

A37-17082

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

PRIORITY DATE: 1879-01-01
AGENCY NUMBER: 3705484131
BLM NUMBER: 3705484131
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 37

SOURCE	TRIBUTARY TO
UNNAMED STREAM	QUIGLEY CREEK

DESCRIPTION OF DIVERSION WORKS

NONE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.060	0.00	0101	1231
WILDLIFE	0.060	0.00	0101	1231
TOTAL:	0.060 CFS	0.00 AF		

NON-IRRIGATION USES

STOCKWATER, 30 RANGE CATTLE, 5000 RANGE SHEEP. WILDLIFE VAR. AMT.

TWP	RNG	SEC	TRACT1	POINT OF DIVERSION TRACT2	TRACT3	LOT	COUNTY
03N	18E	34		NW	NE	00	BLAINE
03N	18E	34		NW	NE	00	BLAINE

TWP	RNG	SEC	TRACT1	PLACE OF USE TRACT2	LOT	COUNTY	IRRIGATED OWNED	ACRES
03N	18E	34	NW	NE	00	BLAINE	YES	0.0

MICROFILMED
OCT 26 1994

BLM NUMBER: 3705484131

PAGE: 2

03N 18E 34 NW NE 00 BLAINE YES 0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1879

AJ5809NP
No. R37-17082

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/28/98
PAGE: 19

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
---------------	----------------	------------------	-----------	-----------------------	-------------------	---------------------

C	UNITED STATES OF AMERICA ACTING THROUGH	01/01/1879	STOCKWATER	01-01 12-31	0.02 CFS	
---	---	------------	------------	-------------	----------	--

TOTAL DIVERSION: 0.02 CFS

Water Source: UNNAMED STREAM

Tributary to: QUIGLEY CREEK

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T03N R18E S34
Point(s) of Ending Stream Reach: T03N R18E S34

SEWNNE
SWNNE

BLAINE County
BLAINE County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
03N	18E	34	:															:
			:															:

POU County: BLAINE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A37-17082

Conditions of Approval:

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

Remarks: EXP BLM RECORD ID = 3705484131
STOCKWATER, 30 RANGE CATTLE, 5000 RANGE SHEEP. WILDLIFE VAR. AMT.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Comments: Date: 08/26/1998 User-ID: AJU5-DJO Subject: AJU5 STOCK ONLY UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Audit: 08/13/98 AJCTR 08/25/98 AJU5-DJO

10-1-98

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

In Re SRBA

Case No. 3957

AMENDED NOTICE of CLAIM for
Water Right number:

3717082 (IDWR number)

United States of America acting through
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709 - 1657

BLMIDENT: Stg: StFed:

3705484131 J S

NONE

Other Right and date:

NAME and
ADDRESS:

SOURCE:

Source	Tributary
UNNAMED STREAM	QUIGLEY CREEK

QUANTITY:

0.02 CFS or VOLUME: 0 Acre Feet

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

PRIORITY DATE:

1/1/1879 Diversion Means: INSTREAM USE

REMARKS:

POINT of
DIVERSION:

Twntship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
03N	18E	34	SE	NW	NE	0	B	13	BLAINE
03N	18E	34	SW	NW	NE	0	E	13	BLAINE

PURPOSE
and
PERIOD
OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcF
04	0101	1231	0.02	0

CONSUMPTIVE
USE:

de minimis stockwater use DATE: 30-Jul-98 2:09 PM

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

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

PLACE
of USE:

Water Use	Twnt	Rge	Sec	T1	T2	LOT	within the	County of
04	03N	18E	34	NW	NE	0	13	BLAINE

RECEIVED

JUL 31 1998

Department of Water Resources

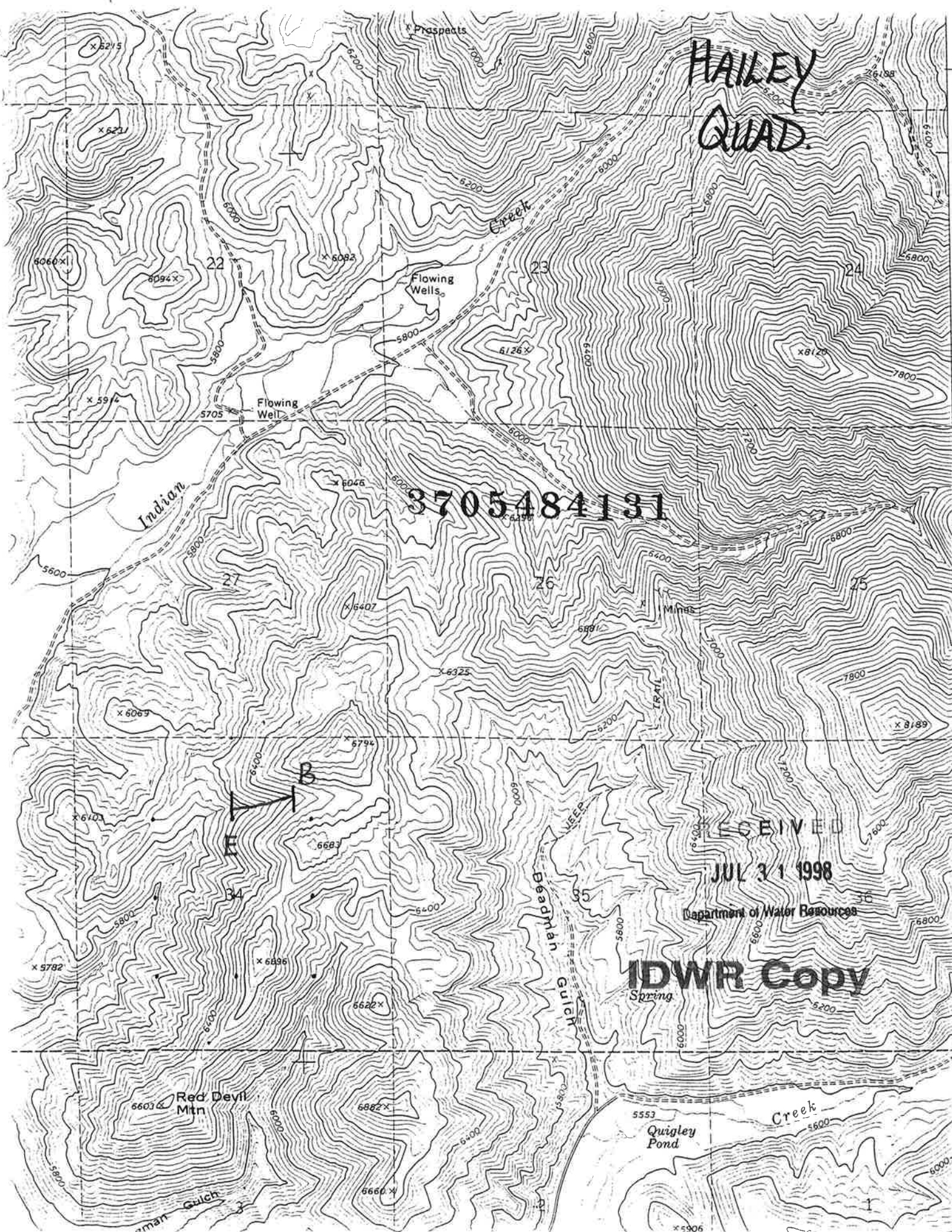
HAILEY
QUAD.

3705484131

RECEIVED
JUL 31 1998

Department of Water Resources

IDWR Copy





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 3, 2003

ATTN MILA LYON
INDIAN CREEK RANCH OWNERS ASSN INC
PO BOX 3411
HAILEY ID 83333

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No. 37-296B, 37-17082, 37-19740
~~Change of Address Notification~~

Dear Ms. Lyon:

Thank you for notifying us of your change in address on the water right claim(s) referenced above. Our records have been updated as requested.

If you have any questions, please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

INDIAN CREEK RANCH

OWNERS ASSOCIATION, INC.

July 1, 2003

RECEIVED

JUL 01 2003

Department of Water Resources
Southern Region

Idaho Department of Water Resources
Southern Basin 37
1341 Fillmore Street
Twin Falls, Idaho

Re: Address and phone number changes
For Indian Creek Ranches Owners Association, Inc.:

To Whom It May Concern:

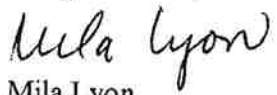
Please change the following contact information for Indian Creek Ranches Owners Association, Inc.:

Previous address: PO Box 1538
Ketchum, ID 83340
Previous phone number: 208-726-8905

Current address: PO Box 3411
Hailey, ID 83333
Current phone number : 208-788-7461

Please call, fax, or e-mail confirmation of the above address and phone changes.
Thank you for your assistance.

INDIAN CREEK RANCH OWNERS ASSOCIATION, INC.


Mila Lyon,
General Manager
(208) 788-7461
(208) 578-2231 fax
ICROAinfo@aol.com

Executive Board

Dennis Kavanagh, President
Terry Williams, Vice President
Ned Williamson, Secretary
Janet Starr, Treasurer
Ben Hoff, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

August 20, 2001

RE: OWNERSHIP CHANGE, FOR ADJUDICATION CLAIM 37-17082

Claimant(s):

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

Sincerely,

Dorothy L. Worley
SRBA Office Specialist

Enclosure
DLW

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 37-17082
Date Received: 3/25/1993
Receipt No: X111111
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

INDIAN CREEK RANCH OWNERS ASSN INC Phone: (208)788-2860
C/O BRUCE LIUM
PO BOX 3411
HAILEY ID USA 83333

2. Date of Priority: 01/01/1879

3. Source: UNNAMED STREAM Trib. to: QUIGLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	34	NW NE	BLAINE	

5. Description of diverting works:

NONE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	1/01	12/31	0.06	
WILDLIFE	1/01	12/31	0.06	

7. Total Quantity Appropriated is:
0.06 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	18E	34	NW	NE	STOCKWATER	
			NW	NE	WILDLIFE	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

BLM RECORD ID = 3705484131 FIRST DATE OF BENEFICIAL USE - 1879

15. Basis of Claim: Beneficial Use

Form 42-ZAN/42-1409(6) March 26, 1999

ORIGINAL

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicated, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
37-17082	37-17082	☐			☐
		☐			☐
		☐			☐

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE** information must be submitted with this form.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

AND

If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant United States of America Acting through USDI Bureau of Land Management
Idaho State Office, 1387 Vinnell Way, Boise, ID 83709
4. New Owner/Claimant(s) Indian Creek Ranch Owners Association, Inc.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 3411
- City, State and ZIP Code Hailey, ID 83333
- New Telephone Number (208) 788-0071
5. Date you acquired the property February 9, 1999

DW:

An O/C for
you to complete

DJ

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(s) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If you quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original right or claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres number and type of stock homes etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres number and type of stock homes etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s): Dennis Kavanagh, President
(Include title if applicable)

Dennis Kavanagh

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claim.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

424586

Deed

The United States of America
To all to whom these presents shall come, Greeting:

IDI-31950

WHEREAS

Indian Creek Ranch Owners Association, Inc.,

is entitled to a land patent pursuant to Section 206, Act of October 21, 1976, as amended
(43 U.S.C. 1716) for the following described land in Blaine County, Idaho:

RECEIVED
Indian Creek
Ranch Owners Assn
FEB 25 PM 1 21
MARION J. HENNING, CLERK
FEES \$ 3.00

Boise Meridian, Idaho

T. 3 N., R. 18 E.,

sec. 27, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 33, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;

sec. 34, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing 320 acres, more or less.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto Indian Creek Ranch Owners Association, Inc., the land described above; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, there unto belonging, unto Indian Creek Ranch Owners Association, Inc., and to its successors and assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES a right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).



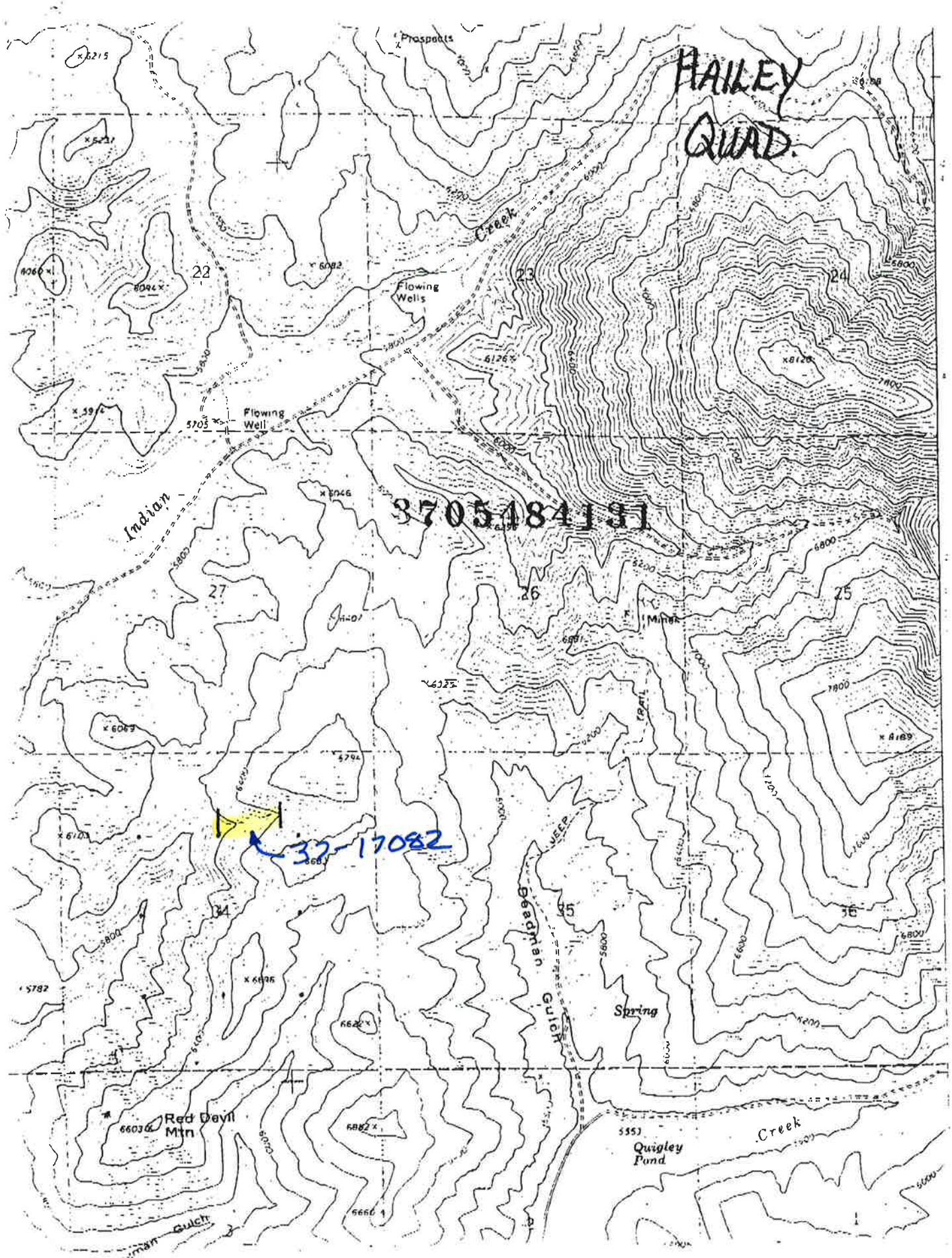
IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat.476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho, the ninth day of February in the year of our Lord one thousand nine hundred and NINETY NINE and of the Independence of the United States the two hundred and TWENTY-THIRD.

By 
Jimmie Buxton
Branch Chief, Lands and Minerals
Resource Services Division

Patent Number 11-99-0007

Attachment 7

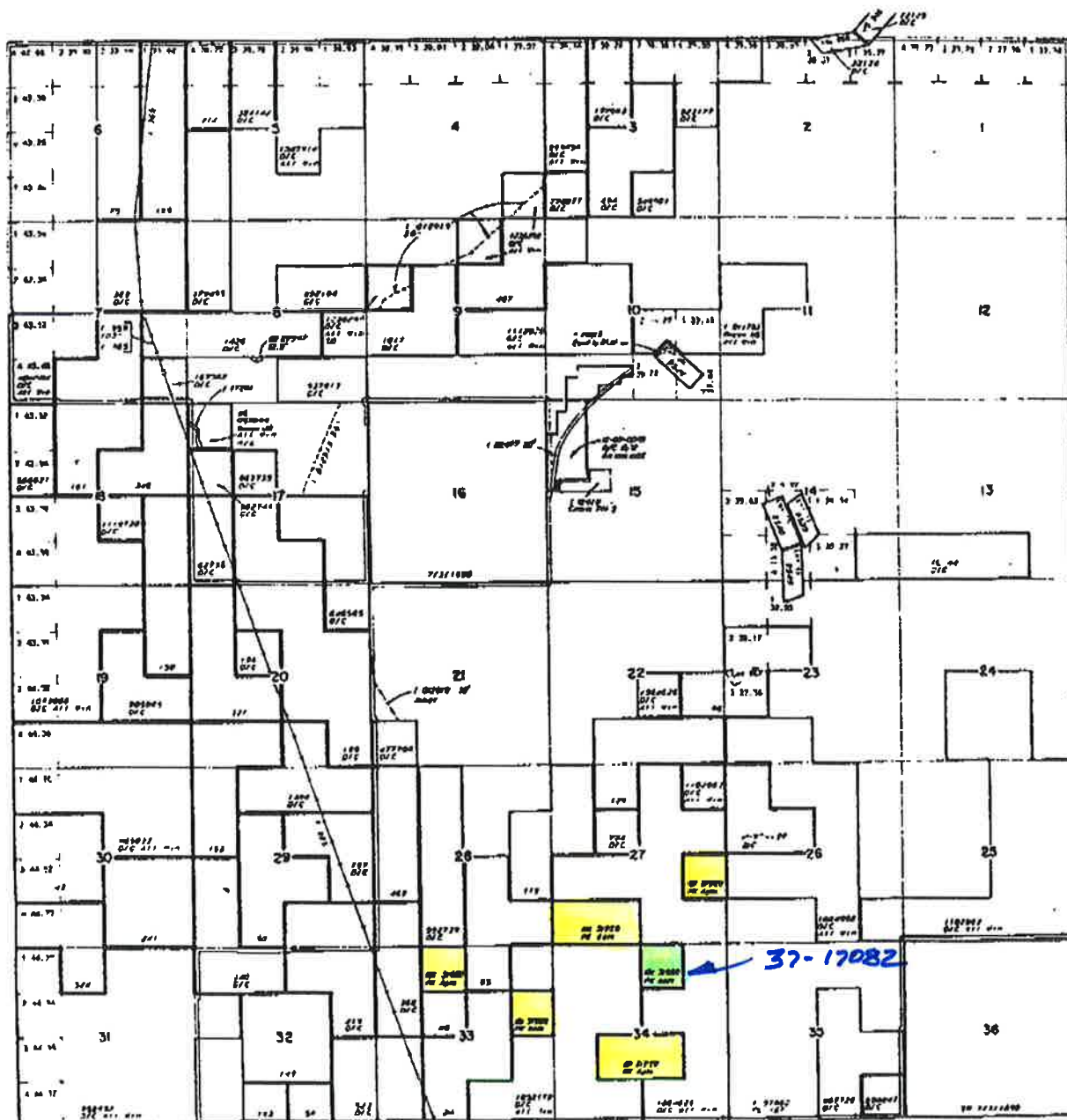


3705484131

TOWNSHIP 3 NORTH RANGE 18 EAST OF THE BOISE MERIDIAN, IDAHO

BLAINE COUNTY 013

SOUTHWEST DISTRICT SEC 3



SCALE in Feet

0 10 20 30 40

This map is the County's Record of Town and should be used only as a general guide to the location of land. It does not show the exact location of land, which may have changed since the map was made. The County does not warrant the accuracy of the map.

THE NOTATION SHOWS ON 1 ACTION TAKEN BUT MAY BE THE HISTORICAL, UNDER THE GRASS, GROWTH

AJ5856NP

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

DATE: MAR-3-1999
PAGE: A-5460

RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: QUIGLEY CREEK

RIGHT NUMBER: 37-17082

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

SOURCE: UNNAMED STREAM TRIBUTARY: QUIGLEY CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 01/01/1879

POINT OF DIVERSION: T03N R18E S34 SENWNE (INSTREAM BEGINNING POINT) Within BLAINE County
SWNWNE (INSTREAM ENDING POINT)

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 01-01 12-31 0.02 CFS

PLACE OF USE: STOCKWATER Within BLAINE County
T03N R18E S34 NWNE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
BLM RECORD ID - 3705484131
STOCKWATER, 30 RANGE CATTLE, 5000 RANGE SHEEP. WILDLIFE VAR. AMT.

LARRY A. BROWN
SPECIAL ATTORNEY, USDOJ - ENRD
550 West Fort Street MSC 033
Boise, ID 83724
Ph: (202) 305-0435 Fax: (202) 305-0274

August 17, 2001

Mr. Doug Jones
Water Rights Agent
Idaho Department of Water Resources
Southern Idaho Regional Office
1341 Fillmore Street Ste. 200
Twin Falls, ID 83301-3380

RECEIVED

AUG 20 2001

Department of Water Resources
Southern Region

RE: Change of Ownership Form

SUBCASE NUMBER: 37-17082

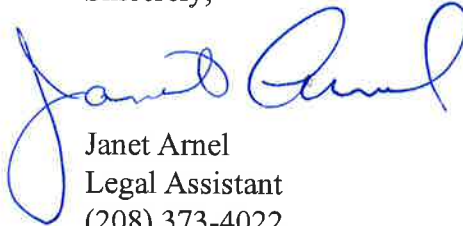
CLAIMANTS: Indian Creek Ranch Owners Association
President: Dennis Kavanagh

Dear Mr. Jones,

Enclosed is a copy of the Change of Ownership Form that Mr. Kavanagh signed (that is his original signature) and a copy of the Property Deed, that we spoke about on the phone Thursday 8/16/01. Thank you for taking care of this for me and the claimant.

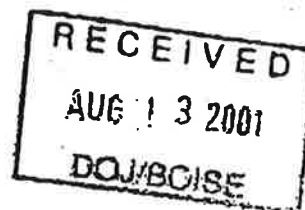
Also are copies of: the letter his attorney sent to me in case you need to speak with him, a note out of our file here @ the state office for a little background info. on the subcase, a Quad map, a MTP and a IDWR description page of the water right.

Sincerely,



Janet Arnel
Legal Assistant
(208) 373-4022
E-mail: janet_arnel@blm.gov

JOHN A. SEILLER
ATTORNEY AT LAW
191 FIFTH STREET WEST • POST OFFICE BOX 6090
KETCHUM, IDAHO 83340
208/726-5961 • FAX 726-5998
726-5962



August 10, 2001

Janet Arnel, Legal Assistant
Larry A. Brown
Special Attorney, U.S. Department Justice
550 West Fort Street, MSC 033
Boise, Idaho 83724

Re: Indian Creek Ranch Owners Subdivision Water Right Ownership
Subcase Number: 37-17082

Dear Mrs. Arnel:

Thank you for telephoning me the other day, I received your voice mail and it triggered my response to send you this State of Idaho, Idaho Department of Water Resources, Notice of Change of Water Right Ownership that has now been signed by Mr. Dennis Kavanagh, President of Indian Creek Ranch Owners Association, Inc., an Idaho Corporation. As we discussed, all we needed to do was have Mr. Kavanagh sign the form and you would fill out the remainder of the form and attach any and all necessary documentation.

I apologize for any delay in returning this to you. Thank you again for your assistance in this matter. You may communicate directly with me for any further assistance or to report the final transfer. Thank you again.

Sincerely,

A handwritten signature in dark ink, appearing to be "John A. Seiller".

John A. Seiller

Enclosure

Fax

FVI:
This is the note I was reading
to you.

September 10, 1999

TO:

DOUG JONES @ IDWA
Southern Region

FROM: JANET ARNEL - BLM STATE OFFICE

RE: 37-17082 BLM (37 05 48 4131)

BLM has sold the land upon which this claim is situated to a private entity, namely, Indian Creek Ranch Owners Assoc. (ICROA).

The question is: what do we do with this claim? You have recommended we withdraw the claim: 1. Because not public land anymore; and 2. Because it is a marginal source.

I have read the attached Deed conveying property from the U.S. to ICROA. In this case and as of 02/09/99, BLM no longer has any authority over the fate of 37-17082. This claim is based solely upon state-law (beneficial use) and can be conveyed if you so choose. If this claim were based upon a Federal Reservation of water then that right may not be conveyed into private ownership whether officially excluded from the sale or erroneously included in the sale. The wording of the deed has decided the issue for you and this claim no longer belongs to BLM.

DEED:

BLM granted the land with all the *rights*, privileges, immunities, and appurtenances (*which water rights are unless specifically excluded*), of whatsoever nature (*no loophole there*), ... forever (*that's a long time*).

The new owner of the right has the responsibility to change ownership of rights it has acquired. They have also probably acquired an objection to this claim by the State of Idaho.