

04/27/2005

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

RIGHT NUMBER: 37-10464
NAME AND ADDRESS: LOCKWOOD LAND & LIVESTOCK
781 W COUNTY LINE RD
SHOSHONE ID 83352
SOURCE: EAST FORK PORTUGUESE CREEK
WEST FORK PORTUGUESE CREEK
TRIBUTARY: PORTUGUESE CREEK
TRIBUTARY: PORTUGUESE CREEK
QUANTITY: 3.200 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
PRIORITY DATE: 05/01/1884
POINT OF DIVERSION:
T03S R16E S27 NESW Within LINCOLN County
T03S R16E S35 NENW Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS
IRRIGATION	03/15 11/15	3.200 CFS

PLACE OF USE: STOCKWATER Within LINCOLN County

T03S R16E S26	SESW	T03S R16E S35	NWNE
T03S R16E S35	NENW		

IRRIGATION Within LINCOLN County

T03S R16E S26	SESW	6.0	T03S R16E S27	SWSE	6.3
T03S R16E S27	SESE	3.5	T03S R16E S34	NENE	7.2
T03S R16E S35	NWNE	1.3	T03S R16E S35	NENW	38.0
T03S R16E S35	NWNW	23.0	T03S R16E S35	SWNW	2.3
T03S R16E S35	SESW	9.4			

97 ACRES TOTAL

Right Nos. 37-10464 and 37-10468 are limited to the irrigation of a combined total of 97 acres in a single irrigation season.

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.

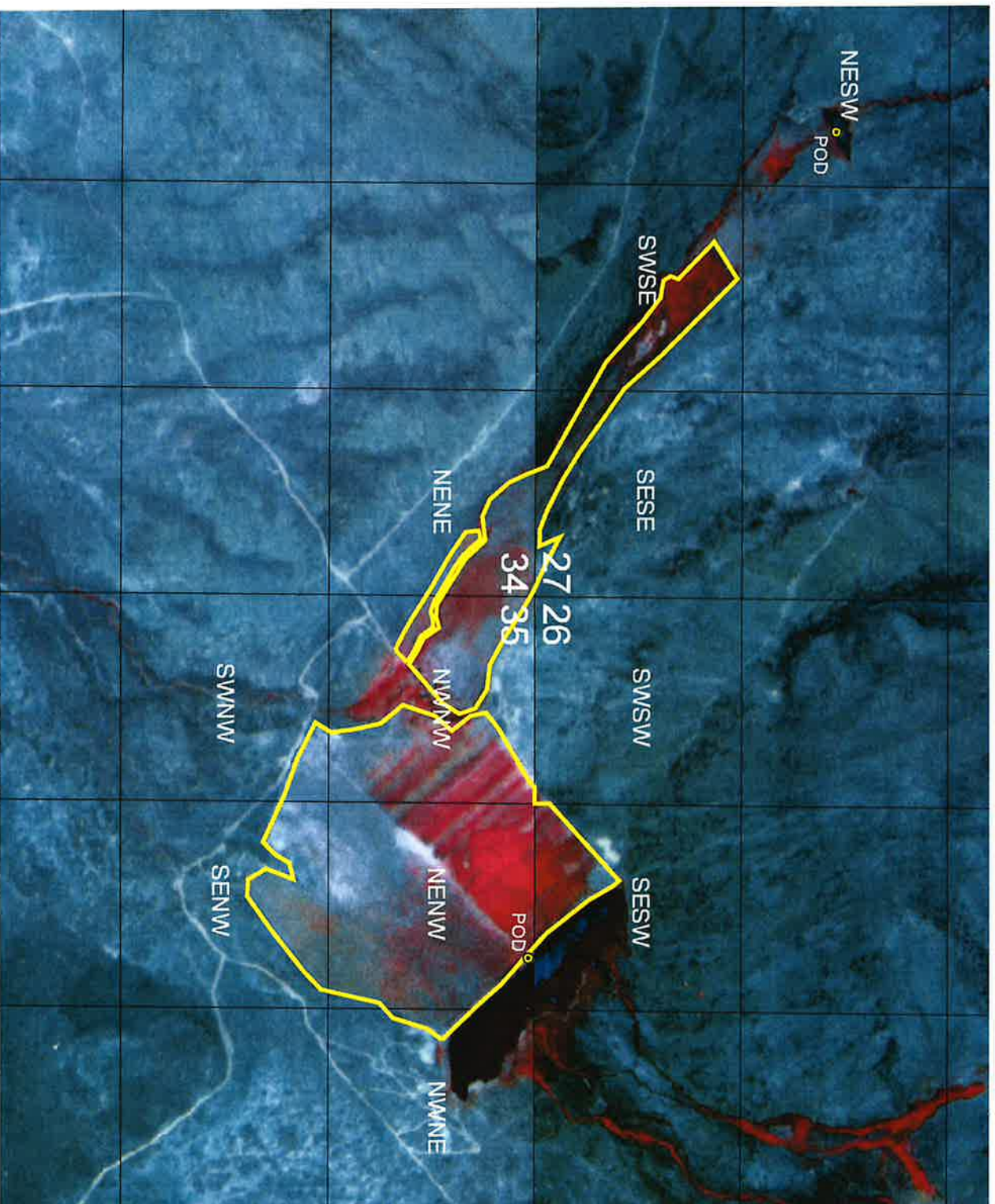
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Decreed

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

37-10464

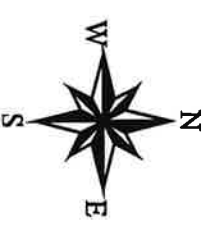
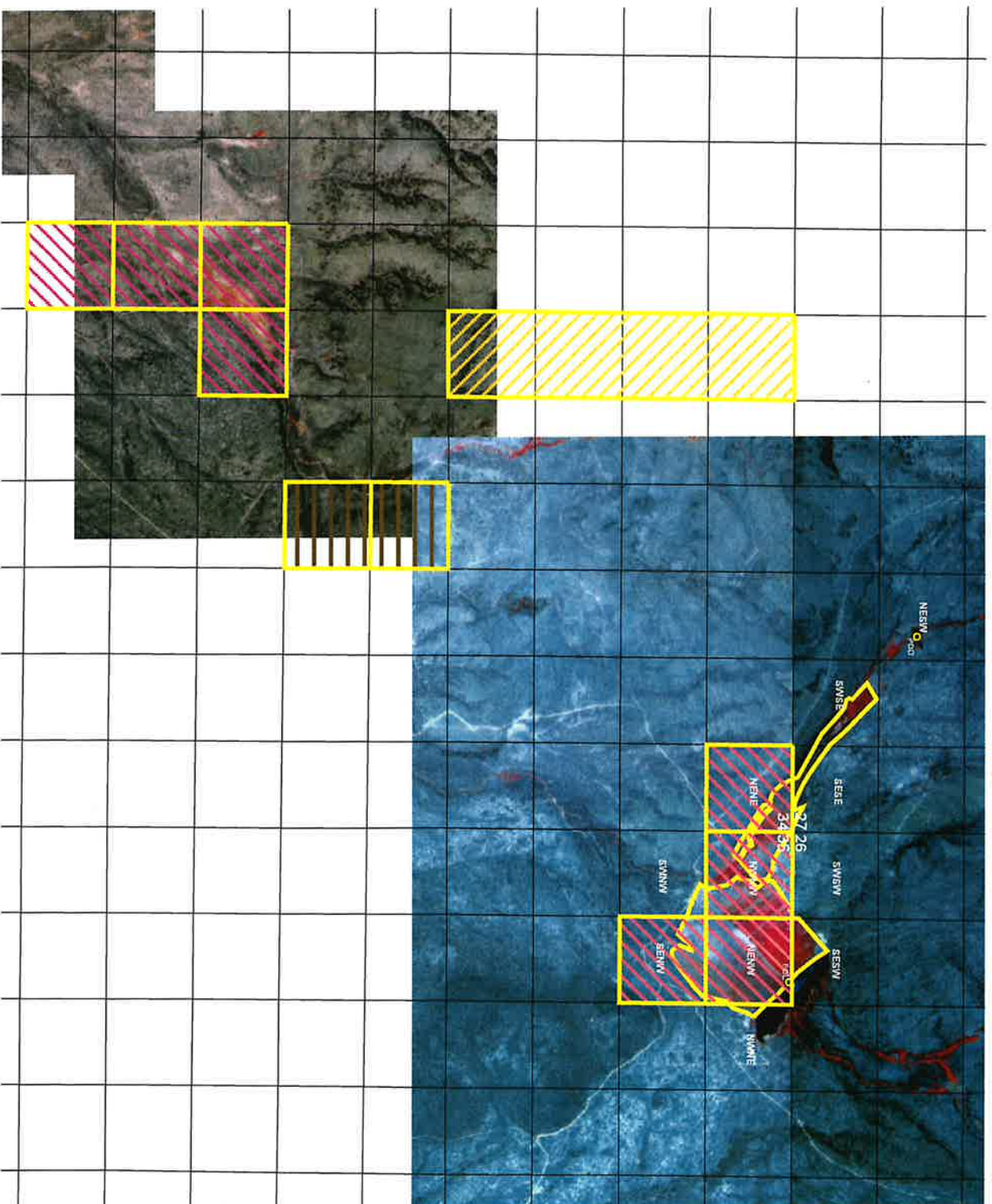
**T03S R16E
S26, S27,
S34 & S35**



Map prepared by: Carter Fritschle
Date prepared: 07/30/03
1987-1988 NAPP photography
Idaho Department of Water Resources

37-10464

T03S R16E S26, S27, S34 & S35



Map prepared by: Carter Fritschle
Date prepared: 07/30/03
1987-1988 NAPP photography
Idaho Department of Water Resources

04/01/2005

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

RIGHT NUMBER: 37-10464

NAME AND ADDRESS: LOCKWOOD LAND & LIVESTOCK
781 W COUNTY LINE RD
SHOSHONE ID 83352

SOURCE: EAST FORK PORTUGUESE CREEK TRIBUTARY: PORTUGUESE CREEK
WEST FORK PORTUGUESE CREEK TRIBUTARY: PORTUGUESE CREEK

QUANTITY: 3.200 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/14/1889

POINT OF DIVERSION:
T03S R16E S27 NESW Within LINCOLN County
T03S R16E S35 NENW Within LINCOLN County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS
IRRIGATION	03/15 11/15	3.200 CFS

PLACE OF USE: STOCKWATER Within LINCOLN County
T03S R16E S26 SESW T03S R16E S35 NWNW
T03S R16E S35 NENW

IRRIGATION Within LINCOLN County

T03S R16E S26	SESW	6.0	T03S R16E S27	SWSE	6.3
T03S R16E S27	SESE	3.5	T03S R16E S34	NENE	7.2
T03S R16E S35	NWNW	1.3	T03S R16E S35	NENW	38.0
T03S R16E S35	NWNW	23.0	T03S R16E S35	SWNW	2.3
T03S R16E S35	SESW	9.4			

97 ACRES TOTAL

Right Nos. 37-10464 and 37-10468 are limited to the irrigation of a combined total of 97 acres in a single irrigation season.

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 stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Decreed

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 13, 2004

PAT LOCKWOOD
LOCKWOOD LAND & LIVESTOCK
781 W COUNTY LINE RD
SHOSHONE ID 83352

RE: Evidence of Priority Date for Claim 37-10470 and Amended Claim 37-10464

Dear Mr. Lockwood:

Thank you for submitting the evidence of priority date for Snake River Basin Adjudication (SRBA) claims 37-10464 and 37-10468. I did not however find any evidence of priority date for claim 37-10470 in the documents you submitted. Claim 37-10470 is for the use of waste water in Sections 29 and 30 of Township 4 South, Range 16 East. This is the claim that Lee Peterson verified the source, point of diversion and place of use with you on April 15, 2004. Unfortunately, Lee did not draw the boundaries of the fields you irrigate with the waste water on the map. I would appreciate it if you could sketch the field boundaries on the enclosed map and return it with your evidence of priority date documents. Since this is a surface water source, you need to document the water use existed prior to May 20, 1971 in order for me to be able to recommend the claim as a valid water right to the Court.

I have also enclosed a draft amended claim for 37-10464. This claim is for the land that was decreed a water right with a May 1, 1884 priority date. Since your claim was based on Gwin's 1889 posted notice, it would probably be to your advantage to amend this claim and base it on the right decreed to Edith Silva with the May 1, 1884 priority date.

I really appreciate your efforts in finding the information to support the priority dates of your claims. If you have any questions, you may call our toll-free number, (800) 451-4129, or the line directly to my desk, (208) 287-4917. I have also enclosed a postage paid envelope you may use for submitting the documents.

Sincerely,

Carter Fritschle
Water Rights Supervisor

Enclosures

Map for 37-10470
Draft Amended Claim 37-10464

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 37-10464
Date Received: 7/8/1988
Receipt No: S000794
Received By:

**AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

LOCKWOOD LAND & LIVESTOCK Phone: (208)886-2155
781 W COUNTY LINE RD
SHOSHONE ID USA 83352

2. Date of Priority: 05/01/1884

3. Source: PORTUGUESE CREEK WEST FORK Trib. to: PORTUGUESE CREEK
PORTUGUESE CREEK EAST FORK PORTUGUESE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
03S	16E	27	SE	NE	SW	LINCOLN	
03S	16E	35	NE	NE	NW	LINCOLN	

5. Description of diverting works:

DAM & HEADGATE TO DITCH; DIESEL PUMP TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	3.20	
STOCKWATER	1/01	12/31	0.05	

7. Total Quantity Appropriated is:
3.20 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Stockwater, 200 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03S	16E	26	SE SE	SW SW	IRRIGATION STOCKWATER	9
					Section Acres	9
03S	16E	27	SW SE	SE SE	IRRIGATION IRRIGATION	4 7
					Section Acres	11
03S	16E	34	NE	NE	IRRIGATION	6
					Section Acres	6
03S	16E	35	NW NE NW SW SE NE NW	NE NW NW NW NW NW NE	IRRIGATION IRRIGATION IRRIGATION IRRIGATION IRRIGATION STOCKWATER STOCKWATER	2 38 20 3 8
					Section Acres	71
					Total Acres	97

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

THIS AMENDED CLAIM IS BASED ON A WATER RIGHT DECREED TO EDITH L. SIVIA, CASE NO. 883-3 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR LINCOLN COUNTY. DATED AT SHOSHONE, IDAHO, THIS 27TH DAY OF SEPTEMBER, 1913.

THE ORIGINAL CLAIM WAS BASED ON A POSTED NOTICE. THESE LANDS WERE ORIGINALLY DEVELOPED AND HAVE PRETTY MUCH STAYED THE SAME AS FAR AS NUMBER OF ACRES IRRIGATED. THE ONLY CHANGE WAS WHEN PATTERSON RESERVOIR WAS ENLARGED. THE USE OF THIS SAME WATER HAS BEEN FILED ON BY SUBSEQUENT OWNERS AFTER FRANK GWIN FILED THE POSTED NOTICE. THESE FILINGS ARE RECORDED BY HARRY PATTERSON'S 37-2653 AND 37-2480. THIS FILING IS INTENDED TO CLAIM BACK THE EARLY PRIORITY OF USE OF THIS WATER WHICH WAS LATER RECORDED BY THE LATER FILINGS.

15. Basis of Claim: Decree

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 _____ of

_____, that I have signed the foregoing

_____, Title
Organization, document in the space below as _____ of

_____, Title
and that the statements contained in the

_____, Organization
foregoing document are true and correct. _____

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR LINCOLN COUNTY.

Edith L. Silva, Samuel L. Malicoat
and Lola B. Malicoat, Plaintiffs.

--VS--

Manuel Silva, Defendant.

DECREED. CASE NO. 883--3/

These causes came on to be heard this the 26th day of September, 1913, and the respective plaintiffs and cross-complainants, appearing herein by Frank T. Disney, Esq., their counsel, and the defendant Manuel Silva, having filed a disclaimer in the action, and witnesses having been sworn and testified on behalf of the plaintiffs, and the Court being fully informed and advised in the premises, and having ordered that judgment be rendered in accordance with the law, and findings of fact and conclusions of law,-

IT IS ORDERED, adjudged and decreed that the several plaintiffs herein named, do have judgment respectively, for a right to use for irrigation and domestic purposes, the following number of inches of water, each fifty inches thereof, to be equivalent to a flow of one cubic foot per second, as prescribed by the laws of Idaho, appurtenant to the lands hereinafter described, from the waters of Gwin Springs and other un-named springs in their vicinity, and from the waters of Timber Gulch Creek, and from various un-named springs and streams supplying water for Timber Gulch Creek; situated in Sections Twenty-six, Twenty-seven, Twenty-eight, Thirty-three, and Thirty-four, and thirty-five, Township Three South, Range Sixteen, East of the Boise Meridian, and Sections Three and Four, of Township Four, South, Range Sixteen, East of the Boise Meridian, in Lincoln County, State of Idaho, their priorities to date from the times hereinafter mentioned, to-wit:-

EDITH L. SILVA: The Northeast quarter of the Northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty-four (34), and the North Half of the Northwest quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$), and the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Thirty-five (35), Township Three (3) South, Range Sixteen East of the Boise Meridian, one hundred and sixty (160) inches of water under date of May 1st, 1884.

EDITH L. SILVA: The East Half of the Southwest Quarter, (E $\frac{1}{2}$ SW $\frac{1}{4}$), and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{2}$), of Section Four (4), and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Nine (9), Township Four (4) South, Range Sixteen (16) East of the Boise Meridian., one hundred and sixty (160) inches of water, under date of May 1st, 1896.

SAMUEL L. MALICOAT: The East Half of the Northeast Quarter (E $\frac{1}{2}$ NE) and the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{2}$), of Section Thirty-three (33), Township Three (3) South, Range Sixteen (16) East of the Boise Meridian-, one hundred and sixty inches of water, under date of May 1st, 1904.

LOLA B. MALICOAT: The Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and Lot Four (4), of Section Three (3), Township Four (4) South, Range Sixteen (16) East of the Boise Meridian-, Seventy-six (76) inches of water, under date of May 1st, 1911.

It is further ordered, adjudged and decreed that whenever there shall not be sufficient water in Timber Gulch Creek for a flow of fifteen (15) inches to pass, when undiverted, the South boundary line of the land owned by Samuel L. Malicoat, and described as, the East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{2}$), and the East Half of the Southeast

27-10464

Edith L. Silva
Samuel L. Malicoat
Lola B. Malicoat

Now this
1/5 BLM
lands

Manuel Silva
Timber Gulch
Creek
and
Gwin Springs

Quarter (E½. SE¼) of Section Thirty-three (33), Township Three (3) South, Range Sixteen (16) East of the Boise Meridian., then all the water in said Timber Gulch Creek may be used by Samuel L. Mallicoat, without regard to the priority of right of Edith L. Silva; but the said Edith L. Silva, shall maintain her priority of right for her land described in this decree at all times, except as herein stated.

Dated at Shoshone, Idaho, this 27th day of September, 1913.

Edward A. Walters,

Judge of the District Court.

Filed Oct. 1st, 1913. Harry W. Anderson, Clerk.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF LINCOLN.

Sid. Bloom, E. J. Flavel, F. J. Mathews,
John H. Surrell and E. Williams & Son,
a co-partnership composed of E. Williams
and A. Williams, Plaintiffs.

-----VS-----

J. Crouch and G. R. Crouch, co-partners
doing business as J. Crouch and Son, and
John Doe, alleged assignee of J. Crouch
& Son, whose real name is to plaintiffs
unknown. Defendants.

✓
D E C R E E. CASE NO. 858.--10.

Now, on this 16th day of September, A. D. 1913, the above entitled matter came duly on for hearing upon the Motion of the Plaintiffs to be allowed to prove up their Default upon the Default heretofore and on the 15th day of September duly entered. Whereupon, the defendants, J. Crouch and G. R. Crouch, doing business as J. Crouch & Son, and the defendants described as John Doe made a special appearance by their Attorney, James R. Bothwell, and asked leave to file a Motion to vacate and set aside the Default and to quash the service of Summons. Whereupon the matter was duly continued for hearing until the 17th day of September, 1913. Whereupon the Plaintiffs being present in person and by their Attorney, W. G. Bissell, and the defendants, J. Crouch & Son being present by their Attorney, James R. Bothwell, and the defendant described as John Doe being present by his attorney, James R. Bothwell, the said Motion to open and set aside such default being presented to the Court, and after argument of counsel, the Court being fully advised in the premises, denies and overrules said Motion, to which the defendants, and each of them, then and there excepted. Whereupon the Plaintiff demanded of the said James R. Bothwell that he disclose the true name of the said defendant designated in said Complaint as John Doe, and the said Attorney for said defendant designated as John Doe then and there, in open Court, refused to disclose the true name of the said defendant. Whereupon the Plaintiffs moved to be allowed to prove their default herein, and the defendants, and each of them, were, by the Court on his own motion, given until 9 o'clock A.M., September 19th, in which to file an answer on the merits herein, conditioned, however, that if

Notice of Water Claim.

200 inches

Walter Chalmers

Brown's Springs.

Locator: Franklin P. Swin

Recorded at request

F. P. Town, Sec.

18, 1889, W. J. P. m.

12/12/20

County Recorder

I hereby give notice that I claim all the water, consisting of two hundred inches under a four inch pressure, flowing from five certain springs known as Davis Springs, situate in Summit Valley, about fourteen miles north and six miles west of the Town of Ash Grove, in the County of Logan, Territory of Idaho, for the purpose

of irrigating my necessary claim consisting of one hundred and sixty acres of unsurveyed land, lying just below said spring, and extending one mile in length east and west and one-quarter of a mile in width north and south, the boundaries of which are marked by five stone monuments and one post, each four feet high. Said waters are diverted from said springs by means of several ditches, each 12 inches wide and 12 inches deep, and are conducted by means thereof into reservoirs, and thence upon said land, for irrigating, stock and domestic purposes, and is utilized during the whole of each year by means of said ditches and reservoirs, as indicated in the accompanying diagram.

James P. Gurney
of
P. Gurney

Signed, Franklin P. Davis.

dated Dec. 14th 1889

STATE OF IDAHO
COUNTY OF BLAINE

COUNTY OF BLAINE

I, MARSHA RIEMANN, EX-OFFICIO RECORDER IN AND FOR
SAID COUNTY AND STATE DUE HEREBY CERTIFY THAT THE
FOREGOING IS A FULL TRUE AND CORRECT COPY OF THAT
CERTAIN INSTRUMENT OR RECORD IN MY OFFICE AS
INSTRUMENT NO. BOOK 17 PAGE 299 WATER RIGHTS
RECORDS OF BLAINE COUNTY, STATE OF IDAHO
WITNESS MY NAME AND OFFICIAL SEAL THIS 1st DAY
OF APRIL 20 64 LOGAN CITY

BY: Mr. Praveen DEPUTY

MARSHA RIEMAN

EX-OFFICIO RECORDER

THIS INDENTURE, Made this 20th day of July in the year of our Lord one thousand nine hundred and Seventeen (17) between Jose A. Mancha and A. F. Mancha, both single persons of Gooding County of Idaho the part all of the first part, and A. W. Hartwell State of Idaho of Gooding County of Twin Falls State of Idaho the part all of the second part, and Paul of the first part, for and in consideration of the sum of Five and Dollars (\$5.00.00) DOLLARS, lawful money of the United States of America, to in hand paid by the said part of the second part, the receipt whereof is hereby acknowledged, ha. granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said part of the second part, and to heirs and assigns forever, all the following described real estate, situated in Gooding County, State of Idaho, to-wit:

The northeast quarter of the northeast quarter (NE of NE) of section thirty four (34), the north half of the southwest quarter and the southeast quarter of the north west quarter (NE of NW and SE of NW) of section thirty five (35) all of township three south (T3S) of range sixteen east (R. 16E) Boise meridian containing one hundred sixty acres (160) together with all water ^{and water} rights appurtenant thereto, ditches and ditches appurtenant thereto, said water right consisting of 160 miners inches of decreed waters of Swins Springs and other springs in their vicinity decreed to the said land under date of May 1st, 1884.

TOGETHER With all and singular the tenements, hereditaments and appurtenances therunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part all of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises together with the appurtenances, unto the part all of the second part, and to his heirs and assigns forever. And the said part all of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part all of the second part his heirs and assigns, against the said part all of the first part, and their heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part all of the first part ha. all hereunto set their hand. Said seal is the day and year first above written.

Signed, sealed and delivered in the presence of

A. James

Attest: Paul Slings affixed }
Witnessed 7/20/17 - 9 a.m.

Jose A. Mancha (SEAL).

A. F. Mancha (SEAL).

(SEAL).

(SEAL).

STATE OF Idaho } ss.

County of Gooding

On this 20th day of July

A. F. James

personally appeared Jose A. Mancha and A. F. Mancha both single persons known to me to be the person s whose name s are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written. (N. P. seal affixed).

(Seal)

My Commission expires 11/23/19

A. F. James
Notary Public
Residence Gooding Idaho

Recorded at request of A. W. Hartwell at 9 o'clock A M., this 31st day of August 1917.
Fees, \$ 1.00 By Michael Barron Deputy.
J. W. Lundin County Recorder.

then Mrs. and which flows in a south westerly course across Sec 34 and Range before mentioned, and into Snake River, and water to be diverted by means of a dam at this point and location state, viz: On the NW 1/4 of the NE 1/4 sec 35 Twp and Range before mentioned, and to be carried by a ditch in a southerly and westerly course to and upon the homestead of the undersigned, and to be used for agricultural purposes, in Logan County, Idaho Terr., this 5th day of October A.D. 1889.

Signed Geo. W. Bell

Witness - 18

Recorded at request of Geo. W. Bell October 5th 1889 at 3 P.M.
J. P. George, Clerk Recorder
Drawn from Book 19 of Water Rights Page 293 Blaine & Bonds.

Notice of Water Claim.

Whereby give notice that I claim all the water existing in two hundred inches ended at four inch per second flowing from four certain springs known as Evans Springs, situate in Summit Valley, about fourteen miles north and six miles west of the town of Shoshone in the County of Logan Territory of Idaho for the purpose of irrigating my personal claim consisting of one hundred and eighty acres of unsurveyed land lying just below said Springs, and extending one mile in length east and west and one quarter of a mile in width north and south, the boundaries of which are marked by five stone monuments and one post each four feet high. Said waters are diverted from said Springs by means of several ditches, each 17 inches wide and 17 inches deep, and are conducted by means thereof into reservoir and thence up to said land for irrigating, stock and domestic purposes, and is utilized during the whole of each year by means of said ditches and reservoir, as indicated in the accompanying diagram

My Personal Claim
J. P. George

Signed, Franklin P. Gevin

Dated Dec 14th 1889

Recorded at request of J. P. Gevin, Dec. 16, 1889 at 3 P.M.
J. P. George, Clerk Recorder
Drawn from Book 19 of Water Rights Page 299 Blaine & Bonds

STATE OF IDAHO

COUNTY OF LOGAN

Subscribed and sworn to before me this 6th day of July 1888

July 6 1888

Notary Public

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 20119This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Harry Patterson2. Source of water supply: West Fork and East Fork Portuguese Creek3. Location of point of diversion: Is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27T. 3 S R. 16 E.B.M. County of Lincoln

4. Describe works as they exist, giving dimensions and capacities of same: Ditches with 12"
Average width Bottom. 12" to 15" Crest, and average of 18" Deep.
These ditches are indicated on the attached maps. The P.D. are concrete
diversion boxes, except for the one in NWSE 27. Dist. division.
Water is obtained from Dams on Permit R-790

5. Water is used for: Irrigation and stock water6. 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 other than irrigation):

S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 27., NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34., N $\frac{1}{2}$ NW $\frac{1}{4}$ & SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 35., Twp. 3 S., Rge. 16 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? _____

Remarks: _____

Crops - Hay Grain Corn Irrigated Pasture

This examination was made on the _____

day of _____

19 65

(Signed) _____

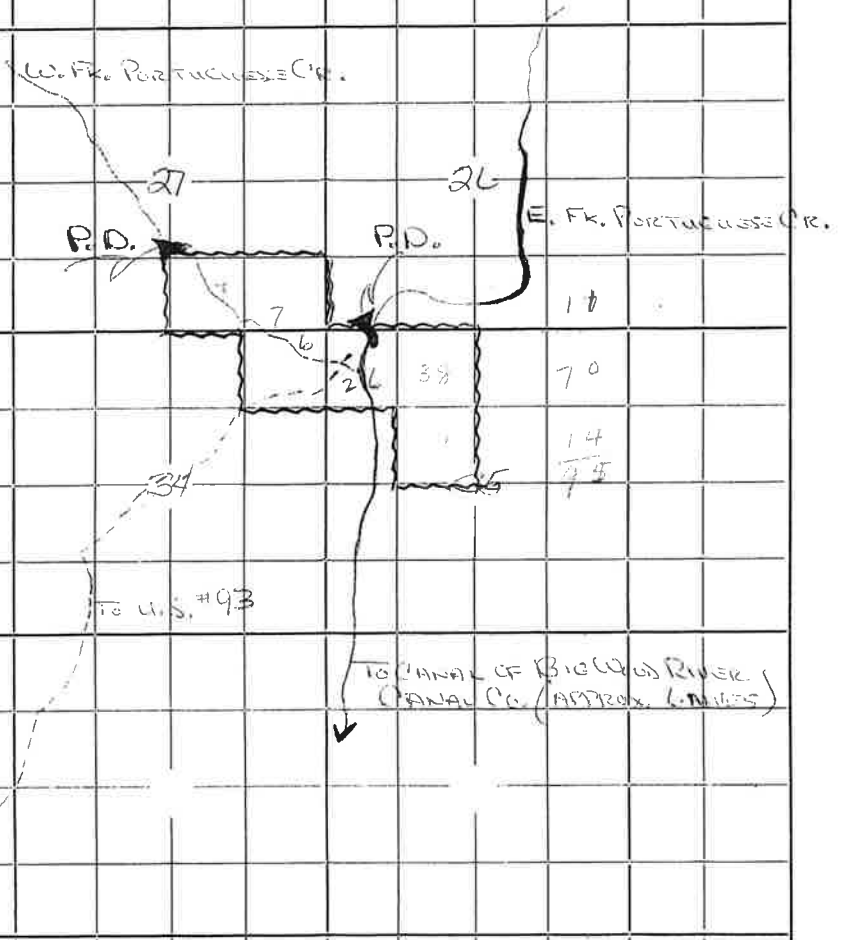
Examiner

R. 14 E.

1.

3

S.



15 known Section Corners in this area.
Maps of County assessor, BLM & ASC
differ. Locations of P.D.s may be in
error.

Subdivisions = 6

Area = 95 acres

all (09) $\Phi = 95$ inches or 1.90 c.f.s
3.0 0.6

Note:

The reference point indicated at the bottom of the attached map is under controversy. It was from this point that the boundary lines for Sections 26-27, and 34 & 35 were determined for this map.

It seems that this R.P. is the only tie in for this upper area. The R.P. is not fixed in the ground and the second location is west of the point I used. My map is from the Lincoln County Assessor's office. I was warned by the assessor that the B.L.M., A.S.C. & the Assessor's office all disagreed on the location of this R.P.

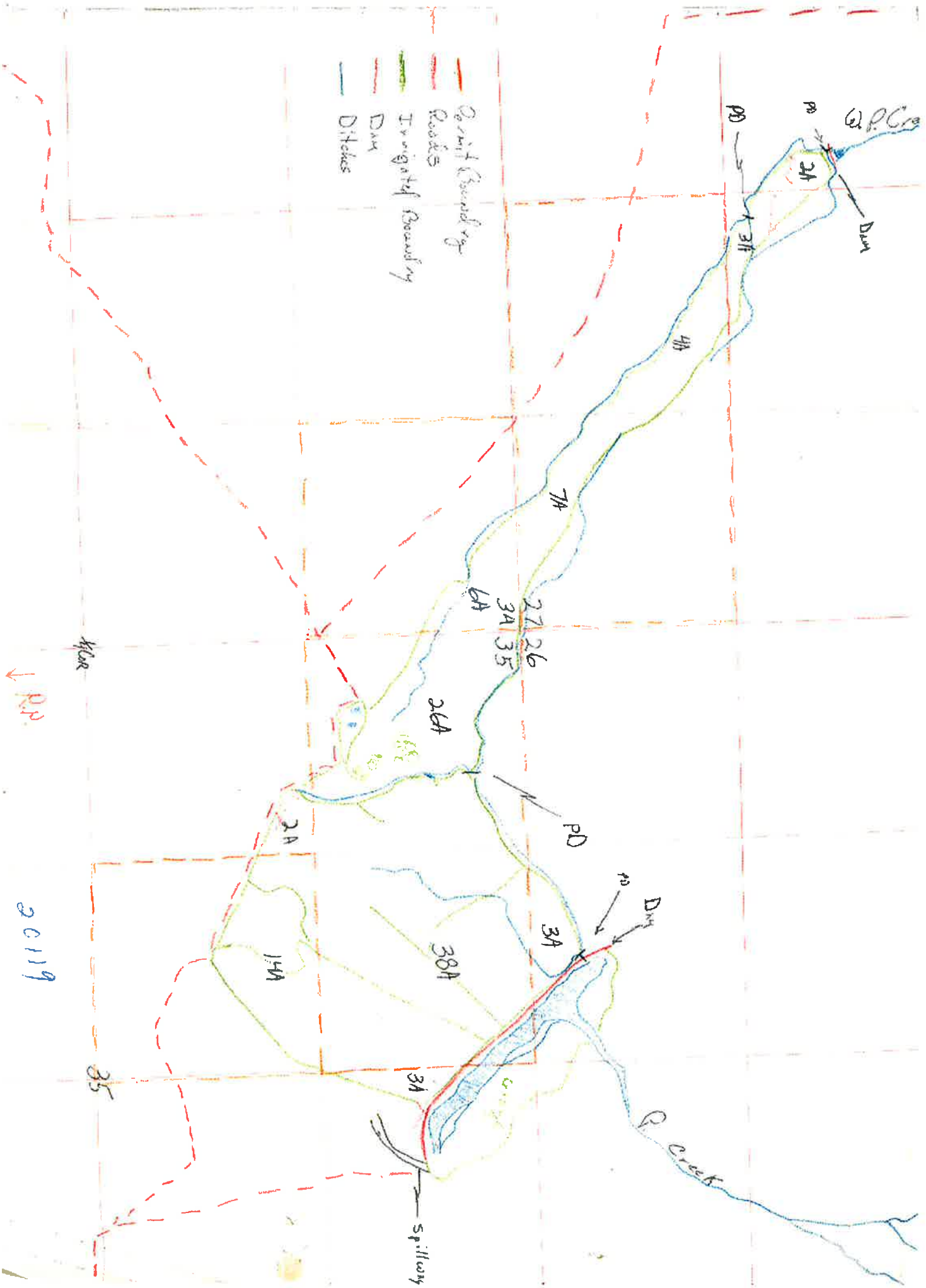
I feel, and the Assessor indicated, that Mr. Patterson used the west most R.P. in locating his land.

As I find it from my map his Dam in Section 27 is in the wrong Subdivision.

By using the west R.P. he would have the Dam in the correct Subdivision.

20119

From 37-2480





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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 4, 2004

37-10464, 37-10468 & 37-10470
LOCKWOOD LAND & LIVESTOCK
781 W COUNTY LINE RD
SHOSHONE ID 83352

Re: Evidence of Priority Date

Dear Claimant:

RESPONSE DEADLINE
APRIL 10, 2004

The Notices of Claim to a Water Right (claim) identified with the numbers shown above your name have 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 claim is 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 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 number. 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

WATER RIGHT NUMBER: 37-10464

Priority Date: 12/14/1889
Basis: Beneficial Use
Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.050 CFS	
IRRIGATION	4/01 to 11/01	4.000 CFS	
	Total Diversion:	4.000 CFS	

STOCKWATER

[illegible][illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-10464

Total Acres: 97

Conditions of Approval:Remarks:

1. General

THIS CLAIM IS BASED ON A POSTED NOTICE (SEE ATTACHED COPY) THESE LANDS WERE ORIGINALLY DEVELOPED AND HAVE PRETTY MUCH STAYED THE SAME AS FAR AS NUMBER OF ACRES IRRIGATED. THE ONLY CHANGE WAS WHEN PATTERSON RESERVOIR WAS ENLARGED. THE USE OF THIS SAME WATER HAS BEEN FILED ON BY SUBSEQUENT OWNERS AFTER FRANK GWIN FILED THE POSTED NOTICE. THESE FILINGS ARE RECORDED BY HARRY PATTERSON'S 37-2653 AND 37-2480. THIS FILING IS INTENDED TO CLAIM BACK THE EARLY PRIORITY OF USE OF THIS WATER WHICH WAS LATER RECORDED BY THE LATER FILINGS.

Comments:Dates and Other Information:

Claim Received Date: 7/8/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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1.63
Portuguese
Creek

0.60 cfs
1
Unnamed stream

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2480

WATER RIGHT NUMBER: 37-2480

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARRY PATTERSON RT 1 GOODING, ID 83330

Priority Date: 06/24/1956

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	PORTUGUESE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.600 CFS	
STOCKWATER	/ to /		
	<u>Total Diversion:</u>	0.600 CFS	

<u>Location of Point(s) of Diversion</u>			
UNNAMED STREAM	NW1/4SE1/4	Sec. 27,	Twp 03S, Rge 16E, B.M.
LINCOLN County			
UNNAMED STREAM	NW1/4NW1/4	Sec. 35,	Twp 03S, Rge 16E, B.M.
LINCOLN County			

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	16E	27															4.0	7.0	11.0
03S	16E	34	6.0																6.0
03S	16E	35					38.0	26.0		14.0									78.0

Total Acres: 95

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

- General LICENSE INCORRECTLY DESCRIBES SOURCES AS PORTUGUESE CK., EAST & WEST FORK, TRIB. TO BIG WOOD CANAL.
2 SEPARATE UNNAMED STREAMS ARE THE SOURCE.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-2480

Comments:Dates and Other Information:

Licensed Date: 5/15/1979
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2653

WATER RIGHT NUMBER: 37-2653

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARRY PATTERSON RT 1 GOODING, ID 83330

Priority Date: 03/22/1961

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
PORTUGUESE CREEK UNNAMED STREAM	PREACHER CREEK SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.630 CFS	
STOCKWATER	/ to /		
	<u>Total Diversion:</u>	1.630 CFS	

Location of Point(s) of Diversion

PORTUGUESE CREEK LINCOLN County	NE1/4SW1/4	Sec. 27, Twp 03S, Rge 16E, B.M.
UNNAMED STREAM LINCOLN County	SE1/4SW1/4	Sec. 26, Twp 03S, Rge 16E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03S	16E	27	NE	NW	SW	SE	8.0
03S	16E	34	8.0				8.0
03S	16E	35		39.0	19.0	9.0	67.0

Total Acres: 83

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2653

1. General AC. IRR. = 81.5.
SOURCES KNOWN LOCALLY AS EAST FORK PORTUGUESE CK. & WEST FORK
PORTUGUESE CK.

Comments:Dates and Other Information:

Licensed Date: 5/15/1979
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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HORN CREEK LITTLE ASSOCIATES

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735

Fraser
7/10

Pick

B 323

Creek
Cattle
Asses.

Resuscitation

Lockhart

$$\begin{array}{r} 2827 \\ 133 \overline{) 17334} \end{array}$$

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

AUG 10 1964
Department of Reclamation

PERMIT NO. 20119

Proof of Application of Water to Beneficial Use
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Gerald C. Edinborough, 56, Rt. 1, Gooding, Idaho, Farming

Ques. 2. Are you acquainted with Harry E. Patterson, the holder of Permit No. 20119? How long have you known him and where does he reside?

Ans. Yes, I have known him for 18 years.

Rt. 1, Gooding, Idaho

Ques. 3. Have you read or heard read said Permit No. 20119, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Springs and flow of East & West forks of Portuguese Creed diverted by dams for storage. Head gates on face of dams convey water on to far.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 30 inches or 0.6 CFS.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) 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. S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 27; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, Twp. 3S., Rge. 16E. 100 acres cultivated, 10 acres natural meadow land, remainder hill pasture. This was all being used as dry pasture at the time he acquired it.

20119

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Fertile farm land. 100 acre feet

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen crops raised on this place the last fifteen years.

(Signed)

Donald Edinburgh

I hereby certify that the foregoing testimony was read to the above subscriber 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 in Laramie, County of Laramie, State of Idaho, on this 7 day of August, A. D. 1966.

Rich. B. Sullivan

Notary Public.

My commission expires 10-26-66.

20119

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
AUG 10 1964
Department of Reclamation

PERMIT NO. 20119

Proof of Application of Water to Beneficial Use
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. William S. Varin, 37, Rt. 1, Gooding, Idaho, Farming

Ques. 2. Are you acquainted with Harry E. Patterson, the holder of Permit No. 20119? How long have you known him and where does he reside?

Ans. 18 yrs. Route 1, Gooding, Idaho

Ques. 3. Have you read or heard read said Permit No. 20119, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Springs and flow of East & West forks of Portuguese Creek diverted by dam for storage. Head gates on face of dam convey water onto farm.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 30 inches or 0.6 CFS.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) 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. S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 27; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, Twp. 3S., Rge. 16E. 100 acres cultivated, 10 acres natural meadow land, remainder hill pasture. This was all being used as dry pasture at the time he acquired it.

20119

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Fertile farm land. 100 acre feet.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen crops raised on this place the last five years.

(Signed)

William L. Varin

I hereby certify that the foregoing testimony was read to the above subscriber 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 in Glendale, County of Glendale, State of Idaho, on this 7 day of August, A. D. 1964.

Frank B. Bissell

Notary Public.

My commission expires 10-26-66.

20119

PERMIT NO. 20119**Proof of Completion of Works****DEPOSITION OF HOLDER**

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

Ans. Harry Patterson Gooding, Idahofarmer: Gooding, Idaho R.F.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. 20119 - July 18, 1947, 30 inches West East
for a Portuguese creek front of National out bank of the river.
NW 1/4, NW 1/4 Sec 35, NE 1/4 + NW 1/4 SE 1/4, NW 1/4 Sec 34, NE 1/4 Sec 35

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. 240 acres irrigation and stock water top 38.
Range 16E, Sec 35-NE 1/4, NW 1/4, SE 1/4, Sec 34-NE 1/4, Sec 27
SW 1/4, SE 1/4 SE 1/4

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. yes used to fill dam and for direct
irrigation since 1947

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. yes completed Nov. 1, 1949

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. _____

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. improved creek from springs to reservoir
3 miles long 15 inch water each fork

(Sign here.)

Harry Patterson

I hereby certify that the foregoing testimony was read to the above subscriber 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, in _____ Gooding _____,

County of _____ Gooding _____, State of Idaho, on this _____ 2nd _____

day of _____ January _____ A. D. 19 _____ 51 _____

Paul S. Gray

Notary Public.

My Commission expires March 1, 1951

20119

Permit No. 20119**Proof of Completion of Works****DEPOSITION OF WITNESS**

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

Ans. Harold W. Blake. In Conservation Field
Salt Creek - Shoshone, Gooding IdahoQues. 2. Are you acquainted with Harry Patterson, the holder of Permit No. 20119, authorizing the diversion of 30" minus second-feet of the waters of East & West Fork of Portuguese Creek, at T. 3S. R. 16E for irrigation purposes? How long have you known him, and where does he reside?Ans. 2 yrs. Route 1 Gooding IdahoQues. 3. Have you read or heard read said Permit No. 20119, and are you familiar with its terms and conditions?Ans. yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. deep fertile loams & silt loam to clay loam, subside. for profitable cultivation, with use about 2 cu feet per acre.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. yes Completed Nov 1, 1949

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. The two dams are completed with outlet & spill ways which are satisfactory and will hold about 126 cu ft of water

(Sign here.)

Harold W. Blake

I hereby certify that the foregoing testimony was read to the above subscriber 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 Gooding County of Gooding, State of Idaho, on this 2nd day of January, A. D. 1951

Fred S. Long20119

Permit No. 20119**Proof of Completion of Works****DEPOSITION OF WITNESS**

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

Ans. Leonard V. Bond, Work Unit Conservationist,
Soil Conservation Service, Shoshone, IdahoQues. 2. Are you acquainted with Harry Patterson the
holder of Permit No. 20119 authorizing the diversion of 200 ^{minor inches} ~~feet~~ ^{second feet} of the
waters of Eastland well forking Portuguese Creek, at T 39 R 16 E
for irrigation purposes? How long have you known him, and where does he reside?Ans. Four years - Route 1, Gooding IdahoQues. 3. Have you read or heard read said Permit No. 20119, and are you familiar
with its terms and conditions?Ans. YesQues. 4. (If for irrigation purposes). Are you acquainted with the land proposed to
be irrigated under said permit? If so, describe same, state its character, and give your
estimate of the amount of water required for its profitable cultivation.Ans. I am acquainted with the land. It is deep
fertile loam and silt loam with loam to clay loam
subsoil about 16.4 acre feet of water from both storage and stream
are needed for alfalfa and pasture crops.Ques. 5. Are the works of diversion fully completed and of sufficient capacity to con-
vey the entire amount of water set out in the permit from point of diversion to place of use?Ans. Yes. Completed 11/1/49Ques. 6. Describe the works of diversion as they now exist, and give your estimate of
their capacity.Ans. The two dams, spillways and outlet structures
are completed and satisfactory. They will hold about
125 acre feet of water(Sign here.) Leonard V. Bond

I hereby certify that the foregoing testimony was read to the above subscriber 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 Gooding
County of Gooding, State of Idaho, on this 2nd
day of January, A. D. 19 51.

Paul S. Long
20119

From
37-2653

Form 23
2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 29587

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Harry Patterson

2. Source of water supply: West Fork and East Fork both of Portuguese Creek

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27

T. 3 S. R. 16 E. B. M. County of Lincoln

4. Describe works as they exist, giving dimensions and capacities of same: _____

Two dams diverting to open ditches from Portuguese Creek East and West forks

5. Water is used for: Irrigation and stock

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 other than irrigation):

S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 27., NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31., N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 35., all in Twp. 3 S., Rge. 16 EBM

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

8. What large stream would the water here appropriated finally reach? Wood River

Remarks: When water is available 1 inch per acre can be applied

Shelton

This examination was made on the 5th day of May, 1966

(Signed) Don Math Examiner.

From
37-2653

L 16 E.

T

3

S



Area 81.5 A

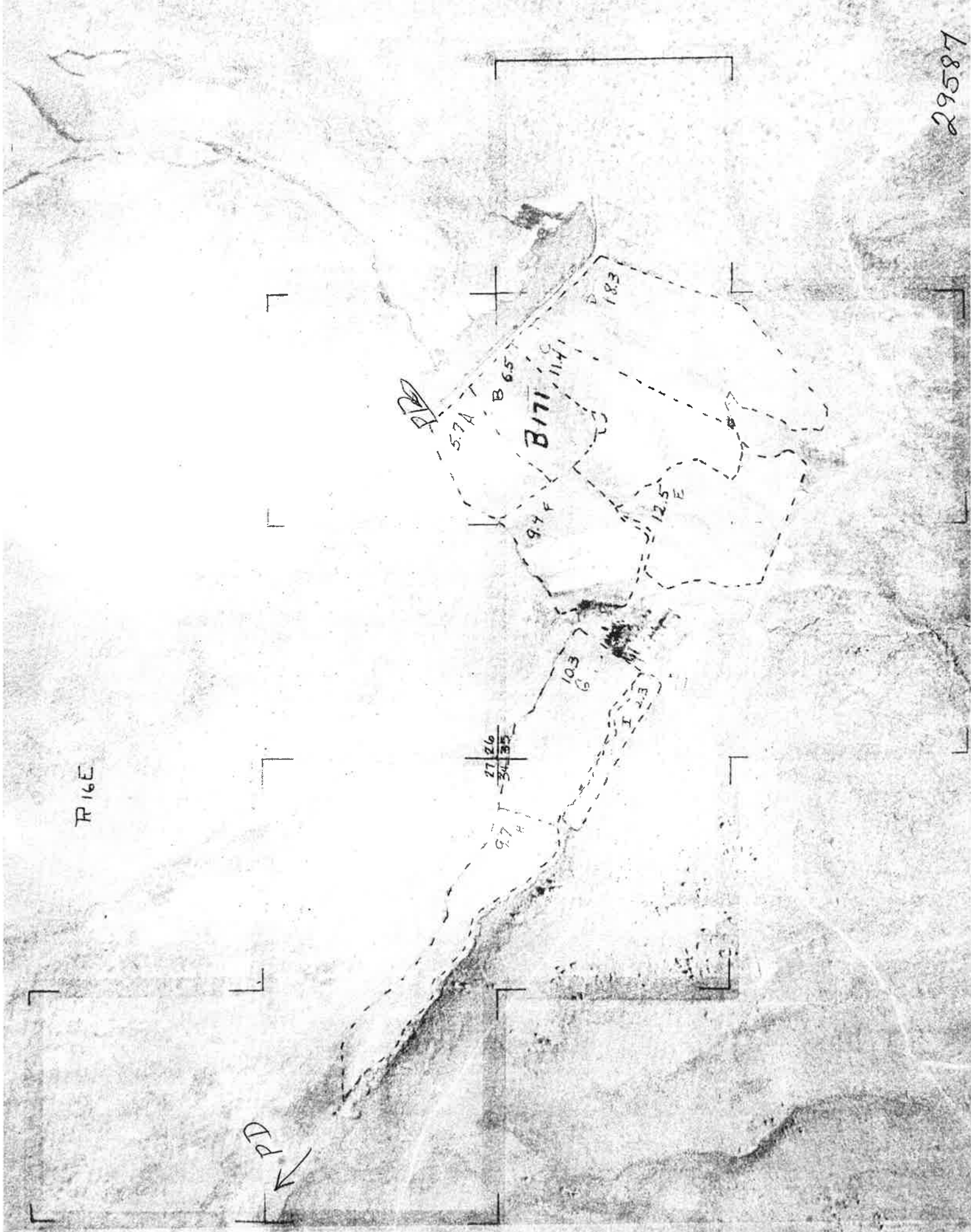
Subdivisions - 6

Q = 163 cfs

To US Hwy 9
and
→ South

L 16 E

T
5



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: A37-10464
Date Received: 7/08/1988
Receipt No: 5000794
Received By: ADK

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOCKWOOD LAND & LIVESTOCK 208-886-2155
Address: 781 WEST COUNTY LINE ROAD
SHOSHONE, ID 83352

2. Date of Priority: DEC 14, 1889

3. Source: PORTUGUESE CREEK, EAST FK. Trib. to: PORTUGUESE CREEK
PORTUGUESE CREEK, WEST FK. PORTUGUESE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	16E	27	SE	NE	SW		LINCOLN
		35	NE	NE	NW		LINCOLN

5. Description of diverting works:
DAM & HEADGATE TO DITCH; DIESEL PUMP TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 291.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 200 RANGE CATTLE & MIXED WILDLIFE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	16E	26	SE	SW		IRR STOCK	9.0
						Section Acres	9.0
		27	SW	SE		IRR	4.0
			SE	SE		IRR	7.0
						Section Acres	11.0
		34	NE	NE		IRR	6.0
						Section Acres	6.0
		35	NW	NE		IRR	2.0
			NW	NE		STOCK	
			NE	NW		IRR	38.0
			NE	NW		STOCK	
			NW	NW		IRR	20.0
			SW	NW		IRR	3.0
			SE	NW		IRR	8.0
						Section Acres	71.0
						Total Acres	97.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

OTHER CLAIMED STORAGE WATER RIGHTS FOR PATTERSON RESERVOIR

14. Remarks:

THIS CLAIM IS BASED ON A POSTED NOTICE (SEE ATTACHED COPY) THESE LANDS WERE ORIGINALLY DEVELOPED AND HAVE PRETTY MUCH STAYED THE SAME AS FAR AS NUMBER OF ACRES IRRIGATED. THE ONLY CHANGE WAS WHEN PATTERSON RESERVOIR WAS ENLARGED. THE USE OF THIS SAME WATER HAS BEEN FILED ON BY SUBSEQUENT OWNERS AFTER FRANK GWIN FILED THE POSTED NOTICE. THESE FILINGS ARE RECORDED BY HARRY PATTERSON'S 37-2653 AND 37-2480. THIS FILING IS INTENDED TO CLAIM BACK THE EARLY PRIORITY OF USE OF THIS WATER WHICH WAS LATER RECORDED BY THE LATER FILINGS.

15. Basis of Claim: BENEFICIAL USE

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: 3

For Organizations:

I do solemnly swear or affirm that I am Manager of
Title
LOCKWOOD LAND & LIVESTOCK that I have signed the foregoing
Organization
document in the space below as MANAGER of
Title
LOCKWOOD LAND & LIVESTOCK and that the statements contained in the
Organization
foregoing document are true and correct.

Patricia Johnson
Signature of Authorized Agent

Manager Lockwood Land & Livestock
Title and Organization

July 9 1988
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of July 19 88

Al D. Mennet
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/94

T.3S. R.16E.

THORN CREEK CATTLE ASSOC.

Reservoir
P/D

Ditch

Ditch

Spring 95
Area

Thorn
Creek
Cattle
Assoc.
pump

Reservoir
(Patterson)

Storage
Acres

-- Live stream
water

28	27
33	34

27	26
19	33

B 323
132

LOCKWOOD

Portuguese Creek

Spillway

4

7

6

B 9.9

C 2.3

9.6

9.8

7.5

8.1

4.7

9.1

1.8

8.3

8.3

3.0

3.0

3.0

3.0

3.0

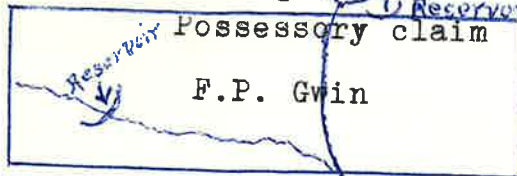
3.0

3.0

3.0

Notice of water claim

I hereby give notice that I claim all the water consisting of two hundred inches under a four inch pressure flowing from five certain springs known as Brown's springs, situate in Summit Valley about fourteen miles north and six miles west of the town of Shoshone in the County of Logan Territory of Idaho for the purpose of irrigating my possessory claim consisting of one hundred and sixty acres of unsurveyed land lying just below said springs, and situating one mile in length east and west and one quarter of a mile in width north and south, the boundaries of which are marked by five stone monuments and one post each four feet high. Said waters are diverted from said springs by means of several ditches, each 12 inches wide and 12 inches deep, and are conducted by means thereof into reservoirs and thence upon said land, for irrigating, stock and domestic purposes, and is utilized during the whole of each



year by means of said ditches and reservoirs, as indicated in the accompanying diagram. Signed,

Franklin L. Gwin

MICROFILMED

Dated Dec 14th 1889

FEB 25 1993

Recorded at request of F.P. Gwin Dec. 18, 1889 at 3 P.M.

W.B. George Co. Recorder

Trans. from Book 17 of water rights Page 299 Blaine Co.

Corwin Silva