

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-13139A

WATER RIGHT NUMBER: 37-13139A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CRICHTON CREEK LTD PARTNERSHIP RT 1 BOX 1210 FAIRFIELD, ID 83327

Priority Date: 07/21/1939

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	ELK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	05/01 to 10/20	0.060 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of Diversion

SPRINGS	NW1/4SE1/4NW1/4	Sec. 23, Twp 01N, Rge 15E, B.M.
CAMAS County		
SPRINGS	SW1/4SW1/4SE1/4	Sec. 23, Twp 01N, Rge 15E, B.M.
CAMAS County		
SPRINGS	NW1/4NW1/4NW1/4	Sec. 25, Twp 01N, Rge 15E, B.M.
CAMAS County		
SPRINGS	NE1/4SE1/4SE1/4	Sec. 14, Twp 01N, Rge 15E, B.M.
CAMAS County		
SPRINGS	NW1/4NE1/4NW1/4	Sec. 23, Twp 01N, Rge 15E, B.M.
CAMAS County		

Place of UseSTOCKWATER Within CAMAS County

T01N R15E S14	SESE	T01N R15E S23	NENW
T01N R15E S23	SENW	T01N R15E S23	SWSE
T01N R15E S25	NWNW		

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. n11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. n13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-13139A

Remarks:

1. Explanatory STOCKWATER, 200 RANGE
PARCEL NOS. RP01N15E142400, RP01N15E230100, RP01N15E237200,
RP01N15E252400.

Dates and Other Information:

Decreed Date: 11/14/2000
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Notice of Error Flag:
State or Federal:
Owner Name Connector:
Water District Number:
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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 2, 2002

CRICHTON CREEK LTD PARTNERSHIP
RT 1 BOX 1210
FAIRFIELD ID 83327

Re: SRBA Claim(s) 37-473A, 37-474A, 37-4174, 37-13137, 37-13145,
37-13152, 37-13155
Decreed Water Rights 37-13139A, 37-13156, 37-13157, 37-13158

Dear Mr. Davis:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

As I discussed with Mrs. Davis on the phone awhile back, claim 37-13155 contained the legal description of two tracts that appear to be owned by Bryant Ranches. They are the west half of the northwest quarter of section 34, township 1 north, range 15 east. The only way to correct this discrepancy is for you to amend this claim. I have taken the liberty of producing an amended claim with the west half of the northwest quarter of section 34 removed. Please carefully review the amended claim and if you agree with the change, complete the signature area (item 16) on page 3 (be sure to have your signature notarized) and return it to me in the enclosed self-addressed envelope. As soon as I receive the amendment, I will make the change permanent in our electronic records and confirm to you by mail that I have done so. Thanks for your prompt attention to this matter and should you have any questions, please do not hesitate to phone me.

Sincerely,

Trish Fawcett
Technical Records Specialist

RECEIVED MAY 3 2000

RECEIVED

MAY 22 2000

Department of Water Resources

Names of Parties Filing Document:

UNITED STATES OF AMERICA

CRICHTON CREEK, LTD.
PARTNERSHIPAttorneys' Names and Addresses:LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural
Resources DivisionNORMAN M. SEMANKO
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, Idaho 83303-1906LARRY A. BROWN
Special Attorney, U.S. Dept. of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
Ph.: (208) 331-5941 FAX: (208) 387-0842**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

) Subcase No. 37-13139

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)

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)

)

Case No. 39576

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The United States of America (hereinafter "United States") and Crichton Creek LTD Partnership (hereinafter "Claimant"), agree and stipulate to resolve United States Department of the Interior, Bureau of Land Management (hereinafter "BLM") objections to the above-captioned Subcase as follows:

STIPULATION

WHEREAS, the United States recognizes the significant role of the livestock industry in the settlement, history and culture of the State of Idaho; and,

WHEREAS, the United States and Claimant recognize the importance of the stockwater rights at issue in this Subcase to the livestock industry in the State of Idaho and the BLM's grazing program; and,

WHEREAS, the United States and Claimant wish to resolve the objection regarding ownership of this stockwater right without further litigation, expense, and delay;

THEREFORE, Claimant and the United States stipulate and agree as follows:

1. The parties agree to "Split" the water right claim number 37-13139 into two new claims, where Claimant shall hold title to private land places of use under 37-13139A, and the United States shall hold title to federal land places of use under 37-13139B. Pursuant to I.R.C.P. 41(a)(1)(ii), the Claimant dismisses with prejudice that portion of their claim to water right claim number 37-13139 which is located on federal public land. For water right number 37-13139B, the purpose of use is the watering of livestock owned by persons holding BLM-issued grazing permits. The stockwater purpose of use for water right 37-13139B shall not be changed so long as a valid BLM-issued grazing permit exists for the land on which the particular water right is located.

2. The spring identified in the Director's Report recommendation of 37-13139 located in T01N R15E S14 SWSW does not exist and will not appear within any Partial Decree for 37-13139A or 37-13139B.

3. Nothing in this stipulation shall prevent the BLM from administering the use of a

grazing allotment and its associated water rights in accordance with applicable law, including taking such administrative actions as changing the boundaries of grazing allotments or modifying or terminating BLM-issued grazing permits.

4. This stipulation was reached through negotiations for the purpose of resolving legal disputes, including pending litigation. All parties agree that no offers and/or compromises made in the course of the negotiations regarding any of the subcases mentioned in this document shall be construed as admissions against interest or be used in any legal proceeding.

5. The parties agree to bear their own costs and attorney fees in connection with this matter.

6. This stipulation was entered into and executed voluntarily by all parties in good faith and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence.

CLAIMANT:**CRICHTON CREEK LTD. PARTNERSHIP**

William M Davis
WILLIAM M. DAVIS

General Partner

DATED: 5-1-00

N. J. S. 5-9-00
Attorney for Claimant

OBJECTOR:
UNITED STATES OF AMERICA

Larry A. Brown
LARRY A. BROWN
Of Attorneys for the United States

DATED: 3/9/00

IDWR CONCURRENCE:

Kayanne Brown

DATED: 5/19/2000

CERTIFICATE OF SERVICE

I certify that on May 19, 2000, I served a true and correct copy of the foregoing **STIPULATION TO RESOLVE SUBCASE** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83720-0098

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Crichton Creek LTD. Partnership
Rt. 1 Box 1210
Fairfield, Idaho 83327

Norman M. Semanko
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, Idaho 83303-1906
Of Attorneys for Claimant


Larry A. Brown

RECEIVED

MAY 22 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

Subcase No. 37-13139

Case No. 39576

STANDARD FORM 5

FOR DOMESTIC & STOCKWATER RIGHTS

This form is used to report the stipulated elements of one "domestic and/or stockwater" water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Crichton Creek, LTD. Partnership

William M. Davis

William M. Davis

General Partner

IDWR CONCURRENCE:

Royanne Brown5-1-00

Date

5-9-00

Date

OBJECTOR:

United States on behalf of the
Bureau of Land ManagementLarry A. BrownLarry A. Brown FWP
Of Attorneys for the United States5/18/00

Date

IDWR CONCURRENCE:

Date

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW-----
RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: ELK CREEK
-----RIGHT NUMBER: ~~37-13139~~ 37-13139ANAME & ADDRESS: ~~KENNETH PECK~~ CRICHTON CREEK, LTD. PARTNERSHIP
~~ROSELYN PECK~~ RT. 1 BOX 1210
~~RT 1 BOX 1206~~ FAIRFIELD, ID. 83327
~~FAIRFIELD ID 83327~~

SOURCE: SPRINGS

TRIBUTARY: ELK CREEK

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 07/21/1939

POINT OF

DIVERSION:

T01N R15E S14
S23NESESE
NWNENW
NWNENW
NWSHNW
SWSWSE
NWNENW

Within CAMAS County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
STOCKWATERPERIOD OF USE
05-01 10-20QUANTITY
0.06 CFS

PLACE OF USE:

STOCKWATER
T01N R15E S14
S23
S25SESE
NWNW
SENW
NWNW

Within CAMAS County

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.

EXPLANATORY MATERIAL:

BASIS OF CLAIM - BENEFICIAL USE

STOCKWATER, 200 RANGE

PARCEL NOS. RP01N15E142400, RP01N15E230100,
RP01N15E237200, RP01N15E252400

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW-----
RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: BLK CREEK
-----RIGHT NUMBER: ~~27-13139~~ 37-13139BNAME & ADDRESS: ~~KENNETH PECK
ROSELIN PECK
RT 1 BOX 1205
PAINTFIELD ID 83327~~UNITED STATES OF AMERICA, ACTING THROUGH
U.S.D.I., BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 SOUTH VINNELL WAY
BOISE, ID. 83709-1567SOURCE: SPRINGS SPRING

TRIBUTARY: BLK CREEK

QUANTITY: ~~0.06~~ 0.02 CFS

FWP

WMD
NMS

RG

LWS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 07/21/1939

POINT OF

DIVERSION:

T01N R15E ~~S14~~
S23~~N20E02
N20E01
N20E04
N20E03
S20E02
N20W04~~

Within CAMAS County

S25

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
STOCKWATERPERIOD OF USE
05-01 10-20QUANTITY
~~0.06~~ 0.02 CFS

PLACE OF USE:

STOCKWATER

Within CAMAS County

T01N R15E ~~S14~~
S23
S25~~S20E04
N20W
S20E03
N20W04~~

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

~~STOCKWATER, 300 RANGE~~~~PARCEL NOS. RP01N15E142400, RP01N15E220100, RP01N15E237200,
RP01N15E252400~~

CERTIFICATE OF MAILING

I certify that on May 19, 2000, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

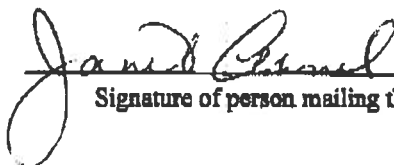
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Crichton Creek, LTD. Partnership
Rt. 1 Box 1210
Fairfield, ID. 83327

Norman M. Semanko
Rosholt, Robertson & Tucker
P.O. Box 1706
Twin Falls, ID 83303-1706


Signature of person mailing the form

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

DATE: 10/19/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KENNETH PECK	07/21/1939	STOCKWATER	05-01 10-20	0.06 CFS	
C	ROSELYN PECK RT 1 BOX 1205 FAIRFIELD ID 83327 (208) 764-2565					
TOTAL DIVERSION:					0.06 CFS	

Water Source: SPRINGS

Tributary to: ELK CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T01N R15E S14
S23
S25

NESESE
NWNENW
NWNWNW

NENWNW

NWSENW

SWSWSE

CAMAS County
CAMAS County
CAMAS County

Place of use Legal Description for: STOCKWATER
NE

T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
01N	15E	14	:					:					:					:					:	
01N	15E	23	:					:					:					:					:	
01N	15E	25	:					:					:					:					:	

POU County: CAMAS

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP STOCKWATER, 200 RANGE
PARCEL NOS. RP01N15E142400, RP01N15E230100, RP01N15E237200
RP01N15E252400

Dates: Exam Made Date: Verified Date: 10/19/1998 Objection Filed Date:

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

Audit: 10/19/98 DSMITH

*developed springs
per Dose Liv works.
accept as claimed
K KC
2-11-99*

AJ5856NP

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

DATE: SEP-5-1997
PAGE: A-30

RIGHT NUMBER: 37-13139

NAME & ADDRESS: ~~KENNETH PECK~~
~~ROSELYN PECK~~
RT 1 BOX 1205
FAIRFIELD ID 83327

CRICHTON CREEK LTD Partnership

SOURCE: SPRINGS

TRIBUTARY: ELK CREEK

QUANTITY: 0.06 CFS

PRIORITY DATE: 07/21/1939

POINT OF DIVERSION: T01N R15E S14
S23

NESESE
NWNENW
NENWNW
NWSSENW
SWSWSE
NWNWNW

Within CAMAS County

S25

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
STOCKWATER S/200 RANGE

PERIOD OF USE
05-01 10-20

QUANTITY
0.06 CFS

PLACE OF USE:

STOCKWATER

Within CAMAS County

T01N R15E S14 ✓
S23 ✓
S25

SWSW ✓
NENW ✓
NWNW ✓

SESE ✓
NWNW ✓

SENW ✓

SWSE ✓

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RP01N15E142400
RP01N15E230100
RP01N15E237200
RP01N15E252400

Verified by *Daf* Date: *9/4/98*
Verification Source: *G18*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

September 22, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CRICHTON CREEK LTD PARTNERSHIP
RR 1 BOX 1205
FAIRFIELD ID 83327

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right No. A37-13152, A37-13137, & A37-13139

Dear Claimant:

We have been advised you may be the current owner of the property with the water right referenced above.

Before we can modify our records to reflect your new ownership of the water right referenced above, we need Form 42-248/42-1409(6) completed. This form is enclosed for your use. Please follow the instructions on the back of the form and return to my attention at this office by October 2, 1998.

Please call this office toll-free at 1-800-451-4129 if you have any questions.

Yours truly,

A handwritten signature in cursive script, reading 'Danni M. Smith'.

Danni M. Smith
SRBA Sr. Secretary

cc: Regional office

Enclosures: Form 42-248/42-1409(6)

Copy of Nos. A37-13152, A37-13137 & a37-13139 water right filings