

10/27/2009

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

RIGHT NUMBER: 73-36B

NAME AND ADDRESS: GEORGE E SANTEE JR
PO BOX 2341
IDAHO FALLS ID 83403-2341

SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.320 CFS

PRIORITY DATE: 10/01/1887

POINT OF DIVERSION:

T14N R22E S8 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 05/14	1.100 CFS
	05/15 07/09	1.320 CFS
	07/10 10/31	0.920 CFS
STOCKWATER	04/01 05/14	1.100 CFS
	05/15 07/09	1.320 CFS
	07/10 10/31	0.920 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T14N R21E S01 Lot 1 NENE	20.00	T14N R22E S06 Lot 3 NENW	3.30
T14N R22E S06 Lot 4 NWNW	19.00	T15N R21E S36 SESE	40.00
T15N R22E S31 Lot 4 SWSW	40.00	T15N R22E S31 SESW	17.00

STOCKWATER same as IRRIGATION

139.3 ACRES TOTAL

This right is limited to the irrigation of 66.0 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 304.8 acres in a single irrigation season. Combined Right Nos.: 73-36B, 73-61, 73-2052A, 73-2052B, 73-4028, 73-4083, 73-4086, & 73-10066

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Stockwater use incidental to irrigation and is for 500 range cattle.

Source is also known as Spring Creek, Big Spring Creek or O'Neal Creek.

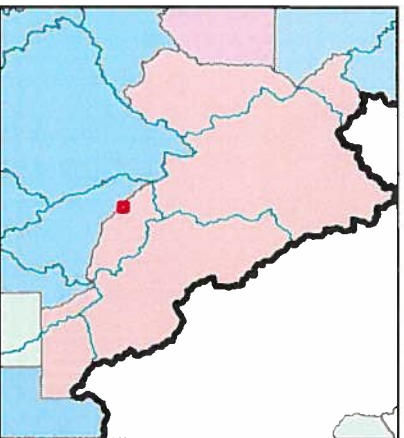
Idaho Department of Water Resources



Adjudication Recommendation 73-36B (IRRIGATION)

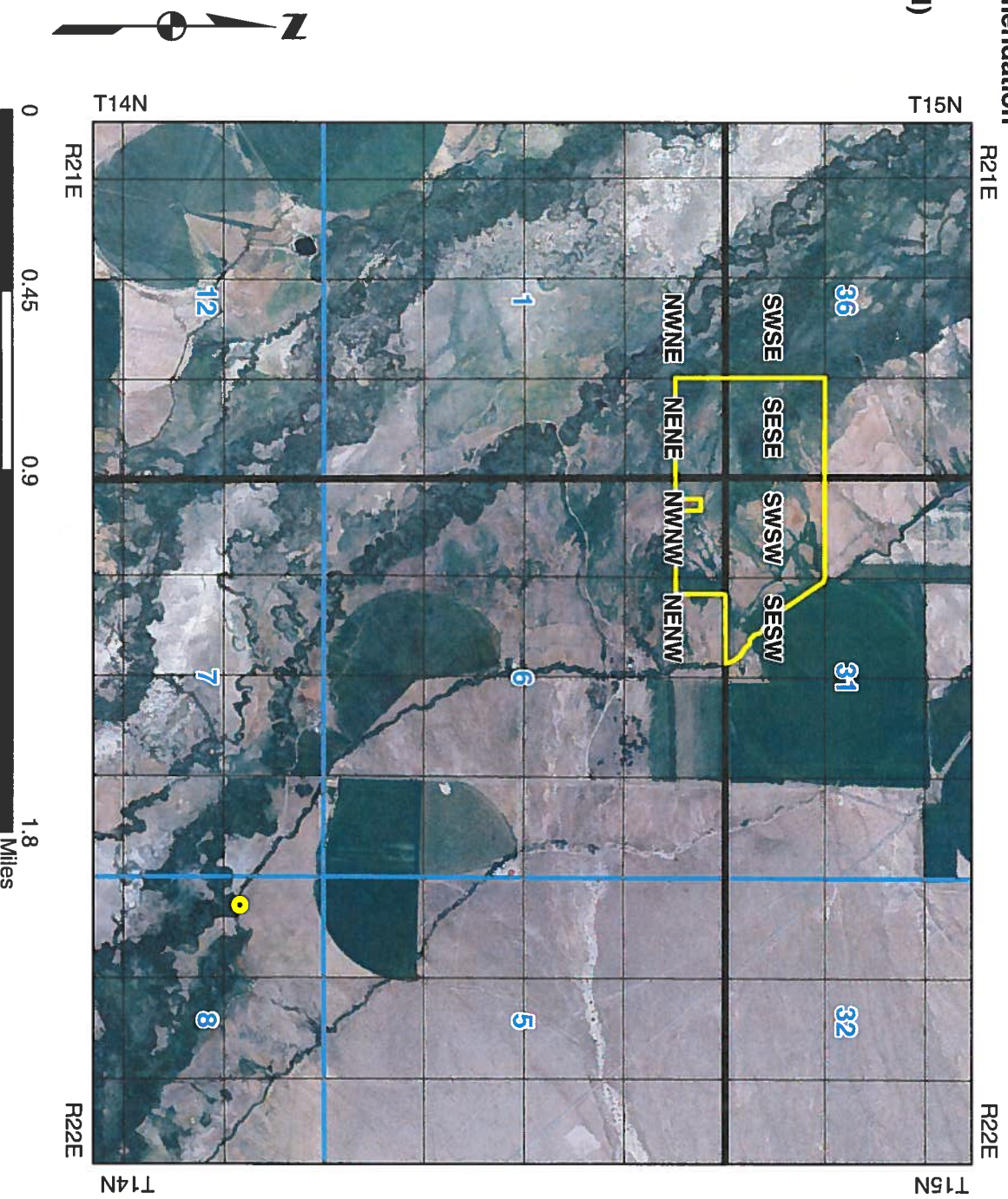
Legend

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



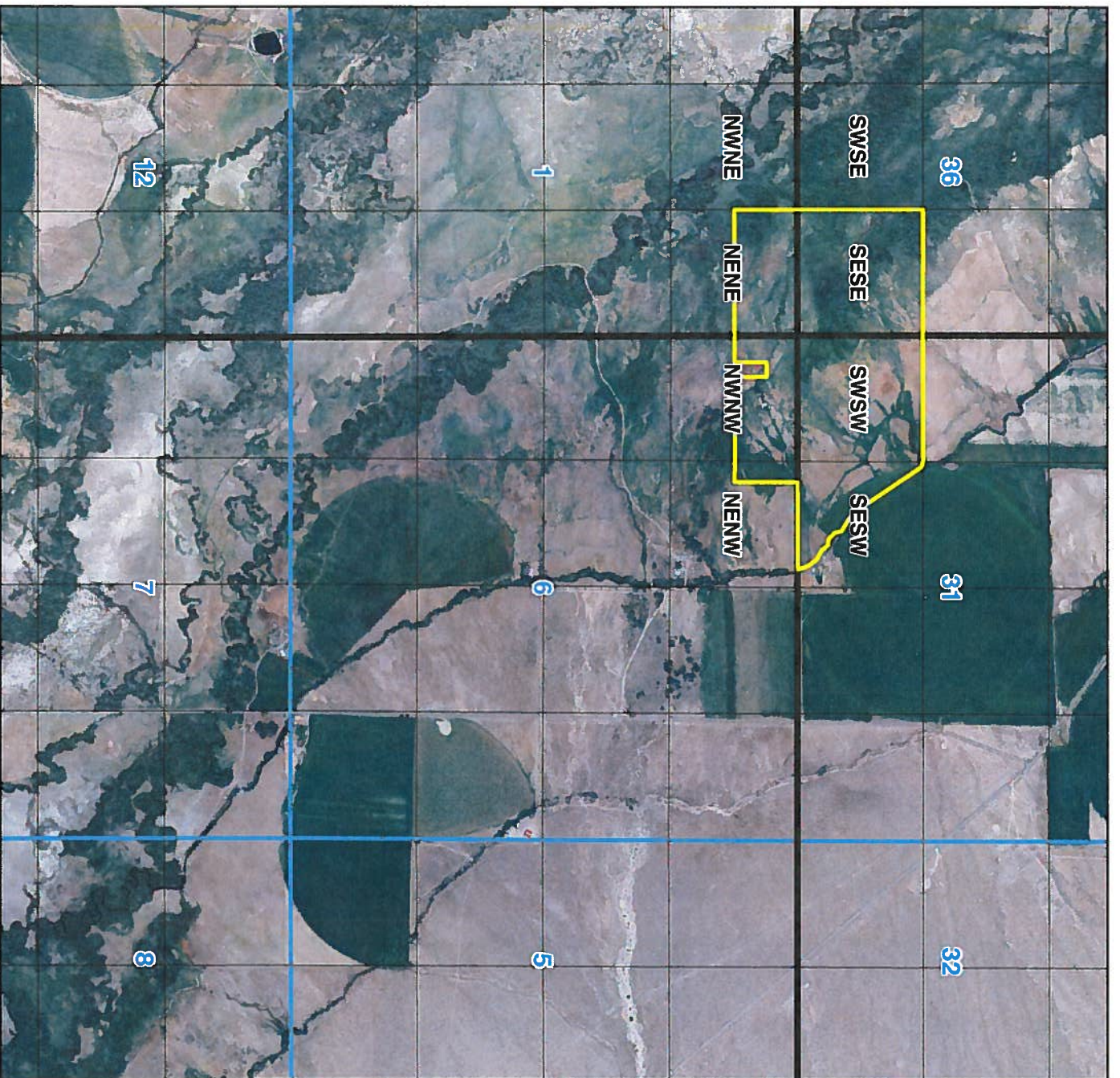
Lemhi County
IDWR Basin 73

Prepared by Craig Saxton
On October 16, 2009
2004 Aerial Photography





73-36B



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-36B V2

WATER RIGHT NUMBER: 73-36B V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEORGE E SANTEE JR PO BOX 2341 IDAHO FALLS, ID 83403-2341 (208)522-0202
Original Owner	J B MORROW , ID

Priority Date: 10/01/1887

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/15	to 07/09	1.320 CFS	
IRRIGATION	07/10	to 10/31	0.920 CFS	
IRRIGATION	04/01	to 05/14	1.100 CFS	
STOCKWATER	05/15	to 07/09	1.320 CFS	
STOCKWATER	07/10	to 10/31	0.920 CFS	
STOCKWATER	04/01	to 05/14	1.100 CFS	
	<u>Total Diversion:</u>		1.320 CFS	

Location of Point(s) of Diversion

PATTERSON CREEK	NW1/4NW1/4	Sec. 8,	Twp 14N,	Rge 22E, B.M.
LEMHI County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	21E	1	20.0																20.0
			L 1																
14N	22E	6					3.3	19.0											22.3
							L 3	L 4											
15N	21E	36															40.0		40.0
15N	22E	31									40.0	17.0							57.0
											L 4								

Total Acres: 139.3

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-36B V2

STOCKWATER same as IRRIGATIONConditions of Approval:

1. K06 This right is limited to the irrigation of 66.0 acres within the place of use described above in a single irrigation season.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. 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.
4. X02 Stockwater use incidental to irrigation and is for 500 range cattle.
5. E56 The rights listed below are limited to the irrigation of a combined total of 304.8 acres in a single irrigation season. Combined Right Nos.: 73-36B, 73-61, 73-2052A, 73-2052B, 73-4028, 73-4083, 73-4086, & 73-10066
6. B01 Source is also known as Spring Creek, Big Spring Creek or O'Neal Creek.
7. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Remarks:Comments:

1. csaxton 10/16/2009 Version 2

Comment: This right is an uncontested overlap to other rights that have been objected too. Need to alter this right to reflect changes in conditions.

2. csaxton 10/27/2009 Stockwater

Comment: Recommended stockwater as incidental use to irrigation.

3. csaxton 10/27/2009 Number of Stock

Comment: E-mail from George Santee Jr. to Roxanne Brown of SPF indicates that the max stock is 500 head.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number: 73

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-36B V2

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		304.8

Combined Water Rights: 73-4086 , 73-4083 , 73-36B , 73-61 , 73-2052A ,
73-2052B , 73-4028 , 73-10066

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			10/16/2009	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	10/16/2009 1:24:19 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	10/16/2009 11:29:00 AM	csaxton	Updated Shape
POU	10/16/2009 11:30:46 AM	csaxton	Updated Shape
POU	10/16/2009 11:31:05 AM	csaxton	Updated PLS

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-36B V1

WATER RIGHT NUMBER: 73-36B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEORGE E SANTEE JR PO BOX 2341 IDAHO FALLS, ID 83403-2341 (208)522-0202
Original Owner	J B MORROW , ID

Priority Date: 10/01/1887

Basis: Decreed

Status: Closed

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

<u>Beneficial Use</u>	<u>From</u> _____ <u>To</u> _____	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/15 to 07/09	1.320 CFS	
IRRIGATION	07/10 to 10/31	0.920 CFS	
IRRIGATION	04/01 to 05/14	1.100 CFS	
<u>Total Diversion:</u>		1.320 CFS	

Location of Point(s) of Diversion

PATTERSON CREEK	NW1/4NW1/4	Sec. 8,	Twp 14N,	Rge 22E, B.M.
LEMHI County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
14N	21E	1	20.0 L 1				20.0
14N	22E	6		3.2 L 3	19.0 L 4		22.2
15N	21E	36				40.0 L 1	40.0
15N	22E	31			40.0 L 4	17.0	57.0

Total Acres: 139.2

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-36B V1

1. E56 The rights listed below are limited to the irrigation of a combined total of 139.2 acres in a single irrigation season. Combined Right Nos.: 73-36B, 73-4083, 73-4086.
2. 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.
3. E55 Right Nos. 73-36B and 36-10066 are limited to the irrigation of a combined total of 98 acres in a single irrigation season.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. B01 Source is also known as Spring Creek, Big Spring Creek or O'Neal Creek.

Remarks:Comments:

1. rbrown 4/20/2006 POU

Comment: consistent with acres claimed. Map in file is different.

2. rbrown 7/5/2006 Q

Comment: based on ownership of land under original decree

3. DSHAFF 10/26/2006 Quantity

Comment: Adjusted initial season from prior IDWR records and sum of parts does not exceed earlier decree.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number: 73

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		139.2

Combined Water Rights: 73-4086 , 73-4083 , 73-36B

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		139.2

Combined Water Rights: 73-4086 , 73-10066 , 73-36B

Adjudication Recommendation Report 73-36B V1

Combined Water Rights: 73-4083 , 73-36B

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	12/22/2005 1:22:16 PM	dfavreau			Closed
POD	12/22/2005 1:22:42 PM	dfavreau			Closed
Source	12/22/2005 1:25:13 PM	dfavreau			Closed
Use	12/22/2005 1:27:15 PM	dfavreau			Closed
Season	12/22/2005 1:27:56 PM	dfavreau			Closed
Quantity	12/22/2005 1:29:22 PM	dfavreau			Closed
Contacts	4/19/2006 4:46:31 PM	rbrown			Closed
POU	7/5/2006 1:41:03 PM	rbrown			Closed
Summary			07/05/2006	rbrown	Closed

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	7/5/2006 1:41:04 PM	rbrown	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POD	7/5/2006 4:53:40 PM	rbrown	Updated PLS
POU	7/5/2006 4:54:40 PM	rbrown	Updated PLS for Active POU
Summary	7/5/2006 5:02:24 PM	rbrown	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	7/5/2006 2:59:37 PM	rbrown	Updated PLS for Active POU
POU	10/26/2006 6:37:23 PM	DSHAFF	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-36B V1

POU	7/5/2006 2:58:41 PM	rbrown	Edited shape boundary
POU	7/5/2006 4:54:28 PM	rbrown	Updated shape for Active POU
Contacts	4/19/2006 4:46:31 PM	rbrown	(No) 1. Do you want to schedule an appointment? Comment for 1: in-office review
POD	4/19/2006 4:51:12 PM	rbrown	Updated PLS
POU	4/20/2006 1:26:21 PM	rbrown	Edited shape boundary
POU	4/20/2006 1:28:41 PM	rbrown	Updated PLS for Active POU
POU	12/22/2005 1:25:54 PM	dfavreau	Updated PLS for Active POU
POD	12/22/2005 1:23:12 PM	dfavreau	Updated shape
POD	12/22/2005 1:23:29 PM	dfavreau	Updated PLS
Source	12/22/2005 1:25:14 PM	dfavreau	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (Yes) 11. Is a Source remark and/or condition required?
POU	12/22/2005 1:25:42 PM	dfavreau	Updated shape for Active POU
Use	12/22/2005 1:27:16 PM	dfavreau	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
General	12/22/2005 1:22:17 PM	dfavreau	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	12/22/2005 1:22:43 PM	dfavreau	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (No) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-36B V1

Season	12/22/2005 1:27:56 PM	dfavreau	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (No) 5. Can the claimed Period of Use be verified using the water right file? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/22/2005 1:29:23 PM	dfavreau	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

Water Supply Bank:



RECEIVED

SEP 21 2009

DEPARTMENT OF
WATER RESOURCES

September 21, 2009

Craig Saxton
Idaho Department of Water Resources
Via hand-delivery

Re: Amended SRBA Claims for George Santee, Jr.
Claim Nos. 73-36B, 73-61, 73-2052A, 73-2052B, 73-4028 and 73-10066.

Dear Craig,

Please find attached amended claims for water right nos. 73-36B, 73-61, 73-2052A, 73-2052B, 73-4028 and 73-10066. Special Master Terry Dolan issued an Order September 1, 2009 specifically allowing Mr. Santee's amended claims in Subcases 73-61, 73-2052A, 73-2052B, 73-4028 and 73-10066. Subcase 73-36B is an uncontested overlapping claim that also requires amendment. Although we assume submitting an amended claim in Subcase 73-36B is appropriate at this time, Mr. Santee is prepared to formally ask permission of the Court to do so, if necessary.

In addition, we offer the following information concerning the water delivery system as it existed in 1987. Although Mr. Santee has now installed two pivots on the property, the delivery system is essentially the same today. Please refer to the map titled "George Santee-Delivery System in 1987", which is enclosed. We offer the following points of explanation:

1. Morse Creek water is delivered to the northeast corner of Mr. Santee's property as shown on the map. In 1987 (and historically) irrigation on approximately 165 acres was accomplished through the use of gravity-fed handlines east of the Missouri Canal. These lands are now primarily irrigated with two pivots. Handlines are now used to irrigate the corners.
2. Water from Morse Creek was (and currently is) also routed through a riser near the home and buildings shown on the map and delivered across the Missouri Canal where it is comingled with water from Patterson Creek in two ditches which can be seen in the aerial photo. These ditches run north and west from the Missouri Canal and deliver Morse Creek and Patterson Creek water for gravity irrigation west of the Missouri Canal.
3. Water rights that were originally diverted from Patterson Creek down the Thompson Ditch have also historically been used, when necessary, by diversion in the Missouri Canal. According to Mr. Santee, this has been the practice since at least 1982.

We hope this additional information is helpful. Please contact me if you have other questions.

Best Regards,



Roxanne Brown
Sr. Water Rights Specialist

CC: George Santee, Jr.

Enclosures

SPF Job No. 809.0010

SCANNED

SEP 22 2009

- Morse Creek Delivery
- Missouri Canal Delivery
- Thompson Ditch Delivery and Missouri Canal Delivery

Location of Morse Creek delivery

Location of riser that allows delivery of Morse Creek water to area west of Missouri Canal

Thompson Ditch

Missouri Canal

George Santee - Delivery System in 1987
1993 Aerial Photography

42

0.1

Miles



SCANNED

APP 0 0 0000

12/07/2006

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

RIGHT NUMBER: 73-36B

NAME AND ADDRESS: GEORGE E SANTEE JR
PO BOX 2341
IDAHO FALLS ID 83403-2341

SOURCE: PATTERSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.320 CFS

PRIORITY DATE: 10/01/1887

POINT OF DIVERSION:

T14N R22E S8 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/15 07/09	1.320 CFS0.920
	07/10 10/31	CFS1.100 CFS
	04/01 05/14	

PLACE OF USE: IRRIGATION in LEMHI County

T14N R21E S01 Lot 1 NENE	20.00	T14N R22E S06 Lot 3 NENW	3.20
T14N R22E S06 Lot 4 NWNW	19.00	T15N R21E S36 Lot 1 SESE	40.00
T15N R22E S31 Lot 4 SWSW	40.00	T15N R22E S31 SESW	17.00

139.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 139.2 acres in a single irrigation season. Combined Right Nos.: 73-36B, 73-4083, 73-4086.

Right Nos. 73-36B and 36-10066 are limited to the irrigation of a combined total of 98 acres 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.

Source is also known as Spring Creek, Big Spring Creek or O'Neal Creek.

10/27/2006

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

RIGHT NUMBER: 73-36B

NAME AND ADDRESS: GEORGE E SANTEE JR
PO BOX 2341
IDAHO FALLS ID 83403-2341

SOURCE: PATTERSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.320 CFS

PRIORITY DATE: 10/01/1887

POINT OF DIVERSION:

T14N R22E S8 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/15 07/09	1.320 CFS0.920
	07/10 10/31	CFS1.100 CFS
	04/01 05/14	

PLACE OF USE: IRRIGATION Within LEMHI County

T14N R21E S01 Lot 1 NENE	20.00	T14N R22E S06 Lot 3 NENW	3.20
T14N R22E S06 Lot 4 NWNW	19.00	T15N R21E S36 Lot 1 SESE	40.00
T15N R22E S31 Lot 4 SWSW	40.00	T15N R22E S31 SESW	17.00

139.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 139.2 acres in a single irrigation season. Combined Right Nos.: 73-36B, 73-4083, 73-4086.

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.

Source is also known as Spring Creek, Big Spring Creek or O'Neal Creek.

RECEIVED

SEP 27 2006

08/31/2006

Department of Water Resources
Adjudication Bureau

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 29, 2006

Water right number: 73-36B

GEORGE E SANTEE JR
PO BOX 2341
IDAHO FALLS ID 83403-2341
Telephone Number: (208)522-0202

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

Quantity for period of use from 04/01 - 05/14
Place of use

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

Change quantity from 1.050 cfs to 1.100 cfs
Add additional place of use: T15N R21E S36 SESE 40

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

Quantity for period of use from 04/01 - 05/14 is 55" or 1.100 cfs
Use of right 73-36B for crop production in T15N R21E S36 SESE

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

DATE: 9/15/2006

SIGNATURE:

George E. Santee, Jr.

Please print your name: George E. Santee, Jr.

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

Question:

Why are quantities less than the quantities on the original claim?

*Prorate split of 73-36 with Hughbanks.
Decease abstract by IDWR = 1.1
% Changed to 1.1 cfs
POU changed that spreads water thinner.*

SCANNED

SEP 27 2006

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

1. That the streams named and designated in the Findings as Spring Creek, and Falls Creek are independent of each other and that the appropriations of water from one of said streams in no ways affects the appropriations from the other, that neither of said streams is a tributary of the other.

2. That each and every of the tracts of land described in the complaint, answers and cross complaint in this action as belonging to the said several parties, plaintiff and defendant herein are arid in character and will not successfully raise any agricultural crop without the application of water thereon for the irrigation thereof.

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

4. That the dams and diverting works of the said several parties to this action, were at the time of the several appropriations and are now, of sufficient size and capacity to carry and convey the 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 county, Idaho.

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 complaint answers and cross-complaints in said action, 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 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 dates of said appropriations, said water has been so diverted and used on said lands in the irrigation thereof.

6. The following named persons, parties to this suit are entitled to the uninterrupted use of the flow of the waters of Spring Creek and Falls Creek on the lands mentioned and described in the complaint, answers and cross complaints herein in the following amounts and from the following dates, to-wit:

73-0036
43-0220

J. B. Morrow from Spring Creek through the Missouri Canal, 160 inches or 3 1-5 cubic feet per second of time to May 15th of each and every year; from May 15th to July 10th of each and every year, 200 inches or 4 cubic feet per second of time and from July 10th to close of the season of each and every year 140 inches or 2 4-5 cubic feet to date from October 1st, 1887, appurtenant to the $\frac{1}{2}$ of the $\frac{1}{2}$ of sec 1, in tp 14, n r 21 east of the Boise Meridian, and the $\frac{1}{2}$ of the nw $\frac{1}{4}$ of sec 6 in tp 14 n r 22 east of the Boise Meridian.

Outbr
0.02 cfs

3.2 cfs 4/1 - 5/15
4.0 cfs 5/16 - 7/9
2.8 cfs 7/10 - 10/31

RECORDED

JUL 30 1996



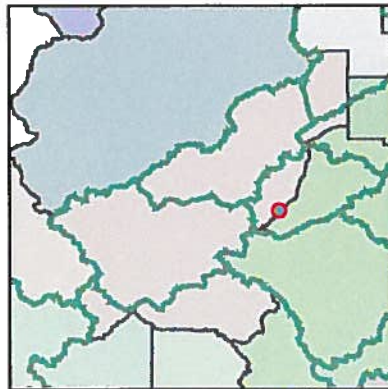
Idaho Department of Water Resources

SRBA Recommendation:

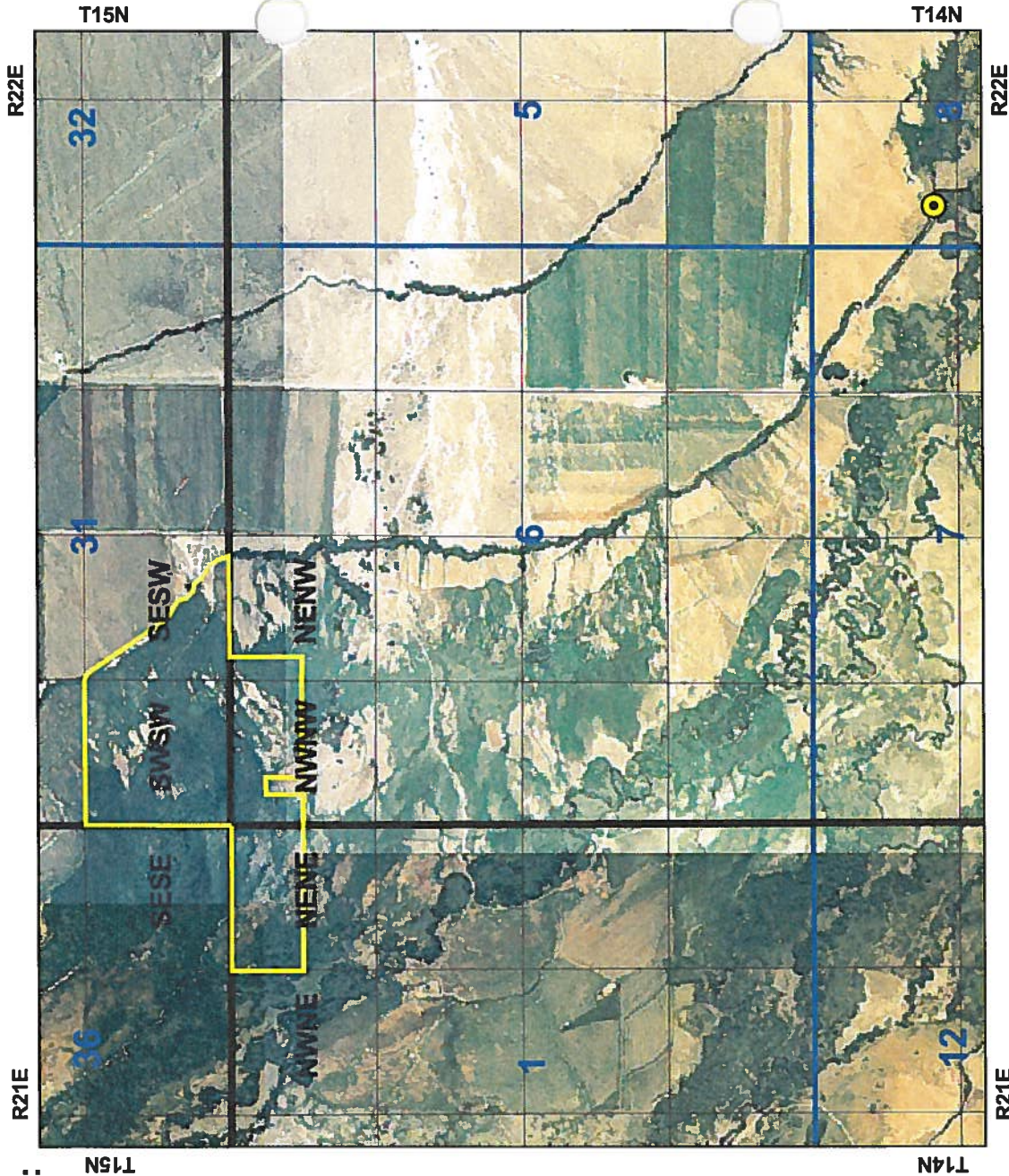
73-36B

Legend

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



Lemhi County
IDWR Basin 73



1.2 Miles

0.6

0

Prepared by R. Brown
On Wednesday, July 5, 2006
1987/88 Aerial Photography

07/05/2006

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

RIGHT NUMBER: 73-36B

NAME AND ADDRESS: GEORGE E SANTEE JR
PO BOX 2341
IDAHO FALLS ID 83403-2341

SOURCE: PATTERSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.320 CFS

PRIORITY DATE: 10/01/1887

POINT OF DIVERSION:

T14N R22E S8 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/15 07/09	1.320 CFS ✓
	07/10 10/31	0.92 CFS ✓
	04/01 05/14	1.05 CFS ✓

PLACE OF USE: IRRIGATION Within LEMHI County

T14N R21E S01 Lot 1 NENE	20.00	T14N R22E S06 Lot 3 NENW	3.20
T14N R22E S06 Lot 4 NWNW	19.00	T15N R22E S31 Lot 4 SWSW	40.00
T15N R22E S31 SESW	17.00		

99.2 ACRES TOTAL

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.

Source is also known as Spring Creek, Big Spring Creek or O'Neal Creek.

Water Right Number: 73-36
Diversion Rate: 3.2 CFS
Reviewer Name: R. Brown
Date: 4/19/2006

3.2 CFS

Diversion Rate:

Reviewer Name: _____ **R. Brown**

Date: 4/19/2006

Season of Use: 4/1 to 5/14

[illegible]

Water Right Number: 73-36
Division Rate: 4 CFS
Reviewer Name: R. Brown
Date: 4/19/2006

Season of Use: 5/15 to 7/9

Reviewer Name: _____ **R. Brown**

4/19/2006

[illegible]

Water Right Number: 73-36

Diversion Rate: 2.8 **CFS**

Reviewer Name: R. Brown

Date: 4/19/2006

2.8 CFS

CFS

R. Brown

4/19/2006

Season of Use: 7/10-10/31

[illegible]

Water Right Number: 73-36

Division Rate: 2.8 **CFS**

Reviewer Name: R. Brown

Date: 38826

Split Tree

73-36A
(161.0 ac & 1.88 cfs)

73-36B
(79.0 ac & 0.92 cfs)

73-36
(240.0 ac & 2.80 cfs)

[illegible]

O'Neal or Spring Creek

SECOND DIVISION.

JAMES McMILLAN, State Water Commissioner.

TWIN FALLS, IDAHO.

1910.

**DECREED WATER RIGHTS,
TRIBUTARIES OF PAHSIMARAI CREEK,
LEMHI COUNTY, IDAHO**

In the District Court of the Sixth Judicial District of Idaho, in and
for Lemhi County.

*J. B. Morrow, S. F. Horne, W. J. Hammond, Jane Ham-
mond, Louis A. Wells and E. D. Kerns, Plaintiffs,*

vs.

*Joseph Waggoner, Francis Waggoner, Francis Grubb, Josephine
Fortune, Edward Oneal, William Beck, Chris Cocan-
aughner, Leo Wiggons, James Hooper, Vira S. Morrow,
Wood Live Stock Company, a corporation, George Grubb,
Jackson Grubb, John Calvin, James George Calvin and
William Calvin, Defendants.*

D E C R E E .

This cause came on regularly for trial before Hon. G. F. Hans-
brough, sitting as special Judge, on the 23rd day of June, 1909, at
May, Lemhi County, State of Idaho, C. A. Boyd, esq., appearing as
counsel for the plaintiff, Clark & Budge and John W. Jones, esq.,
appearing as counsel for certain defendants, H. G. Redwine, esq.,
appearing as counsel for certain defendants and J. C. Sinclair, esq.,
appearing as counsel for certain defendants. The defaults of the non-
answering defendants having been duly entered. The evidence of
witnesses sworn and examined and cross examined by and on behalf of
the respective parties having been duly taken and documentary evi-
dence having been duly admitted and filed in said cause, and after
argument of 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.

RECORDED

JUL 30 1996

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

1. That the streams named and designated in the Findings as Spring Creek, and Falls Creek are independent of each other and that the appropriations of water from one of said streams in no ways affects the appropriations from the other, that neither of said streams is a tributary of the other.

2. That each and every of the tracts of land described in the complaint, answers and cross complaint in this action as belonging to the said several parties, plaintiff and defendant herein are arid in character and will not successfully raise any agricultural crop without the application of water thereon for the irrigation thereof.

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

4. That the dams and diverting works of the said several parties to this action, were at the time of the several appropriations and are now, of sufficient size and capacity to carry and convey the 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 county, Idaho.

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 complaint answers and cross-complaints in said action, 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 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 dates of said appropriations, said water has been so diverted and used on said lands in the irrigation thereof.

6. The following named persons, parties to this suit are entitled to the uninterrupted use of the flow of the waters of Spring Creek and Falls Creek on the lands mentioned and described in the complaint, answers and cross complaints herein in the following amounts and from the following dates, to-wit:

~~73-0036~~
~~73-0220~~ ✓ J. B. Morrow from Spring Creek through the Missouri Canal, 160 inches or 3 1-5 cubic feet per second of time to May 15th of each and every year; from May 15th to July 10th of each and every year, 200 inches or 4 cubic feet per second of time and from July 10th to close of the season of each and every year 140 inches or 2 4-5 cubic feet to date from October 1st, 1887, appurtenant to the e $\frac{1}{2}$ of the ne $\frac{1}{2}$ of sec 1, in tp 14, n r 21 east of the Boise Meridian and the W $\frac{1}{2}$ of the nw $\frac{1}{2}$ of sec 6 in tp 14 n r 22 east of the Boise Meridian and the

JUL 30 1996

sw $\frac{1}{4}$ of the sw $\frac{1}{4}$ of sec 31, tp 15 n r 22 east of the Boise Meridian, and the nw $\frac{1}{4}$ of the sw $\frac{1}{4}$ of sec 6, tp 14 n r 22 east of the Boise Meridian, in Idaho.

73-0039
73-0221

✓ S. F. Horne from Spring Creek through the Missouri Canal 100 inches or 2 cubic feet per second of time to May 15th of each and every year from May 15th to July 10th of each and every year 120 inches or 2 and 2-5 cubic feet per second of time; from July 10th to the close of the season of each and every year 90 inches or 1 4-5 cubic feet from October 1st, 1887, appurtenant to the Lots 2 and 3 in Sec 31, tp 15 n r 22 east of the Boise Meridian; and the se $\frac{1}{4}$ of the ne $\frac{1}{4}$ and the ne $\frac{1}{4}$ of the se $\frac{1}{4}$ of sec 36, tp 15, n r 21 east of the Boise Meridian, in Idaho.

43-0222
73-0037

✓ June Hammond from Spring Creek through the Missouri Canal 100 inches or 2 cubic feet per second of time, to May 15th of each and every year. 130 inches or 3 3-5 cubic feet and from July 10th to close of season of each and every year 70 inches or 1 2-5 cubic feet to date from October 1st, 1887, appurtenant to the se $\frac{1}{4}$ of the nw $\frac{1}{4}$ and sw $\frac{1}{4}$ of the ne $\frac{1}{4}$ and nw $\frac{1}{4}$ of se $\frac{1}{4}$ and ne $\frac{1}{4}$ of the sw $\frac{1}{4}$ of sec 25, in tp 15, n of r 21 e of the Boise meridian, in Idaho

73-0223
73-0038

✓ Louis A. Wells from Spring Creek through the Missouri Canal 100 inches or 2 cubic feet per second of time to May 15th of each and every year; from May 15th to July 10th of each and every year, 195 inches or 3 9 10 cubic feet and from July 10th to close of the season of each and every year, 190 inches or 3 4-5 cubic feet to date from October 1st, 1887, appurtenant to the se $\frac{1}{4}$ of the ne $\frac{1}{4}$ and the ne $\frac{1}{4}$ of the se $\frac{1}{4}$ of sec 23 and the sw $\frac{1}{4}$ of the nw $\frac{1}{4}$ and the nw $\frac{1}{4}$ of the sw $\frac{1}{4}$ of sec 24, tp 15, n of r 21 e of the Boise meridian and the se $\frac{1}{4}$ of nw $\frac{1}{4}$ the ne $\frac{1}{4}$ of the sw $\frac{1}{4}$ of sec 24 tp 15 n r 21 e of the Boise meridian, in Idaho.

73-0224
73-0040

✓ S. F. Horne from Spring Creek through the Missouri Canal 100 inches or 2 cubic feet per second of time to May 15th of each and every year; from May 15th to July 10 of each and every year; 160 inches or 3 1-5 cubic feet; and from July 10th to the close of the season of each and every year 160 inches or 3 1-5 cubic feet to date from October 1st, 1887, appurtenant to the s $\frac{1}{2}$ of the nw $\frac{1}{4}$ and n $\frac{1}{2}$ of the sw $\frac{1}{4}$ of sec 23 tp 15 n r 21 e of the Boise Meridian, in Idaho.

73-0225
73-0041

✓ F. D. Kerns from Spring Creek through the Missouri Canal 100 inches or 2 cubic feet per second of time to May 15th of each and every year; from May 15th to July 10th of each and every year 155 inches or 3 1-10 cubic feet and from July 10th to the close of the season of each and every year 70 inches or 1 2-5 cubic feet to date from October 1st, 1887, appurtenant to the e $\frac{1}{2}$ of the se $\frac{1}{4}$ and the sw $\frac{1}{4}$ of the se $\frac{1}{4}$ of sec 22 and the ne $\frac{1}{4}$ of the ne $\frac{1}{4}$ of sec 27, tp 15, n r 21 e of the Boise meridian in Idaho.

73-0226
73-0042

✓ James Hooper from the West Branch of Spring Creek, diverted from his present headgate, which is situated on the lands of Lorenzo Falls, 500 inches or 10 cubic feet per second of time to date from February

JUL 30 1886

1886, appurtenant to the $\text{sw}\frac{1}{4}$ of the $\text{sw}\frac{1}{4}$ of sec 16, and the $\text{se}\frac{1}{4}$ of the $\text{se}\frac{1}{4}$ and the $\text{se}\frac{1}{4}$ of the $\text{sw}\frac{1}{4}$ of sec 17 in tp 14 n of r 22 e of the Boise meridian; the $\text{se}\frac{1}{4}$ of the $\text{ne}\frac{1}{4}$, the $\text{w}\frac{1}{2}$ of the $\text{ne}\frac{1}{4}$; $\text{nw}\frac{1}{4}$, $\text{n}\frac{1}{2}$ of $\text{se}\frac{1}{4}$ and $\text{n}\frac{1}{2}$ of $\text{sw}\frac{1}{4}$ of sec 17 and the $\text{e}\frac{1}{2}$ of the $\text{ne}\frac{1}{4}$ and the $\text{ne}\frac{1}{4}$ of the $\text{se}\frac{1}{4}$ of sec 18, in tp 14 n of r 22 e of the Boise meridian.

73-0227 ✓ Leo C. Wiggons from Spring creek 100 inches or 2 cubic feet per second of time to May 15th of each and every year; from May 15th to July 10th of each and every year 140 inches or 2 4-5 cubic feet, from July 10th to close of season of each and every year 70 inches or 1 2-5 cubic feet to date from February 10th, 1893, appurtenant to the $\text{e}\frac{1}{2}$ of the $\text{sw}\frac{1}{4}$ and the $\text{sw}\frac{1}{4}$ of $\text{se}\frac{1}{4}$ of sec 6, and the $\text{nw}\frac{1}{4}$ of the $\text{ne}\frac{1}{4}$ of sec 7 in tp 14 n r 22 e of the Boise Meridian in Idaho.

73-0228 ✓ Wood Live Stock Company, a corporation from Spring Creek 300 inches or 6 cubic feet per second of time to be measured at the headgate of the joint ditch owned by said corporation, Francis Grubb and George E. Grubb on said stream to date from April 1st, 1895, appurtenant to the Lot 4 of sec 30 and lot 1 of sec 31, tp 15, r 22 e of the Boise meridian and the $\text{n}\frac{1}{2}$ of the $\text{ne}\frac{1}{4}$ and $\text{sw}\frac{1}{4}$ of the $\text{ne}\frac{1}{4}$ and $\text{se}\frac{1}{4}$ of the $\text{nw}\frac{1}{4}$ of sec 36 tp 15 n r 21 e of the Boise meridian and the $\text{e}\frac{1}{2}$ of the $\text{se}\frac{1}{4}$ of sec 23, tp 15, n r 21 e of the Boise Meridian, in Idaho.

73-0229 ✓ George E. Grubb from Spring creek 100 inches or 2 cubic feet per second of time to be measured at the headgate of the joint ditch of George E. Grubb, Wood Live Stock Company and Francis Grubb to date from April 1st, 1895 appurtenant to lot 4 of sec 19, Lots 1, 2 and 3 of sec 30, tp 15 n of r 22 e of the Boise meridian in Idaho.

73-0230 ✓ Francis Grubb from Spring Creek 50 inches or 1 cubic foot per second of time to be measured at the joint headgate of Francis Grubb, George E. Grubb and Wood Live Stock Company on said stream to date from July 10th, 1895, appurtenant to the $\text{e}\frac{1}{2}$ of the $\text{nw}\frac{1}{4}$ of sec 31, in tp 15 n r 22 e of the Boise meridian, in Idaho.

73-0231 ✓ George and William Calvin from Spring Creek 100 inches or 2 cubic feet per second of time to date from July 15th, 1900, appurtenant to the $\text{e}\frac{1}{2}$ of the $\text{ne}\frac{1}{4}$ of sec 7 and the $\text{w}\frac{1}{2}$ of the $\text{nw}\frac{1}{4}$ of sec 8, in tp 14 n r 22 e of the Boise Meridian, in Idaho.

73-0232 ✓ Wood Live Stock Company, a corporation from Falls Creek 160 inches or 3 1-5 cubic feet per second of time to be measured at the headgate near the junction of the old Sherman Ditch and the new Woods-Oneal ditch on the north side of Falls Creek to date from April 1st, 1882, appurtenant to the $\text{e}\frac{1}{2}$ of the $\text{ne}\frac{1}{4}$ and the $\text{ne}\frac{1}{4}$ of the $\text{se}\frac{1}{4}$ of sec 8, and the $\text{nw}\frac{1}{4}$ of the $\text{sw}\frac{1}{4}$ of sec 9, in tp 14 n r 22 e of the Boise Meridian, in Idaho.

73-0233 ✓ Edward Oneal from Falls Creek 160 inches or 3 1-5 cubic feet per second of time to be measured on the south bank of Falls Creek about four miles in a northeasterly direction from the residence of Edward Oneal to date from April 1st, 1882, appurtenant to the $\text{sw}\frac{1}{4}$ of the $\text{nw}\frac{1}{4}$ of sec 15, the $\text{se}\frac{1}{4}$ of the $\text{ne}\frac{1}{4}$ and the $\text{se}\frac{1}{4}$ of the $\text{sw}\frac{1}{4}$ of sec 15, tp 14, n

Boise

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JUL 30 1936

r 22 e of the Boise meridian, in Idaho.

~~73-0131~~ Josephine Fortune from Falls Creek 80 inches or 1 3-5 cubic feet per second of time to be measured near the junction of the old Sherman ditch and the new Woods Oneal ditch on the north side of Falls creek to date from April 1st, 1887, appurtenant to the e $\frac{1}{2}$ of the sw $\frac{1}{4}$ of sec 9, tp 14, n r 22 e of the Boise meridian in Idaho.

~~73-0135~~ Joseph Wagoner from Falls Creek 160 inches or 3 1-5 cubic feet per second of time to be measured on the se $\frac{1}{4}$ of sec 6, tp 16 n of r 23 e of the Boise meridian on the south side of Falls Creek to date from April 1st, 1896 appurtenant to the unsurveyed land which when surveyed will be the w $\frac{1}{2}$ of the sw $\frac{1}{4}$ of sec 5, and the w $\frac{1}{2}$ of the nw $\frac{1}{4}$ of sec 8, in tp 14 n r 23 e of the Boise meridian, in Idaho.

~~73-0136~~ Wood Live Stock company, a corporation, from Falls Creek 80 inches or 1 3-5 cubic feet per second of time to date from March 24th, 1899, appurtenant to the n $\frac{1}{2}$ of the ne $\frac{1}{4}$ of sec 8, in tp 14, n r 22 e of the Boise meridian in Idaho.

~~73-0137~~ Jackson Grubb from Falls creek 80 inches or 1 3-5 cubic feet per second of time to be measured in the ne $\frac{1}{4}$ of sec 6, in tp 14 n of r 23 e of the Boise meridian, to date from February, 29th, 1904, appurtenant to the s $\frac{1}{2}$ of the ne $\frac{1}{4}$ of sec 7, tp 14 n r 23 e of the B. M., in Idaho.

~~73-0138~~ Cris Coconaughner from Falls Creek 160 inches or 3 1-5 cubic feet per second of time to date from July 1st, 1904, appurtenant to Lots 3 and 4 and the s $\frac{1}{2}$ of the nw $\frac{1}{4}$ of sec 1, tp 14 n r 22 e of the Boise Meridian, in Idaho.

~~73-0139~~ William Beck from Falls Creek 160 inches or 3 1-5 cubic feet per second of time to be measured in the ne $\frac{1}{4}$ of sec 6, tp 14 n r 22 e of the Boise meridian to date from July 1st, 1904, appurtenant to the Lots 1 2 and s $\frac{1}{2}$ of the ne $\frac{1}{4}$ of sec 2, tp 14 n r 22 e of the Boise meridian, in Idaho.

~~73-0140~~ Francis Wagoner from Falls Creek 80 inches or 1 3-5 cubic feet per second of time to be measured in the ne $\frac{1}{4}$ of sec 6, tp 14 n r 23 e of the Boise meridian to date from August 30th, 1904, appurtenant to the unsurveyed land, which when surveyed will be the w $\frac{1}{2}$ of the sw $\frac{1}{4}$ of sec 8 in tp 14 n r 23 e of the Boise meridian, in Idaho.

~~73-0141~~ Wood Live Stock Company, a corporation from Mayrick Creek 100 inches or 2 cubic feet per second of time to date from May 30th 1899 appurtenant to the nw $\frac{1}{4}$ of the se $\frac{1}{4}$ and the s $\frac{1}{2}$ of the ne $\frac{1}{4}$ of sec 26 and the ne $\frac{1}{4}$ of the ne $\frac{1}{4}$ of sec 35, tp 15 n r 21 e of the Boise meridian, in Idaho.

~~73-0142~~ Wood Live Stock company, a corporation, from Spring Creek 100 inches or 2 cubic feet per second of time to date from April 3rd, 1899 appurtenant to the sw $\frac{1}{4}$ of sec 26, tp 15, n r 21 e of the Boise Meridian, in Idaho.

~~73-0143~~ Vira S. Morrell from Spring Creek 80 inches or 1 3-5 cubic feet per second of time to date from June 1st, 1903, appurtenant to Lot 3, the se $\frac{1}{4}$ of the nw $\frac{1}{4}$ of sec 1, tp 14 n r 22 e of the Boise meridian, in Idaho.

JUL 30 1906

73-0025

73-0054

73-0055

73-0057

73-0058

Superintended
See 73-0055

73-0059

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~~73-0244~~ John and James Calvin from Spring Creek 80 inches or 1 3-5 cubic feet per second of time to date from August 12th, 1907, appurtenant to the..... Boise meridian in Idaho

~~73-0245~~
73-0060 Wood Live Stock company, a corporation from Falls Creek not to exceed 300 inches or 6 cubic feet per second of time to make up any deficiency there may be in the waters of Spring Creek available for the irrigation of the lands described in paragraph 22 of the Findings herein said water from Falls Creek being a second right for said land, and to be used only when there is less than 300 inches of water in Spring Creek to supply said right, and then only sufficient to make up three hundred inches to date from March 24th, 1899, appurtenant to the s $\frac{1}{2}$ of the sw $\frac{1}{4}$ and the s $\frac{1}{2}$ of the se $\frac{1}{4}$ of sec 25, and the n $\frac{1}{2}$ of the ne $\frac{1}{4}$ and the se $\frac{1}{4}$ of the nw $\frac{1}{4}$ of sec 36, tp 15, n r 21 e of the Boise meridian and Lot 4, of sec 30 and Lot 1 of sec 31, tp 15 n r 22 e of the Boise meridian, in Idaho.

7. It is further adjudged and decreed that in all cases where the point of diversion of the waters of the streams mentioned herein are not definitely fixed by this decree, the points of diversion and measurement of the waters of said streams to said several parties to this action shall be the point where the water was diverted by said several parties on the 23rd day of June, 1909, the time of trial of this action.

8. 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.

9. That each and every of the parties to this suit, plaintiff and defendant, their agents, servants, attorneys and employees, and each, every and all persons acting in aid of and for any of the parties to this suit are hereby forever restrained and enjoined from in any way or manner interfering with or diverting or using the waters of said streams or their tributaries, except in accordance with the terms and provisions of this Decree.

Dated this 7th day of April, 1910.

GEO. F. HANTBROUGH,
Special Judge.

Filed April 18th, 1910. W. C. SMITH, Clerk.

State of Idaho, County of Lemhi, ss.

I, W. C. Smith, Clerk of the District Court of the Sixth Judicial District of Idaho, in and for Lemhi County, do hereby certify that I have compared the within and foregoing copy of Decree in the above entitled action with the original filed in my office on the 18th day of April, A. D. 1910, and that the same is a full, true and correct copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court this second day of May, A. D. 1910.

(Seal)

RECORDED

JUL 30 1936

73-B

In the District Court of the Sixth Judicial District of the
State of Idaho, in and for the County of Lemhi.

J. B. Morrow, et. al.,
Plaintiffs,

vs

The Wood Live Stock Company,

Order.

a Corporation, et. al.,
Defendants.

It appearing to me, James M. Stevens, the Judge of the above-entitled Court, that this action is one to quiet title to the use of the waters of that certain stream in Lemhi County, Idaho, known as Spring creek, and that the trial thereof would be materially assisted and facilitated by having the State Engineer make a survey, report and maps of the stream in controversy as provided in the act of the Legislature of the State of Idaho entitled "An act to regulate the appropriation and diversion of the public waters and establishing the rights to the use of such waters and the priorities of such rights", approved March 11th, 1903, and that this is a proper case for such survey:

Now, therefore, be and it is hereby ordered that the State Engineer shall make an examination of the said Spring creek and of the canals and ditches diverting water therefrom, and of all the land being irrigated by said canals and ditches and other works, and the lands susceptible of irrigation therefrom, and prepare a map showing such river, canals and ditches and the lands thereunder, and a statement which shall give the condition of such works, their capacity and the amount of land irrigated from each of such canals, ditches and other works, and other essential features in relation to the reclamation of the lands tributary to such stream for use upon the hearing of said cause, as provided in said act.

And it is further ordered that the cost of making the said survey, report and map, or maps, shall be paid by the parties to this suit as provided in the said act.

Dated this 17th day of May, 1907.

At Chambers at Blackfoot, Idaho.

J. M. Stevens

Judge.

JUL 30 1908

JUL 30 1936

CLERK OF COURT

Order

In the District Court of the State of
Idaho, in and for Lemhi County

J. D. Morrow et al.

The First Bank of
Cronquist et al.

Filed May 21st 1937
J. D. Morrow

By _____

JUL 30 1936

State of Idaho, }
County of Lemhi, } ss.

I W.C.Smith, Clerk of the District Court of
the Sixth Judicial District of the State of Idaho, in and for
the County of Lemhi, do hereby certify that the within and
foregoing is a full, true and complete copy of the order in
the case of J.B.Morrow et al, Plaintiffs and
The Wood Live Stock Company et al, Defendants as the
same was filed in my office on the 20th day of May, 1907,
and now on file and of record in my office.

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the seal of
said Court this 20th day of May A.D.
1907.

W.C. Smith
Clerk.

30 1906

SCANNED

AUG 29 2001

1800
Boc. pd w/rd
A73-00036B

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: A73-00036B
Date Received: 4/09/1989
Receipt No: E012593
Received By: EV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GEORGE E. SANTEEN, JR. 208-522-0202
Address: P.O. BOX 2365
IDAHO FALLS, ID 83403

2. Date of Priority: OCT 01, 1887

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
14N	33E	7	NW	NE	NE		LEMHI

5. Description of diverting works:
HEADWORKS OF MISSOURI CANAL. FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	05/14	1.680		
IRRIGATION	05/15	07/09	2.100		
IRRIGATION	07/10	11/01	1.470		

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

8. Total consumptive use is 200.0 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
14N	21E	1	NE	NE		IRR	20.0

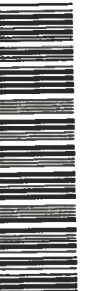
Section Acres 20.0

A73-00036B

Page 1

Date: 04/09/90

A7300036B



MICROFILMED
DEC 14 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	22E	6	NW	NW	4	IRR	20.0
						Section Acres	20.0
15N	22E	31	SW	SW		IRR	40.0
			SE	SW		IRR	18.0
						Section Acres	58.0
						Total Acres	98.0

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:

HIGH WATER, TRANSMISSION LOSS CLAIM WILL BE FILED

14. Remarks:

P/D MISSOURI CANAL, NO LEGAL DESCRIPTION
AMOUNT DECREED = 0.02CFS/IRRIGATED ACRES

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

J.B. MORROW

Decree Plaintiff

vs

JOSEPH WAGONER

Decree Defendant

2

Signature of Claimant(s): George E. Santee, Jr. Date: 4-9-90
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 9 day
of April 19 90 [Signature]
Notary Public

this 22 day

Ben
Notary Public

Seal

Residing at _____

My Commission Expires

MICROFILMED
DEC 14 1992

May

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POINT OF DIVERSION
MISSOURI DITCH

A73-00048

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Palmer

MICROFILME
DEC 14 1992