

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: A37-02244B

Date Received: 12/04/1989

Receipt No: 5010579

Received By: ADR

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: AUG 10, 1912

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	11E	15	NE	SE	SE		ELMORE
		34	NW	NE	SE	R	ELMORE
02S	11E	3	NW	NW	NE	2 R	ELMORE

5. Description of diverting works:
FRANCIS DAM FOR STORAGE THEN VIA CREEK TO CHECK DAM TO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.880		
IRRIGATION STORAGE	01/01	12/31			199.30
IRRIGATION FROM STORAGE	04/01	11/01			199.30

7. Total Quantity Appropriated is:
4.880 C.F.S. (and/or) 199.30 A.F.A.

8. Total consumptive use is 610.0 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	34	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
							Section Acres	160.0
02S	11E	3	NE		NE		IRR	11.0
			NW		NE		IRR	11.0
			SW		NE		IRR	10.0
			SE		NE		IRR	10.0
			NE		NW		IRR	11.0
			NW		NW		IRR	11.0
			SW		NW		IRR	10.0
			SE		NW		IRR	10.0
							Section Acres	84.0
							Total Acres	244.0

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:

THIS CLAIM IS BASED ON 244 ACRES OUT OF 404 ACRES LICENSED OR
60.4%. OR 4.88 CFS OF THE 8.08 LICENSED FOR DIRECT FLOW
OR 199.3 A.F. FROM STORAGE OUT OF THE 330 A.F. CAPACITY
OF FRANCIS DAM.

***** NOTE THAT A CONFLICT EXISTS WITH THE PROPORTION
OF THIS RIGHT CLAIMED WITH THE OTHER PORTION
CLAIMED UNDER A37-02244A.

15. Basis of Claim: LICENSE
Water Right Number: 8601

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 Ranches Inc Title
Strom Ranches Inc Organization, that I have signed the foregoing
document in the space below as President Title
Strom Ranches Inc Organization and that the statements contained in the
foregoing document are true and correct.

Deane A. Strom
Signature of Authorized Agent

Pres. Strom Ranches Inc
Title and Organization

12-4-89
Date

State of Idaho)
County of Twin Falls) SS.

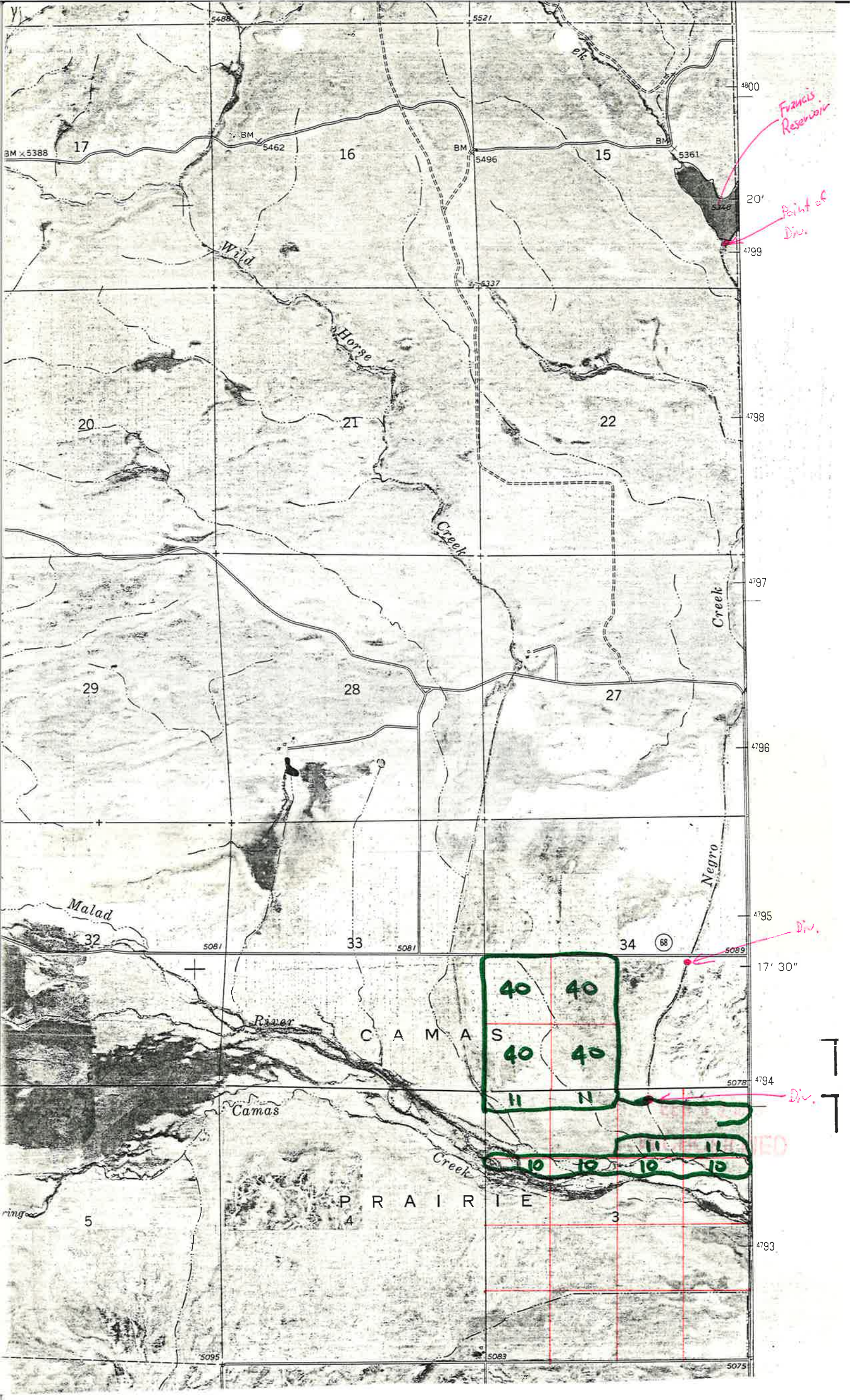
Subscribed and sworn (or affirmed) before me this 4th day
of Dec. 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.

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: 37-2244B
NAME AND ADDRESS: STROM RANCHES INC
PO BOX 137
HILL CITY ID 83337-0137
SOURCE: NEGRO CREEK
TRIBUTARY: CAMAS CREEK
QUANTITY: 4.580 CFS
PRIORITY DATE: 08/10/1912
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	4.580 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 229 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 place of use pursuant to Section
42-1425, Idaho Code.

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



Idaho Department of Water Resources

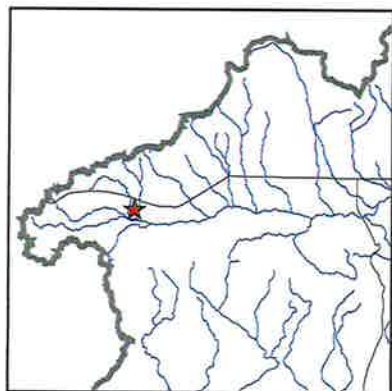
SRBA Recommendation:

37-2089

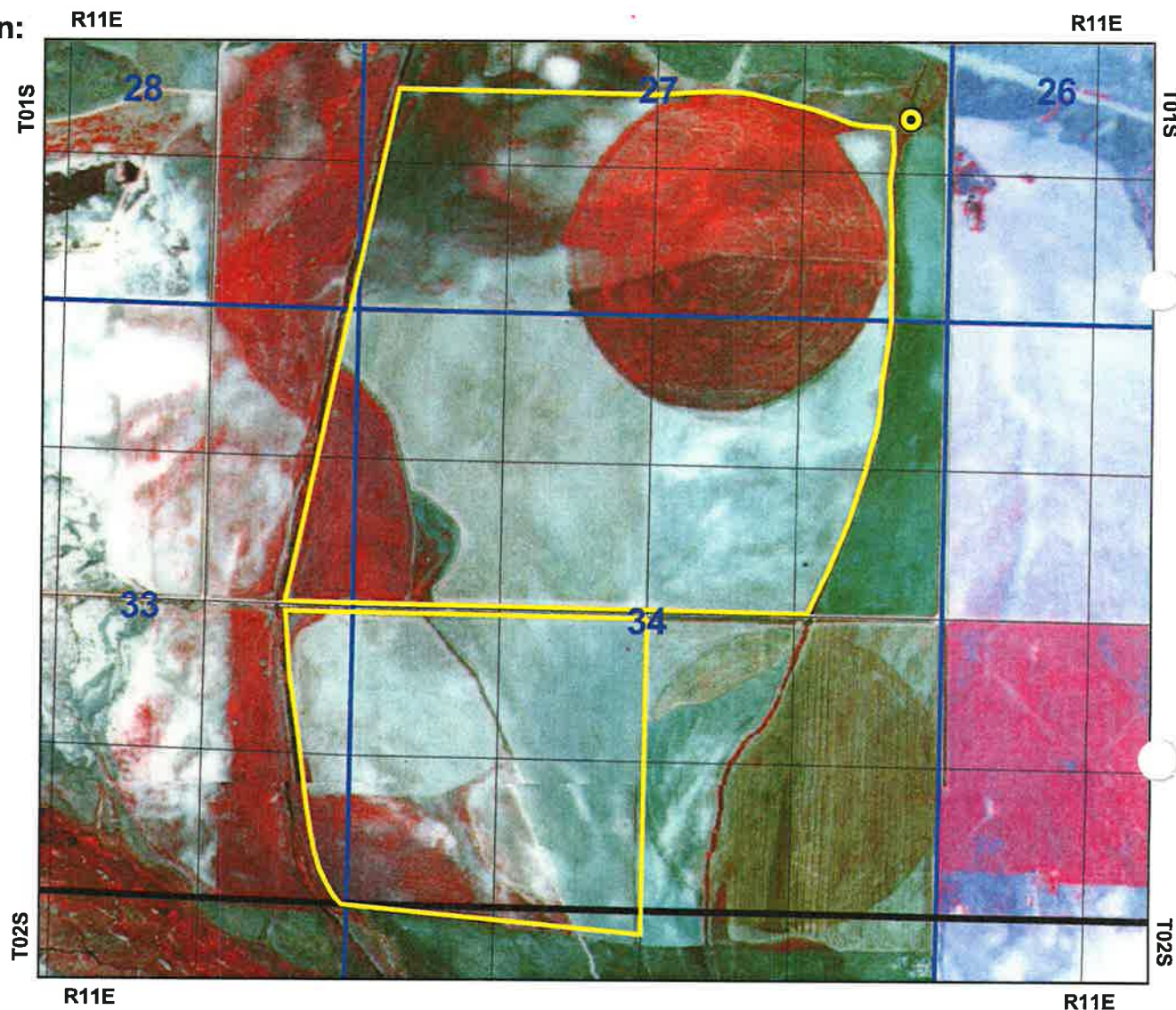
37-2244B

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

County: ~~Blaine~~
 Stream: Nigger Creek and Francis Reservoir.
 Amount: 8.08 cu.ft.
 Use: irrigation and domestic use.
 Priority: August 10, 1912.

STATE OF IDAHO

Water License No. 8601

WHEREAS, On the 10th day of August, A. D. 1912,
 Elsie M. Francis, Administratrix of Estate of Fred L. Francis,
 of Hill City, County of Blaine, State of Idaho, duly made application
 (No. 12943) to me for a permit to use 12 cubic feet per second of the waters of Nigger
 Creek and Francis Reservoir,

County of Elmore, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 24th day of August, A. D. 1912, Permit No. 8601 was issued
 to said applicant for the diversion of said water and providing for the completion of the works of diversion
 therein described on or before the 24th day of August, A. D. 1914, and for the application to ben-
 efitial use of said water on or before the 24th day of August, A. D. 1915, and,

WHEREAS, On the 24th day of August, A. D. 1914,
 Elsie M. Francis, Administratrix of Estate of Fred L. Francis,
 the holder of said permit, duly made proof of the completion of adequate works for the diversion of
 12 cubic feet per second of said waters, as evidenced by my Certificate No. 8601
 dated October 24, 1914, confirming the completion of works of sufficient capacity for diverting and
 conveying to the place of intended use 12 cubic feet per second of said water,
 with date of priority of August 10, 1912, and

WHEREAS, On the 24th day of August, A. D. 1914,
 Elsie M. Francis, Administratrix of Estate of Fred L. Francis

the holder of said permit, duly made proof of the application to beneficial use of 8.08 cubic
 feet per second of said water;

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I
 hereby grant and confirm to Elsie M. Francis, Administratrix of Estate of Fred L. Francis,

of Hill City, County of Blaine, State of Idaho, the holder and owner
 of said Permit No. 8601, a perpetual right, dating from August 10, 1912,
 to the use of 8.08 cubic feet per second of the waters of Nigger Creek and Francis
 Reservoir

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 in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 26, T. 1 S., R.
 11 E.B.M.

and conducted to and upon 404 acres, divided as follows: 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40
 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres in NE $\frac{1}{4}$
 SW $\frac{1}{4}$, 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ & 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, all in Sec.
 34, T. 1 S., R. 11 E.B.M.; 11 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 11 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in SE $\frac{1}{4}$
 NE $\frac{1}{4}$, 10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 11 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 11 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in SW $\frac{1}{4}$
 NE $\frac{1}{4}$ & 10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, all in Sec. 3, T. 2 S., R. 11 E.B.M.

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 or 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 24th day of October
 A. D. nineteen hundred and fourteen.

Herbert Wing,
 Acting State Engineer.

(Seal)

-2244

No. 12943

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Elsie M. Francis, Administratrix Estate of Fred. L. Francis

Postoffice address: Hill City County: Blaine State: Idaho

- I. If applicant is a corporation, give (a) Date and place of incorporation
 (b) The amount of capital stock. (c) The amount paid in.
 (d) Names and addresses of directors.

- II. The financial resources of the applicant are: (a) Cash on hand.
 (b) Treasury stock. (c) Bonds to be issued.
 (d) Other resources.

2. The quantity of water claimed is twelve cubic feet per second.

3. Source of water supply: Higger Creek and Francis Reservoir

4. Location of point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, T. 1 S. R. 11 E. See Remarks.

5. To be used for: Irrigation County of Elmore

- I. Irrigation and domestic use. (a) Amount of land to be irrigated: 640 acres.
 (b) In the following legal subdivisions: S $\frac{1}{2}$ Sec. 34, T. 1 S. R. 11 E., and NE $\frac{1}{2}$ Sec. 3,
 T. 2 S., R. 11 E. B. M.

- II. Mining, milling, power, manufacturing, transportation or other purposes.

[a] At what point.

[b] Amount of power to be generated.

H. P. under

ft. head

[c] Is water to be returned to any stream?
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: \$3500.00

7. Description of works for diversion:

- I. Kind of works: Reservoir, Dam and Ditches.

II. Dimensions of works: [a] Height of dam 32 feet, length of dam at top 400 feet,

length of dam at bottom 10 feet. Material used in construction: earth, stone,
and concrete

[b] Capacity of reservoir 330 acre feet. [c] Size of headgate, width 2 feet,

Height 4 feet. (d) Conduit Ditch width at bottom 5 feet,

width at water line 6 $\frac{1}{2}$ feet, depth of water 3 feet, diameter of pipe

inches, average grade per mile is 10 feet. Length of conduit is 3/4 miles,
 and it crosses the following quarter sections: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, and NE $\frac{1}{4}$ Sec. 34, T. 1 S. R.
 11 E.

8. The time required for the completion of the construction of such work is two years.

9. Time required for the complete application of the water to the proposed use is one
additional years

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public
 waters of the State of Idaho as herein set forth.

Elsie M. Francis..... Applicant.

By ... H. L. Childs..... Agent.

Date of first receipt at office of State Engineer 9.00 a.m. August 10, 1912.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER.

The number of this permit is 8601

Recorded in Book 28

Page

8601

Approved

August 24, 1912.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of _____ to be filed on or before _____

Work to begin on or before October 23, 1912, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before August 24, 1913.

The whole of said work to be completed on or before August 24, 1914

Beneficial use of water appropriated in accordance herewith, to be made on or before August 24, 1915.

Witness my hand this 24th day of August, 1912.

A. E. Robinson,
State Engineer.

Remarks.

Water is diverted from Francis Reservoir into the regular channel of Higger Creek at SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, thence conducted through said channel to SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, T. 1 S. R. 11 E., from which point it is diverted by ditch to the land to be irrigated.

Said reservoir is situated on government land except the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, claimed by C. A. Benham, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, T. 1 S. R. 11 E., both of whom have given their consent for the construction of said reservoir.

REPORT OF ENGINEER

Permit 8601

1. State name of applicant and number of permit: Elsie E. Francis, administratrix of the estate of Fred L. Francis, dec'd.

2. State source of water supply: Nigger Creek and Francis Reservoir.

3. Location of point of diversion: S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 26, T.1 S., R.11 E.

See Remarks.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:
Yes

5. Describe works as they exist, giving dimensions of same as follows:

(a) Width of conduit at bottom: Five feet.

(b) Width at water line: Six and one-half feet.

(c) Depth of water: three feet.

(d) Grade per mile: ten feet.

(e) Capacity of ditch: twelve second feet.

6. State whether or not water has been turned into works of diversion and if so, to what extent: Yes,
to the extent of 12 second feet four years ago; ditches were secure,
but a defective dam broke. The past two seasons water has been turned on
works of diversion to the extent of 8 second feet.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each
forty acre tract: Forty acres cultivated on each forty-acre tract embraced in
the S. $\frac{1}{2}$ Sec. 34, T.1 S., R.11 E. On the N. $\frac{1}{2}$ Sec. 3, T.2 S. R.11 E.
N.E. $\frac{1}{4}$ N.E. $\frac{1}{4}$ 11 acres cultivated; - N.W. $\frac{1}{4}$ N.W. $\frac{1}{4}$ 11 acres cultivated; -
N.E. $\frac{1}{4}$ N.W. $\frac{1}{4}$ 11 acres cultivated; - N.W. $\frac{1}{4}$ N.W. $\frac{1}{4}$ 11 acres cultivated; -
S.E. $\frac{1}{4}$ N.E. $\frac{1}{4}$ 10 acres cultivated; - S.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$ 10 acres cultivated; -
S.E. $\frac{1}{4}$ N.W. $\frac{1}{4}$ 10 acres cultivated; - S.W. $\frac{1}{4}$ N.W. $\frac{1}{4}$ 10 acres cultivated.
42 42

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross
hatch lands to be irrigated.

Remarks: Water is diverted from Francis Reservoir into the regular
channel of Nigger Creek at S.E. $\frac{1}{4}$ S.E. $\frac{1}{4}$ Sec. 15, thence conducted
through said channel to S.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 26, from which point it is
diverted by ditch to the land to be irrigated. (T.1 S., R.11 E.)

RECEIVED

OCT 10 1914

OFFICE OF STATE ENGINEER

H. L. Childs
Land Surveyor.

STATE OF IDAHO,

County of Blaine.

ss.

H. L. Childs

, being first duly sworn, deposes and says that the statements

contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 1st day of October, 1914.

My Commission Expires Dec 17-1916.

Notary Public

8601