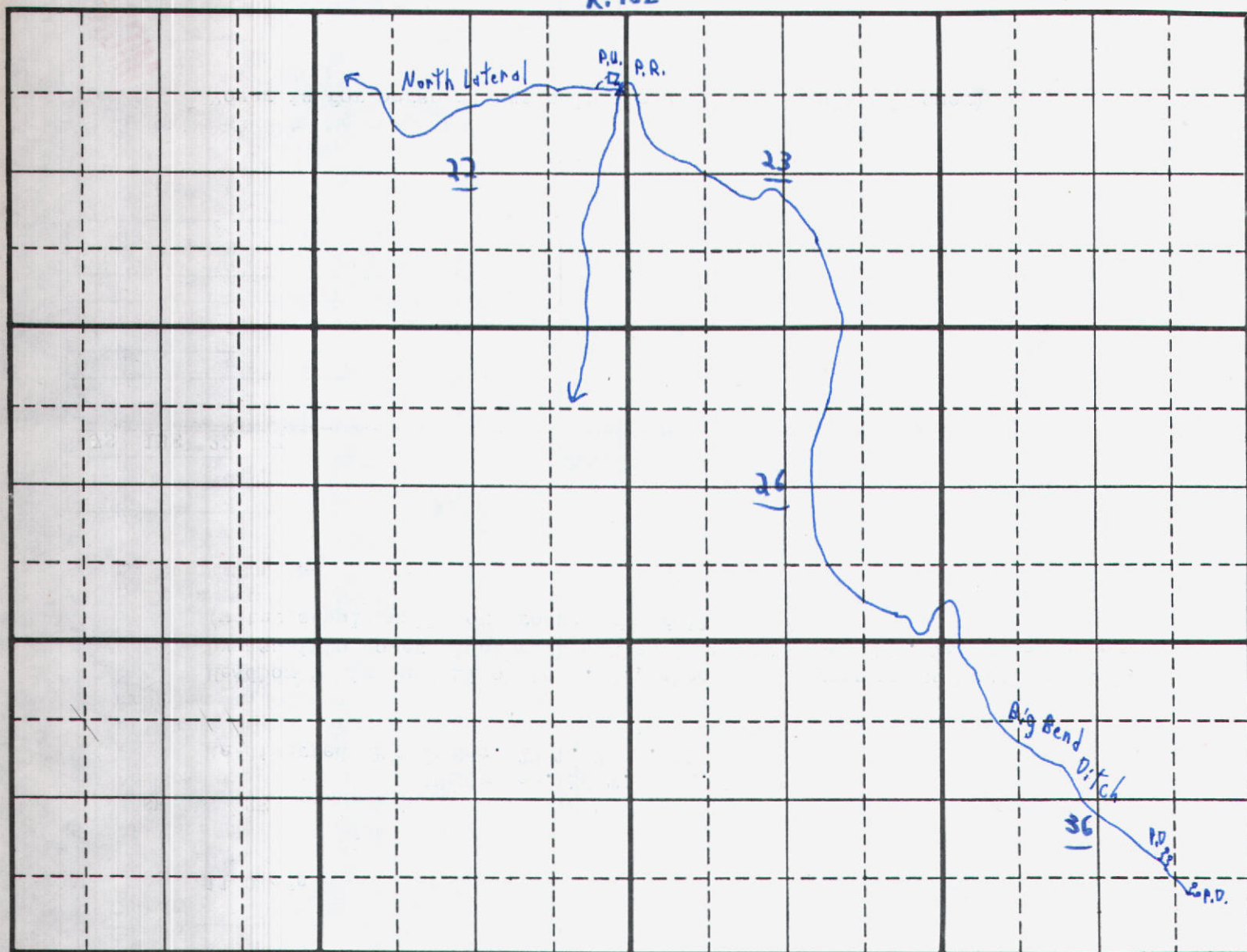


(8) Remarks Source is Upper & Lower Tucker Springs via Big Bend Ditch, trib to Riley Creek prior to construction of the ditch, but now tributary to Snake River (water runs in the ditch the entire year except for possible emergency situations).

R. 13E



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Twin Falls) ss.

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

Heave C. Lloyd
(Claimant)

Sworn to before me this 9th day of April, 1982.

Mary A. Hill
Notary Public
Residing at Twin Falls, ID

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by J.F. Stanton Date 4-9-1982 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ADM Date 4-10-82 claimant by: _____
\$20.00 fee received by Mary A. Hill Date 4/9/82 # 22129
Published in Gooding, Co. Leader
Dates 4/21 + 4/28/82

It is agreed that the plant so to be constructed by second party will be on the above described land in the vicinity where the water falls for approximately 50 ft through a presently constructed pipeline. As consideration on his part second party agrees to maintain said pipe line now in use by first party for a distance of approximately 150 ft, where such presently operated pipeline is used for transporting the waters of said canal over and along said 50 ft drop, the length of said pipeline in its pre sent status being approximately 150 ft.

Second party's obligation to maintain said pipeline includes the duty and obligation of second party to replace the same in the event it becomes so worn or damaged that it will not transport the water to first party and its stockholders in the usual and satisfactory manner.

Such construction and installation of second party's plant will be under the general supervision and control of first party and its duly authorized officers and agents and must comply with their reasonable directions and requirements insofar as the delivery of water through first party's system may be affected.

In the event second party abandons or discontinues use of said plant he expressly agrees to leave first party's ditch, canal and pipeline in as good condition and state of repair as the same now is, agreeing among other things to remove all equipment and paraphernalia which he may have installed or constructed in connection with the plant he is so authorized to build and operate.

It is expressly understood and agreed that time is of the essence of this agreement and all the terms and conditions hereof shall be promptly performed by the respective parties.

IN WITNESS WHEREOF these presence have been executed this 31st day of October, 1958.

Attest:

Eddie Stroud
Secretary.

SEAL)

BIG BEND IRRIGATION & MINING CO.,
a corporation.

By

Howard F. Clifford

First Party President.

Cleaver C. Lloyd
Second Party.

MICROFILMED

**NOTICE OF CLAIMS
TO WATER RIGHTS**

Notice is hereby given
that the following claim(s)
to water right(s) have been
established by diversion and
application to beneficial
use:

36-4142

LLOYD, CLEAVE

HAGERMAN, ID 83332

Source: UPPER TUCKER
SPRINGS tributary to BIG
BEND DITCH.

LOWER TUCKER

SPRINGS tributary to BIG
BEND DITCH

Priority Date: 04/01/1960

Amount: 11.00 CFS

Diversion Point: SESE NW-
SE Sec 36 T 07S R 13E NENE
Sec 22 T 07S R 13E, (RE-
DIVERSION), GOODING
Co.

Use: POWER (11.00 CFS)
from 01/01 to 12/31

Place of Use: NENE Sec 22
T 07S R 13E

Diversion Means: HEAD-
BOX, DITCH CHECK &
DIVERSION INTO NORTH
LATERAL

Any exception to any
claim of water right may be
filed with the Director of the
Idaho Department of Water
Resources, 1041 Blue Lakes
Blvd. North, Twin Falls,
Idaho 83301.

A. KENNETH DUNN
Director

Pub: 4-21, 28, 1962

*ok
mace
4/20/82*

MICROFILMED

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

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-04142
DISTRICT COURT
TWIN FALLS COUNTY, IDAHO
FILED _____

NAME & ADDRESS: CLEAVE LLOYD
RT 1 BOX 14
HAGERMAN ID 83332

SOURCE: TUCKER SPRINGS, UPPER
TUCKER SPRINGS, LOWER

TRIBUTARY: RILEY CREEK
RILEY CREEK

QUANTITY: 8.23 CFS

PRIORITY DATE: 04/01/1960

POINT OF DIVERSION: T07S R13E S36

SENWSE
NWSESE

Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
POWER

PERIOD OF USE
01-01 12-31

QUANTITY
8.23 CFS

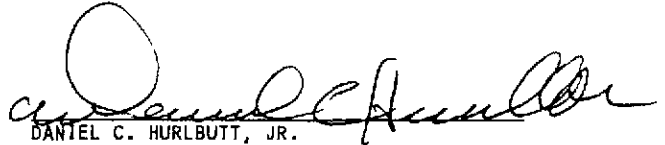
8 KW GENERATOR FOR 1 HOME

PLACE OF USE:

POWER
T07S R13E S22

Within GOODING County
NENE

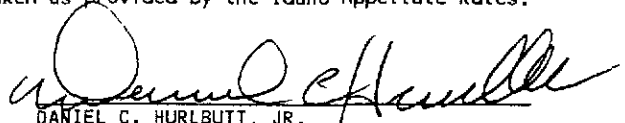
DATED: FEB 10 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

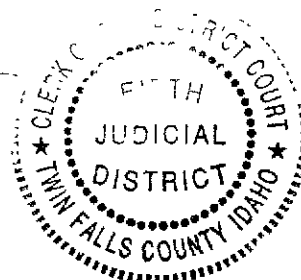
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: FEB 10 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-04142

Court, Twin Falls ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.
ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By _____
DEPUTY CLERK



PAGE 1
JAN-28-1997

• •

This
Right has been
Decreed in the
SRBA.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right

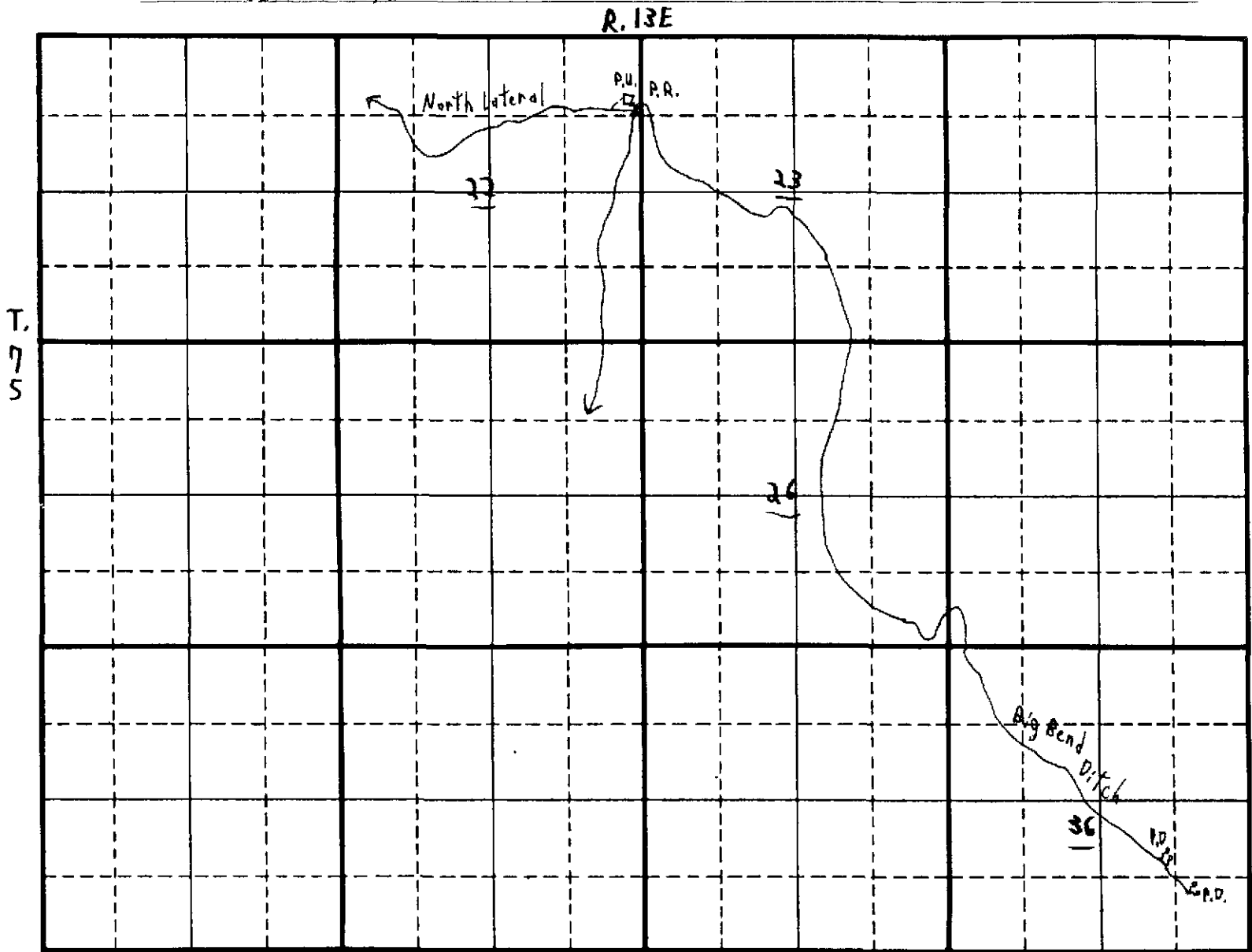
{Name of Claimant}

Telephone No. --

[illegible]

If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks Source is Upper & Lower Tucker Springs via Big Bend Ditch, trib to Riley Creek prior to construction of the ditch, but now tributary to Snake River (water runs in the ditch the entire year except for possible emergency situations).



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Twin Falls) ss.

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

Wm C. Lloyd
(Claimant)

Sworn to before me this 9th day of April, 1982.

Mary A. Hill
Notary Public
Residing at Twin Falls, ID

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by J. F. Stanton Date 4-9-1982 Exception filed by _____ Forwarded to _____ Date _____
Prelim. check by ADH Date 4-10-82 claimant by _____
\$30.00 fee received by Stanton Date 4/9/82 # 22149
Published in Grading & Loader _____
4/21 + 4/28/82 _____

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS

Jerry Grash, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 27 day of April

19 82 and the date of the last publication was on the 28

day of April 19 82

Subscribed and sworn to before me this 28

day of April, 19 82
(SEAL)

Fifty Dollars
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 48

Number of Insertions 2

Lines tabular at 42 315c

Lines straight at 48 32c 15.36

Subsequent lines at 45 15c 10.05

TOTAL COST 25.41

COPY OF NOTICE

(Paste Here)

Notice of Claim to
Water Rights

PLAINTIFF ATTORNEY

36-4142

DEFENDANT

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

36-4142

LLOYD, CLEAVE

HAGERMAN, ID 83332

Source: UPPER TUCKER SPRINGS tributary to BIG BEND DITCH.

LOWER TUCKER

SPRINGS tributary to BIG BEND DITCH

Priority Date: 04/01/1960

Amount: 11.00 CFS

Diversion Point: SESE NW-SE Sec 36 T 07S R 13E NENE Sec 22 T 07S R 13E, (RE-DIVERSION), GOODING Co.

Use: POWER (11.00 CFS) from 01/01 to 12/31

Place of Use: NENE Sec 22 T 07S R 13E

Diversion Means: HEAD-BOX, DITCH CHECK & DIVERSION INTO NORTH LATERAL

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN
Director

Pub: 4-21, 28, 1982

May 8 1982
286
Idaho Department of Water Resources
Southern District Office

AGREEMENT

This agreement made between the Big Bend Irrigation and Mining Co., a corporation, first party, and Cleave Lloyd, second party, both of Hagerman, Idaho.

In consideration of the mutual covenants and agreements herein contained first party hereby grants to second party the right and privilege of installing and maintaining a plant for generating electricity in the canal or ditch of first party where the same passes over and across second party's lands situate in Hagerman Valley and described as the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, Twp. 7 S. R. 13 E.B.M., Gooding County, Idaho. The purpose of installing such plant is to enable second party to generate electricity ~~power~~ for his personal and domestic use on his land and in his home and adjacent buildings situate on the above described land.

In the installation, maintenance and operation of said generating plant second party expressly agrees and warrants that there will be no interference with or diminution in the flow of the first party's canal, with the sole exception that for a short time during the actual construction and installation of said plant it may be necessary to briefly interfere with the flow in such canal.

It is further expressly understood and agreed that the construction, maintenance and operation of such generating plant by second party is entirely separate and distinct from first party's rights and interests in and to said irrigation canal and the waters flowing therethrough, and that by the maintenance and operation of said generating plant second party shall not claim or acquire any rights in or to the water flowing in said canal other than the right and privilege of running such water through his plant for the purpose of generating electricity. No interference in the delivery and use of irrigation water by first party to its various users under the direction and control of first party's watermaster will be caused by second party in connection with his use of said water for the above purposes.

It is agreed that the plant so to be constructed by second party will be on the above described land in the vicinity where the water falls for approximately 50 ft through a presently constructed pipeline. As consideration on his part second party agrees to maintain said pipe line now in use by first party for a distance of approximately 150 ft, where such presently operated pipeline is used for transporting the waters of said canal over and along said 50 ft drop, the length of said pipeline in its pre sent status being approximately 150 ft.

Second party's obligation to maintain said pipeline includes the duty and obligation of second party to replace the same in the event it becomes so worn or damaged that it will not transport the water to first party and its stockholders in the usual and satisfactory manner.

Such construction and installation of second party's plant will be under the general supervision and control of first party and its duly authorized officers and agents and must comply with their reasonable directions and requirements insofar as the delivery of water through first party's system may be affected.

In the event second party abandons or discontinues use of said plant he expressly agrees to leave first party's ditch, canal and pipeline in as good condition and state of repair as the same now is, agreeing among other things to remove all equipment and paraphernalia which he may have installed or constructed in connection with the plant he is so authorized to build and operate.

It is expressly understood and agreed that time is of the essence of this agreement and all the terms and conditions hereof shall be promptly performed by the respective parties.

IN WITNESS WHEREOF these presence have been executed this 5 day of October, 1958.

DIG BEND IRRIGATION & MINING CO.,
a corporation.

By [Signature]
First Party President.

Attest: [Signature]
Secretary.

SEAL)

[Signature]
Second Party

• •

This
Right has been
Decreed in the
SRBA.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83701
(208) 734-1578

MAY 12, 1992

CLEAVE LLOYD
HAGERMAN

IT 57332

RE Claim No. 36-4342

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Sections 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not affirm the validity of the claim, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when communicating with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Loren O. Holmes

LOREN O. HOLMES
Southern Region Supervisor

Enclosure

MICROFILMED

CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO
MAY 12 1992

DEPOSITED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

36-4142-

LLOYD, CLEAVE

HAGERMAN, ID 83332

Source: UPPER TUCKER SPRINGS tributary to BIG BEND DITCH
LOWER TUCKER SPRINGS tributary to BIG BEND DITCH

Priority Date: 04/01/1960

Amount: 11.00 CFS

Diversion Point: SESE NWSE Sec 36 T 07S R 13E NENE
Sec 22 T 07S R 13E (REDIVERSION), GOODING Co.

Use: POWER (11.00 CFS) from 01/01 to 12/31

Place of Use: NENE Sec 22 T 07S R 13E

Diversion Means: HEADBOX, DITCH, CHECK & DIVERSION INTO NORTH LATERAL

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published 4/21 & 4/28/82.

RECORDED
(24-03-1982)

NOTICE OF CLAIMS
"OF WATER RIGHT"

... have been
established by diversion and
application of beneficial
use:

LG-4142

LLOYD, CLEAVE

HAGERMAN, ID 83332

Source: UPPER TUCKER
SPRINGS tributary to BIG
BEND DITCH

LOWER TUCKER

SPRINGS tributary to BIG
BEND DITCH

Priority Date: 64/01/1933

Amount: 11.00 CFS

Diversion Point: SESE NW-

SE Sec 33 T 07S R 13E NENE

Sec 22 T 07S R 13E. (DE-

DIVERSION), GOODING

Co.

Use: POWER (11.00 CFS)

from 01/01 to 12/31

Place of Use: NENE Sec 22

T 07S R 13E

Diversion Means: HEAD-

BOX, DITCH CHECK &

DIVERSION INTO NORTH

LATERAL

Any exception to any

claim of water right may be

made by the Director of the

Idaho Department of Water

Resources, Boise, Idaho

Idaho Falls, Idaho

*all
maps
H20/82*

*Idaho
Department
of Water
Resources*

DEPARTMENT OF AGRICULTURE
BUREAU OF PLANT INDUSTRY

U.S. DEPARTMENT OF AGRICULTURE
BUREAU OF PLANT INDUSTRY
WASHINGTON, D.C.

OFFICE OF THE SECRETARY

Gooding County Leader
P.O. Box 56
Gooding Idaho 83344

Gentlemen:

Enclosed you will find a label with a picture of a plant and a list of the dates indicated for the collection of the plant. The label is to be placed in your newspaper. We have also in this letter a copy of a certificate of proof to this office for the collection of the plant. If you cannot publish the notice or the certificate, please return it to this office immediately.

An affidavit of publication of this notice should be filed in the Department of Agriculture with the publication of the notice. The affidavit should be filed in the Department of Agriculture with the publication of the notice.

Please send the affidavit to the Department of Agriculture, Bureau of Plant Industry, Office of the Secretary, Washington, D.C., before May 10, 1957.

Yours truly,

Mar. A. Hill
Secretary

Encl.

RECEIVED
MAY 10 1957

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ADM

Right Number 36-4142 Applicant LLOYD, Cleave

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed. -None

By ADM Date 5/24/82

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 5/27/82

03-1-1982

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov t rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov t rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov t rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov t rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov t rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX