

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: **A51-00137**
Date Received: 9/ 2/1998
Receipt No: S021468
Received By: _____

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

1. Name: CEDAR MESA RESERVOIR & CANAL CO 208-734-1224
Address: PO BOX 525
TWIN FALLS ID 83303-0525

2. Date of Priority: JAN 29, 1915

3. Source: DEADWOOD CREEK Trib. to: BRUNEAU RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	12E	28		NW	SW		OWYHEE

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	10/01	05/15			6000.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 6000.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
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11. Place of use in counties:

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

13. Other Water Rights Used:

14. Remarks:

DESC. OF DIVERTING WORKS: DIVERSION DAM AND HEADGATE IN DEADWOOD CREEK, CANAL FROM DEADWOOD CREEK TO DEVIL CREEK, CANAL FROM DEVIL CREEK TO HOUSE CREEK, WHICH CREEK EMPTIES INTO CEDAR CREEK AND FOR THE CEDAR CREEK DIVERSION ALSO KNOWN AS THE ROSEWORTH RESERVOIR. THERE IS AN EARTH DAM ON CEDAR CREEK WITH A GAUGE HEIGHT OF 72 FEET. THE RESERVOIR HAS A SPILLWAY WITH A CAPACITY OF 309 CFS. THERE ARE TWO GATES AT THE DAM WITH RELEASE CAPACITY OF 145 CFS.

THE STOCK IN THE CANAL COMPANY IS OWNED BY THE FARMERS WHO OWN THE LANDS UPON WHICH THE WATER IS USED FOR IRRIGATION PURPOSES.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

GRANDVIEW IRR. DIST.
Decree Plaintiff

BRUNEAU BUCKAROO CO-OP DITCH
vs Decree Defendant

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 _____

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

AS1-00137

Date Received

SEP. 2, 1998

Receipt Number

5021468

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

RECEIVED**SEP 03 1998****WATER RESOURCES
WESTERN REGION****Please type or print clearly**1. Name of Claimant (s) Cedar Mesa Reservoir & Canal Co. Phone (208) 734-1224Mailing Address P. O. Box 525, Twin Falls, ID Zip 83303-05252. Date of Priority (Only one (1) per claim) January 29, 19153. Source of water supply (a) Deadwood Creek
which is tributary to (b) Bruneau River4. a. Location of existing point of diversion is: Township 15 SO Range 12 E Section 28,
1/4 of NW 1/4 of SW 1/4, Govt. Lot, E B.M., County of Owyhee

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Diversion dam and headgate in Deadwood Creek, canal from Deadwood Creek to Devil Creek, canal from Devil Creek to House Creek, which creek empties into Cedar Creek and for the Cedar Creek diversion also known as the Roseworth Reservoir. There is an earth dam on Cedar Creek with a gauge height of 72 feet. The reservoir has a spillway with a capacity of 309 cfs. There are two gates at the dam with release capacity of 145 cfs.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation storage purposes from 10-1 to 5-15 amount _____ or 6000

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) 6000 (acre feet)

8. Total consumptive use claimed is 6000 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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	
							SEE ATTACHED LIST												

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Twin Falls

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks: The stock in the Canal Company is owned by the farmers who own the
lands upon which the water is used for irrigation purposes.

Last Name Cedar Mesa Ident No. _____
Reservoir & Canal Company

Copies: *White -State, Yellow-Claimant*

10. Description of place of use:

5,000 acres within Sections 2, 3, 9, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27 and 35, Township 12 South, Range 13 East Boise Meridian, Twin Falls County, Idaho.

Said land irrigated is within the boundary of the project as shown on the attached map outlining the perimeter of the project in red.

Cedar Mesa Reservoir
& Canal Company

Ident. No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number _____
Court Third District Ada County Case Number 10604 Decree Date 2-14-1925
Plaintiff vs Defendant Grandview Irrigation District vs. Bruneau Buckaroo
Cooperative Ditch Company, et al.

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President

of Cedar Mesa Reservoir & Canal Company , that I have signed the foregoing
Organization

document in the space below as President of Company
Title Organization

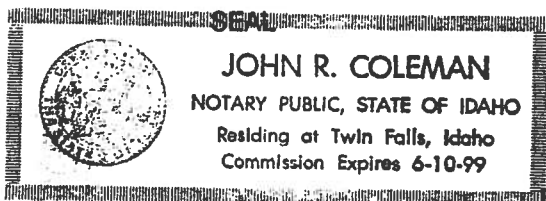
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Jerry C. Hail

Title and Organization Pres. Cedar Mesa Res + Canal Date 8-27-98
Company

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 27th day of August 19 98



Notary Public John R. Coleman

Residing at Twin Falls Id.

My Commission Expires 6-10-99

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, John R. Coleman will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature John R. Coleman

Address Box 525, Twin Falls Id.

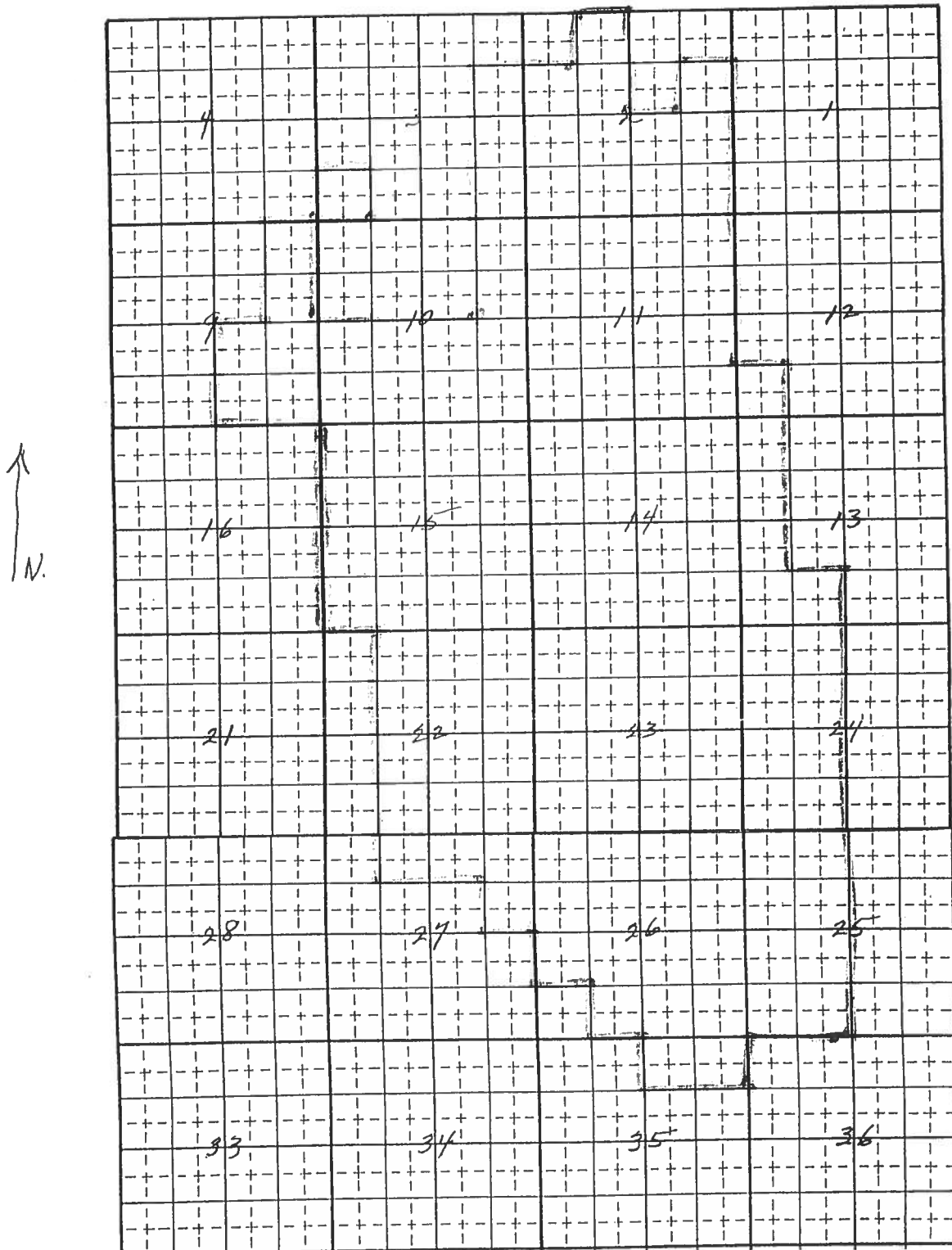
Date 8-27-98

Last Name Cedar Mesa Ident. Number _____
Reservoir & Canal Company

Copies White-State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Cedar Mesa Reservoir & Canal Company Ident No. _____ Copies: White-State, Yellow-Claimant

Perimeter boundary of irrigation project served by Cedar Mesa Reservoir & Canal Company outlined in red, situated in Twin Falls County, Idaho. Township 12 South, Range 13, East of the Boise Meridian.

RECEIPT
For Monies Paid
to the

SEP 03 1998

Receipt No: 5021468

Date: 9/ 2/1998
Time: 15:49:16

Received

From: CEDAR MESA RESERVOIR

TWO ADJUDICATION CLAIMS

41503

337

1155

Amount
957.00

02203

Total

11

957.00

AS1-00137

A51-00138

Region: SOUTHERN

Signature:

Corey L. Harris

AJ0749NP
No. R51-00137

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/17/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CEDAR MESA RESERVOIR & CANAL CO PO BOX 525 TWIN FALLS ID 833030525 (208) 734-1224	01/29/1915	IRRIGATION STORAGE IRRIGATION FROM STORAGE	10-01 05-15 04-01 10-31		6000.00 AFA 6000.00 AFA 6000.00 AFA

Water Source: DEADWOOD CREEK

Tributary to: CLOVER CREEK

Stage: DECREED

Point(s) of Diversion:

T15S R12E S28
T14S R13E S22
T15S R12E S12

NESS
SMNE
MMNW

OHYHEE County
TWIN FALLS County
TWIN FALLS County

Point(s) of Re-diversion:

T13S R14E S29
T14S R13E S12
T15S R12E S22

MMSE
SMNE
MMNE

TWIN FALLS County
TWIN FALLS County
TWIN FALLS County

POU County:

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C14 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
 - IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 51:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
 - IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - ALL WATER RIGHTS WITHIN BASIN 51 ARE FROM CONNECTED SOURCES
 - OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Remarks: SRC

POINTS OF INJECTION INTO DEVIL CREEK, HOUSE CREEK, AND CEDAR CREEK.
POINTS OF REDIVERSION FROM DEVIL CREEK AND CEDAR CREEK.

POU1

USE OF THIS RIGHT WITH RIGHT NO. 51-00138 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 5000 ACRES WITHIN THE BOUNDARIES OF THE CEDAR MESA RESERVOIR & CANAL COMPANY IN A SINGLE IRRIGATION SEASON.

GEN

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 47 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 47 REPORT

See col in map 51-00138.

Remarks:

FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 47 RIGHTS. THESE BASIN 47 RIGHTS ARE FOR DEVIL CREEK, HOUSE CREEK AND CEDAR CREEK.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 51A

Field Inspection Flag:
Presumption Flag:

Comments:

Date: 11/17/1998 User-ID: JSNURTE Subject: RECOMMENDATION COMMENTS
THIS RIGHT IS BEING RECOMMENDED IN PLACE OF 51-02446 WHICH WAS
ORIGINALLY RECOMMENDED DURING THE PRELIMINARY REPORT FOR B51. AT
THAT TIME CEDAR MESA FILED THIS CLAIM TO A DECREEED RIGHT IN THE
BRUNEAU RIVER DECREE WHICH I FEEL WAS THE SAME RIGHT AS 51-02446.
THE DIFFERENCE IN THE PRIORITY DATE DECREEED AND THE PRIORITY DATE
OF THE LICENSE ISSUED FOR 51-02446 IS DUE TO THE LATE FILING OF
THE PROOF OF BENEFICIAL USE FOR 51-02446. THE PRIORITY DATE OF
THE PERMIT FOR 51-02446 IS THE SAME AS THE PRIORITY DATE FOR THIS
DECREEED RIGHT. I AM RECOMMENDING THIS DECREEED RIGHT IN LIEU OF
THE LICENSE SINCE IT IS IMPOSSIBLE TO PROVE WHETHER THIS RIGHT
WAS NOT COMPLETED AT THE TIME OF THE DECREE (1925) EVEN THOUGH

Comments:

Date: 11/17/1998 User-ID: JSHURTE Subject: RECOMMENDATION COMMENTS
THE PROOF OF BENEFICIAL USE FOR THE PERMIT 51-02446 WAS NOT
SUBMITTED UNTIL 1928, OFTEN A SYSTEM WAS COMPLETED AND USE PRIOR
TO PROOF OF BENEFICIAL USE BEING SUBMITTED ON A WATER RIGHT.
THEREFORE, I AM RECOMMENDING THIS RIGHT IN PLACE OF 51-02446 AND
NOT RECOMMENDING BOTH, SINCE IT IS OBVIOUS FROM THE WATER RIGHT
FILE THAT THEY WERE THE SAME RIGHTS AT ONE TIME. THERE ARE OTHER
RIGHTS FOR CEDAR MESA RESERVOIR FROM SOURCES OTHER THAN DEADWOOD
CREEK AND THESE WILL BE RECOMMENDED IN THE BASIN 47 REPORT. THE
IRRIGATION SEASON OF USE WAS DECREED FOR THIS RIGHT IN THE
BRUNEAU RIVER DECREE AS 10-1 TO 5-15 AND IS BEING RECOMMENDED FOR
THIS RIGHT. THERE WAS NOT IRRIGATION SEASON OF USE DECREED,
THEREFORE, THIS RIGHT IS BEING RECOMMENDED USING IDWR'S STANDARD
FOR THE AREA IN BASIN 47 WHERE THE IRRIGATED LANDS ARE LOCATED.
THE CDS CONDITION WAS ADDED SINCE THERE HAS BEEN MINOR CHANGES TO
THE DECREED PLACE OF USE PRIOR TO 1987.

Date: 11/17/1998 User-ID: JSHURTE Subject: SYSTEM DESCRIPTION
SEE COMMENTS IN 51-00138 FOR SYSTEM DESCRIPTION.

Audit:

11/17/98 JSHURTE

of said Deadwood Creek and it is hereby decreed that the exercise of such rights by said defendant during said non-irrigation season does not interfere with the rights of any of the parties hereto as herein decreed. The priority of rights of said defendant Idaho Farm Development Company are as follows:

Date of Priority.

Amount in acre feet annually.

0137 January 29, 1915

6000 acre feet

0138 November 19, 1915

3000 acre feet.

The rights herein decreed to said defendant Idaho Farm Development Company in the waters of said Deadwood Creek are for irrigation, domestic and stock use upon and in connection with the list of lands hereto attached marked "List of lands of the Defendant Idaho Farm Development Company".

irrigation of 100 acres of the lands heretofore described as of May 1st, 1909.

subject to the prior rights of the plaintiff and the various defendants as herein set forth, defendant Idaho Farm Development Company has the right to divert from Deadwood Creek, a tributary of the East Fork of the Arunou River, a tributary of the Arunou River, at a point located at or near south 19 degrees east 2150 feet from the northwest corner of Section 28, Township 15 South, Range 12 East, T.M., and to impound and store in the reservoir of said company located on Cedar Creek in Twin Falls County, Idaho, all of the waters of said creek and its tributaries to the extent of 5000 acre feet annually, the said water so to be stored in said reservoir to be thereafter released from said reservoir at said defendant's pleasure through the gates of its reservoir dam.

In the exercise of the rights herein defined, said Idaho Farm Development Company may, to the extent of its various appropriations as hereinafter decreed, impound in storage and divert the waters of Deadwood Creek at all times and at all seasons of the year when by so doing it does not interfere with any prior rights fixed by this decree, and the water stored and released from storage may be conveyed through the natural channels of streams and shall be protected under the provisions of this decree for the distribution designated by said defendant as though kept and conveyed within an artificial channel. From and after October 1st of each calendar year to the beginning of the subsequent irrigation season, to wit: May 15th, said defendant shall be permitted to divert and store in said reservoir all the waters

RECEIVED

APR 06 1999

WATER RESOURCES
WESTERN REGION

RECEIVED

APR 01 1999

Department of Water Resources

1999 MAR 31 PM 2:33

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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 51-00137 51-00139

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B

NAME AND ADDRESS OF PERSON OBJECTING

Name: Randall Brewer

Address: Devil Creek Ranch

Rogerson, ID 83302

Daytime Phone: (208) 857-2222

Name & Address of Attorney, if any:

None

C

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Cedar Mesa Reservoir & Canal Co.

Address: P. O. Box 525

Twin Falls, ID 83303-0525

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

Should be: _____

4. ☐ Priority Date

Should be: _____

5. ☐ Point(s) of Diversion

Should be: _____

6. ☐ Instream Flow Description

Should be: _____

7. ☐ Purpose(s) of Use

Should be: _____

8. ☒ Period of Year

Should be: _____

Storage for Cedar Mesa, 10-15 4-15 unless Devil Creek water cannot be used beneficially.

9. ☐ Place of Use

Should be: _____

11. I object because:

☐ This water right should not exist.

☒ This water right was ~~not~~ recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Period of use of this right 51-00132 as it relates to the storage rights of Cedar Mesa Reservoir & Canal Company, 51-00137 and 51-00138 were the subject of the Judgment in Case No. 5032 dated August 20, 1993, in the case of Devil Creek Ranch Incorporated vs. Cedar Mesa Reservoir and Canal Company in the District Court of the Third Judicial District of the State of Idaho, Owyhee County.

F:

VERIFICATION (Must be Completed)

State of Idaho)

County of Twin Falls) ss.

Randall Brewer, 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.

[Signature]
(Signature of person filing objection)

None

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 31, 1999



[Signature]
Notary Public for Idaho

Residing at: Twin Falls, Id
My Commission Expires: 3-15-2005

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.

CERTIFICATE OF MAILING

I certify that on March 31, 1999, 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:

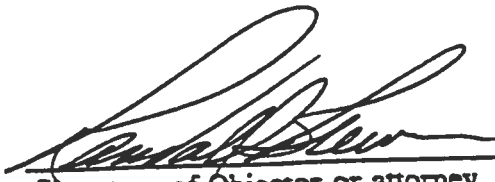
Name: Cedar Mesa Reservoir & Canal Company
Address: P. O. Box 525
Twin Falls, ID 83303-0525

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 24, 1998

Cedar Mesa Reservoir & Canal Co.
Attn: John R. Coleman
PO Box 525
Twin Falls, ID 83303-0525

Dear Mr. Coleman:

We are in receipt of the two claims filed for Right Nos. 51-00137 and 51-00138 which were a part of the Bruneau River decree. We are also in receipt of the two notices of error filed for 51-02446 and 51-02447 concerning the total number of acres irrigated within the boundaries of the Cedar Mesa Reservoir & Canal Company.

At the time you filed the two new claims, I requested a map be submitted indicating where the additional acres are located within the boundaries. In order to recommend a larger total number of acres, we must be able to justify those acres and show them on the GIS color maps sent to you earlier. The additional fields need to be outlined and appear to have been cultivated at some time. They do not necessarily have to show irrigation occurring on the aerial photos we used, which were taken in 1987, however, some indication that the ground has been turned over is needed. If these are not submitted by the end of next week, October 2, 1998, we will not have time to digitize and calculate the additional acres on the map prior to the Director's Report being filed with the SRBA Court. I also spoke with you about this on Friday, September 18, 1998.

There are also a few items for your consideration concerning the four claims that have now been filed. Only two of the four claims can be recommended. According to our review of the license files and the decree, the two decreed rights are the same rights as those that were licensed. If the decreed rights are recommended, they will have earlier priority dates, however, the season of use for irrigation from storage will be May 15th to October 1st. The season of use for storage for irrigation will be recommended as October 1st to May 15th. The reason these dates must be recommended is because the Bruneau River decree states these dates as the decreed seasons of use for these two rights. If the licensed rights are recommended, which have later priority dates, they will be recommended for the season of use previously listed, May 1st to October 31st for irrigation from storage and October 1st to April 15th for storage for irrigation. Since the licenses were issued without specifying a season of use, we can use the Department's standard season

*per legal
staff -
to recomm
reg. irrig
for stor
ing. season
not decre
only stor
in*

of use for the irrigation from storage and the storage for irrigation season of use you claimed.

If you could send a map outlining the new acres and let me know if you have a preference as to which rights are recommended by October 2, 1998, I can proceed with preparing the recommendations. If I do not hear from you within that time period, I will likely recommend the decreed rights with the earlier limiter of 4, 143 acres within the boundaries of the company.

Please contact me if you have any questions concerning this letter or the requests for information it contains.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jan Shurte". The signature is written in dark ink and is positioned above the printed name and title.

JAN SHURTE
Water Rights Supervisor
Adjudication Section
Western Region

August 4, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED
SEP 04 1998
Department of Water Resources

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: September 4, 1998

Water right number: 51-02446

CEDAR MESA RESERVOIR & CANAL CO
PO BOX 525
TWIN FALLS ID 83303-0525

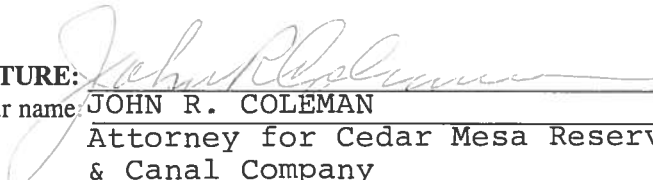
RECEIVED
SEP 04 1998
WATER RESOURCES
WESTERN REGION

Daytime Telephone Number: (208) 734-1224
Evening Telephone Number: (208) 733-3842

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): Need to include rights from the Gransview Irrigation District vs. Bruneau Buckaroo Cooperative Ditch Co., et al Ada County Case No. 10604 as per our two claims filed September 2, 1998.
2. Describe the changes you wish to make in the proposed recommendation: Land description needs to be expanded as set forth in our September 2, 1998, filings. The earlier filings will be amended to incorporate the map and description in the September 2, 1998, filings.
3. Give a brief explanation as to why you disagree with these portions: Our review of the project has established land irrigated, which was not included in the original filing. A list of this additional land will be submitted soon.

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

DATE: 9-3-98

SIGNATURE: 

Please print your name

JOHN R. COLEMAN

Attorney for Cedar Mesa Reservoir
& Canal Company

IDWR Western Regional Office, 2735 Airport Way, Boise, ID 83705-5082, (208) 334-2190

June 29, 1998

Cedar Mesa Reservoir & Canal Co.
PO Box 525
Twin Falls, ID 83303-0525

Dear Claimants:

We are currently working on making our recommendations to the Snake River Basin Adjudication Court for those rights included in our administrative Basin No. 51, Bruneau River drainage basin. During the review of these rights it has been found that the Bruneau River Decree contains water rights appurtenant to Cedar Mesa Reservoir & Canal Company's irrigated land. These rights for storage, with a diversion from Deadwood Creek, are listed under the name of the Idaho Farm Development Company and date back to November 19, 1915 and January 29, 1915.

During the Snake River Basin Adjudication claims taking, your company did file claims based on two licensed water rights. These two claims are Claim Nos. A47-02439 and A47-02440. These rights are based on the licenses issued under those two numbers and Basin 51 water right numbers 51-02446 and 51-02447 with priority dates of February 17, 1919 and October 8, 1919. Enclosed are copies of these two claims for your reference. Also enclosed are computer generated copies of the Bruneau River decreed rights which are numbered 51-00137 and 51-00138, along with a copy of the page from the Bruneau River decree which listed these rights.

The question comes down to whether or not you wish to file claims for these previously decreed rights. If you do wish to file claims for Deadwood Creek under Right Nos. 51-00137 and 51-00138, please contact me as soon as possible and I can send computer generated claims for your signature. There will be a \$50 per claim filing fee, however, no additional fee will be charged for the acres claimed since those have already been paid under the filing fees for the licensed rights.

If you do not claim the Bruneau River decreed rights, the recommendation, for Deadwood Creek, will be made for A51-02446 and A51-02447 in our Basin 51 report. The other sources will be recommended under A47-02439 and A47-02440, when our Southern Regional Office reports their Basin 47 water rights. Our recommendations are due to be mailed out at the end of July, first to the claimants with a 30 day period following, upon which Notices of Error can be made if any problems are found by the claimant with their recommendations. Once the notice of error period is over, we will then make our final recommendations to the SRBA Court. We are proceeding with your

recommendations at this time, however, the sooner you reply concerning the decreed right filings, the better it will allow us to make the changes and/or additions, if needed. If we do not hear from you by July 17, 1998, we will assume you do not wish to file claims for these decreed rights.

Please feel free to contact me if you have any questions concerning the contents of this letter or enclosures.

Sincerely,

JAN SHURTE
Water Rights Supervisor
Western Region Adjudication Section

JS:j
Enclosures

RIGHT
NUMBER
51-00137
DAHO FARM DEVELOPMENT CO.

PRIORITY
DATE
01/29/1915
IRRIGATION
STOCKWATER
DOMESTIC

USE PERIOD
FROM TO
00-00 00-00
00-00 00-00
00-00 00-00

11173
51-02444

SOURCE: DEADWOOD CREEK

TRIBUTARY: BRUNEAU RIVER, EAST FORK

POINT OF DIVERSION:

PLACE OF USE: IRRIGATION

T11S R13E S34	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
S35	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SW	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
T12S R13E S01	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
S02	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SW	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
S03	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SW	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
S04	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
S09	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SW	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
S10	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SW	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
S11	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SW	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
S12	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SW	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
S13	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SW	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
S14	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SW	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
S15	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SW	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
S22	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
S23	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SW	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
S24	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	NE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SW	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0
	SE	40.0	NE	40.0	SW	40.0	SE	40.0	NE	40.0	NE	40.0

0.00 CFS TOTAL
6000.00 AFA TOTAL

RIGHT NUMBER	NAME & ADDRESS	PRIORITY		WATER USE	USE PERIOD		MAXIMUM DIVERSION	STAGE	
		DATE			FROM	TO			
S25		NWNE	40.0	SWNE	40.0	NENW	40.0	SWNW	40.0
		SENE	40.0	NESW	40.0	NWSW	40.0	SESW	40.0
		NENE	40.0	NWNE	40.0	SENE	40.0	SWNW	40.0
		NWSW	40.0	SWSW	40.0	SESW	40.0	SWSE	40.0
S26		SESE	40.0						
		SWNE	40.0	NESE	40.0	NWSE	40.0	SESE	40.0
		SENE	40.0	NWNE	40.0				
		NENE	40.0						
8000.0 ACRES TOTAL									

PLACE OF USE: STOCKWATER
 SAME AS: IRRIGATION

PLACE OF USE: DOMESTIC
 SAME AS: IRRIGATION

CONDITIONS OF APPROVAL:

REMARKS: WATER TAKEN FROM THIS DRAINAGE BASIN TO BE USED ON THE ROSEWORTH
 TRACT IN TWIN FALL CO.

OTHER RIGHTS:

STATE OF IDAHO
 LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. 11195

Priorty - 2-17-1919

Amount - 25,000 cu.ft.

THIS IS TO CERTIFY that West End Twin Falls Irrigation Company, of Des Moines, Iowa, made application for a permit to appropriate the public waters of the State of Idaho, dated January 29, 1915; that Permit No. 11195 was issued under said application; that certificate of completion of works, with a carrying capacity of 25,500 acre-feet was issued thereunder on March 3, 1922, showing that said works were completed on the 3rd day of December, 1920; and that on the 12th day of December, 1928, IDAHO FARM DEVELOPMENT COMPANY, of Buhl, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho of a right to the use of the waters of Deadwood Creek, Devil Creek and Cedar Creek, tributaries of Snake River, for the purpose of irrigation and domestic use under Use Permit No. 11195, of the State Engineer of Idaho, and that said right to the use of said waters has been perfected in accordance with the laws of the State of Idaho and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 3655, on the 30th day of March, 1931;

The right hereby confirmed dates from February 17, 1919.

The points of diversion of said waters are located as follows:
 Water is conducted from Deadwood Creek into Devil Creek by a ditch having its point of diversion S. 60°35' E. 1537 feet from the W $\frac{1}{2}$ corner of Sec. 28, T. 15 S., R. 12 E., B.M. This ditch discharges its water into Devil Creek at a point N. 88° 30' W. 1561 feet from the SE corner of Sec. 15, T. 15 S., R. 12 E., B.M., and at this point the combined waters of Deadwood and Devil Creeks are diverted into House Creek. These waters then flow down the natural channel of House Creek and Cedar Creek to the reservoir. The waters impounded in the reservoir, as well as the normal flow of the above named streams, after flowing down the natural channel of Cedar Creek, are diverted upon the lands to be irrigated at a point from which the N $\frac{1}{2}$ corner of Sec. 29, T. 13 S., R. 14 E., B.M., bears N. 14°0' E. 1608 feet.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed the following amounts, to-wit:

3,000 acre-feet from Deadwood Creek;
 3,000 acre-feet from Devil Creek;
 29,000 acre-feet from Cedar Creek;

The lands to be irrigated by the use of said waters are described as follows, to-wit:

Twp. 11 S., R. 13 E., B.M.

Sec. 34 - S $\frac{1}{2}$ SE $\frac{1}{4}$
 " 35 - SE $\frac{1}{4}$ SE $\frac{1}{4}$

Twp. 12 S., R. 13 E., B.M.

Sec. 2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$
 " 3 - E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$
 " 4 - E $\frac{1}{2}$ SE $\frac{1}{4}$
 " 9 - E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$
 " 10 - E $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$
 " 11 - NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$
 " 12 - W $\frac{1}{2}$ SE $\frac{1}{4}$
 " 13 - NW $\frac{1}{4}$ NE $\frac{1}{4}$
 " 14 - N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$
 " 15 - E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$
 " 22 - NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$
 " 23 - NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$
 " 24 - W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$
 " 25 - W $\frac{1}{2}$
 " 26 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$
 " 27 - E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$
 " 35 - E $\frac{1}{2}$ NE $\frac{1}{4}$

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

It appearing from the records of this office that the aforesaid permit has heretofore been conveyed to the UTAH CONSTRUCTION COMPANY, a corporation of Ogden, State of Utah, this license is issued to said last named corporation upon its application therefor.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 30th day of March, 1931.

(SEAL)

GEO. W. CARTER, Commissioner of Reclamation

Trans. 7-126
 Copy of license
 for 51-02446

17-2109
 51-02446