

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 22-00630

NAME AND ADDRESS: VALLEY VIEW RANCH
C/O CONN CRAPO
1908 E 500 N
ST ANTHONY, ID 83445

SOURCE: CANYON CREEK TRIBUTARY: TETON RIVER

QUANTITY: 8.70 CFS

The rights listed below are limited to a total combined
diversion rate of 12.67 cfs. Combined Right Nos.: 22-630,
22-7118, 22-7354

PRIORITY DATE: 06/15/1917

POINT OF DIVERSION: T06N R43E S19 LOT 2 (SWNW) Within Madison County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	8.70 CFS

PLACE OF USE:	Irrigation	Within Madison County
T06N R43E S17	NESW 35.0	NWSW 34.0
	SWSW 34.0	SESW 34.0
S18 LOT 2	(SWNW)24.0	NESW 39.0
LOT 3	(NWSW)28.0	LOT 4 (SWSW)27.0
	SESW 38.0	NESE 34.0
	NWSE 34.0	SWSE 34.0
	SESE 34.0	
S19	NENE 35.0	NWNE 39.0
	SWNE 34.0	SENE 35.0
	NENW 39.0	LOT 1. (NWNW)21.5
	SENE 1.0	
633.5 Acres Total		

The rights listed below are limited to the irrigation of a
combined total of 633.5 acres in a single irrigation season.
Combined Right Nos.: 22-630, 22-7118, 22-7354
This right is limited to the irrigation of 480 acres within the
place of use described above 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 42-1412(6).

09/21/2006

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

RIGHT NUMBER: 22-630

NAME AND ADDRESS: VALLEY VIEW RANCH
C/O CONN CRAPO
1908 E 500 N
ST ANTHONY ID 83445

SOURCE: CANYON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 8.700 CFS

The rights listed below are limited to a total combined diversion rate of 12.67 cfs. Combined Right Nos.: 22-630, 22-7118, 22-7354

PRIORITY DATE: 06/15/1917

POINT OF DIVERSION: T06N R43E S19 SWNW Lot 2 Within MADISON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	8.700 CFS
PLACE OF USE:	<u>IRRIGATION Within MADISON County</u>		
	T06N R43E S17 NESW	35.00	T06N R43E S17 NWSW 34.00
	T06N R43E S17 SWSW	34.00	T06N R43E S17 SESW 34.00
	T06N R43E S18 Lot 2 SWNW	24.00	T06N R43E S18 NESW 39.00
	T06N R43E S18 Lot 3 NWSW	28.00	T06N R43E S18 Lot 4 SWSW 27.00
	T06N R43E S18 SESW	38.00	T06N R43E S18 NESE 34.00
	T06N R43E S18 NWSE	34.00	T06N R43E S18 SWSE 34.00
	T06N R43E S18 SESE	34.00	T06N R43E S19 NENE 35.00
	T06N R43E S19 NWNE	39.00	T06N R43E S19 SWNE 34.00
	T06N R43E S19 SENE	35.00	T06N R43E S19 NENW 39.00
	T06N R43E S19 Lot 1 NWNW	21.50	T06N R43E S19 SENW 1.00

632.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 633.5 acres in a single irrigation season. Combined Right Nos.: 22-630, 22-7118, 22-7354

This right is limited to the irrigation of 480 acres within the place of use described above 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

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

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

09/21/2006

**NOTICE OF ERROR
REPLY**

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:

Water right number: 22-630

VALLEY VIEW RANCH
C/O CONN CRAPO
1908 E 500 N
ST ANTHONY ID 83445
Telephone Number: (208)313-6310

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: 11-2-06 SIGNATURE: *[Signature]*
Please print your name: Richard Crapo

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

*KWJ
11/06*



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

22-630,
22-7118,
22-7354

Point(s) of Diversion:

T6N, R43E

Sec. 18 SWSWSE (well)

Sec. 19 SWSWNW (surface)

Place of Use: (parts of)

T5N, R43E

Sec. 17 SW,

Sec. 18 S2, SWNW,

Sec. 19 NE, N2NW, SENW

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000 Feet

GIS Place of Use Illustration
1987/1988 NAEP Photography
Prepared by: A. Ruberry
Date: December 2005

RECEIVED

SEP 19 2006

DEPARTMENT OF
WATER RESOURCES
IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR MADISON COUNTY

O. J. NEELEY and MYRTLE NEELEY, his wife,
Plaintiffs,

vs.

GEORGE BROWNING and PHEBE BROWNING,
his wife, and MORRIS SLAYMAKER and
THELMA SLAYMAKER, his wife,

Defendants.

AMENDED
COMPLAINT

Plaintiffs complain of the Defendants and for cause of action
allege:

I

That at all times herein mentioned the Plaintiffs were, and now
are husband and wife;

II

That at all times herein mentioned the Defendants, George
Browning and Phebe Browning, his wife, were, and now are husband
and wife;

III

That at all times herein mentioned the Defendants, Morris Slay-
maker and Thelma Slaymaker, his wife, were, and now are husband and
wife;

IV

Neeley

That at all times herein mentioned the Plaintiffs were, and
now are the owners and in possession of the East Half (E $\frac{1}{2}$) of Sec-
tion Thirty (30); the Southeast Quarter of the Northwest Quarter
(SE $\frac{1}{4}$ NW $\frac{1}{4}$) and the South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of
Section Thirty (30), Township Six (6) North, Range Forty-three (43)
East of the Boise Meridian; also, the Northeast Quarter of the Nor-
theast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty-one (31), Township Six (6)
North, Range Forty-three (43), East of the Boise Meridian, lying,
being, and situate in Madison County, Idaho;

480 acres

V

That for more than five years prior to the commencement of this action the Plaintiffs and their predecessors in interest have owned, used, and enjoyed 435 miners inches of the water of Pony Creek, a tributary to Snake River in Madison County, Idaho, for irrigation and domestic purposes on the above described premises; that during all of the time herein mentioned, said 435 miners inches of the water of said Pony Creek were owned and used by Plaintiffs adverse to all persons and especially the above named Defendants, and Plaintiffs have paid all taxes and assessments levied against said water rights for more than five years last past prior to the commencement of this action;

VI

That the above named Defendants, and each and all of them, claim some right, title, and interest in and to said water or some estate therein adversely to the Plaintiffs, but Plaintiffs allege that none of said Defendants had any right, title or interest, or lend upon said water or any part thereof, and that the claims of the Defendants, if any, are without any right whatsoever.

WHEREFORE, Plaintiffs pray judgment that the Defendants, and each of them, be required to set forth the nature of their several claims of, in or to, or lend upon said 435 miners inches of said water of Pony Creek, as aforesaid, or any part thereof, and that said adverse claims may be determined by this Court; that it be adjudged and decreed that the Plaintiffs are the prior owners of the said water rights and water and in possession thereof, and that none of the Defendants have any right, title, or interest whatsoever therein or thereon superior to the Plaintiffs.

That the title to said water and the use thereof be quieted in the Plaintiffs as against the Defendants, and all persons claiming under them, and that the usual decree foreclosing the Plaintiffs' rights as against the Defendants be entered.

Plaintiffs further pray for such other or further or different

relief as to the Honorable Court may seem meet and equitable in the premises, and for cost of this suit.

Dated this 20th day of May, 1954.

A. A. Merrill and
Ray W. Rigby
Attorneys for Plaintiffs

By

Ray W. Rigby
Ray W. Rigby

STATE OF IDAHO,)
County of Madison.) ss.

O. J. Nealey, being first duly sworn, deposes and says: That he is one of the Plaintiffs in the above entitled cause, that he has read the above and foregoing Amended Complaint, knows the contents thereof, and the same is true as he verily believes.

Subscribed and sworn to before me this 20th day of May, 1954.
(Seal)

My commission expires:
January 24, 1955.

Notary Public, residing at
Rexburg, Idaho

I hereby acknowledge service of a copy of this Amended Complaint, this 20th day of May, 1954.

Leonard O. Kingsford
Leonard O. Kingsford
Attorney for the Defendants

DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR MADISON COUNTY

O. J. NEELEY and MYRTLE NEELEY,
his wife,

Plaintiffs,

vs.

GEORGE BROWNING and PHEBE BROWNING,
his wife, and MORRIS SLAYMAKER and
THELMA SLAYMAKER, his wife,

Defendants.

FILED 5/21 1934
4:10 P.M.

H. T. McKenney
Clerk
By *Mapine Hare*

ANSWER TO AMENDED COMPLAINT
AND CROSS COMPLAINT.

Come now the defendants above named, and in answer to Plaintiffs' complaint on file herein, admit, deny and allege as follows:

I.

Defendants admit all allegations contained in Paragraphs I, II, III and IV of plaintiffs' complaint on file herein.

II.

Defendants deny each and every allegation in Paragraphs V and VI of plaintiffs' complaint well pleaded, except as hereinafter set forth.

III.

Defendants allege that Pony Creek is an intermittent stream, having a substantial flow of water during the spring and early summer of each year, but that such flow is substantially reduced, or that it ceases, in later parts of the summer and the autumn of each year; that the parties hereto, amongst them, have made full use of all available waters of said Pony Creek for many years, and that a fair and equitable distribution thereof has heretofore been made of such waters; but that plaintiffs' share of said waters will equal the sum of 435 miners inches of said waters only during periods of high water.

IV.

That defendants George Browning and Phebe Browning, his wife, now are, and at all times herein mentioned, have been the owners, and in the possession of the following described property, situated in Madison County, State of Idaho, to-wit:

The South Half of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 29, township 6 North, Range 43 East of the Boise Meridian; and the North Half of the Northwest Quarter of Section 32, Township 6 North, Range 43 East of the Boise Meridian.

160 acrs
200

V.

That James D. Browning, a predecessor in title of said George Browning and Phebe Browning, his wife, filed upon 3.2 second feet of the waters of Pony Creek, of which sum, proof was made on 1.3 second feet, and license issued to one Anne Kearney, assignee of said James D. Browning, and also a predecessor of said defendants, in title; said License being No. 1505, issued by the State of Idaho to said Anne Kearney; that the balance of the water so filed on by said James D. Browning was put to use over a period of time, although not reduced to license.

VI.

That Morris Slaymaker and Thelma Slaymaker, his wife, the other above named defendants, now are, and at all times herein mentioned, have been the owners, and in the possession of the following described property, situated in Madison County, State of Idaho, to-wit:

The South Half of the Northwest Quarter, the North Half of the Southwest Quarter, and the Northeast Quarter of Section 32, Township 6 North, Range 43 East of the Boise Meridian.

VII.

320
acres

That License No. 2264 for 2.5 second feet of the Waters of Pony Creek was issued by the State of Idaho to Dora Weaver, the assignee of John Weaver, for use on 125 acres in the Northeast Quarter of Section 32, aforesaid; that additional water was put to use from time to time thereafter upon additional land by said Dora Weaver and by said John Weaver, who are predecessors in title of the said Morris Slaymaker and Thelma Slaymaker, defendants.

VIII.

That one Charles H. Gazier filed on 8 second feet of the waters of Pony Creek for use on the unsurveyed South Half of the Southwest Quarter of Section 19; the West Half of Section 30; Township 6 North, Range 43 East of the Boise Meridian, now in Madison County, State of Idaho; that such filing was never reduced to license; that some part thereof, was, however, usefully applied to the irrigation of parts of said land; that a portion thereof was deeded to James A. Browning, by Quit Claim Deed dated May 31st, 1912, and recorded May 19th, 1915, in Book 17 of Deeds, at Page 320, under recorder's instrument No. 5044, records of Madison County, State of Idaho; that said James A. Browning was a predecessor in title of the defendants, George Browning and Phebe Browning, his wife; and that the plaintiffs may properly claim under the balance of said filing, insofar as actually used by them and their predecessors in title.

IX.

That water disputes having heretofore arisen in connection with the said waters of Pony Creek, the predecessors in title of the present owners of the lands watered thereby, did, in June, 1917, form a corporation, to-wit, PONY CREEK CANAL COMPANY, to deliver said water to the various users for irrigation and domestic purposes, and did thereby, in settlement of all former disputes, make a fair and equitable division of said waters of Pony Creek, as set out in the Articles of Incorporation of said Corporation, which are filed in the records of Madison County, State of Idaho, under recorder's instrument No. 15216, a certified copy of which are hereto attached, as Exhibit "A", and which are hereby incorporated and made a part hereof, by reference, as fully as if though herein set forth in full.

X.

That plaintiffs, O. J. NEELEY and MYRTLE NEELEY, his wife, are the successors in interest to Ira J. Davis, and to one-half the holdings of E. D. Clark and Eli Clark, Jr.; that defendants, MORRIS SLAYMAKER and THELMA SLAYMAKER, his wife, are the successors in interest to one-half the holdings of E. D. Clark and Eli Clark, Jr.; and that defendants, GEORGE BROWNING and PHEBE BROWNING, his wife, are successors in interest to J. A. BROWNING and to Annie Kearney; all as mentioned and shown in the aforesaid Articles of Incorporation.

XI.

That the diversionary works used by the parties hereto, when in proper repair, are capable of carrying approximately 960 miners inches of water; that when such full stream of water is being diverted and used, the said plaintiffs would be entitled to the sum of 435 miners inches of water; the defendants, George Browning and Phebe Browning, his wife, would be entitled to the sum of 300 inches of water; and the defendants, Morris Slaymaker and Thelma Slaymaker, his wife, would be entitled to the sum of 225 inches of water; but that when the flow of water is reduced, each party is entitled to his pro rata share, on the same basis as aforesaid, without right in any party, and especially without right in the plaintiffs, to demand any given flow of water in inches; but only to demand a pro rata share of such water as may be available at any given time.

AND FOR CROSS COMPLAINT, Defendants and Cross-complainants complain of the Plaintiffs and Cross-defendants, and for cause of action allege:

I.

Defendants and Cross-complainants hereby re-plead Paragraphs I to XI of their Answer, inclusive, and by reference, hereby make same a part of this Cross-Complaint.

Pony Creek C. Co.

II.

Defendants allege that for over 36 years, to-wit, since June 25th, 1917, they or their predecessors in title have owned, used, and enjoyed the uninterrupted use of their respective pro rata shares of the waters of Pony Creek, a tributary to Snake River, in Madison County, Idaho, for irrigation and domestic purposes, on the foregoing described premises, said pro rata share being determined on the basis of the contribution of their predecessors to PONY CREEK CANAL COMPANY, as set forth in Exhibit "A", hereunto attached, as above set forth..

WHEREFORE, Defendants pray judgment that the adverse claims of Plaintiff, as set forth in Plaintiff's complaint herein filed, be determined by this Court; that it be adjudged and decreed that Defendants are the prior owners of their respective pro rata shares of the waters of Pony Creek, and that Plaintiffs have no right, title or interest whatsoever therein or thereon superior to the right, title and interest of Defendants in and to their respective shares as above set forth.

That title to said respective shares of water be quieted in the Defendants as against the Plaintiffs, and all persons claiming under them; and that the usual decree foreclosing all adverse claims against these defendants be entered.

Defendants further pray for such other or further or different relief as to this Honorable Court may seem just and equitable, and for costs of this suit; and that Plaintiffs' complaint being fully answered, the plaintiffs may take nothing thereunder.

Dated this 20th day of May, 1954.

Leonard O. Kingsford
LEONARD O. KINGSFORD, Attorney for the
Defendants. Residence and Post Office
Address: Rexburg, Idaho.

STATE OF IDAHO)
 : ss.
County of Madison)

George Browning and Morris Slaymaker being first duly sworn, depose
and say, each for himself, and not one for the other:

That he is one of the parties defendant in the above and foregoing
entitled cause; that he has read the foregoing answer and cross complaint,
and knows the contents thereof; and the same is true as he verily believes.

George Browning
Morris Slaymaker

Subscribed and sworn to before me this 21st day of May, 1954.

Leonard O. Hingsford
NOTARY PUBLIC for Idaho, residing at
Rexburg, Idaho. My commission
expires: August 11th, 1957.

I hereby acknowledge service of a copy of this ANSWER TO AMENDED
COMPLAINT AND CROSS COMPLAINT, this 21st day of May, 1954.

Ray W. Rigby
RAY W. RIGBY, Attorney for the
Plaintiffs and Cross-Defendants.

O. J. NEELEY and MYRA
his wife,

Plaintiffs,

vs.

GEORGE BROWNING and PHEBE BROWNING,
his wife, and MORRIS SLAYMAKER and
THELMA SLAYMAKER, his wife,

Defendants.

Stipulation
STIPULATION

It is hereby stipulated and agreed by and amongst the parties hereto as follows:

That the plaintiffs are the owners of that certain property described in Paragraph IV of their amended complaint.

That the defendants, George Browning and Phebe Browning, his wife, are the owners of that certain property set forth in Paragraph IV of the Answer to Amended Complaint.

That the defendants, Morris Slaymaker and Thelma Slaymaker, his wife, are the owners of that certain property set forth in Paragraph VI of the Answer to Amended Complaint.

That for over five years last past, the various parties hereto, amongst them, have diverted and used the full flow of the waters of Pony Creek for domestic and agricultural purposes.

That the maximum flow so diverted is approximately 960 miners inches of water, and that such flow decreases during the summer months of the year.

That said parties are entitled to, and the Court may decree to them, an interest therein based on 435 miners inches to plaintiffs out of such maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time; and on 300 miners inches to defendants George Browning and Phebe Browning, his wife, out of such maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time; and on 225 miners inches to defendants Morris Slaymaker and Thelma Slaymaker, his wife, out of such maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time.

That domestic use of water shall have priority over any other use during seasons when the total supply of water is inadequate to cover all needs of

the parties hereto.

That each of the parties hereto shall be liable for expenses of maintenance of the irrigation system used in common by such parties, on the basis of the share of water owned by such party.

That each party shall bear his own costs herein incurred.

That a decree may be prepared, based upon the pleadings as filed herein, and in conformity with those points herein agreed upon, and that this suit may be settled, without trial, upon the bases of such decree, said decree to have been approved by counsel for each side prior to its presentation to the Court for final approval.

Dated this 21st day of May, 1954.

O. J. Healey
Myrtle Healey
PLAINTIFFS.
Ray W. Rigby
ATTORNEY FOR PLAINTIFFS.

Les J. Browning
Phoebe Browning
Morris Slaymaker
Thelma Slaymaker
DEFENDANTS

Leonard A. Kingsford
ATTORNEY FOR DEFENDANTS.

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION FOR

THE STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST)
APPROVAL OF APPLICATION FOR)
TRANSFER CLAIM TO WATER RIGHT)
#22-4003 IN THE NAME OF O. J.)
NEELEY RANCH, INC.)
STIPULATION AGREEMENT

The applicant, O. J. NEELEY RANCH, INC., having filed with this department an application to change the point of diversion and place of use of the above claim to a water right, and George H. Browning having filed a protest against approval of said application for the purpose of clarifying the ownership of the waters in Pony Creek;

The parties involved, O. J. Neeley Ranch, Inc., and George Browning and Phebe Browning stipulate and agree to the following:

1. The parties acknowledge and hereby refer to a decree dated May 21, 1954, wherein it was decreed that the maximum flow of Pony Creek was approximately 960 miner's inches of water; that O. J. Neeley and Myrtle Neeley were vested with title to 435 miner's inches of the waters of Pony Creek based on a maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time. And that George Browning and Phebe Browning, husband and wife, were vested with title to 300 miner's inches of water, such interest to be
To be decreed

And that Morris Slaymaker and Thelma Slaymaker were vested with 225 miner's inches of the waters of Pony Creek, such interest to be decreased proportionately to any decrease in the total flow.

2. That the applicant, O. J. NEELEY RANCH, INC., has purchased all title and interest to the waters of Pony Creek which were vested in O. J. Neeley and Myrtle Neeley, husband and wife, and in Morris Slaymaker and Thelma Slaymaker, husband and wife.

3. That George Browning and Phebe Browning continue to have all right, title and interest in and to 300 miner's inches out of the maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time.

4. That George Browning and O. J. Neeley Ranch, Inc., have for over five years last past diverted and used the full flow of the waters of Pony Creek for domestic and agricultural purposes.

5. That as between the parties, except as provided in paragraph 6, O. J. Neeley Ranch, Inc., is vested with title to 660 miner's inches of the waters of Pony Creek based on a maximum flow of 960 inches, or $11/16$ ths of the flow at any given time, such interest to decreased proportionately to any decrease in the total flow of water at any given time, and that George Browning and Phebe Browning are vested with title to 300 miner's inches of the waters of Pony Creek based on a maximum flow of 960 inches, or $5/16$ ths of the flow at any given time, such interest to be decreased proportionately to any decrease in the total flow of water at any given time.

6. That George Browning and Phebe Browning agree to allow O. J. Neeley Ranch, Inc., the use of all the waters of Pony Creek during the spring of each year up until the time that the Brownings begin to irrigate. When the Brownings begin to irrigate then each

of the parties shall have the right to use their respective shares as provided in paragraph 5. At that point in time when the waters of Pony Creek no longer reach Canyon Creek, then the Brownings shall have full use of said waters except for what O. J. Neeley Ranch, Inc., needs to water its stock. It is further agreed that O. J. Neeley Ranch, Inc., shall open a roadway to the point of diversion of said waters for the use by both parties and shall install a dividing gate at the point of diversion in order that the waters may be divided as agreed herein.

7. That George Browning and Phebe Browning withdraw the protest filed against the application of O. J. Neeley Ranch, Inc. ²²⁻⁰⁶¹⁰ for the transfer of water right, No. 22-4003, and waiver further protest on the condition that their water rights are ^{5/11/83} not lost or injured in any way by said transfer.

Dated this 18th day of February, 1974.

By Dwain G. McClellan
Its President

Geo. H. Browning
GEORGE BROWNING

Thebe Browning

On this 18th day of February, 1974, before me, the undersigned, Notary Public in and for said State, personally appeared

Water Right No(s). A 22-00630 + A 22-7118

GPS Id#s - 225891
1406873

GPS File
227118 or 2200630

GPS DATA:

Tag # A0015966 Location: on Power Pole

Diversion Data:

A 22-630 - PONY CREEK — Canyon Creek
Source: A 22-7118 - CANYON CREEK Trib to: Teton River

MOTOR

Make: GE Model: _____ Hp: 250
SN: MKJ1218124 Also GE 350Hp, SN H KJ821011

PUMP

Make: Aurora Model: _____ Disch: _____
SN: V74-04509
V74-04510

NOTES:

PONY CREEK comes into Canyon Creek 400' upstream from
pumps. P.O.D. is same for both claims. Address should be
1908 E. 500 N., St. Anthony, ID 83445 C/O Conn
Crapo. P.O.U. map modified by Conn Crapo - call phone
313-6310. P.O.U. is same for A 22-630, -7118 + A 22-7354.

Field Exam Date: 10-17-05 Agent: A. Conner

SOU 4/15-10/31

EXCHANGES OF
Power Ck for
Canyon Ck -
Change Source
to Canyon Ck
COP2



A22-630 +-7118, Looking West, one pump removed for repair

T6N, R42E

T6N, R43E

Canyon Creek

Pony Creek

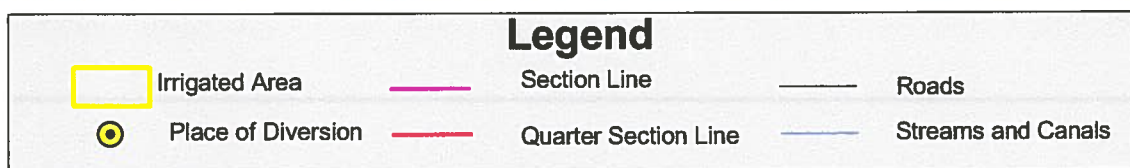
Valley View Ranch
22-00630

18 17
19 20

Water Right Claim Number 22-00630

Townships , 6N43E, 6N42E

07/26/2001



Claim No.

Document Checklist

- ☒ Copy License/Decree Neelley / Brauning
- ☒ Copy Transfer 1942
- ☐ Copy Licensing Field Exam
- ☐ Check if Ownership/Address Change is Required
- ☐ Generate, mail and file "Evidence of Priority" letter
- ☒ Generate Arcview Map

6. That the maximum flow so diverted is approximately 960 miners inches of water, and that such flow decreases during the summer months of the years;

22-0608
22-0628
22-0630
7. That said parties are entitled to an interest therein based on ^{8.1}435 miners inches to plaintiffs out of such maximum flow of ^{19.2}960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time; and on ^{6.0}300 miners inches to defendants, George Browning and Phebe Browning, his wife, out of such maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time; and on ^{4.5}225 miners inches to defendants, ^{22-0608/062}Morris Slaymaker and Thelma Slaymaker, his wife, out of such maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

8. That domestic use of water should have priority over any other use during seasons when the total supply of water is inadequate to cover all needs of the parties hereto;

9. That each of the parties hereto should be liable for expenses of maintenance of the irrigation system used in common by such parties, on the basis of the share of water owned by such party;

10. That each party should bear his own costs herein incurred;

11. That the parties are entitled to the relief prayed for in their Amended Complaint and Answer and Cross Complaint, all filed herein.

NOW, THEREFORE, BY REASON AND VIRTUE OF THE LAW AND THE PREMISES, ON MOTION OF COUNSEL FOR THE PARTIES, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the Stipulation on file herein is hereby allowed and approved;

2. That for over five years last past, the various parties hereto, amongst them, have diverted and used the full flow of the waters of Pony Creek for domestic and agricultural purposes;

3. That the maximum flow so diverted is approximately 960 miners inches of water, and that such flow decreases during the summer months of the year;

107215

22-0628

22-0629

0632
22-0615

Trans. #1710

4. That the plaintiffs, O. J. Neeley and Myrtle Neeley be and they are hereby vested with title to ^{8.7}435 miners inches of the waters of Pony Creek, based on a maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

5. That the defendants, George Browning and Phebe Browning be and they are hereby vested with title to 300 miners inches of the waters of Pony Creek, based on a maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

6. That the defendants, Morris Slaymaker and Thelma Slaymaker be and they are hereby vested with title to 225 miners inches of the waters of Pony Creek, based on a maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

7. That domestic use of water shall have priority over any other use during the seasons when the total supply of water is inadequate to cover all needs of the parties hereto;

8. That each of the parties hereto shall be liable for expenses of maintenance of the irrigation system used in common by such parties on the basis of the share of water owned by such party;

9. That each party shall bear his own costs herein incurred.

Dated this 21st day of May, 1954.

Henry S. Martin

Judge of the Ninth Judicial District
of the State of Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder O. J. Neeley Ranch, Inc.
Post office address P.O. Box 425, Rexburg, Idaho 83440

2. Right obtained by:
a. Decree to O. J. Neeley & Myrtle Neeley in Case of O. J. Neeley & Myrtle Neeley
his wife -vs- (Name) Phebe Browning his wife and Morris Slaymaker & Thelma Slaymake:
vs. George Browning & , Dated 5/21/54 in 9th Judicial District
his wife (Name of Court)
Court. County of Madison
b. License No. _____ issued by the State of Idaho, Department of Reclamation.

3. Source of water Pony Creek tributary to _____
(Name of stream or source)

4. Date of Priority June 15, 1900

5. Amount of water a. 8.7 c.f.s. and/or
b. _____ acre feet/annum

6. Water is used for Irrigation from May to July
(Month, Day) (Month, Day)

7. Original location of point of diversion is SE 1/4 SE 1/4 of Section 33,
Township 6N, Range 43E, B.M., in Teton County;

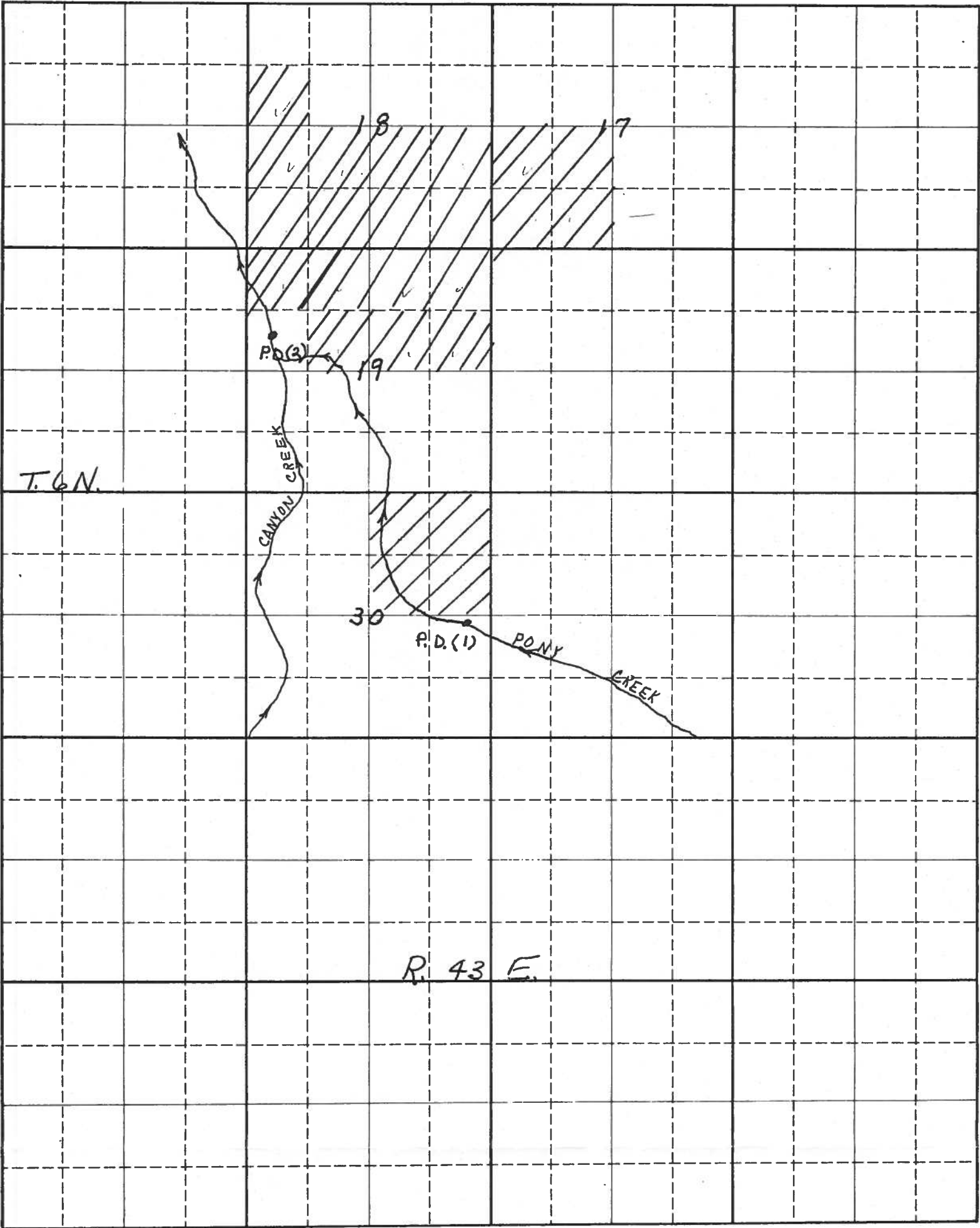
Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6N	43E	32	25	35	40	40			36	40									216
		19	40	40	40	40	40	40	40	40									320
		31						40											40
		30	40	25		25					40			20	35	15	30	40	270

Total number of acres presently irrigated 846

22-0610



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired: _____

Acquired with purchase of property from Morris Slaymaker & George Briggs Estate

10. CHANGE IN POINT OF DIVERSION Right to be diverted at two points:

- (1) 1.35
a. Quantity to be diverted at new point: (2) 7.35 c.f.s. and/or _____ acre feet
NE SE 30
b. New point of diversion: SW 1/4 NW 1/4, Section 19, Township 6N
43E, Range Madison, B.M.

- c. Description of method of diversion and conveyance from new points of diversion: (1) 75 Hp pump & water winch (2) 600 Hp motor and pump to underground main to three pivot sprinkler systems, one water winch, & 4 wheel lines.

- d. Is water to be conveyed to the lands previously irrigated? Yes ☒ No _____

If not, the place of use should be changed below.

- e. Describe the reasons for applying for a change in the point of diversion:

To make better & more efficient use of
the water

- f. Do you intend to make the transfer permanent? Yes _____

- g. Do you intend to abandon completely the old point of diversion? Yes _____

- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	43E	19	40	40	40	40	40	28		34									262
		30	40	25	10	25													100
		18							28		40	28	28	40	40	40	40	40	324
		17									40	40	40	40					160

Total number of acres to be irrigated 846

b. Do you intend to make transfer permanent? Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

Lands in N $\frac{1}{2}$, Sec. 19 & NE $\frac{1}{4}$, Sec. 30, T. 6N, R. 43E, will still be irrigated.

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

C. W. J. Hillier

(signature of applicant)

Subscribed and sworn to before me this 26th day of September, 19 74

Brent Benson

(notary public)

My commission expires Aug. 16, 1977

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 22-0610B, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

Pursuant to the Memorandum Decision and Order of February 25, 1975.

2. Denial of said application is for the following reasons:

Witness my hand this 25 day of February, 19 75.

R. Karl Higin
STATE RECLAMATION ENGINEER
DIRECTOR

FOR DEPARTMENT USE ONLY

Received by MB Date 9-26-74

Prelim. check by JF Date 9-26-74

Fee received by MB Date 9-26-74 Fee \$ 30.00

Approved for publication by MB 10-15-74 # 13075

Published in September 14, 1974 Dates Oct 3 + 10, 1974

Hearing held _____

Watermaster Recommendation sent W.D. #01 Art Larson

Protest filed by: _____ Date _____

J. Wayne Stevens 10-9-74
Therese Madison 10-21-74
Irving Dist.

FROM Colleen
 TO File
 SUBJECT Claim No. 22-4003

DATE March 22, 1974

An application for transfer was filed on this claim No. 22-4003.
 The application for transfer was relinquished by the applicant this date, but the claim is still active on the department's records.

T 1785

M E M O R A N D U M

TO: File No. 22-4003, Claim to a Water Right

FROM: Norman C. Young

DATE: November 9, 1973

RE: Field Inspection of Claim No. 22-4003

T 1785

A field inspection was made on October 19, 1973, by myself accompanied by Owen J. Neeley, the claimant. This inspection was necessary because an Application for Transfer of Water Right has been filed to change the point of diversion and the place of use. The application for transfer has been protested.

43E

The point of diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 6N, R. 34E, in Teton County. The point of diversion as listed on the claim is in error and the advertising of the claim was made in the wrong county. The ditch heads and the canyon of Pony Creek is approximately 1 mile above the first land irrigated from it. The ditch is approximately 4 feet wide at the top and 1 foot deep. A measurement of the slope of the ditch was not made. At the time of the inspection, the claimant indicated that the ditch was much larger when actively used and maintained. The last time it was maintained was approximately 4 years ago. At the time of the visit, an estimated $\frac{1}{2}$ c.f.s. was flowing in Pony Creek and all of it was being diverted into the ditch.

The place of use: The claimant indicated that the following land was irrigated in the summer of 1969 by either surface or sprinkler methods: Section 32...NE $\frac{1}{4}$ NE $\frac{1}{4}$, 24 acres; NW $\frac{1}{4}$ NE $\frac{1}{4}$, 38 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$, 35 acres; SE $\frac{1}{4}$ NE $\frac{1}{4}$, 39 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$, 4 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$, 20 acres. Section 30...NE $\frac{1}{4}$ SE $\frac{1}{4}$, 20 acres, SE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres. Section 31...NE $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres, for a total of 240 acres.

Copies of the aerial photos showing the fields irrigated in the last 5 years, as indicated by the claimant are attached. He indicated that other land had been irrigated in the past, but not the last 5 years. He also indicated that some of the land irrigated on the claim had never been irrigated. He specifically pointed out the N $\frac{1}{2}$, Sec. 19, T. 6N, R. 43E, B.M. as having never been irrigated, to his knowledge.

NCF

J. KENT JOLLEY
W. BRENT EAMES

LAW OFFICES
JOLLEY & EAMES
P. O. BOX 806
REXBURG, IDAHO 83440

39 PROFESSIONAL PLAZA
TELEPHONE (208) 856-7276

April 30, 1974

RECEIVED
MAY 2 1974

WATER ADMINISTRATION
Area Office

Mr. Ron Carlson
Assistant to District Engineer
Department of Water Administration
1515 Lincoln Road
Idaho Falls, Idaho 83401

RE: Owen J. Neeley Ranch, Inc.

Dear Mr. Carlson:

I am enclosing a copy of a Stipulation Agreement between O. J. Neeley Ranch, Inc., and George Browning, wherein Mr. Browning withdraws protest of Neeley's application for transfer of water right.

This agreement also provides that the Brownings agree to allow Neeley Ranch the use of all the waters of Pony Creek during the spring up until Mr. Browning begins to irrigate his hay.

I received a copy of Notice of Protest by the Fremont-Madison Irrigation District. We would like a hearing held in this matter as soon as possible.

Thank you for your assistance.

Yours very truly,

JOLLEY & EAMES



W. Brent Eames

have full use of said waters except for what O. J. Neeley Ranch, Inc., needs to water its stock. It is further agreed that O. J. Neeley Ranch, Inc., shall open a roadway to the point of diversion of said waters for the use by both parties and shall install a dividing gate at the point of diversion in order that the waters may be divided as agreed herein.

7. That George Browning and Phebe Browning withdraw the protest filed against the application of O. J. Neeley Ranch, Inc. for the transfer of water right, No. 22-4003, ²²⁻⁰⁶¹⁰ and waiver further protest on the condition that their water rights are ^{GHB} not lost or injured in any way by said transfer.

8. That the parties agree to be bound according to the above referenced decree regardless of whether any rights under the decree are transferred.

Dated this 18th day of February, 1974.

O. J. NEELEY RANCH, INC.

By Owen J. Neeley
Its President

Geo. H. Browning
George Browning

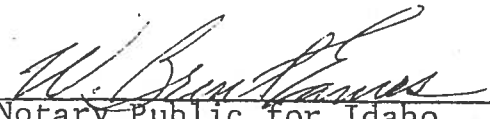
Phebe Browning

STATE OF IDAHO,)
 SS.
County of Madison.)

On this 18th day of February, 1974, before me, the undersigned, Notary Public in and for said State, personally appeared

OWEN J. NEELEY, known to me to be the President of the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

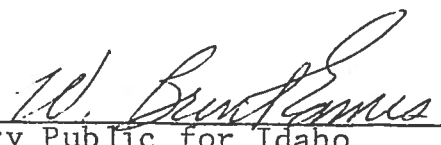


Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires: 10/8/74

STATE OF IDAHO,)
 SS.
County of Madison.)

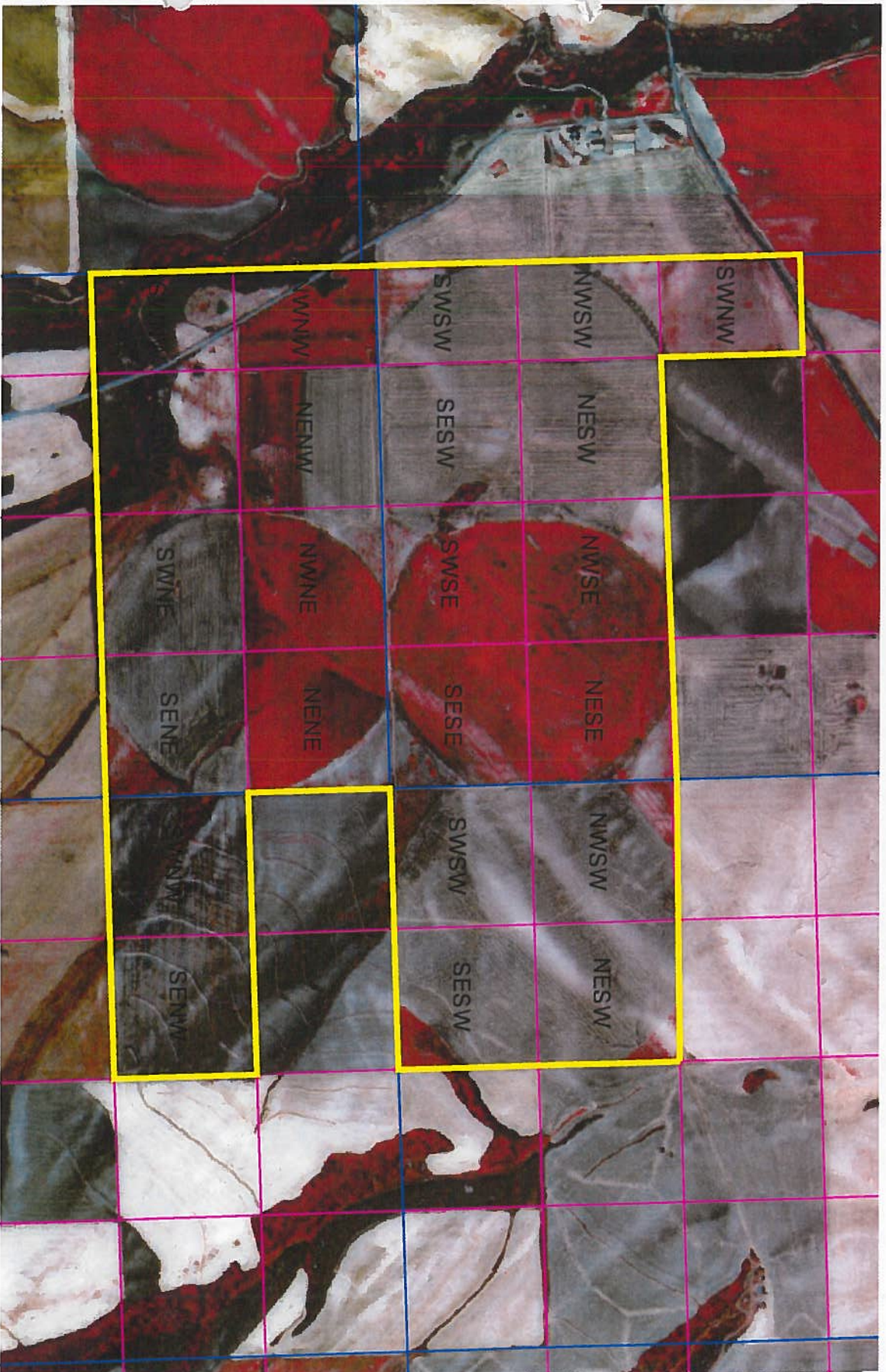
On this 25th day of ^{April}~~February~~, 1974, before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGE BROWNING ~~and PHEBE BROWNING~~, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year in this certificate first above written.



Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires: 10/8/74

Township 06N
Range 43E
Section 17, 18, 19, 20



Notes:

Water Right #: 2207354

Examiner

Date:



0.0 0.00812 Miles

Log for claim 22-00630

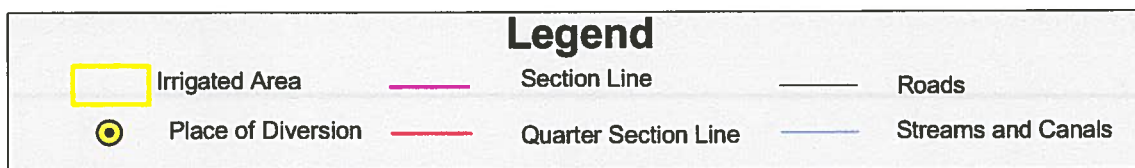
Spatial Dynamics BTD

7/26/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n43e	17	NESW	40	40	
06n43e	17	NWSW	40	40	
06n43e	17	SWSW	40	38	
06n43e	17	SESW	40	39	
06n43e	18	SWNW	28	26	
06n43e	18	NESW	40	40	
06n43e	18	NWSW	28	28	
06n43e	18	SWSW	28	28	
06n43e	18	SESW	40	39	
06n43e	18	NESE	40	40	
06n43e	18	NWSE	40	40	
06n43e	18	SWSE	40	39	
06n43e	18	SESE	40	39	
06n43e	19	NENE	40	40	
06n43e	19	NWNE	40	40	
06n43e	19	SWNE	40	40	
06n43e	19	SENE	40	40	
06n43e	19	NENW	40	40	
06n43e	19	NWNW	28	27	
06n43e	19	SENW	34	39	
Totals:			746	742	

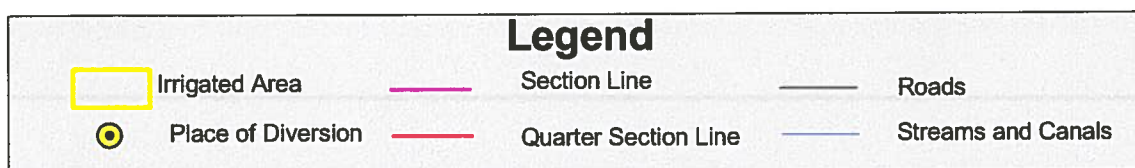
Water Right Claim Number 22-00630
Townships , 6N43E, 6N42E

07/26/2001



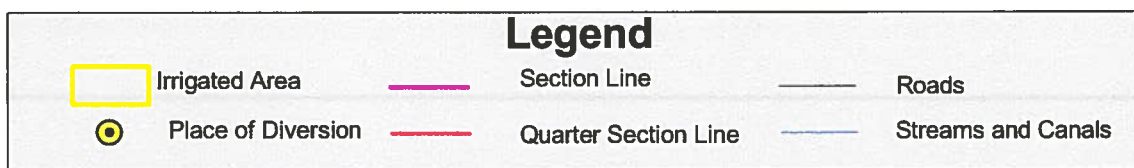
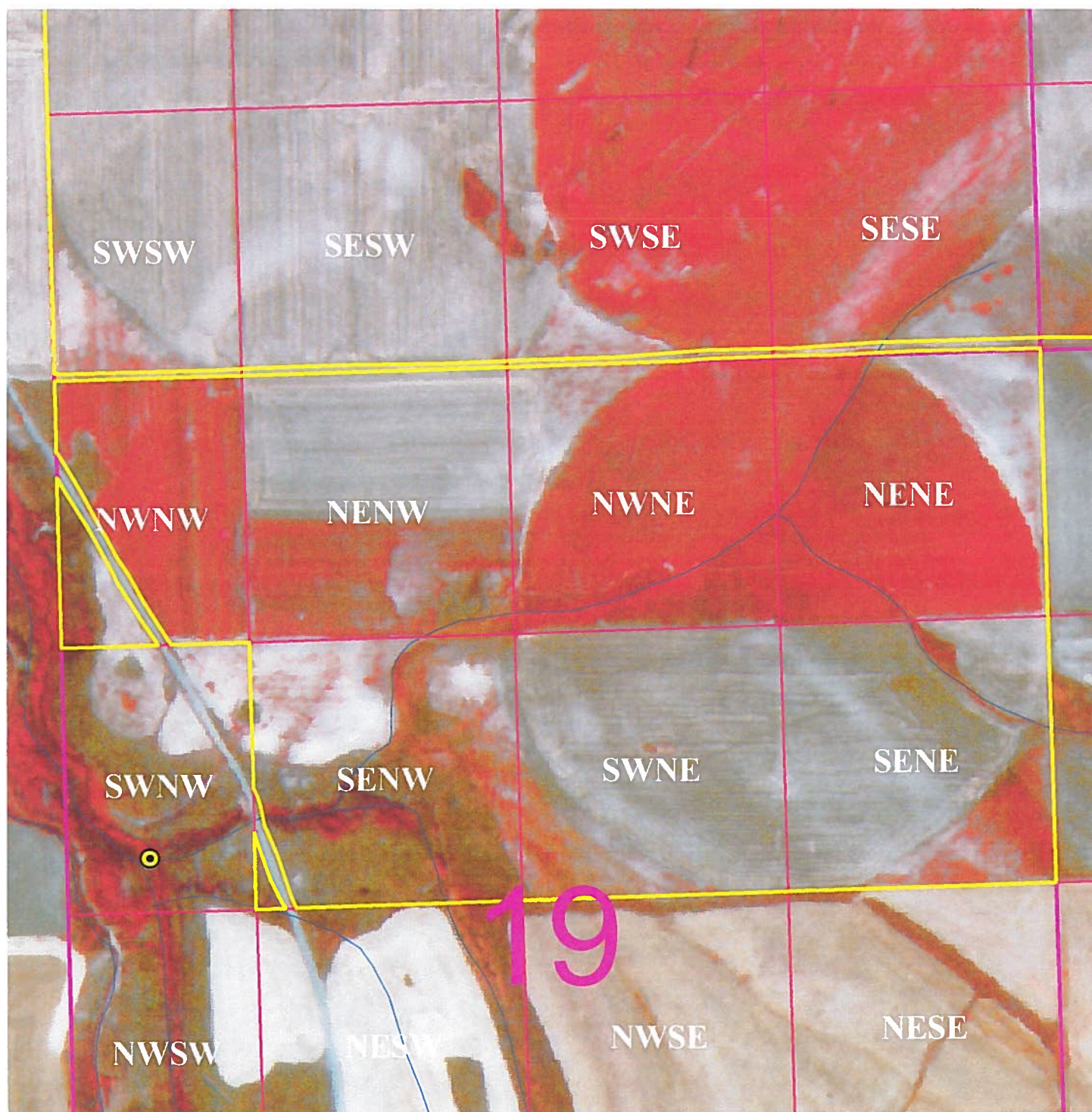
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Townships , 6N43E, 6N42E

07/26/2001



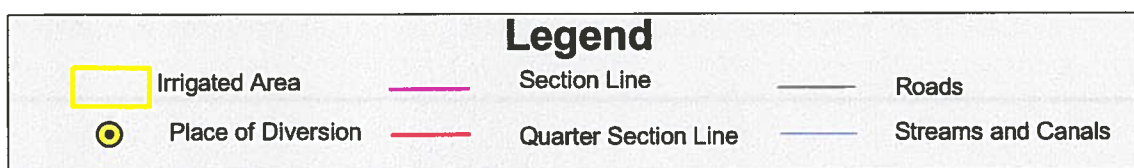
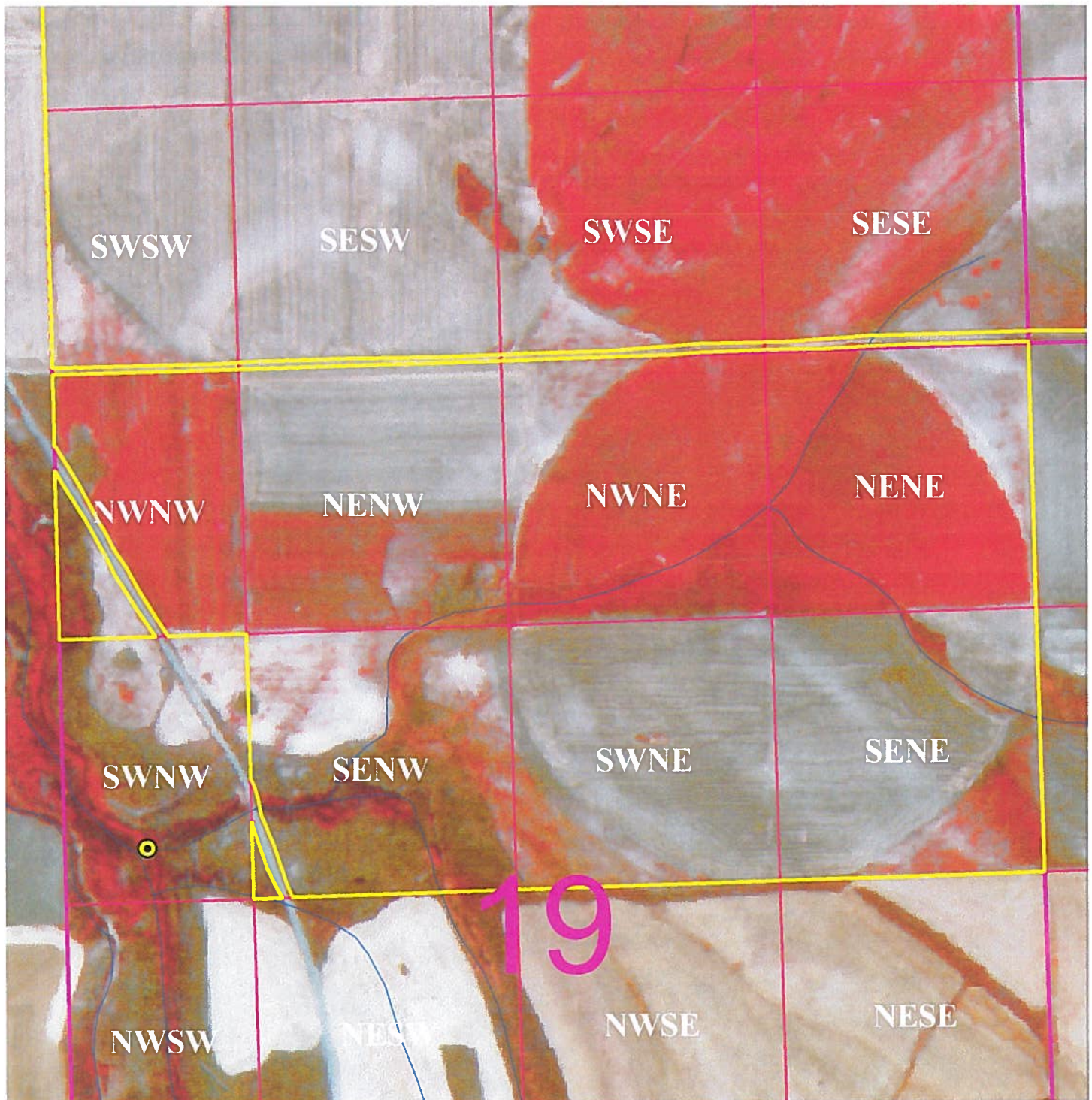
Water Right Claim Number 22-00630
Townships , 6N43E, 6N42E

07/26/2001



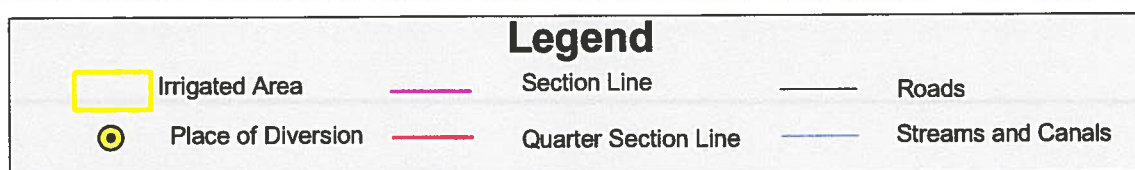
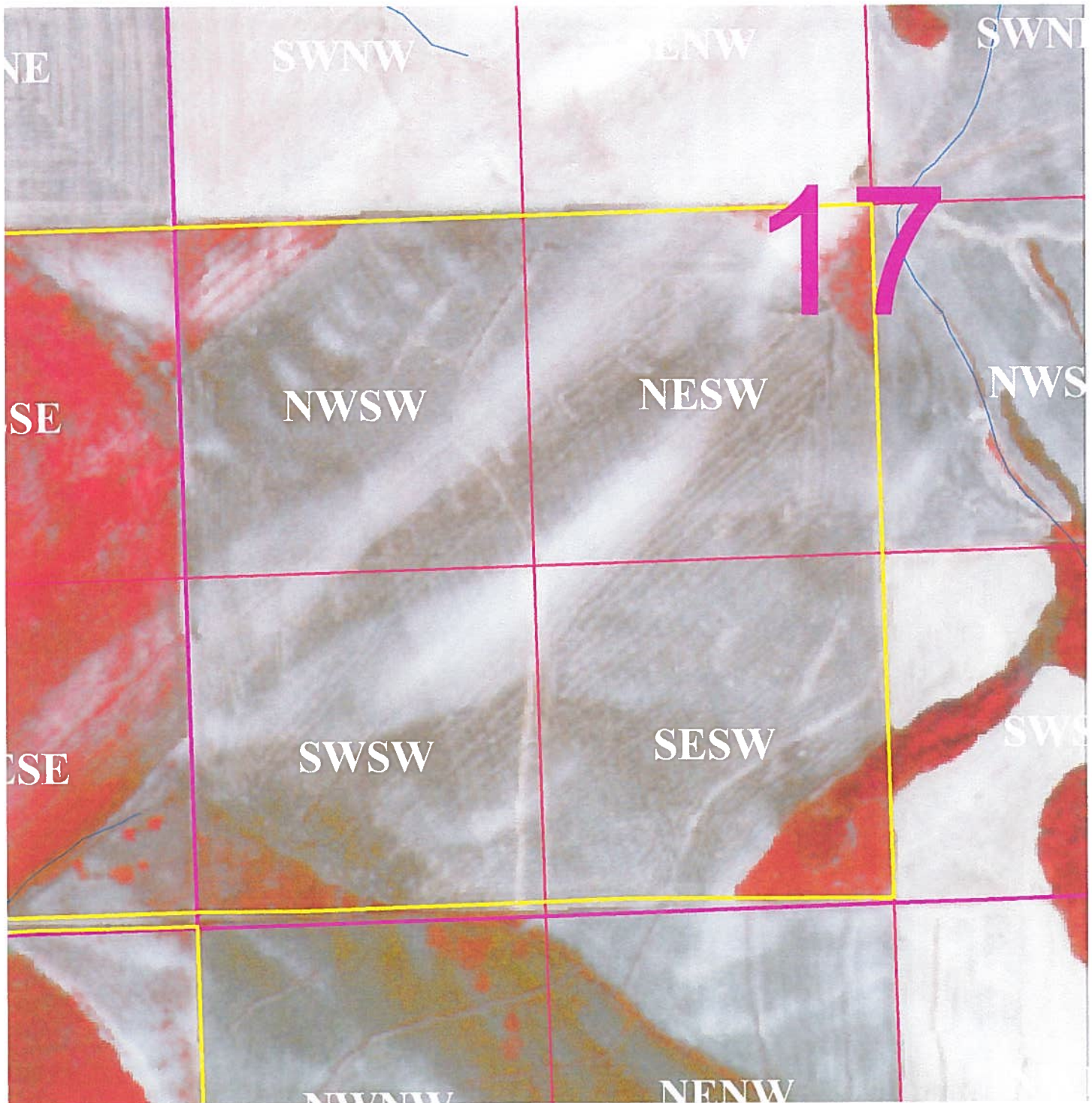
Water Right Claim Number 22-00630
Townships , 6N43E, 6N42E

07/26/2001



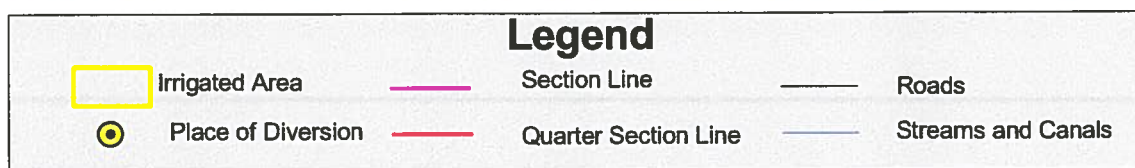
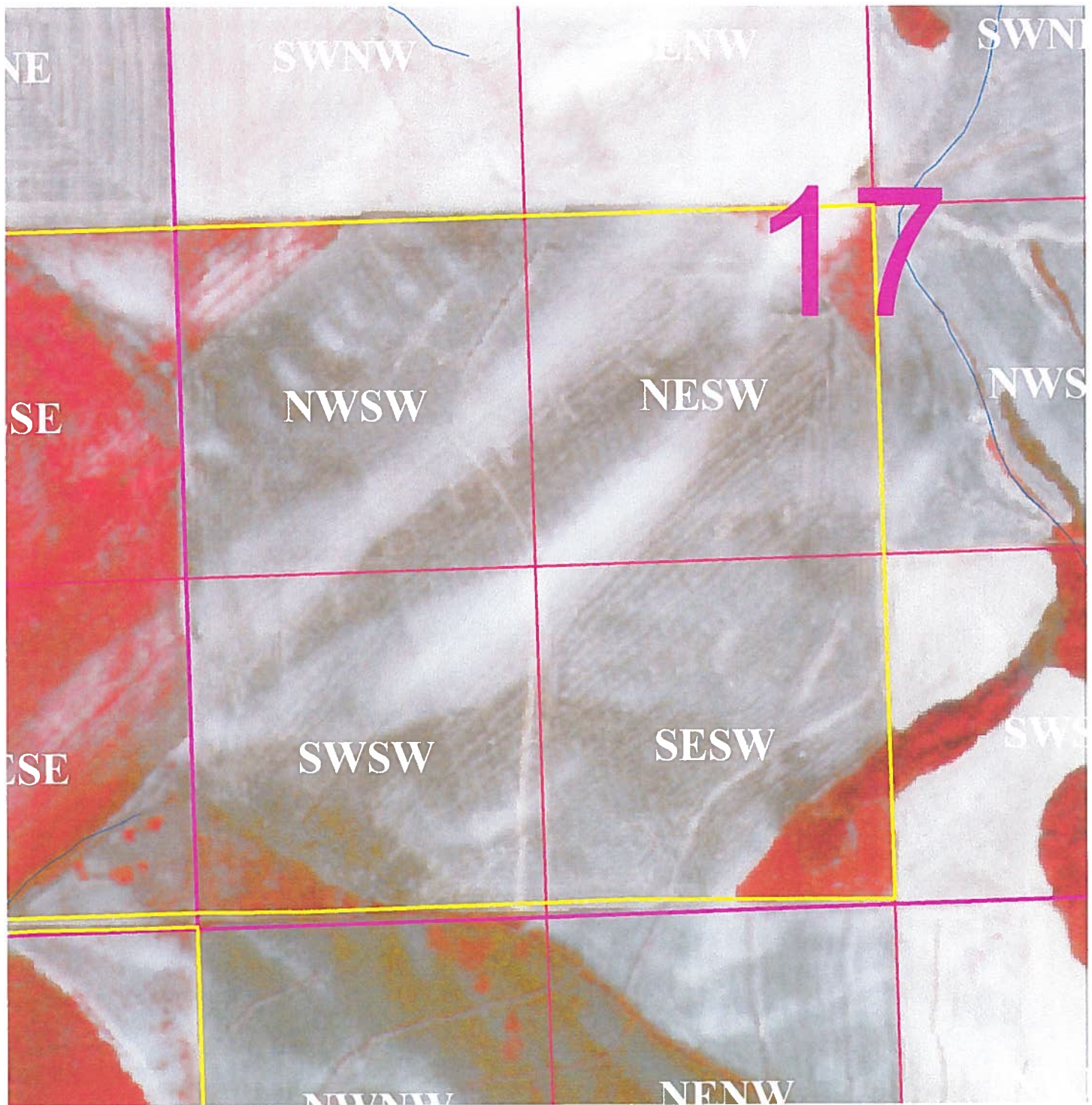
Water Right Claim Number 22-00630
Townships , 6N43E, 6N42E

07/26/2001



Water Right Claim Number 22-00630
Townships , 6N43E, 6N42E

07/26/2001



Water Right Claim Number 22-00630
Townships , 6N43E, 6N42E

07/26/2001



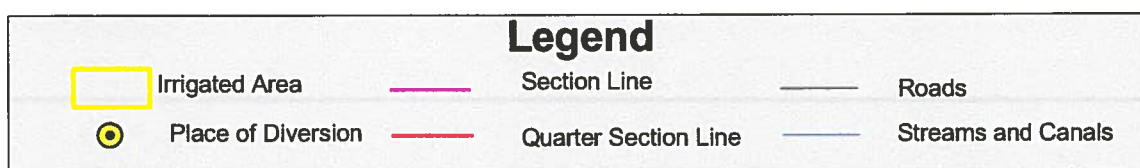
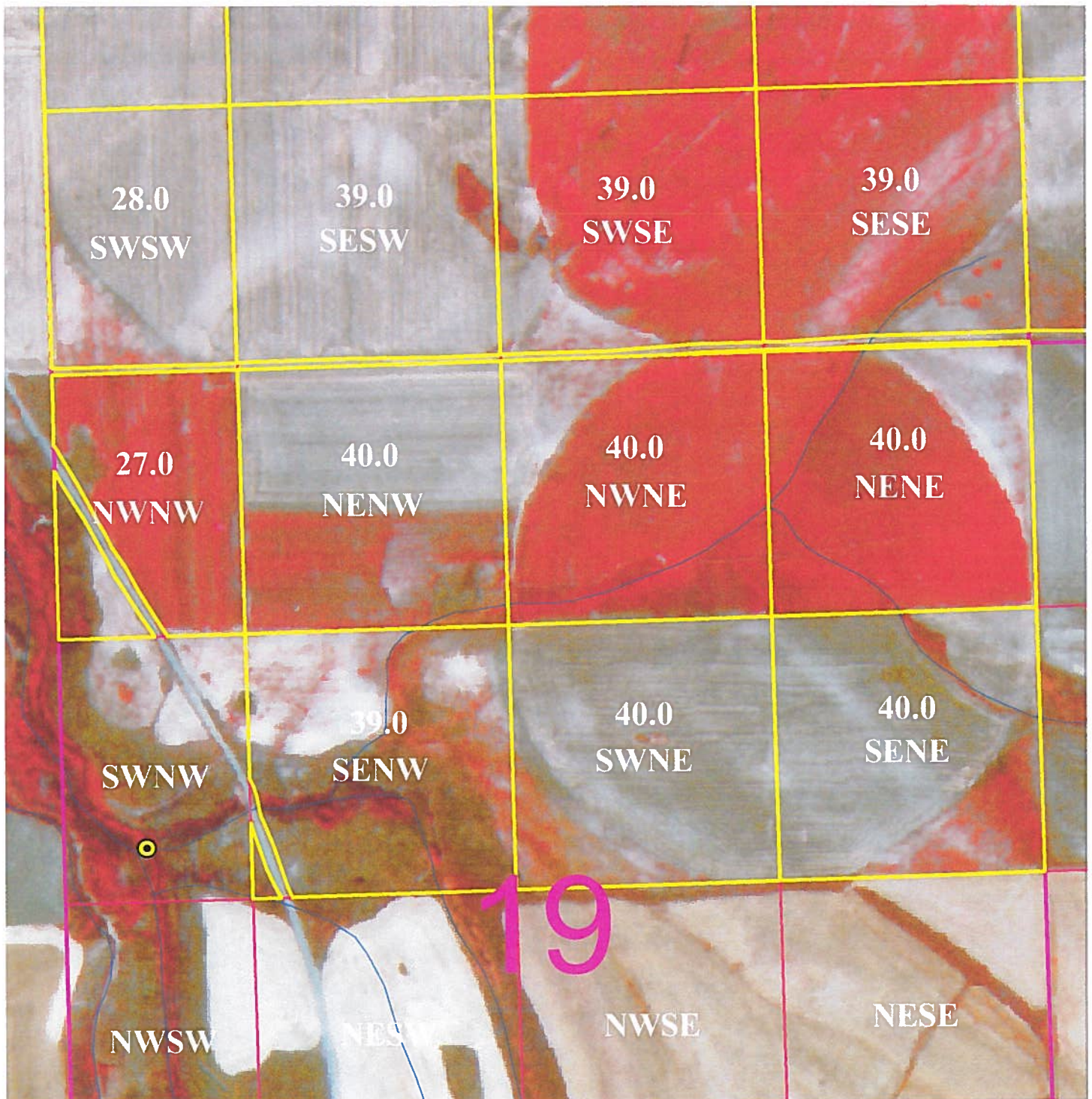
Legend

Irrigated Area	Section Line	Roads
Place of Diversion	Quarter Section Line	Streams and Canals



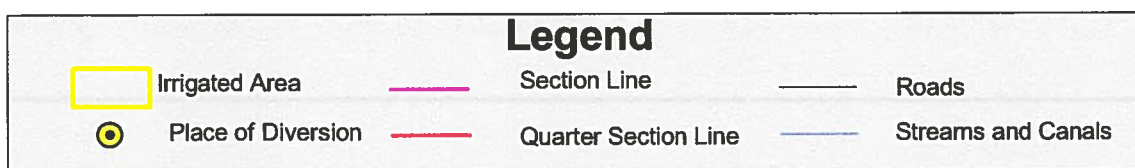
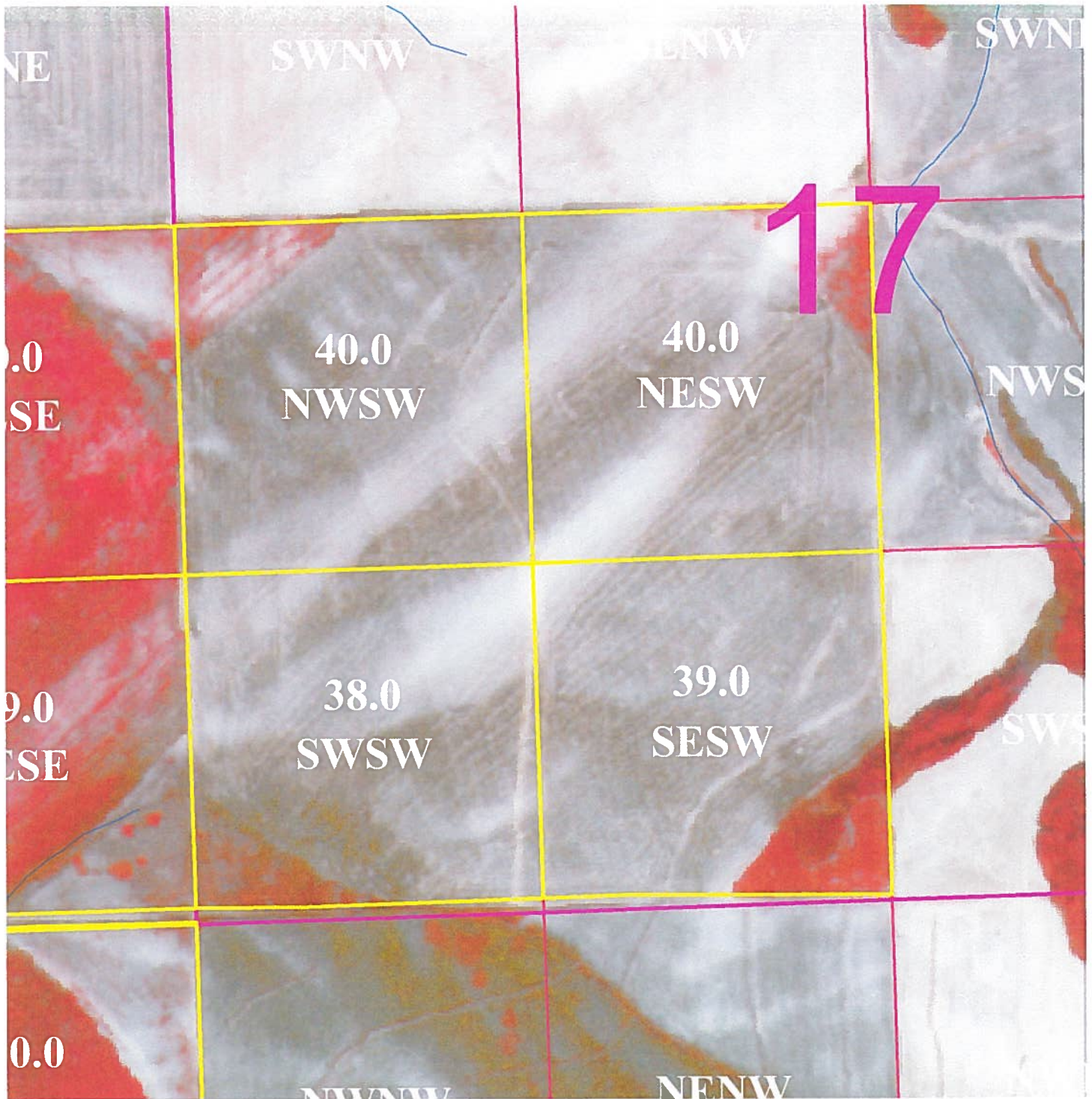
Water Right Claim Number 22-00630
Townships , 6N43E, 6N42E

07/26/2001



Water Right Claim Number 22-00630
Townships , 6N43E, 6N42E

07/26/2001



Identification No. 22 0630-B

Transfer No. 1710

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

**APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use**

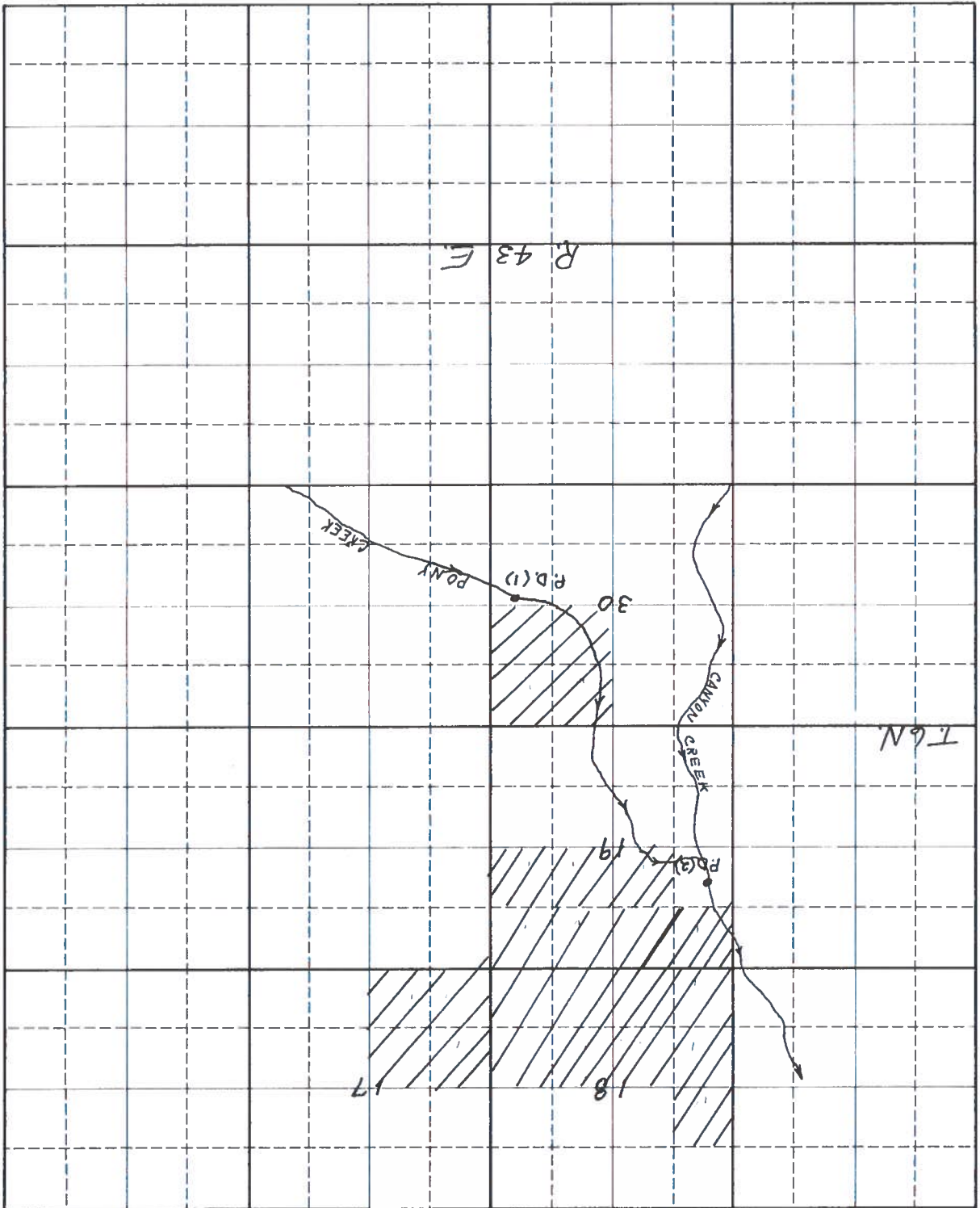
1. Name of Right Holder O. J. Neeley Ranch, Inc.
Post office address P.O. Box 425, Rexburg, Idaho 83440
2. Right obtained by:
 - a. Decree to O. J. Neeley & Myrtle Neeley in Case of O. J. Neeley & Myrtle Neeley
his wife -vs- (Name) Phebe Browning his wife and Morris Slaymaker & Thelma Slaymaker,
vs. George Browning &, Dated 5/21/54 in 9th Judicial District
his wife (Name of Court)
Court. County of Madison.
 - b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Pony Creek tributary to _____
(Name of stream or source)
4. Date of Priority June 15, 1900
5. Amount of water a. 8.7 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from May to July
(Month, Day) (Month, Day)
7. Original location of point of diversion is SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33,
Township 6N, Range 43E, B.M., in Teton County;
Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6N	43E	32	25	35	40	40			36	40									216
		19	40	40	40	40	40	40	40	40									320
		31						40											40
		30	40	25		25					40			20	35	15	30	40	270

Total number of acres presently irrigated 846

SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.



9. If applicant was not the original holder of this right explain _____ it was acquired: _____

Acquired with purchase of property from Morris Slaymaker & George Briggs Estate

10. CHANGE IN POINT OF DIVERSION Right to be diverted at two points:

(1) 1.35

a. Quantity to be diverted at new point: (2) 7.35 c.f.s. and/or _____ acre feet

NE SE 30

b. New point of diversion: SW 1/4 NW 1/4, Section 19, Township 6N

43E, Range Madison, B.M.

c. Description of method of diversion and conveyance from new points of diversion: (1) 75 Hp pump & water winch (2) 600 Hp motor and pump to underground main to three pivot sprinkler systems, one water winch, & 4 wheel lines.

d. Is water to be conveyed to the lands previously irrigated? Yes X No _____

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

To make better use of water
the water

f. Do you intend to make the transfer permanent? Yes

g. Do you intend to abandon completely the old point of diversion? Yes

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	43E	19	40	40	40	40	40	28		34									262
		30	40	25	10	25													100
		18							28		40	28	28	40	40	40	40	40	324
		17									40	40	40	40					160

Total number of acres to be irrigated 846

b. Do you intend to make the transfer permanent? Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

Lands in NE $\frac{1}{4}$, Sec. 19 & NE $\frac{1}{4}$, Sec. 30, T. 6N, R. 43E, will still be irrigated.

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this

right: None

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own

risk. The information contained in this application is true to the best of my knowledge.

(signature of applicant)

Subscribed and sworn to before me this

day of

(notary public)

My commission expires

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 22-0610B

and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

Pursuant to the Memorandum Decision and Order of February 25, 1975.

2. Denial of said application is for the following reasons:

Witness my hand this 25 day of February, 1975

DIRECTOR
STATE RECLAMATION ENGINEER

FOR DEPARTMENT USE ONLY

Received by: Date: 7-26-74

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Hearing held

Watermaster Recommendation sent: W.D. #21 Not Given

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: A22-00630
Date Received: 8/04/1988
Receipt No: E001089
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VALLEY VIEW RANCH
Address: RTE 2, BOX 155
ST. ANTHONY, ID

208-624-3293

83445

2. Date of Priority: JUN 15, 1900

3. Source: PONY CREEK

Trib. to: CANYON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	43E	19	SW	NW			MADISON

5. Description of diverting works:
WELL & PUMP TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	8.700		

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

A.F.A.

8. Total consumptive use is 1865.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	43E	17	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	43E	17	SE	SW		IRR	40.0
Section Acres							160.0
		18	SW	NW		IRR	28.0
			NE	SW		IRR	40.0
			NW	SW		IRR	28.0
			SW	SW		IRR	28.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							324.0
		19	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	28.0
			SE	NW		IRR	34.0
Section Acres							262.0
Total Acres							746.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
A22-07118/07354.

14. Remarks:
TRANS. 1942.

15. Basis of Claim: DECREED
Case Number:
Court : NINTH
Decree date: 5/21/1954

O. J. NEELEY
Decree Plaintiff

vs

GEORGE BROWNING
Decree Defendant

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16. Signature(s)

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

Number of attachments: -1-

For Organizations:

I do solemnly swear or affirm that I am Pautas of
Title
Valley View Ranch that I have signed the foregoing
Organization
document in the space below as Pautas of
Title
Valley View Ranch and that the statements contained in the
Organization
foregoing document are true and correct.

Richard Chase
Signature of Authorized Agent

Pautas Valley View Ranch
Title and Organization

8-4-88
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 4 day
of August 19 88

Colleen Wray
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 5/29/1991



CWSIM # A22-07118
A22-07254
A22-00630

NOT RECORDED
OCT 26 1952