

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-00514**
Date Received: 6/13/1988
Receipt No: S000413
Received By: _____

ownership change X

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

1. Name: QUARTER CIRCLE LAZY H INC 208-352-4209
Address: C/O ELDEN THOMPSON
1668 CLOVER CREEK RD
BLISS ID 83314
AND
Name: BLISS POINT CATTLE INC 208-352-4370
Address: C/O LORNA BARD
345 E SPRING COVE RD
BLISS ID 83314

2. Date of Priority: MAY 1, 1889

3. Source: DYER CREEK Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	11E	31	NE	SE	NE		ELMORE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	11E	32	SW		NW		IRR	10.0
			NE		SW		IRR	30.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0

Section Acres 160.0

Total Acres 160.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

37-4403, 37-A10130

14. Remarks:

RIGHT WAS INCORRECTLY DECREED TO THE SW 1/4 SEC. 22 IN THE FROST DECREE. COUNTY RECORDS SHOW THAT THE ORIGINAL RIGHT HOLDER OWNED THE SW 1/4 SEC. 32 T. 1S R. 11E.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S. C. FROST, ET. AL.
Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL
vs Decree 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: _____

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

OCT 27 1994

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 1 South Range 10 & 11 (See attached legal)
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, B.M. _____
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
 Assigned by IDWR: A37-04403 A37 10130 A37 00514
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Quarter Circle Lazy H, Inc.
1668 Clover Creek Rd, Bliss, ID 83314
- ☐ New Owner/Claimant (Purchaser): Quarter Circle Lazy H, Inc. and
Bliss Point Cattle, Inc.
- ☐ New Mailing Address: 1668 Clover Creek Rd.
Bliss, ID 83314
- ☐ New Telephone Number: (208) 352- - 4209
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Copy of Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Quarter Circle Lazy H, Inc. and Bliss Point Cattle, Inc.
Elden A. Thompson Pres. Date 10-26-94
Lorna A. Bard Pres. Date 10-26-94
- ☐ Signature of Former Owner/Claimant(s): Quarter Circle Lazy H, Inc.
Elden A. Thompson Pres. Date 10-26-94
 _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10/27/94 By: JR

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 10/27/94 By: JR

Claim Numbers of Split, if any:

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Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

DEED

COPY

FOR VALUE RECEIVED, QUARTER CIRCLE LAZY H, INC.

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto BLISS POINT CATTLE, INC.

348 SPRING COVE ROAD, BLISS, IDAHO 83314
grantee, the following described real estate, to-wit:

An undivided one-half interest in the following:

TOWNSHIP 1 SOUTH, RANGE 10 E.B.M.

Section 25: SE $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 1 SOUTH, RANGE 11 E.B.M.

Section 30: S $\frac{1}{2}$ S $\frac{1}{2}$

Section 29: SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 32: W $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

All of Section 31.

SITUATE IN ELMORE COUNTY, STATE OF IDAHO
TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, and their heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 30th day of June, 1993.

QUARTER CIRCLE LAZY H, INC.

By Charles A. Hobdey
Charles A. Hobdey
PRESIDENT

ATTEST Mayvis C. Thompson
Mayvis C. Thompson
SECRETARY

STATE OF IDAHO }
County of Gooding, } ss.

On this 30th day of JUNE, 19 93
before me, a Notary public in and for said State, personally

appeared CHARLES A. HOBDEY and

MAYVIS C. THOMPSON, known to me to be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Charles A. Hobdey

Notary Public

Residing at Gooding, Idaho
Commission Expires: 10-24-94

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NOV 22 1996

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

AUG 06 1996

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

Department of Water Resources
Southern Region

1. Water Right Number(s) 37-10130, 37-00514, 37-04403, 37-10114
Adjudication Claim Number(s) A37-10130, A37-00514, A37-04403, A37-10114

2. The following **REQUIRED** information must be submitted with this form. *Dept note KRC All except A37-10114 already are in Both names. Disregard other numbers.*
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
- AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
- OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Quarter Circle Lazy H, INC % Charles Hobday
HC 60 Box 1630 Bliss, IDAHO 83314

New Owner/Claimant(s)

Quarter Circle Lazy H, INC AND

Bliss Point Cattle, Inc

% Maybess Thompson

Change made by mt 8-6-96
LORNA BARD

New Mailing Address

345 E. Spring Cove RD

1668 CLOVER CREEK RD, BLISS, ID 83314

Phone (208) 352-4370

City, State and ZIP Code

Bliss IDAHO 83314

New Telephone Number

(208) 352-4209

5. Date you acquired the property June 30, 1993

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated 205 Number and type of stock _____

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Diversion rate in CFS _____

cubic feet per second

Number of homes -0-

Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s)

Quarter Circle Lazy H, Inc.

Bliss Point Cattle, Inc

Lorna Bard, President

Date

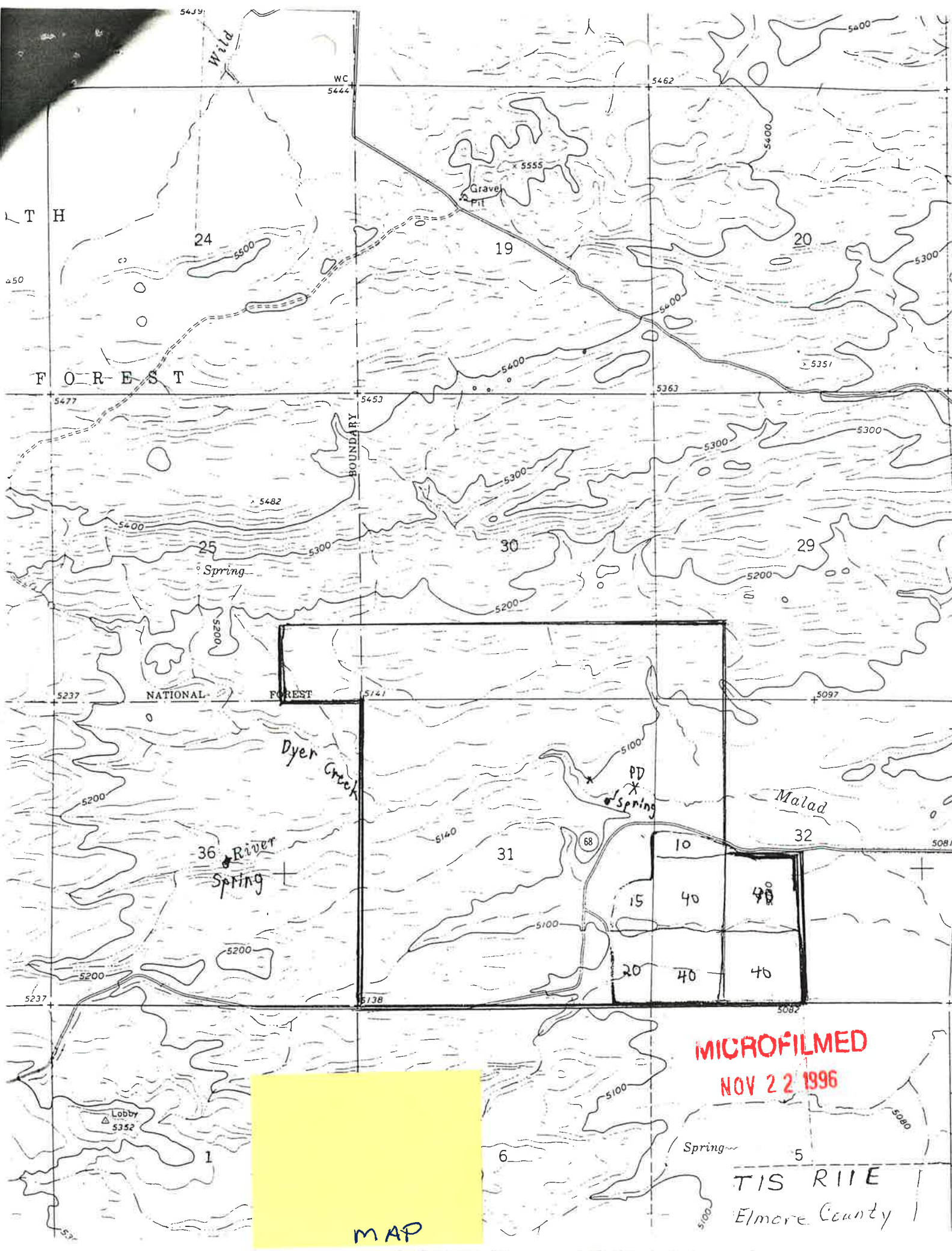
8-6-96

Date

Aug 1996

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.



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TIS RILE
Elmore County

MAP

DEED

COPY

FOR VALUE RECEIVED, QUARTER CIRCLE LAZY H, INC.

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto BLISS POINT CATTLE, INC.

348 SPRING COVE ROAD, BLISS, IDAHO 83314
grantee, the following described real estate, to-wit:

An undivided one-half interest in the following:

TOWNSHIP 1 SOUTH, RANGE 10 E.B.M.
Section 25: SE $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 1 SOUTH, RANGE 11 E.B.M.
Section 30: S $\frac{1}{4}$ S $\frac{1}{4}$
Section 29: SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 32: W $\frac{1}{4}$ W $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$ -

All of Section 31.

SITUATE IN ELMORE COUNTY, STATE OF IDAHO

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, and their heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 30th day of June, 1993.

QUARTER CIRCLE LAZY H, INC.

By Charles A. Hobdey
Charles A. Hobdey
PRESIDENT

ATTEST: Mayvis C. Thompson
Mayvis C. Thompson
SECRETARY

STATE OF IDAHO } ss.
County of Gooding }

On this 30th day of JUNE, 1993
before me, a Notary public in and for said State, personally

appeared CHARLES A. HOBDEY and
MAYVIS C. THOMPSON, known to me to
be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Charles A. Hobdey

Notary Public

Residing at Gooding, Idaho
Commission Expires: 10-24-94

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NOV 22 1996

List of directors/officers with authority to sign

Quarter Circle Lazy H Inc.

President Elden Thompson

Secretary Mayvis Thompson

Elden A. Thompson
Mayvis Thompson

Bliss Point Cattle Inc.

President Lorna Bard

Secretary Tom Faulkner

Lorna Bard, President
Tom Faulkner

Signature of one of each Corporation required to sign.

August 6, 1996

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NOV 22 1996

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00514
Date Received: 6/13/1988
Receipt No: 50004/S
Received By: *Q*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: QUARTER CIRCLE LAZY H, INC. 208-352-4226
Address: C/O CHARLES HOBDEY
HC 60, BOX 1630
BLISS, ID 83314

2. Date of Priority: MAY 01, 1889

3. Source: DYER CREEK Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	11E	31	NE	SE	NE		ELMORE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	11E	32	SW	NW		IRR	10.0
			NE	SW		IRR	30.0
			NW	SW		IRR	40.0

A37-00514

Page 1

Date: 06/13/88

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FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	11E	32	SW	SW		IRR	40.0
			SE	SW		IRR	40.0

Section Acres 160.0

Total Acres 160.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
37-4403, 37-A10130

14. Remarks:

RIGHT WAS INCORRECTLY DECREED TO THE SW 1/4 SEC. 22 IN THE FROST
DECREE. COUNTY RECORDS SHOW THAT THE ORIGINAL RIGHT HOLDER OWNED
THE SW 1/4 SEC. 32 T. 1S R. 11E.

15. Basis of Claim: DECREED

Water Right Number:

Case Number:

Court :

Decree date: 12/13/1909

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

Quarter Circle Lazy H, Inc.

Date: _____

Charles A. Hobday

Date: 6/13/88

State of Idaho)

County of Twin Falls)

SS.

Subscribed and sworn (or affirmed) before me this 13th day

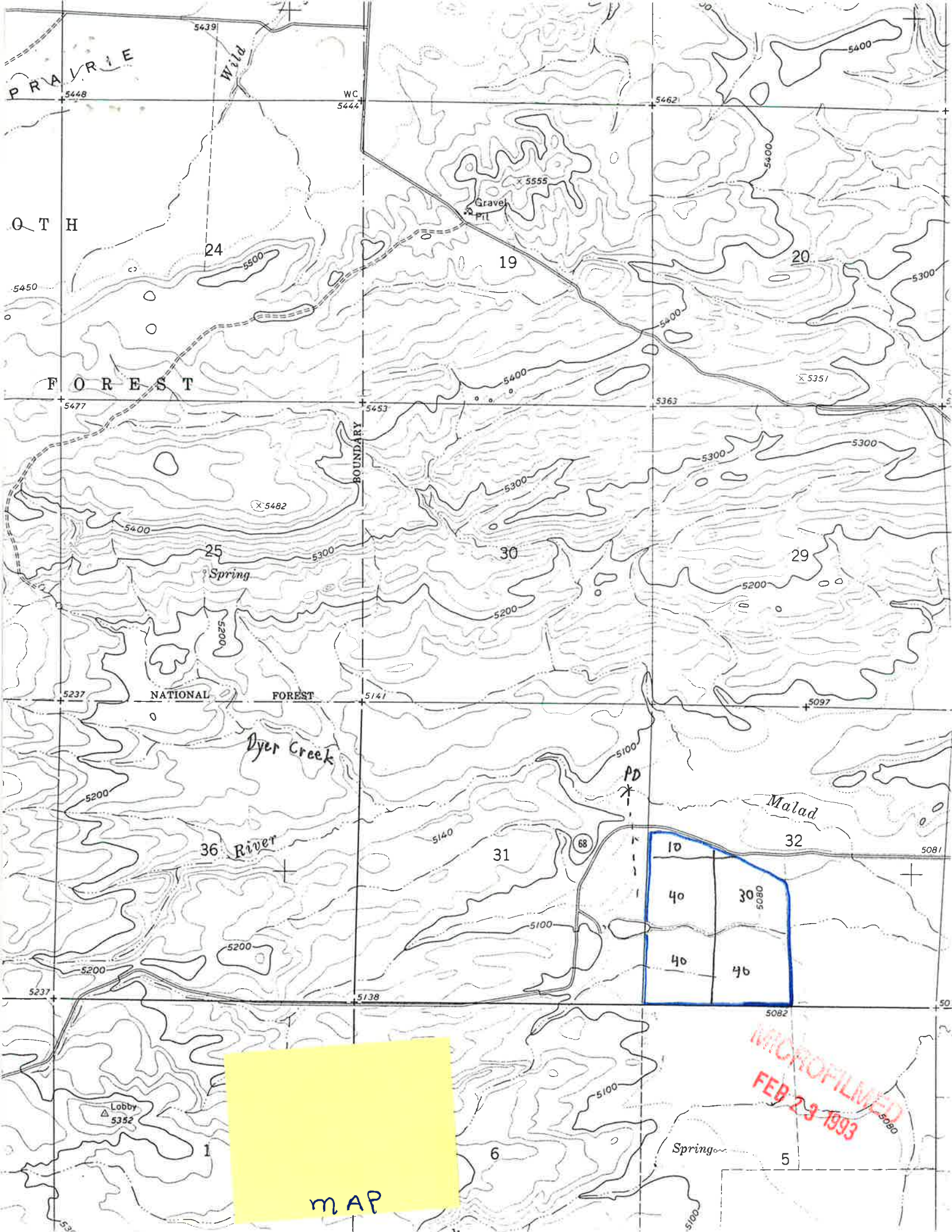
of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding Id

My Commission Expires 10/16/1992



10/26/2006

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

RIGHT NUMBER: 37-514
NAME AND ADDRESS: QUARTER CIRCLE LAZY H INC
C/O ELDEN THOMPSON
1668 CLOVER CREEK RD
BLISS ID 83314

BLISS POINT CATTLE INC
C/O LORNA BARD
345 E SPRING COVE RD
BLISS ID 83314

SOURCE: MALAD RIVER TRIBUTARY: CAMAS CREEK
QUANTITY: 3.200 CFS
PRIORITY DATE: 05/01/1889
POINT OF DIVERSION:

T01S R11E S31 NESENE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	3.200 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T01S R11E S31	SENE	1.30	T01S R11E S31	NESE	9.80
T01S R11E S31	SESE	6.90	T01S R11E S32	SWNW	11.00
T01S R11E S32	NESW	36.00	T01S R11E S32	NWSW	37.00
T01S R11E S32	SWSW	38.00	T01S R11E S32	SESW	39.00

179 ACRES TOTAL

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 179 acres in a single irrigation season. Combined Right Nos.: 37-514 and 37-4403.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

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



Idaho Department of Water Resources

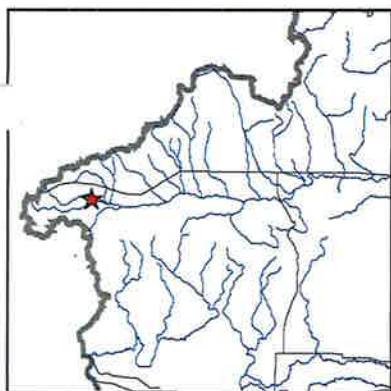
SRBA Recommendation:

37-514

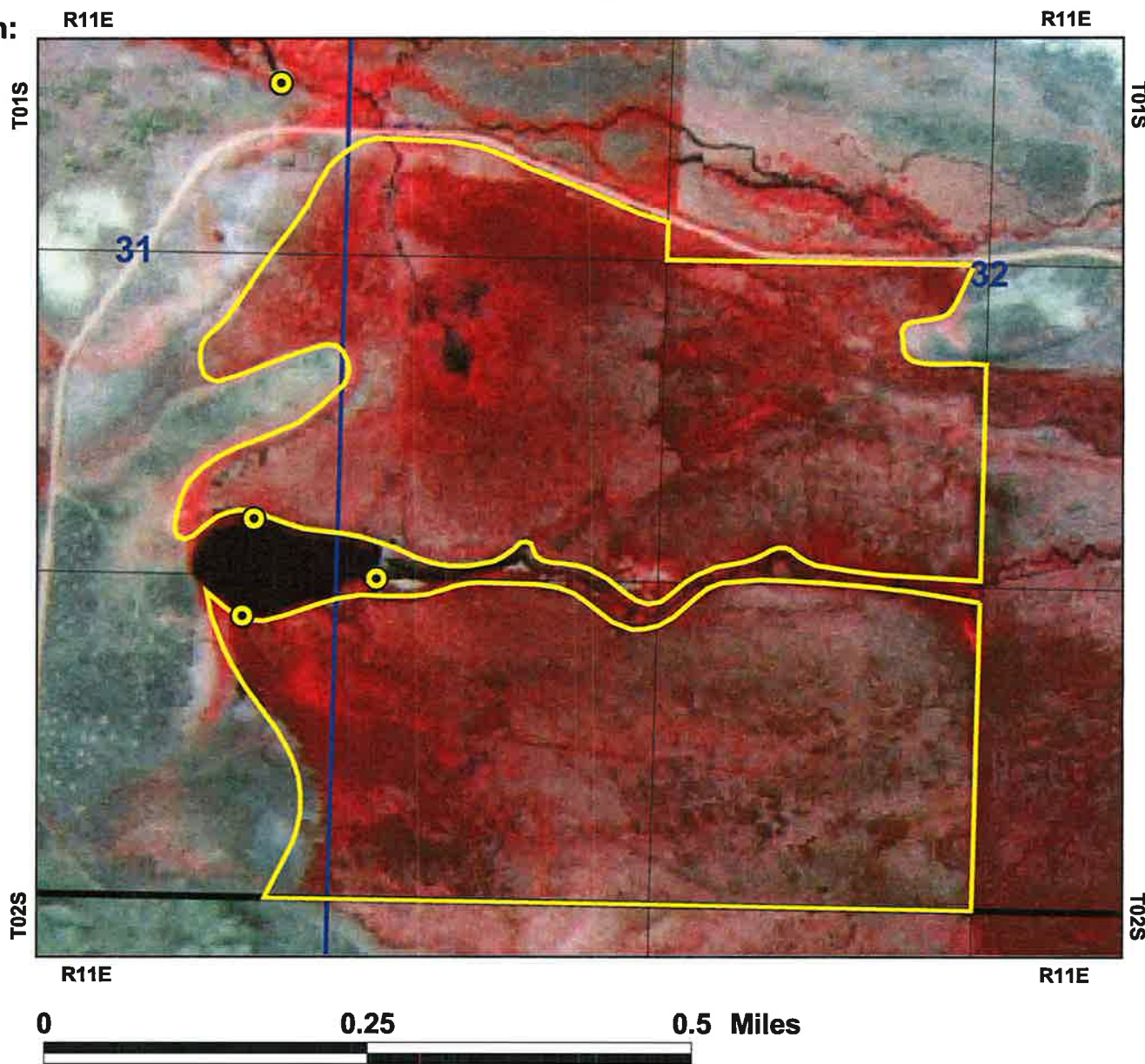
37-4403

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Elmore County
IDWR Basin 37



Prepared by M. Anders
On Tuesday, November 28, 2006
1987/88 Aerial Photography

RECEIVED

NOV 28 1983

Department of Water Resources
Southern District Office

Box 120
Hill City, ID. 83337
Nov. 23, 1983

Director
Idaho Department of Water Resources
1041 Blue Lakes Blvd., North
Twin Falls, ID. 83301

RE: Application for Water Right #37-4403
Quarter Circle Lazy H, Inc.
Faulkner Land and Livestock, Inc.
c/o Charles Hobday, HC 60 Box 1630,
Bliss, ID. 83314

Dear Sir:

It is believed 4:00 CFS irrigation water would be total flow at times and more than needed to irrigate 200 acres so I would like to protest granting of 4:00 CFS diverted from SESE Sec 31 T 01S R 11E S4NW Sec 32T 01S R 11E until guaranteed water would be available to irrigate the 80 acres in Sec 32 and Sec 33 T 01S, R 11E in Elmore County with priority of 05/01/1989 for which I have water right (originally owned by Andrew Johnson).

Sincerely,

Emma M. Bennett

Emma M. Bennett

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Adjudication Claim Notes

Claim(s): 37-514, 37-4403, 37-10130

Background Data

37-514

- Source is Dyer Creek tributary to Negro Creek
- Decreed for 3.2 cfs on 4 QQ
- Claimed 3.2 cfs for Irrigation of 160 acres

37-4403

- Beneficial Use claim
- Source is Dyer Creek tributary to Malad River, Two Springs tributary to Malad River, and Malad River tributary to Camas Creek
- Claimed 4.0 cfs for Irrigation of 205 acres

37-10130

- Beneficial Use claim
- Source is Williams Spring tributary to Sinks
- Claimed 1.2 cfs for Irrigation of 90 acres

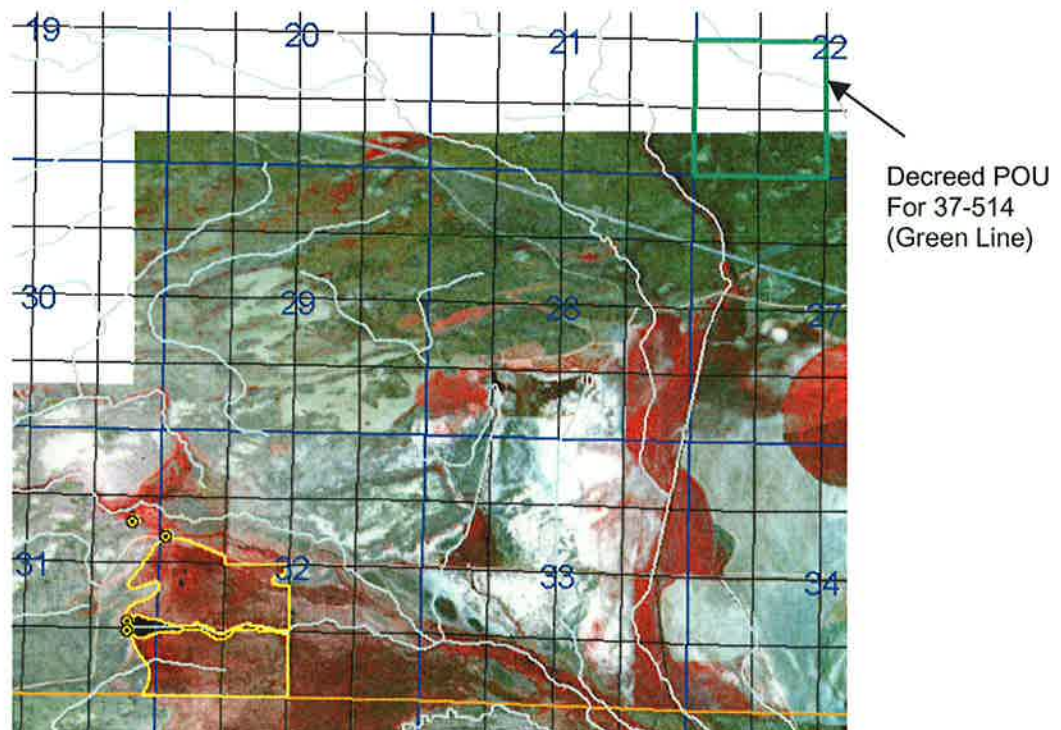
Place Of Use Data

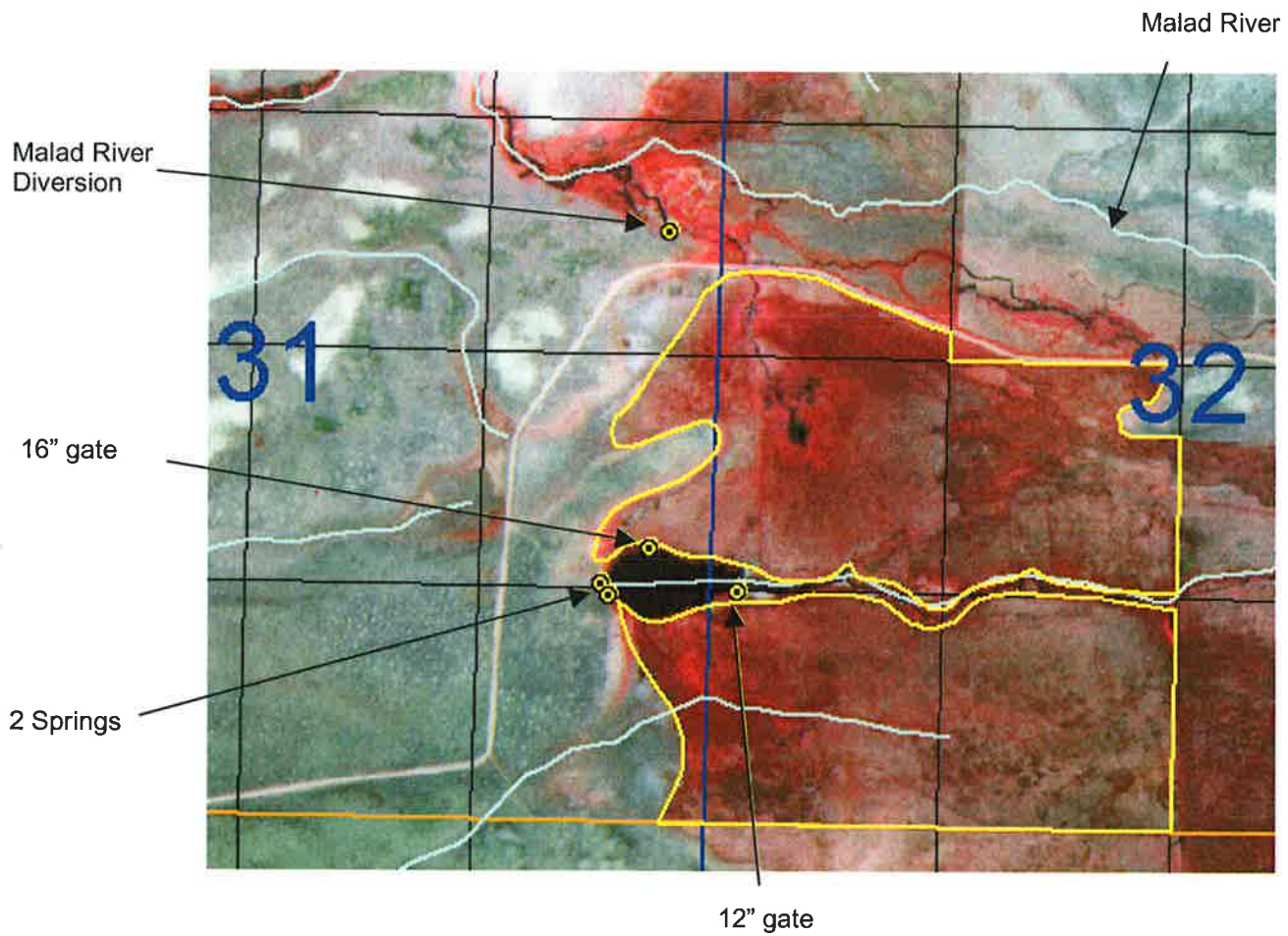
Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo







POD #5 – Outlet gate on north side of pond. Photo taken during field exam.



POD #6 – Outlet gate into pipe on east side of pond. Photo taken during field exam.



POD #6 – Pipe from outlet gate on east side of pond. Photo taken during field exam.



North spring (in pond). Photo taken during field exam.



South spring. Photo taken during field exam.



POD #1 – Check structure near POD on Malad River. Photo taken during field exam.



Channel measurement location 35 ft downstream from POD #1 – This is the amount of water left in Malad River. Photo taken during field exam.

Notes

T1S R11E Sections 31 & 32

- Found 179 acres of Irrigation. Appears that water is used as a PPU
- Priority date for 37-4403 and 37-10130:
 - A deed dated 10/8/1900 mentions “all of my right in the waters from Spring Creek (also known as Dyer Creek tributary to Malad River), the Zaspel Lake, and the Malad River.” Rates are not mentioned, but by naming the specific sources, it seems to establish water use.
 - It is unclear if the water being mentioned in deed included 37-514, which is decreed from Malad River in the Frost decree. Additionally, since the owner at the time participated in the Frost decree, the earliest priority date for their beneficial use rights is one day after the Frost decree, signed December 13, 1909.
- Filed exam
 - Sources are Malad River tributary to Camas Creek and 2 springs tributary to unnamed stream. Since one spring is in the pond and the other is only a few feet from the pond, the pond is considered part of the delivery system.
 - Diversion rate from the pond
 - North side has 16 inch slide gate
 - Assuming this is a rectangular weir 1.3 ft by 1.3 ft, the maximum discharge is approximately 4.5 cfs
 - East side has 12 inch slide gate to 10 inch pipe

- Assuming this is a rectangular weir 1.0 ft by 1.0 ft, the maximum discharge is approximately 3.1 cfs.
 - Summary: The estimated maximum possible diversion rate from the spring/pond system is 7.6 cfs.
- Diversion rate:
 - 37-4403
 - Claimed sources are a spring and Malad River.
 - Malad River
 - Since 37-514 is already from Malad River and provides 0.02 cfs/acre for 160 acres, claimant might be entitled to an additional 0.38 cfs from Malad River for the 19 additional acres in their PPU. However, if the diversion rate is 3.96 cfs (0.38 cfs from Malad River for 19 acres, and 3.58 cfs from springs for 179 acres) the claimant could possibly take more than 0.02 cfs/acre from one of the sources.
 - Springs
 - Since this is a different source than Malad River. Claimant is entitled to 0.02 cfs/acre for the entire 179 acres of their PPU. This is 3.58 cfs from the springs.
 - Total diversion rate: 3.58 cfs
 - 37-10130
 - Based on field exam, the only sources are 2 springs and Malad River. 0.02 cfs/acre recommended from these sources in 37-514 and 37-4403. Claimant not entitled to additional water. Claim disallowed.
- 11/20/06 – Talked with Tom Faulkner and Mavis Thompson on telephone. They would like to amend 37-4403 to add another POD on south side of pond that was not identified during field exam. I can see the ditch coming from the pond on the 1987 aerial photo so I told them they could amend the claim. They requested that I send them an amended claim for 37-4403.
- Recommendations:
 - 179-acre PPU
 - 37-514
 - 3.2 cfs for Irrigation of 160 acres within 179-acre PPU
 - Source is Malad River Tributary to Camas Creek
 - Assuming accomplished transfer for POD, POU, and Source.
 - 37-4403
 - 3.58 cfs for Irrigation of 179-acre PPU
 - Sources
 - Spring tributary to Unnamed Stream
 - Malad River tributary to Camas Creek.
 - Priority date: 12/14/1909
 - 37-10130
 - Disallowed
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

File No.

37-4403

Quarter Circle Lazy H Inc.
Bliss Point Cattle Inc.
Bliss, Id

10/16/06

I contact Mrs. Lorna Bard and informed her who I was and what is needed with this file and ask if I could make an apt. with them at the property to locate their POD and the water being diverted. She agreed that Mrs. Thompson husband Eldon and Tom Faulkner [son-in-law] would meet me and review this file and help me with whatever is needed. When I met these two fellows we was at #1 POD which is a concrete check structure which can also be a rectangular weir 2' wide and 26" deep see photo 1030311 looking west up the ditch into the pond. At this date no water is being diverted but there is approx 5-6" water sub under the structure and thru the boards which was not enough to get a measurement of the flow so I later measured the ditch approx. 35' below the weir GPS see photo 312 looking E down the ditch, all of this water is being left in the creek .

#2 POD - while talking to both of these guys they informed me that this POD is gone and not used, they would like to do away with this POD, #1 POD is all that is used now due to changes in their deliveries and methods of irrigation.

#3 & #4 Springs we now went over by the old house and got GPS locations of these two springs, Photo #309 looking E is #3 spring which is under water but the flows are seen in the water, #4 spring is in the cattails and not visible as shown by photo 310 looking E, both across the pond.

#5 Pod is a 16" slide gate where water is discharged from the pond, there are no ditches this water just subs out across the pasture, see photo 306 of this slide gate looking E.

6 Pod is a 12" metal gate for water out of pond into a 10" galv. Pipe which is now running full and it also just subs out across the pasture , see photo 307 looking W is the metal gate and 308 is the 10" discharge pipe.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Rectangular wier	M&L 1	2403762	1344406	None	1030311-312
Gone do away with	" 2				
Spring	" 3	2403645	1343803	"	309
"	" 4	2403659	1343782	"	310
Metal plate diversion	" 5	2403729	1343865	"	306
" gate & Pipe	" 6	2403881	1343790	"	307-308

Lee R. Peterson

37-4403
Water Right No.
(if applicable)

A. GENERAL INFORMATION

1. Name of stream or ditch: POD #1 from Malad River .92
2. Location: _____ .93
3. Person conducting measurement: LEE PETERSON .94
4. Date and time of measurement: 10/16/06 11:30 AM .95
5. Accompanied by: NO ONE .96
6. Measuring device size and ID no. tape 5 .97
7. Spin test before measurement OK? _____ after measurement OK? _____ .98
8. Purpose of measurement: Try to determine size ditch .99

B. MEASUREMENT DATA

[illegible]

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER MEASUREMENT MANUAL

A WATER RESOURCES TECHNICAL PUBLICATION

SECOND EDITION
REVISED REPRINT

Table 8.—Discharge of standard contracted rectangular weirs in second-feet. Values below and to left of heavy line determined experimentally, others computed from the formula $Q=3.33(L-0.2H)H^{3/2}$. (See sec. 15.)—Continued

Head H , feet	Length of weir, L , feet								
	1.5	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0
0.51	1.70	2.30	3.52	4.73	5.94	7.15	8.37	9.58	10.8
0.52	1.74	2.37	3.62	4.86	6.11	7.36	8.61	9.86	11.1
0.53	1.79	2.43	3.72	5.00	6.29	7.57	8.86	10.1	11.4
0.54	1.84	2.50	3.82	5.14	6.46	7.79	9.11	10.4	11.8
0.55	1.89	2.57	3.92	5.28	6.64	8.00	9.36	10.7	12.1
0.56	1.94	2.64	4.03	5.43	6.82	8.22	9.61	11.0	12.4
0.57	1.99	2.70	4.14	5.57	7.00	8.44	9.87	11.3	12.7
0.58	2.04	2.77	4.24	5.71	7.18	8.66	10.1	11.6	13.1
0.59	2.08	2.84	4.35	5.86	7.37	8.88	10.4	11.9	13.4
0.60	2.14	2.91	4.46	6.00	7.55	9.10	10.6	12.2	13.7
0.61	2.19	2.98	4.57	6.15	7.74	9.32	10.9	12.5	14.1
0.62	2.24	3.05	4.68	6.30	7.93	9.55	11.2	12.8	14.4
0.63	2.29	3.12	4.79	6.45	8.12	9.78	11.4	13.1	14.8
0.64	2.34	3.19	4.90	6.60	8.31	10.0	11.7	13.4	15.1
0.65	2.39	3.26	5.01	6.75	8.50	10.2	12.0	13.7	15.5
0.66	2.44	3.34	5.12	6.91	8.69	10.5	12.3	14.0	15.8
0.67	2.50	3.41	5.23	7.06	8.89	10.7	12.5	14.4	16.2
0.68	2.55	3.58	5.35	7.22	9.08	11.0	12.8	14.7	16.6
0.69	2.60	3.66	5.46	7.37	9.28	11.2	13.1	15.0	16.9
0.70	2.65	3.74	5.58	7.53	9.48	11.4	13.4	15.3	17.3
0.71	2.70	3.82	5.69	7.69	9.68	11.7	13.7	15.7	17.6
0.72	2.76	3.90	5.81	7.84	9.88	11.9	13.9	16.0	18.0
0.73	2.81	3.98	5.93	8.00	10.1	12.2	14.2	16.3	18.4
0.74	2.87	4.06	6.05	8.15	10.3	12.4	14.5	16.6	18.8
0.75	2.92	4.14	6.16	8.33	10.5	12.7	14.8	17.0	19.1
0.76	-----	4.22	6.28	8.49	10.7	12.9	15.1	17.3	19.5
0.77	-----	4.30	6.40	8.65	10.9	13.2	15.4	17.7	19.9
0.78	-----	4.38	6.52	8.82	11.1	13.4	15.7	18.0	20.3
0.79	-----	4.46	6.64	8.98	11.3	13.7	16.0	18.3	20.7
0.80	-----	4.54	6.77	9.15	11.5	13.9	16.3	18.7	21.1
0.81	-----	4.62	6.89	9.32	11.7	14.2	16.6	19.0	21.5
0.82	-----	4.70	7.01	9.48	12.0	14.4	16.9	19.4	21.8
0.83	-----	4.78	7.14	9.65	12.2	14.7	17.2	19.7	22.2
0.84	-----	4.87	7.26	9.82	12.4	15.0	17.5	20.1	22.6
0.85	-----	4.96	7.38	10.0	12.6	15.2	17.8	20.4	23.0
0.86	-----	5.05	7.51	10.2	12.8	15.5	18.1	20.8	23.4
0.87	-----	5.14	7.64	10.3	13.0	15.7	18.4	21.1	23.8
0.88	-----	5.23	7.76	10.5	13.3	16.0	18.8	21.5	24.3
0.89	-----	5.32	7.89	10.7	13.5	16.3	19.1	21.9	24.7
0.90	-----	5.41	8.02	10.9	13.7	16.5	19.4	22.2	25.1
0.91	-----	5.50	8.15	11.0	13.9	16.8	19.7	22.6	25.5
0.92	-----	5.59	8.28	11.2	14.2	17.1	20.0	23.0	25.9
0.93	-----	5.68	8.40	11.4	14.4	17.4	20.4	23.3	26.3
0.94	-----	5.77	8.53	11.6	14.6	17.6	20.7	23.7	26.7
0.95	-----	5.86	8.66	11.7	14.8	17.9	21.0	24.1	27.2
0.96	-----	5.95	8.80	11.9	15.1	18.2	21.3	24.5	27.6
0.97	-----	6.04	8.93	12.1	15.3	18.5	21.7	24.8	28.0
0.98	-----	6.13	9.06	12.3	15.5	18.8	22.0	25.2	28.4
0.99	-----	6.22	9.19	12.5	15.8	19.0	22.3	25.6	28.9
1.00	-----	6.31	9.32	12.7	16.0	19.3	22.6	26.0	29.3

Est./br
16"
gate

Table 8.—Discharge of standard contracted rectangular weirs in second-feet. Values below and to left of heavy line determined experimentally, others computed from the formula $Q=3.33(L-0.2H)H^{3/2}$ (See sec. 15.)

Head <i>H</i> , feet	Length of weir, <i>L</i> , feet										
	0.5	1.0	1.5	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0
0.01	0.002	0.003	0.005	0.007	0.010	0.013	0.016	0.020	0.023	0.026	0.030
0.02	0.005	0.009	0.014	0.019	0.028	0.037	0.047	0.056	0.066	0.075	0.085
0.03	0.009	0.017	0.026	0.034	0.052	0.069	0.086	0.104	0.121	0.138	0.155
0.04	0.013	0.026	0.040	0.053	0.079	0.106	0.133	0.159	0.186	0.213	0.239
0.05	0.018	0.037	0.055	0.074	0.111	0.148	0.186	0.223	0.260	0.297	0.334
0.06	0.024	0.048	0.073	0.097	0.146	0.195	0.244	0.293	0.342	0.391	0.439
0.07	0.030	0.061	0.092	0.123	0.184	0.246	0.308	0.369	0.431	0.493	0.554
0.08	0.036	0.074	0.112	0.149	0.225	0.300	0.375	0.451	0.526	0.601	0.676
0.09	0.043	0.088	0.133	0.178	0.268	0.358	0.448	0.538	0.628	0.718	0.807
0.10	0.051	0.103	0.156	0.208	0.314	0.419	0.524	0.630	0.735	0.840	0.945
0.11	0.058	0.119	0.179	0.240	0.362	0.483	0.605	0.726	0.848	0.969	1.09
0.12	0.066	0.135	0.204	0.273	0.412	0.550	0.689	0.827	0.965	1.10	1.24
0.13	0.074	0.152	0.230	0.308	0.464	0.620	0.776	0.933	1.09	1.24	1.40
0.14	0.082	0.169	0.257	0.344	0.518	0.693	0.867	1.04	1.22	1.39	1.56
0.15	0.091	0.188	0.284	0.381	0.575	0.768	0.962	1.16	1.35	1.54	1.74
0.16	0.100	0.206	0.313	0.419	0.632	0.845	1.06	1.27	1.48	1.70	1.91
0.17	0.109	0.225	0.342	0.459	0.692	0.926	1.16	1.39	1.63	1.86	2.09
0.18	0.122	0.245	0.372	0.499	0.754	1.01	1.26	1.52	1.77	2.02	2.28
0.19	0.132	0.265	0.403	0.541	0.817	1.09	1.37	1.64	1.92	2.20	2.48
0.20	0.142	0.286	0.435	0.584	0.881	1.18	1.48	1.78	2.07	2.37	2.67
0.21	0.152	0.307	0.467	0.627	0.948	1.27	1.59	1.91	2.23	2.55	2.87
0.22	0.162	0.328	0.500	0.672	1.02	1.36	1.70	2.05	2.39	2.73	3.08
0.23	0.173	0.350	0.534	0.718	1.08	1.45	1.82	2.19	2.55	2.92	3.29
0.24	0.184	0.373	0.568	0.764	1.16	1.55	1.94	2.33	2.72	3.11	3.50
0.25	0.195	0.395	0.603	0.811	1.23	1.64	2.06	2.48	2.89	3.31	3.72
0.26	0.206	0.419	0.639	0.860	1.30	1.74	2.18	2.63	3.07	3.51	3.95
0.27	0.217	0.442	0.675	0.909	1.38	1.84	2.31	2.78	3.24	3.71	4.18
0.28	0.228	0.466	0.712	0.959	1.45	1.95	2.44	2.93	3.43	3.92	4.41
0.29	0.239	0.490	0.750	1.01	1.53	2.05	2.57	3.09	3.61	4.13	4.65
0.30	0.250	0.514	0.788	1.06	1.61	2.16	2.70	3.25	3.80	4.34	4.89
0.31	0.261	0.539	0.827	1.11	1.69	2.26	2.84	3.41	3.99	4.56	5.14
0.32	0.272	0.564	0.866	1.17	1.77	2.37	2.98	3.58	4.18	4.78	5.39
0.33	0.283	0.590	0.905	1.22	1.85	2.48	3.12	3.75	4.38	5.01	5.64
0.34	0.294	0.615	0.945	1.28	1.94	2.60	3.26	3.92	4.58	5.24	5.90
0.35	0.305	0.640	0.986	1.33	2.02	2.71	3.40	4.09	4.78	5.47	6.16
0.36	0.316	0.666	1.03	1.39	2.11	2.82	3.54	4.26	4.98	5.70	6.42
0.37	0.327	0.691	1.07	1.44	2.19	2.94	3.69	4.44	5.19	5.94	6.69
0.38	0.338	0.717	1.11	1.50	2.28	3.06	3.84	4.62	5.40	6.18	6.96
0.39	0.349	0.743	1.15	1.56	2.37	3.18	3.99	4.80	5.61	6.42	7.24
0.40	0.360	0.772	1.20	1.62	2.46	3.30	4.14	4.99	5.83	6.67	7.51
0.41	0.371	0.800	1.24	1.68	2.55	3.42	4.30	5.17	6.05	6.92	7.80
0.42	0.382	0.826	1.28	1.74	2.64	3.55	4.46	5.36	6.27	7.18	8.08
0.43	0.393	0.853	1.33	1.80	2.74	3.68	4.61	5.55	6.49	7.43	8.37
0.44	0.404	0.880	1.37	1.86	2.83	3.80	4.77	5.75	6.72	7.69	8.66
0.45	0.415	0.907	1.42	1.92	2.92	3.93	4.94	5.94	6.95	7.95	8.96
0.46	0.426	0.934	1.46	1.98	3.02	4.06	5.10	6.14	7.18	8.22	9.26
0.47	0.437	0.961	1.51	2.04	3.12	4.19	5.26	6.34	7.41	8.48	9.56
0.48	0.448	0.988	1.56	2.11	3.22	4.32	5.43	6.54	7.64	8.75	9.86
0.49	0.459	1.015	1.60	2.17	3.32	4.46	5.60	6.74	7.88	9.03	10.17
0.50	0.470	1.042	1.65	2.24	3.41	4.59	5.77	6.95	8.12	9.30	10.48

For
12" gate

RECEIVED

NOV 27 2006

DEPARTMENT OF
WATER RESOURCES

11/01/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 21, 2006

Water right number: 37-514

QUARTER CIRCLE LAZY H INC
C/O ELDEN THOMPSON
1668 CLOVER CREEK RD
BLISS ID 83314
Telephone Number: (208)352-4209

BLISS POINT CATTLE INC
C/O LORNA BARD
345 E SPRING COVE RD
BLISS ID 83314
Telephone Number: (208)352-4370

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-24-06 SIGNATURE: Mayvis Thompson, Secretary
Please print your name: MAYVIS THOMPSON

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (800)451-4129

SCANNED
NOV 28 2006

Anders, Matthew

From: Robertson, Jean
Sent: Friday, November 17, 2006 1:12 PM
To: Anders, Matthew
Subject: 37-514, -4403, -10130 (and -10114)...

Hey Matt,

I'm sure this is just what you want to hear right now... Anyway, Mavis Thompson called and said she had been away, just got back and was looking at her recommendations and realized time was running out for Notice of Error. She wanted to make an appointment to come to Twin but I realized you had these files so I suggested she call you and perhaps you could answer her questions without her going to Boise. I explained best I could your recommendations. Her questions were on the place of use, reduced on -4403 and enlarged on -415, and then -10130 was disallowed. She also questioned the diversion rates. She mentioned 37-10114, which has already been decreed, and I found that it was claimed as stockwater and recommended and decreed as domestic? Don't really know why?) She plans to talk to her sister over the weekend and perhaps set up a three way conversation with you on Monday morning. Her number is 352-4209 in case you want to touch base with her first or set up a particular time! Good luck! Jeanie

TO: Shelley Keen

DATE: August 7, 1996

FROM: Jim Stanton

SUBJECT: Error In Water Rights Data Base

I have discovered an error in Water Right 37-00514. The owner of this right came in Monday to discuss this right. I was shown deeds from the original patent holder up through the decree holder in the Frost decree. The source is listed as Dyer Creek tributary to the upper Malad River, with a place of use in Sec. 22. There is no Dyer Creek on the quad map, but Sec. 22 is close to Negro Creek. So when I entered this right in the computer, I showed it as Dyer Creek tributary to Negro Creek. The deeds show the P/U in Sec. 32, however, which makes the correct source Unnamed Stream (Dyer Creek) trib. to Malad River. The actual diversion may be on the Malad River itself, however, so the SRBA may change this later. But it appears clear that this right has nothing to do with Negro Creek. The orthophotoquad shows irrigation in Sec. 32. Please make the needed changes to the computer record. I did not get copies of the deeds, but the owner has them if needed.

MICROFILMED
NOV 22 1996

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. _____

A37-00514
A37-04403
A37-10130

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

IDWR Employee/Agent Jeanie Robertson

Date 10/27/94

Contact Person(s) Mayvis Thompson

Nature of Contact office visit

Substance of Communication Mrs. Thompson came in with a couple of affidavits of priority for claims A37-04403 and A37-10130. She also had an ownership change form for the claims which showed original owners Quarter Circle Lazy H had sold $\frac{1}{2}$ interest to Bliss Point Cattle. I made the changes and created "L" records.

She had questions on who else might have filed a claim on Dyer Creek in her legal description. I did some queries and came up with A37-00343A. I gave her a copy of the proof on that right. She said they'd had some trouble this past summer with someone taking out their dam and diverting their water...

MICROFILMED
NOV 22 1996

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NOV 22 1996

Water Right Number - R37-00514

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
QUARTER CIRCLE LAZY H INC

1 - C/O ELDEN THOMPSON
2 - 1668 CLOVER CREEK RD
3 -
City- BLISS State- ID Zip- 83314
Phone - 208-352-4209
1 - C/O LORNA BARD
2 - 345 E SPRING COVE RD
3 -
City- BLISS State- ID Zip- 83314
Phone - 208-352-4370

BLISS POINT CATTLE INC

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1889 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
DYER CREEK MALAD RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
01S 11E 31 NE SE NE (39) ELMORE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 3.200

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.200 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
01S 11E 32 SW NW 10.0 01 IRRIGATION (39) ELMORE
01S 11E 32 NE SW 30.0 01 IRRIGATION (39) ELMORE
01S 11E 32 NW SW 40.0 01 IRRIGATION (39) ELMORE
01S 11E 32 SW SW 40.0 01 IRRIGATION (39) ELMORE
01S 11E 32 SE SW 40.0 01 IRRIGATION (39) ELMORE

Total Acres: 160.0

- Diversion Means -

- Non-Irrigation Use -

- Other Rights for Same Use - 37-4403, 37-A10130

MICROFILMED
NOV 22 1996

Water right number - R37-00514

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +

RIGHT WAS INCORRECTLY DECREED TO THE SW 1/4 SEC. 22 IN THE FROST
DECREE. COUNTY RECORDS SHOW THAT THE ORIGINAL RIGHT HOLDER OWNED
THE SW 1/4 SEC. 32 T. 1S R. 11E.

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

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - Decree Plaintiff - - - +

S. C. FROST, ET. AL.

+ - - - Decree Defendant - - - +

ALTURAS WATER COMPANY, ET. AL.

+ - Decree Date - +

12/13/1909

+ - - - - Comments - - - - - +

Date: 10/27/1994 User Id: JROBERTS Subject: OWNERSHIP CHANGE

Change of ownership form hand delivered 10/27/94, original owners Quarter Circle Lazy H sold 1/2 interest to Bliss Point Cattle.

Copy of Deed submitted with form. A37-00514 also changed. jr

+ - - Audit Fields - - +

10/27/94 JROBERTS

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

Court Report Filing - 00/00/0000
Objection Filed Date - 00/00/0000
Response Filed Date - 00/00/0000
Claim Received Date - 06/13/1988

Field Inspection Made - 00/00/0000
Field Inspection Flag -
Verified Date - 00/00/0000
Last Amended Date - 00/00/0000
Receipt Number - X777777
POU Ownership Flag - Y
Name Connector - AND

Civil Case Number - 39576
Old Case Number -
Old Judicial District -
Temporary Right - P
Water District - 37
Federal/State Indicator - S
Presumption Flag -
Notice of Error Flag -

MICROFILMED
NOV 22 1996

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A37-00514 &

A37-04403

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

IDWR Employee/Agent Steve Clelland *sc*

September 26, 1994 2:07pm

NAME:
LORNA BARD & MAVIS THOMPSON

RE:
A37-00514, A37-04403

THEY CAME IN TO INQUIRE ABOUT OTHER USERS CLAIMED ON DYER CREEK AND MALAD RIVER. SOMEONE IS TAKING THEIR WATER AND DESTROYING THEIR DIVERSION WORKS.

ONLY OTHER USER FOUND WAS BENNETT ON DYER CREEK WITH DECREED RIGHT A37-00343A... THEY SAY THE WATER HASN'T BEEN USED SINCE 1951. SUGGESTED THEY CONTACT THE WATER MASTER FOR THE BASIN, LEE PETERSEN AND GAVE THEM HIS NUMBERS.

MICROFILMED
NOV 22 1996

Water Right Report 37-514

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHARLES NELSON
	, ZZ

Status: Active

NEGRO CREEK

Total Diversion: 3.200 CFS

DYER CREEK

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
01S	11E	22									X	X	X	X					

Dates and Other Information:

WR PROOF