

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 37-21835
Date Received: 8/10/2006
Receipt No:
Received By:

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

1. Name of Claimant(s)

STROM RANCHES INC
PO BOX 137
HILL CITY ID USA 83337-0137

Phone: (208)764-2596

2. Date of Priority: 08/10/1912

3. Source: FRANCIS RESERVOIR Trib. to: NEGRO CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	11E	15	SE SE	ELMORE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION STORAGE	01/01	12/31		199.3
IRRIGATION FROM STORAGE	04/15	10/31		199.3

7. Total Quantity Appropriated is:
199.3 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
01S	11E	14	NW SW SW SW	IRRIGATION STORAGE IRRIGATION STORAGE	
01S	11E	15	SE SE NE SE	IRRIGATION STORAGE IRRIGATION STORAGE	

01S	11E	34	NE	SW	IRRIGATION FROM STORAGE
40			NW	SW	IRRIGATION FROM STORAGE
40			SW	SW	IRRIGATION FROM STORAGE
40			SE	SW	IRRIGATION FROM STORAGE
40					

Section Acres 160

02S	11E	3	NE	NE	IRRIGATION FROM STORAGE
11			NW	NE	IRRIGATION FROM STORAGE
11			SW	NE	IRRIGATION FROM STORAGE
10			SE	NE	IRRIGATION FROM STORAGE
10			NE	NW	IRRIGATION FROM STORAGE
11			NW	NW	IRRIGATION FROM STORAGE
11			SW	NW	IRRIGATION FROM STORAGE
10			SE	NW	IRRIGATION FROM STORAGE
10					

Section Acres 84

Total Acres 244

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

14. Remarks:

Claim is for storage water from Francis Dam Reservoir mentioned in 37-2244.

15. Basis of Claim: Beneficial Use

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: 0

For Organizations:

I do solemnly swear or affirm that I am Dennis R. Strom Pres. of

Title
Strom Ranches Inc., that I have signed the foregoing

Organization
document in the space below as Pres of

Title
Strom Ranches Inc and that the statements contained in the

Organization
foregoing document are true and correct. Dennis R. Strom

Signature of Authorized Agent
Pres Strom Ranches Inc

Title and Organization
8/10/06

Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 10th
of AUGUST 2006 Danni M. Smith

Notary Public

Residing at BOISE ID

My commission Expires 12/05/2006



08/28/2006

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

RIGHT NUMBER: 37-21835
NAME AND ADDRESS: STROM RANCHES INC
PO BOX 137
HILL CITY ID 83337-0137

SOURCE: FRANCIS DAM RESERVOIR TRIBUTARY: NEGRO CREEK

QUANTITY: 188.000 AFY

PRIORITY DATE: 08/14/1914

POINT OF DIVERSION:
T01S R11E S15 NESESE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	188.00 AFY
IRRIGATION FROM STORAGE	04/15 10/31	188.00 AFY

PLACE OF USE: IRRIGATION STORAGE Within ELMORE County

T01S R11E S14	NWSW	T01S R11E S14	SWSW
T01S R11E S15	NESE	T01S R11E S15	SESE
<u>IRRIGATION FROM STORAGE Within ELMORE County</u>			
T01S R11E S27	NESW	20.00	T01S R11E S27 NWSW 16.00
T01S R11E S27	SWSW	38.00	T01S R11E S27 SESW 40.00
T01S R11E S27	NESE	8.50	T01S R11E S27 NWSE 20.00
T01S R11E S27	SWSE	40.00	T01S R11E S27 SESE 24.00
T01S R11E S28	SESE	0.30	T01S R11E S33 NENE 6.30
T01S R11E S33	SENE	14.00	T01S R11E S33 NESE 16.00
T01S R11E S33	SESE	9.60	T01S R11E S34 NENE 22.00
T01S R11E S34	NWNE	40.00	T01S R11E S34 SWNE 39.00
T01S R11E S34	SENE	12.00	T01S R11E S34 NENW 40.00
T01S R11E S34	NWNW	40.00	T01S R11E S34 SWNW 39.00
T01S R11E S34	SENW	39.00	T01S R11E S34 NESW 39.00
T01S R11E S34	NWSW	39.00	T01S R11E S34 SWSW 40.00
T01S R11E S34	SESW	40.00	T02S R11E S03 Lot 3 NENW 4.70
T02S R11E S03 Lot 4	NWNW	1.60	

688 ACRES TOTAL

This right is limited to the irrigation of 229 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 688 acres in a single irrigation season. Combined Right Nos.: 37-2089, 37-2244B, and 37-21835.

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

08/28/2006

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

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

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



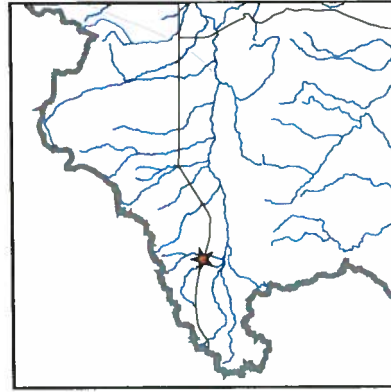
Idaho Department of Water Resources

SRBA Recommendation:

37-21835

Legend

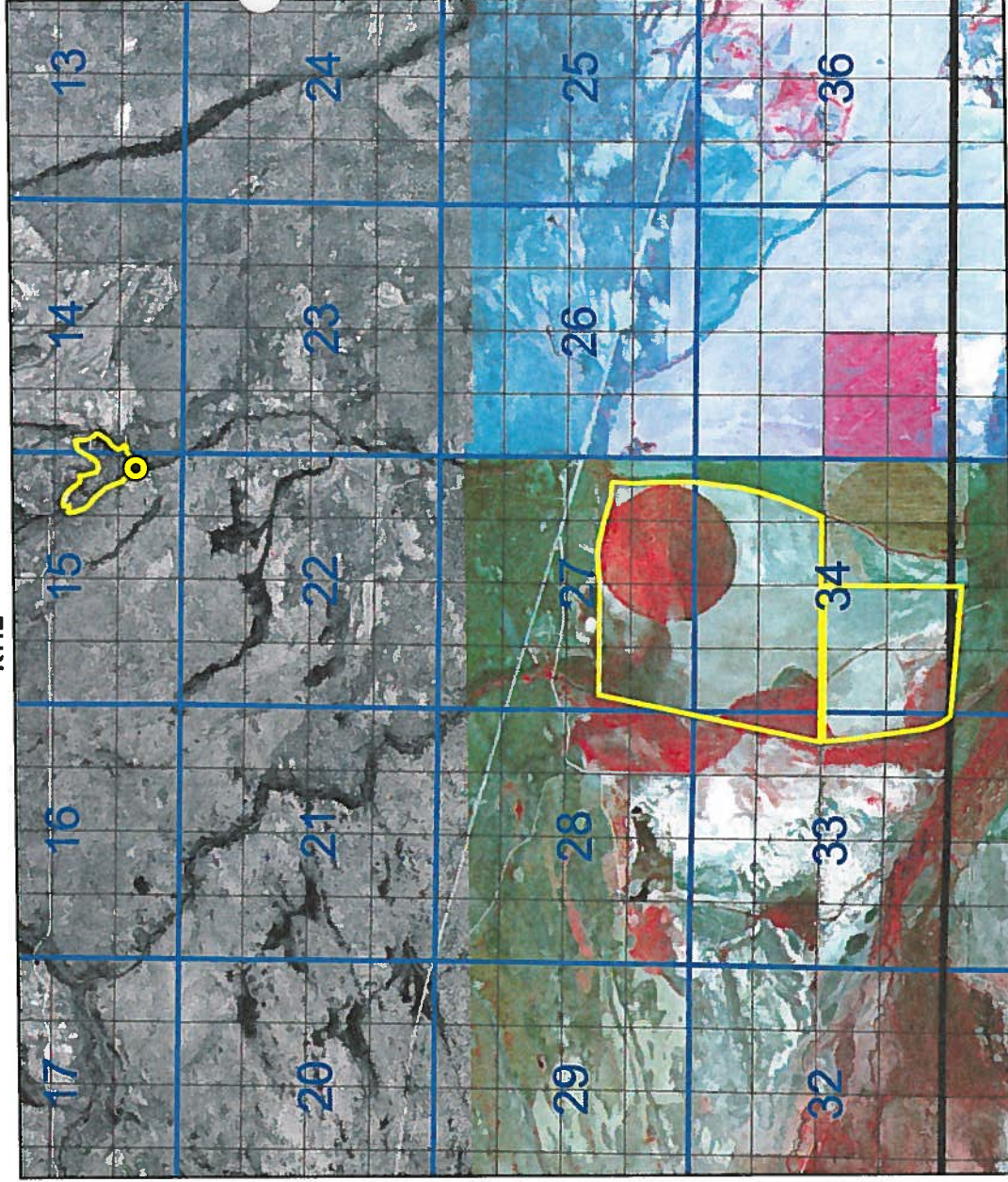
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Elmore County
IDWR Basin 37



R11E



T01S

0 0.25 0.5 Miles



Prepared by M. Anders
On Thursday, August 10, 2006
1987/88 and 1992/1998 Aerial Photography

County: ~~Blaine~~
 Stream: Nigger Creek and Francis Reservoir.
 Amount: 8.08 cu.ft.
 Use: irrigation and domestic use.
 Priority: August 10, 1912.

STATE OF IDAHO

Water License No. 8601

WHEREAS, On the 10th day of August, A. D. 1912,
 Elsie M. Francis, Administratrix of Estate of Fred L. Francis,

of Hill City, County of Blaine, State of Idaho, duly made application
 (No. 12943) to me for a permit to use 12 cubic feet per second of the waters of Nigger
 Creek and Francis Reservoir,

County of Elmore, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 24th day of August, A. D. 1912, Permit No. 8601 was issued
 to said applicant for the diversion of said water and providing for the completion of the works of diversion
 therein described on or before the 24th day of August, A. D. 1914, and for the application to ben-
 eficial use of said water on or before the 24th day of August, A. D. 1915, and,

WHEREAS, On the 24th day of August, A. D. 1914,
 Elsie M. Francis, Administratrix of Estate of Fred L. Francis,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of
 12 cubic feet per second of said waters, as evidenced by my Certificate No. 8601
 dated October 24, 1914, confirming the completion of works of sufficient capacity for diverting and
 conveying to the place of intended use 12 cubic feet per second of said water,
 with date of priority of August 10, 1912, and

WHEREAS, On the 24th day of August, A. D. 1914,
 Elsie M. Francis, Administratrix of Estate of Fred L. Francis

the holder of said permit, duly made proof of the application to beneficial use of 8.08 cubic
 feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I
 hereby grant and confirm to Elsie M. Francis, Administratrix of Estate of Fred L. Francis,

of Hill City, County of Blaine, State of Idaho, the holder and owner
 of said Permit No. 8601, a perpetual right, dating from August 10, 1912,
 to the use of 8.08 cubic feet per second of the waters of Nigger Creek and Francis
 Reservoir

in the County of Elmore and State of Idaho, or so much thereof as may be necessary for the
 purposes hereinbelow mentioned, to be diverted in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 26, T. 1 S., R.
 11 E.B.M.

and conducted to and upon 404 acres, divided as follows: 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40
 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres in NE $\frac{1}{4}$
 SW $\frac{1}{4}$, 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ & 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, all in Sec.
 34, T. 1 S., R. 11 E.B.M.; 11 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 11 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in SE $\frac{1}{4}$
 NE $\frac{1}{4}$, 10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 11 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 11 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in SW $\frac{1}{4}$
 NE $\frac{1}{4}$ & 10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, all in Sec. 3, T. 2 S., R. 11 E.B.M.

for the purpose of irrigation and domestic use, subject, however, to the laws of the
 State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local
 or community customs, rules and regulations which have been or may be adopted from time to time by
 a majority of the users from a common source or supply, canal or lateral from which such water may
 be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 24th day of October
 A. D. nineteen hundred and fourteen.

Herbert Wing,
 Acting State Engineer:

(Seal)

No. 12943

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho

1. Name of applicant: Elsie M. Francis, Administratrix Estate of Fred. L. Francis

Postoffice address: Hill City County: Blaine State: Idaho

- I. If applicant is a corporation, give (a) Date and place of incorporation
(b) The amount of capital stock. (c) The amount paid in.
(d) Names and addresses of directors:

- II. The financial resources of the applicant are: (a) Cash on hand.
(b) Treasury stock. (c) Bonds to be issued.
(d) Other resources:

2. The quantity of water claimed is twelve cubic feet per second.

3. Source of water supply: Higger Creek and Francis Reservoir

4. Location of point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, T. 1 S. R. 11 E. Sec Remarks.

5. To be used for: Irrigation County of Elmore

- I. Irrigation and domestic use. (a) Amount of land to be irrigated: 640 acres.
(b) In the following legal subdivisions: S $\frac{1}{2}$ Sec. 34, T. 1 S. R. 11 E., and N $\frac{1}{2}$ Sec. 3,
T. 2 S. R. 11 E. B. M.

- II. Mining, milling, power, manufacturing, transportation or other purposes:

[a] At what point:

[b] Amount of power to be generated:

H. P. under

ft. head

[c] Is water to be returned to any stream?
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: \$3500.00

7. Description of works for diversion:

I. Kind of works: Reservoir, Dam and Ditches.

II. Dimensions of works: [a] Height of dam 32 feet, length of dam at top 400 feet,

length of dam at bottom 10 feet. Material used in construction: earth, stone,
and concrete

[b] Capacity of reservoir 330 acre feet. [c] Size of headgate, width 2 feet,

Height 4 feet. (d) Conduit Ditch width at bottom 5 feet,

width at water line 6 $\frac{1}{2}$ feet, depth of water 3 feet, diameter of pipe

inches, average grade per mile is 10 feet. Length of conduit is 3/4 miles,
and it crosses the following quarter sections: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, and NE $\frac{1}{4}$ Sec. 34, T. 1 S. R.
11 E.

8. The time required for the completion of the construction of such work is two years.

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

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

Elsie M. Francis..... Applicant.

By ... H. L. Childs..... Agent.

Date of first receipt at office of State Engineer 9.00 a.m/ August 10, 1912.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER.

The number of this permit is 8601

Recorded in Book 28 Page 8601 Approved August 24, 1912.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of _____ to be filed on or before _____

Work to begin on or before October 23, 1912, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before August 24, 1913.

The whole of said work to be completed on or before August 24, 1914

Beneficial use of water appropriated in accordance herewith, to be made on or before August 24, 1915.

Witness my hand this 24th day of August, 1912.

A. E. Robinson,
State Engineer.

Remarks.

Water is diverted from Francis Reservoir into the regular channel of Nigger Creek at SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, thence conducted through said channel to SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, T. 1 S. R. 11 E., from which point it is diverted by ditch to the land to be irrigated.

Said reservoir is situated on government land except the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, claimed by C. A. Benham, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, T. 1 S. R. 11 E., both of whom have given their consent for the construction of said reservoir.

REPORT OF ENGINEER

Permit 8601

1. State name of applicant and number of permit: Msie H. Francis, administratrix of the estate of Fred. L. Francis, dec'd.
2. State source of water supply: Nigger Creek and Francis Reservoir.
3. Location of point of diversion: S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 26, T.1 S., R.11 E.
See Remarks.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:
Yes
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: Five feet.
 - (b) Width at water line: Six and one-half feet.
 - (c) Depth of water: three feet.
 - (d) Grade per mile: ten feet.
 - (e) Capacity of ditch: twelve second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent: Yes,
to the extent of 12 second feet four years ago; ditches were secure,
but a defective dam broke. The past two seasons water has been turned on
works of diversion to the extent of 8 second feet.
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each
forty acre tract: Forty acres cultivated on each forty-acre tract embraced in
the S. $\frac{1}{2}$ Sec. 34, T.1 S., R.11 E. On the N. $\frac{1}{2}$ Sec. 3, T.2 S. R.11 E.
N.E. $\frac{1}{4}$ N.E. $\frac{1}{4}$ 11 acres cultivated; - N.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$ 11 acres cultivated; -
N.E. $\frac{1}{4}$ N.W. $\frac{1}{4}$ 11 acres cultivated; - N.W. $\frac{1}{4}$ N.W. $\frac{1}{4}$ 11 acres cultivated; -
S.E. $\frac{1}{4}$ N.E. $\frac{1}{4}$ 10 acres cultivated; - S.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$ 10 acres cultivated; -
S.E. $\frac{1}{4}$ N.W. $\frac{1}{4}$ 10 acres cultivated; - S.W. $\frac{1}{4}$ N.W. $\frac{1}{4}$ 10 acres cultivated.
42 42
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross
hatch lands to be irrigated.

Remarks: Water is diverted from Francis Reservoir into the regular
channel of Nigger Creek at S.E. $\frac{1}{4}$ S.E. $\frac{1}{4}$ Sec. 15, thence conducted
through said channel to S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 26, from which point it is
diverted by ditch to the land to be irrigated. (T.1 S., R.11 E.)

RECEIVED

DEC 15 - 1914

OFFICE OF STATE ENGINEER

H. L. Childs
Land Surveyor.

STATE OF IDAHO,

County of Blaine. } ss.

H. L. Childs

, being first duly sworn, deposes and says that the statements
contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 1st -- day of October, -- 1914.

My Commission Expires

17-1916.

Notary Public

8601

RECEIVED

AUG 10 2006

DEPARTMENT OF
WATER RESOURCES

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
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01S	11E	14	NW SW	IRRIGATION STORAGE	
			SW SW	IRRIGATION STORAGE	
01S	11E	15	SE SE	IRRIGATION STORAGE	
			NE SE	IRRIGATION STORAGE	

01S	11E	34	NE	SW	IRRIGATION FROM STORAGE
40			NW	SW	IRRIGATION FROM STORAGE
40			SW	SW	IRRIGATION FROM STORAGE
40			SE	SW	IRRIGATION FROM STORAGE
40					

Section Acres 160

02S	11E	3	NE	NE	IRRIGATION FROM STORAGE
11			NW	NE	IRRIGATION FROM STORAGE
11			SW	NE	IRRIGATION FROM STORAGE
10			SE	NE	IRRIGATION FROM STORAGE
10			NE	NW	IRRIGATION FROM STORAGE
11			NW	NW	IRRIGATION FROM STORAGE
11			SW	NW	IRRIGATION FROM STORAGE
10			SE	NW	IRRIGATION FROM STORAGE
10					

Section Acres 84

Total Acres 244

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Number of attachments: 0

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I do solemnly swear or affirm that I am Dennis R. Strom Pres. of

Title
Strom Ranches INC. that I have signed the foregoing
Organization
document in the space below as Pres of

Title
Strom Ranches INC and that the statements contained in the
Organization
foregoing document are true and correct. Dennis R. Strom
Signature of Authorized Agent
Pres Strom Ranches Inc
Title and Organization
8/10/06
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 10th
of AUGUST 2006 Danni M. Smith

Notary Public

Residing at BOISE ID

My commission Expires 12/05/2006



Idaho Department of Water Resources Receipt

Receipt ID C081895

Payment Amount \$100.00 Date Received 8/10/2006 9:56:01 AM Region State Status
Payment Type Check Check Number 9809

Payer STROM RANCHES INC.

Comment notice of claim to a water right

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	ADJUDICATION FILING FEE	0337		41503	1155



Signature Line (Dept. Representative)