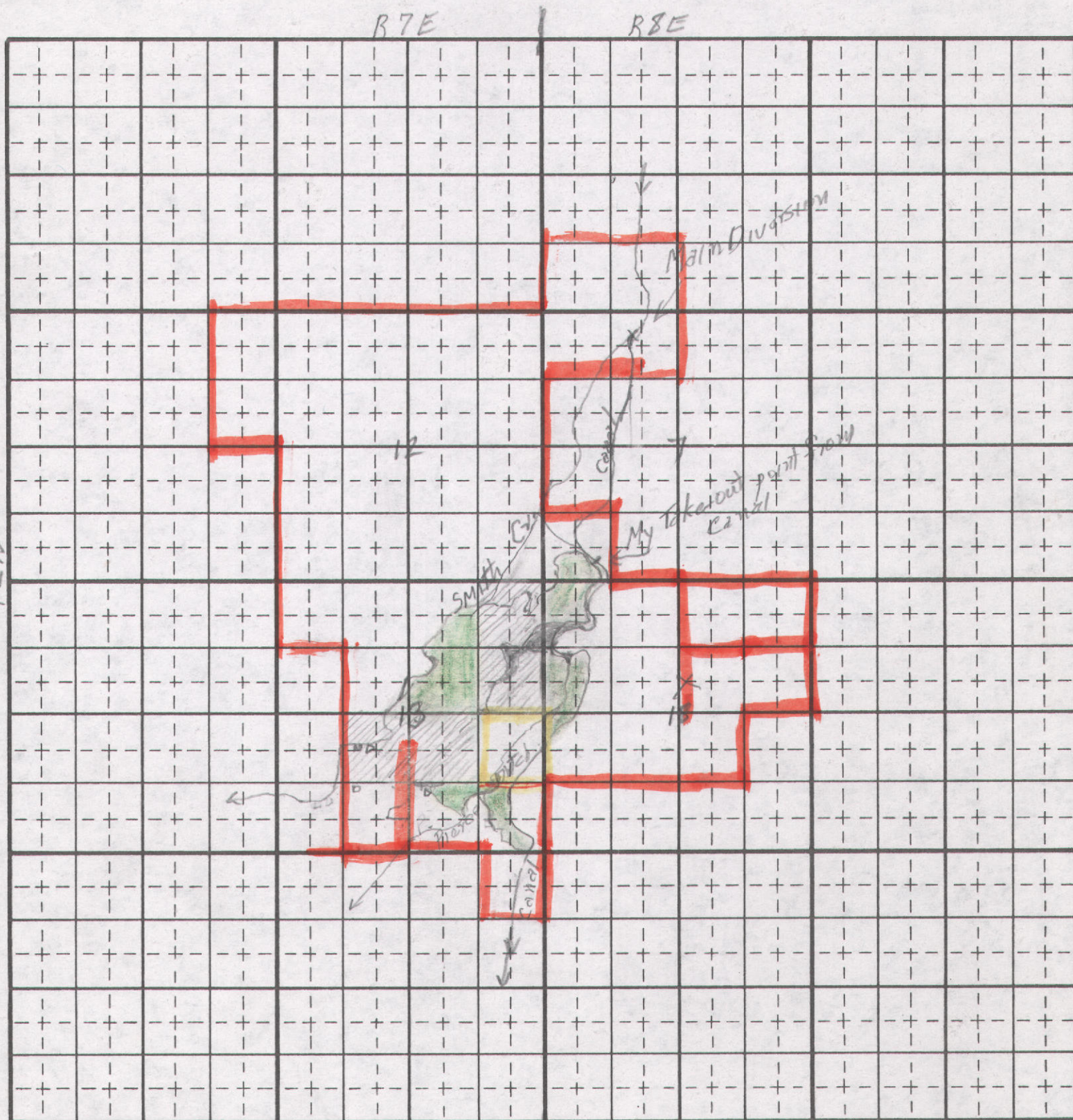


Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



— Cook Prop. — Decreed Water Right 10-7-99 - 160 A.

Other Owners
Additional Ground Irrig. from some source 101 A.

Last Name Cook

Ident No. 39576

Copies: White-State, Yellow-Claimant

MICROFILMED

AUG 14 1992



Photo 1. FX Oct. 17, 2001. Photos by RDH. Canal for Trinity Mountain 63-96B overlaps with 63-100, 63-19703, 63-3334 & 63-3335 POD = T02N, R08E, S07, NENENW.

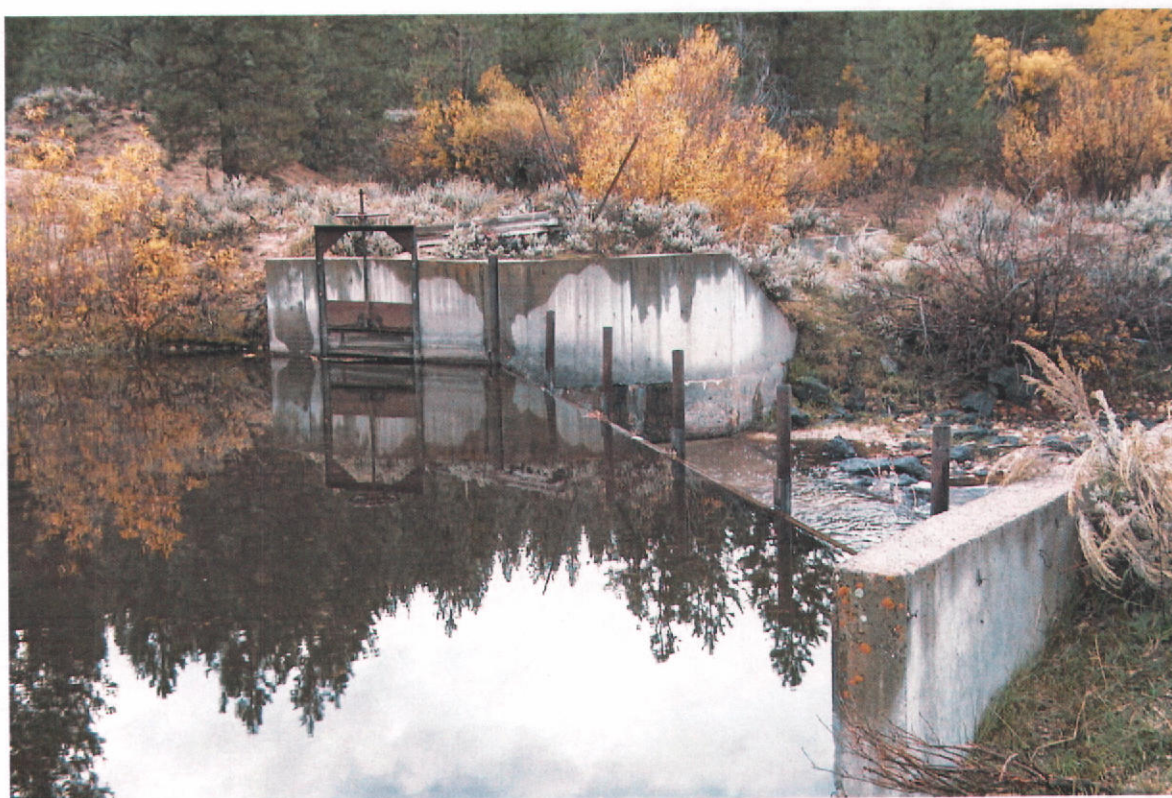


Photo 2: Same as above. View is from West side of Smith Creek to East. Screw Head gate.

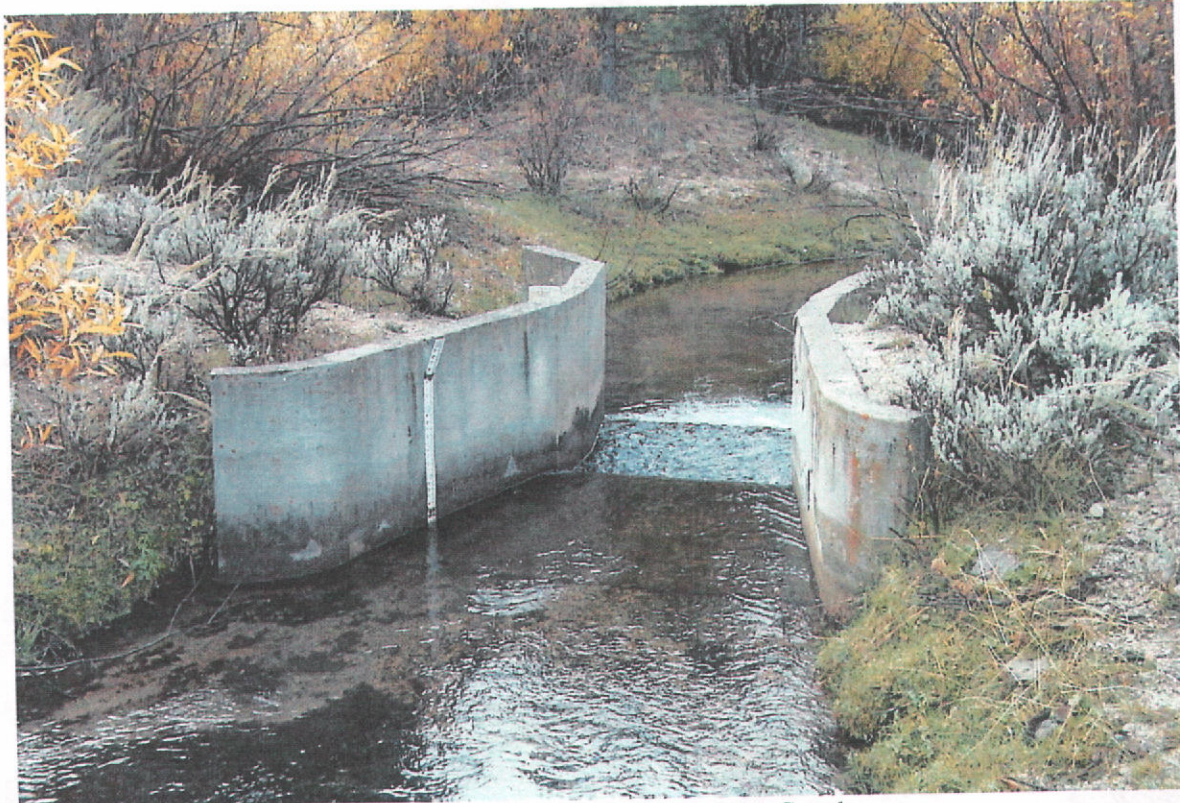


Photo 3: Weir, located in ditch just below POD. View is to South.



Photo 4: Ditch just below weir and POD. View is to South.

Photo 5. 2nd FX Oct. 18, 2001: Photos by RDH. 65-100 & 65-19703. Takeout from Trinity ditch. Located in the NWNW, S18, T02N R08E.

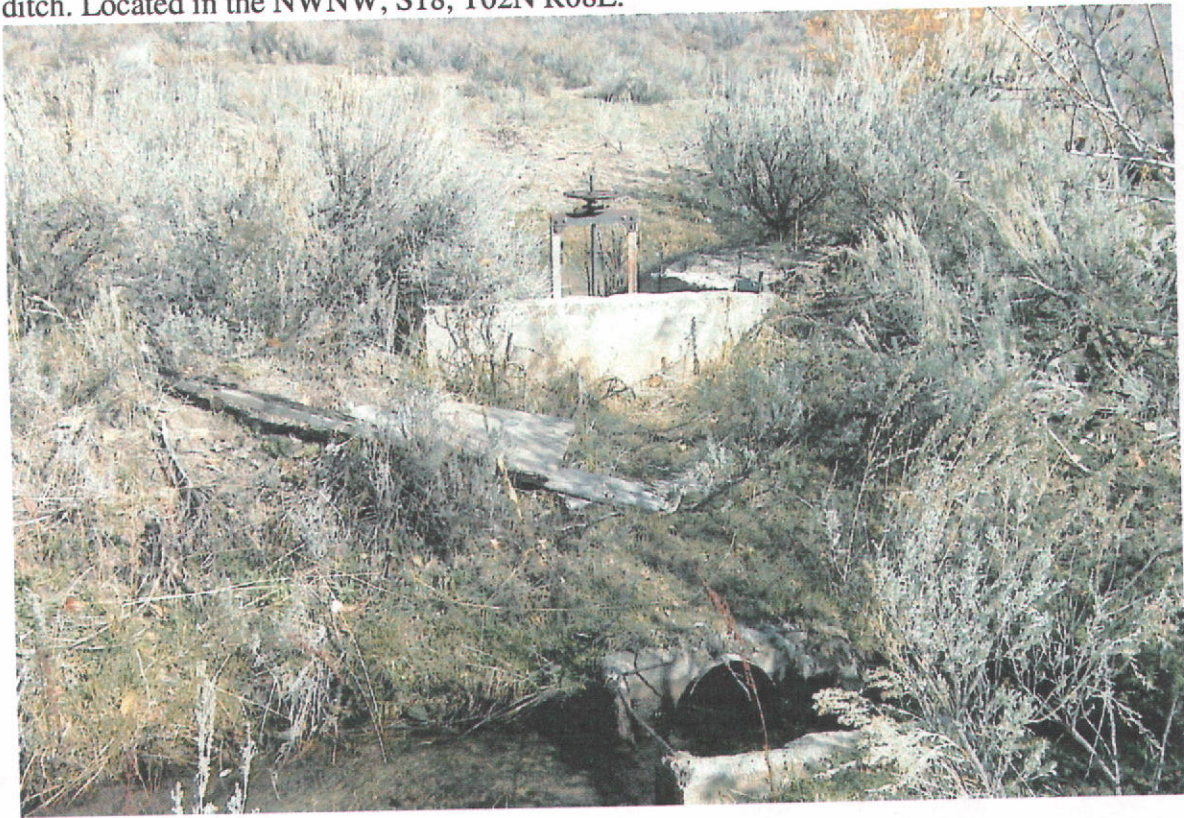


Photo 6. View from above take out looking West.

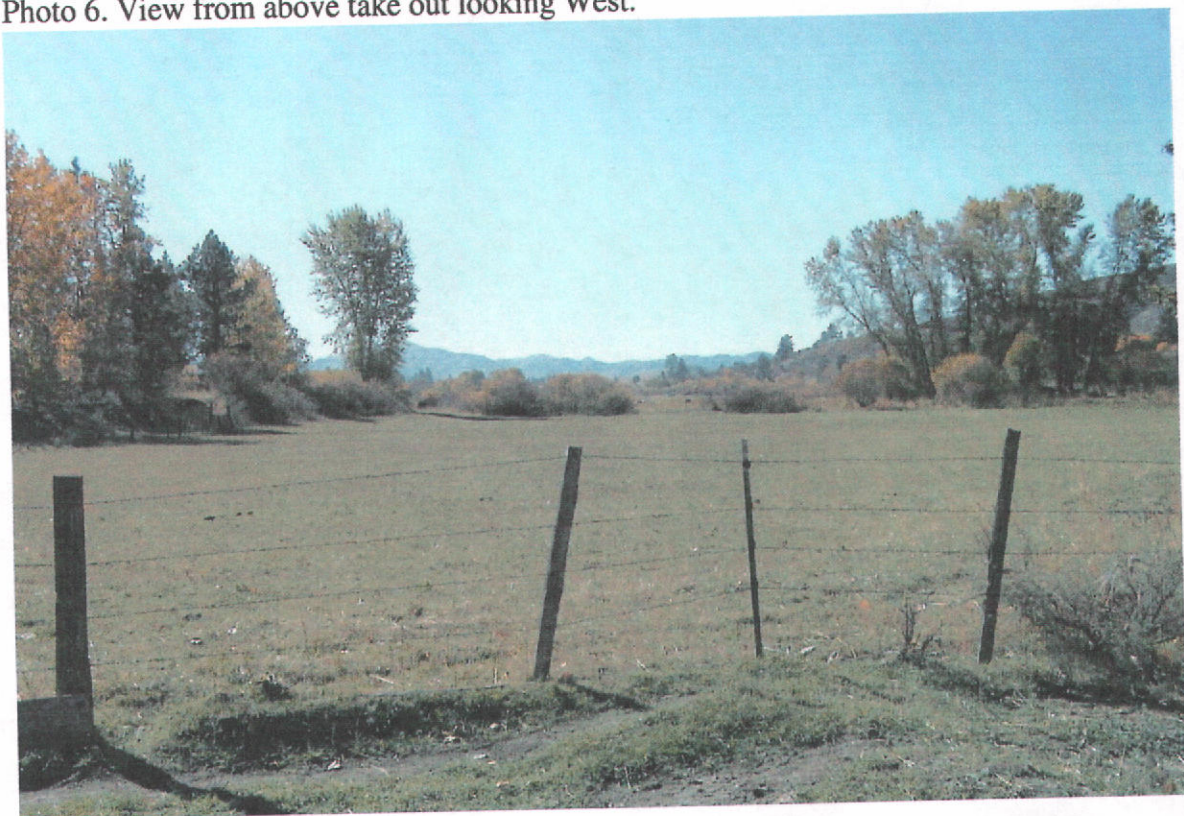


Photo 7. Place of use, upper photo part A of BCD.

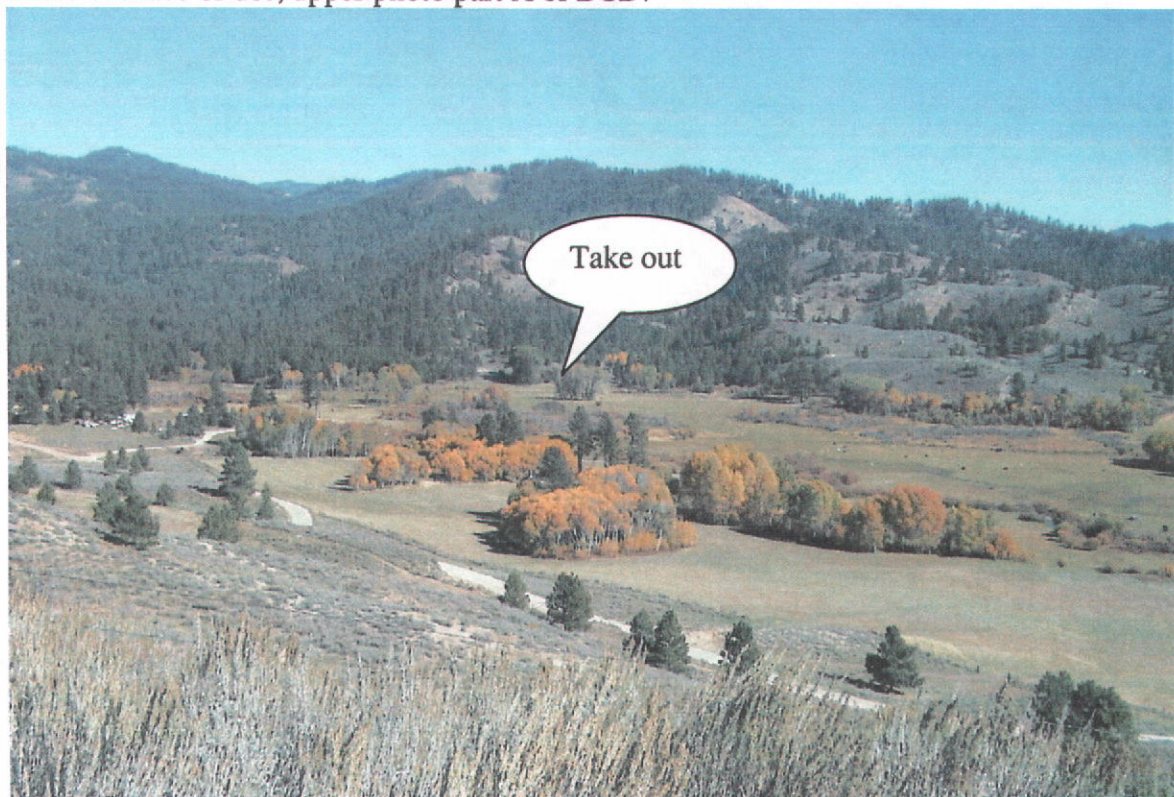


Photo 8. Place of use part B of ACD.

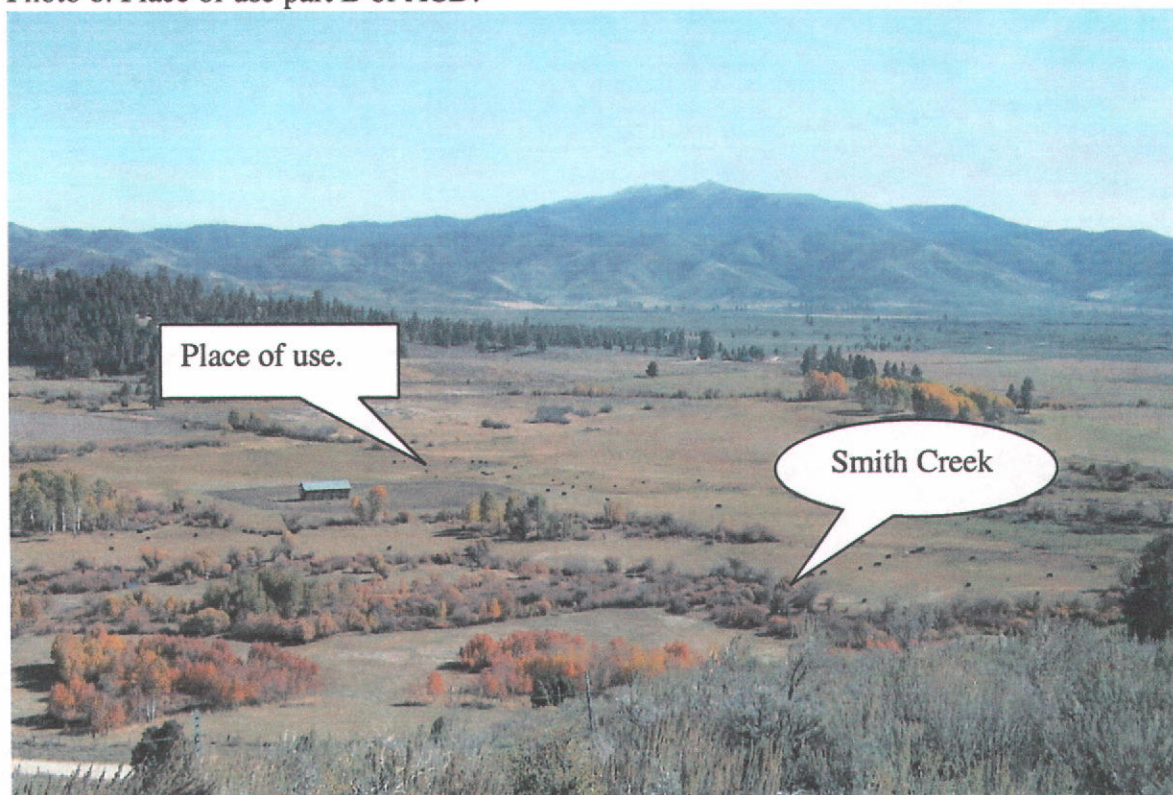


Photo 9. Place of use part C of ABD.

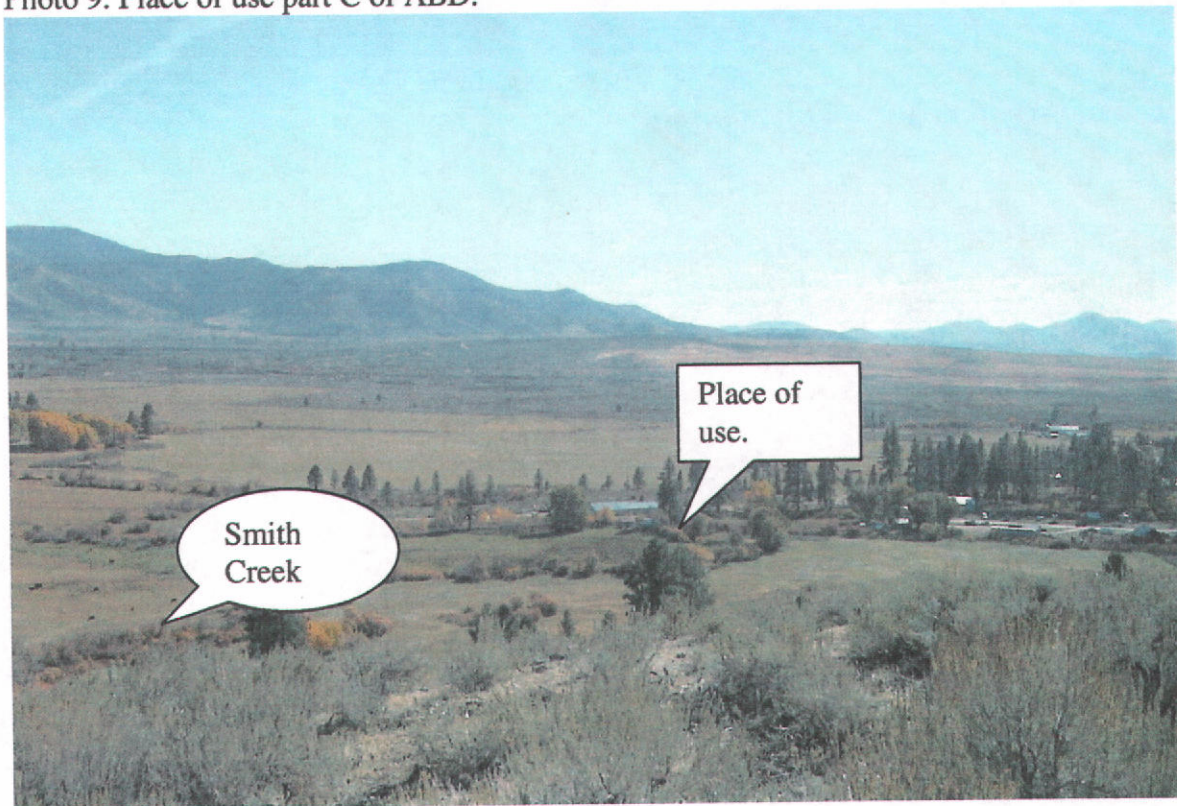
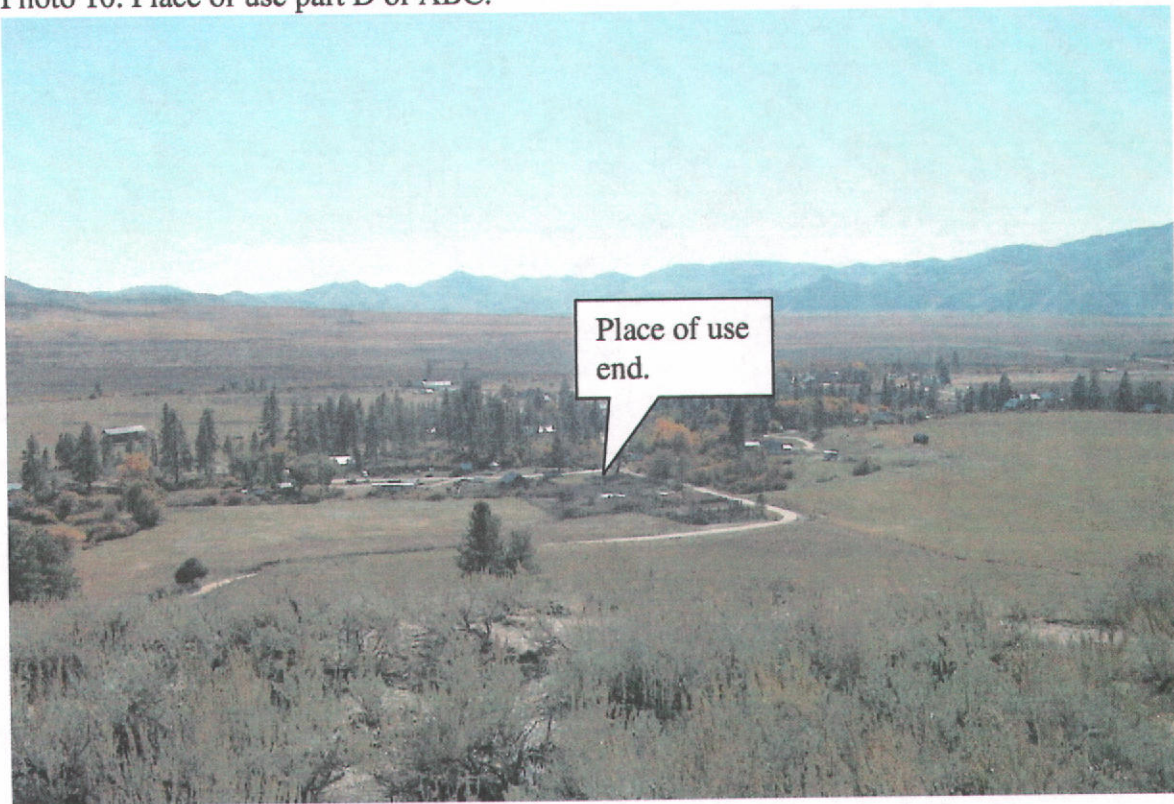


Photo 10. Place of use part D of ABC.



Idaho Department of Water Resources

T02N, R07E
S13
T02N, R08E
S07 & S18

Claims: 63-100 &
63-19703 PPOU
Updated: 6 DEC 01
By: Ron Howerton

Place of use

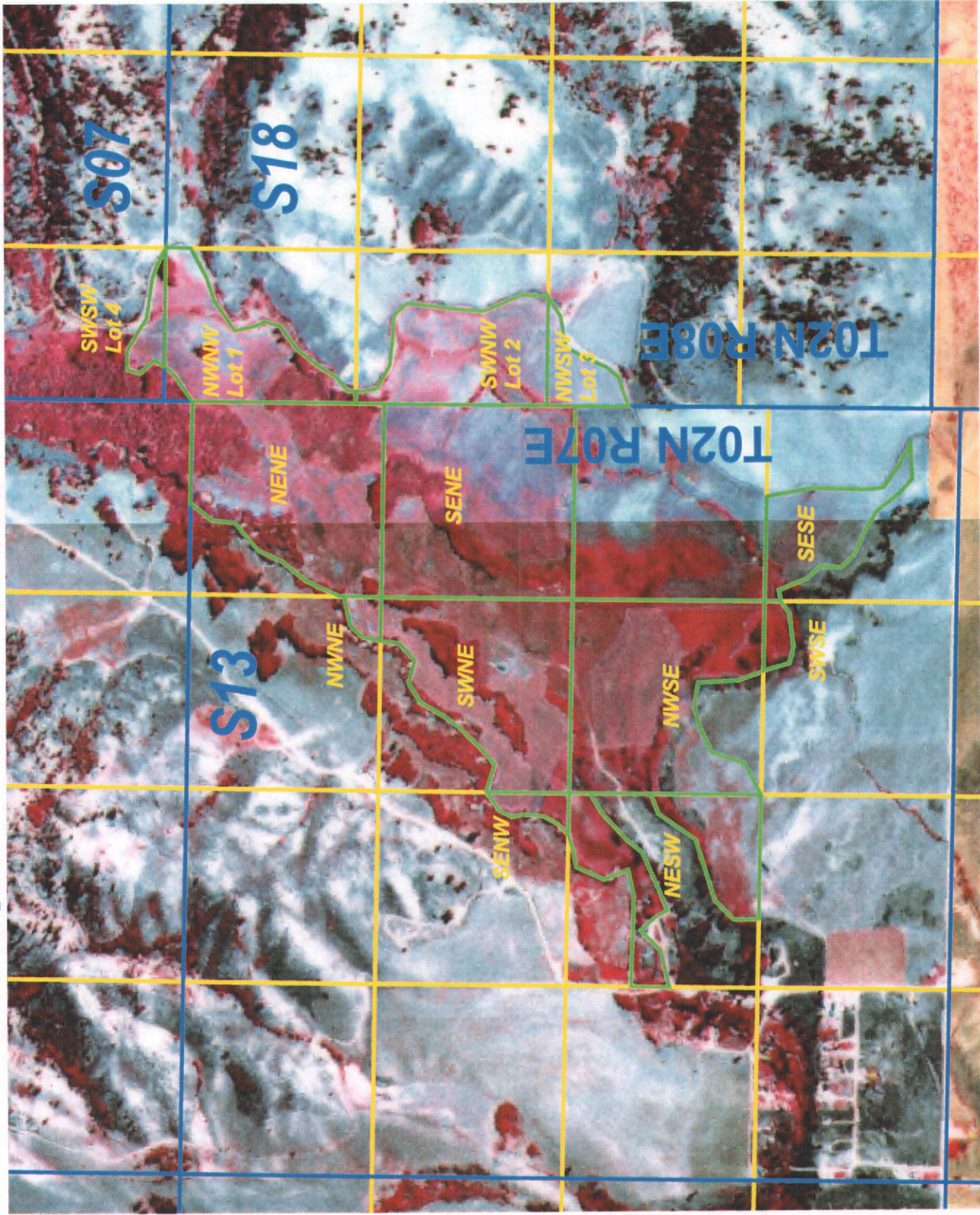
POD

SECTION

1/4 1/4



1987 NAPP



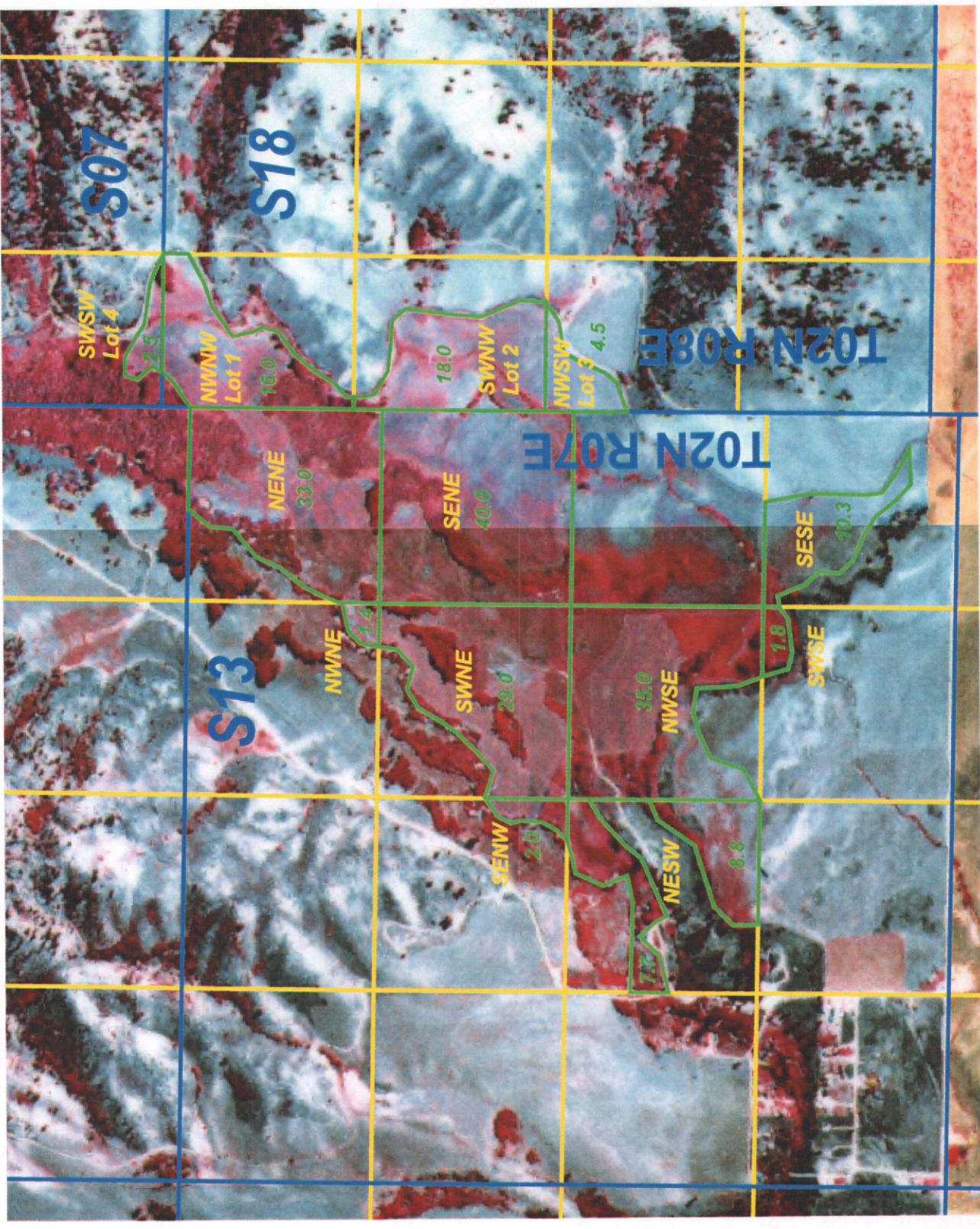
T02N, R07E
S13
T02N, R08E
S07 & S18

Idaho Department of Water Resources

Claims: 63-100 &
63-19703 PPOU
Updated: 6 DEC 01
By: Ron Howerton

-  Place of use
-  POD
-  SECTION
-  1/4 1/4

210.0 Acres



1987 NAPP

T02N, R07E
S13
T02N, R08E
S07 & S18

Place of use

POD

SECTION

 $\frac{1}{4} \frac{1}{4}$

210.0 Acres



1987 NAPP



T02N, R08E

S07

NENENW

Smith Creek
Trinity Mountain
Irrigation Co.
Diversion Dam &
Headgate

PRAIRIE
X64 TOPO
1964

4924(X)

Adena

63 0098 his U.S. Desert Land Entry No. 1675), 137, 1-2, inches continuous flow, and that he pay his costs in this action taxed at \$2.75.

That the defendant and cross complainant Martha B. Loving be, and she is hereby awarded the use of the amount of water hereinafter stated from the waters of said Smith Creek, in each year, said use to date from the 30th day of March 1900, for use upon the S.E.1-4, of the N.W.1-4, and Lots 2,3,4,5 and 6, of Section 30 in Tp.2, N.R.7. E.B.M., and upon the tract of unsurveyed land adjoining said above described land, described as, "commencing at the N.W. corner of Lot 2, in Section 30 Tp.2,N.R.7.E., running thence westerly about 400 yards to the top of East bank of South Fork of Boise River, thence Southeasterly along said river bank to the intersection with said Section 30, thence North to place of beginning", 116, 1-2, inches continuous flow, and that she pay her costs in this action, taxed at \$2.75.

63 0100 That the defendant and cross complainant A. E. Brown be, and he is hereby awarded the use of the amount of water hereinafter stated from the waters of said Smith Creek, in each year, said use to date from October 7, 1899, for use upon the E.1-2, of the N.E.1-4, the N.W.1-4, of the S.E.1-4, and the N.E.1-4, of the S.W.1-4 of Section 13, Tp.2, N.R.7,E.B.M., 175 inches continuous flow and that he pay his costs in this action, taxed at \$2.75.

That the defendant and cross complainant George W. Goble be, and he is hereby awarded the use of the amounts of water hereinafter stated from the waters of said Smith Creek, in each year, for use upon the W1-2, of the N.E.1-4, and the N.W.1-4, of the S.E.1-4, and the S.E.1-4 of the N.W.1-4, of Section 14, Tp.2, N. R 7 E.B.M., as follows:

63 0101 1. For use upon said above described lands 37 1-2 inches continuous flow, said use to date from August 1st, 1894.

63 0102 2. For use upon said above described lands 37 1-2 inches continuous flow, said use to date from August 1st, 1902.

63 0103 3. For use upon said above described lands 62, 1-2 inches continuous flow, said use to date from May 1st, 1903, and that he pay his costs in this action, taxed at \$2.75.

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 63-100
Date Received: 11/21/1989
Receipt No: C012949
Received By:

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

1. Name of Claimant(s): CLYDE J COOK TRUST
71 SMITH CREEK RD
PRAIRIE ID USA 83647

Phone: (208) 868-3246

PRISCILLA COOK TRUST
71 SMITH CREEK RD
PRAIRIE ID USA 83647

Phone: (208) 868-3246

2. Date of Priority: 10/07/1899

3. Source: SMITH CREEK Trib. to: BOISE RIVER SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	08E	7	NW NE NW	ELMORE	

5. Description of diverting works:

TRINITY MOUNTAIN IRRIGATION CO. DIVERSION, DAM AND HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	3.5	

7. Total Quantity Appropriated is:
3.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	07E	13	NE NE		IRRIGATION	26
			SE NE		IRRIGATION	40
			SE NW		IRRIGATION	3
			NE SW		IRRIGATION	11
			NW SE		IRRIGATION	32
			SW SE		IRRIGATION	9
			SE SE		IRRIGATION	15
			SW NE		IRRIGATION	25
Section Acres						161
02N	08E	7	SW SW	4	IRRIGATION	6
						Section Acres
02N	08E	18	NW NW	1	IRRIGATION	16
			SW NW	2	IRRIGATION	21
			NW SW	3	IRRIGATION	6
Section Acres						43
Total Acres						210

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

14. Remarks:

Changed into name of trust by DB 10/23/2001

15. Basis of Claim: Decreed

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00100
Date Received: 11/21/1989
Receipt No: CO12949
Received By: CF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLYDE J. COOK 208-868-3246
Address: C/O PRAIRIE STAGE
MOUNTAIN HOME, ID 83647
2. Date of Priority: OCT 07, 1899
3. Source: SMITH CREEK Trib. to: BOISE RIVER, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	08E	7	NW	NE	NW		ELMORE
5. Description of diverting works:
TRINITY MOUNTAIN IRRIGATION CO. DIVERSION, DAM AND HEADGATE
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.500		
7. Total Quantity Appropriated is:
3.500 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 525.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	07E	13	NE	NE		IRR	26.0
			SW	NE		IRR	25.0
			SE	NE		IRR	40.0
			SE	NW		IRR	3.0

A63-00100

Page 1

Date: 11/21/89

MICROFILMED
AUG 14 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	07E	13	NE	SW		IRR	11.0
			NW	SE		IRR	32.0
			SW	SE		IRR	9.0
			SE	SE		IRR	15.0
						Section Acres	161.0
	08E	7	SW	SW	4	IRR	6.0
						Section Acres	6.0
		18	NW	NW	1	IRR	16.0
			SW	NW	2	IRR	21.0
			NW	SW	3	IRR	6.0
						Section Acres	43.0
						Total Acres	210.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
A63-19703

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

THEODORE PIERCE
Decree Plaintiff

WM. PIERCE
Decree Defendant

vs

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): *Byde J. Cook* Date: 11-2-89
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of November 19 89 *Carter Fritschle*
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

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

RECEIVED

OCT 18 2001

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>A63-00100</u>				
	<u>A63-19703</u>				
<u>63-19704</u>					
<u>63-19705</u>					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. NA
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) CLYDE J. COOK
CO/PRAIRE STAGE BOX 71, MOUNTAIN HOME ID 83647
4. New Owner/Claimant(s) Clyde J. and Priscilla Cook Trust
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 71 Smith Cr. Rd
- City, State and ZIP Code Prairie ID 83647
- New Telephone Number (208) 868-3246
5. Date you acquired the property NA

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Clyde J. and Priscilla Cook Trust
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

DECLARATION OF TRUST
of the

Clyde J. and Priscilla Cook Trust

TRUST

We, Clyde J. Cook Husband and Priscilla Cook Wife
presently residing and domiciled at

Prairie Stage, Box 71, Mountain Home, Idaho, 83647
Number Street City-Town County State Zip

hereby establish the Clyde J. and Priscilla Cook Trust, naming ourselves as Joint Trustees of this Grantor or revocable Trust as the Creators thereof; and we declare that we hold and will hold the assets and properties hereinafter named for the ultimate use and benefit of the Beneficiary or Beneficiaries hereinafter named; and that we hold these assets and properties not as tenants in common or as community property, but as Joint Tenants with rights of survivorship, such assets and properties to be disposed of and distributed following the death of the last surviving Trustee named above, according to the terms of this Trust.

1. We hereby declare that the following real or personal, tangible or intangible, properties are now being conveyed by assignment, affidavit, or deed from ourselves as individuals to ourselves as Trustees of the Clyde J. and Priscilla Cook Trust.

We hereby reserve a life estate for all real estate we own.

(Assets to be listed on page 9 (asset sheet). Page 9 is not to be recorded.)

RECEIVED

OCT 18 2001

WATER RESOURCES
WESTERN REGION

2. We hereby provide and declare that

We are also principal beneficiaries until our deaths, then our
children, namely; Nathan C. Cook, Martha Naomi Cook, Luther M.
Cook, and Neilus E. Cook.

shall be the Beneficiary or the Beneficiaries of this Trust, to share in the following manner:

Equally

3. We hereby appoint Nathan C. Cook to serve as Successor Trustee following the death of the last surviving Trustee named above.

4. Should such Successor Trustee for any reason be unable to serve, we hereby appoint Martha Naomi Cook to serve as Contingent Successor Trustee.

5. Upon the death of the last original surviving Trustee, the Successor Trustee is hereby directed to assume the duties and powers of Trustee of this Trust, and to transfer forthwith the assets and properties of this Trust to the Beneficiary or Beneficiaries herein named, in accordance with the provisions of this Indenture.

6. Should it be necessary in the best interests of the Trust corpus to manage certain properties before the dissolution and termination of this Trust before final distribution of assets can be made, we hereby direct that our Successor Trustee shall perform such duties as long as necessary; but that the distribution of corpus and the termination of the Trust shall occur as expeditiously as reasonably possible.

7. We hereby direct that whenever the corpus of this Trust shall have been fully distributed, this Trust shall be dissolved and terminated.

8. We reserve the right during the lifetime of both Trustees or of one survivor to amend or revoke this Trust in whole or in part without consulting, or obtaining the consent of, any Beneficiary named herein; however, any such amendment or revocation shall be duly recorded in the Office of the County Recorder. Should we decide to sell or liquidate any of the assets of this Trust, we reserve the right to make whatever disposal of any receipts received therefor, in whatever manner we may desire.

9. We reserve the right during our lifetime to receive any and all incomes which may derive from any of the assets of this Trust for our own use and benefit and to dispose of the same in any manner we may desire; the same powers and benefits to be received and enjoyed by any surviving original Trustee.

10. We reserve the right to designate a new Beneficiary or different Beneficiaries or to remove any existing Beneficiary at any time during our lifetime or the lifetime of a surviving original Trustee.

11. In the event of our legal incapacity, we hereby appoint the Successor Trustee named above as the person to assume the duties and powers of Acting Trustee hereunder. Successor Trustee is hereby directed to use all income and assets necessary for the complete care and comfort of both Grantors or of the surviving Grantor.

12. No bond shall be required from any Trustee or Successor Trustee.

13. Since this is a Common Law Trust, it shall be enforced and administered without the permission or interposition of any court or other person or authority.

14. This Declaration of Trust shall be construed and enforced, wherever applicable or necessary, in accordance with the laws of the State of Idaho.

15. This Declaration of Trust shall extend to and be binding upon the heirs, executors, administrators, and assigns of the undersigned and upon any Successor Trustee of this Trust.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 23 day of Dec, 1993.

Witnesses:

1) Quinn J. Sinden
2) Dianne Russell

Clyde J. Cook L. S.
Husband
Priscilla Cook L. S.
Wife

1/2 Prairie Stage
Address
Mountain Lane, Ida 83647

State of Idaho
County of Blaine SS:

On the 23 day of December, 1993, before me came Clyde J. Cook and Priscilla Cook, known to me to be the individuals described in the foregoing instrument, who executed the same, and acknowledged it to their free act and will.

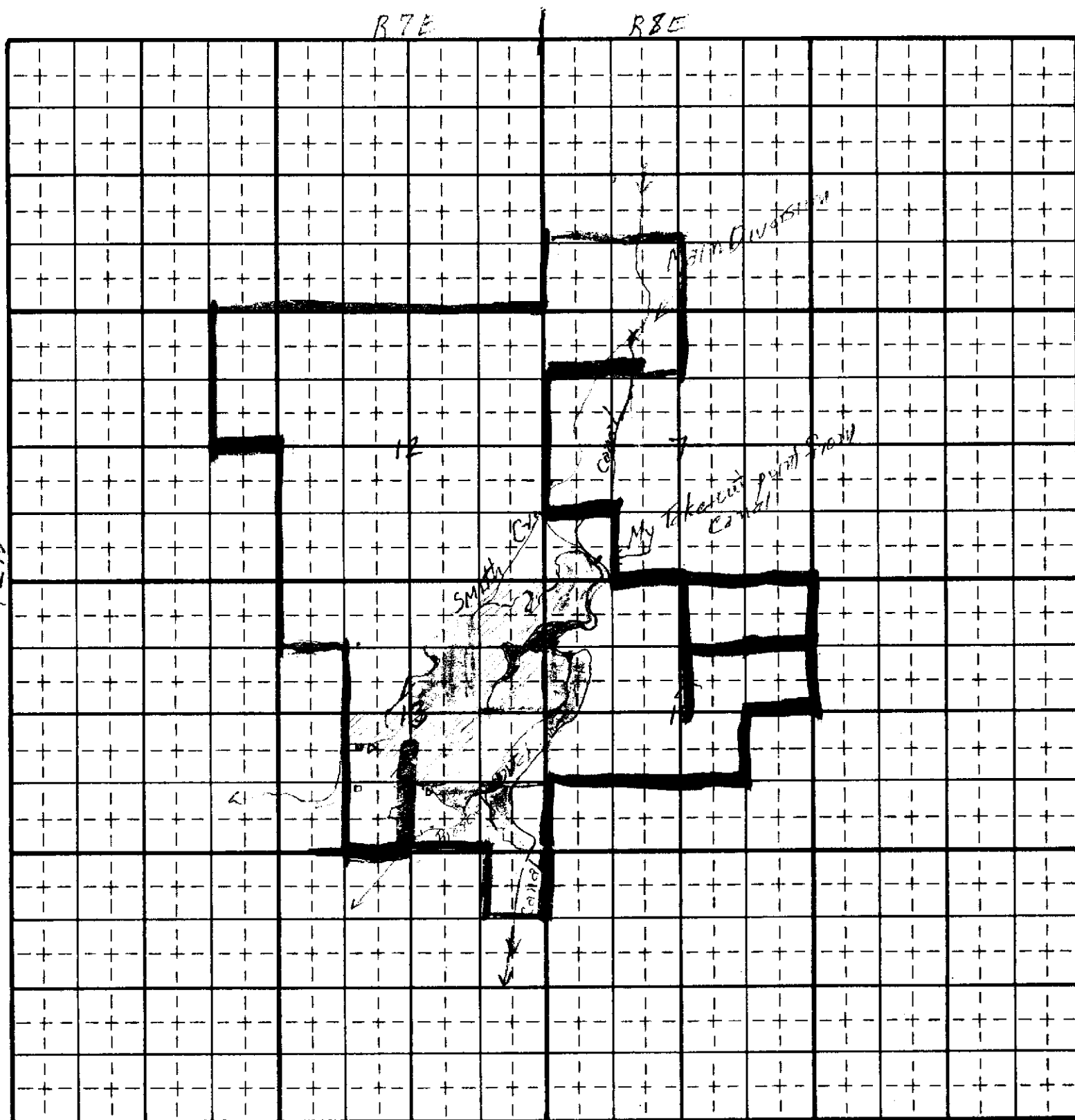
SEAL

My commission expires: 7-30-99

Carol J. Allen
Notary Public

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

Scale: 2 inches equals 1 mile



MICROFILMED

AUG 14 1992

Cook, Fred - Decent 10-2-99 - 10-1-99

Other Owners

Addition Grant 12/19. From same source 10-1-99

Last Name

Cook

Ident No.

39577

Copies: White-State, Yellow-Claimant

12/06/2001

PRISCILLA COOK TRUST
71 SMITH CREEK RD
PRAIRIE ID 83647

TRIBUTARY: SOUTH FORK BOISE RIVER

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 63-19703 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEAD GATE.

10/07/1899

T02N R08E S7 NENENW Within ELMORE County

PURPOSE OF USE
IRRIGATION

QUANTITY

3.500 CFS

IRRIGATION Within ELMORE County

T02N R07E S13	NENE	33.0	T02N R07E S13	NWNE	1.4
T02N R07E S13	SWNE	29.0	T02N R07E S13	SENE	40.0
T02N R07E S13	SENW	2.0	T02N R07E S13	NESW	16.5
T02N R07E S13	NWSE	35.0	T02N R07E S13	SWSE	1.8
T02N R07E S13	SESE	10.3	T02N R08E S18 Lot 1	NWNW	16.0
T02N R08E S18 Lot 2	SWNW	18.0	T02N R08E S18 Lot 3	NWSW	4.5
T02N R08E S07 Lot 4	SWSW	2.5			

USE OF THIS RIGHT WITH RIGHT NO. 63-19703 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 210.0 ACRES IN A SINGLE IRRIGATION SEASON.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.
WATER IS DELIVERED THROUGH THE TRINITY CANAL.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 63-100

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS
☐ NEW ADDRESS: _____

2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____.

4. ☒ No Change — POINT OF DIVERSION

☐ Point of diversion is different than the claim and/or new P/D's: CLARIFIED TO: 10 ACRE TRACT

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

4/1 - 10/31
RECOMMEND STANDARD IRRIG SEASON.
DECREE DID NOT LIST,

Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☐ No Change — PLACE OF USE: (If changed, list below.)

SEE PROFILE REPORT FOR CHANGES.

Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

Remarks: (Comments pertinent to field examination) See additional attachment

PERMISSIBLE PLACE OF USE WITH 63-19703

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout & TOPO & SEE PIKERS

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: OCT 18, 2001

FIELD EXAMINER: RON HOWERTON

Print Name

Ron Howerton

Signature

C05
C18
E01
E11
E28
F01

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT**

DATE: 07/30/01
PAGE: 1

DIVERSION
VOLUME

3.500 CFS

3.500 CFS

Stage: DECREE

ELMORE County

01.

E SWSB SESE
C Lt AC Lt AC

209 15

TOTAL ACRES

Objection Filed Date:

Field Inspection Flag:

CFS
 Comb. Totals
 1.93 (63-19703)
 7.5 (63-100)
 5.43 CFS

TO COMMENTS: ↓

PERMISSABLE POW WITH:
63-19703

C19
C05 limited to 0.02 cfs w/ w
E20 4+ field head gate

E11 combined total acres w
15 210, total cfs with

E11 combined total cfs with

F01 water is delivered thru
TRINITY CANAL

G18
G05
E28
limited to 0.02 cfs we need
field head gate

E11 Combined total AUCS
is 210, total cfs with 19707 = 5.43

E01 Combined total cfs through the
water is DELIVERED THROUGH THE
TRINITY CANAL

FX 63-100 § 63-19703 10-18-01 12:45 PM

MET WITH PRISCILLA AND LUTHER COOK (-CLYDE IS DECEASED)
AT HOME IN PRAIRIE, (LOCATION ACROSS SMITH CR ROAD FROM SCHOOL)

- 1) REVIEWED DRAFT MAP FOR ACCURACY WITH LUTHER (SON)
I NEEDED TO LOOK AT FIRST TAKE-OUT POINT FOR
CONVEYANCE LOSS CALC. WATER IS DIVERTED FROM TRINITY
IRRIGATION POINT OF DIVERSION. (COOKS OWN PROPERTY THAT POD
IS ON)
2. CLKD WITH $\frac{1}{4}$ $\frac{1}{4}$ TRACTS THAT THE NUNE WAS ON PROPERTY
AND MEANT TO CLAIM § I WILL RECOMMEND.
3. I LEFT OFF SWSW CORNER AREA ON THE CLAIM DRAFT
MAP.
4. TOOK PHOTOS AT THIS LOCATION IN THE FIRST TAKE OUT FOR
CALCULATIONS FOR DITCH LOSS.
5. TOOK PHOTO OF POD BELOW TAKE-OUT
6. DROVE TO AN OBSERVATION POINT AND TOOK 3
PHOTOS THAT OVERLOOK THE RANCH.
7. PHOTOS OF POD WERE DONE ON 10-17-01 WHEN
INVESTIGATING SAME POD AS TRINITY WITH IRRIG POD DITCH
MEASUREMENT AS WELL FOR CONVEYANCE LOSSES. -SEE TRINITY FILE
8. TOOK OWNERSHIP CHANGE AND AFFIDAVIT FOR 19703 DOP.
9. PERMISSIBLE PLACE OF USE - ADD ADDITIONAL
CFS FOR AN INCH PER ACRE ON B/C CLAIM AND
DITCH LOSS.

$$\begin{aligned} (3.5 \text{ ACRES}) (.02) &= .7 \text{ CFS} \\ + \text{DITCH LOSS} \\ \hline &= \text{Amount for 19703} \end{aligned}$$

POD SUPERLARS

BASIN	Seque nce	Split Suffi	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Ver sio	Source Table
63	96 B		Decreed	Active	1897-08-10		SMITH 4 CREEK	DOMESTIC, STOCKWATER	TRINITY MOUNTAIN IRRIGATION DISTRICT (Current)		wrAdjudicationClai m
63	100		Decreed	Active	1899-10-07	3.5	SMITH CREEK	IRRIGATION	CLYDE J COOK TRUST (Current); PRISCILLA COOK TRUST (Current)		wrAdjudicationClai m
63	3334		License	Active	#####	8.8	SMITH CREEK	IRRIGATION	DAVISON, DEAN (Current)		wrAdjudicationClai m
63	3335		License	Active	#####	0.5	SMITH CREEK	IRRIGATION	ACARREGUI, JOE T (Current)		wrAdjudicationClai m
63	19703		Beneficia l Use	Active	4/1/1945	3.5	SMITH CREEK	IRRIGATION	CLYDE J COOK TRUST (Current); PRISCILLA COOK TRUST (Current)		wrAdjudicationClai m
63	100		Decreed	Active	1899-10-07	3.5	SMITH CREEK	IRRIGATION	CLYDE J COOK TRUST (Current); PRISCILLA COOK TRUST (Current)	1	wrAdjudicationRec ommendation
63	3334		License	Active	#####	8.8	SMITH CREEK	IRRIGATION	DAVISON, DEAN (Current)	1	wrAdjudicationRec ommendation
63	19703		Beneficia l Use	Active	4/1/1945	1.93	SMITH CREEK	IRRIGATION	CLYDE J COOK TRUST (Current); PRISCILLA COOK TRUST (Current)	1	wrAdjudicationRec ommendation
63	3334		License	Active	#####	8.8	SMITH CREEK	IRRIGATION	DAVISON, DONALD L (Current)		wrWaterRight
63	3335		License	Active	#####	3.66	SMITH CREEK	IRRIGATION	ACARREGUI, JOE T (Current)		wrWaterRight



Photo 1. FX Oct. 17, 2001. Photos by RDH. Canal for Trinity Mountain 63-96B overlaps with 63-100, 63-19703, 63-3334 & 63-3335 POD = T02N, R08E, S07, NENENW.



Photo 2: Same as above. View is from West side of Smith Creek to East. Screw Head gate.

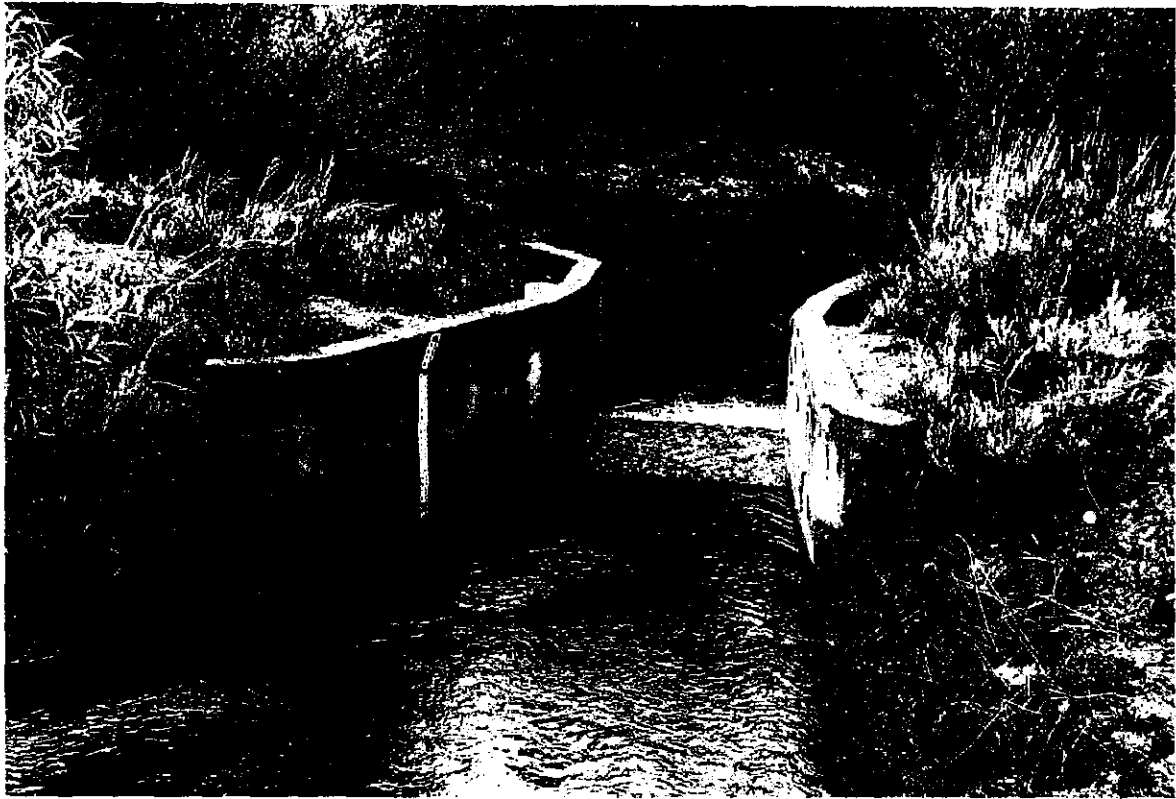


Photo 3: Weir, located in ditch just below POD. View is to South.



Photo 4: Ditch just below weir and POD. View is to South.

Photo 5. 2nd FX Oct. 18, 2001: Photos by RDH. 65-100 & 65-19703. Takeout from Trinity ditch. Located in the NWNW, S18, T02N R08E.



Photo 6. View from above take out looking West.



Photo 7. Place of use, upper photo part A of BCD.



Photo 8. Place of use part B of ACD.



Photo 9. Place of use part C of ABD.



Photo 10. Place of use part D of ABC.



Idaho Department of Water Resources

T02N, R07E
S13
T02N, R08E
S07 & S18

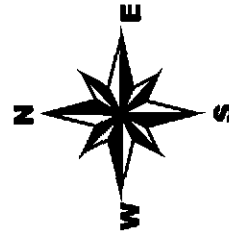
Claims: 63-100 &
63-19703 PPOU
Updated: 6 DEC 01
By: Ron Howerton

 Place of use

© POD

 SECTION

1/4 1/4



1987 NAPP



Idaho Department of Water Resources

**T02N, R07E
S13
T02N, R08E
S07 & S18**

**Claims: 63-100 &
63-19703 PPOU
Updated: 6 DEC 01
By: Ron Howerton**

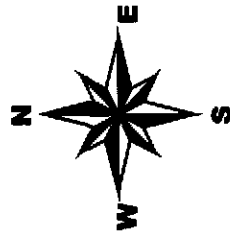
 **Place of use**

 **POD**

 **SECTION**

1/4 1/4

210.0 Acres



1987 NAPP



0 0.25 0.5 0.75 1 Miles

Idaho Department of Water Resources

T02N, R07E
S13
T02N, R08E
S07 & S18

**Claims: 63-100 &
 63-19703 PPOU**
Updated: 6 DEC 01
By: Ron Howerton

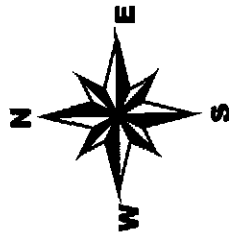
 **Place of use**

© **POD**

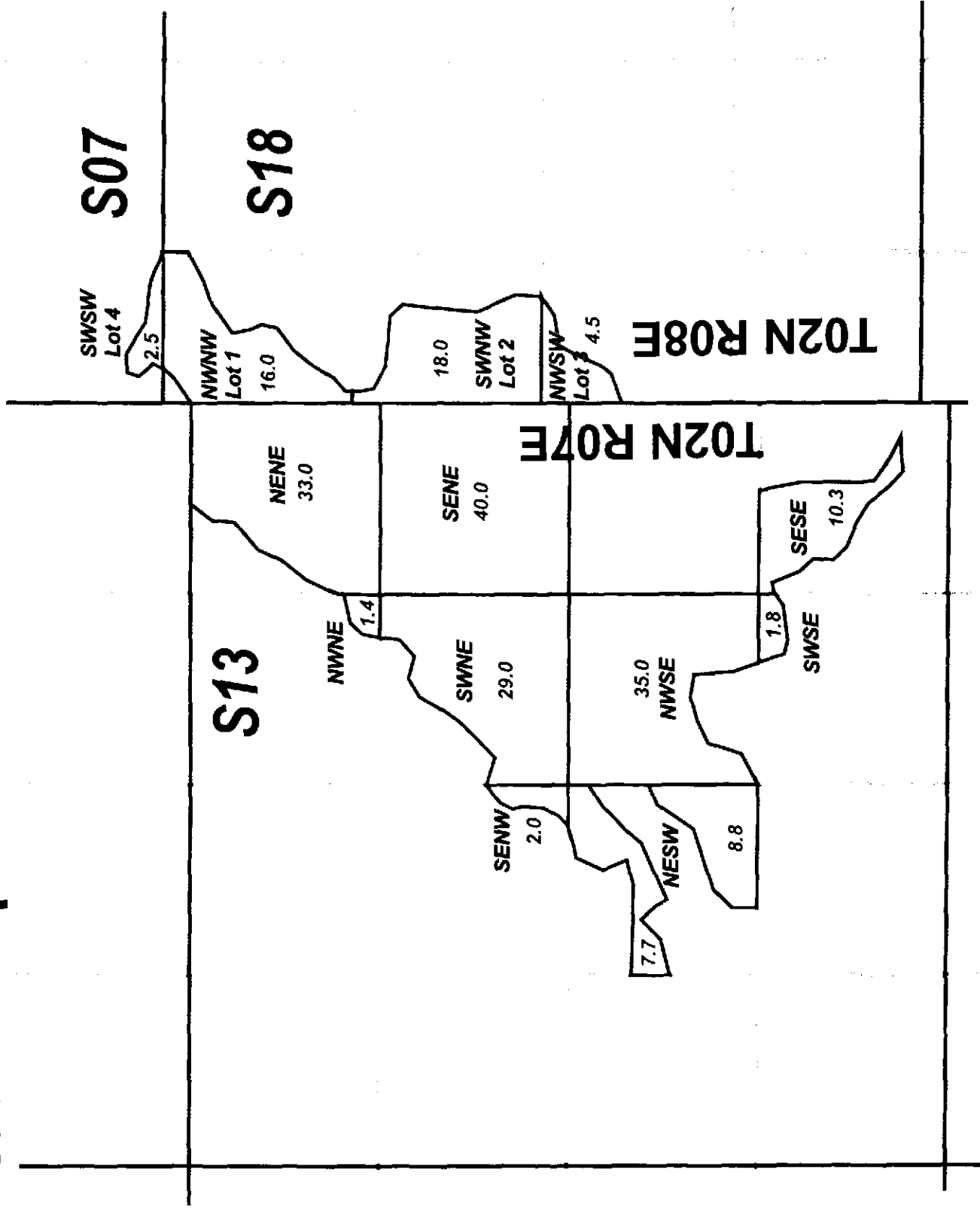
 **SECTION**

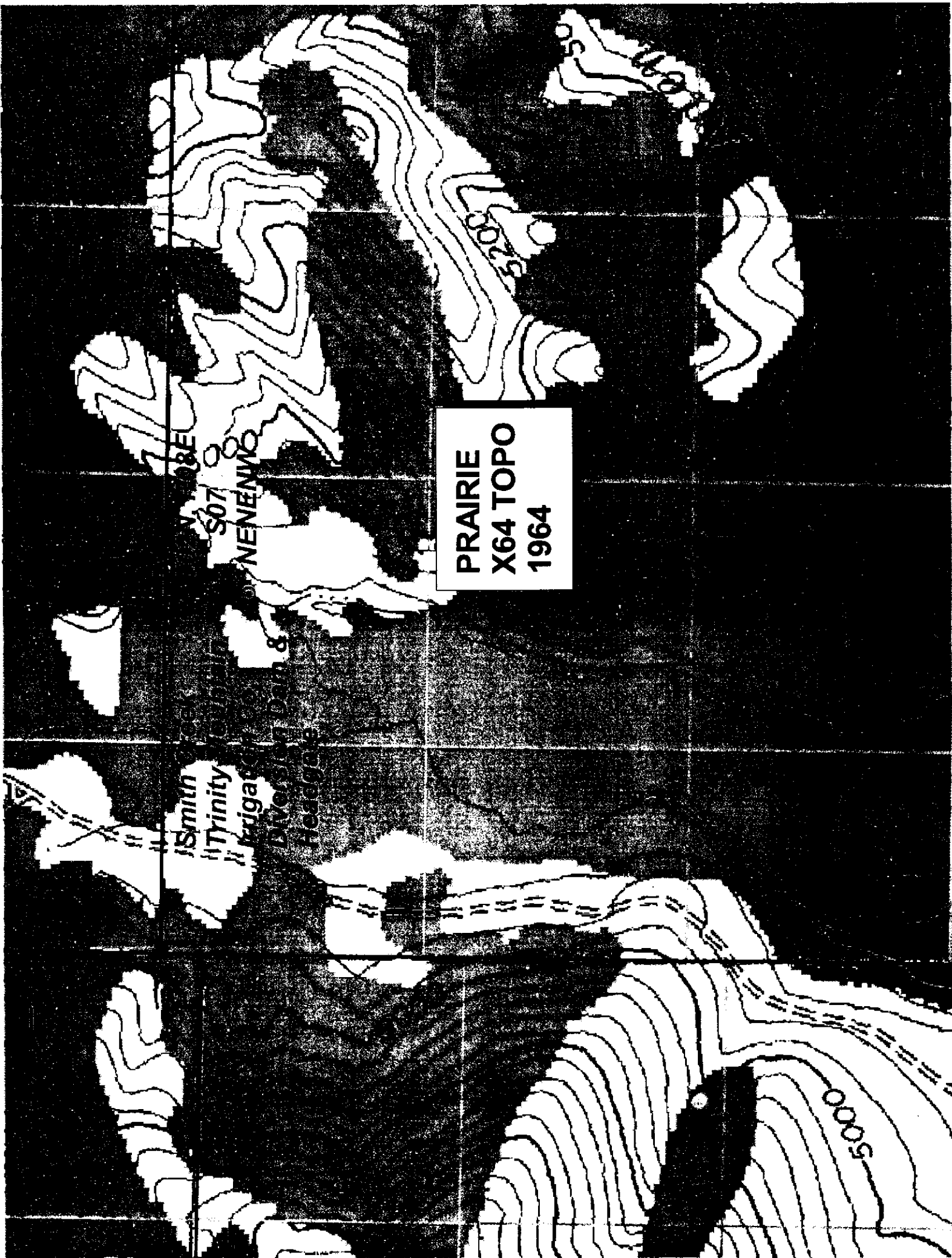
1/4 1/4

210.0 Acres



1987 NAPP





PRAIRIE
X64 TOPO
1964

65-6

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, WITHIN AND FOR ELMORE COUNTY.

THEODORE PIERCE,

Plaintiff,

vs.

WILLIAM PIERCE, GEORGE W. GOBLE,
JULIUS P. NAUERTH, JOHN KRALL,
A. E. BROWN, MINNIE J. NAUERTH,
ROBERT SANDLIN, MARTHA B. LOVING,
SARAH C. SMITH, E. M. WOLFE, successor
in interest to William Pierce, et al.,

DECREE

Defendants.

This cause came regularly on for trial on the 12th day of December A.D. 1906, being the 7th Judicial Day of the December Special Term 1906 of said Court; E. J. Dockery Esq., appearing as Counsel for plaintiff Theodore Pierce, and E. M. Wolfe Esq., as counsel for defendant William Pierce and for defendant and cross complainant E. M. Wolfe, as successor in interest to William Pierce; Edgar Wilson, Esq., as counsel for defendants and cross complainants John Krall, Robert Sandlin and Martha B. Loving; Carl A. Davis, Esq., as counsel for defendants and cross complainants Julius P. Nauerth and Minnie J. Nauerth; and Messrs. Morrison & Pence as counsel for defendants and cross complainants A. E. Brown, and George W. Goble.

A trial by jury was waived by express agreement of Counsel, and it appearing to the Court that the matter would involve the taking of a large amount of testimony and consume a great amount of time it was ordered by the Court that a Referee be appointed herein to take the testimony and report the same to the Court. H. M. Branin was appointed to take such testimony, which was afterwards taken and documentary evidence introduced before said referee, all parties being present and represented by their respective counsel. Said testimony and documentary evidence having been reported to and filed in this court in this action, and the same having been examined by the Court, and arguments made by the counsel for all the respective parties herein;

Now on the 25th day of May A.D. 1907, findings of fact and Conclusions of law, having been expressly waived by the counsel for the respective parties, the Court orders that judgement be entered herein in according with a stipulation on file in said Cause, signed by the counsel for all the said respective parties.

63 0098 his U.S. Desert Land Entry No. 1675), 137, 1-2, inches continuous flow, and that he pay his costs in this action taxed at \$2.75.

That the defendant and cross complainant Martha B. Loving be, and she is hereby awarded the use of the amount of water hereinafter stated from the waters of said Smith Creek, in each year, said use to date from the 30th day of March 1900, for use upon the S.E.1-4, of the N.W.1-4, and Lots 2,3,4,5 and 6, of Section 30 in Tp.2, N.R.7. E.B.M., and upon the tract of unsurveyed land adjoining said above described land, described as, "commencing at the N.W. corner of Lot 2, in Section 30 Tp.2,N.R.7.E., running thence westerly about 400 yards to the top of East bank of South Fork of Boise River, thence Southeasterly along said river bank to the intersection with said Section 30, thence North to place of beginning", 116, 1-2, inches continuous flow, and that she pay her costs in this action, taxed at \$2.75.

63 0100 That the defendant and cross complainant ~~W. E. Brown~~ be, and he is hereby awarded the use of the amount of water hereinafter stated from the waters of said Smith Creek, in each year, said use to date from October 7, 1899, for use upon the E.1-2, of the N.E.1-4, the N.W.1-4, of the S.E.1-4, and the N.E.1-4, of the S.W.1-4 of Section 13, Tp.2, N.R.7, E.B.M., 175 inches continuous flow and that he pay his costs in this action, taxed at \$2.75.

That the defendant and cross complainant George W. Goble be, and he is hereby awarded the use of the amounts of water hereinafter stated from the waters of said Smith Creek, in each year, for use upon the W1-2, of the N.E.1-4, and the N.W.1-4, of the S.E.1-4, and the S.E.1-4 of the N.W.1-4, of Section 14, Tp.2, N. R 7 E.B.M., as follows:

63 0101 1. For use upon said above described lands 37 1-2 inches continuous flow, said use to date from August 1st, 1894.

63 0102 2. For use upon said above described lands 37 1-2 inches continuous flow, said use to date from August 1st, 1902.

63 0103 3. For use upon said above described lands 62, 1-2 inches continuous flow, said use to date from May 1st, 1903, and that he pay his costs in this action, tax at \$2.75.

