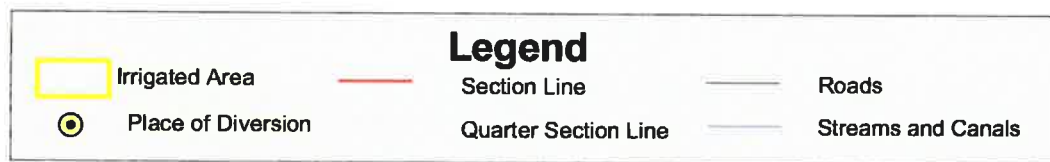
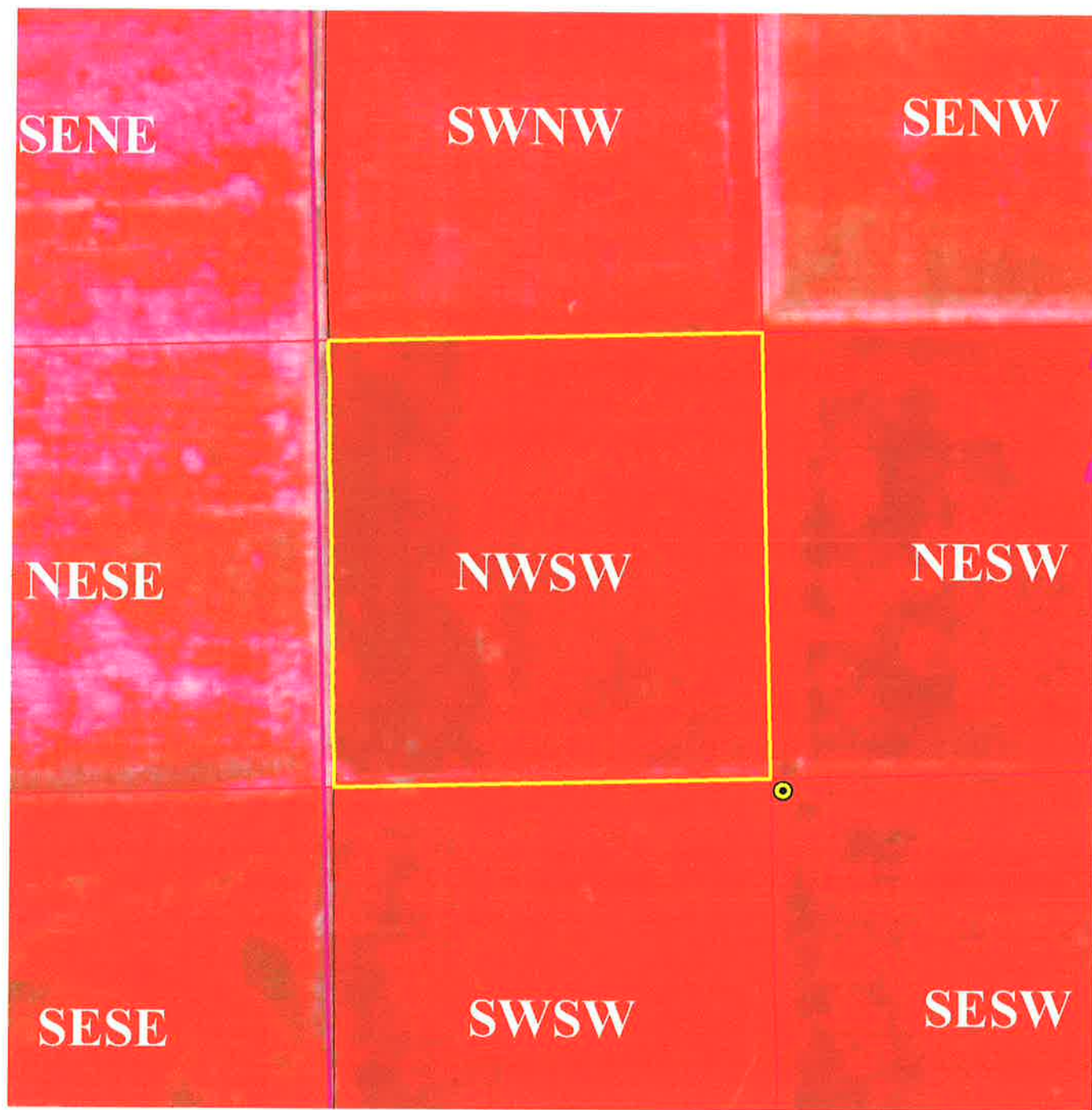


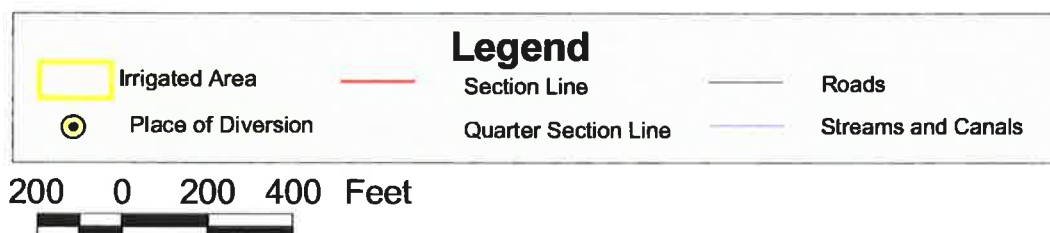
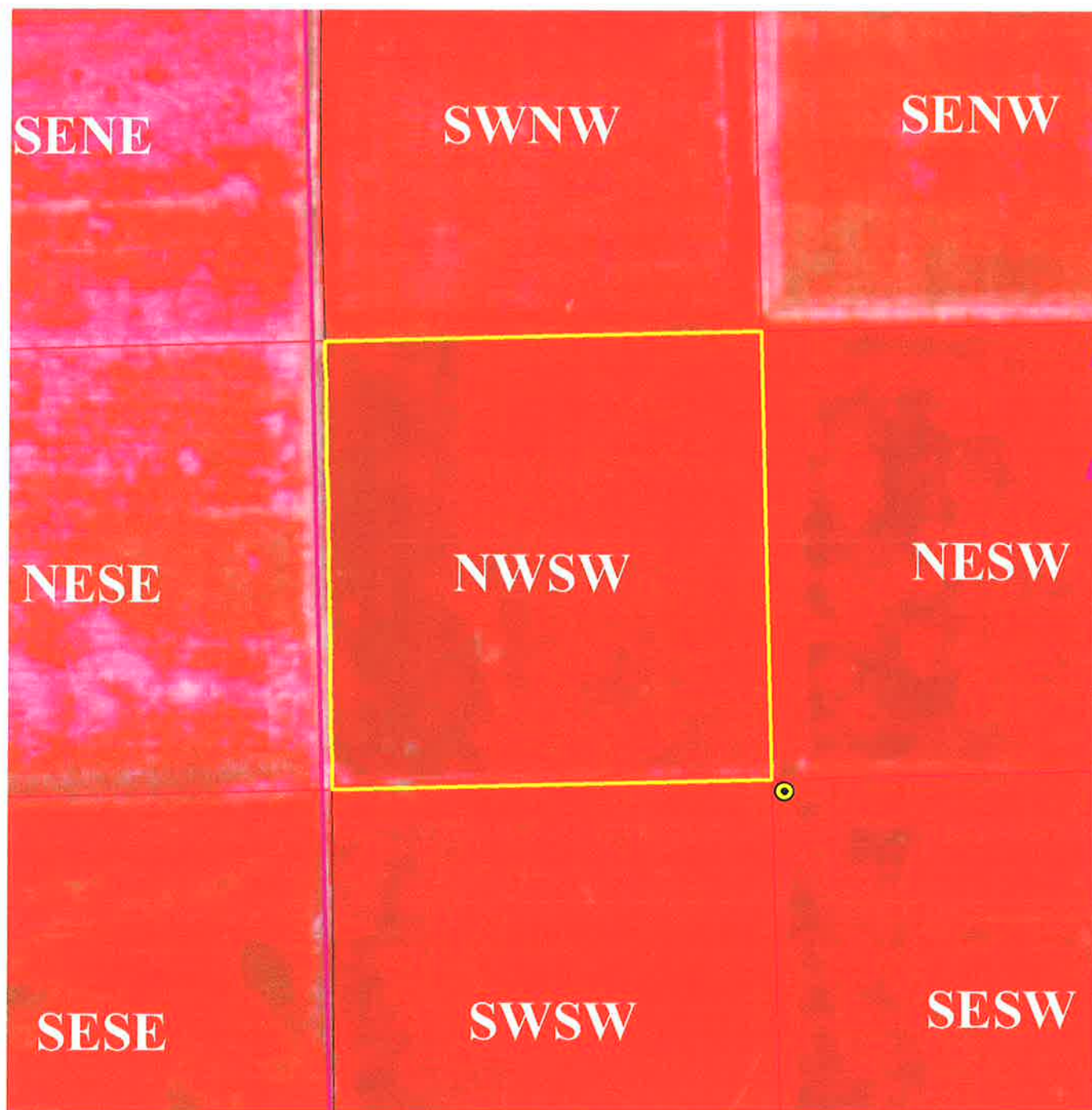
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

1

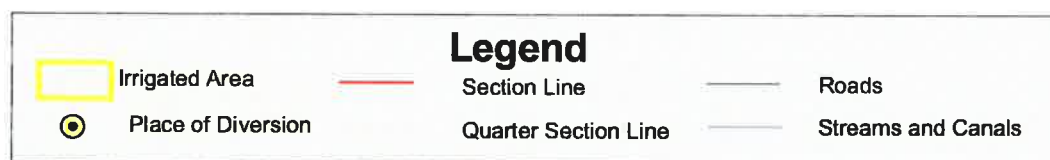
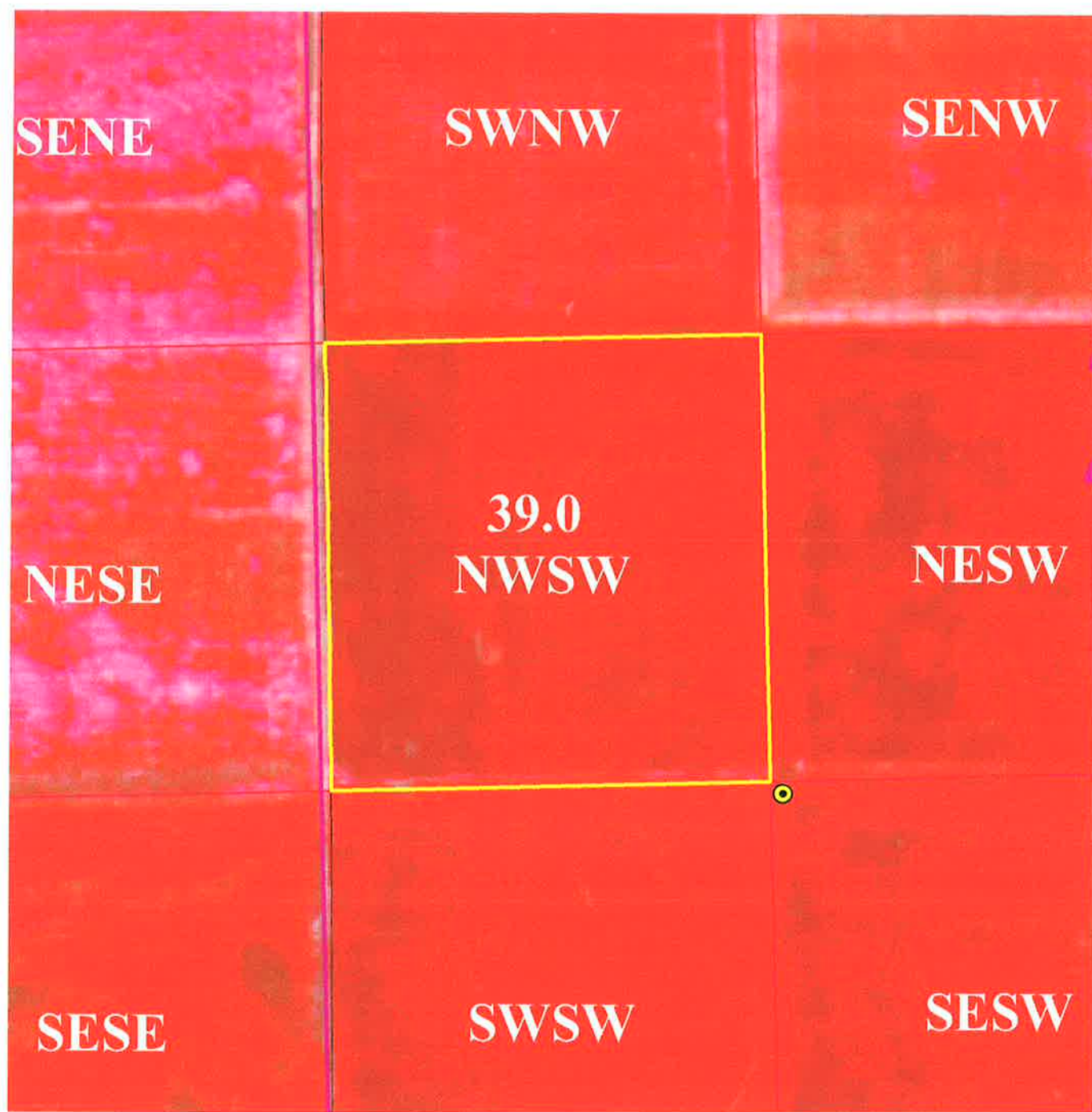
Township , 7S38E



Township , 7S38E



Township , 7S38E



200 0 200 400 Feet



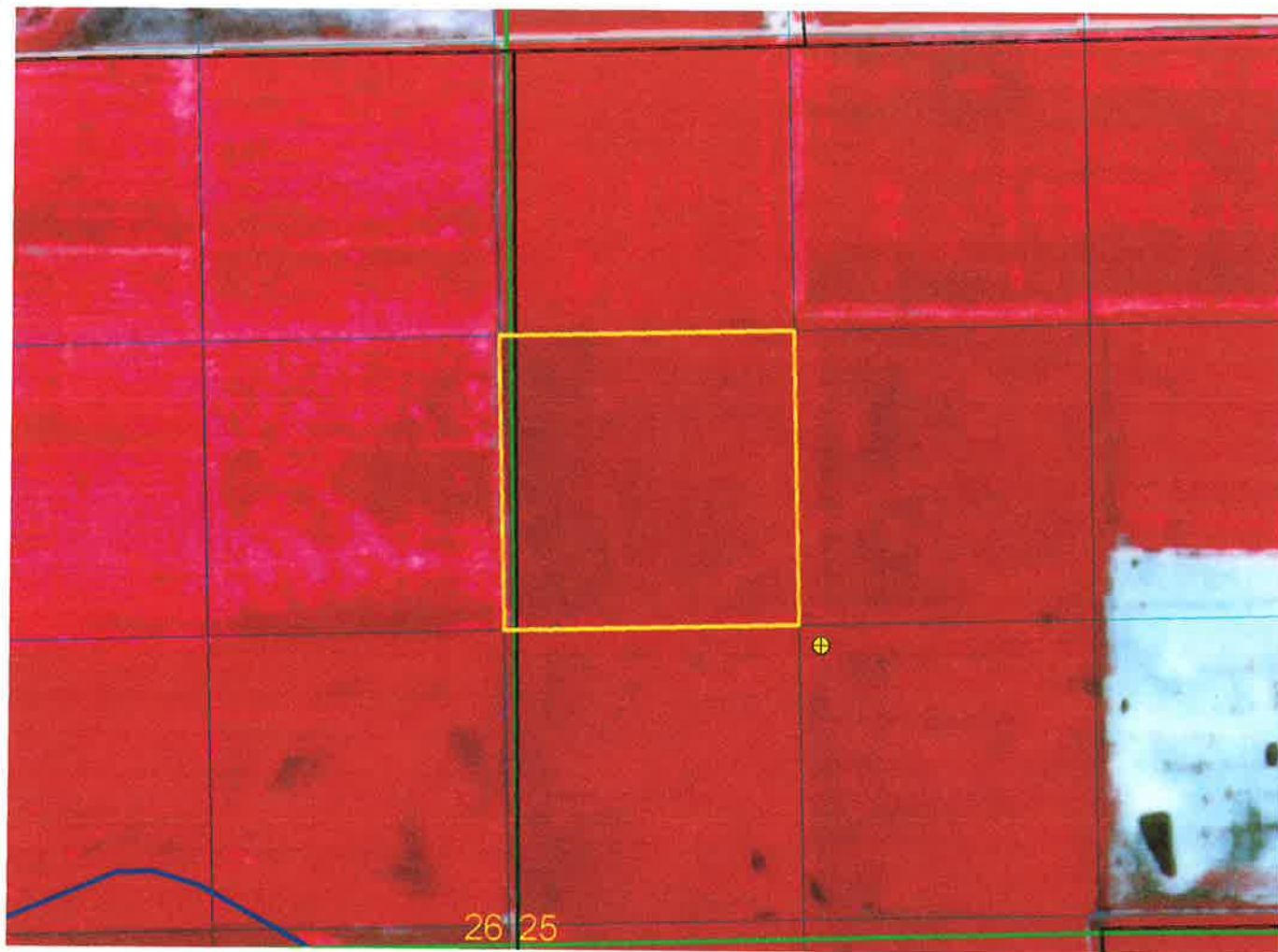


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s) 29-10143



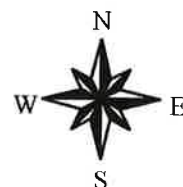
500 0 500 1000 Feet

LEGEND

-  Point of Diversion
-  Place of Use
-  STREETS
-  SECTIONS
-  QUATER-QUATERS
-  STREAMS

Place of Use: T7S, R38E
(part of) Section 25

Point of Diversion: T7S, R38E
Sec. 25 SESW



GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: March 2002

Cindy
02/13/2003

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: April 21, 2003

Water right number: 29-10143

ELIZABETH CALL
PO BOX 37
BANCROFT ID 83217
Telephone Number: (208)648-7665

SAMUEL REED
PO BOX 38
BANCROFT ID 83217
Telephone Number: (208)648-7643

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:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 4/21/03 SIGNATURE: Sandra Findlay, Secretary
Please print your name: Sandra Findlay

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

RECEIVED
APR 30 2003
Department of Water Resources
Eastern Region

TO: Idaho Department of Water Resources

FROM: Elizabeth H. Call

SUBJECT: Establishment of Priority Date of Beneficial Use of Water on Dillard Place

LOCATION OF PROPERTY: NW1/4 of SW1/4, Section 25, Township 7, Range 38.

I am Elizabeth H. Call, undivided part owner of the property known as the "Dillard Place" and also owner of the property know as "Haystack Mountain Farms" which borders the Dillard Place on the west.

In the 1950's my husband, Newel Call had a partnership with his brother, Hyrum Call, known as "Call Brothers". In the early fifties the Call Brothers drilled wells in that area. One well was drilled in 1952, and is located north of the Dillard place on what is now known as Haystack Mountain Farms. This well watered the Dillard Place as well as the north end of Haystack Mountain Farms. The well is accessed from a lane off the Rocky Ford Road (sometimes referred to as the Crockett Road). The water from this well was piped in an underground pipeline to the Dillard Place and then run through a hand line sprinkling system. This mainline has since been dug out when the pivot, which now irrigates the property was put in place using water from a later well drilled on the Dillard Place property. Remnants of the old mainline may be seen along the fence line bordering the two properties.

Thomas G. Hatch worked for Call Brothers three or four years prior to my husband's death in 1957. In 1957 after Newel's death, I hired Tom to manage my share of the Call Brothers property which included the Dillard property and Haystack Mountain Farms. He supervised the irrigation of that property from the well located north of the Dillard Place using the mainline and hand line sprinkling system.

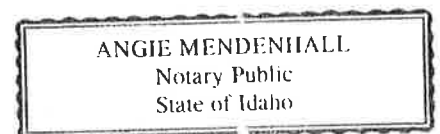
During the 1950's and 1960's Tom raised irrigated barley, alfalfa, sugar beets, wheat and in 1959 planted 20 acres of split peas. I have a hand drawn map in my writing of that year's production and a note that Mr. Marler was leasing the Dillard Place from me and I was providing the water for that lease.

SIGNED:

DATE:

Elizabeth H. Call
2/8/2002

Subscribed and sworn to before me in my presence, this *8th* day of *February* *2002*, a Notary Public in and for the County of *Caribou* State of *Idaho*
Angie Mendenhall Notary Public
(Signature)
My commission expires *01-10-06*



To Whom It May Concern:

The Property under question is described as:

NW1/4 of SW1/4

Section 25 Township 7 Range 38

Prior to 1957, I worked for Call Brothers. At that time, this ground was watered by a well located 1/8 of a mile North of the above described property along the so-called Crockett Road.

After 1957, I supervised the Beth Call property, now known as Haystack Mountain Ranch, which included the above described property. I also supervised the acreage West and South of described property which was known as the Dillard ground. I was foreman for about 16 years. I can assure anyone that the above described property was watered by the Crockett Road well.

Signed:

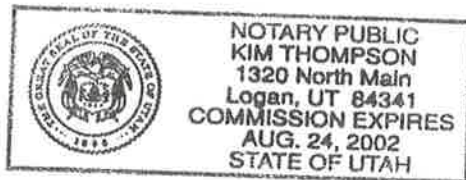
Thomas Hatch

Date:

2-4-02

Notary:

Kim Thompson



CONVERSATION MEMORANDUM

EMPLOYEE: Cindy Bird

FILE: A29-10143

RE: CHANGE IN POINT OF DIVERSION

DATE: February 28, 2002

NAME OF PARTY

KAREN MODERSITZKI

Office visit

Karen Modersitzki came into the office in Soda Springs and brought me two affidavits of when the point of diversion on this 40 acres was moved from the well on Haystack Mountains property to the well in the SESW of section 25, township 7 south, range 38 east. Originally these 40 acres were irrigated with the well in the SENE of section 26, township 7 south, range 38 east. The reason it wasn't included in licenses 29-2311 and 29-7025 because at the time it was owned by a different party and was only being leased. Over the years Sam Reed and Elizabeth Call finally purchased the property. Elizabeth Call owns the property to the west of this 40 acres and Sam Reed and Elizabeth Call owns the 120 acres to the east of this 40 acre parcel. Karen Modersitzki is going to bring in a sworn affidavit to establish the priority date for this right. She is going to check with Sandra Findley if she has the affidavit and get back to me.

TO: Idaho Department of Water Resources

FROM: Elizabeth H. Call

SUBJECT: Establishment of Priority Date of Beneficial Use of Water on Dillard Place

LOCATION OF PROPERTY: NW1/4 of SW1/4, Section 25, Township 7, Range 38.

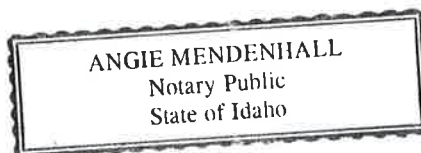
TO WHOM IT MAY CONCERN:

In 1981, I know that the forty acres of the Dillard Place that I owned at that time, was being watered from the well located on the Dillard acreage. Don and Norm Johnson were in the process of buying this forty acre property from me and I allowed them to farm the land and irrigate it using water from their well on the Dillard farm.

SIGNED: Elizabeth H. Call

DATE: 2/21/2002

Subscribed and sworn to before me in my
presence, this 21 day of Feb.
2002, a Notary Public in and for the
County of Caribou State of Idaho
Angie Mendenhall
(Signature) Notary Public
My commission expires 01-10-04.



TO: Idaho Department of Water Resources

FROM: Dennis Frandsen

SUBJECT: Establishment of Priority Date of Beneficial Use of Water on forty acres of the Dillard Place.

LOCATION OF PROPERTY: NW1/4 of SW 1/4, Section 25, Township 7, Range 38.

I, Dennis Frandsen, managed the "Call Place" owned by Virginia Ruger to the south of the Dillard Place and I can testify that the forty acres in question was being watered in 1981 from the well in the center of the Dillard 120 acres.

SIGNED: _____

DATE: Feb 22 - 2002

State of Idaho)

S.S.

County of Caribou)

On this 22nd day of February, in the year of 2002, before me

Alberta Tolman

A notary public, personally appeared Dennis Frandsen,
personally known to me to be the person whose name is subscribed to the
within instrument, and acknowledged to me that he executed the same.

Alberta Tolman

Notary Public

My Commission Expires on 24 October 2003

Seal

STATE OF IDAHO
County of Caribou 109934
Date 9.22.81
Time 3:50 PM
Notary Public S. Johnson
Signature: [Signature]
Fees \$22

JOINT USE AGREEMENT

AN AGREEMENT, entered into this 22nd day of September, 1981 by and between Norman H. Johnson and Janice A. Johnson, husband and wife and Donald W. Johnson and Sheryl Y. Johnson, husband and wife, all of whom own real estate in Caribou County, Idaho.

In consideration of each parties contribution to the construction of and/or purchase of real estate with a mainline, and pumping facilities heretofore completed, used to supply water to pressure sprinkler irrigate both parties properties described as:

NORMAN JOHNSON
Township 7 South, Range 38 East of the Boise Meridian, Caribou County Idaho
Section 25: S $\frac{1}{2}$ SW $\frac{1}{4}$

DONALD JOHNSON
Township 7 South, Range 38 East of the Boise Meridian, Caribou County Idaho
Section 25: NE $\frac{1}{4}$ SW $\frac{1}{4}$

Said main line is located on or about a line described as:
Beginning at a point in the NW corner of S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25 and running thence directly East $\frac{1}{2}$ mile more or less. Said main line being in S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 25.

both parties agree that the ownership and also the responsibilities for the maintenance and operation of the mainline will be shared on the following proportionate basis:

Norman H. Johnson 2/3
Donald W. Johnson 1/3

Any change from this proportionate ownership and use including that of water appurtenant to the real estate above, must be approved by the parties hereto. Each party agrees to abide by the design of this system and utilize it in the manner it is presently installed without physically moving the lines.

The parties also mutually agree that a perpetual easement be granted for the purpose of proper maintenance and operation of said mainline; provided, however, that such easement is more specifically described to include a strip of land thirty (30) feet wide with the above described mainline pipe as the center point of the thirty (30) foot easement measurement.

Should any physical damage to the mainline occur as a result of the negligence of either party hereto, or the agent of one of the parties, the entire cost shall be borne by the liable party. However, if neither of the parties hereto are liable, the cost shall be prorated as already set forth to the extent that liability cannot be clearly established and costs recovered.

This agreement shall be binding upon the parties hereto, their respective heirs, executors, administrators, and assigns.

Dated this day and year above first written.

[Signature]
Norman H. Johnson
[Signature]
Janice A. Johnson

[Signature]
Donald W. Johnson
[Signature]
Sheryl Y. Johnson

STATE OF IDAHO)
 :
County of)

On this 17th day of September, 1981, before me, a notary public in and for said State, personally appeared Norman H. Johnson and Janice A. Johnson, husband and wife, known to me to be the person whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

[Signature]
Notary Public
Residing at Weston, Idaho
Comm. Expires lifetime

STATE OF IDAHO)
 :
County of)

On this 22nd day of September, 1981, before me, a notary public in and for said State, personally appeared Donald W. Johnson and Sheryl Y. Johnson, husband and wife,



CONSERVATION PLAN MAP Prepared by UNITED STATES DEPARTMENT of AGRICULTURE ★ SOIL CONSERVATION SERVICE cooperating with

Partner

S. C. DISTRICT

OWNER *Mrs. Call*

OPERATOR *Tom Hatch*

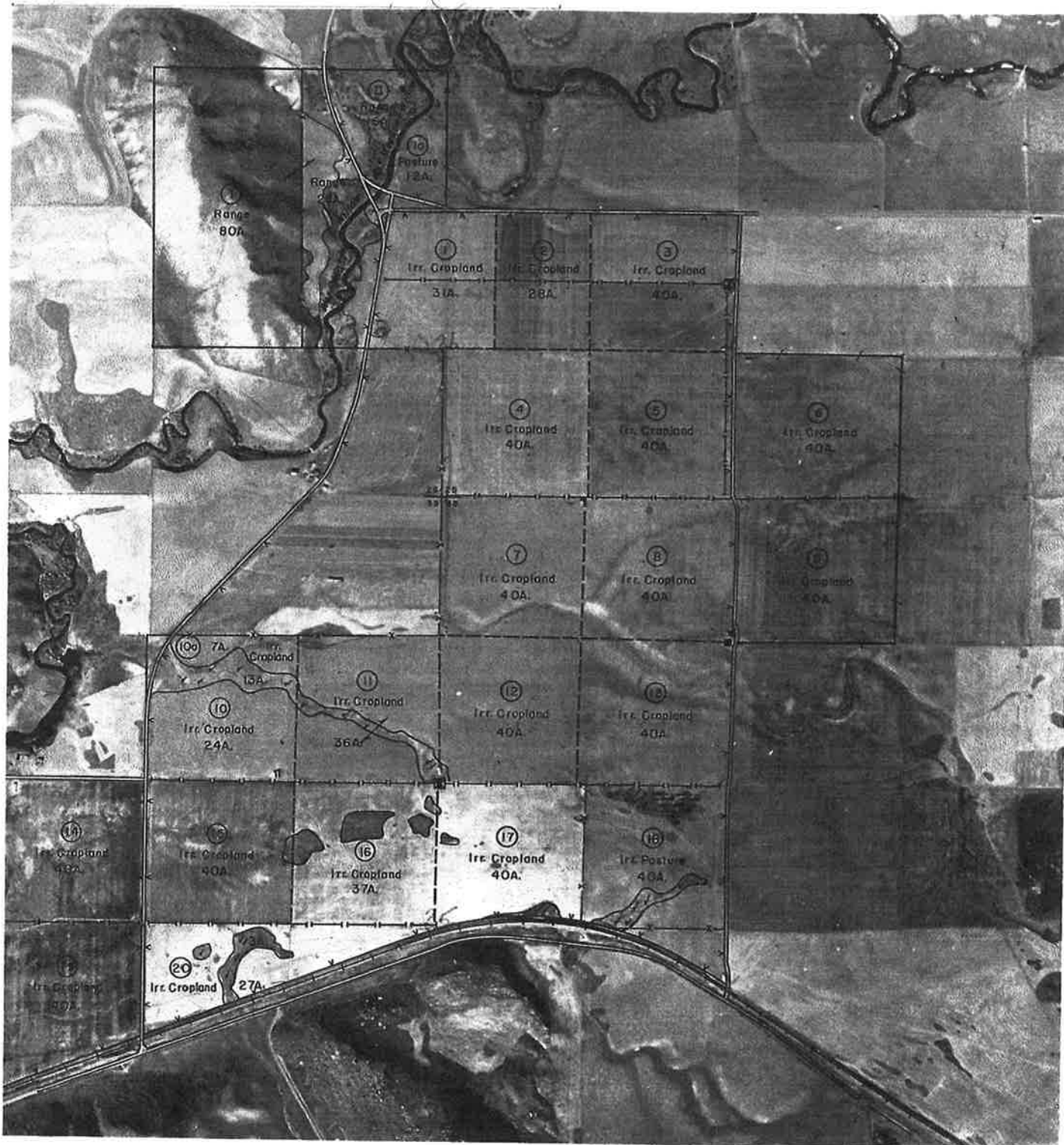
Ceriben
 COUNTY

Idaho
 STATE

FARM NO. _____ DATE *7-62*

SCALE *4" = 1 mi* ACRES *3000*

PHOTO NO. *CXP-3R-93*



CONVERSATION MEMORANDUM

EMPLOYEE: Cindy Bird

FILE: A29-10143

RE: Evidence of Priority

DATE: January 15, 2002 Office Visit

NAME OF PARTY

David and Kay Modersitzski

David and Kay Modersitzski came into the office to discuss Beth Call's water rights. David has operated Beth Calls property since 1984. According to David the 40 acres under this claim was originally irrigated from the well in section 26, 29-2311. David and Kay are going to talk to Beth Call about what needs to be done to provide evidence on this property and get back to me in a couple weeks. The point of diversion was change to section 25 prior to David Modersitzski operating the property. We checked the license under 29-2311 and the place of use under this right was not listed as a place of use under this license.

CONVERSATION MEMORANDUM

EMPLOYEE: Cindy Bird

FILE: A29-10143 and A29-10145

RE: Evidence of Priority

DATE: January 2, 2002

NAME OF PARTY

Sandra Findley

Office visit.

Sandra came by the office today to find out what information is needed for this claim. I explained that the affidavit provided by her mom, Wanda Reed, didn't properly describe the irrigated property. I also explained to Sandra that the affidavit needed to explain how the water was applied to the property.

Sandra (Wandra Reed) had received a second round notice letter from the Department. The letter was referring to a beneficial use claim filed by Sam Reed on 5 acres with the same point of diversion and place of use as this adjudication claim except it filed for 5 acres of irrigation and the adjudication claim was filed for 10 acres. The priority date was also different. The water right claim 29-4287 was filed with a June 1, 1916 priority date and A29-10145 was filed with a June 1, 1914 priority date. I explained to Sandra that the water right is based on when the water was put to beneficial use. And the number of acres is the number of acres that the water was being applied to. He can't increase the claim in hopes of irrigating more acres because it's based on the historical use.

Sandra is going to call Utah Power to get some power records for this claim and A29-10143.



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

191'X20" WITH 60HP PUMP. MAINLINE TO PIVOT. System is rated at 1.8 cfs. Owner says well is 200 ft deep.

Assumptions

Elevation head.

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning

(If used, include photo of representative channel section)

Channel Slope

Channel Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System ☒

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

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State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 22, 2001

A29-10143 and A29-10145

Sam Reed

124 S. 3rd West

Bancroft, ID 83217

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice needs to be conducted by the Department personnel, please call me as soon as possible to set up an appointment.

The Department cannot recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the documentation supporting the priority date by **November 22, 2001, referencing all documents with the corresponding Notice number.** If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
Copy of Claim A29-10143 and A29-10145

SCANNED

MAY 7 2001

Log for claim A29-10143

Spatial Dynamics BTD

6/16/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s38e	25	NWSW	40	39	
Totals:			40	39	

AJ5809NP
No. A29-10143

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 125

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELIZABETH CALL BOX 37 BANCROFT ID 83217 (208) 648-7665	05/01/1952	IRRIGATION	04-01 10-15	0.800 CFS	
				TOTAL DIVERSION:	0.800 CFS	
				CONSUMPTIVE USE:		100.00 AFA

C SAMUEL REED
PO BOX 38
BANCROFT ID 83216
(208) 648-7643

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R38E S25 NWSESW

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	38E	25	:											40						:	40.0
																				TOTAL ACRES	40.0

POU County: CARIBOU

Non-Irrigation Uses: NONE

Other Rights: 29-07025 FROM SAME WELL.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-07025

Remarks: GEN THIS LAND WAS FIRST IRRIGATED FROM A WELL IN THE SE1/4 NE1/4
SEC. 26 T7S R38E FROM THE PRIORITY DATE INDICATED IN ITEM 2.
SINCE 1981 THIS FORTY ACRE TRACT HAS BEEN IRRIGATED FROM THE
WELL UNDER THIS NOTICE.

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

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

Audit: 02/07/90 THOMPSON 01/09/95 DCARLSON 03/29/95 POST-STD

MAY 7 2001

\$ 96.00

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: A29-10143
Date Received: 1/16/1990
Receipt No: 4005534
Received By: EW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SAMUEL REED 208-547-3057
Address: 1657 REED LAND
SODA SPRINGS, ID 83276
AND/OR
Name: ELIZABETH CALL 208-648-7665
Address: BOX 37
BANCROFT, ID 83216

A2910143



2. Date of Priority: MAY 01, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	38E	25	NW	SE	SW		CARIBOU

5. Description of diverting works:
191'X20" WITH 60HP PUMP. MAINLINE TO PIVOT.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.800		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

MICROFILMED

NOV 16 1992

0. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	38E	25	NW SW		IRR	40.0
Section Acres						40.0
Total Acres						40.0

1. Place of use in counties: CARIBOU

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

3. Other Water Rights Used:
29-07025 FROM SAME WELL.

4. Remarks:

THIS LAND WAS FIRST IRRIGATED FROM A WELL IN THE SE1/4 NE1/4 SEC. 26 T7S R38E FROM THE PRIORITY DATE INDICATED IN ITEM 2. SINCE 1981 THIS FORTY ACRE TRACT HAS BEEN IRRIGATED FROM THE WELL UNDER THIS NOTICE.

5. Basis of Claim: BENEFICIAL USE

6. 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 ☒ wish to receive and pay small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Samuel Reed Date: 1-16-90

Date: _____

State of Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 16 day
of January 19 90

E. J. [Signature]
Notary Public

Seal

Residing at LaBotsch, ID.

My Commission Expires 22 Aug 1994

T 7 S

R 38 E R 39 E

A29-10143
A29-07025

Point of
DIVERSION

40

40

40

40

MICROFILMED

NOV 16 1992

