

11/26/2004

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

RIGHT NUMBER: 37-4019

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

SOURCE: UNNAMED STREAM

TRIBUTARY: CLOVER CREEK

QUANTITY: 0.350 CFS

PRIORITY DATE: 03/15/1962

POINT OF DIVERSION:

T05S R11E S9 NWSE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.010 CFS
IRRIGATION	03/15 11/15	0.340 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T05S R11E S09	NESW	11.0	T05S R11E S09	NWSW	0.8
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T05S R11E S09	NWSE	5.2
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STOCKWATER same as IRRIGATION

17 ACRES TOTAL

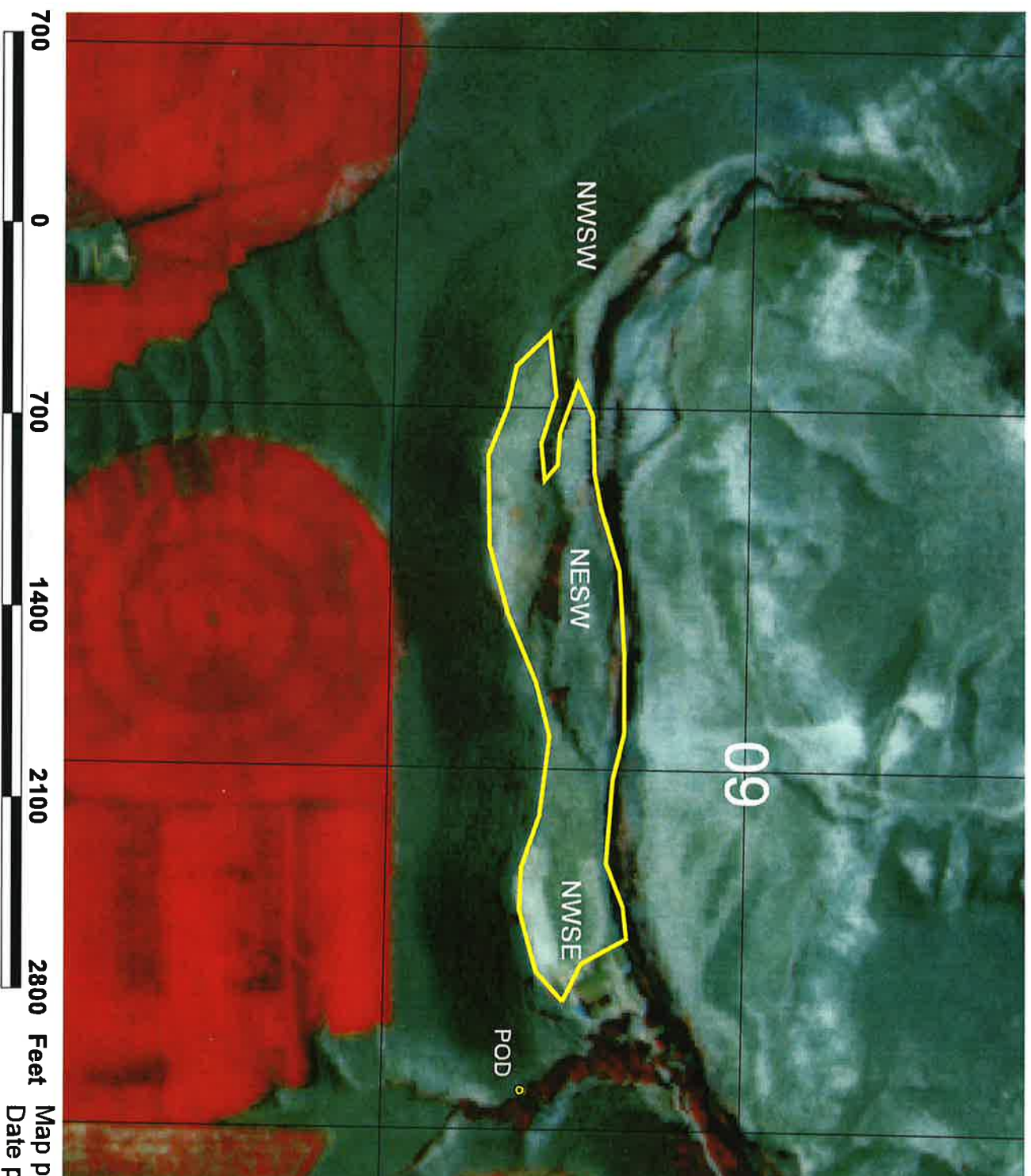
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: Beneficial Use

37-4019

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 37-4019

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

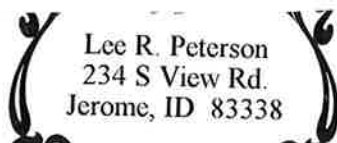
Date of Field Exam: 9-29-04 Time: 9:30 A
Town-Foreman

Accompanied By: JERRY CAVEN Phone Number: 867-2892

Relationship to Claimant: OWNER-FOREMAN

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

From King Hill go south-Cross Clover Co. bridge on
Hiway Turn on 101 road-when 101 turns south-go
North stay on left gravel road to house



Date: 9-29-04

Point of Diversion and Source Data Entry Form

Claim Number 37-4019

Claimed Point of Diversion and Source

T05S R11E S9 NWSE Within ELMORE County Source: UNNAMED STREAM CLOVER CREEK

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T05S R11E S9 NWSE 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
1-	55	11E	9			Elmore	CREEK

Other rights from this POD? NONE

Document how the POD and Source were verified:

Iawn and I went to POD's this 17 ac water is
from #1 south side of Clover Cr.
 1- Barb -1 2406141 1311780 ^{plate} none ^{photo} 1030 332

Reviewer: Date: 9-29-04

Place Of Use Data Entry Form

Claim Number 37-4019

Claimed Place Of Use

T05S R11E S09	NESW	6.0	T05S R11E S09	NWSW	4.0
T05S R11E S09	NWSE	7.0			

Total Acres 17

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T05S R11E S09	NESW	6.0	T05S R11E S09	NWSW	4.0
T05S R11E S09	NWSE	7.0			

Total Acres 17

on by Jerry & Jawn

Recommended Place of Use

☐ See corrections to claimed POU above

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
5S	11E	9			Elmore			Irrigation - Stock

Total Acres _____

Document how the POU was verified:

Jawn & I went to site and observed lands
 Jerry reviewed color photo and we marked on
 photo this 17 ac. parcel approx.

Reviewer: _____



Date: _____

9-29-04

Period of Use and Quantity Data Entry Form

Claim Number 37-4019

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	10/15	1	
STOCKWATER	1/01	12/31	0.01	

approx varies a little

Overall Diversion Rate 1

Overall Diversion Volume

Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	10/15	1	
STOCKWATER	1/01	12/31	0.01	

Overall Diversion Rate 1

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irriq. stock	4/1	10/15		

no msa. devices yet

Overall Diversion Rate

Overall Diversion Volume

Document how the Period of Use and/or Diversion Rate were verified:

They are planning insolation of a pipe from #1 POD to field with a method of measurement as soon as possible

Reviewer:



Date:

9-29-04

37-4019

T05S R11E
S09



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

RECEIVED

JAN 10 1991

Ident. Number: A37-04019
Date Received: ~~10/27/1989~~ 11-15-89
Receipt No: W006711
Received By: _____

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 FAIVIEW ROAD
BOISE, ID 83704

2. Date of Priority: MAR 01, 1900

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	11E	9	NW	SE			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	10/15	1.000		
STOCKWATER	01/01	12/31	0.010		

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

A.F.A.

8. Total consumptive use is 51.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 RANGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	11E	9	NE	SW		IRR	6.0

A37-04019

Page

1

Date: 10/27/89

MICROFILMED
FEB 23 1993

10., Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	11E	9	NW	SW	IRR	4.0
			NW	SE	IRR	7.0
					Section Acres	17.0
					Total Acres	17.0

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, 37-2445, 37-4018, 37-4017

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

(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.

I do solemnly swear or affirm that I am Gartner of
Barber/Cover Ranches, that I have signed the foregoing
 Organization
 document in the space below as Gartner of
 Title
Barber/Cover Ranches and that the statements contained in the
 Organization
 foregoing document are true and correct.

Name	Address	City and State	Zip
Baker/Cave Ranches			
Title and Organization			

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of Nov 19 89 Sharon R.

Residing at Bone
My Commission Expires 12/12/94

21/89
MICROFILMED
FEB 23 1993

Water Right Number - 37-04019 Adj. Flag Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
LAURITZEN

ARDEN

1 -
2 -
3 -City- CORRAL State- ID Zip- 83322
Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/01/1900 17 ERROR IN REGION S - STATUTORY CLAIM
+ - - - - Source - - - - + + - - - Tributary - - - - - +
UNNAMED STREAM CLOVER CREEK

+ - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
Twn Rng Sec Tract Lot RFlg County

05S 11E 9 NW SE (39) ELMORE 272.0 377.0 2.6

+ - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume - - - - - +
Code Description Period From Period To
01 - IRRIGATION 04/01 10/15 1.000
04 - STOCKWATER 01/01 12/31 0.010

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.000

+ - - - - - - - - - - - Place of Use - - - - - Description County - - - - - +
Twn Rng Sec Tract Lot Acres Code
05S 11E 9 NE SW 6.0 01 IRRIGATION (39) ELMORE
05S 11E 9 NW SW 4.0 01 IRRIGATION (39) ELMORE
05S 11E 9 NW SE 7.0 01 IRRIGATION (39) ELMORE

Total Acres: 17.0

+ - - Diversion Means -

+ - - Non-Irrigation Use - S/200 RANGE.

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - Remarks - - - - - +
No Remarks found.

+ - - - - - - - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

MICROFILMED
FEB 23 1993

MICROFILMED
FEB 23 1993

AFFIDAVIT IN OPPOSITION TO NOTICE OF CLAIM
TO A WATER RIGHT NO. 37-4017, 37-4018, 37-4019

STATE OF IDAHO,)
) ss.
COUNTY OF ELMORE.)

ANNETTE THOMPSON, being first duly sworn, deposes and says
as follows:

That this affiant and this affiant's husband, Martin Thompson,
are acquiring what is commonly known as the Jay Stout ranch, which
includes the East Half of the Southeast Quarter of Section Nine,
Township Five South, Range Eleven East, Boise Meridian, by purchase
contract, and are now in possession of the same and have been in
possession for the past two years and are the equitable owners of
the land.

That upon these lands there arise some waters, which waters
are used by this affiant and her husband for domestic purposes in
the use in their household, for stock watering and for irrigation.
That these waters flow northwesterly towards Clover Creek.

That this affiant has read the Notice of Claim to a Water
Right by Arden Lauritzen, Claim No. 37-4017, No. 37-4018 and No.
37-4019. That this affidavit is in opposition to said claim, based
upon the following facts:

(1) Mr. Arden Lauritzen of Corral, Idaho, sold the premises
upon which he claims the use of the water to Gordon Gilbert and
Arden Lauritzen no longer is in possession of the property nor does
he possess full title thereto.

(2) That the flow of water from these springs and waste water
results solely from the irrigation canals of the King Hill Irrigation
District and does not at any time flow the amount of water onto the

claimant's property as set out in the three notices of claim to a water right. That after the irrigation season the flow of water is minimal from the lands of this affiant and would not in any event reach the volume claimed at any time of year and would be considerably less than one cubic foot of water at any time of year even during irrigation season.

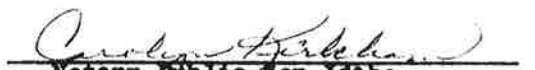
(3) That the only water which flows continuously in any degree is the water which is wasted from the irrigation system of the King Hill Irrigation District.

(4) That the claimant Arden Lauritzen has not diverted the water to a beneficial use. That such waters as do flow down the channel have continuously flowed into Clover Creek without diversion or any diversion works by the claimant Arden Lauritzen.

(5) That no works or diversions have been constructed by Arden Lauritzen or his successors or predecessors upon which he can claim a diversion.


Annette Thompson

SUBSCRIBED AND SWORN To before me this 16th day of May, 1972.


Notary Public for Idaho
Residing at Mountain Home, Idaho

AFFIDAVIT

I worked from 1962 to 1965 inclusive for Carl Richard on the Rinehart Ranch. The Rinehart Ranch joins the Health property on the East. I Know the Health family used this water discribed in this claim.

Louis W. Masterson

Subscribed and sworn to before me this 7th day April 1972

George F. Robertson

Notary Public for State of Idaho
Residing at Glenns Ferry

AFFIDAVIT

LOUIS W. MASTERSON, King Hill, Idaho, being first duly sworn on his oath deposes and says:

I have examined this claim to water right and find everything in order.

I have a personal knowledge of the use of said water and property described in this claim, as I irrigated for Mr. Lauritzen in the years 1967, 1968 and 1969.

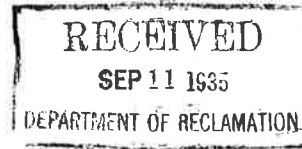
Louis W. Masters

Subscribed and sworn to before me this 2nd day of April - 1972

George T. Peterson

Notary Public for State of Idaho
Residing at Glenns Ferry

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 17651

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. E. D. Heath, King Hill, Idaho. Rancher, King Hill, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 17651. Apr. 14 - 1932 Apr. 2, 1932

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Clover Creek. SW 1/4 NW 1/4, Section 10, Twp. 5 South, Rng. 11 East, B.M. Elmore Co.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Ditch heads in Creek bottom. Capacity 2 Sec. ft. Unnamed ditch.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. NE 1/4 SW 1/4, NW 1/4 SE 1/4, Sec. 9, Twp. 5 South, Rng. 11 East, B.M.

Have irrigated 7 acres in each of the above 40s. Cultivated lands, seeded to alfalfa and corn. No crops can be grown without irrigation.

Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Irrigation.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 18cc. ft. per 50 acres.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Original permittee.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. For the past four years, Since Spring of 1931. For irrigation. Fourteen acres have been irrigated.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None.

(Sign)

Ed Heath

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Mtn. Home, County of Elmore, State of Idaho, on this 10th day of September, A. D. 19 35.

Notary Public.

residing at Mountain Home, Idaho.

My commission expires Feb. 4th, 1939.

AFFIDAVIT

STATE OF IDAHO)
)
COUNTY OF GOODING)

SYLVIA L. HEATH, Shoshone, Idaho, being first duly sworn on her oath
deposes and says:

That I know of my own personal knowledge that my father-in-law Charles
Heath in the year of 1900 took the waters and diverted them to his use from
the spring described in the attached claim.

That I moved on the property described in the application in 1921 and
lived there continuously until 1966 and that at all times during my residence
on said property the spring was diverted and used by my husband and me. In
1966 we sold the property to Mr. Lauritzen.

Sylvia L. Heath

Subscribed and sworn to before me this 4th day of September, 1968.

Phillip M. Becker
Notary Public for State of Idaho
Residing at Gooding, Idaho

Identification No. _____

Claim No. 37-4019

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant ARDEN LAURITZEN
post office address Corral, Idaho
2. The point of diversion is in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 9 Township 5 S
Range 11 E B.M. located on unnamed stream including spring & waste water
(name of source)
tributary to Clover Creek in Elmore County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:

| | |
|---|--|
| <u>March 1, 1900(Irr.)</u> | amount: <u>1.0</u> c.f.s. or _____ acre feet |
| <u>March 1, 1900(S.W.)</u> | amount: <u>.01</u> c.f.s. or _____ acre feet |
| _____ | amount: _____ c.f.s. or _____ acre feet |
| Total claimed <u>1.0</u> c.f.s. or _____ acre feet. | |
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

| | |
|-----------------------|--|
| use <u>Irrigation</u> | period of use from <u>April 1</u> to <u>October 15</u> (both dates inclusive) |
| use <u>Stockwater</u> | period of use from <u>January 1</u> to <u>December 31</u> (both dates inclusive) |
| use _____ | period of use from _____ to _____ (both dates inclusive) |
| use _____ | period of use from _____ to _____ (both dates inclusive) |
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of concrete
_____ ; length is 15 feet; height is 3 feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known 6 ft. spillway

 - b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____ ;

has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe_____

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? no If yes, give the name of the ditch

_____, The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 200 beef

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

Sept. 4, 1968
(Date)

Arden Fawcett
(Signature of Claimant)

State of Idaho }
County of GOWDING } ss.

On this 4 day of SEPTEMBER 19 68, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Phillips M. Becker
Hooking, Ohio

My commission expires August 1, 1971

Leaf #8319 For Department Use Only

Received by AB Date 18 April 1972 Exception filed by: Forwarded to claimant by: Date

Prelim. check by 423 Date 8 April 12

Fee received by 27 Date 4/18/72 Fee \$ 10.00

Approved for publication by _____

Published in Wichita Home News Dates 5-4 & 5-11-72

37 4019