

Claim Investigation Notes
Joe Clark (Flying Joseph Ranch)
Site Visit March 8, 2006 with Susie and Hadley Morton,
Sherman _____, Jim Martiny and Ted O'Neal

Pahsimeroi River

SRBA Claim ~~73-147A~~

SRBA Claim ~~73-189~~

Point of Diversion

The point of diversion claimed in T13N, R23E, S02 was discussed. It was agreed that this point of diversion is no longer used. Sherm agreed to meet with Idaho Power and determined facts surrounding power at that location. Susie called IDWR 3/15/2006 to report the power at that location was removed by Idaho Power in 1986. The ranch will send copies of the information they received from Idaho Power. This point of diversion will not be recommended.

The two points of diversion claimed in T13N, R23E, S19 were also discussed. It was agreed that these points of diversion are not from the natural stream channel of the Pahsimeroi River, but from a ditch that has carried most of the river water during the irrigation season for at least 30 years. These points of diversion will not be recommended.

All parties agreed that the only diversion from the Pahsimeroi River on to the ranch occurs in T13N, R23E, S20. The point of diversion is recommended in the SWNESW based on GPS data collected by IDWR in 2003 while conducting a diversion inventory in Basin 73.

Place of Use

The place of use for this claim was determined using 1988 aerial photography after a discussion with the ranch managers. The area is significantly smaller than that claimed because the original claimant had described entire 40-acre tracts when the actual irrigation occurred in irregular fields. In addition, there is a large area roughly in the center of the ranch that appears to be wet due to numerous springs and streams but is not deliberately irrigated.

SRBA Claim ~~73-150D~~

Point of Diversion

The point of diversion claimed in T13N, R23E, S02 was discussed. It was agreed that this point of diversion is no longer used. Sherm agreed to meet with Idaho Power and determined facts surrounding power at that location. Susie called IDWR 3/15/2006

to report the power at that location was removed by Idaho Power in 1986. The ranch will send copies of the information they received from Idaho Power. This point of diversion will not be recommended.

It was agreed that the point of diversion claimed in T12N, R23E, S02 has not been used to deliver water to the ranch and will not be recommended.

The two points of diversion claimed in T13N, R23E, S19 were also discussed. It was agreed that these points of diversion are not from the natural stream channel of the Pahsimeroi River, but from a ditch that has carried most of the river water during the irrigation season for at least 30 years. These points of diversion will not be recommended.

All parties agreed that the only diversion from the Pahsimeroi River on to the ranch occurs in T13N, R23E, S20. The point of diversion is recommended in the SWNESW based on GPS data collected by IDWR in 2003 while conducting a diversion inventory in Basin 73. This point of diversion is treated as an accomplished transfer, pursuant to §42-1425, Idaho Code, based on information found in the file for Transfer #777 for a portion of 73-150. (The transfer file describes the point of diversion for water right 73-150 in the NE¼, S18, T11N, R24E.)

Place of Use

Although a different land list is claimed under 73-150D, there was only one point of diversion and conveyance system, so logically one place of use. A permissible place of use is recommended for this claim with other claims from the Pahsimeroi River.

Quantity

Transfer #777 moved a portion of 73-150 (currently claimed by Friehe as 73-150B) from a point of diversion upstream from its current point of diversion. The "Decision of the State Reclamation Engineer" in that administrative action found a 12.6% loss in the Pahsimeroi River channel between the old point of diversion, known at the time as "Pines ditch" and the new point of diversion, known as the "Stanley Hull ditch". Although the water right claimed here as 73-150D was not part of the administrative action at the time Transfer #777 was approved, the finding that a 12.6% channel loss applies to moving the point of diversion downstream is applied to this recommendation. It should be noted that the accomplished transfer of the point of diversion for 73-150D moves the diversion even further downstream than Transfer #777 contemplated and the loss may in fact be much larger than 12.6%.

The rate of diversion claimed under 73-150D is 4.0 cfs, but an analysis of the split of 73-150 indicates it may be under claimed. The claimant will be given an opportunity to amend the claim and the diversion rate will be recommended consistent with the split analysis found in the file.

Big Creek

SRBA Claim ~~73-2126A~~

This beneficial use claim was based on a Permit (73-2126) that was cancelled in 1971 after a lengthy protest. This claim will not be recommended in the SRBA.

SRBA Claim ~~73-10041~~ (combines decreed rights 73-18 and 73-19)

Point of Diversion

The point of diversion claimed is from Big Creek, into a ditch that flows into Goldberg Creek. Goldberg Creek is tributary to the Pahsimeroi River and the water from Big Creek is rediverted from the Pahsimeroi River on to the ranch. The recommended point of diversion is based on GPS data collected by IDWR. The point of injection into Goldberg Creek was taken from the 1988 aerial photo and corresponds to remarks on the claim.

All parties agreed that the only diversion from the Pahsimeroi River on to the ranch occurs in T13N, R23E, S20. The point of rediversion is recommended in the SWNESW based on GPS data collected by IDWR in 2003 while conducting a diversion inventory in Basin 73.

Place of Use

The place of use for this claim was determined using 1988 aerial photography after a discussion with the ranch managers. The area is significantly smaller than that claimed because the original claimant had described entire 40-acre tracts when the actual irrigation occurred in irregular fields. In addition, there is a large area roughly in the center of the ranch that appears to be wet due to numerous springs and streams but is not deliberately irrigated.

SRBA Claim ~~73-10069~~

This beneficial use claim appears to be on BLM ground. There is no evidence of diversion, a conveyance ditch or irrigation at the location claimed. This claim will not be recommended in the SRBA.

Goldberg Creek

SRBA Claim ~~73-147C~~

Point of Diversion and Source

The point of diversion for this claim is from the Pahsimeroi River, shared with all other diversions from the river on to the ranch. There is no evidence of a current or past

diversion directly from Goldberg Creek. The SRBA recommendation for this claim will recognize an accomplished change in source to the Pahsimeroi River, pursuant to §42-1425, Idaho Code. A condition is added limiting the use of water under this right to those times when the water is actually available in Goldberg Creek.

Place of Use

The place of use for this claim is the permissible place of use determined for the Pahsimeroi River rights.

SRBA Claim ~~73-2048~~

The point of diversion and place of use for this old license are outside of the ranch boundary. There is no evidence to suggest the water right was conveyed to Joe Clark, Pines Grazing or their predecessors. The claim to this water right will not be recommended in the SRBA.

Spring Creek

SRBA Claim ~~73-147B~~

Point of Diversion

Pines Grazing Association stipulated to the point of diversion from Spring Creek for 73-259 in 1981. (See Stipulation in IDWR records vault, filed as decree 73-M) This is the only known diversion from Spring Creek and will be used for both 73-259 and 73-147B.

Place of Use

The place of use for this claim was determined using 1988 aerial photography and USGS topographic maps for evidence of gravity irrigation from the ditch carrying Spring Creek water. This creates a PPU within a larger PPU for all of the other rights used.

SRBA Claim ~~73-259~~

Basis of Claim

Although the claimed basis of use is "Decree", there is no evidence this right was previously decreed. This right is subject to a stipulation signed by the District Judge of the Seventh Judicial District, for Custer County on June 26, 1989. That stipulation requires the filing of 73-259 in the SRBA.

Point of Diversion

Pines Grazing Association stipulated to the point of diversion from Spring Creek for 73-259 in 1981. (See Stipulation in IDWR records vault, filed as decree 73-M) This is the only known diversion from Spring Creek and will be used for both 73-259 and 73-147B.

Place of Use

The place of use for this claim was determined using 1988 aerial photography and USGS topographic maps for evidence of gravity irrigation from the ditch carrying Spring Creek water. This creates a PPU within a larger PPU for all of the other rights used.

SRBA Claim ~~73-10054~~

Priority Date

This beneficial use claim is based on a lapsed permit to build a reservoir (R1097). Filipe Yribar filed the application in 1961. Jim Martiny and Ted O'Neal agreed the reservoir was built in 1963, followed by Mr. Yribar's death in 1964. Mr. Yribar did not file a completion of works and the permit subsequently lapsed.

Source

Sherman Furey, attorney for Mr. Yribar, provided an explanatory letter during the application process in which he states, "The dam site dams off Spring Creek only, and does not dam any part of the Pahsimeroi River." GPS data collected at the existing dam site shows the reservoir impounding Spring Creek. At some time, a ditch was constructed from the Pahsimeroi River, conveying water from the river, Big Creek and Goldberg Creek to the reservoir. A right to impound these other sources in the reservoir will not be recommended under claim 73-10054.

Purpose of Use

All parties agree the reservoir is not used for irrigation. It is, however, a much-enjoyed site for waterfowl habitat. In a letter dated March 28, 2005, James Speck (attorney for the claimant) suggests the claim should be amended to reflect this change. It will be assumed, without an amended claim, that the change in nature of use is an accomplished change, pursuant to §42-1425, Idaho Code.

Quantity

The surface area of the reservoir was taken from the 1988 aerial photo, using ArcView GIS software. The surface area was found to be 11 acres. The volume of the reservoir was estimated using the surface area and an estimated depth of 15 feet. This yields a total of 165 acre feet. The claimed volume of 160 acre feet will be recommended.

Summary

Claim No.	Source	Point of Diversion	Place of Use (acres)	Notes
73-147A	Pahsimeroi River	13N 23E S20 SWNESW	1857.6	220 acres within 1857.6 acres
73-147B	Spring Creek	13N 23E S29 NWNW	1677.3	300 acres within 1677.3 acres
73-147C	Pahsimeroi River	13N 23E S20 SWNESW	1857.6	240 acres within 1857.6 acres; limited to availability in Goldberg Creek
73-150D	Pahsimeroi River	13N 23E S20 SWNESW	1857.6	200 acres within 1857.6 acres
73-189	Pahsimeroi River	13N 23E S20 SWNESW	1857.6	320 acres within 1857.6 acres
73-259	Spring Creek	13N 23E S29 NWNW	1677.3	Within 1677.3 acres
73-2165	Ground water	13N 22E S13 NENW	294	Within 1857.6
73-10040	Pahsimeroi River	13N 23E S20 SWNESW	1857.6	560 acres within 1857.6 acres
73-10041	Big Creek	13N 23E S13 NENW	1857.6	Rediverted in 13N 23E S20 SWNESW
73-10054	Spring Creek	13N 22E S14 NENE		Wildlife use only

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AUG 11 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 10 2010	
By _____	Clerk
Deputy Clerk	

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

) Subcases 73-147A, 73-2165 and 73-12110
) (Flying Joseph Ranch LLC)
)
) SPECIAL MASTER REPORT
)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 73* on January 25, 2007. The Director recommended claim 73-147A to Flying Joseph Ranch LLC, c/o Joseph Clark, 7213 Perimeter Road South, Seattle, Washington, 98108, for 4.4 cfs from the Pahsimeroi River to irrigate 1,857.6 acres in Custer County from April 1 to October 31 with a priority date of April 25, 1886, based on a decree. The Director recommended claim 73-2165 to for 2.05 cfs from groundwater to irrigate 294 acres in Custer County from April 1 to October 31 with a priority date of September 23, 1966, based on a license. The Director recommended claim 73-12110 be disallowed: "No beneficial use found."

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* in subcase 73-147A on December 18, 2007, objecting to place of use. The claimant filed an *Objection* in the same subcase on December 19, 2007, objecting to point of diversion and place of use. IDWR identified 73-2165 as uncontested and overlapping with subcase 73-147A.

The claimant filed an *Objection* in subcase 73-12110 on December 19, 2007, objecting to the claim not being recommended as claimed. The BLM filed a *Response* on February 15, 2008, concerning place of use.

The claimant and BLM, with IDWR's concurrence, filed *Standard Forms 5* in all three subcases on July 19 and 28, 2010.

Conclusions of Law

Flying Joseph Ranch LLC is entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-147A, 73-2165 and 73-12110*.

DATED August 10, 2010.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 73-00147A

NAME AND ADDRESS: FLYING JOSEPH RANCH LLC
C/O JOSEPH CLARK
7213 PERIMETER RD S
SEATTLE, WA 98108

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 4.40 CFS

The appropriator is entitled to the quantity of water described
above at the following points of measurement:

T13N, R22E, S13, SWNW
T13N, R22E, S19, SWSE
T13N, R23E, S19, SESE
T13N, R23E, S20, SWSW

PRIORITY DATE: 04/25/1886

POINT OF DIVERSION: T13N R23E S02 NESW Within Custer County
S20 SESW

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	4.40 CFS

PLACE OF USE:

Irrigation	Within Custer County
T13N R22E S01	NWSW 35.0
	SWNW 19.0
	SWSW 41.0
S02 LOT 1	(NENE) 31.0 LOT 2 (NWNE) 9.6
	SWNE 8.3 SENE 40.0
	NESE 40.0 SESE 40.0
S11	NENE 37.0 SENE 33.0
	NESE 27.0 SESE 29.0
S12	NWNE 0.5 SWNE 23.0
	NENW 2.6 NWNW 41.0
	SWNW 40.0 SENW 1.1
	NESW 41.0 NWSW 31.0
	SWSW 30.0 SESW 37.0
	NWSE 41.0 SWSE 39.0
S13	NWNE 23.0 SWNE 12.0
	NENW 15.0 NWNW 37.0
	SWNW 9.9 SENW 16.0
	NESW 0.2 SWSW 9.8
	NWSE 23.0 SESE 34.0
S14	NENE 17.0 SENE 21.0
	NESE 36.0 NWSE 20.0
	SWSE 31.0 SESE 37.0
S23	NENE 40.0 NWNE 37.0
	SWNE 23.0 SENE 40.0
	NESE 12.0
S24	NENE 8.0 NWNE 0.5
	SWNE 30.0 SENE 12.0
	NENW 19.0 NWNW 40.0
	SWNW 40.0 SENW 40.0
	NESW 37.0 NWSW 28.0
	NESE 39.0 NWSE 39.0
R23E S18 LOT 4	(SWSW) 25.0
S19	NWNE 25.0 SWNE 39.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	SENE 27.0		NENW 39.0
LOT 1	(NWNW) 36.0	LOT 2	(SWNW) 7.8
	SESW 38.0		NESW 28.0
LOT 3	(NWSW) 29.0	LOT 4	(SWSW) 25.0
	SESW 40.0		NESE 39.0
	NWSE 40.0		SWSE 40.0
	SESE 35.0		
S20	NWSW 27.0		
S29	NWNW 37.0		SWNW 40.0
	NWSW 28.0		
S30	NENE 40.0		NWNE 40.0
	SWNE 40.0		SENE 40.0
	NENW 40.0	LOT 1	(NWNW) 25.0
2413.3 Acres Total			

This right is limited to the irrigation of 220 acres within the place of use described above in a single irrigation season. Right Nos. 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-216S, 73-10040, 73-10041 and 73-12110 are limited to the irrigation of a combined total of 2413.3 acres in a single irrigation season. Place of use does not include federal public lands.

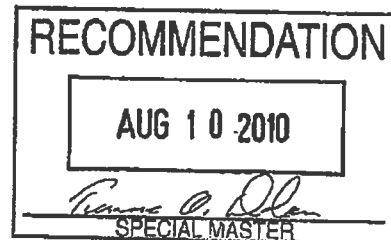
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication





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JAN 27 2006

DEPARTMENT OF
WATER RESOURCES

FAX NO: _____ DATE: 1/25/06

TO: ROXANNE BROWN

FROM: MIANK BROWN

SUBJECT: PIÑES RANCH - WATER RIGHTS

MESSAGE: DEAR ROXANNE:

Please find enclosed the requested
information on the Pines Ranch. I am
going back over tomorrow to get some
additional information from Leon Ziegler
and Judd Whitworth. I will send it
to you A.S.A.P.

After reviewing the enclosed & forthcoming
information, let's get together and
find out what else I need to do.

THANKS ROXANNE,

MIANK

NUMBER OF PAGES (INCLUDING THIS COVER SHEET) _____

③

File - 437

73-K

SECOND DIVISION

JAMES McMILLAN, Commissioner

Twin Falls, Idaho

1910.

DECREED WATER RIGHTS

Pahsimeroi River, Custer County

JUDGMENT BY THE COURT, APRIL 1, 1910

DECREE

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL
DISTRICT OF THE STATE OF IDAHO, IN
AND FOR CUSTER COUNTY.

Lorenzo Falls and Edward O'Neil, Partners,)
et al.,)
Plaintiffs,)
va.)
Uriah Wells, et al.,)
Defendants.)

AMENDED ON
DECEMBER 28, 1910

This cause came on regularly for trial before Hon. G. F. Hansbrough, sitting as special Judge, who by consent of all the parties to this action, and by order of the Court was appointed special Judge to try the same, and the same coming on regularly for trial before the said special Judge sitting without a jury, on the 18th day of June, 1909, at May, Idaho, Clark & Budge and John W. Jones, Esq., appearing as counsel for the plaintiffs, and W. H. Holden, F. J. Cowen, W. J. Lamme, George E. Keyes, L. E. Glennon, and each of them appearing for certain defendants;

JUL 30 1910

the defaults of the non-answering defendants having been duly ordered. The evidence of the witnesses sworn and examined and cross-examined by and on behalf of the respective parties having been duly taken, and the documentary evidence having been duly admitted and filed in said cause, and after argument or counsel, the case having been closed and submitted to the Court and the Court having taken the same under advisement and later having heard the argument thereon and having fully considered the matter and being fully advised in the premises, makes and files its findings of fact and conclusions of law and directs judgment to be entered in accordance therewith.

WHEREUPON, it is ordered, adjudged and decreed as follows:

-I-

That the Creeks named and mentioned in the Findings herein are all tributaries of Pahsimeroi River, a number of them flowing very little or no water into said Pahsimeroi River in the ordinary water season of the year.

-II-

That each and every of the tracts of land described in the complaint, complaints in intervention, answers and cross-complainants in this action as belonging to the said several parties, plaintiff and defendant herein are arid in character, except some small tracts for which no water is decreed, and will not successfully raise any agricultural crops without the application of water thereon for the irrigation thereof.

-III-

That one inch of water per acre, or its equivalent in cubic feet per second of time, is necessary and ample for the proper irrigation of said lands.

-IV-

That the dams and diverting works of the several parties to this action were, at the time of the several appropriations, and are now of

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sufficient size and capacity to carry and convey water so appropriated to and upon the several tracts of land of the said several parties for the irrigation thereof, and that each and every of the said several tracts of land are situated in Lemhi and Custer Counties, State of Idaho.

-V-

That each of the parties to this action, plaintiff and defendant hereinafter named were at the time of the several appropriations of water made as hereinafter set forth, the owners respectively of the several tracts of land set forth and described in the complaints, answers and cross-complaints and that for the irrigation of the same, the said parties or their predecessors in interest did respectively appropriate the quantities of water hereinafter stated and on the dates and from the streams respectively as hereinafter stated and set opposite the names of each said parties, such water being estimated and measured under a four inch pressure, or its equivalent in cubic feet per second of time, and ever since said date of several appropriations, said water has been so diverted and used on said lands in the irrigation thereof.

-VI-

The following named persons, parties to this suit are entitled to the uninterrupted use of the flow of the waters of the Pahsimeroi River and its tributaries, forks, branches, springs and streams herein named upon the lands mentioned and described in the complaints, answers and cross-complaints herein, and appurtenant to said lands as hereinafter specified, in the following amounts, and from the following dates, to-wit:

73 0145

Wood Live Stock Company, a corporation, from Bullberg or Goldburg Creek, 150 inches or three cubic feet per second of time from APRIL 1st, 1886, appurtenant to the northwest quarter of the southeast quarter, and the northeast quarter of the southwest quarter; and the south half of the southeast quarter of Section 31, Township 13, North, Range 24 East of Boise Meridian, in the State of Idaho.

JUL 30 1996

73 0146 ✓ Wood Live Stock Company, a corporation, from Pahsimeroi River, 300 inches, or six cubic feet per second of time from MAY 25, 1887, appurtenant to lots 3 and 4, and the southeast quarter of the southwest quarter of Section 31, Township 13 North, Range 24 East Boise Meridian; and Lots 3 and 4 and 5 and the southeast quarter of the northwest quarter; and the northeast quarter of the southwest quarter of Section 6, Township 12 North, Range 24 East Boise Meridian, in the State of Idaho.

73 0147 ✓ Wood Live Stock Company, a corporation, from Pahsimeroi River 220 inches or $4 \frac{4}{10}$ cubic feet per second of time; from Spring Creek ✓ 300 inches or 6 cubic feet per second of time; from Goldburg 240 inches or $4 \frac{8}{10}$ cubic feet per second of time; from APRIL 25, 1886, appurtenant to the west half of the northwest quarter of Section 12, and the east half of the northeast quarter of Section 11, in Township 13 North, Range 22 East of Boise Meridian; the north half of the southeast quarter, and the southwest quarter of Section 12, and the east half of the southeast quarter of Section 11; the west half of the northeast quarter of Section 13; the east half of the northeast quarter of Section 14, Township 13 North, Range 22 East of Boise Meridian in the State of Idaho.

73 0148 ✓ Wood Live Stock Company, a corporation, from Pahsimeroi River 160 inches or $3 \frac{2}{10}$ cubic feet per second of time from MAY 1, 1897, appurtenant to the northwest quarter of the northeast quarter, and the south half of the northeast quarter of Section 23; and the southwest quarter of the northwest quarter of Section 24 in Township 13 North, Range 22 East of Boise Meridian, in the State of Idaho.

73 0149 ✓ Wood Live Stock Company, a corporation, from Pahsimeroi River 400 inches or 8 cubic feet per second of time from MAY 1, 1897, appurtenant to the southwest quarter and the northwest quarter of the southeast quarter, and the south half of the southeast quarter, of Section 13; and the southeast quarter of the southeast quarter of Section 14; and the northeast quarter of the northwest quarter, and the north half of the northeast quarter, and the southeast quarter of the northeast quarter of Section 24, in Township 13 North, Range 22 East Boise Meridian; also Lot 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 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1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 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1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 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2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135,

southeast quarter of the northwest quarter, and the northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter of Section 19, Township 13 North of Range 23, East Boise Meridian in the State of Idaho.

Trans. 777

73 0150 ✓ Wood Live Stock Company, a corporation, from Pahsimeroi River, 480 inches or $9 \frac{6}{10}$ cubic feet per second of time from JULY 1, 1897, appurtenant to Lots 3 and 4 and the southeast quarter of the southwest quarter, and the southwest quarter of the southeast quarter of Section 19, and the northeast quarter of the northwest quarter and the northeast quarter of Section 30, and the south half of the northwest quarter, and the north half of the southwest quarter, and the west half of the southeast quarter, and the southeast quarter of the southeast quarter of Section 29; and the southeast quarter of the northeast quarter of the northeast quarter of the southeast quarter of Section 33; and the northeast quarter of the northeast quarter, and the south half of the northeast quarter, and the north half of the southeast quarter, and the southwest quarter of the southeast quarter of Section 34, in Township 13 North, Range 23 East of Boise Meridian, in the State of Idaho.

The same to be diverted through what is known as the upper Ditch which heads on the southeast quarter of the northeast quarter of Section 18, Township 11 North, Range 24 East of Boise Meridian.

73 0151 ✓ Wood Live Stock Company, a corporation, from Pahsimeroi River 180 inches or $3 \frac{2}{10}$ cubic feet per second of time from JULY 1, 1897, appurtenant to the west half of the southeast quarter of Section 27, and the east half of the southeast quarter of Section 28, Township 13 North, Range 23 East Boise Meridian, in the State of Idaho.

73 0152 ✓ Lorenzo Falls, from Pahsimeroi River 520 inches or $10 \frac{4}{10}$ cubic feet per second of time from MAY 1, 1886, appurtenant to the west half of the southwest quarter of Section 23, and the southeast quarter of the northeast quarter, the west half of the northeast quarter, and the southwest

RECORDED

JUL 20 1896

Commencing at a point 80 rods east of the point of rocks around which George Sylvey's flume runs; thence east one-half mile to post No. 2; thence south one fourth mile to Post No. 3; thence west one-fourth mile to post No. 4; thence south one-half mile to post No. 5; thence west one fourth mile to post No. 6; thence north three-fourths mile to post No. 1, the place of beginning, the same being 160 acres unsurveyed, in County, Idaho.

73 0187 ✓
T-814

Charles B. Graves all of the waters of Hill Creek, Big Gulch Creek and Graves Springs not to exceed in volume 225 inches or 4 5/10 cubic feet per second of time, appurtenant to the northwest quarter of southwest quarter, Section 23, south half northwest quarter north half southwest quarter of Section 23, Township 12 North, Range 24 East Boise Meridian.

73 0188 ✓
T-196

Abe J. Beach all of the waters of Bear Creek not to exceed 175 inches or 3 5/10 cubic feet per second of time from MAY 19, 1909, appurtenant to the northwest quarter of the northwest quarter, of section 23, and the east half of the northeast quarter, and the northeast quarter and the northeast quarter of the southeast quarter of Section 22, Township 12 North, Range 24 East Boise Meridian in the State of Idaho.

73 0189 ✓

Martha Beach from Pahsimeroi River 320 inches or 6 4/10 cubic feet per second of time from MAY 19, 1909, appurtenant to the northwest quarter of the southwest quarter of Section 20, and the northeast quarter of the southeast quarter, and the southeast quarter of the northeast quarter, and the southwest quarter of the northeast quarter, and the northwest quarter of the northeast quarter, and the northeast quarter of the north-west quarter, and the northwest quarter of the northwest quarter of Section 19; and the southwest quarter of the southwest quarter of Section 18, Township 13 North, Range 23 East Boise Meridian, in the State of Idaho.

JUL 3 0 1906

of the north west quarter, and the west half of the northwest quarter of Section 27, Township 14 North, Range 22 East Boise Meridian, also the northwest quarter of the southeast quarter, and the south half of the southeast quarter of Section 27, and the northeast quarter of the northeast quarter of section 34 in Township 14 North, Range 22 East Boise Meridian in the State of Idaho.

73 0194^w Merritt Cunningham, John F. Cunningham and Andrew C. Porter,
jointly, all the flow of the waters of Grouse Creek.

73 0195[✓] Eugene A. Knight and William J. Knight, partners, from Big Creek
280 inches or 5 6/10 cubic feet per second of time, JUNE 1st., 1895, for
the irrigation of their lands lying on the northwesterly side of Big Creek
at present point of diversion.

73 0196[✓] Eugene A. Knight and William J. Knight, partners, from Big Creek
50 inches or 1 cubic foot per second of time from December 7, 1905, for the
irrigation of all their lands lying on the southwesterly side of Big Creek
at present point of diversion.

VII.

It is further adjudged and decreed that whenever from any cause there shall be a shortage in the waters of Big Creek, in any year and there shall not be sufficient water to supply all the rights of Lorenzo Falls, Edward O'Neil, James Hooper and Alfonso Baralow, at their points of diversion, then as between these said parties there shall be delivered to Alfonso Baralow at the head of his ditch one-third of the water to which they are entitled, and two thirds of such flow to be delivered to said Falls, O'Neil and Hooper and the water to be diverted from Big Creek by Falls, O'Neil and Hooper shall be diverted through their ditch known as the Upper ditch, which heads above the Gallagher Saw Mill.

VIII.

It is further adjudged and decreed that whenever the point of diversion of the water of the stream and springs mentioned herein are not de-

finetly fixed by this decree, the points of diversion and measurement of the several parties to this action shall be the point where the water was diverted by the said several parties on the 18th day of JUNE, 1909, the time of trial of this action.

IX.

It is further adjudged and decreed that each of the parties to this action shall pay his or her proportionate share of all the costs of this action.

X.

That each and every of the parties to this suit plaintiff and defendant, their agents, servants, attorneys and employees and each and every and all persons acting in and for any of the parties to this suit are hereby, forever restrained from in any manner interfering with or diverting or using the waters of Pahsimeroi River or its tributaries or creeks, and springs herein mentioned, except in accordance with the terms and provisions of this decree.

Done dated and signed this 1st day of April, 1910.

G. F. HANSBROUGH
Special Judge.

(Endorsed) Filed April 6, 1910. Entered April 6, 1910.

C. M. HENDERSON, Clerk

SCANNED

AUG 29 2001

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: A73-00147A

Date Received: 12/27/1989

Receipt No: 8011542

Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PINES GRAZING ASSN., INC. 208-663-4663
Address: C/O GARY SKIDMORE
P.O. BOX 13
TERRETON, ID 83425

2. Date of Priority: APR 25, 1886

3. Source: PAHSIMEROI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	23E	19N-2	NW	SE			CUSTER
		19	SW	SW			CUSTER
			SE	SW			CUSTER
		20	NW	SW			CUSTER

5. Description of diverting works:
OPEN DITCHES WITH PUMPS FOR BOTH FLOOD AND SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.400		

7. Total Quantity Appropriated is:
4.400 C.F.S. (and/or) 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
13N	22E	1	SW	NW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			Section Acres				120.0
		2	NE	NE		IRR	40.0
			NW	NE		IRR	38.0
			SW	NE		IRR	24.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	8.0
			SW	SE		IRR	4.0
			SE	SE		IRR	40.0
			Section Acres				234.0
		11	NE	NE		IRR	38.5
			SE	NE		IRR	31.2
			NE	SE		IRR	35.0
			SE	SE		IRR	34.0
			Section Acres				138.7
		12	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			Section Acres				320.0
		13	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
13N	22E	13	SW	SE		IRR	40.0	
			SE	SE		IRR	40.0	
			Section Acres					520.0
		14	NE	NE		IRR	31.2	
			SW	NE		IRR	17.2	
			SE	NE		IRR	40.0	
			NE	SE		IRR	40.0	
			NW	SE		IRR	22.0	
			SW	SE		IRR	29.2	
			SE	SE		IRR	40.0	
			Section Acres					219.6
		23	NE	NE		IRR	40.0	
			NW	NE		IRR	38.5	
			SW	NE		IRR	26.4	
			SE	NE		IRR	40.0	
			NE	SE		IRR	28.4	
			NW	SE		IRR	1.6	
			Section Acres					174.9
		24	NE	NE		IRR	40.0	
			NW	NE		IRR	40.0	
			SW	NE		IRR	40.0	
			SE	NE		IRR	40.0	
			NE	NW		IRR	40.0	
			NW	NW		IRR	40.0	
			SW	NW		IRR	40.0	
			SE	NW		IRR	40.0	
			NE	SW		IRR	40.0	
			NW	SW		IRR	40.0	
			NE	SE		IRR	40.0	
			NW	SE		IRR	40.0	
			Section Acres					480.0
	23E	18	SW	SW		IRR	40.0	
			Section Acres					40.0
		19	NW	NE		IRR	40.0	
			SW	NE		IRR	40.0	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	23E	19	SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW	1	IRR	38.5
			SW	NW	2	IRR	38.7
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW	3	IRR	38.9
			SW	SW	4	IRR	13.2
			SE	SW		IRR	15.6
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	14.8
			SE	SE		IRR	22.0
			Section Acres				
	20	NW	SW		IRR	40.0	
Section Acres						40.0	
14N	22E	35	SW	SE		IRR	37.5
			SE	SE		IRR	40.0
			Section Acres				
Total Acres						2866.4	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
MANY

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

LORENZO FALLS

Decree Plaintiff

vs

URIAH WELLS

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

Number of attachments: 0

For Organizations:

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

Pines Grazing Organization, that I have signed the foregoing document in the space below as _____ Title

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

Ricky Westman
Signature of Authorized Agent

president Pines Grazing
Title and Organization

1-8-90

Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8 day

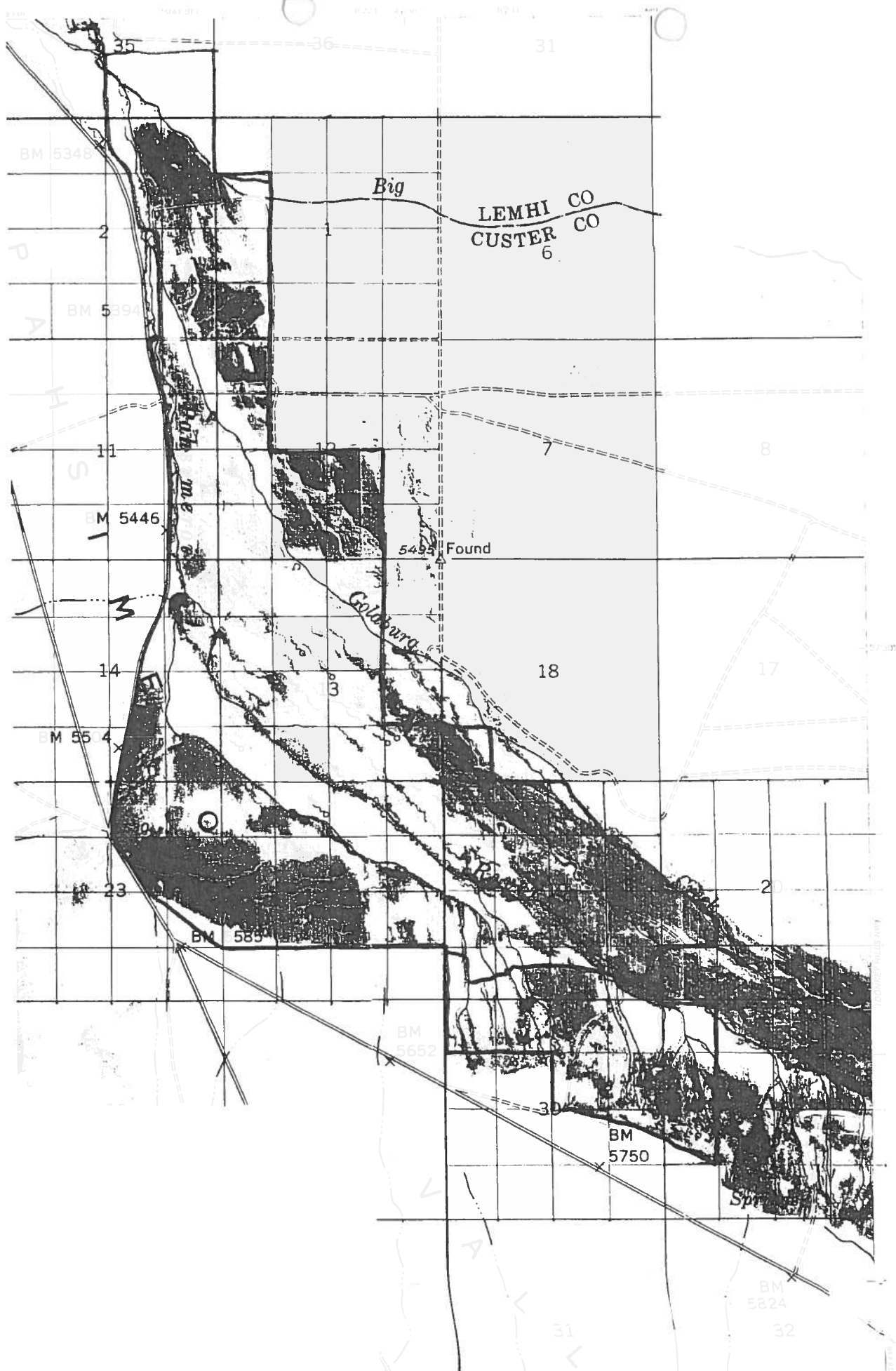
of Jan 19 90

Ernest Carlson
Notary Public

Seal

Residing at Idaho Falls, ID

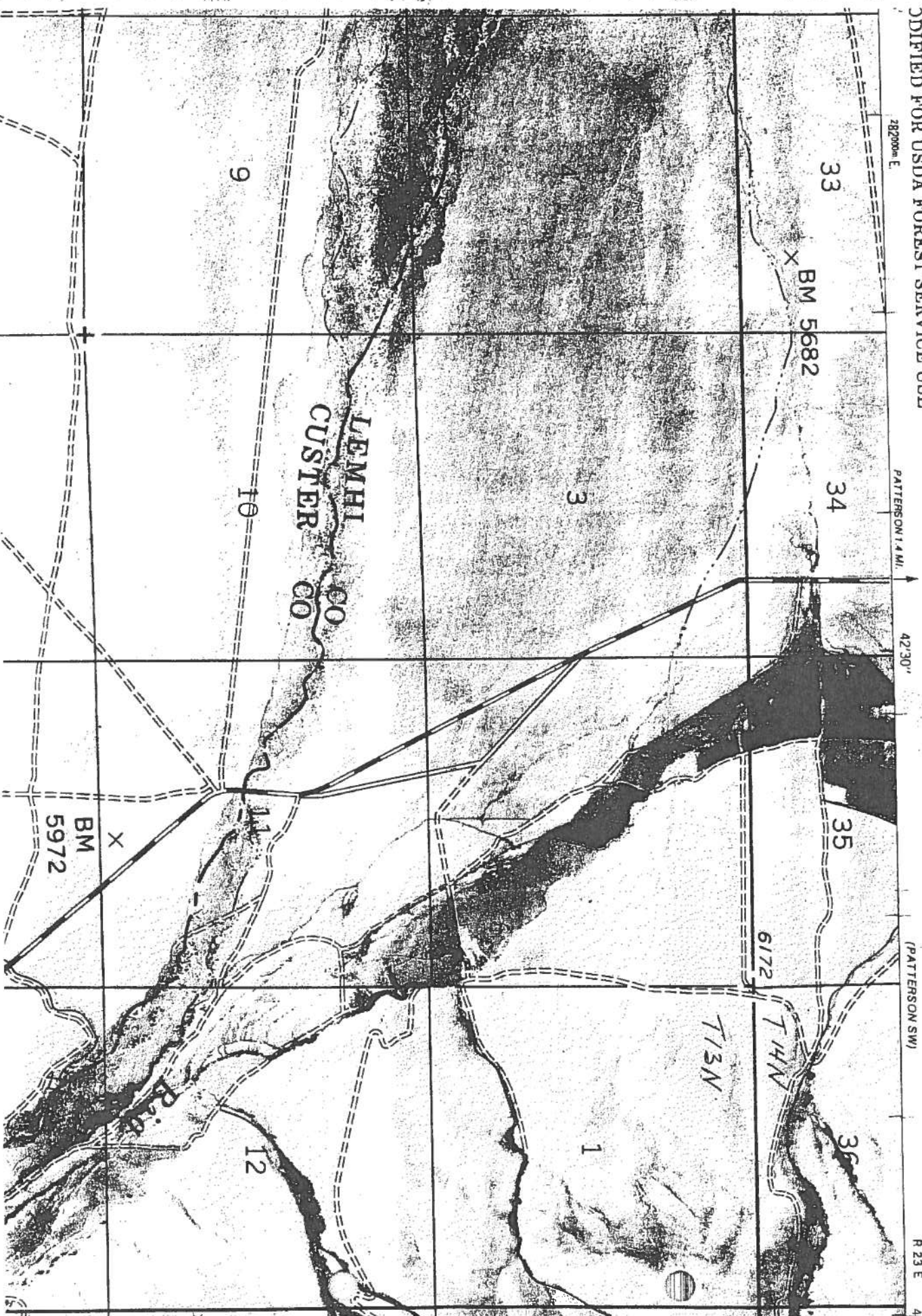
My Commission Expires 6-14-1994



UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
ADAPTED FOR USDA FOREST SERVICE USE

R23E

R 23 E



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: A73-00147B
Date Received: 12/27/1989
Receipt No: 2011542
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PINES GRAZING ASSN., INC. 208-663-4663
Address: C/O GARY SKIDMORE
P.O. BOX 13
TERRETON, ID 83425
2. Date of Priority: APR 25, 1886
3. Source: SPRING CREEK Trib. to: PAHSIMEROI RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	22E	13	SE	SE	NW		CUSTER
			NW	SW	SW		CUSTER
			NW	NW	SE		CUSTER
			NW	SE	SE		CUSTER
		24	SE	NE	NW		CUSTER
	23E	29		NW	NW		CUSTER
				SW	NW		CUSTER
				NW	SW		CUSTER
		30		NE	NE		CUSTER
				NW	NE		CUSTER
				SW	NE		CUSTER
				SE	NE		CUSTER
				NE	NW		CUSTER
				NW	NW		CUSTER
				NE	SE		CUSTER

*Land list
appears to be
OK.
P.O.D. OKAY.*

5. Description of diverting works:
OPEN DITCHES WITH PUMPS FOR BOTH FLOOD AND SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.000		

A73-00147B

Page 1

Date: 01/08/90

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

A.F.A.

8. Total consumptive use is 2546.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	22E	1	SW	NW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
					Section Acres		120.0
		2	NE	NE		IRR	40.0
			NW	NE		IRR	38.0
			SW	NE		IRR	24.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	8.0
			SW	SE		IRR	4.0
			SE	SE		IRR	40.0
					Section Acres		234.0
		11	NE	NE		IRR	38.5
			SE	NE		IRR	31.2
			NE	SE		IRR	35.0
			SE	SE		IRR	34.0
					Section Acres		138.7
		12	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
					Section Acres		320.0
		13	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			NE	NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	22E	13	NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	520.0
		14	NE		NE		IRR	31.2
			SW		NE		IRR	17.2
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	22.0
			SW		SE		IRR	29.2
			SE		SE		IRR	40.0
							Section Acres	219.6
		23	NE		NE		IRR	40.0
			NW		NE		IRR	38.5
			SW		NE		IRR	26.4
			SE		NE		IRR	40.0
			NE		SE		IRR	28.4
			NW		SE		IRR	1.6
							Section Acres	174.9
		24	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	480.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	23E	18	SW	SW		IRR	40.0
						Section Acres	40.0
		19	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW	1	IRR	38.5
			SW	NW	2	IRR	38.7
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW	3	IRR	38.9
			SW	SW	4	IRR	39.1
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	595.2
		20	NW	SW		IRR	40.0
						Section Acres	40.0
		29	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			NW	SW		IRR	40.0
						Section Acres	120.0
		30	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW	1	IRR	39.3
			NE	SE		IRR	19.0
			NW	SE		IRR	7.5
						Section Acres	265.0
14N	22E	35	SW	SE		IRR	37.5

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	22E	35	SE SE		IRR	40.0
Section Acres						77.5 ✓
Total Acres						3345.7

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

A73-00150D/00147A/10040/00189/00147C/10041

14. Remarks:

THE SOURCE OF WATER FOR SPRING CREEK IS A SERIES OF SPRINGS WHICH RISE IN SECTIONS 29, 30, 32 AND 33 TWP. 13N, RGE. 23E. WATER FROM THE SPRINGS IS USED TO IRRIGATE LAND ABOVE THE PAHSIMEROI RIVER ALONG WITH BEING DIVERTED THROUGH OUR DITCHES WHICH TAKE OUT OF THE RIVER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

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

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am president of
Title
Pines Grazing Assn., that I have signed the foregoing
Organization
document in the space below as president of
Title
Pines Grazing Assn. and that the statements contained in the
Organization
foregoing document are true and correct.

Rocky Muehlgaard
Signature of Authorized Agent

president Pines Grazing
Title and Organization

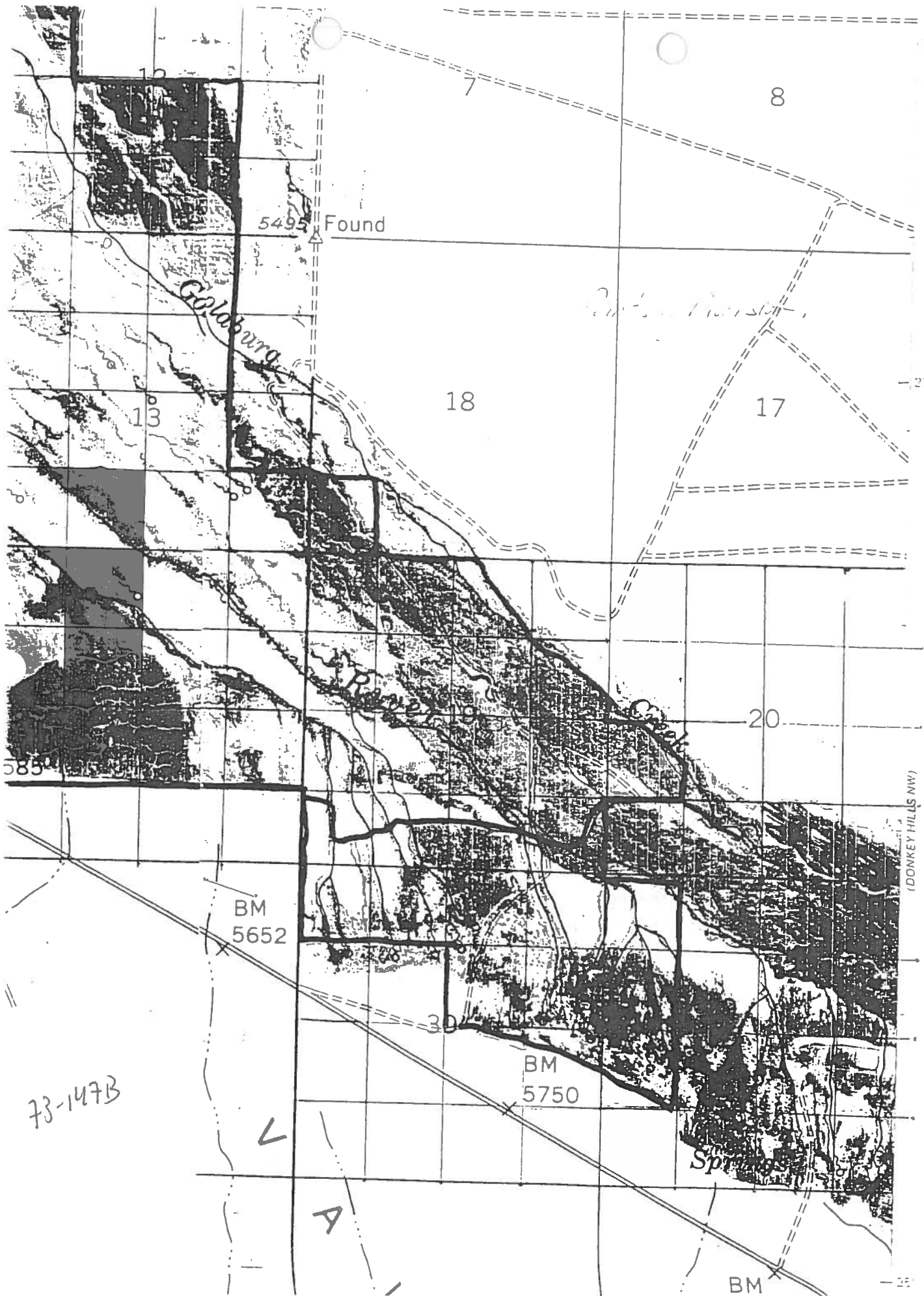
1-8-90
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of Jan 19 90
Ernest Carlson
Notary Public

Seal

Residing at Adams Falls, ID
My Commission Expires 6-14-1994



5495 Found

Goldburg

18

8

17

-27°30'

20

585

BM
5652

BM
5750

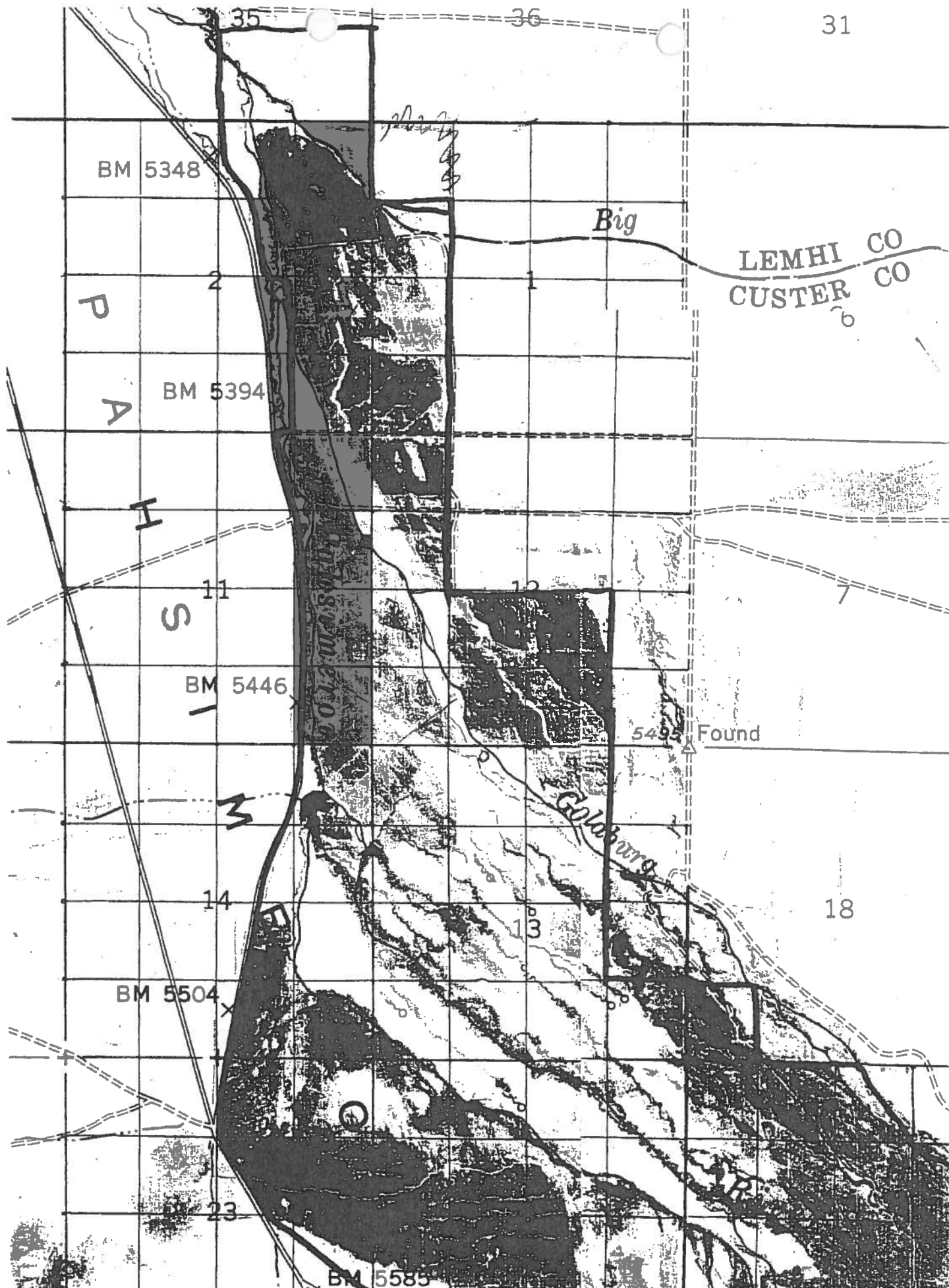
Spring

(DONKEY HILLS NW)

73-147B

BM

-28°



SCANNED

AUG 29 2000

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 73-00147C
Date Received: 1/8/90
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name: PINES GRAZING ASSN INC Phone: (208)879-2354

Address: C/O LYNN TRITTHART
HC 63 BOX 1769
CHALLIS ID 83226

2. Date of Priority: 04/25/1886

3. Source: GOLDBURG CREEK Trib. to: Pahsimeroi River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
13N	23E	19	SW SW	CUSTER
13N	23E	20	NW SW	CUSTER
13N	23E	19	SE SW	CUSTER
13N	23E	2	NW SE	CUSTER

A7300147C



5. Description of diverting works:

OPEN DITCHES WITH PUMPS FOR BOTH FLOOD AND SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	4.8	

7. Total Quantity Appropriated is:
4.8 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
13N	22E	1	SW	NW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
						Section Acres	120
13N	22E	2	NW	SE		IRRIGATION	8
			SW	SE		IRRIGATION	4
			SE	SE		IRRIGATION	40
			NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	38
			SW	NE		IRRIGATION	24
			SE	NE		IRRIGATION	40
			NE	SE		IRRIGATION	40
						Section Acres	234
13N	22E	11	SE	NE		IRRIGATION	31.2
			NE	SE		IRRIGATION	35
			SE	SE		IRRIGATION	34
			NE	NE		IRRIGATION	38.5
						Section Acres	138.7
13N	22E	12	NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			NW	SW		IRRIGATION	40
						Section Acres	320
13N	22E	13	NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NW	SE		IRRIGATION	40

			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	520
13N	22E	14	NE	NE	IRRIGATION	31.2
			SW	NE	IRRIGATION	17.2
			SE	NE	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	22
			SW	SE	IRRIGATION	29.2
			SE	SE	IRRIGATION	40
					Section Acres	219.6
13N	22E	23	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	38.5
			SW	NE	IRRIGATION	26.4
			SE	NE	IRRIGATION	40
			NE	SE	IRRIGATION	28.4
			NW	SE	IRRIGATION	1.6
					Section Acres	174.9
13N	22E	24	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
					Section Acres	480
13N	23E	18	SW	SW	IRRIGATION	40
					Section Acres	40
13N	23E	19	SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NW	NW	1 IRRIGATION	38.5
			SW	NW	2 IRRIGATION	38.7
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	3 IRRIGATION	38.9
			SW	SW	4 IRRIGATION	13.2
			SE	SW	IRRIGATION	15.6
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			SW	SE	IRRIGATION	14.8

			SE	SE	IRRIGATION	22
					Section Acres	501.7
13N	23E	20	NW	SW	IRRIGATION	40
					Section Acres	40
14N	22E	35	SW	SE	IRRIGATION	37.5
			SE	SE	IRRIGATION	40
					Section Acres	77.5
					Total Acres	2866.4

11. Place of use in counties: CUSTER

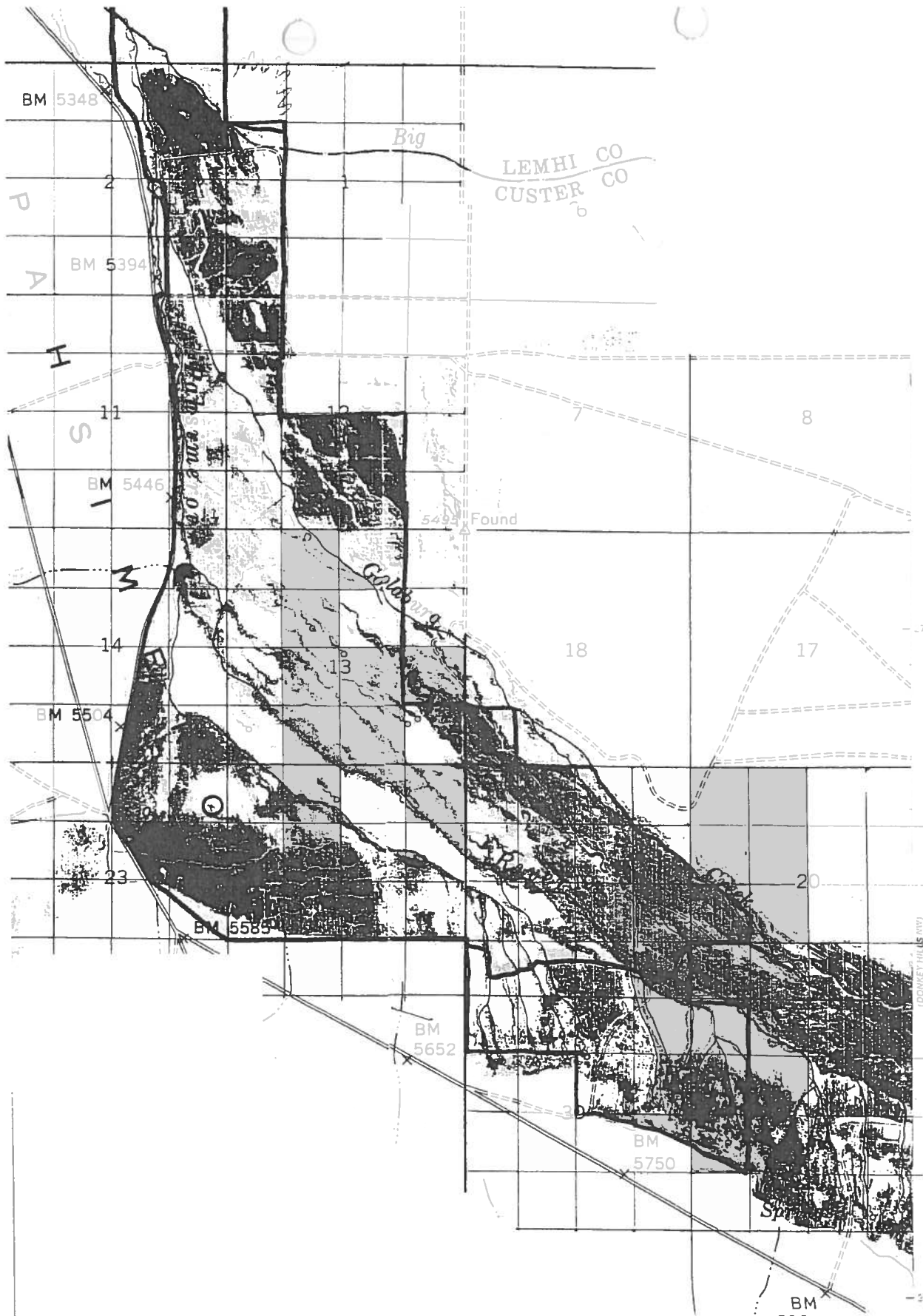
12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

CHANGE ADDRESS 10-5-94/JT

15. Basis of Claim: Decreed



73-147C

SCANNED

AUG 29 2000

TALK to
Leon
was not
transferred

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: A73-00147D
Date Received: 11/28/1989
Receipt No: 11005263
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEON ZIEGLER 208-876-4248
Address: HC 62 BOX 2140
MAY, ID 83253
OR
Name: ILA ZIEGLER 208-876-4248
Address: HC 62 BOX 2140
MAY, ID 83253

A7300147D



2. Date of Priority: APR 25, 1886

3. Source: PAHSIMEROI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	23E	18	NW	NW	SW		CUSTER

5. Description of diverting works:
OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.950		

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

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

9. Non-irrigation uses:

A73-00147D

Page 1

Date: 11/28/89

MICROFILMED

DEC 14 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	22E	12	NE SE		IRR	40.0
Section Acres						40.0
Total Acres						40.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A73-10020

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/28/1910

LORENZO FALLS, ET AL
Decree Plaintiff

vs

URIAH WELLS, ET AL (AMENDED)
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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): Leon J. Jeph Date: 11/23/89
Date:

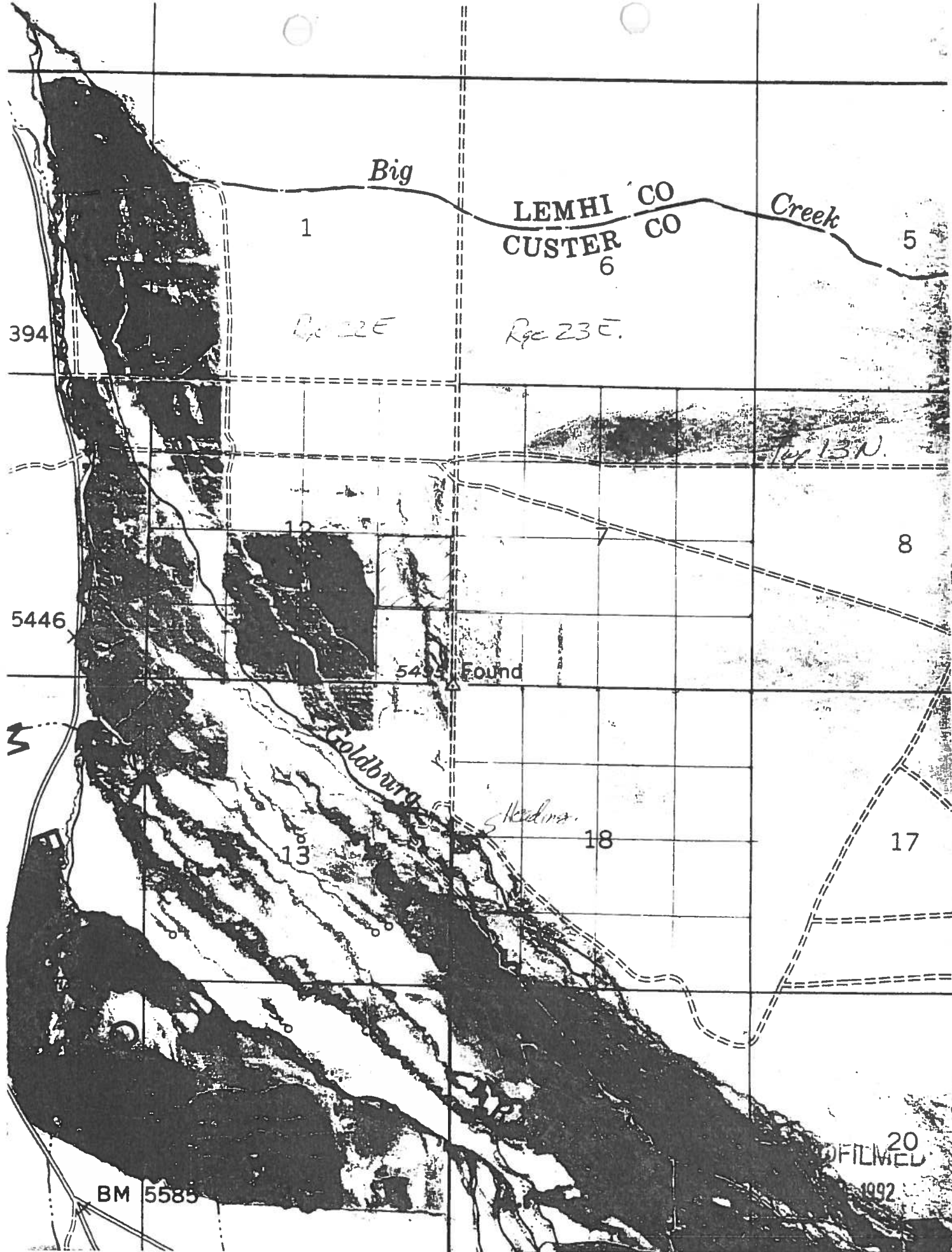
State of Idaho)
County of Custer) SS.

Subscribed and sworn (or affirmed) before me this 28 day
of Nov. 19 89

Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 7, 1994



20
FILMED
1992

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: A73-10040
Date Received: 12/27/1989
Receipt No: ED11542
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PINES GRAZING ASSN., INC. 208-663-4663
Address: C/O GARY SKIDMORE
P.O. BOX 13
TERRETON, ID 83425

2. Date of Priority: MAY 01, 1897

3. Source: PAHSIMEROI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	23E 22E	2	NW	SE			CUSTER
	23E	19	SW	SW			CUSTER
			SE	SW			CUSTER
	23E	20	NW	SW			CUSTER

5. Description of diverting works:
OPEN DITCHES WITH PUMPS FOR BOTH FLOOD AND SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	11.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A73-10040

Page 1

Date: 12/27/89

P.O.U.

OKAY.

P.O.U. - NEEDS
AMENDING.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	22E	1	SW		NW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
Section Acres								120.0
		2	NE		NE		IRR	40.0
			NW		NE		IRR	38.0
			SW		NE		IRR	24.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	8.0
			SW		SE		IRR	4.0
			SE		SE		IRR	40.0
Section Acres								234.0
		11	NE		NE		IRR	38.5
			SE		NE		IRR	31.2
			NE		SE		IRR	35.0
			SE		SE		IRR	34.0
Section Acres								138.7
		12	NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
Section Acres								320.0
		13	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	22E	13	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				520.0
		14	NE	NE		IRR	31.2
			SW	NE		IRR	17.2
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	22.0
			SW	SE		IRR	29.2
			SE	SE		IRR	40.0
			Section Acres				219.6
		23	NE	NE		IRR	40.0
			NW	NE		IRR	38.5
			SW	NE		IRR	26.4
			SE	NE		IRR	40.0
			NE	SE		IRR	28.4
			NW	SE		IRR	1.6
			Section Acres				174.9
		24	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			Section Acres				480.0
	23E	18	SW	SW		IRR	40.0
			Section Acres				40.0
		19	NW	NE		IRR	40.0
			SW	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	23E	19	SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW	1	IRR	38.5
			SW	NW	2	IRR	38.7
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW	3	IRR	38.9
			SW	SW	4	IRR	13.2
			SE	SW		IRR	15.6
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	14.8
			SE	SE		IRR	22.0
			Section Acres				
	20	NW	SW		IRR	40.0	
Section Acres						40.0	
14N	22E	35	SW	SE		IRR	37.5
			SE	SE		IRR	40.0
			Section Acres				
Total Acres						2866.4	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A34-00150D/00147B/00147A/00189/00147C/10041

14. Remarks:
THIS NOTICE IS A COMBINATION OF DECREES 73-00148 (3.2 CFS) AND
73-00149 (8.0 CFS).

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

<u>LORENZO FALLS</u>		<u>URIAH WELLS</u>
Decree Plaintiff	vs	Decree Defendant
A73-10040	Page 4	Date: 12/27/89

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: 0

For Organizations:

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

River Grazing Organization, that I have signed the foregoing document in the space below as president of _____ Title

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

Rocky Westergaard
Signature of Authorized Agent

president River Grazing
Title and Organization

1-8-90
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8 day

of Jan 19 90

Ernest Carlson
Notary Public

Seal

Residing at Idaho Falls, ID

My Commission Expires 6-14-1994

SCANNED

AUG 29 2001

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 73-00150D
Date Received: 1/8/90
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name: PINES GRAZING ASSN INC Phone: (208)879-2354

Address: C/O LYNN TRITTHART
HC 63 BOX 1769
CHALLIS ID 83226

2. Date of Priority: 07/01/1887

3. Source: PAHSIMEROI RIVER Trib. to: Salmon River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County
13N	23E	19	SW	SW	CUSTER
13N	23E	19	SE	SW	CUSTER
13N	23E	20	NW	SW	CUSTER
13N	23E	2	NW	SE	CUSTER
12N	23E	2	SW	NW	CUSTER

5. Description of diverting works:

OPEN DITCHES WITH PUMPS FOR BOTH FLOOD AND SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	4	

7. Total Quantity Appropriated is:
4 C.F.S.

A7300150D



8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
13N	22E	1	SW	NW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
						Section Acres	120
13N	22E	2	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	38
			SW	NE		IRRIGATION	24
			SE	NE		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	8
			SW	SE		IRRIGATION	4
			SE	SE		IRRIGATION	40
						Section Acres	234
13N	22E	11	NE	NE		IRRIGATION	38.5
			SE	NE		IRRIGATION	31.2
			NE	SE		IRRIGATION	35
			SE	SE		IRRIGATION	34
						Section Acres	138.7
13N	22E	12	NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
						Section Acres	320
13N	22E	13	NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40

			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	520
13N	22E	14	NE	NE	IRRIGATION	31.2
			SW	NE	IRRIGATION	17.2
			SE	NE	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	22
			SW	SE	IRRIGATION	29.2
			SE	SE	IRRIGATION	40
					Section Acres	219.6
13N	22E	23	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	38.5
			SW	NE	IRRIGATION	26.4
			SE	NE	IRRIGATION	40
			NE	SE	IRRIGATION	28.4
			NW	SE	IRRIGATION	1.6
					Section Acres	174.9
13N	22E	24	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
					Section Acres	480
13N	23E	18	SW	SW	IRRIGATION	40
					Section Acres	40
13N	23E	19	NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	1 IRRIGATION	38.5
			SW	NW	2 IRRIGATION	38.7
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	3 IRRIGATION	38.9
			SW	SW	4 IRRIGATION	39.1
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40

			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	595.2
13N	23E	20	NW	SW	IRRIGATION	40
					Section Acres	40
13N	23E	29	NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			NW	SW	IRRIGATION	40
					Section Acres	120
13N	23E	30	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	39.3
			NE	SE	IRRIGATION	19
			NW	SE	IRRIGATION	7.5
					Section Acres	265.8
14N	22E	35	SW	SE	IRRIGATION	37.5
			SE	SE	IRRIGATION	40
					Section Acres	77.5
					Total Acres	3345.7

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

14. Remarks:

CHANGE ADDRESS 10-5-94/JT

15. Basis of Claim: Decreed

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: A73-00189
Date Received: 12/27/1989
Receipt No: 8011542
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PINES GRAZING ASSN., INC. 208-663-4663
Address: C/O GARY SKIDMORE
P.O. BOX 13
TERRETON, ID 83425

2. Date of Priority: MAY 19, 1909

3. Source: PAHSIMEROI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	23E 22E	2	NW	SE			CUSTER
	23E	19	SW	SW			CUSTER
			SE	SW			CUSTER
	23E	20	NW	SW			CUSTER

5. Description of diverting works:
OPEN DITCHES WITH PUMPS FOR BOTH FLOOD AND SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.400		

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

8. Total consumptive use is 2716.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	22E	1	SW		NW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			Section Acres					120.0
		2	NE		NE		IRR	40.0
			NW		NE		IRR	38.0
			SW		NE		IRR	24.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	8.0
			SW		SE		IRR	4.0
			SE		SE		IRR	40.0
			Section Acres					234.0
		11	NE		NE		IRR	38.5
			SE		NE		IRR	31.2
			NE		SE		IRR	35.0
			SE		SE		IRR	34.0
			Section Acres					138.7
		12	NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			Section Acres					320.0
		13	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	22E	13	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				520.0
		14	NE	NE		IRR	31.2
			SW	NE		IRR	17.2
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	22.0
			SW	SE		IRR	29.2
			SE	SE		IRR	40.0
			Section Acres				219.6
		23	NE	NE		IRR	40.0
			NW	NE		IRR	38.5
			SW	NE		IRR	26.4
			SE	NE		IRR	40.0
			NE	SE		IRR	28.4
			NW	SE		IRR	1.6
			Section Acres				174.9
		24	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			Section Acres				480.0
	23E	18	SW	SW		IRR	40.0
			Section Acres				40.0
		19	NW	NE		IRR	40.0
			SW	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres		
13N	23E	19	SE	NE		IRR	40.0		
			NE	NW		IRR	40.0		
			NW	NW	1	IRR	38.5		
			SW	NW	2	IRR	38.7		
			SE	NW		IRR	40.0		
			NE	SW		IRR	40.0		
			NW	SW	3	IRR	38.9		
			SW	SW	4	IRR	13.2		
			SE	SW		IRR	15.6		
			NE	SE		IRR	40.0		
			NW	SE		IRR	40.0		
			SW	SE		IRR	14.8		
			SE	SE		IRR	22.0		
			Section Acres						501.7
				20	NW	SW		IRR	40.0
Section Acres						40.0			
14N	22E	35	SW	SE		IRR	37.5		
			SE	SE		IRR	40.0		
			Section Acres						77.5
Total Acres						2866.4			

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A34-00150D/00147B/00147A/10040/00147C/10041

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

LORENZO FALLS
Decree Plaintiff

vs

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

Number of attachments: 0

For Organizations:

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

Berky Westgren
Signature of Authorized Agent

president Pines Grazing
Title and Organization

1-8-90
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of Jan 19 90

Ernest Carlson
Notary Public

Seal

Residing at Idaho Falls, ID

My Commission Expires 6-14-1994

State of Idaho

License and Certificate of Water Right

Water License No. 5146

Amount 5.2 cfs

Water District No. 12

Priority 9-5-08

THIS IS TO CERTIFY that WILLARD BOWEN

of May, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 3, 1908; that Permit No. 5145 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5.2 second feet, was issued thereunder on August 25th, 1911, showing that said works were completed on the 25 day of March, 1911; and that on the 1st day of May, 1911, Willard Bowen

of May, State of Idaho, made proof to the satisfaction of the State Engineer of Idaho, of a right to the use of the waters of Coldburg Creek, a tributary of Pahsimeroi, for the purpose of irrigation and domestic use, under License No. 5146 of the State Engineer, and that said right to the use of said water has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Engineer of Idaho and entered of record in Volume 6 of Records, at page 237, on the 24 day of May, 1912.

The right hereby confirmed dates from September 3, 1908.

The Point of Diversion is located

in the SE SW 18 13 N 23 E

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is 5.2 cfs, which amount actually needed and beneficially used for said purposes, and shall not exceed 5.2 cfs, which last per second.

Distribution and location of use:

Tract	Section	Quarter	Acres	Priority
13 N	23 E	18	40	9-5-08
		SW NW	40	9-5-08
		SW NW	40	9-5-08
		SE NW	40	9-5-08
		NE SW	40	9-5-08

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	23E	24	NW	SE		IRR	40.0
Section Acres							160.0
Total Acres							160.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
MANY

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 5146

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: 0

For Organizations:

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

Barry Westergard
Signature of Authorized Agent

president Piver Grazing
Title and Organization

1-8-90
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of Jan 19 90
Ernest Carlson
Notary Public

Seal

Residing at Alamo Falls, ND
My Commission Expires 6-14-1994

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: A73-02048
Date Received: 12/27/1989
Receipt No: 8011542
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PINES GRAZING ASSN., INC. 208-663-4663
Address: C/O GARY SKIDMORE
P.O. BOX 13
TERRETON, ID 83425

2. Date of Priority: SEP 03, 1909

3. Source: GOLDBERG CREEK Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	23E	19	SW	SW			CUSTER

5. Description of diverting works:
OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	23E	24	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			NE	SE		IRR	40.0

A73-02048

Page 1

Date: 12/27/89

P.O.U.

OKAY
P.O.D. - Probably
should be 520 NW SW

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: A73-10041
Date Received: 12/27/1989
Receipt No: 8011542
Received By: SPC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PINES GRAZING ASSN., INC. 208-663-4663
Address: C/O GARY SKIDMORE
P.O. BOX 13
TERRETON, ID 83425

2. Date of Priority: NOV 24, 1909

3. Source: BIG CREEK Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	23E	13	NE	NW			CUSTER

5. Description of diverting works:
OPEN DITCHES WITH PUMPS FOR BOTH FLOOD AND SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	7.200		

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

8. Total consumptive use is 3056.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	22E	1	SW	NW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0

Section Acres 120.0

A73-10041

Page 1

Date: 12/27/89

Land
P.O.U. & P.O.D
OKAY.

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	22E	2	NE		NE		IRR	40.0
			NW		NE		IRR	38.0
			SW		NE		IRR	24.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	8.0
			SW		SE		IRR	4.0
			SE		SE		IRR	40.0
							Section Acres	234.0
		11	NE		NE		IRR	38.5
			SE		NE		IRR	31.2
			NE		SE		IRR	35.0
			SE		SE		IRR	34.0
							Section Acres	138.7
		12	NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
							Section Acres	320.0
		13	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	520.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	22E	14	NE		NE		IRR	31.2
			SW		NE		IRR	17.2
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	22.0
			SW		SE		IRR	29.2
			SE		SE		IRR	40.0
Section Acres								219.6
		23	NE		NE		IRR	40.0
			NW		NE		IRR	38.5
			SW		NE		IRR	26.4
			SE		NE		IRR	40.0
			NE		SE		IRR	28.4
			NW		SE		IRR	1.6
Section Acres								174.9
		24	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
Section Acres								480.0
23E		18	SW		SW		IRR	40.0
Section Acres								40.0
		19	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	38.5
			SW		NW	2	IRR	38.7

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	23E	19	SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW	3	IRR	38.9
			SW	SW	4	IRR	13.2
			SE	SW		IRR	15.6
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	14.8
			SE	SE		IRR	22.0
Section Acres						501.7	
		20	NW	SW		IRR	40.0
Section Acres						40.0	
14N	22E	35	SW	SE		IRR	37.5
			SE	SE		IRR	40.0
			Section Acres				
Total Acres						2866.4	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A34-00150D/00147B/00147A/00189/00147C/10040

14. Remarks:
THIS NOTICE IS A COMBINATION OF DECREES 73-00018 (2.4 CFS) AND 73-00019 (4.8 CFS).
WATER FROM BIG CREEK EMPTIES INTO THE PAHSIMEROI RIVER IN THE SE1/4SW1/4, SECTION 27, TWP. 13N, RGE. 23E AND THEN IS DIVERTED FROM THE RIVER THROUGH OUR DIVERSION IN THE SE1/4SW1/4, SECTION 20, TWP. 13N, RGE. 23E.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

LORENZO FALLS
Decree Plaintiff

URIAH WELLS
Decree Defendant

A73-10041

Page

4

Date: 12/27/89

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: 0

For Organizations:

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

Rocky Westgaard
Signature of Authorized Agent

president Pines Grazing
Title and Organization

1-8-90
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of Jan 19 90
Ernest Carlson
Notary Public

Seal

Residing at Alho Falls, ID

My Commission Expires 6-14-1994

73K

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
COUNTY OF CUSTER.

Valentine Maslzer, Frankie Maslzer,
J. A. Harrington, Etta M. Harrington,
Mark L. Howe, William Rabenert, John
W. Norbitt, William J. Knight,
Milla Howe,

Plaintiffs,

vs.

D E C R E E .

J. H. Smith, State Engineer, and Ray
Mahoney, Watermaster of the Pahram-
areí River, et al.

Defendants.

This cause having been heretofore, to-wit, on March 6th, 1918, and April 22nd, 1919,
duly and regularly brought on for hearing in open Court at Challis, Custer County, Idaho,
before the Honorable F. J. Cowen, District Judge, W. W. Adamson appearing as counsel for
the plaintiffs and for Charles Warren, Intervener, and Clark & Brodhead appearing as coun-
sel for the defendants and cross-complainants, William H. Brown, Adella B. Brown, J. J.
Bauman and Celia Bauman, and A. J. Higgins and George L. Ambrose appearing as counsel for
the defendants and cross-complainants, J. W. Thompson and Malinda J. Thompson, his wife,
D. G. Taggart, William J. Fray, Ella V. Christian, Edwin Harman and Clara Harman, his
wife, George May, David May, John George May, Joseph C. May and Oliver William Gull, and
evidence having been submitted on the part of the plaintiffs and on the part of the de-
fendants and interveners; and the said cause having come on regularly before the said
Honorable F. J. Cowen, District Judge, in open Court at Challis, Custer County, Idaho,
on April 27th, 1920, for consideration by the said Court as to the proper findings of fact
and conclusions of law and decrees to be entered in said cause, and all parties plaintiff
and all parties defendant being represented by their respective counsel; and the Court,
having seen and understood the pleadings filed herein and the evidence submitted by the
respective parties and having duly considered the same, and having filed findings of fact
and conclusions of law,

it is by virtue of the law and in accordance with such findings of fact and conclusions
of law, by the Court, ORDERED, ADJUDGED AND DECREED as follows, to-wit:-

I.

73 0006 ✓
That the plaintiff, Valentine Maslzer, is entitled to and is hereby decreed 90 inches,
or 1.5 second feet, with date of priority of January 20th, 1910, of the waters of the
Pahramareí River, for use upon his said lands, and which said right is appurtenant to the
following described land, to-wit:-

Sec. 1, E. 1/2 NW. 1/4, Sec. 12, Twp. 14 N., R. 21 E., E. 1/2 NW. 1/4, S. 1/2 NW. 1/4,
Idaho, containing 120 acres, more or less.

II.

73 0007 ✓
That the plaintiff, Frankie Maslzer, is entitled to and is hereby decreed 50 inches,
or 1 second feet, of the waters of Sulphur Creek, a tributary of the Pahramareí River,
with date of priority of July 20, 1915, and also 50 inches, or one second feet, of the

JUL 30 1926

waters of Little Sulphur Creek, a tributary of the Pahrsmaree River, with date of priority of September 16th, 1912, for use upon her said lands, and which said rights are appurtenant to the following described lands, to-wit: -

NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, Twp. 14 N., R. 21 E., B. M., containing 80 acres, more or less.

III

75-0008 A

73-0008

That the plaintiff, J. A. Harrington, is entitled to and is hereby decreed ^{60 inches} 120 inches, or 2.4 second feet, of the waters of Sulphur Creek, with date of priority of January 20th, 1910, for use upon his said lands, and which said right is appurtenant to the following described land, to-wit:-

NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, Twp. 14 N., R. 21 E., B. M., and the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18 Twp. 14 N., R. 22 E., B. M., containing 80 acres, more or less.

(60 inches declared forfeited & abandoned by decree Herder vs. Burstedt)

IV.

73 0009

That the plaintiff, Etta M. Harrington, is entitled to and is hereby decreed 120 inches, or 2.4 second feet, of the waters of the Pahrsmaree River, with date of priority of January 20th, 1910, for use upon her said lands, and which said right is appurtenant to the following described land, to-wit:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, Twp. 14 N., R. 22 E., B. M., containing 160 acres, more or less.

V.

73 0010

That the plaintiff, Mark Howe, is entitled to and is hereby decreed 120 inches, or 2.4 second feet, of the waters of Pahrsmaree River, with date of priority of June 24th, 1910, for use upon his said lands, and which said right is appurtenant to the following described land, to-wit:-

E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 13, Twp. 14 N., R. 21 E., B. M., containing 160 acres, more or less.

VI.

73 0011

That the plaintiff, Mills Howe, is entitled to and is hereby decreed 180 inches, or 3.6 second feet, of the waters of Pahrsmaree River, with date of priority of June 24th, 1910, for use upon her said lands, and which said right is appurtenant to the following described lands, to-wit:-

N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, Twp. 14 N., R. 21 E., B. M., and the E $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, Twp. 14 N., R. 22 E., B. M., containing 240 acres, more or less.

73 0012

VII.

That the plaintiff, Clarence E. Dyerley, successor in interest and title to the plaintiff, William Rabenart, is entitled to and is hereby decreed 60 inches, or 1.2 second feet, of the waters of the Pahrsmaree River, with date of priority of April 28th, 1913, for use upon his said lands, and which said right is appurtenant to the following described land, to-wit:

E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 12, Twp 14 N., R. 21 East, B. M., containing 80 acres, more or less.

VIII.

73 0013

That the plaintiff, Elizabeth Barvelaw, successor in interest and title to the plaintiff

JUL 30 1996

Valentine Maelzer, to the lands hereinafter described, is entitled to and is hereby decreed 150 inches, or 3 second feet, of the waters of Big Creek, with date of priority of May 1st, 1917, for use upon her said lands, and which said right is appurtenant to the following described land, to-wit:-

W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35, Twp. 14 N., R. 23 E., B. M., and the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12 Twp. 13 N., R. 23 E., B. M., containing 200 acres, more or less.

IX.

73 0014^v

That the plaintiff, William J. Knight, is entitled to and is hereby decreed 120 inches, or 2.4 second feet, of the waters of Big Creek, with date of priority of May 1st, 1917, for use upon his said lands, and which said right is appurtenant to the following described land, to-wit:-

Lots 1, 3 and 4, Sec. 2, Twp. 13 N. and the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35, Twp. 14 N., R. 23 E., B. M., containing 160 acres, more or less.

X.

73 0015^v

That the plaintiff, John W. Nesbitt, is entitled to and is hereby decreed 240 inches, or 4.8 second feet, of the waters of the Pahrump River, with date of priority of February 26, 1913, for use upon his said lands, and which said right is appurtenant to the following described lands, to-wit:-

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20, Twp. 13 N., R. 23 E., B. M., containing 320 acres, more or less.

73-0003^{T-16/2}
~~73-0016~~

XI.

That the defendant, William H. Brown, is entitled to and is hereby decreed 240 inches, or 4.8 second feet, of the waters of Big Creek, with date of priority of April 17th, 1915, for use upon his said lands, and which said right is appurtenant to the following described land, to-wit:-

S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 8, and the N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 17, Twp. 13 N., R. 23 E., B. M., containing 320 acres, more or less.

73 0017^v T-16/2

XII.

That the defendant and cross-complainant, Adella B. Brown, is entitled to and is hereby decreed 240 inches, or 4.8 second feet, of the waters of Big Creek, with date of priority of April 17th, 1915, for use upon her said lands, and which said right is appurtenant to the following described land, to-wit:-

S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 17, Twp. 13 N., R. 23 E., B. M., containing 320 acres, more or less.

73 0018^v

XIII.

That the defendant and cross-complainant, J. J. Bauman, is entitled to and is hereby decreed 120 inches, or 2.4 second feet, of the waters of Big Creek, with date of priority of November 24th, 1909, for use upon his said lands, and which said right is appurtenant to the following described land, to-wit:-

S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 2, Twp. 13 N., R. 22 E., B. M., containing 160 acres, more or less.

XIV.

73 0019^v

That the defendant and cross-complainant, Celia Bauman, is entitled to and is hereby decreed 240 inches, or 4.8 second feet, of the waters of Big Creek, with date of priority

JUL 8 0 1936

South half (S $\frac{1}{2}$), Sec. 26, Twp. 13 N., R. 23 E., B. M., containing 320 acres, more or less.

XVII.

73 003 That the complainant in intervention, Charles Warren, is entitled to and is hereby decreed, 120 inches, or 2.4 second feet, of the waters of Big Creek, with date of priority of June 1st, 1917, for use upon his said lands, and which said right is appurtenant to the following described lands, to-wit:-

S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 13, Twp. 13 N., R. 22 E., B. M., and Lot 3, Sec. 16, Twp. 13 N. R. 23 E., B. M., containing 160 acres, more or less.

XVIII.

That there is also hereby decreed to the respective parties hereto, in addition to the amounts awarded to them hereto for use upon their respective lands, for seepage and evaporation losses for the year 1920, one-third additional to the amounts decreed, for seepage and evaporation losses in the Bauman, May and Brown canals and also the Big Creek Canal and California Canals, only.

XXIX.

That the defendant, J. H. Smith, State Engineer, and his successors in office, their and each of their agents, attorneys, servants and employees, and the defendant, Ray Mahoney, Water Master, and his successors in office, their and each of their agents, servants, attorneys and employees, and all other persons, be, and they are hereby restrained and enjoined from diverting or causing to be diverted any of the waters of the Pahsammere River, Sulphur Creek, Little Sulphur Creek and Big Creek, save and except however subject to all prior adjudicated and decreed rights on said streams.

Dated at Challis, Custer County, Idaho, in Open Court, this 29th day of April, 1920.

F. J. Cowan,

District Judge.

Filed this 3rd day of June A. D. 1921.

E J Michael

Clerk.

State of Idaho)
County of Custer) ss

I, E J Michael, Clerk of the District Court of the Sixth Judicial District of the State of Idaho, in and for Custer County, hereby certify that the above and foregoing is a full, true and complete copy of the record as same appears in Book 2 of Judgments at pages 391 to 396 inclusive, records of said Court.

Witness my hand and the seal of said Court this 15th day of July, 1921.

E J Michael
Clerk

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: A73-10069
Date Received: 4/18/1990
Receipt No: 400666P
Received By: Jpe

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PINES GRAZING ASSOC. 208-879-4406
Address: HC 63 BOX 1760
CHALLIS, ID 83226

2. Date of Priority: NOV 24, 1909

3. Source: BIG CREEK Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	23E	6	SE	SE	NE		LEMHI

5. Description of diverting works:
DITCHES WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.880		

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

8. Total consumptive use is 80.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13N	23E	6	SW	NE		IRR	7.0
			SE	NE		IRR	25.0
Section Acres							32.0

A73-10069

Page 1

Date: 04/18/90

MICROFILMED
DEC 14 1992

10. Place of Use: Continued

Total Acres 32.0

11. Place of use in counties: LEMHI

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: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am president of
Title

Pines Grazing Ass., that I have signed the foregoing
Organization
document in the space below as president of
Title

Pines Grazing Ass. and that the statements contained in the
Organization
foregoing document are true and correct.

Rocky Westgaard
Signature of Authorized Agent

President Pines Grazing Ass.
Title and Organization

April 18-1990
Date

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 1st day

of April 19 90

John Dal Carter
Notary Public

Seal

Residing at Boise ID

My Commission Expires 6/3/94

(PATTERSON SW)

DOUBLESRING NE QUADRANGLE

IDAHO

7.5 MINUTE SERIES

112°45' 44"30"

R22E R23E

47°30"

MAY SEI

32

31

36

35

T 14 N

T 13 N

25

CO

CO

LEMHI

CUSTER

Big

1

2

3

4

5

6

7

8

BM 5348

BM 5394

DEC 5 1992

MICROFILM

5115

Found

5465

12

11

10

9

8

7

6

5

IDaho DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

03/04/2005

WATER RIGHT NO. 73-2126A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PINES GRAZING ASSN INC C/O LYNN TRITTHART HC 63 BOX 1769 CHALLIS, ID 83226 (208)879-2354
Original Owner	WOOD LIVE STOCK CO LTD SPENCER, ID

Priority Date: 08/01/1920

P : Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG CREEK	PAHSIMEROI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	40 CFS	
Total Diversion			40 CFS	

Location of Point(s) of Diversion:

BIG CREEK	NENW	Sec. 13	Township 13N	Range 23E	CUSTER County
-----------	------	---------	--------------	-----------	---------------

F : (s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
13N	22E	1		SWNW	40									
				NWSW	40		SWSW	40						
		2		NENE	40		NWNE	38		SWNE	24		SENE	40
				NESE	40		NWSE	8		SWSE	4		SESE	40
		11		NENE	38.5		SENE	31.2						
				NESE	35		SESE	34						
		12		NWNW	40		SWNW	40						
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NWSE	40		SWSE	40						
		13		NWNE	40		SWNE	40						
				NENW	40		NWNW	40						
				NWSW	40									
				SESE	40									
		14		NENE	31.2		SWNE	17.2		SENE	40			
				NESE	40		NWSE	22		SWSE	29.2		SESE	40
		23		NENE	40		NWNE	38.5		SWNE	26.4		SENE	40
				NESE	28.4		NWSE	1.6						
		24		NENE	40		NWNE	35.3		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	40		SENW	40
				NESW	40		NWSW	40						
				NESE	40		NWSE	40						
14N		35		SWSE	37.5		SESE	40						

Total Acres: 2000

Remarks:

1. General	THIS NOTICE IS BASED ON THE BENEFICIAL USE OF WATER THAT WAS ORIGINALLY COVERED UNDER PERMIT 73-2126 FILED BY WOODS LIVESTOCK. THOUGH THIS PERMIT LAPSED THE WATER HAS BEEN USED CONTINUOUSLY SINCE THE PERMIT WAS FILED. WATER FROM BIG CREEK EMPTIES INTO THE PAHSIMEROI RIVER IN THE SE1/4SW1/4 SECTION 27, TWP. 13N, RGE. 23E AND THEN IS REDIVERTED FROM THE RIVER THROUGH AT OUR DIVERSION IN THE SE1/4SW1/4, SECTION 20, TWP 13N, RGE. 23E. NORMALLY AS THE FLOW IN BIG CREEK RECEDES THE PAHSIMEROI RIVER STARTS TO FLOW. ***CHANGE ADDRESS 10-5-94/JT***
------------	--

Dates:

Licensed Date:

Claim Received Date:

Enlargement Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 73

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 26, 2004

73-2126A 73-10054 73-10069
PINES GRAZING ASSN INC
C/O LYNN TRITTHART
HC 63 BOX 1768
CHALLIS ID 83226

RESPONSE DEADLINE
AUGUST 27, 2004

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. **Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.**

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129 and ask for me or Danni Smith.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent

Enclosures

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: A73-00259
Date Received: 12/27/1989
Receipt No: 2011542
Received By: ENC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PINES GRAZING ASSN., INC. 208-663-4663
Address: C/O GARY SKIDMORE
P.O. BOX 13
TERRETON, ID 83425

2. Date of Priority: MAY 01, 1950

3. Source: SPRING CREEK Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	23E	29	NW	NW	NW		CUSTER

5. Description of diverting works:
OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13N	22E	1	SW	NW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0

Section Acres 120.0

A73-00259

Page 1

Date: 01/08/90

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	22E	2	NE		NE		IRR	40.0
			NW		NE		IRR	38.0
			SW		NE		IRR	24.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	8.0
			SW		SE		IRR	4.0
			SE		SE		IRR	40.0
							Section Acres	234.0
		11	NE		NE		IRR	38.5
			SE		NE		IRR	31.2
			NE		SE		IRR	35.0
			SE		SE		IRR	34.0
							Section Acres	138.7
		12	NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
							Section Acres	320.0
		13	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	520.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	22E	14	NE		NE		IRR	31.2
			SW		NE		IRR	17.2
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	22.0
			SW		SE		IRR	29.2
			SE		SE		IRR	40.0
							Section Acres	219.6
		23	NE		NE		IRR	40.0
			NW		NE		IRR	38.5
			SW		NE		IRR	26.4
			SE		NE		IRR	40.0
			NE		SE		IRR	28.4
			NW		SE		IRR	1.6
							Section Acres	174.9
		24	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	480.0
	23E	18	SW		SW		IRR	40.0
							Section Acres	40.0
		19	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	38.5
			SW		NW	2	IRR	38.7

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	23E	19	SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW	3	IRR	38.9
			SW	SW	4	IRR	13.2
			SE	SW		IRR	15.6
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	14.8
			SE	SE		IRR	22.0
			Section Acres				
	20	NW	SW		IRR	40.0	
Section Acres						40.0	
14N	22E	35	SW	SE		IRR	37.5
			SE	SE		IRR	40.0
			Section Acres				
Total Acres						2866.4	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
MANY

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

Decree Plaintiff

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

Number of attachments: 0

For Organizations:

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

Bucky Warburg
Signature of Authorized Agent

president Pines Grazing
Title and Organization

1-8-90
Date

State of Idaho)
County of Bonanza) SS.

Subscribed and sworn (or affirmed) before me this 8 day

of Jan. 19 90

Ernest Carlson
Notary Public

Seal

Residing at Alto Falls, ID

My Commission Expires 6-14-1994

①

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620

Ray W. Rigby, Esq.
G. Rich Andrus, Esq.
RIGBY, THATCHER, ANDRUS
RIGBY, & KAM, CHARTERED
25 North 200 East
Rexburg, Idaho 83440

RECEIVED

JUN 20 1989

Department of Water Resources

FILED 1:00 P.M.
6:30 12 89
C. H. M. Beck
J. Auna

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CUSTER

PINES GRAZING ASSOCIATION, INC.,)
a corporation; J. GRANT BALDWIN)
and EVELYN F. BALDWIN, husband)
and wife, as individuals; and)
A. M. HATCH & SONS, a general)
partnership, consisting of A. M.)
HATCH, LOLA E. HATCH, husband)
and wife; RUSSELL A. HATCH and)
MERLE HATCH, husband and wife;)
RALPH HATCH and RUTH HATCH,)
husband and wife; BERT L. HATCH)
and DORIS F. HATCH, husband and)
wife,)

Plaintiffs,)

vs.)

EDGAR GILBERT, Water Master,)
Water District No. 73, State of)
Idaho,)

Defendant,)

DON M. O'NEAL and VIOLA O' NEAL)
and RUBY ZIEGLER, husband and)
wife; JAMES CHESTER WHITTIER and)
THETA HULET WHITTEIR, husband)
and wife; GOLBERG GRAZING ASSOC.,)
INC., an Idaho corporation;)
PHILLIP MILLER and CHELDA MILLER,)
husband and wife; JOE SCOBLE and)
LILLIE D. SCOBLE, husband and)

Case No. 2244

STIPULATION

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Department of Water Resources

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wife; DaWAYNE HAMILTON and LINDA)
HAMILTON, husband and wife;)
GRANT D. HAMILTON and LOLA S.)
HAMILTON, husband and wife; DEAN)
WHEELER and GERALDINE WHEELER,)
husband and wife; EMA LU)
WHITWORTH, Individually, and)
EMA LU WHITWORTH, as the)
administratix of the estate of)
Jack M. Whitworth, deceased,)
))
Applicants for)
Intervention.)
_____)

IT IS HEREBY STIPULATED AND AGREED by and between the
named parties herein, acting through their respective attorneys
of record as follows:

1. That the Plaintiffs and the Applicants for
Intervention herein entered into a "Stipulation"
which was signed by all Plaintiffs and Applicants
for Intervention and their respective attorneys of
record in 1981. Said 1981 "Stipulation" was the
culmination of several years of litigation and
negotiation, and represents a major effort on the
part of the signatories thereto to compromise and
resolve all disputes with respect to their
respective rights to the use of the waters of the
Pahsimeroi River and its tributaries. When said
"Stipulation" had been executed by all Plaintiffs
and Applicants for Intervention and their respective

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attorneys of record, it was forwarded to the attorney for the Idaho Department of Water Resources who is the attorney of record for the Defendant Water Master of Water District No. 73 of the State of Idaho. Said 1981 "Stipulation" has never been executed by said Defendant or Defendant's attorney of record because they disagree with the manner in which Plaintiffs and Applicants for Intervention treated the rights to the use of the high-water or the waters in excess of the total amounts necessary to fill the specific rights identified in the various applicable existing decrees and said 1981 "Stipulation".

2. That subsequent thereto, and specifically on November 19, 1987, the Fifth Judicial District Court, in and for Twin Falls County, Idaho, entered its "Commencement Order" commencing a general adjudication of the Snake River and its tributaries within the boundaries of the Snake River Basin water system pursuant to the provisions of Idaho Code, Title 42, Chapter 14, and in compliance with the Act of Congress known as the "McCarran Amendment" (43 U.S.Ct. Section 666). This pending proceeding is commonly known and referred to as the SRBA (Snake River Basin Adjudication). The Pahsimeroi R

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its tributaries are included within the boundaries of the Snake River Basin water system and all rights to the use of the waters of the Pahsimeroi River and its tributaries, including all rights identified or referred to in said 1981 "Stipulation", must be adjudicated or re-adjudicated in said SRBA.

3. That in order to preserve the efforts of the Plaintiffs and the Applicants for Intervention, and to give effect to their intentions and agreement expressed in the 1981 "Stipulation", the parties hereto agree that said "Stipulation" shall be, and is hereby attached to and submitted to the court and that the court may sign and enter the Findings of Fact, Conclusions of Law and Decree contained therein, subject however to the following provisions relating to the pending SRBA:

a. Plaintiffs and Applicants for Intervention, or their successors in interest, shall be required to file claims in the SRBA for each and every right to the use of the waters of the Pahsimeroi River or its tributaries, including those claimed under said 1981 "Stipulation", and the Decree contained therein, the same as every other water right claimant subject to the SRBA. Specifically, the fact that the provisions of the Decree contained in the 1981 "Stipulation" do not specify each of the elements of the claimed rights to "excess water" referred to in Paragraph III of the Decree on Page 24 of said "Stipulation", shall not excuse the requirement in the SRBA that any claim for such a right must contain all the information required for any other similar claim filed in the SRBA.

JUL 30 1986

b. Such water rights and claims shall be subject to all the requirements of the laws and rules applicable to the SRBA, without exception. Specifically, such water rights and claims shall be subject to the requirement that the water rights and claims shall be investigated and reported to the District Court in the SRBA by the Director of the Idaho Department of Water Resources, and the Director shall not be bound by the terms of the "Stipulation" to the extent that such terms are inconsistent with the laws governing the appropriation of the public waters of the State of Idaho.

The parties hereto, through their respective attorneys of record have executed this Stipulation on the dates set opposite their respective signatures below:

HOLDEN, KIDWELL, HAHN & CRAPO

By:

Kent W. Foster
Kent W. Foster, a member
of the firm, Attorneys for
Plaintiffs.

6/1/89

RIGBY, THATCHER, ANDRUS, BARTON
& WALTERS, CHTD.

By:

Ray W. Rigby
Ray W. Rigby, and

6-8-89

By:

G. Rich Andrus, members of the
firm, Attorneys for Applicants
for Intervention

6-14-89

JIM JONES, ATTORNEY GENERAL FOR THE
STATE OF IDAHO

By:

Josephine Beeman
Josephine Beeman, and

6-21-89

By:

A. Lynn Krogh-Hampe
A. Lynn Krogh-Hampe, Deputy
Attorneys General, Department
of Water Resources, Attorneys
for Defendant Water Master
of Water District No. 73,
State of Idaho

6-20-89

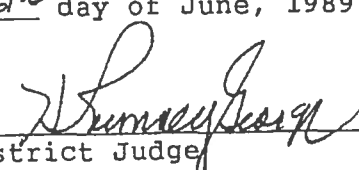
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ORDER

UPON READING AND FILING the above and foregoing Stipulation, as well as the 1981 "Stipulation" containing Findings of Fact, Conclusions of Law and Decree, attached hereto and entered herein simultaneously herewith, and good cause appearing therefore:

IT IS HEREBY ORDERED that said 1981 "Stipulation" containing Findings of Fact, Conclusions of Law and Decree, entered simultaneously herewith, be, and the same is hereby made subject to the provisions of the above and foregoing Stipulation.

RENDERED AND ENTERED this 26th day of June, 1989.


District Judge

0980.00
9026g/srr

JUL 3 0 1989

Kent W. Foster
of HOLDEN, KIDWELL, HAHN & CRAPO
P.O. Box 129
Idaho Falls, Idaho 83401
Telephone: 208 523-0620

Ray W. Rigby and
G. Rich Andrus
of RIGBY, THATCHER, ANDRUS,
BARTON & WALTERS, Chartered
Attorneys at Law
25 North Second East
Rexburg, Idaho 83440
Telephone: 208 356-3633

1.00 P. 1.00
6.30 8.9
Ethel M. Beck
Laura Pyler

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF CUSTER

PINES GRAZING ASSOCIATION, INC.,)
a corporation; J. GRANT BALDWIN)
and EVELYN F. BALDWIN, his wife)
as individuals; and A. M. HATCH)
& SONS, a general partnership,)
consisting of A. M. HATCH, LOLA)
E. HATCH, his wife, RUSSELL A.)
HATCH and MERLE HATCH, his wife,)
RALPH HATCH and RUTH HATCH, his)
wife, BERT L. HATCH and DORIS F.)
HATCH, his wife,)

Plaintiffs,)

vs.)

EDGAR GILBERT, Water Master,)
Water District No. 73, State of)
Idaho,)

Defendant,)

DON M. O'NEAL and VIOLA O'NEAL,)
husband and wife; JOE A. ZIEGLER)
and RUBY ZIEGLER, husband and)
wife; JAMES CHESTER WHITTIER)
and THETA HULET WHITTIER, husband)
and wife; GOLBERG GRAZING ASSOC.,)
INC., an Idaho corporation;)
PHILLIP MILLER and CHELDA MILLER,)
husband and wife; JOE SCOBLE and)
LILLIE D. SCOBLE, husband and)
wife; DAWAYNE HAMILTON and LINDA)
HAMILTON, husband and wife; GRANT)
D. HAMILTON and LOLA S. HAMILTON,)
husband and wife; DEAN WHEELER)
and GERALDINE WHEELER, husband)
and wife; EMA LU WHITWORTH,)
individually, and EMA LU)
WHITWORTH, as the administratrix)
of the estate of Jack M.)
Whitworth, deceased,)

Applicants for Inter-
vention)

Case No. 2244

STIPULATION

Deposition of Edgar Gilbert

JUL 3 01996

IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto that upon examination of the contents of this Stipulation by the Court and the Court being satisfied that said Stipulation is in all respects just and proper, the court may thereupon, without further notice to said parties, enter its Findings of Fact, Conclusions of Law, and Decree as follows:

FINDINGS OF FACT

I.

That the Plaintiff, Pines Grazing Association, Inc., is a corporation organized and existing under and by virtue of the laws of the State of Idaho, having its principal place of business in Custer County, State of Idaho.

II.

That the Plaintiffs, J. Grant Baldwin and Evelyn F. Baldwin, his wife, are residents and inhabitants of the County of Custer, State of Idaho.

III.

That the Plaintiff, A. M. Hatch and Sons is a general partnership, composed of Russell A. Hatch and Merle Hatch, his wife; Ralph Hatch and Ruth Hatch, his wife; and Bert L. Hatch and Doris F. Hatch, his wife; all of whom are residents and inhabitants of the State of Idaho; and that the principal place of business of said partnership is in the County of Custer, State of Idaho.

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IV.

That since on or about the first Monday of March, 1976, the defendant, Charles Kesl, has been, and now is, the duly elected, qualified and acting water maters of Water District No. 73 (formerly 19) of the State of Idaho.

V.

That the Plaintiff, Pines Grazing Association, is the record owner of the following described real property situated in the County of Custer, State of Idaho:

The South Half of the Southeast Quarter ($S\frac{1}{2}SE\frac{1}{4}$), the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$), the South Half of the Southwest Quarter ($S\frac{1}{2}SW\frac{1}{4}$), T-80 in Section 1; T-410 the South Half of the Northeast Quarter ($S\frac{1}{2}NE\frac{1}{4}$), the East Half of the Southeast Quarter ($E\frac{1}{2}SE\frac{1}{4}$), in Section 2; the East Half of the East Half ($E\frac{1}{2}E\frac{1}{2}$), of Section 11, the West Half of the West Half ($W\frac{1}{2}W\frac{1}{2}$), the East Half of the Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$), the West Half of the Southeast Quarter ($E\frac{1}{2}SW\frac{1}{4}$), the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$), the North Half of the Northeast Quarter ($N\frac{1}{2}NE\frac{1}{4}$), of Section 12; the West Half of the East Half ($W\frac{1}{2}E\frac{1}{2}$), the West Half ($W\frac{1}{2}$), the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$), of Section 13; the East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$), the South Half of the Southeast Quarter ($S\frac{1}{2}SE\frac{1}{4}$) of Section 14; the Northeast Quarter ($NE\frac{1}{4}$) of Section 23; the North Half ($N\frac{1}{2}$), the North Half of the Southeast Quarter ($N\frac{1}{2}SE\frac{1}{4}$), the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section 24; Township 13 North, Range 22 E.B.M.

Lot 4 in Section 18; Lots 1, 2, 3 and 4, the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$) the East Half of the Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$), the South Half of the Southeast Quarter ($S\frac{1}{2}SE\frac{1}{4}$), the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$), the West Half of the Northeast Quarter ($W\frac{1}{2}NE\frac{1}{4}$), the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$), and the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section 19; the West Half of the Northwest Quarter ($W\frac{1}{2}NW\frac{1}{4}$), the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$) of Section 29, Lot 1, the Northeast Quarter ($NE\frac{1}{4}$), the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) of Section 30; the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$) of Section 20; all in Township 13 North, Range 23 E.B.M.

T-411 in Section 35, Township 14 North, Range 22 E.B.M.

JUL 3 0 1996

VI.

That the Plaintiffs, J. Grant Baldwin and Evelyn F. Baldwin, his wife, are the record owners of the following described real property situated in the County of Custer, State of Idaho, to wit:

The South Half of the Southeast Quarter ($S\frac{1}{2}SE\frac{1}{4}$) the North Half ($N\frac{1}{2}$), and the North Half of the Southeast Quarter ($N\frac{1}{2}SE\frac{1}{4}$), the East Half of the Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$), and the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}SW\frac{1}{4}$) of Section 20, T-916 in Sections 28 and 33; the East Half ($E\frac{1}{2}$), the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$), and the East Half of the Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$), and the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$), of Section 29; the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}NE\frac{1}{4}$), Section 32; all in Township 13 North, Range 29 E.B.M.

VII.

That the Plaintiff, A. M. Hatch & Sons, is the record owner of the following described real property situated in the County of Custer, State of Idaho, to-wit:

The West Half of the Southwest Quarter ($W\frac{1}{2}SW\frac{1}{4}$) in Section 27; the Southeast Quarter ($SE\frac{1}{4}$), the Northwest Quarter ($NW\frac{1}{4}$), and T-917, in Section 28; T-1047, the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$), and the Northeast Quarter ($NE\frac{1}{4}$) of Section 33; the East Half of the Northwest Quarter ($E\frac{1}{2}NW\frac{1}{4}$), the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$), the North Half of the Southwest Quarter ($N\frac{1}{2}SW\frac{1}{4}$), the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}SW\frac{1}{4}$), the Southeast Quarter ($SE\frac{1}{4}$), the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$), and the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$) of Section 34; the West Half of the Southwest Quarter of the Southwest Quarter ($W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$) of Section 35; all in Township 13 North, Range 23 E.B.M.

Lots 1, 2, 3 and 4 in Section 3, Township 12 North, Range 23 E.B.M.

VIII.

That each of the plaintiffs and their predecessors in interest to the above described real property, have for many years been irrigating substantial portions of the above

described real property from waters of the Pahsimeroi River and its tributaries; and that all of the lands being irrigated by plaintiffs irrigation systems lie within the boundaries of Water District No 73 (formerly No. 19) of the State of Idaho; and that Water District 73 (formerly No. 19) was, and is, duly created and existing under and by virtue of the laws of the State of Idaho for the purpose of distributing the waters of the Pahsimeroi River and its tributaries within the boundaries of said water district, including all the waters diverted by these plaintiffs and their predecessors in interest.

IX.

That certain provisions of the decrees hereinafter mentioned, which relate to the real property of plaintiffs or Applicants for Intervention and the water rights appurtenant to such property, together with the findings of fact and conclusions of law upon which said decrees are based, and all pertinent amendments thereto are presently binding upon the plaintiffs and the Applicants for Intervention herein; and that decrees are referred to and identified as follows:

1. A decree entered in the District Court of the Sixth Judicial District of the State of Idaho, in and for Custer County, signed by Judge George F. Hansbrough, in the case entitled "Lorenzo Falls, et al, Plaintiffs, vs. Uriah Wells, et al, Defendants", on the 1st day of April, 1910.
2. A decree entered in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Custer, signed by Judge F. J. Cowen, in the case entitled "Valentine Maelzer, et al, Plaintiffs, vs. J. H. Smith, et al, Defendants", on the 29th day of April, 1920.
3. A decree entered in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Custer, signed by Judge Ralph W. Adair, in the case entitled "J. J. Bauman, et al, Plaintiffs, vs. Mark Kilgore, et al, Defendants", on the 3rd day of September, 1929.
4. A decree entered in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Custer, signed by Judge Ralph W. Adair, in the case entitled "Hamilton, et al, Plaintiffs, vs. Swendson, et al, Defendants", on the 17th day of February, 1926.

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X.

That the plaintiffs and their predecessors in interest, have since 1950 been diverting water from the Pahsimeroi River and certain of its tributaries in addition to the water rights decreed in the above described decrees; that said diversions have been made on the basis of and in reliance on the following described permits granted to Plaintiffs' predecessors in title.

1. Permit #11303/73-2099, issued to Howard Jones by the Idaho State Reclamation Engineer on June 19, 1915.

Source: Spring Creek (or Upper Spring Creek)

Amount: 1.6 cfs (80 miner's inches)

Original Priority Date: May 28, 1915

Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20; and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29; T 12 N. R. 23 E.B.M.

Place of Use: S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 19, T. 13 N., R. 23 E.B.M.

2. Permit #7078/73-2070, issued to Emmet Jones by the Idaho State Reclamation Engineer on February 6, 1911.

Source: Pahsimeroi River & Spring Creek (O'Neal Creek)

Amount: 3.2 cfs (160 miner's inches); 60 inches from Pahsimeroi River, 100 inches from Spring Creek

Original Priority Date: February 6, 1911

Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28 out of Pahsimeroi River; SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28 out of Spring Creek; all in T. 13., R. 23 E.B.M.

Place of Use: NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 20; NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29; All in T. 13 N., R. 23 E.B.M.

3. Permit #5348/73-2051, issued to E. M. Owrey by the Idaho State Reclamation Engineers on October 20, 1909.

Source: Goldberg Creek (or Bullberg Creek) and Spring Creek (or Upper Spring Creek)

Amount: 6 cfs (300 miner's inches) from Goldberg Creek, .4 cfs (20 miner's inches) from Spring Creek

Original Priority Date: October 20, 1909

Point of Diversion: N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 28; NE $\frac{1}{4}$ Sec. 29; S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20; all in T. 12 N., R. 23 E.B.M.

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that the plaintiffs are owners of certain systems of canals and ditches through which they divert and convey water from the said Pahsimeroi River and certain of its tributaries for irrigation of said lands; and that said plaintiffs have irrigated with the waters of the Pahsimeroi River and certain of its tributaries by diversion and application to beneficial use during each and every irrigation season since May 1, 1950, as set forth below:

1. Pines Grazing Association

A. 1.6 cubic feet per second of 80 inches of waters of Spring Creek (or Upper Spring Creek), a tributary of the Pahsimeroi River with an original priority date of May 28, 1915, which water is appurtenant to the real property described in Paragraph V above, for irrigation of said land and for watering of stock thereon. The points of diversion or diversional works of said plaintiff for this water right are located in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 29, Township 13 North, Range 23 E.B.M.

2. Baldwins

A. 1.2 cubic feet per second or 60 inches of the waters of the Pahsimeroi River, with an original priority date of February 6, 1911, which water is appurtenant to the real property described in Paragraph VI above, for irrigation of said land and for watering of stock thereon. The point of diversion or diversional works of said plaintiffs for this water right is located in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, Township 13 North, Range 23 E.B.M.

B. 4.4 cubic feet per second, or 220 inches of the waters of Goldberg Creek (Bullberg Creek), with an original priority date of October 20, 1909, which water is appurtenant to the real property described in Paragraph VI above, for irrigation of said land and for watering of stock thereon. The point of diversion or diversional works of said plaintiffs for this water right are located in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 28, Township 12, North, Range 23 E.B.M.

C. 2.0 cubic feet per second or 100 inches of the waters of O'Neal Creek, (or Spring Creek) with an original priority date of February 6, 1911, which water is appurtenant to the real property described in Paragraph VI above, for irrigation of said land and watering of stock thereon. The point of diversion or diversional works of said plaintiffs for this water right is located in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, Township 13 North, Range 23 E.B.M.

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D. .4 cubic feet per second or 20 inches of the waters of O'Neal Creek (or Spring Creek), with an original priority date of October 20, 1909, which water is appurtenant to the real property described in Paragraph VI above, for irrigation of said land and for watering of stock thereon. The point of diversion or diversional works of said plaintiffs for this water right are located in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 29, Township 13 North, Range 23 E.B.M.

E. .4 cubic feet per second or 20 inches of the waters of Spring Creek or (Upper Spring Creek), with an original priority date of October 20, 1909, which water is appurtenant to the real property described in Paragraph VI above, for irrigation of said land and for watering of stock thereon. Points of diversion or diversional works of said plaintiffs for this water right are located in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 29, Township 13 North, Range 23 E.B.M., and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 20, Township 13 North, Range 23 E.B.M.

3. A.M. Hatch and Sons

A. 1.6 cubic feet per second or 80 inches of the waters of Goldberg Creek of (Bullberg Creek) with an original priority date of October 20, 1909, which water is appurtenant to the real property described in Paragraph VII above, for irrigation of said lands and for watering of stock thereon. The point of diversion or diversional works of said plaintiffs for this water right is located in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 28, Township 13 North, Range 23 E.B.M.

XI.

That during the year 1969, plaintiffs were advised by officials of the State of Idaho Department of Reclamation that their predecessors in title had not completed the required statutory steps for the issuance of licenses on the above described permits, and that if plaintiffs were still using the water, they should file claims under the provisions of Idaho Code, Section 42-225a; that plaintiffs did, on or about the 17th day of July, 1969, file claims pursuant to said code section; that although plaintiffs never received notice, they subsequently learned that on May 13, 1971, the Director of the Department of Water Resources had entered orders cancelling the above described permits; that plaintiffs were subsequently

advised that the claims they had filed were not binding upon the water master and did not require him to deliver the water they claimed under the permits, that since the permits were cancelled the water master was no longer required to deliver the water they had been using under the permits, and that even if the Department were to revoke the orders of the cancellation and allow the completion of the requirements for license, the priority dates under the permits could not be protected.

XII.

That the plaintiffs and their predecessors in interest since May 1, 1950, have continuously used the same and are entitled to a Summary Supplemental Decree to the water rights above described; provided, however, that the priority date for each be May 1, 1950.

XIII.

That the plaintiffs seeking a summary supplemental adjudication of their water rights under Idaho Code, Section 42-1405, filed their Complaint herein against the then Water Master of Water District No. 73, Edgar Gilbert, on the 19th day of February, 1974; that thereafter, and on the 8th day of March, 1974, said Edgar Gilbert accepted service and acknowledged receipt of a copy of the Summons and Complaint; that on or about the 28th day of March, 1974, the Court entered an Order Directing Publication of Notice of Pendency and Purpose of Action and Fixing Date for Hearing pursuant to the provisions of Idaho Code, Section 42-1405; that thereafter plaintiffs caused a Notice of Pendency and Purpose of Action and of Hearing Date on said Action to be published in the Challis Messenger once each week for three consecutive weeks commencing with the issue dated March 21, 1974, and ending with

the issue dated April 4, 1974, and an Affidavit of Publication in appropriate form has been filed herein.

XIV.

That on the 10th day of April, 1974, the day set for hearing on plaintiffs' Complaint, Don M. O'Neal and Viola O'Neal, husband and wife, Joe A. Ziegler and Ruby Ziegler, husband and wife; James Chester Whittier and Theta Hulet Whittier, husband and wife, Goldberg Grazing Association, Inc., an Idaho corporation; Phillip Miller and Chelda Miller, husband and wife, Joe Scoble and Lillie Scoble, husband and wife, Grant D. Hamilton and Lola Hamilton, husband and wife, DaWayne Hamilton and Linda Hamilton, husband and wife; Vern Hamilton and Sons, a general partnership; and Ema Lu Whitworth, individually and Ema Lu Whitworth as the administratrix of the estate of Jack M. Whitworth, deceased, appeared herein, and by and through Ray W. Rigby and G. Rich Andrus, of Rigby, Thatcher, Andrus, Barton, P.A., filed herein their "Motion to Intervene as Defendants", and their proposed "Answer and Cross Claim and Counterclaim".

XV.

That on said date of April 10, 1974, and pursuant to lengthy negotiations between counsel for the respective parties and the court, it was concluded and subsequently stipulated that pending engineering studies and such compilation of data that would lead to resolution of the involved issues, the status quo would be maintained for the year 1974, the same as was done in 1973.

XVI.

That on or about the 7th day of February, 1975, the Applicants for Intervention, by and through their attorneys of record, moved the court for an order, ordering, authorizing and directing the Department of Water Administration to make an examination of the water system of the Pahsimeroi and its tributaries, and the canals and ditches or other works diverting water therefrom, and all the lands being irrigated by such canals and ditches and other works, and the other uses being made of water being diverted from such sources, in the manner provided by Section 42-1401, Idaho Code, and further ordering that such department should prepare a map showing such streamns, canals, and ditches and the lands thereunder and the location of other uses, and a report in the nature of a proposed finding of water rights in and to supplemental water of the Pahsimeroi River, as provided in Section 42-1401, Idaho Code; that thereafter and on or about the 2nd day of June, 1975, the court entered its Order (formalized in writing on June 5, 1975) granting said motion and order the Idaho Department of Water Resources pursuant to Idaho Code, Section 42-1401, to make a survey and report on the water systems, canals and ditches and other works diverting water from the Pahsimeroi River and its tributaries, including ground waters, and all lands being irrigated by such canals and ditches and other works, and the use being made of such waters within the Pahsimeroi watershed, and further that the Department of Water Resources should make all surveys, maps and reports in the manner specified in Chapter 14, Title 42 of the Idaho Code, dealing with the adjudication of water rights, and requiring the department to do the same as soon as the Department of Water Resources has available personnel and funds to prepare such survey and report.

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XVII.

That on or about the 17th day of May, 1976, the named defendant, Edgar Gilbert, as Water Master of Water District No. 73, filed his Motion for Modification of the Court's Order dated June 5, 1975, to provide that the lower Pahsimeroi River and all tributaries of the lower Pahsimeroi River be excluded from the survey and report to be conducted by the Department of Water Resources pursuant to the Order of the Court dated June 5, 1975; and that on the 16th day of June, in total, and released the Department of Water Resources from any and all obligation to perform the survey or prepare the report provided for in said Order; and that a formal Order to said effect was entered by the court on June 21, 1976.

XVIII.

That on the 7th day of March, 1977, pursuant to stipulation between the parties, the court entered its Order substituting the name of Charles Kesl for the name of Edgar Gilbert on the pleadings in this case for the reason that Charles Kesl had replaced said Edgar Gilbert as water master of Water District No. 73.

XIX.

That the Applicants for Intervention, Don M. O'Neal and Viola O'Neal, are husband and wife and are the record owners of the following described real property situated in the County of Lemhi, State of Idaho, to-wit:

NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 14 North, Range 22 East, Boise Meridian.

S $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 14 North, Range 22 East, Boise Meridian.

XX.

That Joe A. Ziegler, one of the Applicants for Intervention, is now deceased, and he and his wife, Ruby Ziegler, were the record owners of the following described real property situated in the County of Custer, State of Idaho, to-wit:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, and Lot 2 of Section 30, Township 13 North, Range 24 East, Boise Meridian.

NE $\frac{1}{4}$ of Section 25, Township 13 North, Range 23 East, Boise Meridian.

SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 13 North, Range 23 East, Boise Meridian.

E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 35, Township 13 North, Range 23 East, Boise Meridian.

and said property is now being purchased by their son, Leon Ziegler, and his wife, Ila K. Ziegler.

XXI.

That Leon Ziegler and Ila Ziegler, husband and wife, in addition to purchasing the real property described in Paragraph XX above, have purchased from Wayne Cunningham and Lorna M. Cunningham, husband and wife, and are presently the owners of the following described real property situated in the County of Custer, State of Idaho, to-wit:

NE $\frac{1}{4}$ of Section 25, Township 13 North, Range 23 East, Boise Meridian.

XXII.

That the Applicants for Intervention, James Chester Whittier and Theta Hulet Whittier, are husband and wife, and are record owners of or are purchasing under contract of sale

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the following described real property situated in the County of Custer, State of Idaho, to-wit:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 21 North, Range 24 East, Boise Meridian.

Lots 1, 2, 3 and 4, and SW $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ all in Section 5, Township 12 North, Range 24 East, Boise Meridian.

Lot 1, Section 6, Township 12 North, Range 24 East, Boise Meridian.

E $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 12 North, Range 24 Est, Boise Meridian.

NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 12 North, Range 24 East, Boise Meridian.

E $\frac{1}{2}$ NW $\frac{1}{4}$ and Lots 1 and 2 of Section 31, Township 13 North, Range 24 East, Boise Meridian.

NE $\frac{1}{4}$ of Section 36, Township 13 North, Range 23 East, Boise Meridian.

XXIII.

That the Applicants for Intervention Goldberg Grazing Association, Inc., a corporation, is the record owner of the following described real property situated in the County of Custer, State of Idaho, to-wit:

Lots 5 and 6 of Section 5, Township 12 North, Range 24 East, Boise Meridian.

Lots 2, 3, 4 and 5 of Section 6, Township 12 North, Range 24 East, Boise Meridian.

S $\frac{1}{2}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 6, Township 12 North, Range 24 East, Boise Meridian.

NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 12 North, Range 24 East, Boise Meridian.

Lots 3 and 4 and S $\frac{1}{2}$ SE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$, of Section 31, Township 13 North, Range 24 East, Boise Meridian.

XXIV.

That the Applicants for Intervention, Phillip Miller and Chelda Miller, are husband and wife and are the record owners of the following described real property situated in the County of Custer, State of Idaho, to-wit:

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SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 14 North,
Range 23 East, Boise Meridian.

XXV.

That the Applicants for Intervention, Joe Scoble and
Lillie D. Scoble, are husband and wife and are the record
owners of the following described real property situated in the
County of Custer, State of Idaho, to-wit:

Lots 3 and 4, and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, Township 13
North, Range 24 East, Boise Meridian.

Lots 3, 4 and 5 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6,
Township 12 North, Range 24 East, Boise Meridian.

N $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 22,
Township 12 North, Range 24 East, Boise Meridian.

N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 12 North,
Range 24 East, Boise Meridian.

NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 12 North, Range 24
East, Boise Meridian.

S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 15, Township 14 North, Range 22 East,
Boise Meridian.

NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 22, Township 14 North, Range
22 East, Boise Meridian.

NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 14 North, Range 22
East, Boise Meridian.

SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, Township 14 North, Range 22
East, Boise Meridian.

S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 14 North,
Range 22 East, Boise Meridian.

N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 22, Township 12 North, Range 24 East,
Boise Meridian.

N $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 14, Township 11 North,
Range 23 East, Boise Meridian.

N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 14
North, Range 22 East, Boise Meridian.

SW $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 14
North, Range 22 East, Boise Meridian.

SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 14 North, Range 22
East, Boise Meridian.

NW $\frac{1}{4}$ and SE $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$, and
SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 14 North, Range 22
East, Boise Meridian.

E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 14 North,
Range 22 East, Boise Meridian.

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Lots 3 and 4 of Section 1, Township 14 North, Range 21 East, Boise Meridian.

NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 12 North, Range 24 East, Boise Meridian.

E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 22, Township 12 North, Range 24 East, Boise Meridian.

N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 22, Township 22 North, Range 24 East, Boise Meridian.

N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 12 North, Range 24 East, Boise Meridian.

NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 12 North, Range 24 East, Boise Meridian.

NW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 23, Township 12 North, Range 24 East, Boise Meridian.

XXVI.

That the Applicants for Intervention Grant D. Hamilton and Lola Hamilton are husband and wife and are the record owners of the following described real property situated in the Counties of Custer and Lemhi, State of Idaho, to-wit:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 14 North, Range 22 East, Boise Meridian.

SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 14 North, Range 22 East, Boise Meridian.

SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 14 North, Range 22 East, Boise Meridian.

NW $\frac{1}{4}$ NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 14 North, Range 22 East, Boise Meridian.

S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 21, Township 14 North, Range 23 East, Boise Meridian.

N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 28, Township 14 North, Range 23 East, Boise Meridian.

XXVII.

That the Applicants for Intervention, DaWayne Hamilton and Linda Hamilton, husband and wife, are the record owners of the following described real property situated in the County of Custer, State of Idaho, to-wit:

S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 22, Township 14 North, Range 22 East, Boise Meridian.

S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 23, Township 14 North, Range 22 East, Boise Meridian.

N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 26, Township 14 North, Range 22 East, Boise Meridian.

NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 22, Township 14 North, Range 22 East, Boise Meridian.

N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 23, Township 14 North, Range 22 East, Boise Meridian.

XXVIII.

That the Applicants for Intervention, Ema Lu Whitworth and the Estate of Jack M. Whitworth represented by Ema Lu Whitworth as the duly appointed and acting administratrix of said estate are the owners of the following described real property situated in the County of Custer, State of Idaho:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 2, Township 13 North, Range 23 East, Boise Meridian.

NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 13 North, Range 23 East, Boise Meridian.

SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 14 North, Range 23 East, Boise Meridian.

Lot 2, and S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 2, Township 13 North, Range 23 East, Boise Meridian.

NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 12, Township 13 North, Range 23 East, Boise Meridian.

SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 13 North, Range 23 East, Boise Meridian.

Lots 1, 3 and 4 of Section 2, Township 13 North, Range 23 East, Boise Meridian.

SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 14 North, Range 23 East, Boise Meridian.

W $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 35, Township 14 North, Range 23 East, Boise Meridian.

XXIX.

That each of the Applicants for Intervention, and their predecessors in interest, have for many years irrigated

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substantial portions of their real property from the waters of the Pahsimeroi River and its tributaries; that there are certain decreed and licensed water rights appurtenant to portions of said properties; and that all of the lands so irrigated, together with the points of diversion or canals and diversion works and irrigation system for the irrigation of said lands lie within the boundaries of Water District No. 73 (formerly No. 19) of the State of Idaho.

XXX.

That in addition to the water rights mentioned herein, as well as all other decreed rights and licensed rights of the Plaintiffs and the Applicants for Intervention, said plaintiffs and Applicants for Intervention, as well as their predecessors in interest, have for many years, usually during those periods of time early in the irrigation season when said water is available, diverted and applied to beneficial use for the irrigation of their lands described herein, all of the high waters or flood waters which have been available in the Pahsimeroi River and its tributaries; that for the purposes of these findings, said high waters and flood waters are described as any water which has been present in the Pahsimeroi River and its tributaries in excess of the total amount necessary to supply already licensed or decreed rights including the rights of the parties mentioned herein; and that all of said waters, in each year when any of such water has been available and in whatever amounts available, has been distributed by the water master on a pro rate basis in accordance with the licensed or decreed rights or permit rights mentioned herein of the parties herein.

JUL 3 0 1996

XXXI.

By inadvertance Dean Wheeler and Geraldine Wheeler, husband and wife, were not named or joined as Applicants for Intervention, and should be joined as intervenors. Dean Wheeler and Geraldine Wheeler are husband and wife and are the record owners of the following described real property situated in the County of Custer, State of Idaho, to-wit:

S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ less $\frac{1}{2}$ acre from SW $\frac{1}{4}$ of NW $\frac{1}{4}$ all within Township 14 North, Range 22 East, Boise Meridian.

S $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ of SE $\frac{1}{4}$; SE $\frac{1}{4}$ of SE $\frac{1}{4}$; SE $\frac{1}{4}$ of NW $\frac{1}{4}$; NE $\frac{1}{4}$ of SW $\frac{1}{4}$; NW $\frac{1}{4}$ of NE $\frac{1}{4}$ all in Section 16, Township 14 North, Range 22 East, Boise Meridian.

NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21, Township 14 North, Range 22 East, Boise Meridian.

XXXII.

That Wayne E. Cunningham and Lorna M. Cunningham were not named or joined as Applicants for Intervention and should be jointed as intervenors. Wayne E. Cunningham and Lorna M. Cunningham are husband and wife and are the record owners of the following described real property situated in the County of Custer, State of Idaho, to-wit:

S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 13 North, Range 23 East, Boise Meridian.

E $\frac{1}{2}$ of SW $\frac{1}{2}$ of Lots 3 and 4, Section 30, Township 13 North, Range 24 East, Boise Meridian.

NE $\frac{1}{4}$ of NW $\frac{1}{4}$ portion of Lot 1 and Tract No. 220 of Section 31, Township 13 North, Range 24 East, Boise Meridian.

XXXIII.

That A. L. Troutner, a single man, is the successor in interest of Don French who is an applicant for intervention in the above entitled action and A. L. Troutner should be

JUL 30 1996

substituted and joined as an applicant for intervention. A. L. Troutner is the record owner of the following described real property situated in the County of Custer, State of Idaho, to-wit:

W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 12 North, Range 24 East, Boise Meridian.

XXXIV.

That Maude Wring and M. L. Wring are applicants for intervention in the above entitled action and are the record title co-owners of the following described real property situated in the Custer and Lemhi Counties, State of Idaho, to-wit:

S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 12, Township 13 North, Range 23, East Boise Meridian;

NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 13, Township 13 North, Range 23, East Boise Meridian; and

SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 18, Township 13 North, Range 24 East Boise Meridian; and

That said M. L. Wring is also the record title owner of the following described real property situated in Custer and Lemhi Counties, State of Idaho, to-wit:

S $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 19; SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of Section 20; and W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 21, Township 13 North, Range 24 East, Boise Meridian.

XXXV.

That Allan F. Corbett and Marilyn S. Corbett, husband and wife, were not named as applicants for intervention and should be joined as intervenors. Allan F. Corbett and Marilyn S. Corbett are husband and wife and are the record owners of the following described real property situated in the County of Custer, State of Idaho, to-wit:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 3 of Section 18, Township 13 North, Range 23 East, Boise Meridian; Lots 1, 2, 3 and 4 and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 13 North, Range 23 East, Boise Meridian; E $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 13 North, Range 22 East, Boise Meridian; NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 13, Township 13 North, Range 22 East, Boise Meridian.

CONCLUSIONS OF LAW

I.

That the Plaintiffs are entitled to a decree confirming that the rights listed in Paragraph IX are appurtenant to their respective lands described above with a

priority date for each right designated in Paragraph IX being May 1, 1950, rather than the priority date named in the permit.

II.

That the Motion of the Applicants for Intervention herein should be granted and said parties allowed to intervene as defendants herein, including Dean Wheeler and Geraldine Wheeler, husband and wife; Wayne E. Cunningham and Lorna M. Cunningham, husband and wife; A. L. Troutner, a single man; Maude Wring, a widow, and M. L. Wring, a single man; and Allan F. Corbett and Marilyn S. Corbett, husband and wife.

III.

That the Plaintiffs and Applicants for Intervention have established rights to the use of the high waters or flood waters as described in Paragraph XXIX above, and are entitled to a decree making said rights appurtenant to their respective lands.

DECREE

NOW, THEREFORE, The Court having entered its findings of fact and conclusions of law, and being fully advised in the premises and good cause appearing therefore, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

I.

That the Plaintiffs be, and they are hereby awarded a Summary Supplemental Decree to the following described water rights for the irrigation of their lands:

JUL 3 0 1956

1. Pines Grazing Association

73-00259

A. 1.6 cubic feet per second (80 miner's inches) of the waters of Spring Creek (or Upper Spring Creek) a tributary of the Pahsimeroi River, with a priority date of May 1, 1950. The point of diversion for said right is in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 29, Township 13 North, Range 23 E.B.M. The lands upon which said waters should be used and to which said rights shall be appurtenant are described as follows:

The South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), the South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$), T-80 in Section 1; T-410 the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$), the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$), in Section 2; the East Half of the East Half (E $\frac{1}{2}$ E $\frac{1}{2}$) of Section 11, the West Half of the West Half (W $\frac{1}{2}$ W $\frac{1}{2}$), the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$), the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$), of Section 12; the West Half of the East Half (W $\frac{1}{2}$ E $\frac{1}{2}$), the West Half (W $\frac{1}{2}$), the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), of Section 13; the East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$), the South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 14; the Northeast Quarter (NE $\frac{1}{4}$) of Section 23; the North Half (N $\frac{1}{2}$), the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 24; Township 13 North, Range 22 E.B.M.

Lot 4 in Section 18; Lots 1, 2, 3 and 4, the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), the South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$), the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 19; the West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$), the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 29; Lot 1, the Northeast Quarter (NE $\frac{1}{4}$), the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 30; the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 20; all in Township 13 North, Range 23 E.B.M.

T-411 in Section 35, Township 14 North, Range 22 E.B.M.

All in Custer County, State of Idaho.

2. Baldwins:

73-00260

A. 1.2 cubic feet per second (60 miner's inches) of waters of Spring Creek (or Upper Spring Creek), a tributary of the Pahsimeroi River, with a priority date of May 1, 1950. The point of diversion for said rights is the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, Township 13 North, Range 23 East, Boise Meridian.

B. 4.4 cubic feet per second (220 miner's inches) of the waters of Goldberg Creek (Bullberg Creek), with a

RECORDED
JUL 3 0 1956

priority date of May 1, 1950. The point of diversion for said right is the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 28, Township 13 North, Range 23 E.B.M.

C. 2.0 cubic feet per second (100 miner's inches) of the waters of O'Neal Creek, (or Spring Creek) with a priority date of May 1, 1950. The point of diversion for said right is the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), of Section 28, Township 13 North, Range 23 E.B.M.

D. .4 cubic feet per second (20 miner's inches) of the waters of O'Neal Creek (or Spring Creek) with a priority date of May 1, 1950. The point of diversion for said right is the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 29, Township 12 North, Range 23 E.B.M.

E. .4 cubic feet per second (20 miner's inches) of the waters of Spring Creek (or Upper Spring Creek), with a priority date of May 1, 1950. The point of diversion for said right is the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, Township 13 North, Range 23 E.B.M., and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 20, Township 13 North, Range 23 E.B.M.

The land upon which the water rights described in A, B, C, D, and E above should be used and to which said rights should be appurtenant are described as follows:

The South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$), the North Half (N $\frac{1}{2}$), and the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 20; T-916 in Sections 28 and 3; the East Half (E $\frac{1}{2}$), the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), and the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 29; the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 32; all in Township 13 North, Range 29 E.B.M.

3. A. M. Hatch and Sons:

73-00261

A. 1.6 cubic feet per second (80 miner's inches) of the waters of Goldberg Creek (or Bullberg Creek) with a priority date of May 1, 1950. The point of diversion for said right is the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 28, Township 13 North, Range 23 E.B.M. The lands upon which said water should be used and to which said rights shall be appurtenant are described as follows:

The West Half of the Southwest Quarter (SW $\frac{1}{2}$ SW $\frac{1}{4}$), in Section 27; the Southeast Quarter (SE $\frac{1}{4}$), the Northwest Quarter (NW $\frac{1}{4}$), and T-917, in Section 28; T-1047, the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), and the Northeast Quarter (NE $\frac{1}{4}$) of Section 33; the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$), the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), the North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$), the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$),

JUL 20 1956

the Southeast Quarter (SE $\frac{1}{4}$), the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) and the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 34; the West Half of the Southwest Quarter of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 35; all in Township 13 North, Range 23 E.B.M. All in the County of Custer, Idaho.

II.

That the Motion of the Applicants for Intervention to intervene herein be, and the same is hereby granted and said Applicants for Intervention, and each of them, are hereby made parties defendant herein.

III.

That in addition to the water rights decreed herein, as well as all other decreed or licensed water rights of the plaintiffs and the intervenors, said plaintiffs and intervenors be, and they are, hereby awarded for the irrigation of their lands described above, that portion of excess waters over and above all amounts necessary to supply the rights in the Pahsimeroi River and its tributaries, whenever any such excess water is available, in proportion to such other existing water rights. All rights to such excess water shall have a common priority immediately subsequent to the latest of said licensed or decreed rights in the Pahsimeroi River and its tributaries.

The water master for the water district is hereby authorized and ordered to continue the practice of delivering such excess waters to said water users in proportion to their other existing water rights whenever excess water is available.

Rendered and entered this 26th day of June,
1987.

JUL 30 1987

W. Sumner George
~~Arnold T. Beebe~~
District Judge

The undersigned parties and their attorneys have executed the above and foregoing Stipulation on the dates set opposite their respective signatures below:

APPLICANTS:

DATE:

PINES GRAZING ASSOCIATION, INC.,
a corporation

By: *Jim Nelson*
President

11-3-81

ATTEST:

Donald Messerli
Secretary

PLAINTIFFS:

J. Grant Baldwin
J. Grant Baldwin

10-16-81

Evelyn J. Baldwin
Evelyn J. Baldwin, his wife, as
individuals

10-16-81

A. M. HATCH & SONS, a general
partnership

Russell A. Hatch
Russell A. Hatch

11-30-81

Merle Hatch
Merle Hatch, his wife

11-30-81

Ralph Hatch
Ralph Hatch

11-30-81

Ruth P. Hatch
Ruth Hatch, his wife

12-8-81

Bert L. Hatch
Bert L. Hatch

12-1-81

Doris F. Hatch
Doris F. Hatch, his wife

12-1-81

HOLDEN, RIDWELL, HAHN & CRAPO

By: Kent W. Foster
Kent W. Foster
A member of the Firm
Attorneys for Plaintiffs

11/3/81

DEFENDANT:

Charles Kesl

Josephine Beeman
Assistance Attorney General
Attorney for Defendant

JUL 3 0 1985

APPLICANTS FOR INTERVENTION:

Don M. O'Neal
Don M. O'Neal

2-27-81

Viola O'Neal
Viola O'Neal, his wife

2-27-81

Leon J. Ziegler
Leon J. Ziegler

2-27-81

Ila K. Ziegler
Ila K. Ziegler, his wife

2-27-81

Ruby Ziegler
Ruby Ziegler

2-27-81

James Chester Whittier
James Chester Whittier

2-27-81

Theta Hulet Whittier
Theta Hulet Whittier, his wife

2-27-81

GOLDBERG GRAZING ASSOCIATION, INC.,
and Idaho corporation

By: Gene R. Smith
President

ATTEST:

James O. Anderson
Secretary

Phillip Miller
Phillip Miller

Chelda Miller
Chelda Miller, his wife

2-27-81

Joe Scoble
Joe Scoble

2-27-81

Lillie D. Scoble
Lillie D. Scoble, his wife

2-27-81

Dwayne Hamilton
Dwayne Hamilton

2-27-81

Linda Hamilton
Linda Hamilton, his wife

2-27-81

Grant D. Hamilton
Grant D. Hamilton

2-27-81

Lola S. Hamilton
Lola S. Hamilton, his wife

2-27-81

Dean Wheeler
Dean Wheeler

2-27-81

Geraldine G. Wheeler
Geraldine Wheeler, his wife

2-27-81

Ema Lu Z. Whitworth
Ema Lu Whitworth, individually

2-27-81

Ema Lu Z. Whitworth
Ema Lu Whitworth, as Administratrix
of the Estate of Jack M. Whitworth

2-27-81

Wayne Cunningham
Wayne Cunningham

2/27/81

Lorna Cunningham
Lorna Cunningham, his wife

2/27/81

RIGBY, THATCHER, ANDRUS,
BARTON & WALTERS, Chartered

By: Ray W. Rigby
Ray W. Rigby
A member of the first
Attorneys for Intervenor

2/27/81

By: G. Rich Andrus
G. Rich Andrus
A Member of the Firm
Attorneys for Intervenor

2/27/81

WHITWORTH RANCHES, INC.

By: Ema Lu Z. Whitworth, as President
Ema Lu Z. Whitworth, President

ATTEST:

Quaid A. Whitworth
Secretary

sec.

Feb. 27, 81

A. L. Troutner, a single man

Allan F. Corbett

Marilyn S. Corbett, his wife

Maude Wring, a single woman

M. L. Wring, a single man

JUL 3 0 1996

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: A73-10054
Date Received: 1/08/1990
Receipt No: ED11542
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PINES GRAZING ASSN., INC. 208-663-4663
Address: C/O GARY SKIDMORE
P.O. BOX 13
TERRETON, ID 83425

2. Date of Priority: OCT 02, 1962

3. Source: PAHSIMEROI RIVER Trib. to: SALMON RIVER
SPRINGS PAHSIMEROI RIVER
SPRING CREEK PAHSIMEROI RIVER
GOLDBERG CREEK PAHSIMEROI RIVER
BIG CREEK PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	22E	14	NE	NE			CUSTER

5. Description of diverting works:
EARTH DAM, 20' HIGH, 500' LONG, TWO HEADGATES AND OPEN DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			40.00
IRRIGATION FROM STORAGE	04/01	11/01			160.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 160.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A73-10054

Page 1

Date: 01/08/90

*Need to
amend land
list.*

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	23E	1	SW	NW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0

Section Acres 120.0

2	NE	NE	IRR	40.0
	NW	NE	IRR	38.0
	SW	NE	IRR	24.0
	SE	NE	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	8.0
	SW	SE	IRR	4.0
	SE	SE	IRR	40.0

Section Acres 234.0

11	NW	NW	IRR	38.5
	SE	NW	IRR	31.2
	NE	SE	IRR	35.0
	SE	SE	IRR	34.0

Section Acres 138.7

12	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	NW	SW	IRR	25.2
	SW	SW	IRR	33.2

Section Acres 138.4

13	NW	NW	IRR	2.0
----	----	----	-----	-----

Section Acres 2.0

14	NE	NE	IRR	14.4
----	----	----	-----	------

Section Acres 14.4

Total Acres 647.5

Sec 11
NW NE NE
SE NE NE

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

DECREED RIGHTS FROM THE SAME SOURCES.

14. Remarks:

THIS RESERVOIR WAS ORIGINALLY BUILT BY FELIPE YRIBAR UNDER PERMIT R1097. HE BUILT THE RESERVOIR IN 1962 AND THEN DIED IN 1963. IT TOOK SEVERAL YEARS TO SETTLE HIS ESTATE AND ABOUT THE SAME TIME THE ASSN. PURCHASED THE PROPERTY THE PERMIT WAS CANCELLED FOR FAILURE TO FILE PROOF. HOWEVER, THE RESERVOIR HAD BEEN IN CONTINUOUS USE SINCE IT WAS ORIGINALLY BUILT.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

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

Rocky Westward
Signature of Authorized Agent

president Pines Grazing
Title and Organization

1-8-90

Date

State of Idaho

County of

Bonneville

) SS.
)

Subscribed and sworn (or affirmed) before me this 8 day

of

Jan

19

90

Ernest Carlson

Notary Public

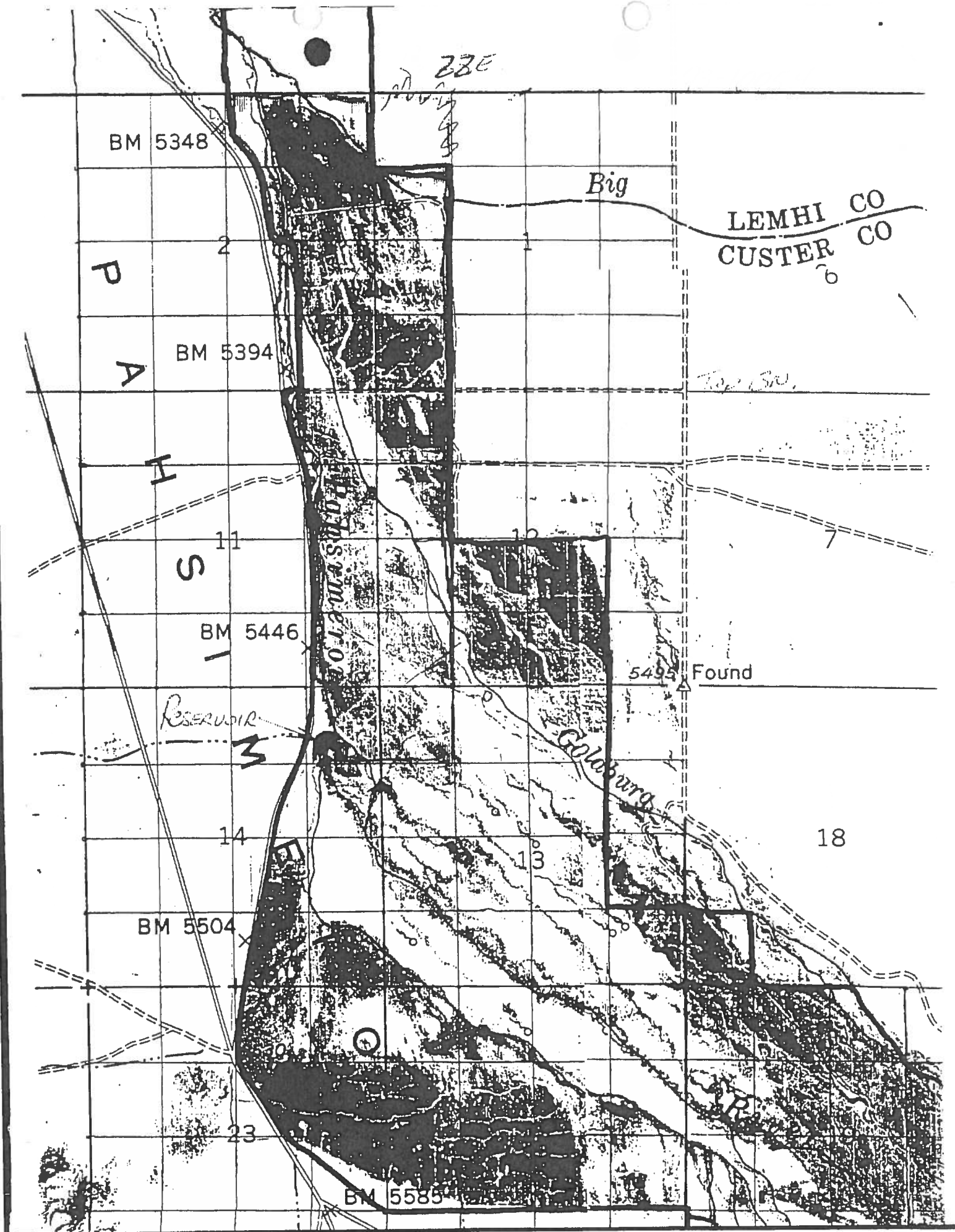
Seal

Residing at

State Falls, ID

My Commission Expires

6-14-1994



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: A73-02165
Date Received: 12/27/1989
Receipt No: EP11542
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PINES GRAZING ASSN., INC. 208-663-4663
Address: C/O GARY SKIDMORE
P.O. BOX 13
TERRETON, ID 83425

2. Date of Priority: SEP 23, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	22E	13	NE	NE	NW		CUSTER

5. Description of diverting works:
WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.050		874.20

7. Total Quantity Appropriated is:
2.050 C.F.S. (and/or) 874.20 A.F.A.

8. Total consumptive use is 735.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	22E	1	NE SW	NE SW		IRR	40.0
Section Acres							40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	22E	2	NW SE	NW SE	IRR	16.3
			Section Acres			16.3
		11	NWSE	NWSE	IRR	7.6
			SWNE	NWSE	IRR	28.0
			NWSE	SWNE	IRR	31.2
			SWNE	SWNE	IRR	38.5
			Section Acres			105.3
		12	NE	NESW	IRR	25.2
			NWSE	NESW	IRR	1.0
			SESW	NESW	IRR	25.2
			NE NW	SE NW	IRR	40.0
			SESW	SE NW	IRR	40.0
			Section Acres			131.4
		13	SWNE	SE NW	IRR	1.0
			Section Acres			1.0
			Total Acres			294.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
MANY

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 33219

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: 0

For Organizations:

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

Pines Grazing Organization, that I have signed the foregoing document in the space below as president Title

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

Rocky Westgaard
Signature of Authorized Agent

president Pines Grazing
Title and Organization

1-8-90

Date

State of Idaho)

County of Bonneville)

SS.

Subscribed and sworn (or affirmed) before me this 8 day

of Jan 19 90

Ernest Carlson
Notary Public

Seal

Residing at Idaho Falls, ID

My Commission Expires 6-14-1994

Rge 22E

Rge 23E

Twp 14N

Twp 13N.

BM 5348

Big

LEMHI CO
CUSTER CO

BM 5394

BM 5446

5495 Found

BM 5504

BM 5585

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that Pines Grazing Association

Beneficial Use Period of Use Rate of Diversion Annual Volume

Irrigation from April 1 to November 1 at 2.05 cfs and 874.2 acre feet

_____ from _____ to _____ at _____ cfs and _____

_____ from _____ to _____ at _____ cfs and _____

(both dates inclusive)

Description and location of place of use:

[illegible]

Total number of acres irrigated

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of October, 19 81.

MICROFILMED

Director

DRT

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

03/04/2005

WATER RIGHT NO. 73-2165

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PINES GRAZING ASSN INC C/O LYNN TRITTHART HC 63 BOX 1769 CHALLIS, ID 83226 (208)879-2354
Original Owner	ESTATE OF FELIPE YRIBAR
Security Interest	ZIONS FIRST NATIONAL BANK 2460 S 3270 W SALT LAKE CITY, UT 84119

Priority Date: 09/23/1966

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.05 CFS	1029 AFA
Total Diversion			2.05 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENW	Sec. 13	Township 13N	Range 22E	CUSTER County
--------------	------	---------	--------------	-----------	---------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
13N	22E	1		SWSW	40									
		2		SESE	28									
		11		NENE	37		SENE	32						
				NESE	25		SESE	4						
		12		NWNW	40		SWNW	40						
				NWSW	24		SWSW	22		SESW	2			

Total Acres: 294

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
----	-----	---

Dates:

Owner Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

FIELD REPORT

- Person to contact (Jerry Messerli, Pres., Hamer, Idaho) Phone

- (name spring, stream, etc.)

3. Water will be used for the following purposes:

_____ AF/Annum (nature of use)

(mo.-day) inclusive (mo.-day)

_____ AF/Annum (nature of use)

(mo.-day) inclusive (mo.-day)

_____ AF/Annum (nature of use)

(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 8.0 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____

County

Township_____N/S, Range_____E/W, B.M., Section_____, Subdivision_____1/4_____1/4, _____

Other Points of Diversions: _____

Description of diverting works: well & pump

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE _____ **300**

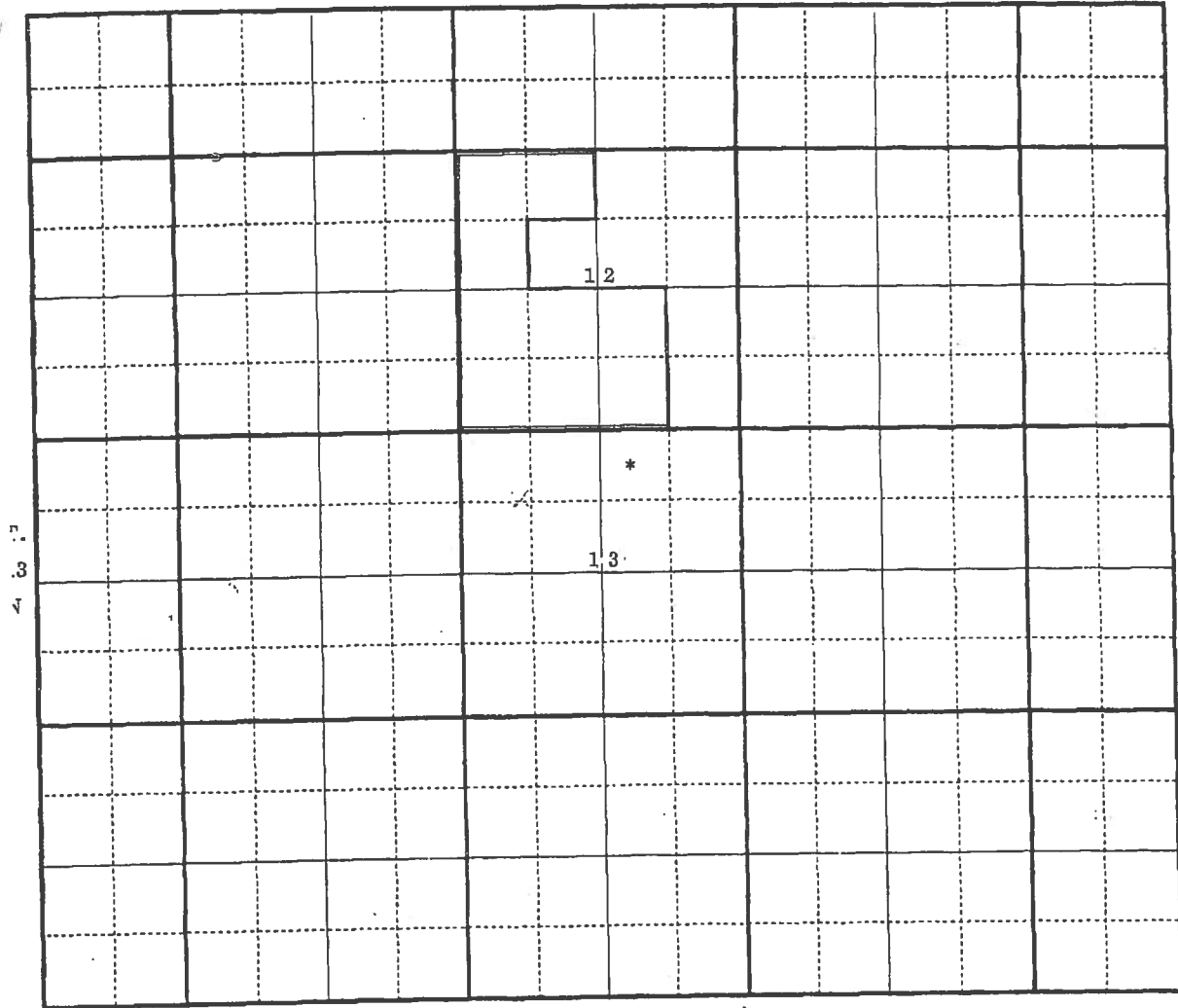
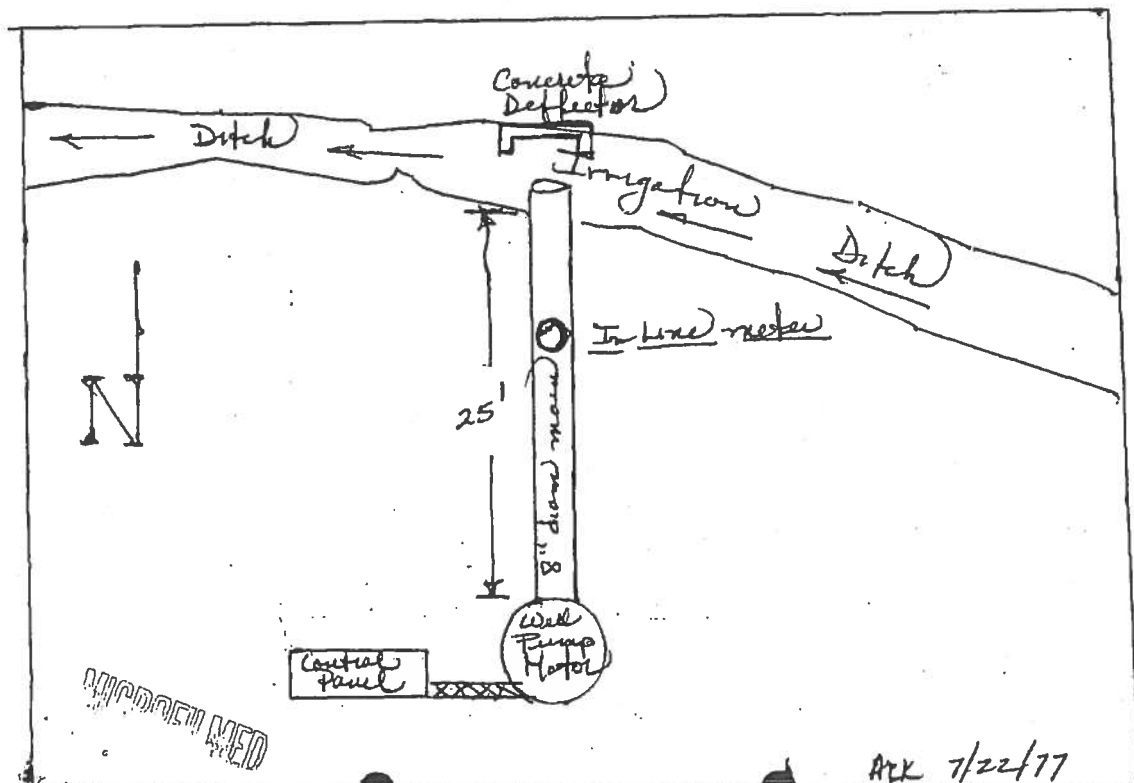
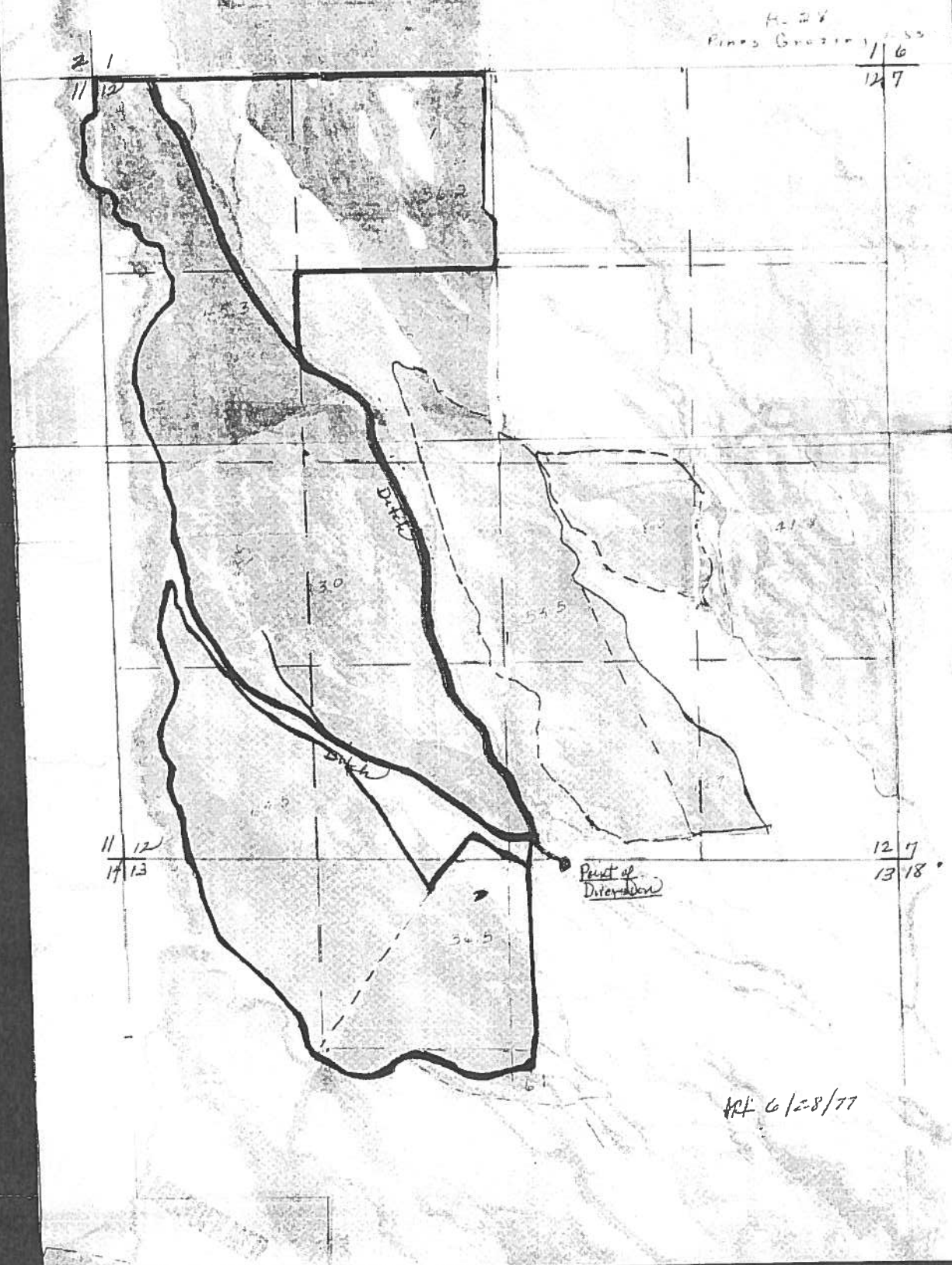


Diagram of System





H-28
Pines Grazing 1/1/53
12/6
12/7

Art 6/28/77

DATE OF EXAM 6/28/77

ACREAGE

Found 293.294Recommended 293.294Irrigation Requirement 3.0

Ac Ft/Ac

USE

Irrigation Q = 2.05 c.f.s.V = 874.2AF/Ann. from April 1to Nov 1

Domestic Q = _____ c.f.s.

V = _____

AF/Ann. from _____

to _____

Livestock Q = _____ c.f.s.

V = _____

AF/Ann. from _____

to _____

Is water co-mingled? yes X no _____Name source: Surface water from the Pashemine Rivertwp. 13NN/S, Rge 22EE/W, B.M., Sec. 13Sub. NW

1/4

NE

1/4

County CusterExchange? yes _____ no XName source exchanged with: n/a

twp. _____

N/S, Rge _____

E/W, B.M., Sec. _____

Sub. _____

1/4

1/4

County _____

Point of injection: n/a

twp. _____

N/S, Rge _____

E/W, B.M., Sec. _____

Sub. _____

1/4

1/4

County _____

Point of exchange: n/a

twp. _____

N/S, Rge _____

E/W, B.M., Sec. _____

Sub. _____

1/4

1/4

County _____

Total Q measured 2.05 cfsMethod of measurement Sparkling meterTotal Q recommended 2.05 cfsMeter No. n/aType n/aCondition goodTotal V recommended 874.23 AF/Ann

Recommended Amendments:

P.D. _____

Place of Use _____

Other _____

None _____

MEASUREMENT CALCULATION:

$$Q = 0.01 \text{ AF/21.3 sec.} = \frac{435.6 \text{ Cu. Ft.}}{21.3} = 20.5 \text{ cfs capacity}$$

$$V = 293 \times 3 = 879 \text{ AF/Ann} > 215 \text{ days} \times 1.98 \times 2.05 = 874.23 \text{ AF/Ann}$$

ARK 7/27/77

SYSTEM DESCRIPTION:

U.S. Motors 2.5 H.P. Sub. # R-2981-02-D-248 R2070408 Layne & Bowler pump # 44337. 8" Rate a flow meter installed at 743782. Pump discharges into open ditch. Water is redirected by portable pump & handline sprinkler system.

REMARKS:

Salbi Westergaard a partner accompanied examiner. Installed meter was new, however it was not operating. A Sparkling meter was used for measurement. System shown to me by a hired hand on 6/28/77.

Examiner's Signature Anthony R. KozlowskiDate 6/28/77Checked by Deanna Michael DunnDate 2/8/78Approved by R. DunnDate 6/22/81

MICROFILMED

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: A73-10036
Date Received: 12/27/1989
Receipt No: 8011542
Received By: ENC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PINES GRAZING ASSN., INC. 208-663-4663
Address: C/O GARY SKIDMORE
P.O. BOX 13
TERRETON, ID 83425

2. Date of Priority: SEP 24, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	22E	13		NE	NW		CUSTER

5. Description of diverting works:
WELL, PUMP AND IRRIGATION SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.050		

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

8. Total consumptive use is 938.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	22E	1	SE	NE		IRR	40.0
Section Acres							40.0

- Prepare amended Notice
with attached land list.

delete receipt # from
Amended Notice &
Change FLAG FROM
"P" to "T."

- Need organizational
signature block.

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	22E	2	NE	NW		IRR	4.0
			NW	NW		IRR	23.7
			SW	NW		IRR	40.0
			SE	NW		IRR	8.0
			NE	SW		IRR	24.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	38.0
						Section Acres	217.7
14N	22E	35	NW	NE		IRR	37.5
			NE	NW		IRR	40.0
						Section Acres	77.5
						Total Acres	335.2

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
MANY

14. Remarks:

THIS NOTICE IS BASED ON AN EXPANDED USE OF LICENSE 73-2165.
NO MORE THAN 2.05 CFS CAN BE DIVERTED WHEN THIS CLAIM IS
USED IN COMBINATION WITH A73-02165.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

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

Pines Grazing Organization, that I have signed the foregoing

document in the space below as president of _____ Title

Pines Grazing Organization and that the statements contained in the

foregoing document are true and correct.

Rocky Westgaard
Signature of Authorized Agent

president Pines Grazing
Title and Organization

1-8-90
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8 day

of Jan 19 90

Ernest Carlson
Notary Public

Seal

Residing at Blake Falls, ID

My Commission Expires 6-14-1994

73-10036

BM 5348

Big

LEMHI CO
CUSTER CO

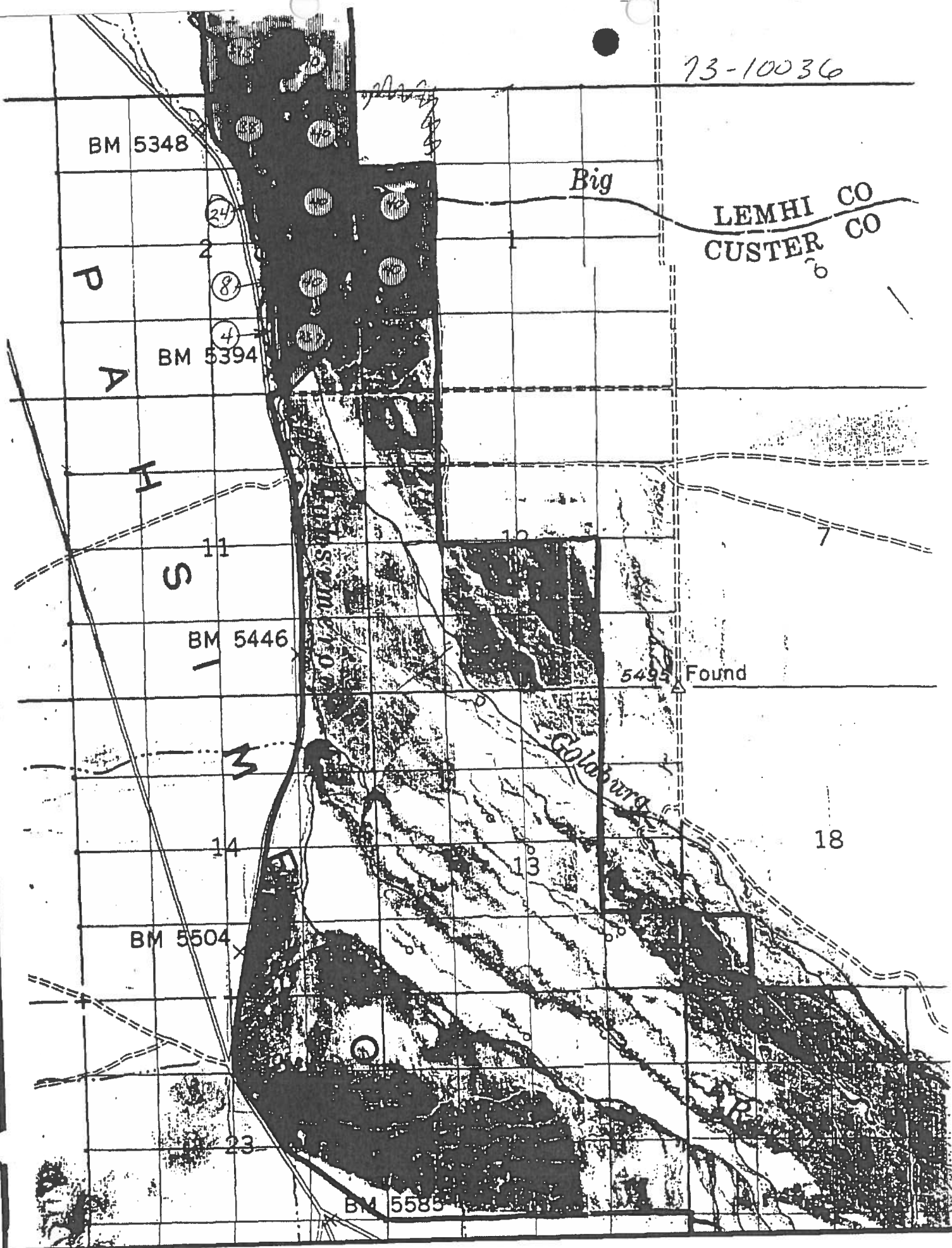
BM 5394

BM 5446

5495 Found

BM 5504

BM 5585



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 73-07102

Priority: September 17, 1992 Maximum Diversion Rate: 1.65 CFS
Maximum Diversion Volume: 598.9 AF

This is to certify, that PINES GRAZING ASSN
MAY ID 83253 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated November 5, 1984; and
has submitted Proof of Beneficial Use on September 17, 1992. An examination indicates
that the works have a diversion capacity of 1.650 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.65 CFS	598.9 AF

LOCATION OF POINT(S) OF DIVERSION: SESW, Sec. 1, Township 13N, Range 22E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13N	22E	1	SESW 40	SWSE 40	SESE 40		120
		12	NENE 40	NWNE 40	NENW 40		120

Total number of acres irrigated: 240

CONDITIONS OF APPROVAL AND REMARKS

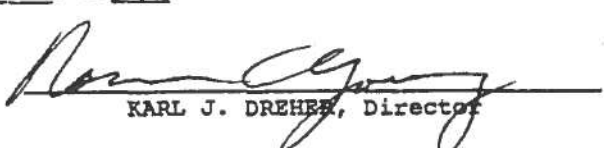
1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

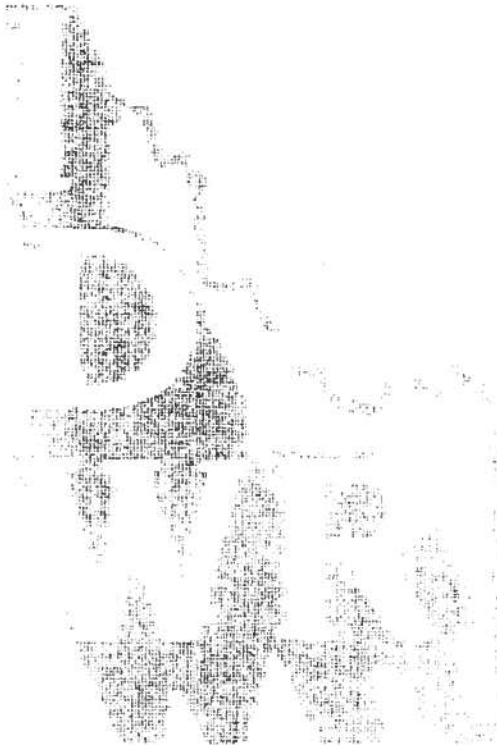
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 73-07102

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 14TH
day of April, 1977.


KARL J. DREHER, Director



APR 14 1977
1-923-1000

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 06 1997
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 73-7102

1. Owner: PILES GLAZIER ASSN Phone No. (208) 663-4621

Current Address: MAY, IDAHO 83253

2. Accompanied by: JAY H. HORTON EXAM DATE: 07-06-75

Address: BOX 106, MAY, ID. 83253 Phone No. (208) 676-4457

Relationship to Permit Holder: MANAGER

3. Source: GROUNDWATER tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with the same place of use: SURFACE 73-00019, SURFACE 73-00259, GROUNDWATER 73-02165

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	SW	1	13N	22E	CUSTER	U.S. G. S. TOPO MAP / NAAPP PHOTO

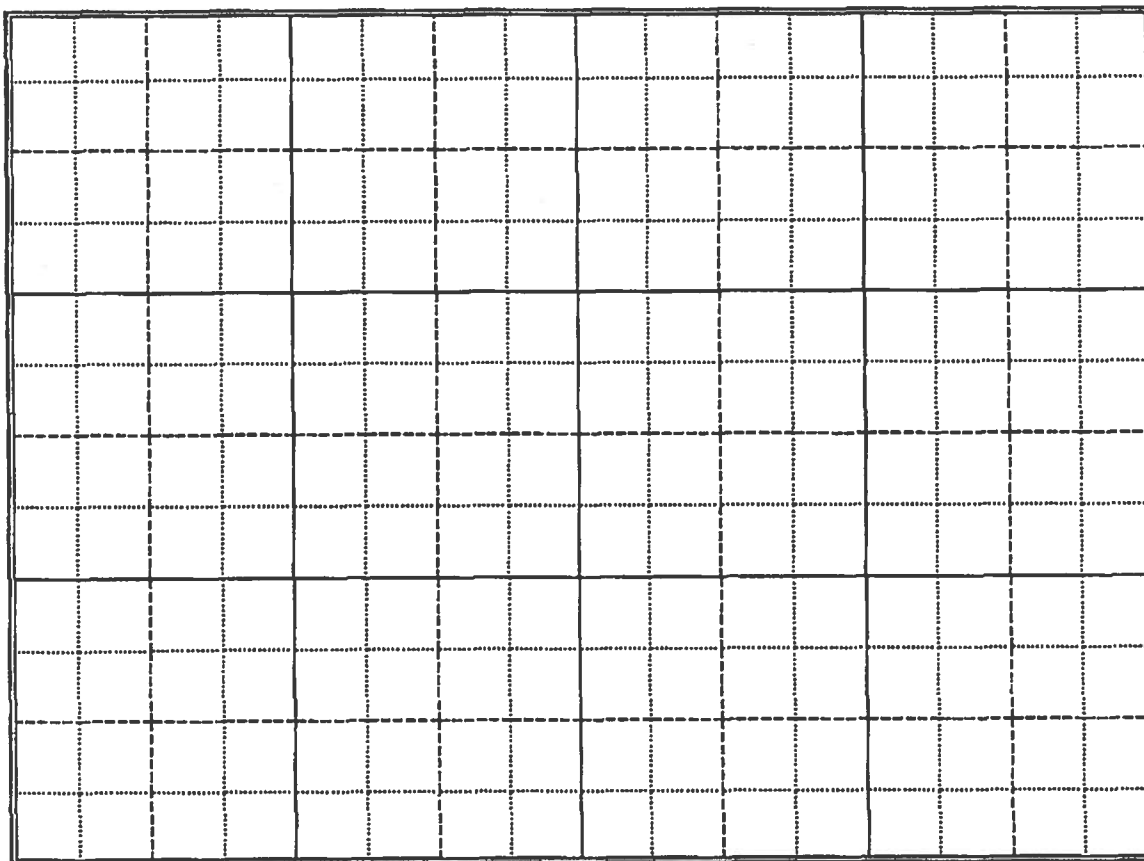
2. Place(s) of Use:

Indicate Method of Determination IN SITE INSP.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	22E	1												40			40	40	120
		12	40	40			40												120
																		TOTAL	240

FILED
FEB 9 1997

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. *SEE PHOTOS + MAP*



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GENERAL ELECTRIC	60	EF 7506492		8"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PRESSURE GAGE	ASHCROFT				0-100	37 PSI

2. Measurements: POLYSONIC (TYME-FLYTE) TF-P 740263

LOCATED BY _____

APR 23 1987

E. NARRATIVE/REMARKS/COMMENTS

WATER IS PUMPED VIA A 60 HP GENERAL ELECTRIC MOTOR
TO A 10" MAIN LINE (BURIED) WHICH PROVIDES WATER
TO A ^{LOW PRESSURE} CIRCLE PIVOT AND A PORTABLE 8" MAIN LINE.

CIRCLE PIVOT IS 1/4 MILE ~~RADIUS~~ WITH 8 TOWERS
AND END GUN. (1420') (145.4 acres)

BALANCE OF SYSTEM USES ^{ONE PORTABLE} 4" LATERAL WITH 33 BIRDS
WITH 5/32 ORFICES.

NO AERIAL NAAPP PHOTO AVAILABLE AT TIME PERMIT
WAS COMPLETED.

Have conditions of permit approval been met? ☒ yes ☐ no

APR 23 1987

F. FLOW CALCULATIONS

✓ Additional Computation Sheets Attached

Measured Method: THEORETICAL Q = 2.88

POLYSONIC METEL Q = 1.65 CFS

Q IS LIMITED BY SYSTEM DESIGN.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{240 \times 3.5 = 840}$$

$$V_{D.R} = [\text{Diversion Rate (cfs)}] \times (\text{Days In Irrigation Season}) \times 1.9835 = \underline{1.65 \times 183 \times 1.9835 = 598.9}$$

$$V = \text{Smaller of } V_{I.R} \text{ and } V_{D.R} = \underline{598.9 \text{ AFA}}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>4/15</u>	<u>10/15</u>	<u>1.65 CFS</u>	<u>598.9</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>1.65 CFS</u>	<u>598.9 AFA</u>

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ☒ None
___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATION

Field Examiner's Name *S. J. Smith* Date 1/30/96

Reviewer *[Signature]* Date 2/15/96

SEAL

MOORE

APR 23 1996

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$$

$$\begin{aligned} Hp &= \text{Horsepower} = \underline{60} \\ Eff &= \text{Efficiency} = \underline{.7} \quad (\text{Usually } 70\%) \\ \text{Lift: } &(\text{Static Level} + \text{Assumed Drawdown}) \\ \text{Static Water Level} &= \underline{33} \text{ ft.} \\ \text{Assumed Drawdown} &= + \underline{10} \text{ ft.} \\ \text{Lift} &= \underline{43} \end{aligned}$$

OR

$$\text{Measured Dynamic Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$psi = \text{Operating Pressure} = \underline{37} \text{ psi}$$

$$Q_{cfs} = [\underline{60}_{Hp} \times 8.814 \times \underline{.7}_{Eff}] \div [\underline{43}_{Lift} + (\underline{37}_{psi} \times 2.308)]$$

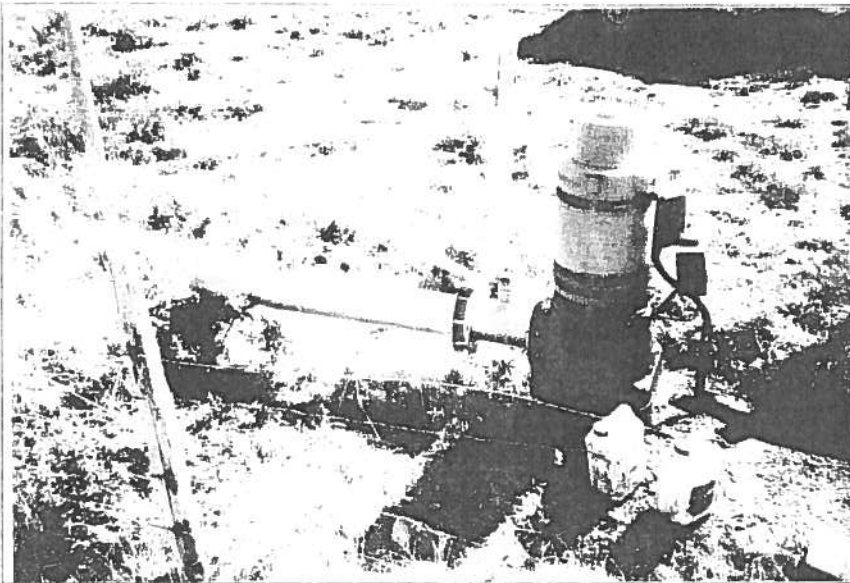
$$Q_{cfs} = [\underline{370.188}] \div [\underline{128.396}]$$

$$Q_{cfs} = \underline{2.88} \text{ cfs}$$

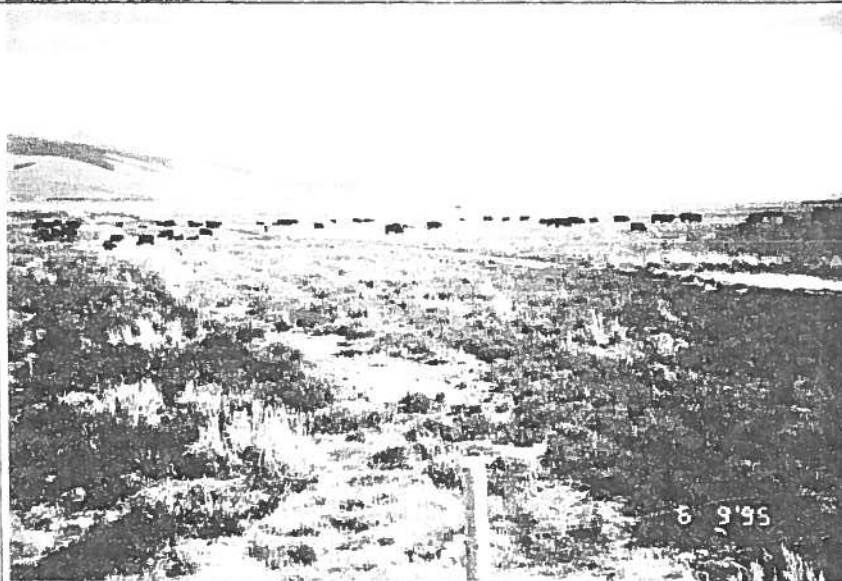
73-07102

Page 4 of 5
N. H. 1011

10/1

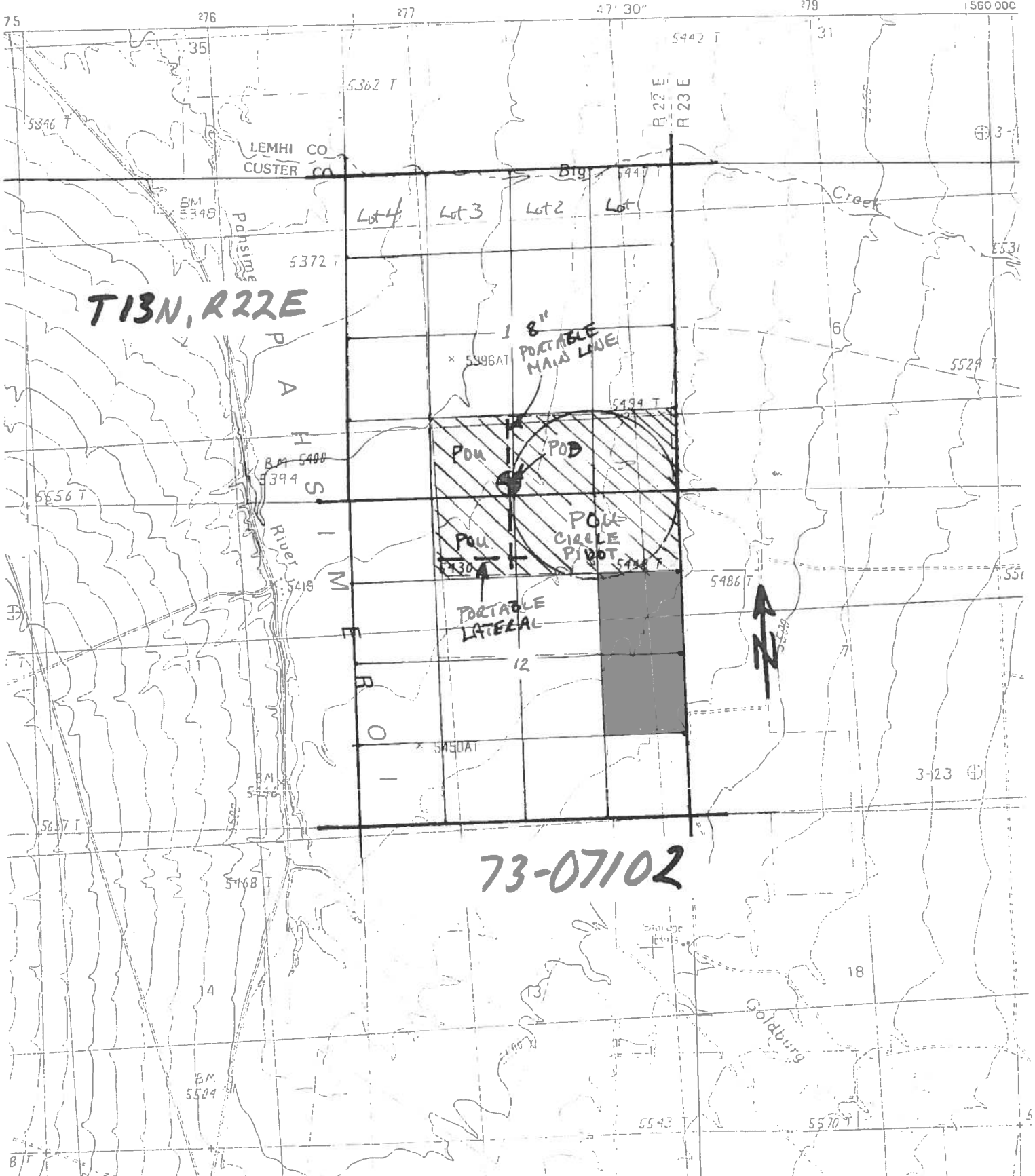


VIEW OF
WELL + PUMP
POINT OF
DIVERSION



VIEW OF
CIRCLE
PIVOT
PLACE OF
USE

73-07102



T13N, R22E

73-07102