

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

NAME AND ADDRESS: OSBORN RANCH INC
PO BOX 209
NEW MEADOWS ID 83654

QUANTITY: 5.240 CFS

PRIORITY DATE: 11/30/1919

T19N	R02E	S7	NWSE	Within	ADAMS	County
T19N	R02E	S7	NWSE	Within	ADAMS	County
T19N	R02E	S7	SESE	Within	ADAMS	County
T19N	R02E	S8	SESW	Within	ADAMS	County
T19N	R02E	S8	SESW	Within	ADAMS	County
T19N	R02E	S8	NESE	Within	ADAMS	County

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	5.240 CFS
STOCKWATER	01/01 12/31	0.020 CFS

T19N R02E S07	NESE	39.00	T19N R02E S07	NWSE	39.00
T19N R02E S07	SWSE	38.00	T19N R02E S07	SESE	38.00
T19N R02E S08	SWSW	39.00	T19N R02E S08	SESW	39.00
T19N R02E S08	SWSE	38.00	T19N R02E S17	NENW	40.00
T19N R02E S17	NWNW	39.00	T19N R02E S17	SWNW	37.00
T19N R02E S17	SENW	36.00			

T19N R02E S07	NESE	T19N R02E S07	NWSE
T19N R02E S07	SESE	T19N R02E S08	SWSW
T19N R02E S08	SESW	T19N R02E S08	SWSE

The rights listed below are limited to the irrigation of a combined total of 531 acres in a single irrigation season.
Combined Right Nos.: 78-234, 78-235, 78-263, 78-265, 78-2024, 78-2057, 78-4066, 78-4134 and 78-4285

Right Nos. 78-263, 78-265 and 78-4066 are limited to the irrigation of a combined total of 422 acres in a single irrigation season.

11/10/2006

IDAHO DEPARTMENT OF WATER RESOURCES
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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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

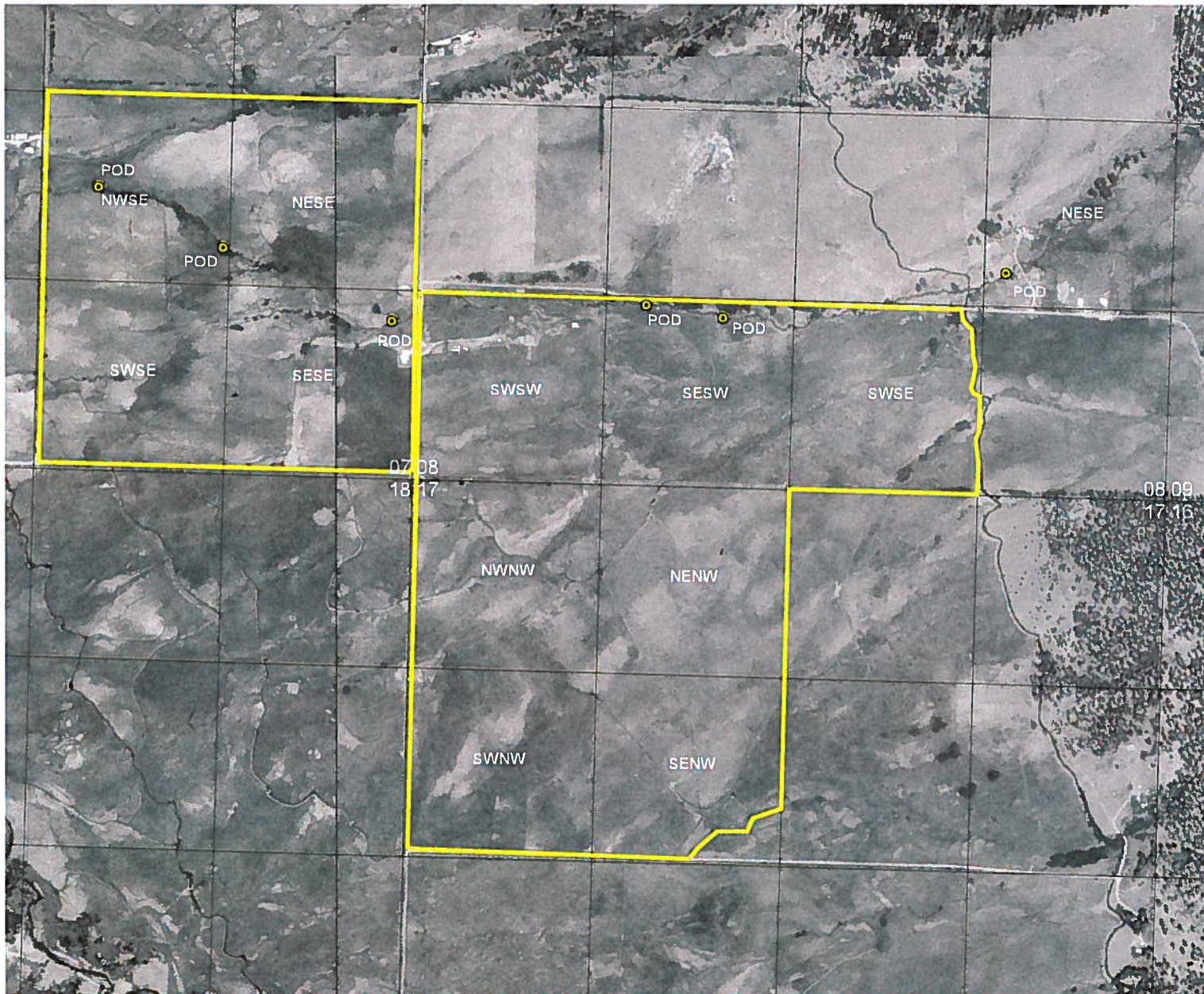
Use of this right is combined with water from Granite Twin Lakes Water Users.

Use of this right is combined with water from Goose Lake Reservoir Company.

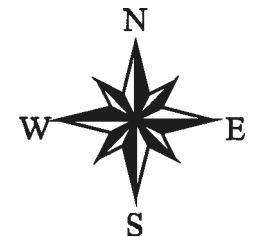
Use of this right is combined with water from Brundage Water Users Association.

78-263 78-265 & 78-4066

**T19N R02E
S07 S08 & S17**



1000 0 1000 2000 3000 4000 Feet



Map prepared by: Carter Fritschle
Date prepared: 07/13/05
Digital Orthophotoquad - 1992 Photography
Idaho Department of Water Resources

Contacts Data Entry Form

Claim Number: 78-4066

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	OSBORN RANCH INC	C/O WARREN OSBORN PO BOX 209	NEW MEADOWS	ID	83654	(208)347-2387

*Everett Osborn
Takes care of
the cattle**Ed Osborn 347-2364*

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Left message 8-5-05

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number 78-4066

Claimed Priority Date: 3/25/1890

Claimed Basis: Statutory Claim

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 3/25/1890

Water Right Basis: Statutory Claim

Recommended Priority Date

Recommended Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Reviewer:

Date:

Point of Diversion and Source Data Entry Form

Claim Number 78-4066

Claimed Point of Diversion and Source

T19N R02E S7 NWNESE Within ADAMS County Source: THREEMILE CREEK LITTLE SALMON RIVER

T19N R02E S7 SENESE Within ADAMS County Source: THREEMILE CREEK LITTLE SALMON RIVER

T19N R02E S7 NESESE Within ADAMS County Source: THREEMILE CREEK LITTLE SALMON RIVER

T19N R02E S8 NESESW Within ADAMS County Source: THREEMILE CREEK LITTLE SALMON RIVER

T19N R02E S8 NWSESW Within ADAMS County Source: THREEMILE CREEK LITTLE SALMON RIVER

T19N R02E S8 SWNESE Within ADAMS County Source: THREEMILE CREEK LITTLE SALMON RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T19N R02E S8 SESW Within ADAMS County

T19N R02E S8 NESE Within ADAMS County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? _____

Document how the POD and Source were verified:

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number 78-4066

Claimed Place Of Use

T19N R02E S07	NESE	38.0	T19N R02E S07	NWSE	39.0
T19N R02E S07	SWSE	39.0	T19N R02E S07	SESE	39.0
T19N R02E S08	SWSW	35.0	T19N R02E S08	SESW	37.0
T19N R02E S08	SWSE	38.0	T19N R02E S17	NENW	40.0
T19N R02E S17	NWNW	39.0	T19N R02E S17	SWNW	39.0
T19N R02E S17	SENW	39.0			
T19N R02E S07	NESE		T19N R02E S07	NWSE	
T19N R02E S07	SESE		T19N R02E S08	SWSW	
T19N R02E S08	SESW		T19N R02E S08	SWSE	

Total Acres 422

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T19N R02E S07	NESE	40.0	T19N R02E S07	NWSE	40.0
T19N R02E S07	SWSE	40.0	T19N R02E S07	SESE	40.0
T19N R02E S08	SWSW	40.0	T19N R02E S08	SESW	40.0
T19N R02E S08	SWSE	20.0	T19N R02E S17	NENW	40.0
T19N R02E S17	NWNW	30.0	T19N R02E S17	SWNW	40.0
T19N R02E S17	SENW	40.0			

Total Acres 410

Recommended Place of Use

_____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 78-4066

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			
STOCKWATER			

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number 78-4066

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/15	10/15	10	
STOCKWATER	1/01	12/31	0.12	

Overall Diversion Rate 10.12 Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/15	7/15	6.6	

Overall Diversion Rate 6.6 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

Date: _____

Carter, This Case # 386
pertains to Three Mile Creek.
The entire court record is
in Adams County Courthouse, I can
get the entire thing if you
need it.

Ed Osborn

In the District Court of the Seventh Judicial District
of the State of Idaho, in and for the County of Adams.

E.I. Osborn,

Plaintiff,

vs.

L.F. Smith, Lee Highly, guardian
of the person and estate of

L.F. Smith and J.K. Mc. Reynolds,

Defendants.

Case # 386
JUDGMENT AND DECREE.

The above entitled cause having come on for hearing at New Meadows, in said County of Adams, as per agreement of the respective parties, after all the defendants had been duly and regularly personally served with summons and complaint within the said County of Adams, when the plaintiff is represented by Frank Harris, his counsel and the defendants Smith and Highly are represented by their counsel, Jas. A. Stinson, the defendant J.K. Mc. Reynolds not being represented by counsel or otherwise, although present in Court as a witness for the defendants, Smith and Highly:

The evidence of the said parties so appearing and represented is taken down by the official reporter of the Court and documentary evidence introduced by and on behalf of the appearing defendants is also introduced and filed, when the matter is taken under consideration by the Court for judgment and decision:

Afterwards on the 26th. day of November, 1919, the Court makes its findings of fact and conclusions of law, by which the allegations of the plaintiff's complaint are substantially sustained;

Therefore, in consideration of the law and the facts, the same being fully considered and by the Court understood, and the findings aforesaid, it is ORDERED, ADJUDGED and DECREED, that the plaintiff and his predecessor ~~and~~ in interest were the first and prior appropriators of the waters of Three-mile creek, in the said County of Adams, State of Idaho, and that the plaintiff is now entitled to and hereby is decreed to be entitled to the first and best right to two second feet of the waters of said stream for his use in the irrigation and cultivation of the south west quarter of the south east quarter and the south east quarter of the south west quarter of section eight and the east half of the north west quarter of section seventeen, in township nineteen north of range two east of the Boise meridian, in said County:

That the defendant Lee Highly, for the use and benefit of his ward, L.F. Smith, an incompetent person has a right to the use of the waters of said Three-mile creek, inferior only to said right of the plaintiff to the amount of one fifth of one second foot, for the irrigation and cultivation of that part of the north half of the south west quarter, the south half of the north west quarter and the north west quarter of the north west quarter of section seven and the south west quarter of the south west quarter of section six, in township nineteen north of range two east of the Boise meridian lying below the Goose creek ditch as it passes through the lands last described:

That the plaintiff ^{is} entitled to and has the third right to the use of one and one fifth second feet of the waters of said Three-mile creek for the irrigation and cultivation of the south west quarter of the south west quarter of said section eight and the west half of the north west quarter of said section seventeen:

That the defendant Lee Highly, for the use and benefit of his said ward is entitled to the fourth right to the waters of said Three-mile creek to the amount of three fifths of one second foot, for the irrigation and cultivation of his said lands hereinbefore described:

That the defendant, J.K. Mc. Reynolds is not entitled to any of the waters of said Three-mile creek as against any of the other parties to this

action:

That the said parties to this action, to wit, E.L. Osborn and Lee Highly, guardian, for the use and benefit of his said Ward, L.F. Smith, an incompetent person, are hereby adjudged and decreed to be entitled to the waters of Three-mile creek, in the said County of Adams to the amounts and according to the priorities aforesaid, and it is hereby adjudged and decreed that the defendant Mc.Reynolds is not entitled to any of the waters of said creek as against any other party to this action:

And it is further ordered, adjudged and decreed, and this does order adjudge and decree that each of the parties to this action, including the defendant Mc.Reynolds ~~be~~ and he is hereby forever restrained and enjoined from taking any of the waters of said creek when such taking will interfere with the priority of any other party to this action as hereby awarded;

That each party to this action pay his own costs herein incurred.

Given under my hand, this 29th day of November 1919.



District Judge.



State of Idaho
DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 2, 2005

78-4066

OSBORN RANCH INC
C/O WARREN OSBORN
PO BOX 209
NEW MEADOWS ID 83654

Re: Field Examination and Evidence of Priority Date

Dear Claimant:

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 elements of beneficial use rights need to be verified by an examiner for the Idaho Department of Water Resources (IDWR) before the claim can be recommended to the SRBA Court. The examination of claims in your area will take place during the summer and fall of 2005. An examiner will be contacting you to schedule a time to visit your property to verify your use of the water right claimed.

Also, even though most of the elements of your claim can be verified by the field exam, the date of first use, or priority date can only be verified by documentation of the historic use. If you have not supplied documentation for the priority date and historical beneficial use of the water, please submit your evidence by September 30, 2005. Enclosed you will find a 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 the priority date and the historic use cannot be documented. 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.

If you have questions not covered by this letter or the enclosed pamphlet, please contact me by phone at (208) 287-4917 or send an email to Carter.Fritschle@idwr.idaho.gov.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

Enclosure:

Evidence of Priority Date pamphlet

Additional claimant(s) and/or claim(s):

78-4134
OSBORN RANCH INC
C/O WARREN OSBORN
PO BOX 209
NEW MEADOWS ID 83654

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: A78-04066
Date Received: 5/24/1988 6-3-88
Receipt No: 14000058
CY

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: OSBORN RANCH INC. 208-347-2387
Address: P.O. BOX 209
NEW MEADOWS, ID 83654
2. Date of Priority: MAR 25, 1890
3. Source: THREEMILE CREEK Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	02E	7	NW	NE	SE		ADAMS
			SE	NE	SE		ADAMS
			NE	SE	SE		ADAMS
		8	NE	SE	SW		ADAMS
			NW	SE	SW		ADAMS
			SW	NE	SE		ADAMS

5. Description of diverting works:
5 CONCRETE AND 1 GRAVEL DIVERSION STRUCTURES IN THREE MILE CREEK.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 10.000 | | |
| STOCKWATER | 01/01 | 12/31 | 0.120 | | |
7. Total Quantity Appropriated is:
10.120 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 844.0 Acre Feet Per Annum.
9. Non-irrigation uses:
500 HEAD CATTLE

A78-04066

Page 1

Date: 05/27/88

MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres	
19N	02E	7	NE		SE		IRR	38.0	
			NE		SE		STOCK		
			NW		SE		IRR	39.0	
			NW		SE		STOCK		
			SW		SE		IRR	39.0	
			SE		SE		IRR	39.0	
				SE		SE		STOCK	
							Section Acres	155.0	
		8	SW		SW		IRR	35.0	
			SW		SW		STOCK		
			SE		SW		IRR	37.0	
			SE		SW		STOCK		
			SW		SE		IRR	38.0	
			SW		SE		STOCK		
					Section Acres	110.0			
17	NE		NW		IRR	40.0			
	NW		NW		IRR	39.0			
	SW		NW		IRR	39.0			
	SE		NW		IRR	39.0			
					Section Acres	157.0			
					Total Acres	422.0			

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

GOOSE LAKE, BRUNDAGE RES. 78-0234, 78-0235, 78-2024, 78-4285

14. Remarks:

OTHER WATER RIGHTS: 78-0263, 78-0265, 78-2057, 78-4134, GRANITE TWIN LAKES.

15. Basis of Claim: STATUTORY CLAIM

Water Right Number:

MICROFILMED
OCT 05 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: - 2 -

For Organizations:

I do solemnly swear or affirm that I am President of _____ Title

Osborn Ranch Inc., that I have signed the foregoing Organization document in the space below as President of _____ Title

Osborn Ranch Inc. and that the statements contained in the Organization foregoing document are true and correct.

Warren Osborn
Signature of Authorized Agent

Pres. Osborn Ranch Inc.
Title and Organization

6-3-88

Date

State of Idaho)
County of Adams) SS.

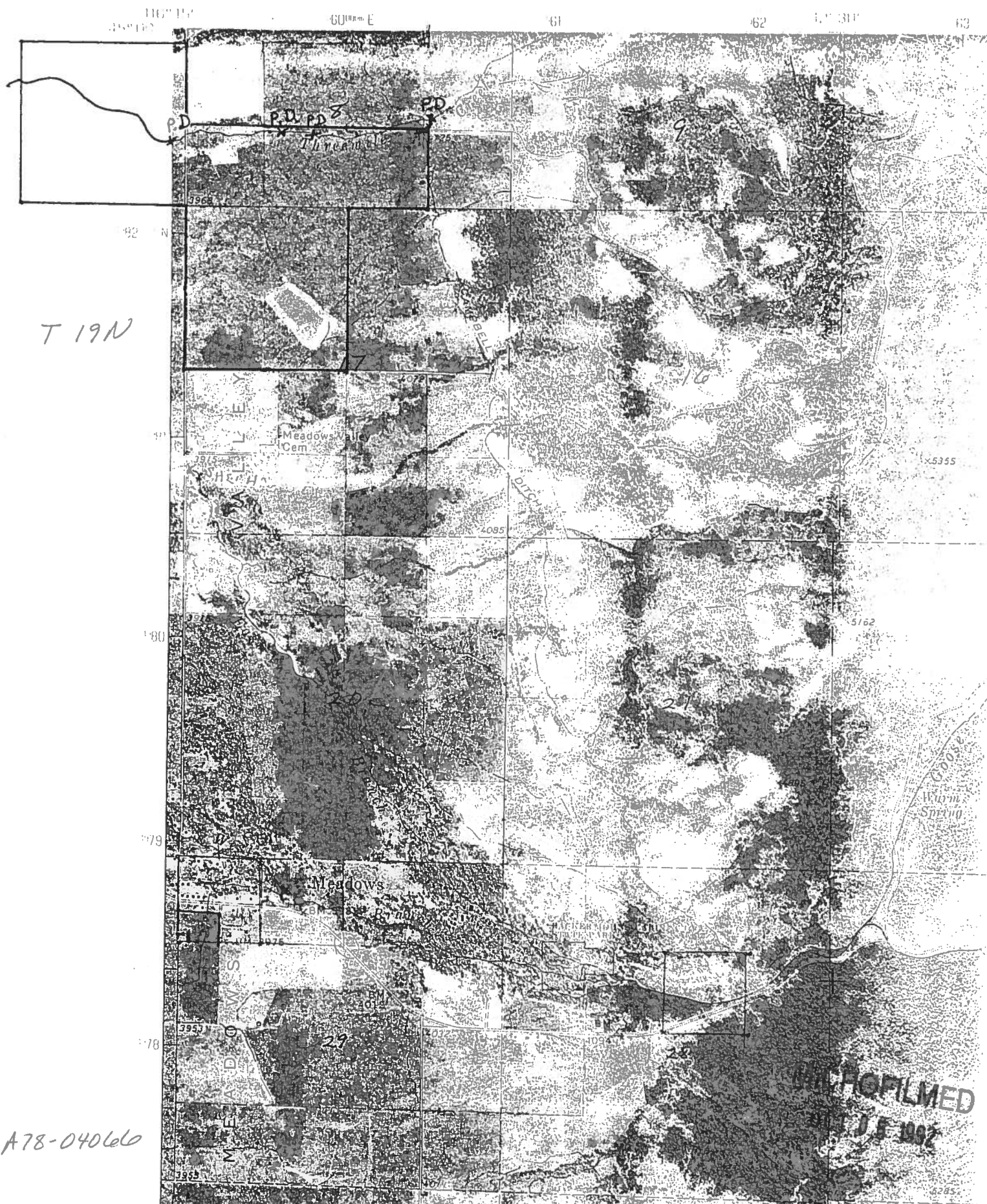
Subscribed and sworn (or affirmed) before me this 3rd day
of June 19 88

Carter Fritschle
Notary Public

Seal

Residing at Eagle, Id.

My Commission Expires 3-21-94

R_{2E} 

A78-04066

R 2 E

NEW MEADOWS QUADRANGLE
IDAHO
7.5-MINUTE SERIES (ORTHO PHOTOQUAD)

