

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF IDAHO, EASTERN DIVISION

ERNEST SAUVE,

Plaintiff,

No. 635. -- In Equity

- vs -

D E C R E E

To W. H. Abbott, Fay Abbott, Mary C. Adels, Allen Almonda, G. B. Allen, Allen & Harn, a co-partnership, consisting of G. B. Allen and H. R. Harn; Wm. A. Andrews, Joseph Andrasen, Anderson Bros. Bank, a corporation; Gerret Auldhouse (sometimes known as Gerret Oldhouse); Clausen Auldhouse (sometimes known as Clausen Oldhouse), William Axline, Ernest Bauerle, Edward C. Barnes, May L. Barnes, Lovisa Barney, Arthur J. Barber, Charles Bartlett, Ambrose J. Beckner, Laura E. Beckner, William Beck, David Bethune, Lloyd Bennett, Gus E. Brauer, Administrator of the Estate of Annie J. Bennett, deceased; A. W. Belnap, C. W. Belnap, The Bennett Investment Company, Limited, a corporation; Gussie Binnard, Burka Binnard, Horace L. Birch, Binnard Ranch Company, a corporation; B. Binnard, Sarah Binnard and E. F. Mobley, Trustees for Binnard Ranch Company, a defunct corporation; Charles O. Rickman, as Trustee in Bankruptcy of Binnard Ranch Company, a corporation; Oscar A. Johanneson, as Receiver of Binnard Ranch Company, a corporation; Heber J. Blackburn, W. B. Boucher, Ray Bohnay, R. T. Boatman, Mary Nicholas Boyd, Frank Boe, Charles E. Brosic, E. L. Browning, Adna E. Bramwell, Afton Bradshaw, Theresa Brinkmann, Lottie Burcham, G. F. Burcham, Kath-

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APR 03 2002

MAY 28 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69619

This is to certify that: THOMAS MC CULLOUGH
PO BOX 157
DUBOIS ID 83423
(208)374-5281

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
31-28A	AJC/Decreed	03/23/1914	1.30 cfs		80.0	123.0	DRY CREEK
31-31	AJC/Decreed	04/01/1894	1.50 cfs		80.0	123.0	DRY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
31-28A	NO	NO	YES	NO	NO	NO
31-31	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
31-28A	31-28A	1.30 cfs	153.9 af	80.0	123.0		N/A	N/A	N/A	N/A
31-31	31-31	1.50 cfs	283.4 af	80.0	123.0		N/A	N/A	N/A	N/A
TOTALS		2.80 cfs	437.3 af	N/A	123.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 20th day of March, 2002


Chief, Water Allocation Bureau

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WATER RIGHT NO. 31-28A
As Modified by Transfer No. 69619

In accordance with the approval of Transfer No. 69619, Water Right No. 31-28A is now described as follows.

Right Holder: THOMAS MC CULLOUGH
 PO BOX 157
 DUBOIS ID 83423

Priority Date: 03/23/1914

Source: DRY CREEK

Tributary: BEAVER CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.07 CFS	3.4 AF
IRRIGATION	04/15 to	10/31	1.30 CFS	150.5 AF
			1.30 CFS	153.9 AF

LOCATION OF POINT(S) OF DIVERSION:

DRY CREEK NENENW Sec. 34 Twp 12N Rge 36E CLARK County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N 36E 34	X	X	X	X									X	X	X		
12N 36E 35					X	X											

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N 36E 34	17.0	1.1	32.0	29.0									4.7	22.0	1.3		107.1
12N 36E 35					3.9	12.0											15.9

Total Acres: 123

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80.0 acres within the place of use described above in a single irrigation season.
2. Rights 31-28A and 31-31 when combined shall not exceed the irrigation of 123.0 acres.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 31, Mud Lake and Tributaries.

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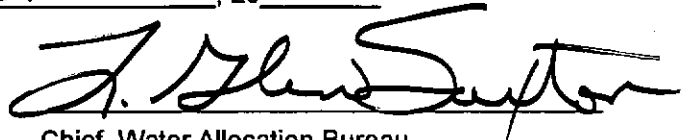
WATER RIGHT NO. 31-28A
As Modified by Transfer No. 69619

CONDITIONS OF APPROVAL

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. Right 31-31 is also diverted through the point(s) of diversion described above.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20th day of March, 2002


Chief, Water Allocation Bureau

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WATER RIGHT NO. 31-31
As Modified by Transfer No. 69619

In accordance with the approval of Transfer No. 69619, Water Right No. 31-31 is now described as follows.

Right Holder: THOMAS MC CULLOUGH
 PO BOX 157
 DUBOIS ID 83423

Priority Date: 04/01/1894

Source: DRY CREEK

Tributary: BEAVER CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.07 CFS	3.4 AF
IRRIGATION	04/15 to	10/15	1.50 CFS	280.0 AF
			1.50 CFS	283.4 AF

LOCATION OF POINT(S) OF DIVERSION:

DRY CREEK NENENW Sec. 34 Twp 12N Rge 36E CLARK County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
12N 36E 34	X	X	X	X									X	X	X		
12N 36E 35					X	X											

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
12N 36E 34	17.0	1.1	32.0	29.0									4.7	22.0	1.3		107.1
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Dated this 20th day of March, 2002


Chief, Water Allocation Bureau

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Plaintiff,

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D E C R E E

To W. H. Abbott, Fay Abbott, Mary C. Adels, Allen Almonda, G. B. Allen, Allen & Harn, a co-partnership, consisting of G. B. Allen and H. R. Harn; Wm. A. Andrews, Joseph Andrasen, Anderson Bros. Bank, a corporation; Gerret Auldhouse (sometimes known as Gerret Oldhouse); Clausen Auldhouse (sometimes known as Clausen Oldhouse), William Axline, Ernest Bauerle, Edward C. Barnes, May L. Barnes, Lovisa Barney, Arthur J. Barber, Charles Bartlett, Ambrose J. Beckner, Laura E. Beckner, William Beck, David Bethune, Lloyd Bennett, Gus E. Brauer, Administrator of the Estate of Annie J. Bennett, deceased; A. W. Belnap, C. W. Belnap, The Bennett Investment Company, Limited, a corporation; Gussie Binnard, Burka Binnard, Horace L. Birch, Binnard Ranch Company, a corporation; B. Binnard, Sarah Binnard and E. F. Mobley, Trustees for Binnard Ranch Company, a defunct corporation; Charles O. Rickman, as Trustee in Bankruptcy of Binnard Ranch Company, a corporation; Oscar A. Johanneson, as Receiver of Binnard Ranch Company, a corporation; Heber J. Blackburn, W. B. Boucher, Ray Bohney, R. T. Boatman, Mary Nicholas Boyd, Frank Boe, Charles E. Brosic, E. L. Browning, Adam E. Bramwell, Afton Bradshaw, Theresa Brinkmann, Lottie Burcham, G. F. Burcham, Kath-

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MAY 28 1996

ROBERT BURNSIDE
(successor in interest
of James Burnside

31 0031
1894 - April 1

1.5 c. f. s.

Source: Little Dry Creek, a tributary of Beaver Creek.

Point of Diversion: In the Northeast quarter of the Northwest quarter of Section 34, Township 12 North, Range 36 East, B. M.

For use on the following described land, to-wit: The Southwest Quarter of the Southeast Quarter, and the Northwest Quarter of the Southwest Quarter of Section 34, Township 12 North, Range 36 East, B. M.

No. 16

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APR 03 2002

38
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P. D. Stoops	15.34
Albert C. Swanstrum	7.22
J. T. Sykes	9.80
William V. Tascher	10.93
U. W. Taylor	7.97
Charles Thieman	10.25
Dan Thomas & H. T. Thomas	12.15
Union Central Life Ins. Co.	49.10
Ludger Vadnais	16.84
J. H. Walker & Wm. F. Woodard	7.22
Clara M. Welchman	9.95
T. J. Williams & R. P. Cope	14.44
M. L. Wilmot & C. E. Pope	9.82
Perry B. Woodard	5.92
Wood Livestock Co.	
trustee for Spencer, Ida.	5.37
Wood Livestock Co., a corporation	378.09

4.

And it is further ordered, adjudged and decreed, that no party hereto shall divert or use any of the waters herein decreed until he or his successors or assigns, have paid to the Commissioners aforesaid, the amount due and owing by such party, nor shall the official charged with the enforcement hereof permit any party, their successors or assigns, to divert any of the waters herein decreed without creditable evidence that such amount has been fully paid to such commissioners. A receipt from such commissioners, or either of them for the full amount so adjudged and decreed to be due them, exhibited to such official shall be creditable evidence that they have been paid.

DATED and SIGNED at Pocatello, Idaho, this 1st day of November, in the year 1930.

(Signed) Charles C. Cavanah
United States District Judge

Endorsed, filed November 1, 1930
W. D. McReynolds, Clerk

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APR 03 2002
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517

MEMORANDUM

TO: FILE 31-00031

FROM: VAULT

RE: TRANSFER # 69619

DATE: 3/18/02

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 31-00028A

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