

Billy G. May 8/11/09

NEED
CORRECTED

OK

Mat
10/12/09
Col

- NO NAME

Deeded Water Right ACREAGE 114-125

✓ SFS

Stockwater Use - Warm Spring - DITCH FLOW TUBE

No Obj

11975

Stockwater Use - Pahsimeroi

No Obj ✓

Stockwater Use - Little Muddy River - START

No Obj ✓

11977

House Spring

PD

High Water - with - 73-90 - AGREE - 1.25 cfs OK

✓ SFS

11980

Missing

✓ SFS

High Water - with - 73 - 1005 - AMOUNT - 3.900 -

PD

Spring 1 - NOTE MAKES RIGHT O

No Obj

11984

Spring Number 2 out

No Obj

11985

Spring Number 3 out

No Obj

11986

Section 34 Spring out

No Obj

11994

Domestic - Hot Spring

Deeded Water Right - Hot springs

Deeded Water Right

✓ SFS

High Water - with - 73-91

✓ SFS

Pond Spring w/ 73-10005

✓ SFS

Section 35 Spring

✓ SFS

Spring Designated "A" stock

W/D

Spring Designated "B"

W/D

Spring Designated "C"

W/D

Spring Designated "D" High water goes w/ '91

✓ SFS

Fork

✓ SFS

Well

✓ SFS

11995

Domestic - House Spring

✓ SFS

Stockwater - Spring "A" stock

✓ SFS

Stockwater - Spring "B"

✓ SFS

Stockwater - Spring "C"

✓ SFS

Stockwater - Spring "D" w/ -

✓ SFS

Stockwater - Spring "D" w/ -

Riparian

Responses to 12/01 questions 12/02/09
in telephone call with Gwynn.

✓ 1. 73-90
Claim 120 Ac ²⁵⁴⁰ 1540
Prelim 125 Ac but not along west road
but part of where 73-1005 is
Recomm ²¹ 19 ⁴⁰ 40

✓ 2. 73-11983 1926 ¹¹²⁷⁸ 1926
FD Mo S.A. $2.05 + .625 = 3.125$
River or Springs

✓ 3. 73-10005
Transfer - Can strike ~~marks~~ marks.

✓ 4. Brick House 73-10008 PV 7-07-0

✓ 5. 73-19 ~~174~~
to Spring SWSE

Telephone Notes with Questions
by Gytson

2/21

✓ 1) 73-90

Acres moved around

114 Ac. 90 ± 125 Ac

✓ 2) 73-11883 Springs 1, 2, 3

Only remark

3.125 (his remark)

✓ 3) 73-11005

When transfer was
succeeded & approved

Drop word "transfer."

✓ 4)

10006 / House

10007 / House well

n) Mike
well @ the
house

Houses above
Spring

2 Brick shed
1 House
1 shed

Bar G (Gydesen) response:

Italic notes are from telephone conversation with Gydesen on 10-29-09 working on resolving objections.

73-90 acres. Approved transfer applied and approved 1986 had 125 acres but no acres stated in 1926 decree. Irrigated acreage covering between road and other right is 114. Right is now decreed in SRBA. POD transferred, claimed, recommended, and decreed SWSE Sec 1, P-12.

73-11978 quantity:

73-90 2.5 cfs 114 acres

73-11978 .625 cfs claimed 2.5 cfs

Recommended total = .0274 cfs/acre not counting tributary stream (1926 priority). All three rights SF5, and decreed. Loss is 37%; with just 2.5 cfs = .0219 cfs/acre.

73-11974 source

Claimant maintains hot spring (Warm Spring?)

Use appears outflow from spring and within channel through field.

IDWR ignored 42-113 change to pipeline from instream flow.

Send ADR to Court; quantity .04 cfs consistent with 73-12026.

Decree will supersede 73-12026.

73-11975

Stock in river; recommended as claimed; No Objection; Agreed on NOE in 9/06

73-11976

Stock in Mud Springs Creek (USGS unnamed stream); otherwise recommended as claimed or directed in NOE 9/06.

73-11977

Recommended as claim except source not equal to House Spring, which is in remarks.

No 73-11979 issued.

73-11980

Okay to have Feb 18, 1926 right at 1.4 cfs to go with 73-91 and have just over .03 cfs/acre.

73-11981

Stock OK for SESW S35. Irrigation? Spring sites below claimant's river ditch (P-12) and above Elzinga's ditch (P-11). NENE S1 is on Latimer, NWNE S1 is on Yates (Circle Pi) and only SESW S35 on claimant. *PODs in SESW S35 dumping in river ditch to POU of pivots.*

73-11982 No Objection. Goes with 73-10005 of 3.9 cfs. Could go with 3.9 cfs providing .0262 cfs/acre under both rights. Director's Report recommendation at .0975 cfs for 73-

11982 when combined with 73-10005 provided only .016359 cfs/acre. Trick is how to get matter before the Court; perhaps M for Late Objection. Right 73-10005 is identified as Uncontested Overlap with other objections.

73-11983 PD Same POU as 73-90 on 114 acres. Source recommended unnamed stream because of diffused water entering ditch from springs area.

73-11984. Same set of springs covered by 73-11983. No objection.

73-11985. Same set of springs covered by 73-11983. No objection.

73-11986. No objection. Spring in Sec 34 adjacent to field. Can recommend if water is diverted rather than subs uncontrolled as water moves to river. Diverted near hot springs (SWSE) or where stream intersects ditch to irrigate field below ditch in generally the 80 acres where claimed?

73-11987. Sec 35 spring. Latimer owns claimed POU. Roxanne's picture May 4, 2004, showed no water on surface.

73-11988. No active diversion occurs at this spring. Claimant does not own land claimed . Cutler owns POU claimed; Latimer owns POD. *988 to 991 are Springs A, B, C and D.*

73-11989. No active diversion occurs at this spring. Claimant does not own land claimed . Cutler owns POD and POU claimed.

73-11990. Claimant does not own land claimed . Cutler owns POD and POU claimed.

73-11991. Claimant does not own land claimed . Cutler owns POD and POU claimed.

73-11992. No diversion; no control of flooding on river bottom land. *Apron in Fork and floods to ground btw River and Fork.*

73-11993. Well. Large casing, yes. No pump or visible sign of withdrawing water from the well in May 2004. *PTO pump now and diesel before that explains why not pump in well.*

73-11995. House spring. Perhaps confused with warm spring of 73-11977. Letter written 10-28-09 to request claimant mark locations.

73-11996. Spring for stock NWNE S35. Claimed location is Cutlers. *Placed four points in NWNW S35 for A, B, C, and D springs.*

73-11997. Spring for stock NWNE S35. Claimed location is Cutlers.

73-11998. Spring for stock NWNE S35. Claimed location is Cutlers.

73-11999. Spring for stock NENW S35. Claimed location is Cutlers.

Initial Hearing Conference Notes Gydesen 8/11
✓ 73-90
Says 125 Ac not 1/4
"Transfer" P1 to P12 & SWSE, In Review
of 73-90

✓ 73-11978 Ditch
3² 73-90
2⁵⁰ 73-11978 Requesting Ac. obj:

✓ 73-11974 Unnamed Stream
IDWR Warm Springs Creek
Billy Hot Springs

~~73-11978~~
73-11980 High wtr from Spring
to go w/ 73-91

73-11981 Springs Pri Date 1982

~~Obj w/d Obj~~ 11983 Concerned
to Take Out

73-11987

Billy G. Gray 8/11/09

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CORRECTED

OK

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Call
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- 11987 Section 35 Spring
- 11988 Spring Designated "A" stock
- 11989 Spring Designated "B"
- 11990 Spring Designated "C"
- 11991 Spring Designated "D" High water goes w/ '91
- 11992 Fork
- 11993 Well
- ✓ 11995 Domestic - House Spring
- 11996 Stockwater - Spring "A" stock
- 11997 Stockwater - Spring "B"
- 11998 Stockwater - Spring "C"
- 11999 Stockwater - Spring "D" for -

Riparian

11/24/2009

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

RIGHT NUMBER: 73-11980

NAME AND ADDRESS: BAR G FARMS ENTERPRISES
PO BOX 175
MAY ID 83253

SOURCE: WARM SPRING

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.400 CFS

PRIORITY DATE: 02/18/1926

POINT OF DIVERSION:

T14N R21E S3 NWNE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: IRRIGATION in CUSTER County

T15N R21E S34	NESE	21.00	T15N R21E S34	SWSE	2.50
T15N R21E S34	SESE	34.00	T15N R21E S35	NWSW	4.50
T15N R21E S35	SWSW	25.00			

87 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 87 acres in a single irrigation season. Combined Right Nos.: 73-91, 73-11980

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

11/24/2009

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Looking for hi-flu Rights
out of numerous springs. We
need to know the carrying
capacity of the systems
to determine hi-flu amount
in excess of existing Rights
priority should be June 4, 1921
1 day after Macglen vs. Smith.