

file w/ 33-00098

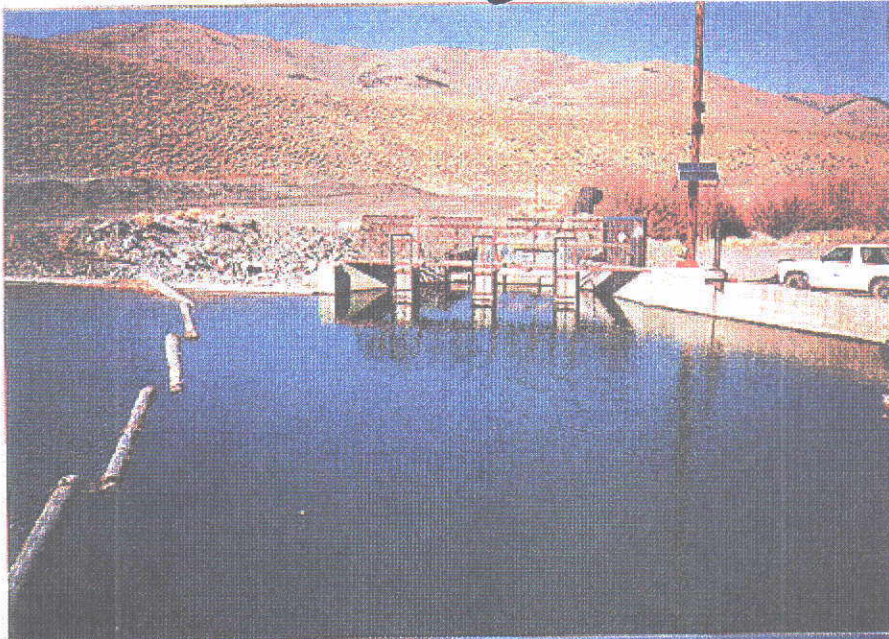


Photo 1. INTAKE FOR THE DRY CREEK HYDROPOWER AQUADUCT. ALSO SERVES AS THE POINT OF DIVERSION FOR SEVERAL DECREED RIGHTS FROM DRY CREEK. THESE RIGHTS ARE NOW DELIVERED AS DEVELOPED WATER AHEAD OF AND OUT OF SEQUENCE OF OTHER DECREED RIGHTS OF THE LITTLE LOST RIVER SYSTEM.

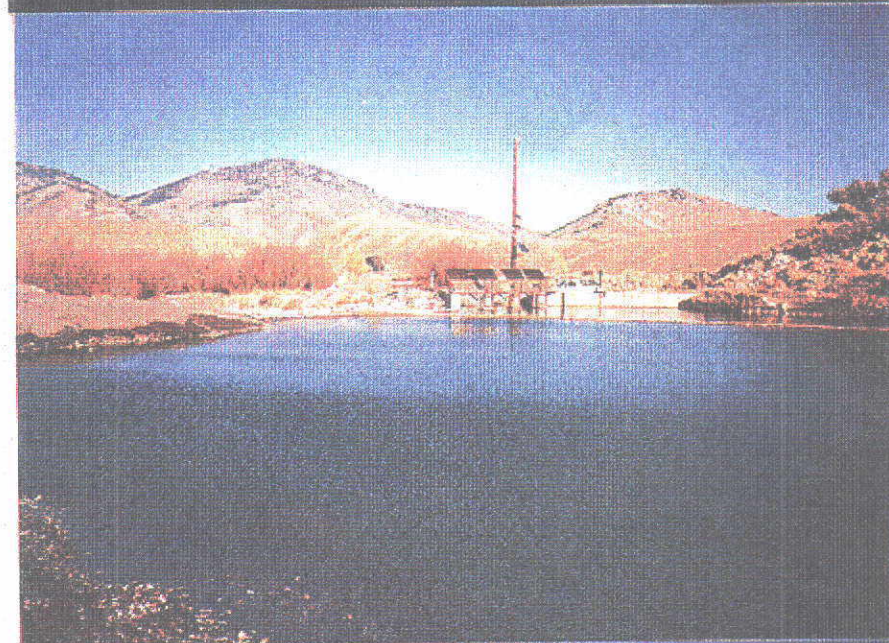


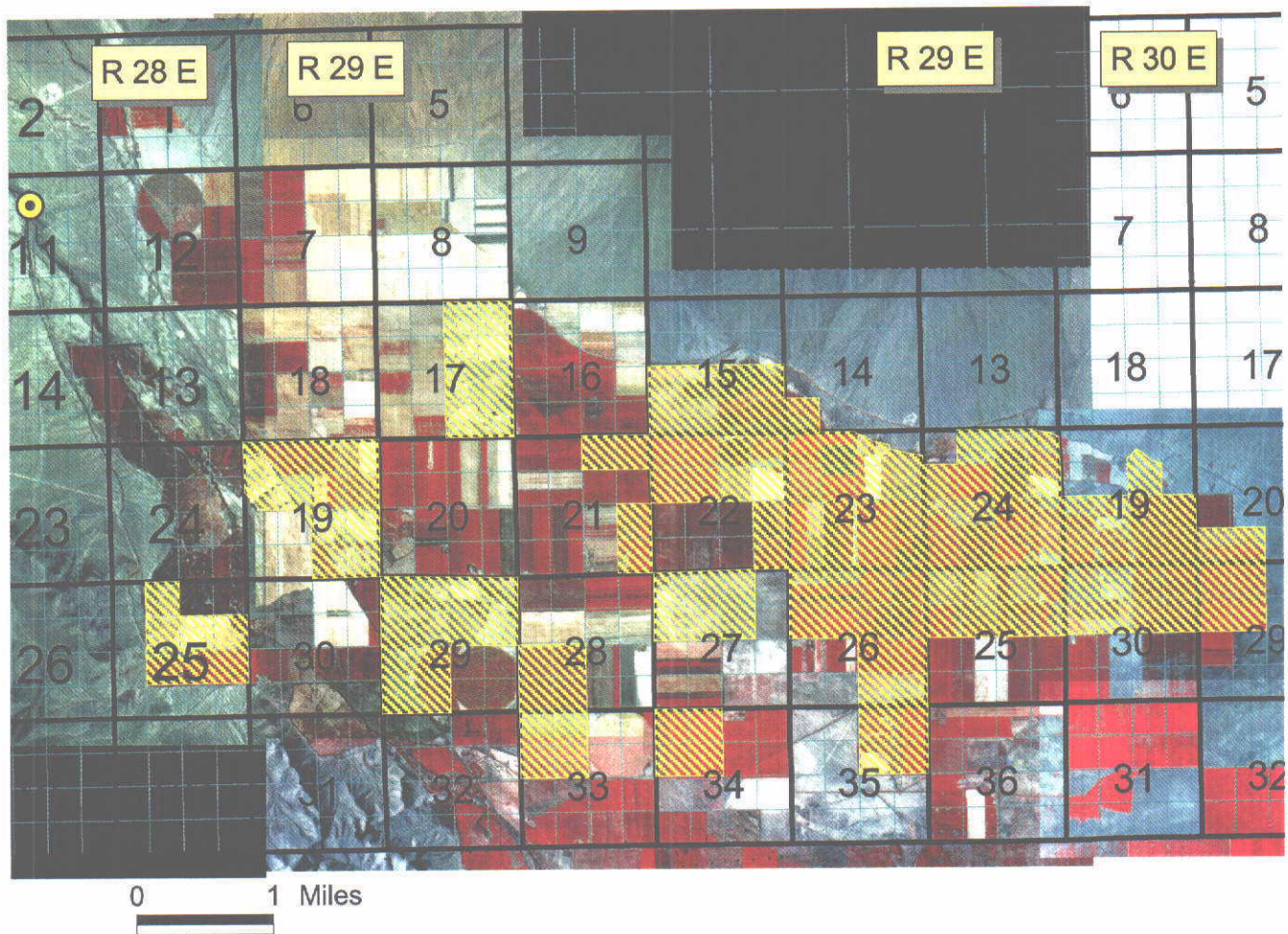
Photo 2. DRY CREEK HYDRO RESERVOIR POOL.



Photo 3. OLD DRY CREEK DAM WHICH IS REFERENCED IN THE DECREE AS THE POINT OF DIVERSION FOR THE DRY CREEK RIGHTS. THIS DAM WAS BLOWN IN THE 1930'S BUT DID NOT FAIL UNTIL 1958. IT WAS BLOWN DUE TO A WATER FIGHT BETWEEN THE OLD SETTLERS AND THE BLAINE COUNTY INVEST. CO. ALL PHOTOS LOOKING NORTHERLY. PHOTOS TAKEN: 31 Oct. 95 ABR

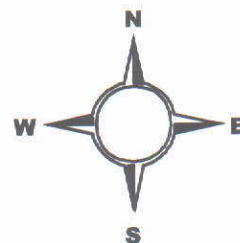
Idaho Department of Water Resources

Water Rights 33-00003, 33-00004, 33-00005, 33-00068,
33-00075, 33-00077, 33-00098, 33-10086



Township 6 North
Ranges 28 East, 29 East, 30 East

-  Point of Diversion
-  Permissible Place of Use - Recommended
-  Section Lines
-  Quarter-Quarter Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by Bryce A. Contor
October, 1999

RECEIVED

2001 JAN 16 PM 2: 21

JAN 18 2001

Department of Water Resources

FILED
TWIN FALLS CO., IDAHO

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

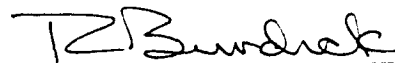
For Water Right 33-00098

On November 30, 2000, 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 33-00098 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JAN 16 2001



ROGER BURDICK
Presiding Judge of the
Snake River Basin Adjudication

2001 JAN 17 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): 33-00098

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 33-00098 was mailed
on January 17, 2001, with sufficient first-class postage prepaid
to the following:

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

BLAINE COUNTY CANAL CO
HC 65 BOX 1058
HOWE, ID 83244
Phone: 208-767-3203

DIANA DELANEY
Chief Deputy Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

A33-00098

EASTERN REGION

February 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

David Andreason, Watermaster
Water District 33
Howe, Idaho 83244

Dry Creek Water Users
Water District 33
Howe, Idaho 83244

Dear Watermaster and Water Users:

Per a telephone request of Mr. Bill Stauffer of Blaine County Canal Company, I'm sending you this letter to clarify the remark regarding delivery of Dry Creek water, which reads:

"THE AMOUNT OF WATER REDIVERTED FROM THE LITTLE LOST RIVER SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER FROM THE LITTLE LOST RIVER DOWNSTREAM FROM THE POINT OF DIVERSION PURSUANT TO SECTION 42-105, IDAHO CODE."

In notices of error and in the petition, many of the Dry Creek water users disagreed with this remark. I apologize that it was not changed, due to my error. Dave Tuthill had intended that I modify the remark to clearly indicate the reductions should be based upon transmission losses. It should have read something like:

"THE AMOUNT OF WATER REDIVERTED FROM THE LITTLE LOST RIVER SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY DUE TO LOSS BY EVAPORATION AND SEEPAGE, PURSUANT TO SECTION 42-105, IDAHO CODE."

Now that the recommendations have gone to the court, however, I can't change the wording. Though the current remark is perhaps a little unclear, in my opinion it doesn't really injure the Dry Creek water users. The whole intent of this remark is to allow the watermaster to assess transmission losses to "developed" waters. It appears not only on the Dry Creek rights but also on the Bell Mountain rights and all exchange wells subject to transmission losses. While it is unfortunate that the remark doesn't explicitly state

"transmission losses," it clearly points to section 42-105 of Idaho Code. That section reads:

"The water that a person is entitled to divert... may be turned into the channel of a natural waterway and mingled with its water, and then reclaimed, but in reclaiming the water so mingled, the amount of water to which prior appropriators may be entitled shall not be diminished, and due allowance shall be made for loss by evaporation and seepage. The use of natural waterways... shall be subject to the regulation of the watermaster within an established water district."

Please review this carefully. If you still believe this remark injures you, you may file an objection with the court. Filing the objection will give you the opportunity to present your concerns with the judge, and the judge may direct IDWR to change the remark accordingly.

Typically the judge will ask IDWR's input, and I think the department's response would be agreeable to changing the wording. The department would still want some type of remark, to preserve historical practice and the intent of the 1966 agreement between Dry Creek users and users of the Little Lost River.

Please call me at 525-7161 or 663-4853 if you have questions or concerns about this issue.

Sincerely,

Bryce A. Contor

Mailing list for Dry Creek Remark Letter:

David Andreason, Watermaster
Water District 33
Howe, Idaho 83244

Bill Stauffer, Chairman
Blaine County Canal Company
Howe, Idaho 83244

Pancheri, Inc.
c/o Jerry Pancheri
HC 65 Box 2104
Howe, Idaho 83244

Keith Waymire
PO Box 47
Howe, Idaho 83244

Daryl Andreason
Brenda Andreason
PO Box 22
Howe, Idaho 83244

James Andreason
Elizabeth Andreason
PO Box 3
Howe, Idaho 83244

Woodie Land and Livestock
HC 65 Box 1019
Howe, Idaho 83244

Mays Land and Livestock
PO Box 1
Howe, Idaho 83244

November 23, 1999

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 10, 1999

Water right number: 33-00098

BLAINE COUNTY CANAL CO
HC 65 BOX 1058
HOWE ID 83244

Daytime Telephone Number:

Evening Telephone Number:

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

1- tributary

2 - Reduction of delivery clause (circled next page)

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

Would like change to read tributary - SINKS

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

I believe it is not correct to Reduce delivery of this right to prevent injury to prior rights. see attached Note

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

DATE: _____

SIGNATURE: _____

Please print your name: _____

William C. Shuff

IDWR Eastern Regional Office, 900 N. Skyline Drive, Suite A, Idaho Falls, ID 83402-1718, (208) 525-7161

Reg'd Learning

To: Blaine County Canal Company claim files:

A33-00002
A22-00003
A33-00004
A33-00005
A33-00014
A33 00015
A33-00016
A33-00068
A33-00069B
A33-00071B
A33-00072B
A33-00075
A33-00077
A33-00098
A33-10084
A33-10086

Fr: Bryce A. Contor
Date: 10/19/1999



Re: Documentation.

General documentation relating to all the claims is found in file A33-00002. Documentation relating to the later-in-time Knollin rights (33-00069B, 33-00071B, 33-00072B) is found in file A33-00069B. Any other documentation specific to only one of these rights is found in its own claim file.

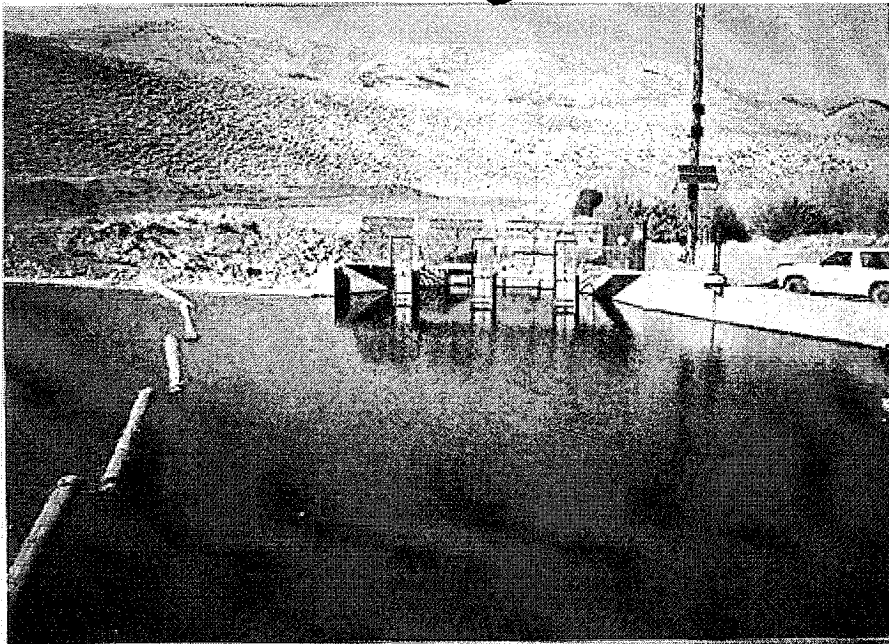


Photo 1. INTAKE FOR THE DRY CREEK HYDROPOWER AQUADUCT. ALSO SERVES AS THE POINT OF DIVERSION FOR SEVERAL DECREED RIGHTS FROM DRY CREEK. THESE RIGHTS ARE NOW DELIVERED AS DEVELOPED WATER AHEAD OF AND OUT OF SEQUENCE OF OTHER DECREED RIGHTS OF THE LITTLE LOST RIVER SYSTEM.

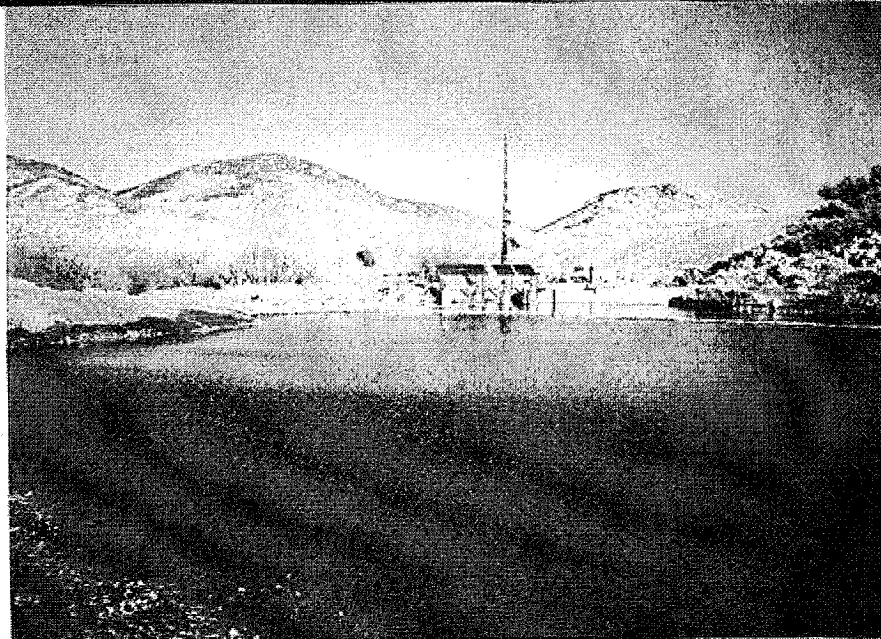


Photo 2. DRY CREEK HYDRO RESERVOIR POOL.



Photo 3. OLD DRY CREEK DAM WHICH IS REFERENCED IN THE DECREE AS THE POINT OF DIVERSION FOR THE DRY CREEK RIGHTS. THIS DAM WAS BLOWN IN THE 1930'S BUT DID NOT FAIL UNTIL 1956. IT WAS BLOWN DUE TO A WATER FIGHT BETWEEN THE OLD SETTLERS AND THE BLAINE COUNTY INVEST. Co. ALL PHOTOS LOOKING NORTHERLY. PHOTOS TAKEN: 31 Oct. 95 ABR



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

33-00004 +
1-16-91 All claims filed
Argument filed
Sumner Smith
(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 17, 1989

Blaine County Canal Co.
HC 65, Box 1058
Howe, Idaho 83720

Butte Co.

Attn: Mr. Bryce A. Contor
Secretary/Treasurer

RE: Snake River Basin Adjudication
Water Right #33-00004(33-02000)/#33-00005(33-02134)
#33-00068/#33-00075/#33-00077/#33-00098

Dear Mr. Contor:

In response to your letter of April 10th, 1989, I have researched the above-referenced water rights. All of the water rights were Decreed in Blaine County Investment Co. vs. Robert G. Mayes, et al on March 4th, 1927.

In your letter you requested information concerning Permit Nos. 1119 and 3399. These permits were licensed as 33-02000 and 33-02134 respectively, and then decreed as 33-00004 and 33-00005 respectively. A decree normally supersede previous rights therefore, these Water Rights should probably be claimed as decreed rights #33-00004 and #33-00005.

The most current information available concerning the lands appurtenant to your Water Rights are the original Engineer's Report for 33-00004 and 33-00005, transfer 670 for 33-00098 and transfer 656 for 33-00068, 33-00075 and 33-00077. I have attached copies of these documents to the corresponding Water Rights.

In your letter you indicate that there has been unrecorded de facto transfers of water by the Canal Co., and you also express your concern about the proper method for filing these portions of your water rights. For transfers prior to May 26, 1969 no application was required therefore; the "Grandfather Clause" concerns transfers after that date and involves the

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NOV 18 1992

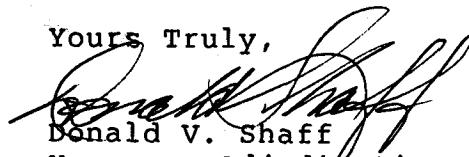
Mr. Bryce A. Contor
Blaine County Canal Company
Page 2
April 17, 1989

presumption that no expansion of the Water Right as Decreed has occurred (ie. no increase in the amount of water diverted). The result is that you may file your Water Right claiming the distribution and number of irrigated acres as of Nov. 19, 1987. Thus the filing of the Notice of Claim with the Snake River Basin Adjudication will in effect represent an application for transfer as well.

I hope the information and documentation enclosed will aide you in the preparation for your filing with the adjudication. I would also recommend you use our Eastern Regional Office at 150 Shoup in Idaho Falls for future assistance, as they are more accessible and familiar with the area your water rights cover.

If this office can be of any further help, please do not hesitate to contact us.

Yours Truly,



Donald V. Shaff
Manager, Adjudication Section

DVS:AB:mcc:state

Enclosures:

Proof Reports:#33-00004/#33-00005

#33-00068/#33-00075

#33-00077/#33-00098

With attachments

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NOV 18 1992

11 April 1990

Blaine County Canal Company
C/O Bryce Contor
HC 65 Box 1058
Howe, Idaho 83244

RE: Amended Adjudication Claims for Blaine County Canal Co.
A33-00016/00068/00075/00077/00098/10086

Dear Mr. Contor:

As we discussed enclosed are the above numbered amended adjudication claims that I have completed using the information that you supplied this office. Please review the amended claims sign in front of a notary and return to this office as soon as possible. The additional variable fee was paid and receipted under receipt #E012738.

Sincerely,

Keith C. Wilson
Senior Resource Agent

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NOV 18 1992

Blaine County Canal Co.
HC 65 Box 1058
Howe, Idaho 83244
10 April 1989

RECEIVED
APR 11 1989

Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

Dear Ladies and Gentlemen:

In preparation for the upcoming adjudication we are trying to find out exactly how our water rights are listed. Could you please send us a printout on the legal description of the lands to be irrigated under the following permits or lisences?

Permit 1119 issued 20 Feb 1905

Permit 3399 issued 8 Feb 1908

WR-number 33-0068 priority 1 Jun 1891

WR-number 33-0075 priority 15 July 1884

WR-number 33-0077 priority 25 May 1891

WR-number 33-0098 priority 15 Apr 1891

Last summer in an information meeting in Idaho Falls I was told about a "grandfather clause" which covered cases of flood irrigation converted to sprinklers, changing acres somewhat. Over the years shares of Blaine County Canal Company have been bought, sold, traded, and moved from one parcel of land to another. Does the "grandfather clause" cover this kind of activity? How should we file on these transfered shares?

Thank you,

Bryce A. Contor
Bryce A. Contor
Secretary-Treasurer

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NOV 18 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

433-00098

(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 29, 1989

Mr. Bill Stauffer
RFD
Howe, Idaho 83244

Re: Blaine County Investment Co. Decree

Dear Mr. Stauffer:

Enclosed is a Decree #33-B, Blaine County Investment Company vs. Robert G. Mays, et al. Also enclosed is the Transferred Water Right # 670 (33-0098). Do not hesitate to contact me if you need any more information.

Yours Truly,

for Carter Fritschle
Donald V. Shaff
Manager, Adjudication Section

DVS:mcc
Enclosures:
Decree #33-B
Transfer #33-0098

1/2/91

File with permanent file.

Phil Coe
STATE OFFICE

MICROFILMED

NOV 18 1992

SD-44
INQUIRY

IDA DEPARTMENT OF WATER RESOURCES
ADJUDICATION SCREEN 3

DATE: 01/14/91
TIME: 10:33:45

WATER RIGHT NUMBER: A33-00098

9. NON-IRRIGATED USES:
NONE

10. PLACES OF USE:	11. COUNTY
TWP RNG SEC 1/4 OF 1/4 LOT ACRES USE DESCR	CODE NAME

12. OTHER RIGHTS: 33-0002-0005/0014-0016/0068/0075/0077/10084/10086

13. REMARKS:

14. BASIS OF CLAIM: STAGE:	PRESUMPTION FLAG:	OLD RIGHT NUMBER:
DECREE DATE: / /	PLAINTIFF: BLAINE COUNTY INVESTMENT CO.	
	DEFENDANT: ROBERT G. MAYS, ET. AL.	

(ENTER=EXIT)

(GOLD8=CANCEL)

MICROFILMED

NOV 18 1992

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BUTTE COUNTY.

33-B ✓
NUMBERED

THE BLAINE COUNTY INVESTMENT
COMPANY, a corporation,

Plaintiff,

ROBERT G. MAYS, et al.,

Defendants.

D E C R E E

This matter having been referred to Honorable L. E. Glennon by an order of this court, made and entered on the 4th day of May, 1923, to take the testimony herein and to try all of the issues in said action, both of fact and law, and to report findings and judgment thereon, as required by law, and the said Referee having heard and considered said cause and having submitted a full and complete report thereon setting forth his findings of fact and conclusions of law, and the court having duly considered said report and the objections filed thereto, and having heard the arguments of counsel for the respective parties in support of their objections to said report, and given due consideration thereto, and the court having heretofore made an order approving and adopting the report of the Referee, and the court having heretofore made and filed findings of fact and conclusions of law,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

I.

That all of the lands hereinafter described are arid in character and require artificial irrigation in order to produce profitable crops thereon.

II.

That the duty of water upon the several tracts of land herein described corresponds to the quantity of water awarded thereto, respectively, and the quantity of water herein awarded

1.

MICROFILMED
NOV 18 1992

to the several tracts of land is necessary for the proper irrigation of said land.

III.

That the diversion works and conduits of the respective parties to this action are of sufficient size and carrying capacity to convey the water awarded to them, respectively, to and upon the several tracts of land of the said parties and for the irrigation thereof.

IV.

That the terms "inch" or "miner's inch", when used to designate quantity of water herein, are to be construed to mean one-fiftieth ($1/50$) of a cubic foot per second of time, and the water herein awarded to the respective parties shall be distributed to them accordingly.

V.

That the following named persons, parties to this action, are entitled to and are hereby awarded, respectively, the continuous and uninterrupted flow for the uses herein designated, during the times herein specified, when needed and beneficially applied, of the waters of Little Lost River and its tributaries, the springs and streams herein named, upon the lands hereinafter specified, in the several amounts and with the dates of priority, and at their several points of diversion as follows:

VI.

THE BLAINE COUNTY INVESTMENT COMPANY:

Natural Flow Rights:

(a) From Dry Creek:

33 0002
33 0003

275 inches, Date of priority April 1, 1891;
3050 inches, Date of priority July 1, 1912;

(b) From Little Lost River:

33 0004
33 0005

600 inches, Date of priority January 23, 1905;
7250 inches, Date of priority January 14, 1908;

(c) From Saw Mill Creek: On account of saving through Saw Mill Creek (Canal) prior to all other rights, except the rights in and to the use of the waters of Saw Mill Creek of Otto Hoebel as administrator of the Estate of J. H. Mudd, deceased, as follows:

(b) Rocky Run: 100 inches, June 1, 1908; that said ⁸ ~~34~~
source of supply is not tributary to Little Lost River. 33 0066

Spring Creek: 220 inches, June 1, 1908. 33 0067 ~~34~~

Point of diversion:

to be used upon and appurtenant to:

(Sunny Bar Ranch). The Northwest quarter and the West half of the Southwest quarter, Section 29; and the West half of the Northwest Quarter of Section 32, Township 8 North, Range 28 East of the Boise Meridian.

(c) Little Lost River: 300 inches, June 1, 1891. 33-0068

Point of diversion:

to be used upon and appurtenant to:

(Bird Ranch). The Southeast quarter of the Northwest quarter, the Southwest quarter of the Northeast quarter, the Southwest quarter and the West half of the Southeast quarter, Section 34, Township 8 North, Range 27 East of the Boise Meridian.

(d) Little Lost River: 160 inches, June 1, 1908. 33-0069

Point of diversion:

to be used upon and appurtenant to:

(Home Ranch - Conger Entry) The East half of the Northwest quarter, the Northeast quarter of the Southwest quarter and the Northwest quarter of the Southeast quarter of Section 7, Township 7, North, Range 28 East of the Boise Meridian.

(e) Spring Creek: 140 inches, October 1, 1906. 33-0070 ²⁹

Point of diversion:

to be used upon and appurtenant to:

(A. M. Myrup Homestead) The South half of the South half of Section 7, Township 7 North, Range 28 East of the Boise Meridian.

(f) Spring Creek: 160 inches, March 15, 1909. 33 0071 ¹⁵

Point of diversion:

to be used upon and appurtenant to:

(A. M. Myrup Desert Entry) The Southeast Quarter of the Northwest quarter, the Southwest quarter of the Northeast quarter and the North half of the Southeast quarter, Section 18, Township 7 North, Range 28 East of the Boise Meridian.

(g) Little Lost River: 40 inches, May 1, 1908. 33 0072 ³

Point of diversion:

to be used upon and appurtenant to:

The Northwest Quarter of the Southwest Quarter, Section 7, Township 7 North, Range 28 East of the Boise Meridian.

(h) Spring creek: 320 inches, April 1, 1912. 33 0073 ⁷

Point of diversion:

to be used upon and appurtenant to:

(Lillian Myrup Entry) The East half of the Northwest Quarter, the Southwest Quarter of the Northwest quarter, the North half of the Southwest Quarter, the Southeast Quarter of the Southwest quarter and the West half of the Southeast quarter of Section 8, Township 7 North, Range 28 East of the Boise Meridian.

(i) Little Lost River: 80 inches, August 6, 1913, 33-0074

Point of diversion:

to be used upon and appurtenant to:

(Thomas Chamberlain Homestead Entry) The West half of the Northeast Quarter of Section 8, Township 7 North, Range 28 East of the Boise Meridian.

(j) Little Lost River: 240 inches, July 15, 1884; 33-0075
340 inches, April 1, 1913; 33-0076
Saw Mill Creek: 100 inches, May 25, 1891. 33-0077

Points of diversion:

From Little Lost River:

From Saw Mill Creek: At the mouth of said stream.

to be used upon and appurtenant to:

(George H. and Edward F. Sands Entries) The East half of the Southwest quarter, and the West half of the Southeast Quarter, Section 12, Township 7 North, Range 27 East of the Boise Meridian.

Also, the Northeast quarter of the Northwest quarter and the North half of the Northeast quarter, Section 13; and the East half of the Southeast quarter, Section 12, Township 7 North, Range 27 East of the Boise Meridian.

Also, the East half of the Northwest quarter and the West half of the Northeast quarter, Section 12, Township 7 North, Range 27 East of the Boise Meridian.

Also, the East half of the Northeast quarter, Section 12, Township 7 North, Range 27 East of the Boise Meridian; the West half of the Northwest quarter, Section 7, Township 7 North, Range 28 East of the Boise Meridian.

~~Also, the East half of the Northeast quarter, Section 12, Township 7 North, Range 27 East of the Boise Meridian; the West half of the Northwest quarter, Section 7, Township 7 North, Range 28 East of the Boise Meridian.~~

(k) Little Lost River: 160 inches, October 15, 1913, 33-0078

Point of diversion:

to be used upon and appurtenant to:

(Charles H. Collette Homestead) The North half of the Northwest Quarter, the Northwest quarter of the Northeast quarter, Section 20, and the Southwest quarter of the Southwest quarter, Section 17, Township 7 North, Range 28 East of the Boise Meridian.

(l) Little Lost River: 80 inches, April 1, 1912 33-0079

Point of diversion:

to be used upon and appurtenant to:

From Saw Mill Creek:
From Dry Creek:

50 inches, May 25, 1891; 33-0096
320 inches, April 15, 1891; 33-0097

Points of diversion:

33 0097

From Little Lost River:

From Saw Mill Creek: At the mouth of said stream;

From Dry Creek: At the Dry Creek dam;

to be used upon and appurtenant to:

The South half of the Northwest Quarter, and the East half of the Southwest Quarter of Section Thirty-three, the East half of the Southeast Quarter of Section Twenty-nine, and the Northeast Quarter of the Northeast Quarter of Section Thirty-two, and the Northwest Quarter of the Northwest Quarter of Section Thirty-three, and the South half of the Southwest Quarter of Section Eighteen and the Northwest quarter of Section Nineteen, all in Township Ten North, Range Twenty-seven East of the Boise Meridian.

XXIX

PERRY BASINGER:

From Saw Mill Creek #670
From Dry Creek: 257.5 inches, April 15, 1891; 33-0098

Point of diversion at Dry Creek Dam;

to be used upon and appurtenant to:

The Southwest quarter of the Northeast Quarter, the North half of the Southeast Quarter, and the Southeast Quarter of the Southeast Quarter of Section Nineteen, the West half of the Southwest Quarter of Section Twenty, the Northwest quarter of the Northwest Quarter of Section Twenty-nine, and the Northeast Quarter of the Northeast Quarter of Section Thirty, all in Township Ten North, Range Twenty-seven East of the Boise Meridian.

XXX.

EMILY BASINGER:

From Saw Mill Creek #670
From Little Lost River: 15 inches, April 15, 1891; 33 0099
From Dry Creek: 40 inches, April 15, 1891; 33 0100

Points of diversion:

From Little Lost River:

From Dry Creek: At the Dry Creek dam;

to be used upon and appurtenant to:

The East half of the Northeast Quarter, and the Northwest Quarter of the Northeast Quarter of Section Nineteen and the Southwest Quarter of the Northwest Quarter of Section Twenty, all in Township Ten North, Range Twenty-seven East of the Boise Meridian.

XXXI.

NORTH AMERICAN MORTGAGE COMPANY, a corporation:

From South Creek: 100 inches, May 1, 1889; 33 0101-~~14~~

Point of diversion:

33-0098

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Water Right No. 670

THIS IS TO CERTIFY THAT THE BLAINE COUNTY CANAL COMPANY, duly qualified as an Idaho corporation, is the owner of a certain water right, described as being 257.7 miner's inches, or 5.15 cubic feet per second of the waters of Dry Creek, a tributary of Little Lost River, with priority date of April 15, 1891, said water being decreed to Perry Basinger, by Judge Ralph W. Adair, of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Butte, in the case of

BLAINE COUNTY INVESTMENT COMPANY, A CORPORATION,

Plaintiff,

vs.

ROBERT G. MAYS, ET AL,

Defendants,

said decree being dated March 4, 1927, and being appurtenant to the following described lands, situate, lying and being in the County of Butte, State of Idaho (Water District No. 9), to-wit:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19;
W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 20;
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29;
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30;
Township 10 North, Range 27 East, B.M.

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 5 of Decrees, at Page 86.

That the said corporation, The Blaine County Canal Company, has become and now is the owner of said water right by purchase.

That now, upon the application of the Blaine County Canal Company for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 5.15 cubic feet per second of the waters of Dry Creek, a tributary of Little Lost River, is hereby abandoned upon the lands above described, and the place of use of water under such right, and to which the water right HEREBY CONFIRMED by this Certificate shall become appurtenant for irrigation and domestic purposes, is described as follows, being lands situate, lying and being in the County of Butte and State of Idaho, to-wit:

NW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 19;
SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20;
S $\frac{1}{2}$ Section 21;
NW $\frac{1}{4}$, E $\frac{1}{2}$ Section 22;
S $\frac{1}{2}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23;
S $\frac{1}{2}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 24;
NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 25;
NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 26;
NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27;
NE $\frac{1}{4}$ Section 28;
NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29;
NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 30;
NE $\frac{1}{4}$ Section 35;
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33;
Township 6 North, Range 29 East, B. M.

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S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25
Township 6 North, Range 28 East, B.M.

S $\frac{1}{2}$ Section 19;
NW $\frac{1}{4}$ Section 30;
Township 6 North, Range 30 East, B.M.

That said water is to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

5.15 cubic feet per second, with priority of April 15, 1891

That the water right hereby transferred has been conducted to the first above described lands through a private ditch, with point of diversion at the Dry Creek Dam.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the Blaine County Canal Company's canal from Little Lost River, with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, Township 6 North, Range 28 East, B.M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 21st day of November, A. D. 1944.

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

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COPY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

BLAINE COUNTY CANAL COMPANY,

ORDER GRANTING TRANSFER

No. 670

For a Transfer of Water Right,
In Water District No. 9,
Butte and Custer Counties.

WHEREAS, THE BLAINE COUNTY CANAL COMPANY, by L. E. Glennon, President of said Company, of Butte County, State of Idaho, filed an application for transfer of a certain water right, decreed to Perry Basinger, by Judge Ralph W. Adair, of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Butte, in the case of

BLAINE COUNTY INVESTMENT COMPANY, A CORPORATION,

Plaintiff,

vs.

ROBERT G. MAYB, ET AL,

Defendants,

said decrees bearing date of March 4, 1927,

from the lands to which the water was decreed to other lands; the said application having been filed in accordance with the provisions of Section 41-216, Idaho Code Annotated; and,

WHEREAS, Pursuant to the provisions of said chapter a hearing was ordered held before the Commissioner of Reclamation of Idaho, or his authorized agent, in his office, at Boise, Idaho, on the 3rd day of October, A. D. 1942, and notice of said hearing was published in the Arco Advertiser for two consecutive weeks, as provided by statute; and,

WHEREAS, A protest to said transfer was filed by Charles Kyle, Homer B. Mays, Duard W. Terry, Charles Omsley, Charles Webb, R. G. Mays, Zoe Mays, Robert R. Mays, Ellen Holland and J. E. Mays, water users of Little Lost River, and Josephine McCowan, Treasurer of Butte County, representing Butte County; and,

WHEREAS, Pursuant to said notice, the matter came on regularly for hearing on October 3rd, 1942, and by order of the Commissioner of Reclamation was continued to October 21st, 1942, said hearing to be held at Boise, Idaho, in the office of the Commissioner of Reclamation; and,

WHEREAS, Pursuant to said Order, and notification thereof to the applicants and protestants, the hearing was continued at Boise, Idaho, before the Commissioner of Reclamation, E. V. Berg, on October 21st, 1942, a transcript of which hearing is now on file, with all other documents filed in the case, in the Department of Reclamation, at Boise, Idaho; and,

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WHEREAS, Under date of October 28, 1942, E. V. Berg, Commissioner of Reclamation, issued his decision granting said transfer as requested by the applicants:

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application of the Blaine County Canal Company for transfer of water right be, and the same is hereby granted, and that a Certificate of Transfer be issued the applicants herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 21st day of November, A. D. 1944.

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

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NOV 18 1992

33-0068⁹⁸

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Water Right No. 670

THIS IS TO CERTIFY THAT THE BLAINE COUNTY CANAL COMPANY, duly qualified as an Idaho corporation, is the owner of a certain water right, described as being 257.7 miner's inches, or 5.15 cubic feet per second of the waters of Dry Creek, a tributary of Little Lost River, with priority date of April 15, 1891, said water being decreed to Perry Basinger, by Judge Ralph W. Adair, of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Butte, in the case of

BLAINE COUNTY INVESTMENT COMPANY, A CORPORATION,

Plaintiff,

Vs.

ROBERT G. MAYS, ET AL,

Defendants,

said decree being dated March 4, 1927, and being appurtenant to the following described lands, situate, lying and being in the County of Butte, State of Idaho (Water District No. 9), to-wit:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19;
W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 20;
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29;
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30;
Township 10 North, Range 27 East, B.M.

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 5 of Decrees, at Page 86,

That the said corporation, The Blaine County Canal Company, has become and now is the owner of said water right by purchase.

That now, upon the application of the Blaine County Canal Company for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 5.15 cubic feet per second of the waters of Dry Creek, a tributary of Little Lost River, is hereby abandoned upon the lands above described, and the place of use of water under such right, and to which the water right HEREBY CONFIRMED by this Certificate shall become appurtenant for irrigation and domestic purposes, is described as follows, being lands situate, lying and being in the County of Butte and State of Idaho, to-wit:

NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 19;
SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 20;
S $\frac{1}{2}$, Section 21;
NW $\frac{1}{4}$, E $\frac{1}{2}$, Section 22;
S $\frac{1}{2}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23;
S $\frac{1}{2}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 24;
NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 25;
NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 26;
NW $\frac{1}{4}$, E $\frac{1}{2}$, Section 27;
NE $\frac{1}{4}$, Section 28;
NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29;
NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 30;
NE $\frac{1}{4}$, Section 35;
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33;
Township 6 North, Range 29 East, B. M.

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NOV 18 1992

S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25
Township 6 North, Range 28 East, B.M.

S $\frac{1}{2}$ Section 19;
NW $\frac{1}{4}$ Section 30;
Township 6 North, Range 30 East, B.M.

That said water is to be limited at any time to an amount actually needed and ~~unusually~~ used for such purposes, and shall not exceed the following amount, to-wit:

5.15 cubic feet per second, with priority of April 15, 1891

That the water right hereby transferred has been conducted to the first above described lands through a private ditch, with point of diversion at the Dry Creek Dam.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the Blaine County Canal Company's canal from Little Lost River, with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, Township 6 North, Range 28 East, B.M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 21st day of November, A. D. 1944.

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

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COPY

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

BLAINE COUNTY CANAL COMPANY,

For a Transfer of Water Right,
in Water District No. 9,
Butte and Custer Counties.

ORDER GRANTING TRANSFER

No. 670

WHEREAS, THE BLAINE COUNTY CANAL COMPANY, by L. E. Glennon, President of said Company, of Butte County, State of Idaho, filed an application for transfer of a certain water right, decreed to Perry Basinger, by Judge Ralph W. Adair, of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Butte, in the case of

BLAINE COUNTY INVESTMENT COMPANY, A CORPORATION,

Plaintiff,

vs.

ROBERT C. MAYS, ET AL,

Defendants,

said decree bearing date of March 4, 1927,

from the lands to which the water was decreed to other lands; the said application having been filed in accordance with the provisions of Section 41-216, Idaho Code Annotated; and,

WHEREAS, Pursuant to the provisions of said chapter a hearing was ordered held before the Commissioner of Reclamation of Idaho, or his authorized agent, in his office, at Boise, Idaho, on the 3rd day of October, A. D. 1942, and notice of said hearing was published in the Arco Advertiser for two consecutive weeks, as provided by statute; and,

WHEREAS, A protest to said transfer was filed by Charles Kyle, Homer B. Mays, Duard W. Terry, Charles Omsley, Charles Webb, R. G. Mays, Zoe Mays, Robert R. Mays, Ellen Holland and J. E. Mays, water users of Little Lost River, and Josephine McCowan, Treasurer of Butte County, representing Butte County; and,

WHEREAS, Pursuant to said notice, the matter came on regularly for hearing on October 3rd, 1942, and by order of the Commissioner of Reclamation was continued to October 21st, 1942; said hearing to be held at Boise, Idaho, in the office of the Commissioner of Reclamation; and,

WHEREAS, Pursuant to said Order, and notification thereof to the applicants and protestants, the hearing was continued at Boise, Idaho, before the Commissioner of Reclamation, E. V. Berg, on October 21st, 1942, a transcript of which hearing is now on file, with all other documents filed in the case, in the Department of Reclamation, at Boise, Idaho; and,

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WHEREAS, Under date of October 28, 1942, E. V. Berg, Commissioner of Reclamation, issued his decision granting said transfer as requested by the applicants:

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application of the Blaine County Canal Company for transfer of water right be, and the same is hereby granted, and that a Certificate of Transfer be issued the applicants herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 21st day of November, A. D. 1944.

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

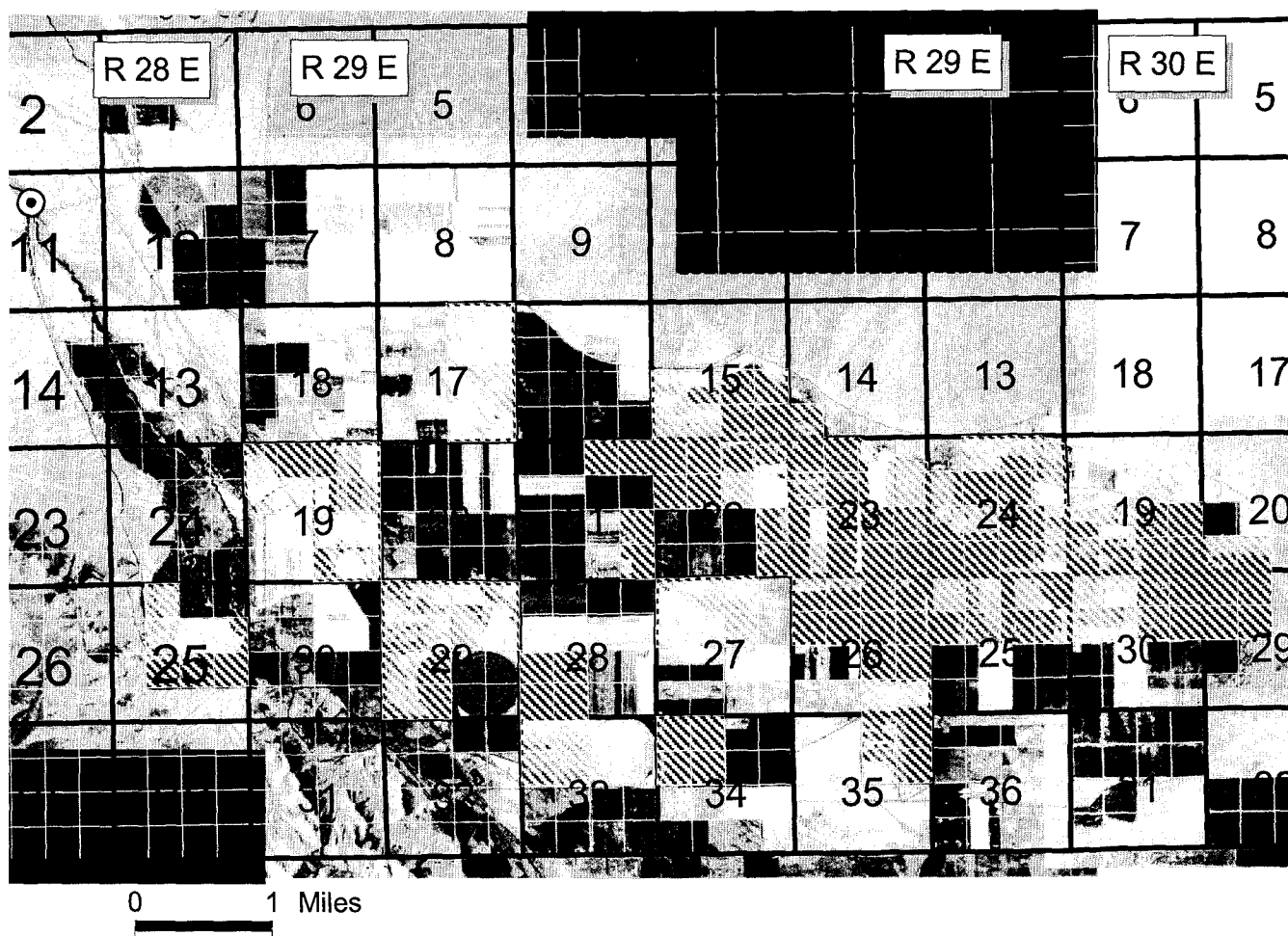
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NOV 18 1992

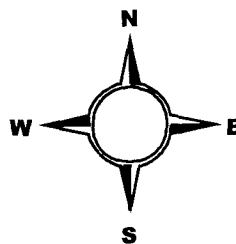
Idaho Department of Water Resources

Water Rights 33-00003, 33-00004, 33-00005, 33-00068,
33-00075, 33-00077, 33-00098, 33-10086



Township 6 North
Ranges 28 East, 29 East, 30 East

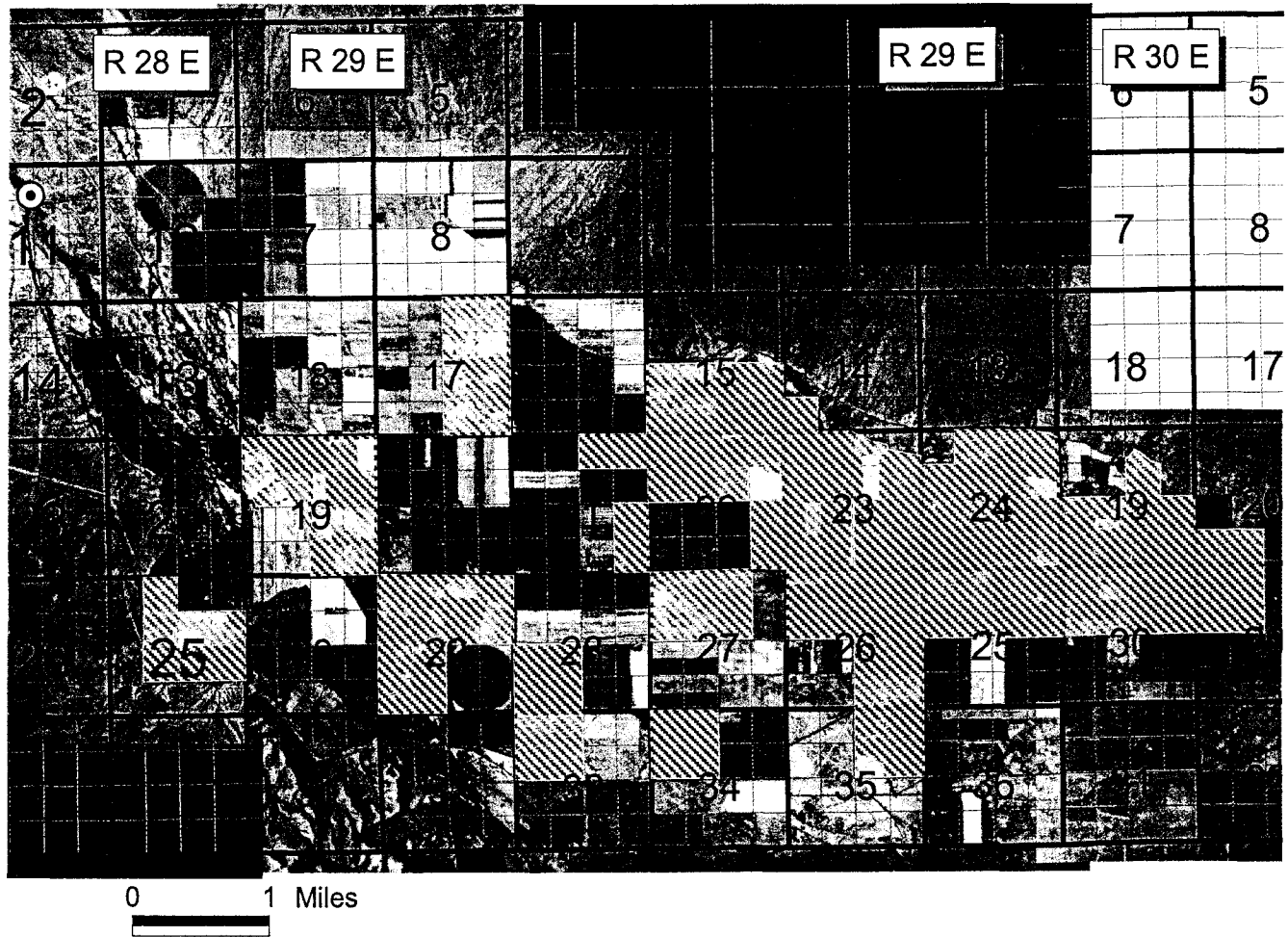
- ⊙ Point of Diversion
- ▭ Permissible Place of Use - Recommended
- ▭ Section Lines
- ▭ Quarter-Quarter Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by Bryce A. Contor
October, 1999

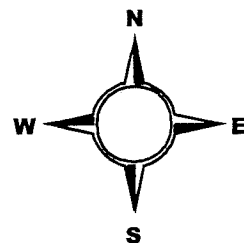
Idaho Department of Water Resources

Water Rights 33-00003, 33-00004, 33-00005, 33-00068,
33-00075, 33-00077, 33-00098, 33-10086



Township 6 North
Ranges 28 East, 29 East, 30 East

- ⊙ Point of Diversion
- Permissible Place of Use - Recommended
- ▬ Section Lines
- ▬ Quarter-Quarter Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by Bryce A. Contor
October, 1999

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

2001 JAN 16 PM 2:21

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 33-00098

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: BLAINE COUNTY CANAL CO
HC 65 BOX 1058
HOWE, ID 83244

SOURCE: DRY CREEK TRIBUTARY: LITTLE LOST RIVER

QUANTITY: 5.15 CFS

THE AMOUNT OF WATER REDIVERTED FROM THE LITTLE LOST RIVER
SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO
APPROPRIATORS OF WATER FROM THE LITTLE LOST RIVER DOWNSTREAM FROM
THE POINT OF REDIVERSION PURSUANT TO SECTION 42-105, IDAHO CODE.

PRIORITY DATE: 04/15/1891

POINT OF DIVERSION:	T06N R28E S11	NENW	(Rediversion)	Within Butte County
	T09N R27E S04	SWNE	(Injection)	
	T10N R25E S31	NENW	Within Custer County	
	R26E S36	SWNW	(Injection)	Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	5.15 CFS

PLACE OF USE:	Irrigation		Within Butte County
	T06N R28E S25	SWNE 40.0	SENE 40.0
		NENW 40.0	SENE 40.0
		NESW 40.0	NESE 40.0
		NWSE 40.0	
	R29E S14	SWSW 39.0	
	S15	NESW 40.0	NWSW 40.0
		SWSW 39.0	SESW 39.0
		NESE 40.0	NWSE 40.0
		SWSE 39.0	SESE 39.0
	S17	NENE 38.0	NWNE 39.0
		SWNE 40.0	SENE 39.0
		NESE 39.0	NWSE 40.0
		SWSE 39.0	SESE 38.0
	S19	NENE 38.0	NWNE 38.0
		SWNE 38.0	SENE 38.0
		NENW 38.0	NWNW 35.0
		SWNW 30.0	SENE 36.0
		NESW 3.0	NESE 40.0
		NWSE 40.0	SWSE 40.0
		SESE 40.0	
	S21	NENE 40.0	NWNE 40.0
		NESE 39.0	SESE 38.0
	S22	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENE 40.0
		NESE 40.0	SESE 40.0
	S23	NENE 11.0	NWNE 40.0
		SWNE 40.0	SENE 39.0
		NENW 39.0	NWNW 33.0
		SWNW 39.0	SENE 40.0
		NESW 40.0	NWSW 39.0
		SWSW 37.0	SESW 40.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	NESE 39.0	NWSE 40.0
	SWSE 39.0	SESE 39.0
S24	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	SWNW 40.0
	SENW 40.0	NESW 40.0
	NWSW 39.0	SWSW 39.0
	SESW 39.0	NESE 40.0
	NWSE 40.0	SWSE 40.0
	SESE 40.0	
S25	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 39.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
S26	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 39.0	NWNW 39.0
	SWNW 39.0	SENW 40.0
	NESE 39.0	NWSE 40.0
	SWSE 39.0	SESE 36.0
S27	NWNE 40.0	SWNE 40.0
	NENW 40.0	NWNW 35.0
	SWNW 40.0	SENW 40.0
S28	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
S29	NENE 35.0	NWNE 39.0
	SWNE 40.0	SENE 39.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 38.0
	SWSW 39.0	SESW 39.0
S33	NENW 40.0	NWNW 40.0
	SWNW 39.0	SENW 40.0
S34	NENW 39.0	NWNW 38.0
	SWNW 39.0	SENW 40.0
S35	NENE 38.0	NWNE 39.0
	SWNE 40.0	SENE 39.0
R30E S19	NWNE 15.0	SWNE 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 34.0	SESE 39.0
S20	SWSW 40.0	SESW 38.0
S29	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
S30	NENE 39.0	NWNE 39.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0

6198.0 Acres Total

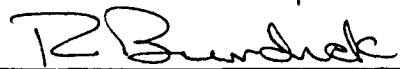
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4,880 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00003, 33-00005, 33-00068, 33-00075, 33-00077, 33-00098, 33-10086.

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

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

RULE 54(b) CERTIFICATE

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



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECORDED
OCT 20 2001

AJ0749NP
No. R33-00098

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

DATE: 10/21/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BLAINE COUNTY CANAL CO	04/15/1891	IRRIGATION	04-01 10-31	5.150 CFS	
TOTAL DIVERSION:					5.150 CFS	

Water Source: DRY CREEK

Tributary to: LITTLE LOST RIVER

Stage: DECREED

Point(s) of Diversion:
Point(s) of Injection:

T10N R25E S31
T09N R27E S04
T10N R26E S36
T06N R28E S11

CUSTER County
BUTTE County
BUTTE County
BUTTE County

Point(s) of Re-diversion:

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE					
		NENE		SWNE		NNW		SNNW		NENW		SWNW		SENW		NESW		NESE	
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06N 28E 25	:		40		40		40		40		40		40		40		40		40
06N 29E 14	:																		
06N 29E 15	:																		
06N 29E 17	:	38	39	40	39														
06N 29E 19	:	38	38	38	38														
06N 29E 21	:	40	40																
06N 29E 22	:	40	40	40	40														
06N 29E 23	:	11	40	40	39														
06N 29E 24	:	40	40	40	40														
06N 29E 25	:	40	40	40	39														
06N 29E 26	:	40	40	40	40														
06N 29E 27	:	40	40																
06N 29E 28	:																		
06N 29E 29	:	35	39	40	39														
06N 29E 33	:																		
06N 29E 34	:																		
06N 29E 35	:	38	39	40	39														
06N 30E 19	:																		
06N 30E 20	:	15	40																
06N 30E 29	:																		
06N 30E 30	:	39	39	40	40														
TOTAL ACRES																			
																		6198.0	

POU County: BUTTE

Non-Irrigation Uses: NONE

Other Rights: 33-0002-0005/0068/0075/0077/10084

Conditions of Approval:

C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

AJ0749NP
No. R33-00098

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

DATE: 10/21/99
PAGE: 2

Conditions of Approval:

- ADMINISTRATION OF THE WATER RIGHTS.

Remarks: POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 4,880 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00003,
33-00005, 33-00068, 33-00075, 33-00077, 33-00098, 33-10086.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 33	Field Inspection Flag: Presumption Flag:	

Comments: Date: 10/18/1999 User-ID: BCONTOR Subject: COPIED FROM REMARKS
PERMISSIBLE PLACE OF USE AS CLAIMED. CLAIMANT HAS FILED A
TRANSFER TO CHANGE PERMISSIBLE PLACE OF USE, WHICH ALLOCATIONS
PLANS TO PROCESS AFTER ISSUE OF PARTIAL DECREE. SEE FILE
A33-00002 FOR DETAILS OF TRANSFER. BCONTOR 10/18/1999.
LIMITATION OF IRRIGATED ACRES FROM LONG-STANDING CANAL CO
PRACTICE OF 1 SHARE/ACRE W/ 4,880 OUTSTANDING SHARES. NOTE ALSO
HISTORY OF CAREY ACT IN IDAHO P. 26 STATES U.S. DISTRICT COURT
ACTION REDUCED ACREAGE IN PROJECT TO 5,000 ACRES. COPY IN FILE
A33-00002. BCONTOR 10/18/1999.

Audit: 10/21/99 BCONTOR

KCW

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: A33-00098

Date Received: 2/12/1990

Receipt No: E011547

Received By: Kaw

APR 11 1990
Department of Water Resources
Eastern District Office

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BLAINE COUNTY CANAL CO. 208-767-3203
Address: HC 65 BOX 1058
HOWE, ID 83244

2. Date of Priority: APR 15, 1891

3. Source: DRY CREEK Trib. to: LITTLE LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	28E	11	NE	NW		R	BUTTE
09N	27E	4	SW	NE		I	BUTTE
10N	25E	31	NE	NW			CUSTER
	26E	36	SW	NW		I	BUTTE

5. Description of diverting works:
DIVERSION DAM/PIPE TO WET CK. TO LITTLE LOST R. TO HEADGATE/CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.150		

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

8. Total consumptive use is 13745.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A33-00098

Page 1

Date: 04/11/90

COVERED
OCT 20 1992

MICROFILMED
NOV 18 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	28E	25	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
						Section Acres	280.0
	29E	14	SW	SW		IRR	39.0
		15	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	39.0
			SE	SE		IRR	39.0
						Section Acres	316.0
		17	NE	NE		IRR	38.0
			NW	NE		IRR	39.0
			SW	NE		IRR	40.0
			SE	NE		IRR	39.0
			NE	SE		IRR	39.0
			NW	SE		IRR	40.0
			SW	SE		IRR	39.0
			SE	SE		IRR	38.0
						Section Acres	312.0
		19	NE	NE		IRR	38.0
			NW	NE		IRR	38.0
			SW	NE		IRR	38.0
			SE	NE		IRR	38.0
			NE	NW		IRR	38.0
			NW	NW		IRR	35.0
			SW	NW		IRR	30.0
			SE	NW		IRR	36.0
			NE	SW		IRR	3.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	29E	21	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			NE		SE		IRR	39.0
			SE		SE		IRR	38.0
							Section Acres	157.0
		22	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	400.0
		23	NE		NE		IRR	11.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			NE		NW		IRR	39.0
			NW		NW		IRR	33.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	39.0
			SW		SW		IRR	37.0
			SE		SW		IRR	40.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	39.0
							Section Acres	594.0
		24	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	29E	24	NE	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	39.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 597.0

25	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	39.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0

Section Acres 319.0

26	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	39.0
	NW	NW	IRR	39.0
	SW	NW	IRR	39.0
	SE	NW	IRR	40.0
	NE	SE	IRR	39.0
	NW	SE	IRR	40.0
	SW	SE	IRR	39.0
	SE	SE	IRR	36.0

Section Acres 471.0

27	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	35.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0

Section Acres 235.0

28	NE	SW	IRR	40.0
	NW	SW	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	29E	28	SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			Section Acres				160.0
		29	NE	NE		IRR	35.0
			NW	NE		IRR	39.0
			SW	NE		IRR	40.0
			SE	NE		IRR	39.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	38.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0
			Section Acres				469.0
		33	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	39.0
			SE	NW		IRR	40.0
			Section Acres				159.0
		34	NE	NW		IRR	39.0
			NW	NW		IRR	38.0
			SW	NW		IRR	39.0
			SE	NW		IRR	40.0
			Section Acres				156.0
		35	NE	NE		IRR	38.0
			NW	NE		IRR	39.0
			SW	NE		IRR	40.0
			SE	NE		IRR	39.0
			Section Acres				156.0
	30E	19	NW	NE		IRR	15.0
			SW	NE		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	34.0
			SE	SE		IRR	39.0
			Section Acres				368.0

MICROFILMED

NOV 18 1992

002002

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
06N	30E	20	SW	SW		IRR	40.0	
			SE	SW		IRR	38.0	
		Section Acres						78.0
		29	NE	NW		IRR	40.0	
			NW	NW		IRR	40.0	
			SW	NW		IRR	40.0	
			SE	NW		IRR	40.0	
		Section Acres						160.0
		30	NE	NE		IRR	39.0	
			NW	NE		IRR	39.0	
SW	NE			IRR	40.0			
SE	NE			IRR	40.0			
NE	NW			IRR	40.0			
NW	NW			IRR	40.0			
SW	NW			IRR	40.0			
SE	NW			IRR	40.0			
Section Acres						318.0		
Total Acres						6198.0		

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

33-0002-0005/0014-0016/0068/0075/0077/10084/10086

14. Remarks:

TRANSFER 670

DRY CREEK IS DIVERTED INTO A PIPELINE: T10N, R25E, NENW SEC 31

INJECTED INTO WET CREEK: T10N, R26E, SWNW SEC 36.

WET CK. CONFLUENCE WITH LITTLE LOST R.: T9N, R27E, SWNE SEC 04

HEADGATE OF BLAINE COUNTY CANAL: T06N, R28E, NENW SEC 11

AMENDMENT NOTES

ADDED NW¼ SEC. 34 TO P/U; SECOND RECEIPT #S011171.

T6N. R29E.

AMENDMENT NOTES***RECEIPT #E012738 ADDED P/U

• 14. Remarks: Continued
T06N, R29E, SEC 17, NE1/4, SE1/4; SEC 25, S1/2NE1/4;
SEC 29 NE1/4

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

BLAINE COUNTY INVESTMENT CO.

Decree Plaintiff

vs

ROBERT G. MAYS, ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Secretary of
Title
Blaine County Canal Co., that I have signed the foregoing
Organization
document in the space below as Secretary of
Title
Blaine County Canal Co. and that the statements contained in the
Organization
foregoing document are true and correct.

Byrne A. Contor
Signature of Authorized Agent

Secretary, Blaine County Canal Co.
Title and Organization

17 Apr 90
Date

State of Idaho)
County of Butte) SS.

Subscribed and sworn (or affirmed) before me this 17 day
of April 19 90

Seal

James B. Dwyer
Notary Public

Residing at Howe, ID.

My Commission Expires 4/6/99

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: A33-00098
Date Received: 2/12/1990
Receipt No: E011547
Received By: SCC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BLAINE COUNTY CANAL CO. 208-767-3203
Address: HC 65 BOX 1058
HOWE, ID 83244

2. Date of Priority: APR 15, 1891

3. Source: DRY CREEK Trib. to: LITTLE LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	28E	11	NE	NW		R	BUTTE
09N	27E	4	SW	NE		I	BUTTE
10N	25E	31	NE	NW			CUSTER
	26E	36	SW	NW		I	BUTTE

5. Description of diverting works:
DIVERSION DAM/PIPE TO WET CK. TO LITTLE LOST R. TO HEADGATE/CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.150		

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

8. Total consumptive use is 13745.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A33-00098

Page 1

Date: 02/22/90

MICROFILMED
NOV 18 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
06N	28E	25	SW	NE		IRR	40.0	
			SE	NE		IRR	40.0	
			NE	NW		IRR	40.0	
			SE	NW		IRR	40.0	
			NE	SW		IRR	40.0	
			NE	SE		IRR	40.0	
			NW	SE		IRR	40.0	
				Section Acres			280.0	
	29E	14	SW	SW		IRR	39.0	
			Section Acres			39.0		
		15	NE	SW		IRR	40.0	
			NW	SW		IRR	40.0	
			SW	SW		IRR	39.0	
			SE	SW		IRR	39.0	
			NE	SE		IRR	40.0	
			NW	SE		IRR	40.0	
			SW	SE		IRR	39.0	
			SE	SE		IRR	39.0	
			Section Acres			316.0		
			19	NE	NE		IRR	38.0
				NW	NE		IRR	38.0
				SW	NE		IRR	38.0
				SE	NE		IRR	38.0
		NE		NW		IRR	38.0	
		NW		NW		IRR	35.0	
SW		NW			IRR	30.0		
SE		NW			IRR	36.0		
NE		SW			IRR	3.0		
NE		SE			IRR	40.0		
NW		SE			IRR	40.0		
SW		SE			IRR	40.0		
SE		SE			IRR	40.0		
Section Acres			454.0					
21	NE	NE		IRR	40.0			
	NW	NE		IRR	40.0			
	NE	SE		IRR	39.0			
	SE	SE		IRR	38.0			
Section Acres			157.0					

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	29E	22	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 400.0

23	NE	NE	IRR	11.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	39.0
	NE	NW	IRR	39.0
	NW	NW	IRR	33.0
	SW	NW	IRR	39.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	39.0
	SW	SW	IRR	37.0
	SE	SW	IRR	40.0
	NE	SE	IRR	39.0
	NW	SE	IRR	40.0
	SW	SE	IRR	39.0
	SE	SE	IRR	39.0

Section Acres 594.0

24	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	39.0
	SW	SW	IRR	39.0
	SE	SW	IRR	39.0
	NE	SE	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	29E	24	NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres 597.0					
		25	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			Section Acres 240.0					
		26	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	39.0
			NW		NW		IRR	39.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	36.0
			Section Acres 471.0					
		27	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	35.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			Section Acres 235.0					
		28	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			Section Acres 160.0					

COPIED
OCT 20 1992

MICROFILMED
NOV 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	29E	29	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	38.0
			SW		SW		IRR	39.0
			SE		SW		IRR	39.0
			Section Acres 316.0					
		33	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			Section Acres 159.0					
		34	NE		NW		IRR	39.0
			NW		NW		IRR	38.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			Section Acres 156.0					
		35	NE		NE		IRR	38.0
			NW		NE		IRR	39.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			Section Acres 156.0					
30E		19	NW		NE		IRR	15.0
			SW		NE		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	34.0
			SE		SE		IRR	39.0
			Section Acres 368.0					

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
06N	30E	20	SW	SW		IRR	40.0	
			SE	SW		IRR	38.0	
							Section Acres	78.0
		29	NE	NW		IRR	40.0	
			NW	NW		IRR	40.0	
			SW	NW		IRR	40.0	
			SE	NW		IRR	40.0	
							Section Acres	160.0
		30	NE	NE		IRR	39.0	
			NW	NE		IRR	39.0	
			SW	NE		IRR	40.0	
			SE	NE		IRR	40.0	
NE	NW			IRR	40.0			
NW	NW			IRR	40.0			
SW	NW			IRR	40.0			
SE	NW			IRR	40.0			
					Section Acres	318.0		
					Total Acres	5654.0		

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

33-0002-0005/0014-0016/0068/0075/0077/10084/10086

14. Remarks:

TRANSFER 670

DRY CREEK IS DIVERTED INTO A PIPELINE: T10N, R25E, NENW SEC 31

INJECTED INTO WET CREEK: T10N, R26E, SWNW SEC 36.

WET CK. CONFLUENCE WITH LITTLE LOST R.: T9N, R27E, SWNE SEC 04

HEADGATE OF BLAINE COUNTY CANAL: T06N, R28E, NENW SEC 11

AMENDMENT NOTES

ADDED NW¼ SEC. 34 TO P/U; SECOND RECEIPT #S011171.

T6N. R29E.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

BLAINE COUNTY INVESTMENT CO.
Decree Plaintiff

vs ROBERT G. MAYS, ET. AL.
Decree Defendant

16. Signature(s)

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

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am Secretary of
Blaine County Canal Co., that I have signed the foregoing
Organization
document in the space below as Secretary of
Organization
Blaine County Canal Co. and that the statements contained in the
foregoing document are true and correct.

Byrce A. Contor
Signature of Authorized Agent

Secretary, Blaine County Canal Co.
Title and Organization

23 February 1990
Date

State of Idaho)
County of Butte) SS.

Subscribed and sworn (or affirmed) before me this 23 day
of February 19 90

Seal

Myranda A. Hargreaves
Notary Public

Residing at Spokane, WA

My Commission Expires 4-6-99

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: A33-00098
Date Received: 2/12/1990
Receipt No: E011547
Received By: SEC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BLAINE COUNTY CANAL CO. 208-767-3203
Address: HC 65 BOX 1058
HOWE, ID 83244

2. Date of Priority: APR 15, 1891

3. Source: DRY CREEK Trib. to: LITTLE LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	28E	11	NE	NW		R	BUTTE
09N	27E	4	SW	NE		I	BUTTE
10N	25E	31	NE	NW			CUSTER
	26E	36	SW	NW		I	BUTTE

5. Description of diverting works:
DIVERSION DAM/PIPE TO WET CK. TO LITTLE LOST R. TO HEADGATE/CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.150		

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

8. Total consumptive use is 13745.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A33-00098

Page 1

Date: 02/12/90

MICROFILMED

NOV 18 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres		
06N	28E	25	SW		NE		IRR	40.0		
			SE		NE		IRR	40.0		
			NE		NW		IRR	40.0		
			SE		NW		IRR	40.0		
			NE		SW		IRR	40.0		
			NE		SE		IRR	40.0		
			NW		SE		IRR	40.0		
			Section Acres							280.0
		29E	14	SW		SW		IRR	39.0	
				Section Acres						
			15	NE		SW		IRR	40.0	
				NW		SW		IRR	40.0	
				SW		SW		IRR	39.0	
				SE		SW		IRR	39.0	
				NE		SE		IRR	40.0	
				NW		SE		IRR	40.0	
				SW		SE		IRR	39.0	
				SE		SE		IRR	39.0	
			Section Acres							316.0
			19	NE		NE		IRR	38.0	
				NW		NE		IRR	38.0	
				SW		NE		IRR	38.0	
				SE		NE		IRR	38.0	
				NE		NW		IRR	38.0	
				NW		NW		IRR	35.0	
SW		NW			IRR	30.0				
SE		NW			IRR	36.0				
NE		SW			IRR	3.0				
NE		SE			IRR	40.0				
NW		SE			IRR	40.0				
SW		SE			IRR	40.0				
SE		SE			IRR	40.0				
Section Acres							454.0			
21	NE		NE		IRR	40.0				
	NW		NE		IRR	40.0				
	NE		SE		IRR	39.0				
	SE		SE		IRR	38.0				
Section Acres							157.0			

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	29E	22	NE NE		IRR	40.0
			NW NE		IRR	40.0
			SW NE		IRR	40.0
			SE NE		IRR	40.0
			NE NW		IRR	40.0
			NW NW		IRR	40.0
			SW NW		IRR	40.0
			SE NW		IRR	40.0
			NE SE		IRR	40.0
			SE SE		IRR	40.0

Section Acres 400.0

23	NE NE	IRR	11.0
	NW NE	IRR	40.0
	SW NE	IRR	40.0
	SE NE	IRR	39.0
	NE NW	IRR	39.0
	NW NW	IRR	33.0
	SW NW	IRR	39.0
	SE NW	IRR	40.0
	NE SW	IRR	40.0
	NW SW	IRR	39.0
	SW SW	IRR	37.0
	SE SW	IRR	40.0
	NE SE	IRR	39.0
	NW SE	IRR	40.0
	SW SE	IRR	39.0
	SE SE	IRR	39.0

Section Acres 594.0

24	NE NE	IRR	40.0
	NW NE	IRR	40.0
	SW NE	IRR	40.0
	SE NE	IRR	40.0
	NE NW	IRR	40.0
	SW NW	IRR	40.0
	SE NW	IRR	40.0
	NE SW	IRR	40.0
	NW SW	IRR	39.0
	SW SW	IRR	39.0
	SE SW	IRR	39.0
	NE SE	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	29E	24	NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					597.0
		25	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			Section Acres					240.0
		26	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	39.0
			NW		NW		IRR	39.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	36.0
			Section Acres					471.0
		27	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	35.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			Section Acres					235.0
		28	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			Section Acres					160.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	29E	29	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	38.0
			SW		SW		IRR	39.0
			SE		SW		IRR	39.0
							Section Acres	316.0
		33	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
							Section Acres	159.0
		35	NE		NE		IRR	38.0
			NW		NE		IRR	39.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
							Section Acres	156.0
	30E	19	NW		NE		IRR	15.0
			SW		NE		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	34.0
			SE		SE		IRR	39.0
							Section Acres	368.0
		20	SW		SW		IRR	40.0
			SE		SW		IRR	38.0
							Section Acres	78.0
		29	NE		NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	30E	29	NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			Section Acres					160.0
		30	NE		NE		IRR	39.0
			NW		NE		IRR	39.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			Section Acres					318.0
		34	NE		NW		IRR	39.0
			NW		NW		IRR	38.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			Section Acres					156.0
			Total Acres					5654.0

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

33-0002-0005/0014-0016/0068/0075/0077/10084/10086

14. Remarks:

TRANSFER 670

DRY CREEK IS DIVERTED INTO A PIPELINE: T10N, R25E, NENW SEC 31
INJECTED INTO WET CREEK: T10N, R26E, SWNW SEC 36.

WET CK. CONFLUENCE WITH LITTLE LOST R.: T9N, R27E, SWNE SEC 04
HEADGATE OF BLAINE COUNTY CANAL: T06N, R28E, NENW SEC 11

AMENDMENT NOTES

ADDED NW $\frac{1}{4}$ SEC. 34 TO P/U; SECOND RECEIPT #S011171.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

BLAINE COUNTY INVESTMENT CO.

Decree Plaintiff

vs

ROBERT G. MAYS, ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am Secretary of Blaine County Canal Co., that I have signed the foregoing Organization

Title

document in the space below as Secretary of

Title

Blaine County Canal Co. and that the statements contained in the Organization foregoing document are true and correct.

Bryan A. Contor
Signature of Authorized Agent

Secretary, Blaine County Canal Co.
Title and Organization

12 Feb 1990

Date

State of Idaho)

County of Turn Falls) SS.

Subscribed and sworn (or affirmed) before me this 12th day

of February 19 90

Steve Collins
Notary Public

Seal

Residing at Turn Falls

My Commission Expires Dec 7, 1994

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: A33-00098
Date Received: 1/09/1990
Receipt No: E011547
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLAINE COUNTY CANAL CO. 208-767-3203
Address: HC 65 BOX 1058
HOWE, ID 83244

2. Date of Priority: APR 15, 1891

3. Source: DRY CREEK Trib. to: LITTLE LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	28E	11	NE	NW		R	BUTTE
09N	27E	4	SW	NE		I	BUTTE
10N	25E	31	NE	NW			CUSTER
	26E	36	SW	NW		I	BUTTE

5. Description of diverting works:
DIVERSION DAM/PIPE TO WET CK. TO LITTLE LOST R. TO HEADGATE/CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.150		

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

8. Total consumptive use is 13745.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A33-00098

Page 1

Date: 01/09/90

MICROFILMED
NOV 18 1992

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres		
06N	28E	25	SW	NE		IRR	40.0		
			SE	NE		IRR	40.0		
			NE	NW		IRR	40.0		
			SE	NW		IRR	40.0		
			NE	SW		IRR	40.0		
			NE	SE		IRR	40.0		
			NW	SE		IRR	40.0		
					Section Acres			280.0	
			29E	14	SW	SW		IRR	39.0
					Section Acres			39.0	
				15	NE	SW		IRR	40.0
					NW	SW		IRR	40.0
					SW	SW		IRR	39.0
					SE	SW		IRR	39.0
					NE	SE		IRR	40.0
					NW	SE		IRR	40.0
					SW	SE		IRR	39.0
					SE	SE		IRR	39.0
					Section Acres			316.0	
				19	NE	NE		IRR	38.0
					NW	NE		IRR	38.0
					SW	NE		IRR	38.0
					SE	NE		IRR	38.0
					NE	NW		IRR	38.0
					NW	NW		IRR	35.0
			SW	NW		IRR	30.0		
			SE	NW		IRR	36.0		
			NE	SW		IRR	3.0		
			NE	SE		IRR	40.0		
			NW	SE		IRR	40.0		
			SW	SE		IRR	40.0		
			SE	SE		IRR	40.0		
			Section Acres			454.0			
		21	NE	NE		IRR	40.0		
			NW	NE		IRR	40.0		
			NE	SE		IRR	39.0		
			SE	SE		IRR	38.0		
			Section Acres			157.0			

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	29E	22	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 400.0

23	NE	NE	IRR	11.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	39.0
	NE	NW	IRR	39.0
	NW	NW	IRR	33.0
	SW	NW	IRR	39.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	39.0
	SW	SW	IRR	37.0
	SE	SW	IRR	40.0
	NE	SE	IRR	39.0
	NW	SE	IRR	40.0
	SW	SE	IRR	39.0
	SE	SE	IRR	39.0

Section Acres 594.0

24	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	39.0
	SW	SW	IRR	39.0
	SE	SW	IRR	39.0
	NE	SE	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	29E	24	NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	597.0
		25	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
							Section Acres	240.0
		26	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	39.0
			NW		NW		IRR	39.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	36.0
							Section Acres	471.0
		27	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	35.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
							Section Acres	235.0
		28	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
							Section Acres	160.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	29E	29	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	38.0
			SW		SW		IRR	39.0
			SE		SW		IRR	39.0
			Section Acres					316.0
		33	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			Section Acres					159.0
		35	NE		NE		IRR	38.0
			NW		NE		IRR	39.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			Section Acres					156.0
30E		19	NW		NE		IRR	15.0
			SW		NE		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	34.0
			SE		SE		IRR	39.0
			Section Acres					368.0
		20	SW		SW		IRR	40.0
			SE		SW		IRR	38.0
			Section Acres					78.0
		29	NE		NW		IRR	40.0

COPIED
OCT 19 1992

MICROFILMED
NOV 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	30E	29	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
						Section Acres	160.0
		30	NE	NE		IRR	39.0
			NW	NE		IRR	39.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
						Section Acres	318.0
						Total Acres	5498.0

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

33-0002-0005/0014-0016/0068/0075/0077/10084/10086

14. Remarks:

TRANSFER 670

DRY CREEK IS DIVERTED INTO A PIPELINE: T10N, R25E, NENW SEC 31

INJECTED INTO WET CREEK: T10N, R26E, SWNW SEC 36.

WET CK. CONFLUENCE WITH LITTLE LOST R.: T9N, R27E, SWNE SEC 04

HEADGATE OF BLAINE COUNTY CANAL: T06N, R28E, NENW SEC 11

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

BLAINE COUNTY INVESTMENT CO.

Decree Plaintiff

vs

ROBERT G. MAYS, ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Secretary of _____
Title

Blaine County Canal Co., that I have signed the foregoing
Organization

document in the space below as Secretary of _____
Title

Blaine County Canal Co. and that the statements contained in the
Organization

foregoing document are true and correct.

Byron A. Contor
Signature of Authorized Agent

Secretary, Blaine County Canal Co.
Title and Organization

9 January 1990
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 9 day

of Jan 19 90

Betty J. Thompson
Notary Public

Seal

BETTY J. THOMPSON, NOTARY PUBLIC

Residing at RESIDING AT IDAHO FALLS, IDAHO

My Commission Expires MY COMMISSION EXPIRES: 6-30-94

R 30 E

R 29 E

R 28 E

5

6

1

2

3

4

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8

7

12

11

10

9

8

7

17

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(13 acres)

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T 6 N

MICROFILMED
NOV 18 1992

Blaine Co Canal Co. Places of Use
1989 Adjudication

A33-00098