

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: A67-02132
Date Received: 7/12/1989
Receipt No: _____
Received By: _____

RECEIVED
OCT 16 1989

Department of Water Resources
Western Regional Office

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

1. Name: B & L LAND & CATTLE CO. INC. 208-257-3583
Address: C/O CECIL BILBOA
RT. 1, BOX 212
CAMBRIDGE, ID 83610

2. Date of Priority: JUN 20, 1924

3. Source: COW CREEK, EAST FORK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	03W	25	NW	SE			WASHINGTON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	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:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	03W	36	SW	SE		IRR	20.0
Section Acres							20.0

A67-02132

Page 1

Date: 09/14/89

SCANNED
MAY 17 2004

MICROFILMED
OCT 01 1992

10. Place of Use: Continued

Total Acres 20.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

SEE A67-2126 FOR MAP.

CHANGE IN PLACE OF USE, NUMBER OF ACRES THE SAME.

15. Basis of Claim: LICENSE

Water Right Number: 14850

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): B. L. Lenz & Carl H. Lenz Date: 10/5/89
Carl B. Lenz Date: 10/5/89

State of Idaho)
County of WASHINGTON) SS.

Subscribed and sworn (or affirmed) before me this 5TH day
of OCTOBER 19 89 B. P. Soules
Notary Public

Seal

Residing at CAMBRIDGE
My Commission Expires 8-21-91

08/17/2006

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

RIGHT NUMBER: 67-2132

NAME AND ADDRESS: B & L LAND & CATTLE CO INC
C/O CECIL BILBOA
3597 COW CREEK RD
CAMBRIDGE ID 83610

SOURCE: ROCK CREEK

TRIBUTARY: COW CREEK

QUANTITY: 0.400 CFS

The rights listed below are limited to a total combined diversion rate of 0.98 cfs. Combined Right Nos.: 67-2126 & 67-2132

PRIORITY DATE: 06/20/1924

POINT OF DIVERSION:

T16N R03W S25 SENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 10/31

0.400 CFS

PLACE OF USE:

IRRIGATION Within WASHINGTON County

T16N R03W S36 SWSE 20.00

20 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 49.0 acres in a single irrigation season. Combined Right Nos.: 67-2126 & 67-2132

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

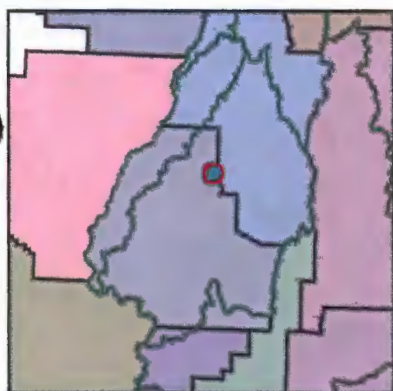
SRBA Recommendation:

67-2132

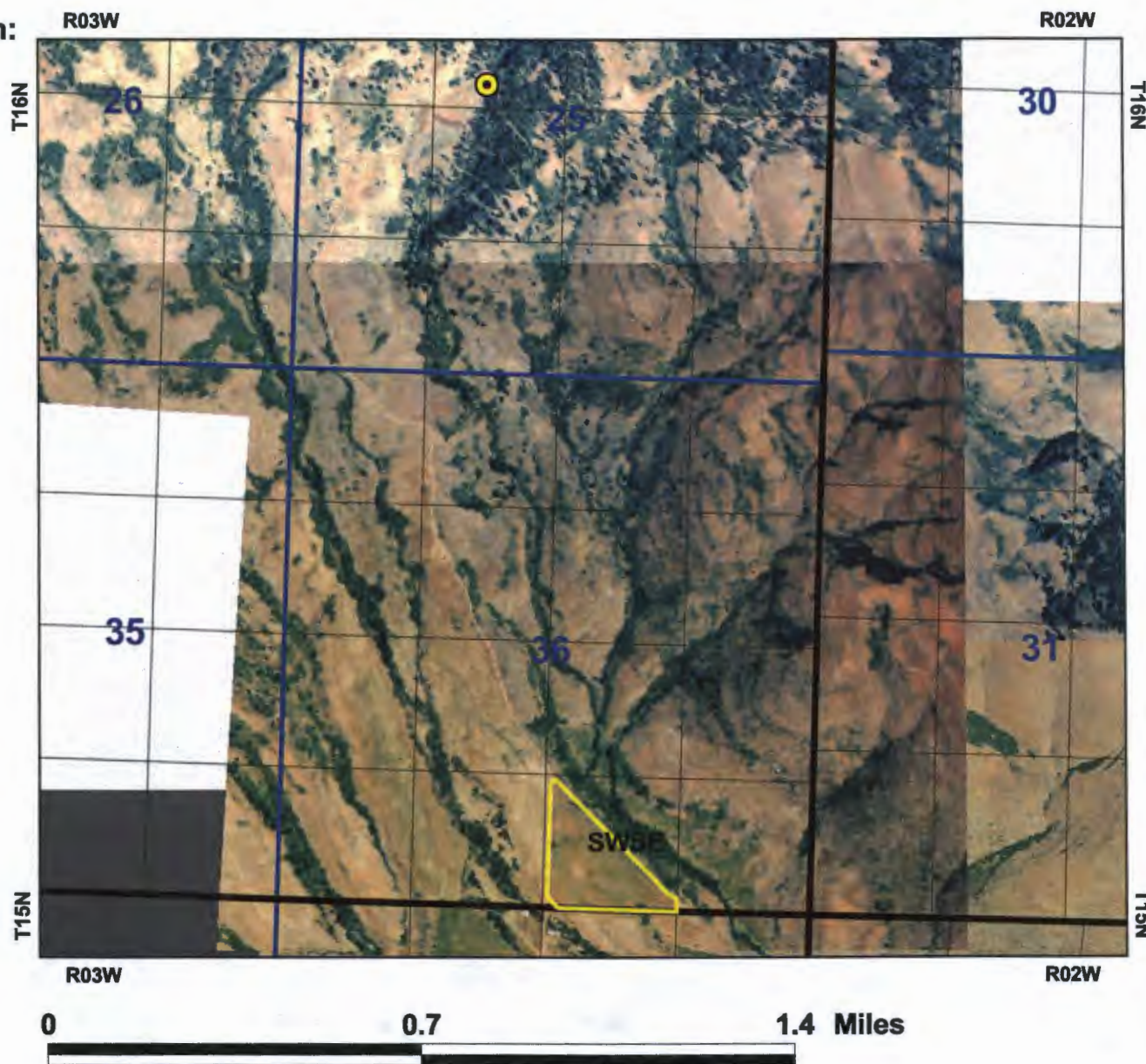
(Irrigation)

Legend

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

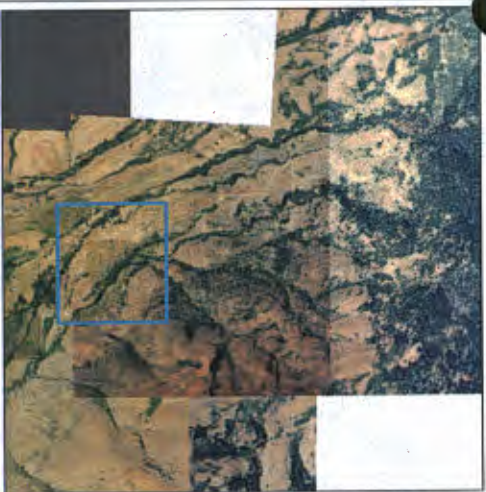


Washington County
IDWR Basin 67



Prepared by C. Saxton
On Wednesday, August 16, 2006
1987/88 Aerial Photography

67-2132



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2132 V1

WATER RIGHT NUMBER: 67-2132 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	B & L LAND & CATTLE CO INC C/O CECIL BILBOA 3597 COW CREEK RD CAMBRIDGE, ID 83610 (208)257-3583

Priority Date: 06/20/1924

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
ROCK CREEK	COW CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.400 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

ROCK CREEK	SE1/4NW1/4	Sec. 25, Twp 16N, Rge 03W, B.M.
WASHINGTON 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	
16N	03W	36															20.0		20.0

Total Acres: 20

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E56 The rights listed below are limited to the irrigation of a combined total of 49.0 acres in a single irrigation season. Combined Right Nos.: 67-2126 & 67-2132
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. E52 The rights listed below are limited to a total combined diversion rate of 0.98 cfs. Combined Right Nos.: 67-2126 & 67-2132

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2132 V1

Comments:

1. awarntje 4/30/2004 Period of Use
Comment: License does not have period of use
2. csaxton 8/16/2006 POD
Comment: POD claimed as licensed, but based on the source, I think the POD is actually in the SWNW of section 25.
3. csaxton 8/16/2006 Source
Comment: Source is licensed as East Cow Creek which is now known as Rock Creek.
4. csaxton 8/16/2006 Season of Use
Comment: POU falls right next to the boundary of different IDWR standard seasons of use. All Cow Creek irrigation rights recommended with a season of use of 3/15 to 10/31 for consistency.

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:
State or Federal: S
Owner Name Connector:
Water District Number: 67
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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
POD	4/30/2004 11:52:40 AM	awarntje			Active
Source	4/30/2004 11:54:13 AM	awarntje			Active
POU	4/30/2004 11:56:12 AM	awarntje			Active
Use	4/30/2004 11:56:37 AM	awarntje			Active
Season	4/30/2004 11:56:53 AM	awarntje			Active
Quantity	4/30/2004 11:57:53 AM	awarntje			Active
Priority Date	4/30/2004 11:59:39 AM	awarntje			Active
Contacts	8/16/2006 3:52:41 PM	csaxton			Active
Priority Date	8/16/2006 3:54:27 PM	csaxton			Active
POD	8/16/2006 3:54:37 PM	csaxton			Active
Source	8/16/2006 3:55:17 PM	csaxton			Active
Quantity	8/16/2006 4:06:10 PM	csaxton			Active
Season	8/16/2006 4:06:19 PM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2132 V1

Use	8/16/2006 4:06:29 PM	csaxton	Active
Summary	08/16/2006	csaxton	Active
POU	8/16/2006 4:16:48 PM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	8/16/2006 4:05:20 PM	csaxton	Updated PLS for Active POU
Contacts	8/16/2006 3:52:42 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
POD	8/16/2006 3:55:02 PM	csaxton	Updated PLS
Source	8/16/2006 3:55:18 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Use	8/16/2006 4:06:30 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
General	8/16/2006 3:54:28 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	8/16/2006 3:54:37 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2132 V1

Quantity	8/16/2006 4:06:11 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Season	8/16/2006 4:06:20 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	8/16/2006 3:54:51 PM	csaxton	Updated shape
POU	8/16/2006 4:05:07 PM	csaxton	Updated shape for Active POU
Summary	8/16/2006 4:10:01 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2132 V1

POU	8/16/2006 4:16:49 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (No) 5. Does the Decree or License have a POU? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required?
Quantity	4/30/2004 11:57:55 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? Description for Question 10 - .4 cfs
POD	4/30/2004 11:52:41 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
Source	4/30/2004 11:54:14 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POD	4/30/2004 11:52:32 AM	awarntje	Edited PLS
POD	4/30/2004 11:52:10 AM	awarntje	Edited point location
POU	4/30/2004 11:55:23 AM	awarntje	Edited shape boundary
POU	4/30/2004 11:56:14 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
Use	4/30/2004 11:56:38 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Season	4/30/2004 11:56:55 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2132 V1

Priority Date 4/30/2004 11:59:41 AM awarntje

(No) 1. Should this water use have been included in a later court decree of the water rights from this source?

(Yes) 4. Is the basis of claim decree or license?

(Yes) 5. Does the decree or license have a Priority Date?

Water Supply Bank:

Split/Overlap Analysis

Water Right Number: B&I Total

Diversion Rate: CFS

					Parent	Children				
Twp	Rng	Sec	Q-Q	Lot	B&I Total	67-306	67-2126	67-2132		
16N	3W	25	NESW		24	0.6	24			
			NWSW		19	19				
			SWSW		6	6				
			SESW		12	12				
			SWSE		20		20	20		
15N	3W	1	NWNE	1	5		5			

Claim

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	306		Decreed	Active	1886-06-01	0.94		COW CREEK	IRRIGATION	B & L LAND	& Claim
67	503		Decreed	Active	5/29/1905	0.5		COW CREEK	IRRIGATION	B & L LAND	& Claim
67	2010		License	Active	5/29/1905	0.8		COW CREEK	DOMESTIC, IRRIGATION	B & L LAND	& Claim
67	2126		License	Active	1/12/1920	0.98		COW CREEK	IRRIGATION	B & L LAND	& Claim
67	2132		License	Active	6/20/1924	0.4		COW CREEK	IRRIGATION	B & L LAND	& Claim
67	4169		Statutory	Active	4/1/1964	3.46		COW CREEK	IRRIGATION	B & L LAND	& Claim

Recommendation

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	306		Decreed	Active	1886-06-01	0.83	37.6	COW CREEK	IRRIGATION	B & L LAND	& Recommendation
67	503		Decreed	Active	5/29/1905	0.5	27	COW CREEK	IRRIGATION	B & L LAND	& Recommendation
67	2126		License	Active	1/12/1920	0.98	49	COW CREEK	IRRIGATION	B & L LAND	& Recommendation
67	2132		License	Active	6/20/1924	0.4	20	COW CREEK	IRRIGATION	B & L LAND	& Recommendation
67	2010		License	Disallowed	5/29/1905	0	0	COW CREEK	DOMESTIC, IRRIGATION	B & L LAND	& Recommendation
67	4169			In progress	4/1/1964	3.46		COW CREEK	IRRIGATION	B & L LAND	& Recommendation

WR

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	4169		Statutory	Active	4/1/1964	3		COW CREEK	IRRIGATION	B & L LAND	& wrWaterRight

Water Master Records

<u>Page #</u>	<u>Parcel #</u>	<u>Name</u>	<u>Inches</u>	<u>File #</u>	<u>Original Owner</u>	<u>Priority</u>
5	16N03W25	LAND & CATTLE	20.00	2131	J.A. Nyquist	6/20/1924
5	16N03W25	LAND & CATTLE	25.00	503	M. Peterson	5/29/1905
5	16N03W25	LAND & CATTLE	40.00	2010	H. Jarvis, M. Peterson	5/29/1905
5	16N03W36	LAND & CATTLE	47.00	306	A. Falls	6/1/1886

Superseded - should not be delivered.

Created by Craig L. Saxton 8-17-06

State of Idaho
License and Certificate of Water Right

Water License No. 14850

Amount 0.4 sec. ft.

Water District No. 40-1

Priority 6-20-26

THIS IS TO CERTIFY that J. A. Nyquist
of Cambridge, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 10, 1920; that Permit No. 14850
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.8 second feet, was issued thereunder on July 16, 1926, showing that said works
were completed on the 21st day of August, 1926; and that on the 22nd
day of August, 1926,

J. A. Nyquist
of Cambridge, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of East fork of
Cow Creek, a tributary of Weiser River, for the purpose of irrigation and
domestic use, under Use Permit No. 14850 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6
of Licenses, at page 5408, on the 12th day of November, 1926;
The right hereby confirmed dates from June 20, 1924;

The Point of Diversion is located
in the NW ¼ SE ¼ Sec. 25, Tp. 16 N., R. 3 W., B. M. Washington County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.4
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 E.	3 W.	25	SW ¼ SE ¼	40	20

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 18th day of November, 1926.

GEO. N. CAPTER.
Commissioner of Reclamation

(SEAL)

67 2122

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 14850This proof is for NEW USE WATERIn Water District No. 40-1

1. Name of applicant: J. A. Nyquist
2. Source of water supply: East Fork Cow Creek
3. Location of point of diversion: Is in the SW 1/4 of Section 25
T. 16 N. R. 3 W., B.M. County of Washington
4. Describe works as they exist, giving dimensions and capacities of same: Diversion is by rock & earth check and flume 12' x 12' x 20' long, ditch is 1 ft wide x 1 ft deep with very steep grade
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SW 1/4, Sec. 25, Twp. 16 N., R. 3 W., B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

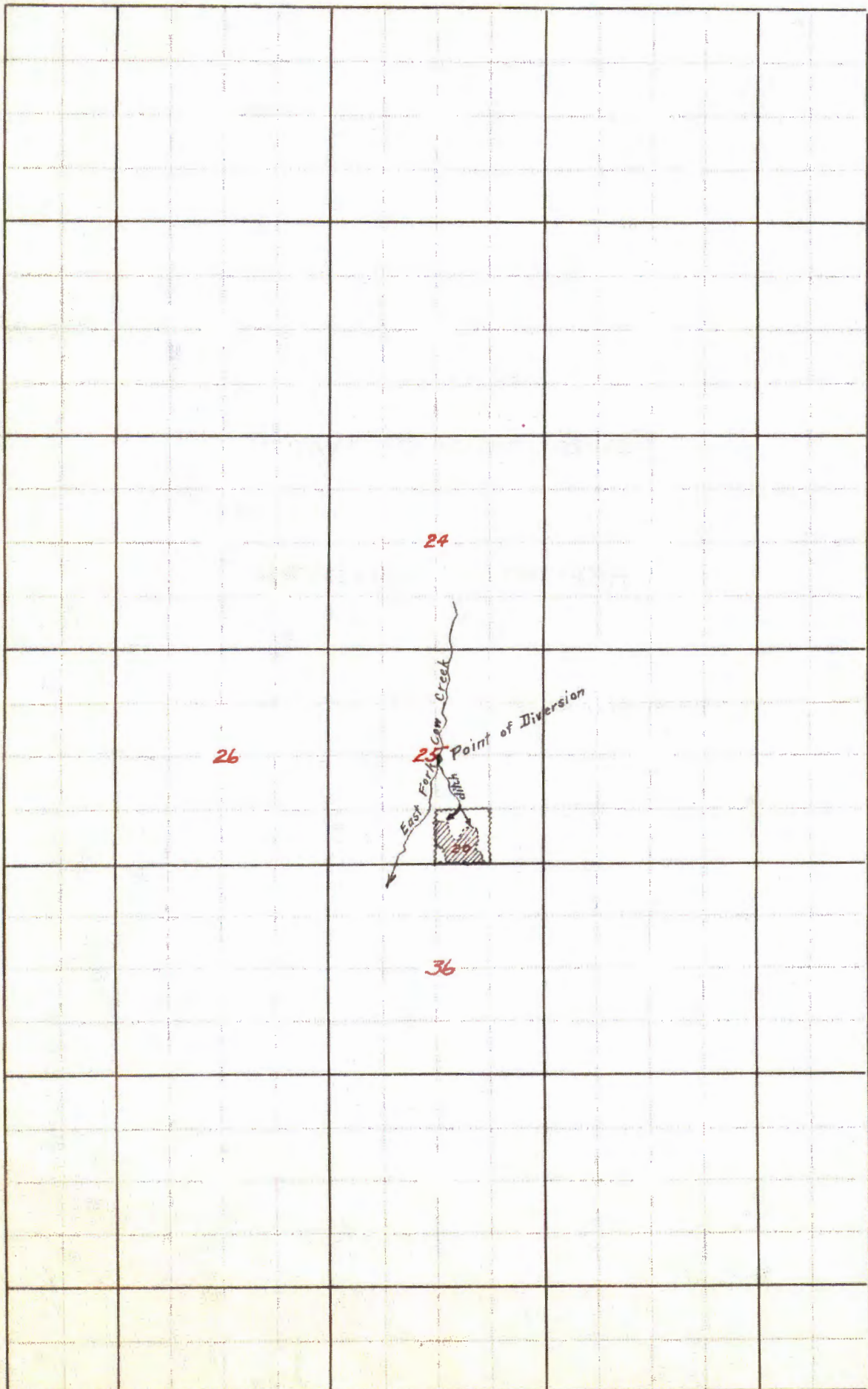
This examination was made on the 23rd day of April 1926

(Signed)

Frank A. Johnson

Examiner.

14850



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

14850

Fees

	CLAIM No	PLAT RATE	ACRES
1964	AG7-04169	\$ 50.00	\$ 173.00
1920 Cow	AG7-02126	50.00	49.00
Cr. 1886	AG7-00306	50.00	38.00
1924	AG7-02132	50.00	
1905	AG7-00503	50.00	

\$ 250.00 \$ 260.00

1905 TOTAL DUE = \$ 510.00

AG7-02010

50.00
\$ 560.00 B & L
Pine Creek

Pine	AG7-00219 1901	\$ 50.00	\$ 6.00
Cr.	AG7-00229 1908	50.00	41.00
	AG7-00220 1901	50.00	12.00
	AG7-00226 1902	50.00	27.00
	AG7-02096 1915	50.00	50.00

\$ 250.00 \$ 136.00

TOTAL DUE = \$ 386.00

Grand Total = \$ 896.00

AG7-02010

50.00

\$ 946.00

MICROFILM
OCT 01 1992