

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 43-11231
Date Received: 7/14/00
Receipt No: S023248
Received By: *DA*

**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: 04/01/1924

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
16S	23E	19	NW SW SE	CASSIA

5. Description of diverting works:

DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.4	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.42 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 200 RANGE CATTLE

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16S	23E	19	NE	SE	IRRIGATION	18
			NW	SE	IRRIGATION	2
			NW	SE	STOCKWATER	
			NE	SE	STOCKWATER	
					Section Acres	20
					Total Acres	20

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:

PROOF OF PRIORITY IN THE FORM OF 1924 DEED TO EDNA HOCKADAY, ALSO KNOWN AS THE WIDOW WHITE. CLAIMANT STATES THAT IT WAS COMMON KNOWLEDGE IN THE VALLEY THAT MEADOWS ON WIDOW WHITE'S PLACE IN SECTION 19 WERE IRRIGATED FROM THE TIME OF HOMESTEADING PRIOR TO 1924. THE OTHER MEADOW IN SE SE SECTION 19 IS CLAIMED UNDER AN ACCOMPLISHED TRANSFER OF LICENSE 43-2120 FROM LANDS NO LONGER IRRIGATED IN SECTION 29.

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:

Ident. Number

Date Received

Receipt Number

39576

43-11231

7-13-2000

5023248

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Enter
POW

Please type or print clearly

1. Name of Claimant (s) Fred Bullers Trust Phone (208) 775-4954

Mailing Address 2877 W. Portneuf Rd, Inkom Zip 83245

2. Date of Priority (Only one (1) per claim) 4-1-1924

3. Source of water supply (a) Unnamed stream
which is tributary to (b) sinks

4. a. Location of existing point of diversion is: Township 16 S Range 23 E Section 19,
NW 1/4 of SW 1/4 of SE 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. Ditches

1924 Unnamed stream

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 .4 cfs or _____

For stock water purposes from 1/1 to 12/31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .42 (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.) 200 cattle

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	
16S	23E	19													18	2			20

Total number of acres irrigated _____

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:

Last Name Ballers Ident No. 43-11231

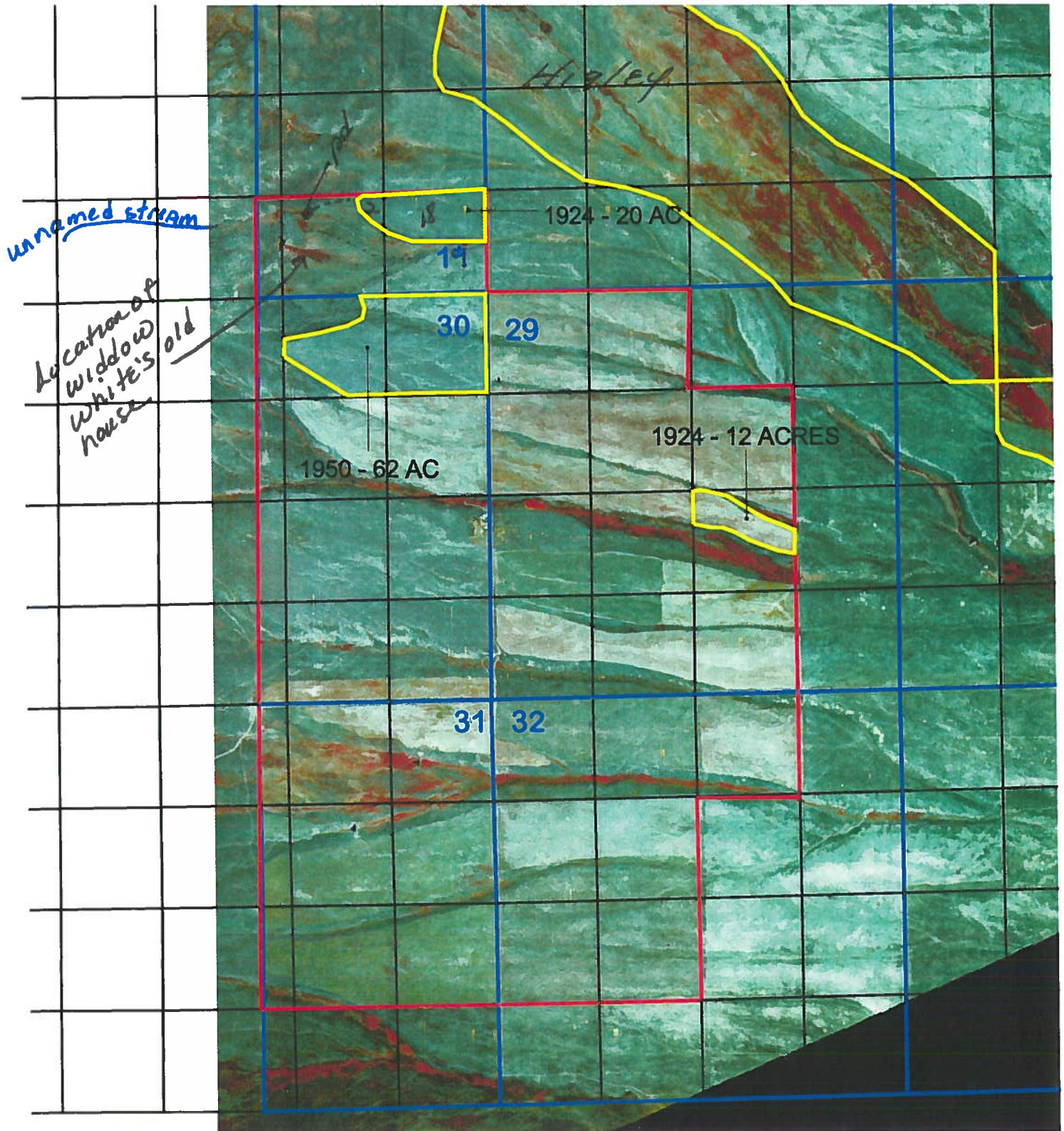
Copies: White -State, Yellow-Claimant

and ... stream

FILE NOTES

CLAIM NO(S):

TWP 16S RNG 23E



V. HANCOCK

*20 ac
unnamed stream
1924 property*

1987 NAPP AERIAL PHOTOGRAPHY

2/11/1985

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 Chloe Bullers White

Title and Organization Fred Bullers Trust Date 7-13-08

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

Subscribed and sworn (or affirmed) before me this 13th day of July 2008



Notary Public Vikie Hancock

Residing at Buhl, 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 48-11231

Copies White-State, Yellow-Claimant

1026 110 named stream 2000

Scale: 2 inches equals 1 mile

SEE GIS LAYOUT

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The lines are oriented horizontally and vertically, creating a small cross shape within each square. The grid is composed of 16 columns and 16 rows of these squares.Bullec

Launce

43-11231

Copies: White-State, Yellow-Claimant

DEED RECORD No. 52, CASSIA COUNTY, IDAHO

#158862 COMPARED

WARRANTY DEED (No Revenue Stamps Attached)

THIS INDENTURE, Made this 8th day of July, in the year of our Lord one thousand nine hundred and twenty-four, between James Ernest White, a married man,

of Twin Falls, County of Twin Falls, State of Idaho, the part y of the first part, and Edna Hookaday,

of Rupert, County of Minidoka, State of Idaho, the party of the second part.

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of One Dollar and other good considerations lawful money of the United States of America, to him in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey, and confirm unto the said part y of the second part, and to her heirs and assigns forever, all of said part y's interest in described real estate, situated in County of Cassia State of Idaho, to-wit:

The South Half of the Southeast Quarter of Section Nineteen and the North Half of the Northeast Quarter of Section Thirty in Township Sixteen South of Range Twenty-three east of the Boise Meridian, Idaho, containing One Hundred Sixty acres. (This land is the estate of Mary T. White, deceased, who left no will, and the grantor and grantee are the only and sole heirs at law of said Mary T. White, being her son and daughter)

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part y of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part y of the second part, and to her heirs and assigns forever. And the said part y of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, her heirs and assigns, against the said part y of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part y of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

James Ernest White (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

COUNTY OF Twin Falls, } ss.
On this 8th day of July

James Ernest White

known to me (person whose name is subscribed to)
to be the { the within instrument, and acknowledged to me
that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(NOTARIAL SEAL)
My commission expires
Dec. 5, 1925.

J. C. Beauchamp
Notary Public for Idaho, residing at
Twin Falls, Idaho

STATE OF IDAHO, } ss.
COUNTY OF CASSIA,

I hereby certify that this instrument was filed for record at the request of Chester Bullers
at 11 minutes past 9 o'clock A.M., this 10th day of April
in my office, and duly recorded in Book 52 of Deeds at page 572.

A.D. 19 47

Ivin Hoggan,

Ex-Officio Recorder.

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

Total

\$

331.00

CHECK

1278

Water Right Numbers

A43-02153

A43-11230

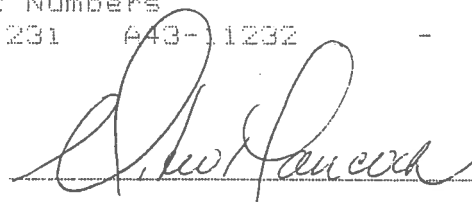
A43-11231

A43-11232

-

Region: SOUTHERN

Signature:



**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: 43-11231

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

09/26/2000

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

RIGHT NUMBER: 43-11231

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

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.42 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1924

POINT OF DIVERSION: T16S R23E S19 NWSWSE 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	0.40 CFS
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County				
T16S R23E S19 SESE	18	T16S R23E S19	SWSE	2.4
STOCKWATER Within CASSIA County				
T16S R23E S19 SESE		T16S R23E S19	SWSE	
20.4 ACRES TOTAL				

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

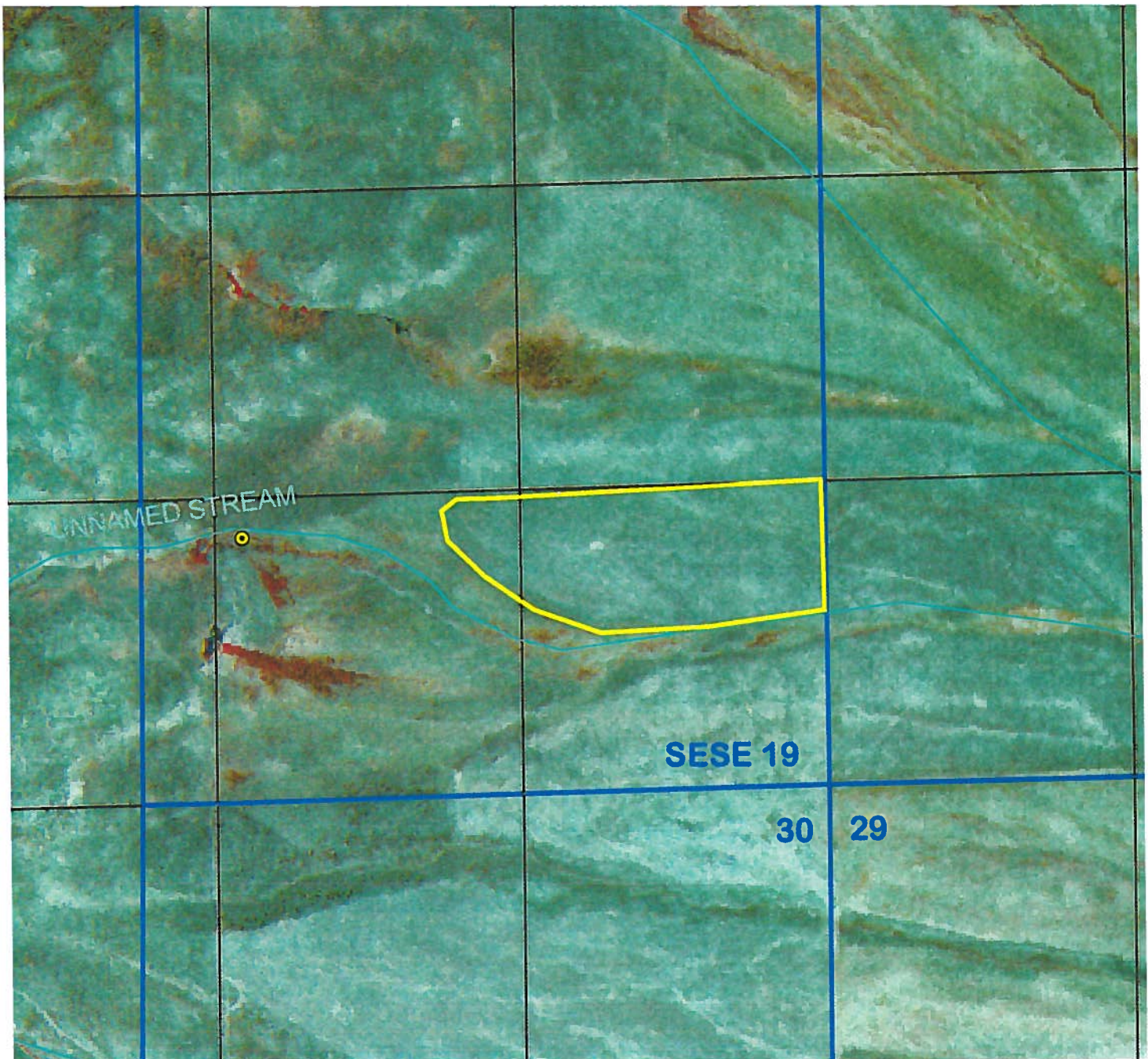
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT: 43-11231

RECOMMENDED PLACE OF USE
TWP 16S, RNG 23E, SEC 19
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

RECOMMENDATION NOTES

From: Vikie Hancock

7/21/00

Regarding: Claim number **43-11231**

This claim is based upon beneficial use, and circumstantial evidence of priority is a deed that shows the conveyance of the property from one of widow Mary White's heirs to the other in 1924. The claimant said that the 160 acres that her father, Chester Bullers, later purchased, was always known as the Widow White place. It was common knowledge that the widow White had irrigated the meadows in SESE section 19 from the unnamed stream and springs along the western edge of her property, and did so at the time that the land was homesteaded prior to 1924. The meadow in the N½ of the SESE of section 19 is included in this claim. The meadow in the S½ of the SESE of section 19 is covered by a claimed accomplished transfer of license 43-02120 from a place of use in sections 29 and 30, with a priority date of 1912. This transfer also effected an accomplished change in source.

No measurements were obtained of the unnamed stream that flows into section 19. It is an ephemeral stream supplemented by springs on claimant's property, and capacity changes from year to year and month to month. Recommendation is for 1 inch per acre irrigated.

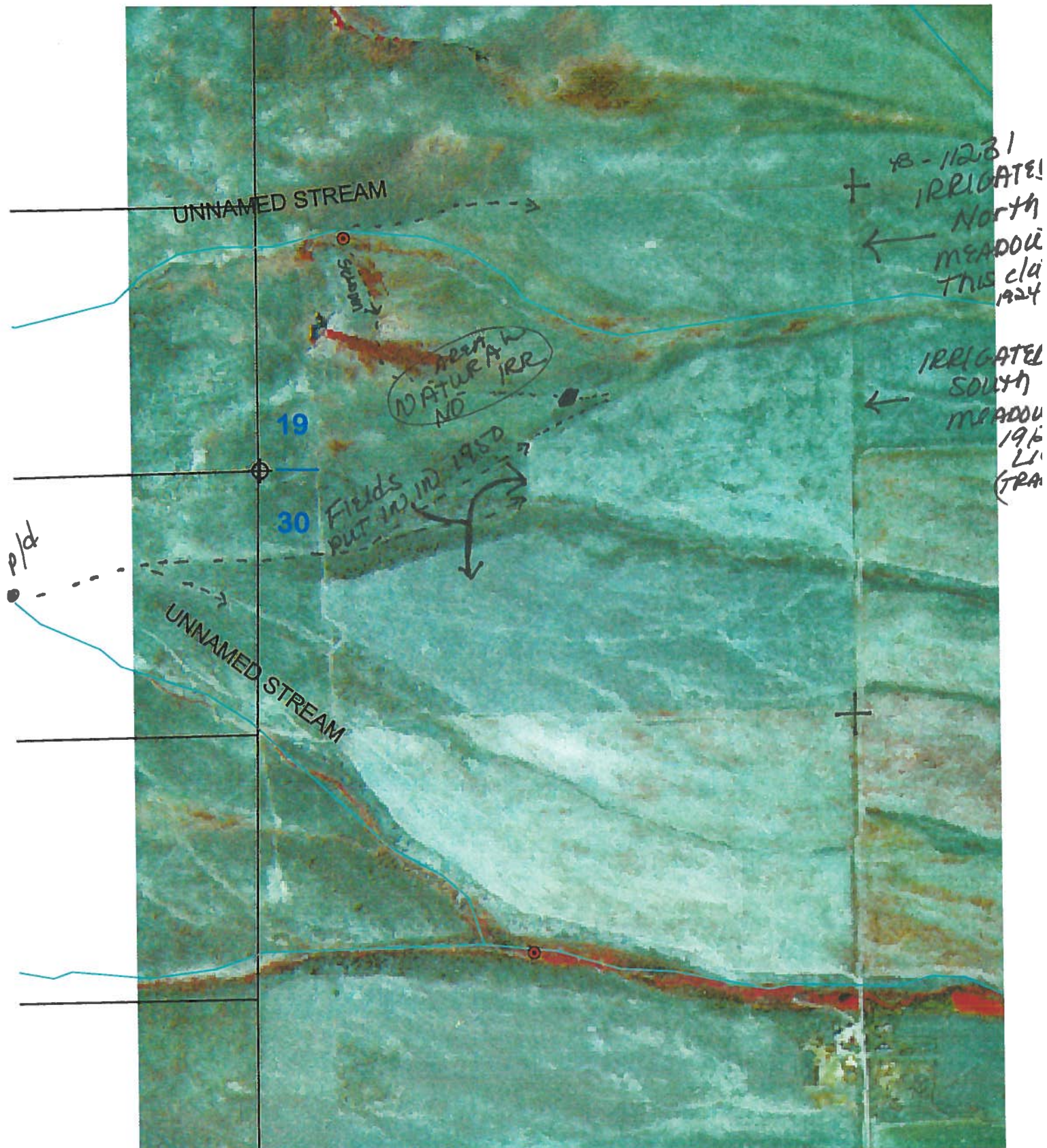
The meadow in the SWSE of section 19 is watered naturally by subwater from the springs and drains, and not irrigated. The south half of widow White's 160 acres, lying in the N½ of section 30, was put into cultivation and irrigated by Chester Bullers in approximately 1950. From 1978 and 1987 aerial photos, it appears that the field that straddles the section line between 19 and 30 has been merged into one field, but Chloe Bullers White states that the meadow on the north side of the section line, now claimed as transferred license 43-2120, was irrigated long before her father put in the land south of the section line.

It was noted upon data entry that claimant listed place of use legal incorrectly. The place of use claimed is not within the Ranch boundary. Recommended place of use matches map that Claimant & I created to represent place of use. *WJH.*

FILE NOTES

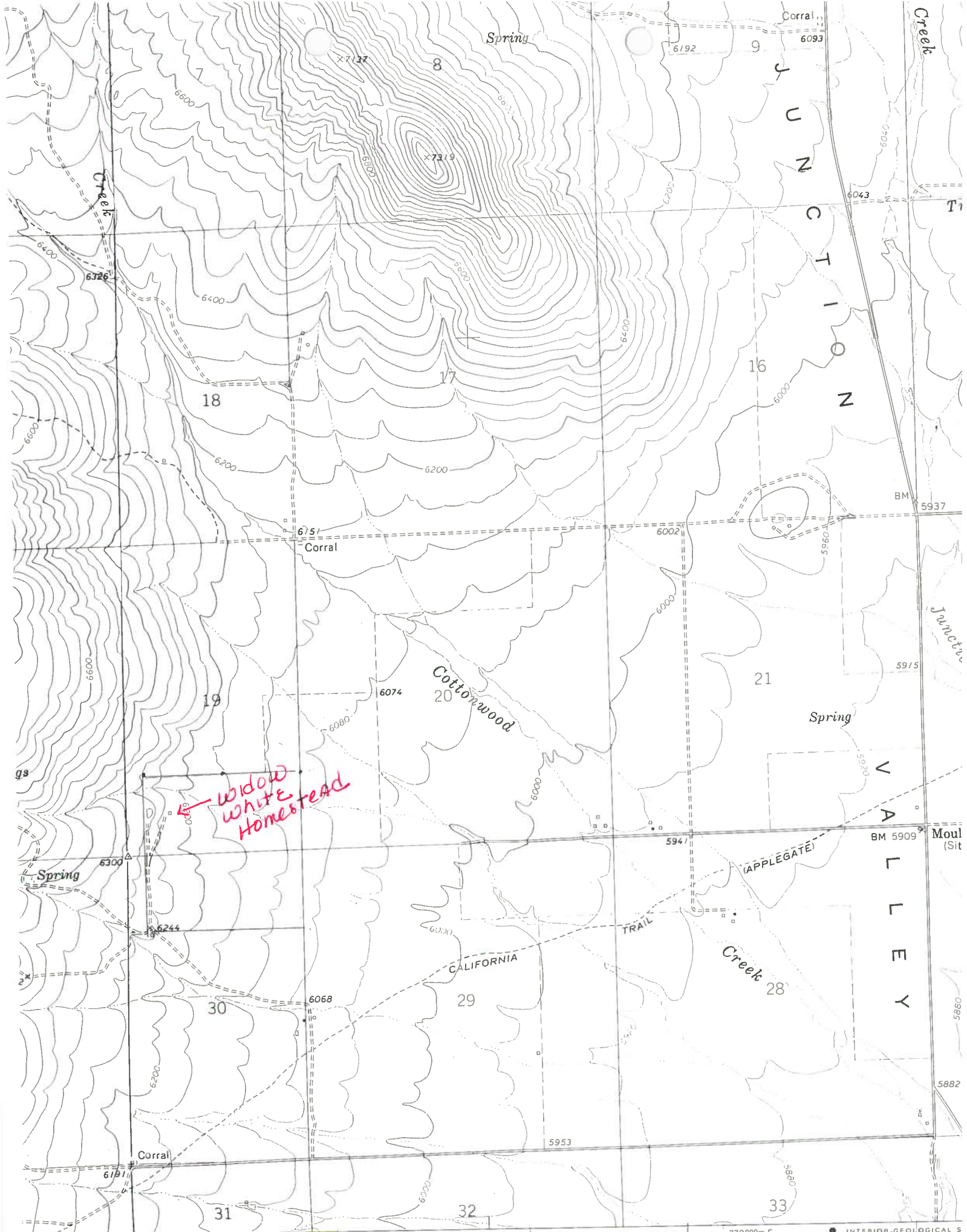
TWP 16S RNG 23E

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



V. HANCOCK

1987 NAPP AERIAL PHOTOGRAPHY



(COTTON THOMAS BASIN)

R. 23 E.

47°30"

269

270000m.E.

● INTERIOR-GEOLOGICAL S
LYNN. U

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.

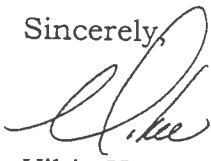
Claims to a water right based upon beneficial use require proof of the date that water was first put to beneficial use. Should you decide to file a claim, some research will be required on your part to provide us with evidence to support the date you claim as date of priority. Typically, on properties 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 cursive script, appearing to read "V. Hancock".

Vikie Hancock
Sr. Water Resource Agent