



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 1, 2006

Dan Steenson
Rigert & Clark
Box 2773
Boise, ID 83701

RE: Notices of Error for Sulphur Creek Ranch

Dear Dan:

I have made the following changes to the following claims:

77-4184 - the reference to hydropower has been changed.

77-7052 – the period of use has been changed to 4/15 to 11/1.

77-10096 – the priority date has been changed. The number of acres is based on water license 77-2106. As you can see from the application and license only 20 acres were mentioned. If a right for more than 20 acres is needed and application for permit needs to be submitted.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Knoblock', written over a horizontal line.

Kenneth Knoblock
Water Resources Agent

02/28/2006

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

RIGHT NUMBER: 77-7052

NAME AND ADDRESS: SULPHUR CREEK RANCH INC
7151 W EMERALD
BOISE ID 83704

SOURCE: BLUE MOON CREEK

TRIBUTARY: SULPHUR CREEK

QUANTITY: 1.500 CFS
48.000 AFY

PRIORITY DATE: 05/19/1977

POINT OF DIVERSION:

T14N R09E S16 SESW Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	04/15 11/01	1.500 CFS
RECREATION STORAGE	04/15 11/01	48.00 AFY

PLACE OF USE: RECREATION STORAGE Within VALLEY County

T14N R09E S21	SWNE	T14N R09E S21	SENE
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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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

**NOTICE OF ERROR
REPLY**

RECEIVED
FEB 17 2006
IDWR/North

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: 77-7052

TOM T ALLEGREZZA
7153 W EMERALD
BOISE, ID 83704
Telephone Number: (208) 377-1188

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

Period of use.

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

Change the period of use to 4/15 to 11/1.

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

Water right no.77-7052 is used to fill a pond for recreational storage. The pond is also used as part of the claimant's irrigation system with water diverted pursuant to earlier priority water right nos. 77-10096 and 77-4184, which have periods of use that begin 4/15. The period of use for water right no. 77-7052 should therefore be 4/15 to 11/1.

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

DATE: 2-15-06

SIGNATURE: _____

Daniel Steenson

Please print your name: Daniel V. Steenson

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

**NOTICE OF ERROR
REPLY**

RECEIVED
FEB 17 2006
IDWR

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: 77-10096

TOM T ALLEGREZZA
7153 W EMERALD
BOISE, ID 83704
Telephone Number: (208) 377-1188

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

Priority date.

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

Change the priority date to April 15, 1914..

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

The original entryman, Samuel Phillips, described his use of water from the source of this water right, Blue Moon Creek, in his affidavit submitted with his final proof of homestead entry. The portion of his affidavit in which he describes his cultivation of his entry beginning in 1914 is submitted with this Notice of Error. Also submitted herewith is a 1922 report of an examination of the property by Dewitt Russell, Forest Ranger, which corroborates Mr. Phillips' description.

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

DATE: 2-15-06

SIGNATURE: _____

Daniel V. Steenson

Please print your name: Daniel V. Steenson

IDWR State Office, 322 E Front St

PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

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FEB 17 2006
IDWR/North

(2)
 QUESTION 11. Describe the land embraced in above entry by legal subdivisions, showing fully the character of same, and kind and amount of timber, if any.

ANSWER.

Subdivision.	Acres cultivable.	Acres timbered.	Best timber.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21	37	None	None.
SE $\frac{1}{4}$ NE $\frac{1}{4}$ " 21	40	"	"
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 22	30	"	"
SE $\frac{1}{4}$ NW $\frac{1}{4}$ " 22	30	"	"

QUESTION 12. State the number of acres cultivated, kind of crop planted, and amount harvested, each year.

ANSWER. 1914, cultivated 3 acres, clover and garden, 40 tons wild hay.
 1915, cultivated 9 acres, sowed to rye, cut about 20 tons Rye hay.
 1916, " II " grain, cut about 20 tons " wheat hay.
 1917, " II " and Rye, harvested 19 tons hay.
 1918, " I3 " grain " 20 tons hay.
 1919, " I9 " " 25 tons hay.
 1920, " I9 " " 25 " "
 21, " Used for pasturing my stock.
 1922, " 27 acres, " " and cut 9 tons timothy hay.

QUESTION 13. Describe fully and in detail the amount and kind of improvements and number of acres under cultivation on each subdivision. State total value of improvements on the claim.

ANSWER.

SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21	Log house 18 X 22 feet ; Barn 16 X 20 feet ; store house of logs 10 X 12 feet ; log shed 24 X 50 feet ; 3 pole corrals and good well drilled up 15 acres in cultivation. Fenced on 3 sides.
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21	Fenced, pole fence on north and south sides and 12 acres in cultivation.
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 22	Fenced on north and south sides. Pasture.
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 22	Enclosure on 3 sides. Pasture.
Improvements valued at \$1600.00.	

QUESTION 14. Is your present claim within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

ANSWER. No.

QUESTION 15. Are there any indications of coal, salines, or minerals of any kind on the land? If so, describe what they are.

ANSWER. No.

QUESTION 16. Have you sold, conveyed, or agreed to sell or convey any portion of the land? If so, to whom and for what purpose?

ANSWER. No.

QUESTION 17. Have you optioned, mortgaged, or agreed to option or mortgage, or convey this land, or any part thereof? If so, when, to whom, and for what purpose and in what amount?

ANSWER. No.

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FEB 17 2006
BWR/North

-1-

Mr. Phillips is alleged to have settled on this claim on June 25, 1916. Filing claim with the Boise Land Office, July 17, 1920. Actual residence was established prior to this date. Mr. Phillips has made this his home since 1916 and at no time since filing, has he ~~been~~ off the claim for any great length of time having spent the winters on the claim, trapping being his occupation during the Winter months. Owing to the inaccessibility he has but few farm implements. There is at present on this claim, a plow, harrow, disk, mowing machine and hay rake. These implements were packed in on horses.

5. The dwelling is a small log house 16x18 feet, ¹it was built by the claimant about July 1916. There is a small stable about 14x18 feet, a corral and burrow shed. A well was dug to furnish water for domestic use. There is a total of one half mile of pole fence on the claim, being fenced only on the upper and lower ends. A fence was also built around the house and garden, enclosing about an acre. These improvements were built by the present claimant.

6. Although there is a total of about 22 acres seeded to timothy, there was but 10 acres cut this year for hay. The garden produces well altho it is very small being only about one rod square. Approximately 8 acres were broken and seeded to barley and rye, in the Spring of 1919. The following year, about two (2) acres more were broken and put into rye which was cut for hay. July, 1922, the above mentioned land and 12 acres more were seeded to timothy.

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-2-9

The land was not plowed, the seed being disked in. The entire claim can be irrigated very easily from a creek which runs thru the upper forty. At present, the ten acres where the hay was cut, is all that is being irrigated to any extent, the balance of the higher meadow being irrigated on dry seasons. None of the land has been cleared altho about two acres have been slashed. The cost of clearing would be approximately \$75.00 per acre. The only crop at present is hay which is fed to the claimant's horses which are used for packing and breeding purposes. Stock do not winter on the claim but are taken out in November of each year.

7. During the season of 1920, the claimant had 50 head of cattle on the claim. These were allowed to run at large until the claimant refused to pay grazing fees and stock were taken off the Forest. The season of 1921, the claimant had no cattle but kept 20 head of mares for breeding purposes. The claimant, at present, has only pack stock, varying in number from 15 to 20 head.

8. There is no merchantable timber on the claim, there being only a thick growth of young Lodgepole, about 25 acres in all. The only timber cut on the claim was for clearing and improvements.

9. To my knowledge, the claim is not used for any purpose not contemplated in the Homestead Law. I have been unable to ascertain whether or not the claimant has ever made Homestead entry elsewhere. To my knowledge, he has not. Nor does he own more than 160 acres of land. The claim has not

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-3-

been sold or mortgaged. I believe it more valuable for agriculture than any other purpose.

10. The claim has the appearance of permanent home in that it has all the necessities of a bachelor's home.

11. I would not recommend a hearing to determine the validity of the claim.

Examined September 5, 1922.

and

Reported , September 6, 1922.

Dewitt Russell

Forest Ranger.

Approved Sept. 11, 1922

GDM

09/19/2005

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

RIGHT NUMBER: 77-7052

NAME AND ADDRESS: SULPHUR CREEK RANCH INC
7151 W EMERALD
BOISE ID 83704

SOURCE: BLUE MOON CREEK

TRIBUTARY: SULPHUR CREEK

QUANTITY: 1.500 CFS
48.000 AFY

PRIORITY DATE: 05/19/1977

POINT OF DIVERSION:

T14N R09E S16 SESW Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	05/01 11/01	1.500 CFS
RECREATION STORAGE	05/01 11/01	48.00 AFY

PLACE OF USE: RECREATION STORAGE Within VALLEY County

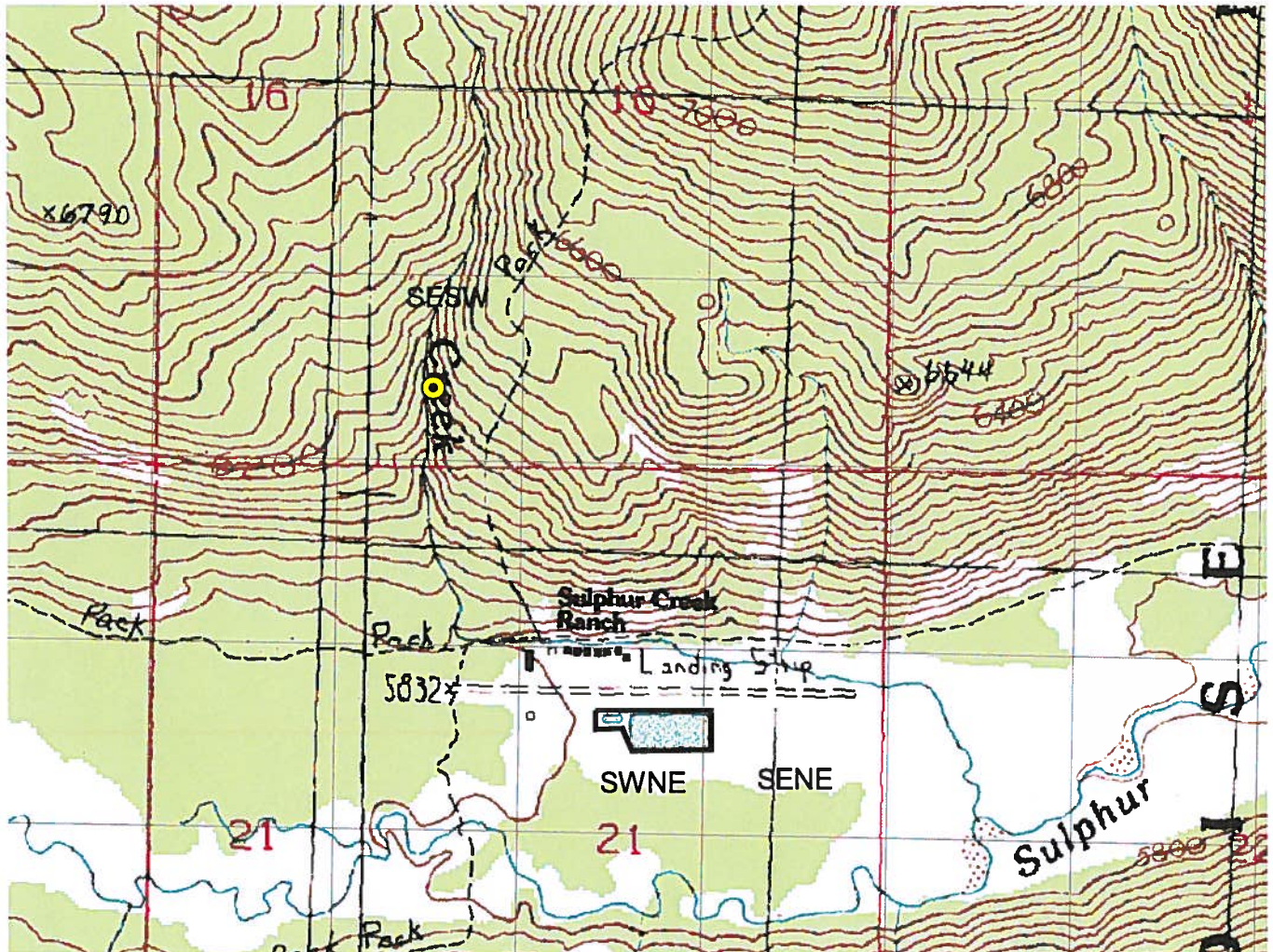
T14N R09E S21 SWNE T14N R09E S21 SENE

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

77-7052



0 1000 2000 Feet

Sections 16 & 21
T14N R9E



● Point of Diversion

□ Place of Use

Map prepared on August 15, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 77-07052

RECEIVED
SEP 19 2005
IDWR/North

Priority: May 19, 1977

Maximum Diversion Rate: 1.50 CFS
Maximum Diversion Volume: 48.0 AF

It is hereby certified that SULPHUR CREEK RANCH INC
7151 W EMERALD
BOISE ID 83704 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 22, 1976; and has
submitted Proof of Beneficial Use on August 29, 1977. An examination indicates that the works have a
diversion capacity of 2.35 cfs of water from:

SOURCE

BLUE MOON CREEK

Tributary: SULPHUR CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DIVERSION TO STORAGE	05/01 to 11/01	1.50 CFS	
RECREATION STORAGE	05/01 to 11/01		48.0 AF

LOCATION OF POINT OF DIVERSION:

BLUE MOON CREEK SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, Twp 14N, Rge 09E, B.M., VALLEY County

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14N 09E 21			X	X													

CONDITIONS OF APPROVAL

1. Recreation storage is for fishing ponds.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 5th day of August, 2005.

David R Tuttle
for **KARL J. DREHER**
Director

SCANNED
AUG 19 2005

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 77-07052

Priority: May 19, 1977

Maximum Diversion Rate: 1.50 CFS
Maximum Diversion Volume: 48.0 AF

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LOCATION OF POINT OF DIVERSION:

BLUE MOON CREEK SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, Twp 14N, Rge 09E, B.M., VALLEY County

PLACE OF USE: RECREATION STORAGE

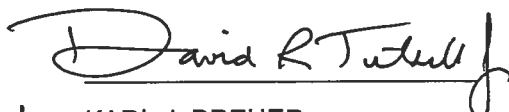
Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14N	09E	21			X	X													

CONDITIONS OF APPROVAL

1. Recreation storage is for fishing ponds.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 5th day of August, 2005.


for **KARL J. DREHER**
Director

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: A77-07052

Date Received: 10/13/1988

Receipt No: C902985

Received By: [Signature] 10/20/88

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SULPHUR CREEK RANCH INC. 208-376-5555
Address: 7153 W. EMERALD
BOISE, ID 83704

2. Date of Priority: JUN 22, 1976

3. Source: BLUE MOON CREEK Trib. to: SULPHUR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	09E	16		SE	SW		VALLEY

5. Description of diverting works:
DAM & DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	05/01	11/01	1.500		
FISH PROP. STORAGE	05/01	11/01			48.00
FISH PROP. FROM STORAGE	05/01	11/01			48.00

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FISH PROPAGATION FOR RECREATION USE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	09E	21	SW	NE		FISH	

A77-07052

Page 1

Date: 10/19/88

MICROFILMED
OCT 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	09E	21	SE NE		FISH	

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:
NONE

14. Remarks:

15. Basis of Claim: PERMIT

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 x do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

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

Sulphur Creek Ranch, Inc., that I have signed the foregoing Organization

document in the space below as President _____ of Title

Sulphur Creek Ranch, Inc. and that the statements contained in the Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

President, Sulphur Creek Ranch, Inc.
Title and Organization

10/19/88
Date

State of Idaho)
County of Ada) SS.

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

of October 19 88

[Signature]
Notary Public

Seal

Residing at Boise, Id

My Commission Expires 5-10-91