

AJ5809NP
No. R45-10407

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/29/97
PAGE: 25

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RAY C BEDKE PO BOX 283 OAKLEY ID 83346 (208) 862-3252	01/07/1946	STOCKWATER	11-01 04-01	0.14 CFS	
TOTAL DIVERSION:					0.14 CFS	

Water Source: LAND RANCH SPRING
LAND CREEK

Tributary to: LAND CREEK
SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion: T13S R23E S08 SWSNW

CASSIA County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
12S	22E	25	:															:	
			:															:	

POU County: CASSIA

Non-Irrigation Uses: STOCKWATER, 55 BEEF

Other Rights: NONE

Remarks: GEN PARCEL NO. 12S22E252400

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 08/11/1993 User-ID: SMITH Subject: COPIED FROM REMARKS
SEE ATTACHED AGREEMENTS IN FILE ALSO.

Audit: 08/11/93 SMITH 03/30/95 POST-STD

*div. rate for
55 head beef
↑
(pls. put in
comment about
reducing div.
rate...)*

*(open ditches & pond
are div. works)*

if 2/9/98

*D.P.
2-10-98*

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: A45-10407
Date Received: 5/02/1989
Receipt No: S007001
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RAY C. BEDKE 208-862-3252
Address: P.O. BOX 283
OAKLEY, ID 83346

2. Date of Priority: JAN 07, 1946

3. Source: LAND RANCH SPRING Trib. to: LAND CREEK
LAND CREEK SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	23E	8	SW	SW	NW		CASSIA

5. Description of diverting works:
OPEN DITCHES AND POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	11/01	04/01	0.140		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/500 BEEF

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	22E	25	SE	NW		STOCK	

11. Place of use in counties: CASSIA

A45-10407

Page 1

Date: 05/02/89

MICROFILMED

MAR 6 0 1990

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

13. Other Water Rights Used:
NONE

14. Remarks:
SEE ATTACHED AGREEMENTS IN FILE ALSO.

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): Ray C. Berke Date: May 2, 1989

Date: _____

State of Idaho)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 2ND day
of May 19 89 Steve C. O. O.
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

169816

AGREEMENT

THIS AGREEMENT, is entered into this 20 day of March, 1985, between WINECUP, INC., an Idaho Corporation (Winecup), and FIRST SECURITY BANK OF IDAHO, N.A., (Bank).

Winecup may use such water ^{ReB} ~~as available~~ from natural run off of Land Creek and others, other than during the irrigation season from a pond legally described as Parcel 7A on Desert West Land Survey's Job No. 96585B-3 dated March 18, 1985, and revised March 21, 1985.

Winecup may graze livestock on the Southwest Quarter (SW $\frac{1}{4}$) of Section 24, West half (W $\frac{1}{2}$) of Section 25, and the East half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 26, all Township 12 South, Range 22, East Boise Meridian, Cassia County, Idaho, except when such property has planted or growing crops or when fall or spring work is done.

Winecup will execute an easement along the South and East borders of the SW $\frac{1}{4}$ of Section 25, Township 12 South, Range 22 E.B.M., Cassia County, Idaho. Such easement shall be surveyed, at Bank's expense, and shall be for the purpose of constructing and maintaining an open ditch, underground pipeline or other irrigation facilities over, across and through the lands described in the survey. Said lands shall not impair the present irrigation of the SW $\frac{1}{4}$, Section 25, Township 12 South, Range 22 E.B.M., Cassia County, Idaho.

FIRST SECURITY BANK
OF IDAHO, N.A.

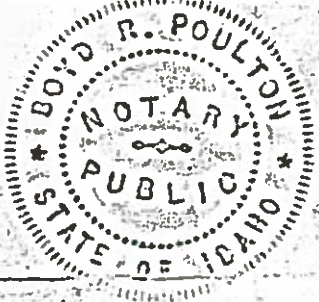
By: J. Lamar Giles
J. Lamar Giles
Senior Vice President

WINECUP, INC.

By: Ray C. Bedke
Ray C. Bedke
President

STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

On this 20 day of April, 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared Ray C. Bedke, known or identified to me to be the President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

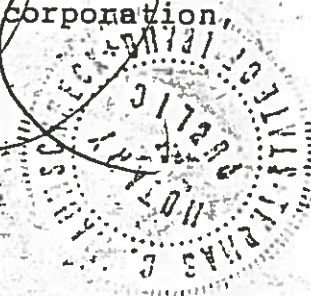


[Signature]
Notary Public
Residing at: *Butler*

STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

On this 20 day of April, 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared J. Lamar Giles, known or identified to me to be the Senior Vice President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

[Signature]
Notary Public
Residing at: *Boode*



RECORDED AT THE REQUEST OF
Jayle Bedke
FILM 173
MAY 30 2 32 PM '85
CASSIA COUNTY, IDAHO
FRANK E. NEARNS
RECORDER
FEE 400 REPUTY 211
RE: Box 283
Boode

169816

MICROFILMED
MAR 08 1993

A45-10407

This agreement made and entered into this 7th day of January, 1946 by and between: Ray Bedke and Anne C. Bedke of Oakley, Idaho, known as the sellers and C. E. Elquist, also of Oakley, Idaho, known as the purchaser.

Whereas, the sellers are the owners of lands located or situated in Section 25, Township 12 South, Range 22 E. B. M. in Cassia County, Idaho.

And whereas, the purchaser desires to purchase or buy a parcel of said land, more particularly described as follows: North half of the Southeast Quarter ($N\frac{1}{2}SE\frac{1}{4}$).

Now therefore, in consideration of the premises and mutual covenants herein contained ~~and~~ the sum of eight hundred dollars (\$800.00) in hand paid by the purchaser along with other lands described as follows: South half of the Southwest Quarter ($SW\frac{1}{2}$), Section 25, Township 12 South, Range 22 E. B. M., State of Idaho. Also, the right to the use of, by the sellers, water from the Land Ranch Spring, also known as the Big Spring, which rises in Section 6 or 7 of Township 13 South, Range 23 E. B. M., State of Idaho, (or nearby), and is used upon the lands or appurtenant to the Land Ranch, delivered to the sellers' stock purposes on balance of sellers land in Section 25, Township 12 South, Range 22 E. B. M., from November 15, 1946 to March 15, 1947 and for each and every year following said above dates or until the sellers desire a change of such winter use.

The deeds to the above lands and the above descriptions shall run of equal dates.

In witness whereof: the parties hereto have executed the above agreement the day and year first above written.

WITNESSES:

Jeannette Y. Chamberlain

SELLERS:

Ray Bedke
Anne C. Bedke

WITNESSES:

Dorothy Emery

PURCHASERS:

Charles Elquist

7. MICROFILMED

MAR 08 1993

A45-10407



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

• *Wincup One.*
• *Box 283*
• *Oakley ID 83346*

MAILING DATE: *Aug. 3, 1993*

RESPONSE DATE: *Aug. 23, 1993*

RE: NOTICE OF CLAIM NO[S]: *AK5-10407*

Dear Claimant(s):

We are currently preparing the Notice(s) of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Our research indicates there may have been a change in either the ownership or address for the above claim(s). IDWR records currently show the following name and address for the owner of the claim(s) listed above:

• *Ray C. Burke*
• *PO Box 283*
• *Oakley ID 83346*

If our current records, as listed above, are not correct please complete the enclosed Change in Ownership or Change of Address form, as appropriate, to correct our records.

Your response must be received in this office by the Response Date indicated above. If no response is received from you, all further legal notices concerning the claim(s) will be sent to the name and address shown above. If you have claims other than those referenced here, please contact the Department so we may assist you in updating the information for all your claims. Should you have any questions, or feel that you need assistance, please contact IDWR at 1-800-451-4129.

Sincerely,

Donald V. Shaff
Manager Adjudication Section

state:region

Enclosures:

Change of Ownership Form

Change of Address Form

TO: File

DATE: February 20, 1997

FROM: Jim Stanton

SUBJECT: Claims A45-00698B, 00701, 10407, 12444

These claims are all on Land Ranch Spring. This spring comes out at the base of a rock bluff in the SW/SW/NW Sec. 8 T. 13S R. 23E. It then runs westerly for about 1/4 mile before being entirely diverted into a concrete ditch that runs NNW about a mile into Sec. 6. There is a 6' broad-crested weir in the NW/SE Sec. 6. Water flowing over the weir is then divided between Elquist Ranches and Lambert Produce, with Elquist entitled to 7/12 and Lambert 5/12. This water is used for irrigation when needed, and for stockwater in the winter. Any unused water disappears into the air or the ground. Although these claims show that this spring is tributary to Land Creek, the quad map clearly shows that this is not the case. While the diverted waters could comeingle further downstream, the natural channels are about 1 1/2 miles apart and flowing parallel to each other.

The decreed rights on this spring were given as portions of the flow, with no actual flow rates established. On 2-18-97, I measured a head of 0.34' and 0.36' on each end of the weir. Based on the table for a contracted rectangular weir, this equals 4.09 cfs. According to the two owners of the spring, it flows pretty constant for most of the year. So the Elquist portion of the flow, 58.3%, would come to 2.39 cfs. This leaves 1.7 cfs for Lambert Produce. These amounts are much less than is claimed.

Although there is a small pool where the spring comes out of the ground, I did not observe any storage in this system. There may be small ponds further down the respective systems where groundwater and surface water comeingle for use in pressurized sprinklers.

The Schenk feedlot mentioned in A45-00701 is no longer in business, although Lambert may eventually put some of their stock there.

I don't know anything about the Ray Bedke claim except that the p/d is wrong. It should be the SE/NE Sec. 7 T. 13S R. 23 E. as in the other claims on this source.

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

09/07/91 08:01:39
PAGE 1

WATER RIGHT NUMBER - A45-10407

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - +

+ - FIRST NAME - - +

+ - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
BEDKE

RAY C.

1 - P.O. BOX 283

2 -

3 -

CITY- OAKLEY

PHONE - 208-862-3252

STATE- ID ZIP- 83346

+ - - PRIORITY DATE - - +
01/07/1946

+ - - - REGION - - - +
ERROR IN REGION

+ - - - STAGE - - - +
J - BENEFICIAL USE

+ - - - STATUS - - - - +

+ - - - - SOURCE - - - - - +
LAND RANCH SPRING
LAND CREEK

+ - - - - - TRIBUTARY - - - - - +
LAND CREEK
SINKS

TWN	RNG	SEC	TRACT	LOT	RFLG	POINT OF DIVERSION	COUNTY	STREAM INDEX (BLANK IF NO INDEX CODE)
13S	23E	8	SW SW NW			(31) CASSIA		

CODE	DESCRIPTION	PERIOD FROM	PERIOD TO	WATER USE	DIVERSION RATE	DIVERSION VOLUME
04 - STOCKWATER		11/01	04/01		0.140	

TOTAL DIV. RATE - +	TOTAL DIV. VOLUME - +	TOTAL DIV. CAPACITY - +	TOTAL CONSUMPTIVE USE - +	KW USAGE - +
0.140			0.0	

TWN	RNG	SEC	TRACT	LOT	ACRES	PLACE OF USE	DESCRIPTION	COUNTY
12S	22E	25	SE NW			04 STOCKWATER		(31) CASSIA

+ - - DIVERSION MEANS - OPEN DITCHES AND POND

+ - - NON-IRRIGATION USE - S/500 BEEF

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - +
SEE ATTACHED AGREEMENTS IN FILE ALSO.

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - - AUDIT FIELDS - 05/02/89 CLELLAND

+ - DECREE DATE - +
00/00/0000

MICROFILMED
OCT 27 1994

WATER RIGHT NUMBER - A45-10407

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - - COMMENTS - - - - - +
NO COMMENTS FOUND

+ - - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 05/02/1989	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- S007001	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	-	NOTICE OF ERROR FLAG	-

12522E252400
Winecup Inc
Box 283
Oakley 83346

CHANGE OF OWNERSHIP
LETTER SENT 8-3-93 JJ

DATA ENTRY
ENTERED _____
CHECKED _____

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
OCT 19 1991

DATA ENTRY

ENTERED 8-11-93 JJ
CHECKED 10/17/93 DLD

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
FEB 14 1993

CERTIFIED
FEB 23 1993
WATER EXAMINER