

No. 15107

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

CANCELLED pursuant to the order of the Board of Commissioners of the State of Idaho dated NOV 9 1927

1. Name of applicant: John E. BakerPostoffice address: 2001 2ndCounty: CarletonState: Idaho

I. If applicant is a corporation, give

(a) Date and place of incorporation.

(b) The amount of capital stock.

(c) The amount paid in.

(d) Names and addresses of directors.

II. The financial resources of the applicant are: (a) Cash on hand.

(b) Treasury stock.

(c) Bonds to be issued.

(d) Other resources.

2. The quantity of water claimed is Three and one-fifth

cubic feet per second.

3. Source of water supply: Rock Creek4. Location of point of diversion: 1/4 mile south of the point where Rock Creek enters the Carleton Riverthe Carleton RiverCounty of Carleton5. To be used for: Irrigation and domestic use.I. Irrigation and domestic use: (a) Amount of land to be irrigated: 160

acres.

(b) In the following legal subdivisions: To be used at the point of diversion of the Carleton River into the South of Carleton at the "Toy Garden"1/2 mile S. of Canyon at the Toy Garden

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under

ft. head

(c) Is water to be returned to any stream? return:

(d) If so, name stream and locate point of

6. Estimated cost of works: \$200.00

7. Description of works for diversion:

I. Kind of works: Dam and bridge

II. Dimensions of works:

[a] Height of dam

20

feet, length of dam at top

20

feet.

length of dam at bottom

15feet. Material used in construction: Stone and brush

[b] Capacity of reservoir

acre feet.

(c) Size of headgate, width

8

feet.

Height

feet.

(d) Conduit

6 inchwidth at bottom 15 feet.

width at water line

12

feet; depth of water

2

feet; diameter of pipe

inches; average grade per mile is

four

feet.

Length of conduit is

3/4

miles.

and it crosses the following quarter sections: the arroyo land.

10172

Date of first receipt at office of State Engineer 4:45 P. M. April 22, 1914.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 10172

Recorded in Book 34

Page 10172

Approved

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.

Bond in the sum of _____ to be filed on or before _____

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before _____

The whole of said work to be completed on or before _____

Beneficial use of water appropriated in accordance herewith, to be made on or before _____

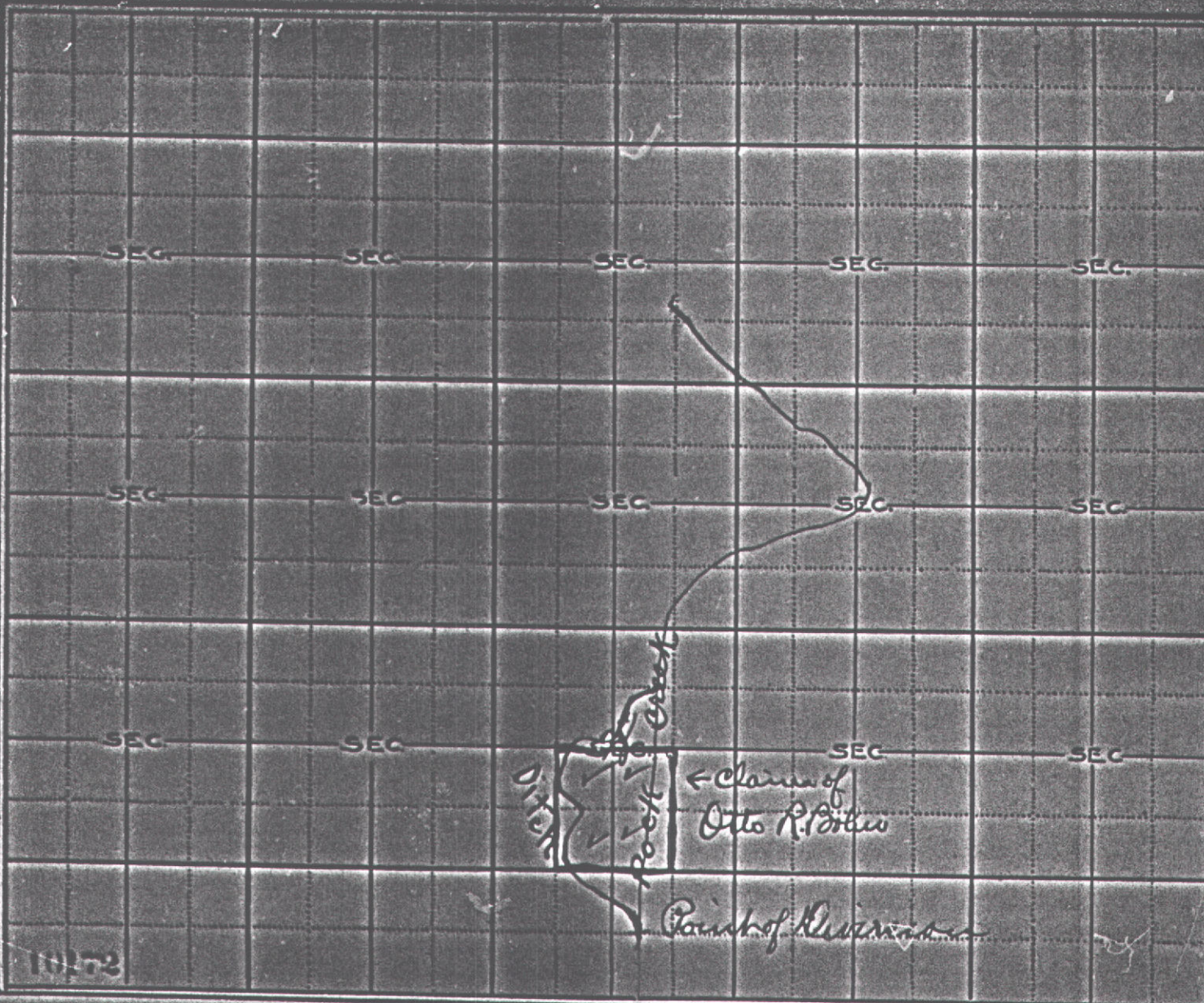
Witness my hand this 22nd day of May, 1914.

State Engineer.

Remarks.

Chas. P. Butler, Sec. 28, Sub. 6, S. 2, 11

Name of Applicant



10272

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: **A55-10353**
Date Received: 8/10/1994
Receipt No: W017904
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

83659

2. Date of Priority: MAR 15, 1931

3. Source: ROCK CREEK

Trib. to: BOULDER CREEK

4. Point of Diversion:

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

5. Description of diverting works:
DITCHES WITH GRAVITY FLOW FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.580		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	02W	30	SW	SE		IRR	11.0
			SE	SE		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	12.0
		31	NW	NE		IRR	2.0
			NE	NW		IRR	34.0
			NE	SW		IRR	1.0
						Section Acres	37.0
	03W	25	SW	NW		IRR	1.0
			SE	NW		IRR	9.0
			NE	SW		IRR	27.0
			SE	SW		IRR	14.0
			NE	SE		IRR	29.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	37.0
						Section Acres	197.0
		36	NE	NE		IRR	3.0
			NW	NE		IRR	22.0
			NE	NW		IRR	8.0
						Section Acres	33.0
						Total Acres	279.0

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/02208A/04150/10351/10354.

14. Remarks:

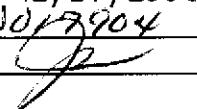
NOTICE OF APPEARANCE FROM PAT MADIGAN FOR CHARLES W STEINER.

15. Basis of Claim: BENEFICIAL USE

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: A55-10353
Date Received: ~~1/27/1993~~ PAID 8-10-94
Receipt No: 2017904
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

83659

2. Date of Priority: MAR 15, 1931

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

4. Point of Diversion:

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

5. Description of diverting works:
DITCHES WITH GRAVITY FLOW FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.580		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	02W	30	SW	SE		IRR	11.0
			SE	SE		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	12.0
		31	NW	NE	IRR	2.0
			NE	NW	IRR	34.0
			NE	SW	IRR	1.0
					Section Acres	37.0
	03W	25	SW	NW	IRR	1.0
			SE	NW	IRR	9.0
			NE	SW	IRR	27.0
			SE	SW	IRR	14.0
			NE	SE	IRR	29.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	37.0
					Section Acres	197.0
		36	NE	NE	IRR	3.0
			NW	NE	IRR	22.0
			NE	NW	IRR	8.0
					Section Acres	33.0
					Total Acres	279.0

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/02208A/04150/10351/10354.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Charles Steiner Date: 9-8-93

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 8th day

of Sept. 19 93

Jan O. Heute
Notary Public

Seal

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 SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 55-10353

1999 JUN 28 PM 12: 06

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME AND ADDRESS: CHARLES W STEINER
STAR ROUTE
OREANA, ID 83659

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

QUANTITY: 2.78 CFS

PRIORITY DATE: 04/15/1967

POINT OF DIVERSION: T07S R02W S30 SWSSE Within Owyhee County
LOT 02 (SNNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.78 CFS

PLACE OF USE:	Irrigation	Within Owyhee County
	T07S R02W S30 LOT 03 (NWSW) 6.0	NESW 2.0
	S31 NENW 26.0	SESW 29.0
	LOT 01 (NWNW)38.0	LOT 02 (SNNW)15.0
	R03W S25 NWNW 3.0	NENW 10.0
	NWNW 1.0	SESE 3.0
	SWNE 1.0	NESE 5.0
	139.0 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
IRRIGATION SEASON. COMBINED RIGHT NOS.: 55-02008, 55-02152A,
55-02208A, 55-04150, 55-10351, 55-10352 & 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 55-10353

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 55-10353 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 55-10353

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 55-10353 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

AJ0749NP
No. R55-10354

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

DATE: 04/29/98
PAGE: 1

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME

C CHARLES W STEINER 04/17/1967 IRRIGATION STORAGE 10-01 05-01 425.20 AFA
STAR ROUTE IRRIGATION FROM STORAGE 03-15 10-15 425.20 AFA
OREANA ID 83650 STOCKWATER STORAGE 01-01 12-31 11.40 AFA
STOCKWATER FROM STORAGE 01-01 12-31 11.40 AFA
TOTAL DIVERSION: 425.20 AFA

Water Source: ROCK CREEK Tributary to: NORTH BOULDER CREEK Stage: BENEFICIAL USE
LOUISA CREEK ROCK CREEK

Point(s) of Diversion: T07S R02W S30 SWSSE Owyhee County
Point(s) of Re-diversion: T07S R02W S30 Lot02(SWSNW) Owyhee County

Place of use Legal Description for: IRRIGATION FROM STORAGE

NE		NW		SW		SE						
NENE NNW SENE		NENW NNW SENE		NESW NWSW SENE		NESE NWSE SENE						
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S 02W 30	13	28	33	14	26	01-38	02-15	29	02	03-16	18.0	
07S 02W 31											108.0	
07S 03W 25											171.0	
											03	
											TOTAL ACRES	297.0

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

POU County: Owyhee

Conditions of Approval:

- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks: POU1

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 408 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 55-02008, 55-02152A, 55-02208A, 55-04150, 55-10351, 55-10352 & 55-10353.

EXP STOCKWATER, 850 RANGE CATTLE.

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

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

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

DATE: 04/29/98
PAGE: 2

Comments:

Date: 03/01/1998 User-ID: JSHURTE Subject: ACRE FOOT AMOUNT
THE ACRE FOOT AMOUNT WAS BASED ON THE DEPARTMENT'S OVERLAP METHOD
OF CALCULATING CFS. THE ORIGINAL VOLUME PER ACRE FOR THE TOTAL
ACRES WAS TAKEN AND MULTIPLIED BY THE ADDITIONAL ACRES. 1184 WAS
DIVIDED BY A TOTAL OF 827 ACRES (393 FOR STEINER) & (434 FOR
WINTERCAMP TRUST) THEN THAT FIGURE WAS MULTIPLIED BY THE 297
ADDITIONAL ACRES LISTED ON THIS RIGHT.

Date: 03/01/1998 User-ID: JSHURTE Subject: RECOMMENDATION OF ACRES
THE ACRES BEING RECOMMENDED UNDER THIS RIGHT ARE THE BALANCE OF
THE 393 ACRES FOUND IRRIGATED AFTER RIGHT NO. 55-02208A - 96
ACRES. THE 1967 DATE WAS FROM AN AFFIDAVIT BY LESTER BUCK THAT
STATED THE ACRES IN THE NW1/4 OF SEC. 31 WERE NOT PUT IN UNTIL
TRIANGLE RESERVOIR FIRST FILLED IN 1967. THE REMAINING ACRES ARE
BASICALLY COVERED BY EARLIER LIVEFLOW IRRIGATION. SEE THE
COMMENTS IN 55-10353 AS TO THE COMPLICATIONS INVOLVED FROM THE
LICENSING OF 55-0152 & 55-02208.

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 LIMITATION CONDITION ON THIS RIGHT WAS CHANGED DUE
TO THE ADDITION OF 15 DIFFERENT ACRES TO 55-04150 AS A RESULT OF
THE NOTICE OF ERROR SUBMITTED FOR THAT RIGHT. THE TOTAL ACRES
WERE CHANGED FROM 393 TO 408.

Audit: 04/29/98 JSHURTE

Water Right Number - R55-10353 Prefix Translation: RESEARCH Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + + - - - - Address - - - - - +

*** A - ATTORNEY ***
MADIGAN

PATRICK D

1 - ROSHOLI 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- 83659
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/15/1967 14 WESTERN J - BENEFICIAL USE

+ - - - - 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 NW 2		(73)	ONYHEE
			SW SE SE		(73)	ONYHEE

HATTON RESERVOIR DIV PT
TRIANGLE RESERVOIR DIV PT

+ - - - - Description Period From Period To Diversion Rate Diversion Volume
Code 01 - IRRIGATION 04/15 10/15 2.780

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.780 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
07S	02W	30	NE SW		2.0	01	01	IRRIGATION	(73) ONYHEE
07S	02W	30	NW SW	3	6.0	01	01	IRRIGATION	(73) ONYHEE
07S	02W	31	NE NW		26.0	01	01	IRRIGATION	(73) ONYHEE
07S	02W	31	NW NW	1	38.0	01	01	IRRIGATION	(73) ONYHEE
07S	02W	31	SW NW	2	15.0	01	01	IRRIGATION	(73) ONYHEE
07S	02W	31	SE NW		29.0	01	01	IRRIGATION	(73) ONYHEE
07S	03W	25	NW NE		3.0	01	01	IRRIGATION	(73) ONYHEE
07S	03W	25	SW NE		1.0	01	01	IRRIGATION	(73) ONYHEE
07S	03W	25	NE NW		10.0	01	01	IRRIGATION	(73) ONYHEE
07S	03W	25	NW NW		1.0	01	01	IRRIGATION	(73) ONYHEE
07S	03W	25	NE SE		5.0	01	01	IRRIGATION	(73) ONYHEE
07S	03W	25	SE SE		3.0	01	01	IRRIGATION	(73) ONYHEE

Total Acres: 139.0

04/15/98 SSHERMAN

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

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*

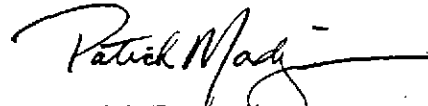
Diana:

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 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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES W STEINER STAR ROUTE OREANA ID 83659	04/15/1967	IRRIGATION	04-15 10-15	2.78 CFS	
TOTAL DIVERSION:					2.78 CFS	

TOTAL DIVERSION: 2.78 CFS

Water Source:	Tributary to:	Stage:	BENEFICIAL USE
ROCK CREEK	NORTH BOULDER CREEK		
LOUISA CREEK	ROCK CREEK		

Point(s) of Diversion: T07S R02W S30 Lot02(SWNW) SWSESE

Place of use Legal Description for: IRRIGATION

[illegible]

POU County: OWYHEE

Remarks: POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~393~~ 393 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 55-02008, 55-02152A, 55-02208A, 55-04150, 55-10351, 55-10352 & 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 THIS RIGHT
THIS RIGHT IS BEING RECOMMENDED FOR THE 139 ACRES NOT COVERED
FROM BOTH SOURCES UNDER PRIOR WATER RIGHTS FOR LIVEFLOW. THE
1967 PRIORITY DATE CAME FROM AN AFFIDAVIT BY LESTER BUCK THAT THE
ACRES IN SEC. 31 WERE FIRST IRRIGATED THE YEAR THE RESERVOIR
FILLED - 1967. AT THE TIME THE FIELD EXAM WAS CONDUCTED FOR
55-02152 & 55-02208 THE FIELD EXAMINER DID NOT HAVE AN AERIAL
PHOTO FOR THIS PORTION OF THE RIGHT AND BASED THE ACRES ON THE
ELEVATION LINES FROM THE TOPO MAP. THOSE RIGHTS LICENSED 96
ACRES TO THIS 393 ACRE PARCEL WHEN 157 ACRES HAD BEEN PREVIOUSLY
LICENSED IN 1908 AND A PROOF OF COMPLETION OF WORKS AFFIDAVIT HAD
BEEN FILED STATING ANOTHER 71 ACRES (ACTUALLY MORE) HAD BEEN
IRRIGATED BY 1922. SEE RIGHT NOS. 55-02008 & 55-10352 - FOR A
TOTAL OF 228 ACRES BY 1922. IN A 1969 AERIAL PHOTO YOU CAN SEE
THE SOUTH DITCH FROM TRIANGLE RESERVOIR HEADING SOUTH TO THE
LANDS IN S31 AND ON DOWN. THIS RIGHT COVERS THOSE ACRES IN S31.
THE ONLY OTHER ACRES COVERED BY THIS RIGHT ARE ONES THAT ALREADY
HAD LOUISA CREEK WATER IN 1931 AND NEEDED TO BE COVERED FOR ROCK
CREEK WATER.

Audit: 03/03/98 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 NWNE, 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.

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

UP TO
\$500.00
REWARD
FOR ARREST &
CONVICTION OF
RUSTLERS

DON'T TAKE OUR COWS
OR HORSES!

SINCE
1878

OWYHEE
CATTLEMEN'S
ASSOCIATION



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 of 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. Schute

ALPH 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 ALLOCATIONS 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 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 CONTESTS (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 BRANNHILL
Please print your name: ROBEX 343
JUDAN 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:

② Water right number: S R5516354
R5516353

Daytime Telephone Number: 208 8912620 or 541 5862278
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 - THIS IS BASED UPON FRAUDULENT INFORMATION - THE LAND UNDER THIS APPLICATION WAS DENIED AND WATER RIGHTS UNDER THIS OWNERS TENURE FOR LACK OF PROOF OF BENEFICIAL USE AND FURTHER MORE THE GRANTED LICENSE TO ANGELO GUISIT FOR 96 ACRES UNDERLYING THIS RANCH WAS GRANTED ARBITRARILY TO GUISIT WITHOUT BENEFIT OR APPLICATION FOR THAT RIGHT WHEN E.P.
 2. Describe the changes you wish to make in the proposed recommendation:
 3. Give a brief explanation as to why you disagree with these portions:
LANDWATER SOLELY APPLIED FOR BENEFICIAL USE IN 1967 AND WAS GRANTED SAID USE. THE DEPT. AT THAT TIME GRANTED A 96 ACRE RIGHT TO THE TRIANGLE RANCH (TOTAL 96 ACRES) WITHOUT BENEFIT OR AN APPLICATION.
- I AGREE with this proposed recommendation; no changes need to be made.

DATE: 3/18/98

SIGNATURE: [Signature]

Please print your name:

DON BARNHILL

PO Box 343

JORDAN VALLEY OREGON

97910

I THEREFORE PROTEST THIS ENTIRE CLAIM &

CAN SUPPORT MY PROTEST WITH IDWR DOCUMENTS
PROVES THE FACT HISTORIC USE CANNOT SUPPORT
THIS CLAIM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A55-10353⁴⁴

LAST: STEINER
ADDRESS: STAR ROUTE
CITY: OREANA
PHONE NUMBER: 208-000-0000

FIRST: CHARLES W

STATE: ID ZIP: 83659

OWNER CODE: C

FIELD EXAM REQUIRED?

FIELD
EXAMINER

**DATABASE
N**

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

FIELD EXAMINATION INFORMATION

CONTACT PERSON: ORE 53-0d12dH PHONE NUMBER: () - -

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____) TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A55-10353 PRIORITY DATE: 03-15-1931 STAGE: J
B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE EXAMINER
Y

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

NOTES: *The priority date for this right is being recommended as 1967. The reason for this is due to the fact that right # 55-02008 licensed 157 of the 393 acres with a 1908 priority, then 55-10352 recommended an additional 71 acres for 1922, then 55-04150 recommended 16 more acres for 1931 for a total of 224 acres by 1931. An affidavit from Foster Buck stated that the acres in the NW 1/4 Sec. 31 had not been put in until 1967 - 08 acres for a total of 382 acres. It was not clear when the remaining 31 acres (6 acres licensed under 55-02153A + 55-02208A)*

RECOMMENDED PRIORITY DATE:

4-15-1967

REVIEWED BY

DATE *3-2-98*

went in. However, it was prior to 1967 and since they were not included in the 1967 license, I added them to this 1967 right to total 393 acres from 1908 to 1967. The 224 acres in question ~~are~~ were irrigated from the Louisa Creek reservoir & ditch in 1931. They are being added to this right to cover irrigation from Triangle Res. and the remaining 8 acres in Sec. 30 were a part of the original Backman Homestead not included in 55-02008 likely due to mapping difference in calculating acres.

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A55-10353	07S	02W	30	SE	SE	SE		ONTARIO

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX
A55-02008
A55-04150
A55-10352

WR RECORDS IN SAME 40 ACRE TRACT
55-02152
55-02208

SOURCE: ROCK CREEK

TRIB: BOULDER CREEK

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

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

NOTES:

POD's taken from location of Triangle Res. dam on Rock Creek & Hatton diversion dam on Rock Creek.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:					COUNTY	DIVERSION NAME
TWP.	RGE.	SEC.	1/4	1/4		
25	20	30	SW	SE	Quincy	TALANCOSE DAM
25	20	30	SW	NW		HATTAN DAM
SOURCE: <u>Rock House A CK</u>					TRIB: <u>NORTH BULLOCK CK</u>	
REVIEWED BY: <u>[Signature]</u>					DATE: <u>3-2-88</u>	
SYSTEM DESCRIPTION:						

SEE ATTACHMENT

A. ROOT WATER RIGHT NUMBERS: A55-10353

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	02W	30	SW	SE		STEINER, CHARLES W	A55-10353 /11.0	-	25.0		
			SW	SE		STEINER, CHARLES W.	A55-02152A /11.0	-			
			SW	SE		STEINER, CHARLES W.	A55-02208A /11.0	-			
			SW	SE		STEINER, CHARLES W.	A55-04150 /11.0	55-04150 /32.0			
			SW	SE		STEINER, CHARLES W	A55-10354 /11.0	-			
			SW	SE		GIUSTI, ANGELO	55-02152 /32.0	55-02208 /32.0			
			SW	SE		GIUSTI, ANGELO					
07S	02W	30	SE	SE		STEINER, CHARLES W	A55-10353 / 1.0	-	3.0	0	
			SE	SE		STEINER, CHARLES W.	A55-02152A / 1.0	-			
			SE	SE		STEINER, CHARLES W.	A55-02208A / 1.0	-			
			SE	SE		STEINER, CHARLES W.	A55-04150 / 1.0	-			
			SE	SE		STEINER, CHARLES W	A55-10354 / 1.0	-			
07S	02W	31	NW	NE		STEINER, CHARLES W	A55-10353 / 2.0	-			
			NW	NE		STEINER, CHARLES W.	A55-02152A / 2.0	-			
			NW	NE		STEINER, CHARLES W.	A55-02208A / 2.0	-			
			NW	NE		STEINER, CHARLES W.	A55-04150 / 2.0	-			
			NW	NE		STEINER, CHARLES W	A55-10354 / 2.0	-			
07S	02W	31	NE	NW		STEINER, CHARLES W	A55-10353 /34.0	-	26.0	26	
			NE	NW		STEINER, CHARLES W.	A55-02152A /34.0	-			
			NE	NW		STEINER, CHARLES W.	A55-02208A /34.0	-			
			NE	NW		STEINER, CHARLES W.	A55-04150 /34.0	-			
			NE	NW		STEINER, CHARLES W	A55-10354 /34.0	-			
07S	02W	31	NE	SW		STEINER, CHARLES W	A55-10353 / 1.0	-			
			NE	SW		STEINER, CHARLES W.	A55-02152A / 1.0	-			
			NE	SW		STEINER, CHARLES W.	A55-02208A / 1.0	-			
			NE	SW		STEINER, CHARLES W.	A55-04150 / 1.0	-			
			NE	SW		US DEPT OF INTERIOR	A55-12384 /	-			
			NE	SW		STEINER, CHARLES W	A55-10354 / 1.0	-			
07S	03W	25	SW	NW		STEINER, CHARLES W	A55-10353 / 1.0	-			
			SW	NW		STEINER, CHARLES W.	A55-02152A / 1.0	-			
			SW	NW		STEINER, CHARLES W.	A55-02208A / 1.0	-			
			SW	NW		STEINER, CHARLES W.	A55-04150 / 1.0	-			
			SW	NW		STEINER, CHARLES W	A55-10354 / 1.0	-			
07S	03W	25	SE	NW		STEINER, CHARLES W	A55-10353 / 9.0	-	6.0		
			SE	NW		STEINER, CHARLES W.	A55-02008 /20.0	55-02008 /20.0			
			SE	NW		STEINER, CHARLES W.	A55-02152A /29.0	-			
			SE	NW		STEINER, CHARLES W.	A55-02208A /29.0	-			
			SE	NW		STEINER, CHARLES W.	A55-04150 /29.0	-			

Recommended under 04/50 & 02/52A

Accepted by Public Hearing

See 55-02008

See 55-02008

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	03W	25	SE	NW		STEINER, CHARLES W	A55-10354 /29.0	- /			
07S	03W	25	NE	SW		STEINER, CHARLES W	A55-10353 /27.0	- /	5.0		
			NE	SW		STEINER, CHARLES W.	A55-02152A /27.0	- /			
			NE	SW		STEINER, CHARLES W.	A55-02208A /27.0	- /			
			NE	SW		STEINER, CHARLES W.	A55-04150 /27.0	- /			
			NE	SW		STEINER, CHARLES W	A55-10354 /27.0	- /			
07S	03W	25	SE	SW		STEINER, CHARLES W	A55-10353 /14.0	- /			0
			SE	SW		STEINER, CHARLES W.	A55-02152A /14.0	- /			
			SE	SW		STEINER, CHARLES W.	A55-02208A /14.0	- /			
			SE	SW		STEINER, CHARLES W.	A55-04150 /14.0	- /			
			SE	SW		STEINER, CHARLES W	A55-10354 /14.0	- /			
07S	03W	25	NE	SE		STEINER, CHARLES W	A55-10353 /29.0	- /	26.0		
			NE	SE		STEINER, CHARLES W.	A55-02008 /7.0	55-02008 /5.0			
			NE	SE		STEINER, CHARLES W.	A55-02152A /36.0	- /			
			NE	SE		STEINER, CHARLES W.	A55-02208A /36.0	- /			
			NE	SE		STEINER, CHARLES W.	A55-04150 /36.0	- /			
			NE	SE		STEINER, CHARLES W	A55-10354 /36.0	- /			
07S	03W	25	NW	SE		STEINER, CHARLES W	A55-10353 /40.0	- /	7.0		0
			NW	SE		STEINER, CHARLES W.	A55-02152A /40.0	- /			
			NW	SE		STEINER, CHARLES W.	A55-02208A /40.0	- /			
			NW	SE		STEINER, CHARLES W.	A55-04150 /40.0	- /			
			NW	SE		STEINER, CHARLES W	A55-10354 /40.0	- /			
07S	03W	25	SW	SE		STEINER, CHARLES W	A55-10353 /40.0	- /			0
			SW	SE		STEINER, CHARLES W.	A55-02152A /40.0	- /			
			SW	SE		STEINER, CHARLES W.	A55-02208A /40.0	- /			
			SW	SE		STEINER, CHARLES W.	A55-04150 /40.0	- /			
			SW	SE		STEINER, CHARLES W	A55-10354 /40.0	- /			
07S	03W	25	SE	SE		STEINER, CHARLES W	A55-10353 /37.0	- /	7.0		3
			SE	SE		STEINER, CHARLES W.	A55-02152A /37.0	- /			
			SE	SE		STEINER, CHARLES W.	A55-02208A /37.0	- /			
			SE	SE		STEINER, CHARLES W.	A55-04150 /37.0	- /			
			SE	SE		STEINER, CHARLES W	A55-10354 /37.0	- /			
07S	03W	36	NE	NE		STEINER, CHARLES W	A55-10353 /3.0	- /			0
			NE	NE		STEINER, CHARLES W.	A55-02152A /3.0	- /			
			NE	NE		STEINER, CHARLES W.	A55-02208A /3.0	- /			
			NE	NE		STEINER, CHARLES W.	A55-04150 /3.0	- /			
			NE	NE		STEINER, CHARLES W	A55-10354 /3.0	- /			
07S	03W	36	NW	NE		STEINER, CHARLES W	A55-10353 /22.0	- /			0
			NW	NE		STEINER, CHARLES W.	A55-02152A /22.0	- /			
			NW	NE		STEINER, CHARLES W.	A55-02208A /22.0	- /			

0 Abuse Form
02008-04150

See 55-02008-04150

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			NW	NE		STEINER, CHARLES W.	A55-04150 / 22.0	-	/		
			NW	NE		STEINER, CHARLES W.	A55-10354 / 22.0	-	/		
07S	03W	36	NE	NW		STEINER, CHARLES W.	A55-10353 / 8.0	-	/		0
			NE	NW		STEINER, CHARLES W.	A55-02152A / 8.0	-	/		
			NE	NW		STEINER, CHARLES W.	A55-02208A / 8.0	-	/		
			NE	NW		STEINER, CHARLES W.	A55-04150 / 8.0	-	/		
			NE	NW		STEINER, CHARLES W.	A55-10354 / 8.0	-	/		
TOTAL ACRES						A55-10353	279.00			105.00	

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

C. FIELD EXAM REQUIRED? FIELD EXAMINER POU COUNTY: OHYHEE
DUE TO POU DISCREPANCY? (Y/N) Y

PRESUMPTION FLAG:

NOTES:

see pg 2

RECOMMENDATIONS:

TOTAL ACRES: 139 DATE: 3-2-98

REVIEWED BY: [Signature]

*This right includes all of Sec. 31 - 108 acres plus
NESEW(2) + NWSEW(6) S. 30 + NWSE(7)SWNE(1) NWNEW(10)
NWNEW(1) NESE(5)SESE(3) S. 25 as explained on
page 2 of this report.*

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A55-10353 IRRIGATION	FROM 03-15 TO 11-15	5.580 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED	5.580 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
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PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	☒
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 notes, below.

NOTES:

Season of use - IWR standard 4-15 to 10-15.

Y(X)

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 5.580 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 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 notes. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y NO
FIELD DATABASE EXAMINER

B. MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.
FLOW MEASUREMENT

C. ARE OTHER WATER RIGHTS USED? Y(Y) N() IF YES COMPLETE OVERLAP REVIEW. *See attache review sheet in 55-02152A.*

OTHER RIGHTS LISTED IN CLAIM: A55-02152A/02208A/04150/10351/10354.

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A55-10353	ROCK CREEK	STEINER, CHARLES W.	5.580	0.020		
A55-02008	ROCK CREEK	STEINER, CHARLES W.	3.140	0.020		
A55-02152A	LOUISA CREEK	STEINER, CHARLES W.	5.580	0.009		
A55-02208A	ROCK CREEK	STEINER, CHARLES W.			592.00	0.97
A55-04150	LOUISA CREEK	STEINER, CHARLES W.	3.000	0.005		
A55-10354	ROCK CREEK	STEINER, CHARLES W.			592.00	0.97
	LOUISA CREEK					

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	FROM	TO	RATE	VOLUME
A55-12384	STOCKWATER	US DEPT OF INTERIOR	01-01	12-31	0.090 CFS		
A55-12384	WILDLIFE	US DEPT OF INTERIOR	01-01	12-31	0.020 CFS		

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE 139 x 0.02 CFS/ACRE = 2.78 CFS amount 1b. CALCULATIONS
(Taken from p/u review) recommended.

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 N/A
CLAIMED CONSUMPTIVE USE = AF/A
ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =
TOTAL CONSUMPTIVE USE AF/A

3. IRRIGATION DIVERSION VOLUME N/A
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(X)

NOTES: (Include limitations on CONSUMPTIVE USE for combined rights.) N/A

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRIGATION	4-15 10-15	2.78 cfs	N/A	N/A

TOTAL FOR THIS RIGHT

2.78 cfs

REVIEWED BY: [Signature] DATE: 3-2-98

Conditions - Remarks

Pool - Condition that this right when combined with all other rights cannot exceed 393 acres total.

No cfs limiter due to combination of 2 sources - could legally divert 1" per acre from both. Total doesn't exceed 1" per acre for each source separately.

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
(X) (X)
(X) (X)
(X) (X)

NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 55-10353

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
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-	A55-10353	5.580	-	-	-	-
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TOTAL CFS 5.580

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)

FIELD
EXAMINER

DATABASE
N

NOTES:

AUTHENTICATION:

SIGNATURE:

Jan Thunte

DATE:

3-2-98

NAME OF FIELD EXAMINER:

Jan Thunte

TITLE:

Water Rights Supervisor

See maps - orthophotograph, NAPP & ASES, photos & overlap review sheet in 55-02152A.

**IN THE MATTER OF ADJUDICATION CLAIMS FILED BY CHARLES STEINER ON THE
ROCK CREEK & LOUISA CREEK FILINGS**

**STATE OF IDAHO
COUNTY OF OWYHEE**

AFFIDAVIT

I, Lester Buck, being first duly sworn, deposes and says: Angelo Giusti purchased the Bachman place, now owned by Charles Steiner, on February 1, 1964 and E. P. Lawrence purchased the Hatton place, now owned by Carol Gilbert in the summer of that same year. In September, 1964, I first spoke with E. P. Lawrence concerning the construction of the Rock Creek/Louisa Creek dam, also known as Triangle Reservoir. I had previously worked for the South Board of Control, Bureau of Reclamation, and suggested we speak with the Gem Irrigation District prior to beginning construction since this area eventually is tributary to the Owyhee River which concerns the Irrigation District due to their water right for Owyhee Reservoir. After this meeting there was a brief discussion on the future division of the water from Triangle Reservoir. It was decided, at the time, that the water would be divided equally between the two parties. This was due to the fact that the building of the reservoir was principally funded by Lawrence with Giusti funding some along with the property upon which the reservoir was planned. The meeting with Gem Irrigation District was held on October 6, 1964 and attached are the meeting notes showing the approval of construction of the dam from the Gem Irrigation District. The agreement included allowing storage water from Louisa Creek to flow down Louisa Creek into Triangle Reservoir to be used from Triangle Reservoir on the lands previously irrigated from both Louisa Creek and Rock Creek.

The reservoir was originally begun shortly after the meeting with Gem Irrigation District, later in October, 1964. This original dam partially failed on December 24, 1964, and was begun again in June, 1965. The reservoir partially filled that summer and some irrigation did occur using the north ditch, which was the first and only ditch from the reservoir at that time. Water was still used as before from Rock and Louisa Creek during the construction of the reservoir.

Improvements required by the state were completed in 1966, and the Triangle reservoir filled to capacity for the first time in the spring/summer of 1967. During that irrigation season approximately 74 additional acres were placed under irrigation located within the W1/2NW1/4 and the SE1/4NW1/4, Sec. 31, Twp. 7S, Rge. 2W. Prior to that date approximately 536 acres were irrigated from the time the Bachman's and Corlett's first owned the property now owned by Charles

Steiner. These 536 acres lie within Sections 30 and 31, Twp. 7S, Rge. 2W, and in Sections 25 and 36, Twp. 7S, Rge. 3W and were irrigated from diversions on both Rock Creek and Louisa Creek prior to any reservoirs being built. The 74 acres added in 1967 were the only additional acres to be irrigated as a result of Triangle Reservoir and were irrigated from the south headgate on the dam, which was completed in 1967. Both the south and north headgates and ditches from Triangle Dam have been used to irrigate the 610 acres since the dam was built.

Luther Buck
(Signature)

Subscribed and sworn to before me this 9th
day of September, 1993.

Jan Schulte
(Notary Public)

Residing at Meridian ID.

My Commission Expires 9-14-94.

Attest:

J. H. Patton
Secretary

MINUTES OF THE REGULAR MEETING
OF THE GEM IRRIGATION DISTRICT
HELD AT THEIR OFFICE IN HOMEDALE,
IDAHO, OCTOBER 6, 1964.

Members Present: All

The meeting was called to order by President Stansell who presided.

The minutes of the previous meeting were read and approved as read.

Lester Buck appeared before the Gem Irrigation District in behalf of the Angelo Giusti interests in Owyhee County, Idaho to request that the Gem District sanction a reservoir storage permit. This permit would be for beneficial water use on lands owned by Angelo Giusti and Larry Lawrence.

A motion was made by Edward Parr, seconded by R. F. Malmberg and passed unanimously that the Gem Irrigation District would have no objection to the construction of a new reservoir at the confluence of Luisa and Rock Creeks, located in the North East Quarter (NE $\frac{1}{4}$) of the North East Quarter (NE $\frac{1}{4}$) Section 31, Township 7 South, Range 2 West Boise Meridian. The reservoir is to be limited to 700 acre feet of active storage. It is understood that the site is on the property owned presently by Angelo Giusti and the storage water will be used on lands owned by Angelo Giusti and Larry Lawrence.

Motion made by Russell Dines, seconded by Forney Malmberg and passed unanimously appointing the following judges for the December election of the Gem Irrigation District:

Gem Office Precinct #2: Mildretta Adams, Mrs. Clark Maybon, Florence Stimmell; Precinct #3 Homedale American Legion Hall: Dora Uptoh, Emma Henry, Amy Adams. Precinct #2 Wo-He-Lo Club Marsing, Emma Johnstone, Ruby Maxwell, and Anna Moore.

Motion made by Don Parker seconded by Forney Malmberg and unanimously approved to accept the securities put up by the Idaho First National Bank of Homedale, in the amount of \$200,000.00.

The following policies were adopted by unanimous consent of the members representing the New Unit of the Gem District (Forney Malmberg, Ed Parr and Edwin Stansell).

The New Unit Drainage fund will contribute in behalf of (A) tiling of existing drain ditches which are located below the South Canal and above the A canal in the Gem District and are beneficial to land classified as irrigable. Payment will be based on the least amount of the two following alternatives:

(1) 50 cents per lineal foot of tile laid or (2) pay for the gravel purchase, hauling and placing of gravel and laying of the tile. This work is to be done by the South Board of Control crew and charged at their normal rate of hire. If work is done by other than South Board equipment and crew special permission must be received from the board of directors in order to receive a payment from the drainage fund.

(B) On new drains in the New Unit area where tile is to be laid, the drainage fund will contribute one half the estimate cost which would be charged by the South Board of Control for digging an open drain of equal depth with $1\frac{1}{2}$:1 side slopes.

Motion made by Ed Parr, seconded by Russell Dines and passed unanimously authorizing the manager to hire Mr. R. L. Jones of Nampa to audit the accounts for the fiscal year ending Sept. 30, 1964.

Mr. Dick Eismann was present to explain the new action in the Wessling-Gem case. This involves the naming of all the board members who were present at the time the action took place plus the present manager who was not present at that time; and the previous manager, Forrest Thompson. Mr. Eisman is to appear at court October 7, 1964 in relation to the above named.

Treasurer's report was read and approved in the amount of \$29,872.63. Bills in the amount of \$328.81 were approved ordered paid and vouchers filed.

There being no further business to come before the board, the meeting was adjourned.

Attest:

T. A. Cotton
Secretary

Edwin Stansell
President

MINUTES OF THE STATUTORY MEETING OF
THE GEM IRRIGATION DISTRICT HELD AT
THEIR OFFICE OCTOBER 6, 1964.

The meeting was called to order by President Stansell who presided.

No. 19

APPLICATION FOR PERMIT

to appropriate the public waters of the State of Idaho

1. Name of applicant

Residence address

County

State

If applicant is a corporation, give

(a) Date and place of incorporation

(b) The amount of capital stock

(c) The amount paid in

(d) Name and address of director

2. The financial resources of the applicant are: (a) Cash on hand

(b) Treasury stock

(c) Bonds to be issued

(d) Other resources

3. The quantity of water claimed is

cubic feet per second

4. Source of water supply

5. Location of point of diversion

County of

6. To be used for

(a) Irrigation and domestic use (a) Amount of land to be irrigated

acres

(b) In the following legal subdivisions

(c) For power, manufacturing, transportation or other purposes

(d) For water power

7. Mining, milling, power, manufacturing, transportation or other purposes

(a) At what point

(b) Amount of power to be generated

H. P. under

ft. head

(c) Water to be returned to any stream

(d) If so name stream and locate

return

8. Estimated cost of works

9. Description of works for diversion

(a) Kind of work

(b) Dimensions of works

(c) Height of dam

feet, length of dam at top

20

feet

length of dam at bottom

feet

Material used in construction: Stone and brick

(d) Capacity of reservoir

acres feet

(e) Size of headgate, width

feet

Height

feet

(f) Conduit

feet

width at bottom is feet

width at water line

feet, depth of water

feet, diameter of pipe

inches, average grade per mile is

feet, Length of conduit is

miles

and crosses the following quarter sections

Date of first receipt at office of State Engineer

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is

Recorded in Book

Page

Approved

This is to certify that I have examined the within application for a permit to appropriate the public water of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$_____ to be filed on or before _____

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before _____

The whole of said work to be completed on or before _____

Beneficial use of water appropriated in accordance herewith to be made on or before _____

Witness my hand this _____ day of _____

State Engineer

