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Documents
In File

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: **A55-02208A**
Date Received: 1/19/1989
Receipt No: W002028
Received By: _____

COPY FOR **NOTICE OF CLAIM TO A WATER RIGHT** **COPY FOR**
YOUR FILES **ACQUIRED UNDER STATE LAW** **YOUR FILES**

1. Name: CHARLES W STEINER
Address: STAR ROUTE
OREANA ID 83650
2. Date of Priority: FEB 9, 1965
3. Source: ROCK CREEK Trib. to: SNAKE RIVER
 LOUISA CREEK SNAKE RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 07S | 02W | 30 | SW | SE | SE | | OWYHEE |
5. Description of diverting works:
STORAGE IN TRIANGLE RESERV., DAM IN ROCK CR. TO DITCHES
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|-------------------------|-------|-------|-------|------|--------|
| IRRIGATION FROM STORAGE | 04/01 | 11/01 | | | 592.00 |
| IRRIGATION STORAGE | 10/10 | 05/01 | | | 592.00 |
| STOCKWATER STORAGE | 01/01 | 12/31 | | | 592.00 |
| STOCKWATER FROM STORAGE | 01/01 | 12/31 | | | 592.00 |
7. Total Quantity Appropriated is:
C.F.S. (and/or) 592.00 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
S/850 HD CATTLE

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres	
07S	02W	30	NE	SW		IRR	19.0	
			NW	SW	3	IRR	10.0	
			SW	SW	4	IRR	21.0	
			SE	SW		IRR	30.0	
			SW	SE		IRR	11.0	
			SE	SE		IRR	1.0	
			Section Acres					92.0
		31	NW	NE		IRR	2.0	
			NE	NW		IRR	34.0	
			NW	NW	1	IRR	34.0	
			SW	NW	2	IRR	12.0	
			SE	NW		IRR	28.0	
			NE	SW		IRR	1.0	
			Section Acres					111.0
	03W	25	NE	NE		IRR	11.0	
			NW	NE		IRR	28.0	
			SW	NE		IRR	32.0	
			SE	NE		IRR	18.0	
			NE	NW		IRR	32.0	
			NW	NW		IRR	29.0	
			SW	NW		IRR	1.0	
			SE	NW		IRR	29.0	
			NE	SW		IRR	27.0	
			SE	SW		IRR	14.0	
			NE	SE		IRR	36.0	
			NW	SE		IRR	40.0	
			SW	SE		IRR	40.0	
			SE	SE		IRR	37.0	
			Section Acres					374.0
		36	NE	NE		IRR	3.0	
			NW	NE		IRR	22.0	
			NE	NW		IRR	8.0	
			Section Acres					33.0
			Total Acres					610.0

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:

A55-02152A, A55-02152, A55-04150

14. Remarks:

THIS RIGHT WAS FILED BY JOHN GILBERT AS A55-02208, FOR THE TOTAL AMOUNT OF WATER, MINUS THE ACREAGE BELONGING TO MR. STEINER. HOWEVER, MR. STEINER STATES THAT HE HAS A HALF RIGHT TO THE WATER IN THE RESERVOIR. THEREFORE, HE IS FILING THIS CLAIM TO INDICATE HIS HALF OF THE WATER.

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

15. Basis of Claim: LICENSE

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: **A55-02208A**
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: CHARLES W STEINER
Address: STAR ROUTE
OREANA ID

83650

2. Date of Priority: FEB 9, 1965

3. Source: ROCK CREEK
LOUISA CREEK

Trib. to: NORTH BOULDER CREEK
ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	02W	30	SW	SE	SE		OWYHEE

5. Description of diverting works:
STORAGE IN TRIANGLE RESERV., DAM IN ROCK CR. TO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION FROM STORAGE	04/15	10/15			207.40
IRRIGATION STORAGE	10/01	05/01			207.40

7. Total Quantity Appropriated is:
C.F.S. (and/or) 592.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/850 HD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	02W	30	NE	SW		IRR FS	20.0
			SW	SW	4	IRR FS	30.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	02W	30	SE	SW		IRR FS	34.0
			SW	SE		IRR FS	12.0
						Section Acres	96.0
						Total Acres	96.0

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:
A55-02152A, A55-02152, A55-04150

14. Remarks:
THIS RIGHT WAS FILED BY JOHN GILBERT AS A55-02208, FOR THE TOTAL AMOUNT OF WATER, MINUS THE ACREAGE BELONGING TO MR. STEINER. HOWEVER, MR. STEINER STATES THAT HE HAS A HALF RIGHT TO THE WATER IN THE RESERVOIR. THEREFORE, HE IS FILING THIS CLAIM TO INDICATE HIS HALF OF THE WATER.
|
NOTICE OF APPEARANCE FROM PAT MADIGAN FOR CHARLES W STEINER.
|
COPIED 'R' TO 'A' THIS DATE TO CORRECT USE/POU MISMATCH PER INSTRUCTIONS FROM JAN SHURTE.

15. Basis of Claim: LICENSE

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: A55-02208A
Date Received: 1/19/1989
Receipt No: W002028
Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CHARLES W. STEINER
Address: STAR ROUTE
OREANA ID

83650

2. Date of Priority: FEB 9, 1965

3. Source: ROCK CREEK
LOUISA CREEK

Trib. to: SNAKE RIVER
SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	02W	30	SW	SE	SE		OWYHEE

5. Description of diverting works:

STORAGE IN TRIANGLE RESERV., DAM IN ROCK CR. TO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION FROM STORAGE	04/01	11/01			592.00
IRRIGATION STORAGE	10/10	05/01			592.00
STOCKWATER STORAGE	01/01	12/31			592.00
STOCKWATER FROM STORAGE	01/01	12/31			592.00

7. Total Quantity Appropriated is:

C.F.S. (and/or) 592.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

S/850 HD CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	02W	30	NE		SW		IRR	19.0
			NW		SW	3	IRR	10.0
			SW		SW	4	IRR	21.0
			SE		SW		IRR	30.0
			SW		SE		IRR	11.0
			SE		SE		IRR	1.0
			Section Acres					92.0
		31	NW		NE		IRR	2.0
			NE		NW		IRR	34.0
			NW		NW	1	IRR	34.0
			SW		NW	2	IRR	12.0
			SE		NW		IRR	28.0
			NE		SW		IRR	1.0
			Section Acres					111.0
	03W	25	NE		NE		IRR	11.0
			NW		NE		IRR	28.0
			SW		NE		IRR	32.0
			SE		NE		IRR	18.0
			NE		NW		IRR	32.0
			NW		NW		IRR	29.0
			SW		NW		IRR	1.0
			SE		NW		IRR	29.0
			NE		SW		IRR	27.0
			SE		SW		IRR	14.0
			NE		SE		IRR	36.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	37.0
			Section Acres					374.0
		36	NE		NE		IRR	3.0
			NW		NE		IRR	22.0
			NE		NW		IRR	8.0
			Section Acres					33.0
			Total Acres					610.0

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:

A55-02152A, A55-02152, A55-04150

14. Remarks:

THIS RIGHT WAS FILED BY JOHN GILBERT AS A55-02208, FOR THE TOTAL AMOUNT OF WATER, MINUS THE ACREAGE BELONGING TO MR. STEINER. HOWEVER, MR. STEINER STATES THAT HE HAS A HALF RIGHT TO THE WATER IN THE RESERVOIR. THEREFORE, HE IS FILING THIS CLAIM TO INDICATE HIS HALF OF THE WATER.

15. Basis of Claim: LICENSE

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): Charles W. Steiner Date: Aug 10 / 1994

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 10th day

of August 19 94

Seal

Jan Shurtl
Notary Public

Residing at Meridian ID
My Commission Expires 9-14-94

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: A55-02208A
Date Received: 1/19/1989
Receipt No: W2028
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES W. STEINER
Address: STAR ROUTE
OREANA, ID

83650

2. Date of Priority: FEB 09, 1965

3. Source: ROCK CR
LOUISA CR.

Trib. to: SNAKE RIVER
SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	02W	30	SW	SE	SE		OWYHEE

5. Description of diverting works:
STORAGE IN TRIANGLE RESERV., DAM IN ROCK CR. TO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION FROM STORAGE	04/01	11/01			592.00
IRRIGATION STORAGE	10/10	05/01			592.00
STOCKWATER STORAGE	01/01	12/31			592.00
STOCKWATER FROM STORAGE	01/01	12/31			592.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 592.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/850 HD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	02W	30	SW	SW		IRR S	34.0
			SE	SW		IRR S	30.0
			SW	SE		IRR S	32.0
					Section Acres		96.0
	03W	13	SW	SW		IRR S	12.0
					Section Acres		12.0
		14	NE	SE		IRR S	38.0
			NW	SE		IRR S	34.0
			SW	SE		IRR S	33.0
			SE	SE		IRR S	34.0
					Section Acres		139.0
		23	NE	NE		IRR S	40.0
			NW	NE		IRR S	19.0
			SW	NE		IRR S	7.0
			SE	NE		IRR S	38.0
			NE	SE		IRR S	19.0
					Section Acres		123.0
		24	NW	NW		IRR S	30.0
			SW	NW		IRR S	19.0
			NW	SW		IRR S	17.0
			SW	SW		IRR S	40.0
			SE	SW		IRR S	40.0
			SW	SE		IRR S	32.0
					Section Acres		178.0
					Total Acres		548.0

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:

A55-02152A, A55-02152, A55-04150

14. Remarks:

THIS RIGHT WAS FILED BY JOHN GILBERT AS A55-02208, FOR THE
TOTAL AMOUNT OF WATER, MINUS THE ACREAGE BELONGING TO MR.

14. Remarks: Continued

STEINER. HOWEVER, MR. STEINER STATES THAT HE HAS A HALF RIGHT TO THE WATER IN THE RESERVOIR. THEREFORE, HE IS FILING THIS CLAIM TO INDICATE HIS HALF OF THE WATER.

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): Charles W. Steiner 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

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 55-02208A

1999 JUN 28 PM 12:06

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME AND ADDRESS: CHARLES W STEINER
STAR ROUTE
OREANA, ID 83650

SOURCE: ROCK CREEK
LOUISA CREEK

TRIBUTARY: NORTH BOULDER CREEK
ROCK CREEK

QUANTITY: 207.40 AFY

PRIORITY DATE: 02/09/1965

POINT OF DIVERSION: T07S R02W S30 SWSSE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation from Storage	04-01 TO 11-01	207.40 AFY
	Irrigation Storage	10-01 TO 05-01	207.40 AFY

PLACE OF USE:	Irrigation from Storage	Within Owyhee County
	T07S R02W S30	LOT 04 (SWSW)30.0
	NESW 20.0	SWSE 12.0
	SESW 34.0	
	96.0 Acres Total	

Irrigation Storage Same as Other Use

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 403 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 55-02008, 55-02152A,
55-04150, 55-10351, 55-10352, 55-10353 & 55-10354.

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.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JUN 30 1999

Department of Water Resources

1999 JUN 28 PM 12:06

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

ORDER OF PARTIAL DECREE

For Water Right 55-02208A

RECEIVED

OCT 04 1999

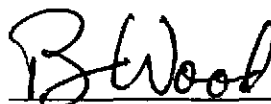
WATER RESOURCES
WESTERN REGION

On April 12, 1999, 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 55-02208A is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JUN 28 1999



BARRY WOOD

Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

1999 JUN 28 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 55-02208A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 55-02208A was mailed
on June 28, 1999, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CHARLES W STEINER
Represented by:
PATRICK D. MADIGAN
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

DIANA DELANEY
Chief Deputy Clerk

RECEIVED

NOV 20 1998

Department of Water Resources
Adjudication Bureau

NOV 19 1998

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

Subcase 55-02208A

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Patrick D. Madigan 11/19/98
Patrick D. Madigan for
Charles W. Steiner date

Arvidson 11/19/98
IDWR Concurrence date

Jo CO 11/19/98
Attorney for IDWR date

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

DATE: NOV-18-1998

PAGE: A-1

RIGHTS FROM: SOURCE: ROCK CREEK TRIBUTARY: NORTH BOULDER CREEK

RIGHT NUMBER: 55-02208A

NAME AND ADDRESS: CHARLES W STEINER
STAR ROUTE
OREANA ID 83650

SOURCE: ROCK CREEK TRIBUTARY: NORTH BOULDER CREEK
LOUISA CREEK ROCK CREEK

QUANTITY: 207.4 AFY

PRIORITY DATE: 02/09/1965

POINT OF DIVERSION: T07S R02W S30 SWSESE Within Owyhee County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION FROM STORAGE 04-01 11-01 207.4 AFY
IRRIGATION STORAGE 10-01 05-01 207.4 AFY

PLACE OF USE: IRRIGATION FROM STORAGE Within Owyhee County
T07S R02W S30 NESW 20 Lot 4 (SWSW)30 SESW 34 SWSE 12
96 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 403 ACRES IN A SINGLE
THE IRRIGATION OF A COMBINED TOTAL OF 403 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 55-02008, 55-02152A,
55-04150, 55-10351, 55-10352, 55-10353 & 55-10354.

RB FM
120

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

IN THE NEAR FUTURE IDWR WILL RECOMMEND A GENERAL PROVISION
FOR THIS SUB-BASIN REGARDING THE INTERCONNECTION OF WATER
RESOURCES WITHIN THE SNAKE RIVER BASIN. AN OPPORTUNITY WILL BE
PROVIDED AT THAT TIME TO FILE AN OBJECTION WITH THE DISTRICT
COURT TO THAT PROVISION. THIS WATER RIGHT WILL BE SUBJECT TO
TO SUCH GENERAL PROVISIONS AS THE DISTRICT COURT DETERMINES
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF WATER RIGHTS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

SF5 - 55-02208A

CERTIFICATE OF MAILING

I certify that on Nov. 19, 1998, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile

United States Department of Justice
Adjudication Team
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile

Patrick D. Madigan
Rosholt, Robertson & Tucker
P.O. Box 2139
Boise, ID 83701-2139

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile

Attorney for IDWR 11/19/98
date

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

DATE: NOV-18-199
PAGE: A-1

RIGHTS FROM: SOURCE: ROCK CREEK TRIBUTARY: NORTH BOULDER CREEK

RIGHT NUMBER: 55-02208A

NAME AND ADDRESS: CHARLES W STEINER
STAR ROUTE
OREANA ID 83650

SOURCE: ROCK CREEK TRIBUTARY: NORTH BOULDER CREEK
LOUISA CREEK ROCK CREEK

QUANTITY: 207.4 AFY

PRIORITY DATE: 02/09/1965

POINT OF DIVERSION: T07S R02W S30 SWSSE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION FROM STORAGE	04-01	11-01	207.4 AFY
IRRIGATION STORAGE	10-01	05-01	207.4 AFY

PLACE OF USE: IRRIGATION FROM STORAGE Within Owyhee County
T07S R02W S30 NESW 20 Lot 4 (SWSW)30 SESW 34 SWSE 12
96 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 403 ACRES IN A SINGLE
THE IRRIGATION OF A COMBINED TOTAL OF 403 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 55-02008, 55-02152A,
55-04150, 55-10351, 55-10352, 55-10353 & 55-10354.

RB-FM 120

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

IN THE NEAR FUTURE IDWR WILL RECOMMEND A GENERAL PROVISION
FOR THIS SUB-BASIN REGARDING THE INTERCONNECTION OF WATER
RESOURCES WITHIN THE SNAKE RIVER BASIN. AN OPPORTUNITY WILL BE
PROVIDED AT THAT TIME TO FILE AN OBJECTION WITH THE DISTRICT
COURT TO THAT PROVISION. THIS WATER RIGHT WILL BE SUBJECT TO
TO SUCH GENERAL PROVISIONS AS THE DISTRICT COURT DETERMINES
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF WATER RIGHTS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

CERTIFICATE OF MAILING

I certify that on Nov. 19, 1998, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile

United States Department of Justice
Adjudication Team
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile

Patrick D. Madigan
Rosholt, Robertson & Tucker
P.O. Box 2139
Boise, ID 83701-2139

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile

DATE: 04/29/98
PAGE: 1

PAGE: 1

DIVERSION RATE

207.40

Stage:

OWYHEE County

SE

SWSE	SWSE	SESE
AC	Lt	AC
---	---	---
12		
TOTAL ACRES		

41

Comments: Date: 03/01/1998 User-ID: JSHURTE Subject: RECOMMENDATION OF AF AMOUNT & ACRES
THE ACRE FOOT AMOUNT OF THIS RIGHT IS BASED ON THE TOTAL ACRE
FOOT AMOUNT OF THE RESERVOIR - 1184 AF DIVIDED BY THE TOTAL ACRES
LICENSED 548 TIMES THESE 96 ACRES. THE REMAINDER OF THIS RIGHT
IS RECOMMENDED UNDER 55-02208B FOR 976.6 AF. RIGHT NO. 55-10354
PICKS UP THE REMAINING 297 ACRES FROM STORAGE WITH A 1967
PRIORITY DATE. THESE WERE NOT INCLUDED ON THIS LICENSE DUE TO AN
ERROR IN THE FIELD EXAMINER'S RECOMMENDATION. SINCE THE RIGHT
HOLDERS AT THE TIME DID NOT OBJECT TO THE ISSUANCE OF THE LICENSE
FOR 96 ACRES, IT HAS TO BE RECOMMENDED THIS WAY. THERE IS
EVIDENCE TO SUPPORT THAT SOME OF THE 297 ACRES WERE ACTUALLY
BEING IRRIGATED AT THIS TIME DUE TO OLD WATER RIGHTS ISSUED FOR
MORE THAN 96 ACRES FOR A LIVEFLOW AMOUNT.

Date: 03/04/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) H03 H04 ADDED IF NOT ALREADY PART
OF RECORD THRU

Date: 04/15/1998 User-ID: SSHERMAN Subject: NOTICE OF APPEARANCE
NOA FROM PAT MADIGAN REPRESENTING CHARLES W STEINER.

Date: 04/29/1998 User-ID: JSHURTE Subject: TOTAL ACRE LIMIT CHANGE PER NOE FOR 55-04150
THE TOTAL ACRE LIMIT CONDITION WAS CHANGED ON THIS RIGHT DUE TO
THE ADDITION OF 15 DIFFERENT ACRES TO 55-04150 AS A RESULT OF THE
NOTICE OF ERROR FILED FOR THAT RIGHT. TOTAL ACRES CHANGED FROM
393 TO 408.

Audit: 04/29/98 JSHURTE

Water Right Number - R55-02208A Prefix Translation: RESEARCH Old (D) Number -
+ - - - - 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 ROUTE
2 -
3 -
City- OREANA State- ID Zip- 83650
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/09/1965 ERROR IN REGION L - LICENSE

+ - - - - Source - - - - + + - - - - Tributary - - - - +
ROCK CREEK NORTH BOULDER CREEK
LOUISA CREEK ROCK CREEK

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

07S 02W 30 SW SE SE (73) OWYHEE TRIANGLE RESERVOIR

+ - - - - Water Use - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
03 - IRRIGATION FROM STORAGE 04/15 10/15 207.40
02 - IRRIGATION STORAGE 10/01 05/01 207.40

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
207.40 207.40 0.0

+ - - - - Place of Use - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 02W 30 NE SW 20.0 03 IRRIGATION FROM STORAGE (73) OWYHEE
07S 02W 30 SW SW 4 30.0 03 IRRIGATION FROM STORAGE (73) OWYHEE
07S 02W 30 SE SW 34.0 03 IRRIGATION FROM STORAGE (73) OWYHEE
07S 02W 30 SW SE 12.0 03 IRRIGATION FROM STORAGE (73) OWYHEE

Total Acres: 96.0

+ - - Diversion Means - STORAGE IN TRIANGLE RESERV., DAM IN ROCK CR. TO DITCHES

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A55-02152A, A55-02152, A55-04150

Water right number - R55-02208A Prefix Translation: RESEARCH

		Remarks
POU1	USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 393 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 55-02008, 55-02152A, 55-04150, 55-10351, 55-10352, 55-10353 & 55-10354.	
No Old Water Right Numbers Found		
H03	IRRI GATION PERIOD OF USE IS CURRENTLY ON APPEAL TO THE IDAHO SUPREME COURT. THE SRBA COURT RULED "IRRIGATION SEASON" IS ADEQUATE AND APPROPRIATE TO DESCRIBE THE PERIOD OF USE. APPELLANTS ARGUE A SPECIFIC CALENDAR DESCRIPTION IS NECESSARY TO DESCRIBE THE PERIOD OF USE FOR A WATER RIGHT. IF THE IDAHO SUPREME COURT OVERTURNS THE DECISION OF THE SRBA COURT ON USING "IRRIGATION SEASON" THE SPECIFIC CALENDAR DESCRIPTION SHOWN MAY BE USED.	
H04	POSSIBLE ALTERNATIVE PERIOD OF USE 04/15 10/15 SEE EXPLANATORY MATERIAL BELOW.	
Decree Plaintiff		Decree Defendant
Decree Date		Decree Date
Date: 03/01/1998 User Id: JSURTE Subject: RECOMMENDATION OF AF AMOUNT & ACRES		
THE ACRE FOOT AMOUNT OF THIS RIGHT IS BASED ON THE TOTAL ACRE FOOT AMOUNT OF THE RESERVOIR - 1184 AF DIVIDED BY THE TOTAL ACRES LICENSED 548 TIMES THESE 96 ACRES. THE REMAINDER OF THIS RIGHT IS RECOMMENDED UNDER 55-02208B FOR 976.6 AF. RIGHT NO. 55-10354 PICKS UP THE REMAINING 297 ACRES FROM STORAGE WITH A 1967 PRIORITY DATE. THESE WERE NOT INCLUDED ON THIS LICENSE DUE TO AN ERROR IN THE FIELD EXAMINER'S RECOMMENDATION. SINCE THE RIGHT HOLDERS AT THE TIME DID NOT OBJECT TO THE ISSUANCE OF THE LICENSE FOR 96 ACRES, IT HAS TO BE RECOMMENDED THIS WAY. THERE IS EVIDENCE TO SUPPORT THAT SOME OF THE 297 ACRES WERE ACTUALLY BEING IRRIGATED AT THIS TIME DUE TO OLD WATER RIGHTS ISSUED FOR MORE THAN 96 ACRES FOR A LIVEFLOW AMOUNT.		
Date: 03/04/1998 User Id: AJU10-Ds Subject: AJU10 CONDITION UPDATE		
CONDITION CODE(S) H03 H04 ADDED IF NOT ALREADY PART OF RECORD THRU		
Date: 04/15/1998 User Id: SSHERMAN Subject: NOTICE OF APPEARANCE		
NOA FROM PAT MADIGAN REPRESENTING CHARLES W STEINER.		
Audit Fields		
04/15/98 SSHERMAN		
Court Report Filing	00/00/0000	Field Inspection Made
Objection Filed Date	00/00/0000	Field Inspection Flag
Response Filed Date	00/00/0000	Verified Date
Claim Received Date	01/19/1989	Last Amended Date
		Receipt Number
		POU Ownership Flag
		Name Connector
		AND/OR
		Y
		Federal/State Indicator
		S
		Presumption Flag
		Notice of Error Flag
		Civil Case Number
		39576
		Old Case Number
		Old Judicial District
		Temporary Right
		P
		Water District
		Presumption Flag
		S
		Notice of Error Flag

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, ss

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

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

April 13, 1998

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 AOI, 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

AJ0749NP
No. R55-02208A

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

DATE: 03/02/98
PAGE: 1

OWNER
CODE
C
NAME & ADDRESS
CHARLES W STEINER
STAR ROUTE
OREANA ID 83650
PRIORITY
DATE
02/09/1965
WATER USE
IRRIGATION STORAGE
IRRIGATION FROM STORAGE
USE PERIOD
FROM TO
10-01 05-01
04-15 10-15
DIVERSION
RATE
DIVERSION
VOLUME
207.40 AFA
207.40 AFA
207.40 AFA

Water Source: ROCK CREEK
LOUISA CREEK
Tributary to: NORTH BOULDER CREEK
ROCK CREEK
Stage: LICENSE

Point(s) of Diversion: T07S R02W S30 SWSESE ONYHEE County

Place of use Legal Description for: IRRIGATION FROM STORAGE
NE
NENE NUNE SWNE SENE : NENW NUNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWESE SWESE SESE :
T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac :
07S 02W 30 : : : : : 20 04-30 34 : : : : : 12 : 96.0
TOTAL ACRES : 96.0

POU County: ONYHEE

Other Rights: A55-02152A, A55-02152, A55-04150

Remarks: POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 393 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 55-02008, 55-02152A,
55-04150, 55-10351, 55-10352, 55-10353 & 55-10354.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 03/01/1998 User-ID: JSHURTE Subject: RECOMMENDATION OF AF AMOUNT & ACRES
THE ACRE FOOT AMOUNT OF THIS RIGHT IS BASED ON THE TOTAL ACRE
FOOT AMOUNT OF THE RESERVOIR - 1184 AF DIVIDED BY THE TOTAL ACRES
LICENSED 548 TIMES THESE 96 ACRES. THE REMAINDER OF THIS RIGHT
IS RECOMMENDED UNDER 55-022088 FOR 976.6 AF. RIGHT NO. 55-10354
PICKS UP THE REMAINING 297 ACRES FROM STORAGE WITH A 1967
PRIORITY DATE. THESE WERE NOT INCLUDED ON THIS LICENSE DUE TO AN
ERROR IN THE FIELD EXAMINER'S RECOMMENDATION. SINCE THE RIGHT
HOLDERS AT THE TIME DID NOT OBJECT TO THE ISSUANCE OF THE LICENSE
FOR 96 ACRES, IT HAS TO BE RECOMMENDED THIS WAY. THERE IS
EVIDENCE TO SUPPORT THAT SOME OF THE 297 ACRES WERE ACTUALLY
BEING IRRIGATED AT THIS TIME DUE TO OLD WATER RIGHTS ISSUED FOR
MORE THAN 96 ACRES FOR A LIVEFLOW AMOUNT.

Audit: 03/02/98 JSHURTE

SUMMARY OF RECOMMENDATION FOR CHARLES STEINER - BASIN 55

55-02008 - ROCK CREEK & LOUISA CREEK

This right was based on a license with a priority date of 1908. Basically I recommended it for the same lands it was licensed for, only changing the acreage slightly to reflect current irrigated acres in those 1/41/4s. This right was recommended for both sides of Rock Creek due to the original right being from both Rock and Louisa Creek diversions. Total acres licensed = 157.

55-10352 - ROCK CREEK

Original claim was filed for 3-15-1912 based on beneficial use. However, I recommended a priority date of 11-14-1922 based on the idea that the field exam conducted in 1914 under the above licensed right 55-02008 did not mention any irrigation of other ground. The next evidence of irrigation came in a cancelled permit file. The permit had originally been filed for additional lands in the N1/2NE1/4, N1/2NW1/4, Sec. 25. However, due to no proof of beneficial use having been submitted, the permit was cancelled. In the original days of the Dept. the requirement was to file proof of completion of works and proof of beneficial use. If one was filed and the other wasn't, then the permit was cancelled. In this cancelled permit file there was proof of completion of works filed stating that the water had been put to beneficial use 10 years prior to the lands in Sec. 25. However, 10 years earlier would have been 1912 since the proof of completion of works was dated 1922. Because the field exam under 55-02008 was conducted in 1914, and these acres were not mentioned, I used the date of the notarized proof of completion of works as the date of priority for this right, 11-14-1922. Also submitted with this file were the homestead papers of Arthur Corlett which did show his intention to develop this land in Sec. 25. This right was recommended for an additional 71 acres of land irrigated within the same legal as the permit was filed for, N1/2NE1/4, N1/2NW1/4, S.25. These lands are lands that only Rock Creek water could be used to irrigate.

55-04150 - LOUISA CREEK

This right covers what Louisa Creek could have irrigated over and above those acres covered under Right No. 55-02008 for the liveflow (cfs) portion. There is no evidence that more water and acres were diverted &/or irrigated from Louisa Creek between 55-02008 and the building of the Louisa Creek dam in 1931. The lands covered by this right are lands South of Rock Creek that could have been irrigated from the Louisa Creek ditch. The acres in the W1/2NW1/4, and SENW, Sec. 31 are not included due to Lester Buck's affidavit which stated those lands were not irrigated until Triangle first filled in 1967. Those acres are covered under 55-10353 & 55-10354. The priority date is based on the above idea that there is no evidence that these lands were irrigated prior to the license issued under 55-02008 and not until the dam was built in 1931.

55-10351- LOUISA CREEK STORAGE

This right covers the storage right for Louisa Creek Reservoir which was built in 1931. The acres listed in this right are the acres that could have been irrigated via the Louisa Creek ditch and are all South of Rock Creek, except for the acres irrigated in the W1/2NW1/4 and SENW, Sec. 31 per Lester Buck's affidavit as explained above. Evidence of the date this dam was built is also from a cancelled permit 55-02171 which was filed for Louisa Creek dam specifically. This permit was cancelled for the same reason as before - proof of completion of works were submitted but not proof of beneficial use. Louisa Creek Dam was obviously completed in 1931 - per dam safety files also - however, as in many permits in those days, proof of completion of works was submitted and not proof of beneficial use. The proof of completion of works is a signed and notarized affidavit stating the work was completed and other documents from the file noting the dam was completed in 1931.

55-02152A & 55-02208A - ROCK CREEK & LOUISA CREEK LIVEFLOW & STORAGE IN TRIANGLE RESERVOIR

These rights have both been previously licensed and were licensed for 96 acres of land. I have recommended them both for the same 96 acres although they overlap with some of the acres under the earlier rights. The reason for this is due to the possible litigation concerning the following 1967 rights. Since these were licensed for the 96 acres, they should remain so in case the 1967 rights are compromised. These acres were determined based on contour lines rather than on an aerial photo. The earlier right listed above are evidence that more than 96 acres were irrigated at some point prior to these licenses.

55-10353 & 55-10354 - ROCK CREEK & LOUISA CREEK LIVEFLOW & STORAGE IN TRIANGLE RESERVOIR

These rights have been recommended to pick up the additional acres not listed under the previous rights. Especially those acres in the W1/2NW1/4 and SENW, Sec. 31 listed in Lester Buck's affidavit stating that those acres were first irrigated in 1967 after Triangle Reservoir first filled. An ASCS map dated in 1969 does show the ditch from the south headgate flowing around these lands in the NW1/4, Sec. 35 thus indicating these lands were irrigated by then. The 1967 date comes from Lester Buck's affidavit. The additional 31 acres recommended in 55-10353 are acres that needed to be covered from either Rock Creek or Louisa Creek to be sure they were covered by both sources in the end. For instance, the 2 acres in the NESW, S30, and the 3 acres in the NWNW, 1 acre in the SWNE, 1 acre in the NWNW, 3 acres in the SESE, S25, were to cover irrigation from Rock Creek that had not been previously covered. Then, the acres in the NWSW(6), NESW(2), S30, NENW(10) and NESE(5), S25 were listed to cover irrigation from both sources that had not been previously covered. NOTE: The difference in acres for each right comes from one being for liveflow, 55-10353, where many of the acres were previously covered under other rights and the other for storage from Triangle where only 96 acres had been previously covered. The remaining 297 acres for storage are being covered under 55-10354.

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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?

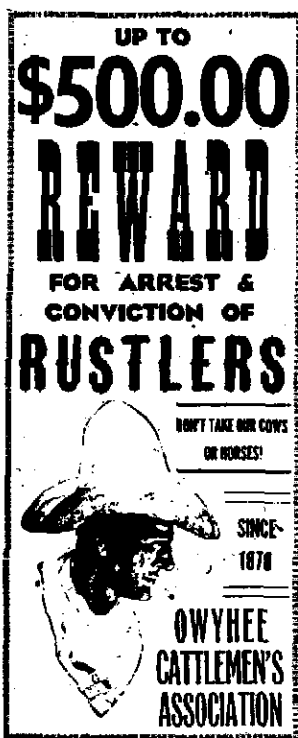
He could have
corrected his MISTAKE

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

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MAR 20 1998

WATER RESOURCES
WESTERN REGION

3/18/98

Jon Schute

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

As you are aware I adamantly disagree
with the Dept. records suggest 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 Sternier Claims of
R550284, R55 02008, R55 02152A, R55 10351, R55 02208A
R55 04150, R55 10352, R55 10353, R55 10354

Please post this in all these files. Sincerely, J. Schute

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: *255 62208A*

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 OF IT - IT IS
BASED UPON IDWR GIVING ANGELO GUSTT
A 96 ACRE RIGHT WITHOUT BENEFIT OR
ANGELO GUSTT EVER APPLYING FOR IT*

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

*ONLY EP LAURENCE OF THE HATTON RANCH
APPLIED FOR BENEFICIAL USE UNDER THIS
LICENSED RIGHT & NEITHER ANGELO GUSTT
OR HIS SUCCESSOR CARRIE'S STEINER*

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

*ASK FOR FOR BENEFICIAL USE AND
LICENSED*

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

DATE: *3/12/98*

SIGNATURE: *[Signature]*

Please print your name:

PO Box 343

*Jordan Valley Oregon
97910*

ATTACH 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
R5502152A 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 IDWR 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 ALL STAKEHOLDERS. 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 (IDWR RECORDS SUPPORT) A MAXIMUM OF 96 ACRES WAS EVER ACTIVELY IRRIGATED.
- I AGREE with this proposed recommendation; no changes need to be made.

DATE: 3/12/98

SIGNATURE: Don Barnette

Please print your name: PO Box 343

DON BARNETTE
PO Box 343
SPRINGER VALLEY
OREGON
977910

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:45:09
01/22/98

PAGE: 1
GENERAL INFORMATION

59
CLAIM NUMBER: A55-02208A

LAST: STEINER
ADDRESS: STAR ROUTE
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? Y() N()
DATABASE Y
FIELD EXAMINER Y() N()

CLAIM REMARKS: GEN THIS RIGHT WAS FILED BY JOHN GILBERT AS A55-02208, FOR THE TOTAL AMOUNT OF WATER, MINUS THE ACREAGE BELONGING TO MR. STEINER. HOWEVER, MR. STEINER STATES THAT HE HAS A HALF RIGHT TO THE WATER IN THE RESERVOIR. THEREFORE, HE IS FILING THIS CLAIM TO INDICATE HIS HALF OF THE WATER.

FIELD EXAMINATION INFORMATION

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 / NOTES:

FOR CUR WRITE-UP SEE 55-02152A
— EXCEPT FOR AF CALCULATION ATTACHED —
ALL MAPS, SYSTEM DESC, OVERLAP REVIEW & PHOTOS
IN 55-02152A.
ATTACHED HERE IS LICENSE ISSUED FOR 55-02208 & FIELD EXAM
CONDUCTED IN 8/1971. ALSO COPY OF DAM SAFETY FILE.

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A55-02208A IRRIGATION FROM STORAGE	FROM 04-01 TO 11-01		592.00 AF/A
A55-02208A IRRIGATION STORAGE	FROM 10-10 TO 05-01		592.00 AF/A
A55-02208A STOCKWATER STORAGE	FROM 01-01 TO 12-31		592.00 AF/A
A55-02208A STOCKWATER FROM STORAGE	FROM 01-01 TO 12-31		592.00 AF/A
TOTAL DIVERSION RATE/VOLUME			592.00 AF/A

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
55-02208 IRRIGATION STORAGE	FROM 10-01 TO 05-01		1184.00 AF/A
55-02208 IRRIGATION FROM STORAGE	FROM 04-01 TO 11-01	11.160 CFS	1184.00 AF/A
TOTAL DIVERSION RATE/VOLUME		11.160 CFS	1184.00 AF/A

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

NOTE: Div.
RATE COVERED
BY 55-02208A
SAME PRIORITY
DATE AS THIS
RIGHT.

AF at pub-portal
covered on permit
based on sheet
See next sheet

NOTES:

The AF amount for this right was pro-rated using 1184 AF for GFS acres. Divide 184 by 548 thirds the 96 acres licensed under this right equals 202.4 AF. Since the license limited the # of acres could not increase AF for these 96 acres. The remaining AF in the remaining acres are recommended under 55-10354 (425.2 AF + 202.4 AF = 632.6 AF for 393 acres. NOTE: same AF per acre amount as used for the total acres licensed in 1971 under 55-10208. ~~Stockwater~~ storage ~~for~~ No stockwater storage recommended due to inability to add uses to a licensed right. Stockwater storage recommended on 55-10354-1967 date.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION FROM STORAGE	04-01 11-01	DATABASE EXAMINER N/A	DATABASE EXAMINER 592.00 207.4	DATABASE EXAMINER 0.0 N/A
IRRIGATION STORAGE	10-10 05-01		592.00 207.4	0.0
STOCKWATER STORAGE	01-01 12-31		592.00	0.0
STOCKWATER FROM STORAGE	01-01 12-31		592.00	0.0
TOTAL FOR THIS RIGHT			207.4	

NON-IRRIGATION USES CLAIMED: S/850 HD CATTLE

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED () NO

REVIEWED BY: [Signature]

DATE: 3-2-98

FLAG: E

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

pool - limit to 393 acres total irrigated when
combined with all other rights.

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

IDAHO DEPARTMENT OF WATER RESOURCES INVENTORY WORKSHEET - DAMS

FORM NO. 1

Identification No. D 55 - 2208

Name of Dam ROCK CREEK (TRIANGLE)

County OWYHEE

River or Stream ROCK AND LOUISA CREEKS

Purpose I (Specify if other)

Location

Sec	Twship	Range
30	07S	02W

 SE $\frac{1}{4}$ SE $\frac{1}{4}$ - MAP AAS - TRIANGLE

FORM NO. 2

Name of Owner JOHN GILBERT & CHARLES STEINER

Owner's Phone No. 834 - 2383 (Alternate phone no.)

Address Line 1 C/O JOHN GILBERT

FORM NO. 3

Address Line 2

Address Line 3

City	State	Zip Code
OREANA	ID	83650

FORM NO. 4

Type of Dam EARTH (Other dam types)

Storage Capacity (ac-ft) , 1, 184 1290 W/FLASHBOARDS

Height of Dam (ft) 29.0 33.5' W/FLASHBOARDS

Drain. Area (sq. mi.) 54.0

Res. Surface Area (ac) , 74

Year Completed 1965 (Date enlarged, reconstructed, etc.)

Crest Elev. (M.S.L.) 5, 150 APPROXIMATE

Crest Length (ft) , 461 (Dike lengths)

Spillway Type RPECHAN AWAY FROM DAM CONCRETE CREST W/FLASHBOARDS (Auxiliary spillways)

Spillway Depth (ft) 7.6^① W/O FLASHBOARDS (Aux. spillway depths)

Spillway Capacity (cfs) 1, 440 W/3.6' FREEBOARD

Hazard Classification 2

Region 2

FORM NO. 5

Last Inspection

Month	Year
7	91

Approval Expiration

Month	Year
11	91

General Condition 6D

⁵⁰⁰
Q 100 (cfs) 1, 730

Outlet Type RNECNP 15" DIA PIPE

Outlet Capacity (cfs) , 22 ESTIMATE

Problems/Remarks ① SPILLWAY WILL HANDLE Q 500 WITH 3.0 FT FREEBOARD

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 55-2208 Priority 2-9-65 Amount 1184 AF

THIS IS TO CERTIFY, that Angelo Giusti and E. P. Lawrence
of Nampa, Idaho, has complied with the terms and conditions of Permit
No. 55-2208 issued pursuant to Application for Permit dated January 6, 1965
and has submitted proof to the Department of Water Administration on February 17, 1971
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1184 AF, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Rock and Louisa Creek

tributary of Snake River, is hereby confirmed in the following amounts:
Amount 1184 AF for storage for
to be released at irrigation from Oct. 1 to May 1 (both dates inclusive)
Amount 1.16 cfs for irrigation from April 1 to Nov. 1 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 1184 AF of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 7S, R. 2W, B.M.

in the county of Owyhee; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1184 acre feet per year or _____
3.0 acre feet per acre.

Description and location of place of use:

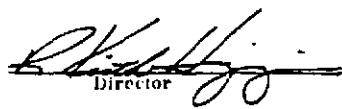
TWP	RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 S	2 W	30										34	30				32		96
7 S	3 W	13										12							12
		14													38	34	33	34	139
		23	40	19	7	38									19				123
		24					30	19			17	40	40				32		178

Total number of acres irrigated 548

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22ND day of

September, 19 71.


Director

55 2208
55 2208

MICROFILMED

SEP 29 1992

MEMO

April 1, 1971

Re: Permit No. 32246/55-2152

The secretary for the law firm of Schiller, Young, Williams and Trabert, called today in reference to the above referenced permit. She advised that the beneficial use submitted on February 17, 1971 for this permit, was in error. The beneficial use affidavit should include 1,100 acres of land and be for the amount of 22 cubic feet per second. These figures are less than were in the original permit as amended, and at present the applicant has 1,100 acres under cultivation and is using approximately 22 cubic feet per second of water. This should be noted on the exam report.


DORIAN CLAY

55 2152

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

1. Name of permit holder Angelo Giusti and E. P. Lawrence
 Post office address Box 21, Nampa, Idaho Phone _____
 Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Rock and Louisa Creek
 (name spring, stream, etc.)
 Tributary to Snake River

3. Water will be used for the following purposes:
 Amount 1184 c.f.s. for Irrigation
 AF/Annum (nature of use)
 Period of Use: from October 1 to May 1
 (mo.-day) inclusive (mo.-day)
 Amount _____ c.f.s. for _____
 AF/Annum (nature of use)
 Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)
 Amount _____ c.f.s. for _____
 AF/Annum (nature of use)
 Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)
 Other uses: _____

Permit No. R-1194/55-2208
 Examination for B U

4. Total amount to be appropriated:
 Max Rate of Diversion _____ cubic feet per second and annual volume 1184 AF/Annum.

5. Location of Point(s) of Diversion:
 Township 7 S N/S, Range 2 W E/W, B.M., Section 30, Subdivision SE 1/4 SE 1/4, Owyhee
 County
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
 County
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
 County
 Other Points of Diversions: _____

Description of diverting works: 16" heavy wall - Cen-Vi-Ro Pipe.

Measuring device required: yes ☐ no ☒

20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE	
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4
7 S	3 W	24														
		13											x	x		
		14											x			
		21													x	x
		22			x	x				x			x	x	x	x
		23	x	x	x	x							x	x		
		24													x	x
		28	x	x	x	x										
		29					x									
		30			x								x	x		
7 S	2 W.	16	x	x	x	x	x	x	x	x	x	x	x	x	x	x
		25	x	x	x	x	x	x	x	x	x	x	x	x	x	x
		30			x	x					x	L.3	L.4	x	x	x
8 S	2 W.	31	x	x			x	L.1	L.2	x						
		32	x	x		x	x	x	x		x	x	x	x		
		h											x	x		
		5		L.2	x	x	L.3	L.4	x	x		x	x	x	x	

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____ County _____
County _____

Other Points of Diversions: _____

Description of diverting works: 16" heavy wall - Cen-Vi-Ro Pipe.

Measuring device required: yes ☐ no ☒

20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7 S.	3 W.	24											X	X			X		120
		13											X						40
		14													X	X	X	X	160
		21			X	X			X	X				X	X	X	X	X	360
		22											X	X					80
		23	X	X	X	X									X	X			240
		24						X	X				X						120
		28	X	X	X	X	X												200
		29									X	X	X	X		X	X		240
		30			X					X	X	X	X	X	X	X	X	X	400
		16	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	640
		25	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	480
7 S.	2 W.	30			X	X			L.2	X	X	L.3	L.4	X	X	X	X	X	480
		31	X	X			X	L.1	L.2	X									240
		32	X	X		X	X	X	X	X	X	X	X	X			X		440
8 S.	2 W.	4											X	X					60
		5		L.2	X	X	L.3	L.4	X	X		X	X	X	X		X	X	520
		9					X	X	X	X	X	X	X	X					120
7 S.	3 W.	36	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	120

Total Number of Acres to Be Irrigated 5,600

21. Existing rights and/or valid permits appurtenant to lands described above are. There are existing water rights on all of the from Rock Creek and Louisa Creek, and an existing dam on Louisa Creek. This dam on Louisa Creek, the applicants are not waiving any water rights they have acquired by prior appropriation.

DATE OF EXAM 8/15/71

ACREAGE
Found 558 acres
Recommended 558 acres

Irrigation Requirement 3.0 Ac Ft/Ac

USE

Irrigation Q=	c.f.s.	V=	1184	AF/Ann. from	Apr. 1	to	Nov. 1
Domestic Q=	c.f.s.	V=		AF/Ann. from			
Livestock Q=	c.f.s.	V=		AF/Ann. from			

1184.2 AF to top of Sillway
under softer Eng. mcp.

Is water co-mingled? yes_____ no ☒

Name source: _____
 twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
 County _____

Exchange? yes_____ no_____

Name source exchanged with: _____
 twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
 _____ County

Point of injection: twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 1184 AF Method of measurement _____

Total Q recommended 1184 A E Meter No. _____ Type _____ Condition _____

Total V recommended 1184 AF

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

Capacity of reservoir was computed by Undercoffer (Engineer)

SYSTEM DESCRIPTION:

REMARKS:

REMARKS:
At time of exam a dam safety inspection was made and found the dam in good condition.

Examiner's Signature [Signature] Date 8/18/20

Checked by _____ Date _____

Approved by _____ Date _____

Water Right Number - 55-02208

Prefix Translation: WATER RIGHT

Old (D) Number - R1194

+ - - - - Last Name - - - - +

+ - First Name - - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***

GIUSTI

ANGELO

1 -

2 -

3 -

City- NAMPA

Phone - 208-000-0000

1 -

2 -

3 -

City-

Phone - 208-000-0000

LAWRENCE

E. P.

State- ID Zip-

+ - - Priority Date - - - +

02/09/1965

+ - - Region - - - +

14 WESTERN

+ - - Stage - - - +

L - LICENSE

+ - - Status - - - +

+ - - - - Source - - - - +

ROCK CREEK
JOUISA CREEK

+ - - - - Tributary - - - - +

SNAKE RIVER
SNAKE RIVER

+ - - - - Point of Diversion - - - - +

Lot Rflg County

Stream Index (Blank if no Index Code)

Twn Rng Sec

07S 02W 30

(73) OWYHEE

272.0 313.0 152.0 21.0 5.0 3.0

10.8

+ - - - - Description - - - - +

02 - IRRIGATION STORAGE
03 - IRRIGATION FROM STORAGE

+ - - - - Period From Period To

10/01 05/01
04/01 11/01

+ - - - - Diversion Rate Diversion Volume

11.160
1184.00
1184.00

+ - - Total Div. Rate - - - +

11.160

+ - - Total Div. Volume - - - +

1184.00

+ - - Total Div. Capacity - - - +

+ - - Total Consumptive Use - - - +

+ - - KW Usage - - - +

+ - - - - Twn Rng Sec

07S 02W 30

+ - - - - Place of Use - - - - +

Code

+ - - - - Description

02 IRRIGATION STORAGE

+ - - - - County

(73) OWYHEE

SW SW

34.0

02

IRRIGATION STORAGE

(73) OWYHEE

SE SW

30.0

02

IRRIGATION STORAGE

(73) OWYHEE

SW SE

32.0

02

IRRIGATION STORAGE

(73) OWYHEE

SW SW

12.0

02

IRRIGATION STORAGE

(73) OWYHEE

NE SE

38.0

02

IRRIGATION STORAGE

(73) OWYHEE

NW SE

34.0

02

IRRIGATION STORAGE

(73) OWYHEE

SW SE

33.0

02

IRRIGATION STORAGE

(73) OWYHEE

SE SE

34.0

02

IRRIGATION STORAGE

(73) OWYHEE

NE NE

40.0

02

IRRIGATION STORAGE

(73) OWYHEE

NW NE

19.0

02

IRRIGATION STORAGE

(73) OWYHEE

SW NE

7.0

02

IRRIGATION STORAGE

(73) OWYHEE

SE NE

38.0

02

IRRIGATION STORAGE

(73) OWYHEE

NE SE

19.0

02

IRRIGATION STORAGE

(73) OWYHEE

NW NW

30.0

02

IRRIGATION STORAGE

(73) OWYHEE

SW NW

19.0

02

IRRIGATION STORAGE

(73) OWYHEE

MICROFILMED

SEP 29 1992

1
2
3
4

075
075
075
075

Total Acres:

	Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee
	Approved/Denied	-	00/00/0000	Tested 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	-	04/23/1985	DLE/Catey Act
	Order Show Cause	-	00/00/0000	Receipt Number	-		Water District
	Licensed Date	-	06/21/1979	Appl Received	-	00/00/0000	Transfer/Amended
		-	00/00/0000	Microfilm Roll No	-		Presumption Flag

SEP 29 1992

Rec'd 5/94

May 10, 1994

To Whom It May Concern:
Richard Eisman
Don Barnhill

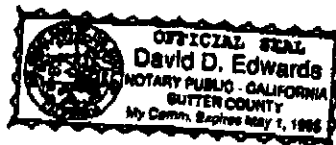
I am Michael Giusti, son of Angelo Giusti. I lived on Lower Triangle Ranch from 1969 to 1979. The Upper Triangle Ranch was sold in 1972. The Upper Triangle Ranch is now called the Triangle Ranch by Mr. Steiner.

The dam was built to supply water to the Giusti Ranch and the Lawrence Ranch with two separate irrigation systems coming from the dam. One was for the Giusti Ranch the other for the Lawrence Ranch. Each had its own head gate in the dam. The Giusti headgate supplied the old ditches and the new ditch was built to the south and west with two small reservoirs. All Giusti land was irrigated through the Giusti head gate and ditches. We dropped water into a lower ditch which crossed Rock Creek from south to north to irrigate the meadow north of Rock Creek. That ditch was located below the Lawrence ditch on the hillside. The Lawrence head gate supplied the Lawrence ditch which took water to the Lawrence property. We did not take water from the Lawrence ditch anywhere or by any means. No head gate, outlet, opening or ditch came from the Lawrence ditch to irrigate any Giusti land. We didn't even touch the Lawrence head gate, it was Lawrence's and we had ours. As best as I can remember we irrigated approximately 200 acres in the big meadows south of Rock Creek and maybe 40 acres north of Rock Creek and not much land anywhere else on the place.

This is my statement.

Michael Giusti

ATTACHED
NOTARY ACKNOWLEDGEMENT



REQUEST PAPER DOCUMENTS MADE & GIVEN TO DON
BARNHILL (950 COPIES) PICTURES HE CAME IN &
TOOK PICTURES OF OUR
PICTURES IN FILES.

COMPLETE (EVERY DOCUMENT, PICTURE, ETC
OF WATER RESOURCE BOARD FILES REGARDING
WATER FILINGS, RESERVOIR PERMITS, FILINGS &
WORK IN PROGRESS REPORTS, DEPARTMENT AND
PRIVATE COMMUNICATION ETC.

OF TRIANGLE RESERVOIR, AND RELATED WATER
FILINGS

WE REQUEST DOCUMENTATION IN DUPLICATE AND
~~THESE~~ COPIES OF FILE PHOTOS MADE OFF OF
THE FILE NEGATIVES (OR THE PHOTOS)
THEMSELVES - ACTUAL PHOTOS NOT PHOTO
COPIES OF THE PHOTOS; ALSO IN DUPLICATE

THIS REQUEST IS IN PREPARATION FOR
POSSIBLE LITIGATION AND IT IS IMPERATIVE
THAT ALL DOCUMENTS, PHOTOS, REPORTS AND
FILES BE REPRESENTED

Sincerely
Richard Eismann

FOR RICHARD EISMANN ATTNY:
NANPA 10A40

467 3100 if any questions
on

THIS REQUEST
REC'D 8/92.

8342383
DON BARNHILL

MICROFILMED
SEP 29 1992

**RINGERT
CLARK**
CHARTERED
LAWYERS

COPY OF LETTER STEINER'S ATTORNEY, DICK
RINGERT SENT TO DON BARNHILL AFTER DITCH
IN DISPUTE WAS BLOCKED OFF BY DON BARNHILL.

July 14, 1992

William F. Ringert
D. Blair Clark
Andrew M. Harrington
James G. Reid
Jeffrey R. Christenson
James P. Kaufman
Laura E. Burri
David Hammerquist
Daniel V. Steenson
Samuel Kaufman (1921-1986)

Mr. Don Barnhill
c/o Carol P. Gilbert
Oreana Route
Murphy, ID 83650

Re: Water Rights - Rock Creek and Louisa Creek

Dear Mr. Barnhill:

Charles W. Steiner has consulted me regarding the distribution of water through the divider box immediately below the outlet of Triangle Reservoir. You are reported to be the person who removed the divider box, made a cut in the left-hand lateral, and filled the first 30 feet or so of the left hand lateral extending from the divider box.

It is reported to me that you are purchasing the ranch owned by Mrs. Carol P. Gilbert, which receives the water that is released from the Triangle Reservoir.

Mr. Steiner, his son John Steiner, and Lester Buck met with me on July 8 to discuss the situation and to explain the history and operation of the Triangle Reservoir. On July 10 I visited the Triangle Ranch and examined the Triangle dam and some of the main ditches on the Triangle Ranch, as well as the Bachman dam and reservoir on Louisa Creek.

Although I expect to obtain additional information regarding the dam and the ditches and the manner in which they have been operated, for purposes of the Snake River Basin Adjudication, I believe the information I obtained last week, together with a review of maps, aerial photographs, water licenses and notices of claims in the adjudication, is sufficient to conclude that you had no authority to remove the divider box and to cut the bank and then fill in the left-hand ditch, and that you will be liable to Mr. Steiner for the cost of rebuilding the divider box and clearing the ditch, and for crop loss resulting from loss of use of the water before the divider box is replaced and the ditch is cleared.

Based on that conclusion, I have advised Mr. Steiner to install a temporary facility of whatever nature he deems appropriate to properly divide the water that is being released from the Triangle Reservoir between his ranch and the ranch you are purchasing from Mrs. Gilbert.

Mr. Don Barnhill
July 14, 1992
Page 2

The Triangle Dam was constructed pursuant to a verbal agreement between Angelo Giusti, Mr. Steiner's predecessor in interest, and E. P. Lawrence, Mrs. Gilbert's predecessor in interest, in the fall and winter of 1964-1965. According to Mr. Buck, who owned a 10% interest in the Triangle Ranch and was a participant with Mr. Giusti in the agreement, the deal was that Mr. Lawrence would contribute \$65,000.00 toward construction of the dam, and the owners of Triangle Ranch would contribute the use of the land and would manage the construction. The agreement further provided that the storage capacity of the reservoir created by construction of the dam would be divided equally between the two ranches.

After the dam was constructed, Giusti and Buck installed the upper headgate and constructed a ditch extending from that headgate to the west, and they extended that ditch to join up with the old highline ditch that delivered water from Louisa Creek. It appears that the highline ditch might have been enlarged at that time, also.

At the time the Triangle dam was constructed, the Triangle Ranch already had established water rights with 1898 priority in Louisa Creek, and in Rock Creek/Louisa Creek with 1908 priority. The 1898 water right is for 3.0 cfs and includes 900 acre feet of storage, which probably has a later priority date, since the dam on Louisa Creek reportedly was not completed until about 1923 or 1924. The 1908 water right is for 3.14 cfs.

The ditches extending from the outlet of the Triangle Reservoir, or earlier versions of those ditches at approximately the same locations, were used to divert and distribute water under the 1898 and 1908 water rights. Mr. Charles Steiner and Mr. Buck informed me that, insofar as they know, the right-hand ditch was never a part of the delivery system for the Lawrence/Gilbert Ranch, and that water from Rock Creek for that ranch always has been diverted at the Hatten Dam near the west boundary line of Section 30, Township 7 South, Range 2 West, B.M. Water diverted through the two ditches that serve the 1898 and 1908 water rights, to the extent it was not consumed in irrigation on the Triangle Ranch, returned to the channel of Rock Creek and became part of the source of water for the portion of the Triangle Ranch below the Hatten Dam and for the irrigation of the Lawrence/Gilbert Ranch, under whatever flow rights might exist for that ranch.

It is my recollection that Mr. Buck told me that he and Mr. Giusti acquired the Triangle Ranch in the mid-1950's and that

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during the entire time of his acquaintance with the ranch the owners of the Lawrence/Gilbert Ranch never did participate in the operation or maintenance of the right-hand ditch below the Triangle dam.

Apparently the basis for your removal of the divider box and blockage of the left-hand ditch is your theory that the Triangle Ranch is entitled to receive water from or through the Triangle dam only when the water level is high enough to supply water through the upper headgate. The theory ignores the fact that the agreement was that the stored water would be divided equally between the two ranches, and ignores the fact that under the 1898 and 1908 water rights the Triangle Ranch is entitled to divert 6.14 cfs at the outlet of the reservoir, because that outlet was substituted for the original points of diversion under those two water rights, when the original points of diversion were obliterated by the construction of the dam.

Also, your theory fails to recognize that the reservoir has been operated from the outset in accordance with the agreement that the water would be divided equally between the two ranches.

It seems to me that in the past the two ranches have been able to operate in a cooperative manner that serves the best interests of both. There probably is some efficiency available by carrying water in the right-hand ditch instead of in the channel of Rock Creek, to the backwaters of the Hatten Reservoir. Without taking into account the comparison of seepage loss from the creek channel as compared to ditch loss in the right-hand ditch, part of the water right for the Lawrence/Gilbert Ranch can be satisfied by return flow from the Triangle Ranch. Apparently these considerations and others were taken into account in the past, and they should be taken into account now. The past methods of operation avoided the necessity for such other technicalities as measuring the natural flow of Rock Creek and the natural flow, combined with storage release, from Louisa Creek, at the points where those waters enter the Triangle Reservoir. As far as I can tell those flows need to be taken into consideration at all times during the irrigation season, because the priorities of those water rights are earlier than the priority of any of the 1965 priorities established by construction of the Triangle Dam.

If you have some substantial evidence to refute what I have discussed above, please send it to me immediately for evaluation and analysis. In the meantime, this letter constitutes formal notice to you that the Triangle Ranch is entitled to the natural

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flow of Rock Creek and the natural flow and released storage of Louisa Creek, up to a maximum of 6.14 cfs, as well as one-half of the water stored in the Triangle Reservoir, all of which Mr. Steiner is entitled to divert into his two ditches at the outlet of the Triangle Reservoir. If you have a problem obtaining the amount of water to which the Lawrence/Gilbert Ranch is entitled under the agreement covering the Triangle Reservoir, this letter further constitutes formal notice to you to contact me so that efforts can be made to work out the problem, instead of violating Mr. Steiner's property rights by destroying his diversion works and cutting the low bank or filling in his ditch and thus depriving him of water which he is lawfully diverting into his ditches.

I am enclosing copies of Idaho Code § 18-4306 and Idaho Code § 18-7019, and I ask that you carefully analyze these statutes in evaluating your situation at the Triangle Reservoir. I ask you to consider, also, the fact that there is no written easement for whatever interest the Lawrence/Gilbert Ranch might have in the Triangle Dam and in the Triangle Reservoir, which indicates to me that under Idaho law the use of Triangle Ranch property for your interest in the dam and reservoir is under a license, and that license is subject to revocation by the landowner at any time after the holder of the license has had a reasonable opportunity to recover his investment in the facility. The Triangle Dam and Reservoir could very easily be at or near the end of the time period necessary for recovery of the investment.

Unless I hear from you on this matter by July 24, I will assume that you will make no further efforts to disrupt the distribution of water from the Triangle Reservoir and from Rock Creek, and that any differences you might have with Mr. Steiner regarding the legal ramifications of the situation will be handled in the Snake River Basin Adjudication.

Yours very truly,



W. F. Ringert

WFR:am
cc: Charles W. Steiner
John Steiner

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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

Dear Claimants: *CLAIM NO'S. ASS-02084, ASS-02152A,
ASS-02208A, ASS-04150 - Dwyer 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

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CONVERSATION MEMORANDUM

DATE 4-30-92

FILE ASS-02208A+B
02152A+B

NAME OF PARTY

EMPLOYEE

Don Barnhill (purchasing Gilbert's property)
Jan Thunt

RE:

Claim No's ASS-02152A+B/ASS-02208A+B
filed for Triangle Reservoir.

Mr. Barnhill is purchasing this property from Carol Gilbert (widow of John Gilbert). Originally, the licenses were issued for 96 acres of Charles Steiner's land & the remaining acre are Gilbert's. Mrs. Steiner has claimed all the land under the license and Mr. Gilbert has claimed all but the 96 acres. There appears to be a conflict as to who has what rights to this reservoir and during the field exams certain questions need to be asked. I will ^{partially} review these claims for exam & write questions for each based on my conversation with Mr. Barnhill & Mrs. Gilbert.

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