

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: A37-00770C

Date Received:

Receipt No: MOO 1724

Received By: J. P. C.

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 | 2.500  |      |        |

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

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

9. Non-irrigation uses:  
NONE.

A37-00770C

Page 1

Date: 10/26/88

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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,3700770A3700737.

14. Remarks:

THIS CLAIM COMBINES A AND B OF 37-00770 AS THE APPLICANT  
OWN ALL OF THE LAND LISTED ON BOTH RIGHTS.

15. Basis of Claim: DECREED

Case Number:

Court :

POTTER, ET. AL.

**VS**

Decree Defendant

Blair

SS.

of Oct 19 88

John Dal. Carlson  
Notary Public

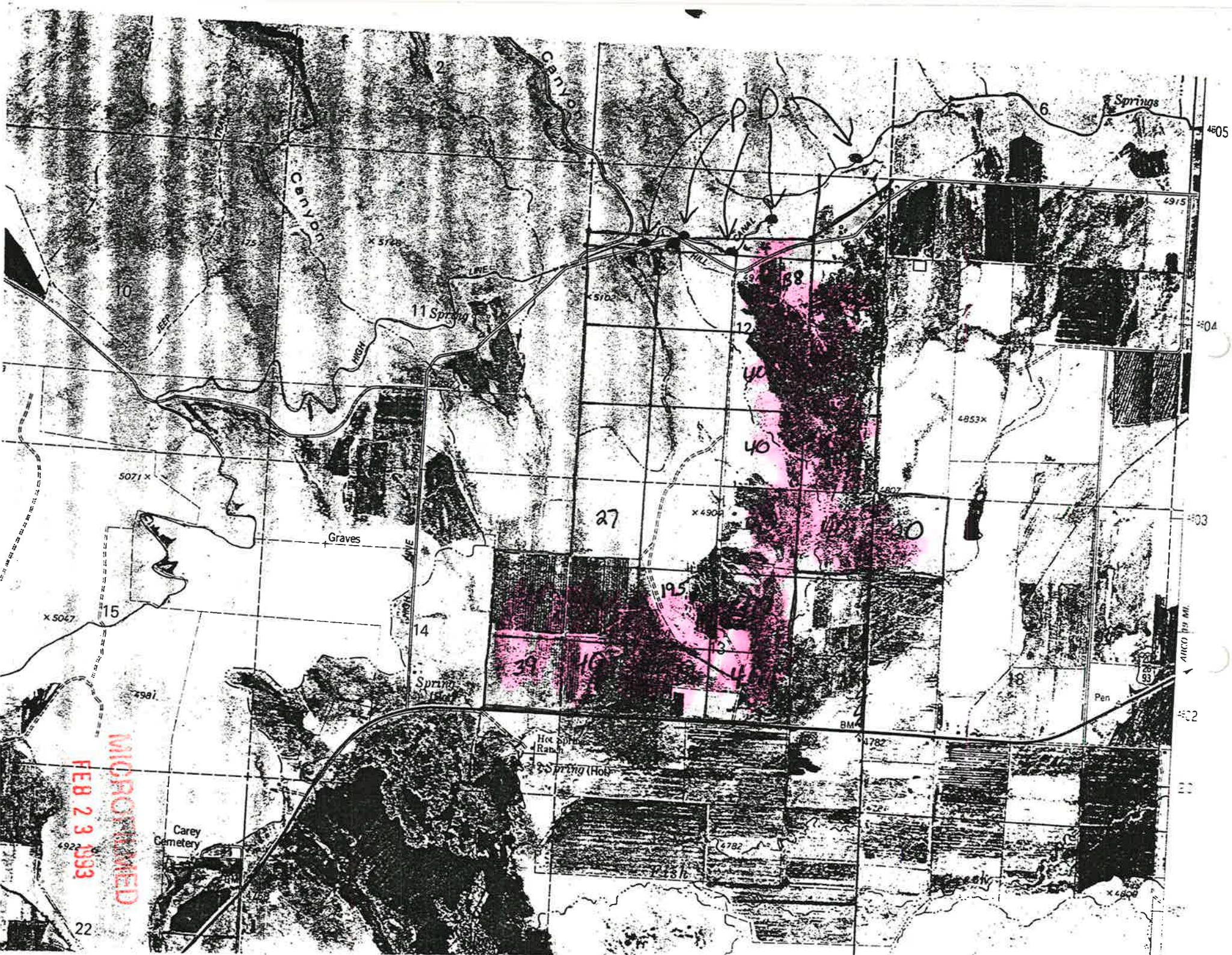
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## My Commission Expires

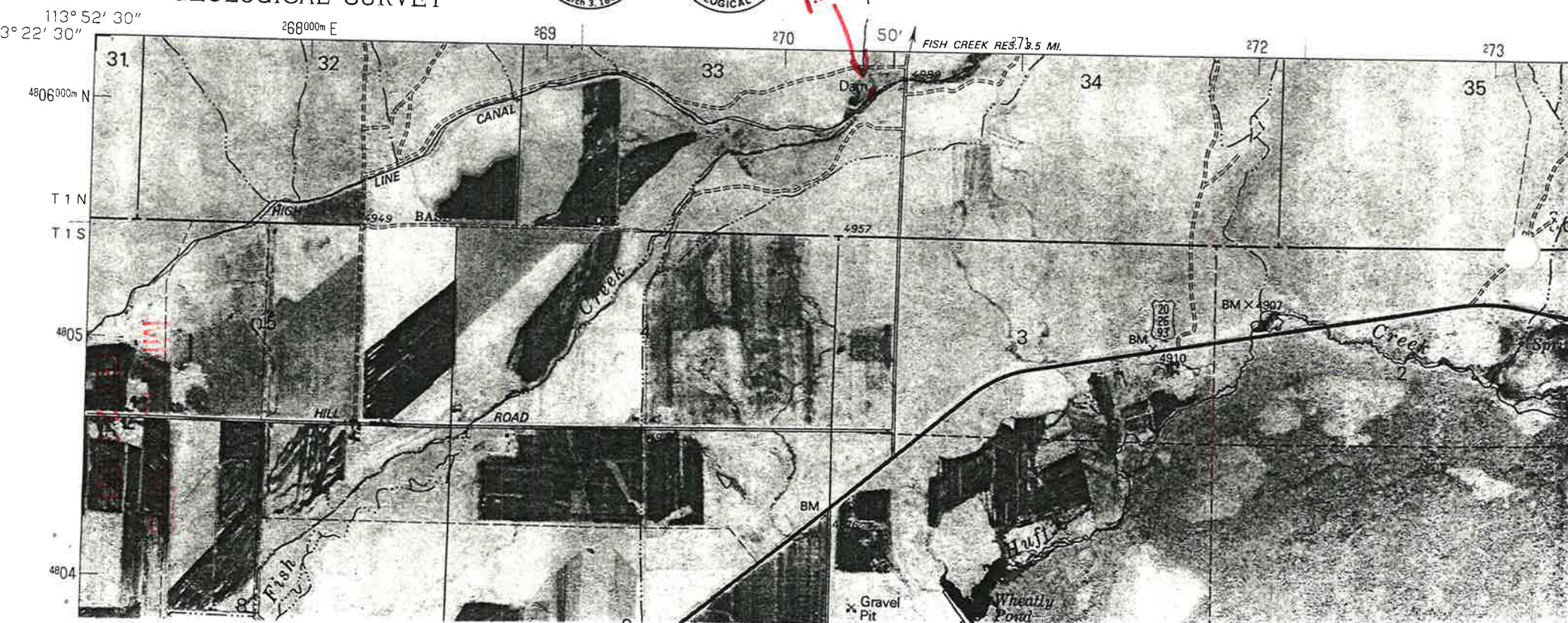
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ENT OF WATER RESOURCES

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY



01/11/2007

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

RIGHT NUMBER: 37-770C

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

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 2.500 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          | 2.500 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 125.0 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

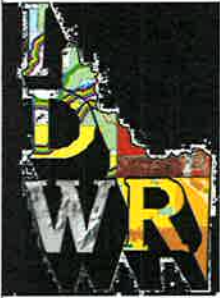
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Right was originally decreed in the December 16, 1914 Adelbert L Potter et al vs. Joseph R Patterson et al decree for 125 inches (2.50 cfs) for the irrigation of 125.0 acres.

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.

This right represents a combination of old water right records 37-770A and 37-770B.



# Idaho Department of Water Resources

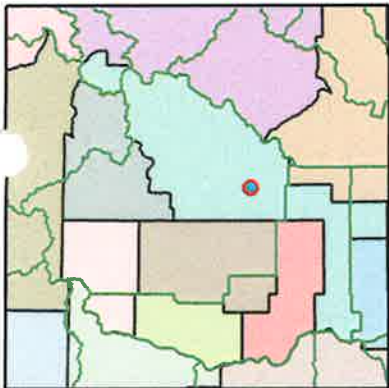
SRBA Recommendation:

**37-770C**

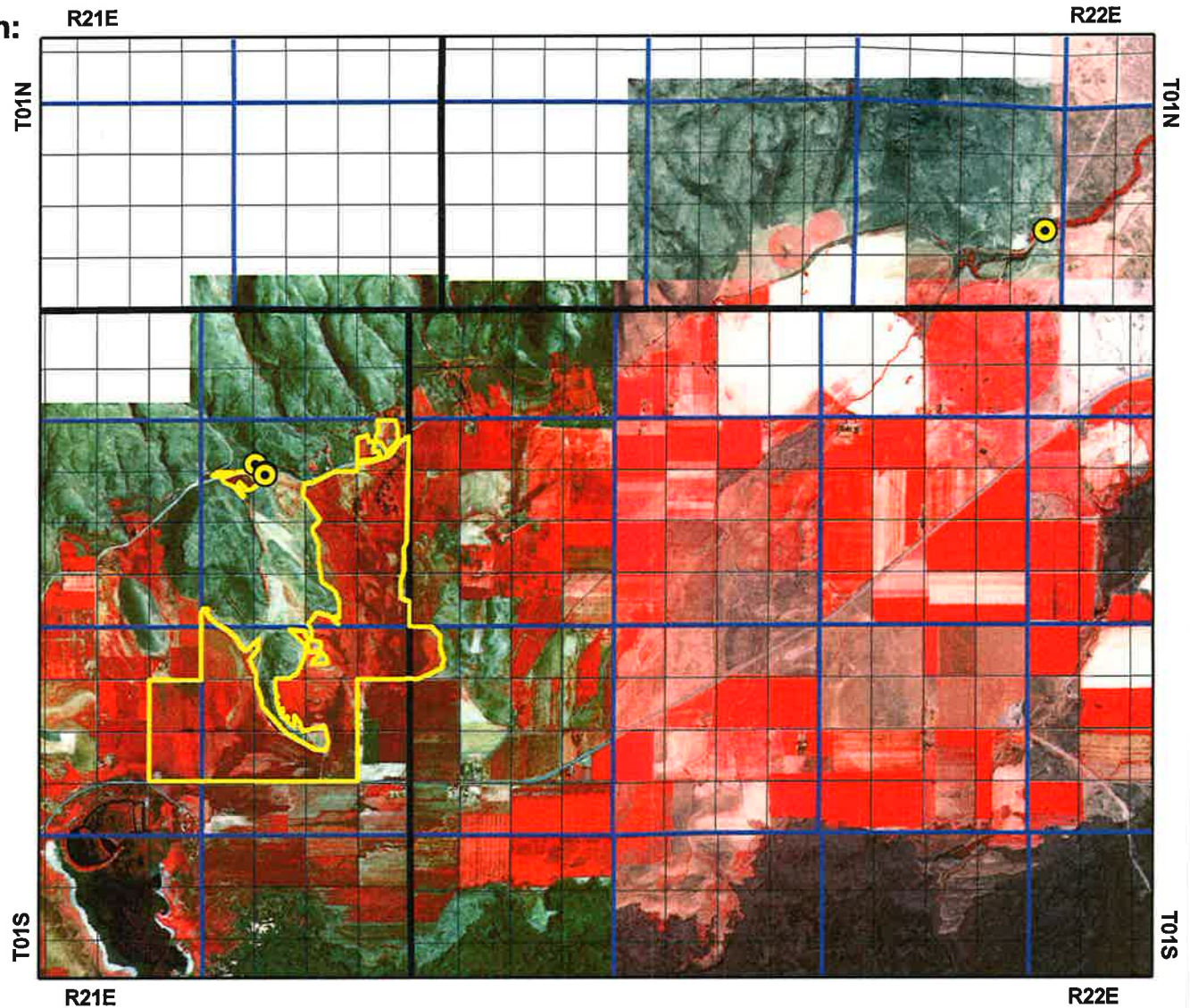
(Irrigation)

## 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

37-770C



Water Right Number - 37-00770A Adj. Flag Translation: Standard Water Right Number Old (D) Number -  
+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
PATTERSON

JOSEPH R.

1 -  
2 -  
3 -

City-  
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
03/30/1883 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)

01S 22E 8 NE NE (13) BLAINE

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

01 - IRRIGATION

1.300

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
1.300 65

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

|     |     |    |       |  |  |    |            |       |        |
|-----|-----|----|-------|--|--|----|------------|-------|--------|
| 01S | 21E | 13 | SW NE |  |  | 01 | IRRIGATION | (13 ) | BLAINE |
| 01S | 21E | 13 | NE SW |  |  | 01 | IRRIGATION | (13 ) | BLAINE |
| 01S | 21E | 13 | NW SW |  |  | 01 | IRRIGATION | (13 ) | BLAINE |
| 01S | 21E | 13 | NW SE |  |  | 01 | IRRIGATION | (13 ) | BLAINE |

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - Other Rights for Same Use -

Remarks

TRANS. 212.  
P/U INCOMPLETE. SEE FILE.  
AC. IRRIG. NOT SPECIFIED. FARM = 125 AC.

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

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Water right number - 37-00770A

Adj. flag translation: Standard Water Right Number

+ - - - Decree Plaintiff - - - +  
POTTER, ET. AL.

+ - - - Decree Defendant - - - +  
PATTERSON, ET. AL.

+ - Decree Date - +  
12/16/1914

+ - - Microfilm Rolls -

+ - - 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 | - P   |
| Decree Date      | - 12/16/1914 |                 |              |                  |       |

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FEB 23 1993

Water Right Number - 37-00770 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

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

+ - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +

00/00/0000 17

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

+ - - - - Code - - - - - Water Use - - - - - +

Code Description Period From Period To Diversion Rate Diversion Volume

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

+ - - - - Place of Use - - - - - +

Twn Rng Sec Tract Lot Acres Code Description County

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

SPLIT INTO 37-0770A & 37-0770B BY TRANS. 212.

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

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - Microfilm Rolls -

+ - - Audit Fields - 12/30/86 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 - 12/30/1986   | DLE/Carey Act -     |
| Order Show Cause - 00/00/0000 | Receipt Number -             | Water District -    |
| Licensed Date - 00/00/0000    | Appl Received - 00/00/0000   | Transfer/Amended -  |

FEB 23 1993

MICROFILMED

Water right number - 37-00770

Adj. flag translation: Standard Water Right Number

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

Decree Date - 00/00/0000

MICROFILMED  
FEB 23 1993

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT CLAIMS PROOF READING REPORT

10/25/88 16:51:53  
Page 1

Water Right Number - 37-00770B Adj. Flag Translation: Standard Water Right Number Old (D) Number -  
+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
SNIDER

PETER

1 -  
2 -  
3 -

City- HAILEY  
Phone -

State- ID Zip- 833330000

\*\*\* O - ORIGINAL OWNER \*\*\*  
PATTERSON

JOSEPH R.

1 -  
2 -  
3 -

City-  
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
03/30/1883 17 D - DECREED

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

| Tw  | Rng | Sec | Tract | Lot | RFlg | County      | Point of Diversion | Stream Index (Blank if no Index Code) |
|-----|-----|-----|-------|-----|------|-------------|--------------------|---------------------------------------|
| 01S | 22E | 8   | NE NE |     |      | (13) BLAINE |                    |                                       |

| Code | Description | Period From | Period To | Diversion Rate | Diversion Volume |
|------|-------------|-------------|-----------|----------------|------------------|
| 01   | IRRIGATION  |             |           | 1.200          |                  |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
1.200 60

| Tw  | Rng | Sec | Tract | Lot | Acres | Place of Use Code | Description | County      |
|-----|-----|-----|-------|-----|-------|-------------------|-------------|-------------|
| 01S | 21E | 14  | SE NE |     |       | 01                | IRRIGATION  | (13) BLAINE |
| 01S | 21E | 14  | NE SE |     |       | 01                | IRRIGATION  | (13) BLAINE |

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - Other Rights for Same Use -

TRANS. 212. Remarks

FEB 23 1993

MICROFILMED

Water right number - 37-00770B

Adj. flag translation: Standard Water Right Number

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

+ - - - - Decree Plaintiff - - - +  
POTTER, ET. AL.

+ - - - - Decree Defendant - - - +  
PATTERSON, ET. AL.

+ - Decree Date - +  
12/16/1914

+ - - Microfilm Rolls -

+ - - Audit Fields - 01/04/86

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 | - P   |
| Decree Date      | - 12/16/1914 |                 |              |                  |       |

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FEB 23 1993