

A5711563

Claim No(s). 57-11563

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[illegible]

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)
_____)

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

Water Right 57-11563

2002 MAR 12 PM 2:39

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: ELIAS JACA
INEZ JACA
817 BLAINE AVE
NAMPA, ID 83651

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 7.65 CFS

PRIORITY DATE: 09/21/1911

POINT OF DIVERSION: T03S R04W S12 NESE Within Owyhee County
S13 SENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 07-15	7.65 CFS

PLACE OF USE: Irrigation Within Owyhee County

T03S R03W S07 LOT 01 (NWNW) 18.0	LOT 02 (SWNW) 4.0
R04W S12 SENE 21.0	NESE 21.0
NWSE 8.0	SESE 6.0
78.0 Acres Total	

THE PLACE OF USE IS LIMITED TO THE EAST 1/2 OF THE NWSE, S12,
T03S, R04W.

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

THIS RIGHT SHALL NOT BE DELIVERED IF THE FLOW AT THE UPPER
BASIN TOLLGATE WEIR (T3S, R4W, S24, SESW) IS AT OR LESS THAN 37
CFS, OR THE FLOW AT THE OUTLET WEIR (T2S, R4W, S12, NESE) IS AT
OR LESS THAN 57 CFS.

THE USE OF WATER UNDER THIS RIGHT BEFORE MARCH 15 IS
SUBORDINATE TO WATER RIGHTS 57-2325 AND 57-7040.

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

RULE 54(b) CERTIFICATE

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

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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

Water Right 57-11563

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: ELIAS JACA
INEZ JACA
817 BLAINE AVE
NAMPA, ID 83651

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 7.65 CFS

PRIORITY DATE: 09/21/1911

POINT OF DIVERSION: T03S R04W S12 NESE Within Owyhee County
S13 SENE

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	Irrigation	02-15 TO 07-15	7.65 CFS

PLACE OF USE: Irrigation Within Owyhee County
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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

02/26/2001

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

RIGHT NUMBER: 57-11563

NAME AND ADDRESS: ELIAS JACA
INEZ JACA
817 BLAINE AVE
NAMPA, ID 83651

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 7.65 CFS

PRIORITY DATE: 09/21/1911

POINT OF DIVERSION:	T03S R04W S12	NESE	Within OWYHEE County
	T03S R04W S13	SENE	Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02-15 07-15	7.65 CFS

PLACE OF USE:

<u>IRRIGATION Within OWYHEE County</u>							
T03S R03W S7	LOT 1	NWNW	18	T03S R03W S7	LOT 2	SWNW	4
T03S R04W S12		NESE	21	T03S R04W S12		SESE	6
T03S R04W S12		NWSE	8	T03S R04W S12		SENE	21

78 ACRES TOTAL

THE PLACE OF USE IS LIMITED TO THE EAST 1/2 OF THE NWSE, S12,
T03S, R04W.

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

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

THIS RIGHT SHALL NOT BE DELIVERED IF THE FLOW AT THE UPPER BASIN TOLLGATE WEIR (T3S, R4W, S24, SESW) IS AT OR LESS THAN 37 CFS, OR THE FLOW AT THE OUTLET WEIR (T2S, R4W, S12, NESE) IS AT OR LESS THAN 57 CFS.

THE USE OF WATER UNDER THIS RIGHT BEFORE MARCH 15 IS SUBORDINATE TO WATER RIGHTS 57-2325 AND 57-7040.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT NOS. 57-00246 AND 57-00267 ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

11/14/2000

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

RIGHT NUMBER: 57-11563

NAME AND ADDRESS: ELIAS JACA
INEZ JACA
817 BLAINE AVE
NAMPA, ID 83651

SOURCE: REYNOLDS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 7.65 CFS

PRIORITY DATE: ~~02/25/1970~~ 9/21/1911

POINT OF DIVERSION: T03S R04W S12 NESE Within OWYHEE County
T03S R04W S13 SENE Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02-15 07-15	7.65 CFS

PLACE OF USE:

<u>IRRIGATION Within OWYHEE County</u>							
T03S R03W S7	LOT 1	NWNW	18	T03S R03W S7	LOT 2	SWNW	4
T03S R04W S12		NESE	21	T03S R04W S12		SESE	6
T03S R04W S12		NWSE	8	T03S R04W S12		SENE	21
78 ACRES TOTAL							

THE PLACE OF USE IS LIMITED TO THE EAST 1/2 OF THE NWSE, S12,
T03S, R04W.

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

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

THIS RIGHT SHALL NOT BE DELIVERED IF THE FLOW AT THE
UPPER BASIN TOLLGATE WEIR (T3S, R4W, S24, SESW) IS AT OR LESS
THAN 37 CFS, OR THE FLOW AT THE OUTLET WEIR (T2S, R4W, S12,
NESE) IS AT OR LESS THAN 57 CFS.

add sub. long.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT NOS. 57-00246 AND 57-00267 ARE ALSO DIVERTED THROUGH
POINTS OF DIVERSION DESCRIBED ABOVE.

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
57-01023	ELIAS JACA INEZ JACA 817 BLAINE AVE NAMPA ID 83651	09/21/1911	IRRIGATION STOCKWATER	Irrig Season 01-01 12-31	0.83 CFS 0.19 CFS	DECREED

TOTAL DIVERSION RATE: 0.83 CFS
TOTAL DIVERSION VOLUME: 0.00 AFA

SOURCE: REYNOLDS CREEK

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:

T03S R04W S12
S13

NESE
SENE

③
⑥

PLACE OF USE: IRRIGATION

T03S R03W S07
R04W S12

L1

NWNW 18
SENE 21

LD SWNW 4
NESE 21

NWSE 8

SESE 6

78 ACRES TOTAL

PLACE OF USE: STOCKWATER

T03S R03W S07
R04W S12

NWNW
SENE

SWNW
NESE

NWSE

SESE

CONDITIONS OF APPROVAL:

- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.

DIVERSION MEANS: DIVERSION DAMS AND HEADGATES, GRAVITY IRRIGATION

REMARKS: QNT USE OF THIS RIGHT WITH RIGHTS NOS. 57-00246, 57-00267 AND
57-01023 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.97
CFS.

POU1 USE OF THIS RIGHT WITH RIGHTS NOS. 57-00246, 57-00267 AND
57-01022 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 78
ACRES IN A SINGLE IRRIGATION SEASON.
THE PLACE OF USE IS LIMITED TO THE EAST 1/2 OF THE NWSE,
S12, T03S, R04W.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 57-00246 AND 57-00267.

OTHER RIGHTS:

C18

RECEIVED

JUN 04 1999

WATER RESOURCES
WESTERN 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 FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

39576

Ident. Number

Date Received

Receipt Number

A57-11563
5-20-99
C045507NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Elias and/or Inez Jaca Phone (208) 466-8801Mailing Address 817 West Blaine Ave., Nampa, Idaho Zip 836512. Date of Priority (Only one (1) per claim) September 21, 19113. Source of water supply (a) Reynolds Creek
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 3S Range 4W Section 12,
1/4 of NE 1/4 of SE 1/4, Govt. Lot, B.M., County of OwyheeAdditional points of diversion if any: T3S R4W S13 SENE

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. Jaca upper and lower ditches.

RECEIVED

JUN 14 1988

WESTERN REGION
WATER RESOURCES

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 2/15 to 7/15 amount 7.65 or 273

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 7.65 (cfs) and/or (b) 273 (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

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 other 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
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3S	3W	7						<u>18</u>	<u>14</u>										22
	4W	12				21									21	8		6	56

Total number of acres irrigated 78

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

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

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.

57-00246, 57-00267, 57-01023, 57-01021, 57-01022 or None ()

14. Remarks:

Use of this right with the rights listed above is for the
irrigation of 78 acres. The combined diversion rate of this right and
right nos. 57-00246, 57-00267 and 57-01023 is 7.65 cfs.

See attached for further remarks.

Last Name Jaca Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

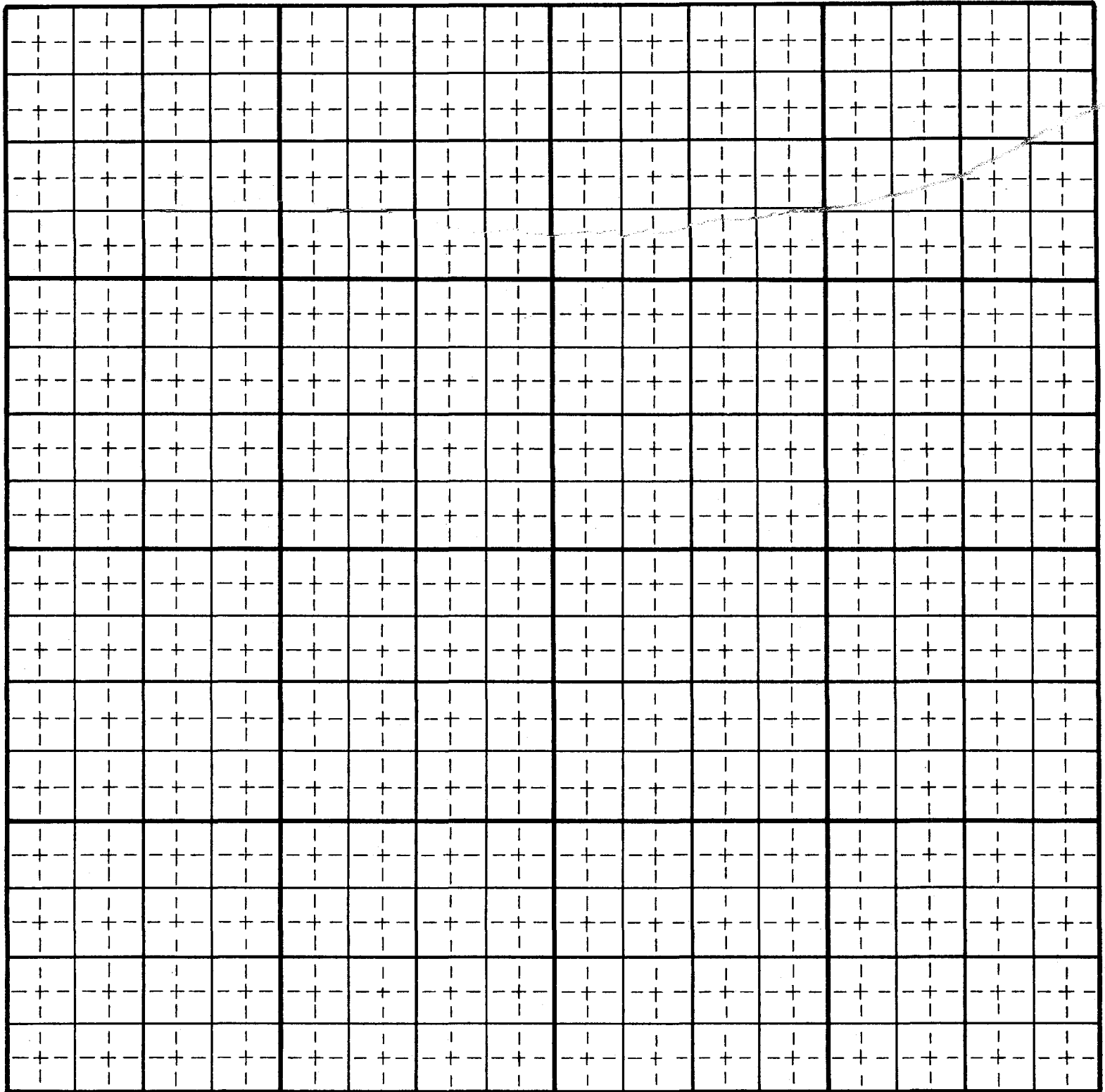
If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

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

Scale: 2 inches equals 1 mile



Last Name J a c a

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
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) _____

Elias Jara

Date 2-12-99

Date _____

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

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

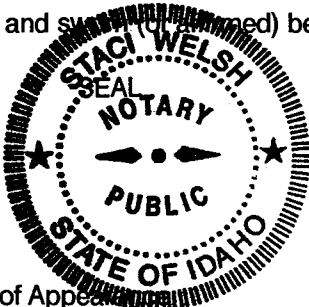
Signature of Authorized Agent _____

Title and Organization _____

Date _____

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

Subscribed and sworn to (and affirmed) before me this 15th day of February 19 99



Notary Public _____

Staci Welsh

Residing at Boise, Idaho

My Commission Expires 1/27/2005

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 Jara Ident. Number _____

Copies White-State, Yellow-Claimant

REMARKS:

This water right is based upon the historical diversion and use of the high flows that normally occur, briefly, each year in the Upper Reynolds Creek basin. Use of this right may occur prior to the beginning of the normal irrigation season since the water user must take advantage of the high flows as they occur. This right is for the diversion and use of up to 3.5 acre-feet per acre annually.

A57-11563

35

4W

3W

$\frac{136}{11}$

$\frac{36}{16}$

301

$\frac{31}{6}$

$\frac{25}{35}$

2

$\frac{11}{12}$

$\frac{16}{12}$

$\frac{9}{7}$

11

A57-11563



$\frac{112}{113}$

$\frac{127}{13}$

$\frac{7}{10}$

14

PD

$\frac{113}{13}$

$\frac{13}{14}$

$\frac{18}{14}$

Taca

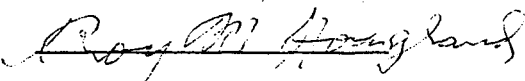
December 21, 1998

To whom it may concern,

I purchased an interest, with my brother, in the Adams ranch on upper Reynolds Creek in 1943. In 1950 I bought his interest and moved with my family to the ranch and operated the place through 1972. Then I formed a family corporation with my wife, my son, and my daughter under the name- Seven High Ranch Inc. We have since purchased other lands in the Reynolds Creek area and continue our ranching operation.

Upper Reynolds Creek watershed extends about 9 miles south of the ranch and ranges 7000 ft down to 3500 ft. Our only source of irrigation water is from this Creek. The spring runoff varies with the weather conditions from high to low snowfall and wet or dry seasons. This makes very uncertain stream flows from high flooding to minimal water. We have to plan our irrigation when the water is available.

Some years we start to irrigate in late February and the first of March if the water is available. Normally the main highwater flows occur in March, April, and early May. In late May and early June the stream flow is decreasing and water is divided by decreed priority water rights. In July the irrigation is very minimal. It is critical to get the early watering to recharge the soil for the later crops when the water is gone.


Roy M Hoagland

A57-11563

Nov. 30, 1998

To whom it may concern:

We lived on the Lobbington Ranch in Reynolds Creek, Owyhee Co. - from 1952 to 1972 and used the Reynolds Creek water for irrigation. Some years we began to clean ditches and irrigate very early in the spring time. There were years we were irrigating in early February.

Every ranch depended on Mother Nature to supply enough water for their crops.

May the water users on that water shed continue to have access to the waters in future years to come.

Sincerely

Evelyn Cummings

A57-11563

C O P Y

IN THE MATTER OF THE APPLICATION)
OF THE WATER USERS OF REYNOLDS)
CREEK FOR THE CONSOLIDATION OF) --DECISION--
WATER DISTRICTS NO'S 13-A & 13-B.)

Upon receiving a petition from the Water Users in Water District No. 13-A asking for the consolidation of Districts No's 13-A and 13-B., a protest against carrying out the proposed plan was received from Water Users in District No. 13-B on Upper Reynolds Creek.

A hearing, which was attended by a number of Water Users from both Districts was held on June 10, 1942, at which time the various points involved were discussed.

The principal contention of the Lower Creek Water Users was that regulation in the Upper District in the early spring was delayed to long, with the consequence that more water was diverted by the Upper Users than their rights called for cutting the Lower Users short. It was admitted by the protestants that large amounts of early water was actually applied to the Upper lands, but that on account of the porous nature of the soil and the nearness of the irrigated lands to the bed of the creek that a very large proportion of the water was returned to the creek above any diversion in the lower district and thus did not materially affect the creek in so far as the lower users are concerned. Since the matter of return flow in the creek was a very important consideration and much conflicting testimony was given it was

A57-11563

decided by the Commissioner to make certain water measurements in Reynolds Creek to determine the facts. These measurements were made on July 1st, and it was found that with a total diversion into the Water Users ditches in No. 13-B greater than the total surface inflow into the creek from all sources there was a return flow measured at the head of District No. 13-A equal to 75% of the total water in District No. 13-B. i. e. of all the water used to fill the decrees in the Upper District only 25% of it was actually used the remainder appearing in the creek below for use in District No. 13-A.

This would indicate that ground conditions are such that no great harm can be done the lower users by applying an excess of water to lands in the Upper District, in fact this ground storage actually might be beneficial. In the early or run off period, however, before the return flow gets back to the stream, excess water on the Upper lands may short the Lower Users for a brief period of time.

In view of the incomplete stream records and the lack of information as to operating conditions it is hereby decided that the position for the consolidation of Districts No. 13-A. and 13-B., be denied, however with the following provision for the year 1943; that District 13-B call its watermaster for duty on or about the date Watermaster in No. 13-A assumes his duties in the spring, both Watermasters to be under the direct supervision of the Commissioner of Reclamation.

Signed: /s/ E. V. Berg
E. V. Berg
Commissioner of Reclamation

September 3, 1942

AS7-11563

A F F I D A V I T

STATE OF IDAHO)
 : ss.
County of Canyon)

Howard Lawlis, being first duly sworn, on oath, deposes and says:

That he is now of the age of eighty-three (83) years, and upwards, and fully competent to execute this affidavit; that said affiant is a resident of Nampa, Canyon County, Idaho, and has lived in said County for upwards of thirty-two years; that he is a citizen of the United States of America;

That this affiant came into Owyhee County, Idaho, in the year 1915, settling in the Reynolds Creek area where he was employed by ranchers and stockmen as a range rider and hand; that this affiant then worked for one Hicks on the old Keller Ranch and subsequently purchased the Dr. Noble Ranch where he ran his own stock and ranched;

That said affiant was well and personally acquainted with Lorenzo Uberauga and Elias Gabicaand, on occasion, was employed by them beginning in the year 1915; that they operated a ranching operation on Reynolds Creek and that this affiant is fully familiar with the manner in which they applied waters from Reynolds Creek as well as snow-melt run-off waters and flood waters to the lands upon which the aforesaid parties ranched and farmed;

That the application of flood water was always consistent in that every year and by whatever means were available, said waters were appropriated and applied, and that this practice continues to date;

Said affiant further states that he is knowledgeable regarding the history and operation of the Gifford Ranch (Bass), Uberauga Ranch (Gabica), Adams Ranch (Hoagland) and Joe Mitchell Ranch (Nettleton), that these places all have 1864 water rights and that flood waters from all available sources have been consistently applied to these properties throughout the period 1915 to the present time.

Howard Lawlis

SUBSCRIBED and sworn to before me this 9th day of May,
1979.

Richard T. Gordon
Notary Public for the State of
Idaho, residing at Nampa, Idaho.

A57-11563

RECEIVED

MAY 20 1999

Department of Water Resources

1999 MAY 18 PM 2:16

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

In Re SRBA

Case No. 39576

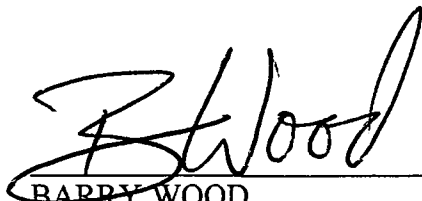
Subcase No. 57-11563

ORDER GRANTING MOTION
TO FILE LATE NOTICE OF CLAIM

On Feb. 17, 1999, a Motion to File Late Notice of Claim was filed by
Elias Taca. All procedural requirements under *Administrative*
Order 1 were complied with in filing this *Late Notice of Claim*. No valid objections were made
to this *Late Notice of Claim*. The Motion is GRANTED.

IT IS SO ORDERED.

DATED May 18, 1999



BARRY WOOD

Administrative District Judge
Interim Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that true and correct copies of the **ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM** were mailed on May 18, 1999, with sufficient, first-class postage to the following:

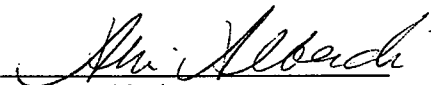
IDWR Document Depository
PO Box 83720
Boise, ID 83720

NOTICE OF CLAIM FORWARDED

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

United States Dept of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Elias Jaca
817 West Blaine Avenue
Nampa, ID 83651


Deputy Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

May 26, 1999

KARL J. DREHER
DIRECTOR

ELIAS AND INEZ JACA
817 W BLAINE AVE
NAMPA ID 83651

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A57-11563

Dear Claimants:

Your Notice of Claim to a Water Right for your property in Owyhee County was received from the SRBA Court recently. I have enclosed your receipt #C045507 for the fees paid and the yellow copy of your claim for your records.

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/327-7932 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Shaff'.

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region

Enclosures:

Receipt #C045507

Yellow File Copy of Claim

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



(208) 736-3011
FAX (208) 736-2121

RECEIVED

MAY 20 1999

Department of Water Resources

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

May 19, 1999

Dave Tuthill
Chief, Adjudication Bureau
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Re: Orders Granting Motions to File Late Notice of Claim

Dear Dave,

Enclosed are the Orders Granting Motions to File Late Notices of Claim with accompanying Notices of Claim and filing fees for the following:

SUBCASE(S)	CLAIMANT(S):	CHECK #	AMOUNT(\$)
34-00176A, 34-00807B	Clark & Diane Parker	0942	204.00 * ✓
57-11557	John Romero	5263	100.00 ✓
57-11558	John Romero	5264	100.00 ✓
57-11559	Jerry Hoagland	5489	100.00 ✓
57-11560	Seven High Ranch	5488	109.00 ✓
57-11561	Seven High Ranch	5491	100.00 ✓
57-11562	Seven High Ranch	5490	100.00 ✓
57-11563	Elias Jaca	6081	100.00 ✓
57-11564	Tom Hook	4452	100.00 ✓
57-11565	Tom Hook	**	
72-02069N	James & Rene Mabe	3716 (Lynda Hoggan)	106.00 ✓
72-02069P	Robert Webster	0346	102.00 ✓

May 19, 1999
Letter to Dave Tuthill (late claims)

- * The SF4s for both 34-00176A and 34-00807B appear to require \$204.00 for **each** claim, however, only one check is attached.
- ** The SF4s for both 57-11564 and 57-11565 appear to require \$100.00 for **each** claim, however, only one check is attached.

Please contact me with any questions you may have.

Sincerely,



Ami Alberdi
Deputy Clerk of the Court
Snake River Basin Adjudication

Enclosures

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Alca Elias Inez

CLAIM IDENT. NO.

A57-11563

DATE RECEIVED

5-20-1999

GK #

C045507

AMOUNT \$

100.00

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A ☐ NO *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A ☐ NO *
- Is the consumptive use correct? ☒ YES ☐ NO N/A ☐ NO *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A ☐ NO *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A ☐ NO *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A ☐ NO *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt ☐ NO *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A ☐ NO *
22. Should this claim be data entered? ☒ YES ☐ NO *

Claim checked by:

D. Shaffer

Date:

5-26-99

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by:

D. Shaffer

Date:

5-21-99

Claim data entered by:

D. Shaffer

Date:

5-21-99

Sent to claimant by:

D. Shaffer

Date:

5-21-99

Checked by:

D. Shaffer

Date:

5-26-99

Comments:

Claim No(s). A57-11563

Claim No(s). A57-11563

[illegible]