

04/26/2007

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

RIGHT NUMBER: 73-79

NAME AND ADDRESS: SCOTT M HAYES
9417 N WINTERWOOD LN
BOISE ID 83714

SOURCE: LAWSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 3.200 CFS

This quantity of this right is all of the flow of Lawson Creek.

PRIORITY DATE: 06/20/1917

POINT OF DIVERSION:

T15N R21E S33 NENSW 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	3.200 CFS

PLACE OF USE:

IRRIGATION in CUSTER County

T15N R21E S27	SWNW	33.00	T15N R21E S27	SENW	5.20
T15N R21E S27	NESW	23.00	T15N R21E S27	NWSW	40.00
T15N R21E S27	SWSW	40.00	T15N R21E S27	SESW	39.00
T15N R21E S27	SWSE	3.80			

184 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 160 acres in a single irrigation season. Combined Right Nos.: 73-78, 73-79, 73-116, 73-10028.

This right is limited to the irrigation of 160 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

Trans#
2782

73 0076✓

ALVIN M. ELLIS, .4 cubic feet per second of time from Duck Spring and Spring Creek, with date of priority April 1, 1912, appurtenant to the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, T. 15 N., R. 21 E. B. M., through the Ellis Ditch.

73 0077✓
A, B

SAMUEL ATKINSON, 1.6 cubic feet per second of time of the waters of Spring Creek and Duck Springs, and 1. cubic feet per second of time of the flow of the waters of Pahsimeroi River and Mud Spring Creek, with date of priority April 1, 1912, appurtenant to the SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 8, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, T. 15 N., R. 21 E. B. M., said water to be conveyed thru the Ellis Ditch.

73 0078✓

JOHN JOHNSON, Intervenor, 2.1 cubic feet per second of time from Pahsimeroi River and Big Springs Creek with date of Priority April 30, 1904, appurtenant to the NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, T. 15 N., R. 21 E. B. M., said waters to be diverted through the Johnson Ditch.

73 0079✓

JOHN JOHNSON, 3.2 cubic feet per second of time from Lawson Creek with date of priority June 20, 1917, the same being all of the flow of the waters of said Lawson Creek, appurtenant to the SW $\frac{1}{4}$ Section 27, T. 15 N., R. 21 E. B. M., to be diverted through the Johnson Ditch.

73 0080✓

J. D. BROWN, Intervenor, 3 cubic feet per second of time of the waters of Big Springs Creek, with date of priority April 25, 1904, appurtenant to Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 1, T. 14, N., R. 21 E. B. M., to be diverted through the J. D. Brown Ditch.

73 0081✓

T. G. MONTGOMERY-Intervenor, 4 cubic feet per second of time of the waters of the Pahsimeroi River and from Springs located on and near the Southeast quarter of Section 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, and the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9, T. 15 N., R. 21 E. B. M., to be diverted through the T. G. Montgomery Ditches, appurtenant to the S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, lot 7, Section 6, T. 15 N., R. 21 E. B. M., with date of priority May 4, 1904.

73 0082✓
A, B
Big Springs

MINOR A. BROWN-Intervenor, 2.4 cubic feet per second of time of the waters of (Pahsimeroi River) with date of priority March 13, 1900, appurtenant to the SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 8, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, T. 14, N. R. 22 E. B. M., to be diverted through the Minor A. Brown Ditch.

73 0083✓

MINOR A. BROWN, Intervenor, .8 cubic feet per second of time of the waters from the Southwest fork of Big Springs Creek with date of priority July 14, 1917, appurtenant to SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, T. 14 N., R. 23 E. B. M., through the Minor A. Brown ditch.

73 0084✓
T-1768

MINOR A. BROWN, 4 cubic feet per second, of time of the waters of O'Neil, or Spring Creek, with date of priority July 27, 1900, appurtenant to Lot 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 5, T. 15 N., R. 21 E. B. M., to be diverted through the Handscreable Ditch.

**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

Subcase No.: 73-79

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / OBJECTOR:

Scott M. Hayes

Date

IDWR CONCURRENCE:

Donald V. Shaff
Adjudication Bureau Chief

Date

IDWR CONCURRENCE:

Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR

Date

CERTIFICATE OF SERVICE

I certify that on _____, 2007, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

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

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

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

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Scott M. Hayes
9417 N. Winterwood Ln
Boise, ID 83714

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person or attorney mailing the form

11/29/2007

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

RIGHT NUMBER: 73-79

NAME AND ADDRESS: SCOTT M HAYES
9417 N WINTERWOOD LN
BOISE ID 83714

SOURCE: LAWSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 3.200 CFS

This quantity of this right is all of the flow of Lawson Creek.

PRIORITY DATE: 06/20/1917

POINT OF
DIVERSION:

T15N R21E S33 NENWSW 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	3.200 CFS
PLACE OF USE: <u>IRRIGATION in CUSTER County</u>		
T15N R21E S27 SWNW 33.00	T15N R21E S27 SENW 5.20	
T15N R21E S27 NESW 23 <u>22.00</u>	T15N R21E S27 NWSW 40.00	
T15N R21E S27 SWSW 40.00	T15N R21E S27 SESW 39 <u>40.00</u>	
T15N R21E S27 SWSE 3.80		
<u>T15N R21E S34</u> NENW 40.00	<u>T15N R21E S34</u> NWNW 35.00	
<u>T15N R21E S34</u> SWNW 25.00	<u>T15N R21E S34</u> SENW 40.00	

184 282 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 160 acres in a single irrigation season. Combined Right Nos.: 73-78, 73-79, 73-116, 73-10028.

This right is limited to the irrigation of 160 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

Notes 73-79 ^{Prior} Int. Hrg

11-28-0

Amended Claim > DR

Okay to have 282 PDU as claimed

~~Could eliminate 160 Ac limit~~

~~Decree is full water in Jackson Cr 3.2 is arbitrary,
Overlap of other rights? & PDUs~~

73-78 Pah. R. & Patterson Cr

73-116 Patterson Cr

73-10028 G.W. Lic.

PDU ^{to 282} with 217 Ac limit? No Revenue

Decree 73-79 3.2 cfs SW 1/4 ~~160 Ac~~

04/27/2007

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

RIGHT NUMBER: 73-79

NAME AND ADDRESS: SCOTT M HAYES
9417 N WINTERWOOD LN
BOISE ID 83714

SOURCE: LAWSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 3.200 CFS

This quantity of this right is all of the flow of Lawson Creek.

PRIORITY DATE: 06/20/1917

POINT OF
DIVERSION:

T15N R21E S33 NENWSW 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	3.200 CFS
PLACE OF USE:	<u>IRRIGATION in CUSTER County</u>		
	T15N R21E S27 SWNW	33.00	T15N R21E S27 SENW 5.20
	T15N R21E S27 NESW	23.00	T15N R21E S27 NWSW 40.00
	T15N R21E S27 SWSW	40.00	T15N R21E S27 SESW 39.00
	T15N R21E S27 SWSE	3.80	

184 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 160 acres in a single irrigation season. Combined Right Nos.: 73-78, 73-79, 73-116, 73-10028.

This right is limited to the irrigation of 160 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

01/23/2007

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

RIGHT NUMBER: 73-78
NAME AND ADDRESS: SCOTT M HAYES
9417 N WINTERWOOD LN
BOISE ID 83714
SOURCE: PAHSIMEROI RIVER
PATTERSON CREEK
TRIBUTARY: SALMON RIVER
TRIBUTARY: PAHSIMEROI RIVER
QUANTITY: 2.100 CFS
PRIORITY DATE: 04/30/1904
POINT OF
DIVERSION: T14N R22E S7 NENE Within LEMHI County
T14N R22E S7 NWSW Lot 3 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	2.100 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T15N R21E S27	SWNW	33.00	T15N R21E S27	SENW	5.20
T15N R21E S27	NESW	22.00	T15N R21E S27	NWSW	37.00

Combined 97.2 ACRES TOTAL 73.78-73-116
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

Patterson Creek is locally known as Big Spring Creek.

D FOR

01/23/2007

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

RIGHT NUMBER: 73-116
NAME AND ADDRESS: SCOTT M HAYES
9417 N WINTERWOOD LN
BOISE ID 83714
SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER
QUANTITY: 1.400 CFS
PRIORITY DATE: 11/29/1907
POINT OF DIVERSION: T14N R22E S7 NENE Within LEMHI County
PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.400 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T15N R21E S27	SWNW	33.00	T15N R21E S27	SEnw	5.20
T15N R21E S27	NESW	22.00	T15N R21E S27	NWSW	37.00

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
Combined & 97.2 ac 73-78, 73-116

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

Patterson Creek is locally known as Big Spring Creek.

Δ PCU

01/23/2007

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

RIGHT NUMBER: 73-10028

NAME AND ADDRESS: SCOTT M HAYES
9417 N WINTERWOOD LN
BOISE ID 83714

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.650 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 02/07/1973

POINT OF
DIVERSION: T15N R21E S34 SWNENW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/15	2.650 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in CUSTER County

T15N R21E S27	SWNW	37.00	T15N R21E S27	NWSW	40.00
T15N R21E S34	NENW	40.00	T15N R21E S34	NWNW	35.00
T15N R21E S34	SWNW	25.00	T15N R21E S34	SENW	40.00

217 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 - License

Not Related

01/23/2007

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

RIGHT NUMBER: 73-93

NAME AND ADDRESS: SCOTT M HAYES
9417 N WINTERWOOD LN
BOISE ID 83714

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 04/16/1900

POINT OF

DIVERSION: T15N R21E S35 SENW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

2.000 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T15N R21E S27	SWNE	9.70	T15N R21E S27	SENE	20.00
T15N R21E S27	NESW	2.50	T15N R21E S27	NESE	1.80
T15N R21E S27	NWSE	24.00	T15N R21E S27	SWSE	23.00
T15N R21E S27	SESE	19.00			

100 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

01/23/2007

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

RIGHT NUMBER: 73-2129

NAME AND ADDRESS: SCOTT M HAYES
9417 N WINTERWOOD LN
BOISE ID 83714

SOURCE: DUCK CREEK

TRIBUTARY: PATTERSON CREEK

QUANTITY: 1.000 CFS

PRIORITY DATE: 07/24/1930

POINT OF
DIVERSION: T15N R21E S26 NWSW Within LEMHI 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 in CUSTER County and LEMHI County

T15N R21E S27	NESE	37.00	T15N R21E S27	NWSE	5.00
T15N R21E S27	SESE	8.00			

50 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 - License

Patterson Creek is locally known as Big Spring Creek.

01/23/2007

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

RIGHT NUMBER: 73-10027

NAME AND ADDRESS: SCOTT M HAYES
9417 N WINTERWOOD LN
BOISE ID 83714

SOURCE: MUD SPRING CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.600 CFS
105.00 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

The right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

PRIORITY DATE: 03/16/1939

POINT OF
DIVERSION: T15N R21E S27 SENW Within CUSTER County
T15N R21E S34 NENE 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	0.600 CFS 105.00 AFY

PLACE OF USE: IRRIGATION in CUSTER County

T15N R21E S27	SENW	20.00	T15N R21E S27	NESW	2.50
T15N R21E S27	NWSE	5.50	T15N R21E S27	SWSE	23.00

51 ACRES TOTAL

This right is limited to the irrigation of 30 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 - License

Trans#
2782

73 0076

ALVIN M. ELLIS, .4 cubic feet per second of time from Duck Spring and Spring Creek, with date of priority April 1, 1912, appurtenant to the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, T. 15 N., R. 21 E. B. M., through the Ellis Ditch.

73 0077

A, B

SAMUEL ATKINSON, 1.6 cubic feet per second of time of the waters of Spring Creek and Duck Springs, and 1. cubic feet per second of time of the flow of the waters of Pahsimeroi River and Mud Spring Creek, with date of priority April 1, 1912, appurtenant to the SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 8, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, T. 15 N., R. 21 E. B. M., said water to be conveyed thru the Ellis Ditch.

73 0078

JOHN JOHNSON, Intervenor, 2.1 cubic feet per second of time from Pahsimeroi River and Big Springs Creek with date of Priority April 30, 1904, appurtenant to the NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, T. 15 N., R. 21 E. B. M., said waters to be diverted through the Johnson Ditch.

73 0079

JOHN JOHNSON, 3.2 cubic feet per second of time from Lawson Creek with date of priority June 20, 1917, the same being all of the flow of the waters of said Lawson Creek, appurtenant to the SW $\frac{1}{4}$ Section 27, T. 15 N., R. 21 E. B. M., to be diverted through the Johnson Ditch.

73 0080

J. D. BROWN, Intervenor, 3 cubic feet per second of time of the waters of Big Springs Creek, with date of priority April 25, 1904, appurtenant to Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 1, T. 14, N., R. 21 E. B. M., to be diverted through the J. D. Brown Ditch.

73 0081

T. G. MONTGOMERY-Intervenor, 4 cubic feet per second of time of the waters of the Pahsimeroi River and from Springs located on and near the Southeast quarter of Section 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, and the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9, T. 15 N., R. 21 E. B. M., to be diverted through the T. G. Montgomery Ditches, appurtenant to the S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, lot 7, Section 6, T. 15 N., R. 21 E. B. M., with date of priority May 4, 1904.

73 0082
A, B
Big Spring

MINOR A. BROWN-Intervenor, 2.4 cubic feet per second of time of the waters of (Pahsimeroi River) with date of priority March 13, 1900, appurtenant to the SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 8, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, T. 14, N. R. 22 E. B. M., to be diverted through the Minor A. Brown Ditch.

73 0083

MINOR A. BROWN, Intervenor, .8 cubic feet per second of time the waters from the Southwest fork of Big Springs Creek with date of priority July 14, 1917, appurtenant to SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, T. 14 N., R. 23 E. B. M., through the Minor A. Brown ditch.

73 0084

T-1768

MINOR A. BROWN, 4 cubic feet per second, of time of the waters of O'Neil, or Spring Creek, with date of priority July 27, 1900, appurtenant to Lot 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 5, T. 15 N., R. 21 E. B. M., to be diverted through the Hardecrabbie Ditch.

73 0110 ✓

- A F. M. Kobbe, from Pahsimeroi River to be diverted through the Reed & Bartlett Ditch .8 cubic feet per second of time to date from March 21, 1905, appurtenant to NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, T. 14 N., R. 21 E. B. M.; from Little Spring Creek and Pahsimeroi River to be diverted through the Mulvanie Ditch; from Little Spring Creek in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, T. 14 N., R. 22 E. B. M., and from the Pahsimeroi River in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T. 14 N., R. 22 E. B. M.; .8 cubic feet per second of time to date from March 21, 1905, and to be appurtenant to the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, T. 14 N., R. 21 E. B. M.
- B

73 0111 ✓

ALBERT J. EDSON, from Big Spring Creek to be diverted through the HardScrabble ditch 3.2 cubic feet per second of time to date from July 27, 1900, and to be appurtenant to the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 8, all in T. 15 N., R. 21 E. B. M.

Monahan
73-0004
73-0003B
73-0112
73 0113
T-1526

JULIUS MAELZER from Sulphur Creek .6 cubic feet per second of time to be diverted in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 24, T. 14 N., Range 21 E. B. M., to date from May 1, 1884; also 2.8 cubic feet per second of time to be diverted in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 24, T. 14 N., R. 21 E. B. M., to date from May 1, 1911; all to be appurtenant to the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13, NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 24, all in Township 14, N. E. 21 E. B. M., that the right for .6 cubic feet per second of time with date of priority May 1, 1884, shall be a part of the waters of Sulphur Creek, that was decreed to Holiday H. Cochran, as evidenced by that certain decree entered in an action in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Custer wherein Holiday H. Cochran was plaintiff and Valentine Maelzer was defendant of date of October 3rd, 1901.

73 0114 ✓

WILLIAM MILLICK from Big Spring Creek 1.6 cubic feet per second of time to be diverted in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T. 14 N., R. 22 E. B. M., to date from June 20, 1908, and to be appurtenant to the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, all in T. 14, N., R. 21 E. B. M.

73 0115 ✓

ED MULVANIA from Little Spring Creek to be diverted in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T. 14 N. R. 22 E. B. M. 2.8 cubic feet per second of time to date from April 25, 1904, and to be appurtenant to Lot 1, Section 3, Lots 2, 3 and 4, and the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 2 all in T. 14 N., R. 21 E. B. M.

73 0116 ✓

LEWIS DECOCQ, from Big Spring Creek 1.4 cubic feet per second of time to be diverted in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T. 14 N., R. 22 E. B. M., through the Mulvanie Ditch to date from November 29, 1907, and to be appurtenant to the NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, T. 15 N., R. 21 E. B. M.

73 0117 ✓

MINNIE W. KERR, from Spring Creek 2 cubic feet per second of time to be diverted in the HardScrabble Ditch with date

Idaho Department of Water Resources



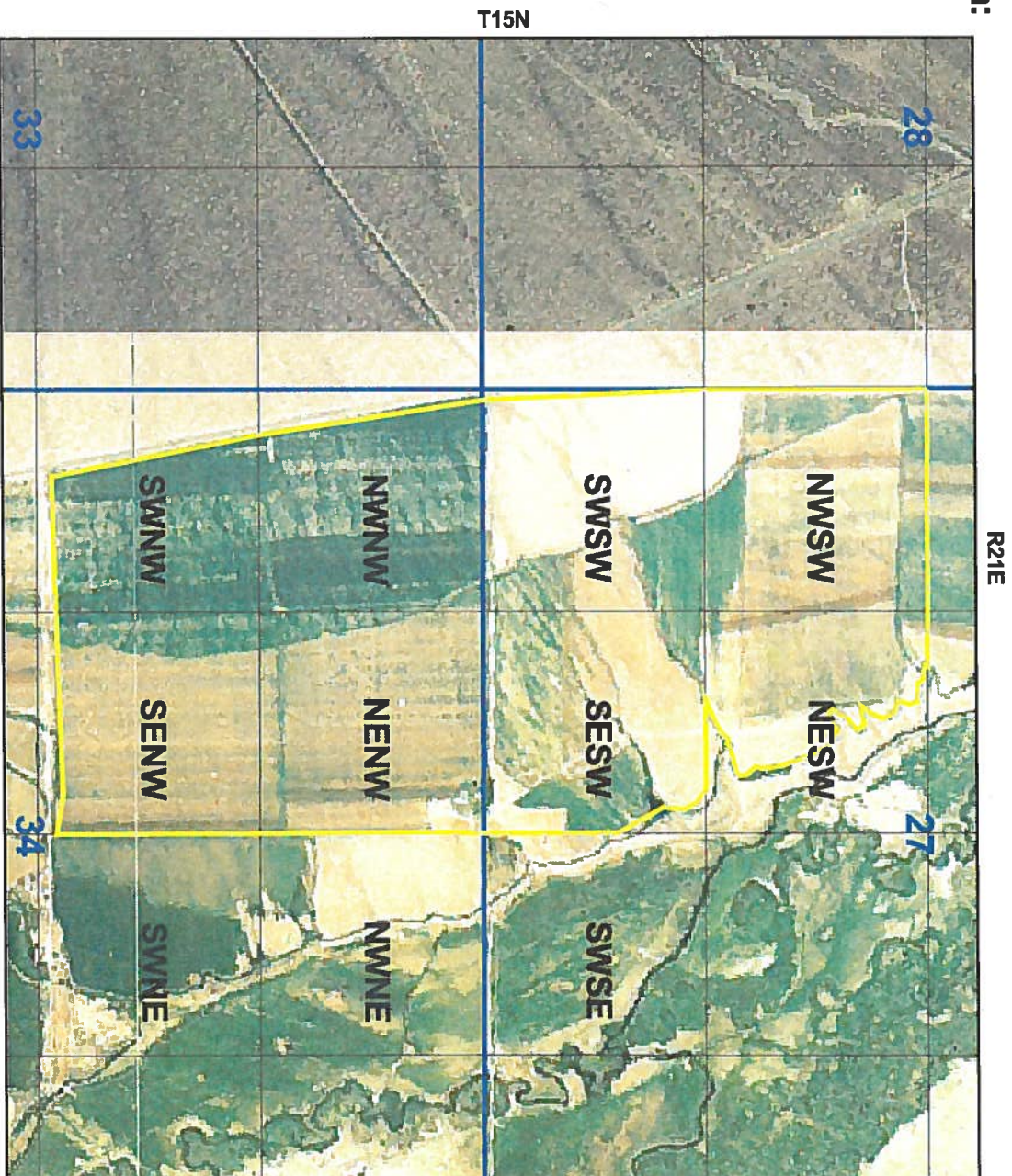
SRBA Recommendation:
73-79
 (Irrigation)

Legend

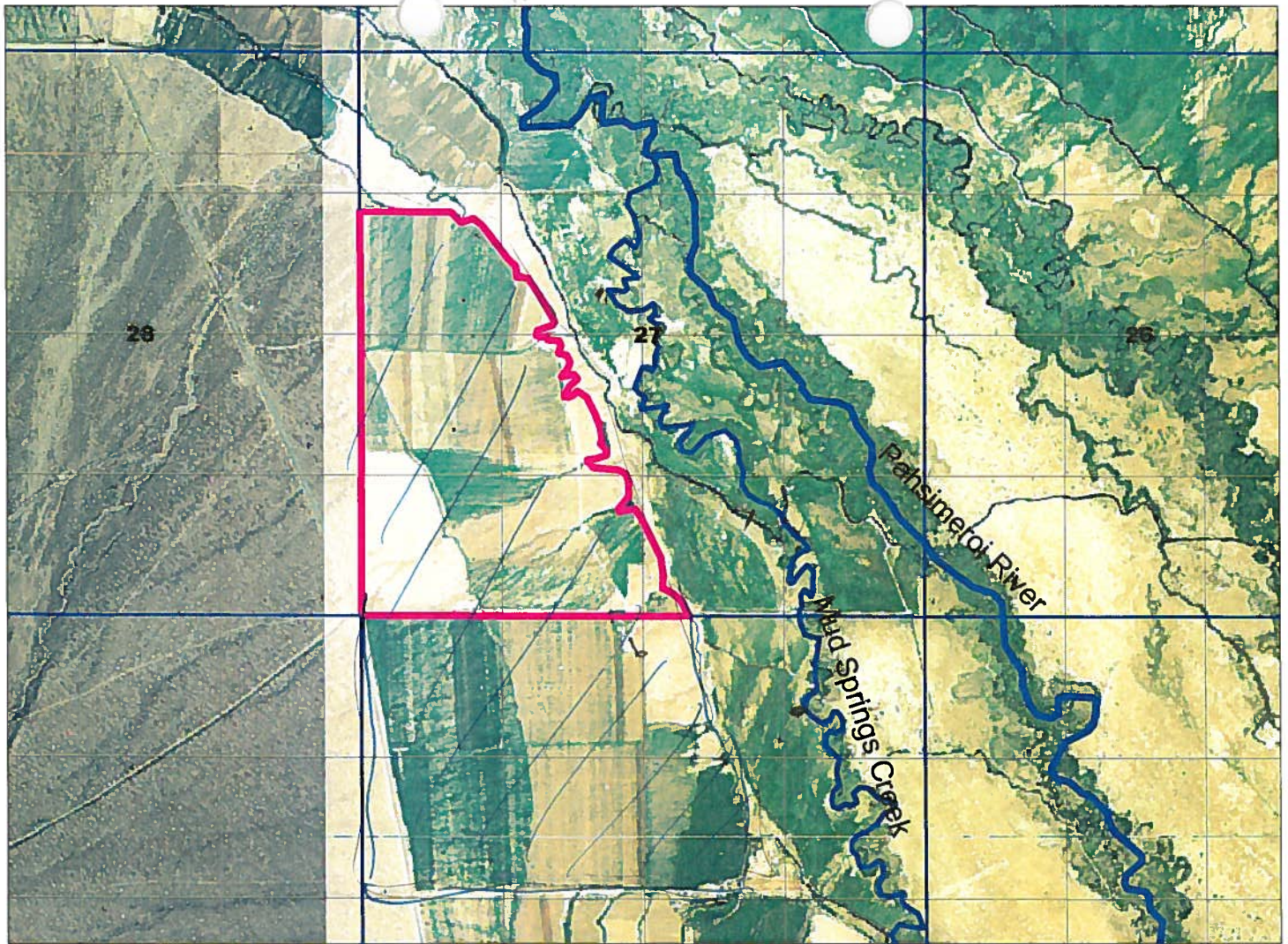
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Custer County
IDWR Basin 73



Prepared by D. Shaff
 On Thursday, November 29, 2007
 1987/88 Aerial Photography



0.4 0 0.4 0.8 Miles

73-00079



*Lawson Cr on
all acres in PPL*

10/13/2006

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

RIGHT NUMBER: 73-79
NAME AND ADDRESS: SCOTT M HAYES
2610 STARCREST DR
BOISE ID 83712
SOURCE: LAWSON CREEK TRIBUTARY: PAHSIMEROI RIVER
QUANTITY: 3.200 CFS
This right is for the entire flow of Lawson Creek.
PRIORITY DATE: 06/20/1917
POINT OF DIVERSION:
T15N R21E S33 NENSW 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	3.200 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T15N R21E S27	SWNW	33.00	T15N R21E S27	SENW	5.20
T15N R21E S27	NESW	23.00	T15N R21E S27	NWSW	40.00
T15N R21E S27	SWSW	40.00	T15N R21E S27	SESW	39.00
T15N R21E S27	SWSE	3.80			

184 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



Idaho Department of Water Resources

SRBA Recommendation:

73-79
(Irrigation)

Legend

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



Custer County
IDWR Basin 73

Prepared by R. Brown
On Friday, October 13, 2006
1987/88 Aerial Photography



0 0.6 1.2 Miles

RECEIVED
FEB 23 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 15, 2005

Scott Hayes
2610 Starcrest Dr.
Boise, ID 83712

RE: Snake River Basin Adjudication (SRBA)
Claim/Subcase No. 73-79

Dear Scott,

In response to your letter dated 2/4/2005, I am enclosing an amended claim form for 73-79. I am also enclosing an aerial photograph of the area encompassing this claim.

I believe the place of use indicated on the claim now accurately describes irrigation that has historically occurred from Lawson Creek. Please review the claim carefully. If you believe the claim to be correct, please sign and return it (having your signature notarized).

As always, please let me know if you have additional questions or concerns.

Regards,

A handwritten signature in cursive script that reads 'Roxanne'.

Roxanne Brown
Sr. Water Resource Agent
Idaho Department of Water Resources

Enclosure(s)

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 73-79
Date Received:
Receipt No: M005284
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SCOTT M HAYES Phone: (208)327-0555
2610 STARCREST DR
BOISE ID USA 83712

AMENDED

2. Date of Priority: 06/20/1917

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	21E	33	NE NW SW	CUSTER	

5. Description of diverting works:

DITCH TO PIPELINE TO GRAVITY SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	3.2	

7. Total Quantity Appropriated is:
3.2 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
15N	21E	27	SW	NW	IRRIGATION	33
			SE	NW	IRRIGATION	5.2
			NE	SW	IRRIGATION	23
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	39
			SW	SE	IRRIGATION	3.8
Section Acres						184
Total Acres						184

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:

THE DECREE SPECIFIES THAT THIS RIGHT IS FOR ALL OF THE WATERS OF LAWSON CREEK BEING APPROXIMATELY 3.2 CFS. THIS CLAIM IS FOR ALL OF THE WATERS OF LAWSON CREEK.

15. Basis of Claim: Decreed

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:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____