

08/18/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 22, 2006

Water right number: 79-14051

HORSESHOE BEND RANCH INC

1910 CHAPEL DR

PHILOMATH OR 97370

Telephone Number: (541) 929-3308

RECEIVED
SEP 25 2006
IDWR/North

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Priority date 12/1/1914 Source Billy Creek
Period of use 01/01 12/31

2. Describe the changes you wish to make in the proposed recommendation:

T31N R03W S25 NWSE end of stream flow within Idaho County ✓
add T30N R02W S31 cross corner of NWSE ✓
unnamed stream of Billy Creek T31N R02W S31 NWNE SW end of stream flow

3. Give a brief explanation as to why you disagree with these portions:

T31N R02W S31 SE SW SW Begin of stream flow
stock water T31N R02W S31 ~~SE~~ NESW SESW SWSW

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 9/20/06 SIGNATURE: by George E Shroyer Jr.
Please print your name: George E Shroyer Jr

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

08/18/2006

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

RIGHT NUMBER: 79-14051
NAME AND ADDRESS: HORSESHOE BEND RANCH INC
1910 CHAPEL DR
PHILOMATH OR 97370
SOURCE: BILLY CREEK
QUANTITY: 0.300 CFS
PRIORITY DATE: 12/31/1914

RECEIVED**SEP 25 2006****IDWR/North**

TRIBUTARY: SALMON RIVER

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

POINT OF DIVERSION:

T30N R02W S6 NENE Begin of Stream Flow Within IDAHO County
T30N R02W S8 NESE Begin of Stream Flow Within IDAHO County
T30N R02W S8 NWSE End of Stream Flow Within IDAHO County
T31N R02W S31 NWNW Lot 1 End of Stream Flow Within IDAHO County
T31N R02W S31 SWNW Lot 2 Within IDAHO County
T31N R02W S31 SESE Lot 7 Within IDAHO County
T31N R03W S25 NWSE End of Stream Flow Within LEWIS County
T31N R03W S25 SWSE Begin of Stream Flow Within IDAHO County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
POWER	01/01 12/31	0.280 CFS

PLACE OF USE: STOCKWATER Within IDAHO County

T30N R02W S06 Lot 1 NENE	T30N R02W S08	NESE
T30N R02W S08	T31N R02W S31 Lot 2 SWNW	
T31N R02W S31	T31N R02W S31	NESW
T31N R02W S31 Lot 5 SESW	T31N R02W S31 Lot 6 SWSE	
T31N R02W S31 Lot 7 SESE	T31N R03W S25	NWSE
T31N R03W S25 Lot 5 NWSE	T31N R03W S25	SWSE

POWER Within IDAHO County

T31N R03W S25 SESE

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 - Beneficial Use

10/15/2006

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

RIGHT NUMBER: 79-14051

NAME AND ADDRESS: HORSESHOE BEND RANCH INC
1910 CHAPEL DR
PHILOMATH OR 97370

SOURCE: BILLY CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.300 CFS

PRIORITY DATE: 12/31/1914

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T31N R02W S31 NWNW Lot 1 End of Stream Flow Within IDAHO County
T31N R02W S31 SWNW Lot 2 Within IDAHO County
T31N R02W S31 NWNESW End of Stream Flow Within IDAHO County
T31N R02W S31 SWSW Begin of Stream Flow Within IDAHO County
T31N R02W S31 SESE Lot 7 End of Stream Flow Within IDAHO County
T31N R03W S25 NWSE End of Stream Flow Within IDAHO County
T31N R03W S25 SWSE Begin of Stream Flow Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
POWER	01/01 12/31	0.280 CFS

PLACE OF USE:

<u>STOCKWATER Within IDAHO County</u>			
T30N R02W S06 Lot 1 NENE		T30N R02W S08	NESE
T30N R02W S08	NWSE	T31N R02W S31 Lot 2 SWNW	
T31N R02W S31	SENE	T31N R02W S31	NESW
T31N R02W S31	NESW	T31N R02W S31	SWSW
T31N R02W S31	SESW	T31N R02W S31 Lot 5 SESW	
T31N R02W S31	NWSE	T31N R02W S31 Lot 6 SWSE	
T31N R02W S31 Lot 7 SESE		T31N R03W S25	NWSE
T31N R03W S25 Lot 5 NWSE		T31N R03W S25	SWSE
<u>POWER Within IDAHO County</u>			
T31N R03W S25	SESE		

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

10/15/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

Identification No. 279-14051

Date Received 9/13/99

Receipt Number W025719

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes
Where Daily Use Is less than 13,000 gallons per day.

Filing Fee \$25

RECEIVED

SEP 13 1999

WATER RESOURCES
WESTERN REGION

RECEIVED

DEC 03 2000

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) SHROYER RANCHES, INC. Phone () 541 929 3308

Mailing Address 1910 CHAPEL DRIVE PHILMATH, OREGON Zip 97370

2. Date of Priority (Only one per claim) 1914 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other () (a) BILLY CREEK
which is tributary to (b) _____ Name or kind of source

4. POINT OF DIVERSION.

TOWNSHIP RANGE SECTION 1 / 4 OF 1 / 4 OF 1 / 4 LOT COUNTY
Beginning Point of Instream FLOW

30N	2W	8	SE	NE	SE	
31N	3W	6	SE	NE	NE	
31N	3W	25	SE	SW	SE	
ENDING POINT OF INSTREAM FLOW						IDAHO
30N	2W	8	NW	SW	SE	
31N	3W	31	NW	SW	NW	
31N	3W	25	SW	NW	SE	

T 30N R 2W 6 SW NE NE

T 31N R 2W 31 NE SW NW

Additional points of diversion if any: T 31N R 3W 25 NE SW SE

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. INSTREAM STOCK WATER

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

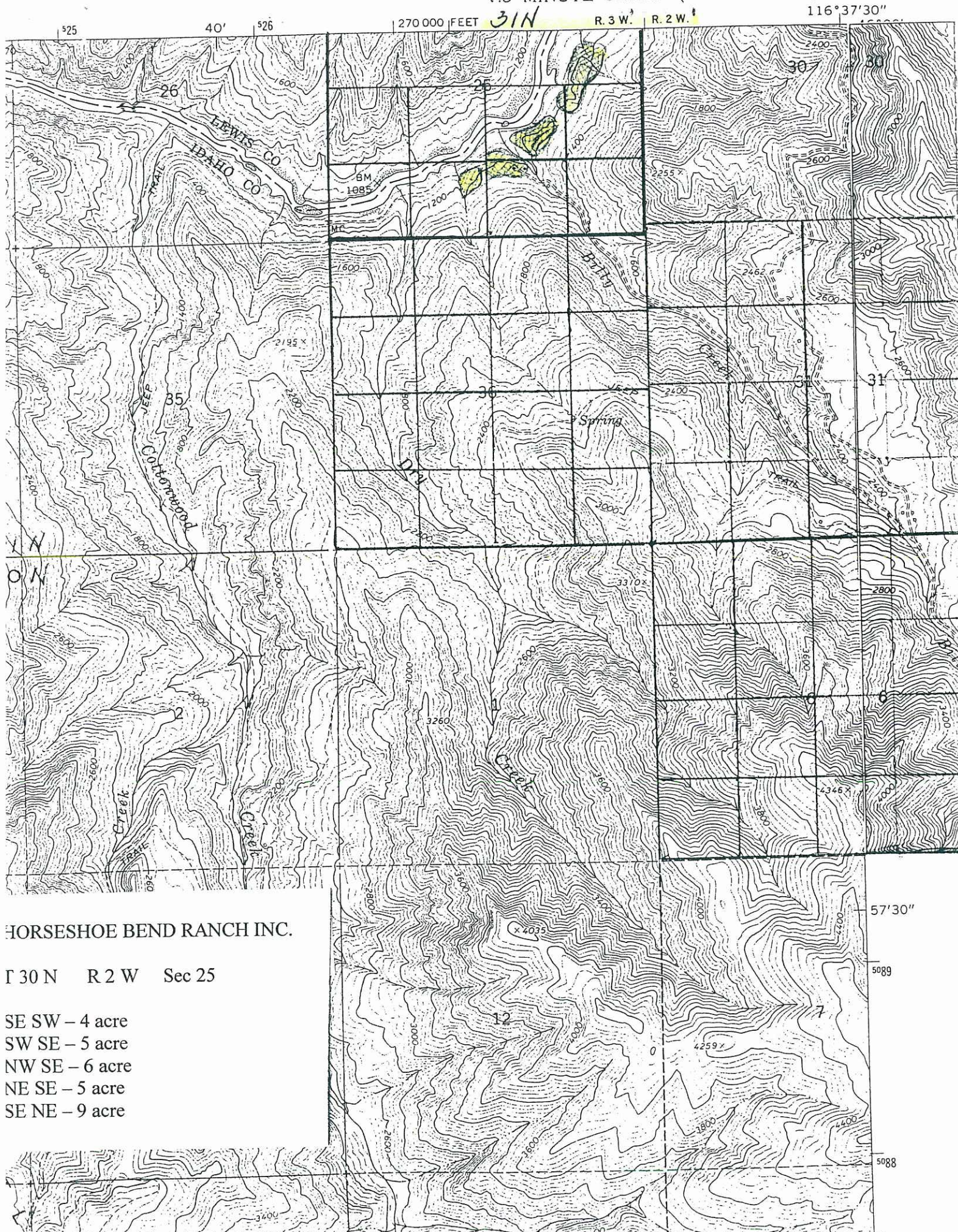
For STOCK WATER purposes from 01/01 to 12/31 amount 20 (cfs)
For HOME purposes from 01/01 to 12/31 amount 20 (cfs)
For DOMESTIC purposes from 01/01 to 12/31 amount 20 (cfs)

7. Total quantity claimed 40 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-Irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) WATER TURBINE 75KW APPROXIMATELY 350' HEAD
STOCK WATER 500 BINGE CATTLE

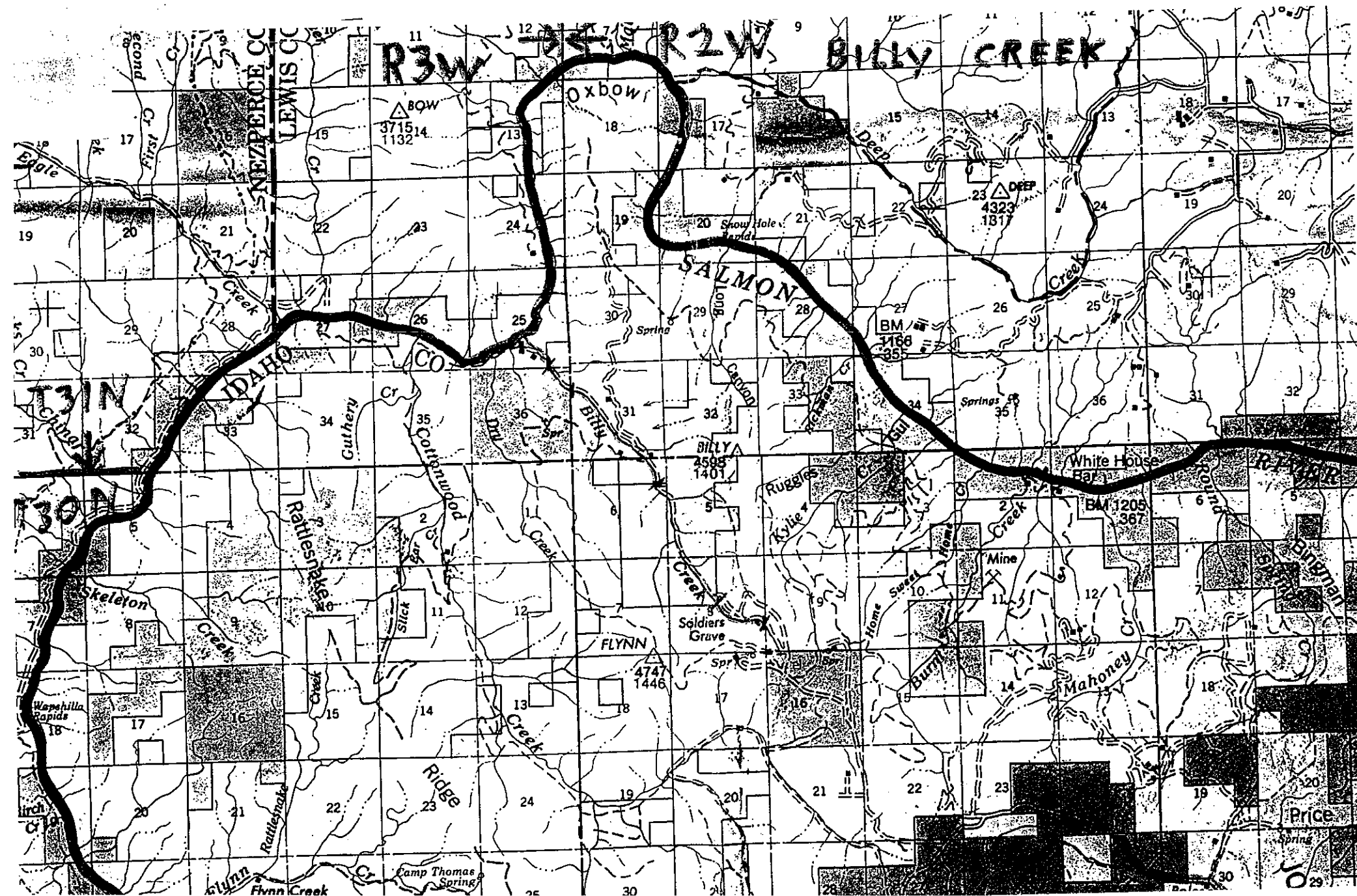
7.5 MINUTE SERIES (TOPOGRAPHIC)



HORSESHOE BEND RANCH INC.

T 30 N R 2 W Sec 25

- SE SW – 4 acre
- SW SE – 5 acre
- NW SE – 6 acre
- NE SE – 5 acre
- SE NE – 9 acre



10. Place of use is: BILLY CREEK

TOWNSHIP

RANGE

SECTION

1 / 4

OF

1 / 4

Govt. Lot

B.M.

30N	2W	8	NE	SE
			NW	SE
		6	NE	NE
31N		31	SE	SE
			SW	SE
			NW	SE
			NE	SW
			SE	NW
			SW	NW
	3W	25	SW	SE
			NW	SE

Plains indicates
number of acres
of irrigation

for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any

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

12. Do you own the property listed above as place of use? Yes ☒ 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.
() None or irrigation

14. Remarks: Spring Right No. 79-10246

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 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 Vice President

of Shroyer Ranches Inc that I have signed the foregoing
document in the space below as Manager of Shroyer Ranches Inc Idaho Ranch
and that the statements contained in the foregoing document are true and correct.

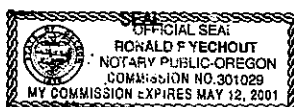
Signature of Authorized Agent Manager George E. Shroyer Jr. Date 9-10-99

Title and Organization Manager of Shroyer Ranches Inc Idaho Ranch

State of Idaho or Oregon)
County of Butte) ss.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this tenth day of September 19 99



Notary Public Ronald F. Yeckout
Residing at Butte, Oregon 97370
My Commission Expires May 12, 2001

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

10. Place of use is: BILLY CREEK

TOWNSHIP	RANGE	SECTION	1 / 4	OF	1 / 4	Govt. Lot	B.M.
30N	2W	8	NE		SE		
			NW		SE		
		6	NE		NE		
31N		31	SE		SE		
			SW		SE		
			NW		SE		
			NE		SW		
			SE		NW		
			SW		NW		
	3W	25	SW		SE		
			NW		SE		

for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐
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Court Decree Date Plaintiff vs Defendant

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Signature of Claimant (s) Date

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

of Shroyer Ranches Inc that I have signed the foregoing
Organization Title
document in the space below as Manager of Shroyer Ranches Inc
Title Organization

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

Signature of Authorized Agent Manager George E. Shroyer Jr. Date 9-10-99

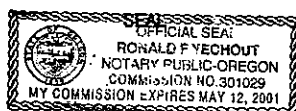
Title and Organization Manager of Shroyer Ranches Inc Treho Ranch

State of Idaho/or Oregon

County of Butte ss.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this teenth day of September 19 99



Notary Public Ronald F. Yeckout

Residing at Wilmington, Oregon 97370

My Commission Expires May 12, 2001

Last Name Ident No.

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 79-14051
Date Received: 9/13/1999
Receipt No: W025719
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SHROYER RANCHES INC Phone: (541)929-3308
1910 CHAPEL DR
PHILOMATH OR USA 97370

2. Date of Priority: 12/31/1914

3. Source: BILLY CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
✓30N	02W	6	SE	NE	NE	IDAHO	Beginning Point
✓31N	03W	25	SE	SW	SE	IDAHO	Beginning Point
✓030N	02W	8	NW	SW	SE	IDAHO	Ending Point
✓31N	02W	31	~~SW~~ NW	~~NW~~ SW	NW	IDAHO	Ending Point
✓31N	03W	25	SW	NW	SE	IDAHO	Ending Point
30N	02W	6	SW	NE	NE	IDAHO	
31N	02W	31	NE	SW	NW	IDAHO	
31N	02W	31	SW	SE	SE	IDAHO	
31N	03W	25		SE	SW	IDAHO	
31N	03W	25	NE	SW	SE	IDAHO	
✓30N	02W	8	SE	NE	SE	IDAHO	Beginning Point

5. Description of diverting works:

Instream stockwater. Water turbine 7 1/2 kw, approximately 350 ft head.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	10/31	0.58	
STOCKWATER	01/01	12/31	0.2	
POWER	01/01	12/31	0.28	
DOMESTIC	01/01	12/31	0.2	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 500 Range Cattle
Number of homes: 4

Per map, irrigation in
Sec. 25 should be 31N
3W, not 30N 2W as
their note indicated.

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
30N	02W	6	NE	NE	STOCKWATER	
30N	02W	8	NE	SE	STOCKWATER	
			NW	SE	STOCKWATER	
30N	02W	25	SE	SW	IRRIGATION	4
			SW	SE	IRRIGATION	5
			NW	SE	IRRIGATION	6
			NE	SE	IRRIGATION	5
			SE	NE	IRRIGATION	9
					Section Acres	29
31N	02W	31	SE	SE	DOMESTIC	
			SW	NW	STOCKWATER	
			SE	NW	STOCKWATER	
			NE	SW	STOCKWATER	
			NW	SE	STOCKWATER	
			SW	SE	STOCKWATER	
			SE	SE	STOCKWATER	
31N	03W	25	NW	SE	STOCKWATER	
			SW	SE	STOCKWATER	
			SW	SE	DOMESTIC	
			SE	SW	POWER	

Total Acres 29

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:

14. Remarks:

Spring right 79-10246

Quantity for irrigation added per IDWR standards, since the claimant did not add this. Total quantity was not changed.

15. Basis of Claim: Beneficial Use

10/20/2006

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

RIGHT NUMBER: 79-14051

NAME AND ADDRESS: HORSESHOE BEND RANCH INC
1910 CHAPEL DR
PHILOMATH OR 97370

SOURCE: BILLY CREEK
UNNAMED STREAM

TRIBUTARY: SALMON RIVER
TRIBUTARY: BILLY CREEK

QUANTITY: 0.300 CFS

PRIORITY DATE: 12/31/1914

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

POINT OF DIVERSION:

T30N R02W S6 NENE Begin of Stream Flow Within IDAHO County
T30N R02W S8 NESE Begin of Stream Flow Within IDAHO County
T30N R02W S8 NWSE End of Stream Flow Within IDAHO County
T31N R02W S31 NWNW Lot 1 End of Stream Flow Within IDAHO County
T31N R02W S31 SENW Within IDAHO County
T31N R02W S31 NWNESW End of Stream Flow Within IDAHO County
T31N R02W S31 SWSW Begin of Stream Flow Within IDAHO County
T31N R02W S31 SESE Lot 7 Within IDAHO County
T31N R03W S25 NWSE End of Stream Flow Within IDAHO County
T31N R03W S25 SWSE Begin of Stream Flow Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
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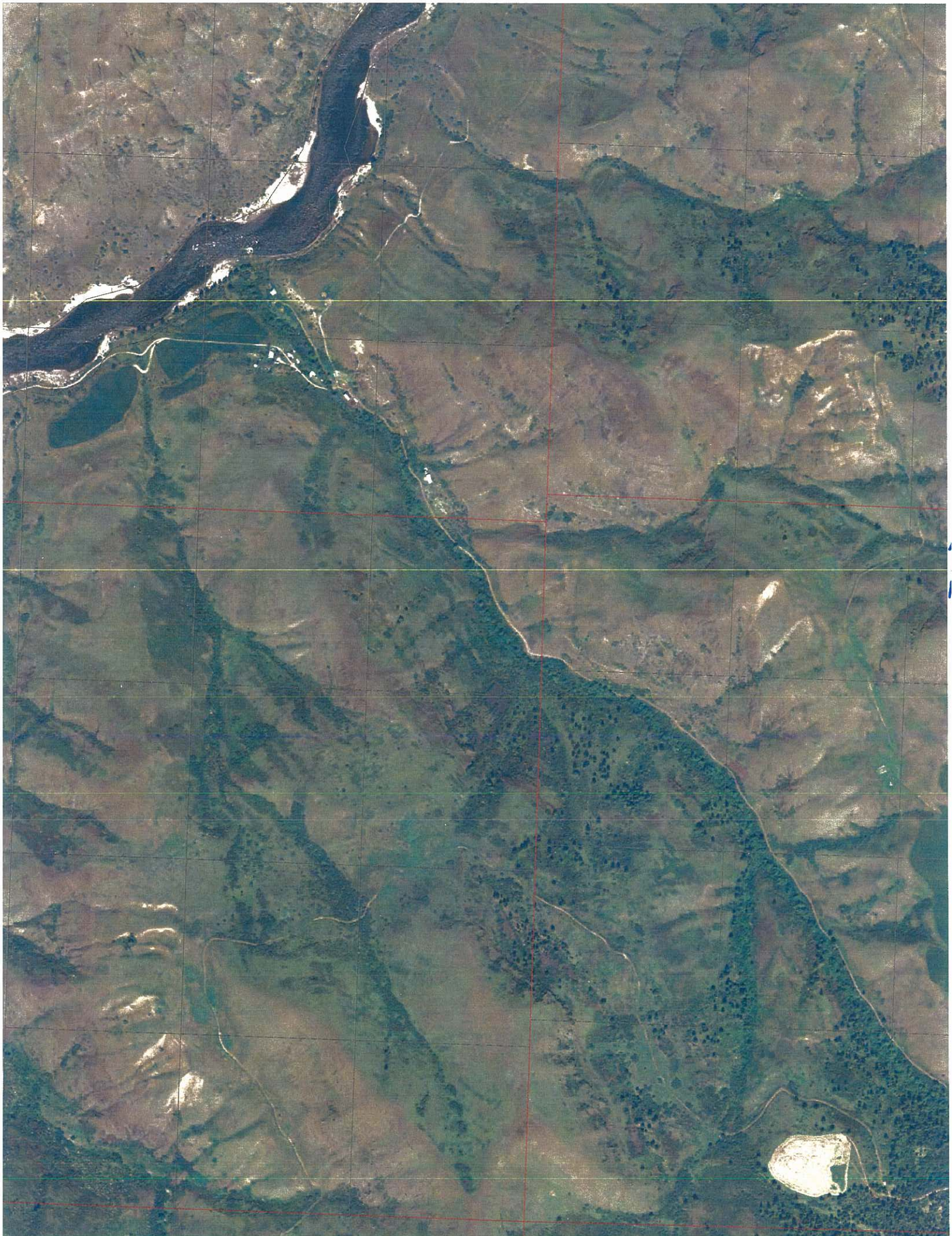
PLACE OF USE: STOCKWATER Within IDAHO County

T30N R02W S06 Lot 1 NENE	T30N R02W S08 NESE
T30N R02W S08 NWSE	T31N R02W S31 Lot 2 SWNW
T31N R02W S31 SENW	T31N R02W S31 NESW
T31N R02W S31 NESW	T31N R02W S31 SWSW
T31N R02W S31 SESW	T31N R02W S31 Lot 5 SESW
T31N R02W S31 NWSE	T31N R02W S31 Lot 6 SWSE
T31N R02W S31 Lot 7 SESE	T31N R03W S25 NWSE
T31N R03W S25 Lot 5 NWSE	T31N R03W S25 SWSE
<u>POWER Within IDAHO County</u>	
T31N R03W S25 SESE	

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



10/15/2006

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

RIGHT NUMBER: 79-14051

NAME AND ADDRESS: HORSESHOE BEND RANCH INC
1910 CHAPEL DR
PHILOMATH OR 97370

SOURCE: BILLY CREEK

TRIBUTARY: SALMON RIVER

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PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
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PLACE OF USE: STOCKWATER Within IDAHO County

T30N R02W S06 Lot 1 NENE	T30N R02W S08	NESE
T30N R02W S08	T31N R02W S31 Lot 2 SWNW	
T31N R02W S31	T31N R02W S31	NESW
T31N R02W S31	T31N R02W S31	SWSW
T31N R02W S31	T31N R02W S31 Lot 5 SESW	
T31N R02W S31	T31N R02W S31 Lot 6 SWSE	
T31N R02W S31 Lot 7 SESE	T31N R03W S25	NWSE
T31N R03W S25 Lot 5 NWSE	T31N R03W S25	SWSE
<u>POWER Within IDAHO County</u>		
T31N R03W S25	SESE	

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

10/15/2006

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

07/24/2006

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

RIGHT NUMBER: 79-14051

NAME AND ADDRESS: HORSESHOE BEND RANCH INC
1910 CHAPEL DR
PHILOMATH OR 97370

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T31N R02W S31 SESE Lot 7 Within IDAHO County
T31N R03W S25 NWSE End of Stream Flow Within LEWIS County
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PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
POWER	01/01 12/31	0.280 CFS

PLACE OF USE: STOCKWATER Within IDAHO County

T30N R02W S06 Lot 1 NENE	T30N R02W S08	NESE
T30N R02W S08	T31N R02W S31 Lot 2 SWNW	
T31N R02W S31	T31N R02W S31	NESW
T31N R02W S31 Lot 5 SESW	T31N R02W S31 Lot 6 SWSE	
T31N R02W S31 Lot 7 SESE	T31N R03W S25	NWSE
T31N R03W S25 Lot 5 NWSE	T31N R03W S25	SWSE

POWER Within IDAHO County

T31N R03W S25 SESE

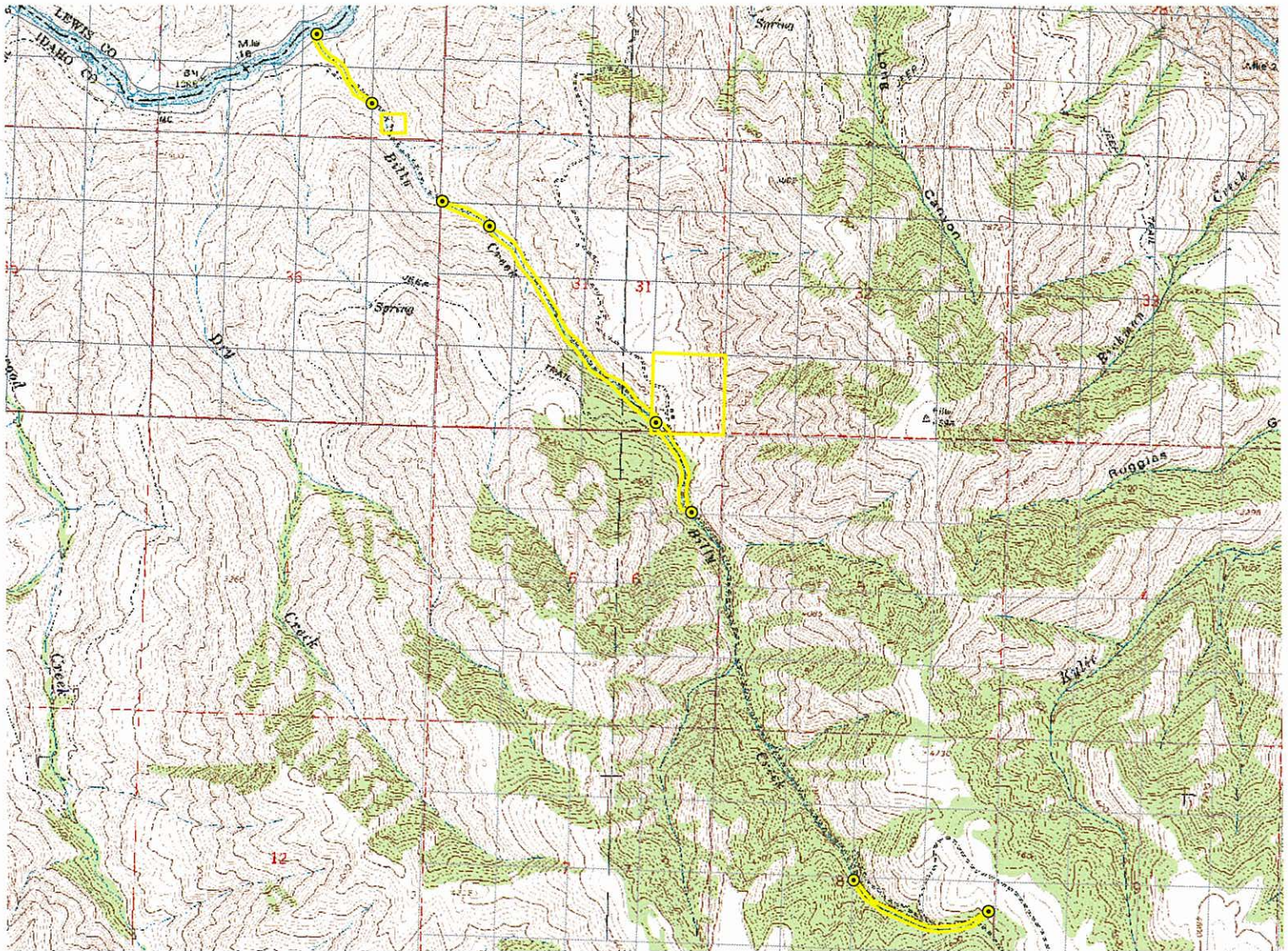
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - Beneficial Use

79-14051

Section(s) 25, 31, 6 & 8



0 4000 8000 12000 16000 Feet

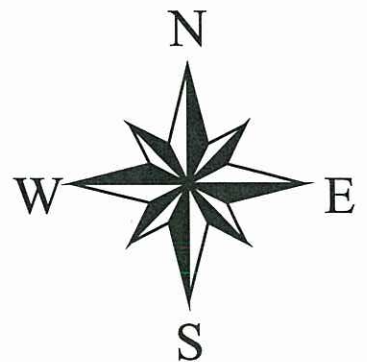


Place of Use



Point of Diversion

Layout prepared on July 24, 2006
By Greg Taylor
Idaho Department of Water Resources



W.R. 79-2098 $\rightarrow$ 1.11 cfs from Billy Creek

79-10256 is recommended as .66 cfs on 33 acres irrigated
This covers all irrigation found

79-14051 is recommended as Power $\rightarrow$.28 cfs

Stock $\rightarrow$

~~Domestic~~ $\rightarrow$

Domestic is covered for springs under 10246



17-1400

Salmon River

17-1400

Billy Creek

Buildings

Water trough
Spring
Cattle
Domestic
Not Planted

6

31

5

32

No Irrigation



 Idaho County *
 Dan's Creek *
 .55 second-foot *
 Captain Billy Creek *
 1.11 second-foot *
 Irrigation and domestic *
 Priority 4/11/10. *

S T A T E O F I D A H O .
 Water License No. 5931.

79-2098

WHEREAS, On the 11th day of April, A. D. 1910, R. P. NASH, of Joseph, County of Idaho, State of Idaho, duly made application (No. 8615) to me for a permit to use 2.4 cubic feet per second of the waters of CAPTAIN BILLY CREEK, and 8/10ths of one cubic foot per second of the waters of DAN'S CREEK, County of Idaho, State of Idaho for irrigation and domestic purposes, and,

WHEREAS, On the 11th day of April, A. D. 1910, Permit No. 5931 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 11th day of October, A. D. 1910, and for the application to beneficial use of said water on or before the 11th day of October, A. D. 1910, and,

WHEREAS, On the 11th day of October, A. D. 1910, R. P. NASH, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 5931, dated November 22nd, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of water, with date of priority of April 11th, 1910, and,

WHEREAS, On the 25th day of October, A. D. 1912, R. P. NASH, the holder of said permit, duly made proof of the application to beneficial use of 1.55 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to R. P. NASH, of Joseph, County of Idaho, State of Idaho, the holder and owner of said Permit No. 5931, a perpetual right, dating from April 11th, 1910, to the use of .55 cubic foot per second of the waters of DAN'S CREEK, and 1.11 cubic feet per second of the waters of CAPTAIN BILLY CREEK, in the County of Idaho and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 90 rods from Salmon River on each Creek, and conducted to and upon 83 acres in Section 25, Township 31 North, Range 3, West of the Boise Meridian, unsurveyed, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 2nd day of November, A. D. Nineteen hundred and twelve.

(SEAL)

A. E. Robinson,
 State Engineer.

79 2098

 Captain Billy Creek
 Dans Creek
 Idaho County
 .43 of 1 second foot
 Irrigation and domestic
 priority 4-11-1910

S T A T E O F I D A H O
 Water License No. 5931

77-2016 App. no 4 in ex 15 null

WHEREAS, On the 11th day of April, A. D. 1910, R. P. NASH, of Joseph, County of Idaho, State of Idaho, duly made application (No. 8615) to me for a permit to use 2.4 cubic feet per second of the waters of Captain Billy Creek and .8 of 1 cubic foot per second of the waters of Dans creek, County of Idaho, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 11th day of April, A. D. 1910, Permit No. 5931, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 11th day of October, A. D. 1910, and for the application to beneficial use of said water on or before the 11th day of October, A. D. 1910, and

WHEREAS, On the 11th day of October, A. D. 1910, R. P. NASH, the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 5931, dated November 22, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of said waters, with date of priority of April 11, 1910, and

WHEREAS, On the 11th day of October, A. D. 1910, R. P. NASH, the holder of said permit duly made proof of the application to beneficial use of .43 of 1 cubic foot per second of said water:

NOW THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to R. P. NASH, of Joseph, County of Idaho, State of Idaho, the holder and owner of said Permit No. 5931, a perpetual right, dating from April 11, 1910, to the use of .43 of 1 cubic foot per second of the waters of Captain Billy Creek and Dan's Creek, in the County of Idaho, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 90 rods from Salmon River on each creek, and conducted to and upon 21.75 acres unsurveyed land on South side of Salmon River, beginning at the mouth of Captain Billy Creek, running thence East one-half mile, thence South 1/4 mile, thence West 1 mile, thence North 1/4 mile, thence East 1/2 mile to place of beginning, containing 160 acres, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water;

WITNESS, My hand and the seal of my office at Boise, Idaho, this 22nd day of November, A. D. Nineteen hundred and ten.

D. C. Martin
 State Engineer.

SEAL)

Recorded November 22, 1910.

68 Billy Creek

79-10246 - Domest. Stock - Spring - Billy

confluence
of

Irrigated → By Sprinkler ~~Range~~ Around confluence of Billy
Turkane Pipe comes down middle of road $3\frac{1}{2}$ " maybe 4"
Irrigation picks up after power plant & maybe picks up
near water. See irrigation.

69

Spring indicated below power house feeds one house
Cattle at confluence same pole as Irrigation
(with Salmon River) - 300 cattle-

Only irrigation is @ confluence (with Salmon River) Throughout year.
3 @ confluence
1 in sec 32 Middle Place.

Foreman. → 208-983-3168 House

Ed Enneking

Evening

Note: I had an appointment

~~See Note in Fi~~

Oct. 2005

Note: I had an appointment for ~~an exam~~ a field exam on Billy Creek that was cancelled due to the Range Fire in that area that began a day or so before the appointment.

As it turns out, Cindy's grandmother lives about 5 miles away from the Shroyers in Oregon. When we visited her grandmother over Labor Day, I took the opportunity to interview George Shroyer about claims 77-10256 & 77-14051. The notes I took at that time, along with the maps, is found in this file.

One thing that should be noted, however, is that the POA given for 77-14051 includes parts of Sec. 25, Range 2W, Twp. 30N. This is in the Wolf Creek drainage on the other side of the hill from Billy Creek. Mr. Shroyer did not recall any water ~~right~~ use in this area, especially any water that might have a POV along Billy Creek.

73



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 14, 2003

SHROYER RANCHES, INC.
1910 CHAPEL DR.
PHILOMATH OR 97370

Dear Mr. & Mrs. Shroyer:

Per our phone conversation earlier this week, enclosed is claim 79-14051 that requires additional information in order to be completed. I have also enclosed data entered copies of previous claims that were submitted, and per your request, the Notice of Change in Water Right Ownership form.

I have data entered 79-14051 with the Point of Diversion and Place of Use information that you had previously provided. However, the Place of Use for the irrigation cannot be completed without the number of acres shown in each quarter-quarter. Please mark on the enclosed maps, the number of acres irrigated in each quarter-quarter, review the claim to make sure that you agree with our data entry of your previous information, sign before a notary, and return to our office for review and data entry completion. If you think you need to make any additional changes to the claim, note the change and initial beside it.

If you have any questions regarding this claim or any of the required information, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region

LH:l
Enclosures

December 26, 1999
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED
San
DEC 03 2000
WATER RESOURCES
WESTERN REGION

Dear Sirs:

This letter is in regards to the water rights of Shroyer Ranches, Inc. I have been looking at the water rights and have noticed that the number of acres were 22 acres, I thought that it was around 30 acres of irrigated land, on Water Rights Permit Number 5931 by R.P. Nash. That water right included water for a small orchard, garden, one home, bunk house, and a cabin, all at T 31N R 3W S. 3W NE SW SE.

There is also a line shack at T 31 N R 2 W S 31 SW SE SE'. The water turbine is at T 31 N R 3 W S 25 SE SW and runs a 7.5 KW generator and has a head of approximately 350 Ft.

Irrigation- \$1.00 per acre x 30 acres = \$ 30.00

Flat fee - \$50.00

KW - 7.5 KW x \$3.50 = \$26.25

Total: \$ 106.25

Thank You,
George E. Shroyer, Jr., manager
by George E Shroyer Jr.

Shroyer Ranches, Inc.
1910 Chapel Drive,
Philomath, Oregon 97370
(541) 929-3308

*BASD ON
7.5 KW
350' HEAD
RATE OF DITCH
CROSS FOR
POWER IS
.28 CFS.*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

October 14, 1999

DIRK KEMPTHORNE
GOVERNOR

SHROYER RANCHES INC
1910 CHAPEL DR
PHILOMATH OR 97370

KARL J. DREHER
DIRECTOR

Dear Sirs:

Per our previous phone conversations, we are returning four of your Notices of Claim to a Water Right for additional information.

Two of these claims, A79-13980 and A79-13984, are being returned for designation of the domestic use in the places of use. If you could note next to the 1/41/4 on the places of use where the domestic use is, then we can data enter the information accordingly.

One claim, as we have highlighted, is being returned for the date of priority. Please note the priority date and return for processing.

The last claim being returned, is the one that you have indicated for irrigation, power and four homes in addition to the stockwater use. In order to process this claim, we need to know how many acres in each 1/41/4 are irrigated, and which 1/41/4's the domestic and power uses are in. While reviewing this claim, we have researched the area for existing water rights and have found two licenses that you may have a right to a portion of one or both. We have enclosed profile reports of these two licenses for you to look over and verify if these could be a portion of the irrigation and domestic rights you are claiming from Billy Creek. We have also enclosed a copy of the map from the license in order for you to see where the irrigation has been and indicate where your uses are.

In addition the fees for irrigation uses are different than domestic and stockwater. The irrigation fees are calculated at a \$50.00 flat fee plus \$1.00 per acre. There is also a fee for the power purposes, which is based on the number of kilowatts generated. This fee is calculated at \$3.50 per kilowatt and the number of kilowatts need to be shown under Item No. 9. Please see enclosed instructions, pages 7 and 12.

Please feel free to contact our office if you have questions regarding this letter, the returned claims or any of the enclosed items.

Sincerely,

Adjudication Section
Western Region

LH:1
Enclosures