

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 63-3616  
Date Received: 6/29/2006  
Receipt No: W034395  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ARK PROPERTIES LLC Phone: (208)366-7931  
11204 N BAR 21 DR  
GLENN'S FERRY ID USA 83623-5033

2. Date of Priority: 12/27/1946

3. Source: DRY GULCH CREEK Trib. to: INDIAN CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 Lot | County | Type |
|----------|-------|---------|--------|--------|---------|--------|------|
| 01N      | 04E   | 14      | SE     | SE     |         | ELMORE |      |
| 01N      | 04E   | 15      | SE     | SE     |         | ELMORE |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose                 | From  | To    | C.F.S. | (or) A.F.A |
|-------------------------|-------|-------|--------|------------|
| STOCKWATER STORAGE      | 01/01 | 12/31 |        | 10         |
| STOCKWATER FROM STORAGE | 01/01 | 12/31 |        | 10         |

7. Total Quantity Appropriated is:  
10 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use                | Acres |
|----------|-------|---------|------------|-----|--------------------|-------|
| 01N      | 04E   | 14      | SW         | SW  | STOCKWATER STORAGE |       |
| 01N      | 04E   | 15      | SE         | SE  | STOCKWATER STORAGE |       |

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

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: 63-3616

Date Received:

Receipt No: **W034395**

Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

**ARCK PROPERTIES LLC**

Phone: (208) 366-7931

11204 N BAR 21 DR  
GLENN'S FERRY, ID 83623

RECEIVED

JUN 29 2006

WATER RESOURCES  
WESTERN REGION

2. Date of Priority: December 27, 1946

3. Source: Dry Gulch Creek

Trib. to: Indian Creek

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 1N       | 4E    | 14      | SE SE                 | Elmore |      |
| 1N       | 4E    | 15      | SE SE                 | Elmore |      |

5. Description of diverting works:

Small earth fill dam on Dry Gulch Creek

6. Water is used for the following purposes:

| Purpose                 | From | To    | C.F.S. | (or) A.F.A |
|-------------------------|------|-------|--------|------------|
| Stockwater Storage      | 1/1  | 12/31 |        | 10         |
| Stockwater from Storage | 1/1  | 12/31 |        | 10         |

7. Total Quantity Appropriated is:

10 AFA

8. Total consumptive use:

06/27/2006

1

9. Non-irrigation uses: Stockwater

10. Place of use:

| TWP | RNG | SEC | NE ¼ |     |     |     | NW ¼ |     |     |     | SW ¼ |     |     |     | SE ¼ |     |     |     | totals |
|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|--------|
|     |     |     | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ |        |
| 1N  | 4E  | 14  |      |     |     |     |      |     |     |     |      |     | S   |     |      |     |     |     |        |
|     |     | 15  |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     | S   |        |
|     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |
|     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |
|     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |
|     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |

Total number of acres irrigated n/a

11. Place of use in counties: Elmore

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

13. Other Water Rights Used:

None

14. Remarks: Per USGS quad map, the source may also be known as Caldwell Draw.

15. Basis of claim: License

## 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: \_\_\_\_\_

## For Organizations:

I do solemnly swear or affirm that I am Manager of \_\_\_\_\_  
Title

ARK PROPERTIES LLC, that I have signed the foregoing  
Organization

document in the space below as Manager of \_\_\_\_\_  
Title

ARK PROPERTIES LLC and that the statements contained in the  
Organization

foregoing document are true and correct.

[Signature]  
Signature of Authorized Agent

Manager - ARK Properties LLC  
Title and Organization

6/27/06  
Date

State of Idaho )  
County of ELMORE ) SS.

Subscribed and sworn (or affirmed) before me this 28  
of JUNE 2006 Marie Borchert

Notary Public

Residing at \_\_\_\_\_ Residing at Mountain Home, Idaho  
My commission Expires My Commission Expires 05-18-11



# MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW  
950 W. BANNOCK STREET, SUITE 520; BOISE, ID 83702  
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202 www.msbtllaw.com

STEPHANIE J. BONNEY  
SUSAN E. BUXTON\*  
PAUL J. FITZER  
MICHAEL C. MOORE†  
BRUCE M. SMITH  
PAUL A. TURCKE‡  
CARL J. WITHROED\*  
TAMMY A. ZOKAN\*

JOHN J. MCFADDEN\*†  
Of Counsel

» Also admitted in California

\* Also admitted in New Mexico

\* Also admitted in Oregon

Also admitted in South Dakota

† Also admitted in Washington

RECEIVED

JUL 26 2007

DEPARTMENT OF  
WATER RESOURCES

July 25, 2007

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

RE: SRBA 39576; Subcase No. 63-03616

To Whom It May Concern:

Enclosed please find the original and one copy of the Notice of Appearance for Bruce M. Smith to appear on behalf of John McCallum / ARK Properties LLC in the above referenced matter.

Please file the original and return a conformed copy to our office at your earliest convenience. For that purpose, I have enclosed a self-addressed, stamped envelope.

Thank you.

Sincerely,

MOORE SMITH BUXTON & TURCKE, CHTD.



Debbie Smith  
Legal Assistant to Bruce M. Smith

/dls

Enclosures

cc: Office of the Attorney General w/Enclosure  
United States Dept of Justice w/Enclosure  
IDWR Document Depository w/Enclosure

Bruce M. Smith, ISB #3425  
MOORE SMITH BUXTON & TURCKE, CHARTERED  
Attorneys at Law  
225 North 9<sup>th</sup> Street, Suite 420  
Boise, ID 83702  
Telephone: (208) 331-1800  
Facsimile: (208) 331-1202

Attorney for John McCallum/ARK Properties LLC

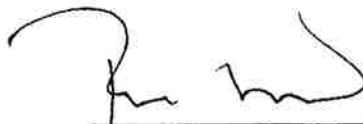
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

|                |   |                             |
|----------------|---|-----------------------------|
| In Re: SRBA,   | ) | Subcase No. 63-03616        |
|                | ) |                             |
| Case No. 39576 | ) | <b>NOTICE OF APPEARANCE</b> |
| _____          | ) |                             |

COMES NOW Bruce M. Smith and gives Notice of Appearance on behalf of John McCallum/ARK Properties LLC in the above SRBA Subcase. Please forward all future documents and correspondence to Bruce M. Smith, of the firm Moore Smith Buxton & Turcke, Chtd., located at 950 W. Bannock Street, Suite 520, Boise, Idaho 83702 on behalf of ARK Properties LLC.

DATED this 2 day of July, 2007.

MOORE SMITH BUXTON & TURCKE, CHTD.



\_\_\_\_\_  
Bruce M. Smith  
Attorney for ARK Properties LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25 day of July, 2007, I caused to be served a true and correct copy of the foregoing Notice of Appearance via prepaid, U.S. Mail, to the following:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724



---

BRUCE M. SMITH

**Music, Vicky**

---

**From:** Bruce M. Smith [BMS@msbtlaw.com]  
**Sent:** Monday, September 11, 2006 11:16 AM  
**To:** Music, Vicky  
**Cc:** Scott King (E-mail)  
**Subject:** RE: ARK Properties claims

Beef not dairy

-----Original Message-----

**From:** Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]  
**Sent:** Monday, September 11, 2006 10:47 AM  
**To:** Bruce M. Smith  
**Cc:** Scott King (E-mail)  
**Subject:** RE: ARK Properties claims

Bruce - re the stock. are they dairy cattle? if so, I need to know # of head of dairy cattle and no. of head beef cattle. Thanks. Vicky

-----Original Message-----

**From:** Bruce M. Smith [mailto:BMS@msbtlaw.com]  
**Sent:** Friday, September 01, 2006 3:06 PM  
**To:** Music, Vicky  
**Cc:** Scott King (E-mail)  
**Subject:** RE: ARK Properties claims

Thanks for the reminder Vicky—On 3616 and 3617, I found out the numbers are 600-900 depending on the type of cattle they have—cow/calf or yearlings. I suspect using the higher number would be better for my client in that it is still below the additional information number. On the other info, I have my request for info in but have not heard back. I will follow up to see where they are in terms of gathering the data. Thanks Bruce

-----Original Message-----

**From:** Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]  
**Sent:** Friday, September 01, 2006 3:00 PM  
**To:** Bruce M. Smith  
**Cc:** Scott King (E-mail)  
**Subject:** RE: ARK Properties claims

Bruce and Scott -

It has been nearly 2 weeks since your 8/20/2006 e-mail, Bruce, in which you stated you needed a couple more days to provide the information I requested. I have an in-house deadline to have all of my recommendation prepared for the Preliminary Directors' Report. That deadline is 9/22/2006, and if I do not have all of the information I need regarding the Ark Properties claims at least a week before that, I will disallow them. The Notice of Error procedure will hopefully provide the time you need to gather the info.

Vicky Music

-----Original Message-----

**From:** Bruce M. Smith [mailto:BMS@msbtlaw.com]  
**Sent:** Sunday, August 20, 2006 1:44 PM  
**To:** Music, Vicky; Scott King (E-mail); Bruce M. Smith

**Music, Vicky**

---

**From:** Music, Vicky  
**Sent:** Monday, September 11, 2006 11:01 AM  
**To:** 'Scott King'  
**Subject:** RE: ARK Properties claims

Thanks, Scott. Vicky

-----Original Message-----

**From:** Scott King [mailto:SKing@spfwater.com]  
**Sent:** Monday, September 11, 2006 10:48 AM  
**To:** Music, Vicky; Bruce M. Smith  
**Subject:** RE: ARK Properties claims

Vicky,

My understanding is that these are all range cattle, not dairy stock.

Scott

---

**From:** Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]  
**Sent:** Monday, September 11, 2006 10:47 AM  
**To:** Bruce M. Smith  
**Cc:** Scott King  
**Subject:** RE: ARK Properties claims

Bruce - re the stock. are they dairy cattle? if so, I need to know # of head of dairy cattle and no. of head beef cattle. Thanks. Vicky

-----Original Message-----

**From:** Bruce M. Smith [mailto:BMS@msbtlaw.com]  
**Sent:** Friday, September 01, 2006 3:06 PM  
**To:** Music, Vicky  
**Cc:** Scott King (E-mail)  
**Subject:** RE: ARK Properties claims

Thanks for the reminder Vicky-On 3616 and 3617, I found out the numbers are 600-900 depending on the type of cattle they have-cow/calf or yearlings. I suspect using the higher number would be better for my client in that it is still below the additional information number. On the other info, I have my request for info in but have not heard back. I will follow up to see where they are in terms of gathering the data. Thanks Bruce

-----Original Message-----

**From:** Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]  
**Sent:** Friday, September 01, 2006 3:00 PM  
**To:** Bruce M. Smith  
**Cc:** Scott King (E-mail)  
**Subject:** RE: ARK Properties claims

Bruce and Scott -

It has been nearly 2 weeks since your 8/20/2006 e-mail, Bruce, in which you stated you needed a couple more days to provide the information I requested. I have an in-house

**Music, Vicky**

---

**From:** Bruce M. Smith [BMS@msbtlaw.com]  
**Sent:** Thursday, August 03, 2006 3:38 PM  
**To:** Music, Vicky; Scott King (E-mail)  
**Cc:** Bruce M. Smith  
**Subject:** RE: ARK Properties claims

Scott—Please give me a call and we'll work through getting this info for Vicky. Bruce

-----Original Message-----

**From:** Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]  
**Sent:** Wednesday, August 02, 2006 11:07 AM  
**To:** Scott King (E-mail); Bruce M. Smith  
**Subject:** ARK Properties claims

Good morning Bruce and Scott -

I have begun my review of 63-2100, 63-2143, 63-2654, 63-3616, 63-3617, and 63-2690. These are all for licenses with priority dates ranging from 1909 to 1948. I need additional information before I can recommend these claims. For instance, item 5 "Description of diverting works" of the irrigation claims were incomplete. Also, none of the claims included maps of the places of use and points of diversion. Given that these licenses range from 58 to 97 years old and that the maps in the licenses files are not sufficiently detailed to allow me to determine specific acres irrigated, I need maps of the claimed irrigated acres and the points of diversion. I have listed the information specifically needed for each claim below.

63-2100

- 1- narrative description or map of diversion and delivery works
- 2 - description of domestic use
- 3 - pou map of 15 acres claimed and point of diversion

63-2143

- 1- narrative description or map of diversion and delivery works
- 2 - description of domestic use
- 3 - pou map of 15 acres claimed and location of points of diversion
- 4 - a 5th point of diversion was claimed. When was this pod added?

63-2654

- 1- narrative description or map of diversion and delivery works
- 2 - pou map of 100 acres claimed and location of point of diversion
- 3 - the claim indicates that an accomplished transfer in place of use occurred. I need a description and date of this claimed change.

63-2690

- 1- narrative description or map of diversion and delivery works
- 2 - description of domestic use
- 3 - pou map of 25 acres claimed and location of point of diversion

63-3616

- 1- narrative description or map of diversion and delivery works - same earthen dam as originally

licensed?

2 - number and type of stock

63-3617

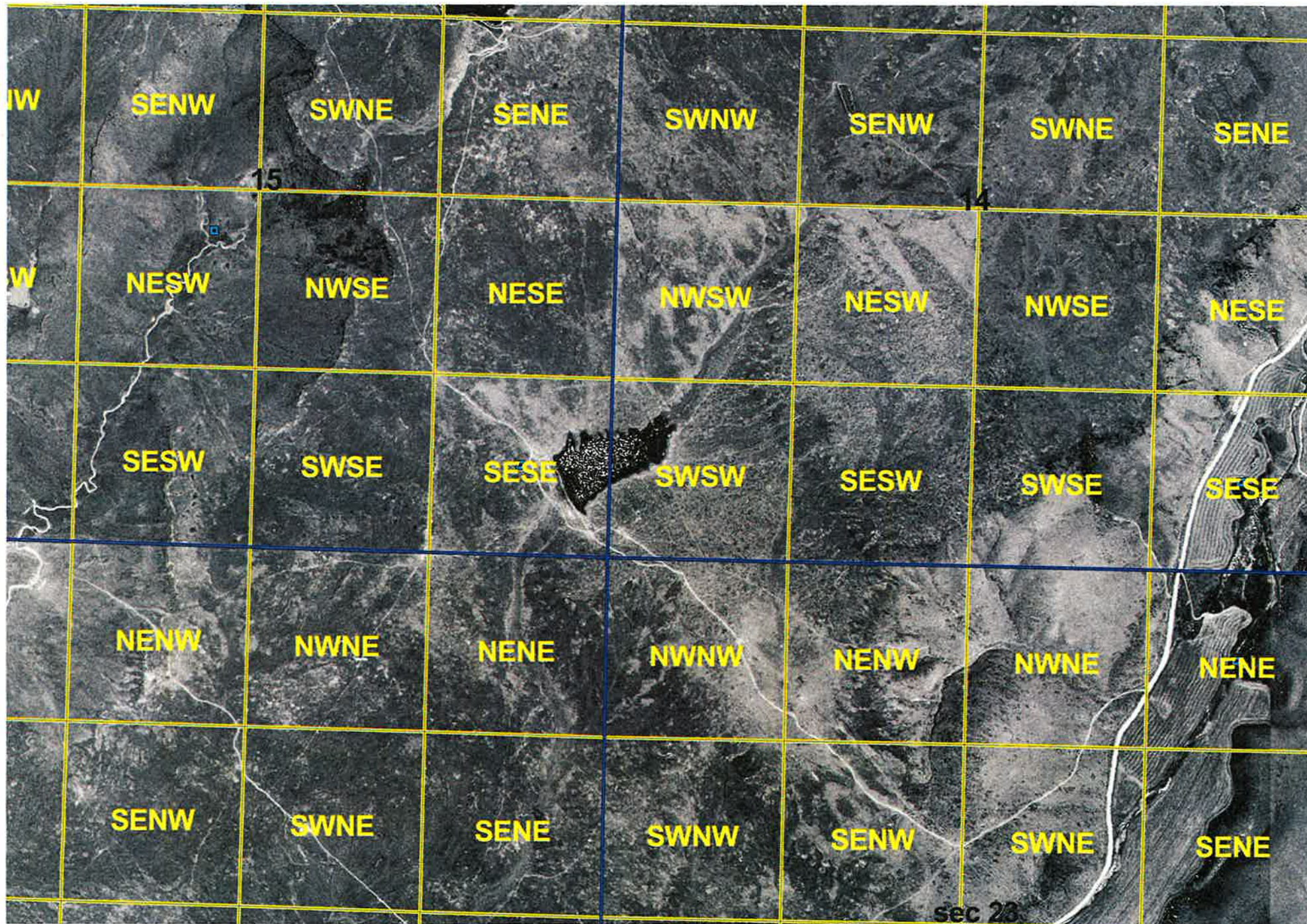
1- narrative description or map of diversion and delivery works - same earthen dam as originally licensed?

2 - number and type of stock

The preliminary directors report is tentatively scheduled to go out in about 8 weeks so I need this information by August 21, 2006. Thanks.

Vicky L. Music  
Sr. Water Resource Agent  
Adjudication Bureau  
IDWR/Western Region  
2735 Airport Way  
Boise, Idaho 83705-5082  
(208) 334-2190

8/7/2006



63-3616 - LICENSED IN 1946. 1998 AERIAL. LICENSE AND CLAIM IS FOR STOCKWATER STORAGE FOR STOCKWATERING FROM A POND CREATE BY A EARTHEN DAM ON THE CALDWELL DRAW.

**SPF**

Water Engineering, LLC  
water resource consultants

RECEIVED

JUN 29 2006

WATER RESOURCES  
WESTERN REGION

June 29, 2006

Idaho Department of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID 83705-5082

Attention: Jan Shurte

*Subject: Ark Properties LLC Claims*

Dear Jan,

Enclosed on behalf of Ark Properties LLC are six SRBA claims to waters in the Indian Creek area. Please contact Bruce Smith or me with any questions or requests for additional information.

Sincerely,

Scott N. King, P.E.  
Senior Project Engineer

cc: Bruce Smith  
John McCallum / Ark Properties LLC

File: 310.0060

09/13/2006

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

RIGHT NUMBER: 63-3616

NAME AND ADDRESS: ARK PROPERTIES LLC  
11204 N BAR 21 DR  
GLENNS FERRY ID 83623-5033

SOURCE: DRY GULCH CREEK

TRIBUTARY: INDIAN CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/27/1946

POINT OF DIVERSION:

T01N R04E S14 SWSW Within ELMORE County

T01N R04E S15 SESE Within ELMORE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>   | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-------------------------|----------------------|-----------------|
| STOCKWATER FROM STORAGE | 01/01 12/31          | 0.020 CFS       |
| STOCKWATER STORAGE      | 01/01 12/31          | 10.00 AFY       |

PLACE OF USE: STOCKWATER STORAGE Within ELMORE County

T01N R04E S14 SWSW T01N R04E S15 SESE

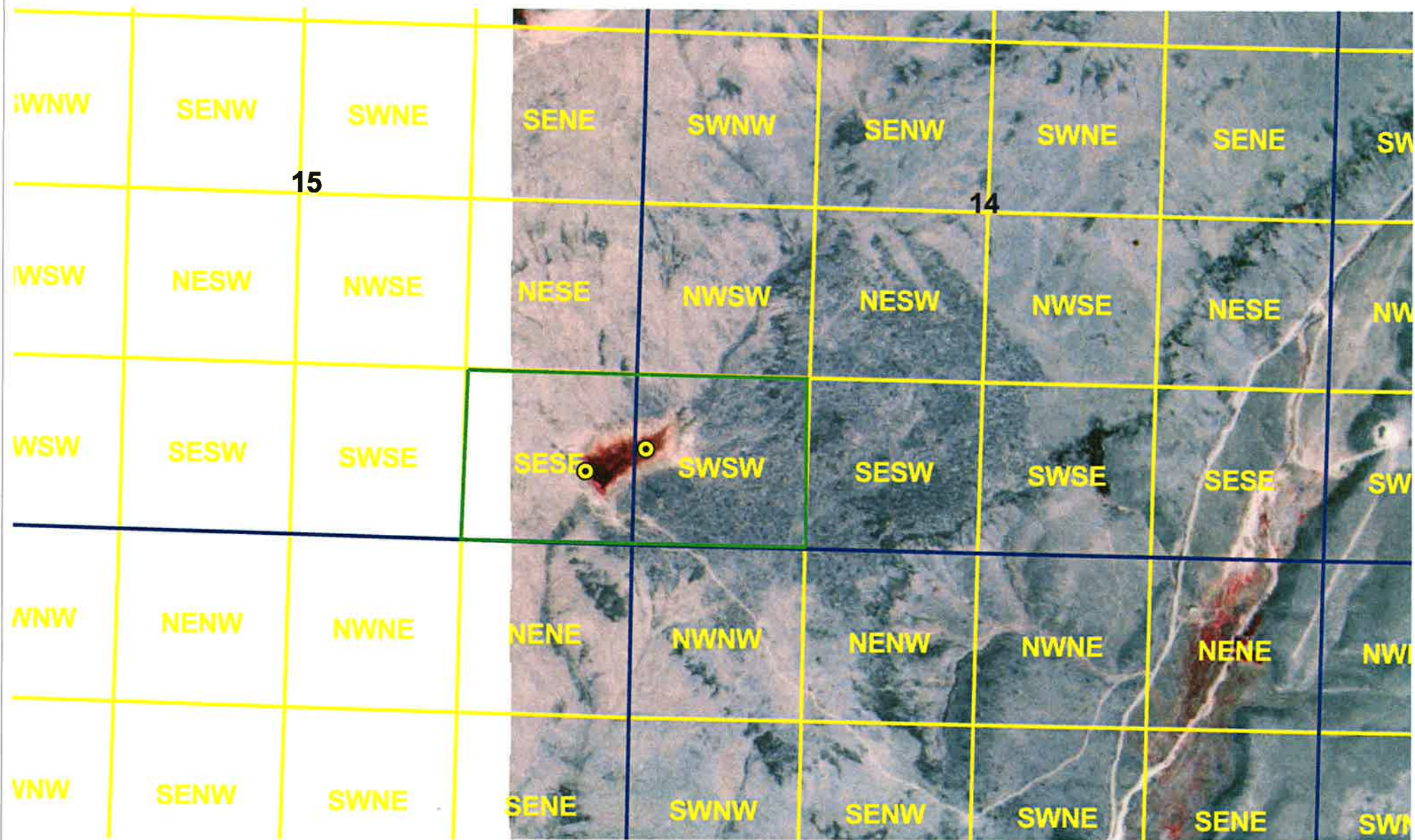
STOCKWATER FROM STORAGE same as STOCKWATER STORAGE

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License  
Stockwater use is for 900 range cattle.



63-3616

**IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POD REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 63-3616**

09/13/2006

1

| ater Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Source                           | Name                    |
|--------------|-------------|-----|-----|-----|----|----|-----|----------------------------------|-------------------------|
| 63-3616      | Claim       | 01N | 04E | 14  | SE | SE |     | DRY GULCH CREEK INDIAN CREEK     | ARK PROPERTIES LLC      |
| 63-2143      | Claim       | 01N | 04E | 14  | SE | SE |     | SLATER CREEK INDIAN CREEK        | ARK PROPERTIES LLC      |
| 63-29422     | Claim       | 01N | 04E | 15  | SE | SE |     |                                  | SAND SPRINGS RANCH & CO |
| 63-3616      | Claim       | 01N | 04E | 15  | SE | SE |     | DRY GULCH CREEK INDIAN CREEK     | ARK PROPERTIES LLC      |
| 63-2143      | Water Right | 01N | 04E | 14  | SE | SE |     | SLATER CREEK INDIAN CREEK        | MARY JACKSON            |
| 63-29422     | Water Right | 01N | 04E | 15  | SE | SE |     | CALDWELL DRAW CREEK INDIAN CREEK | SAND SPRINGS RANCH & CO |
| 63-3616      | Water Right | 01N | 04E | 15  | SE | SE |     | DRY GULCH CREEK INDIAN CREEK     | JAMES O BECK            |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3616

WATER RIGHT NUMBER: 63-3616

Owner Type                      Name and Address  
 Original Owner                  JAMES O BECK  
  
 Current Owner                  MAYFIELD STAGE, ID  
                                          ARK PROPERTIES LLC  
                                          11204 N BAR 21 DR  
                                          GLENN'S FERRY, ID 83623-5033  
                                          (208)366-7931

Priority Date: 12/27/1946

Basis: License

Status: Active

Source

DRY GULCH CREEK

Tributary

INDIAN CREEK

Beneficial UseSTOCKWATER FROM  
STORAGEFrom    To

01/01 to 12/31

Diversion Rate

.02

Annual Volume

10.00 AF

STOCKWATER STORAGE

01/01 to 12/31

10.00 AF

10.00 AF

Total Diversion:Location of Point(s) of Diversion

DRY GULCH CREEK

ELMORE County

SE1/4SE1/4

Sec. 14, Twp 01N, Rge 04E, B.M.

DRY GULCH CREEK

ELMORE County

SE1/4SE1/4

Sec. 15, Twp 01N, Rge 04E, B.M.

Place of Use

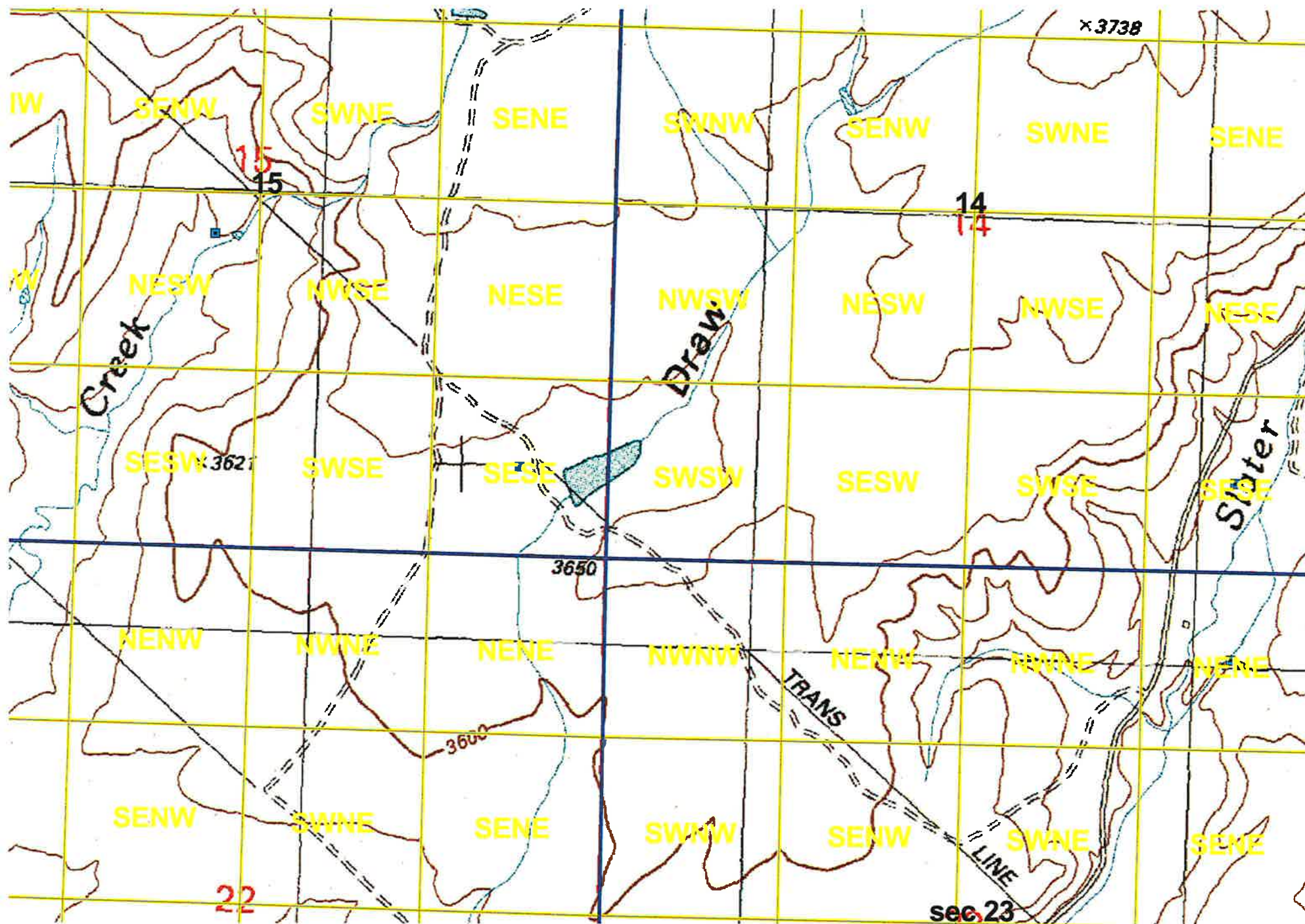
STOCKWATER STORAGE

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 01N | 04E | 14  |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |        |
| 01N | 04E | 15  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |

STOCKWATER FROM STORAGE same as STOCKWATER  
STORAGE

Conditions of Approval:Remarks:

*02 SW is for 900 hd range cattle.  
 NO 4 for SW not a det of his bln  
 NO 5 for SW not a det of his 40 > 13 k hd*



63-3616 - LICENSED IN 1946. 1998 AERIAL. LICENSE AND CLAIM IS FOR STOCKWATER STORAGE FOR STOCKWATERING FROM A POND CREATE BY A EARTHEN DAM ON THE CALDWELL DRAW.

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POU REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 63-3616

09/13/2006

1

| Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use     | Acres/Total | Name                    |
|---------|-------------|-----|-----|-----|----|----|-----|--------------------|-------------|-------------------------|
| 3616    | Claim       | 01N | 04E | 14  | SW | SW |     | STOCKWATER STORAGE |             | ARK PROPERTIES LLC      |
| 3616    | Water Right | 01N | 04E | 14  | SW | SW |     | STOCKWATER STORAGE |             | JAMES O BECK            |
| 29422   | Water Right | 01N | 04E | 15  | SE | SE |     | STOCKWATER         |             | SAND SPRINGS RANCH & CO |
| 3616    | Claim       | 01N | 04E | 15  | SE | SE |     | STOCKWATER STORAGE |             | ARK PROPERTIES LLC      |
| 3616    | Water Right | 01N | 04E | 15  | SE | SE |     | STOCKWATER STORAGE |             | JAMES O BECK            |

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POU REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 63-3616

07/14/2006

1

| Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use     | Acres/Total | Name                    |
|---------|-------------|-----|-----|-----|----|----|-----|--------------------|-------------|-------------------------|
| 3616    | Claim       | 01N | 04E | 14  | SW | SW |     | STOCKWATER STORAGE |             | ARK PROPERTIES LLC      |
| 3616    | Water Right | 01N | 04E | 14  | SW | SW |     | STOCKWATER STORAGE |             | JAMES O BECK            |
| 29422   | Water Right | 01N | 04E | 15  | SE | SE |     | STOCKWATER         |             | SAND SPRINGS RANCH & CO |
| 3616    | Claim       | 01N | 04E | 15  | SE | SE |     | STOCKWATER STORAGE |             | ARK PROPERTIES LLC      |
| 3616    | Water Right | 01N | 04E | 15  | SE | SE |     | STOCKWATER STORAGE |             | JAMES O BECK            |

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3616

WATER RIGHT NUMBER: 63-3616

Owner Type                      Name and Address  
 Current Owner                  JAMES O BECK  
                                          MAYFIELD STAGE, ID

Priority Date: 12/27/1946

Basis: License

Status: Active

Source                                      Tributary  
 DRY GULCH CREEK                      INDIAN CREEK

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-------------------------|-----------------------|----------------------|
| STOCKWATER FROM STORAGE | / to /                  |                       | 10.00 AF             |
| STOCKWATER STORAGE      | / to /                  |                       | 10.00 AF             |
|                         | <u>Total Diversion:</u> |                       | 10.00 AF             |

Location of Point(s) of Diversion

|                                  |            |                                 |
|----------------------------------|------------|---------------------------------|
| DRY GULCH CREEK<br>ELMORE County | SW1/4SW1/4 | Sec. 14, Twp 01N, Rge 04E, B.M. |
| DRY GULCH CREEK<br>ELMORE County | SE1/4SE1/4 | Sec. 15, Twp 01N, Rge 04E, B.M. |

Place of Use

STOCKWATER STORAGE

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 01N | 04E | 14  |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |        |
| 01N | 04E | 15  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |

STOCKWATER FROM STORAGE same as STOCKWATER STORAGE

Conditions of Approval:Remarks:

# **State of Idaho** **License and Certificate of Water Right**

Water License No. R-777Amount 10 acre feet

Water District No. \_\_\_\_\_

Priority December 27, 1946

THIS IS TO CERTIFY that JAMES O. BECK  
 of Mayfield, Idaho, made application for a permit to appropriate the  
 public waters of the State of Idaho, dated December 27, 1946; that Permit No. R-777  
 was issued under said application; that Certificate of Completion of works, with a <sup>storage</sup> ~~diversion~~ capacity of  
 10 / ~~second~~ <sup>acre</sup> feet, was issued thereunder on March 21, 1947, showing that said works  
 were completed on the 17th day of March, 1947; and that on the 5th  
 day of May, 1947,

JAMES O. BECK

of Mayfield, State of Idaho, made proof to the satisfaction of the  
 State Reclamation Engineer of Idaho, of the right to use the waters of  
Dry Gulch, a tributary of Indian Creek, for the purpose of stock watering  
under Use Permit No. R-777 of the Department 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 State Reclamation Engineer of Idaho and entered of record in Volume  
8 of Licenses at page 4418, on the 28th day of April, 1948;  
 The right hereby confirmed dates from December 27, 1946;  
 outlet  
 The Point of Diversion is located in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 15, and  
 in the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Sec. 14, Tp. 1 N., R. 4 E., B. M. Elmore 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 ten (10) cubic feet per second, acre feet per annum

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract                                                                                                                        | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------|
|      |       |      | SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14,<br>Township 1 North, Range 4 East, B.M. |                                  |                                 |

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 State Reclamation Engineer, affixed at Boise, Idaho, this

28th day of April, 1948./s/ MARK R. KULPState Reclamation Engineer

(SEAL)

63 3610

## STATE OF IDAHO

## DEPARTMENT OF RECLAMATION

BOISE, IDAHO

## REPORT OF ENGINEER

Permit No. B-777This proof is for Beneficial use

In Water District No. ....

1. Name of applicant James O. Beck, Mayfield, Idaho2. Source of water supply: Dry Gulch, tributary to Indian Creek3. Location of point of diversion: Is in the SE 1/4 SE 1/4 Sec. 15 and SW 1/4 SW 1/4 of Section 14T. 1 N. R. 4 E. County of Elmore

4. Describe works as they exist, giving dimensions and capacities of same: .....

An earth fill dam 12 feet high X 630 feet long; slopes are approximately 2-1 of somewhat rough finish.The spillway is 12 feet wide X 4 feet deep over lava bed.5. Water is used for: Stock watering6. 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 other than irrigation):

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

8. What large stream would the water here appropriated finally reach? None

Remarks: .....

This examination was made on the 25th day of July, 1947(Signed) [Signature]  
Examiner.

R-777

63-3616 R-777

# APPLICATION FOR PERMIT

To Construct a Reservoir and Store and Appropriate  
The Public Waters of the State of Idaho

Application No. R 27555  
Permit No. R 777

1. Name of Applicant: JAMES O. BECK

Postoffice address: Mayfield

County Elmore

State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of Capital Stock: \$

(c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the corporation are:

(a) Cash on hand: \$

(b) Treasury Stock: \$

(c) Bonds to be issued: \$

(d) Other resources:

2. Quantity of water to be stored: 10

acre feet per annum.

3. Source of water supply is Dry Gulch (Creek) (River) (Spring), a tributary of Indian Creek River.

4. The outlet of the proposed reservoir is located N. 39° 00' 17" / feet, distant from the S E corner of Section 15, Township 1 N., Range 4 E., B. M. and is in the SE 1/4 of Section 15, Township 1 N., Range 4 E., B. M. County of Elmore and SW 1/4 Section 14

5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Dry Gulch (Creek) (River).

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located (bearing) feet distant from

the corner of Section , Township , Range , B. M., and is in the 1/4 of 1/4 of Section , Township , Range , B. M.; width at bottom feet, width at top

feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second.

6. (a) The area of the high water line of the reservoir is 4 acres.

(b) The reservoir capacity is 10 acre feet.

7. Height of reservoir dam 9 feet, length at top 400 feet, length at bottom 180 feet, size of spillway outlet 16 feet

by 3 feet. The dam is to be constructed of materials as follows: Earth fill- rock riprap on face

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without commingling with natural flow of

(Creek) (River) ?

(b) Water stored in reservoir will be carried in the channel of (Creek) (River), a distance

of miles to point of diversion located (bearing) feet, distant from the corner of Section

Township , Range , B. M., and in the 1/4 of 1/4 of Section , Township , Range

B. M.

9. Amount of water claimed from (Creek) (River) (Spring) in addition to that stored in reservoir cubic feet per second.

10. Water is to be used for Stock watering purposes.

11. If for mining, milling, power or manufacturing purposes give:

(a) Point of use of water (bearing) feet, distant from Corner of Section , Township , Range

B. M. and is in the 1/4 of 1/4 of Section , Township , Range , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to (Creek) (River) (Spring) at a point (bearing) feet

distant from the corner of Section , Township , Range , B. M., in

the 1/4 of 1/4 of Section , Township , Range B. M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No.

, which is hereby referred to and made a part hereof.

13. Kind of diversion works:

(Dam, canal, flume, pipe, etc.)

14. Height of diversion dam:

feet, length at top

feet, length at bottom

feet. The dam is to be constructed

of materials as follows:

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: Width

feet, Height

feet.

16. Diversion Canal: Width at bottom

feet, width at water line

feet, depth of water

feet, Dimensions of Flume

Diameter of Pipe

Inches; Length of Conduit

miles. Average grade per mile

feet.

17. Estimated cost of Works: Storage Works: \$

Diversion Works: \$

18. Time required for completion of work None

years.

19. Time required for complete application of water to proposed beneficial use is None

years.

20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

| 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 $\frac{1}{4}$ |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total Number of Acres to be Irrigated

Remarks: Work all completed. Water stored to be used for stock watering. Work started in 1924 and dam completed to present height in 1941

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and store and appropriate the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

JAMES O. HECK

Applicant.

State Reclamation Engineer

By

Agent.

Date of first receipt at office of Commissioner of Reclamation 11:00 A. M. December 27, 1946

Returned to applicant for correction

Corrected application received

### STATE RECLAMATION ENGINEER APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is R 777

Recorded in book R 3

, page 777

Approved January 10, 1947

This is to certify that I have examined the within application for a permit to construct a reservoir and store and appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ , to be filed on or before

Work to begin on or before Completed and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One fifth of the work above specified to be completed on or before

The whole of said work to be completed on or before April 10, 1947

Beneficial use of water stored in accordance herewith, to be made on or before April 10, 1947

Witness my hand this 10th day of January, 1947

10  
MARK R. KULP  
Commissioner of Reclamation.  
State Reclamation Engineer

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho, and J. D. PRICE, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho and caused the Great Seal of the State of Idaho to be hereunto affixed, this 10th day of January, 1947.

( S E A L )

Countersigned:  
By J. D. CY PRICE  
Secretary of State

STATE OF IDAHO  
By C. A. ROBINS  
Governor

## PERMIT NO. R-777

## CERTIFICATE OF COMPLETION OF RESERVOIR AND RIGHT TO STORE WATER

Amount: 10 acre feet

Priority:

To All Whom it May Concern:

This is to certify that JAMES O. BECK, of Mayfield, County of Elmore, and State of Idaho, the holder of Permit No. R-777, issued upon Application No. 27555, bearing date of priority of December 27, 1946, authorizing the construction of a reservoir and the right to store the waters of Dry Gulch, a tributary of Indian Creek, County of Elmore, State of Idaho, for stock watering purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works as set out and described in said Permit;

That said works are adequate for the storage of ten (10) acre feet of water per annum;

That the location of the outlet of said reservoir is in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 15, Township 1 North, Range 4 East, B.M.

That the right to store the said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer, and entered of record in Volume R-3 of Permits, at page 777, records of the Department of Reclamation, on the 21st day of March, 1947.

That the right hereby confirmed dates from December 21, 1946, and that the amount of water to which such right is, by this certificate, entitled to store annually, shall not exceed ten (10) acre feet.

WITNESS the seal and signature of the State Reclamation Engineer of the State of Idaho, affixed at Boise, Idaho, this 21st day of March, A. D. 1947.

MARK R. KULP  
State Reclamation Engineer

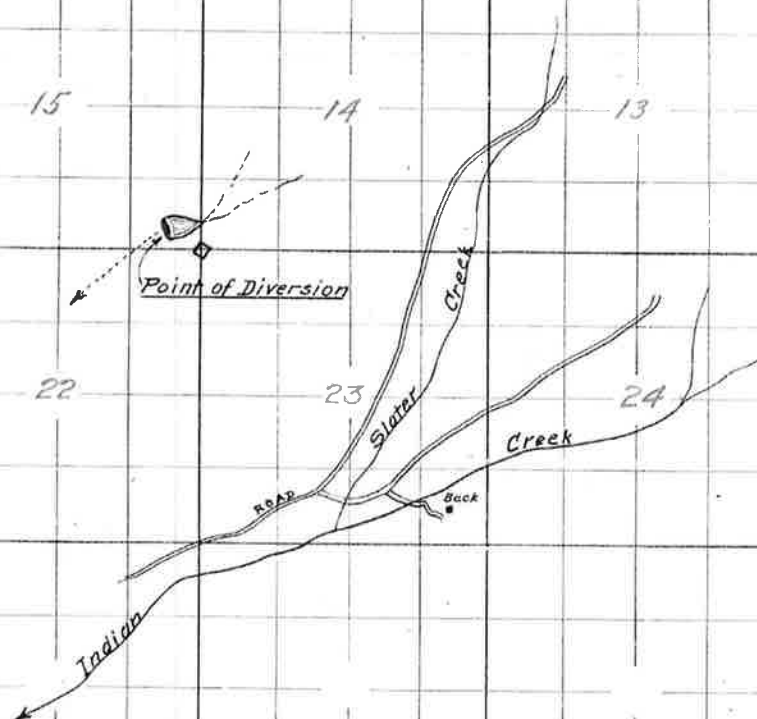
Proof of completion of works made March 17, 1947  
Certificate of completion of works issued March 21, 1947

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the making of proof of beneficial use under Permit to appropriate the Public Waters of the State of Idaho, No. R-777, to May 5, 1947.  
Witness my hand this 17th day of March, 1947.

MARK R. KULP  
State Reclamation Engineer

RECEIVED FOR 10... A. SEC. FT.  
p. 4418



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

NAME OF APPLICANT James O. Beck

FORM No. 0

15 14

Spillway 16x3'

Dam

N. 23° 00' W.

22 23

T. 1 N. - R. 4 E. B. M.

Permit Map No. R-777

As Approved

JAN 1 1947

JOHN R. KULP

Professional Engineer

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

R-777