

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 63-31736
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: STEVENS GULCH Trib. to: SOUTH FORK BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
03N	11E	11	NW	SW	4	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	0.024	

7. Total Quantity Appropriated is:

0.024 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	4	IRRIGATION	0.8
Section Acres							0.8
Total Acres							0.8

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)
) SS.
County of _____)

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

653-2533

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 POURIOUS 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 Taylor Thurman Date: 9-25-00

_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this

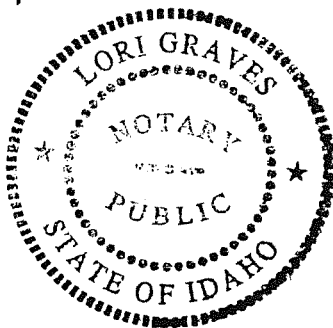
of Sept 2000

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	SW	Lot	County
03N	11E	11	1/4 of	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. *and or sprinklers*
pipe

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		
<i>Domestic</i>	<i>01/01</i>	<i>12/31</i>	<i>1.000</i>		

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:

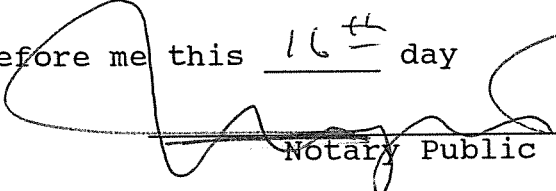
I/We do solemnly swear or affirm that the statements contained in the
foregoing document are true and correct.

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

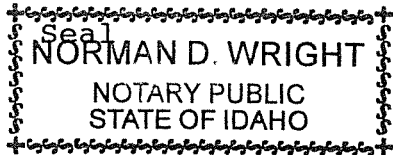
Date: _____

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, ID

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Water Resource
334-2190

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) A63-04631
- Adjudication Claim Number(s) per attached
2. The following REQUIRED inform: profile report form.
- A. A copy of the most recent DEED OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
- AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
- OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) THOMAS J. GANELY
4. New Owner/Claimant(s) RAYMOND TAYLOR THURMAN
Name connector (Check one): [] AND, [] OR, [] AND/OR
- New Mailing Address P.O. Box 23
- City, State and ZIP Code Flagstaff AZ 83332
- New Telephone Number (28) 837-6655
5. Date you acquired the property 9-22-99
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres actually irrigated Number and type of stock
- Diversion rate in CFS Number of homes Other uses
cubic feet per second
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Raymond Taylor Thurman Date 9-22-99

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

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 your 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:

Elmore

County, State of Idaho,

the following described real property in
more particularly described as follows, to wit:

(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: Sheryl A. Reymert

Name: Sheryl A. Reymert
(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 4.600 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 ELMORE County, State of Idaho,
more particularly described as follows, to wit:

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. 1149 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 1149, 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 1149; thence N88°50'53"E,
370.96 feet to a point, this point being Corner
No. 3 of H.E.S. Survey 1149; thence N55°00'17"E,
453.30 feet to a point, this point being Corner
No. 4 of H.E.S. Survey 1149; 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 1149; 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± 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

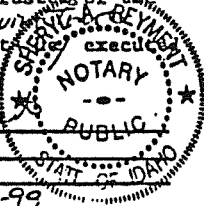
6-9-95

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 J. 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 acknowledged to me that they executed
the same as such trustee.

SIGNATURE *Sheila A. Reymont*
NAME SHEILA A. REYMENT
RESIDING AT NEW HAVEN, CT
MY COMMISSION EXPIRES 2-27-99



318053

ELMORE COUNTY, IDAHO ss
Request of
GUARANTY TITLE, INC.

Time 3:35 PM
Date September 22, 1995
GAIL L. BEST, Recorder

By *[Signature]* Deputy
Fee 3.50

AJ5809NP
No. A63-04631

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/16/99
PAGE: 1

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 SESE ELMORE County
R12E S07 NESW ELMORE County

Place of use Legal Description for: IRRIGATION

I	R	S	NE		NW		SW		SE		SUM
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
03N	11E	11									
03N	11E	12									
TOTAL ACRES											145.0

POU County: ELMORE

Non-Irrigation Uses: NONE.

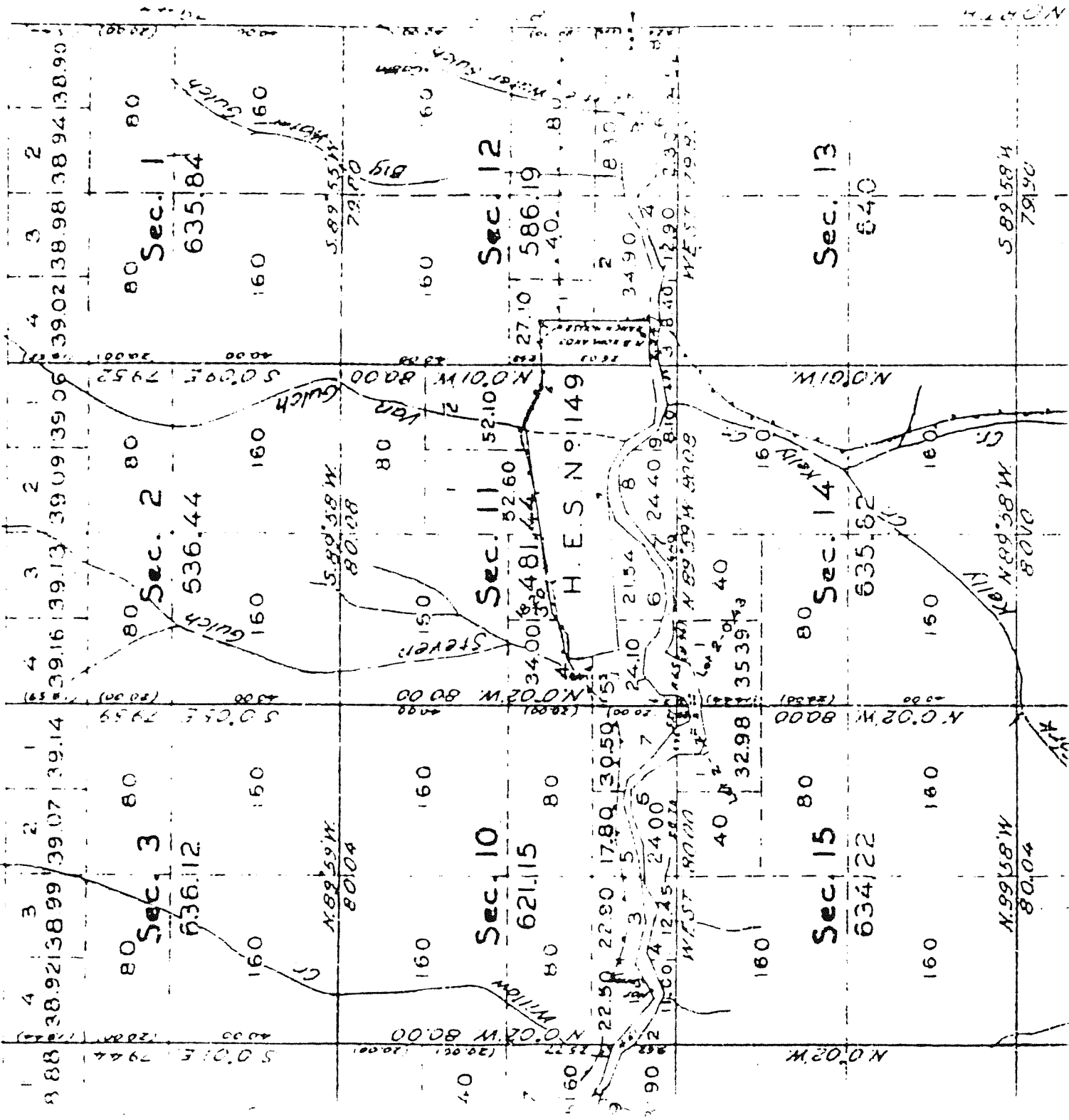
Other Rights: NONE.

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.

Dates: Exam Made Date: Verified Date: 04/08/1985 Objection Filed Date:
Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

U.S. 111

WEST



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: W005983
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	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 1991

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
Ernie 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

RIGHT NUMBER: 63-31736

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

SOURCE: STEVENS GULCH TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.024 CFS

PRIORITY DATE: 10/05/1899

POINT OF DIVERSION:

T03N R11E S11 NWSW Lot 4 Within ELMORE County

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.024 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T03N R11E S11 ~~Lot 4~~ NWSW 0.8

0.8 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.

SF5 Right No. 63-31736

09/10/2003

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

RIGHT NUMBER: 63-31736
NAME AND ADDRESS: RAYMOND TAYLOR THURMAN
HC 87 BOX 594
FEATHERVILLE ID 83647
SOURCE: STEVENS GULCH
TRIBUTARY: SOUTH FORK BOISE RIVER
QUANTITY: 0.024 CFS
PRIORITY DATE: 10/05/1899
POINT OF DIVERSION:

T03N R11E S11 NWSW Lot 4 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	0.024 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T03N R11E S11 Lot 4 NWSW 0.8

0.8 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

NO REMARK NEEDED - NOT OBJECTED TO BY
EDGAR L. STEVENS WATERUSERS.

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: _63-31736_
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: T03N R11 S11 NWSW

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 Lot 4 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.

Michael Allitte

David Nouri

Subscribed and sworn before me on:

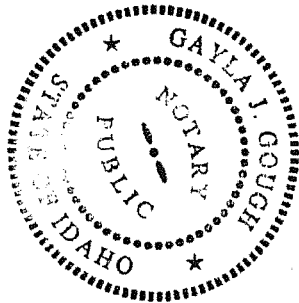
February 6, 2004

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 Feb. 20, 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

09/10/2003

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

RIGHT NUMBER: 63-31736
NAME AND ADDRESS: RAYMOND TAYLOR THURMAN
HC 87 BOX 594
FEATHERVILLE ID 83647
SOURCE: STEVENS GULCH TRIBUTARY: SOUTH FORK BOISE RIVER
QUANTITY: 0.024 CFS
PRIORITY DATE: 10/05/1899
POINT OF DIVERSION:

T03N R11E S11 NWSW Lot 4 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	0.024 CFS

PLACE OF USE: IRRIGATION Within ELMORE County
T03N R11E S11 Lot 4 NWSW 0.8

0.8 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

RIGHT NUMBER: 63-31736

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

SOURCE: STEVENS GULCH

QUANTITY: 0.024 CFS

PRIORITY DATE: 10/05/1899

POINT OF DIVERSION:

TRIBUTARY: SOUTH FORK BOISE RIVER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.024 CFS

PLACE OF USE: IRRIGATION Within ELMORE County
T03N R11E S11 Lot 4 NWSW 0.8

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.

SF5 Right No. 63-31736

Shurte, Jan

From: Steven M Spencer [sspencer@fs.fed.us]
Sent: Tuesday, September 09, 2003 3:17 PM
To: ggibson@idwr.state.id.us; jshurte@idwr.state.id.us
Cc: lharris@idwr.state.id.us; Jamie Gough; David L Negri
Subject: SF5's-Thurman



SF563-31733.RTF SF5-63-31734.RTF SF5-63-31735.RTF SF5-63-31736.RTF

The only thing I would suggest on these is that on 63-31736 from Stevens Gulch, that the 'All places of use are on private land within Homestead Entry Survey (HES) 149' be added to the place of use like it is on the preceding three new recommendations. With at addition it would appear that FS needs would be met when Mr. Thurman returns his special use application. I will include all the PODs on these recommendations at diversion points with accompanying ditches on the special use permit application. Thank you. If you have any questions about this matter, please contact me.

Steve Spencer (208) 331-5944
Boise Adjudication Team (208) 387-0842 FAX
161 E. Mallard, Suite A e-mail: sspencer@fs.fed.us

Boise, ID 83706

----- Forwarded by Steven M Spencer/R4/USDAFS on 09/09/2003 03:08 PM

"Harris, Lori"

<lharris@idwr.st To:
"sspencer@fs.fed.us" <sspencer@fs.fed.us>
ate.id.us> cc:
Subject: SF5's-Thurman

09/09/2003 09:11

AM

Steve,

Here are the SF5's for Ray Thurman that you requested to see.

<<SF563-31733.RTF>> <<SF5-63-31734.RTF>> <<SF5-63-31735.RTF>>
<<SF5-63-31736.RTF>>
(See attached file: SF563-31733.RTF) (See attached file:
SF5-63-31734.RTF)

(See attached file: SF5-63-31735.RTF) (See attached file:
SF5-63-31736.RTF)

07/30/2003

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

RIGHT NUMBER: 63-31736

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

SOURCE: STEVENS GULCH

TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.024 CFS

PRIORITY DATE: 10/05/1899

POINT OF DIVERSION:

T03N R11E S11 NWSW Lot 4 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.024 CFS

PLACE OF USE:

IRRIGATION Within ELMORE County

T03N R11E S11 Lot 4 NWSW 0.8

0.8 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

Water Right 63-31736

1

→ POLY IRR FULL

Use of this w/right # 63-31735 is limited to the irrig. of a comb. total of 8 acres.

63-31733, 31734 +

63-31735 is

limited to the irrig. of a comb. total

of 8 acres.

Priority Date Data Entry Form

Claim Number 63-31736

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 Stevens 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 63-31736

Claimed Place Of Use

T03N R11E S11 Lot 4 NWSW 0.8

Total Acres

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	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: _____

MEMORANDUM TO FILE

From: Gene Gibson

Date: July 30, 2003

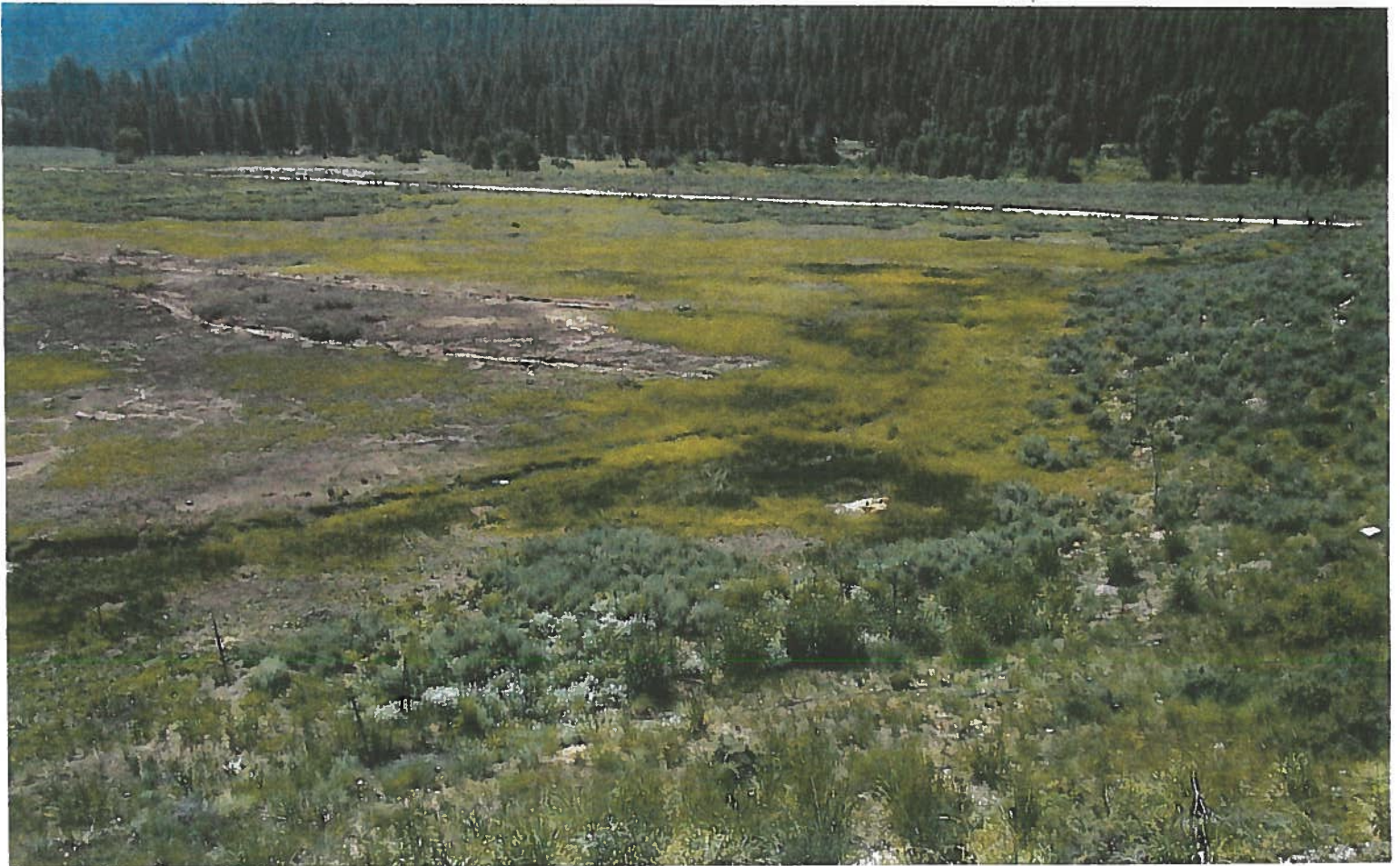
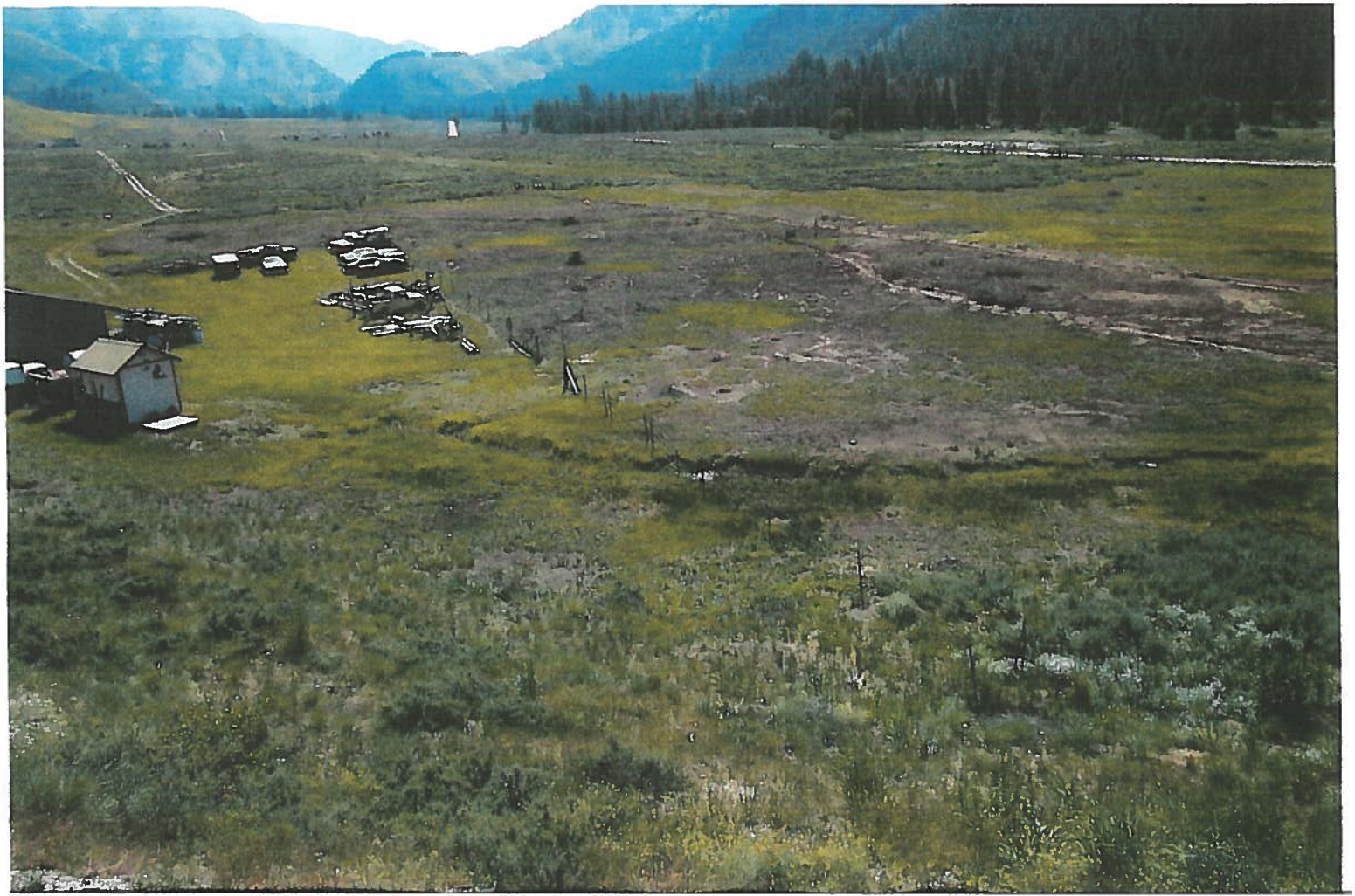
On June 12, 2003, I made an field examination of Claim Number 63-04631B to determine if the objections made to the claim by Raymond Thurman were valid or not. I met with Raymond, Fay and Curt Thurman to review the information contained in the original claim (63-04631A) filed by South Fork Ranch Subdivision,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

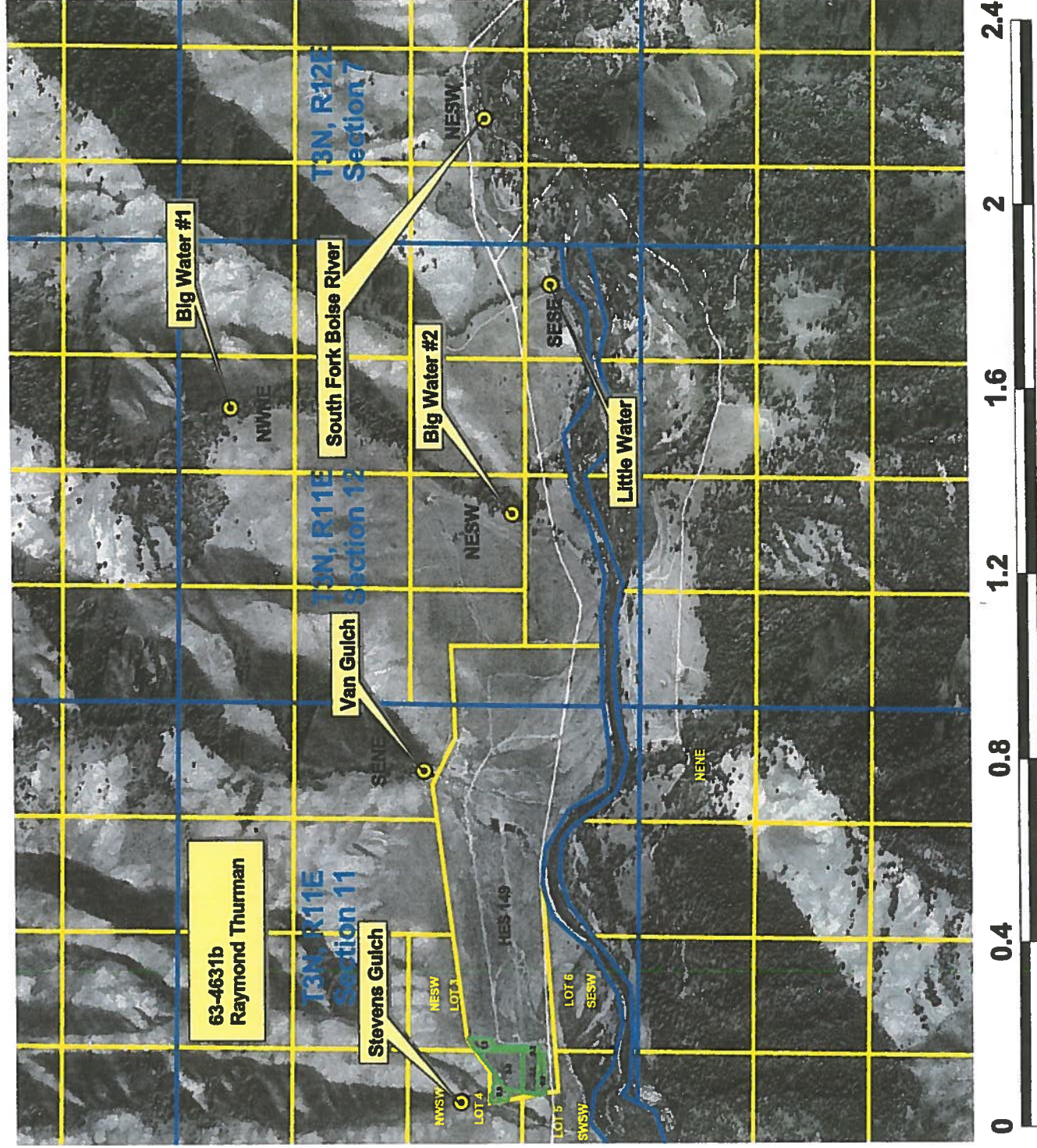


IDAHO DEPARTMENT OF WATER RESOURCES

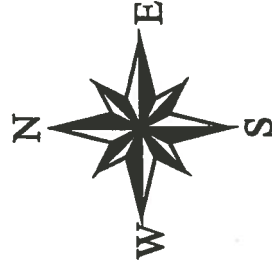
Claim: 63-4631b

Date Prepared: 07-16-03

Prepared By: Gene Gibson



TO3N, R11E
S11,12
T03N, R12E
S7



○ Point of Diversion

Place of use

Section

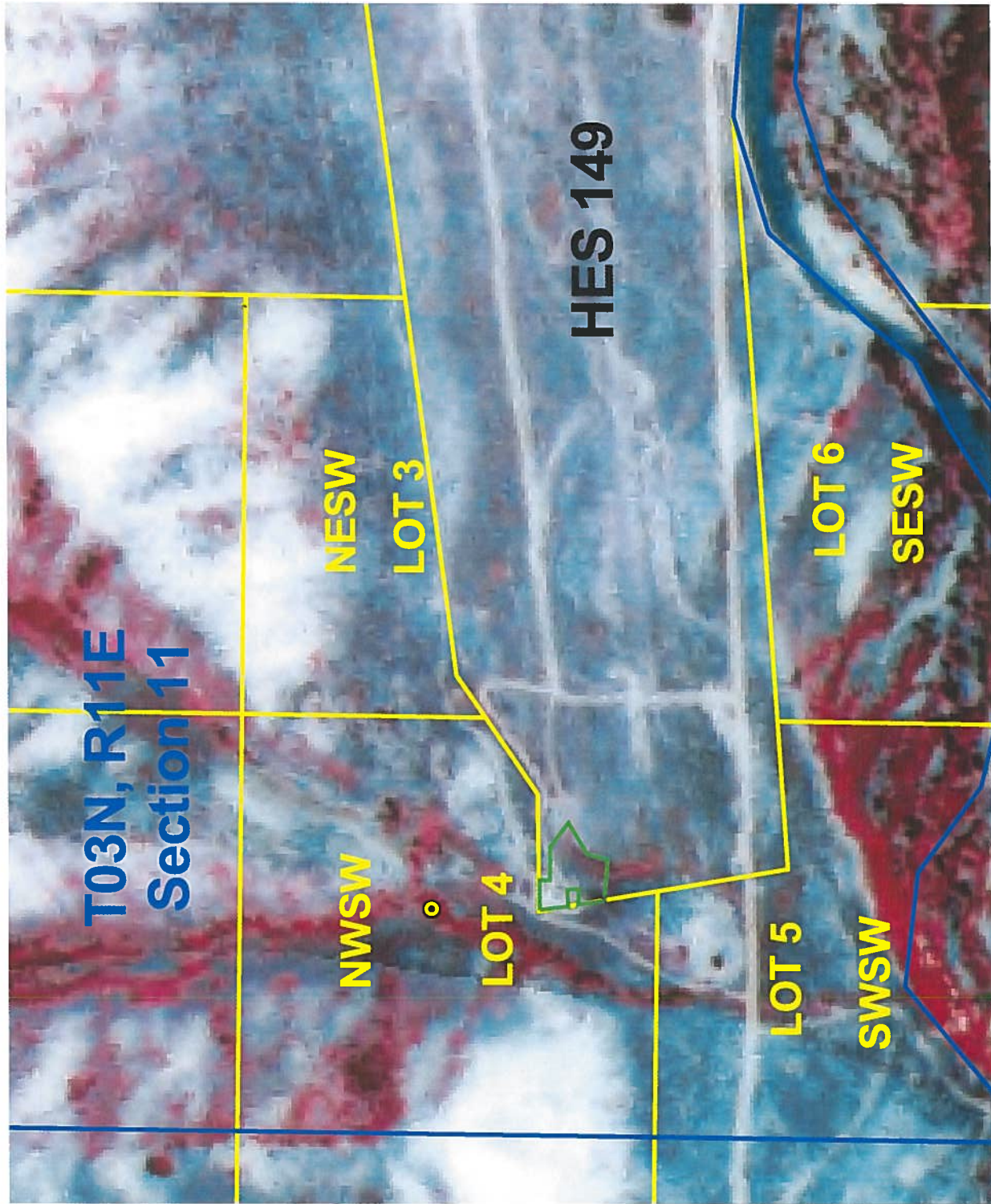
1/4 1/4

8.8 acres

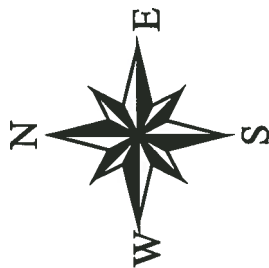
1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-31736
Date Prepared: 07-29-03
Prepared By: Gene Gibson



T03N, R11E
S11

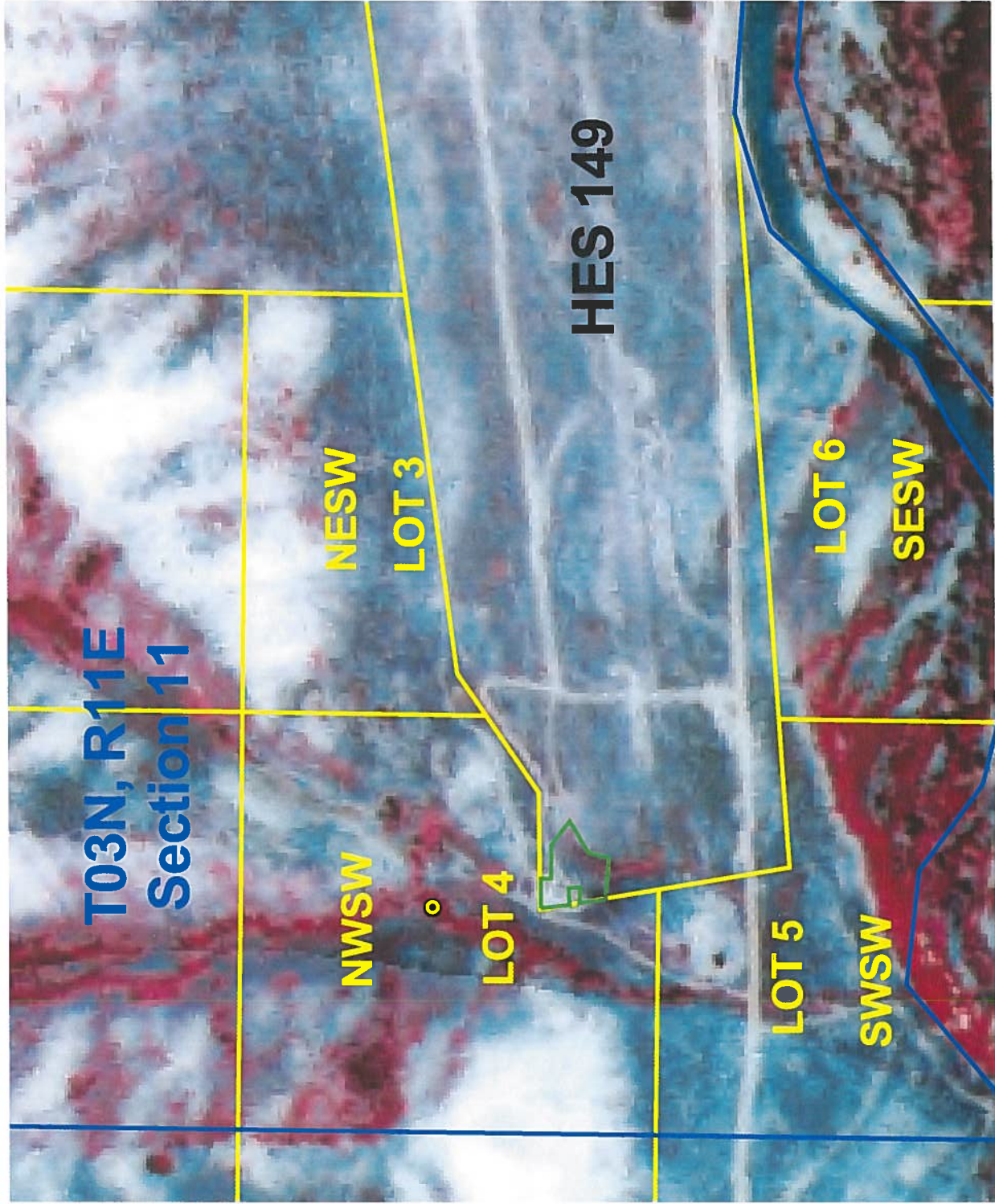


- Point of Diversion
- Place of use
- Section
- 1/4 1/4

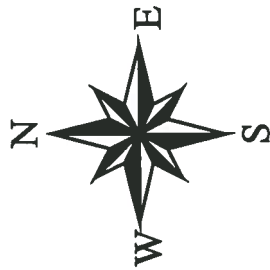
1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

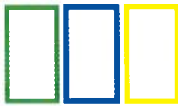
Claim: 63-31736
Date Prepared: 07-29-03
Prepared By: Gene Gibson



T03N, R11E
S11



○ Point of Diversion



1987 NAPP

**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 awarded claim
(If priority date, based on your exam, seems questionable, explain below.)

Stevens Gulch Little Water Gulch
Van 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

Description of diverting works

HEADGATES, Tarps, Dams, pipe

OVERLAP REVIEW

Other water rights with the same point of diversion: Parent Right A63-46316
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 BWP
BW'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 acres }				
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

MANNINGS 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

SF.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 EL. 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.

~~SF-1 Objection~~ ^{Motion to Participate}
Amended 10/16/97

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.

County of Elmore)

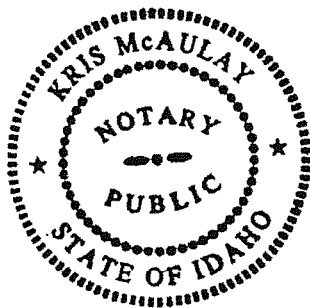
Lyons D. Woody, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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~~199~~, 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:

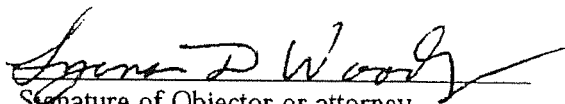
Name: Raymond T. Thurman
Address: HC 857 Box 594
Featherville, ID 83647

3. Copies to:

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

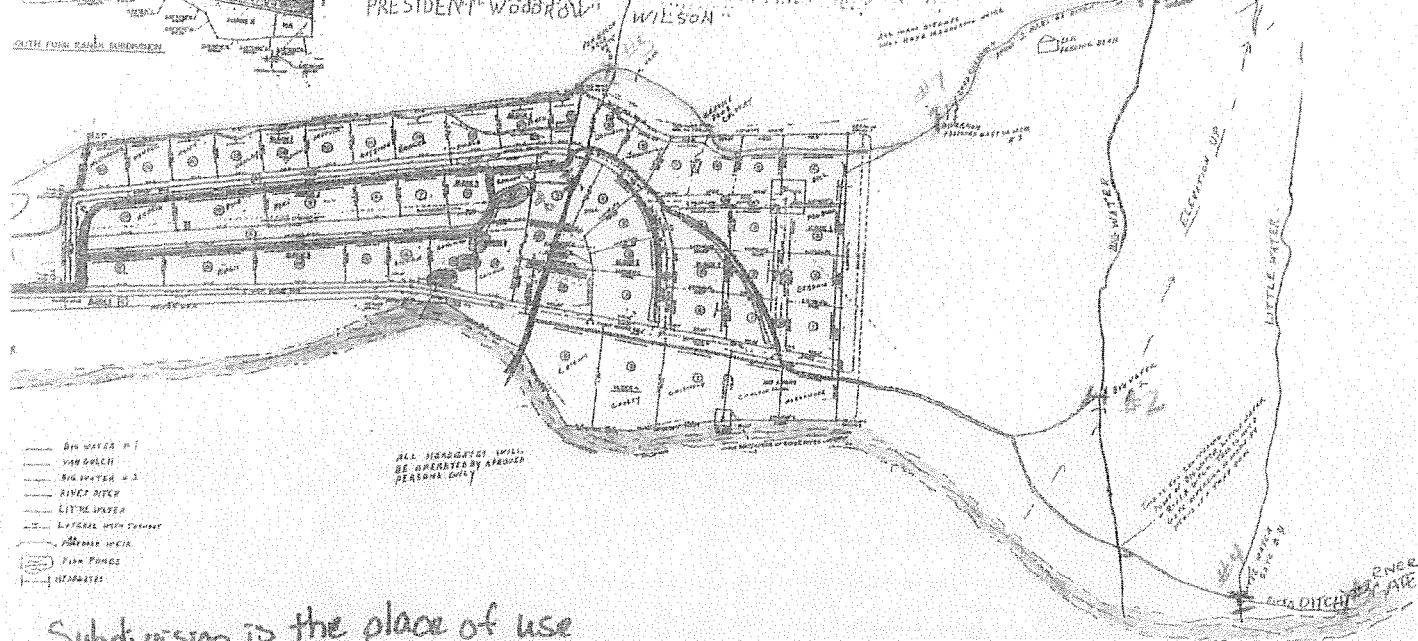
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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



MAP OF SURVEY 149. FILED UNDER HOMESTEAD ACT OF 1862
 PATENT GIVEN TO EDGER L STEVENS JULY 28, 1916 BY
 PRESIDENT WOODROW WILSON



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.

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.

Dan M. Mori
(Attorney signing in representative capacity)

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:

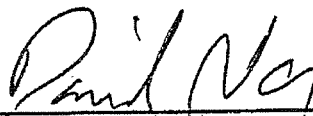
Name: Raymond Taylor Thurman
Address: PO Box 23
Hagerman, ID 83332

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

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 and 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

F.

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. Reymond
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:

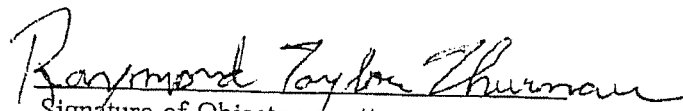
Name: _____
Address: _____

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.

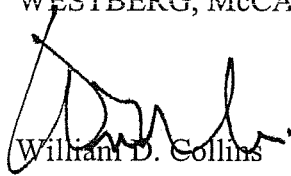
You are asking for water out of the lower diversion of Big Water Gulch, water out of Little Water Gulch and water out of the South Fork of the Boise River. None of the water from those three sources reaches the upper portion of your property. Water from those three sources would, however, reach the south 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

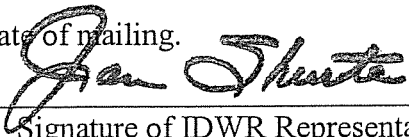
☐ Other

☐ 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:

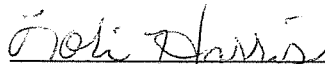
Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

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

DATE: 08/22/00
PAGE: 1

NAME & ADDRESS

PRIORITY
DATE

WATER ICE

USE PERIOD

DIVERSION

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

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

Tributary to: BOISE RIVER, SOUTH FORK
BOISE RIVER, SOUTH FORK
BOISE RIVER, SOUTH FORK
BOISE RIVER, SOUTH FORK
BOISE RIVER, SOUTH FORK

Stage: BENEFICIAL USE

TOTAL DIVERSION: 10,000 CFS

Point(s) of Diversion: T03N R11E S11 S12 R12E S07

ELMORE County
ELMORE County
ELMORE County

Place of use Legal Description for: IRRIGATION

NE

[illegible]

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		DOMESTIC	01/01 12/31	0.080 CFS	
	211 JEROME ST.					
	MOUNTAIN HOME ID 83647					
				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	NESW					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	Lt
03N	11E	11	:	:	:	:	:	:	:	:	:
03N	11E	12	:	:	:	:	:	:	:	:	:

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

Pool 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 right, 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 sources 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

<u>Owner Type</u>	<u>Name and Address</u>
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
BIG WATER GULCH CREEK
STEVENS GULCH CREEK
VAN GULCH CREEK

Tributary to
SOUTH FORK BOISE RIVER
SOUTH FORK BOISE RIVER
SOUTH FORK BOISE RIVER

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

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

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									

Conditions of Approval:

1. 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:

$10 \text{ cfs} = 449$, $10 \text{ cfs} = 4490$, $449 \div 9 \text{ gpm} = 499$. 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.

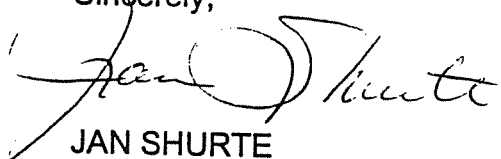
In 1989, the South Fork Ranch Subdivision filed on this same right no. 63-04631 in the Snake River Basin Adjudication. This filing is for the same sources as the original and covered 145 acres of irrigation at 2.9 cfs. The reason for the reduced cfs is due to Idaho Water Right law that restricts diversion 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".

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**
DIRECTORRaymond 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

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

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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.

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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).

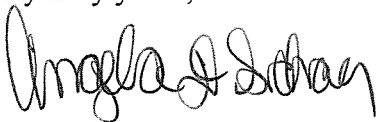
To back up a bit historically, in 1979, the Landons filed a Notice of Claim, claiming a 1912 priority date. Attached to the claim was an affidavit from D.C. Hughes, who testified that "the water from Stephans (Stevens) Gulch, Van Gulch, Little Water Gulch and Big Water have been used on the ranch since 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