

11/26/2004

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

RIGHT NUMBER: 37-2445

NAME AND ADDRESS: BARBER-CAVEN RANCHES  
PITCH FORK RANCH  
6874 FAIRVIEW RD  
BOISE ID 83704

SOURCE: CLOVER CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.280 CFS

PRIORITY DATE: 02/27/1933

POINT OF DIVERSION:

T05S R11E S10 SWNW Within ELMORE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 11/15          | 0.280 CFS       |

PLACE OF USE: IRRIGATION Within ELMORE County

|               |      |     |               |      |     |
|---------------|------|-----|---------------|------|-----|
| T05S R11E S09 | NESW | 8.1 | T05S R11E S09 | NWSW | 1.6 |
| T05S R11E S09 | NWSE | 4.3 |               |      |     |

14 ACRES TOTAL

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

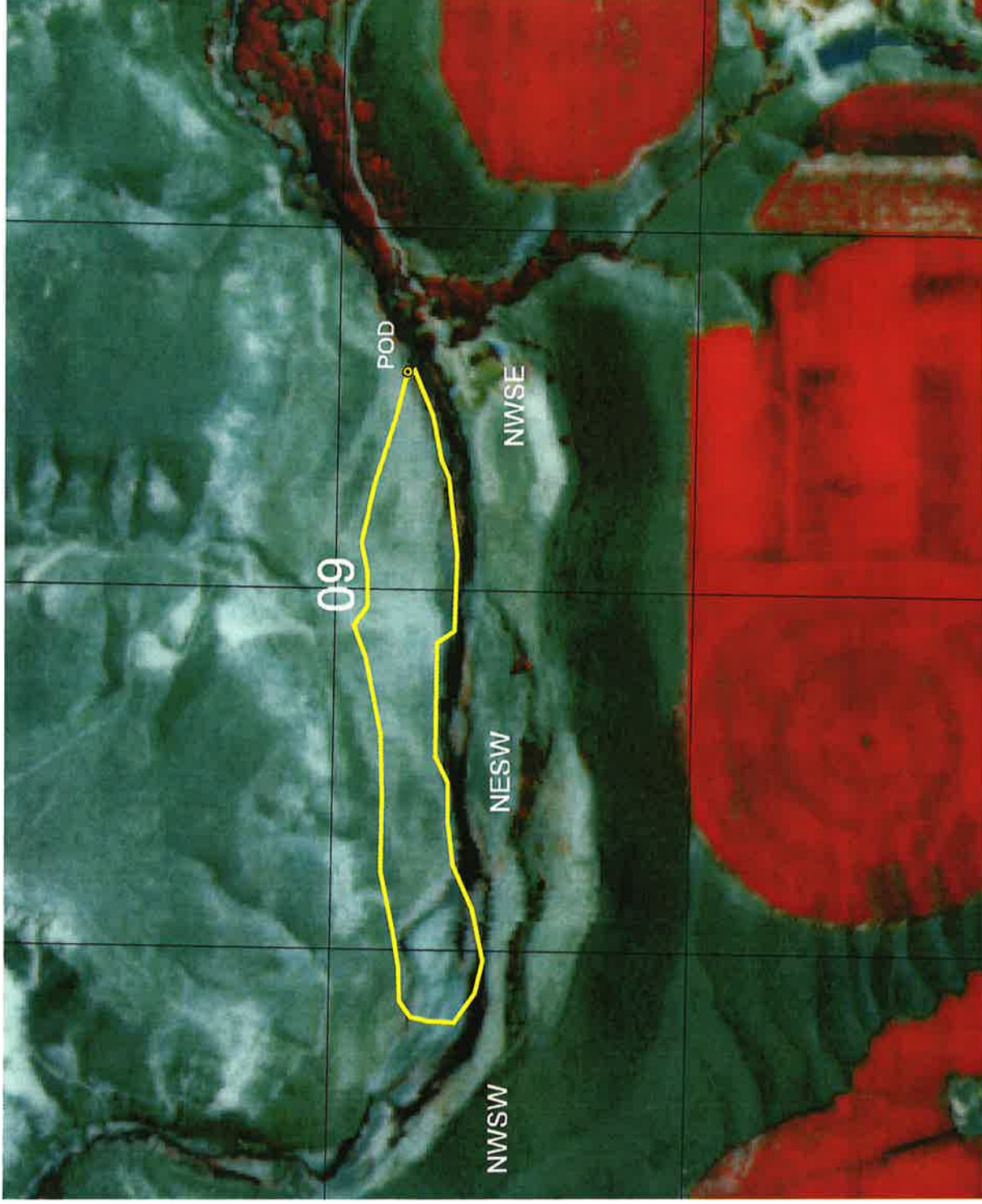
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

37-2445

T05S R11E  
S09



Map prepared by: Carter Fritschle  
Date prepared: 11/26/04  
1987-1988 NAPP photography  
Idaho Department of Water Resources

## Contacts Data Entry Form

Claim Number 37-2445

| Owner Type    | Full Name               | Address                              | City  | State | Zip   | Phone                     |
|---------------|-------------------------|--------------------------------------|-------|-------|-------|---------------------------|
| Current Owner | BARBER-CAVEN<br>RANCHES | PITCH FORK RANCH<br>6874 FAIRVIEW RD | BOISE | ID    | 83704 | (208)322-5600<br>867-2892 |

Date of Field Exam: 9-29-04 Time: 9:30 ATurn- ForemanAccompanied By: Terry Caven Phone Number: 867-2892Relationship to Claimant: Owner- Foreman

Directions to Property (if different from above) and/or update owner information:

From King Hill go south- cross clover G bridge on  
Hiway- Turn 101 road- when 101 turns south- go  
north stay on left gravel road to house

Lee R. Peterson  
234 S View Rd.  
Jerome, ID 83338

Date: 9-29-04

## Point of Diversion and Source Data Entry Form

Claim Number 37-2445

## Claimed Point of Diversion and Source

T05S R11E S10 SWNW Within ELMORE County Source: CLOVER CREEK SNAKE RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

## Water Right Point of Diversion and Source

T05S R11E S10 SWNW Within ELMORE County

## Recommended Point of Diversion and Source

## Source Information

Source

Tributary To

|              |             |
|--------------|-------------|
| 1. CREEK     | CLOVER CR   |
| 2 CLOVER CR. | SNAKE RIVER |

|   | Twp | Rge | Sec | Gov Lot | QQQ of QQ of Q | County | Source     |
|---|-----|-----|-----|---------|----------------|--------|------------|
| 2 | 55  | 11E | 9   |         |                | ELMORE | CLOVER CR. |
|   |     |     |     |         |                |        |            |
|   |     |     |     |         |                |        |            |

Other rights from this POD? none - 37-4018

Document how the POD and Source were verified:

John and I went to POD's this water  
is for 15 acre & 14 ac parcels

2 Barb 2 2406028 1311951 A0015201 1030333

Reviewer: Date: 9-29-04

## Place Of Use Data Entry Form

Claim Number 37-2445

## Claimed Place Of Use

T05S R11E S09      NESW      7.0      T05S R11E S09      NWSE      7.0  
Total Acres 14

☐ Use Claimed POU as Recommended POU

## Water Right Place Of Use

T05S R11E S09      NESW      7.0      T05S R11E S09      NWSE      7.0  
Total Acres 14

OK by Jerry &amp; Joan

## Recommended Place of Use

☐ See corrections to claimed POU above

| Twp | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|----|---|--------|---------|-------|----------------|
| 55  | 11E | 9   |    |   | Elmore |         |       | Irrig - stock  |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |

Total Acres \_\_\_\_\_

## Document how the POU was verified:

Joan & I went to site and observed lands -  
Jerry reviewed color photo and we marked on  
photo the 14 ac. parcel approx.

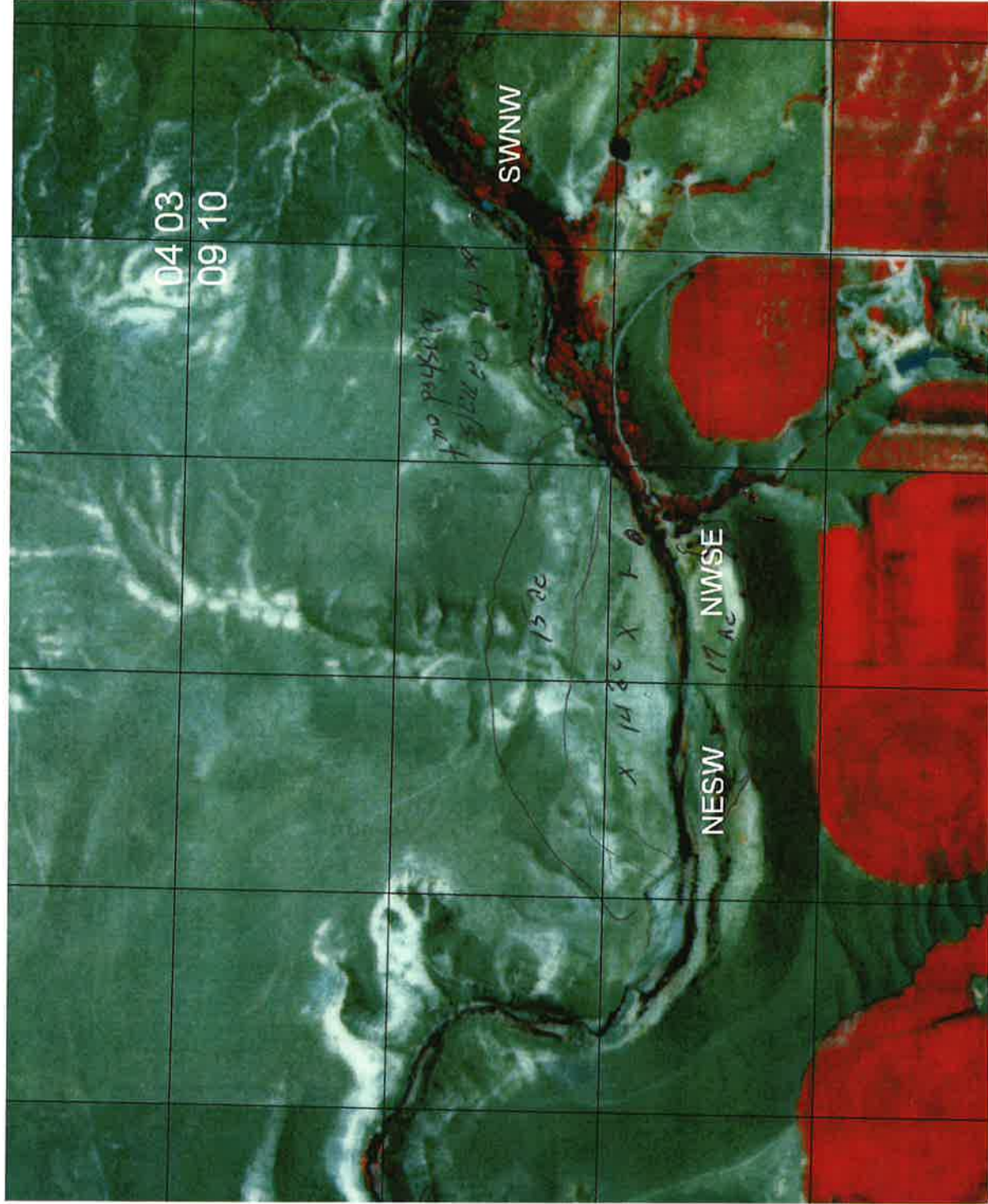
Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

9-29-04

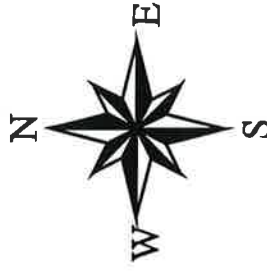
# 37-2445 37-4018 & 37-4019

*no map*



T05S R11E  
S10

*3134+ 126207 000  
washed out  
120 P34588  
500  
apparent*



IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POU REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 37-2445

11/15/2002

1

| Water Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use | Acres/Total | Name                 |
|---------------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|----------------------|
| 37-2445       | Claim       | 05S | 11E | 9   | NE | SW |     | IRRIGATION     | 7/14        | BARBER-CAVEN RANCHES |
| 37-4018       | Claim       | 05S | 11E | 9   | NE | SW |     | IRRIGATION     | 8/15        | BARBER-CAVEN RANCHES |
| 37-4019       | Claim       | 05S | 11E | 9   | NE | SW |     | IRRIGATION     | 6/17        | BARBER-CAVEN RANCHES |
| 37-7522       | Claim       | 05S | 11E | 9   | NE | SW |     | IRRIGATION     | 40/660      | BARBER-CAVEN RANCHES |
| 37-7945       | Claim       | 05S | 11E | 9   | NE | SW |     | IRRIGATION     | 40/660      | BARBER-CAVEN RANCHES |
| 37-4019       | Water Right | 05S | 11E | 9   | NE | SW |     | IRRIGATION     | 6/17        | ARDEN LAURITZEN      |
| 37-4018       | Water Right | 05S | 11E | 9   | NE | SW |     | IRRIGATION     | 8/15        | ARDEN LAURITZEN      |
| 37-2445       | Water Right | 05S | 11E | 9   | NE | SW |     | IRRIGATION     | 7/14        | E D HEATH            |
| 37-2445       | Claim       | 05S | 11E | 9   | NW | SE |     | IRRIGATION     | 7/14        | BARBER-CAVEN RANCHES |
| 37-4018       | Claim       | 05S | 11E | 9   | NW | SE |     | IRRIGATION     | 7/15        | BARBER-CAVEN RANCHES |
| 37-4019       | Claim       | 05S | 11E | 9   | NW | SE |     | IRRIGATION     | 7/17        | BARBER-CAVEN RANCHES |
| 37-7522       | Claim       | 05S | 11E | 9   | NW | SE |     | IRRIGATION     | 40/660      | BARBER-CAVEN RANCHES |
| 37-7945       | Claim       | 05S | 11E | 9   | NW | SE |     | IRRIGATION     | 40/660      | BARBER-CAVEN RANCHES |
| 37-2445       | Water Right | 05S | 11E | 9   | NW | SE |     | IRRIGATION     | 7/14        | E D HEATH            |
| 37-4018       | Water Right | 05S | 11E | 9   | NW | SE |     | IRRIGATION     | 7/15        | ARDEN LAURITZEN      |
| 37-4019       | Water Right | 05S | 11E | 9   | NW | SE |     | IRRIGATION     | 7/17        | ARDEN LAURITZEN      |

37-7522 Permit Lapsed  
37-7945 Permit Canceled

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

## REPORT OF ENGINEER

Permit No. 17651

This proof is for Beneficial Use

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

1. Name of applicant E. D. HEATH
2. Source of water supply: Clover Creek
3. Location of point of diversion: Is in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 10  
T. 5 S. R. 11 E. County of Elmore
4. Describe works as they exist, giving dimensions and capacities of same: Division ditch to pre creek direct. (no structures) Control in ditch consists of 14 ft. of 18" corrugated pipe & board head gate at intake. Ditch 2 ft wide & 1 ft. deep, about 1 mile long
5. Water is used for: Irrigation purposes.
6. 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 for other than irrigation): NE $\frac{1}{4}$  SW $\frac{1}{4}$  & NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 9, T. 5 S., R. 11 E., B. M.

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

8. What large stream would the water here appropriated finally reach? Snake River
- Remarks Seven acres in cultivation and an equal area has been irrigated when water supply permitted

This examination was made on the

8<sup>th</sup>

day of

October

1935

(Signed)

Frederick Johnson  
Examiner.



8



16

15

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

Water License No. 17651

Amount 0.23 Sec. ft.

Water District No.

Priority February 27, 1933

THIS IS TO CERTIFY that E. D. HEATH  
of King Hill, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated April 2, 1932; that Permit No. 17651  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
0.64 of 1 second <sup>foot</sup> ~~sec~~, was issued thereunder on July 16, 1935, showing that said works  
were completed on the 3rd day of September, 1932; and that on the 10th  
day of September, 1935.

E. D. HEATH  
of King Hill, State of Idaho, made proof to the satisfaction of the  
Commissioner of Reclamation of Idaho, of the right to use the waters of Clover Creek  
, a tributary of Snake River, for the purpose of irrigation  
, under Use Permit No. 17651 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7  
of Licenses, at page 3808, on the 23rd day of January, 1936;

The right hereby confirmed dates from February 27, 1933;

The Point of Diversion is located  
in the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Sec. 10, Twp. 5 S., R. 11 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 0.23 of 1  
cubic <sup>foot</sup> ~~sec~~ per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract                                                       | No. Acres<br>Described in Permit | No. Acres<br>Actually irrigated |
|------|-------|------|------------------------------------------------------------------------|----------------------------------|---------------------------------|
| 5 S  | 11 E  | 9    | NE $\frac{1}{4}$ SW $\frac{1}{4}$<br>NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 16<br>16                         | 7<br>?<br><br>14                |

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 Commissioner of Reclamation, affixed at Boise, Idaho,  
this 23rd day of January, 1936.

(SEAL)

R. W. FARIS  
Commissioner of Reclamation

37 2445

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: A37-02445  
Date Received: ~~10/27/1989~~ 11-15-89  
Receipt No: W006711  
Received By: \_\_\_\_\_

RECEIVED

JAN 10 1991

Department of Water Resources  
Southern Region Office  
**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name: BARBER/CAVEN RANCHES 208-322-5600  
Address: PITCH FORK RANCH  
6874 FAIRVIEW ROAD  
BOISE, ID 83704

2. Date of Priority: FEB 27, 1933

3. Source: CLOVER CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 05S      | 11E   | 10      | SW     |        | NW     |     | ELMORE |

5. Description of diverting works:  
HEADGATE AND LATERALS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 0.280  |      |        |

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

8. Total consumptive use is 42.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
IN-STREAM STOCK WATERING

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 05S      | 11E   | 9       | NE     | SW     |     | IRR | 7.0   |
|          |       |         | NW     | SE     |     | IRR | 7.0   |

Section Acres 14.0

A37-02445

Page 1

Date: 10/27/89

MICROFILMED

FEB 23 1993

10. Place of Use: Continued

Total Acres 14.0

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:

37-7945, 37-7522, 37-7546, 37-4018, 37-4019, 37-4017

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 17651

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        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 Partner of  
Partner Title  
Barber/Conner Ranches Organization, that I have signed the foregoing  
document in the space below as Partner of  
Partner Title  
Barber/Conner Ranches Organization and that the statements contained in the  
foregoing document are true and correct.

[Signature]  
Signature of Authorized Agent

Barber/Conner Ranches  
Title and Organization

11-14-89  
Date

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 14<sup>th</sup> day  
of Nov 19 89

[Signature]  
Notary Public

Seal

Residing at Boise

My Commission Expires 12/2/94

Old (D) Number - 17651

State- ID Zip- 83633

- - - - - Conditions of Approval - - - - - +  
- - - - - No Conditions of Approval found.

**MICROFILMED**  
**+ FEB 23 1993**

Microfilm Roll Number -

**MICROFILMED**  
**FEB 23 1993**