

SCANNED

OCT 06 2001

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: A75-04150  
Date Received: 4/27/1990  
Receipt No: M006789  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: BERGER A TRUST  
Address: C/O RONALD M AUEN TRUSTEE  
PO BOX 3064  
ARCADIA CA 91066

818-447-3551

2. Date of Priority: MAR 30, 1904

3. Source: SALMON RIVER Trib. to: SNAKE

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 22N      | 22E   | 17      | SW     | SW     | NW  |     | LEMHI  |
|          |       |         | SW     | SE     | SW  |     | LEMHI  |

5. Description of diverting works:  
TWO CONCRETE HEADGATES, 16' X 11' X 9', OPEN DITCHES.

6. Water is used for the following purposes:

| Purpose              | From  | To    | C.F.S   | (or) | A.F.A. |
|----------------------|-------|-------|---------|------|--------|
| IRRIGATION           | 03/01 | 11/01 | 126.300 |      |        |
| STOCKWATER           | 11/01 | 03/01 | 0.330   |      |        |
| GROUNDWATER RECHARGE | 11/01 | 03/01 | 4.670   |      |        |

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

8. Total consumptive use is 5262.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/1500 CATTLE, 50 HORSES.

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APR 18 1994

10. Place of Use:

| Township | Range | Section | 1/4           | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|---------------|----|-----|-----|-----|-------|
| 22N      | 22E   | 5       | NE            |    | NE  |     | IRR | 8.0   |
|          |       |         | NW            |    | NE  |     | IRR | 37.0  |
|          |       |         | SW            |    | NE  |     | IRR | 25.0  |
|          |       |         | NE            |    | NW  |     | IRR | 40.0  |
|          |       |         | NW            |    | NW  |     | IRR | 40.0  |
|          |       |         | SW            |    | NW  |     | IRR | 38.0  |
|          |       |         | SE            |    | NW  |     | IRR | 38.0  |
|          |       |         | NE            |    | SW  |     | IRR | 37.0  |
|          |       |         | NW            |    | SW  |     | IRR | 40.0  |
|          |       |         | SW            |    | SW  |     | IRR | 36.0  |
|          |       |         | SE            |    | SW  |     | IRR | 35.0  |
|          |       |         | NW            |    | SE  |     | IRR | 13.0  |
|          |       |         | SW            |    | SE  |     | IRR | 7.0   |
|          |       |         | Section Acres |    |     |     |     | 394.0 |
|          |       | 6       | NE            |    | NE  |     | IRR | 40.0  |
|          |       |         | SW            |    | NE  |     | IRR | 7.0   |
|          |       |         | SE            |    | NE  |     | IRR | 40.0  |
|          |       |         | NE            |    | SW  |     | IRR | 3.0   |
|          |       |         | SE            |    | SW  |     | IRR | 10.0  |
|          |       |         | NE            |    | SE  |     | IRR | 40.0  |
|          |       |         | NW            |    | SE  |     | IRR | 32.0  |
|          |       |         | SW            |    | SE  |     | IRR | 38.0  |
|          |       |         | SE            |    | SE  |     | IRR | 40.0  |
|          |       |         | Section Acres |    |     |     |     | 250.0 |
|          |       | 7       | NE            |    | NE  |     | IRR | 34.0  |
|          |       |         | NW            |    | NE  |     | IRR | 30.0  |
|          |       |         | SW            |    | NE  |     | IRR | 29.0  |
|          |       |         | SE            |    | NE  |     | IRR | 38.0  |
|          |       |         | NE            |    | NW  |     | IRR | 7.0   |
|          |       |         | SE            |    | NW  |     | IRR | 9.0   |
|          |       |         | NE            |    | SE  |     | IRR | 35.0  |
|          |       |         | SE            |    | SE  |     | IRR | 14.0  |
|          |       |         | Section Acres |    |     |     |     | 196.0 |
|          |       | 8       | NE            |    | NW  |     | IRR | 35.0  |
|          |       |         | NW            |    | NW  |     | IRR | 38.0  |
|          |       |         | SW            |    | NW  |     | IRR | 40.0  |
|          |       |         | SE            |    | NW  |     | IRR | 27.0  |
|          |       |         | NE            |    | SW  |     | IRR | 23.0  |
|          |       |         | NW            |    | SW  |     | IRR | 40.0  |
|          |       |         | SW            |    | SW  |     | IRR | 23.0  |

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10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 226.0 |
|          |       | 17      | NE         | SW  | IRR           | 2.0   |
|          |       |         | NW         | SW  | IRR           | 18.0  |
|          |       |         | SW         | SW  | IRR           | 17.0  |
|          |       |         | SE         | SW  | IRR           | 3.0   |
|          |       |         |            |     | Section Acres | 40.0  |
| 23N      | 22E   | 19      | SW         | SE  | IRR           | 9.0   |
|          |       |         | SE         | SE  | IRR           | 34.0  |
|          |       |         |            |     | Section Acres | 43.0  |
|          |       | 20      | SW         | SW  | IRR           | 13.0  |
|          |       |         |            |     | Section Acres | 13.0  |
|          |       | 29      | NE         | NW  | IRR           | 13.0  |
|          |       |         | NW         | NW  | IRR           | 38.0  |
|          |       |         | SW         | NW  | IRR           | 40.0  |
|          |       |         | SE         | NW  | IRR           | 23.0  |
|          |       |         | NE         | SW  | IRR           | 40.0  |
|          |       |         | NW         | SW  | IRR           | 40.0  |
|          |       |         | SW         | SW  | IRR           | 37.0  |
|          |       |         | SE         | SW  | IRR           | 40.0  |
|          |       |         | NW         | SE  | IRR           | 18.0  |
|          |       |         | SW         | SE  | IRR           | 21.0  |
|          |       |         |            |     | Section Acres | 310.0 |
|          |       | 30      | NE         | NE  | IRR           | 36.0  |
|          |       |         | SE         | NE  | IRR           | 18.0  |
|          |       |         |            |     | Section Acres | 54.0  |
|          |       | 32      | NE         | NE  | IRR           | 35.0  |
|          |       |         | NW         | NE  | IRR           | 35.0  |
|          |       |         | SW         | NE  | IRR           | 40.0  |
|          |       |         | SE         | NE  | IRR           | 39.0  |
|          |       |         | NE         | NW  | IRR           | 38.0  |
|          |       |         | NW         | NW  | IRR           | 37.0  |
|          |       |         | SW         | NW  | IRR           | 38.0  |
|          |       |         | SE         | NW  | IRR           | 37.0  |
|          |       |         | NE         | SW  | IRR           | 40.0  |
|          |       |         | NW         | SW  | IRR           | 38.0  |
|          |       |         | SW         | SW  | IRR           | 40.0  |

**MICROFILMED**  
APR 18 1994

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|-----|----|-----|-----|-----|-------|
| 23N      | 22E   | 32      | SE  |    | SW  |     | IRR | 35.0  |
|          |       |         | NE  |    | SE  |     | IRR | 26.0  |
|          |       |         | NW  |    | SE  |     | IRR | 40.0  |
|          |       |         | SW  |    | SE  |     | IRR | 40.0  |
|          |       |         | SE  |    | SE  |     | IRR | 21.0  |

Section Acres 579.0

Total Acres 2105.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:  
WATER FROM CARMEN CREEK

14. Remarks:  
WATER CLAIMED FOR GROUNDWATER RECHARGE IS PRIMARILY RELIED ON TO  
TRANSPORT STOCKWATER THE LENGTH OF THE DITCH. ALL EXCESS WATER  
RETURNS TO THE RIVER.

15. Basis of Claim: STATUTORY CLAIM

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50<sup>00</sup>  
2105  
- 63 - Variable already paid  
2092<sup>00</sup>

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: A75-04150  
Date Received: 4/27/1990  
Receipt No: Mod 6789  
Received By: phc.

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: BIG FLAT DITCH CO. 208-756-2605  
Address: C/O MRS. E.C. BOLANDER  
P.O. BOX 128  
CARMEN, ID 83462

2. Date of Priority: MAR 30, 1904

3. Source: SALMON RIVER Trib. to: SNAKE

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 22N      | 22E   | 17      | SW     | SW     | NW  |     | LEMHI  |
|          |       |         | SW     | SE     | SW  |     | LEMHI  |

5. Description of diverting works:  
TWO CONCRETE HEADGATES, 16' X 11' X 9', OPEN DITCHES.

6. Water is used for the following purposes:

| Purpose              | From  | To    | C.F.S.  | (or) | A.F.A. |
|----------------------|-------|-------|---------|------|--------|
| IRRIGATION           | 03/01 | 11/01 | 126.300 |      |        |
| STOCKWATER           | 11/01 | 03/01 | 0.330   |      |        |
| GROUNDWATER RECHARGE | 11/01 | 03/01 | 4.670   |      |        |

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

8. Total consumptive use is 5262.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/1500 CATTLE, 50 HORSES.



10. Place of Use: Continued

| Township | Range | Section | 1/4 | of 1/4 | Lot  | Use           | Acres |               |               |
|----------|-------|---------|-----|--------|------|---------------|-------|---------------|---------------|
| 22N      | 22E   | 17      | NE  | SW     |      | IRR           | 2.0   |               |               |
|          |       |         | NW  | SW     |      | IRR           | 18.0  |               |               |
|          |       |         | SW  | SW     |      | IRR           | 17.0  |               |               |
|          |       |         | SE  | SW     |      | IRR           | 3.0   |               |               |
|          |       |         |     |        |      | Section Acres | 40.0  |               |               |
| 23N      | 22E   | 19      | SW  | SE     |      | IRR           | 9.0   |               |               |
|          |       |         | SE  | SE     |      | IRR           | 34.0  |               |               |
|          |       |         |     |        |      |               |       | Section Acres | 43.0          |
|          |       | 20      | SW  | SW     |      | IRR           | 13.0  |               |               |
|          |       |         |     |        |      |               |       |               | Section Acres |
|          |       | 29      | NE  | NW     |      | IRR           | 13.0  |               |               |
|          |       |         | NW  | NW     |      | IRR           | 38.0  |               |               |
|          |       |         | SW  | NW     |      | IRR           | 40.0  |               |               |
|          |       |         | SE  | NW     |      | IRR           | 23.0  |               |               |
|          |       |         | NE  | SW     |      | IRR           | 40.0  |               |               |
|          |       |         | NW  | SW     |      | IRR           | 40.0  |               |               |
|          |       |         | SW  | SW     |      | IRR           | 37.0  |               |               |
| SE       | SW    |         |     | IRR    | 40.0 |               |       |               |               |
| NW       | SE    |         |     | IRR    | 18.0 |               |       |               |               |
| SW       | SE    |         |     | IRR    | 21.0 |               |       |               |               |
|          |       |         |     |        |      | Section Acres | 310.0 |               |               |
| 30       | NE    | NE      |     | IRR    | 36.0 |               |       |               |               |
|          | SE    | NE      |     | IRR    | 18.0 |               |       |               |               |
|          |       |         |     |        |      | Section Acres | 54.0  |               |               |
| 32       |       |         | NE  | NE     |      | IRR           | 35.0  |               |               |
|          |       |         | NW  | NE     |      | IRR           | 35.0  |               |               |
|          |       |         | SW  | NE     |      | IRR           | 40.0  |               |               |
|          |       |         | SE  | NE     |      | IRR           | 39.0  |               |               |
|          |       |         | NE  | NW     |      | IRR           | 38.0  |               |               |
|          |       |         | NW  | NW     |      | IRR           | 37.0  |               |               |
|          |       |         | SW  | NW     |      | IRR           | 38.0  |               |               |
|          |       |         | SE  | NW     |      | IRR           | 37.0  |               |               |
|          |       |         | NE  | SW     |      | IRR           | 40.0  |               |               |
|          |       |         | NW  | SW     |      | IRR           | 38.0  |               |               |

10. Place of Use:

| Township      | Range | Section | 1/4 | of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|-----|----|-----|-----|-----|-------|
| 22N           | 22E   | 5       | NE  |    | NE  |     | IRR | 8.0   |
|               |       |         | NW  |    | NE  |     | IRR | 37.0  |
|               |       |         | SW  |    | NE  |     | IRR | 25.0  |
|               |       |         | NE  |    | NW  |     | IRR | 40.0  |
|               |       |         | NW  |    | NW  |     | IRR | 40.0  |
|               |       |         | SW  |    | NW  |     | IRR | 38.0  |
|               |       |         | SE  |    | NW  |     | IRR | 38.0  |
|               |       |         | NE  |    | SW  |     | IRR | 37.0  |
|               |       |         | NW  |    | SW  |     | IRR | 40.0  |
|               |       |         | SW  |    | SW  |     | IRR | 36.0  |
|               |       |         | SE  |    | SW  |     | IRR | 35.0  |
|               |       |         | NW  |    | SE  |     | IRR | 13.0  |
|               |       |         | SW  |    | SE  |     | IRR | 7.0   |
| Section Acres |       |         |     |    |     |     |     | 394.0 |
|               |       | 6       | NE  |    | NE  |     | IRR | 40.0  |
|               |       |         | SW  |    | NE  |     | IRR | 7.0   |
|               |       |         | SE  |    | NE  |     | IRR | 40.0  |
|               |       |         | NE  |    | SW  |     | IRR | 3.0   |
|               |       |         | SE  |    | SW  |     | IRR | 10.0  |
|               |       |         | NE  |    | SE  |     | IRR | 40.0  |
|               |       |         | NW  |    | SE  |     | IRR | 32.0  |
|               |       |         | SW  |    | SE  |     | IRR | 38.0  |
|               |       |         | SE  |    | SE  |     | IRR | 40.0  |
| Section Acres |       |         |     |    |     |     |     | 250.0 |
|               |       | 7       | NE  |    | NE  |     | IRR | 34.0  |
|               |       |         | NW  |    | NE  |     | IRR | 30.0  |
|               |       |         | SW  |    | NE  |     | IRR | 29.0  |
|               |       |         | SE  |    | NE  |     | IRR | 38.0  |
|               |       |         | NE  |    | NW  |     | IRR | 7.0   |
|               |       |         | SE  |    | NW  |     | IRR | 9.0   |
|               |       |         | NE  |    | SE  |     | IRR | 35.0  |
|               |       |         | SE  |    | SE  |     | IRR | 14.0  |
| Section Acres |       |         |     |    |     |     |     | 196.0 |
|               |       | 8       | NE  |    | NW  |     | IRR | 35.0  |
|               |       |         | NW  |    | NW  |     | IRR | 38.0  |
|               |       |         | SW  |    | NW  |     | IRR | 40.0  |
|               |       |         | SE  |    | NW  |     | IRR | 27.0  |
|               |       |         | NE  |    | SW  |     | IRR | 23.0  |
|               |       |         | NW  |    | SW  |     | IRR | 40.0  |
|               |       |         | SW  |    | SW  |     | IRR | 23.0  |
| Section Acres |       |         |     |    |     |     |     | 226.0 |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|-----|----|-----|-----|-----|-------|
| 23N      | 22E   | 32      | SW  |    | SW  |     | IRR | 40.0  |
|          |       |         | SE  |    | SW  |     | IRR | 35.0  |
|          |       |         | NE  |    | SE  |     | IRR | 26.0  |
|          |       |         | NW  |    | SE  |     | IRR | 40.0  |
|          |       |         | SW  |    | SE  |     | IRR | 40.0  |
|          |       |         | SE  |    | SE  |     | IRR | 21.0  |

Section Acres 579.0

Total Acres 2105.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:  
WATER FROM CARMEN CREEK

14. Remarks:  
WATER CLAIMED FOR GROUNDWATER RECHARGE IS PRIMARILY RELIED ON TO  
TRANSPORT STOCKWATER THE LENGTH OF THE DITCH. ALL EXCESS WATER  
RETURNS TO THE RIVER.

15. Basis of Claim: STATUTORY CLAIM

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 Secretary-treasurer of Big Flat Ditch Co., that I have signed the foregoing document in the space below as Secretary-treasurer of Big Flat Ditch Co. and that the statements contained in the foregoing document are true and correct.

Jane Bolander  
Signature of Authorized Agent

Big Flat Ditch Co.  
Title and Organization

Apr. 27, 1990  
Date

State of Idaho )  
County of Lewiston ) SS.

Subscribed and sworn (or affirmed) before me this 27 day

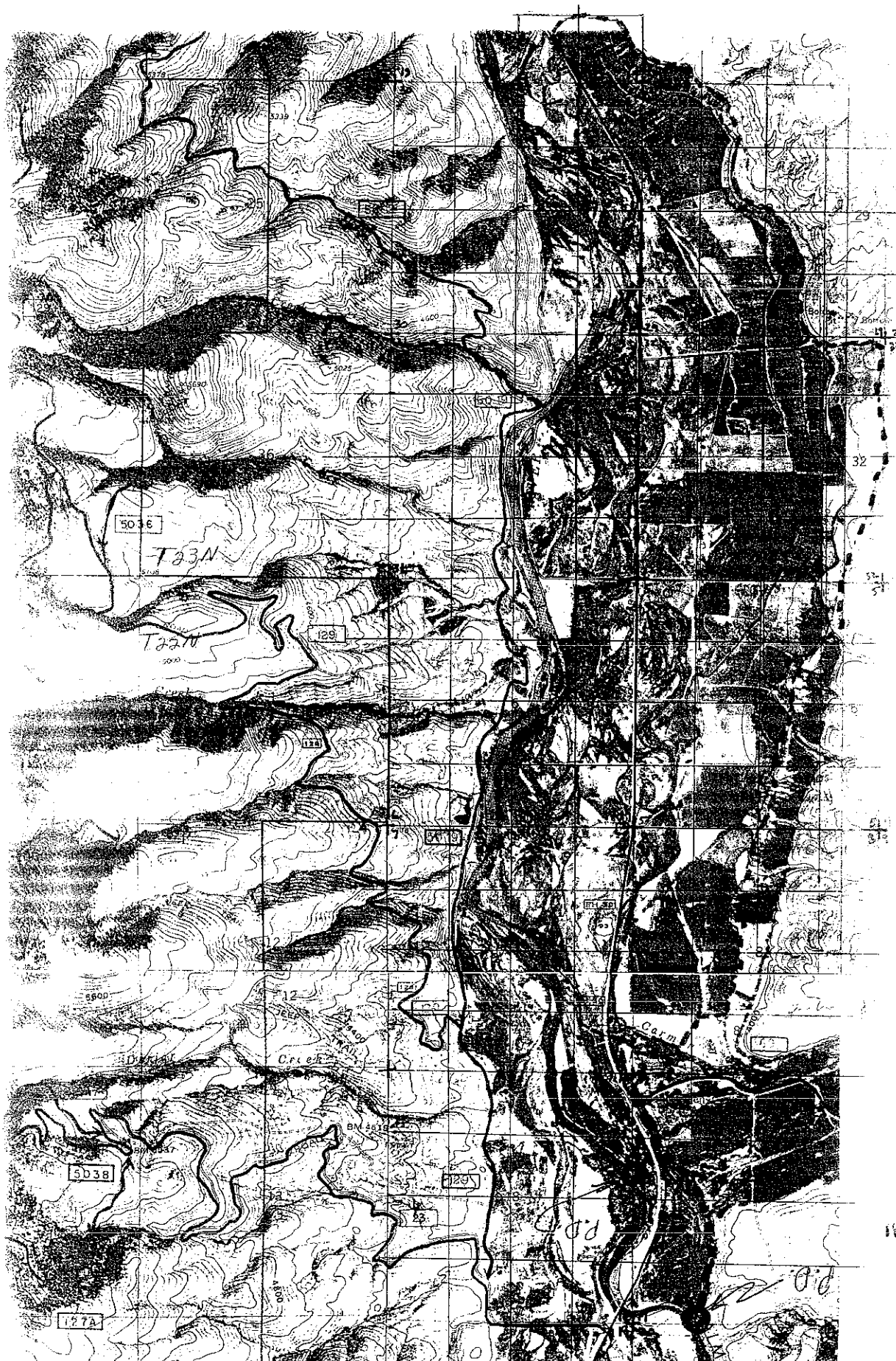
of April 19 90.

Ernest Carlson  
Notary Public

Seal

Residing at Malheur Falls, ID

My Commission Expires 6-14-1994



MICROFILMED  
DEC 15 1992