

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-33393
Date Received: 6/30/2010
Receipt No: C091748
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

LORD RANCH AN IDAHO PARTNERSHIP Phone: (208)343-8938
1171 MAYFIELD RD
BOISE ID USA 83716-3401

2. Date of Priority: 06/26/1911

3. Source: DRY HOLLOW CREEK Trib. to: SLATER CREEK
BIG DRAW CREEK SLATER CREEK
SLATER CREEK INDIAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	04E	23	NE NE	ELMORE	
01N	04E	23	NE NE	ELMORE	
01N	04E	23	NE NE	ELMORE	
01N	04E	23	SE NE	ELMORE	

5. Description of diverting works:

Culverts divert water from Dry Hollow and Big Draw Creeks, and convey water under road to place of use. Canvas dams in Slater Creek.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)
A.F.A IRRIGATION	03/15	11/15	1.2	

7. Total Quantity Appropriated is:
1.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01N	04E	23	NE	NE		IRRIGATION	20
			NW	NE		IRRIGATION	2
			SW	NE		IRRIGATION	10
			SE	NE		IRRIGATION	15
			NE	SE		IRRIGATION	3
			NW	SE		IRRIGATION	10
						Section Acres	60
						Total Acres	60

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

14. Remarks:

Other rights used: 63-33233

15. Basis of Claim: Beneficial Use

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

RIGHT NUMBER: 63-33393

NAME AND ADDRESS: LORD RANCH AN IDAHO PARTNERSHIP
1171 MAYFIELD RD
BOISE ID 83716-3401

SOURCE: SLATER CREEK
UNNAMED STREAMS

TRIBUTARY: INDIAN CREEK
TRIBUTARY: SLATER CREEK

QUANTITY: 0.400 CFS

Right Nos. 63-2655, 63-33233 and 63-33393 are limited to a total combined diversion rate of 1.06 cfs.

PRIORITY DATE: 06/26/1911

POINT OF DIVERSION:

T01N R04E S23 NENE Within ELMORE County
T01N R04E S23 NENE Within ELMORE County
T01N R04E S23 NWNE Within ELMORE County
T01N R04E S23 SENE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.400 CFS

PLACE OF USE: IRRIGATION in ELMORE County

T01N R04E S23	NENE	15.00	T01N R04E S23	NWNE	1.00
T01N R04E S23	SWNE	6.00	T01N R04E S23	SENE	14.00
T01N R04E S23	NESE	1.00	T01N R04E S23	NWSE	16.00

53 ACRES TOTAL

Right Nos. 63-2655, 63-33233 and 63-33393 are limited to the irrigation of a combined total of 53 acres in a single irrigation season.

This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Source for Unnamed Streams is also known as Big Draw Creek and Dry
Hollow Creek .

SESW

SINSE

14

SESE

SWSW

13

LORD RANCH LLP

63-2655 - Groundwater (well)

63-33233 - Slater Creek & Unn. Streams

63-33393 - Slater Creek & Unn. Streams

NEW

NWNE

NENE

NWNW

SEW

23

SWNE

SENE

SWNW

24

NESW

NWSE

MESE

NWWSW

01N04E

Unn Stream pod

Unn Stream pod

Well - 63-2655

Slater Creek pod

Slater Creek pod

9.5 ac

1 ac

1 ac

1 ac

1 ac

13 ac

5 ac

16 ac

1 ac

5.5 ac

Late Claim No. 63-33933

This late claim is a result of the split of 63-2143 for the same sources. This right was split into 63-33232 and 33233. Irrigation is apparent on the ground covered by the Lord Ranches for 63-33233, however, no irrigation was found for 63-33232 and it was recommended as disallowed.

Per conversation with Jeff Lord of Lord Ranches, review of the file for 63-2143 and aerial photography it was discovered that additional acres have been irrigated from the same sources as 63-33233. These additional acres were claimed under Water Right 63-33393.

Water Right No. 63-33393 was recommended with a 6-26-1911 priority date based upon the date that the field exam for 63-2143 was conducted – 6-3-1911. The additional acres have been irrigated for many many years and I could not recommend any date prior to the field exam or priority date for 63-2143, thus the 6-26-1911 priority date.

This right was recommended as a permissible place of use when combined with 63-2655 for a well located on this property and 63-33233 (the split of 63-2143) for a total of 53 acres.

Notice of Proof of Completion of Works and of Application of Water to Beneficial use received May 23, 1911, fixing September 5, 1911, as date, and Boise, Idaho, as place of proof.

Water Commissioner notified May 25, 1911, to make examination of works.

Report of Engineer received June 3, 1911.

Deposition blanks mailed July 31, 1911.

Affidavit of Publication, Depositions, and Fees received September 5, 1911.

Certificate and License issued November 4, 1911

Permit No. 6758

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that MARY JACKSON, of Mayfield, County of Elmore, and State of Idaho, the holder of Permit No. 6758, issued upon Application No. 9794, bearing date of priority of October 21st, 1910, authorizing the diversion of 1.2 second feet of the waters of Slater Creek, 1 second-foot of the waters of Indian Creek, $\frac{1}{2}$ of one second-foot of the waters of Big Draw and $\frac{1}{2}$ of one second-foot of the waters of Dry Hollow, County of Elmore, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.2 second feet of the waters of Slater Creek, 1 second-foot of the waters of Indian Creek, $\frac{1}{2}$ of one second-foot of the waters of Big Draw and $\frac{1}{2}$ of one second-foot of the waters of Dry Hollow, that the point of diversion of said waters on Slater Cr., is at a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, on Indian Cr., is at a point in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, on Big Draw, is at a point in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, and on Dry Hollow, at a point in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Tp. 1 N., Range 4, East of the Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: East half of the Northeast quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$), North half of the Southeast quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), Section 23, Township 1 North, Range 4, East of the Boise Meridian.

Witness my hand this 4th day of November, A. D. 1911.

A. E. Robinson,

State Engineer of the

State of Idaho

License issued for 1.06 second feet

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Shurte, Jan

From: Williams, Ray
Sent: Thursday, July 01, 2010 8:30 AM
To: Shurte, Jan
Cc: Spencer, Nick
Subject: 63-33393 (Lord)

Hi, Jan –

Dana filed a late claim on this one, and I'll get the hearing calendared shortly. It looks like the purpose of this right (63-33393) is to address additional acreage not addressed under 63-33233. Since this right is somewhat related to 63-33233, I'm inviting Nick to the hearing, as that is part of the Lord/Arc Properties group that Nick handling, as opposed to the other Lord group that Andrea has. There's a status conference on the Lord/Arc Properties group on August 8. Maybe it makes sense to mention at that time the pending late claim so that they can track together with need be.

I hope that my effort to avoid confusion doesn't cause additional confusion....

Thanks,

Ray