

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 37-1201B
Date Received: 2/7/2007
Receipt No:
Received By:

AMENDED CLAIM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
NOV 23 2011
DEPARTMENT OF
WATER RESOURCES

1. Name of Claimant(s)

GLORIA CAMILLE MCCRAY 1965 TRUST

Phone: (208)788-6353

PO BOX 3234
KETCHUM ID USA 83340

2. Date of Priority: 07/21/1880

3. Source: SEAMANS CREEK

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	19E	31	NW NE SW	BLAINE	

5. Description of diverting works:

Two ponds excavated along Seamans Creek provide habitat for fish and wildlife. Seamans Creek flows into one end of the pond system and out the other end. There are no headgates or outlet works to control the flow of water through the ponds. The pond system has an average depth of three feet and a surface area of approximately 12,300 feet.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
WILDLIFE	01/01	12/31		0.3
WILDLIFE STORAGE	01/01	12/31		0.3
AESTHETIC	01/01	12/31		0.3
AESTHETIC STORAGE	01/01	12/31		0.3

SCANNED
NOV 23 2011

7. Total Quantity Appropriated is:
0.3 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

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NOV 23 2011

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	19E	31	NE	SW	WILDLIFE	
			NE	SW	WILDLIFE STORAGE	
			NE	SW	AESTHETIC STORAGE	

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:

14. Remarks:

a. Point of diversion and place of use is Lot 28 of Muldoon Ranch Subdivision No. 2.

b. No priority date listed, Date of priority is date of decree.

c. This claim is for a proportionate share of 37-1201 which is entitled to the whole of water one third of the time after the first 3 cfs.

d. Ponds were constructed prior to November 19, 1987 and the change in use is an accomplished transfer allowed by Chapter 42-1425 of Idaho Code.

Two ponds for storage, wildlife and aesthetic use.

37-1201B is active and appears to be held out of normal B37 report.

11-8-2011 Amended Claim for Priority Date.

SCANNED

NOV 23 2011

15. Basis of Claim: Decreed

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 SENIOR TRUST OFFICER of _____

Title

HERITAGE BANK, that I have signed the foregoing
Organization

document in the space below as TRUSTEE of _____

Title

GLORIA McCray Trust and that the statements contained in the
Organization

foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

ROBERT J. ADAMOVIS, SENIOR TRUST OFFICER,
Title and Organization HERITAGE BANK

11/14/11
Date

SCANNED
NOV 23 2011

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 37-1201B
Date Received: 2/7/2007
Receipt No: C083171
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GLORIA CAMILLE MCCRAY 1965 TRUST Phone: (208)788-6353

PO BOX 3234
KETCHUM ID USA 83340

2. Date of Priority: 05/14/1909

3. Source: SEAMANS CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	19E	31	NW NE SW	BLAINE	

5. Description of diverting works:

Two ponds excavated along Seamans Creek provide habitat for fish and wildlife. Seamans Creek flows into one end of the pond system and out the other end. There are no headgates or outlet works to control the flow of water through the ponds. The pond system has an average depth of three feet and a surface area of approximately 12,300 feet.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
WILDLIFE	01/01	12/31		0.3
WILDLIFE STORAGE	01/01	12/31		0.3
AESTHETIC	01/01	12/31		0.3
AESTHETIC STORAGE	01/01	12/31		0.3

7. Total Quantity Appropriated is:
0.3 A.F.A.

COPY

Paul Arrington

735-2229
call - 11/8/11
9 AM Rep. Lete Claims

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	19E	31	NE	SW	WILDLIFE	
			NE	SW	WILDLIFE STORAGE	
			NE	SW	AESTHETIC STORAGE	

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:

14. Remarks:

a. Point of diversion and place of use is Lot 28 of Muldoon Ranch Subdivision No. 2.

b. No priority date listed, Date of priority is date of decree.

c. This claim is for a proportionate share of 37-1201 which is entitled to the whole of water one third of the time after the first 3 cfs.

d. Ponds were constructed prior to November 19, 1987 and the change in use is an accomplished transfer allowed by Chapter 42-1425 of Idaho Code.

Two ponds for storage, wildlife and aesthetic use.

15. Basis of Claim: Decreed

Should questions arise during the processing of this application please contact:
Paul E. Drury P.E. - ERO Resources Corp. (208) 373-7983

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

Date Received

Receipt Number

37-12013
C083171
d.p. 202-8-07

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant(s) Gloria Camille McCray 1965 Trust

Phone (208) 788-6353

Mailing Address PO Box 3234, Ketchum, ID

Zip 83340

2. Date of Priority (Only one (1) per claim) May 14, 1909

3. Source of water supply (a) Seamans Creek

Which is tributary to (b) Sinks

4. a. Location of point of diversion is: Township 02N Range 19E Section 31,
NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____, B.M., County of Blaine

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of
_____ $\frac{1}{4}$, 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.

Two ponds excavated along Seaman's Creek provide habitat for fish and wildlife. Seaman's Creek flows into one end of the pond system and out the other end. There are no head gates or outlet works to control the flow of water through the ponds. The pond system has an average depth of three feet and a surface area of approximately 12,300 square feet.

SCANNED

FEB 13 2007

(both dates are inclusive)

For <u>Storage</u> purposes from <u>1/1</u> to <u>12/31</u> amount	(cfs)	(acre feet)
		<u>0.3</u>
For <u>Wildlife</u> purposes from <u>1/1</u> to <u>12/31</u> amount		<u>0.3</u>
For <u>Aesthetic</u> purposes from <u>1/1</u> to <u>12/31</u> amount		<u>0.3</u>

8. Total consumptive use claimed is N/A acre feet per annum.

10. Description of place of use:

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding use below. See instructions for standard symbols.

[illegible]

11. In which county (ies) are lands listed above as place of use located? Blaine

13. Describe any other water rights used at the same place and for the same purposes as described above.

14. Remarks:

c. This claim is for a proportionate share of 37-1201 which is entitled to the whole of water one third of the time
the first 3 cfs.

d. Ponds were constructed prior to November 19, 1987 and the change in use is an accomplished transfer allowed by Chapter 42-1425 of Idaho Code.

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

Scale: 2 inches equals 1 mile.

Last Name Gloria Camille McCray 1965 Trust Ident. Number 37-1201B

SCANNED

FEB 13 2007

15. Basis of Claim (Check One) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 37-1201

Court Blaine County Case Number _____ Decree Date May 14, 1909

Plaintiff vs Defendant Joslyn v. Daly

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." I/We do X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Brian Barsotti Trustee Date 1/30/07
OF THE GLORIA CAMILLE MCCRAY 1965 TRUST Date _____

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title _____
of _____ that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Blaine) SS.

Subscribed and sworn to (or affirmed) before me this 30th day of January 20 07



Notary Public Kellen Dietrich

Residing at Hailey, Idaho

My Commission Expires 6-6-2012

17. Notice of Appearance

Please Print Name

Notice is hereby given that I, Brian Barsotti 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.

Signature Brian Barsotti

Address 215 Picabo St., Suite 304, PO Box 370, Ketchum, ID 83340

Date 1/30/07

Last Name Gloria Camille McCray 1965 Trust Ident. Number 37-1201B

SCANNED

FEB 13 2007



ERO Resources Corp.
3314 Grace Street
Boise, ID 83703-5836
(208) 373-7983
Fax: 373-7985
Denver • Boise • Durango
www.eroresources.com
eroboise@eroresources.com

RECEIVED

JAN 30 2007

DEPARTMENT OF
WATER RESOURCES

January 30, 2007

Idaho Department of Water Resources
322 E. Front Street
Boise, ID 83720
HAND DELIVERED

RE: Gloria Camille McCray 1965 Trust

Dear Sir or Madam:

Enclosed, please find Notice of Claim to a Water Right for the Gloria Camille McCray 1965 Trust. A check for \$202.00 is included to cover the filing fee (\$100), late fee (\$100) and variable fee (\$2).

If you have any questions please call me at 373-7983.

Sincerely,

A handwritten signature in blue ink that reads "Paul E. Drury". The signature is written in a cursive style.

Paul E. Drury, P.E.

RECEIVED

FEB 01 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Should questions arise during the processing of this application please contact:
Paul E. Drury P.E. - ERO Resources Corp. (208) 373-7983

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 37-12013

Date Received

Receipt Number C083171

d.e. 2-8-07

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant(s) Gloria Camille McCray 1965 Trust

Phone (208) 788-6353

Mailing Address PO Box 3234, Ketchum, ID

Zip 83340

2. Date of Priority (Only one (1) per claim) May 14, 1909

3. Source of water supply (a) Seamans Creek

Which is tributary to (b) Sinks

4. a. Location of point of diversion is: Township 02N Range 19E Section 31,
NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____, B.M., County of Blaine

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of
_____ $\frac{1}{4}$, 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.

Two ponds excavated along Seaman's Creek provide habitat for fish and wildlife. Seaman's Creek flows into one end of the pond system and out the other end. There are no head gates or outlet works to control the flow of water through the ponds. The pond system has an average depth of three feet and a surface area of approximately 12,300 square feet.

COPY

SCANNED

FEB 13 2007

11/10/2011

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

RIGHT NUMBER: 37-1201B

NAME AND ADDRESS: GLORIA CAMILLE MCCRAY 1965 TRUST
PO BOX 3234
KETCHUM ID 83340

SOURCE: SEAMANS CREEK

TRIBUTARY: SINKS

QUANTITY: 0.300 AFY

The capacity of the storage reservoir is 0.30 AF. The reservoir may be refilled multiple times in a single year.

PRIORITY DATE: 07/21/1880

POINT OF DIVERSION:

T02N R19E S31 NWNESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE STORAGE	01/01 12/31	0.30 AFY
AESTHETIC STORAGE	01/01 12/31	0.30 AFY

PLACE OF USE: WILDLIFE STORAGE in BLAINE County

T02N R19E S31 NESW

AESTHETIC STORAGE in BLAINE County

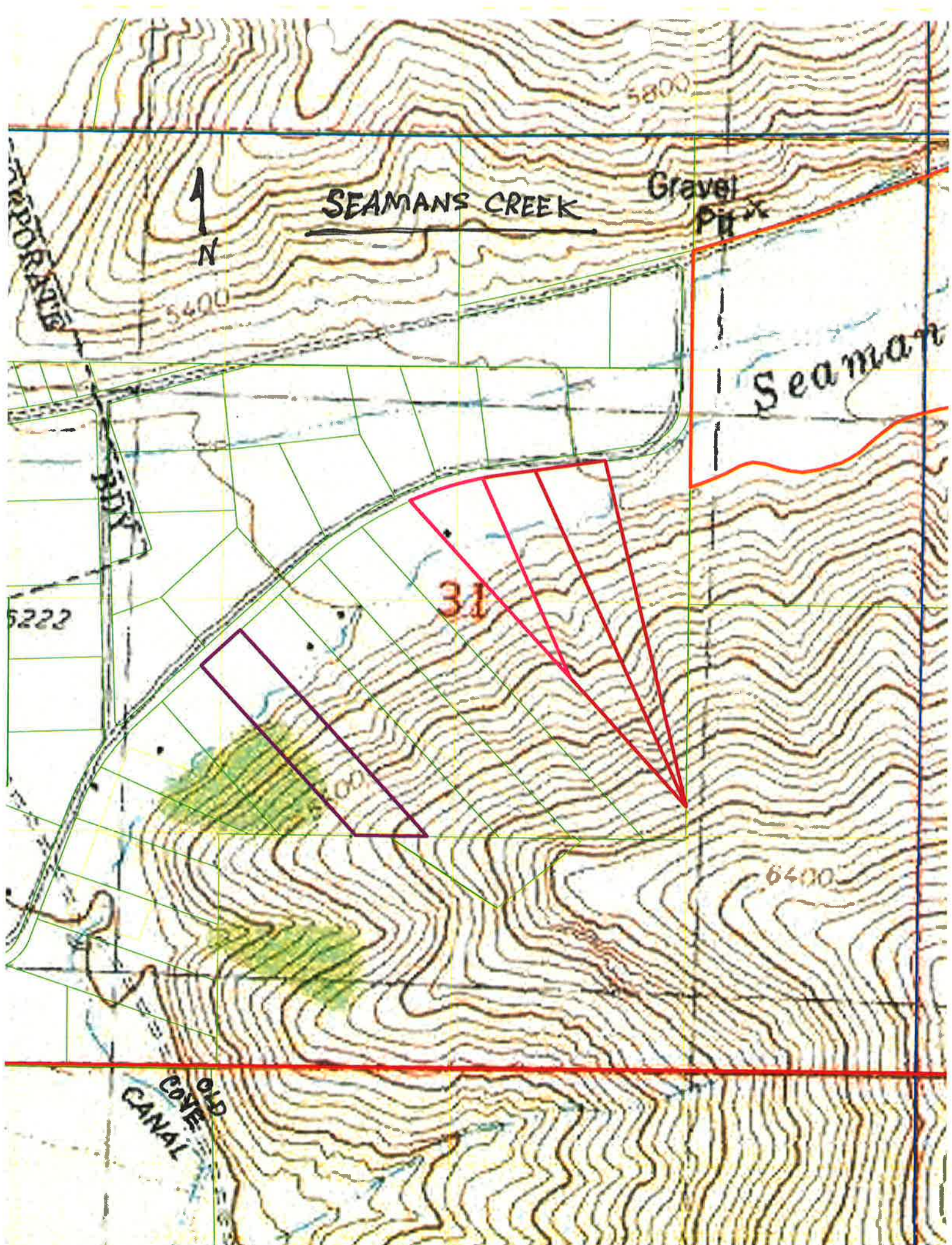
T02N R19E S31 NESW

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

Point of diversion and place of use is also known as Lot 28, Muldoon Ranch Subdivision No. 2.



SEAMANS CREEK

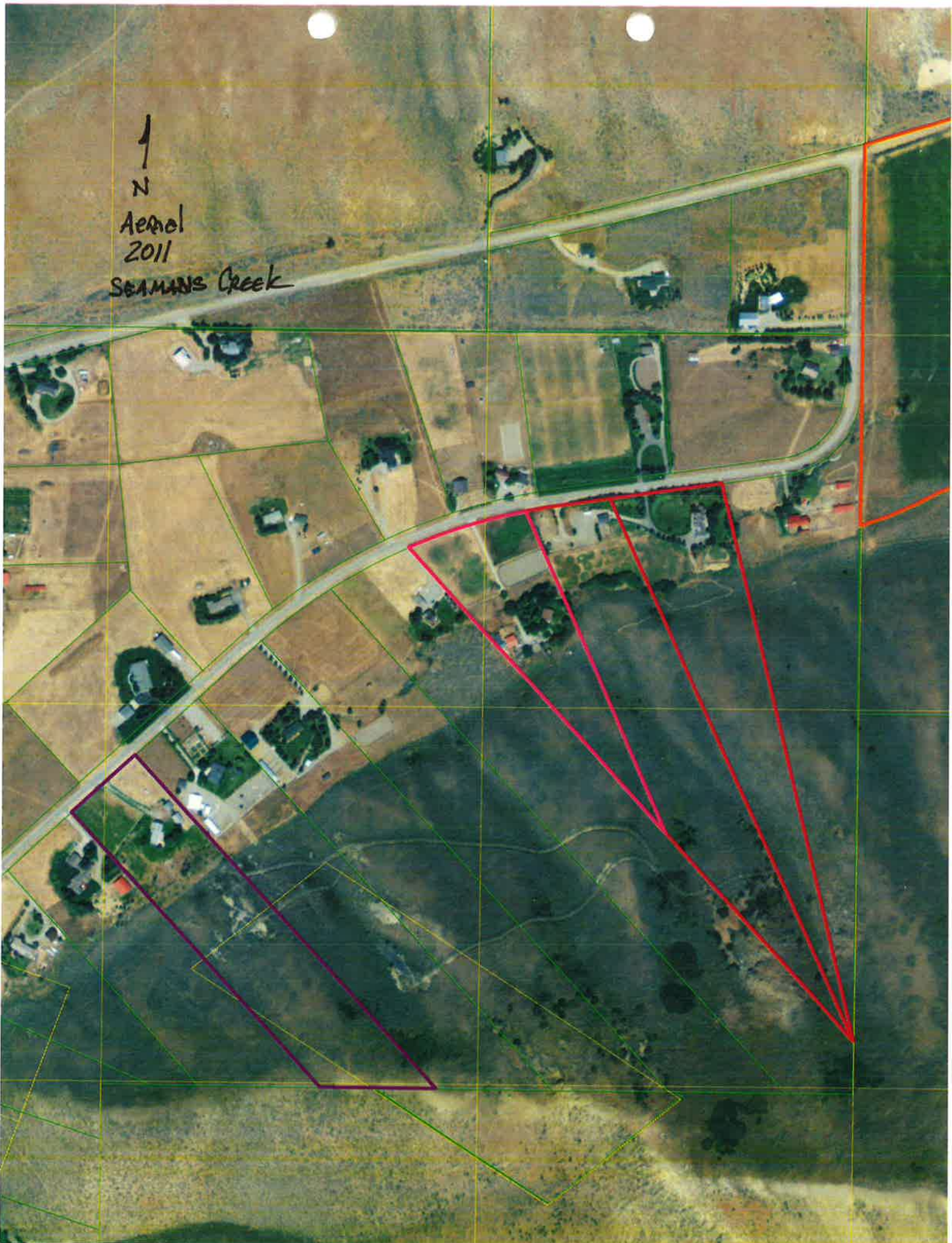
Gravel Pit X

Seaman

31

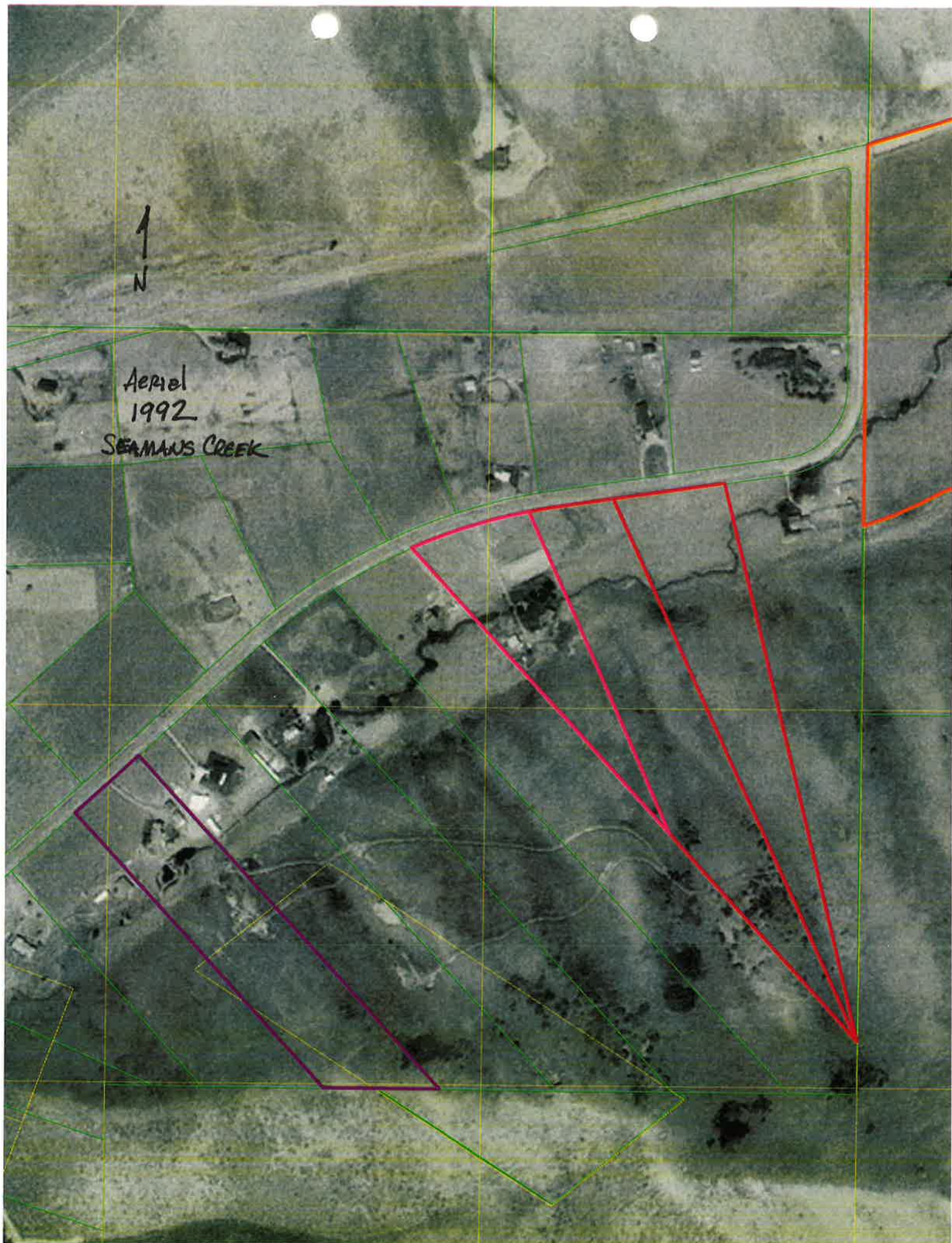
OLD COVE CANAL

1
N
Aerial
2011
SEAMANS Creek



↑
N

Aerial
1992
SEAMANS CREEK





Ponds clearly
shown,

AERIAL
1992

37-1201B
MCCRAY

1992 AERIAL
Shows
Best pond
View

Present in 1987 NAPP

Total Area of Surface: 0.1 AC.
(PER GIS)

An aerial photograph of a residential area. A purple line is drawn across the image, starting from a road on the left, extending diagonally down to the right, and then turning right to follow a road at the bottom. The area contains several houses with different colored roofs (grey, blue, red), green lawns, and some bare trees. A road runs diagonally from the top left towards the center. Another road runs horizontally across the middle. A third road runs vertically on the right side. The bottom right portion of the image shows a large, dark green, wooded area.

1
N

Aerial
2011

37-1201 B

MC CRAY

September 21, 2011

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2720
Twin Falls, ID 83303-2707
VIA FACSIMILE: 208-736-2121

VK's
Letter
sent out

RE: Water Rights on Seaman's Creek

Dear Clerk:

Water right 37-20624, with a claimed source of Seaman's Creek, was recommended for disallowal in the SRBA. The claimant, Harry S. Rinker, filed an objection. While conducting historical research for objection resolution, Robert Williams, representing the claimant, uncovered evidence impacting the recommended priority date of the Rinker right. The information was found to benefit another Seaman's Creek water user, Alvin & Sally Shoemaker, also represented by Mr. Williams. Mr. Williams moved to amend the Seaman's Creek claims of these parties to secure an earlier priority date, and the Court granted his request. In preparation of Amended Director's Reports, closer review of the evidence provided by Mr. Williams indicated the information could also support earlier priority dates for other Seaman's Creek rights, which are held by other water users.

Water right 37-1201A, claimed by Dean and Julie Beaudet, was originally objected to and resolved via SF5. A Special Master's Report and Recommendation was issued on March 1, 2011. The right has not been partially decree yet. Fritz Haemmerle represents the Beaudets.

Water right 37-1201B, claimed by the Gloria Camille McCray 1965 Trust, has not been recommended yet. The claim was not received in time to be included in the Basin 37 Part 3 Director's Report. The Trust is represented by Brian Barsotti.

Water right 37-11850, claimed by Carlita F. Severe-McIver, was recommended, was not objected to, and has moved to partial decree (September 24, 2010). The claimant is currently pro se.

Because of possible injury issues to these three claimants, IDWR was unable to recommend the Rinker (37-20624) and Shoemaker (37-22582) rights with the earlier priority date the evidence would support. Since the filing of the Amended Director's Reports, Mr. Williams has contacted the three other Seaman's Creek claimants and informed them of the situation. All three claimants are interested in pursuing an earlier priority date. Unfortunately, in all three cases, their claims would need amending in order to allow IDWR to recommend an earlier date.

IDWR would like to rectify the situation on Seaman's Creek as cleanly and quickly as possible. Rights 37-20624 and 37-22582 are already before Special Master Bilyeu, who is aware of the situation with the other rights. Would it be possible for the Court to take the necessary steps to refer the three other rights, 37-1201A (Beaudet), 37-1201B (McCray 1965 Trust) and 37-11850 (Severe-McIver) to Special Master Bilyeu for resolution? IDWR understands the Court has no jurisdiction over unreported water right 37-1201B, but IDWR is looking into the possibility of recommending the right in the upcoming fall Late Claim Director's Report.

Should you have any questions, please feel free to contact me at 208-287-4816. Thank you.

Sincerely,

Vicki Kelly,
Paralegal

cc: Robert Williams
Fritz Haemmerle
Brian Barsotti
Carlita Severe-McIver