

12/14/2004

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

RIGHT NUMBER: 37-4135

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

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.150 CFS

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

PRIORITY DATE: 03/01/1952

POINT OF DIVERSION:

T05S R12E S28 NWSENE Within GOODING County

T05S R12E S28 NWSENE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.060 CFS
DOMESTIC	01/01 12/31	0.080 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE:

IRRIGATION Within GOODING County

T05S R12E S28 NWNE 2.0

DOMESTIC Within GOODING County

T05S R12E S21 SESE T05S R12E S28 NENE

T05S R12E S28 NWNE

STOCKWATER Within GOODING County

T05S R12E S28 NENE T05S R12E S28 NWNE

T05S R12E S28 SWNE T05S R12E S28 SENE

2 ACRES TOTAL

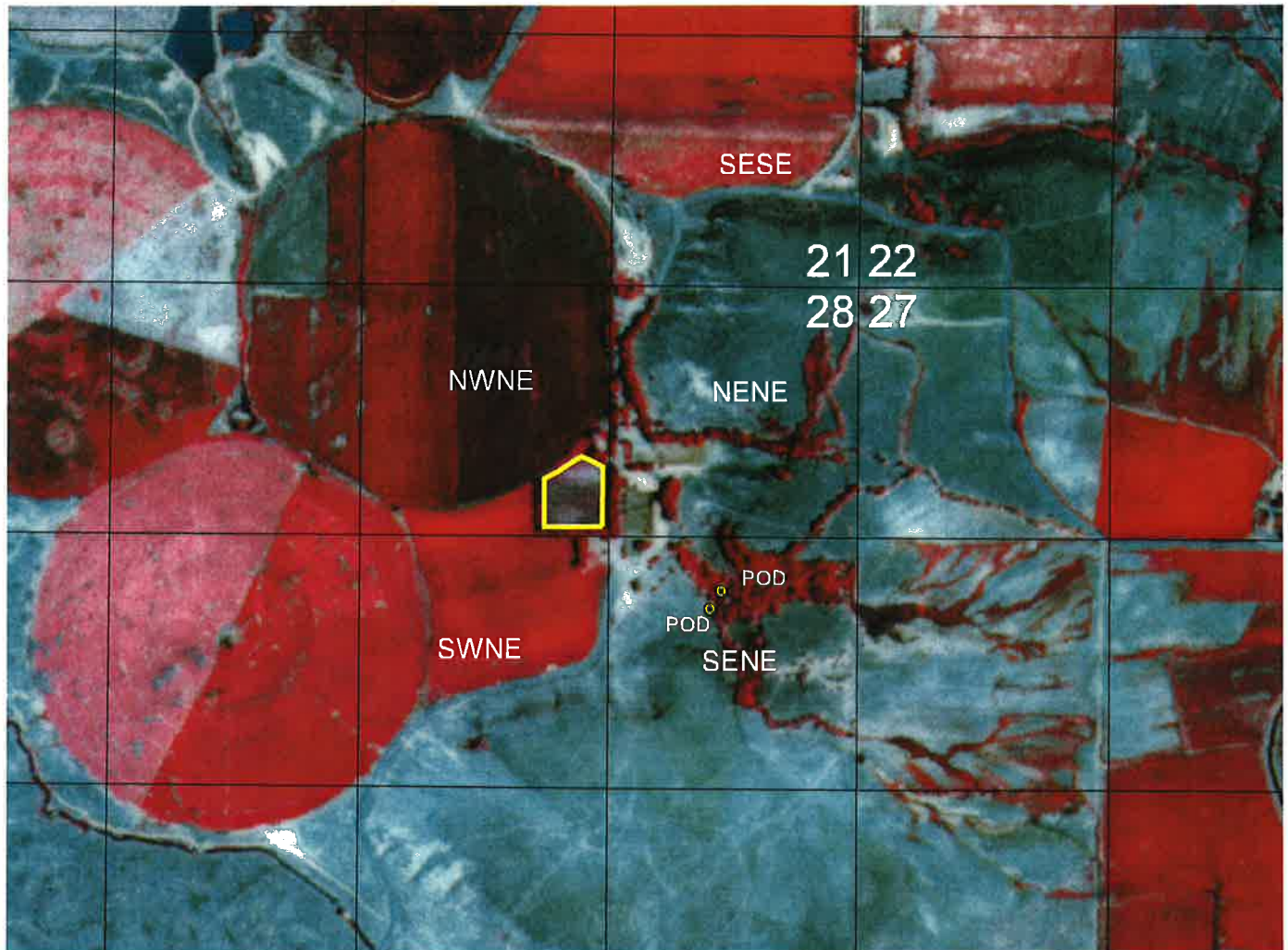
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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

EXPLANATORY MATERIAL: Beneficial Use

37-4135

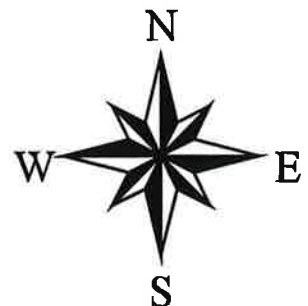


800 0 800 1600 2400 Feet



T05S R12E S28

Map prepared by: Carter Fritschle
Date prepared: 12/14/04
1987-1988 NAPP photography
Idaho Department of Water Resources



History of Spring on Spring Cove Ranch

By Doran Butler 1995

Since I was born here in 1919 much of the early part is from memories of what my parents told.

1. My mother told me this:

In August 1915, 10 months before they were married, ~~the~~ Mom ^{went} with Dad on his ditch ride. The weather was dry & hot. Mom wanted a drink so Dad led the way & they galloped up to the spring. No water was flowing but Dad took the tin can hanging on a big sagebrush, scraped a hole & got water in the can. Enough for a drink. That was prior to irrigation on the higher ground to the east.

2. As I remember this spring when I was a child in the 20s it was a good flowing spring year around. A good place to get a ~~good~~ cool drink even in late summer.

3. In 1930 we sold the north end of the ranch & moved to our present farmstead ~~as~~ located so we could develop the spring for the house and stock water. The following spring of 1931 Dad bought pipe through a trench through the barn lots to the house. A 1" pipe 1710' long & 80' at fall.

That served our needs well for several years for livestock in the lots and the house and sprinkler irrigated the lawn, garden & a few fruit trees.

- 4 In 1944 I got married & built a second home. To get sufficient water to both houses we then replaced the upper 600 ft with new 2" galvanized pipe.
- 5 About 1949 my brother Vance built another house just north of the farmstead. We then replaced the remaining old 1" line with 2" galvanized and extended to another house with a total of about 2000 feet of 2" main line.
- 6 The system remains about the same today except for installing a few water troughs and hydrants.
- 7 ~~But during those years~~
- 7 In the late 1960s we became aware our system was not acceptable ~~for~~ for domestic use. Because the head of the spring was open to birds & animals. To solve the problem I obtained technical assistance from the Soil Conservation Service. They did some soil testing in the spring & some surveying. ~~According~~ They gave me a Public Health bulletin on

How to develop a spring.

According to my Diary April 07, 1968
my neighbor, Leroy Hallowell came
over with his Bulldozer and built a
road to the spring head pulled some
trees, and built a pad for the backhoe
to work on. After about a week it was
all finished. ~~The~~.

We installed a 500 gallon prefab concrete
~~pip~~ tank and 310' of plastic perforated
sewer pipe to gather the water to
the tank. It works like a septic
tank in reverse. The perforated pipe
lays on a clay layer just underground.
The water is in a porous rock layer
just over the clay. A few days
after the project was completed we
sent sample to state Public Health lab
and it passed.

8. Down through the years following I
had our water tested by the State Public
Health lab. It always passed. No
problems.

DON 352 4374

IDWR Field Exam Form

07/23/2004

Contacts Data Entry Form

Claim Number 37-4135

SEE INCORPORATION FILE 4136

Owner Type	Full Name	Address	City	State	Zip	Phone	Office & Home
Current Owner	SPRING COVE RANCH INC	G/O DONALD BUTLER 270 SPRING COVE RD	BLISS	ID	83314	(208)352-4202	office & home

Date of Field Exam: 9-7-04 Time: 10 AM

Accompanied By: SONS Dan & Art Phone Number: DON 352-4374

Relationship to Claimant: SONS

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

old Bliss Hiway 3 miles west (Ball sign)
North on Cove Spring Rd 1 mile
Dan & Art took me tour of lands - which they said
yellow photo show appear ok & POD seam off a
little - GPS as they showed me

SEE INC PAPER 37-4136



Lee R. Peterson
234 S View Rd
Jerome, ID 83338-6448

Date: 9-7-04

Point of Diversion and Source Data Entry Form

Claim Number 37-4135

Claimed Point of Diversion and Source

T05S R12E S28 NESENE Within GOODING County Source: SPRINGS SINKS

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T05S R12E S28 SENE Within GOODING County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

1-2 = SPRINGS NONE

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
55	12E	27-28			Gooding	

Other rights from this POD? NONE - They do have North Side Canal shares
other POD

Document how the POD and Source were verified:

Dan and his brother (sons) took me up the hill
side showed me the springs and where POD's
are

				plate	Photo
1-	COVE 1	2415919	1307367	Acc 13 778	1030305
2-	" 2	2415937	1307396	779	306

Reviewer: Date: 9-7-04

Place Of Use Data Entry Form

Claim Number 37-4135

Claimed Place Of Use

T05S R12E S21	0.5	T05S R12E S28	NENE	0.5
T05S R12E S28	NWNE	1.0		
T05S R12E S21	SESE	T05S R12E S28	NENE	
T05S R12E S28	NWNE			
T05S R12E S28	NENE	T05S R12E S28	NWNE	
T05S R12E S28	SWNE	T05S R12E S28	SENE	

Total Acres 2

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T05S R12E S28 NENE

Total Acres 2 *OK**as Person's yellow acreage on color photo of*

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
5S	12E	28			Gooding		2	stock-domestic
								irrigation

Total Acres 2 *appears OK*

Document how the POU was verified:

*Dan & brother looked over File DOD's and
land claimed which they said appears good*

Reviewer: *RS*Date: *7-7-04*

Period of Use and Quantity Data Entry Form

Both said almost every day is different

Claim Number 37-4135

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01 <i>VARIES</i>	11/01	0.06	<i>VARIES</i>
STOCKWATER	1/01	12/31	0.03	
DOMESTIC	1/01	12/31	0.08	

Overall Diversion Rate 0.15

Overall Diversion Volume

no med. devices

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
STOCKWATER	1/01 <i>SOME YEARS</i>	12/31	0.03	
DOMESTIC	1/01 <i>" NOT</i>	12/31	0.12	

Overall Diversion Rate 0.15

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>during spring of year</i>	<i>good</i>	<i>poor to</i>	<i>spring</i>	<i>good to</i>
		<i>NONE</i>	<i>average</i>	<i>little</i>
			<i>to good</i>	

Overall Diversion Rate *VARIES*

Overall Diversion Volume *SAME*

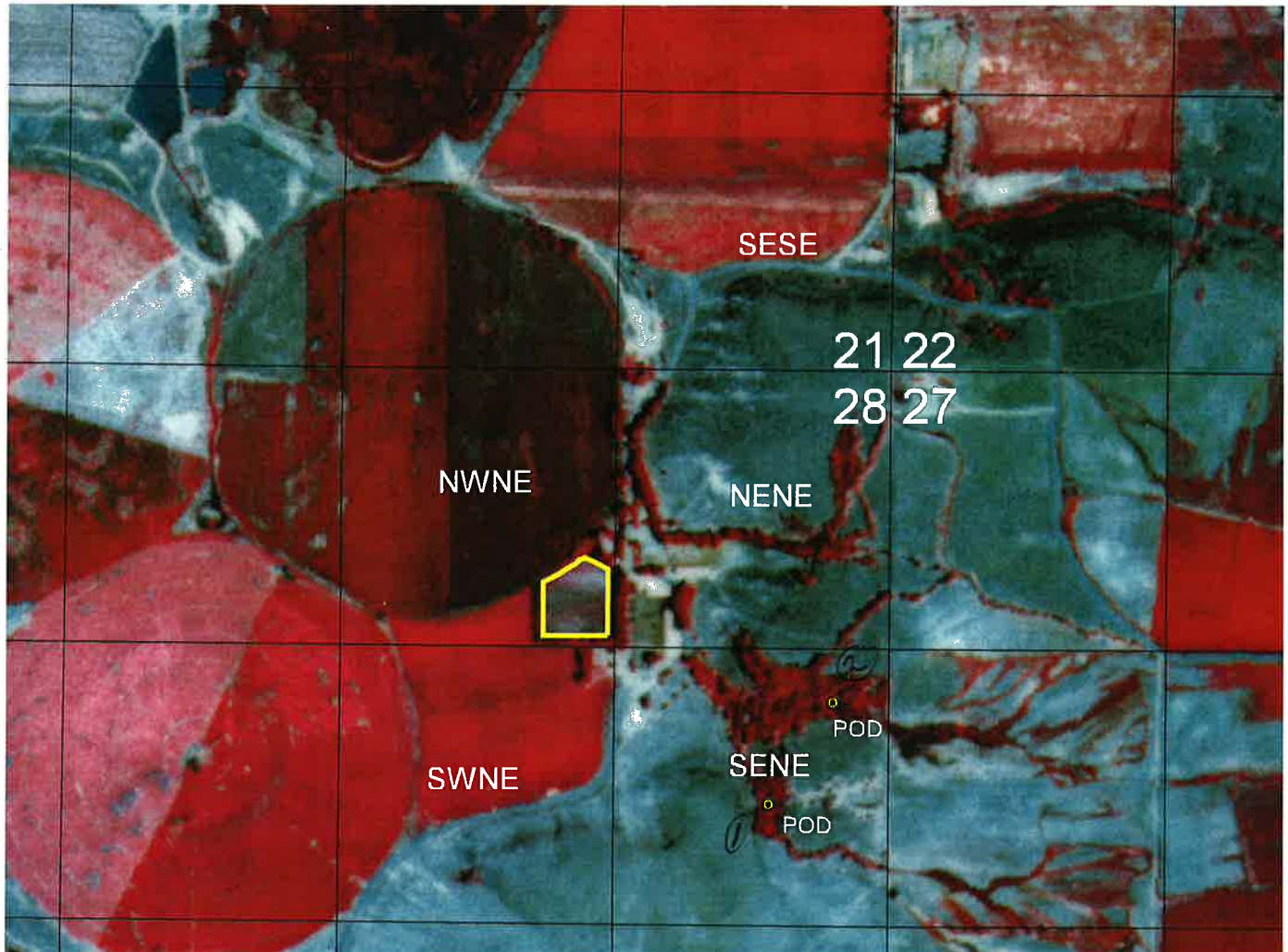
Document how the Period of Use and/or Diversion Rate were verified:

the past few years bad, but on good water
winters and spring the water is very
good. now springs 1 is off
" 2 is low

Reviewer: *CS*

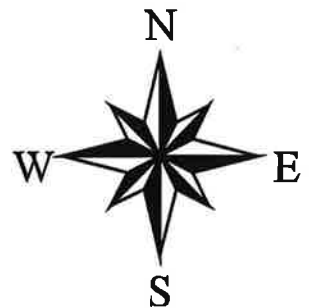
Date: *9-7-04*

37-4135

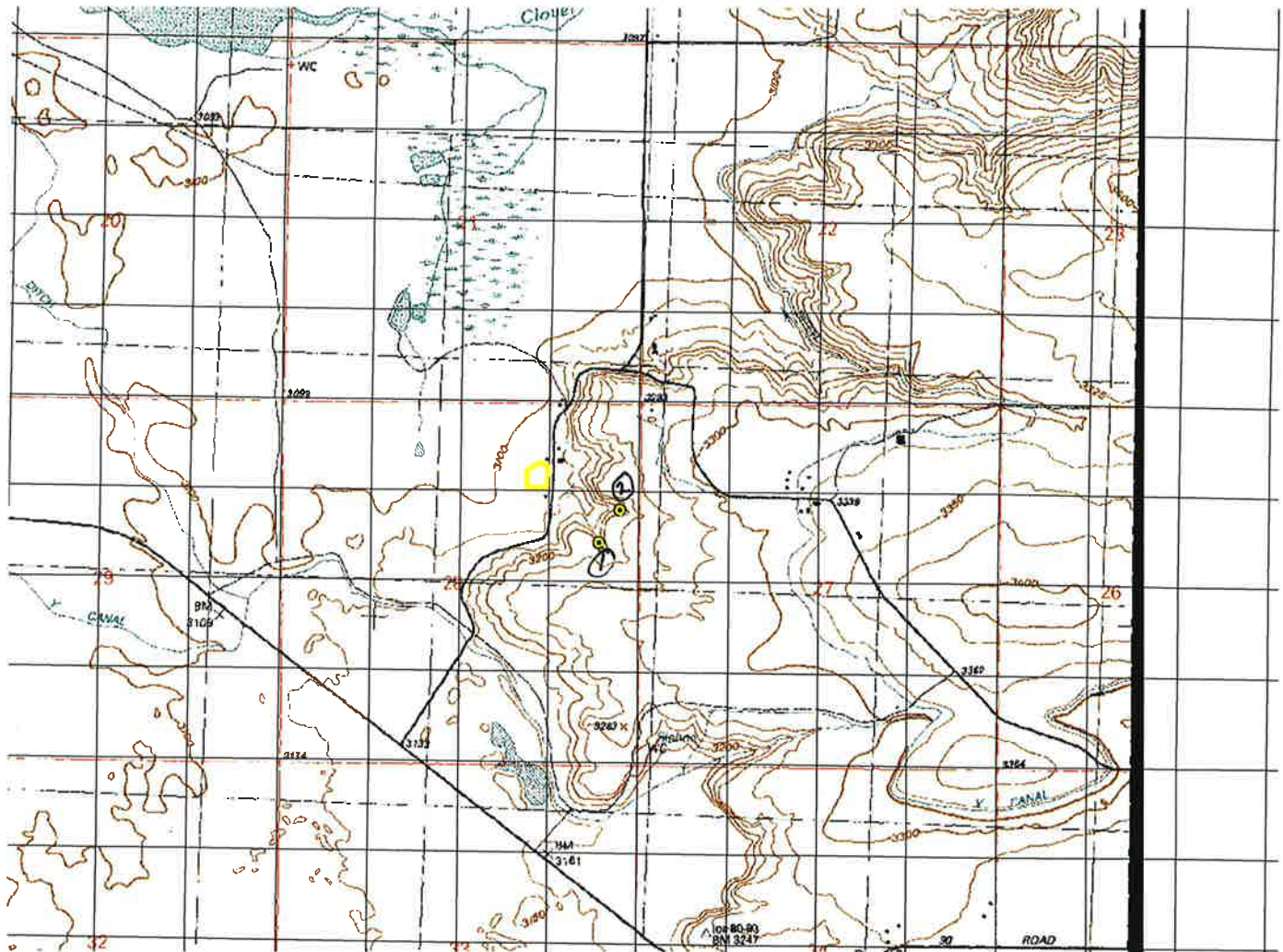


800 0 800 1600 2400 Feet

T05S R12E S21 & S28

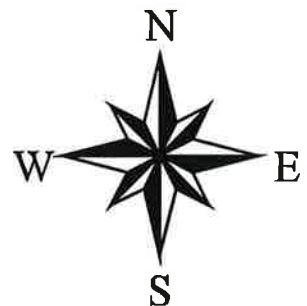


37-4135



2000 0 2000 4000 6000 Feet

T05S R12E S21 & S28





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

See file 37-4136
letter of priority

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2004

37-4135 AND 37-4136
SPRING COVE RANCH INC
C/O DORAN BUTLER
270 SPRING COVE RD
BLISS ID 83314

Re: Evidence of Priority Date

Dear Claimant:

RESPONSE DEADLINE
AUGUST 27, 2004

The Notices of Claim to a Water Right (claim) identified with the numbers shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claims indicate your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

If you no longer own the property to which the claims are appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printouts of your claims and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claims disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim numbers. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

Sincerely,

Carter Fritschle
Water Rights Supervisor

Enclosures
cc: John Rosholt

6/9/94

COMMUNICATION DOCUMENTATION A37-02706

Claim No. 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 Bosma Dairy hearing.

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

MICROFILMED
NOV 27 1996

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: A37-04135
Date Received: 6/23/1988
Receipt No: 5000524
Received By: TB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: MAR 01, 1952

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:
HEADBOX TO PIPELINE TO 500 GAL. STORAGE TANK TO P/U

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.030		
IRRIGATION	04/01	11/01	0.060		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE, D/3 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	12E	21	SE	SE		IRR	0.5
			SE	SE		DOMEST	
			Section Acres				0.5
		28	NE	NE		STOCK	
			NE	NE		DOMEST	
			NE	NE		IRR	0.5
			NW	NE		STOCK	
			NW	NE		DOMEST	
			NW	NE		IRR	1.0
			SW	NE		STOCK	
			SE	NE		STOCK	
			Section Acres				1.5
			Total Acres				2.0

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:
37-4136, 37-2299

14. Remarks:
SPRING ORIGINALLY DEVELOPED IN ABOUT 1914. THIS RIGHT IS FOR
ADDITIONAL DEVELOPMENT AT THIS SPRING.

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

MICROFILMED
FEB 23 1988

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 Cove Ranch Date: June 24, 1988
Helen H Butler 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 G. Baldwin
Notary Public

Seal

Residing at Gooding, Id

My Commission Expires 10/16/1992



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Spring Cove Ranch, Inc.
(Name of Claimant)

c/o Doran Butler, Star Route, Bliss, Idaho 83314 Telephone No. 352-4202
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) March 1, 1952

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Unnamed Springs tributary to sinks

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.12 cfs</u>	Use <u>domestic (3)</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity	<u>0.03 cfs</u>	Use <u>livestock</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 0.15 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ NE ¼, Sec. 28 Twp. 5S Rge. 12E B.M., County of Gooding

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.

Headbox and buried pipe to place of use. A 500-gallon holding tank was installed in 1968. Stock drink from troughs of 24"-diameter concrete pipe 18" high, installed about 1956.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	12E	28	X																

No. of acres _____

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

These 3 homes are in addition to those covered by the 1925-priority claim also filed this date.

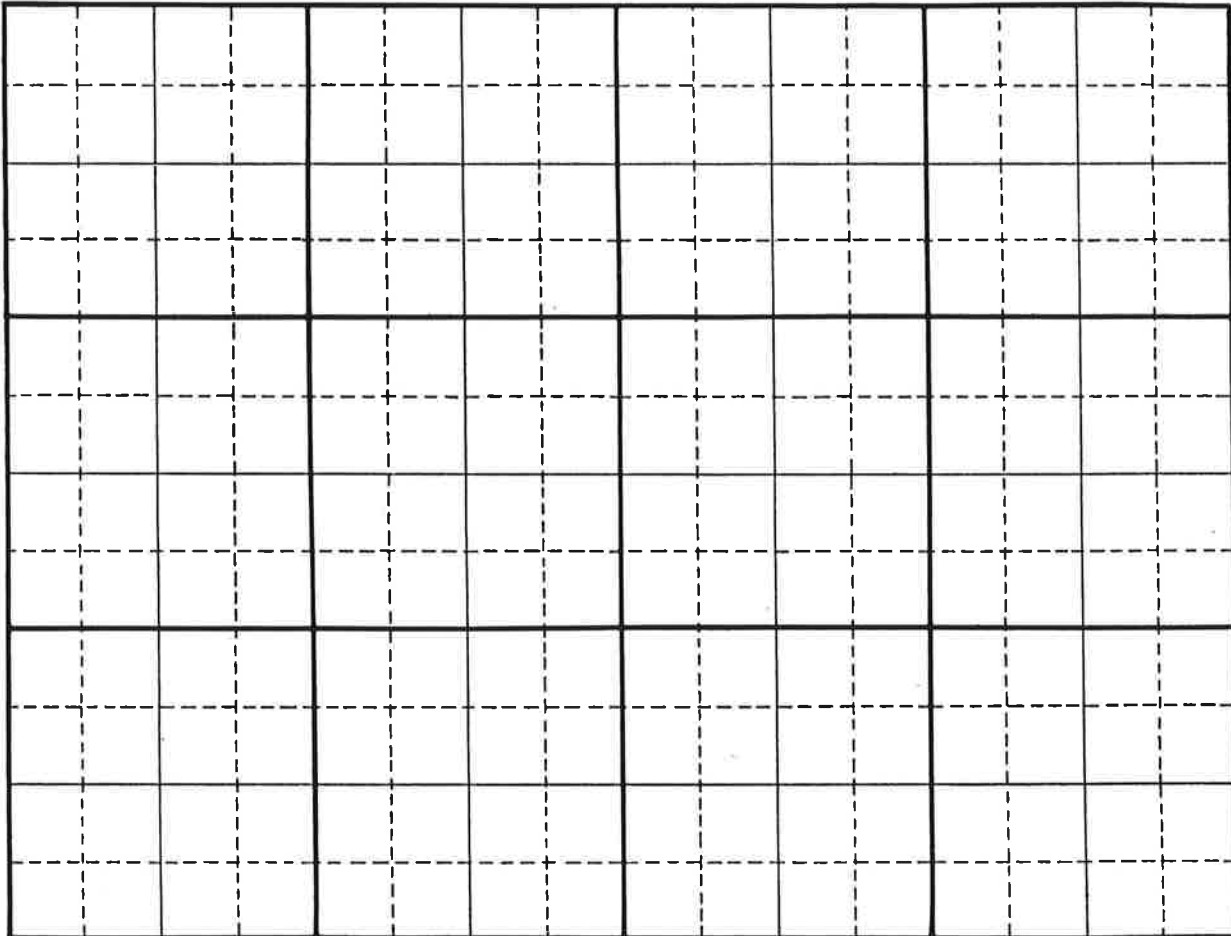
animals

NOTE: Include here the type and number of stock watered: 100 additional cows over the 1925 claim;

- (7) If you are claiming water as a member of an organization, list name of organization: almost all stock is now range cattle and very few

ho
MICROFILMED

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Spring Cove Ranch
Ronan Butcher, Pres.
(Claimant)

Sworn to before me this 24th day of January, 1980.

Mary A. Hill
Notary Public
Residing at Twin Falls, id 83301

My commission expires life

FOR DEPARTMENT USE ONLY

Received by <u>J.E. Stanton</u>	Date <u>1-24-80</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ADM</u>	Date <u>1-25-80</u>		claimant by:	
\$20.00 fee received by <u>myra</u>	Date <u>1-24-80</u> # <u>17082</u>			
Published in <u>Gosling County Leader</u>				
Dates <u>2/2 & 2/14/80</u>				

