

04/27/2005

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

RIGHT NUMBER: 37-10470

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

SOURCE: WASTE WATER

TRIBUTARY: PORTUGUESE CREEK

QUANTITY: 1.140 CFS

PRIORITY DATE: 05/01/1953

POINT OF DIVERSION:

T04S R16E S29 SWNW Within LINCOLN County

T04S R16E S30 SENE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

1.140 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T04S R16E S29

SWNW

27.0

T04S R16E S30

NESE

30.0

57 ACRES TOTAL

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

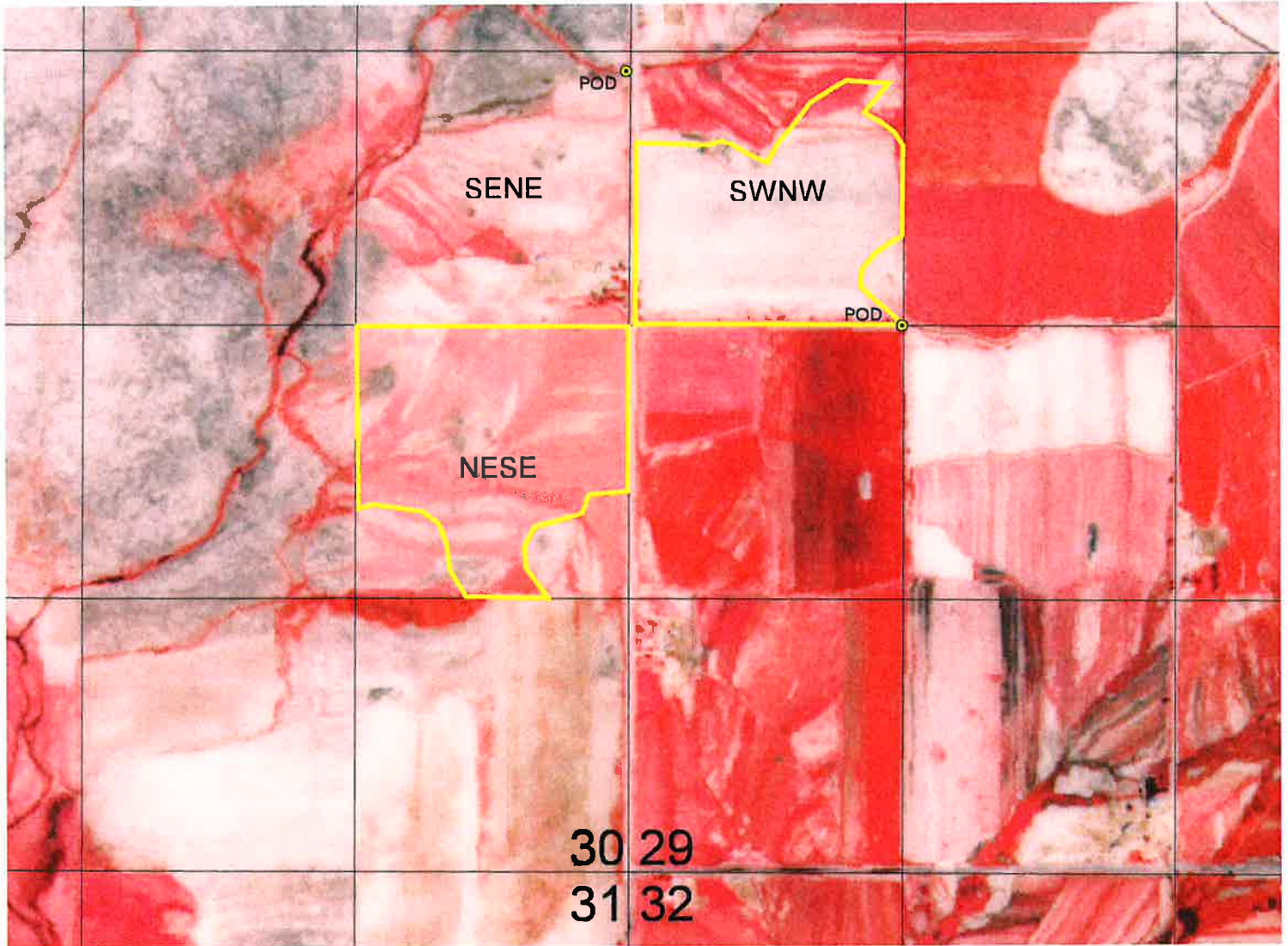
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

The source of this right is waste water originally diverted by the Big Wood Canal Co.

Use of this right is combined with water from Big Wood Canal Co.

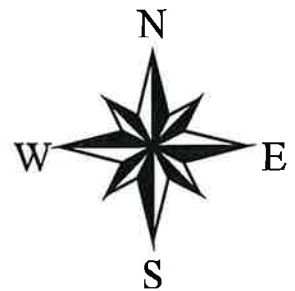
37-10470



600 0 600 1200 1800 2400 Feet

T04S R16E S29

Map prepared by: Carter Fritschle
Date prepared: 04/27/05
1987-1988 NAPP photography
Idaho Department of Water Resources



04-26-05

I Jack Gray moved onto the farm in 1953. Our waste water went onto 04S, 16E, section 29 southeast of the SE of the NE and section 4 S, 16E, SW, SE of the NE in Lincoln County. Water was used to irrigate crops at 04S, 16E, section 29 SW of the NW and 4S, 16E, of the NE of the SE.

Signed
Jack Gray

State of Idaho } ss.
County of Gooding }

Subscribed and sworn before me this 26th day of April, 2005

Carter Fritschle
Notary Public

Residing at Kuna ID
My Commission expires
3-21-2006



04/01/2005

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

RIGHT NUMBER: 37-10470

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

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

No lawful appropriation shown.



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,

A handwritten signature in cursive script, reading "Carter Fritschle".

Carter Fritschle
Water Rights Supervisor

Enclosures

Map for 37-10470

Draft Amended Claim 37-10464

IDWR Field Exam Form

04/07/2004

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	LOCKWOOD LAND & LIVESTOCK	781 W COUNTY LINE RD	SHOSHONE	ID	83352	(208)886-2155

Date of Field Exam: 4-15-04 Time: 930 AMAccompanied By: NONE Phone Number: _____Relationship to Claimant: NONE

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

North on County line towards Kids
camp

Dat Lockwood
cell 358-0871

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number 37-10470

Claimed Point of Diversion and Source

T04S R16E S29 SWSENE Within LINCOLN County Source: WASTE WATER PORTUGUESE CREEK

T04S R16E S29 SESENE Within LINCOLN County Source: WASTE WATER PORTUGUESE CREEK

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? _____

Document how the POD and Source were verified:

By observing maps & Photo - Pat said
POD is good

Reviewer: LEEDate: 4-15-04

Place Of Use Data Entry Form

Claim Number 37-10470

Claimed Place Of Use

T04S R16E S29 SWNW 27.0 T04S R16E S30 NESE 30.0
Total Acres 57

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Pat Lockwood said above POU is accurate

Reviewer: LEEDate: 4-15-04

Period of Use and Quantity Data Entry Form

Claim Number 37-10470

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	11/01	1.5	

Overall Diversion Rate 1.5

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
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Overall Diversion Rate

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate

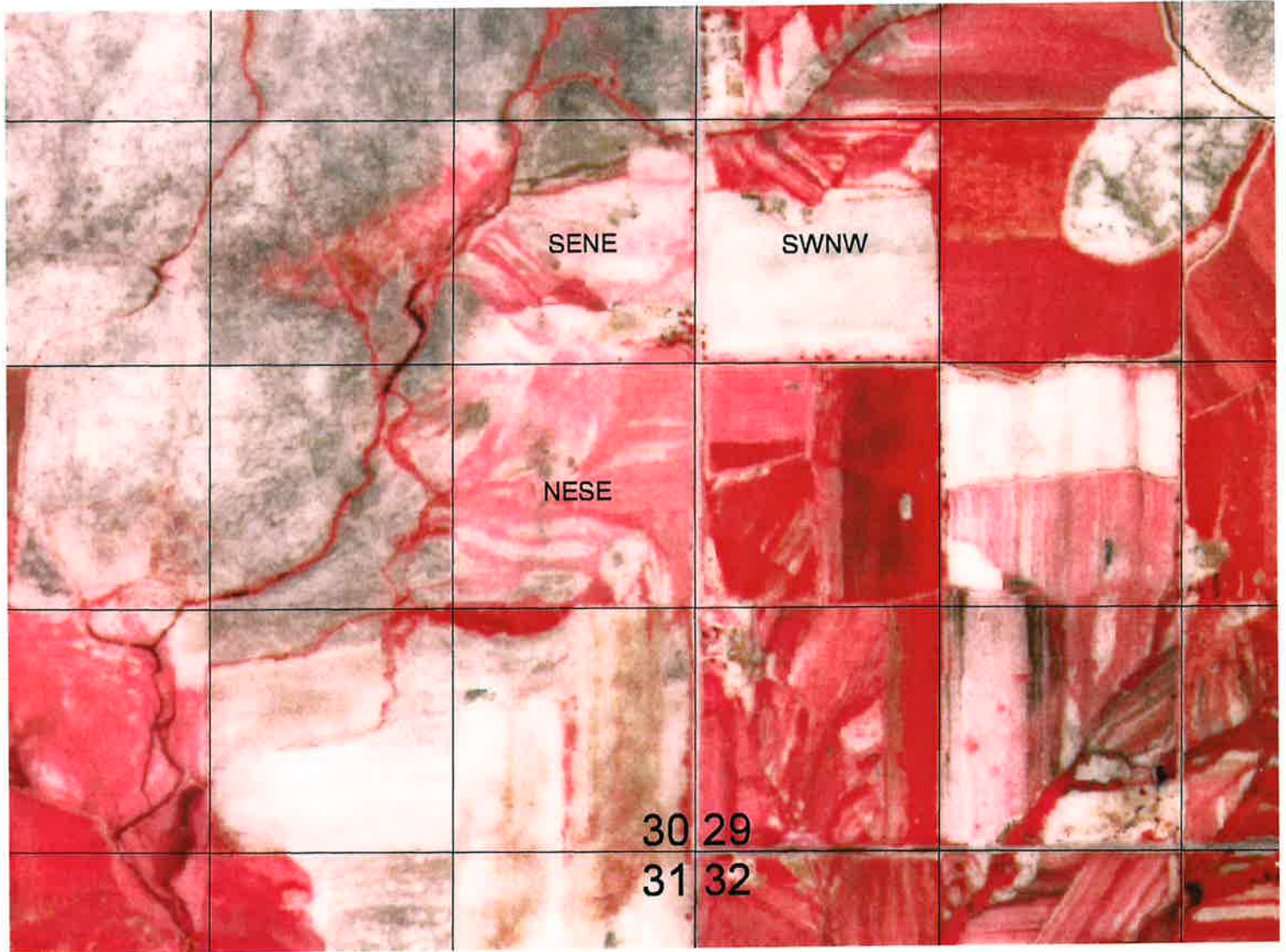
Overall Diversion Volume

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

Pat Lockwood said the quantity of water varies with water available to neighboring farmers - good years, good water - poor seasons poor water

Reviewer: LSEDate: 4-15-04

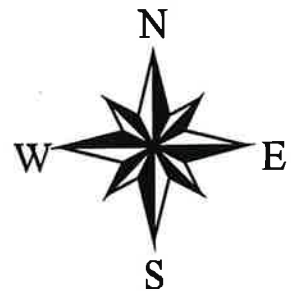
37-10470



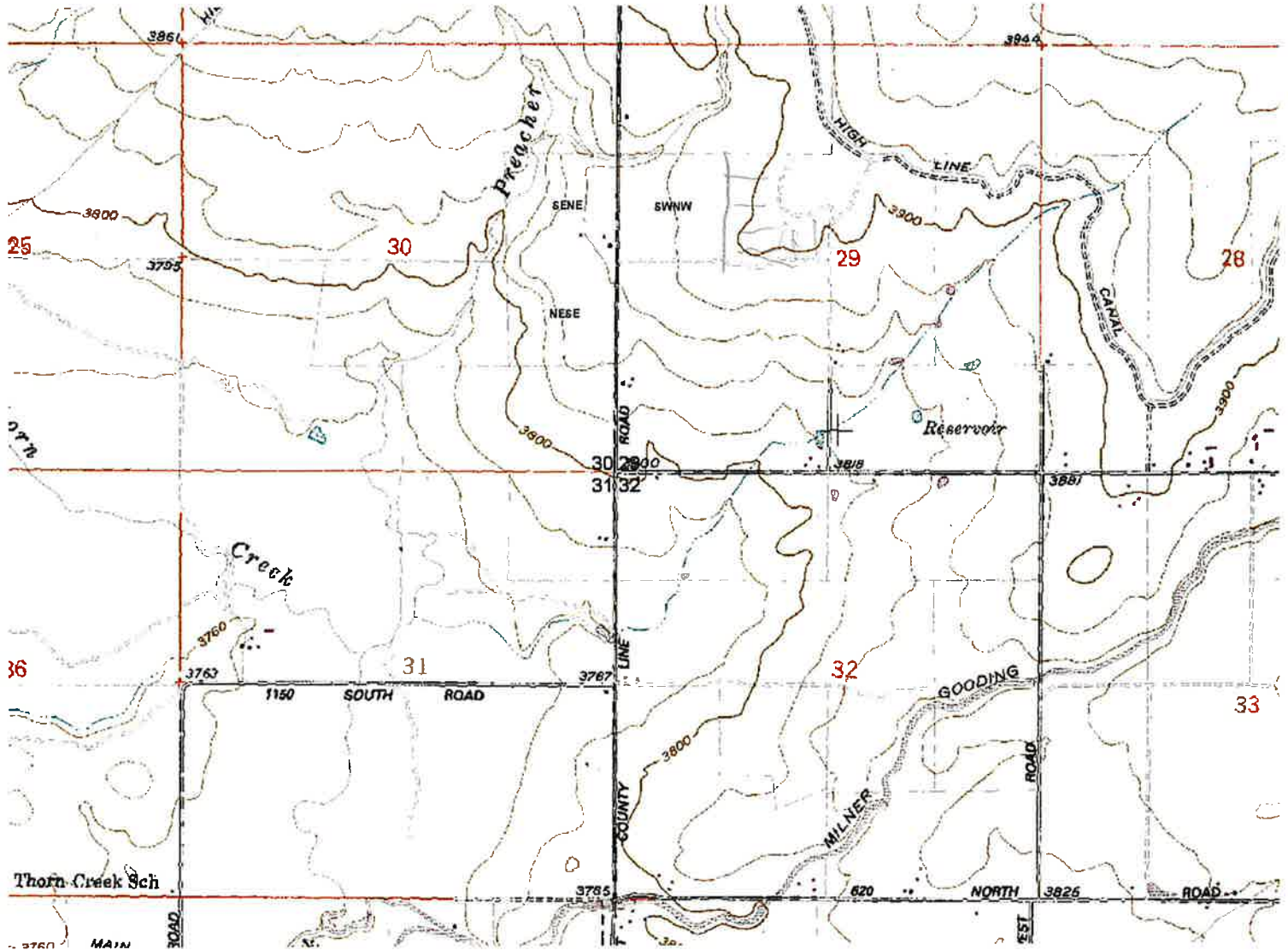
700 0 700 1400 2100 2800 Feet

1987 Photo

T04S R16E S29



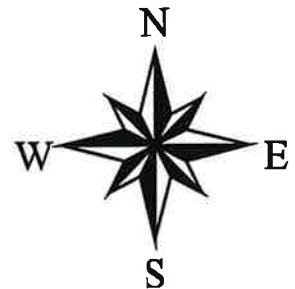
37-10470



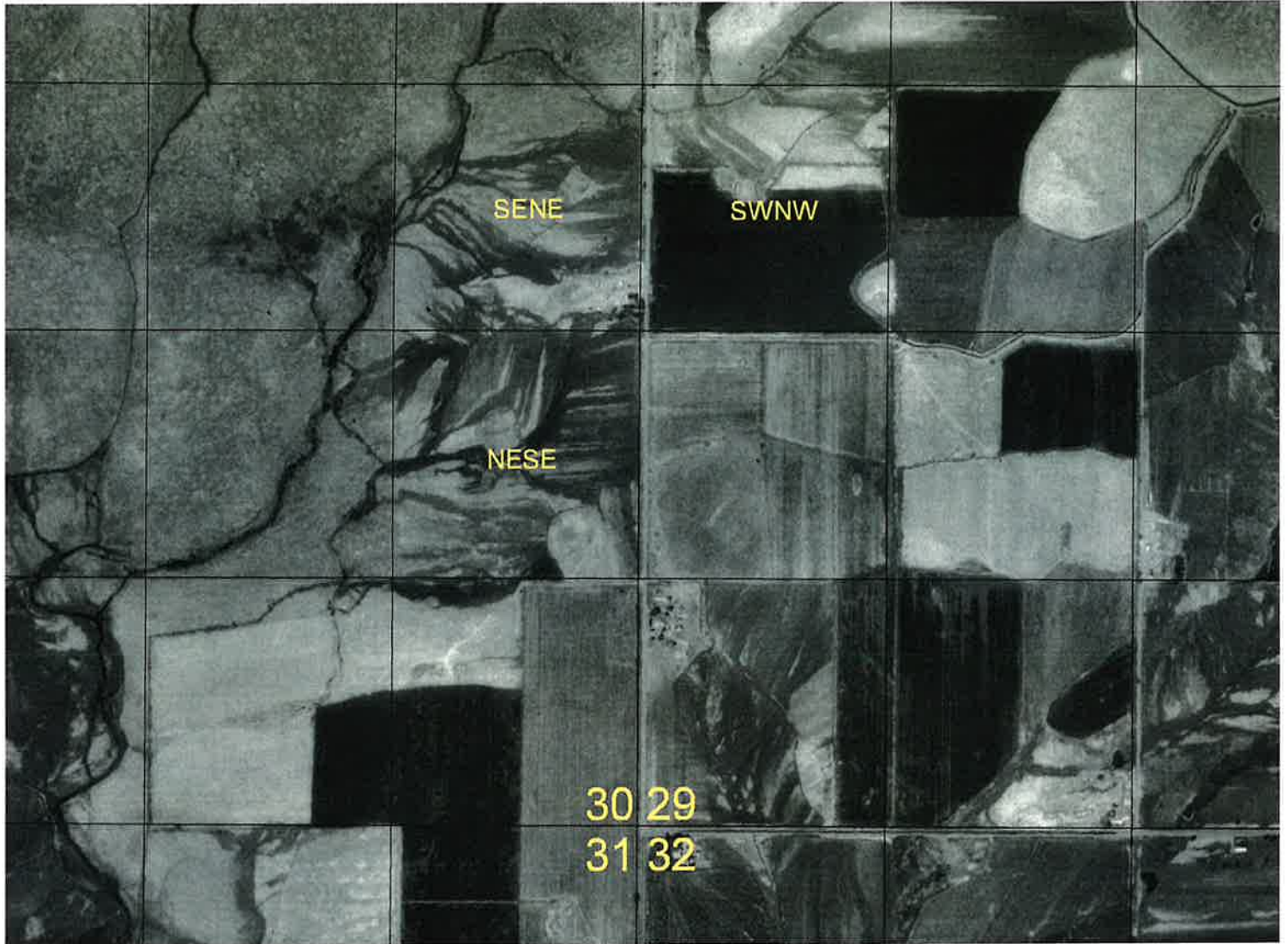
1000 0 1000 2000 3000 4000 Feet



T04S R16E S29



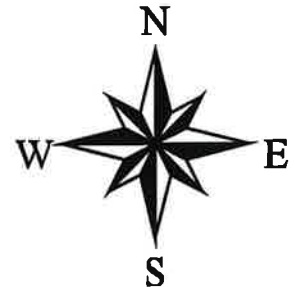
37-10470



1992 Photo

400 0 400 800 1200 1600 Feet

T04S R16E S29





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

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: A37-10470
Date Received: 7/08/1988
Receipt No: 5000792
Received By: ADN

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: MAY 01, 1950

3. Source: WASTE WATER Trib. to: PORTUGUESE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	16E	29	SW	SE	NE		LINCOLN
			SE	SE	NE		LINCOLN

5. Description of diverting works:
EARTHEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.500		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04S	16E	29	SW	NW		IRR	27.0
Section Acres							27.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	16E	30	NE	SE		IRR	30.0
Section Acres							30.0
Total Acres							57.0

11. Place of use in counties: LINCOLN, GOODING

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

13. Other Water Rights Used:
SHARES IN BIG WOOD CANAL COMPANY

14. Remarks:

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: 1

For Organizations:

I do solemnly swear or affirm that I am Manager of _____ Title

Lockwood Land & Livestock Organization, that I have signed the foregoing document in the space below as _____ Title

Lockwood Land & Livestock Organization of _____ Title

and that the statements contained in the foregoing document are true and correct.

Beth A. Johnson
Signature of Authorized Agent

Manager Lockwood Land & Livestock
Title and Organization

July 8, 1988
Date

State of Idaho)
County of Twila Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day

of July 19 88

Al D. Muntz
Notary Public

Seal

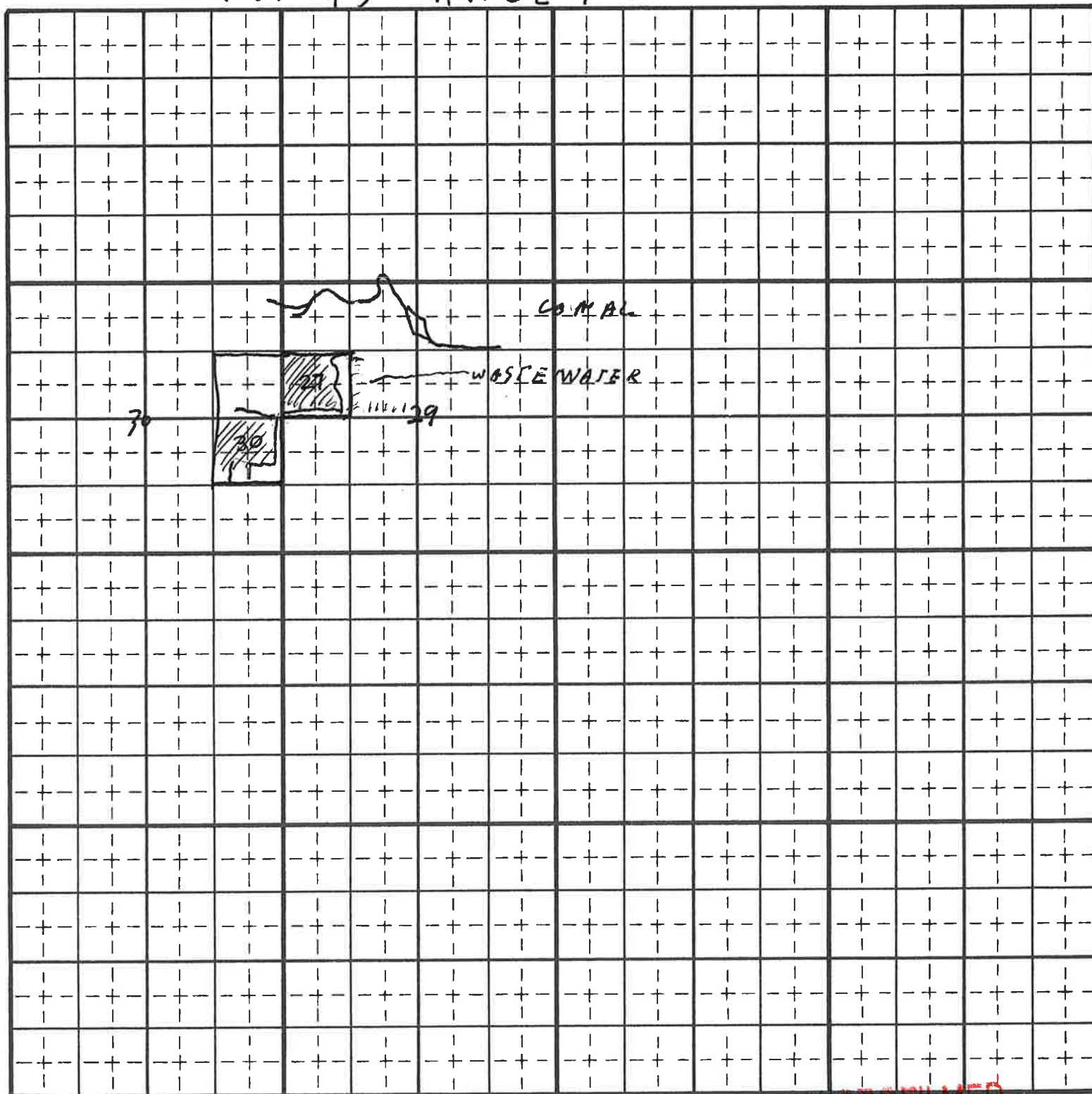
Residing at Kimberly, Id

My Commission Expires 6/30/89

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

TWP 4S RANGE 16E



MICROFILMED

FEB 25 1993

Last Name Lockwood L&C Ident No. _____

Copies: White-State, Yellow-Claimant