

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

05/12/2010

RIGHT NUMBER: 73-7A

NAME AND ADDRESS: SULPHUR-CREEK-LIVESTOCK PO-BOX-151 MAY-ID-83253
BIG CREEK RANCH LLC
280 CRANBROOK DR
HAILEY ID 83333

SOURCE: SULPHUR CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 07/20/1915

POINT OF DIVERSION: T14N R21E S24 SENW Within CUSTER County
T14N R21E S24 SWSW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.000 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T14N R21E S13 SWSE 40.00	T14N R21E S24 NENE 18.00
T14N R21E S24 NWNE 40.00	T14N R21E S24 SWNE 39.00
T14N R21E S24 SENE 40.00	T14N R21E S24 NENW 38.00
T14N R21E S24 SENW 34.00	T14N R21E S24 NESW 36.00
T14N R21E S24 SWSW 4.10	T14N R21E S24 SESW 40.00
T14N R21E S24 NESE 40.00	T14N R21E S24 NWSW 40.00
T14N R21E S24 SWSE 40.00	T14N R21E S24 SESE 40.00
T14N R21E S25 NWNE 40.00	T14N R21E S25 NENW 40.00
T14N R21E S25 NWNW 22.00	T14N R21E S25 SWSW 3.60
T14N R21E S25 SENW 6.80	T14N R22E S18 Lot 4 SWSW 10.00
T14N R22E S18 SESW 38.00	T14N R22E S18 SWSE 40.00
T14N R22E S19 NWNE 40.00	T14N R22E S19 SWNE 40.00
T14N R22E S19 NENW 40.00	T14N R22E S19 Lot 1 NWNW 39.00
T14N R22E S19 Lot 2 SWSW 36.00	T14N R22E S19 SENW 40.00
T14N R22E S19 Lot 3 NWSW 37.00	

961-5 951.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 961-5 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000.

Right Nos. 73-7A and 73-7B are limited to the irrigation of a combined total of 80 acres in a single irrigation season.

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

The following rights are diverted through points of diversion described above: 73-2B, 73-7A, 73-7B, 73-8B, 73-113 and 73-140.

73-2B

(IRRIGATION)

Point of Diversion

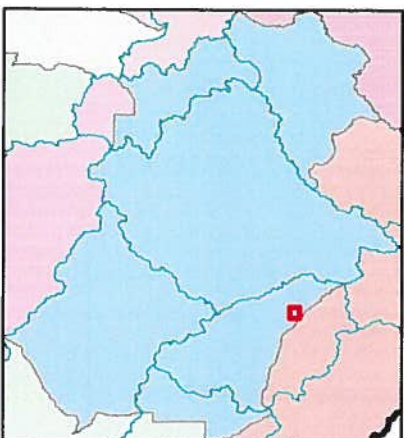
Place of Use

State Outline

Townships

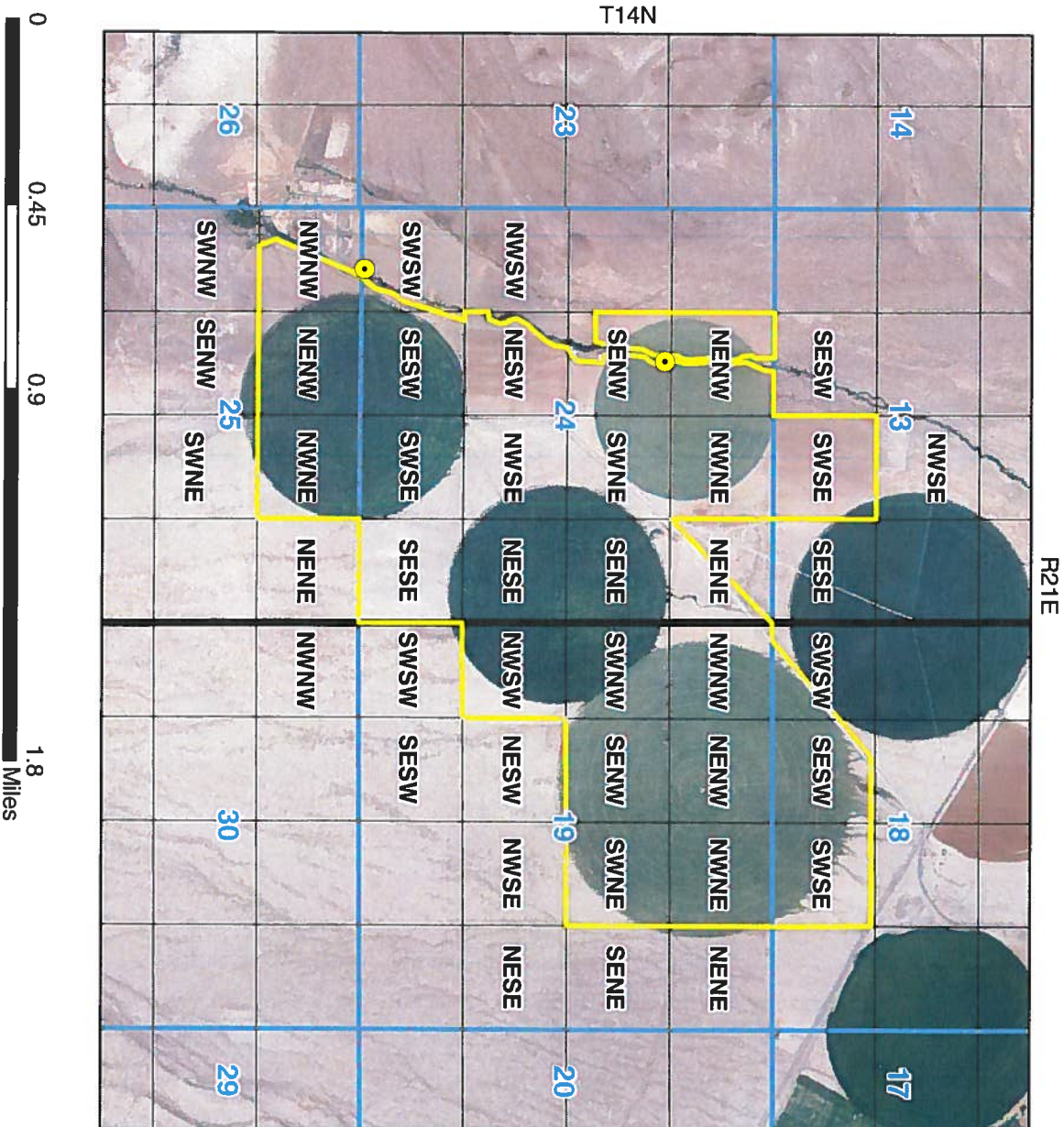
PLS Sections

Quarter Quarters



Custer County
IDWR Basin 73

Prepared by Craig Saxton
On May 14, 2010
2004 Aerial Photography



RECEIVED
DEC 19 2007
DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 73-00007A
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

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

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

Name: Old Corrals & Sagebrush, LLLP

Address: 435 S. Fitness Place; Eagle, Idaho 83616

Name: AIX Sponsa Company, General Partner; c/o Brett MacNeil, President

Address: 12324 W. Lanktree Gulch Road; Star, Idaho 83669-5170

Name: FOGO, L.L.C., General Partner; c/o Wilford R. Cardon, Agent

Address: 1819 E. Southern Ave., Ste B-10; Mesa, AZ 85204-5219

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:

2. ☐ **Source**
Should be:

3. ☐ **Quantity**
Should be:

4. ☐ **Priority Date**
Should be:

5. ☐ **Point(s) of Diversion**
Should be:

6. ☐ **Instream Flow Description**
Should be:

7. ☐ **Purpose(s) of Use**
Should be:

8. ☐ **Period of Year**
Should be:

9. ☒ **Place of Use**
Should be: See attached.

11. **I object because:**

☐ This water right should not exist.

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

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include federal public land.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of ADA)

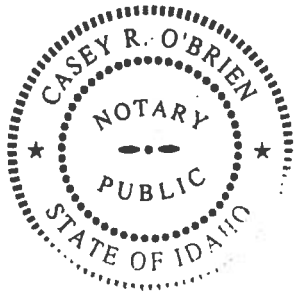
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Sam A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 17, 2007



Casey R. O'Brien
Casey R. O'Brien

Notary Public for State of Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on December 18, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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

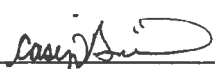
Name: Old Corrals & Sagebrush, LLLP
Address: 435 S. Fitness Place; Eagle, Idaho 83616
Name: AIX Sponsa Company, General Partner; c/o Brett MacNeil, President
Address: 12324 W. Lanktree Gulch Road; Star, Idaho 83669-5170
Name: FOGO, L.L.C., General Partner; c/o Wilford R. Cardon, Agent
Address: 1819 E. Southern Ave., Ste B-10; Mesa, AZ 85204-5219
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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



Signature of Objector or attorney mailing on Objector's behalf

POST DIRECTOR'S REPORT NCAP

08/14/2007

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

RIGHT NUMBER: 73-7A

NAME AND ADDRESS: OLD CORRALS & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE ID 83616

Unauthorized Use:
- remove public land.

SOURCE: SULPHUR CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 07/20/1915

POINT OF
DIVERSION:

T14N R21E S24 SENW Within CUSTER County
T14N R21E S24 SWSW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>	
	IRRIGATION		04/01 10/31		1.000 CFS	
PLACE OF USE:	<u>IRRIGATION in CUSTER County</u>					
	T14N R21E S13	SWSE	40.00	T14N R21E S24	NENE	18.00
	T14N R21E S24	NWNE	40.00	T14N R21E S24	SWNE	39.00
	T14N R21E S24	SENE	40.00	T14N R21E S24	NENW	38.00
	T14N R21E S24	SENW	34.00	T14N R21E S24	NESW	36.00
	T14N R21E S24	SWSW	4.10	T14N R21E S24	SESW	40.00
	T14N R21E S24	NESE	40.00	T14N R21E S24	NWSE	40.00
	T14N R21E S24	SWSE	40.00	T14N R21E S24	SESE	40.00
	T14N R21E S25	NWNE	40.00	T14N R21E S25	NENW	40.00
	T14N R21E S25	NWNW	22.00	T14N R21E S25	SWNW	3.60
BLM	T14N R21E S25	SENW	6.80	T14N R22E S18 Lot 4	SWSW	10.00
	T14N R22E S18	SESW	38.00	T14N R22E S18	SWSE	40.00
	T14N R22E S19	NWNE	40.00	T14N R22E S19	SWNE	40.00
	T14N R22E S19	NENW	40.00	T14N R22E S19 Lot 1	NWNW	39.00
	T14N R22E S19 Lot 2	SWNW	36.00	T14N R22E S19	SENW	40.00
	T14N R22E S19 Lot 3	NWSW	37.00			

961.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 961.5 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000

Right Nos. 73-7A and 73-7B are limited to the irrigation of a combined total of 80 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

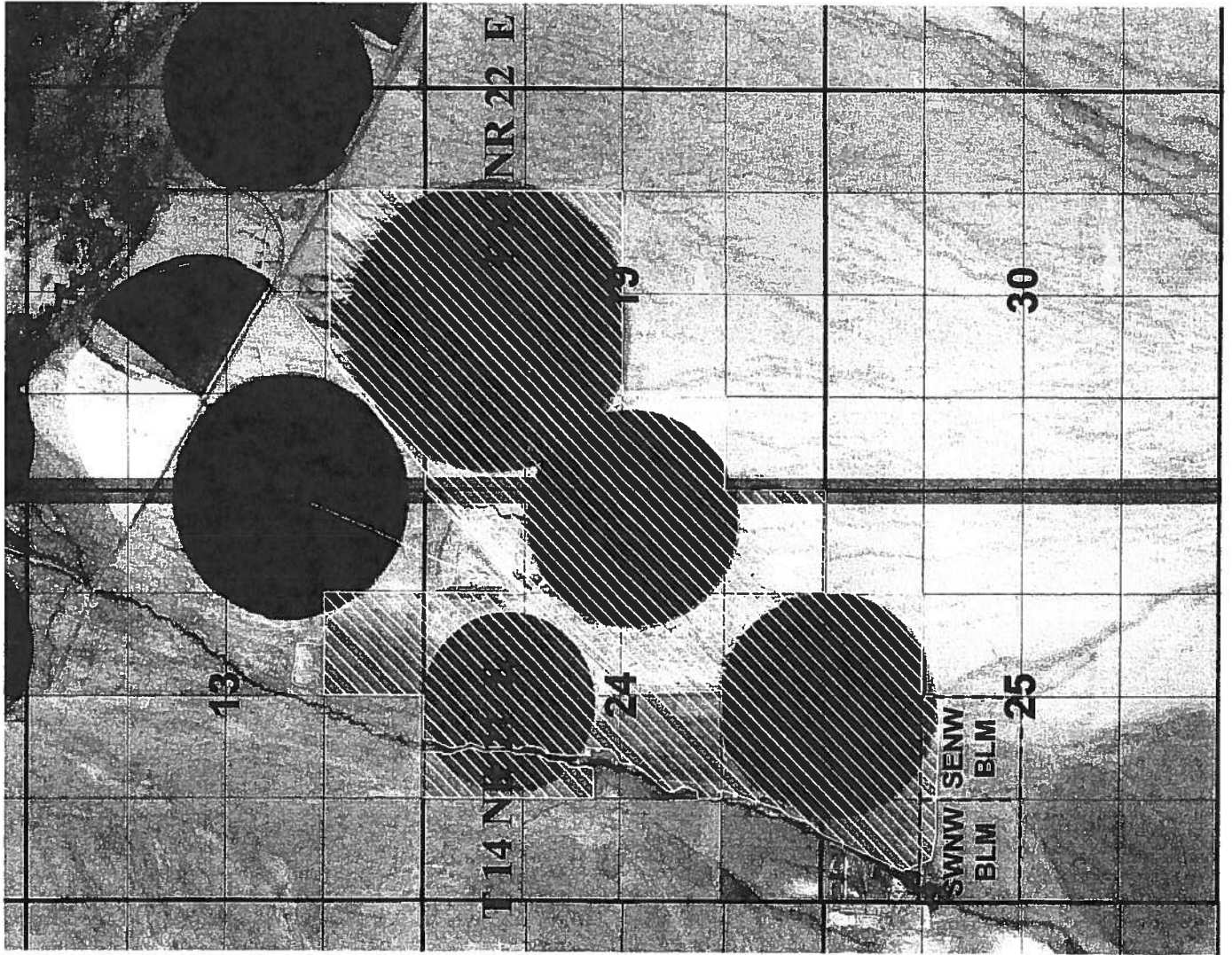
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

The following rights are diverted through points of diversion described above: 73-2B, 73-7A, 73-7B, 73-8B, 73-113 and 73-140.

73-00002B, 73-00007A,
73-00007B, 73-00008B,
73-00113, 73-00140
Old Corrals & Sagebrush, LLLP

POUs on BLM:

- The places of use T14N R21E S25 SWNW and SENW are BLM land.
- Use is not authorized.
- Remove from recommendation and adjust shapefile accordingly.



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

35 JUNE 1967

MAT PLAT

[illegible]

UNAC Sec 17 Act of Cong 7/23/1245
completed 12/16/1405 All NF surface water EX
LFS

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

CURRENT TO	CURRENT TO
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USE PLAYS

During the

1. 4. 1

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 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, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

CRUISE in CHINA

50 50 50 50 50

50 50 50 50 50

ORIGINAL DIRECTOR'S REPORT

01/23/2007

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

RIGHT NUMBER: 73-7A
NAME AND ADDRESS: SULPHUR CREEK LIVESTOCK
PO BOX 151
MAY ID 83253

SOURCE: SULPHUR CREEK TRIBUTARY: PAHSIMEROI RIVER
QUANTITY: 1.000 CFS
PRIORITY DATE: 07/20/1915
POINT OF DIVERSION: T14N R21E S24 SENW Within CUSTER County
T14N R21E S24 SWSW Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.000 CFS

PLACE OF USE: IRRIGATION in CUSTER County

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T14N R21E S24	SWSE	40.00	T14N R21E S24	SESE	40.00
T14N R21E S25	NWNE	40.00	T14N R21E S25	NENW	40.00
T14N R21E S25	NWNW	22.00	T14N R21E S25	SWNW	3.60
T14N R21E S25	SENE	6.80	T14N R22E S18 Lot 4	SWSW	10.00
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T14N R22E S19	NWNE	40.00	T14N R22E S19	SWNE	40.00
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BLM

BLM

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POUs on BLM:

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-Use is not authorized.

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08/14/2007

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

RIGHT NUMBER: 73-7A

NAME AND ADDRESS: OLD CORRALS & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE ID 83616

SOURCE: SULPHUR CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 07/20/1915

POINT OF DIVERSION:
T14N R21E S24 SENW Within CUSTER County
T14N R21E S24 SWSW Within CUSTER County

PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	1.000 CFS
PLACE OF USE:	<u>IRRIGATION in CUSTER County</u>		
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	T14N R21E S24 SENW	34.00	T14N R21E S24 NESW 36.00
	T14N R21E S24 SWSW	4.10	T14N R21E S24 SESW 40.00
	T14N R21E S24 NESE	40.00	T14N R21E S24 NWSE 40.00
	T14N R21E S24 SWSE	40.00	T14N R21E S24 SESE 40.00
	T14N R21E S25 NWNE	40.00	T14N R21E S25 NENW 40.00
	T14N R21E S25 NWNW	22.00	T14N R21E S25 SWNW 3.60
	T14N R21E S25 SENW	6.80	T14N R22E S18 Lot 4 SWSW 10.00
	T14N R22E S18 SESW	38.00	T14N R22E S18 SWSE 40.00
	T14N R22E S19 NWNE	40.00	T14N R22E S19 SWNE 40.00
	T14N R22E S19 NENW	40.00	T14N R22E S19 Lot 1 NWNW 39.00
	T14N R22E S19 Lot 2 SWNW	36.00	T14N R22E S19 SENW 40.00
	T14N R22E S19 Lot 3 NWSW	37.00	

961.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 961.5 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000

Right Nos. 73-7A and 73-7B are limited to the irrigation of a combined total of 80 acres in a single irrigation season.

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

The following rights are diverted through points of diversion described above: 73-2B, 73-7A, 73-7B, 73-8B, 73-113 and 73-140.

03/31/2006

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

RIGHT NUMBER: 73-7A
NAME AND ADDRESS: SULPHUR CREEK LIVESTOCK
PO BOX 151
MAY ID 83253
SOURCE: SULPHUR CREEK TRIBUTARY: PAHSIMEROI RIVER
QUANTITY: 1.000 CFS
PRIORITY DATE: 07/20/1915
POINT OF DIVERSION:

T14N R21E S24 SENW Within CUSTER County
T14N R21E S24 SWSW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.000 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T14N R21E S13	SWSE	40.00	T14N R21E S24	NENE	18.00
T14N R21E S24	NWNE	40.00	T14N R21E S24	SWNE	39.00
T14N R21E S24	SENE	40.00	T14N R21E S24	NENW	38.00
T14N R21E S24	SENW	34.00	T14N R21E S24	NESW	36.00
T14N R21E S24	SWSW	4.10	T14N R21E S24	SESW	40.00
T14N R21E S24	NESE	40.00	T14N R21E S24	NWSE	40.00
T14N R21E S24	SWSE	40.00	T14N R21E S24	SESE	40.00
T14N R21E S25	NWNE	40.00	T14N R21E S25	NENW	40.00
T14N R21E S25	NWNW	22.00	T14N R21E S25	SWNW	3.60
T14N R21E S25	SENW	6.80	T14N R22E S18 Lot 4	SWSW	10.00
T14N R22E S18	SESW	38.00	T14N R22E S18	SWSE	40.00
T14N R22E S19	NWNE	40.00	T14N R22E S19	SWNE	40.00
T14N R22E S19	NENW	40.00	T14N R22E S19 Lot 1	NWNW	39.00
T14N R22E S19 Lot 2	SWNW	36.00	T14N R22E S19	SENW	40.00
T14N R22E S19 Lot 3	NWSW	37.00			

961.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 961.5 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000

Right Nos. 73-7A and 73-7B are limited to the irrigation of a combined total of 80 acres in a single irrigation season.

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

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

03/31/2006

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

The following rights are diverted through points of diversion described above: 73-2B, 73-7A, 73-7B, 73-8B, 73-113 and 73-140.



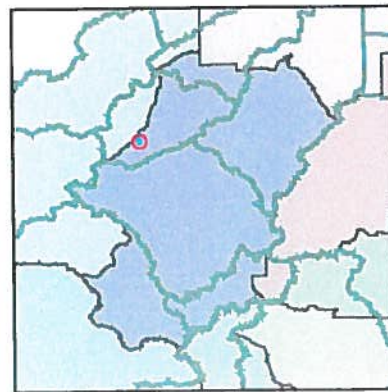
Idaho Department of Water Resources

Adjudication Claims:

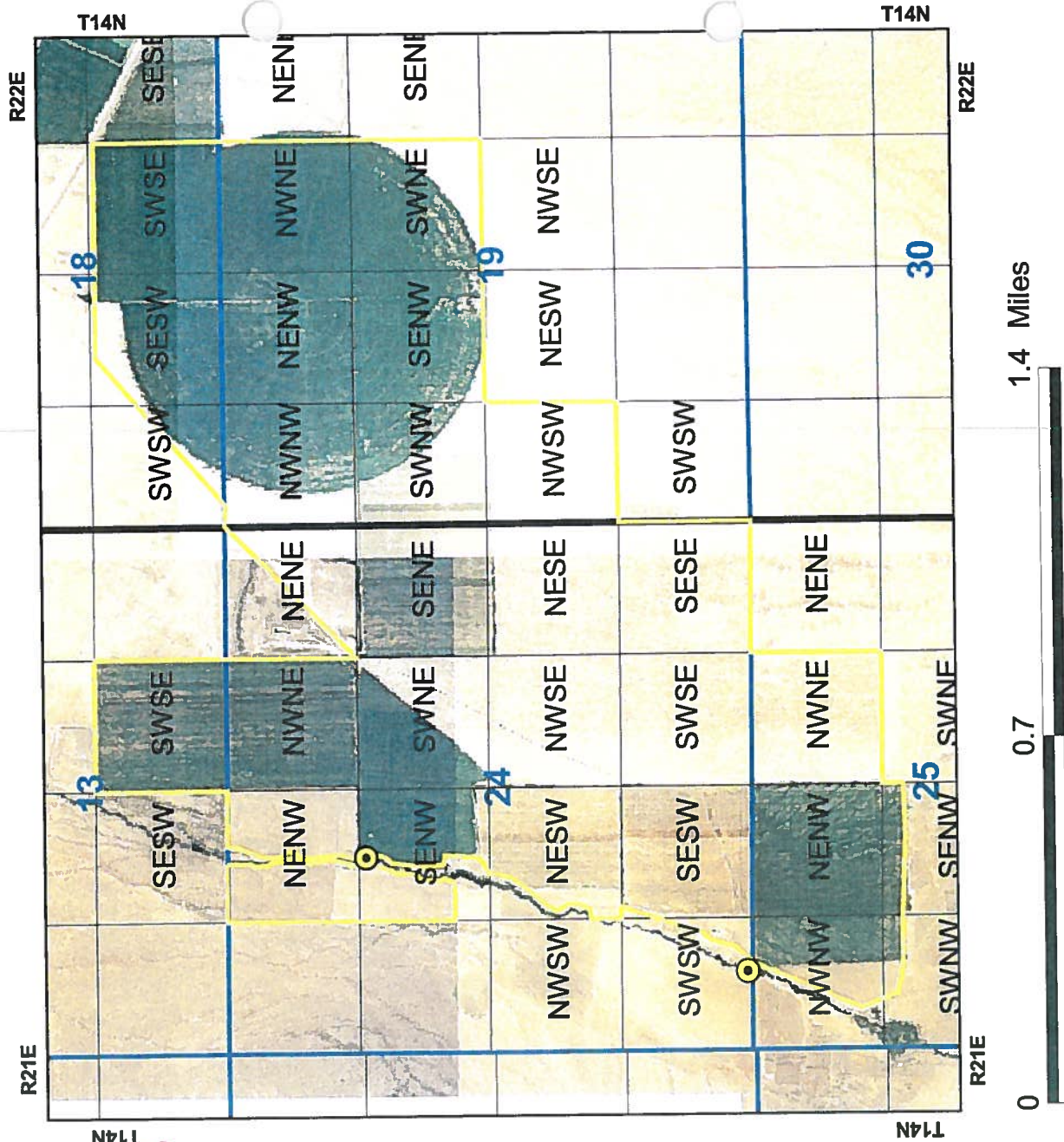
**73-2B, 73-7A,
73-7B, 73-8B, 73-113,
73-140**

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Custer County
IDWR Basin 73



1.4 Miles

0.7

0

Prepared by R. Brown
On Friday, March 31, 2006
1987/88 Aerial Photography

Sulphur Creek

✓ 73-2B	5/1/1884	0.6 cfs		*
✓ 73-7A	7/20/1915	1.0 cfs	80 acres	
✓ 73-7B	9/16/1912	1.0 cfs		X
✓ 73-8B	1/20/1910	1.2 cfs	60 acres	
✓ 73-113	5/11/1911	2.8 cfs	160 acres*	
73-140	12/15/1894	3.2 cfs	160 acres+	
			460 acres	

Groundwater

73-2164	10/6/1966	5.0 cfs	366	XX
73-7000	10/26/1967	3.0 cfs	$\frac{232}{598}$	XX

* trans. #1576 / 160 acres total

+ trans. #1577

X same POD as 73-7A, per decree

XX same POD as 73-7000

Total PPL = 961.5 acres

R Brown 3/31/06

MEMORANDUM

TO: Files Referenced in Review
FROM: Roberta Garrett *rg*
THRU: Dave Tuthill *DPT*
DATE: March 13, 1985

RE: Review of Sulphur Creek Decreed Rights Split by Decree
With Reference to Julius Maelzer's Rights in the Following Decrees:

Cochran vs. Maelzer (10-3-1901)
Hamilton vs. Swendsen (2-17-1926)
Maelzer vs. Smith (4-29-1920)
Herder vs. Burstedt (12-30-1957)

Right No. 73-0002, Cochran vs. Maelzer (10-3-1901)

The decree of Holiday H. Cochran vs. Valentine Maelzer dated October 3, 1901, awarded Cochran 370 inches (7.4 cfs) of the waters of Sulphur Creek dating from the years 1884 and 1891.

Of the 7.4 cfs waters of Sulphur Creek awarded to Cochran, 0.6 cfs (5-1-1884) was decreed to Julius Maelzer (No. 73-0001) in the decree of Roscoe Hamilton vs. W. G. Swendsen, date of February 17, 1926. The decree of 1926 split right No. 73-0002 with 6.8 cfs to Cochran and 0.6 cfs of Sulphur Creek water to Julius Maelzer.

Right No. 73-0002A, Cochran vs. Maelzer (10-3-1901)
and
Right No. 73-0002B, Hamilton vs. Swendsen (2-17-1926)

To reflect this split by decree, right No. 73-0001 is renumbered and changed to 73-0002B to identify the 0.6 cfs decreed to Julius Maelzer that was a part of Cochran's 1884 decreed right. 73-0002A is

JUL 30 1996

issued to Holiday H. Cochran for his remaining 6.8 cfs from Sulphur Creek.

Right No. 73-0113 Hamilton vs. Swendsen (2-17-1926)
and
License No. 73-2079 issue date of August 7, 1916

In addition to the 0.6 cfs, No. 73-0002B (formerly 73-0001), Julius Maelzer was awarded 2.8 cfs (5-11-1911) of the waters of Sulphur Creek, decreed right No. 73-0113. At the date of the decree in 1926, the Department had on record License No. 73-2079 issued to Julius Maelzer for 3.0 cfs (5-8-1912) of the waters of Sulphur Creek for the irrigation of 150 acres. Julius Maelzer and his lands described in the license were enjoined in the decree of 1926. License No. 73-2079 is considered superseded by decree of Hamilton, et al. vs. Swendsen, et al., right No. 73-0113.

Right No. 73-0002B Trans. No. 1576
and
Right No. 73-0113 Trans. No. 1576

Bolen Uresti made Application for Transfer of the waters of Sulphur Creek in the 1926 decree of the rights under the name of Julius Maelzer. The transfer, approved December 17, 1968, removed 0.6 cfs, right No. 73-0002B (formerly 73-0001), and 2.8 cfs, right No. 73-0113, off the lands described in the decree to 160 acres in the SE4, Sec. 24, T.14N., R.21E.

License No. 73-2164, groundwater (10-9-1966). The lands described in the decree of 1926, or a portion thereof, along with other lands were placed under irrigation from a groundwater right, License No. 73-2164, with a priority date of October 9, 1966. The

JUL 30 1996

land described in the decree identified on the licensed right is as follows:

T.14N., R.21E.

Sec. 13: SW4SE4 (40 acres)

Sec. 24: NW4NE4 (40 acres)

NE4NW4 (38 acres)

SE4NW4 (34 acres)

Also appurtenant to the above described land is decreed right No. 73-0141 (number changed to 73-0008B) for 1.2 cfs (60 inches) of the waters of Sulphur Creek in the decree of December 30, 1957, William S. Herder and Blanche A. Herder vs. Claus Burstedt.

Right No. 73-0008, Maelzer vs. Smith (4-29-1920)

and

Right No. 73-0141, Herder vs. Burstedt (12-30-1957)

The decree of Valentine Maelzer, et al. vs. J. H. Smith, et al., dated April 29, 1920, awarded J. A. Harrington a priority date of January 20, 1910, for 120 inches (2.4 cfs) of the waters of Sulphur Creek, right No. 73-0008. The lands were described as follows:

T.14N., R.21E.

Sec. 13: NE4NE4

T.14N., R.22E.

Sec. 18: NW4SW4

The decree of William S. Herder and Blanche A. Herder vs. Claus Burstedt, et al., dated December 30, 1957, declared 60 inches of the waters of Sulphur Creek appurtenant to Lot 3 (NW4SW4), Sec. 18, T.14N., R.22E., last above described land, to be forfeited, abandoned after date of April 29, 1920, by Harrington, owner of the right (No. 73-0008), in the decree of 1920.

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The Herders were awarded the 60 inches (1.2 cfs), as against defendant Burstedt, by open, notorious and adverse use of such water since 1943, and by the appropriation and use of the said water by the Herders and their predecessors in interest from the year 1920.

The use of the water was placed under the provisions of the decree dated February 17, 1926, under the name of Julius Maelzer. The lands described in the decree of 1957 are the same lands under Julius Maelzer's rights, Nos. 73-0002B and 73-0113, prior to Transfer No. 1576.

T.14N., R.21E.

Sec. 13: SW4SE4

Sec. 24: NW4NE4, E2NW4

The decree of 1957 split right No. 73-0008 from Sulphur Creek with 1.2 cfs (60 inches) to J. A. Harrington and 1.2 cfs (60 inches) to the Herders.

Right No. 73-0008A, Maelzer vs. Smith (4-29-1920)
and

Right No. 73-0008B, Herder vs. Burstedt (12-30-1957)

To reflect this split by decree, right No. 73-0141 is renumbered and changed to 73-0008B to identify the 60 inches (1.2 cfs) of the waters of Sulphur Creek awarded to the Herders that was a part of the 120 inches (2.4 cfs) decreed to J. A. Harrington. 73-0008A is issued to Harrington for the remaining 60 inches (1.2 cfs) of the waters of Sulphur Creek appurtenant to the NE4NE4, Sec. 13, T.14N., R.21E.

RECORDED
INDEXED
JUL 30 1996

73A

That the plaintiff, Frankie Maslmer, is entitled to and is hereby decreed 50 inches, or 1 second foot, of the waters of Sulphur Creek, a tributary of the Pahremanzi River, with date of priority of July 20, 1915, and also 50 inches, or one second foot, of the

waters of Little Sulphur Creek, a tributary of the Pahramare 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: -

$\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 23, Twp. 14 N., R. 21 E., B. M., containing 80 acres, more or less.

73-0008 A ✓

III

~~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)

73 0009 ✓

IV.

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 Pahramare 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:

SW $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, 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 Hess, is entitled to and is hereby decreed 120 inches, or 2.4 second feet, of the waters of Pahramare 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, Millie Hess, is entitled to and is hereby decreed 180 inches, or 3.6 second feet, of the waters of Pahramare 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 land, to-wit:-

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

73 0012 ✓

VII.

That the plaintiff, Clarence E. Eyerley, 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 Pahramare 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.

MAILED
JUL 30 1908

73 0013 ✓

VIII.

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

Valentine Maelsor, 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 $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12 Twp. 13 N., R. 23 E., B. M., containing 200 acres, more or less.

73 0014^v

IX.

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.

73 0015^v

X.

That the plaintiff, John W. Newbitt, is entitled to and is hereby decreed 240 inches, or 4.8 second feet, of the waters of the Fahrenswei 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 $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ 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-1612}

~~73-0046~~

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

73 0017^{T-1612}

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, W $\frac{1}{2}$ 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.

73 0019^v

XIV.

That the defendant and cross-complainant, Colla 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 30 1906

of November 24th, 1909, for use upon her said lands, and which said right is appurtenant to the following described lands, to-wit:-

SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, N $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, Twp. 13 N., R. 22 E., B. M., containing 320 acres, more or less.

XV.

73 0020 ✓ That the defendant and cross-complainant, J. W. Thompson, is entitled to and is hereby decreed 80 inches, or 1.6 second feet, of the waters of Big Creek, with date of priority of May 10th, 1911, for use upon his said lands, and which said right is appurtenant to the following described lands, to-wit:-

W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 21, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 20, Twp. 13 N., R. 24 E., B. M., containing 160 acres, more or less.

XVI.

73 0021 ✓ That the defendant and cross-complainant, Malinda J. Thompson, is entitled to and is hereby decreed 230 inches, or 4.6 second feet, of the waters of Big Creek, with date of priority of May 10th, 1911, for use upon her said lands, and which said right is appurtenant to the following described lands, to-wit:-

W $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, and the S $\frac{1}{2}$ NW $\frac{1}{4}$, and the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, Twp. 13 N., R. 24 E., B. M., containing 320 acres, more or less.

XVII.

73 0022 ✓ That the defendant and cross-complainant, David G. Taggart, is entitled to and is hereby decreed 180 inches, or 3.6 second feet, of the waters of Big Creek, with date of priority of May 10th, 1911, for use upon his said lands, and which said right is appurtenant to the following described lands, to-wit:-

SW $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 2, Sec. 30, Twp. 13 N., R. 24 E. B. M., W $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 25, Twp. 13 N., R. 23 E., B. M., containing 240 acres, more or less.

XVIII.

73 0023 ✓ That the defendant and cross-complainant, William J. Frasy, 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 10th, 1911, for use upon his said lands, and which said right is appurtenant to the following described lands, to-wit:-

Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, and Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, Twp. 13 N., R. 24 E., B. M., containing 160 acres, more or less.

XIX.

73 0024 ✓ That the defendant and cross-complainant, Ella V. Christian, is entitled to and is hereby decreed 170 inches, or 3.4 second feet, of the waters of Big Creek, with date of priority of May 10th, 1911, for use upon her said lands, and which said right is appurtenant to the following described lands, to-wit:-

Lots 1, 2 and 3, and the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, and Lot 4, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, Twp. 13 N., R. 24 E., B. M., containing 240 acres, more or less.

XX.

73 0025 ✓
T-1627
(Den. ed) That the defendant and cross-complainant, George May, 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 October 16th, 1915, for use upon his said lands, and which said right is appurtenant to the following described lands, to-wit:-
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$\frac{1}{2}$ Sec. 9, Twp. 13 N., R. 23 E., B. M., containing 160 acres, more or less.

XXI.

73 0028 ✓ That the defendant and cross-complainant, Joseph C. May, 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 April 17th, 1915, for use upon his said lands, and which said right is appurtenant to the following described lands, to-wit:-

$\frac{1}{2}$ Sec. 9, Twp. 13 N., R. 23 E., B. M., containing 160 acres, more or less.

XXII.

73 0027 ✓ That the defendant and cross-complainant, John George May, 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 April 17th, 1915, for use upon his said lands, and which said right is appurtenant to the following described lands, to-wit:-

$\frac{1}{2}$ Sec. 7, Twp. 13 N., R. 23 E., B. M., containing 160 acres, more or less.

XXIII.

73 0028 ✓ That the defendant and cross-complainant, David May, 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 April 17th, 1915, for use upon his said lands, and which said right is appurtenant to the following described lands, to-wit:-

$\frac{1}{2}$ Sec. 9, Twp. 13 N., R. 23 E., B. M., containing 160 acres, more or less.

XXIV.

73 0029 ✓ That the defendant and cross-complainant, Oliver William Gail, Gail, 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 April 17th, 1915, for use upon his said lands, and which said right is appurtenant to the following described lands, to-wit:-

$\frac{1}{2}$ Sec. 7, Twp. 13 N., R. 23 E., B. M., containing 160 acres, more or less.

XXV.

73 0030 ✓ That the defendant and cross-complainant, Hiram Harman, 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 October 1st, 1915, for use upon his said lands, and which said right is appurtenant to the following described lands, to-wit:-

$\frac{1}{2}$ Sec. 35, Twp. 13 N., R. 23 E., B. M., containing 160 acres, more or less.

XXVI.

73 0031 ✓ That the defendant and cross-complainant, Clara Harman, 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 1.65 second feet, of the waters of Big Creek, or 82.5 inches, of January 5th, 1914, and with date of priority as to 3.15 second feet, or 157.5 inches, of May 10th, 1911, for use upon her said lands, and which said right is appurtenant to the following described lands, to-wit:-

JUL 30 1906

South half (S $\frac{1}{2}$), Sec. 24, Twp. 13 N., R. 23 E., E. 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 $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, Twp. 13 N., R. 22 E., E. M., and Lot 3, Sec. 16, Twp. 13 N., R. 23 E., E. 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 herein 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 Russian, May and Brown canals and also the Big Creek Canal and California Canal, only.

XIX.

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 Pahomeroi River, Sulphur Creek, Little Sulphur Creek and Big Creek, same 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. Conner,

District Judge.

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

E J Michael

Clerk.

State of Idaho)
 : ss
County of Custer)

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

JUL 30 1921

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 73-7A
Date Received: 1/6/1990
Receipt No: E011506
Received By:

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

1. Name of Claimant(s)

OLD CORRALS & SAGEBRUSH LLLP Phone: (208)893-5333
435 S FITNESS PL
EAGLE ID USA 83616

2. Date of Priority: 07/20/1915

3. Source: SULPHUR CREEK , SULPHUR CREEK Trib. to: PAHSIMEROI RIVER , PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	21E	24	SE SW SW	CUSTER	
14N	21E	24	SW NE NW	CUSTER	

5. Description of diverting works:

SUMP & PUMP AT EACH DIVERSION POINT/SPRINKLER(SEE ORIG CLAIM)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1	

7. Total Quantity Appropriated is:
1 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
14N	21E	13	SW SE	IRRIGATION	40

					Section Acres	40
14N	21E	24	NE	NW	IRRIGATION	38
			SE	NW	IRRIGATION	34
			SE	SW	IRRIGATION	38
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			NE	NE	IRRIGATION	18
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	SW	IRRIGATION	36
			SW	SW	IRRIGATION	3
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	447
14N	21E	25	SE	NW	IRRIGATION	6
			NW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	22
			SW	NW	IRRIGATION	2
					Section Acres	110
14N	22E	18	SE	SW	IRRIGATION	38
			SW	SE	IRRIGATION	40
			SW	SW	IRRIGATION	9
					Section Acres	87
14N	22E	19	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	39
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
					Section Acres	279
					Total Acres	963

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

A. P/D NOT GIVEN IN DECREE.

B. DECREED FOR USE ON 80 AC. MORE OR LESS.

CHANGED OWNERSHIP PER REQUEST/CV/09-11-00

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 73-7A
Date Received: 1/6/90
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SULPHUR CREEK LIVESTOCK Phone: (208)876-4405

PO BOX 151
MAY ID 83253

2. Date of Priority: 07/20/1915

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

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
14N	21E	24	SE	SW	SW		CUSTER
14N	21E	24	SW	NE	NW		CUSTER

5. Description of diverting works:

SUMP & PUMP AT EACH DIVERSION POINT/SPRINKLER(SEE ORIG CLAIM)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1	

7. Total Quantity Appropriated is:
1 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
14N	21E	13	SW	SE	IRRIGATION	40
					Section Acres	40
14N	21E	24	NE	NW	IRRIGATION	38
			SE	NW	IRRIGATION	34
			SE	SW	IRRIGATION	38
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			NE	NE	IRRIGATION	18
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	SW	IRRIGATION	36
			SW	SW	IRRIGATION	3
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	447
14N	21E	25	SE	NW	IRRIGATION	6
			NW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	22
			SW	NW	IRRIGATION	2
					Section Acres	110
14N	22E	18	SE	SW	IRRIGATION	38
			SW	SE	IRRIGATION	40
			SW	SW	IRRIGATION	9
					Section Acres	87
14N	22E	19	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	39
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
					Section Acres	279
					Total Acres	963

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:

A. P/D NOT GIVEN IN DECREE

B. DECREED FOR USE ON 80 AC. MORE OR LESS

CHANGED OWNERSHIP PER REQUEST/CV/09-11-00

15. Basis of Claim: Decreed

850
(ACMAA - 173-00140)
173-00140

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 A73-00007A
Date Received 1/5/90
Receipt Number E011506

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JAN - 5 1990
Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) The Aetna Casualty & Surety Company Phone (203) 275-2094
Mailing Address ATTN: Ed Buckley, City Place, Hartford, CT Zip 06156

2. Date of Priority (Only one (1) per claim) 7/20/1915

3. Source of water supply (a) Sulphur Creek
which is tributary to (b) Pahsimeroi River

4. a. Location of existing point of diversion is: Township 14N Range 21E Section 24,
SE 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Custer

Additional points of diversion if any: SW NE NW Sec. 24, T14N, R21E

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Sump & pump at each diversion point,
water transported and applied to place of use by a sprinkler irrigation system.
First diversion point is near section line demarcating sections 24 & 25. A survey
would be required to pinpoint legal description.

Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 1 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) one (1) (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2407.5 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
14N	22E	18											9	38			40		87
14N	22E	19		40	40		40	39	40	40		40							279
14N	21E	13															40		40
14N	21E	24	18	40	40	40	38			34	36		3	38	40	40	40	40	447
14N	21E	25		40			40	22	2	6									110

Total number of acres irrigated 963

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

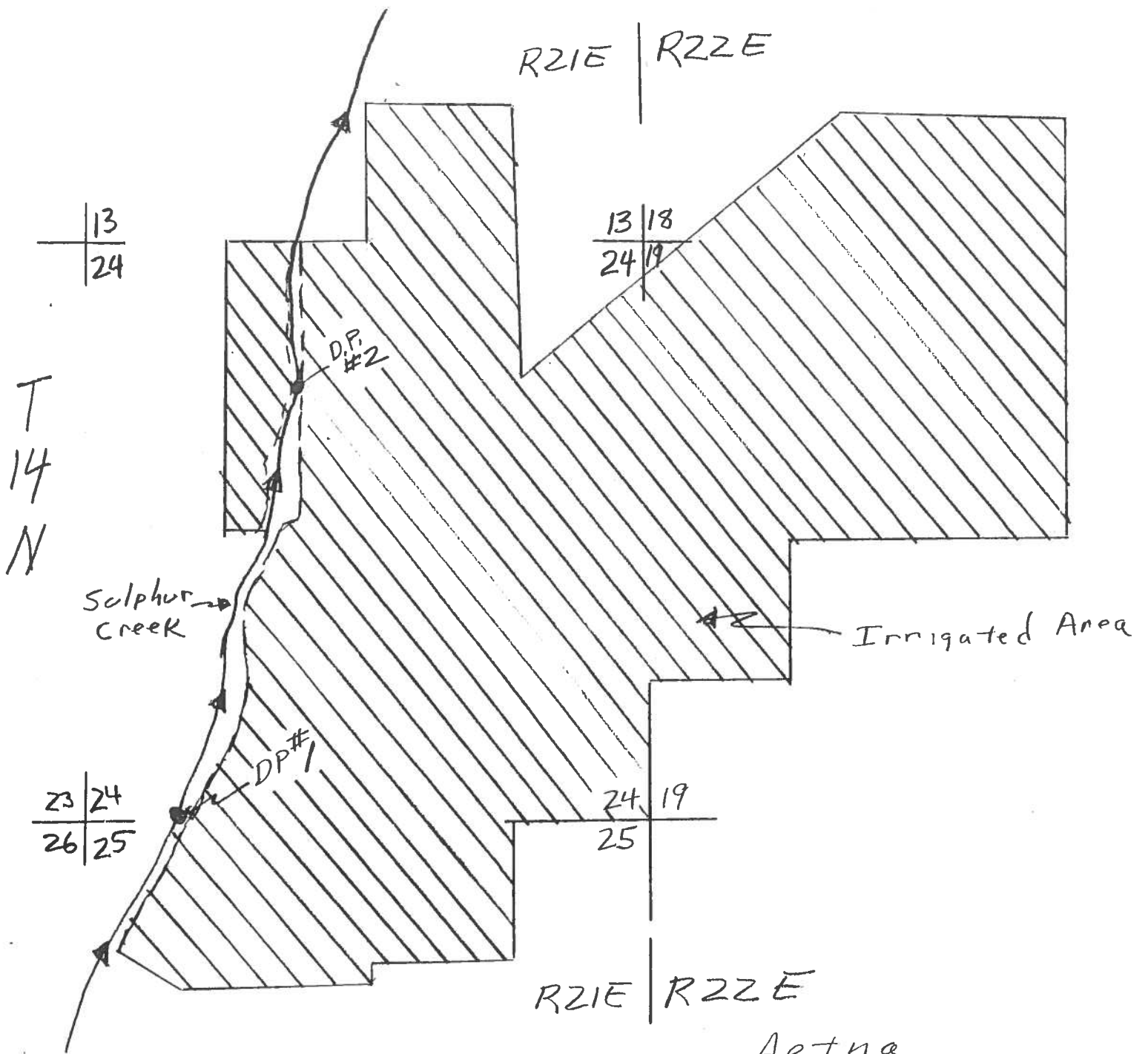
12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
#73-00113, 73-0002B, 73-00140, 73-0007B, 73-0008B, 73-7000, 73-2164 or None ()

14. Remarks:

Last Name Aetna Ident No. _____

Copies: White -State, Yellow-Claimant

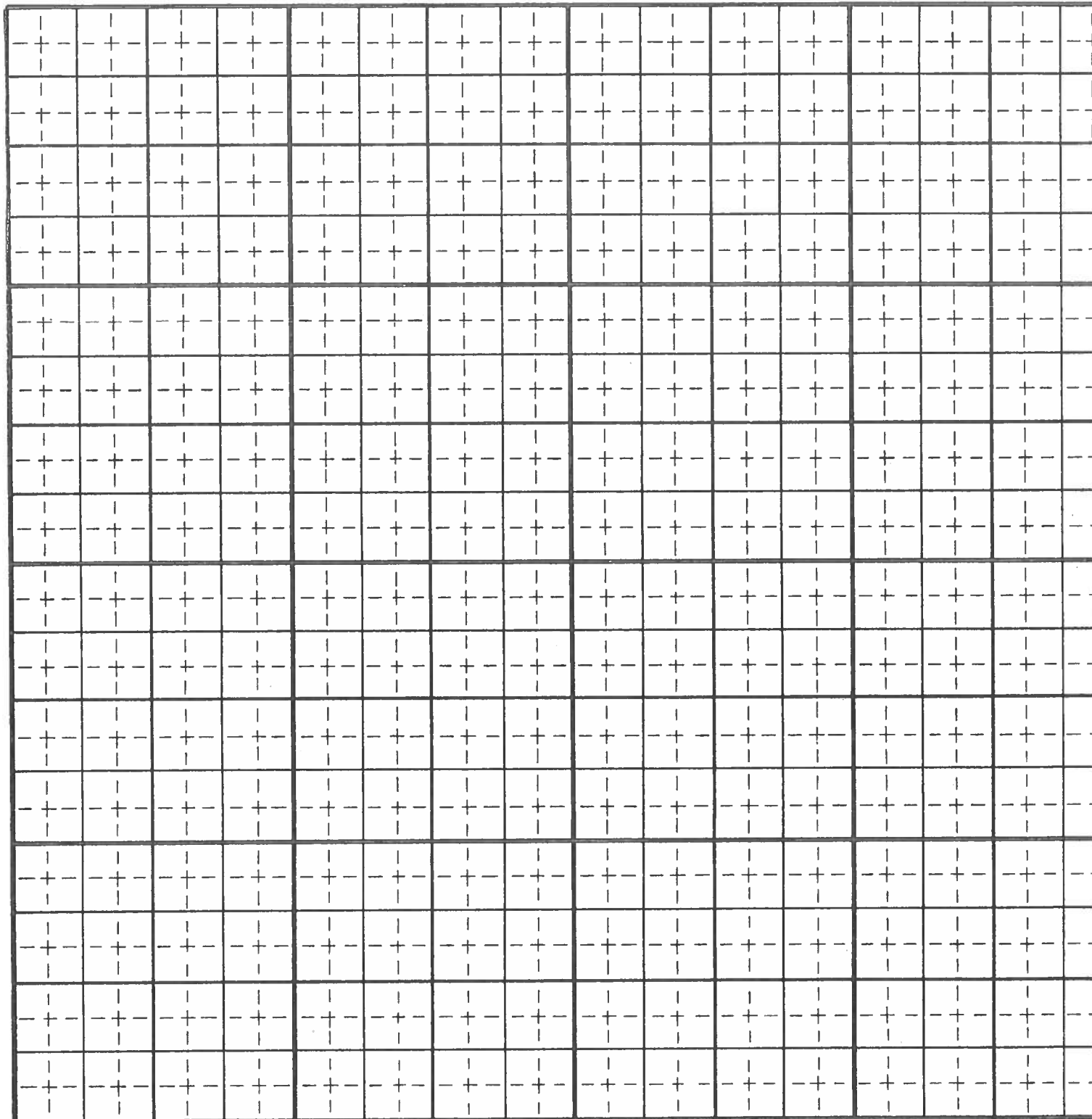


Aetna
Claim #140,

Approx Scale - 4" = 1 mile

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

Scale: 2 inches equals 1 mile



Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 73-0007A
Court Sixth Judicial District Case Number _____ Decree Date 4/29/1920
Plaintiff vs Defendant Maelzer v. Smith

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

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

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Edward Buckley, Vice-President
Title
of Aetna Realty Investors, Inc., that I have signed the foregoing
Organization
document in the space below as Attorney-in-Fact of The Aetna Casualty & Surety Co.
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Edward D. Buckley
Title and Organization Attorney-in-Fact, The Aetna Casualty & Surety Co. Date 12/18/89

State of Idaho/or Connecticut)
County of Hartford) SS.

Subscribed and sworn (or affirmed) before me this 18th day of December 19 89

SEAL

Notary Public Marianna Petroselli

Residing at New Haven County

My Commission Expires March 31, 1994

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name The Aetna Casualty & Surety Co. Ident. Number _____

Copies White-State, Yellow-Claimant