

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: **A37-04116**

Date Received: 12/30/1991

Receipt No: S014010

Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: FLAT TOP SHEEP COMPANY 208-788-2850
Address: PO BOX 88
CAREY ID 83320

2. Date of Priority: APR 1, 1913

3. Source: UNNAMED STREAM Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	21E	30	SW	NW			BLAINE

5. Description of diverting works:
EARTHEN DAM (CAMPBELL DAM) TO DITCH THEN PIPELINE TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			2700.00
IRRIGATION FROM STORAGE	04/01	11/01			2700.00
IRRIGATION	04/01	11/01	5.000		

7. Total Quantity Appropriated is:
5.000 C.F.S. (and/or) 2700.00 A.F.A.

8. Total consumptive use is 2280.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	20E	26	NE	SW		IRR	10.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	20E	26	SE	SW		IRR	15.0
						Section Acres	105.0
		27	NE	SE		IRR	20.0
			SE	SE		IRR	15.0
						Section Acres	35.0
		35	NW	NE		IRR	10.0
			SW	NE		IRR	20.0
			NE	NW		IRR	35.0
			NW	NW		IRR	30.0
			SW	NW		IRR	5.0
			SE	NW		IRR	10.0
						Section Acres	110.0
						Total Acres	250.0

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:
NONE

14. Remarks:
SOURCE LOCALLY KNOWN AS LAVA DRAW.

15. Basis of Claim: STATUTORY CLAIM

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: _____

MICROFILMED
FEB 23 1993

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
Organization document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
FEB 23 1993

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: A37-0416
Date Received: _____
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: Flat Top Sheep Company Phone: 788-2850 or
Address: P.O. Box 88 726-7568
Carey, Idaho 83320

2. Date of Priority: April 1, 1913

3. Source: Unnamed lava drain Trib. to: Sinks

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
2N	21E	30	SW	NW			Blaine

5. Description of diversion works:

17 foot high earthen dam 750 feet long - 200 acre reservoir
water diverted from reservoir through headgate and ditch to
NE 1/4 of Section 2, Township 2 North, Range 20 East, then
into gravity pipeline to place of use.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.
Storage for irrig.	Jan. 1	Dec. 31			2,700
Irrigation	April 1	Nov. 1	5	and	2,700

7. Total Quantity Claimed is:

5 C.F.S. (and/or) 2,700 Acre Feet

8. Total consumptive use claimed is:

2,280 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Description of place of use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
2N	20E	26	NE	SW			10

MICROFILMED
FEB 23 1993

	NW	SW	40 ²⁰
	SW	SW	40
	SE	SW	15
27	NE	SE	20
	SE	SE	15
35	NW	NE	10
	SW	NE	20
	NE	NW	35
	NW	NW	30
	SW	NW	5
	SE	NW	10

TOTAL ACRES: 250

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

12. Do you own the property listed above as place of use? Yes

13. Other water rights used at the same place and for the same purposes as described above.

14. Remarks:

15. Basis of Claim: Constitutional appropriation and claim.
Water Right Number: 37-4116

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 - plat showing place of use.

For Organizations:

I do solemnly swear or affirm that I am President of Flat Top Sheep Company, that I have signed the foregoing document in the space below as President of Flat Top Sheep Company and that the statements contained in the foregoing document are true and correct.

John T. Peavey
John T. Peavey
President - Flat Top Sheep Company

MICROFILMED
FEB 23 1993

Dec. 23, 1991
Date

State of Idaho)
) ss.
County of Minidoka)

Subscribed and sworn (or affirmed) before me this 23rd day of December, 1991.

(SEAL)

Rogers A. Ling
Notary Public for Idaho
Residing at: Rupert, Idaho
My Commission Expires: 10-30-94

17. Notice of Appearance:

Notice is hereby given that I, Roger D. Ling, will be acting as attorney at law on behalf of the claimant signing the 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: _____

Rogers A. Ling

Address: P. O. Box 396, Rupert, ID 83350

Date: _____

Dec 23, 1991

MICROFILMED
FEB 23 1993

12/12/2006

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

RIGHT NUMBER: 37-4116
NAME AND ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY ID 83320
SOURCE: UNNAMED STREAM TRIBUTARY: LITTLE WOOD RIVER
QUANTITY: 3.780 CFS
550.000 AFY
PRIORITY DATE: 12/31/1915
POINT OF DIVERSION:

T02N R21E S30 NESWNW Lot 2 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	04/15 10/31	550.00 AFY
IRRIGATION STORAGE	01/01 12/31	550.00 AFY
IRRIGATION	04/15 10/31	3.780 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R20E S26	NESW	10.70	T02N R20E S26	NWSW	40.00
T02N R20E S26	SWSW	36.00	T02N R20E S26	SESW	18.00
T02N R20E S27	NESE	8.00	T02N R20E S27	SESE	0.20
T02N R20E S35	NWNE	2.90	T02N R20E S35	SWNE	17.00
T02N R20E S35	NENW	34.00	T02N R20E S35	NWNW	17.00
T02N R20E S35	SENE	5.20			

IRRIGATION STORAGE in BLAINE County

T02N R21E S30	SWNE		T02N R21E S30	NENW	
T02N R21E S30 Lot 2 SWNW			T02N R21E S30	SENE	
T02N R21E S30	NESW		T02N R21E S30 Lot 3 NWSW		
T02N R21E S30	SESW		T02N R21E S30	NESE	
T02N R21E S30	NWSE		T02N R21E S30	SWSE	

IRRIGATION FROM STORAGE in BLAINE County

T02N R20E S26	NESW	10.70	T02N R20E S26	NWSW	40.00
T02N R20E S26	SWSW	36.00	T02N R20E S26	SESW	18.00
T02N R20E S27	NESE	8.00	T02N R20E S27	SESE	0.20
T02N R20E S35	NWNE	2.90	T02N R20E S35	SWNE	17.00
T02N R20E S35	NENW	34.00	T02N R20E S35	NWNW	17.00
T02N R20E S35	SENE	5.20			

189 ACRES TOTAL

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.

12/12/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

SRBA Recommendation:

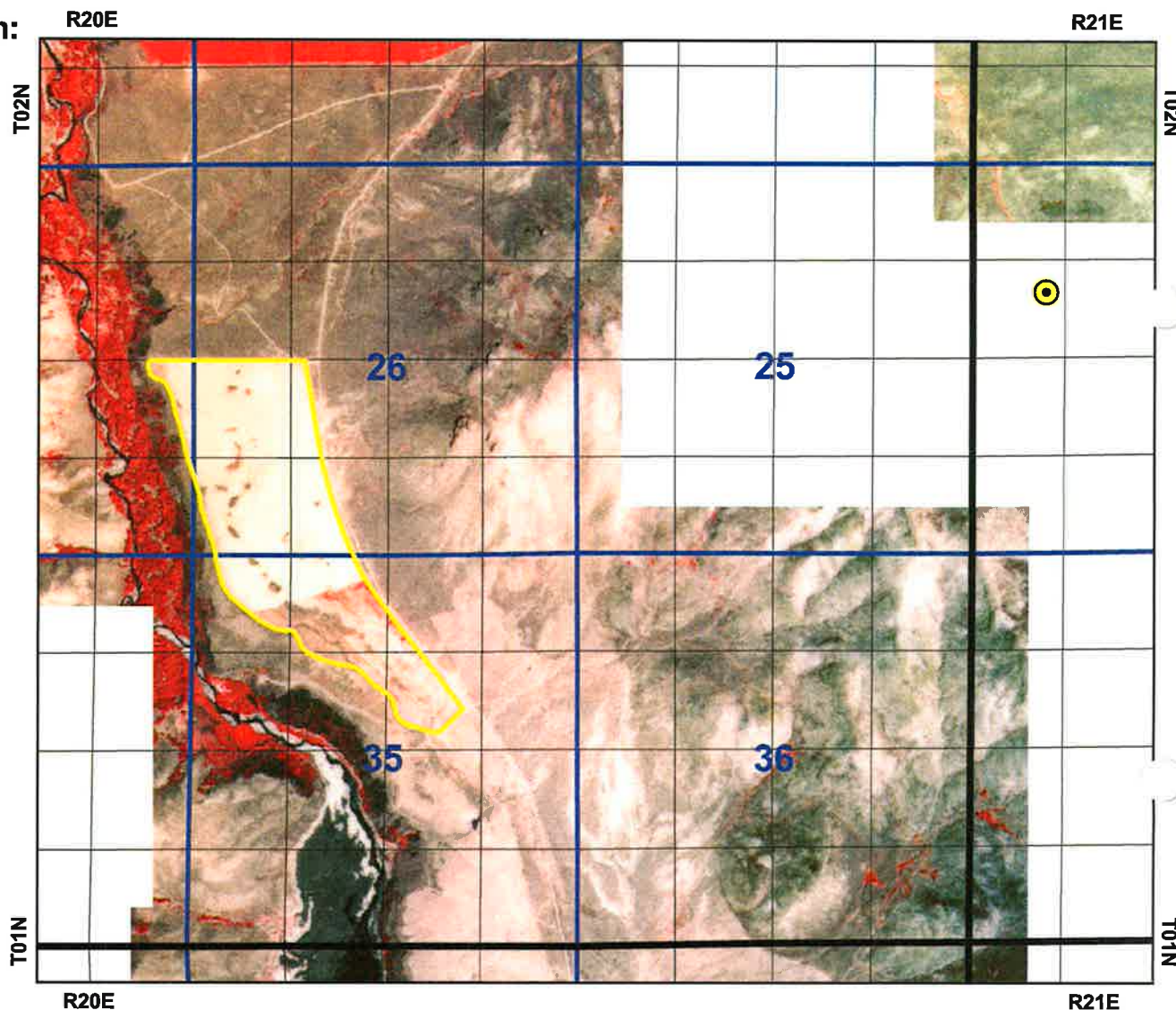
37-4116

Legend

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



Blaine County
IDWR Basin 37



0 0.25 0.5 0.75 1 Miles



Prepared by M. Anders
On Tuesday, December 12, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-4116

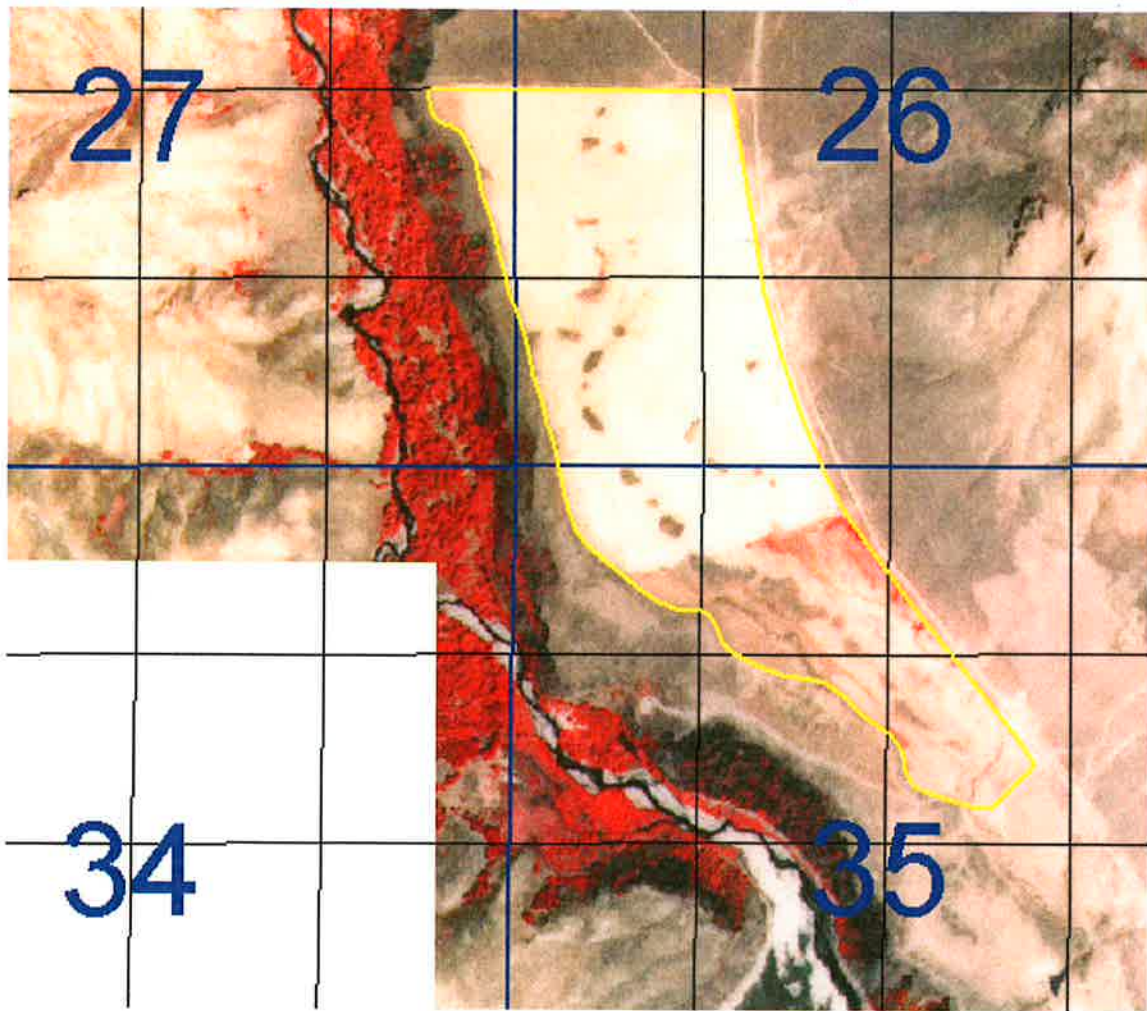
Background Data

- Statutory Claim
- Claimed 5.0 cfs on 250 acres

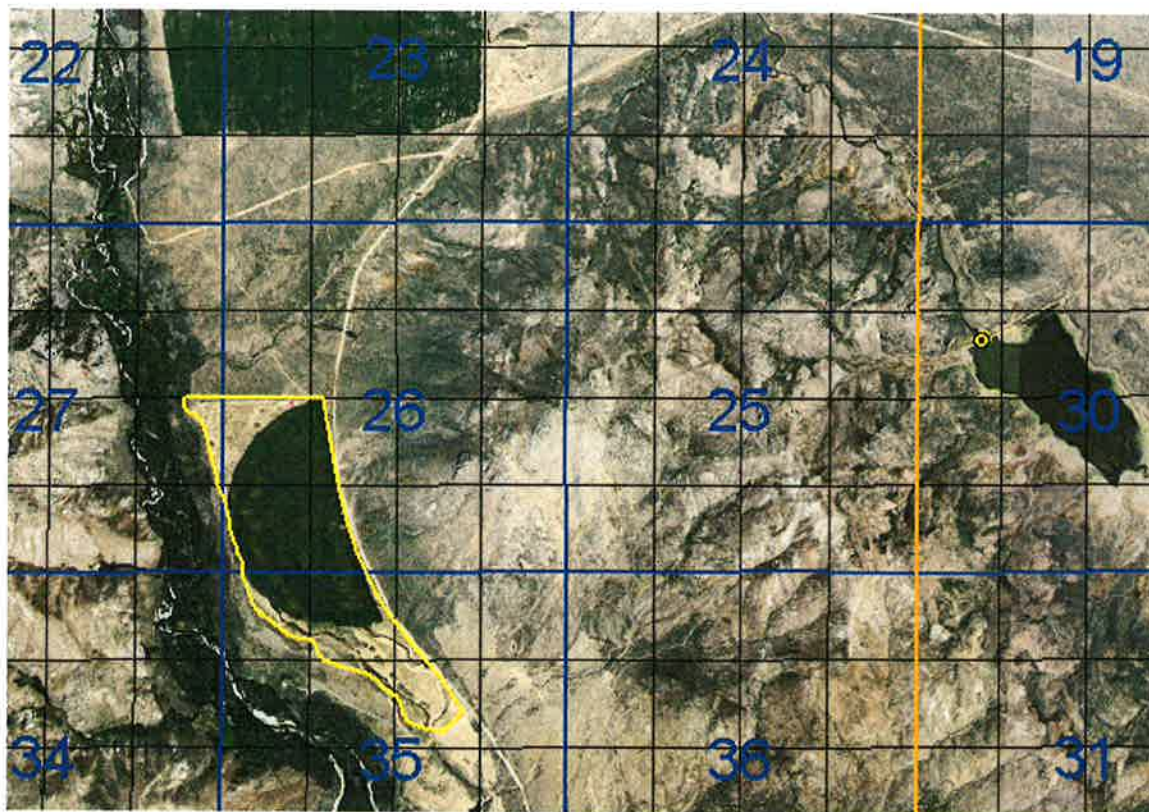
Place Of Use Data

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.

1987 Aerial Photo



2006 Aerial Photo



Notes

T2N R20E Section 26, 27, & 35

- Found 189 acres for Irrigation
- SRBA claim is different from original Statutory claim - SRBA claim POU is a subset of the statutory claim POU
- 2 PODs GPS'd: one on Campbell Reservoir and one on Muldoon Creek. No photos taken and no plates
- Claimed at 0.02 cfs/acres.
- Evidence of Priority:
 - claimed April 1, 1913
 - The statutory claim is based on permit 7573.
 - This permit was issued in August 12, 1911 for 30 cfs.
 - A completion of works inspection November 26, 1913 indicates that the dam and first 1.5 miles of the main ditch were complete, but the spillway was not complete.
 - A September 14, 1917 letter from Campbell's engineer to the state engineer states that "all of the land that can be irrigated has not been irrigated" and requests an extension.

- A reply to the September 14, 1917 from the state engineer to Campbell's engineer states that an extension cannot be given, but a later priority date can be given if the proof of beneficial use is completed.
 - Permit cancelled December 16, 1975
- There are 3 affidavits for evidence of priority, 2 state that use began in 1915.
- Conclusion: The September 14, 1917 letter is vague, but it leaves two possibilities: 1) none of the land was being irrigated, or 2) an unknown portion of the land was being irrigated. Given the affidavits and the fact that they claimed less than the permitted acres and diversion rate, it is plausible that the claimed diversion rate and POU has been used since 1915. I plan to recommend a priority date of December 31, 1915.
- 11/06 unable to conduct field exam to measure diversion rate because of too much snow. Based on 1987 aerial photo that indicates irrigation of POU, the evidence of priority submitted, and a pipe and ditch distribution system observed on during a 2005 field exam, I decided to recommend claim at 0.02 cfs/acre.
- Dam safety records indicate the reservoir capacity is 550 AF
- Recommendation:
 - 3.78 cfs for Irrigation of 189 acres
 - 550 AF for Irrigation Storage
 - 550 AF for Irrigation from Storage for Irrigation of 189 acres
- Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

DAM SUMMARY INVENTORY SHEET

CAMPBELL

37 - 2217

Printed: Dec 12, 2006

Updated: Aug 28, 2006

STATUS _____ A
BASIN _____ 37
DAM NUMBER _____ 2217
FEDERAL ID NUMBER _____ ID00025
DAM NAME _____ CAMPBELL
COUNTY _____ BLAINE
STREAM _____ TR-LITTLE WOOD RIVER
REGION _____ S
PURPOSE _____ J
RISK CATEGORY _____ 3
SIZE CATEGORY _____ 2
Q Q SECTION _____ SWNW
SECTION _____ 30
TOWNSHIP _____ 02N
RANGE _____ 21E
LATITUDE DEC _____ 43.4796
LONGITUDE DEC _____ -114.0056
DAM TYPE _____ EARTH
STORAGE CAPACITY _____ 550 *AcFT*
HEIGHT _____ 13.3 *Ft*
DRAINAGE AREA _____ 5.5 *SqMi*
RESERVOIR AREA _____ 110 *Ac*
YEAR COMPLETED _____ 1913
CREST ELEVATION _____ 5655 *Msl*
CREST LENGTH _____ 1950 *Ft*
SPILLWAY TYPE _____ RKCHAN
SPILLWAY DEPTH _____ 4.8 *Ft*
SPILLWAY CAPACITY _____ 300 *Cfs*
SPILLWAY CONDITION _____ FR
SPILLWAY GATE COND _____ NA
OUTLET TYPE _____ MPENCN
OUTLET SIZE _____ 18 *In*
OUTLET CAPACITY _____ 18 *Cfs*

OUTLET CONDITION _____ GD
OUTLET GATE CONDITION _____ GD
LAST OUTLET EXAM _____
OUTLET INSP INTERVAL _____
IDF _____ Q100
IDF MAGNITUDE _____ 200 *Cfs*
RELEASE CAPACITY _____ 318 *Cfs*
OVERALL COND _____ FR
MAINTENANCE _____ ROUTINE
INSPECTION DATE _____ 8/9/2006 *Mo/Yr*
CERT ISSUE DATE _____ 1/14/2005 *Mo/dd/yr*
STORAGE AUTH DATE _____ 08/18/2006 *Mo/dd/yr*
STORAGE EXP DATE _____ 11/01/2008 *Mo/dd/yr*
SURVEY DATE _____ 11/2/1999 *Mo/dd/yr*
CALL UP DATE _____ *Mo/dd/yr*
INSP INTERVAL _____ 2 *Yr*
PHASE 1 INSP DATE _____
OPERATION PLAN _____ N
STATIC STABILITY _____
SEISMIC STABILITY _____ N
RESTRICTED _____ Y
BOND _____ NA
JOINT INSPECTION _____
QUAD NUMBER _____ Y26
QUAD NAME _____ LITTLE WOOD RIVER
DAM OWNER _____ FLAT TOP SHEEP CO
ADDRESS-1 _____ C/O TOM PEAVEY
ADDRESS-2 _____ P O BOX 88
CITY _____ CAREY
STATE _____ ID
ZIP CODE _____ 83320
ZIP SUFFIX _____
PHONE _____ 7882454
AREA CODE _____ 208

GEN_REMARK _____ PART OF RESERVOIR SHOWN ON QUAD MAP, Y27 - LAKE HILLS. RESERVOIR AREA PLANIMETERED FROM USGS QUAD MAPS. STORAGE CAPACITY ESTIMATED. OUTLET PIPE REPLACED IN FALL 1998.

TEC_REMARK _____ SPILLWAY AND RELEASE CAPACITY ARE WITH 2.5' FREEBOARD ON DAM, & 1.8' FREEBOARD ON DIKE.

RESTRICT _____ A MINIMUM OF 2.5 FEET OF FREEBOARD SHALL BE MAINTAINED ON THE DAM EMBANKMENT AT ALL TIMES. WHEN THE RESERVOIR IS FULL, THE DAM EMBANKMENT SHALL BE MONITORED FREQUENTLY FOR SEEPAGE. ANY INCREASE IN SEEPAGE FLOWS OR MURKY DISCHARGE SHALL BE REPORTED TO THE DEPARTMENT IMMEDIATELY.

ALT_CONT _____ RANCH TELEPHONE: 788-2850. JOHN PEAVEY, PHONE: 726-7568.

BOND_SUM _____

Background Data

- Statutory Claim
- The Adjudication claim is significantly different from the Statutory claim.

T 2N
R 20E

27-35
26-35

SEC

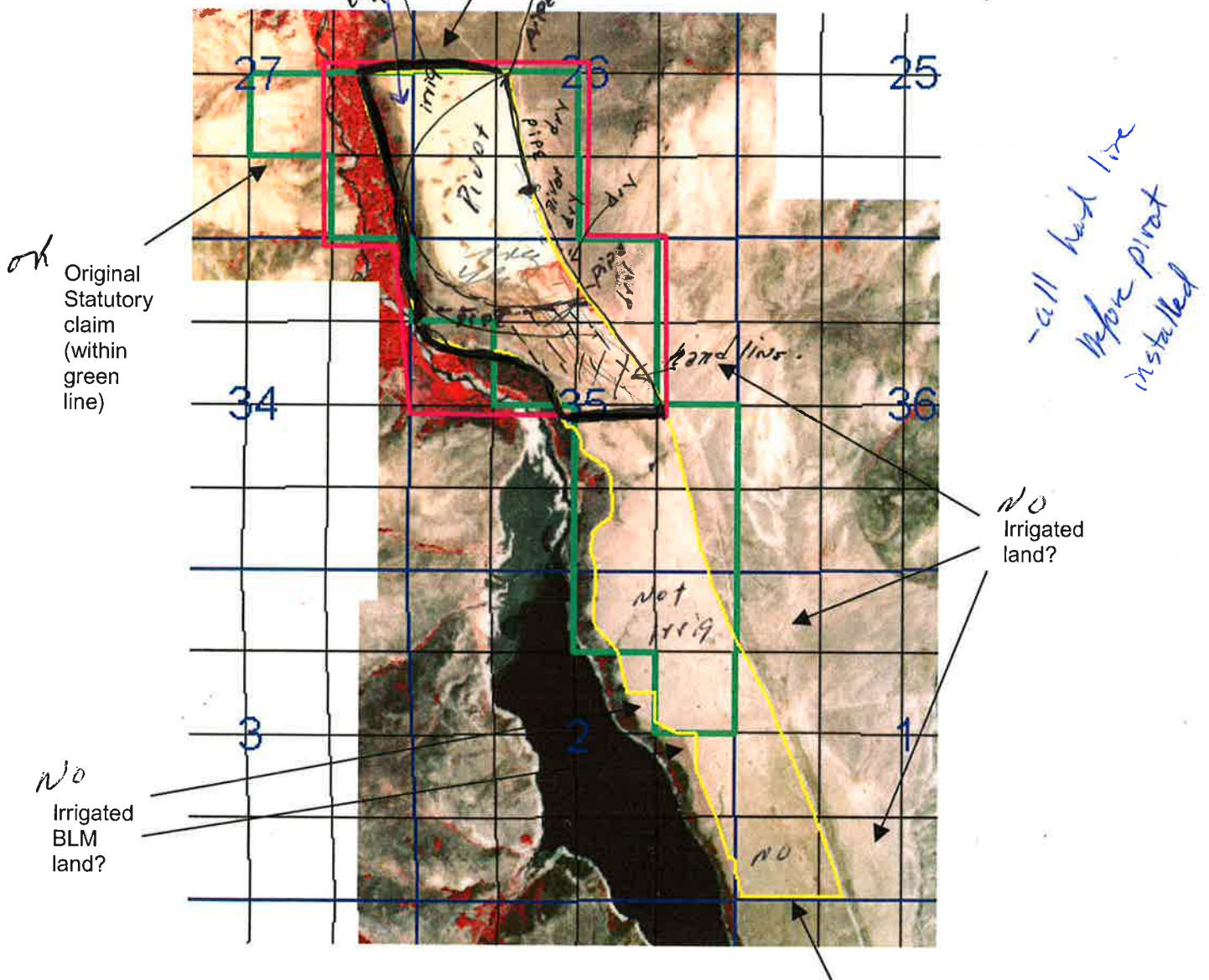
Place Of Use Data

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.

PUMP #4 Muldoon Cr
1987 Aerial Photo

Pump from Muldoon Cr + add to ditch from Campbell Res.
ditch
3 ditch

Claimed POU for adjudication (within purple line)



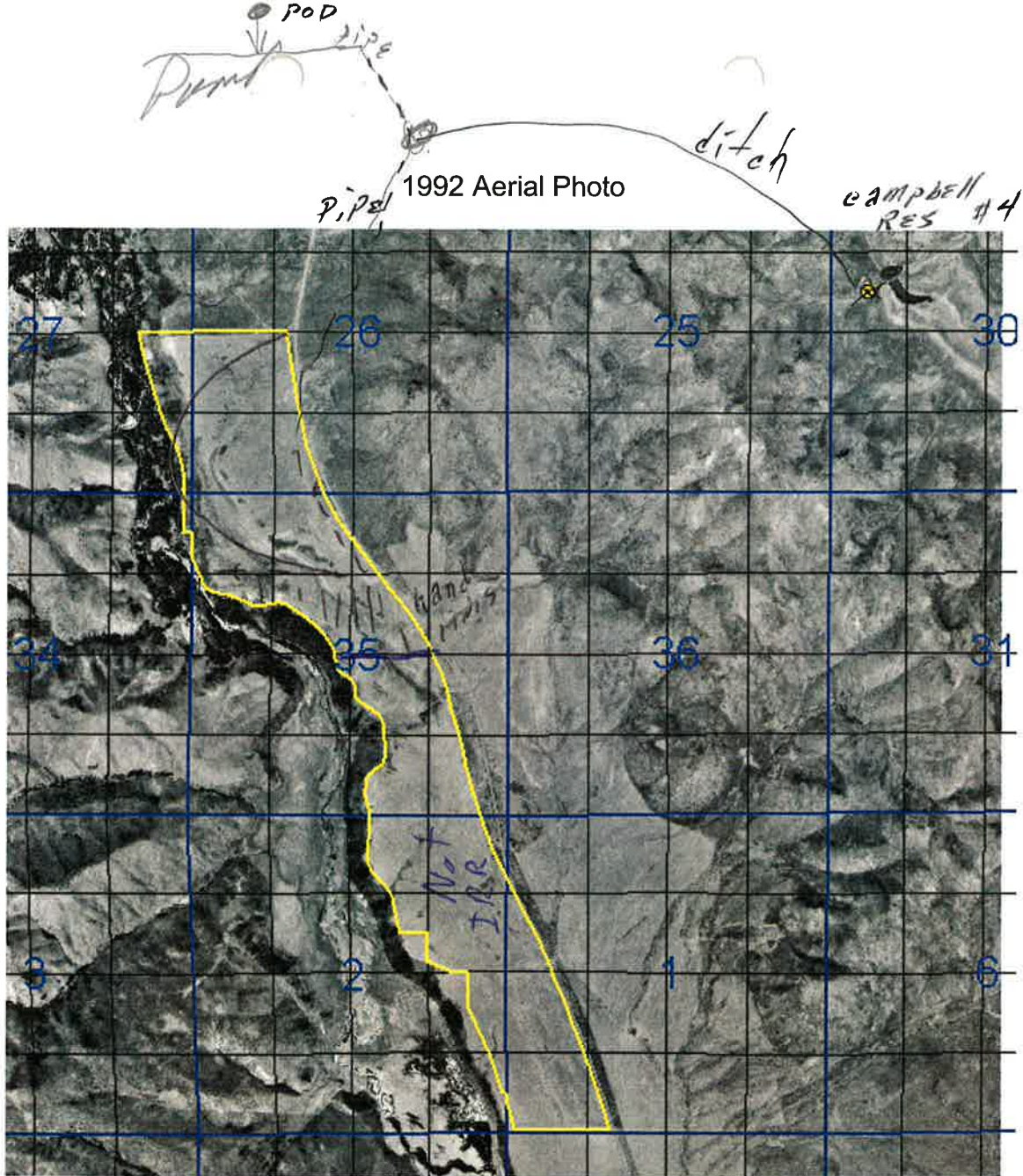
Original Statutory claim (within green line)

NO Irrigated land?

NO Irrigated BLM land?

Irrigated land on Flat Sheep Co property? (within yellow line)
NO

Field Exam
by Lee Peterson



Notes

T2N R20E Section 25, 26, & 35; T1N R20E Section 1 & 2

- Claimed 15.2 cfs on 760 acres on original Statutory claim and claimed 5 cfs on 250 acres in Adjudication claim. The adjudication claim POU is a subset of the POU for the statutory claim
- 1 claimed POD. It matches one of the 2 PODs claimed under the original statutory claim. Source listed as Lava Draw Creek on original Statutory claim, but listed as unnamed stream on Adjudication claim. POD appears to be at Campbell Reservoir? What is correct?
- Is there some BLM land along west side being irrigated?
- Is there land east of POU that is being irrigated?

quites in
summer on
no
no

Yes
John said

File No.
Many Files [see letter]

Owner
Flat Top Sheep Co.
P.O. Box 88
Carey

Date
7/11-28-29/05

I met with John Peavey owner of the company and reviewed some files and GPS 4 POD's on the 11th and he requested that we meet with his Attorney [Roger Ling] at a later date due to a appointment he has back east about sheep so I made an appointment with Roger for a meeting on the 28th to review files then the 29th John and I went to the fields to GPS 5 more locations .

W.R. Orphan Land= the Water source is a pump from Muldoon Cr and all irrigated with Little Wood Irrigation District Water. Roger Ling said he would look into this Water right and the filing of it.

W.R. 37-00390- Roger confirmed that this water is used pretty well by the area marked with purple tags Within this file . His file had a similar drawing as these.

SEE LARGE PHOTO

W.R. A37-04116=This water is for property in T-2N, R-20E, Sections 26=27=35 as drawn on photo. The POD is a pump out of Muldoon Cr and ditch from Campbell Res. POD's 3-4on GPS . All this property is irrigated by hand line sprinkler system and one ½ circle system as on photo.

W.R. 37-4411- While looking over this file John said they own the small area west side of the West -North yellow 120 acre area which I outlined black with arrow pointing to it. Also Attn. Ling said he would look into this area not being claimed in the SRBA because this property lies within their owned property lines.

W.R. A37-00399 this file takes in numerous rights which as per John and Roger they are included within there property boundary , on page 4 of 8 the QQ on West side is yes this 40 acres is irrigated mostly by sub water. The 40 acre parcel top left is also irrigated by seepage. Page 5 of 8 the parcel marked [red-purple] does belong to Peaveys and the three areas with arrows upper North East and area west is irrigated with seepage. Page 6-7 of 8 yes this area is BLM and is irrigated with seepage from ditch.

W.R.A37-00398-397-396-395-394-393-392-391-Water for these rights are ,as per John, are co-mingled and used where-ever needed and Roger said he would look into all these rights , He thought that they were filed on but would look into them for any problem.

W.R. A37-02294= the area North-East by #2 POD , John said he didn't think this area is claimed, but the area South- yellow , is yes POU, and the two circle sprinkler are shown, Note also S. Fork of Muldoon Cr. Is Known as Friedman Cr.

W.R.A37-00400= This Also is S. Fork of Muldoon Cr known to be Friedman. The area in section 15 with arrow is irrigated by seepage . The area marked with arrows on right side of photo are irrigated. John said there is no POD on South Fork Muldoon Cr. Both POD's are on Friedman Cr.. This area POD are #1-2.

W.R. A37-00401 = Roger Ling will check into 401A and John said the area marked 401A does not belong to Flat Top Sheep Co. and both POD's are from Friedman Cr. A tributary to Muldoon Cr.

W.R. A37-02092 = Source of water is from Friedman Cr. And is for 3.2 CFS for approx 4 QQ and the area in section 16 with arrow, John said he does not think this is claimed POU, and the Northern area with arrow h also does not think so as Licensed POU.

W.R. A37-02234 = Source of water is Friedman Cr for 1.5 CFS on area marked circle sprinkler irrigation and 4-¾ QQ marked yellow, there is a spring within the East ¾ area, this area in yellow is flood irrig. From #1-2 POD.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Flat Top Sheep Co	Flat 5	2503568	1364030	None	1060657
" " " "	" 6	2505050	1363113	"	658

Lee R. Peterson



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 8, 2005

Flat Top Sheep Company
P.O. Box 88
Carey, ID 83320

Roger Ling
P.O. Box 396
Rupert, ID 83350

RE: Snake River Basin Adjudication claim 37-4116

Dear Flat top Sheep Company,

I have completed the initial review of Snake River Basin Adjudication claim 37-4116. I found a Place of Use for this claim consisting of 212 acres, it is outlined in yellow on the attached copy of a 1987 aerial photograph.

We have not have not received evidence supporting the claimed priority date of April 1, 1913. Please note that Idaho State statutes require that sufficient evidence of priority must be provided to the Idaho Department of Water Resources before this claim can be confirmed as a valid water right. Enclosed is a pamphlet explaining evidence of priority.

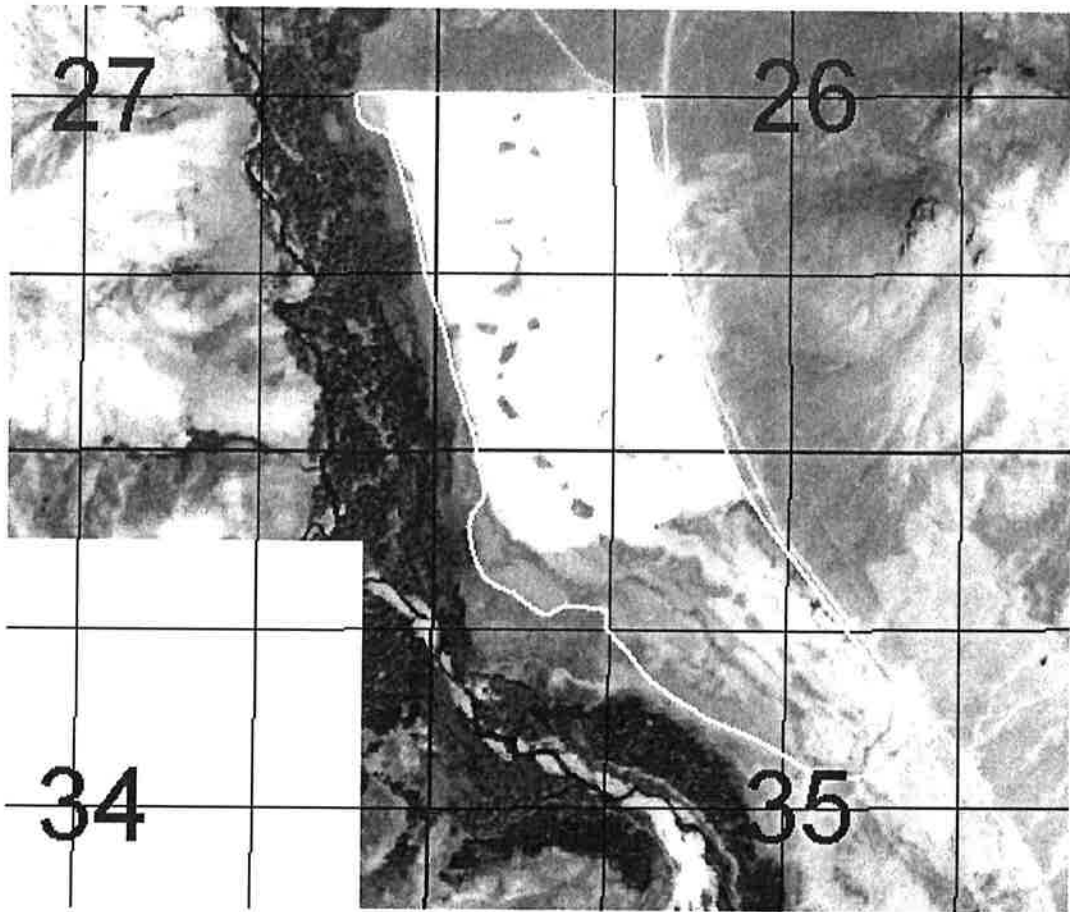
Feel free to contact me at (208) 287-4937 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Matt Anders', is written over a light blue horizontal line.

Matt Anders
GIS Specialist – Snake River Basin Adjudication

Draft Place of Use on 1987 Aerial Photograph
(Place of Use = 212 acres)



AFFIDAVIT IN SUPPORT OF
CLAIM TO A WATER RIGHT

RECEIVED

MAY 14 1979

STATE OF IDAHO)
) ss.
County of Minidoka)

Department of Water Resources

John T. Peavey, being first duly sworn,
deposes and says:

That I, the undersigned, am familiar with the Campbell Reservoir located in Section 30, Township 2 North, Range 21 East of the Boise Meridian and from my own knowledge know that water has been stored in said reservoir for the purposes of irrigation since 1940, which period is within my lifetime. Since said date, I know, of my own personal knowledge, that said water has been used, when water was available in the reservoir, for the irrigation of lands within Section 26, 27 and 35, all in Township 2 North, Range 20 East of the Boise Meridian and on Lots 1 and 2 in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2 in Township 1 North, Range 20 East of the Boise Meridian, all in Blaine County, Idaho.

To my knowledge, water has been used from the Campbell Reservoir, when it was available, since 1913.

John T. Peavey

SUBSCRIBED AND SWORN TO before me this 25th day
of April, 1979.

(SEAL)

Reggie E. King
Notary Public for Idaho
Residing at Kingst. Idaho

SCANNED

NOV 08 2005

MICROFILMED

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON

LING, NIELSEN & ROBINSON

ATTORNEYS AT LAW
TOEBALING BUILDING
P. O. BOX 396
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE 436-4717

June 7, 1979

RECEIVED

JUN 8 1979

Mary A. Hill
Secretary
Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

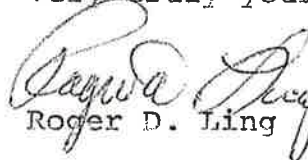
Department of Water Resources
Southern District Office

RE: Claim to a Water Right No. 37-4116

Dear Ms. Hill:

Would you please file the enclosed Affidavit with the original Claim to a Water Right now held in your office. This Affidavit by Ruth Campbell Hice does not change the claim but is submitted for filing in further support of the claim.

Very truly yours,


Roger D. Ling

RDL:nh
Enclosure

SCANNED

NOV 8 8 2005

MICROFILMED

RECEIVED

JUN 8 1979

Department of Water Resources
Southern District Office

AFFIDAVIT IN SUPPORT OF
CLAIM TO A WATER RIGHT

STATE OF IDAHO)
) ss.
County of Blaine)

Ruth Campbell Hice, being first duly sworn,
deposes and says:

That I, the undersigned, am familiar with the Campbell Reservoir located in Section 30, Township 2 North, Range 21 East of the Boise Meridian and from my own knowledge know that water has been stored in said reservoir for the purposes of irrigation since 1915, which period is within my lifetime. Since said date, I know, of my own personal knowledge, that said water has been used, when water was available in the reservoir, for the irrigation of lands within Section 26, 27 and 35, all in Township 2 North, Range 20 East of the Boise Meridian and on Lots 1 and 2 in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2 in Township 1 North, Range 20 East of the Boise Meridian, all in Blaine County, Idaho.

To my knowledge, water has been used from the Campbell Reservoir, when it was available, since 1913.

Ruth Campbell Hice

SUBSCRIBED AND SWORN TO before me this 21 day
of May, 1979.

(SEAL)

Mary W. Deller
Notary Public for Idaho
Residing at Sailey, Idaho

I, Ruth Campbell Hice, am the daughter of George D. Campbell. I was raised on the Ranch for which the irrigation water was stored in the above named reservoir.

SCANNED

NOV 6 8 2005

MICROFILMED

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON

LING, NIELSEN & ROBINSON

ATTORNEYS AT LAW
TOEBALING BUILDING
P. O. BOX 396
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE 436-4717

August 8, 1979

RECEIVED

AUG 9 1979

Department of Water Resources
Southern District Office

Mary A. Hill
Secretary
Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

RE: Claim to a Water Right No. 37-4116

Dear Ms. Hill:

Would you please file the enclosed affidavit with the original Claim to a Water Right now held in your office. This affidavit by Fred M. Laidlaw does not change the claim, but is submitted for filing in further support of the claim.

Very truly yours,


Roger D. Ling

RDL:nh
Enclosure

SCANNED

NOV 6 8 2005

37-4114

RECEIVED

AUG 9 1979

Division of Water Resources
Southern District Office

AFFIDAVIT IN SUPPORT OF
CLAIM TO A WATER RIGHT

STATE OF IDAHO)
County of BLAINE) ss.

Fred M. Laidlaw, being first duly sworn,
deposes and says:

That I, the undersigned, am familiar with the Campbell Reservoir located in Section 30, Township 2 North, Range 21 East of the Boise Meridian and from my own knowledge know that water has been stored in said reservoir for the purposes of irrigation since 1915, which period is within my lifetime. Since said date, I know, of my own personal knowledge, that said water has been used, when water was available in the reservoir, for the irrigation of lands within Section 26, 27 and 35, all in Township 2 North, Range 20 East of the Boise Meridian and on Lots 1 and 2 in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2 in Township 1 North, Range 20 East of the Boise Meridian, all in Blaine County, Idaho.

To my knowledge, water has been used from the Campbell Reservoir, when it was available, since 1913.

Fred M. Laidlaw

SUBSCRIBED AND SWORN TO before me this 21 day
of June, 1979.

(SEAL)

Eula C. Martindale
Notary Public for Idaho
Residing at Hailey, Idaho 83333

SCANNED
OCT 07 2003

SCANNED
OCT 07 2003

SCANNED
NOV 08 2005

LING, ROBINSON & WALKER

BRENT T. ROBINSON
JASON D. WALKER

KELLY ARTHUR ANTHON
MICHAEL P. TRIBE

ROGER D. LING, OF COUNSEL

ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

Dictated September 27, 2005
Transcribed October 11, 2005

RECEIVED
OCT 12 2005
Department of Water Resources

Matt Anders, GIS Specialist
SRBA Dept. of Water Resources
P. O. Box 83720
Boise, Idaho 83720

RE: Flat Top Sheep Company Claim No. 37-4116

Dear Matt:

I have enclosed photocopies of a copy of an Application for Permit, No. 11038, later changed to No. 7573, an Application for Amendment to that Application for Permit, a letter from the Director of IDWR on said Permit dated October 31, 1975, and an Order of Cancellation dated December 16, 1975. I apologize for the quality of these documents, but they are the only copies that I had from which a copy could be made. I hope this aids you in determining the priority date for the Campbell Reservoir described in Water Right No. 37-4116 claimed by Flat Top Sheep Company.

Very truly yours,



Roger D. Ling

RDL:jb

encs

pc: Flat Top Sheep Company

SCANNED

OCT 17 2005

"7573" ↑

No. 11036.

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho

1. Name of Applicant: John B. Campbell.

Postoffice address: Pellovue.

County: Blaine State: Idaho.

2. The quantity of water claimed is 30 cubic feet per second.

3. Source of water supply: Lava Draw, A dry stream

4. Location of point of diversion: of Ditch NE4 of NW $\frac{1}{4}$ Sec. 26 T. 2 N. R. 20 E. B. M. See Remarks.
County of Blaine.

5. To be used for: Irrigation and Domestic use.

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 1200 acres.

(b) In the following legal subdivisions: NE2 SE4 S $\frac{1}{2}$ Sec. 27, SE4 SE4 Sec. 27, SE4 Sec. 26,
NE2 NW $\frac{1}{4}$, SE4 NW $\frac{1}{4}$, NE2 NE4, SE4 NE4, SE $\frac{1}{4}$, S $\frac{1}{2}$, 35, 07. S T. 2 N. R. 20 E. B. M. NE2 NE4,
SE4 NE4 Sec. 2, Lots 1-2-3-4- 32 NW4, 32 NE4, NE2 SE4, NE4 SE4, SE4 SE4 Sec. 1 T.
1 N. R. 20 E. B. M.

6. Estimated cost of works: \$2,000.00

7. Description of works for diversion:

I. Kind of work: Reservoir.

II. Dimensions of works:

(a) Height of dam 17 feet, length of dam at top 750 feet, length of dam at bottom 750 feet. Material used in construction: Earth.

(b) Capacity of reservoir: 2,700 acre feet.

(c) Kind of foundation: Bluff & rock, but not 8 feet.

SCANNED
OCT 17 2005

.....

The number of this permit is 7675.

Returned to applicant for correction: July 12, 1911.

Recorded in Book 23 Page 7573 Approved August 12, 1911.

Send in the sum of 1,000.00 to be filed on or before October 11, 1911.

The whole of said work to be completed on or before August 11, 1913.

Witness my hand this twelfth day of August, 1911.

45 to 46, 1900.

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE
STATE OF IDAHO, NO. 7573.

Comes now John B. Campbell, and represents to the State Engineer of the
State of Idaho,

That he is the owner and holder of Permit to appropriate the Public Waters
of the State of Idaho, No. 7573, and requests that the list of lands to be irrigated,
as described in said permit, be changed to read as follows: SE4 NW4, SW4, Sec. 26,
E2 SE4, SE4 SE4, Sec. 27, E2 NW4, SE4 NW4, W2 NE4, SE4 NE4, SE4, Sec. 35, T. 2 N. R.
20E. 3. M. Lots 1 and 2, SE4 NE4, Sec. 2, Lots 1 - 2 - 3 and 4, SE NE4, SE4 NW4,
NE4 SW4, NW4 SE4, E2 SE4 Sec. 1, T. 1 N. R. 20E., making a total of 1280 acres.

That an additional amount of water is not asked for, and that the rights
of others will not adversely affected by such change.

Signed at Bellevue, Idaho, this 23 day of November, 1914.

John B. Campbell.

Date of receipt at Office of State Engineer November 27, 1914.

APPROVAL OF STATE ENGINEER.

I, HERBERT WING, Acting State Engineer of the State of Idaho, hereby
approve the above and foregoing application for amendment to Permit to appropriate the
Public Waters of the State of Idaho, No. 7573. This approval constitutes a new
permit and is issued as an amendment to the original permit, to which it refers and of
which it becomes a part, and said application is approved only insofar as the rights
of others will not be adversely affected thereby.

Witness my hand this 1st day of December, 1914.

Herbert Wing,

Acting State Engineer.

SCANNED
OCT 17 2005

[illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible]

JOURNAL OF DOCUMENTATION

[illegible][illegible][illegible]

00000000000000000000000000000000

[illegible][illegible][illegible]



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Don C. Andrus
Governor

R. Keith Higginson
Director

Permit
Don, Idaho 83725
(208) 294-2210

October 31, 1976 CERTIFIED MAIL

Re: Permit No. 7573 (New No. 37-2217)

John B. Campbell
Bellevue,
Idaho 83313

Dear Mr. Campbell:

It appearing to the Department of Water Resources (formerly the Department of Water Administration) that the terms and conditions of Permit 7573/37-2217 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on August 12, 1977, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Resources on or before December 10, 1976, why said permit should not be cancelled.

Permit 7573/37-2217 claims the use of 30.0 cubic feet per second of water from Lava Draw

the point of diversion was to be located within the NE1/4 of Sec. 26, Twp. 2 N, Rge. 26 E, S. 12 and the permit was approved August 12, 1977


R. KEITH HIGGINSON
Director

SCANNED

OCT 17 2005



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE, BOISE, IDAHO

IN THE MATTER OF CANCELLATION OF PERMIT)
TO APPROPRIATE THE PUBLIC WATERS OF THE)
STATE OF IDAHO NO. 7573/37-2217)
IN THE NAME OF John B. Campbell)

ORDER OF CANCELLATION

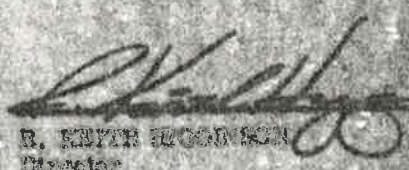
WHEREAS, the permit holder has failed to submit proof of beneficial use of water
due on August 12, 1977

WHEREAS, on October 21, 1978, notice was sent to the holder of said permit
to appear before the Director of the Department of Water Resources (formerly the Department
of Water Administration) on or before December 15, 1978, to show cause why said permit
should not be cancelled; and,

WHEREAS, the holder of said permit has failed to comply with the requirements of said
permit and has not shown adequate cause why such permit should not be cancelled,

IT IS THEREFORE ORDERED and Permit No. 7573/37-2217 is hereby CANCELLED.

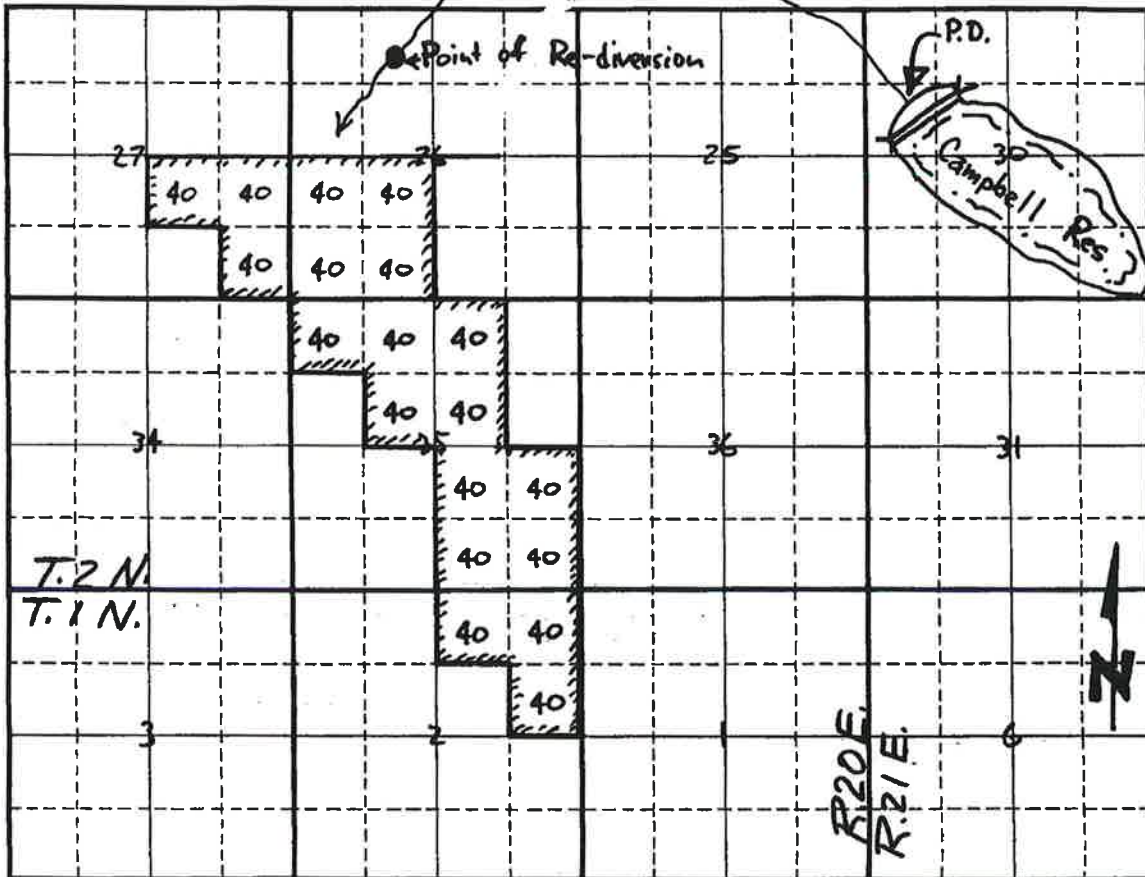
Dated this 16th day of December, 19 78.


R. KEITH WOODSON
Director

SCANNED

OCT 17 2005

- (8) Remarks The enclosed map shows the dam and reservoir from which water is taken by the ditch shown on said map for irrigation of the lands shown below.
This filing covers lands previously listed on cancelled permit #37-2217.



Scale: 2 Inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
 County of Minidoka)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 11th day of May

John T. Peavey
 (Claimant)

, 19 79

Roger W. King
 Notary Public
 Residing at Rupert, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 5/15/79 Exception filed by: _____ Date _____
 Prelim. check by [Signature] Date 5-16-79 Fowarded to claimant by: _____
 \$20.00 fee received by [Signature] Date 5-16-79 Published in _____
 Dates _____

REPORT OF ENGINEER

1. State name of applicant and number of permit: John B. Campbell "B-73"
2. State source of water supply: Santa Ana River which flows into Little Wood River
3. Location of point of diversion: Near the 4 corner between Sec 20 & 21
S.E. 1/4 R 20 E
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: 5 feet
- (b) Width at water line: 7 feet
- (c) Depth of water: 2 feet
- (d) Grade per mile: 5.28 feet S = .001
- (e) Capacity of ditch: 50 (12.025) second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent:
No water turned in at present
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract:
N² 1/2 Sec 20, N² 1/2 Sec 21, N² 1/2 Sec 26,
E¹/₄ NW¹/₄ Sec 20, NW¹/₄ Sec 21, NW¹/₄ Sec 26,
S¹/₄ R 20 E, R 20 E, S 1/2 Sec 20, S 1/2 Sec 21, S 1/2 Sec 26,
S 1/2 Sec 20, S 1/2 Sec 21, S 1/2 Sec 26, S 1/2 Sec 20, S 1/2 Sec 21, S 1/2 Sec 26,
S 1/2 Sec 20, S 1/2 Sec 21, S 1/2 Sec 26, S 1/2 Sec 20, S 1/2 Sec 21, S 1/2 Sec 26,
S 1/2 Sec 20, S 1/2 Sec 21, S 1/2 Sec 26, S 1/2 Sec 20, S 1/2 Sec 21, S 1/2 Sec 26,
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

STAFF OF DARIO,

• **1996**

, 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 _____ day of _____

191

My Commission Expires

OFFICE OF STATE ENGINEER

Notary Public

74325

STEWART CAMPBELL, E.M.
MINING ENGINEER
GENERAL SURVEYOR
HAILEY, IDAHO

Re: Permit No. 7573

Sept. 14, 1917.

Mr. J. H. Smith,
State Engineer,
Boise, Idaho.

Dear Sir:-

Your letter of June 20th. to John E. Campbell of
Pellvue, Idaho, giving notice to submit proof of beneficial
use under the above permit has just been received by me.

As all of the land that can be irrigated from the reservoir
of this permit has not been cultivated it will be necessary
to ask for an extension of time to submit the proof, so I wish
you would kindly extend the time to the extent of which you are
authorized to do so.

KINDLY ADDRESS ALL COMMUNICATIONS IN REGARD TO THIS PERMIT
TO ME.

Respectfully yours.

Stewart Campbell

September 17, 1917.

Re: Permit 7573-John D. Campbell.

Mr. Stewart Campbell,
Hailor, Idaho.

Dear Sir:

Replying to your letter of the 14th inst., relative to above permit, would say that inasmuch as more than 30 days has elapsed since August 18, 1916, the date specified in the permit for proof, no extension can be granted. However, this proof can be made at a later date specified in the permit, but the date of priority will have to be brought down accordingly. I am enclosing herewith blank notice for proof.

Very truly yours,

J. M. Smith,

State Engineer.

Cl/2
Enc: 11-10.

7573



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

October 31, 1975 CERTIFIED MAIL

Re: Permit No. 7573 (New No. 37-2217)

John B. Campbell
Bellevue,
Idaho 83313

Dear Mr. Campbell:

It appearing to the Department of Water Resources (formerly the Department of Water Administration) that the terms and conditions of Permit 7573/37-2217 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on August 12, 1917, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Resources on or before December 10, 1975, why said permit should not be cancelled.

Permit 7573/37-2217 claims the use of 30.0 cubic feet per second of water from Java Draw

the point of diversion was to be located within the NE¹4NW¹4 of Sec. 26, Twp. 2 N, Rge. 20 E, B. M. and the permit was approved August 12, 1911.


R. KEITH HIGGINSON
Director



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

IN THE MATTER OF CANCELLATION OF PERMIT)
TO APPROPRIATE THE PUBLIC WATERS OF THE)
STATE OF IDAHO NO. 7573/37-2217)
IN THE NAME OF John B. Campbell)

ORDER OF CANCELLATION

WHEREAS, the permit holder has failed to submit proof of beneficial use of water
due on August 12, 1917 ; and,

WHEREAS, on October 31, 1975, notice was sent to the holder of said permit
to appear before the Director of the Department of Water Resources (formerly the Department
of Water Administration) on or before December 10, 1975, to show cause why said permit
should not be cancelled; and,

WHEREAS, the holder of said permit has failed to comply with the requirements of said
permit and has not shown adequate cause why such permit should not be cancelled;

IT IS THEREFORE ORDERED and Permit No. 7573/37-2217 is hereby **CANCELLED.**

Dated this 16th day of December, 19 75.


R. KEITH HIGGINSON
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

T2N R20E6M

Campbell Reservoir

250 acres

37-4116

Reduction
from base
draw

27

40a-4116
0 acres

40a-4116
20 acres

40a-4116
40 acres

40a-4116
10 acres

40a-4116
15 acres

40a-4116
40 acres

40a-4116
15 acres

40a-4116
30 acres

40a-4116
35 acres

40a-4116
10 acres

5 acres

40a-4116
10 acres

40a-4116
20 acres

40a-4116
no acres

40a-4116
no acres

40a-4116
no acres

40a-4116
no acres

IN R 20E
40a-4116
20 acres

40a-4116
no acres

40a-4116
no acres

MICROFILMED
FEB 23 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

31-DEC-1991

ROGER D. LING
PO BOX 396
RUPERT ID 83350

RE: ADJUDICATION CLAIM NO. A36-08273, A36-08274, A36-08275,
A36-02454B, A36-07007B, A36-07021,
A36-02455, A37-04116, A37-01217,
A36-15339, A37-04397, A36-04268,
A36-07138, A37-00390, A37-00391,
A37-00392, A37-00393, A37-00394,
A37-00395, A37-00396, A37-00397,
A37-00398, A37-00399, A37-00400,
A37-00401, A37-02092, A37-02234,
A37-02294 - FLAT TOP SHEEP COMPANY

Mr. Ling:

Pursuant to the notification that you are representing the claimant(s) on the above referenced Adjudication Claim(s), please find enclosed copies of the computer generated claim(s) based on the information from the original claim(s) which has been entered in our computer records.

Please review the record(s) and if you have any corrections or any questions, feel free to contact this office.

Sincerely,


Jeanie Robertson
Records Clerk

/jr
Enclosures

MICROFILMED
FEB 23 1993