

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: A37-00767

Date Received:

Receipt No: MC01724

Received By: gpc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELLSWORTH ENTERPRISES 208-823-4423
Address: BOX 158
CAREY, ID 83320

2. Date of Priority: JUN 01, 1898

3. Source: FISH CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	22E	33	SE	NE	SE		BLAINE
01S	21E	1	SE	SE	SE	R	BLAINE
		12	NW	NW	NE	R	BLAINE
			SW	NE	NW	R	BLAINE
			SE	NE	NW	R	BLAINE
			SE	NW	NW	R	BLAINE

5. Description of diverting works:
EARTHEN DIVERSION DAM FOR THE HIGH LINE CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

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

8. Total consumptive use is 1658.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A37-00767

Page 1

Date: 10/26/88

MICROFILMED
FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	21E	12	SW	NE		IRR	38.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	238.0
		13	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			NW	NW		IRR	27.0
			SW	NW		IRR	40.0
			SE	NW		IRR	19.5
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			NW	SE		IRR	40.0
						Section Acres	326.5
		14	SE	NE		IRR	40.0
			NE	SE		IRR	39.0
						Section Acres	79.0
	22E	18	NW	NW		IRR	20.0
						Section Acres	20.0
						Total Acres	663.5

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

37-00769, 3700756, 3700752, 3700735, 3700770B, 3700770A 3700737.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1914

POTTER, ET. AL.

Decree Plaintiff

A37-00767

Page

$$\frac{VS}{2}$$

PATTERSON, ET. AL.

Decree Defendant

Date: 10/26/88

MICROFILMED

FEB 23 1993

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 Individuals:

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

Signature of Claimant(s): Maurice Edmundo Date: 10-26-88

Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 26 day

of Oct 19 88

John Salcedo
Notary Public

Seal

Residing at Boise Id

My Commission Expires 6/2/94



01/11/2007

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

RIGHT NUMBER: 37-767

NAME AND ADDRESS: ELLSWORTH ENTERPRISES
PO BOX 158
CAREY ID 83320

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 04/30/1904

POINT OF DIVERSION:

T01N R22E S33 SENESE Within BLAINE County
T01S R21E S12 SWNENW Injection Within BLAINE County
T01S R21E S12 NWSSENW Rediversion Within BLAINE County
T01S R21E S12 NWSSENW Rediversion Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.000 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R21E S12	NENE	26.00	T01S R21E S12	SWNE	34.00
T01S R21E S12	SENE	39.00	T01S R21E S12	SWNW	6.80
T01S R21E S12	SENE	0.80	T01S R21E S12	SWSW	2.70
T01S R21E S12	NESE	37.00	T01S R21E S12	NWSE	31.00
T01S R21E S12	SWSE	22.00	T01S R21E S12	SESE	37.00
T01S R21E S13	NENE	40.00	T01S R21E S13	NWNE	35.00
T01S R21E S13	SWNE	39.00	T01S R21E S13	NENW	5.20
T01S R21E S13	NWNW	34.00	T01S R21E S13	SWNW	40.00
T01S R21E S13	SENE	27.00	T01S R21E S13	NESW	36.00
T01S R21E S13	NWSW	38.00	T01S R21E S13	NWSE	33.00
T01S R21E S14	SENE	40.00	T01S R21E S14	NESE	38.00
T01S R22E S18 Lot 1 NWNW		22.00			

663.5 ACRES TOTAL

Right Nos. 37-733, 37-735, 37-737A, 37-752, 37-756, 37-767, 37-769, 37-770C, 37-771, 37-1181, and 37-2031 are limited to the irrigation of a combined total of 663.5 acres in a single irrigation season.

This right is limited to the irrigation of 120.0 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

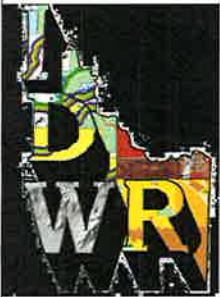
01/11/2007

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water is delivered from Fish Creek through the Highline Canal. Several diversions from the Highline Canal convey the water to the place of use. One of these diversions from the Highline Canal injects water into the Road Canyon channel and then water is rediverted from the Road Canyon channel further downstream from two separate ditches (one on each side of channel) to the place of use.

Use of this right is combined with water from Fish Creek Reservoir Co.



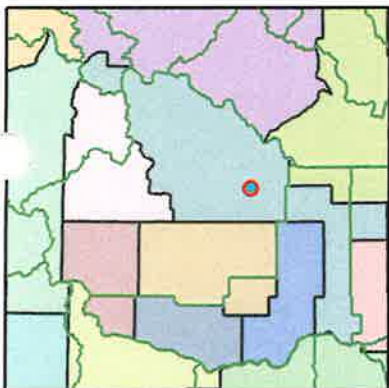
Idaho Department of Water Resources

SRBA Recommendation:

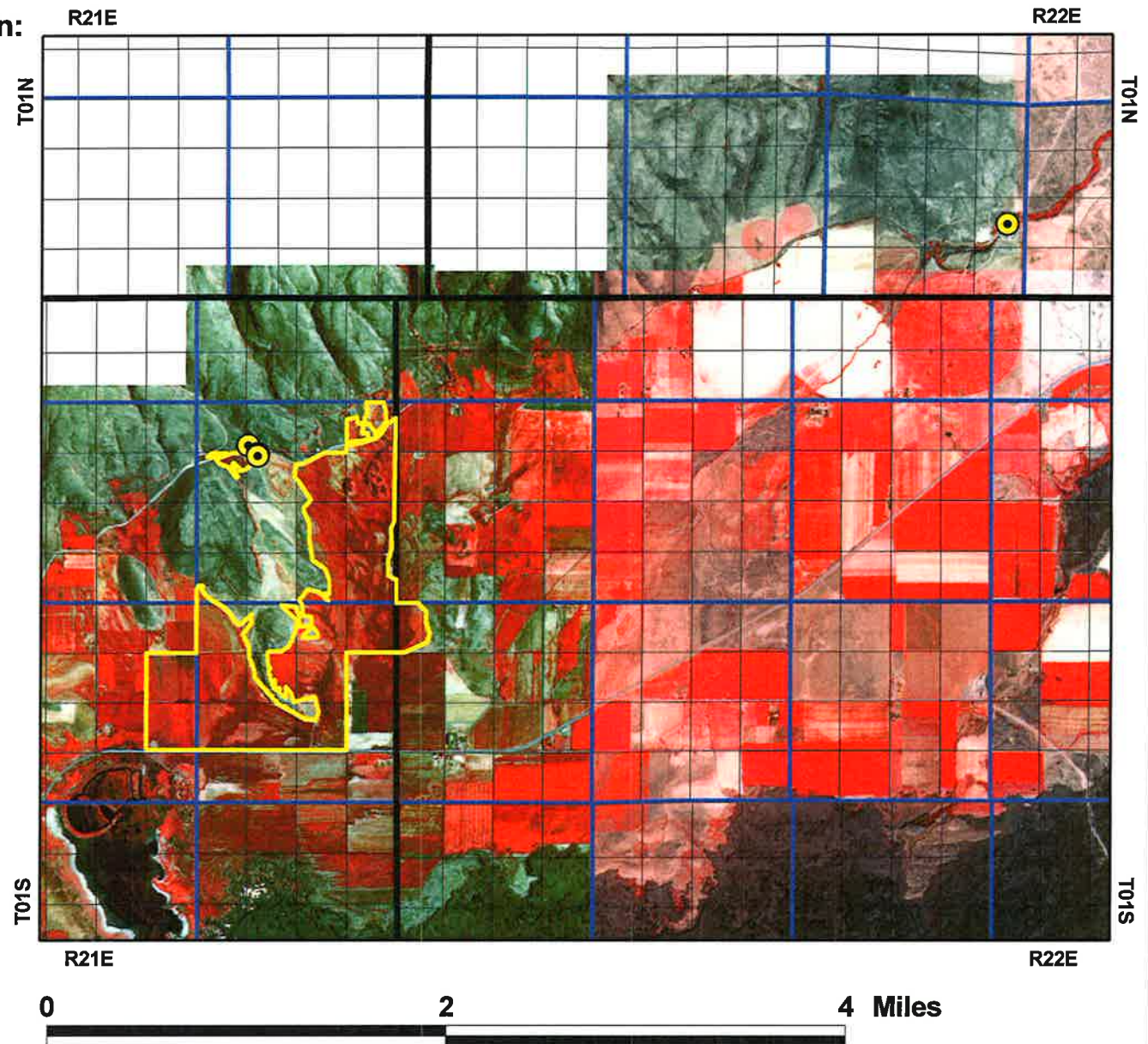
37-767
(Irrigation)

Legend

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

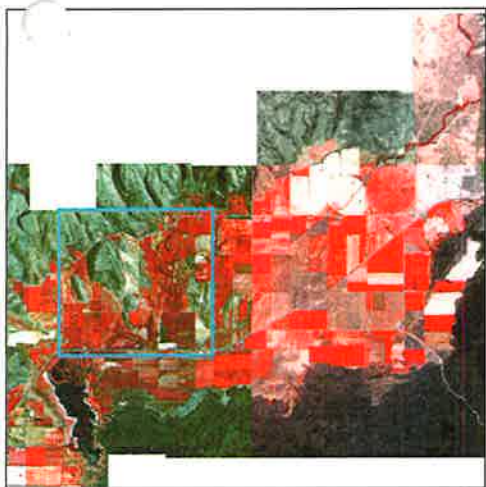
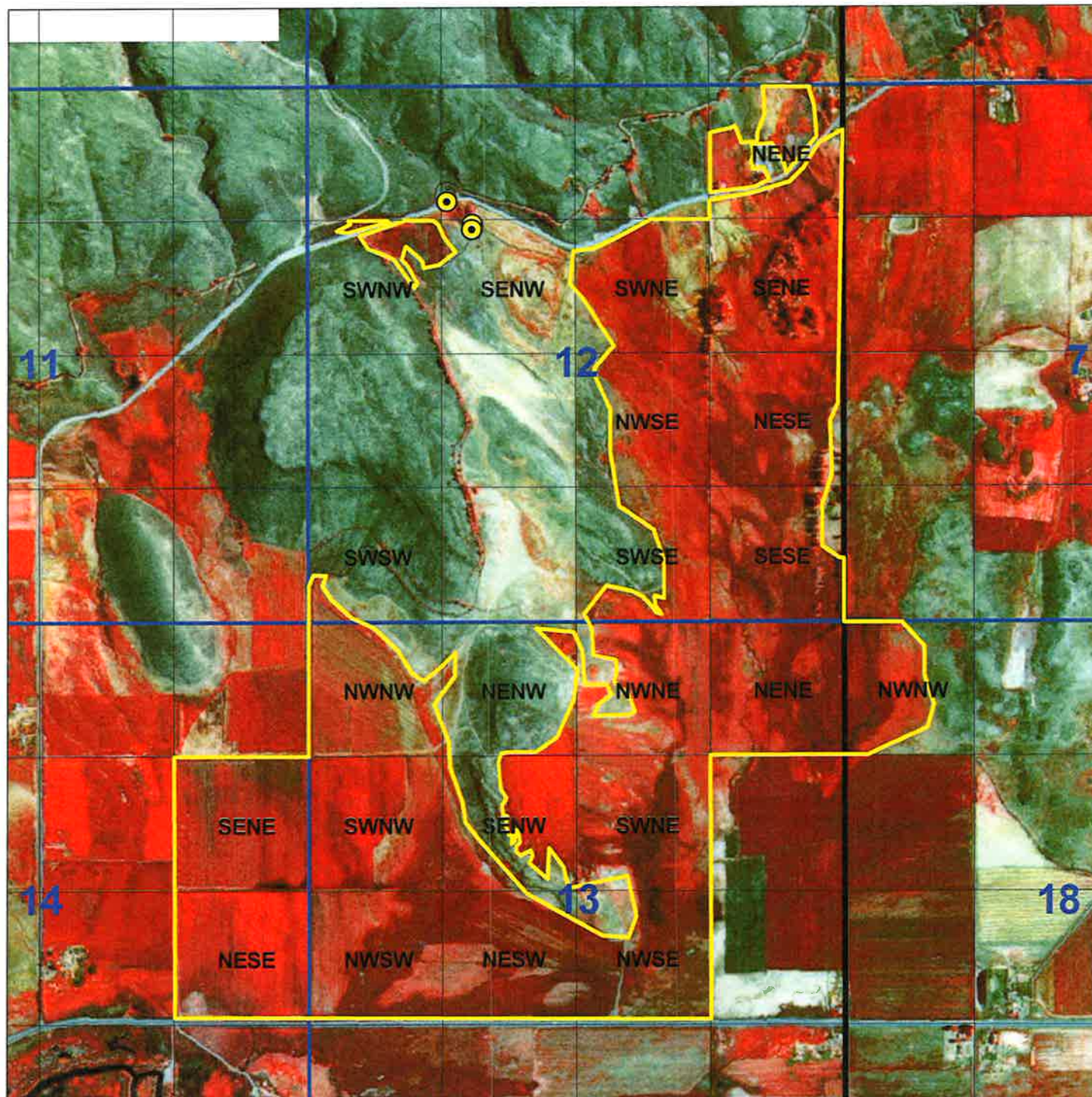


Blaine County
IDWR Basin 37



Prepared by C. Skinner
On Thursday, January 11, 2007
1987/88 Aerial Photography

37-767



Water Right Number - 37-00767 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

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

*** C - CURRENT OWNER ***
PHILLIPS JOHN L. 1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/30/1904 17 D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
FISH CREEK LITTLE WOOD RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 1.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.000

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
01S 21E 12 SW NE 01 IRRIGATION 13 BLAINE
01S 21E 12 NW SE 01 IRRIGATION 13 BLAINE
01S 21E 12 SW SE 01 IRRIGATION 13 BLAINE

Total Acres:

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
AC. IRRIG. NOT SPECIFIED. FARM = 120 AC.

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

+ - - Decree Plaintiff - - - + + - - Decree Defendant - - - + + - Decree Date - +
POTTER, ET. AL. PATTERSON, ET. AL. 12/16/1914

+ - Microfilm Rolls -

FEB 23 1993 MICROFILMED

Water right number - 37-00767

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 02/11/86

05/28/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 01/04/1986	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 37U
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 12/16/1914				

MICROFILMED
FEB 23 1993