

12/16/2013

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

RIGHT NUMBER: 61-2236B

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: HOT SPRINGS CREEK

TRIBUTARY: BENNETT CREEK

QUANTITY: 4.00 AFY

This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.

PRIORITY DATE: 03/24/1965

POINT OF
DIVERSION:

T04S R08E S16 NENE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER FROM STORAGE	1/01 12/31	4.00 AFY
	STOCKWATER STORAGE	1/01 12/31	4.00 AFY
PLACE OF USE:	<u>STOCKWATER STORAGE in ELMORE County</u>		
	T03S R08E S30 SESW	T04S R08E S06 Lot 5 SWNW	
	T04S R08E S06 Lot 6 NWSW	T04S R08E S08 SENW	
	<u>STOCKWATER FROM STORAGE in ELMORE County</u>		
	T03S R08E S30 SESW	T04S R08E S06 Lot 5 SWNW	
	T04S R08E S06 Lot 6 NWSW	T04S R08E S08 SENW	

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

BLM Record ID = 6101688153.



Idaho Department of Water Resources

Adjudication Recommendation

61-2236B

(STOCKWATER FROM STORAGE)

Point of Diversion



Place of Use



State Outline



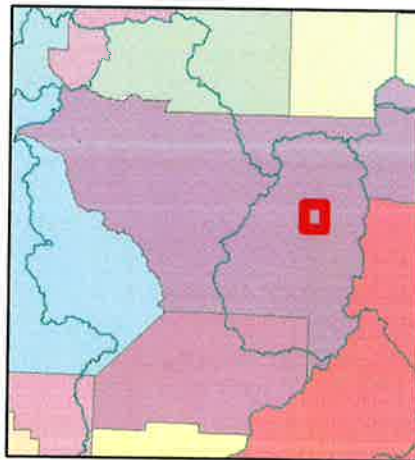
Townships



PLS Sections



Quarter Quarters



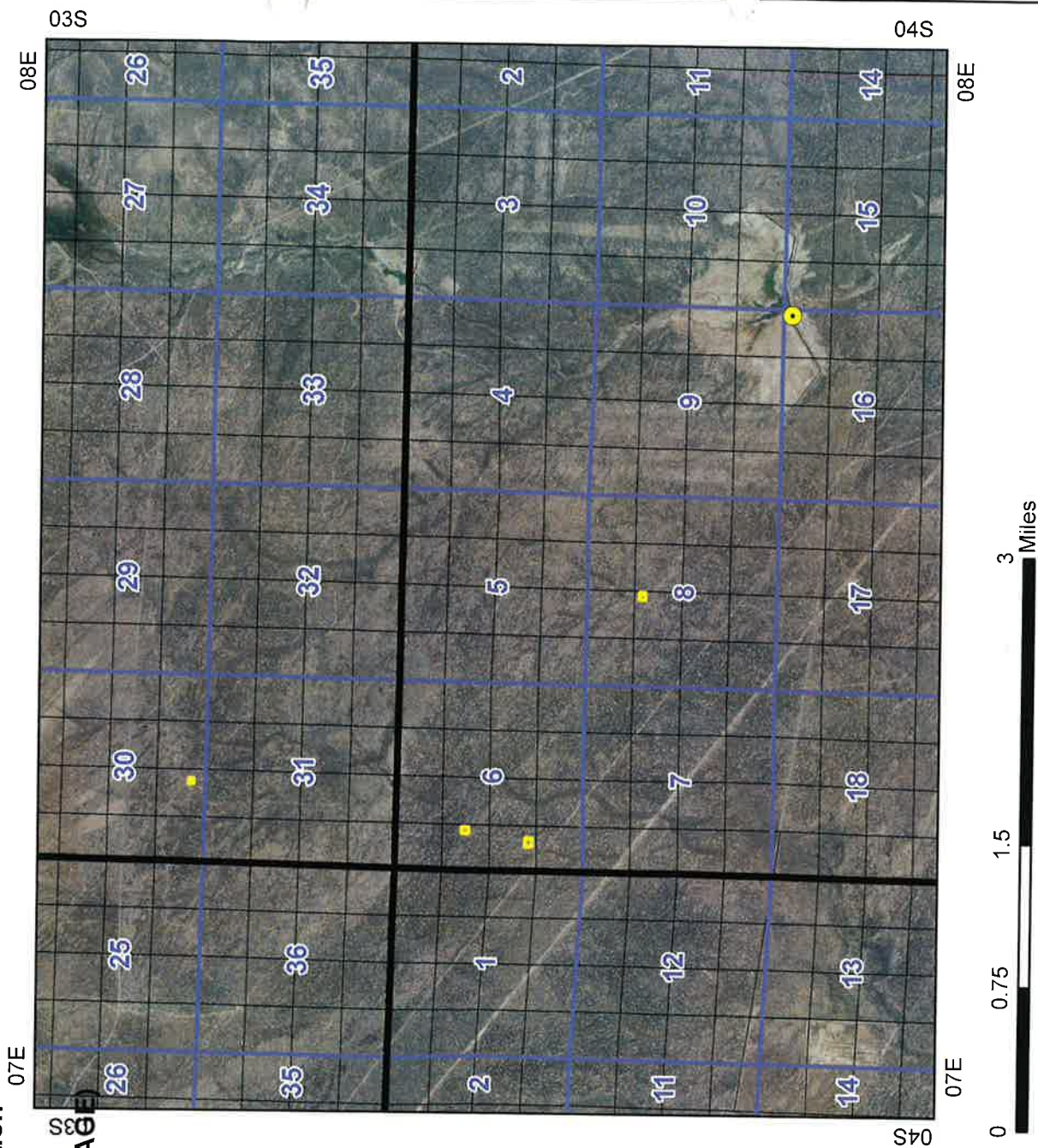
Elmore County

IDWR Basin 61

Prepared by Shurte, Jan

On August 29, 2013

2009 Aerial Photography





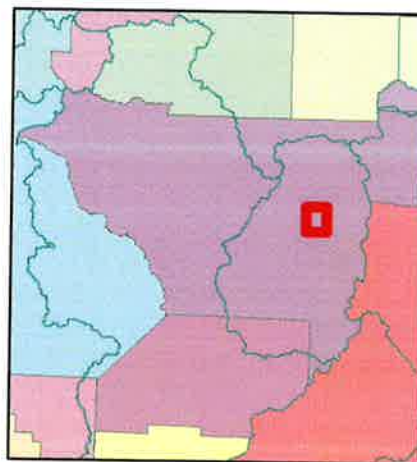
Idaho Department of Water Resources

Adjudication Recommendation

61-2236B

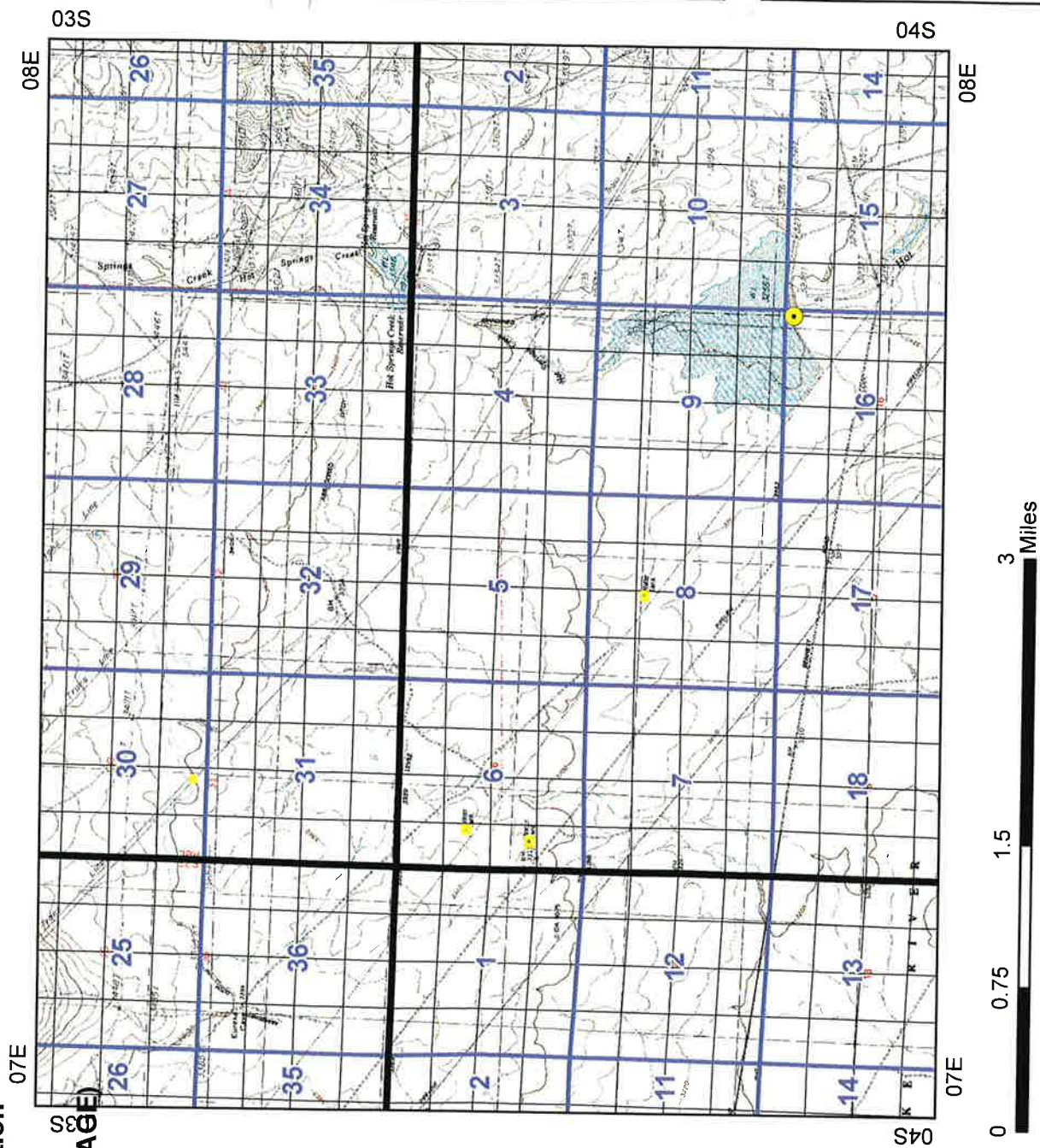
(STOCKWATER FROM STORAGE)

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



Elmore County
IDWR Basin 61

Prepared by Shurte, Jan
On August 29, 2013
USGS 7.5 Minute Topographic Map



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/29/2013

Adjudication Recommendation 61-2236B V1

Owner Type
Current Owner

Name and Address
UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657
(208) 373-4000

Priority Date: 3/24/1965

Basis: License

Status: Active

Source
HOT SPRINGS CREEK

Tributary
BENNETT CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER STORAGE	1/01	12/31		4.0 AF
STOCKWATER FROM STORAGE	1/01	12/31		4.0 AF
<u>Total Diversion</u>				4.0 AF

Source and Point(s) of Diversion

HOT SPRINGS CREEK NENE Sec. 16, Twp 04S, Rge 08E, ELMORE County

Place Of Use

STOCKWATER STORAGE within ELMORE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	08E	30												X					
04S	08E	6							X L5			X L6							
04S	08E	8								X									

STOCKWATER FROM STORAGE within ELMORE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	08E	30												X					
04S	08E	6							X L5			X L6							
04S	08E	8								X									

Conditions of Approval:

1. C18 General

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

IDAHO DEPARTMENT OF WATER RESOURCES

8/29/2013

Proof Report

- no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. BLM Explanatory BLM Record ID = 6101688153.
3. R37 Quantity This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.

Comments:

1. jshurte 8/29/2013 Recommendation
N05 and N08 do not apply to this recommendation. This right is based on a license so historical beneficial use of the right has been established. 13,000 gpd condition is not needed since the right is already limited to 4.0 af and the 13,000 gpd remark would expand this right. Added the grazing allotment condition since it does appear that BLM has other rights from different sources in this allotment.

2. jshurte 8/29/2013 Source
Source claimed is Warm Springs Creek. Topo map shows the source as Hot Springs Creek. The other split from this reservoir is 63-2236C which was recommended as Hot Spring Creek without an s. The topo shows it with Springs rather than Spring thus the difference on this recommendation.

Dates and Other Information

State or Federal: S
Mitigation Plan: False

NOTE: POU IN SE NW Q. 8 NOT SW NW Q. 8. SEE AERIAL PHOTO PLUS PIPELINE + WATER TROUGH IN SE NW Q. 8 W/21P IN SW NW Q. 8.

Combined Use Limits

N/A

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
POD	8/29/2013	jshurte			Active
Summary	8/29/2013	jshurte	8/29/2013	jshurte	Active

Verification Log

Element	Date	User	Log Text
POU	6/10/2013	jshurte	Updated Shape
POU	8/28/2013	jshurte	Updated Shape
POD	8/29/2013	jshurte	Updated Shape
POD	8/29/2013	jshurte	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Summary	8/29/2013	jshurte	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse

IDAHO DEPARTMENT OF WATER RESOURCES

8/29/2013

Proof Report

occurred that could result in recommending forfeiture or partial forfeiture?
(No) 5. Does this right have any combined use limits with other rights?
(No) 6. Is an additional remark and/or condition required?
(Yes) 7. Would you like to view the recommended right?
(Yes) 8. Is this a split or combined right?
(No) 9. Do you have documents you would like to attach or link to the file?
(Yes) 10. Would you like to set the verification date?

POU

8/29/2013

jshurte

Updated Shape

SubCase:

N/A

Water Supply Bank:

N/A

SYSTEM DESCRIPTION

CLAIMANT: BENNETT CREEK FARMS AND/OR CARL REYNOLDS & SONS

CLAIM NOS.: A61-00277, -00278, -00279, -00359, -00360, -02034,

-02092, -02225, -02236C, -02236D, -07244, -007273

The main components of the Bennett Creek Farm irrigation system consists of five on-stream reservoirs, seven pumping stations, one main diversion structure on Bennett Creek that feeds a delivery canal and a mainline system from the seven pumping stations to pressurize sprinkler systems that provide irrigation water to the fields. The names and capacities of the five reservoirs are:

Hot Springs Creek Reservoir #1--capacity	450 AF
Hot Springs Creek Reservoir #2--capacity	5334 AF
Hot Springs Creek Reservoir #3--capacity	553 AF
Upper Teapot Reservoir-----capacity	424 AF
Lower Teapot Reservoir-----capacity	812 AF

The pumping stations contain from one to three pumps. The horse power, serial numbers and manufacture's names for the motors and pumps as determined by a 1987 licensing field exam are described on Attachment "A" to this memo. Some of the equipment was upgraded and changed between the 1987 exam and a subsequent adjudication field exam in 1994. The changes are noted in parentheses.

The uppermost reservoir, Hot Springs Creek #1 receives only Hot Springs Creek (aka Warm Springs Creek) water and is also known as Hall Reservoir. Water is released back into Hot Springs Creek where it flows through the other two Hot Springs Reservoirs and then re-diverted from pumping stations in the two Teapot Reservoirs which are located on Bennett Creek.

Hot Springs Creek Reservoir #2 receives Bennett Creek water from a canal that originates at a P/D in Section 1, T04S, R08E. The canal is about 4.5 miles long from the P/D to the reservoir. Water is also released from this reservoir into Hot Springs Creek and re-diverted from pump stations in the two Teapot Reservoirs to the mainline system and sprinklers.

Hot Springs Creek Reservoir #3 fills from water released from Hot Springs #2 which is upstream. The source and P/D for #3 is the same as #2. Water released from #3 is distributed to the fields in the same manner as described for Hot Springs Reservoirs #1 & #2. The water right for this facility is covered in license 61-07561 that did not require an SRBA filing.

The two Teapot Reservoirs are located on stream in Bennett Creek. They receive water that flows through Hot Springs #2 & #3 reservoirs for re-diversion and direct flow Bennett Creek water for

storage and diversion to the mainline and sprinkler system.

The seven pump stations on Bennett Creek, including the three at the Teapot Reservoirs, all divert to mainlines. With the utilization of portable mainlines, the entire farm can be put under sprinkler irrigation. About one-third (1200 acres) of the place of use is currently being farmed and the remaining is enrolled in the CRP program.

7/11/1996

-
- A hand-drawn map on a grid showing a path. The path starts at a point labeled '30' and goes to '31'. From '31', it goes to a point labeled 'px'. From 'px', it goes to a point labeled 'py'. From 'py', it goes to a point labeled '78'. From '78', it goes to a point labeled '8'. From '8', it goes to a point labeled '9'. There are also labels 'R7E', 'R8E', 'T3S', 'T4S', 'R3E', and 'R8E' around the grid. The path is marked with arrows indicating direction.

14. Remarks Hot Creek Pipeline project # 6228
Pipeline uses 4 cfs of water from reservoir built to
store irrigation water that was diverted from
Beckett Creek and collected from Hot Springs Creek.
Hot Springs Creek and Warm Springs Creek are same stream.

- CONSULTANT SEAL

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 61-02236C

NAME AND ADDRESS: CARL REYNOLDS & SONS
C/O STEVE REYNOLDS
1115 W 24TH S
MOUNTAIN HOME, ID 83647

SOURCE: HOT SPRINGS CREEK TRIBUTARY: BENNETT CREEK
QUANTITY: 286.00 AFY

THIS RIGHT WHEN COMBINED WITH 61-02225 IS LIMITED TO THE
STORAGE OF 450 AF.

PRIORITY DATE: 03/24/1965

POINT OF DIVERSION: T04S R08E S03 NWNWNW Within Elmore County
 S34 NWNWSE (Rediversion)
 SESWSE (Rediversion)
T05S R08E S03 SENWNE (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	286.00 AFY
	Irrigation from Storage	04-01 TO 10-31	286.00 AFY

PLACE OF USE:	Irrigation from Storage	Within Elmore County	
T04S R08E S22	NESE 37.0	SESE 38.0	
	SWNE 38.0	NESW 37.0	
	NWSW 39.0	SWSW 40.0	
	SESW 35.0	NWSE 36.0	
	SWSE 38.0	SESE 38.0	
	SWSW 38.0	SESW 37.0	
	NESE 34.0	NWSE 38.0	
	SWSE 40.0	SESE 35.0	
	S24	NENW 37.0	NWNW 40.0
		SWNW 37.0	SENW 34.0
NESW 40.0		NWSW 40.0	
SWSW 40.0		SESW 40.0	
NESE 35.0		NWSE 40.0	
SWSE 40.0		SESE 35.0	
NENE 41.0		NWNE 41.0	
SWNE 38.0		SENE 38.0	
S25		NENW 38.0	NWNW 39.0
		SWNW 34.0	SENW 36.0
	NESW 37.0	NWSW 33.0	
	SWSW 39.0	SESW 37.1	
	NESE 41.0	NWSE 41.0	
	SWSE 36.4	SESE 41.0	
	NENE 40.0	NWNE 39.0	
	SWNE 36.0	SENE 37.0	
	S26	NESE 34.0	NWSE 28.0
		SWSE 14.0	SESE 29.1
NENE 34.0		SENE 38.0	
NESW 38.0		NWSW 36.0	
SWSW 37.0		SESW 32.0	
NESE 36.0		SESE 34.0	
NENE 35.0		NWNE 39.0	
SWNE 39.0		SENE 39.0	
S27		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
	NESW 37.0	NWSW 33.0	
	SWSW 39.0	SESW 37.1	
	NESE 41.0	NWSE 41.0	
	SWSE 36.4	SESE 41.0	
	NENE 40.0	NWNE 39.0	
	SWNE 36.0	SENE 37.0	
	S28	NESE 34.0	NWSE 28.0
		SWSE 14.0	SESE 29.1
NENE 34.0		SENE 38.0	
NESW 38.0		NWSW 36.0	
SWSW 37.0		SESW 32.0	
NESE 36.0		SESE 34.0	
NENE 35.0		NWNE 39.0	
SWNE 39.0		SENE 39.0	
S29		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
	NESW 37.0	NWSW 33.0	
	SWSW 39.0	SESW 37.1	
	NESE 41.0	NWSE 41.0	
	SWSE 36.4	SESE 41.0	
	NENE 40.0	NWNE 39.0	
	SWNE 36.0	SENE 37.0	
	S30	NESE 34.0	NWSE 28.0
		SWSE 14.0	SESE 29.1
NENE 34.0		SENE 38.0	
NESW 38.0		NWSW 36.0	
SWSW 37.0		SESW 32.0	
NESE 36.0		SESE 34.0	
NENE 35.0		NWNE 39.0	
SWNE 39.0		SENE 39.0	
S31		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
	NESW 37.0	NWSW 33.0	
	SWSW 39.0	SESW 37.1	
	NESE 41.0	NWSE 41.0	
	SWSE 36.4	SESE 41.0	
	NENE 40.0	NWNE 39.0	
	SWNE 36.0	SENE 37.0	
	S32	NESE 34.0	NWSE 28.0
		SWSE 14.0	SESE 29.1
NENE 34.0		SENE 38.0	
NESW 38.0		NWSW 36.0	
SWSW 37.0		SESW 32.0	
NESE 36.0		SESE 34.0	
NENE 35.0		NWNE 39.0	
SWNE 39.0		SENE 39.0	
S33		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
	NESW 37.0	NWSW 33.0	
	SWSW 39.0	SESW 37.1	
	NESE 41.0	NWSE 41.0	
	SWSE 36.4	SESE 41.0	
	NENE 40.0	NWNE 39.0	
	SWNE 36.0	SENE 37.0	
	S34	NESE 34.0	NWSE 28.0
		SWSE 14.0	SESE 29.1
NENE 34.0		SENE 38.0	
NESW 38.0		NWSW 36.0	
SWSW 37.0		SESW 32.0	
NESE 36.0		SESE 34.0	
NENE 35.0		NWNE 39.0	
SWNE 39.0		SENE 39.0	
S35		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
	NESW 37.0	NWSW 33.0	
	SWSW 39.0	SESW 37.1	
	NESE 41.0	NWSE 41.0	
	SWSE 36.4	SESE 41.0	
	NENE 40.0	NWNE 39.0	
	SWNE 36.0	SENE 37.0	

PLACE OF USE (continued)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2240 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3585 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00278, 61-00279, 61-00359, 61-00360, 61-02034, 61-00277, 61-02225, 61-022360, 61-02092, 61-07244, 61-07273 & 61-07561.

USE OF THIS RIGHT WITH RIGHT NO. 61-022360 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2240 ACRES IN A SINGLE IRRIGATION SEASON.

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).

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

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

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 61-022360

NAME AND ADDRESS: CARL REYNOLDS & SONS
C/O STEVE REYNOLDS
1115 W 24TH S
MOUNTAIN HOME, ID 83647

SOURCE: BENNETT CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 20.00 CFS
 2710.00 AFY

THIS RIGHT WHEN COMBINED WITH 61-07273 IS LIMITED TO THE
STORAGE OF 4880 AF.

PRIORITY DATE: 03/24/1965

POINT OF DIVERSION: T04S R08E S01 SESW Within Elmore County
 S10 (Injection)
 S34 (Rediversion)
 MWNWSE (Rediversion)
 SESWSE (Rediversion)
 SEWNE (Rediversion)
T05S R08E S03

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	2710.00 AFY
	Irrigation from Storage	04-01 TO 10-31	2710.00 AFY
	Diversion to Storage	11-01 TO 03-31	20.00 CFS

PLACE OF USE:	Irrigation from Storage		Within Elmore County
	T04S R08E S22	NESE 37.0	SESE 38.0
		SWNE 38.0	NESW 37.0
	S23	NWSW 39.0	SWSW 40.0
		SESW 35.0	NWSE 36.0
		SWSE 38.0	SESE 38.0
	S24	SWSW 38.0	SESW 37.0
		NESE 34.0	NWSE 38.0
		SWSE 40.0	SESE 35.0
	S25	NENW 37.0	NWNW 40.0
		SWNW 37.0	SENW 34.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		NESE 35.0	NWSE 40.0
		SWSE 40.0	SESE 35.0
	S26	NENE 41.0	NWNE 41.0
		SWNE 38.0	SENE 38.0
		NENW 38.0	NWNW 39.0
		SWNW 34.0	SENW 36.0
		NESW 37.0	NWSW 33.0
		SWSW 39.0	SESW 37.1
		NESE 41.0	NWSE 41.0
		SWSE 36.4	SESE 41.0
	S27	NENE 40.0	NWNE 39.0
		SWNE 36.0	SENE 37.0
		NESE 34.0	NWSE 28.0
		SWSE 14.0	SESE 29.1
	S34	NENE 34.0	SENE 38.0
		NESW 38.0	NWSW 36.0
		SWSW 37.0	SESW 32.0
		NESE 36.0	SESE 34.0

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

PLACE OF USE (continued)

S35	NENE 35.0	NWNE 39.0
	SWNE 39.0	SENE 39.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 39.0
	NESW 39.0	NWSW 40.0
	SWSW 36.0	SESW 36.0
	NESE 39.0	NWSE 39.0
	SWSE 36.0	SESE 36.0
S36	NENE 34.0	NWNE 39.0
	SWNE 38.0	SENE 34.0
	NENW 39.0	SWNW 36.6
	SENW 35.0	NESW 39.0
	NWSW 39.0	SWSW 35.0
	SESW 35.0	NESE 31.3
	NWSE 35.7	SWSE 35.0
	SESE 31.0	
T05S ROBE S02 LOT 01 (NENE)35.0	LOT 02 (NWNE)35.0	
LOT 03 (NENW)35.0	LOT 04 (NWNW)35.0	
S03 LOT 01 (NENE)30.0	LOT 03 (NENW)26.0	
LOT 04 (NWNW)32.0		
3585.2 Acres Total		

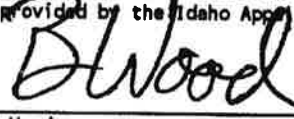
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3585 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00278, 61-00279, 61-00359, 61-00360, 61-02034, 61-00277, 61-02236C, 61-02225, 61-02092, 61-07244, 61-07273 & 61-07561.

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).

RULE 54(b) CERTIFICATE

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



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