

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: A37-00769

Date Received:

Receipt No: MOO1744

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: MAR 30, 1883

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	3.200		

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

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

9. Non-irrigation uses:
NONE.

A37-00769

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

A37-00769

Page

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): *James L. Elliott* Date: 10-26-88
_____ Date: _____

State of Idaho)
County of Blaine) SS.

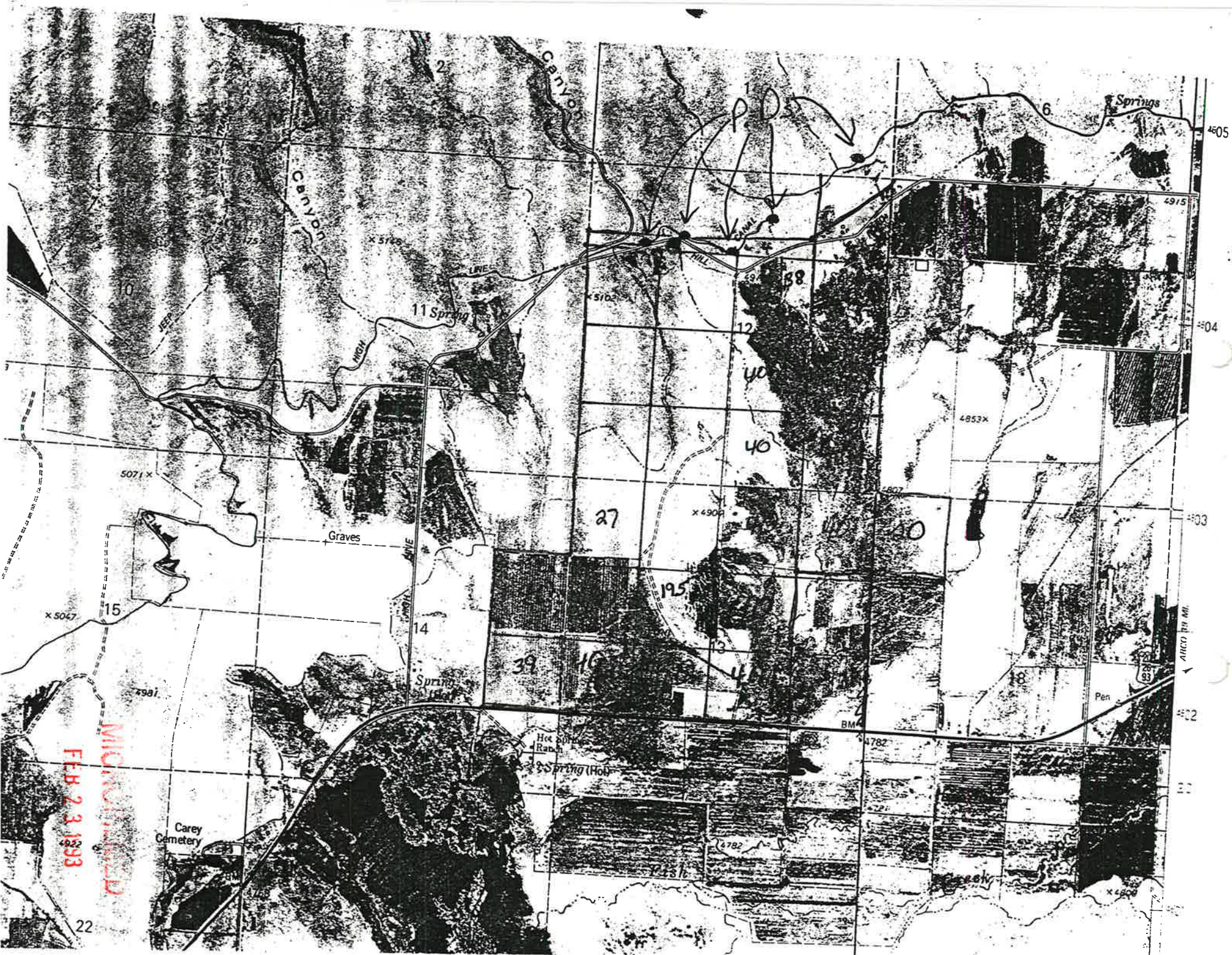
Subscribed and sworn (or affirmed) before me this 26 day
of Oct 19 88

John Dal Carlen
Notary Public

Seal

Residing at Boise ID

My Commission Expires 6/2/94



FEB 23 1993

MICHAEL

01/11/2007

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

RIGHT NUMBER: 37-769

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

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 2.300 CFS

PRIORITY DATE: 03/30/1883

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	2.300 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

This right is limited to the irrigation of 189.0 acres within the place of use described above in a single irrigation season.

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.

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:

37-769

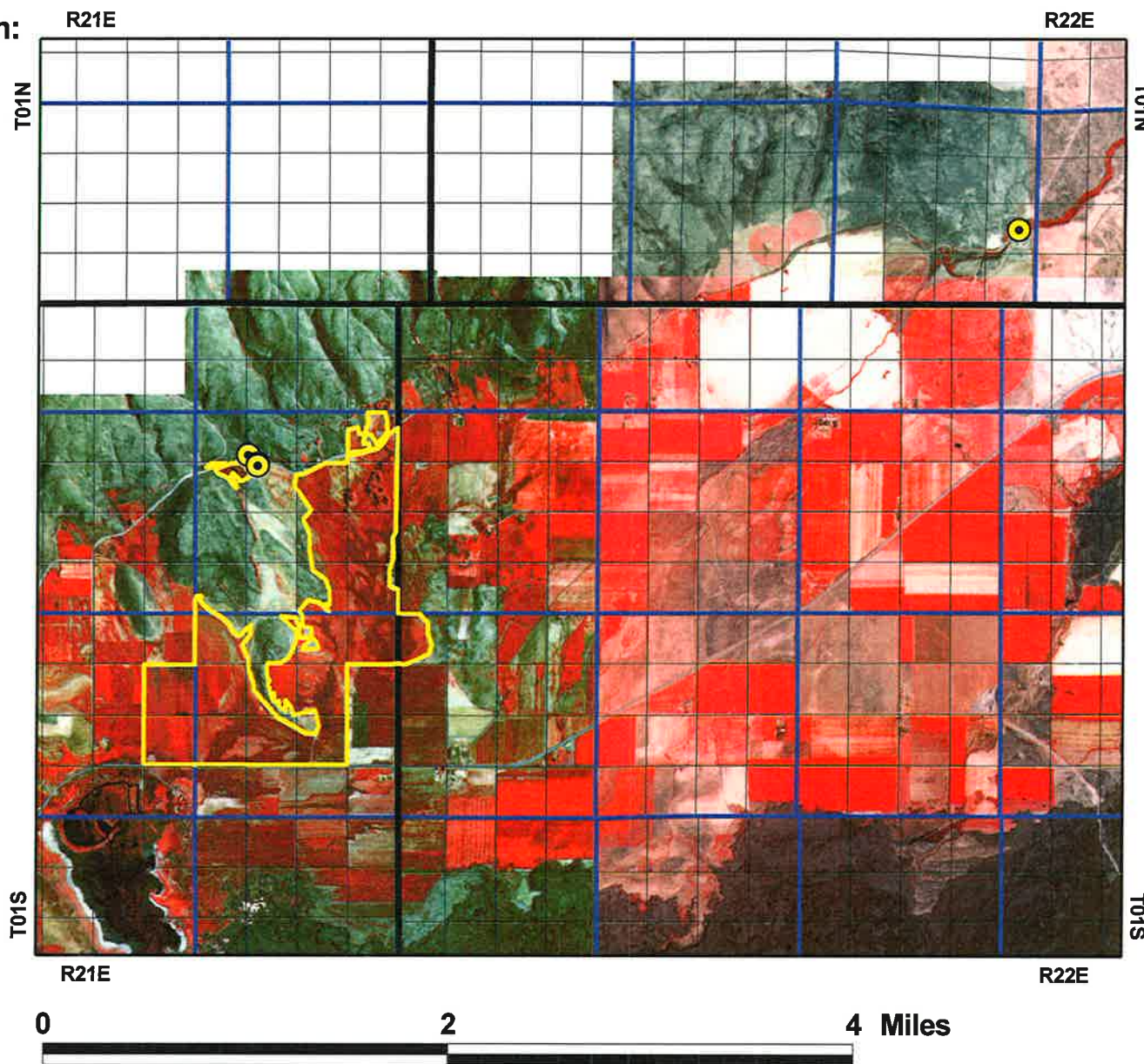
(Irrigation)

Legend

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

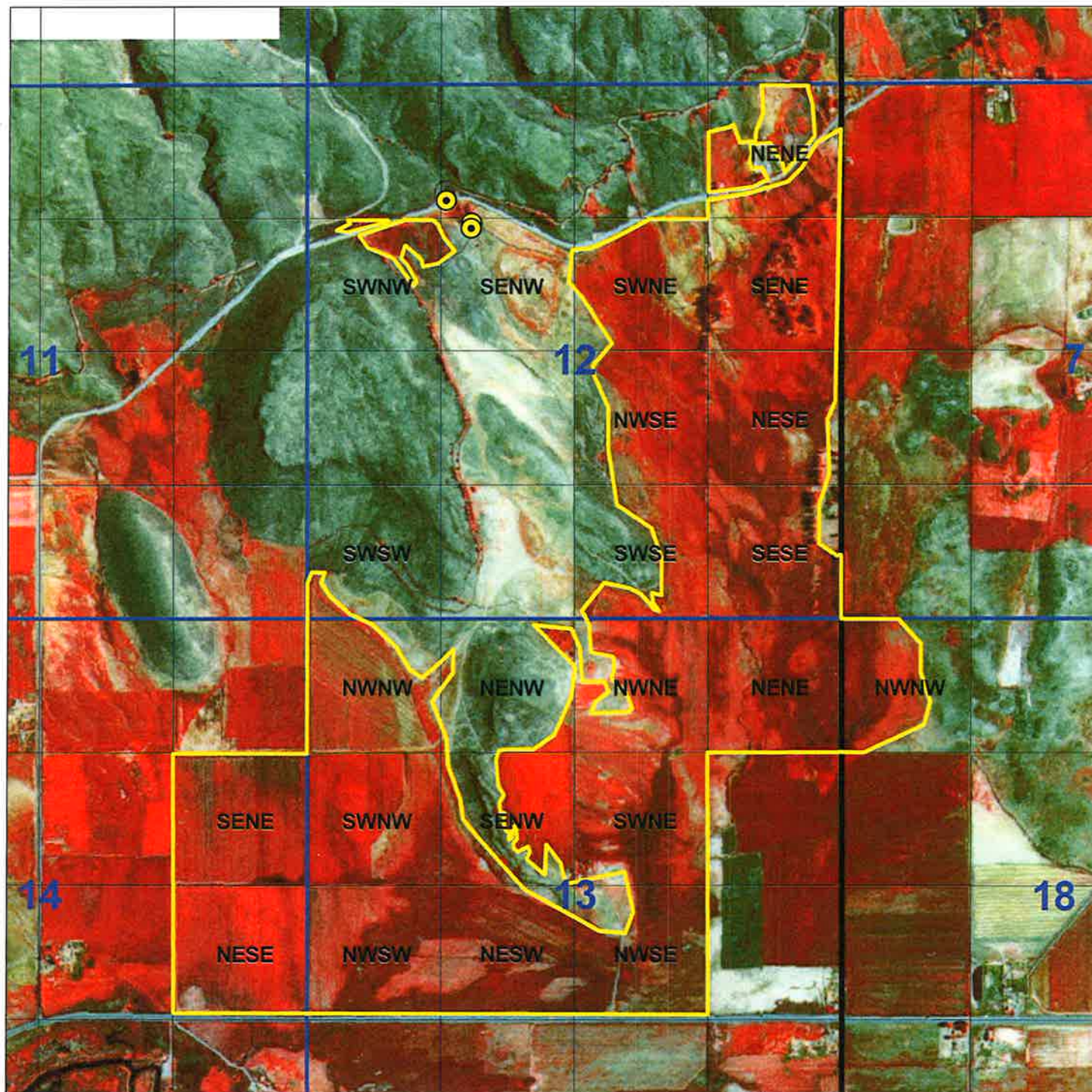


Blaine County
IDWR Basin 37



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

37-769





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 24, 1991

R. Spence Ellsworth
P.O. Box 158
Carey, ID 83320

RE: Snake River Basin Adjudication (SRBA)
Blaine County - A37-00769, et al

Dear Mr. Ellsworth:

RECEIVED

JUN 26 1991

Department of Water Resources
Southern Region Office

Per our conversation the other day regarding Claims to a Water Right with a priority date of 3/30/1883 and specifically A37-00769, it appears that right A37-00769 was filed in duplicate. Because 37-00769 covers lands which you do not own in their entirety (see enclosed copy of transfer #228), a split was created when Sue R. Esterholdt filed on a portion of this right. Ms. Esterholdt was assigned A37-00769A for .9 cfs and 90 Ac. When you filed on your portion, I created #A37-00769B, for 2.29 cfs and covering your entire acreage of 663.5 acres. I had also modified the base number #A37-00769 which was for the original amount (before the splits of A and B) of 3.2 cfs. This number was included on your receipt for the amount of \$50.00.

With your submission of legals, I prepared a map to verify that everything was filed on that is described as your property. Please review the map for accuracy. The two rights which are described as being "not delivered-superceded" are 37-01194 and 37-01196.

Two other rights, 37-00768 and 37-02031, show up on our records as pertaining to all or a portion of the property that you own. A portion of 37-00768 has been filed on by Sue R. Esterholdt and designated as 37-00768A.

The portion of 37-00768 which may cover your land is 39 ac. in the NWNW Sec.18 1S 22E. The proportionate amount of water for the 39 ac. would be .65 cfs with a 4/30/1903 date of priority.

The other right which does not have a claim filed for it at this time is 37-02031, which appears to cover 165 acres of your property in Sections 12 and 13. The diversion rate for this right is 3.2 cfs, with a 1/17/1906 priority date.

MICROFILMED

FEB 23 1993

R. Spence Ellsworth
June 24, 1991
Page 2 - Blaine County

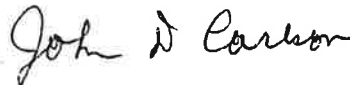
I mention the above rights so that you may decide whether or not to file on these records. I do not know if the rights are being used at all, or being used on your property.

If you decide to withdraw claim A37-00769, you may request a refund (I have enclosed a form for your possible use). If you decide to file on any of the other rights and the refund is approved, you could apply this amount to other filings you might make.

I have enclosed proof reports of the records referenced above for your review. If you decide to make any further filings, you may contact our Southern region office in Twin Falls at 736-3033 if you plan on being in that area in the near future, or I can assist you by mail.

If you have any further questions, please feel free to contact me.

Sincerely,



John D. Carlson
Adjudication Supervisor

JDC:sf:state

Enclosures:

#37-00769

Proof Reports of Rights #37-00768, 37-768A,
37-00769, 37-00769A, 37-00769B, 37-02031,
37-01194 & 37-01196

Copy of Receipt #M001784

Tax Reminder with Legals

Copy of Transfer #228

Map

Request for Withdrawal Form

MICROFILMED

FEB 23 1993

May 29, 1991

Mr. John Carlson
Dept. of Water Resources
1301 N. Orchard
Boise, Id. 83706

RECEIVED

MAY 31 1991

Department of Water Resources

Dear Mr. Carlson,

Please find enclosed, the tax notices for Ellsworth Enterprises, containing the legal descriptions requested. Also, a copy of the receipt, dated 10/26/88, stemming from the adjudication.

As we discussed over the phone today, my father would like to know if the decreed water shown on the receipt, is correctly assigned to our properties. In order to deliver the 479.5 inches that we show decreed to Ellsworth Enterprises, the irrigation district, wants verification, (copies of the legal documents) that the decreed water in question, with a priority date of 3/30/83, rightfully belongs to us.

Any help that you might give to us, concerning this matter, would be very much appreciated.

Sincerely,



R. Spence Ellsworth

MICROFILMED

FEB 23 1993

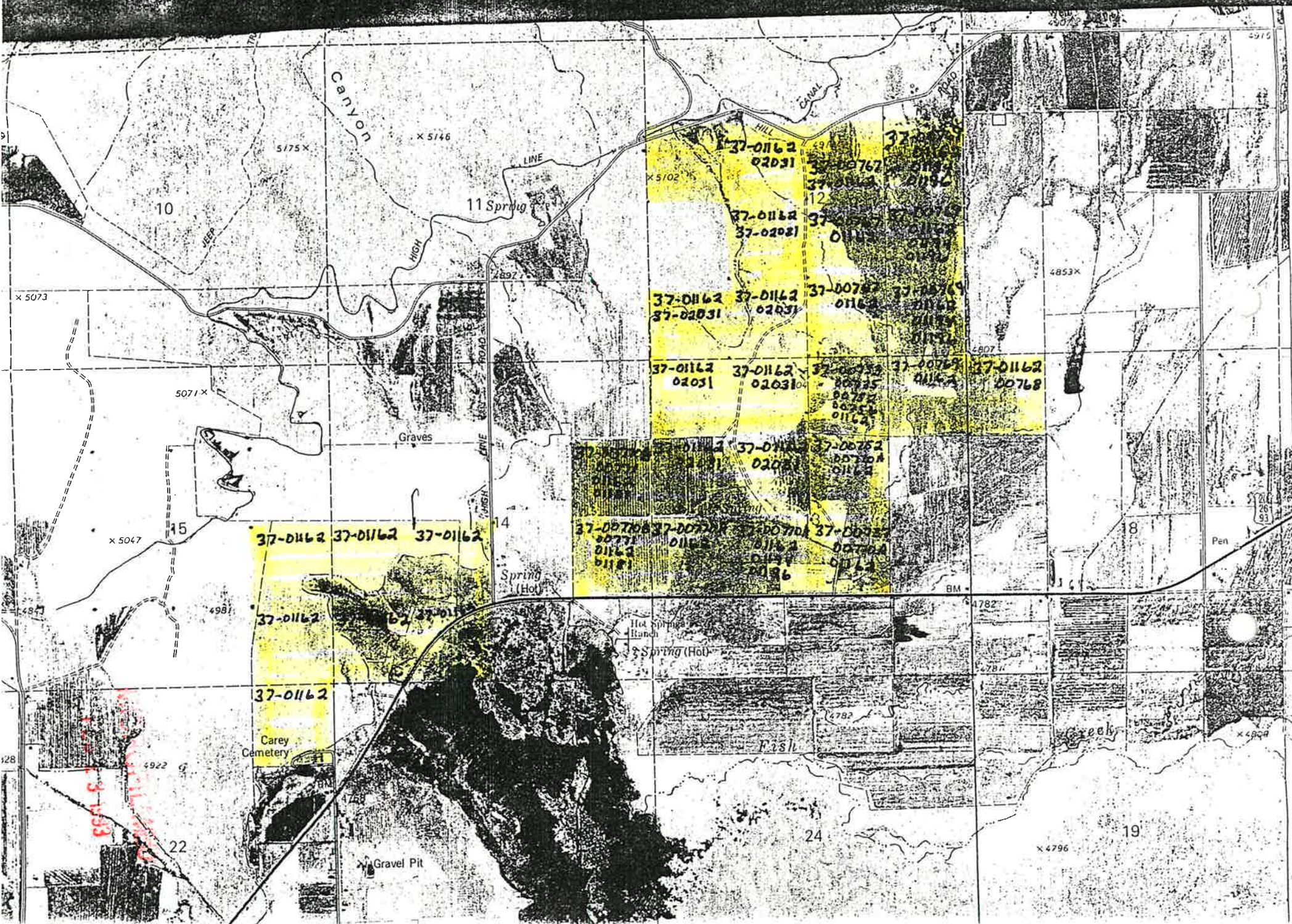
ELLSWORTH

83320



Mr John Carlson
Dept. of Water Resources
1301 N. Orchard
Boise, Id. 83706

MICROFILMED



PARCEL NO: RP 01S210223180 A
YEAR BILL NO TAX PENALTY INTEREST TOTAL CODE AREA: 18-00
DATE: 5/20/91
2ND 14900 4.34 4.34 AMOUNT VALID THROUGH 6/20/91
TOTAL DUE: 4.34 FR NENE TL 1013, SEC 22
1S 21E
ELLSWORTH ENTERPRISES
BOX 158
CAREY, ID 83320

PLEASE RETURN TAX STUBS WITH PAYMENT. DIRECT Y
TAX QUESTIONS TO THE TREASURER'S OFFICE 788-55

* T A X R E M I N D E R *

PARCEL NO: RP 01S210132570 A
YEAR BILL NO TAX PENALTY INTEREST TOTAL CODE AREA: 19-00
DATE: 5/20/91
2ND 14825 233.17 233.17 AMOUNT VALID THROUGH 6/20/91
TOTAL DUE: 233.17 FR NWSW TL 1903, NESW TL 1904,
NWSE TL 1905, W1/2NE, SEC 13
SENE, SEC 14
1S 21E
ELLSWORTH ENTERPRISES &
ELLSWORTH, MAURICE ETUX
BOX 158
CAREY, ID 83320

PLEASE RETURN TAX STUBS WITH PAYMENT. DIRECT Y
TAX QUESTIONS TO THE TREASURER'S OFFICE 788-55

* T A X R E M I N D E R *

PARCEL NO: RP 01S210122490 A
YEAR BILL NO TAX PENALTY INTEREST TOTAL CODE AREA: 19-00
DATE: 5/20/91
2ND 14820 481.52 481.52 AMOUNT VALID THROUGH 6/20/91
TOTAL DUE: 481.52 SE, S1/2NE, S1/2NW, S1/2SW, NESW,
TL 3190, SEC 12
NENE, NW, SEC 13
1S 21E
ELLSWORTH ENTERPRISES &
ELLSWORTH, MAURICE ETUX
BOX 158
CAREY, ID 83320

PLEASE RETURN TAX STUBS WITH PAYMENT. DIRECT Y
TAX QUESTIONS TO THE TREASURER'S OFFICE 788-55

* T A X R E M I N D E R *

PARCEL NO: RP 01S220185440 A
YEAR BILL NO TAX PENALTY INTEREST TOTAL CODE AREA: 19-00
DATE: 5/20/91
2ND 15168 25.27 25.27 AMOUNT VALID THROUGH 6/20/91
TOTAL DUE: 25.27 LOT 1, SEC 18
1S 22E
ELLSWORTH ENTERPRISES &
ELLSWORTH, MAURICE ETUX
BOX 158
CAREY, ID 83320

PLEASE RETURN TAX STUBS WITH PAYMENT. DIRECT Y
TAX QUESTIONS TO THE TREASURER'S OFFICE 788-55

ELLSWORTH ENTERPRISES
BOX 158
CAREY, ID 83320

FR NENE TL 1013, SEC 22
TOTAL DUE: 4.34

AMOUNT VALID THROUGH 6/20/91
DATE: 5/20/91
CODE AREA: 18-00
TOTAL 4.34

BLAINE COUNTY TAX COLLECTOR
HAILEY, IDAHO 83333

PARCEL NO: RP 01S210223180 A
TAX PENALTY INTEREST

* T A X R E M I N D E R *

* T A X R E M I N D E R *

BLAINE COUNTY TAX COLLECTOR
HAILEY, IDAHO 83333

PARCEL NO: RP 01S2101457A A
AX YEAR BILL NO TAX PENALTY INTEREST TOTAL CODE AREA: 18-00
90 2ND 14826 40.25 40.25 DATE: 5/20/91
AMOUNT VALID THROUGH 6/20/91

TOTAL DUE: 40.25 NESE TL 1902, SEC 14
1S 21E

ELLSWORTH ENTERPRISES
% ELLSWORTH, MAURICE ETUX
BOX 158
CAREY, ID 83320

PLEASE RETURN TAX STUBS WITH PAYMENT. DIRECT
TAX QUESTIONS TO THE TREASURER'S OFFICE 788-

* T A X R E M I N D E R *

BLAINE COUNTY TAX COLLECTOR
HAILEY, IDAHO 83333

PARCEL NO: RP 01S21014263B A
X YEAR BILL NO TAX PENALTY INTEREST TOTAL CODE AREA: 18-00
0 2ND 14834 42.08 42.08 DATE: 5/20/91
AMOUNT VALID THROUGH 6/20/91

TOTAL DUE: 42.08 FR SESW & SWSW TL 6651
FR NESW TL 1949, NWSW,
SEC 14
1S 21E

ELLSWORTH ENTERPRISES
BOX 158
CAREY, ID 83320

PLEASE RETURN TAX STUBS WITH PAYMENT. DIRECT
TAX QUESTIONS TO THE TREASURER'S OFFICE 788-

* T A X R E M I N D E R *

BLAINE COUNTY TAX COLLECTOR
HAILEY, IDAHO 83333

PARCEL NO: RP 01S21015263A A
X YEAR BILL NO TAX PENALTY INTEREST TOTAL CODE AREA: 19-00
0 2ND 14836 24.40 24.40 DATE: 5/20/91
AMOUNT VALID THROUGH 6/20/91

TOTAL DUE: 24.40 E1/2SE, SEC 15
1S 21E

ELLSWORTH ENTERPRISES
BOX 158
CAREY, ID 83320

Microfilm
Feb 20 1993

PLEASE RETURN TAX STUBS WITH PAYMENT. DIRECT
TAX QUESTIONS TO THE TREASURER'S OFFICE 788-

Water Right Number - 37-00769 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
HARRIS

GEO. S.

1 -
2 -
3 -

City- CAREY

State- ID Zip- 833200000

Phone -

CENARRUSA

JOE

1 -

2 -

3 -

City- CAREY

State- ID Zip- 833200000

Phone -

*** O - ORIGINAL OWNER ***
PHILLIPS

FRED T.

1 -

2 -

3 -

City-

State- Zip-

Phone -

+ - - Priority Date - - +
03/30/1883 160

+ - - Region - - - +
17

+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - +
FISH CREEK

+ - - Tributary - - - +
LITTLE WOOD RIVER

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

01S 22E 4 NE NW 3 (13) BLAINE

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

01 - IRRIGATION
43 - DOMESTIC

3.200

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

+ - - Place of Use - - - +
Twn Rng Sec Tract Lot Acres Code Description County

01S	21E	12	NE NE		40.0	01	IRRIGATION	(13) BLAINE
01S	21E	12	SE NE		40.0	01	IRRIGATION	(13) BLAINE
01S	21E	12	NE SE		40.0	01	IRRIGATION	(13) BLAINE
01S	21E	12	SE SE		40.0	01	IRRIGATION	(13) BLAINE
01S	21E	13	NE NE		40.0	01	IRRIGATION	(13) BLAINE
01S	22E	7	SW NW	2	40.0	01	IRRIGATION	(13) BLAINE
01S	22E	7	NW SW	3	39.0	01	IRRIGATION	(13) BLAINE

Total Acres: 279.0

FEB 23 1983 MICROFILMED

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	- T
Decree Date	- 12/16/1914				

MICROFILMED