

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-228
Date Received: 9/1/1988
Receipt No: S002032
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DIAMOND A LIVESTOCK INC Phone: (208)934-5391
1997 S 1875 E
GOODING ID 83330

2. Date of Priority: 06/01/1883

3. Source: CHIMNEY CREEK Trib. to: CAMAS CREEK
UNNAMED STREAM CHIMNEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	12E	35	NW NW SE	CAMAS	
01N	12E	26	NE SW SW	CAMAS	
01N	12E	26	NW NW SW	CAMAS	
01N	12E	27	NW NE	CAMAS	
01N	12E	27	NW NE	CAMAS	

5. Description of diverting works:

DAMS AND WOODEN HEADGATES.
New POD on Chimney Creek
New POD on unnamed stream

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31 2	

7. Total Quantity Appropriated is:

2 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
01N	12E	26	SW	NW	IRRIGATION	1.2
			NW	SW	IRRIGATION	15.4
			SW	SW	IRRIGATION	22.8
			SE	SW	IRRIGATION	32.6
			SW	SE	IRRIGATION	4.1
					Section Acres	76.1
01N	12E	35	NW	NE	IRRIGATION	37.3
			SW	NE	IRRIGATION	39.7
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	39.7
			SW	NW	IRRIGATION	35.8
			SE	NW	IRRIGATION	37
			NW	SE	IRRIGATION	39.8
					Section Acres	269.3
					Total Acres	345.4

11. Place of use in counties: CAMAS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This right is limited to the irrigation of 227.7 acres within the place of use described above in a single irrigation season.

Rights 37-228 and 37-229 when combined shall not exceed the irrigation of 227.7 acres.

The total instantaneous diversion of water from all points of diversion under Rights 37-228, 37-229, and 37-2147 shall not exceed 4.6 cfs for the irrigation of a combined total of 257.3 acres per season.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Rights 37-229 and 37-2147 are also diverted through the point(s) of diversion described above.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Decreed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71010

This is to certify that: DIAMOND A LIVESTOCK INC
1997 S 1875 E
GOODING ID 83330
(208)934-5391

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-228	AJC/Decreed	06/01/1883	2.00 cfs	N/A	N/A	257.3	CHIMNEY CREEK
37-229	AJC/Decreed	06/01/1884	2.00 cfs	N/A	N/A	257.3	CHIMNEY CREEK
37-2147	AJC/License	07/10/1909	0.60 cfs	N/A	N/A	257.3	CHIMNEY CREEK

Purpose of Transfer (Changes Proposed)

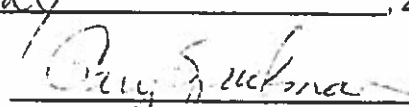
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-228	NO	NO	YES	YES	NO	NO
37-229	NO	NO	YES	YES	NO	NO
37-2147	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-228	37-228	2.00 cfs	N/A	227.7	345.4		N/A	N/A	N/A	N/A
37-229	37-229	2.00 cfs	N/A	227.7	345.4		N/A	N/A	N/A	N/A
37-2147	37-2147	0.60 cfs	N/A	30.0	345.4		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		4.60 cfs	N/A	257.3	345.4		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 5th day of May, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-228
As Modified by Transfer No. 71010

In accordance with the approval of Transfer No. 71010, Water Right No. 37-228 is now described as follows.

Right Holder: DIAMOND A LIVESTOCK INC
1997 S 1875 E
GOODING ID 83330

Priority Date: June 01, 1883

Source: UNNAMED STREAM
CHIMNEY CREEK

Tributary: CHIMNEY CREEK
CAMAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	10/31	2.00 CFS
			2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

CHIMNEY CREEK	NWNWSW	Sec. 26 Twp 01N Rge 12E CAMAS County
CHIMNEY CREEK	NESWSW	Sec. 26 Twp 01N Rge 12E CAMAS County
CHIMNEY CREEK	NWNE	Sec. 27 Twp 01N Rge 12E CAMAS County
UNNAMED STREAM	NWNE	Sec. 27 Twp 01N Rge 12E CAMAS County
CHIMNEY CREEK	NWNWSE	Sec. 35 Twp 01N Rge 12E CAMAS County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
01N 12E 26							1.2				15.4	22.8	32.6			4.1		76.1
01N 12E 35			37.3	39.7		40.0	39.7	35.8	37.0						39.8			269.3

Total Acres: 345.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 227.7 acres within the place of use described above in a single irrigation season.
2. Rights 37-228 and 37-229 when combined shall not exceed the irrigation of 227.7 acres.
3. The total instantaneous diversion of water from all points of diversion under Rights 37-228, 37-229, and 37-2147 shall not exceed 4.6 cfs for the irrigation of a combined total of 257.3 acres per season.

WATER RIGHT NO. 37-228
As Modified by Transfer No. 71010

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. Rights 37-229 and 37-2147 are also diverted through the point(s) of diversion described above.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 3rd day of May, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-229
As Modified by Transfer No. 71010

In accordance with the approval of Transfer No. 71010, Water Right No. 37-229 is now described as follows.

Right Holder: DIAMOND A LIVESTOCK INC
 1997 S 1875 E
 GOODING ID 83330

Priority Date: June 01, 1884

Source: UNNAMED STREAM
 CHIMNEY CREEK

Tributary: CHIMNEY CREEK
 CAMAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	2.00 CFS
			2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

CHIMNEY CREEK	NWNWSW	Sec. 26 Twp 01N Rge 12E CAMAS County
CHIMNEY CREEK	NESWSW	Sec. 26 Twp 01N Rge 12E CAMAS County
CHIMNEY CREEK	NWNE	Sec. 27 Twp 01N Rge 12E CAMAS County
UNNAMED STREAM	NWNE	Sec. 27 Twp 01N Rge 12E CAMAS County
CHIMNEY CREEK	NWNWSE	Sec. 35 Twp 01N Rge 12E CAMAS County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
01N 12E 26							1.2				15.4	22.8	32.6			4.1		76.1
01N 12E 35			37.3	39.7		40.0	39.7	35.8	37.0						39.8			269.3

Total Acres: 345.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 227.7 acres within the place of use described above in a single irrigation season.
2. Rights 37-228 and 37-229 when combined shall not exceed the irrigation of 227.7 acres.
3. The total instantaneous diversion of water from all points of diversion under Rights 37-228, 37-229, and 37-2147 shall not exceed 4.6 cfs for the irrigation of a combined total of 257.3 acres per season.

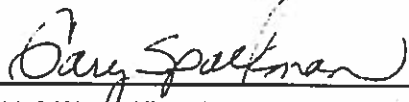
WATER RIGHT NO. 37-229
As Modified by Transfer No. 71010

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. Rights 37-228 and 37-2147 are also diverted through the point(s) of diversion described above.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 3rd day of May, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-2147
As Modified by Transfer No. 71010

In accordance with the approval of Transfer No. 71010, Water Right No. 37-2147 is now described as follows.

Right Holder: DIAMOND A LIVESTOCK INC
 1997 S 1875 E
 GOODING ID 83330

Priority Date: July 10, 1909

Source: UNNAMED STREAM
 CHIMNEY CREEK

Tributary: CHIMNEY CREEK
 CAMAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.60 CFS
DOMESTIC	01/01 to	12/31	0.04 CFS
			0.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

CHIMNEY CREEK	NWNWSW	Sec. 26 Twp 01N Rge 12E	CAMAS County
CHIMNEY CREEK	NESWSW	Sec. 26 Twp 01N Rge 12E	CAMAS County
CHIMNEY CREEK	NWNE	Sec. 27 Twp 01N Rge 12E	CAMAS County
UNNAMED STREAM	NWNE	Sec. 27 Twp 01N Rge 12E	CAMAS County
CHIMNEY CREEK	NWNWSE	Sec. 35 Twp 01N Rge 12E	CAMAS County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
01N 12E 26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	76.1
							1.2				15.4	22.8	32.6		4.1		
01N 12E 35																	
			37.3	39.7			40.0	39.7	35.8	37.0					39.8		269.3

Total Acres: 345.4

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
01N 12E 26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											X	X					

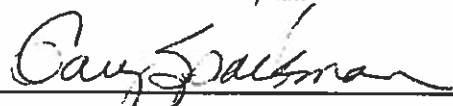
WATER RIGHT NO. 37-2147
As Modified by Transfer No. 71010

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-228, 37-229, and 37-2147 shall not exceed 4.6 cfs for the irrigation of a combined total of 257.3 acres per season.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Rights 37-228 and 37-229 are also diverted through the point(s) of diversion described above.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 3rd day of May, 2004



Chief, Water Allocation Bureau

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-228
Date Received: 9/1/1988
Receipt No: S002032
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Amended

1. Name of Claimant(s)

DIAMOND A LIVESTOCK INC Phone: (208)934-5391

1989 S 1875 E
GOODING ID USA 83330

DATA ENTERED BY Ala
DATE 11/13/03

2. Date of Priority: 06/01/1883

3. Source: CHIMNEY CREEK , CHIMNEY CREEK , CHIMNEY CREEK Trib. to: CAMAS CREEK ,
CAMAS CREEK , CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	12E	35	NW NW SE	CAMAS	
01N	12E	26	NE SW SW	CAMAS	
01N	12E	26	NW NW SW	CAMAS	

5. Description of diverting works:

DAMS AND WOODEN HEADGATES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	2	

7. Total Quantity Appropriated is:
2 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
01N	12E	26	SW	NW	IRRIGATION	1.2
			NW	SW	IRRIGATION	14.7
			SW	SW	IRRIGATION	17.1
			SE	SW	IRRIGATION	15.5
			SW	SE	IRRIGATION	0.1
Section Acres						48.6
01N	12E	35	NW	NE	IRRIGATION	12.8
			SW	NE	IRRIGATION	37.3
			NE	NW	IRRIGATION	29.1
			NW	NW	IRRIGATION	25.8
			SW	NW	IRRIGATION	35.8
			SE	NW	IRRIGATION	37.1
NW	SE	IRRIGATION	30.8			
Section Acres						208.7
Total Acres						257.3

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used: 37-229, 37-2147

14. Remarks:

Claimed pursuant to Idaho Code 42-1425 as it may differ from the decree.

15. Basis of Claim: Decreed

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.

AMENDED

37-228

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

37-228

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

RECEIVED

NOV 10 2003

Department of Water Resources
Southern Region

Please type or print clearly

- Name of Claimant (s) Diamond A Livestock, Inc. Phone (208) 934-5391
Mailing Address 1989 S. 1875 E. Gooding, ID Zip 83330
- Date of Priority (Only one (1) per claim) 6/01/1883
- Source of water supply (a) Chimney Creek
which is tributary to (b) Camas Creek
- a. Location of existing point of diversion is: Township 1N Range 12E Section 26,
NW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of Camas
Additional points of diversion if any: See below for additional diversion locations.
b. If instream flow, beginning point of claimed instream flow is:
Township Range Section , 1/4 of 1/4 of 1/4,
Govt. Lot B.M., County of
ending point is: Township Range Section , 1/4 of 1/4 of
 1/4, Govt. Lot B.M., County of
- Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
Including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well.

1N, 12E, NESWSW Section 261N, 12E, NWNWSE Section 35

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/15 to 10/15 amount 2.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.0 (cfs) and / or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; described fully (e.g. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for together purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	12E	26							1.2			14.7	17.1	15.5			0.1		48.6
1N	12E	35		12.8	37.3		29.1	25.8	35.8	37.1						30.8			208.7

Total number of acres irrigated 257.3

11. In which county (ies) are lands listed above as place of use located? Camas

12. Do you own the property listed above as place of use? Yes x No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

37-229, 37-2147 Or None ☐

14. Remarks:

Claimed pursuant to Idaho Code 42-1425 as it may differ from the decree.

Last Name _____ Ident. No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 37-228

Court _____ Case Number _____ Decree Date 1907

Plaintiff vs Defendant S.C. Frost, et. al. VS Alturas

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President

Of Diamond A. Livestock, Inc. Title _____ that I have signed the foregoing

Document in the space below as President Organization _____ of Diamond A. Livestock, Inc. Title _____ Organization _____

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Fred Smith

Title and Organization President Date 10-22-03

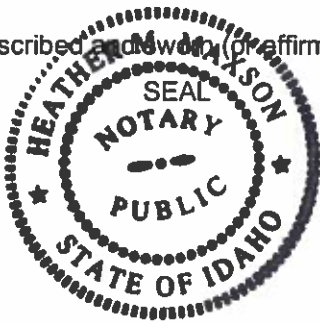
State of Idaho / or _____)
County of Twin Falls) SS.

Subscribed and sworn to (or affirmed) before me this 22nd day of October, 20 03

Notary Public Heather M. Maxson

Residing at Twin Falls, ID

My Commission Expires 2-24-09



Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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: A37-00228
Date Received: 9/ 1/1988
Receipt No: S002032
Received By: _____

CHANGE OWNERSHIP

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: FAULKNER LAND & LIVESTOCK 208-934-4956
Address: 1989 S 1875 E
GOODING ID 83330
AND
Name: DIAMOND A LIVESTOCK INC 208-934-5391
Address: 1997 S 1875 E
GOODING ID 83330

2. Date of Priority: JUN 1, 1883

3. Source: CHIMNEY CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	12E	26	NW	NW	SW		CAMAS
			NE	SW	SW		CAMAS
		35	NW	NW	SE		CAMAS

5. Description of diverting works:
DAMS AND WOODEN HEADGATES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.000		

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

8. Total consumptive use is 480.0 Acre Feet Per Annum.

9. Non-irrigation uses:

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OCT 24 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	12E	26	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
					Section Acres		80.0
		35	SW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NW	SE		IRR	40.0
					Section Acres		240.0
					Total Acres		320.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
A37-00229, A37-02147

14. Remarks:
SEVERAL P/D LISTED ALONG THE CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST, ET. AL.
Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL
vs Decree Defendant

MICROFILMED

OCT 24 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 5-5-1992

OCT 10 1992

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM. _____
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

Department of Water Resources
Southern Region Office

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A37-00228, 00229, 02147, 00208A, 10608, 10606
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Faulkner Land & Livestock Co.
1987 S. 1875 E.
Gooding, ID 83330
- ☐ New Owner/Claimant (Purchaser): Same and Diamond A Livestock Inc.
- ☐ New Mailing Address: 1997 S. 1875 E.
Gooding, ID 83330
- ☐ New Telephone Number: Same () 934 - 5391
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Note: The water rights remain whole rights but the ownership splits into undivided one-half interests.

- ☐ Attach proof of ownership, describe proof attached: _____
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s) Diamond A Livestock Inc. Date _____
Daron K. Faulkner, Director Date 9-10-92
- ☐ Signature of Former Owner/Claimant(s): Faulkner Land & Livestock Date 9/4/92
John P. Faulkner Date _____
(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____

Further Action Needed: _____

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: 93 02-12 By: TH
Claim Numbers of Split, if any: _____

MICROFILMED
OCT 24 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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: A37-00228
Date Received: 7/06/1988
Receipt No: 500 2032
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FAULKNER LAND & LIVESTOCK 208-934-4956
Address: RT. 2
GOODING, ID 83330

2. Date of Priority: JUN 01, 1883

3. Source: CHIMNEY CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	12E	26	NW	NW	SW		CAMAS
			NE	SW	SW		CAMAS
		35	NW	NW	SE		CAMAS

5. Description of diverting works:
DAMS AND WOODEN HEADGATES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.000		

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

8. Total consumptive use is 480.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	12E	26	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
						Section Acres	80.0

A37-00228

Page 1

Date: 09/01/88

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FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01N	12E	35	SW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NW	SE		IRR	40.0

Section Acres 240.0

Total Acres 320.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
A37-00229, A37-02147

14. Remarks:
SEVERAL P/D LISTED ALONG THE CREEK.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

MICROFILMED

FEB 23 1955

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am Pres of Faulkner Land & Livestock Title Pres Organization F.L.L. that I have signed the foregoing document in the space below as _____ of Title _____ and that the statements contained in the foregoing document are true and correct. Organization

[Signature]
Signature of Authorized Agent
Pres Faulkner Land & Livestock
Title and Organization
9/1/88
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of September 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94

05/09/2006

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

RIGHT NUMBER: 37-228
NAME AND ADDRESS: DIAMOND A LIVESTOCK INC
1997 S 1875 E
GOODING ID 83330
SOURCE: CHIMNEY CREEK
UNNAMED STREAM
TRIBUTARY: CAMAS CREEK
TRIBUTARY: CHIMNEY CREEK
QUANTITY: 2.000 CFS
The rights listed below are limited to a total combined diversion rate of 4.6 cfs. Combined Right Nos.: 37-228, 37-229, and 37-2147.
PRIORITY DATE: 06/01/1883
POINT OF DIVERSION:

T01N R12E S26 NWNWSW Within CAMAS County
T01N R12E S26 NESWSW Within CAMAS County
T01N R12E S27 NWNWNE Within CAMAS County
T01N R12E S27 SWNWNE Within CAMAS County
T01N R12E S35 NWNWSE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.000 CFS

PLACE OF USE:

IRRIGATION Within CAMAS County

T01N R12E S26	SWNW	1.20	T01N R12E S26	NWSW	15.40
T01N R12E S26	SWSW	22.80	T01N R12E S26	SESW	32.60
T01N R12E S26	SWSE	4.10	T01N R12E S35	NWNE	37.30
T01N R12E S35	SWNE	39.70	T01N R12E S35	NENW	40.00
T01N R12E S35	NWNW	39.70	T01N R12E S35	SWNW	35.80
T01N R12E S35	SENW	37.00	T01N R12E S35	NWSE	39.80

345.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 227.7 acres in a single irrigation season. Combined Right Nos.: 37-228 and 37-229.

This right is limited to the irrigation of 227.7 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 257.3 acres in a single irrigation season. Combined Right Nos.: 37-228, 37-229, and 37-2147.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

05/09/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

The right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At this time, this water right is within State Water District No. 37.

Failure of the right holder to comply with the conditions of Transfer No. 71010 is cause for the Director to rescind approval of the transfer.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Rights 37-229 and 37-2147 are also diverted through the point(s) of diversion described above.



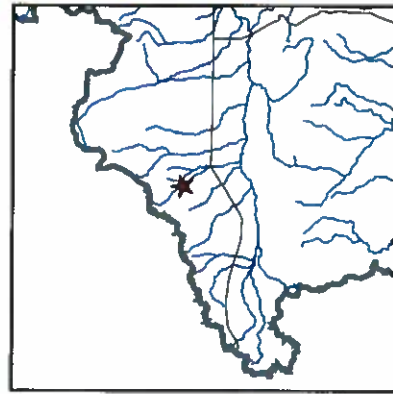
Idaho Department of Water Resources

SRBA Recommendation:

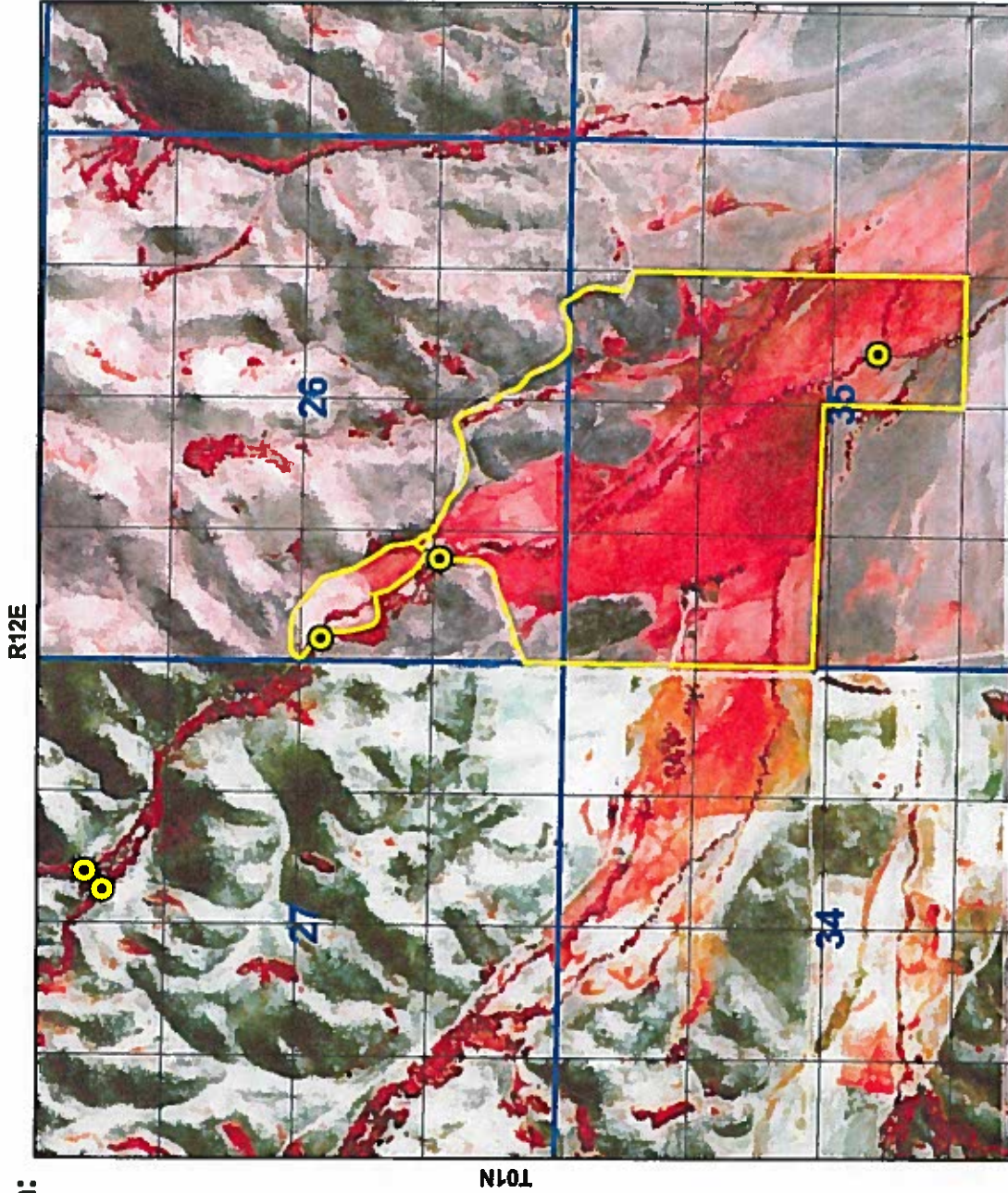
37-228
37-229
37-2147

Legend

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



Camas County
IDWR Basin 37



0 0.5 1 Miles

Prepared by M. Anders
On Monday, May 8, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-228, 37-229, 37-2147

Background Data

37-228

- Source is Unnamed Stream tributary to Chimney Creek, and Chimney Creek tributary to Camas Creek
- Decreed for 2.0 cfs for Irrigation of 345.4 acres
- Claimed 2.0 cfs for Irrigation of 345.4 acres

37-229

- Source is Unnamed Stream tributary to Chimney Creek, and Chimney Creek tributary to Camas Creek
- Decreed for 2.0 cfs for Irrigation of 345.4 acres
- Claimed 2.0 cfs for Irrigation of 345.4 acres

37-2147

- Source is Unnamed Stream tributary to Chimney Creek, and Chimney Creek tributary to Camas Creek
- Licensed for 0.6 cfs for Irrigation of 345.4 acres and 0.04 cfs for Domestic
- Claimed 0.6 cfs for Irrigation of 345.4 acres
- Claimed 0.04 cfs for Domestic

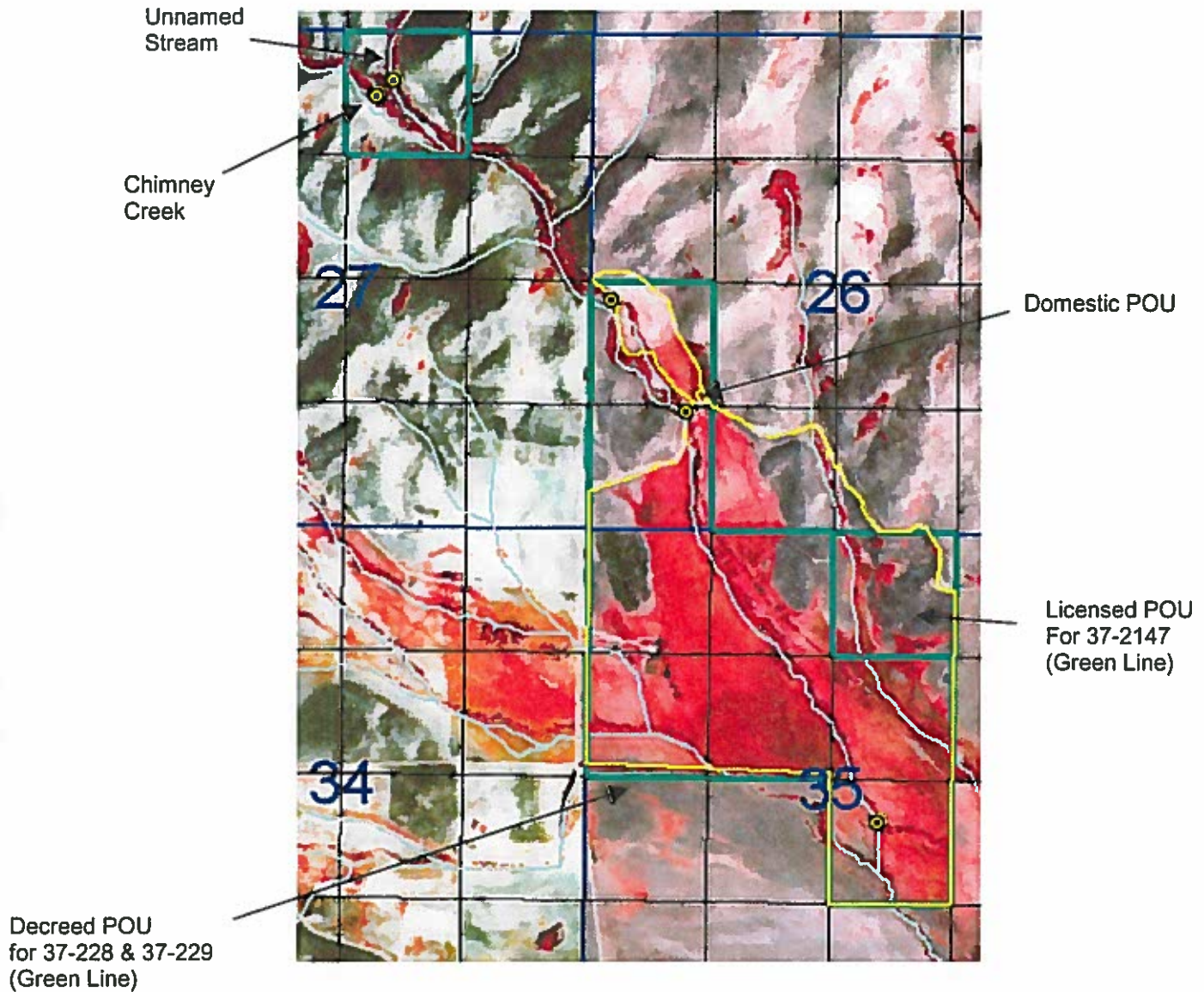
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo

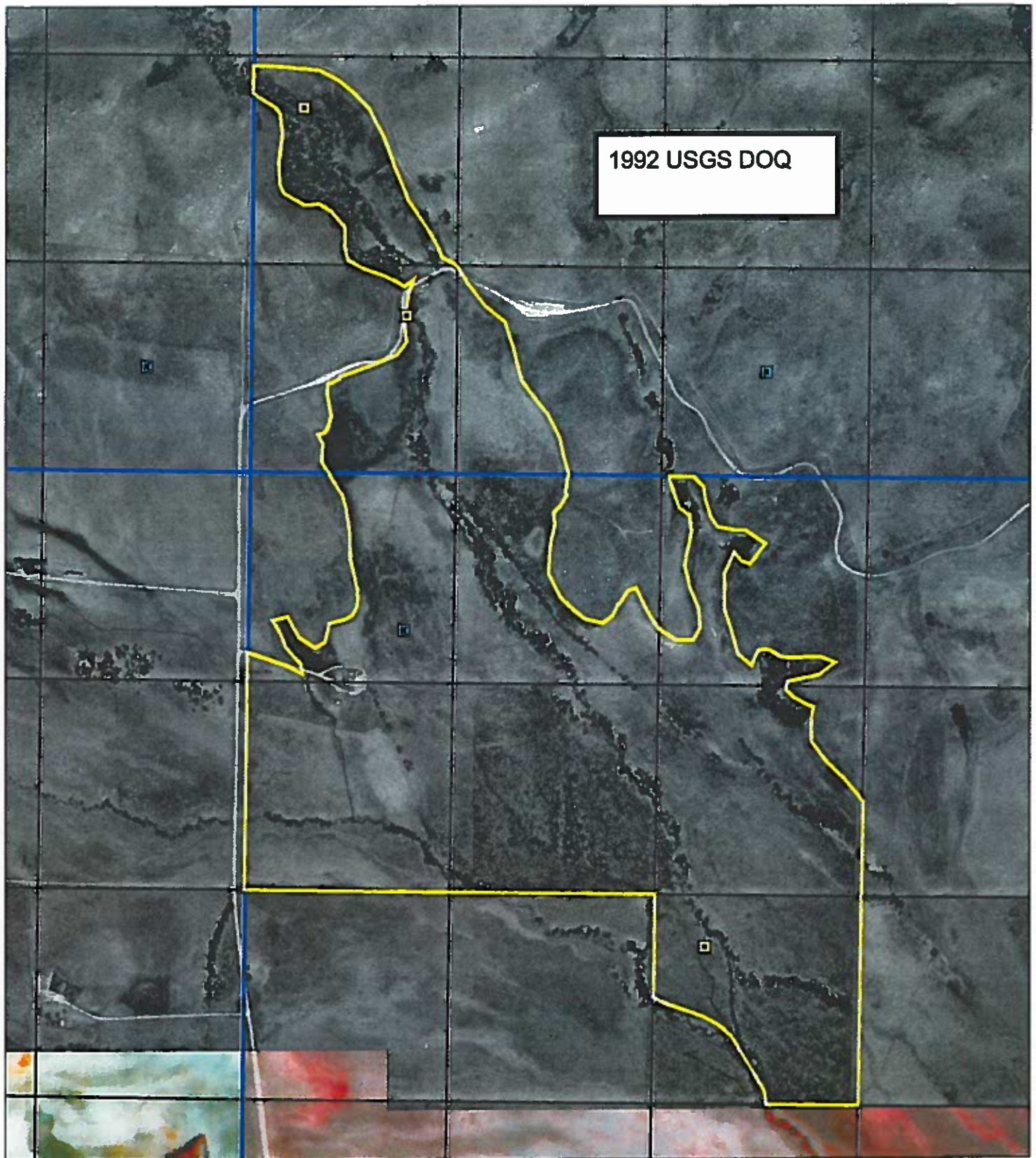


Notes

T1N R12E Sections 26 & 35

- Recommended according to 2004 transfer
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

IDAHO DEPARTMENT OF WATER RESOURCES



37-228, 37-229, 37-2147

900 0 900 Feet



Data from: Brockway Engrg
11/03, D Jones

CLAIM NUMBERS

37-228

37-229

37-2147

DATE

11/14/03

AGENT

Jones

TRANSFER NUMBER

HOMESTEAD ENTRY NO.

CLAIMED ACRE TOTAL

GEOGRAPHIC INFO ACRES

	TNS	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM																			
GIS	1N	2E	26					18	18	12									48
RECOM																			
CLAIM																			
GIS	1N	2E	35	11	35			27	24	40	40					32			209
RECOM	1																		
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B45-DBPOU.SHP

DBF TABLES UPDATED:

B45-DBPOU.DBF

SHAPE NOS

B45-DBPOD.DBF

257

B45POD.SHP

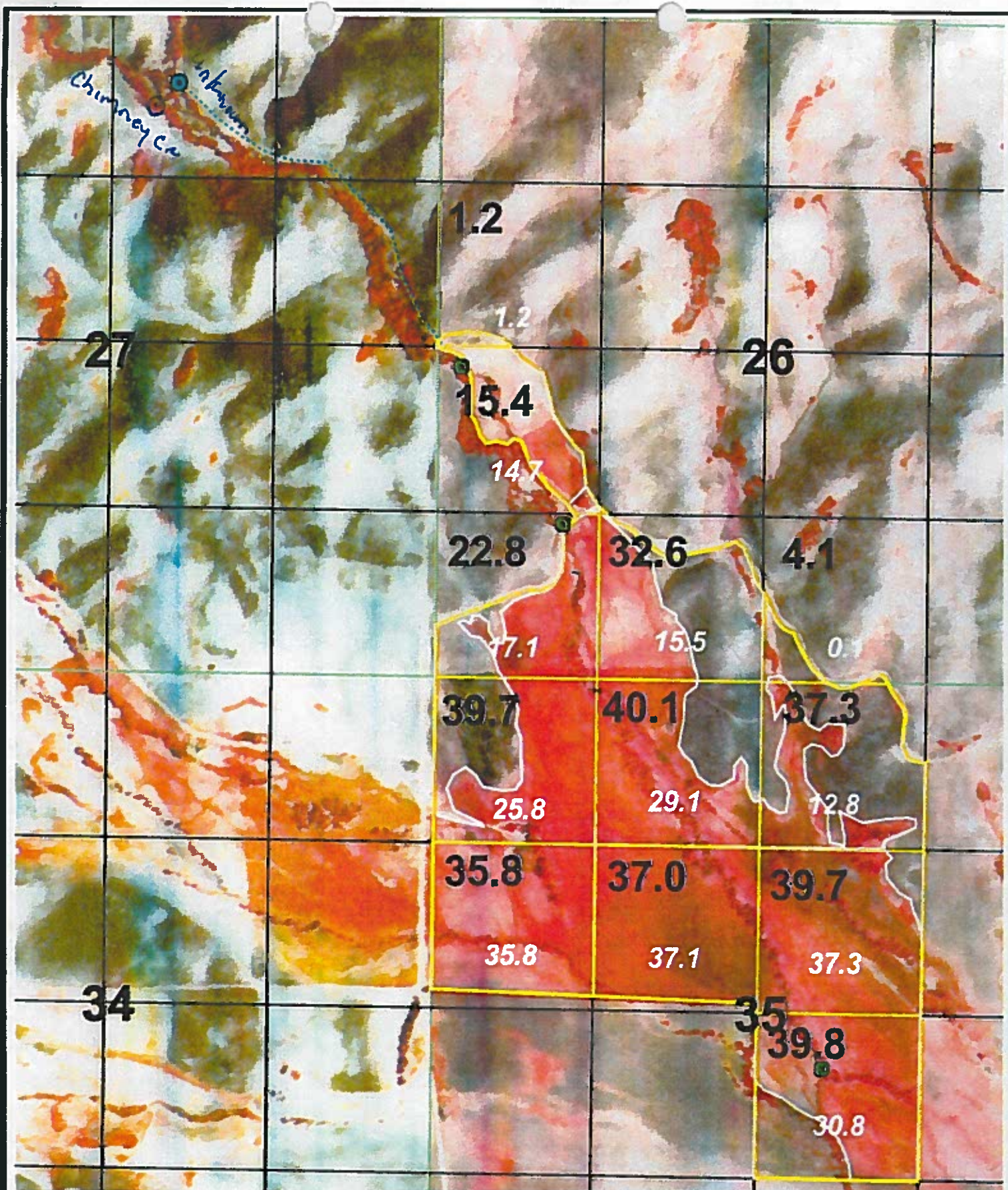
NOS DESCRIPTION

37-228 } 234 ac w/in PPU
 37-229 }

37-2147 30 ac w/in PPU

SW SW SW 26 114524
 NE SW SW 26 114526
 NW NW SE 35 114525

JPEG LAYOUT



(white) 29.1 = 1987 Irr. Area

30.8 = P.P.U. Area

BROCKWAY ENGINEERING, PLLC.
ALR OCT. 13, 2003

**DIAMOND A LIVESTOCK
 WATER RIGHT TRANSFER**
37-228, 37-229, 37-2147
FSA Aerial Photo 1987

- P.P.U. Irrigated Area
- Sections Lines
- Pipeline
- New P.O.D.
- Current P.O.D.
- T. 01N., R. 12E.



Water Right Report 37-228

WATER RIGHT NUMBER: 37-228

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANDREW J FLETCHER
	. ZZ

Priority Date: 06/01/1883
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
CHIMNEY CREEK	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	2.000 CFS	
		Total Diversion:	2.000 CFS	

Location of Point(s) of Diversion
CHIMNEY CREEK

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	12E	26											X	X					
01N	12E	35			X		X	X	X	X						X			

Conditions of Approval:

Remarks:

1. General AC. IRRIG. NOT SPECIFIED. FARM = 320 AC.

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-228

Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Alturas Water Co, et al
Decree Plaintiff: S C Frost, et al
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

MICROFILMED
OCT 24 1994

MICROFILMED
 OCT 24 1984

+	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -	- - - - -
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	- 09/01/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P					
		Receipt Number	- S002032	Water District	- 37					
		POU Ownership Flag	- Y	Federal/State Indicator	- S					
		Name Connector	- AND	Presumption Flag	-					
				Notice of Error Flag	-					



DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

12-Feb-1993 10:47

Ms. Susan L. Faulkner, Director
Diamond A Livestock
1997 S 1875 E
Gooding, ID 83330

RE: Ownership Change for Adjudication Claims Nos A37-00208A, -00228,
-00229, -02147, -10606, and -10608.

Dear Ms. Faulkner:

Pursuant to the notification that you presently own the property in which the above-referenced Adjudication Claims are appurtenant, the Department has changed the record of the current owners as you requested. Please find enclosed a copy of the computer record of the claims noting the change in claimant.

Please review the records and if you have any corrections or questions, please feel free to call this office.

Sincerely,

Francis G. Hitchcock
Water Resource Agent, Sr.

FH/abh

Enclosures

MICROFILMED
OCT 24 1994



Faulkner L+L

12/31

2/H
winter use
pump

T6 S R 15 E SEC. 7
1949 SE 1/4 - NW 1/4 SW NW NE Sheds 43 10-20,000 sheep
1962 SW 1/4 - SE 1/4 SE Home 3-H 1 feed
1933 SW SE 1/4 - SW 1/4 Fields 4 Houses 2 Hired
1964 NE SW 1/4 SE 1/4 SEC. 19 Airport 04 3000 Feed
1982 NE NE 1/4 NE 1/4 P/U SEC. 13 - good time 04 2500 sheep 1000 RC.
1971 SW NW 1/4 SE 1/4 SEC 8 - T6 S R 14 E 04 500 RC 18 FEET
1965 SE 1/4 NW 1/4 SEC 35 T1N R12E 43 1H chimney Cr 04 100 RC.

50" water spring in CANNA

SEC 27 SE SW T6 S R 12 E

X Appl. for Permit

Check on

W.R. ✓

all Domic

Faulkner L + 1.

934-4956

A37-08005 - 37-8005

264

A37-07242 37-7242

6-14-73

4.0

A37-02514 37-2514

1-29-65

3.2

4.51

A37-02147 (37-2147)

.8 .6

3 P/D - Source?

30A.

A37-00228

37-0228

same
across

100"

2.0

NW NWSW S. 26

A37-00229

37-0229

OK!

100"

2.0

NE SW SW S. 26

37-0208A

80"

1.6

NW NW SE. S. 35

A37-00208A

3.8

No P/D

P/u

-2 N 17 E

S. 35

NW NE

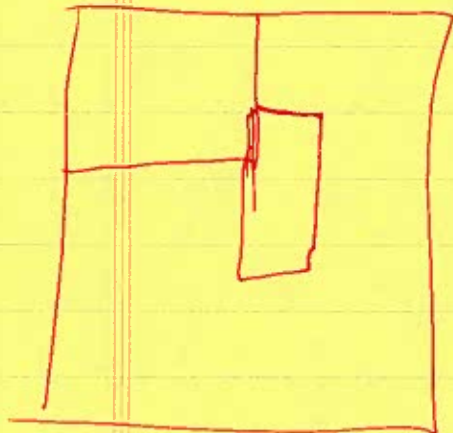
Trans 3231

NE NW

Rt. has not been used
for many years.

SW NW

SE NW



Faulkner Bros.

SE NE NW

Sec 28

SS. 11 E

LeMayne A47-10045

Amend .08 → .22 cfs

will exceed 13,000 gpd

amended amend. fee \$25⁰⁰, already receipted 25⁰⁰

9-1-88

Faulkner Land & Livestock Co.

RT. 2

Gooding
(30)

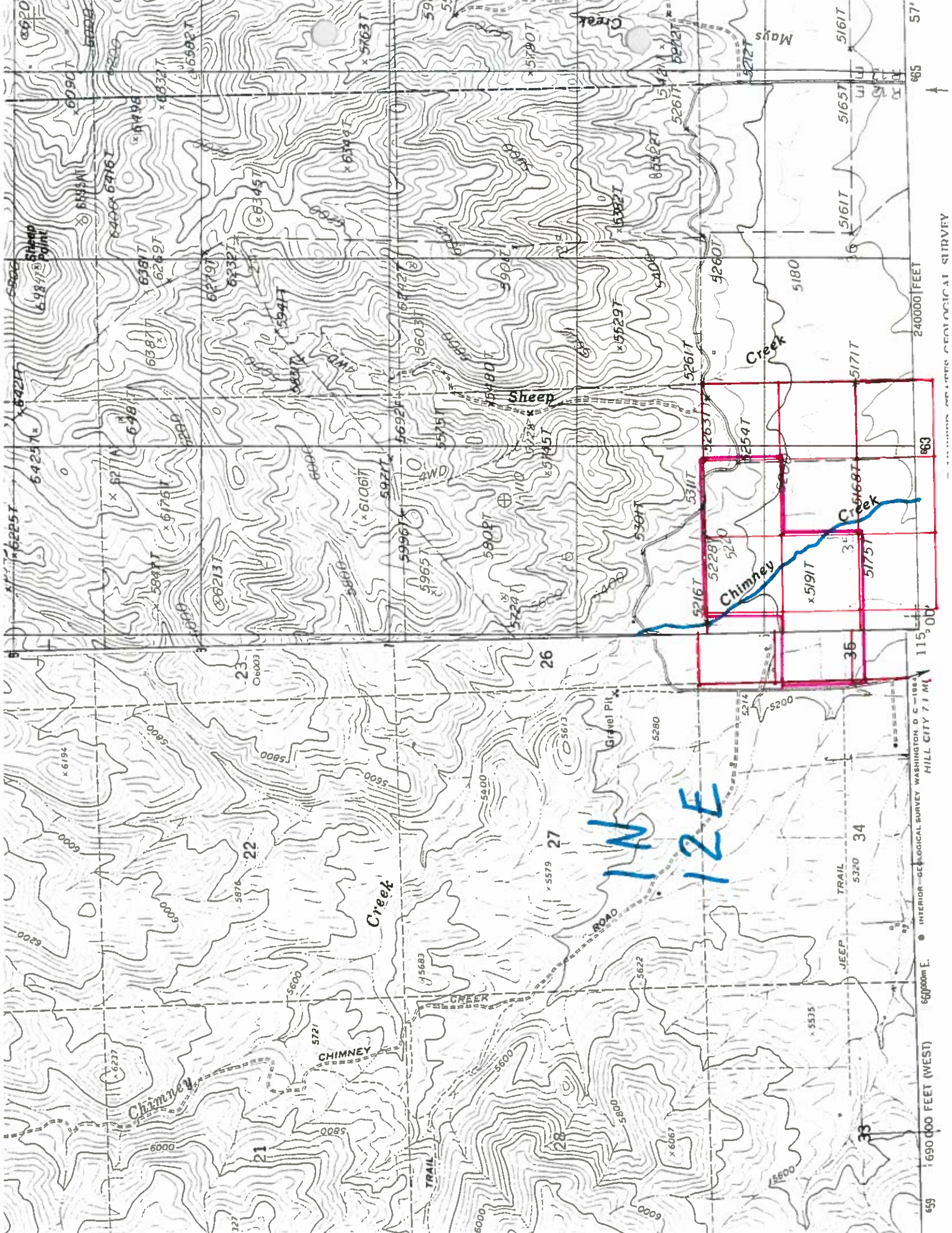
934-4956

Done	A37-10597 -	sheds	50 ⁰⁰	.60 cfs
D✓	A37-10600 -		25 ⁰⁰	~~25~~
D✓	A37-10602 -		25 ⁰⁰ ~~50⁰⁰~~	.10 cfs
D✓	A37-10604 -		50 ⁰⁰	.60 cfs
D✓	A37-10606 -		25 ⁰⁰	
D✓	A37-10607		25 ⁰⁰	
D✓	A37-10608		25 ⁰⁰	
D✓ Faulkner Bros.	<u>A37-10610</u>		25 ⁰⁰	

5002032

A37-00208A Croy Creek (part of "A")
A63-15055 Lime Cr.

filed permit also!



1N
12E

659 69000 FEET (WEST) 69000m E. 115°00' 240000 FEET 865 57'

HILL CITY 7.1 MI

INTERIOR GEOLOGICAL SURVEY WASHINGTON D C 20541