

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 63-31735
Date Received: 9/18/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RAYMOND TAYLOR THURMAN Phone: (208)653-2555

HC 87 BOX 594
FEATHERVILLE ID USA 83647

2. Date of Priority: 10/05/1899

3. Source: BIG WATER GULCH NO 1 Trib. to: SOUTH FORK BOISE RIVER
VAN GULCH SOUTH FORK BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
03N	11E	12	NW	NE		ELMORE	
03N	11E	11	SE	NE	2	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	04/15	10/31	0.775	

7. Total Quantity Appropriated is:
0.775 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
03N	11E	11	NW	SW	IRRIGATION	3.8
			NE	SW	IRRIGATION	1.1
			SW	SW	IRRIGATION	2.9
			SE	SW	IRRIGATION	0.2
					Section Acres	8
					Total Acres	8

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:

This claim is the result of a source split from 63-4631B.

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: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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 63-4631B
Date Received: 9/18/89
Receipt No: X777777
Received By: *g*

AMENDED

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

1. Name of Claimant(s)

RAYMOND TAYLOR THURMAN Phone: (208)837-6655

PO BOX 23
HAGERMAN ID USA 83332

653-2535

2. Date of Priority: 06/20/1862

3. Source: VAN GULCH CREEK , STEVENS GULCH CREEK , LITTLE WATER GULCH CREEK , BIG
WATER GULCH CREEK , BOISE RIVER South Fork Trib. to: BOISE RIVER South Fork, BOISE
RIVER South Fork, BOISE RIVER South Fork, BOISE RIVER South Fork, BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
03N	11E	12	NW NE	ELMORE
03N	11E	11	NE SE	ELMORE
03N	11E	11	SW SW	ELMORE
03N	11E	12	SE SE	ELMORE
03N	12E	7	NE SW	ELMORE

5. Description of diverting works:

DIVERSION DITCHES, GRAVITY FLOW, FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	04/15 10/31	10	
STOCKWATER	04/15 10/31	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 25 RANGE CATTLE

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	11E	11	SW	SW	IRRIGATION	15
Section Acres						15
Total Acres						15

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:

NOTE: THE PRIORITY DATE OF THIS CLAIM WAS MOVED TO 6-20-1862 BASED ON THE DATE OF HOMESTEAD. AKA HOMESTEAD ENTRY SURVEY NO. 149. OWNERSHIP CHANGED BY DB 12/7/99 & JS 12/10/99. NOTE: DURING THE CHANGE OF OWNERSHIP PROCEDURE, MR. THURMAN DECIDED TO FILE ON A GREATER AMOUNT OF CFS THAN THE PRO-RATED SHARE OF THE CLAIM FILED BY THE JOHNSON'S. HE IS FILING ON THE CFS SHOWN ON THE ORIGINAL FILING 63-04631 (10 CFS). MR. THURMAN IS AWARE THAT THIS IS A LOT OF WATER, HOWEVER, HE WANTS TO BE SURE THERE IS ENOUGH TO COVER OVER 1" PER ACRE DUE TO POUROUS SOIL CONDITIONS.

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: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Ronald Taylor Thuma* Date: 9-25-00
_____ Date:

State of Idaho _____)
County of *Ada*) SS.

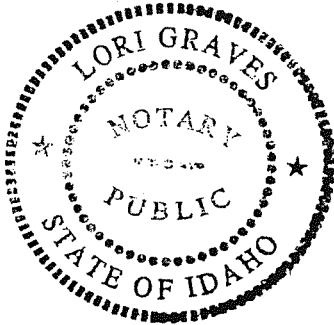
Subscribed and sworn (or affirmed) before me this
of *Sept* 2000

25th
Lori Graves

Notary Public

Residing at *Boise*

My commission Expires *6/18/04*



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: A63-04631B
Date Received: 9/18/1989
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RAYMOND TAYLOR THURMAN 208-837-6655
Address: PO BOX 23
HAGERMAN ID 83332
2. Date of Priority: JUN 20, 1862
3. Source: BOISE RIVER, SOUTH FORK Trib. to: BOISE RIVER
VAN GULCH BOISE RIVER, SOUTH FORK
LITTLE WATER GULCH BOISE RIVER, SOUTH FORK
BIG WATER GULCH BOISE RIVER, SOUTH FORK
STEVENS GULCH BOISE RIVER, SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	11E	11		NW	SW		ELMORE
				SW	SW		ELMORE
				NE	SE		ELMORE
		12		NW	NE		ELMORE
				SE	SE		ELMORE
	12E	7		NE	SW		ELMORE

5. Description of diverting works:
DIVERSION DITCHES, PIPE GRAVITY FLOW, FLOOD IRRIG OR SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/31	10.000		
DOMESTIC	01/01	12/31	1.000		

7. Total Quantity Appropriated is:
10.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	11E	11	SW	SW	IRR	15.0
Section Acres						15.0
Total Acres						15.0

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:
NONE.

14. Remarks:

NOTE: THE PRIORITY DATE OF THIS CLAIM WAS MOVED TO 6-20-1862
BASED ON THE DATE OF HOMESTEAD. AKA HOMESTEAD ENTRY SURVEY NO.
149.

OWNERSHIP CHANGED BY DB 12/7/99 & JS 12/10/99.

NOTE: DURING THE CHANGE OF OWNERSHIP PROCEDURE, MR. THURMAN
DECIDED TO FILE ON A GREATER AMOUNT OF CFS THAN THE PRO-RATED
SHARE OF THE CLAIM FILED BY THE JOHNSON'S. HE IS FILING ON THE
CFS SHOWN ON THE ORIGINAL FILING 63-04631 (10 CFS). MR. THURMAN
IS AWARE THAT THIS IS A LOT OF WATER, HOWEVER, HE WANTS TO BE
SURE THERE IS ENOUGH TO COVER OVER 1" PER ACRE DUE TO POUROUS
SOIL CONDITIONS.

15. Basis of Claim: BENEFICIAL USE

*NOTE: 11 ACRES
SOLD. 15 ACRES
CLAIMED. SEE
WARRANTY DEED.*

RECEIVED

DEC 20 1999

WATER RESOURCES
WESTERN REGION

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: A63-04631B
Date Received: 9/18/1989
Receipt No: W005983
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RAYMOND TAYLOR THURMAN 208-837-6655
Address: PO BOX 23
HAGERMAN ID 83332
2. Date of Priority: JUN 20, 1862
3. Source: BOISE RIVER, SOUTH FORK Trib. to: BOISE RIVER
VAN GULCH BOISE RIVER, SOUTH FORK
LITTLE WATER GULCH BOISE RIVER, SOUTH FORK
BIG WATER GULCH BOISE RIVER, SOUTH FORK
STEVENS GULCH BOISE RIVER, SOUTH FORK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | NW
1/4 of | SW
1/4 of | Lot | County |
|----------|-------|---------|--------|--------------|--------------|-----|--------|
| 03N | 11E | 11 | | SW | SW | | ELMORE |
| | | | | NE | SE | | ELMORE |
| | | 12 | | NW | NE | | ELMORE |
| | | | | SE | SE | | ELMORE |
| | 12E | 7 | | NE | SW | | ELMORE |
5. Description of diverting works:
DIVERSION DITCHES ^{Pipe} GRAVITY FLOW, FLOOD IRRIGATION. ^{AND or SPRINKLERS}
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 10/31 | 10.000 | | |
| Domestic | 01/01 | 12/31 | 1.000 | | |
7. Total Quantity Appropriated is:
10.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	11E	11	SW	SW		IRR	15.0
Section Acres							15.0
Total Acres							15.0

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:
NONE.

14. Remarks:

NOTE: THE PRIORITY DATE OF THIS CLAIM WAS MOVED TO 6-20-1862
BASED ON THE DATE OF HOMESTEAD. AKA HOMESTEAD ENTRY SURVEY NO.
149.

OWNERSHIP CHANGED BY DB 12/7/99 & JS 12/10/99.

NOTE: DURING THE CHANGE OF OWNERSHIP PROCEDURE, MR. THURMAN
DECIDED TO FILE ON A GREATER AMOUNT OF CFS THAN THE PRO-RATED
SHARE OF THE CLAIM FILED BY THE JOHNSON'S. HE IS FILING ON THE
CFS SHOWN ON THE ORIGINAL FILING 63-04631 (10 CFS). MR. THURMAN
IS AWARE THAT THIS IS A LOT OF WATER, HOWEVER, HE WANTS TO BE
SURE THERE IS ENOUGH TO COVER OVER ~~1~~ PER ACRE DUE TO POUROUS
SOIL CONDITIONS.

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: _____

For Individuals:

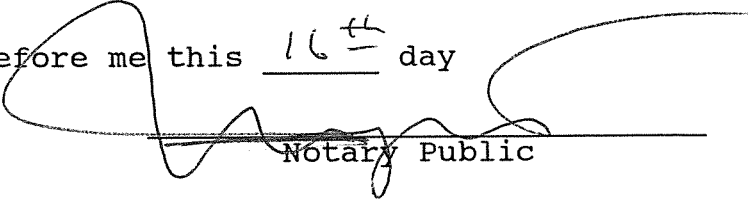
I/We do solemnly swear or affirm that the statements contained in the
foregoing document are true and correct.

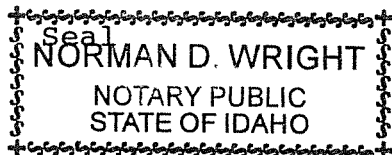
Signature of Claimant(s): Raymond T. Thurman Date: 12-16-99

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of December 19 99


Notary Public



Residing at 8 - 19 - 05

My Commission Expires Feb, 01

Water Resource
334-2190

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by you attorney.

WARRANTY DEED

FOR VALUE RECEIVED

Thomas J. Ganley and D. Lee Binnion, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
Raymond Taylor Thurman, a single person

GRANTEE(S), whose current address is:
the following described real property in
more particularly described as follows, to wit:

Elmore

County, State of Idaho,

(See Attached)

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever. , except those of record.

Dated: September 20, 1999

Thomas J. Ganley
Thomas J. Ganley

D. Lee Binnion
D. Lee Binnion

STATE OF Idaho, County of Elmore, ss.
On this 22nd day of September
in the year of 1999, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Thomas J. Ganley, D. Lee Binnion

known or identified to me to be the person s whose name
are they subscribed to the within instrument, and
acknowledged to me that they executed the same.

Signature: Shepherd K. Kymond

Name: SHERYL A. REYMENT
(Type or print)

Residing at: Mountain Home

My commission expires: 12-27-99

318054

ELMORE COUNTY, IDAHO ss
Request of

GUARANTY TITLE, INC.

Time 3:36 P.M.
Date September 22, 1999
GAIL L. BEST, Recorder

By [Signature]
Fee 4.60 Deputy

LEGAL DESCRIPTION

A part of Home Entry Survey No. 149, Section 11 and 12, Township 3 North, Range 11 East, Boise Meridian, Elmore County, Idaho, more particularly described as follows:

Commencing at the U.S.L.M. #149 located in the South 1/2 of Section 11, Township 3 North, Range 11 East, Boise Meridian; thence
N 32°01'25" E, 224.14 feet to a point, this point being Corner No. 1 of H.E.S. Survey #149, THIS POINT BEING THE REAL POINT OF BEGINNING; thence
N 5°59'40" E, 148.51 feet to a point, this point being Corner No. 2 of H.E.S. Survey #149; thence
N 88°50'53" E, 370.96 feet to a point, this point being Corner No. 3 of H.E.S. Survey #149; thence
N 55°00'17" E, 453.30 feet to a point, this point being Corner No. 4 of H.E.S. Survey #149; thence
S 05°50'44" W, 288.68 feet to a point on the right-of-way line of Forest Drive; thence
along a curve to the left 127.81 feet (whose delta angle is 85°08'55" and whose long chord bears S 39°11'06" W, 116.37 feet to a point of tangency; thence
S 03°23'21" E, 632.20 feet to a point; thence
S 85°22'25" W, 535.00 feet to a point, this point being Corner No. 10 of H.E.S. Survey #149; thence
N 14°01'10" W, 656.03 feet to the REAL POINT OF BEGINNING.

WARRANTY DEED

FOR VALUE RECEIVED CALMER J. JOHNSON, JR. and ENIDE T. JOHNSON CO-TRUSTEES
of the JOHNSON FAMILY REVOCABLE LIVING TRUST that
Trust agreement signed March 16, 1972
GRANTOR(s). does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto THOMAS J. GANLEY and
D. LEE BINNION, husband and wife of 4105 South Sun
Hollow Lane, Boise, Idaho 83706
GRANTEE(S), whose current address is:
the following described real property in
more particularly described as follows, to wit:

ELMORE County, State of Idaho.

A part of Home Entry Survey No. 149, Section
11 and 12, Township 3 North, Range 11 East,
Boise Meridian, more particularly described
as follows:

Commencing at the U.S.L.M. #149 located in the
South 1/2 of Section 11, Township 3 North, Range
11 East, Boise Meridian, thence N32°01'25"E,
224.14 feet to a point, this point being Corner
No. 1 of H.E.S. Survey #149, THIS POINT BEING
THE REAL POINT OF BEGINNING. Thence N5°59'40"E,
148.51 feet to a point, this point being Corner
No. 2 of H.E.S. Survey #149; thence N88°50'53"E,
370.96 feet to a point, this point being Corner
No. 3 of H.E.S. Survey #149; thence N55°00'17"E,
453.30 feet to a point, this point being Corner
No. 4 of H.E.S. Survey #149; thence S05°50'44"W,
288.68 feet to a point on the right-of-way line
of Forest Drive; thence along a curve to the left
127.81 feet (whose delta angle is 85°08'55" and
whose long chord bears S39°11'06"W, 116.37 feet)
to a Point of Tangency; thence S03°23'21"E, 632.20
feet to a point; thence S85°22'25"W, 535.00 feet
to a point, this point being Corner No. 10 of H.E.S.
Survey #149; thence N14°01'10"W, 656.03 feet to
the real point of beginning. This parcel is sub-
ject to any and all existing easements and rights-
of-way. This parcel contains 11.832 acres, more
or less (including 0.767 $\frac{1}{2}$ acres, Forest Service
Road right-of-way).

11 ACRES

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all
encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or
done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if
any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same
from all lawful claims whatsoever

Dated:

Calmer J. Johnson Trustee Jr

6-9-95

Enide T. Johnson

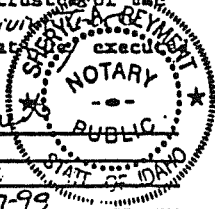
6-9-95

STATE OF Idaho)
COUNTY OF Elmore) ss.

On this 9th day of June in the
year 1995, before me a Notary Public
personally appeared
Calmer Johnson Jr +
Enide T. Johnson

known or identified to me to be the
persons whose names are subscribed to
the within instrument as trustees of the
Johnson Family Revocable Living Trust, and
and acknowledged to me that they executed
the same as such trustee.

SIGNATURE *Sheph A. Reymert*
NAME SHEPH A. REYMERT
RESIDING AT 1111 W. MAIN ST.
MY COMMISSION EXPIRES 2-27-99



318053

ELMORE COUNTY, IDAHO ss
Request of
GUARANTY TITLE, INC.
Time 3:35 PM
Date September 23, 1995
GAIL L. BEST, Recorder J
By *[Signature]* Deputy
Fee \$5.50

DATE: 09/16/99
PAGE: 1

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

AJ5809NP
No. A63-04631

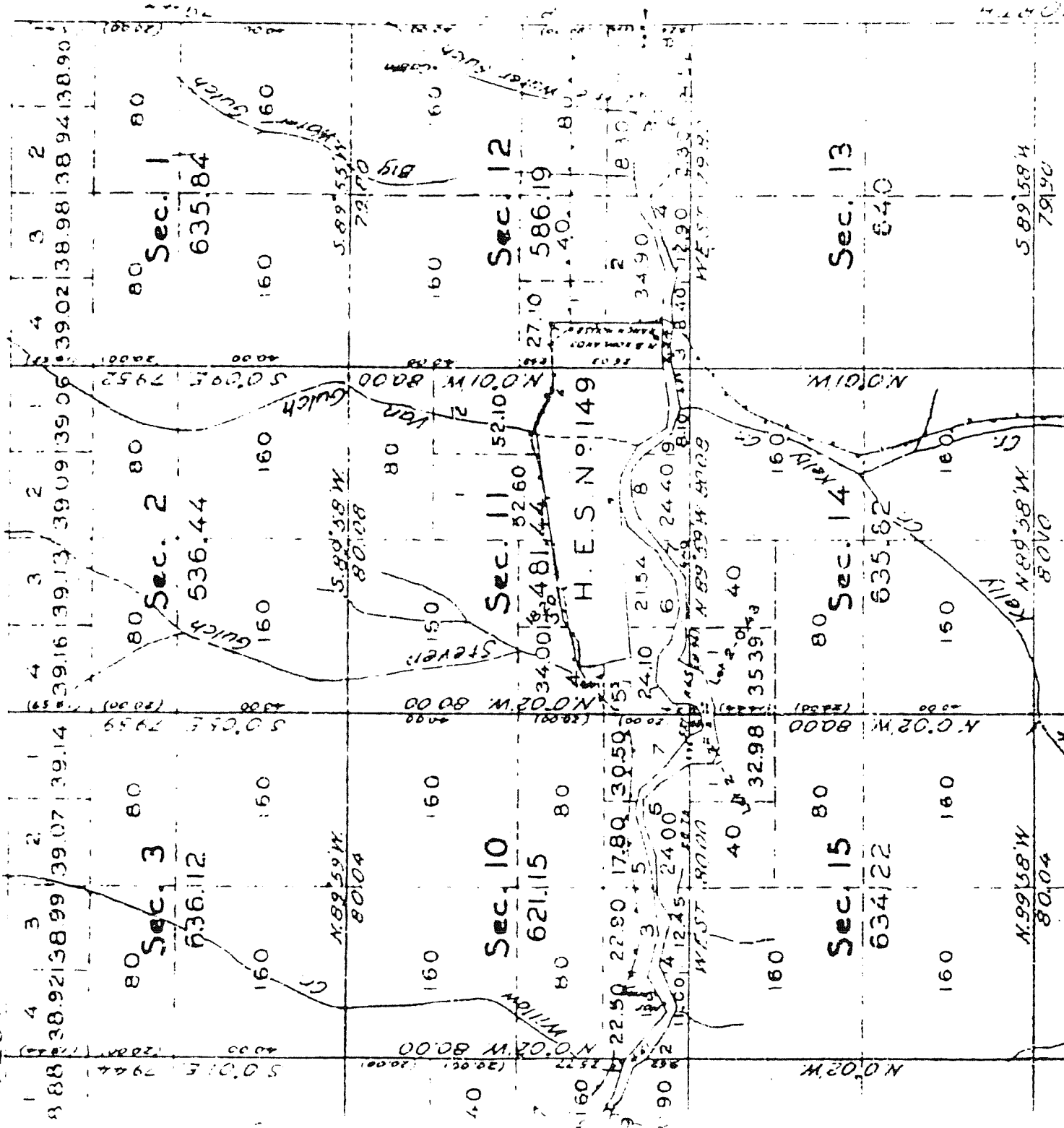
OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME
C SOUTH FORK RANCH SUBD 06/20/1862 IRRIGATION 04-15 10-31 2.900 CFS 2.900 CFS

Water Source: BOISE RIVER, SOUTH FORK Tributary to: BOISE RIVER, SOUTH FORK
VAN GULCH BOISE RIVER, SOUTH FORK
LITTLE WATER GULCH BOISE RIVER, SOUTH FORK
BIG WATER GULCH BOISE RIVER, SOUTH FORK
STEVENS GULCH BOISE RIVER, SOUTH FORK

Point(s) of Diversion: 103N R11E S11 NESE ELMORE County
S12 NONE ELMORE County
R12E S07 NESH ELMORE County

Place of use Legal Description for: IRRIGATION NW SE
R1E R2E S1E S2E S3E S4E S5E S6E S7E S8E S9E S10E S11E S12E S13E S14E S15E S16E S17E S18E S19E S20E S21E S22E S23E S24E S25E S26E S27E S28E S29E S30E S31E S32E S33E S34E S35E S36E S37E S38E S39E S40E S41E S42E S43E S44E S45E S46E S47E S48E S49E S50E S51E S52E S53E S54E S55E S56E S57E S58E S59E S60E S61E S62E S63E S64E S65E S66E S67E S68E S69E S70E S71E S72E S73E S74E S75E S76E S77E S78E S79E S80E S81E S82E S83E S84E S85E S86E S87E S88E S89E S90E S91E S92E S93E S94E S95E S96E S97E S98E S99E S100E S101E S102E S103E S104E S105E S106E S107E S108E S109E S110E S111E S112E S113E S114E S115E S116E S117E S118E S119E S120E S121E S122E S123E S124E S125E S126E S127E S128E S129E S130E S131E S132E S133E S134E S135E S136E S137E S138E S139E S140E S141E S142E S143E S144E S145E S146E S147E S148E S149E S150E S151E S152E S153E S154E S155E S156E S157E S158E S159E S160E S161E S162E S163E S164E S165E S166E S167E S168E S169E S170E S171E S172E S173E S174E S175E S176E S177E S178E S179E S180E S181E S182E S183E S184E S185E S186E S187E S188E S189E S190E S191E S192E S193E S194E S195E S196E S197E S198E S199E S200E S201E S202E S203E S204E S205E S206E S207E S208E S209E S210E S211E S212E S213E S214E S215E S216E S217E S218E S219E S220E S221E S222E S223E S224E S225E S226E S227E S228E S229E S230E S231E S232E S233E S234E S235E S236E S237E S238E S239E S240E S241E S242E S243E S244E S245E S246E S247E S248E S249E S250E S251E S252E S253E S254E S255E S256E S257E S258E S259E S260E S261E S262E S263E S264E S265E S266E S267E S268E S269E S270E S271E S272E S273E S274E S275E S276E S277E S278E S279E S280E S281E S282E S283E S284E S285E S286E S287E S288E S289E S290E S291E S292E S293E S294E S295E S296E S297E S298E S299E S300E S301E S302E S303E S304E S305E S306E S307E S308E S309E S310E S311E S312E S313E S314E S315E S316E S317E S318E S319E S320E S321E S322E S323E S324E S325E S326E S327E S328E S329E S330E S331E S332E S333E S334E S335E S336E S337E S338E S339E S340E S341E S342E S343E S344E S345E S346E S347E S348E S349E S350E S351E S352E S353E S354E S355E S356E S357E S358E S359E S360E S361E S362E S363E S364E S365E S366E S367E S368E S369E S370E S371E S372E S373E S374E S375E S376E S377E S378E S379E S380E S381E S382E S383E S384E S385E S386E S387E S388E S389E S390E S391E S392E S393E S394E S395E S396E S397E S398E S399E S400E S401E S402E S403E S404E S405E S406E S407E S408E S409E S410E S411E S412E S413E S414E S415E S416E S417E S418E S419E S420E S421E S422E S423E S424E S425E S426E S427E S428E S429E S430E S431E S432E S433E S434E S435E S436E S437E S438E S439E S440E S441E S442E S443E S444E S445E S446E S447E S448E S449E S450E S451E S452E S453E S454E S455E S456E S457E S458E S459E S460E S461E S462E S463E S464E S465E S466E S467E S468E S469E S470E S471E S472E S473E S474E S475E S476E S477E S478E S479E S480E S481E S482E S483E S484E S485E S486E S487E S488E S489E S490E S491E S492E S493E S494E S495E S496E S497E S498E S499E S500E S501E S502E S503E S504E S505E S506E S507E S508E S509E S510E S511E S512E S513E S514E S515E S516E S517E S518E S519E S520E S521E S522E S523E S524E S525E S526E S527E S528E S529E S530E S531E S532E S533E S534E S535E S536E S537E S538E S539E S540E S541E S542E S543E S544E S545E S546E S547E S548E S549E S550E S551E S552E S553E S554E S555E S556E S557E S558E S559E S560E S561E S562E S563E S564E S565E S566E S567E S568E S569E S570E S571E S572E S573E S574E S575E S576E S577E S578E S579E S580E S581E S582E S583E S584E S585E S586E S587E S588E S589E S590E S591E S592E S593E S594E S595E S596E S597E S598E S599E S600E S601E S602E S603E S604E S605E S606E S607E S608E S609E S610E S611E S612E S613E S614E S615E S616E S617E S618E S619E S620E S621E S622E S623E S624E S625E S626E S627E S628E S629E S630E S631E S632E S633E S634E S635E S636E S637E S638E S639E S640E S641E S642E S643E S644E S645E S646E S647E S648E S649E S650E S651E S652E S653E S654E S655E S656E S657E S658E S659E S660E S661E S662E S663E S664E S665E S666E S667E S668E S669E S670E S671E S672E S673E S674E S675E S676E S677E S678E S679E S680E S681E S682E S683E S684E S685E S686E S687E S688E S689E S690E S691E S692E S693E S694E S695E S696E S697E S698E S699E S700E S701E S702E S703E S704E S705E S706E S707E S708E S709E S710E S711E S712E S713E S714E S715E S716E S717E S718E S719E S720E S721E S722E S723E S724E S725E S726E S727E S728E S729E S730E S731E S732E S733E S734E S735E S736E S737E S738E S739E S740E S741E S742E S743E S744E S745E S746E S747E S748E S749E S750E S751E S752E S753E S754E S755E S756E S757E S758E S759E S760E S761E S762E S763E S764E S765E S766E S767E S768E S769E S770E S771E S772E S773E S774E S775E S776E S777E S778E S779E S780E S781E S782E S783E S784E S785E S786E S787E S788E S789E S790E S791E S792E S793E S794E S795E S796E S797E S798E S799E S800E S801E S802E S803E S804E S805E S806E S807E S808E S809E S810E S811E S812E S813E S814E S815E S816E S817E S818E S819E S820E S821E S822E S823E S824E S825E S826E S827E S828E S829E S830E S831E S832E S833E S834E S835E S836E S837E S838E S839E S840E S841E S842E S843E S844E S845E S846E S847E S848E S849E S850E S851E S852E S853E S854E S855E S856E S857E S858E S859E S860E S861E S862E S863E S864E S865E S866E S867E S868E S869E S870E S871E S872E S873E S874E S875E S876E S877E S878E S879E S880E S881E S882E S883E S884E S885E S886E S887E S888E S889E S890E S891E S892E S893E S894E S895E S896E S897E S898E S899E S900E S901E S902E S903E S904E S905E S906E S907E S908E S909E S910E S911E S912E S913E S914E S915E S916E S917E S918E S919E S920E S921E S922E S923E S924E S925E S926E S927E S928E S929E S930E S931E S932E S933E S934E S935E S936E S937E S938E S939E S940E S941E S942E S943E S944E S945E S946E S947E S948E S949E S950E S951E S952E S953E S954E S955E S956E S957E S958E S959E S960E S961E S962E S963E S964E S965E S966E S967E S968E S969E S970E S971E S972E S973E S974E S975E S976E S977E S978E S979E S980E S981E S982E S983E S984E S985E S986E S987E S988E S989E S990E S991E S992E S993E S994E S995E S996E S997E S998E S999E S1000E S1001E S1002E S1003E S1004E S1005E S1006E S1007E S1008E S1009E S1010E S1011E S1012E S1013E S1014E S1015E S1016E S1017E S1018E S1019E S1020E S1021E S1022E S1023E S1024E S1025E S1026E S1027E S1028E S1029E S1030E S1031E S1032E S1033E S1034E S1035E S1036E S1037E S1038E S1039E S1040E S1041E S1042E S1043E S1044E S1045E S1046E S1047E S1048E S1049E S1050E S1051E S1052E S1053E S1054E S1055E S1056E S1057E S1058E S1059E S1060E S1061E S1062E S1063E S1064E S1065E S1066E S1067E S1068E S1069E S1070E S1071E S1072E S1073E S1074E S1075E S1076E S1077E S1078E S1079E S1080E S1081E S1082E S1083E S1084E S1085E S1086E S1087E S1088E S1089E S1090E S1091E S1092E S1093E S1094E S1095E S1096E S1097E S1098E S1099E S1100E S1101E S1102E S1103E S1104E S1105E S1106E S1107E S1108E S1109E S1110E S1111E S1112E S1113E S1114E S1115E S1116E S1117E S1118E S1119E S1120E S1121E S1122E S1123E S1124E S1125E S1126E S1127E S1128E S1129E S1130E S1131E S1132E S1133E S1134E S1135E S1136E S1137E S1138E S1139E S1140E S1141E S1142E S1143E S1144E S1145E S1146E S1147E S1148E S1149E S1150E S1151E S1152E S1153E S1154E S1155E S1156E S1157E S1158E S1159E S1160E S1161E S1162E S1163E S1164E S1165E S1166E S1167E S1168E S1169E S1170E S1171E S1172E S1173E S1174E S1175E S1176E S1177E S1178E S1179E S1180E S1181E S1182E S1183E S1184E S1185E S1186E S1187E S1188E S1189E S1190E S1191E S1192E S1193E S1194E S1195E S1196E S1197E S1198E S1199E S1200E S1201E S1202E S1203E S1204E S1205E S1206E S1207E S1208E S1209E S1210E S1211E S1212E S1213E S1214E S1215E S1216E S1217E S1218E S1219E S1220E S1221E S1222E S1223E S1224E S1225E S1226E S1227E S1228E S1229E S1230E S1231E S1232E S1233E S1234E S1235E S1236E S1237E S1238E S1239E S1240E S1241E S1242E S1243E S1244E S1245E S1246E S1247E S1248E S1249E S1250E S1251E S1252E S1253E S1254E S1255E S1256E S1257E S1258E S1259E S1260E S1261E S1262E S1263E S1264E S1265E S1266E S1267E S1268E S1269E S1270E S1271E S1272E S1273E S1274E S1275E S1276E S1277E S1278E S1279E S1280E S1281E S1282E S1283E S1284E S1285E S1286E S1287E S1288E S1289E S1290E S1291E S1292E S1293E S1294E S1295E S1296E S1297E S1298E S1299E S1300E S1301E S1302E S1303E S1304E S1305E S1306E S1307E S1308E S1309E S1310E S1311E S1312E S1313E S1314E S1315E S1316E S1317E S1318E S1319E S1320E S1321E S1322E S1323E S1324E S1325E S1326E S1327E S1328E S1329E S1330E S1331E S1332E S1333E S1334E S1335E S1336E S1337E S1338E S1339E S1340E S1341E S1342E S1343E S1344E S1345E S1346E S1347E S1348E S1349E S1350E S1351E S1352E S1353E S1354E S1355E S1356E S1357E S1358E S1359E S1360E S1361E S1362E S1363E S1364E S1365E S1366E S1367E S1368E S1369E S1370E S1371E S1372E S1373E S1374E S1375E S1376E S1377E S1378E S1379E S1380E S1381E S1382E S1383E S1384E S1385E S1386E S1387E S1388E S1389E S1390E S1391E S1392E S1393E S1394E S1395E S1396E S1397E S1398E S1399E S1400E S1401E S1402E S1403E S1404E S1405E S1406E S1407E S1408E S1409E S1410E S1411E S1412E S1413E S1414E S1415E S1416E S1417E S1418E S1419E S1420E S1421E S1422E S1423E S1424E S1425E S1426E S1427E S1428E S1429E S1430E S1431E S1432E S1433E S1434E S1435E S1436E S1437E S1438E S1439E S1440E S1441E S1442E S1443E S1444E S1445E S1446E S1447E S1448E S1449E S1450E S1451E S1452E S1453E S1454E S1455E S1456E S1457E S1458E S1459E S1460E S1461E S1462E S1463E S1464E S1465E S1466E S1467E S1468E S1469E S1470E S1471E S1472E S1473E S1474E S1475E S1476E S1477E S1478E S1479E S1480E S1481E S1482E S1483E S1484E S1485E S1486E S1487E S1488E S1489E S1490E S1491E S1492E S1493E S1494E S1495E S1496E S1497E S1498E S1499E S1500E S1501E S1502E S1503E S1504E S1505E S1506E S1507E S1508E S1509E S1510E S1511E S1512E S1513E S1514E S1515E S1516E S1517E S1518E S1519E S1520E S1521E S1522E S1523E S1524E S1525E S1526E S1527E S1528E S1529E S1530E S1531E S1532E S1533E S1534E S1535E S1536E S1537E S1538E S1539E S1540E S1541E S1542E S1543E S1544E S1545E S1546E S1547E S1548E S1549E S1550E S1551E S1552E S1553E S1554E S1555E S1556E S1557E S1558E S1559E S1560E S1561E S1562E S1563E S1564E S1565E S1566E S1567E S1568E S1569E S1570E S1571E S1572E S1573E S1574E S1575E S1576E S1577E S1578E S1579E S1580E S1581E S1582E S1583E S1584E S1585E S1586E S1587E S1588E S1589E S1590E S1591E S1592E S1593E S1594E S1595E S1596E S1597E S1598E S1599E S1600E S1601E S1602E S1603E S1604E S1605E S1606E S1607E S1608E S1609E S1610E S1611E S1612E S1613E S1614E S1615E S1616E S1617E S1618E S1619E S1620E S1621E S1622E S1623E S1624E S1625E S1626E S1627E S1628E S1629E S1630E S1631E S1632E S1633E S1634E S1635E S1636E S1637E S1638E S1639E S1640E S1641E S1642E S1643E S1644E S1645E S1646E S1647E S1648E S1649E S1650E S1651E S1652E S1653E S1654E S1655E S1656E S1657E S1658E S1659E S1660E S1661E S1662E S1663E S1664E S1665E S1666E S1667E S1668E S1669E S1670E S1671E S1672E S1673E S1674E S1675E S1676E S1677E S1678E S1679E S1680E S1681E S1682E S1683E S1684E S1685E S1686E S1687E S1688E S1689E S1690E S1691E S1692E S1693E S1694E S1695E S1696E S1697E S1698E S1699E S1700E S1701E S1702E S1703E S1704E S1705E S1706E S1707E S1708E S1709E S1710E S1711E S1712E S1713E S1714E S1715E S1716E S1717E S1718E S1719E S1720E S1721E S1722E S1723E S1724E S1725E S1726E S1727E S1728E S1729E S1730E S1731E S1732E S1733E S1734E S1735E S1736E S1737E S1738E S1739E S1740E S1741E S1742E S1743E S1744E S1745E S1746E S1747E S1748E S1749E S1750E S1751E S1752E S1753E S1754E S1755E S1756E S1757E S1758E S1759E S1760E S1761E S1762E S1763E S1764E S1765E S1766E S1767E S1768E S1769E S1770E S1771E S1772E S1773E S1774E S1775E S1776E S1777E S1778E S1779E S1780E S1781E S1782E S1783E S1784E S1785E S1786E S1787E S1788E S1789E S1790E S1791E S1792E S1793E S1794E S1795E S1796E S1797E S1798E S1799E S1800E S1801E S1802E S1803E S1804E S1805E S1806E S1807E S1808E S1809E S1810E S1811E S1812E S1813E S1814E S1815E S1816E S1817E S1818E S1819E S1820E S1821E S1822E S1823E S1824E S1825E S1826E S1827E S1828E S1829E S1830E S1831E S1832E S1833E S1834E S1835E S1836E S1837E S1838E S1839E S1840E S1841E S1842E S1843E S1844E S1845E S1846E S1847E S1848E S1849E S1850E S1851E S1852E S1853E S1854E S1855E S1856E S1857E S1858E S1859E S1860E S1861E S1862E S1863E S1864E S1865E S1866E S1867E S1868E S1869E S1870E S1871E S1872E S1873E S1874E S1875E S1876E S1877E S1878E S1879E S1880E S1881E S1882E S1883E S1884E S1885E S1886E S1887E S1888E S1889E S1890E S1891E S1892E S1893E S1894E S1895E S1896E S1897E S1898E S1899E S1900E S1901E S1902E S1903E S1904E S1905E S1906E S1907E S1908E S1909E S1910E S1911E S1912E S1913E S1914E S1915E S1916E S1917E S1918E S1919E S1920E S1921E S1922E S1923E S1924E S1925E S1926E S1927E S1928E S1929E S1930E S1931E S1932E S1933E S1934E S1935E S1936E S1937E S1938E S1939E S1940E S1941E S1942E S1943E S1944E S1945E S1946E S1947E S1948E S1949E S1950E S1951E S1952E S1953E S1954E S1955E S1956E S1957E S1958E S1959E S1960E S1961E S1962E S1963E S1964E S1965E S1966E S1967E S1968E S1969E S1970E S1971E S1972E S1973E S1974E S1975E S1976E S1977E S1978E S1979E S1980E S1981E S1982E S1983E S1984E S1985E S1986E S1987E S1988E S1989E S1990E S1991E S1992E S1993E S1994E S1995E S1996E S1997E S1998E S1999E S2000E S2001E S2002E S2003E S2004E S2005E S2006E S2007E S2008E S2009E S2010E S2011E S2012E S2013E S2014E S2015E S2016E S2017E S2018E S2019E S2020E S2021E S2022E S2023E S2024E S2025E S2026E S2027E S2028E S2029E S2030E S2031E S2032E S2033E S2034E S2035E S2036E S2037E S2038E S2039E S2040E S2041E S2042E S2043E S2044E S2045E S2046E S2047E S2048E S2049E S2050E S2051E S2052E S2053E S2054E S2055E S2056E S2057E S2058E S2059E S2060E S2061E S2062E S2063E S2064E S2065E S2066E S2067E S2068E S2069E S2070E S2071E S2072E S2073E S2074E S2075E S2076E S2077E S2078E S2079E S2080E S2081E S2082E S2083E S2084E S2085E S2086E S2087E S2088E S2089E S2090E S2091E S2092E S2093E S2094E S2095E S2096E S2097E S2098E S2099E S2100E S2101E S2102E S2103E S2104E S2105E S2106E S2107E S2108E S2109E S2110E S2111E S2112E S2113E S2114E S2115E S2116E S2117E S2118E S2119E S2120E S2121E S2122E S2123E S2124E S2125E S2126E S2127E S2128E S2129E S2130E S2131E S2132E S2133E S2134E S2135E S2136E S2137E S2138E S2139E S2140E S2141E S2142E S2143E S2144E S2145E S2146E S2147E S2148E S2149E S2150E S2151E S2152E S2153E S2154E S2155E S2156E S2157E S2158E S2159E S2160E S2161E S2162E S2163E S2164

15741



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: A63-04631
Date Received: 9/18/1989
Receipt No: W805983
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SOUTH FORK RANCH SUBD. 208-587-5435
Address: CALMER OR ENIDE JOHNSON
1660 SOUTH 3RD WEST A ST.
MOUNTAIN HOME, ID 83647
2. Date of Priority: JUN 20, 1862
3. Source: BOISE RIVER, SOUTH FORK Trib. to: BOISE RIVER
VAN GULCH BOISE RIVER, SOUTH FORK
LITTLE WATER GULCH BOISE RIVER, SOUTH FORK
BIG WATER GULCH BOISE RIVER, SOUTH FORK
STEVENS GULCH BOISE RIVER, SOUTH FORK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 03N | 11E | 11 | SW | SW | | | ELMORE |
| | | | NE | SE | | | ELMORE |
| | | 12 | NW | NE | | | ELMORE |
| | | | SE | SE | | | ELMORE |
| | 12E | 7 | NE | SW | | | ELMORE |
5. Description of diverting works:
DIVERSION DITCHES, GRAVITY FLOW, FLOOD IRRIGATION.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/31 | 2.900 | | |
7. Total Quantity Appropriated is:
2.900 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE.
- A63-04631 Page 1 Date: 09/18/89

MICROFILMED

AUG 1990

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	11E	11	NE		SW		IRR	15.0
			NW		SW		IRR	6.0
			SW		SW		IRR	12.0
			SE		SW		IRR	10.0
			NE		SE		IRR	25.0
			NW		SE		IRR	25.0
			SW		SE		IRR	5.0
			SE		SE		IRR	17.0
							Section Acres	115.0
		12	NW		SW		IRR	15.0
			SW		SW		IRR	15.0
							Section Acres	30.0
							Total Acres	145.0

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:
NONE.

14. Remarks:

NOTE: THE PRIORITY DATE OF THIS CLAIM WAS MOVED TO 6-20-1862
BASED ON THE DATE OF HOMESTEAD. AKA HOMESTEAD ENTRY SURVEY NO.
149.

15. Basis of Claim: STATUTORY CLAIM

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Calvin Johnson Date: 9-18-89

Ernest Johnson Date: 9-18-89

State of Idaho)
County of ADH) SS.

Subscribed and sworn (or affirmed) before me this 10th day

of September 19 89

Jan Shute
Notary Public

Seal

Residing at Meridian ID
My Commission Expires 9-14-94

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Morgan W. Richards
Mark A. Ellison
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen

Gerald T. Husch
Scott L. Campbell
Michael G. McPeck
Kirk R. Helvie
Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill

Stephanie A. Balzarini
David P. Gardner
Julian E. Gabiola
Paul C. Swainston
Angela D. Schaer
John W. Klusdal
Casey C. Robertson
Ray J. Chacko
Dean C. Sorensen
Kelly M. Garrity
Bradley J. Dixon

Willis C. Moffatt,
1907-1980

RECEIVED

SEP 06 2001

WATER RESOURCES
WESTERN REGION

Boise
Idaho Falls
Pocatello

US Bank Plaza Building
101 S Capitol Blvd 10th
PO Box 829
Boise Idaho 83701 082

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

September 4, 2001
First Class Mail

Jan Shurte

Idaho Department of Water Resources, Western Region Office
2735 Airport Way
Boise, Idaho 83705-5082

Re: Water Right Number 63-04631

MTBR&F File No. 18938.0000

Dear Ms. Shurte:

As you may know, Scott Campbell and I represent Calmer and Enide Johnson, and the South Fork Ranch Subdivision. The purpose of this correspondence is to provide you with historical documents pertinent to the above-referenced water right. On September 4, 2001, I conducted a review of IDWR's files for water right number 63-04631, and found that you did not possess the documents enclosed herein. The documents are critical to your analysis of the history of that water right on our clients' property.

The first document to which I call your attention (marked Attachment A) is an Index to Water Rights. About 2/3 of the way down the page, you will note that there is a reference A water right in the name of J.A. Nicholson from Big Water Gulch, dated May 10, 1888. As further discussed herein, that document begins to show that Water Right Number 63-04631 may very well have quite an early priority date.

The second document, Attachment B, is dated October 5, 1899, and is a "Notice of Water Right" filed by one J.S. Heisner. In that document, Mr. Heisner claimed "the use of the waters of Big Water Gulch in Bear Creek Mining District, Elmore County, to the extent of six cubic feet per second." It is our position that Attachment B establishes the priority date for Water Right Number 63-04631.

On March 10, 1903, F.E. Stevens claimed water from Little Water Creek in the amount of 2.0 c.f.s, and "All the water below E. L. Stevens Ditch on Big Water Creek to the extent of at least 2.0 cubic feet per second." When those amounts are combined with the amount claimed by J.S. Heisner, the total is 10.0 c.f.s, the amount now claimed by South Fork.

Jan Shurte
September 4, 2001
Page 2

In 1916, Edgar L. Stevens patented the land which is now owned by South Fork. (Attachments D, E, and F). You will note that the land was patented under the Homestead Act, which means that Mr. Stevens would necessarily been required to make improvements to the land and prove that he could beneficially use the same. In practical terms, that would mean that he farmed the land. It is likely that Mr. Stevens is an heir or other successor of F.E. Stevens.

By 1932, Howland was the owner of the property now owned by South Fork. (Attachment G). That document is from a deed record book, and refers to Survey Number 149, which corresponds to the survey number given in Edgar Stevens' patent. It shows that Mr. Howland conveyed the property to D.C. Hughes in 1948, who conveyed it to the Landons and Johnsons in approximately 1980. (See also Attachment H).

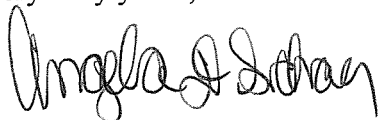
To back up a bit historically, in 1979, the Landons filed a Notice of Claim, claiming a 1912 priority date. Attached to the claim was an affidavit from D.C. Hughes, who testified that "the water from Stephans (Stevens) Gulch, Van Gulch, Little Water Gulch and Big Water have been used on the ranch since it was homesteaded in 1912. The water from South Fork of the Boise River since 1930, has been used for irrigation on the ranch." (Attachment H).

Attachment I is a special use permit from the Forest Service to D.C. Hughes, dates 1941. The permit allowed Mr. Hughes to construct a ditch to carry water from the South Fork of the Boise River to his ranch.

The remaining documents, all included as Attachment J, are deeds conveying the property in question to Calmer and Enide Johnson.

It is our position that these documents establish that the priority date for the South Fork right should be 1899. After you have had an opportunity to review the documents, please let us know what your conclusion is.

Very truly yours,



Angela D. Schaer

SLC/ADS/dll

Enclosures

cc: David Tuthill, IDWR

Calmer and Enide Johnson

05/24/2004

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

RIGHT NUMBER: 63-31735

NAME AND ADDRESS: RAYMOND TAYLOR THURMAN
HC 87 BOX 594
FEATHERVILLE ID 83647SOURCE: BIG WATER GULCH TRIBUTARY: SOUTH FORK BOISE RIVER
VAN GULCH TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.775 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .16 CFS AT THE FIELD HEADGATE.
COMBINED RIGHT NUMBERS: 63-31733, 63-31734 & 63-31735.

PRIORITY DATE: 10/05/1899

POINT OF DIVERSION:

T03N R11E S11 SENE Lot 2 Within ELMORE County
T03N R11E S12 NWNE Within ELMORE CountyPURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.775 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T03N R11E S11 Lot—3 NESW	1.1	T03N R11E S11 Lot—4 NWSW	3.8
T03N R11E S11 Lot—5 SWSW	2.9	T03N R11E S11 Lot—6 SESW	0.2

8 ACRES TOTAL

All places of use are on private land within Homestead Entry Survey (HES)
149.USE OF THIS RIGHT WITH RIGHT NOS. 63-31733 & 63-31734 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 8 ACRES IN A SINGLE
IRRIGATION SEASON.

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

The recommendation by the Idaho Department of Water Resources and the decree by the Snake River Basin Adjudication Court of any of the elements of this water right do not constitute a factual or legal determination of the appropriators right to use, or of any ownership interest in, the ditches connecting the point or points of diversion to the place or places of use.

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: Beneficial Use

08/22/2003

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

RIGHT NUMBER: 63-31735
NAME AND ADDRESS: RAYMOND TAYLOR THURMAN
HC 87 BOX 594
FEATHERVILLE ID 83647

SOURCE: BIG WATER GULCH
VAN GULCH
TRIBUTARY: SOUTH FORK BOISE RIVER
TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.775 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .16 CFS AT THE FIELD HEADGATE.
COMBINED RIGHT NUMBERS: 63-31733, 63-31734 & 63-31735.

PRIORITY DATE: 10/05/1899

POINT OF DIVERSION:

T03N R11E S11 SENE Lot 2 Within ELMORE County *ok*
T03N R11E S12 NWNE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.775 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T03N R11E S11 <u>Lot 3</u> NESW	1.1	T03N R11E S11 <u>Lot 4</u> NWSW	3.8
T03N R11E S11 <u>Lot 5</u> SWSW	2.9	T03N R11E S11 <u>Lot 6</u> SESW	0.2

out 8 ACRES TOTAL *out*

All places of use are on private land within Homestead Entry Survey (HES) 149.

USE OF THIS RIGHT WITH RIGHT NOS. 63-31733 & 63-31734 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 8 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: Beneficial Use

add remarks

GENERAL REMARK AGREED UPON FOR SETTLEMENT
BY EDGAR L. STEVENS WUA & THURMAN - 63-31733, 34+
ONLY

The recommendation by the Idaho Department of Water Resources and the decree by the Snake River Basin Adjudication Court of any of the elements of this water right do not constitute a factual or legal determination of the appropriator's right to use, or of any ownership interest in, the ditches connecting the point or points of diversion to the place or places of 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 SRBA	)	A.	Subcase 63-31735
	)		
Case No. 39576	)		STANDARD FORM 1
_____	)		OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Edgar L. Stevens Water Users Association
Address: South Fork Ranch Subdivision
1782 N. Haskett St., Mountain Home, ID 83647
Daytime Phone: _____

Name & Address of Attorney, if any:

Bruce M. Smith
MOORE SMITH BUXTON & TURCKE, CHARTERED
225 N. 9th Street, Suite 420
Boise, ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Raymond T. Thurman
Address: HC 87, Box 594
Featherville, ID 83247

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☒ **Point of Diversion**

Should be: Remark should be included as set out below.

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10. ☐ **I object because:**

☐ This water right Should not exist.

☒ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS: This right is delivered through Edgar L. Stevens Water Users Association's system. The watermaster of the Edgar L. Stevens Water Users Association shall deliver this right to the owner as a member of the Edgar L. Stevens Water Users Association. The owner of the right has no right to adjust the headgates at the point of diversion or on the South Fork Subdivision or to operate the irrigation ditches of the Association.

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on July 26, 2004, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Raymond T. Thurman
HC 87, Box 594
Featherville, ID 83647

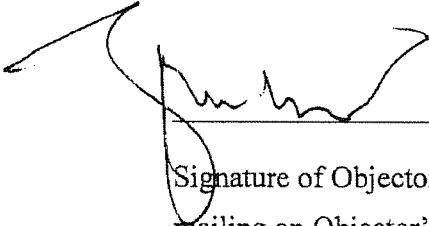
3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

David L. Negri
550 West Fort Street, MSC 033
Boise, ID 83724

United States Department of Justice
Environment & Natural Resources Div
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
P.O. Box 44449
Boise, ID 83711-4449



Signature of Objector or Attorney
mailing on Objector's behalf

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

A. Subcase: 63-31735

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724
Daytime Phone: (208) 331-5943

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN THE DIRECTOR'S REPORT

Name: Raymond Taylor Thurman
Address: HC 87 Box 594
Featherville, ID 83647

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☒ **Places of Use**

Should be: T03 N R11E S11, NESW, SWSW, NWSW, SESW

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The inclusion of Lots 3, 4, 5, and 6 in the place of use description places this water use on National Forest System land. The claimant is not authorized to occupy and use NFS land for this purpose.

State of Idaho)
County of Ada) ss.

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

David M.
(Attorney signing in representative capacity)

February 6, 2004

Notary Public for: Idaho
Residing at: Kuna, Idaho
Commission Expires: 11/17/2004

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Feb 20, 2014, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Raymond Taylor Thurman
Address: HC 87 Box 594
Featherville, ID 83647

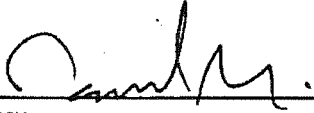
3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Bruce M. Smith
MOORE SMITH BUXTON & TURCKE
225 North 9th St., Suite 420
Boise, ID 83702

Chief, Natural Resource
Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

COPY

AMENDED DIRECTOR'S REPORT

Subcase Nos. 63-4631B & 63-31736

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill, Jr., Adjudication Bureau Chief

November 19, 2003

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the *Order Requesting Clarification of Amended Director's Report* issued by Special Master Cushman on November 12, 2003, IDWR submits for filing with the Court the following report.

CLARIFICATION

In order to resolve the objections filed to this water right recommendation, IDWR conducted an additional field examination for water right no. 63-4631B. After the field examination and pursuant to additional information obtained by IDWR, water right 63-4631B was split into four parts and drafts of revised recommendations were prepared as a settlement proposal to the parties. The proposed split numbers are: 63-31733, 63-31734, 63-31735 & 63-31736.

A Mandatory Settlement Conference was held in Twin Falls on October 28, 2003 before settlement moderator, Special Master Bilyeu. At the settlement conference, it was understood that the parties had reached an agreement. The SF 5 for 63-31736 settled the objection filed by the United States Forest Service. Accordingly, the SF 5 for that portion of the split was signed and filed with the court. The expectation at the settlement conference was that the SF 5's would be signed and filed for the remaining split numbers in the near future.

A few days after the SF 5 for 63-31736 was filed with the SRBA court, the parties telephoned IDWR to report that the objectors were not ready to sign the settlement agreement. Thus, the SF 5's prepared for proposed split numbers: 63-31733, 63-31734 and 63-31735 would not be filed.

CONCLUSION

It is hereby requested by this report, that the Special Master set aside the SF 5 for split number 63-31736 and hold it in abeyance until the outcome of all the objections is determined.

Respectfully submitted this 18th day of November, 2003.


JAN SHURTE
IDWR Western Region
Adjudication Supervisor

CERTIFICATE OF SERVICE

I certify that on 11-19, 2003, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☒ Facsimile

2. Copies to:

U.S. Dept. of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Raymond Thurman
HC 87 Box 594
Featherville, ID 83647

Edgar L. Stevens Water Users Association
Lyons Woody, V.P.
1122 South Carnahan
King Hill, ID 83633

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Becky Hawey
Signature of person delivering form

08/22/2003

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

RIGHT NUMBER: 63-31735

NAME AND ADDRESS: RAYMOND TAYLOR THURMAN
HC 87 BOX 594
FEATHERVILLE ID 83647

SOURCE: BIG WATER GULCH
VAN GULCH

TRIBUTARY: SOUTH FORK BOISE RIVER
TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.775 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .16 CFS AT THE FIELD HEADGATE.
COMBINED RIGHT NUMBERS: 63-31733, 63-31734 & 63-31735.

PRIORITY DATE: 10/05/1899

POINT OF DIVERSION:

T03N R11E S11 SENE Lot 2 Within ELMORE County
T03N R11E S12 NWNE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.775 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T03N R11E S11 Lot 3 NESW	1.1	T03N R11E S11 Lot 4 NWSW	3.8
T03N R11E S11 Lot 5 SWSW	2.9	T03N R11E S11 Lot 6 SESW	0.2

8 ACRES TOTAL

All places of use are on private land within Homestead Entry Survey (HES)
149.

USE OF THIS RIGHT WITH RIGHT NOS. 63-31733 & 63-31734 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 8 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: Beneficial Use

08/20/2003

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

RIGHT NUMBER: 63-31735

NAME AND ADDRESS: RAYMOND TAYLOR THURMAN
HC 87 BOX 594
FEATHERVILLE ID 83647SOURCE: BIG WATER GULCH
VAN GULCH
TRIBUTARY: SOUTH FORK BOISE RIVER
TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.775 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .16 CFS AT THE FIELD HEADGATE.
COMBINED RIGHT NUMBERS: 63-31733, 63-31734 & 63-31735.

PRIORITY DATE: 10/05/1899

POINT OF DIVERSION:

T03N R11E S11 SENE Lot 2 Within ELMORE County

T03N R11E S12 NWNE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.775 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

<u>T03N R11E S11 Lot 3 NESW</u>	1.1	<u>T03N R11E S11 Lot 4 NWSW</u>	3.8
<u>T03N R11E S11 Lot 5 SWSW</u>	2.9	<u>T03N R11E S11 Lot 6 SESW</u>	0.2

8 ACRES TOTAL

All places of use are on private land within Homestead Entry Survey (HES)
149.

USE OF THIS RIGHT WITH RIGHT NOS. 63-31733 & 63-31734
IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 8
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: Beneficial Use

08/13/2003

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

RIGHT NUMBER: 63-31735

NAME AND ADDRESS: RAYMOND TAYLOR THURMAN
HC 87 BOX 594
FEATHERVILLE ID 83647

SOURCE: BIG WATER GULCH
VAN GULCH

TRIBUTARY: SOUTH FORK BOISE RIVER
TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.775 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .16 CFS. *at the field headgate*
COMBINED RIGHT NUMBERS:
63-31733, 63-31734, 63-31735 *4 63-31736*

PRIORITY DATE: 10/05/1899

POINT OF DIVERSION:

T03N R11E S11 SENE Lot 2 Within ELMORE County

T03N R11E S12 NWNE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.775 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T03N R11E S11	NESW <i>LOT 3</i> 1.1	T03N R11E S11	NWSW <i>LOT 4</i> 3.8
T03N R11E S11	SWSW <i>LOT 5</i> 2.9	T03N R11E S11	SESW <i>LOT 6</i> 0.2

8 ACRES TOTAL

All places of use are on private land within Homestead Entry Survey (HES)
149.

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: Beneficial Use

E11 POWERR

*Use of this rt w/rt # 63-31733, 31734
& 31736 is limited to the irig. of a
Comb. total of 8 acres.*

Priority Date Data Entry Form

Claim Number 63-31735

Claimed Priority Date: 10/5/1899

Claimed Basis: Beneficial Use

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date:

Water Right Basis:

Recommended Priority Date 10 5 1899

Recommended Basis Beneficial USE

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

In original filed claim 63-04631a evidence of a
filed claim to a water right.

There is no evidence in the file of the claimed
6-20-1862 priority date for diversion of water from
Van Gulch, or Big Water Gulch. The file contains
evidence of a water right being filed in the
Court House. Recommended priority date documented
in file

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number 63-31735

Claimed Place Of Use

T03N R11E S11	NESW	1.1	T03N R11E S11	NWSW	3.8
T03N R11E S11	SWSW	2.9	T03N R11E S11	SESW	0.2
Total Acres 8					

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

_____ See corrections to claimed POU above

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Field examination conducted on 6-12-2003

All places of use are on private land within HES 149

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number 63-31735

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	04/15	10/31	0.775	

Overall Diversion Rate 0.775 Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate Overall Diversion Volume

Document how the Period of Use and/or Diversion Rate were verified:

Diversion Rate: 0.3 x Acres + .615 cfs conveyance loss.MANNINGS calculations in file 63-046319, performed by
Sue Bock & Mel Schulte.

Reviewer: _____

Date: _____

MEMORANDUM TO FILE

From: Gene Gibson

Date: July 30, 2003

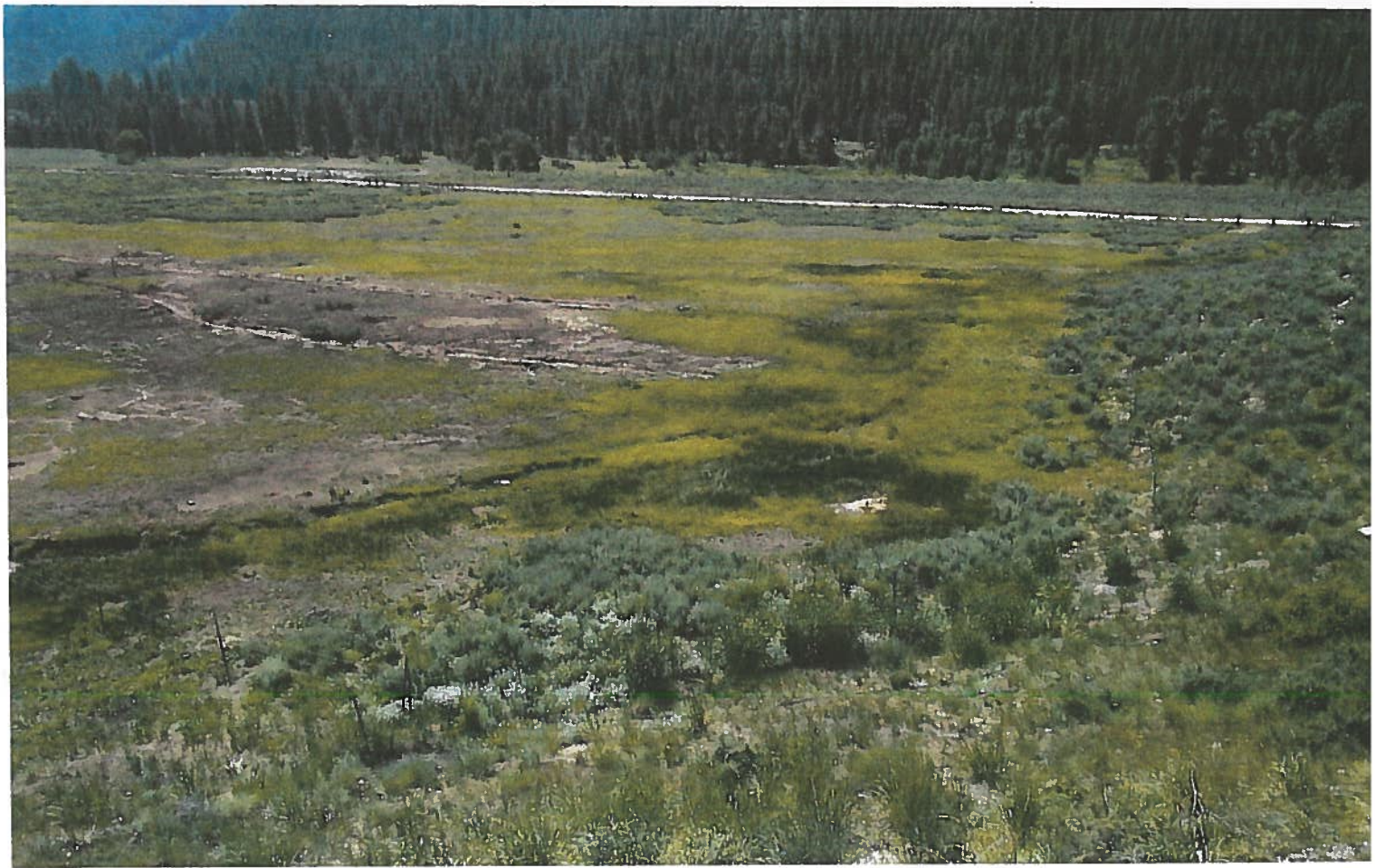
On June 12, 2003, I made an field examination of Claim Number 63-04631B to determine if the objections made to the claim by Raymond Thurman were valid or not. I met with Raymond, Fay and Curt Thurman to review the information contained in the original claim (63-04631A) filed by South Fork Ranch Subdivision, the objection and claim (63-04631B) filed by Raymond Thurman.

We reviewed the information in the files and claimed Place Of Use (POU) from Mr. Thurman's deck on the back of his house. Mr. Thurman had removed a lot of sagebrush with roundup, which showed up as bare patches in the photos taken of the POU. A portion of the POU had been irrigated prior to my arrival and another portion was being irrigated at the time of the review. I walked the POU, taking readings with a hand level to determine the lay of the land and GPS readings to determine the exact extent of the POU. Mr. Thurman and I then reviewed the conveyance system and took GPS readings for the Points Of Diversion required to furnish water for his and the South Fork Ranch Subdivision.

Based on my findings Mr. Thurman can:

- a. Flood irrigate 0.8 of an acre on the south end of his POU below his house, from the South Fork Boise River, Little Water Gulch (if the ditch crossing of Big Water Gulch was fixed), and Big Water Gulch #2.
- b. Flood irrigate the complete POU below his house (consisting of 8 acres), from Big Water Gulch #1 and Van Gulch.
- c. Use pipelines and sprinklers to irrigate 0.8 of an acre around his house, from Stevens Gulch.

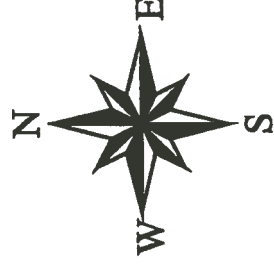
Attached are the field notes and some of the pictures taken.



IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-4631b
Date Prepared: 07-16-03
Prepared By: Gene Gibson

TO3N, R11E
S11,12
T03N, R12E
S7



● Point of Diversion

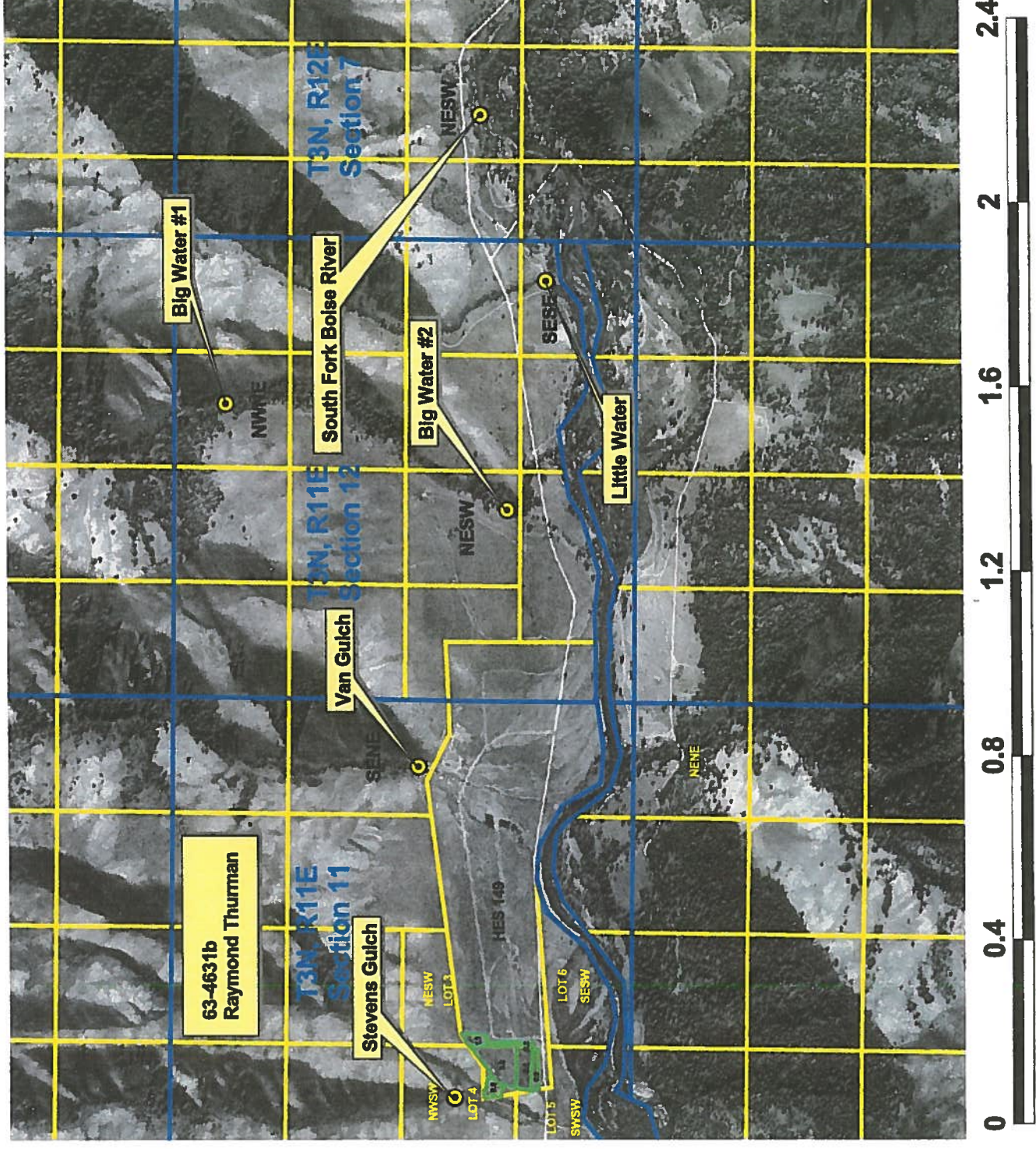
Place of use

Section

1/4 1/4

8.8 acres

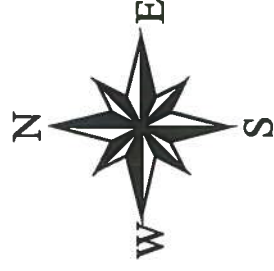
1987 NAPP



IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-31735
Date Prepared: 07-29-03
Prepared By: Gene Gibson

**T03N, R11E
S11**



● Point of Diversion

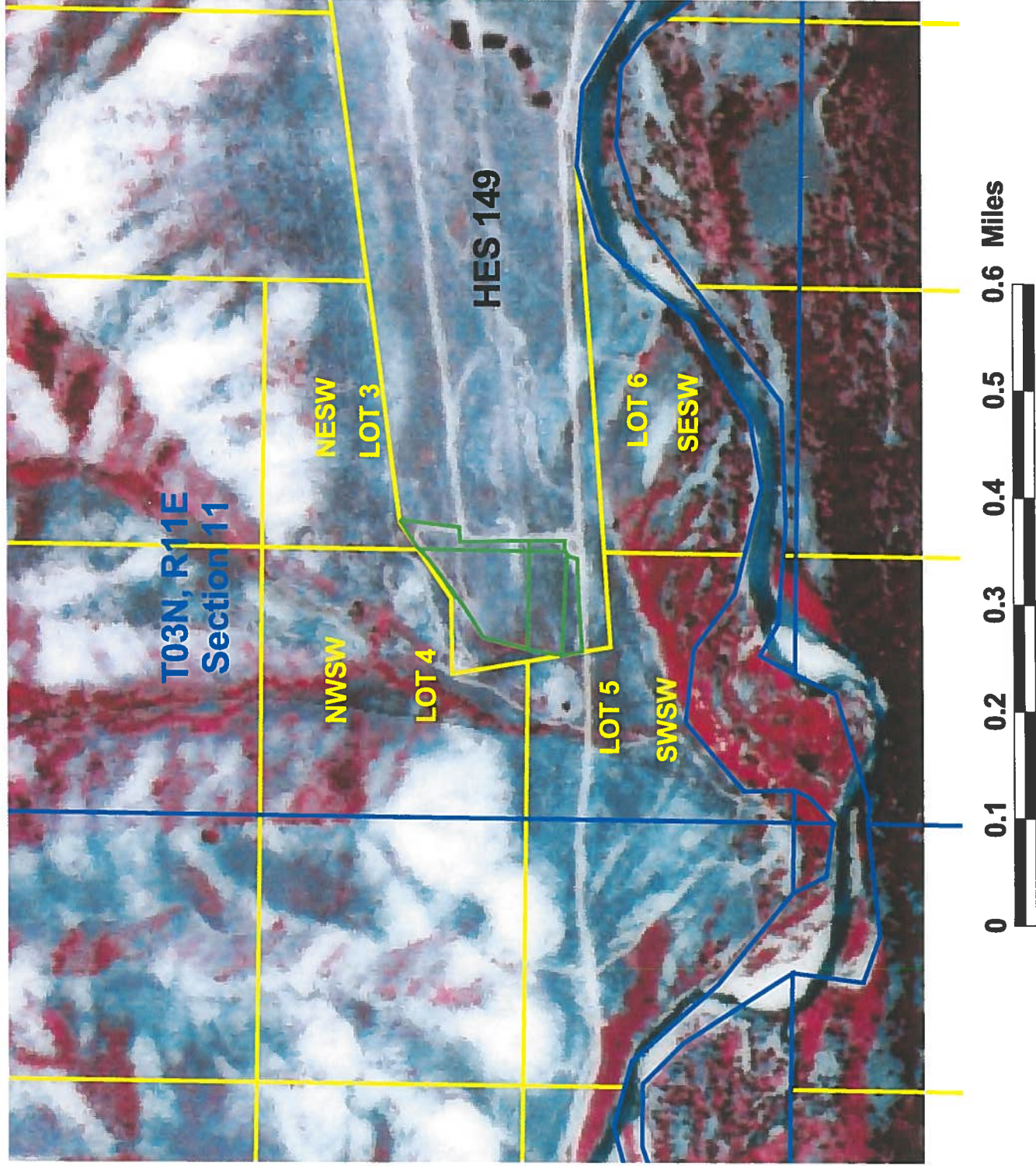


Place of use

Section

1/4 1/4

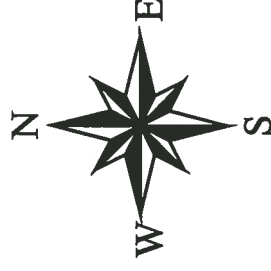
1987 NAPP



IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-31735
Date Prepared: 07-29-03
Prepared By: Gene Gibson

**T03N, R11E
S11**



● Point of Diversion

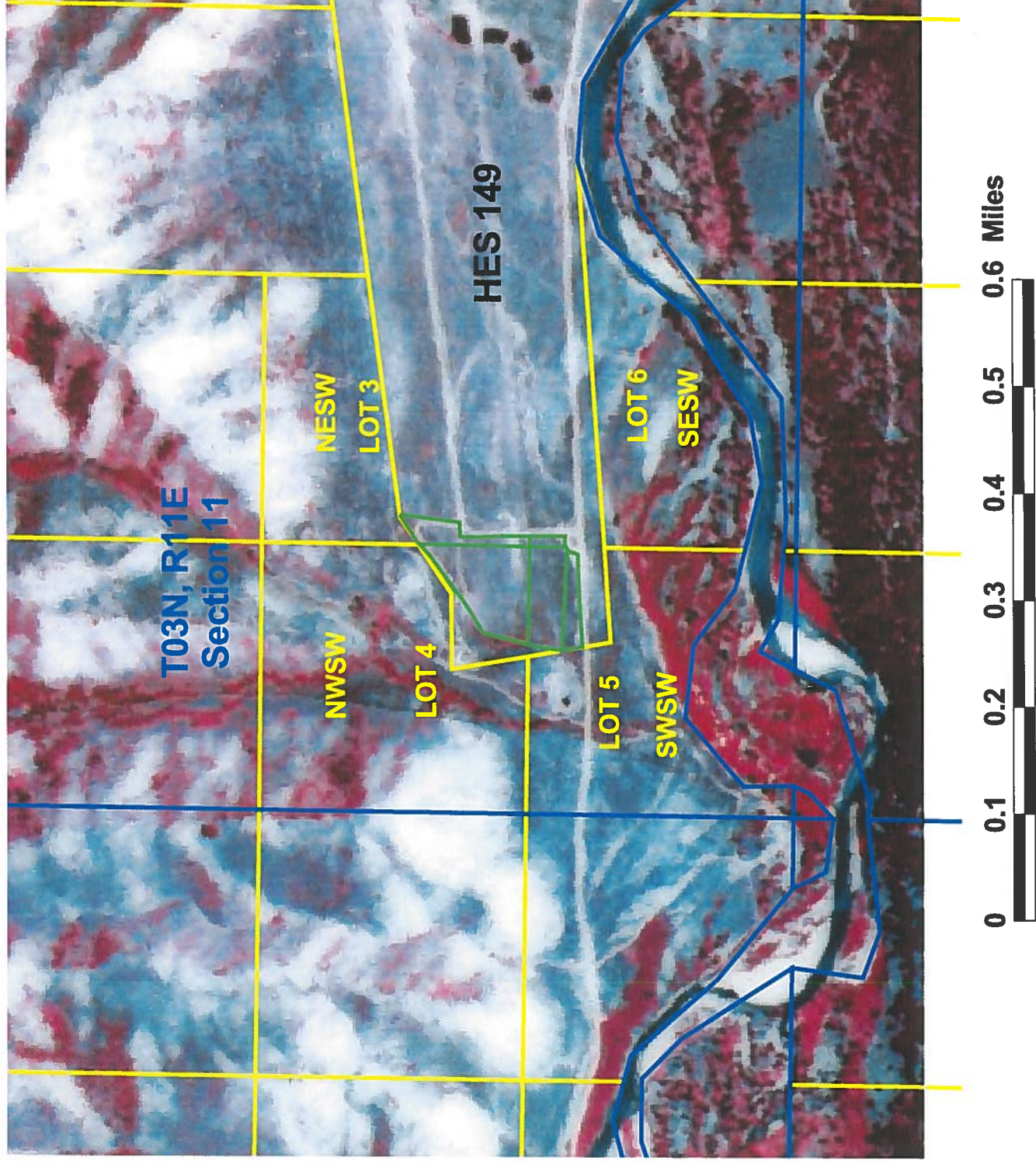


Place of use

Section

1/4 1/4

1987 NAPP



[illegible]

ESTIMATING CONVEYANCE LOSS

FIELD EXAMINER: Melvin Gene Gibson

FIELD EXAM DATE: June 12, 2003

FOR CLAIM(S) 63-4631b

DRAINAGE Big Water #1

FORMULA: $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile
W = The top width of the high water mark in feet
i = The loss rate in feet per day (see table)
0.0667 is a factor used to convert to CFS per mile

TABLE:

Type of Soil	Loss Rate i (Ft/Day)
Medium clay loam.....	0.5 to 1.5
Impervious clay.....	0.5
Medium soils.....	1.0
Somewhat pervious soils.....	1.5 to 2.0
Gravel.....	2.5 to 5.0

WORK SHEET

$$W = (3.8 \text{ FT}) \quad i = (1.5 \text{ FT/DAY})(0.0667)$$

$$S = .38 \text{ CFS/MILE}$$

$$\text{CONVEYANCE LOSS} = (S) (\text{LENGTH OF DITCH IN MILES})$$

$$\text{CONVEYANCE LOSS} = (.38 \text{ CFS/MILE})(1.62 \text{ MILE})$$

$$\text{CONVEYANCE LOSS} = .615 \text{ CFS}$$

TOP OF DITCH = W

MAP MEASUREMENT

Section 1 = 3.8

Length in Inches = = A

Section 2 =

Map Scale: In. = 1 Mile = B

Total = 3.8

A/X: B/5,280 = Ft./5,280 = Mile

½ Total = 3.8 W

Feet/5,280 = Mile

$$8,560 \div 5280 = 1.62 \text{ miles}$$

Data/forms/Conv.loss.doc

$$8 \text{ AC} \times .02 = .16 + .615 = .775$$

ESTIMATING CONVEYANCE LOSS

FIELD EXAMINER: Melvin Gene Gibson

FIELD EXAM DATE: June 12, 2003

FOR CLAIM(S) 63-4631b

DRAINAGE Van Gulch

FORMULA: $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile
 W = The top width of the high water mark in feet
 i = The loss rate in feet per day (see table)
 0.0667 is a factor used to convert to CFS per mile

TABLE:

Type of Soil	Loss Rate i (Ft/Day)
Medium clay loam.....	0.5 to 1.5
Impervious clay.....	0.5
Medium soils.....	1.0
Somewhat pervious soils.....	1.5 to 2.0
Gravel.....	2.5 to 5.0

WORK SHEET

$$W = (3.3 \text{ FT}) \quad i = (1.5 \text{ FT/DAY})(0.0667)$$

$$S = .33 \text{ CFS/MILE}$$

$$\text{CONVEYANCE LOSS} = (S) (\text{LENGTH OF DITCH IN MILES})$$

$$\text{CONVEYANCE LOSS} = (.33 \text{ CFS/MILE})(\quad \text{MILE})$$

$$\text{CONVEYANCE LOSS} = \quad \text{CFS}$$

$$\text{TOP OF DITCH} = W \quad \text{MAP MEASUREMENT}$$

Section 1 = 3.3	Length in Inches = = A
Section 2 =	Map Scale: In. = 1 Mile = B
Total = 3.3	A/X: B/5,280 = Ft./5,280 = Mile
½ Total = W	Feet/5,280 = Mile

Data/forms/Conv.los.doc $3,297 \div 5,280 = .62 \text{ miles}$

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-4631BOwner: Raymond Taylor Thurman Phone No. 653-2555Current Address: HC 87 Box 594 Featherhills, Idaho 83647

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 10-5-1899 on claim 6-20-1862 on Amended C1
(If priority date, based on your exam, seems questionable, explain below.)

STEVENS Gulch LITTLE WATER Gulch
WAN Gulch S. F. Boise River - Trib Boise River

Source: Big Water Gulch Tributary to S.F. Boise River

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change ALL POD's were GPS
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

STEVEN'S
VAN Gulch
Big water 1
Big water 2
Little water
B.F. B.R.

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
	4								409673 - 279115
	2								410818 - 279222
									412076 - 279892
									411728 - 278918
									412524 - 278776
									413102 - 279001

5
Description of diverting works

HEADGATES, Tarps, Dams, pipe

OVERLAP REVIEW

Parent Right A63-46316

Other water rights with the same point of diversion: A63-31733; 34; 35; 36

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

NO, SAME ACRES BEING IRRIGATED DIFFERENT SOURCES

WATER USES

☒ No change

☐ Different Uses

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

TOTAL VOLUME – Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____
☐ Changes found, the new total is, Amount _____ CFS _____ AFA _____
☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☒ No change

☐ Changes Exam found: Domestic # of homes _____ Stock # _____
 Types _____ Additional comments: _____

PLACE OF USE:

☒ No Change

☐ Changes shown below:

S.F.B.R.
LW Bwt
BN'VG
S

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3 N	11 E	11										.8			} All same acreage }				
3 N	11 E	11										.8							
3 N	11 E	11									1.1	3.8	2.9	.2					8.0
3 N	11 E	11										.8							.8
																			8.8

Overlap with other water rights: WAS ALL ONE SYSTEM JUST DIFFERENT SOURCES

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

SAME ACRES DIFFERENT SOURCES

Delivery System Narrative: Headgates in S.F.B.R., Big Water Gulch 1 & 2
Little Water Gulch & Van Gulch All are Flood irrigation

Small diversion dam in Steven Gulch water diverted by
plastic pipe to POU sprinkler irrigated

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

MAWNINGG CONDUCTED ON ALL SOURCES SEE FILE NOTES
FOR CALCULATIONS

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

RECEIVED

MAY 29 2003

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 SRBA

Case No. 39576

A. Subcase 63-04631B

(insert water right number)

STANDARD FORM &
OBJECTION
MOTION TO PARTICIPATE

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: ~~Byers~~ Woody ^{VP} Edgar L. Stevens Water Users Association
Address: 1122 South Carnahan
King Hill, ID 83633
Daytime Phone: (208) 366-2584

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Thurman, Raymond T
Address: HC 87 Box 594
FEATHERVILLE, ID 83647

SE. Motion to Participate
X - Objection
Amended 10/16/97

(over)

Page 1

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: .43 cfs at POD, not to exceed .02 cfs at POU
4. ☒ **Priority Date**
Should be: 10-5-1899
5. ☒ **Point(s) of Diversion**
Should be: Big Water #1 Gulch Creek, Van Gulch Creek, Stevens Gulch Creek
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING ^{Motion to Participate} ~~OBJECTION(S)~~: (3) only needs 1/2 acre - same as other lots in E.L. Stevens Water Users Association for HES #149. (4) as established by chain sheets for HES #149 (5.) Water from the South Fork of the Boise River, Big Water #2 and Little Water only provide water to the South Fork Ranch Subdivision, Thurman's land is a higher elevation than the ditches. Water is supplied by the Edgar L. Stevens Water Users Association and through Big Water #1 and Van Gulch Creek to Thurman's Property and South Fork Ranch Subdivision.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.

County of Elmore)

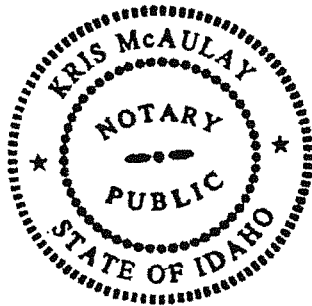
Lyons D. Woody, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Lyons D. Woody
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: May 27, 2003



Kris McAulay
Notary Public for Idaho
Residing at: Mtn Home
My Commission Expires: 6-23-04

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on May 27, ²⁰⁰³~~1999~~, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

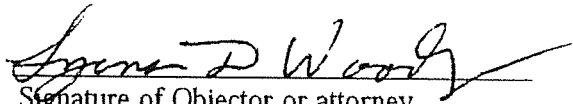
Name: Raymond T. Thurman
Address: HC87 Box 594
Featherville, ID 83647

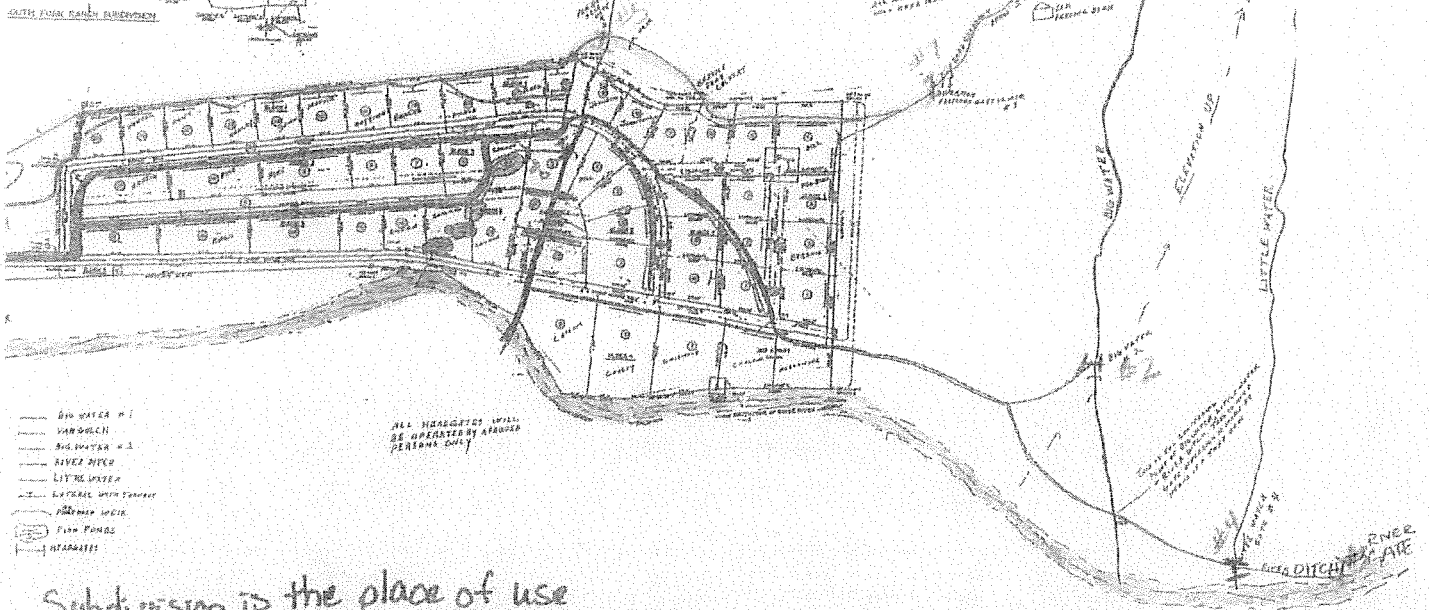
3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf



Subdivision is the place of use
P.O.D.'s from various sources are
indicated.

RECEIVED

JAN 31 2003

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 SRBA

Case No. 39576

A. Subcase: _63-4631B_
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724
Daytime Phone: (208) 331-5943

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN THE DIRECTOR'S REPORT

Name: Raymond Taylor Thurman
Address: PO Box 23
Hagerman, ID 83332

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be: See E below.
4. ☐ **Priority Date**
Should be:
5. ☒ **Point(s) of Diversion**
Should be: Lot 2 and Lot 4. See E below.
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Places of Use**
Should be: Lot 4. See E below.
11. I object because:
☐ This water right should not exist.
☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The points of diversion, NWSW and NESE of Section 11, T3N R11E and the place of use, NWSW of Section 11, T3N R11E shown on the Directors Report Recommendation include National Forest System (NFS) Land. The claimant is not authorized to occupy and use National Forest System lands for this purpose. There is 159 acres of private land in this area. The correct legal location of the private land is Homestead Entry Survey 149. NFS land surrounding HES 149 is surveyed into government lots in the Public Land Survey System. The 0.43 cfs quantity is excessive for 1/2 acre of irrigation.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Michael Collette , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

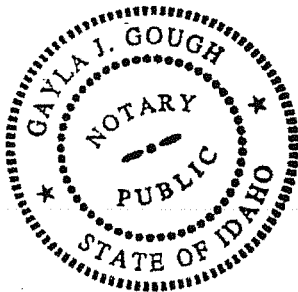
Michael Collette
(Signature of person filing objections)

David Noy
(Attorney signing in representative capacity)

Subscribed and sworn before me on:

January 30, 2003

Gayla J. Gough
Gayla J. Gough



Notary Public for: Idaho
Residing at: Kuna, Idaho
Commission Expires: 11/17/2004

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 1/30/03, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

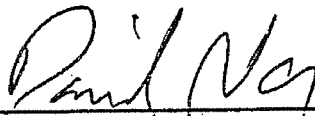
Name: Raymond Taylor Thurman
Address: PO Box 23
Hagerman, ID 83332

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource
Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

1
RECEIVED

DEC 30 2002

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 SRBA)

Case No. 39576)

A Subcase 63-4631B
(Insert water right number)

STANDARD FORM 1
OBJECTION

_____)
Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Raymond T Thurman

Address: HC 87 Box 594 Featherville IDAHO
83647

Daytime Phone: (208) 653-2555

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: _____

Address: _____

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

Should be: Enough water to irrigate 9.5 acres of pasture land & stock water

4. ☒ **Priority Date**

Should be: changed to original homestead date 1862

5. ☒ **Point(s) of Diversion**

Should be: Big water gulch creek/little water gulch creek/stevens gulch-creek/van gulch creek/ south fork Boise river

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Insufficient water

amount to support 9.5 acres of pasture &
stock water

3

VERIFICATION

(Must be Completed)

State of Idaho)
) ss.
County of Elmore)

Raymond Taylor Thurman, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Raymond Taylor Thurman
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 24, 2002



Sheryl A. Reymont
Notary Public for Idaho
Residing at: Mountain Home
My Commission Expires: 12-27-05

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

C

CERTIFICATE OF MAILING

I certify that on Dec 28, ~~199~~²⁰⁰², I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

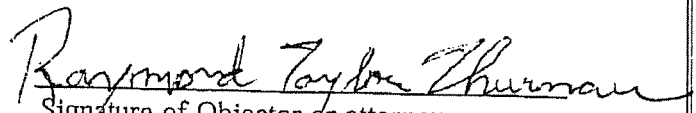
Name: _____
Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

May 20, 2003

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

Raymond T. Thurman
HC 87, Box 594
Featherville, ID 83647

Dear Ray:

As I understand from Alan Jay and Pete Woody, the persons appointed by the Edgar L. Stevens Water Users Association to distribute and regulate the flow of water through the several ditches providing water to the subdivision, a problem occurred recently where a ditch had washed out due to too much water being placed in it.

Apparently, some diversion boards had been placed in the ditch near a weir by someone other than Mr. Jay or Mr. Woody so as to direct water into a ditch which runs along the south side of the runway. Water in that ditch eventually proceeds into the drainway on the north side of the Forest Service road at the south boundary of your property. Water was then backed up so that it began to flood across the south end of your property.

In the past, I have questioned you as to whether it is feasible to irrigate your property in a northerly direction from the drain ditch along the south boundary of your property. You have said that that can be done. Everyone I have talked with disputes that; and as evidence of their reasoning, they all point to the fact that water backs up and ponds on the south end of your place.

Calmer Johnson assures me that there was never any ditch used to irrigate your property in that fashion while he owned it. I also see from the Idaho Department of Water Resource Director's Report they only recommended a water right to you out of the upper diversion on Big Water Gulch and the diversions out of Van Gulch and Stevens Gulch. The Department is apparently also of the conclusion that your property cannot be irrigated from the south end.

You are asking for water out of the lower diversion of Big Water Gulch, water out of Little Water Gulch and water out of the South Fork of the Boise River. None of the water from those three sources reaches the upper portion of your property. Water from those three sources would, however, reach the south boundary of your property, going down the waste ditch referred to above. As a consequence, the Association advises me that they will oppose your objection to the Department's recommendation and will support the Department's conclusion that water at those diversion points cannot be used to irrigate your land to the north.

Raymond T. Thurman

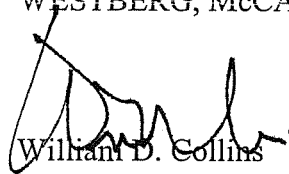
May 20, 2003

Page 2

You are again asked not to interfere with the water being diverted and used on the subdivision property. Mr. Woody and Mr. Jay will continue to see that you are receiving your 0.2 cfs (nine gallons per minute) out of the ditch entering your property near its north boundary. That is all the Department has proposed for your water right.

Very truly yours,

WESTBERG, McCABE & COLLINS, Chtd.



William D. Collins

WDC/ml

cc Alan Jay
Pete Woody

Shurte, Jan

From: Calmer Johnson [calmerenide@msn.com]
Sent: Tuesday, April 29, 2003 9:59 AM
To: jshurte@idwr.state.id.us
Subject: South Fork Ranch

Thank you for sending the letter so promptly, it is greatly appreciated. I only have a few lots left in the subdivision so I am turning the handling of the water issues over to the Homeowners and Water users associations. The boards of these associations are ready to represent themselves as the South Fork Ranch Subdivision in this process. I will be available to assist them but am hoping to be removed from the process. Please take note of the following names and addresses for future correspondence.

Edgar L. Stevens Water Users Association President and
Main Ditchrider
Alan Jay
P.O. Box 385
Shoshone, ID 83352
(208) 886-2287

Edgar L. Stevens Water Users Association Vice-President and
Ditchrider
Lyons Woody
1122 Carnahan Road
King Hill, ID 83623
(208) 366-2584

South Fork Ranch Homeowners Association President and
Edgar L. Stevens Water Users Association Secretary
Steve Burak
1495 Sales Yard
Emmett, ID 83706
(208) 939- 4314

I have enjoyed working with you throughout the years. Good luck to you and take care.

Calmer and Enide



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

April 23, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Calmer Johnson
1782 N Haskett
Mountain Home, ID 83647

Dear Mr. Johnson:

This letter is being written per your request for information on what the Department has recommended for the South Fork Ranch Subdivision and Ray Thurman to the Snake River Basin Adjudication Court for the Director's Report in Basin 63, Part 1, Upper Boise River drainage. The recommendations are as follows:

South Fork Ranch Subdivision Rights

63-4631C - .39 cfs (175 gpm) for irrigation purposes from Big Water Gulch, tributary to the South Fork Boise River for a total of 5 acres within Lots 1-9, Block 1, and Lot 3, Block 2, South Fork Ranch Subdivision.

63-4631D - .41 cfs (184 gpm) for irrigation purposes from Big Water Gulch and Van Gulch tributary to the South Fork Boise River for a total of 5.5 acres located within Lots 10-20, Block 1, South Fork Ranch Subdivision.

63-4631E - 1.4 cfs (628 gpm) for irrigation purposes from Big Water Gulch, Little Water Gulch and Van Gulch, tributary to the South Fork Boise River for a total of 14.5 acres located within Lots 1, 2, 4, 5 & 6, Block 2, Lots 1-20, Block 3, Lots 1, 2, & 3, Block 4, South Fork Ranch Subdivision. Note: This right and Right No. 63-31358 when used together are limited to the irrigation of a combined total of 14.5 acres in a single irrigation season.

63-31297 - .10 cfs (45 gpm) Diversion to storage, 20 AF Storage for Wildlife and Aesthetics from Big Water Gulch, Little Water Gulch and Van Gulch, tributary to the South Fork Boise River located within the W1/2SE1/4, Sec. 11, Twp. 3N, Rge. 11E.

63-31358 - .73 cfs (328 gpm) for irrigation purposes from the South Fork Boise River for 14.5 acres located within Lots 1, 2, 4, 5, & 6, Block 2, Lots 1-20, Block 3, Lots 1, 2 & 3, Block 4, South Fork Ranch Subdivision. Note: This right and Right No. 63-4631E when used together are limited to the irrigation of a combined total of 14.5 acres in a single irrigation season.

Ray Thurman Right

63-4631B - .43 cfs (193 gpm) from Big Water Gulch, Stevens Gulch, Van Gulch, tributary to the South Fork Boise River for .5 acres in the NWSW, S. 11, Twp. 3N, Rge. 11E.

All of these rights listed above reflect a priority date of 10-5-1899 except for Right No. 63-31358 from the South Fork Boise River which reflects a 4-15-1930 priority date.

These rights have been recommended for court decree, however, the Snake River Basin Adjudication Court has not decreed these rights as of this date. This letter is not an authorization for distribution of water according to these rights. It's only purpose is to outline what was recommended by the Department for court decree in the Snake River Basin Adjudication.

Enclosed are copies of these rights. If you have any questions concerning this letter, please contact this office.

Sincerely,

JAN SHURTE
Water Rights Supervisor
Adjudication Section
Western Region Office

Enclosures

Cc: Lee Sisco, Boise River Watermaster
6616 Overland Rd
Boise, ID 83709



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 7, 2003

RAYMOND TAYLOR THURMAN
HC 87 BOX 594
FEATHERVILLE ID 83647

Dear Mr. Thurman:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

Please contact this office if you have any questions concerning this notification.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

JS:lh
Enclosures

03/07/2003

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

RIGHT NUMBER: 63-4631B

NAME AND ADDRESS: RAYMOND TAYLOR THURMAN
HC 87 BOX 594
FEATHERVILLE ID 83647

SOURCE: BIG WATER GULCH CREEK TRIBUTARY: SOUTH FORK BOISE RIVER
STEVENS GULCH CREEK TRIBUTARY: SOUTH FORK BOISE RIVER
VAN GULCH CREEK TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.430 CFS

PRIORITY DATE: 10/05/1899

POINT OF DIVERSION:

T03N R11E S11 NWSW Within ELMORE County Source: STEVENS GULCH CREEK
T03N R11E S11 NESE Within ELMORE County Source: BIG WATER GULCH CREEK
T03N R11E S11 NESE Within ELMORE County Source: VAN GULCH CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.430 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T03N R11E S11 NWSW 0.5

0.5 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.

EXPLANATORY MATERIAL: 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 SRBA

Case No. 39576

Water Rights: 63-4631B & 63-31106

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☒ Address change

☐ Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

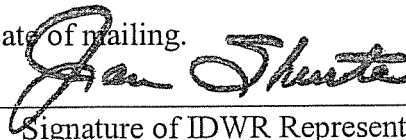
☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 3/7/03



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 7, 2003, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

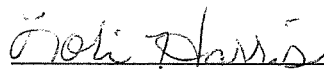
Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

Raymond Taylor Thurman	☐	overnight mail
HC 87 Box 594	☒	regular mail
Featherville, ID 83647	☐	hand-delivered
	☐	facsimile

☐	overnight mail
☐	regular mail
☐	hand-delivered
☐	facsimile



Signature of person mailing this document

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Claim Number(s):

63-4631B & 31106

Previous Mailing Address:

RAYMOND TAYLOR THURMAN

PO BOX 23

HAGERMAN, ID 83332

New Mailing Address:

RAYMOND TAYLOR THURMAN

HC 87 BOX 594

FEATHERVILLE, ID 83647

Telephone Number:

(208) 653-2555

Signature of Claimant(s):

Raymond T. Thurman

Please return this completed form to:

**Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400**

**Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

**Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177**

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT**

**OWNER
CODE**

CODE	NAME & ADDRESS
C	RAYMOND TAYLOR THURMAN PO BOX 23 HAGERMAN ID 83332 (208) 837-6655

PRIORITY
DATE
06/20/1862

WATER USE

IRRIGATION
DOMESTIC

USE PERIOD
FROM TO
04-15 10-31
01-01 12-31

DIVERSION RATE	DIVERSION VOLUME
10.000 CFS	----
1.000 CFS	----
10.000 CFS	----

10.000 CFS

Water Source:	Tributary to:	Stage:	BENEFICIAL USE
BOISE RIVER, SOUTH FORK	BOISE RIVER		
VAN GULCH	BOISE RIVER, SOUTH FORK		
LITTLE WATER GULCH	BOISE RIVER, SOUTH FORK		
BIG WATER GULCH	BOISE RIVER, SOUTH FORK		
STEVENS GULCH	BOISE RIVER, SOUTH FORK		

Point(s) of Diversion:

T03N R11E S11
S12
R12E S07

ELMORE County
ELMORE County
ELMORE County

Place of use Legal Description for: IRRIGATION

MS
NN

NE				NW				SW				SE					
NENE		NNNE		NNWN		SNNW		NNSW		NWSW		NENE		NNSE		SESE	
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11
TOTAL ACRES																	
15.0																	
15.0																	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

POU County: ELMORE

Non-Irrigation Uses: NONE.

Other Rights: NONE.

Remarks: GEN

NOTE: THE PRIORITY DATE OF THIS CLAIM WAS MOVED TO 6-20-1862
BASED ON THE DATE OF HOMESTEAD. AKA HOMESTEAD ENTRY SURVEY NO.
149.

OWNERSHIP CHANGED BY DB 12/7/99 & JS 12/10/99.

NOTE: DURING THE CHANGE OF OWNERSHIP PROCEDURE, MR. THURMAN DECIDED TO FILE ON A GREATER AMOUNT OF CFS THAN THE PRO-RATED SHARE OF THE CLAIM FILED BY THE JOHNSON'S. HE IS FILING ON THE CFS SHOWN ON THE ORIGINAL FILING 63-04631 (10 CFS). MR. THURMAN IS AWARE THAT THIS IS A LOT OF WATER, HOWEVER, HE WANTS TO BE SURE THERE IS ENOUGH TO COVER OVER 1" PER ACRE DUE TO POUROUS SOIL CONDITIONS.

Dates: **Exam Made Date:**

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

WR5809NP
No. 63-04631

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/22/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J. A. LANDON	10/19/1912	IRRIGATION	04/15 10/31	10.000 CFS	
C	EUGENIA C. LANDON 211 JEROME ST. MOUNTAIN HOME ID 83647		DOMESTIC	D1/01 12/31	0.080 CFS	
TOTAL DIVERSION:					10.000 CFS	

Water Source: BOISE RIVER, SOUTH FORK
VAN GULCH
Tributary to: BOISE RIVER
LITTLE WATER GULCH
BOISE RIVER
BIG WATER GULCH
BOISE RIVER
STEVENS GULCH
BOISE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T03N R11E S11 NWSW ELMORE County
S12 NWSW ELMORE County
S12 NWSE ELMORE County

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE		SUM		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
03N	11E	11	:	:	:	:	:	:	:	:
03N	11E	12	:	:	:	:	:	:	:	:

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: ELMORE

Remarks: GEN HES 149 IN THE SAWTOOTH N.F. UNSURVEYED IN T. 3N, R. 11E B.M.
TOTAL ACREAGE 160

Dates: App. Received: 10/19/1912
Proof Due Date: 10/19/1912
Exam Made Date: 10/19/1912
Exam Sent to S.O.: 10/19/1912

Misc: Water District Number: Field Exam Fee:

Memo:

63-4631B

April 4, 2002

Mr. Thurman came into the office today to discuss my preliminary recommendation of his right. I told him what the department considers as beneficial use and what I was looking at and taking into consideration when I made my recommendation. I based the priority date on the information that S. Fork Ranch was able to submit. The ½ acre was based on the small patch of green "grass" on his lower section of land where he keeps his vehicles and the small area in front of his house that is irrigated from Stevens Gulch. I told him that the F.S. will likely object to his use of Stevens Gulch. As for the other water sources they could not reach the property that I was recommending, so I would not recommend those sources unless my recommendation were to change to include acres located further south.

I informed Mr. Thurman that we would be sending in our director's report toward the end of May and at that time he could file an objection. What he wants to keep in mind is the issue of non-use. Clamer Johnson filed a claim in 1989 and Mr. Thurman filed in 1999, I could not tell him for certain which date would be looked at when considering forfeiture. I told him that based on the 1987 NAPP I saw no evidence of irrigation. The 1974 Ortho map did show approximately 50 acres, which may have been irrigated, but based on information that was provided to me by both Mr. Johnson and Mr. Thurman, no irrigation for crops, or pasture had occurred since at least 1977.

Mr. Thurman planned to seek the advice of an attorney.

**Idaho Dept of Water Resources
Claims review notes and narrative**

Date: 4-2-2002

File: 63-4631B Ray Thurman

Prepared by Kelly K Christensen

63-4631B
Ray Thrurman

I met with Ray today and discussed his preliminary recommendation on the above listed right. He showed me aerial photography from various years showing irrigation ditches for a portion of his property. As I am not familiar with his property I have no input regarding the interpretation of the photos. He visited about the issues surrounding his water use vs his neighbor.

I explained what he needed to complete on the notice of error form for this right. He took the form with him to complete at a later date. I explained that at this stage of the adjudication process, he needed to work with Sue Bock to be able to resolve any conflicts that he has. I then explained the general timeline for claim progress through the adjudication process through the court phase.

He mentioned his domestic use and that the well water is apparently hooked up to the house but that he is working with Lorie Graves in an attempt to obtain surface water for domestic purposes. I did not research a possible permit but discussed the use in general. Apparently the developed point of diversion for the domestic surface water is on Forest Service ground.

03/01/2002

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: April 5, 2002

Water right number: 63-4631B

RAYMOND TAYLOR THURMAN

PO BOX 23

HAGERMAN ID 83332

Telephone Number: (208) 837-6655 653-2555

RECEIVED

APR 04 2002

WATER RESOURCES
WESTERN REGION

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

Source, Priority Date, Point of Diversion, Quantity, Purpose and Period of use and place of use.

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

Source: Boise River, Little water hole, and Big water, Priority Date: 186
Quantity: none C.F.S., Point of Diversion: To include the above, Purpose of use: To include stock water and place of use: for more land.

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

Need for more water & source's to get enough water to water land and stock.

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

DATE: 4/3/02

SIGNATURE:

Raymond Taylor Thurman

Please print your name:

Raymond Taylor Thurman

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

02/26/2002

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

RIGHT NUMBER: 63-4631B

NAME AND ADDRESS: RAYMOND TAYLOR THURMAN
PO BOX 23
HAGERMAN ID 83332

SOURCE: BIG WATER GULCH
STEVENS GULCH
VAN GULCH

TRIBUTARY: SOUTH FORK BOISE RIVER
TRIBUTARY: SOUTH FORK BOISE RIVER
TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.43 CFS

PRIORITY DATE: 10/05/1899

POINT OF DIVERSION:

T03N R11E S11 NWSW Within ELMORE County
T03N R11E S11 NESE Within ELMORE County
T03N R11E S11 NESE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.430 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T03N R11E S11 NWSW 0.5

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: Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

RAYMOND TAYLOR THURMAN
PO BOX 23
HAGERMAN, ID 83332

Re: Claim No(s). 63-4631B

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. ~~Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.~~

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

07/06/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 63-4631B

Owner Type Name and Address
Current Owner RAYMOND TAYLOR THURMAN
 PO BOX 23
 HAGERMAN, ID 83332
 (208)837-6655

Original Owner EUGENIA C LANDON
Original Owner J A LANDON
 211 JEROME ST
 MOUNTAIN HOME, ID 83647

Original Owner SOUTH FORK RANCH SUBD
 CALMER OR ENIDE JOHNSON
 1660 SOUTH 3RD WEST A ST
 MOUNTAIN HOME, ID 83647

Priority Date: 06/20/1862
Basis: Beneficial Use
Status: Active

Source Tributary to
BIG WATER GULCH CREEK SOUTH FORK BOISE RIVER
STEVENS GULCH CREEK SOUTH FORK BOISE RIVER
VAN GULCH CREEK SOUTH FORK BOISE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	0.14 CFS		
Total Diversion			0.14 CFS		

Location of Point(s) of Diversion:

STEVENS GULCH CREEK	NWSW	Sec. 11	Township 03N	Range 11E	ELMORE County
BIG WATER GULCH CREEK	NESE	Sec. 11	Township 03N	Range 11E	ELMORE County
VAN GULCH CREEK	NESE	Sec. 11	Township 03N	Range 11E	ELMORE County

IRRIGATION Use:
Acre Limit: 0.5

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	11E	11		NWSW	0.5									

Total Acres: 0.5

Conditions of Approval:

- I. C18 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.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
sbock	7/6/2001	CLAIM	See memos in file, for photos see the A file. This claim is being recommended at 1/2 for external domestic use only. Claimant claimed more than 1 inch per acre, so ditch loss was calculated at .12 cfs from the Big Water/ Van Gulch pod. The Stevens pod is being recommended as he has a pipe in the creek and is using the water. The Stevens pod is on Forest Service property and the F.S. has told him to remove the pod. I told Ray that if I recommended the Stevens pod the f.s. would most likely object.

Dates:

Licensed Date:
Claim Received Date: 09/18/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): X777777
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Memo to file: 63-4631 (a,b,c,d,e)

Sue Bock

July 3, 2001

On June 7, 2001, Lori Graves and I conducted a field exam for the above-mentioned right. The purpose of our exam was to gps all diversion points and document irrigated acres, additionally our office had received complaints from both claimants on this right and we were asked to investigate.

We spent several hours talking with Calmer and Enide Johnson. They purchased the ranch around 1977. Since purchasing no crop of any kind, including pasture grass, had been planted or harvested. Also there has been no grazing of the land other than by deer and elk. Calmer filed a claim in the SRBA on 9-18-1989 for 145 acres of irrigation. Since purchasing the property Calmer has parceled the land into lots known as the South Fork Ranch Subdivision. As of June 2001, Calmer has the only house in the subdivision. Within the last two years Calmer has installed many weirs and has put in an elaborate ditch system to cover the property with turnouts for each individual lot. Calmer stated that the department told him that this would constitute beneficial use. Lori and I stressed several times that the SRBA was interested in the historical irrigation practices. Once Calmer filed a claim that stayed the forfeiture issue. We asked many times what if any irrigation had occurred from 1977 to 1989. Calmer stated that he had flood irrigated the property a couple of times, but that he had not planted, harvested, nor grazed the property.

Calmer took us to all of the pod's and we obtained gps readings. Steven's Gulch was claimed, but none of that water is or has been used on this property since Calmer purchased it.

Calmer gave us copies of the covenants for the subdivision. In a letter that was sent out to the lot owners Calmer States "In order to keep the water we must prove beneficial use. This means proving that the land has been used and water has been applied to grow trees, lawns, gardens, etc....This lateral ditch and turn out should be in place at the time of adjudication in order to prove intended use of water....It is understood that some of the lots, as surveyed out may never have received irrigation water or been in cultivation".

Ray Thurman also filed on this right 63-4631B. Ray is not part of the subdivision, rather he is on the Western end of the original homestead. He owns the only other home in the area. Water that is delivered to Thurman's place only comes from Big Water and Van Gulch. We did calculate ditch loss for this area. This water is and has been the cause of many disputes between Thurman and Calmer. Ray has also put a 1-inch pipe in Steven's Gulch to bring water to his place. The pod from Steven's Gulch is on Forest Service property and Ray thus far does not have their permission for this diversion. Ray has not irrigated his lower acres. He said that a couple of years ago he was ready to rip out the sagebrush and start irrigating, he wanted to bring in some cattle. Then he and Calmer

started feuding over the water, so he never finished. There is an area of grass near where his vehicles are parked, this area is not over $\frac{1}{4}$ acre. Ray uses the Steven's Gulch water up on top of the hill by his house. At the time of our visit the water was used for 3 tomato plants and a few trees.

My recommendation for this water right is going to be for external domestic at $\frac{1}{2}$ acre for each lot. For the subdivision this will come to 25 acres including the piece of property to the east of Block 4 Lot 1, not included in the subdivision, but included in this right. Also $\frac{1}{2}$ acre for the same use for Thurman. Each lot will be required to drill their own well for internal domestic use. I feel that recommendation as such is very generous considering the lack of beneficial use irrigation since 1977.

September 17, 2000

RECEIVED

OCT 10 2000

WATER RESOURCES
WESTERN REGION

Jan Shurte
Water Right Supervisor
Adjudication Section
Western Region

Dear Jan:

This letter is being written on behalf of Calmer and Enid Johnson, claimants to the Water Rights of the South Fork Ranch Subdivision and the Board of Directors of that subdivision, to inform you of the actions that have been taken by them.

A meeting was held on September 16, 2000, at which time an irrigation board was formed and the following officers were elected.

President: Warren McWilliams
Vice President: Dianne Henley
Secretary-Treasurer: Dianne Henley
Directors: Kip Crowley
 Vicki Winder
 Enid Johnson
Lateral Manager: Calmer Johnson
Communications Assistant: Holley Poole

The Irrigation Board of the South Fork Ranch Subdivision as a unit would like to officially protest the claim filed by a Mr. Raymond Thurman.

We understand that Mr. Thurman has filed a water right claim and was informed by you, that his allotted water right would be .24cfs for his 12 acres. Mr. Thurman then amended his claim to ask for 10cfs for 15 acres.

To calculate that water usage this formula is used:

10 cfs=449, 10cfs=4490, $449 \div 9 \text{ gpm}=499$. Enough water for 499 acres. Mr. Thurman does not own 499 acres and we vigorously protest his asking for such and absurd amount. We feel, that of Mr. Thurman's 12 acres, 6 of those can be irrigated.

Mr. Thurman also filed on all delivery ditches and head gates belonging to the South Fork Ranch Subdivision. We also vigorously protest this since he can only draw water for his use from two such sources, Big Water #1 head gate and Van Gulch diversion. Due to the topography, these are the only ditches he can use for water delivery to his property.

It appears to us that Mr. Thurman's intention is to completely override the water rights of the South Fork Ranch Subdivision and take over all ditches and other irrigation facilities. The legal allocation of water has been explained to him several times.

Sincerely,

Dianne Henley
Secretary-Treasurer

Dianne Henley
1894 North Frontage Rd
Hendell, Id 83355



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

August 22, 2000

DIRK KEMPTHORNE
GOVERNOR

Calmer Johnson
PO Box 5855
East Elko, NV 89802

KARL J. DREHER
DIRECTOR

Dear Mr. Johnson:

This letter is being written per your request concerning the filings on Water Right No. 63-04631, general water right rules and regulations and the status of our upcoming Snake River Basin Adjudication investigation and recommendations for the area this water right covers.

Originally, this water right was filed as a statutory claim in 1979. Statutory claims are considered as filing on "Grandfather" rights that were not previously filed with the Department. The original filing was for 10 cfs for the irrigation of 160 acres and .08 cfs for two homes. The water sources were Southfork Boise River, Van Gulch, Big Water, Little Water and Stevens Gulch. This claim was a notarized document which had not been confirmed by the Department, it was only what the waterusers were claiming they had been using since 10-19-1912. There were two affidavits with this filing which stated the water had been used since that time.

In 1989, the South Fork Ranch Subdivision filed on this same right no. 63-04631 in the Snake River Basin Adjudication. This filing is for the same sources as the original and covered 145 acres of irrigation at 2.9 cfs. The reason for the reduced cfs is due to Idaho Water Right law that restricts diversion to 1" per acre, or .02 cfs per acre, unless ditch loss or pourous soil types can be proven. If this is proven during our review of this claim, the additional water can be added at that time.

In 1999 we received a change of ownership on this right for Raymond Taylor Thurman. This basically split the right into 133 acres and 2.66 cfs for South Fork Ranch Subdivision and 12 acres and .24 cfs for Mr. Thurman. However, Mr. Thurman amended his split of the claim to 15 acres and 10 cfs. I spoke with Mr. Thurman at that time, and have documented in the claim file, that the number of acres historically irrigated would be what is recommended and that the 10 cfs would be cutback to the 1" per acre, plus any amount added for ditch loss or pourous soil types. This would be done at the time of the recommendation to the Court. I also told him that by filing a claim it does not give the right to divert the 10 cfs at this time, it is only a statement of what the water right holder say they feel their water right is. Until it is investigated, goes through the court and is decreed, the water right is only a piece of paper. However, in the meantime, water can be, and should be, used at a reasonable rate according to historic use.

We plan on beginning our investigation of this area during the next irrigation season (2001). At that time, we will calculate how many acres have been irrigated using 1987 maps and current irrigation, plus measurement of the amount of water being used and which sources the water is actually being used from. Prior to sending recommendations to the Court, we send all claimants a copy and allow time for them to catch any error or additions needed. Once the claim is recommended to the Court for decree, then an objection can be filed against your own claim or against another's. The court holds settlement conferences where all parties, including Departmental employees get together to try and settle the differences prior to a trial. Once the rights are decreed and if any problems occur, a watermaster can be hired to distribute the water according to the decreed water rights.

If you have any further questions concerning the water rights filed or water laws appurtenant, please feel free to contact me. Hopefully, this answers the questions you have had.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jan Shurte", written in black ink.

JAN SHURTE
Water Rights Supervisor
Adjudication Section
Western Region

JS:j

Enclosures:

Computer copy of original claim

Computer copy of South Fork Ranch Subd. Claim

Computer copy of Raymond Taylor Thurman claim

MEMORANDUM

DATE: 8/8/00

FROM: Lori Graves

TO: Thurman File

RE: Conference Calls

Jan and I had a conference call with Ray Thurman to discuss his water delivery problem. Ray stated that he had a written statement from a Forrest Service employee acknowledging and approving his work to the delivery system located on their property. Ray explained the work he had done to the ditches and the reasons why. At the end of the conversation, he agreed to meet with the subdivision owners to discuss a possible solution for his delivery problems and also that he would not do any more work to the system in the meantime. Ray stated that he didn't want the meeting to be put off very long because he needed water to help him develop his property.

Jan and I then had a conference call with Calmore Johnson and informed him that Ray was willing to meet and work out a solution in regards to his water delivery problems. Calmore stated that the next homeowner's meeting was 8/26/00, but that he would contact the President (Abe) and see if it could be scheduled sooner. Calmore said that after discussing Ray's situation at the big meeting, the board would then meet directly with Ray. Calmore was going to have Abe contact Ray about dates and times.

Ray made an office visit this afternoon and I relayed the results of our conversation with Calmore to him.

MEMORANDUM

DATE: 8/3/00

FROM: Lori Graves

TO: Jan Shurte

RE: Ray Thurman

Hi Jan, Ray called today and was upset because someone had changed the locks to "the gate". I explained that there had been some excess water problems on the ditch system, which he then denied. I then asked him who had given him "the key" and he said the owner. I asked him the owner of what and he responded with "one of the owners in the subdivision had told him where to find it". Uh oh.

I told Ray that a water right does not give him the authority to trespass on another's private property. I also told him that he did not have the right to injure others in the process of getting water to his property. I then re-emphasized the fact that he is limited to 1"/acre for irrigation.

I advised Ray to call Mr. Johnson and explain why he had a key and why he was doing whatever he was doing. Ray refused.

Please call Ray at 208-653-2555 and fill him in on what you've been told. Thx.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 10, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Raymond Taylor Thurman
PO Box 23
Hagerman ID 83332

RE: Portion of Statutory Claim 63-04631

Dear Mr. Thurman:

The following letter attempts to summarize the status of your right to Statutory Claim 63-04631.

The original claim was filed for 160 acres by J. A. Landon. Of that, you claimed 15 acres in the Snake River Basin Adjudication (SRBA) on claim no. A63-04631B and South Fork ranch Subdivision claimed 133 acres on claim no. A63-04631A. Because the SRBA claims are both derivatives of the same right, neither has priority over the other, regardless of size or location on the ditch. Both splits have a proportionate share of the water available, based on historical beneficial use, which has yet to be determined in the SRBA review.

Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads 'Lori Graves'.

Lori Graves
Sr. Water Allocations Agent