

Claim No.: 61-00293C RJT Farming, Inc.

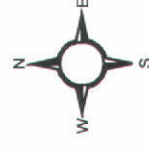


Idaho Department
of Water Resources

T05S R10E Sec. 18 and 19

Prepared by: Roxanne Brown
December 1, 1998

- 61-00293C
- Point of Diversion
- Sand Springs Gulch
- Point of Injection
- 40 acre tracts



0.2 0 0.2 0.4 Miles

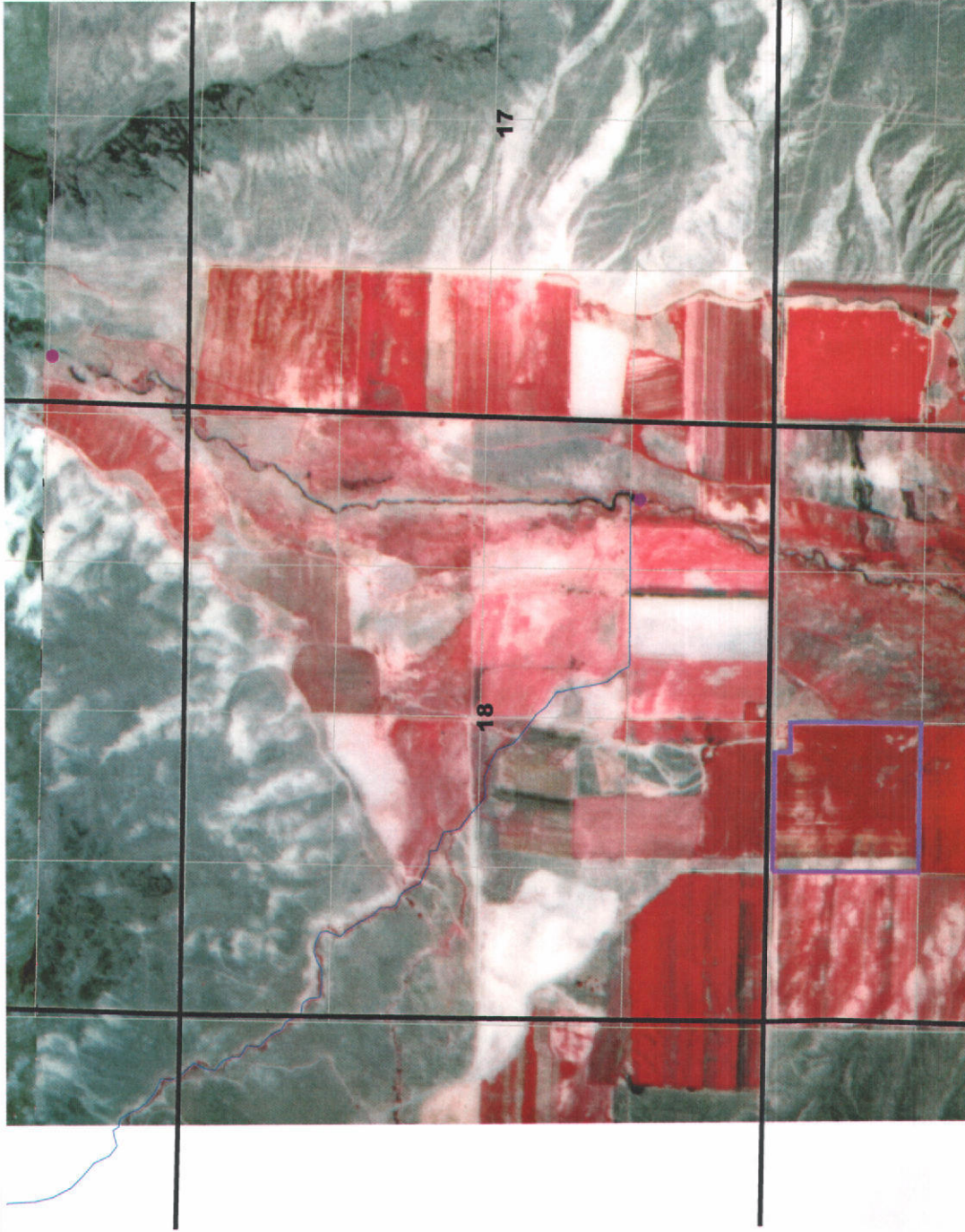
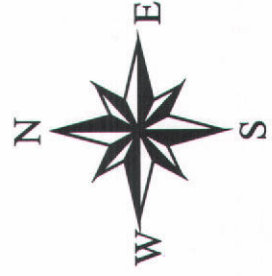


Water Right Nos. 61-00293C and 61-00293D

T05S, R10E

Map Prepared February 18, 1999
By Roxanne Brown for the
Dept. of Water Resources

• Points of Diversion
61-00293C and 61-00293D
Sand Springs Gulch



1.2 Miles

0.6

0

0.6

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: **A61-00293D**
Date Received: 12/ 7/1989
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CARLENE R SMITH 208-366-2638
Address: RT 1 BOX 420
GLENN'S FERRY ID 83623
2. Date of Priority: JAN 1, 1898
3. Source: SAND SPRING GULCH Trib. to: LITTLE CANYON CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	10E	18	NW	SE	SE		ELMORE

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	04/01	11/01	0.180		
STOCKWATER	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK-400 HD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	10E	19	NE	NW		IRR	32.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	32.0
					Total Acres	32.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
LITTLE CANYON CREEK

14. Remarks:

ORIGINAL DECREE HERRON VS. MORROW & VAN FLEET 2/26/1904 FOR 57.5 INCHES OR 1.15 CFS.

PARAGRAPH 1 OF DECREE STATES, "PLAINTIFFS & DEFENDANTS ARE EACH ENTITLED TO 1/2 OF THE WATER THAT RISES & FLOWS IN SAND SPRINGS GULCH BETWEEN DEFENDANTS POND DIVERSION DITCH & THE LOWER DIVERSION DITCH UNDER THE HERRON V. MORROW & VAN FLEET DECREE."

DECREE WAS DEFINED IN THE COURT DECISION OF 4/5/1989. DIVERSION WORKS: SAND SPRING GULCH WATER UNDER 61-0293A IS MIXED WITH WATER IN 61-07236 AND THEN LITTLE CANYON CREEK. THIS WATER IS THEN PUMPED INTO A MAINLINE AND DISTRIBUTED WITH SPRINKLERS.

THE SELLER RETAINED 9" (0.18 CFS) AND WILL NEED TO FILE A TRANSFER TO INDICATE WHERE THE WATER IS BEING USED. 0.715 CFS IS THE TOTAL ORIGINALLY CLAIMED UNDER THIS RIGHT.

15. Basis of Claim: BENEFICIAL USE

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

A61-00293D

RECEIVED
OCT 20 1998

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

OCT 21 1998

Department of Water Resources

1. Water Right Number(s) _____
Adjudication Claim Number(s) A61-00293A
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Carlene R. Viner Smith
Rt. 1 Box 420 Glens Ferry, ID 83623
4. New Owner/Claimant(s) Roger L. Jones - DBA R. J. T. Farming, Inc.
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address Box 475
City, State and ZIP Code Rupert, Idaho 83350
New Telephone Number (208) 436 - 3126
5. Date you acquired the property 2-9-98
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated 32 Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Roger L. Jones Date Sept 15-98
8. Smith retains 9 minutes inch per dead
(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

data entry complete 11/13/98 RB

**PROPERTY DESCRIPTION FOR
PARCEL 2 FOR
LOWELL AND CARLENE SMITH**

A parcel of land being a portion of the NE 1/4 of the NW 1/4 of Section 19, T.5S., R.10E., B.M., Elmore County, Idaho, said parcel being more particularly described as follows:

Commencing at the iron pin marking the corner common to Sections 18, 17, 20, and 19, T.5S., R.10E., B.M., Elmore County, Idaho; thence, S.89°33'00"W. 2680.52 feet to the Brass Cap marking the 1/4 corner common to said Sections 18 and 19, said point being the **REAL POINT OF BEGINNING**;

thence, S.00°30'04"W. 135.55 feet more or less, along the Meridional Center Line of said Section 19 to an iron pin;

thence, N.89°52'32"W. 270.13 feet to an iron pin;

thence, N.00°09'52"W. 133.94 feet to said line common to Sections 18 and 19;

thence, S.89°52'32"E. 271.69 feet to the REAL POINT OF BEGINNING, said parcel containing 0.84 acres.

A61-002930

SUBJECT TO:

Any rights of way of record or in use.



Title: Parcel 2

Date: 11-23-1998

Scale: 1 inch = 368 feet

File:

Tract 1: 0.838 Acres: 36503 Sq Feet: Closure = n00.2114e 1.61 Feet: Precision = 1/504: Perimeter = 811 Feet

001=/se,se,se,18,5s,10e

004=n89.5232w 270.13

002=/s89.3300w 2680.52

005=n00.0952w 133.94

003=s00.3004w 135.55

006=s89.5232e 271.69

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: A61-00293A
Date Received: 12/ 7/1989
Receipt No: W006865
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CARLENE R VINER 208-366-2638
Address: RT 1 BOX 420
GLENNS FERRY ID 83623-0000

2. Date of Priority: JAN 1, 1898

3. Source: SAND SPRING GULCH Trib. to: LITTLE CANYON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	10E	18	NW	SE	SE		ELMORE

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	04/01	11/01	0.715		
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is 112.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK-400 HD

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	10E	19	NE	NW		IRR	32.0



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: _____

☐ Name and Address of Former
Owner/Claimant(s)(Seller): _____

*A61-00273A, - 00279, - 00303A,
- 00304A, - 00370, - 03000, - 04038,
04113 - 07236
Carlene Viner*

☐ New Owner/Claimant
(Purchaser): _____

☐ New Mailing Address: _____

*Carlene Smith
Rt. 1, Box 420
Glenns Ferry ID 83623*

☐ New Telephone Number: _____

() 366-2711

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

name change only

☐ Attach proof of
ownership, describe
proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New
Owner/Claimant(s) _____

Date *2-12-96*

Date _____

☐ Signature of Former
Owner/Claimant(s): _____

Date _____

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date *2-12-96* By *DMF*

Further Action Needed: _____

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date *2-12-96* By *DMF*

Claim Numbers of Split, if any: _____

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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: A61-00293A
Date Received: 12/05/1989
Receipt No: W006865
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CARLENE R. VINER 208-366-2638
Address: RT. 1 BOX 420
GLENNS FERRY, ID 83623-0000
2. Date of Priority: JAN 01, 1898
3. Source: SAND SPRING GULCH Trib. to: LITTLE CANYON CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 05S | 10E | 18 | NW | SE | SE | | ELMORE |
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 | 04/01 | 11/01 | 0.715 | | |
| STOCKWATER | 01/01 | 12/31 | 0.040 | | |
7. Total Quantity Appropriated is:
0.715 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 112.0 Acre Feet Per Annum.
9. Non-irrigation uses:
STOCK-400 HD
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	10E	19	NE	NW		IRR	32.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	32.0
					Total Acres	32.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
LITTLE CANYON CREEK

14. Remarks:

ORIGINAL DECREE HERRON VS. MORROW & VAN FLEET 2/26/1904 FOR 57.5 INCHES OR 1.15 CFS.
PARAGRAPH 1 OF DECREE STATES, "PLAINTIFFS & DEFENDANTS ARE EACH ENTITLED TO 1/2 OF THE WATER THAT RISES & FLOWS IN SAND SPRINGS GULCH BETWEEN DEFENDANTS POND DIVERSION DITCH & THE LOWER DIVERSION DITCH UNDER THE HERRON V. MORROW & VAN FLEET DECREE."

DECREE WAS DEFINED IN THE COURT DECISION OF 4/5/1989.
DIVERSION WORKS: SAND SPRING GULCH WATER UNDER 61-0293A IS MIXED WITH WATER IN 61-07236 AND THEN LITTLE CANYON CREEK. THIS WATER IS THEN PUMPED INTO A MAINLINE AND DISTRIBUTED WITH SPRINKLERS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

RICHARD P. & CARLENE R. VINER
Decree Plaintiff

vs

PETER & MARY N. BATRUEL
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: _____

MAILED
OCT 11 1990

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 461-00293A
Date Received 12-5-89
Receipt Number W0006865

RECEIVED

DEC 05 1989

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of Claimant (s) CARLENE VINER Phone (209) 344-2438
Mailing Address Box 420 Glenns Ferry, IDAHO Zip 83423
- Date of Priority (Only one (1) per claim) ~~2-26-1905~~ 1-1-1898
- Source of water supply (a) SAND SPRING Gulch
which is tributary to (b) LITTLE CANYON CREEK
- a. Location of existing point of diversion is: Township 5S Range 10E Section 18,
NW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of ELMORE
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 _____
- 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. SAND SPRING Gulch WATER
UNDER 61-0293A IS MIXED WITH WATER IN 61-7236 AND MEN.
PUMPED FROM THE SUMP CREATED BY RAISING THE WATER LEVEL IN
LITTLE CANYON CREEK. THIS WATER IS THEN PUMPED INTO A
MAINLINE AND DISTRIBUTED WITH SPRINKLERS

RECEIVED

DEC 11 1989

61-0293A

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 1/4 to 11/1 amount .715 or .35

For Stockwater purposes from 1/1 to 12/31 amount .04 or

For purposes from to amount or

For purposes from to amount ~~.04~~ or

7. Total quantity claimed (a) .715 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is 9.53 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater along Sand Spring Gulch and a stock water pump to water 4-500 head feedlot - year round use

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	
55	10E	19					32												32

Total number of acres irrigated 32

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

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. or None ()

14. Remarks: Original decree is 2-26-1904, decree was defined in Court decision 4-05-1989

Last Name Ident No.

Copies: White -State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 1/4 to 11/1 amount .715 or .135

For Stockwater purposes from 1/1 to 12/31 amount .04 or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) .715 (cfs) and/or (b) (acre feet)

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to water 4-500 head Cattle - year round use

10. Description of place of use:

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

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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	
55	10E	19					32												32

Total number of acres irrigated 32

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 or None ()

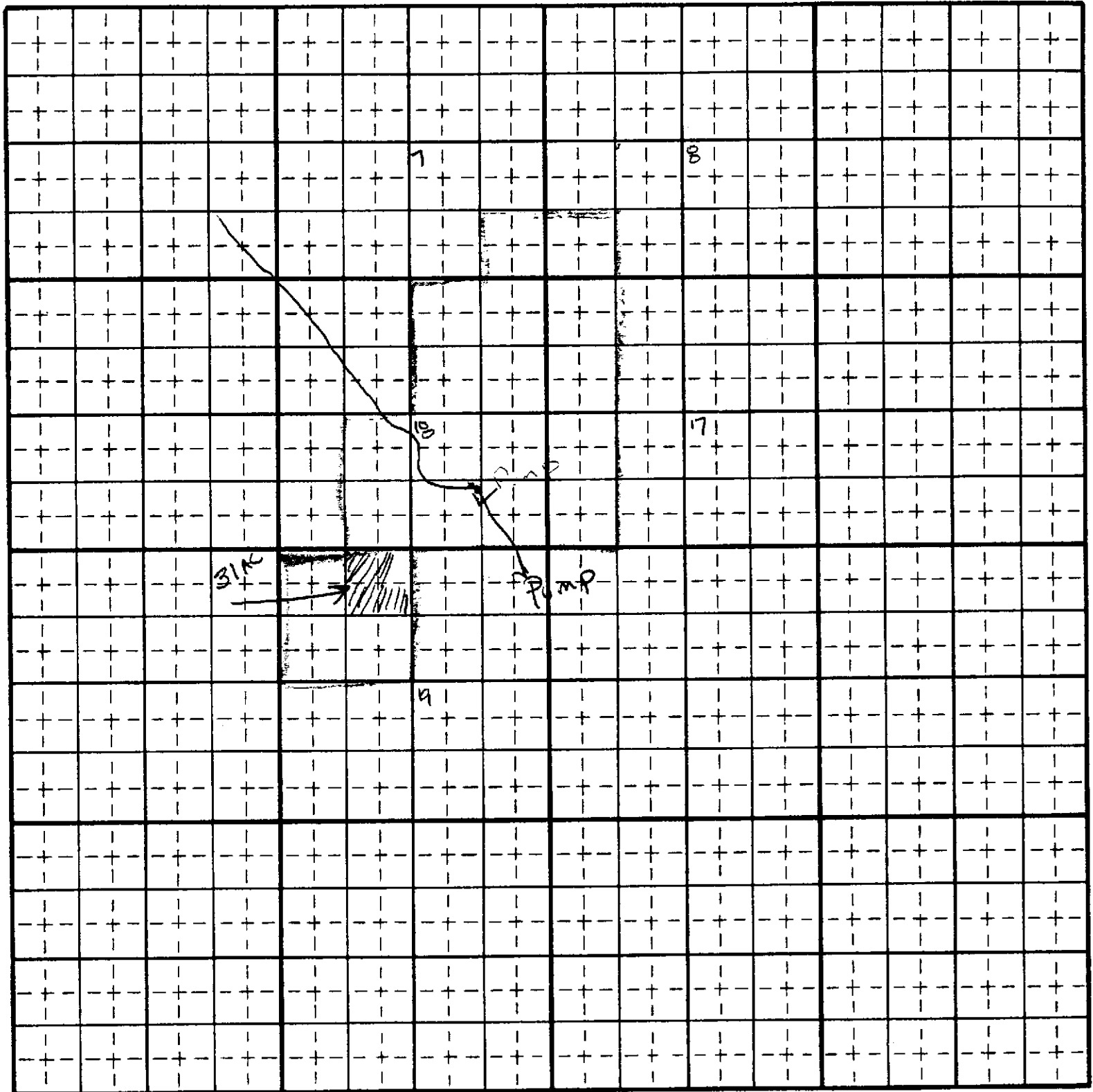
14. Remarks: Original Decree is 2-26-1904, Decree was defined
in Court Decision 4-05-1989

Last Name Ident No.

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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

Decree ☒

If applicable provide IDWR Water Right Number 61-0293A

Court _____ Case Number _____ Decree Date 1-1-1898

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 1

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

Signature of Claimant (s) Garlen Viner Date 11-30-89

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 Ida) SS.

Subscribed and sworn (or affirmed) before me this 30 day of November 19 89

SEAL

Notary Public James A. Scholtz

Residing at _____

My Commission Expires _____

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

Claim No.: 61-00293C RJT Farming, Inc.

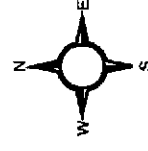


Idaho Department
of Water Resources

T05S R10E Sec. 18 and 19

Prepared by: Roxanne Brown
December 1, 1998

- 61-00293C
- Point of Diversion
- ∧ Sand Springs Gulch
- Point of Injection
- 40 acre tracts



0.2 0 0.2 0.4 Miles



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: A61-00293D
Date Received: / /
Receipt No: _____
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CARLENE R SMITH 208-366-2638
Address: RT 1 BOX 420
GLENNS FERRY ID 83623

2. Date of Priority: JAN 1, 1898

3. Source: SAND SPRING GULCH Trib. to: LITTLE CANYON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	10E	18		SW	NW		ELMORE
			NE	NE	SW		ELMORE
			NW	SW	SE		ELMORE

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	04/01	11/01	0.180		
STOCKWATER	01/01	12/31	0.040		
DOMESTIC	01/01	12/31	0.080		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 4 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	10E	18	NE	SW		STOCK	
			NE	SW		IRR	18.0
			SE	SW		IRR	9.0
			SE	SW		DOMEST	
			SW	SE		IRR	7.0
			SW	SE		DOMEST	
						Section Acres	34.0
		19	NE	NW		DOMEST	
						Total Acres	34.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
LITTLE CANYON CREEK

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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)
) SS.
County of _____)

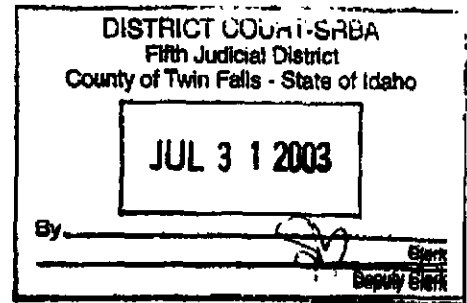
Subscribed and sworn (or affirmed) before me this _____ day
of _____ 20 _____

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**

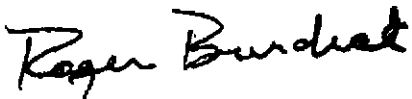
In Re SRBA)
) **ORDER OF PARTIAL DECREE**
Case No. 39576)
) **For Water Right 61-00293D**
_____)

On June 17, 2003, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 61-00293D is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED July 31, 2003.

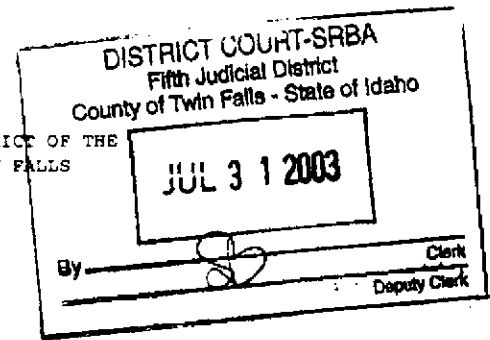


ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-00293D



NAME AND ADDRESS: CARLENE SMITH
RT 1 BOX 420
GLENN'S FERRY, ID 83623

SOURCE: SAND SPRINGS GULCH TRIBUTARY: LITTLE CANYON CREEK

QUANTITY: 0.18 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 08/01/1898

POINT OF DIVERSION: T05S R10E S18 NWSESE (Injection) Within Elmore County
NWSESE (Rediversion)
NWSESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.18 CFS
	Stockwater	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Irrigation Within Elmore County
T05S R10E S19 NENW 40.0
40.0 Acres Total

Stockwater Within Elmore County
Same as Irrigation

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

JUL 11 2002

Department of Water Resources

Laura E. Burri
Jeffrey R. Christenson
D. Blair Clark
Michael J. Doolittle
S. Bryce Farris
Patrick D. Furey
David Hammerquist
Charles L. Honsinger
Joseph B. Jones
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
William F. Ringert
Daniel V. Steenson
Allyn L. Sweeney
Samuel Kaufman (1921-1986)

July 10, 2002

Candace M. McHugh
Deputy Attorney General
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237

Re: Carlene Smith subcases

Dear Candace:

Thank you for arranging yesterday's meeting with yourself and Roxanne Brown. We appreciate the opportunity to provide information to IDWR regarding Ms. Smith's water rights. Additionally, pursuant to our discussion of yesterday, please find enclosed the following information:

1. Canal and Reservoir Locator Notice (March 7, 1900).
2. Minutes of the Elmore County District Court - Including Jury Findings of Fact - *Herron v. Morrow and Van Fleet* (March 24, 1900).
3. Deed from King Hill Irrigation District to Knox and McGinnis (April 15, 1911).
4. Warranty Deed from McGinnis and Knox to Morrow (April 12, 1918).
5. Hand-written copy of Patent to Herron for T05S R10E, Section 29 W ½ SE and SESE, and Section 32 Lot 2 (May 5, 1899).
6. Patent 226488 granting to Morrow T05S R09E Section 13, E ½ NW and SWNE (September 25, 1911).
7. Patent 892926 granting to Morrow T05S R10E Section 10, Lots 3 and 4 (January 12, 1923).
8. Patent 292925 granting to Morrow T05S R09E Section 13, E ½ SE (January 12, 1923).

I hope this information is helpful to you. Please contact me with any questions or concerns you may have.

Sincerely,



Charles L. Honsinger

cc: Carlene Smith

Reservoir location
3/7/1900 012

State of Idaho, } ss.
County of Ada, } R.D. Sandlin being first duly sworn
deposes and says that he is of lawful age and is Claimant
of the water right mentioned in the foregoing notice and
whose name is subscribed thereto. That the statements in
said notice are true and that the original notice, of
which the foregoing is a true copy, was posted in
a conspicuous place at or near the place of intended
diversion (as provided by law) on the 28th day of
February 1900, at 30 minutes past Eleven O'Clock AM

R.D. Sandlin
Claimant.

Subscribed and sworn to before me this 6th day of March 1900
And I further certify that on the date last above given
personally appeared before me the affiant above named,
known to me to be the person whose name is subscribed
to the within instrument, and acknowledged to me that
he executed the same.

In witness whereof, I have hereunto set my
hand and affixed my Notarial Seal the day and year
in this certificate first above written.

Notary
Public

Miles O'Fate
Notary Public

State of Idaho. } ss.
County of Elmore } Thereby certify that this instrument
was filed for record at request of Miles O'Fate, at
9 O'Clock AM, this 6th day of March A.D. 1900 in
my office,

N. J. Smith, Office Recorder

Thus 7/1/00

J. A. Herron
Locator
Mch. 7th 1900.

Canal & Reservoir Location Notice

Notice is hereby given, that J. Isaac A. Herron of
Glenis Ferry, Elmore County, State of Idaho, a citizen of
the United States, hereby claim for right of way for a
Canal 65 ft. wide on the bottom, 4 ft. deep, side slope 1 to 1, with a capacity
of 700,000 Cu. ft.

Commencing at the head gate on Little Canon Creek in the N.W. 1/4 of
the N.E. 1/4 of Sec. 9, whence the 1/4 Sec. Cor. bet. Secs. 4 & 9 Twp. No. 4 South, Range No. 10
East bears N. 63° W. 880 ft. Running thence in a southerly direction through

Sec. 9, and in a South Westerly, direction through Secs. 16, 21, 20-29-32 & 3, in Twp. No. 4 South Range No. 10 East.

Thence in a South Westerly, direction through Sec. 6, Twp. No. 5 South Range No. 10 East. Thence in a Westerly, direction through Sec. 1, Twp. No. 5 South Range No. 9 East to the Upper Reservoir, situated in the S.E. $\frac{1}{4}$ of Sec. 1.

Thence from the Upper Reservoir in a South Westerly, direction through S. $\frac{1}{2}$ of Sec. 12 to the Middle Reservoir, situated in the West $\frac{1}{2}$ of Sec. 12. Thence from the Middle Reservoir, a Canal $\frac{1}{2}$ ft. wide on the bottom and 2 ft. deep, sideslope 1 to 1 with a capacity of 14.2 cu. ft. in a South Easterly direction through Sec. 12 & 13 to the Lower Reservoir, all of which Reservoirs are situated in Twp. No. 5 South, Range No. 9 East, as shown on the annexed Plat.

The Water Right Location upon Little Canon Creek, having already been filed and Recorded in the Records of Elmore County, Idaho.

I, Isaac H. Nerron, also claim for a Reservoir Site, the land in the S.E. of Sec. 1, Twp. No. 5 South, Range No. 9 East, marked on the annexed plat as "Upper Reservoir" and containing 35 acres, more or less.

Said Upper Reservoir to be maintained by a dam 40 ft. in height above the bed rock in the Canon and to cover the land which may be enclosed within the lines on a level with the top of the dam. Said land is more particularly described as follows, to wit:-

Beginning at a point on the West end of the dam, whence the $\frac{1}{4}$ Sec. Cor. between Sections 1 & 12, Twp. No. 5 South, Range No. 9 East, bears S. 34° W. 470 ft. Thence following the water level contour lines of said Upper Reservoir which will occupy the above described land in the S.E. $\frac{1}{4}$ of Sec. 1 Twp. No. 5 South, Range No. 9 East enclosed within said dam and contour lines.

I also claim for a Reservoir Site, the land in the West $\frac{1}{2}$ of Section 12 Twp. No. 5 South, Range No. 9 East, marked on the annexed plat as "Middle Reservoir" and containing 65 acres, more or less. Said Middle Reservoir to be maintained by a dam 35 ft. in height above the bottom of the gulch, and to cover the land which may be enclosed within the lines on a level with the top of the dam.

Said land is more particularly described as follows, to wit:-

Beginning at the point on the South West end of the dam, whence the $\frac{1}{4}$ Section Cor. between Secs. 7 & 12 Twp. No. 5 South, Ranges No. 9 & 10 East bears N. 88° 15' East 1460 ft. Thence following the water level contour lines of said Middle Reservoir, which will occupy the above described land in the West $\frac{1}{2}$ of Section 12, Twp. No. 5 South, Range No. 9 East, enclosed within said dam and contour lines.

I also claim for a Reservoir Site the land in Section 13 Twp. No. 5 South, Range No. 9 East, marked on the annexed plat as "Lower Reservoir", and containing

60 acres, more or less, said Lower Reservoir to be maintained by a dam 22 ft. in height above the bottom of the gulch and to cover the land which may be enclosed within the lines on a level with the top of the dam.

Said land is more particularly described as follows to wit: -

Beginning at the point on the South West end of the dam, whence the $\frac{1}{4}$ Section Cor. between Secs. 13 & 18, Twp. No. 5 South, Range No. 9 East, Bears N. $71^{\circ}15'$ E. 350 ft. Thence following the water level contour lines of said Lower Reservoir, which will occupy the above described land in Section 13, Twp. No. 5 South, Range No. 9 East, enclosed within said dam and contour lines.

All of said Canals & Reservoirs being situate in Elmore County, State of Idaho, and all being connected under one system and location, to be and for Reservoir purposes, to store the waters of said Creek and other waters that may be hereafter appropriated and conducted into said Reservoirs.

The waters of said Reservoirs to be used for Irrigation & Domestic purposes on lands in Little Cannon Creek Valley near Plouns Ferry, Elmore County, Idaho.

The waters to be conveyed to place of distribution by means of Canals and laterals.

Dated this 7th day of March A.D. 1900.

Witness on the ground.

J. H. Herron

H. J. Rapp

Locator

Subscribed and sworn to before me this 7th day of March A.D. 1900.

O. O. Glenn

Justice of the Peace.

State of Idaho

County of Elmore

ss.

Thereby certify that this instrument was filed for record at request of Saml. J. Rhoades at 55 minutes past 4 o'clock P.m. this 10th day of March A.D. 1900 in my office.

H. J. Smith

Ex officio Recorder.

Fees \$2.00

Refer to Plat Book 1 Page 101.
for plat referred to as "Annexed Plat".

(H. J. Recorder)

STATE OF IDAHO
County of Elmore

ss.

I hereby certify that this instrument is a true and correct copy of the original now on file or of record in this office.

Dated March 23, 2000

GAIL L. BEST

Clerk

Examined Auditor and Recorder

CERTIFIED COPY

Herron
12/13/1900

I hereby certify that this instrument is a true and correct copy of the original now on file or of record in this office.

Dated *April 27, 2000*

357

GAIL L. BEST

Clerk

Ex-officio Auditor and Recorder

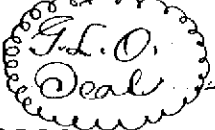
by *[Signature]*

Deputy

immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said William J. Orr & to his heirs and assigns forever; Subject to any vested or accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized ^{and} acknowledged by the local customs, laws, and decision of Courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the Authority of the United States.

In Testimony whereof I, William McKinley, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, the Twenty-third day of May, in the year of our Lord one thousand eight hundred and ninety-eight, and the Independence of the United States the one hundred and twenty-second.



By the President: William McKinley

By F.M. McKean Secretary

C.H. Brush Recorder of the General Land Office

Recorded, Vol. 9, Page 454.

State of Idaho,

County of Elmore,

Thereby Certify that this instrument was filed for record at request of J.R. Vincent at 41 minutes past 1 o'clock P.M. this 13th day of Dec. A.D. 1900 in my office.

H.F. Smith

Ex-officio Recorder

Fees \$7.50

Homestead Certificate No. 800
Application 1016

[44-445 #]
The United States of America,
To all to whom these Presents shall come Greeting;
Whereas There has been deposited in the General Land office of the United States a Certificate of the Register of the Land Office at Hailey Idaho, whereby it appears that, Pursuant to the Act of Congress approved 20th of May, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts Supplemental thereto, the claim of Isaac H. Herron has been established and duly consummated, in conformity to law,

for the West half of the South East Quarter and the South East quarter of the South East quarter of Section Twenty-nine and the lot numbered two of Section thirty-two in Township five South of Range ten East of Boise Meridian in Idaho, Containing one hundred and Sixty two acres and ten hundredths of an acre. according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General:

Now Know ye, That there is, therefore granted by the United States unto the said Isaac A. Nerron, the tract of land above described: To Have and Hold the said tract of Land, with the appurtenances thereof, unto the said Isaac A. Nerron and to his heirs and assigns forever; Subject to any ^{water and} accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decision of Courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In Testimony whereof I, William McKinley, President of the United States of America, have caused these letters to be made Patent and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the fifth day of May, in the year of our Lord one thousand eight hundred and ninety-nine, and the Independence of the United States the one hundred and Twenty-third.



By the President: William McKinley.

By J. M. McKean, Secretary.

C. H. Brush, Recorder of the General Land Office.

Recorded, Vol. 34, Page 371.

State of Idaho }
County of Elmore } ss. I hereby certify that this instrument was filed for record at request of J. R. Vincent at 42 minutes past one o'clock P.M. the 13th day of Dec. A.D. 1900, in my office.

Fees \$1.50

H. J. Smith

Ex officio Recorder.

CERTIFIED COPY

King Hill
 4/15/1911
 Date *April 27, 2000*
 County of Elmore, Idaho
 I hereby certify that this instrument is a true and correct copy of the original now on file or of record in this office.

Clerk
 Ex-officio Auditor and Recorder
 by *Charles M. Egan*
 Deputy

Instrument No. 13673. QUITCLAIM DEED.

THIS INDENTURE, Made this 15th day of April in the year of our Lord one thousand nine hundred and eleven between Kings Hill Extension Irrigation Company, Limited, a corporation organized under the laws of the State of Idaho, the party of the first part, and Harry Knox, J. J. McGinnis of Glenss Ferry, County of Elmore, State of Idaho, the party of the second part.

WITNESSETH, That the said party of the first part for and in consideration of the sum of One (\$1.00) Dollar, lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim, unto the said party of the second part, and to his heirs and assigns, all the right, title, and interest acquired by the party of the first part under a deed from one Isaac A. Herron and wife, dated May 4, 1910, and recorded June 6, 1910 in Book 19 of Quit Claim Deeds at page 42, records in the office of the County Recorder of Elmore County, Idaho, to the following described property, ^{-situated-} in Elmore County, Idaho, to the following described property situated in Elmore County, Idaho, to-wit:-

That certain water right located and claimed by the said Isaac A. Herron on or about May 14th, 1894, for 10,000 inches of the waters of Canyon Creek, measured under a four inch pressure, to be taken out about one and one fourth miles in the Canyon above the C. E. Corker ranch on Little Canyon Creek, in Elmore County, Idaho.

(1.)

Also that certain water right filed and located by the said Isaac A. Herron on or about August 7th, 1895, of 200 cubic feet per second of the waters of Little Canyon Creek and its tributaries, in Elmore County, Idaho, the water to be diverted from said stream in Section Nine (9), Township Four (4) South, Range Ten (10) East.

That certain canal and right of way, location notice of which was recorded in the office of the Recorder of Elmore County, Idaho, in Book 17 of water rights page 619, recorded April 10, 1900; which canal commences at the headgate on Little Canyon Creek in the Northwest Quarter (N. W. 1/4) of the Northeast Quarter (N. E. 1/4) of Section Nine (9); Whence the one quarter section corner between, Sections Four (4) and Nine (9), Township Four (4) South, Range Ten (10) East, bears North Sixty-three degrees (63°), West eight hundred and eighty (880) feet, running thence in a Southerly direction; through section nine (9) in a Southwest direction; through sections Sixteen (16), Twenty-one (21), Twenty (20), Twenty-nine (29), Thirty-two (32) and Thirty-one (31), Township Four South, Range Ten East.

Thence in a Southwest direction through Section Six (6), Township Five (5) South, Range Ten East, thence in a wasterly direction through Section One (1), Township Five (5) South, Range Nine (9), East, to the upper reservoir, situated in Southeast quarter (S. E. 1/4) Section One (1); thence from the upper reservoir in Southwesterly direction; through Section One (1) and Twelve (12) to middle reservoir, situated in West half of Section Twelve (12); thence from the middle reservoir, a canal four (4) feet wide on bottom and two (2) feet deep, side slope, one (1) to one (1), with a capacity of 14 2/10 cubic feet in a Southeast direction through Sections Twelve (12) and Thirteen (13) to the lower reservoir.

Also all those certain reservoirs and reservoir sites; the upper reservoir situated in

61-308
61-
canal & reservoir

CERTIFIED COPY

the Southwest Quarter (S. E. 1/4), Section One (1), Township Five South, Range Nine East, containing about thirty-five (35) acres, described as follows, to-wit:

Beginning at a point on the west end of the dam whence the quarter section corner, between Section One (1) and Twelve (12), Township Five (5) South, Range Nine (9) East, bears South Thirty-four degrees (34°) , West Four Hundred and Seventy (470) feet; thence following the water level contour lines of said Upper Reservoir.

Also the following reservoir and reservoir site situated in the West Half (W. 1/2), Section Twelve (12), Township Five (5) South, Range Nine (9) East, known as the Middle Reservoir, which reservoir is more particularly described, as follows, to-wit:

Beginning at the point on the Southwest end of the dam; whence the quarter section corner between Sections Seven (7) and Twelve, (12), Township Five (5) South, Ranges Nine (9) and Ten (10) East, bears North Eight Degrees (8°) Fifteen minutes (15') East Fourteen Hundred and Sixty (1460) feet; thence following the water level contour lines of said reservoir.

Also that certain reservoir site situated in Section Thirteen (13) Township Five (5) South, Range Nine (9) East, known as the Lower Reservoir, land included in said reservoir being more particularly described as follows, to-wit:

Beginning at a point on Southwest end of dam, whence the quarter section corner between Sections Thirteen (13) and Eighteen (18), Township Five (5) South, Ranges Nine and Ten East, bears North Seventy-one (71) degrees, fifteen (15) minutes East Five Hundred Fifty (550) feet, thence following the water level contour lines of said lower reservoir.

This deed is given upon the express stipulation and condition that none of the water stored, or to be stored in said reservoirs, or either or any of them, or to be diverted under the appropriations claimed to have been made by said Isaac A. Herron, shall be furnished or used for any purpose upon lands which can be irrigated from the irrigation system of the first party, constructed under its contract with the State of Idaho, dated October 11th, 1909 excepting eighty (80) acres; and a violation of this provision shall work a forfeiture to first party of the property herein described.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD All and singular, the said premises, together with the appurtenances unto the said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said party of the first part, by authority and direction of its Board of Directors, has caused its name to be hereunto subscribed by its President and its corporate seal affixed, attested by its Secretary, the day and year first above written.

KINGS HILL/EXTENSION IRRIGATION COMPANY, LIMITED.

Attest: By C. H. Hammett, President.

Geo. F. Brown, Secretary.

STATE OF IDAHO,)
COUNTY OF ADA,)

SS.

On this 15th day of April in the year, 1911, before me, Edna L. Hice, a Notary Public,

CERTIFIED COPY

in and for said County, personally appeared Charles H. Hammett, known to me to be the President of the Kings Hill Extension Irrigation Company, Limited, the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

Edna L. Hice,

Seal.

Notary Public.

STATE OF IDAHO,)

:SS.

COUNTY OF ELMORE,)

I hereby certify that this instrument was filed for record at request of Harry Knox, at 02 minutes past 11 o'clock A. M., this 24th day of November A. D. 1911, in my office.

F. C. Smith,

Ex-Officio Recorder.

Fees, \$3.00 Pd.

By Deputy.

Instrument No. 13677 QUITCLAIM DEED.

THIS INDENTURE, Made this 24th day of November in the year of our Lord one thousand nine hundred and eleven between E. Himebaugh of Mountain Home, County of Elmore, State of Idaho, the party of the first part, and Marcus R. Yates, of Mountain Home, County of Elmore, State of Idaho, the party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One Dollars, lawful money of the United States of America, to me in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assigns, all that certain lot, piece or parcel of land, situate, lying and being in the County of Elmore, State of Idaho, bounded and particularly described as follows, to-wit:

A perpetual water right for the Southwest Quarter (S. W. 1/4) of the Northwest Quarter (N. W. 1/4) of Sec. Twenty-two (22) in Twp. 3 S. Range 6, East, B. M.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances unto the said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

) E. Himebaugh, Seal.

W. A. Hoobler,

)

The United States of America, 9/25/1914

To all to whom these presents shall come, Greeting:

MORROW 9/25/1914

The

3.

WHEREAS, a Certificate of the

has been deposited in the General

according to the provisions of the

sale of the Public Lands" and th

TER AND THE WEST HALF

TOWNSHIP SIX NORTH OF

TAINING ONE HUNDRED

according to the Official Plat of the S-

NOW KNOW YE, That the UNITED Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described, TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States; reserving, also, to the United States all coal in the lands so granted, and to it, or persons authorized by it, the right to prospect for, mine, and remove coal from the same upon compliance with the conditions of and subject to the limitations of the ACT OF MARCH 3, 1909 — 35 STAT., 844—.

WHEREAS, a Certificate of the Register of the Land Office at BOISE, IDAHO, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant

GEORGE MORROW according to the provisions of the Act of Congress of April 24, 1820, entitled "An Act making further provision for the sale of the Public Lands" and the acts supplemental thereto, for the EAST HALF OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION THIRTEEN IN TOWNSHIP FIVE SOUTH OF RANGE NINE EAST OF THE BOISE MERIDIAN, IDAHO, CONTAINING ONE HUNDRED TWENTY ACRES,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described, TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States; reserving, also, to the United States all coal in the lands so granted, and to it, or persons authorized by it, the right to prospect for, mine, and remove coal from the same upon compliance with the conditions of and subject to the limitations of the ACT OF MARCH 3, 1909 — 35 STAT., 844—.

IN TESTIMONY WHEREOF, I, WILLIAM H. TAFT

President of the United States of America, have caused these letters to be made

Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the TWENTY-FIFTH

SEPTEMBER

In the year of our Lord one thousand

one hundred and ELEVEN and of the Independence of the

United States the one hundred and THIRTY-SIXTH.

By the President:

Wm. H. Taft
Secy.

By

Recorder of the General Land Office

CERTIFIED

to be a true copy of a document on file in the Idaho State Office

Lorraine Graves

OCT 2 1910

BUREAU OF LAND MANAGEMENT

RECORD OF PATENTS: Patent Number

226488

See Supplemental Patent No. 474743
Issued under the Act of April 14, 1914

RECORD OF PATENTS: Patent Number

This Indenture, Made this **24th** day of **March**

in the year of our Lord one thousand nine hundred and **eighteen**

J. J. McGinnis and Ida McGinnis, his wife, and Harry Knox and Lola G. Knox, his wife,
of **Glenns Ferry** County of **Elmore**

State of **Idaho** the part ~~1st~~ of the first part, and
G. G. Morrow, J. C. Morrow and J. H. Morrow,

of **Glenns Ferry** County of **Elmore**

State of **Idaho** the part ~~1st~~ of the second part.

WITNESSETH, That the said part ~~1st~~ of the first part, for and in consideration of the sum of
Five Thousand (\$5,000.00) ----- **DOLLARS**

Lawful money of the United States of America, to them in hand paid by the said
part ~~1st~~ of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and
sold, and by these presents do grant, bargain, sell, convey and confirm unto the said part ~~1st~~ of the
second part, and to their heirs and assigns forever, all the following described real estate,

situated in **Elmore** County ~~st~~, State of **Idaho**, to wit:
The West One Half (W 1/2) of the South East Quarter (S.E. 1/4)
of **Section Twelve (12) Township Five (5) South, Range nine (9) East**
of the **Boise Meridian**.

Also all reservoirs, ditches and canals known as the **Herron Reservoir** and irrigation system and the land upon which it is situated more
fully described in that certain **Canal and Reservoir Location Notice**
dated **March 7th, 1900**, made and given by **I. A. Herron**, locator, recor-
ded in the **Records of Elmore County, Idaho**, in **Book No. 17 of Water**
rights at page **619**, and in that certain deed given by the **Kings Hill**
Extension Irrigation Company, Ltd. a corporation, to **Harry Knox and**
J. J. McGinnis, recorded in the records of **Elmore County, Idaho**, in **Book**
19 of Quit Claim Deeds at page **395**, which said **Location Notice** and **Quit**
Claim Deed are hereby referred to (and made a part of this deed), as to
the description of said property.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
issues and profits thereof; and all estate, right, title and interest in and to the said property, as well
in law as in equity, of the said part ~~1st~~ of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises together
with the appurtenances, unto the part ~~1st~~ of the second part, and to their heirs and assigns forever.
And the said part ~~1st~~ of the first part, and their heirs, the said premises in the quiet and peaceable
possession of the said part ~~1st~~ of the second part, to their heirs and assigns, against the said part
of the first part, and their heirs, and against all and every person and persons whomsoever, law-
fully claiming or to claim the same shall and will **WARRANT** and by these presents forever **DEFEND**.

IN WITNESS WHEREOF, The said part ~~1st~~ of the first part have hereunto set our hands
and seal on the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

J. J. McGinnis (Seal)
Ida McGinnis (Seal)
Harry Knox (Seal)
Lola G. Knox (Seal)

State of Idaho.

County of Elmore

ss.

On this

17 day of April

in the year 19 18, before me

a Notary Public

in and for said State, personally appeared J. J. McGinnis and Ida McGinnis, his wife, and Harry Knox and Lola G. Knox, his wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Ed. M. Clark

Notary Public Residing at Glenns Ferry Idaho.

No. 23958

WARRANTY DEED

John J. McGinnis et al.

W. J. Morrow et al.

Dated 17 day of April 19 18

State of Idaho,

County of Elmore

I hereby certify that this instrument was filed for record at

my request of Chas. Blount

at 10 minutes past 9 o'clock a M. this

23 day of April A. D. 19 18

in my office, and duly recorded in Book 38 of

Warranty Deeds at page 49

J. M. H. H. H.

Ex-Officio Recorder.

Deputy

J. D. Pyntee

Fees \$ 1.00

Recorded at Glenns Ferry Idaho.

Filed 20 day of April 19 18

By J. M. H. H. H.



Boise 023217.

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Boise, Idaho,

has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant **James C. Morrow**

according to the provisions of the Act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories," as amended by the Act of March 3, 1891, for the east half of the southeast quarter of Section thirteen in Township five south of Range nine east of the Boise Meridian, Idaho, containing eighty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premiums, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, therunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Warren G. Harding,**

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWELFTH**

day of **JANUARY** In the year of our Lord one thousand

nine hundred and **TWENTY-THREE** and of the Independence of the

United States the one hundred and **FORTY-SEVENTH.**

By the President *Warren G. Harding*

By

Viola G. Pugh

Secretary.

W. P. LeRoy

Recorder of the General Land Office.

CERTIFIED

to be a true copy of a document on file in the Idaho State Office

Lorraine Shaves

OCT 2 1990

BUREAU OF LAND MANAGEMENT

RECORD OF PATENTS: Patent Number **892925**

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Hailey 024850.

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant **James O. Morrow** according to the provisions of the Act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories," as amended by the Act of March 3, 1891, for the Lots three and four of Section eighteen in Township five south of Range ten east of the Boise Meridian, Idaho, containing eighty-four acres and thirty-one hundredths of an acre,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, that the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described: TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Warren G. Harding**,

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand at the City of Washington, the **TWELFTH** day of **JANUARY** In the year of our Lord one thousand nine hundred and **TWENTY-THREE** and of the Independence of the United States the one hundred and **FORTY-SEVENTH**.

By the President

Warren G. Harding

By

Viola B. Engle

Secretary

M. P. Le Roy

Recorder of the General Land Office.

CERTIFIED
to be a true copy of a document on
file in the Idaho State Office

Lorraine Graves

OCT 2 1990
BUREAU OF LAND MANAGEMENT

RECORD OF PATENTS, Patent Number **892926**

REC

Eight Judicial Day of the District Court of the Fourth Judicial District of the State of Idaho in and for Elmore County. Held at Mountain Home Friday November 23rd 1900 at 10:00 AM

Pursuant to adjournment Court met there being present same Court & Officers as yesterday thereupon the following proceedings were had to-wit:

Inac A. Munro

VS

Civil No.

James Morrow Etal

Now on this day this

Cause coming regularly on for trial, the Plaintiff and A. M. Ruck his Counsel, & Defendants James Morrow & Joseph Van Fleet with their Counsel C. C. Howie all being in Court, the Court under direction of the Court proceeded to draw from the Jury Box the names of the following persons one at a time written on separate slips of paper & folded, to serve as jurors in said Cause: M. L. Davis, John McCabe, J. P. Phelps, L. Tate, F. Davis, J. H. Ross, R. B. Reed, J. H. Brady, A. L. Stewart, A. M. Helt, J. T. Stillwell, Geo. E. Butler were sworn on their Voir dire and passed by both Plaintiff & Defendants for Cause; thereupon A. T. Stillwell was excused on peremptory Challenge by Plaintiff; & A. H. Williamson was called sworn on his Voir dire and passed by both Plaintiff & Defendants for Cause; thereupon Geo. E. Butler was excused on peremptory Challenge by Defendant; thereupon L. C. Coates was called sworn on his Voir dire and passed by both Plaintiff & Defendant for Cause; thereupon J. H. Ross was excused on peremptory Challenge by Plaintiff; thereupon W. S. Cawway was called, sworn on his Voir dire and passed for Cause by both Plaintiff & Defendant; thereupon J. H. Brady was excused on peremptory Challenge by Defendants; thereupon J. B. Bass was called sworn on his Voir dire and passed by both Plaintiff & Defendant for Cause; thereupon Counsel for respective parties waived their further Challenges and accepted the Jury, viz J. P. Phelps, L. C. Coates, M. L. Davis, F. Davis, W. S. Cawway, A. L. Stewart, J. B. Bass

At Late, John McCabe, P.D. Peck, A.H. Williamson, A.M. Wolfe, who were sworn to well and truly try said Cause. Thereafter the Counsel for Plaintiff made his opening Statement, and the Counsel for Defendants having reserved his Statement for the time being, the following witnesses were called sworn and testified in behalf of the Plaintiff; S.F. Rhoades, J.A. Herron, Herman Rapp, A. Smith - and Documentary Evidence having been introduced the Plaintiff rests.

Thereupon the Counsel for Defendants made his opening Statement, the following witnesses were called sworn and testified in behalf of the Defendant O.E. Cooker, Joseph Van Fleet, A. Smith, Joseph Connor James Morrow the Defendants rest.

Thereupon the Plaintiff called the following witnesses in rebuttal who were sworn and testified John W. Lacey and Cause continued until tomorrow.

360 Richard Gordon Eae } Civil No. 75
John Lamp et al } Now on this 22nd day of November 1900 this Cause came regularly on to be heard upon the motion of Defendant Lamp for a New Trial; and Myman & Myman appeared for said Defendant and Hugh McElroy for Plaintiff. After argument of Counsel the Court being fully advised in the premises, the said motion for New Trial was overruled and denied to which ruling of the Court the Defendant Lamp duly excepts.

96 State of Idaho } Criminal No. 3
J. J. Long } Now Comes Aug. M. Finnatt, Esq. County Attorney for one County of Elmore and files his Reasons for not desiring to file an Information herein, and such Reasons being deemed sufficient by the Court; No objections having been filed for inspection by the Court. It is ordered that this action be dismissed and the Defendant is released from custody and permitted to go hence without day with his costs.

Mountain Home Idaho Nov 24/1900

Ninth Judicial Day of the District Court of the Fourth Judicial District of the State of Idaho in and for Elmore County. Held at Mountain Home the County Seat of Elmore County, Saturday November 24th, 1900, 9:30 A.M.

Pursuant to adjournment Court met there being present same Court and officers as of yesterday.

Whereupon the following proceedings were had to-wit:

379 Dastemon

VS

Civil No.

James Morrow Etal

This cause coming on for further hearing this day, ~~on~~ on rebuttal the following witnesses were called, A. T. Babb, James Hattin, and Horace Glum and the Plaintiff rested. and thereafter the following witnesses were called in rebuttal, John W. Giness, Jos Van Fleet, James Morrow, and the Defendants rest. Certain documentary evidence having been introduced by both parties the Evidence closed. Thereupon argument was had by Counsel for respective parties and the Jury being furnished with Findings ~~of Fact~~ entered in charge of an officer duly sworn, and thereafter returned to Court with the following Findings ^{of Fact} as recorded this day, Henry Thompson

379

VS

Civil No.

Idaho Consolidated Mfg Co Now on this day on motion of Defendants Attorney and pursuant to stipulation on file this cause was dismissed without prejudice.

Mary E Hill

VS

Civil No.

376 Wm Wunnekt Etal

Now on this day this cause coming regularly on to be heard before the Court. Having called out a jury, the Plaintiff and her Counsel W. C. Howe Esq being in Court and the Defendants by their Counsel E. M. Haefz being in Court, the following witnesses were called on behalf of the Plaintiff, Mary E Hill, A. J. Finner Frank W. Wagon, and the Defendant offering no evidence, Judgment was entered for the Plaintiff.

377- Isaac A Heron
VS

James Morrow Esq.

The following ^{are the} findings of fact returned
by the jury on this day in the above entitled cause to-wit:
In the District Court of the Fourth Judicial District
of the State of Idaho, in and for Elmore County
Isaac A Heron Plaintiff

VS
James Morrow and
Joseph Van Fleet Defendants

Special Interrogatories to be
Propounded to Jury

1. At what date did plaintiff Heron first start work to
reclaim and appropriate the waters seeping out in Sand Gulch
above reservoir No. 2 and between that and Reservoir No. 1?

1896, W. Calloway Foreman

2. At what time did plaintiff Heron first begin work
for the purpose of reclaiming and appropriating the waters seep-
ing out in the bed of Sand Gulch opposite and below reservoir
No. 2?

1897 W. Calloway Foreman

3. At what time did plaintiff Heron first actually
excavate and divert the waters seeping out in the bed
of Sand Gulch opposite and below the reservoir No. 2?

1897 W. J. Calloway Foreman

4. Did plaintiff Heron construct or caused to be
constructed a ditch in the Spring or Early Summer
of 1897, which ditch conveyed the seepage waters of
Sand Gulch above the head of this ditch across said
gulch and onto land on the opposite side thereof?

Yes W. J. Calloway Foreman

5. When did the plaintiff Heron, either by himself
or by Indian George, first utilize the seepage waters
of Sand Gulch for agricultural or other purposes?

1897 W. J. Calloway Foreman

6. At what time did plaintiff Heron commence
work upon the so called 1898 ditch, constructed to
the seepage waters from Sand Spring Gulch into
reservoir No. 3 and thence into the main distributing
ditch?

July 1898 W. J. Calloway Foreman

7. At what time was this so called 1898 ditch
completed and actually conveying the seepage waters
as above stated? 1898 W. J. Calloway Foreman

8. What was the character of Sand Spring Gulch, so called, as to being a cut on dry gulch above what is known as Sand Springs in the years before the plaintiff Heron diverted the waters of Canyon Creek and brought them over to the head of Sand Spring Gulch?
Dry. W. J. Calloway Foreman

9. Did witnesses John W. Latta, predecessor in interest of the defendants Van Fleet and Morrow, make or assert any claim of right to use any of the waters of Sand Spring Gulch above the so called Sand Springs?
No. W. J. Calloway Foreman

10. What was the extent of the claim made by John W. Latta to any water in Sand Spring Gulch?
Water of Sand Spring. W. J. Calloway Foreman

11. When, if at all, did defendant Van Fleet first assert or make known a claim of right to use the waters flowing in Sand Spring Gulch above Sand Springs as against plaintiff Heron or any body else?
1899 W. J. Calloway Foreman

12. At what time, if at all, did defendant Morrow first make or assert a claim of right to use the waters flowing in Sand Spring Gulch above Sand Springs as against defendant Heron or any body else?
No claim. W. J. Calloway Foreman

13. Was plaintiff's Heron's 1898 ditch so called, begun before defendants Van Fleet and Morrow, or either of them, made or asserted a claim of right to use the waters flowing in Sand Spring Gulch above Sand Springs?
Yes. W. J. Calloway Foreman

14. Was plaintiff Heron's so called 1898 ditch completed and the water running therein before defendants Van Fleet and Morrow, or either of them, made or asserted any claim of right to use the waters flowing in Sand Spring Gulch above Sand Springs?
Yes. W. J. Calloway Foreman

15. What was the average flow of Sand Spring?
Four inches. W. J. Calloway Foreman

16. Did the defendants or either of them threaten to break plaintiff Heron's ditch or to cut around his dam and take the water?
Yes. W. J. Calloway Foreman

17. Did the defendants Van Fleet and Morrow, or either of them, or any one for them, or in their interests break or cut Heron's dam or ditch?

Yes. W. J. Calloway Foreman

1. Did defendant Morrow and one Latty, or either of them, divert the water of Sand Spring Gulch and turn it upon their lands for a beneficial purpose under a claim of right? No. W. J. Calloway Foreman.

2. If your answer is "yes" when did they or their agent first turn it out upon their lands?

B. If "yes" what quantity did they divert?

4. Did Latty transfer his right to the water to defendant Van Fleet? No. W. J. Calloway Foreman.

5. If you answer No did Van Fleet in connection with Morrow, turn out the water of Sand Spring Gulch under a ~~certain~~ claim of right and turn it upon his and Morrow's lands for a beneficial purpose?

6. If your answer is yes, when did Van Fleet first turn water on his lands and what quantity of the waters of said gulch did Van Fleet and Morrow use?

7. What quantity of water will the ditch and flume of defendants carry? 57 inches W. J. Calloway Foreman.

8. Do the lands for which they diverted the water require the full capacity of said flume and ditch?

9. When did Plaintiff Heron take out his ditch which he designated his 1898 ditch?

July 1898 W. J. Calloway Foreman

10. Did he take out this 1898 ditch before or after Morrow and Latty, or either of them, turned the water out on their lands under a claim of right?

After W. J. Calloway Foreman.

11. Did he take out that 1898 ditch before or after Van Fleet turned out the water on his land?

After W. J. Calloway Foreman

12. Has water been running in Sand Spring Gulch since August 24th 1897?

Yes W. J. Calloway Foreman.

13. Did Heron divert any water from Sand Spring Gulch and carry it upon his lands or convert it to any beneficial use by means of the ditch taken out by him in 1896, if so, how much? No W. J. Calloway Foreman.

14. Did Heron divert any water from said Spring Gulch and Convey it to a beneficial purpose by the ditch and flume built by him in 1897? Yes W. J. Calloway Foreman.

15. At the use to which Heron put the water he took out in his 1898 ditch a beneficial use? Yes W. J. Calloway Foreman.

16. Have defendants Morrow & Van Fleet Continued to use the water of said Sand Spring Gulch for a beneficial purpose since it was first diverted by them except when interfered with by plaintiff? Yes W. J. Calloway Foreman.

17. Did Heron take out his 1898 ditch before or after Morrow turned the water of Sand Spring Gulch upon his land under a claim of right? Yes W. J. Calloway Foreman.

18. Did Heron take out his 1898 ditch before or after Van Fleet turned the water on his lands under a claim of right? Yes W. J. Calloway Foreman.

The Court to render its judgment at a later date during Vacation and as of this term.

Ordered that this Court do now adjourn
Sine die.

E. C. Thompson
Dist. Judge

STATE OF IDAHO
County of Elmore

ss.

I hereby certify that this instrument is a true and correct copy of the original now on file or of record in this office.

Dated March 23, 2000

GAIL L. BEST

Clerk

Ex-officio Auditor and Recorder

by Barbara J. [Signature]
Deputy

Amended Div. Rpt.
12/28/00

12/28/2000

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

Same

application for transfer
attached to rec.

RIGHT NUMBER: 61-293D
NAME AND ADDRESS: CARLENE R SMITH
RT 1 BOX 420
GLENN'S FERRY, ID 83623

SOURCE: SAND SPRINGS GULCH
QUANTITY: 0.18 CFS ✓
TRIBUTARY: LITTLE CANYON CREEK

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER
USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1898 ✓

POINT OF DIVERSION: T05S R10E S18
T05S R10E S18
NWSESE Injection ✓
NWSESE Rediversion ✓
Within ELMORE County
Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3-15 11-15	0.18 CFS ✓
STOCKWATER	1-01 12-31	0.04 CFS ✓

PLACE OF USE:

IRRIGATION Within ELMORE County
T05S R10E S19 NENW 40
STOCKWATER Use same as IRRIGATION

40 ACRES TOTAL ✓

transfer - 18 acres to S18
(17 acres)
1 to NWNE

transfer app:
Stockwater POU
T05S R10E S18 NESW

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

transfer app: 61-4038 used in conjunction w/ this right.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

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 - decree

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 61-293D V2

WATER RIGHT NUMBER: 61-293D V2

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CARLENE R VINER RT 1 BOX 420 GLENN'S FERRY, ID 83623 (208)366-2638
Current Owner	CARLENE R SMITH RT 1 BOX 420 GLENN'S FERRY, ID 83623 (208)366-2638

Priority Date: 01/01/1898

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SAND SPRINGS GULCH CREEK	LITTLE CANYON CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.040 CFS	
IRRIGATION	3/15 to 11/15	0.180 CFS	
	<u>Total Diversion:</u>	0.180 CFS	

Location of Point(s) of Diversion

SAND SPRINGS GULCH CREEK	NW1/4SE1/4SE1/4	Sec. 18, Twp 05S, Rge 10E, B.M.
ELMORE County	(Injection)	
SAND SPRINGS GULCH CREEK	NW1/4SE1/4SE1/4	Sec. 18, Twp 05S, Rge 10E, B.M.
ELMORE County	(Rediversion)	

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	
05S	10E	19					40.0												40.0

Total Acres: 40

STOCKWATER same as IRRIGATIONConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 61-293D V2

1. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
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.
3. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

1. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. rbrown 4/25/2001 Amended Directors Report
Comment: This record represents the ADR filed 12/28/00

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector: 0
 Water District Number: 61D
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust: False
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	4/25/2001 2:25:15 PM	rbrown			Active
Priority Date	4/25/2001 2:25:39 PM	rbrown			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	4/25/2001 2:25:13 PM	rbrown	1. Appointment has not been scheduled. Comment for 1: in-office review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 61-293D V2

Priority Date	4/25/2001 2:25:37 PM	rbrown	1. (NO) There has not been a later court decree of the water right(s) from the water source.
			4. (NO) The basis of claim is not beneficial use.
			5. (NO) The basis of claim is not a posted notice.
			6. (YES) Parent right has a priority date.
			7. (NO) The basis of claim is not an application or permit.
			12. (YES) The claim is recommended.
			13. (YES) The claim is coded correctly.
			14. (NO) Priority remark was not required.
			15. (NO) Priority condition was not required.

Memorandum

Date: February 7, 1999

To: File

From: Roxanne Brown

RE: Notice of Error

The requested change in POU cannot be accomplished without filing for a transfer.

November 20, 1998

**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: December 18, 1998

Water right number: 61-00293D

61-00293D

CARLENE R SMITH
RT 1 BOX 420
GLENN'S FERRY ID 83623

Daytime Telephone Number: (208) 366-2711
Evening Telephone Number: Above

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of use for stockwater

2. Describe the changes you wish to make in the proposed recommendation:

Stockwater is pumped from the gulch in NE SW 1/4 S18 to waters in the feed lot located in the SE SW 1/4 Sec 18. Cattle water from the gulch stream passing through the NE SW 1/4 Sec 18.

3. Give a brief explanation as to why you disagree with these portions:

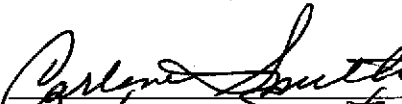
Place of use for stockwater was not requested on the original application. Place of use for stockwater is in Section 18 NE SW 1/4 and SE SW 1/4

☐ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12-15-98

SIGNATURE:

Please print your name.


Carlene Smith

12/28/2000

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

RIGHT NUMBER: 61-293D

NAME AND ADDRESS: CARLENE R SMITH
RT 1 BOX 420
GLENN'S FERRY, ID 83623

SOURCE: SAND SPRINGS GULCH TRIBUTARY: LITTLE CANYON CREEK
QUANTITY: 0.18 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER
USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1898

POINT OF DIVERSION: T05S R10E S18 NWSESE Injection Within ELMORE County
T05S R10E S18 NWSESE Rediversion Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3-15 11-15	0.18 CFS
STOCKWATER	1-01 12-31	0.04 CFS

PLACE OF USE:

IRRIGATION Within ELMORE County
T05S R10E S19 NENW 40
STOCKWATER Use same as IRRIGATION

40 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING
SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED
SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER
RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER
RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61
SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE
NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM

CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND
SHALL BE ADMINISTERED CONJUNCTIVELY.

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 - decree

OWNER CODE NAME & ADDRESS
C CARLENE R SMITH

PRIORITY DATE WATER USE
01/01/1898 IRRIGATION STOCKWATER

USE PERIOD FROM TO
03-15 11-15
01-01 12-31

DIVERSION RATE
0.180 CFS
0.040 CFS
0.180 CFS

DIVERSION VOLUME

TOTAL DIVERSION: 0.180 CFS

Water Source: SAND SPRINGS GULCH Tributary to: LITTLE CANYON CREEK Stage: DECREED
Point(s) of Injection: T05S R10E S18 NWSESE ELMORE County
Point(s) of Re-diversion: T05S R10E S18 NWSESE ELMORE County

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE		SUM										
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
05S	10E	19	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
																TOTAL ACRES	40.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: ELMORE

Other Rights: LITTLE CANYON CREEK

Conditions of Approval:

- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- C15 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61:
 - WATER RIGHT NO. SOURCE
 - NONE
 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:
 - WATER RIGHT NO. SOURCE
 - NONE
 - ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Remarks: POU THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

AJ0749NP
No. 61-00293D

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 02/22/99
PAGE: 2

Dates: _____ **Exam Made Date:** _____

Verified Date:

Objection Filed Date:

Misc: Water District Number: 61D

Field Inspection Flag: C
Presumption Flag:

Water Right Number - R61-00293D Prefix Translation: RESEARCH Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SMITH

CARLENE R

1 - RT 1 BOX 420
2 -
3 -
City- GLENNS FERRY
Phone - 208-366-2638

State- ID Zip- 83623

*** O - ORIGINAL OWNER ***
VINER

CARLENE R

1 - RT 1 BOX 420
2 -
3 -
City- GLENNS FERRY
Phone - 208-366-2638

State- ID Zip- 836230000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
01/01/1898 14 WESTERN D - DECREED

+ - - - - Source - - - - + + - - - - Tributary - - - - - +
SAND SPRINGS GULCH LITTLE CANYON CREEK

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot Rflg County

O5S 10E 18 NW SE SE I (39) ELMORE
NW SE SE R (39) ELMORE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION
04 - STOCKWATER

03/15 11/15
01/01 12/31

0.180
0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.180 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

O5S 10E 19 NE NW 40.0 01 IRRIGATION (39) ELMORE

Total Acres: 40.0

+ - - Diversion Means - SEE REMARKS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - LITTLE CANYON CREEK

+ - - - - Remarks - - - - - +

POU THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN

1
2
3
4
5
6
7
8
9
10

+

1
2
3
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7
8
9
10
11
12

Decree Date - 00/00/0000

FLOWS IN SAND
 DW & VAN FLEET
 4/5/1989.
 ANYON CREEK. THIS
 TO FILE A TRANS-

39576

CLAIM NUMBER: A61-00293D

15 0.18 CFS
0.04 CFS

0.18 CFS

ELMORE County

	SUM	20
		228


 NATIONAL BUREAU OF STANDARDS
 U.S. DEPARTMENT OF COMMERCE

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३६

ORIGINAL DECREE HERRON VS. MORROW & VAN FLEET 2/26/1904 FOR
57.5 INCHES OR 1.15 CFS.

Verified Date:

Field Inspection Flag: C
Presumption Flag:

Filed Date: 11/05/2008

Total Acres:

- Diversion Means -
- Non-Irrigation Use -

100-441118-100
JAN 11 1982

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

In Re SRBA

Case No. 39576

A. Subcase 61-00293B

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

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

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494

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: Paul & Mary Batruel

Address: Rt 1 Box 426, Glenns Ferry, ID 83623

Name: Peter Batruel

Address: Rt 1 Box 426, Glenns Ferry, ID 83623

Name:

Address:

Name:

Address:

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached

11. **I object because:**

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

E. REASONS SUPPORTING OBJECTION(S):

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

JUN. 14. 1999 4:53PM

P.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

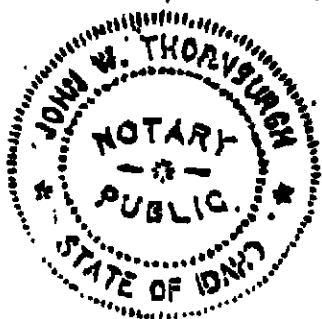
County of Ada)

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)

Sam C. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 14, 1999John W. ThornburghNotary Public for IdahoResiding at: BoiseMy Commission Expires: 05-16-2003

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 June 15th, 1999, 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: Paul & Mary Batruel
Address: Rt 1 Box 426, Glenns Ferry, ID 83623

Name: Peter Batruel
Address: Rt 1 Box 426, Glenns Ferry, ID 83623

Name:
Address: ,

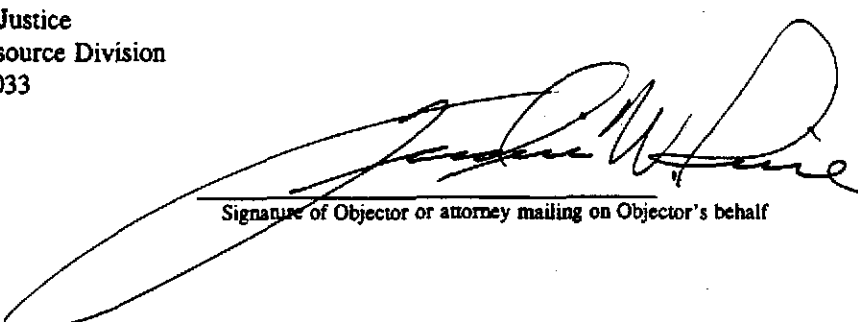
Name:
Address: ,

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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



Signature of Objector or attorney mailing on Objector's behalf

Morrow Re
King H.7/

AJ5856NP

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

DATE: FEB-12-1999
PAGE: A-915

RIGHTS FROM: SOURCE: SAND SPRINGS GULCH TRIBUTARY: LITTLE CANYON CREEK

RIGHT NUMBER: 61-00293B

NAME & ADDRESS: MARY BATRUEL
RT 1 BOX 426
GLENN'S FERRY ID 836230000

PAUL BATRUEL
RT 1 BOX 426
GLENN'S FERRY ID 83623

PETER BATRUEL
RT 1 BOX 426
GLENN'S FERRY ID 836230000

POUS ON BLM

USE NOT AUTHORIZED

SOURCE: SAND SPRINGS GULCH TRIBUTARY: LITTLE CANYON CREEK

QUANTITY: 0.575 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1898

POINT OF DIVERSION: T05S R09E S12 SESE BLM Within ELMORE County
R10E S18 SWNW BLM

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		03-15 11-15	0.575 CFS
STOCKWATER		01-01 12-31	0.575 CFS

PLACE OF USE:	IRRIGATION	Within ELMORE County	SWNE 24 BLM	SENE 9 BLM	NENW 16 BLM
T04S R09E S13		NWNE 3 BLM	SWNW 4 BLM	NESE 36 BLM	NWSE 16 BLM
		NWNW 5 BLM			
		SESE 13 BLM			
R10E S13		SENE 16 BLM			
S18		SENE 28 BLM	SENE 30 BLM	SENE 38 BLM	NESE 17 BLM
		NWSE 40 BLM			
	295 ACRES TOTAL				

Place of use for STOCKWATER is same as IRRIGATION

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

19 CFS AT 90/50

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: FEB-12-1999
PAGE: A-916

RIGHTS FROM: SOURCE: SAND SPRINGS GULCH TRIBUTARY: LITTLE CANYON CREEK

RIGHT NUMBER: 61-00293B (CONT)

OTHER PROVISIONS: (CONT)

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 61:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

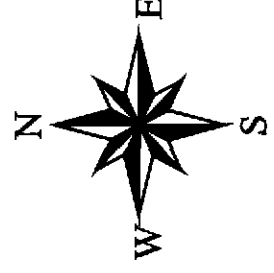
Water Right Nos. 61-00293C and 61-00293D



T05S, R10E

Map Prepared February 18, 1999
By Roxanne Brown for the
Dept. of Water Resources

- Points of Diversion
- 61-00293C and 61-00293D
- ∇ Sand Springs Gulch



0.6 0 0.6 1.2 Miles