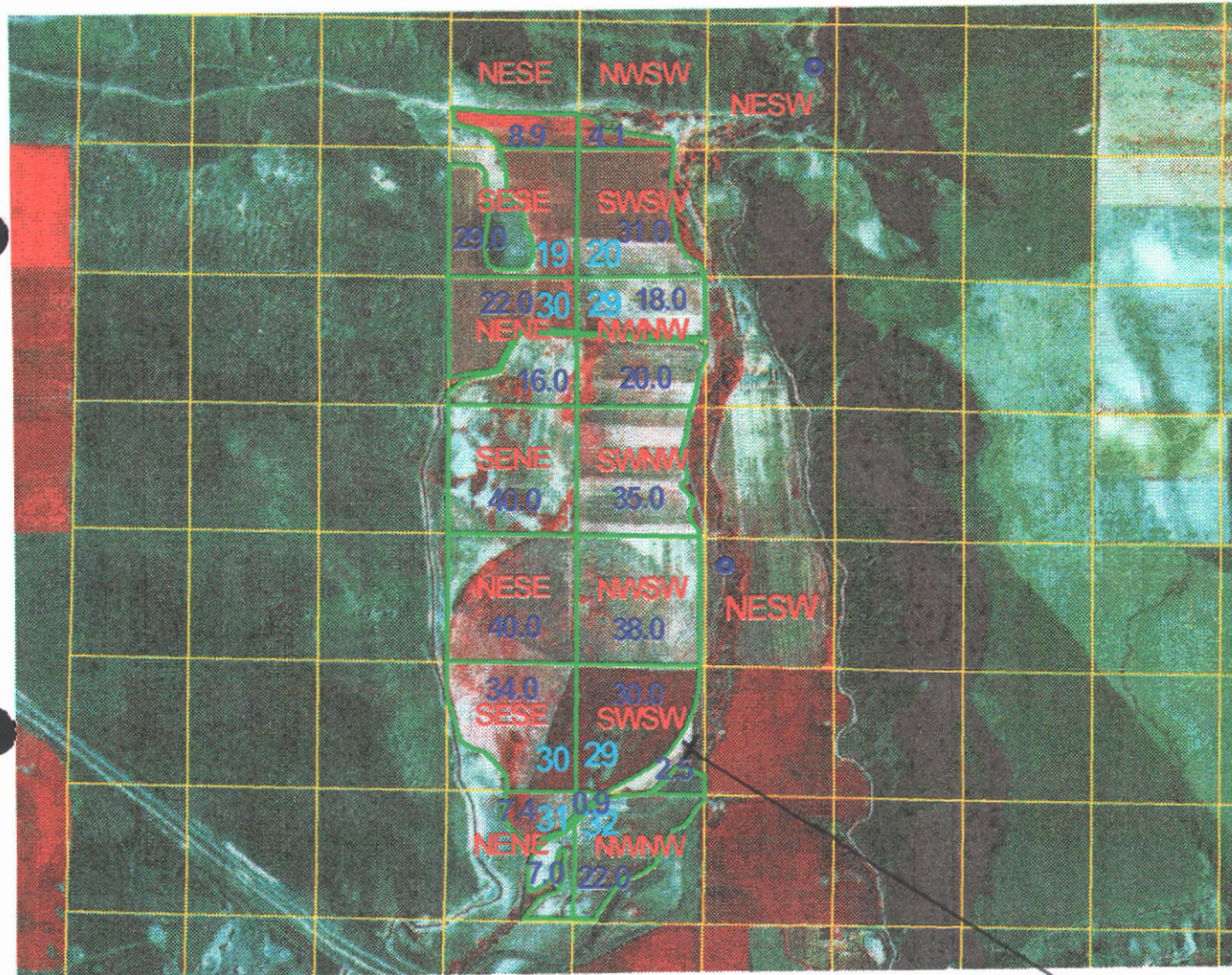
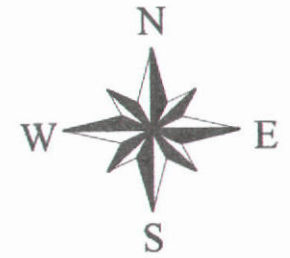


# IDAHO DEPARTMENT OF WATER RESOURCES

## T05S, R09E, S19, 20, 29, 30, 31 & 32



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

MICROFILMED  
JUN 09 1999

CLAIM(S): 61-00345, 61-00347, 61-02007, 61-02052

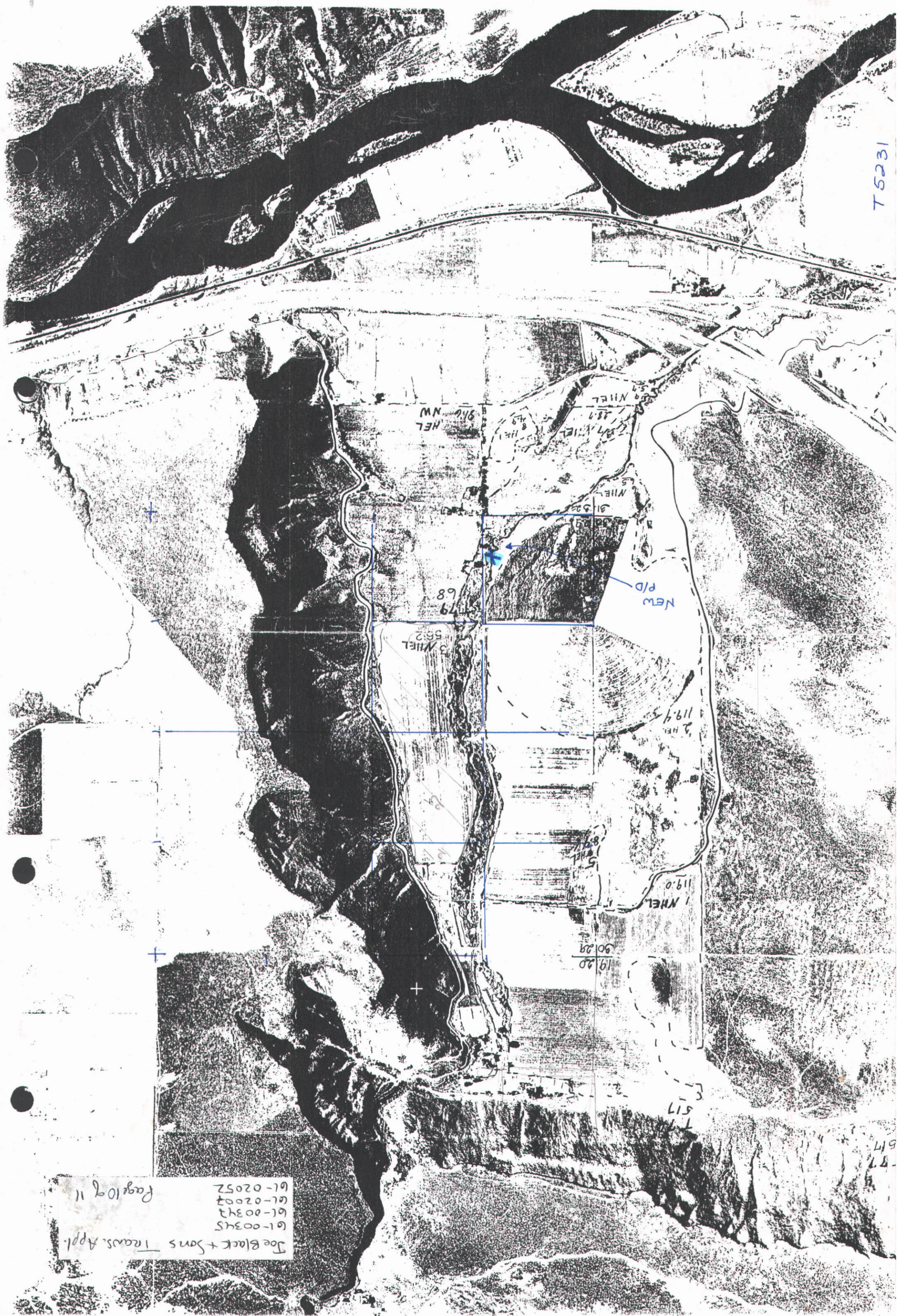
OWNER(S): JOE BLACK & SONS

Prepared by Mel Schulte

DATE: NOVEMBER 11, 1998

0 0.25 0.5 0.75 1 1.25 1.5 Miles

NEW P/D



T 5231

Joe Black + Sons Trans. Appl.  
61-00345  
61-00343  
61-02007  
61-02052  
Page 10 of 11

## Affidavit of Publication

### NOTICE OF PROPOSED CHANGE OF WATER RIGHTS, TRANSFER NO. 5231

Notice is given that **JOE BLACK AND SONS** of P.O. Box 67, Hammett ID 83627 has applied to the Department of Water Resources to add two Point of Diversions pursuant to I.C. § 42-222 for four irrigation rights recorded as follows in T5S R9E Elmore County:

All rights are diverted from Cold Springs Creek, tributary to the Snake River, in NESW S20.

| RIGHT NUMBER     | PRIORITY   | AMOUNT (CFS) |
|------------------|------------|--------------|
| Decree 61-00345  | 06/30/1879 | .50          |
| Decree 61-00347  | 05/01/1884 | 3.20         |
| License 61-02007 | 02/29/1908 | 2.10         |
| License 61-02052 | 12/19/1917 | .64          |

Total amount of water is 6.44 cfs. The place of use is in portions of sections 20, 29, 31, and 32, a total of 348 perfected or implied acres.

The rights are claimed in the Snake River Basin Adjudication as shown above. The point of diversion and number of acres are not described in the Cold Springs Creek decree and are specified in the SRBA claims.

#### PROPOSED CHANGE FOR ALL RIGHTS

Add two points of diversion in SESWSW and NWNESW S29.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before April 6, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

First publication March 18, 1998.

Last publication, March 25, 1998.

County of Elmore } ss.  
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

#### Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publi-

cation having been made on 18th day of

March, 1998, and the last publi-

cation having been made on the 25th day of

March, 1998; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 25th day of

March, 1998

Cynthia Ruberson  
Notary Public

RECEIVED

APR 03 1998

WATER RESOURCES  
WESTERN REGION

MICROFILMED

JUN 09 1999

Residing in Mountain Home, Elmore County, Idaho. My commission expires 09-09-2002.

IDAHO DEPARTMENT OF WATER RESOURCES  
PREFIX/SPLIT QUERY

DATE: 06/01/99

TIME: 14:19:12

PAGE: 1

| WATER RIGHT NO. | NAME                 | OWNER | PRIORITY | DATE       | STG/STS | SOURCE             | USE DESC | SYSTEM |
|-----------------|----------------------|-------|----------|------------|---------|--------------------|----------|--------|
| 61-00345        | STEVENSON, THOMAS R. | C     |          | 06/30/1879 | D/      | COLD SPRING CREEK  | IRR      | WR     |
| X61-00345       | JOE BLACK & SONS     | C     |          | 06/30/1879 | D/      | COLD SPRINGS CREEK | IRR      | WR     |
| -----           |                      |       |          |            |         |                    |          |        |
| 61-00345        | JOE BLACK & SONS     | C     |          | 06/30/1879 | D/      | COLD SPRINGS CREEK | IRR      | AJ     |
| A61-00345       | JOE BLACK & SONS     | C     |          | 06/30/1879 | D/      | COLD SPRINGS CREEK | IRR      | AJ     |

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JUN 09 1999

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 5231  
WATER RIGHT NO(S). 61-00345/61-00347/61-02007/61-02052

This is to certify that: **JOE BLACK & SONS**  
**PO BOX 67**  
**HAMMETT ID 83627**

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| Right No. 61-00345 :  |                      |                       |                      |
| IRRIGATION            | 04/01 to 10/01       | 0.50 CFS              | 100.0 AF             |
| Priority: 06/30/1879  |                      |                       |                      |
| Right No. 61-00347 :  |                      |                       |                      |
| IRRIGATION            | 04/01 to 10/01       | 3.20 CFS              | 620.0 AF             |
| Priority: 05/01/1884  |                      |                       |                      |
| Right No. 61-02007 :  |                      |                       |                      |
| IRRIGATION            | 04/01 to 10/01       | 2.10 CFS              | 544.0 AF             |
| Priority: 02/29/1908  |                      |                       |                      |
| Right No. 61-02052 :  |                      |                       |                      |
| IRRIGATION            | 04/01 to 10/01       | 0.64 CFS              | 128.0 AF             |
| Priority: 12/19/1917  |                      |                       |                      |
| <b>TOTAL:</b>         |                      | <b>* 6.44 CFS</b>     | <b>* 1392.0 AF</b>   |

SOURCE  
COLD SPRINGS CREEK

TRIBUTARY OF  
SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 20, Township 05S, Range 09E  
NESW , Sec. 29, Township 05S, Range 09E  
SWSW , Sec. 29, Township 05S, Range 09E  
ELMORE County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 05S        | 09E        | 19         | NESE 8.9     | SESE 29.0    |              | 37.9         |
|            |            | 20         | NWSW 4.1     | SWSW 31.0    |              | 35.1         |
|            |            | 29         | NWNW 38.0    | SWNW 35.0    | NWSW 38.0    | 143.5        |
|            |            |            | SWSW 32.5    |              |              |              |
|            |            | 30         | NENE 38.0    | SENE 40.0    | NESE 40.0    | 152.0        |
|            |            |            | SESE 34.0    |              |              | 14.4         |
|            |            | 31         | NENE 14.4    |              |              | 22.9         |
|            |            | 32         | NWNW 22.9    |              |              |              |

Total number of acres irrigated: \*\* 405.8

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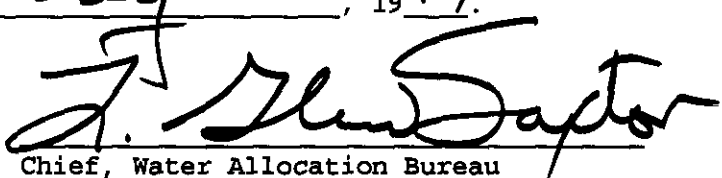
**JUN 09 1999**

TRANSFER NO. 5231  
WATER RIGHT NO(S). 61-00345/61-00347/61-02007/61-02052

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 61E.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. All water rights within basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
- \*\* 7. Right 61-00345 is limited to the irrigation of 25.0 acres in the place of use described above in a single irrigation season.
- \*\* 8. Right 61-00347 is limited to the irrigation of 155.0 acres in the place of use described above in a single irrigation season.
- \*\* 9. Right 61-02007 is limited to the irrigation of 136.0 acres in the place of use described above in a single irrigation season.
- \*\* 10. Right 61-02052 is limited to the irrigation of 32.0 acres in the place of use described above in a single irrigation season.
- \* \*\* 11. Rights 61-00345, 61-00347, 61-02007 and 61-02052 when combined shall not exceed a total diversion rate of 6.44 cfs, a total annual maximum diversion volume of 1392.0 af at the field headgate, and the irrigation of 348.0 acres.
- \*\* 12. Rights 61-00345, 61-00347, 61-02007 and 61-02052 are combined with water from King Hill Irrigation District to irrigate the 405.8 acres described above in a single irrigation season.

Dated this 28<sup>th</sup> day of May, 1999.

  
Chief, Water Allocation Bureau

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JUN 09 1999

Total acres 348

PART 1

(6) General Information

a. Description of diversion system  
Pumps & Pipelines common to all.  
Upper Point of Diversion is gravity, into a common pipeline

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☒ Yes ☐ No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer  
None

\*d. Remarks

This would add a pump to allow us to use the water more efficiently during low water years. We have used these water rights continuously.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No \_\_\_\_\_, subject to the following limitations and conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

DEC 14 1998

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JUN 09 1999

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

*See Attached Profile Reports*

**1 Right evidenced by:**

- a. Decree No \_\_\_\_\_ Decreed to \_\_\_\_\_  
 in case of \_\_\_\_\_ vs \_\_\_\_\_  
 dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No \_\_\_\_\_ issued by the Idaho Department of Water Resources
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No \_\_\_\_\_ which produced this right

**2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below.**

☐ Tax Notice

☐ Warranty Deed

☐ Other \_\_\_\_\_

**3. Source of water \_\_\_\_\_ tributary to \_\_\_\_\_**

**4. Date or priority \_\_\_\_\_**

**5 Water is used for the following purpose:**

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

**6 Total amount of water under right \_\_\_\_\_ cubic feet per second and/or \_\_\_\_\_ acre-feet per annum**

**7. Point(s) of Diversion**

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

**8. Lands irrigated or place of use**

| Twp | Rge | Sec | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|-----|-----|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|     |     |     | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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 JUN 09 1999

Total acres \_\_\_\_\_

**9. Describe any other water rights used for the same purpose as described above**

61-02005 (Alkali Creek)

10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? If yes, describe

See remarks 6.d. (page 2)

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

| 1                  |               | 2                  |               |
|--------------------|---------------|--------------------|---------------|
| amount             | for           | amount             | for           |
| amount (cts/ac-ft) | purposes from | amount (cts/ac-ft) | purposes from |
| to                 |               | to                 |               |
| amount (cts/ac-ft) | for           | amount (cts/ac-ft) | for           |
| to                 |               | to                 |               |
| amount (cts/ac-ft) | for           | amount (cts/ac-ft) | for           |
| to                 |               | to                 |               |

2 Point(s) of Diversion.

[illegible]

### 3. Lands irrigated or place of use

[illegible]**Total acres**

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

| 1 | amount             | for | purposes from | to |
|---|--------------------|-----|---------------|----|
|   | amount (cts/ac-ft) | for | purposes from | to |
|   | amount (cts/ac-ft) | for | purposes from | to |
|   | amount (cts/ac-ft) | for | purposes from | to |

2 Point(s) of Diversion:

[illegible]

3 Lands irrigated or place of use:

[illegible]

6661 6 8 NAF  
JUN 8 9 1999  
MICROFILMED

Total acres

WR5809NP  
No. 61-00345

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 03/06/98  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS      | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|---------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | THOMAS R. STEVENSON | 06/30/1879       | IRRIGATION | 00/00 00/00           | 0.500 CFS         |                     |
| TOTAL DIVERSION: |                     |                  |            |                       | 0.500 CFS         |                     |

Water Source: COLD SPRING CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Place of use Legal Description for: IRRIGATION

| NE           |      |      |                           | NW                        |                           |                           |                           | SW                        |                           |                           |                           | SE                        |                           |                           |                           |     |
|--------------|------|------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|-----|
| NENE         | NWNE | SUNE | SENE                      | NENW                      | NWNW                      | SWNW                      | SENW                      | NESW                      | NWSW                      | SWSW                      | SESW                      | NESE                      | NWSE                      | SWSE                      | SESE                      |     |
| T            | R    | S    | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | SUM |
| -----        |      |      |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |     |
| 05s 09E 20 : |      |      |                           | :                         |                           |                           |                           |                           | :                         | I                         |                           |                           |                           | :                         |                           |     |

Pou County: ELMORE

Other Water Rights Listing Overlapping Place(s) of use:

37-04112 61-02005

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 06/30/1879 |
|        | Proof Due Date: | Proof Made Date:   |            |
|        | Exam Made Date: | Exam Sent to S.O.: |            |
|        | Licensed Date:  |                    |            |

Misc: Water District Number: 61E Field Exam Fee:

Audit: 05/06/80 05/01/88 CONVERT

MICROFILMED  
JUN 09 1999

WR5809NP  
No. 61-00347

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 03/06/98  
PAGE: 2

| OWNER<br>CODE    | NAME & ADDRESS      | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|---------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | THOMAS R. STEVENSON | 05/01/1884       | IRRIGATION | 00/00 00/00           | 3.200 CFS         |                     |
| TOTAL DIVERSION: |                     |                  |            |                       | 3.200 CFS         |                     |

Water Source: COLD SPRING CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Place of use Legal Description for: IRRIGATION

| NE  |     |    |   | NW |    |    |    | SW |    |    |    | SE |    |    |    |    |    |    |    |    |    |    |    |    |    |   |     |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|-----|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : | SUM |
| 05S | 09E | 20 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | : |     |
| 05S | 09E | 29 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | : |     |

Pou County: ELMORE

Other Water Rights Listing Overlapping Place(s) of use:

37-04112 61-02005 A02-00214 A02-00215 A02-00216 A02-00217

Dates: App. Received: Priority Date: 05/01/1884  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: 61E Field Exam Fee:

Audit: 05/06/80 05/01/88 CONVERT

MICROFILMED  
JUN 09 1999

WR5809NP  
No. 61-02007

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 03/06/98  
PAGE: 3

| OWNER            |                | PRIORITY   | WATER USE              | USE PERIOD |       | DIVERSION | DIVERSION |
|------------------|----------------|------------|------------------------|------------|-------|-----------|-----------|
| CODE             | NAME & ADDRESS | DATE       |                        | FROM       | TO    | RATE      | VOLUME    |
| C                | IDA MC GINNIS  | 02/29/1908 | IRRIGATION<br>DOMESTIC | 00/00      | 00/00 | 2.100 CFS |           |
| TOTAL DIVERSION: |                |            |                        |            |       | 2.100 CFS |           |

Water Source: COLD SPRINGS CREEK

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T05S R09E S20 SWNE ELMORE County

Place of use Legal Description for: IRRIGATION

| NE          |      |      |                           | NW                        |                           |                           |                           | SW                        |                           |                           |                           | SE                        |                           |                           |                           |       |
|-------------|------|------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|-------|
| NENE        | NWNE | SWNE | SENE                      | NENW                      | NWNW                      | SWNW                      | SENW                      | NESW                      | NWSW                      | SWSW                      | SESW                      | NESE                      | NWSE                      | SWSE                      | SESE                      | SUM   |
| T           | R    | S    | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac |       |
| 05S         | 09E  | 30   | : 25                      | : 40                      | : 40                      | : 40                      | : 40                      | : 40                      | : 40                      | : 40                      | : 40                      | : 40                      | : 40                      | : 40                      | : 40                      | 136.0 |
| TOTAL ACRES |      |      |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           | 136.0 |

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
61-02064

Other Water Rights Listing Overlapping Place(s) of use:  
37-04112 A02-00214 A02-00215 A02-00216 A02-00217

Dates: App. Received: Priority Date: 02/29/1908  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date: 12/03/1979

Misc: Water District Number: 61E Field Exam Fee:

Audit: 06/18/85 05/01/88 CONVERT

MICROFILMED  
JUN 09 1999

WR5809NP

No. 61-02052

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 03/06/98

PAGE: 4

| OWNER<br>CODE    | NAME & ADDRESS      | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|---------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | SUMMERS & FALK INC. | 12/19/1917       | IRRIGATION | 00/00 00/00           | 0.640 CFS         |                     |
| TOTAL DIVERSION: |                     |                  |            |                       | 0.640 CFS         |                     |

Water Source: COLD SPRINGS CREEK

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:

T05S R09E S29

NESW

ELMORE County

Place of use Legal Description for: IRRIGATION

| NE          |      |      |         | NW    |       |       |       | SW    |       |       |       | SE    |       |       |       |        |
|-------------|------|------|---------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| NENE        | NWNE | SWNE | SENE    | NENW  | NWNW  | SWNW  | SENW  | NESW  | NWSW  | SWSW  | SESW  | NESE  | NWSE  | SWSE  | SESE  | SUM    |
| T           | R    | S    | : Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | : SUM  |
| 05S         | 09E  | 29   | :       |       |       |       |       |       |       | 02    | :     |       |       |       |       | : 2.0  |
| 05S         | 09E  | 31   | :       | 08    |       |       |       |       |       |       | :     |       |       |       |       | : 8.0  |
| 05S         | 09E  | 32   | :       |       |       |       | 22    |       |       |       | :     |       |       |       |       | : 22.0 |
| TOTAL ACRES |      |      |         |       |       |       |       |       |       |       |       |       |       |       | 32.0  |        |

Pou County: ELMORE

Other Water Rights Listing Overlapping Place(s) of use:

37-04112 A02-00214 A02-00215 A02-00216 A02-00217

Dates: App. Received: Priority Date: 12/19/1917  
 Proof Due Date: Proof Made Date:  
 Exam Made Date: Exam Sent to S.O.:  
 Licensed Date: 12/03/1979

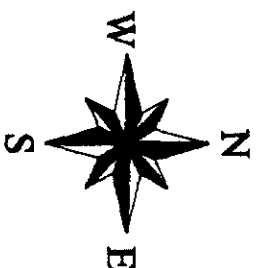
Misc: Water District Number: 61E Field Exam Fee:

Audit: 07/01/85 05/01/88 CONVERT

MICROFILMED  
JUN 09 1999

# IDAHO DEPARTMENT OF WATER RESOURCES

## T05S, R09E, S19, 20, 29, 30, 31 & 32



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

MICROFILMED

JUN 09 1999

CLAIM(S): 61-00345, 61-00347, 61-02007,  
61-02052

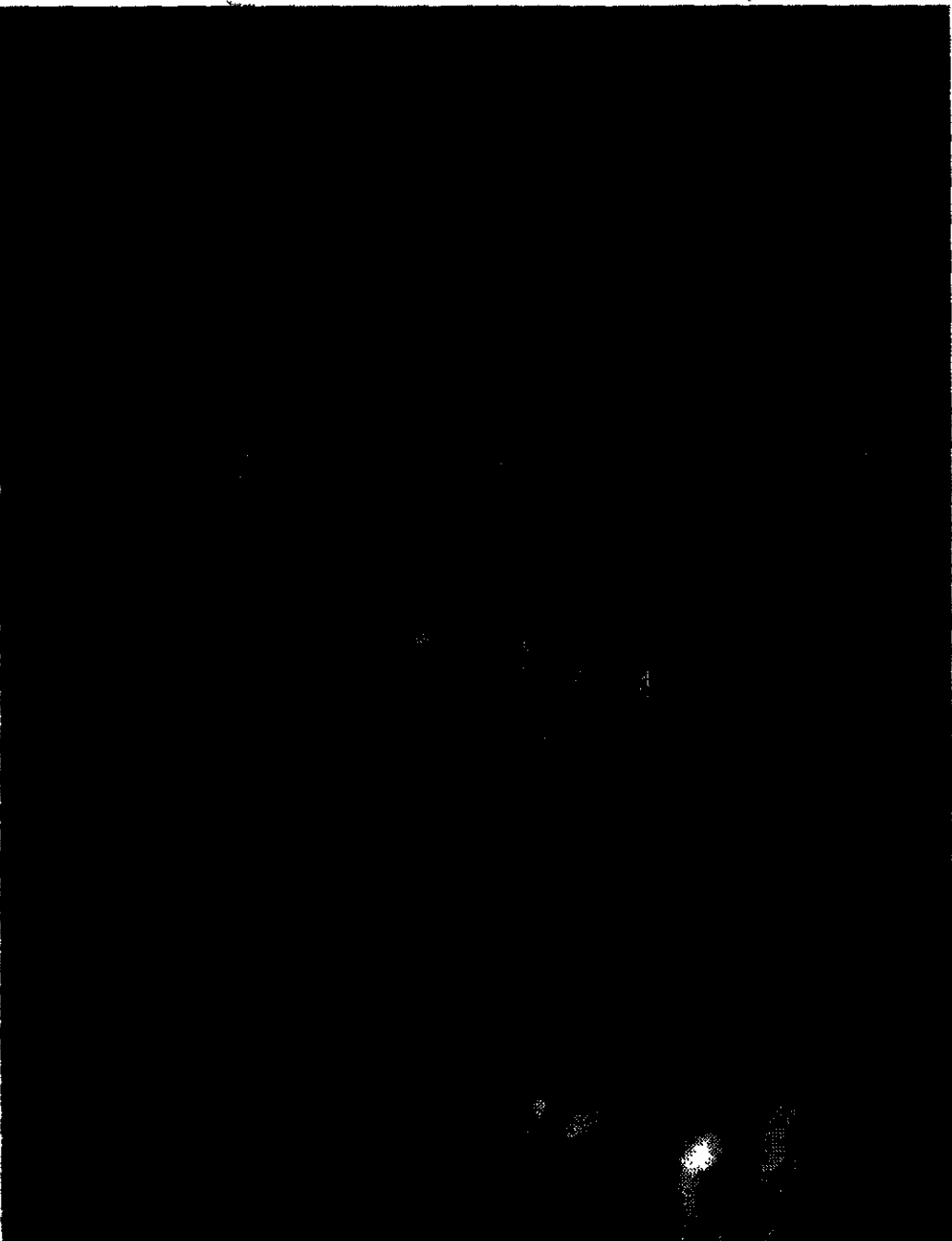
OWNER(S): JOE BLACK & SONS

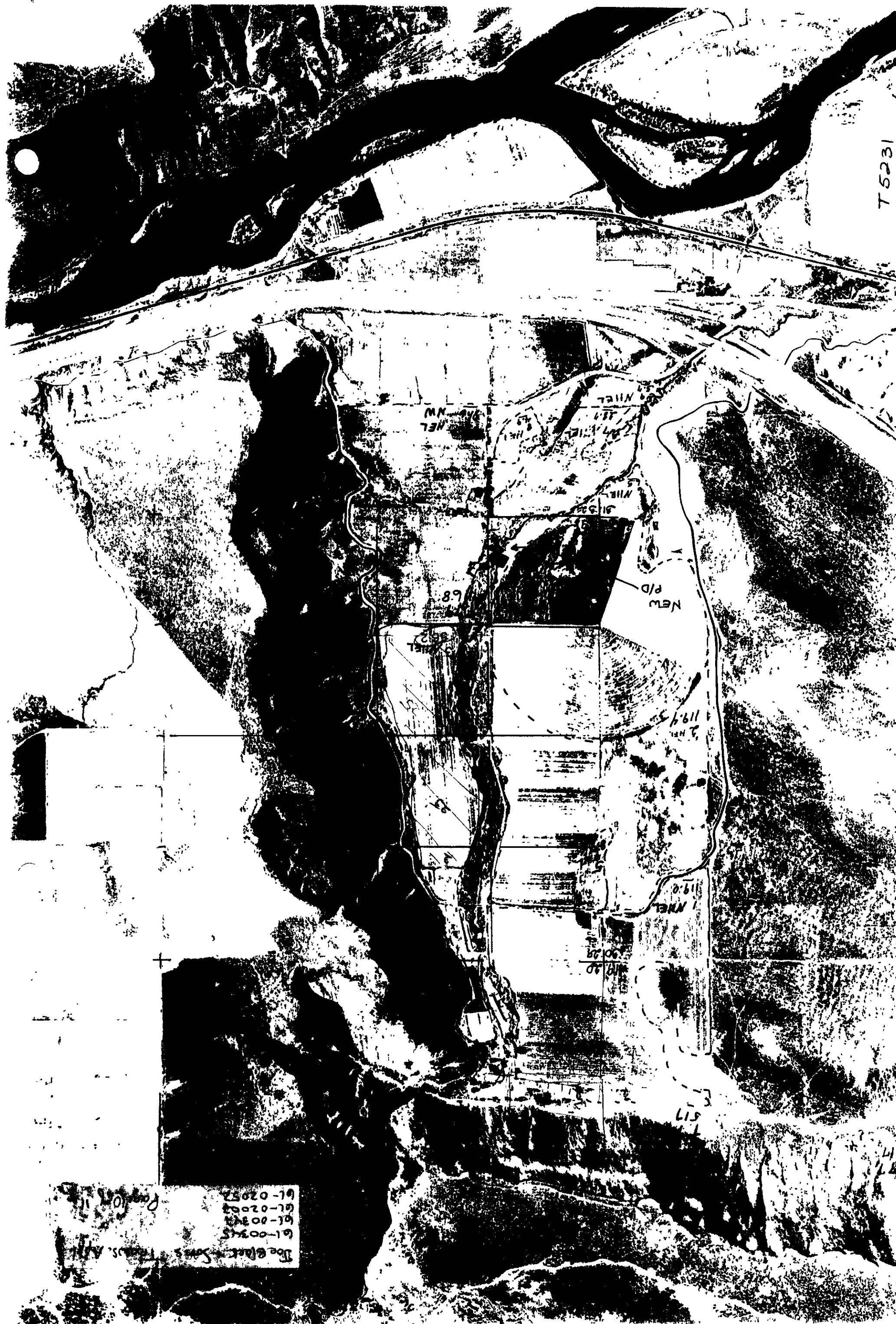
Prepared by Mel Schulte

DATE: NOVEMBER 11, 1998

0 0.25 0.5 0.75 1 1.25 1.5 Miles

New r/b





T5231

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*See Attached Maps*

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



*SEE ATTACHED  
MAPS*

**MICROFILMED**  
JUN 10 1988

**PART 3****B. CHANGES IN NATURE OF USE** *N/A*

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | to            |

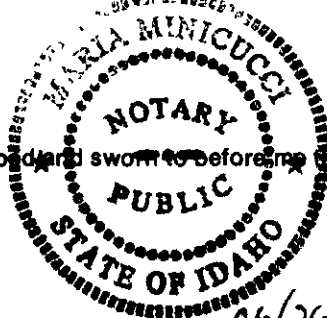
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this



Chris Black  
(Signature of Applicant)

23rd day of January, 19 98

Harold H. Henshaw, Boise Idaho  
(Notary Public)

My commission expires

06/26/1999**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by MM Date 01/23/1998

Protest filed by \_\_\_\_\_

Prelim. check by MM Fee \$100.00Receipted by MM Date 01/23/1998W023399Published in Mt. Home News

Copies of protest forwarded by \_\_\_\_\_

Pub dates 3-18-98 to 5-98

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_

Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd.

by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

MICROFILMED

JUN 09 1999

AJ0749NP  
No. R61-00345

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 11/12/98  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                      | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|---------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | JOE BLACK & SONS<br>PO BOX 67<br>HAMMETT ID 83627<br>(208) 366-7963 | 06/30/1879       | IRRIGATION | 03-15 11-15           | 0.50 CFS          |                     |
| TOTAL DIVERSION: |                                                                     |                  |            |                       | 0.50 CFS          |                     |

Water Source: COLD SPRINGS CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T05S R09E S20  
S29

NESW  
NESW

ELMORE County  
ELMORE County

Place of Use Legal Description for: IRRIGATION

|             |        | NE            |               |               |               | NW            |               |               |               | SW            |               |               |               | SE            |               |               |               |       |
|-------------|--------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-------|
| T           | R S    | NENE<br>Lt Ac | NUNE<br>Lt Ac | SWNE<br>Lt Ac | SENE<br>Lt Ac | NENW<br>Lt Ac | NUNW<br>Lt Ac | SWNW<br>Lt Ac | SENW<br>Lt Ac | NESW<br>Lt Ac | NWSW<br>Lt Ac | SWSW<br>Lt Ac | SESW<br>Lt Ac | NESE<br>Lt Ac | NWSE<br>Lt Ac | SWSE<br>Lt Ac | SESE<br>Lt Ac | SUM   |
| 05S         | 09E 19 |               |               |               |               |               |               |               |               |               |               |               |               | 08            |               |               | 29            | 37.9  |
| 05S         | 09E 20 |               |               |               |               |               |               |               |               |               | 04            | 31            |               |               |               |               |               | 35.1  |
| 05S         | 09E 29 |               |               |               |               |               | 38            | 35            |               |               | 38            | 32            |               |               |               |               |               | 143.5 |
| 05S         | 09E 30 | 38            |               |               | 40            |               |               |               |               |               |               |               |               | 40            |               |               | 34            | 152.0 |
| 05S         | 09E 31 | 14            |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               | 14.4  |
| 05S         | 09E 32 |               |               |               |               |               | 22            |               |               |               |               |               |               |               |               |               |               | 22.9  |
| TOTAL ACRES |        |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               | 405.8 |

POU County: ELMORE

Other Rights: KING HILL IRRIG., 61-00347, 61-02007, 61-02052

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

61-10813 A61-00345 A61-00347 A61-02007 A61-02052 A61-10813 R61-00347 R61-02007 R61-02052

Other Water Rights Listing Overlapping Place(s) of Use:

A37-04112 A61-00345 A61-00347 A61-02007 A61-02052 R61-00347 R61-02007 R61-02052

Conditions of Approval:

W03 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM  
- KING HILL IRRIGATION DISTRICT.

Remarks: POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 405.8 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00347, 61-02007,  
61-02052 & KING HILL IRRIGATION DISTRICT WATER.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF  
DIVERSION DESCRIBED ABOVE: 61-00347, 61-02007, 61-02052.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 61E Field Inspection Flag:

AJ0749WP  
No. R61-00345

IDaho DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 11/12/98  
PAGE: 2

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Audit: 11/12/98 NSCHULTE

AJ0749NP  
No. R61-00347

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 11/12/98  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                      | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|---------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | JOE BLACK & SONS<br>PO BOX 67<br>HAMMETT ID 83627<br>(208) 366-7963 | 05/01/1884       | IRRIGATION | 03-15 11-15           | 3.20 CFS          |                     |
| TOTAL DIVERSION: |                                                                     |                  |            |                       | 3.20 CFS          |                     |

Water Source: COLD SPRINGS CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T05S R09E S20  
S29

NESW  
NESW

ELMORE County  
ELMORE County

Place of use Legal Description for: IRRIGATION

| NE          |     |    |      |    |      |    |      |    |      |    |      | NW |      |    |     | SW |      |    |      | SE |      |    |      |    |      |    |      |       |      |    |      |    |      |  |     |
|-------------|-----|----|------|----|------|----|------|----|------|----|------|----|------|----|-----|----|------|----|------|----|------|----|------|----|------|----|------|-------|------|----|------|----|------|--|-----|
| T           | R   | S  | NENE |    | NWNE |    | SUNE |    | SENE |    | NENW |    | NWNW |    | SNW |    | SENW |    | NESW |    | NWSW |    | SWSW |    | SESW |    | NESE |       | NWSE |    | SWSE |    | SESE |  | SUM |
|             |     |    | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt  | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac    | Lt   | Ac | Lt   | Ac |      |  |     |
| 05S         | 09E | 19 |      |    |      |    |      |    |      |    |      |    |      |    |     |    |      |    |      |    |      |    |      |    |      |    |      |       |      |    |      |    |      |  |     |
| 05S         | 09E | 20 |      |    |      |    |      |    |      |    |      |    |      |    |     |    |      |    |      |    |      |    |      |    |      |    |      |       |      |    |      |    |      |  |     |
| 05S         | 09E | 29 |      |    |      |    |      |    |      |    |      |    |      |    |     |    |      |    |      |    |      |    |      |    |      |    |      |       |      |    |      |    |      |  |     |
| 05S         | 09E | 30 |      |    |      |    |      |    |      |    |      |    |      |    |     |    |      |    |      |    |      |    |      |    |      |    |      |       |      |    |      |    |      |  |     |
| 05S         | 09E | 31 |      |    |      |    |      |    |      |    |      |    |      |    |     |    |      |    |      |    |      |    |      |    |      |    |      |       |      |    |      |    |      |  |     |
| 05S         | 09E | 32 |      |    |      |    |      |    |      |    |      |    |      |    |     |    |      |    |      |    |      |    |      |    |      |    |      |       |      |    |      |    |      |  |     |
| TOTAL ACRES |     |    |      |    |      |    |      |    |      |    |      |    |      |    |     |    |      |    |      |    |      |    |      |    |      |    |      | 405.8 |      |    |      |    |      |  |     |

POU County: ELMORE

Other Rights: 61-00345, 61-02007, 61-02052, KING HILL IRRIG.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

61-10813 A61-00345 A61-00347 A61-02007 A61-02052 A61-10813 R61-00345 R61-02007 R61-02052

Other Water Rights Listing Overlapping Place(s) of Use:

A37-04112 A61-00345 A61-00347 A61-02007 A61-02052 R61-00345 R61-02007 R61-02052

Conditions of Approval:

W03 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM  
- KING HILL IRRIGATION DISTRICT.

Remarks: POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 405.8 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00345, 61-02007,  
61-02052 & KING HILL IRRIGATION DISTRICT WATER.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF  
DIVERSION DESCRIBED ABOVE: 61-00345, 61-02007, 61-02052.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 61E Field Inspection Flag:

AJ0749NP  
No. R61-00347

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 11/12/98  
PAGE: 2

Audit: 11/12/98 MSCHULTE

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

| OWNER<br>CODE    | NAME & ADDRESS                                                      | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|---------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | JOE BLACK & SONS<br>PO BOX 67<br>HAMMETT ID 83627<br>(208) 366-7963 | 02/29/1908       | IRRIGATION | 03-15 11-15           | 2.10 CFS          |                     |
| TOTAL DIVERSION: |                                                                     |                  |            |                       | 2.10 CFS          |                     |

Water Source: COLD SPRINGS CREEK

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:

T05S R09E S20  
S29

NESW  
NESW

ELMORE County  
ELMORE County

Place of use Legal Description for: IRRIGATION

|             |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |       |       |
|-------------|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|-------|
| T           | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac    | SUM   |
| 05S         | 09E | 19 | : |    |    |    |    |    |    |    |    |    |    |    |    | 08 |    |    | 29    | 37.9  |
| 05S         | 09E | 20 | : |    |    |    |    |    |    |    |    |    |    | 04 | 31 |    |    |    |       | 35.1  |
| 05S         | 09E | 29 | : |    |    |    |    | 38 | 35 |    |    |    |    | 38 | 32 |    |    |    |       | 143.5 |
| 05S         | 09E | 30 | : | 38 |    |    |    | 40 |    |    |    |    |    |    |    | 40 |    |    | 34    | 152.0 |
| 05S         | 09E | 31 | : | 14 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       | 14.4  |
| 05S         | 09E | 32 | : |    |    |    |    |    | 22 |    |    |    |    |    |    |    |    |    |       | 22.9  |
| TOTAL ACRES |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 405.8 |       |

POU County: ELMORE

Other Rights: KING HILL IRRIG., 61-00345, 61-00347, 61-02052

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

61-10813 A61-00345 A61-00347 A61-02007 A61-02052 A61-10813 R61-00345 R61-00347 R61-02052

Other Water Rights Listing Overlapping Place(s) of Use:

A37-04112 A61-00345 A61-00347 A61-02007 A61-02052 R61-00345 R61-00347 R61-02052

Conditions of Approval:

- W03 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM  
- KING HILL IRRIGATION DISTRICT.
- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
- SECTION 42-1425, IDAHO CODE.

Remarks: POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 405.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00347, 61-00345, 61-02052 & KING HILL IRRIGATION DISTRICT WATER.  
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 136 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

AJ0749WP  
No. R61-02007

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 11/12/9  
PAGE: 2

\*\*\*\*\*  
Remarks: EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF  
DIVERSION DESCRIBED ABOVE: 61-00347, 61-00345, 61-02052.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 61E Field Inspection Flag:  
Presumption Flag:

Audit: 11/12/98 MSCHULTE

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

| OWNER<br>CODE    | NAME & ADDRESS                                                      | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|---------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | JOE BLACK & SONS<br>PO BOX 67<br>HAMMETT ID 83627<br>(208) 366-7963 | 12/19/1917       | IRRIGATION | 03-15 11-15           | 0.64 CFS          |                     |
| TOTAL DIVERSION: |                                                                     |                  |            |                       | 0.64 CFS          |                     |

Water Source: COLD SPRINGS CREEK

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:

T05S R09E S20  
S29

NESW  
NESW

ELMORE County  
ELMORE County

Place of Use Legal Description for: IRRIGATION

| NE  |     |    |   | NW |    |    |    | SW |    |    |    | SE |    |    |    |    |    |    |    |    |    |             |       |       |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|-------|-------|
| T   | R   | S  |   | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt          | Ac    | SUM   |
| 05S | 09E | 19 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 08 |    |    |    | 29          |       | 37.9  |
| 05S | 09E | 20 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |             |       | 35.1  |
| 05S | 09E | 29 | : |    |    |    |    | 38 | 35 |    |    |    |    | 38 | 32 |    |    |    |    |    |    |             |       | 143.5 |
| 05S | 09E | 30 | : | 38 |    |    |    | 40 |    |    |    |    |    |    |    |    |    | 40 |    |    |    | 34          |       | 152.0 |
| 05S | 09E | 31 | : | 14 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |             |       | 14.4  |
| 05S | 09E | 32 | : |    |    |    |    | 22 |    |    |    |    |    |    |    |    |    |    |    |    |    |             |       | 22.9  |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 405.8 |       |

POU County: ELMORE

Other Rights: KING HILL IRRIG., 61-00345, 61-00347, 61-02007.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

61-10813 A61-00345 A61-00347 A61-02007 A61-02052 A61-10813 R61-00345 R61-00347 R61-02007

Other Water Rights Listing Overlapping Place(s) of Use:

A37-04112 A61-00345 A61-00347 A61-02007 A61-02052 R61-00345 R61-00347 R61-02007

Conditions of Approval:

- W03 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- KING HILL IRRIGATION DISTRICT.
- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Remarks: POU1

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 405.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00347, 61-00345, 61-02007 & KING HILL IRRIGATION DISTRICT WATER.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

AJ0749NP  
No. R61-02052

IDaho DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 11/12/98  
PAGE: 2

\*\*\*\*\*  
Remarks: EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF  
DIVERSION DESCRIBED ABOVE: 61-00347, 61-00345, 61-02007.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 61E Field Inspection Flag:  
Presumption Flag:

Audit: 11/12/98 MSCHULTE

52  
61-E  
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
State of Idaho, County of Elmore.

\*\*\*\*\*

~~\*\*\*\*\*~~  
DANIEL MCGINNESS, KATE MCGINNESS,  
SAMUEL B. BLACKWELL, ADIN M. HALL, *and*  
WILFRED VOLK, PLAINTIFFS,

— VS. —

JAMES STANFIELD, ELIZABETH WALKER,  
PAUL H. WALKER, CHARLES H. WALKER,  
VICTOR WALKER, EUGENE WALKER,  
GILBERT WALKER, JOHN LEVER, IRA  
M. MCGINNESS, and JOHN J. MCGINNESS  
her husband, MAY EPPERSON, A. T. DABB,  
SAMUEL SCHWARTZ, THOMAS R. STEVENSON,  
THOMAS R. STEVENSON, ADMINISTRATOR of  
the ESTATE of B. C. HAVIRD, deceased,  
R. W. KEYS and GEORGE A. CHAPMAN,

DEFENDANTS.  
~~\*\*\*\*\*~~

**M O D I F I E D**

Judgment and decree.

\*\*\*\*\*

THIS CAUSE having been heretofore appealed to the Supreme Court of the State of Idaho, and the judgment of the District Court therein reversed and the findings and decree ordered modified and corrected, now

THEREFORE, the Court being further advised in the premises now makes and causes to be entered its modified judgment and decree in said cause to conform to said order of said Supreme Court.

*Get with  
Hays and  
Cops  
to see  
Rosen*  
MICROFILMED  
JUN 19 1996

MICROFILMED

JUN 09 1999

XI.

That defendant A. T. Babb be and is hereby awarded the use of the waters of ~~said~~ Cold Spring Creek, in each year, to wit:

61 0343 Thirty (30) inches dating from June 30th, 1888.

Said water to be measured at the point or points of diversion thereof from the channel of said stream, in a box or boxes, headgate or headgates, constructed for measuring water under a four inch pressure or its equivalent in second feet, and said water to be measured at said point or points under a four inch pressure or its equivalent in second feet.

XII.

That defendant B. M. Keys be and is hereby awarded the use of the amount of waters of said Cold Spring Creek, in each year, to wit:

61 0344 One hundred and forty (140) inches dating from May 1st, 1888.

Said water to be measured at the point or points of diversion thereof from the channel of said stream, in a box or boxes, headgate or headgates, constructed for measuring water under a four inch pressure or its equivalent in second feet; and said water to be measured at the point or points of diversion under a four inch pressure, or its equivalent in second feet. Said water to be used upon his placer mining claim known as the "Cold Spring <sup>placer</sup> Claim".

XIII.

That defendant Thomas R. Stevenson be and is hereby awarded the use of the waters of said Cold Spring Creek, in each year, to wit:

61 0345 (a). For Schwartz Tract twenty-five (25) inches dated from June 30th, 1879,

61 0346 (b). For Stevenson Desert Entry, thirty-five (35) inches dating from May 1st, 1885.

JUN 1 9 1996

MICROFILMED

JUN 0 9 1999

use of the water in the proportion the several quantities awarded to each bears to the whole quantity flowing in said stream at such time of scarcity, not, however, to interfere with the rights of an earlier or prior date.

XVI.

It is further ordered, adjudged and decreed that none of the parties hereto, or their successors in interest, shall have the right to the use of the waters of said Cold Spring Creek herein awarded, except for a beneficial purpose; and that whenever the beneficial use has ceased such party or parties shall turn the waters of said stream used by them back into the channel of said stream; that each and every of the plaintiffs and defendants, their servants, attorneys, employees, privies and successors in interest are hereby enjoined and restrained from any and all interference with or diversion or use of the waters of said Cold Spring Creek, except as provided in this modified judgment and decree.

XVII.

It is further ordered, adjudged and decreed that each of the parties hereto shall pay their costs or disbursements herein, by each party or parties incurred.

C. O. Stockslager,  
Judge of the District Court  
Fourth ~~Judicial~~ District

Filed, May 10th, 1896.

*A. G. Smith*  
*Modified Judgment*

JUN 19 1896

STATE OF IDAHO, }  
County of Elmore. } ss.

I, A. G. SMITH, Clerk of the District Court of the Fourth

Judicial District of the State of Idaho, in and for the County of Elmore, do hereby certify that the foregoing is a true and correct copy of the original.

*In the Case of Danl. McJannet vs. Jas. Stanfield et al.*  
*Modified Judgment & Decree*

now on *file of record* in my office  
Given under my hand and the seal of said Court, at office in Mountain Home.  
this, the *30th* day of *March* 190 *3*  
Attest, *A. G. Smith* Clerk  
By \_\_\_\_\_ Deputy.

MICROFILMED  
JUN 09 1999

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

North Orchard Street, P.O. Box 83720  
Boise, Idaho 83720-0098

Return Service Requested

RETURN SERVICE  
REQUESTED

RESORT  
CLASS

RECEIVED

JUN 14 1999

Department of Water Resources

HOWARD RIGGS

WATERMASTER

PO BOX

GLENN FERRY ID 83623

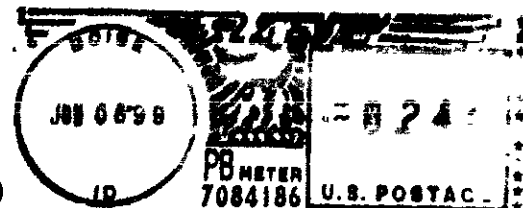
61-203-15

RECEIVED

JUN 14 1999

Department of Water Resources

RT 1 Box 447  
SF. 83623  
mail present / Koko ta  
6.17.99  
K.F.





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 2, 1999

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

JOE BLACK & SONS  
PO BOX 67  
HAMMETT ID 83627

RE: Water Rights 61-00345/61-00347/61-02007/61-02052  
(Transfer 5231)

Dear Water Right Holders:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5231). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

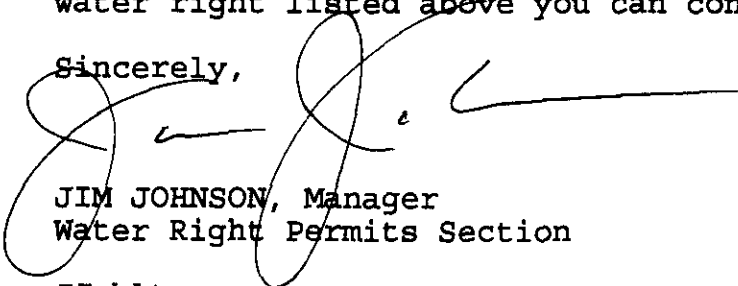
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,

  
JIM JOHNSON, Manager  
Water Right Permits Section

JJ:klt  
Enclosures

MICROFILMED

01/18/2000

**CERTIFICATE OF MAILING**

I hereby certify that on the 2nd day of June, 1999 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

**WATER RIGHTS 61-00345/61-00347/61-02007/61-02052 (Transfer 5231)**

**JOE BLACK & SONS  
PO BOX 67  
HAMMETT ID 83627**

  
Kari Lynn Townsend  
Secretary

MICROFILMED  
JUN 09 1999



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 2, 1999

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

HOWARD RIGGS  
WATERMASTER  
PO BOX 1161  
MOUNTAIN HOME ID 83647

RE: TRANSFER OF WATER RIGHTS 61-00345/61-00347/61-02007/  
61-02052 (Transfer 5231)

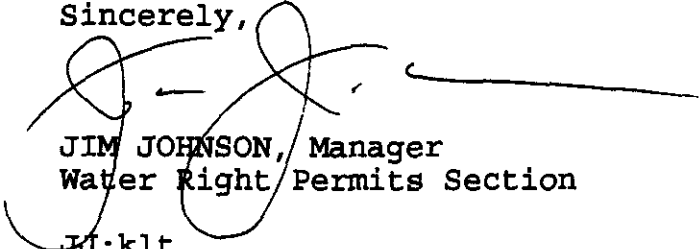
Dear Howard:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 5231) in the name of Joe Black & Sons.

Also enclosed is a copy of the reviewers notes.

If you have any questions, please call me at 208-327-7947.

Sincerely,



JIM JOHNSON, Manager  
Water Right Permits Section

JJ:klt

Enclosures

MICROFILMED

JUN 09 1999

## **Responding to Preliminary Orders Issued by the Idaho Department of Water Resources**

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

### **ORAL ARGUMENT**

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

JUN 09 1999

### **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

### **FINAL ORDER**

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

### **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

01-99

State of Idaho  
Department of Water Resources

RECEIVED

MAY 25 1999

WATER RESOURCES  
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: TRANSFER #5231 (Rights 61-00345 -00347 -02007 + -02052)

Applicant's Name: JOE BLAKE & SONS RECEIVED

Watermaster's Recommendation: MAY 27 1999

a) ☐ I do not oppose approval of this application. Department of Water Resources

b) ☒ I do not oppose approval of this application if it is conditioned as

follows: The water rights stay the same and no additional water is being filed on.

c) ☐ I oppose approval of this application for the following reasons:

d) Additional Comment : \_\_\_\_\_

Dated this 22 day of 1999

Water District No: 615\*  
Cold Springs Creek

Howard A. Regan  
Watermaster's Signature

Use reverse side of page if you need more space.

\* combined with District 615 Box 100 Creek

MICROFILMED

JUN 09 1999

**Skaggs, Pam**

---

**From:** Lester, Steve  
**Sent:** Tuesday, May 18, 1999 10:10 AM  
**To:** Skaggs, Pam  
**Subject:** T. 5231, Black for 61-00345 etc.

Pam:

I just spoke to water master & he is sending the comment form for this one. I should get it very soon and will forward it to you right away.

-- Steve



State of Idaho  
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

May 5, 1999

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

HOWARD RIGGS  
WATERMASTER #61C  
RT 1 BOX 447  
GLENN'S FERRY ID 83623

RECEIVED

MAY - 7 1999

RE: TRANSFER NO. 5231

Department of Water Resources

Dear Mr. Riggs:

The enclosed legal notice describes a proposed change to several water rights from Cold Springs Creek. That creek is in Water District #61E but under your jurisdiction as Bennett Creek Watermaster.

The applicant wants to add two diversion points to all of the rights. One additional point already exists in NWNESE, and the other will be a new point in SESESE. All of the rights will be able to use any of the diversion points under this proposal.

The legal notice was published in 1998. This office failed to send you a comment letter at that time. Please excuse that oversight.

Your comments are needed to complete the transfer application process. Please review the legal notice and respond using the attached watermaster form. Your reply within one week will be greatly appreciated.

Also, I hope the correct address has been used in this letter. Please let me know if your mailing address is not Rt. 1 Box 447, Glenn's Ferry. Call me at 334-2190 (now a local call to Boise) at your convenience if you have any questions.

Thank you for your prompt attention to this matter.

Sincerely,

Steve Lester  
Water Rights Supervisor

Enclosure

MICROFILMED

JUN 09 1999

## MEMORANDUM

**TO:** Files 61-00345, 61-00347, 61-02007 & 61-02052

**FROM:** Pam Skaggs/State Office

**SUBJECT:** Transfer 5231



**DATE:** May 5, 1999

---

Transfer 5231 adds a point of diversion under Rights 61-00345, 61-00347, 61-02007 & 61-02052. The applicant wants to add a pump to use during low water years when the gravity flow diversion is not efficient.

These rights have been reviewed and recommended by the SRBA staff and the transfer approval is based on these recommendations. The decreed rights were limited to the number of acres claimed under each right which was less than the originally described parcels in the decree. Season of use and diversion volume was adjusted to current standards.

No watermaster comment was requested by region staff prior to forwarding the transfer to the state office. The approval will be held until the comment is received.

Recommended conditions include Basin 61 conjunctive management, watermaster control, multiple points of diversion/measuring devices & lockable controlling works, permissible place of use limits, combined right limits, irrigation overlap and standard transfer conditions.

MICROFILMED

JUN 09 1999

# TRANSFER REVIEW SHEET

(07-98)

Transfer # 5231

Date Reviewed 05-04-99 28

Right(s) 61-00345 61-02052 61-00347 61-02007 } As recommended in SRBA

✓ WRQ/Split Summary ✓ Unobjected to WRS SRBA Status NA Run POU Comparison Report

B:Change P/D (C) Add P/D D:Change P/U E:Change Nature of Use  
F:Change Period of Use G:Other H:Change P/D & Add P/D  
I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership NA - Add P/D - SRBA

Transfer ✓ All of Right        Portion of Right  
Resulting Split(s) NONE

Check Transfer Against Recorded Right Season/Vol. 4/4.0

(1) ✓ Priority (2) ✓ Use (3)        Season (4) ✓ Rate (5)        Volume

(6) ✓ Source (7)        P/D (8) ✓ P/U (9) NA Proof/Owner (10) ✓ Map

(11) (11E) Combined with (11C) Per Recommendations  
(11) (11E) Water District (12) Yes Pertinent Conditions (13) NO Expansion  
Review sheet identifies need for letter - no evidence it was sent - none received.  
Steve L. will send. 5-5-99 - Rev'd 5-27-99

(3) Standard Season 4-1 to 10-1 - SRBA recommends 3-15 to 11-15  
(5) Standard Vol = 4.0 cfs/acre 61-00345/4x25 = 100 ac 61-00347/4x155 = 620 ac  
61-02007/4x136 = 544 ac 61-02052/4x32 = 128 ac All V < V<sub>DR</sub>  
(7) Add pump SWSW, 529.

Claimed 25 Claimed 155  
61-00345/40 Acres 61-00347/116.0 Acres 61-02007/136 Acres 61-02052/32 Acres

Transfer Remarks PP/U each rt + W35 modified (W34)  
Conditions R04, R164, T07, T08 (R43+T17)

Database/Processing Notes Standard        Non-Standard ✓

Copy to "X" prefix when approved. ✓ Comment to issue WR. ✓  
Edit remarks 116-00345 when approved

"T" Files Update Complete ✓ Approval Form ✓ Transfer Memo ✓

Database Updated Following Approval ✓ Memo/Form Files Deleted ✓

5-28-99 28

# SRBA

## SUBCASE SUMMARY REPORT 61-00345

[Return to SRBA Home Page](#)

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SRBA  
05-04-1999

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 61-00345      FILE#: 00000

CLAIMANT: JOE BLACK & SONS

**STATUS: UNOBJECTED TO W/R**

WATER SOURCE: COLD SPRINGS CREEK, SNAKE RIVER

**\*\*\*\* PARTIES INVOLVED \*\*\*\***

JOE BLACK & SONS

PRO SE

**\*\*\*\* ROA ENTRIES \*\*\*\***

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[Return to SRBA Home Page](#)

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IDAHO DEPARTMENT OF WATER RESOURCES  
PREFIX/SPLIT QUERY

DATE: 05/04/99

TIME: 15:24:24

PAGE: 1

| WATER RIGHT NO. | NAME                 | OWNER | PRIORITY DATE | STG/STS | SOURCE             | USE DESC | SYSTEM |
|-----------------|----------------------|-------|---------------|---------|--------------------|----------|--------|
| 61-00345        | STEVENSON, THOMAS R. | C     | 06/30/1879    | D/      | COLD SPRING CREEK  | IRR      | WR     |
| T61-00345       |                      |       | 06/30/1879    | D/      | COLD SPRING CREEK  | IRR      | WR     |
| -----           |                      |       |               |         |                    |          |        |
| 61-00345        | JOE BLACK & SONS     | C     | 06/30/1879    | D/      | COLD SPRINGS CREEK | IRR      | AJ     |
| A61-00345       | JOE BLACK & SONS     | C     | 06/30/1879    | D/      | COLD SPRINGS CREEK | IRR      | AJ     |

# SRBA

## SUBCASE SUMMARY REPORT 61-00347

[Return to SRBA Home Page](#)

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SRBA  
05-04-1999

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 61-00347      FILE#: 00000  
CLAIMANT: JOE BLACK & SONS  
STATUS: UNOBJECTED TO W/R  
WATER SOURCE: COLD SPRINGS CREEK, SNAKE RIVER

\*\*\*\* PARTIES INVOLVED \*\*\*\*

JOE BLACK & SONS

PRO SE

\*\*\*\* ROA ENTRIES \*\*\*\*

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[Return to SRBA Home Page](#)

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IDAHO DEPARTMENT OF WATER RESOURCES  
PREFIX/SPLIT QUERY

DATE: 05/04/99

TIME: 15:24:34

PAGE: 1

| WATER RIGHT NO.     | NAME                 | OWNER | PRIORITY | DATE       | STG/STS | SOURCE             | USE DESC | SYSTEM |
|---------------------|----------------------|-------|----------|------------|---------|--------------------|----------|--------|
| 61-00347            | STEVENSON, THOMAS R. | C     |          | 05/01/1884 | D/      | COLD SPRING CREEK  | IRR      | WR     |
| T61-00347           |                      |       |          | 05/01/1884 | D/      | COLD SPRING CREEK  | IRR      | WR     |
| -----               |                      |       |          |            |         |                    |          |        |
| <del>61-00347</del> | JOE BLACK & SONS     | C     |          | 05/01/1884 | D/      | COLD SPRINGS CREEK | IRR      | AJ     |
| A61-00347           | JOE BLACK & SONS     | C     |          | 05/01/1884 | D/      | COLD SPRINGS CREEK | IRR      | AJ     |

# SRBA

## SUBCASE SUMMARY REPORT 61-02007

[Return to SRBA Home Page](#)

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SRBA  
05-04-1999

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 61-02007      FILE#: 00000

CLAIMANT: JOE BLACK & SONS

**STATUS: UNOBJECTED TO W/R**

WATER SOURCE: COLD SPRINGS CREEK, SNAKE RIVER

**\*\*\*\* PARTIES INVOLVED \*\*\*\***

JOE BLACK & SONS

PRO SE

**\*\*\*\* ROA ENTRIES \*\*\*\***

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IDAHO DEPARTMENT OF WATER RESOURCES  
PREFIX/SPLIT QUERY

DATE: 05/04/99

TIME: 15:24:47

PAGE: 1

| WATER RIGHT NO. | NAME             | OWNER | PRIORITY DATE | STG/STS | SOURCE             | USE DESC      | SYSTEM |
|-----------------|------------------|-------|---------------|---------|--------------------|---------------|--------|
| 61-02007        | MC GINNIS, IDA   | C     | 02/29/1908    | L/      | COLD SPRINGS CREEK | IRR<br>DOMEST | WR     |
| T61-02007       |                  |       | 02/29/1908    | L/      | COLD SPRINGS CREEK | IRR<br>DOMEST | WR     |
| -----           |                  |       |               |         |                    |               |        |
| 61-02007        | JOE BLACK & SONS | C     | 02/29/1908    | L/      | COLD SPRINGS CREEK | IRR           | AJ     |
| A61-02007       | JOE BLACK & SONS | C     | 02/29/1908    | L/      | COLD SPRINGS CREEK | IRR           | AJ     |

# SRBA

## SUBCASE SUMMARY REPORT 61-02052

[Return to SRBA Home Page](#)

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SRBA  
05-04-1999

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 61-02052      FILE#: 00000

CLAIMANT: JOE BLACK & SONS

STATUS: UNOBJECTED TO W/R

WATER SOURCE: COLD SPRINGS CREEK, SNAKE RIVER

\*\*\*\* PARTIES INVOLVED \*\*\*\*

JOE BLACK & SONS

PRO SE

\*\*\*\* ROA ENTRIES \*\*\*\*

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[Return to SRBA Home Page](#)

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IDAHO DEPARTMENT OF WATER RESOURCES  
PREFIX/SPLIT QUERY

DATE: 05/04/99

TIME: 15:24:56

PAGE: 1

| WATER RIGHT NO.     | NAME                | OWNER | PRIORITY DATE | STG/STS | SOURCE             | USE DESC | SYSTEM |
|---------------------|---------------------|-------|---------------|---------|--------------------|----------|--------|
| 61-02052            | SUMMERS & FALK INC. | C     | 12/19/1917    | L/      | COLD SPRINGS CREEK | IRR      | WR     |
| T61-02052           |                     |       | 12/19/1917    | L/      | COLD SPRINGS CREEK | IRR      | WR     |
| -----               |                     |       |               |         |                    |          |        |
| <del>61-02052</del> | JOE BLACK & SONS    | C     | 12/19/1917    | L/      | COLD SPRINGS CREEK | IRR      | AJ     |
| A61-02052           | JOE BLACK & SONS    | C     | 12/19/1917    | L/      | COLD SPRINGS CREEK | IRR      | AJ     |

RECEIVED  
DEC 14 1998  
STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

RECEIVED  
DEC 14 1998

Department of Water Resources

Department of Water Resources

APPLICANT Joe Black & Sons

TRANSFER NO. 5231

INITIAL ALLOCATION REVIEW BY TTT  
SRBA SUPERVISOR REVIEW BY \_\_\_\_\_

DATE 3/6/1998  
DATE \_\_\_\_\_

1. Right number(s) 61-00345 61-00347 61-02007 61-02052

2. Type of right X Decree X License \_\_\_\_\_ Statutory Claim  
\_\_\_\_\_ SRBA Beneficial Use Claim

3. Purpose of transfer \_\_\_\_\_ Change P/D X Add P/D \_\_\_\_\_ Change P/U  
\_\_\_\_\_ Change N/U \_\_\_\_\_ Change Source \_\_\_\_\_ Split Right  
\_\_\_\_\_ Other: \_\_\_\_\_

4. Check Existing Right: ✓ Source ✓ Priority \_\_\_\_\_ Amount ✓ Purpose  
✓ Period ✓ SRBA Claim  
P/D + # of acres ✓ Description of original point(s) of diversion  
not described in decree ✓ Description of original place of use  
✓ Overlapping rights on original place of use

5. Check Proposed Right for amount of land &/or water transferred:

- a. \_\_\_\_\_ Reviewer's analysis memo completed (always include)
- b. ✓ All of right
- c. N/A Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- d. ✓ Description of point(s) of diversion
- e. ✓ Description of place of use
- f. ✓ Map showing P/D & P/U after transfer
- g. ✓ Correct notarized signature and \$100 fee
- h. N/A Proof of ownership of right &/or land from which water is transferred
- i. ✓ Expansion in use of right - Comments: See Reviewer's  
memo + maps. Possible expansion (enlargement)  
which may be covered in SRBA.

75231

- j. ☒ Existing rights from same source, on land water is being transferred to; right number(s): N/A
- k. ☒ SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) Claimed as licensed. Decreed rights specify P00 + # of acres @ .02 CFS/acre
- l. ☒ Comment letters ☒ Yes ☐ No  
If yes ☒ Water District # 61C  
☐ Other, see #2 below for name and address

**PUBLICATION REVIEW**

1. Legal Notice electronically sent to DWR03::VAULT? ☒ Yes
2. COMMENT LETTERS
- Watermaster recommendation requested on \_\_\_\_\_, Received on \_\_\_\_\_
- Other comments letters: \_\_\_\_\_ See attached information
3. Transfer published correctly? ☒ Yes ☐ No
4. Affidavit of publication received? ☒ Yes ☐ No
5. Protests received? ☒ Yes ☐ No; Acknowledgement sent? ☐ Yes
6. Data entry of application completed? ☒ Yes

**RECOMMENDED ACTION**

1. ☒ Approve ☐ See attached memo
2. ☐ Deny due to \_\_\_\_\_
3. Conditions (special conditions in Water Districts) standard x per conditions.
4. By Bany Date 12/9/98

**FILE FORWARDING**

1. Copies made for Region file (see attached supplemental page)? ☒ Yes Pam
2. File forwarded to S.O.: by 12-11-98 date 12

MEMO

DATE: 11/18/1998  
FR: Lori Graves  
TO: File  
RE: Black Transfer, 61-00345, -00347, -02007, -02052

The transfer proposes to add a point of diversion to decreed and licensed water rights and update the rights to reflect the existing system as recommended in the SRBA.

DOCUMENTS

The application consists of 11 pages and one attachment (SRBA recommendations). Please refer to page 9 which is a computer generated napp photo that reflects the entire system.

The application was reviewed and advertised by MM before her departure. The file has been on hold for the SRBA recommendations.

CURRENT RECORDS & PROPOSAL

Applicant's intent was to file a transfer to reflect the SRBA recommendations and also add a P/D to the existing system. When the application was advertised, prior to the SRBA recommendations, the P/D in the NWNESEW was also listed as a new P/D. This point was changed prior to 1987 from the SWNE to its current location and recommended as an accomplished transfer in the SRBA. The SRBA claims list a PPU of 405.8 acres, whereas the transfer only lists 348 acres PPU. The SRBA is recognizing King Hill Irrigation District water also used on the property and the extent that both King Hill water and Cold Springs Creek water can be used for irrigation together. Irrigated acres on the east side of Cold Springs Creek were not included in the PPU because only King Hill water can be used on that property.

The only other overlap is A61-10813 which represents stockwater from springs which is N/A to this transfer.

RECOMMENDATIONS

This transfer looks approvable.

Transfer approval should reflect the SRBA recommendations with the addition of the proposed P/D.

*Water District 61-E is not active, so water district conditions may not apply.*

MICROFILMED  
JUN 09 1999

## Affidavit of Publication

County of Elmore } ss.  
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

### **Mountain Home News**

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof, was published in said newspaper for

2 consecutive weeks, the first publication having been made on 15th day of March, 1998, and the last publication having been made on the 25th day of March, 1998, every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice

Coleen W. Swenson

Subscribed and sworn to me this 25th day of

March, 1998

Synthia A. Andersen  
Notary Public

RECEIVED

APR 03 1998

WATER RESOURCES  
WESTERN REGION

MICROFILMED

JUN 04 1999

Residing in Mountain Home, Elmore County, Idaho My  
commission expires 09-09-2002.



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

March 16, 1998

**HOWARD RIGGS**  
PO BOX 1161  
MOUNTAIN HOME ID 83647

**Re: Application for Transfer of Water Rights Nos. 61-00345, 61-00347, 61-02007 and 61-02052 in the Name of Joe Black & Sons**

**Dear Watermaster:**

Enclosed is a copy of the above-referenced application for transfer. Also enclosed is a form for your recommendation concerning this application. Please review the application and return any comments you might have within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

**Encl: Copy of Application**  
**Recommendation of Watermaster Form**

MICROFILMED

JUN 09 1999



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

March 12, 1998

**MOUNTAIN HOME NEWS**  
**PO BOX 1330**  
**MOUNTAIN HOME ID 83647**

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavits of publication and publication billing to this office before **APRIL 23, 1998**.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue', is written over a horizontal line.

Sue Taylor  
Senior Secretary

MICROFILMED

JUN 09 1999

**NOTICE OF PROPOSED CHANGE OF WATER  
RIGHTS, TRANSFER NO. 5231**

Notice is given that JOE BLACK AND SONS of PO Box 67, Hammett ID 83627 has applied to the Department of Water Resources to add two Point of Diversions pursuant to I.C. § 42-222 for four irrigation rights recorded as follows in T5S R9E Elmore County:

All rights are diverted from Cold Springs Creek, tributary to the Snake River, in NESW S20.

|         | RIGHT NUMBER | PRIORITY   | AMOUNT (CFS) |
|---------|--------------|------------|--------------|
| Decree  | 61-00345     | 06/30/1879 | .50          |
| Decree  | 61-00347     | 05/01/1884 | 3.20         |
| License | 61-02007     | 02/29/1908 | 2.10         |
| License | 61-02052     | 12/19/1917 | .64          |

Total amount of water is 6.44 cfs. The place of use is in portions of sections 20, 29, 31, and 32, a total of 348 perfected or implied acres.

The rights are claimed in the Snake River Basin Adjudication as shown above. The point of diversion and number of acres are not described in the Cold Springs Creek decree and are specified in the SRBA claims.

**PROPOSED CHANGE FOR ALL RIGHTS**

Add two points of diversion in SESWSW and NWNESW S29.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before April 6, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Mountain Home News on March 18 and 25, 1998.

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JUN 03 1999