



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 light blue 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: 77-10096

NAME AND ADDRESS: TOM T ALLEGREZZA
7153 W EMERALD
BOISE ID 83704

SOURCE: BLUE MOON CREEK

TRIBUTARY: SULPHUR CREEK

QUANTITY: 0.400 CFS
60.000 AFY

PRIORITY DATE: 04/15/1914

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>
IRRIGATION	04/15 10/31	0.400 CFS 60.00 AFY

PLACE OF USE: IRRIGATION Within VALLEY County

T14N R09E S21	SWNE	9.00	T14N R09E S21	SENE	11.00
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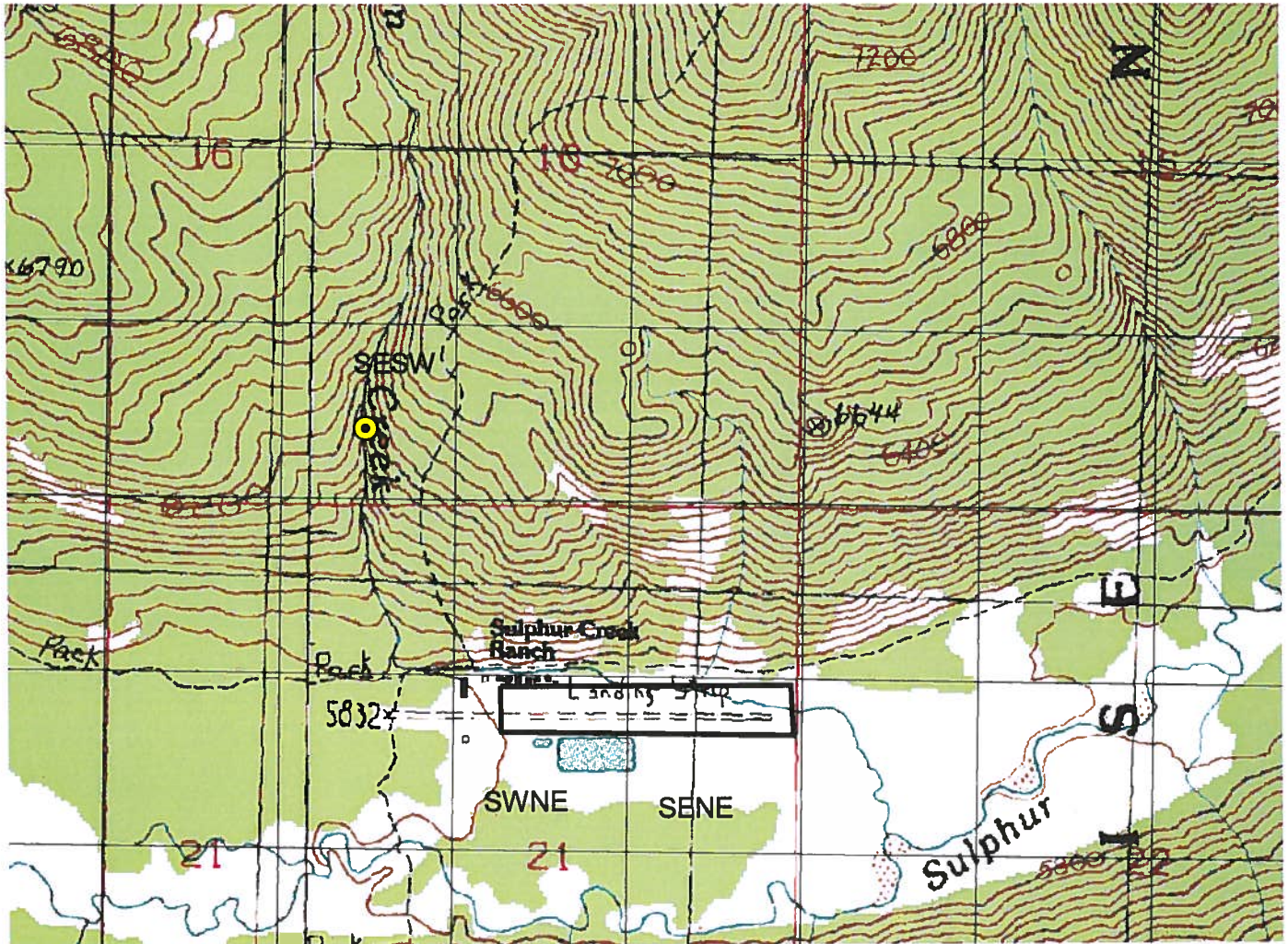
20 ACRES TOTAL

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: BASIS OF CLAIM - Beneficial Use

77-10096



0 1000 2000 Feet

Sections 16 & 21
T14N R9E



- Point of Diversion
- Place of Use

Map prepared on January 5, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 21416This proof is for Beneficial use In Water District No. _____

1. Name of applicant: Marvin E. Hornback, Box 393, Boise, Idaho
2. Source of water supply: Blue Moon Creek, a tributary of Sulphur Creek, thence Middle fork
3. Location of point of diversion: Is in the SE 1/4 SW 1/4 of Section 16
Salmon River
T. 14 N. R. 9 E. County of Valley
4. Describe works as they exist, giving dimensions and capacities of same: 8" pipeline brings water
down the hill from a diversion out of Blue Moon Creek. Pressure at Pelton Wheel is 120
lbs. There is a double runner Pelton wheel, 18" dia. directly connected to the genera-
tor. There are 2,2" nozzles. The 900 rpm generator is Westinghouse, 30 k.w., controlled
by Woodward Governor No. 182739.
5. Water is used for: Power
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Place of Use: NW 1/4 NE 1/4 Section 21, Twp. 14 N., Range 9 E., R.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: Current from this generator is used at the main lodge and cabin on Upper
Sulphur Creek. Used for cooking, heating, refrigeration, water, etc.

25 KW output reported

They are using at least 6 cfs of water for full
output.

This examination was made on the 15 day of June, 1953(Signed) E. H. Humphrey Examiner.

(see ATT-04184 +
77-07052 for more info) length: 1000'
Drop: 400'

8" steel pipe for Blue Moon Cr
Water flows to alternator that generates
44KW + 125 PSI

Discharge for power plant goes into 1'x1'
ditch for fish pond or a 4" buried
mainline for surrounding irrigation

Alternator: Marathon Electric

362PSL1604

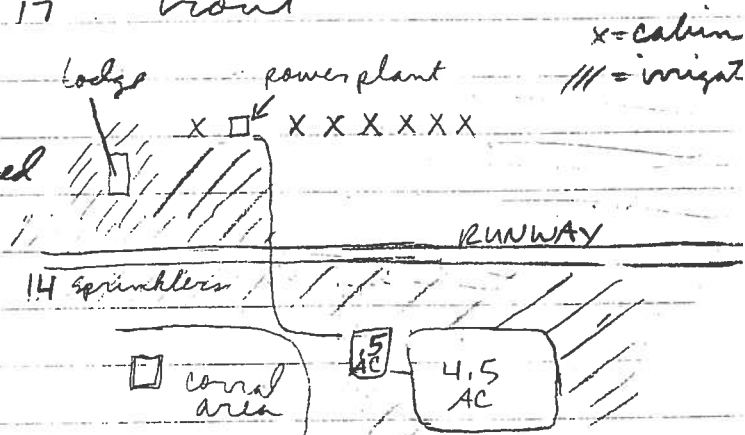
Magnaplex Synchronous AC

Backup diesel
engine also on site)

Ponds: .5 ac small pond for fish rearing
4.5 ac large pond for "propagator"
22' deep
small to 17" trout

Irrigation: 20 ac
Flooded +
sprinkled

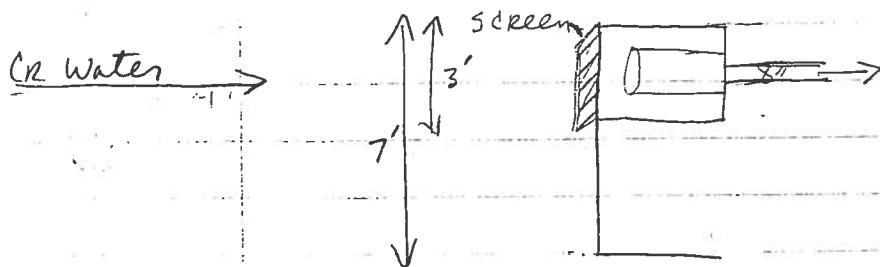
1 portable
13 off mainline
14 5/16" sprinklers
along runway



1.5 dia culvert-ditch to sm pond

1.5 dia culvert for sm pond to big pond

DAM on Blue Moon Cr



16. (a) Is reservoir to be used? No If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

MARVIN E. HORNEACK

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 11:20 A. M. March 20, 1950

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21416

Recorded in Book 77 Page 21416 Approved March 28, 1950

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before May 28, 1950 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before September 28, 1950

The whole of said work to be completed on or before March 28, 1951

Beneficial use of water appropriated in accordance herewith, to be made on or before March 28, 1952

WITNESS My hand this 28th day of March, 1950

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, C. A. ROBINS, Governor of the State of Idaho,
and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 28th
day of March, 1950. STATE OF IDAHO

day of March, 1950. STATE OF IDAHO
 Countersigned: By C. A. ROBINS
 (SEAL) By J. D. "CY" PRICE Governor.
Secretary of State.

REMARKS:

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			AFFIDAVIT TO ESTABLISH RESIDENCE (Individual) I, Marvin E. Hornback, of Boise, County of Ada, State of Idaho, do hereby certify that I am a bona fide resident of the State of Idaho, or qualified to do business in Idaho under the laws of the State of Idaho. MARVIN E. HORNBACK Subscribed and sworn to before me this 17th day of March, 1950. M. H. GREENE Notary Public Residence- Boise, Idaho My commission expires 2/19/51 (SEAL)																

01/05/2005

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

RIGHT NUMBER: 77-10096

NAME AND ADDRESS: TOM T ALLEGREZZA
7153 W EMERALD
BOISE ID 83704

SOURCE: BLUE MOON CREEK

TRIBUTARY: SULPHUR CREEK

QUANTITY: 0.400 CFS
60.000 AFY

PRIORITY DATE: 03/28/1950

POINT OF DIVERSION:

T14N R09E S16 SESW Within VALLEY County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.400 CFS
60.00 AFY

PLACE OF USE: IRRIGATION Within VALLEY County

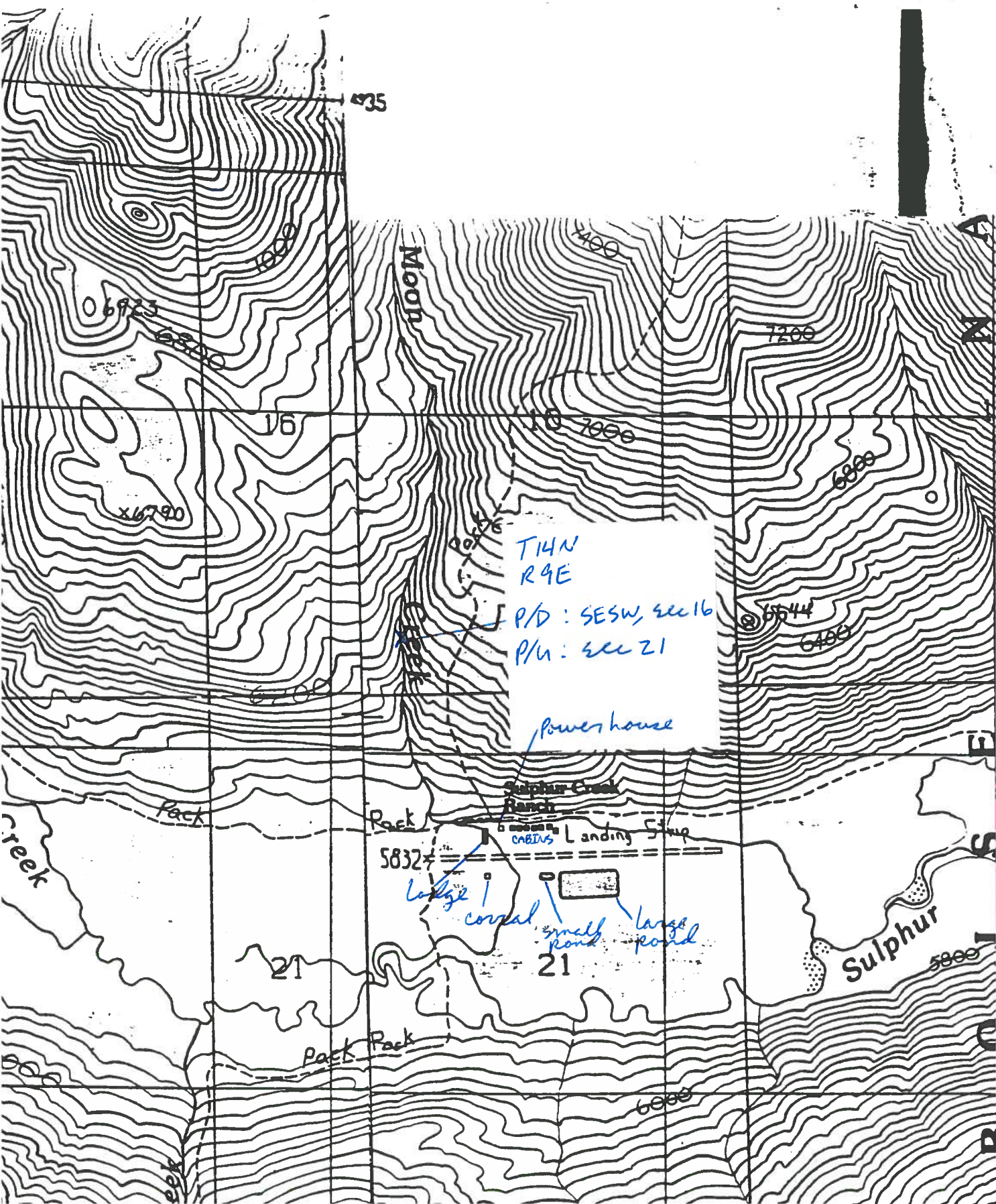
T14N R09E S21 SWNE 9.0 T14N R09E S21 SENE 11.0

20 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



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: A77-10096
Date Received: 10/27/1988
Receipt No: C003074
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TOM T. ALLEGREZZA
Address: 7153 WEST EMERALD
BOISE, ID 83704
208-377-1188

2. Date of Priority: MAR 28, 1950

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:
DIVERSION DAM IN BLUE MOON CREEK, PIPELINE TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.400		

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

8. Total consumptive use is 40.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	09E	21	SW	NE		IRR	15.0
			SE	NE		IRR	5.0
Section Acres							20.0

10. Place of Use: Continued

Total Acres 20.0

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:
NONE

14. Remarks:

THIS CLAIM IS BASED ON LICENSED WATER RIGHT NUMBER 77-02106.
THE PRIORITY DATE WAS ADVANCED DUE TO LATE PROOF, HOWEVER THE
EVIDENCE IN THE WATER RIGHT FILE INDICATES BENEFICIAL USE FIRST
OCCURRED IN 1950.

15. Basis of Claim: BENEFICIAL USE

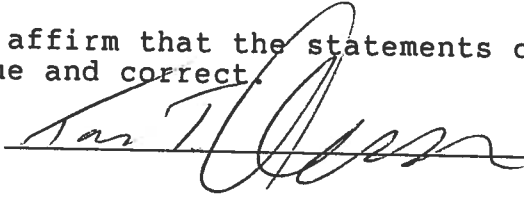
16. Signature(s)

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

Number of attachments:

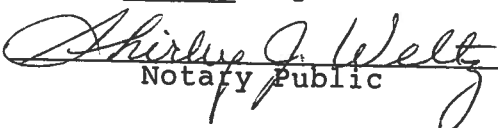
For Individuals:

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

Signature of Claimant(s):  Date: 10/27/88
Date:

State of Idaho)
County of Ada) SS.

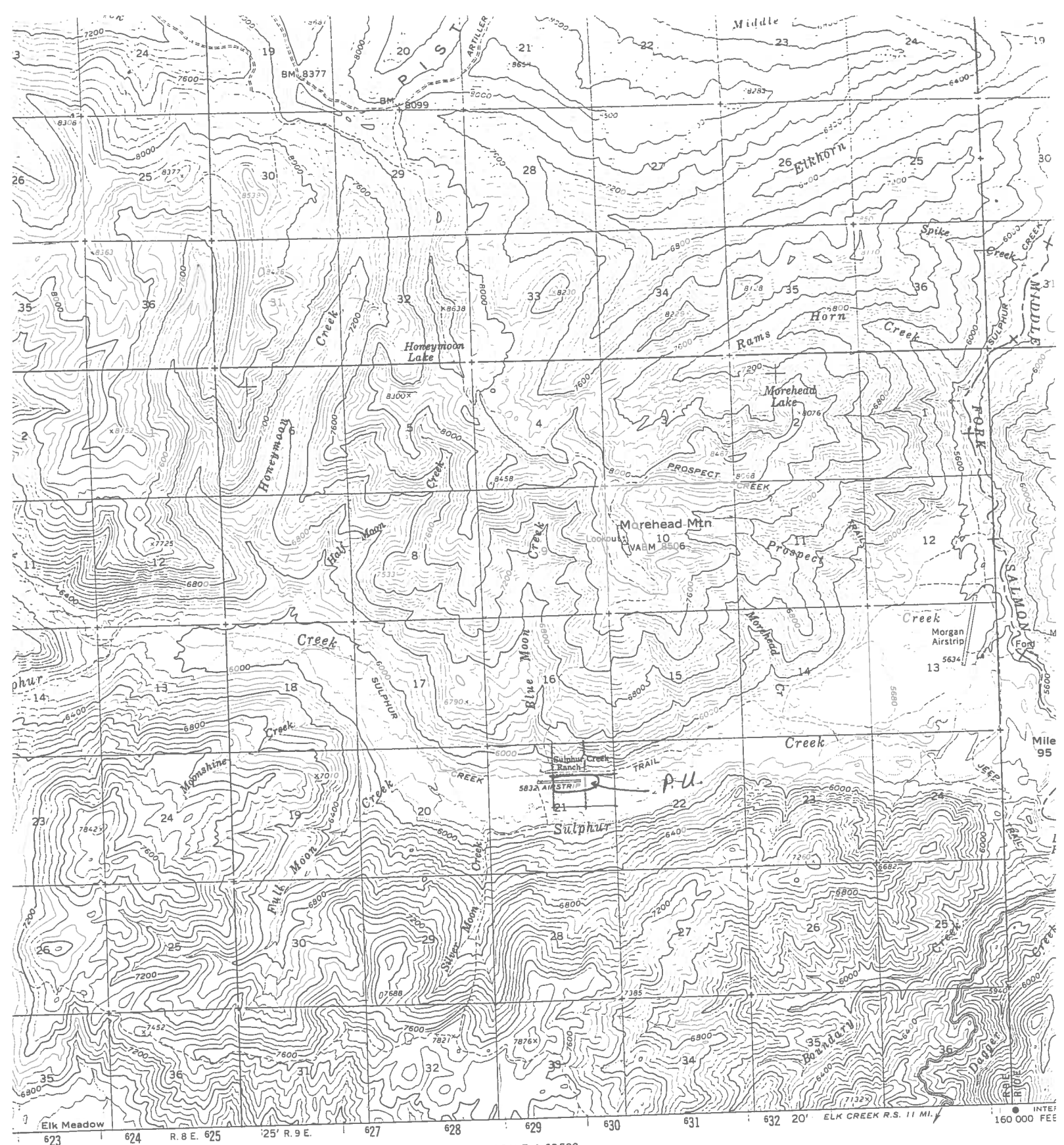
Subscribed and sworn (or affirmed) before me this 27th day
of October 19 88


Notary Public

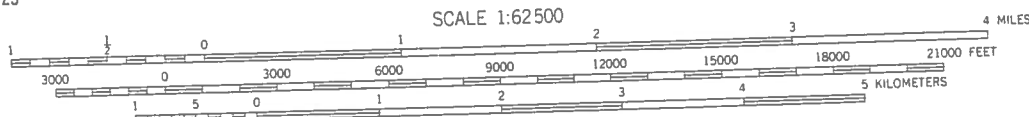
Seal

Residing at Boise, ID

My Commission Expires 5-10-91



al Survey

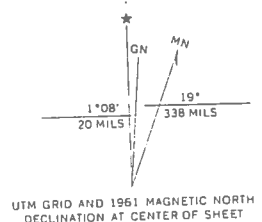


CONTOUR INTERVAL 80 FEET
 DOTTED LINES REPRESENT 40-FOOT CONTOURS
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



QUADRANGLE LOCATION



UTM GRID AND 1961 MAGNETIC NORTH
 DECLINATION AT CENTER OF SHEET

A77-10096

T 14N MICROFILMED
 R 9E OCT 05 1992

Location (how deep, age) and
time of day etc
STATE OF IDAHO

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Date 6-3

7- DISCHARGE MEASUREMENT NOTES

Blue moon Co.

Discharge from Power Gen

[illegible]

No. 1 of 1 Sheets. Comp. by PSC

Chk. by

APPLICATION FOR PERMIT To Appropriate the Public Waters of the State of Idaho

77-2106

APPLICATION No. 29110
PERMIT No. 21416
DISTRICT No.

Assigned to *Engineer J. Burton*
2900 Fairchild Ave.
Wayzata, Minn.
5/8/1962

1. Name of Applicant: MARVIN E. HORNBACK

Postoffice address: Box 393, Boise

County: Ada

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: Three (3)

cubic feet per second.

3. Source of water supply: Blue Moon Creek

which is a tributary of Sulphur Creek, thence Middle fork Salmon River

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16 , T. 14 N , R. 9 E. , B.M., County of Valley

5. Water is to be used for Power *? Irrigation only*

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: 2395 ft. West 1360 ft. North of distant from the E. $\frac{1}{4}$ corner of Section 21

T. 14 N. , R. 9 E. , B.M., in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21 , T. 14 N. , R. 9 E. , B.M.

(b) Amount of power generated: 68 H.P., under 200 feet head.

(c) Water is to be returned to Sulphur Creek at a point 100 feet distant from the E. $\frac{1}{4}$ corner of Section 21 , T. 14 N. , R. 9 E. , B.M., in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21 , T. 14 N. , R. 9 E. , B.M.

7. Estimated cost of works: \$ -

8. Kind of works: Diversion dam, 8 inch pipe line, Power plant

9. Height of dam feet; length of dam at top feet; length of dam at bottom feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet; dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is One (1) years.

13. The time required for the complete application of the water to the proposed use is One (1) additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

LICENSE ISSUED FOR 40 SEC. FT.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

Permit No. 21416

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that MARVIN E. HORNBACk of Boise, County of Ada, and State of Idaho, the holder of Permit No. 21416, issued upon Application No. 29110 bearing date of priority of March 20, 1950, authorizing the diversion of Three (3) second feet of the waters of Blue Moon Creek, a tributary of Sulphur Creek, thence Middle fork Salmon River, County of Valley, State of Idaho, for power purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use Three (3) second feet of the waters of Blue Moon Creek; that the point of diversion of said waters is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 14 North, Range 9 East, B.M. and that the place of use of said water is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, Township 14 North, Range 9 East, B.M.

Witness my hand this 8th day of November, A. D. 1950.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made October 3, 1950.
Certificate of Completion of Works issued November 8, 1950.

ASSIGNMENT ✓

For value received, I hereby assign my right, title, and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. 21416 to EUGENE J. BARTON, ~~of Mr. Arnold Lyons, 400 Rand Tower, Minneapolis, Minnesota~~

2905 Fairchild Ave.

WAYZARA,
s/ MARVIN E. HORNBACk
Permit Holder

s/ BARBARA HORNBACk
Wife of Permit Holder

STATE OF IDAHO)
: ss
County of)

On this 8th day of May, 1962, before me, a Notary Public for the State of Idaho, residing at Boise, Idaho, personally appeared MARVIN E. HORNBACk and BARBARA HORNBACk, known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

My commission expires 1/18/66

s/ Samuel Kaufman, Jr.
Notary Public
Residing at Boise, Idaho

Application for Amendment
To Permit to appropriate the Public Waters
OF THE STATE OF IDAHO, No. 21416

Comes now EUGENE J. BARTON (by Samuel J. Kaufman, attorney) and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 21416, and requests that the purpose as described in said permit, be changed to read as follows: For irrigation only. He also requests that the list of lands to be irrigated be included in said permit to read as follows: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, T14N, R9E., B. M., Ida.

The date of priority of the irrigation right shall be July 13, 1962, making a total of 20 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise, Idaho this 20 day of July, 1962.

EUGENE J. BARTON

By Samuel Kaufman, Agent

Date of Receipt at office of Department of Reclamation: July 23, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21416. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Recorded: July 24, 1962

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that EUGENE J. BARTON
of Wayzata, Minnesota, has complied with the terms and conditions of Permit
No. 21416/77-2106 issued pursuant to Application for Permit dated July 13, 1962 (date of amendment)
and has submitted proof to the Department of Water Resources on June 18, 1962 (late proof),
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.35 cfs of water from Blue Moon Creek,
tributary to Sulphur Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Subject, however, to the condition that no more than 0.40 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 60 acre feet per year, said waters to be diverted within the SE 1/4 SW 1/4 of Sec. 16 Twp. 14 N, Rge. 9 E, B.M. in the County of Valley

[illegible]

Director

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 21416/77-2106 Priority Oct. 3, 1972 Amount 0.40 cfs

THIS IS TO CERTIFY, that EUGENE J. BARTON
of Wayzata, Minnesota, has complied with the terms and conditions of Permit
No. 21416/77-2106 issued pursuant to Application for Permit dated July 13, 1962 (date of amendment),
and has submitted proof to the Department of Water Resources on June 18, 1962 (late proof),
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.35 cfs of water from Blue Moon Creek,
tributary to Sulphur Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 15</u> to <u>Oct. 15</u>	<u>0.40</u> cfs and	<u>60 acre feet or</u>
	from	cfs and	<u>3.0 af per acre</u>
	from	at	cfs and
	(not date inclusive)		

Subject, however, to the condition that no more than 0.40 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
60 acre feet per year, said waters to be diverted within the SE 1/4 SW 1/4 of Sec. 16
Twp. 14 N, Rge. 9 E, B. M. in the County of Valley

Description and location of place of use:

Twp.	Range	Sec.	NEW				NWA				SWW				Sww				Totals
			NEW	NWA	SWW	Sww	NEW	NWA	SWW	Sww	NEW	NWA	SWW	Sww	NEW	NWA	SWW	Sww	
14 N	9 E	21																	20

Total number of acres irrigated 20

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of
August, 19 76.

Director