

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-371

WATER RIGHT NUMBER: 61-371

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JENNY GLENN
	, ID
Present Owner	SAMUEL D BLACKWELL
	2159 N MORROW RD
	GLENN'S FERRY, ID 83623-5019

Priority Date: 05/02/1872

Basis: Decreed

Status: Superseded by Decree

<u>Source</u>	<u>Tributary</u>
LITTLE CANYON CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	

Location of Point(s) of Diversion
LITTLE CANYON 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	
05S	10E	19	40.0	40.0	40.0	40.0													160.0

Total Acres: 160

Conditions of Approval:

- FOR USE ON THE G. P. GLENN TRACT.
DECREE STATES THAT QUANTITY OF WATER NECESSARY TO IRR. SAID LANDS IS 1.0 INCHES/AC., THEREFORE AC. IRR. = 60.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-371

Comments:

1. SKEEN 4/16/2000 Place of Use

Comment: As part of the data cleanup effort for the database migration, I reviewed the decree document and modified the place of use to show the entire NE 1/4 of Sec. 10.

2. pskaggs 4/27/2005 2:23:28 PM Explanatory Comment

Comment: Superseded by Partial Decrees 61-371A & 61-371B.

3. pskaggs 4/27/2005 Transfer 3405/66068

Comment: Order issuing Proposed Memorandum Decision for Transfer 3405/66068 was issued on 04-26-1988. A Final Order was not issued & the transfer was not administratively completed. Snake River Basin Adjudication split the right by ownership & a Partial Decree was issued for 61-371B reflecting changes proposed under transfer. Final action on the Transfer still needs to be addressed as of this date.

Dates and Other Information:

Licensed Date:

Decreed Date: 3/22/1898

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 61D

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant: T H Anthony, et al

Decree Plaintiff: Charles E Corker

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

NAME AND ADDRESS: JOYCE PEARSON
142 SOUTH HIAWATHA
HAILEY, ID 83333

SOURCE:	LITTLE CANYON CREEK	TRIBUTARY: SNAKE RIVER
QUANTITY:	0.80 CFS	
PRIORITY DATE:	05/02/1872	
POINT OF DIVERSION:	T05S R10E S08	NENWSW Within Elmore County NWSWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.80 CFS ✓

PLACE OF USE:	Irrigation	Within Elmore County
	T05S R10E S19	NENE 17.0
		SWNE 28.0
	80.0 Acres Total	NWNE 35.0

USE OF THIS RIGHT WITH RIGHT NO. 61-00372 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1612(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72547

This is to certify that: JOYCE PEARSON
 C/O NATHAN JONES
 2240 E MAPLE DR
 KING HILL ID 83633
 (208)788-3093

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>
61-371A	WR/Decreed	05/02/1872	0.80 cfs	N/A	N/A	80.0	LITTLE CANYON CREEK
61-372	WR/Decreed	05/06/1892	1.60 cfs	N/A	N/A	80.0	LITTLE CANYON 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>
61-371A	NO	YES	NO	NO	NO	NO
61-372	NO	YES	NO	NO	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>
61-371A	61-371A	0.80 cfs	N/A	N/A	80.0		N/A	N/A	N/A	N/A
61-372	61-372	1.60 cfs	N/A	N/A	80.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.40 cfs	N/A	N/A	80.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 5th day of April, 20 07


 Acting Administrator, Water Management Division

SUPPORT DATA

IN FILE # 61-00371a

WATER RIGHT NO. 61-371A
As Modified by Transfer No. 72547

In accordance with the approval of Transfer No. 72547, Water Right No. 61-371A is now described as follows.

Right Holder: JOYCE PEARSON
C/O NATHAN JONES
2240 E MAPLE DR
KING HILL ID 83633

Priority Date: May 02, 1872

Source: LITTLE CANYON CREEK **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.80 CFS	
			0.80 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LITTLE CANYON CREEK NWNENE Sec. 19 Twp 05S Rge 10E ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	10E	19	17.0	35.0	28.0														80.0

Total Acres: 80.0

CONDITIONS OF APPROVAL

1. Rights 61-371A and 61-372 when combined shall not exceed the irrigation of 80.0 acres.
2. 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. 61D, Little Canyon Creek.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. At any time a water right describing a point of diversion from Little Canyon Creek located downstream from the NWSWSW of Section 8, Township 05 South, Range 10 East cannot be fully satisfied because of deficient flows in Canyon Creek, the right holder must cease diverting water under this right until all such rights can be satisfied.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. Use of this right is combined with water from King Hill Irrigation District.

WATER RIGHT NO. 61-371A
As Modified by Transfer No. 72547

CONDITIONS OF APPROVAL

7. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
8. The right holder shall accomplish the change authorized by this transfer within one 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. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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 5th day of April, 20 07


Acting Administrator, Water Management Division

WATER RIGHT NO. 61-372
As Modified by Transfer No. 72547

In accordance with the approval of Transfer No. 72547, Water Right No. 61-372 is now described as follows.

Right Holder: JOYCE PEARSON
C/O NATHAN JONES
2240 E MAPLE DR
KING HILL ID 83633

Priority Date: May 06, 1892

Source: LITTLE CANYON CREEK **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.60 CFS	
			1.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LITTLE CANYON CREEK NWNENE Sec. 19 Twp 05S Rge 10E ELMORE 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	
05S	10E	19	17.0	35.0	28.0														80.0

Total Acres: 80.0

CONDITIONS OF APPROVAL

1. Rights 61-371A and 61-372 when combined shall not exceed the irrigation of 80.0 acres.
2. 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. 61D, Little Canyon Creek.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. At any time a water right describing a point of diversion from Little Canyon Creek located downstream from the NWSWSW of Section 8, Township 05 South, Range 10 East cannot be fully satisfied because of deficient flows in Canyon Creek, the right holder must cease diverting water under this right until all such rights can be satisfied.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. Use of this right is combined with water from King Hill Irrigation District.

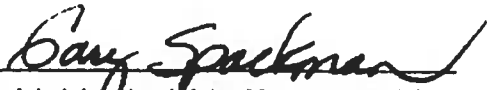
WATER RIGHT NO. 61-372
As Modified by Transfer No. 72547

CONDITIONS OF APPROVAL

7. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
8. The right holder shall accomplish the change authorized by this transfer within one 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. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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 5th day of April, 20 07


Acting Administrator, Water Management Division

Sandy H.
changed
conditions to
match P.D.

P.D. 5-23-2000

Page 1

moved to WR database 10-17-07

See Remarks
Active?
Transfer 3405
66068

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 61-371B V1

WATER RIGHT NUMBER: 61-371B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FRANCES E BLACKWELL 2159 N MORROW RD GLENN'S FERRY, ID 83623-5019 (208)366-2265
Current Owner	SAMUEL D BLACKWELL PO BOX 398 KING HILL, ID 83633-0398 (208)366-2265
Original Owner	JENNY GLENN ID

Priority Date: 05/02/1872
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE CANYON CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	4/01	to 11/01	0.400 CFS	
	<u>Total Diversion:</u>		0.400 CFS	

Location of Point(s) of Diversion

LITTLE CANYON CREEK	NE1/4SW1/4SE1/4	Sec. 9, Twp 04S, Rge 10E, B.M.
ELMORE County	(Beginning of Reach)	
LITTLE CANYON CREEK	SE1/4SE1/4SE1/4	Sec. 36, Twp 04S, Rge 09E, B.M.
ELMORE County	(Ending of Reach)	
LITTLE CANYON CREEK	NE1/4NW1/4NE1/4	Sec. 9, Twp 04S, Rge 10E, B.M.
ELMORE County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	09E	36																X	
04S	10E	9															X		
04S	10E	16		X	X					X	X			X					

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 61-371B V1

04S 10E 20									X	X	
04S 10E 21				X		X		X	X	X	
04S 10E 29		X	X	X		X		X		X	
04S 10E 31			X	X				X		X	
04S 10E 32				X	X	X					

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. 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.
3. STOCKWATER, 400 RANGE CATTLE.
RIGHT NO. 61-11449 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED AS T04S, R10E, S09, NENWNE.

Remarks:Comments:

1. RHOWERTO 10/30/1998 REACH

Comment: THE BEGINNING AND ENDING REACH DESCRIBED IS AN IN-DITCH-USE TYPE OF REACH. TRANSFER 3405 TRANSFER APPROVED BY ORDER DATED 04/22/88.

2. AJU10-JS 11/21/1998 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C15 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 61-371B V1

SubCase:

SubCase Number: 61-371B

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date: 3/20/2000

Attorney Assigned: SUSAN E HAMLIN-NYGARD

Adjudication Agent:

Basis of Claim:

Date Filed: 6/15/1999 Objection Status: Withdrawn or Dismissed

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 61-371B V1

WATER RIGHT NUMBER: 61-371B V1

app. data
order data

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FRANCES E BLACKWELL 2159 N MORROW RD GLENN'S FERRY, ID 83623-5019 (208)366-2265
Current Owner	SAMUEL D BLACKWELL PO BOX 398 KING HILL, ID 83633-0398 (208)366-2265
Original Owner	JENNY GLENN

, ID

Priority Date: 05/02/1872

Basis: Decreed

Status: Active

Source

LITTLE CANYON CREEK

Tributary

SNAKE RIVER

Beneficial Use

STOCKWATER

From To

4/01 to 11/01

Diversion Rate

0.400 CFS

Annual VolumeTotal Diversion:

0.400 CFS

Location of Point(s) of Diversion

LITTLE CANYON CREEK	NE1/4SW1/4SE1/4	Sec. 9,	Twp 04S,	Rge 10E, B.M.
ELMORE County	(Beginning of Reach)			
LITTLE CANYON CREEK	SE1/4SE1/4SE1/4	Sec. 36,	Twp 04S,	Rge 09E, B.M.
ELMORE County	(Ending of Reach)			
LITTLE CANYON CREEK	NE1/4NW1/4NE1/4	Sec. 9,	Twp 04S,	Rge 10E, B.M.
ELMORE County				

Place of Use

STOCKWATER

transfer app.
lists entire sections

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	09E	36																X	
04S	10E	9															X		
04S	10E	16		X	X				X	X				X					

notes
Herron (morrow)
ditch as delivery
system (as diversion)
approval per app
ditch - description
on decreed rt.
Beginning + Ending Reach

Adjudication Recommendation Report 61-371B V1

04S	10E	20															X	X
04S	10E	21					X		X	X	X	X						
04S	10E	29	X	X	X		X		X			X	X					
04S	10E	31		X	X					X		X	X				X	
04S	10E	32					X	X	X									

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
3. STOCKWATER, 400 RANGE CATTLE.
RIGHT NO. 61-11449 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED AS T04S, R10E, S09, NENWNE.

Remarks: Subject to all existing sr w.r.s.
(R43) M.D. + lockable diverting works
(R05) Subject to WM Let-D, Little Canyon Creek.
Season limited to 4-1 to 7-15 and 10-1 to 11-1 when no impact to Sr Rt downstream.
WM Control Unit

Comments:
1. RHOWERTO 10/30/1998 REACH (004) NO Rt of way
Comment: THE BEGINNING AND ENDING REACH DESCRIBED IS AN IN-DITCH-USE TYPE OF REACH. TRANSFER
3405 TRANSFER APPROVED BY ORDER DATED 04/22/88.

2. AJU10-JS 11/21/1998 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C15 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 61-371B V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector: OR
Water District Number: 61D
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

SubCase:

SubCase Number: 61-371B
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 3/20/2000
Attorney Assigned: SUSAN E HAMLIN-NYGARD
Adjudication Agent:
Basis of Claim:
Date Filed: 6/15/1999 Objection Status: Withdrawn or Dismissed

Water Supply Bank:

RECEIVED

MAY 24 2000

Department of Water Resources

200 MAY 23 11:00:01
FILED
TWIN FALLS, IDAHO

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	)	
	)	ORDER OF PARTIAL DECREE
Case No. 39576	)	
_____	)	For Water Right 61-00371B

On March 20, 2000, a *Special Master's Report and Recommendation* was filed for the above water right. No challenges were filed to the *Special Master's Report and Recommendation* and the time for filing challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 61-00371B is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED MAY 23 2000 .



BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

MAY 24 2000

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-00371B

200 MAY 23 11:00:01
FILED

NAME AND ADDRESS: SAMUEL D BLACKWELL
PO BOX 398
KING HILL, ID 83633-0398

SOURCE: LITTLE CANYON CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.40 CFS

PRIORITY DATE: 05/02/1872

POINT OF DIVERSION: T04S R09E S36 SESESE (Instream Ending Point) Within Elmore County
R10E S09 NENWNE (Instream Beginning Point)
NESWSE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Stockwater 04-01 TO 11-01 0.40 CFS

PLACE OF USE: Stockwater Within Elmore County

T04S R09E S36	SESE	
R10E S09	SWSE	
S16	NWNE	SWNE
	SESW	NESW
S20	SWSE	SESE
S21	NENW	SESW
	NESW	NWSW
	SWSW	
S29	NENE	NWNE
	SWNE	NENW
	SESW	NESW
	SWSW	SESW
S31	SWNE	SENE
	NESW	SWSW
	SESW	NWSE
S32	NENW	NWNW
	SNNW	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

MAY 24 2000

Department of Water Resources

2000 MAY 23 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

CERTIFICATE OF MAILING

Water Right(s): 61-00371B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 61-00371B was mailed
on May 23, 2000, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

SAMUEL D BLACKWELL
PO BOX 398
KING HILL, ID 83633-0398
Phone: 208-366-2265

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/23/00

INTER-DEPARTMENT MEMO

TO: Gail

SUBJECT: _____

FROM: Dave

DATE: 5/18/92

I have a high priority, special project ^{that} I'd like to ask you to work on this morning. I have placed in ~~a~~ your WPS system a file under file folder "Decisions", file Name "Blackwell" a Memorandum decision. What I would like to ask you to do is to:

1. Compare the yellow highlighted portions of the Proposed Memo decision (Document #1) with the same portions of the decision on the screen. If you find differences, plz correct the screen to match the document. ~~(I have already checked, and in some cases intentionally modified, those bracketed in red.)~~

2. Add to the screen (the WPS file) the exceptions from document #2.

() For your information Note that pages 1 & 2 are completed. Start with page 3

() Response required On document 2 (under Enlargement of the Wtr Rt) - see how it

shows up ~~as~~ on the screen as how it should be entered. Plz enter only exceptions - don't be concerned about responses. I'll try to check in to see how you're doing. Thanks much, Dave.

Note - The decision is on your screen now.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER OF WATER RIGHT NO. 61-0371

SAMUEL BLACKWELL

Applicant,

RICHARD P. VINER

Protestant.

SOURCE: Little Canyon Creek

TRIBUTARY TO: Snake River

COUNTY: Elmore

PROPOSED MEMORANDUM DECISION AND ORDER
APPROVING APPLICATION FOR TRANSFER

BY HEARING OFFICER BOBBY D. FLEENOR.

Samuel Blackwell (applicant) having filed with the Department of Water Resources an Application for Transfer of a portion of decreed water right No. 61-0371; a protest having been received; and a hearing having been held, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

The Application

1. On June 19, 1987, Samuel Blackwell applied to the Department of Water Resources to change the point of diversion, nature of use and place of use of a portion of decreed water right No. 61-0371. The application for transfer (hereinafter application) specifies that a flow of 0.40 cubic feet per second (cfs) is intended to be moved from the point of diversion within the NW1/4SW1/4, Sec. 8, Twp. 5 S., Rge. 10 E., B.M., to an existing diversion point located within the NW1/4NE1/4, Sec. 9, Twp. 4 S., Rge. 10 E. B.M. The

application proposes a change in nature of use from irrigation to stockwater, and proposes a change in place of use from 20 acres located in the E1/2NE1/4, Sec. 19, Twp. 5 S., Rge 10 E., B.M., to an existing open ditch called the "Morrow ditch", or the "Herron ditch", or the "Batruel ditch".

2. Notice of the application was published in the Mountain Home News on September 2 and 9, 1987.

Protest, Conference and Hearing

3. A protest against approval of the application was received from Richard Viner on September 8, 1987.

4. A conference on the application was held in Boise on October 14, 1987. At the conference the applicant was present and was represented by attorney Howard Manweiler. The protestant was also present and was represented by attorney William F. Ringert. At the conference a determination was made that a formal hearing would be required in this matter.

5. A hearing on the application was held in Boise on November 30, 1987. The applicant and protestant were both present and were represented by counsel. The principal points of objection identified by the protestant were that the water right has been forfeited, approval would result in enlargement of the existing water right and injury to other water rights, and the proposal is not in the local public interest.

Validity of the Water Right

6. The applicant owns about 160 acres of land in the Little Canyon Creek basin, located in the NE1/4, Sec. 19, Twp. 5 S., Rge. 10 E., B.M. The water rights appurtenant to this land are decreed water right No. 61-0371, in the amount of 1.2 cfs with date of priority May 2, 1872, and decreed water right No. 61-0372, in the amount of 1.6 cfs with date of priority May 6, 1892, both from Little Canyon Creek; and 0.80 cfs of water from King Hill Irrigation

District, with source of the Snake River. The decreed water rights were recorded in a decree entitled Corker v. Anthony, dated March 22, 1898.

7. The applicant stated that he intends to divert flows under this transfer during the periods from April 1 through July 15, and from October 1 through November 1, annually. The purpose for the change is to provide stockwater for about 160 head of range cattle in a Bureau of Land Management grazing allotment located in the vicinity of the Morrow ditch.

8. The applicant's "east ditch" diverts from Little Canyon Creek and is used to irrigate his land on the east side of Little Canyon Creek. Historically, the east ditch was used to irrigate a total of 28 acres in the NE1/4NE1/4, 2 acres in the NW1/4NE1/4, 12 acres in the SW1/4NE1/4, and 20 acres in the SE1/4NE1/4, for a total of 62 acres, all within Sec. 19, Twp. 5 S., Rge. 10 E., B.M. Sometime prior to 1963, water was purchased from King Hill Irrigation District, and the east ditch was re-routed to a new location situated closer to Little Canyon Creek. The lands capable of being irrigated from the new ditch consist of 16 acres in the NE1/4NE1/4, 2 acres in the NW1/4NE1/4, 11 acres in the SW1/4NE1/4, and 7 acres in the SE1/4NE1/4, for a total of 36 acres, all within Sec. 19, Twp. 5 S., Rge. 10 E., B.M.

9. The applicant also diverts flows from Little Canyon Creek via a ditch on the west side of the creek, called the "west ditch". The Corker v. Anthony decree did not specify the point of diversion or ditch used to deliver either of the applicant's two decreed water rights, so it is possible that a portion of water right No. 61-0371 is delivered via the west ditch.

10. Conflicting testimony was provided concerning the last time that water in the east ditch was beneficially used by the applicant. Some testimony indicated that the last date of use was 1985, and other testimony indicated that the last date of use was May or June of 1982.

Enlargement of the Water Right

11. The applicant desires to use the transferred portion of the decreed right for a new and additional use. The applicant has indicated a desire to reduce the use of the decreed water right at the existing location to compensate for the proposed upstream use, to result in no enlargement of the water right.

12. The flows in Little Canyon Creek diminish sometime in July during most years to the extent that water right 61-0371 cannot be satisfied. Thus, the lands irrigated with this water right do not receive, from Little Canyon Creek, the full irrigation requirement.

13. Flows diverted through the Morrow ditch do not return to Little Canyon Creek.

Potential Injury to Other Water Rights

14. There is one recorded water right on Little Canyon Creek that has a priority date senior to water right no. 61-0371. Decreed water right No. 61-0299, in the amount of 0.60 cfs with a priority date of May 1, 1871, is utilized by the protestants. Diversion systems based on this water right, as well as diversions for all other water rights in Little Canyon Creek, are required to have measuring devices installed so the watermaster can determine if the required flow is satisfied.

15. The application proposes to change the point of diversion for 0.40 cfs from the existing point to a point upstream about nine (9) miles. In this reach there are some springs which contribute to the flow, but the record is inconclusive regarding whether the reach is gaining or losing.

16. Conflicting evidence was provided regarding the ability of the watermaster to regulate the flows at the proposed point of diversion to insure that such flows would not adversely affect the downstream senior water right of

the protestant.

Local Public Interest

17. The amount of water required to supply cattle is considered to average 12 gallons per head per day. [Reference: U.S. Department of Health, Education and Welfare, Manual of Individual Water Supply Systems, 1962.] The proposed diversion of 0.40 cfs would provide enough water for more than 20,000 cattle if the delivery system were 100 per cent efficient.

18. A common means of supplying stockwater throughout Idaho is the diversion of a flow of water through an open ditch.

CONCLUSIONS OF LAW

Applicable Legal Principles

1. Idaho Code, Sec. 42-222 (Supp. 1987) states in part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is in the local public interest as defined in Section 42-203, Idaho Code.

2. The Director of the Department of Water Resources has jurisdiction to determine the question of abandonment and forfeiture and such is required as a preliminary step to performance of his statutory duty in determining whether or not the proposed transfer would injure other water rights. Jenkins v. State of Idaho, 103 Idaho 384 (1982).

3. Forfeitures are not favored, and clear and convincing proof is required to support a forfeiture. Gilbert v. Smith, 97 Idaho 735 552 P.2d 1220 (1976).

4. Each irrigation water right in Idaho is comprised of three components: rate of flow, total volume diverted, and volume consumptively used. To insure that an enlargement in a water right does not occur, neither the rate

of diversion, nor the total volume diverted, nor the total consumptive use is allowed to be increased.

5. Stockwatering is considered to be a beneficial use of water in Idaho.

Application of Legal Principles

Validity of the Water Right

6. Water right No. 61-0371 is not found to have been abandoned or forfeited, as clear and convincing proof has not been provided to demonstrate either abandonment or forfeiture.

7. Water right No. 61-0371 no longer applies to the 26 acres that were originally under the east ditch but have not been irrigable from the east ditch since prior to 1963. Thus, the place of use from which the water is to be removed under this transfer must be specified as acreage that is irrigable from the east ditch in its present location.

Enlargement of the Water Right

8. With respect to rate of flow, the applicant has proposed that a 0.40 cfs portion of his water right be conveyed from the present point of diversion to the upstream point of diversion. The total rate of diversion will not be increased by the transfer.

9. To insure no increase in the total volume of water diverted and volume consumptively used under this water right, the applicant must decrease the acreage irrigated under the east ditch by 20 acres. The acres from which the water is removed cannot be those from which water was removed prior to 1963, but rather must be from among the 36 acres still considered to be irrigable from the east ditch.

Potential Injury to Other Water Rights

10. If the proposed transfer is approved, additional care would be

required by the watermaster to insure that diversion at the new upstream point of diversion does not injure the senior water right on Little Canyon Creek. If this additional care is applied, the senior water right will be protected. The watermaster will need to anticipate downstream flow availability and will likely need to reduce the flow at the new upstream point of diversion several days prior to the date that the senior water right is expected to experience a shortfall.

Local Public Interest

11. Use of an open ditch to provide water for stockwater purposes allows greater losses via seepage and evaporation than use of a pipeline system. Nevertheless, the open ditch system of stockwater delivery is considered to be a beneficial use of water in Idaho.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Transfer of Decreed Water Right No. 61-0371B is APPROVED subject to the following conditions:

1. Water right No. 61-0371A is defined as the 0.80 cfs which remains appurtenant to the original place of use, and water right No. 61-0371B is defined as the 0.40 cfs that is hereby transferred. Subsequent conditions of approval apply to water right No. 61-0371B.

2. This water right is subject to all existing senior water rights.

3. A measuring device and lockable diverting works of a type acceptable to the Department shall be installed and maintained at the diverting works.

4. This water right is subject to delivery by the watermaster of Water District No. 61-D, Little Canyon Creek.

5. This water right shall be delivered only from April 1 through July

15, and October 1 through November 1, during periods when delivery will not adversely impact delivery of the downstream senior water right. For purposes of protection of the downstream senior water right on Little Canyon Creek, the watermaster shall anticipate the impact of the diversion under this water right and shall discontinue delivery of this right during periods when the flows are anticipated to be required to satisfy the prior senior water right.

6. The issuance of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by a person other than the water right holder. Use of water under this transfer may be affected by an agreement between the water right holder and the owner of the conveyance works.

Dated this 22nd day of April, 1988.

Bobby D. Fleenor
BOBBY D. FLEENOR, HEARING OFFICER

MEMO TO FILE

CLAIM/WR NO: A61-00371A, A61-00371B and A61-00372
AGENT: RON HOWERTON
DATE: February 22, 1997
REF: ANALYSIS OF TRANSFER SPLIT ORDER STOCK/IRRIGATION

1. Mr. Blackwell claimed a split of decreed right 371.
2. The decreed use was for irrigation of 1.2 CFS, he split the claim so that 20 inches was a change in nature of use for stockwater (371B) and left the remaining .8 CFS to be for irrigation (371A).
3. Mr. Blackwell also claimed decreed right 372 which was for the same lands as 371. Decreed right 372 was for 1.6 CFS. The combined irrigation CFS of both 371A & 372 is 2.4 CFS. The decree was absent from identifying points of diversion, thus both the East and West ditch could have been used for both the 371 and 372 decreed rights. The same POU is shown on both so a portion of 371 or 372 could be diverted through both ditches.
4. The adjudication field exam VERIFIED of 9/9/94 shows 68 irrigated acres of lands from West Ditch.
5. The re-aligned East Ditch right 371A has the required 16 acres irrigated. The transfer required 20 to be dried up of the 36 considered eligible by the decree.
6. The decision and order described that the East ditch had a historical use of 62 acres and was identified as right 371. The order described that the realigned East ditch had a total of 36 acres that was considered irrigated, of the 36 acres 20 of those acres were to be transferred for stock for 371B. Thus leaving 16 acres remaining of the original 62 historically irrigated. The transfer allowed .8 CFS to be still used for the original place of use, which would be 16 acres for .8 CFS. (This would be allowing excessive flows)
7. Wild flooding seems to be the use of Little Canyon Creek for Mr. Blackwell.

February 24, 1997

1. Talked with Pam Skaggs today to find if they had a copy of this proposed order. She couldn't find it in any of their

1 files. I gave her a copy of what I had. I then went to Dave
2 Tuthill and asked him about this and he remembered that the
3 order was not approved.
4

5 2. I checked again back at Western for the protest file and it
6 was not here. I talked with Steve and Sue, they recall seeing
7 something but couldn't recall what had happened to it. They
8 did give me the idea that the hearing officer may have got the
9 file to use for the hearing. I originally got my copy from Mr.
10 Blackwell. (I had searched our office prior to getting the
11 copy from Mr. Blackwell).
12

13 3. I called Pam back and asked her if she would talk to Bobby or
14 Julie to see if they might have the file or any other idea
15 about the order.
16

17 4. I also talked to Jeff Peppersack about whether excessive flows
18 with the Hubble would apply to this or conveyance loss could
19 be applied to make up for the CFS not beneficially used by the
20 right. He wasn't sure and advised me to ask one of the
21 attorneys.
22

23 5. I called Andrew and asked him about the 1 inch per acre stated
24 in the decree and asked him to give me a legal opinion on what
25 the proper procedure for calculating the excessive flow was?
26 I related to him that we really didn't have anything in
27 writing, but it seemed like we could do the Hubble for and
28 decree whether the decree was specific or not.
29

30 August 26, 1997
31

32 Follow-up with Bobby Flennor:
33

34 1. Can't find anywhere at the SO.
35

36 2. Found an out card for transfer, but transfer was never
37 processed.
38

39 3. Bobby had a lead that some files were sent over to Western
40 from Tim Luke's water distribution files and were given to
41 Steve Lester in 1996.
42

43 4. If we can't find anything it may have to be brought before the
44 parties again.
45

Page 1 of 10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3405

APPLICATION FOR TRANSFER OF WATER RIGHT Amended
PART 1

Name of applicant Samuel Blackwell Phone (208) 366-2265
Post Office address Route 1, Box 430, Glenns Ferry, ID 83623

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To transfer a portion of a decreed water right to be used for stockwater purposes.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|-----------------|-----------------------|-------------------|---------------------------|
| <u>61-0371B</u> | <u>5/2/1872</u> | <u>0.40 cfs</u> | <u>Stockwater</u> | <u>4/1</u> to <u>11/1</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 0.40 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Little Canyon Creek tributary to Snake River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	9	4S	10E	Elmore	Herron (Morrow) Ditch

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4S	10E	9																	
		16																	
		20																	
		21																	
		29																	
		31																	
		32																	
4S	9E	36																	

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Headgate

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

20 acres will no longer receive water from Little Canyon Creek. Instead, they will
be watered from only King Hill Irrigation District.

d. Remarks:

Applicant proposes to transfer 0.40 cfs out of a 1.2 cfs water right to an upstream
point of diversion to allow said water to run in the Herron (morrow) ditch for
stockwater purposes.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 61-0371 Decreed to Jenny Glenn
in case of Charles E. Corker vs. T. H. Anthony, et al.
dated March 22, 1898 in 4th Judicial District county of Elmore
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Little Canyon Creek tributary to Snake River

4. Date or priority May 2, 1872

5. Water is used for the following purpose:

amount 1.2 cfs for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	8	5S	10E	Elmore	East Ditch

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5S	10E	19	28		12	20													60

Total acres 60

9. Describe any other water rights used for the same purpose as described above When Little Canyon Creek
water is removed, lands will be irrigated by King Hill Irrigation District water.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.4 cfs for Irrigation purposes from 4/1 to 11/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	8	5S	10E	Elmore	East Ditch

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5 S	10E	19	12			8													20

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) 61-0371A

1. amount 0.80 cfs for Irrigation purposes from 4/1 to 11/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	8	5S	10E	Elmore	East Ditch

3. Lands irrigated or place of use: Need 40 acres on which water is to remain here

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5S	10E	19	16		12	12													40

Total acres 40

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**

See attached Photo Copies:

PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Stockwater</u>	<u>0.40 cfs</u>	<u> </u>	<u>4/1 to 11/1</u>
	<u> </u>	<u> </u>	<u> </u>	<u> to </u>

2. Quantity and quality of return flows and location of discharge:

Volume diverted for stockwater will not exceed volume necessary for the irrigation of
20 acres, which is 20 acres times 4.5 AFA, or 90 acre-feet per annum.

3. Describe effects on other water uses resulting from the proposed change:

none

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Samuel D. Blackwell
(Signature of Applicant)

Subscribed and sworn to before me this 17th day of August, 19 87.

David R. Tutthill
(Notary Public)

My commission expires Sept 10, 1988

FOR DEPARTMENT USE ONLY

Transfer contains <u>10</u> pages and <u>including 4</u> attachments	<u>Amended trans rec'd 8/17/87 by DRT</u>
Received by <u>AMS</u> Date <u>6/14/87 (original)</u>	Protest filed by <u> </u>
Prelim. check by <u>[Signature]</u> Fee <u>\$50 # 44954</u>	<u>Richard P. Viner</u>
Receipted by <u>JP</u> Date <u>6/19/1987</u>	<u> </u>
Published in <u>Mountain Home News</u>	Copies of protest forwarded by <u>jp</u>
Pub. dates <u>9/3 & 9/10/87</u>	Hearing held by <u> </u> Date <u> </u>
Watermaster recommendation requested on <u>9/2/87</u>	Recommended for ☐ approval ☐ denial
<u> </u> rec'd. <u> </u>	by <u> </u>
Copy of transfer sent to lien holder <u> </u>	

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
TRANSFER OF WATER RIGHT NO. 61-0371	)	SOURCE: Little Canyon Creek
	)	
	)	TRIBUTARY TO: Snake River
	)	
SAMUEL BLACKWELL	)	COUNTY: Elmore
	)	
Applicant,	)	
	)	
RICHARD P. VINER	)	
	)	
Protestant.	)	
	)	

PROPOSED MEMORANDUM DECISION AND ORDER
APPROVING APPLICATION FOR TRANSFER

BY HEARING OFFICER BOBBY D. FLEENOR.

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The Application

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2. Notice of the application was published in the Mountain Home News on September 2 and 9, 1987.

Protest, Conference and Hearing

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District, with source of the Snake River. The decreed water rights were recorded in a decree entitled Corker v. Anthony, dated March 22, 1898.

7. The applicant stated that he intends to divert flows under this transfer during the periods from April 1 through July 15, and from October 1 through November 1, annually. The purpose for the change is to provide stockwater for about 160 head of range cattle in a Bureau of Land Management grazing allotment located in the vicinity of the Morrow ditch.

8. The applicant's "east ditch" diverts from Little Canyon Creek and is used to irrigate his land on the east side of Little Canyon Creek. Historically, the east ditch was used to irrigate a total of 28 acres in the NE1/4NE1/4, 2 acres in the NW1/4NE1/4, 12 acres in the SW1/4NE1/4, and 20 acres in the SE1/4NE1/4, for a total of 62 acres, all within Sec. 19, Twp. 5 S., Rge. 10 E., B.M. Sometime prior to 1963, water was purchased from King Hill Irrigation District, and the east ditch was re-routed to a new location situated closer to Little Canyon Creek. The lands capable of being irrigated from the new ditch consist of 16 acres in the NE1/4NE1/4, 2 acres in the NW1/4NE1/4, 11 acres in the SW1/4NE1/4, and 7 acres in the SE1/4NE1/4, for a total of 36 acres, all within Sec. 19, Twp. 5 S., Rge. 10 E., B.M.

9. The applicant also diverts flows from Little Canyon Creek via a ditch on the west side of the creek, called the "west ditch". The Corker v. Anthony decree did not specify the point of diversion or ditch used to deliver either of the applicant's two decreed water rights, so it is possible that a portion of water right No. 61-0371 is delivered via the west ditch.

10. Conflicting testimony was provided concerning the last time that water in the east ditch was beneficially used by the applicant. Some testimony indicated that the last date of use was 1985, and other testimony indicated that the last date of use was May or June of 1982.

Enlargement of the Water Right

11. The applicant desires to use the transferred portion of the decreed right for a new and additional use. The applicant has indicated a desire to reduce the use of the decreed water right at the existing location to compensate for the proposed upstream use, to result in no enlargement of the water right.

12. The flows in Little Canyon Creek diminish sometime in July during most years to the extent that water right 61-0371 cannot be satisfied. Thus, the lands irrigated with this water right do not receive, from Little Canyon Creek, the full irrigation requirement.

13. Flows diverted through the Morrow ditch do not return to Little Canyon Creek.

Potential Injury to Other Water Rights

14. There is one recorded water right on Little Canyon Creek that has a priority date senior to water right no. 61-0371. Decreed water right No. 61-0299, in the amount of 0.60 cfs with a priority date of May 1, 1871, is utilized by the protestants. Diversion systems based on this water right, as well as diversions for all other water rights in Little Canyon Creek, are required to have measuring devices installed so the watermaster can determine if the required flow is satisfied.

15. The application proposes to change the point of diversion for 0.40 cfs from the existing point to a point upstream about nine (9) miles. In this reach there are some springs which contribute to the flow, but the record is inconclusive regarding whether the reach is gaining or losing.

16. Conflicting evidence was provided regarding the ability of the watermaster to regulate the flows at the proposed point of diversion to insure that such flows would not adversely affect the downstream senior water right of

the protestant.

Local Public Interest

17. The amount of water required to supply cattle is considered to average 12 gallons per head per day. [Reference: U.S. Department of Health, Education and Welfare, Manual of Individual Water Supply Systems, 1962.] The proposed diversion of 0.40 cfs would provide enough water for more than 20,000 cattle if the delivery system were 100 per cent efficient.

18. A common means of supplying stockwater throughout Idaho is the diversion of a flow of water through an open ditch.

CONCLUSIONS OF LAW

Applicable Legal Principles

1. Idaho Code, Sec. 42-222 (Supp. 1987) states in part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is in the local public interest as defined in Section 42-203, Idaho Code.

2. The Director of the Department of Water Resources has jurisdiction to determine the question of abandonment and forfeiture and such is required as a preliminary step to performance of his statutory duty in determining whether or not the proposed transfer would injure other water rights. Jenkins v. State of Idaho, 103 Idaho 384 (1982).

3. Forfeitures are not favored, and clear and convincing proof is required to support a forfeiture. Gilbert v. Smith, 97 Idaho 735 552 P.2d 1220 (1976).

4. Each irrigation water right in Idaho is comprised of three components: rate of flow, total volume diverted, and volume consumptively used. To insure that an enlargement in a water right does not occur, neither the rate

of diversion, nor the total volume diverted, nor the total consumptive use is allowed to be increased.

5. Stockwatering is considered to be a beneficial use of water in Idaho.

Application of Legal Principles

Validity of the Water Right

6. Water right No. 61-0371 is not found to have been abandoned or forfeited, as clear and convincing proof has not been provided to demonstrate either abandonment or forfeiture.

7. Water right No. 61-0371 no longer applies to the 26 acres that were originally under the east ditch but have not been irrigable from the east ditch since prior to 1963. Thus, the place of use from which the water is to be removed under this transfer must be specified as acreage that is irrigable from the east ditch in its present location.

Enlargement of the Water Right

8. With respect to rate of flow, the applicant has proposed that a 0.40 cfs portion of his water right be conveyed from the present point of diversion to the upstream point of diversion. The total rate of diversion will not be increased by the transfer.

9. To insure no increase in the total volume of water diverted and volume consumptively used under this water right, the applicant must decrease the acreage irrigated under the east ditch by 20 acres. The acres from which the water is removed cannot be those from which water was removed prior to 1963, but rather must be from among the 36 acres still considered to be irrigable from the east ditch.

Potential Injury to Other Water Rights

10. If the proposed transfer is approved, additional care would be

required by the watermaster to insure that diversion at the new upstream point of diversion does not injure the senior water right on Little Canyon Creek. If this additional care is applied, the senior water right will be protected. The watermaster will need to anticipate downstream flow availability and will likely need to reduce the flow at the new upstream point of diversion several days prior to the date that the senior water right is expected to experience a shortfall.

Local Public Interest

11. Use of an open ditch to provide water for stockwater purposes allows greater losses via seepage and evaporation than use of a pipeline system. Nevertheless, the open ditch system of stockwater delivery is considered to be a beneficial use of water in Idaho.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Transfer of Decreed Water Right No. 61-0371B is APPROVED subject to the following conditions:

1. Water right No. 61-0371A is defined as the 0.80 cfs which remains appurtenant to the original place of use, and water right No. 61-0371B is defined as the 0.40 cfs that is hereby transferred. Subsequent conditions of approval apply to water right No. 61-0371B.

2. This water right is subject to all existing senior water rights.

3. A measuring device and lockable diverting works of a type acceptable to the Department shall be installed and maintained at the diverting works.

4. This water right is subject to delivery by the watermaster of Water District No. 61-D, Little Canyon Creek.

5. This water right shall be delivered only from April 1 through July

15, and October 1 through November 1, during periods when delivery will not adversely impact delivery of the downstream senior water right. For purposes of protection of the downstream senior water right on Little Canyon Creek, the watermaster shall anticipate the impact of the diversion under this water right and shall discontinue delivery of this right during periods when the flows are anticipated to be required to satisfy the prior senior water right.

6. The issuance of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by a person other than the water right holder. Use of water under this transfer may be affected by an agreement between the water right holder and the owner of the conveyance works.

Dated this 22nd day of April, 198⁸.

Bobby D. Fleenor
BOBBY D. FLEENOR, HEARING OFFICER

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER OF WATER RIGHT NO. 61-0371)

SAMUEL BLACKWELL)

Applicant,)

RICHARD P. VINER)

Protestant.)
_____)

SOURCE: Little Canyon Creek

TRIBUTARY TO: Snake River

COUNTY: Elmore

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 27th day of April, 1988, a true and correct copy of the foregoing ORDER ISSUING PROPOSED MEMORANDUM DECISION and PROPOSED MEMORANDUM DECISION AND ORDER was mailed, postage prepaid to:

Samuel Blackwell
Rt. 1 Box 430
Glenns Ferry, ID 83623

Richard Viner
Rt. 1 Box 420
Glenns Ferry, ID 83623

W. F. Ringert, Attorney
P. O. Box 2773
Boise, ID 83701

Howard I. Manweiler
Manweiler, Bevins & Cameron, P.A.
P. O. Box 827
Boise, ID 83701-0827



RITA I. FLECK
Secretary/Records Manager
Dept. of Water Resources

Lester, Steve

From: Lester, Steve
Sent: Monday, February 12, 2001 12:33 PM
To: Howerton, Ron
Cc: Spackman, Gary
Subject: Blackwell transfer for 61-371, Little Canyon Creek

Remember this lost transfer file, Ron? You gave me a note back in 1997 (!) about it. I had no luck finding the file no matter what I tried. But John ran across it in bottom of the file cabinet by wooden map case. The folder was buried at bottom of a drawer ... somehow got lost back there.

From what I can see, the order issued in April 1988 had responses filed by the attorneys: Ringert for protestant filed a timely exception to the order, then Manweiler for applicant filed a timely response to the exception. That all happened by June 1988. IDWR did not reply to these actions so appears the order is still in limbo, I guess.

I'm forwarding the file to Gary to see what's next for the transfer and final decision by IDWR. So maybe you'll see some daylight soon for SRBA recommendations.

Steve

Timely?

Order served 4/27/88.

Exception served 5/11/88 within 15 day period.

Response served 6/13/88 not within 15 day period of
exception service so is Response acceptable?

Does not appear order was ever concluded.

-SL

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

02/12/2001

WATER RIGHT NO. 61-371

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JENNY GLENN
Present Owner	SAMUEL D BLACKWELL T 1 BOX 430 GLENNS FERRY, ID 83623

Priority Date: 05/02/1872
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
LITTLE CANYON CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	/	/	1.2 CFS		
Total Diversion			1.2 CFS		

Location of Point(s) of Diversion:

IRRIGATION Use:
Acre Limit: 160

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>
05S	10E	19		NENE	40		NWNE	40		SWNE	40		SENE	40

Total Acres: 160

Remarks:

1. General FOR USE ON THE G. P. GLENN TRACT.
DECREE STATES THAT QUANTITY OF WATER NECESSARY TO IRR. SAID LANDS IS 1.0 INCHES/AC.,
THEREFORE AC. IRR. = 60.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
SKEEN	4/16/00	Place of Use	As part of the data cleanup effort for the database migration, I reviewed the decree document and modified the place of use to show the entire NE 1/4 of Sec. 10.

Dates:

Licensed Date:
Decreed Date: 03/22/1898
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date:

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: A61-00371B
Date Received: 11/ 8/1989
Receipt No: M005189
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SAMUEL D BLACKWELL 208-366-2265
Address: RT 1 BOX 430
GLENN'S FERRY ID 83623

2. Date of Priority: MAY 2, 1872

3. Source: LITTLE CANYON CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	10E	9	NE	NW	NE	I	ELMORE

Beginning Point of Instream Flow							
04S	10E	9	SE	NW	SE		ELMORE

Ending Point of Instream Flow							
04S	09E	36	SE	SE	SE		ELMORE

5. Description of diverting works:
DIVERTED AT HEAD OF HERRON/BATRUEL DITCH - IN DITCH STOCKWATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	04/01	07/15	0.400		
STOCKWATER	10/01	11/01	0.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 400 HEAD BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04S	10E	9	SW		SE		STOCK	
		16	NW		NE		STOCK	
			SW		NE		STOCK	
			SE		NW		STOCK	
			NE		SW		STOCK	
			SE		SW		STOCK	
		20	SW		SE		STOCK	
			SE		SE		STOCK	
		21	NE		NW		STOCK	
			SE		NW		STOCK	
			NW		SW		STOCK	
		29	NW		NE		STOCK	
			SW		NE		STOCK	
			NE		NW		STOCK	
			SE		NW		STOCK	
			NE		SW		STOCK	
			SW		SW		STOCK	
			SE		SW		STOCK	
		31	SW		NE		STOCK	
			SE		NE		STOCK	
			NE		SW		STOCK	
			SW		SW		STOCK	
			SE		SW		STOCK	
			NW		SE		STOCK	
		32	NE		NW		STOCK	
			NW		NW		STOCK	
			SW		NW		STOCK	

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:

THIS CLAIM REPRESENTS A PORTION OF DECREED RIGHT 61-0371.
THIS PORTION WAS TRANSFERRED AS STOCK WATER 20" INTO THE
HERRON BATRUEL DITCH FOR USE AS IN DITCH STOCK WATERING. THIS
MANNER OF USING THESE 20" OF WATER HAS BEEN DONE SINCE 1963, A
TRANSFER WAS FILED IN 1985.
OWNERSHIP CHANGED BY RDH ON 2/22/97.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

CHARLES E. CORKER
Decree Plaintiff

T. H. ANTHONY ET. AL.
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

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.

☐ 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) A61-00341- 00342- 00371A- 00371B- 00372- 10299
Assigned by IDWR: _____

☐ Name and Address of Former Owner/Claimant(s)(Seller): SAMUEL D BLACKWELL OR FRANCES E BLACKWELL

RT 1 BOX 430

GLENNS FERRY ID 83623

☐ New Owner/Claimant (Purchaser):

SAMUEL D BLACKWELL

☐ New Mailing Address:

RT 1 BOX 430

GLENNS FERRY ID 83623

☐ New Telephone Number: (208) 366 - 2265

☐ 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:

☐ 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)

Samuel D Blackwell

Date 9/9/94

Date

☐ Signature of Former Owner/Claimant(s):

Samuel D Blackwell

Date 9/9/94

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 _____ By: _____

Claim Numbers of Split, if any:

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

\$25⁰⁰

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: A61-00371B
Date Received: 11-8-89
Receipt No: MOU5189
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SAMUEL D. BLACKWELL 208-366-2265
Address: RT. 1 BOX 430
GLENN'S FERRY, ID 83623
OR
Name: FRANCES E. BLACKWELL 208-366-2265
Address: RT. 1 BOX 430
GLENN'S FERRY, ID 83623

2. Date of Priority: MAY 02, 1872

3. Source: LITTLE CANYON CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	10E	9	NE	NW	NE	I	ELMORE
Beginning Point of Minimum Instream Flow							
04S	10E	9	SE	NW	SE		ELMORE
Ending Point of Minimum Instream Flow							
04S	09E	36	SE	SE	SE		ELMORE

5. Description of diverting works:
DIVERTED AT HEAD OF HERRON/BATRUER DITCH - IN DITCH STOCKWATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	04/01	07/15	0.400		
STOCKWATER	10/01	11/01	0.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 400 HEAD BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	10E	9	SW	SE		STOCK	
			NW	NE		STOCK	
		16	SW	NE		STOCK	
			SE	NW		STOCK	
			NE	SW		STOCK	
			SE	SW		STOCK	
			SW	SE		STOCK	
			SE	SE		STOCK	
		20	NE	NW		STOCK	
			SE	NW		STOCK	
			NW	SW		STOCK	
			NW	NE		STOCK	
			SW	NE		STOCK	
			NE	NW		STOCK	
		21	SE	NW		STOCK	
			NW	SW		STOCK	
			NW	NE		STOCK	
			SW	NE		STOCK	
			NE	NW		STOCK	
			SE	NW		STOCK	
		29	NE	SW		STOCK	
			SW	SW		STOCK	
			SE	SW		STOCK	
			SW	NE		STOCK	
			SE	NE		STOCK	
			NE	SW		STOCK	
		31	SW	SW		STOCK	
			SE	SW		STOCK	
			SW	NE		STOCK	
			SE	NE		STOCK	
			NE	SW		STOCK	
			SW	SW		STOCK	
		32	SE	SW		STOCK	
			NW	SE		STOCK	
			NE	NW		STOCK	
			NW	NW		STOCK	
SW	NW			STOCK			

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:

THIS CLAIM REPRESENTS A PORTION OF DECREED RIGHT 61-0371.

THIS PORTION WAS TRANSFERRED AS STOCK WATER 20" INTO THE HERRON/
BATRUEL DITCH FOR USE AS IN DITCH STOCK WATERING. THIS MANNER OF
USING THESE 20" OF WATER HAS BEEN DONE SINCE 1963, A TRANSFERR
WAS FILED IN 1985.

14. Remarks: Continued

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

CHARLES E. CORKER

Decree Plaintiff

vs

T. H. ANTHONY ET. AL.

Decree Defendant

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: 2

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) Francis E. Shook Date: 11-8-89

Date: _____

State of Idaho)

County of Elmore) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of November 19 89

Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public

Residing at Boise, Idaho

My Commission Expires December 7, 1994

RECEIVED

MAY 24 2000

Department of Water Resources

2000 MAY 23 11:00 AM
FILED
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

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

)
)
)
)
ORDER OF PARTIAL DECREE

For Water Right 61-00371B

On March 20, 2000, a *Special Master's Report and Recommendation* was filed for the above water right. No challenges were filed to the *Special Master's Report and Recommendation* and the time for filing challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 61-00371B is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED MAY 23 2000.



BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

MAY 24 2000

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)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-00371B

700 MAY 23 11:00 AM
FILED

NAME AND ADDRESS: SAMUEL D BLACKWELL
PO BOX 398
KING HILL, ID 83633-0398

SOURCE: LITTLE CANYON CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.40 CFS

PRIORITY DATE: 05/02/1872

POINT OF DIVERSION: T04S R09E S36 SESESE (Instream Ending Point) Within Elmore County
R10E S09 NENWNE
NESWSE (Instream Beginning Point)

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Stockwater 04-01 TO 11-01 0.40 CFS

PLACE OF USE: Stockwater Within Elmore County
T04S R09E S36 SESE
R10E S09 SWSE
S16 NWNE
SESW NESW
S20 SESE
S21 SENW
NESW NWSW
S29 SWSW
NENE NWNE
SWNE NENW
SESW NESW
S31 SWSW SESW
SWNE SENE
NESW SWSW
SESW NWSE
S32 NENW NWNW
SWNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

MAY 24 2000

Department of Water Resources

2000 MAY 23 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 61-00371B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 61-00371B was mailed
on May 23, 2000, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

SAMUEL D BLACKWELL
PO BOX 398
KING HILL, ID 83633-0398
Phone: 208-366-2265

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/23/00

**February 17, 2000 Hearings - Boise
Hearing Checklist**

Subcase No.	Hearing Time	Parties	Reference	Agent	Result
61-00252B	9:00	Hansen/BLM	see p. 21 of Case Management Report (CMR)	Jan	NO SHOW
61-04123A		Crane/BLM	see p. 20 of CMR	" "	NO SHOW
61-07253B		Cunningham/BLM	see p. 21 of CMR	" "	SETTLED/JAN STATUS CONF 3/22 10:00 AM
61-07412		Hansen/BLM	see p. 21 of CMR	" "	NO SHOW
61-07459		Grimmett	NAP filed/Draft Order prepared to amend license	Jan	APRIL 14TH 10:00 AM T.F. Telephone
61-10146		Hansen/BLM	See p. 21 of CMR	Jan	
61-10491		Hamilton	Disallowed due to no evidence of priority date - see p. 2 of CMR	Carter	3/22 RESCHEDULED telephone
61-00273	10:00	Knudson/BLM	see p. 20 of CMR	Jan	
61-00356		Rocky Mountain Land & Cattle/BLM	see p. 20 of CMR	Jan	
61-00357		Rocky Mountain Land & Cattle/BLM	see p. 20 of CMR	" "	
61-00371B		Blackwell/BLM	see p. 21 of CMR	" "	
61-02203		Knudson/BLM	see p. 20 of CMR	" "	
61-02242		Rocky Mountain/BLM	see p. 20 of CMR	" "	
61-02243		Rocky Mountain/BLM	see p. 20 of CMR	" "	
61-04123B		Trail/BLM	see p. 20 of CMR	" "	
61-07231		Rocky Mountain/BLM	see p. 20 of CMR	" "	
61-07246B		Military/State	see p. 3 of CMR - SF5 prepared - Carter is waiting for more info	Carter	

Subcase No.	Hearing Time	Parties	Reference	Agent	Result
61-00293D	11:00	Smith/atty Honsinger	Motion to Vacate - see p. 15 of CMR	Roxanne	
61-00299		Smith/atty Honsinger	" "	" "	
61-00303A		Smith	" "	" "	
61-00303B		Batrue/BLM	Place of use	Jan	
61-00304A		Smith/att Honsinger	Motion to Vacate - see p. 15 of CMR	Roxanne	
61-00304B		Batrue/BLM	see p. 21 of CMR	Jan	
61-00308		Batrue/BLM	" "	" "	
61-00370		Smith/atty Honsinger	Motion to Vacate - see p. 15 of CMR	Roxanne	
61-02000B		Smith/atty Honsinger	Motion to Vacate - see p. 15 of CMR	" "	
61-04038		Smith/atty Honsinger	" "	" "	
61-04113		Smith/atty Honsinger	" " - see p. 16 of CMR	" "	
61-07236B		Smith/atty Honsinger	" "	" "	
61-10834		Batrue/BLM	see p. 21 of CMR	Jan	
61-11808		Rumsey	Quantity; place of use/Motion to withdraw - Charlie H. - see p. 2 of CMR	Sue Bock	
61-00293B	11:00	Batrue/Smith/Jones/BLM	see p. 16 of CMR	Jan	
61-02139	1:30 p.m.	Olson	Late objections - combined diversion rate	Sue Bock	
61-07235		" "	" "	Sue Bock	
61-02093	1:30 p.m.	Idaho Farmway/Weitz	Late Objection/ Disallowed (license) - See Carter's notes	Nick/Carter	

Subcase No.	Hearing Time	Parties	Reference	Agent	Result
61-02106	2:00 p.m.	Idaho Farmway/ Weitz	Late Objection/ Disallowed	" "	
61-02116		Idaho Farmway/ Weitz	Late Objection/ Disallowed	" "	
61-02131		Idaho Farmway/ Weitz	Late Objection/ Disallowed	" "	
61-02136		Idaho Farmway/ Weitz	Late Objection	" "	
61-02227		Idaho Farmway/ Weitz	Late Objection	" "	
61-02229		Idaho Farmway/ Weitz	Late Objection/ Disallowed	" "	
61-07021		Idaho Farmway/ Weitz	Late Objection	" "	
61-11366 *	2:00 p.m.	USDI/BLM	see p. 22 of CMR	Jan	
61-11434*		USDI/BLM/ State	See p. 22 of CMR	Jan	
61-11438*		USDI/BLM/ State	see p. 22 of CMR	Jan	
61-11459		USDI/BLM	see p. 22 of CMR	Jan	
61-11487		USDI/BLM	see p. 22 of CMR	Jan	
61-00301	2:30 p.m.	Charter Mountain/ McCallum	see p. 11 of CMR	Mel	
61-00332		Charter Mountain/ McCallum/ BLM	see p. 4 of CMR	Ron	
61-00333		Charter Mountain/ McCallum/ BLM	see p. 4 of CMR	Ron	
61-00334		Charter Mountain/ McCallum/ BLM	see p. 5 of CMR	Ron	
61-00336		Charter Mountain/ McCallum/ BLM	see p. 6 of CMR	Ron	

Subcase No.	Hearing Time	Parties	Reference	Agent	Result
61-00337		Charter Mountain/ McCallum/ BLM	see p. 6 of CMR	Ron	
61-00338		Charter Mountain/ McCallum/ BLM	see p. 7 of CMR	Ron	
61-00340		Charter Mountain/ McCallum/ BLM	see p. 8 of CMR	Ron	
61-00343		Charter Mountain/ McCallum/ BLM	see p. 8 of CMR	Ron	
61-00364		Charter Mountain/ McCallum/ BLM	see p. 9 of CMR	Ron	
61-02008		Charter Mountain/ McCallum/ BLM	see p. 24 of CMR	Ron	
61-02095		Charter Mountain/ McCallum/ BLM	see p. 12 of CMR	Mel	
61-02209		Charter Mountain/ McCallum/ BLM	see p. 28 - Case Management Report (CMR)	Mel	
61-11907		Charter Mountain/ McCallum	see p. 3 of CMR	Mel	
61-00297		Charter Mountain/ McCallum	see p. 27 of CMR	Ron	
61-00298		Charter Mountain/ McCallum	see p. 27 of CMR	Ron	
61-00335		Charter Mountain/ McCallum/ BLM	see p. 5 of CMR	Ron	
61-00339		Charter Mountain/ McCallum	see p. 7 of CMR	Ron	
61-00364		Charter Mountain/ McCallum/ BLM	see p. 9 of CMR	Ron	
61-02012		Charter Mountain/ McCallum	see p. 24 of CMR	Ron	

Subcase No.	Hearing Time	Parties	Reference	Agent	Result
61-02100		Charter Mountain/ McCallum	see p. 25 of CMR	Ron	
61-02111		Charter Mountain/ McCallum	see p. 9 of CMR	Ron	
61-02199		Charter Mountain/ McCallum	see p. 12 of CMR	Mel	
61-07288		Charter Mountain/ McCallum	see p. 26 of CMR	Mel	SF 5 mailed to Bruce Smith on 2/15/00
61-10363		Charter Mountain/ McCallum	see p. 13 of CMR	Mel	
61-11844		Charter Mountain/ McCallum	see p. 13 of CMR	Mel	
61-11847		Charter Mountain/ McCallum	see p. 14 of CMR	Mel	
61-11854		" "	see p. 26 of CMR	Mel	
61-11885		" "	see p. 9 of CMR	Ron	
61-11887		" "	see p. 14 of CMR	Mel	
61-11904		" "	see p. 2 of CMR - stock- water	_____	
61-11905		" "	see p. 2 of CMR - stockwater	_____	
61-11906		" "	see p. 2 of CMR - stockwater	_____	
61-11908		" "	see p. 3 of CMR - stockwater	Mel	
61-11909		" "	see p. 3 of CMR - stockwater	Mel	
61-00323	3:30 p.m.	Double Anchor Ranch/ McCallum	see p. 18 of CMR	Mel	
61-00326		" "	see p. 18 of CMR	Mel	
61-00327		" "	see p. 18 of CMR	Mel	
61-00330		" "	see p. 18 of CMR	Mel	
61-00331		" "	see p. 19 of CMR	Mel	

Subcase No.	Hearing Time	Parties	Reference	Agent	Result
61-02038		" "	see p. 19 of CMR	Mel	
61-04147		" "	see p. 19 of CMR	Mel	
61-10349		" "	see p. 19 of CMR	Mel	
61-00281A	4:00 p.m.	Ark Properties/ McCallum	see p. 9 of CMR	Mel	
61-00282A		" "	see p. 10 of CMR	Mel	
61-00300		" "	see p. 27 of CMR	Mel	
61-00302		" "	see p. 25 of CMR	Mel	
61-00309		" "	see p. 23 of CMR	Ron	
61-00312		" "	see p. 23 of CMR	Ron	
61-00316		" "	see p. 23 of CMR	Ron	
61-00328		" "	see p. 23 of CMR	Ron	
61-00358A		" "	see p. 11 of CMR	Mel	
61-00361A		" "	see p. 10 of CMR	Mel	
61-00362C		" "	see p. 10 of CMR	Mel	
61-02006A		" "	see p. 25 of MCR	Mel	
61-02013A		" "	see p. 25 of CMR	Mel	
61-02014A		" "	see p. 25 of CMR	Mel	
61-02153		" "	see p. 23 of CMR	Ron	
61-04111		" "	see p. 26 of CMR	Mel	
61-10377A		" "	see p. 10 of CMR	Mel	
61-10577		" "	see p. 23 of CMR	Ron	
61-10578		" "	see p. 24 of CMR	Ron	
61-10579		" "	see p. 24 of CMR	Ron	
61-11807		" "	see p. 3 of CMR	Ron	
61-07207B	4:30 p.m.	Palfreyman/ Corddry Living Trust	see p. 27 of CMR	Sue Bock	
61-07306B		" "	see p. 2 of CMR	Sue Bock	license issued 1/28/00

AJ0749NP
No. R61-00371B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/04/99
PAGE: 1

OWNER CODE C NAME & ADDRESS SAMUEL D BLACKWELL
PO BOX 398
KING HILL ID 836330398
(208) 366-2265
PRIORITY DATE 05/02/1872 STOCKWATER
USE PERIOD FROM 04-01 11-01
DIVERSION RATE 0.40 CFS
DIVERSION VOLUME 0.40 CFS
TOTAL DIVERSION: 0.40 CFS

Water Source: LITTLE CANYON CREEK Tributary to: SNAKE RIVER Stage: DECREED
Point(s) of Diversion: T04S R10E S09 NENWNE
Point(s) of Beginning Stream Reach: T04S R10E S09 NESWSE
Point(s) of Ending Stream Reach: T04S R09E S36 SESESE
ELMORE County
ELMORE County
ELMORE County

Place of use Legal Description for: STOCKWATER											
NE						SW					
T	R	S	NENE	NWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW
: Lt Ac			: Lt Ac			: Lt Ac			: Lt Ac		
04S 09E 36	:	:	:	:	:	:	:	:	:	:	:
04S 10E 9	:	:	S	S	:	:	:	:	:	S	S
04S 10E 16	:	:	:	:	:	S	:	:	:	S	S
04S 10E 20	:	:	:	:	:	:	:	:	:	:	:
04S 10E 21	:	:	S	S	:	S	S	:	:	S	S
04S 10E 29	:	S	S	S	:	S	S	:	:	S	S
04S 10E 31	:	S	S	S	:	S	S	:	:	S	S
04S 10E 32	:	:	:	:	:	S	S	:	:	:	:

POU County: ELMORE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- C15 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61:
 - WATER RIGHT NO. SOURCE
 - NONE
 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
 - IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:
 - WATER RIGHT NO. SOURCE
 - NONE
 - ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES
 - OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Remarks: EXP STOCKWATER, 400 RANGE CATTLE.
RIGHT NO. 61-11449 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED AS T04S, R10E, S09, NENWNE.

AJ0749NP
No. R61-00371B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/04/99
PAGE: 2

Dates: Exam Made Date: 09/09/1994 Verified Date: 01/04/1999 Objection Filed Date:

Misc: Water District Number: 61D Field Inspection Flag: C
Presumption Flag:

Comments: Date: 10/30/1998 User-ID: RHOWERTO Subject: REACH
THE BEGINNING AND ENDING REACH DESCRIBED IS AN IN-DITCH-USE TYPE
OF REACH.

Date: 10/30/1998 User-ID: RHOWERTO Subject: TRANSFER 3405
TRANSFER APPROVED BY ORDER DATED 04/22/88.

Date: 11/21/1998 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C15 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Audit: 01/04/99 RHOWERTO



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 4, 1999

~~DIRK KEMPTHORN~~
DIRK KEMPTHORN GOVERNOR

KARL J. DREHER
DIRECTOR

SAMUEL D BLACKWELL
PO BOX 398
KING HILL ID 83633-0398

REF: NOTICE OF ERROR: CLAIMS 61-00341, 61-00342, 61-00371B & 61-10299

Dear Samuel,

I have changed your address per your request as noted on Notice of Error Forms received by our office December 18, 1998.

Sincerely,

Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enclosures

Please change address from:

~~61-00342~~
SAMUEL D BLACKWELL
RT 1 BOX 430
GLENN'S FERRY ID 83623

*TO: Blackwell, Samuel D,
PO BOX 398
King Hill, ID 83633-0398*

November 20, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED

DEC 18 1998

WATER RESOURCES
WESTERN REGION

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: December 18, 1998

Water right number: 61-00371B

SAMUEL D BLACKWELL
RT 1 BOX 430
GLENNS FERRY ID 83623

Daytime Telephone Number:

Evening Telephone Number:

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

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

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

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12/10/98

SIGNATURE: Samuel D Blackwell

Please print your name: Samuel D. Blackwell

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. 61-00371B

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	N	Ren 9-9-94	6	N	N		
PT. OF DIV.	Y		5	Y			
SOURCE	N		6	N			
PL. OF USE	Y		5	Y			
DIV. AMOUNT CFS/AF	N		6	N			
CONSUMPTIVE USE	NA		NA	NA			
NATURE OF USE	N		6	N			
PERIOD OF USE	N		6				
BASIS OF CLAIM	N		6				
REMARKS							

DATA ENTRY COMPLETED
BY _____ DATE _____

FINAL RECOMMENDATION
BY _____ DATE _____

VERIFICATION CODES
 TOPO MAP/ORTHO PHOTO = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE COMMENTS) = 6

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
 SUBMITTED - YES _____ NO _____

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
 CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: 6- Same AS R644

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:57:41
07/05/94

PAGE: 1
GENERAL INFORMATION

43
CLAIM NUMBER: A61-003718

LAST: GLENN
ADDRESS:
CITY: NA
PHONE NUMBER: 208-000-0000
OWNER CODE: 0

FIRST: JENNY
STATE: ID ZIP: 00000

LAST: BLACKWELL
ADDRESS: RT. 1 BOX 430
CITY: GLENN'S FERRY
PHONE NUMBER: 208-366-2265
OWNER CODE: C

FIRST: SAMUEL D.
STATE: ID ZIP: 83623

LAST: BLACKWELL
ADDRESS: RT. 1 BOX 430
CITY: GLENN'S FERRY
PHONE NUMBER: 208-366-2265
OWNER CODE: C

FIRST: FRANCES E.
STATE: ID ZIP: 83623

FIELD EXAM REQUIRED?

FIELD

DATABASE
Y

EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: THIS CLAIM REPRESENTS A PORTION OF DECREED RIGHT 61-0371.

THIS PORTION WAS TRANSFERRED AS STOCK WATER 20" INTO THE HERRON/
BATRUEL DITCH FOR USE AS IN DITCH STOCK WATERING. THIS MANNER OF
USING THESE 20" OF WATER HAS BEEN DONE SINCE 1963, A TRANSFER
WAS FILED IN 1985.

CONTACT PERSON: SAMUEL BLACKWELL

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 9/9/94

APPOINTMENT MADE: Y(☒) N()

TIME: - : - A() P()

ACCOMPANIED BY: ABOVE

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: OWNER

DIRECTIONS TO PROPERTY / NOTES:

SEE ORTTO MAP

A. AJ CLAIM: # A61-00371B PRIORITY DATE: 05-02-1872 STAGE: D

B. WR RECORD: # 61-00371 PRIORITY DATE: 05-02-1872 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE N
FIELD EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(☒)

NOTES:

RECOMMENDED PRIORITY DATE:
05-02-1872

REVIEWED BY Reh

DATE 10/30/98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A61-00371B	04S	09E	36	SE	SE	SE		ELMORE
A61-00371B	04S	10E	9	NE	NW	NE		ELMORE
A61-00371B	04S	10E	9	SE	NW	SE		ELMORE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A61-11449 NONE

WR RECORDS IN SAME 40 ACRE TRACT

SOURCE: LITTLE CANYON CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

6100371 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: LITTLE CANYON CREEK

TRIB: SNAKE RIVER

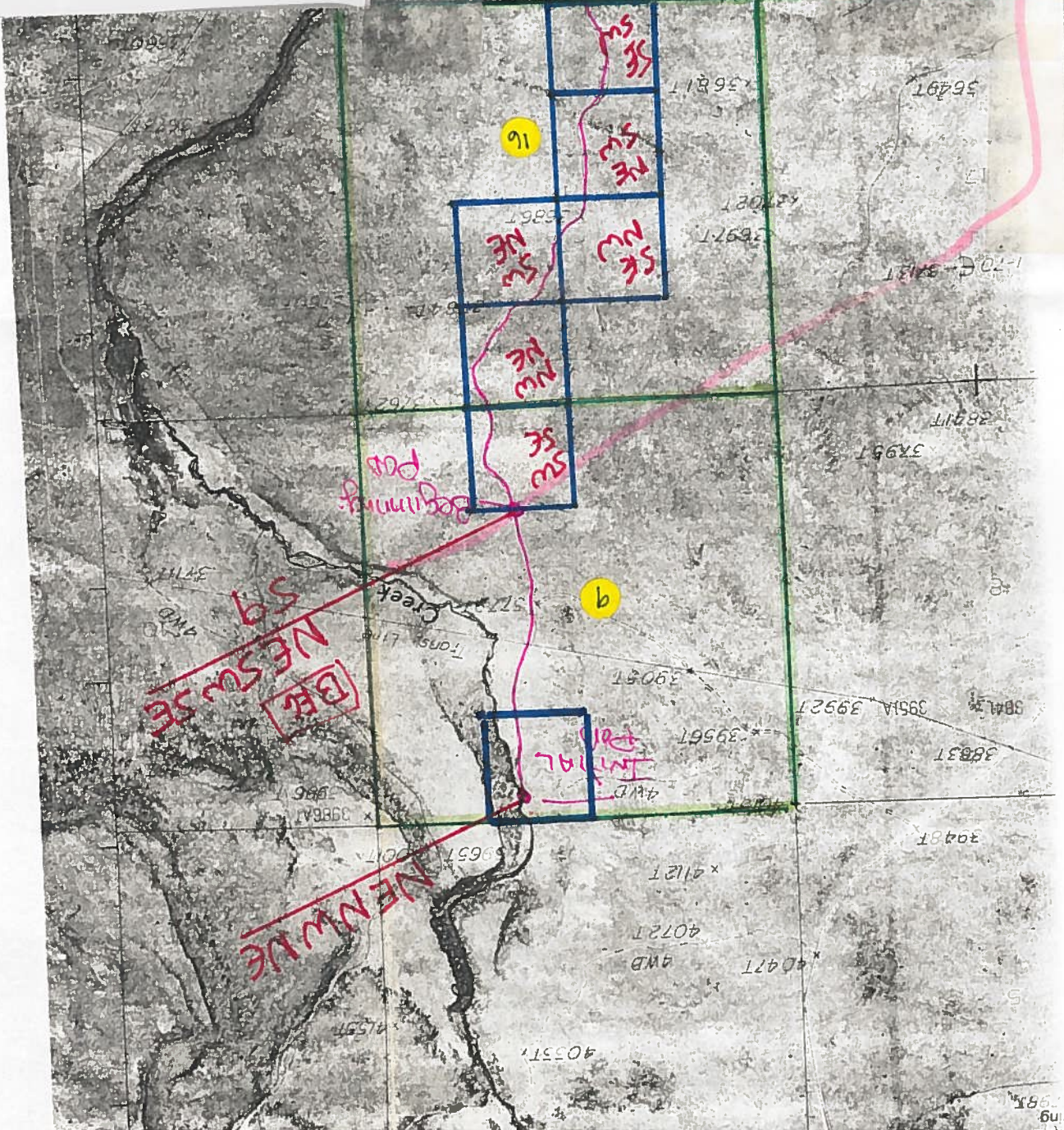
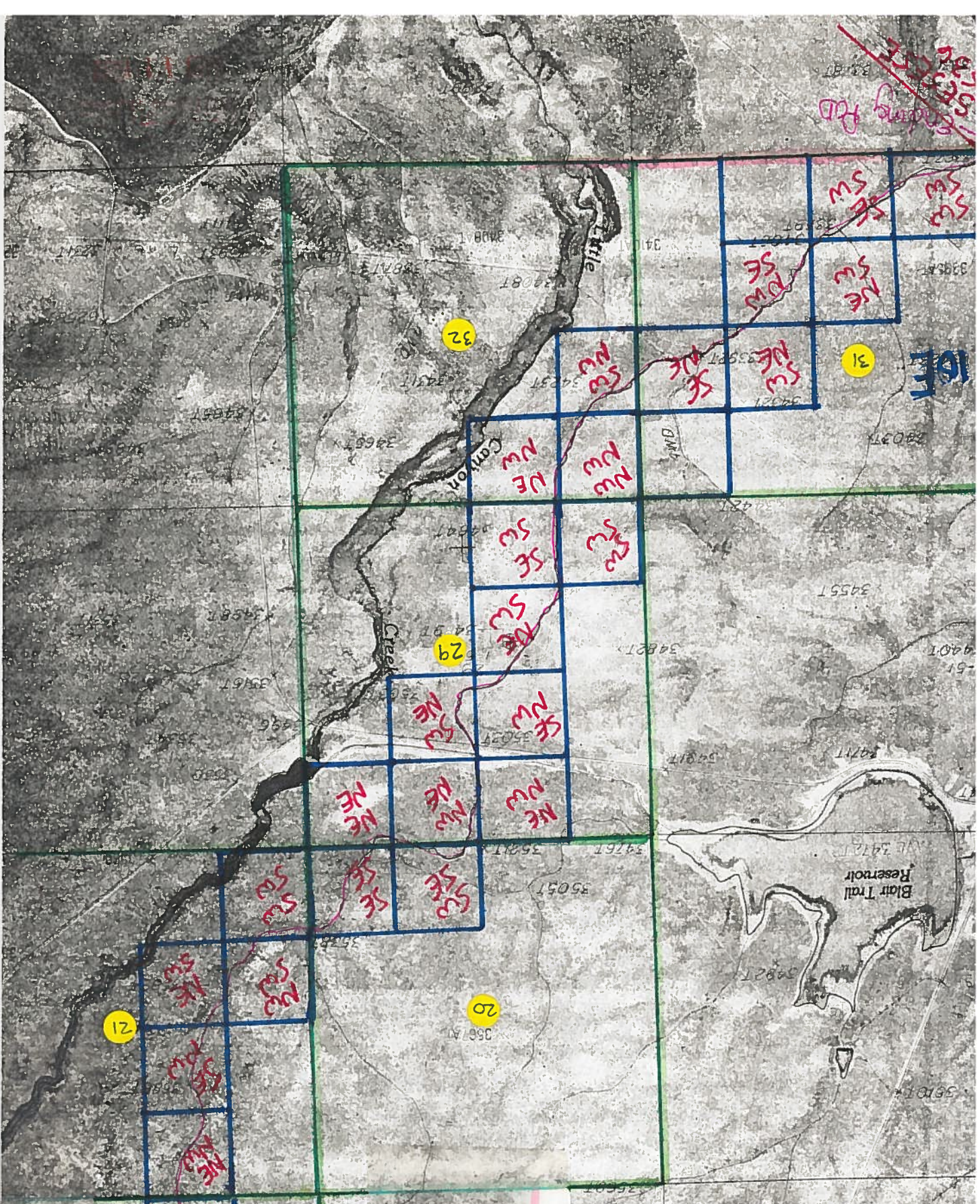
C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY?	(Y/N)	Y N	<u>Rob</u>

NOTES:

SYSTEM DESCRIPTION:

A hand-drawn map of the Little Canyon area. The map features a central line representing a path or boundary. To the left of this line, there is a curved line labeled "DITCH" with an arrow pointing upwards. Below the ditch line, there is a label "HEADGATE" with a small square symbol. To the right of the central line, there is a label "LITTLE CANYON" with an arrow pointing downwards. Further to the right, there is a label "ROCK DIVERSION" with an arrow pointing downwards. The map is drawn on a piece of paper with a grid pattern.



CLAIM 61-003718 INIT Pdb
 T. R. S. 9/9
 P/D 4S IOE 9 NE NW
 SCALE 7 1/2 5 RT 40
 PHOTO ID 266 DATE 1974

IOE

A. ROOT WATER RIGHT NUMBERS:
A61-00371
A61-00371A

A61-00371B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
04S	10E	9	SW	SE		BLACKWELL, SAMUEL D. US DEPT OF INTERIOR	A61-00371B / A61-11449 /	- / - /			S
04S	10E	16	NW	NE		BLACKWELL, SAMUEL D.	A61-00371B /	- /			
04S	10E	16	SW	NE		BLACKWELL, SAMUEL D.	A61-00371B /	- /			
04S	10E	16	SE	NW		BLACKWELL, SAMUEL D.	A61-00371B /	- /			
04S	10E	16	NE	SW		BLACKWELL, SAMUEL D.	A61-00371B /	- /			
04S	10E	16	SE	SW		BLACKWELL, SAMUEL D.	A61-00371B /	- /			
04S	10E	20	SW	SE		BLACKWELL, SAMUEL D. HAUGRUD, JACK OR G GARVER OR US DEPT OF INTERIOR	A61-00371B / A61-11450 / A61-11450 /	- / - / - /			
04S	10E	20	SE	SE		BLACKWELL, SAMUEL D. HAUGRUD, JACK OR G GARVER OR US DEPT OF INTERIOR	A61-00371B / A61-11450 / A61-11450 /	- / - / - /			
04S	10E	21	NE	NW		BLACKWELL, SAMUEL D. HAUGRUD, JACK OR G GARVER OR US DEPT OF INTERIOR	A61-00371B / A61-11450 / A61-11450 /	- / - / - /			
04S	10E	21	SE	NW		BLACKWELL, SAMUEL D. HAUGRUD, JACK OR G GARVER OR US DEPT OF INTERIOR	A61-00371B / A61-11450 / A61-11450 /	- / - / - /			
04S	10E	21	NW	SW		BLACKWELL, SAMUEL D. HAUGRUD, JACK OR G GARVER OR US DEPT OF INTERIOR	A61-00371B / A61-11450 / A61-11450 /	- / - / - /			
04S	10E	29	NW	NE		BLACKWELL, SAMUEL D. HAUGRUD, JACK OR G GARVER OR US DEPT OF INTERIOR	A61-00371B / A61-11450 / A61-11450 /	- / - / - /			
04S	10E	29	SW	NE		BLACKWELL, SAMUEL D.	A61-00371B /	- /			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SW	NE		HAUGRUD, JACK OR G GARVER OR US DEPT OF INTERIOR	DR61-11450 / A61-11450 /	- / -			
			SW	NE		US DEPT OF INTERIOR	A61-11646 /	-			
04S	10E	29	NE	NW		BLACKWELL, SAMUEL D.	A61-00371B /	-			
			NE	NW		HAUGRUD, JACK OR G GARVER OR	DR61-11450 /	-			
			NE	NW		US DEPT OF INTERIOR	A61-11450 /	-			
			NE	NW		US DEPT OF INTERIOR	A61-11646 /	-			
			NE	NW		US DEPT OF INTERIOR	A61-11647 /	-			
04S	10E	29	SE	NW		BLACKWELL, SAMUEL D.	A61-00371B /	-			
			SE	NW		HAUGRUD, JACK OR G GARVER OR	DR61-11450 /	-			
			SE	NW		US DEPT OF INTERIOR	A61-11450 /	-			
04S	10E	29	NE	SW		BLACKWELL, SAMUEL D.	A61-00371B /	-			
			NE	SW		HAUGRUD, JACK OR G GARVER OR	DR61-11450 /	-			
			NE	SW		US DEPT OF INTERIOR	A61-11450 /	-			
04S	10E	29	SW	SW		BLACKWELL, SAMUEL D.	A61-00371B /	-			
			SW	SW		HAUGRUD, JACK OR G GARVER OR	DR61-11450 /	-			
			SW	SW		US DEPT OF INTERIOR	A61-11450 /	-			
04S	10E	29	SE	SW		BLACKWELL, SAMUEL D.	A61-00371B /	-			
04S	10E	31	SW	NE		BLACKWELL, SAMUEL D.	A61-00371B /	-			
			SW	NE		HAUGRUD, JACK OR G GARVER OR	DR61-11450 /	-			
			SW	NE		US DEPT OF INTERIOR	A61-11450 /	-			
04S	10E	31	SE	NE		BLACKWELL, SAMUEL D.	A61-00371B /	-			
			SE	NE		HAUGRUD, JACK OR G GARVER OR	DR61-11450 /	-			
			SE	NE		US DEPT OF INTERIOR	A61-11450 /	-			
04S	10E	31	NE	SW		BLACKWELL, SAMUEL D.	A61-00371B /	-			
			NE	SW		HAUGRUD, JACK OR G GARVER OR	DR61-11450 /	-			
			NE	SW		US DEPT OF INTERIOR	A61-11450 /	-			
04S	10E	31	SW	SW	4	BLACKWELL, SAMUEL D.	A61-00371B /	-			
			SW	SW		HAUGRUD, JACK OR G GARVER OR	DR61-11450 /	-			
04S	10E	31	SE	SW		BLACKWELL, SAMUEL D.	A61-00371B /	-			
			SE	SW		HAUGRUD, JACK OR G GARVER OR	DR61-11450 /	-			
			SE	SW		US DEPT OF INTERIOR	A61-11450 /	-			
04S	10E	31	NW	SE		BLACKWELL, SAMUEL D.	A61-00371B /	-			
			NW	SE		HAUGRUD, JACK OR G GARVER OR	DR61-11450 /	-			
			NW	SE		US DEPT OF INTERIOR	A61-11450 /	-			
04S	10E	32	NE	NW		BLACKWELL, SAMUEL D.	A61-00371B /	-			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES	
			NE	NW		US DEPT OF INTERIOR	A61-11447	/	-	/		
04S	10E	32	NW	NW		BLACKWELL, SAMUEL D.	A61-00371B	/	-	/	5	
			NW	NW		US DEPT OF INTERIOR	A61-11450	/	-	/		
			NW	NW		HAUGRUD, JACK OR G GARVER OR DR61-11450	A61-11450	/	-	/		
04S	10E	32	SW	NW		BLACKWELL, SAMUEL D.	A61-00371B	/	-	/	1	
			SW	NW		US DEPT OF INTERIOR	A61-11447	/	-	/		
			SW	NW		US DEPT OF INTERIOR	A61-11450	/	-	/		
			SW	NW		HAUGRUD, JACK OR G GARVER OR DR61-11450	A61-11450	/	-	/		

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()

IF YES SEE ATTACHED SHEET: NA

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

PRESUMPTION FLAG:

FIELD EXAMINER

POU COUNTY: ELMORE

Y

REL

NOTES:

ADD — COMMENT: THE REACT DESCRIBED ABOVE IS A IN-DITCH-REACT

NOT AN IN-STREAM REACT.

RECOMMENDATIONS:

TOTAL ACRES: NA

REVIEWED BY: REL

DATE: 10/30/98

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A61-00371B STOCKWATER	FROM 04-01 TO 07-15	.400 CFS
A61-00371B STOCKWATER	FROM 10-01 TO 11-01	.400 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.400 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
61-00371 IRRIGATION	FROM TO	1.200 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.200 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N(☐)
Y(☐) N(☐) Explain in notes, below.

NOTES:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 0.400 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.200 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in notes. **

Y(☒) N(☐)

SPLIT SEE REVIEW

FLOW MEASUREMENT REQUIRED?

FIELD DATABASE EXAMINER
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD NA, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☒) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POJ AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POJ BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A61-00371B	STOCKWATER	BLACKWELL, SAMUEL D.	FROM 04-01 TO 07-15	.400 CFS	
A61-00371B	STOCKWATER	BLACKWELL, SAMUEL D.	FROM 10-01 TO 11-01	.400 CFS	
A61-11449	STOCKWATER	US DEPT OF INTERIOR	FROM 01-01 TO 12-31	.230 CFS	
A61-11449	WILDLIFE	US DEPT OF INTERIOR	FROM 01-01 TO 12-31	.020 CFS	
R61-11450	STOCKWATER	HAUGRUD, JACK OR G GARVER OR	FROM 01-01 TO 12-31	.230 CFS	
R61-11450	WILDLIFE	HAUGRUD, JACK OR G GARVER OR	DFROM 01-01 TO 12-31	.020 CFS	
A61-11450	STOCKWATER	US DEPT OF INTERIOR	FROM 01-01 TO 12-31	.230 CFS	
A61-11450	WILDLIFE	US DEPT OF INTERIOR	FROM 01-01 TO 12-31	.020 CFS	
A61-11647	STOCKWATER	US DEPT OF INTERIOR	FROM 01-01 TO 12-31	.230 CFS	
A61-11647	WILDLIFE	US DEPT OF INTERIOR	FROM 01-01 TO 12-31	.020 CFS	
A61-11646	STOCKWATER	US DEPT OF INTERIOR	FROM 01-01 TO 12-31	.230 CFS	
A61-11646	WILDLIFE	US DEPT OF INTERIOR	FROM 01-01 TO 12-31	.020 CFS	
A61-11447	STOCKWATER	US DEPT OF INTERIOR	FROM 01-01 TO 12-31	.260 CFS	
A61-11447	WILDLIFE	US DEPT OF INTERIOR	FROM 01-01 TO 12-31	.020 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from P/U review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()
FOR USE ON THE G. P. GLENN TRACT.
DECREE STATES THAT QUANTITY OF WATER NECESSARY TO IRR. SAID
LANDS IS 1.0 INCHES/AC., THEREFORE AC. IRR. = 60.
PROTESTANTS - RICHARD P. VINER
READY FOR PMDO.
PROTESTANTS - RICHARD P. VINER
READY FOR PMDO.

NOTES: (Include limitations on CONSUMPTIVE USE for combined rights.)

Nil - Stock water

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
Stk	4/1 11/1	DATABASE EXAMINER .4	DATABASE EXAMINER	DATABASE EXAMINER

TOTAL FOR THIS RIGHT

REVIEWED BY: Rdh

DATE: 10/30/98

SPLIT REVIEW
TRANSFER 3404
(Rights: 61-00371)
AGENT: Ronald D. Howerton
Date: 28 Sep 98

61-00371
60 acres
1.2 CFS



P/D NENWSW, S08,
P/D NWNWSW, S08
T05S, R10E

61-00371A
40 acres
0.8 CFS
Joyce Pearson

61-00371B
(0 acres) Stockwater
0.4 CFS
Samuel Blackwell

OVERLAP:

- No P/D overlap with 61-00371B.
- Transfer 3405 added a P/D for Stockwater for 61-00371B.
- Twenty inches with twenty acres were dried-up with Transfer 3405. Verified at time of field exam dated 09/09/94 by RDH.

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ()
NEEDS REVIEW ()
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 61-00371

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 1.200

EXAMINER Rob

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A61-00371	A61-00371A	0.800	-		61-00371	1.200
A61-00371B	A61-00371A	0.800	-		-	
A61-00371	A61-00371B	0.400	-		61-00371	1.200

TOTAL CFS 2.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE N
FIELD EXAMINER Rob

NOTES:

SEE SPLIT REVIEW

AUTHENTICATION:

SIGNATURE: Ron Howerton

DATE: 10/30/98

NAME OF FIELD EXAMINER: Ron Howerton

Sr Water Agent

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO 1974 IDWR ID NO. 266	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED IDWR ID NO.	Y() N()
☐ NAPP	DATE OF PHOTO IDWR ID NO.	Y() N()
☐ ASCS AERIAL PHOTO	DATE OF PHOTO	Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO	Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO	Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY	Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED	Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP	Y() N()
☐ OTHER	DATE	Y() N()
☐ OTHER	DATE	Y() N()
☐ OTHER	DATE	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED) IF ATTACHED, SUPPLY APPROPRIATE INFORMATION PAGES

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM		
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED		
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED		
☐ SYSTEM DESCRIPTION	DATE DRAWN		
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN	1	5 photos
☒ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED	1	
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED		
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED		
☐ OTHER	DATE		
☐ OTHER	DATE		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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QUICKLOOK INFORMATION

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CLAIM NUMBER: A61-00371B

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

PICTURE #1

A61-00371B: FX 09-09-94. Transfer # 3405. Photo's by RDH. Little Canyon P/D for stockwater ditch. P/D Located in the NWNE T4S, R10E, S09. View is to the South East. Headgate on right side of photo.



PICTURE #2

Little Canyon Creek Ditch 30" Headgate closeup from above photo.



PICTURE #3

A61-00371B: FX 09-09-94. Transfer # 3405. Photo's by RDH. Little Canyon Outlet side from 30" Headgate closeup photo #2.



PICTURE #4

Looking down Outlet side at a 10' wide ditch, measurements shows high water mark of at least 12".



PICTURE #5

A61-00371B: FX 09-09-94. Transfer # 3405. Photo's by RDH. This photo is above Little Canyon P/D on the West side of the canyon wall. View is to the South, showing the ditch as it continues down through the sections as shown on transfer.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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PROFILE REPORT

CLAIM NUMBER: A61-00371B

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SAMUEL D. BLACKWELL	05/02/1872	STOCKWATER	04-01 07-15	0.40 CFS	
C	FRANCES E. BLACKWELL RT. 1 BOX 430 GLENN'S FERRY ID 83623 (208) 366-2265		STOCKWATER	10-01 11-01	0.40 CFS	
			TOTAL DIVERSION:		0.40 CFS	

Water Source: LITTLE CANYON CREEK Tributary to: SNAKE RIVER Stage: DECREED

Point(s) of Injection: T04S R10E S09 NENWNE ELMORE County
Point(s) of Beginning Stream Reach: T04S R10E S09 SENWSE ELMORE County
Point(s) of Ending Stream Reach: T04S R09E S36 SESESE ELMORE 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	
04S	10E	9	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
04S	10E	16	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
04S	10E	20	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
04S	10E	21	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
04S	10E	29	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
04S	10E	31	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
04S	10E	32	:	:	:	:	:	:	:	:	:	:	:	:	:	:	

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	
04S	10E	9	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
04S	10E	16	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
04S	10E	20	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
04S	10E	21	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
04S	10E	29	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
04S	10E	31	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
04S	10E	32	:	:	:	:	:	:	:	:	:	:	:	:	:	:	

POU County: ELMORE

Non-Irrigation Uses: S/ 400 HEAD BEEF CATTLE

Other Rights: NONE

Remarks: THIS CLAIM REPRESENTS A PORTION OF DECREED RIGHT 61-0371.

THIS PORTION WAS TRANSFERRED AS STOCK WATER 20th INTO THE HERRON/
BATRUEL DITCH FOR USE AS IN DITCH STOCK WATERING. THIS MANNER OF

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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CLAIM NUMBER: A61-00371B

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PROFILE REPORT CONTINUED

Remarks: USING THESE 20" OF WATER HAS BEEN DONE SINCE 1963, A TRANSFERR
WAS FILED IN 1985.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: 61D Field Inspection Flag:
Presumption Flag:



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Date: July 1, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Samuel D Blackwell or
Frances E Blackwell
RT 1 BOX 430
Glenns Ferry, Id 83623

RE: Field Exam Scheduling Letter for the following Adjudication Claims:

A61-00341, A61-00342, A61-00371A, A61-00371B, A61-00372 &
A61-10299.

Dear Samuel and Frances,

The Adjudication Staff of the Department of Water Resources will be conducting Snake River Basin Adjudication Claim Examinations for Elmore County from July through November 1994.

Information on your claim that may need to be verified includes, source(s) of water, uses and amounts, legal descriptions of point(s) of diversion, place of use and in some cases documentation verifying the date of priority as claimed in the Snake River Basin Adjudication.

Although it is not mandatory that you accompany me, should questions arise during the exam, it would be most helpful for yourself or a knowledgeable representative to be available during the field exam. This will help in the accuracy of collecting specific information about your water right and speed up our findings.

I would appreciate your call ASAP to set-up a field exam date. I may also be calling to help speed up the scheduling due to the short field season this year.

If you have other questions prior to scheduling a date or about the field examination, feel free to call me on that too. Please call today to set-up your exam!

Sincerely,

Ron Howerton
ADJUDICATION STAFF
Department of Water Resources
Western Region Office
(208) 334-2190

Water Right Number - 61-00371

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***

GLENN

JENNY

1 -
2 -
3 -
City-
Phone -

State- Zip-

*** P - PRESENT OWNER ***

BLACKWELL

SAMUEL D.

1 - RT. 1 BOX 430
2 -
3 -
City- GLENNS FERRY
Phone -

State- ID Zip- 836230000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +

05/02/1872 14 WESTERN D - DECREED

+ - - - - Source - - - - + + - - - - Tributary - - - - - +

LITTLE CANYON CREEK SNAKE RIVER

+ - - - - Point of Diversion - - - - -

TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

+ - - - - Water Use - - - - -

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 1.200

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +

1.200

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
05S	10E	19	NE NE			01	IRRIGATION	39 ELMORE
05S	10E	19	NW NE			01	IRRIGATION	39 ELMORE
05S	10E	19	SW NE			01	IRRIGATION	39 ELMORE
05S	10E	19	SE NE			01	IRRIGATION	39 ELMORE

+ - - - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

FOR USE ON THE G. P. GLENN TRACT.
DECREE STATES THAT QUANTITY OF WATER NECESSARY TO IRR. SAID
LANDS IS 1.0 INCHES/AC., THEREFORE AC. IRR. = 60.
PROTESTANTS - RICHARD P. VINER
READY FOR PMDO.

WATER RIGHT

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER OF WATER RIGHT NO. 61-0371)

SAMUEL BLACKWELL)

Applicant,)

RICHARD P. VINER)

Protestant.)

SOURCE: Little Canyon Creek

TRIBUTARY TO: Snake River

COUNTY: Elmore

PROPOSED MEMORANDUM DECISION AND ORDER
APPROVING APPLICATION FOR TRANSFER

BY HEARING OFFICER BOBBY D. FLEENOR.

Samuel Blackwell (applicant) having filed with the Department of Water Resources an Application for Transfer of a portion of decreed water right No. 61-0371; a protest having been received; and a hearing having been held, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

The Application

1. On June 19, 1987, Samuel Blackwell applied to the Department of Water Resources to change the point of diversion, nature of use and place of use of a portion of decreed water right No. 61-0371. The application for transfer (hereinafter application) specifies that a flow of 0.40 cubic feet per second (cfs) is intended to be moved from the point of diversion within the NW1/4SW1/4, Sec. 8, Twp. 5 S., Rge. 10 E., B.M., to an existing diversion point located within the NW1/4NE1/4, Sec. 9, Twp. 4 S., Rge. 10 E. B.M. The

application proposes a change in nature of use from irrigation to stockwater, and proposes a change in place of use from 20 acres located in the E1/2NE1/4, Sec. 19, Twp. 5 S., Rge 10 E., B.M., to an existing open ditch called the "Morrow ditch", or the "Herron ditch", or the "Batruel ditch".

2. Notice of the application was published in the Mountain Home News on September 2 and 9, 1987.

Protest, Conference and Hearing

3. A protest against approval of the application was received from Richard Viner on September 8, 1987.

4. A conference on the application was held in Boise on October 14, 1987. At the conference the applicant was present and was represented by attorney Howard Manweiler. The protestant was also present and was represented by attorney William F. Ringert. At the conference a determination was made that a formal hearing would be required in this matter.

5. A hearing on the application was held in Boise on November 30, 1987. The applicant and protestant were both present and were represented by counsel. The principal points of objection identified by the protestant were that the water right has been forfeited, approval would result in enlargement of the existing water right and injury to other water rights, and the proposal is not in the local public interest.

Validity of the Water Right

6. The applicant owns about 160 acres of land in the Little Canyon Creek basin, located in the NE1/4, Sec. 19, Twp. 5 S., Rge. 10 E., B.M. The water rights appurtenant to this land are decreed water right No. 61-0371, in the amount of 1.2 cfs with date of priority May 2, 1872, and decreed water right No. 61-0372, in the amount of 1.6 cfs with date of priority May 6, 1892, both from Little Canyon Creek; and 0.80 cfs of water from King Hill Irrigation

District, with source of the Snake River. The decreed water rights were recorded in a decree entitled Corker v. Anthony, dated March 22, 1898.

7. The applicant stated that he intends to divert flows under this transfer during the periods from April 1 through July 15, and from October 1 through November 1, annually. The purpose for the change is to provide stockwater for about 160 head of range cattle in a Bureau of Land Management grazing allotment located in the vicinity of the Morrow ditch.

8. The applicant's "east ditch" diverts from Little Canyon Creek and is used to irrigate his land on the east side of Little Canyon Creek. Historically, the east ditch was used to irrigate a total of 28 acres in the NE1/4NE1/4, 2 acres in the NW1/4NE1/4, 12 acres in the SW1/4NE1/4, and 20 acres in the SE1/4NE1/4, for a total of 62 acres, all within Sec. 19, Twp. 5 S., Rge. 10 E., B.M. Sometime prior to 1963, water was purchased from King Hill Irrigation District, and the east ditch was re-routed to a new location situated closer to Little Canyon Creek. The lands capable of being irrigated from the new ditch consist of 16 acres in the NE1/4NE1/4, 2 acres in the NW1/4NE1/4, 11 acres in the SW1/4NE1/4, and 7 acres in the SE1/4NE1/4, for a total of 36 acres, all within Sec. 19, Twp. 5 S., Rge. 10 E., B.M.

9. The applicant also diverts flows from Little Canyon Creek via a ditch on the west side of the creek, called the "west ditch". The Corker v. Anthony decree did not specify the point of diversion or ditch used to deliver either of the applicant's two decreed water rights, so it is possible that a portion of water right No. 61-0371 is delivered via the west ditch.

10. Conflicting testimony was provided concerning the last time that water in the east ditch was beneficially used by the applicant. Some testimony indicated that the last date of use was 1985, and other testimony indicated that the last date of use was May or June of 1982.

Enlargement of the Water Right

11. The applicant desires to use the transferred portion of the decreed right for a new and additional use. The applicant has indicated a desire to reduce the use of the decreed water right at the existing location to compensate for the proposed upstream use, to result in no enlargement of the water right.

12. The flows in Little Canyon Creek diminish sometime in July during most years to the extent that water right 61-0371 cannot be satisfied. Thus, the lands irrigated with this water right do not receive, from Little Canyon Creek, the full irrigation requirement.

13. Flows diverted through the Morrow ditch do not return to Little Canyon Creek.

Potential Injury to Other Water Rights

14. There is one recorded water right on Little Canyon Creek that has a priority date senior to water right no. 61-0371. Decreed water right No. 61-0299, in the amount of 0.60 cfs with a priority date of May 1, 1871, is utilized by the protestants. Diversion systems based on this water right, as well as diversions for all other water rights in Little Canyon Creek, are required to have measuring devices installed so the watermaster can determine if the required flow is satisfied.

15. The application proposes to change the point of diversion for 0.40 cfs from the existing point to a point upstream about nine (9) miles. In this reach there are some springs which contribute to the flow, but the record is inconclusive regarding whether the reach is gaining or losing.

16. Conflicting evidence was provided regarding the ability of the watermaster to regulate the flows at the proposed point of diversion to insure that such flows would not adversely affect the downstream senior water right of

the protestant.

Local Public Interest

17. The amount of water required to supply cattle is considered to average 12 gallons per head per day. [Reference: U.S. Department of Health, Education and Welfare, Manual of Individual Water Supply Systems, 1962.] The proposed diversion of 0.40 cfs would provide enough water for more than 20,000 cattle if the delivery system were 100 per cent efficient.

18. A common means of supplying stockwater throughout Idaho is the diversion of a flow of water through an open ditch.

CONCLUSIONS OF LAW

Applicable Legal Principles

1. Idaho Code, Sec. 42-222 (Supp. 1987) states in part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is in the local public interest as defined in Section 42-203, Idaho Code.

2. The Director of the Department of Water Resources has jurisdiction to determine the question of abandonment and forfeiture and such is required as a preliminary step to performance of his statutory duty in determining whether or not the proposed transfer would injure other water rights. Jenkins v. State of Idaho, 103 Idaho 384 (1982).

3. Forfeitures are not favored, and clear and convincing proof is required to support a forfeiture. Gilbert v. Smith, 97 Idaho 735 552 P.2d 1220 (1976).

4. Each irrigation water right in Idaho is comprised of three components: rate of flow, total volume diverted, and volume consumptively used. To insure that an enlargement in a water right does not occur, neither the rate

of diversion, nor the total volume diverted, nor the total consumptive use is allowed to be increased.

5. Stockwatering is considered to be a beneficial use of water in Idaho.

Application of Legal Principles

Validity of the Water Right

6. Water right No. 61-0371 is not found to have been abandoned or forfeited, as clear and convincing proof has not been provided to demonstrate either abandonment or forfeiture.

7. Water right No. 61-0371 no longer applies to the 26 acres that were originally under the east ditch but have not been irrigable from the east ditch since prior to 1963. Thus, the place of use from which the water is to be removed under this transfer must be specified as acreage that is irrigable from the east ditch in its present location.

Enlargement of the Water Right

8. With respect to rate of flow, the applicant has proposed that a 0.40 cfs portion of his water right be conveyed from the present point of diversion to the upstream point of diversion. The total rate of diversion will not be increased by the transfer.

9. To insure no increase in the total volume of water diverted and volume consumptively used under this water right, the applicant must decrease the acreage irrigated under the east ditch by 20 acres. The acres from which the water is removed cannot be those from which water was removed prior to 1963, but rather must be from among the 36 acres still considered to be irrigable from the east ditch.

Potential Injury to Other Water Rights

10. If the proposed transfer is approved, additional care would be

required by the watermaster to insure that diversion at the new upstream point of diversion does not injure the senior water right on Little Canyon Creek. If this additional care is applied, the senior water right will be protected. The watermaster will need to anticipate downstream flow availability and will likely need to reduce the flow at the new upstream point of diversion several days prior to the date that the senior water right is expected to experience a shortfall.

Local Public Interest

11. Use of an open ditch to provide water for stockwater purposes allows greater losses via seepage and evaporation than use of a pipeline system. Nevertheless, the open ditch system of stockwater delivery is considered to be a beneficial use of water in Idaho.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Transfer of Decreed Water Right No. 61-0371B is APPROVED subject to the following conditions:

1. Water right No. 61-0371A is defined as the 0.80 cfs which remains appurtenant to the original place of use, and water right No. 61-0371B is defined as the 0.40 cfs that is hereby transferred. Subsequent conditions of approval apply to water right No. 61-0371B.
2. This water right is subject to all existing senior water rights.
3. A measuring device and lockable diverting works of a type acceptable to the Department shall be installed and maintained at the diverting works.
4. This water right is subject to delivery by the watermaster of Water District No. 61-D, Little Canyon Creek.
5. This water right shall be delivered only from April 1 through July

15, and October 1 through November 1, during periods when delivery will not adversely impact delivery of the downstream senior water right. For purposes of protection of the downstream senior water right on Little Canyon Creek, the watermaster shall anticipate the impact of the diversion under this water right and shall discontinue delivery of this right during periods when the flows are anticipated to be required to satisfy the prior senior water right.

6. The issuance of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by a person other than the water right holder. Use of water under this transfer may be affected by an agreement between the water right holder and the owner of the conveyance works.

Dated this 22nd day of April, 198⁸.


BOBBY D. FLEENOR, HEARING OFFICER

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER OF WATER RIGHT NO. 61-0371)

SOURCE: Little Canyon Creek

TRIBUTARY TO: Snake River

SAMUEL BLACKWELL)

COUNTY: Elmore

Applicant,)

RICHARD P. VINER)

Protestant.)

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 27th day of April, 1988, a true and correct copy of the foregoing ORDER ISSUING PROPOSED MEMORANDUM DECISION and PROPOSED MEMORANDUM DECISION AND ORDER was mailed, postage prepaid to:

Sanuel Blackwell
Rt. 1 Box 430
Glenns Ferry, ID 83623

Richard Viner
Rt. 1 Box 420
Glenns Ferry, ID 83623

W. F. Ringert, Attorney
P. O. Box 2773
Boise, ID 83701

Howard I. Manweiler
Manweiler, Bevins & Cameron, P.A.
P. O. Box 827
Boise, ID 83701-0827



RITA I. FLECK
Secretary/Records Manager
Dept. of Water Resources

Page 1 of 10STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3405APPLICATION FOR TRANSFER OF WATER RIGHT Amended
PART 1Name of applicant Samuel Blackwell Phone (208) 366-2265
Post Office address Route 1, Box 430, Glenns Ferry, ID 83623

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To transfer a portion of a decreed water right to be used for stockwater purposes.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|-----------------|-----------------------|-------------------|---------------------------|
| <u>61-0371B</u> | <u>5/2/1872</u> | <u>0.40 cfs</u> | <u>Stockwater</u> | <u>4/1</u> to <u>11/1</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 0.40 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Little Canyon Creek tributary to Snake River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	9	4S	10E	Elmore	Herron (Morrow) Ditch

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4S	10E	9																	
		16																	
		20																	
		21																	
		29																	
		31																	
		32																	
4S	9E	36																	

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Headgate

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
20 acres will no longer receive water from Little Canyon Creek. Instead, they will
be watered from only King Hill Irrigation District.

d. Remarks:
Applicant proposes to transfer 0.40 cfs out of a 1.2 cfs water right to an upstream
point of diversion to allow said water to run in the Herron (morrow) ditch for
stockwater purposes.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 61-0371 Decreed to Jenny Glenn
in case of Charles E. Corker vs. T. H. Anthony, et al.
dated March 22, 1898 in 4th Judicial District county of Elmore
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Little Canyon Creek tributary to Snake River

4. Date or priority May 2, 1872

5. Water is used for the following purpose:

amount 1.2 cfs for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	8	5S	10E	Elmore	East Ditch

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5S	10E	19	28		12	20													60

Total acres 60

9. Describe any other water rights used for the same purpose as described above When Little Canyon Creek
water is removed, lands will be irrigated by King Hill Irrigation District water.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.4 cfs for Irrigation purposes from 4/1 to 11/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	8	5S	10E	Elmore	East Ditch

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5 S	10E	19	12			8													20

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) 61-0371A

1. amount 0.80 cfs for Irrigation purposes from 4/1 to 11/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	8	5S	10E	Elmore	East Ditch

3. Lands irrigated or place of use: Need 40 acres on which water is to remain here

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5S	10E	19	16		12	12													40

Total acres _____ 40

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**

See attached Photo Copies:

PART 3

B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>Stockwater</u>	<u>0.40 cfs</u>	_____	<u>4/1</u> to <u>11/1</u>
_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:
Volume diverted for stockwater will not exceed volume necessary for the irrigation of 20 acres, which is 20 acres times 4.5 AFA, or 90 acre-feet per annum.

3. Describe effects on other water uses resulting from the proposed change:
none

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Samuel D. Blackwell
 (Signature of Applicant)

Subscribed and sworn to before me this 17th day of August, 19 87.

David R. Tutthill
 (Notary Public)

My commission expires Sept 10, 1988

FOR DEPARTMENT USE ONLY

Transfer contains <u>10</u> pages ^{including 4} and <u>4</u> attachments	Amended trans rec'd 8/17/87 by DRT
Received by <u>AMS</u> Date <u>6/19/87</u> (original)	Protest filed by _____
Prelim. check by <u>[Signature]</u> Fee <u>\$50 # 44954</u>	<u>Richard P. Viner</u>
Receipted by <u>JP</u> Date <u>6/19/1987</u>	_____
Published in <u>Mountain Home News</u>	Copies of protest forwarded by <u>jp</u>
Pub. dates <u>9/3 & 9/10/87</u>	Hearing held by _____ Date _____
Watermaster recommendation requested on <u>9/2/87</u>	Recommended for ☐ approval ☐ denial
_____ rec'd. _____	by _____
Copy of transfer sent to lien holder _____	

42-248 and
Resources

TRUSTEE DEED

FOR VALUE RECEIVED in the amount of two hundred fifteen thousand dollars (\$215,000.00), RONALD D. SCHOEN, as duly appointed, qualified and acting Standing Chapter 12 Trustee in Bankruptcy Case No. 92-03178, in the United States Bankruptcy Court for the District of Idaho, wherein Samuel D. Blackwell appears as Debtor, Grantor therein, does hereby grant, bargain, sell and convey unto JOYCE W. PEARSON, the Grantee, all right, title and interest to the said Estate, in and to the following described real property, located in the County of Elmore, State of Idaho:

Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho.

Section 19: NE1/4

Water Rights: 41 acres of King Hill Water, Little Canyon Creek rights
#A61-00371A, A61-00372 (2.14 cfs).

All improvements and all pertinent water rights except the 20 inches of Little Canyon Creek water being retained by Seller for stock water. Personal property is excluded from the sale, which includes portable panels and portable propane heater.

SUBJECT TO:

- 1) Power Line Easement dated Noember 8, 1949, granted by A. L. Kingsland and Bessie Kingsland, husband and wife, to Idaho Power Company, a corporation; recorded March 7, 1950 in Book 40 of Miscellaneous Records at page 333, records of Elmore County, Idaho.
- 2) Easement for pole line granted by County of Elmore to Mountain States Telephone and Telegraph Company, recorded July 6, 1938, in Book 38 of Miscellaneous Records at page 411, records of Elmore County, Idaho.
- 3) Right of Way Easement executed by R. E. Glenn to the Idaho Power Company, a corporation, recorded October 26, 1920, in book 36 of Miscellaneous Records at page 175, records of Elmore County, Idaho.

TRUSTEE DEED