

RECEIVED

JUL 24 2006

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)

A. Subcase

77-4007
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Catherine Gillihan or Robert J. Gillihan Jr.

Address: 10064 Glen Ellyn St.

Boise, ID 83704

Daytime Phone: 208 327 0907

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Catherine M Gillihan or Robert J. Gillihan Jr.

Address: Big Creek, ID 83677 or

10064 Glen Ellyn St. Boise ID 83704

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity** - enclosed Engr. IL -
Should be: (0.320 CFS) (Irrig. 0.240 CFS) + Domestic 0.080 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☒ **I object because:**
☐ This water right Should not exist.

☒ This water right was not recommended, but Should be recommended with the elements described above. was confused with other water claim

E. **REASONS SUPPORTING OBJECTIONS(S):** Diversion ditch is over 4000 ft - Rocky forest land. Due to ditch loss & pr drought condition we need full amt. filed on by homesteader to irrigate - Pastures located in 3 different locations & two other water users on same ditch -

SF.1-Objection
Amended 10/16/97

Original water Right was confused with another water Right by Ken Knoblock & he intended to change it.

F.

VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of Ada)

Catherine Gillihan, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

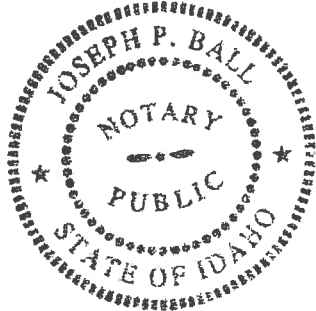
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Catherine Gillihan
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

7/19/06



Joseph P. Ball
Notary Public for IDAHO
Residing at: Boise
My Commission Expires: 9/3/11

On Thu, 6 Apr 2006 12:02:10 -0600 "Knoblock, Ken" <Ken.Knoblock@idwr.idaho.gov>
writes:

I thought I changed it. I apologize.

You can file an objection to the court if you are not satisfied.

Ken Knoblock

RECEIVED

JUL 24 2006

DEPARTMENT OF
WATER RESOURCES

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on July 19, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Catherine and/or Robert J Gillihan Jr
Address: 10064 Helen Eddy n St.
Boise ID 83704

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

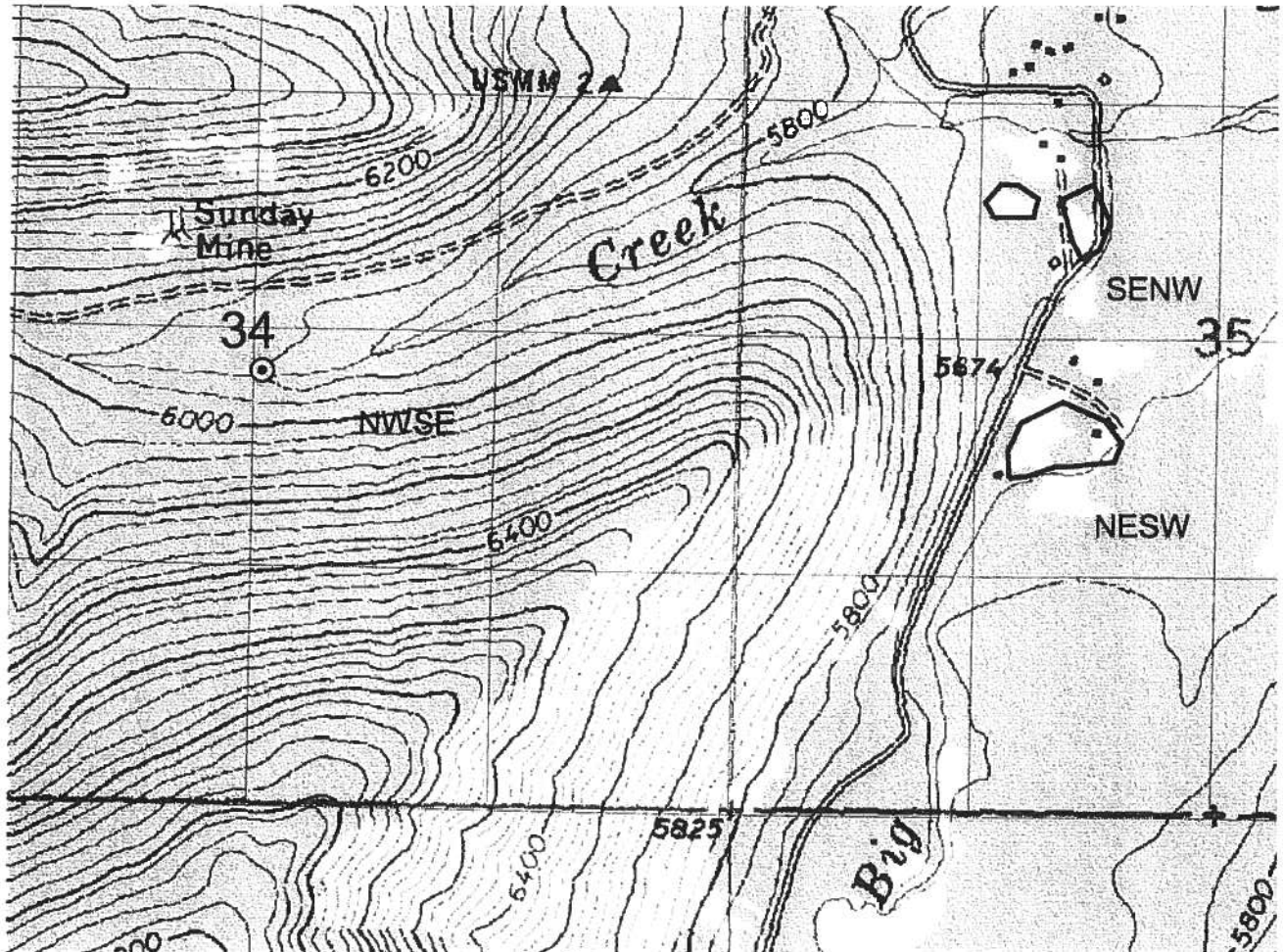
United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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

Catherine Gillihan

Signature of objector or attorney
mailing on Objector's behalf

77-4007



0 600 1200 Feet

Sections 34 & 35
T21N R9E



⊙ Point of Diversion

□ Place of Use

Map prepared on March 3, 2006
By Kenneth Knoblock
Idaho Department of Water Resources

AJ5607NP
(00-117)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJ. LISTING OF WATER RIGHTS

DATE: 08/16/96
PAGE: 8

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
A77-04007	CATHERINE M GILLIHAN ROBERT J GILLIHAN BIG CREEK ID 83677	05/07/1925	IRRIGATION DOMESTIC	Irrig Season 01-01 12-31	0.24 CFS 0.08 CFS	STATUTORY CLAIM

TOTAL DIVERSION RATE: 0.32 CFS
TOTAL DIVERSION VOLUME: 0.00 AFA

SOURCE: LOGAN CREEK

TRIBUTARY: BIG CREEK

POINT OF DIVERSION:

T21N RD9E S34 NW/4SE

PLACE OF USE: IRRIGATION

T21N RD9E S35

12.0 ACRES TOTAL

SENW 3.0 NESW 9.0

PLACE OF USE: DOMESTIC

T21N RD9E S35

SENW

DIVERSION MEANS: DIV. DAM W/DITCHES, HOLDING TANK W/PIPE TO DOMESTIC USE.

REMARKS: GEN

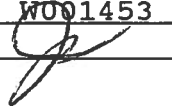
THIS CLAIM FILING INCLUDES THE 5 ACRES LISTED IN WATER RIGHT NO.
77-02073. THE PRIORITY DATE OF 77-02073 IS INCORRECT SINCE THE
USE OF THIS WATER BEGAN EARLIER THAN WHEN THE PERMIT WAS FILED.
THIS CLAIM REFLECTS THE CORRECT PRIORITY DATE FOR ALL USES.

OTHER RIGHTS: WATER RIGHT NO. 77-02073 - SEE REMARKS.

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: A77-04007
Date Received: 11/17/1988
Receipt No: W001453
Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CATHERINE M GILLIHAN 208-327-0907
Address: BIG CREEK ID 83677
OR
Name: ROBERT J GILLIHAN 208-327-0907
Address: BIG CREEK ID 83677

2. Date of Priority: MAY 7, 1925

3. Source: LOGAN CREEK Trib. to: BIG CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
21N	09E	34	NW	NW	SE		VALLEY

5. Description of diverting works:
DIV. DAM W/DITCHES, HOLDING TANK W/PIPE TO DOMESTIC USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.240		
DOMESTIC	01/01	12/31	0.080		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/GILLIHAN'S LODGE, SHOWERHOUSE, LAUNDRY - UP TO 17 PEOPLE.

MICROFILMED

OCT 24 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
21N	09E	35	SE	NW		IRR	3.0
			SE	NW		DOMEST	
			NE	SW		IRR	9.0
						Section Acres	12.0
						Total Acres	12.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

WATER RIGHT NO. 77-02073 - SEE REMARKS.

14. Remarks:

THIS CLAIM FILING INCLUDES THE 5 ACRES LISTED IN WATER RIGHT NO. 77-02073. THE PRIORITY DATE OF 77-02073 IS INCORRECT SINCE THE USE OF THIS WATER BEGAN EARLIER THAN WHEN THE PERMIT WAS FILED. THIS CLAIM REFLECTS THE CORRECT PRIORITY DATE FOR ALL USES.

15. Basis of Claim: STATUTORY CLAIM

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
 _____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

*File Catherine Gillihan & A 77-04007
Logan Creek water.*

BARNARD and KATHRYN D. BARNARD, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

SEAL

DeAnn Thompson
Notary Public Residing at Emmett, Idaho
Comm. Expires---

STATE OF IDAHO, COUNTY OF Valley)ss.

I hereby certify that this instrument was filed for record at the request of G. A. Blanchard at 15 minutes past 9 o'clock a.m., this 23 day of August, 1963, in my office, and duly recorded in Book 38 of Deeds at page 119.

COMPALED ☒
INDEXED DIRECT ☒
INDEXED-INDIRECT ☒
DOC. STAMPS AFFIXED ☒

Fees, \$.90

Forest E. Robb
Ex-Officio Recorder

By L. L. Peterson Deputy

INSTRUMENT NO. 63792

WARRANTY DEED

For Value Received \$1.00 and other valuable considerations A. N. Edwards and Billie M. Lukehart the grantors, do hereby grant, bargain, sell and convey unto Walter G. Hanson and, or Hilda M. Hanson, husband and wife, the grantees, the following described premises, in Valley County Idaho, to wit:

From the N. W. corner of Section 35 T. 21 N. R. 9. E. Boise Meridian and Base. We survey a line to N. E. corner of the N. W. ¼ East 2640 feet, thence turn a 90 degree angle South and continue South 2640 feet along the East boundary of the W. A. Edwards' West 80 acres, which is also the East boundary of the N. W. ¼ of Section 35, to to the S. E. corner of said West 80 acres. Thence we turn a 90 degree angle West and continue West 1320 feet to the S. W. corner of said West 80 acres. Thence South 100 feet, thence South-10 degrees East 341 feet, thence East 35 feet, thence South 400 feet, thence East 22 feet to point of beginning of the parcel of land described herein. Thence East 150 feet, thence South-15 degrees West 375 feet, thence West 83 feet, thence North 378 feet back to point of beginning of said parcel of land herein described, containing approximately one acre all situated in the N.W. ¼ of the S.W. ¼ of Section 35 of the A. N. Edwards' homestead, Pat. No. 1018329, all situated in T. 21 N. R. 9. E. Section 35, Boise Meridian and Base, Big Creek, Valley county, Idaho. Included herein are rights to culinary water from Edwards' existing ditches.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee-, ---- heirs and assigns forever. And the said Grantor- do hereby covenant to and with the said Grantee-, that --he- --- the owner- in fee simple of said premises; that they are free from all incumbrances and that --he--will warrant and defend the same from all lawful claims whatsoever.

Dated: Aug. 23, 1963.

s/ Walter G. Hanson
s/ Hilda M. Hanson

s/ A. N. Edwards
s/Billie M. Lukehart

STATE OF IDAHO, COUNTY OF Valley

On this 23 day of August, 1963, before me, a notary public in and for said State, personally appeared A.N. Edwards --- Billie L. Lukehart known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

SEAL

Fred W. Erickson
Notary Public Residing at Yellow Pine,
Idaho
Comm. Expires July 20 1968

MICROFILMED

OCT 05 1992

04/11/2005

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

RIGHT NUMBER: 77-4007

NAME AND ADDRESS: CATHERINE M GILLIHAN
850 JACKSON AVE
EMMETT ID 83617

ROBERT J GILLIHAN JR
850 JACKSON AVE.
EMMETT ID 83617

SOURCE: LOGAN CREEK

TRIBUTARY: BIG CREEK

QUANTITY: 0.240 CFS

This right when combined 77-7058 & 77-4008 shall provide no more than 8 acres of irrigation in the SENW & NESW of S35 T21N R9E.

PRIORITY DATE: 05/07/1925

POINT OF DIVERSION:

T21N R09E S34 NWNWSE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.160 CFS
DOMESTIC	01/01 12/31	0.080 CFS

PLACE OF USE: IRRIGATION Within VALLEY County

T21N R09E S35 SENW 5.0 T21N R09E S35 NESW 3.0

DOMESTIC Within VALLEY County

T21N R09E S35 SENW

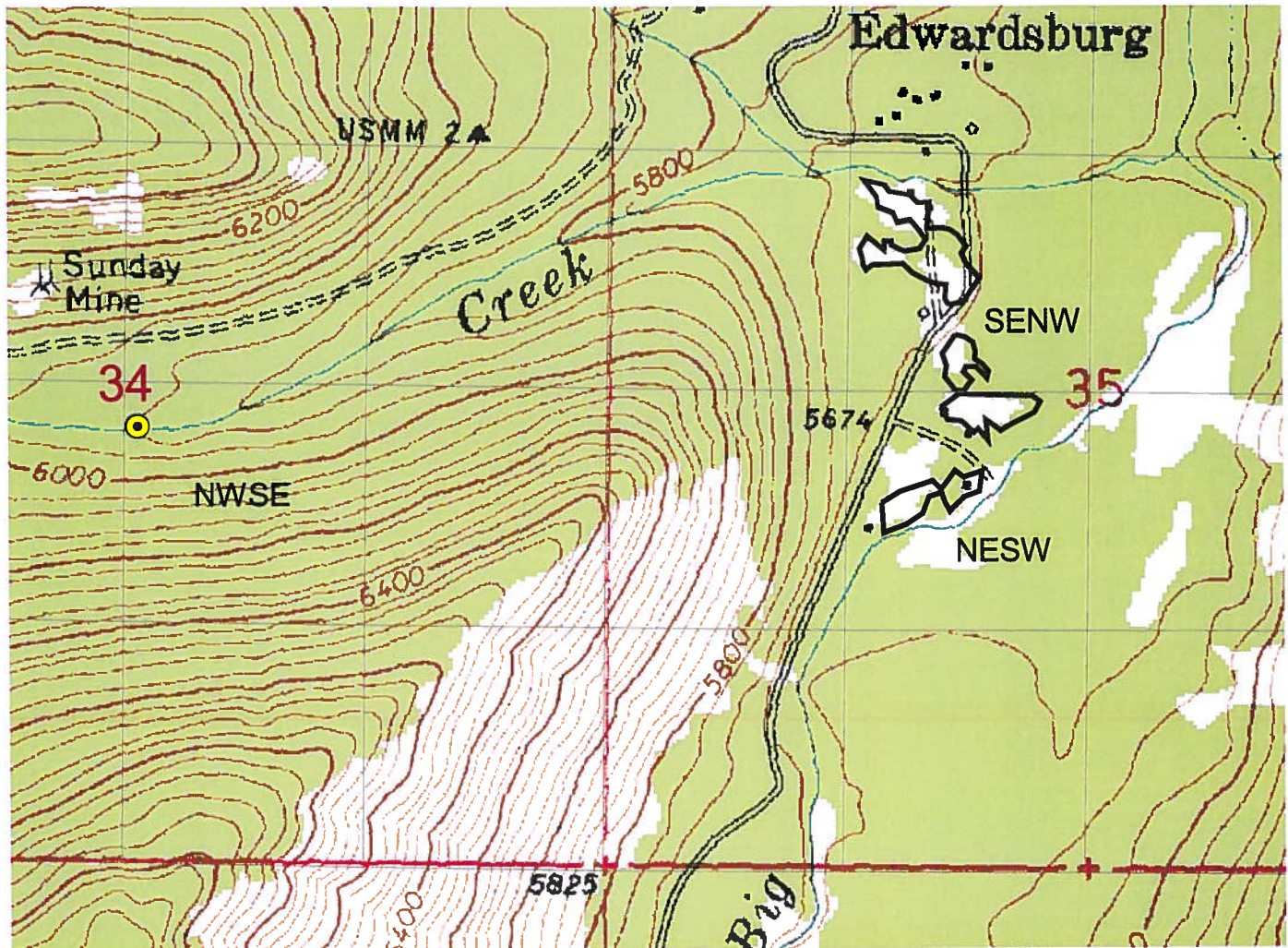
8 ACRES TOTAL

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: Beneficial Use

77-4007



0 600 1200 Feet



Sections 34 & 35
T21N R9E



- Point of Diversion
□ Place of Use

Map prepared on April 11, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

Knoblock, Ken

From: Knoblock, Ken
Sent: Thursday, March 23, 2006 2:30 PM
To: 'catherine M gillihan'

The new Preliminary Recommendations are in the mail today.

77-4007 6.6 acres of irrigation SENW 3.00, NESW 3.6

77-4008 11.14 acres of irrigation SWNE 3.14, SENW 5.00, NESW 3.0

77-7058 Domestic use changed to 4/1 to 10/31
7 acres of Irrigation SWNE 2, SENE 5

77-4007 and 77-4008 there is no acre foot per year volume limitation.

77-7058 had the acre foot per year limitation.

Thank you for your help.

Kenneth Knoblock

Knoblock, Ken

From: catherine M gillihan [cgilli@juno.com]
Sent: Monday, March 27, 2006 6:50 AM
To: Knoblock, Ken
Subject: Re:

Thankyou, received the papers on Saturday and they are looking like it is almost there. Any confusion and mistakes are my fault. I included all of your work to show what has been done and it may have complicated and caused a couple of minor errors. Enclosed is your text and I will put under each permit the change. Everything else is great and I really thank you for your patience and efficiency to have completed all of this so fast. C. Gillihan

On Thu, 23 Mar 2006 15:29:45 -0700 "Knoblock, Ken" <Ken.Knoblock@idwr.idaho.gov> writes:

The new Preliminary Recommendations are in the mail today.

77-4007 6.6 acres of irrigation SENW 3.00, NESW 3.6 (you originally allowed for ditch loss, the irrigation amount should read 0.160 instead of 0.140 cfs)

77-4008 11.14 acres of irrigation SWNE 3.14, SENW 5.00, NESW 3.0 (to allow for ditch loss the irrigation should read 0.320 cfs instead of 0.230 cfs)

77-7058 Domestic use changed to 4/1 to 10/31 (this was my fault, there should have been a line between domestic and irrigation on the earliest form, I was trying to get it changed to the right sections which you did, the domestic should read 01/01 to 12/31, the same as the power because they are used together)

7 acres of Irrigation SWNE 2, SENE 5 (the acres here need to be reversed to SWNE 5, SENE 2 if it matters)

77-4007 and 77-4008 there is no acre foot per year volume limitation.

77-7058 had the acre foot per year limitation.

Thank you for your help.

Kenneth Knoblock

03/23/2006

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

RIGHT NUMBER: 77-4007

NAME AND ADDRESS: CATHERINE M GILLIHAN
C/O ROBERT JAMES GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

ROBERT J GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

SOURCE: LOGAN CREEK

TRIBUTARY: BIG CREEK

QUANTITY: 0.220 CFS

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

PRIORITY DATE: 05/07/1925

POINT OF DIVERSION:

T21N R09E S34 NWNWSE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.140 CFS
DOMESTIC	01/01 12/31	0.080 CFS

PLACE OF USE: IRRIGATION Within VALLEY County

T21N R09E S35 SENW 3.00 T21N R09E S35 NESW 3.60

DOMESTIC Within VALLEY County

T21N R09E S35 SENW

6.6 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 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



03/08/2006

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

RIGHT NUMBER: 77-4007

NAME AND ADDRESS: CATHERINE M GILLIHAN
C/O ROBERT JAMES GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

ROBERT J GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

SOURCE: LOGAN CREEK

TRIBUTARY: BIG CREEK

QUANTITY: 0.220 CFS

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

PRIORITY DATE: 05/07/1925

POINT OF DIVERSION:

T21N R09E S34 NWNWSE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.140 CFS
DOMESTIC	01/01 12/31	0.080 CFS

PLACE OF USE: IRRIGATION Within VALLEY County

T21N R09E S35 SENW 3.00 T21N R09E S35 NESW ~~2.00~~ 3.6

DOMESTIC Within VALLEY County

T21N R09E S35 SENW

~~5 ACRES TOTAL~~ 6.6

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

The quantity of water decreed for this water right for domestic 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

03/03/2006

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

RIGHT NUMBER: 77-4007
NAME AND ADDRESS: CATHERINE M GILLIHAN
C/O ROBERT JAMES GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

ROBERT J GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

SOURCE: LOGAN CREEK TRIBUTARY: BIG CREEK

QUANTITY: 0.240 CFS

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

PRIORITY DATE: 05/07/1925

POINT OF DIVERSION:

T21N R09E S34 NWNWSE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05/01 10/31	0.160 CFS
DOMESTIC	01/01 12/31	0.080 CFS

PLACE OF USE: IRRIGATION Within VALLEY County

T21N R09E S35 SENW ~~5.00~~ 3.0 T21N R09E S35 NESW ~~3.60~~ 3.6

DOMESTIC Within VALLEY County

T21N R09E S35 SENW

~~8 ACRES TOTAL~~ 6.6

~~Right Nos. 77-4007, 77-4008 and 77-7058 are limited to the irrigation of a combined total of 8 acres in a single irrigation season.~~

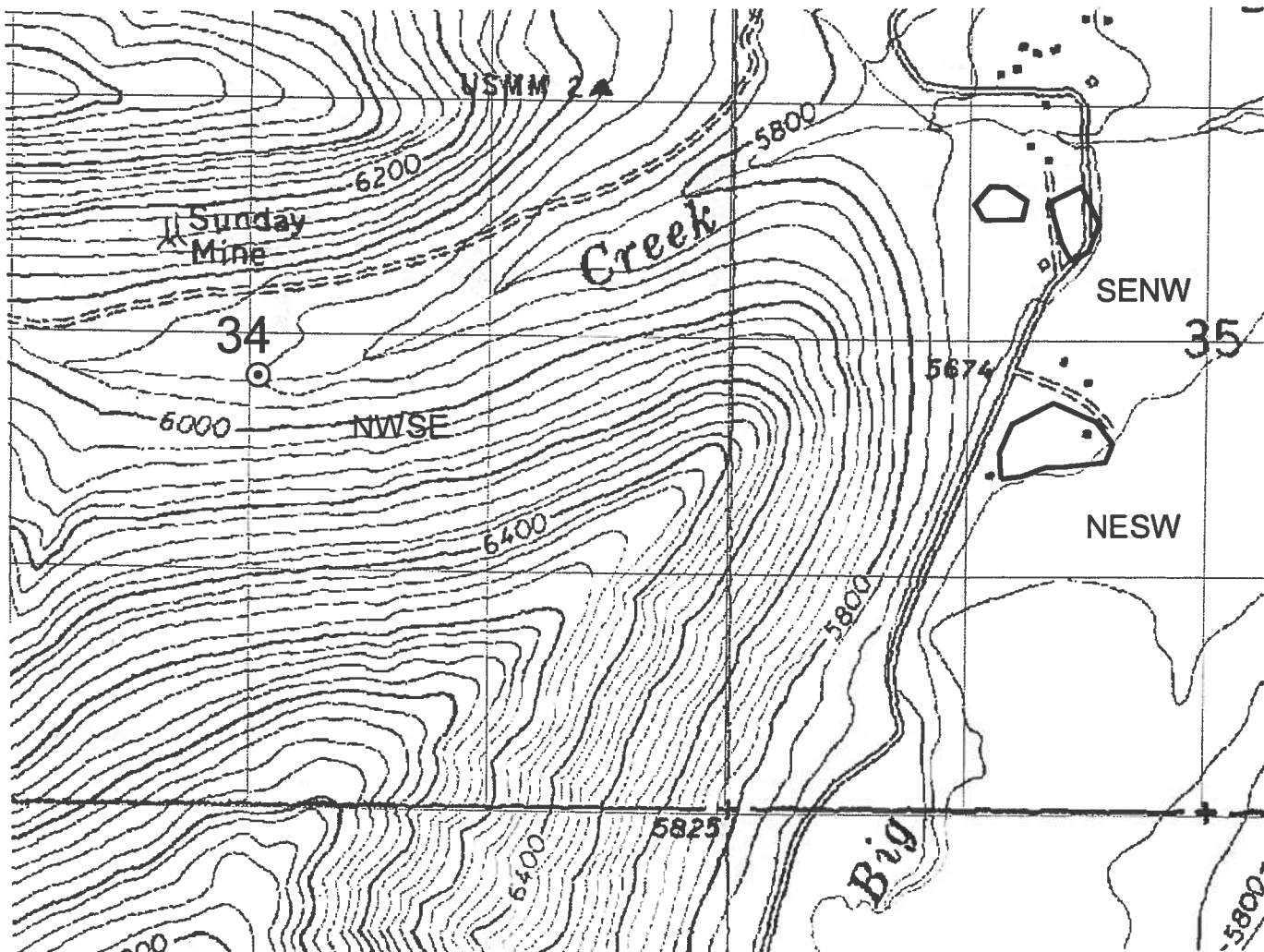
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic 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

77-4007



0 600 1200 Feet



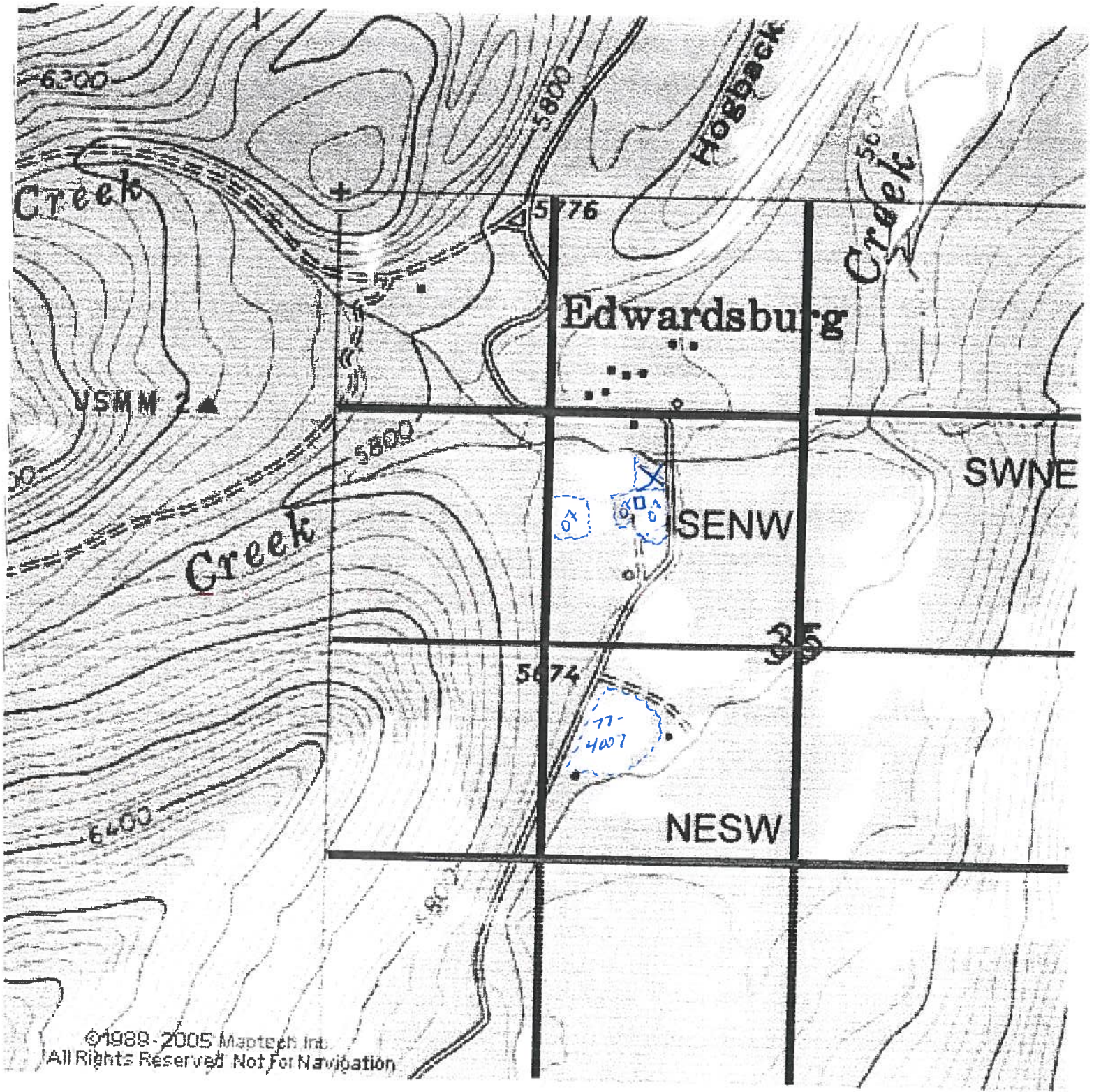
Sections 34 & 35 T21N R9E



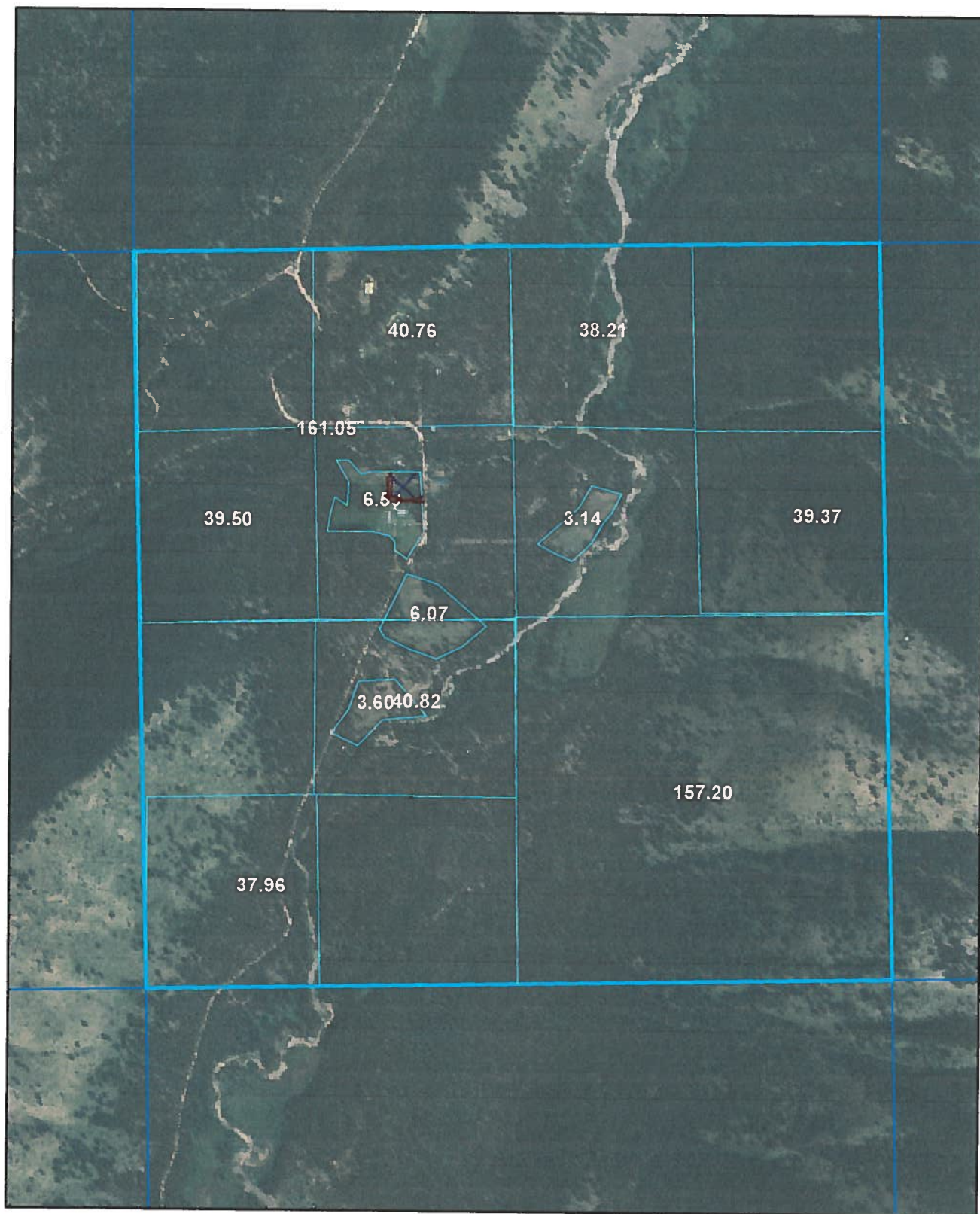
● Point of Diversion

☐ Place of Use

Map prepared on March 3, 2006
By Kenneth Knoblock
Idaho Department of Water Resources



77-4007



Valley Co. T21 R9 Sec. 35

Prepared by FSA

March 21, 2006

560 Scale
Feet

Legend

Field Boundaries

Section Lines

161.00

39.50

6.59

3.14

6.07

3.60 40.82

Block up of
USDA. to show
new dealings -

157.20

See 35

157.06

39.50

77-4008
Dr.
6.59

77-4007

77-4008

77-4008

77-4008

77-4008

6.07

77-4008

77-4007

3.60 40.82

Dr. Ben

3.14

77-4008

157.20

3



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 9, 2006

Catherine Gillihan
10064 Glen Ellen St.
Boise, ID 83704

RE: 77-4007, 77-4008 & 77-7058

Dear Ms. Gillhan:

I re-evaluated our recommendations as a result of your e-mail of March 7, 2006.

77-7058 – as you pointed out, I neglected to list the period of use as 1/1 to 12/31 and the amount of 0.04 cfs. That has been corrected.

The place of use is the SENE as you described in your amended claim. The Department's standard for the period of use for that area is May 1 to October 31. I cannot change the season without documentation from and an independent source.

77-4007 – I did neglect to remove the comment about combined water rights. It has been removed.

I did neglect to account for the ditch loss, thank you for pointing that out. It should be 0.02 cfs per acre and increased to account for a 30% ditch loss. The right now reflects those calculations.

77-4008 – I reviewed to place of use and discovered that I had inadvertently overlapped rights and included a portion of the swamp that you mentioned. That has been corrected.

I want to thank you for helping to arrive at a true determination of your water rights.

Sincerely,

Kenneth Knoblock
Water Resources Agent

*Copies of
Corrector*

RECEIVED

MAR 23 2006

IDWR/North

*Question
on
AFY*

*No Swamp
on 4008
it was 705*

? on AFY on

*77-2141 - Uses
same ditch &
water from 77-400*

From: catherine M gillihan <cgilli@juno.com>

To: carter.fritschle@nd.gov

Date: Tue, 7 Mar 2006 12:10:25 -0700

Subject: Fw.

copy of request
for corrections

Also will send a portion of the map for #77-7058, following this.

The following is my response to the papers that I just received from Ken Knoblock and I am usure of what my next procedure should be. I am assuming that Mr. Knoblock will send the papers to you for adjudication but need to be advised as to the final outcome. Thankyou C. Gillihan

Dear Mr.Knoblock,

Received your notes on the corrections. Thank you for the fast work. There is still a couple of problems. I will send each of the permit # and comments sepearate because my cheap juno won't carry a proper document. The first document will be #77-7058

77-7058 1- The date for irrigation should read 4/15 to 10/15 (some seasons are dryer and the area is open earlier to take advantage of the irrigation. This property is accessed year around with snow mobile and etc.)

2- The map enclosed shows the irrigation running north to south and it should run east to west. I drew the enclosure on the map enclosed. (your paper shows irrigation in the SENE but your map shows it in swne) It actually runs over the section line and should read ~~NE~~ of SWNE and ~~SE~~ of SENE (The upper spigots irrigation are in the SENE. The southern part of your drawing is wet lands, swamp beaver runs. I showed that to Mr. Fritschle that the property there was at the mercy and part of the time is submerged.

for
and
of the river

3- There was nothing listed after the domestic so I assume it will remain the same as shown on the license.

77-4008 1- The irrigation date is reduced to 5/01 to 10/31 and should read of 4/01-11/01. This needs to be corrected due to the fact that some seasons are dryer and start earlier depending on weather and drought. We then need to start earlier to make use of the water while we have it. Our water depends entirely on the weather and supply. We can do nothing to increase it.

2- You also decreased the amount to .320cts instead of 0.580cts. This ditch does not have the fall it needs and depends on pressure which depends on the amount that is in the creek. We need to be allowed the full amount as long as it lasts to cover this porous ground. I showed Mr. Fritschle that we use plastic tubes to carry the water where we can to get coverage.

3- The map drawn for 77-4008 does not entirely reflect where the water is used. (Where the lane leaves the main road across from the fire department on SENW, 77-4008 irrigates the pasture across from that firehouse, if it makes a difference.)

77-4007 1- You decreased the irrigation to 5/01 to 10/31 instead of 4/01 to 11/01. Depending on the dryness of the season or drought we do start irrigating early if needed, because the water can be scarce and not last the full season.

2- You decreased our water from 0.240cts to 0.160cts. Because of the nature of the creek, length of the ditch and the rocky and porous soil we do need the full amount to get the water to these pastures.

3- You also did not remove the note at the bottom of the acreages stating that the right nos. 77-4007, 77-4008, and 7058 are limited to the irrigation of combined total of 8 acres in a single irrigation season. (Since these rights are not combined and do not irrigate the same properties, you are decreasing our



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 9, 2006

Catherine Gillihan
10064 Glen Ellen St.
Boise, ID 83704

RE: 77-4007, 77-4008 & 77-7058

Dear Ms. Gillhan:

I re-evaluated our recommendations as a result of your e-mail of March 7, 2006.

77-7058 – as you pointed out, I neglected to list the period of use as 1/1 to 12/31 and the amount of 0.04 cfs. That has been corrected.

The place of use is the SENE as you described in your amended claim.

The Department's standard for the period of use for that area is May 1 to October 31. I cannot change the season without documentation from an independent source.

77-4007 – I did neglect to remove the comment about combined water rights. It has been removed.

I did neglect to account for the ditch loss, thank you for pointing that out. It should be 0.02 cfs per acre and increased to account for a 30% ditch loss. The right now reflects those calculations.

77-4008 – I reviewed to place of use and discovered that I had inadvertently overlapped rights and included a portion of the swamp that you mentioned. That has been corrected.

I want to thank you for helping to arrive at a true determination of your water rights.

Sincerely,

Kenneth Knoblock
Water Resources Agent

03/08/2006

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

RIGHT NUMBER: 77-4007

NAME AND ADDRESS: CATHERINE M GILLIHAN
C/O ROBERT JAMES GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

ROBERT J GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

SOURCE: LOGAN CREEK

TRIBUTARY: BIG CREEK

QUANTITY: 0.220 CFS

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

PRIORITY DATE: 05/07/1925

POINT OF DIVERSION:

T21N R09E S34 NWNWSE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.140 CFS
DOMESTIC	01/01 12/31	0.080 CFS

PLACE OF USE: IRRIGATION Within VALLEY County

T21N R09E S35 SENW 3.00 T21N R09E S35 NESW 2.00

DOMESTIC Within VALLEY County

T21N R09E S35 SENW

5 ACRES TOTAL

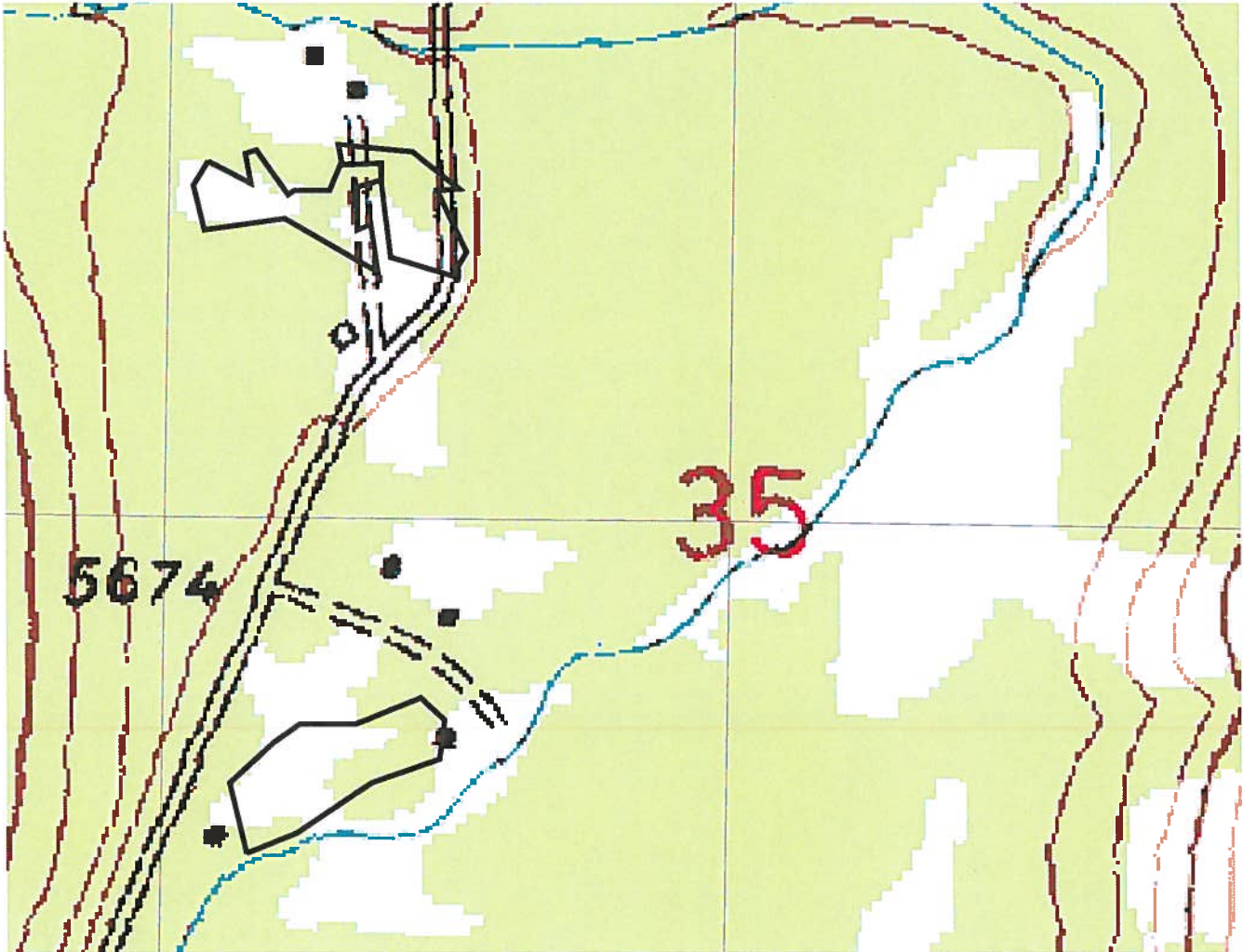
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic use 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

77-4007



0 300 600 Feet

Section 35
T21N R9E



● Point of Diversion

□ Place of Use

Map prepared on March 8, 2006
By Kenneth Knoblock
Idaho Department of Water Resources

Knoblock, Ken

From: catherine M gillihan [cgilli@juno.com]
Sent: Tuesday, March 07, 2006 10:34 AM
To: Knoblock, Ken
Subject: Re:

The following is the comments of 77-4007 and 77-4008.

77-4008 1- The irrigation date is reduced to 5/01 to 10/31 and should read of 4/01-11/01.

This needs to be corrected due to the fact that some seasons are dryer and start earlier depending on weather and drought. We then need to start earlier to make

use of the water while we have it. Our water depends entirely on the weather and

supply. We can do nothing to increase it.

2- You also decreased the amount to .320cfs instead of 0.580cfs. This ditch does

not have the fall it needs and depends on pressure which depends on the amount that is in the creek. We need to be allowed the full amount as long as it lasts to

cover this porous ground. I showed Mr. Fritschle that we use plastic tubes to

carry the water where we can to get coverage.

3- The map drawn for 77-4008 does not entirely reflect where the water is used.

(Where the lane leaves the main road across from the fire department on SENW, 77-4008 irrigates the pasture across from that firehouse, if it makes a

difference.)

77-4007 1- You decreased the irrigation to 5/01 to 10/31 instead of 4/01 to 11/01.

Depending on the dryness of the season or drought we do start irrigating early if needed, because the water can be scarce and not last the full season.

2- You decreased our water from 0.240cfs to 0.160cfs. Because of the nature of

the creek, length of the ditch and the rocky and porous soil we do need the full amount to get the water to these pastures.

3- You also did not remove the note at the bottom of the acreages stating that the

right nos. 77-4007, 77-4008, and 7058 are limited to the irrigation of combined total of

8 acres in a single irrigation season. (Since these rights are not

combined and do not irrigate the same properties, you are decreasing our acreage

by 16 acres.) This statement did not appear on the 77-7008 or 77-7058 so I assume that it was overlooked. Please advise to your intentions on this

statement, but we request that that statement be removed. The water has to be

alternated some on the various pastures with 77-7008, but the full acreages are

covered in a season.

Please advise as to the next procedure or do you directly send these papers to adjudication?

I sincerely appreciate your help in these water applications, I know it has been quite a task, and you are to be commended for the work. Thank you again, Catherine Gillihan

03/03/2006

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

RIGHT NUMBER: 77-4007

NAME AND ADDRESS: CATHERINE M GILLIHAN
C/O ROBERT JAMES GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

ROBERT J GILLIHAN JR
10064 GLEN ELLEN ST
BOISE ID 83704

SOURCE: LOGAN CREEK

TRIBUTARY: BIG CREEK

QUANTITY: 0.240 CFS

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

PRIORITY DATE: 05/07/1925

POINT OF DIVERSION:

T21N R09E S34 NWNWSE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.160 CFS
DOMESTIC	01/01 12/31	0.080 CFS

PLACE OF USE: IRRIGATION Within VALLEY County

T21N R09E S35 SENW 3.00 T21N R09E S35 NESW 2.00

DOMESTIC Within VALLEY County

T21N R09E S35 SENW

5 ACRES TOTAL

Right Nos. 77-4007, 77-4008 and 77-7058 are limited to the irrigation of a
combined total of 8 acres in a single irrigation season.

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

The quantity of water decreed for this water right for domestic 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

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Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 3, 2006

Catherine Gillihan
10064 Glen Ellen St.
Boise, ID 83704

RE: 77-4007, 77-4008 & 77-70558

Dear Ms. Gillihan:

Enclosed are new maps and preliminary recommendations reflecting the comments you made on the Notice of Error Reply. Please contact me if the changes are incorrect.

Sincerely,

Kenneth Knoblock
Water Resources Agent

01/05/2006

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: March 3, 2006

Water right number: 77-4007

CATHERINE M GILLIHAN
850 JACKSON AVE
EMMETT ID 83617
Telephone Number: (208) 365-5384

ROBERT J GILLIHAN JR
850 JACKSON AVE.
EMMETT ID 83617

10064 W. Glen Ellen
Boise, ID 83704
208-327-0907
208-321-1092

RECEIVED
MAR 02 2006
IDWR/North

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

The combining of this water right = 77-4007 + 77-7058 in error
The overlapping of water rights denies us 8+ acres of water -
land has been cleared in around lodge contains trees & denied because not cleared

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

77-4007 - should contain at least 8 acres -
SE NW - should be 3+
NW SW should be 5

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

Because areas circled on map by R. Knoblock are
incorrect as far as we can determine - map furnished.
acres determined by combining water rights not on this property.

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

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

77-4007
Logan
holding tank
pipe

Logan Creek
Ditch

77-4008
Goat Creek
Ditch
Flamed
over
Logan
Creek

Logan ditch

77-4007
2a

77-4008
2+

Goat Creek Ditch

2+

77-4008

77-4007
1.5-2ac

77-4008

2a

4a

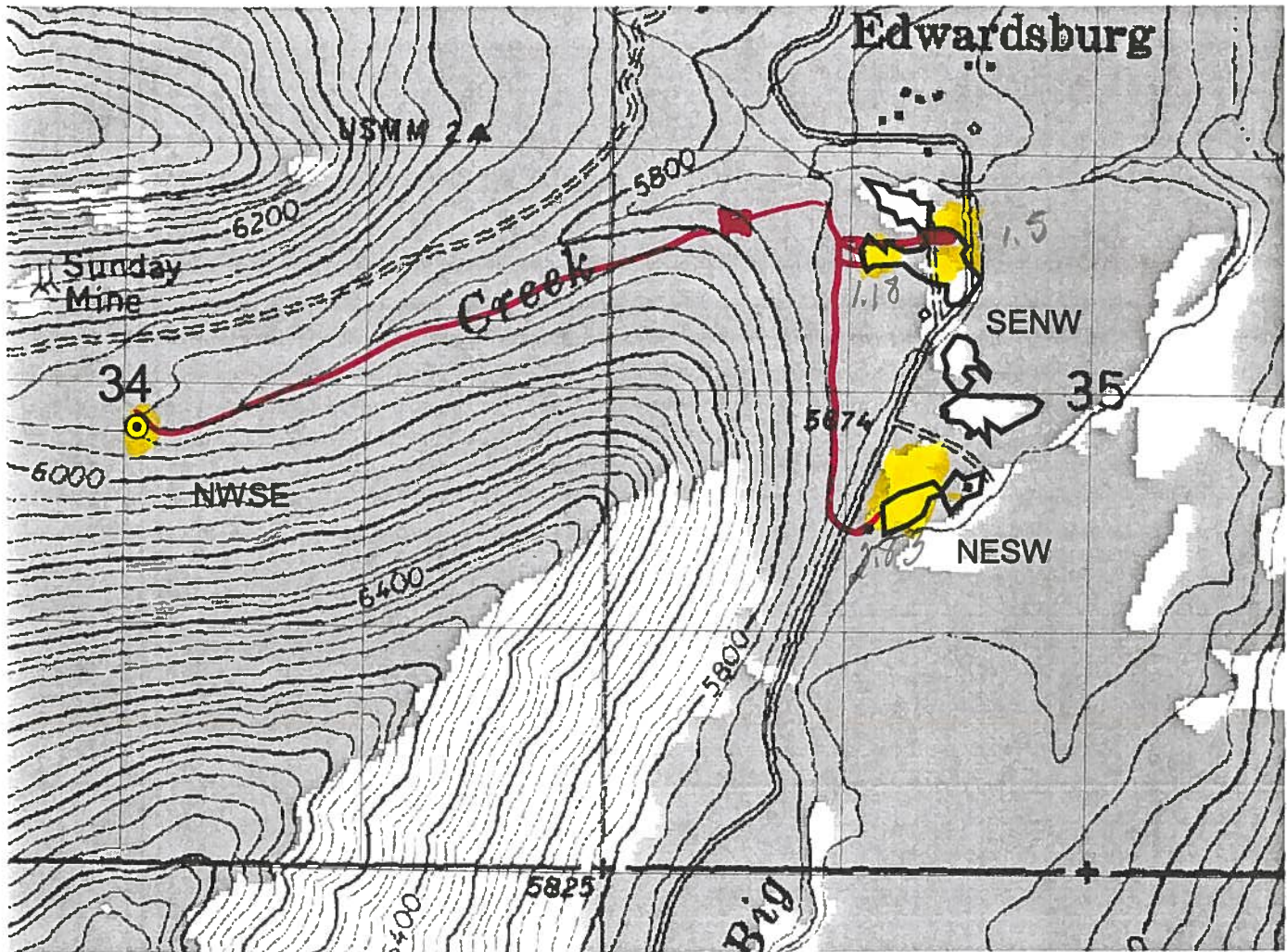
50c
77-4007

flaming
(backpacking)

land

800c 77-4008

77-4007



0 600 1200 Feet

Sections 34 & 35
T21N R9E

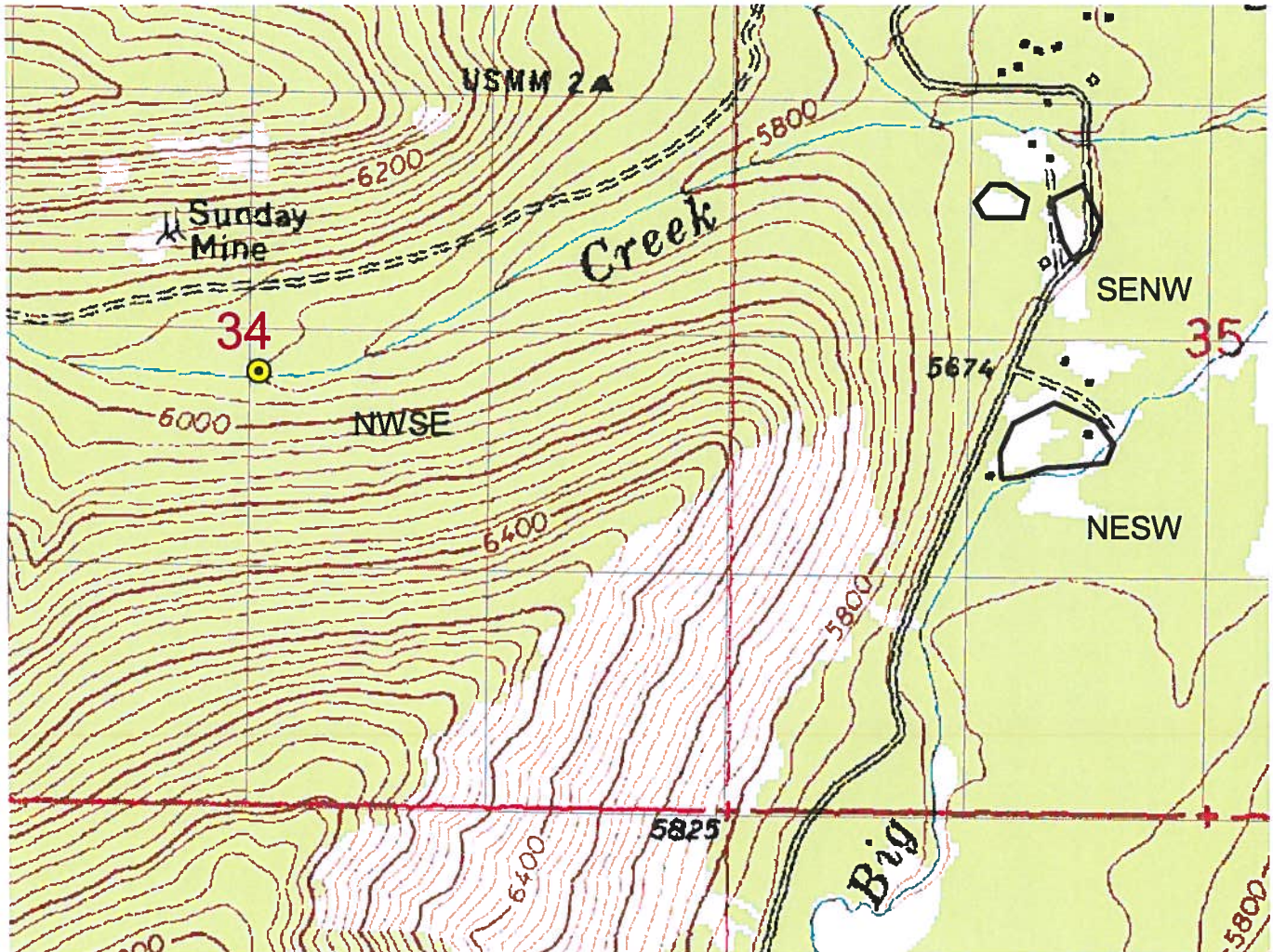
⊙ Point of Diversion

□ Place of Use

SCANNED
FEB 27 2006

Map prepared on April 11, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

77-4007



0 600 1200 Feet

Sections 34 & 35
T21N R9E



● Point of Diversion

□ Place of Use

Map prepared on March 3, 2006
By Kenneth Knoblock
Idaho Department of Water Resources

77-4007

77-4008



Lodge area
1976

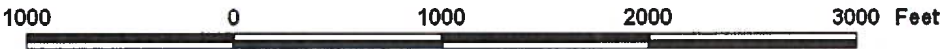
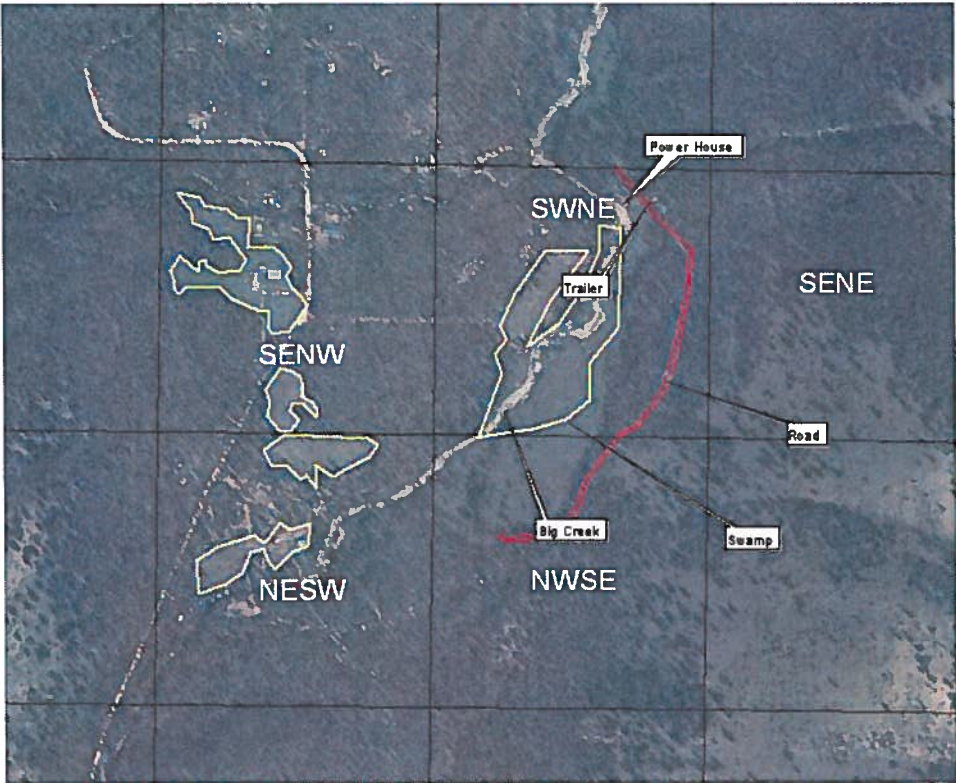


Lodge area
2000

SCANNED

FEB 27 2006

Catherine Gillihan Property



01/05/2006

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

RIGHT NUMBER: 77-4007

NAME AND ADDRESS: CATHERINE M GILLIHAN
850 JACKSON AVE
EMMETT ID 83617

ROBERT J GILLIHAN JR
850 JACKSON AVE.
EMMETT ID 83617

10064 W. Glen Ellen
Boise, ID 83704
208-321-1092
208-327-0907

SOURCE: LOGAN CREEK

TRIBUTARY: BIG CREEK

QUANTITY: 0.240 CFS

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

PRIORITY DATE: 05/07/1925

POINT OF DIVERSION: T21N R09E S34 NWNWSE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05/01 10/31	0.160 CFS
DOMESTIC	01/01 12/31	0.080 CFS

PLACE OF USE: IRRIGATION Within VALLEY County

T21N R09E S35	SENEW	5.00	T21N R09E S35	NESW	3.00
DOMESTIC Within VALLEY County					
T21N R09E S35	SENEW				

8 ACRES TOTAL

Right Nos. 77-4007, 77-4008 and 77-7058 are limited to the irrigation of a combined total of 8 acres in a single irrigation season.

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

The quantity of water decreed for this water right for domestic 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

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: **A77-04007**
Date Received: 11/17/1988
Receipt No: W001453
Received By: _____

AMENDED NOTICE OF CLAIM TO A WATER RIGHT AMENDED
ACQUIRED UNDER STATE LAW

1. Name: CATHERINE M GILLIHAN 208-327-0907
Address: BIG CREEK ID 83677
OR
Name: ROBERT J GILLIHAN 208-327-0907
Address: BIG CREEK ID 83677

2. Date of Priority: MAY 7, 1925

3. Source: LOGAN CREEK Trib. to: BIG CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
21N	09E	34	NW	NW	SE		VALLEY

5. Description of diverting works:

DIV. DAM W/DITCHES, HOLDING TANK W/PIPE TO DOMESTIC USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.240		
DOMESTIC	01/01	12/31	0.080		

7. Total Quantity Appropriated is:

0.320 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

D/GILLIHAN'S LODGE, SHOWERHOUSE, LAUNDRY - UP TO 17 PEOPLE.

SCANNED

FFR 27 2006

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
21N	09E	35	SE	NW		IRR	3.0
			SE	NW		DOMEST	
			NE	SW		IRR	9.0
						Section Acres	12.0
						Total Acres	12.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

WATER RIGHT NO. 77-02073 - SEE REMARKS.

14. Remarks:

THIS CLAIM FILING INCLUDES THE 5 ACRES LISTED IN WATER RIGHT NO. 77-02073. THE PRIORITY DATE OF 77-02073 IS INCORRECT SINCE THE USE OF THIS WATER BEGAN EARLIER THAN WHEN THE PERMIT WAS FILED. THIS CLAIM REFLECTS THE CORRECT PRIORITY DATE FOR ALL USES.

15. Basis of Claim: STATUTORY CLAIM

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

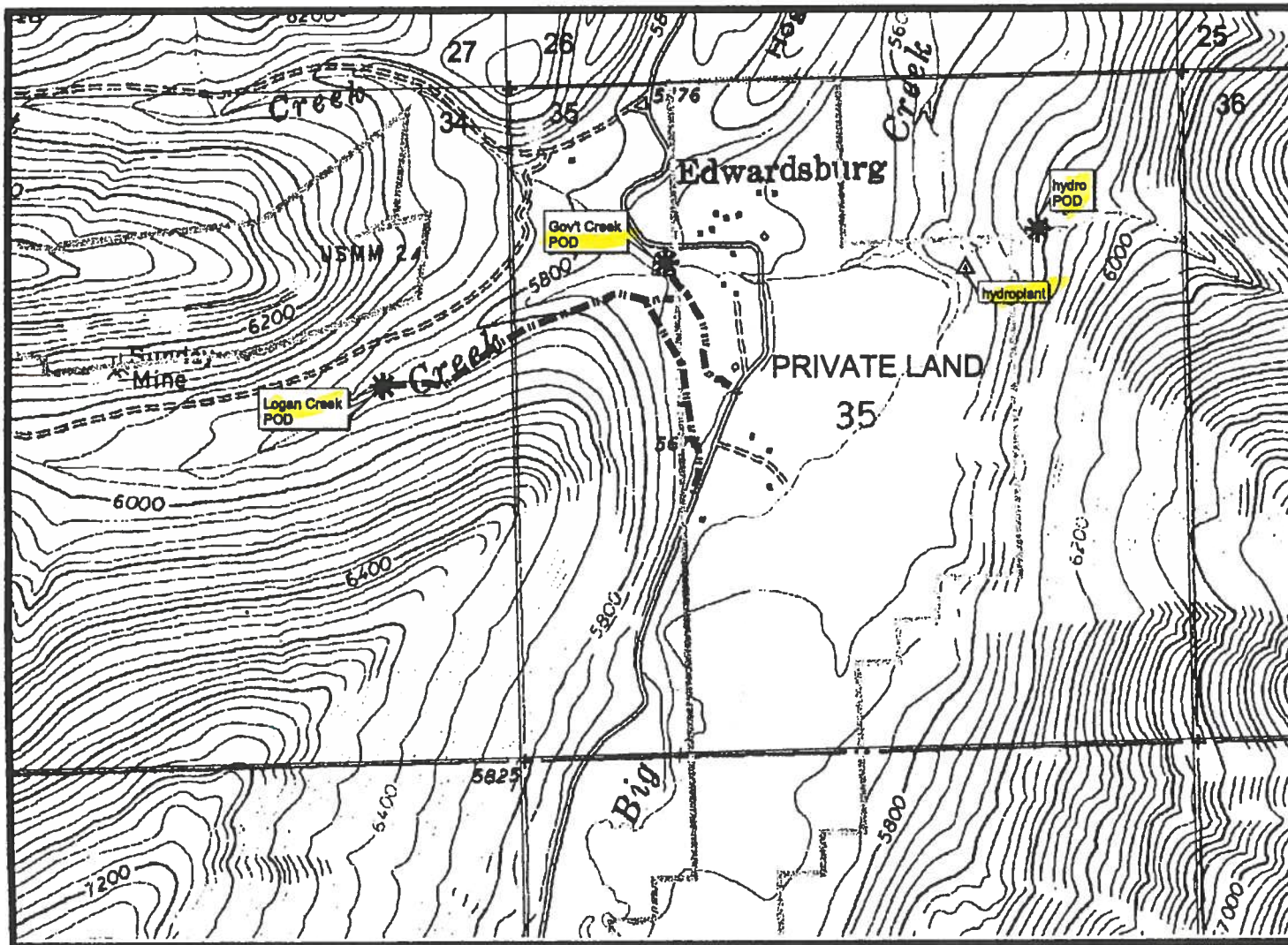
Seal

Residing at _____

My Commission Expires _____

Gillihan Ditch and Hydro Diversions

T21N,R9E,section 34 and 35



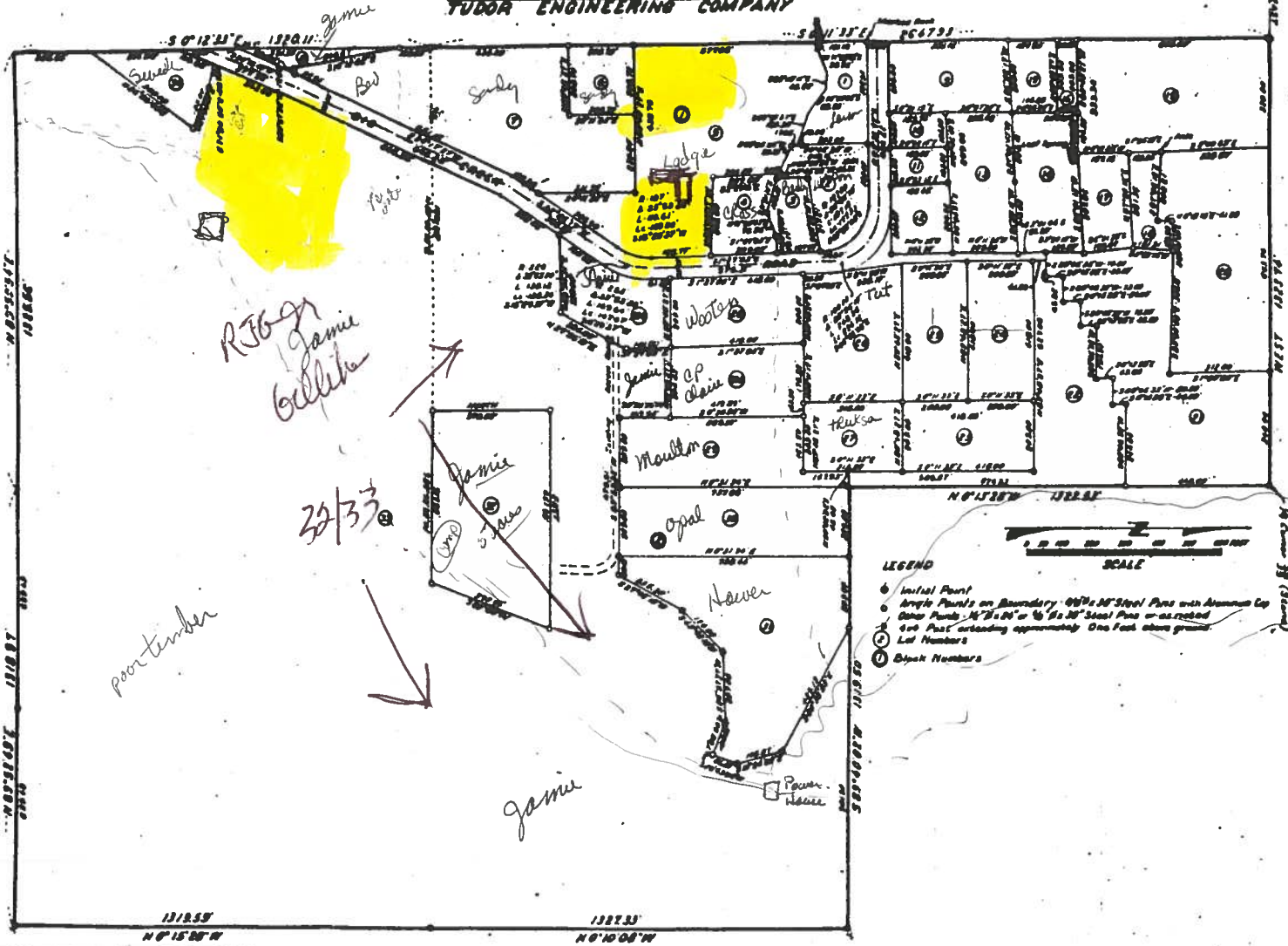
0.4 0 0.4 0.8 Miles

Exhibit A

EDWARDSBURG RECORDER'S PLAT NO 1

A PORTION OF SECTION 35, T21N, R9E, 8M

VALLEY COUNTY, IDAHO
TUDOR ENGINEERING COMPANY



77-4007

SCANNED

FEB 27 2006

77-7058 Licensed issued for 8 acres & Mr & Mrs
Domestic was not ~~part~~ in the license
and our department refused to
amend the license four years after
later. Recommend to file a new
permit

77-7299 Date of Priority 9/27/1989 no
~~claim~~ claim filed for well.

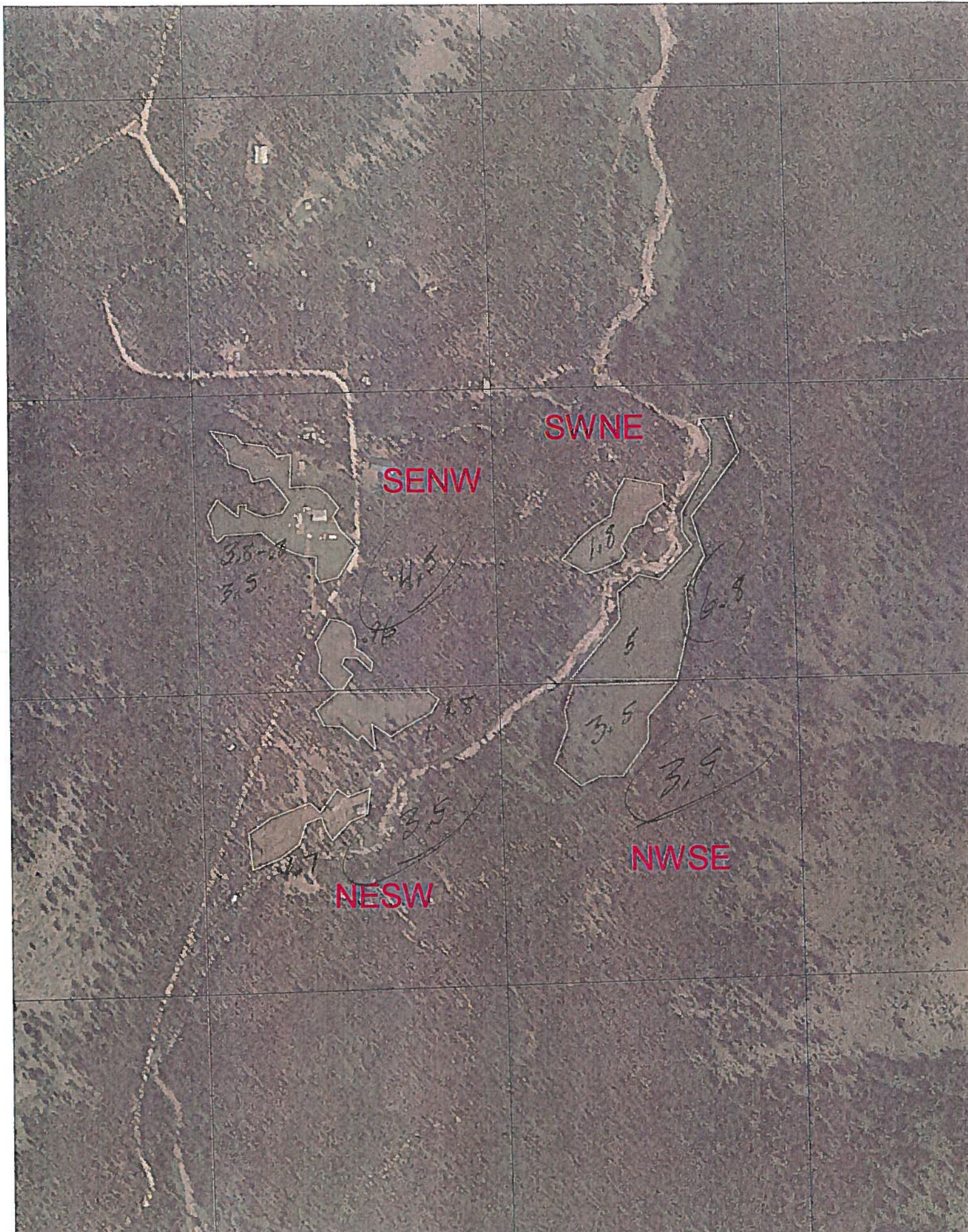
77-4007 Logan Creek aerial photos $3\frac{1}{2}$ around
boxed field across the road to south
1 acre SENE = 5 acres

8 acres field along north boundary
1.8 acres field toward the center
1.7 acres NENE = 3 acres

77-4008 Gov't Creek 2 fields of 1.8 & 5 acres
SWNE = 8 acres

16 acres One field on North boundary of
the party 3.5
NWSE = 3 acres

Navigation of other fields = 8



Identification No. _____
Claim No. 77-4007
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Lucky Brands Inc.
post office address Rex Lanham Rt 2 Box 242 Emmett, Idaho 83601
2. The point of diversion is in NW 1/4 of SW 1/4 Section 34 Township 21N
Range 9E B.M. located on Logan Creek
(name of source)
tributary to Big Creek in Valley Co County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

Priority Claimed property patented 5/7/35 amount: 1.0 c.f.s. or _____ acre feet
(water license # 18935 1-5-46) amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 1.0 c.f.s. or _____ acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Culinary period of use from Jan 1 to Sept (both dates inclusive)
use Domestic period of use from Jan 1 to Dec 1 (both dates inclusive)
use Irrigation period of use from April 1 to Nov 1 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of Board - Sed +
rocks; length is 15 ft feet; height is 5 feet;
width at bottom is 1 feet; with at top is 1 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known no increase if
any - decrease in length & height
(in original license # 18935 (77-2023))

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

77 4007

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

X c. Conveying works: length of ditch to place of use is 5500 feet; width of ditch at top is 2 feet; width of bottom of ditch is 1 1/2 feet; depth of water is 1 1/2 feet; grade of ditch per 1000 feet is 15 feet; material through which ditch passes is Earth - Sand - Rocks - & gravel; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible Changes #1 new small ditches or cut outs (Shovel line) to direct water over property. #2 more consistent & adequate coverage & full use of water consistent & adequate water change

d. If water is stored: name of reservoir _____; total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____; period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

X 5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS	
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4		
①	21N	9E	35	(River divides the 40)								✓ (approx 20 acres NW of Big Creek)								20 acres
②	21N	9E	35									✓								10.82 acres
③	21N	9E	35	✓																5.80 acres

Total number of acres to be irrigated 35.82

Explain any significant increase in area irrigated since first use, give dates and acreages if known in original license water filed on map but irrigation was not depending on ability of person irrigating. Since 1955 all above areas irrigated

X b. Do you get water through a ditch owned by several users? Yes If yes, give the name of the ditch
Academy Creek no name. The other users and their respective
interests in the ditch are (if known) too numerous - all other interests are
domestic & customary - some sprinkling of small lawns
Walter Hansen for domestic purpose

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served (approx - 30 families)
name of town supplied old Edwardsburg townsite of Total Creek

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

domestic use for families on property in the
summer season

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

1) Edwardsburg property was patented claims - Brook of Seeds Valley Co.
Trick 3. Containing 160 acres + 159.74 acres - Since then properties
subdivided properties that continued to be irrigated were not suitable
for horse & cow pasture + domestic water used - Mr. Depire Edwards
had help in irrigation due to his inability which was consistent
from 1923 on. No pasture cattle - in 1965 a quit claim deed sold
property and since then pasture is used for horses -
Original patents - 1925 - May - 1.
water license # 18935 (# 77-2073)

attached #1 witness to irrigating water 1955
#2 witness to continued irrigation of property by Mrs. Thell
#3 witness to continued irrigation on properties in question
#4 witness Mrs. William Carter to irrigation since 1930's
also ~~is~~ delegate & legal survey completed by Valley Co 1971 -

State of Idaho }
County of Gem } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the
foregoing claim to a water right, together with all attached information, and that the matters and facts therein are
true to the best of the affiants knowledge.

By LUCKY BRANDS, INC.
Catherine Lorber Gilligan
Secretary Claimant

Sworn to before me this 1st day of March, 1972.

James Green
Notary Public
Residing at Emmett, Idaho

My commission expires July 20, 1973

heet # 8108

For Department Use Only

Received by ES Date 1 Mar 72

Exception filed by: _____

Forwarded to
claimant by: _____ Date _____

Prelim. check by ES Date 1 Mar 72

Fee received by ij Date 3/1/72 Fee \$ 10.00

Approved for publication by _____

Published in Star News, McCall Dates 3-16 & 3-23-72

72 4017

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): ⁷⁷⁻⁰⁷²⁹⁹ A77-04007

A77-04008

A77-02058 & A77-10125

[] Old Mailing Address: 858 JACKSON AVE.

EMMETT, ID

83617

[] New Mailing Address: BIG CREEK, IDAHO

83677

New Telephone Number: (208) 327-0907

[] Signature of Claimant: Catherine Gillihan

Date: 4/25/95

FOR IDWR USE ONLY:

Initial Review and Data-Entry 

Date: 4-25-95 By:

Further Action Needed: COPY FILED IN LICENSE

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

MICROFILMED

OCT 24 1996

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: A77-04007

Date Received: 11/17/1988

Receipt No: 2007453(30)

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CATHERINE M. GILLIHAN 208-365-5384
Address: 850 JACKSON AVE.
EMMETT, ID 83617

OR

Name: ROBERT J. GILLIHAN 208-365-5384
Address: 850 JACKSON AVE.
EMMETT, ID 83617

2. Date of Priority: MAY 07, 1925

3. Source: LOGAN CREEK Trib. to: BIG CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
21N	09E	34	NW	NW	SE		VALLEY

5. Description of diverting works:
DIV. DAM W/DITCHES, HOLDING TANK W/PIPE TO DOMESTIC USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.240		
DOMESTIC	01/01	12/31	0.080		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/GILLIHAN'S LODGE, SHOWERHOUSE, LAUNDRY - UP TO 17 PEOPLE.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
21N	09E	35	SE NW		IRR	3.0
			SE NW		DOMEST	
			NE SW		IRR	9.0
					Section Acres	12.0
					Total Acres	12.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:
WATER RIGHT NO. 77-02073 - SEE REMARKS.

14. Remarks:
THIS CLAIM FILING INCLUDES THE 5 ACRES LISTED IN WATER RIGHT NO. 77-02073. THE PRIORITY DATE OF 77-02073 IS INCORRECT SINCE THE USE OF THIS WATER BEGAN EARLIER THAN WHEN THE PERMIT WAS FILED. THIS CLAIM REFLECTS THE CORRECT PRIORITY DATE FOR ALL USES.

15. Basis of Claim: STATUTORY CLAIM

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: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Catherine Giltner Date: 11-17-88

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of November 19 88

Jan Whute
Notary Public

Seal

Residing at Meridian ID
My Commission Expires 9-14-94

EDWARDSBURG RECORDER'S PLAT NO 1

A PORTION OF SECTION 35, T2 N, R9 E, BM
VALLEY COUNTY, IDHO
TUDOR ENGINEERING COMPANY

TO P.P. FROM LOGAN CK.
1006E

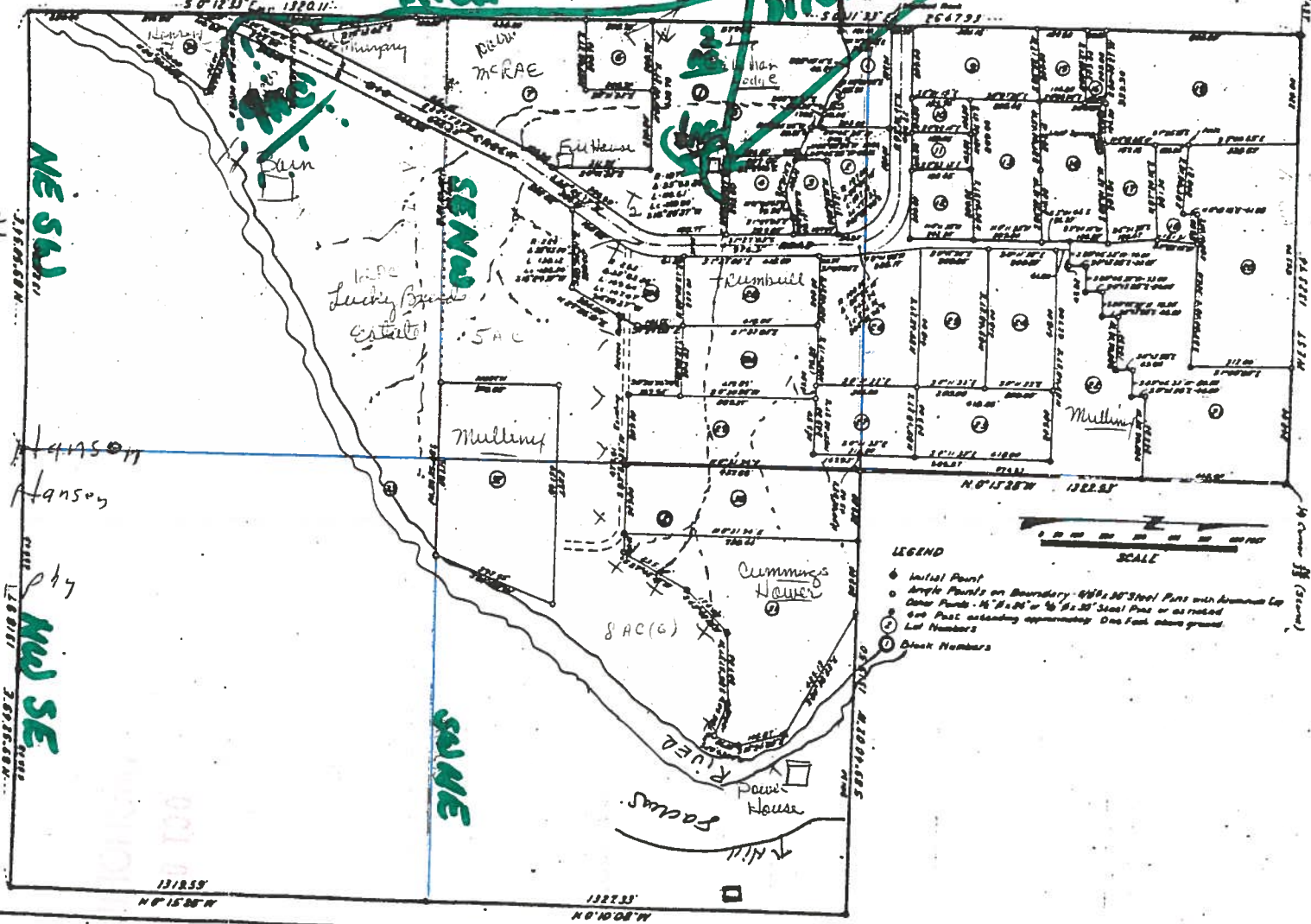
12 AC - LOGAN CK.

1/2 Acre
New
ditch - 06

Robin McRae
Dentist

1965
Walter G
Hilola

Beverly M
Hanson



2" fill
Discharge
F.S.
1st Cement
4" pipe
ledge
overflow

upland
small
creek
3" pipe
ledge

Discharge
creek

Self
cleaning
Screen
6"

3000' ft.
No Warm Creek

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OCT 05 1992





Aerial Map for 77-4007