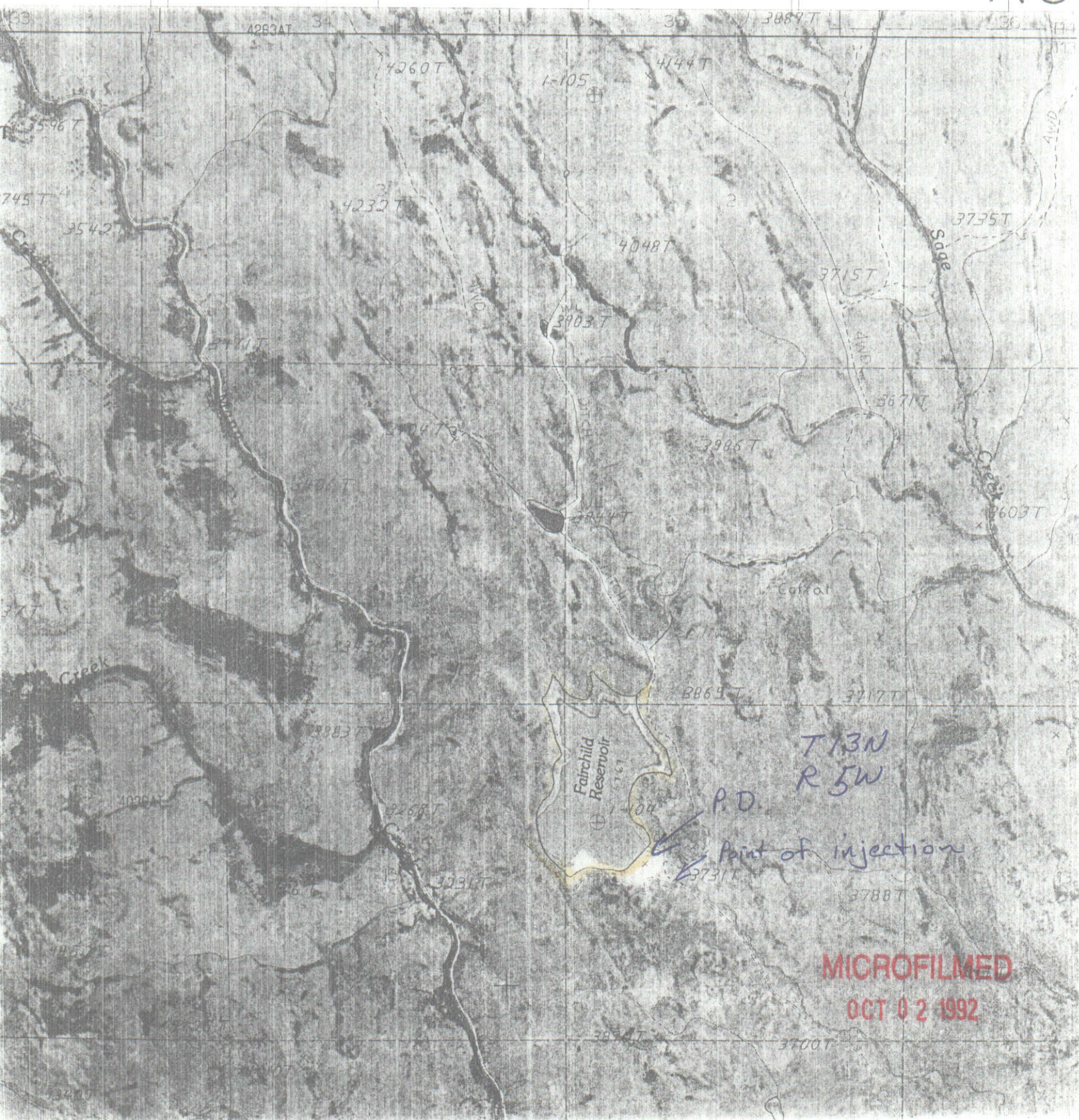


A67-02390

MANN CREEK NW OR
IDAHO

200 000 FEET

R5





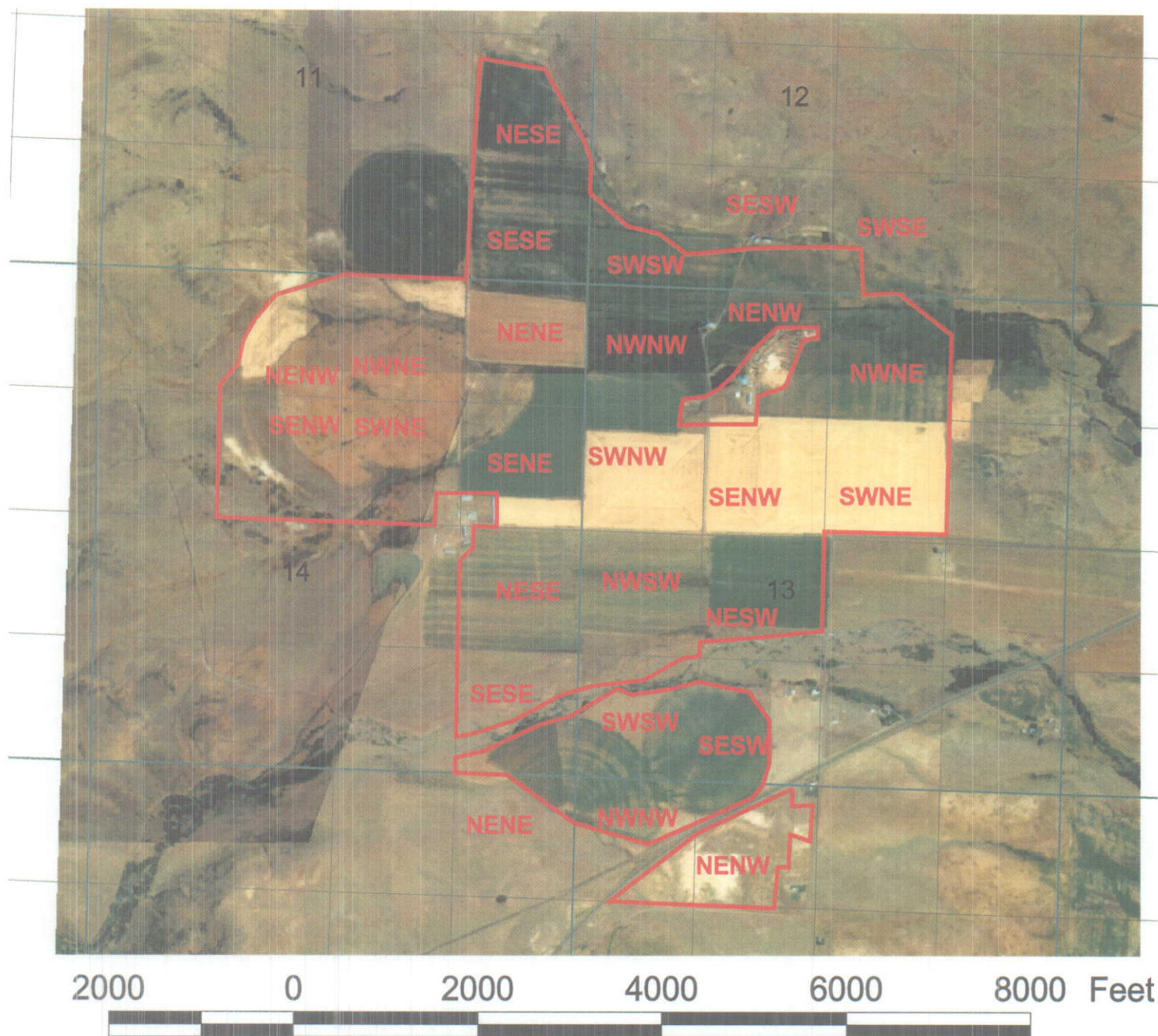
T 13N
R 4W

A67-02390

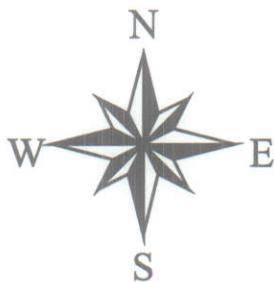
MICROFILMED
OCT 02 1992

Idaho Department of Water Resources

67-2390



**T13N, R04W, S11, S12, S13, S14,
S23 & S24**



Prepared by Anita L. Warntjes
February 6, 2004
1993/94 True Color Photo

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: A67-02390
Date Received: 10/18/1989
Receipt No: C012335
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: FAIRCHILD TREE TOP RANCH LTD 208-383-0000
Address: 914 HOUSTON RD
BOISE ID 83706

2. Date of Priority: FEB 10, 1967

3. Source: UNNAMED STREAM Trib. to: SAGE CREEK
SAGE CREEK WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	04W	23	NW	NE	NW	R	WASHINGTON
	05W	1	NW	NE	SW	I	WASHINGTON
			SE	NW	SW		WASHINGTON

5. Description of diverting works:
DITCH AND RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			4000.00
IRRIGATION FROM STORAGE	03/15	11/15			4000.00
STOCKWATER STORAGE	01/01	12/31			2.00
STOCKWATER FROM STORAGE	01/01	12/31			2.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 4000.00 A.F.A.

8. Total consumptive use is 2400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 200 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	04W	11	NE		SE		IRR FS	18.0
			SE		SE		IRR FS	40.0
							Section Acres	58.0
		12	SW		SW		IRR FS	21.0
			SE		SW		IRR FS	14.0
			SW		SE		IRR FS	3.0
							Section Acres	38.0
		13	NW		NE		IRR FS	38.0
			SW		NE		IRR FS	38.0
			NE		NW		IRR FS	30.0
			NW		NW		IRR FS	39.0
			SW		NW		IRR FS	40.0
			SE		NW		IRR FS	38.0
			NE		SW		IRR FS	35.0
			NW		SW		IRR FS	40.0
			SW		SW		IRR FS	36.0
			SE		SW		IRR FS	18.0
							Section Acres	352.0
		14	NE		NE		IRR FS	38.0
			NW		NE		IRR FS	39.0
			SW		NE		IRR FS	39.0
			SE		NE		IRR FS	35.0
			NE		NW		IRR FS	32.0
			SE		NW		IRR FS	35.0
			NE		SE		IRR FS	38.0
			SE		SE		IRR FS	36.0
							Section Acres	292.0
		23	NE		NE		IRR FS	7.0
							Section Acres	7.0
		24	NE		NW		IRR FS	29.0
			NW		NW		IRR FS	24.0
							Section Acres	53.0
							Total Acres	800.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
67-07732, 67-00639

14. Remarks:

UNNAMED STREAMS ABOVE THE RESERVIOR ARE DIVERTED TO FILL THE
RESERVOIR. THE WATER IS RELEASED INTO AN UNNAMED STREAM
TRIBUTARY TO SAGE CREEK. THE WATER IS THEN REDIVERTED FROM
SAGE CREEK.
ADDRESS CHANGED PER CLAIMANT REQUEST. DB 4/26/99.

15. Basis of Claim: PERMIT

Water Right Number: R1241

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 26 1999

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number(s): AL7-02302, -02390
-07005, -14107,
-00639

[] Claimant Name(s): ARTHUR A. FAIRCHILD
FAIRCHILD TREE TOP RANCH LTD

[] Old Mailing Address: RT1 BOX 87
MIDVALE ID 83645

[] New Mailing Address: 914 HOUSTON RD
BOISE ID 83706

Telephone Number: (208) 383 - 0000

[] Signature of Claimant(s): Arthur A. Fairchild by Marianne Redman
(POA)
Date: 4/23/99

GENERAL POWER OF ATTORNEY

RECEIVED

APR 26 1999

WATER RESOURCES
WESTERN REGION

KNOW ALL MEN BY THESE PRESENTS: That I, ARTHUR A. FAIRCHILD, of Middleton, State of Idaho, have made, constituted and appointed, and by these presents do make, constitute, and appoint MARIANNE WILLIAMS, of 914 Houston, Boise, County of Ada, State of Idaho, my true and lawful attorney for and my name, place and stead, and for my use and benefit, to ask, demand, sue for, recover, collect, and receive all such sums of money, debts, dues, accounts, legacies, bequests, interest, dividends, annuities, and demands whatsoever, as are now or shall hereafter become due, owing, payable, or belonging to me and have, use and take all lawful ways and means in my name, to make, seal, and deliver; to bargain, contract, agree for, purchase, receive, and take lands, tenements, hereditaments, and accept the seisin and possession of all lands, and all deeds and other assurances in the law therefor, and to lease, let, demise, bargain, sell, remise, release, convey, mortgage, and hypothecate lands, tenements, and hereditaments upon such terms and conditions, and under such covenants as she shall think fit. Also, to bargain and agree for, buy, sell, mortgage, hypothecate, and in any and every way and manner deal in and with goods, wares, and merchandise, choses in action, and other property in possession or in action, and to make, do, and transact all and every kind of business of what nature or kind soever, and also for me and in my name and as my act and deed to sign, seal, execute, deliver, and acknowledge such deeds, leases, and assignments of leases, covenants, indentures, agreements, mortgages, hypothecations, bills of lading, bills bonds, notes, receipts, evidences of debt, releases, and satisfaction of mortgages, judgments and other debts, and such other instruments in writing of whatever kind and nature as may be necessary or proper in the premises.

Giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present (with full power of substitution or revocation), hereby ratifying and confirming all that my said attorney (or her substitute or substitutes) shall lawfully do or cause to be done by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the
11 day of July, 1996.

Arthur A. Fairchild
Arthur A. Fairchild

Signed, sealed and delivered in the presence of:

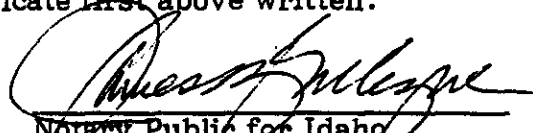
Kusan W. Dole (Seal)

____ (Seal)

STATE OF IDAHO)
County of Ada) ss.

On this 11 day of July, 1996, before me, the undersigned, a Notary Public in and for said state, personally appeared ARTHUR A. FAIRCHILD, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho
Residing at: Boise, Id
My commission expires: 4-1-2000

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: A67-02390
Date Received: 10/18/1989
Receipt No: C012335
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FAIRCHILD TREE TOP RANCH, LTD. 208-355-2248
Address: RT. 1, BOX 87
MIDVALE, ID 83645

2. Date of Priority: FEB 10, 1967

3. Source: UNNAMED STREAM Trib. to: SAGE CREEK
SAGE CREEK WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	04W	23	NW	NE	NW	R	WASHINGTON
	05W	1	NW	NE	SW	I	WASHINGTON
			SE	NW	SW		WASHINGTON

5. Description of diverting works:
DITCH AND RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			4000.00
IRRIGATION FROM STORAGE	03/15	11/15			4000.00
STOCKWATER STORAGE	01/01	12/31			2.00
STOCKWATER FROM STORAGE	01/01	12/31			2.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 4000.00 A.F.A.

8. Total consumptive use is 2400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 200 HEAD CATTLE

A67-02390

Page 1

Date: 10/18/89

MICROFILMED
OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	04W	11	NE	SE		IRR FS	18.0
			SE	SE		IRR FS	40.0
			Section Acres				58.0
		12	SW	SW		IRR FS	21.0
			SE	SW		IRR FS	14.0
			SW	SE		IRR FS	3.0
			Section Acres				38.0
		13	NW	NE		IRR FS	38.0
			SW	NE		IRR FS	38.0
			NE	NW		IRR FS	30.0
			NW	NW		IRR FS	39.0
			SW	NW		IRR FS	40.0
			SE	NW		IRR FS	38.0
			NE	SW		IRR FS	35.0
			NW	SW		IRR FS	40.0
			SW	SW		IRR FS	36.0
			SE	SW		IRR FS	18.0
			Section Acres				352.0
		14	NE	NE		IRR FS	38.0
			NW	NE		IRR FS	39.0
			SW	NE		IRR FS	39.0
			SE	NE		IRR FS	35.0
			NE	NW		IRR FS	32.0
			SE	NW		IRR FS	35.0
			NE	SE		IRR FS	38.0
			SE	SE		IRR FS	36.0
			Section Acres				292.0
		23	NE	NE		IRR FS	7.0
			Section Acres				7.0
		24	NE	NW		IRR FS	29.0
			NW	NW		IRR FS	24.0
			Section Acres				53.0
			Total Acres				800.0

11. Place of use in counties: WASHINGTON

A67-02390

Page 2

Date: 10/18/89

MICROFILMED
OCT 02 1992

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

13. Other Water Rights Used:
67-07732, 67-00639

14. Remarks:

UNNAMED STREAMS ABOVE THE RESERVIOR ARE DIVERTED TO FILL THE RESERVOIR. THE WATER IS RELEASED INTO AN UNNAMED STREAM TRIBUTARY TO SAGE CREEK. THE WATER IS THEN REDIVERTED FROM SAGE CREEK.

15. Basis of Claim: PERMIT
Water Right Number: R1241

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: - 2 -

For Organizations:

I do solemnly swear or affirm that I am Owner of
Title
Franklin Tree Top Ranch, that I have signed the foregoing
Organization
document in the space below as Owner of
Title
Franklin Tree Top Ranch and that the statements contained in the
Organization
foregoing document are true and correct.

Arthur R. Franklin
Signature of Authorized Agent

Owner
Title and Organization

Oct 18, 1989
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18th day

of October 19 89

Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

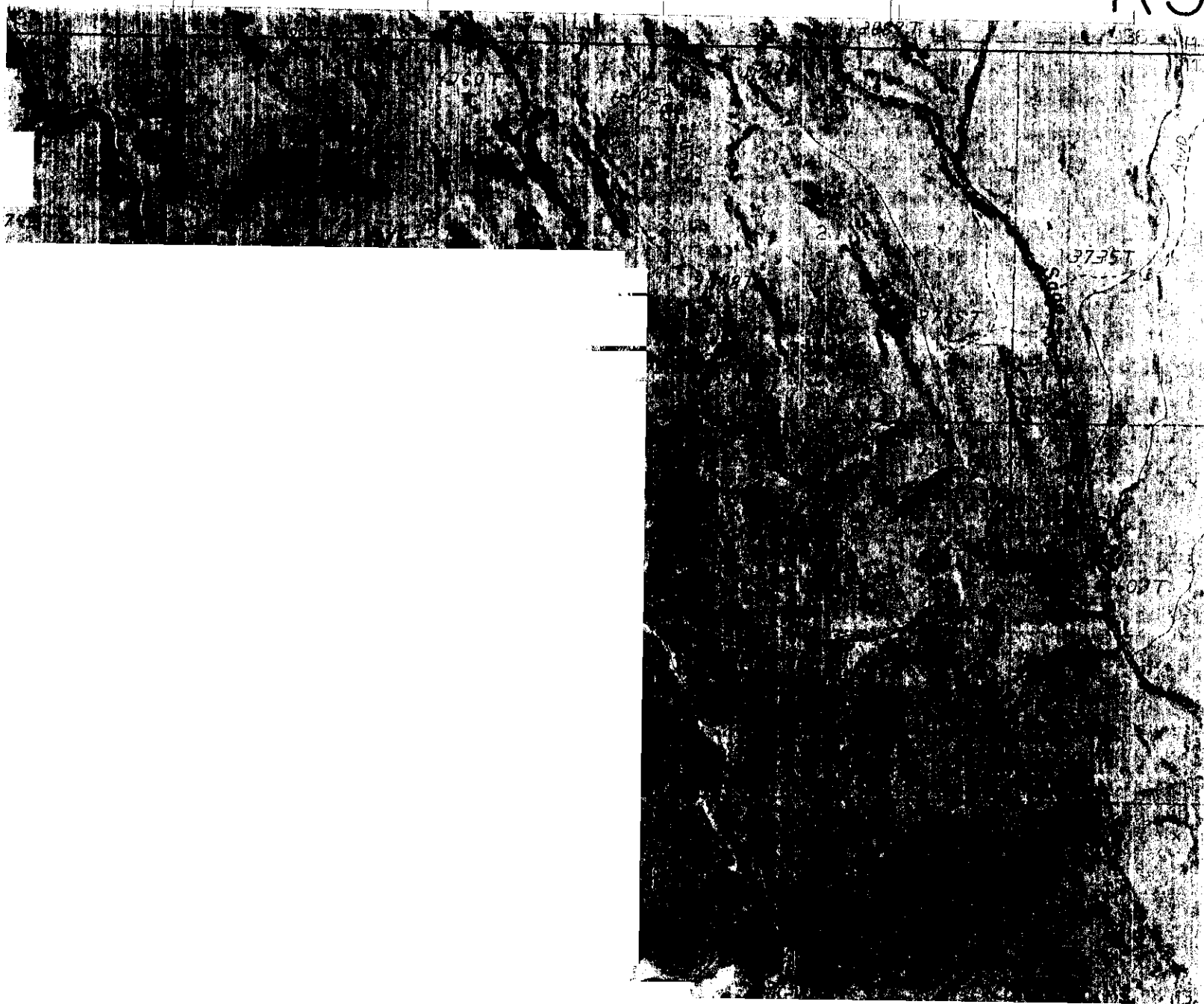
Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

A67-02390

MANN CREEK NW OR
IDAHO

200 000 FEET

R5



TX-4 VV TX-5 VV

44°30'



1 030 000
FEET

T 13N
R 4W

A67-02390

FILMED
1992

CLAIMANT'S NAME: Fairchild Tree Top Ranch, Ltd. DATE: 10-18-89

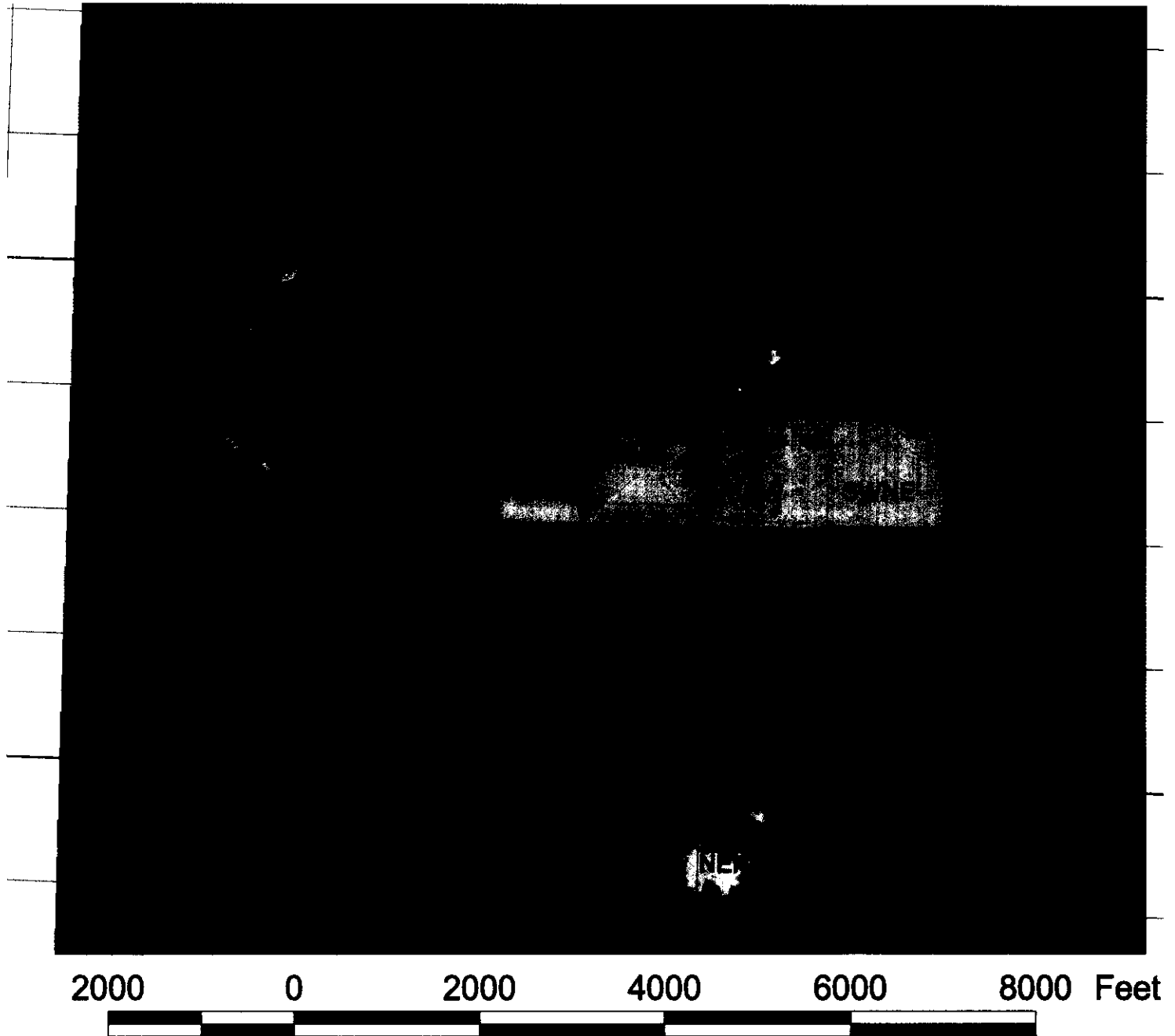
EMPLOYEE: Carter Fritschle

RE: It appears that additional points of diversion and points of injection will be required to fully describe this water right. Mr. Fairchild was not feeling well at the time of filing the claim. Therefore, the location of the dam was used for the P.D.

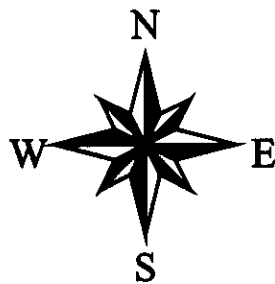
MICROFILMED
OCT 02 1992

Idaho Department of Water Resources

67-2390



**T13N, R04W, S11, S12, S13, S14,
S23 & S24**



**Prepared by Anita L. Warntjes
February 6, 2004
1993/94 True Color Photo**



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

April 26, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Re: Notice of Claim to a Water Right No. A67-02302, A67-02390,
A67-07005, A67-14107 and A67-00639

Arthur A Fairchild
Fairchild Tree Top Ranch LTD
914 Houston Rd
Boise ID 83706

Dear Mr. Fairchild:

Enclosed is a copy of the above referenced claim which reflects your change in address.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington". The signature is written in dark ink and is positioned above the typed name and title.

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:db

Enclosure



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Lower Snake River District
Boise Field Office
3948 Development Avenue
Boise, Idaho 83705-5389

RECEIVED

JUN 09 1997

WATER RESOURCES
WESTERN REGION

In Reply Refer To:

7250

JUN 6 1997

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Greetings:

Re: BLM Claims #6701480761 and #6701480710

It has come to my attention that the water right adjudication claim #A67-02390 for Arthur Fairchild may injure BLM water right claims #6701480761 and #6701480710. The diversion dams which Mr. Fairchild has constructed in T. 14 N., R. 5 W., Section 27 and T. 13 N., R. 5 W., Section 3 do not appear to allow for any water to bypass the diversions and thus do not allow water to provide for the above referenced BLM water right claims.

I hereby request that should Mr. Fairchild's water right claim # A67-02390 be approved, that it be conditioned upon the fact that the diversions must be constructed/reconstructed to allow the water to flow back into the stream after his right is satisfied and to satisfy the BLM's water rights.

If you have any questions, please call Jon Haupt at 384-3371.

Sincerely,

John E. Fend
Cascade Area Manager



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 5-2-97

TO: Effie
Blm

FROM: IDWR
Western

DOCUMENT DESCRIPTION: WR # 67-02390 - profile report &
adjudication claim

TOTAL PAGES SENT: 7 + COVER SHEET

CONTACT: Aue

WR5809NP
No. 67-02390

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/02/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ARTHUR A. FAIRCHILD RT. 1 BOX 87 MIDVALE ID 83645	02/10/1967	IRRIGATION STOCKWATER	00/00 00/00 00/00 00/00		4000.00 AFA
TOTAL DIVERSION:						4000.00 AFA

Water Source: UNNAMED STREAM
SAGE CREEK

Tributary to: SAGE CREEK
WEISER RIVER

Stage: PERMIT

Point(s) of Diversion: T13N R05W S01

NWSW

WASHINGTON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																
				NENE	NUNE	SNNE	SENE					NENW	NUNW	SNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
13N	04W	11	:																	40	40	40	40	:	40	40	40	40	:	320.0		
13N	04W	12	:																	40	40	40	40	:	40	40	40	40	:	320.0		
13N	04W	13	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:					:	480.0			
13N	04W	14	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0			
13N	04W	23	:	40	40	40	40	:	40	40	40	40	:					:					:					:	320.0			
13N	04W	24	:					:	40	40	40	40	:					:					:					:	160.0			
14N	03W	25	:					:		40	40		:					:		40			:					:	120.0			
14N	03W	26	:			40	40	:					:					:					:	40	40	40	40	:	240.0			
14N	03W	34	:	40			40	:					:					:					:					:	80.0			
14N	03W	35	:	40	40	40	40	:	40	40	40	40	:		40			:	40	40			:	40	40		40	:	480.0			
																														TOTAL ACRES	3160.0	

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

Pou County: WASHINGTON

Other Water Rights Listing Overlapping Place(s) of use:

67-00638	67-00639	67-00644	67-00645	67-00646	67-00647	67-00648	67-00649	67-00650	67-00651
67-00652	67-00653	67-02025	67-02046	67-02080	67-02224	67-02253	67-02302	67-07793	

Remarks: WATER FOR LAND IN 14 N., R3W., B.M. WILL BE DIVERTED FROM THE
NEED TO DEVELOP THE REMAINING ACRES AND FINANCIAL REASONS.

Dates: App. Received: Priority Date: 02/10/1967
Proof Due Date: 06/01/1983 Proof Made Date: 01/01/1900
Exam Made Date: 09/23/1992 Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 67 Field Exam Fee: R (Received)

Audit: 06/03/85 05/01/88 CONVERT 06/28/88 GARRETT 12/07/92 GARRETT

* IN process of
being licensed so
final product may
be different
-JC