

11/08/2005

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

RIGHT NUMBER: 77-10008

NAME AND ADDRESS: ALLISON RANCH INC
7259 CASCADE DR
BOISE ID 83704

SOURCE: MYERS CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.800 CFS

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

PRIORITY DATE: 06/01/1925

POINT OF DIVERSION:

T26N R10E S21 SWSWSE Within IDAHO County

T26N R10E S28 NENENE End of Stream Flow Within IDAHO County

T26N R10E S28 NWNENE Within IDAHO County

T26N R10E S28 NWNWNE Begin of Stream Flow Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.660 CFS
DOMESTIC	01/01 12/31	0.120 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T26N R10E S28	NENE	10.0	T26N R10E S28	NWNE	13.0
T26N R10E S28	SWNE	8.0	T26N R10E S28	SENE	2.0

STOCKWATER Within IDAHO County

T26N R10E S28	NENE	T26N R10E S28	NWNE
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DOMESTIC Within IDAHO County

T26N R10E S28	NENE	T26N R10E S28	NWNE
T26N R10E S28	SWNE		

33 ACRES TOTAL

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

Property is within Homestead Entry Survey No. 169.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

77-10008



0 400 800 Feet

Sections 21 & 28
T26N R10E



● Point of Diversion

□ Place of Use

Map prepared on November 4, 2005
By Kenneth Knoblock
Idaho 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A77-10008

Date Received: ~~7/18/1988~~ 7-20-8

Receipt No: C001904

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALLISON RANCH, INC.
Address: 7259 CASCADE DR.
BOISE, ID

83703

2. Date of Priority: JUN 01, ~~1960~~ ¹⁹²⁵

A.E.T.

3. Source: MYERS CREEK

Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
26N	10E	21	SW	SW	SE		IDAHO
		28	NW	NE	NE		IDAHO

Beginning Point of Minimum Instream Flow						
26N	10E	28	NW	NW	NE	IDAHO

Ending Point of Minimum Instream Flow						
26N	10E	28	NE	NE	NE	IDAHO

5. Description of diverting works:
TWO DIVERSIONS WITH HEADGATES. (SEE REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		
DOMESTIC	01/01	12/31	0.120		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC/ 3 RESIDENCES, STOCKWATER/ 10 HORSES AND MULES.
A77-10008 Page 1 Date: 07/18/88

MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
26N	10E	28	NE		NE		IRR	7.0
			NE		NE		STOCK	
			NE		NE		DOMEST	
			NW		NE		IRR	1.0
			NW		NE		DOMEST	
			NW		NE		STOCK	
			SW		NE		IRR	25.0
			SW		NE		STOCK	
			SW		NE		DOMEST	
			SE		NE		IRR	17.0
			SE		NE		STOCK	
							Section Acres	50.0
							Total Acres	50.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:

INSTREAM STOCKWATER USE FROM MYERS CREEK.
FIRST DIVERSION FROM MYERS CREEK: HEADGATE TO PIPES, DITCHES,
AND SPRINKLERS; SECOND DIVERSION: HEADGATE TO DITCHES.
UNSURVEYED AREA, SEE ATTACHED MAPS.

15. Basis of Claim: BENEFICIAL USE

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 XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Two (2)

For Organizations:

I do solemnly swear or affirm that I am _____ President _____ of _____ Title _____ ALLISON RANCH, INC. _____, that I have signed the foregoing

Organization _____ document in the space below as _____ President _____ of _____ Title _____ ALLISON RANCH, INC. _____ and that the statements contained in the _____ Organization _____ foregoing document are true and correct.

Harold E. Thomas
Signature of Authorized Agent
ALLISON RANCH, INC.

President
Title and Organization

7/19/88
Date

State of Idaho)
County of ADA) SS.

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

William McKinn
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 7/9/94

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: A77-10008
Date Received: ~~7/18/1988~~ 7-20-
Receipt No: C001904
Received By: CA

RECEIVED
JUL 22 1988

Department of Water Resources
Western Regional Office

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

1. Name: ALLISON RANCH, INC.
Address: 7259 CASCADE DR.
BOISE, ID

83703

2. Date of Priority: JUN 01, 1925

*Priority date to match
correction on claim*
Trib. to: SALMON RIVER

3. Source: MYERS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
26N	10E	21	SW	SW	SE		IDAHO
			NW	NE	NE		IDAHO
Beginning Point of Minimum Instream Flow							
26N	10E	28	NW	NW	NE		IDAHO
Ending Point of Minimum Instream Flow							
26N	10E	28	NE	NE	NE		IDAHO

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A77-10008 Page 1 Date: 07/20/88

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OCT 05 1992

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			NE		NE		STOCK	
			NE		NE		DOMEST	
			NW		NE		IRR	1.0
			NW		NE		DOMEST	
			NW		NE		STOCK	
			SW		NE		IRR	25.0
			SW		NE		STOCK	
			SW		NE		DOMEST	
			SE		NE		IRR	17.0
			SE		NE		STOCK	
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UNSURVEYED AREA, SEE ATTACHED MAPS.

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(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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
_____ foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

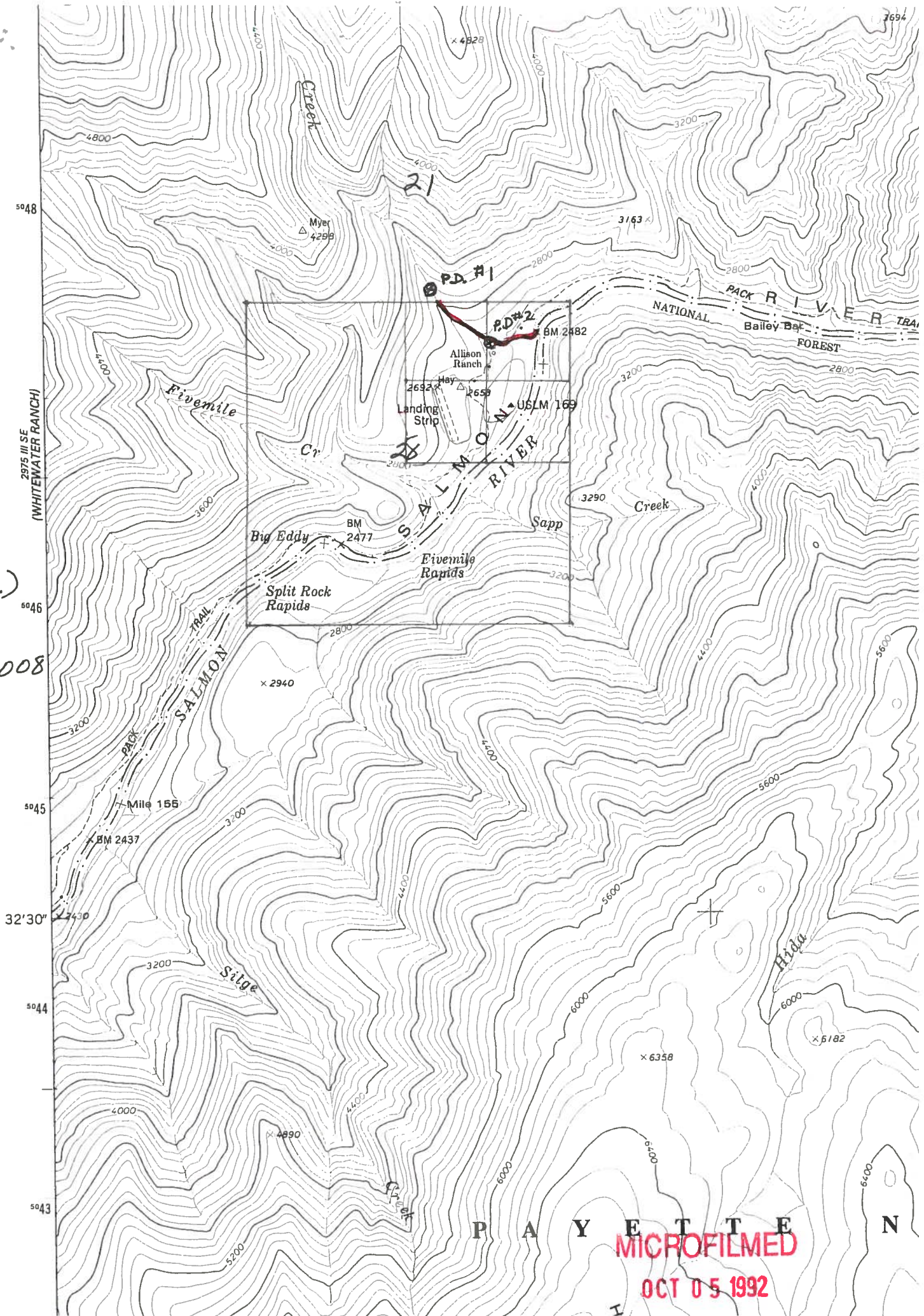
Seal

Residing at _____

My Commission Expires _____

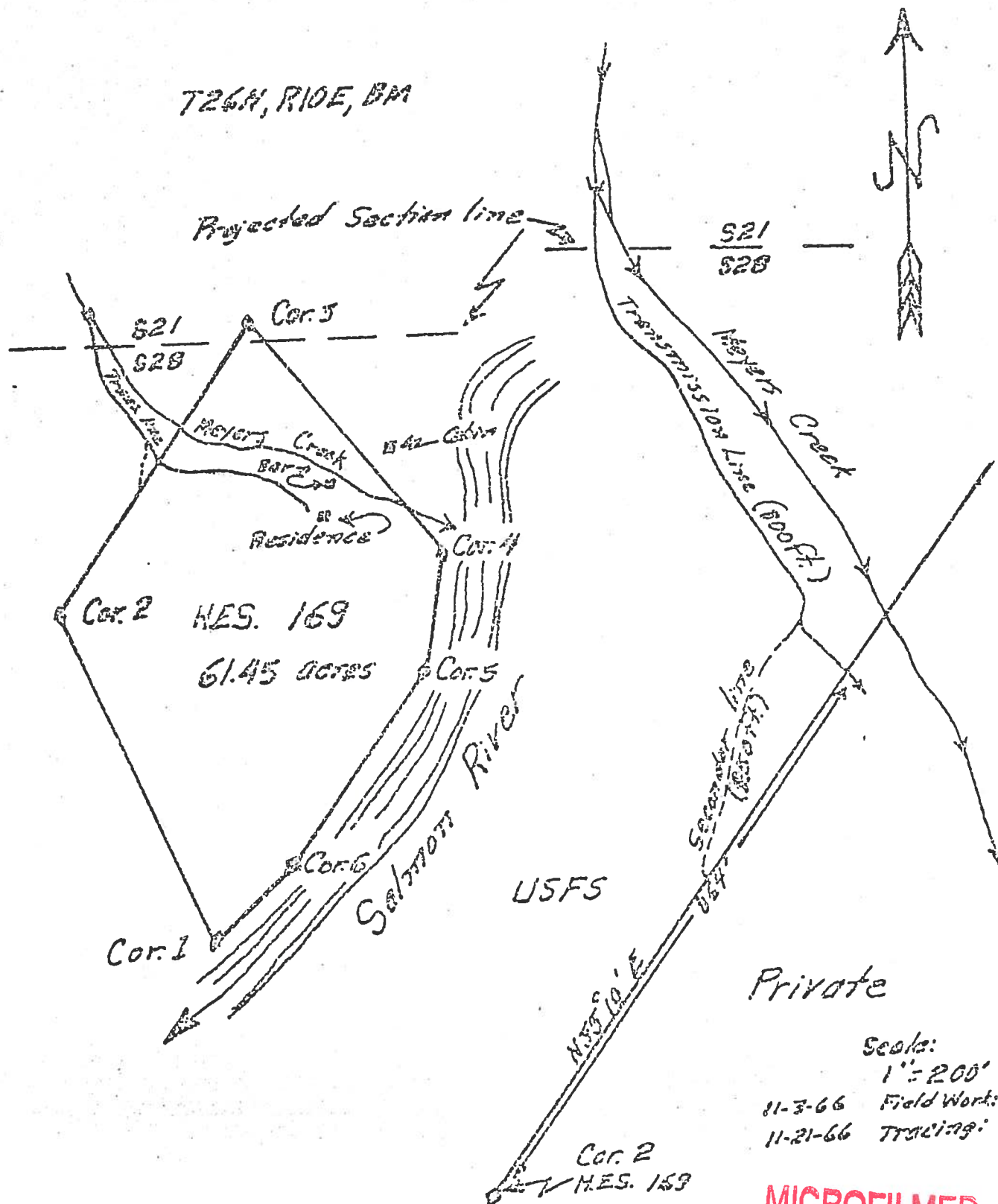
T26N
R10E
Sec. 28
(Approx.)

A77-10008



P A Y E T T E
MICROFILMED
OCT 05 1992

T26N, R10E, BM



MICROFILMED

OCT 05 1992

Jan

FROM

DATE

11-10-88

TO

A 77-10005, 10006, 10007, 10008 & 10009

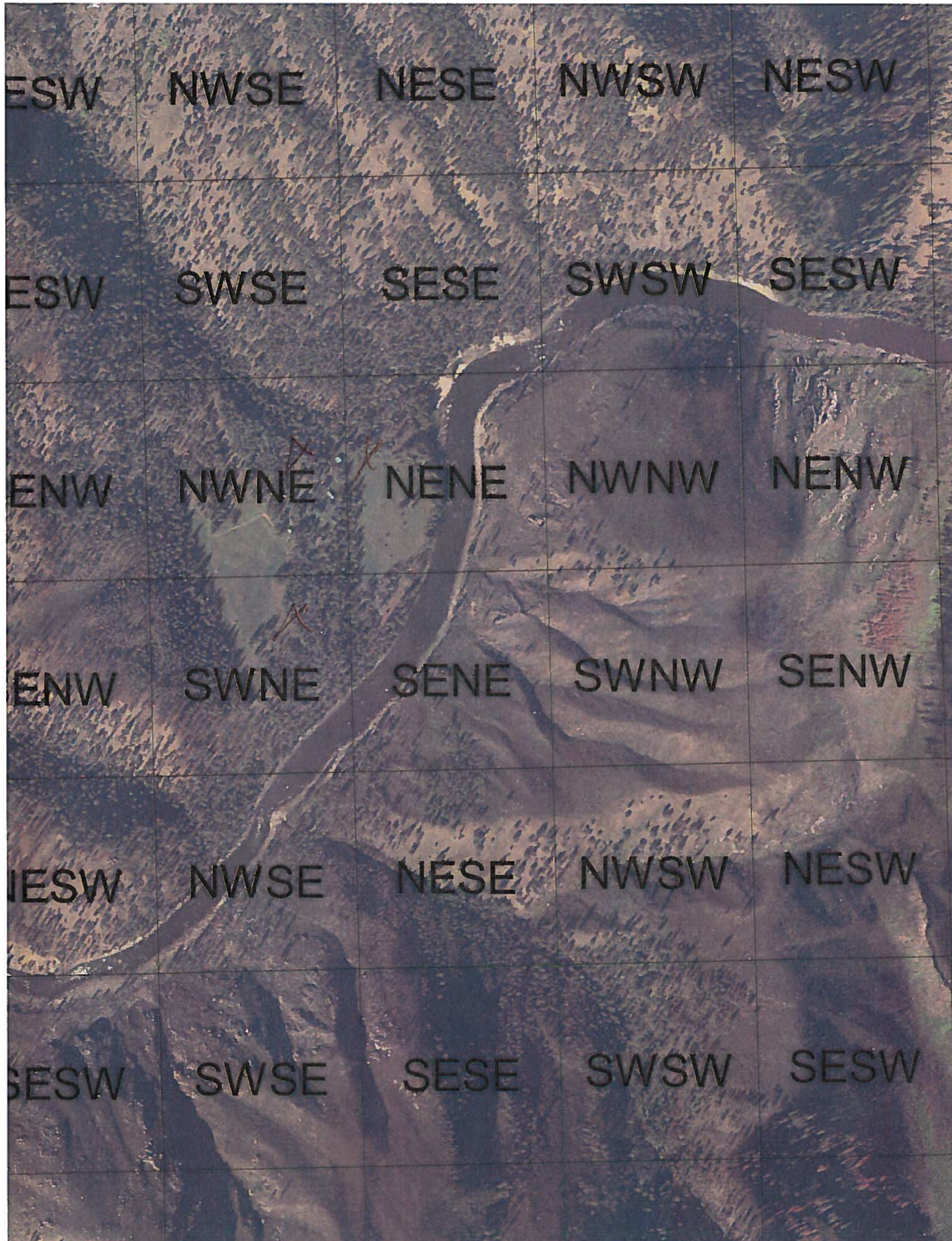
SUBJECT

Carter F. phoned to say that when he took these twice claimed he found later they had previously filed rights. Therefore, claim #'s A 77-10005 & 10006 take the place of # 77-4189, # A 77-10007 take the place of 77-4024 & 77-10008 & 10009 take the place of 77-4024. This note will be in album.

SIGNATURE

MICROFILMED

OCT 05 1992



RECEIVED

AUG 30 2005

Department of Water Resources

EBERLE, BERLIN, KADING, TURNBOW, McKLVEEN & JONES,

CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

TELEPHONE
(208) 344-8535

FACSIMILE
(208) 344-8542

PETER W. WARE, JR.
E-MAIL: pware@eberle.com

August 30, 2005

VIA HAND DELIVERY

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

RE: *Claim No. 77-10008*
Allison Ranch Ministries Foundation, Inc.
Field Examination and Evidence of Priority Date
EBKTM&J File No. 81490-8

Dear Mr. Fritschle:

This office represents Allison Ranch Ministries Foundation, Inc., formerly known as Allison Ranch, Inc., regarding the above-referenced Notice of Claim to a water right. We are in receipt of your letter dated June 6, 2005, addressed to Allison Ranch referencing the Department's field examination of the claim during the summer of 2005, and containing your request to submit evidence of the priority date and beneficial use set forth in the above-referenced claim.

Enclosed please find a copy of the Affidavit of Frances Zaunmiller Wisner dated July 9, 1975. I believe that the Department may already have the original of this Affidavit in its possession as the Affidavit was originally submitted in support of claim

SCANNED

AUG 31 2005

*Carter Fritschle
Adjudication Bureau
Idaho Department of Water Resources
August 30, 2005
Page 2 of 2*

number 77-4023 made by Harold E. and Phyllis S. Thomas, principals of Allison Ranch Ministries Foundation, Inc. According to Ms. Wisner's Affidavit, she puts the priority date for beneficial use of the water from Myers creek for irrigation, domestic purposes and stock water somewhere between 1890 and 1910.

Please do not hesitate to contact us should you wish to discuss this claim further, the enclosed Affidavit, or require any further information in support of the above-referenced claim. Thank you for your attention to this matter.

Cordially,



Peter W. Ware, Jr.

PWW/ak
Enclosure.

cc (w/encl.): Harold Thomas

00120071.000.DOC

SCANNED

AUG 31 2005

IN THE MATTER OF:)

HAROLD E & PHYLLIS)

THOMAS)

AFFIDAVIT

COPY

State of Idaho)

County of Ada)

Francis Jannmiller witness being first duly sworn,

deposes and says:

in regard to use of water from
Myers Creek (north side Salmon River - Melander to Myers
Nichols Fork) for Allison ranch -- I got the name
"Allison Ranch" straight -- Elmer Allison was the type
man who had to have his name in the way -- so he
changed the name to Allison from Myers
ranch.

Joe Myers, (JOE MYERS) cleared the flat-put
in hay meadow -- fruit trees -- garden. Took water from
Myers creek (creek named for Myers by his neighbors)

The original dwelling (Myers) was across the creek
from the barn -- After the fire (lost the old
house) a cabin was built on the flat above the barn --
and water for it was taken from the irrigation
ditch. (source Myers Creek)

-- a thing townsmen seem to never understand is that before
the old timers bothered to begin the red tape to get homestead they
lived on a Canyon of Salmon home place and provided to them-
selves that the place would support them. So the water use
from Myers Creek was "old" in time when Joe Myers got his
homestead patent --

Francis Jannmiller witness
(Signature)

Subscribed and sworn to before me this 9th day of July, 1975.

David H. Houghton
(Notary Public)

Residing at Boise Idaho
My Commission Expires 8-9-78

SCANNED

AUG 31 2005

ALLISON RANCH* from the records of Frances Zaunmiller Wisner- as told to her by Lee Hida and Vern Wisner.

Joe Myers was killed on Churchill trail (Dixie to present Whitewater ranch) and buried in cemetery at Dixie. (you can check date from tombstone in Dixie grave yard).

Lee Hida caretaker for estate after Myers death. Told me of that, and he was there in 1918. So, to have built up the place, gotten the homestead patent and died in time for Lee Hida to be there in 1918-- Joe

had to have moved there early in the century-- about 1900 to 1910. I would think closer to 1900. It takes so long to hand build in this Canyon, whether it is a meadow for stock feed, garden spot or dwelling and barn. And those old timers worked alone. Used time as modern man uses money.

If the record of date of homestead issue is known, then give water use AT LEAST ten (10) years earlier than homestead date.

Allison bought from Myers estate. Continued the water use. Nor has it been discontinued, since Myers began that use.

Myers creek water was (still is) used for irrigation on meadow, orchard and garden; for domestic stock and for the household use at Allison ranch on Salmon River.

F. J. W.

