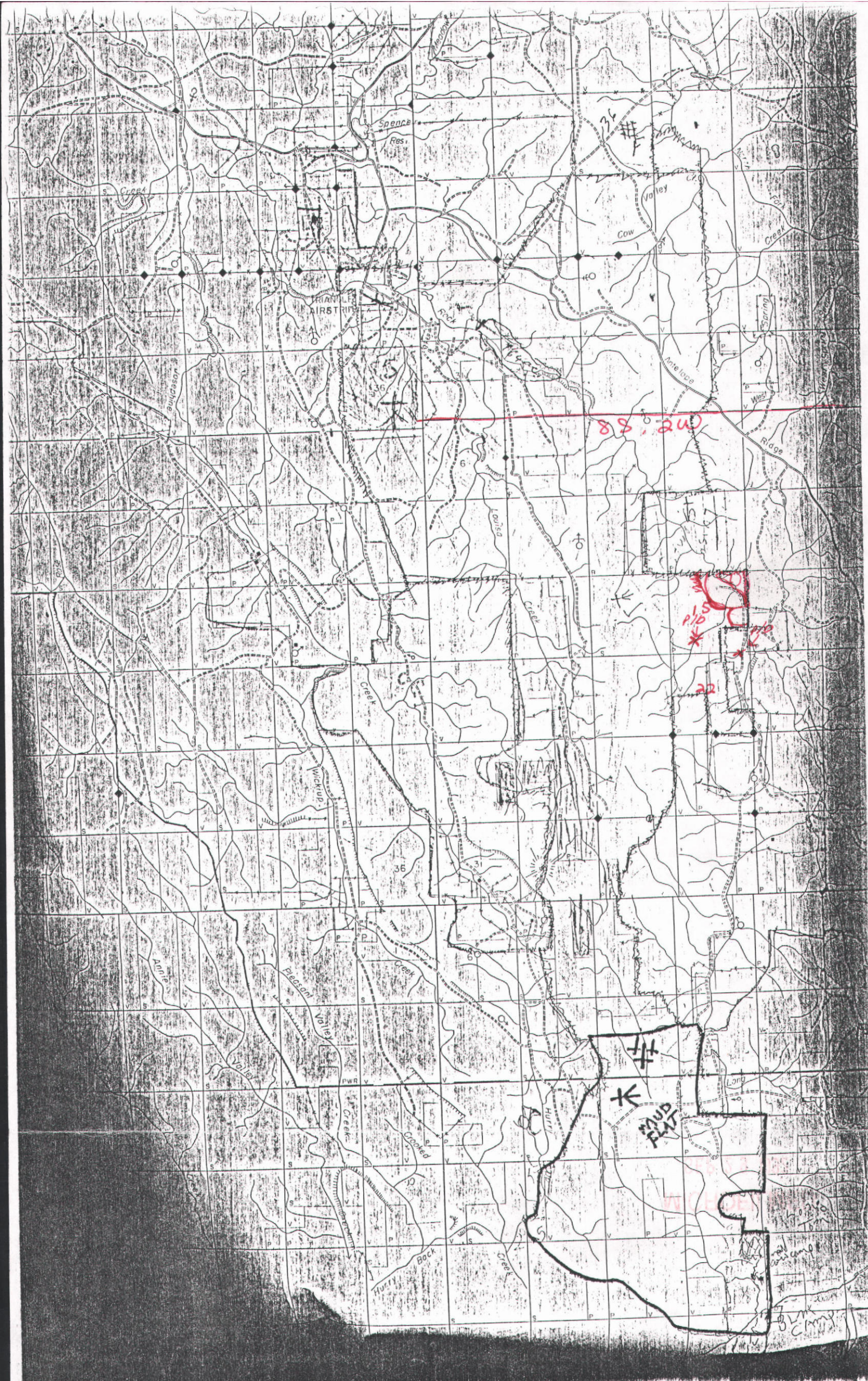
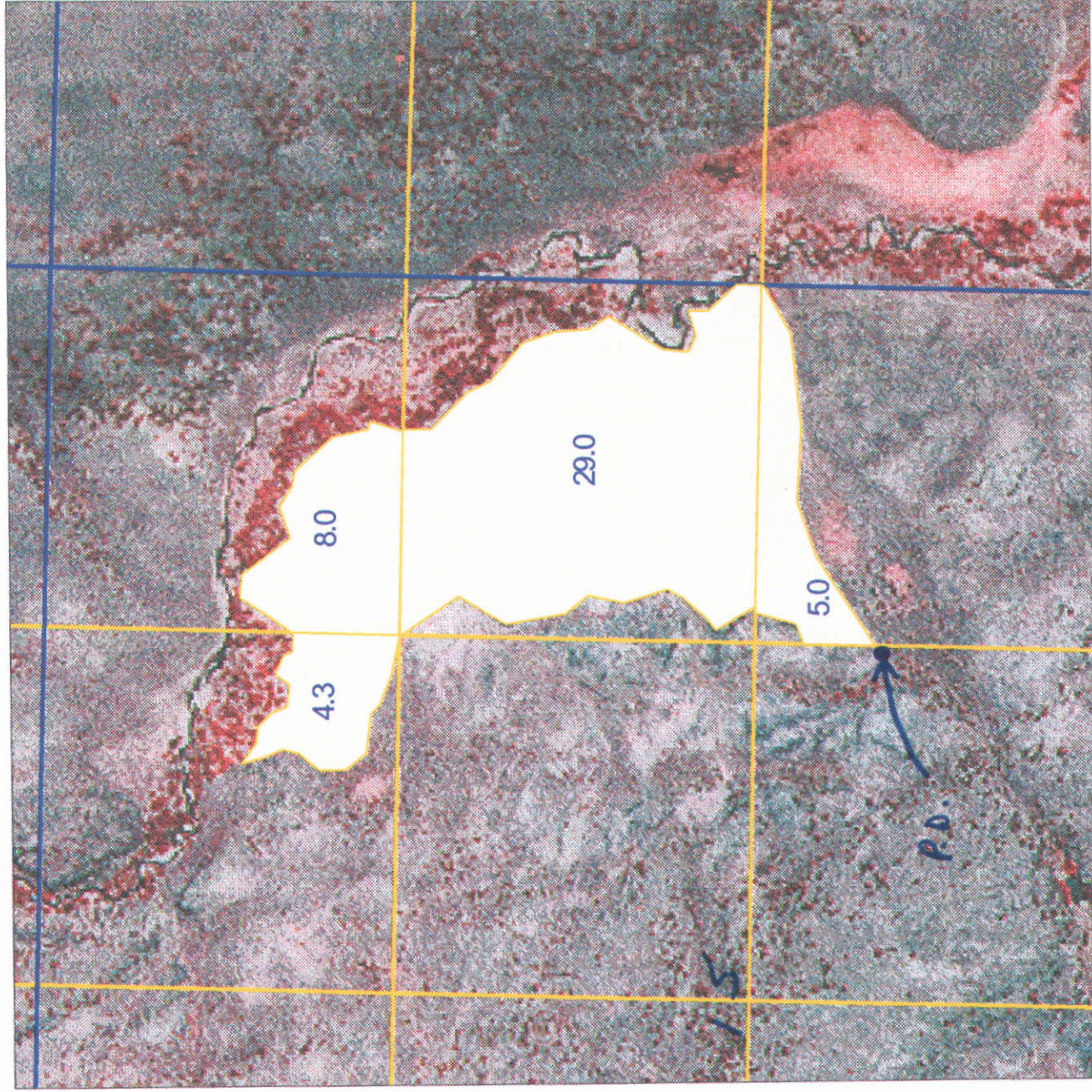
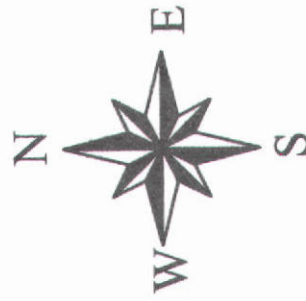




A 55-2084

CLAIM NO. 55-02084
CHARLES STEINER

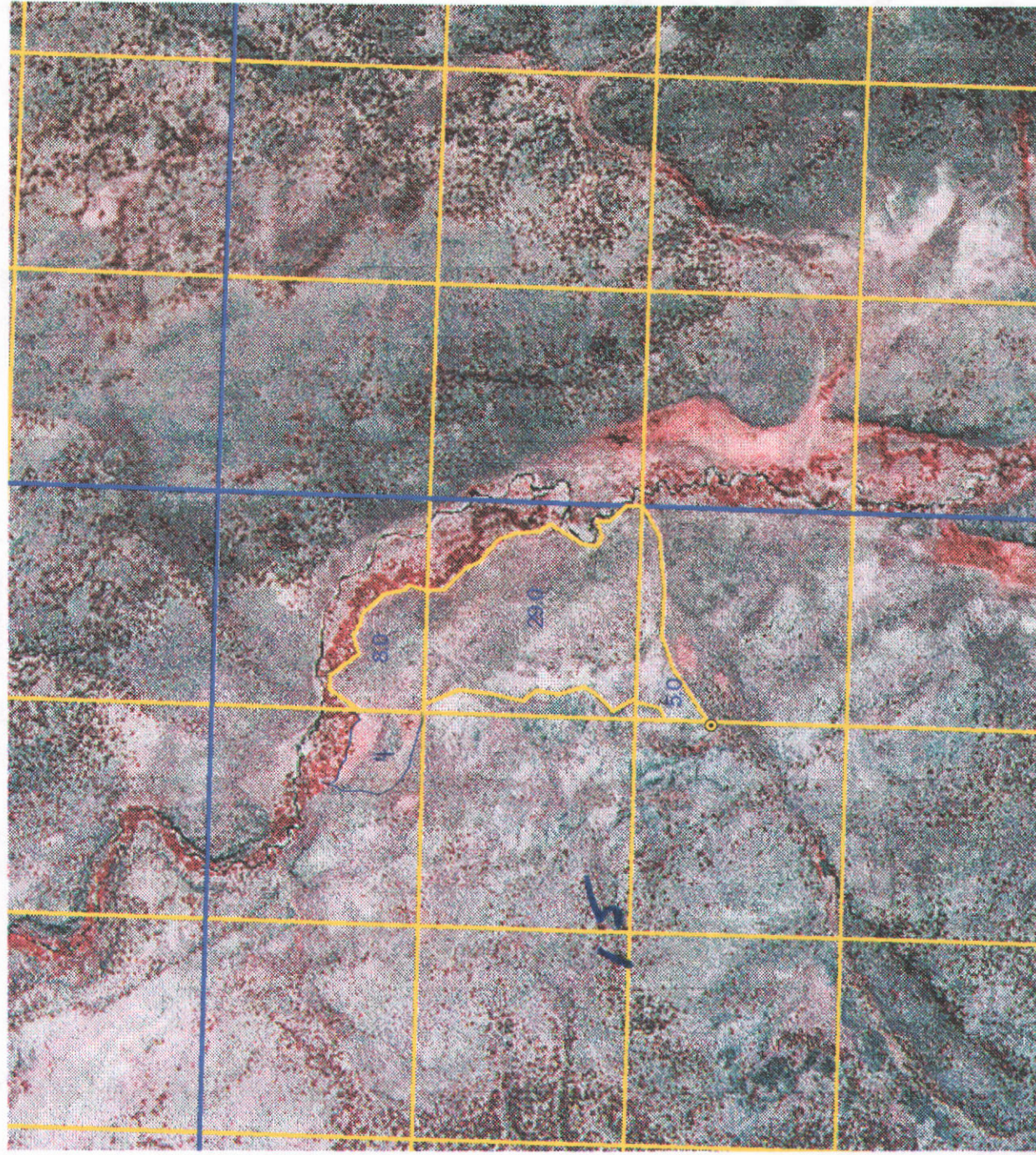
T08S, R02W, S15
NWNE - 4 ACRES
NENE - 8 ACRES
SENE - 29 ACRES
NESE - 5 ACRES



T08S, R02W, S15

1987 NAPP

-  Place of Use
-  Section Lines
-  1/4 1/4 Lines



0.6

0

1.2 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: **A55-02084**
Date Received: 1/19/1989
Receipt No: W002028
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: SILAS O FOX
Address:

NAMPA ID 00000

AND/OR

Name: CHARLES W STEINER
Address: STAR RT
OREANA ID

83650

2. Date of Priority: AUG 15, 1917

3. Source: LOTTIE CREEK Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	02W	15	SE	SW			OWYHEE
		22	NE	NE			OWYHEE

5. Description of diverting works:
DITCHES, DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME W/LAWN

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08S	02W	15	NE		NE		IRR	10.0
			NW		NE		IRR	4.0
			SW		NE		IRR	30.0
			SE		NE		IRR	20.0
			NE		NW		IRR	10.0
			SE		NW		IRR	6.0
			NE		SE		IRR	30.0

Section Acres 110.0

Total Acres 110.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:

CHANGE IN POD FROM NW,SW1/4, SEC. 15 TO SE,SW1/4, SEC. 15.
ALSO ADDED ADDITIONAL ACREAGE.

|
NOTICE OF APPEARANCE FROM PAT MADIGAN FOR CHARLES W STEINER.

15. Basis of Claim: LICENSE

Water Right Number: 13130

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: A55-02084
Date Received: 1/19/1989
Receipt No: W2028
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ~~SILAS O. FOX~~
Address: ~~NAMPA, ID~~ 00000

Name: CHARLES W. STEINER
Address: STAR RT.
OREANA, ID 83650

2. Date of Priority: AUG 15, 1917

3. Source: LOTTIE CREEK Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	02W	15	SE	SW			OWYHEE
		22	NE	NE			OWYHEE

5. Description of diverting works:
DITCHES, DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME W/LAWN

A55-02084

Page 1

Date: 01/19/89

MICROFILMED

SEP 20 1989

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	02W	15	NE	NE		IRR	10.0
			NW	NE		IRR	4.0
			SW	NE		IRR	30.0
			SE	NE		IRR	20.0
			NE	NW		IRR	10.0
			SE	NW		IRR	6.0
			NE	SE		IRR	30.0
						Section Acres	110.0
						Total Acres	110.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:
CHANGE IN POD FROM NW,SW1/4, SEC. 15 TO SE,SW1/4, SEC. 15.
ALSO ADDED ADDITIONAL ACREAGE.

15. Basis of Claim: LICENSE
Water Right Number: 13130

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

Signature of Claimant(s): Charles W. Horner Date: Jan/19/89
Date:

State of Idaho)
County of ADA) SS.

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

of Jan 19 89

Linda Warner
Notary Public

Seal

Residing at Boise ID

My Commission Expires 12-8-94

Water Right Number - 55-02084 Prefix Translation: WATER RIGHT

Old (D) Number - 13130

*** C - CURRENT OWNER ***

FOX

SILAS O.

1 -
2 -
3 -

City- NAMPA
Phone -

State- ID Zip-

Priority Date - 08/15/1917

Region - 14 WESTERN

Stage - L - LICENSE

Status -

Source - LOTTIE CREEK

Tributary - ROCK CREEK

Point of Diversion -

Stream Index (Blank if no Index Code)

Twn	Rng	Sec	Tract	Lot	RFLg	County	Stream Index (Blank if no Index Code)	Diversion Rate	Diversion Volume
08S	02W	15	SW SW	(73)		OWYHEE	272.0	313.0	152.0
08S	02W	22	NE NE	(73)		OWYHEE	272.0	313.0	152.0

0.8
0.4

Code - Description

01 - IRRIGATION
43 - DOMESTIC

Total Div. Rate - 1.280

Total Div. Volume -

Total Div. Capacity -

Total Consumptive Use -

KW Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
08S	02W	15	SW NE	10.0		01	IRRIGATION	(73) OWYHEE
08S	02W	15	SW NE	4.0		01	IRRIGATION	(73) OWYHEE
08S	02W	15	SW NE	20.0		01	IRRIGATION	(73) OWYHEE
08S	02W	15	SW SE	30.0		01	IRRIGATION	(73) OWYHEE

Total Acres: 64.0

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use -

Remarks - No Remarks found.

Old Water Right Numbers -

No Old Water Right Numbers found.

MICROFILMED

SEP 29 1992

Expansion

Chg Pldg

No Comments Found

Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	-
Start Work Date	- 00/00/0000	Verified Date	- 05/06/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 06/21/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Microfilm Roll No	-	Presumption Flag	-

MICROFILMED
SEP 29 1994

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 13130

This proof is for Beneficial Use

In Water District No. 54

1. Name of applicant: Silas O. Fox

2. Source of water supply: Lottie Creek and unnamed creek

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 22 & NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15

T. 8S R. 2 WBM County of Owyhee

4. Describe works as they exist, giving dimensions and capacities of same: Head Gate on un-
named stream of 2" plank 2' wide, 3' high + 4 ft long, Earth & Rock dam,
ditch 1.5' wide x 1' deep. Head Gate in sec 22 is of same styl
and rig as above.

5. Water is used for: Irrigating pasture land

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NW $\frac{1}{4}$ NE $\frac{1}{4}$ m NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, Twp. 8 S., R. 2 W., B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Owyhee River

Remarks: _____

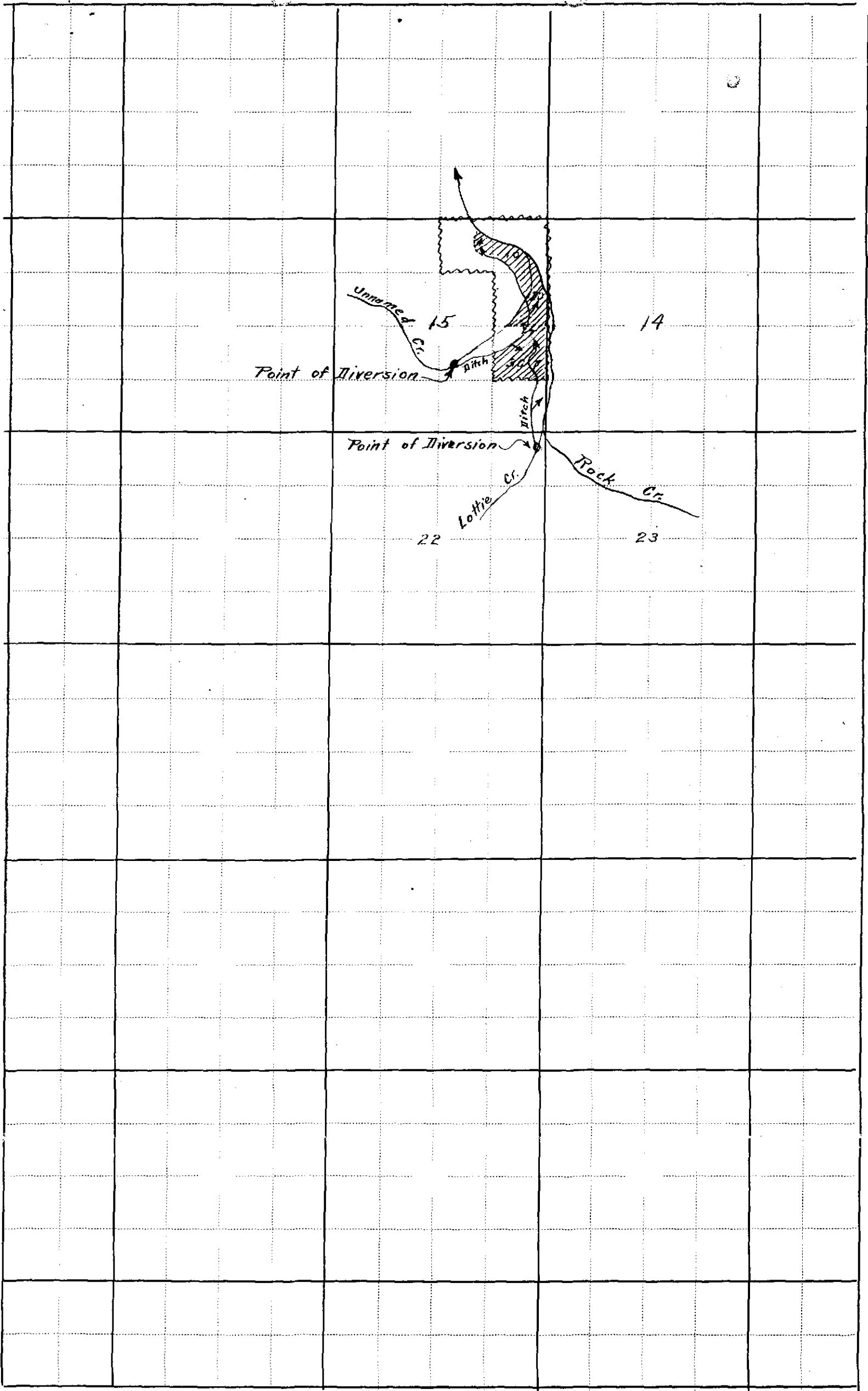
This examination was made on the 8th day of Nov. 1923

(Signed)

Fred H. Johnson

Examiner.

13130



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

12130

DATE: 05/19/98
PAGE: 1

Date: 05/08/1998 User-ID: JSHURTE Subject: NOTICE OF ERROR CHANGES

AJ0749NP
No. R55-02084

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

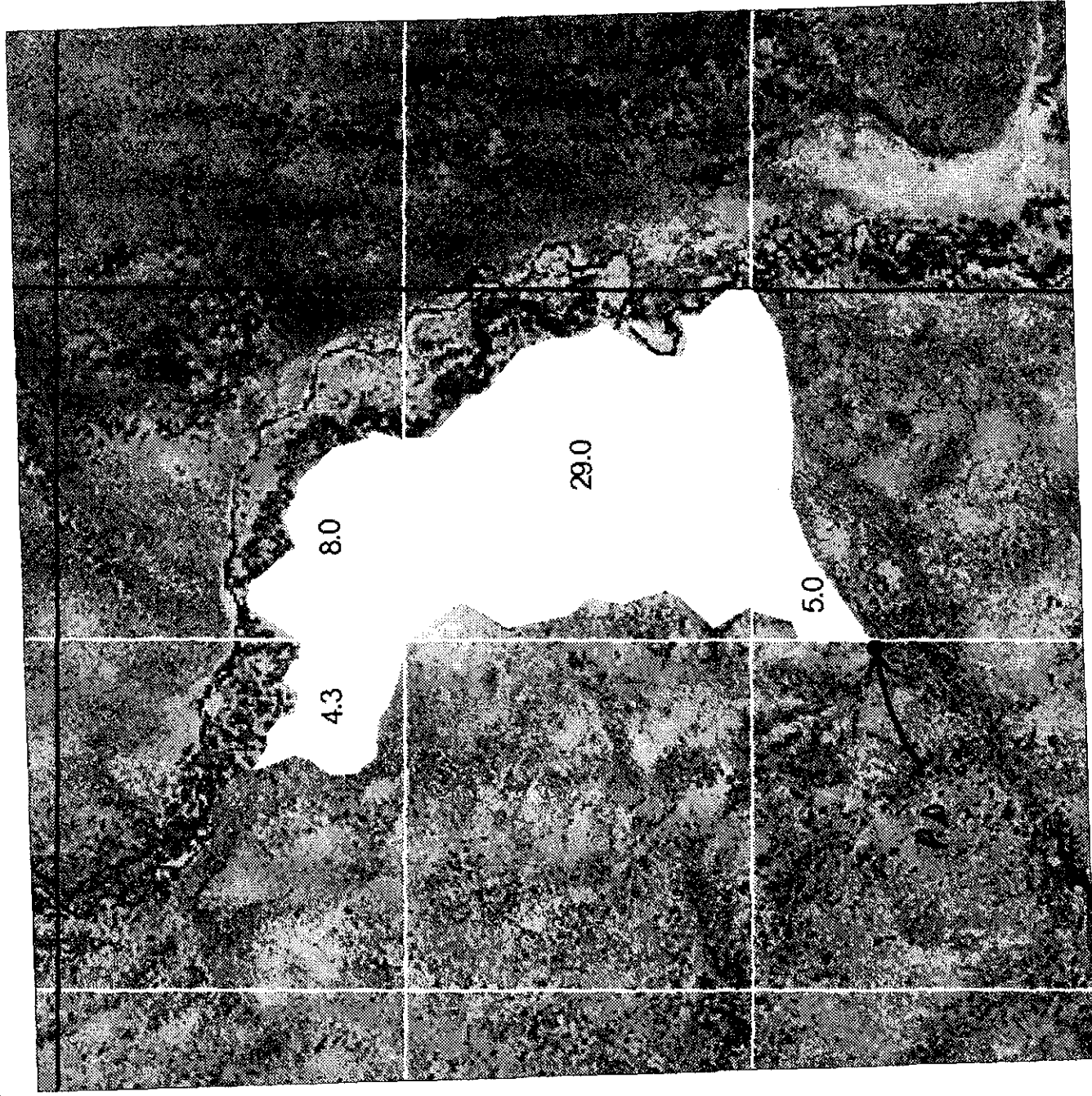
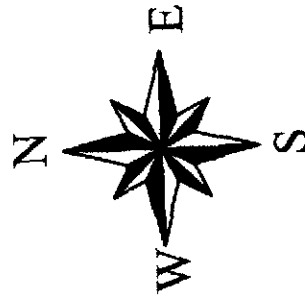
DATE: 05/19/98
PAGE: 2

Comments: Date: 05/08/1998 User-ID: JSHURTE Subject: NOTICE OF ERROR CHANGES
THIS RIGHT WAS RECOMMENDED FOR 46 ACRES PER THE NOTICE OF ERROR
RECEIVED ALONG WITH 3 AFFIDAVITS. AFTER REVIEWING THE NAPP PHOTO
I MADE A SHAPE FILE OF WHAT COULD POSSIBLY BE IRRIGATED VIA
FLOOD IRRIGATION DURING EARLY SPRING FLOWS. THE 3 AFFIDAVITS
SUBMITTED STATE THERE IS AND HAS BEEN IRRIGATION OCCURRING OVER
THE YEARS.

Audit: 05/19/98 JSHURTE

CLAIM NO. 55-02084
CHARLES STEINER

T08S, R02W, S15
NWNE - 4 ACRES
NENE - 8 ACRES
SENE - 29 ACRES
NESE - 5 ACRES

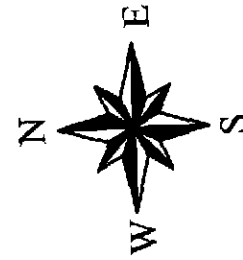
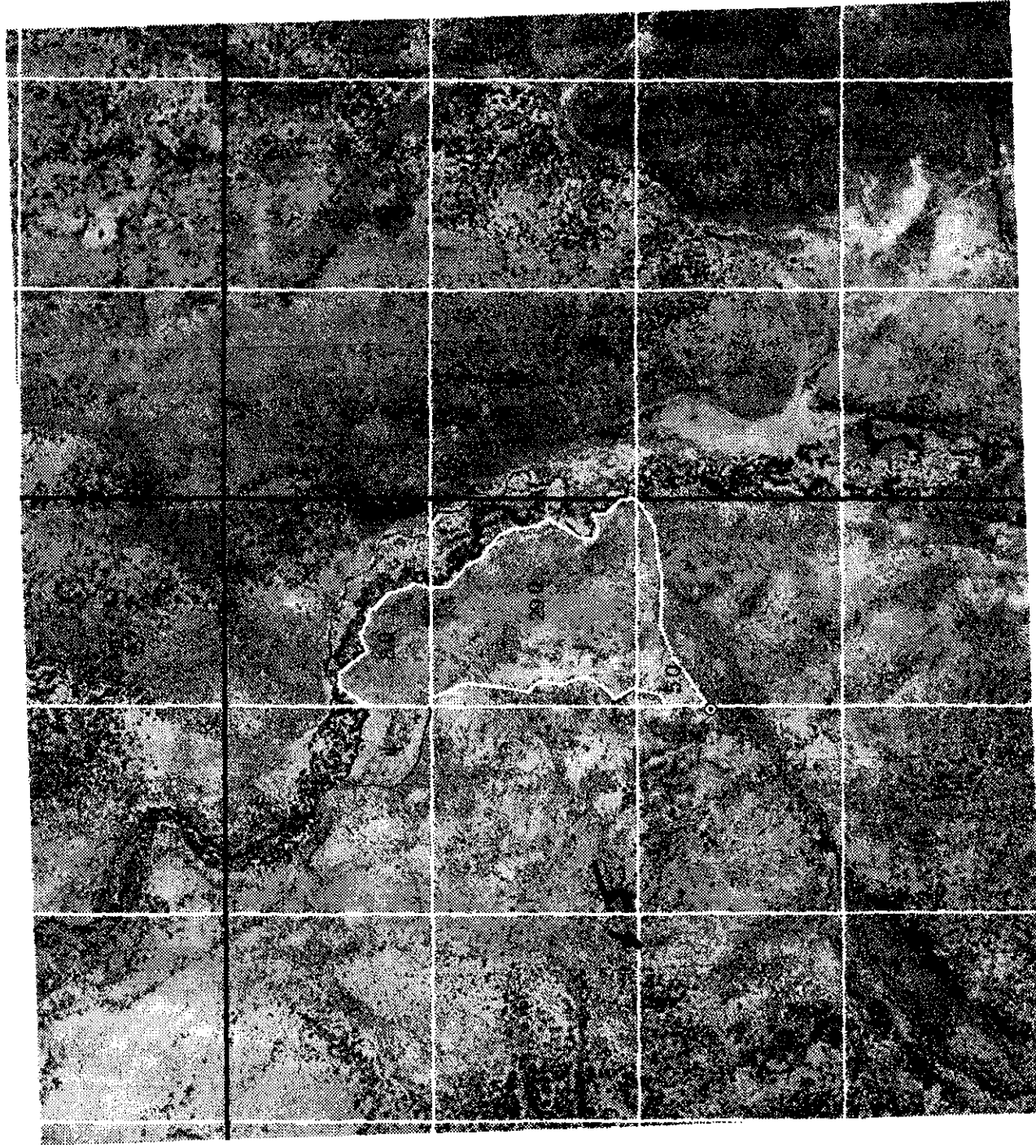


T08S, R02W, S15

1987 NAPP

 **Section Lines**

1/4 1/4 Lines



1.2 Miles

0.6

0

In Re: SRBA) **AFFIDAVIT OF CHARLES STEINER**
)
Case No. 39576)
) Subcase No. _____

I, Charles Steiner, being first duly sworn oath, deposes and says as follows:

1. I am familiar with water right claim 55-02084 which diverts water from Lottie Creek and has been used to irrigate land in Sec. 15, T8S, R2W in Owyhee County.
2. I am the claimant for this water right and have owned the property where it is located since 1971. Before purchasing the property from the previous owners, the Giusti's, I worked on the property as a hired hand from 1937 to 1938.
3. This right is located in an area known as the " Bank" field, which is just west of Rock Creek in Section 15. The previous owners and I have used the Bank field for grazing in the summers, and diverting water from Lottie Creek to the field and has been necessary to grow the grasses for grazing.

4. Most every spring either myself or others, would rebuild a diversion dam or dams on Lottie Creek to divert water into the ditches that ran onto the Bank field.

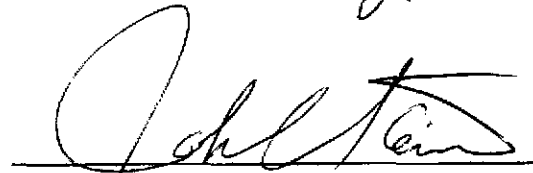
5. Most years, we used Lottie Creek diversion to irrigate between 40 and 50 acres on the Bank field. These acres are generally located in the N 1/2 of NE 1/4, SE 1/4 of NE 1/4 and NE 1/4 of SE 1/4 of Sec. 15 as shown on the attached map. The most recent year that we made the diversion was 1981 and 1982.

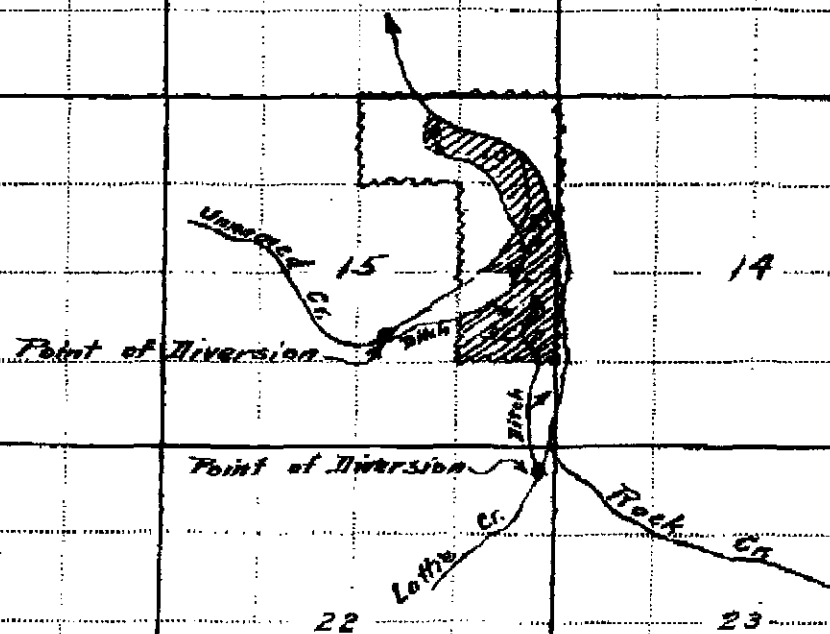
6. Steve Smith worked as a hired hand for me from 1981 to 1982. During those years he was responsible for building the diversion dams and diverting water over the fields, including the Bank field.

FURTHER YOUR AFFIANT SAYETH NAUGHT.


By: Charles Steiner

SUBSCRIBED AND SWORN to before me this 15 day of May, 1998.


Notary Public for Idaho
Residing at: Oreana, Idaho
My Commission expires: 1-4-2001



** TOTAL PAGE.010 **

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

In Re: SRBA)
)
Case No. 39576) **AFFIDAVIT OF BOB WILSON**
)
) Subcase No. _____

State of Idaho)
) ss.
County of Owyhee)

I Bob Wilson, being first duly sworn upon oath, deposes and says as follows:

1. I am familiar with the creek known as Lottie Creek that flows into Rock Creek, upstream of Triangle reservoir.
2. In the summer of 1960, I lived on the Triangle Ranch in Owyhee County and worked as a hired hand for Earl Bachman, the owner. Prior to that time throughout the 1950's I would occasionally help my predecessor, a man named Jock, who was then Bachman's hired hand.
3. In the spring time throughout the 1950's and specifically in 1960, I and/or Jock would build a diversion dam in Lottie Creek to divert water to irrigate what we called the "Bank" field. The water left the diversion dam and flowed into several ditches, which provided water to approximately forty (40) acres of grass for grazing cattle. This acreage is located generally in the N 1/2 of NE 1/4, SE 1/4 of NE 1/4 and NE 1/4 of SE 1/4 of Sec. 15, T8S, R2W.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

By: Bob Wilson
Bob Wilson

SUBSCRIBED AND SWORN to before me this 1 day of
May 1998.

John Sten
Notary Public for Idaho
Residing at: Oreana, Idaho
My Commission expires: 1-4-2001

AFFIDAVIT OF BOB WILSON - PAGE 2

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

AFFIDAVIT OF STEVEN SMITH

Subcase No. _____

State of Idaho)

) ss.

County of Owyhee)

I Steven Smith, being first duly sworn upon oath, deposes and says as follows:

1. I am familiar with the creek known as Lottie Creek that flows into Rock Creek, up stream of Triangle reservoir.
2. I worked for Chuck Steiner during the years of 1981 and 1982. During this time I spent allot of time at Triangle Ranch doing all types of ranch work.
3. One of my jobs was irrigating the fields in the meadows below the Triangle reservoir and also the field called the "Bank" field, which was located up Rock creek. I would generally dam up a creek called "Lottie" creek, located in the Bank field. The water would then run into the old ditches and would flood irrigate the field. It was not a corrugated field but with good spring run off it would flood over approximately fifty (50) acres. This water would provide grass for grazing cattle. This acreage is located generally in the N 1/2 of NE 1/4, SE 1/4 of NE 1/4 and NE 1/4 of SE 1/4 of Sec. 15, T8S, R2W.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

AFFIDAVIT OF STEVEN SMITH - PAGE 1

By: Steven Smith
Steven Smith

SUBSCRIBED AND SWORN to before me this 7 day of
May, 1998.

John H. Smith
Notary Public for Idaho
Residing at: Orem, Idaho
My Commission expires: 1-4-2001

March 6, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED

APR 16 1998

**WATER RESOURCES
WESTERN REGION**

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: March 30, 1998

Water right number: 55-02084

CHARLES W STEINER
STAR RT
OREANA ID 83650

Daytime Telephone Number:

Evening Telephone Number:

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

I disagree with the entire preliminary recommendation for this claim because IDWR did not recommend it.

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

It should be recommended as licensed. The license is attached and indicates the amount of acres irrigated and their location.

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

This claim is based on license no. 13130, which authorized a diversion of 1.28 cfs and irrigation of 64 acres. The attached affidavit(s) demonstrate that I have applied this water to beneficial use.

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

DATE: 4/15/98

SIGNATURE: Charles W Steiner
Please print your name: Charles W. Steiner

State of Idaho

License and Certificate of Water Right

Water License No. 13130

Water District No. 54

Amount 1.28 Sec. ft.

Priority 8-15-1917

THIS IS TO CERTIFY that Silas O. Fox

of Nampa, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 15, 1917; that Permit No. 13130 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.2 second feet, was issued thereunder on August 31, 1920, showing that said works were completed on the 18th day of August, 1920; and that on the 25th day of August, 1923.

Silas O. Fox

of Nampa, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Lottie Creek, a tributary of Rock Creek, for the purpose of irrigation and domestic use, under Use Permit No. 13130 of the State Engineer and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6 of Licenses, at page 3152, on the 11th day of March, 1924;

The right hereby confirmed dates from August 15,

1917;

The Point of Diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22 and

in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15, Tp. 8 S., R. 2 W., B. M.

County of Owyhee.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes

2

The right hereby conveyed dates from August 15, 1917.

The Point of Diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22 and

in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15, Tp. 8 S., R. 2 W., B.M. County of Owyhee.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.28 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 S.	2 W.	15	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	40 40 40 40	4 10 20 30

The right to the use of the water aforesaid hereby confirmed is restricted to the land or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 11th day of March, 1924.

W. G. SWENDSEN,
Commissioner of Reclamation.

(SEAL)

55 3084

RECEIVED

MAR 20 1998

WATER RESOURCES
WESTERN REGION

Jan -
You still believe chuea
accidentally applied for all
of A's water & used the Hatter
description in '79 -

Why then has he carried
that forward & re-applied

in 84 & 89 ?

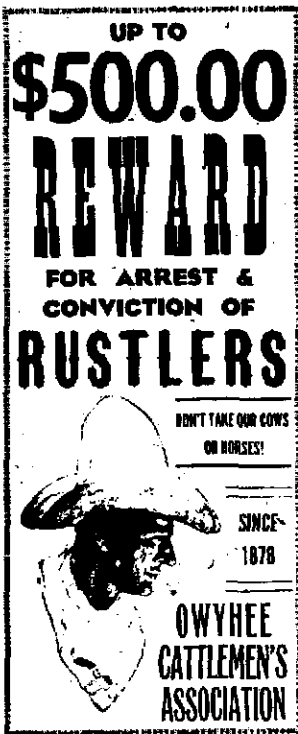
He could have
corrected his MISTAKE

Don

Thanks for your help -

as always you are
a delight to work with.

Don



WINTERCAMP RANCH TRUST
DON BARNHILL
Hatton Ranch, Idaho
P.O. Box 343 Jordan Valley, OR 97910
(208) 891-2620

RECEIVED

MAR 20 1998

WATER RESOURCES
WESTERN REGION

3/18/98

Jon Schute

Please find enclosed forms to
respond to notice of Error in
Charles Sterners Water Right Claims

As you are aware I adamantly disagree
with Dept. records support non-use of
these claims plus the tremendous expansion
of any actual use which I feel I can
prove to be no more than 96 acres as
documented by your Dept.

All other lands claimed as irrigated
in fact SUB-IRRIGATE naturally and
take NO-IRRIGATION - an issuance of
these additional acres opens up the
possibility of licensure of therefore transfer to
non-irrigated lands constituting an expansion
of a right non-existent.

I adamantly object to the Sterner Claims of
R550284, R55 02008, R55 02152A, R5510351, R55 02208A
R55 04150, R55 10352, R55 10353, R55 10354

Please post this in all these files Sincerely, J.

ALREADY COPY
TO ALL 9 FILES NOTICE OF ERROR
PLEASE REPLY

RECEIVED

MAR 20 1998

WATER RESOURCES
WESTERN REGION

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:**

Water right number: R550284 R5510352
R5502008 R5510353
R5502152M R5510354
R5510351
R55 02208A
R55 04150

Daytime Telephone Number: 208 891 2620 541 586 2278
Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): ALL 9 OF THESE CLAIMS ARE BASED UPON FRAUDULENT ALLEGATIONS OF USE BY YOUR RECORDS ALL OF THESE CLAIMS LACK PROOF OF BENEFICIAL USE AND WERE
 2. Describe the changes you wish to make in the proposed recommendation: CANCELLED (LICENSE/PERMIT APPLICATIONS ON RECORD) WHILE THIS OWNER OWNED THIS PROPERTY WITH BENEFIT OF PROPER NOTICE TO MR. STEINER IDWR ARBITRARILY ISSUED A LICENSE TO THE
 3. Give a brief explanation as to why you disagree with these portions: LANDS HEREIN CLAIMED FOR 96 ACRES OF ACTUAL USE IN THE LATE 60'S EARLY 70'S BUT WITHOUT APPLICATION FOR SAME BY ANYONE I CONTEND (YOUR RECORDS SUPPORT) A MAXIMUM OF 96 ACRES WAS EVER ACTUALLY IRRIGATED
- I AGREE with this proposed recommendation; no changes need to be made.

DATE: 3/12/98

SIGNATURE: Don Branstetter

Please print your name: ROBERT 313

SPRAN VALLEY
OREGON
97910

NOTICE OF ERROR
REPLY

RECEIVED

MAR 20 1998

WATER RESOURCES
WESTERN REGION

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:**

Water right number: *RB50284*

Daytime Telephone Number:
Evening Telephone Number:

208 891 2620 ~~208~~ *541 586 2278*

- Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
*ALL OF IT - IT IS NOT
AND HAS NOT BEEN USED - NO
IRRIGATION OCCURS OR HAS OCCURRED
YOUR REPT RECOMMENDS DISALLUANCE*
 - Describe the changes you wish to make in the proposed recommendation:
*FOR 10 YEARS OR MORE UPON THIS
LAND AND AS A TRIBUTARY TO THE
1907 HATTON RANCH RIGHTS IN ROCK
CREEK - IF THIS IS GRANTED IT*
 - Give a brief explanation as to why you disagree with these portions:
*WOULD DOMINISH THE 1907 RIGHTS
ESTABLISHED FOR THE HATTON RANCH
THIS CLAIM IS BASED UPON FRAUDULENT
USE AFFIDAVITS & NO BENEFICIAL USE HAS
EVER BEEN ESTABLISHED*
- ☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: *3/12/98*

SIGNATURE: *Don Baerhuil*

Please print your name:

DON BAERHUIL
PO Box 343
Jordan Valley
OR
97910

Water Right Number - R55-02084 Prefix Translation: RESEARCH Old (D) Number - 13130
+ - - - - Last Name - - - + + - - - - First Name - - - + + - - - - Address - - - - -

*** A - ATTORNEY ***
MADIGAN

PATRICK D

1 - ROSHOLT ROBERTSON & TUCKER
2 - PO BOX 2139
3 -
City- BOISE State- ID Zip- 837012139
Phone - 208-336-0700

*** C - CURRENT OWNER ***
STEINER

CHARLES W

1 - STAR RT
2 -
3 -
City- OREANA State- ID Zip- 83650
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
FOX

SILAS O

1 -
2 -
3 -
City- NAMPA State- ID Zip- 00000
Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
08/15/1917 14 WESTERN I - DISALLOWED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
LOTTIE CREEK ROCK CREEK

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

08S 02W 15 SE SW (73) OMYHEE
22 NE NE (73) OMYHEE

+ - - - - Description - - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - - +
Code

01 - IRRIGATION 04/01 11/01 1.200
43 - DOMESTIC 01/01 12/31 0.040

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - + +
1.280 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
08S	02W	15	NE NE		10.0	01	01	IRRIGATION	(73) OMYHEE
08S	02W	15	NW NE		4.0	01	01	IRRIGATION	(73) OMYHEE
08S	02W	15	SW NE		30.0	01	01	IRRIGATION	(73) OMYHEE
08S	02W	15	SE NE		20.0	01	01	IRRIGATION	(73) OMYHEE
08S	02W	15	NE NW		10.0	01	01	IRRIGATION	(73) OMYHEE
08S	02W	15	SE NW		6.0	01	01	IRRIGATION	(73) OMYHEE
08S	02W	15	NE SE		30.0	01	01	IRRIGATION	(73) OMYHEE

Total Acres: 110.0

[illegible]

RECEIVED

APR 14 1998

Department of Water Resources

RECEIVED

APR 17 1998

WATER RESOURCES
WESTERN REGION

Patrick D. Madigan
ROSHOLT, ROBERTSON & TUCKER
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorney for Charles W. Steiner

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

NOTICE OF APPEARANCE

The law firm of Rosholt, Robertson & Tucker, P.O. Box 2139, Boise, Idaho 83701-2139, through Patrick D. Madigan, hereby enters its appearance as counsel for Charles W. Steiner, in the Snake River Basin Adjudication, Case No. 39576.

Dated this 13th day of April, 1998.

AIR records modified 04-15-1998, so

55-02008

✓ - 02084

✓ - 02152A

✓ - 02208A

✓ - 04150

✓ - 10351

✓ - 10352

✓ - 10353

✓ - 10354

ROSHOLT, ROBERTSON & TUCKER

Patrick D. Madigan
Patrick D. Madigan

CERTIFICATE OF MAILING

I hereby certify that on this 13th day of April, 1998, a true and correct copy of the **NOTICE OF APPEARANCE** was mailed via U.S. mail, postage prepaid to the following:

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

U.S. Dept. of Justice
Environmental & Natural Resources
Division
550 W. Fort St., MSC 033
Boise, ID 83724

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


Patrick D. Madigan

Clients/steiner/not of appearance

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

Boise Office
1221 W. IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

COPY

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

RECEIVED

APR 14 1998

Department of Water Resources

April 13, 1998

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Diana Delaney
Clerk of the Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

Re: *Notice of Appearance*

Diana:

Pursuant to our telephone conversation this morning, I have prepared and am filing the enclosed general Notice of Appearance on behalf of Charles W. Steiner. Because his water right claims are located in basin 55 and have not yet been reported by IDWR, there are no subcases to identify. It is my understanding that the attached certificate of service will suffice and that all other SRBA parties shall receive notice through the docket sheet procedure under AO1, Rules of Procedure, Rule 6(e).

Also enclosed is a copy to be conformed and returned to me in the self-addressed stamped envelope provided.

Thank you for your assistance in this matter.

Sincerely,



Patrick D. Madigan

PDM:mh
Enclosure

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	-
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 01/19/1989	Last Amended Date	-	Temporary Right	- P
		Receipt Number	- W002028	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

17:39:13
06/16/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A55-02084

LAST: FOX
ADDRESS:
CITY: Nampa
PHONE NUMBER: 208-000-0000
OWNER CODE: C
FIRST: SILAS O.
STATE: ID ZIP: 00000

LAST: STEINER
ADDRESS: STAR RT.
CITY: OREANA
PHONE NUMBER: 208-000-0000
OWNER CODE: C
FIRST: CHARLES W.
STATE: ID ZIP: 83650
FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE Y FIELD EXAMINER
CLAIM REMARKS: CHANGE IN POD FROM NW, SW1/4, SEC. 15 TO SE, SW1/4, SEC. 15.
ALSO ADDED ADDITIONAL ACREAGE.

CONTACT PERSON: _____ PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____ APPOINTMENT MADE: Y(____) N(____) TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____ PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

A. AJ CLAIM: # A55-02084

PRIORITY DATE: 08-15-1917

STAGE: L

B. WR RECORD: # 55-02084

PRIORITY DATE: 08-15-1917

STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE

N

FIELD EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:
08-15-1917

REVIEWED BY

DATE

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A55-02084	08S	02W	15		SE	SW		OWYHEE
A55-02084	08S	02W	22		NE	NE		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT

SOURCE: LOTTIE CREEK

TRIB: ROCK CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
55-02084	08S	02W	15		NW	SW		OWYHEE
55-02084	08S	02W	22		NE	NE		OWYHEE

OTHER WR RECORDS WITH SAME WR POD
A PREFIX R PREFIX
NONE NONE

AJ CLAIMS IN SAME 40 ACRE TRACT

SOURCE: LOTTIE CREEK

TRIB: ROCK CREEK

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY?	(Y/N)	Y N	____

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC. 1/4 1/4

COUNTY

LOT

1/4

SOURCE: LOTTIE CREEK

TRIB: ROCK CREEK

REVIEWED BY:

DATE:

A. ROOT WATER RIGHT NUMBERS: A55-02084 A55-10220											
B. POU LISTING											
TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08S	02W	15	NE	NE		FOX , SILAS O.	A55-02084 /10.0	55-02084 /10.0			
08S	02W	15	NW	NE		FOX , SILAS O.	A55-02084 / 4.0	55-02084 / 4.0			
08S	02W	15	SW	NE		FOX , SILAS O.	A55-02084 /30.0	- /			
08S	02W	15	SE	NE		FOX , SILAS O.	A55-02084 /20.0	55-02084 /20.0			
08S	02W	15	NE	NW		FOX , SILAS O.	A55-02084 /10.0	- /			
08S	02W	15	SE	NW		FOX , SILAS O.	A55-02084 / 6.0	- /			
08S	02W	15	NE	SE		FOX , SILAS O.	A55-02084 /30.0	55-02084 /30.0			
TOTAL ACRES							A55-02084	110.00			64.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?	FIELD EXAMINER	POU COUNTY: OMYHEE
DUE TO POU DISCREPANCY? (Y/N)	Y	
PRESUMPTION FLAG:		
REMARKS:		

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____ DATE: _____

A. AJ CLAIMED USES:

PURPOSES	FROM	MONTH/DAY TO	DIVERSION QUANTITY
A55-02084 IRRIGATION	04-01	11-01	1.200 CFS
A55-02084 DOMESTIC	01-01	12-31	.040 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED			1.280 CFS

B. WR RECORDED USES:

PURPOSES	FROM	MONTH/DAY TO	DIVERSION QUANTITY
55-02084 IRRIGATION			1.200 CFS
55-02084 DOMESTIC			1.200 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED			1.280 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() Explain in remarks, below.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE:	1.280	CFS
WR ROOT RIGHT TOTAL DIVERSION RATE:	1.280	CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

	FIELD
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)	DATABASE EXAMINER
	N

B. MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

FLOW MEASUREMENT

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 11-01	DATABASE 1.200	DATABASE EXAMINER	DATABASE EXAMINER
DOMESTIC	01-01 12-31	0.040		0.0
TOTAL FOR THIS RIGHT		1.280		

REVIEWED BY: _____

DATE: _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED AS CLAIMED ()
NEEDS REVIEW ()

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 55-02084

DATABASE 3.600 EXAMINER CFS

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A55-02084	1.280	-	-	55-02084	1.280
55-02082A	A55-10220	3.600	-	-	55-02082A	2.500
55-02082B	A55-10220	3.600	-	-	55-02082B	1.100
55-02165	A55-10220	3.600	-	-	55-02165	

TOTAL CFS 12.080

3.600

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE N
FIELD EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: DATE:

NAME OF FIELD EXAMINER: TITLE:

[illegible]



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

May 22, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

CHARLES W STEINER
STAR ROUTE
OREANA ID 83659

RE: Claims filed in the Snake River Basin Adjudication

CLAIM NO'S. A55-02084, A55-02152A,
Dear Claimants: A55-02208A, A55-04150 - DWYHRE CO.

The Department of Water Resources will be conducting beneficial use and water right claim verification examinations in your area beginning in June. An examination is needed to verify your water use in order to issue a water right license and/or decree.

Information on your permit or claim which may need to be verified includes source of water, type of usage, amount of water used, number of acres irrigated, and legal descriptions of the point of diversion and/or place of use.

In order to expedite these field examinations, which need to be completed this summer in your area, we request that you contact our office at (208)334-2190 within two weeks to make an appointment at a time convenient for you. The amount of time required to conduct these exams depends on the number of water rights you have filed. An approximate time can be given when you call for an appointment.

Although it is not mandatory that you accompany the field examiner, it does insure that an accurate description of your system will be made. If either yourself, or someone familiar with the system, could accompany the examiner it would be appreciated.

In some cases, the date of priority claimed also needs to be verified. Letters were sent to some claimants notifying them that evidence of the date of first use of their water right(s) was required. If you received one of these letters and have questions, we can address those during our examination.

To make an appointment, or if you have any questions or problems with scheduling the exam, please contact one of the following water resource agents:

LINDA WERNER

KAY WALKER

RON HOWERTON

ROXANNE MCCARTHY

MICROFILMED

SEP 29 1992