

05/17/2006

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

RIGHT NUMBER: 2-2128

NAME AND ADDRESS: WEST INDIAN COVE WATER CO INC  
27097 INDIAN COVE LN  
HAMMETT ID 83627

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.960 CFS  
4,361.000 AFY

The rights listed below are limited to a total combined annual diversion volume of 4,361 af. Combined Right Nos.: 2-2044, 2-2055, and 2-2128.

PRIORITY DATE: 04/30/1956

POINT OF DIVERSION:

T05S R07E S34 SWNW Lot 2 Within OWYHEE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>           |
|-----------------------|----------------------|---------------------------|
| IRRIGATION            | 03/15 11/15          | 0.960 CFS<br>4,361.00 AFY |

PLACE OF USE:

714 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 714 acres in a single irrigation season. Combined Right Nos.: 2-2044, 2-2055, 2-2097B, 2-2128, 2-4015, 2-7133, 2-10008, 2-10010.

The place of use for this water right is within the service area of West Indian Cove Water Co.

This right is limited to the irrigation of 490 acres within the place of use described above in a single irrigation season.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

12/11/2005

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

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27097 INDIAN COVE LN  
HAMMETT ID 83627

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TRIBUTARY: COLUMBIA RIVER

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PRIORITY DATE: 04/30/1956

POINT OF DIVERSION:

T05S R07E S34 SWNW Lot 2 Within OWYHEE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>           |
|-----------------------|----------------------|---------------------------|
| IRRIGATION            | 03/15 11/15          | 0.960 CFS<br>4,361.00 AFY |

PLACE OF USE:

718 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 718 acres in a single irrigation season. Combined Right Nos.: 2-2044, 2-2055, 2-2097B, 2-2128, 2-4015, 2-7133, 2-10008, 2-10010.

The place of use for this water right is within the service area of West Indian Cove Water Co.

This right is limited to the irrigation of 490 acres within the place of use described above in a single irrigation season.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

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: A02-02128  
Date Received: 12/07/1988  
Receipt No: M002087  
Received By: EFK

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: WEST INDIAN COVE WATER CO., INC. 208-366-2022  
Address: STAR ROUTE BOX 40  
HAMMETT, ID 83627
2. Date of Priority: APR 30, 1956
3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER
4. Point of Diversion:  

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05S      | 07E   | 34      | SW     | NW     |     | 2   | OWYHEE |
5. Description of diverting works:  
PUMP IN RIVER W/PIPELINE TO CANAL; FLOOD AND/OR SPRINKLER IRRIG.
6. Water is used for the following purposes:  

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 10/31 | 0.960 |      |        |
7. Total Quantity Appropriated is:  
0.960 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:  
S/VARIABLE AMOUNTS AND BREEDS
10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 05S           | 07E   | 34      | SW     | SW  |     | IRR | 18.0  |
|               |       |         | SE     | SW  |     | IRR | 6.0   |
| Section Acres |       |         |        |     |     |     | 24.0  |

A02-02128

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Date: 12/07/88

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10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 06S      | 07E   | 3       | SW  |    | NE  |     | IRR           | 40.0  |
|          |       |         | SE  |    | NE  |     | IRR           | 20.0  |
|          |       |         | NE  |    | NW  |     | IRR           | 23.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 34.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 26.0  |
|          |       |         | SE  |    | NW  |     | IRR           | 40.0  |
|          |       |         | NE  |    | SW  |     | IRR           | 31.0  |
|          |       |         | NW  |    | SW  |     | IRR           | 2.0   |
|          |       |         | SE  |    | SW  |     | IRR           | 1.0   |
|          |       |         | NE  |    | SE  |     | IRR           | 40.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 40.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 40.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 377.0 |
|          |       | 10      | NE  |    | NE  |     | IRR           | 33.0  |
|          |       |         | NW  |    | NE  |     | IRR           | 24.0  |
|          |       |         |     |    |     |     | Section Acres | 57.0  |
|          |       | 11      | NW  |    | NW  |     | IRR           | 32.0  |
|          |       |         |     |    |     |     | Section Acres | 32.0  |
|          |       |         |     |    |     |     | Total Acres   | 490.0 |

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:  
02-02044; 02-02055; 02-07133

14. Remarks:

15. Basis of Claim: LICENSE  
Water Right Number: 26267

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 Organizations:

I do solemnly swear or affirm that I am President of \_\_\_\_\_

West Clarkin Cove Water Co. Inc., that I have signed the foregoing  
Organization  
document in the space below as President of \_\_\_\_\_

West Clarkin Cove Water Co. Inc. and that the statements contained in the  
Organization  
foregoing document are true and correct.

Samuel R. Hamilton  
Signature of Authorized Agent

President  
Title and Organization

12/7/88  
Date

State of Idaho )  
County of Ada ) SS.

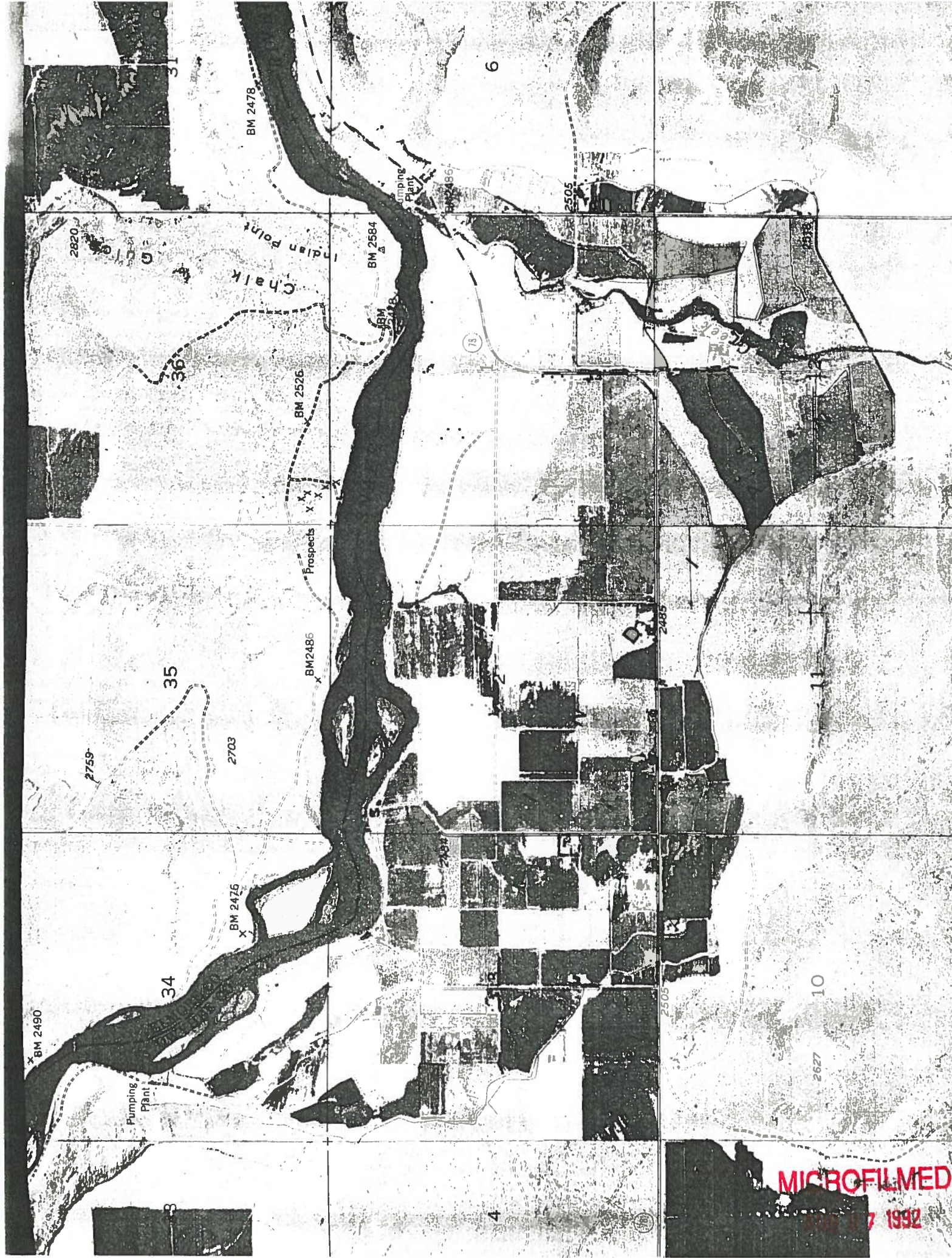
Subscribed and sworn (or affirmed) before me this 7 day  
of Dec 19 88

Elda J. Ford  
Notary Public

Seal

Residing at Bowde

My Commission Expires 08/08/1998



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2005 JUL 7 1992

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State of Idaho  
Department of Water Resources  
AMENDED  
WATER RIGHT LICENSE

License of Water Right No. 26267/02-2128 Priority April 30, 1956 Amount 0.96 cfs

THIS IS TO CERTIFY, that WEST INDIAN COVE WATER CO., INC.  
of Hammett, Idaho, has complied with the terms and conditions of Permit  
No. 26267/02-2128 issued pursuant to Application for Permit dated March 23, 1956  
and has submitted proof to the Department of Water Resources on May 3, 1967 (late proof)  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 18.20 cfs of water from the Snake River  
tributary to the Columbia River, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use    | Period of Use                          | Rate of Diversion      | Annual Volume                 |
|-------------------|----------------------------------------|------------------------|-------------------------------|
| <u>Irrigation</u> | from <u>March 15</u> to <u>Nov. 15</u> | at <u>0.96</u> cfs and | <u>8.9</u> acre feet per acre |
|                   | from _____ to _____                    | at _____ cfs and       |                               |
|                   | from _____ to _____                    | at _____ cfs and       |                               |

(both dates inclusive)

Subject, however, to the condition that no more than 0.96 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed

\* \_\_\_\_\_ acre feet per year, said waters to be diverted within the SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> (Lot # 2) of

Sec. 34, Twp. 5 S, Rge. 7 E, B. M. in the County of Owyhee

Description and location of place of use:

| Twp. | Range | Sec. | NE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | NW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | Totals |
|------|-------|------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------|
|      |       |      | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> |        |
| 5 S  | 7 E   | 34   |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                | 18                             | 6                              |                                |                                |                                |                                | 24     |
| 6 S  | 7 E   | 3    |                                |                                | 40                             | 20                             | 23                             | 34                             | 26                             | 40                             | 31                             | 2                              |                                | 1                              | 40                             | 40                             | 40                             | 40                             | 377    |
| 6 S  | 7 E   | 10   | 33                             | 24                             |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                | 57     |
| 6 S  | 7 E   | 11   |                                |                                |                                |                                | 32                             |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                | 32     |
|      |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |

Total number of acres irrigated 490

\* Subject to the condition that the maximum volume per season shall not exceed  
4,361 acre feet when combined with Licenses No. 02-2044 and 02-2055.

*490 AX 1 1/2" X 150 da - 64 8.9 AFT*

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho  
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use  
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 18 day of  
December, 19 75.

Director

MICROFILMED

AUG 07 1992

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF Correcting )  
License No. 26267/02-2128, )  
West Indian Cove Water Co., Inc. )  
\_\_\_\_\_ )

ORDER

WHEREAS, on August 20, 1973, the Department of Water Resources (formerly the Department of Water Administration) issued the above numbered license to West Indian Cove Water Co., Inc. for 0.96 cubic feet of water per second from the Snake River for the irrigation of 490 acres with the condition that the maximum volume per season not exceed 2,205 acre feet, or 4.5 acre feet per acre, when combined with Licenses No. 02-2044 and 02-2055; and

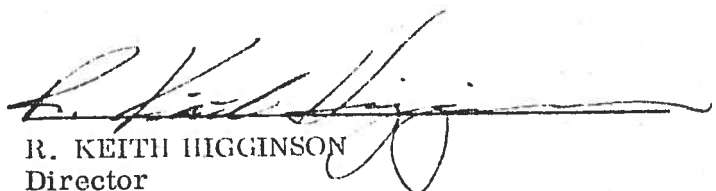
WHEREAS, West Indian Cove Water Co., Inc. objected to the limitation of 2,205 acre feet being placed on the license; and

WHEREAS, West Indian Cove Water Co., Inc. by and through their attorney, William F. Ringert, requested that the acre foot limitation be corrected and offered further proof as to the amount of water beneficially used; and

WHEREAS, after having reviewed the matter, and based upon use records and the type of soil being irrigated, the Director finds that more than 4.5 acre feet per acre is needed and has been put to a beneficial use by the licensee;

IT IS, THEREFORE, HEREBY ORDERED that License No. 26267/02-2128 be corrected to an acre foot limitation of 8.9 acre feet per acre and 4,361 acre feet per season when combined with Licenses No. 02-2044 and 02-2055.

Dated this 18 day of December, 1975.

  
R. KEITH HIGGINSON  
Director

MICROFILMED  
AUG 07 1992

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT CLAIMS PROOF READING REPORT

Water Right Number - 02-02128 Adj. Flag Translation: Standard Water Right Number Old (D) Number - 26267

\*\*\* C - CURRENT OWNER \*\*\*  
WEST INDIAN COVE WATER CO., INC.  
1 -  
2 -  
3 -  
City- HAMMETT State- ID Zip-  
Phone -

Priority Date - 04/30/1956 Region - Stage - License - Status -  
Source - Snake River Tributary -  
SNAKE RIVER COLUMBIA RIVER

Point of Diversion - Stream Index (Blank if no Index Code) -  
272.0 519.3

Code Description Period From Period To Water Use Diversion Rate Diversion Volume  
01 - IRRIGATION 0.960 = 48" = 1 1/2" A X 32A

Total Div. Rate - 0.960 Total Div. Volume - Total Div. Capacity - Total Consumptive Use - KW Usage -

| Twn | Rng | Sec | Tract | Lot  | Acres | Place of Use | Code | Description | County |
|-----|-----|-----|-------|------|-------|--------------|------|-------------|--------|
| 05S | 07E | 34  | SW SW | 18.0 | 01    | IRRIGATION   | (73) | OWYHEE      | (73)   |
| 05S | 07E | 34  | SE SW | 6.0  | 01    | IRRIGATION   | (73) | OWYHEE      | (73)   |
| 06S | 07E | 3   | SW NE | 40.0 | 01    | IRRIGATION   | (73) | OWYHEE      | (73)   |
| 06S | 07E | 3   | SE NE | 20.0 | 01    | IRRIGATION   | (73) | OWYHEE      | (73)   |
| 06S | 07E | 3   | NE NW | 23.0 | 01    | IRRIGATION   | (73) | OWYHEE      | (73)   |
| 06S | 07E | 3   | NW NW | 34.0 | 01    | IRRIGATION   | (73) | OWYHEE      | (73)   |
| 06S | 07E | 3   | SW NW | 26.0 | 01    | IRRIGATION   | (73) | OWYHEE      | (73)   |
| 06S | 07E | 3   | SE NW | 40.0 | 01    | IRRIGATION   | (73) | OWYHEE      | (73)   |
| 06S | 07E | 3   | NE SW | 31.0 | 01    | IRRIGATION   | (73) | OWYHEE      | (73)   |
| 06S | 07E | 3   | NW SW | 2.0  | 01    | IRRIGATION   | (73) | OWYHEE      | (73)   |
| 06S | 07E | 10  | NE NE | 33.0 | 01    | IRRIGATION   | (73) | OWYHEE      | (73)   |
| 06S | 07E | 10  | NW NE | 24.0 | 01    | IRRIGATION   | (73) | OWYHEE      | (73)   |
| 06S | 07E | 11  | NW NW | 32.0 | 01    | IRRIGATION   | (73) | OWYHEE      | (73)   |

Total Acres: 329.0 (32 new)  
490

Diversion Means -  
Non-Irrigation Use -  
Other Rights for Same Use -

|                  |              |                 |              |                  |   |
|------------------|--------------|-----------------|--------------|------------------|---|
| Proof Due Date   | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee   | - |
| Approved/Denied  | - 00/00/0000 | Protested Date  | - 00/00/0000 | Swan Falls       | - |
| Proof Made Date  | - 00/00/0000 | Hearing Date    | - 00/00/0000 | Temporary Right  | - |
| Start Work Date  | - 00/00/0000 | Verified Date   | - 00/00/0000 | DLE/Carey Act    | - |
| Order Show Cause | - 00/00/0000 | Receipt Number  | -            | Water District   | - |
| Licensed Date    | - 03-13/1979 | Appl Received   | - 00/00/0000 | Transfer/Amended | - |
| Decree Date      | - 00/00/0000 |                 |              |                  |   |

12/18/75

**MICROFILMED**  
**AUG 07 1992**

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

IN THE MATTER OF THE GENERAL DETER-  
MINATION OF RIGHTS TO THE USE OF  
SNAKE RIVER FROM BASE OF MILNER  
DAM TO OREGON  
BORDER. DRAINAGE BASIN

**NOTICE OF CLAIM  
TO A  
WATER RIGHT**

|         |          |                      |
|---------|----------|----------------------|
| 02-2128 | I.D. No. | Map No.              |
| \$10.00 | Fee Paid | 19472<br>Receipt No. |

Notice is hereby given that West Indian Cove Water Company  
(Name of Claimant)

Hammett, Idaho 83627

(Mailing Address)

(Zip Code)

Telephone No. \_\_\_\_\_

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) April 30, 1956
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) SNAKE RIVER tributary to COLUMBIA RIVER
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:  
Quantity .80 0.96 cfs Use Irrigation Period of Use From 3/15 To 11/15  
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)
- Quantity \_\_\_\_\_ Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_  
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)
- Quantity \_\_\_\_\_ Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_  
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)
- Quantity \_\_\_\_\_ Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_  
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)
- (4) .80 0.96 cfs TOTAL QUANTITY CLAIMED. (Lot 2) ✓  
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source SW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
Sec. 34, Twp. 5S, Rge. 7E, B.M., Owyhee 73 County  
Additional Points: SC1: 2720(1) 519.3
- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.  
Pumps, pipeline & ditch
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T             | R             | SEC.          | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTAL         |
|---------------|---------------|---------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|---------------|
|               |               |               | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |               |
| <del>5S</del> | <del>7E</del> | <del>34</del> |                  |                  |                  |                  |                  |                  |                  |                  | 5                | 10               | 23               | 18               |                  |                  |                  |                  | <del>56</del> |
| 6S            | 7E            | 3             |                  |                  | 40               | 26               | 34               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 540           |
|               |               | 10            | 40               | 40               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 80            |
|               |               | 11            |                  |                  |                  |                  |                  | 35               | 35               |                  |                  |                  |                  |                  |                  |                  |                  |                  | <del>70</del> |
| 5S            | 7E            | 34            |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 6                | 47               |                  |                  |                  |                  | 10            |
| 6S            | 7E            | 3             |                  |                  |                  | 2                | 43               |                  |                  |                  | 3                | 2                |                  | 1                |                  |                  | 4                |                  | 15            |
|               |               |               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |               |

Total no. of acres 748

32

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: \_\_\_\_\_

NOTE: Include here the type and number of stock watered: \_\_\_\_\_

- (7) If you are claiming water as a member of an organization, list name of organization: \_\_\_\_\_
- (8) Remarks: \_\_\_\_\_

- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.  
☐ B) Right decreed by court, cite title of case. \_\_\_\_\_  
☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho

KEYPUNCHED

State of Idaho  
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. Shaff

Date 10/04/84

Right No. 02-2128

Claimant West Indian Cove

Recommendation differs from claim:  
(Document any differences)

☒ Yes

☐ No

☐ Disallow

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.  
Include copies or memos where applicable to explain findings.

☒ License

☐ Previous Statutory Claim.

☐ Permits, valid or lapsed. Number(s) if different than above \_\_\_\_\_

☐ Decree. Name & date \_\_\_\_\_

☐ Conveyance Loss Calculations. See printout included.

☐ Title abstract. ☐ In file. Or, Name & location \_\_\_\_\_

☐ County records. ☐ In file. Or, Name & location \_\_\_\_\_

☐ Affidavits. ☐ In file.

☐ Posted Notices, Water Locations Notices. ☐ In file.

☐ Deed Records. ☐ In file. Or, Name & location \_\_\_\_\_

☐ Patent Records. ☐ In file. Or, Name & location \_\_\_\_\_

☐ Metzker Maps. Identify \_\_\_\_\_

☐ A.S.C.S. Records. Year & Photograph No. \_\_\_\_\_

☐ Irrigation Company/District Records. ☐ In file. Or Name & location \_\_\_\_\_

☐ Historical Books. Name(s) & location \_\_\_\_\_

☐ Interview(s). Attach conversation memorandum.

☐ Other \_\_\_\_\_

☐ \_\_\_\_\_

Field Exam Made: ☒ Yes ☐ No Date 10/02/84

☒ Adj. ~~Report~~ <sup>Memo</sup> in file ☒ Beneficial Use Report in License (S.O.) File

M E M O

TO: File No. 02-2128  
FROM: Don Shaff *DS*  
DATED: 10-04-84  
SUBJ: Review Analysis

The reduction in the recommended amount of water for this water right resulted from the field inspection made 10-02-84 that is described in 02-2055. Of the 32 acres that was the basis of this water right, 16 acres are still flood irrigated. The 0.08 cfs recommended is the addition of one-and-one-half inches per acre allocated to the 16 acres flood irrigated plus an inch per <sup>acre</sup> allocated to the 16 acres that are now sprinkled. The 0.16 cfs that is not recommended is declared lost through non-use as a result of the lack of need on the ground that is now sprinkled. To allocate this additional water to other lands developed more recently would be to declare an expansion of this original right in terms of consumptive use in units of acre feet per acre. The place of use identified for the water right has been done more specifically than as that claimed.

**MICROFILMED**  
**AUG 10 1994**

P/D SW NW S. 34  
RCES T. 5 S R. 7 E

Permit No.

[illegible]

10/31

State of Idaho  
Department of Water Resources  
AMENDED  
WATER RIGHT LICENSE

License of Water Right No. 26267/02-2128 Priority April 30, 1956 Amount 0.96 cfs

THIS IS TO CERTIFY, that WEST INDIAN COVE WATER CO., INC.  
of Hammett, Idaho, has complied with the terms and conditions of Permit  
No. 26267/02-2128 issued pursuant to Application for Permit dated March 23, 1956  
and has submitted proof to the Department of Water Resources on May 3, 1967 (late proof)  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 18.20 cfs of water from the Snake River  
tributary to the Columbia River, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use    | Period of Use                          | Rate of Diversion      | Annual Volume                 |
|-------------------|----------------------------------------|------------------------|-------------------------------|
| <u>Irrigation</u> | from <u>March 15</u> to <u>Nov. 15</u> | at <u>0.96</u> cfs and | <u>8.9 acre feet per acre</u> |
|                   | from _____ to _____                    | at _____ cfs and       | _____                         |
|                   | from _____ to _____                    | at _____ cfs and       | _____                         |

(both dates inclusive)

Subject, however, to the condition that no more than 0.96 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
\* \_\_\_\_\_ acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$  (Lot # 2) of  
Sec. 34, Twp. 5 S, Rge. 7 E, B. M. in the County of Owyhee

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 5 S  | 7 E   | 34   |                  |                  |                  |                  |                  |                  |                  |                  |                  | 18               | 6                |                  |                  |                  |                  |                  | 24     |
| 6 S  | 7 E   | 3    |                  |                  | 40               | 20               | 23               | 34               | 26               | 40               | 31               | 2                |                  | 1                | 40               | 40               | 40               | 40               | 377    |
| 6 S  | 7 E   | 10   | 33               | 24               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 57     |
| 6 S  | 7 E   | 11   |                  |                  |                  |                  | 32               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 32     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 490

\* Subject to the condition that the maximum volume per season shall not exceed  
4,361 acre feet when combined with Licenses No. 02-2044 and 02-2055.

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF Correcting )  
License No. 26267/02-2128, )  
West Indian Cove Water Co., Inc. )  
\_\_\_\_\_ )

ORDER

WHEREAS, on August 20, 1973, the Department of Water Resources (formerly the Department of Water Administration) issued the above numbered license to West Indian Cove Water Co., Inc. for 0.96 cubic feet of water per second from the Snake River for the irrigation of 490 acres with the condition that the maximum volume per season not exceed 2,205 acre feet, or 4.5 acre feet per acre, when combined with Licenses No. 02-2044 and 02-2055; and

WHEREAS, West Indian Cove Water Co., Inc. objected to the limitation of 2,205 acre feet being placed on the license; and

WHEREAS, West Indian Cove Water Co., Inc. by and through their attorney, William F. Ringert, requested that the acre foot limitation be corrected and offered further proof as to the amount of water beneficially used; and

WHEREAS, after having reviewed the matter, and based upon use records and the type of soil being irrigated, the Director finds that more than 4.5 acre feet per acre is needed and has been put to a beneficial use by the licensee;

IT IS, THEREFORE, HEREBY ORDERED that License No. 26267/02-2128 be corrected to an acre foot limitation of 8.9 acre feet per acre and 4,361 acre feet per season when combined with Licenses No. 02-2044 and 02-2055.

Dated this 18 day of December, 1975.

SNAKE RIVER



HYDRO POWER

# IDAHO POWER COMPANY

BOX 70 • BOISE, IDAHO 83721

June 3, 1974

RECEIVED

JUN 3 1974

Department of Water Administration

Mr Bobby D Fleenor  
Assistant Director  
Department of Water Administration  
State House Annex 2, 614 State Street  
Boise, Idaho 83720

Dear Mr Fleenor:

The electric power use records you requested for West Indian Cove are listed below. The records are for 1966 and 1967 as authorized by Mr William Ringert.

## 1966

|               |            |
|---------------|------------|
| 4/13 - 5/12   | 86,400 KWH |
| 5/12 - 6/13   | 89,600 KWH |
| 6/13 - 7/13   | 85,950 KWH |
| 7/13 - 8/12   | 97,050 KWH |
| 8/12 - 9/13   | 97,350 KWH |
| 9/13 - 10/12  | 33,550 KWH |
| 10/12 - 10/14 | 3,250 KWH  |

## 1967

|              |            |
|--------------|------------|
| 4/17 - 5/11  | 53,500 KWH |
| 5/11 - 6/12  | 86,950 KWH |
| 6/12 - 7/12  | 63,250 KWH |
| 7/12 - 8/11  | 90,000 KWH |
| 8/11 - 9/12  | 74,600 KWH |
| 9/12 - 10/11 | 28,250 KWH |

I hope this is the information you wanted.

Sincerely,

Bill E Berry  
Agricultural Engineer

BEB:cs

cc: R J O'Connor  
J P O'Connor

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AUG 10 1994

West Indian Cove license no 02-2128 - Annual Use

Determine the number of acre feet pumped in 1966 and 1967

Given: the KWH of energy consumed in 1966 and 1967

Pumps of 40 HP, 50 HP and 100 HP; Head = 64 feet

Assume:

$$\left. \begin{array}{l} \text{Efficiency} = 40 \text{ HP} = 53\% \\ \quad \quad \quad 50 \text{ HP} = 56\% \\ \quad \quad \quad 100 \text{ HP} = 61\% \end{array} \right\} \text{From West Coast Basin Ret. Pump Performance Stu.}$$

$$\text{Average} = 40(53) + 50(56) + 100(61) \div 190 = 58\%$$

Solution

$$AF = \frac{KWH \times 0.976 \times \text{Eff.}}{\text{Head}}$$

For 1966

$$AF = \frac{493,150 \cdot 0.976 \cdot 0.58}{64}$$

$$AF = 4361.91$$

For 1961

$$AF = \frac{396,550 \cdot 0.976 \cdot 0.58}{64}$$

$$AF = 3507.48$$

$$\text{Duty of Water} = \frac{AF}{\text{Acres}}$$

For 1966

$$\text{Duty} = 4361.91 / 490 = 8.90 \text{ Acre ft per acre}$$

For 1965

$$= 3507.48 / 490 = 7.14 \text{ Acre ft per acre}$$

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**AUG 10 1994**

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STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION

\*  
-----\*  
\*

|                               |   |                         |
|-------------------------------|---|-------------------------|
| IN THE MATTER OF PERMIT TO    | ) |                         |
| APPROPRIATE THE PUBLIC WATERS | ) |                         |
| OF THE STATE OF IDAHO, NO.    | ) |                         |
| 26267/02-2128, ISSUED TO WEST | ) | AFFIDAVIT SUPPLEMENTING |
| INDIAN COVE WATER CO., INC.   | ) | PROOF OF APPLICATION TO |
|                               |   | BENEFICIAL USE          |

\*  
-----\*  
\*

STATE OF IDAHO        )  
                          ) ss.  
COUNTY OF ELMORE    )

Wesley Hooley, being first duly affirmed, on such affirmation  
deposes and says:

That he is the duly elected, qualified and acting secretary  
of West Indian Cove Water Co., Inc., the holder of Permit No.  
26267/02-2128.

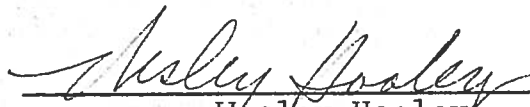
That he is the official custodian of the water delivery  
records of West Indian Cove Water Co., Inc., and has been ditch-  
rider since 1967, and that the statements contained in this affi-  
davit with regard to water delivery by West Indian Cove Water Co.,  
Inc., are based upon his examination of the records of said company  
and upon his personal knowledge obtained by actual day-to-day

period from sometime before the beginning of the 1960 irrigation season up until the time proof of application to beneficial use was made under said permit.

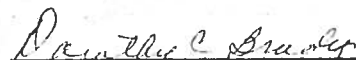
That the soil on the farms to which irrigation water is delivered through the West Indian Cove Water Co., Inc., irrigation system is a very sandy loam soil and requires far more than the 4.5 acre feet per acre quantity of water limited by the Department of Water Administration, in order to properly irrigate those lands; that with proper irrigation and adequate amounts of water, the lands served by the irrigation system are highly productive and are capable of raising concentrated row crops such as sugar beets, potatoes, corn and beans, as well as hay, seed and various grain crops. That during the 1966 and 1967 irrigation seasons the average quantity of water delivered per acre for the irrigated crop land under said irrigation system was approximately 8.21 acre feet per acre, for the 490 acres of land identified in the License of Water Right issued to West Indian Cove Water Co., Inc., by the State of Idaho, Department of Water Administration, on August 20, 1973, No. 26267/02-2128, and the water usage hereinbefore stated was made upon said 490 acres of land. The approximate average of 8.21 acre feet previously stated is a weighted average; the water delivery records for the two years show that the maximum average would be 8.4 acre feet per acre per year and that the minimum average would be 8.01 acre feet

~~That the irrigation under the West Indian Cove Water Co.,~~  
~~Inc., irrigation system produces little or no waste water~~ <sup>U.S.A.</sup> and any  
waste water that results from the irrigation operations flows  
directly into Snake River, the source of water under the above numbered  
permit.

That due to the nature and characteristics of the soil on  
the farms under said irrigation system, 4.5 acre feet per acre per  
year is considerably less than the amount required for proper irri-  
gation of said lands during dry years such as 1973, when the area  
received very little spring or summer rain, and the farmers under  
this irrigation system simply cannot achieve anywhere close to  
maximum production with the 4.5 acre feet per acre per year that  
the Department of Water Administration has imposed as a limitation  
on the use of water for irrigation of these lands. For example,  
the water requirements in 1966 were such that 9.09 acre feet per  
acre was delivered to, and used for the irrigation of, the 490  
acres of irrigated lands hereinbefore referred to.

  
Wesley Hooley

SUBSCRIBED AND AFFIRMED before me this 17 day of December, 1973.

  
Notary Public for the State of Idaho

WEST INDIAN COVE WATER CO.

Re- Permit 26267 - 02-2128

$$1971-73 \text{ KW} - 1,541,500 \div 24 \text{ hrs} = 64229 \text{ -1 da} \div 246 = 86098 \text{ H.P.}$$

$$\text{H.P.} = \frac{\text{In} \times \text{hd}}{440 \times \text{eff}} \quad \text{or} \quad \text{H.P.} = \frac{\text{In} \times 64'}{440 \times 66.6\%} \quad \text{or} \quad \text{H.P.} = \text{In} \times .218$$

$$\text{or} - \text{In} = \text{H.P.} \div .21843$$

$$86098 \text{ H.P.} \div .21843 = 394167 \text{ In.-1 da} \times 88\% \text{ (12\% canal loss)}$$

$$= 346867 \div 25' = 13875 \text{ A.Ft.} \div 3 \text{ yrs} = 4625 \div 626 \text{ A} = 7.39 \text{ A}$$

$$1,541,500 \text{ KW} \div 13875 \text{ A.Ft.} = 111.1 \text{ KW per A.Ft.}$$

$$1966-67 - 894350 \text{ KW} \div 111.1 = 8050 \div 2 \text{ yrs} = 4025$$

$$\div 490 \text{ A} = 8.21 \text{ A.Ft.}$$

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AUG 10 1994

FROM RECORDS of WEST INDIAN COVE WATER CO., INC.

Amount of water pumped from Snake River since spring of 1968  
aprox. 1100 inches or 22 sec. ft.

Amount of land under our project since April, ~~1970~~<sup>1971</sup> is 653  
assessed acres. The water is put to beneficial use on 641 7  
acres since April, 1971

1100 inches divided by 653 assessed acres = 1.68 in. per acre.

1950- Received liscenses for 10sec. ft. and 3.74 sec.ft.

1956- permit for 10 sec.ft.

1961- Certificate of Completion of Works for 5 sec. ft.

1967 -Proof of Beneficial Use. Feild examination was delayed  
and final action has not been taken.

*Merley Hooley - Sec.*

2 2128

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**AUG 10 1994**