

RECEIVED

APR 01 1999

Department of Water Resources

RECEIVED
APR 06 1999
WATER RESOURCES
WESTERN REGION

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 51-02005

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494
United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

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

Name: Three Creek Ranch Company

Address: P.O. Box 27 Boise, ID. 83707

Name:

Address:

Name:

Address:

Name:

Address:

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: See attached _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
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):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which POD is claimed. The claimant's use of Federal land is unauthorized. See attached POD. Claimant's water right should not include this POD. POD has been abandoned.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Fredric W. Price, Water Rights Specialist, 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.

Fredric W. Price
(Signature of person filing objection)

Harry C. Brown
(Attorney signing in representative capacity)

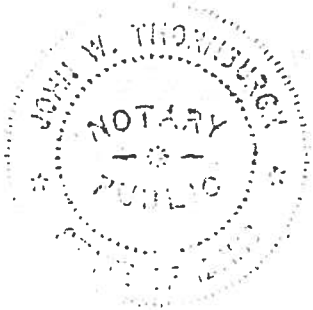
Subscribed and sworn to before me on: Jan. 29, 1999

John W. Thornburgh
John W. Thornburgh

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 05-16-2003



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 MAR 31 1999, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Name: Three Creek Ranch Company
Address: P.O. Box 27 Boise, ID. 83707

Name:
Address:

Name:
Address:

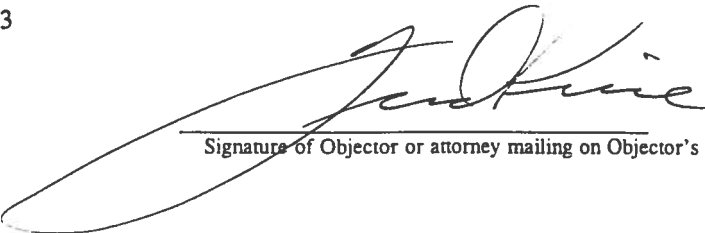
Name:
Address:

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-01-1998
PAGE: A-311-----
RIGHTS FROM: SOURCE: DEER CREEK TRIBUTARY: THREE CREEK

RIGHT NUMBER: 51-02005

NAME & ADDRESS: THREE CREEK RANCH COMPANY
PO BOX 27
BOISE ID 83707SOURCE: DEER CREEK TRIBUTARY: THREE CREEK
UNNAMED STREAM DEER CREEK

QUANTITY: 1.22 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.82 CFS. COMBINED RIGHT NOS.:
51-00124, 51-00125, 51-00126, 51-000127.

PRIORITY DATE: 02/15/1925

POINT OF DIVERSION: T15S R11E S26 SESE Within CUYHHEE County
S35 NWNW
SENE
NWNW
NESE BLM

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		04-01 10-31	1.22 CFS
STOCKWATER		01-01 12-31	0.35 CFS

PLACE OF USE:	IRRIGATION	Within CUYHHEE County			
T15S R11E S26	SWSW 25	SESW 13	SWSE 24.2	SESE	
S27	SESE 15				
S34	NENE 2.4	NWNE 15.9	SWNE 22	NENW 7.8	
	SENW 10.2	NESE 15.7	SESW 4.5	SWSE 6.8	
	SWSE 2.5				
S35	NENE 14.3	NWNE 0.3	SWNE 19	SENE 1.6	
	NENW 19.9	NENW 12.7	SENW 1.4		
240.8 ACRES TOTAL					

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 39 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 240.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-00124, 51-00125,
51-00126, 51-00127.

STOCKWATER Within CUYHHEE County

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: NOV-20-1999
PAGE: A-312

RIGHTS FROM:	SOURCE: DEER CREEK TRIBUTARY: THREE CREEK

RIGHT NUMBER:	51-02005 (CONT)

PLACE OF USE: (CONT)	
	7155 R11E S26 SWSW SESW SWSE SESE
	S27 SESE
	S34 NENE NWNE SWNE NENW
	SENW NESW SESW NWSE
	SWSE
	S35 NENE NWNE SWNE SENE
	NENW NWNW SENW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
STOCKWATER, 1500 RANGE CATTLE

WESTERN REGION

CLAIM NUMBERS 51-18134, 125, 126, 127, 02005

AGENT SB DATE 6/22/98

TOTAL ACRES FROM RECOMMENDATION 240.5

GEOGRAPHIC INFO SYSTEM ACRES _____

READY FOR DECREE _____ (YES) SENT FOR DECREE _____ (YES)

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM			27															15	15
GIS			26											7.8	8.5			2.2	7
			34	2.4	15.9	22		7.5			10.2	15.7			4.5		6.5	2.5	69.7
RECOM			35					6.2	7.7										
GIS				14.3	3	18	2.6	11.2	5		1.4								69
																			240

POLYGON CREATED ON 80 _____

POLYGON # () () () () _____ UPDATED BY

ATTRIBUTES OF B51-POU.SHP (93) (94) (95) (96) (97) (98, 99, 100, 101)

ATTRIBUTES OF B51-POD.SHP (92) (93) (94) (95) (96)

B51-DBPOU.DBF SB 35 NW NW NE SE NW SE SE SE 35
UPDATED BY

B51-DBPOD.DBF SB UPDATED BY

Edited to B51

September 18, 1998

RECEIVED

SEP 23 1998

RECEIVED

Department of Water Resources

SEP 18 1998

WATER RESOURCES
WESTERN REGION

**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: September 18, 1998

Water Right Number: **51-02005**

**Three Creek Ranch Company
P. O. Box 27
Boise, ID 830707**

Daytime Telephone Number: **208-336-2110**

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

Priority-Date: **"02-15-1925"**

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

Priority Date: **April 29, 1905**

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

The State Engineer, on behalf of the State of Idaho, acknowledged the diversion and use of water under this water right by issuing license no. 1343 on December 26, 1908 (copy of license attached). Pursuant to the State Engineer's examination this water right was licensed with a priority date of April 29, 1905. The IDWR should correct its recommendation to conform with the State's license.

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

Three Creek Ranch Company

DATE: **9-18-1998**

SIGNATURE: By: _____

Ronald N. Graves, Secretary

Please print your name: **Ronald N. Graves**

Owyhee County
Mud Flat Spring
1.22 cubic feet per second
Irrigation
Priority 4-29-1905

S T A T E O F I D A H O

Water License No. 1343.
-O-O-O-O-O-

WHEREAS, On the 29th day of April A.D.1905, CHARLES H. HELSLEY, of Three Creek, County of Owyhee, and State of Idaho, duly made application (No. 1750) to me for a permit to use 1.5 cubic feet per second of the waters of Mud Flat Spring, County of Owyhee, State of Idaho, for irrigation and domestic purposes; and.

WHEREAS, On the 22nd day of June, A.D.1905, Permit No. 1343 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 22nd day of December A.D.1905, and for the application to beneficial use of said water on or before the 22nd day of December A.D.1905, and,

WHEREAS, On the 7th day of July A.D.1906 CHARLES H. HELSLEY, the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.5 cubic feet per second of said waters, as evidenced by my Certificate No. 1343, dated July 12,1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.5 cubic feet per second of said water, with date of priority of April 29,1905, and,

WHEREAS, On the 23rd day of November A.D. 1907, CHARLES H. HELSLEY, transferred all his right, title and interest in and to said Permit, to Jerome H. Helsley and.

WHEREAS, On the 22nd day of December A.D.1908 JEROME H. HELSLEY, the holder of said permit duly made proof of the application to beneficial use of 1.22 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JEROME H. HELSLEY, of Three Creek, County of Owyhee, State of Idaho, the holder and owner of said Permit No. 1343, a perpetual right dating from April 29, 1905, to the use of 1.22 cubic feet per second of the waters of Mud Flat Spring, in the County of Owyhee, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the southeast quarter of northwest quarter of section 31, township 15 south, range 12 east of Boise, Meridian, and conducted to and upon 15 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Section 35, 6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ and 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ section 26, township 15 south, range 11 east of Boise meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral, from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 26th day of December, A.D. Nineteen Hundred and eight.

Jas. Stephenson, Jr.
State Engineer,

(SEAL) Recorded December 26, 1908.

COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CUYLER.

THIRD JUDICIAL DISTRICT.)

Plaintiff,

ORDER FOR ENTRY OF DEFAULT.

WILLIAM S. BURRARD & CO-OPERATIVE
COMPANY, INC.

Defendants.

Upon application of J. B. Eldridge and E. G. Davis,
attorneys for plaintiff herein, and upon examination
of the record in said case herein, it appears to the court that
the complaint in the above entitled cause was filed September
1, 1920; that summons was issued thereon October 2, 1920,
that the defendants and each of them were duly served by
personal process on or before the 8th day of
October, 1921; that all pending decrees were overruled on
August 31, 1921; that stipulations made and entered into on
August 1, 1920, wherein it was stipulated and agreed "that de-
crees shall not be entered against any party hereto
until the proceedings in this court be concluded" were duly
overruled by an order of this court on August 12,
1921; and defendants given 10 days to appear and answer said
complaint, and more than 10 days have elapsed since the making
of this order and the statutory time for appearing
and answering said complaint having elapsed, default may be
entered according to law of the following parties defendant,

And the clerk of said court is hereby directed to enter

Dated at Boise, Idaho, this 24 day of June

Raymond L. Givens.
District Judge.

IN THE
DISTRICT COURT
OF THE THIRD JUDICIAL DISTRICT,
OF
THE STATE OF IDAHO:
In and for the COUNTY OF OWYHEE.

Grand View Irrigation Dist.

PLAINTIFF

VS.

Brunson Mackay Co-Operative
Ditch Co. et al.

DEFENDANT

DEFAULT.

Filed August 30th. 19 22

at _____ o'clock _____ M.

Robert M. [Signature]
CLERK

DEPUTY CLERK

Attorney for _____

21 Judgment to page 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THREE CREEK RANCH COMPANY PO BOX 27 BOISE ID 83707	02/15/1925	IRRIGATION STOCKWATER	06-01 10-31 01-01 12-31	1.22 CFS 0.35 CFS	
TOTAL DIVERSION-					1.22 CFS	

Stage: LICENSE

Point(s) of Diversion:	T1S R1E S26	SESE	SENE	SESE	SESE
	S35	NNNN	NNNN	NNNN	NNNN
				NESE	ONVHEE County
				ONVHEE	County

Place of use Legal Description for: IRRIGATION

[illegible]

Place of use Legal Description for: STOCKWATER

[illegible]

POU County: OMYHEE

Other Rights: NONE

Conditions of Approval:

- THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks: QNT

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.82 CFS. COMBINED RIGHT NOS.:
51-00124, 51-00125, 51-00126, 51-000127.

POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 39 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

ADJUDICATION MEMORANDUM

CLAIM NO.: 51-02005

SUBJECT: Priority Date

EMPLOYEE: S.B.

DATE: 9/17/98

Telephone conversation w/ Vic Conrad
today. Wanted to know why priority
date was advanced. Explained to him
that the device was not included in
the device, and in fact the name
Jerome Holm was in the device list.
Vic said that he thinks it is
our responsibility to show claimant
was notified, rather than for claimant
to prove they were not notified.
Therefore, S.B. plans to file
objections to change in priority
date.

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: A51-02005

Date Received: 3/1/89

Receipt No: C005640

Received By: gf

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 01 1989

Department of Water Resources

1. Name: THREE CREEK RANCH COMPANY
Address: P.O. BOX 27
BOISE, ID

83707

2. Date of Priority: APR 29, 1905

3. Source: MUD FLAT SPRING

Trib. to: MUD FLAT DRAW

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	12E	31	SE		NW		OWYHEE

5. Description of diverting works:
DAM AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.220		
STOCKWATER	01/01	12/31	0.350		

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

A.F.A.

8. Total consumptive use is 122.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/1500 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15S	11E	25	SW	SW		IRR	6.0
			SW	SW		STOCK	

Section Acres 6.0

A51-02005

Page 1

Date: 02/24/89

MICROFILMED

AUG 10 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	11E	26	SW	SE		IRR	20.0
			SW	SE		STOCK	
			SE	SE		IRR	20.0
			SE	SE		STOCK	
						Section Acres	40.0
		35	NE	NE		IRR	15.0
			NE	NE		STOCK	
						Section Acres	15.0
						Total Acres	61.0

11. Place of use in counties: OWYHEE

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: LICENSE
Water Right Number: 1343

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

Number of attachments: 1 Map

For Organizations:

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

Three Creek Ranch Company _____, that I have signed the foregoing Organization document in the space below as _____ Secretary _____ of _____ Title _____

Three Creek Ranch Company _____ and that the statements contained in the Organization foregoing document are true and correct.

Frederick L. Groun
Signature of Authorized Agent

Secretary, Three Creek Ranch Company
Title and Organization

2-28-89

Date

State of Idaho)
County of Ada) SS.

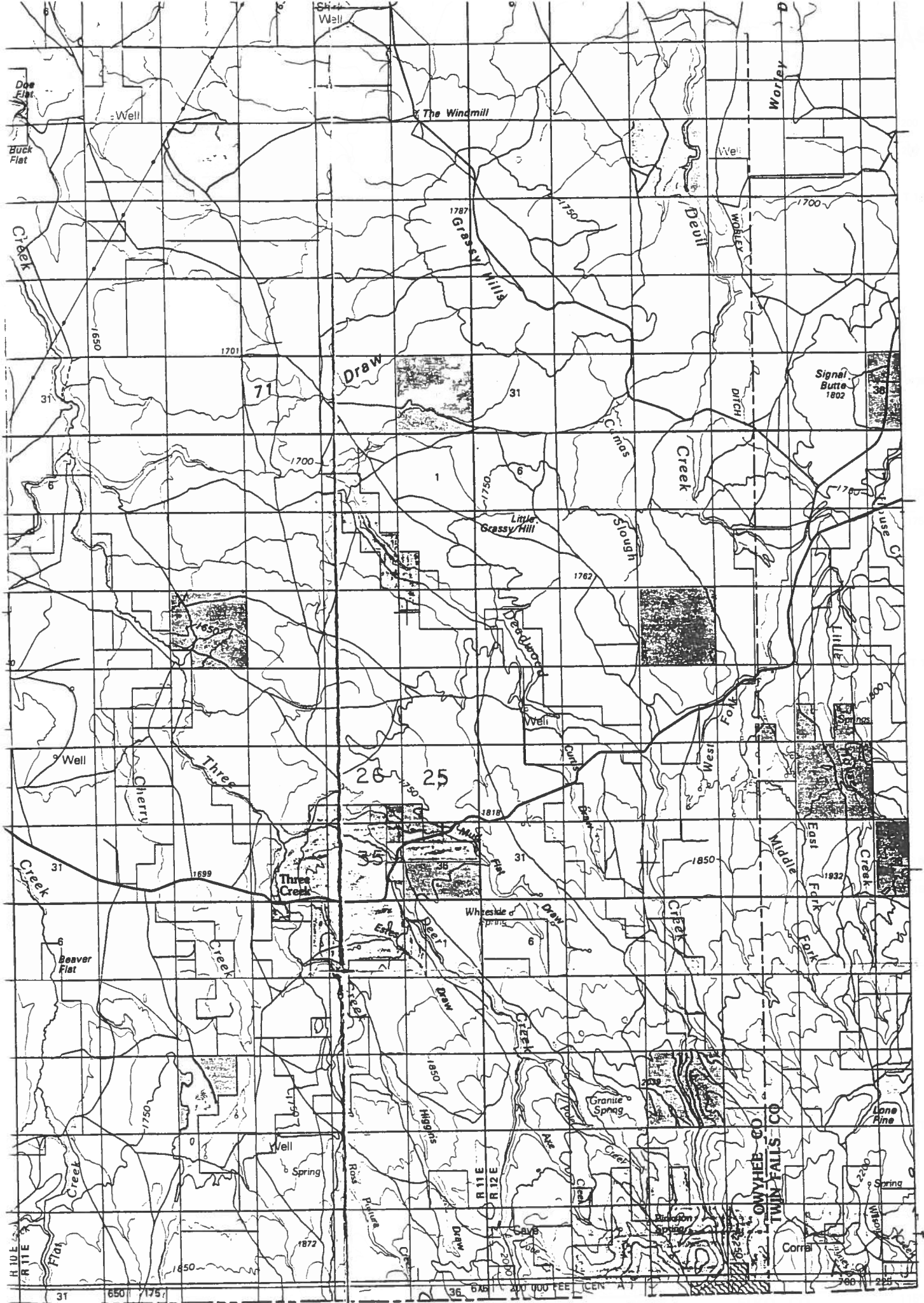
Subscribed and sworn (or affirmed) before me this 28th day
of February 19 89

Vicki R. Lower
Notary Public

Seal

Residing at Meridian, Idaho

My Commission Expires 11-06-91



Memo

To: FILE
From: Sue Bock
Date: 10/07/98
Re: 51-02005 Notice of Error

Vic Conrad has filed a notice of error on this claim. It is Vic's assertion that the priority date should not have been changed to the day after the decree, rather that it should have remained as originally licensed, April 29, 1905.

I explained that Jerome N. Helsley was defaulted from the decree and that was the reason of the advancement in priority date. Vic said that he feels it is the Department's responsibility to show that the claimant was properly notified.

Susan Hamlin, water resource attorney, has looked over this file and agrees with the priority date recommended.



J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

September 18, 1998

RECEIVED
SEP 18 1998
WATER RESOURCES
WESTERN REGION

HAND DELIVERY

Jan Shurte
Water Rights Supervisor
Adjudication Section
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: Type 2 Basin 51 Claims.

Dear Jan:

At the request of and as an accommodation to the following entities, enclosed are the following documents:

Three Creek Ranch Company

1. Notice of Error for IDWR License No. 51-02005 to correct the priority date contained on the IDWR's recommendation.
2. Notice of Error for decreed water right no. 51-00124 to remove the de minimus daily volume limit for watering livestock from IDWR's recommendation.

M. L. Investment Company

1. Notice of Claim to a Water Right for IDWR License No. 51-07279 along with a \$148.00 to cover the claim fee.

Echo Water User's Association, Inc.

1. Notice of Error for IDWR Permit No. 51-07292 to correct the IDWR's recommended Name and Address and Point of Diversion.

Buck Creek Ranch, Inc.

1. Notice of Error for water right no. 51-04040 to correct the IDWR's recommendation that this water right be disallowed. Attached to the Notice are an Affidavit of Vic Conrad and a Letter from Edward Strickland.

J. R. Simplot Self-Declaration of Revocable Trust

1. Notice of Error for IDWR License no. 51-02178 to correct the IDWR's recommended place of use. The ranch identified under this license is also known as the "Jacks Creek Ranch".
 2. Notice of Error for IDWR License no. 51-02138 to correct the IDWR's recommended place of use. The ranch identified under this license is also known as the "Bell Brand Ranch".
-
3. Amended Notice of Claim for IDWR License no. 51-02138 to amend the place of use for this license (Bell Brand Ranch).

Should you have any questions about the enclosed documents please contact me. I look forward to working with you and your staff to resolve any concerns you may have with the enclosed documents.

Sincerely,



Vic Conrad
Land and Development

Enclosures

September 18, 1998

**NOTICE OF ERROR
REPLY**

**RECEIVED
SEP 18 1998
WATER RESOURCES
WESTERN REGION**

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 18, 1998

Water Right Number: **51-02005**

**Three Creek Ranch Company
P. O. Box 27
Boise, ID 830707**

Daytime Telephone Number: **208-336-2110**

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

Priority-Date: **"02-15-1925"**

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

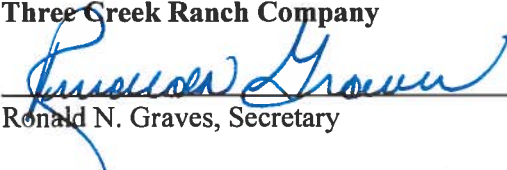
Priority Date: **April 29, 1905**

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

The State Engineer, on behalf of the State of Idaho, acknowledged the diversion and use of water under this water right by issuing license no. 1343 on December 26, 1908 (copy of license attached). Pursuant to the State Engineer's examination this water right was licensed with a priority date of April 29, 1905. The IDWR should correct its recommendation to conform with the State's license.

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

Three Creek Ranch Company

DATE: 9.18.1998 SIGNATURE: By: 
Ronald N. Graves, Secretary

Please print your name: Ronald N. Graves

 Owyhee County *
 Mud Flat Spring *
 1.22 cubic feet per second *
 Irrigation *
 Priority 4-29-1905 *

S T A T E O F I D A H O

Water License No. 1343.

-O-O-O-O-O-

WHEREAS, On the 29th day of April A.D.1905, CHARLES H. HELSLEY, of Three Creek, County of Owyhee, and State of Idaho, duly made application (No. 1750) to me for a permit to use 1.5 cubic feet per second of the waters of Mud Flat Spring, County of Owyhee, State of Idaho, for irrigation and domestic purposes; and.

THEREAS, On the 22nd day of June, A.D.1905, Permit No. 1343 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 22nd day of December A.D.1905, and for the application to beneficial use of said water on or before the 22nd day of December A.D.1905, and,

WHEREAS, On the 7th day of July A.D.1906 CHARLES H. HELSLEY, the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.5 cubic feet per second of said waters, as evidenced by my Certificate No. 1343, dated July 12,1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.5 cubic feet per second of said water, with a date of priority of April 29,1905, and,

WHEREAS, On the 23rd day of November A.D. 1907, CHARLES H. HELSLEY, transferred all his right, title and interest in and to said Permit, to Jerome H. Helsley and.

WHEREAS, On the 22nd day of December A.D.1908 JEROME H. HELSLEY, the holder of said permit duly made proof of the application to beneficial use of 1.22 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JEROME H. HELSLEY, of Three Creek, County of Owyhee, State of Idaho, the holder and owner of said Permit No. 1343, a perpetual right dating from April 29, 1905, to the use of 1.22 cubic feet per second of the waters of Mud Flat Spring, in the County of Owyhee, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the southeast quarter of northwest quarter of section 31, township 15 south, range 12 east of Boise, Meridian, and conducted to and upon 15 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Section 35, 6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, 20 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ and 20 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ section 26, township 15 south, range 11 east of Boise meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral, from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

"WITNESS, My hand and the seal of my office at Boise, Idaho, this 26th day of December, A.D.

Nineteen Hundred and eight.

Jas. Stephenson, Jr.

State Engineer,

51 2005

(SEAL) Recorded December 26, 1908.

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CUYLER.

BEFORE VIEW EXHIBITION DISTRICT.)

Plaintiff.

ORDER FOR ENTRY OF DEFAULT.

THE SURELAND CO-OPERATIVE
FARM COMPANY, INC.

Defendants.

Upon application of J. B. Eldridge and E. G. Davis,
attorneys for plaintiff herein, and upon examination
of the pleadings and files herein, it appears to the court that
the complaint in the above entitled cause was filed September
12, 1920; that summons was issued thereon October 2, 1920,
and that the defendants and each of them were duly served by
personal process or by publication on or before the 8th day of
November, 1921; that all pending demurrers were overruled on
November 31, 1921; that stipulations made and entered into on
March 2, 1920, wherein it was stipulated and agreed "that de-
fault judgments shall not be entered against any party hereto
until the proceedings in this court be concluded" were duly
made and overruled by an order of this court on August 12,
1921, and defendants given 10 days to appear and answer said
complaint; and more than 10 days have elapsed since the making
and filing of this order and the statutory time for appearing
and answering said complaint having elapsed, default may be
entered according to law of the following parties defendant,

to-wit:

George Arendt, Fay A. Black, Jose Bengoschea, Albert M. Buncel,
 Benjamin M. Buncel, Charles L. Buncel, Heirs of E. M. Buncel,
 American Land & Irrigation Co., Ltd., a corporation, & E. W.
 Johnson, Geo. M. Parsons, D. B. Hyde, R. D. Roberts & J. E.
 Lane, officers, Homer Redell, Wm. B. Bieroth, Sam B. Bieroth,
 Edith R. Billings, Wm. Billings, M. M. Cristenson, J. H. Carell,
 Frank Gaudin, W. H. Guberly, John B. Conner, William Corder,
 George E. Drzig, George Clark, John Conway, John Outlaw, Felix
 Curtis, M. Curtis, W. W. Cottle, John Cowan, Wm. Cordell, Bessie
 Cordell, Charles Drake, R. Dodge, W. C. Dodge, Jr., Duck Valley
 Irrigation Co., a corporation, & C. C. Riddle, F. I. Riddle, &
 C. B. Riddle, officers, Lee Estes, Otis Estes, Lewis Estes,
 Peter Estes, Lee Estes, Administrator of estate of Mark Estes,
 Edward E. Sakles, Tom Frost, E. B. Fletcher, Ethel Fletcher,
 Frank E. Gross, John W. Grantham, John L. Gray, Fred Hopkins,
 Wm. H. Hawthorne, A. M. Harris, D. B. Hyde, Jos. W. Harley,
 John Harley, Samuel Harvey, Sarah Jane Hay, E. R. Hicks, Henry
 Hignick, Jerome Haisley, Sam Hart, J. C. Johnson, G. T. Johnson,
 Marion Jewett, Jones Bros., Unknown heirs of John James, John J.
 Johnson, E. Kern, Hiram D. Lawson, Frank Lewis, Joseph Lamont,
 Ludlow, unknown, Elmer Ludlow, Crawford Moore,
 E. L. Morrison, S. W. Marhofer, A. M. Montgomery, Sarah Moor,
 John Moore, David Miller, Monroe, whose true name is
 unknown, J. C. McCormick, J. E. McCormick, A. E. McCormick,
 Mary Rob. Regel, E. Owens, W. J. Owens, Dorothy Parker, William
 Parker, Frank Purjue, Jr., Frank N. Purjue, James Partell, Page
 Pease, DeForest Pease, Walter Parsons, Carl Patrick, James Pence,
 John Pinkston, John H. Pinkston, John Peters, Richard S. Rowe,
 E. G. Robbins, Elmer Reynolds, Ben Ray, Joseph Ratliff, Fred
 Robertson, Fred L. Smith, Shookly Farms Co., a corporation, &
 J. A. Garbutt, Rose Schleizer, Wm. Skillern, Alfred Smith,
 Edward Savage, Earl Strickland, Hugo Strickland, George Thomas,
 Frank Trevall, Sam W. Taylor, G. C. Totorisaguena, Emma M.
 Turner, Wm. T. Turner, Joseph Taylor, Frank Triguerra, Christostomo
 Triguerra, W. and T. Falls Irrigation Co., a corporation, (E. J. Perkins,
 A. J. Perkins & T. C. Perkins, officers), Slim Walts, whose true name is
 unknown, Father Walts, whose true name is unknown, Gill Ward, Dewitt
 Welch, J. E. Wilkins, Daniel Wallace, West & Winter, a co-partner-
 ship, G. C. Winter, John White, Philip Yribar, Bettie & Company,
 a co-partnership of H. S. Bettie & Jose Ubernaga, Loyal W. Massey,
 Spring Irrigation District, Wicks Honey Land & Water Co., &
 R. Marfield, D. Miller & Robt. C. Crowder, officers, and
 E. H. Hall.

And the clerk of said court is hereby directed to enter
 default accordingly.

Dated at Boise, Idaho, this 28 day of Aug

1922.

Raymond L. Givens.
 District Judge.

IN THE
DISTRICT COURT
OF THE THIRD JUDICIAL DISTRICT,
OF
THE STATE OF IDAHO:
in and for the COUNTY OF OWYHEE.

Grand View Irrigation Dist.

PLAINTIFF

VS.

Bruneau Mackaroo Co-Operative
Ditch Co., et al.

DEFENDANT.

DEFAULT.

Filed August 30th. 19 22

at _____ o'clock _____ M.

Robert M. Mitchell
CLERK

by _____ DEPUTY CLERK.

Attorney for _____

21 Judgmento page 1

To: Mel Schulte
From: J. Andrew Helmlinger
Re: Priority date after amended default judgment
Claims A51-02070 and A51-02075
Date: August 15, 1996

RECEIVED

AUG 27 1996

**WATER RESOURCES
WESTERN REGION**

MEMORANDUM

I. Issue

- 1. Whether, when a licensed claim defaulted in an adjudication, and the court subsequently modified the particular claims in the adjudication decree, the claim's priority changes to that of a beneficial use beginning one day after the date of the modified adjudication decree?**

II. Short answer

- 1. No. Because the amended decree was not a revision of the entire decree, the original adjudication decree was the effective decree for severing claims of defaulted defendants.**

III. Facts

The claims listed above, now both owned by the Alzola brothers, originally belonged to Homer Bedell and Frank Triguriro.

On September 20, 1920, the District Court of the Third District of Idaho accepted a complaint to adjudicate the water rights stemming from the Bruneau River. The adjudication included the rights of Bedell and Triguriro . On August 28, 1922 the court issued an Order for Entry of Default naming all the parties who had failed to appear in the adjudication, which included Bedell and Triguriro. The court issued its decree on February 16, 1925. The decree found no rights in Bedell and Triguriro. On

December 8, 1925, the court amended the rights of particular claimants through an Amended Decree. The amended decree granted no rights in Bedell and Triguriro.

IV. Discussion

1. Whether, when a licensed claim defaulted in an adjudication, and the court subsequently modified particular rights in the adjudication decree, the claim's priority changes to that of a beneficial use beginning one day after the date of the modified adjudication decree?

No. Because the amended decree was not a revision of the entire decree, the original adjudication decree was the effective decree for severing claims of defaulted defendants.

a. The effect of the February 16, 1925 Decree.

The *Claims Investigation Manual* states generally that if a right was subject to a prior decree but that court did determine the right, then the claim becomes one of beneficial use with a priority from the day following the prior adjudication decree. CIM, *Priority*, 23. A decree or judgment is the final determination of the rights of the parties in an action or proceeding. State v. McNichols, 62 Idaho 616, 622, 115 P.2d 104 (1941); I.R.C.P. 54(a). An entry of default is not a final judgment or order, unlike the default judgment. McFarland v. Curtis, 123 Idaho 931, 935, 854 P.2d 274 (1993). Therefore, the August 28, 1922 order was not final judgment on the default. The final default judgment in the case was the original decree, which states in relevant portion: "[U]pon the complaint of the plaintiff, ..., the default of non-appearing defendants

having heretofore been entered, ... IT IS HEREBY ORDERED, ADJUDGED AND DECREED, ..." The decree then continues, stating the water rights as judged for the Bruneau River.

Whether an instrument is a judgment turns upon its content and substance, not its title. Valley Bank v. Dalton, 110 Idaho 87, 90, 714 P.2d 56 (1985). The substance of the February 16, 1925 decree precluded defaulting defendants from appearing and having the court adjudicate their water rights claims. Typically, a judgment is effective when it is entered. I.C.R. 58. The effect of a judgment is to ascertain the rights of all named parties. Beecher v. Cassia Creek Irr. Co., 66 Idaho 1, 10, 154 P.2d 507 (1943); See also Crow v. Carlson, 107 Idaho 461, 465, 690 P.2d 916 (1984). The decree fixed the rights of the named parties February 16, 1925.

The Doctrine of Res Judicata precludes a claimant from asserting a claim for a water right against competing claimants when a court previously reviewed that claim against the competing claims. Lambrix v. Frazier, 31 Idaho 382, 386, 171 P. 1134 (1918); State v. Gusman, 125 Idaho 805, 807, 874 P.2d 1112 (1994). "The former adjudication concludes parties and privities not only as to every matter offered and received to sustain or defect the claim but also as to every matter which might and should have been litigated in the first suit." State v. Gusman, 125 Idaho at 807. The rule precludes a claimant even if they were not original parties to the action but stand in privity of the claim. Sun Valley Land and Minerals, Inc. v. Burt, 123 Idaho 862, 869, 853 P.2d 607 (1993); Schuler v. Ford, 10 Idaho 739, 80 P. 219 (1905). Privity exists where one party derives its interest from another who was a party to the former action.

Weldon v. Bonner Tax Coalition, 124 Idaho 31, 35, 855 P.2d 868 (1993). In the present case, the Alzola brothers stand in privity of the claims of Bedell and Triguriro and are therefore precluded from asserting priority against other claims named in the Bruneau River adjudication.

b. The effect of the December 8, 1925 Amended Decree.

A court has jurisdiction to amend its judgment so that the judgment accurately reflects the court's action. Ward v. Lupinacci, 111 Idaho 40, 41, 720 P.2d 223 (1986). Here, however, the amendment did not affect the rights of the defaulted defendants. Only the original decree precludes the defaulted defendants from asserting rights prior to the decree date. Accordingly, where an original claimant defaulted in the Bruneau River adjudication, present claims based upon those rights will assume the status of a beneficial use claim with a priority one day after the date of the original decree.

V. Conclusion

Based upon the above discussion, the Alzola brothers' claims originating with Homer Bedell or Frank Triguriro defaulted in the Bruneau River adjudication and became beneficial use claims with a priority one day after the date of the decree that foreclosed all claims. The date for the Bruneau River decree is February 16, 1925, and the date for Bedell and Triguriro's claims should be February 17, 1925.

Remarks:

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 240.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.:51-00124, 51-00125,
51-00126, 51-00127.

EXP STOCKWATER, 1500 RANGE CATTLE

Dates: Exam Made Date:

Verified Date:

06/23/1998

Objection Filed Date:

Misc:

Water District Number:

Field Inspection Flag:

Presumption Flag: C

Comments:

Date: 06/23/1998 User-ID: SBOCK Subject: PERMISSIBLE PLACE OF USE
I SPOKE WITH VIC CONRAD ON 6/22/1998, ABOUT CREATING A PPU FOR
THE RIGHTS OFF OF DEER CREEK. HE AGREED THIS WOULD BE THE BEST
COURSE OF ACTION TO TAKE. I ALSO TALKED TO FRANK BACHMAN ON
6/17/1998, AND HE SAID THE WATER IS USED IN A PPU FASION RIGHT
NOW. CURRENT IDWR POLICY IS TO ALLOW THE AMOUNT OF WATER
DECREED ORLICENSED IF CLAIMED IN AN AREA WHICH WILD FLOODING
IS THE COMMON AND ACCEPTED PRACTICE, UNLESS LIMITED BY DITCH
CAPACITY. CURRENT IDWR SEASON OF USE FOR THIS AREA IS 4-1
THROUGH 10-31.

Audit:

06/23/98 SBOCK

ADJUDICATION MEMORANDUM

CLAIM NO.: 51-02005

SUBJECT: Priority Date

EMPLOYEE: S.B.

DATE: 9/17/98

Telephone conversation w/ Vic Conrad
today. I wanted to know why priority
date was advanced. Explained to him
that the license was not included in
the decree, and in fact the name
Jerome Helms was in the default list.
Vic said that he thinks it is
our responsibility to show claimant
was notified, rather than for claimant
to prove they were not notified.
Therefore, Simpat plans to file
objections to change in priority
date.

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A51-02005

4-10-31

OWNER CODE: C
NAME & ADDRESS: THREE CREEK RANCH COMPANY
PRIORITY DATE: 04/29/1995
WATER USE: IRRIGATION STOCKWATER
USE PERIOD FROM TO: 04-01 11-01
DIVERSION RATE: 1.22 CFS
DIVERSION VOLUME: 0.35 CFS

Unnamed stream, AKA Mud Flat Draw
TOTAL DIVERSION: 1.22 CFS
CONSUMPTIVE USE: 122.00 AFA

Water Source: MUD-FLAT-SPRING
Tributary to: MUD FLAT DRAW
Stage: LICENSE
OWYHEE County

Point(s) of Diversion: T15S R12E S31

Place of use Legal Description for: IRRIGATION

NE									
Place of use Legal Description for: IRRIGATION									
T	R	S	NENE	NWNE	SUNE	SENE	NENE	NWNE	SUNE
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
15S	11E	25	:	:	:	:	:	:	:
15S	11E	26	:	:	:	:	:	:	:
15S	11E	35	:	:	:	:	:	:	:
SUM									
6.0									
40.0									
15.0									
61.0									

Place of use Legal Description for: STOCKWATER

NE									
Place of use Legal Description for: STOCKWATER									
T	R	S	NENE	NWNE	SUNE	SENE	NENE	NWNE	SUNE
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
15S	11E	25	:	:	:	:	:	:	:
15S	11E	26	:	:	:	:	:	:	:
15S	11E	35	:	:	:	:	:	:	:
SUM									
6.0									
40.0									
15.0									
61.0									

POU County: OWYHEE

Non-Irrigation Uses: S/150D HEAD CATTLE

Other Rights: NONE

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag: C

W48
QNT 227
POOL KOL, E14

See attached
for P.O.

D9:44:45
12/19/96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A51-02005

LAST: THREE CREEK RANCH COMPANY ADDRESS: PO BOX 27 CITY: BOISE PHONE NUMBER: 208-000-0000	STATE: ID	FIRST: JEROME N	ZIP: 83707
OWNER CODE: C			
LAST: HELSLEY ADDRESS: ROGERSON CITY: BOISE PHONE NUMBER: 208-000-0000	STATE: ID	FIRST: CHARLES H	ZIP: 83302
OWNER CODE: O			
LAST: HELSLEY ADDRESS: X CITY: BOISE PHONE NUMBER: 208-000-0000	STATE: ID	FIRST: GRAY	ZIP: 83707
OWNER CODE: K			
LAST: YOUNG OR TERRY UHLING ADDRESS: ENV AND REGULATORY AFFAIRS J R SIMPLOT COMPANY PO BOX 27 CITY: BOISE PHONE NUMBER: 208-389-7318	STATE: ID		ZIP: 837070027
OWNER CODE: A			

FIELD
EXAMINER

DATABASE
N

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

CONTACT PERSON: FRANK BOCHMAN

PHONE NUMBER: (208) 336-2110

DATE OF FIELD EXAM: 1/17/99 APPOINTMENT MADE: Y(☒) N(☐)

TIME: : A(☐) P(☐)

ACCOMPANIED BY: Charley Liesen

PHONE NUMBER: (208) 857-2247

RELATIONSHIP TO CLAIMANT: Ranch Manager

DIRECTIONS TO PROPERTY / NOTES:

From Twin Falls, take Rt 93 south to Rogerson. In Rogerson turn west on Three Creek highway. Three Creek identified by wooden sign. Driveway is on north side of highway; Liesen home is at the end of the driveway (white house).

A. AJ CLAIM: # A51-02005 PRIORITY DATE: 04-29-1905 STAGE: L
 B. WR RECORD: # 51-D2D05 PRIORITY DATE: 04-29-1905 STAGE: L
 C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(X) N()
 D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(X) N()
 E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? Y() N(X) *Change in source*
 F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(X) Y() N()

FIELD EXAM COMPLETED

N/A(X) Y() N()

FIELD EXAM SENT TO STATE OFFICE

N/A(X) Y() N()

LICENSE ISSUED

N/A(X) Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?

N/A(X) Y() N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y(X) N()

NOTES: 12/19/1996: The priority date must be advanced to the day after the effective date of the Bureau River Decree. The source for this right has changed, as have the irrigated acres (location). The right is described fairly accurately as 51-04101 as far as the current source and point of diversion. 51-04101 was not claimed in the SRBA but can be used to provide evidence of the date of change in the elements of the water right.

===== RECOMMENDED PRIORITY DATE: =====

04-29-1905

REVIEWED BY Sue BahrDATE 10/21/1998

NOTES: 12/19/1996: The point of diversion is located at the point where the ditch from Deer Creek (No. 4) intercepts the TUD ~~Flats~~ Flat Draw drainage. A culvert funnels TUD Flat water down gradient, or the culvert can be blocked so that TUD Flat water goes down the ditch (change to coningle w/ Deer Creek water). No other diversion was found. 7/10

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()										DIVERSION NBR
TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	
15S	12E	31		SE	NW			OWYHEE		
15S	11E	26		SW	SE			OWYHEE		
SOURCE: MUD FLAT SPRING										
TRIB: MUD FLAT DRAW										
										870

REVIEWED BY: Unnamed stream

SYSTEM DESCRIPTION: DESCRIBED BELOW (X), SEE LICENSE FILE (___), OR SEE ATTACHMENT (___)

Natural drainage is channeled through a culvert, or can be diverted down the ditch as it loops around the "Flood Flat Fields." This intercept is located at the bottom of the draw, just below the area where the water from the "airport" springs empties into Flood Flat Draw. All irrigation is flood irrigation from earth ditches. See other Three Creek Ranch (3R Simplot) files for discussion of ~~historic~~ current irrigation practices. DN

A. ROOT WATER RIGHT NUMBERS: A51-02005											
B. POU LISTING											
TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
15S	11E	25	SW	SW		THREE CREEK RANCH COMPANY SEVEN TRIANGLE RANCH	A51-02005 / 6.0 51-04101 / 5.0	51-02005 / 6.0 51-04101 / 5.0	3.0	Ø	
15S	11E	25	SW	SW		THREE CREEK RANCH COMPANY SEVEN TRIANGLE RANCH	A51-02005 / 6.0 51-04101 / 5.0	51-02005 / 6.0 51-04101 / 5.0	3.0		
15S	11E	26	SW	SE		THREE CREEK RANCH COMPANY THREE CREEK RANCH COMPANY SEVEN TRIANGLE RANCH	A51-02005 / 20.0 R51-00124 / 26.0 51-04101 / 21.0	51-02005 / 20.0 - / - 51-04101 / 21.0	13.0		
15S	11E	26	SW	SE		THREE CREEK RANCH COMPANY THREE CREEK RANCH COMPANY SEVEN TRIANGLE RANCH	A51-02005 / 20.0 R51-00124 / 26.0 51-04101 / 21.0	51-02005 / 20.0 - / - 51-04101 / 21.0	13.0		
15S	11E	26	SE	SE		THREE CREEK RANCH COMPANY THREE CREEK RANCH COMPANY SEVEN TRIANGLE RANCH	A51-02005 / 20.0 R51-00124 / 18.0	51-02005 / 20.0 - / - 51-04101 / 18.0	10.0		
15S	11E	26	SE	SE		THREE CREEK RANCH COMPANY THREE CREEK RANCH COMPANY SEVEN TRIANGLE RANCH	A51-02005 / 20.0 R51-00124 / 18.0	51-02005 / 20.0 - / - 51-04101 / 18.0	10.0		
15S	11E	35	NE	NE		THREE CREEK RANCH COMPANY SEVEN TRIANGLE RANCH	A51-02005 / 15.0 51-04101 / 12.0	- / - 51-04101 / 12.0	6.0		
15S	11E	35	NE	NE		THREE CREEK RANCH COMPANY SEVEN TRIANGLE RANCH	A51-02005 / 12.0 51-04101 / 6.0	- / - 51-04101 / 6.0	6.0		
ADDITIONAL POU FOUND											
15S	11E	35	SE	SE		THREE CREEK RANCH COMPANY SEVEN TRIANGLE RANCH	A51-02005 / 12.0 51-04101 / 6.0	- / - 51-04101 / 6.0	6.0		
15S	11E	35	SE	SE		THREE CREEK RANCH COMPANY SEVEN TRIANGLE RANCH	A51-02005 / 12.0 51-04101 / 6.0	- / - 51-04101 / 6.0	6.0		
15S	11E	35	SE	SE		THREE CREEK RANCH COMPANY SEVEN TRIANGLE RANCH	A51-02005 / 12.0 51-04101 / 6.0	- / - 51-04101 / 6.0	6.0		
TOTAL ACRES A51-02005 61.00 92.00 64.00											

POU COUNTY: OWYHEE

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED? Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A51-02005	MUD FLAT SPRING	THREE CREEK RANCH COMPANY	1.220	0.020		
R51-00124	DEER CREEK	THREE CREEK RANCH COMPANY	1.950	0.024		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A51-02005	STOCKWATER	THREE CREEK RANCH COMPANY	FROM 01-01 TO 12-31	0.350 CFS	
R51-00124	STOCKWATER	THREE CREEK RANCH COMPANY	FROM 01-01 TO 12-31	0.330 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE? Y(☒) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N(☒)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS? N/A() Y() N(☒)

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM? Y(☒) N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT? Y() N()

CHECK DOCUMENTS USED TO VERIFY POU: (X) ORTHOPHOTOQUAD, IDWR NO. DD67; () TOPOGRAPHIC QUAD, IDWR NO. _____;

(X) NAPP, IDWR NO. DD67NE; (X) OTHER Mr. Liesen's map

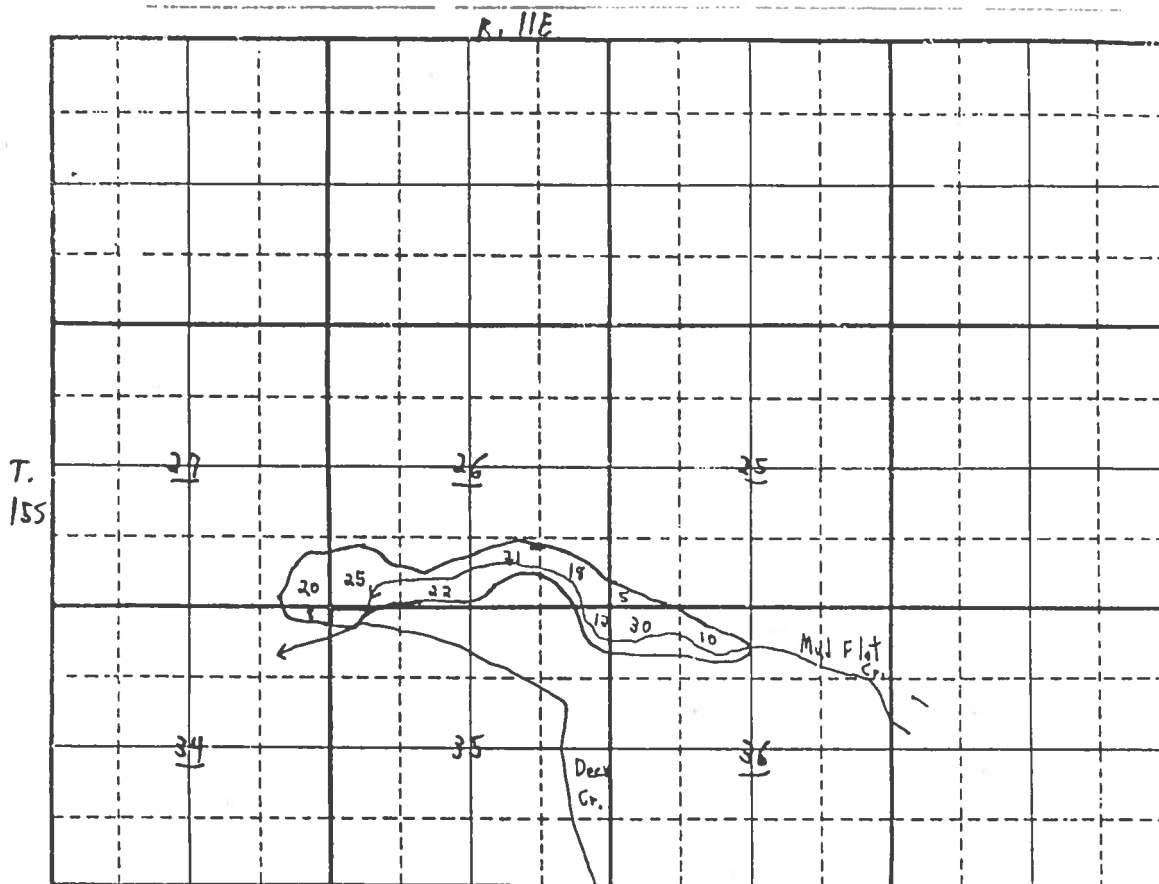
NOTES: 12/19/1996: Place of use is acres on north side of Mud Flat Draw from the culvert intercept to the west along the drainage, terminating in the fields by the little yellow house. Given the slope of the ditch, the water does not flow upstream in the ditch, however water is diverted from the Draw to lands on both the north and south sides. However most of the irrigation is on the north side of the Mud Flat drainage. See Mr. Liesen's map & ASCS map for pictorial representation of irrigation system & which acres receive water from which ditch. NN

RECOMMENDATIONS:

TOTAL ACRES: _____ N/A()

REVIEWED BY: _____ DATE: _____

18. Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of UTAH)
County of CACHE) 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 affiant's knowledge.

Sworn to before me this 16th day of October, 1985.

Allen Z. Robinson
OWNER (Claimant)

R. P. Thompson
Notary Public
Residing at Logan, Utah

My commission expires My Commission Expires October 13, 1988

FOR DEPARTMENT USE ONLY
Received by [Signature] Date 11/16/85
Prelim. check by [Signature] Date 11/24/85
\$200.00 fee received by [Signature] Date 10/21/85
Published in [Signature] Dates 11/21 & 12/4/85

Forwarded to Date 12/12/85
claimant by: JP

Wayne Bachman, Pres.
Bruneau Buckaroo Co-op Ditch

December 9, 1985

Director, Dept. of Water Resources
Western Region
Statehouse
Boise, Idaho 83702

RE: Water Rights Claim #51-4101 Seven Triangle Ranch - Hagerston, Idaho

Dear Mr. Dunn:

On behalf of the Bruneau Buckaroo Co-Op Litch Company please consider this a formal protest to the above water rights claim filed by Seven Triangle Ranch.

As a downstream water user, of the Bruneau River, which is fed by the tributaries the claim is filed on, we feel our water rights would be jeopardized by allowing this claim.

Sincerely yours,

Board of Directors
Bruneau Buckaroo Co-Op Ditch
H c 85 Box 105
Bruneau, Idaho 83604

Wayne Bachman, President

Wayne P. Bachman

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A51-02005 IRRIGATION	FROM 04-01 TO 11-01	1.220 CFS	
A51-02005 STOCKWATER	FROM 01-01 TO 12-31	0.350 CFS	
TOTAL DIVERSION RATE/VOLUME		1.220 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
51-02005 IRRIGATION	FROM TO	1.220 CFS	
51-02005 DOMESTIC	FROM TO		
TOTAL DIVERSION RATE/VOLUME		1.220 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☐) N(☒)F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☐) N(☒)G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☒) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☐) N(☒)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☒) N(☐)J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☐)

STOCK NOT
115780
SEPARATELY

NOTES: 12/20/1996: See other Three Creek Ranch claims for discussion of irrigation practices. High rate of flow early in the season may be more a matter of convenience than of necessity. m m

AJ CLAIM TOTAL DIVERSION RATE: 1.220 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 1.220 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N(☒)

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y(☒) N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y(☒) N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD Panning's Equation Resurveys, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 39 x 0.02 CFS/ACRE = 0.78 CFS
(Taken from pou review) 1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 122.0 AF/A

ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

See other files for current projects. Talked to Joe Conrad w/ Dr. 198. He agreed to take the 300. properties into A.P.O. We are currently giving all water demand or diverted water. Capacity does not allow the full amount.

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A		REC. CONS. USE
	FROM	TO		DATABASE	EXAMINER	DATABASE
IRRIGATION	04-01	11-01	1.220			122.0
STOCKWATER	01-01	12-31	0.350			122.0
<i>IRR</i>	<i>41</i>	<i>1031</i>				
TOTAL FOR THIS RIGHT						

NON-IRRIGATION USES CLAIMED: S/1500 HEAD CATTLE

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: _____ DATE: _____

FLAG: *C* _____
STANDARD CONDITIONS (CODE): *1248*

STANDARD REMARKS (CODE):
QNT E25
POOL K001 K002 C14

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ()
NEEDS REVIEW ()
()
()
()

B. SPLIT WATER RIGHT REVIEW *N/A*

ROOT WATER RIGHT NUMBER: 51-02005

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 1.220

EXAMINER _____

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A51-02005	1.220	-		51-02005	1.220

TOTAL CFS 1.220

1.220

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE Y

FIELD EXAMINER Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO 1979 IDWR ID NO. D667	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED IDWR ID NO.	Y() N()
☒ NAPP	DATE OF PHOTO 08/04/1987 IDWR ID NO. D667-NLE	Y() N()
☒ ASCS AERIAL PHOTO	DATE OF PHOTO	Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO	Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO	Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY	Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED	Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP	Y() N()
☒ OTHER <u>DR. Lien's map</u>	DATE	Y() N()
☒ OTHER <u>GIS map</u>	DATE	Y() N()
☒ OTHER <u>GIS map</u>	DATE	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM		
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED		
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED		
☒ SYSTEM DESCRIPTION	DATE DRAWN		
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN		
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED		
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED		
☒ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED		
☐ OTHER	DATE		
☐ OTHER	DATE		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:44:45
12/19/96

PAGE: 16
QUICKLOOK INFORMATION

16
CLAIM NUMBER: A51-02005

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE					<i>data</i>	<i>SB 5/22/98</i>		
POINT OF DIV					<i>offensive</i>			
SOURCE					<i>exam</i>			
PLACE OF USE								
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	Y							
PURPOSES OF USE	-				<i>4</i>			
PERIOD OF USE	Y				<i>2</i>			
BASIS OF CLAIM	Y				<i>2</i>			
REMARKS					<i>2</i>			

BARCODE UPDATED
WHOM/DATE

Idaho Dept of Water Resources

T15S, R11E, S 27,26,34
Claim(s): 51-02005
Claimant(s): Three Cr Ranch Co
Prepared by: Sue Bock
Date: 06/22/1998



Place of Use



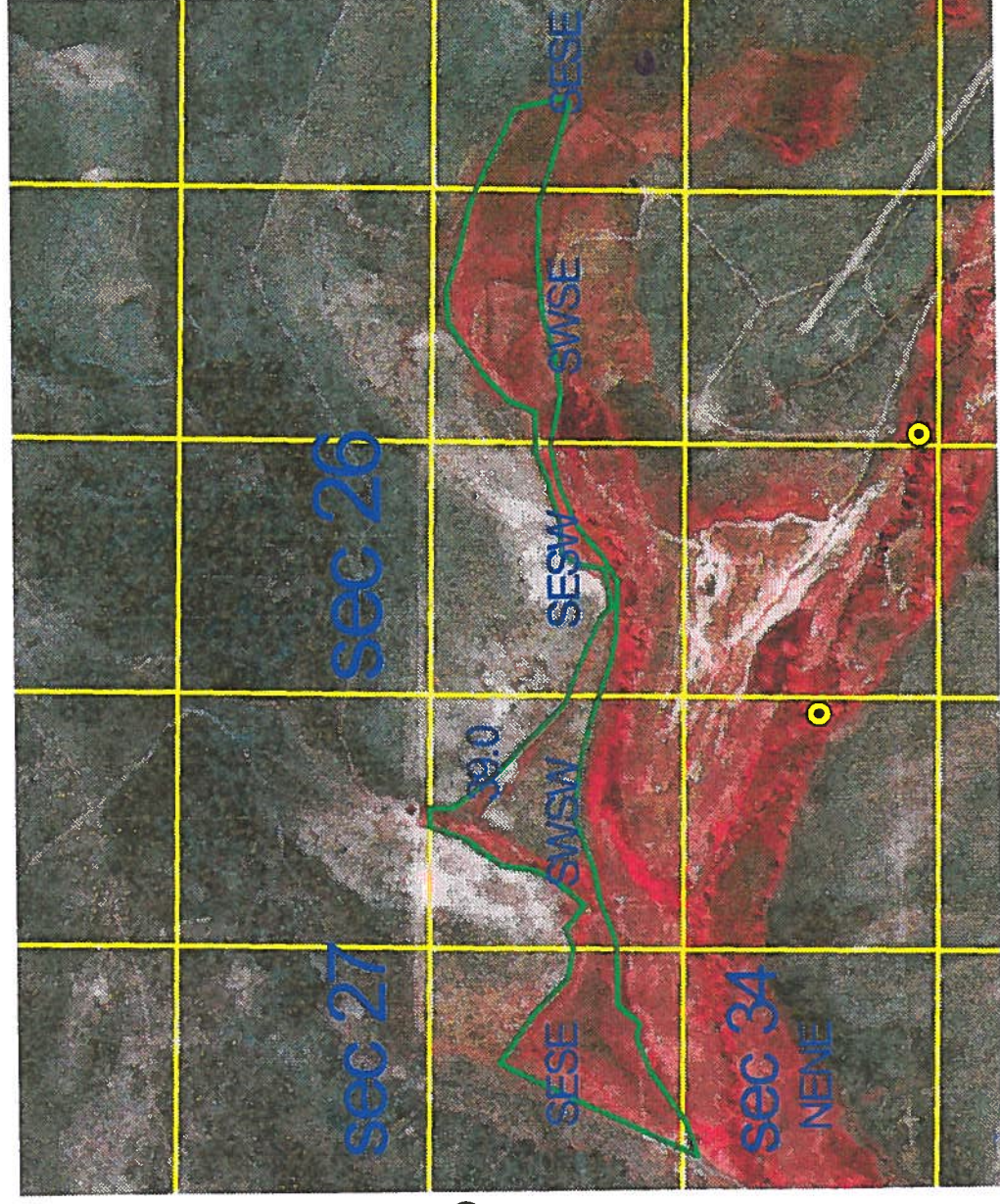
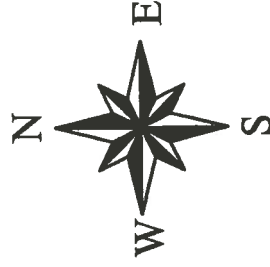
Point of Diversion



1/4 1/4 lines



Section Lines



1987 NAPP Photo



Owyhee County
Mud Flat Spring
1.22 cubic feet per second
Irrigation
Priority 4-29-1905

STATE OF IDAHO

Water License No. 1343.

-0-0-0-0 Op

WHEREAS, On the 29th day of April A.D. 1905, CHARLES H. HELSLEY, of Three Forks, County of Owyhee, and State of Idaho, duly made application No. 1750 to me for a permit to use 1.5 cubic feet per second of the waters of Mud Flat Spring, County of Owyhee, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 22nd day of June, A.D. 1905, Permit No. 1343 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 22nd day of December A.D. 1906, and for the application to beneficial use of said water on or before the 22nd day of December A.D. 1906, and,

WHEREAS, On the 7th day of July A.D. 1906 CHARLES H. HELSLEY, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 1.5 cubic feet per second of said waters, as evidenced by Certificate No. 1343, dated July 12, 1906, certifying the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.5 cubic feet per second of said water, with date of priority of April 29, 1905, and,

WHEREAS, On the 23rd day of November A.D. 1907, CHARLES H. HELSLEY transferred all his right, title and interest in and to said Permit, to Jerome H. HELSLEY and,

WHEREAS, On the 22nd day of December A.D. 1908 JEROME H. HELSLEY, the holder of said permit, duly made proof of the application to beneficial use of 1.22 cubic feet per second of said water;

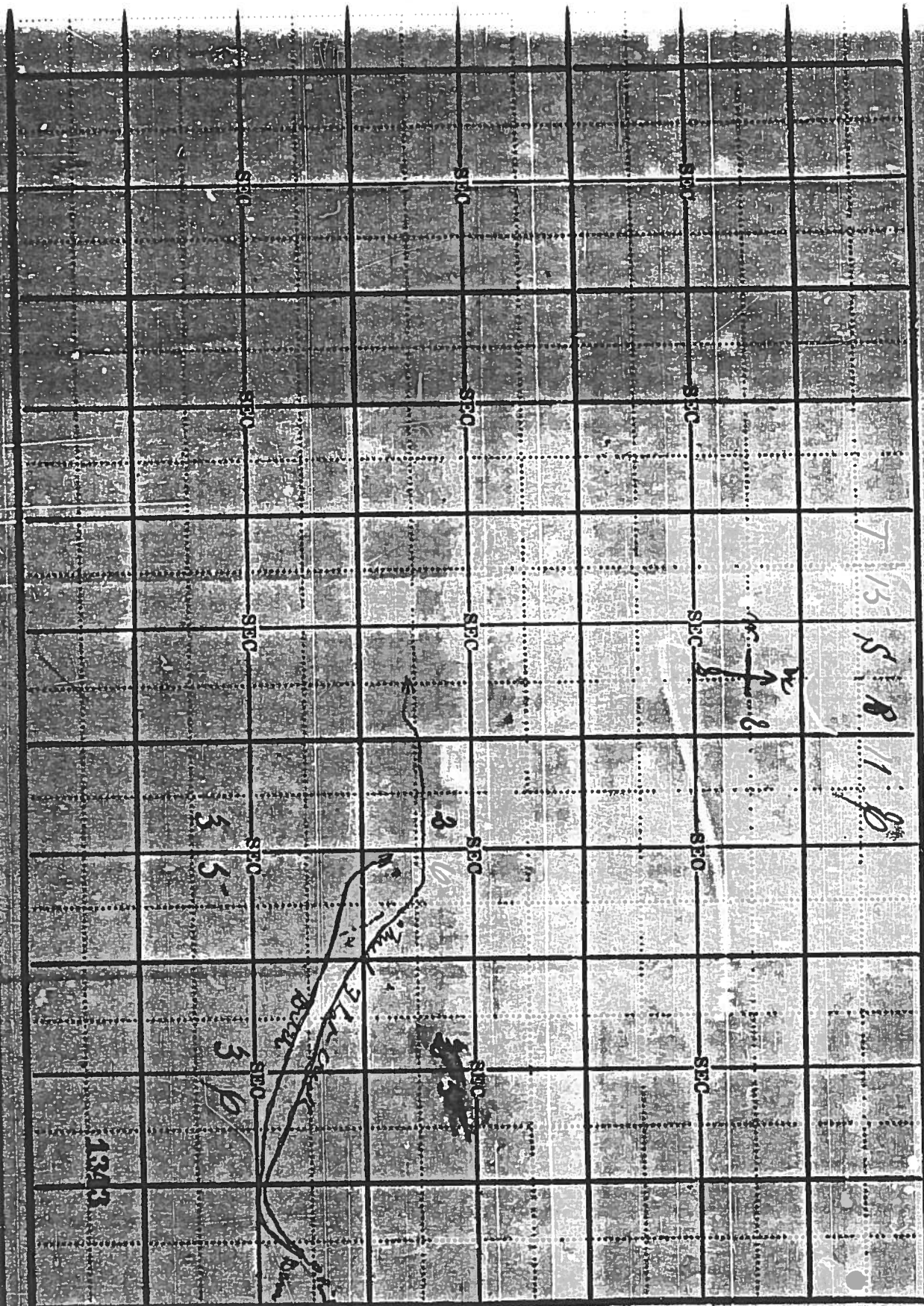
NOW, THEREFORE, by virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JEROME H. HELSLEY, of Three Forks, County of Owyhee, State of Idaho, the holder and owner of said Permit No. 1343, a perpetual right dating from April 29, 1905, to the use of 1.22 cubic feet per second of the waters of Mud Flat Spring, in the County of Owyhee, and State of Idaho, or so much thereof as may be necessary for the purposes herein below mentioned, to be diverted at a point in the southeast quarter northwest quarter of Section 31, Township 15 North, Range 12 East of Boise, Meridian, and contained or and upon 5 acres in NE 1/4 Section 35, 6 acres in SW 1/4 Section 25, 20 acres in SE 1/4 and 20 acres in SW 1/4 Section 26, Township 16 North, Range 11 East of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject also, to the local or community rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral, from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 26th day of December, A.D. Nineteen Hundred and eight.

(REAL) Recorded December 26, 1908.

James Stapleton, Jr.
State Engineer.

1-2005



Report of Engineer

1. State name of applicant and number of permit: No 1343 Charles H. Hilly
2. State source of water supply: Spring at Head of Grand Flat Creek
3. Location of point of diversion: Corn and Potato the S.W. 1/4 Sec 31 T15 S.R. 12 to B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: Eighteen (18) inches
 - (b) Width at water line: Twenty Two (22) inches
 - (c) Depth of water: one foot
 - (d) Grade per mile: 13 feet
6. State whether or not water has been turned into works of diversion and if so, to what extent: water has been used through this ditch to its full capacity
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: N. Sec 26 1/2 acres S. Sec 35 1/2 acres S.W. 1/4 S.W. 1/4 Sec 35 1/2 acres S.E. 1/4 S.E. 1/4 Sec 36 20 acres S.W. 1/4 S.E. 1/4 Sec 36 20 acres Total 61 acres all located in T15 S.R. 11 to B.M. the corner the S.W. 1/4 of Sec 36 T15 S.R. 11 to B.M.
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

STATE OF IDAHO

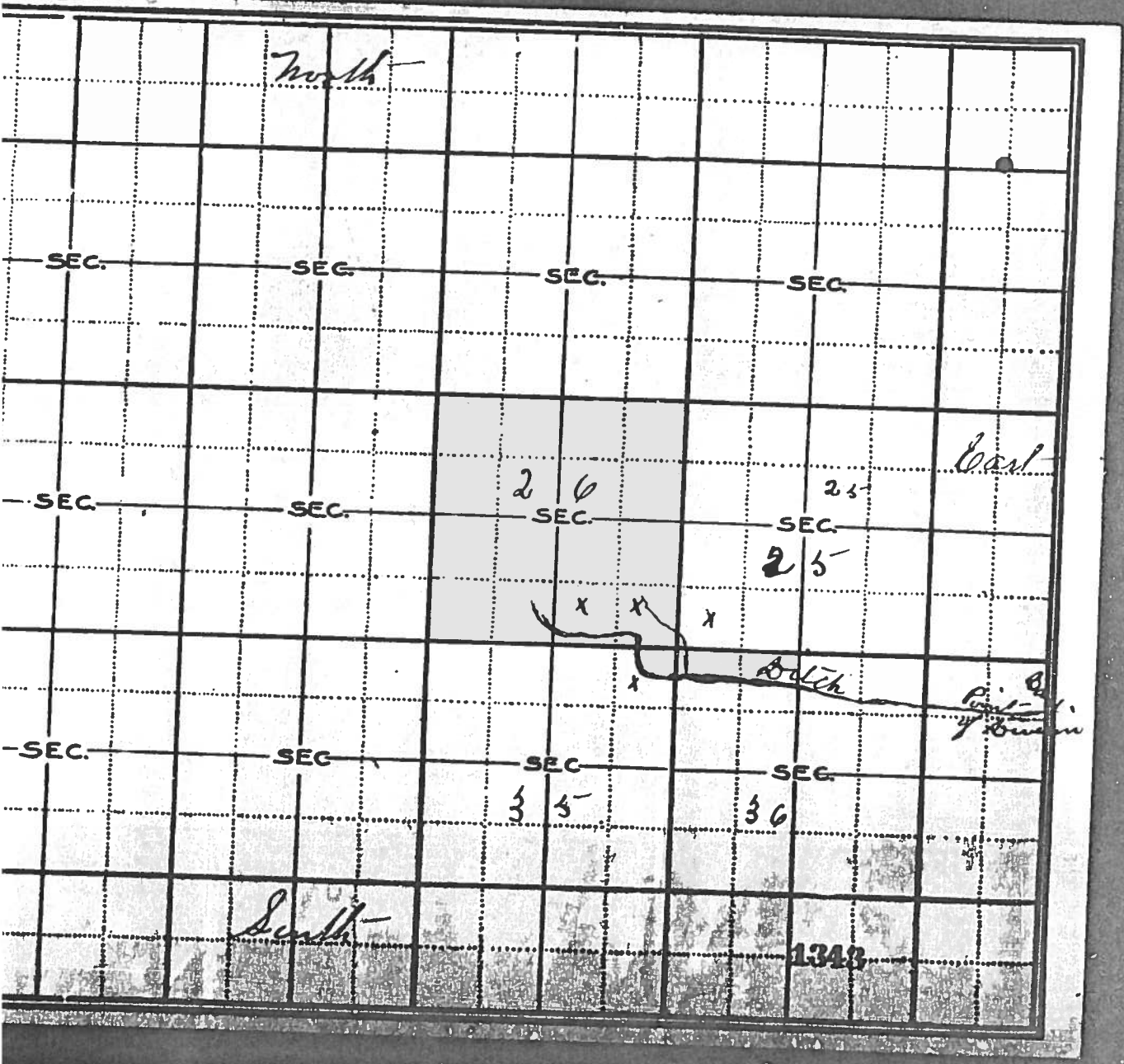
County of Cyprus

1343

J. Q. Mc Coy, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 10th day of Dec 1908

Thomas Higgins
Justice Peace



True Creek. ~~Delaware~~

June 18. 86

Prof. Stephenson

Dear Sir

I have examined the
trails of White Muley
for Division of Water powers
by land - the 1345 for land 740 -
Great Oyster Creek - 2000 ft.
and land of Division 8.2.384
the 317 15.5 R 12.8 R m

Division of water
Dam length 10 feet - Bottom
11 feet high - 4 feet
National 8000 - 9 1/2 miles
at gate - 3 high 2 1/2 miles
at gate 2 1/2 feet - water - 10 ft
high - 9000 ft high about 12 ft
length about 1 3/4 miles
Division of the following 1343
about land

Course of Dick's Legat subdivision
of land

3 1/2 7 1/2 4 5 3 17 15 5 12 6
5 1/2 7 6 1/4 5 3 6 17 15 5 11 6
5 6 4 7 4 7 4 7 4 7 4 3 6 -
2 6 4 7 6 4 5 3 5 17 15 5 11 6

This water is to be used for
irrigation upon the following
divided land

5 1/2 5 8 4 5 2 6
5 4 4 8 4 4 2 5 5 17 15 5 11 6
7 4 4 7 4 4 3 5 5

The Dick's has about 1200 ft in the
water in water the land (about 1000 ft)
and about 1000 ft in the water
will carry all water in water

P. A. M. & Son

Received June 20, 1906

1343

DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet For

SRBA Claim Verification Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☐ Claim Verification Report(CVR)
☐ Copy of Adjudication Claim
☒ Copies of pertinent files(prev. rts., exams, etc.)
☒ Well Inspection Form (If Needed)
☒ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography
☒ Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of the Govt. plat is needed to add the lot onto the R claim file later.
☐ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)
☒ Check AJ & WR P/D indexes(to ck. accuracy of CVR overlap ckd. above)
 Overlap ☐ yes ☒ no If yes: ☐ copy of claims & water rights incl?
 Type of Overlap? ☐ Add acres or uses to existing system
 ☐ Increase rate of flow or volume
 ☐ Other: _____
☐ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)
☒ Check AJ & WR P/U indexes(to ck. accuracy of CVR overlap ckd. above)
 Overlap ☒ yes ☐ no If yes: ☐ copy of claims & water rights incl?
 Type of Overlap? ☐ Increase rate of flow or volume
 ☐ Add P/D's
 ☐ Increase number of acres within tracts
 ☐ Different source for same acres
 ☒ Other: 51-04101 stat claim
☐ Appointment Letter Sent? _____(initial & date)
☒ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully Completed and Signed CVR Form
☐ Photographs of Point(s) of Diversion and Place of Use
☐ Completed map outlining Point(s) of Diversion and Place of Use

C. Review and Processing:

- Claim No. submitted for weekly exam completed prog. report? ☐ Yes ☐ No
 Exam completed date data entered on claim _____(initial & date)
 Claim Verification Report completed _____(initial & date)
 Was CVR spot-checked by Supervisor? ☐ Yes ☐ No _____(initial & date)
 R claim file created _____(initial & date)
 Recommendations entered on R claim file _____(initial & date)



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

December 13, 1993

R. KEITH HIGGINSON
DIRECTOR

Mr. Charles Liesen
Three Creek Ranch
Rogerson ID 83302

RE: Snake River Basin Adjudication Notice of Claims for Three Creek Ranch

Dear Mr. Liesen:

Enclosed are copies of satellite photos of the Three Creek Ranch area. You had mentioned during our field exam of the ranch that you would be willing to draw in the points of diversions and their associated irrigated acres, if we could provide these photos to you.

I have enclosed some colored pens and markers. I find that using colors can be the best way to visually connect diversion points to irrigated acres.

Your assistance with this matter is greatly appreciated. I hope to use your completed maps to support the findings of the field exam and to help decipher the irrigation system on Three Creek Ranch.

Thank you once again for your help. Please contact me at the number at the top of this letter if you have any questions or comments.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Maria Minicucci'.

Maria Minicucci
Water Agent, Adjudication Bureau

MM/m
Enc.

CLAIMANT'S NAME: 3 CREEK RANCH - FRANK BACHMANDATE: 01/26/1994COUNTY: OwyheeEMPLOYEE: M MINICUCCI

Mr. Bachman was in the office today to discuss Three Creek Ranch claims. We discussed

① Ester Draw & lands to the west of Ester Draw.

Mr. Bachman concurred with Charley Liesen's statement that there is no diversion from Ester Draw, and that the ^{if} _{2/16} acres to the ~~we~~ immediate west receive no irrigation water from any source

② Springs above (SW) of Mud Flat Draw which are developed (as per C. Liesen) but apparently have no ~~&~~ claims filed on them. I said I would continue to search for a previous water claim/license/deed, otherwise a B/V claim was in order

③ Lands above Deer Creek (south) which are at a higher elevation have a claim on them based on a license. Mr. Liesen told us during the field exam that he had come across old ditches, but they were no longer used & the POD had washed out long ago. Mr. Bachman agreed that these acres (AS-02026) were not irrigated & had not been irrigated in some time. Since the lands are significantly higher than the creek, a flood irrigation system would have been difficult to keep operational, and Mr. Bachman felt that these ditches ~~was~~ ^{were} ~~have~~ probably not ~~been~~ used for very long

WR5809NP
No. 51-02005

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/19/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JEROME N. HELSLEY	04/29/1905	IRRIGATION DOMESTIC	00/00 00/00 00/00 00/00	1.220 CFS	
TOTAL DIVERSION:					1.220 CFS	

Water Source: MUD FLAT SPRING

Tributary to: MUD FLAT DRAW

Stage: LICENSE

Point(s) of Diversion: T15S R12E S31

SENE

OWYHEE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
15S	11E	25	:											06						:	6.0
15S	11E	26	:															20	20	:	40.0
15S	12E	35	:	15																:	15.0
TOTAL ACRES																				61.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: OWYHEE

Dates:	App. Received:	Priority Date:	04/29/1905
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		06/21/1979

Misc:	Water District Number:	Field Exam Fee:
-------	------------------------	-----------------

From: DWR03::JOHNSON 21-FEB-1994 13:34:08.62
To: DWR80::MINICUCCI
CC:
Subj: Correction to P/U on rt. 51-02005

Maria, after not being able to account for why the water right data base did not match the water right file, I changed the data base P/U descriptions to match the license descriptions. If you have any questions let me know.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

January 25, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

FRANK BACHMAN
THREE CREEK RANCH CO
PO BOX 27
BOISE ID 83707

RESPONSE DATE: FEBRUARY 4, 1994

RE: Snake River Basin Adjudication Notice of Claim A51-02005

Dear Mr. Bachman:

IDWR's initial investigation of the Notice of Claim listed above indicates that there has been a change in source and point of diversion as described below:

Previous source: Mud Flat Spring
New source: Mud Flat Draw

Previous point of diversion: Twp. 15s, Rge. 12E, Sec. 31, SENW
New point of diversion: Twp. 15S, Rge. 11E, Sec. 26, SESE

A water right owner who has made a change in use of a water right prior to commencement of the SRBA without prior IDWR approval may claim the change in the SRBA. IDWR may recommend a right as changed, however, only if the change meets certain requirements. One of these requirements is that the change not result in injury to other water rights, or that the change be conditioned to prevent injury to other water rights.

Before IDWR may recommend your claim, you must provide IDWR with the date the change was made and some evidence tending to support that date. If the change was made before November 19, 1987, then the date provided must include the month, day, and year. If the change was made after November 19, 1987, then a specific date is not necessary, and the evidence need only support that the change occurred sometime after November 19, 1987. An information sheet is enclosed that describes the types of evidence that can be submitted for showing the date of change.

Your response must be received by this office by the response date shown above. If no response is received then your claim to water from the new source and new point of the diversion will not be recommended to be decreed.

Sincerely,

Maria Mihicucci
Water Agent, Adjudication Bureau

MM/m
Enc.

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: A51-02005
Date Received: 3/1/89
Receipt No: C005640
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAR 01 1989

Department of Water Resources

1. Name: THREE CREEK RANCH COMPANY
Address: P.O. BOX 27
BOISE, ID

83707

2. Date of Priority: APR 29, 1905

3. Source: MUD FLAT SPRING

Trib. to: MUD FLAT DRAW

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	12E	31		SE	NW		OWYHEE

5. Description of diverting works:
DAM AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.220		
STOCKWATER	01/01	12/31	0.350		

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

A.F.A.

8. Total consumptive use is 122.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/1500 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	11E	25	SW	SW		IRR	6.0
			SW	SW		STOCK	

Section Acres 6.0

A51-02005

Page 1

Date: 02/24/89

RECORDED
AUG 10 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	11E	26	SW	SE		IRR	20.0
			SW	SE		STOCK	
			SE	SE		IRR	20.0
			SE	SE		STOCK	
						Section Acres	40.0
		35	NE	NE		IRR	15.0
			NE	NE		STOCK	
						Section Acres	15.0
						Total Acres	61.0

11. Place of use in counties: OWYHEE

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: LICENSE
Water Right Number: 1343

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

Number of attachments: 1 Map

For Organizations:

I do solemnly swear or affirm that I am _____ Secretary _____ of _____ Title _____
Three Creek Ranch Company, that I have signed the foregoing
Organization
document in the space below as _____ Secretary _____ of _____ Title _____
Three Creek Ranch Company and that the statements contained in the
Organization
foregoing document are true and correct.

Frederick L. Groun
Signature of Authorized Agent
Secretary, Three Creek Ranch Company
Title and Organization

2-28-89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of February 19 89

Vicki A. Lower
Notary Public

Seal

Residing at Meridian, Idaho

My Commission Expires 11-06-91

AS1-02005



T 14 S

4670000mN

175

175

T 15 S

150

150

T 16 S

125 000
FEET (CENTRAL)

115°00'

Printed 1980

660000mE

ELKO CO

115°00'

The over and pate avail acqui priv rec Lan age on : BL Bur the