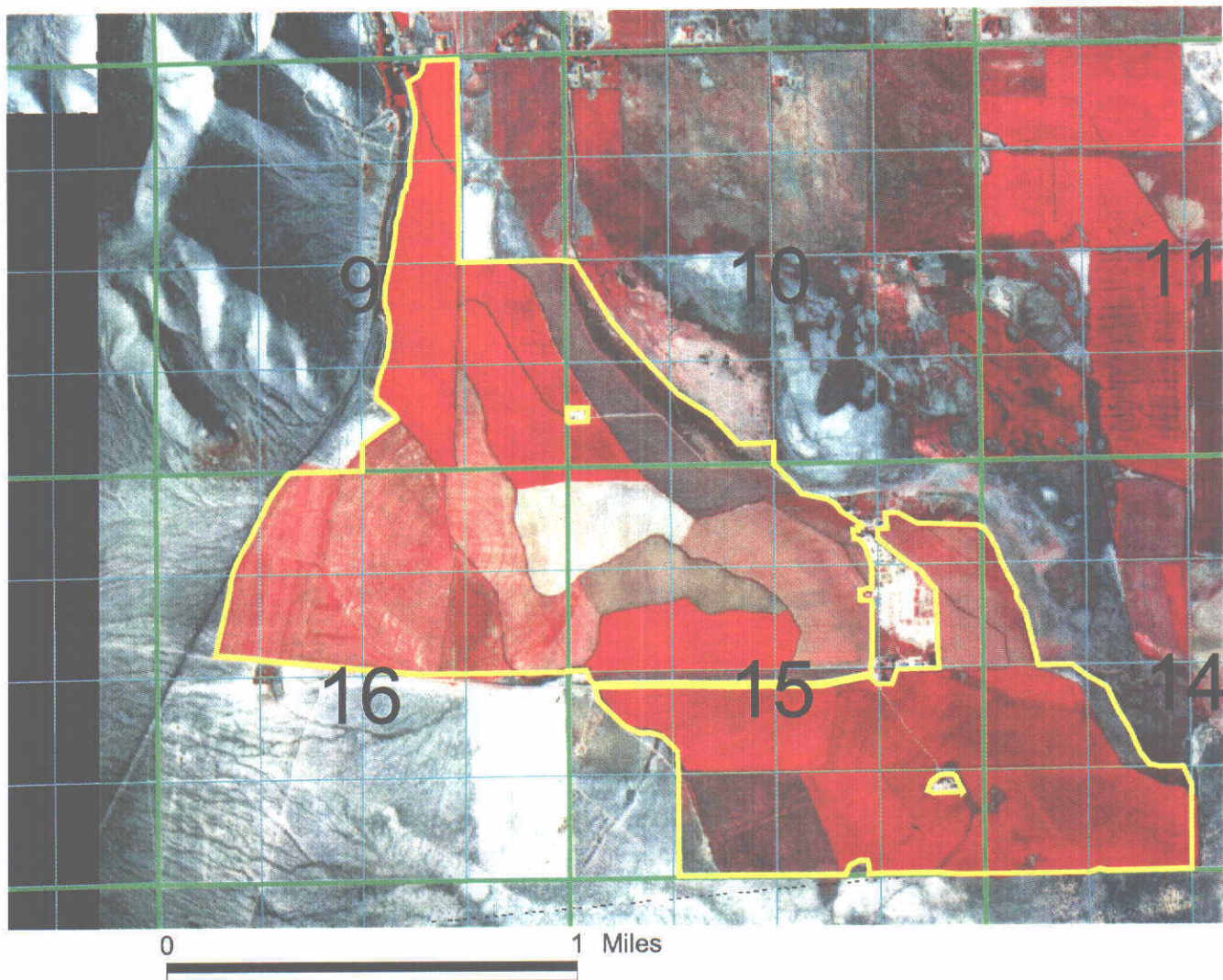


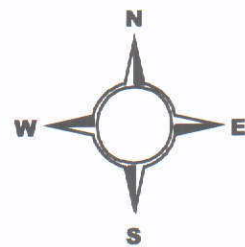
Idaho Department of Water Resources

Water Rights 33-00017A, 18A, 19A, 20A, 21A, 22A, 31D, 31H, 90D, 91C, 2103, 2107, 10073, 10074, 10984, 10985.



Township 5 North Range 29 East

- Place of Use
- Section Lines
- Quarter-Quarter Sections



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

11 April 2000

Sawmill Creek to Little Lost River

To: Fred Price, BLM-ISO

CC: Candice McHugh, IDWR ADJUD.

From: A. Ruberry, IDWR Eastern Region

Re: B33 Irr POD's objected to by BLM

POD LOCATION

T11N R26E S10 NWNENE

This legal description defines the beginning of a channelized portion of Sawmill Creek. Apparently back in the 1920'-1930's there were several attempts tried to preserve water from Sawmill Creek because the stream would "break". Among them were things like a canal dug from Sawmill Creek to Summit Creek and a channelization project aimed at cleaning and to some extent straightening the Sawmill Creek channel as it flowed across Mud Flats (ref: OQ U-82).

See ATTACHED
LIST of Sawmill
Creek rights.

In review of the adjudication claims from Sawmill Creek and the Little Lost River, it was initially considered that the source(s) could all be Little Lost River since it was difficult to determine where Little Lost River started and Sawmill Creek ended. Seeing no difference in source recommendations of Sawmill Creek claims were changed to Little Lost River. The Preliminary Director's Report was filed only to find that Sawmill Creek now occasionally breaks at the shearing corrals, which is about half-mile upstream from the confluence of Sawmill Creek and Summit Creek; The beginning of the Little Lost River. This new information seriously impacted recommendations since the Sawmill Creek claims, now changed to Little Lost River, became senior to the junior Little Lost River rights, causing injury to the junior Little Lost River appropriators.

Ultimately, the source issue was changed back to Sawmill Creek. Now a problem arose where a Point of Diversion had to be defined for the Sawmill Creek claims since actual deliveries are made from Little Lost River (except 33-00107 which is a true Sawmill Creek right, but, Decreed as a Little Lost River right). The 1927 Decree states "at the mouth of Sawmill Creek". However, there were no rights diverted at the mouth of Sawmill Creek. And, the dilemma of where was the mouth of Sawmill Creek. In consideration of the channelization project aimed at preserving waters of Sawmill Creek it was determined that the channelization had in-fact changed the streambed to a canal, saving water. Therefore, the beginning of the channelization would now become the Point of Diversion and the ending of the channelization would be a Point of injection back into the Sawmill Creek stream channel. The Point of Injection is near the shearing corrals, about half-mile upstream from the confluence of the streams. The Sawmill Creek claims Point(s) of Diversion are recommended as Points of Re-diversion from Little Lost River at or near their respective Place(s) of Use. This recommendation preserves both the source and the Sawmill Creek priority dates and, forgoes the injury issue of junior Little Lost River rights.

T9N R27E S4 SWNWNE

This objection is a true error. Apparently a typographical error was made during the recommendation process. The TRUE Point of Diversion should read **T9N R26E S4 SWSWNE**. The claimant, Mr. Waymire has been notified and is now aware of the issue.

33-00036
00037
000930

T11NR27E S31 NESESE

BLM believes this POD should read S31 SENESE based on GPS data. However, during the field exam of these claims several Points of Diversion were identified to include the one in question. The recommended POD in-question is an actual Point of Diversion where an unnamed stream intersects with the collector ditch and can be verified using OQ V-32. The site proposed by the BLM is a drainage that was dry during the field exam, thus no recommended POD.

33-00055
33-7087

T6N R28E S2 SESWSW

Specifically named is SRBA claim 33-10995. This claim identifies private lands historically irrigated by the Hawley's, later sold without water. The Point of Diversion used during the irrigation era is on BLM but is now longer used. The claimant filed this SRBA claim and Transfer No. 4551 in an effort to preserve the acreage irrigated by surface water. The transfer is in-place awaiting the BLM objection to prompt IDWR to review and act. However, the transfer is currently protested.

33-00051 Thru
33-00060

T6N R 28E S11 SESENW

This is an historic Point of Diversion dating back to the late 1800's (according to the water right priority dates, 1885-1891) and is one of three serving the ranch. One of which previously mentioned above, T6N R28E S2 SESWSW. The other is within the private holding of the ranch.

33-10996 is an enlargement claim for acres on BLM lands that were historically irrigated by the Hawley's and is part of the Transfer No. 4551 aforementioned. BLM is aware of this claim and supports the transfer of acreage to private lands. As mentioned previously, the transfer is protested.

T7N R28E S21 NWNWSW

According to the Proof of Beneficial Use filed for this right (33-07010) this well dates to the 1940's. However, the Licensed date of priority was March 19, 1971, but then Transfer No. 3809 was filed to "unstack" surface and groundwater rights. As a result, the priority date of the well was advanced to July 2, 1990. Surface water decreed to this ranch date to 1885 to 1891.

This particular well dating to the 1940's (unsupported evidence of prior claimant) was located according to the initial survey dating to July 9, 1890, which no doubt established fence lines. A resurvey of the East line of Section 21 was done in August 1941. Then, in 1978, another resurvey was done as, evidenced by the monument caps. This 1978 resurvey puts the TRUE Point of Diversion of the 33-07010 well in the NENWSW (a BLM QQ). However, this matter was discussed with Ms Deena Teal, BLM, Idaho Falls District Office, in October of 1996, shortly after the discrepancy was found. Ms Teal indicated, at

Rocky Ross

that time, that since the well predated some 1976 ruling, by which BLM operated, they (BLM) would not protest the actual POD.

This basically explains the history of the well and the recommendation; however, the listing of the POD as NWNWSW is clearly an error. The CVR shows the POD to be located as NENWSW Sec. 21, which is accurate.

T8N R28E S31 SWNWSE

This POD defines a well used solely for mitigation and is defined as an amendment to the 1927 decree as a Judgement against Orville Nicholson, 1954. The recommendation does define a Place of Use; however, this POU is by exchange with surface waters as defined in the Judgement. The period of use is 4/1 to 7/15 annually, when all this well does is deliver water to the river. The Objection is not to the Point of Diversion, but rather to the Point of Injection. And, in-fact, as recommended this Point of Injection is accurate.

T6NR29E S31 NWSWNW

This is another typographical error. The recommended POD should read T6N R29E Section 30 NWSWNW. There is a pending Transfer to correct the actual POD location to T6N R28E Section 25 NESENE.

33-02128
31B
48B
49B
50B
83C

Contor, Bryce
From: Contor, Bryce
Sent: Wednesday, January 19, 2000 4:27 PM
To: Ruberry, Allen; Carlsen, Ernie
Subject: Sawmill Creek Rights

This morning we met via teleconference with Dave Tuthill and Peter Anderson. One of the things we discussed was the Sawmill recommendations. During our call, Bill Stauffer called and reported that he had discussed the Sawmill recommendations with others, including Don Isham, James Andreason, and David Andreason. They all concur with the proposals in the January 6 letter. James Mays has sent us written concurrence.

Per Dave Tuthill's instructions to Al and me, I have gone ahead and changed the source of Sawmill Creek rights back to "Sawmill Creek, tributary to Little Lost River." The point of diversion is 11N 26E section 10, NWNENE, and the point of injection is 10N 27E section 18, NWSESW. The former points of diversion have been identified as points of redirection. I removed any comments relating to change of source and I removed condition C02.

The rights I changed were:

R33-00023B
R33-00030
R33-00043
R33-00077
R33-10070
R33-10073
R33-10084
R33-10086

I'll put a new profile report and a copy of this memo in each file.

There were other Sawmill rights which I did not change. These are:

R33-00038 1927 decree & claim list source as
Little Lost River
R33-00096B Recommended w/ source "Summit Creek"
R33-00107 Recommended originally w/ source
"Sawmill Creek"

33-10464 Stockwater claim already PD w/ source
"Sawmill Creek"

RECEIVED

APR 17 2000

Department of Water Resources
Eastern Region

APR 10 2000
Department of Water Resources

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

A. Subcase 33-10073

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; Paul F. Holleman, 202 305-0494

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Mays Land and Livestock, Inc.

Address: P.O. Box 1 Howe, ID. 83244

Name:

Address:

Name:

Address:

Name:

Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: See attached
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POD. Claimant's water right should not include this POD.

F.

VERIFICATION (Must be Completed)

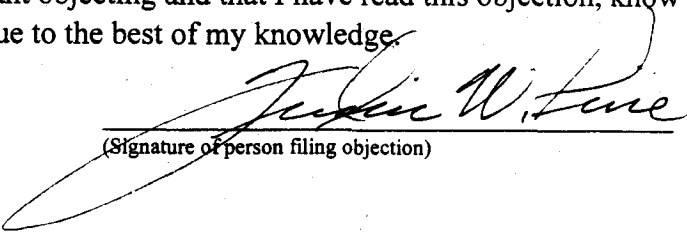
State of Idaho)

) ss.

County of Ada)

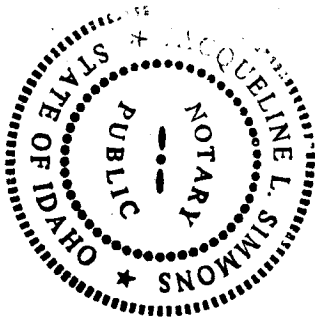
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

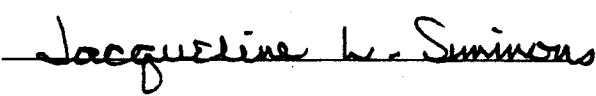
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 7, 2000





Jacqueline L. Simmons

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 04-07-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 7, 2000, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: Mays Land and Livestock, Inc.

Address: P.O. Box 1 Howe, ID. 83244

Name:

Address:

Name:

Address:

Name:

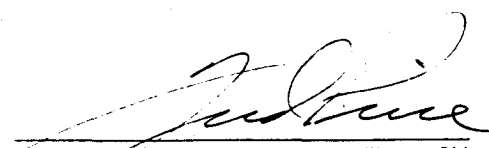
Address:

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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



Signature of Objector or attorney mailing on Objector's behalf

 RIGHTS FROM: SOURCE: SAWMILL CREEK TRIBUTARY: LITTLE LOST RIVER

 RIGHT NUMBER: 33-10073

 NAME & ADDRESS: MAYS LAND AND LIVESTOCK INC
 PO BOX 1
 HOWE ID 83244

 SOURCE: SAWMILL CREEK TRIBUTARY: LITTLE LOST RIVER

 QUANTITY: 1.08 CFS

 THE QUANTITY OF WATER THAT MAY BE DELIVERED AT THE POINT(S)
 OF DIVERSION DESCRIBED BELOW IS 0.81 CFS. THIS REDUCTION IN
 QUANTITY IS DUE TO THE HISTORICAL PRACTICE OF ASSESSING A
 CONVEYANCE LOSS FOR THE DELIVERY OF THE RIGHT.

 PRIORITY DATE: 05/25/1891

 POINT OF DIVERSION: T10N R27E S18 NWSESW (INJECTION) Within BUTTE County
 T06N R29E S32 NWNW (REDIVERSION)
 T11N R26E S10 NWNE BLM - Pod NOT USED Within LEMHI County

 PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
 IRRIGATION 04-01 10-31 1.08 CFS

 PLACE OF USE: IRRIGATION Within BUTTE County
 T05N R29E S09
 S10 NWNE 17 SWNE 23 NESE 40 NWSE 30
 S14 SWSE 34 SESE 40
 S15 NWSW 16 SWSW 38 SESW 16
 NWNW 2 SWNW 16 NESW 13 NWSW 40
 SWSW 40 SESW 40
 NENE 15 NWNE 23 SWNE 37 SENE 19
 NENW 40 NWNW 40 SWNW 40 SENW 40
 NESW 39 NWSW 15 SESW 38 NESE 39
 NWSE 39 SWSE 39 SESE 38
 NENE 40 NWNE 40 SWNE 40 SENE 40
 NENW 38 NWNW 3 SWNW 11 SENW 35
 1153 ACRES TOTAL

Issue:
 Point of diversion on BLM

RIGHTS FROM: SOURCE: SAWMILL CREEK TRIBUTARY: LITTLE LOST RIVER

RIGHT NUMBER: 33-10073 (CONT)

PLACE OF USE: (CONT)

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1153 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00017A, 33-00018A, 33-00019A, 33-00020A, 33-00021A, 33-00022A, 33-00031D, 33-00031H, 33-00090D, 33-00091C, 33-02103, 33-02107, 33-10074, 33-10984, 33-10985.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 58 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. SECTION 42-1412(6), IDAHO CODE.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 33-00023A AND 33-00092E.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED OR REDIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 33-00017A, 33-00018A, 33-00019A, 33-00020A, 33-00021A, 33-00022A, 33-00031D, 33-00031H, 33-00090D, 33-00091D, 33-02103, 33-02107, 33-10074, 33-10984, 33-10985.

For general information
Pertaining to all Mays
Land and Livestock claims
See A33-00017A

Contor, Bryce

From: Contor, Bryce
Sent: Wednesday, January 19, 2000 4:27 PM
To: Ruberry, Allen; Carlsen, Ernie
Subject: Sawmill Creek Rights

This morning we met via teleconference with Dave Tuthill and Peter Anderson. One of the things we discussed was the Sawmill recommendations. During our call, Bill Stauffer called and reported that he had discussed the Sawmill recommendations with others, including Don Isham, James Andreason, and David Andreason. They all concur with the proposals in the January 6 letter. James Mays has sent us written concurrence.

Per Dave Tuthill's instructions to Al and me, I have gone ahead and changed the source of Sawmill Creek rights back to "Sawmill Creek, tributary to Little Lost River." The point of diversion is 11N 26E section 10, NWNENE, and the point of injection is 10N 27E section 18, NWSESW. The former points of diversion have been identified as points of redirection. I removed any comments relating to change of source and I removed condition C02.

The rights I changed were:

R33-00023B
R33-00030
R33-00043
R33-00077
R33-10070
R33-10073 ✓
R33-10084
R33-10086

I'll put a new profile report and a copy of this memo in each file.

There were other Sawmill rights which I did not change. These are:

R33-00038 1927 decree & claim list source as
Little Lost River
R33-00096B Recommended w/ source "Summit Creek"
R33-00107 Recommended originally w/ source
"Sawmill Creek"

33-10464 Stockwater claim already PD w/ source
"Sawmill Creek"



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

EASTERN REGION

January 6, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

David Andreason
Watermaster, Water District 33
Howe, Idaho, 83244

Sawmill Creek Water Users
Water District 33
Howe, Idaho, 83244

Dear Watermaster and Water Users:

Based on the information available to the department at the time, Idaho Department of Water Resources recommended the Little Lost River as the source for water rights originally decreed with a source of Sawmill Creek. This change effectively puts the Sawmill Creek rights on a par with Little Lost River rights.

Through the Notice of Error process, additional information has been brought forward indicating that the recommendations should be changed to show the source as "Sawmill Creek" as originally decreed. This change would afford protection to holders of Little Lost River rights that have priorities junior to May 25, 1891, the priority for decrees from Sawmill Creek.

The 1927 decree lists "the mouth of Sawmill Creek" as the Point of Diversion, with implied injection into the Little Lost River and implied points of rediversion near the places of use.

It appears that the basis for these Sawmill Creek rights was a channelization or improvement of Sawmill Creek. We have tentatively selected the apparent beginning of the channelization as the recommended Point of Diversion, as illustrated on the attached maps. The confluence of Sawmill Creek and Summit Creek would be recommended as the Point of Injection, and the headgates on the Little Lost River as Points of Rediversion.

To administer Sawmill Creek rights separately from Little Lost River rights, the watermaster would have to measure the contributions of Sawmill Creek to the Little Lost River. The attached maps show the apparent historical location where these measurements were taken and a proposed alternate measurement point. The measurement point would not be specified in the water right recommendations but would be a practical matter for the watermaster's administration.

Please review these proposed changes to the recommendations and the enclosed maps and respond with the attached form. Feel free to mark the maps and add additional comments as needed. Please return any comments by January 15, 2000.

Sincerely,

Ernest Carlsen
Water Rights Supervisor

**RESPONSE TO PROPOSED CHANGES IN
SAWMILL CREEK RECOMMENDATIONS**

Name _____

Water Rights _____

I. Point of Diversion

I agree with the proposed Point of Diversion _____

I disagree. I propose instead: (describe below and mark maps)

II. Point of Injection and Points of Rediversion

I agree _____

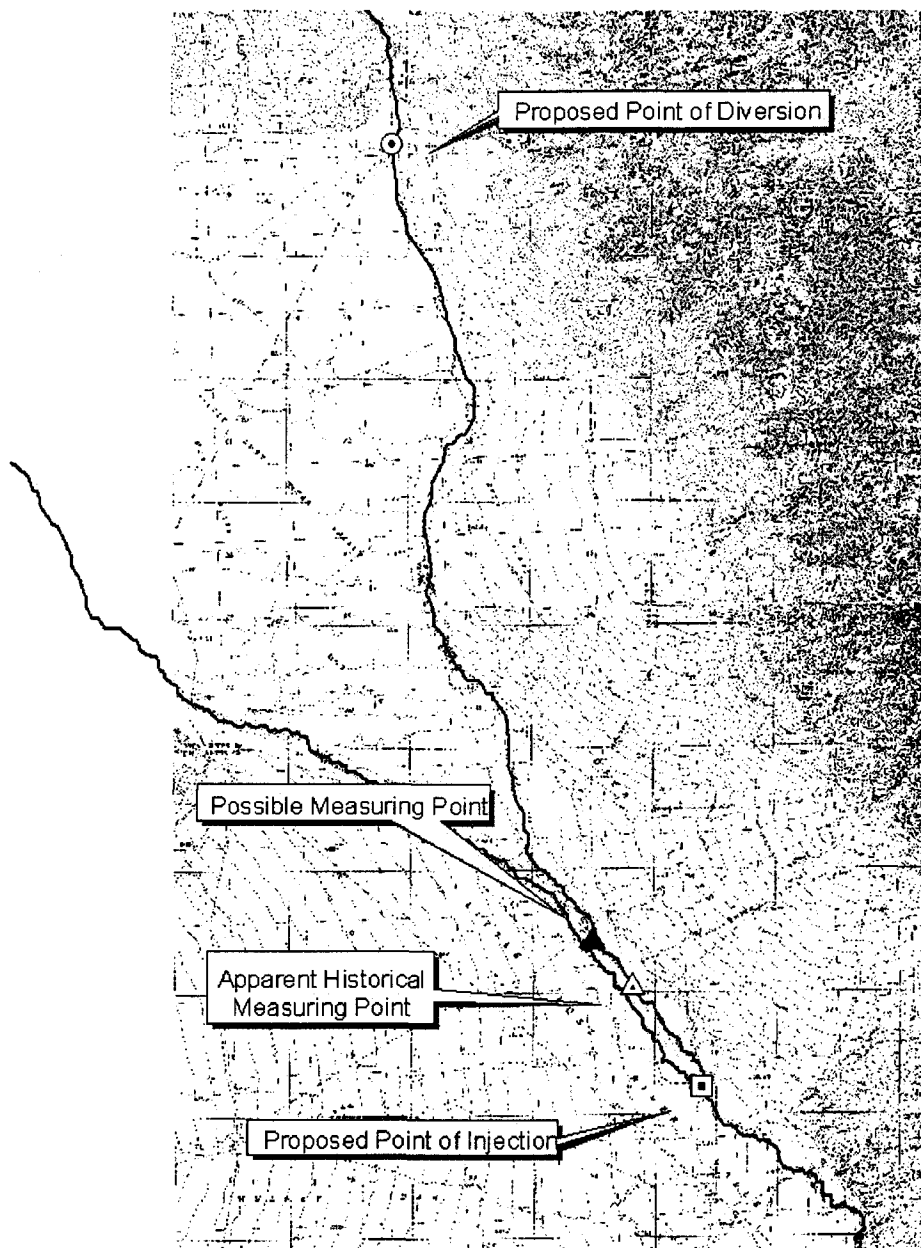
I disagree. I propose instead: (describe below and mark maps)

Signature _____ Date _____

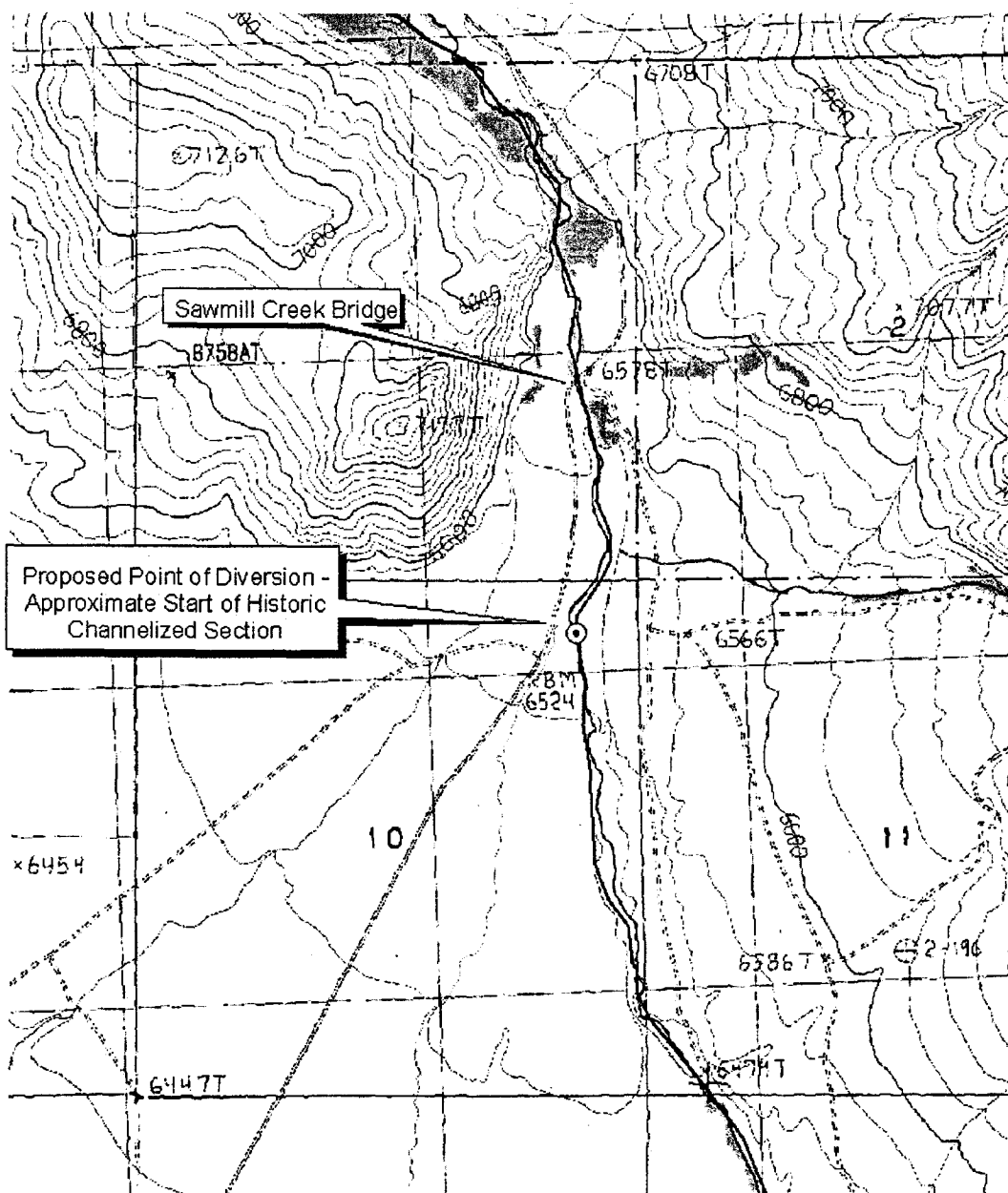
Please feel free to attach additional comments. Please return to:

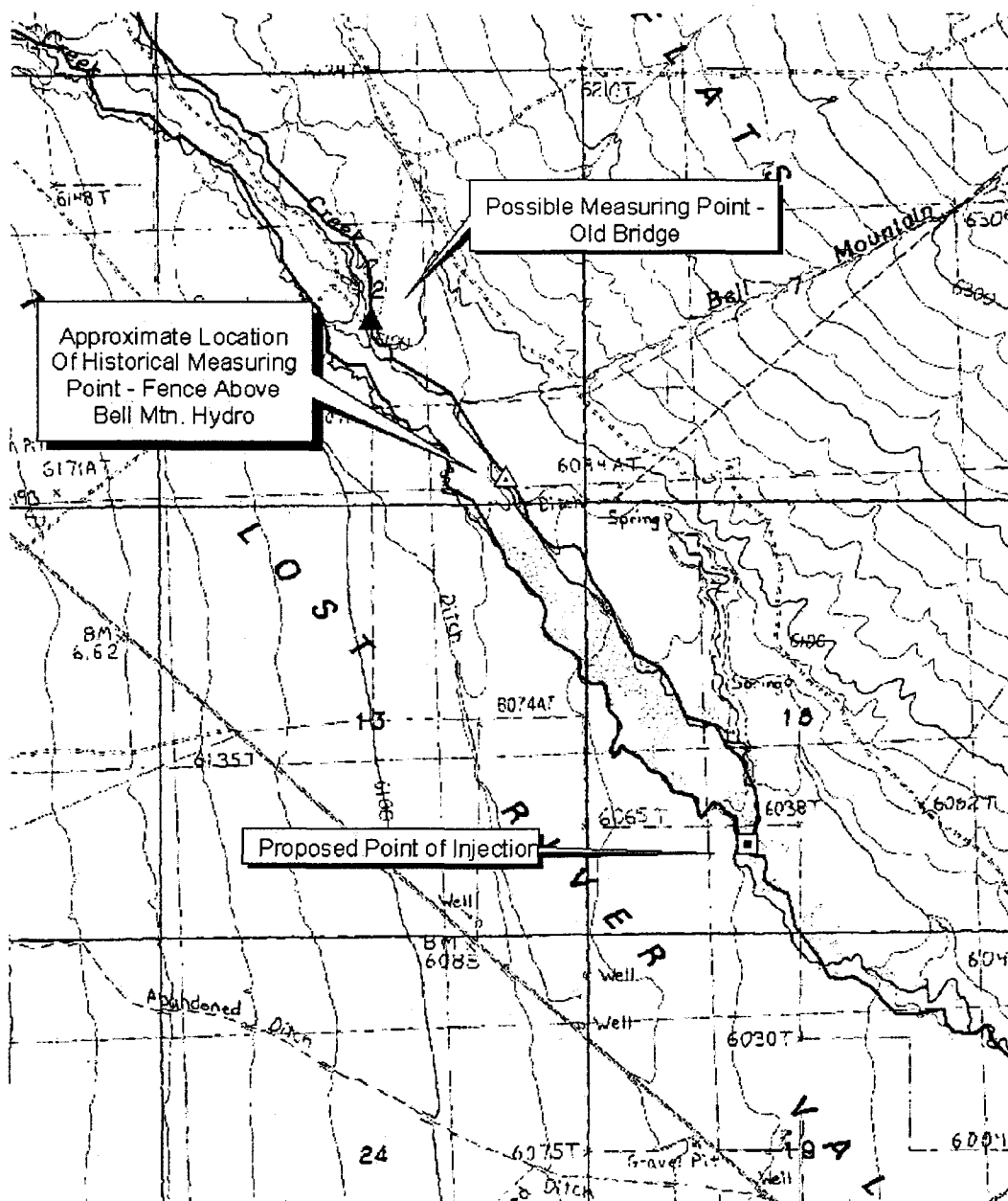
IDWR Adjudication, 900 N Skyline Ste A, Idaho Falls, ID 83402, by **January 15, 2000**

Idaho Department of Water Resources Sawmill Creek Proposal



Idaho Department of Water Resources
Sawmill Creek Proposal





To: AJ Files, Mays Land and Livestock:

A33-00017A
A33-00018A
A33-00019A
A33-00020A
A33-00021A
A33-00022A
A33-00031D
A33-00031H
A33-00090D
A33-00091C
A33-02103
A33-02107
A33-10073
A33-10074
A33-10984
A33-10985

From: Bryce A. Contor

Date: 11/13/1999

Re: Acreage, Transmission Loss.

I. General Description of Mays Rights:

Mays' place of use is composed of four classes of lands. The original farm is located in E ½ of SE ¼ of section 9, section 10, section 14, and section 15. The Jensen (Cowgill) lands are the lands in the NE of section 9 and the W ½ of the SE ¼ of section 9. The enlargement lands are in the N ½ of section 16, and the permit lands are in the S ½ of section 16.

The original farm is covered by rights 17A, 18A, 19A, 20A, 21A, 22A, 31D, and 31H. It is also covered by right 23A which is part of combined right 10073 and right 86, which is a part of combined right 10074. The original rights have had formal transfers which authorize their application to all the lands irrigated on the original farm. The transfers do not list acres per quarter section.

The Jensen or Cowgill rights include 90D, 91C, a part of original right 92 now incorporated into combined right 10073, and a part of original right 93 now incorporated into combined right 10074. These rights have had an accomplished transfer to the current place of use. There are enough original CFS to justify the full acres of place of use without contemplating enlargement. File 33-00017A contains documentation of these accomplished transfers.

*and part of
16 -
See
file A33-
00017A
map.*

Rights 10984 and 10985 authorize the irrigation of the enlargement lands in section 16. The permit lands in section 16 are authorized by permit 33-07183, which was not required to be enjoined to the adjudication.

II. Acreage

To calculate allowable acres of irrigation for each water right, the following assumptions are made:

- The original decree implied .02 cfs/acre.
- The Cowgill accomplished transfers did not work any enlargement or expansion.
- Since the described places of use for transfers to the original farm cover all the historically irrigated lands, no accomplished enlargement or expansion applies to the original Mays rights.

Based on these assumptions, the Cowgill rights each have an authorized irrigated acres calculated by dividing diversion rate by 0.02. The Mays rights have an authorized irrigated acres calculated by dividing diversion rate by 0.018 cfs/acre. This rate was obtained by dividing the sum of the Mays cfs by the apparent original POU for all the rights. The groundwater rights are recommended for the licensed acres, and the enlargements are recommended for 169 acres.

The result is that the sum of the individual groundwater rights is slightly less than the permissible place of use. This is reasonable, as the Cowgill lands were never licensed for the groundwater usage. The surface water rights individually sum to slightly more than the permissible place of use. This is also reasonable, as assumptions for the Cowgill rights amounted to assuming a full 40 acres per quarter-quarter section, and less than that is actually farmed.

III. Transmission Loss

Historically, many of these rights have been assessed a transmission loss by the watermaster. Some of the formal transfers also imposed a transmission loss to some of these rights.

Comments on each individual right discuss transmission losses. More general discussion is included in file 33-00002.

Mays Land and Livestock Acreage Calculations						
Surface Rights - Original Mays						
Right	Rec. CFS	Acres @ Original Rate				
33-00017A	1.90	108.0				
33-00018A	1.92	109.1				
33-00019A	0.34	19.3				
33-00020A	1.90	108.0				
33-00021A	0.24	13.6		33-10073:	33-00023A	0.58 33.0
33-00022A	3.12	177.3			33-00092E	0.50 25.0
33-00023A	0.58	33.0				58.0
33-00031D	1.26	71.6				
33-00031H	1.44	81.8		33-10074:	33-00086	2.93 166.2
33-00086	2.925	166.2			33-00093C	1.60 80.0
						246.2
Total CFS	15.63					
Org. Acres	888.00					
Org. Rate	0.018					
Surface Rights - Original Cowgill				Sum of Recommended Acres - Surface		
Right	Rec. CFS	Acres @ 0.02/acre				
				33-00017A		108
33-00090D	0.40	20.0		33-00018A		109
33-00091C	0.70	35.0		33-00019A		19
33-00092E	0.50	25.0		33-00020A		108
33-00093C	1.60	80.0		33-00021A		14
				33-00022A		177
Groundwater Rights				33-00031D		71
				33-00031H		81
	CFS	Licensed Acres		33-00090D		20
				33-00091C		35
33-02103	3.52	176.0		33-10073		58
33-02107	3.68	795.0		33-10074		246
33-10985		169.0 (enlargement)		33-10984		169
Total Acres		1140.0		Sum		1215
With Overlaps Considered, On Full PPU						
Mays CFS	15.63					
Cowgil CFS	3.20					
GW CFS	7.20					
Total CFS	26.03					
Total Acres	1153					
CFS/acre	0.023					

Justified by
- mission 1055

*Justified by
transmission loss*

To: File A33-10073
Fr: Bryce A. Contor
Date: 10/21/1999



Re: Change in source

Based on consultation w. watermaster David Andreason and AJ agent Al Ruberry regarding other Sawmill Creek rights, I am recommending this wr with a change in source of original right 33-00092 based upon historical watermaster practice.

See file A33-00077 for documentation.

33-10073

See attached - it appears Al Ruberry's
analysis is correct -

Q should be:

33-00023A	0.58
33-00092E	0.50
	<u>1.08</u>

33-00023A → part of 10073

Nept's Bible Allocation of 33-00023

23A Mays Emblan p1 Sawmill 30 less trans 22

23B Mays RR p1 20 - 15

total 50 inches less trans = 37 inches

Decree 33-00023 50 inches 5/25/1891

Al's notes 10073

23A 0.58 → 10073

0.58 comes fr. WR database, Transfer 780

0.42 is allocated to 33-00023B.

1.00

(see file 17A
for copy of
xfer)

Transfer clearly allocates

0.58 of's priority, 5/25/1891 →

"Nept's Bible" is in error.

33-00092E → part of 10073

Neph's Bible Allocation of 33-00092

"Cong'l Buss 1/2 92 5/25/91 Sawmill 25 less 25% 19"
no other specific mention

Decree

SD" May 25 1891 Sawmill (Williams)

Al's Notes 0.5 of 00092E

All three appear to agree

Byron A. Connor 10/1999

50 INCHES Saw Mill ck
E²SE SEC. 9
S²SW SEC. 10
N²NW, SWNW, NNW, SW SEC.
T. 9N. R. 27E.

B 33-00092B 40 INCHES SAW MILLICK. N² SEC. 11 T. 5N. R. 29E.

T.423
2 MAY 1928
MOVES REMAINING $\frac{1}{5}$ TO
P.O.H./P.O.D. OF (B)
10 INCHES SMC
N² SEC. 11 T.S.N. R. 29E.

33-00092D
D

D: 5 cfs	SMC	SEC. 16
S ³ SE, E ² NE, W ² SE, SESE	SEC. 21	
NW ¹ NW	SEC. 22	
E ² NE	SEC. 28	
T. 9N., R. 27E.		

16 Nov 51
 SEE T. 780
 AND T. 781
 16 Nov 51

MAY 25, 1891 LER
 ESE SEC. 9 SW SEC 10
 N 1/2 SEC. 14 N 3/4 SEC 15
 E 1/2 SEC. 16 T. 5N, R. 29E.

0.58 - 0

33-00023A ORIGINAL SNE

Azalea 238 to N 1/2 Sec 10 E 1/2 Sec 10

③ 33-00092E
0.5 cfs SMC

5 cts SMC MARTIANI DIV.
N2 SEC. 11 T. 5 N. R. 29 E.

-0.50

A33-10070 J. OAR
COMBINED RIGHT 0.75cfs

COMBINED RIGHT D. 75cfs
 PROCEITY: Mar 25, 1891
 NENE, SENE, NESE, S2SE SEC. 21
 NWNN SEC. 22
 NENE NWNN (E. of LR) SEC. 23
 T. 9N. R. 29E.

RENUMBER TO A33-00092 F
A33-00092 Раченени, Рач.

0.25 AJ P.O.U. 4699Ac.

424k 238 to N³ Sec 40, E 1/4 Sec 17, S 1/4 Sec 25, T 178 N R 70 W N³ Sec 12 SW 1/4
-00023A originally SNE

A33-10073 MAYS L&L
COMBINED RIGHT 1.08 cfs SMC
PRIORITY: MAY 25, 1991

05N	298	3	NW	NE	16	0
05N	298	3	NW	NE	16	0
05N	298	3	NE	SE	40	0
05N	298	3	NE	SE	40	0
05N	298	3	SE	SW	32	0
05N	298	3	SE	SW	32	0
05N	298	3	SW	SW	40	0
05N	298	3	SW	SW	40	0
05N	298	10	NW	NW	22	0
05N	298	10	NW	NW	22	0
05N	298	10	SE	SE	40	0
05N	298	10	SE	SE	40	0
05N	298	14	NW	NW	6	0
05N	298	14	NW	NW	6	0
05N	298	14	NW	NW	36	0
05N	298	14	NW	NW	36	0
05N	298	14	SW	SW	40	0
05N	298	14	SW	SW	40	0
05N	298	15	NW	NE	27	0
05N	298	15	NW	NE	27	0
05N	298	15	SE	SE	39	0
05N	298	15	SE	SE	39	0
05N	298	15	SW	SW	40	0
05N	298	15	SW	SW	40	0
05N	298	15	SW	SW	35	0
05N	298	15	SW	SW	35	0
05N	298	15	NE	SE	40	0
05N	298	15	NE	SE	40	0
05N	298	15	SE	SE	40	0
05N	298	15	SE	SE	40	0
05N	298	15	SW	SW	40	0
05N	298	15	SW	SW	40	0
05N	298	16	NE	NE	40	0
05N	298	16	NE	NE	40	0
05N	298	16	NE	NE	38	0
05N	298	16	NE	NE	38	0
05N	298	16	NW	NW	40	0
05N	298	16	NW	NW	40	0
05N	298	16	SW	SW	33	0
05N	298	16	SW	SW	33	0

Total: 1240AC.

42 5-25-85

43 5-25-91 Sdw mill 40 Lcs; 25%

30

POLY-VU
#PV113

Burgell Bros

May 1990
L & L
1/2 91

4-1-87	20	Less 25%	15
5-25-91 Sdw mill	25	.. 25%	19
6-1-91	35	.. 25%	26
4-15-91 Dry creek	80	.. 25%	60

LITTLE LAND & LIVESTOCK

Home Place

335 when
ALL ON

Badger C Ranch

44 3-25-85	70	32 6-1-91	240	180
45 4-1-86	120	33 6-1-05	280	210
47 5-25-91 Sdw mill Lcs Less 22%	81	34 3-6-07	80	60
46 6-1-91	65	Less 25% when used Home Place		

785 when all on

K&M Company
TORRANCE, CA 90503

Hocking Tom

318
(SPLIT)

9-1-79 70

Hansen Bros

31 9-1-79	35
48 1-1-85	55
50 5-25-91 Sdw mill Lcs Less 22%	42
83 6-1-91 (35 Lcs (1111))	28
49 5-15-1900	155

PL. B. Canal B

02 Dry Creek 4-1-91 (Out) Pipeline Savings 275

03 " " 7-1-1912 3050

04 Little Lost River 1-23-1905 6000

05 " " 1-14-1908 7250

15 KNOLLIN Water 2-15-84 (240 + 714 @ 100) 171

17 " " Saw Mill 5-25-91 100 64

15-8-11 6-1-91 301 214

" " 5-1-08 120 119

" " 5-10-08 40

19 " " 5-1-08 160

98 Dry Crossing Water 4-15-91 2525 Less Trans 156 217

11/11/11
L&L

Date	Mdys EML	Mdys P.R.
11A 4-1-83	95	17B 65
18A 4-1-85	18	18B 12
19A 6-1-85	95	19B 65
20A 4-1-86	95	20B 65
21A 4-1-89	12	21B 8
23A 5-25-91 Saw Mill 30 Less Trans 22		23B 20- 15
22A 6-1-91	156	22B 104
310 7-1-79 142 Less 1096	126 135	
86 4-15-91 Dry Creek 162.5-122		TOTAL 334

6287 work out dry Creek

6287 743

0

600 inches, Date of priority January 20, 1908;
 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

DO NOT FILM

92

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 450

THIS IS TO CERTIFY That Harold R. Williams, of Howe, County of Butte, State of Idaho, has rights to the use of the waters of Little Lost River and Sawmill Creek, for irrigation and domestic purposes, and that said rights have been confirmed by decree 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, plaintiff, vs. Robert G. Mays, et al, defendants, Ralph W. Adair, District Judge, wherein water rights were awarded as follows:

- 90 - From Little Lost River, 40 inches,
priority, April 1, 1887;
92 - From Sawmill Creek, 50 inches,
priority, May 25, 1891;

said decree having been entered in the records of the Department of Reclamation of the State of Idaho at Boise, in Book 5 of Decrees, pages 86 to 102;

That the waters above described were decreed to the following described lands, to-wit:

~~N¹SE¹~~, Sec. 9; ~~S¹SW¹~~, Sec. 10; ~~N¹W¹~~, ~~SW¹W¹~~ and ~~N¹SW¹~~,
Sec. 15, in Twp. 9 North, Range 27 E., B.M.

That said waters were later transferred, by Certificates of Transferred Rights Nos. 404 and 423, of the Commissioner of Reclamation of Idaho, to the following described lands:

~~N¹~~ of Section 11, Twp. 5 North, Range 29 E., B.M.

That, upon the application of the said Harold R. Williams for a transfer of water rights, made before the Commissioner of Reclamation of Idaho, and the said application having been granted, the right to the use of 45 inches, or 0.9 second feet, of the waters of Little Lost River and Sawmill Creek upon the lands above described is hereby abandoned and the lands to be irrigated under such water rights and to which the right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, are described as follows, said waters to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amounts, to-wit:

- From Little Lost River, 20 inches,
priority, April 1, 1887;
From Sawmill Creek, 25 inches,
priority, May 25, 1891;

~~N¹W¹~~, ~~N¹SE¹~~ and ~~S¹SE¹~~, Sec. 21; ~~N¹W¹W¹~~, Sec. 22; ~~N¹SE¹~~, Sec. 28;
all in Twp. 9 North, Range 27 E., B.M.

That the water rights to be transferred have heretofore been diverted in the ~~N¹~~ of Sec. 32, Twp. 5 N., R. 29 E., B.M., but will hereafter, by virtue of this certificate be diverted in the ~~N¹SE¹~~ of Sec. 16, Twp. 9 N., R. 27 E., B.M.

E²NE }
NESE } Sec. 21
S¹SE }

NW¹NW Sec. 22

N²NE Sec. 28

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.

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 26th day of April, 1929.

Geo. N. Carter
Commissioner of Reclamation.

See file 33-2080 for Appl, Letters, etc.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 423.

This is to certify that Harold R. Williams and John C. Williams, of Howe, County of Butte, and State of Idaho, have rights to the use of the waters of Little Lost River, Sawmill Creek and Dry Creek, for irrigation and domestic purposes, and that said rights have been confirmed by decree 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, Plaintiff, vs. Robert C. Mays, et al, defendants, Ralph W. Adair, District Judge, wherein water rights were awarded as follows:

- 90 - From Little Lost River, 40 miner's inches, priority, April 1, 1897,
 - 91 - From Little Lost River, 70 miner's inches, priority, June 1, 1891,
 - 92 - From Sawmill Creek, 50 miner's inches, priority, May 25, 1891,
 - 93 - From Dry Creek, 160 miner's inches, priority, April 15, 1891;
- Total: 6.4 cfs

said decrees having been entered in the records of the Department of Reclamation of the State of Idaho at Boise, in Book 5 of Decrees, pages 86 to 102;

That the waters above decreed were decreed to the following described lands, to-wit:

East Half of the Southeast Quarter of Section nine; South Half of the Southwest Quarter of Section ten; North Half of the Northwest Quarter and Southwest Quarter of the Northwest Quarter, and the Northwest Quarter of the Southwest Quarter of Section Fifteen; all in Township Nine North of Range Twenty-seven East, Boise Meridian.

That upon the application of Harold R. Williams, and John C. Williams for transfer of water rights, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 1.23 second feet, or 64 miner's inches, of the waters of Little Lost River, Sawmill Creek and Dry Creek, upon the lands above described, is hereby abandoned and the lands to be irrigated under such water rights and to which the said rights hereby confirmed shall by this certificate become appurtenant for irrigation and domestic purposes, are as shown in the following, limited at any given time to amounts actually needed and beneficially used for such purposes and shall not exceed the following amounts, to-wit:

- From Little Lost River, 8 miner's inches, priority, April 1, 1897;
 - From Little Lost River, 14 miner's inches, priority, June 1, 1891;
 - From Sawmill Creek, 10 miner's inches, priority, May 25, 1891;
 - From Dry Creek, 32 miner's inches, priority, April 15, 1891;
- 1.23 cfs
1/5 total cfs

ELSE SENT

S²SW Sec. 10

N²NW, S²NW, NW²N Sec. 1.

7N 27E

1/5 total cfs

North Half (NW $\frac{1}{4}$) of Section 11, Township 5 N., Range 29 E., B. M.

That the water rights to be transferred have heretofore been diverted in the Northwest Quarter (NW $\frac{1}{4}$) of Section 4, Twp. 9 N., R. 27 E., B. M., but will hereafter, by virtue of this certificate, be diverted in the Northwest Quarter (NW $\frac{1}{4}$) of Section 32, Twp. 5 N., R. 29 E., B. M.;

Hardman Dr.

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

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 2nd day of May, 1928.

Commissioner of Reclamation.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 404.

33-0093

Decree 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, plaintiff, vs. Robert C. Mays, et al, defendants, wherein water rights were awarded in part as follows:

- | | | |
|-----|--|---------|
| 90- | From Little Lost River, 40 miner's inches,
priority, April 1, 1887; | 32 in. |
| 91- | From Little Lost River, 70 miner's inches,
priority, June 1, 1891; | 56 in. |
| 92- | From Sawmill Creek, 50 miner's inches,
priority, May 25, 1891; | 40 in. |
| 93- | From Dry Creek, 160 miner's inches,
priority, April 15, 1891 | 128 in. |

said decree having been entered in the records of the Department of Reclamation of the State of Idaho at Boise, in Book 5 of Decrees, pages 86 to 102.

That the waters above described were decreed to the following described lands, to-wit:

East half of the Southeast quarter of Section nine; South half of the Southwest quarter of Section ten; North Half of the Northwest quarter and Southwest quarter of the Northwest Quarter, and the Northwest Quarter of the Southwest Quarter of Section Fifteen; all in Township Nine North of Range Twenty-seven East, Boise Meridian.

That upon the application of Harold R. Williams, et al, as named above, for transfer of a four-fifths undivided interest of the above mentioned water rights, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted to a certain extent, the right to the use of 256 minor's inches--the same being the four-fifths undivided interest of the water rights enumerated in the foregoing--of the waters of Little Lost River upon the lands above described, is hereby abandoned and the lands to be irrigated under such water rights and to which the said rights hereby confirmed shall by this certificate become appurtenant for irrigation and domestic purposes, are as shown in the following, limited at any given time to amounts actually needed and beneficially used for such purposes and shall not exceed the following amounts, to-wit:

E2SE Sec. 9
S2 SW Sec. 10

WZ NW, SW NW, NW SW
IN 27E

Source?

ited at any given
ally used for such
amounts, to-wit:

~~20% loss on Even/20th of~~
No loss

From Little Lost River, 28 miner's inches,
priority, April 1, 1887;
From Little Lost River, 49 miner's inches,
priority, June 1, 1891;
From Sawmill Creek, 40 miner's inches,
priority May 25, 1891;
From Dry Creek, 128 miner's inches,
priority, April 15, 1891

North Half of Section 11, Township 5 North, Range 29
East, B.M.

That the above described water has heretofore been conveyed through a canal diverting from Little Lost River in the Northwest Quarter of Section 4, Township 9 North, Range 27 East, B.M., but will hereafter, by authority of this certificate, be diverted in the Northwest Quarter of Section 32, Township 5 North, Range 29 East, B.M. *Handwritten: D. W.*

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 27th day of June, 1927.

Commissioner of Reclamation.

WR5809NP
No. 33-00023A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/13/99
PAGE: 1

OWNER CODE: C ROBERT R. MAYS
NAME & ADDRESS: *Sawmill on decree*
PRIORITY DATE: 05/25/1891 IRRIGATION
WATER USE: 0.580 CFS
DIVERSION RATE: 0.580 CFS
DIVERSION VOLUME: 0.580 CFS
USE PERIOD FROM TO: 04/01 11/01
TOTAL DIVERSION: 0.580 CFS

Water Source: LITTLE LOST RIVER

Tributary to: SINKS

Stage: DECREED

Place of use Legal Description for: IRRIGATION

DATE: 11/13/99
PAGE: 3

DIVERSION VOLUME

0.500 CFS

TOTAL DIVERSION: 0.500 CFS

Stage: DECREED

MS ES

t AC

•••

Pou County: BUTTE

Remarks: GEN P/D NW1/4 S32 T5N R29E.

Dates:
App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date:

Priority Date: 05/25/1891
Proof Made Date:
Exam Sent to S.O.:

Misc: Water District Number: 33 Field Exam Fee:

Audit: 10/07/86 05/22/88 CONVERT 02/06/98 CLEARFLD

10/25/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 33-10073

Owner Type Name and Address
Current Owner MAYS LAND AND LIVESTOCK INC
 PO BOX 1
 HOWE, ID 83244
 (208)767-3405

Priority Date: 05/25/1891
Basis:
Status:

Source: SAWMILL CREEK Trib. to: LITTLE LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	1.08 CFS		
Total Diversion			1.08 CFS		

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	
06N	29E	32	NW NW	0	BUTTE	Rediversion
10N	27E	18	NW SE SW	0	BUTTE	

Place(s) of use:

Place of Use Legal Description: IRRIGATION

BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	29E	9		NWNE	17		SWNE	23						
				NESE	40		NWSE	30		SWSE	34		SESE	40
		10		NWSW	16		SWSW	38		SESW	16			
		14		NWNW	2		SWNW	16						
				NESW	13		NWSW	40		SWSW	40		SESW	40
		15		NENE	15		NWNE	23		SWNE	37		SENE	19
				NENW	40		NWNW	40		SWNW	40		SENW	40
				NESW	39		NWSW	15		SESW	38			
				NESE	39		NWSE	39		SWSE	39		SESE	38
		16		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	38		NWNW	3		SWNW	11		SENW	35

Total Acres: 1153

Conditions of Approval:

- C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C18 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.

Remarks:

- Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1153 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00017A, 33-00018A, 33-00019A, 33-00020A, 33-00021A, 33-00022A, 33-00031D, 33-00031H, 33-00090D, 33-

Entered for Database
BAC

- 00091C, 33-02103, 33-02107, 33-10074, 33-10984, 33-10985.^^^ THIS RIGHT IS LIMITED TO THE IRRIGATION OF 58 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. THE FOLLOWING RIGHTS ARE ALSO DIVERTED OR REDIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 33-00017A, 33-00018A, 33-00019A, 33-00020A, 33-00021A, 33-00022A, 33-00031D, 33-00031H, 33-00090D, 33-00091D, 33-02103, 33-02107, 33-10074, 33-10984, 33-10985.^^^
2. Explanatory THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED ABOVE AT THE POINT OF MEASUREMENT IN T10N, R26E, S12, NESW.
 3. Quantity POINT OF REDIVERSION FROM LITTLE LOST RIVER
 4. Point of Diversion THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 33-00023A AND 33-00092E.^^^
 5. General THE QUANTITY OF WATER THAT MAY BE DELIVERED AT THE POINT(S) OF RE-DIVERSION DESCRIBED BELOW IS 0.81 CFS. THIS REDUCTION IN QUANTITY IS DUE TO THE HISTORICAL PRACTICE OF ASSESSING A CONVEYANCE LOSS FOR THE DELIVERY OF THE RIGHT.^^^
 6. Quantity

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
bcontor	10/25/00	SF5	Changes made to recommendation per SF5. Changes include deletion of POD, re-description of POI as POD, addition of std remark D01 and G01, editing of shrink remark to specify shrunk cfs delivered at point of rediversion.

Dates:

Licensed Date:
 Claim Received Date: 01/05/1990
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 Response Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Other Information:

Receipt Number(s):
 State or Federal: S
 Water District: 33
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

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

10/18/2000

RIGHT NUMBER: 33-10073

NAME AND ADDRESS: MAYS LAND AND LIVESTOCK INC
PO BOX 1
HOWE, ID 83244

SOURCE: SAWMILL CREEK TRIBUTARY: Little Lost River

QUANTITY: 1.08 CFS

THE QUANTITY OF WATER THAT MAY BE DELIVERED AT THE POINT(S) OF
RE-DIVERSION DESCRIBED BELOW IS 0.81 CFS. THIS REDUCTION IN
QUANTITY IS DUE TO THE HISTORICAL PRACTICE OF ASSESSING A
CONVEYANCE LOSS FOR THE DELIVERY OF THE RIGHT

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED ABOVE AT THE POINT OF MEASUREMENT IN T10N R26E SECTION
12 NESW.

POINT OF REDIVERSION FROM LITTLE LOST RIVER

PRIORITY DATE: 05/25/1891

POINT OF DIVERSION:	T06N R29E S32	NWNW	Within BUTTE County	R
	T10N R27E S18	NWSESW	Within BUTTE County	E
	~~T11N R26E S10~~	~~NWNENE~~	~~Within LEMHI County~~	

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 10-31	1.08 CFS

PLACE OF USE:

<u>IRRIGATION Within BUTTE County</u>					
T05N R29E S9	NWNE	17	T05N R29E S9	SWNE	23
T05N R29E S9	NESE	40	T05N R29E S9	NWSE	30
T05N R29E S9	SWSE	34	T05N R29E S9	SESE	40
T05N R29E S10	NWSW	16	T05N R29E S10	SWSW	38
T05N R29E S10	SESW	16	T05N R29E S14	NWNW	2
T05N R29E S14	SWNW	16	T05N R29E S14	NESW	13
T05N R29E S14	NWSW	40	T05N R29E S14	SWSW	40
T05N R29E S14	SESW	40	T05N R29E S15	NENE	15
T05N R29E S15	NWNE	23	T05N R29E S15	SWNE	37
T05N R29E S15	SENE	19	T05N R29E S15	NENW	40
T05N R29E S15	NWNW	40	T05N R29E S15	SWNW	40
T05N R29E S15	SENW	40	T05N R29E S15	NESW	39
T05N R29E S15	NWSW	15	T05N R29E S15	SESW	38
T05N R29E S15	NESE	39	T05N R29E S15	NWSE	39
T05N R29E S15	SWSE	39	T05N R29E S15	SESE	38
T05N R29E S16	NENE	40	T05N R29E S16	NWNE	40
T05N R29E S16	SWNE	40	T05N R29E S16	SENE	40
T05N R29E S16	NENW	38	T05N R29E S16	NWNW	3
T05N R29E S16	SWNW	11	T05N R29E S16	SENW	35

1153 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 1153 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00017A, 33-00018A, 33-

00019A, 33-00020A, 33-00021A, 33-00022A, 33-00031D, 33-00031H,
33-00090D, 33-00091C, 33-02103, 33-02107, 33-10074, 33-10984, 33-
10985

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 58 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. SECTION 42-1412(6), IDAHO CODE.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 33-00023A AND
33-00092E

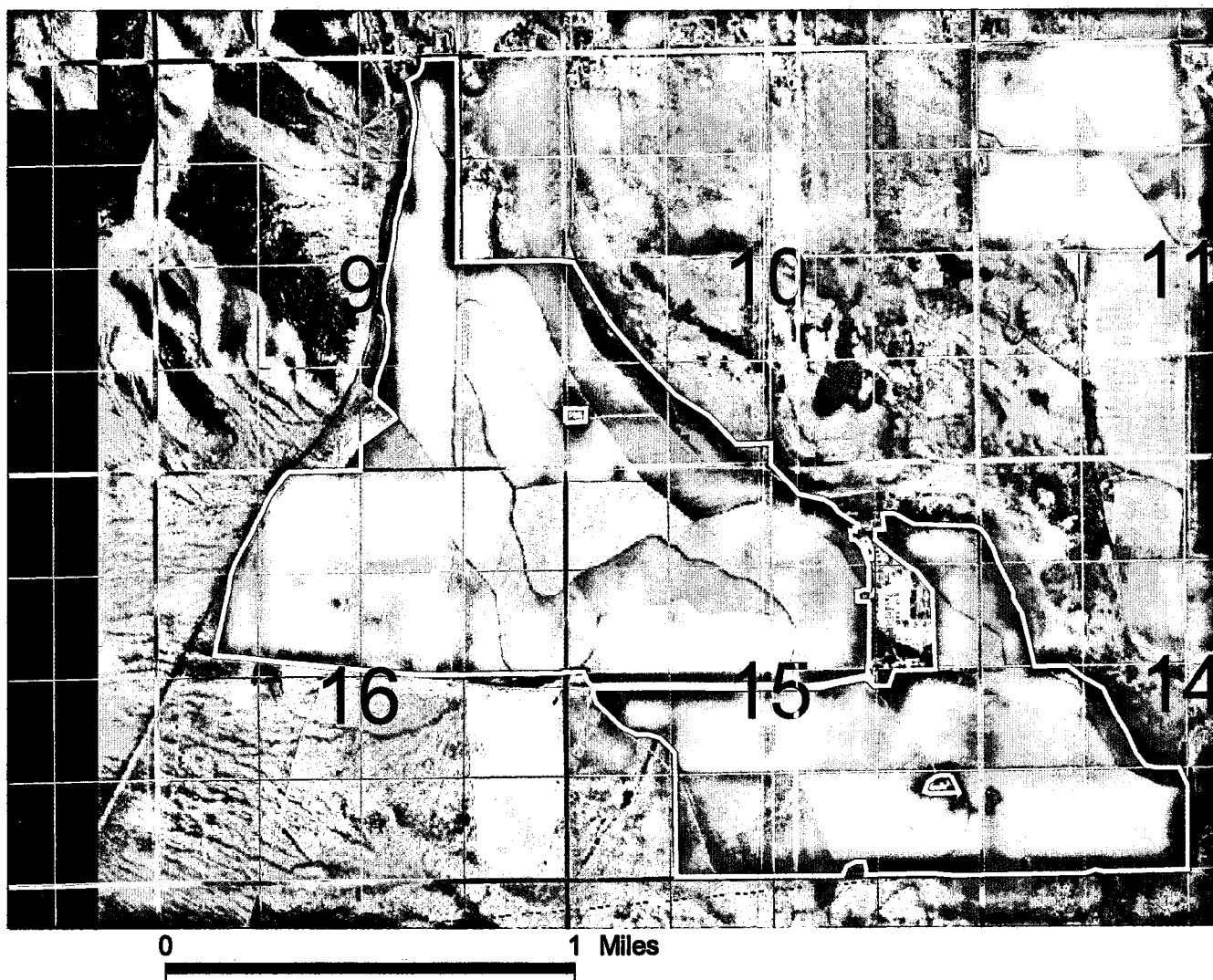
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

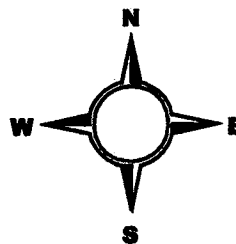
THE FOLLOWING RIGHTS ARE ALSO DIVERTED OR REDIVERTED THROUGH
POINT OF DIVERSION DESCRIBED ABOVE: 33-00017A, 33-00018A, 33-
00019A, 33-00020A, 33-00021A, 33-00022A, 33-00031D, 33-00031H,
33-00090D, 33-00091D, 33-02103, 33-02107, 33-10074, 33-10984, 33-
10985

Idaho Department of Water Resources

Water Rights 33-00017A, 18A, 19A, 20A, 21A, 22A, 31D, 31H, 90D, 91C, 2103, 2107, 10073, 10074, 10984, 10985.



Township 5 North Range 29 East



- Place of Use
- Section Lines
- Quarter-Quarter Sections

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

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)DATE: 01/19/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MAYS LAND AND LIVESTOCK INC	05/25/1891	IRRIGATION	04-01 10-31	1.080 CFS	
TOTAL DIVERSION:					1.080 CFS	

Water Source: SAWMILL CREEK Tributary to: LITTLE LOST RIVER Stage: DECREED

Point(s) of Diversion: T11N R26E S10
Point(s) of Injection: T10N R27E S18
Point(s) of Re-diversion: T06N R29E S32
LEMIH County
BUTTE County
BUTTE County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE					
		NENE		NWNE		SWNE		SENE		NNW		NWNW		SWNW		SESW			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
05N	29E	9	17	23											40	30	34	40	184.0
05N	29E	10																	70.0
05N	29E	14								02	16				13	40	40		151.0
05N	29E	15	15	23	37	19				40	40	40			39	39	39	38	501.0
05N	29E	16	40	40	40	40				38	03	11	35						247.0
TOTAL ACRES																		1153.0	

POU County: BUTTE

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C18 - 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.

Remarks: QNT

THE QUANTITY OF WATER THAT MAY BE DELIVERED AT THE POINT(S) OF DIVERSION DESCRIBED BELOW IS 0.81 CFS. THIS REDUCTION IN QUANTITY IS DUE TO THE HISTORICAL PRACTICE OF ASSESSING A CONVEYANCE LOSS FOR THE DELIVERY OF THE RIGHT.

POU1

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1153 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00017A, 33-00018A, 33-00019A, 33-00020A, 33-00021A, 33-00022A, 33-00031D, 33-00031H, 33-00090D, 33-00091C, 33-02103, 33-02107, 33-10074, 33-10984, 33-10985.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 58 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

GEN

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 33-00023A AND

Remarks: 33-00092E.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED OR REDIVERTED THROUGH
POINT OF DIVERSION DESCRIBED ABOVE: 33-00017A, 33-00018A,
33-00019A, 33-00020A, 33-00021A, 33-00022A, 33-00031H,
33-000900, 33-00091D, 33-02103, 33-02107, 33-10074,
33-10984, 33-10985.

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

Misc: Water District Number: 33 Field Inspection Flag: C
Presumption Flag:

Comments: Date: 11/13/1999 User-ID: BCONTOR Subject: SHRINK
HISTORICALLY WATERMASTER HAS APPLIED TRANSMISSION LOSS SHRINKAGE
TO THESE RIGHTS.

Date: 11/13/1999 User-ID: BCONTOR Subject: COPIED FROM REMARKS
P/D NOT STATED IN DECREE. TRANS. 780. *****
THIS CLAIM WAS FORMED BY COMBINING RIGHTS 33-00023A AND 33-00092E

A33-00023A = 0.58 CFS
A33-00092E = 0.50 CFS
TOTAL = 1.08 CFS (AS CLAIMED TOTAL IS 1.10 CFS)
ABR 24JAN96

Audit: 01/19/00 BCONTOR

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: A33-10073
Date Received: 1/05/1990
Receipt No: E011491
Received By: pmD

*Original
Sent to
Court.*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

4-20-00

1. Name: MAYS LAND AND LIVESTOCK INC 208-767-3405
Address: PO BOX 1
HOWE, ID 83244

2. Date of Priority: MAY 25, 1891

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	29E	32	NW	NW			BUTTE

5. Description of diverting works:
MAYS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.100		

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

8. Total consumptive use is 3100.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	29E	9	NW	NE		IRR	16.0
			SW	NE		IRR	28.0
			NE	SE		IRR	40.0
			NW	SE		IRR	32.0

A33-10073

Page 1

Date: 01/06/90

A3310073



MICROFILMED
NOV 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	29E	9	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				196.0
		10	NW	SW		IRR	22.0
			SW	SW		IRR	40.0
			SE	SW		IRR	22.0
			Section Acres				84.0
		14	NW	NW		IRR	8.0
			SW	NW		IRR	26.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			Section Acres				194.0
		15	NE	NE		IRR	27.0
			NW	NE		IRR	29.0
			SW	NE		IRR	40.0
			SE	NE		IRR	18.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	39.0
			NW	SW		IRR	15.0
			SE	SW		IRR	30.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				518.0
		16	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	38.0
			SE	NE		IRR	40.0
			NE	NW		IRR	38.0
			NW	NW		IRR	6.0
			SW	NW		IRR	13.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	29E	16	SE NW		IRR	33.0

Section Acres 248.0

Total Acres 1240.0

11. Place of use in counties: BUTTE

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

13. Other Water Rights Used:

33-0017A/0018A/0019A/0020A/0021A/0022A.

14. Remarks:

P/D NOT STATED IN DECREE. TRANS. 780.*****
THIS CLAIM WAS FORMED BY COMBINING RIGHTS 33-00023A AND 33-00092E

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 Sec-Treas. of _____ Title

MAYS LAND & LIVESTOCK, INC., that I have signed the foregoing Organization

document in the space below as SECRETARY-TREASURER of Title

MAYS LAND & LIVESTOCK, INC. and that the statements contained in the Organization

foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Sec-Treas, MAYS LAND & LIVESTOCK, INC.
Title and Organization

05 Jan. 90

Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 5th day

of Jan 19 90

[Signature]
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires 6-30-94



X 5186

5

8

9

17

16

20

21

22

23

Howell

Well 2343

T5M
R29E

PU

REACTOR TESTING

BOUNDARY