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MAY 23 2011

DEPARTMENT OF
WATER RESOURCES

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: 00-91013

) (Basin-Wide Issue 13)

)

) OBJECTION RE: STATE OF

) IDAHO'S *SECOND AMENDED*

) *MOTION TO INCLUDE*

) *SUBORDINATION LANGUAGE ON*

) *WATER RIGHTS AFFECTED BY THE*

) *SWAN FALLS AGREEMENT*

Please Print or Type the Following Information:

NAME AND ADDRESS OF PERSON OBJECTING:

Name:

Address:

Phone:

Robert A. Thomas
17947 Shortcut Rd.
Garden, Idaho 83650
(208) 834-2638

Name and Address of Attorney, if any:

Water Right Number for which I am objecting: 57-7267

(Please use one *Objection* form per water right)

Please Check Applicable Box:

☐ I have reviewed the State of Idaho's *Second Amended Motion*.

☐ I wish to object to my water right not being included on the list of water rights on Attachment A.

OBJECTION RE: STATE OF IDAHO'S *SECOND AMENDED MOTION TO INCLUDE SUBORDINATION LANGUAGE ON WATER RIGHTS AFFECTED BY THE SWAN FALLS AGREEMENT*

☐ The reason(s) I believe my water right should be included on Attachment A are as follows: *

☒ I wish to object to my water right being included on the list of water rights on Attachment B.

☐ The reason(s) I believe my water right should not be included on Attachment B are as follows: * The land included in this right has been
beneficially used for irrigation from surface water since
beginning in the 1800's & continue up to 1990 when was
drilled for water right # 57-7267. Since surface
water & ground water source considered to be conjunctive.

☐ I have included proof with this *Objection* supporting that beneficial use was made under the right prior to October 25, 1984.

Signature: Robert L. Thomas

Dated: May 20, 2011

conjunctively related, as shown by Swan Falls agreement
this right would be considered developed as early as 1800

* Attach additional sheets of paper as necessary to provide complete explanation.

**OBJECTION RE: STATE OF IDAHO'S SECOND AMENDED MOTION TO INCLUDE
SUBORDINATION LANGUAGE ON WATER RIGHTS AFFECTED BY THE SWAN FALLS
AGREEMENT**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20 day of May, 2011, a true and correct copy of the foregoing was mailed with sufficient first-class postage to the following:

DIRECTOR OF IDWR
P.O. Box 83720
Boise, Idaho 83720

Faulkner Land & Livestock Co.
North Snake Ground Water District
Represented by:
Thomas J. Budge
PO Box 1391
Pocatello, ID 83204-1391

Basin and Range Resource
Interested Water Users
Jeff & Jackie Harper
Represented by:
Dana L. Hofstetter
608 W Franklin St
Boise, ID 83702

Idaho Ground Water Appropriators
Represented by:
Randall C. Budge
PO Box 1391
Pocatello, ID 83204-1391

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

Burgess Canal, *et al.*
Represented by:
Jerry R. Rigby
Po Box 250
Rexburg, ID 83340-0250

Clear Spring Foods Inc.
Idaho Power Company
Represented by:
John K. Simpson
PO Box 2139
Boise, ID 83701-2139

City of Pocatello
Represented by: Josephine P. Beeman
409 W Jefferson St
Boise, ID 83702

STATE OF IDAHO
Office of Attorney General
Attn: Clive Strong / Shasta Kilminster-Hadley
P.O. Box 83720
Boise, ID 83720

SRBA DISTRICT COURT
P.O. Box 2707
Twin Falls, Idaho 83303-2707



Signature

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PROCEDURAL ORDER GOVERNING STATE OF IDAHO'S SECOND AMENDED MOTION TO INCLUDE SUBORDINATION LANGUAGE was mailed on April 12, 2011, with sufficient first-class postage to the following:

FAULKNER LAND & LIVESTOCK CO
NORTH SNAKE GROUND WATER

Represented by:
BUDGE, THOMAS J
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

BASIN AND RANGE RESOURCE
INTERESTED WATER USERS
JEFF & JACKIE HARPER

Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

BURGESS CANAL
EGIN BENCH CANALS INC
ENTERPRISE IRRIGATION DISTRICT
HARRISON CANAL
IDAHO IRRIGATION DISTRICT
NEW SWEDEN IRRIGATION DISTRICT
NORTH FREMONT CANAL SYSTEMS
PEOPLES CANAL & IRRIGATION
PROGRESSIVE IRRIGATION DIST
SNAKE RIVER VALLEY IRRIGATION

Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

CLEAR SPRINGS FOODS INC
IDAHO POWER COMPANY

Represented by:
JOHN K SIMPSON
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CITY OF POCATELLO

Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

IDAHO GROUND WATER

Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

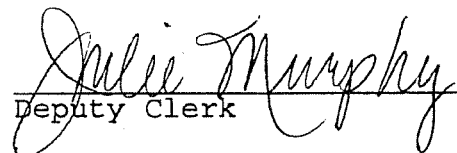
USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

TO WHAT EXTENT IF ANY SHOULD
THE SWAN FALLS AGREEMENT BE
ADDRESSED IN THE SRBA OR BE
MEMORIALIZED IN A DECREE



Water Right Report 57-49

57-49

, ID

Basis: Decreed

Status: Active

Tributary

CASTLE CREEK

Total Diversion: 2.880 CFS

CATHERINE CREEK L3 (NW1/4NW1/4SW1/4) Sec. 30, Twp 04S, Rge 01E, B.M.
OWYHEE County

IRRIGATION

[illegible]

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-49

04S 01E 32			1.0	23.0				24.0
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Total Acres: 46

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 57-00055, 57-00056B, 57-00072, 57-00074, 57-00079 & 57-00081 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE IRRIGATION SEASON.
2. USE OF THIS RIGHT WITH RIGHT NOS. 57-00055, 57-00056B, 57-00072, 57-00074, 57-00079 & 57-00081 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.16 CFS.
3. C18 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.
4. 1.27 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
2.88 CFS OF RIGHT NO. 57-00056B IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 57-00056B.
3.02 CFS OF RIGHT NOS. 57-00074, 57-00079 AND 57-00081 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 57-00055, 57-00072 AND 57-00074.
THE RATE OF DIVERSION FOR IRRIGATION OF LANDS UNDER THIS RIGHT WAS DETERMINED BASED ON A DIVERSION RATE OF .035 CFS PER ACRE AT THE FIELD HEADGATE.

Remarks:

Comments:

1. SHURTE 8/14/1992 AMENDED CLAIM TO ADD STOCKWATER USE
Comment: PER CLAIMANT'S REQUEST CLAIM WAS AMENDED TO ADD STOCKWATER SO THAT STOCKWATER CAN BE RECOMMENDED INCIDENTAL TO IRRIGATION.
2. LHARRIS 1/16/1997 NAME CHANGE
Comment: THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN ADDRESS CHANGE.

Water Supply Bank:



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 57-55

WATER RIGHT NUMBER: 57-55

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	SHIRLEY COX 29415 HIGHWAY 78 MURPHY, ID 83650-5042 (208)834-2028
Original Owner	J M NEIL
	, ID
Original Owner	J E MURPHY
	, ID
Current Owner	BEN A THOMAS JR 17947 SHORT CUT RD MURPHY, ID 83650-5089
Original Owner	GARDNER I BROWN PO BOX 145 GLENN'S FERRY, ID 83623 (208)366-2015
Current Owner	KELLY A THOMAS 17947 SHORT CUT RD MURPHY, ID 83650-5089
Current Owner	ROBERT A THOMAS 17947 SHORT CUT RD MURPHY, ID 83650-5089
Current Owner	LINDA K FERRIS 17947 SHORT CUT RD MURPHY, ID 83650-5089

Priority Date: 03/16/1885
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
BROWNS CREEK	CATHERINE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.240 CFS	
IRRIGATION	3/01 to 11/15	3.360 CFS	
	<u>Total Diversion:</u>	3.360 CFS	

Location of Point(s) of Diversion
BROWNS CREEK NE1/4NW1/4NE1/4 Sec. 24, Twp 05S, Rge 01W, B.M.
OWYHEE County

Place of Use
IRRIGATION

Twp Rge Sec	NE		NW		SW		SE	
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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-55

		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S 01E 29												6.0	3.0					9.0
04S 01E 31		18.0		20.0	15.0				1.0	27.0	2.0	25.0			22.0			130.0
											L 3	L 4						
04S 01E 32						1.0	23.0											24.0
05S 01W 1		18.0		4.0	7.0													29.0
		L 1																

Total Acres: 192

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 57-00049, 57-00056B, 57-00072, 57-00074, 57-00079 & 57-00081
2. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.16 CFS. COMBINED RIGHT NOS.: 57-00049, 57-00056B, 57-00072, 57-00074, 57-00079 & 57-00081
4. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
5. STOCKWATER, 1000 RANGE CATTLE.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00072, 57-00074, 57-00079 & 57-00081

Remarks:

Comments:

1. LINDSEY 12/4/1991 COPIED FROM REMARKS (CMNT RESTORED-ORIG BY SHURTE 11/29/91)
Comment: THE PLACE OF USE FOR THE STOCKWATER IS THE SAME AS THE IRRIGATED LAND. STOCK DRINK FROM BROWNS CREEK AND THE DITCHES.
2. LHARRIS 1/16/1997 NAME CHANGE
Comment: THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN OWNERSHIP CHANGE.
3. KWALKER 4/16/1997 DIVERSION RATE & CONVEYANCE LOSSES
Comment: THE RATE OF DIVERSION FOR IRRIGATION OF LANDS UNDER THIS RIGHT & RIGHT NOS. 57-00072, 57-00074, 57-00079 & 57-00081 WAS DETERMINED BASED ON A DIVERSION RATE OF .03 CFS PER ACRE AT FIELD HEADGATE. 3.02 CFS OF RIGHT NOS. 57-00074, 57-00079, 57-00081 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN THE DELIVERY OF THIS RIGHT AND RIGHT NOS. 57-00072 AND 57-00074. 1.27 CFS OF RIGHT NO. 57-00049 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN THE DELIVERY OF RIGHT NO. 57-00049. 2.88 CFS OF RIGHT NO. 57-00056B IS LIMITED TO USE FOR CONVEYANCE LOSSES IN THE DELIVERY OF RIGHT NO. 57-00056B.

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-56B

WATER RIGHT NUMBER: 57-56B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JM NEIL
	, ID
Directors Report Owner	SHIRLEY COX 29415 HIGHWAY 78 MURPHY, ID 83650-5042 (208)834-2028
Current Owner	LINDA K FERRIS 17947 SHORT CUT RD MURPHY, ID 83650-5089
Current Owner	ROBERT A THOMAS 17947 SHORT CUT RD MURPHY, ID 83650-5089
Current Owner	BEN A THOMAS JR 17947 SHORT CUT RD MURPHY, ID 83650-5089
Current Owner	KELLY A THOMAS 17947 SHORT CUT RD MURPHY, ID 83650-5089

Priority Date: 03/16/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HART CREEK	CATHERINE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 11/15	5.280 CFS	
STOCKWATER	1/01 to 12/31	0.240 CFS	
	<u>Total Diversion:</u>	5.280 CFS	

Location of Point(s) of Diversion

HART CREEK	NE1/4NE1/4NE1/4	Sec. 35, Twp 04S, Rge 01W, B.M.
OWYHEE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	29											6.0	3.0					9.0
04S	01E	31	18.0		20.0	15.0				1.0	11.0					22.0			87.0

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-56B

04S 01E 32		1.0	23.0			24.0
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Total Acres: 120

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-00055, 57-00072, 57-00074, 57-00079 & 57-00081 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE IRRIGATION SEASON.
2. C18 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.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. 2.88 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
1.27 CFS OF RIGHT NO. 57-00049 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 57-00049.
3.02 CFS OF RIGHT NOS. 57-00074, 57-00079 AND 57-00081 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 57-00055, 57-00072 AND 57-00074.
STOCKWATER, 1000 RANGE CATTLE.
5. USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-00055, 57-00072, 57-00074, 57-00079 & 57-00081 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.16 CFS.

Remarks:

Comments:

1. SHURTE 8/14/1992 AMENDED CLAIM TO ADD STOCKWATER & INCREASE CFS.
Comment: PER CLAIMANT REQUEST CLAIM WAS AMENDED TO ADD STOCKWATER SO THAT STOCKWATER CAN BE RECOMMENDED. ORIGINAL CLAIM DID NOT HAVE STOCK WATER LISTED, SO IT WAS NOT RECOMMENDED. .24 CFS FOR THIS STOCK WATER USE WAS ADDED TO THE 5.28 CFS FOR IRRIGATION TO TOTAL 5.52 CFS WHICH IS STILL LESS THAN THE ORIGINAL DECREED AMOUNT OF 6.24 CFS.
2. DSMITH 1/19/1996 NAME AND/OR ADDRESS CHANGE
Comment: THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE. *NAME/ADDRESS CONFORMED TO AVOID DUPLICATE MAILING LABELS
3. LHARRIS 1/16/1997 NAME CHANGE
Comment: THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN OWNERSHIP CHANGE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-72

WATER RIGHT NUMBER: 57-72

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT A THOMAS 17947 SHORT CUT RD MURPHY, ID 83650-5089
Current Owner	LINDA K FERRIS 17947 SHORT CUT RD MURPHY, ID 83650-5089
Directors Report Owner	SHIRLEY COX 29415 HIGHWAY 78 MURPHY, ID 83650-5042 (208)834-2028
Current Owner	KELLY A THOMAS 17947 SHORT CUT RD MURPHY, ID 83650-5089
Original Owner	WILLIAM KOEPPE , ZZ
Current Owner	BEN A THOMAS JR 17947 SHORT CUT RD MURPHY, ID 83650-5089

Priority Date: 10/01/1901

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BROWNS CREEK	CATHERINE CREEK

<u>Beneficial Use</u>	<u>From</u> _____ <u>To</u> _____	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 11/15	0.900 CFS	
	<u>Total Diversion:</u>	0.900 CFS	

Location of Point(s) of Diversion

BROWNS CREEK	NE1/4NW1/4NE1/4	Sec. 24, Twp 05S, Rge 01W, B.M.
OWYHEE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	29											6.0	3.0					9.0
04S	01E	31	18.0		20.0	15.0			1.0	27.0	2.0	25.0			22.0				130.0
											L 3	L 4							

2

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-72

04S 01E 32				1.0	23.0						24.0
05S 01W 1		18.0		4.0	7.0						29.0
		L 1									

Total Acres: 192

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-00055, 57-00056B, 57-00074, 57-00079 & 57-00081 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE IRRIGATION SEASON.
2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00055, 57-00074, 57-00079 AND 57-00081.
3.02 CFS OF RIGHT NO.'S 57-00074, 57-00079 & 57-00081 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN THE DELIVERY OF THIS RIGHT AND RIGHT NOS. 57-00055 AND 57-00074.
1.27 CFS OF RIGHT NO. 57-00049 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 57-00049.
2.88 CFS OF RIGHT NO. 57-00056B IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 57-00056B.
THE RATE OF DIVERSION FOR IRRIGATION OF LANDS UNDER THIS RIGHT AND RIGHT NOS. 57-00055, 57-00074, 57-00079 AND 57-00081 WAS DETERMINED BASED ON A DIVERSION RATE OF .03 CFS PER ACRE AT THE FIELD HEADGATE.
3. USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-00055, 57-00056B, 57-00074, 57-00079 & 57-00081 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.16 CFS.
4. C01 THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).
5. C18 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.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

Comments:

1. LHARRIS 1/16/1997 NAME CHANGE
Comment: THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN ADDRESS CHANGE.
2. dshaff 4/13/2009 11:42:33 AM Water Right
Comment: This water right record was updated by decree record from old RightID 372150 to new RightID 421173

①

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-74

WATER RIGHT NUMBER: 57-74

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KELLY A THOMAS 17947 SHORT CUT RD MURPHY, ID 83650-5089
Current Owner	LINDA K FERRIS 17947 SHORT CUT RD MURPHY, ID 83650-5089
Current Owner	ROBERT A THOMAS 17947 SHORT CUT RD MURPHY, ID 83650-5089
Directors Report Owner	SHIRLEY COX 29415 HIGHWAY 78 MURPHY, ID 83650-5042 (208)834-2028
Current Owner	BEN A THOMAS JR 17947 SHORT CUT RD MURPHY, ID 83650-5089
Original Owner	JAMES F CAROTHERS , ID

Priority Date: 04/01/1904

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BROWNS CREEK	CATHERINE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 11/15	1.870 CFS	
	<u>Total Diversion:</u>	1.870 CFS	

Location of Point(s) of Diversion

BROWNS CREEK	NE1/4NW1/4NE1/4	Sec. 24, Twp 05S, Rge 01W, B.M.
OWYHEE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	29											6.0	3.0					9.0
04S	01E	31	18.0		20.0	15.0			1.0	27.0	2.0	25.0			22.0				130.0
											L 3	L 4							

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-74

04S 01E 32				1.0	23.0						24.0
05S 01W 1		18.0		4.0	7.0						29.0
		L 1									

Total Acres: 192

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-00055, 57-00056B, 57-00072, 57-00079 & 57-00081 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.16 CFS.
2. C18 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.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00055, 57-00072, 57-00079 & 57-00081.
.37 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NOS. 57-00055 & 57-00072.
ALL OF RIGHT NOS. 57-00079 & 57-00081 (2.65 CFS) IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NOS. 57-00055 & 57-00072.
1.27 CFS OF RIGHT NO. 57-00049 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 57-00049.
2.88 CFS OF RIGHT NO. 57-00056B IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 57-00056B.
THE RATE OF DIVERSION FOR IRRIGATION OF LANDS UNDER THIS RIGHT AND RIGHT NOS. 57-00055, 57-00072, 57-00079 & 57-00081 WAS DETERMINED BASED ON A DIVERSION RATE OF .03 CFS PER ACRE AT THE FIELD HEADGATE.
5. USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-00055, 57-00056B, 57-00072, 57-00079 & 57-00081 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE IRRIGATION SEASON.
6. C01 THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).

Remarks:

Comments:

1. LHARRIS 1/16/1997 NAME CHANGE
Comment: THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN OWNERSHIP CHANGE.

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-79

WATER RIGHT NUMBER: 57-79

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BEN A THOMAS JR 17947 SHORT CUT RD MURPHY, ID 83650-5089
Original Owner	WILLIAM KOEPPE , ZZ
Directors Report Owner	SHIRLEY COX 29415 HIGHWAY 78 MURPHY, ID 83650-5042 (208)834-2028
Current Owner	LINDA K FERRIS 17947 SHORT CUT RD MURPHY, ID 83650-5089
Current Owner	KELLY A THOMAS 17947 SHORT CUT RD MURPHY, ID 83650-5089
Current Owner	ROBERT A THOMAS 17947 SHORT CUT RD MURPHY, ID 83650-5089

Priority Date: 03/11/1908

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BROWNS CREEK	CATHERINE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 11/15	1.840 CFS	
	<u>Total Diversion:</u>	1.840 CFS	

Location of Point(s) of Diversion

BROWNS CREEK	NE1/4NW1/4NE1/4	Sec. 24, Twp 05S, Rge 01W, B.M.
OWYHEE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	29											6.0	3.0					9.0
04S	01E	31	18.0		20.0	15.0				1.0	27.0	2.0	25.0			22.0			130.0
												L 3	L 4						

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-79

04S 01E 32				1.0	23.0						24.0
05S 01W 1		18.0		4.0	7.0						29.0
		L 1									

Total Acres: 192

Conditions of Approval:

1. C01 THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-00055, 57-00056B, 57-00072, 57-00074 & 57-00081 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE IRRIGATION SEASON.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00055, 57-00072, 57-00074 & 57-00081.
ALL OF THIS RIGHT AND RIGHT NO. 57-00081 (2.65 CFS) IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 57-00055, 57-00072 & 57-00074.
.37 CFS OF RIGHT NO. 57-00074 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 57-00055, 57-00072 & 57-00074. 1.27 CFS OF RIGHT NO. 57-00049 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 57-00049.
2.88 CFS OF RIGHT NO. 57-00056B IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 57-00056B.
THE RATE OF DIVERSION FOR IRRIGATION OF LANDS UNDER THIS RIGHT AND RIGHT NOS. 57-00055, 57-00072, 57-00074 AND 57-00081 WAS DETERMINED BASED ON A DIVERSION RATE OF .03 CFS PER ACRE AT THE FIELD HEADGATE.
5. C18 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.
6. USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-00055, 57-00056B, 57-00072, 57-00074 & 57-00081 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.16 CFS.

Remarks:

Comments:

1. LHARRIS 1/16/1997 NAME CHANGE
Comment: THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN ADDRESS CHANGE.

Water Supply Bank:

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-81

WATER RIGHT NUMBER: 57-81

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BEN A THOMAS JR 17947 SHORT CUT RD MURPHY, ID 83650-5089
Current Owner	ROBERT A THOMAS 17947 SHORT CUT RD MURPHY, ID 83650-5089
Original Owner	WILLIAM KOEPPE , ZZ
Directors Report Owner	SHIRLEY COX 29415 HIGHWAY 78 MURPHY, ID 83650-5042 (208)834-2028
Current Owner	KELLY A THOMAS 17947 SHORT CUT RD MURPHY, ID 83650-5089
Current Owner	LINDA K FERRIS 17947 SHORT CUT RD MURPHY, ID 83650-5089

Priority Date: 07/19/1908

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BROWNS CREEK	CATHERINE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 11/15	0.810 CFS	
	<u>Total Diversion:</u>	0.810 CFS	

Location of Point(s) of Diversion

BROWNS CREEK	NE1/4NW1/4NE1/4	Sec. 24, Twp 05S, Rge 01W, B.M.
OWYHEE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	29											6.0	3.0					9.0
04S	01E	31	18.0		20.0	15.0				1.0	27.0	2.0	25.0			22.0			130.0
												L 3	L 4						

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-81

04S 01E 32				1.0	23.0						24.0
05S 01W 1		18.0		4.0	7.0						29.0
		L 1									

Total Acres: 192

Conditions of Approval:

1. C18 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.
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6. USE OF THIS RIGHT WITH RIGHT NO.'S 57-00049, 57-00055, 57-00056B, 57-00072, 57-00074, AND 57-00079 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.16 CFS.

Remarks:

Comments:

1. LHARRIS 1/16/1997 NAME CHANGE
Comment: THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN ADDRESS CHANGE.

Water Supply Bank: