

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-00012
Date Received: 5/31/1989
Receipt No: S007425
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TED K. TRACY 208-824-5503
Address: ALMO, ID 83312
AND/OR
Name: BONNIE TRACY 208-824-5503
Address: ALMO, ID 83312

2. Date of Priority: MAR 17, 1879

3. Source: STINE CREEK Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	24E	17	NW	NW	SE		CASSIA
			SE	NW	SE		CASSIA
			SE	SE	SE		CASSIA
		20	NE	NE	NE		CASSIA
		21	SW	NW	NE		CASSIA
			NE	NE	NW		CASSIA
			NE	NW	NW		CASSIA
			NW	NW	NW		CASSIA

5. Description of diverting works:
FLOOD IRRIGATE DIRECTLY FROM CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	5.600		

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

8. Total consumptive use is 700.0 Acre Feet Per Annum.

A43-00012

Page 1

Date: 05/31/89

MICROFILMED
MAR 02 1993

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	17	NW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	80.0
		20	NE		NE		IRR	40.0
							Section Acres	40.0
		21	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
							Section Acres	160.0
							Total Acres	280.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS BASED ON THE DECREED WATER RIGHT ON STINE CREEK
FOR AN AMOUNT NOT STATED IN THE COURT DECREE BUT ASSUMED EQUIVA-
LENT TO 1" OR 0.02 CFS/ACRE=5.60 CFS.

DWR NOTE

DECREE STATES STINE CREEK IS NOT TRIBUTARY TO ANY STREAMS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 4/29/1970

ALMO WATER CO.

Decree Plaintiff

vs

IVAN DARRINGTON, ET.AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A43-00012

Date Received

Receipt Number 5007425 SCC

RECEIVED

NOTICE OF CLAIM

MAY 26 1989

TO A

Department of Water Resources
Southern Region Office

WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Tracy, Ted K. or Bonnie Phone (209) 824 5503Mailing Address Almo Idaho Zip 833122. Date of Priority (Only one (1) per claim) March 17, 18793. Source of water supply (a) Snake ~~Spring~~ Creek
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 15S Range 24E Section 17,
NW NW 1/4 of SE NW 1/4 of SE 1/4, Govt. Lot, Cassia B.M., County of
SE NW SE Sec 17 NE NE NE Sec 20 NE NW NW Sec 24 SW NW NW Sec 24
Additional points of diversion if any: SE SE SE Sec 17, NW NW NW Sec 21 NE NE NW Sec 21 Sec 21

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.from creekflood irrigation directly

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MAR 02 1989

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 10/31 amount 5.60 or 840
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 5.60 840 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 840 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
155	24E	17														40		40	80
		20	40																40
		21	40	40			40	40											160

Total number of acres irrigated 280

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks: This claim is based on the Decreed Water Right on Stine
Creek for an amount not stated in the Court Decree
but assumed equivalent to 1" or 0.02 cfs/acre
= 5.60 cfs

MICROFILMED

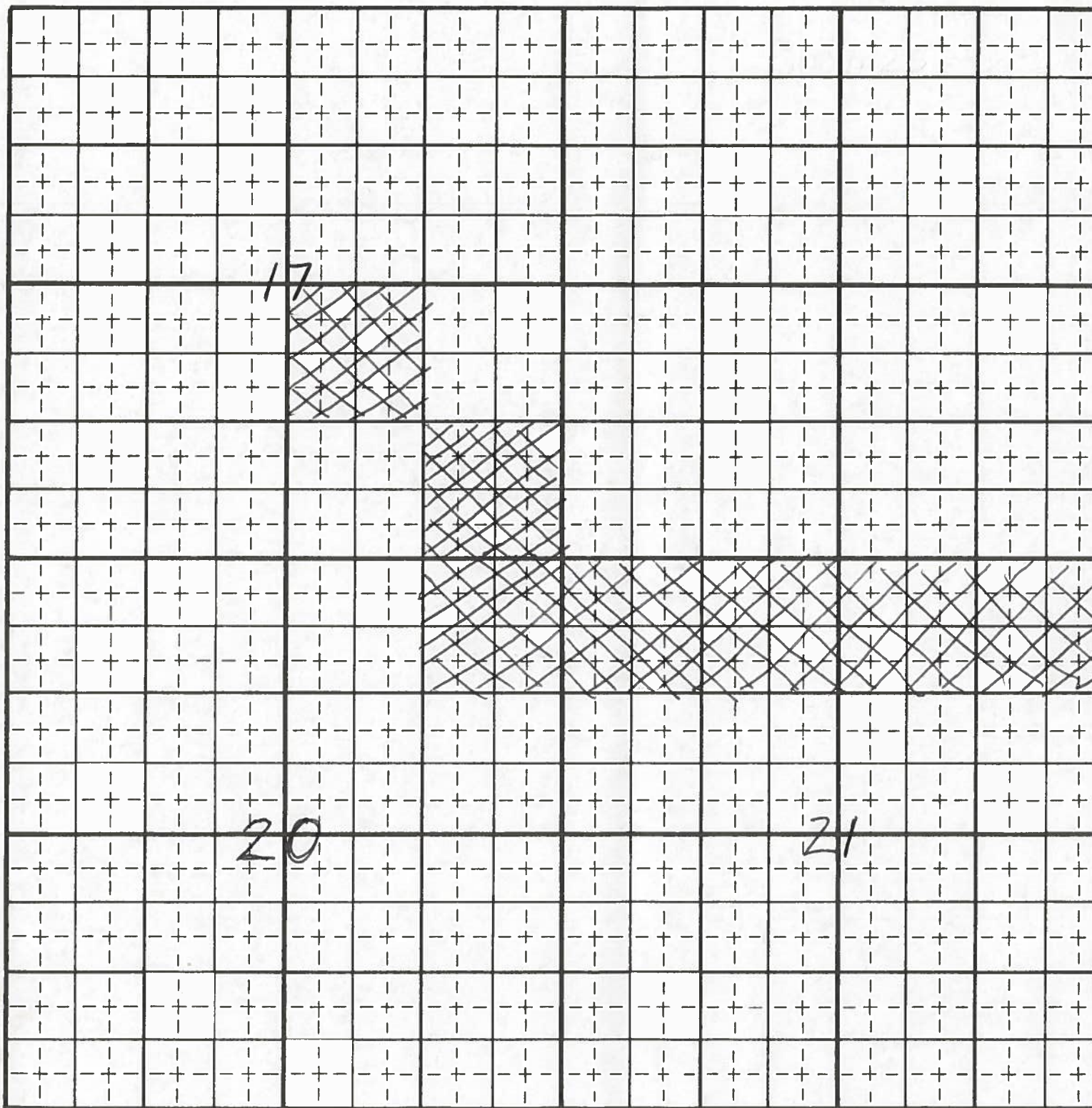
MAR 02 1993

Last Name TRACY Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



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MAR 02 1993

Copies: White-State, Yellow-Claimant

Last Name

TRACY

Ident No.

15. Basis of Claim (check one) Beneficial Use ☒ Decree ☒ Posted Notice ☐ License ☐ Permit ☐
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☐ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 0

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

Signature of Claimant (s) Ed K Tracy Date 5/19/89
Date _____

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Cassia) ss. 518-70-7954

Subscribed and sworn (or affirmed) before me this 19 day of May 1989

SEAL

Notary Public Bruce A. Schell

Residing at Boise, Idaho

My Commission Expires 4/11/

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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MAR 02 1993

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 19, 1989

Re: A43-00012'
A43-02539

Ted K Tracy

Almo Id 83312

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

needs
filmed

01/26/2001

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

RIGHT NUMBER: 43-12
NAME AND ADDRESS: BONNIE TRACY
TED K TRACY
PO BOX 197
ALMO, ID 83312

SOURCE: STINES CREEK TRIBUTARY: ALMO CREEK

QUANTITY: 2.74 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.74 CFS. COMBINED RIGHT NOS.: 43-
00011, 43-00012, 43-00014, & 43-10280.

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION:	T15S R24E S7	SENW		Within CASSIA County
	T15S R24E S17	SWNWSE	Rediversion	Within CASSIA County
	T15S R24E S17	SWSESE	Rediversion	Within CASSIA County
	T15S R24E S20	NWNENE	Rediversion	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 10-31	2.74 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T15S R24E S17	SESE	40	T15S R24E S20	NENE	40
T15S R24E S21	NENE	30	T15S R24E S21	NWNE	40
T15S R24E S21	NENW	41	T15S R24E S21	NWNW	40

231 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

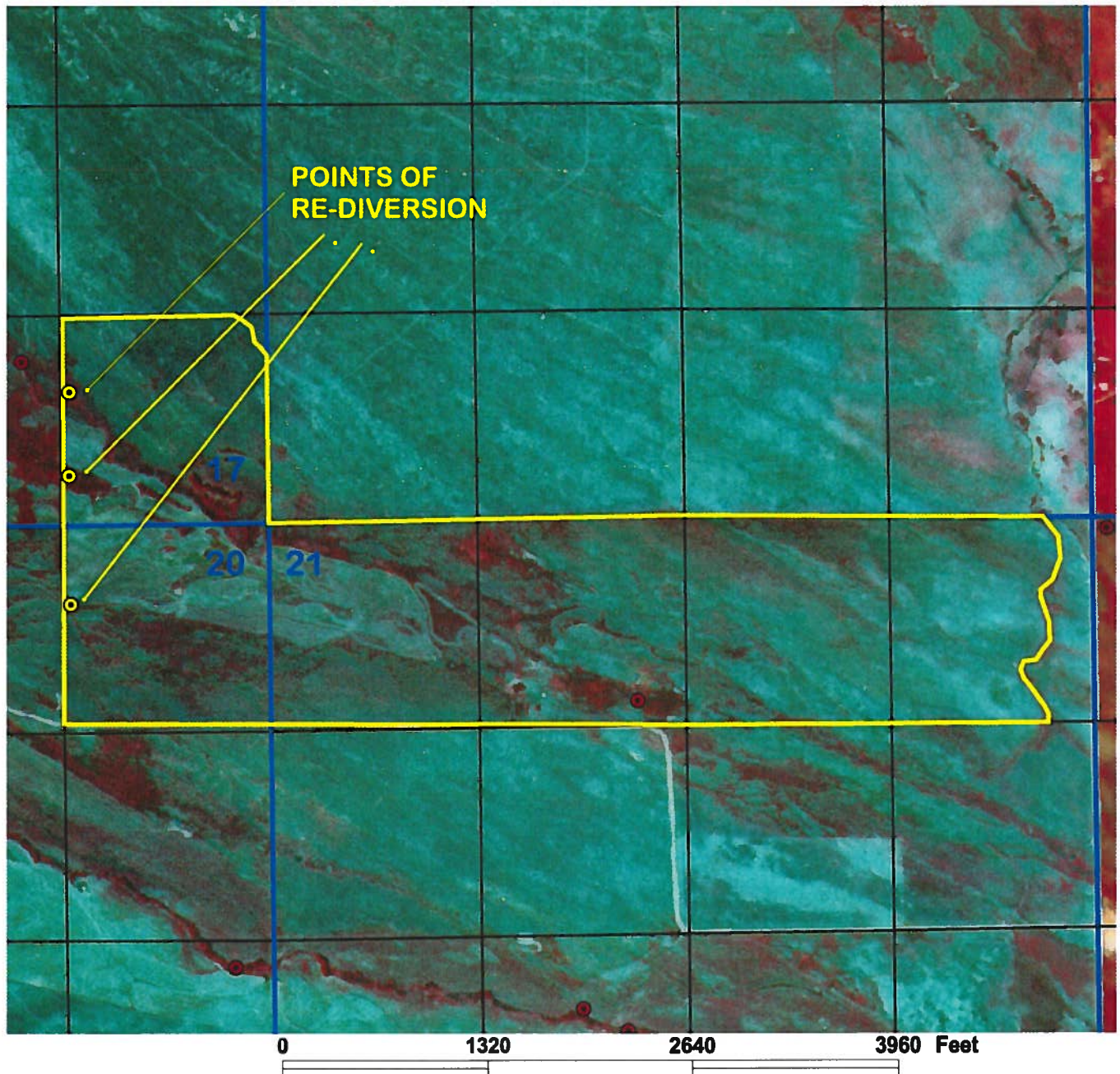
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE IN SECTION 7, T15S, R24E: 43-00011,
43-00014, 43-10280. DIVERSION IS KNOWN AS HOGLAND DITCH.

Idaho Department of Water Resources

RIGHTS: 43-00012

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E SEC 17, 20, 21
Data entry on January 31, 2000



● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY

DATA ENTRY BY VIKIE HANCOCK

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

02/02/00 14:06:49
Page 1

Water Right Number - R43-00012

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - - - First Name - - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
TRACY

TED K

TRACY

BONNIE

1 -
2 - PO Box 197 ✓ Added 3/30/2000
3 - CH

City- ALMO
Phone - 208-824-5503

State- ID Zip- 83312

1 -
2 -
3 -
City- ALMO
Phone - 208-824-5503

State- ID Zip- 83312

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1880 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
STINES CREEK

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County

15S 24E 7 SE NW (31) CASSIA
17 SW NW SE (31) CASSIA
20 SW NW SE (31) CASSIA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 10/31 2.740

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
2.740 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

15S 24E 17 SE SE 01 IRRIGATION (31) CASSIA
15S 24E 20 NE NE 01 IRRIGATION (31) CASSIA
15S 24E 21 NE NE 01 IRRIGATION (31) CASSIA
15S 24E 21 NW NE 01 IRRIGATION (31) CASSIA
15S 24E 21 NE NW 01 IRRIGATION (31) CASSIA
15S 24E 21 NW NW 01 IRRIGATION (31) CASSIA

Total Acres: 231.0

+ - - Diversion Means - FLOOD IRRIGATE DIRECTLY FROM CREEK

+ - - Non-Irrigation Use -

Prefix Translation: RESEARCH

.....

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERIED THROUGH POINT OF DIVISION DESCRIBED ABOVE IN SECTION 7, T15S, R24E: 43-00011, 43-00014, 43-10280. DIVERSION IS KNOWN AS HOGLAND DITCH.

```
+-----+ Old Water Right Numbers +-----+
| No Old Water Right Numbers Found |
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C18 - - - - - Conditions of Approval - - - - -

- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
- DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
- ENTRY OF A FINAL UNITED DECREE, SECTION 42-1412(c) IDAHO CODE

Decree Plaintiff	Decree Defendant	Decree Date
ALMO WATER CO.	IVAN DARRINGTON, ET.AL.	04/29/1970

Date:	02/02/2000	User Id:	VHANCOCK	Subject:	COPIED FROM REMARKS	Comments:
THIS CLAIM IS BASED ON THE DECREEED WATER RIGHT ON STINE CREEK LENT TO 1" OR 0.02 CFS/ACRE-5.60 CFS.						FOR AN AMOUNT NOT STATED IN THE COURT DECREE BUT ASSUMED EQUIVA-
DECREE STATES STINE CREEK IS NOT TRIBUTARY TO ANY STREAMS.						***DWR NOTE***
Date:	02/02/2000	User Id:	VHANCOCK	Subject:	RECOMMENDATION	
PRIORITY DATE CHANGE TO AGREE WITH AFFIDAVIT PERTAINING TO ALL RIGHTS IN THIS SYSTEM. DIV RATE LIMITED TO MAX SYSTEM CAPACITY.						
POD PER GPS. POU PER FIELD EXAM.						

02/02/00 VHANCOCK

----- Adjudication Rights Dates and Flags Area -----									
Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	-	39576			
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-				
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-				
Claim Received Date	- 05/31/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P				
		Receipt Number	- S007425	Water District	-				
		POU Ownership Flag	- Y	Federal/State Indicator	- S				
		Name Connector	- AND/OR	Presumption Flag	-				
				Notice of Error Flag	-				

CLAIM NUMBER 43-00012 DATE 1-31-2000
 AGENT UAT

TRANSFER NUMBER _____
 CLAIMED ACRE TOTAL 20
 GIS ACRE TOTAL 20

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	15S	24E	17														40		40
GIS																	Q		40
RECOM																	Q		40
CLAIM	15S	24E	20	40															
GIS				40															
RECOM				40															
CLAIM	15S	24E	21	40	40			40	40										
GIS				30	40			41	40										
RECOM				30	40			41	40										

B43-POU.SHP

SHAPE NOS.

B43-POD.SHP

NOS. DESCRIPTION

TISS R24E

DIVERSION from STINES CR SEC 7 SE NW

Re-diversion SEC 17 SW SW SE

Re-diversion SEC 17 SW NW SE

Re-diversion SEC 20 NW NW NE

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

✓ 43-00012

RECOMMENDATION NOTES

From: Vikie Hancock

2/1/00

Regarding: Claim A43-00012

This claim is for a portion of Stines Creek based upon an ambiguous decree from 1970. This claimant is successor in interest to one of four parties listed as owners of all the waters of Stines Creek with no diversion amounts or priority dates mentioned. This claim is for 1 inch per acre on 280 acres.

See file notes for background information regarding all the claims to Stines Creek included in this Hogland Ditch system: A43-00011, -00012, -00014 and -10280.

Mr. Tracy purchased this property from Zenith Taylor, and according to Mr. Taylor, received his shares to the waters of Stines Creek. The other users of on this ditch system agree that a portion of the original 20 shares of water of Stines Creek is appurtenant to this property.

The point of diversion from Stines Creek to the Hogland Ditch is in T15S, R24E, Sec 7 SENW. Irrigation water flows onto Mr. Tracy's land in three main places along his west fence line: the SWSWSE & SWNWSE Section 17 and the NWNWNE Section 20. These can be characterized as points of re-diversion, as they are locations where the claimant takes control of the water and disperses it throughout his property. By this time, the water diverted into the Hogland Ditch in Section 7 has been divided as it runs through the irrigated pastures to the west of Mr. Tracy's place.

During my field exam, I found 231 irrigated acres. Forty acres claimed in the NESE of section 17 were not irrigated per Mr. Tracy. He also explained that any tail water from his fields went into the Hoff Ditch, which runs along the eastern edge of his property. A portion of the land was cut for hay at one time, and this can be seen in the 1987 NAPP photo, but presently the property is used for cattle pasture. It is entirely flood irrigated with main ditches running east to southeast, laterals north and south. One conveyance ditch appears to be the original Lone Rock Creek channel.

The claimed priority date, like all the Stines Creek claims on this system, is based upon a miss-interpretation of the 1970 Decree. The actual priority date should be based upon the 1939 affidavit signed by George Durfee, Alice Rice and J. A. Graham that stipulates that 1880 was the date water was first put to use with the Hogland Ditch. To preserve the status quo, I am recommending this as the priority date of all claims on this ditch system regardless of place of use.

A diversion rate of 1 inch per acre for this claim would exceed the maximum capacity of the ditch estimated using measurements taken 9-20-1999. I am therefore recommending the most liberal estimate of maximum capacity, or 2.74 cfs. As the field examiner, I recognize that an informal rotational agreement exists between the parties which makes all the water in the Hogland Ditch available to Mr. Tracy for approximately 4.5 days in every 10 days. I also recognize that the water available in the ditch changes daily.

NOTE TO FILE

From: Vikie Hancock

2/16/00

Regarding: Claim numbers 43-00011, -00012, -00014, -10280.
Source: Stines Creek
Conveyance System: Hogland Ditch
Location: T15S, R24E, Sections 7, 17, 18, 20, 21.

Irrigation from Stines Creek using the Hogland Ditch system goes back to 1880 when the ditch was first constructed by Ed and Abe Hogland to irrigate 320 acres of land within the valley west of Almo locally known as the Big Cove. The valley lies between Graham Creek in the south and Stines Creek in the north.

The ditch diverts all the water of Stines Creek close to the center of section 7. I have identified the location as the SENW of section 7. The ditch flows roughly south traversing the hillside, while the original Stines Creek channel falls vertically down the hill in a gully running easterly (see exhibit). At a point in section 8 water begins to flow in the natural Stines Creek channel again, gaining water from Johnson Creek (an ephemeral stream) and from runoff coming down gradient from the north. That water is not included in the description of this system.

Twenty shares of Stines Creek water are included in the 1903 incorporation papers of the Almo Water Company. 10 shares are identified as owned by Lorenzo Durfee and 10 shares by Alice Rice, but no place of use is specified for either party, and no diversion value is given for each share. At some unknown point in time, the water of Stines Creek is separated from Almo Water Company. One of the intentions of the 1970 Almo Water Company -v-Ivan Darrington Decree, in fact, is to rule that the water of Stines Creek is not tributary to Almo Creek and not subject to regulation by the watermaster. But this description of 20 shares is the basis for the rotational distribution system that exists today.

Information about the history of irrigation from the Hogland ditch came from Zenith Taylor, with corroboration from Neil Durfee and Ivan Darrington, all elderly gentlemen. Ted Tracy, who purchased property from Taylor and knew that he had some knowledge of area history, introduced me to Mr. Taylor.

Everyone I talked to agreed that there were 20 shares of water on Stines Creek, that a share equaled $\frac{1}{2}$ day of all the water available in the ditch, and that it took 10 days to complete the rotation. Taylor said that his recollection was that all the shares belonged to the Rice Ranch at one time and during this time, the Rice widow, Alice Durfee Rice, traded 2 shares to the Bruesch Ranch. He said that the Bruesch Ranch also got their right to Lone Rock about this time. That left 18 shares reportedly owned by Rice in the lower valley. The property was then split, and Richardson owned half the ranch and 9 of the 18 shares of Stines Creek while Rice retained half the ranch and 9 of the 18 shares.

Wesley Rice was now managing the Rice portion, and sometime around the end of WWII, Rice sold 80 acres and 1 share of water to a son, Billy Rice. This 80 is now owned and irrigated by Neil Durfee. Arthur and Zenith Taylor purchased both the Rice and Richardson properties, combined the 17 remaining shares of water back into one operation, and ran it together for years. Art and Zen Taylor then split the property between them and split the water shares equally. Art sold his portion to Ivan and Barbara Darrington and Zen eventually sold his portion to Ted Tracy.

There was some confusion as to how many days of water Darrington and Tracy were now entitled to, as Zen believed they each had 4.5 days, but that would have amounted to 9 shares each. We went over the math several times, and Zen agreed that there had to have been 17 shares left when he and Art bought the place, and the split would have been 8.5 each. Ted Tracy wondered if the Billy Rice share came out of his half making his allotment less than Darrington's. Taylor said no, that he and Art had split the water equally between them before he sold to Ted.

The irrigation practice in this valley is to flood out from the main ditches, catching and re-directing the water over and over as it makes its way downhill through the various pastures. There are no furrows or corrugates. As water moves downhill from the topmost claimant in section 18, the lower users begin diverting what could be called wastewater from the neighbor's system, which increases the efficiency of water use. Although each of the four claimants has a time when all the water in the ditch is exclusively theirs, each user in the system is also dependent on the tail water of the user above him, and the springs that pop up in the lower valley when abundant water is applied to the upper valley. For sufficient water to be available to all the claimants, the valley must be managed as one system, similar to what would be done if the land were under one owner. Water availability ranges from over-abundant in a wet spring to non-existent in a dry fall.

The original system constructed by Ed and Abe Hogland in 1880 irrigated 320 acres according to a 1939 affidavit signed by George Durfee, Alice Rice and J.A. Graham. The acreage has been increased over time, with 668 irrigated acres identified using 1987 NAPP aerial photos verified by field exam. Part of the property now being irrigated is undoubtedly land that has been irrigated continuously since 1880. Some has undoubtedly been developed in a progression of unknown later dates. Since *all the water* of Stines Creek has been diverted into the Hogland ditch since 1880, the increase of acres irrigated has not meant an increase in diversion amount, but rather an increase in industry to spread the water as far and as thinly as possible while still getting improved grass yields. This would result in an increase in the consumptive use of the creek, but since Stines Creek has been ruled to be a separate system not tributary to Almo Creek, this would cause no injury to users on Almo Creek (Almo Water Company -v- Darrington, 1970).

In my opinion, an important aspect of this system is that all the water users agree to distribute the water according to shares of time with no difference noted as to priority date of use, and I believe the department should preserve that aspect of this system. I therefore recommend that all claims in this system receive a priority date of 04-01-1880.

There were no records of historic flow rates on Stines Creek, and I conducted my field exams of all the claims in late summer, when the water available was much diminished from the higher flows of spring. On September 20th 1999 I returned to the area with Cindy Bird of the State Office and measured the current discharge of the Hogland ditch and made measurements of the ditch to determine bankful capacity. She determined a conservative capacity of 1.7 cfs but agreed that a more liberal capacity could be estimated at 2.7 cfs. I have chosen the more liberal number as the maximum capacity of the system.

It is obvious that there is not enough water available in the system to continuously apply the standard 1-inch per acre to all 668 acres currently being irrigated. However, with the rotational distribution developed by historical property owners, this system is delivering sufficient water to these lands to effect increased crop yields. Based upon the information available at this time, and baring a more accurate measurement of high water flows, I am recommending a diversion rate of 1 inch, or 0.02 cfs, per irrigated acre up to the maximum capacity of 2.74 cfs for all the claims in this system.

The foregoing information regarding the informal rotational distribution system is included for historical notation only, and does not indicate that the Department in any way recognizes the rotation as part of the

eventual SRBA Decreed water right. A letter explaining the limited elements of a water right issued by the department, and encouraging all parties to enter into a civil agreement regarding water use from the Hogland Ditch, should be sent as part of the adjudication review.

See claim file 43-00011 for GIS maps of entire system.

CLAIM NUMBER: A43-00012

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TED K TRACY	03/17/1879	IRRIGATION	04-01 10-31	5.60 CFS	2.74
C	BONNIE TRACY	4-1-1880			5.60 CFS	700.00 AFA

Water Source: STINE CREEK

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T15S R24E S17
S20
S21

NWNWSE
NENENE
SWNNE

SENWSE
NENENW
MENWNW

SESESE
MENWNW

NWNWNW
CASSIA County
CASSIA County
CASSIA County

SEE GAS

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	
T	R	S	NE	SE	SUM
15S 24E 17	40	40	40	40	80.0
15S 24E 20	40	40	40	40	40.0
15S 24E 21	40	40	40	40	160.0
TOTAL ACRES					280.0

SEE GIS

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: THIS CLAIM IS BASED ON THE DECREED WATER RIGHT ON STINE CREEK FOR AN AMOUNT NOT STATED IN THE COURT DECREE BUT ASSUMED EQUIVALENT TO 1" OR 0.02 CFS/ACRE=5.60 CFS.
DWR NOTE
DECREE STATES STINE CREEK IS NOT TRIBUTARY TO ANY STREAMS.

Comments

Dates: Exam Made Date:

Verified Date:

Misc:

Water District Number:

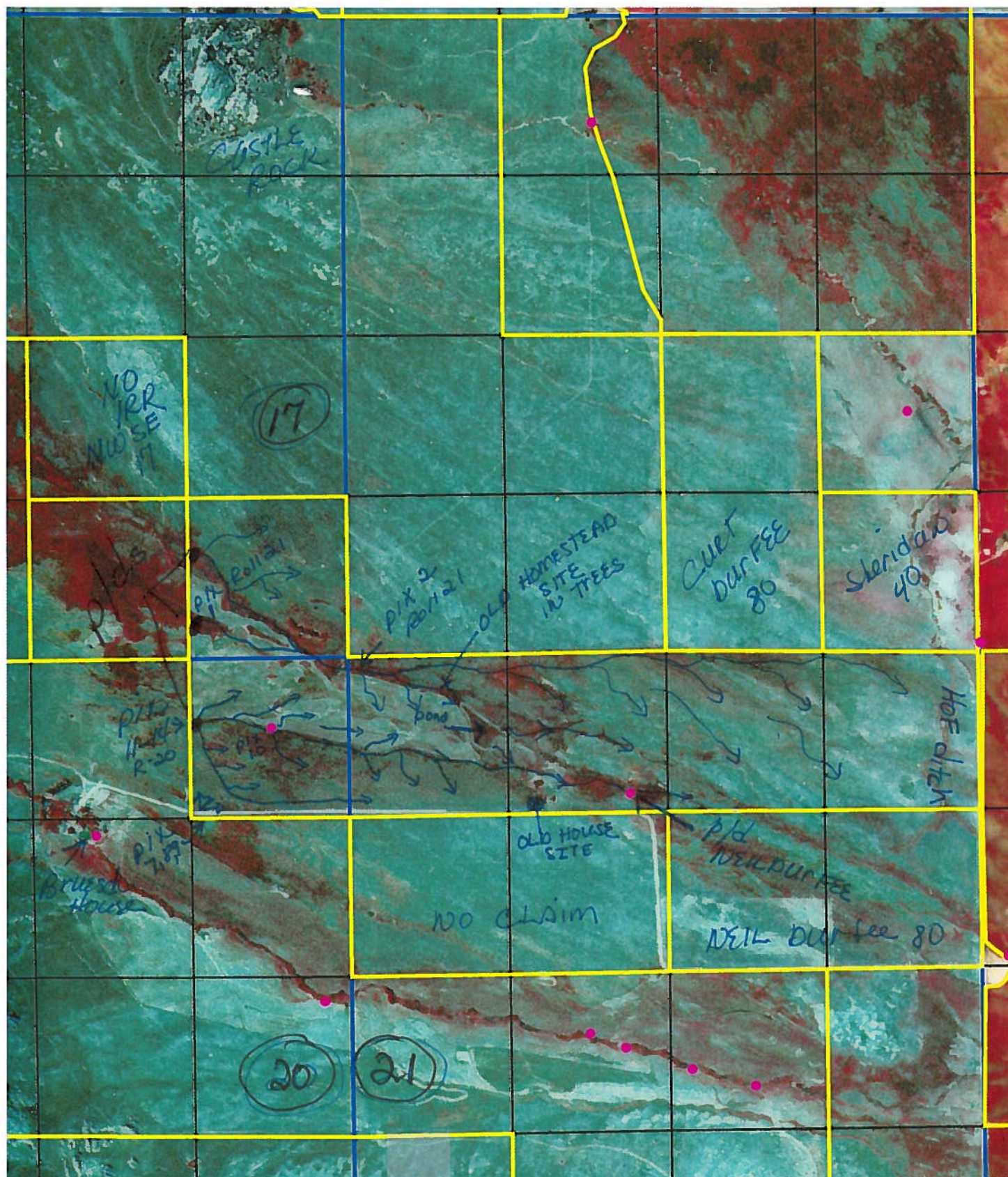
Field Inspection Flag:
Presumption Flag:

cond C18
EUP PRL

FIELD NOTES

Claim No(s): ~~43-10280~~
00012

**TWP 15S, RNG 24E,
Section 17**



8-25-99

From Zenith Taylor
prior owner of Ted Tracy property.

Orig shares on Graham Creek = 10
Orig shares on Stines Creek = 20

- Bill Breusch got all 10 shares of Graham Creek when he bought Ranch.
- The Rice ~~& Richardson~~ property had the ~~rest of~~ Stines shares
- 2 shares of Stines were traded to Breusch for a team of horses by Rice leaving ~~the Rice property~~ 18 shares
- Property Split, part owned by Richardson. Shares split between Rice & Richardson 9 each
- Rice sold 1 share to his son Billy for 80 now owned by Neil Durfee
- Art & Zen Taylor bought Rice & Richardson property & ran it together. Shares = 17

CIRCA

Breusch	Billy Rice	Rice ^{was} Dad	Richardson
10 shares Graham			
2 shares Stines	1 share Stines	8 shares Stines	9 shares ^{Stines}

- Art & Zen Split property & split water equally
Art sold to Iwan Darrington 8.5 shares
Zen sold to Ted Tracy 8.5 shares

FIELD EXAM NOTES AND PHOTO LOG

Claim Nos: A43-00012 Stines Cr Date 8-25 1999

Claimant / Area of Concern: TED TRACY Page 1 of

Roll	Pic #	Description
20	7	POLL FROM SW CORNER OF PROPERTY
	8	IN SW NE NE Sec 20
	9	
	10	Poll & ditches in middle of NE NE Sec 20
		GPS SITE S082502A
	11	
	12	Looking NE to SE at diversion split
	13	along W fence line in NE NE S. 20
	14	
21	1	Water coming from Western Fields in SESE Sec 17
	2	Ditch splits. Northern side goes along North fence line. Southern split goes to pond.

Audio tape #

Notes: GPS unit collected data only
one time in middle of NE NE Section 20.
Battery failure.

Main canal from Stines becomes hard to determine on Tracy's property. It enters along the west boundary of his land in the NW NE NE Section 20 & continues to Niel Durfees pld in the SE NE NW Section 21, but is mostly spread out in lateral ditches & flooding. Claimant receives a significant portion of his water from fields to the NW. This water may be collecting & using the old "Low Rock Creek" bed, but it is hard to determine for sure. At any rate it runs ^{easterly} toward an old homestead and through a washed out reservoir/pond. The pond washed out 2 yrs ago during the spring & claimant plans to repair it. West of the old homestead site claimant splits the ditch to run along the North boundary & flood the NW 1/4 NE 1/4 Sec 21.

Note: Cows were removed from this pasture the morning of the field exam.

201120
PIX 789.



POU FROM SW CORNER of property
SW NE NE Sec 20. Looking N → E

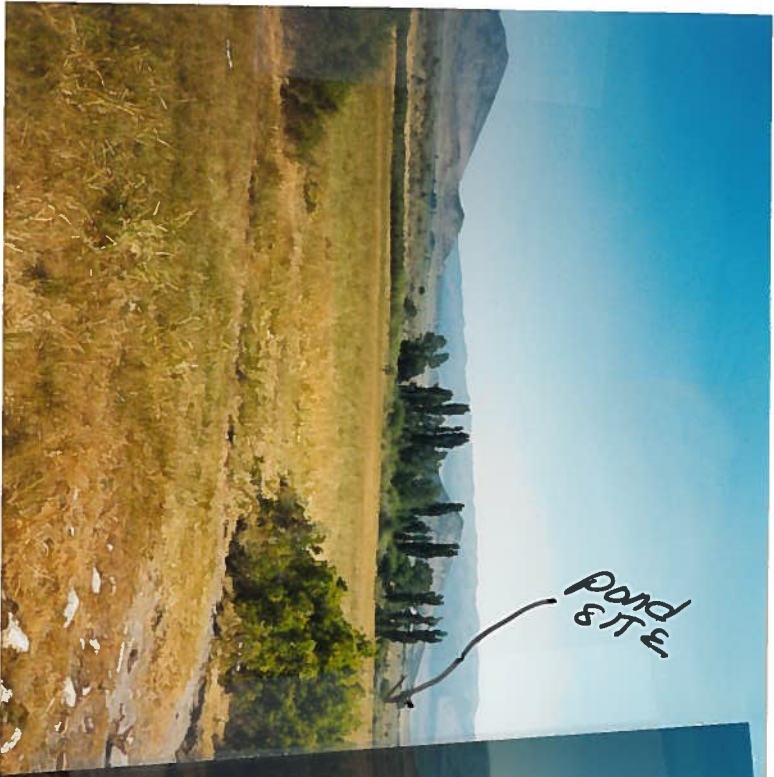
Roll 20
pix 10



Pool & ditches in middle of
NE NE Section 20. GPS site 5082502A

43-00012

From Diversion split at West Property line
NW NE NE

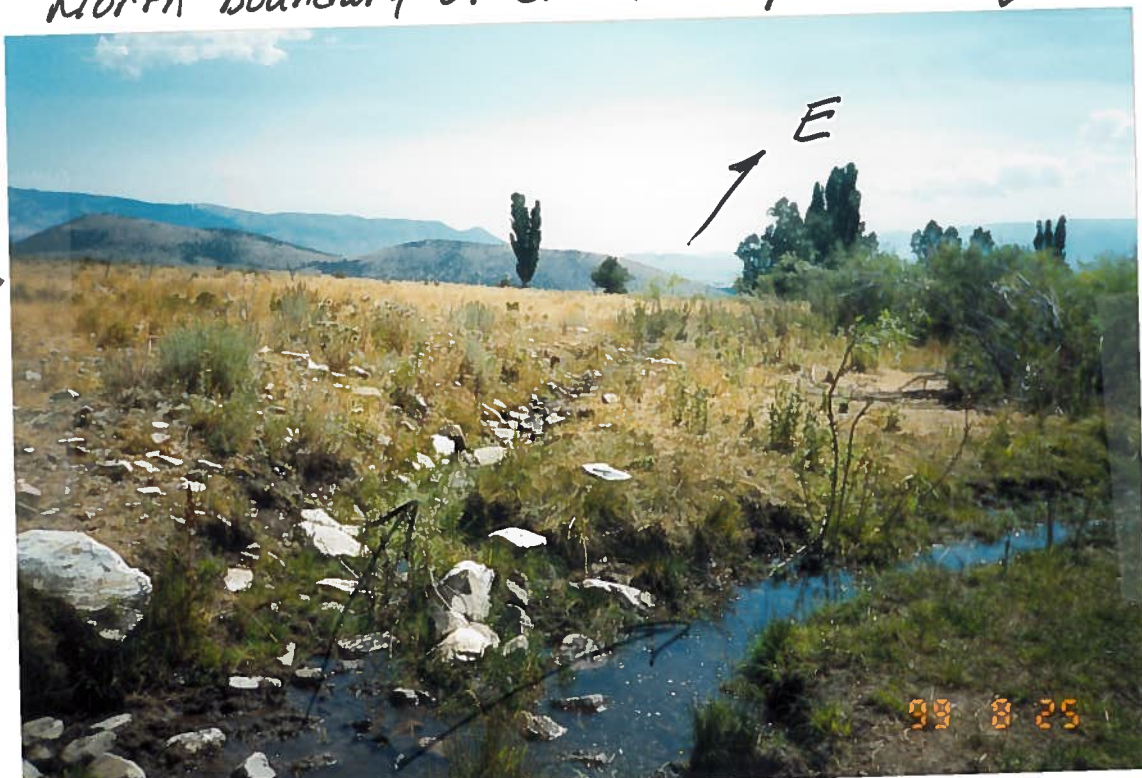


Roll 20
PIX 11-14

A42-00012



Looking West at point where a significant amount of Stines Creek water enters claimant's property from fields to East & north. Ditch runs to old homestead & is split. Northern ditch runs along North boundary of claimant's property ↴



CONVERSATION MEMO

Date: 8-23-99

Regarding:

Stines Creek Claim A43-00012

Customer:

TED TRACY

From: Vikie Hancock

[illegible]

Will meet him at 10:AM

Wednesday August 25th at his

home across from Stonewall Alms.

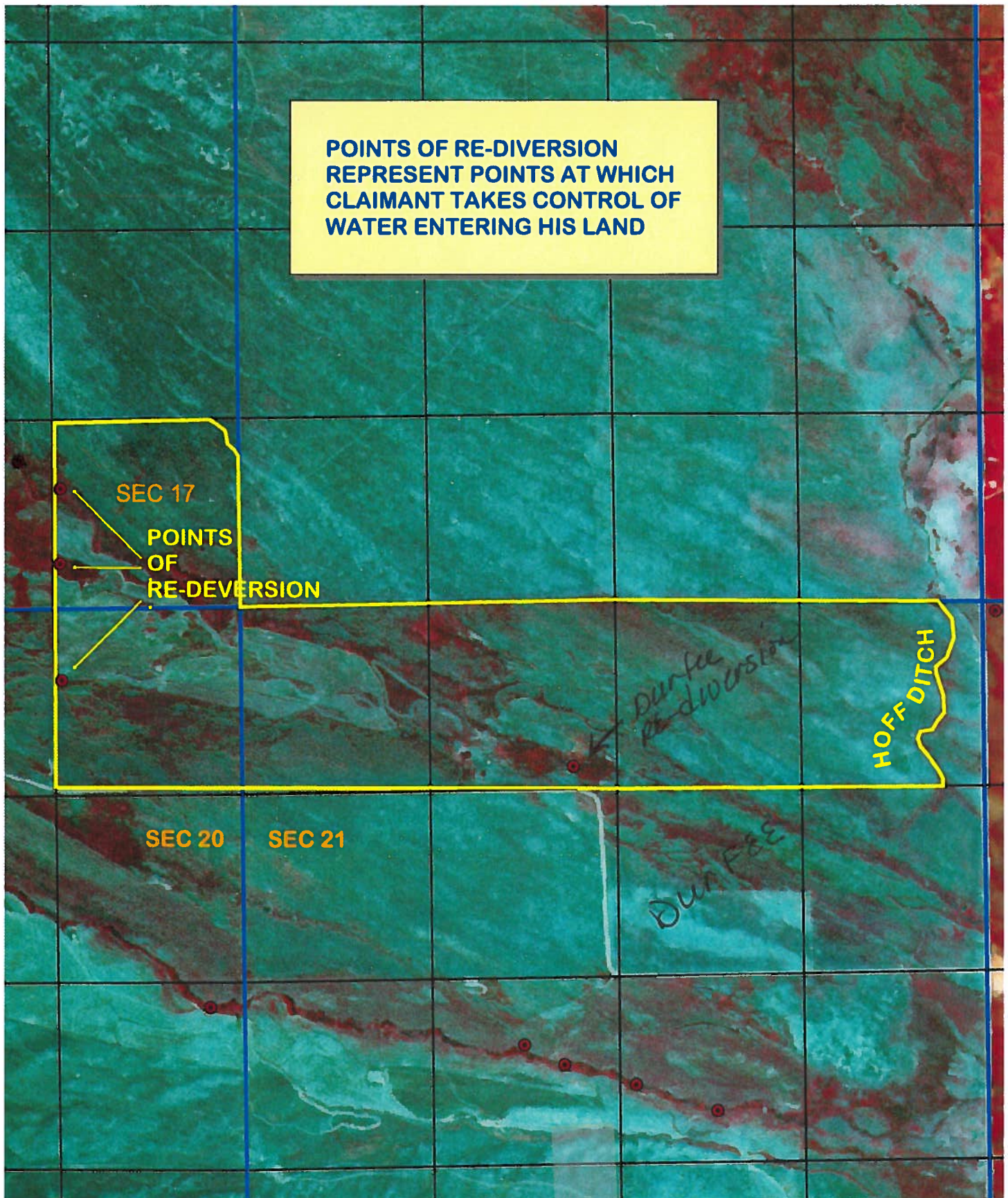
Beet home with white pillars

FILE NOTES

CLAIM NO(S): 43-00014

231 AC SHOWN

T 15S, R 24E SEC 7, 17, 21



V. HANCOCK

DATE: 1-31-2000

1987/88 NAPP PHOTOGRAPHY

Memorandum

To: File 43-00011

From: Cindy Bird

Date: 11/18/99

Re: Stines Creek

PURPOSE: Estimate maximum flow in Stines Creek.

OBSERVATIONS & FINDINGS: I met with Vikie Hancock and Richard Bruesch on September 20, 1999 to collect data for estimating the maximum flow in Stines Creek.

The low flows of Stines creek was described by Richard as approximately 1/4th the normal flows. The high water mark was determined by visual inspection of the creek banks. The creek had large cobbles on gravel.

The cross sectional areas were determined with an engineer's tape and top-setting rod. The velocity of Stines creek was measured with the Swaffer meter.

A spin-time test was completed on the equipment before and after the test to check the mechanical function of the meter. The equipment was working within specifications.

CONCLUSION: Discharge in Stines creek from the measured flow was 0.23 cfs. The maximum discharge calculation used two conservative methods. They are conservative because of the slower summer flows. The first method used the measured velocities over the maximum area, 1.61 cfs. The second method used an average velocity over the entire area, 1.78 cfs.

OPEN CHANNEL DISCHARGE MEASUREMENT NOTES A43-00011

PREPARED BY: CB

1. Name of stream or ditch:
STINES CREEK
2. Location:
UPSTREAM OF TOPMOST BRUESCH DIVERSION
3. Person conducting measure:
CINDY BIRD & VIKIE HANCOCK
4. Date and time of measure:
9/20/99
5. Accompanied by:
RICHARD BRUESCH
6. Measuring device size and ID:
SWOFFER
7. Spin test OK?
Before: Yes After: Yes
8. Purpose of measure:
IRRIGATION FLOW

DIST FROM LEW (feet)	WIDTH (feet)	DEPTH (feet)	Area (ft^2)	MEASURED #1 (ft/sec)	VELOCITY #2 (ft/sec)	DISCHARGE	
						AVE. ELOCITY (ft/sec)	(cfs)
3.8							
4.0	0.20	0.2	0.04	1.30	1.37	1.34	0.05
4.2	0.20	0.2	0.04	0.83	0.8	0.82	0.03
4.4	0.20	0.2	0.04	0.66	0.65	0.66	0.03
4.6	0.15	0.2	0.03	0.93	0.95	0.94	0.03
4.7	0.15	0.2	0.03	0.90	0.82	0.86	0.03
4.9	0.30	0.2	0.06	0.37	0.34	0.36	0.02
5.1	0.20	0.2	0.04	0.47	0.49	0.48	0.02
5.3	0.15	0.2	0.03	0.42	0.42	0.42	0.01
5.4	0.15	0.2	0.03	0.29	0.30	0.30	0.01
5.6		0.2	0.00			0.00	0.00

TOT WIDTH 1.7 TOTAL DISCHARGE: 0.23 cfs

1. Name of stream or ditch:

2. Location:

STINES CREEK

UPSTREAM OF TOPMOST BRUESCH DIVERSION

DIST FROM LEW (feet)	WIDTH (feet)	DEPTH (feet)	Area (ft ²)	MEASURED #1 (ft/sec)	VELOCITY #2 (ft/sec)	AVE. MEAS. VELOCITY (ft/sec)	DISCHARGE Q=VA (cfs)	AVE. VELOCITY (ft/sec)	AVE. DISCHARGE (cfs)
1.0									
4.0	1.60	0.5	0.80	1.30	1.37	0.92	0.74	0.69	0.55
4.2	0.20	0.8	0.16	0.83	0.80	0.82	0.13	0.69	0.11
4.4	0.20	0.8	0.16	0.66	0.65	0.66	0.10	0.69	0.11
4.6	0.15	0.8	0.12	0.93	0.95	0.94	0.11	0.69	0.08
4.7	0.15	0.8	0.12	0.90	0.82	0.86	0.10	0.69	0.08
4.9	0.30	0.8	0.24	0.37	0.34	0.36	0.09	0.69	0.17
5.1	0.20	0.8	0.16	0.47	0.49	0.48	0.08	0.69	0.11
5.3	0.15	0.8	0.12	0.42	0.42	0.42	0.05	0.69	0.08
5.4	0.15	0.8	0.12	0.29	0.30	0.30	0.04	0.69	0.08
5.6	1.45	0.4	0.58	0.29	0.30	0.30	0.17	0.69	0.40
8.3									

TOT WIDTH

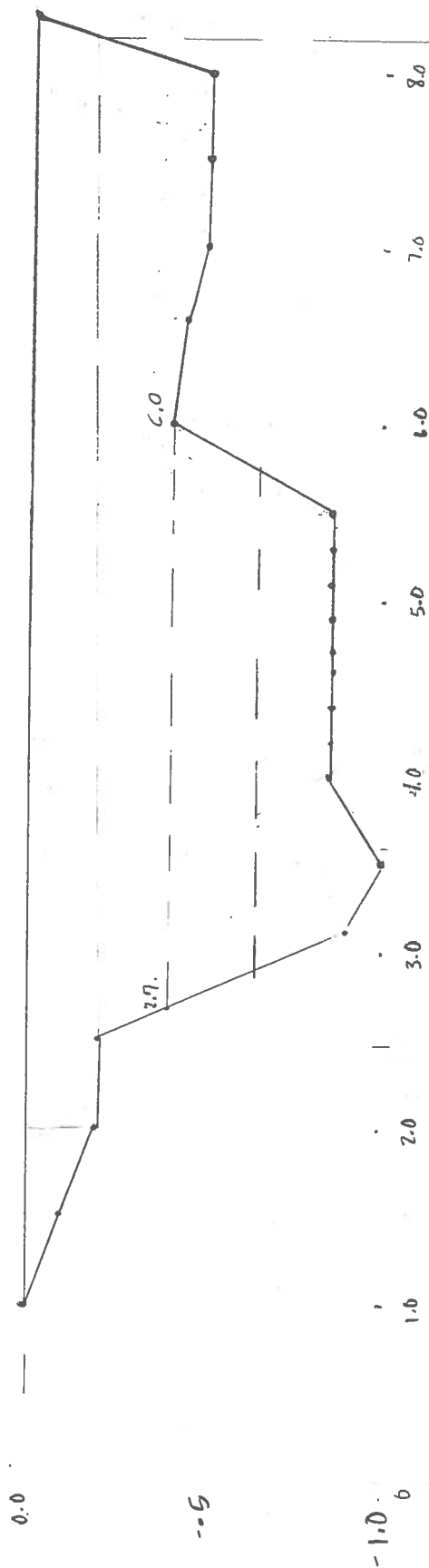
4.6

TOTAL DISCHARGE (cfs):

1.61

1.78

Ave. Velocity = 0.69 ft/sec



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

43-00011, -02
Water Right
(if applicable)

155 24E S

NWNE
SENE

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: Stines Creek Diversion Channel
2. Location: 25' upstream of Beuesch Top diversion
3. Person(s) conducting measurement: Cathy Bird, Vickie Hancock
4. Date of measurement: 9-20-99
5. Weather conditions: warm
6. Measuring device size and ID no.: Swoffer
7. Spin test before: OK after: OK
8. Purpose of measurement: SRBA FF
9. Cross section description: Large ~~rocky~~ cobble on gravel

B. MEASUREMENT DATA

Dist. from initial point	Width	Depth OF WATER	Cor. Depth Bankfull	Revolutions	Time in Seconds	Velocity		Area	Discharge
						At point	Average		
1.0			0						
1.5	.5		.1						
2.0	.5		.2						
2.5	.5		.2						
3.1	.6		.9						
3.5	.4		1.0						
3.8	RWE								
4.0	.2	.2	.85			1.3/1.37	1.34		
4.2	.2	.2	.85			.83/.80	.82		
4.4	.2	.2	.85			.66/.65	.66		
4.6	.2	.2	.85			.93/.95	.94		
4.7	.1	.2	.85			.90/.82	.85		
4.9	.2	.2	.85			.37/.34	.36		
5.1	.2	.2	.85			.47/.49	.48		
5.3	.2	.2	.85			.42/.42	.42		
5.4	.2	.2	.85			.29/.30	.30		
5.6	LWE-								
6.0	.6		.4						
6.6	.6		.45						
7.0	.4		.5						
7.5	.5		.5						
8.0	.5		.5						
8.3	.3		0						
						Σ	6.17		
						Ave Vel.	0.69 ⁴ / ₅		

C. REMARKS Measurement to determine bankfull capacity of diversion channel

OPEN CHANNEL DISCHARGE WORKSHEET FOR CLAIM NO(S): A43-00011,THRU -00014, -10280

[illegible]

DATE: 12-3-2000

AGENT: V. HANCOCK

SOURCE: STINES CREEK

LOCATION: UPSTREAM OF TOPMOST BRUESCH DIVERSION

ALSO SEE MEASUREMENT NOTES

CLAIM NO(S): A43-00011 THRU -00014 & A43-10280

BANKFULL CAPACITY WORKSHEET

DISTANCE FROM INIT POINT	WIDTH	DEPTH	AREA				
1.0	0.25	0					
1.5	0.50	0.10	0.05				
2.0	0.50	0.20	0.10				
2.5	0.55	0.20	0.11				
3.1	0.50	0.90	0.45				
3.5	0.35	1.00	0.35				
3.8	0.25	1.00	0.25	ESTIMATED DEPTH			
4.0	0.20	0.85	0.17				
4.2	0.20	0.85	0.17				
4.4	0.20	0.85	0.17				
4.6	0.15	0.85	0.13				
4.7	0.15	0.85	0.13				
4.9	0.20	0.85	0.17				
5.1	0.20	0.85	0.17				
5.3	0.15	0.85	0.13				
5.4	0.15	0.85	0.13				
5.6	0.30	0.85	0.26	ESTIMATED DEPTH			
6.0	0.50	0.40	0.20				
6.6	0.50	0.45	0.23				
7.0	0.45	0.50	0.23				
7.5	0.50	0.50	0.25				
8.0	0.40	0.50	0.20				
8.3	0.15	-	-				

7.3 7.30

4.03 TOTAL AREA

AVERAGE VELOCITY 0.68
(SEE ATTACHED)

CAPACITY 2.74

DATE: 01-03-2000
AGENT: V. HANCOCK

SOURCE: STINES CREEK

LOCATION: UPSTREAM OF BREUSCH TOP DIVERSION

ALSO SEE MEASUREMENT NOTES

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

June 16, 1999

Regarding:

Customer:

Stine Creek Decree, Almo Water vs Darrington 4-29-1970

[illegible]

I talked to Nick Spencer about the language in this decree that prohibits the State Reclamation Engineer from measuring the waters of Stine Creek, and how that affects the SRBA, if at all. Nick said that these prohibitions were specific to certain situations, and would not prevent the Department from measuring Stine Creek for the purpose of SRBA investigation, which is a completely different issue from the one that brought about the suit and Decree in 1970.

He also advised me to assure the claimants that the Department is cognizant that the decree resolved a dispute to the agreement of the parties involved, and that we had all intention of supporting the status quo.

DOCKET
51021
INDEX

43-A-1

RECEIVED

JUL 7 1970

Department of Water Administration

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

ALMO WATER COMPANY, an Idaho
corporation, et al,

Plaintiffs,

vs.

IVAN DARRINGTON, Watermaster of
Water District 8-E, et al,

Defendants.

8968
4:30 P.
May 5 1970
Frank B. Kearns
Clerk
H. H. Black

Civil No. 8968

DECREE

* * * * *

WHEREAS, On the 8th day of July, 1969, the plaintiffs, Almo Water Company, et al, duly filed their complaint in equity in the above-entitled Court which cause was entitled Almo Water Company, an Idaho corporation, William W. Bruesch and Virginia Bruesch, husband and wife, Zenith Taylor and Colleen Taylor, husband and wife, Neil Durfee, a bachelor, Ivan Darrington and Barbara Darrington, husband and wife, and Arthur Taylor, plaintiffs, vs. Ivan Darrington, as WaterMaster of Water District 8-E, Owen Jones, Richard Jones and Norma Jones, husband and wife, Louis Eames, R. Keith Higginson, State Reclamation Engineer, Glen Jones and Doris Jones, husband and wife, Arley Cahoon and Edna Cahoon, husband and wife, defendants, and

1 for consideration, and the Court having taken said cause, under advisement,
2 and being fully advised in the premises, did on the 18th day of March, 1970,
3 file its decision in writing directing the entry of a decree in accordance with
4 the views expressed therein.

5 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED

6 I.

43 0010 William W. and Virginia Bruesch, husband and wife, are the owner
8 of all of the waters of Sythe Creek for the irrigation of the following described
9 lands in Cassia County, Idaho:

10 S 1/2 - NE 1/4, NW 1/4 - NE 1/4, NW 1/4 - NW 1/4 of
11 Section 20; E 1/2 - NW 1/4, W 1/2 - NE 1/4, SE 1/4,
12 NE 1/4, and N 1/2 - SE 1/4 of Section 20; N 1/2 - SW 1/4,
13 NW 1/4 - SE 1/4 of Section 21; all in Township 15 South,
14 Range 24, E., B.M.

15 II.

16 William W. and Virginia Bruesch, husband and wife, Zenith and
17 Colleen Taylor, husband and wife, Arthur Taylor, Ivan and Barbara
18 Darrington, husband and wife, and Neil Durfee are the owners of all of the
waters of Stine Creek for the irrigation of the following described lands in
Cassia County, Idaho:

43 0011 William W. & Virginia Bruesch: NW 1/4 - NE 1/4, S1/2-NE1/4, N1/2-SE1/4
20 and SE1/4-SE1/4 of Section 18, all in Township 15 South, Range 24 E.B. M.

43 0012 Zenith & Colleen Taylor: NW1/4 - SE1/4

See Main Deed

IV.

Defendant Louis Eames is the owner of 1.6 cubic feet per second (80 inches) of the waters of Almo Creek, to be diverted from North Almo Creek, for the irrigation of the SW 1/4 of the NW 1/4 of Section 13; SW 1/4 NE 1/4, SE 1/4 NE 1/4, SE 1/4 NW 1/4, of Section 14 all in Township 15 South, Range 24 East, Boise Meridian, in Cassia County, Idaho, with the right to have the same supplemented to the extent of 1.6 cubic feet per second (80 inches) to be diverted from Edwards Creek for the same lands, this right being supplementary and not additional. Priority date is March 17, 1879.

V.

The water master of District 8-E shall fill said Louis Eames water right from the North Fork of Almo Creek through his diversion therefrom, subject, however, to any water-exchange agreements made between the said Louis Eames and others.

Dated this 29th day of April, 1970.

Sherman J. Bellman
Judge, District Court.

transfer, in which case the administrative transfer proceeding is unnecessary. If the change is to be recommended in the report, then allocations staff should be informed of the recommendation.

If the transfer applied for may not be recommended as an accomplished transfer, then the right should not be recommended with the changes proposed in the transfer application until the transfer has been approved and the order approving the transfer has become final.

Where an order approving a transfer has been issued, but the order is not final at the time the report is prepared, the claim should be referred for further review by legal staff after the claim has been investigated.

Q. WHEN IS A RIGHT DECREED?

For purposes of preparing the director's report, a right will be deemed to have been decreed where the decree determines the amount, priority, and source of the right as against claimants of other water rights.

A right that is described in a decree that only determines ownership of a water right as against other purported owners of that same right are not considered decreed rights. Examples of such decrees include decrees in divorce, bankruptcy, foreclosure, and forfeiture proceedings (here, forfeiture refers to seizures of property for payment of debt or in criminal proceedings).

There may be rights described in the water right database with a basis of decree, that are based on a decree that did not adjudicate a right. Such rights should be reviewed as rights based on beneficial use, and if recommended, should be recommended with a basis of beneficial use. The claim should include a COMMENT that the decree on which the claim is based did not adjudicate water rights. However, if the right has been administered by the watermaster as a decreed right, then the claim should be referred for further review by legal staff after it has been investigated.

R. BASES FOR DISALLOWAL

A claim recommended for disallowal should have a status of "I". The claim should include a remark indicating the basis for disallowal. Adjudication Memo #32 lists standard remarks for basis for disallowal (the "P" prefix remarks.) If none of the standard remarks seem appropriate, then the water agent should contact legal staff.

The claim should also include a standard condition that offers a brief explanation of the basis for disallowal. Adjudication Memo #32 lists the conditions for the standard bases for disallowal (the "P" prefix conditions, which are numbered the same as the "P"

State Of Idaho {
County of Twin Falls { SS

George L. Durfee - J.A. Graham and Alice Durfee Rice al.
sworn depose and say they were well acquainted with E
and Abe Hogland brothers, and that know of their own knowl
said Ed Hogland and Abe Hogland came to the vicinity where Almo Idai
now located in the year 1880, and that the said Ed and Abe Hogland
did during the year 1880 and 1881 construct an irrigation canal, for the
purpose of diverting all the water of Stines Creek to certain lands
described as follows \$0 40 40 11 \$0

The East half of the Southwest quarter and the West half of
South east quarter and Southeast quarter of the South east
quarter of Section Seventeen (17) and the North East quarter
of the Northeast quarter of section Twenty (20) and the north
half of the Northwest quarter of section Twenty one (21)
All in Township Fifteen (15) N of Range Twenty Four (24) EBM
In Cassia County State of Idaho

The affiants further say that the point of diversion from Stines Creek
was in about the center of Section Seven (7) in Township Fifteen (15)

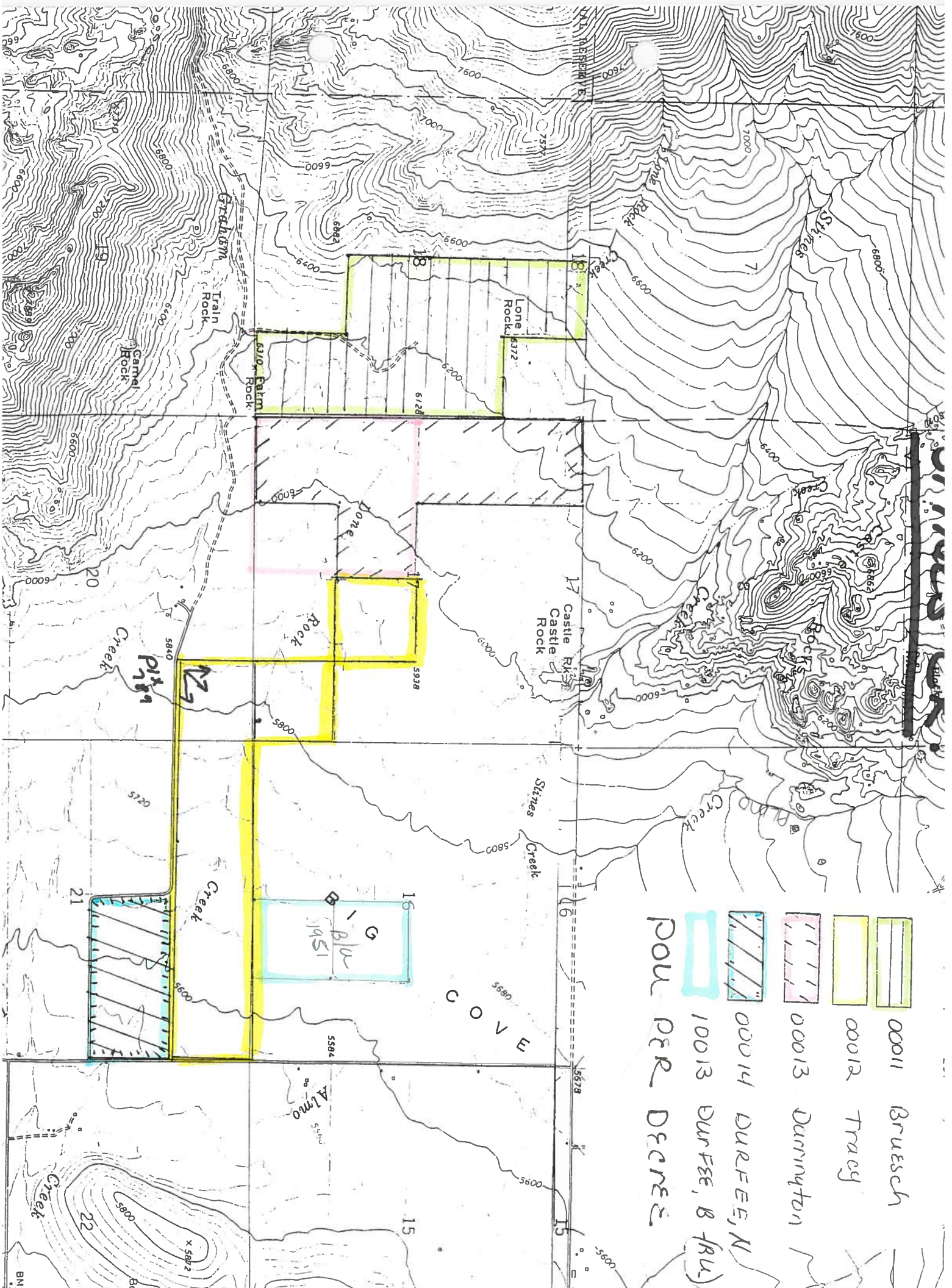
Range Twenty Four (24) EBM that said canal was constructed for the
purpose of irrigating said lands and the affiants further state that
the said Ed Hogland and Abe Hogland did use said water for the purpose of
irrigating said land from 1880 to 1886 inclusive and that during that time
the said water right was not molested or contested.

The said Affiants further say that this land was purchased from
Ed and Abe Hogland by George L. Durfee and Nathaniel A. Rice in the year
1887 and that the water has been used continuously by the said
George L. Durfee and Nathaniel A. Rice and their successors and assigns
continuously since that date ~~with out interruption~~

§183

George L. Durfee
Alice Durfee Rice
J. A. Graham

On this Twenty first day of January 1939 before me the
a Notary Public personally appeared George L. Durfee A.
and J.A. Graham known to me to be the persons whose names
to the above instrument and acknowledged to that the
IN WITNESS WHEREOF, I have hereunto set my hand and
seal the day and date in this certificate first above



- 00011 Bruesch
- 00012 Tracy
- 00013 Darrington
- 00014 DUFFEE, N
- 10013 DUFFEE, B (FRU)
- POU PER DECREE

LAST: TRACY
ADDRESS:
CITY: ALMO
PHONE NUMBER: 208-824-5503
STATE: ID ZIP: 83312

OWNER CODE: C

LAST: TRACY
ADDRESS:
CITY: ALMO
PHONE NUMBER: 208-824-5503
STATE: ID ZIP: 83312

OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE FIELD EXAMINER
Y N()

CLAIM REMARKS: THIS CLAIM IS BASED ON THE DECREED WATER RIGHT ON STINE CREEK
FOR AN AMOUNT NOT STATED IN THE COURT DECREE BUT ASSUMED EQUIVA-
LENT TO 1" OR 0.02 CFS/ACRE=5.60 CFS.
DWR NOTE
DECREE STATES STINE CREEK IS NOT TRIBUTARY TO ANY STREAMS.

CONTACT PERSON:

TED TRACY

PHONE NUMBER: () - -

DATE OF FIELD EXAM:

5/9/95

APPOINTMENT MADE: Y() N()

TIME: 1:00 A() P()

ACCOMPANIED BY:

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / NOTES:

met him @ old blue feeding - w/ him to
met @ home still @ 1 PM to go w/ him and he
w/ me investigating

8-25-1999 not at home. He caught up with me
at the property in the court.

A. AJ CLAIM: # A43-00012 PRIORITY DATE: 03-17-1879 STAGE: D

B. WR RECORD: # 43-00012 PRIORITY DATE: - - STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y() N(☒)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y() N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW)

Y() N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☒) Y() N()

FIELD EXAM COMPLETED

N/A() Y() N()

FIELD EXAM SENT TO STATE OFFICE

N/A() Y() N()

LICENSE ISSUED

N/A() Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?

N/A(☒) Y() N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y() N()

NOTES:

Ambiguous Decree No priority date included in
Decree. Priority date based upon Affidavit in
file signed in 1839

RECOMMENDED PRIORITY DATE:

04-01-1880

REVIEWED BY



DATE

2-2-2000

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A43-00012	15S	24E	17	NW	NW	SE		CASSIA		
A43-00012	15S	24E	17	SE	NW	SE		CASSIA		
A43-00012	15S	24E	17	SE	SE	SE		CASSIA		
A43-00012	15S	24E	20	NE	NE	NE		CASSIA		
A43-00012	15S	24E	21	SW	NW	NE		CASSIA		
A43-00012	15S	24E	21	NE	NE	NW		CASSIA		
A43-00012	15S	24E	21	NE	NW	NW		CASSIA		
A43-00012	15S	24E	21	NW	NW	NW		CASSIA		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
A43-00014 NONE

WR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: STINE CREEK

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
43-00012										

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE NONE

SOURCE: STINE CREEK

TRIB:

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

1. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N()
AJ FIELD EXAM (DATE OF FIELD EXAM 8-11-1999) NAME OF EXAMINER Mike Hancock Y() N()
OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

POD verified with GRS File # 5081199a. No
Tag set. Source is spelled STINES creek per
USGS 7.5' quad map.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
15S	24E	17	NW	NW	SE			CASSIA		
15S	24E	17	SE	NW	SE			CASSIA		
15S	24E	17	SE	SE	SE			CASSIA		
15S	24E	20	SW	NE	NE			CASSIA		
15S	24E	21	SW	NW	NE			CASSIA		
15S	24E	21	NE	NE	NW			CASSIA		
15S	24E	21	NE	NW	NW			CASSIA		
15S	24E	21	NW	NW	NW			CASSIA		

See gds log

SOURCE: STINE CREEK

TRIB:

REVIEWED BY:

DATE:

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT (X)

A. ROOT WATER RIGHT NUMBERS: A43-00012

B. POU LISTING				AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
TWP	RNG	SEC	1/4 1/4 LOT NAME					
15S	24E	17	NW SE TRACY, TED K	A43-00012 / 40.0	43-00012 /			
15S	24E	17	SE SE TRACY, TED K	A43-00012 / 40.0	43-00012 /			
15S	24E	20	NE NE TRACY, TED K NE NE BRUESCH, WILLIAM W	A43-00012 / 40.0	43-00012 / 43-00010 /			
15S	24E	21	NE NE TRACY, TED K	A43-00012 / 40.0	43-00012 /			
15S	24E	21	NW NE TRACY, TED K	A43-00012 / 40.0	43-00012 /			
15S	24E	21	NE NW TRACY, TED K	A43-00012 / 40.0	43-00012 /			
15S	24E	21	NW NW TRACY, TED K	A43-00012 / 40.0	43-00012 /			
ADDITIONAL POU FOUND								

TOTAL ACRES A43-00012

280.00

POU COUNTY: CASSIA

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

Y () N ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

Y () N ()

- E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()
- * IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.
- F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS? N/A() Y(☒) N(☒)
- G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM? Y(☒) N()
- H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT? Y() N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: ☒ ORTHOPHOTOQUAD, IDMR NO. _____; ☒ TOPOGRAPHIC QUAD, IDMR NO. _____;

☒ NAPP, IDMR NO. 1987 Flight; ☐ ASCS PHOTO; ☐ OTHER _____

NOTES: _____

Unmarked area located & color labeled with
melissa's using 1987-88 NAPP Aerial
photography. Checked by field exam with
claimant.

RECOMMENDATIONS:

TOTAL ACRES: 231 N/A()

REVIEWED BY: Shannon DATE: 2-2-2000

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A43-00012 IRRIGATION	FROM 04-01 TO 10-31	5.600 CFS	
TOTAL DIVERSION RATE/VOLUME		5.600 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
43-00012 IRRIGATION	FROM 03-15 TO 11-15	5.600 CFS	
TOTAL DIVERSION RATE/VOLUME			

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y() N(☒)D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y() N(☒)F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☒) N()G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☒) N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☒) Y() N()J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☒) Y() N()

NOTES:

Claimed use agrees with decree.
No search of use in decree, recommend 100% 5th.

AJ CLAIM TOTAL DIVERSION RATE: 5.600 CFS
 MR ROOT RIGHT TOTAL DIVERSION RATE: CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A () Y () N ()
 B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A () Y () N ()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y () N ()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y () N ()

E. FLOW MEASUREMENT

MEASUREMENT METHOD See attached, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
 ACRES 231 x 0.02 CFS/ACRE = 4.62 CFS
 (Taken from pou review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y () N ()
 IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y () N ()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A
 ACRES 231 x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 700.0 AF/A
 ACRES 231 x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

1b. CALCULATIONS

*System capacity
 is limiting factor
 See attached
 calculations.*

NOTES:

A recommendation of 1 inch per acre would exceed system capacity.

Estimated maximum system capacity is 2.74 cfs, therefore 2.74 cfs is recommended

WR RECORD CONDITIONS/REMARKS:

Priority date and point of diversion not given in decree.
Decree entitles this right, along with rights 43-0011/0013/0014,
to all the water of Stine Creek.

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____ACCEPTED
AS CLAIMED
()
()
()
()NEEDS
REVIEW
()
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-00012

DATABASE

EXAMINER

TOTAL DIVERSION RATE OF WR SPLITS

CFS

SPLITS:

OLD RIGHT
NUMBERSCURRENT
CLAIM NUMBERSDIVERSION
RATECURRENT "R"
CLAIM NUM."R" DIV.
RATEWR RIGHT
NUMBERSDIVERSION
RATE

43-00012

TOTAL CFS

DIVERSION RATE REVIEW

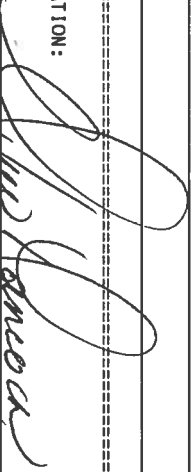
DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?FIELD
EXAMINER
Y() N()
DATABASE
N

NOTES:

No Splits

AUTHENTICATION:

SIGNATURE:



DATE:

2-2-2000

NAME OF FIELD EXAMINER:

Mike Hancock

TITLE:

Water Resource Unit

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)

IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED
IN FILE?

☐ ORTHOPHOTOQUAD	DATE OF PHOTO _____	IDWR ID NO. _____	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____	IDWR ID NO. _____	Y() N()
☐ NAPP	DATE OF PHOTO _____	IDWR ID NO. _____	Y() N()
☐ ASCS AERIAL PHOTO	DATE OF PHOTO _____		Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO _____		Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____		Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____		Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____		Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____		Y() N()
☐ OTHER _____	DATE _____		Y() N()
☐ OTHER _____	DATE _____		Y() N()
☐ OTHER _____	DATE _____		Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF
PAGES

NOTES

☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM _____		
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED _____		
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____		
☐ SYSTEM DESCRIPTION	DATE DRAWN _____		
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____		
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____		
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____		
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____		
☐ OTHER _____	DATE _____		
☐ OTHER _____	DATE _____		

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y							
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

DOCKET
51021

INDEXED

43-A-1

RECEIVED

JUL 7 1970

Department of Water Administration

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

ALMO WATER COMPANY, an Idaho
corporation, et al,

Plaintiffs,

vs.

IVAN DARRINGTON, Watermaster of
Water District 8-E, et al,

Defendants.

Civil No. 8968

DECREE

WHEREAS, On the 8th day of July, 1969, the plaintiffs, Almo Water Company, et al, duly filed their complaint in equity in the above-entitled Court, which cause was entitled Almo Water Company, an Idaho corporation, William W. Bruesch and Virginia Bruesch, husband and wife, Zenith Taylor and Colleen Taylor, husband and wife, Neil Durfee, a bachelor, Ivan Darrington and Barbara Darrington, husband and wife, and Arthur Taylor, plaintiffs, vs. Ivan Darrington, as WaterMaster of Water District 8-E, Owen Jones,

Richard Jones and Norma Jones, husband and wife, Louis Eames, R. Keith Higginson, State Reclamation Engineer, Glen Jones and Doris Jones, husband and wife, Arley Cahoon and Edna Cahoon, husband and wife, defendants, and

WHEREAS, Thereafter due and regular service of the summons was made upon all parties mentioned in said complaint by personal service thereon as shown by the records and file in said action, and

WHEREAS, The above entitled cause came on for hearing before the Honorable Sherman J. Bellwood, Judge of the above-entitled District Court, sitting at Burley, Cassia County, Idaho, within said district, the plaintiffs being represented by A. H. Neilson, John Coleman, and Robert C. Paine and

1 for consideration, and the Court having taken said cause, under advisement,
2 and being fully advised in the premises, did on the 18th day of March, 1970,
3 file its decision in writing directing the entry of a decree in accordance with
4 the views expressed therein.

5 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

6 I.

7 **0010** William W. and Virginia Bruesch, husband and wife, are the owners
8 of all of the waters of Sythe Creek for the irrigation of the following described
9 lands in Cassia County, Idaho:

10 S 1/2 - NE 1/4, NW 1/4 - NE 1/4, NW 1/4 - NW 1/4 of
11 Section 20; E 1/2 - NW 1/4, W 1/2 - NE 1/4, SE 1/4,
12 NE 1/4, and N 1/2 - SE 1/4 of Section 20; N 1/2 - SW 1/4,
13 NW 1/4 - SE 1/4 of Section 21; all in Township 15 South,
14 Range 24, E., B.M.

15 II.

16 William W. and Virginia Bruesch, husband and wife, Zenith and
17 Colleen Taylor, husband and wife, Arthur Taylor, Ivan and Barbara
18 Darrington, husband and wife, and Neil Durfee are the owners of all of the
waters of Stine Creek for the irrigation of the following described lands in
Cassia County, Idaho:

19 **0011** William W. & Virginia Bruesch: NW 1/4 - NE 1/4, S1/2 - NE1/4, N1/2 - SE1/4,
20 and SE1/4 - SE1/4 of Section 18, all in Township 15 South, Range 24 E.B. M.

21 **0012** Zenith & Colleen Taylor: NW1/4 - SE1/4, SE1/4 - SE1/4 of Section 17; N1/2 -
22 NE1/4 of Section 21; N1/2 - NW 1/4 of Section 21; NE1/4 - NE1/4 of Section 20;
23 all in Township 15 South, Range 24 E.B. M.

24 **0013** Arthur Taylor; Ivan & Barbara Darrington: W1/2 - W1/2 and NE1/4 - SW1/4 of
25 Section 17, all in Township 15 South, Range 24 E.B. M.

26 **0014** Neil Durfee: S1/2 - NE1/4 of Section 21, Township 15 South, Range 24 E.B. M.

27 III.

28 The waters of Stine and Sythe Creeks are

See Main Docket

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IV.

Defendant Louis Eames is the owner of 1.6 cubic feet per second (80 inches) of the waters of Almo Creek, to be diverted from North Almo Creek, for the irrigation of the SW 1/4 of the NW 1/4 of Section 13; SW 1/4 NE 1/4, SE 1/4 NE 1/4, SE 1/4 NW 1/4, of Section 14 all in Township 15 South, Range 24 East, Boise Meridian, in Cassia County, Idaho, with the right to have the same supplemented to the extent of 1.6 cubic feet per second (80 inches) to be diverted from Edwards Creek for the same lands, this right being supplementary and not additional. Priority date is March 17, 1879.

V.

The water master of District 8-E shall fill said Louis Eames water right from the North Fork of Almo Creek through his diversion therefrom, subject, however, to any water-exchange agreements made between the said Louis Eames and others.

Dated this 29th day of April, 1970.

Sherman Billings
Judge, District Court.

51021

State of Idaho, County of Cassia, ss:
I hereby certify that this instrument was filed for record at request of *Art Nielsen* at 30 minutes past 4 o'clock P.M. this 5 day of May A.D. 1970 in my office and duly recorded on Film No. 65 at Inst. No. 51021
Per *Frank B. Kearns* Ex-Officio Recorder
3.00 *Nicola Black* Deputy

(Return to file)