

NOTES TO FILE

To the southern reviewer:

I have done some work on this file, and found out quite a bit of information. I don't think it is enough to make a recommendation, but I thought I would pass on thoughts I have been working on to this point.

In the field exam on 37-8283 (no aj claim required or filed) done by Georgia Satterlee in 1998, she found the capacity of the creek to be 5.10 cfs from a USGS bank full measurement. I was going to this measurement as a baseline.

Gary Funderburg measured the water diverted from both ponds in 1985 for irrigation at 5.27 cfs. I was going to recommend this flow rate since some of the water diverted from the upper pond might go back to the creek in the form of wastewater.

The dam safety records show the upper pond is 20 acre feet in size and the lower pond is 10 acre feet in size for a total of 30 acre feet of storage capability. Cory Skinner told me that the lower pond no longer exists, but it was in place in 1987. The lower pond was removed in Nov. of 2001.

There is information in the original decree and in Gary Funderburg's exam that suggest that current owners use all the water in the creek. This may be a reason to have 37-19736 amended to the bank full flow found by Georgia Satterlee in 1998.

I am having a difficult time finding enough irrigated acres to match the licenses and the decrees. It appears as though the some of the property may have been sold to Blaine School District. There may be a need for a reduction in the claims or a change of ownership. A pportion of one of the original decrees, 37-1209, looks to have already been split and then disallowed. This may be incorrect. I'll let you figure this one out .

That is about it. I have spoken to Kelly and Cory concerning these files, so if you need help you might want to speak with them. I would be happy to answer any questions you may have.

Thanks

Dan Nelson

P.S. WATER IS NOT DELIVERED
BY THE WATER MASTER!

TRANSFER _____

[illegible]This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

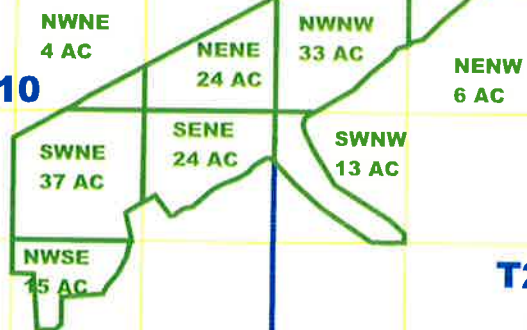
TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	18E	2		6	32	17					7		6	34		28	8		138 ACRES
2N	18E	2	4	11	30	20					10		9	32		21	3		140 ACRES
2N	18E	10	20	3	37	15										29			104 ACRES
2N	18E	10	24	4	37	24										15			104 ACRES
2N	18E	11					7	33	18										58 ACRES
2N	18E	11					6	33	13										52 ACRES

TOTAL = 300 ACRES CLAIMED

TOTAL = 296 ACRES FOUND SO FAR

**YOU CAN FIND SHAPE FILE ON AWO0\AWOOCOMMON\ DAN\37
CLAIMS\7693 ET ALL POU**

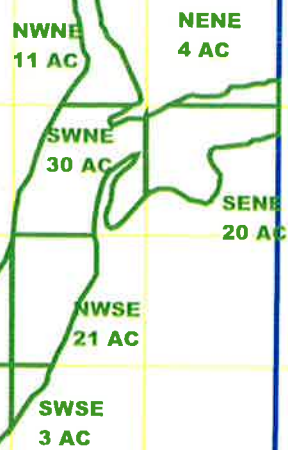
T2N R18E S10

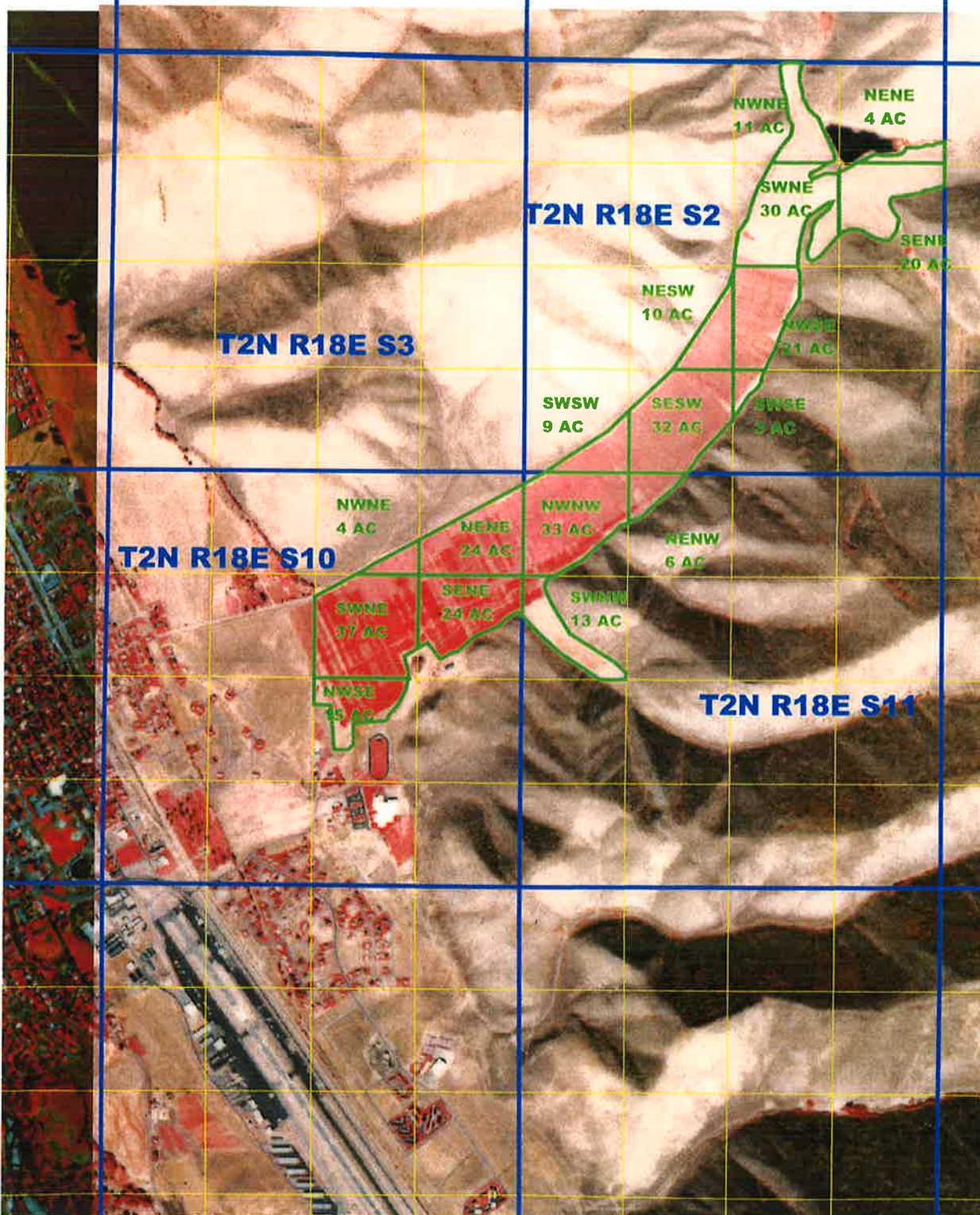


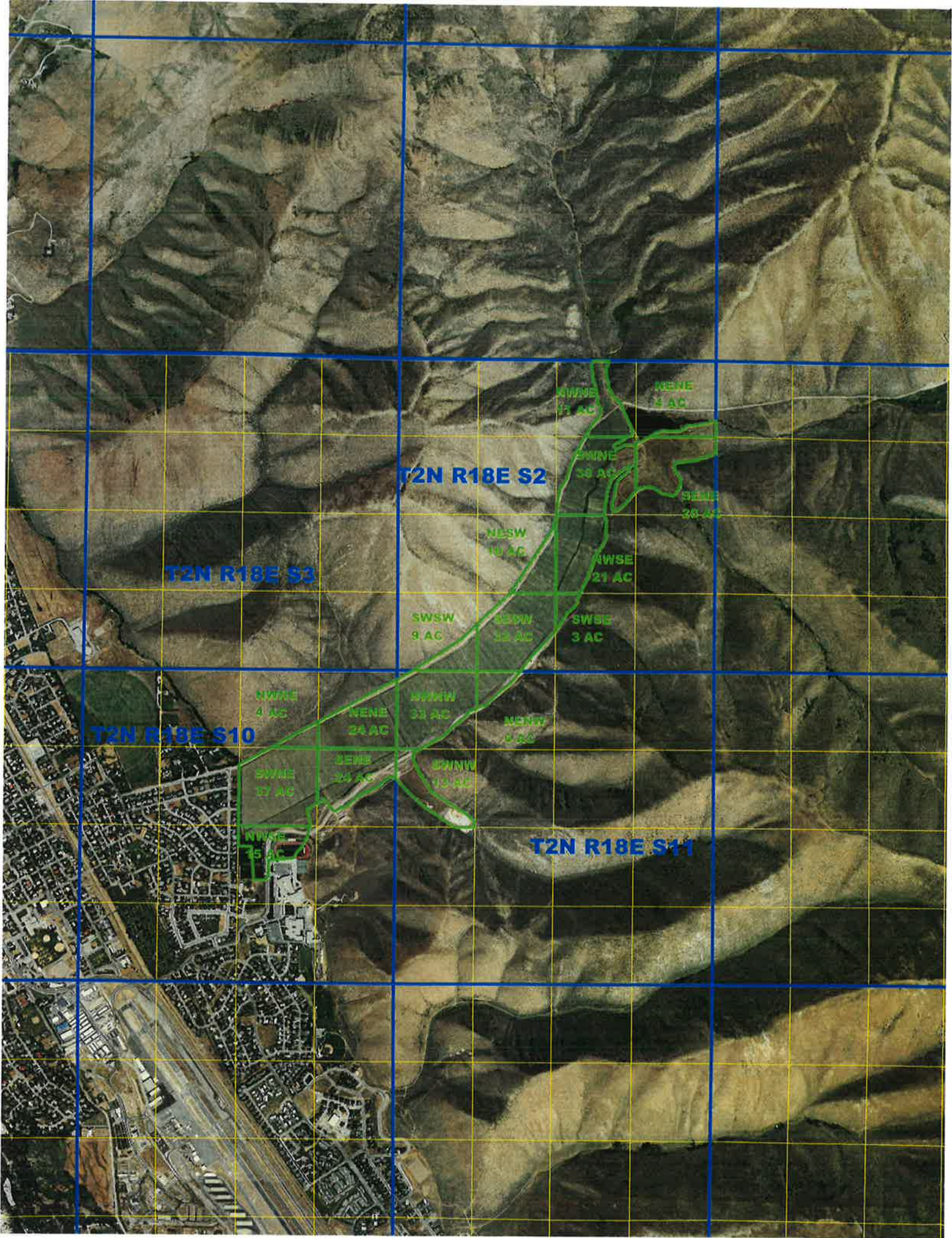
T2N R18E S3

T2N R18E S2

T2N R18E S11





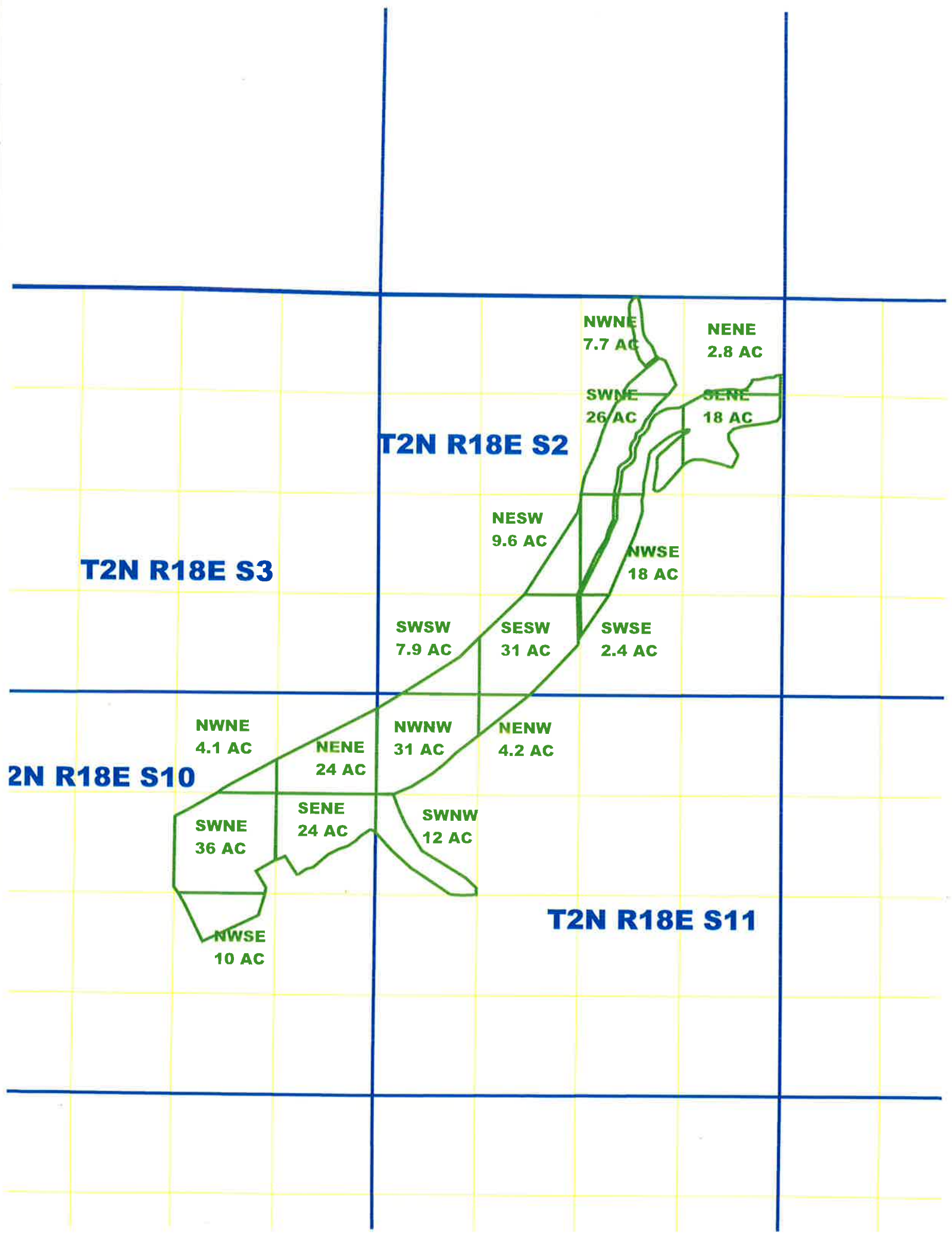


T2N R18E S2

T2N R18E S3

T2N R18E S10

T2N R18E S11



IN THE DISTRICT COURT OF THE 4TH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, WITHIN AND FOR BLAINE COUNTY.

F. J. DALY, SIMPSON GOBLE and E. F. BULLER, PLAINTIFFS

VERSUS
TOMBERTO A. JOSSLYN, DEFENDANT.

RECEIVED

MAR 3 - 1911

OFFICE OF STATE ENGINEER

That heretofore, to-wit, on the 17th day of December, 1891 one Asa M. Kimbrough was the owner and in possession of the following described lands situated in what is known as Seaman's Gulch in Mineral Hill Mining District, in the then county of Logan, (now a part of Blaine County) in the State of Idaho, to-wit: The NW¹/₄ of NE¹/₄ and the E¹/₂ of the NW¹/₄ of Section 32 and the NW¹/₄ of the NE¹/₄ of Section 33, all in Township 2 N. of Range 19 E. contain-
160 acres more or less.

And one JENNIE CALPFAITH, formerly JENNIE RIDDLE was the owner and in possession of the E¹/₂ of the NW¹/₄ gr. of Section 31, and the E¹/₂ of the NE¹/₄ gr. of Section 32, Township 2 N. of Range 19 E. 160 acres.

And the plaintiff Simpson Goble was the owner and in possession of Lots 4 & 5, being the West Cor. $\frac{1}{2}$ of the NW¹/₄ and the SE gr. of the NW¹/₄ of section 6, Township 1 N. of Range 19 E. containing 118 & 17/100 acres more or less. All of said lands being situated in Seaman's Gulch and traversed by Seaman's creek aforesaid, and in the county aforesaid.

Plaintiffs further state that afterwards, to-wit: on the 28th day of May A.D. 1898 the defendant Josslyn purchased from the said Kimbrough the lands hereinbefore described as having belonged to him; which purchase was made with full notice and knowledge of the existence and contents of the agreement aforesaid, and of the rights of plaintiffs and those under whom they claim thereunder and to the waters aforesaid.

And plaintiff Daly, has purchased and is in possession of the lands hereinbefore alleged to have belonged to the said Calpfaith.

And the plaintiff E. F. Buller, has purchased and become the owner of all of the right title and interest of the said Goble of in and to the land hereinbefore described as having belonged to him.

3

Seamands Creek

37-0X

37-44

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
OF THE TERRITORY OF IDAHO, IN AND FOR THE COUNTY OF ALTURAS.

THE CITY OF BELLEVUE,

Plaintiff,

vs.

SIMPSON GOBLE, MRS. JENNIE GALBRAITH,

DECEDE.

WOMACK, JOHN W. BROWN,

MICHAEL BROWN, MIKE SMITH, A. BRYAND,

JOHN HUBBARD, AND THE WOOD RIVER

SMELTING COMPANY.

Defendant.

This cause came on regularly to be heard at the May Term
1885 of this Court and by stipulation of the parties was by order
of this Court made and entered on the 25th day of July, A.D.
1885, referred to E. E. Waldron, Esq., to take the testimony and
report his findings of fact and conclusions of law therein at
the October Term, A.D. 1885 of this Court and the said Referee
having taken said testimony and having made and filed his report
containing his findings of fact and conclusions of law thereon,
which report was filed herein on the 31st day of October, 1885,
whereby the said Referee found that the plaintiff is entitled
to 300 inches of the waters of Seamands's Creek measured under a
four inch pressure and that the Defendants had unlawfully
interfered with the plaintiff's right to the use thereof as
stated in the complaint to which report and findings reference
is hereby made, Now on motion of G. L. Waters, Esq. and Messrs.
Angel & Sullivan, Attorneys for the Plaintiff,

37-1208

It is ordered, adjudged and decreed that the plaintiff in
this action, the City of Bellevue, is the owner of and entitled
to the possession of Three Hundred 300 inches measured under a
four inch pressure of the waters of Seamands's Creek under and by
virtue of the appropriation, diversion, and use thereof as stated
in the complaint and found by the said Referee and that the

150 (see modification at end of decree)

May 28 1896

defendants have not nor either of them any right, title or interest in or to said Three Hundred (300) inches of the waters of said Seamand's Creek owned by the plaintiff as aforesaid, or any part thereof,

And it is further adjudged and decreed that the said Defendants, Simpson Coble, Womack, Jennie Galbraith, Mike Smith, John Brown, Michael Brown, A. J. Bryant, John Hubbard and the Wood River Smelting Company, their and each of their attorneys, agents, servants, employees and all persons acting by through or under them or either of them, be and each is hereby forever enjoined and restrained from in any manner turning, diverting, appropriating, or using any portions of the waters of Seamand's Creek or in any manner whatever interfering with the free and unobstructed use and possession of the waters of said Seamand's Creek or in any manner whatever interfering with or turning out any waters from said Seamand's Creek after said waters shall have reached the said plaintiff's dam and ditch, so long as the quantity running in said ditch shall not exceed Three Hundred inches measured under a four inch pressure or in any manner whatever prevent or obstruct the said plaintiff, the City of Bellevue, and the inhabitants thereof, from the free and unobstructed use and possession of the said quantity of Three Hundred inches measured under a four inch pressure of the waters of said Seamand's Creek, or in any manner whatever obstruct or prevent the said Three Hundred inches of the waters so measured as aforesaid, from freely and without obstruction flowing into the ditch or ditches of the plaintiff, and it is further ordered and adjudged that the plaintiff, the City of Bellevue, do have and recover from the defendants the sum of \$
Dollars, costs and disbursements at this action.

MAY 28 1996

Dated November
9th, 1895.

By the Court,

CASE BRODERICK,

District Judge.

NOTE: This judgment modified so as to allow plaintiff to have 150 inches of water, and that each party pay their own costs.

(Judgment Book 4, page 383)

MAY 28 1896

Quigley Gulch

37-07
37-14

IN THE DISTRICT COURT OF THE UNITED STATES
IDAHO TERRITORY, IN AND FOR ALTAIRAS COUNTY.

Frank Drake, William G.
Quigley and Thomas Covert,

PLAINTIFFS,

vs

Gustave Schike, David Eschert,
J.K. Merrill and Thomas J. Kingsbury,

DEFENDANTS.

dated 12-5-80

This cause having been regularly called and tried by the Court, and its findings of fact and conclusions of law having been duly rendered and found by the Court and which are now on file in this cause, wherein that the Court finds that the Plaintiffs are the owners of the waters of Quigley Gulch described in the complaint and are entitled to an injunction against Defendants restraining them from diverting, or appropriating any of the waters of said Gulch or interrupting, or impeding the flow thereof in its natural channel through their lands and that Defendants have been unlawfully diverting the same and trespassing upon the rights of Plaintiffs,

Now on motion of Lytle Lou Prier and F. W. Insign, Esqrs., attorneys for Plaintiffs, it is ORDERED, ADJUDGED and DECREED,

37-1209 That the plaintiffs are the owners of and entitled to the
37-1210 use of all the waters flowing in Quigley Gulch situated in Alturas
37-1211 County, Idaho Territory, and described in Plaintiff's complaint

(see findings & facts for breakdown) filed herein see Miller & Wilson et al

) That the Defendants have been wrongfully and unlawfully diverting the said waters of said Gulch and trespassing upon the rights of Plaintiffs therein.

And it is hereby further ORDERED, ADJUDGED and DECREED that the Defendants and each of them and their successors in interest and their and each of their agents, servants and employees be,

37-1210 + 1211 superseded by 37-1243 in Miller & Wilson et al

4

7-1-2

37-0x

37-a4.

Quigley Creek

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
IDAHO TERRITORY, IN AND FOR ALTURAS COUNTY.

Frank Drake, William G.
Quigley and Thomas Coverl,

PLAINTIFFS,

VS

Gustave Bohike, David Earhart,
J.K. Merrill and Thomas J. Kingsbury,

DEFENDANTS.

This cause having been regularly called and tried by the Court, and the findings of fact and conclusions of law having been duly rendered and found by the Court and which are now on file in this cause, wherein that the Court finds that the Plaintiffs are the owners of the waters of Quigley Gulch described in the complaint and are entitled to an injunction against Defendants restraining them from diverting or appropriating any of the waters of said Gulch or interrupting or impeding the flow thereof in its natural channel through their lands and that defendants have been unlawfully diverting the same and trespassing upon the rights of Plaintiffs,

Now on motion of Lytle ton Price and F. E. Ensign, Esqrs., attorneys for Plaintiffs, it is ORDERED, ADJUDGED and DECREED,

37-1209 That the plaintiffs are the owners of and entitled to the
37-1210 use of all the waters flowing in Quigley Gulch situated in Alturas
37-1211 County, Idaho Territory, and described in Plaintiff's complaint

(see findings & facts for breakdown)

) That the Defendants have been wrongfully and unlawfully diverting the said waters of said Gulch and trespassing upon the rights of Plaintiffs therein.

And it is hereby further ORDERED, ADJUDGED and DECREED that the Defendants and each of them and their successors in interest and their and each of their agents, servants and employees be,

MAY 28 1895

and they and each of them hereby are restrained and enjoined from diverting or using any of the waters of said Quigley Gulch and from interfering with or in any manner interrupting the flow thereof in its natural channel to the ditches of plaintiffs, or to the lands of plaintiffs described in said complaint.

And it is further ordered that the plaintiffs have judgment for their costs in this action, taxed at dollars.

Hailey, Idaho, October 11, 1889.

R. W. WEIR,

Judge of said Court.

(Judgment Book 6, page 231)

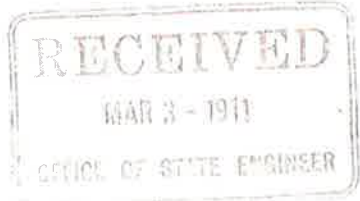
RECORDED
MAY 28 1890

⑤

In the District Court of the Second Judicial District of the
Territory of Idaho, in and for the County of Alturas.

37-02
37-44

Frank Drake,
William C. Quigley,
Thomas J. Covert,
VS/ Plaintiffs,
Gustave Tohlke,
David Markhart,
J. K. Morrill &
Thomas Kingsbury,
Defendants



The Plaintiffs complain and allege:

That Quigley's Gulch is a small stream of water situated in Alturas County, Idaho Territory, flowing from the mountains into the Eastern side of the Wood River Valley, near the town of Malley in said County, carrying about one hundred and fourteen inches of water under four inches pressure.

That the Plaintiffs are the owners and occupants of certain farms lying at the lower end of said Quigley's Gulch and now are and during the times herein mentioned have been using the said waters for domestic purposes, watering stock and irrigating their said farms; and they require all of the said water for such purposes.

That in the Fall of the year A. D. 1879 and the following Spring, the plaintiff Quigley appropriated all the said waters for agricultural and irrigating purposes, in conformity with law and immediately applied the same to such use and the irrigation of his farm situated as aforesaid, and subsequently conveyed to Frank Drake ³⁷⁻¹²⁰⁹ ~~an~~ undivided one half thereof, and to plaintiff Covert ³⁷⁻¹²¹⁰ and undivided one fourth thereof; and ever since the appropriation of said water as aforesaid, said plaintiffs have had the right to the exclusive use of all of said waters, except when the same has wrongfully been diverted by defendants as herein-after shown, and except a small quantity thereof used by the Oregon Short Line Railway; and plaintiffs allege that they are entitled to have the said waters flow without interruption or diminution in its natural channel in said Gulch to the ditches of the plaintiffs.

MAY 28 1906

Frank Drake, et al.,

Plaintiffs,

vs.

Guilave Bohike, et al.,

Defendants.

Findings of Fact and Conclusions
of Law.

First.

In the autumn of the year 1879 William G. Quigley located a piece of government land near the mouth of Quigley Gulch, in the Wood River Valley, in the County of Alturas, and Territory of Idaho.

The land being then unsurveyed public domain, he was at that time unable to purchase the same from the United States, but afterwards upon the same being surveyed and coming in the market, he and plaintiff Drake, to whom Quigley had sold a part of the lands originally claimed by him, entered the same at the United States Land Office at Hailey, and afterwards took patents therefor.

Exhibit "A" in this case is a Warranty Deed from William G. Quigley to Frank Drake and conveys " All those certain pieces or parcels of land situated in Alturas County, Territory of Idaho, and described upon the Official surveys of the United States as the West half ($\frac{1}{2}$) of the South East ($\frac{1}{4}$) quarter and the South East ($\frac{1}{4}$) quarter of the South West ($\frac{1}{4}$) quarter of Section No. Ten (10) Township No. Two (2) North of Range No. (18) Eighteen East, containing one hundred and twenty (120) acres.

37-1209 Also an undivided one half of all the water in Quigley Creek located and owned by the said party of the first part."

Said Deed was duly recorded on Oct. 13th, 1884 in Book "5" at page 306.

Exhibit "B" in this case is a certified copy of a Patent from the United States to Frank Drake which was duly recorded Dec. 27, 1888 Book 1 of ~~###~~ Patents at page 357.

Following is a description of the land in said certified copy of patent to Frank Drake, to-wit:-The West Half of the North East Quarter, the South East Quarter of the North East Quarter and the North East Quarter of the South East Quarter of Section Fifteen in Township Two North of Range Eighteen East of Boise Meridian in Idaho Territory, containing one hundred and sixty acres.

MAY 2 8 1905

37-AG

1. DECREE -- T. A. Joslyn -vs- M. J. Daly 37-1198 thru 37-1202
2. LAND LIST -- M. J. Daly, et al. -vs- Torrensto A. Josslyn
3. DECREE -- The City of Bellevue -vs- Simpson Goble, et al.
4. JUDGMENT -- Frank Drake, et al. -vs- Gustave Bohlke, et al.
5. FINDINGS OF FACT AND CONCLUSIONS OF LAW -- Frank Drake, et al. -vs- Gustave Bohlke, et al.

MICROFILMED

6. JUDGMENT -- John E. Miller vs. Peter Weber, et al.

7. JUDGMENT -- The Union Central Life Ins. Co. vs. Barker, et al. 37-1225, 37-1226

also

37-1208, 1209 thru 1211

MAY 28 1996

37-0X
37-AD.

IN THE DISTRICT COURT, FOURTH JUDICIAL DISTRICT, BLAINE COUNTY,

IDAHO .

T. A. JOSLYN,
Plaintiff,

— vs. —

M. J. DALY,
Defendant,

— vs. —

NEIL CAMPBELL,
Intervenor.



D E C R E E .

This cause having been submitted to the court upon the issues raised by the pleadings, McFadden and Brodhead, appearing for the plaintiff and R. F. Buller, Esq., for the defendant and intervenor and thereupon pursuant to stipulation and agreement of parties and their counsel, the court now makes this its final decree.

I.

It is ordered, adjudged and decreed, that the plaintiff, Joslyn, and the defendant, Daly, and the intervenor, Campbell, are each entitled to use one-third of the waters of Seemans Creek in Muldoon Gulch, Blaine County, Idaho, less the prior right of the City of Bellevue to one hundred fifty inches thereof, under a four inch pressure, by each party during the one-third of the time which he is authorized to use it at any place on said Seemans Creek so that each party can apply it on any part of his lands.

37 1198

II.

That the plaintiff is the owner of the right to use all of the waters

of certain springs described in the cross complaint, as about seven hundred seventy-five yards Easterly from plaintiffs residence on his ranch, known as the Kimbrough Ranch in Blaine County, Idaho, on the Northerly side of Seamans Creek. The same being the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32 and N $\frac{1}{2}$ NW $\frac{1}{4}$ and NW NE $\frac{1}{4}$ of Section 33, Township 2, North Range 19 East, that said defendant and said intervenor have no right, title or interest therein or any part thereof.

III.

That a certain lake or pond situated on the so called Water Company Ranch, to-wit: The NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33 and W $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, Township 2, North Range 19 East, and the waters thereof are part of and tributary to Seamans Creek and that neither the plaintiff herein nor any of the other parties has any exclusive right to the use of the same nor any right thereto, except as part of the waters of said creek.

37 1200

IV.

That the defendant, Daly, as successor in interest of Jennie B. Galbraith, has the exclusive right to the use of the whole of the one-third of the waters of Seamans Creek formerly owned by said Jennie B. Galbraith (less one hundred fifty inches, belonging to the City of Bellevue) for the purpose of irrigating his lands, as follows: E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 31, and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 32, Township 2 North Range 19 East NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, Township 2 North Range 19 East.

37 1201

V.

That the intervenor, Campbell, as successor in interest of R. F. Buller has the exclusive right to the use of the whole of the one-third of waters of Seamans Creek formerly owned by Simpson Goble (less one hund-

MAY 28 1996

red fifty inches, belonging to the City of Bellevue) for the purpose of irrigating his lands; to-wit: Lots four and five (4 & 5) SE NW Section 6, Township 1, North Range 19 East 118.17 acres, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, Township 2 North, Range 19 East.

VI.

37 1202

That the plaintiff, Joslyn as successor in interest of Asa M. Kimbrough, has the exclusive right to the use of the whole of the one-third of waters of Seemans Creek formerly owned by Asa M. Kimbrough (less one hundred fifty inches belonging to the City of Bellevue) for the purpose of irrigating his lands; to-wit: E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ section 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32 N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33 NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34 all in township 2 North Range 19 East Boise Meridian.

VII.

Each party, hereto, is to have the right to use the whole of the water to which they are entitled in rotation for an equal period of time, instead of one-third thereof, for all the time (save and except the springs aforementioned rising on the Kimbrough Ranch on the Northerly side of the Seemans Creek, the waters of which plaintiff is entitled to the use of continuously), said period of time to be one week for each during the irrigating season.

MAY 28 1996

VIII.

It is further ordered, adjudged and decreed, that the plaintiff, Joslyn, and the defendant, Daly, and the intervenor, Campbell, and each of them, their servants, agents, employees or successors, in interest or

those acting by, through or under them, be and are hereby perpetually enjoined and restrained from in any manner interfering with or obstructing, the use of the said waters or the various allotments thereof, in time and manner and to the extent hereinbefore set forth.

The plaintiff, Joslyn, and defendant, Daly, to each pay his own costs not heretofore paid; except that the costs of entering this decree, which shall be divided equally between the said parties and paid by them in equal portions.

Dated May 14th, 1909.

Edward A. Walters,

District Judge.

Certificate of True Copy.

STATE OF IDAHO,

County of Blaine,

} ss.

I, W. F. Horne Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Blaine, do hereby certify that the foregoing is a true and correct copy of the original Decree

in the above entitled action now on file and of record in my office, Given under my hand and the seal of said Court, at office in Hailey, this, the 24th day of May A.D. 1909.

Attest: W. F. Horne Clerk.
By Geo. A. McLeod Deputy

MAY 28 1909

137

Received and filed for record in the office
of the State Engineer at Boise, Idaho, at
~~7:40~~ and filed for record in the office
of the State Engineer at Boise, Idaho, at

Geo. Stephenson, Jr.
STATE ENGINEER

*Seaman's (nick)
Claims*

Book 3 - page 91

RECORDED
MAY 28 1936

②

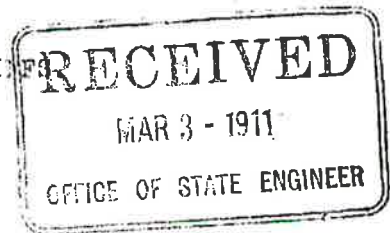
IN THE DISTRICT COURT OF THE 4TH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, WITHIN AND FOR BLAINE COUNTY.

30
37-44

F. J. DALY, SIMPSON GOBLE and R. F. BULLER, PLAINTIFFS

VS.

TORRISTO A. JOSSLYN, DEFENDANT.



That heretofore, to-wit, on the 17th day of December, 1891 one Asa M. Kimbrough was the owner and in possession of the following described lands situated in what is known as Seaman's Gulch in Mineral Hill Mining District, in the then county of Logan, (now a part of Blaine County) in the State of Idaho, to-wit: The NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 32 and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 33, all in Township 2 N. of Range 19 E. contain- 160 acres more or less.

And one JENNIE GALPRAITH, formerly JENNIE RIDGLEY was the owner and in possession of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ cr. of Section 31, and the E $\frac{1}{2}$ of the N. W. cr. of Section 32, Township 2 N. of Range 19 E. 160 acres.

And the plaintiff Simpson Goble was the owner and in possession of Lots 4 & 5, being the West frl. $\frac{1}{2}$ of the NW $\frac{1}{4}$ cr. and the SE cr. of the NW $\frac{1}{4}$ of section 6, Township 1 N. of Range 19 E. containing 118 & 17/100 acres more or less. All of said lands being situated in Seaman's Gulch and traversed by Seaman's creek aforesaid, and in the county aforesaid.

Plaintiffs further state that afterwards, to-wit: on the 28th day of May A.D. 1898 the defendant Josslyn purchased from the said Kimbrough the lands hereinbefore described as having belonged to him; which purchase was made with full notice and knowledge of the existence and contents of the agreement aforesaid, and of the rights of plaintiffs and those under whom they claim thereunder and to the waters aforesaid.

And plaintiff Daly, has purchased and is in possession of the lands hereinbefore alleged to have belonged to the said Galpraith.

And the plaintiff R. F. Buller, has purchased and become the owner of all of the right title and interest of the said Goble of in and to the land hereinbefore described as having belonged to him.

37-07
③

Seamands Creek

37-07

37-44

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
OF THE TERRITORY OF IDAHO, IN AND FOR THE COUNTY OF ALTURAS.

THE CITY OF BELLEVUE,

Plaintiff,

vs.

SIMPSON GOBLE, MRS. JENNIE GALBRAITH,

D E C R E E .

-- WEMACK, JOHN W. BROWN,

MICHAEL BROWN, MIKE SMITH, A. BREANT,

JOHN BURNARD, AND THE WOOD RIVER

SMEETING COMPANY.

Defendant.

This cause came on regularly to be heard at the May Term 1885 of this Court and by stipulation of the parties was by order of this Court made and entered on the 26th day of July, A.D. 1885, referred to H. E. Waldron, Esq., to take the testimony and report his findings of fact and conclusions of law therein at the October Term, A.D. 1885 of this Court and the said Referee having taken said testimony and having made and filed his report containing his findings of fact and conclusions of law thereon, which report was filed herein on the 21st day of October, 1885, whereby the said Referee found that the plaintiff is entitled to 300 inches of the waters of Seamands's Creek measured under a four inch pressure and that the Defendants had unlawfully interfered with the plaintiff's right to the use thereof as stated in the complaint to which report and findings reference is hereby made, Now on motion of G. L. Waters, Esq. and Messrs. Angel & Sullivan, Attorneys for the Plaintiff,

37-1208

It is ordered, adjudged and decreed that the plaintiff in this action, the City of Bellevue, is the owner of and entitled to the possession of Three Hundred (300) inches measured under a four inch pressure of the waters of Seamands's Creek under and by virtue of the appropriation, diversion, and use thereof as stated in the complaint and found by the said Referee and that the

150 (see modification at end of decree)
May 28 1896

defendants have not nor either of them any right, title or interest in or to said Three Hundred (300) inches of the waters of said Seaman's Creek owned by the plaintiff as aforesaid, or any part thereof.

And it is further adjudged and decreed that the said defendants, Simpson Goble, Womack, Jennie Galbraith, Mike Smith, John Brown, Michael Brown, A. J. Bryant, John Hubbard and the Wood River Smelting Company, their and each of their attorneys, agents, servants, employees and all persons acting by through or under them or either of them, be and each is hereby forever enjoined and restrained from in any manner turning, diverting, appropriating, or using any portions of the waters of Seaman's Creek or in any manner whatever interfering with the free and unobstructed use and possession of the waters of said Seaman's Creek or in any manner whatever interfering with or turning out any waters from said Seaman's Creek after said waters shall have reached the said plaintiff's dam and ditch, so long as the quantity running in said ditch shall not exceed Three Hundred inches measured under a four inch pressure or in any manner whatever prevent or obstruct the said plaintiff, the City of Bellevue, and the inhabitants thereof, from the free and unobstructed use and possession of the said quantity of Three Hundred inches measured under a four inch pressure of the waters of said Seaman's Creek, or in any manner whatever obstruct or prevent the said Three Hundred inches of the waters so measured as aforesaid, from freely and without obstruction flowing into the ditch or ditches of the plaintiff, and it is further ordered and adjudged that the plaintiff, the City of Bellevue, do have and recover from the defendants the sum of \$ Dollars, costs and disbursements at this action.

MAY 28 1996

Dated November
9th, 1885.

By the Court,

CASE BRADERICK,

District Judge.

NOTE: This judgment modified so as to allow plaintiff to have 150 inches of water, and that each party pay their own costs.

(Judgment Book 4, page 393)

MAY 28 1896

Quigley Creek

~~37-07~~
37-08

IN THE DISTRICT COURT OF THE TERRITORY OF IDAHO
IDAHO TERRITORY, IN AND FOR ALTURAS COUNTY.

Frank Drake, William G.
Quigley and Thomas Covert,
PLAINTIFFS,

VS

Gustave Bohke, David Earhart,
J.K. Merrill and Thomas J. Kingsbury,
DEFENDANTS.

RECEIVED
DEC 5 1900
Department of Water Resources
Southern District Office

dated 12-5-80

This cause having been regularly called and tried by the Court, and the findings of fact and conclusions of law having been duly rendered and found by the Court and which are now on file in this cause, wherein that the Court finds that the Plaintiffs are the owners of the waters of Quigley Gulch described in the complaint and are entitled to an injunction against Defendants, restraining them from diverting or appropriating any of the waters of said Gulch or interrupting or impeding the flow thereof in its natural channel through their lands and that defendants have been unlawfully diverting the same and trespassing upon the rights of Plaintiffs,

Now on motion of Lytle Lon Price and F. F. Ensign, Esqrs., attorneys for Plaintiffs, it is ORDERED, ADJUDGED and DECREED,

37-1209 That the plaintiffs are the owners of and entitled to the
37-1210 use of all the waters flowing in Quigley Gulch situated in Alturas
37-1211 County, Idaho Territory, and described in Plaintiff's complaint

(see findings filed herein & facts for breakdown) see Miller vs Weber et al

) That the Defendants have been wrongfully and unlawfully diverting the said waters of said Gulch and trespassing upon the rights of Plaintiffs therein.

And it is hereby further ORDERED, ADJUDGED and DECREED that the Defendants and each of them and ~~their~~ successors in interest and their and each of their agents, servants and employees be,

37-1210 & 1211 superseded by 37-1243 in Miller vs Weber et al

(4)

Quigley Creek

~~37-07~~
37-a4

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
IDAHO TERRITORY, IN AND FOR ALTURAS COUNTY.

Frank Brooks, William D.

Quigley and Thomas Covert,

PLAINTIFFS,

VS

Gustave Mchike, David Parkhart,

J. Kilbicki and Thomas J. Kingsbury,

DEFENDANTS.

This cause having been regularly called and tried by the Court, and the findings of fact and conclusions of law having been duly rendered and found by the Court and which are now on file in this cause, wherein that the Court finds that the Plaintiffs are the owners of the waters of Quigley Gulch described in the complaint and are entitled to an injunction against Defendants restraining them from diverting or appropriating any of the waters of said Gulch or interrupting or impeding the flow thereof in its natural channel through their lands and that Defendants have been unlawfully diverting the same and trespassing upon the rights of Plaintiffs.

Now on motion of Lytleton Prior and F. E. Ensign, Esqrs., attorneys for Plaintiffs, it is ORDERED, ADJUDGED and DECREED,

37-1209 That the plaintiffs are the owners of and entitled to the
37-1210 use of all the waters flowing in Quigley Gulch situated in Alturas
37-1211 County, Idaho Territory, and described in Plaintiff's complaint.

(see
findings
& facts
for breakdown)

) That the Defendants have been wrongfully and unlawfully diverting the said waters of said Gulch and trespassing upon the rights of Plaintiffs therein.

And it is hereby further ORDERED, ADJUDGED and DECREED that the Defendants and each of them and their successors in interest and their and each of their agents, servants and employees be,

MAY 28 1906

and they and each of them hereby are restrained and enjoined from diverting or using any of the waters of said Quigley Gulch and from interfering with or in any manner interrupting the flow thereof in its natural channel to the ditches of plaintiffs, or to the lands of plaintiffs described in said complaint.

And it is further ordered that the plaintiffs have judgment for their costs in this action, taxed at dollars.

Halley, Idaho, October 11, 1889.

H. W. WEIR,

Judge of said Court.

(Judgment Book 5, page 231)

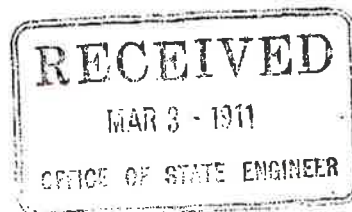
MAY 28 1890

⑤

In the District Court of the Second Judicial District of the Territory of Idaho, in and for the County of Alturas.

37-02
37- AU

Frank Drake,
William C. Quigley,
Thomas J. Covert,
VS/ Plaintiffs,
Gustave Wohlke,
David Warhart,
J. K. Morrill &
Thomas Kingsbury,
Defendants



The Plaintiffs complain and allege:

That Quigley's Gulch is a small stream of water situated in Alturas County, Idaho Territory, flowing from the mountains into the Eastern side of the Wood River Valley, near the town of Hailey in said County, carrying about one hundred and fourteen inches of water under four inches pressure.

That the Plaintiffs are the owners and occupants of certain farms lying at the lower end of said Quigley's Gulch and now are and during the times herein mentioned have been using the said waters for domestic purposes, watering stock and irrigating their said farms; and they require all of the said water for such purposes.

That in the Fall of the year A. D. 1879 and the following Spring, the plaintiff Quigley appropriated all the said waters for agricultural and irrigating purposes, in conformity with law and immediately applied the same to such use and the irrigation of his farm situated as aforesaid, and subsequently conveyed to Frank Drake and undivided one half thereof, and to plaintiff Covert and undivided one fourth thereof; and ever since the appropriation of said water as aforesaid, said plaintiffs have had the right to the exclusive use of all of said waters, except when the same has wrongfully been diverted by defendants as herein-after shown, and except a small quantity thereof used by the Oregon Short Line Railway; and plaintiffs allege that they are entitled to have the said waters flow without interruption or diminution in its natural channel in said Gulch to the ditches of the plaintiffs.

MAY 28 1911

Frank Drake, et al.,

Plaintiffs,

vs.

Gustave Bohlke, et al.,

Defendants.

Findings of Fact and Conclusions

of Law.

First.

In the autumn of the year 1879 William G. Quigley located a piece of government land near the mouth of Quigley Gulch, in the Wood River Valley, in the County of Alturas, and Territory of Idaho.

The land being then unsurveyed public domain, he was at that time unable to purchase the same from the United States, but afterwards upon the same being surveyed and coming in the market, he and plaintiff Drake, to whom Quigley had sold a part of the lands originally claimed by him, entered the same at the United States Land Office at Hailey, and afterwards took patents therefor.

Exhibit "A" in this case is a Warranty Deed from William G. Quigley to Frank Drake and conveys " All those certain pieces or parcels of land situated in Alturas County, Territory of Idaho, and described upon the Official surveys of the United States as the West half ($\frac{1}{2}$) of the South East ($\frac{1}{4}$) quarter and the South East ($\frac{1}{4}$) quarter of the South West ($\frac{1}{4}$) quarter of Section No. Ten (10) Township No. Two (2) North of Range No. (13) Eighteen East, containing one hundred and twenty (120) acres.

37-1209 Also an undivided one half of all the water in Quigley Creek located and owned by the said party of the first part."

Said Deed was duly recorded on Oct. 13th, 1884 in Book "S" at page 306.

Exhibit " B" in this case is a certified copy of a Patent from the United States to Frank Drake which was duly recorded Dec. 27, 1888 Book 1 of ~~###~~ Patents at page 357.

Following is a description of the land in said certified copy of patent to Frank Drake, to-wit:-The West Half of the North East Quarter, the South East Quarter of the North East Quarter and the North East Quarter of the South East Quarter of Section Fifteen in Township Two North of Range Eighteen East of Boise Meridian in Idaho Territory, containing one hundred and sixty acres.

MAY 2 1896

Frank Drake,
William G. Quigley,
Thomas J. Covert,
Plaintiffs,

vs.

Gustave Fohlke,
David Earhart,
J. K. Morrill &
Thomas Kingsbury,
Defendants.

Book 1 of Patents, page 403 contains a copy of the Patent from the United States to William G. Quigley and the following is the land described therein, to-wit:-

West half of the South East quarter and the South East quarter of the South West quarter of Section Ten in Township Two North of Range Eighteen East of Boise Meridian in Idaho Territory, containing one hundred and twenty acres.

Book 1 of Patents on page 571 contains a copy of the patent issued by the United States to Thomas J. Covert and the following is a description of the land mentioned therein, to-wit:-

37-1210 South East quarter of the South West quarter of Section Two in Township Two North of Range Eighteen East of Boise Meridian in Idaho, containing Forty acres.

(I have now given you a description of the lands that were patented to the plaintiffs in this action and which I fully believe were the lands they claimed to own at the time they brought this suit.

As Defendants got nothing by this Decree I deem it unnecessary for me to attempt a description of their lands).

MAY 2 8 1905

INTER-DEPARTMENT MEMO — 1

DATE 11-8-83

FROM Jim Stanton

TO Roberta Garrett thru Dave Tuthill

SUBJECT Miller vs Weber Judgment & Your Memo of 11-1-83, File 37-AG

I must disagree with the above-referenced memo. While it is true that the Miller vs Weber case was not done as a water decree, it had to modify the Drake vs Bohlke decree. In the latter decree, 1/4 of the stream flow was tied to the SE 1/4 SW 1/4 Sec. 2 (37-1210) No other lands owned by Weber are described in the Drake decree, but the Miller decree specifically states that 1/2 the flow of Quigley Creek is appurtenant to the Weber land. So the Miller decree had to move 1/4 of the stream flow (equal to 37-1211) to the Weber land. I must therefore stand by my contention that 37-1243 superceeds 37-1210 & 1211. The Miller decree is so specific that I don't see how we can ignore it. I will wait for your response before taking further action on this.

MAY 28 1983


SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

MEMORANDUM

TO: Jim Stanton

FROM: Dave Tuthill

DATE: November 25, 1983

RE: Miller vs Weber Judgement & Your Memo of 11-8-83, File 37-AG

Pursuant to your memorandum I have taken a closer look at the above referenced judgement, and I have prepared a diagram depicting the decreed water rights from Quigley Creek.

As shown in the attached map and notes, certain lands were described in the finding of fact associated with the Drake vs Bohlke decree. The lands described include 280 acres belonging to Drake, of which 120 acres were identified as being purchased from Quigley. The water right associated with these lands has been identified as No. 37-1209, for half the flow of the creek. The land identified for Covert includes one 40 acre parcel, to which the water right assigned is No. 37-1210 for one-fourth of the flow. Note that the finding of fact describes no lands for Mr. Quigley, since the land list described under Mr. Quigley's name is the land list identified in the finding of fact as having been sold to Drake. Therefore, we must assume that the one-fourth flow of Quigley Creek to which water right No. 37-1211 has been assigned, is appurtenant to lands that are not described in the findings of fact or in the decree.

The judgement in the name of Miller vs Weber, et al. describes a foreclosure action with the intent of repayment of a lien to Miller. As you have indicated, the judgement identifies both lands and a rate of flow. Interestingly, the lands described in the judgement include both the Covert property and property not identified in the Drake, et al. vs Bohlke, et al. decree. Given the information in the file, it is my hunch that the water rights described in the Miller vs Weber, et al. judgement are water rights No. 37-1210 and 37-1211. One way to verify this would be to check the history of ownership of the W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 11 and the S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 10 to see if they were owned by Quigley at the time of the initial decree in 1889. If indeed the lands were owned by Quigley, we can probably assume that these are the lands to which right No. 37-1211 was originally appurtenant. It is my suggestion that further research be done at this time to verify this possibility. If the research indicates that the lands were indeed owned

6/1996

MEMORANDUM

TO: Jim Stanton
November 25, 1983
Page 2

by Mr. Quigley, then we can place these lands in the place of use for water right No. 37-1211 in our computer records, with a remark that indicates the land list was deduced rather than being originally decreed. Lacking this information, it appears that we should place no land list under 37-1211, and leave this determination to a future investigation. In either case, the evidence that we have obtained to date indicates that the three original decree right Nos., 37-1209, 1210, 1211 sufficiently describe the decreed water rights from Quigley Creek, and it does not appear that the additional water right no. of 37-1243 should be assigned at this time. Computerization of this water right no. should be handled as described in Roberta Garrett's memo dated November 1, 1983.

MAY 28 1996

NOTES FROM DECREE & FINDINGS OF FACT

D. TOTHILL

23 Nov 83

Drake v. Bohlke et al Oct 11, 1889
etal

Priority - Fall, 1879

Lands Owned (& associated water rights)

Drake

(120 acres)

37-1209 W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ S. 10. T2N R18E[^] (Purchased from Quigley)
($\frac{1}{2}$ flow) also: W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ S. 15 T2N R18E (160 acres)

Quigley

[W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ S. 10 T2N R18E (120 acres)]

→ All sold to Frank Drake. The portion of Quigley's land on which $\frac{1}{4}$ the flow remains (37-1211) is a mystery.

Covert

37-1210 SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 2. T2N R18E (40 acres)
($\frac{1}{4}$ flow)

RECORDED

MAY 28 1996

D. TUTTILL 23 Nov 83

NOTES FROM

MILLER v. WEBER et al. 2/20/1933

This is a judgement intended to secure repayment
of a loan plus atty fees and court costs.

LANDS TO BE SOLD IN SHERIFF'S SALE include:

SE 1/4 SW 1/4 S. 2

S 1/2 NE 1/4 S. 10

W 1/2 NW 1/4 S. 11

} T 2 N R 1 B E (200 acres)

+ 1/2 interest in Quigley Creek rts

MAY 28 1933

37-AG

MEMORANDUM

TO: Jim Stanton, Southern Region
FROM: Roberta Garrett *RG*
THROUGH: Dave Tuthill *DT CONC*
SUBJECT: Judgment -- John E. Miller vs. Peter Weber, et al., File 37-AG
DATE: November 1, 1983

The Judgment, John E. Miller, plaintiff, vs. Peter Weber, et al., defendants, dated February 20, 1933, provides for the sale of defendants' real property to settle indebtedness to the plaintiff.

The lands and premises directed to be sold by decree are described as follows:

T. 2 N., R. 18 E. (200 acres)

Sec. 02: SE4SW4

10: S2NE4

11: W2NW4

"Together with an undivided one-half (1/2) interest in and to all of the waters of Quigley Creek or Gulch, and appurtenant to the above described land.

" . . . together with all ditch and water rights of every nature, however evidenced, used on said land or belonging to same"

From the wording in the Judgment, it appears it meant only to identify the real property and means of its disposal toward settling the indebtedness of the defendants and not for the purpose of decreeing a water right.

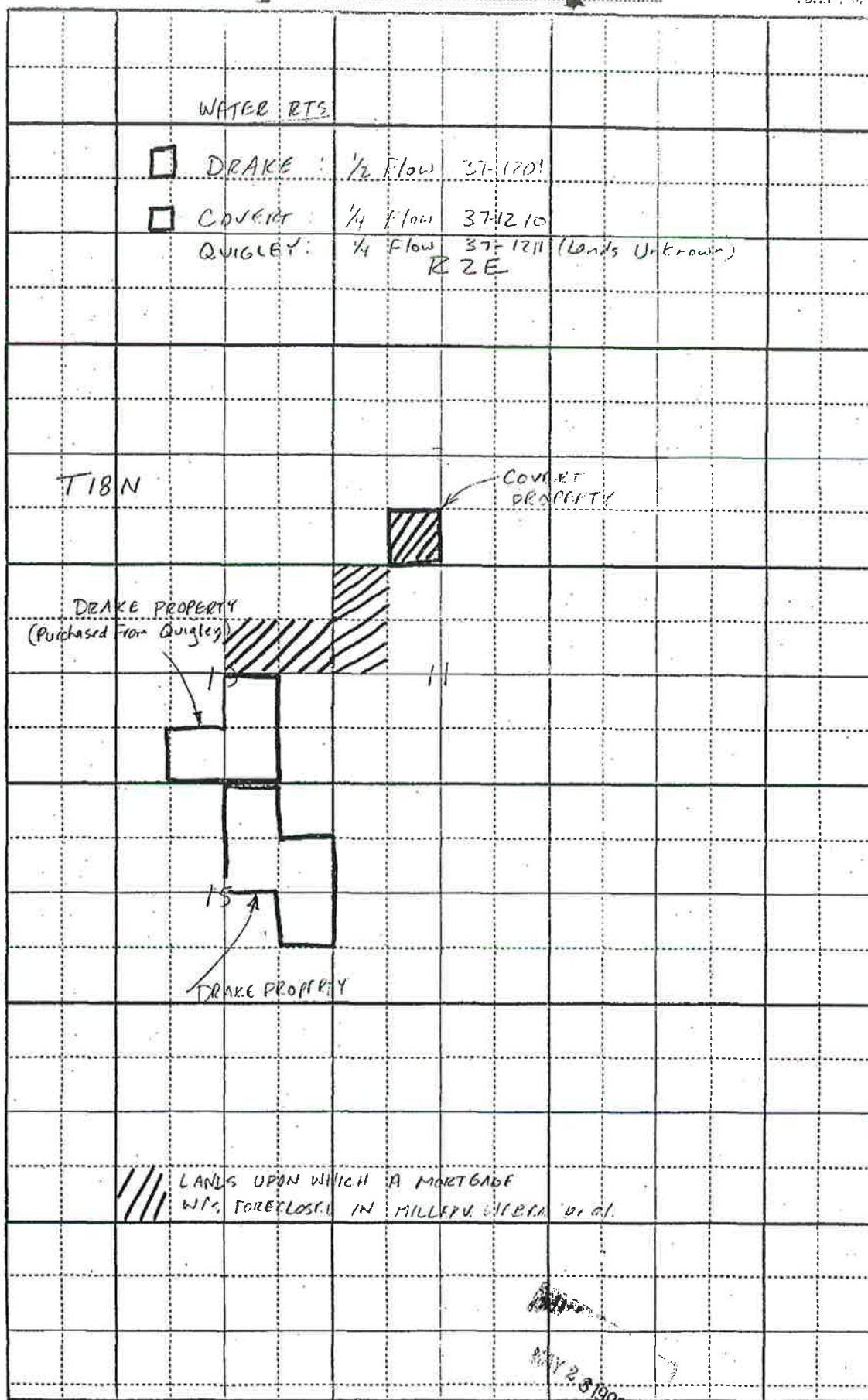
MAY 2 8 1986

November 1, 1983

With this interpretation, decreed right No. 37-1243 does not supersede decreed rights 37-1210 and 37-1211 and should be stricken from the Judgment, John E. Miller vs. Peter Weber, et al. Data entry for 37-1243 should read in remarks, "Number not used. Do not issue."

Prior to the Judgment date of February 20, 1933, all of the waters of Quigley Gulch were decreed in the case of Frank Drake, et al., vs. Gustave Bohlke, et al., dated October 11, 1889. This decree is shown in our records as still valid and should be data entered as originally decreed.

MAY 2 8 1996



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO IN AND FOR THE COUNTY OF BLAINE.

FILE 37-AG

JOHN E. MILLER,

Plaintiff,

vs.

JUDGMENT

PETER WEBER and MARY F. WEBER,
husband and wife; E. R. BALDWIN
and VIVIAN F. BALDWIN, husband
and wife; and S. F. HARTMAN,

Defendants.

This cause duly coming on for hearing before the Judge of the Court on
February 17th., 1933, sitting in Chambers at Gooding, Idaho, on the application of
Plaintiff by McElroy & Chalfant, his attorneys, for judgment by default;

And the court on examination finds that the said defendants, Peter Weber and
Mary F. Weber, husband and wife, E. R. Baldwin and Vivian F. Baldwin, husband and wife,
and S. F. Hartman, and each and all of the above named defendants have been duly and
personally served with summons in this action and that they and each of them have made
default for failure to answer or otherwise plead to the complaint, which default has
been duly entered by the Clerk.

Whereupon, the Court having heard all of the evidence and proofs offered by
the plaintiff in support of the allegations of the complaint and duly considered the
same, and being fully advised in the premises, finds:

I

That due and sufficient proof has been made herein of all matters and things as required by law, and that on the 17th day of February, 1932, the plaintiff caused to be filed and recorded in the office of the County Recorder of Blaine County, Idaho, a notice of pendency of this suit containing the names of the parties hereto and the object thereof and also a true and correct description of the lands and premises affected thereby.

II

That there is now due and owing to the plaintiff, as principal and interest on the indebtedness described in the complaint, the total sum of \$6448.61, together with \$300.00, as attorney's fees in this action; and that said sums are a valid lien upon the lands and premises in the complaint and hereinafter described and are secured by the mortgage alleged in the complaint.

III

That each and all of the terms and conditions of said mortgage have been broken by the said defendants and that plaintiff is entitled to have said mortgage enforced and foreclosed and the land and premises hereinafter described, sold in the manner prescribed by law and the proceeds arising from said sale applied upon the payment of the sums of money due as aforesaid.

IV

That each and all of the allegations and averments in plaintiff's complaint are true and correct.

NOW THEREFORE, On motion of Hugh E. McElroy, attorney for plaintiff,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, That plaintiffs have judgment

NOW THEREFORE, On motion of Hugh E. McElroy, attorney for plaintiff,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, That plaintiffs have judgment against the defendants decreeing that there is due plaintiff on the indebtedness secured by the mortgage alleged in the complaint the sum of \$6448.61, debt, \$300.00 attorney's fees and costs of suit assessed at \$19.20, and that the same is a valid lien upon the lands, and premises hereinafter described and is secured by the terms of the mortgage alleged in the complaint.

It is further adjudged and decreed that all and singular the mortgaged premises mentioned in the said complaint and hereinafter described, or so much thereof as may be sufficient to raise the amount due the plaintiff and the costs of suit and expenses of sale, as herein found and decreed by this court, be sold at public auction by the Sheriff of Blaine County, Idaho, in one parcel in the manner prescribed by law and according to the practices of this Court, and that said Sheriff after the time allowed by law for redemption has expired, execute a deed to the purchaser or purchasers of the mortgaged premises on said sale; that the said Sheriff out of the proceeds of said sale retain his fees and disbursements on said sale, and pay to the plaintiff or his attorney out of said proceeds the sums aforesaid decreed to plaintiff, together with interest thereon at the rate of 7 per cent per annum from the date of this decree or so much as the said proceeds of said sale will pay of the same.

That the defendants and all persons claiming or to claim from or under them, and all persons having liens subsequent to said mortgage, and his or their personal representatives, and all persons having liens or claim by or under such subsequent judgment or decree, and their heirs or personal representatives and all persons claiming under them, and all persons claiming to have acquired any estate or interest in said

recorder as aforesaid, be forever barred and foreclosed of and from all equity of redemption and claim, in, of and to said mortgaged premises, and every part and parcel thereof, from and after the delivery of the said Sheriff's deed.

It is further adjudged and decreed that the purchaser or purchasers of such mortgaged premises at such sale be let into possession thereof, and any person who, since the commencement of this action, has come into possession under them or either of them, deliver possession thereof to such purchaser or purchasers on production of the Sheriff's deed for such premises, or any part thereof, and that in case the said purchaser be refused such possession, writ of assistance issue without further notice requiring the Sheriff of the County in which the lands are situated to place and maintain the said purchaser in the quiet and peaceable possession of the land and premises purchased by him, and the whole thereof.

And it is further adjudged and decreed that if the money arising from said sale shall be insufficient to pay the amounts so found to be due as aforesaid, the said Sheriff shall specify the amount of such deficiency and balance due the plaintiff in his return of said sale and on the filing of said return, the Clerk of the Court shall docket a judgment for such balance against the defendant, Peter Weber, and that the said defendant pay to the plaintiff the amount of such deficiency and judgment with interest thereon at the rate of 7% per annum from date of said last mentioned return and judgment and the plaintiff have execution therefor.

The lands and premises directed to be sold by this decree are situated in the County of Blaine, State of Idaho, and are bounded and particularly described as follows:

The Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of

MAY 2 9 1935

County of Blaine, State of Idaho, and are bounded and particularly described as follows:

The Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Two (2), and the South Half ($S\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Ten (10), and the West Half ($W\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Eleven (11), all in Township Two (2) North of Range Eighteen (18) East of the Boise Meridian, and containing two hundred (200) acres of land.

~~37-1243~~ Together with an undivided one-half ($\frac{1}{2}$) interest in and to all of the waters of Quigley Creek or Gulch, and appurtenant to the above described land.

MAY 28 1936

Together with all the improvements, privileges, and appurtenances thereunto belonging, and all rights of homestead exemption; together with all ditch and water rights of every nature, however evidenced, used on said land or belonging to same or said mortgagor or which may be hereafter acquired or used on said land.

D. H. Sutphen

Judge.

Filed and Entered
February 20, 1933
B. P. Thamm
Clerk District Court
Blaine County, Idaho

ROUTING SLIP

TO: Jan Grover
 FROM: Jim Southern
 DATE: 12-15-82 TIME: 4pm

PER:	
Our Conversation	☒
Your Request	☒
The Attached	☐

FOR YOUR:		REVIEW AND:	
Information	☐	Take Proper Action	☐
Approval	☐	Comment	☐
Signature	☐	Draft A Reply	☐

ATTACHED TO BE:			
Posted	☐	Returned To Me	☐
Circulated	☐	Filed	☐
Distributed	☐	Copied (_____ copies)	☐

TO: Cheryl

FROM: JAN

Attached is a copy of the
decree we were looking
for the other day in
Basin 37 for Slaughterhouse
Creek. It's entered on the
computer, but not in the
vault. Jan.

MAY 28 1996

INTER-DEPARTMENT MEMO -- 1

FROM Jim, Southern

DATE 12-31-80

to Roberta Garrett

SUBJECT Error In Assignment of Numbers To New Decree

In the decree of Union Central Life Insurance Co. vs Barker et al, a right for 150 acres of irrigation from A Slaughterhouse Creek was given the number 37-1225. This number should have not been issued, as this right was established by license #37-2156A & 2156B. Please mark your records accordingly; I will code this number as "not issued". Sorry - this is my error, as I should have checked the P. D. abstract. I finally did check the abstract, & found no other rights on this drainage. So right 37-1226 should be a valid right.


SIGNATURE

RECEIVED

DEC 21 1982

Department of Water Resources
Southern District Office

Department of Water Resources
Western Region Office

Original made
Filed for record at the request of Catharine J. Arthur at 1:00 o'clock P. M., March 9, 1929.

B. P. Thamm

Clerk of District Court.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR
THE COUNTY OF BLAINE

THE UNION CENTRAL LIFE INSURANCE COMPANY,

Plaintiff,

vs.

BENJAMIN H. BARKER and MINNIE R. BARKER,
husband and wife; ISAIAH McKERCHER, some-
times known as Isiah McKercher; D. J. Mc
KERCHER and MRS. D. J. McKERCHER, husband
and wife; RAY McKERCHER, a single man,

Defendants.

J U D G M E N T.

RECEIVED

NOV 13 1929

File 37-Ag

Department of Water Resources
Southern District Office

This cause came regularly on to be heard before the above entitled Court on the 26 day of March, 1929, on the application of plaintiff by McElroy and Chalfant, its attorneys, for judgment by default; and the Court on examination finds that the said defendants, Benjamin H. Barker and Minnie R. Barker, husband and wife; Isiah McKercher, sometimes known as Isiah McKercher; D. J. McKercher and Mrs. D. J. McKercher, husband and wife; and Ray McKercher, a single man, and each and all of them have been duly and lawfully served personally with summons in this action and that they and each and all of

The lands and premises directed to be sold by this decree are situated in the County of Blaine, State of Idaho, and are bounded and particularly described as follows:

The East Half ($E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$), and the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$), and the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) and Lots three (3) and four (4) of Section Thirty (30), in Township Two (2) North of Range Nineteen (19) East of the Boise Meridian. Also the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Twenty-five (25), and Lot One (1) of Section Thirty-six (36), all in Township Two (2) North of Range Eighteen (18) East of the Boise Meridian, and containing Three Hundred Twenty-six and $61/100$ (326.61) acres of land.

2156 A+B
37-725 Together with a full primary water right for One Hundred Fifty (150) acres of said land from Slaughter House Creek and also
37-1226 all the waters from certain springs arising on and near said land.

Together with all the improvements, privileges and appurtenances thereunto belonging and all rights of Homestead exemption, together with all reservoir rights, ditch and water rights of every nature, however evidenced, with all rights of way, ditches, pumping sites, machinery or other physical properties used on or for conveyance of water to or attaching or belonging to said land or to the said mortgagors for use thereon, or which may be hereafter acquired for and used on said land; the evidence of ownership of reservoir, ditch and

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2156A*8
37-115
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Jay L. Downing, Judge Presiding.

FILED AND ENTERED
March 26, 1929
B. P. Thamm
Clerk District Court

RECEIVED

MAR 3 1986

INTER-DEPARTMENT MEMO — 1

FROM Allen Merritt

DATE 2/28/86

Department of Water Resources

TO File 37-2156A & 37-2156B thru Robertz Garrett

SUBJECT Judgement Decree pertaining to license.

On 3/26/1929 a Judgement Decree was rendered in the case of Union Central Life Ins. Co. vs. Barker et. al, in which the water right on Slaughterhouse Creek was mentioned. This reference was originally numbered 37-1225 but pursuant to Stanton's memo of 12/31/80 number 37-1225 was coded as not being issued. After reviewing the 37-2156 file I found that no reference is found which ties the judgement to the license. This memo is written to tie the two together for future reference.

ADK

SIGNATURE

INTER-DEPARTMENT MEMO — 1

DATE 12-31-80

FROM Jim, Southern

TO Roberta Garrett

SUBJECT Error In Assignment of Numbers To New Decree

In the decree of Union Central Life Insurance Co. vs Barker et al, a right for 150 acres of irrigation from ~~A~~ Slaughterhouse Creek was given the number 37-1225. This number should have not been issued, as this right was established by license #37-2156A & 2156B. Please mark your records accordingly; I will code this number as "not issued". -Sorry - this is my error, as I should have checked the P. D. abstract. I finally did check the abstract, & found no other rights on this drainage. So right 37-1226 should be a valid right.



SIGNATURE

DEC 28 1980

Original made
Filed for record at the request of Catharine J. Arthur at 1:00 o'clock P. M., March 9, 1929.

B. P. Thamm

Clerk of District Court.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR
THE COUNTY OF BLAINE

THE UNION CENTRAL LIFE INSURANCE COMPANY,

Plaintiff,

vs.

BENJAMIN H. BARKER and MINNIE R. BARKER,
husband and wife; ISAIH McKERCHER, some-
times known as Isiah McKercher; D. J. Mc
KERCHER and MRS. D. J. McKERCHER, husband
and wife; RAY McKERCHER, a single man,

Defendants.

J U D G M E N T.

File 37-Ag

MAY 28 1929
RECEIVED

NOV 13 1929

Department of Water Resources
Southern District Office

This cause came regularly on to be heard before the above entitled Court on the 26 day of March, 1929, on the application of plaintiff by McElroy and Chalfant, its attorneys, for judgment by default; and the Court on examination finds that the said defendants, Benjamin H. Barker and Minnie R. Barker, husband and wife; Isaih McKercher, sometimes known as Isiah McKercher; D. J. McKercher and Mrs. D. J. McKercher, husband and wife; and Ray McKercher, a single man, and each and all of them have been duly and lawfully served personally with summons in this action and that they and each and all of

and the whole thereof.

The lands and premises directed to be sold by this decree are situated in the County of Blaine, State of Idaho, and are bounded and particularly described as follows:

The East Half ($E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$), and the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$), and the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) and Lots three (3) and four (4) of Section Thirty (30), in Township Two (2) North of Range Nineteen (19) East of the Boise Meridian. Also the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Twenty-five (25), and Lot One (1) of Section Thirty-six (36), all in Township Two (2) North of Range Eighteen (18) East of the Boise Meridian, and containing Three Hundred Twenty-six and 61/100 (326.61) acres of land.

2156 A+B
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2156A:8
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FILED AND ENTERED
March 26, 1929
B. P. Thamm
Clerk District Court

Jay L. Downing, Judge Presiding.

Original made
Filed for record at the request of Catharine J. Arthur at 1:00 o'clock P. M., March 9, 1929.

B. P. Thamm

Clerk of District Court.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR
THE COUNTY OF BLAINE

96618 & 1004
THE UNION CENTRAL LIFE INSURANCE COMPANY,)

Plaintiff,)

vs.)

BENJAMIN H. BARKER and MINNIE R. BARKER,)
husband and wife; ISAIH McKERCHER, some-)
times known as Isiah McKercher; D. J. Mc)
KERCHER and MRS. D. J. McKERCHER, husband)
and wife; RAY McKERCHER, a single man,)

Defendants.)

J U D G M E N T.

File 37-A₉

RECEIVED

NOV 13 1929

Department of Water Resources
Southern District Office

This cause came regularly on to be heard before the above entitled Court on the 26 day of March, 1929, on the application of plaintiff by McElroy and Chalfant, its attorneys, for judgment by default; and the Court on examination finds that the said defendants, Benjamin H. Barker and Minnie R. Barker, husband and wife; Isaih McKercher, sometimes known as Isiah McKercher; D. J. McKercher and Mrs. D. J. McKercher, husband and wife; and Ray McKercher, a single man, and each and all of them have been duly and lawfully served personally with summons in this action and that they and each and all of

them have made default herein by failure to answer or otherwise plead, which default has been duly entered.

WHEREUPON, the Court having heard all of the evidence and proofs offered by the plaintiff in support of the allegations of the complaint and duly considered the same, and being fully advised in the premises finds:

I.

That due and sufficient proof has been made herein of all matters and things as required by law, and that on the 19th day of November, 1928, the plaintiff caused to be filed and recorded in the office of the County Recorder of Blaine County, Idaho, a notice of pendency of this suit containing the names of the parties hereto and the object thereof and also a true and correct description of the lands and premises affected thereby.

II.

That there is now due and owing to the plaintiff, as principal and interest in the indebtedness described in the complaint, the total sum of \$3,911.53, together with \$300.00, as attorney's fees in this action; and that said sums are a valid lien upon the lands and premises in the complaint and hereinafter described and are secured by the mortgage alleged in the complaint.

III.

That each and all of the terms and conditions of said mortgage have been broken by the said defendants and that plaintiff is entitled to have said mortgage enforced and foreclosed and the land and premises hereinafter described, sold in the manner prescribed by law and the proceeds arising from said sale applied upon the payment of the sums of money due as aforesaid.

IV.

That each and all of the allegations and averments in plaintiff's complaint are true and correct.

NOW THEREFORE, on motion of Hugh E. McElroy, attorney for plaintiff,

IT IS HEREBY ORDERED, ADJUDGED and DECREED, that plaintiff have judgment against the defendants decreeing that there is due plaintiff on the indebtedness secured by the mortgage alleged in the complaint, the sum of \$3,911.53, debt, \$300.00 attorney's fees and costs of suit fixed at \$27.80, and that the same is a valid lien upon the lands and premises hereinafter described and is secured by the terms of the mortgage alleged in the complaint.

It is further adjudged and decreed that all and singular the mortgaged premises mentioned in the said complaint and hereinafter described, or so much thereof as may be sufficient to raise the amount due the plaintiff and the costs of suit and expenses of sale, as herein found and decreed by this Court, be sold at public auction by the Sheriff of Blaine County, Idaho, in the manner prescribed by law and according to the practices of this Court, and that said Sheriff after the time allowed by law for redemption has expired, execute a deed to the purchaser or purchasers of the mortgaged premises on said sale; that the said sheriff out of the proceeds of said sale retain his fees and disbursements on said sale, and pay to the plaintiff or his attorney out of said proceeds the sums as aforesaid decreed to plaintiff, together with interest thereon at the rate of 7 per cent per annum from the date of this decree or so much as the said proceeds of said sale will pay of the same.

That the defendants and all persons claiming or to claim from or under them, and all persons having liens subsequent to said mortgage, by judgment or decree, upon the land described in said mortgage, and his or their personal representatives, and all persons having liens or claim by or under such subsequent judgment or decree, and their heirs or personal representatives, and all persons claiming under them, and all persons claiming to have acquired any estate or interest in said premises subsequent to the filing of said notice of the pendency of this action with the recorder as aforesaid, be forever barred and foreclosed of and from all equity of redemption and claim, in, of and to said mortgaged premises, and every part and parcel thereof, from and after the delivery of the said sheriff's deed.

It is further adjudged and decreed that the purchaser or purchasers of such mortgaged premises at such sale be let into possession thereof, and any person who, since the commencement of this action, has come into possession under them or either of them, deliver possession thereof to such purchaser or purchasers on production of the sheriff's deed for such premises, or any part thereof and that in case the said purchaser be refused such possession, writ of assistance issue without further notice requiring the sheriff of the county in which the lands are situated to place and maintain the said purchaser in the quiet and peaceable possession of the land and premises purchased by him, and the whole thereof.

The lands and premises directed to be sold by this decree are situated in the County of Blaine, State of Idaho, and are bounded and particularly described as follows:

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37-2156 A+B
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Jay L. Downing, Judge Presiding.

FILED AND ENTERED
March 26, 1929
B. P. Thamm
Clerk District Court

CHRONOLOGICAL DISCUSSION OF BASIN 37 DECREES IN THE IDWR VAULT AND RELATED IDAHO SUPREME COURT DECISIONS (DRAFT)

1. *City of Bellevue v. Goble et al.* (Alturas County, November 9, 1885)
 - Seamand's Creek
 - Water right number 37-1208
 - Describes Amount and Source
 - Entitlement of City of Bellevue to waters of Seamand's Creek

"City of Bellevue is the owner of and entitled to the possession . . . of the waters of Seamand's Creek under and by virtue of the appropriation, diversion, and use thereof"

2. *Drake et al. v. Bohlke* (Alturas County, October 11, 1889)
 - Waters of Quigley Gulch
 - Water right numbers 37-1209-1211
 - Injunction against defendants from diverting waters in the gulch

"Plaintiffs are the owners of and entitled to the use of all the waters flowing in Quigley Gulch"

3. *Case v. Hood et al.* (Alturas County, June 23, 1890)
 - Fish Creek
 - Water right numbers 37-1194-1196
 - Describes Amount and Source

4. *McMonigle v. Murphy* (Alturas County, July 17, 1890)
 - Deer Creek
 - No water right numbers listed in filed decree
 - Describes Amount, Purpose, Source, and POU
 - There are three documents in the file that appear to relate to a decree. Two documents appear to be decrees, but are not complete. One document provides the above-mentioned date, however, it is signed by the clerk of the court, not the judge.

5. *Woodworth et al. v. Anthony et al.* (Logan County, November 28, 1892)
 - Little Wood River
 - No water right numbers listed in filed decree
 - Original Decree
 - Describes Amount, Purpose, and Source
- a. *Woodworth et al. v. Anthony et al.* (Blaine County, November 10, 1903)
 - Little Wood River
 - Water right numbers 37-0952-0953, 37-0955-0956, 37-0960, 37-0963-0970, 37-0973-0980, 37-0983-0985, 37-0988-0990, 37-0992, 37-0994, 37-0997, 37-0999-1003, 37-1005-1006, 37-1008-1009, 37-1012-1013, 37-1015, 37-1018-1026, 37-1029-1033, 37-1036, 37-1038, 37-1040-1046, 37-1048, 37-1050,

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08283

Priority: September 23, 1986

Maximum Storage Volume:

41.7 AF

This is to certify, that DBA QUIGLEY RANCH PARTNERSHIP
FREDERICK E JUDD
JOHN A BURKE

PO BOX 326

SUN VALLEY ID 83353

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 12, 1986; and has submitted Proof of Beneficial Use on February 10, 1997. An examination indicates that the works have a storage capacity of 41.700 af of water from:

QUIGLEY CREEK

tributary to BIG WOOD RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.12 CFS	6.7 AF
RECREATION STORAGE	01/01 to 12/31		35.0 AF
AEESTHETIC STORAGE	01/01 to 12/31		35.0 AF
	Totals		41.7 AF

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 2, Township 02N, Range 18E
SENE , Sec. 10, Township 02N, Range 18E
BLAINE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

02N 18E	1	NENE	NWNE	NENW
		NWNW	SWNW	
	2	NENE	SENE	

PLACE OF USE: RECREATION STORAGE AND AESTHETIC STORAGE

TWN RGE SEC

02N 18E	2	NENE	NWNE	
	10	SWNE	SENE	NESE

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

MICROFILMED

SEP 28 1999

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 37-08283

CONDITIONS OF APPROVAL AND REMARKS

3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. Recreation storage is for fishing.
5. Aesthetic storage is for two ponds.
6. Stockwater use under this right is for instream stockwatering.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 23RD day of

September, 1979.


KARL J. DREHER, Director

MICROFILMED

SEP 28 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORTRECEIVED
OCT 15 1998
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-082831. Owner: QUIGLEY CANYON RANCH, LLP Phone No. (208) 622-4133Current Address: PO BOX 326 SUN VALLEY, ID. 833532. Accompanied by: FRED JUDD/JOHN "STONE" BURKE EXAM DATE: 30 SEPT 98

Address: _____ Phone No. _____

Relationship to Permit Holder: PARTNERS IN LLP3. Source: QUIGLEY CREEK tributary to BIG WOOD RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: (A) 37-07693, -02741, -02784A, A37-19736
2. Other water rights with the same point of diversion: " " " " " " " "

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
POND 1		SE	NE	NE	02	02N	18E	BLAINE	FIELD EXAM &
POND 2		SW	SE	NE	10	02N	18E	" "	QUAD MAP X74 (HAILEY)

2. Place(s) of Use:

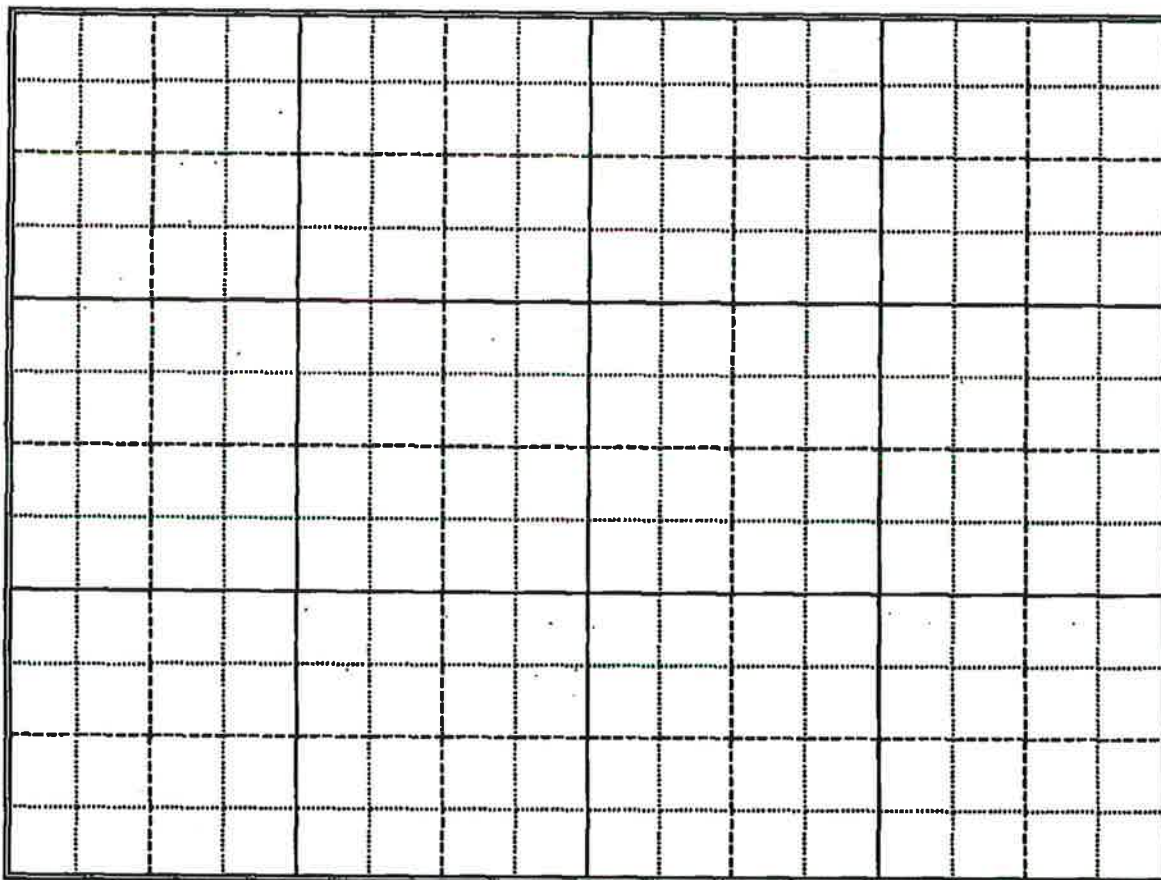
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	01	S	S			S	S	S										
02N	18E	02	S			S													
		02	FISH	FISH															
		02	REC	REC															
		10	AES	AES															
					AES	AES													

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SEP 28 1999

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

✓ ☐ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☐ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

See Attached Shts.

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SEP 28 1999

E. NARRATIVE/REMARKS/COMMENTS

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 12 October 1998
RE: 37-08283
(A)37-02741,-02784A,-07693,-19736 irrigation/stock claims

On September 30, I met with Fred Judd and John Burke, partners in the Quigley Canyon Ranch L.L.P., to conduct a field examination for the above permit. The water source associated with the permit is Quigley Creek. There are two ponds, on-stream, that are approximately 1.5 mile apart on a east-west line.

Both ponds have been inspected (1992, 1996-97) by dam safety personnel. The data in the file includes surface area and storage capacity from the inspections.

During a Beneficial Use Reconnaissance Program (BURP), the flow of Quigley Creek was measured by DEQ personnel.

June 1995: SWSWSW $\frac{1}{4}$ Sec 31, T03N, R19E recorded rate=5.10 cfs

July 1998: SESESE $\frac{1}{4}$ Sec 36, T03N, R18E recorded rate=5.07 cfs

While conducting the field examination, I wrestled with the portable flume to get the flow rate. Although the portable flume won the match, the closest reading I could obtain was comparable to the rates measured by DEQ.

When filing Proof of Beneficial Use, the applicant's lawyer paid \$100, which equates to 0.21-1.00 cfs and/or 21-100 afa. The total pond capacity is 35 acre feet. It appears the fee was directed at the acre feet? Therefore, I can recommend the limited rate of 1.00 cfs.

Stockwater-cows can be seen in photo background of the upper pond, Mr. Burke says their land abuts with BLM land and the stock drink water from creek as far east as the NENE $\frac{1}{4}$ of Section 1, T02N, R18E.

Fish Propagation and Fish Propagation Storage-Mr. Judd says they plant fish. Then they "rent" the upper pond out to one of the sport fishing businesses, who then charge anglers per pole.

Recreation-in connection with the above use

Aesthetic-in connection with the above use

Fire Protection-The fire protection storage (upper reservoir) was permitted for the proposed residential community, that was not developed, therefore it will not be recommended.

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
SEP 28 1999

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

STORAGE ON STREAM (DIRECT FLOW)

LOWER POND

2.5 ac

10 ac ft

UPPER POND

6.0 ac

25 ac ft.

TOTAL: 35 af

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$

2. Volume Calculations for Other Uses:

(Paid \$100 only Feb 1997)

EXAM FEE LIMIT 1.00
PERMIT RATE 4.15
MEASURED RATE 5.10
RECOMMEND RATE 1.00

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
STOCK WATER	01/01	12/31	0.12	
FISH PROP STORAGE				35 af
RECREATION & AES.			1.00	
RECREATION STORAGE				35 af
AESTHETIC " " "				35 af
			Totals:	35 af
			1.00	

2. Recommended Amendments

Change P.D. as reflected above Add P.D. as reflected above ☒ None
Change P.U. as reflected above Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Georgia Sutterlee Date 12 October 1998

Reviewer Date

SEAL

MICROFILMED
SEP 28 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECORD OF INSPECTION OF DAM

Name of dam: Quigley Creek Lower Stream: Quigley Creek ☒ Offstream

Name of owner: Quigley Canyon Ranch Location: SWNE, Sec 10, T2N-R18E

Individuals accompanying inspector: (8.4)(2)(0.6) = 10 AF

Surveyed 9/23/92

Reservoir characteristics: Dam height 8.4 Surface area 2 AC Storage capacity 10 ACFT

Hazard class: 3 - Low Photographs: attached

CONDITION OF EMBANKMENT OR STRUCTURE: ☐ Poor ☐ Fair ☒ Good ☐ Excellent

Type: ☒ Earth ☐ Rockfill ☐ Conc. arch ☐ Conc. gravity ☐ Timber crib ☐ Other _____

	UPSTREAM SLOPE	CREST	DOWNSTREAM SLOPE	TOE AREA
Surface cover material	<u>Earth</u>			
Growth	<u>weeds & grasses</u>		<u>Alfalfa field</u>	
Settlement or cracks	<u>None</u>			
Surface erosion	<u>None</u>			
Debris	<u>None</u>			
Animal burrows	<u>minor gopher</u>			
Crest width and slope measurements	<u>3:1</u>	<u>12'</u>	<u>5:1</u>	

CONDITION OF OUTLET WORKS: ☐ Poor ☐ Fair ☒ Good ☐ Excellent

Location: ☐ Left side ☒ Center ☐ Right side ☐ Other _____

Description and condition: 12" CMP w/ galvanized under culverts

Gate hoist: ☒ Manual ☐ Electric ☐ Other _____

Stem: ☐ Inclined from entrance to crest ☐ Vertical on tower at entrance
☐ Vertical through dam from crest ☐ Downstream valve

Entrance: weedy but silt free Outlet: clear MICROFILMED

CONDITION OF SPILLWAY: ☐ Poor ☒ Fair ☐ Good ☐ Excellent

SEP 28 1992

Location: ☒ Left abutment ☐ Right abutment ☐ Away from dam ☐ Other _____

Base width 35' Freeboard at crest 2.7' Sideslope varies Channel slope low Fetch _____

Overflow channel: ☒ Well defined ☒ Flow directed away from toe ☐ Flow could reach toe

Erosion control present: None Erosion present: None

Maintenance condition: Debris None Growth weeds infested in impoundment

SEEPAGE: - - -

Reservoir level during inspection: Dry

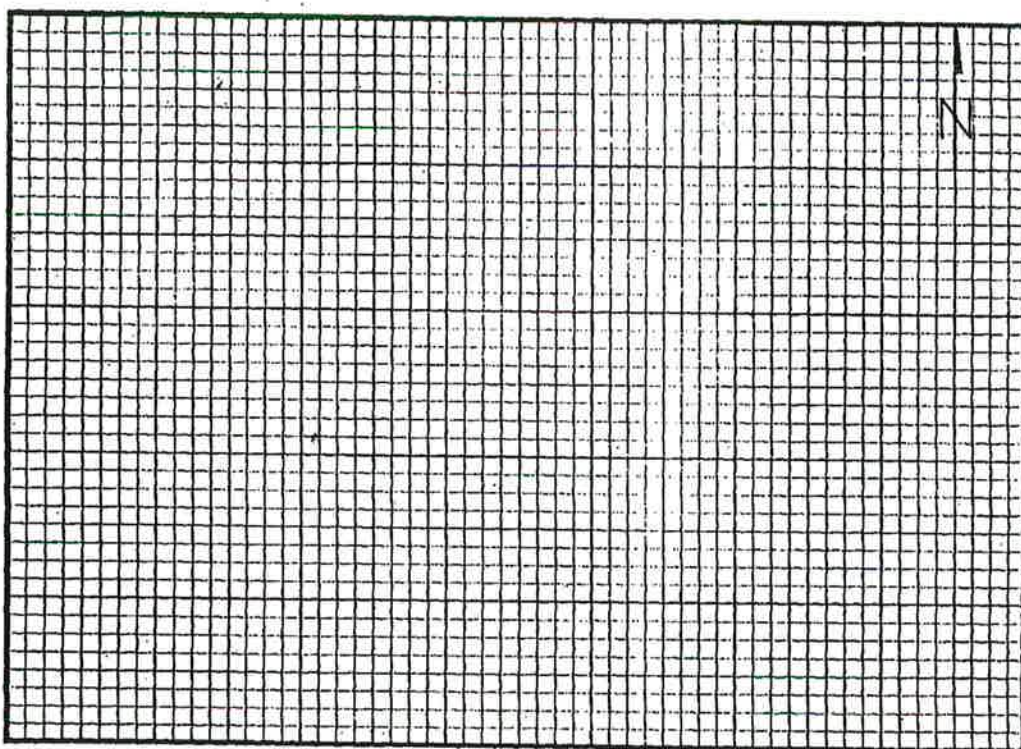
	TOE AREA	DOWNSTREAM SLOPE	ABUTMENTS	OTHER
Piping of material evident (Est. G.P.M.)				
Flowing water (Est. G.P.M.)				
Marshy or standing water				
Damp				
Evident from growth present				

GENERAL CONDITION AND DESCRIPTION OF DAM: Dam is in good condition
and adequately maintained.

INSTRUMENTATION READINGS (Piezometer, Seepage measurement, Alignment, Elevation, etc.)

None

SKETCH OF DAM SHOWING LOCATION OF SPILLWAY AND OUTLET WORKS AND ANY MAINTENANCE PROBLEMS:



RECOMMENDATIONS: This dam should be classified as a 5 yr dam
due to its stone core and height. Issue stone core for
5 yr with Routine maintenance
① control ^{upstream} embankment face.

Date: 9/23/92 19

Inspected by:

S. Henniken
M. Stubblefield

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SEP 28 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECORD OF INSPECTION OF DAM

Name of dam: QUIGLEY CREEK (UPPER) Stream: QUIGLEY CREEK ☐ Offstream
Name of owner: FRED JUDD, JOHN BURKE Location: NE 1/4 SECTION 02 (TOWN, RIBE)
Individuals accompanying inspector: MIKE STUBBLEFIELD - IDWR
Reservoir characteristics: Dam height 12' Surface area 6 AC. Storage capacity 25 AC-FT
Hazard class: LOW (NO CHANGE) Photographs: ATTACHED
CONDITION OF EMBANKMENT OR STRUCTURE: ☐ Poor ☒ Fair ☐ Good ☐ Excellent
Type: ☒ Earth ☐ Rockfill ☐ Conc. arch ☐ Conc. gravity ☐ Timber crib ☐ Other

	UPSTREAM SLOPE	CREST	DOWNSTREAM SLOPE	TOE AREA
Surface cover material	EARTH	EARTH	EARTH	EARTH
Growth	DENSE WEEDS AND GRASS	DENSE WEEDS & GRASS	DENSE WEEDS & GRASS	WEEDS & GRASS
Settlement or cracks	NONE NOTED	NONE	NONE NOTED	NONE
Surface erosion	NONE NOTED	NONE	NONE NOTED	NONE
Debris	NONE NOTED	NONE	NONE NOTED	NONE
Animal burrows	NONE NOTED	SOME NOTED	SOME NOTED	NONE
Crest width and slope measurements	2:1	8'-12'	2:1	

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CONDITION OF OUTLET WORKS: ☐ Poor ☒ Fair ☐ Good ☐ ExcellentLocation: ☐ Left side ☒ Center ☐ Right side ☐ Other

SEP 28 1999

Description and condition: 8" STEEL PIPE WITH UPSTREAM & DOWNSTREAM CONTROLSGate hoist: ☒ Manual ☐ Electric ☐ OtherStem: ☐ Inclined from entrance to crest ☒ Vertical on tower at entrance
☐ Vertical through dam from crest ☒ Downstream valveEntrance: SUBMERGEDOutlet: CLEARCONDITION OF SPILLWAY: ☐ Poor ☒ Fair ☐ Good ☐ ExcellentLocation: ☒ Left abutment ☐ Right abutment ☐ Away from dam ☐ OtherBase width 25' Freeboard at crest 3.3' Sideslope 2.8:1 Channel slope LOW Fetch AVE.Overflow channel: ☒ Well defined ☒ Flow directed away from toe ☐ Flow could reach toeErosion control present: NONEErosion present: NONE NOTEDMaintenance condition: Debris NONEGrowth GRASS & WEEDS ON SIDE SLOPES

SEEPAGE:

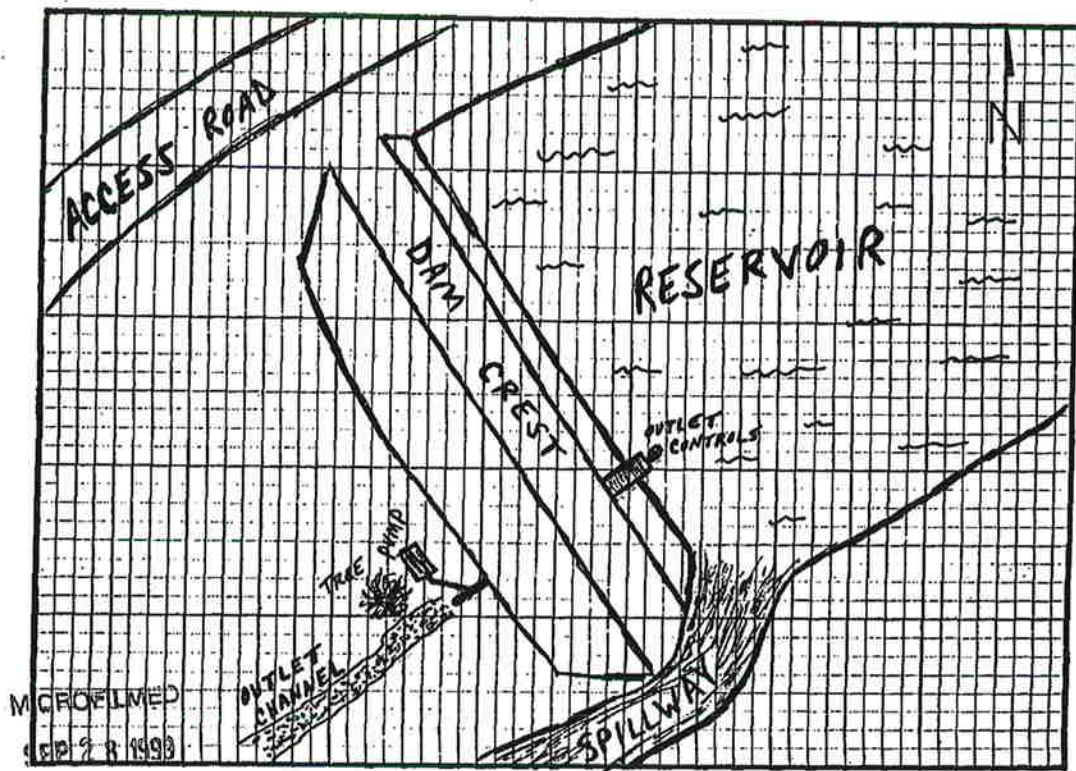
Reservoir level during inspection: 92.76' (FLOWING THROUGH SPILLWAY ABOUT 1/2' DEEP)

	TOE AREA	DOWNSTREAM SLOPE	ABUTMENTS	OTHER
Piping of material evident (Est. G.P.M.)	NONE	NONE	NONE	
Flowing water (Est. G.P.M.)	NONE	NONE	NONE	
Marshy or standing water	NONE	NONE	NONE	
Damp	NONE	NONE	NONE	
Evident from growth present	NONE	NONE	NONE	

GENERAL CONDITION AND DESCRIPTION OF DAM: DAM AND APPURTENANT
WORKS APPEAR TO BE IN FAIR CONDITION. DENSE WEED
AND GRASS GROWTH EXISTS ALL OVER THE EMBANKMENT.
SOME BURROWS WERE NOTED AND OTHERS MAY HAVE BEEN
OBSCURED BY GROWTH. SOME TALK HAS BEEN MADE ABOUT
DEVELOPING THE LAND BELOW THE DAM WHICH MAY CHANGE THE
HAZARD EVALUATION AND THE IDF.
INSTRUMENTATION READINGS (Piezometer, Seepage measurement, Alignment, Elevation, etc.)

DAM CREST AND SPILLWAY WERE RESURVEYED DURING
THE INSPECTION. RESULTS ARE IN THE FILE.

SKETCH OF DAM SHOWING LOCATION OF SPILLWAY AND OUTLET WORKS AND ANY MAINTENANCE PROBLEMS:



RECOMMENDATIONS: SINCE FLOOD ROUTING APPEARS ADEQUATE,
ISSUE TWO YEAR STORAGE CERTIFICATE WITH ROUTINE
MAINTENANCE: CONTROL GROWTH, CONTROL RODENTS AND BACKFILL
BURROWS, OPERATE DAM (PREFERABLY VIA UPSTREAM CONTROLS) TO
ADEQUATE FREEBOARD IS MAINTAINED. *MAY WANT TO DISCUSS
MODIFICATIONS TO DAM THAT MAY BE REQUIRED IF DEVELOPMENT
OCCURS BELOW DAM AND CHANGES HAZARD CLASSIFICATION AND IDF.

Date: SEPTEMBER 22, 19 97

Inspected by: Carey Skinner

WRITTEN UP: 11/12/97

STATE OF IDAHO

Department of Water Resources

5-YR DAM INVENTORY RECORD OF INSPECTION

Dam Name: QUIGLEY CREEK LOWER File No: D37-2784

Name of Owner: FRED JUDD, JOHN BURKE ☐ New owner Photos: ATTACHED

Owner Address and Phone No: SEE ATTACHED MEMO.
(Fill out address and phone no. only if info has changed or if new owner.)

Hazard Classification: LOW ☐ changed ☒ unchanged
(If downstream development has changed since last inspection, fill out new HAZARD CLASSIFICATION WORKSHEET and attach. If downstream risk has changed to significant or high, fill out regular RECORD OF INSPECTION OF DAM form.)

Inspection of Dam: ☐ changed ☒ unchanged
(If the dam, outlet(s), spillway, reservoir, etc. have been modified in any way since the last inspection, mark "changed" and note changes below.)

Condition of Dam: ☐ Good ☒ Fair ☐ Poor

Condition of Outlet(s): ☐ Good ☒ Fair ☐ Poor

Condition of Spillway(s): ☐ Good ☒ Fair ☐ Poor

Reservoir Level at Time of Inspection: EMPTY

Seepage Conditions: NONE

Recommended Maintenance, Comments or Remarks: DAM DOES NOT
APPEAR TO HAVE STORED WATER FOR SOME
TIME. NO APPARENT CHANGES SINCE LAST
INSPECTION (1992). THE EARTH BERM IS
STILL IN THE SPILLWAY CHANNEL.

Inspector: Corey Skinner

Date: 09/18/96

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SEP 28 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
*DAM AND RESERVOIR
CERTIFICATE OF APPROVAL*

This is to certify that QUIGLEY CREEK UPPER *Dam and Reservoir, located in*
 NE $\frac{1}{4}$, Section 2 , Township 2N , Range 18E , B.M., Blaine County,
State of Idaho has been inspected by the Department of Water Resources of the State of Idaho, as provided in
Title 42 Chapter 17, Idaho Code, and approval is hereby given to impound water in accordance with and subject
to the following terms and conditions: A MINIMUM OF 2.0 FEET OF FREEBOARD SHALL BE
 MAINTAINED ON THE DAM EMBANKMENT AT ALL TIMES.

This certificate shall remain valid until revoked or modified by the Department of Water Resources or until the

1st day of November 1999



*This certificate has been issued and the seal of the
Director affixed at Boise, Idaho this*

5th day of December 19 97.

Billy D. Flannery
Chief-Resource Protection Bureau

MICROFILMED
SEP 28 1999

1998 Beneficial Use Reconnaissance Project Field Forms

Stream Name:

Quigley Creek

Site ID: 1998STWFAQ051

Date (YY/MM/DD):

98-07-27

Discharge Measurement							
	Type	Width	Depth	Area	Velocity	Velocity	Discharge
	ft	ft	ft	sq ft	ft/sec	ft/sec	cfs
LWE	0.0						
1	0.25	0.5	0.2	—	NR	—	NR
2	0.75	0.5	0.3	0.15	0.42	—	0.063
3	1.25	0.5	0.45	0.225	0.98	—	0.221
4	1.75	0.5	0.6	0.30	1.89	—	0.567
5	2.25	0.5	0.8	0.40	2.26	—	0.904
6	2.75	0.5	0.8	0.40	1.69	—	0.676
7	3.25	0.5	0.85	0.425	2.07	—	0.880
8	3.75	0.5	0.65	0.325	0.94	—	0.306
9	4.25	0.5	0.7	0.35	1.22	—	0.427
10	4.75	0.5	0.7	0.35	1.79	—	0.627
11	5.25	0.5	0.6	0.30	1.31	—	0.393
12	5.60	0.2	0.2	0.04	0.21	—	0.008
13							
14							
15							
16							
17							
18							
19							
20							
RWE	5.7						
Total Flow				5.07 cfs			

Macroinvertebrate Samples

Were samples taken during low/stable flow period?

Yes No

Sample No. 1

Label: 1998STWFAQ051 T-1 EFFORT 5.2 min

Sampler Used: Hess Surber Kick

Habitat Sampled: Riffle Run Glide Pool

Time: 13:40

By: N. MISBACH

Sample No. 2

Label: 1998STWFAQ051 T-2 EFFORT 5.0 min

Sampler Used: Hess Surber Kick

Habitat Sampled: Riffle Run Glide Pool

Time: 13:51

By: N. MISBACH

Sample No. 3

Label: 1998STWFAQ051 T-3 EFFORT 5.0 min

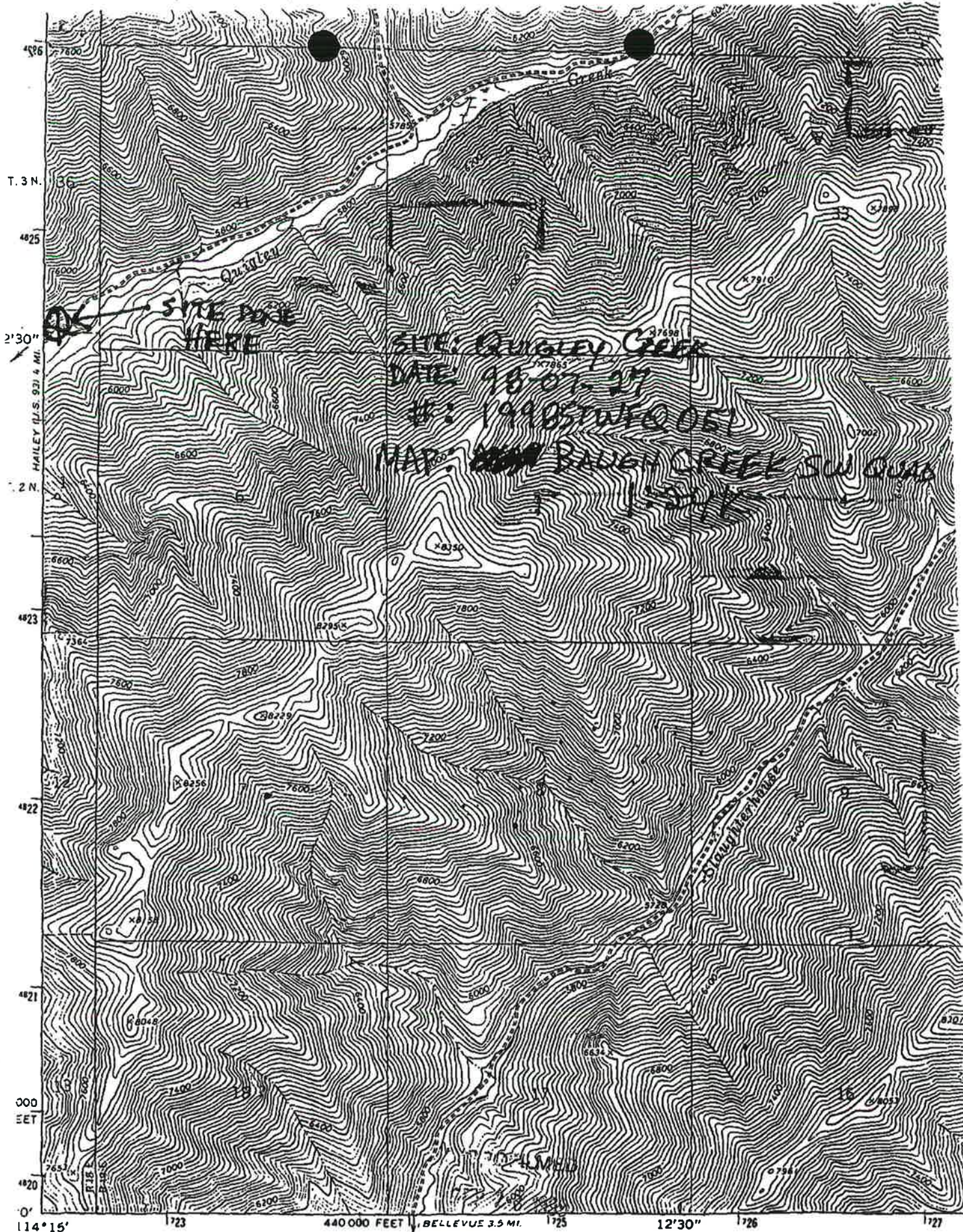
Sampler Used: Hess Surber Kick

Habitat Sampled: Riffle Run Glide Pool

Time: 14:04

By: N. MISBACH

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SEP 28 1999



Macroinvertebrate ALL DATA BANKFUL CONDITIONS

Were samples taken at this site during the low/stable flow period?
(usually July 1 - October 15) ☐yes ☐no

Label: 7-1

Habitat: ☐ Riffle ☐ Pool ☒ Run ☐ Glide

Quality of sampler seal: ☒ good ☐ poor ☐ none

Label: T-2

Habitat: ☐ Rifle ☐ Pool ☒ Run ☐ Glide

Quality of sampler seal: ☒ good ☐ poor ☐ none

Label: T-3

Habitat: ☐ Riffle ☐ Pool ☒ Run ☐ Glide

Quality of sample seal: ☒ good ☐ poor ☐ none

☐ fill out "MacroInvertebrate Data Sheet" for laboratory use

Stream Name: Dulaig

95SCIROB20

Date: 95.10.6.30

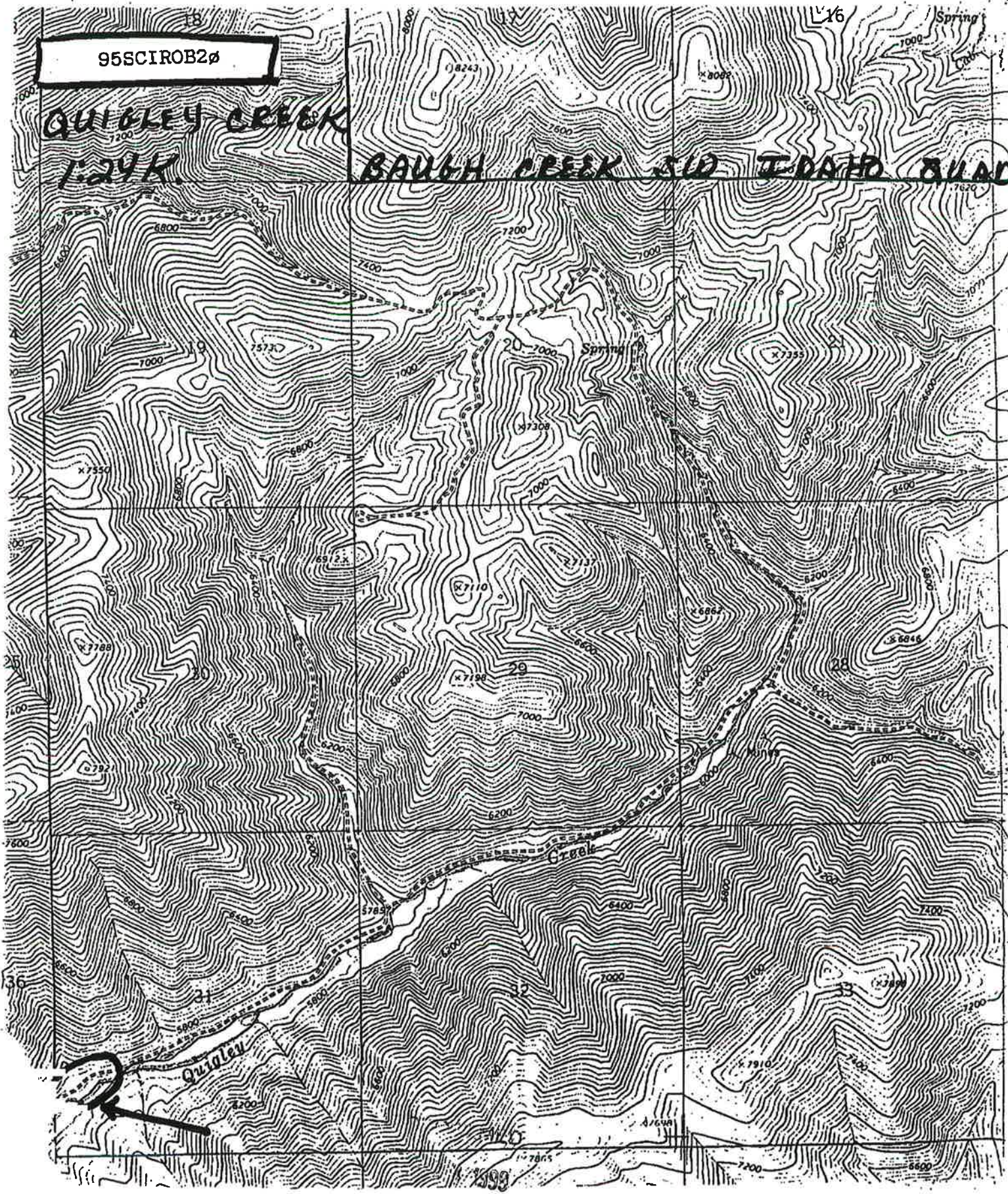
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QUINLEY CREEK

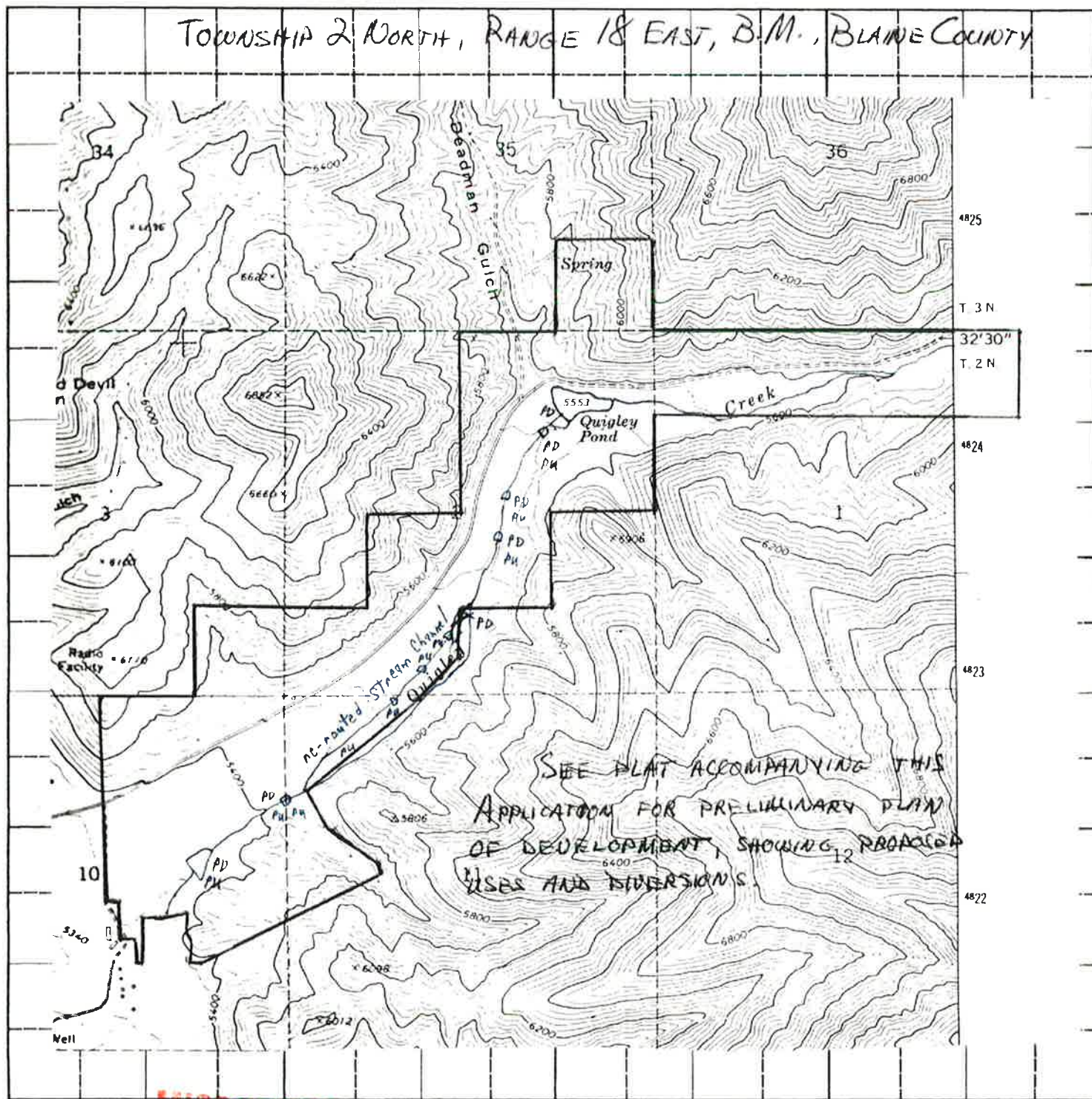
1:24K

BAUGH CREEK SW IDAHO BLAL



Permit No. 37-769. The upper reservoir shall store water for a fire protection system for the development. Irrigation of the residential lots and golf course will be provided by Permit No. 37-7693.

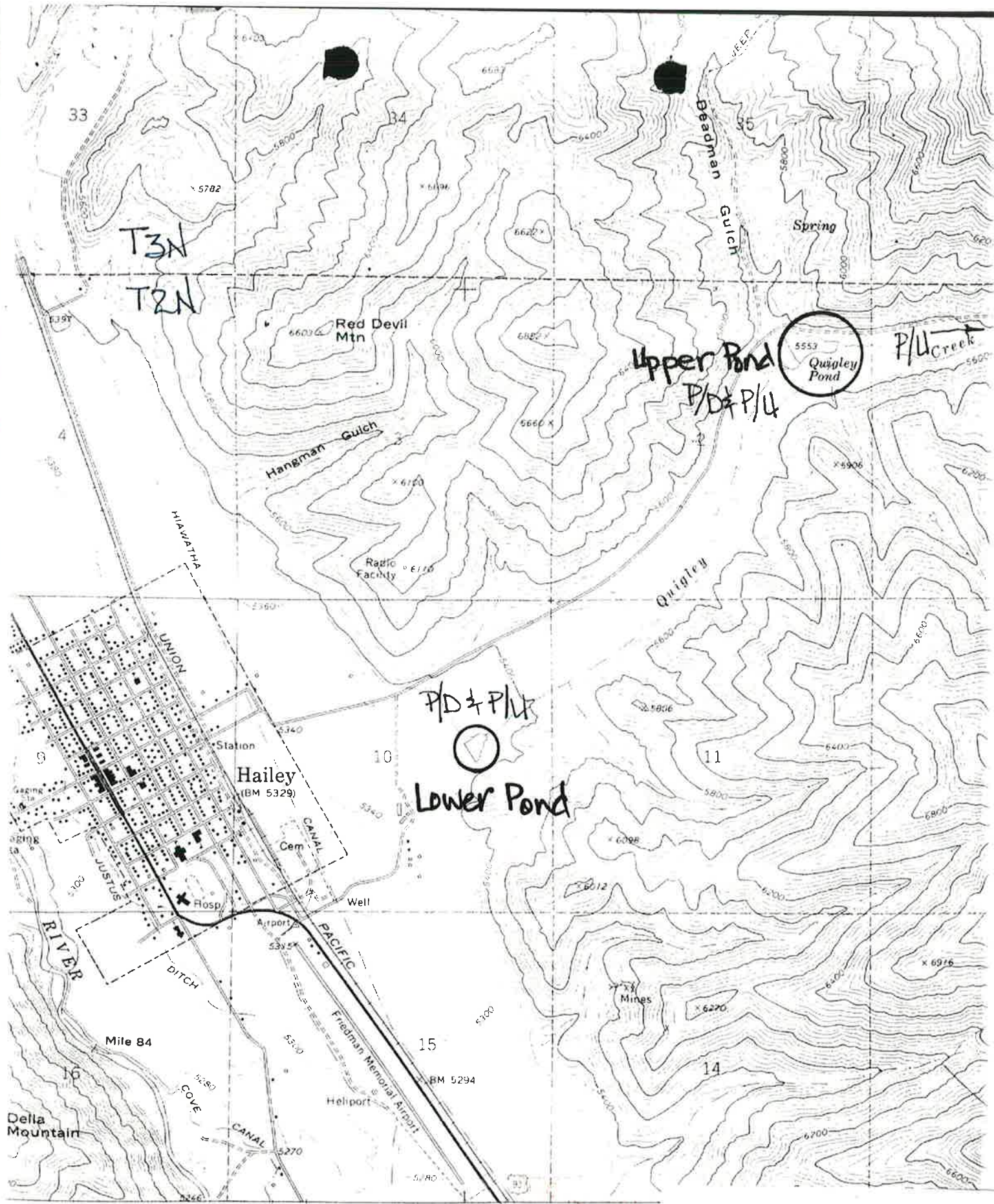
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

John A. Burke Quigley Ranch
(Applicant)



(BELLEVUE 1:62 500)

3170 IV
SCALE 1:24000

Rise

1 MILE

BELLEVUE 1:62 500
TWIN FALLS 03 MI

SEP 28 1953

Hailey 7.5' Quad X74
1967 No Revision

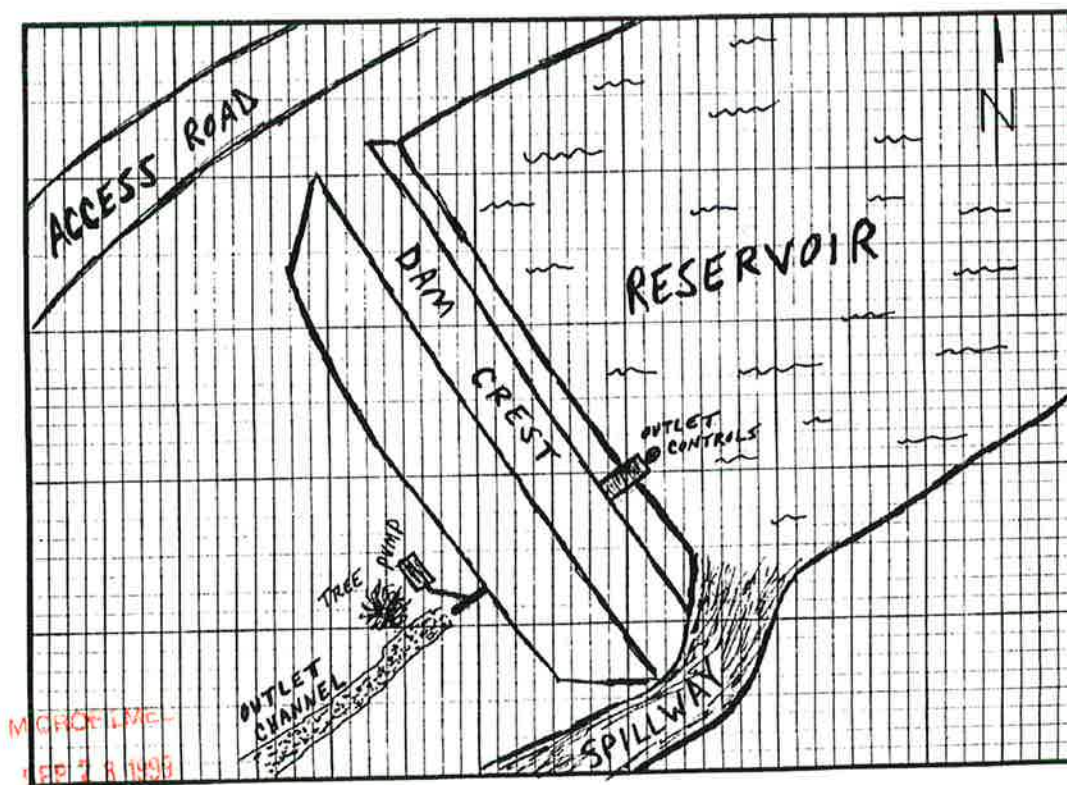
30T-08283

Unimproved dirt

GENERAL CONDITION AND DESCRIPTION OF DAM: DAM AND APPURTENANT
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AND GRASS GROWTH EXISTS ALL OVER THE EMBANKMENT.
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ADEQUATE FREEBOARD IS MAINTAINED. *MAY WANT TO DISCUSS
MODIFICATIONS TO DAM THAT MAY BE REQUIRED IF DEVELOPMENT
OCCURS BELOW DAM AND CHANGES HAZARD CLASSIFICATION AND IDF.

Date: SEPTEMBER 22, 19 97

Inspected by: _____

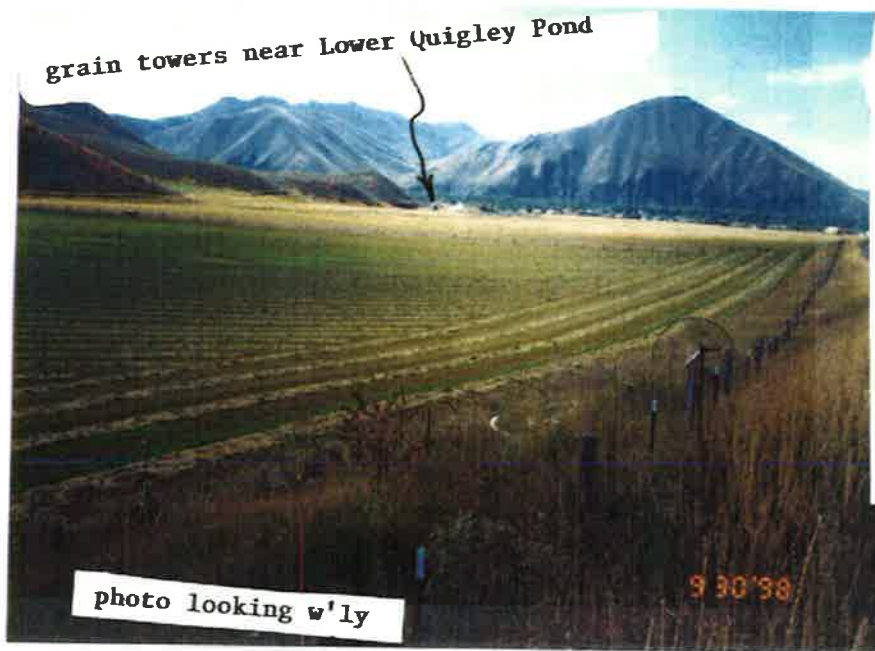
Cory Skirack

WRITTEN UP: 11/12/97



photo looking e'ly

9 30 '98



grain towers near Lower Quigley Pond

photo looking w'ly

9 30 '98



irrigation in the NE 1/4 of Sec 2
below upper Quigley Pond

9 30 '98

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SEP 28 1998

43



MICROFILM

SEP 28 1998

Quigley Canyon Ranch, LLP 37-08283

1/3



grain towers

lower pond

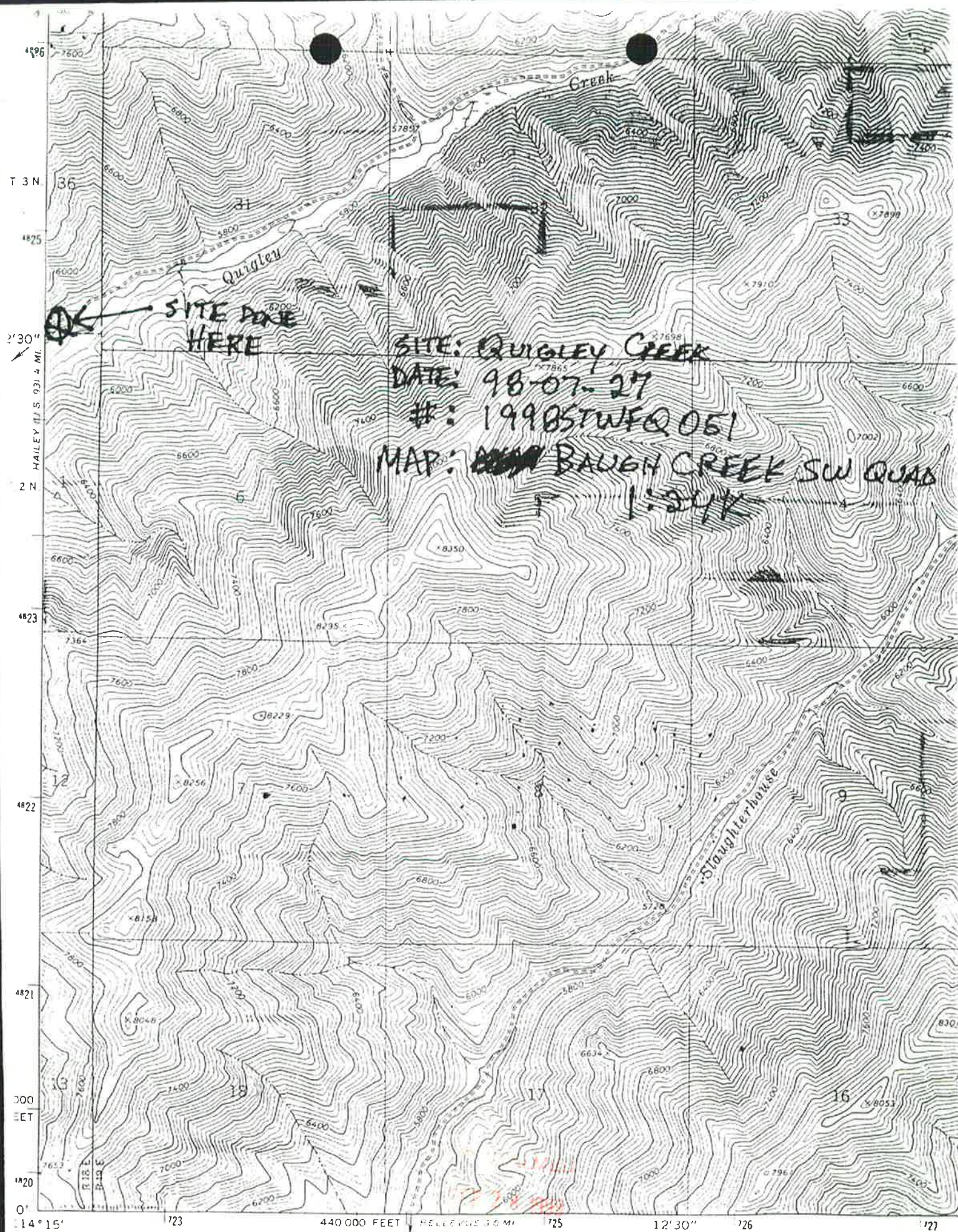
Photo looking W'ly

W.C.



irrigation

photo looking sly lower pond in
Sec 10, T02N, R18E NE 1/4

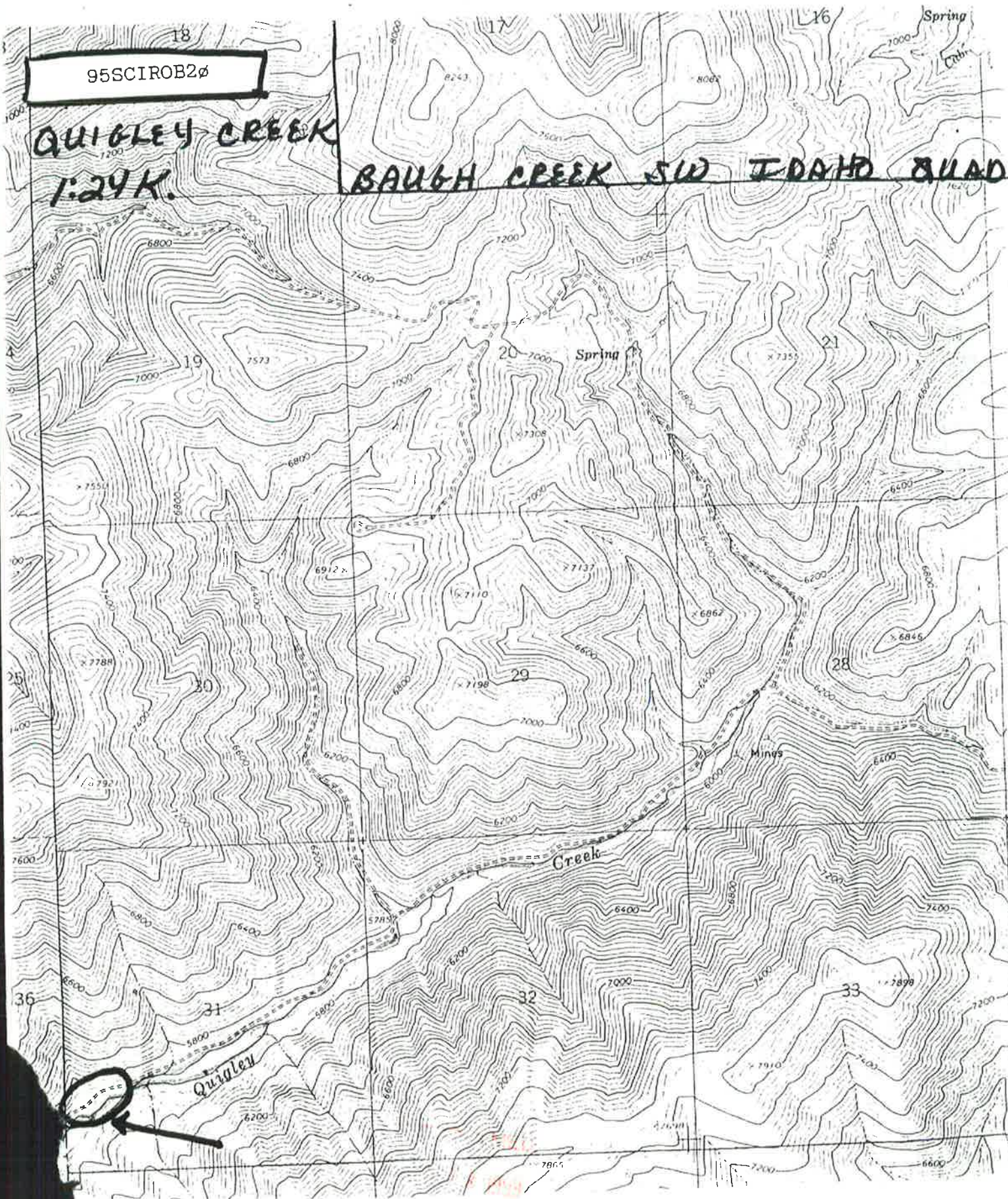


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QUIGLEY CREEK

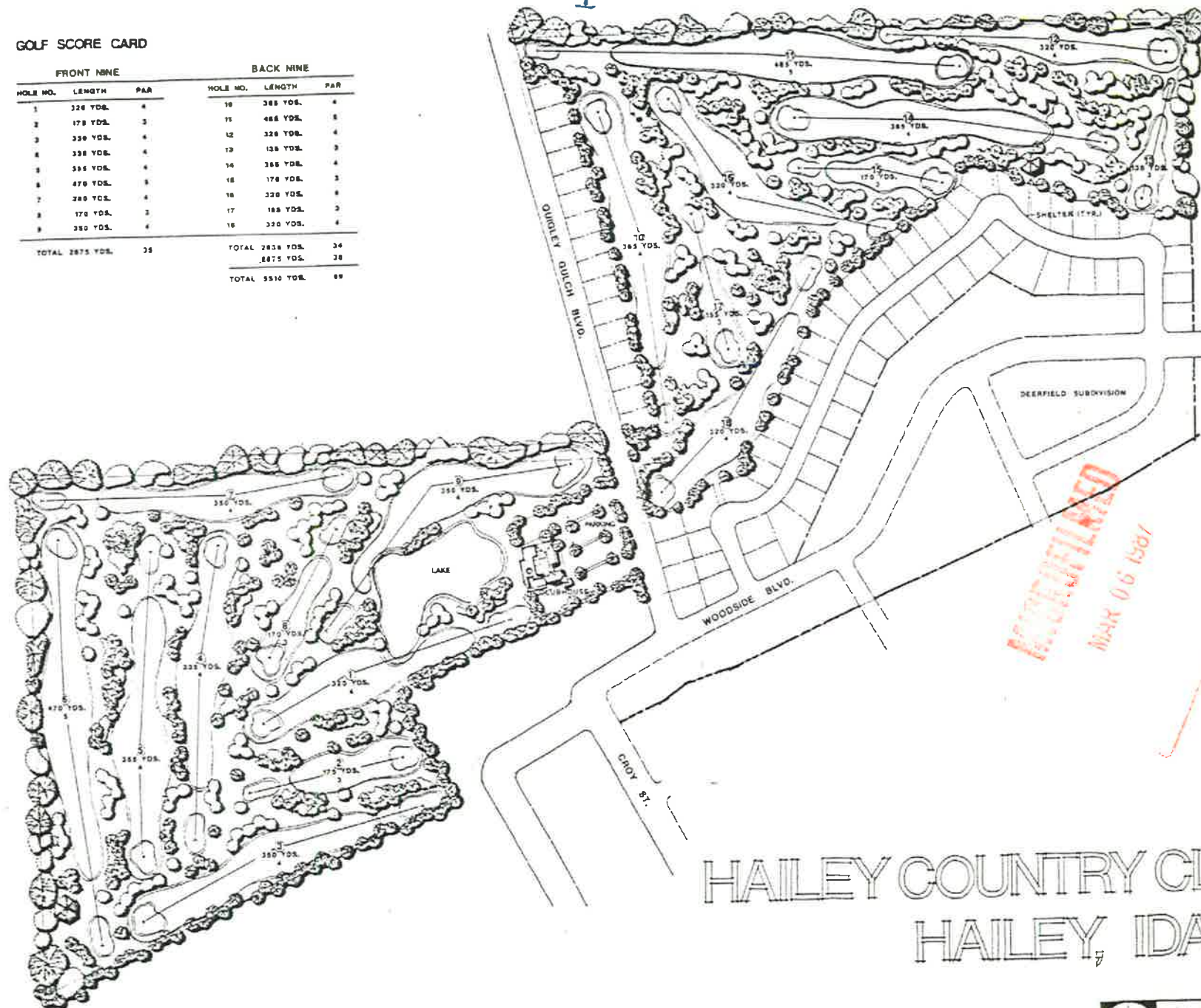
1:24 K.

BAUGH CREEK SW IDAHO BLAD



GOLF SCORE CARD

FRONT NINE			BACK NINE		
HOLE NO.	LENGTH	PAR	HOLE NO.	LENGTH	PAR
1	326 YDS.	4	10	365 YDS.	4
2	178 YDS.	3	11	466 YDS.	5
3	339 YDS.	4	12	326 YDS.	4
4	338 YDS.	4	13	138 YDS.	3
5	545 YDS.	5	14	365 YDS.	4
6	476 YDS.	5	15	176 YDS.	3
7	380 YDS.	4	16	320 YDS.	4
8	176 YDS.	3	17	189 YDS.	3
9	350 YDS.	4	18	320 YDS.	4
TOTAL 2875 YDS. 35			TOTAL 2838 YDS. 34		
			TOTAL 5713 YDS. 69		



HAILEY COUNTRY CLUB

HAILEY, IDAHO

DATE: AUGUST 1986

100 SCALE

