

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: A36-04269
Date Received: 8/30/1988
Receipt No: S002236
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THE NATURE CONSERVANCY
Address: C/O GUY BONNIVIER
P.O. BOX 64
SUN VALLEY, ID 83353-0000
208-726-3007

2. Date of Priority: APR 06, 1916

3. Source: MINNIE MILLER SPRINGS
THOUSAND SPRINGS
Trib. to: SNAKE RIVER
SNAKE RIVER

4. Point of Diversion:

	Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
#2	08S	14E	8	SW	NE	NW		GOODING
#3	8-NE-SW			NE	SW	NW		GOODING
#4	8-NE-SW		17	NE	NE	SW		GOODING
#5	NW-NE			NE	NW	NE		GOODING

5. Description of diverting works:
PIPELINES, DITCHES, DIKES, CONCRETE HEADWORKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	13.000		
STOCKWATER	04/01	10/31	11.000		
DOMESTIC	01/01	12/31	0.500		

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

8. Total consumptive use is 231.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/3 HOMES, S/100 DAIRY, 30 SHEEP

A36-04269

Page 1

Date: 02/13/89

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08S	14E	8	SW		NW		IRR	16.0
			SE		NW		IRR	1.0
			NE		SW		IRR	21.0
			NE		SW		STOCK	
			NE		SW		DOMEST	
			NW		SW		IRR	7.0
			SE		SW		IRR	20.0
			SE		SW		STOCK	
			SE		SW		DOMEST	
							Section Acres	65.0
		17	NE		NW		IRR	12.0
							Section Acres	12.0
							Total Acres	77.0

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:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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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
_____, Title
_____, that I have signed the foregoing
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 _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: 39356
Ident. Number 36-4269
Date Received 8-30-88
Receipt Number S800 2236

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
AUG 30 1988

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) The Nature Conservancy Phone (208) 726-3007
Attn: Guy Bonnivier
Mailing Address P.O. Box 64, Sun Valley, Idaho Zip 83353
2. Date of Priority (Only one (1) per claim) April 6, 1916
3. Source of water supply (a) Thousand Springs and Minnie Miller Lake
which is tributary to (b) Snake River
4. a. Location of existing point of diversion is: Township 8S Range 14E Section s 8 & 17
1/4 of 1/4 of 1/4, Govt. Lot, B.M., County of Gooding
Additional points of diversion if any: See attachment for description of the four points of diversion
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
These descriptions are contained in the attachment.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from April 1 to Oct. 31 amount 13.0 or _____

For stockwater purposes from Jan. 1 to Dec. 31 amount 11.0 or _____

For domestic purposes from Jan. 1 to Dec. 31 amount 0.5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 13.5 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 231 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic: 4 dwellings plus associated buildings; stockwater: through a pond for approximately 100 cows and 30 sheep. The pond also provides wild fowl habitat

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
8S	14E	8							16	1	21	7		20					65
8S	14E	17					12												12
8S	14E	8									D, S			D, S					

Total number of acres irrigated 77

11. In which county (ies) are lands listed above as place of use located? Gooding

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None ()

14. Remarks:

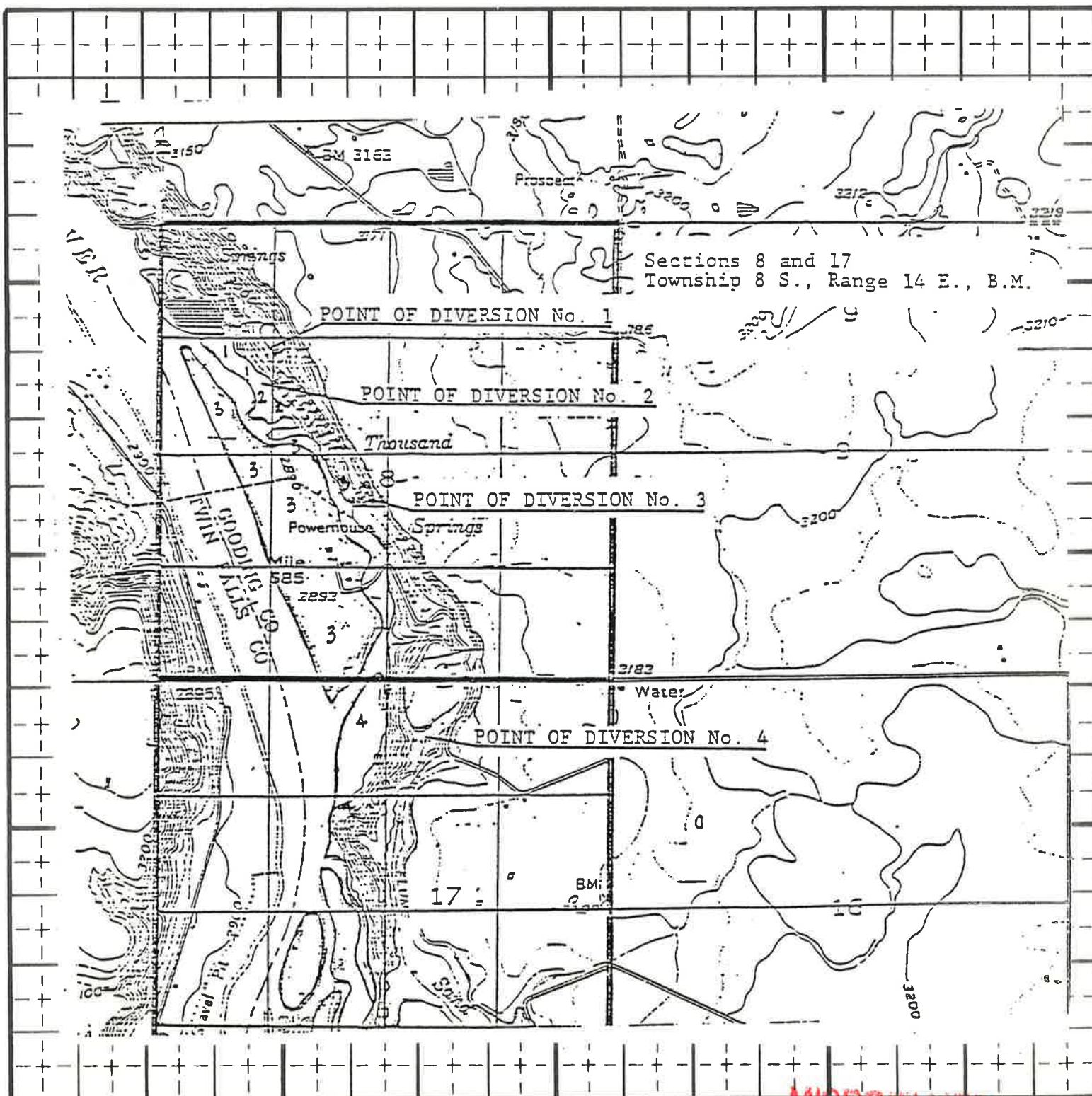
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Last Name The Nature Conservancy Ident No. 36-7269

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile



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FEB 02 1993

Last Name The Nature Conservancy Ident No. 36-7269

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 36-4269
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am VICE President Title _____
of THE NATURE CONSERVANCY Organization _____, that I have signed the foregoing
document in the space below as VICE President Title _____ of THE NATURE CONSERVANCY Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Gary Bonner
Title and Organization VICE PRESIDENT THE NATURE CONSERVANCY Date 8/22/88

State of Idaho/or Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 22 day of August 19 88

SEAL

Notary Public Wayne Nelson
Residing at Mountain State Savings Bank
My Commission Expires 3-1-94

Please Print Name

17. Notice of Appearance: Jeffrey C. Fereday and _____ ies
Notice is hereby given that we James D. Hansen will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature James D. Hansen Jeffrey C. Fereday
Givens, McDevitt, Purlsey, Webb & Buser
Address P.O. Box 2720, Boise, ID 83701

Date Aug. 29, 1988

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Last Name The Nature Conservancy Ident. Number 36-4269

Copies White-State, Yellow-Claimant

ATTACHMENT

Point of Diversion No. 1. Water is diverted at the rate of 1 cfs for irrigation purposes from Minnie Miller Lake, which is situated at the center of the NW $\frac{1}{4}$ of Section 8, T8S, R14E. The water is diverted by a buried pipeline leading from the lake generally southwest to lands in the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 8 lying east of the Minnie Miller outflow stream or estuary. Minnie Miller Lake is fed by the same spring system described with respect to Points of Diversion Nos. 2, 3 and 4, below.

Point of Diversion No. 2. 1 cfs of water is diverted for irrigation purposes from a portion of the Minnie Miller spring system at a point in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 8, T8S, R14E. The water is diverted by dikes into a ditch and pipeline system which serves portions of the same lands described with respect to the point of diversion No. 1, above.

Point of Diversion No. 3. 8.5 cfs of water are diverted for irrigation, domestic and commercial purposes from the Minnie Miller spring system in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8, T8S, R14E. Flows are collected from several spring vents at the base of the main rimrock at an elevation of approximately 3,100 feet. A concrete headworks with a steel gate channels flows into a ten-inch diameter steel pipe and a two-inch diameter galvanized steel pipe, both of which carry the water down the slope, across the outflow stream and onto the island located in the W $\frac{1}{2}$ of Section 8 and the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ Section 17, T8S R14E, B.M. The smaller pipe carries domestic and commercial water at volumes of 0.5 cfs; the larger carries irrigation and stock water at a rate of 8 cfs. The larger pipeline also has a 6" tee line serving an irrigated parcel on the east side of the outflow stream in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8.

Point of Diversion No. 4. 3 cfs are diverted for irrigation and livestock purposes from springs by means of a dike and ditch system located near the center of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17, T8S, R14E. These flows are ditched to a parcel located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8; the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17; and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, all in T8S R14E B.M.

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LAW OFFICES
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
PAUL J. BUSER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
KENNETH R. McCLURE
CHAS. F. McDEVITT
LEO EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB

*ALSO ADMITTED IN OREGON

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

RECEIVED

AUG 30 1988

TELEPHONE
(208) 342-6571

TELECOPIER
Department of Water Resources (208) 343-9492

August 30, 1988

Ms. Dena Billups
Idaho Department of Water
Resources
1301 N. Orchard
Boise, ID 83706

Re: Snake River Adjudication filing

Dear Dena:

I am enclosing for filing today with the Department two Notices of Claim to a Water Right and a filing fee on behalf of our client The Nature Conservancy. You will note that Jeffrey C. Fereday and I also have signed these forms as attorneys in Section 17 -- Notice of Appearance.

Please return conformed copies of these Notices of Claims to us in the enclosed, stamped return envelope. Please contact me if you have any questions. Thank you.

Very truly yours,


James D. Hansen

JDH:gc
Encls.

cc: Mr. Guy Bonnivier

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FEB 02 1993

LAW OFFICES
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
PAUL J. BUSER
JEFFREY C. FEREDAY
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JAMES D. HANSEN
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TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492

RECEIVED
JAN 25 1989

Department of Water Resources

January 12, 1989

RECEIVED

JAN 13 1989

Department of Water Resources
Southern Region Office

Mr. Loren Holmes
Director
Idaho Department of Water
Resources
Southern Region
2148 4th Avenue East
Twin Falls, Idaho 83301

Re: Irrigation of wildlife crops at Thousand Springs
Preserve -- SRBA Identification Nos. 36-4269 and
36-4270

Dear Mr. Holmes:

We represent the Nature Conservancy, which owns the Thousand Springs Preserve near Hagerman, Idaho. The Conservancy holds a water right for some 24.5 cfs, the non-domestic portions of which provide stockwater and irrigate approximately 156 acres of cropland and pasture on the Preserve. I am enclosing for your information a copy of the Conservancy's water right claims for the Preserve that were filed with the Department on August 30, 1988 in the Snake River Adjudication. While the Conservancy probably will continue to raise livestock feed and perhaps other agricultural commodities on the property, it intends to irrigate chiefly crops that are beneficial to and intended for use by various forms of waterfowl, upland game birds, deer, small mammals and other wildlife. The operation of the farm for these purposes will not involve any significant changes in historic irrigation practices. Please put this letter on file with the Conservancy's water right documentation.

We are not requesting that the Department take any action in response to this letter. Indeed, according to Ms. Beeman of the Department's legal staff, no action would be necessary or appropriate because the irrigation use under these rights is continuing. Nonetheless, we wish to make it a matter of record that the irrigation is being carried out in substantial part for

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FEB 02 1993

Mr. Loren Holmes
January 12, 1989
Page 2

the production of wildlife crops. If there is any problem with this, or if you feel that the Conservancy should provide further documentation or submit any type of application concerning this agricultural use, please let me know immediately.

Very truly yours,

Jeffrey C. Fereday

Jeffrey C. Fereday

JCF:gc
Encls.

cc: Mr. Guy Bonnivier
Josephine Beeman, Esq.

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FEB 02 1993

Law Offices

**GIVENS, McDEVITT
PURSLEY, WEBB & BUSER**

Post Office Box 2720
BOISE, IDAHO 83701

Ms. Dena Billups
Idaho Department of Water
Resources
1301 N. Orchard

1/23/1988

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME The Nature Conservancy

CLAIM IDENT. NO.

436-04269DATE RECEIVED 8-30-88

CK #

5002236AMOUNT \$ 250.

1. Is the name and address complete with zip code?

Notice of app.

YES

NO

Required
Info?
*

2. Is a priority date entered?

Is the priority date acceptable in view of mandatory filing dates?

See Adjudication Memos #1 and #4 to determine if a Permit is required.

YES

NO

*

3. (a) Is a source entered?

YES

NO

*

(b) Is a tributary to entered? (if required)

N/A

YES

NO

*

4. Is the legal description of the p.d. sufficient?

YES

NO

*

5. Is there a description of the diverting works?

YES

NO

*

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

YES

NO

*

Is the period of use included?

YES

NO

*

Is a quantity claimed for each use?

YES

NO

*

7. Is a total quantity claimed entered?

YES

NO

*

8. If required is a consumptive use entered?

N/A

YES

NO

*

Is the consumptive use correct?

N/A

YES

NO

*

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

N/A

YES

NO

*

10. Is (are) the place(s) of use and purpose(s) indicated?

YES

NO

*

11. Is (are) the county(ies) entered?

YES

NO

*

12. Is the ownership of p.u. checked?

YES

NO

*

13. Are other water rights listed or "none" indicated?

YES

NO

*

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

YES

NO

*

15. Is the basis of the claim indicated?

YES

NO

*

16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)

N/A

YES

NO

*

17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.

YES

NO

*

18. Has the claim been signed, sealed, and dated by a notary?

YES

NO

*

19. Was this claim filed on time, or was an extension granted?

YES

NO

*

20. Is the fee enclosed correct?

Exempt

YES

NO

*

21. If this claim is based on an existing water right, has the identification number been entered?

N/A

YES

NO

*

22. Should this claim be receipted and data entered?

YES

NO

*

Claim checked by: hasDate: 2/13/89

Claim must be returned to claimant:

(Yes) / (No)

Claimant must be sent a copy of amended claim for approval:

(Yes) / (No)Receipt Prepared by: Allen MerrittDate: 9-16-88Claim data entered by: RatDate: Sent to claimant by: Date: Checked by: hasDate: 2/13/89Comments:

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FEB 02 1993



ate of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Jul-1990 13:51

A36-04269

JAMES D. HANSEN
LAW OFFICES
GIVENS, FEREDAY, ET. AL
BOISE ID 83701

RE: Field examination of a water right claimed
in the Snake River Basin Adjudication

Dear Counselor,

The field staff of this agency may need to conduct water right field examinations of your client's water right claim(s) during the coming season. The field examiner may be visiting your client's property to obtain information necessary to verify the water use.

If a field exam is necessary your client will be contacted directly about the examination unless you contact us otherwise. If you wish to accompany your client at the time of any field examination, or if you have any questions regarding the field examination, you may contact this office.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

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FEB U 2 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 3, 1990

A36-04269
THE NATURE CONSERVANCY
C/O GUY BONNIVIER
P.O. BOX 64
SUN VALLEY ID 83273-0064

Dear Claimant(s):

In the past you submitted the claim(s) identified with the number(s) shown above your name and address at the top of this letter. You indicated on the claim(s) that the basis for establishing the water right(s) was Beneficial Use, meaning the water right was not previously confirmed by a decree, water right license or permit before you filed the claim(s).

The purpose of this letter is to request evidence supporting the priority date(s) you have claimed. The enclosed pamphlet describes what this means. While I encourage you to read all of the pamphlet, I direct your attention to the right-hand half of the pamphlet after you open it. There you will find two sections: What Kind of Evidence is Required, and Some Examples of Documents which May Be Evidence of the Priority Date. These sections tell you what must be submitted. The other sections tell you why the evidence is necessary and what the consequences of not submitting the evidence could be.

Please submit the requested evidence by November 1, 1990. When returning to the Department please reference all documents with the claim(s) identification number(s) listed above.

If you have questions not addressed by the pamphlet or need other technical assistance, please feel free to contact this office. For advice on your water right(s), please contact your attorney.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosure

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FEB 02 1993

THE
NATURE
CONSERVANCY of Idaho

October 29, 1990

Mr. Allen Merritt
Water Rights Supervisor
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

RECEIVED

OCT 31 1990

Department of Water Resources
Southern Region Office

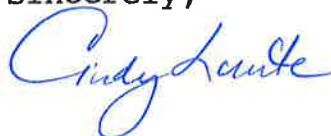
Dear Mr. Merritt,

This letter is in reply to your request for information supporting the priority dates for the claims **A36-04269** and **04270**. The enclosed pages are from a document written for Ms. Nancy Ritter, daughter of the previous landowner, Judge Ritter, by her attorney, Mr. Edward W. Clyde. They discuss his research into the priority dates for the water claims.

If this is not sufficient we have additional documentation supporting the use of the water for irrigation during this time period including reports of the construction of a "pneumatic ramp" to pump water away from the more easily watered bottomlands to the rim top lands.

If you have additional questions, please contact me at the address and phone number listed below.

Sincerely,



Cindy Lunte
State Land Steward

cc: Jeff Fereday, Robert Wigington

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FEB 02 1993

RECEIVED**CLYDE & PRATT**

MAY 19 1986

EDWARD W. CLYDE, P.C.
 ELLIOTT LEE PRATT
 RODNEY G. SNOW
 STEVEN E. CLYDE
 THEODORE BOYER, JR.
 EDWIN G. BARNES
 GARY L. BAXTON
 L. MARK FERRE
 NEIL A. KAPLAN
 D. BRENT ROSE
 JOHN W. ANDERSON
 JAMES L. WARLAUMONT
 H. MITCHELL WILLIAMS III
 STEPHEN B. DOXEY

*ADMITTED IN WASHINGTON, D.C.

ATTORNEYS AT LAW
 200 AMERICAN SAVINGS PLAZA
 77 WEST SECOND SOUTH
 SALT LAKE CITY, UTAH 84101

James, McDewitt, Pursley
Rebb & Buser

PHONE 322-2516
 AREA CODE 801

TELECOPIER:
 (801) 322-2516

OF COUNSEL
 FRANK J. ALLEN

May 16, 1986

FILE NO.

Ms Nancy Ritter
 1966 East Millbrook Drive
 Salt Lake City, Utah 84109

In support of
claims A36-04269
A36-0470

Dear Nancy:

You have asked me to review the water rights for the Ritter farm along the Snake River near the Thousand Springs in Idaho. I first examined the files in the Office of the Department of Water Resources to see if the rights had been filed or registered. However, I was unable from their index system to find any reference to filings or registered water rights for this land. For many years (until 1971), and certainly at the time this land was first irrigated, the laws of the State of Idaho did not require the filing of an application to appropriate water and until recently there was no procedure for registering rights based on usage. There were permissive statutory procedures, but the Idaho Supreme Court has consistently held that those statutes (such as Idaho Code 42-202) were not mandatory. See, for example Sandpoint Water & Light Co. v. Panhandle Div. Co., 11 Idaho 405, 83 P. 347 (1905), and Crane Falls Power & Irr. Co. v. Snake Irr. Co., 24 Idaho 63, 133 P. 655 (1913). Water could be appropriated in Idaho, merely by diverting the water from its natural source with the intent to appropriate it and by the application of that water to beneficial use. Thus, the failure to file or register the right with the Department presents no particular problem as to the validity of the rights.

However, this informal system for appropriating water left the user without an adequate public record of the claimed right. A water right has several elements, including the priority date, the source from which the water is diverted, the point of diversion, the rate of flow which is diverted, the total quantity which is the measure and limit of the right to use, the purpose of use, the place of use and the season of use. These details are important to the right and they are not yet reflected in the files of the Department of Water Resources, nor are they reflected in your abstracts.

There is a statute in Idaho (see Sec. 42-243, 1985 Supp.), which now permits the filing of a claim to register a water right based on usage. This statute provides in material part as follows:

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FEB 12 1993

CLYDE & PRATT

Ms Nancy Ritter

Page 2

May 16, 1986

Filing of Claims of Rights Established by Diversion and Use-- Form and Content of Claim. In order to allow for the recording of historic uses of the waters of this state, any person using or claiming rights to the use of water. . . which have heretofore been established by diversion and application to a beneficial use shall file a claim of such right with the department of water resources. . . .

Then follows a list of items which must be covered. These claims should be filed before June 30, 1988.

I have secured copies of the claim forms and it is my recommendation that these usage rights be registered forthwith. Such registration is required by June 30 1988, and there are obvious advantages to getting the rights registered and on file. Also, Idaho has a statutory adjudication statute, and I am advised that such an adjudication proceeding is pending on this section of the Snake River. However, I am also advised that this adjudication does not apply to tributary springs. Still, a lis pendens has been filed. A motion to release the lis pendens should be filed. If the motion is denied, a claim should be filed and processed in that suit.

It is my opinion that the water rights for the Ritter farm are comprised of the following:

The bench lands are irrigated through the North Side Canal Co., through ownership of 100 shares of water stock in that company. I haven't examined the water rights of that company, nor do I consider it to be necessary. The certificates for these shares are endorsed, but have not been transferred to Judge Ritter's name. Inquiry to the canal company discloses that the endorsed certificates can be transferred if they are presented to the company along with a deed identifying the transferee.

There is an island which John Ritter tells me contains about 90 acres. He also told me that there is a pipeline from the spring which originates inside a cave. He said that the pipe is a 12-inch pipe and that there is also a 2-inch domestic pipe. He has engaged an engineer to make a measurement of the quantity (rate of flow) which can be diverted. John's rough measurement indicated that the 12-inch pipe will convey something like 8 c.f.s. That is considerably more water, if used continuously, than the island will beneficially use, but it is desirable to have a good rate of flow so that one does not have to irrigate 24 hours a day every day of the week. One obviously can get the same quantity by flowing a large amount for a small amount of time as he can by using a smaller flow continuously. This right is poorly defined in the abstracts, but there is little room for doubt that the land has been irrigated probably since 1916 and, in any event, at a time when Idaho law permitted an appropriation

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FEB 12 1983

CLYDE & PRATT

Ms Nancy Ritter

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May 16, 1986

to be made by diversion and use. In this regard, there is a abstract containing a decree, dated April 6, 1916, covering land on the island which comes down ultimately to Judge Ritter. After describing 163 acres of land in Secs. 8 and 17, it uses the language "together with a full primary water right continuous and perpetual from the Thousand Springs arising on and near said land". This would suggest that the land was being irrigated prior to 1916, but the abstract does not show when.

Further, in the Ritter, et al v. Standal & Lemmon case, 566 P.2d 769 (Idaho 1977), we introduced in evidence Vol. 85 of the National Geographic magazine, dated June 1944 which had this particular part of the Ritter farm as its cover picture and in the accompanying article there were other photographs. They show much of the irrigated land on the island and the Minnie Miller Springs in the background. What is needed on the island land is to complete the claim on a water right form which is provided for in the Idaho Code Sec. 42-243. This section (as noted above) authorizes a person to file a claim to a right to use water which has been established by diversion and application to beneficial use.

The form says: "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".

We have the same problem on the lands in Lots 1, 4, 5 and 8 of Section 17 and Lot 1 and the adjoining tracts in Section 20 -- a claim needs to be filed.

There, however, the reference in the abstract is more definitive. In Entry No. 10 in the abstract there is a Notice of Water Right Claim filed by Joseph Costin and John A. Schooler. It was recorded February 26, 1902, pursuant to Idaho statutory law and it claimed 4 c.f.s. from the waters of Sand Springs Creek to irrigate the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20 and Lots 5 and 8 of Section 17, all in Township 8 South, Range 14 East. The abstract also says "and other lands". Costin does not appear to be in the Ritter chain of title, but Schooler is. It is not possible for me to divide the claimed water between the lands owned by Costin and Schooler, but the notice does describe land now owned by the Ritter Estate and indicates that the claimed water rights are based on a 1902 statutory notice. That right does not trace down to the Ritters by that description, but in the same abstract in Entry No. 25 there is a warranty deed from Mary J. Lewis to James S. and William A. Johnson, which describes 167 acres of land, part of which is now owned by the Ritter Estate. In addition to conveying the land, it conveys 500 inches of water taken from Sand Springs Creek. That description continues through some other conveyances and finally in the supplemental abstract comes

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CLYDE & PRATT

Ms Nancy Ritter

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May 16, 1986

down to Bonnie M. Walson, where the 127 acres conveyed is all part of the Ritter land. That deed conveys the water rights and ditches in the following language:

"Together with all ditch and water rights of every nature, however evidenced, used on said land or belonging to same, including 300 inches of primary water from Sand Springs Creek and the ditch formerly known as the Traill-Lemoyne Ditch, but more recently known as the Rice Ditch; Including also the waters of certain springs located on the above described land and also the waters of a spring and pipe line connecting same with the house."

Bonnie M. Walson conveyed the same land and water rights to Judge Ritter by deed dated November 1, 1962. It is possible that the 300 inches so conveyed could relate in part to the 4 c.f.s. covered by the above noted statutory notice, but it may be based on usage. In any event, I would recommend that a claim be filed on this right accurately describing it as it now exists and as it now is used. What I am saying here is that the abstract suggests that this particular land is irrigated from Sand Creek Springs beginning probably as early as 1902. The deed to Judge Ritter purports to convey 127 acres of land and 300 inches of water. Also, the appropriate claim should be filed in the pending general adjudication suit if a motion to dismiss the lis pendens is not granted.

Since my own personal knowledge as to past usage is incomplete, I cannot give you an opinion on the details of such past use -- how much water was diverted, the water source, the date of first use, the exact acreage irrigated, etc. I can and do express the opinion here that under the laws governing appropriation of water in Idaho prior to 1971, the diversion of water from its natural source and the application of that water to beneficial use with the intent to appropriate it constituted a valid appropriation of the water. No application to appropriate, nor permit, was necessary, and prior to the above noted statute (I.C. 42-243) on the filing of claims, no registration was necessary.

Thus, as a legal matter, the irrigation of the farm before 1971 and the use of water for incidental livestock watering and domestic use would constitute a valid appropriation. The details of that use could be reflected in the claim referred to above, and you could get the details of the use from neighbors or previous owners. I cannot provide that detail, either from the abstracts, or from the files of the Department of Water Resources, and I have no personal knowledge of use before 1971.

Under Idaho Code, Secs. 42-101 and 42-220, water is appurtenant to land on which it is used and it will pass with a

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deed to the land unless the water is specifically reserved. See Russell v. Irish, 20 Idaho 194, 118 P. 501 (1911). We have examined the conveyances shown in all of the abstracts to ascertain whether any of the prior owners have retained all or part of the water which was theretofore appropriated for the farm. We find no such reservations. The deeds contained in the abstracts do begin to reflect references to water and water rights for some of the land in question as early as 1902, and on the other bottom land in 1916, show at least two separate appropriations. One is for the 90 acre island which is irrigated by pipeline from a spring and the other is for water from Sand Springs for at least 127 acres. Also, there are 100 shares of stock (as noted above) for the bench land. The abstracts show that the conveyances of the land and water extend to and are now held by Judge Ritter (now his estate).

You have next asked me about protecting the natural water sources which essentially surround the bottom land, comprising the Ritter farm, along the Snake River. Since beneficial use is the basis for and the measure and the limit of the right to use water in Idaho (as it is generally throughout the west) I note, at the outset, that this small acreage cannot beneficially use, nor can it control, the large quantities of water which surround it.

An early case denying an Idaho landowner the right to appropriate the current of the Snake River to lift water onto his land is Schodde v. Twin Falls Land & Water Co., 161 F. 43 (C.A. 9th 1908), affirmed 224 U.S. 107, 56 L.Ed. 686, 32 S.Ct. 470 (1912). There a land owner had appropriated water from the Snake River for the irrigation of three separate tracts of land. The water was lifted some 20 feet from the Snake River with water wheels. The land owner complained that the defendant had constructed a dam across the Snake River below the lands of the plaintiff. The dam backed the water up beyond the plaintiff's water wheel and thus destroyed (submerged with the reservoir water) the current of the river which turned the water wheel. The trial court recognized the right of the plaintiff to the volume of water actually appropriated for beneficial use, but dismissed the complaint on the grounds that there was no right under the Constitution and laws of the State of Idaho to appropriate the current of the river so as to render it impossible for others to apply the otherwise unappropriated water of the river to beneficial uses.

The U. S. Supreme Court affirmed. It noted that beyond question the statute law of Idaho, as well as Idaho judicial authority, protected the plaintiff in the water he had actually appropriated, diverted and used, but it held that there is no statute or judicial ruling protecting him in the establishment and use of his water wheels. The U. S. Supreme Court said that

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TR	SEC	QQ	Acres Recommended	Acres Shaped	COMMENT
08s14e	8	SWNW	3	5	Permissible place of use
08s14e	8	NESW	10	17	Permissible place of use
08s14e	8	SESW	20	20	
08s14e	17	SENE	6	7.7	Tract is mislabeled in GCDB/Permissible place of u
Totals:			39	49.7	

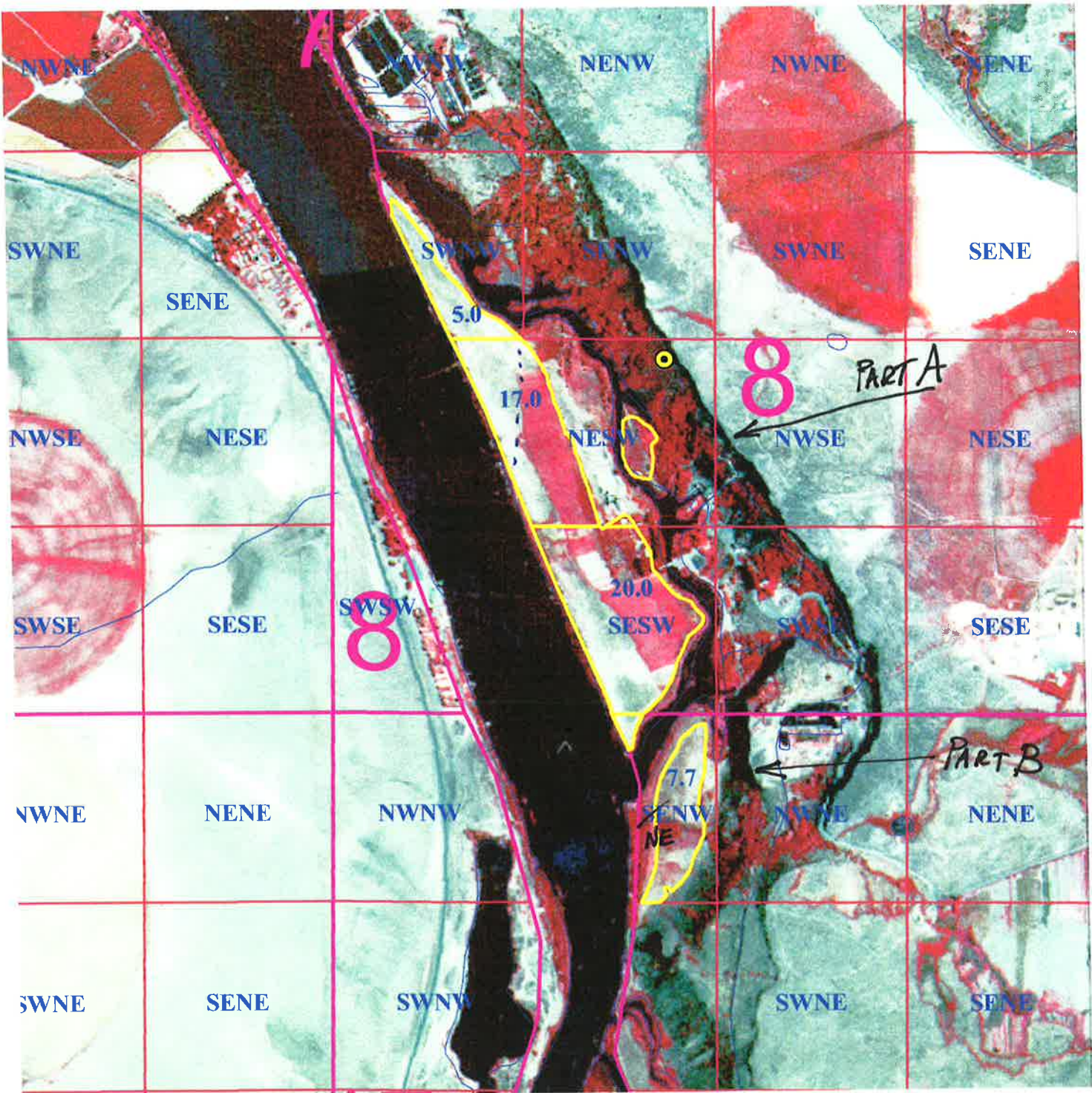
8 NWSW 6
39

Not ppu & no overlap w/ part 'B'.

2/5/02
sc

Water Right Number 36-04269A
Township , 8S14E

11/19/2001



Legend

 Irrigated Area	 Section Line	 Roads
 Place of Diversion	 Quarter Section Line	 Streams and Canals



INFORMATION REQUEST

NAME: Nashot

DATE: 1-17-93

ADDRESS:

CITY/ZIP: Twin Falls

PHONE: _____

(please print)

I HAVE REQUESTED TO REVIEW AND/OR OBTAIN COPIES OF THE FOLLOWING DOCUMENTS ON FILE WITH THE DEPARTMENT OF WATER RESOURCES.

ADJUDICATION
CLAIM NUMBERS

ALLOCATION WATER
RIGHT NUMBERS

OTHER
DOCUMENTS

A36-04269

A36-04270

A36-10663

RESEARCH SUBJECT: _____

COPIES MADE OF: _____

10 COPIES OR LESS: FREE

NUMBER OF COPIES MADE: 76

FEE DUE @ \$0.05 PER COPY: 3.80

OTHER FEES: _____

RECEIPT NUMBER: _____

ASSISTING AGENT: LB

(customer signature)

DEC 04 1996

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

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FEB 02 1993

AUG-24-1992

NOTICE OF ERROR FORM

RECEIVED

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

OCT 01 1992

Department of Water Resources

Southern Region Office

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

1. Water right number: 36-04269A

RECEIVED

SEP 25 1992

2. Name: The Nature Conservancy
C/O Guy Bonnivier

Department of Water Resources

Address:

P.O. Box 165
Sun Valley, ID 83353

MICROFILMED

Weekday Telephone Number:

208/342-6511

FEB 02 1993
(208) 726-3007

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

3. Describe the portion of proposed recommendation with which you disagree:

- 1) Maximum quantity of diversion for irrigation
- 2) Point of diversion
- 3) Place of Use - Irrigation

4. Describe the changes you wish to have made in the proposed recommendation:

- 1) Max quantity of diversion 2.00 CFS
- 2) Point of Diversion: SENESW T8S R14E Sec 8
- 3) Place of Use: T8S R14E Sec 8
SWNW 7.0, NESW 16.0, SESW 20.0, NWSW 6.0
Total Acres 48.0

5. Describe why you disagree with the proposed recommendation:

Point of Diversion & Place of Use changes are based on aerial photography, USGS topo, and cultivating the fields. Additional rate of diversion is based on additional acreage and, more importantly, that flood irrigation requires additional diversion to get water as necessary to all of the fields.

6. Date:

September 24, 1992, because of a mailing address mistake we just recently received this notice.

SIGNATURE

Gary Bonin



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

09-Oct-1992

The Nature Conservancy
c/o Guy Bonnivier
PO Box 165
Sun Valley ID 83353

RE: Snake River Basin Adjudication (SRBA)
Notices of Error - A36-04269A, A36-04269B, A36-04270

Dear Mr. Bonnivier:

We are in receipt of the Notices of Error on the above referenced claims. We have changed the recommendations as discussed below.

Regarding the issue of recommended diversion rates, water rights are based on the beneficial use of water. The diversion rate of 0.02 cfs per acre is the statutory limit for irrigation without evidence to the contrary. In order to recommend a higher diversion rate, we must have evidence supporting a need for a higher rate of flow. This evidence includes soil type, irrigation methods used and rotation. Please call me during the week of October 12, 1992, if you would like to discuss this issue.

The diversion rate recommended for A36-04269B is based on a measurement made of the system on 5-6-91, which found a rate of flow of 0.14 cfs. No changes have been made to this recommendation.

Regarding the recommendation for A36-04269A, the irrigated acres recommended are based on field examination and SCS maps. The SCS records describe total irrigated acres on the main island as 35.3 acres. I have reviewed the maps and have readjusted the acres irrigated within the quarter-quarters but I have not changed the total acres (see attached profile report). I have reviewed the map and confirmed the point of diversion for this recommendation. If you have maps or other information showing a different point of diversion, please forward them.

Livestock has been added to the recommendation for A36-04270 for year-round use with a diversion rate of 0.02 cfs (see

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FEB 02 1993

attached profile report). As you will note from the attached "Recommended Diversion Rates for Stockwater", this is an adequate amount of water for the stockwater use you describe.

Because of time constraints, any additional information you wish to submit must be at our office by October 16, 1992. If you still do not agree with the proposed IDWR recommendation to the court, you may file an objection with the court after you receive the final recommendation of your water right. The objection process will be explained when you receive your final recommendation of your water right.

Sincerely,

Helen Harrington-Thornton

Helen Harrington-Thornton
Water Resource Agent

HHT

Enclosures:

Profile Reports A36-04269A, A36-04270
Recommended Diversion Rates for Stockwater

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FEB 02 1993

AJ0749NP
No. R36-04269A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 10/09/92
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THE NATURE CONSERVANCY C/O GUY BONNIVIER PO BOX 64 SUN VALLEY ID 833530000 (208) 726-3007	04/06/1916	IRRIGATION DOMESTIC	04-01 10-31 01-01 12-31	0.78 CFS 0.08 CFS	
TOTAL DIVERSION:					0.86 CFS	
CONSUMPTIVE USE:						117.0 AFA

Water Source: THOUSAND SPRINGS

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T08S R14E S08 Lot03(NENESW)

GOODING County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
---	---	---		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	---
08S	14E	8	:					:					:					:						:	39.0	
TOTAL ACRES																							39.0			

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
---	---	---		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
08S	14E	8	:					:					:					:						:		
04-D																										

POU County: GOODING

Non-Irrigation Uses: DOMESTIC/3 HOMES

Other Rights: NONE

Dates: Exam Made Date: 04/23/1991 Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 09/28/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/25/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 10/7/91. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/09/1992 User-ID: THORNTON Subject: NOTICE OF ERROR RECONCILIATION
CHANGED FLAG FROM A TO C.
READJUSTED LOCATION OF IRRIGATED ACRES, BUT DID NOT CHANGE TOTAL.
CHANGED 16 ACRES IN NESW TO 10 AC NESW, 6 AC NWSW.

Audit: 10/09/92 THORNTON

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FEB U 2 1993

R PROOF



CVR



MAPS



PHOTOS



MISC



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FEB 02 1993

Water Right Number - R36-04269A

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
NATURE CONSERVANCY

THE

1 - C/O GUY BONNIVIER
2 - P.O. BOX 64
3 -
City- SUN VALLEY
Phone - 208-726-3007

State- ID Zip- 833530000

*** A - ATTORNEY ***
HANSEN

JAMES D.

1 - LAW OFFICES
2 - GIVENS, FEREDAY, ET. AL
3 - P.O. BOX 2720
City- BOISE
Phone - 208-000-0000

State- ID Zip- 83701

+ - - Priority Date - - +
04/06/1916+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
J - BENEFICIAL USE

+ - - Status - - - +

+ - - Source - - - - - +
THOUSAND SPRINGS+ - - Tributary - - - - - +
SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

08S 14E 8 NE NE SW 3 (47) GOODING

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15		0.780	
43 - DOMESTIC		01/01	12/31		0.080	

+ - Total Div. Rate - + + - Total Div. Volume - +
0.860+ - Total Consumptive Use - + + - KW Usage - +
117.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

08S	14E	8	SW NW	2	3.0	01	IRRIGATION	(47) GOODING
08S	14E	8	NE SW	3	~~16.0~~ 10	01	IRRIGATION	(47) GOODING
08S	14E	8	SE SW	4	20.0	01	IRRIGATION	(47) GOODING
08S	14E	8	SE SW	4		43	DOMESTIC	(47) GOODING

pwsW 3 6
Total Acres: 39.0

+ - - Diversion Means - PIPELINES, DITCHES, DIKES, CONCRETE HEADWORKS

+ - - Non-Irrigation Use - DOMESTIC/3 HOMES

+ - - Other Rights for Same Use - NONE

VERIFIED BY

KRC

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FEB U 2 1993

Water right number - R36-04269A

Prefix Translation: RESEARCH

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

+ - - - - Old Water Right Numbers - - - - -
3604269

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - - +
10/07/91 CHRISTEN

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 04/23/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/07/1991	Old Judicial District	-
Claim Received Date	- 09/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002236	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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FEB U 2 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:16
07/03/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-04269 **A**

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		SA/NB 5-6-91 & 4-23-91	N	6		see 5-28-91	
POINT OF DIV	Y			(Y)	1 2 4 5 6			
SOURCE	Y			(Y)				
PLACE OF USE	Y			(Y)				
DIV. AMOUNT CFS/VOLUME	Y			(Y)				
CONSUMPTIVE USE	Y			(Y)				
PURPOSES	Y			(Y)				
PERIOD OF USE	Y			(Y)				
BASIS OF CLAIM	Y			N				
REMARKS	Y			(Y)				

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

Renumbered:

A36-04269 A
A36-04269 B

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FEB 02 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:16
07/03/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-04269

LAST: HANSEN
ADDRESS: LAW OFFICES
GIVENS, FEREDAY, ET. AL
P.O. BOX 2720
CITY: BOISE
PHONE NUMBER: 208-000-0000
OWNER CODE: A

FIRST: JAMES D.

STATE: ID ZIP: 83701

LAST: NATURE CONSERVANCY
ADDRESS: C/O GUY BONNIVIER
P.O. BOX 64
CITY: SUN VALLEY
PHONE NUMBER: 208-726-3007
OWNER CODE: C

FIRST: THE

STATE: ID ZIP: 833530000

Del
~~LAST: RITTER~~
~~ADDRESS:~~
~~CITY: X~~
~~PHONE NUMBER: 208-000-0000~~
~~OWNER CODE: O~~

FIRST: EST. OF WILLIS W.

STATE: ID ZIP: 0

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

MICROFILMED
FEB U 2 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 4/23/91

APPOINTMENT MADE: Y(X) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: Lon Lundy

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

2ND Exam for Measurement: 5-6-91 Sonic

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FEB U 2 1993

tele conv. with Cindy Lundy

NOTES

TO: A36-04269 + 04270

DATE: 9/27/90

System is going through some repairs -
will not give accurate reading. Call
for measurement in March of 1991. 726-3007.

FROM: _____

LW

A. AJ CLAIM: # A36-04269 PRIORITY DATE: 04-06-1916 STAGE: S

B. WR RECORD: # 36-04269 PRIORITY DATE: 04-06-1916 STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)
IF YES EXPLAIN.

REMARKS:

Proof submitted ok ✓ sm

=====

RECOMMENDED PRIORITY DATE:
04-06-1916

REVIEWED BY

SCC

DATE

5-24-91

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

A claim

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT
A36-04269	08S	14E	17	~~SE~~	~~NE~~	~~NW~~	1
A36-04269	08S	14E	8	~~NE~~	~~NW~~	~~SW~~	3
A36-04269	~~08S~~	~~14E~~	~~8~~	~~SW~~	~~NE~~	~~NW~~	+
A36-04269	~~08S~~	~~14E~~	~~8~~	~~NE~~	~~SW~~	~~NW~~	

CNTY

GOODING
GOODING
~~GOODING~~
~~GOODING~~

4269 B

4269 A

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FEB U 2 1993

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-04026
36-07967
36-08299
36-07831

UNNAMED STREAM ← *4269 B*
SOURCE: ~~MINNIE MILLER SPRINGS~~
THOUSAND SPRINGS ← *4269 A*

TRIB: SNAKE RIVER
SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-04269	08S	14E	8	SW	NE	NW		GOODING
36-04269	08S	14E	8	NE	SW	NW		GOODING
36-04269	08S	14E	8	NE	NE	SW		GOODING
36-04269	08S	14E	17	NE	NW	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

36-08299
36-07831

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

A36-04026 NONE
A36-07831

SOURCE: MINNIE MILLER SPRINGS

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
Y

FIELD
EXAMINER

4
Y

REMARKS:

per field exam & conversation w/ Lou Huntly: He said the Diversions from Minnie Miller have been abandoned!

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC. 1/4 1/4 1/4 LOT COUNTY

SOURCE:

REVIEWED BY:

TRIB:

DATE:

5-24-91

A claim

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FEB U 2 1993

A. ROOT WATER RIGHT NUMBERS: A36-04269

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08S	14E	8	SE	SW	4	HANSEN , JAMES D.	A36-04269	/20.0	36-04269 /	20.0	20.0
08S	14E	8	SE	SW	4	HANSEN , JAMES D.	A36-04269	/	36-04269 /	3 Houses Domes. (same)	
~~08S~~	~~14E~~	~~8~~	~~SE~~	~~SW~~		~~HANSEN , JAMES D.~~	~~A36-04269~~	~~/~~	~~36-04269 /~~	~~NO STOCK USE~~	~~—~~
08S	14E	17	NE	NW	1	HANSEN , JAMES D.	A36-04269	/12.0	36-04269 /12.0	7.0	7.0
08S	14E	8	NE	SW	3	HANSEN , JAMES D.	A36-04269	/21.0	36-04269 /	16.0	16.0
08S	14E	8	NW	SW		HANSEN , JAMES D.	A36-04269	/ 7.0	36-04269 / 7.0		
						BABINGTON , DOUG	A47-14155	/	-		
						SLIGARS THOUSAND SPRINGS RESORA02-00085	/ 6.0	-			
~~08S~~	~~14E~~	~~8~~	~~NE~~	~~SW~~		~~HANSEN , JAMES D.~~	~~A36-04269~~	~~/~~	~~36-04269 /~~	~~NO Domes.~~	~~—~~
~~08S~~	~~14E~~	~~8~~	~~NE~~	~~SW~~		~~HANSEN , JAMES D.~~	~~A36-04269~~	~~/~~	~~36-04269 /~~	~~NO STOCK~~	~~—~~
08S	14E	8	SW	NW	2	HANSEN , JAMES D.	A36-04269	/16.0	36-04269 /16.0	3.0	3.0
08S	14E	8	SE	NW		HANSEN , JAMES D.	A36-04269	/ 1.0	36-04269 / 1.0	2.0	
						STATE OF IDAHO			36-08307 /		
TOTAL ACRES							A36-04269	77.00	36.00	2.00	

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(X)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
Y

minus
R36-4269B >>> 7.0

R36-4269A = 39.0

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PRESUMPTION FLAG:

REMARKS:

See Maps also

RECOMMENDATIONS:

TOTAL ACRES:

*46.0 = 7.0 (4269 B)
39.0 (4269 A)*

REVIEWED BY:

SC

DATE:

*5-24-91
5-28-91*

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A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-04269	IRRIGATION	FROM ~~04-01~~ TO ~~10-31~~	13.000 CFS
~~A36-04269~~	~~STOCKWATER~~	FROM ~~04-01~~ TO ~~10-31~~	11.000 CFS
A36-04269	DOMESTIC	FROM 01-01 TO 12-31	.500 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED			13.500 CFS

3-15 to 11-15

B. WR RECORDED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-04269	IRRIGATION	FROM 04-01 TO 10-31	13.000 CFS
36-04269	STOCKWATER	FROM 04-01 TO 10-31	11.000 CFS
36-04269	DOMESTIC	FROM 01-01 TO 12-31	.500 CFS
36-04269	COMMERCIAL	FROM 01-01 TO 12-31	.500 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED			13.500 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	<u>Y</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	<u>X</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	<u>X</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(X)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(X) N()

Explain in remarks, below.

REMARKS:

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FEB U 2 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 13.500 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 13.500 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

Y

Y

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B.

FLOW MEASUREMENT

MEASUREMENT METHOD

Sonic & V Notch
WEIR

SEE ATTACHED CALCULATIONS.

FIELD NOTES

Sonics @ pipelines = 6.87 cfs
R36-4269A
V notch weir = 0.14 cfs
R36-4269B

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☒) IF YES COMPLETE OVERLAP REVIEW.

TOTAL = 7.01 cfs

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-04269	MINNIE MILLER SPRINGS	HANSEN , JAMES D.	13.500	0.175		
A02-00085	THOUSAND SPRINGS					
	SNAKE RIVER	SLIGARS THOUSAND SPRINGS RESOR	0.100	0.007		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-04269	STOCKWATER	HANSEN , JAMES D.	FROM 04-01 TO 10-31	11.000 CFS	
A36-04269	DOMESTIC	HANSEN , JAMES D.	FROM 01-01 TO 12-31	.500 CFS	
A47-14155	DOMESTIC	BABINGTON , DOUG	FROM 01-01 TO 12-31	.040 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 46.0 x 0.02 CFS/ACRE = 0.92 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(X) N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N(X) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 231.0 AF/A

ACRES 46 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 138 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 46 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 184 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

1b. CALCULATIONS

*P/u recommended
for part A = 39 acres.*

*39
* .02 = .78 CFS
* 156 AFA
* 3 = 117 AFA*

*For Part B
7 acres
Giving a total of
46 acres
KRC*

*N/A
Surface
water*

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	3-15	11-15		0.92		184		138
DOMESTIC	1-1	12-31		0.08		N/A		N/A
				1.00		184		138

TOTAL FOR THIS RIGHT

REVIEWED BY:

Sce

DATE:

5-24-91

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FEB 02 1993

R36-4269 A =

IRR. 3-15 11-15
Dom. 1-1 12-31

0.78

0.08

0.86 cfs

156

N/A

156 AF

117

N/A

117 AF

R36-04269 B =

IRR. 3-15 11-15 0.14 cfs

28 AF

21 AF

(Sce 5-28-91)

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(X)	()
FORFEIT/ABANDON _____	(X)	()
ADDITIONAL DIV. AMOUNT _____	()	(X)

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-04269

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 13.500	EXAMINER _____	CFS
-----------------------------------	--------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-04269	13.500	-4269A		36-04269	13.500
	TOTAL CFS	13.500	4269B			13.500

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE Y	FIELD EXAMINER _____ _____
---------------	-------------------------------------

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

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FEB U 2 1993

of Idaho
ARTMENT OF WATER RESOURCES
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

114°52'30"

675000m.E.

42°45'

47 34000m.N.

MINNIE MILLER
SPRINGS

A36-04269
NATURE CONSERVANCY

5-24-91
SCA

CLAIM A36-04269 INIT _____
T. R. S. Q/Q
P/D _____
PHOTO ID. _____

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FEB 4 2 1989

NATURE CONSERVATORY
- 04269

3.0
AC

16.0
AC

20.0
AC

7.0
AC

DOM

POU

POD
HEADGATE
@ SPRING

POU

POD

7/8
18/17

per field Exam
4-23-91
SCL/NB

985

T-892

SOURCES

(Below
Road)

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FEB 02 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

MODE SELECT
INPUT

MODE SELECT
INPUT

OUTER DIAMETER
8.1165 IN

OUTER DIAMETER
8.1165 IN

PIPE MATERIAL
? CS,SS

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1000 IN

WALL THICKNESS
0.1000 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
5.886 IN U

05-06 10:3400 *R
+ 2.834E 3GPM

MODE SELECT
TO CHECK

0296.4 MMSEC
100.22 % T0

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

05-06 10:4100 *R
+003.00 % AI2

MODE SELECT
TO CHECK

0296.5 MMSEC
100.23 % T0

05-06 10:4400 *R
+ 3.017E 3GPM

05-06 10:4400 *R
+ 3.012E 3GPM

05-06 10:4500 *R
+ 3.017E 3GPM

NATURE CONSERVANCY
@ 1000 SPRINGS
IRRIGATION LINE

scf/NB

MODE SELECT
INPUT

OUTER DIAMETER
2.3870 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1740 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
1.072 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

MODE SELECT
TO CHECK

0077.1 MMSEC
101.23 % T0

05-06 11:0200 *R
+002.80 % AI2

05-06 11:0300 *R
+674.959E-1GPM

05-06 11:0300 *R
+674.959E-1GPM

NATURE CONSERVANCY
@ 1000 SPRINGS
DOMESTIC LINE

scf/NB

3017.0 GPM

= 6.72 cfs

67.4959 GPM

= 0.15 cfs

TOTAL = 6.87 cfs

NATURE
CONSERVANCY

5-6-91 scf/NB

A36-04269

THOUSAND SPRINGS

FEB 02 1993

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Field Notes:

5-6-91

STEVE CLEGG
Norm Brown

5-6-91

0.31' Head

0.136 cfs

90° V notch
WEIR

— measurement
at the pony
Express Building

* See photos also

Accomp. by:

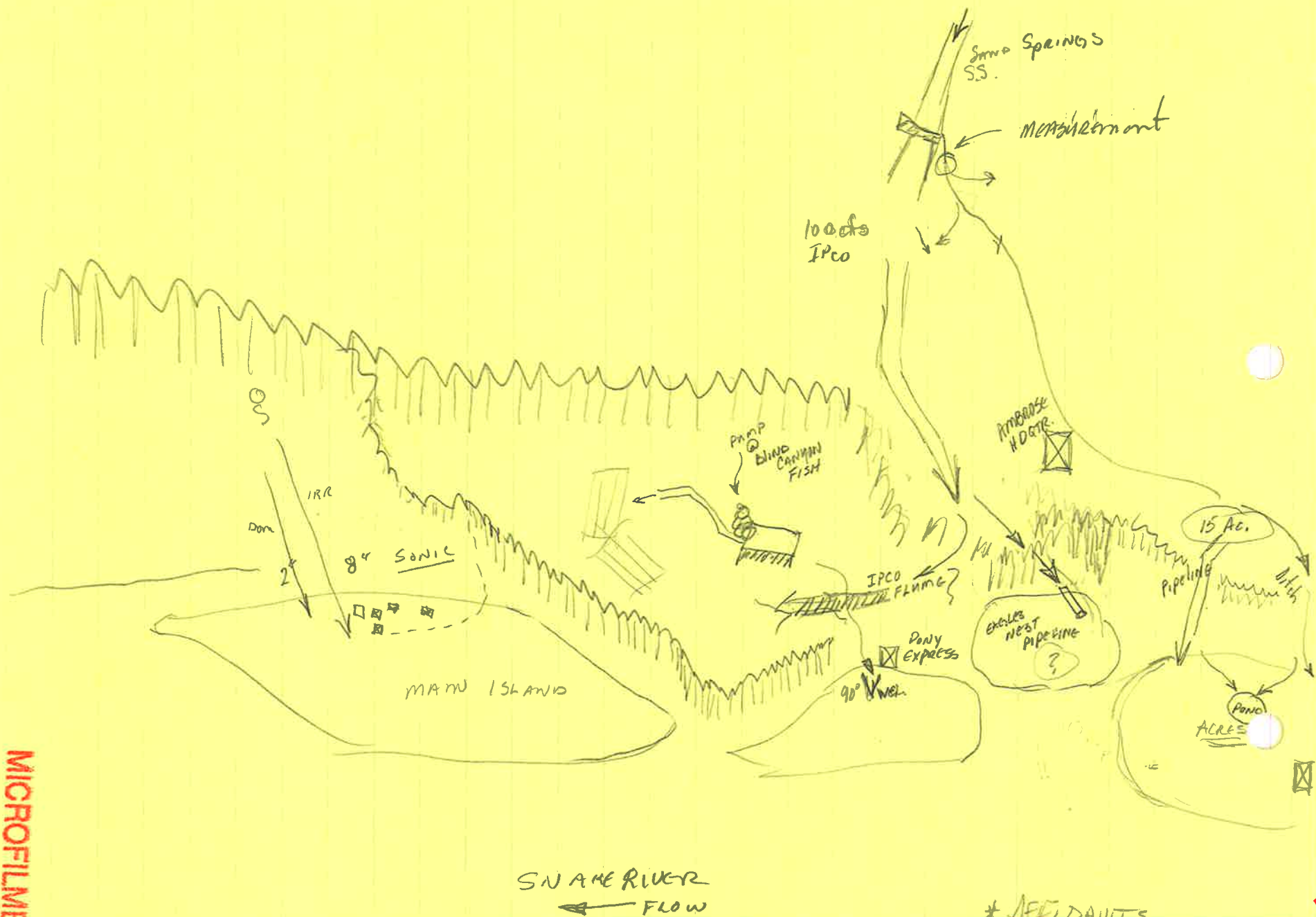
GLEN POWELL —
ground keeper

Recommended as 0.14 on 7 acres
per measurement + ASCS photo.

See 5-24-91

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* AFFIDAVITS

NOTES
Sec
4-24-91

08S14E

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FEB 02 1993

THE
NATURE
CONSERVANCY of Idaho

Lou and Cindy Lunte
State Land Stewards
(208) 726-3007

Idaho Field Office
P.O. Box 64
Sun Valley, ID 83353

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FEB 02 1993

78
1817

MICROFILMED
FEB 2 1993

585
7892

55

20.5
13

71
2

NATURE CONSERVATORY
- 04269



SD-60
INQUIRY

Idaho Department of Water Resources
Water Rights Screen 4

Date: 05/01/91
Time: 08:53:54

Water Right Number: 36-08299

Stage/Status : A/
Region : 17
Transfer/Amended:
Swan Falls Spec : M

Temporary Right: P
Water District :
Field Exam :
DLE Carey Act :

Dates:

Appl. Rec.: / /
Field Exam: / /
Protested : / /
Verified : / /

Proof Made: / /
Decree : / /
Hearing : / /
Show Cause: / /

Proof Due : / /
Licensed : / /
Appr/Deny : / /
Start Work: / /

Receipt No.:
Old Number :

Diversion Capacity:
Civil Case No. :

Defendant:
Plaintiff:

(Enter=Exit)

(GOLD8=Cancel)

MICROFILMED
FEB 02 1993

RE:

BLIND CANYON
AQUA RANCH
c/o GEO. LEMMON

pump placed in springs

MICROFILMED

1990

FEB 02 1993

* may conflict source for
Nature Conservancy.

possible WR = 36-8299
unapproved Application

→ NO VALID WR FOUND FOR
PUMP IN SPRINGS.

IN THE MATTER OF:

State of Idaho

County of _____

RECEIVED AFFIDAVIT

JUN 03 1991

Department of Water Resources
Southern Region Office

Ralph Crowley

being first duly sworn.

deposes and says: During the irrigation seasons of 1987, 1988 and 1989 I used the
ditches and pipelines described as Diversion A of the Water Rights Claim #36-4270
to irrigate about 75 acres. I estimated 5 CFS was being diverted which was not always
adequate to irrigate all of the acres.

During the 1989 irrigation season repairs were made to the pipeline and ditches described as Diversion B of the Water Rights Claim # 36-4270. Approximately 1 CFS was delivered through the pipeline and ditches.

During the 1988 and 1989 irrigation seasons I maintained the ditches and flood irrigated the riverbottoms field, identified as diversion No. 4 of the Water Rights Claim # 36-4269. Because of the sandy conditions 1 CFS is needed to adequately irrigate this field.

Ralph Crowley
(signature)

Subscribed and sworn to before me this 28 day of May 1995

Sheely Lynn Walker
(notary public)

Residing at

My commission expires

FIELD COPY

ATTACHMENT

~~REMOVED~~

Point of Diversion No. 1. Water is diverted at the rate of 1 cfs for irrigation purposes from Minnie Miller Lake, which is situated at the center of the NW $\frac{1}{4}$ of Section 8, T8S, R14E. The water is diverted by a buried pipeline leading from the lake generally southwest to lands in the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 8 lying east of the Minnie Miller outflow stream or estuary. Minnie Miller Lake is fed by the same spring system described with respect to Points of Diversion Nos. 2, 3 and 4, below.

~~REMOVED~~

Point of Diversion No. 2. 1 cfs of water is diverted for irrigation purposes from a portion of the Minnie Miller spring system at a point in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 8, T8S, R14E. The water is diverted by dikes into a ditch and pipeline system which serves portions of the same lands described with respect to the point of diversion No. 1, above.

Point of Diversion No. 3. 8.5 cfs of water are diverted for irrigation, domestic and ~~commercial purposes~~ from the Minnie Miller spring system in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8, T8S, R14E. Flows are collected from several spring vents at the base of the main rimrock at an elevation of approximately 3,100 feet. A concrete headworks with a steel gate channels flows into a ten-inch diameter steel pipe and a two-inch diameter galvanized steel pipe, both of which carry the water down the slope, across the outflow stream and onto the island located in the W $\frac{1}{2}$ of Section 8 and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ Section 17, T8S R14E, B.M. The smaller pipe carries domestic and ~~commercial~~ water at volumes of 0.5 cfs; the larger carries irrigation and stock water at a rate of 8 cfs. The larger pipeline also has a 6" tee line serving an irrigated parcel on the east side of the outflow stream in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8. inside cave 8"

Point of Diversion No. 4. 3 cfs are diverted for irrigation and ~~livestock~~ purposes from springs by means of a dike and ditch system located near the center of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17, T8S, R14E. These flows are ditched to a parcel ~~located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8; the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17; and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, all in T8S R14E B.M.~~

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