

05/12/2010

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

RIGHT NUMBER: 73-7B

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: 09/16/1912

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 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	

961.5 951.1 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.

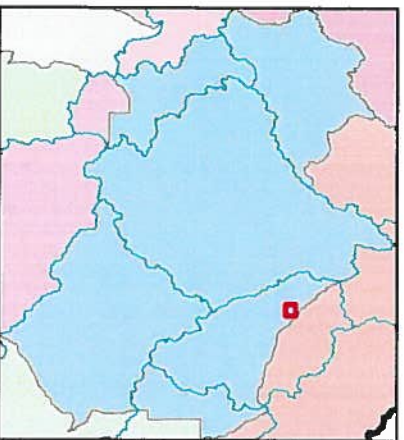
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

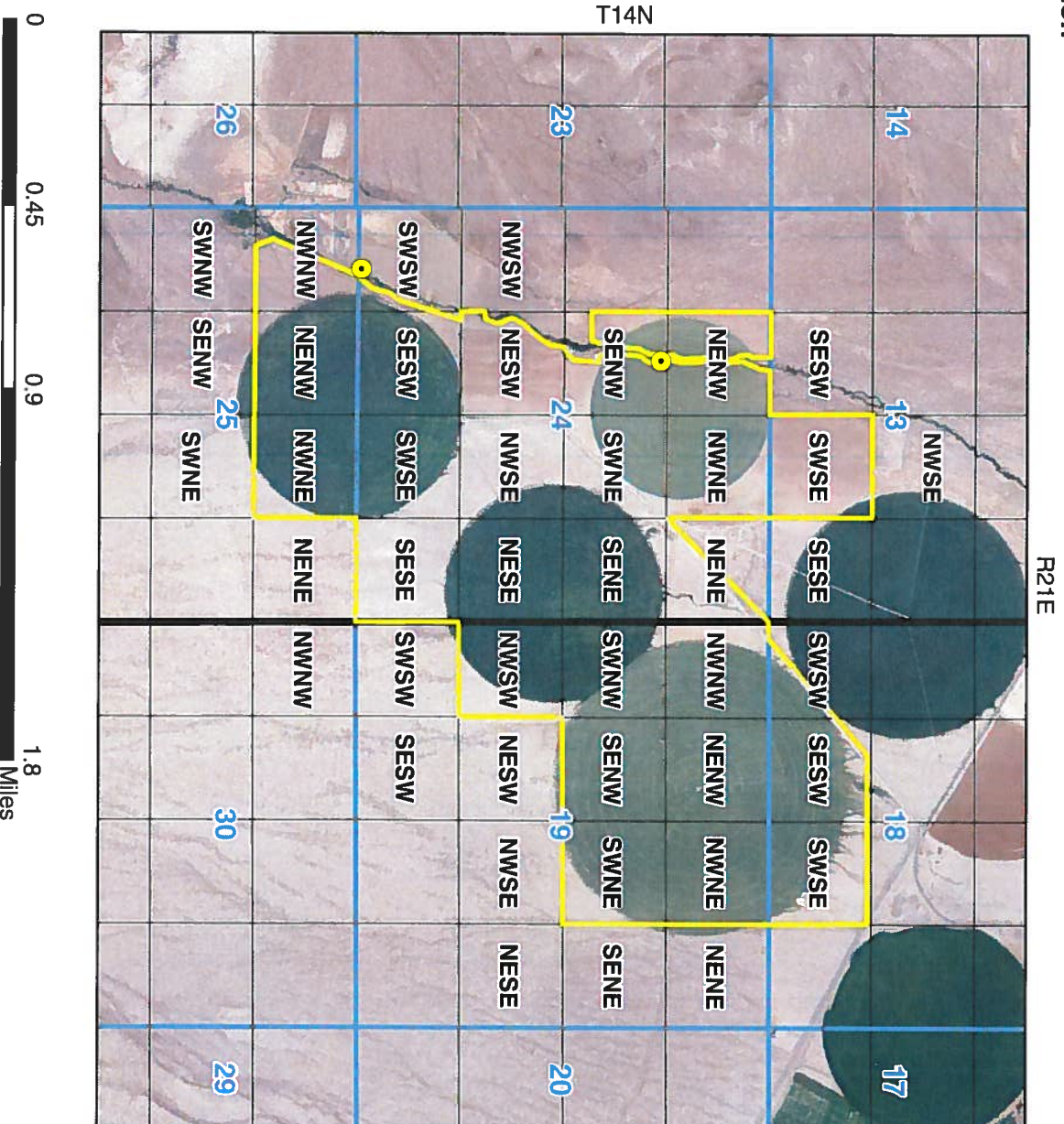
The following rights are diverted through points of diversion described above: 73-2B, 73-7A, 73-7B, 73-8B, 73-113 and 73-140.

73-7B
(IRRIGATION)

Point of Diversion
 Place of Use
 State Outline
 Townships
 PLS Sections
 Quarter Quarters



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



IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED 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

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

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

03/31/2006

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

RIGHT NUMBER: 73-7B
NAME AND ADDRESS: SULPHUR CREEK LIVESTOCK
PO BOX 151
MAY ID 83253
SOURCE: SULPHUR CREEK TRIBUTARY: PAHSIMEROI RIVER
QUANTITY: 1.000 CFS
PRIORITY DATE: 09/16/1912
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

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

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

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

03/31/2006

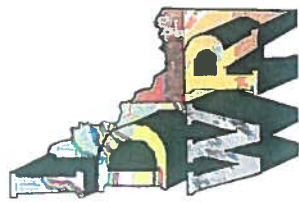
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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

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

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



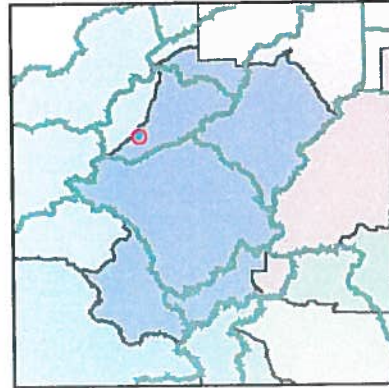
Idaho Department of Water Resources

Adjudication Claims:

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

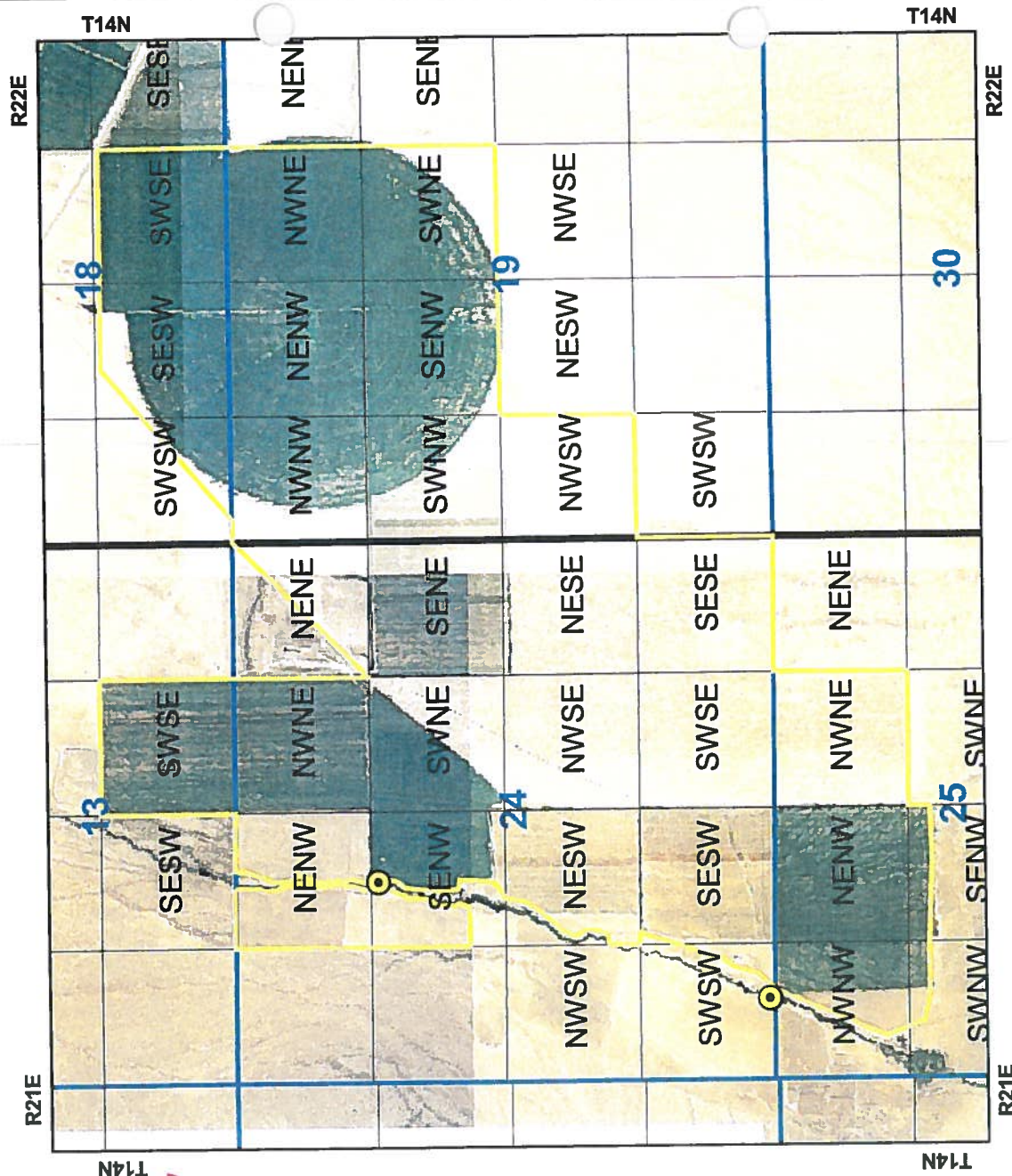
Legend

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



Custer County
IDWR Basin 73

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



✓ 73-2B	5/1/1884	0.6 cfs	*
✓ 73-7A	7/30/1915	1.0 cfs	80 acres
✓ 73-7B	9/16/1912	1.0 cfs	x
✓ 73-8B	1/30/1910	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+

Groundwater

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

XX same POD as 73-7000

R Brown 3/31/06

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: A73-00007B
Date Received: 1/ 5/1990
Receipt No: E011506
Received By: DC

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

1. Name: THE AETNA CASUALTY & SURETY COMPANY 203-275-2094
Address: ATTN ED BUCKLEY
CITY PLACE
HARTFORD CT 06156

2. Date of Priority: SEP 16, 1912

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	21E	24	SW	NE	NW		CUSTER
			SE	SW	SW		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	04/01	11/01	1.000		

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

8. Total consumptive use is 2407.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14N	21E	13	SW	SE		IRR	40.0



10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
						Section Acres	40.0
		24	NE	NE		IRR	18.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	38.0
			SE	NW		IRR	34.0
			NE	SW		IRR	36.0
			SW	SW		IRR	3.0
			SE	SW		IRR	38.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	447.0
		25	NW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	22.0
			SW	NW		IRR	2.0
			SE	NW		IRR	6.0
						Section Acres	110.0
22E		18	SW	SW		IRR	9.0
			SE	SW		IRR	38.0
			SW	SE		IRR	40.0
						Section Acres	87.0
		19	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	39.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NW	SW		IRR	40.0
						Section Acres	279.0
						Total Acres	963.0

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:

73-0007A, 00113, 02B, 140, 0008B, 07000, 02164

14. Remarks:

A. P/D NOT GIVEN IN DECREE.

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

SUMP AND PUMP AT EACH DIVERSION POINT. CONSUMPTIVE USE INCLUDES
WATER FROM ALL RIGHTS SHOWN IN ITEM #13

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

VALENTINE MAELZER, ET AL.
Decree Plaintiff

J.H. SMITH, ET AL.
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

\$50
(ACCEPABLE 1/30/90)
A73-00140

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 A 73-00007B
Date Received 1/5/90
Receipt Number E 011506

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) 9/16/1912
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.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 1.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.0 (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
		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

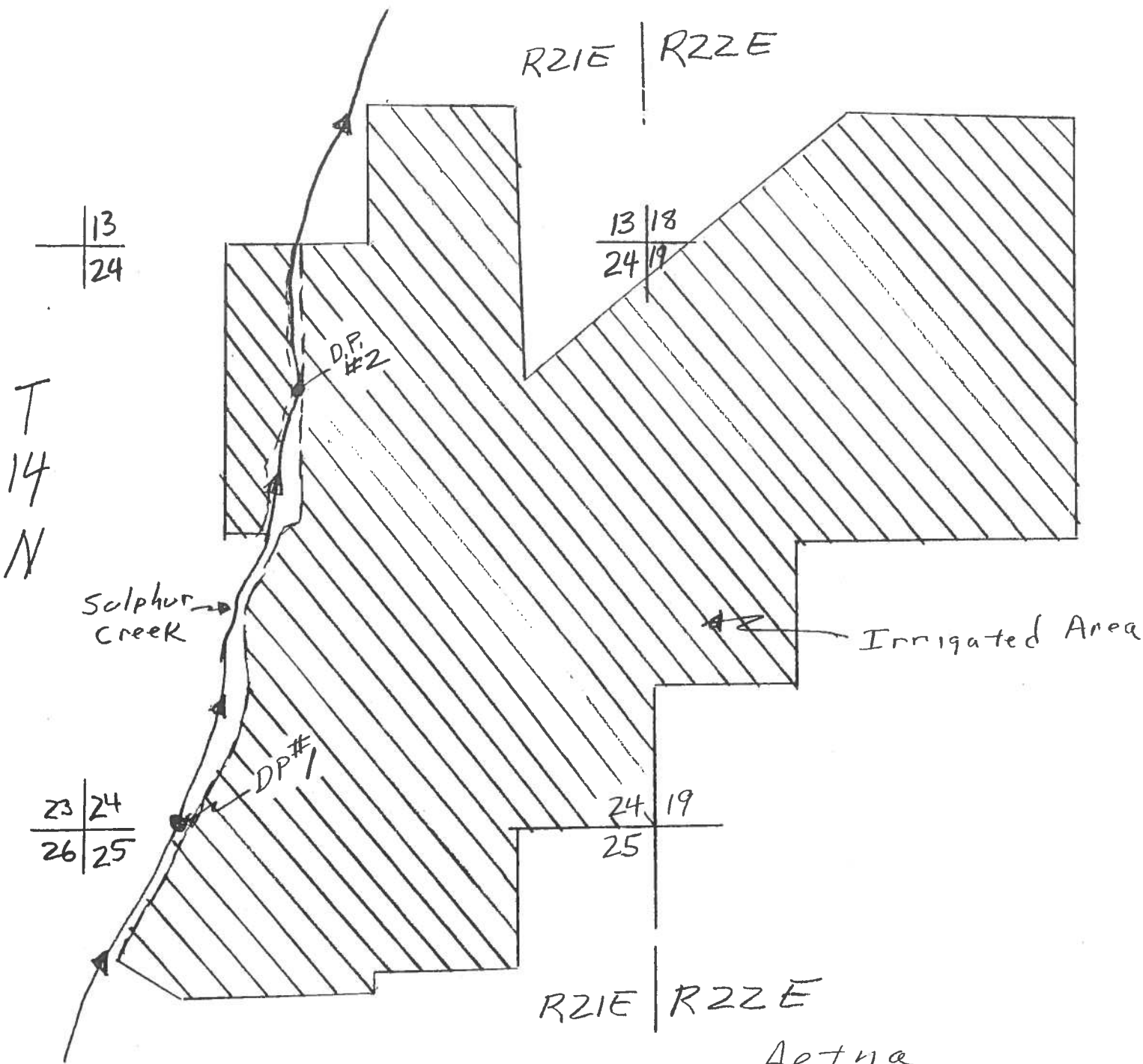
12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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, 73-0007A, 73-0008B, 73-7000, 73-2164 or None ()

14. Remarks: Sump and pump at each diversion point. Consumptive use includes
water from all water rights shown in Item #13.

Last Name Aetna Ident No. _____

Copies: White -State, Yellow-Claimant



Aetna
Claim #140,

Approx Scale - 4" = 1 Mile

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 73-0007B
Court Sixth Judicial District Case Number _____ Decree Date 6/3/21
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 Buckley

Title and Organization Attorney-in-Fact, The Aetna Casualty & Surety Co. Date 12/18/89

State of Idaho/or Connecticut) SS.

County of Hartford)

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

SEAL

Notary Public Marianna Petrocelli

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