

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: A36-04270
Date Received: 8/30/1988
Receipt No: S002236 *pat*
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JUN 01, 1902

3. Source: SAND SPRINGS CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	14E	17	NE	SE	SW		GOODING
		21		NW	NW		GOODING

5. Description of diverting works:
DITCHES AND PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	10.800		
STOCKWATER	01/01	12/31	10.800		
DOMESTIC	01/01	12/31	0.200		

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

8. Total consumptive use is 237.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 COWS, D/1 HOUSE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08S	14E	17	SE		NW		IRR	4.0
			NE		SW		IRR	22.0
			SW		SW		IRR	1.0
			SE		SW		IRR	29.0
			Section Acres					56.0
		20	NE		NW		IRR	20.0
			NE		NW		STOCK	
			NE		NW		DOMEST	
			NW		NW		IRR	3.0
			NW		NW		STOCK	
			NW		NW		DOMEST	
			Section Acres					23.0
			Total Acres					79.0

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

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 36-4270

Date Received 8-30-88

Receipt Number 5002236

**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) June 1, 1902

3. Source of water supply (a) Sand Springs Creek
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 8S Range 14E Section 21,
1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of Gooding

Additional points of diversion if any: NE1/4, SE1/4, SW1/4, Section 17, T8S, R14E

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,

_____ 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 Apr. 1 to Oct. 31 amount 10.8 or _____

For stockwater purposes from Jan. 1 to Dec. 31 amount 10.8 or _____

For domestic purposes from Jan. 1 to Dec. 31 amount 0.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 11.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 237 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: one dwelling and associated buildings. Stockwater: through a pond for approximately 100 cows. 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	17								4	22		1	29					56
8S	14E	20					20	3											23
8S	14E	20					D,S	D,S											

Total number of acres irrigated 79

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:

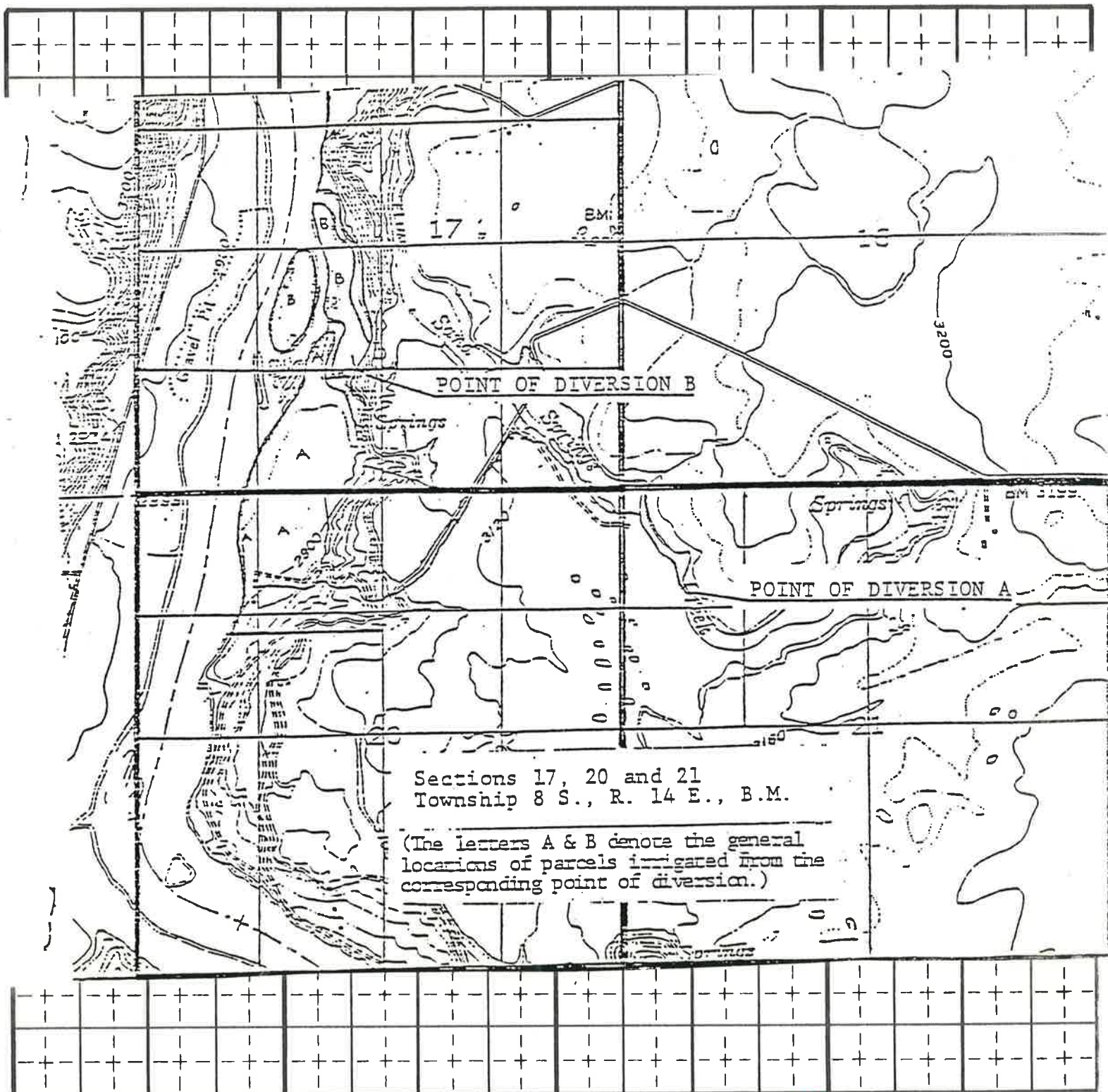
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FEB 02 1993

Last Name The Nature Conservancy Ident No. 36-4270

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



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Last Name The Nature Conservancy Ident No. 36-4270

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 36-4270

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 _____, that I have signed the foregoing Organization

document in the space below as VICE President _____ of THE NATURE CONSERVANCY Title Organization

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

Signature of Authorized Agent Guy Bonnin _____

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 Mary Miller _____

Residing at MONTANA 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 I, 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.

US

Signature James D. Hansen, Jeffrey C. Fereday
Glens, McDevitt, Purlsey, Webb & Buser

Address P.O. Box 2720, Boise, Idaho 83701

Date Aug 29, 1988

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Last Name The Nature Conservancy Ident. Number 36-4270

Copies White-State, Yellow-Claimant

ATTACHMENT

Point of Diversion A. A concrete headworks and gate is used to divert 6 cfs for irrigation, livestock and domestic purposes from the left bank of Sand Springs Creek in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 21, T8S R14E, B.M. These waters are conveyed in a ditch approximately 4 feet wide and 2 feet deep a distance of approximately $\frac{1}{4}$ mile to a point in the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20, where the ditch divides these waters into two deliveries. The first delivery, of approximately 3 cfs, is ditched along a road leading into the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20 T8S, R14E, B.M. Approximately 0.2 cfs of these waters provide domestic supplies for the dwelling and other buildings located north of the center point of the NW $\frac{1}{4}$ of Section 20, T8S, R14E. The other 2.8 cfs provide partial supplies to the lands listed below.

The second delivery, also approximately 3 cfs, is placed in a ten-inch diameter steel pipe near the division point, brought to the edge of the rimrock at a point in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 17, T8S, R14E and carried down to a ditch and pipe irrigation system in the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, and the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, all in T8S, R14E, B.M. these lands also receive water under the first delivery described above.

Point of Diversion B. 5 cfs is diverted for irrigation and livestock purposes from a branch of Sand Springs Creek by means of a ten-inch diameter steel pipe in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, T8S, R14E, B.M. These waters are distributed through ditch and irrigation pipe system on lands in the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, all in Section 17, T8S, R14E, B.M. The island shown on the map and located in the west half of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, T8S, R14E, B.M. has been deemed to be the property of the United States. However, claimant and its predecessors have irrigated the island and still maintain water delivery facilities with which to do so. The diversion works are situated below the main rimrock at an elevation of approximately 2,960 feet, where this branch of Sand Springs Creek cascades down from the east.

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LAW OFFICES
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

REBECCA W. ARNOLD
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
STEVEN L. OLSEN
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

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492

JAN 25 1989

January 12, 1989

Department of Water Resources

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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1/23/1988

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME The Native Conservancy CLAIM IDENT. NO. A36-04270

- DATE RECEIVED 8-30-88 CK # 5002236 AMOUNT \$ _____
- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 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. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 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. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 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. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 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.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be receipted and data entered? | ☒ | ☐ | |

Claim checked by: LatDate: 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: A. MerrillClaim data entered by: Lat

Sent to claimant by: _____

Date: 9-16-88Date: 2-13-89

Date: _____

Checked by: LatDate: 2/13/89

Comments: _____

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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

A36-04270
THE NATURE CONSERVANCY
C/O RAY BONNTUET
P.O. BOX 64
SUN VALLEY ID 83353-0000

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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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

MAY 19 1986

CLYDE & PRATT

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

**Sparks, McDewitt, Pursley,
Webb & Bussan** AREA CODE 801

TELECOPIER:
(801) 322-2516

OF COUNSEL
FRANK J. ALLEN

EDWARD W. CLYDE, P.C.
ELLIOTT LEE PRATT
RODNEY G. SNOW
STEVEN S. CLYDE
THEODORE BOYER, JR.
EDWIN C. BARNES
CARY L. PAXTON
L. MARK FERRE
NEIL A. KAPLAN
D. BRENT ROSE
JOHN W. ANDERSON
JAMES L. WARLAUMONT
H. MIFFLIN WILLIAMS III
STEPHEN B. DONEY

*ADMITTED IN WASHINGTON, D.C.

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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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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CLYDE & PRATT

Ms Nancy Ritter

Page 3

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

FEB 02 1993

CLYDE & PRATT

Ms Nancy Ritter

Page 4

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

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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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-4270 V2

WATER RIGHT NUMBER: 36-4270 V2

<u>Owner Type</u>	<u>Name and Address</u>
Representative	THE NATURE CONSERVANCY WESTERN RESOURCE OFFICE 2060 BROADWAY ST STE 230 BOULDER, CO 80302 (303)541-0343
Current Owner	THE NATURE CONSERVANCY PO BOX 165 SUN VALLEY, ID 83353 (208)726-3007
Attorney	WILLIS E SULLIVAN PO BOX 359 BOISE, ID 83701 (208)344-8035

Priority Date: 06/01/1902

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SAND SPRINGS CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
IRRIGATION	02/15 to 11/30	0.950 CFS	
<u>Total Diversion:</u>		0.970 CFS	

Location of Point(s) of Diversion

SAND SPRINGS CREEK	SW1/4NW1/4NW1/4	Sec. 21, Twp 08S, Rge 14E, B.M.
GOODING County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	20		X			X												
							L 1												

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14e	17																	
														20.0					20.0
														L 8					

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-4270 V2

08S 14e 20	10.4	17.0	27.4
		L 1	

Conditions of Approval:

1. C18 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.
2. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

1. Explanatory STOCKWATER, 20 RANGE CATTLE

Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 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

Clelland, Steve

From: Clelland, Steve
Sent: Wednesday, February 24, 1999 1:39 PM
To: Spencer, Nick
Cc: Clelland, Steve
Subject: 36-04270 acres per Q-Q

Nick,

here is the breakout of the acres for the Nature Conservancy you requested:

Sec. 17 SESW, Lot 8 = 20 acres

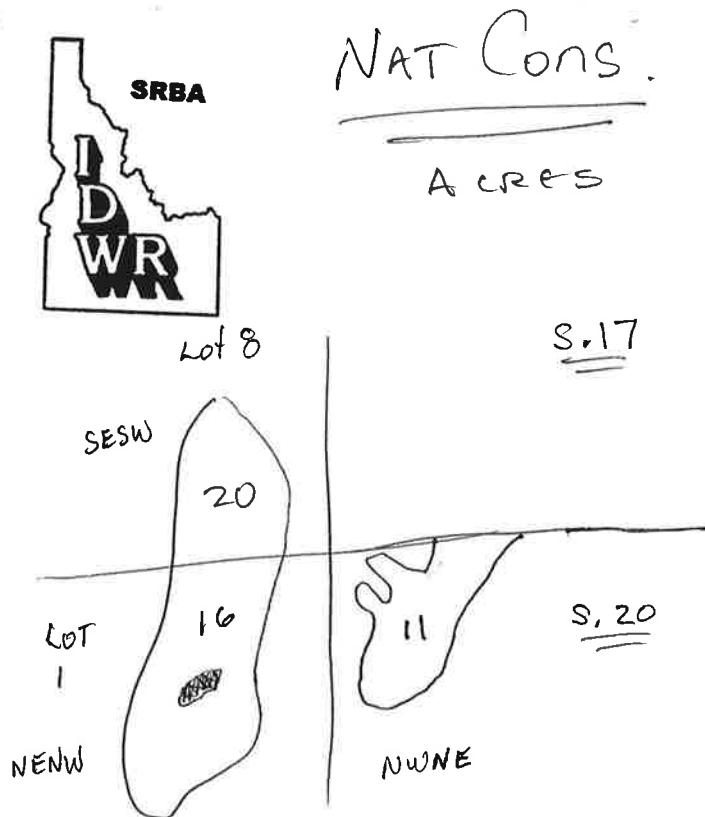
Sec. 20 NWNE = 11 acres (expanded parcel)

NENW, Lot 1 = 16 acres

total acres 47 (79 ac. claimed; 50 ac. recommended)

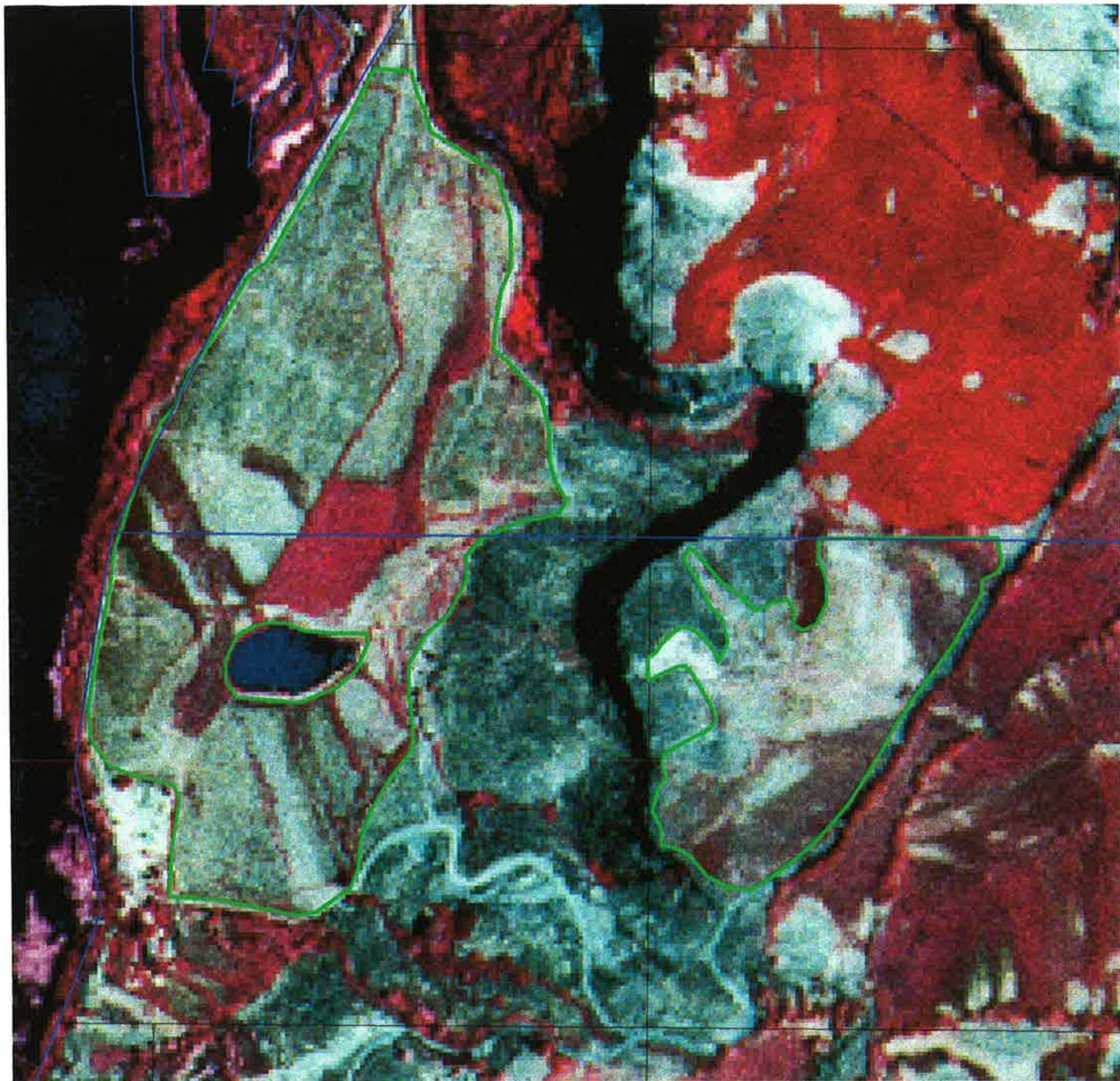
Let me know if you need more on this.

Steve



IDAHO DEPT OF WATER RESOURCES

36-04270



660 0 660 Feet

PROPOSED CHANGES



- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- ~ SECTION LINES
- 1/4 - 1/4 LINES

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND
DATE: FEBRUARY 12, 1999



P.O. Box 165, Sun Valley, ID 83353
(208) 726-3007 • Fax (208) 726-1258

Fax Cover Sheet

Date: 12-21-98

To:

Steve Clelland

Fax #:

Phone #:

Number of Pages (including cover sheet):

2

Special Instructions:

Steve - Attached is the map I mentioned
which accurately reflects what we are
irrigating in NWNE Sec. 20. Look
forward to working with you.

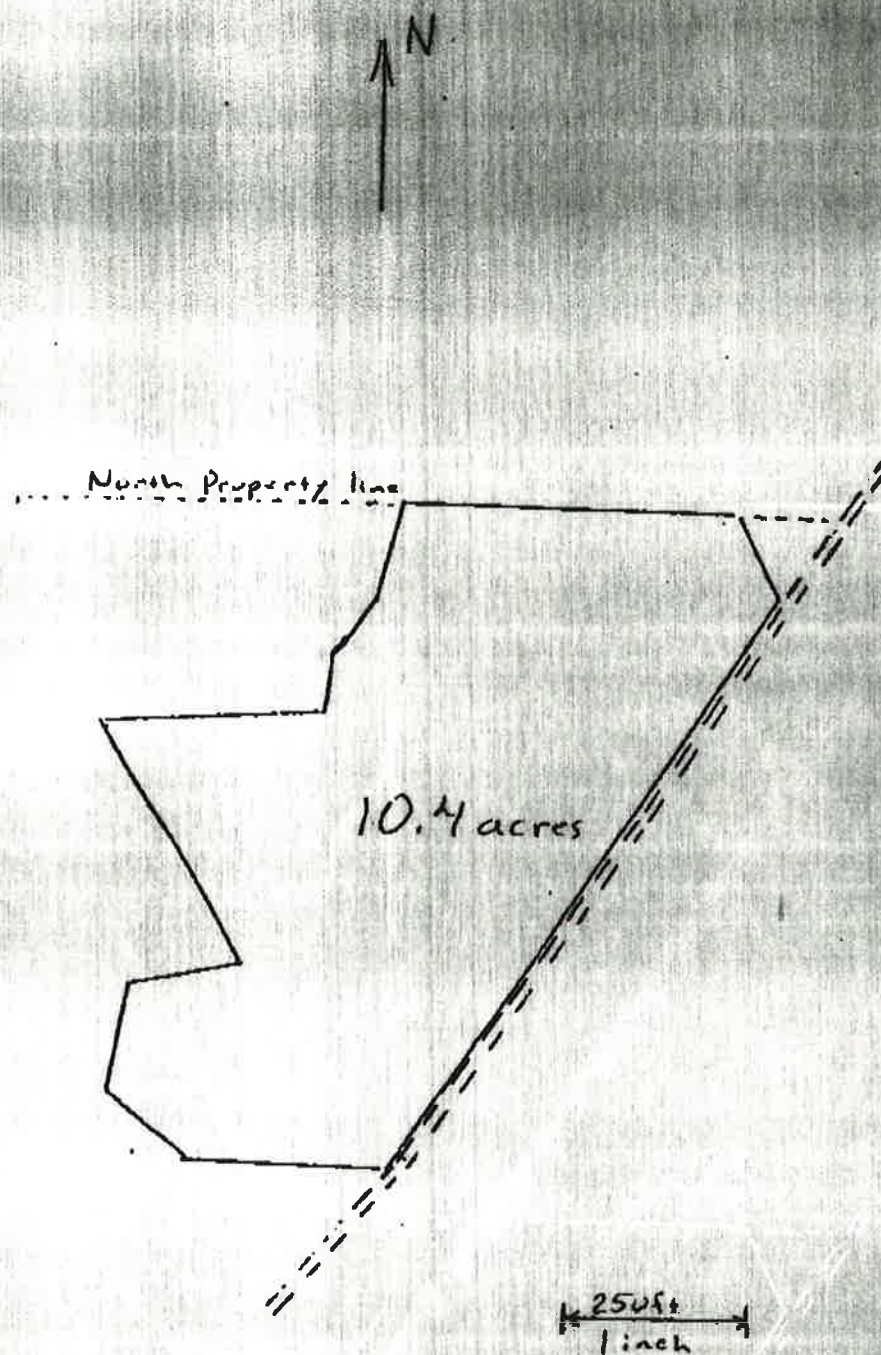
From:

Trish Klahr

Please Call if All Pages are not Received

Conservation Through Private Action

NW NE Sec 20



GIS AC.
36
+ 11
47

2/12/99 scu

- Map of the irrigated area in the parcel at Sand Springs Ranch
- Adjudication says 6 acres; 6 inches water (.12 CFS) June 1, 1902 priority
Should be 10.4 acres; 10.4 inches (.21 CFS)

36-04270

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

AGENT: Kelly K Christensen

CUSTOMER:

DATE: September 4, 1998 12:34 PM

TRISH KLAHR

SUBJECT: CHANGE IN PLACE OF USE FOR 36-04270

phone (X) walk-in ()

I phoned her in response to her 9-1-98 letter. I explained that it was possible to correct this right either through the adjudication process by setting aside the decree and going through a settlement conference or through allocations by transfer. After discussing the options, I suggested that she contact the court to determine if they are required to have an attorney represent them in the proceedings or not. She indicated that she would contact the court and then get back with me.

RECEIVED

SEP 02 1998

Department of Water Resources
Southern Region

State Office
P. O. Box 165
Sun Valley, ID 83353
TEL 208 726-3007
FAX 208 726-1258

September 1, 1998

Kelly K. Christensen
Senior Water Resource Agent
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Water Right 36-04270

Dear Kelly:

Please find enclosed a colored map indicating slight inaccuracies in our water right for the Thousand Springs Preserve in Gooding County.

We are not irrigating 7 acres in Section 17 as indicated in our water right, but we are irrigating about 5 acres more in Section 20. Specifically, we note the following differences between our water right and what we are actually irrigating:

Place of Use:

T8N R14E	Section 17	Lot 4: These 2 acres are not irrigated; we do not intend to begin. Lot 5: These 5 acres are not irrigated; we do not intend to begin. Lot 8: Currently 20 acres are irrigated; this acreage is correct.
	Section 20	NWNE: Currently 10.4 acres are flood irrigated at this spot. Lot 1: Currently 17 acres are irrigated; this acreage is correct.

Mike O'Brien and I would greatly appreciate an opportunity to sit down with you, go over this map and discuss a process for making these corrections. The best time for Mike and I would be the week of October 5, preferably early in the week. Please contact me at 726-3007 and let me know if this time frame is acceptable to you. Another option is to meet at the preserve and visit these areas on the ground.

Thank you for your assistance in this matter. I look forward to hearing from you.

Sincerely,



Trish Klahr
Director of Science and Stewardship

cc: Mike O'Brien

North Idaho Office
East 1677 Miles Avenue
Hayden Lake, ID 83835
TEL 208 762-1307
FAX 208 762-1408

Silver Creek Preserve
P. O. Box 624
Picabo, ID 83348
TEL 208 788-2203
TEL 208 788-7910
FAX 208 788-7910

Upper Henry's Fork Project
HC 66, Box 227
Island Park, ID 83429
TEL 208 558-9626
TEL 208 558-7629
FAX 208 558-9622

Thousand Springs Preserve
1205 Thousand Springs Grade
Wendell, ID 83355
TEL 208 536-6797

Boise Office
2404 Bank Drive
Suite 314
Boise, ID 83705
TEL 208 343-8826
FAX 208 343-8892

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS -

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-04270

1997 DEC 29 PM 3:29

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: THE NATURE CONSERVANCY
C/O GUY BONNIVIER
PO BOX 165
SUN VALLEY ID 833530000

SOURCE: SAND SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.00 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1902

POINT OF DIVERSION: T08S R14E S17 LOT 5 (SENESEW) Within GOODING County
S21 SNNWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.00 CFS
	STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T08S R14E S17 Lot 4 (SENESEW) 2 Lot 5 (NESEW) 5 Lot 8 (SESEW) 20
S20 NWNE 6 Lot 1 (NENEW) 17
50 ACRES TOTAL

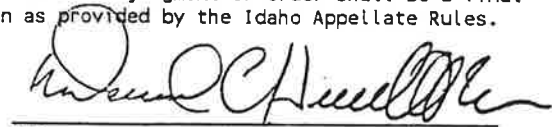
STOCKWATER Within GOODING County
T08S R14E S20 NWNE Lot 1 (NENEW)

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

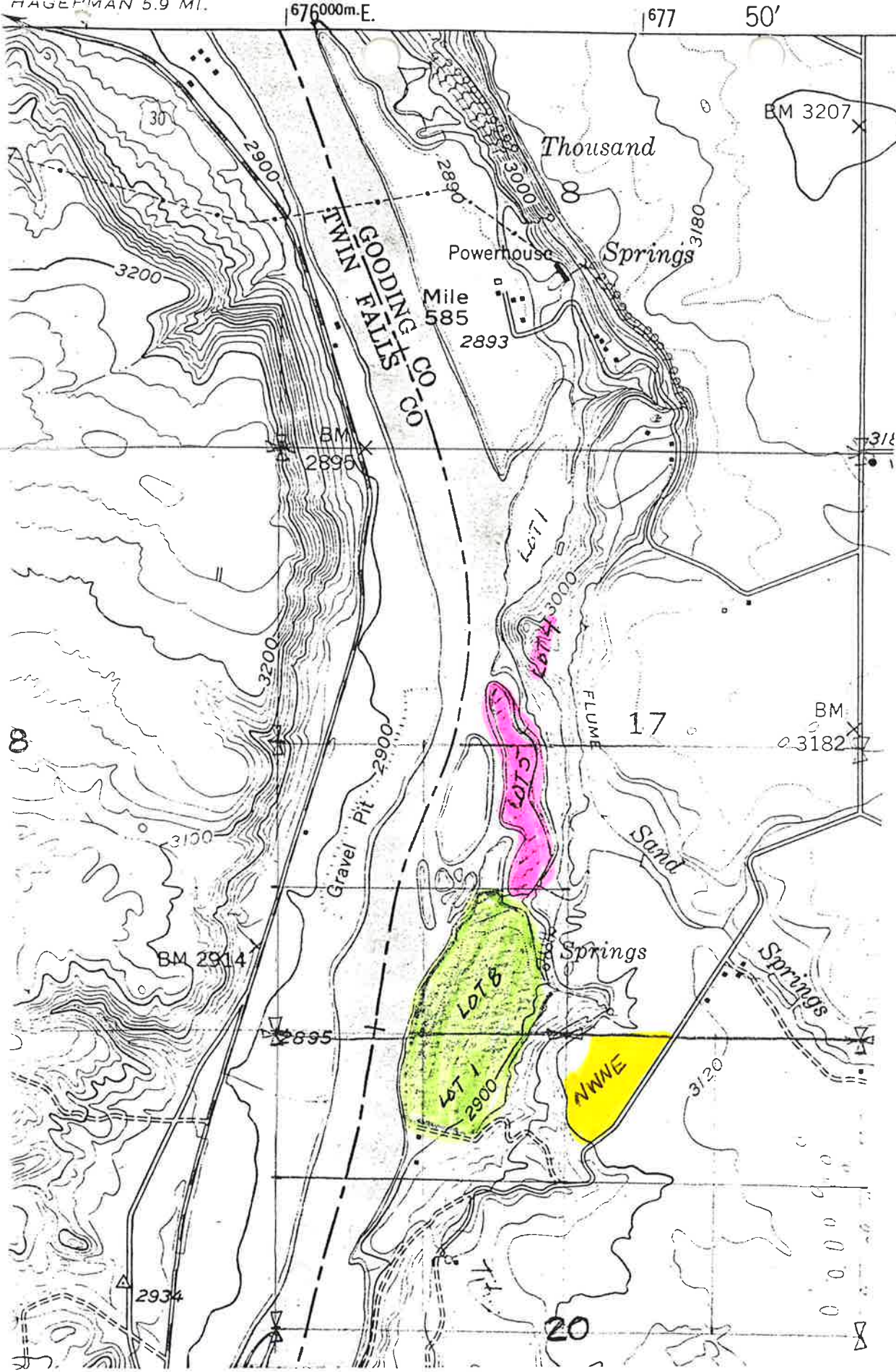
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication



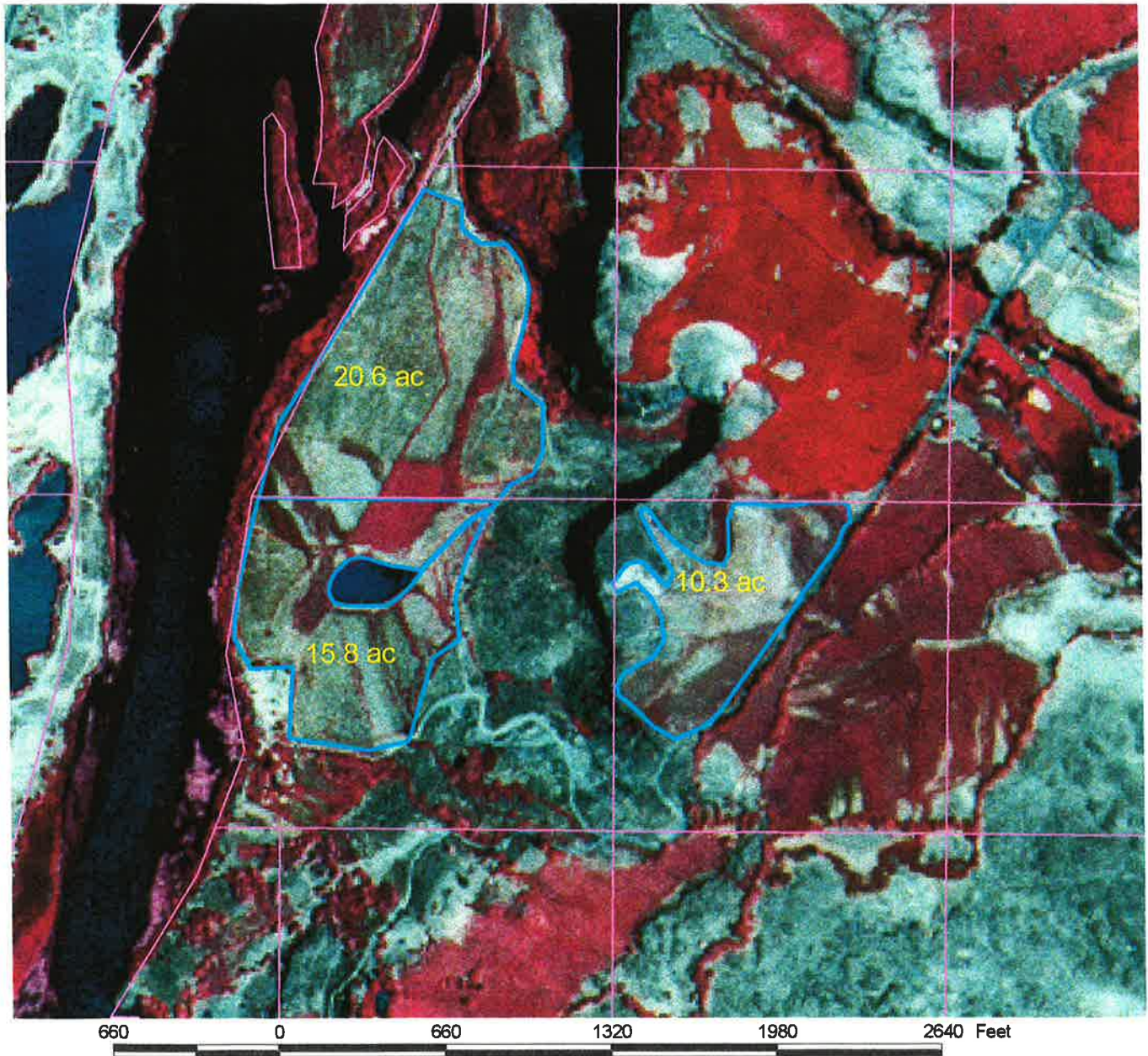
Transfer
water right
from:

Good water
right, irrigated
now:

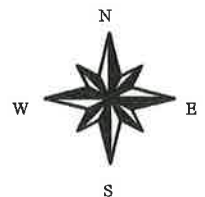
Acreage incorrect

IDAHO DEPARTMENT OF WATER RESOURCES

36-04270



PROPOSED PLACE OF USE
AFTER TRANSFER
data entry on 9-3-98

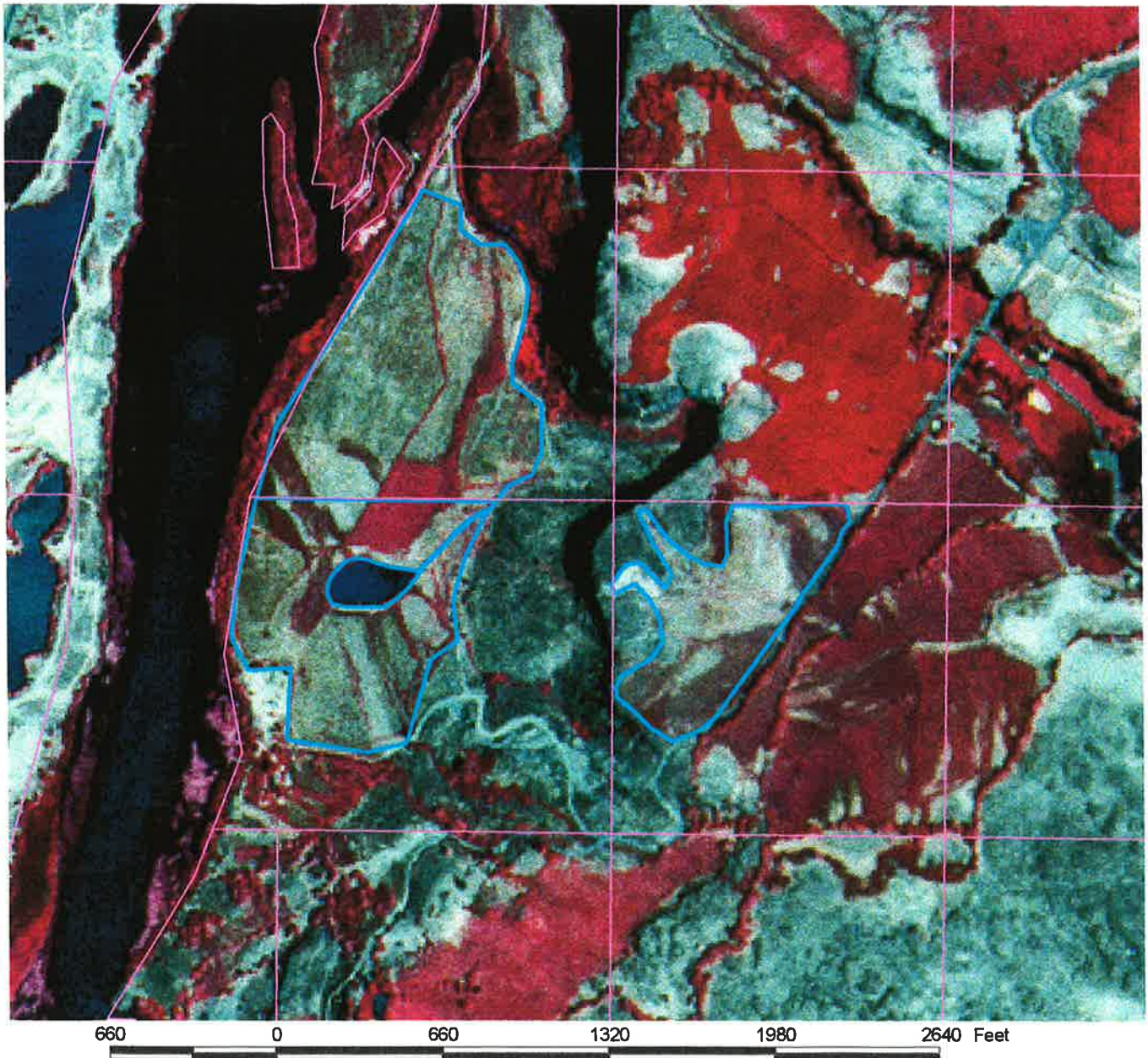


⊙ POINT OF DIVERSION
□ PLACE OF USE

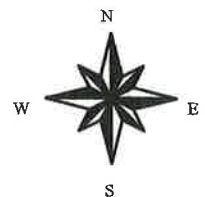
GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

IDAHO DEPARTMENT OF WATER RESOURCES

36-04270



PROPOSED PLACE OF USE
AFTER TRANSFER
data entry on 9-3-98



⊙ POINT OF DIVERSION
□ PLACE OF USE

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

INFORMATION REQUEST

NAME:

DATE:

ADDRESS:

CITY/ZIP:

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:

FEES DUE @ \$0.05 PER COPY:

OTHER FEES:

RECEIPT NUMBER:

ASSISTING AGENT:

(customer signature)

MICROFILMED

DEC 04 1996

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



MICROFILMED
FEB 02 1993

NOTICE OF ERROR FORM

AUG-24-1992

RECEIVED

OCT 01 1992

Department of Water Resources

Southwest Region Office

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

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: Y636-04270
2. Name: The Nature Conservancy
C/O Guy Bonnivier
Address:
P.O. Box 165
Sun Valley, ID 83353
Weekday Telephone Number:
(208) 726-3007

RECEIVED

SEP 25 1992

Department of Water Resources

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FEB 02 1993

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
- 2) Non-Irrigation Uses

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

- 1) Max quantity of diversion = 2.30 CFS
- 2) Non-Irrigation Uses

Year round Stockwater for 20 range cattle = 1CFS

5. Describe why you disagree with the proposed recommendation:

The acreage is flood irrigated and the water is delivered through an extensive canal system from the point of diversion. 1 CFS is inadequate to get water to the acreage. We are presently grazing livestock and need

6. Date: year-round stockwater.

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

SIGNATURE

Guy 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

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	06/01/1902	IRRIGATION STOCKWATER	04-01 10-31 01-01 12-31	1.00 CFS 0.02 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	1.00 CFS 150.0 AFA

Water Source: SAND SPRINGS CREEK

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T08S R14E S17 Lot05(SENESW)
S21 S21

GOODING County
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		
08S	14E	17	:																					27.0
08S	14E	20	:			06					01-17						08-20							23.0
																							TOTAL ACRES	50.0

Place of use Legal Description for: STOCKWATER

				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
08S	14E	20	:			S					01-S											

POU County: GOODING

Non-Irrigation Uses: STOCKWATER, 20 RANGE CATTLE

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.
ADDED YEAR ROUND STOCKWATER FOR 20 RANGE CATTLE (0.02 CFS).

Audit: 10/09/92 THORNTON

MICROFILMED
FEB 02 1993

R PROOF



CVR



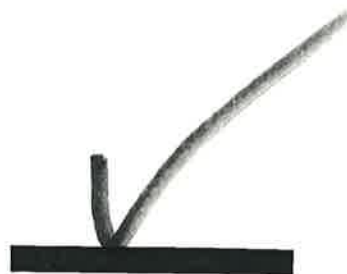
MAPS



PHOTOS



MISC



MICROFILMED
FEB 02 1993

Water Right Number - R36-04270

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

VERIFIED BY *KKC*+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1902 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
SAND SPRINGS CREEK SNAKE RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County08S 14E 17 SE NE SW 5 (47) GOODING
08S 14E 21 SW NW NW (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 1.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.000 150.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
08S 14E 17 SE NW 4 2.0 01 IRRIGATION (47) GOODING
08S 14E 17 NE SW 5 5.0 01 IRRIGATION (47) GOODING
08S 14E 17 SE SW 8 20.0 01 IRRIGATION (47) GOODING
08S 14E 20 NW NE 6.0 01 IRRIGATION (47) GOODING
08S 14E 20 NE NW 1 17.0 01 IRRIGATION (47) GOODING

Total Acres: 50.0

+ - - Diversion Means - DITCHES AND PIPELINES

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
No Remarks found.MICROFILMED
FEB 12 1993

Water right number - R36-04270

Prefix Translation: RESEARCH

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

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - 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: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-04270

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

FIRST: EST. OF WILLIS W.
STATE: ID ZIP: O

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

FIRST: THE
STATE: ID ZIP: 833530000

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

MICROFILMED
FEB U 2 1993

CONTACT PERSON: Lon Lundy

PHONE NUMBER: () -

DATE OF FIELD EXAM: 4/23/91

APPOINTMENT MADE: Y(X) N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED
FEB U 2 1993

A. AJ CLAIM: # A36-04270 PRIORITY DATE: 06-01-1902 STAGE: S

B. WR RECORD: # 36-04270 PRIORITY DATE: 06-01-1902 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 ✓ scu

=====

RECOMMENDED PRIORITY DATE:
06-01-1902

REVIEWED BY

scu

DATE

5-28-91

=====

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FEB U 2 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-04270	08S	14E	21		NW	NW		GOODING
A36-04270	08S	14E	17	NE	SE	SW		GOODING

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

WR RECORDS IN SAME 40 ACRE TRACT
36-02020

SOURCE: SAND SPRINGS CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-04270	08S	14E	21		NW	NW		GOODING
36-04270	08S	14E	17	NE	SE	SW		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-02020

NONE NONE

SOURCE: SAND SPRINGS CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

DATABASE
N
N

FIELD
EXAMINER

REMARKS:

per field exam & OPQ

MICROFILMED
FEB U 2 1993

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
08S	14E	21	~~NE~~ SW	~~SE~~ NW	NW		GOODING
08S	14E	17	SE	NE	SW	5	GOODING

SOURCE: SAND SPRINGS CREEK

TRIB: SNAKE RIVER

REVIEWED BY: SW DATE: 5-28-91

=====

MICROFILMED
FEB 02 1993

A. ROOT WATER RIGHT NUMBERS: A36-04270

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08S	14E	17	SE	NW	4	NATURE CONSERVANCY , THE	A36-04270 / 4.0	36-04270 / 4.0		2.0	2.0
08S	14E	17	NE	SW	5	NATURE CONSERVANCY , THE	A36-04270 / 22.0	36-04270 / 22.0		5.0	5.0
08S	14E	17	SW	SW		NATURE CONSERVANCY , THE	A36-04270 / 1.0	36-04270 / 1.0		Ø	Ø
08S	14E	17	SE	SW	8	NATURE CONSERVANCY , THE	A36-04270 / 29.0	36-04270 / 29.0		20.0	20.0
08S	14E	20	NE	NW	1	NATURE CONSERVANCY , THE	A36-04270 / 20.0	36-04270 /		17.0	17.0
08S	14E	20	NW	NW		NATURE CONSERVANCY , THE	A36-04270 / 3.0	36-04270 /		—	—
						RING , ROBERT W.	A47-02159K / 5.0	- /		—	—
08S	14E	20	NE	NW		NATURE CONSERVANCY , THE	A36-04270 /	36-04270 /		—	—
08S	14E	20	NW	NW		NATURE CONSERVANCY , THE	A36-04270 /	36-04270 /		—	—
						RING , ROBERT W.	A47-02159K / 5.0	- /		—	—
08S	14E	20	NE	NW		NATURE CONSERVANCY , THE	A36-04270 /	36-04270 /		—	—
08S	14E	20	NW	NW		NATURE CONSERVANCY , THE	A36-04270 /	36-04270 /		—	—
						RING , ROBERT W.	A47-02159K / 5.0	- /		—	—
TOTAL ACRES							A36-04270	79.00		56.00	

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

~~X~~

8S. 14E. 20 NW NE

6.0
50.0

6.0
50.0

FEB U 2 1993

PRESUMPTION FLAG:

REMARKS:

irrigation uses only - no Domestic / No Stock found

RECOMMENDATIONS:

TOTAL ACRES: 50.0

REVIEWED BY: Sca

DATE: 5-28-91

MICROFILMED
FEB 02 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-04270 IRRIGATION	FROM 04-01 TO 10-31	10.800 CFS
~~A36-04270 STOCKWATER~~	~~FROM 01-01 TO 12-31~~	~~10.800 CFS~~
~~A36-04270 DOMESTIC~~	~~FROM 01-01 TO 12-31~~	~~.200 CFS~~
TOTAL DIVERSION RATE/VOLUME CLAIMED		11.000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-04270 IRRIGATION	FROM 04-01 TO 10-31	10.800 CFS
36-04270 STOCKWATER	FROM 04-01 TO 10-31	10.800 CFS
36-04270 DOMESTIC	FROM 01-01 TO 12-31	.200 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		11.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

MICROFILMED
FEB U 2 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 11.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 11.000 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

☒

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

NO FLOWS OR DIVERSIONS
MADE @ TIME OF EXAM

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

* TOTAL DIVERSION CAPACITY CAN
DELIVER AMOUNT RECOMMENDED.
(SCL 5-28-91)

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-04270	SAND SPRINGS CREEK	NATURE CONSERVANCY , THE	11.000	0.139		
A47-02159K	SALMON FALLS CREEK	RING , ROBERT W.	4.660	0.031		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 50 x 0.02 CFS/ACRE = 1.00 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 = 237.0 AF/A

ACRES 50 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 150 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 50 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 200 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

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FEB U 2 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	~~04-01~~ <u>3-15</u> ~~10-31~~ <u>11-15</u>	~~10.800~~ <u>1.00</u>	~~237.0~~ <u>200</u>	~~150~~ <u>150</u>
~~STOCKWATER~~	~~01-01~~ ~~12-31~~	~~10.800~~ <u>1</u>	~~1~~ <u>1</u>	~~1~~ <u>1</u>
~~DOMESTIC~~	~~01-01~~ ~~12-31~~	~~0.200~~ <u>1</u>	~~1~~ <u>1</u>	~~1~~ <u>1</u>
TOTAL FOR THIS RIGHT		~~11.000~~ <u>1.00</u>		

REVIEWED BY: SCV

DATE: 5-28-91

MICROFILMED

FEB 02 1993

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: 36-04270

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 11.000	EXAMINER _____	CFS
-----------------------------------	--------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-04270	11.000	-		36-04270	11.000
	TOTAL CFS	11.000				11.000

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	FIELD EXAMINER
Y	_____

REMARKS:

Portion abandoned/forfeited

AUTHENTICATION:

SIGNATURE: *Steve C. [Signature]*

DATE: *5-28-91*

NAME OF FIELD EXAMINER: _____

TITLE: _____

MICROFILMED
FEB 02 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:16
07/03/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-04270

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		SCC/NB 4/23-91	N			SCC 5-28-91	
POINT OF DIV	Y		0 5-6-91	(Y)	1,4,5	2 reviewed by KRC - 10-7-91		
SOURCE	Y			N				
PLACE OF USE	Y			(Y)	1456			
DIV. AMOUNT CFS/VOLUME	Y			(Y)		6		
CONSUMPTIVE USE	Y			(Y)				
PURPOSES	Y			(Y)				
PERIOD OF USE	Y			(Y)				
BASIS OF CLAIM	Y			(Y)				
REMARKS	Y			N		6		
	Y			(Y)				

LW 7/23/90

"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.

MICROFILMED
FEB 12 1993

of Idaho
RTMENT OF WATER RESOUR ES
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

per f-2 Edan
4-23-91 SCC/NB
A36-4270

114°52'30"

675000m.E.

42°45'

RIBE R. 14E

12

7

Thousand

8

Springs

BM 3207

Power

85

2895

BM 2895

3183

13

18

LOT 4

LOT 5

LOT 8

LOT 1

LOT 6

LOT 7

LOT 9

LOT 10

LOT 11

LOT 12

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LOT 294

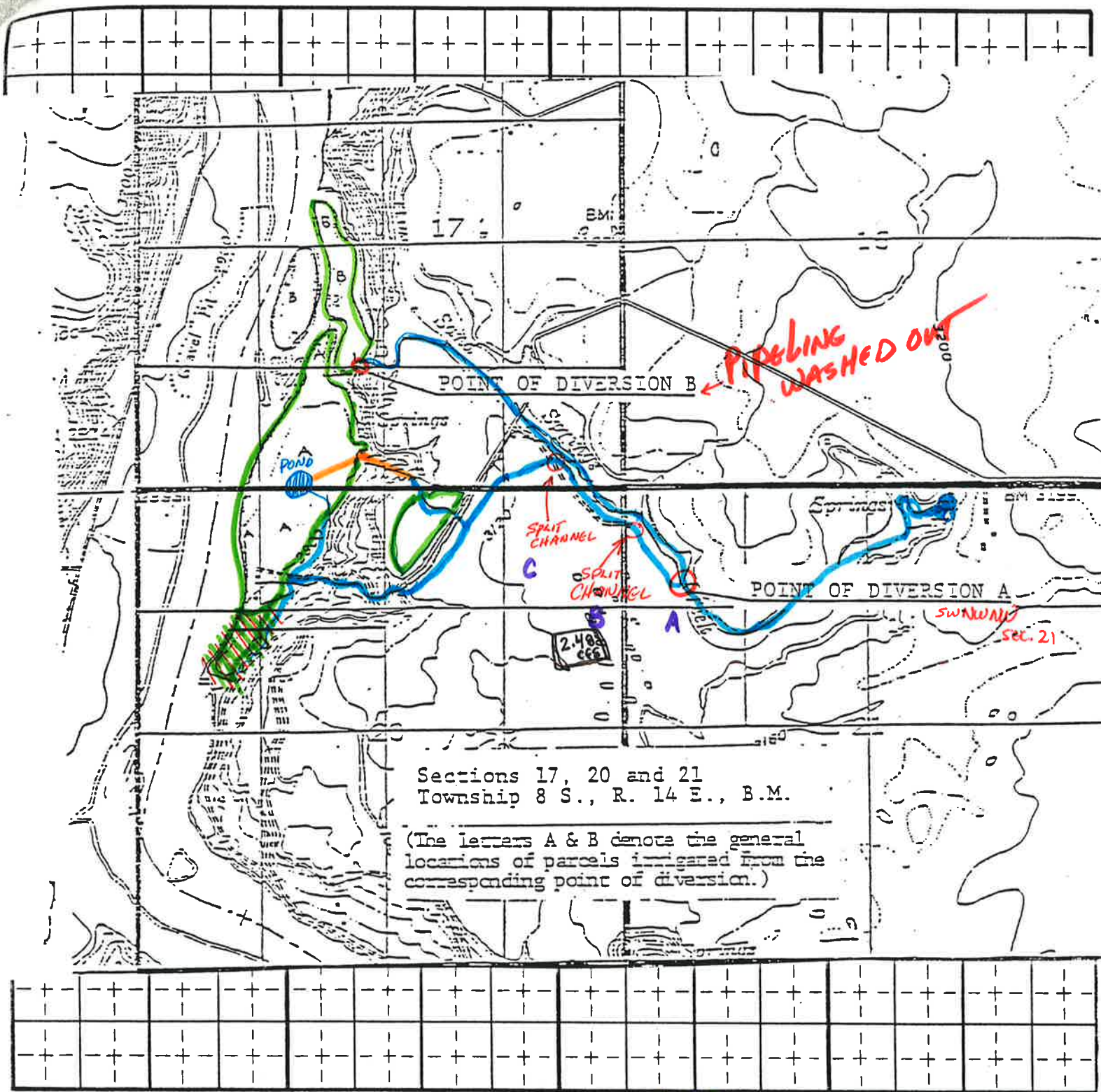
LOT 295

LOT 296

LOT 297

Subject: show clearly the point of diversion, place of use, section number, township, and range number.
2 inches equals 1 mile

A36-4270



per field Exam
4-23-91

SLC/NB

Last Name The Nature Conservancy Ident No. 36-4270

Copies: White-State, Yellow-Claimant

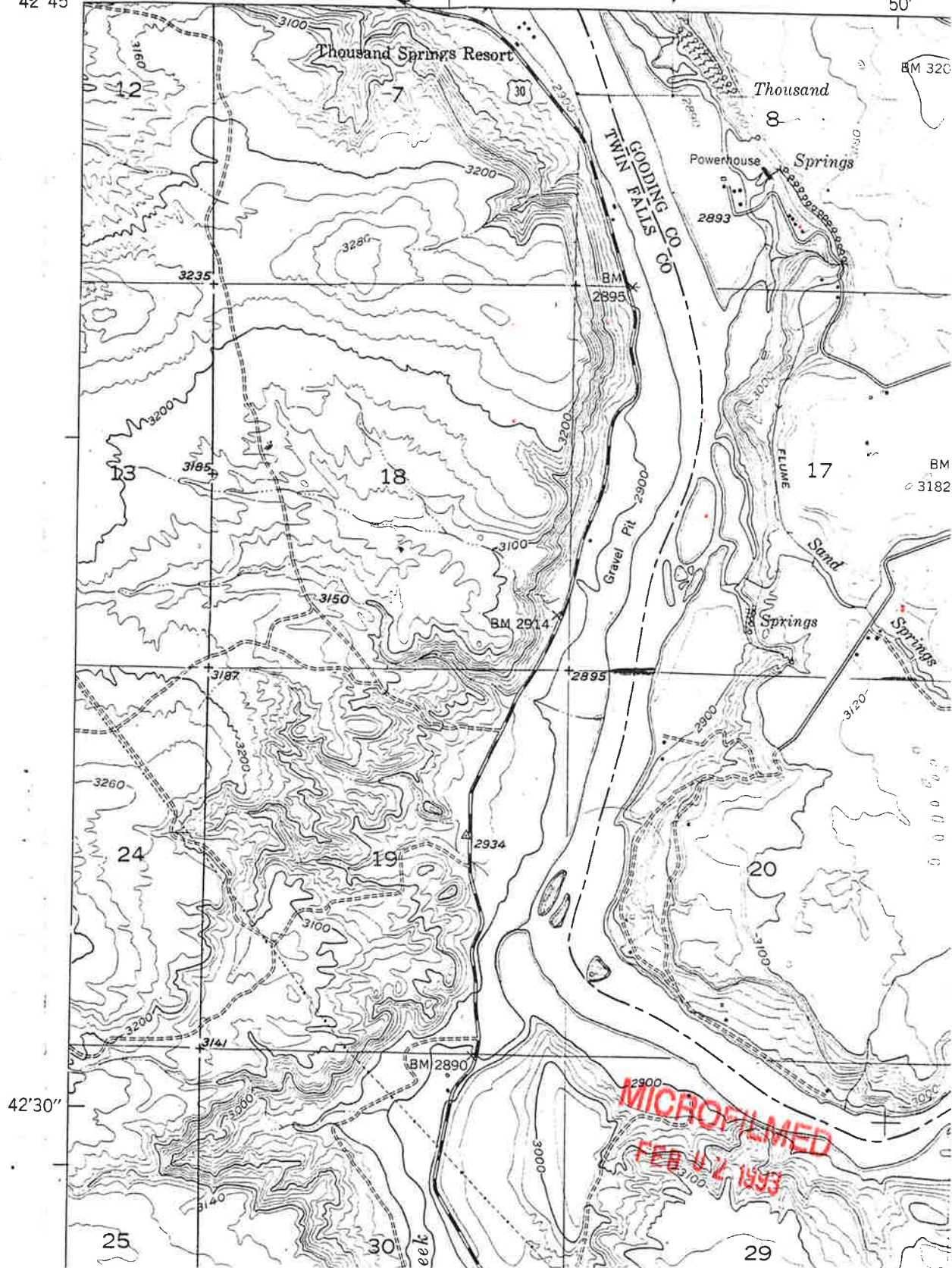
MICROFILMED
FEB 02 1993

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

114°52'30" R. 13 E. R. 14 E.
42°45'

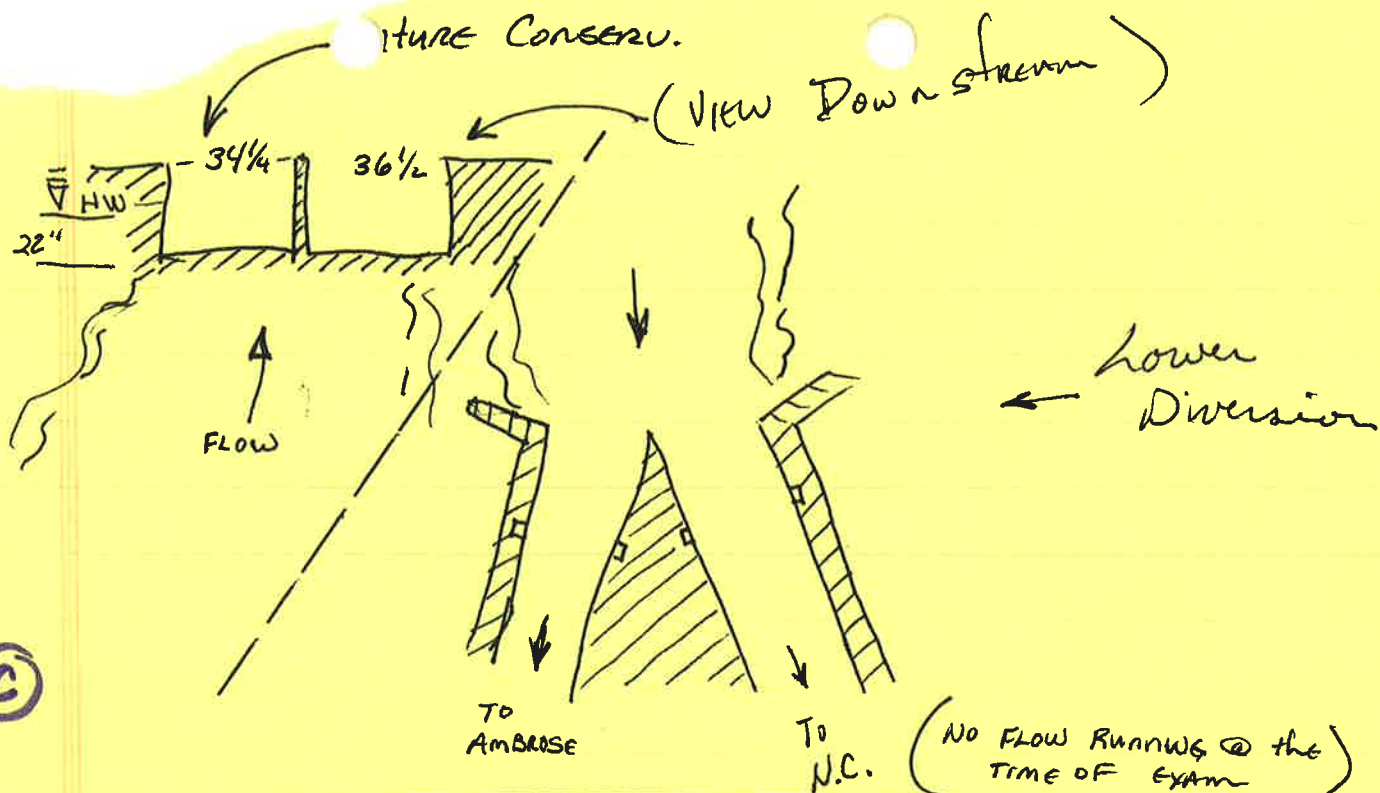
GLENN'S FERRY 36 MI.
HAGERMAN 5.9 MI.

50'



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FEB 17 1993

MAP
Location (C)



upper Div.

(B)

48" Rect. contracted @ 4" Head

2.48 cfs

CURRENTLY
DELIVERED TO
AMBROSE

(A)

Main Channel

12' Rect. Supressed weir

15 1/4" Head = (1.27')

* further review in the office
of the conditions here
indicate velocity corrections
must be applied.

→ measurement is inaccurate.

(SCL
5-28-91)

A36-4270

Field Exam: 4-23-91

Steve Cech

Noem Brown

Low Hunt

MICROFILMED

FEB 02 1993



NATURE CONSERVANCY
A36-04270

FERRY CROSSING
FARM

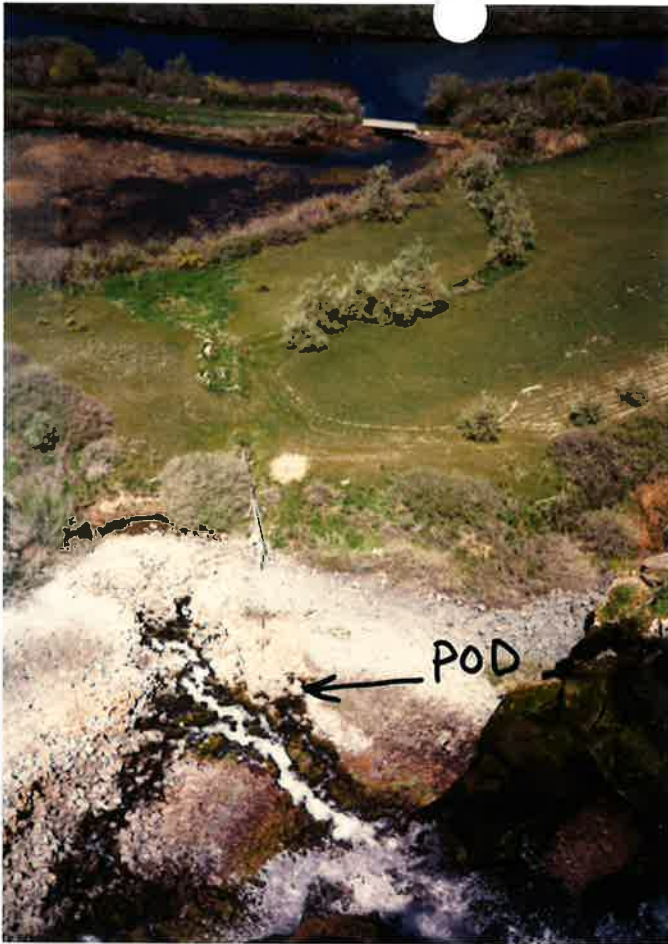
RECEIVED

FEB 02 1993

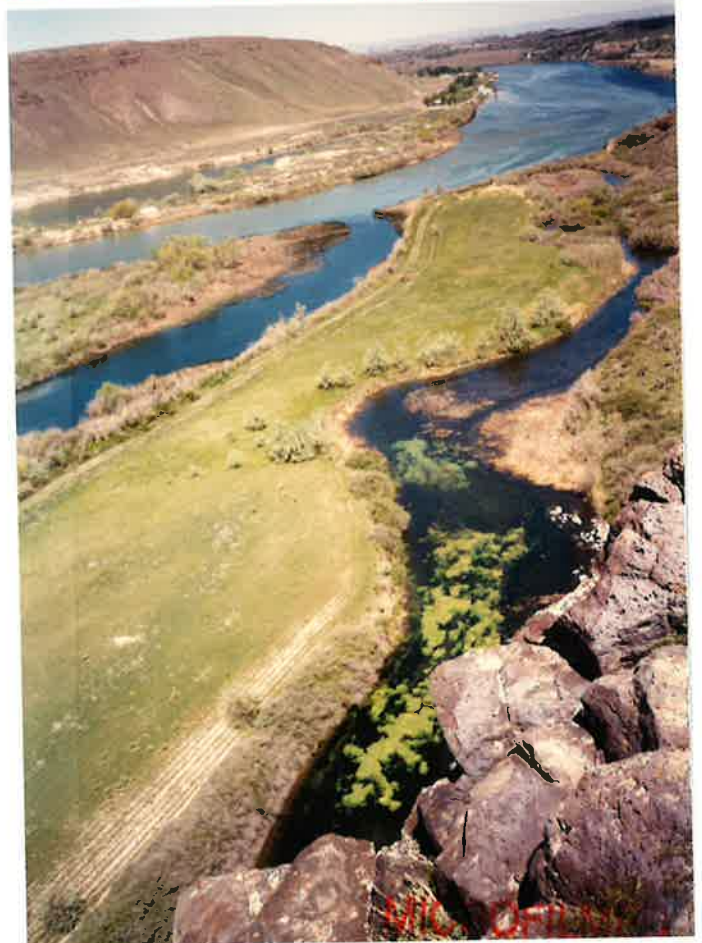


OVERFLOW
& BYPASS
WATER
SUPPLIES
NATURE CONS.
POU
BELOW
RIM
(SEE OTHER
PHOTO SET)

A36-04270



NATURE CONSERVANCY



FEB 02 1993

- A36-4269-
A36-4270

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 1998

Shelly Lynn Walker
(notary public)

Residing at Ketchikan, AK
My commission expires 4-13-94

FEB 02 1993