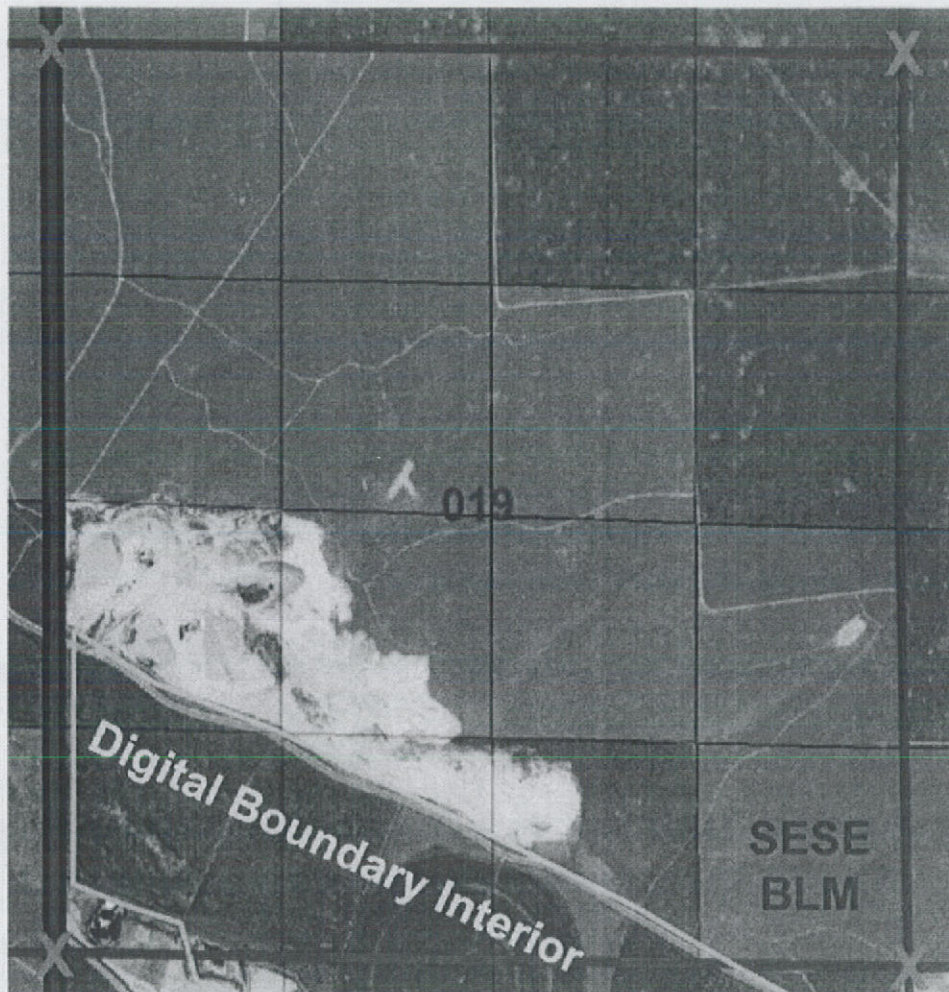


63-00329B, 63-00330B, 63-00331B, 63-00332, 63-00379



63-00329B, 63-00330B, 63-00331B, 63-00332, 63-00379

T01N R02E S19 SESE



-Remove POU on BLM from data  
and adjust Digital Boundary  
accordingly.

## BOISE DISTRICT SEC. 2

MT PLAT

[illegible]

Sec 9: E/SE;

Sec 10: 1/5W

Sec 15: 0/100

Sec 21:  $t/E$ 

Sec 27: NE, NW

Sec 28: E/E

Sec 33: E/E

Pat 728951 1/20/1920, excludes land in Par 3  
Box 205

Sec 10: 5B1

Pat 772521 9/10/1920, excludes land in Pat 5  
A23 406

SEC 15 NH

Sec 20: W  $\frac{1}{2}$  NE  $\frac{1}{2}$  SE  $\frac{1}{2}$  SE  $\frac{1}{2}$  1.304 acres

DOI 33477 R/W Pipeline 20' Buried  
Sec 13: SE

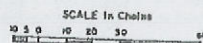
FOR ORDERS EFFECTING DISPOSAL OR USE OF  
UNIDENTIFIED LANDS REFER TO INDEX OF  
MISCELLANEOUS DOCUMENTS

|            |            |
|------------|------------|
| CURRENT TO | CURRENT TO |
| 2-12-72    |            |
|            |            |

USE PLAYS:

Boiss Mer

T 2N



**WARNING-STATEMENT**  
This plot is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records herein do not reflect title changes which

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH.

Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ )  
of Section 35,

all in Township 2 North, Range 2 East Boise Meridian.

Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ),  
Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ )  
of Section 34, Township 2 North, Range 1 East Boise  
Meridian.

That prior to the year 1914, plaintiff's said irrigation project was successively owned and operated by certain predecessors in interest which, like itself, were mutual co-operative irrigation companies distributing water for the irrigation of the lands of their respective stockholders which were the same lands as above described.

## II.

That plaintiff, ~~Boise Irrigation Company~~,  
limited, a corporation, is entitled (in addition to the storage rights hereinafter decreed) to divert and use for the irrigation of and domestic and livestock use upon the lands of its stockholders, as described in the preceding paragraph hereof, the following amounts of the natural flow waters, during the irrigation season, of Ten-Mile Creek and its tributaries with the respective dates of priority as specified below:

- 63 0329 (a) 200 miner's inches with priority of  
April 1, 1907;  
63 0330 (b) 200 miner's inches with priority of  
April 1, 1908;  
63 0331 (c) 250 miner's inches with priority of  
April 1, 1910;  
63 0332 (d) 650 miner's inches with priority of  
May 15, 1912.

The point of diversion of said water is described  
as follows:

At the head of plaintiff's ditch in the South-west quarter (S.W. 1/4) of Section 31, Township 2 North, Range 3 East Boise Meridian.

III.

63-0379 → That in addition to the rights herein decreed to plaintiff in the natural flow waters of Ten-Mile Creek and its tributaries during the irrigation season, [REDACTED] has the further right to store in its reservoir (located on Ten-Mile Creek in Sections 31 and 32, Township 2 North, Range 3 East Boise Meridian, and Sections 1 and 6, Township 1 North, Range 3 East Boise Meridian) all the waters flowing in said stream and its tributaries during the non-irrigation season as that term is hereinafter defined, up to the capacity of the said reservoir, which capacity is 7,900 acre feet; and the said right of plaintiff to store in its reservoir and thereafter use the waters of said stream and its tributaries during the non-irrigation season in no manner interferes with or infringes upon any rights of defendants. Plaintiff is also hereby decreed the right, with priority of May 10, 1912, to store said waters in said reservoir at any other time than during said non-irrigation season when by so doing it will not interfere with the prior rights of defendants herein decreed; and plaintiff may release said stored water at its pleasure through the gates of its said reservoir and divert the same at the point of diversion described in the preceding paragraph hereto and use the same for the irrigation of and domestic and stock use upon its lands aforesaid.

IV.

That defendants, Donald Lord and Oliver Lord, are entitled to divert and use the following amounts of the natural flow waters, during the irrigation season, of Ten-Mile Creek and its tributaries, with the respective priorities specified:

0333 (a) 5 miner's inches with priority of  
April 1, 1907;

0334 35 miner's inches with priority of  
May 2, 1910;

0335 10 miner's inches with priority of  
April 1, 1916.

The foregoing rights are allotted for the irrigation of and domestic and stock use upon the following described lands:

Lots One (1) and Two (2) and the South half of the Northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 1, Township 1 North, Range 3 East Boise Meridian, referred to in the findings of fact herein as the "Hoffman Tract";

Lot Four (4), the Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ), and the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 31, Township 2 North, Range 4 East Boise Meridian, referred to in the findings of fact herein as the "Corbus desert entry".

The point of diversion of said water is described as follows:

A point in the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 31, Township 2 North, Range 4 East Boise Meridian.

63 0336 (b) 45 miner's inches with priority of  
April 1, 1928.

The immediate foregoing right is allotted for the irrigation of and domestic and livestock use upon the following described lands:

East half of the Southwest quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ ), Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ), and the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 32, Township 2 North, Range 4 East Boise Meridian, said lands being referred to in the findings of fact herein as the "Gray Tract";

Northeast quarter of the Southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 32, Township 2 North, Range 4 East Boise Meridian, said tract being referred to in the findings of fact herein as the "Backus Forty".

The point of diversion of said last mentioned water is described as follows:

at the head of defendants' ditches in or near the Northwest quarter of the Northeast quarter (NW1/4) of Section 32, Township 2 North, Range 4 East Boise Meridian.

V.

The term "miner's inch" of water as used in this decree means one-fiftieth of a cubic foot per second; the term "irrigation season" as used in this decree means the period from ~~March 1st~~ *March 20th* to November 1st of each year; the term "non-irrigation season" as used in this decree means the period beginning November 1st of each year and continuing to ~~March 1st~~ *March 20th* of the succeeding year.

VI.

The parties hereto shall, before beginning the diversion of water at the commencement of the ensuing irrigation season hereafter, install at the head of each of their respective ditches where water is permitted to be diverted from the stream in accordance with the terms of this decree a suitable headgate equipped with a measuring device whereby the amount of water at any time diverted through said ditch can be regulated and the amount so diverted may be determined and all water herein allotted and decreed shall be measured at said points of diversion.

VII.

The defendants, and each of them, are hereby ordered forthwith to remove and keep removed that certain dam or obstruction heretofore constructed and maintained by them in the channel of Big Creek, a tributary of Ten-Mile Creek, which obstruction is located in the Southwest quarter (SW1/4) of Section 32, Township 2 North, Range 4 East Boise Meridian; and the said defendants, and each of them, their servants, agents, and

successors in interest, are hereby perpetually enjoined and restrained from constructing or maintaining in the channel of Ten-Mile Creek (or ~~Black's Creek~~), or any of its tributaries, any dam or obstruction (except dams equipped with measuring devices and reasonably required for the diversion of water at the points of diversion herein specified for defendants) whereby the waters of Ten-Mile Creek or any of its tributaries is prevented or hindered from flowing freely down the channel of the water course to plaintiff's reservoir; and the several parties hereto, and the agents, servants, employees, and successors in interest of each of them, respectively, are hereby, and each of them is hereby, enjoined and restrained from any and all interference with or diversion or use of the waters of Ten-Mile Creek or its tributaries except in the manner and to the extent and for the purposes specified in this decree.

VIII.

The court reserves jurisdiction of this cause for the following purposes:

- (a) To enforce the provisions of this decree.
- (b) In case during any subsequent irrigation season, by reason of natural conditions, and not by <sup>improper</sup> diversions of water by defendants upstream, there should at any time be water available for diversion at defendants' points of diversion which even though not diverted or interfered with would not reach plaintiff's reservoir on account of the character of the creek bed or other natural cause, but would instead be wholly lost and wasted, then under such conditions (if not caused by any act of defendants) defendants may upon not less than 5 days' notice to plaintiff make application to the court to be

63-379

T02N, R03E

3200

3240

31

Live Flow  
POD

"R" for  
63-379

3212

Storage POD

Rifle  
Range

Blacks Creek  
Reservoir

168



PLEASANT VALLEY IRRIGATION  
DIGITIZED PLACE OF USE = 1225 ACRES

T02N, R03E

31



PLEASANT VALLEY IRRIGATION CO.  
PHOTOGRAPHS DATED 10/14/2002

PHOTO #1



STORAGE RESERVOIR  
LOOKING EAST FROM  
THE DAM

PHOTO #2



TEN MILE CREEK  
LOOKING WEST  
FROM THE DAM

463-00319

2 N. 2 E.

49

2 N 37.5-MINUTE SERIES (ORTHOPHO

PRINCIPAL 4 MI. 563

12' 20"

565

566

567

10'

360,000 FEET

R 2 E

R 3 E

569

570



rigation, domestic, and stock use upon their lands hereinafter described, the waters of Ten-Mile Creek and its tributaries in said county; that the lands of its stockholders to which it is and has been during all of said period distributing said waters for irrigation are described as follows:

Lots Three (3) and Four (4) and the Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 3;

All of Section Four (4);

Southeast quarter (SE $\frac{1}{4}$ ), West half of the Southwest quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ ), Northeast quarter of the Southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 5;

Southeast quarter (SE $\frac{1}{4}$ ), West half of the Southwest quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ ), Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ), Southwest quarter of the Northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ), and Lots One (1), Two (2), and Three (3) of Section 6;

Northeast quarter (NE $\frac{1}{4}$ ), North half of the Southeast quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ ), and Lot One (1) of Section 7;

Northwest quarter (NW $\frac{1}{4}$ ) of Section 8;

Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ), Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 31,

\* all in Township 1 North, Range 2 East Boise Meridian.

Lots Three (3) and Four (4), Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ), Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 2;

Lot One (1), Northwest quarter of the Southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 3;

Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) and Lot Four (4) of Section 19;

Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ), Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 29;

West half of the Southwest quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ ), Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 31;

Southeast quarter of the Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ), South half of the Southwest quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$ ) of Section 34;

Southwest quarter of the Southwest quarter (SW1SW1)  
of Section 35,

\* all in Township 2 North, Range 2 East Boise Meridian.

\* Southeast quarter of the Northwest quarter (SE1NW1),  
Northeast quarter of the Southeast quarter (NE1SE1)  
of Section 34, Township 2 North, Range 1 East Boise  
Meridian.

That prior to the year 1914, plaintiff's said irrigation project was successively owned and operated by certain predecessors in interest which, like itself, were mutual cooperative irrigation companies distributing water for the irrigation of the lands of their respective stockholders which were the same lands as above described.

## II.

That plaintiff, Shoshone Valley Irrigation Company, Limited, a corporation, is entitled (in addition to the storage rights hereinafter decreed) to divert and use for the irrigation of and domestic and livestock use upon the lands of its stockholders, as described in the preceding paragraph hereof, the following amounts of the natural flow waters, during the irrigation season, of Ten-Mile Creek and its tributaries with the respective dates of priority as specified below:

|         |     |     |                                                          |
|---------|-----|-----|----------------------------------------------------------|
| 63 0329 | (a) | 200 | miner's inches with priority of<br><u>April 1, 1907;</u> |
| 63 0330 | (b) | 200 | miner's inches with priority of<br><u>April 1, 1908;</u> |
| 63 0331 | (c) | 250 | miner's inches with priority of<br><u>April 1, 1910;</u> |
| 63 0332 | (d) | 650 | miner's inches with priority of<br><u>May 15, 1912.</u>  |

The point of diversion of said water is described  
as follows:

At the head of plaintiff's ditch in the South-west quarter (SW 1/4) of Section 31, Township 2 North, Range 3 East Boise Meridian.

III.

That in addition to the rights herein decreed to plaintiff in the natural flow waters of Ten-Mile Creek and its tributaries during the irrigation season, <sup>Plaintiff has</sup> plaintiff has the further right to store in its reservoir (located on Ten-Mile Creek in Sections 31 and 32, Township 2 North, Range 3 East Boise Meridian, and Sections 1 and 6, Township 1 North, Range 3 East Boise Meridian) all the waters flowing in said stream and its tributaries during the non-irrigation season as that term is hereinafter defined, up to the capacity of the said reservoir, which capacity is 7,900 acre feet; and the said right of plaintiff to store in its reservoir and thereafter use the waters of said stream and its tributaries during the non-irrigation season in no manner interferes with or infringes upon any rights of defendants. Plaintiff is also hereby decreed the right, with priority of May 15, 1912, to store said waters in said reservoir at any other time than during said non-irrigation season when by so doing it will not interfere with the prior rights of defendants herein decreed; and plaintiff may release said stored water at its pleasure through the gates of its said reservoir and divert the same at the point of diversion described in the preceding paragraph hereof and use the same for the irrigation of and domestic and stock use upon its lands aforesaid.

IV.

That defendants, Donald Lord and Oliver Lord, are entitled to divert and use the following amounts of the natural flow waters, during the irrigation season, of Ten-Mile Creek and its tributaries, with the respective priorities specified;

63-0379 →

63 0333 (a) 5 miner's inches with priority of  
April 1, 1907;

63 0334 35 miner's inches with priority of  
May 2, 1910;

63 0335 10 miner's inches with priority of  
April 1, 1916.

The foregoing rights are allotted for the irrigation of and domestic and stock use upon the following described lands:

Lots One (1) and Two (2) and the South half of the Northeast quarter (SE $\frac{1}{2}$ NE $\frac{1}{4}$ ) of Section 1, Township 1 North, Range 3 East Boise Meridian, referred to in the findings of fact herein as the "Hoffman Tract";

Lot Four (4), the Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ), and the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 31, Township 2 North, Range 4 East Boise Meridian, referred to in the findings of fact herein as the "Corbus desert entry".

The point of diversion of said water is described as follows:

A point in the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 31, Township 2 North, Range 4 East Boise Meridian.

63 0336 (b) 45 miner's inches with priority of  
April 1, 1928.

The immediate foregoing right is allotted for the irrigation of and domestic and livestock use upon the following described lands:

West half of the Southwest quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ ), Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ), and the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 32, Township 2 North, Range 4 East Boise Meridian, said lands being referred to in the findings of fact herein as the "Gray Tract";

Northeast quarter of the Southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 32, Township 2 North, Range 4 East Boise Meridian, said tract being referred to in the findings of fact herein as the "Backus Porty".

Additional  
information in  
63-3298

RECEIVED

21 2006  
DEPARTMENT OF  
WATER RESOURCES

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

In Re SRBA )

Case No. 39576 )

A. Subcase 63-00379  
(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 Land Management, Idaho State Office

Address: 1387 South Vinnell Way  
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax  
United States Department of Justice  
Environment and Natural Resource Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

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

Name: Pleasant Valley Irr Co.  
Address: P.O. Box 1583; Boise, Idaho 83701  
Name: c/o Terry Copple, Esq.  
Address: ;  
Name: ;  
Address: ;  
Name: ;  
Address: ;

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

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: See attached.

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

**E. REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

**VERIFICATION (Must be Completed)**

State of Idaho

)

) ss.

County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

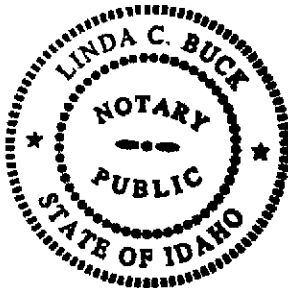
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price  
(Signature of person filing objection)

David Negri F.L.A.B.  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 29, 2006  
Linda C. Buck  
Linda C. Buck



Notary Public for Idaho  
Residing at: Mountain Home,  
My Commission Expires: 12-21-2011

## 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 4-19-, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

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:

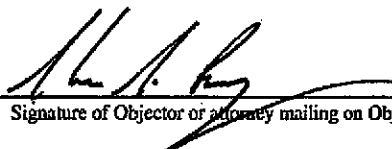
Name: Pleasant Valley Irr Co.  
Address: P.O. Box 1583; Boise, Idaho 83701  
Name: c/o Terry Copple, Esq.  
Address: ;  
Name: ;  
Address: ;  
Name: ;  
Address: ;

3. Copies to:

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

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

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

  
\_\_\_\_\_  
Signature of Objector or attorney mailing on Objector's behalf

12/12/2005

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

RIGHT NUMBER: 63-379

NAME AND ADDRESS: PLEASANT VALLEY IRR CO  
C/O TERRY COPPLE ESQ  
PO BOX 1583  
BOISE ID 83701

**POU on BLM:**

**Claimant is not authorized to graze or farm public lands.**

SOURCE: BLACKS CREEK  
BRYANS RUN

TRIBUTARY: TENMILE CREEK  
TRIBUTARY: TENMILE CREEK

THE POINT OF REDIVERSION IS ON TENMILE CREEK

QUANTITY: 7,900.00 AFY

PRIORITY DATE: 05/16/1912

**POINT OF**

**DIVERSION:** T02N R03E S31 NWSW Lot 3 Rediversion Within ADA County  
T02N R03E S31 NWSW Lot 3 Rediversion Within ADA County  
T02N R03E S31 SESW Within ADA County  
T02N R03E S31 SESW Within ADA County

**PURPOSE AND**  
**PERIOD OF USE:**

| <u>PURPOSE OF USE</u>   | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-------------------------|----------------------|-----------------|
| IRRIGATION FROM STORAGE | 03/01 11/15          | 7,900.00 AFY    |
| STOCKWATER STORAGE      | 01/01 12/31          | 25.00 AFY       |
| IRRIGATION STORAGE      | 01/01 12/31          | 7,900.00 AFY    |
| STOCKWATER FROM STORAGE | 01/01 12/31          | 25.00 AFY       |

**PLACE OF USE:**

1148 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SREA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1148 ACRES WITHIN THE BOUNDARIES OF THE PLEASANT VALLEY IRRIGATION CO. LTD.

**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**

THE STORAGE RESERVOIR IS KNOWN AS BLACKS CREEK RESERVOIR.

SOURCES ARE KNOWN AS BLACKS CREEK AND BRYANS RUN. TENMILE CREEK BEGINS AT THE FACE OF THE DAM FOR BLACKS CREEK RESERVOIR

RightID570973

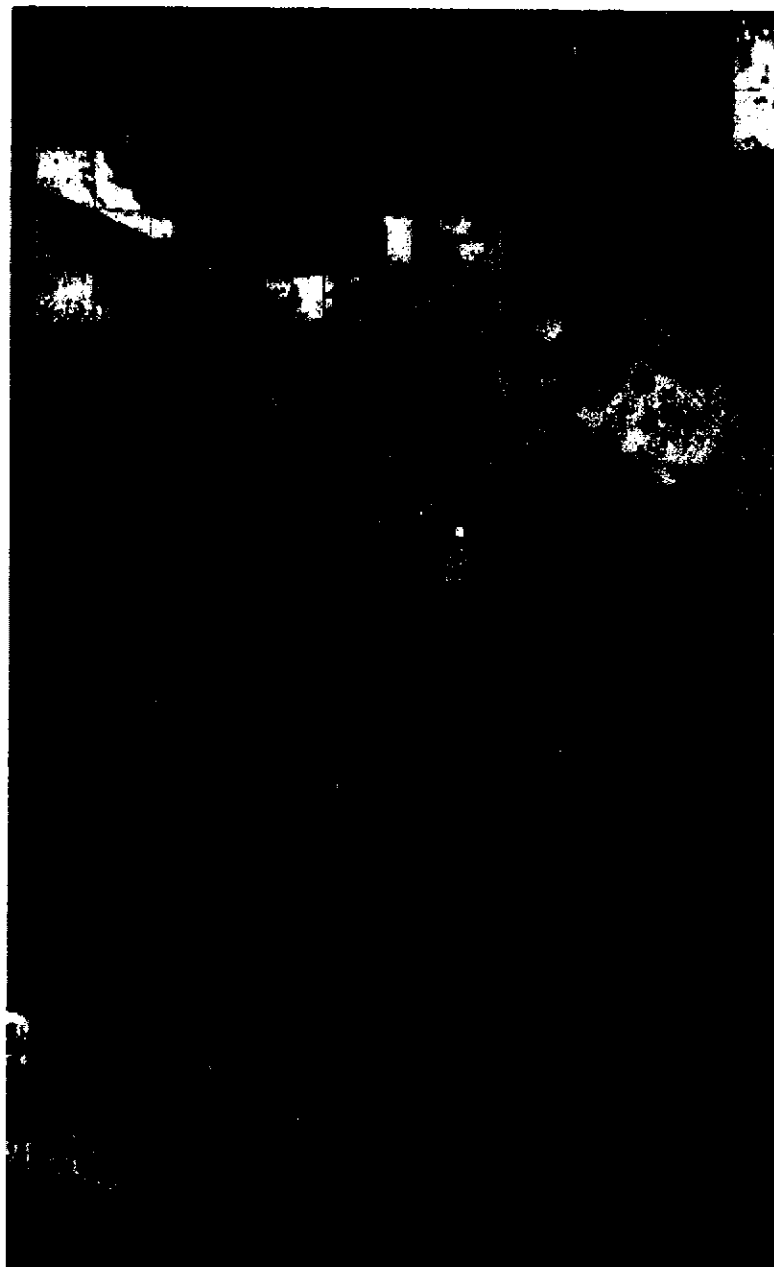
Place(s) of use:

Place of Use Legal Description: IRRIGATION FROM STORAGE ADA County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 01N      | 02E   | 4       |     | SWNE  |       |     | SENE  |       |     |       |       |     |       |       |
|          |       |         |     | NESE  |       |     | NWSE  |       |     |       |       |     |       |       |
|          |       | 5       |     | NESW  |       |     | NWSW  |       |     | SWSW  |       |     | SESW  |       |
|          |       |         |     | NWSE  |       |     | SWSE  |       |     |       |       |     |       |       |
|          |       | 6       | 6   | NWSW  |       | 7   | SWSW  |       |     |       |       |     |       |       |
|          |       |         |     | NESE  |       |     | SESE  |       |     |       |       |     |       |       |
|          |       | 7       |     | NENE  |       |     | NWNE  |       |     | SENE  |       |     |       |       |
|          |       | 8       |     | NENW  |       |     | NWNW  |       |     | SWNW  |       |     | SENW  |       |
| 02N      |       | 19      | 3   | NWSW  |       | 4   | SWSW  |       |     | SESW  |       |     |       |       |
|          |       |         |     | SWSE  |       |     | SESE  | BLM   |     |       |       |     |       |       |
|          |       | 29      |     | NENE  |       |     | NWNE  |       |     | SWNE  |       |     | SENE  |       |
|          |       |         |     | NENW  |       |     | NWNW  |       |     | SWNW  |       |     | SENW  |       |
|          |       |         |     | NESW  |       |     |       |       |     |       |       |     |       |       |
|          |       | 30      |     | NENE  |       |     | NWNE  |       |     | SWNE  |       |     | SENE  |       |
|          |       |         |     | NENW  |       | 1   | NWNW  |       |     |       |       |     |       |       |
|          |       | 31      |     | NESW  |       | 3   | NWSW  |       | 4   | SWSW  |       |     | SESW  |       |
|          |       |         |     | SWSE  |       |     | SESE  |       |     |       |       |     |       |       |

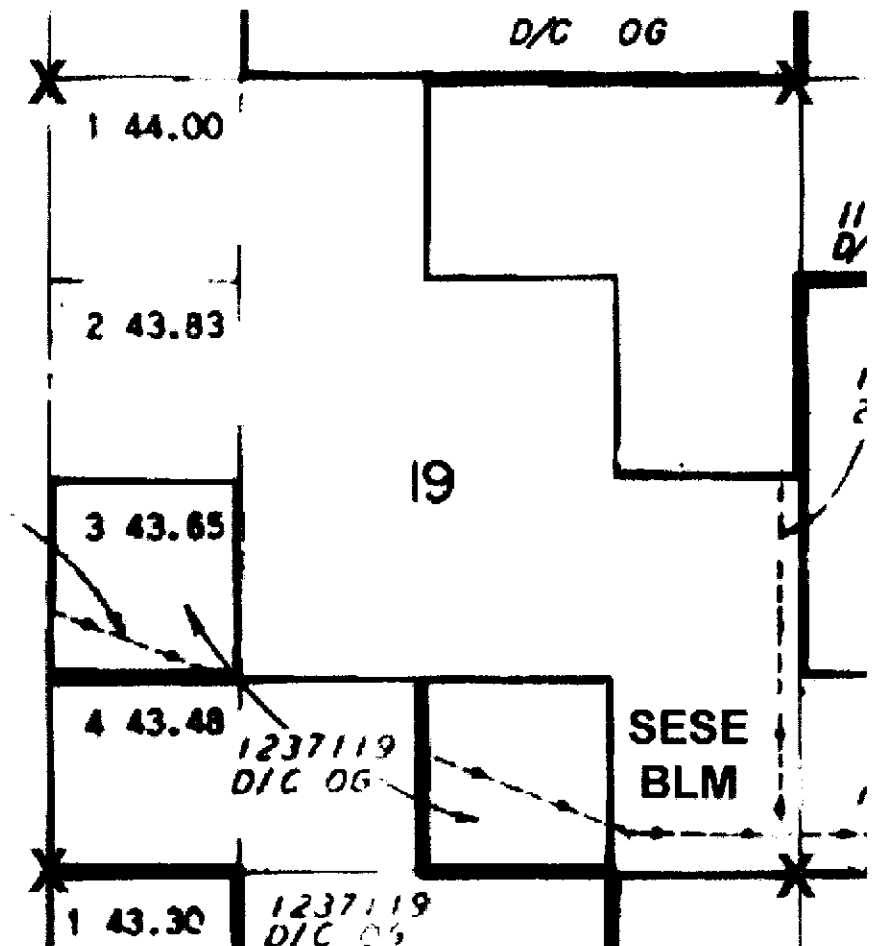
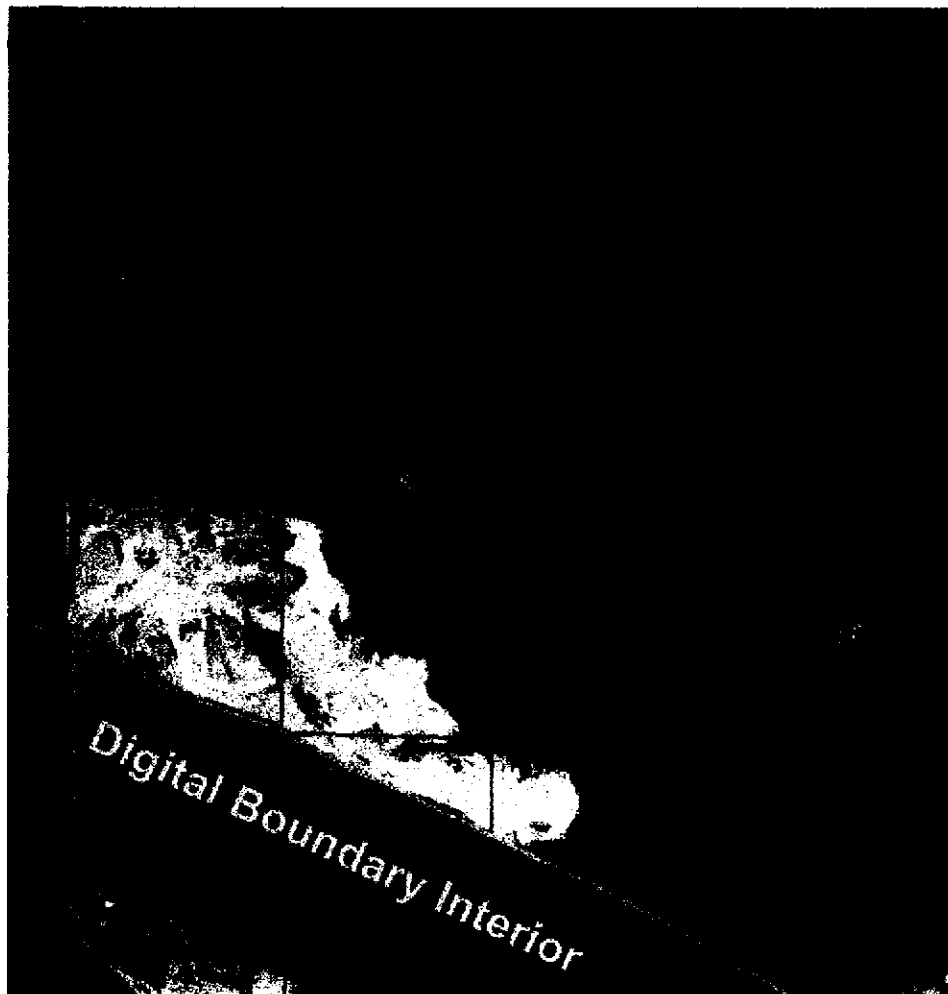
Place of Use Legal Description: STOCKWATER FROM STORAGE same as IRRIGATION FROM STORAGE

63-00329B, 63-00330B, 63-00331B, 63-00332, 63-00379



63-00329B, 63-00330B, 63-00331B, 63-00332, 63-00379

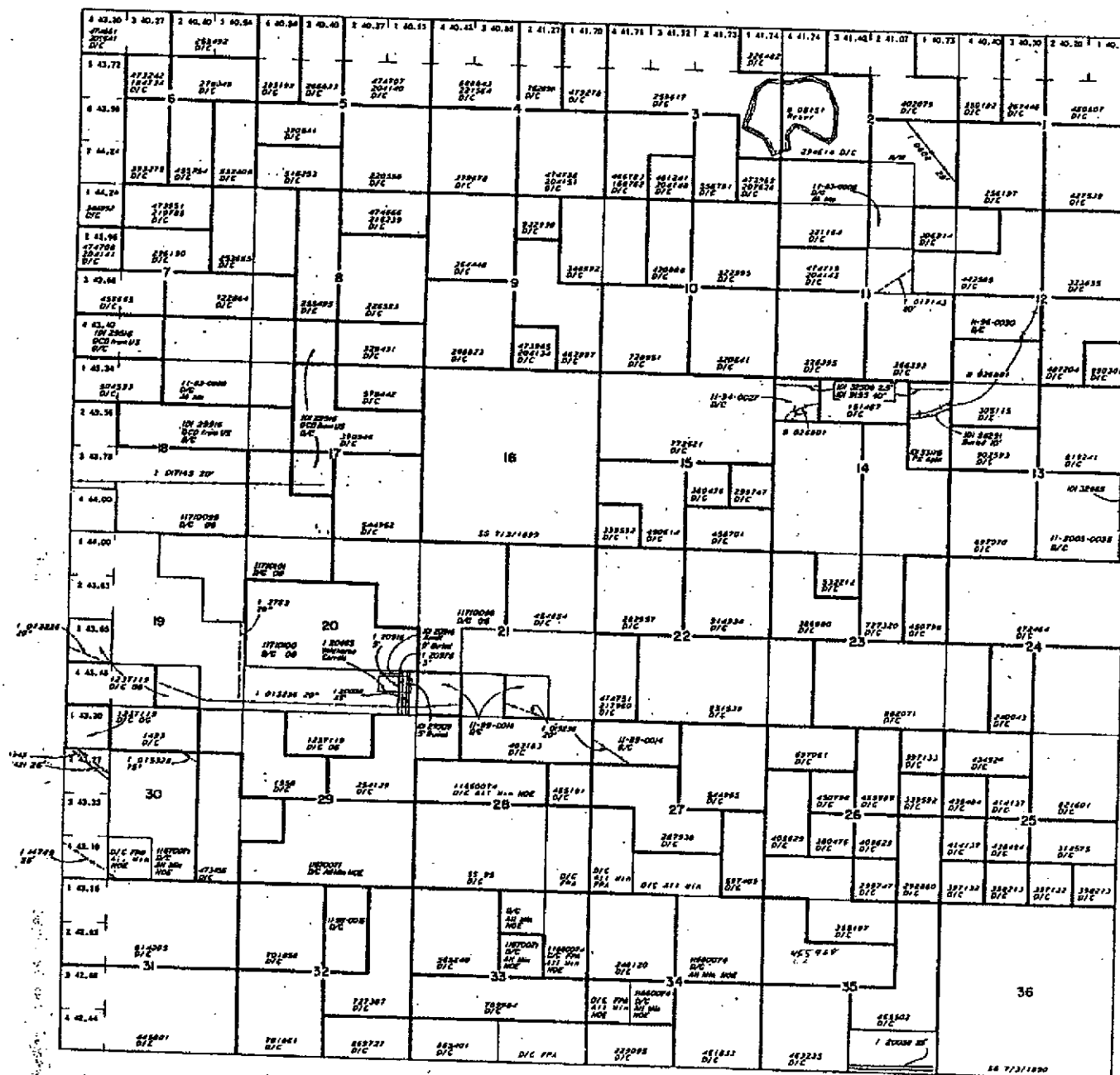
T01N R02E S19 SESE



-Remove POU on BLM from data  
and adjust Digital Boundary  
accordingly.

NOISE DISTRICT SEP 4

MT PLAT

[illegible]

ED 10/29/1913 Vol Per 5 Pass 406 A/N Trans Term.  
all land lying within 50' of center line  
N 010877, S 012269

Sec 9: 6/5E  
Sec 10: 6/5W  
Sec 15: 6/1N1, 6/1S1  
Sec 21: 6/6  
Sec 27: 6/10N1, 6/1S1  
Sec 28: 6/6  
Sec 33: 6/6  
Sec 34: 6/1S1

EO 2/11/1915 Mod Per S Res 406 EO 10/29/1911  
To permit P/O Trans line

Pat 720951 1/20/1920, excludes land in Per S  
Res 406  
Sec 10: 501

Par 772521 9/10/1920, excludes land in Par 3  
Ags 406  
Sec 15: 406

JFH 28663 COMM 5, PLYMTH, & ACCN 110  
Sec 20: W 1/4 NE 1/4 SE 1/4 SE 1/4 1.304

LDN 35477 A/W Pipeline 20' Buried  
Sec 13, 92'

FOR ORDERS EFFECTING DISPOSAL OR USE OF  
UNIDENTIFIED LANDS REFER TO INDEX OF  
MISCELLANEOUS DOCUMENTS

|            |            |
|------------|------------|
| CURRENT TO | CURRENT TO |
| 1000       | 1000       |
| 1000       | 1000       |
| 1000       | 1000       |

USE PLATE:

SCALE in Chords

WASHINGTON, D.C. (AP) — The Bureau's Board of Titles, and should be used only as a graphic display of the available survey data. Any and all use of the data should be subject to the same restrictions which apply to the data.

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH.

Being 14

4 34

05/16/2005

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

RIGHT NUMBER: 63-379

NAME AND ADDRESS: PLEASANT VALLEY IRR CO  
C/O TERRY COPPLE ESQ  
PO BOX 1583  
BOISE ID 83701

SOURCE: BLACKS CREEK  
BRYANS RUN

TRIBUTARY: TENMILE CREEK  
TRIBUTARY: TENMILE CREEK

THE POINT OF REDIVERSION IS ON TENMILE CREEK

QUANTITY: 7,900.000 AFY

PRIORITY DATE: 05/16/1912

POINT OF DIVERSION:

T02N R03E S31 NWSW Lot 3 Rediversion Within ADA County  
T02N R03E S31 NWSW Lot 3 Rediversion Within ADA County  
T02N R03E S31 SESW Within ADA County  
T02N R03E S31 SESW Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>   | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-------------------------|----------------------|-----------------|
| IRRIGATION FROM STORAGE | 03/01 11/15          | 7,900.00 AFY    |
| STOCKWATER STORAGE      | 01/01 12/31          | 25.00 AFY       |
| IRRIGATION STORAGE      | 01/01 12/31          | 7,900.00 AFY    |
| STOCKWATER FROM STORAGE | 01/01 12/31          | 25.00 AFY       |

PLACE OF USE:

1148 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1148 ACRES WITHIN THE  
BOUNDARIES OF THE PLEASANT VALLEY IRRIGATION CO. LTD.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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: Decreed

THE STORAGE RESERVOIR IS KNOWN AS BLACKS CREEK RESERVOIR.

SOURCES ARE KNOWN AS BLACKS CREEK AND BRYANS RUN. TENMILE CREEK BEGINS AT THE FACE OF THE DAM FOR BLACKS CREEK RESERVOIR

05/09/2005

NOTICE OF ERROR  
REPLY

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: June 24, 2005

Water right number: 63-379

PLEASANT VALLEY IRR CO

C/O TERRY COPPLE ESQ

PO BOX 1583

BOISE ID 83701

Telephone Number: (208)342-3658

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:

6/2/05

SIGNATURE:

*Eric Bodily*

Please print your name:

Eric Bodily

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

RECEIVED

JUN 08 2005

WATER RESOURCES  
WESTERN REGION

05/09/2005

NOTICE OF ERROR  
REPLY

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: June 24, 2005

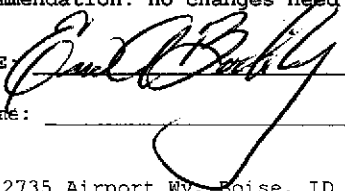
Water right number: 63-379

PLEASANT VALLEY IRR CO  
C/O TERRY COPPLE ESQ  
PO BOX 1583  
BOISE ID 83701  
Telephone Number: (208)342-3658

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: 6/2/05

SIGNATURE: 

Please print your name: \_\_\_\_\_

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-379 V1

WATER RIGHT NUMBER: 63-379 V1

|                   |                                                                                                   |
|-------------------|---------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                           |
| Current Owner     | PLEASANT VALLEY IRR CO<br>C/O TERRY COPPLE ESQ<br>PO BOX 1583<br>BOISE, ID 83701<br>(208)342-3658 |

Priority Date: 05/16/1912

Basis: Decreed

Status: Active

|                            |                                |
|----------------------------|--------------------------------|
| <u>Source</u>              | <u>Tributary</u>               |
| BLACKS CREEK<br>BRYANS RUN | TENMILE CREEK<br>TENMILE CREEK |

|                            |                         |                       |                      |
|----------------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u>      | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION FROM STORAGE    | 03/01 to 11/15          |                       | 7,900.00 AF          |
| STOCKWATER STORAGE         | 01/01 to 12/31          |                       | 25.00 AF             |
| IRRIGATION STORAGE         | 01/01 to 12/31          |                       | 7,900.00 AF          |
| STOCKWATER FROM<br>STORAGE | 01/01 to 12/31          |                       | 25.00 AF             |
|                            | <u>Total Diversion:</u> |                       | 7,900.00 AF          |

Location of Point(s) of Diversion

|              |                 |                                 |
|--------------|-----------------|---------------------------------|
| BRYANS RUN   | L3 (NW1/4SW1/4) | Sec. 31, Twp 02N, Rge 03E, B.M. |
| ADA County   | (Rediversion)   |                                 |
| BRYANS RUN   | SE1/4SW1/4      | Sec. 31, Twp 02N, Rge 03E, B.M. |
| ADA County   |                 |                                 |
| BLACKS CREEK | SE1/4SW1/4      | Sec. 31, Twp 02N, Rge 03E, B.M. |
| ADA County   |                 |                                 |
| BLACKS CREEK | L3 (NW1/4SW1/4) | Sec. 31, Twp 02N, Rge 03E, B.M. |
| ADA County   | (Rediversion)   |                                 |

Place of UseConditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-379 V1

Remarks:

1. Explanatory THE STORAGE RESERVOIR IS KNOWN AS BLACKS CREEK RESERVOIR.
2. Explanatory SOURCES ARE KNOWN AS BLACKS CREEK AND BRYANS RUN. TENMILE CREEK BEGINS AT THE FACE OF THE DAM FOR BLACKS CREEK RESERVOIR
3. Source THE POINT OF REDIVERSION IS ON TENMILE CREEK
4. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1148 ACRES WITHIN THE BOUNDARIES  
- Irrigation OF THE PLEASANT VALLEY IRRIGATION CO. LTD.

Comments:

1. mschulte 9/2/2003 SUPERCEDES 63-2200  
Comment: THIS DECREED RIGHT SUPERCEDES LICENSE 63-2200

Water Supply Bank:

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION FIELD REPORT**

**Prior to Field Exam**

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed) *NA*
- ☒ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant *NA*

**CLAIMANT INFORMATION – verify contact information is complete**Claim No(s) 63-379Owner: Pleasant Valley Irr. Co. Phone No. 343-0870 = Eric BodilyCurrent Address: See file

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? shareholders

Accompanied by: Met with Eric Bodily in our office prior to field review.**PRIORITY DATE**

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: \_\_\_\_\_

(If priority date, based on your exam, seems questionable, explain below.)  
\_\_\_\_\_  
\_\_\_\_\_Source: Blacks Creek + Bryans Run Tributary to Tenmile Creek

- ☐ No Change – SAME SOURCE
- ☒ Source found is different than claimed: See narrative below

**POINT OF DIVERSION**

- ☐ No change
- ☒ POD found is different than claimed: \_\_\_\_\_
- ☐ If different, when did POD change? \_\_\_\_\_

# **DIVERSION AND DELIVERY SYSTEM**

Points of Diversion:

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      |            |     | SE  | SW  | 31   | 2N   | 3E   |        | 326445 + 264601 = POP                     |
|      | 3          |     | NW  | SW  | 31   |      |      |        | 325950 + 264731 = "R"                     |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |

Description of diverting works

*Headgate and overflow in dam diverts water to Ten Mile Creek. About 1/2 mile downstream water is rediverted to a delivery ditch.*

## **OVERLAP REVIEW**

Other water rights with the same point of diversion: See 63-329B

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

## **WATER USES**

☒ No change

☐ Different Uses

Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA \_\_\_\_\_  
 Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA \_\_\_\_\_  
 Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA \_\_\_\_\_

## **TOTAL VOLUME - Groundwater only** NA

☐ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA \_\_\_\_\_

☐ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA \_\_\_\_\_

☐ More than 1" per Acre? Yes \_\_\_\_\_ (claimant must complete excess flow sheet)

## **NON-IRRIGATION USES:**

☒ No change

☐ Changes Exam found: Domestic # of homes \_\_\_\_\_ Stock # 700 claimed for

Types \_\_\_\_\_ Additional comments: all shareholders

## **PLACE OF USE:**

☒ No Change

☐ Changes shown below:

|                                                              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|--------------------------------------------------------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 1148 acres within the boundary of Pleasant Valley Irrigation |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
| Place of Use                                                 |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| TWP                                                          | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|                                                              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|                                                              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|                                                              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|                                                              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|                                                              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|                                                              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|                                                              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Overlap with other water rights: Live flow decreed rights 63-329, 330, 331 & 332

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

No - This right supplements the live flow rights

Delivery System Narrative:

| Well or Diversion Identification No<br>GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|-----------------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                               |            |    |                  |           |                                   |
|                                               |            |    |                  |           |                                   |

#### FLOW MEASUREMENTS:

Attach appropriate documents

#### NARRATIVE/REMARKS/COMMENTS

The number of acres recommended (1148) equals the acres claimed.

This right is supplemental to four decreed live flow rights and supersedes license 63-2200

The storage facility is known as Blacks Creek Reservoir

The sources for Blacks Creek Reservoir according to  
USGS maps are Blacks Creek and Bayona Run.  
Tennile Creek begins at the reservoir dam.  
The point of redirection is on Tennile Creek.

**AFTER EXAM THE FILE SHOULD CONTAIN:**

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

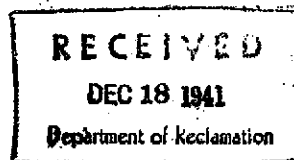
DATE EXAM CONDUCTED: 10-14-02

FIELD EXAMINER: Mel Schulte

63-379

#602

63-0



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

PLEASANT VALLEY IRRIGATION  
COMPANY, LIMITED, a corpora-  
tion,

*Entered and filed  
Dec 21, 1939*

*Stephen Little  
By B. Clyde Eagleson  
Clerk  
Deputy*

Plaintiff,

vs.

DECREE.

THOMAS LORD, DONALD LORD,  
and OLIVER LORD,

Defendants.

This cause came regularly on for trial in open court before the court without a jury at the Ada County Court-house, Boise, Idaho, on the 25th day of April, 1939, plaintiff appearing by its attorneys, Davison & Davison and Edwin Snow, and defendants appearing by their attorneys, Elam A. Burke and J. L. Martin.

Witnesses were sworn and examined and their testimony received, documentary evidence was introduced, and the cause argued and submitted, and the court having considered the matter, thereafter filed herein its findings of fact and conclusions of law; and in accordance therewith, it is now

so ORDERED, ADJUDGED, AND DECREED as follows:

I.

That plaintiff is and has been since the year 1914 a corporation duly organized and existing under the laws of the State of Idaho, and continuously engaged in the business of operating an irrigation system belonging to it, known as the "Pleasant Valley Irrigation Project", in Ada County, Idaho, and distributing to its stockholders therefrom for ir-

irrigation, domestic, and stock use upon their lands herein-  
after described, the waters of Ten-Mile Creek and its trib-  
utaries in said county; that the lands of its stockholders  
to which it is and has been during all of said period dis-  
tributing said waters for irrigation are described as follows:

Lots Three (3) and Four (4) and the Southeast  
quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of  
Section 3;

All of Section Four (4);

Southeast quarter (SE $\frac{1}{4}$ ), West half of the South-  
west quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ ), Northeast quarter of the  
Southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 5;

Southeast quarter (SE $\frac{1}{4}$ ), West half of the South-  
west quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ ), Southeast quarter of the  
Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ), Southwest quarter of  
the Northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ), and Lots One (1),  
Two (2), and Three (3) of Section 6;

Northeast quarter (NE $\frac{1}{4}$ ), North half of the South-  
east quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ ), and Lot One (1) of Section 7;

Northwest quarter (NW $\frac{1}{4}$ ) of Section 8;

Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ),  
Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ )  
of Section 31,

all in Township 1 North, Range 3 East Boise Meridian.

Lots Three (3) and Four (4), Southwest quarter of  
the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ), Southeast quarter  
of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 2;

Lot One (1), Northwest quarter of the Southwest  
quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 3;

Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ )  
and Lot Four (4) of Section 10;

Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ),  
Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ )  
of Section 29;

West half of the Southwest quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ ), South-  
east quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of  
Section 31;

Southeast quarter of the Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ),  
South half of the Southwest quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$ ) of  
Section 34;

Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ )  
of Section 35,

all in Township 2 North, Range 2 East Boise Meridian.

Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ),  
Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ )  
of Section 24, Township 2 North, Range 1 East Boise  
Meridian.

That prior to the year 1914, plaintiff's said irri-  
gation project was successively owned and operated by certain  
predecessors in interest which, like itself, were mutual co-  
operative irrigation companies distributing water for the ir-  
rigation of the lands of their respective stockholders which  
were the same lands as above described.

It.

That plaintiff, ~~\_\_\_\_\_~~,  
Limited, a corporation, is entitled (in addition to the storage  
rights hereinafter decreed) to divert and use for the irrigation  
of and domestic and livestock use upon the lands of its stock-  
holders, as described in the preceding paragraph hereof, the  
following amounts of the natural flow waters, during the irri-  
gation season, of ~~San-Milo Creek~~ and its tributaries with the  
respective dates of priority as specified below:

- 63 0329 (a) 200 miner's inches with priority of  
~~March 1, 1900~~;  
63 0330 (b) 200 miner's inches with priority of  
~~March 1, 1900~~;  
63 0331 (c) 250 miner's inches with priority of  
~~March 1, 1900~~;  
63 0332 (d) 650 miner's inches with priority of  
~~March 1, 1900~~.

The point of diversion of said water is described  
as follows:

At the head of plaintiff's ditch in the South-west quarter (SW 1/4) of Section 31, Township 2 North, Range 3 East Boise Meridian.

III.

63-0379 → That in addition to the rights herein decreed to plaintiff in the natural flow waters of Ten-Mile Creek and its tributaries during the irrigation season, [REDACTED] has the further right to store in its reservoir (located on [REDACTED] [REDACTED] Creek in Sections 31 and 32, Township 2 North, Range 3 East Boise Meridian, and Sections 1 and 6, Township 1 North, Range 3 East Boise Meridian) all the waters flowing in said stream and its tributaries during the non-irrigation season in that term is hereinafter defined, up to the capacity of the said reservoir, which capacity is 7,900 acre feet; and the said right of plaintiff to store in its reservoir and thereafter use the waters of said stream and its tributaries during the non-irrigation season in no manner interferes with or infringes upon any rights of defendants. Plaintiff is also hereby decreed the right, with priority of [REDACTED] to store said waters in said reservoir at any other time than during said non-irrigation season when by so doing it will not interfere with the prior rights of defendants herein decreed; and plaintiff may release said stored water at its pleasure through the gates of its said reservoir and divert the same at the point of diversion described in the preceding paragraph hereof and use the same for the irrigation of and domestic and stock use upon its lands aforesaid.

IV.

That defendants, Donald Lord and Oliver Lord, are entitled to divert and use the following amounts of the natural flow waters, during the irrigation season, of [REDACTED] Creek and its tributaries, with the respective priorities specified:

63 0333 (a) 5 miner's inches with priority of [REDACTED]

63 0334 35 miner's inches with priority of [REDACTED]

63 0335 10 miner's inches with priority of [REDACTED]

The foregoing rights are allotted for the irrigation of and domestic and stock use upon the following described lands:

Lots One (1) and Two (2) and the South half of the Northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 1, Township 1 North, Range 3 East Boise Meridian, referred to in the findings of fact herein as the "Hoffman Tract";

Lot Four (4), the Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ), and the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 31, Township 2 North, Range 4 East Boise Meridian, referred to in the findings of fact herein as the "Corbus Desert entry".

The point of diversion of said water is described as follows:

A point in the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 31, Township 2 North, Range 4 East Boise Meridian.

63 0336 (b) 45 miner's inches with priority of [REDACTED]

The immediate foregoing right is allotted for the irrigation of and domestic and livestock use upon the following described lands:

East half of the Southwest quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ ), Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ), and the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 32, Township 2 North, Range 4 East Boise Meridian, said lands being referred to in the findings of fact herein as the "Gray Tract";

Northeast quarter of the Southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 32, Township 2 North, Range 4 East Boise Meridian, said tract being referred to in the findings of fact herein as the "Backus Forty".

The point of diversion of said last mentioned water is described as follows:

At the head of defendants' ditches in or near the Northwest quarter of the Northeast quarter (NW<sup>1</sup>/4) of Section 32, Township 2 North, Range 4 East Boise Meridian.

V.

The term "miner's inch" of water as used in this decree means one-fiftieth of a cubic foot per second; the term "irrigation season" as used in this decree means the period from ~~March 1st~~ *March 20th* to November 1st of each year; the term "non-irrigation season" as used in this decree means the period beginning November 1st of each year and continuing to ~~March 1st~~ *March 20th* of the succeeding year.

VI.

The parties hereto shall, before beginning the diversion of water at the commencement of the ensuing irrigation season hereafter, install at the head of each of their respective ditches where water is permitted to be diverted from the stream in accordance with the terms of this decree a suitable headgate equipped with a measuring device whereby the amount of water at any time diverted through said ditch can be regulated and the amount so diverted may be determined and all water herein allotted and decreed shall be measured at said points of diversion.

VII.

The defendants, and each of them, are hereby ordered forthwith to remove and keep removed that certain dam or obstruction heretofore constructed and maintained by them in the channel of Big Creek, a tributary of Ten-Mile Creek, which obstruction is located in the Southwest quarter (SW<sup>1</sup>/4) of Section 32, Township 2 North, Range 4 East Boise Meridian; and the said defendants, and each of them, their servants, agents, and

successors in interest, are hereby perpetually enjoined and restrained from constructing or maintaining in the channel of Ten-Mile Creek (or ~~any~~ ~~its~~ ~~creek~~), or any of its tributaries, any dam or obstruction (except dams equipped with measuring devices and reasonably required for the diversion of water at the points of diversion herein specified for defendants) whereby the waters of Ten-Mile Creek or any of its tributaries is prevented or hindered from flowing freely down the channel of the water course to plaintiff's reservoir; and the several parties hereto, and the agents, servants, employees, and successors in interest of each of them, respectively, are hereby, and each of them is hereby, enjoined and restrained from any and all interference with or diversion or use of the waters of Ten-Mile Creek or its tributaries except in the manner and to the extent and for the purposes specified in this decree.

VIII.

The court reserves jurisdiction of this cause for the following purposes:

- (a) To enforce the provisions of this decree.
- (b) In case during any subsequent irrigation season, by reason of natural conditions, and not by <sup>improper</sup> diversions of water by defendants upstream, there should at any time be water available for diversion at defendants' points of diversion which even though not diverted or interfered with would not reach plaintiff's reservoir on account of the character of the creek bed or other natural cause, but would instead be wholly lost and wasted, then under such conditions (if not caused by any act of defendants) defendants may upon not less than 5 days' notice to plaintiff make application to the court to be

permitted to use said water during the period while such condition obtains; and the court hereby reserves jurisdiction to permit by its subsequent order upon such application of defendants the use of such water by defendants when it shall clearly appear to the court that such use by defendants will in no manner deprive plaintiff of the use of any of the water allotted to it by the terms of this decree.

IX.

That plaintiff have and recover against defendants its costs herein, taxed at \$120.75.

Dated this 21st December day of December, 1939.

Charles E. Winstead

District Judge.

STATE OF IDAHO, }  
County of Ada } ss.

CERTIFICATE

I, OTTO F. PETERSON, Clerk of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the foregoing is a true and correct copy of the original Decree in the case of the Pleasant Valley Irrigation Company, Limited, vs. Thomas Lord et al

filed in the above entitled action and remaining now on file in my office at Boise City, Ada County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 17th day of December 1941.

By \_\_\_\_\_ Deputy.

Otto F. Peterson

Clerk.

63-379

BASIN -----> : 63  
DAM NUMBER -----> : 0379  
FED\_ID\_NO -----> : ID00208  
DAM NAME -----> : BLACKS CREEK  
COUNTY -----> : ADA  
STREAM -----> : BLACKS CREEK (TENMILE CK)  
REGION -----> : W  
PURPOSE -----> : L  
RISK CATEGORY -----> : 1  
SIZE CATEGORY -----> : 1  
Q-Q SECTION -----> : SESW  
SECTION -----> : 31  
TOWNSHIP -----> : 02N  
RANGE -----> : 03E  
LATITUDE DEC -----> : 43.4624  
LONGITUDE DEC -----> : 116.1455  
DAM TYPE -----> : EARTH  
STORAGE CAPACITY --> : 3640 ACFT  
HEIGHT -----> : 45.0 FT  
DRAINAGE AREA -----> : 39.0 SQMI  
RESERVOIR AREA --> : 220 AC  
YEAR COMPLETED --> : 1915  
CREST ELEVATION --> : 3220 MSL  
CREST LENGTH -----> : 1700 FT  
SPILLWAY TYPE -----> : RKCHAN  
SPILLWAY DEPTH --> : 6.5 FT  
SPILLWAY CAPACITY --> : 600 CFS  
OUTLET TYPE -----> : CNBOX  
OUTLET SIZE -----> : 0 IN  
OUTLET CAPACITY --> : 150 CFS  
IDF -----> : PMF  
IDF MAGNITUDE -----> : 11710 CFS  
RELEASE CAPACITY--> : 750 CFS

CONDITION -----> : GD  
MAINTENANCE -----> : ROUTINE  
INSPECTION DATE --> : 0894 MO/YR  
CERTIFICATE EXP --> : 1196 MO/YR  
LAST RISK EVAL --> : 0592 MO/YR  
SURVEY DATE -----> : 05/06/92  
CALL UP DATE -----> : / /  
CERT ISSUE DATE --> : 12/19/94  
INSPECT INTERVAL --> : 2YR  
PHASE 1 INSP DATE --> : 07/10/78  
OPERATION PLAN --> : U  
SEISMIC ANALYSIS--> : N  
RESTRICTED -----> : Y  
JOINT INSPECTION --> :  
QUAD NUMBER -----> : Y9  
QUAD NAME -----> : OWYHEE

DAM OWNER -----> : PLEASANT VALLEY IRRIGATION CO  
ADDRESS-1 -----> : ERIC BODILY, PRESIDENT  
ADDRESS-2 -----> : 4608 W BARKER RD  
CITY -----> : KUNA  
STATE -----> : ID  
ZIP CODE -----> : 83634  
ZIP SUFFIX -----> :  
PHONE -----> : 3430870  
AREA CODE -----> : 208

GENERAL REMARKS : SPILLWAY & REL CAP ARE WITH 3.5' FB. WITH FLOOD ROUTING: SPILLWAY WILL PASS Q100 = 2900 CFS WITH 5.0' FB. BOTH 1/2 PMF = 5855 CFS & PMF WILL OVERTOP DAM. NO CHANGED FROM 63-2200.

TECHNICAL REMARKS : OUTLET CONSISTS OF A 2'X 3' CONCRETE TUNNEL. SPILLWAY CONSISTS OF TWELVE 2.9 - 3.5' WIDE BY 6.5' DEEP OPENINGS SEPARATED BY CONCRETE BUTRUSSES.

RESTRICTIONS : USE OF FLASHBOARDS IN THE SPILLWAY IS NOT AUTHORIZED EXCEPT UPON WRITTEN REQUEST AND APPROVAL BY THE DEPARTMENT.

ALTERNATE CONTACTS : DON COPPLE, SEC. PH = 343-1962. LEON JEROME, PH = 343-0958.  
MR BODILY'S WORK PHONE = 342-6811, BOB RICE FORD.

63-379

T02N, R03E

3200

3240

31

Live Flow  
POD

"R" for  
63-379

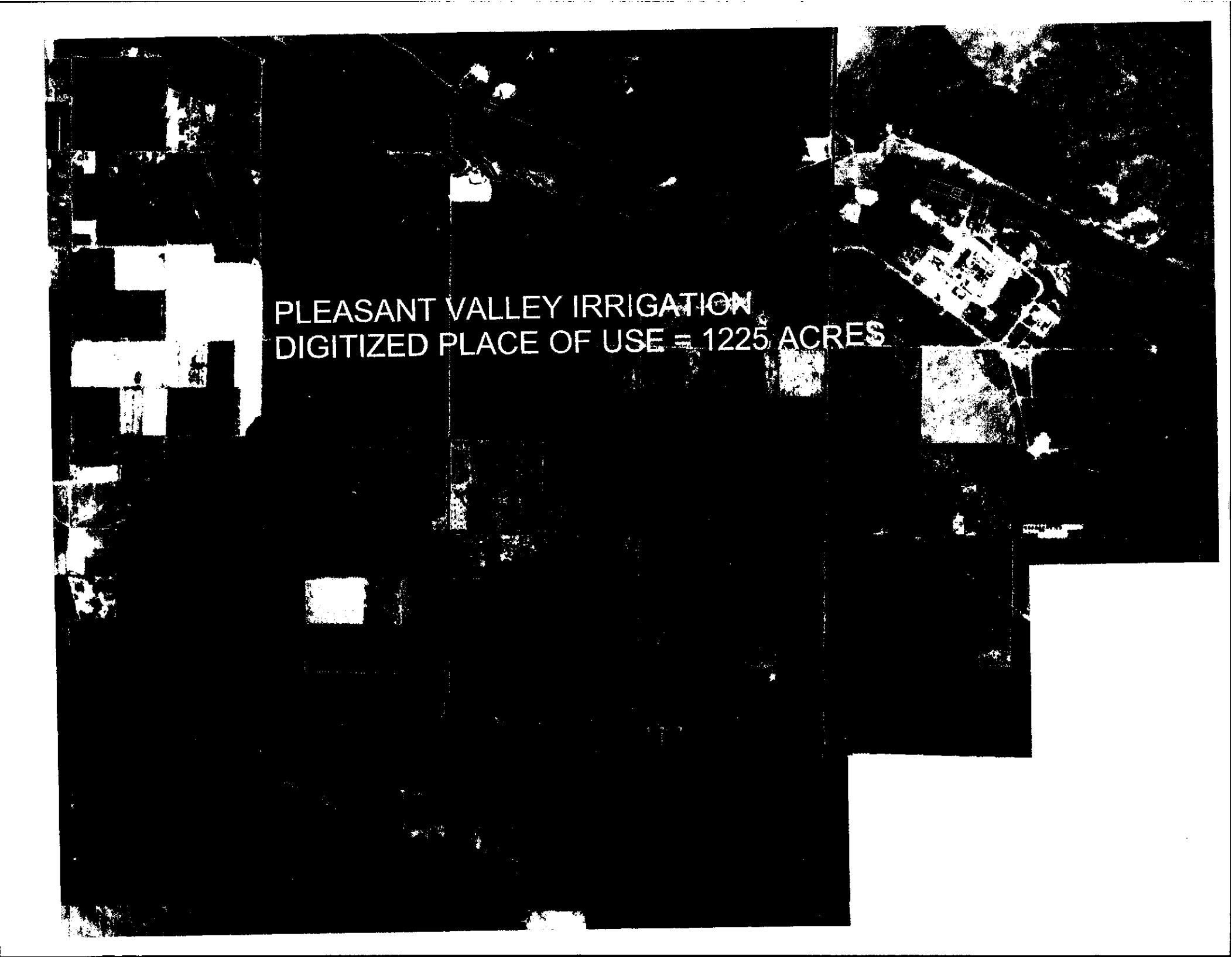
3212

Storage POD

Rifle  
Range

Blacks Creek  
Reservoir

1188

An aerial photograph of a rural landscape, likely a valley, with a grid overlay. The grid is composed of white lines on a dark background, dividing the area into rectangular sections. The landscape features a mix of dark, possibly forested or wooded areas, and lighter, possibly agricultural or cleared land. The text is centered over the grid.

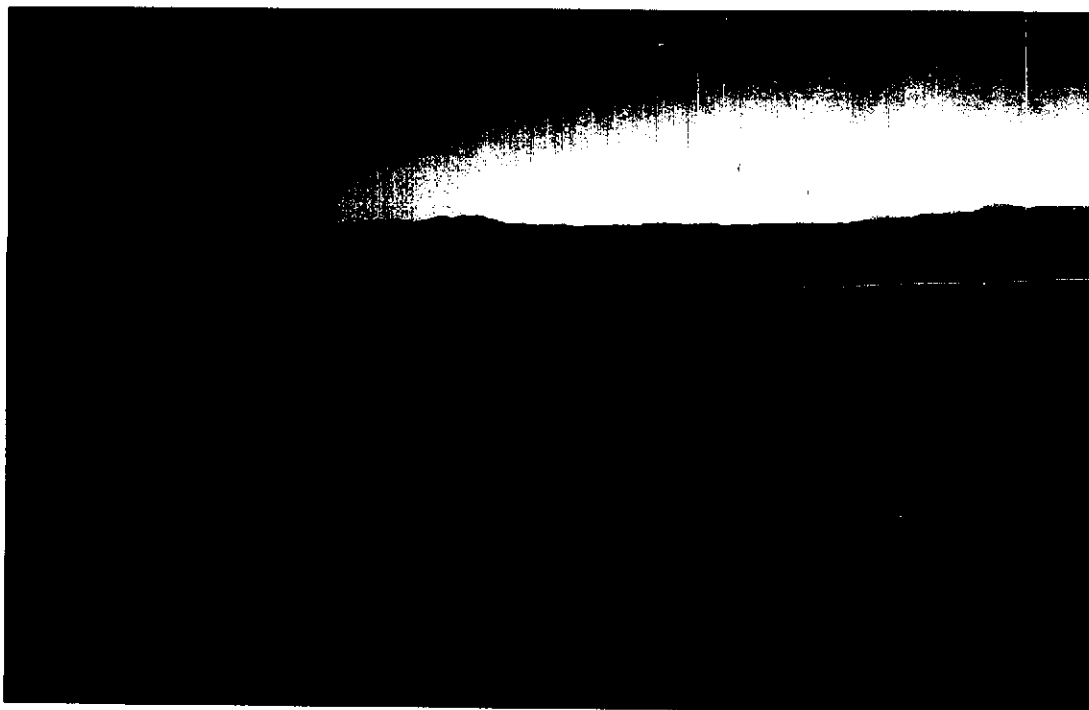
PLEASANT VALLEY IRRIGATION  
DIGITIZED PLACE OF USE = 1225 ACRES

**T02N, R03E**

**31**

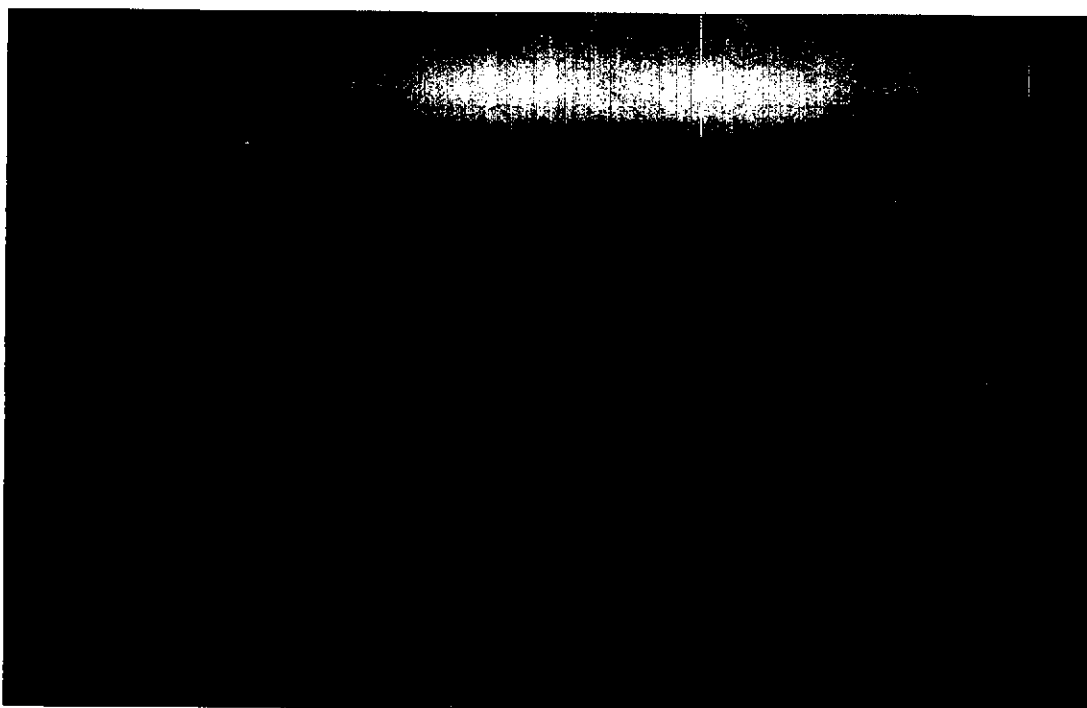
PLEASANT VALLEY IRRIGATION CO.  
PHOTOGRAPHS DATED 10/14/2002

PHOTO #1



STORAGE RESERVOIR  
LOOKING EAST FROM  
THE DAM

PHOTO #2



TEN MILE CREEK  
LOOKING WEST  
FROM THE DAM

## Water Right Report 63-379

**WATER RIGHT NUMBER: 63-379**

**Status:** Active

| <u>Beneficial Use</u>   | <u>From</u>             | <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-------------------------|-----------|-----------------------|----------------------|
| IRRIGATION STORAGE      | /                       | to /      |                       | 7,900.00 AF          |
| IRRIGATION              | /                       | to /      |                       | 7,900.00 AF          |
| IRRIGATION FROM STORAGE | /                       | to /      |                       | 7,900.00 AF          |
|                         | <b>Total Diversion:</b> |           |                       | <b>7,900.00 AF</b>   |

POB = RN, 3E, 531, SESW

"R" from Ten Mile Creek = NW 34, S 31, 2N, 3E.

### Place of Use

**Conditions of Approval:**

Remarks:

1. General RESERVOIR ON TEN MILE CK. IN S31 & 32, T2N R3E & S1 & 6, T1N R3E. P/D IN SW, S31, T2N, R3E.

**Comments:**

**Dates and Other Information:**

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 63-379

WATER RIGHT NUMBER: 63-379

|                   |                                                                                                   |
|-------------------|---------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                           |
| Current Owner     | PLEASANT VALLEY IRR CO<br>C/O TERRY COPPLE ESQ<br>PO BOX 1583<br>BOISE, ID 83701<br>(208)342-3658 |

Priority Date: 05/16/1912

Basis: Decreed

Status: Active

|               |                   |
|---------------|-------------------|
| <u>Source</u> | <u>Tributary</u>  |
| TENMILE CREEK | FIFTEENMILE CREEK |

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION FROM STORAGE | 3/15 to 11/15           |                       | 7,900.00 AF          |
| STOCKWATER STORAGE      | 1/01 to 12/31           |                       | 25.00 AF             |
| IRRIGATION STORAGE      | 3/15 to 11/15           |                       | 7,900.00 AF          |
| STOCKWATER FROM STORAGE | 1/01 to 12/31           |                       | 25.00 AF             |
| IRRIGATION              | 3/15 to 11/15           |                       | 7,900.00 AF          |
|                         | <u>Total Diversion:</u> |                       | 7,900.00 AF          |

Location of Point(s) of Diversion

|               |            |                                 |
|---------------|------------|---------------------------------|
| TENMILE CREEK | SW1/4NE1/4 | Sec. 35, Twp 02N, Rge 02E, B.M. |
| ADA County    |            |                                 |
| TENMILE CREEK | SE1/4SE1/4 | Sec. 36, Twp 02N, Rge 02E, B.M. |
| ADA County    |            |                                 |

Place of UseIRRIGATION Within ADA County

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 63-379

|                     |      |      |                     |      |      |
|---------------------|------|------|---------------------|------|------|
| T01N R02E S04       | SWNE | 7.5  | T01N R02E S04       | SENE | 10.0 |
| T01N R02E S04       | NESE | 30.0 | T01N R02E S04       | NWSE | 3.5  |
| T01N R02E S05       | NESW | 40.0 | T01N R02E S05       | NWSW | 30.0 |
| T01N R02E S05       | SWSW | 40.0 | T01N R02E S05       | SESW | 30.0 |
| T01N R02E S05       | NWSE | 30.0 | T01N R02E S05       | SESE | 35.0 |
| T01N R02E S06       | NWSW | 35.0 | T01N R02E S06       | SWSW | 30.0 |
| T01N R02E S06       | NESE | 25.0 | T01N R02E S06       | SESE | 37.0 |
| T01N R02E S07       | NENE | 35.0 | T01N R02E S07       | NWNE | 15.0 |
| T01N R02E S07       | SENE | 15.0 | T01N R02E S08       | NENW | 35.0 |
| T01N R02E S08       | NWNW | 39.0 | T01N R02E S08       | SWNW | 30.0 |
| T01N R02E S08       | SENE | 20.0 | T02N R02E S19 Lot 3 | NWSW | 5.0  |
| T02N R02E S19 Lot 4 | SWSW | 38.0 | T02N R02E S19       | SESW | 28.0 |
| T02N R02E S29       | NENE | 32.0 | T02N R02E S29       | NWNE | 15.0 |
| T02N R02E S29       | SWNE | 31.0 | T02N R02E S29       | SENE | 5.0  |
| T02N R02E S29       | NENW | 7.0  | T02N R02E S29       | NWNW | 11.0 |
| T02N R02E S29       | SWNW | 28.0 | T02N R02E S29       | SENE | 37.0 |
| T02N R02E S30       | NENE | 30.0 | T02N R02E S30       | NWNE | 37.0 |
| T02N R02E S30       | SENE | 9.0  | T02N R02E S30       | NENW | 26.0 |
| T02N R02E S30 Lot 1 | NWNW | 11.0 | T02N R02E S31       | NESW | 35.0 |
| T02N R02E S31       | NWSW | 38.0 | T02N R02E S31       | SWSW | 37.0 |
| T02N R02E S31       | SESW | 38.0 | T02N R02E S31       | SWSE | 38.0 |
| T02N R02E S31       | SESE | 40.0 |                     |      |      |

Total Acres: 1148

IRRIGATION FROM STORAGE same as IRRIGATIONSTOCKWATER STORAGE same as IRRIGATIONIRRIGATION STORAGE same as IRRIGATIONSTOCKWATER FROM STORAGE same as IRRIGATIONConditions of Approval:Remarks:

- General DESCRIPTION OF DIVERTING WORKS: 48' HIGH DAM FOR BLACKS CREEK RESERVOIR W/GRAVITY FLOW DIVERSION INTO CREEK AND RE-DIVERSIONS FROM CREEK FOR IRRIGATION.

Comments:Dates and Other Information:

Claim Received Date: 9/8/1989  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 State or Federal: S  
 Owner Name Connector:  
 Water District Number: 63  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

## CONVERSATION MEMORANDUM

DATE 7-6-95

619-451-2595

FILE 463-003298, 330B  
331B, 379, 2200, 332NAME OF PARTY Bill WagnerEMPLOYEE Mel SchultePleasant Valley Irr. Co.

RE: Mr. Wagner is a shareholder and landowner in the Pleasant Valley Irr. Co. He is concerned about the competing claims filed on their decreed rights. He asked about the review process, C.R.P., forfeiture (not using their water) and the effect the drought will have on the review of their claims.

He indicated some of the long time share holders are elderly and some have died in recent years which impacts how some of the water has been used.

He is concerned about what he perceives as a "water grab" by the wealthy and more powerful people and entities in the south part of the County.

Contact person for Pleasant Valley Irr.  
Eric Bodily - Pres.

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: A63-00379  
Date Received: 9/08/1989  
Receipt No: W005970  
Received By:

JUN 14 1990

Department of Water Resources  
Western Regional Office

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: PLEASANT VALLEY IRR. CO. 208-342-3658  
Address: C/O TERRY COPPLE, ESQ.  
P.O. BOX 1583  
BOISE, ID 83701

2. Date of Priority: MAY 16, 1912

3. Source: TEN MILE CREEK Trib. to: FIFTEEN MILE CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N      | 02E   | 35      | SW     | NE     |     |     | ADA    |
|          |       | 36      | SE     | SE     |     |     | ADA    |

5. Description of diverting works:  
SEE REMARKS

6. Water is used for the following purposes:

| Purpose                 | From  | To    | C.F.S | (or) | A.F.A.  |
|-------------------------|-------|-------|-------|------|---------|
| IRRIGATION              | 03/15 | 11/15 |       |      | 7900.00 |
| IRRIGATION STORAGE      | 03/15 | 11/15 |       |      | 7900.00 |
| IRRIGATION FROM STORAGE | 03/15 | 11/15 |       |      | 7900.00 |
| STOCKWATER STORAGE      | 01/01 | 12/31 |       |      | 25.00   |
| STOCKWATER FROM STORAGE | 01/01 | 12/31 |       |      | 25.00   |

7. Total Quantity Appropriated is:  
C.F.S. (and/or) 7900.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
1200 RANGE CATTLE.

10. Place of Use:

| Township | Range | Section | 1/4           | of | 1/4           | Lot  | Use   | Acres |       |
|----------|-------|---------|---------------|----|---------------|------|-------|-------|-------|
| 01N      | 02E   | 4       | SW            |    | NE            |      | IRR   | 7.5   |       |
|          |       |         | SE            |    | NE            |      | IRR   | 10.0  |       |
|          |       |         | NE            |    | SE            |      | IRR   | 30.0  |       |
|          |       |         | NW            |    | SE            |      | IRR   | 3.5   |       |
|          |       |         |               |    | Section Acres |      |       |       | 51.0  |
|          |       | 5       | NE            |    | SW            |      | IRR   | 40.0  |       |
|          |       |         | NW            |    | SW            |      | IRR   | 30.0  |       |
|          |       |         | SW            |    | SW            |      | IRR   | 40.0  |       |
|          |       |         | SE            |    | SW            |      | IRR   | 30.0  |       |
|          |       |         | NW            |    | SE            |      | IRR   | 30.0  |       |
|          |       |         | SE            |    | SE            |      | IRR   | 35.0  |       |
|          |       |         |               |    | Section Acres |      |       |       | 205.0 |
|          |       | 6       | NW            |    | SW            |      | IRR   | 35.0  |       |
|          |       |         | SW            |    | SW            |      | IRR   | 30.0  |       |
|          |       |         | NE            |    | SE            |      | IRR   | 25.0  |       |
|          |       |         | SE            |    | SE            |      | IRR   | 37.0  |       |
|          |       |         | Section Acres |    |               |      | 127.0 |       |       |
| 7        | NE    |         | NE            |    | IRR           | 35.0 |       |       |       |
|          | NW    |         | NE            |    | IRR           | 15.0 |       |       |       |
|          | SE    |         | NE            |    | IRR           | 15.0 |       |       |       |
|          |       |         | Section Acres |    |               |      | 65.0  |       |       |
| 8        | NE    |         | NW            |    | IRR           | 35.0 |       |       |       |
|          | NW    |         | NW            |    | IRR           | 39.0 |       |       |       |
|          | SW    |         | NW            |    | IRR           | 30.0 |       |       |       |
|          | SE    |         | NW            |    | IRR           | 20.0 |       |       |       |
|          |       |         | Section Acres |    |               |      | 124.0 |       |       |
| 02N      | 02E   | 19      | NW            |    | SW            | 3    | IRR   | 5.0   |       |
|          |       |         | SW            |    | SW            | 4    | IRR   | 38.0  |       |
|          |       |         | SE            |    | SW            |      | IRR   | 28.0  |       |
|          |       |         |               |    | Section Acres |      |       |       | 71.0  |
|          |       | 26      | NW            |    | SW            |      | STOCK |       |       |
|          |       | 27      | NE            |    | SE            |      | STOCK |       |       |
|          |       | 29      | NE            |    | NE            |      | IRR   | 32.0  |       |
|          |       |         | NW            |    | NE            |      | IRR   | 15.0  |       |
|          |       |         | SW            |    | NE            |      | IRR   | 31.0  |       |
|          |       |         | SE            |    | NE            |      | IRR   | 5.0   |       |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of        | 1/4 | Lot | Use   | Acres  |
|----------|-------|---------|---------------|-----|-----|-------|--------|
| 02N      | 02E   | 29      | NE            | NW  |     | IRR   | 7.0    |
|          |       |         | NW            | NW  |     | IRR   | 11.0   |
|          |       |         | SW            | NW  |     | IRR   | 28.0   |
|          |       |         | SE            | NW  |     | IRR   | 37.0   |
|          |       |         | Section Acres |     |     |       | 166.0  |
|          |       | 30      | NE            | NE  |     | IRR   | 30.0   |
|          |       |         | NW            | NE  |     | IRR   | 37.0   |
|          |       |         | SE            | NE  |     | IRR   | 9.0    |
|          |       |         | NE            | NW  |     | IRR   | 26.0   |
|          |       |         | NW            | NW  | 1   | IRR   | 11.0   |
|          |       |         | Section Acres |     |     |       | 113.0  |
|          |       | 31      | NE            | SW  |     | IRR   | 35.0   |
|          |       |         | NW            | SW  |     | IRR   | 38.0   |
|          |       |         | SW            | SW  |     | IRR   | 37.0   |
|          |       |         | SE            | SW  |     | IRR   | 38.0   |
|          |       |         | SE            | SW  |     | STOCK |        |
|          |       |         | SW            | SE  |     | IRR   | 38.0   |
|          |       |         | SE            | SE  |     | IRR   | 40.0   |
|          |       |         | Section Acres |     |     |       | 226.0  |
|          |       | 36      | SW            | NW  |     | STOCK |        |
|          |       |         | NE            | SE  |     | STOCK |        |
|          |       |         | Total Acres   |     |     |       | 1148.0 |

11. Place of use in counties: ADA

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

13. Other Water Rights Used:  
63-00329, 331, 332, 330, 2200.

14. Remarks:  
DESCRIPTION OF DIVERTING WORKS: 48' HIGH DAM FOR BLACKS CREEK  
RESERVOIR W/GRAVITY FLOW DIVERSION INTO CREEK AND RE-DIVERSIONS  
FROM CREEK FOR IRRIGATION.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

PLEASANT VALLEY IRR. CO.  
Decree Plaintiff

THOMAS LORD  
vs  
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: 0

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): Ivan Dean Date: June 13/90  
President Valley Irrigation Date: \_\_\_\_\_

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 13 day  
of June 19 90

Linda B. Bole  
Notary Public

Seal

Residing at Boise Idaho  
My Commission Expires 5/31/95

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: A63-00379  
Date Received: 9/08/1989  
Receipt No: W005970  
Received By: DE JH

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: PLEASANT VALLEY IRR. CO. 208-342-3658  
Address: C/O TERRY COPPLE, ESQ.  
P.O. BOX 1583  
BOISE, ID 83701

2. Date of Priority: MAY 16, 1912

3. Source: TEN MILE CREEK Trib. to: FIFTEEN MILE CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N      | 02E   | 35      | SW     | NE     |     |     | ADA    |
|          |       | 36      | SE     | SE     |     |     | ADA    |

5. Description of diverting works:  
SEE REMARKS

6. Water is used for the following purposes:

| Purpose                 | From  | To    | C.F.S | (or) | A.F.A.  |
|-------------------------|-------|-------|-------|------|---------|
| IRRIGATION              | 03/15 | 11/15 |       |      | 7900.00 |
| IRRIGATION STORAGE      | 03/15 | 11/15 |       |      | 7900.00 |
| IRRIGATION FROM STORAGE | 03/15 | 11/15 |       |      | 7900.00 |

7. Total Quantity Appropriated is:  
C.F.S. (and/or) 7900.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
700 RANGE CATTLE.

10. Place of Use:

| Township      | Range | Section       | 1/4 | of | 1/4 | Lot  | Use   | Acres |       |
|---------------|-------|---------------|-----|----|-----|------|-------|-------|-------|
| 01N           | 02E   | 4             | SW  |    | NE  |      | IRR   | 7.5   |       |
|               |       |               | SE  |    | NE  |      | IRR   | 10.0  |       |
|               |       |               | NE  |    | SE  |      | IRR   | 30.0  |       |
|               |       |               | NW  |    | SE  |      | IRR   | 3.5   |       |
|               |       | Section Acres |     |    |     |      |       |       | 51.0  |
|               |       | 5             | NE  |    | SW  |      | IRR   | 40.0  |       |
|               |       |               | NW  |    | SW  |      | IRR   | 30.0  |       |
|               |       |               | SW  |    | SW  |      | IRR   | 40.0  |       |
|               |       |               | SE  |    | SW  |      | IRR   | 30.0  |       |
|               |       |               | NW  |    | SE  |      | IRR   | 30.0  |       |
|               |       |               | SE  |    | SE  |      | IRR   | 35.0  |       |
|               |       | Section Acres |     |    |     |      |       |       | 205.0 |
|               |       | 6             | NW  |    | SW  |      | IRR   | 35.0  |       |
|               |       |               | SW  |    | SW  |      | IRR   | 30.0  |       |
|               |       |               | NE  |    | SE  |      | IRR   | 25.0  |       |
|               |       |               | SE  |    | SE  |      | IRR   | 37.0  |       |
| Section Acres |       |               |     |    |     |      | 127.0 |       |       |
| 7             | NE    |               | NE  |    | IRR | 35.0 |       |       |       |
|               | NW    |               | NE  |    | IRR | 15.0 |       |       |       |
|               | SE    |               | NE  |    | IRR | 15.0 |       |       |       |
| Section Acres |       |               |     |    |     |      | 65.0  |       |       |
| 8             | NE    |               | NW  |    | IRR | 35.0 |       |       |       |
|               | NW    |               | NW  |    | IRR | 39.0 |       |       |       |
|               | SW    |               | NW  |    | IRR | 30.0 |       |       |       |
|               | SE    |               | NW  |    | IRR | 20.0 |       |       |       |
| Section Acres |       |               |     |    |     |      | 124.0 |       |       |
| 02N           | 02E   | 19            | NW  |    | SW  | 3    | IRR   | 5.0   |       |
|               |       |               | SW  |    | SW  | 4    | IRR   | 38.0  |       |
|               |       |               | SE  |    | SW  |      | IRR   | 28.0  |       |
|               |       | Section Acres |     |    |     |      |       |       | 71.0  |
|               |       | 29            | NE  |    | NE  |      | IRR   | 32.0  |       |
|               |       |               | NW  |    | NE  |      | IRR   | 15.0  |       |
|               |       |               | SW  |    | NE  |      | IRR   | 31.0  |       |
|               |       |               | SE  |    | NE  |      | IRR   | 5.0   |       |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of        | 1/4 | Lot | Use | Acres  |
|----------|-------|---------|---------------|-----|-----|-----|--------|
| 02N      | 02E   | 29      | NE            | NW  |     | IRR | 7.0    |
|          |       |         | NW            | NW  |     | IRR | 11.0   |
|          |       |         | SW            | NW  |     | IRR | 28.0   |
|          |       |         | SE            | NW  |     | IRR | 37.0   |
|          |       |         | Section Acres |     |     |     | 166.0  |
|          |       | 30      | NE            | NE  |     | IRR | 30.0   |
|          |       |         | NW            | NE  |     | IRR | 37.0   |
|          |       |         | SE            | NE  |     | IRR | 9.0    |
|          |       |         | NE            | NW  |     | IRR | 26.0   |
|          |       |         | NW            | NW  | 1   | IRR | 11.0   |
|          |       |         | Section Acres |     |     |     | 113.0  |
|          |       | 31      | NE            | SW  |     | IRR | 35.0   |
|          |       |         | NW            | SW  |     | IRR | 38.0   |
|          |       |         | SW            | SW  |     | IRR | 37.0   |
|          |       |         | SE            | SW  |     | IRR | 38.0   |
|          |       |         | SW            | SE  |     | IRR | 38.0   |
|          |       |         | SE            | SE  |     | IRR | 40.0   |
|          |       |         | Section Acres |     |     |     | 226.0  |
|          |       |         | Total Acres   |     |     |     | 1148.0 |

11. Place of use in counties: ADA

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

13. Other Water Rights Used:  
63-00329, 331, 332, 330, 2200.

14. Remarks:  
DESCRIPTION OF DIVERTING WORKS: 48' HIGH DAM FOR BLACKS CREEK  
RESERVOIR W/GRAVITY FLOW DIVERSION INTO CREEK AND RE-DIVERSIONS  
FROM CREEK FOR IRRIGATION.

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

PLEASANT VALLEY IRR. CO.

Decree Plaintiff

THOMAS LORD

Decree Defendant

vs

A63-00379

Page

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Date: 09/27/89

MICROFILMED

AUG 18 1992

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Organizations:**

I do solemnly swear or affirm that I am President of  
Pleasant Valley Irrig. Co., that I have signed the foregoing  
document in the space below as President of  
Pleasant Valley Irrig. Co. and that the statements contained in the  
foregoing document are true and correct.

Troy L. Jerome  
Signature of Authorized Agent

Pleasant Valley Irrig. Co.  
Title and Organization

09/08/89  
Date

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 8 day  
of September 19 89

Kari Harris  
Notary Public

Seal

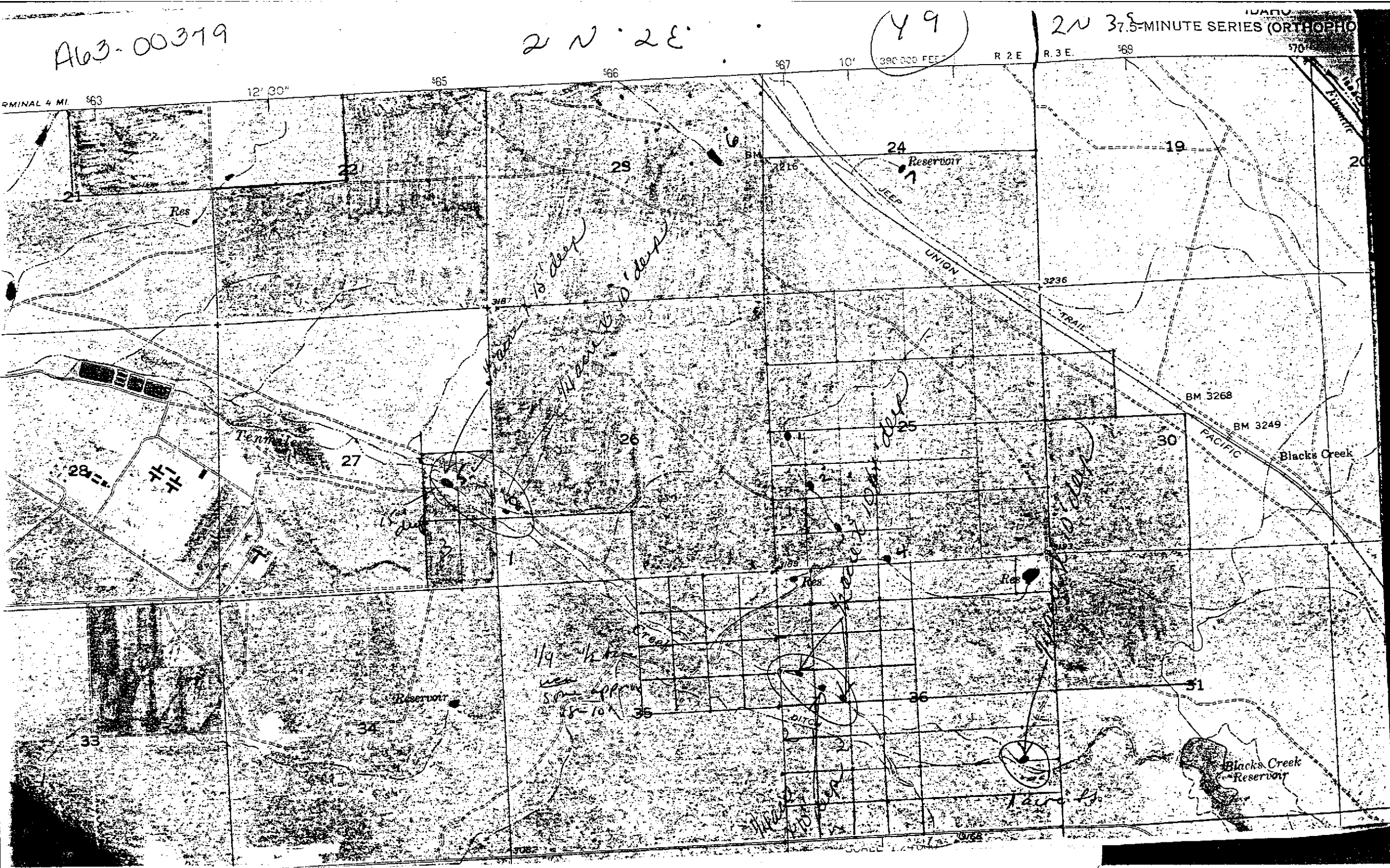
Residing at Boise, Idaho  
My Commission Expires 12.8.94

A63-00319

2 N 2 E

49

2N 37.5-MINUTE SERIES (ORTHO)



#602

63-0

RECEIVED

DEC 18 1941

Department of Reclamation

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

PLEASANT VALLEY IRRIGATION  
COMPANY, LIMITED, a corpora-  
tion,

Plaintiff,

vs.

THOMAS LORD, DONALD LORD,  
and OLIVER LORD,

Defendants.

*Entered and filed  
Dec 21, 1939*

*Stephen Little  
Clerk  
By B. Clyde Eagleson  
Deputy*

DECREE.

This cause came regularly on for trial in open court before the court without a jury at the Ada County Courthouse, Boise, Idaho, on the 25th day of April, 1939, plaintiff appearing by its attorneys, Davison & Davison and Edwin Snow, and defendants appearing by their attorneys, Elmer A. Burke and T. L. Martin.

Witnesses were sworn and examined and their testimony received, documentary evidence was introduced, and the cause argued and submitted, and the court having considered the matter, thereafter filed herein its findings of fact and conclusions of law; and in accordance therewith, it is now

ORDERED, ADJUDGED, AND DECREED as follows:

I.

That plaintiff is and has been since the year 1914 a corporation duly organized and existing under the laws of the State of Idaho, and continuously engaged in the business of operating an irrigation system belonging to it, known as the "Pleasant Valley Irrigation Project", in Ada County, Idaho, and distributing to its stockholders therefrom for ir-

rigation, domestic, and stock use upon their lands herein-  
after described, the waters of Ten-Mile Creek and its trib-  
utaries in said county; that the lands of its stockholders  
to which it is and has been during all of said period dis-  
tributing said waters for irrigation are described as follows:

Lots Three (3) and Four (4) and the Southeast  
quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of  
Section 3;

All of Section Four (4);

Southeast quarter (SE $\frac{1}{4}$ ), West half of the South-  
west quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ ), Northeast quarter of the  
Southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 5;

Southeast quarter (SE $\frac{1}{4}$ ), West half of the South-  
west quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ ), Southeast quarter of the  
Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ), Southwest quarter of  
the Northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ), and Lots One (1),  
Two (2), and Three (3) of Section 6;

Northeast quarter (NE $\frac{1}{4}$ ), North half of the South-  
east quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ ), and Lot One (1) of Section 7;

Northwest quarter (NW $\frac{1}{4}$ ) of Section 8;

Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ),  
Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ )  
of Section 31,

\* all in Township 1 North, Range 2 East Boise Meridian.

Lots Three (3) and Four (4), Southwest quarter of  
the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ), Southeast quarter  
of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 2;

Lot One (1), Northwest quarter of the Southwest  
quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 3;

Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ )  
and Lot Four (4) of Section 19;

Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ),  
Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ )  
of Section 29;

West half of the Southwest quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ ), South-  
east quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of  
Section 31;

Southeast quarter of the Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ),  
South half of the Southwest quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$ ) of  
Section 34;

Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ )  
of Section 35,

\* all in Township 2 North, Range 2 East Boise Meridian.

\* Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ),  
Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ )  
of Section 24, Township 2 North, Range 1 East Boise  
Meridian.

That prior to the year 1914, plaintiff's said irri-  
gation project was successively owned and operated by certain  
predecessors in interest which, like itself, were mutual co-  
operative irrigation companies distributing water for the ir-  
rigation of the lands of their respective stockholders which  
were the same lands as above described.

## II.

That plaintiff, ~~Boise Valley Irrigation Company~~,  
Limited, a corporation, is entitled (in addition to the storage  
rights hereinafter decreed) to divert and use for the irrigation  
of and domestic and livestock use upon the lands of its stock-  
holders, as described in the preceding paragraph hereof, the  
following amounts of the natural flow waters, during the irri-  
gation season, of Ten-Mile Creek and its tributaries with the  
respective dates of priority as specified below:

63 0329 (a) 200 miner's inches with priority of  
~~April 1, 1907~~;

63 0330 (b) 200 miner's inches with priority of  
~~April 1, 1908~~;

63 0331 (c) 250 miner's inches with priority of  
~~April 1, 1910~~;

63 0332 (d) 350 miner's inches with priority of  
~~April 1, 1912~~.

The point of diversion of said water is described  
as follows:

At the head of plaintiff's ditch in the South-west quarter (SW<sup>1</sup>) of Section 31, Township 2 North, Range 3 East Boise Meridian.

III.

63-0379 → That in addition to the rights herein decreed to plaintiff in the natural flow waters of Ten-Mile Creek and its tributaries during the irrigation season, ~~plaintiff~~ <sup>Plaintiff</sup> has the further right to store in its reservoir (located on Ten-Mile Creek in Sections 31 and 32, Township 2 North, Range 3 East Boise Meridian, and Sections 1 and 6, Township 1 North, Range 3 East Boise Meridian) all the waters flowing in said stream and its tributaries during the non-irrigation season as that term is hereinafter defined, up to the capacity of its said reservoir, which capacity is 7,900 acre feet; and the said right of plaintiff to store in its reservoir and thereafter use the waters of said stream and its tributaries during the non-irrigation season in no manner interferes with or infringes upon any rights of defendants. Plaintiff is also hereby decreed the right, with priority of May 15, 1912, to store said waters in said reservoir at any other time than during said non-irrigation season when by so doing it will not interfere with the prior rights of defendants herein decreed; and plaintiff may release said stored water at its pleasure through the gates of its said reservoir and divert the same at the point of diversion described in the preceding paragraph hereof and use the same for the irrigation of and domestic and stock use upon its lands aforesaid.

IV.

That defendants, Donald Lord and Oliver Lord, are entitled to divert and use the following amounts of the natural flow waters, during the irrigation season, of Ten-Mile Creek and its tributaries, with the respective priorities specified;

63 0333 (a) 5 miner's inches with priority of April 1, 1907;

63 0334 35 miner's inches with priority of May 12, 1910;

63 0335 10 miner's inches with priority of April 1, 1918.

The foregoing rights are allotted for the irrigation of and domestic and stock use upon the following described lands:

Lots One (1) and Two (2) and the South half of the Northeast quarter (SE $\frac{1}{2}$ NE $\frac{1}{4}$ ) of Section 1, Township 1 North, Range 3 East Boise Meridian, referred to in the findings of fact herein as the "Hoffman Tract";

Lot Four (4), the Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ), and the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 31, Township 2 North, Range 4 East Boise Meridian, referred to in the findings of fact herein as the "Corbus desert entry".

The point of diversion of said water is described as follows:

A point in the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 31, Township 2 North, Range 4 East Boise Meridian.

63 0336 (b) 45 miner's inches with priority of April 1, 1928;

The immediate foregoing right is allotted for the irrigation of and domestic and livestock use upon the following described lands:

East half of the Southwest quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ ), Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ), and the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 32, Township 2 North, Range 4 East Boise Meridian, said lands being referred to in the findings of fact herein as the "Gray Tract";

Northeast quarter of the Southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 32, Township 2 North, Range 4 East Boise Meridian, said tract being referred to in the findings of fact herein as the "Backus Forty".

The point of diversion of said last mentioned water is described as follows:

At the head of defendants' ditches in or near the Northwest quarter of the Northeast quarter (NW<sup>1</sup>/NE<sup>1</sup>) of Section 32, Township 2 North, Range 4 East Boise Meridian.

V.

The term "miner's inch" of water as used in this decree means one-fiftieth of a cubic foot per second; the term "irrigation season" as used in this decree means the period from ~~April 1st~~ *March 20th* to November 1st of each year; the term "non-irrigation season" as used in this decree means the period beginning November 1st of each year and continuing to ~~March 1st~~ *March 20th* of the succeeding year.

VI.

The parties hereto shall, before beginning the diversion of water at the commencement of the ensuing irrigation season hereafter, install at the head of each of their respective ditches where water is permitted to be diverted from the stream in accordance with the terms of this decree a suitable headgate equipped with a measuring device whereby the amount of water at any time diverted through said ditch can be regulated and the amount so diverted may be determined and all water herein allotted and decreed shall be measured at said points of diversion.

VII.

The defendants, and each of them, are hereby ordered forthwith to remove and keep removed that certain dam or obstruction heretofore constructed and maintained by them in the channel of Big Creek, a tributary of Ten-Mile Creek, which obstruction is located in the Southwest quarter (SW<sup>1</sup>) of Section 32, Township 2 North, Range 4 East Boise Meridian; and the said defendants, and each of them, their servants, agents, and