

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: A37-02089
Date Received: 12/04/1989
Receipt No: 5010579
Received By: Adm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STROM RANCHES, INC. 208-764-2596
Address: P.O. BOX 137
HILL CITY, ID 83337

2. Date of Priority: OCT 09, 1907

3. Source: NEGRO CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	11E	27	SE	NE	SE		ELMORE

5. Description of diverting works:
CHECK DAM WITH PUMP DELIVERING TO SPRINKLERS & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.400		

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

8. Total consumptive use is 800.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	11E	27	NE	SW		IRR	18.0
			SE	SW		IRR	22.0
			NE	SE		IRR	19.0

A37-02089

Page 1

Date: 12/04/89

MICROFILMED

FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	11E	27	NW		SE		IRR	38.0
			SW		SE		IRR	40.0
			SE		SE		IRR	22.0
							Section Acres	159.0
		34	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	1.0
							Section Acres	161.0
							Total Acres	320.0

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:
NONE

14. Remarks:
SOURCE KNOWN LOCALLY AS NIGGER CK.

15. Basis of Claim: LICENSE
Water Right Number: 3185

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: 1 map

For Organizations:

I do solemnly swear or affirm that I am President of Strom Ranch Inc, that I have signed the foregoing document in the space below as President of Strom Ranch Inc and that the statements contained in the foregoing document are true and correct.

Dennis R. Strom
Signature of Authorized Agent

Pres. Strom Ranch Inc.
Title and Organization

12-4-89
Date

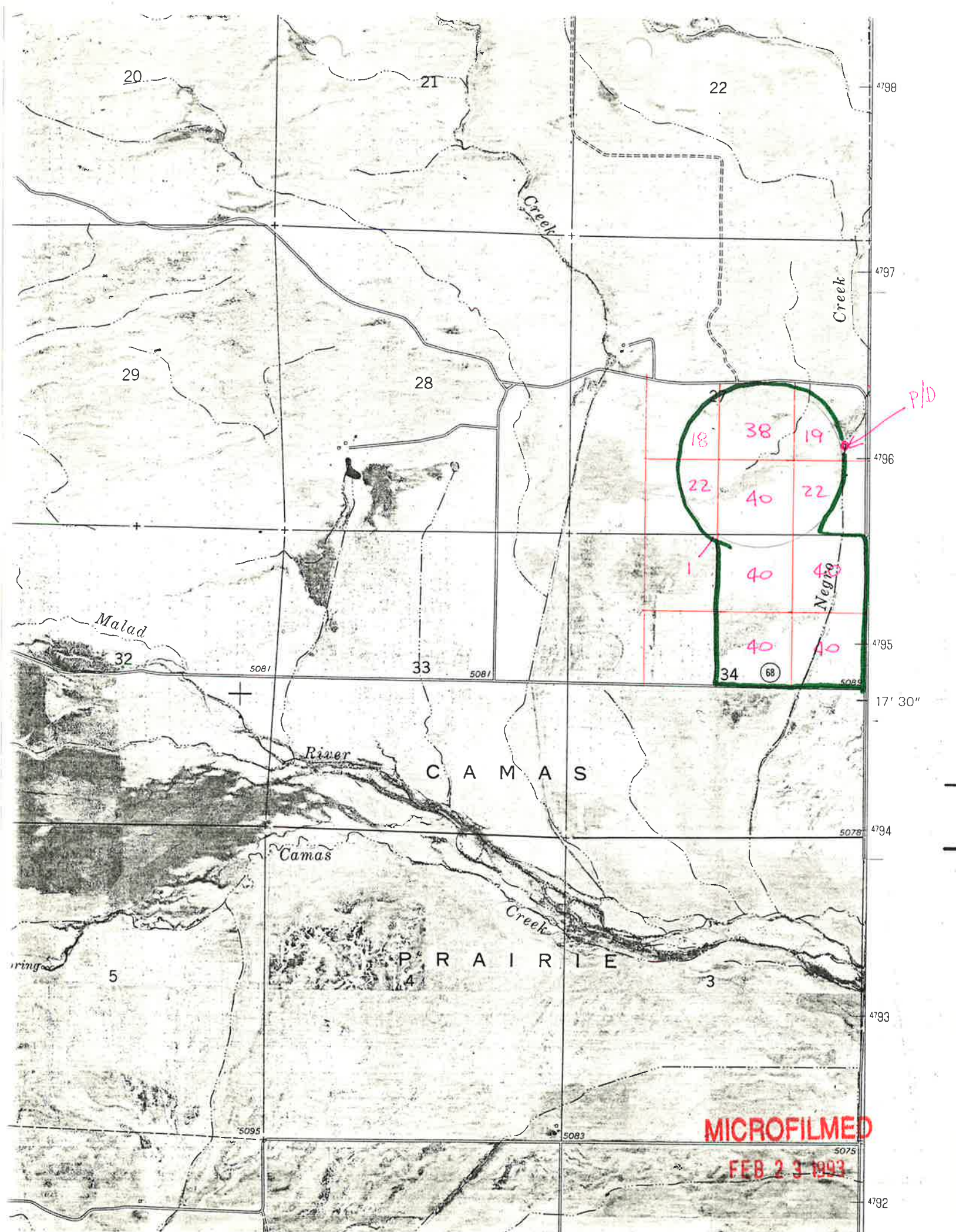
State of Idaho)
County of Twila Falls) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of Dec. 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, IL.
My Commission Expires 6/30/94



08/10/2006

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

RIGHT NUMBER: 37-2089

NAME AND ADDRESS: STROM RANCHES INC
PO BOX 137
HILL CITY ID 83337-0137

SOURCE: NEGRO CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 6.400 CFS

PRIORITY DATE: 10/09/1907

POINT OF DIVERSION:

T01S R11E S27 SENESE 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	6.400 CFS

PLACE OF USE:

IRRIGATION Within ELMORE County

T01S R11E S27	NESW	20.00	T01S R11E S27	NWSW	16.00
T01S R11E S27	SWSW	38.00	T01S R11E S27	SESW	40.00
T01S R11E S27	NESE	8.50	T01S R11E S27	NWSE	20.00
T01S R11E S27	SWSE	40.00	T01S R11E S27	SESE	24.00
T01S R11E S28	SESE	0.30	T01S R11E S33	NENE	6.30
T01S R11E S33	SENE	14.00	T01S R11E S33	NESE	16.00
T01S R11E S33	SESE	9.60	T01S R11E S34	NENE	22.00
T01S R11E S34	NWNE	40.00	T01S R11E S34	SWNE	39.00
T01S R11E S34	SENE	12.00	T01S R11E S34	NENW	40.00
T01S R11E S34	NWNW	40.00	T01S R11E S34	SWNW	39.00
T01S R11E S34	SENW	39.00	T01S R11E S34	NESW	39.00
T01S R11E S34	NWSW	39.00	T01S R11E S34	SWSW	40.00
T01S R11E S34	SESW	40.00	T02S R11E S03 Lot 3	NENW	4.70
T02S R11E S03 Lot 4	NWNW	1.60			

688 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 688 acres in a single irrigation season. Combined Right Nos.: 37-2089, 37-2244B, and 37-21835.

This right is limited to the irrigation of 320 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 - License

08/10/2006

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

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

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



Idaho Department of Water Resources

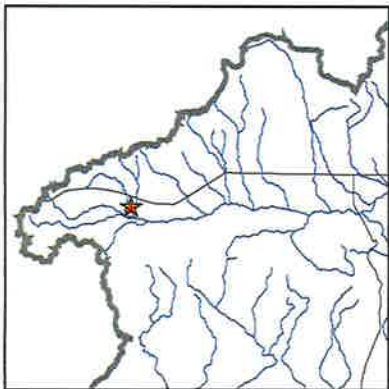
SRBA Recommendation:

37-2089

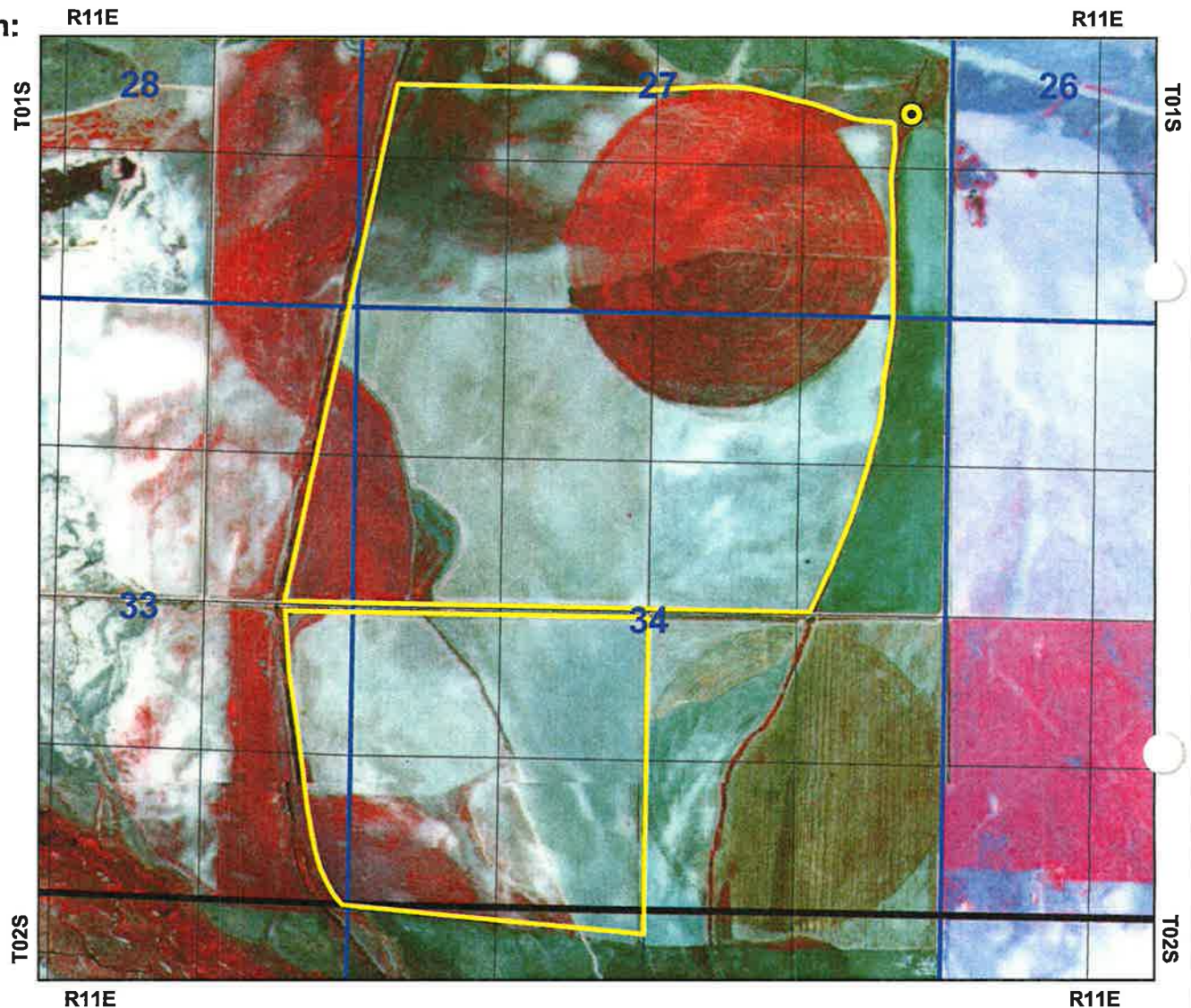
37-2244B

Legend

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



Elmore County
IDWR Basin 37



0 0.25 0.5 Miles



Prepared by M. Anders
On Thursday, August 10, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-2089, 372244B, 37-21835

Background Data

37-2089

- Source is Negro Creek tributary to Camas Creek
- Licensed for 6.4 cfs for Irrigation of 320 acres and Domestic
- Claimed 6.4 cfs for Irrigation of 320 acres

37-2244B

- Source is Francis Reservoir and Negro Creek and tributary to Wildhorse Creek
- 37-2244 licensed for 8.08 cfs for Irrigation and Domestic
- SRBA claims:
 - 37-2244A claimed 3.64 cfs for Irrigation of 182 acres, 148.66 AF for Irrigation Storage, and 148.66 AF for Irrigation from Storage
 - 37-2244B claimed 4.88 cfs for Irrigation of 244 acres, 199.3 AF for Irrigation Storage, and 199.3 AF for Irrigation from Storage
 - **Diversion rate overclaimed = 8.52 cfs**
 - **Acreage overclaimed = 426 acres**

37-21835

- Beneficial Use claim (part of 37-2244)
- Source is Francis Reservoir tributary to Negro Creek
- Francis Dam Reservoir holds 330 AF
- SRBA claims:
 - 37-2244A claimed 3.64 cfs for Irrigation of 182 acres, 148.66 AF for Irrigation Storage, and 148.66 AF for Irrigation from Storage
 - 37-21835 (previously claimed in 37-2244B) 199.3 AF for Irrigation Storage, and 199.3 AF for Irrigation from Storage for irrigation of 244 acres

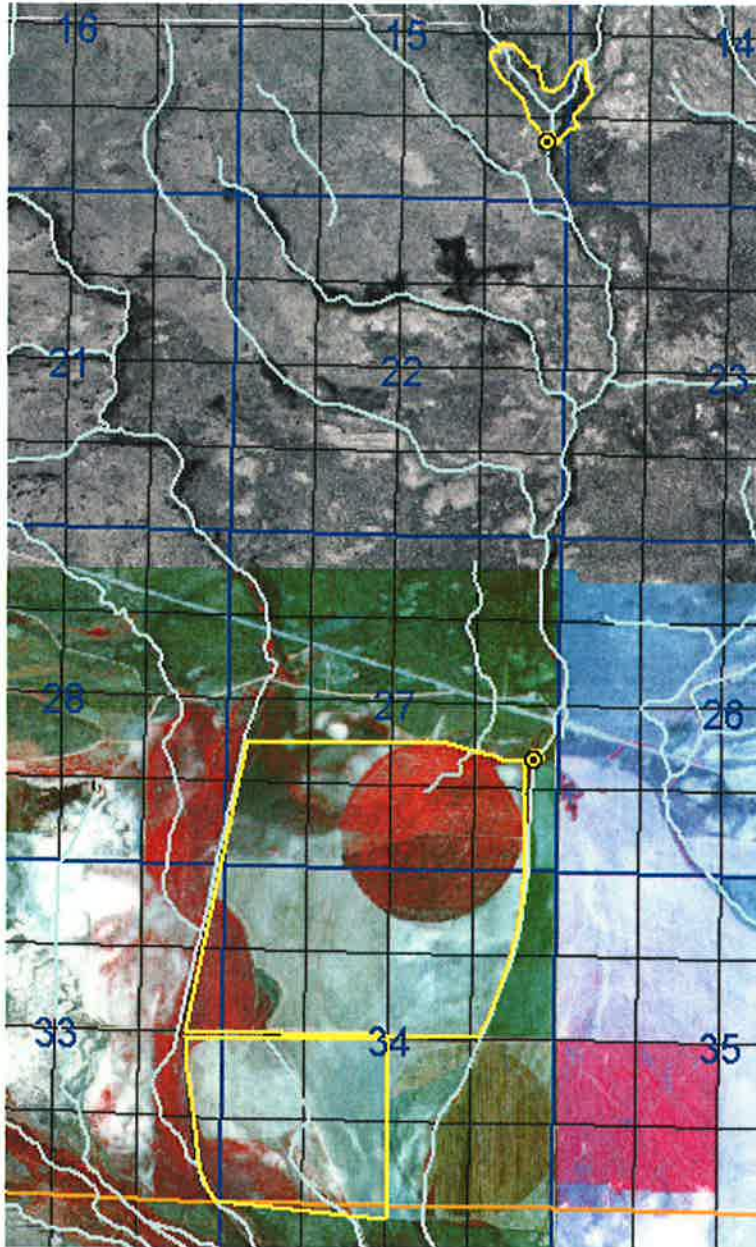
Place Of Use Data

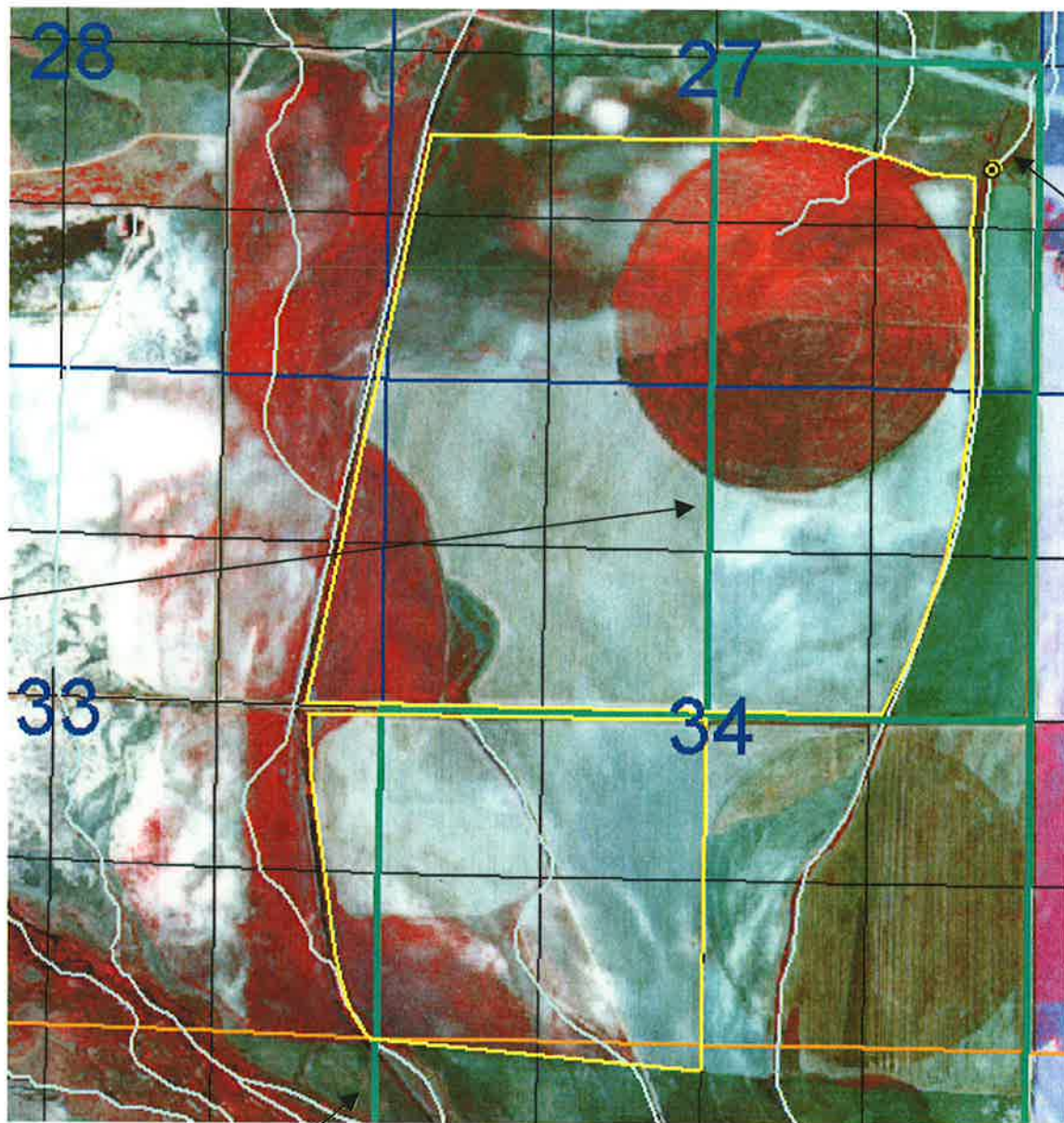
Yellow line is the draft Place of Use created by IDWR based on historical data and records.

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





Licensed POU
For 37-2289
(Green Line)

Negro Creek

Licensed POU
For 37-2244
(Green Line)

Notes

T1S R11E Sections 27 & 34; T2S R11E Section 3

- 8/10/06 Meeting with Dennis Strom, President of Strom Ranches at my office. Mr. Strom indicated where they use the water for 37-2089, 37-2244B and the storage water from Francis Dam reservoir. From his description they have used the water in the PPU since before 1987. Mr. Strom said they have always had irrigation storage in Francis Dam Reservoir and he filed a new beneficial use claim (37-21835) for Irrigation Storage and Irrigation from Storage. Mr. Strom said they have more than half of the live flow in 37-4422.
- Found 688 acres of Irrigation for the PPU
- Evidence of Priority for 37-21835 is the license documents for 37-2244. The engineers field reports was notarized October 1, 1914. The license says proof of beneficial use was 8/14/1914. Priority date will be 8/14/1914.
- Split analysis for 37-2244 and Storage water in Francis Dam Reservoir:
 - Licensed for 8.08 cfs from Negro Creek for Irrigation of 404 acres (0.02 cfs /acre)
 - POU for 37-2244A is 175 acres, at 0.02 cfs/acre this equals 3.5 cfs
 - POU for 37-2244B is 229 acres, at 0.02 cfs/acre this equals 4.58 cfs
 - Francis Dam Reservoir holds 330 AF
 - POU for 37-2244A is 173 acres (43% of 404 acres in 37-2244), which is 142 AF
 - POU for 37-21835 is 231 acres (57% of 404 acres in 37-2244), which is 188 AF
- Recommendations:
 - 688-acre PPU
 - Combined use limit of 688 acres
 - 37-2089 – 6.4 cfs for Irrigation of 320 acres within 688-acre PPU, assuming accomplished transfers for POU and POD
 - 37-2244B – 4.58 cfs for Irrigation of 229 acres within 688-acre POU, assuming accomplished transfers for POU and POD
 - 37-21835 – 188 AF for Irrigation Storage and 188 AF for Irrigation from Storage for irrigation of 229 acres with 688-acre PPU, priority date 8/24/1914
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

 ELMORE County *
 Nigger Creek *
 6.4 Second feet *
 Irrigation and domestic use *
 Priority 10-9-1907 *

S T A T E O F I D A H O

Water License No. 3185.

WHEREAS, On the 9th day of October A.D.1907, CHARLES L. MOUSER, of Taft, County of Elmore, and State of Idaho, duly made application (No. 4455) to me for a permit to use 6.4 cubic feet per second of the waters of Nigger Creek, County of Elmore, and State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 12th day of October A.D.1907, Permit No. 3185, was issued to said applicant for the diversion of said water, and providing for the completion of works of diversion therein described on or before the 12th day of October A.D.1908, and for the application to beneficial use of said water on or before the 12th day of October A.D.1908, and,

WHEREAS, On the 20th day of August A.D.1908, the holder of said permit duly made proof of the completion of adequate works for the diversion of 6.4 cubic feet per second of said waters, as evidenced by my Certificate No. 3185, dated October 1, 1908, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 6.4 cubic feet per second of water, with date of priority of October 9, 1907, and,

WHEREAS, On the 20th day of August A.D.1908, proof was duly made of the application to beneficial use of 6.4 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho I hereby grant and confirm to CHARLES L. MOUSER, of Taft, Idaho, the holder and owner of said Permit No. 3185, a perpetual right, dating from October 9, 1907, to the use of 6.4 cubic feet per second of the waters of Nigger Creek, in the County of Elmore, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 27, T. 1 S. R. 11 E. B. M., and conducted to and upon 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$; of section 27; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 34; all in township 1 south, range 11 east of Boise meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral, from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 1st day of October A.D.

Nineteen Hundred and eight.

Jas. Stephenson, Jr.

(SEAL)

State Engineer.

Recorded October 1, 1908.

37 2089

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2089

WATER RIGHT NUMBER: 37-2089

Owner Type Name and Address
 Current Owner CHARLES L MOUSER
 TAFT, ID

Priority Date: 10/09/1907

Basis: License

Status: Active

Source Tributary
 NEGRO CREEK CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	6.400 CFS	
DOMESTIC	/ to /		
	<u>Total Diversion:</u>	6.400 CFS	

Location of Point(s) of Diversion

NEGRO CREEK SE1/4NE1/4 Sec. 27, Twp 01S, Rge 11E, B.M.
 ELMORE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	11E	27													40.0	40.0	40.0	40.0	160.0
01S	11E	34	40.0	40.0	40.0	40.0													160.0

Total Acres: 320

DOMESTIC same as IRRIGATIONConditions of Approval:

1. SOURCE KNOWN LOCALLY AS NIGGER CK.

Remarks:Comments:

6/9/94

COMMUNICATION DOCUMENTATION

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 Georgia Satterlee

DATE
May 13, 1997 2:41pm

CUSTOMER
FARM CREDIT (ALICE)

SUBJECT: A37-02089✓, -12959✓, -02058, -02129, -02244✓, -02001✓, -08057✓,
-13330✓, 08520

phone call (X) walk-in (.)

Researched and printed the above profile reports; although STROM RANCHES was the primary focus, the request included all rights in the designated property descriptions. These rights included not only different claimants but different uses...

1983 Statutory