

11/22/2006

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

RIGHT NUMBER: 37-2706

NAME AND ADDRESS: SPRING COVE RANCH INC
283 E SPRING COVE RD
BLISS ID 83314

SOURCE: CLOVER CREEK
WASTE WATER

TRIBUTARY: SNAKE RIVER
TRIBUTARY: CLOVER CREEK

QUANTITY: 1.840 CFS
180.000 AFY

PRIORITY DATE: 04/27/1965

POINT OF DIVERSION:

T05S R12E S21 SESW Within GOODING County
T05S R12E S21 SESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	180.00 AFY
IRRIGATION FROM STORAGE	03/15 11/15	180.00 AFY
WILDLIFE STORAGE	01/01 12/31	180.00 AFY
DIVERSION TO STORAGE	01/01 12/31	1.840 CFS

PLACE OF USE: IRRIGATION FROM STORAGE in GOODING County

T05S R12E S21	NESW	12.00	T05S R12E S21	NWSW	31.00
T05S R12E S21	SWSW	1.50	T05S R12E S21	SESW	0.50

WILDLIFE STORAGE in GOODING County

T05S R12E S21	NESW	T05S R12E S21	SESW
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45 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.

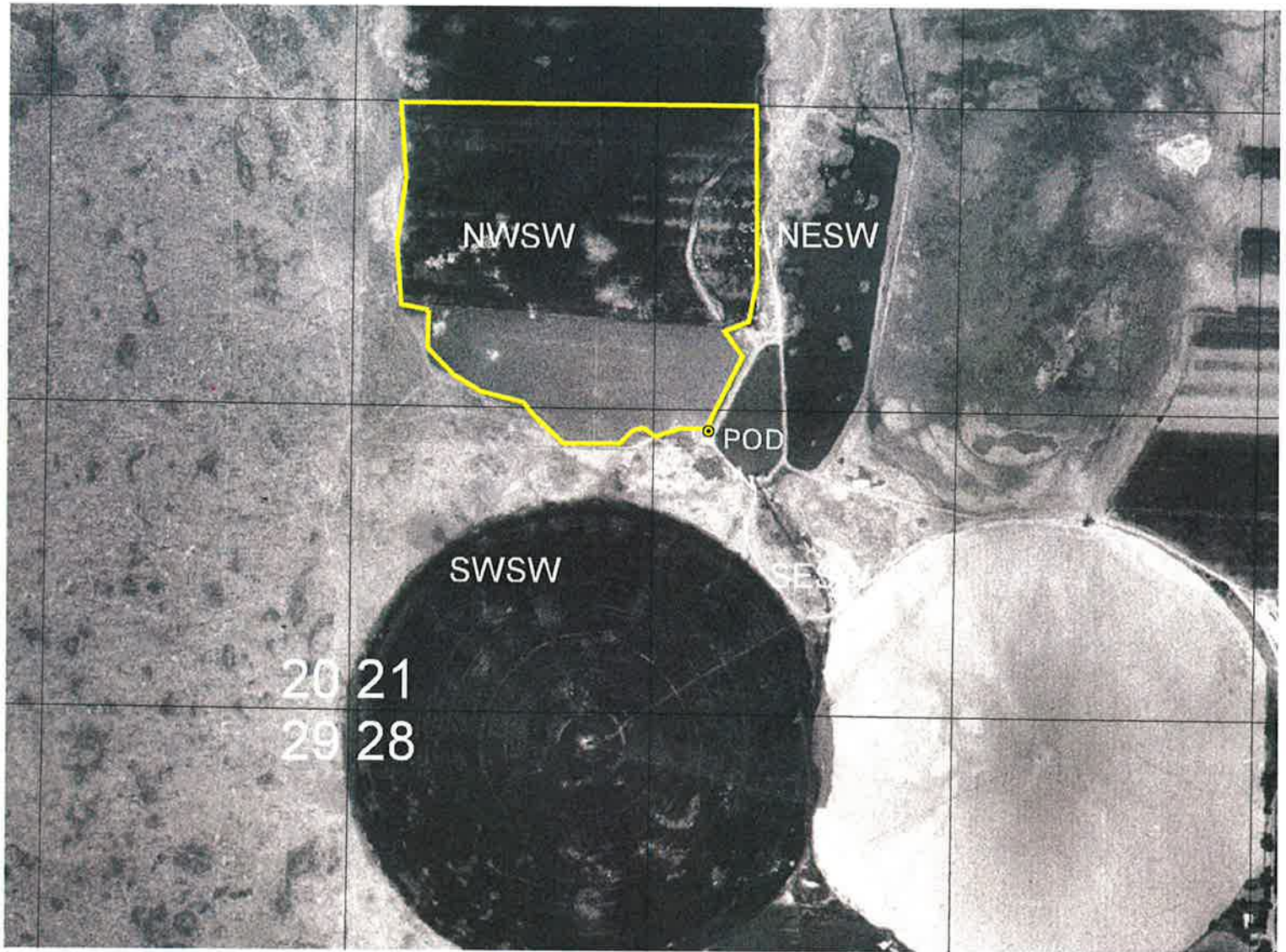
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

The source of this right is waste water originally diverted by the North Side Canal Co.

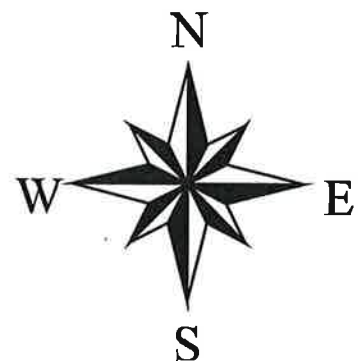
37-2706



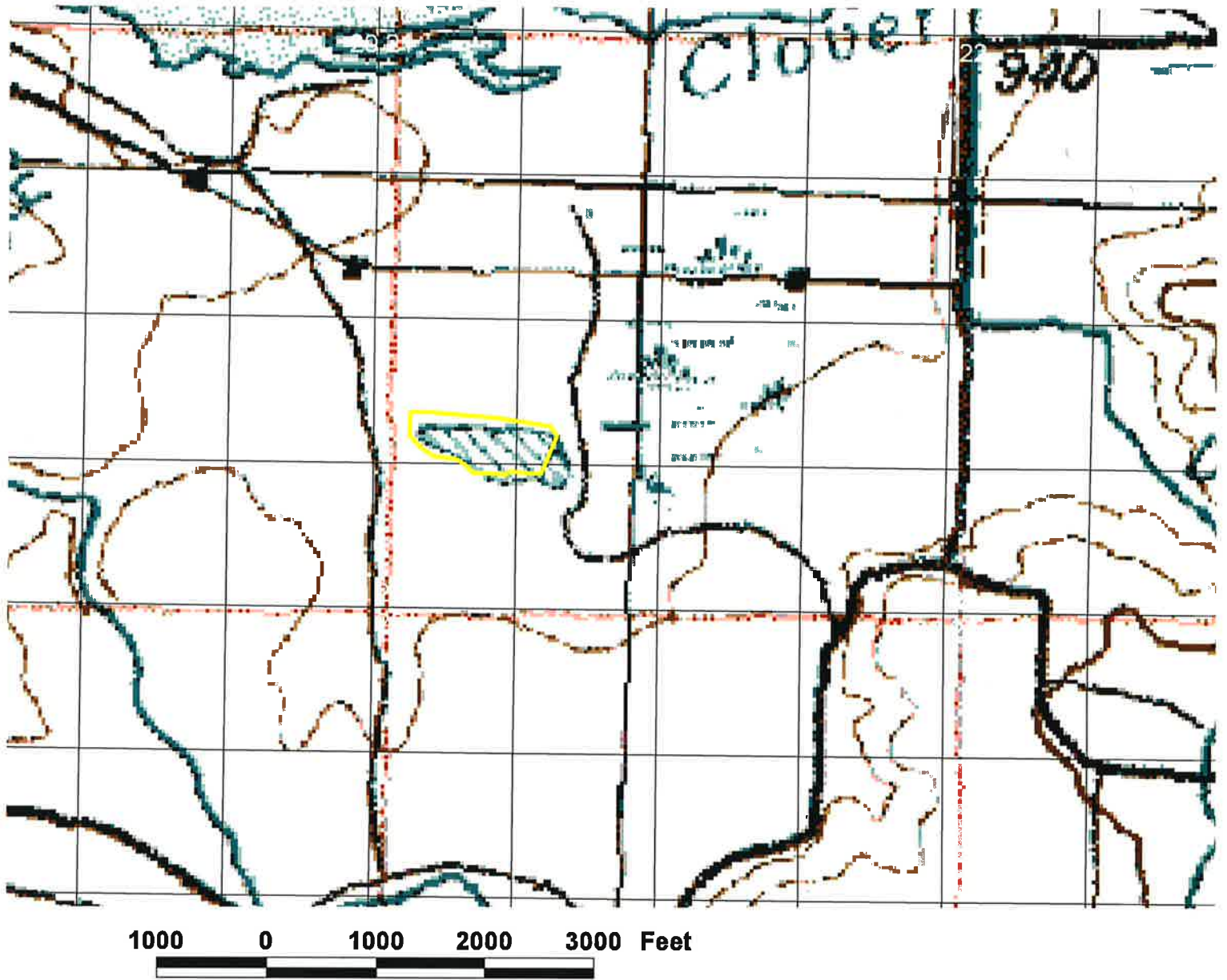
600 0 600 1200 1800 Feet

T05S R12E S21

Map prepared by: Carter Fritschle
Date prepared: 03/04/05 - Revised 11/22/06
1992 DOQ photography
Idaho Department of Water Resources

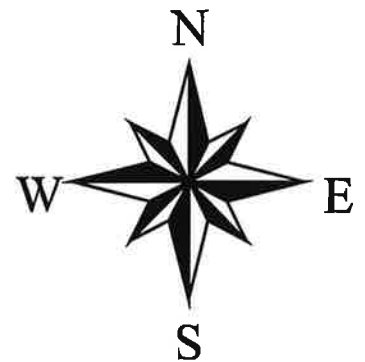


37-2706

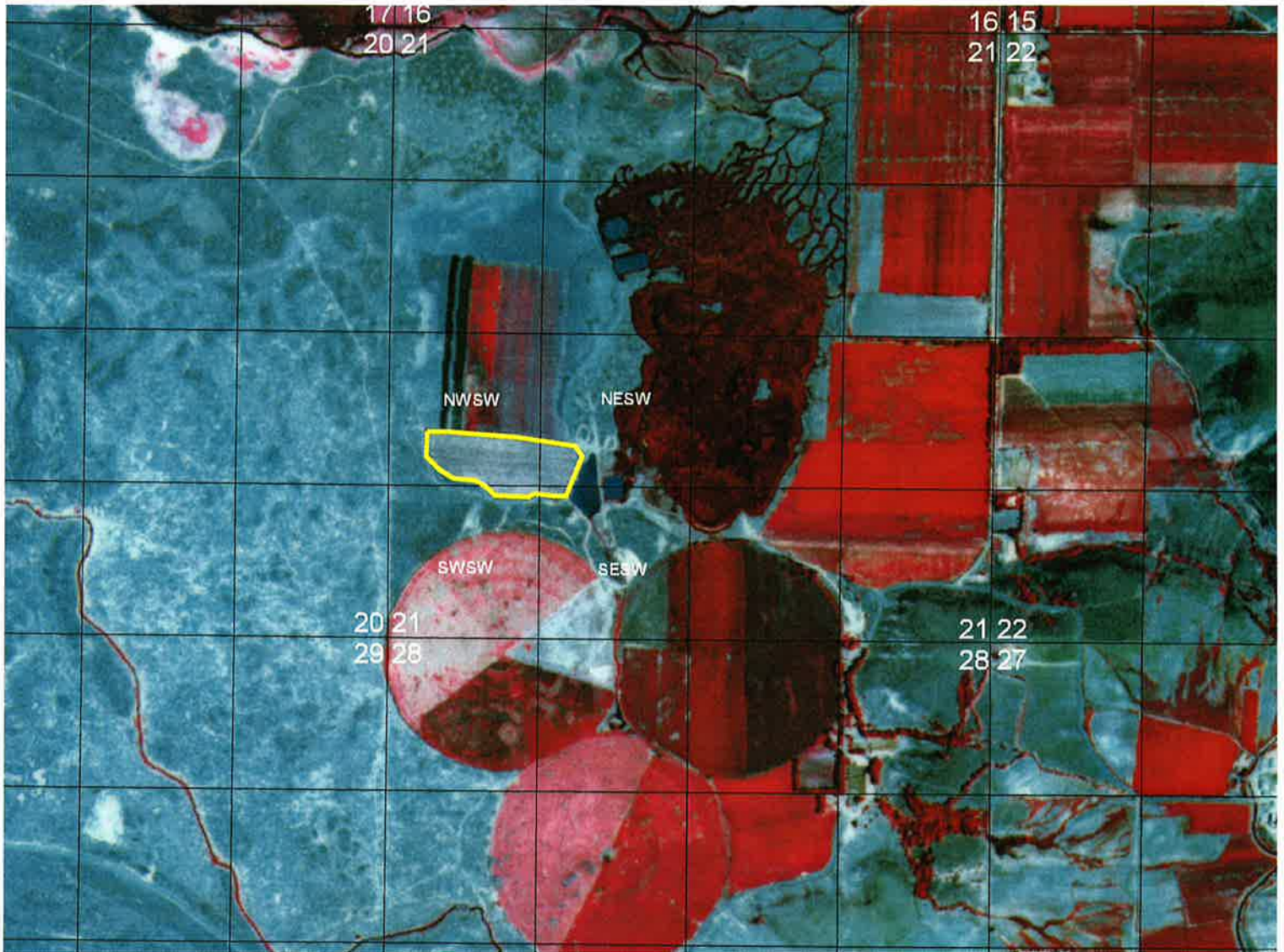


T05S R12E S21

1976 Topo

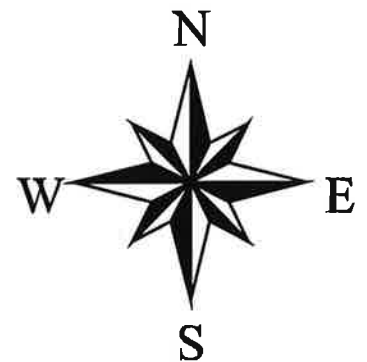


37-2706



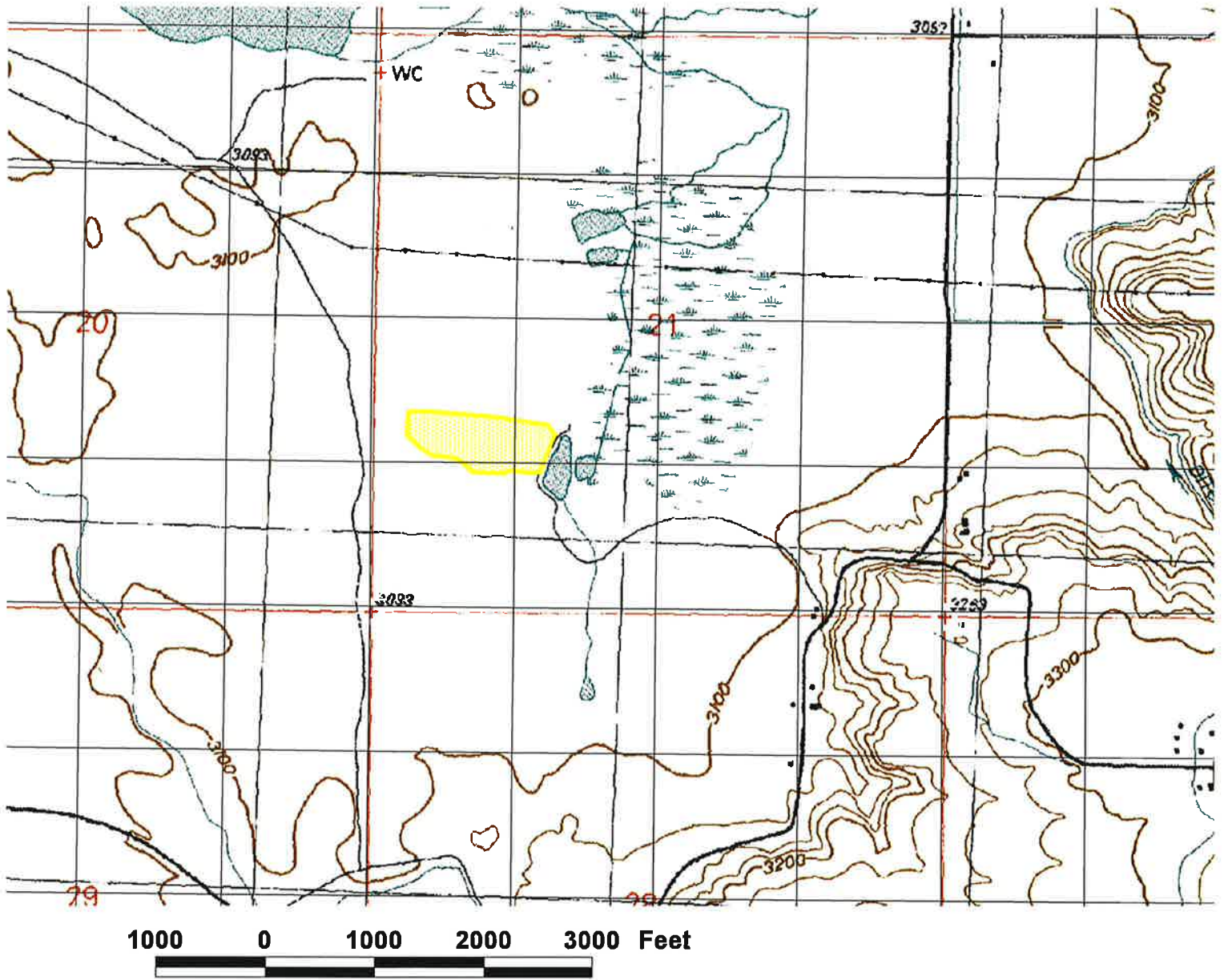
1000 0 1000 2000 3000 Feet

T05S R12E S21

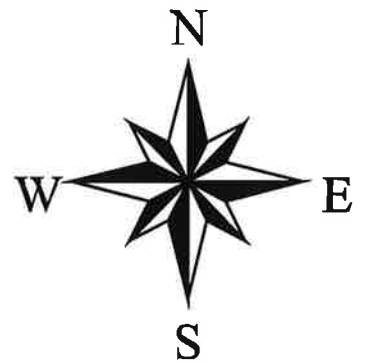


1987 NAPP

37-2706

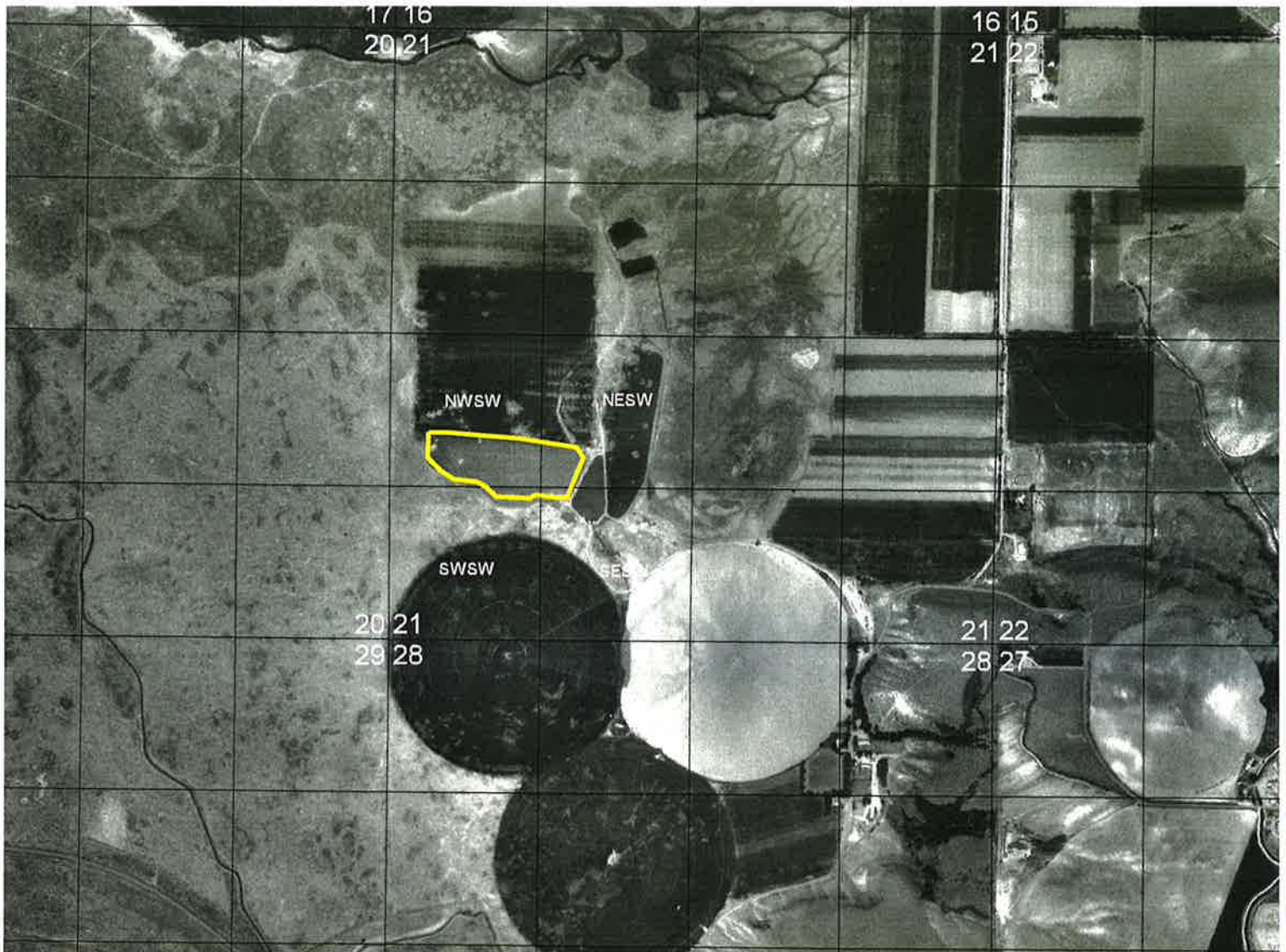


T05S R12E S21



1989 Topo

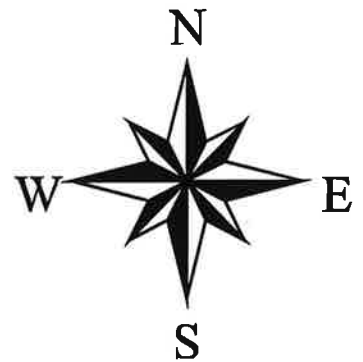
37-2706



1000 0 1000 2000 3000 Feet



T05S R12E S21



1992 DOQ

03/04/2005

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

RIGHT NUMBER: 37-2706

NAME AND ADDRESS: SPRING COVE RANCH INC
270 SPRING COVE RD
BLISS ID 83314

SOURCE: CLOVER CREEK
WASTE WATER

TRIBUTARY: SNAKE RIVER
TRIBUTARY: CLOVER CREEK

QUANTITY: 0.940 CFS
137.400 AFY

PRIORITY DATE: 04/30/1965

POINT OF DIVERSION:

T05S R12E S21 SESW Within GOODING County

T05S R12E S21 SESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.260 CFS 39.00 AFY
WILDLIFE	01/01 12/31	2.40 AFY 96.00 AFY
	04/01 11/01	
DIVERSION TO STORAGE	04/01 11/01	0.640 CFS 0.040 CFS
	01/01 12/31	

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION Within GOODING County

T05S R12E S21	NESW	2.7	T05S R12E S21	NWSW	8.9
T05S R12E S21	SWSW	0.8	T05S R12E S21	SESW	0.4

WILDLIFE Within GOODING County

T05S R12E S21	NESW	T05S R12E S21	SESW
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12.8 ACRES TOTAL

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

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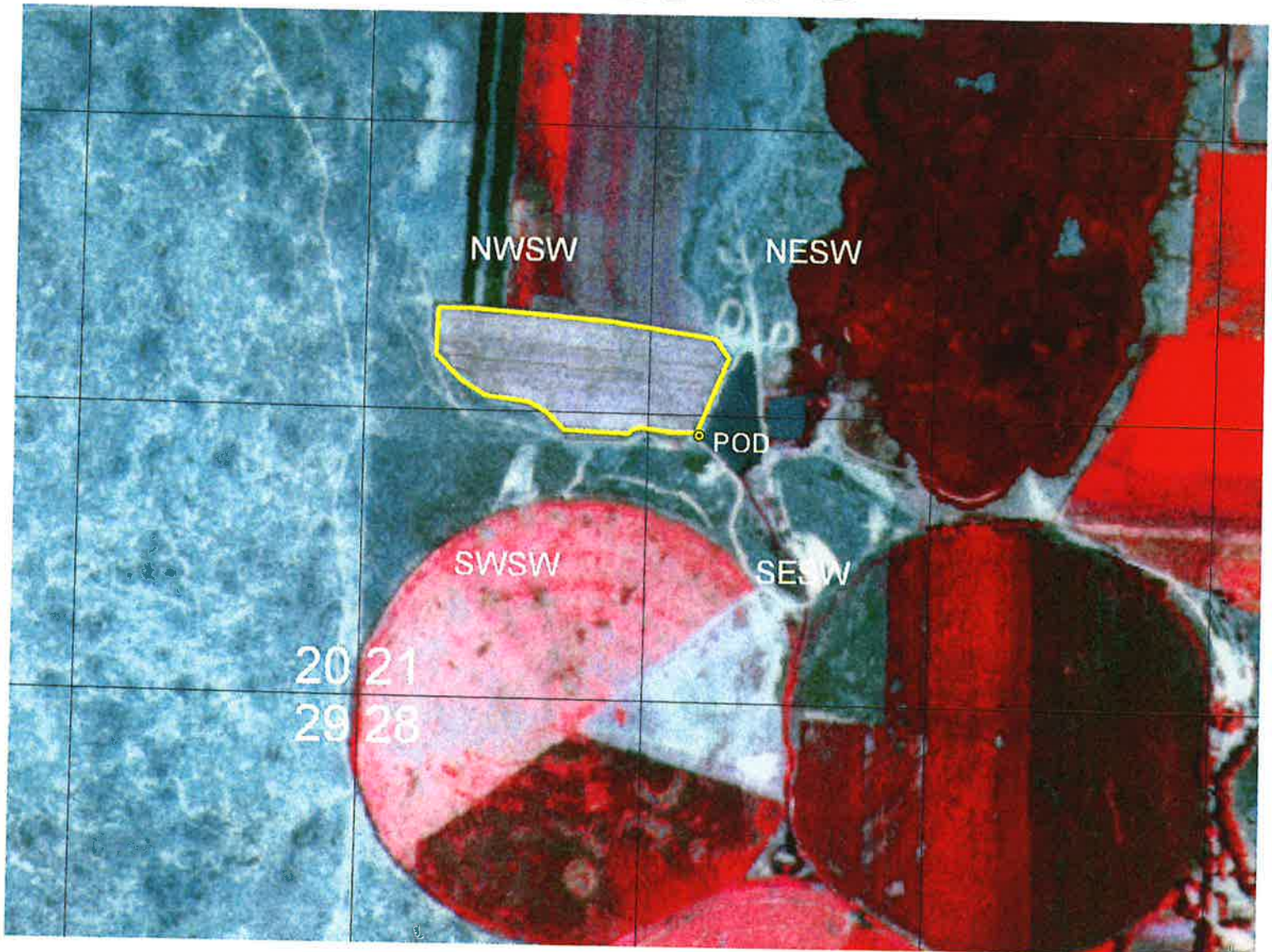
EXPLANATORY MATERIAL: License

The source of this right is waste water originally diverted by the North Side Canal Co.

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

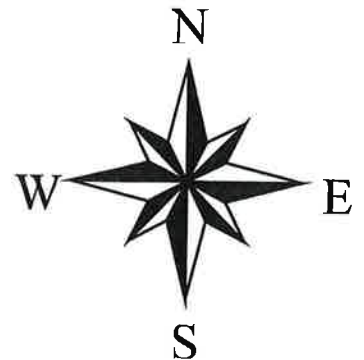
37-2706



600 0 600 1200 1800 Feet

T05S R12E S21

Map prepared by: Carter Fritschle
Date prepared: 03/04/05
1987-1988 NAPP photography
Idaho Department of Water Resources



Fritschle, Carter

From: Merritt, Allen
Sent: Monday, November 25, 2002 8:04 AM
To: Fritschle, Carter
Subject: RE: Daniel Butler - Spring Cove Ranch

I've looked over the letter and don't have much to add. If all of this is natural and the size of ponds fluctuates with flow then seems like no transfer needs to be filed. As I recall Norm wanted the language about transfers in the letter.

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

From: Fritschle, Carter
Sent: Friday, November 22, 2002 5:00 PM
To: Merritt, Allen; Young, Norm
Cc: Spencer, Nick
Subject: RE: Daniel Butler - Spring Cove Ranch

Allen,

I will fax you the letter. The dikes were constructed to reclaim the lake bottom for farming (according to the application for permit.) The wetland appears to be mostly natural, so that is why I am questioning whether a change in nature of use for the license is appropriate. Also, there appears to be an "enlargement" of the dikes since 1987, or possibly they are not using as much water for irrigation and therefore allowing more water to be impounded by the dikes.

Thanks for looking into this. Carter

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

From: Merritt, Allen
Sent: Friday, November 22, 2002 4:49 PM
To: Fritschle, Carter; Young, Norm
Cc: Spencer, Nick
Subject: RE: Daniel Butler - Spring Cove Ranch

Carter

I vaguely remember the conversation that may have prompted the letter. Could you fax me the letter. As I recall Butler drove me around his farm and showed me some old dikes on the property. As I recall he was questioning the need for a water right for these dikes. As I recall he was given options like

1. claim them in the SRBA if they are of value for you.
2. If they are part of NSCC clean up of system then maybe nothing needs to be done.
3. If these are natural features then maybe nothing needs to be done.

Maybe if I saw the letter it would help my recollection.

Thanks

Allen

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

From: Fritschle, Carter
Sent: Friday, November 22, 2002 3:10 PM
To: Merritt, Allen; Young, Norm
Cc: Spencer, Nick
Subject: Daniel Butler - Spring Cove Ranch

Hi Allen and Norm,

Allen wrote a letter in 1995 to Daniel Butler concerning water use on this property for wetlands that mentioned consultation with Norm Young, so that is why you are both getting this email. In my review of the SRBA claim 37-2706 for Spring Cove Ranch here is what I know so far, and I am hoping that maybe one or both of you can fill me in on what has transpired with this claimant.

License 37-2706 was originally for 45 acres of irrigation and some stockwater. Priority date is 1965.

The 1976 topo shows one lake that has a surface area of approximately 12 acres.

The 1978 licensing field exam shows that about 10 of the irrigated acres appear to have been reclaimed from the 12 acre lake, leaving a storage pond with about 2 acres of surface area.

The 1987 NAPP shows four small lakes with a surface area of approximately 4.5 acres.

The SRBA claim filed in 1988 states the intent to construct a dam to increase storage in the natural lake for wildlife enhancement. The claim is for 13 acres of irrigation and 100 AF of water for wildlife use.

The lakes in the 1989 topo map have a total surface area of approximately 6 acres, and they appear to be in about the same locations as the 4 lakes in the 1987 NAPP.

The 1992 aerial photo still shows 4 lakes, but the surface area has been increased to approximately 15 acres.

In 1995 Allen wrote a letter stating he had met with Daniel Butler on August 1. The letter talks about claiming the wetlands in the SRBA.

The number of irrigated acres in the vicinity of the licensed POU appear to have increased between 1978 and 1987, and again between 1987 and 1992. Apparently this is being done with North Side Canal Company shares.

My question is, are we suggesting a change in the nature of use from irrigation to wildlife wetlands for a portion of license 37-2607? If so, is there anyway of knowing how much of this change occurred before November 19, 1987? And, since it looks like most of the change occurred after 1987, should filing a transfer be suggested to the claimant?

Thanks in advance for any information you might be able to provide. Carter

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-2706 Priority April 27, 1965 Amount 0.94 cfs

THIS IS TO CERTIFY, that DORAN BUTLER
of Bliss, Idaho, has complied with the terms and conditions of Permit
No. 37-2706 issued pursuant to Application for Permit dated April 27, 1965,
and has submitted proof to the Department of Water Resources on April 15, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.84 cfs of water from unnamed stream and floodwater from Clover Cr.,
tributary to Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>0.90</u> cfs and	<u>135</u> acre feet
<u>Stockwater</u>	from <u>January 1</u> to <u>December 31</u>	at <u>0.04</u> cfs and	<u>2.4</u> acre feet
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 0.94 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
137.4 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21,
Twp. 5S, Rge. 12E, B.M. in the County of Gooding

Description and location of place of use:

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 $\frac{1}{4}$	
5S	12E	21									10	29.2	2.7	3.1					45

Total number of acres irrigated 45

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
January, 19 80.

Director

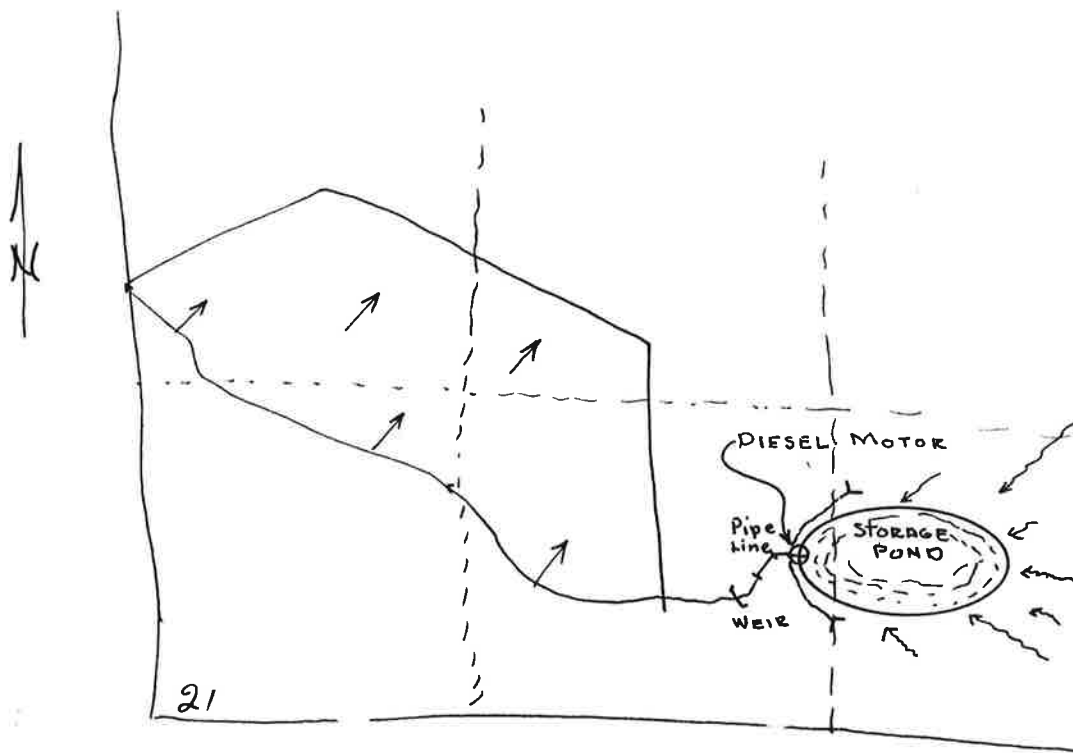
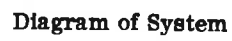
COPIES RECEIVED

MAY 4 1977

- Department of Water Resources
Southern District Phone 352-4202

- Permit No. 37-2706
Examination for b/u

- MICROFILM**

T
5
S

DATE OF EXAM 7-18-77

ACREAGE
Found 45
Recommended 45

Irrigation Requirement 3.0 Ac Ft/Ac

USE

Irrigation Q = .9 c.f.s. V = 135.0 AF/Ann. from April-1 to Nov.-1
Domestic Q = 0.05 c.f.s. V = 2.7 AF/Ann. from April-1 to Nov.-1
Livestock Q = 0.04 c.f.s. V = 2.4 AF/Ann. from April-1 to Nov.-1
(reduced to be equal w/ domestic use for 2 homes - originally applied for)

Is water co-mingled? yes no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 1.84 c.f.s. Method of measurement CONTRACTED RECTANGULAR WEIR

Total Q recommended .9 c.f.s. Meter No. ✓ Type 1.5' Condition good

Total V recommended 135.0 Ac.Ft./Ann.

Recommended Amendments:

P.D. 32 SW, Sec. 21 T.5S. - R.12E.
Only → Place of Use (10) NESW, (29.2) NWSW, (2.7) SWSW, (3.1) SESW, Sec. 21 T.5S. - R.12E
Other _____
None ✓

MEASUREMENT CALCULATION:

WEIR MEASUREMENT. STAFF GUDGE READING .54 @ 1.5' CONTRACTED WEIR
= 1.84 c.f.s.
135.0 Ac.Ft./Ann. = IRRIGATION REQUIREMENT (3.0 Ac.Ft./Ac) (45 ACRES)
= .95 c.f.s. 2.7 Ac.Ft./Ann. Livestock 150 Hd RANGE CATTLE. (See Dept. Memo. 4-275)
NO DOMESTIC USE.

SYSTEM DESCRIPTION:

INTERNATIONAL HARVESTER MODEL # DU-732D SERIAL # 520689
30Hp. DIESEL MOTOR; RECTANGULAR CONTRACTED WEIR; GRAVITY FLOW
IRRIGATION; SMALL DIVERSION POND COLLECTS THE WASTE WATER.

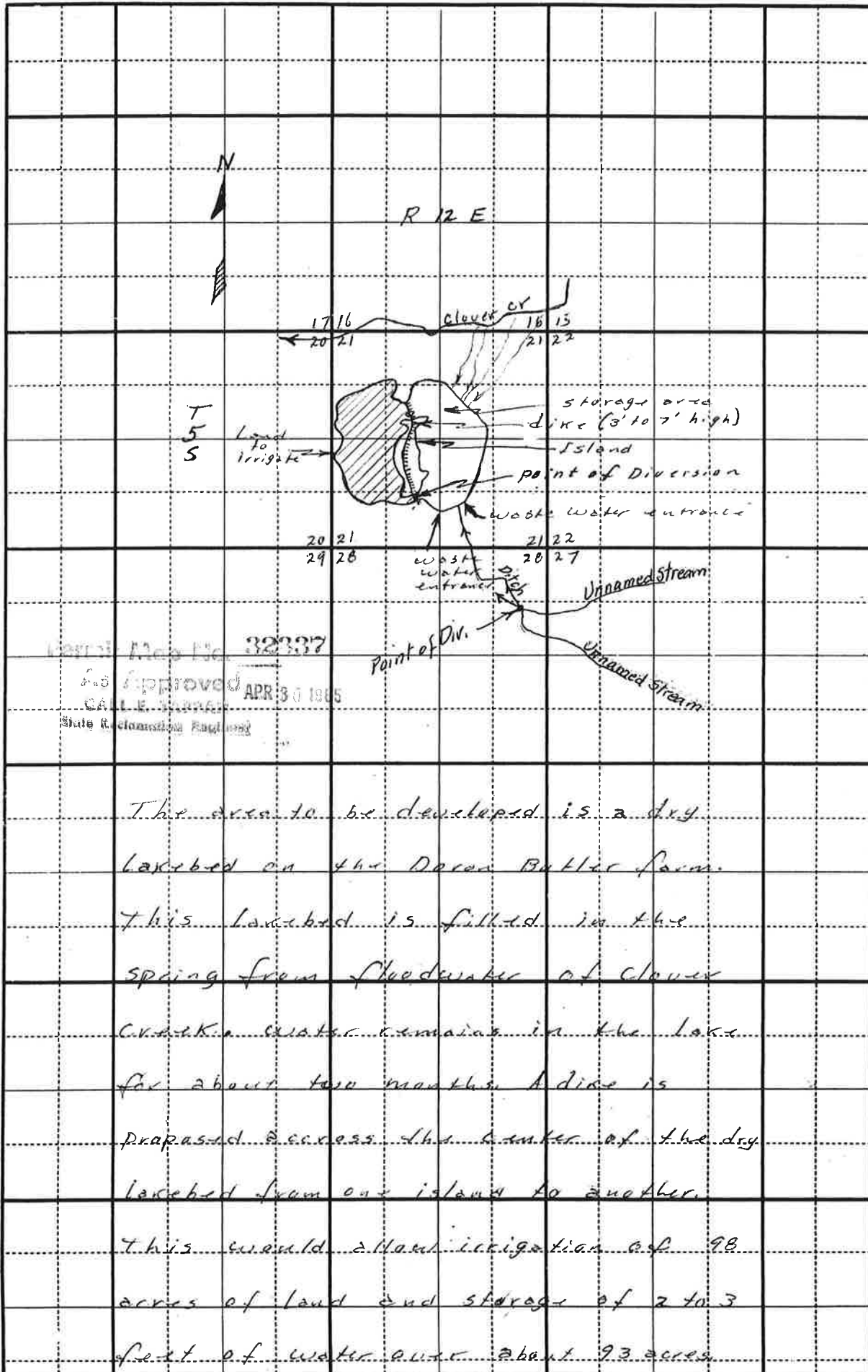
REMARKS:

DORAN BUTLER WAS PRESENT DURING THE FIELD EXAM.
WATER IS DIVERTED FROM A STORAGE POND BY MEANS OF
A DIESEL MOTOR. A SMALL DITCH 3' WIDE 1' DEEP CONVEYS THE
WATER TO ITS PLACE OF USE. (SEE DIAGRAM)

Examiner's Signature [Signature] Date 2/21/78

Checked by [Signature] Date 12-14-78

Approved by _____ Date _____



The area to be developed is a dry lakebed on the Doran Butler farm. This lakebed is filled in the spring from floodwater of Clover Creek. water remains in the lake for about two months. A dike is proposed across the center of the dry lakebed from one island to another. This would allow irrigation of 98 acres of land and storage of 2 to 3 feet of water over about 93 acres.

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

water will be delivered through the dike in a dike by pump or gravity flow. 32337

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: A37-02706
Date Received: 6/24/1988
Receipt No: 5000524
Received By: TB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SPRIN COVE RANCH INC. 208-352-4202
Address: C/O DORAN BUTLER
270 SPRING COVE RD.
BLISS, ID 83314

2. Date of Priority: APR 30, 1965

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	12E	16	SE	SE	SW		GOODING
			SW	SE	SE		GOODING
			SE	SE	SE		GOODING
		28	NW	SE	NE		GOODING

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.260		
WILDLIFE	01/01	12/31			100.00

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK/150 HD RGE. WILDLIFE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	12E	21	SW	NE		WILDLF	
			SE	NW		WILDLF	
			NE	SW		WILDLF	
			SW	SW		IRR	7.0
			SE	SW		IRR	6.0
			SE	SW		WILDLF	
			NW	SE		WILDLF	
			SW	SE		WILDLF	

Section Acres 13.0

Total Acres 13.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NSCC SHARES

14. Remarks:

CLAIMANT NOW IRRIGATES MOST OF THE LAND THAT WAS FORMERLY IRRIGATED WITH THIS RIGHT WITH NSCC WATER. NOW ONLY IRRIGATES THAT PORTION THAT CAN BE IRRIGATED WITHOUT PUMPING. DIVERSION WORKS CONSISTS OF FLOOD CHANNELS FROM CLOVER CR. AND UNNAMED WASTEWATER STREAMS SUPPLYING WATER TO NATURAL LAKE. WATER IS DIVERTED THROUGH DAM IN A 12" CULVERT TO POND WHERE IT COMINGLES WITH WASTEWATER AND IS DIVERTED THROUGH A 24" PIPE TO FLOOD IRRIGATE THE 13 ACRES. THE BALANCE OF THE WATER IS HELD IN NATURAL LAKE OR OVERFLOWS BACK INTO CLOVER CR. CLAIMANT INTENDS TO CONSTRUCT DAM TO INCREASE STORAGE IN NATURAL LAKE FOR WILD LIFE ENHANCEMENT.

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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: 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): Spring Cone Ranch Inc Date: June 24, 1988
Selen H Butcher Inc Date: _____

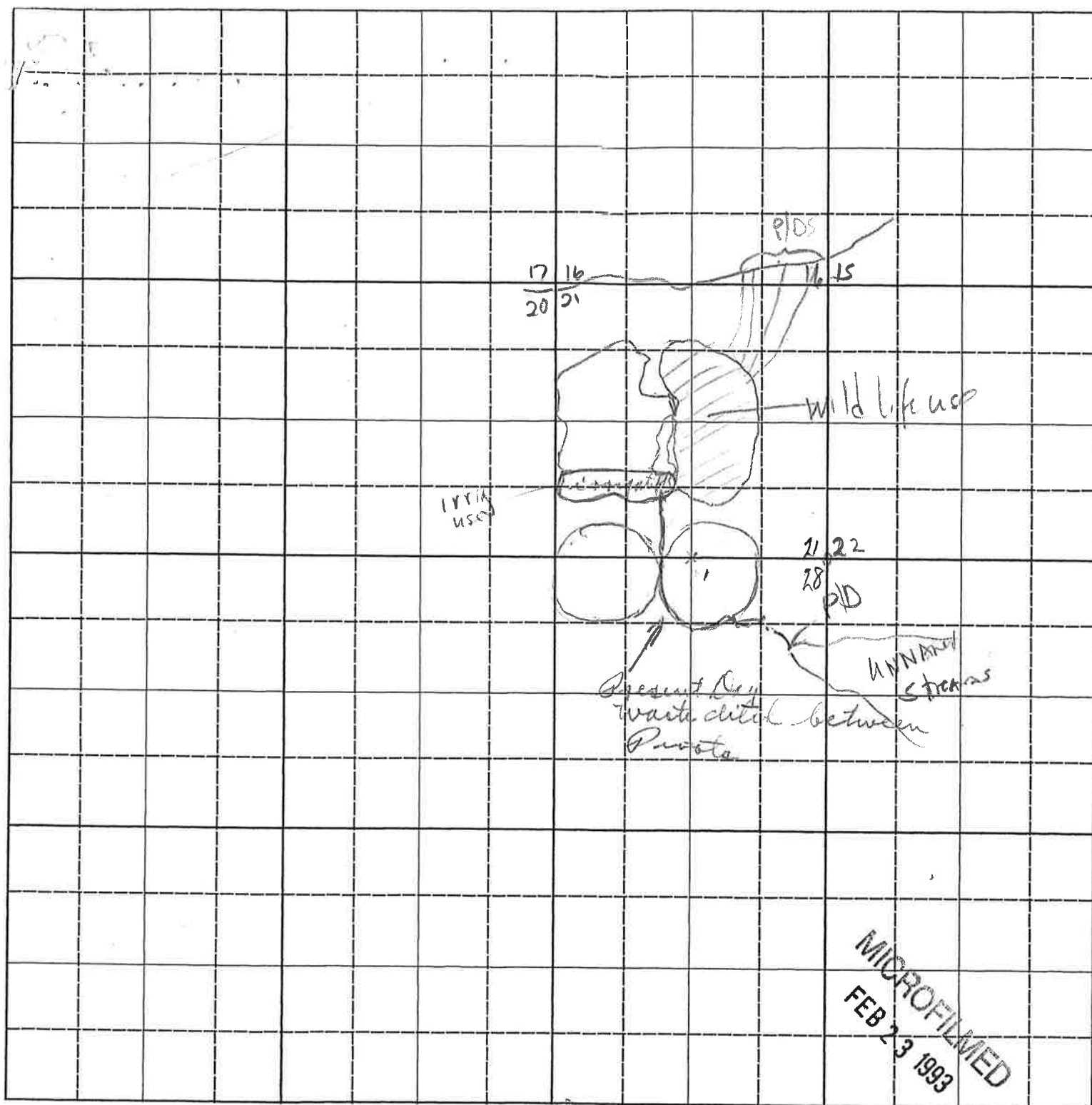
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of June 19 88 Mary A. Baldwin
Notary Public

Seal

Residing at Gooding Id
My Commission Expires 10/16/1992

REPROFILMED
FEB 23 1993



Scale: 2 inches equal 1 mile.

JUNE 24, 1988



State of Idaho .

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

August 7, 1995

Daniel Butler
Spring Cove Ranch
Bliss, ID 83314

RE: Waste water management project

Dear Daniel:

In response to our August 1st meeting at your ranch, I have discussed your situation with Norm Young, Administrator for the Water Management Division for the department. We have concluded the following:

Based on the premise that you are managing the waste water from your farming operation and in doing so you develop a wetland area as a secondary benefit; you do not need to file for a water right for this management practice. In this scenario no water can be purposefully diverted to maintain any wetland and if irrigation of the land ceases then no water for maintenance of the wetland can be demanded.

Based on the premise that you wish to or have to maintain a wetland and would desire or be required to defend the diversion of water for the wetlands against other appropriators then you may consider: 1) claiming the use of wetlands for both your spring water and also as an added use for your canal shares in the SRBA. 2) if you wish to move the wetland use to another location then you should file a transfer of the SRBA claim(s) to change the place of use.

I hope this answers your questions. If you have further questions please feel free to contact me at my office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

CC: Norm Young - IDWR State Office
Doug Jones - IDWR Southern AJ

A37-02706

NOV 27 1995

6/9/94

COMMUNICATION DOCUMENTATION

Claim No.

A37-02706
A37-04135
A37-04136

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Jeanie Robertson Date 10/20/94

Contact Person(s) Wendy - Bill Hollifield's Law Office

Nature of Contact questions on Spring flows for Claims under "Spring Cove Ranch" - for Boarding hearing.

Substance of Communication Ran profile reports on all three claims and she picked them up.

NOV 27 1994