

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 37-863E
Date Received: 1/10/2007
Receipt No:
Received By:

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

1. Name of Claimant(s)

EAGLE CREEK IRRIGATION CO
C/O EVERETT DAVIS
PO BOX 1965
SUN VALLEY ID USA 83353

Phone:

2. Date of Priority: 10/06/1902

3. Source: EAGLE CREEK , EAGLE CREEK , EAGLE CREEK , EAGLE CREEK , EAGLE CREEK ,
EAGLE CREEK , EAGLE CREEK , EAGLE CREEK , EAGLE CREEK , EAGLE CREEK , EAGLE CREEK
Trib. to: BIG WOOD RIVER , BIG WOOD RIVER , BIG WOOD RIVER , BIG WOOD RIVER , BIG
WOOD RIVER , BIG WOOD RIVER , BIG WOOD RIVER , BIG WOOD RIVER , BIG WOOD RIVER , BIG
WOOD RIVER , BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
05N	17E	14	NE	NE		BLAINE	
05N	17E	14	SW	NE		BLAINE	
05N	17E	14	SW	NE		BLAINE	
05N	17E	14	SW	NE		BLAINE	
05N	17E	14	SW	NE		BLAINE	
05N	17E	14	SW	NE		BLAINE	
05N	17E	14	SW	NE		BLAINE	
05N	17E	14	NW	SW		BLAINE	
05N	17E	14	NW	SW		BLAINE	
05N	17E	13	NW	NW		BLAINE	
05N	17E	14	NE	NE		BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S.
04/15 10/15 4.56

(or) A.F.A

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
05N	17E	14	NE	NE		IRRIGATION	15.4
			NW	NE		IRRIGATION	1
			SW	NE		IRRIGATION	14.5
			SE	NW		IRRIGATION	0.6
			NE	SW		IRRIGATION	24
			NW	SW		IRRIGATION	8.7
			SW	SW		IRRIGATION	8.9
			SE	SW		IRRIGATION	31.4
			NW	SE		IRRIGATION	6.6
					Section Acres	111.1	
05N	17E	23	NE	NW		IRRIGATION	16.2
			NW	NE		IRRIGATION	12.5
			SW	NE		IRRIGATION	4.1
						Section Acres	32.8
					Total Acres	143.9	

11. Place of use in counties: BLAINE

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

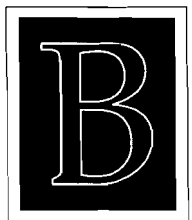
13. Other Water Rights Used:

14. Remarks:

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

1/10/07 - Amended claim to add acreage to POU.

15. Basis of Claim: Decreed



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
DEC 19 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED
DEC 22 2006
DEPARTMENT OF
WATER RESOURCES

December 18, 2006

Doug Jones
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Subject: Amendment to Claim 37-863E Eagle Creek Irrigation Co.

Dear Doug:

The Eagle Creek Irrigation Co. filed an SRBA claim for lands irrigated under water right 37-863E in 1988, and was amended in 2002. However, in 2002 the amended claim did not include the land that is irrigated by Eagle Creek Irrigation Co. shares and held by Robert G. Stevens. Mr. Stevens owns 14 shares of the Eagle Creek Irrigation Co. This land has historically been serviced by the Eagle Creek Irrigation Co. irrigation system and should be included under water right 37-863E. The claim was based on the original decreed water right under the Winslow Decree with a priority date of October 6, 1902 for 4.6 cfs. Lands irrigated were contained in Homestead Entry Surveys HES 129 and 329 and the original SRBA claim listed some 207 irrigated acres.

This letter is to provide information and data for an amendment to the SRBA claim for 37-863E. The name and address of the owner should be:

Eagle Creek Irrigation Company
c/o Everett Davis, President
P.O. Box 1965
Sun Valley, ID 83353

Based on an aerial photo analysis, the irrigated area in each 40 acre tract should be amended as per Table 1.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Table 1 Irrigated Acres, Eagle Creek Irrigation Company,

40-Acre Quarter	Section	Township and Range	Acres
NENE	14	5N, 17E	15.45
SWNE	14	5N, 17E	14.44
SENE	14	5N, 17E	0.55
NWNE	14	5N, 17E	0.93
NESW	14	5N, 17E	24.95
NWSW	14	5N, 17E	8.51
NWSE	14	5N, 17E	6.74
SESW	14	5N, 17E	31.36
SWSW	14	5N, 17E	9.24
NWNE	23	5N, 17E	12.47
SWNE	23	5N, 17E	4.07
NENW	23	5N, 17E	16.17
Total			143.88

The attached Figure for the amended claim shows the locations of the irrigated areas per 40 acre tract.

The points of diversions listed for the claim will not change per this amendment. There are eleven (11) diversions from Eagle Creek serving various lots within the Eagle Creek Irrigation Company service area and are listed in Table 2. The Main Ditch (EC-1) continues downstream and services the said property.

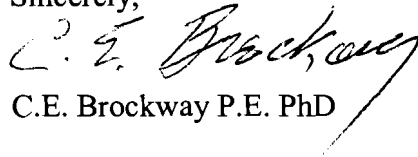
Table 2, Diversion Locations –Eagle Creek Irrigation Company

Number	Location	Local Name
EC-1	NWNW Sec 13	Main Ditch
EC-2	NENE Sec 14	Enright
EC-3	NENE Sec 14	Haller
EC-4	SWNE Sec 14	Saddler
EC-5	SWNE Sec 14	Funk-Reile
EC-6	SWNE Sec 14	Denker
EC-7	SWNE Sec 14	Colee
EC-8	SWNE Sec 14	Davis
EC-9	SWNE Sec 14	Lund
EC-10	NWSW Sec 14	Miller
EC-11	NWSW Sec 14	West or lower ditch

The Main Ditch and West Ditch serve a majority of the service area and are controlled by the Eagle Creek Irrigation Company. Measuring devices (Parshall flumes) are installed at the head of each ditch.

I believe the above information is sufficient to amend the SRBA claim for this water right. Our client wishes that this amendment be processed as soon as possible. If you or any other agent has any questions regarding the enclosed amended claim or its attached documents, please feel free to give our office a call.

Sincerely,

A handwritten signature in cursive script, appearing to read "C.E. Brockway".

C.E. Brockway P.E. PhD

Cc: Everett Davis
James Speck
Robert Stevens
Erin Ritelle IDWR

Enclosure: Amended Claim 37-863E
Shp. File Claim 37-863E

RECEIVED

Form No. 42-1409 (2) a 1/88

Amended Claim 37-863E

DEC 19 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

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

Please type or print clearly

1. Name of Claimant (s) Eagle Creek Irrigation Company Phone _____

Mailing Address P.O. Box 1965, Sun Valley, ID Zip 83353

2. Date of Priority (Only one (1) per claim) 10/06/1902

3. Source of water supply (a) Eagle Creek

which is tributary to (b) Big Wood River

4. a. Location of existing point of diversion is: Township 05N Range 17E Section 11

SE 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Blaine

Additional points of diversion if any: Multiple diversions - see attached tables

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. The original Winslow decree treats the waters of Eagle Creek as a dry stream, i.e., a separate stream which is not tributary to the Big Wood River. Eagle Creek has multiple diversions which are noted on the attached list. In addition, there are eight irrigation storage ponds.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/15 to 10/15 amount 4.56 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and / or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; described fully (e.g. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for together purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
05N	17E	14	15.4	1	14.5					0.6	24	8.7	8.9	31.4		6.6			111.1
05N	17E	23		12.5	4.1		16.2												32.8

Total number of acres irrigated 143.911. In which county (ies) are lands listed above as place of use located? Blaine12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Claims 37-863(A-D), 37-7871, 37-21427, and 37-21428 are also claimed within the described POU Or None ☐

14. Remarks:

The property is owned by the shareholders of Eagle Creek Irrigation Company.

Last Name _____ Ident. No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
 Decree ☒ _____
 If applicable provide IDWR Water Right Number 37-863E
 Court _____ Case Number _____ Decree Date 8/22/1923
 Plaintiff vs 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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
 _____ Date _____

For Organizations: I do solemnly swear or affirm that I am President (see attached) the attorney of record
 Title _____

Of Eagle Creek Irrigation Company _____, that I have signed the foregoing
 Organization _____
 Document in the space below as President such attorney of Eagle Creek Irrigation Company
 Title _____ Organization _____

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent J.P. Speck
 Title and Organization attorney for Eagle Creek Irrigation Co. Date 12/18/06

State of Idaho for _____)
 County of Blaine) SS.

Subscribed and sworn to (affirmed) before me this 18th day of December, 2006
 Notary Public Jeannette Farner
 Residing at Blaine Idaho
 My Commission Expires 05/05/09



Please Print Name

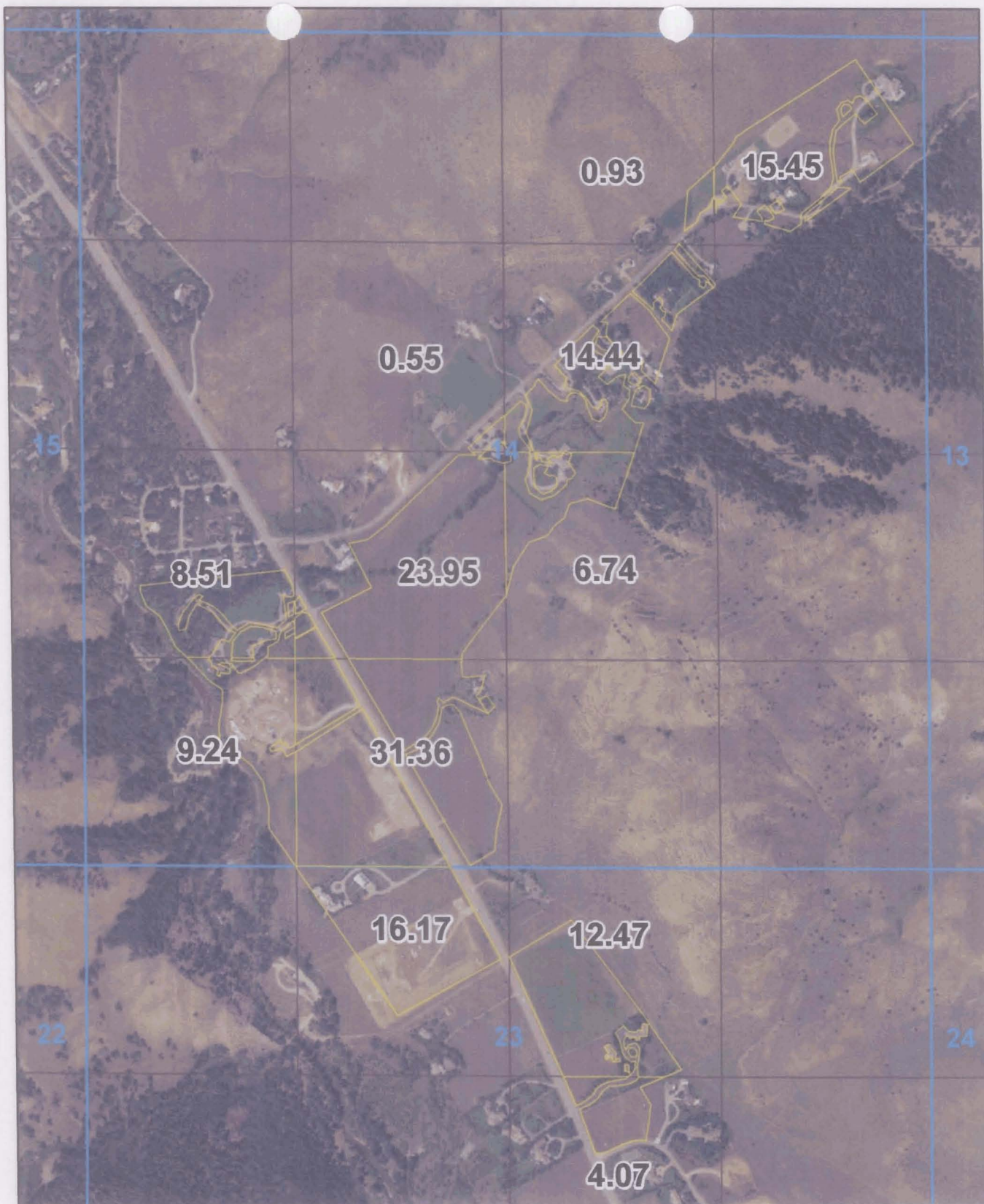
17. Notice of Approval
 Notice is hereby given that I, _____ will be acting as attorney at law on behalf
 Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing
 above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____



Eage Creek Irrigation Company
NAIP 2004 Aerial Photo

DEC 19 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGIONIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

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

Please type or print clearly

1. Name of Claimant (s) Eagle Creek Irrigation Company Phone _____Mailing Address P.O. Box 1965, Sun Valley, ID Zip 833532. Date of Priority (Only one (1) per claim) 10/06/19023. Source of water supply (a) Eagle Creekwhich is tributary to (b) Big Wood River4. a. Location of existing point of diversion is: Township 05N Range 17E Section 14,
SE 1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of BlaineAdditional points of diversion if any: Multiple diversions - see attached tables

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. The original Winslow decree treats the waters of Eagle Creek as a dry stream, i.e., a separate stream which is not tributary to the Big Wood River. Eagle Creek has multiple diversions which are noted on the attached list. In addition, there are eight irrigation storage ponds.
- _____
- _____
- _____

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/15 to 10/15 amount 4.56 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and / or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; described fully (e.g. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
05N	17E	14	15.4	1	14.5					0.6	24	8.7	8.9	31.4		6.6			111.1
05N	17E	23		12.5	4.1		16.2												32.8

Total number of acres irrigated 143.9

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Claims 37-863(A-D), 37-7871, 37-21427, and 37-21428 are also claimed within the described POU Or None ☐

14. Remarks:

The property is owned by the shareholders of Eagle Creek Irrigation Company.

Last Name _____ Ident. No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree x
If applicable provide IDWR Water Right Number 37-863E
Court _____ Case Number _____ Decree Date 8/22/1923
Plaintiff vs 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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President (see attached) _____

_____ Title
Of Eagle Creek Irrigation Company , that I have signed the foregoing
_____ Organization
Document in the space below as President of Eagle Creek Irrigation Company
_____ Title _____ Organization

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho / or _____)
_____) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20_____

SEAL

Notary Public _____
Residing at _____
My Commission Expires _____

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing
above should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

Last Name _____ Ident. Number _____

Idaho Department of Water Resources Receipt

Receipt ID S029131

Payment Amount	\$33.20	Date Received	12/19/06 1:12:08 PM	Region	Southern	Status	
Payment Type	Check	Check Number	6775				

Payer BROCKWAY ENGINEERING, PLLC**Comment** AMENDMENT TO CLAIM 37-863E EAGLE CREEK IRRIGATION CO.

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$33.20	ADJUDICATION FILING FEE	0337		44503	1155

Signature Line (Dept. Representative)

Modified
12/19/06
m. Baldwin

Idaho Department of Water Resources Receipt

Receipt ID S029131

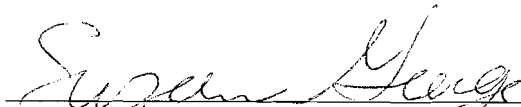
Payment Amount \$33.20 Date Received 12/19/2006 1:12:08 PM Region Southern Status
Payment Type Check Check Number 6775

Payer BROCKWAY ENGINEERING, PLLC

Comment AMENDMENT TO CLAIM 37-863E EAGLE CREEK IRRIGATION CO.

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$33.20	AMENDMENTS	0229	21	64106	1155


Signature Line (Dept. Representative)

Modified
12/19/06
M. Baldwin

RECEIVED

DEC 11 2006

SPECK & AANESTAD

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, Idaho 83340
Telephone: (208) 726-4421
Facsimile: (208) 726-0752
Email: jim@speckandaanestad.com

RECEIVED

DEC 2 2006

DEPARTMENT OF
WATER RESOURCES

Attorneys for Eagle Creek Irrigation Company

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

In Re SRBA

Case No. 39576

NOTICE OF SUBSTITUTION
OF COUNSEL

TO: CLERK OF THE COURT AND ALL PARTIES

YOU ARE HEREBY NOTIFIED that Eagle Creek Irrigation Company has substituted James P. Speck, of the law firm of Speck & Aanestad, A Professional Corporation, as attorney of record in the place and stead of Gary D. Slette of the law firm Robertson & Slette with respect to its Notices of Claim 37-863E and 37-863F.

YOU ARE FURTHER NOTIFIED that all papers and documents in said action are to be served on James P. Speck.

DATED this 5th day of December, 2006.

SPECK & AANESTAD
A Professional Corporation

By

James P. Speck

*Change made
12-29-06
js*

NOTICE OF SUBSTITUTION OF COUNSEL - 1

SCANNED

DEC 21 2006

CONSENT

I, Gary D. Slette of the law firm Robertson & Slette do hereby consent to the substitution of James P. Speck, of the law firm of Speck & Aanestad, A Professional Corporation, as attorney of record for Eagle Creek Irrigation Company in the above-entitled action.

DATED this 7 day of December, 2006.

ROBERTSON & SLETTE

By


Gary D. Slette

CERTIFICATE OF SERVICE

I hereby certify that on the 7 day of December, 2006, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

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

- ☐ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

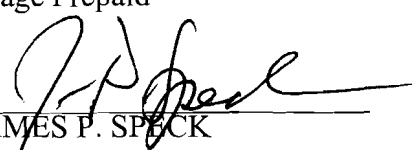
- ☐ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

Gary D. Slette
Robertson & Slette
P.O. Box 1906
Twin Falls, ID 83303-1906

- ☐ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

RECEIVED

DEC 21 2006

DEPARTMENT OF
WATER RESOURCES

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

December 12, 2006

Mr. David Tuthill
Idaho Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

Re: *Notices of Claim No. 37-315C; 37-713D; 37-863E and 37-863F;*
Notices of Substitution of Counsel

Dear Dave:

Enclosed for filing please find two Notices of Substitution for the above Claims. I have also enclosed a copy of each. Please arrange to have the copies receipt date-stamped and returned to my office in the postage prepaid, self-addressed envelope provided for that purpose.

If you have any questions or comments please do not hesitate to contact my office. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

JPS/jef

Enclosures

cc: Ralph and Kandi Giton (w/encl.)
 Eagle Creek Irrigation Co. (w/encl.)

SCANNED

DEC 21 2006

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
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Ident. Number 37-863E
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ACQUIRED UNDER STATE LAW

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EAGLE CREEK IRRIGATION CO Phone:
C/O EVERETT DAVIS
PO BOX 1965
SUN VALLEY ID 83353

2. Date of Priority: 10/06/1902

3. Source: EAGLE CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
05N	17E	14	NE	NE		BLAINE	
05N	17E	14	SW	NE		BLAINE	
05N	17E	14	SW	NE		BLAINE	
05N	17E	14	SW	NE		BLAINE	
05N	17E	14	SW	NE		BLAINE	
05N	17E	14	SW	NE		BLAINE	
05N	17E	14	NW	SW		BLAINE	
05N	17E	14	NW	SW		BLAINE	
05N	17E	13	NW	NW		BLAINE	
05N	17E	14	NE	NE		BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	4.56	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
05N	17E	14	NE	NE		IRRIGATION	15.4
			NW	NE		IRRIGATION	1
			SW	NE		IRRIGATION	14.5
			SE	NW		IRRIGATION	0.6
			NE	SW		IRRIGATION	24
			NW	SW		IRRIGATION	8.7
			SW	SW		IRRIGATION	8.9
			SE	SW		IRRIGATION	31.4
			NW	SE		IRRIGATION	6.6
					Section Acres	111.1	
05N	17E	23	NE	NW		IRRIGATION	16.2
						Section Acres	16.2
						Total Acres	127.3

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Decreed

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-863
Date Received: 12/1/1988
Receipt No: C005342
Received By:

AMENDED

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

1. Name of Claimant(s)

EAGLE CREEK IRRIGATION COMPANY Phone:

C/O EVERETT DAVIS
PO BOX 1965
SUN VALLEY ID USA 83353

*POD in ArchView
SDE
POD's are not
located in SDE*

2. Date of Priority: 10/06/1902

3. Source: EAGLE CREEK

Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	17E	14	NE NE	BLAINE	
05N	17E	13	NW NW	BLAINE	
05N	17E	14	NE NE	BLAINE	
05N	17E	14	SW NE	BLAINE	
05N	17E	14	SW NE	BLAINE	
05N	17E	14	SW NE	BLAINE	
05N	17E	14	SW NE	BLAINE	
05N	17E	14	SW NE	BLAINE	
05N	17E	14	NW SW	BLAINE	
05N	17E	14	NW SW	BLAINE	

5. Description of diverting works:

CHECK IN STREAM TO EARTH DITCH. 6/26/02: MULTIPLE DIVERSIONS ALONG STREAM FOR IRRIGATION USE. IN ADDITION, THERE ARE EIGHT IRRIGATION STORAGE PONDS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	4.6	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	17E	14	NE	NE	IRRIGATION	15.4
			NW	NE	IRRIGATION	1
			SW	NE	IRRIGATION	14.5
			NE	SW	IRRIGATION	24
			NW	SW	IRRIGATION	8.7
			SW	SW	IRRIGATION	8.9
			SE	SW	IRRIGATION	31.4
			NW	SE	IRRIGATION	6.6
			SE	NW	IRRIGATION	0.6
				Section Acres	111.1	
05N	17E	23	NE	NW	IRRIGATION	18.2
					Section Acres	18.2
					Total Acres	129.3

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

6/26/02, DJ: CLAIM AMENDED WITH INFORMATION PROVIDED BY CONSULTANT, BROCKWAY, AND SIGNED BY PRESIDENT OF EAGLE CREEK IRRIGATION. THE PROPERTY IS OWNED BY SHAREHOLDERS OF COMPANY.

ORIGINAL DECREE FOR 4.6 CFS WITHIN HES 129 & 329. DECREE TREATS THE WATERS OF EAGLE CREEK AS A SEPARATE STREAM AND NOT A TRIBUTARY TO BIG WOOD RIVER.

15. Basis of Claim: Decreed

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

32-863

Date Received

Receipt Number

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

RECEIVED
JUN 19 2002
Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) Eagle Creek Irrigation Company Phone _____

Mailing Address _____ Zip _____

2. Date of Priority (Only one (1) per claim) 10/06/1902

3. Source of water supply (a) Eagle Creek

which is tributary to (b) Big Wood River

4. a. Location of existing point of diversion is: Township 05N Range 17E Section 14,
SE 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Blaine

Additional points of diversion if any: Multiple diversions - see attached tables

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. The original Winslow decree treats the waters of Eagle Creek as a dry stream, i.e., a separate stream which is not tributary to the Big Wood River. Eagle Creek has multiple diversions which are noted on the attached list. In addition, there are eight irrigation storage ponds.

COPY

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/15 to 10/15 amount 4.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and / or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; described fully (e.g. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for together purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
05N	17E	14	15.4	1	14.5				0.6		24	8.7	8.9	31.4		6.6			111.1
		23					18.2												18.2

Total number of acres irrigated 129.3

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes _____ No x
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

_____ Or None ☒

14. Remarks:

The property is owned by the shareholders of Eagle Creek Irrigation Company.

Last Name _____

Ident. No. _____

COPY

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree x _____
If applicable provide IDWR Water Right Number 37-00863
Court _____ Case Number _____ Decree Date 8/22/1923
Plaintiff vs 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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear of affirm that I am President

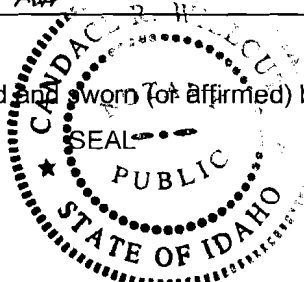
_____ Title
Of Eagle Creek Irrigation Company, that I have signed the foregoing
_____ Organization
Document in the space below as President of Eagle Creek Irrigation Company
_____ Title _____ Organization

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Ervett Davis Pres.
Title and Organization Eagle Creek Irrigation Co. Date 6-18-02

State of Idaho / or _____)
County of Ada) SS.
_____)

Subscribed and sworn (or affirmed) before me this 18th day of June, 20 02
Notary Public C. K. White
Residing at Nampa, ID
My Commission Expires 8-25-06



Please Print Name

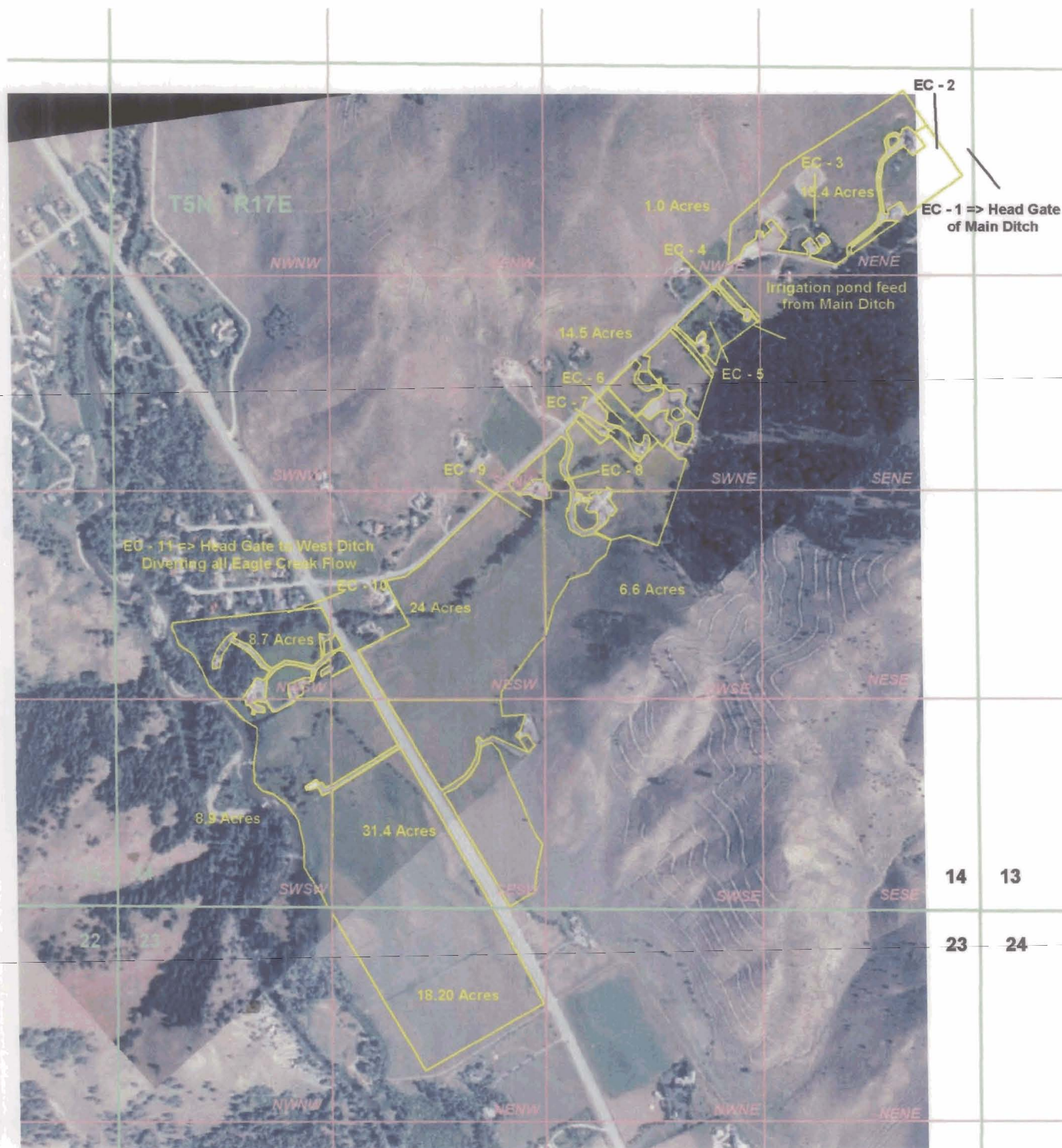
17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing
above should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

Last Name _____ Ident. Number _____

COPY

**Eagle Creek Irrigation Company - Section 14 and 23, T5N, R17E
Amended Irrigation Claim - Place of Use, Acreage and Points of Diversions
Figure One**



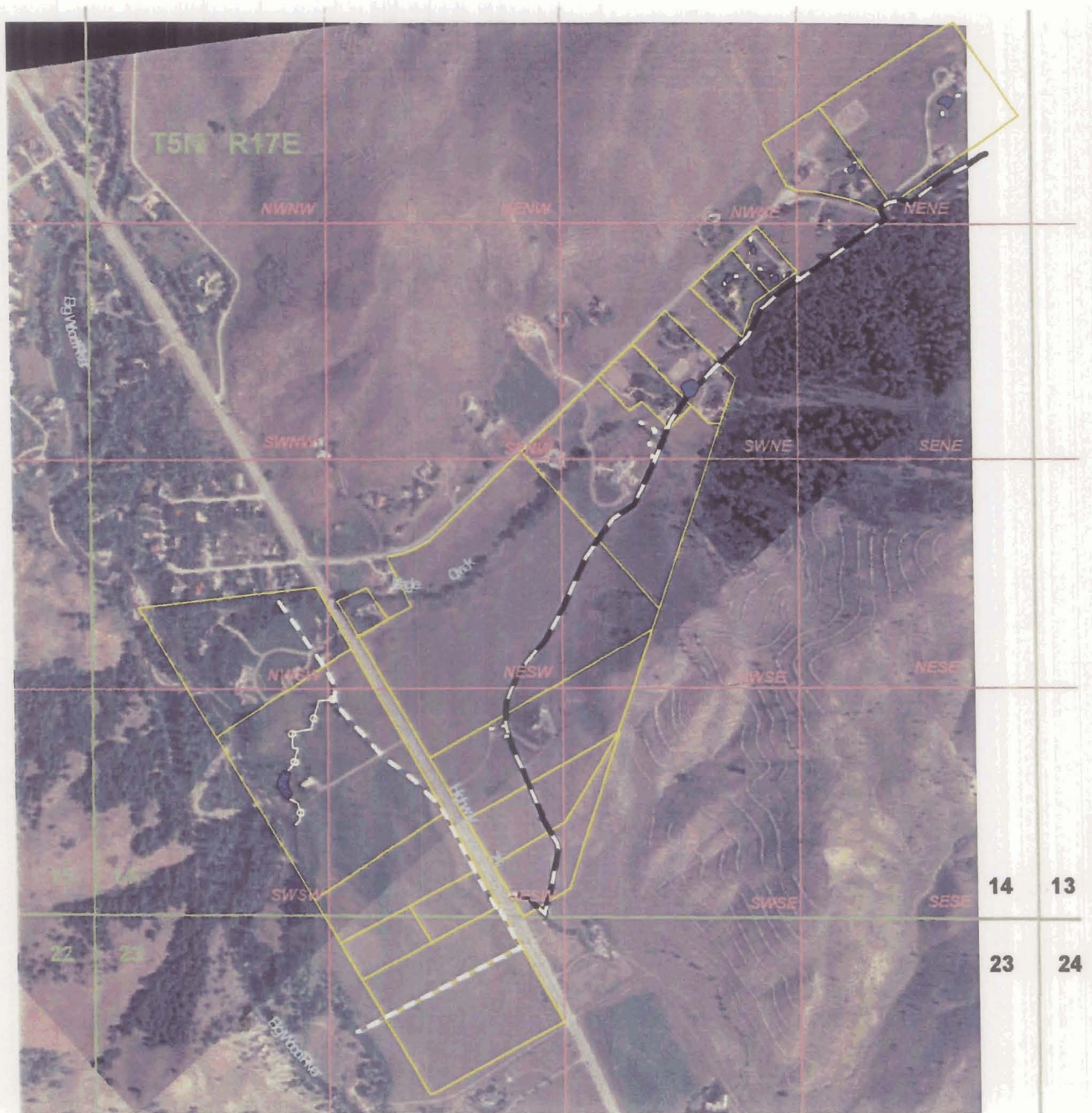
SCALE 1:11,000
One inch = 900 feet



NOTE: Points of diversion noted along Eagle Creek (EC)



**Eagle Creek Irrigation Company - Section 14 and 23, T5N, R17E
Present Ditch Diversion System
Figure Two**



SCALE 1:10,000
One Inch = 900 feet

1000 0 1000 Feet



Ponds

- Pickrell Ditch
- Main Ditch
- West Ditch
- Present Property Lines
- Diversions by ECIC Members

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 NUMBER: 39576

Ident. Number: A37-00863

Date Received: 12/ 1/1988

Receipt No: C005342

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EAGLE CREEK IRRIGATION COMPANY
Address: C/O JEFF MEREDITH, SECRETARY
P. O. BOX 3539
KETCHUM, ID 83340

2. Date of Priority: OCT 6, 1902

3. Source: EAGLE CREEK Trib. to: BIG WOOD RIVER
See Remarks

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	17E	14	SE	NW	SW		BLAINE

5. Description of diverting works:
CHECK IN STREAM TO EARTH DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or) A.F.A.
IRRIGATION	04/15	10/15	4.600

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
27 LOTS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	17E	14	NW	NE		IRR	17.0
			SW	NE		IRR	3.0
			SE	NW		IRR	30.0

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Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
05N	17E	14	NE	SW		IRR	25.0
			NW	SW		IRR	30.0
			SW	SW		IRR	25.0
			SE	SW		IRR	20.0
					Section Acres		150.0
		23	SW	NE		IRR	25.0
			NE	NW		IRR	20.0
			NW	NW		IRR	5.0
			SE	NW		IRR	5.0
			NW	SE		IRR	2.0
					Section Acres		57.0
					Total Acres		207.0

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

14. Remarks:
ORIGINAL DECREE FOR 4.6 CFS & 230 ACRES. CLAIMANT DEEDED 90%
FOR 24 LOTS WITH HES 129 & 329. DECREE TREATS THE WATERS OF
EAGLE CREEK AS A SEPARATE STREAM AND NOT A TRIBUTARY TO BIG
WOOD RIVER.

Case Number:

Court : FOURTH JUDICIAL DISTRICT, BLAINE COUNTY

Decree date: 08/22/23

WINSLOW CHAPMAN
Decree Plaintiff vs. Decree Defendant

(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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

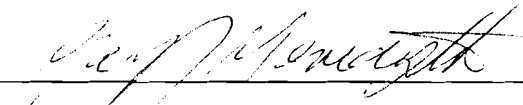
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Number of attachments: 6

For Organizations:

I do solemnly swear or affirm that I am the Secretary of **EAGLE CREEK IRRIGATION COMPANY**, that I have signed the foregoing document in the space below as Secretary of **EAGLE CREEK IRRIGATION COMPANY** and that the statements contained in the foregoing document are true and correct.

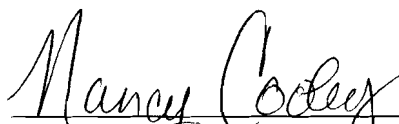
Signature of Authorized Agent: 

Title and Organization: Secretary, Eagle Creek Irrigation Company

Date: 5/21/93

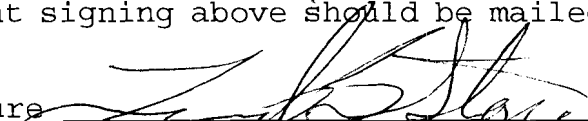
State of Idaho,)
County of Blaine) ss.

Subscribed and sworn (or affirmed) before me this 21st day of May, 1993.


Notary Public
Residing at Hailey, ID
My Commission Expires 7-24-97

17. Notice of Appearance:

Notice is hereby given that I, **LAIRD B. STONE** will be acting as attorney at law on behalf of the claimant signing above and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature 
LAIRD B. STONE

Address: P. O. Box 83
Twin Falls, ID 83303-0083

Date: MAY 27, 1993

f:\docs\lbs\1449noc.005

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OCT 24 1994

said plaintiff's use of said waters does not and has not interfered with the use of the said water of said Big Wood River by other appropriators therefrom.

That this plaintiff and his grantors and predecessors in interest have for more than nineteen years immediately preceding the commencement of this action, with the exception of the years 1919, 1920, and 1921, (during which years the said water master or his predecessor in office attempted to regulate the flow of the waters of Eagle Creek) continuously during the irrigation season of each and every year, diverted said 4.6 second feet of the waters of said Eagle Creek, and carried the same through his ditches and appropriated all of the said water to and upon the said lands of plaintiff, and used the same for the irrigation thereof; that during the irrigation season, the said 4.6 second feet is an amount equal to and in excess of the amount of water flowing in said Eagle Creek; and plaintiff has used the same as aforesaid for the irrigation of said land openly, exclusively, notoriously, uninterruptedly, and under a claim of right so to do, and has excluded all of the appropriators of Big Wood River and every other person from the use of any part of the flow of said Eagle Creek during the irrigation season of each and every year, except when there was water in said Eagle Creek in a greater amount than could be beneficially used by plaintiff and his predecessors in interest; and that during all of said time, the other users of Big Wood River had full knowledge of such diversion and use of said water by plaintiff; that by reason thereof, plaintiff has acquired a right to the use of said 4.6 second feet of the water of said Eagle Creek by prescription, adverse use and enjoyment.

That the appropriators of the water of said Big Wood River have for more than nineteen years, with the exception of the years 1919, 1920 and 1921, immediately preceding the commencement of this action, have stood by and acquiesced in the administration of said waters of Eagle Creek as a separate stream, and have at all times, except during the years aforesaid, assented to the use of all of the waters of said stream by this plaintiff and his predecessors in interest; that said plaintiff and his predecessors in interest, by the silence and acquiescence of the users of Big Wood River have been led to believe and do believe that they, the users of said Big Wood River, do not claim any interest in the waters of said Eagle Creek; that relying on all of the foregoing facts, the said plaintiff and his predecessors in interest have made valuable improvement on said land and have cultivated and reclaimed the same, and have brought the same to a high state of productivity.

THAT IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, That the said defendant and his successors in office and his or their agents or attorneys, and all persons acting by, through, or under them, or under their authority, be, and they are, hereby perpetually restrained and enjoined from and in any manner exercising supervision over the waters of Eagle Creek during the irrigation season, and particularly be restrained and enjoined from in any manner interfering with the plaintiff's rights as hereinbefore set forth, to wit, the right of plaintiff to the perpetual use of the waters of Eagle Creek to the extent of 4.6 second feet or in any manner attempting to regulate or regulating the use by plaintiff upon the said land of the said 4.6 second feet of water.

Done at Chambers, at Arco, Ida, this 22nd day of August, 1923.

Ralph W. Adair

District Judge of the Sixth
Judicial District of the
State of Idaho.

Filed and entered this 25th day of August, 1923.
Cassie M. Russell, Clerk of District Court.
By Geo. A. McLeod, Deputy.

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

ARTHUR J. WINSLOW,

Plaintiff,

vs.

S. H. CHAPMAN, WATER MASTER,

Defendant.

D E C R E E .

This cause coming on to be heard before the Hon. Ralph W. Adair, Judge of the District Court of the Sixth Judicial District of the State of Idaho for the County of Butte, at Chambers, at Arco, Butte County, Idaho, this 22nd day of August, 1923, the said plaintiff being represented in person and by his counsel, W. A. Brodhead, and the said defendant not appearing either in person or by counsel; it appearing that the Hon. H. F. Ansign, Judge of the Fourth Judicial District of the State of Idaho, is absent from the state; and it further appearing that the default of defendant for failure to answer the complaint of plaintiff within the time heretofore allowed by the Court has been duly and regularly entered; and after hearing the testimony of plaintiff tending to support the material allegations of the complaint; and the Court being fully advised;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED That the plaintiff is, and was upon the date of the filing of the complaint in said action, the owner of, in possession of, and entitled to the possession of the following described land, to-wit:

A tract of land known as H. E. survey # 129, unsurveyed land bounded and described as follows: Beginning at corner # 1 from which U.S. Location monument #123 bears N 25°52' W. 74.59 chains distant; thence S. 30°17' E. 86.27 chains to corner #2; thence N. 54°31' E. 23.81 chains to corner #3; thence N. 36°47' W. 78.43 chains to corner #4; thence S. 82°19' W. 16.03 chains to corner #1, the place of beginning, containing 157.19 acres. Also a tract of land containing 157.31 acres in unsurveyed section 14, Township 5 North, Range 17 East Boise Meridian, known as Homestead entry survey #329, described as follows: Commencing at corner #1 from whence U. S. Location monument #123 bears N. 36°37' W. 80.93 chains distant; thence N. 57°16' E. 74.80 chains to corner #2; thence S. 37°03' E. 9.96 chains to corner #3; thence S. 54°58' W. 29.93 chains to corner #4; thence S. 18°38' W. 54.37 chains to corner #5; thence No. 36°47' W. 45.80 chains to corner #1, the place of beginning, in Blaine County, State of Idaho.

That the said land is dry and arid in character and in its natural condition will not produce profitable crops without the artificial application of water thereto; that on or about the 6th day of October, 1902, the predecessors in interest of plaintiff appropriated, diverted, and used upon said lands 4.6 second feet of the waters of Eagle Creek, a small stream having its source in the mountains lying in a northeasterly direction from the lands of plaintiff, hereinbefore described; that said plaintiff and his predecessors in interest have since the said date, continuously during the irrigation season of each and every year, diverted and used said amount of water for the irrigation of said land; and that said amount of water is necessary for the irrigation of the same; that there are no other users or claimants of the waters of Eagle Creek;

That for many years prior to said appropriation and for many years subsequent thereto, the water flowing in said Eagle Creek did not, when permitted to flow down the natural channel thereof, reach Big Wood River during the irrigation season; and the use of the said amount of water during the said period by this plaintiff, and his predecessors in interest, did not diminish or affect the flow of water in said Big Wood River and the

POOR ORIGINAL

STATE OF IDAHO
COUNTY OF BLAINE

I, MARY GREEN, EX-OFFICIO RECORDER IN AND FOR
SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT
THE FOREGOING IS A FULL, TRUE AND CORRECT COPY
OF THAT CERTAIN INSTRUMENT OR RECORD IN MY OFFICE,
AS INSTRUMENT NO De 9 Pg 301 Judgment,
RECORDS OF BLAINE COUNTY, STATE OF IDAHO.

WITNESS MY HAND AND OFFICIAL SEAL THIS 18th
DAY OF October, 1988.

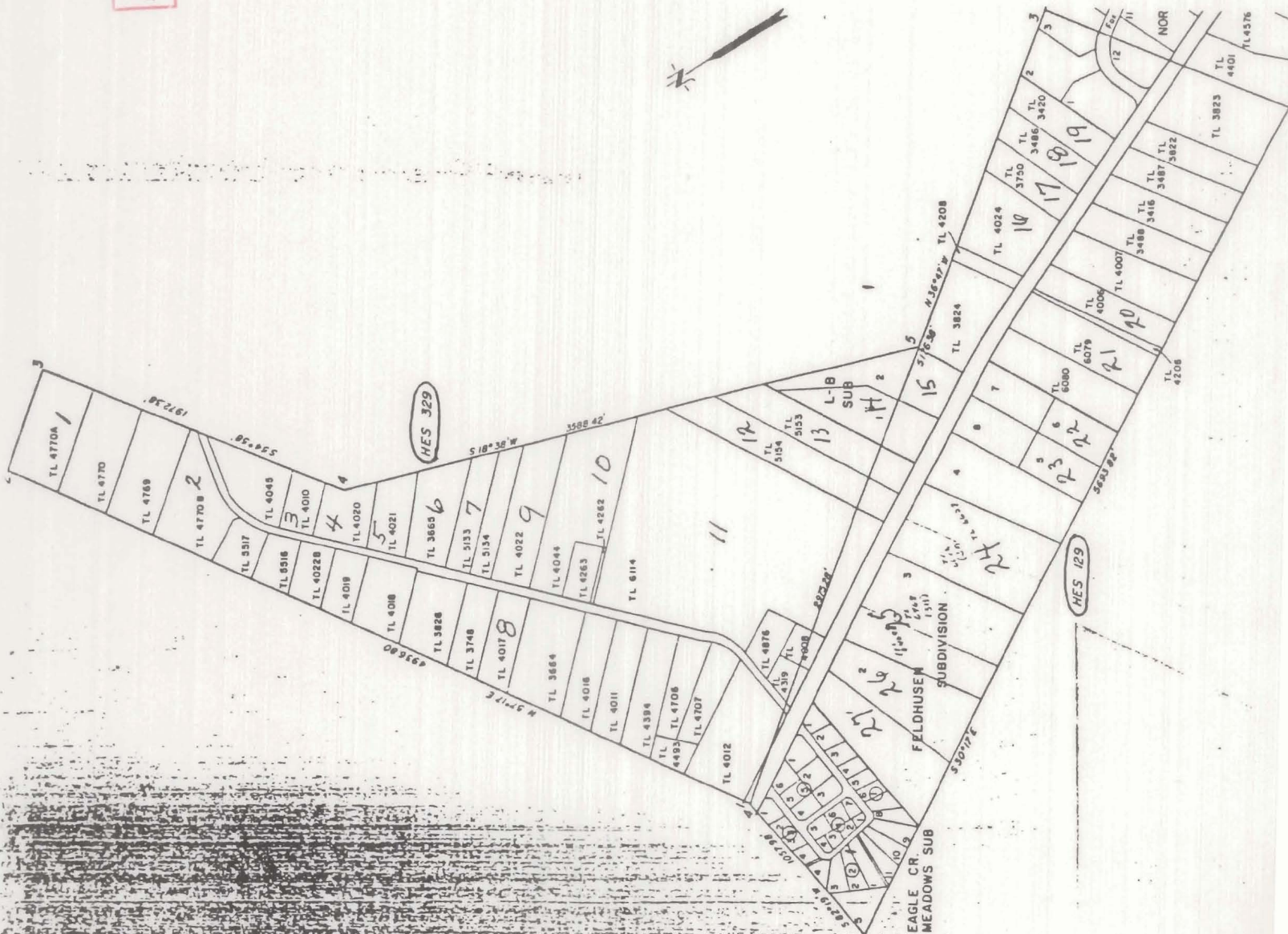
BY Mary Green
DEPUTY

Mary Green
EX-OFFICIO RECORDER

MICROFILMED

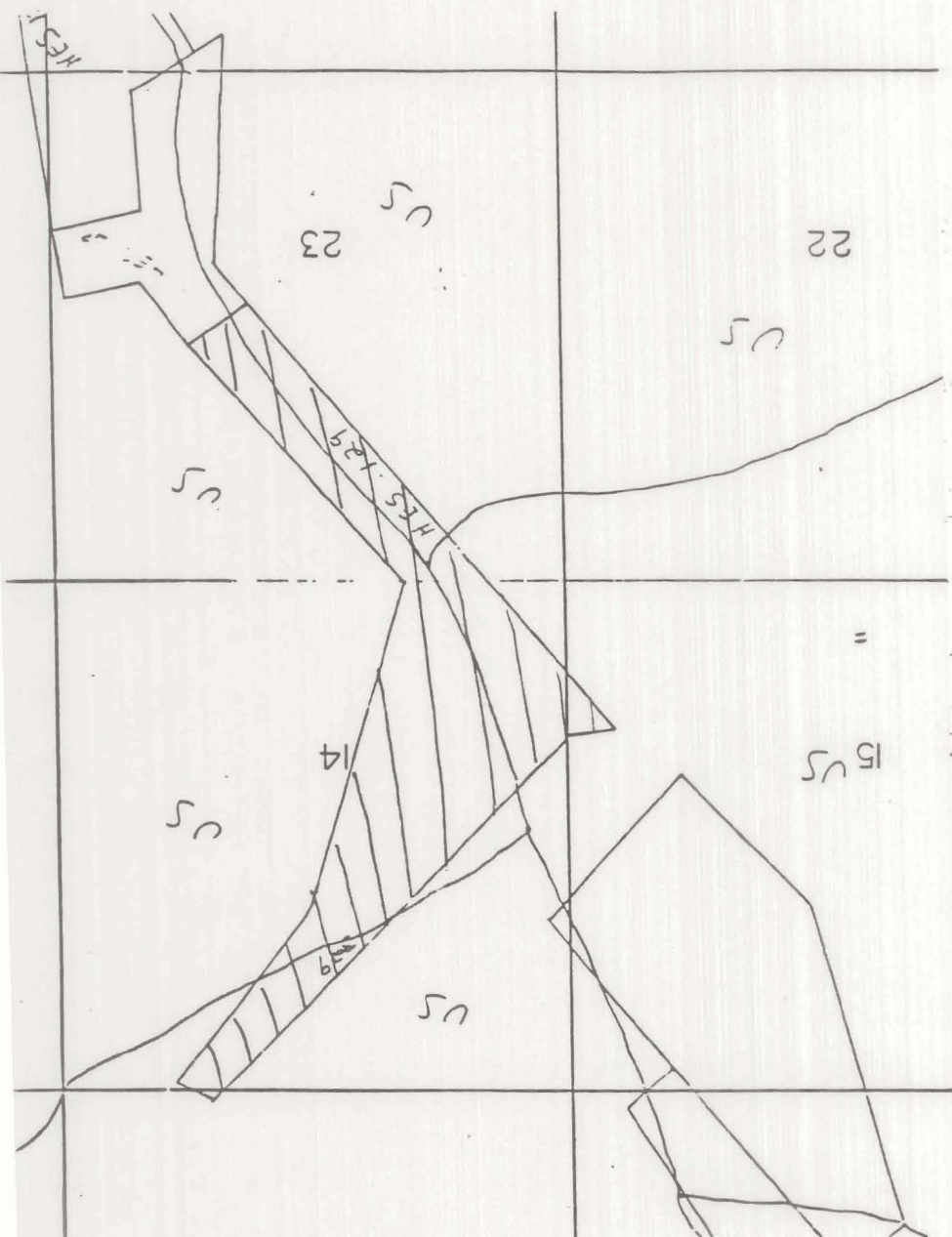
OCT 24 1994

POOR ORIGINAL



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OCT 24 1994

EAGLE CREEK IRRIGATION CO. SHAREHOLDERS

Geoffrey/Kathleen Meredyth
P.O. Box 3539
Ketchum, ID 83340
8 Shares

Harold/Flora Jonassen
P.O. Box 1708
Ketchum, ID 83340
5 Shares

Dr. & Mrs. Michael Holzer
Address Unknown/New Mexico
12 Shares/Hogue, Speck Attys(Ketchum)

Constance K. Gray
P.O. Box 262
Sun Valley, ID 83353
10 Shares

Rudolf Fretz
10805 SW 77 Court
Miami, FL 33156
Joan L. Clark
8005 SW 63rd Place
Miami, FL 33143
5 Shares

Robert G. Stevens
P.O. Box 308
Ketchum, ID 83340
14 Shares

Daniel J. Pickrell
P.O. Box 351
Burlingame, CA 94011
30 Shares

Robert/Beverly Sadler
2212 Conway Dr.
Escondido, CA 92026
8 Shares

Andrew G. Spiegel
1313 Lincoln Ave. Wo.
Highland Park, IL 60035
36 Shares

Frederick F. Blechmann
P.O. Box 184
Sun Valley, ID 83353
10 Shares

William Brohan
P.O. Box 11
Sun Valley, ID 83353
4 Shares

Weldon/Marilyn Wankier
P.O. Box 2562
Sun Valley, ID 83353
10 Shares

Tom Denker
P.O. Box 1157
Ketchum, ID 83340
4 Shares

Steven H. Miller
P.O. Box 2036
Ketchum, ID 83340
6.56 Shares

Clarence/Beth Hedrick
and Wallace Hedrick
189 Borah Ave. West
Twin Falls, ID 83301
5 Shares

Dr. L.P./Nancy K. Enright
P.O. Box 1314
Sun Valley, ID 83353
15 Shares

Randolph J. Updyke
P.O. Box 685
Ketchum, ID 83340
8 Shares

2-195 510 101
DL

MICROFILMED

OCT 24 1994

Date Received _____

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

RECEIVED
OCT 26 1988

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Eagle Creek Irrigation Company
Name of Claimant

P. O. Box 3539
Post Office Address

Ketchum, Idaho 83340
City, State, Zip Code

Blaine County
County(s) where Place of Use is located

10-26-88
Date Claim Originally Due

4.6 Second feet of water in Eagle Creek as shown by Decree recorded in
Identify water right(s) for which extension is requested Blaine CO.,

State reason(s) why an extension of time is requested: Book 9 of
The water has been transferred to Eagle Creek Irrigation Judgments,
Company and sold to many owners of different parcels of Pg 501.
real property having metes and bounds descriptions which
location of place of use, we are attempting to determine which
is very difficult.

Claimant requests an extension to January 1, 1989.

STEPHAN, SLAVIN, KVANVIG & GREENWOOD
BY: Robert W. Stephan
Signature
Robert W. Stephan

Attorney-In-Fact for Eagle Creek
Title Irrigation Company

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby
X granted _____ denied,
and the filing deadline extended to 1/1, 1989.

Signed this 27 day of October, 1988.

Director or his designated agent
DAVID B. SHAW

MICROFILMED
OCT 24 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: A37-00863
Date Received: 12/ 1/1988
Receipt No: _____
Received By: _____

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

1. Name: EAGLE CREEK IRRIGATION COMPANY
Address: C/O JEFF MEREDITH, SECRETARY
P.O. BOX 3539
KETCHUM, ID 83340

2. Date of Priority: OCT 6, 1902

3. Source: EAGLE CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	17E	14	SE	NW	SW		BLAINE

5. Description of diverting works:
CHECK IN STREAM TO EARTH DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	4.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
27 LOTS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	17E	14	NW	NE		IRR	17.0
			SW	NE		IRR	3.0
			SE	NW		IRR	30.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	17E	14	NE	SW		IRR	25.0
			NW	SW		IRR	30.0
			SW	SW		IRR	25.0
			SE	SW		IRR	20.0
						Section Acres	150.0
		23	SW	NE		IRR	25.0
	NE		NW		IRR	20.0	
	NW		NW		IRR	5.0	
	SE		NW		IRR	5.0	
	NW		SE		IRR	2.0	
						Section Acres	57.0
						Total Acres	207.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:
ORIGINAL DECREE FOR 4.6 CFS & 230 ACRES. CLAIMANT DEEDED
90% FOR 24 LOTS WITHIN HES 129 & 329.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

WINSLOW

Decree Plaintiff

CHAPMAN

vs 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: _____

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

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 of Diversion**
Should be: those that were claimed, the recommendation for one
out of eleven points of diversion is incorrect.
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 143.9 acres as was claimed instead of 127.3 as was
recommended.
10. ☐ **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 OBJECTIONS(S): The place of use for water right 37-863E has been historically serviced by the Eagle Creek Irrigation company, which includes 16.6 acres that were not recommended. See attached 2004 NAIP aerial photograph and service area on map.

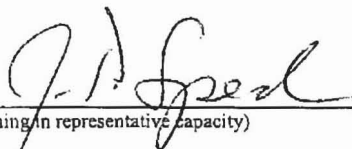
F. VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Blaine)

James P. Speck, 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

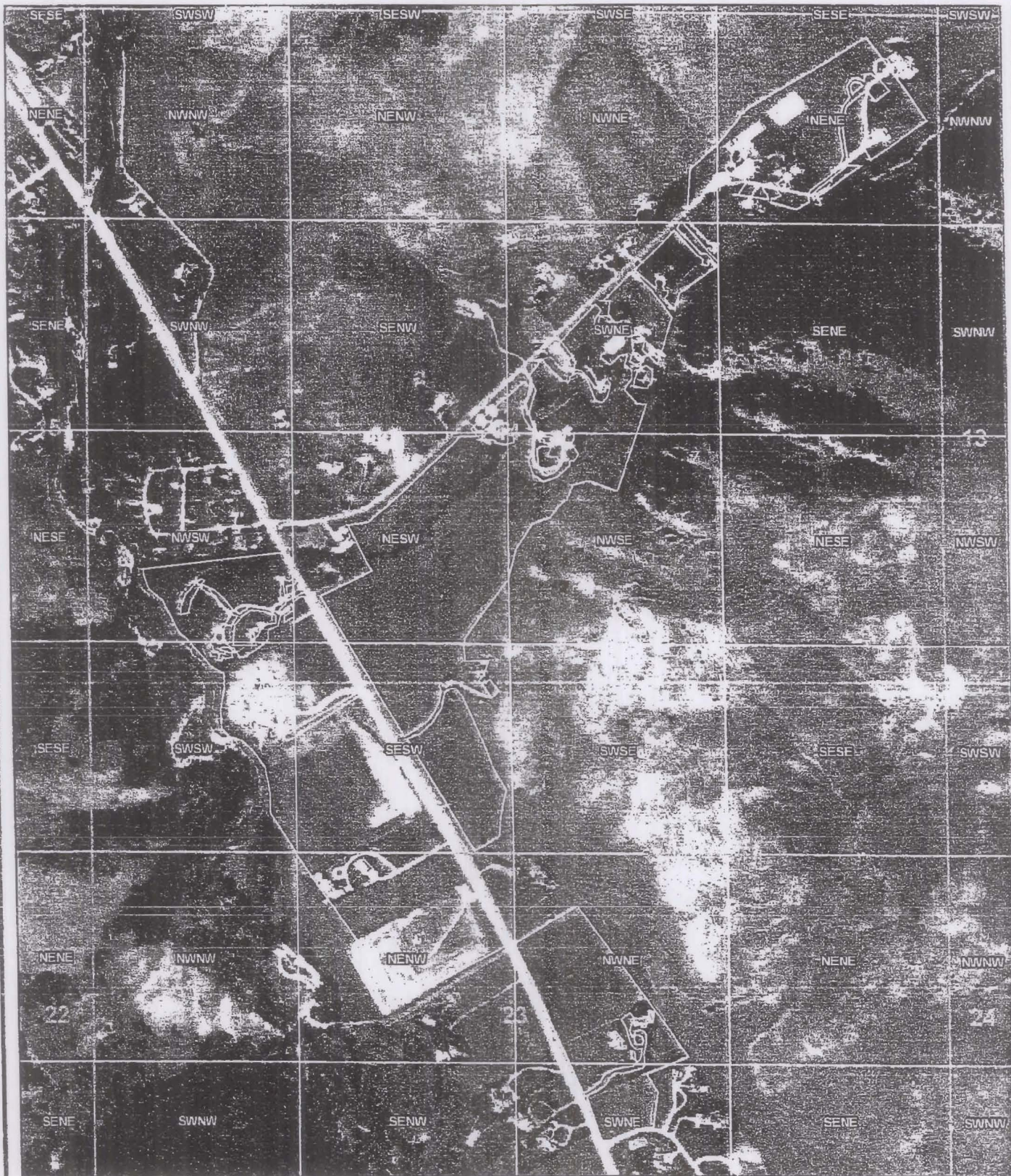
(Signature of person filing objection)



(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____

Notary Public for _____
Residing at: _____
My Commission Expires: _____



1" = 800'

BROCKWAY ENGINEERING, PLLC.
ZL - 2/28/06

EAGLE CREEK IRRIGATION CO.

T.05N R.17E SEC. 14, 23.

NAIP 2004 AERIAL PHOTOGRAPH

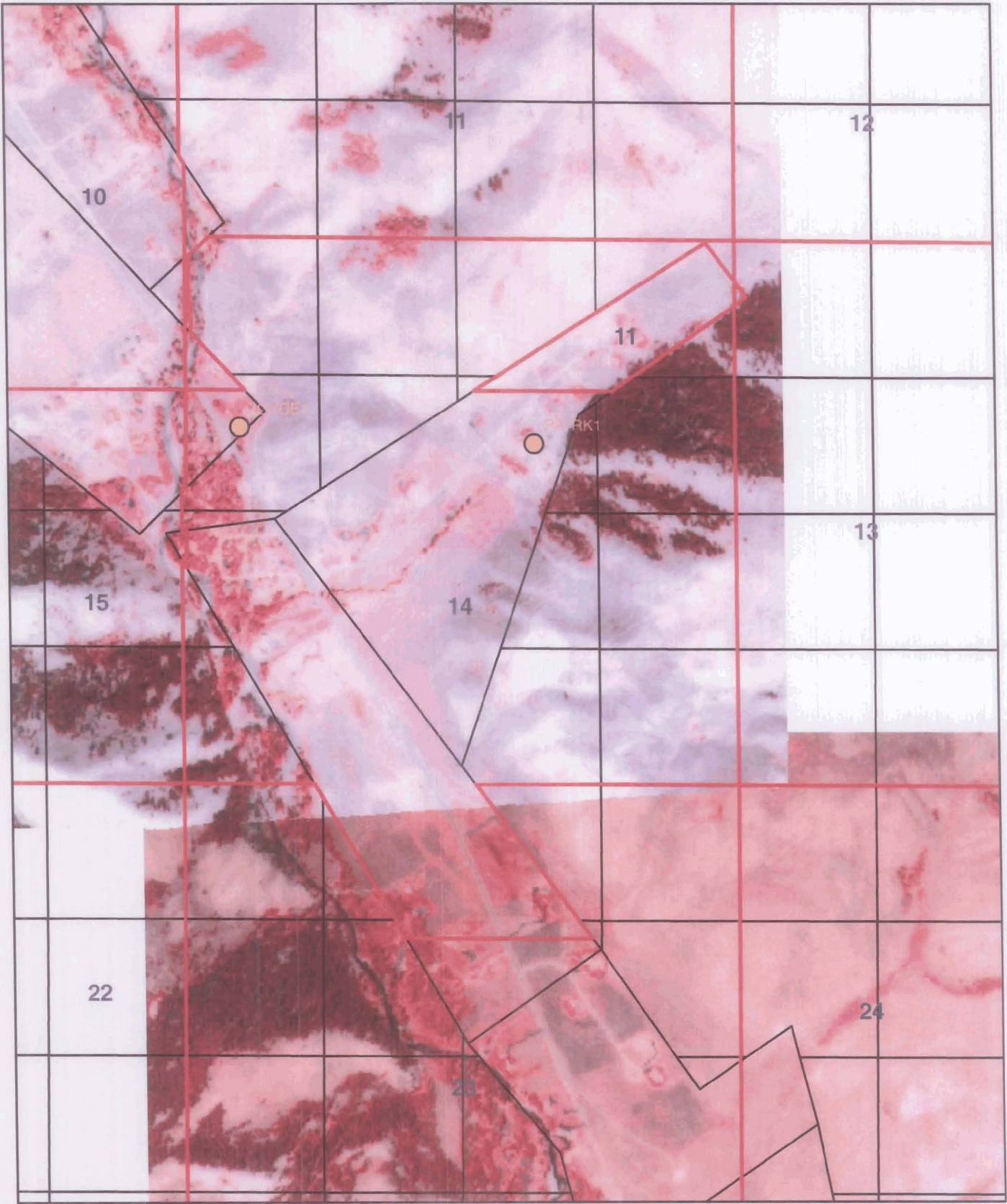
Legend

37-863E CLAIMED POU = 143.9 ac

Sections

t05n17e





01/10/2007

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-863E

NAME AND ADDRESS: EAGLE CREEK IRRIGATION CO
C/O EVERETT DAVIS
PO BOX 1965
SUN VALLEY ID 83353

SOURCE: EAGLE CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 4.560 CFS

PRIORITY DATE: 10/06/1902

POINT OF DIVERSION:

T05N R17E S13 NWNWNW Within BLAINE County
T05N R17E S14 NENENE Within BLAINE County
T05N R17E S14 SWNENE Within BLAINE County
T05N R17E S14 NESWNE Within BLAINE County
T05N R17E S14 NESWNE Within BLAINE County
T05N R17E S14 SWSWNE Within BLAINE County
T05N R17E S14 SWSWNE Within BLAINE County
T05N R17E S14 SWSWNE Within BLAINE County
T05N R17E S14 NENESW Within BLAINE County
T05N R17E S14 SENWSW Within BLAINE County
T05N R17E S14 SENWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	4.560 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T05N R17E S14	NENE	15.40	T05N R17E S14	NWNE	1.00
T05N R17E S14	SWNE	14.50	T05N R17E S14	SENE	0.60
T05N R17E S14	NESW	24.00	T05N R17E S14	NWSW	8.70
T05N R17E S14	SWSW	8.90	T05N R17E S14	SESW	31.40
T05N R17E S14	NWSE	6.60	T05N R17E S23	NENW	16.20

127.3 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



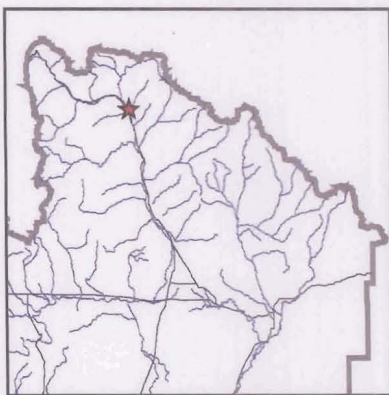
Idaho Department of Water Resources

SRBA Recommendation:

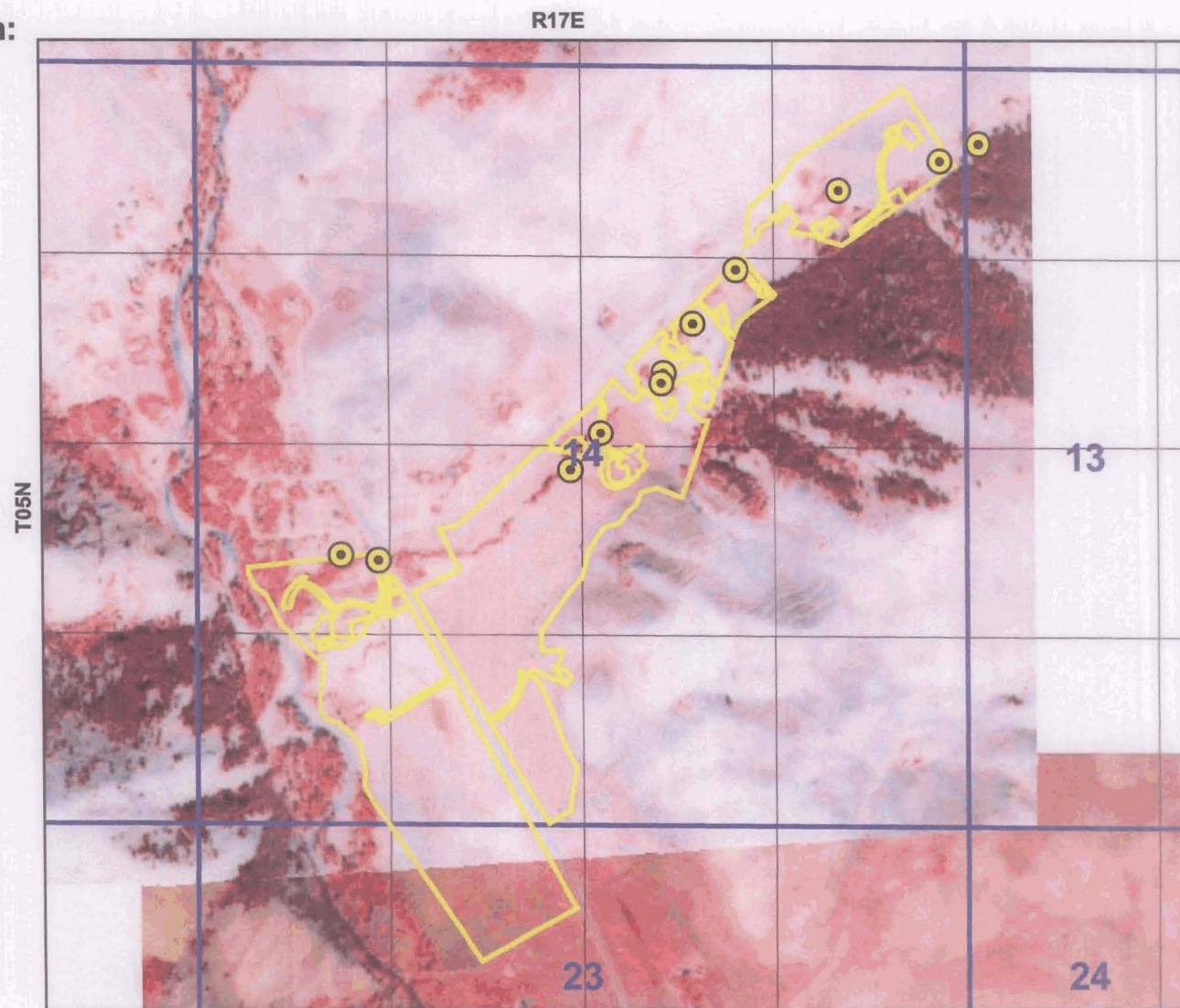
37-863E

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



0 0.25 0.5 0.75 1 Miles

Prepared by M. Anders
On Wednesday, January 10, 2007
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-863E, 37-863F

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

2004 Aerial Photo



Notes

- Claim was amended in 2006 to add acreage.
 - Carter's opinion:
 - Transfer No. 66115 (2002) involved modification of the POU to dry up 2 acres as mitigation for the pond in 37-863F. Therefore, 37-863E and 37-863F must be recommended as listed on Transfer No. 66115.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66115

RECEIVED
JAN 06 2003
Department of Water Resources
Southern Region

This is to certify that: EAGLE CREEK IRRIGATION CO
C/O EVERETT DAVIS
PO BOX 1965
SUN VALLEY ID 83353

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-863	AJC/Decreed	10/06/1902	4.60 cfs	N/A		129.3	EAGLE CREEK

Purpose of Transfer (Changes Proposed)

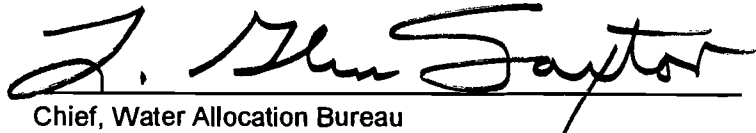
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-863	YES	NO	YES	NO	NO	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-863	37-863F	0.04 cfs	N/A	N/A	N/A	37-863E	4.56 cfs	N/A	N/A	127.3
TOTALS		0.04 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 31st day of December, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-863F
As Modified by Transfer No. 66115

In accordance with the approval of Transfer No. 66115, Water Right No. 37-863D is now described as follows.

Right Holder: EAGLE CREEK IRRIGATION CO
 C/O EVERETT DAVIS
 PO BOX 1965
 SUN VALLEY ID 83353

Priority Date: October 06, 1902

Source: EAGLE CREEK

Tributary: BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
RECREATION	04/15	to 10/15	0.04 CFS	
AESTHETIC	04/15	to 10/15	0.04 CFS	
			0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION:

EAGLE CREEK NENE Sec. 14 Twp 05N Rge 17E BLAINE County

PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
05N 17E 23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					X	X											

PLACE OF USE: AESTHETIC

Twp Rge Sec	NE				NW				SW				SE				Totals
05N 17E 23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					X	X											

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. Place of use is located within HES 129, Tax Lots 6079 and 6080.
3. The right holder shall accomplish the change authorized by this approval within 2 years.

WATER RIGHT NO. 37-863F
As Modified by Transfer No. 66115

CONDITIONS OF APPROVAL

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 31st day of December, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-863E
As Modified by Transfer No. 66115

In accordance with the approval of Transfer No. 66115, Water Right No. 37-863C is now described as follows.

Right Holder: EAGLE CREEK IRRIGATION CO
C/O EVERETT DAVIS
PO BOX 1965
SUN VALLEY ID 83353

Priority Date: October 06, 1902

Source: EAGLE CREEK

Tributary: BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	4.56 CFS	
			4.56 CFS	

LOCATION OF POINT(S) OF DIVERSION:

EAGLE CREEK	NWNW	Sec. 13 Twp 05N	Rge 17E	BLAINE County
EAGLE CREEK	NENE	Sec. 14 Twp 05N	Rge 17E	BLAINE County
EAGLE CREEK	NENE	Sec. 14 Twp 05N	Rge 17E	BLAINE County
EAGLE CREEK	SWNE	Sec. 14 Twp 05N	Rge 17E	BLAINE County
EAGLE CREEK	SWNE	Sec. 14 Twp 05N	Rge 17E	BLAINE County
EAGLE CREEK	SWNE	Sec. 14 Twp 05N	Rge 17E	BLAINE County
EAGLE CREEK	SWNE	Sec. 14 Twp 05N	Rge 17E	BLAINE County
EAGLE CREEK	SWNE	Sec. 14 Twp 05N	Rge 17E	BLAINE County
EAGLE CREEK	SWNE	Sec. 14 Twp 05N	Rge 17E	BLAINE County
EAGLE CREEK	NWSW	Sec. 14 Twp 05N	Rge 17E	BLAINE County
EAGLE CREEK	NWSW	Sec. 14 Twp 05N	Rge 17E	BLAINE County

WATER RIGHT NO. 37-863E
As Modified by Transfer No. 66115

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 17E 14	15.4	1.0	14.5					.6	24.0	8.7	8.9	31.4			6.6		111.1
05N 17E 23					16.2												16.2

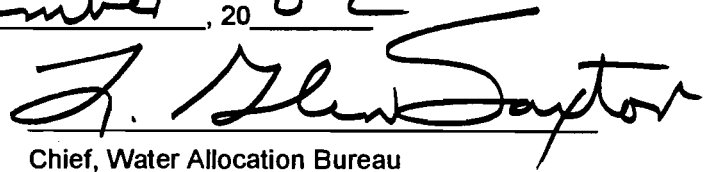
Total Acres: 127.3

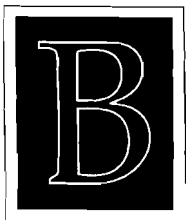
CONDITIONS OF APPROVAL

1. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 31st day of December, 2002


 Chief, Water Allocation Bureau



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

FEB 02 2006

Department of Water Resources
Southern Region

January 31, 2006

Allen Merritt, Regional Manager
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Subject: Amendment to Claim 37-863E Eagle Creek Irrigation Co.

Dear Allen:

The Eagle Creek Irrigation Co. filed an SRBA claim for lands irrigated under water right 37-863E in 1988, and was amended in 2002. However, in 2002 the amended claim did not include the land that is irrigated by Eagle Creek Irrigation Co. shares and held by Robert G. Stevens. This land has historically been serviced by the Eagle Creek Irrigation Co. irrigation system and should be included under water right 37-863E. The claim was based on the original decreed water right under the Winslow Decree with a priority date of October 6, 1902 for 4.6 cfs. Lands irrigated were contained in Homestead Entry Surveys HES 129 and 329 and the original SRBA claim listed some 207 irrigated acres.

This letter is to provide information and data for an amendment to the SRBA claim for 37-863E. The name and address of the owner should be:

Eagle Creek Irrigation Company
c/o Everett Davis, President
P.O. Box 1965
Sun Valley, ID 83353

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Based on an aerial photo analysis, the irrigated area in each 40 acre tract should be amended as per Table 1.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Table 1 Irrigated Acres, Eagle Creek Irrigation Company,

40-Acre Quarter	Section	Township and Range	Acres
NENE	14	5N, 17E	15.40
SWNE	14	5N, 17E	14.52
SENE	14	5N, 17E	0.60
NWNE	14	5N, 17E	1.00
NESW	14	5N, 17E	24.00
NWSW	14	5N, 17E	8.70
NWSE	14	5N, 17E	6.60
SESW	14	5N, 17E	31.40
SWSW	14	5N, 17E	8.90
NWNE	23	5N, 17E	12.50
SWNE	23	5N, 17E	4.10
NENW	23	5N, 17E	16.20
Total			143.90

The attached Figure for the amended claim shows the locations of the irrigated areas per 40 acre tract.

The points of diversions listed for the claim will not change per this amendment. There are eleven (11) diversions from Eagle Creek serving various lots within the Eagle Creek Irrigation Company service area and are listed in Table 2. The Main Ditch (EC-1) continues downstream and services the said property.

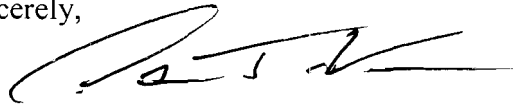
Table 2, Diversion Locations –Eagle Creek Irrigation Company

Number	Location	Local Name
EC-1	NWNW Sec 13	Main Ditch
EC-2	NENE Sec 14	Enright
EC-3	NENE Sec 14	Haller
EC-4	SWNE Sec 14	Saddler
EC-5	SWNE Sec 14	Funk-Reile
EC-6	SWNE Sec 14	Denker
EC-7	SWNE Sec 14	Colee
EC-8	SWNE Sec 14	Davis
EC-9	SWNE Sec 14	Lund
EC-10	NWSW Sec 14	Miller
EC-11	NWSW Sec 14	West or lower ditch

The Main Ditch and West Ditch serve a majority of the service area and are controlled by the Eagle Creek Irrigation Company. Measuring devices (Parshall flumes) are installed at the head of each ditch.

I believe the above information is sufficient to amend the SRBA claim for this water right. Our client wishes that this amendment be processed as soon as possible. If you or any other agent has any questions regarding the enclosed amended claim or its attached documents, please feel free to give our office a call.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. T. Nelson', with a long horizontal stroke extending to the right.

Daren T. Nelson, Hydrologist

Cc: Everett Davis
James Speck
Robert Stevens

Enclosure: Amended Claim 37-863E Claim Figure

Amended Claim 37-863L

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

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

RECEIVED
FEB 02 2006
Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) Eagle Creek Irrigation Company Phone _____

Mailing Address P.O. Box 1965, Sun Valley, ID Zip 83353

2. Date of Priority (Only one (1) per claim) 10/06/1902

3. Source of water supply (a) Eagle Creek

which is tributary to (b) Big Wood River

4. a. Location of existing point of diversion is: Township 05N Range 17E Section 14,

SE 1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: Multiple diversions - see attached tables

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.), Including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. The original Winslow decree treats the waters of Eagle Creek as a dry stream, i.e., a separate stream which is not tributary to the Big Wood River. Eagle Creek has multiple diversions which are noted on the attached list. In addition, there are eight irrigation storage ponds.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/15 to 10/15 amount 4.56 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and / or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; described fully (e.g. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for together purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
05N	17E	14	15.4	1	14.5					0.6	24	8.7	8.9	31.4		6.6			111.1
		23		12.5	4.1		16.2												32.8

Total number of acres irrigated 143.9

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Claims 37-863(A-D), 37-7871, 37-21427, and 37-21428 are also claimed within the described POU Or None ☐

14. Remarks:

The property is owned by the shareholders of Eagle Creek Irrigation Company.

Last Name _____ Ident. No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 37 - 863E

Court _____ Case Number _____ Decree Date 8/22/1923

Plaintiff vs 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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President Title _____

Of Eagle Creek Irrigation Company that I have signed the foregoing

Document in the space below as President of Eagle Creek Irrigation Company

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Constance Davis Title President

Title and Organization Eagle Creek Irrigation Co Date 1-13-06

State of Idaho / or IDAHO)

County of Blaine) ss.

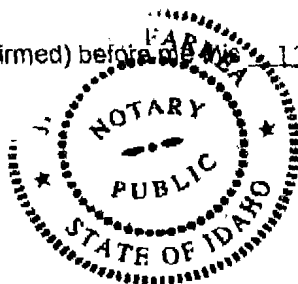
Subscribed and sworn (or affirmed) before me this 13th day of January, 2006.

Notary Public Janne Arnesen

Residing at Shoshone, Idaho

My Commission Expires 05/05/09

SEAL



Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____



Eagle Creek Irrigation Co. - Amended Claim 37-863E

Twp 05N, Rng 17E, Sect 14 & 23
2004 NAIP Aerial Photo

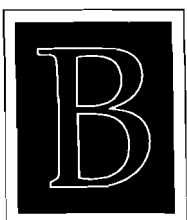
Brockway Engineering, PLLC
DTN - 01/31/2006

-  PLS - Section
-  PLS - Quarter Quarter

Eagle Creek Irrigation Co.

-  Stevens Addition
-  Former Claimed POU





BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

June 6, 2002

Allen Merritt, Regional Manager
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Subject: Amendment to SRBA Claim 37-00863 Eagle Creek Irrigation Company

Dear Allen:

The Eagle Creek Irrigation Company filed an SRBA claim for lands irrigated under water right 37-00863 on December 1, 1988. This claim was based on the original decreed water right under the Winslow Decree with a priority date of October 6, 1902 for 4.6 cfs. This decree specifically lists Eagle Creek as a separate stream not tributary to the Big Wood River. Lands irrigated were contained in Homestead Entry Surveys HES 129 and 329 and the SRBA claim listed some 207 irrigated acres.

Subsequent analysis by Brockway Engineering P.L.L.C. to determine the irrigated areas and actual diversion points showed significant differences from the SRBA claim. This letter is to provide information and data for an amendment to the SRBA claim for 37-00863. The priority date of October 6, 1902 is correct, as is other information on the original SRBA claim. The name and address of the owner should be:

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Eagle Creek Irrigation Company
c/o Everett Davis, President
P.O. Box 1965
Sun Valley, ID 83353

Based on the field survey and aerial photo analysis, the irrigated area in each 40 acre tract should be amended as per Table 1.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

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JUN 19 2002
Department of Water Resources
Southern Region

Table 1 Irrigated Acres, Eagle Creek Irrigation Company,

40-Acre Quarter	Section	Township and Range	Acres*
NENE	14	5N, 17E	15.40
SWNE	14	5N, 17E	14.52
SENE	14	5N, 17E	0.60
NWNE	14	5N, 17E	1
NESW	14	5N, 17E	24.00
NWSW	14	5N, 17E	8.70
NWSE	14	5N, 17E	6.60
SESW	14	5N, 17E	31.40
SWSW	14	5N, 17E	8.90
NENW	23	5N, 17E	18.20
			Total 129.3

*Acreages determined from rectified FSA aerial photos.

Figure 1 attached shows the locations of the irrigated areas per 40 acre tract. There are eleven (11) diversions from Eagle Creek serving various lots within the Eagle Creek Irrigation Company service area. The main irrigation diversions are two ditches, called the Main Ditch (EC-1) and the West Ditch (EC-11) which divert from Eagle Creek as shown on Figure 2. Other diversions to individual lot holders are shown on Figure 1 and Table 2 shows the locations by 40 acre tract. The individuals diverting from the two main ditches and Eagle Creek utilize the water for irrigation, fire protection, and aesthetics.

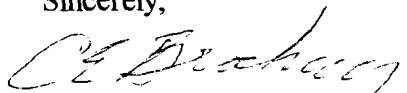
Table 2, Diversion Locations –Eagle Creek Irrigation Company

Number	Location	Local Name
EC-1	NWNW Sec 13	Main Ditch
EC-2	NENE Sec 14	Enright
EC-3	NENE Sec 14	Haller
EC-4	SWNE Sec 14	Saddler
EC-5	SWNE Sec 14	Funk-Reile
EC-6	SWNE Sec 14	Denker
EC-7	SWNE Sec 14	Colee
EC-8	SWNE Sec 14	Davis
EC-9	SWNE Sec 14	Lund
EC-10	NWSW Sec 14	Miller
EC-11	NWSW Sec 14	West or lower ditch

The Main Ditch and West Ditch serve a majority of the service area and are controlled by the Eagle Creek Irrigation Company (Figure 2). Measuring devices (Parshall flumes) are installed at the head of each ditch.

I believe the above information is sufficient to amend the SRBA claim for this water right. I will be happy to meet with you or Doug Jones of your office to provide additional information so that this amendment can be processed.

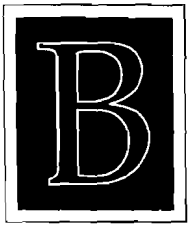
Sincerely,

A handwritten signature in cursive script, appearing to read "C. E. Brockway".

Charles E. Brockway P.E. PhD

Cc: E. Davis
G. Slette
J. Speck

Enclosure: (2)



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

*Per. ADM, file
in AJ file
37-00863(??)
11/6/00
MB*

RECEIVED
NOV - 3 2000
Department of Water Resources

November 1, 2000

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Steve Miller – Eagle Creek irrigation
Project No. 461-01-2000

Dear Allen:

As we discussed on September 26, 2000, the Steve Miller property near Eagle Creek is comprised of Lots 1 and 2 of the Feldheusen subdivision west of the highway, and Tax Lot 4008 east of the highway. The property is being irrigated using 4 wells west of the highway and 1 well east of the highway. A total of 11.1 acres are currently irrigated, based on our GIS analysis of a rectified 1999 aerial photo. The property is wholly within the Eagle Creek irrigation district service area, and 13.12 shares are held by Mr. Miller for the properties (stock certificate Nos. 41 and 48). However, no groundwater irrigation rights are currently appurtenant to any of the wells.

Mr. Miller has determined that he will make the necessary system modifications and will begin using his Eagle Creek shares to supply the irrigation system west of the highway. A check structure and diversion from the creek is located on the property. I have inspected this diversion point and determined that it is adequate to deliver the full amount of water allowed by the shares. A pump will be installed directly into the creek and the diversion regulated with control valves on the pump. It appears that one central pump station near the creek will be sufficient to deliver water to the mainlines for all of the irrigation circuits.

Groundwater will continue to be used for the domestic in-house supply, and for the following irrigation as allowed under the Part A domestic exemption:

1. Irrigation of 0.5 acres of turf grass associated with the residence east of the highway on Tax Lot 4008. This water will be supplied by the domestic well at this residence.

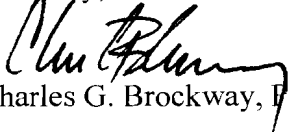
2. Irrigation of a small amount of landscaping (less than 0.2 acres) associated with a studio/residence west of the highway. The well nearest this residence will be used for this irrigation.

Planning and design for the changes are underway, and the new system will be constructed either this fall or early next spring prior to irrigation diversion.

With the changes described above, I believe Mr. Miller will be operating under valid water rights and/or domestic exemptions. I would appreciate a short letter from you indicating as such.

Please do not hesitate to call if you have any questions.

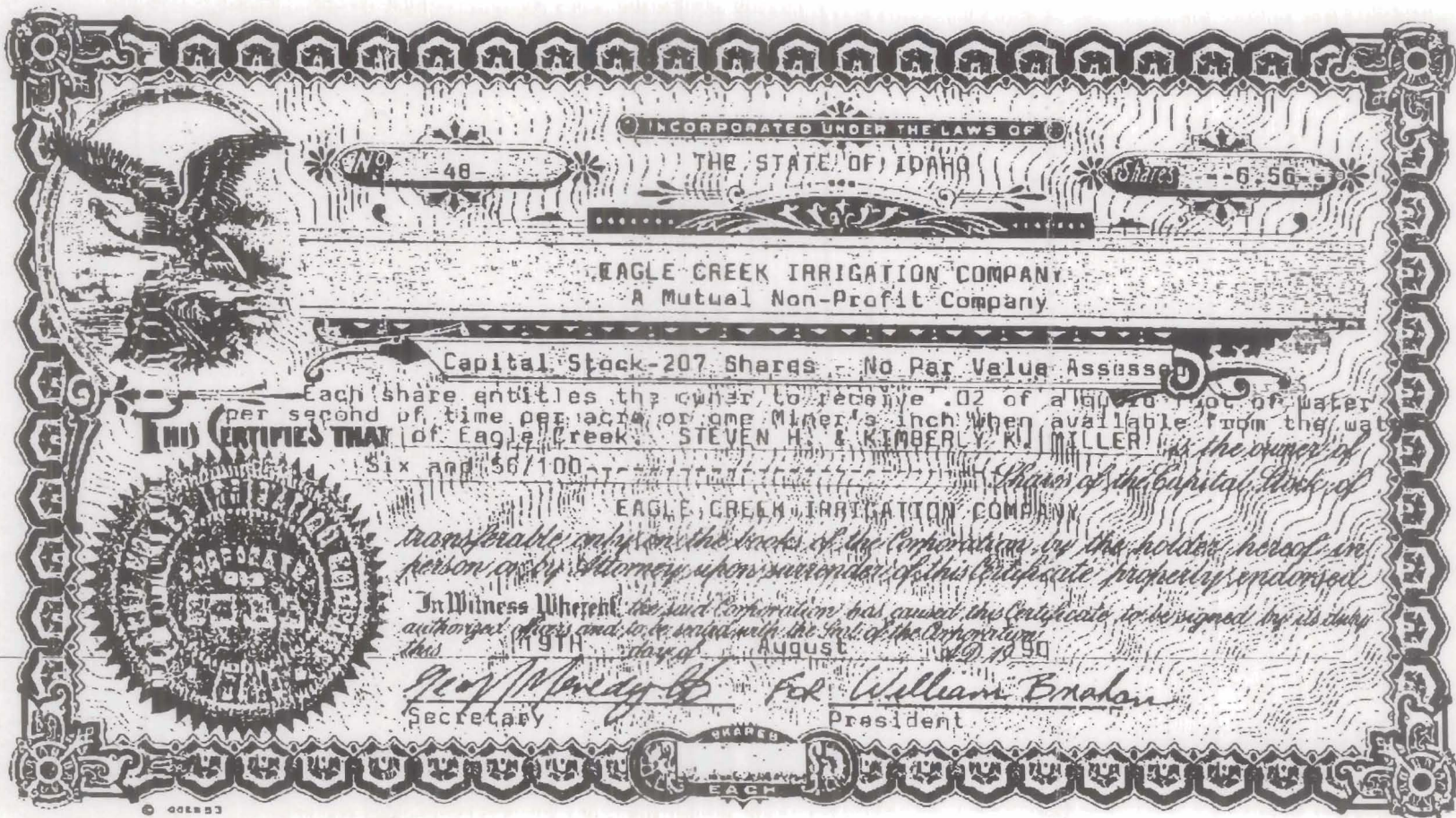
Sincerely,



Charles G. Brockway, P.E.

cc: Steve Miller c/o John Madison

Enc: Certificates of Stock in the Eagle Creek Irrigation Company



206 287 1822

RRL & ASSOCIATES

10/10/00 10:08 P.000000

15

14

13

INCORPORATED UNDER THE LAWS OF
 STATE OF IDAHO
 No. 41 Shares 6.56
EAGLE CREEK IRRIGATION COMPANY
 A Mutual Non-Profit Company
 Capital Stock - 230 Shares - No Par Value Assessable
 Each share entitles the owner to receive .02 of a cubic foot of water per second
 of time per acre or one Miner's Inch when available from the waters of Eagle Creek
 This Certifies that Steven H. Miller and Kimberly Miller, husband & wife is the owner of
 Six and 56/100 Shares of the Capital Stock of
EAGLE CREEK IRRIGATION COMPANY
 transferable only on the books of the Corporation by the holder hereof in
 person or by Attorney upon surrender of this certificate properly endorsed.
 In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly
 authorized officers and to be sealed with the seal of the Corporation
 this 1st day of December 19 87
 Acting President Secretary
 Secretary President
 No Par



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 2, 2001

Charles G. Brockway
Brockway Engineering PLLC
2016 N Washington St
Suite 4
Twin Falls, ID 83301

RE: Steve Miller Property

Dear Chuck:

Thank you for your November 1st letter updating the department on the proposed modifications to the Miller Property irrigation system.

In your letter you indicate that the shares will be diverted at an existing check and diversion located on the Miller Property. My review of the Eagle Creek Irrigation Company SRBA claim seems to indicate that the water is diverted at only one diversion further up the creek. It is possible that the Miller diversion was not claimed as an over-site. In review of related SRBA claims by some of the shareholders, these claims seem to record diversions at other locations. This matter needs to be clarified by the Eagle Creek Irrigation Company. Either all historical points of diversions need to be included on the Eagle Creek Irrigation Co claim or a transfer needs to be filed to record a new diversion location at the Miller Property.

If the modifications outlined in your letter are made by the beginning of the 2001 irrigation season (assuming the point of diversion issue is resolved) no further NOV action is contemplated by this office.

Thanks again for your efforts in resolving this matter.

Sincerely,

Allen Merritt, PE
Southern Region Manager

CC: Tim Luke
Gary Slette

**ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER,
P.L.L.C.
ATTORNEYS AT LAW**

J. EVAN ROBERTSON
JEFFREY J. HEPWORTH
GARY D. SLETTE
RICHARD J. "TUG" WORST
TIMOTHY J. STOVER

303 Shoshone Street North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041



GARY D. SLETTE
gslette@idlawyer.com

June 26, 2002

VIA FACSIMILE 736-3037

State of Idaho
Department of Water Resources
Attn: Doug Jones
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: **Eagle Creek Irrigation Company**

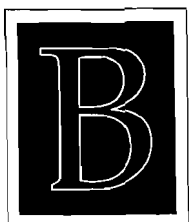
Dear Doug:

This letter is to advise you that I am the attorney of record for the Eagle Creek Irrigation Company with regard to all water right matters. Please contact me if you should need any information to assist you in this regard.

Yours truly,

GARY D. SLETTE

GDS:rlm
cc: Eagle Creek Irrigation Co.
Chuck Brockway, Sr.
rlw\gds\letter\IDWR9



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
JUN 28 2002
Department of Water Resources
Southern Region

June 26, 2002

Doug Jones
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Subject: SRBA Claim 37-00863 Eagle Creek Irrigation Company

Dear Doug:

Thanks for quickly reviewing the amended claim for The Eagle Creek Irrigation Company for lands irrigated under water right 37-00863. The 0.6 irrigated acres should be in the SENW ¼ Section 14 as shown on the aerial photo.

Mandy will be calling you Thursday, June 27 to determine the best way to get you the aerial photo with acreages.

Thanks for your efforts in processing the amended claim. Please call if you have additional questions.

Sincerely,

Samya Eldredge
for Charles E. Brockway P.E. PhD

CHARLES E.
BROCKWAY,
Ph.D., P.E.

CHARLES G.
BROCKWAY,
Ph.D., P.E.

Cc: E. Davis
G. Slette
J. Speck

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

COMMUNICATION DOCUMENTATION

From: Vikie Hancock
2000

September 11,

Regarding:

A37-00863

Customer:

John Rosholt's Office

[illegible]

Crystal,

Per your request, here is the faxed profile report copy of A37-00863, as well as a list of the other adjudication claims based upon decreed right 37-00863. The only adjudication claim that is appurtenant to the tract you specified, the SENW Section 23, is indeed A37-00863.

FYI, it appears that this right may be over-claimed. It is possible that some people have each claimed a small portion of the right because they purchased shares in the Eagle Creek Irrigation company, not realizing that the entire right was claimed by the company on their behalf. Or, there may be another reason, which we will straiten out in the upcoming years.

Also enclosed are copies of profile reports on 37-11962 and -11964, as you requested. They were both included in our Director's Report for basin 37 D & S.

Copy to A37- 00863
A37- 00863 A
A37- 00863 B
A37- 00863 C
A37- 00863 D

204



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

28-May-1993

LAIRD B STONE
PO BOX 83
TWIN FALLS ID 83303

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM A37-00863

Dear Mr Stone

After you left I searched the receipt database once more and found the receipt. As you can see, the claimant's name was entered as First Security Bank rather than the actual claimant.

I have entered that receipt number into the computer records for this claim so that future reference shouldn't be difficult. I have enclosed a copy of the current claim as it appears on the system. Please carefully review this claim to make sure no mistakes exist. I have also enclosed a copy of receipt number C005342 which reflects the copy of the money order you gave me. Everything concerning this claim should be current at this time.

If you have any further questions please contact this office and someone here can discuss them with you.

Sincerely

Kelly K. Christensen
Sr. Water Resource Agent

enclosures

MICROFILMED
OCT 24 1994

C005342

1/31/1989

FIRST SECURITY BANK

ADJUDICATION FEE, EAGLE CREEK IRR. C			
410162	9337	6490	257.00

\$257.00

MONEY ORDER 262882

A37-00863	-	Water Right Numbers	-	-
-----------	---	---------------------	---	---

Region: STATE

Signature: _____

MICROFILMED

OCT 24 1994

E 1-A37-00863
A37-00863A
A37-00863L
A37-00863C
A37-00863D

4/21/93

Conv. with Glen Sexton

This day Glen called me about original files for referenced claims. All appear on host master. I pulled the files and found that A37-00863 was not supposed to be a finalized valid claim. We neither have a signed original nor a valid claim that has been paid for. (I discussed this matter with Carter E.) After reviewing the files I called Glen back and we discussed the matter. Glen is a hearing officer for a probate - must add a p/d for Enright (A37-00863D). He suggested that I put a memo in file that would flag files so A37-00863 would not be recommended unless 00863 is not claimed.

I later contacted Carter E. again and found he was going to contact me a week or so later to get A37-00863 finalized.

A2

MICROFILMED

OCT 24 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

April 23, 1993

R. KEITH HIGGINSON
DIRECTOR

Jeff Meredith, Secretary
Eagle Creek Irrigation Company
P.O. Box 3539
Ketchum, ID 83340

RECEIVED

APR 27 1993

RE: Snake River Basin Adjudication (SRBA)
Blaine County - Notice of Claim A37-00863

Department of Water Resources
Southern Region Office

Dear Mr. Meredith:

Our records indicate the Notice of Claim to a Water Right referenced above was created for your organization; however, we do not have a signed and notarized claim on file under this water right number.

If you did file this claim, please send a photocopy of the completed claim to my attention at this office. You may then disregard the balance of this letter.

If you did not file the claim, but wish to do so, I have enclosed a computer-generated copy of the claim that you may file using the following procedure:

1. Review the claim for accuracy, initial any changes you make to the claim, complete the signature block for the organization and have your signature verified by a notary public.
2. Attach a map of the lands served by the irrigation company. If you could also include a list of your share holders and the total number of shares issued by the irrigation company it would help in the review process.
3. Enclose the appropriate filing fee (see below).
4. Return the claim to my attention at this office within 30 days.

The filing deadline for Blaine County was October 26, 1988. An extension was granted to extend the filing deadline for your claim to January 1, 1989. However, since we did not receive a claim by that date, your claim is subject to a late fee in addition to the filing fee. Idaho Code §42-1409(8) sets the late fee at \$50.00 or 15% of the filing fee, whichever is greater. If you feel you have good cause for missing this deadline, a Request for Extension of Time to File Adjudication Claim(s) is enclosed. The required fee for your claim is shown below:

Claim No.	Filing Fee	Late Fee	Total Fee
A37-00863	\$257.00	\$50.00	\$307.00

If you have any questions you may contact me at 1-800-451-4129.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

CF:state:south:tf
Enclosures:

Computer-generated copy of claim A37-00863
Request for Extension of Time

MICROFILMED

OCT 24 1994

Water Right Report 37-863

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ARTHUR J WINSLOW
	, ID

Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	4.600 CFS	
	<u>Total Diversion:</u>	4.600 CFS	

EAGLE CREEK		Sec. 14,	Twp 05N,	Rge 17E, B.M.
BLAINE County				
EAGLE CREEK	NE1/4NE1/4	Sec. 14,	Twp 05N,	Rge 17E, B.M.
BLAINE County				

IRRIGATION

Total Acres: 0

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.

Remarks:

A37-00863

37-20742

INCORPORATED UNDER THE LAWS OF

No. _____ Shares _____

THIS CERTIFIES THAT ROBERT & SANDRA S. FRIEDMAN is the owner of
TEN & NO 100 Shares of the Capital Stock of
EACH SHARE ENTITLED TO ONE VOTE FOR THE TERM OF ONE YEAR
TRANSFERABLE ONLY ON THE BOOKS OF THE CORPORATION BY THE HOLDER HEREOF IN
PERSON OR BY ATTORNEY UPON SURRENDER OF THIS CERTIFICATE PROPERLY ENDORSED

In Witness Whereof the said Corporation has caused this Certificate to be signed by its duly
authorized officers and to be sealed with the seal of the Corporation
this 22 day of MARCH 1980

Concetta Davis Sec. A. L. Spiegel President

Exhibit B

MICROFILMED

JUL 15 2004

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-863

Comments:

1. psdaggs 8/2/2001 Transfer 3968

Comment: Approved by Order dated 06-08-1993. Originally the right was split into Parts A & B. Upon further review the right was recombined under this base right reflecting both points of diversion.

Dates and Other Information:

Licensed Date:

Decreed Date: 8/22/1923

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 37

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES

AUG 06 2001

OF THE

Department of Water Resources
Southern Region

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 3968 OF)
WATER RIGHT NO. 37-00863 IN)
THE NAME OF DR. LEE ENRIGHT)

MEMORANDUM

DECISION AND ORDER

On May 7, 1993, the Department of Water Resources (department) issued a Proposed Memorandum Decision and Order in connection with the above captioned matter. On May 21, 1993, protestant Kathryn L. Wilson filed exceptions to the decision and requested a rehearing. Dr. Lee Enright (applicant) did not file an answer to the exceptions.

The department has reviewed the exceptions and responds to each as follows:

A. The department has changed Finding of Fact No. 9 to add the suggested language.

B. The department has changed Finding of Fact No. 20 to add the suggested language.

C. The department has not included the suggested condition, since the Agreement between the applicant and Eagle Creek Irrigation Company (ECIC) is a private agreement enforceable by private action between the parties. The existence of the agreement satisfies the consent requirement of Section 42-108, Idaho Code. ECIC has reason to enforce the terms of the agreement in order to protect the interests of its other shareholders.

D. The department has not further clarified its policy since the analysis section of the proposed decision has already extensively addressed the storage issue. Department policy concerning whether an impoundment is simply part of a system for distributing natural flow or is for long term storage is based upon the impoundment capacity as it relates to the authorized inflow rate. Therefore, additional information concerning irrigation needs or application rates are not relevant to application of this policy.

After reviewing the exceptions which have been filed and based upon his understanding of the law, the Director makes the following Findings of Fact, Conclusions of Law, Analysis and Order:

FINDINGS OF FACT

1. On June 30, 1992, Dr. Lee Enright submitted application

JUN 30 1993

for transfer no. 3968 involving water right no. 37-00863 (application) to the department. The application proposed changing the point of diversion for 0.30 cubic feet per second (cfs) of water right no. 37-00863 from a ditch heading to a pump diversion within the unsurveyed NE1/4NE1/4 Section 14, T5N, R17E,B.M. to be used for the irrigation of 15 acres of land in the unsurveyed N1/2NE1/4 of Section 14, T5N, R17E,B.M. The location of the applicant's pump diversion is just downstream from the upper diversion point of ECIC. The source of water is Eagle Creek tributary to the Big Wood River.

2. Water right no. 37-00863 was decreed on August 22, 1923 in the case of Arthur J. Winslow v. S.H. Chapman, watermaster. The right authorized the diversion of 4.6 cfs of water from Eagle Creek for the irrigation of parts of Sections 14, 15 and 23, T5N, R17E,B.M. also known as part of H.E.S. Nos. 129 and 329. The location of the point(s) of diversion was not described in the decree. The priority of the right is October 6, 1902. The decree held that the water of Eagle Creek was a "separate stream" and essentially was not subject to competing water rights on the Big Wood River system.

3. The department advertised notice of the the application for transfer which was protested by Kathryn L. Wilson, Edgar B. Washburn, Weldon Wankier and Timothy J. Ryan.

4. On April 15, 1993, the department conducted a hearing in Ketchum, Idaho. The permit holder was present and represented himself. Protestant Kathryn L. Wilson was present and represented both herself and her husband Edgar B. Washburn. Marilyn Wankier was present and represented her husband Weldon Wankier. Protestant Timothy J. Ryan did not attend the hearing.

5. Issues and concerns identified by the protestants at the hearing include the following:

- a) Approval of the application will injure the rights of other shareholders.
- b) The proposed change will enlarge the use of the water right owned by ECIC.
- c) The proposed change is inconsistent with the conservation of water resources.
- d) The proposed change is not in the local public interest.

6. Exhibits offered and accepted as a part of the hearing record include the following:

Protestant's Exhibit No.

1. Copy of a letter dated May 29, 1991 from the

JUN 30 1993

applicant to Eagle Creek Property holders.

2. A partial transcript of testimony given in the Blaine County Planning and Zoning Hearing held on November 29, 1990.

3. A preliminary drawing of an Irrigation Diversion Plan for the Enright property on Eagle Creek.

4. A copy of a letter report dated September 25, 1991 from Donald R. Reichmuth to Edgar B. Washburn.

5. A written submittal dated April 14, 1993 from Kathryn Wilson and Edgar Washburn to supplement their protest against the application.

6. Copies of three (3) aerial photographs of the Eagle Creek area.

7. A copy of a Blaine County Stream Alteration Permit Application dated June 22, 1992 filed in the name of Dr. Lee Enright.

7. Other information received from the parties as a part of the record but not identified as exhibits include the following:

a. A letter dated April 13, 1993 from Weldon Wankier to the department appointing Marilyn Wankier to represent him in the water right hearing.

b. A copy of the Weldon Wankier testimony read into the record by Marilyn Wankier.

c. A letter dated March 4, 1993 from Vi Bean read into the record by Marilyn Wankier.

d. A letter dated April 12, 1993 from Mr. and Mrs. Oris D. Cryder to the department read into the record by Marilyn Wankier.

e. A letter dated March 3, 1993 from Tom Johnson read into the record by Marilyn Wankier.

f. A letter dated August 7, 1991 from Terry Blau to Mrs. Wilson and Mr. Washburn.

g. A letter dated September 10, 1991 from Edgar B. Washburn to Terry Blau.

8. The hearing officer officially noticed certain information including the department's water right file in the matter, the application for transfer, the protests, related correspondence, other water right records of the department

JUN 30 1993

including any Snake River Basin Adjudication claims, flow or ground water measurements that may be available and past decisions of the department. Protestant's proposed Exhibit No. 8 was not admitted but a copy was retained for the record.

9. ECIC is the successor-in-interest to all or a portion of decreed water right no. 37-00863. The 0.30 cfs of water for which the application was filed is represented by fifteen (15) shares of stock issued to the applicant by ECIC. Each share of stock represents one miner's inch of water when it is available from Eagle Creek. The by-laws of ECIC provide that during times of water shortage, water will be distributed on a pro rata basis according to the number of shares held.

10. The applicant proposes to divert 0.30 cfs from Eagle Creek using a pump and pipeline to convey the water to a pond on the applicant's property. Applicant then plans to divert water from the pond to the irrigation use. The pond has a surface area of about 0.1 acre and holds about 0.6 AF. The pond was sized so that it would hold not more than the volume of water delivered in 24 hours at a diversion rate of 0.30 cfs.

11. The applicant and ECIC have reached an agreement by which the company agrees to the additional point of diversion proposed by the applicant. Among other criteria, the agreement provides that ECIC shall control the new point of diversion including the amount of water to be diverted and the timing of the diversion. The applicant has agreed to providing and maintaining a metering device satisfactory to ECIC and to line the pond to minimize seepage losses.

12. The agreement between ECIC and the applicant also provides access to the applicant's pond by the Ketchum Rural Fire Department for the purpose of fire suppression.

13. The irrigation season generally recognized by the department in the Eagle Creek vicinity is from April 15 to October 15 of each year.

14. Protestant Wilson's property is downstream from the applicant. Wilson does not own any shares of stock in ECIC and does not have any right to divert and use the water of Eagle Creek. Protestant Wankier's property also is downstream from the applicant. Wankier owns ten (10) shares of stock of ECIC and has periodically diverted some water from the creek for irrigation purposes.

15. Protestant Wilson alleges the application is not complete since it was not accompanied by plans and specifications and therefore should be rejected by the department.

16. Protestant Wilson claims her "riparian rights" will be injured if the water of Eagle Creek is diverted by the applicant

rather than be allowed to run in the channel of Eagle Creek for aesthetic reasons.

17. There are no water rights to the use of Eagle Creek for minimum stream flow purposes established pursuant to Title 42, Chapter 15, Idaho Code.

18. The protestants allege that use of the applicant's wells to fill the pond may injure downgradient domestic well uses by depleting the amount of ground water available in the vicinity of the protestant's wells.

19. The Wilson domestic well was drilled in June 1986 and is 96 feet deep. The Wankier domestic well is 90 feet deep. Depth to water in the Wilson well has ranged from 14 feet in 1986 to 58 feet in 1992.

20. The application for transfer involves surface water of Eagle Creek, not ground water which is generally obtained from wells. Any potential use of ground water by the applicant in connection with the pond has neither been proposed by the applicant nor considered and approved by the department.

CONCLUSIONS OF LAW

1. Sec 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest

2. Section 42-108, Idaho Code, provides in pertinent part as follows:

[I]f the right to the use of such water, or the use of the diversion works or irrigation system is represented by shares of stock in a corporation or if such works or system is owned and/or managed by an irrigation district, no change in the point of diversion, place of use, period of use, or nature of use of such water shall be made or allowed without the consent of such corporation or irrigation district.

3. Section 42-226, Idaho Code, provides in pertinent part as follows:

[w]hile the doctrine of "first in time is first in right" is recognized, a reasonable exercise of this right shall not block full economic development of underground water resources. Prior appropriators of underground water shall be protected in the maintenance of reasonable ground water pumping levels as may be established by the director of the department of water resources as herein provided.

4. Idaho follows the Doctrine of Prior Appropriation, not the Riparian Doctrine.

5. The application is complete enough to show the intent of the applicant which is to add a point of diversion to an existing water right and to apply the water for the irrigation of 15 acres of land owned by the applicant.

6. The water sought in the transfer is represented by shares of stock in ECIC and is a portion of the company's water right.

7. ECIC's agreement to the proposed change meets the consent requirement described in Section 42-108, Idaho Code, which must be obtained before such a change can be allowed.

8. The only right to divert and use the waters of Eagle Creek is vested with and is controlled by the ECIC which distributes water to its shareholders.

9. Title 42, Chapter 15, Idaho Code, provides the procedure by which minimum stream flows can be established in Idaho.

10. The protestants did not show how changing the location of the point of diversion for 0.30 cfs of a water right with a diversion rate of 4.6 cfs would adversely impact the local public interest.

11. The use of water from applicant's pond for fire suppression is not an enlargement in use, since the department recognizes firefighting as a lawful use of water with or without a water right.

12. Protestant's concerns relative to the potential future use of applicant's wells should not be considered in this matter since the pending application involves a proposed change to a surface water right not a ground water right.

13. Approval of the application for transfer will not injure other water rights.

14. The proposed change does not constitute an enlargement in use of the original water right.

15. The change is consistent with the conservation of water

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resources within Idaho.

16. The proposed change has been approved by ECIC, the holder of the water right and is in the local public interest.

17. The department should approve the application for transfer with certain conditions and limitations.

18. The protest of Timothy J. Ryan should be set aside for failure to appear at the hearing.

ANALYSIS

The application for transfer filed by the applicant, if agreed to by ECIC in which the applicant owns shares, has the same effect as if ECIC had filed the application for transfer proposing to add a point of diversion to their system. The application does not propose a "new" appropriation of water nor does it propose to segregate or "split off" a portion of the right which is represented by shares in ECIC. The application also does not make the applicant's right any "better" than the rights of any other share holder in ECIC.

The testimony concerning the existence and the extent of past irrigation on the applicant's property was incomplete and conflicting.

A lot of information involving speculation on the intent of the applicant was offered at the hearing. The general nature of this information included past changes to flood channels of Eagle Creek and the potential effect thereof, that the land of the applicant will be irrigated from wells, that the applicant will use wells to provide water to the pond, that the applicant has changed the plans which were originally proposed, that there may be future litigation and concern over the size of the pond as related to the right of the applicant. While such matters may be of concern to the parties, they are not proper matters for consideration of the application for transfer.

Any water right or part thereof can be lost through five (5) consecutive years of non-use. The statements of the protestants that the rights of ECIC have purposely been left in the channel of Eagle Creek for aesthetic purposes and not diverted for the authorized irrigation use could raise questions of forfeiture.

While most people enjoy the waters of rivers and streams in their natural setting such as water flowing in its stream channel, there currently is no mechanism in Idaho law whereby a right established by diversion from the natural source to be applied to a beneficial use outside the stream channel can be changed to an instream flow or minimum stream flow right within the stream channel itself.

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The significant amount of testimony relative to the applicant's pond, its size and use merits some discussion. The pond as it was designed and built is a part of the proposed irrigation water distribution system. For various different reasons, the department often compares the size of a pond or reservoir to the rate of diversion to the impoundment. In the case of a transfer of a natural flow right which proposes some impoundment, the department administratively determines whether water will be stored in excess of 24 hours. If so, the impounded water generally is treated as true "stored water" as opposed to a natural flow right. If not, the impoundment is generally treated as part of the natural flow distribution system.

The applicant obviously was aware of this reasoning and sized the pond to avoid the interpretation that the pond enlarges the water use by allowing for storage. This explanation, however, is not intended to suggest that the pond can never impound water for a period longer than twenty-four hours since the pond does not need to be emptied, then filled and so on.

There appears to be conflicting information concerning the total number of shares of capital stock of ECIC, i.e. 207 shares v. 230 shares. The difference, however, is not of particular significance to the holding in this decision but probably should be cleared up by ECIC for its own purposes.

ORDER

IT IS THEREFORE HEREBY ORDERED that the protest of Timothy J. Ryan is **SET ASIDE** for failure to appear at the April 15, 1993 hearing.

IT IS FURTHER HEREBY ORDERED that the request for rehearing in the exceptions of Kathryn L. Wilson is **DENIED**.

IT IS FURTHER HEREBY ORDERED that application for transfer no. 3968 of water right no. 37-00863 is **APPROVED** subject to the following conditions:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of approval unless the applicant can show that the change authorized by the transfer was not completed due to circumstances beyond the applicant's control.

2. Approval of this transfer does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

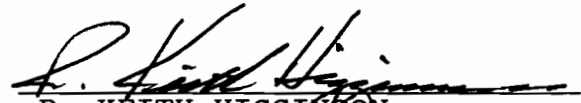
3. The general irrigation season for use of this right is from April 15 to October 15 of each year.

4. Use of water under this transfer is subject to the control of the watermaster of State Water District No. 37, the Big

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Wood River.

DATED this 8TH day of JUNE, 1993.


R. KEITH HIGGINSON
Director

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