

63-379

T02N, R03E

3240

31

3212

Live Flow
Pod

"R" for
63-379

Storage Pod

Rifle
Range

Blacks Creek
Reservoir

An aerial photograph of a rural landscape, likely a valley, with a grid overlay. A large, irregularly shaped area in the upper left is shaded in red. A blue line outlines a specific area within the grid. The text "PLEASANT VALLEY IRRIGATION" and "DIGITIZED PLACE OF USE = 1225 ACRES" is overlaid on the image.

PLEASANT VALLEY IRRIGATION
DIGITIZED PLACE OF USE = 1225 ACRES

T02N, R03E

31



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

PHOTO #1



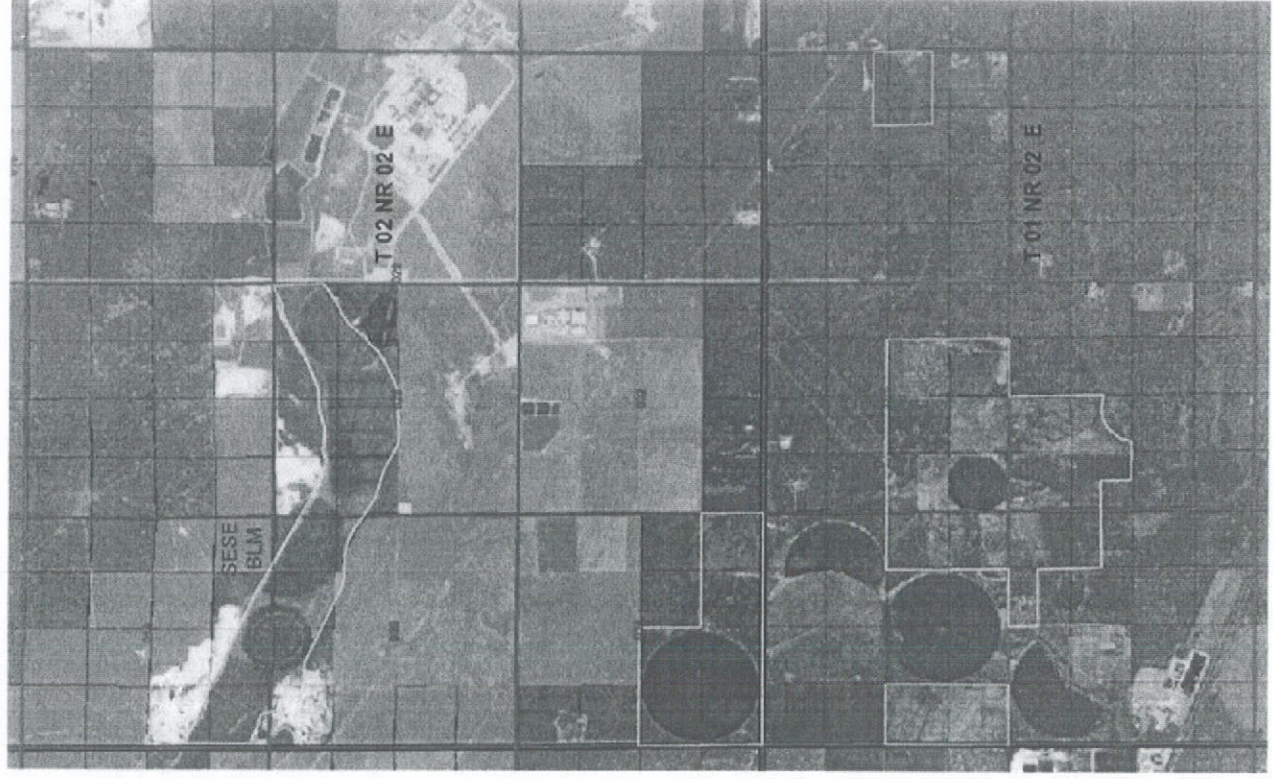
STORAGE RESERVOIR
LOOKING EAST FROM
THE DAM

PHOTO #2



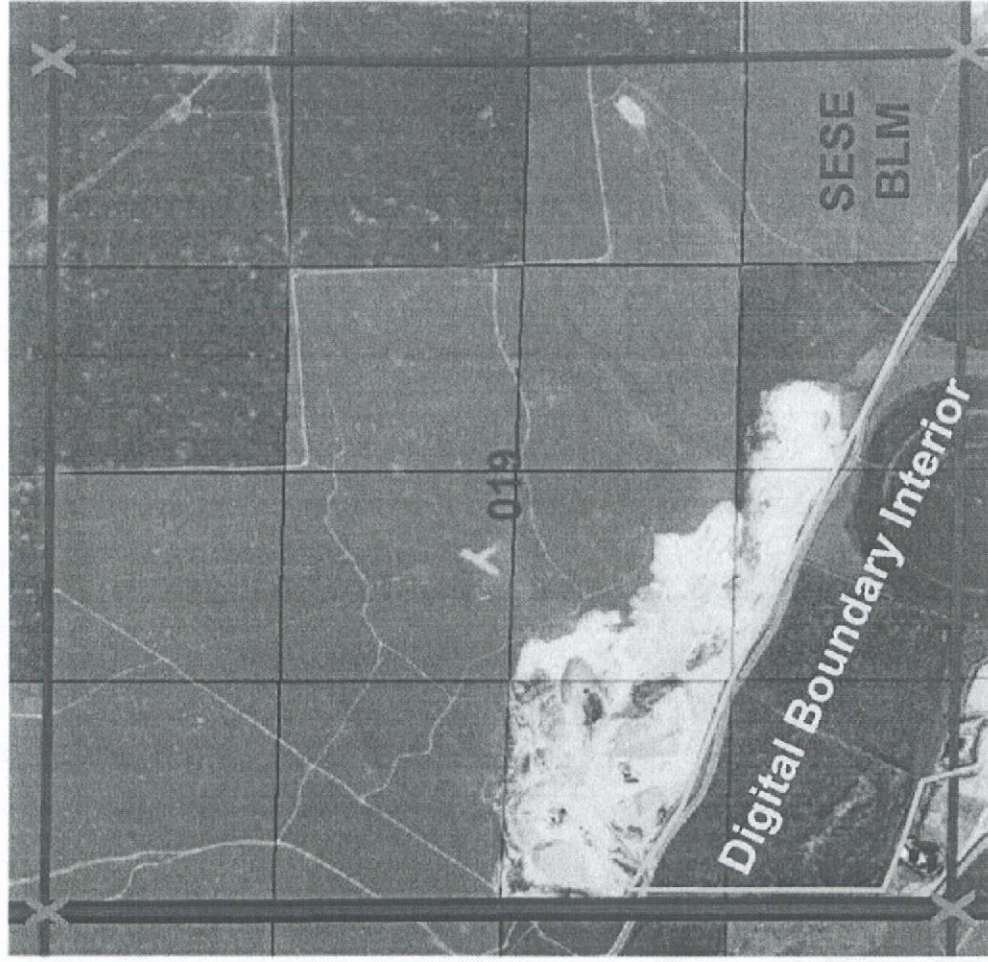
TEN MILE CREEK
LOOKING WEST
FROM THE DAM

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.

Ab3-00319

2 N 2 E

Y9

2 N 37.5-MINUTE SERIES (ORTHOPHO



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 of	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.

A63-00379

Page 1

Date: 06/08/90

MICROFILMED
AUG 18 1992

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

vs

THOMAS LORD

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. Bohl
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:

<u>PLEASANT VALLEY IRR. CO.</u>		<u>THOMAS LORD</u>
Decree Plaintiff	vs	Decree Defendant
A63-00379	Page 3	Date: 09/27/89

MICROFILMED
AUG 18 1992

(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.

MICROFILMED
AUG 18 1992

Additional
information in
63-329B

RIGHT NUMBER: 63-379

SOURCE:	BLACKS CREEK	TRIBUTARY:	TENMILE CREEK
	BRYANS RUN	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: STOCKWATER FROM STORAGE in ADA County

T02N R02E S26	NWSW	T02N R02E S27	NESE
T02N R02E S31	SESW	T02N R02E S36	SWNW
T02N R02E S36	NESE		

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 irrigation 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: 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

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 TRIBUTARY: TENMILE CREEK
BRYANS RUN 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.

*ADD STOCKWATER
PLACE OF USE*

IRRIGATION

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 Bradley

Please print your name:

Eric Bradley

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:

Carol B. Bailey

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 C/O TERRY COPPLE ESQ PO BOX 1583 BOISE, ID 83701 (208)342-3658

Priority Date: 05/16/1912

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BLACKS CREEK BRYANS RUN	TENMILE CREEK 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 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 completeClaim 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: Black 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? _____

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 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

63-379

#602

63-0

RECEIVED

DEC 18 1941

Department of Reclamation

IN THE DISTRICT COURT OF THE UNITED STATES 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*

Plaintiff,

*Stephen R. Little
By B. Clyde Eagleson
Deputy*

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 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. J. 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-

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
Northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), 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;

Southeast quarter (SE $\frac{1}{4}$), 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 2 North, Range 2 East Boine 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 Two (2), 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;

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

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

11

that plaintiff, [REDACTED]

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 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
~~April 1, 1908;~~
- 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 in that form is hereinafter defined, up to the capacity of its said reservoir, which capacity is 7,800 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 12, 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, 1933;

63 0334 35 miner's inches with priority of
May 2, 1933;

63 0335 10 miner's inches with priority of
April 1, 1933.

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 "Goffman 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, 1933.

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 (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 "Rachus 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 ~~April~~ ^{March 20th} 1st 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 ~~April~~ ^{March 20th} 1st 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 ~~its~~ ^{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 ^{improper} 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.

FN.

That plaintiff have and recover against defendants its costs herein, taxed at \$120⁷⁵.

Dated this 21st 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 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 Flood
POD

"R" for
63-379

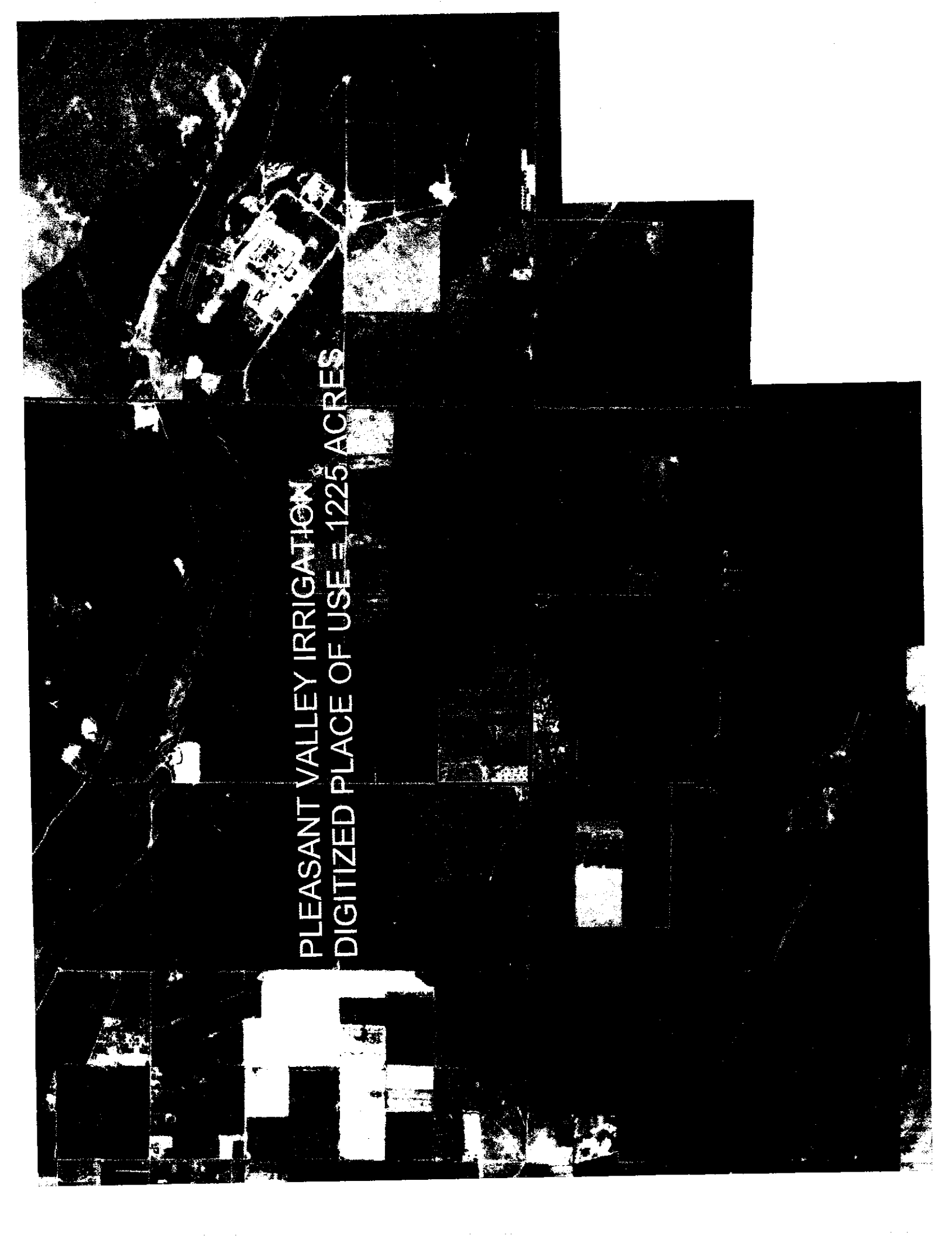
Rifle
Range

Storage POD

3212

Black's Creek
Reservoir

168

An aerial photograph of a rural landscape, likely a valley, with a grid overlay. The grid consists of thin white lines forming squares across the entire image. The landscape features a mix of dark, textured areas (possibly fields or forests) and lighter, more uniform areas (possibly roads or cleared land). In the upper left, there is a cluster of buildings and a road. In the lower left, there is a large, light-colored rectangular area, possibly a field or a large building. The text "PLEASANT VALLEY IRRIGATION" and "DIGITIZED PLACE OF USE = 1225 ACRES" is overlaid on the grid in the center of the image.

PLEASANT VALLEY IRRIGATION
DIGITIZED PLACE OF USE = 1225 ACRES

T02N, R03E

31

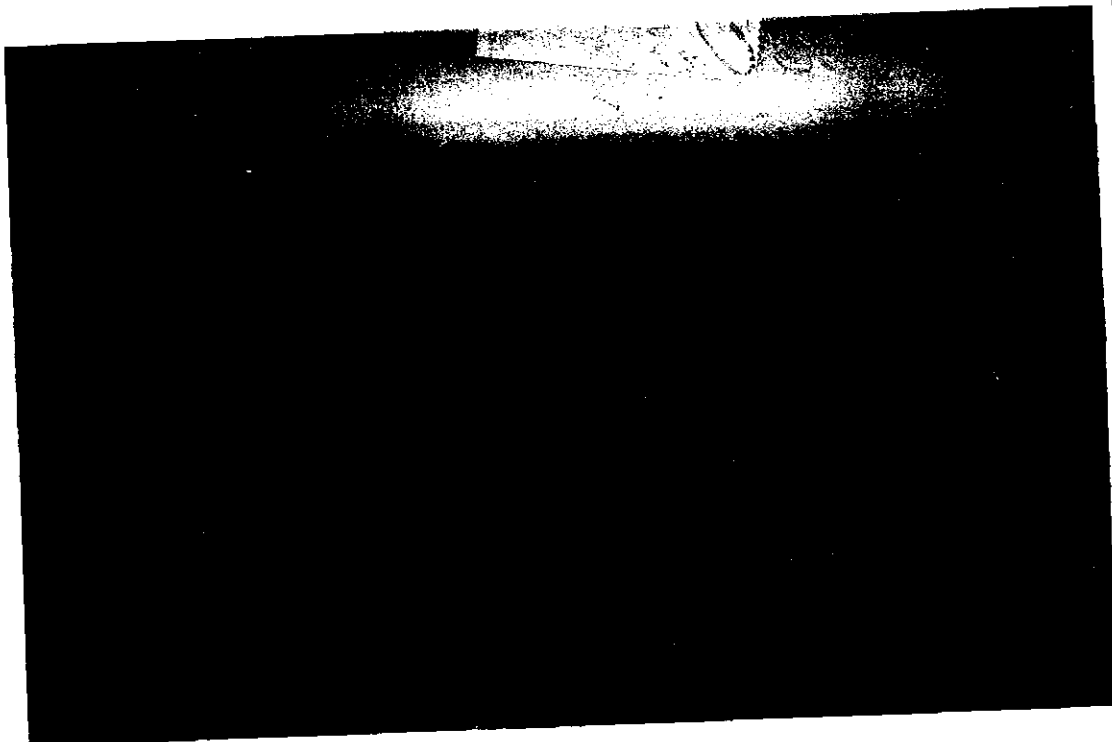
PLEASANT VALLEY IRRIGATION CO.
PHOTOGRAPHS DATED 10/14/2002

PHOTO #1



STORAGE RESERVOIR
LOOKING EAST FROM
THE DAM

PHOTO #2



TEN MILE CREEK
LOOKING WEST
FROM THE DAM

Water Right Report 63-379

<u>Owner Type</u>	<u>Name and Address</u>	<u>ID</u>
Current Owner	PLEASANT VALLEY IRRIGATION CO	

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 STORAGE	/	to /		7,900.00 AF
IRRIGATION	/	to /		7,900.00 AF
IRRIGATION FROM STORAGE	/	to /		7,900.00 AF
	Total Diversion:			7,900.00 AF

TENMILE CREEK *POD = 6N, 3E, S31, SE5W*

"R" from Ten Mile Creek = NWSW, S31, 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 C/O TERRY COPPLE ESQ PO BOX 1583 BOISE, ID 83701 (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 IRRIGATION
STOCKWATER STORAGE same as IRRIGATION
IRRIGATION STORAGE same as IRRIGATION
STOCKWATER FROM STORAGE same as IRRIGATION

Conditions 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 A63-00329B, 330B

NAME OF PARTY

Bell Wagner331B, 379, 2200, 332

EMPLOYEE

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 decedent rights. He asked about the review process, CRP, 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. Co. Eric Bodily - Pres.

RECEIVED

OCT 11 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)

A. Subcase 63-00379
(Insert water right number)

Case No. 39576)

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: ;

SCANNED

OCT 11 2006

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)

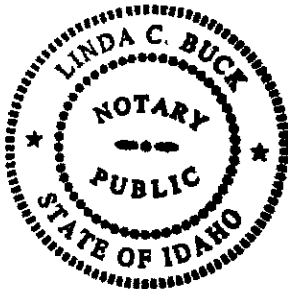
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

David Nagri FLAB
(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:

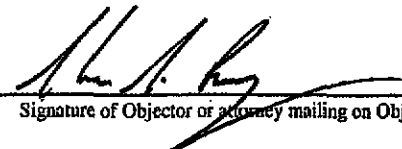
Name: Pleasant Valley Irr Co.
Address: P.O. Box 1583; Boise, Idaho 83701
Name: c/o Terry Copple, Esq.
Address: ;
Name: ;
Address: ;
Name: ;
Address: ;

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:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
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 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.

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							
		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							

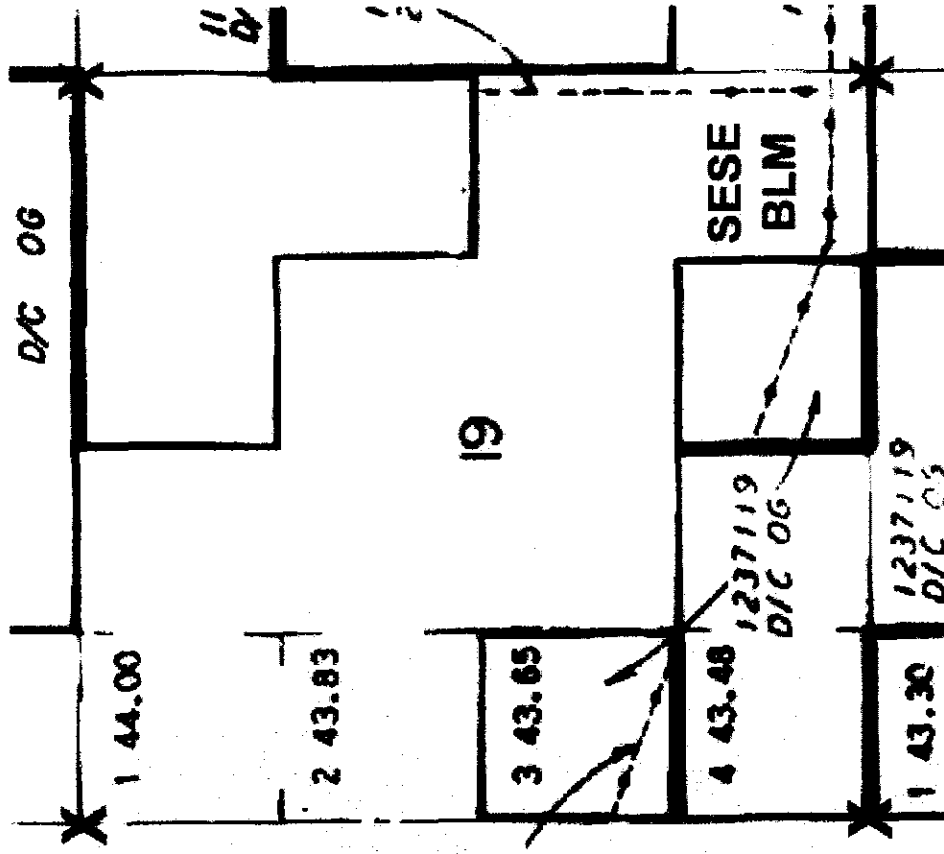
Place of Use Legal Description: STOCKWATER FROM STORAGE same as IRRIGATION FROM STORAGE

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.

①
#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.

*Entered and filed
Dec 21, 1939*

PLEASANT VALLEY IRRIGATION
COMPANY, LIMITED, a corpor-
ation,

Plaintiff,

*Stephen Little
Clerk
By B. Clyde Eagleson
Deputy*

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 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-

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 5;

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 (SW¹/SW¹)
of Section 35,

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

* Southeast quarter of the Northwest quarter (SE¹/NW¹),
Northeast quarter of the Southeast quarter (NE¹/SE¹)
of Section 34, 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, ~~Mountain 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, 1909;
- 63 0331 (c) 250 miner's inches with priority of
April 1, 1910;
- 63 0332 (d) 350 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.) 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, ^{Pleasant Valley Irrig Co} 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 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 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:

Lot One (1) and Two (2) and the South half of the Northeast quarter (S $\frac{1}{2}$ 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 (NW¹NE¹) 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) of Section 32, Township 2 North, Range 4 East Boise Meridian; and the said defendants, and each of them, their servants, agents, and