

12/07/2005

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

RIGHT NUMBER: 79-10223

NAME AND ADDRESS: A C RANCHES INC
PO BOX 416
PLAISTOW NH 03865

SOURCE: SPRING

TRIBUTARY: SLATE CREEK

QUANTITY: 0.110 CFS

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1960

POINT OF DIVERSION:

T26N R02E S5 NWSNW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
STOCKWATER	01/01 12/31	0.090 CFS
IRRIGATION	03/15 10/31	0.110 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T26N R02E S05 Lot 3 NENW 0.2 T26N R02E S05 Lot 4 NWNW 5.5

STOCKWATER Within IDAHO County

T26N R02E S05 Lot 4 NWNW T26N R02E S05 SENW

DOMESTIC Within IDAHO County

T26N R02E S05 Lot 4 NWNW

5.7 ACRES TOTAL

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

The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

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 - Beneficial Use

79-10223

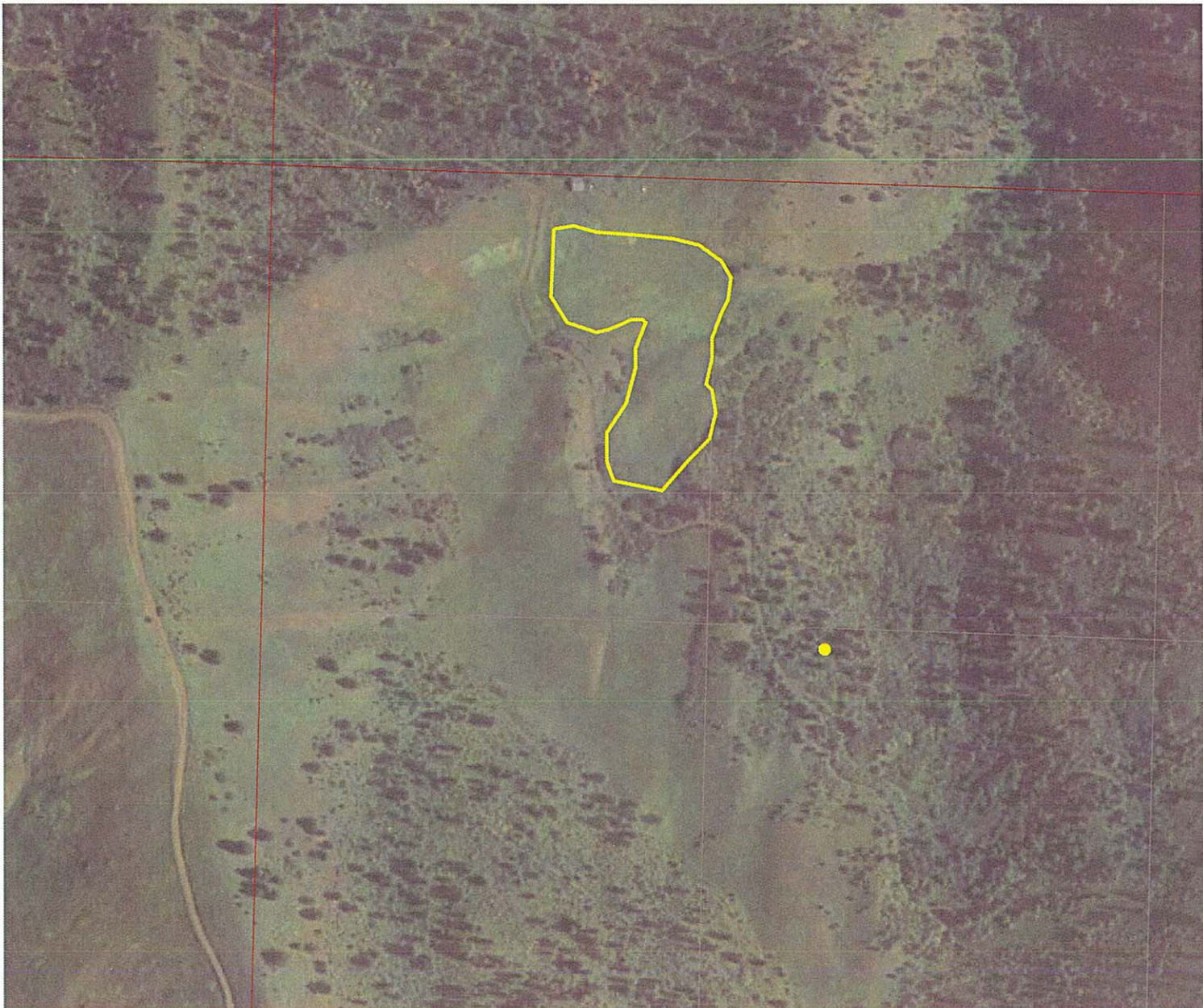
T26N R2E Section 5



Place of Use



Point of Diversion



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: A79-10223
Date Received: 7/29/1988
Receipt No: C002070
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: A C RANCHES, INC.
Address: P.O. BOX 416
PLAISTOW, NH

603-382-9222

03865

2. Date of Priority: MAY 1, 1960

3. Source: SPRING

Trib. to: SLATE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
26N	02E	5	NW	SE	NW		IDAHO

5. Description of diverting works:

DEVELOPED SPRING, PIPELINE TO HOUSE, SPRINKLERS FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	03/01	12/01	0.600		
STOCKWATER	01/01	12/31	0.090		

7. Total Quantity Appropriated is:

0.730 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

90.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC/ 1 HOME, STOCKWATER/ 400 RANGE CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
26N	02E	5	NE	NW	3	IRR	15.0
			NW	NW	4	DOMEST	

A79-10223

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Date: 07/30/91

MICROFILMED
OCT 06 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
26N	02E	5	NW SE	NW NW	4 IRR STOCK	15.0

Section Acres 30.0

Total Acres 30.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:
KNOWN AS THE CHANDLER PLACE.

15. Basis of Claim: BENEFICIAL USE

CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED
JUL 01 1991
Department of Water Resources

[] Water Right Number (s): _____

[] Old Mailing Address: A C Ranches, Inc.
P.O. Box 416
Plaistow, NH 03865

[] New Mailing Address: A C Ranches, Inc.
P.O. Box 416
Plaistow, NH 03865

New Telephone Number: (603) 382-9222

[] Signature of Claimant: *Att. Colly, President*
Date: June 26, 1991 *AC Ranches Inc.*

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 07-27-91 By: *[Signature]*

Further Action Needed:

Further Action Taken

Date: _____ By: *JDR OK 7/30/91*

Final Review and Data-Entry

Date: _____ By: _____

MICROFILMED

OCT 06 1992

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

RECEIVED

AUG 5 1988

Ident. Number: A79-10223
Date Received: 7/26/1988 7/29
Receipt No: C002070
Received By: C4

Department of Water Resources NOTICE OF CLAIM TO A WATER RIGHT
Western Regional Office ACQUIRED UNDER STATE LAW

1. Name: A. C. RANCHES, INC. 208-628-3446
Address: P.O. BOX 247
RIGGINS, ID 83549

2. Date of Priority: MAY 01, 1960

3. Source: SPRING Trib. to: SLATE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
26N	02E	5	NW	SE	NW		IDAHO

5. Description of diverting works:
DEVELOPED SPRING, PIPELINE TO HOUSE, SPRINKLERS FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	03/01	12/01	0.600		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC/ 1 HOME, STOCKWATER/ 400 RANGE CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
26N	02E	5	NE	NW	3	IRR	15.0

A79-10223

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Date: 07/26/88

MICROFILMED

OCT 06 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
26N	02E	5	NW		NW	4	DOMEST	
			NW		NW	4	IRR	15.0
			SE		NW		STOCK	
							Section Acres	30.0
							Total Acres	30.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:
KNOWN AS THE CHANDLER PLACE.

15. Basis of Claim: BENEFICIAL USE

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: -1-

For Organizations:

I do solemnly swear or affirm that I am Mgt. of
 A.C. Ranches, Inc. , that I have signed the foregoing
Organization
document in the space below as Mgt. of
 A.C. Ranches, Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

 W. Angelo Brown
Signature of Authorized Agent

 Mgt. A.C. Ranches, Inc.
Title and Organization

 7-26-88
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of July 19 88
Seal

 Carter Fritchler
Notary Public

Residing at Eagle, Id
My Commission Expires 3-21-94

A79-10223

Topographic map showing contour lines and a grid. The map includes labels for 'GLENN CHANDLER ETUX', 'JEEP', 'TRAIL', 'KENNETH E. STUMP ETUX', and 'RALPH H. DAWSON ETUX'. A handwritten note 'A79-10223' is in the top left. The map also features a grid with numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1118 F. St, Lewiston, Idaho 83501

Phone: (208) 743-0301 FAX: (208) 743-0415 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 24, 2005

79-10223
AC RANCHES INC
PO BOX 416
PLAISTOW NH 03865

RESPONSE DEADLINE
MARCH 25, 2005

Re: Evidence of Priority Date

Dear Claimants:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

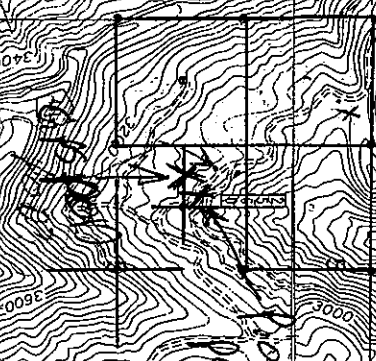
PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office at 1-208-743-0301.

Sincerely,

Gregory J. Taylor
Sr. Water Agent

79-10723



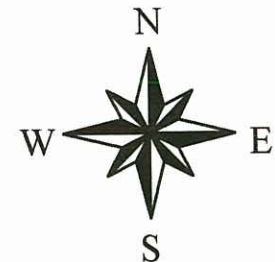
26N

27N

79-10223

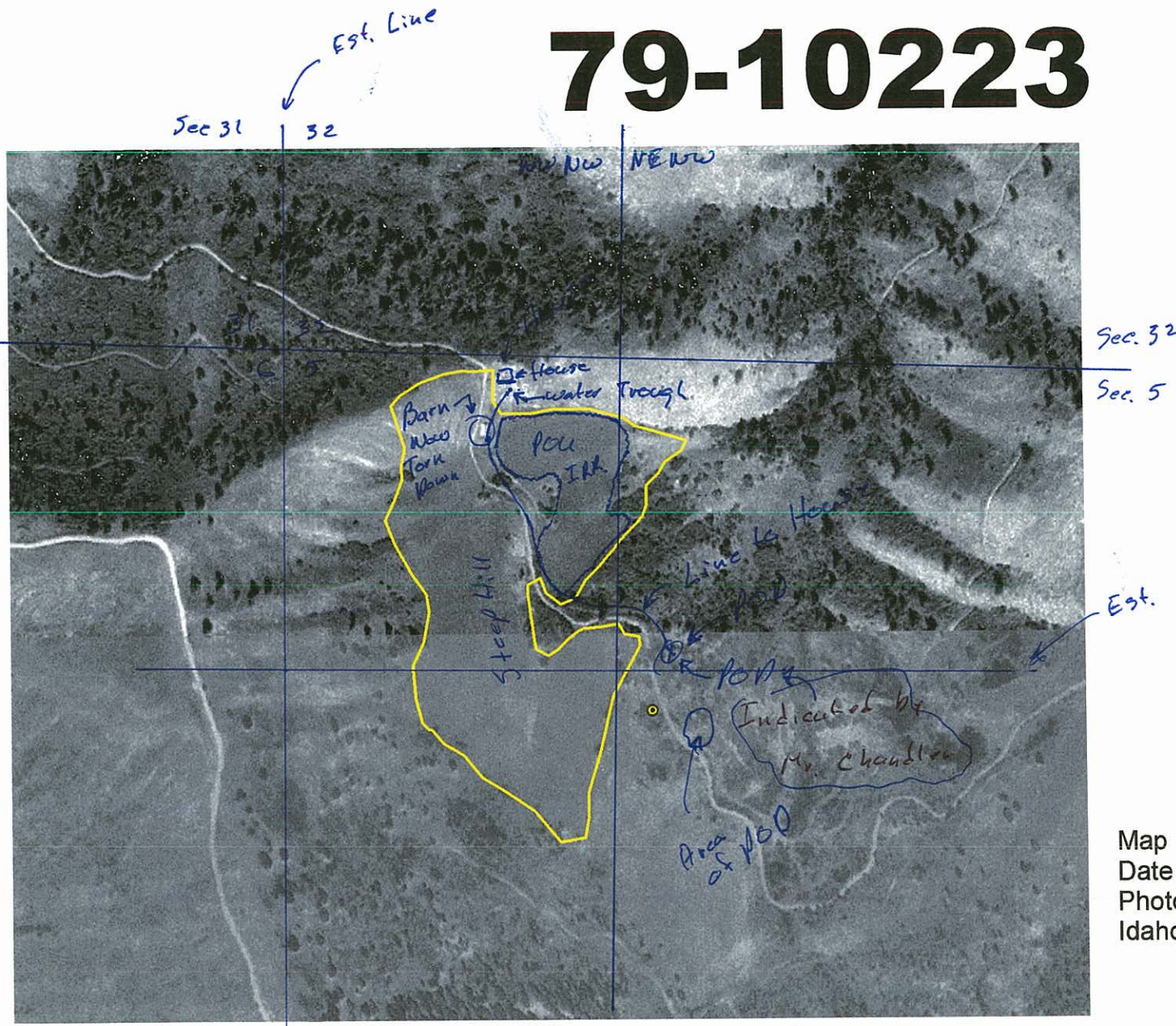
**T26N R02E
Section(s) 5**

- Point of Diversion
- Place of Use



Map prepared by: Greg Taylor
Date Prepared: February 1, 2005
Photography: 1992 DOQQ
Idaho Department of Water Resources

0 600 1200 1800 2400 Feet



79-10223

Field Exam Notes

Date of Exam: August 1, 2005

The GPS location of the point of diversion (POD) is **N45° 37' 18.4"** by **W116° 14' 16.6"**. A comparison with a USGS 7½ min. topographical map indicates that the POD is on the uphill side of the road. It is actually on the downhill side of the road and has a probable location as indicated on the topographical map and on the aerial photo. Also, Glenn Chandler, original owner of the property, marked on the aerial photo the POD. He did state that it had been many years since he was at that location. The actual POD was found to be further up the draw than where he indicated. No one accompanied me on the on site exam.

The diversion consists of a spring that is located by a vertical pipe (*Photo 1*). Mr. Chandler stated that an excavation was done at the spring in an attempt to control the flow. A large natural reservoir was discovered which released a large amount of water when excavated. The reservoir was dammed with clay and valves and a cover plate for the valves were installed and marked by the vertical pipe at that time. The valves were not found on the day of the exam and no attempt was made to dig them up.

An underground line links the spring to a stock tank at the house (*Photos 2 & 3*). Mr. Chandler stated that the spring once supplied a barn (latter taken down) along with the house. Mr. Chandler also stated that the water was also used to water stock and to sprinkle irrigate the land he indicated on the aerial photo.

The owner of record given on this claim is AC Ranches, Inc. A telephone (603-382-9222) conversation on July 7, 2005 with Alan Colby, representative of AC Ranches, revealed that the property was sold to Fred and Patty Hopp (503-650-2910; cell 503-807-7402) sometime in the early 1990's. It was recommended to Mr. Hopp in a phone conversation that he notify the Idaho Department of Water Resources (IDWR) for a change of ownership form. Mr. Hopp's address is:

Fred & Patty Hopp
2910 Brandywine
West Linn, OR 97068

The house located on the property is mostly a shell and is not plumbed for water. Water is available in the stock tank near the house and according to both Mr. and Mrs. Hopp, the house is used during hunting season.

Water coming out of the line at the stock tank was not measured for flow because of the small flow rate (estimated at 5 *gpm* or less) compared with the size of the indicated irrigation area. However, Mrs. Hopp stated that they irrigated the field with a hose a little at a time. There is some confusion as to what is actually being irrigated or what has recently been irrigated. Mr. Chandler outlined the historical irrigated land on the aerial photo. He also stated that there was once a fish pond on the property near the house. Currently, however, some attempt may have been made by the Hopps to irrigate the land indicated. What was actually irrigated by the Hopps is probably a small garden plot or lawn of less than one-half (1/2) acre although no evidence of that plot or lawn was found on the day of the exam.

Mrs. Hopp stated that they lease the land for winter grazing for about 300 head of cattle. She also stated that there is often a few head of horses on the property at any given time.

The legal POU for stock is given in the claim as SENW, Sec. 5, Rge. 02E, Twp. 26N, BM. This is where the spring is located and there is water available for stock at that location. However, stock also use the stock tank located near the house in **NWNW** of the same section, range and township.

A conversation with Mr. Hopp, Mr. Chandler and a search of the IDWR public web site indicated that there are no other water rights sharing the same POD or POU as this claim.

Field Examiner:

A handwritten signature in cursive script, appearing to read "Jim Zimmerman".