

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 37-114C  
Date Received: 12/21/1988  
Receipt No: S018690  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MICHAEL A HARRIS Phone: (208)788-2277  
98 FRIEDMAN LN  
BELLEVUE ID 83313

PEPIN CORSO HARRIS Phone: (208)788-5059  
98 FRIEDMAN LN  
BELLEVUE ID 83313

2. Date of Priority: 05/01/1886

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 02N      | 18E   | 36      | SW NW                 | BLAINE |      |

5. Description of diverting works:

HEADGATE #45, GRAVITY FLOW DITCH TO POU

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/15 | 10/15 | 12.52  | 532        |

7. Total Quantity Appropriated is:  
12.52 C.F.S. and/or 532 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use        | Acres |
|---------------|-------|---------|------------|-----|------------|-------|
| 01N           | 18E   | 25      | NE         | SE  | IRRIGATION | 35    |
|               |       |         | NW         | SE  | IRRIGATION | 40    |
|               |       |         | SW         | SE  | IRRIGATION | 40    |
|               |       |         | SE         | SE  | IRRIGATION | 37    |
| Section Acres |       |         |            |     |            | 152   |
| Total Acres   |       |         |            |     |            | 152   |

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

AMENDED 11-28-95 BY FH.

Approval of Transfer 4909 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

The portion of Right 37-00114B used for conveyance losses is 9.13 cfs. The remaining 3.39 cfs of Right 37-00114B is the authorized diversion at the field headgate.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River, and subject to the policies and procedures of Wood River Valley Irrigation District #45.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at both the diversion from the river and the rediversion from the canal that will provide suitable control of the diversions.

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Decreed

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00114C  
Date Received: 12/21/1988  
Receipt No: SO18690  
Received By: *[Signature]*

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MICHAEL A HARRIS 208-788-2277  
Address: 98 FRIEDMAN LANE  
BELLEVUE ID 83313

2. Date of Priority: MAY 1, 1886

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N      | 18E   | 36      | SW     | NW     |     |     | BLAINE |

5. Description of diverting works:  
HEADGATE #45, GRAVITY FLOW DITCH TO POU

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S  | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 12.520 |      |        |

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

8. Total consumptive use is 350.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 01N      | 18E   | 25      | NE     | SE  |     | IRR | 35.0  |
|          |       |         | NW     | SE  |     | IRR | 40.0  |
|          |       |         | SW     | SE  |     | IRR | 40.0  |
|          |       |         | SE     | SE  |     | IRR | 37.0  |

A37-00114C

COPY

MICROFILMED  
NOV 21 1996  
Date: 11/29/95

10. Place of Use: Continued

Section Acres      152.0

Total Acres        152.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:  
    A37-07609 GROUNDWATER

14. Remarks:  
    AMENDED 11-28-95 BY FH.

15. Basis of Claim: DECREED

Case Number:

Court            :

Decree date:    /   /

---

Decree Plaintiff

vs

---

Decree Defendant

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NOV 21 1996



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033  
Fax (208) 736-3037

November 28, 1995

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

MR. MICHAEL A HARRIS  
98 FRIEDMAN LANE  
BELLEVUE, ID  
83313

Dear Mr. Harris:

I enclose a copy of your amended claim as data entered. Please note that the changes have been made per the claim form received here November 27, 1995.

Take a look at the address, period of use and the legal description for the place of use acres. Note also the acres for each 40-acre changed as well. Please contact this office with any questions.

Please note the receipt copy for the additional acres.

Thank you.

Yours Truly,

Francis G. Hitchcock  
Sr. Water Resources Agent

enclosures

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NOV 21 1996

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

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

CIVIL CASE NUMBER: 39576  
Ident. Number A37-00114C  
Date Received 11-28-1995  
Receipt Number 5018690 #

AMENDED NOTICE OF CLAIM  
TO A

WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

NOV 21 1995

Department of Water Resources  
Southern Region

Please type or print clearly

1. Name of Claimant (s) Michael A. Harris Phone (208) 788-2277  
Mailing Address 98 Friedman Lane Bellevue, ID. Zip 83313

2. Date of Priority (Only one (1) per claim) May 1, 1886

3. Source of water supply (a) Big Wood River  
which is tributary to (b) Malad River

4. a. Location of existing point of diversion is: Township 02N Range 18E Section 36,  
1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: \_\_\_\_\_

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

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

Headgate #15, Gravity flow ditch to Pan

MICROFILMED  
NOV 21 1996

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree ☒ ✓  
If applicable provide IDWR Water Right Number A37-00114C  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date 5-1-1886  
Plaintiff vs Defendant \_\_\_\_\_

16. Signature (s)

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

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

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

Signature of Claimant (s) Michael A. Harris Date 11-21-95  
\_\_\_\_\_  
Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

\_\_\_\_\_  
Title  
of \_\_\_\_\_, that I have signed the foregoing  
Organization  
document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title Organization  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or IDAHO )  
County of BLAINE ) SS.

Subscribed and sworn (or affirmed) before me this 21<sup>ST</sup> day of November 19 95

SEAL

Notary Public Sumner Dahn

Residing at Ketchum ID

My Commission Expires 11-18-2000

Please Print Name

17. Notice of Appearance:

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

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

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NOV 21 1996

Last Name Harris Ident. Number A37-00114C

Copies White-State, Yellow-Claimant

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: A37-00114C  
Date Received: 12/21/1988  
Receipt No: S004830  
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: MICHAEL A. HARRIS 208-788-2277  
Address: P.O. BOX 295  
BELLEVUE, ID 83313

2. Date of Priority: MAY 01, 1886

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 02N      | 18E   | 36      | SW     | NW     |        |     | BLAINE |

5. Description of diverting works:  
HEADGATE #45, GRAVITY FLOW DITCH TO POU

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 12.520 |      |        |

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

8. Total consumptive use is 350.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 01S      | 19E   | 17      | NE     | SE     |     | IRR | 30.0  |
|          |       |         | NW     | SE     |     | IRR | 40.0  |
|          |       |         | SW     | SE     |     | IRR | 40.0  |
|          |       |         | SE     | SE     |     | IRR | 30.0  |

Section Acres 140.0

A37-00114C

Page 1

Date: 02/01/89

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FEB 22 1993

10. Place of Use: Continued

Total Acres 140.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:  
A37-07609

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

---

Decree Plaintiff

vs

---

Decree Defendant

MICROFILMED  
FEB 22 1993

16. Signature(s)

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

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

**For Individuals:**

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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 A37-00114C  
Date Received \_\_\_\_\_  
Receipt Number 5004830 sc

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

NOV 28 1988

Department of Water Resources  
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Michael A. Harris Phone (208) 788-2277

Mailing Address P.O. Box 295 Bellevue Zip 83313

2. Date of Priority (Only one (1) per claim) 05-01-1886

3. Source of water supply (a) Canal #37

which is tributary to (b) Bigwood River

4. a. Location of existing point of diversion is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_,

NW 1/4 of NE 1/4 of SE 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Blaine

Additional points of diversion if any: \_\_\_\_\_

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

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

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FEB 22 1993

Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

~~(acre feet)~~

For Irrigation purposes from 4/1 to 11/1 amount \_\_\_\_\_ or 626 inches

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 626 inches ~~(cfs)~~ and/or (b) \_\_\_\_\_ ~~(acre feet)~~

8. Total consumptive use claimed is Same ~~acre feet per annum.~~

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

10. Description of place of use:

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

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

| TWP       | RNG        | SEC       | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4    |           |           |           | Totals |
|-----------|------------|-----------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|-----------|-----------|-----------|-----------|--------|
|           |            |           | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4     | NW1/4     | SW1/4     | SE1/4     |        |
| <u>1N</u> | <u>18E</u> | <u>25</u> |        |       |       |       |        |       |       |       |        |       |       |       | <u>30</u> | <u>40</u> | <u>40</u> | <u>30</u> |        |
|           |            |           |        |       |       |       |        |       |       |       |        |       |       |       |           |           |           |           |        |
|           |            |           |        |       |       |       |        |       |       |       |        |       |       |       |           |           |           |           |        |
|           |            |           |        |       |       |       |        |       |       |       |        |       |       |       |           |           |           |           |        |
|           |            |           |        |       |       |       |        |       |       |       |        |       |       |       |           |           |           |           |        |
|           |            |           |        |       |       |       |        |       |       |       |        |       |       |       |           |           |           |           |        |
|           |            |           |        |       |       |       |        |       |       |       |        |       |       |       |           |           |           |           |        |
|           |            |           |        |       |       |       |        |       |       |       |        |       |       |       |           |           |           |           |        |

Total number of acres irrigated \_\_\_\_\_

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.  
well or None ( )

14. Remarks:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12.52  
cfs

MICROFILMED  
FEB 22 1993

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A large grid of 16x16 squares, each containing a crosshair pattern, used for handwriting practice. The grid is composed of 16 columns and 16 rows of squares. Each square contains a crosshair pattern formed by a vertical line and a horizontal line intersecting at the center. The lines are thin and black, and the squares are separated by thin black borders. The grid is used for practicing letter formation and alignment.

MICROFILMED  
FEB 22 1993

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_

Decree X

If applicable provide IDWR Water Right Number 37-0114

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date 05-01-1886

Plaintiff vs 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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

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

Signature of Claimant (s) Michael A. Spence Date 11-28-88

Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am \_\_\_\_\_

Title

of \_\_\_\_\_, that I have signed the foregoing

Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_

Title

Organization

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

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )

County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 28th day of November 19 88

SEAL

Notary Public Roxanne Storey

Residing at Buhl, Id

My Commission Expires 6-30-94

Please Print Name

17. Notice of Appearance:

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

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

MICROFILMED  
FEB 22 1993

T49

19

30

2  
409.6 ✓

T310

3

157.0

4

154.0 ✓

1  
49.9

T52

2.9

30

31

152.1

5

140.0

6

22.6 ✓

7

3.4

8

5.6

9

7.4

T16

1A

102.0

ACP  
(CT)

83.7

102.0  
(CT)

13

18.3

CU

P4

F

T77

41.3

ACP  
(CT)

T78

20.3

2

54.7

13.6

27.4

10.1

11.2

ACP

9.3

24.5

32.6

T79

2

17.8

ACP

10.9

3

12.9

T80

1A

12.6

10

2

1993

T80

1A

64.9

10

2

1993

1988

## F A CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

HARRIS

CLAIM IDEN.

NO.

A37-00114C

RECEIVED

CK #

AMOUNT \$

YES

NO

Is the name and address complete with zip code? . . . . .

Is a priority date entered? . . . . .

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS. . . . .

(a) Is a source entered? . . . . .

(b) Is a tributary to entered? (if required) . . . . .

N/A

Is the legal description of the p.d. sufficient? . . . . .

Is there a description of the diverting works? . . . . .

Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. . . . .

Is the period of use included? . . . . .

Is a quantity claimed for each use? . . . . .

Is a total quantity claimed entered? . . . . .

If required is a consumptive use entered? . . . . .

N/A

Is the consumptive use correct? . . . . .

N/A

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4. . . . .

10. Is (are) the place(s) of use entered? . . . . .

11. Is (are) the county(ies) entered? . . . . .

12. Is the ownership of p.u. checked? . . . . .

13. Are other water rights listed or "none" checked? . . . . .

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) . . . . .

N/A

15. Is the basis of the claim checked? . . . . .

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) . . . . .

Has the claim been signed, sealed, and dated by a notary? . . . . .

Is the fee enclosed correct? . . . . .

If this claim is based on an existing water right, has the identification number been entered? . . . . .

N/A

Should this claim be receipted and data entered? . . . . .

Claim checked by:

Comments:

\* ENTERED

p/d from Water Master

MICROFILMED  
FEB 2 1993

10/12/2006

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

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RIGHT NUMBER: 37-114B

NAME AND ADDRESS: DEAN R ROGERS INC  
28 HILLSIDE RANCH RD  
BELLEVUE ID 83313

DISALLOWED: Recommended as Right Nos. 37-114C, 37-114F, 37-21369, 37-21370,  
37-20995, 37-20996, 37-20997, 37-20998, 37-20999, 37-21000,  
37-21001, 37-21002, 37-21002, 37-21003, 37-21004, 37-21005,  
37-21006 and 37-21007:

EXPLANATORY MATERIAL: BASIS OF CLAIM -

Recommended as Right Nos. 37-114C, 37-114F, 37-21369, 37-21370,  
37-20995, 37-20996, 37-20997, 37-20998, 37-20999, 37-21000, 37-21001,  
37-21002, 37-21002, 37-21003, 37-21004, 37-21005, 37-21006 and  
37-21007: This is included for a claim that is proposed to be disallowed  
because the right claimed is recommended pursuant to another right. The  
remark indicates the water right number of the other right that is proposed to  
be recommended. If you are not mailed a notice of the recommendation of  
the other right, then the other right is recommended in another claimants  
name.

10/12/2006

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

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RIGHT NUMBER: 37-114B

NAME AND ADDRESS: DEAN R ROGERS INC  
28 HILLSIDE RANCH RD  
BELLEVUE ID 83313

DISALLOWED: Recommended as Right Nos. 37-114C, 37-114F, 37-21369, 37-21370,  
37-20995, 37-20996, 37-20997, 37-20998, 37-20999, 37-21000,  
37-21001, 37-21002, 37-21002, 37-21003, 37-21004, 37-21005,  
37-21006 and 37-21007:

EXPLANATORY MATERIAL: BASIS OF CLAIM -

Recommended as Right Nos. 37-114C, 37-114F, 37-21369, 37-21370,  
37-20995, 37-20996, 37-20997, 37-20998, 37-20999, 37-21000, 37-21001,  
37-21002, 37-21002, 37-21003, 37-21004, 37-21005, 37-21006 and  
37-21007: This is included for a claim that is proposed to be disallowed  
because the right claimed is recommended pursuant to another right. The  
remark indicates the water right number of the other right that is proposed to  
be recommended. If you are not mailed a notice of the recommendation of  
the other right, then the other right is recommended in another claimants  
name.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 37-114B

WATER RIGHT NUMBER: 37-114B

|                   |                                                                                  |
|-------------------|----------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                          |
| Current Owner     | DEAN R ROGERS INC<br>28 HILLSIDE RANCH RD<br>BELLEVUE, ID 83313<br>(208)788-3644 |

Priority Date: 05/01/1886

Basis: Decreed

Status: Active

|                |                  |
|----------------|------------------|
| <u>Source</u>  | <u>Tributary</u> |
| BIG WOOD RIVER | MALAD RIVER      |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 4/01 to 10/31           | 15.000 CFS            |                      |
|                       | <u>Total Diversion:</u> | 15.000 CFS            |                      |

Location of Point(s) of Diversion

|                |            |                                 |
|----------------|------------|---------------------------------|
| BIG WOOD RIVER | SW1/4NW1/4 | Sec. 36, Twp 02N, Rge 18E, B.M. |
| BLAINE County  |            |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW   |      |      |      | SW   |      |      |      | SE   |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|------|------|------|------|------|------|------|------|------|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW | SW | SE |        |
| 01S | 19E | 17  |    |    |    |    | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 |      |    |    |    | 320.0  |
| 01S | 19E | 18  |    |    |    |    |      |      |      |      |      |      |      |      | 40.0 |    |    |    | 120.0  |

Total Acres: 440

Conditions of Approval:

1. THIS RIGHT WHEN COMBINED WITH RIGHT A37-00114A SHALL DIVERT NO MORE THAN 15.0 CFS.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 37-114B

Water Supply Bank:

37-114

| Basin | Sequen | Suffix | Basis   | Status      | Priority Dat | Rate(cfs) | Volume(a | Source     | Water Use(s) | Owner(s)                         | Source Table                 |
|-------|--------|--------|---------|-------------|--------------|-----------|----------|------------|--------------|----------------------------------|------------------------------|
| 37    | 114    | A      |         | See Remark  | 1886-05-01   | 2.48      |          | BIG WOOD R | IRRIGATION   |                                  | wrAdjudicationClaim          |
| 37    | 114    | B      | Decreed | Active      | 1886-05-01   | 15        |          | BIG WOOD R | IRRIGATION   | DEAN R ROGERS INC (Current)      | wrAdjudicationClaim          |
| 37    | 114    | C      | Decreed | Active      | 1886-05-01   | 12.52     | 532      | BIG WOOD R | IRRIGATION   | CORSO HARRIS, PEPIN (Current);   | wrAdjudicationClaim          |
| 37    | 114    | D      | Decreed | PARENT      | 1886-05-01   | 0.16      |          | BIG WOOD R | IRRIGATION   | B S RANCH (Current)              | wrAdjudicationClaim          |
| 37    | 114    | E      | Decreed | PARENT      | 1886-05-01   | 2.24      |          | BIG WOOD R | IRRIGATION   | HG2 LIMITED PARTNERSHIP (Cur     | wrAdjudicationClaim          |
| 37    | 114    | F      | Decreed | Active      | 1886-05-01   | 0.08      |          | BIG WOOD R | IRRIGATION   | BROWNING, BARBARA (Current);     | wrAdjudicationClaim          |
| 37    | 114    | C      | Decreed | Active      | 1886-05-01   | 12.52     | 532      | BIG WOOD R | IRRIGATION   | HARRIS, MICHAEL A (Current)      | wrAdjudicationRecommendation |
| 37    | 114    |        |         | See Remarks |              |           |          |            |              |                                  | wrWaterApplication           |
| 37    | 114    |        |         | See Remarks |              |           |          |            |              |                                  | wrWaterRight                 |
| 37    | 114    | A      | Decreed | Active      | 1886-05-01   | 2.48      |          | BIG WOOD R | IRRIGATION   | BULLER, R F (Current); BULLER, R | wrWaterRight                 |
| 37    | 114    | B      | Decreed | Active      | 1886-05-01   | 12.52     | 532      | BIG WOOD R | IRRIGATION   | CORSO HARRIS, PEPIN (Current);   | wrWaterRight                 |
| 37    | 114    |        |         | See Remarks |              |           |          |            |              |                                  | wrWaterPermit                |

### 37-114 Watermaster Report

| DIVER | R | DIST_PRIOR | OWNER                     | ST_ID   | DECREE_TO          |    | PRIOR |    |   | INCHES | CFS    |       |      | ABOVE | BELOW |
|-------|---|------------|---------------------------|---------|--------------------|----|-------|----|---|--------|--------|-------|------|-------|-------|
|       |   |            |                           |         |                    |    |       |    |   |        |        |       |      |       |       |
| 45    | E |            | B S RANCH                 | 37-0114 | R.F. & ROSA BUHLER | 05 | /     | 01 | / | 1886   | 8.00   | 0.16  | 0.00 | 0.24  | 0.16  |
| 45    | E |            | CARL BROWNING             | 37-0114 | R.F. & ROSA BUHLER | 05 | /     | 01 | / | 1886   | 4.00   | 0.08  | 0.00 | 0.08  | 0.08  |
| 45    | E | 49-E2      | H G 2 LIMITED PARTNERSHIP | 37-0114 | R.F. & ROSA BUHLER | 05 | /     | 01 | / | 1886   | 112.01 | 2.24  | 0.00 | 2.32  | 2.24  |
| 45    | E | 49-E1      | MICHAEL HARRIS            | 37-0114 | R.F. & ROSA BUHLER | 05 | /     | 01 | / | 1886   | 626.00 | 12.52 | 0.00 | 14.84 | 12.52 |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 37-114D

WATER RIGHT NUMBER: 37-114D

| <u>Owner Type</u> | <u>Name and Address</u>                                                              |
|-------------------|--------------------------------------------------------------------------------------|
| Current Owner     | B S RANCH<br>388 GANNETT RD<br>BELLEVUE, ID 83313<br>(208)788-4613                   |
| Original Owner    | CHARLIE BROWNING INC<br>C/O BS RANCH<br>BOX 610<br>HAILEY, ID 83333<br>(208)788-4613 |
| Original Owner    | HG2 LIMITED PARTNERSHIP<br>PO BOX 6250<br>SUN VALLEY, ID 83354<br>(208)622-7119      |

Priority Date: 05/01/1886

Basis: Decreed

Status: PARENT

| <u>Source</u>  | <u>Tributary</u> |
|----------------|------------------|
| BIG WOOD RIVER | MALAD RIVER      |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/01 to 11/01           | 0.160 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.160 CFS             |                      |

Location of Point(s) of Diversion

|                |                 |                                 |
|----------------|-----------------|---------------------------------|
| BIG WOOD RIVER | NE1/4SW1/4NW1/4 | Sec. 36, Twp 02N, Rge 18E, B.M. |
| BLAINE County  |                 |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |      |    | SE |    |    |      | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|------|----|----|----|----|------|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW   | SE | NE | NW | SW | SE   |        |
| 01N | 19E | 29  |    |    |    |    |    |    |    |    |    |    | 20.0 |    |    |    |    | 20.0 | 40.0   |
|     |     |     |    |    |    |    |    |    |    |    |    |    | L 2  |    |    |    |    | L 3  |        |

Total Acres: 40

Conditions of Approval:

- 08 .08
1. P22 SPLIT RIGHT: SEE RIGHT NOS. 37-21369 AND 37-21370.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-114D

2. THIS IS A PORTION OF WR 37-00114 FOR 15.0 CFS.  
| CHANGE IN OWNERSHIP RESULTS IN CHANGE IN P/U IN NE¼ OWNERSHIP CHANGE MADE  
10/12/95 BY TLB.  
\*\*\*\*\* OWNERSHIP CHANGE RESULTED IN A SPLIT FROM A37-00114A.  
BS RANCH OWNS "D" PORTION, HG2 OWNS "E" PORTION, & BROWNING OWNS "F" PORTION.  
TLB 6/27/97

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 37-114E

WATER RIGHT NUMBER: 37-114E

| <u>Owner Type</u> | <u>Name and Address</u>                                                                |
|-------------------|----------------------------------------------------------------------------------------|
| Original Owner    | B S RANCH<br>388 GANNETT RD<br>BELLEVUE, ID 83313<br>(208)788-4613                     |
| Current Owner     | HG2 LIMITED PARTNERSHIP<br>855 VICTORIA FALLS DR<br>REDMOND, OR 97756<br>(541)504-5234 |
| Original Owner    | CHARLIE BROWNING INC<br>C/O BS RANCH<br>BOX 610<br>HAILEY, ID 83333<br>(208)788-4613   |

Priority Date: 05/01/1886

Basis: Decreed

Status: PARENT

| <u>Source</u>  | <u>Tributary</u> |
|----------------|------------------|
| BIG WOOD RIVER | MALAD RIVER      |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/01 to 11/01           | 2.240 CFS             |                      |
|                       | <u>Total Diversion:</u> | 2.240 CFS             |                      |

Location of Point(s) of Diversion

|                |                 |                                 |
|----------------|-----------------|---------------------------------|
| BIG WOOD RIVER | NE1/4SW1/4NW1/4 | Sec. 36, Twp 02N, Rge 18E, B.M. |
| BLAINE County  |                 |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |       |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|-------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |       |
| 01N | 19E | 29  | 24.0 | 40.0 | 40.0 | 36.0 | 40.0 | 17.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 20.0 | 40.0 | 40.0 | 40.0 | 40.0 | 20.0   | 557.0 |

Total Acres: 557

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-114E

1. THIS IS A PORTION OF WR 37-00114 FOR 15.0 CFS.^  
CHANGE IN OWNERSHIP RESULTS IN CHANGE IN P/U IN NE¼ OWNERSHIP  
CHANGE MADE 10/12/95 BY TLB.  
  
OWNERSHIP CHANGE RESULTED IN A SPLIT FROM A37-00114A.  
BS RANCH OWNS "D" PORTION, HG2 OWNS "E" PORTION, & BROWNINGS OWNS "F" PORTION.  
TLB 6/27/97  
8/5/98 TF; ADDRESS CHANGED PER REQUEST FROM S.N. KESSLER GENERAL PARTNER  
HG2 LTD PARTNERSHIP.  
  
12/20/00 tf; address changed per request received 12/20/00.
2. P22 SPLIT RIGHT: SEE RIGHT NOS. 37-20989, 37-20990, 37-20991, 37-20992, 37-20993, 37-20994,  
37-20995, 37-20996, 37-20997, 37-20998, 37-20999, 37-21000, 37-21001, 37-21002, 37-21003,  
37-21004, 37-21005, 37-21006 AND 37-21007.

Remarks:

Comments:

Water Supply Bank:

| <u>Basin</u> | <u>Sequence</u> | <u>Suffix</u> | <u>Basis</u> | <u>Status</u> | <u>Priority Date</u> | <u>Rate/cfs</u> | <u>Volume</u> | <u>Source</u> | <u>Water Use(s)</u> | <u>Owner(s)</u>   | <u>Source Table</u> |
|--------------|-----------------|---------------|--------------|---------------|----------------------|-----------------|---------------|---------------|---------------------|-------------------|---------------------|
| 37           | 20995           |               | Decreed      | Active        | 1886-05-01           | 0.16            |               | BIG WOOD RIV  | IRRIGATION          | PRAIRIE SUN RANCH | wrAdjudicationClaim |
| 37           | 20996           |               | Decreed      | Active        | 1886-05-01           | 0.12            |               | BIG WOOD RIV  | IRRIGATION          | PRAIRIE SUN RANCH | wrAdjudicationClaim |
| 37           | 20997           |               | Decreed      | Active        | 1886-05-01           | 0.16            |               | BIG WOOD RIV  | IRRIGATION          | PRAIRIE SUN RANCH | wrAdjudicationClaim |
| 37           | 20998           |               | Decreed      | Active        | 1886-05-01           | 0.19            |               | BIG WOOD RIV  | IRRIGATION          | PRAIRIE SUN RANCH | wrAdjudicationClaim |
| 37           | 20999           |               | Decreed      | Active        | 1886-05-01           | 0.14            |               | BIG WOOD RIV  | IRRIGATION          | PRAIRIE SUN RANCH | wrAdjudicationClaim |
| 37           | 21000           |               | Decreed      | Active        | 1886-05-01           | 0.14            |               | BIG WOOD RIV  | IRRIGATION          | PRAIRIE SUN RANCH | wrAdjudicationClaim |
| 37           | 21001           |               | Decreed      | Active        | 1886-05-01           | 0.12            |               | BIG WOOD RIV  | IRRIGATION          | PRAIRIE SUN RANCH | wrAdjudicationClaim |
| 37           | 21002           |               | Decreed      | Active        | 1886-05-01           | 0.08            |               | BIG WOOD RIV  | IRRIGATION          | PRAIRIE SUN RANCH | wrAdjudicationClaim |
| 37           | 21003           |               | Decreed      | Active        | 1886-05-01           | 0.08            |               | BIG WOOD RIV  | IRRIGATION          | PRAIRIE SUN RANCH | wrAdjudicationClaim |
| 37           | 21004           |               | Decreed      | Active        | 1886-05-01           | 0.08            |               | BIG WOOD RIV  | IRRIGATION          | PRAIRIE SUN RANCH | wrAdjudicationClaim |
| 37           | 21005           |               | Decreed      | Active        | 1886-05-01           | 0.08            |               | BIG WOOD RIV  | IRRIGATION          | PRAIRIE SUN RANCH | wrAdjudicationClaim |
| 37           | 21006           |               | Decreed      | Active        | 1886-05-01           | 0.08            |               | BIG WOOD RIV  | IRRIGATION          | PRAIRIE SUN RANCH | wrAdjudicationClaim |
| 37           | 21007           |               | Decreed      | Active        | 1886-05-01           | 0.08            |               | BIG WOOD RIV  | IRRIGATION          | PRAIRIE SUN RANCH | wrAdjudicationClaim |
| Total        |                 |               |              |               |                      | 1.51            |               |               |                     |                   |                     |

R. 19 E., containing 132.8 acres.

Brown, Rodney R.

Lot 1, Sec. 2, T. 1 S., R. 17 E., SW 1/4 of SE 1/4 and E 1/2 of SW 1/4 of Sec. 35, T. 1 N., R. 17 E., containing 149.10 acres.

Bryant, John P.

NE 1/4 of SE 1/4 of Sec. 20, and SE 1/4 of NE 1/4 of Sec. 20, T. 5 S., R. 15 E., -- 80 acres.

Buller, R. F. and  
Rosa B., his wife

SE 1/4 of SE 1/4 of Sec. 19, SW 1/4 of SW 1/4 of Sec. 20, W 1/2 of NW 1/4 of Sec. 29, SE 1/4 of NW 1/4 of Sec. 29, NE 1/4 of SW 1/4 of Sec. 29, NE 1/4 of SE 1/4 of Sec. 28, SW 1/4 of NW 1/4 and NW 1/4 of SW 1/4 of Sec. 27, T. 1 S., R. 19 E., containing 360 acres. Also about 185 acres situated in Sections 17 and 18, T. 1 S., R. 19 E. Land in SE 1/4 and Lots 5 and 6, Sec. 36, T. 2 N., R. 18 E., containing about 138 acres, known as the Whitton Ranch. Also, Lots 4 and 5 and SE 1/4 of NW 1/4 of Sec. 6, T. 1 N., R. 19 E., containing 118.17 acres. S 1/2 of Sec. 30 and N 1/2 of Sec. 31, T. 1 N., R. 19 E. S 1/2 of NE 1/4, NE 1/4 of SE 1/4 and SE 1/4 of SE 1/4 of Sec. 8, T. 1 S., R. 19 E. Also, S 1/2 of NE 1/4 of Sec. 8, T. 1 S., R. 19 E.

Burkill, Frank A.

SE 1/4 of Sec. 18, T. 5 S., R. 15 E., 160 acres.

Butch, James W.

S 1/2 of SW 1/4 and W 1/2 of SE 1/4 of Sec. 29, T. 4 N., R. 19 E.

Butler, Alvin L.

E 1/2 of SE 1/4 of Sec. 7, and SW 1/4 of SW 1/4 of Sec. 8, T. 5 S., R. 17 E., -- 120 acres.

Byrne, John and Patrick

S 1/2 of NE 1/4, NW 1/4 of SW 1/4, S 1/2 of NW 1/4 and N 1/2 of SE 1/4 of Sec. 15, T. 3 S., R. 18 E., containing 280 acres.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 37-114F

WATER RIGHT NUMBER: 37-114F

| <u>Owner Type</u> | <u>Name and Address</u>                                                              |
|-------------------|--------------------------------------------------------------------------------------|
| Original Owner    | B S RANCH<br>388 GANNETT RD<br>BELLEVUE, ID 83313<br>(208)788-4613                   |
| Original Owner    | CHARLIE BROWNING INC<br>C/O BS RANCH<br>BOX 610<br>HAILEY, ID 83333<br>(208)788-4613 |
| Current Owner     | BARBARA BROWNING<br>PO BOX 259<br>BELLEVUE, ID 83313<br>(208)788-9673                |
| Current Owner     | CARL BROWNING<br>PO BOX 259<br>BELLEVUE, ID 83313<br>(208)788-9673                   |
| Original Owner    | HG2 LIMITED PARTNERSHIP<br>PO BOX 6250<br>SUN VALLEY, ID 83354<br>(208)622-7119      |

Priority Date: 05/01/1886

Basis: Decreed

Status: Active

| <u>Source</u>  | <u>Tributary</u> |
|----------------|------------------|
| BIG WOOD RIVER | MALAD RIVER      |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/01 to 11/01           | 0.080 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.080 CFS             |                      |

Location of Point(s) of Diversion

|                |                 |                                 |
|----------------|-----------------|---------------------------------|
| BIG WOOD RIVER | NE1/4SW1/4NW1/4 | Sec. 36, Twp 02N, Rge 18E, B.M. |
| BLAINE County  |                 |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |      |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|------|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW   | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 01N | 19E | 29  |    |    |    |    |    | 20.0 |    |    |    |    |    |    |    |    |    |    | 20.0   |
|     |     |     |    |    |    |    |    | L 4  |    |    |    |    |    |    |    |    |    |    |        |

Total Acres: 20

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 37-114F

Conditions of Approval:

1. THIS IS A PORTION OF WR 37-00114 FOR 15.0 CFS.  
| CHANGE IN OWNERSHIP RESULTS IN CHANGE IN P/U IN NE¼ OWNERSHIP CHANGE MADE  
10/12/95 BY TLB.  
\*\*\*\*\* OWNERSHIP CHANGE RESULTED IN A SPLIT FROM  
A37-00114A.  
BS RANCH OWNS "D" PORTION, HG2 OWNS "E" PORTION, & BROWNINGS OWNS "F" PORTION.  
TLB 6/27/97

Remarks:

Comments:

Water Supply Bank:

|          |                               |            |      |                |                                              |
|----------|-------------------------------|------------|------|----------------|----------------------------------------------|
| 37-0108✓ | Brady, Rodney R.              | 50 inches. | 10   | Sept. 1, 1884. | Guy Hollow.                                  |
| 37-0109  | Superceded by Brown & Reardon | 10         | 102  | June 1, 1885.  | Rock Creek.                                  |
| 37-0110✓ | Bryant, John P.               | 80         | 248  | Feb. 23, 1906. | Big Wood River.                              |
| 37-0111✓ | Brady, R. P.                  | 3          | 41   | Apr. 17, 1883. | " " "                                        |
| 37-0112✓ | and Rosa B.                   | 32         | 82   | June 20, 1884. | " " "                                        |
| 37-0113✓ | Superceded                    | 780        | 88   | July 10, 1884. | " " "                                        |
| 37-0114✓ |                               | 750        | 114  | May 1, 1886.   | " " "                                        |
| 37-0115✓ |                               | 750        | 114  | June 12, 1886. | " " "                                        |
| 37-0116✓ |                               | 7          | 174  | June 2, 1890.  | " " "                                        |
| 37-0117✓ |                               | 300        | 268  | May 1, 1902.   | " " "                                        |
| 37-0118✓ |                               | 400        | 291  | July 1, 1904.  | Swamp on lands. TRANS #3251                  |
| 37-0119✓ | Frank A.                      | 160        | 306  | July 17, 1906. | Big Wood River.                              |
| 37-0120✓ | Butch, James W.               | 250        | 79   | June 1, 1884.  | East Fork of Big Wood River.                 |
| 37-0121✓ | Butler, Alvin L.              | 215        | 1236 | May 31, 1898.  | Big Wood River.                              |
| 37-0122✓ | Byrne, John                   | 252        | 131  | May 1, 1887.   | " " "                                        |
| 37-0123✓ | and Patrick                   | 500        | 131  | May 1, 1887.   | " " "                                        |
| 37-0124✓ | Byrne, Michael J.             | 40         | 131  | May 1, 1887.   | " " "                                        |
| 37-0125✓ | and Thos. J. Jr.              | 30         | 131  | Apr. 1, 1884.  | Silver Creek.                                |
| 37-0126✓ | Cameron, J. B.                | 180        | 233  | Aug. 2, 1897.  | Little Wood River                            |
| 37-0127✓ | and Charlotte                 | 80         | 76   | May 15, 1884.  | Canal Company shares. (2)                    |
| 37-0128✓ | Campbell, William             | 100        | 233  | Aug. 2, 1897.  | Big Wood River.                              |
| 37-0129✓ | Campbell, James               | 100        | 76   | May 15, 1884.  | Little Wood River.                           |
| 37-0130✓ | Campbell, J. B.               | 100        | 233  | Aug. 2, 1897.  | (Also shares in Little Wood River Canal Co.) |
| 37-0131✓ | Campbell, Albert              | 100        | 317  | Jan. 27, 1908. | Corral Creek.                                |
| 37-0132✓ | Campbell, A.                  | 100        | 317  | Jan. 27, 1908. | Big Wood River.                              |
| 37-0133✓ | Campbell, Henry               | 100        | 233  | May 15, 1897.  | " " "                                        |
| 37-0134✓ | Campbell, Herbert             | 100        | 233  | May 15, 1897.  | Soldier Creek.                               |
| 37-0135✓ | Campbell, Helen               | 100        | 233  | May 15, 1897.  | Big Wood River.                              |

Trans 87-which right  
not known.  
Trans 298

#446-779-240

JUN 04 1906

|                                                      |            |                |                                                              |
|------------------------------------------------------|------------|----------------|--------------------------------------------------------------|
| Broadhurst, James B.                                 | 50 inches. | Apr. 1, 1890.  | Chaney Creek.                                                |
| Broadie, J. R.                                       | 130 "      | May 29, 1893.  | Silver Creek.                                                |
| Brooks, James E.                                     | 100 "      | May 1, 1883.   | Little Wood River.                                           |
| " " "                                                | 35 "       | Apr. 1, 1886.  | " " "                                                        |
| Brown, Elmer                                         | 60 "       | June 1, 1886.  | Rock Creek.                                                  |
| Brown, George M.                                     |            |                | (Big Cottonwood Canal Company shares.)                       |
| Brown, James N.                                      | 110 "      | Apr. 1, 1884.  | Little Wood River.                                           |
| " " "                                                | 120 "      | July 1, 1889.  | East Fork of Big Wood River.                                 |
| Brown, Marcus L.                                     | 240 "      | Apr. 26, 1903. | Big Wood River.                                              |
| Brown, Mary & Sarah & Catherine Sweet                | 400 "      | June 1, 1887.  | " " "                                                        |
| Brown, Mary, Sarah and Michael, and Catherine Sweet. |            |                | (See Finding No. 15.)                                        |
| Brown, Michael and Eliza                             | 75 "       | May 15, 1882.  | Big Wood River.                                              |
| Do.                                                  | 380 "      | May 31, 1887.  | " " "                                                        |
| Brown, Minnie B.                                     | 240 "      | May 15, 1892.  | " " "                                                        |
| Brown, R.L., Estate                                  | 100 "      | June 15, 1888. | Little Wood River. (Also shares in Big Cottonwood Canal Co.) |
| Brown, Rodney R.                                     | 50 "       | Sept. 1, 1884. | Guy Hollow.                                                  |
| " " "                                                | 10 "       | June 1, 1885.  | Rock Creek.                                                  |
| Bryant, John P.                                      | 80 "       | Feb. 23, 1906. | Big Wood River.                                              |
| Buller, R. P. and Rosa B.                            | 3 "        | Apr. 17, 1883. | " " "                                                        |
| Do.                                                  | 32 "       | June 20, 1884. | " " "                                                        |
| Do.                                                  | 780 "      | July 10, 1884. | " " "                                                        |
| Do.                                                  | 750 "      | May 1, 1886.   | " " "                                                        |
| Do.                                                  | 750 "      | June 12, 1886. | " " "                                                        |
| Do.                                                  | 7 "        | June 2, 1890.  | " " "                                                        |
| Do.                                                  | 300 "      | May 1, 1902.   | " " "                                                        |
| Do.                                                  | 400 "      | July 1, 1904.  | Swamp on lands.                                              |
| Burkill, Frank A.                                    | 160 "      | July 17, 1906. | Big Wood River.                                              |

JUN 04 1996

10/10/2006

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

RIGHT NUMBER: 37-114C

NAME AND ADDRESS: MICHAEL A HARRIS  
98 FRIEDMAN LN  
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 12.520 CFS  
532.000 AFY

This right when combined with all other rights shall provide no more than 3.5  
afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION:

T02N R18E S36 SWNW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>          |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 04/15 10/31          | 12.520 CFS<br>532.00 AFY |

PLACE OF USE: IRRIGATION Within BLAINE County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01N R18E S25 | NESE | 35.00 | T01N R18E S25 | NWSE | 40.00 |
| T01N R18E S25 | SWSE | 40.00 | T01N R18E S25 | SESE | 37.00 |

152 ACRES TOTAL

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 right holder shall accomplish the change authorized by this transfer  
within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is  
cause for the Director to rescind approval of the transfer.

Approval of Transfer 4909 does not grant any right-of-way or easement for  
use of a delivery system owned by person(s) other than the right owner.

The portion of Right 37-00114B used for conveyance losses is 9.13 cfs.  
The remaining 3.39 cfs of Right 37-00114B is the authorized diversion at the  
field headgate.

Use of water under this water right will be regulated by the watermaster of  
State Water District No. 37, Big Wood River, and subject to the policies and  
procedures of Wood River Valley Irrigation District #45.

The right holder shall maintain a measuring device and lockable controlling  
works of a type approved by the Department at both the diversion from the  
river and the rediversion from the canal that will provide suitable control of  
the diversions.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

# TRANSFER OF WATER RIGHT

TRANSFER NO. 4909  
WATER RIGHT NO. 37-00114B

This is to certify that: **MICHAEL A HARRIS**  
**PEPIN CORSO HARRIS**  
**98 FRIEDMAN LANE**  
**BELLEVUE ID 83313**

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 04/15 to 10/15       | * 12.52 CFS           | 532.0 AF             |

| <u>SOURCE</u>  | <u>TRIBUTARY OF</u> |
|----------------|---------------------|
| BIG WOOD RIVER | MALAD RIVER         |

Priority: 05/01/1886

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 36, Township 02N, Range 18E  
BLAINE County

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 01N                              | 18E        | 25         | NESE 35      | NWSE 40      | SWSE 40      | 152          |
|                                  |            |            | SESE 37      |              |              | 152          |
| Total number of acres irrigated: |            |            |              |              |              | 152          |

## CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River, and subject to the policies and procedures of Wood River Valley Irrigation District #45.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at both the diversion from the river and the rediversion from the canal that will provide suitable control of the diversions.
- \* 3. The portion of Right 37-00114B used for conveyance losses is 9.13 cfs. The remaining 3.39 cfs of Right 37-00114B is the authorized diversion at the field headgate.

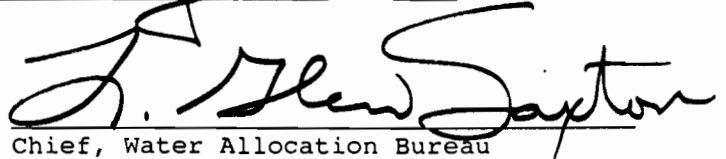
TRANSFER NO. 4909  
WATER RIGHT NO. 37-00114B

CONDITIONS OF APPROVAL AND REMARKS

4. Approval of Transfer 4909 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 21<sup>st</sup> day of

May, 1998.

  
Chief, Water Allocation Bureau

## MEMORANDUM

**TO:** File 37-00114

**FROM:** Pam Skaggs/State Office

**SUBJECT:** Transfer 4909

**DATE:** May 18, 1998

OK 

Transfer 4909 changes the recorded place of use under a portion of Right 37-00114 to reflect the current and actual place of use, splitting the right into Parts A & B.

This right has been used at the current property at least since 1979 according to previous research of the right by staff and watermaster records. The transfer only provides a correction to the record, no physical change, and review of the high rate of diversion identified. This right was overclaimed in the SRBA. Review by SRBA staff confirmed ownership of the transferred portion of the right by the applicant.

The transfer identifies 152 irrigated acres and a rate of 12.52 cfs. Both Chuck Brockway, for the applicant, and Allen Merrit, for the department, thoroughly evaluated the need for excess flow. (See file.) Region recommendations include the entire flow rate, identifying 9.72 cfs for conveyance purposes and 3.39 cfs as the field headgate requirement. 20 acres in the corners are irrigated using a flood system at a rate of 0.0372 cfs/acre and the remaining 132 acres are irrigated by a pivot with sprinklers at 0.02 cfs/acre.

$$0.75 \text{ cfs} + 2.64 \text{ cfs} = 3.39 \text{ cfs}$$

$$12.52 \text{ cfs} - 3.39 \text{ cfs} = 9.72 \text{ cfs}$$

Season of use and diversion volume were adjusted to current standards. Recommended conditions include watermaster and irrigation district control, measuring devices/lockable controlling works, conveyance losses, right-of-way, irrigation overlap, and standard transfer conditions.



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

September 2, 1997

CERTIFIED

Michael A Harris  
98 Friedman Lane  
Bellevue, ID 83313

Dean R Rogers Inc  
Rt 1 Box 305  
Bellevue, ID 83313

B S Ranch  
388 Gannett Rd  
Bellevue, ID 83313

HG2 Limited Partnership  
PO Box 6250  
Sun Valley, ID 83354

Carl & Barbara Browning  
PO Box 259  
Bellevue, ID 83313

RE: Ownership of water right 37-00114

Dear Claimants:

The department is presently processing application for transfer #4909 filed by Michael & Pepin Harris for a portion of right No. 37-00114. This application was advertised without protest. In reviewing the Snake River Basin Adjudication (SRBA) claims associated with right No. 37-00114, it is found that the following claims have been filed:

| SRBA Claim No. | Claimant  | Amount (CFS) |
|----------------|-----------|--------------|
| A37-00114B     | Rogers    | 15.00        |
| A37-00114C     | Harris    | 12.52        |
| A37-00114D     | B S Ranch | 0.16         |
| A37-00114E     | HG2       | 2.24         |
| A37-00114F     | Browning  | 0.08         |

\*Note that right No. 37-00114 was originally decreed to R F & Rosa B Buller in the amount of 15.00 cfs

Since there is an apparent ownership dispute revolving around this right, the department requests that all claimants provide documents which clearly demonstrate or evidence their chain of title of their ownership back to the original decreed owner. Such documents may include copies of deeds, sales agreements, etc. **Please submit your evidence of ownership by October 1, 1997.** The department will review and utilize the evidence provided in approval or denial of the pending transfer application and also in formulating the recommendations of the above SRBA claims to the SRBA court. If you fail to respond you may jeopardize any right you may have in the use of this water.

If you have questions, please feel free to contact our office.

Sincerely,

  
Allen Merritt, PE  
Southern Region Manager

CC: Norm Young - IDWR  
✓ Doug Jones - SRBA

Lee Peterson - Watermaster District 37

6/9/94

# COMMUNICATION DOCUMENTATION

Claim No. A37-00114C, -07609

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

December 7, 1995 9:39am

NAME:  
MICHAEL A HARRIS

RE:  
A37-00114C, -07609

RECIEVED A37-00114C AS AN AMENDED CLAIM SOLICITED AS PART OF A TRANSFER BEING DONE BY TIS OFFICE. ENTERED THE CLAIM AND RECEIPTED THE FEES FOR THE ACREAGE DIFFERENCE. SENT DATA-ENTERED A RECORD TO THE CLAIMANT. SENT 11-29-1995.

A REVIEW OF THE PAPERWORK SHOWED ANOTHER CLAIM, A37-07609, THAT WAS NOT PART OF THE TRANSFER BUT WOULD NEED AN UPDATED ADDRESS AS NOTED IN THE RECIEVED CLAIM. COVER LETTER DONE, AMENDED CLAIM DONE AND SENT TO CLAIMANT WITH SAE. SENT 12-07-1995.

MICROFILMED  
NOV 21 1996