

12/24/2009

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

RIGHT NUMBER: 73-2037

NAME AND ADDRESS: CIRCLE PI LLC
HC 62 BOX 2295
MAY ID 83253

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 03/08/1908

POINT OF DIVERSION:

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	1.000 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T14N R21E S01	SWNW	0.20	T14N R21E S01	NESW	0.60
T14N R21E S01	NWSW	28.00	T14N R21E S01	SWSW	39.00
T14N R21E S01	SESW	9.00	T14N R21E S02 Lot 2	NWNE	7.00
T14N R21E S02	SWNE	28.00	T14N R21E S02	SENE	16.00
T14N R21E S02 Lot 3	NENW	27.00	T14N R21E S02 Lot 4	NWNW	38.00
T14N R21E S02	SWNW	39.00	T14N R21E S02	SENW	37.00
T14N R21E S02	NESW	40.00	T14N R21E S02	NWSW	40.00
T14N R21E S02	NESE	39.00	T14N R21E S02	NWSE	40.00
T14N R21E S02	SWSE	19.00	T14N R21E S02	SESE	40.00
T14N R21E S03 Lot 1	NENE	36.00	T14N R21E S03 Lot 2	NWNE	29.00
T14N R21E S03 Lot 3	NENW	35.00	T14N R21E S11	NENE	21.00
T14N R21E S12	NENW	19.00	T14N R21E S12	NWNW	40.00
T14N R21E S12	SWNW	28.00	T14N R21E S12	SENW	29.00

723.8 ACRES TOTAL

Place of use does not include federal public lands.

The rights listed below are limited to the irrigation of a combined total of 723.8 acres in a single irrigation season. Combined Right Nos.: 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-7025, 73-10037, and 73-10063.

This right is limited to the irrigation of 50 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

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

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

RIGHT NUMBER: 73-2037

NAME AND ADDRESS: CIRCLE PIE RANCHES PARTNERSHIP
C/O BEN YATES
HC 62 BOX 2295
MAY ID 83253

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 03/08/1908

POINT OF

DIVERSION: T14N R22E S7 NWSW Lot 3 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 S01	SWNW	0.20	T14N R21E S01	NESW	0.60
T14N R21E S01	NWSW	28.00	T14N R21E S01	SWSW	39.00
T14N R21E S01	SESW	9.40	T14N R21E S02	SWNE	27.00
T14N R21E S02	SENE	15.00	T14N R21E S02	NESE	38.00
T14N R21E S02	NWSE	26.00	T14N R21E S02	SWSE	17.00
T14N R21E S02	SESE	40.00	T14N R21E S11	NENE	18.00
T14N R21E S12	NENW	18.00	T14N R21E S12	NWNW	40.00
T14N R21E S12	SWNW	23.00	T14N R21E S12	SENW	9.60

348.8 ACRES TOTAL

Right Nos. 73-6, 73-12, 73-10063, 73-105, 73-107, 73-108, 73-114, 73-2015, 73-2037, and 73-2053 are limited to the irrigation of a combined total of 348.8 acres in a single irrigation season.

Right Nos. 73-6, 73-12, 73-10063, 73-105, 73-107, 73-108, 73-114, 73-2015, 73-2037, 73-2053 and 73-7025 are limited to the irrigation of a combined total of 352.8 acres in a single irrigation season.

This right is limited to the irrigation of 50 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

12/06/2006

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

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C/O BEN YATES
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T14N R21E S02	SENE	15.00	T14N R21E S02	NESE	38.00
T14N R21E S02	NWSE	26.00	T14N R21E S02	SWSE	17.00
T14N R21E S02	SESE	40.00	T14N R21E S11	NENE	18.00
T14N R21E S12	NENW	18.00	T14N R21E S12	NWNW	40.00
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EXPLANATORY MATERIAL: BASIS OF CLAIM - License



Idaho Department of Water Resources

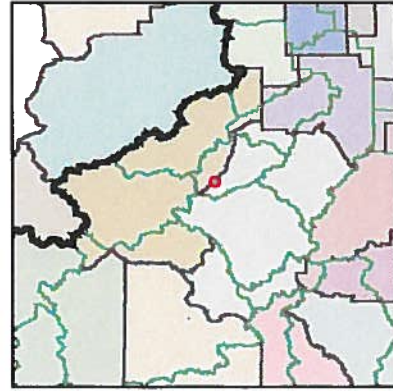
SRBA Recommendation:

73-2037

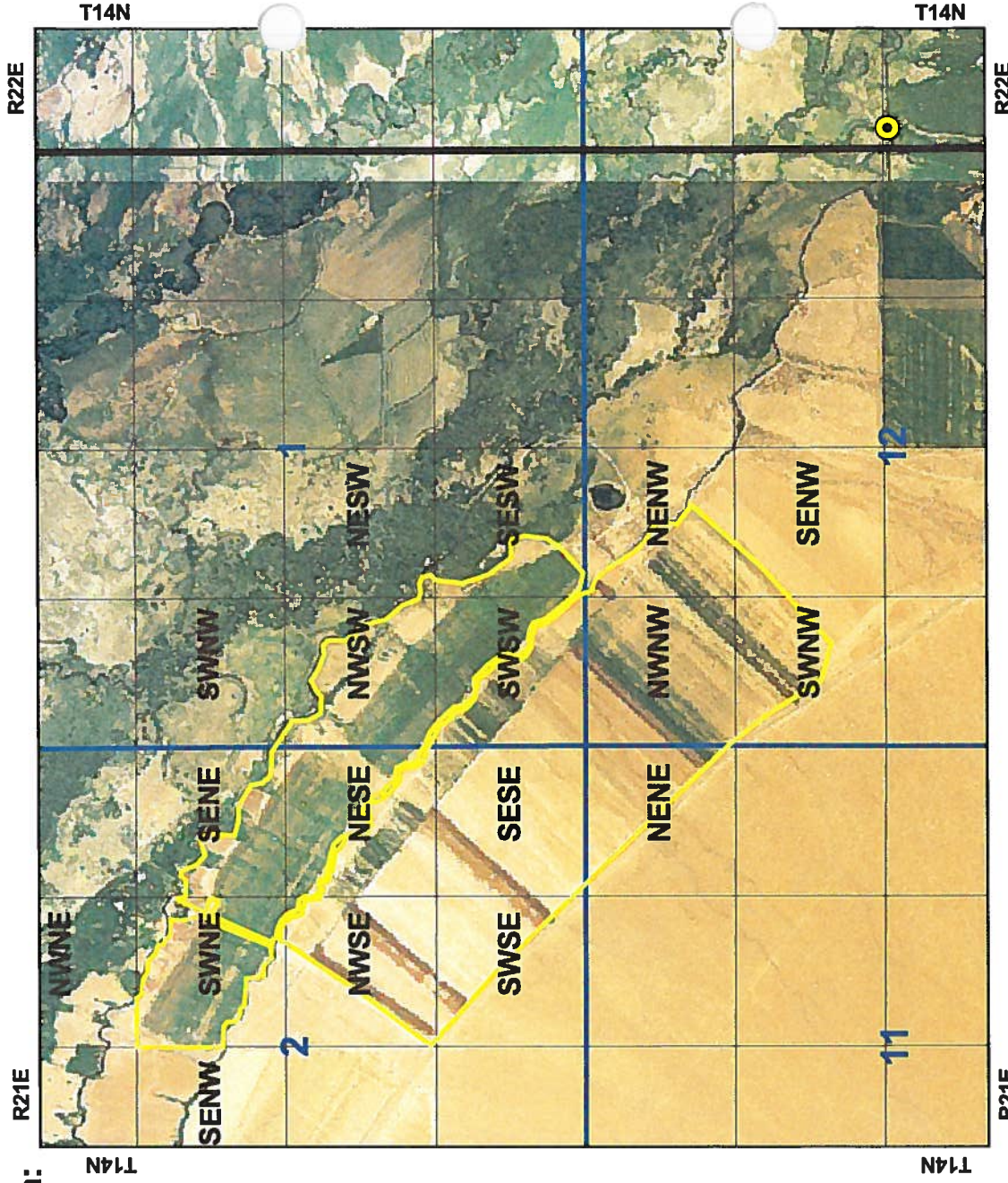
(Irrigation)

Legend

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



Lemhi, Custer Counties
IDWR Basin 73



0 0.6 1.2 Miles

Prepared by D. Shaff
On Wednesday, December 6, 2006
1987/88 Aerial Photography

73 0101✓

WOOD LIVE STOCK COMPANY, a CORPORATION, defendant and cross-complainant, from Spring Creek 2.4 cubic feet per second of time, to date from June 27, 1900, appurtenant to the $W\frac{1}{2}NE\frac{1}{4}$, and $NE\frac{1}{4}NW\frac{1}{4}$, Section 35, T. 15 N., R. 21 E. B. M., Idaho, with point of diversion about south 43 degrees 20 minutes east 88 feet from the north quarter corner of section 7, T. 15 N., R. 21 E. B. M., being diverted through a private ditch, sometimes called the Campbell Ditch.

73 0102✓

WOOD LIVE STOCK COMPANY, a corporation, defendant and cross-complainant, from Spring Creek 1.6 cubic feet per second of time to date from February 20, 1901, appurtenant to the $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$ Section 35, in T. 15 N., R. 21 E. B. M., in Idaho, the point of diversion being about south 43 degrees 21 minutes East 88 feet from the North quarter corner of Section 7, T. 15 N., R. 21 E. B. M., said water being diverted through a private ditch sometimes called the Campbell Ditch.

73 0103✓

73-0219 OLIVER Martiny from Spring Creek 2 cubic feet per second of time from August 29, 1904; the total flow of Little Spring Creek for 24 hours between the 1st and 5th of July and for 24 hours between the 1st and 5th of August of each and every year to date from May 1, 1890, appurtenant to the $SE\frac{1}{4}SE\frac{1}{4}$, Section 1, T. 14 N., R. 21 E. B. M.; $SW\frac{1}{4}SW\frac{1}{4}$ Section 6, $N\frac{1}{2}NW\frac{1}{4}$ Section 7, T. 14 N., R. 22 E. B. M.; the water from Big Spring Creek to be appurtenant to the $SE\frac{1}{4}SE\frac{1}{4}$ Section 1, T. 14 N., R. 21 E. B. M., and the $SW\frac{1}{4}SW\frac{1}{4}$ Section 6, $N\frac{1}{2}NW\frac{1}{4}$ Section 7, T. 14 N., R. 22 E. B. M., and to be diverted in the Northwest quarter of the Northeast quarter of Section 7, T. 14 N., R. 22 E. B. M.; the flow from Little Spring Creek to be appurtenant to the $NW\frac{1}{4}NE\frac{1}{4}$ Section 7, T. 14 N., R. 22 E. B. M., and to be diverted in the $SW\frac{1}{4}NE\frac{1}{4}$ Section 7, T. 14 N., R. 22 E. B. M.

73 0104✓

73 0105✓

~~KIPPEN AND FREESTONE Copartnership, from Big Spring Creek, 1.6 cubic feet to date from May 1, 1906, and .2 cubic feet to date from November 30, 1907; from Mud Springs Creek, .4 cubic~~

73 0106✓

~~feet per second of time to date from May 1, 1906, and 1.2 cubic feet per second of time from the Pahsimeroi River to date from~~

73 0107✓

~~May 1, 1906; the waters from Big Spring Creek and Mud Spring Creek to be diverted from the $NE\frac{1}{4}NE\frac{1}{4}$ Section 7, T. 14 N., R. 22 E. B. M. through the Mulvania ditch; the waters from the Pahsimeroi River to be diverted in the $SE\frac{1}{4}NW\frac{1}{4}$, Section 7, T. 14 N., R. 22 E. B. M.; the above waters ~~to~~ to be appurtenant to the $S\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, Section 2, T. 14 N., R. 21 E. B. M. and the $SW\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$ Section 1, T. 14 N. R. 21 E. B. M.~~

73 0108✓

MINOR A. BROWN from unnamed spring 1.2 cubic feet per second of time to date from November 28, 1904, appurtenant to the $S\frac{1}{2}NW\frac{1}{4}$ Section 7, T. 14 N., R. 22 E. B. M., and the $SE\frac{1}{4}NE\frac{1}{4}$ Section 12, T. 14 N., R. 21 E. B. M., to be diverted in the $SE\frac{1}{4}NE\frac{1}{4}$ Section 7, T. 14 N. R. 22 E. B. M.

 Custer County *
 Pahsimarot River *
 one cu. ft. per second *
 Irrigation and domestic *
 Priority 8-8-1908 *

STATE OF IDAHO
 WATER LICENSE NO. 3323

WHEREAS, On the 21st day of December, A. D. 1907, MAGNUS NORDSTROM, of May, County of Lemhi, State of Idaho, duly made application (No. 4684) to me for a permit to use one cubic foot per second of the waters of Pahsimarot River, County of Custer, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 21st day of December, A. D. 1907, Permit No. 3323, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 21st day of August, A. D. 1908, and for the application to beneficial use of said water on or before the 21st day of August, A. D. 1910, and,

WHEREAS, On the 21st day of August, A. D. 1908, MAGNUS NORDSTROM, the holder of said permit duly made proof of the completion of adequate works for the diversion of one cubic foot per second of said waters, as evidenced by my Certificate No. 3323, dated October 10th, 1908, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use one cubic foot per second of water, with date of priority of December 21st, 1907, and,

WHEREAS, On the 5th day of November, A. D. 1910, MAGNUS NORDSTROM, the holder of said permit duly made proof of the application to beneficial use of one cubic foot per second foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to MAGNUS NORDSTROM, of May, County of Lemhi, State of Idaho, the holder and owner of said Permit No. 3323, a perpetual right, dating from March 8th, 1908, to the use of one cubic foot per second of the waters of Pahsimarot River, in the County of Custer, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 7, Township 14 North, Range 22, East of the Boise Meridian, and conducted to and upon 50 acres divided as follows: (30 acres in the Southeast quarter of the Northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 2, and 20 acres in the Southwest quarter of the Northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), section 1, Township 14 North, Range 21, East of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 25th day of August, A. D. Nineteen hundred and eleven.

A. D. Robinson,
 State Engineer.

Permit No. 3323.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern;

This is to certify that MAGNUS NORDSTROM, of May, County of Lemhi, and State of Idaho, the holder of Permit No. 3323, issued upon Application No. 4684, bearing date of priority of December 21, 1907, authorizing the diversion of 1 second foot of the waters of Pahsamaroi River, County of Custer, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho, relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1 second foot of the waters of Pahsamaroi River, that the point of diversion of said waters is at a point in the southeast quarter of the northwest quarter of section 7, township 14 north, range 22 east of the Boise meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: The southeast quarter of the northeast quarter of section 2, and the southwest quarter of northwest quarter of section 1, township 14 north, range 21 east of the Boise meridian.

Witness my hand this 10th day of October A.D. 1908.

Jas. Stephenson, Jr.

State Engineer.

License issued for 1 second feet

Page 585

No. 4684.

73-2037

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Magnus Nordstrom

Postoffice address: May.

County: Lemhi State: Idaho.

2. The quantity of water claimed is one cubic foot per second.

3. Source of water supply: Pahsamarei River.

County of Custer.

4. Location of point of diversion: In the SE quarter of the NW $\frac{1}{4}$ Sec. 7 Twp. 14 N. R. 22 E.B.M.

5. To be used for:

I. Irrigation and domestic use: Irrigation and domestic use.

(a) Amount of land to be irrigated. Fifty acres.

(b) In the following legal subdivisions: SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Sec. 2 and the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec.

1 Twp. 14 N. R. 21 E. B. M.

6. Estimated cost of works: about one hundred dollars.

7. Description of works for diversion:

I. Kind of works: Dam and Ditch.

II. Dimensions of works:

(a) Height of dam 4 feet, length of dam at top 20 feet, length of dam at bottom 18 feet. Material used in construction: Wood earth and stone.

(c) Size of headgate: Width 4 feet, height 1 $\frac{1}{2}$ feet.(d) Conduit Ditch, width at bottom 4 feet, width at water line 3 $\frac{1}{2}$ feet, depth of water 1 foot. Average grade per mile is 4 feet. Length of conduit is about 1 $\frac{3}{4}$ miles, and it crosses the following quarter sections: The SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7 Twp. 14 N. R. 22 E.B.M. and S $\frac{1}{2}$ NE, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 12 SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1 and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2 Twp. 14 N. R. 21 E. B. M. to land described in 5 I (b) above which is the point of intended use.

8. Time required for the completion of the construction of such work is Six months.

9. Time required for the complete application of the water to the proposed use is Two. additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Magnus Nordstrom

Applicant.

Remarks: This work consists enlarging ditch known as Maelzer and Nordstrom ditch to a depth of two feet 3 inches and a new ditch from Pasamaroi to Maelzer and Nordstrom ditch a distance of about one fourth mile.

04/17/2006

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

RIGHT NUMBER: 73-2037
NAME AND ADDRESS: CIRCLE PIE RANCHES PARTNERSHIP
C/O FRANK UNQUERA
HC 62 BOX 2295
MAY ID 83253

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

Recommended as Right No. 73-107.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Recommended as Right No. _____: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.