

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 43-11230
Date Received: 7/14/00
Receipt No: S023248
Received By: *DAH*

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

1. Name of Claimant(s)

FRED BULLERS TRUST Phone: (208)775-4954

2877 W PORTNEUF RD
INKOM ID 83245

2. Date of Priority: 04/01/1950

3. Source: UNNAMED STREAM Trib. to: Cottonwood Creek

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
16S	22E	25	NW NE	CASSIA

5. Description of diverting works:

DIVERSION WORKS ARE DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1.24	

7. Total Quantity Appropriated is:
1.24 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
16S	23E	30	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	22
					Section Acres	62
					Total Acres	62

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THE SOURCE IS KNOWN LOCALLY AS THE UNKNOWN CREEK, BUT WAS ALSO IDENTIFIED AS SOUTH COTTONWOOD CREEK IN LICENSE 43-2120. PROOF OF PRIORITY WAS GIVEN BY CHLOE BULLERS WHITE, CO-TRUSTEE. IN MY CONVERSATION WITH MS. WHITE, I OBSERVED THAT SHE WAS VERY INTERESTED IN PROVIDING CORRECT INFORMATION OF DEVELOPMENT ON THE RANCH FOR HISTORICAL DOCUMENTATION.

15. Basis of Claim: Beneficial Use

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 43-11230
Date Received 7-13-2000
Receipt Number 5023248

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Fred Bullers Trust Phone (208) 725-4954

Mailing Address 2877 W Portneuf Rd, Inkom Zip 83245

2. Date of Priority (Only one (1) per claim) 4-1-1950

3. Source of water supply (a) unnamed stream
which is tributary to (b) Cottonwood Creek

4. a. Location of existing point of diversion is: Township 16S Range 22E Section 25,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. This one is locally known
as The Unknown Stream (creek)

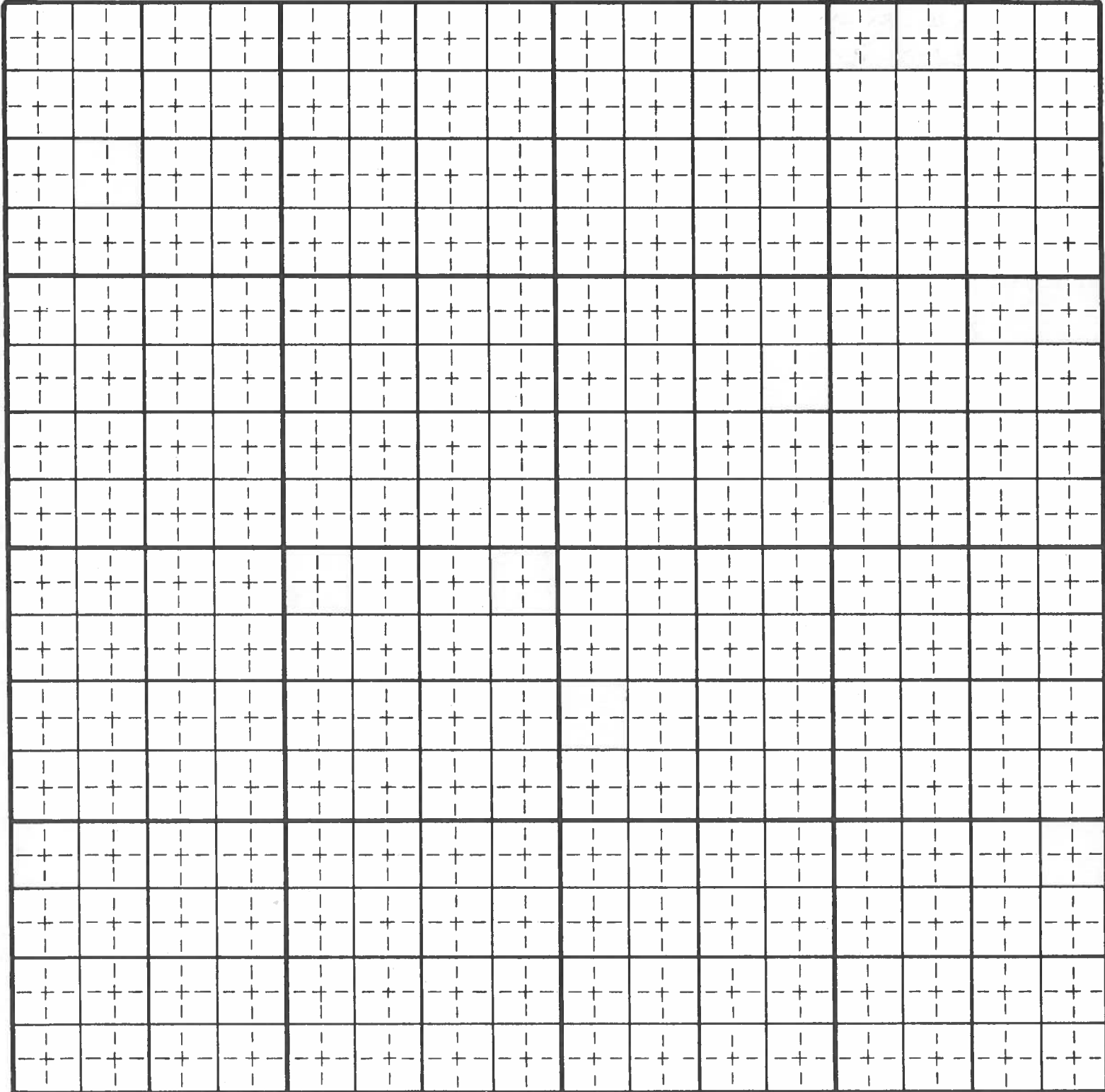
DIVERSION WORKS ARE DITCHES.

1950 Priority "Unknown" stream

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

SEE GIS LAYOUT

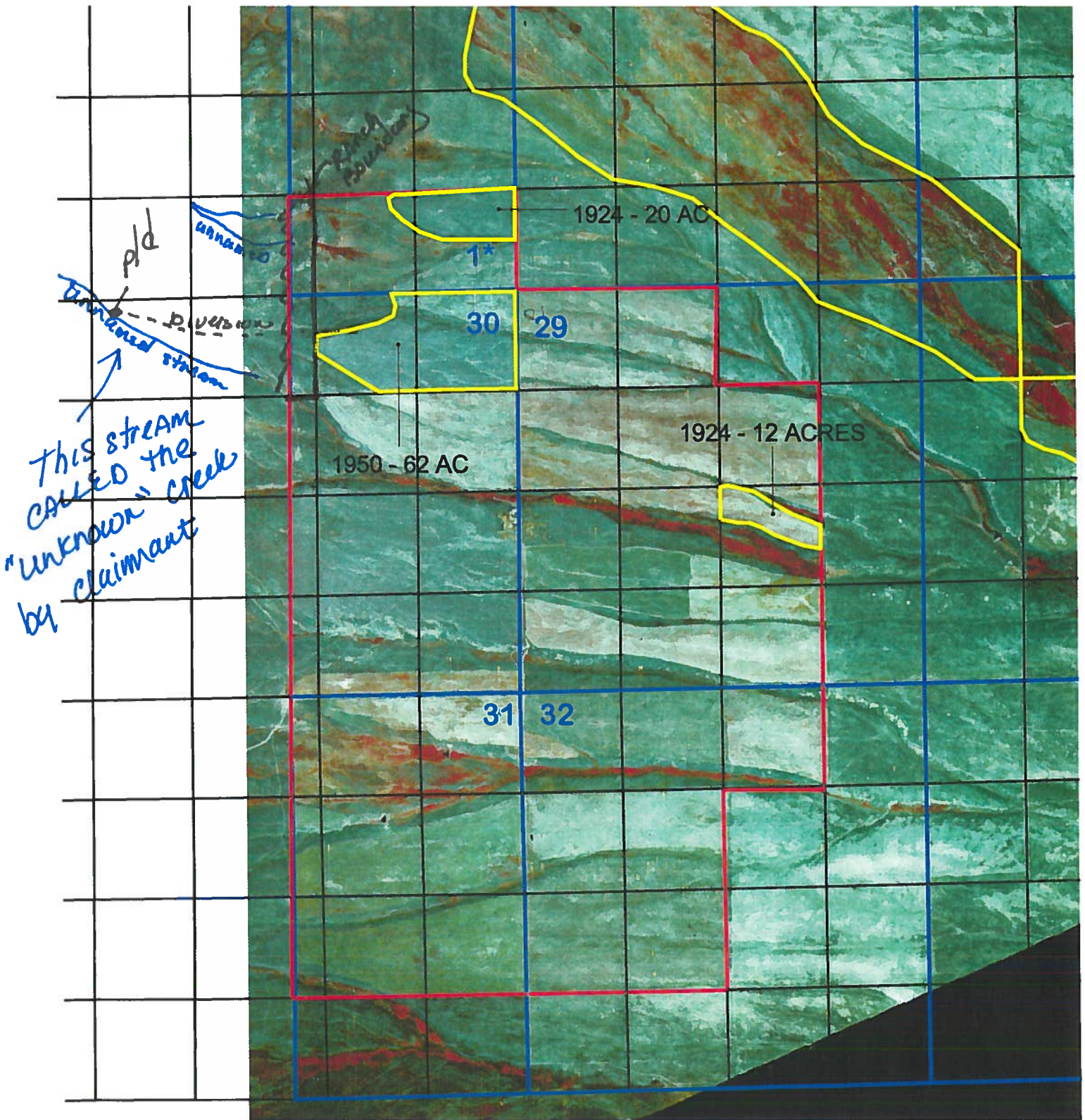


Last Name Bullers Ident No. 43-11230 Copies: White-State, Yellow-Claimant
"UNKNOWN" stream 1950 Priority

FILE NOTES

CLAIM NO(S):

TWP 16S RNG 23E



V. HANCOCK

"Unknown" stream
1950 priority

Buller
1987 NAPP AERIAL PHOTOGRAPHY
A42-11230

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/1 to 10/31 amount 1.24 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.24 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>16S</u>	<u>23E</u>	<u>30</u>	<u>40</u>	<u>22</u>															<u>62</u>

Total number of acres irrigated 62

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks: Known Locally as The Unknown Creek

Last Name Butlers Ident No. 43-11230

Copies: White -State, Yellow-Claimant

Unknown Stream 1950 Priority 43-11230

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Co-Trustee

Title

of Fred Bullers Trust, that I have signed the foregoing

Organization

document in the space below as Co-Trustee of Fred Bullers Trust

Title

Organization

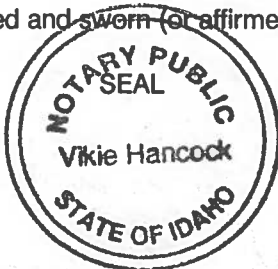
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Chlor Bullers

Title and Organization Fred Bullers Trust Date 7-13-00

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 13th day of July 2000



Notary Public Vikie Hancock

Residing at Bull, Idaho

My Commission Expires 5-7-2003

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Bullers Ident. Number 43-11230

Copies White-State, Yellow-Claimant

Unknown stream 1950 priority 43-11230

I, Chas Bullers White 8th
child of Chester & Adeline Bullers
purchaser of property in section
30 - Township 16S, range 23E hereby
swear that as known to me, my
father Chester Bullers brought into
cultivation Township 16S, range 23E, sec 30
the NE¹/₄ of NE¹/₄ & NW¹/₄ of the NE¹/₄ in the
year of 1950. Known to me because
my brother Chester Bullers Jr. was
drafted into the army for the period
of the Korean War.

signed, this day of July, 19^{CW}78 or
by Chas Bullers White
Co-trustee of the
Fred Bullers trust

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

5023248

Date:

Time:

7/14/2000

11:50:17

Received

From:

BULLERS TRUST

Type of Payment

Program A cct

Amount

OUR IRRIGATION CLAIMS SRBA

41503

337

1155

331.00

CHECK

1278

Total

\$

331.00

Water Right Numbers

A43-02153

A43-11230

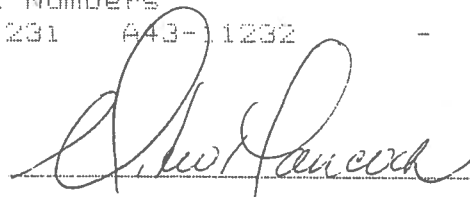
A43-11231

A43-11232

-

Region: SOUTHERN

Signature:



43-11230

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-11230

FRED BULLERS TRUST
2877 W PORTNEUF RD
INKOM ID 83245

Telephone Number: (208)775-4954

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

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

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

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

DATE:

5-23-01

SIGNATURE:

Chloe Bullers White

Please print your name:

Chloe Bullers White

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

09/28/2000

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

RIGHT NUMBER: 43-11230

NAME AND ADDRESS: FRED BULLERS TRUST
2877 W PORTNEUF RD
INKOM, ID 83245

SOURCE: UNNAMED STREAM TRIBUTARY: Cottonwood Creek

QUANTITY: 1.24 CFS

PRIORITY DATE: 04/01/1950

POINT OF DIVERSION: T16S R22E S25 NENWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	1.24 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T16S R23E S19	SESE	15	T16S R23E S19
T16S R23E S30	NENE	39	T16S R23E S30
			SWSE 1.3
			NWNE 24
79.3 ACRES TOTAL			

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 62 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-11257 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 79 ACRES IN A SINGLE
IRRIGATION SEASON.

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

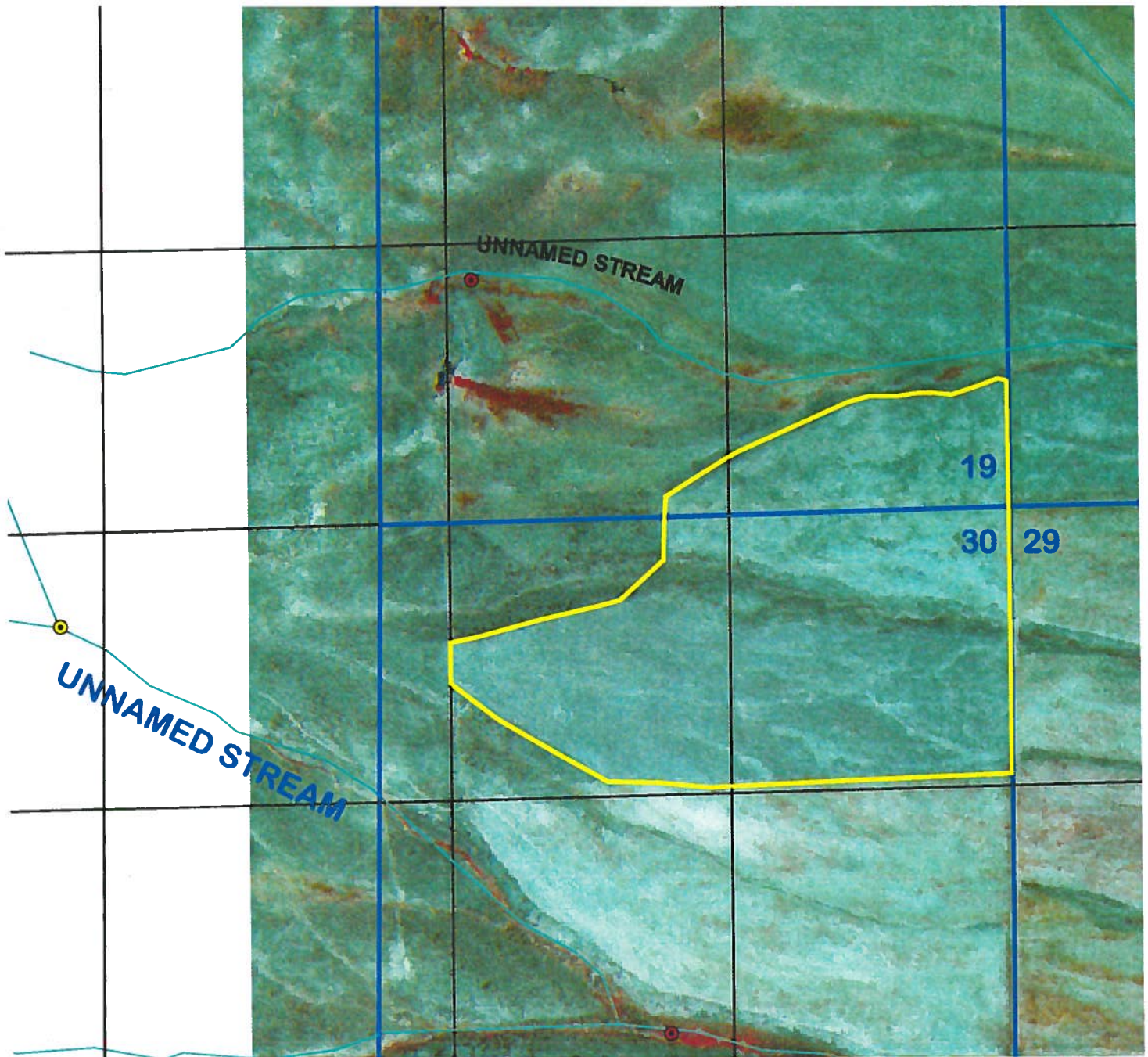
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources

RIGHTS: 43-11230, 43-11257

RECOMMENDED PLACE OF USE
TWP 16S, RNG 23E, Sec 19, 20
Data entry on July 20, 2000



-  RECOMMENDED POINT OF DIVERSION
-  RECOMMENDED PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

TPEG 43-11230

RECOMMENDATION NOTES

From: Vikie Hancock



7/21/00

Regarding: Claim number 43-11230

This claim is based upon beneficial use, and circumstantial evidence of priority is a handwritten affidavit by Chloe Bullers White describing a personal recollection of when her father put in the ground and began irrigating. The claimant said that the 160 acres that her father, Chester Bullers, later purchased, was always known as the Widow White place. Since homesteading around 1912, the widow White had always irrigated the meadows in SESE section 19 from the unnamed stream and springs along the western edge of her property, but had never improved upon the 80 acres in the N½ NE of section 30.

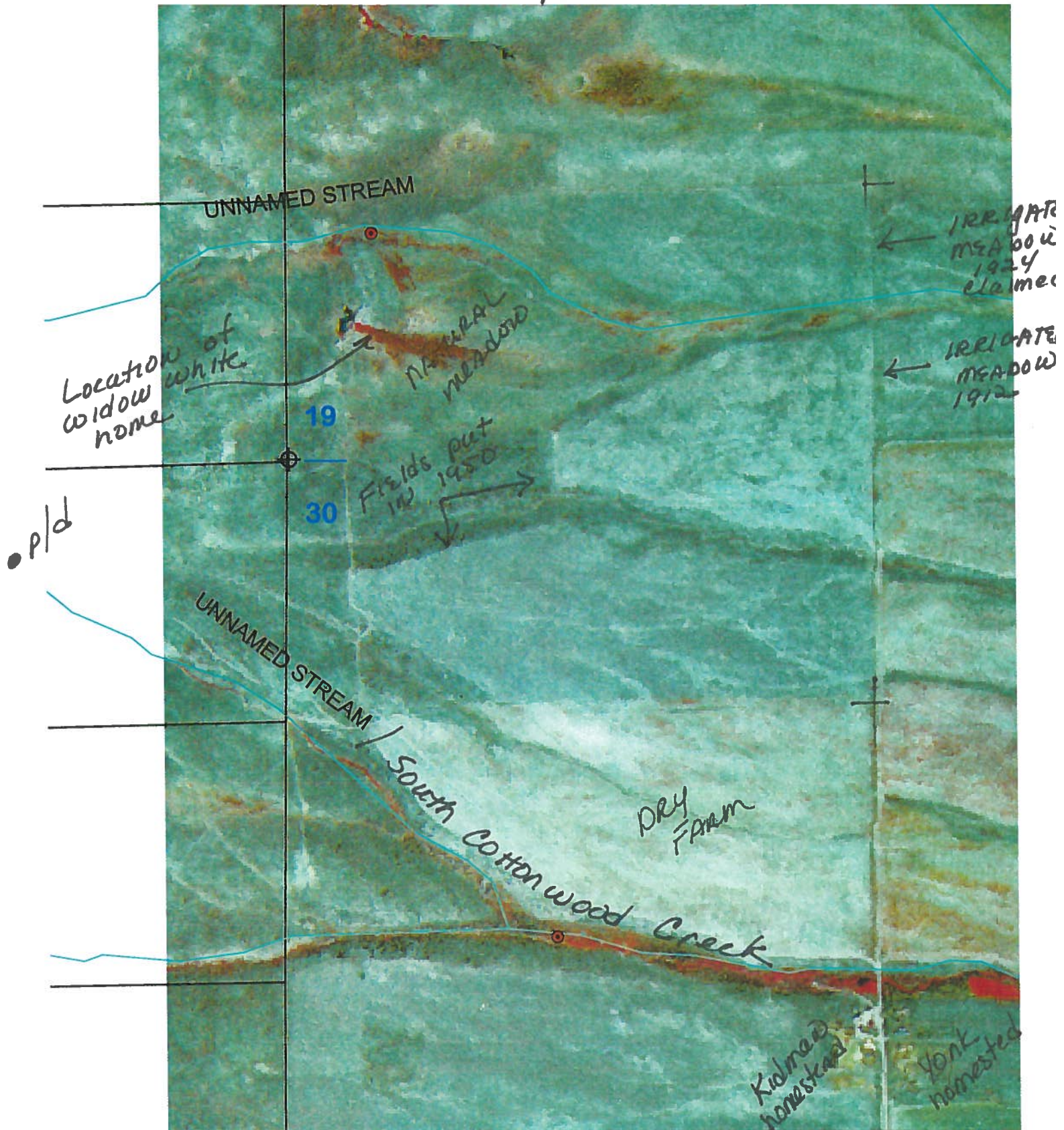
This N½NE of section 30, was put into cultivation and irrigated from the unnamed stream that flows through sections 30 and 29 by Chester Bullers in approximately 1950. Chloe Bullers White states that the meadow on the north side of the section line in the SESE section 19 was irrigated long before her father put in the land south of the section line. It appears from 1978 and 1987 aerial photos, however, that the field that straddles the section line between 19 and 30 has now been merged into one field and managed as such. I believe that a recommendation should include a permissible place of use for claims 43-11230 and 43-02120, as the place of use must overlap along the section line and water from both sources must intermingle.

SEE CLAIM FILE 43-11231 FOR MAP OF
SYSTEM

FILE NOTES

TWP 16S RNG 23E

CLAIM NO(S): 43-11230, 43-11231, ~~43-02120~~
43-11257



V. HANCOCK

1987 NAPP AERIAL PHOTOGRAPHY

USE IN E1/2 SEC 29 (ESTIMATE)

CLAIMED USES/DIVERSIONS

DIVERSION IN SECTION 30 FOR USE IN W½ SEC 29

1.24	0.8	0.24	2.28
(1950 PRIORITY)	(1912 PRIORITY)	(1929 PRIORITY)	

NOTE TO FILE

From: Vikie Hancock

7/14/00

Regarding: Claim number VARIOUS Fred Bullers Trust

Chloe White came into the office to discuss the various claims and issues regarding irrigation on the ranch she owns with her brother in Junction Valley. She had not yet received my letter and exhibits sent to her July 11, 2000, so the first thing she did was read a copy of the letter in the claim file, and look over the GIS exhibits also in the file.

Chloe has been in the process of documenting the history of her father's ranch for some time now. There are many archeological sites from Indian activities, and the Applegate Cutoff of the California Trail cut through the valley as well. She has amassed the homestead patents of the various settlers and subsequent deeds documenting the history of ownership of the various portions of the ranch. I believe that she is interested in preserving the actual record of development on the ranch and that the observations she related to me in regard to the dates of first water use and the locations of water use are correct to her best knowledge. The trust is also in the process of reconstructing some of the irrigation works and may possibly need to transfer some of the water as they are attempting to restore some habitat or may want to use water to irrigate the old cemetery. According to Chloe, one of their problems involves the spring sources of the unnamed streams, as there has been much degradation by cattle.

We went over a 1987 NAPP photo of the ranch and Chloe pointed out the fields that were dry farmed and those that were historically irrigated. Much of the ranch has been in Brohm grass and rye grass in the past, and some of it is meadowland irrigated by sub-waters from the streams and draws. Some of the ranch has been in and out of the CRP. It was determined, however, that there are irrigated acres for which no water right claim had been filed.

Thirty-seven irrigated acres were licensed under **43-2153**, a valid license not claimed in the adjudication, and Chloe filed a claim based upon that license this date. There were two accomplished transfers of licensed rights noted. The 20 acre POU of license **43-2117** was moved from the SWNE Sec 31 north into the NWNE & NENE Section 31. The original POU was no longer irrigated. The 18 acre place of use for water right license **43-2120** (original combined claim filed as 43-10204) in sections

29 and 30 was moved to the SESE section 19. The three acre original POU in section 30 was a garden that is no longer cultivated, and the 15 acres in section 29, just east of the Yonk homestead, have not been irrigated for years. This transfer also represents an accomplished change of source. The place of use of **43-2600** remains basically as licensed, as does the place of use of **43-2599** (original combined claim filed as 43-10204). Three additional beneficial use claims were filed for acres irrigated: **43-11230**, priority date 1950, **43-11231**, priority date 1924, **43-11232**, priority date 1924. Proof of priority documents were submitted at the time of filing. See GIS layouts with claims.

Claim **43-10204** was filed as a combination of license 43-2599 with a priority date 1942, and license 43-2120 priority date 1912. The claim listed a 1912 priority date. In order to preserve the priority date of license 43-2120, the claim will be split with each portion representing the licensed right or licensed right as transferred per IC 42-1425.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 11, 2000

Chloe Bullers White
Fred Bullers Trust
2877 N. Portneuf
Inkom, Idaho 83245

RE: Snake River Basin Adjudication (SRBA)
Claim Nos.: A43-02117, A43-02600, A43-10204

Dear Chloe:

As follow-up to our phone conversation of yesterday, I am sending you a copy of a computer generated layout using 1987 NAPP Aerial photos of your ranch. The 1987 photos are used in the Adjudication because, as you are probably aware, the Department of Water Resources was charged by the Idaho Legislature to inventory water uses occurring in the Snake River Basin as of November 1987.

Super-imposed on the layout are the approximate original locations of the four licenses that you have based your Adjudication claims upon. In addition, I discovered a license that, according to our database, was appurtenant to your ranch property but which you forgot to claim. This license is #43-2153, and was issued for 0.74 cfs of Granite Creek for use on 37 acres in the SWNE and SENE of Section 31, as shown. I have included a profile report of this water right as it appears in our database, and would encourage you to file an Adjudication claim based upon this license.

As you can see by the enclosed layout, there are significant acres that you appear to be irrigating that are not covered by any of your current Adjudication claims, nor by any of the old original licenses. I need to meet with you, or your brother, to determine which acres you dry farm and which acres you irrigate. It may be necessary for you to file a claim, or claims, for a water right based upon *beneficial use* to assure that all the acres you have historically irrigated have water rights associated with them. You mentioned that a court decision gave your ranch a right to all the water in Granite Creek, but a water right includes an amount of water and a specific number of acres the water can be applied to. At this time, only a small number of the acres you own have any water rights filed upon them.

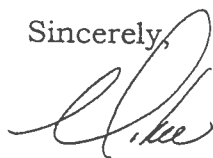
Claims to a water right based upon beneficial use require proof of the date that water was first put to beneficial use. Should you decide to file a claim, some research will be required on your part to provide us with evidence to support the date you claim as date of priority. Typically, on properties this large, the water use is developed over time. For example, one of the licenses in

our file indicates that, at the time of the field exam in 1913, there were a small number of surrounding acres being irrigated by Charles Yonk that were not included in his Application for Permit, therefore not included in the License. It would seem, then, that there were acres already being irrigated in 1913 for which there was no license, and to which a beneficial use claim may apply. On unrelated licensing documents, it is shown that Chester Bullers had intended to develop more acres than actually licensed, indicating that at the time of the field exam in 1942, 168 of the 220 intended acres were not yet being irrigated. It appears that some of those acres were subsequently developed prior to 1987, and a beneficial use claim with a priority date after 1942 may be appropriate.

In his 1998 memo to the file, agent Steve Clelland mentioned that you talked to him about a spring that you were in the process of developing but had not yet obtained a water right. Please be aware that only water developed for irrigation before November 1987 and in accordance with Idaho statutes may be claimed for irrigation in the Adjudication. Any subsequent water development must go through the appropriate administrative processes of the IDWR Allocation Bureau if a water right is to be obtained. In addition, any changes in source, point of diversion or place of use accomplished after 1987 must be approved by the Allocation Bureau.

All of the Department's records are available to you, if you need them. I believe your suggestion of meeting first here at the office, and then possibly at the ranch, is a good one. Please let me know when you may be in the area and we can make an appointment to meet. In the meantime, let me know if you wish to file on the unclaimed license, and I can send you the proper forms in the mail. The fees for each new claim are \$50.00 for filing and \$1.00 for each acre claimed for irrigation.

Sincerely,

A handwritten signature in dark ink, appearing to read 'V. Hancock', written in a cursive style.

Vikie Hancock
Sr. Water Resource Agent