

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 47-39A
Date Received: 10/14/2004
Receipt No:
Received By:

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

1. Name of Claimant(s)

J R SIMPLOT SELF DECLARATION REVOCABLE TRUST Phone: (208)336-2110

J R SIMPLOT AS TRUSTEE
C/O RONALD N GRAVES
PO BOX 27
BOISE ID USA 83707-0027

2. Date of Priority: 05/01/1893

3. Source: CEDAR CREEK Trib. to: SALMON FALLS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14S	13E	33	SE SW NE	TWIN FALLS	

5. Description of diverting works:

DIVERSION DAM AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.9	
STOCKWATER	01/01	12/31	0.46	
~~STOCKWATER~~	01/01	12/31	0.04	
DOMESTIC				

DE ERROR
UPL

7. Total Quantity Appropriated is:
0.9 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
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14S	13E	27	SW	SW	IRRIGATION	1
					Section Acres	1
14S	13E	33	NE	NE	IRRIGATION	29
			SE	NE	IRRIGATION	9
					Section Acres	38
14S	13E	34	NW	NW	IRRIGATION	6
					Section Acres	6
					Total Acres	45

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:

14. Remarks:

10/14/2004: RENUMBERED TO 47-39A FROM 47-39 TO MATCH WR DATABASE. CLAIM WAS ALSO FILED ON 47-39B BY SAME WATER USER. - VH

POU - JOHN MC RAE HOMESTEAD AC IRR = 45

3/24/95 ADDRESS CHANGE - TLB

10/13/04 OWNERSHIP CHANGE TEWS TO SIMPLOT PER DEED RECEIVED - VH

15. Basis of Claim: Decreed

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN - 8 2004

Department of Water Resources

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right No(s).: 47-39B
 Adjudication Claim No(s).: A47-39B

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 AND See attached Conveyance of Decreed Water Right and Corporation Warranty Deed
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Tews Land and Livestock, Inc.
2473 East 4100 North

4. New Owner/Claimant(s) J. R. Simplot Self-Declaration of Revocable Trust
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address PO Box 27
 City, State and ZIP Code Boise, ID 83707
 New Telephone Number (208) 336-2110

5. Date you acquired the property August 3, 1999

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) By: J. R. Simplot Self-Declaration of Revocable Trust
Ronald N. Graves, Attorney-in-Fact

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

SCANNED

JAN 08 2004

42466B

TitleFact, Inc.

163 Fourth Avenue North

P.O. Box 486

Twin Falls, Idaho 83303

Twin Falls County, Idaho

Recorded for:
TITLEFACT

11:00am Aug. 03, 1999

1999-014420

No. of Pages: 2 Fee: \$6.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: CN

Twin Falls County, Idaho

Recorded for:
TITLEFACT

02:53pm Jul. 23, 1999

1999-013794

No. of Pages: 2 Fee: \$6.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: SL

**** SPACE ABOVE FOR RECORDER ****

CORPORATION WARRANTY DEED

**** successor in interest to TEWS ANGUS FARMS, INC. AN IDAHO CORPORATION FOR VALUE RECEIVED TEWS LAND AND LIVESTOCK, INC., an Idaho corporation, a corporation duly organized and existing under the laws of the state of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto J.R. SIMPLOT AS TRUSTEE OF THE J.R. SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST, established by written instrument dated December 21, 1989, and registered in the Fourth Judicial District of the State of Idaho, Ada County, as No. 3T-788, Grantee, whose address is: P.O. Box 27, Boise, Idaho 83707, the following described real estate, situated in Twin Falls County, Idaho, to-wit:

PARCEL NO. 2

Township 14 South, Range 13 East, Boise Meridian, Twin Falls County, Idaho

Section 22: SE $\frac{1}{4}$ SE $\frac{1}{4}$, above Flow LineSection 24: NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27: W $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33: SE $\frac{1}{4}$; E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 34: NE $\frac{1}{4}$; SW $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35: NW $\frac{1}{4}$

Township 15 South, Range 13 East, Boise Meridian, Twin Falls County, Idaho

Section 3: Lot 4; SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4: Lots 1 and 2; S $\frac{1}{2}$ NE $\frac{1}{4}$ **PARCEL NO. 3:**

Township 14 South, Range 13 East, Boise Meridian, Twin Falls County, Idaho

Section 2: W $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3: SE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10: NE $\frac{1}{4}$ NE $\frac{1}{4}$ *Section 12: S $\frac{1}{2}$ SW $\frac{1}{4}$ above flow line*Section 22: NE $\frac{1}{4}$ SE $\frac{1}{4}$ above flow line and SE $\frac{1}{4}$ NE $\frac{1}{4}$ above flow line

Township 13 South, Range 13 East, Boise Meridian, Twin Falls County, Idaho

Section 33: SW $\frac{1}{4}$ **PARCEL NO. 6**

Township 15 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho

Section 14: SW $\frac{1}{4}$ Section 15: SE $\frac{1}{4}$ Section 22: NE $\frac{1}{4}$ Section 23: S $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$

ALL SUBJECT TO: Twin Falls Highway District right of way

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

47-39B

SCANNED

JAN 09 2004

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President.

Dated: July 16, 1999

TEWS LAND AND LIVESTOCK, INC., an Idaho corporation

By: Gerald Tews
GERALD TEWS, President

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 21st day of July, 1999, before me, the undersigned, Notary Public in and for said State, personally appeared Gerald Tews, known to me to be the President of the corporation that executed this instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written

Susie Moore
Notary Public for Idaho
Residing at: Twin Falls
My Commission expires: 11-28-2002



47-398

SCANNED

JAN 09 2004

SCANNED

DEC 21 2001

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: A47-00039

Date Received: 1/11/1989

Receipt No: S005838

Received By: *address change*
HB

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

1. Name: TEWS LAND AND LIVESTOCK INC 208-733-6409
Address: 2473 EAST 4100 NORTH
FILER ID 83328

2. Date of Priority: MAY 1, 1893

3. Source: CEDAR CREEK Trib. to: SALMON FALLS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	13E	33	SE	SW	NE		TWIN FALLS

5. Description of diverting works:
DIVERSION DAM AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.900		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.460		

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:
2000 HEAD BEEF CATTLE, ONE DOMESTIC HOUSEHOLD

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14S	13E	27	SW	SW		IRR	1.0

A47-00039

Renumbered

Page

1

Date: 03/24/95 NOV 28 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	1.0
		33	NE	NE	IRR	29.0
			SE	NE	IRR	9.0
					Section Acres	38.0
		34	NW	NW	IRR	6.0
					Section Acres	6.0
					Total Acres	45.0

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
NONE

14. Remarks:
P/U = JOHN MC RAE HOMESTEAD
AC. IRR. = 45
ADDRESS CHANGE MADE 3-24-95 BY TLB.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

IRA BRACKETT ET AL
Decree Plaintiff

THE CEDAR CANAL CO. ET AL
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Seal

Residing at _____
My Commission Expires _____

RECEIVED

MAR 21 1995

Department of Water Resources
Southern Region

CHANGE IN ADDRESS OF THE NOTICE OF CLAIM
IN THE SNAKE RIVER BASIN ADJUDICATION

[] Water Right Number(s):

C A47-00029	C A47-000398	C A47-14208
C A47-00031A	C A47-14203	C A47-14213
C A47-00039	C A47-14206	C A47-14235 ✓
		C A47-14243

[X] Old Mailing Address:

Texas Land and Livestock, Inc.
Box 1
File ID 83328

[X] New Mailing Address:

Texas Land and Livestock, Inc.
2473 E. 4100 N
File ID 83328

[X] New Telephone Number: () _____

[X] Signature of Claimant(s):

Local Texas Pres.

Date: 3-14-95

For IDWR use only:

Initial Review and Data Entry

Date: By:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: 3-24-95 By: HLB

Further Action Needed:

NOV 28 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

~~CECIL D. ANDRUS~~
Governor PHIL BATT

R. KEITH HIGGINSON
Director

March 24, 1995

GERALD TEWS
2473 EAST 4100 NORTH
FILER, ID 83328

RE: SRBA CLAIM: A47-00029, A47-00031A, A47-00039, A47-00039B,
A47-14203, A47-14206, A47-14208, A47-A4213,
A47-14243, & A47-14194

CHANGE OF ADDRESS NOTIFICATION

DEAR CLAIMANT:

IDWR HAS RECEIVED YOUR NOTICE OF THE CHANGE OF ADDRESS OF THE
WATER RIGHT CLAIM REFERENCED ABOVE. OUR RECORDS HAVE BEEN CHANGED
ACCORDINGLY.

IF YOU SOLD THE PROPERTY, PLEASE CONTACT THIS OFFICE AT
208-736-3033.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB

NOV 28 1996

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: A47-00039
Date Received: 1/10/1989
Receipt No: 5005838
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TEWS LAND AND LIVESTOCK INC 208-733-6409
Address: RT.1
FILER, ID 83328
2. Date of Priority: MAY 01, 1893
3. Source: CEDAR CREEK Trib. to: SALMON FALLS CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 14S | 13E | 33 | SE | SW | NE | | TWIN FALLS |
5. Description of diverting works:
DIVERSION DAM AND DITCHES
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.900 | | |
| DOMESTIC | 01/01 | 12/31 | 0.040 | | |
| STOCKWATER | 01/01 | 12/31 | 0.460 | | |
7. Total Quantity Appropriated is:
0.900 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 90.0 Acre Feet Per Annum.
9. Non-irrigation uses:
2000 HEAD BEEF CATTLE, ONE DOMESTIC HOUSEHOLD
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	13E	27	SW	SW		IRR	1.0
Section Acres							1.0

A47-00039

Page 1

Date: 01/11/89

COPY MICROFILMED
MAR 10 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	13E	33	NE	NE		IRR	29.0
			SE	NE		IRR	9.0
						Section Acres	38.0
		34	NW	NW		IRR	6.0
						Section Acres	6.0
						Total Acres	45.0

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
NONE

14. Remarks:
P/U = JOHN MC RAE HOMESTEAD
AC. IRR. = 45

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

IRA BRACKETT ET AL
Decree Plaintiff

vs

THE CEDAR CANAL CO. ET AL
Decree Defendant

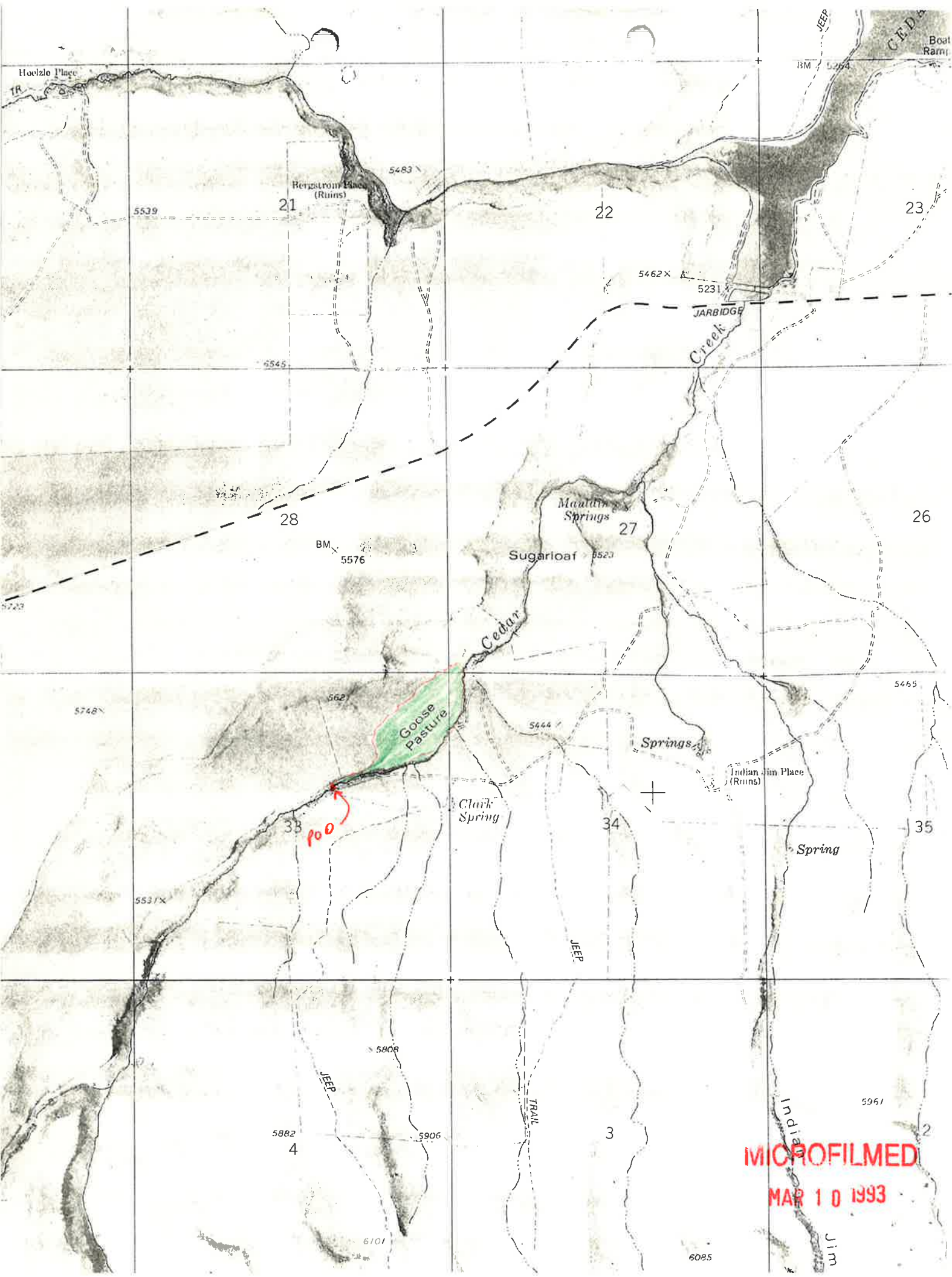
COPY

MICROFILMED

MAR 10 1993

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

MAR 10 1993



MICROFILMED
MAR 10 1993

04/27/2005

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

RIGHT NUMBER: 47-39A

NAME AND ADDRESS: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
J R SIMPLOT AS TRUSTEE
C/O RONALD N GRAVES
PO BOX 27
BOISE ID 83707-0027

SOURCE: CEDAR CREEK

TRIBUTARY: SALMON FALLS CREEK

QUANTITY: 0.720 CFS

PRIORITY DATE: 05/01/1893

POINT OF DIVERSION:

T14S R13E S33 SWNE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.720 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within TWIN FALLS County

T14S R13E S27	SWSW	0.7	T14S R13E S33	NENE	27.0
T14S R13E S33	SENE	4.0	T14S R13E S34	NWNW	4.3

STOCKWATER Within TWIN FALLS County

T14S R13E S27	SWSW	T14S R13E S33	NENE
T14S R13E S33	SENE	T14S R13E S34	NWNW

36 ACRES TOTAL

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

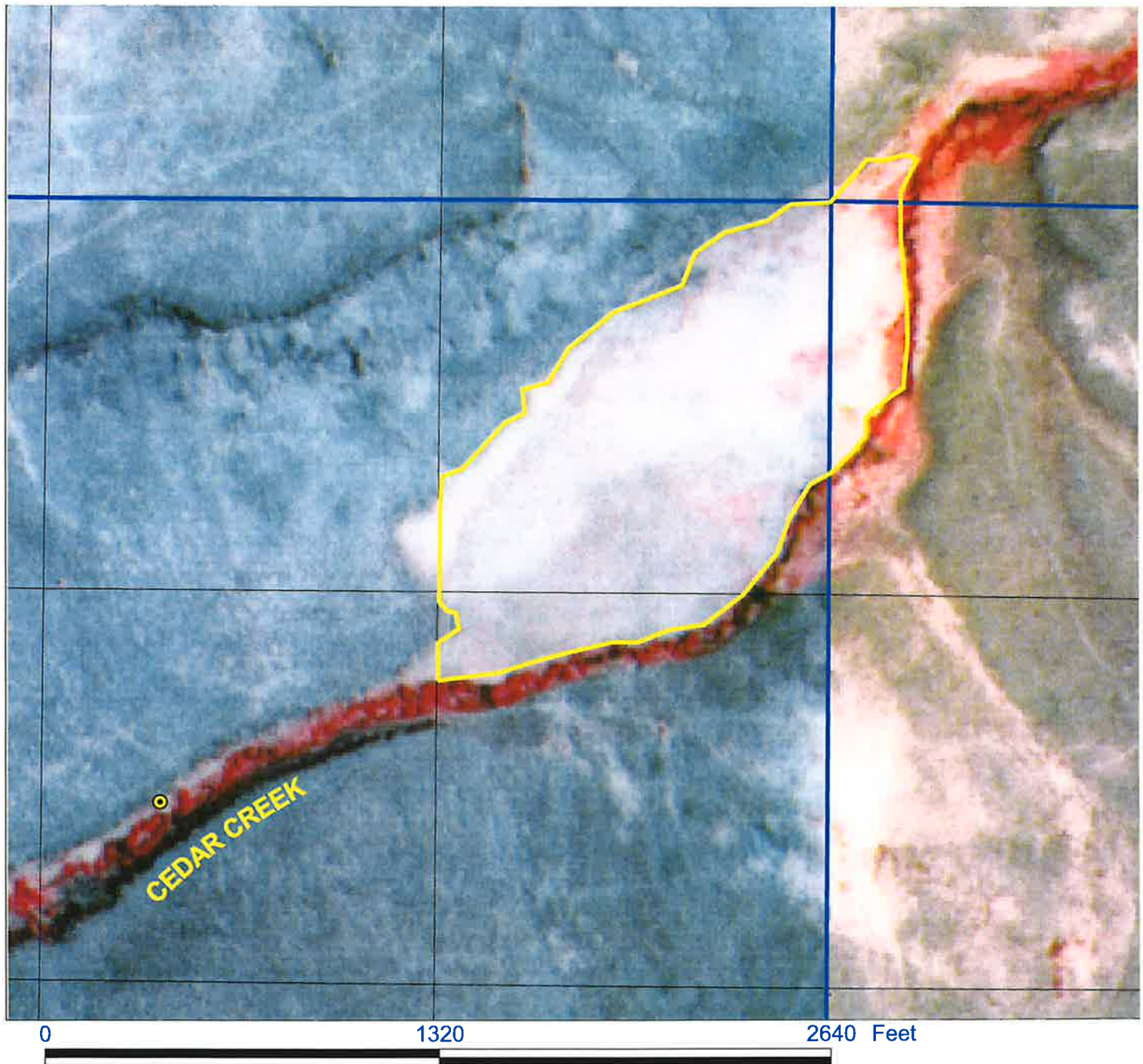
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

Idaho Department of Water Resources

RIGHT: 47-39A

RECOMMENDED PLACE OF USE
TWP 14S, RNG 13E,
PREPARED APRIL 26, 2005



- ⊙ RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER SECTION LINES



**GIS PLACE OF USE PRESENTATION
1987 NAPP AERIAL PHOTOGRAPHY**

PREPARED BY VIKIE HANCOCK

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 47-39A V1

WATER RIGHT NUMBER: 47-39A V1

Owner TypeName and Address

Current Owner

J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
 J R SIMPLOT AS TRUSTEE
 C/O RONALD N GRAVES
 PO BOX 27
 BOISE, ID 83707-0027
 (208)336-2110

Priority Date: 05/01/1893

Basis: Decreed

Status: Active

SourceTributary

CEDAR CREEK

SALMON FALLS CREEK

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

04/01 to 11/01

0.720 CFS

STOCKWATER

01/01 to 12/31

0.020 CFS

Total Diversion:

0.720 CFS

Location of Point(s) of Diversion

CEDAR CREEK

SW1/4NE1/4

Sec. 33, Twp 14S, Rge 13E, B.M.

TWIN FALLS County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
14S 13E 27	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	.7
14S 13E 33	27.0			4.0													31.0
14S 13E 34							4.3										4.3

Total Acres: 36

STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
14S 13E 27	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 47-39A V1

14S 13E 33	X	X				
14S 13E 34			X			

Conditions of Approval:

1. C18 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.

Remarks:

Comments:

1. vhancock 4/27/2005 RECOMMENDATION
Comment: BASED UPON BRACKET V CEDAR CANAL CO. RIGHT SPLIT INTO PARTS A AND B BY TRANSFER 2664. B PORTION FOR STOCKWATER PIPELINE.
2. vhancock 4/27/2005 USE
Comment: NO DOMESTIC USE FOUND. ASSUME STOCKWATER DRINK DIRECTLY FROM STREAM.
3. vhancock 4/27/2005 POU
Comment: AKA THE GOOSE PASTURE. HOMESTEAD LOCATION PER BLM DOCS IN FILE.

Water Supply Bank:

47-39

.9 cfs

T 2664 (1984)

A

.72 cfs OK 11-1-04

Irr, d & S

from Cedar Creek

John McKee Homestead

1) where is home for
domestic use from
Cedar Creek?

2) How is stockwater
diverted (instream?)
4-1 to 10-31

3) Found 36 Acres
Irrigated OK 11-1-04

B

.18 cfs

Stockwater from

Steele Springs

Coop pipeline System

1) when were troughs
Expanded?

2) Comb with 44B
Devil ce Ranch
same trough system

1) will submit correct
map of system
comb with 47-44B
see notes ~~that~~ claim
47-39B

11/1/04
DC
checking

2) instream stockwater?

1) no domestic?

3) (AKA Goose Pasture)

47-39

2 of 2

7-22-21 (1/2M)

18

18 of 2

Stable Springs
Good Springs System

1) 18000 were found
Expanded?

2) 18000 were found
about 10-11

3) 18000 were found

1) Will submit report

2) 18000 were found

3) 18000 were found

4) 18000 were found

47-39

18

18 of 2

Stable Springs
Good Springs System

1) 18000 were found
Expanded?

2) 18000 were found
about 10-11

3) 18000 were found

1) Will submit report
2) 18000 were found
3) 18000 were found
4) 18000 were found

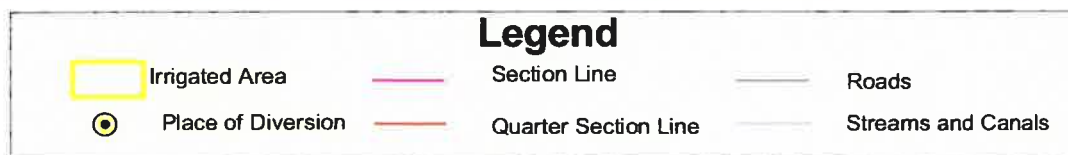
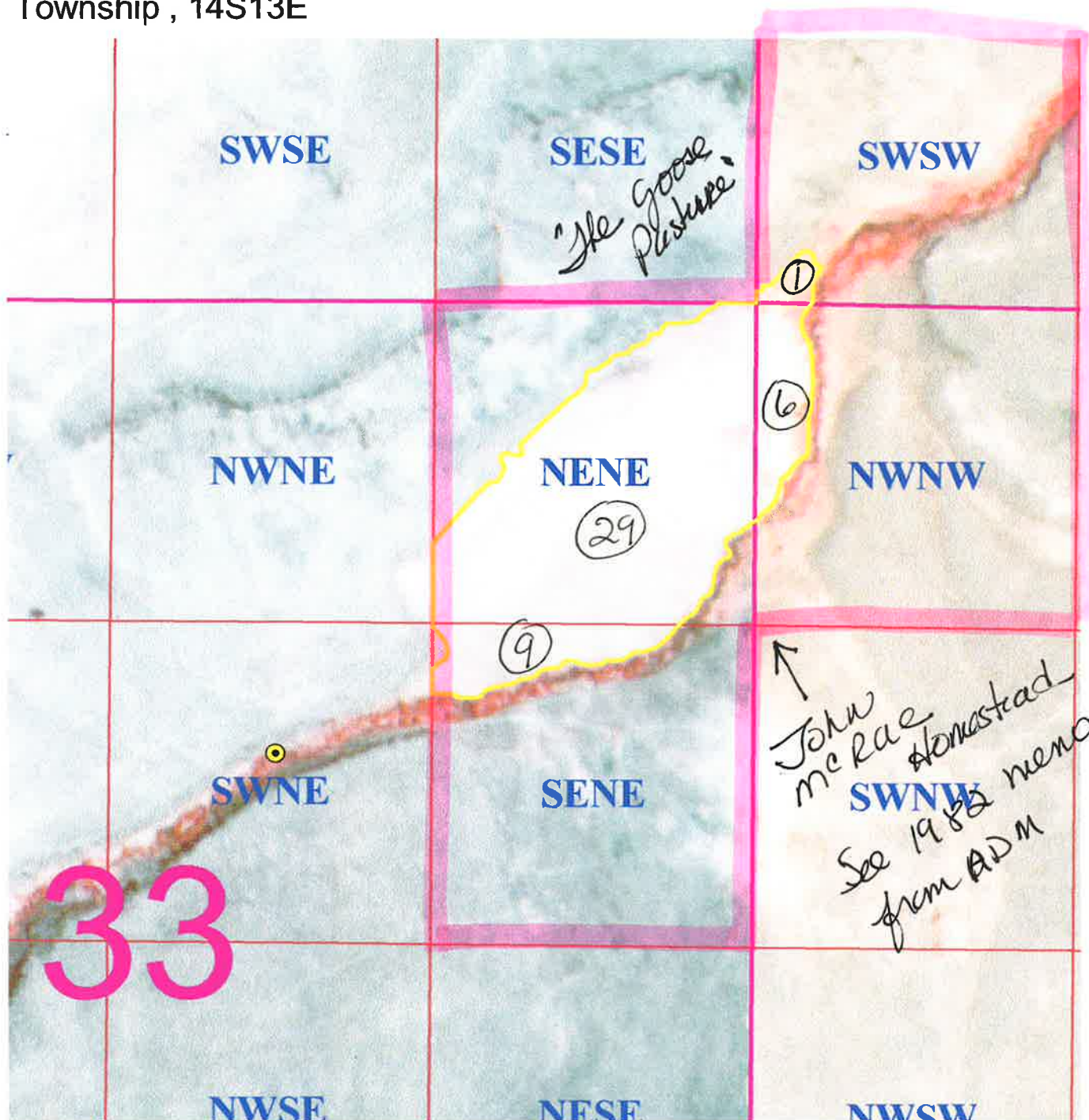
47-39

5	Garfield	71-041	1707
6			
7			
8	Cassidy Ranches 47-040	1889	1.40
9	47-024	1892	1.84
10	47-030	1890	2.40
11	47-041	1929	1.40
12	47-038	1893	2.00
13	47-032	1909	1.20 = 10.44
14		1883	.90
15	Simplex	47-039	
16		1902	.6621.52
17			
18	Cedar Canal Co.	1894	12.0
19			
20	Cedar Mesa Record	1884	8.8 = 2692.8
21	Stored Water	1719.85	
22			
23	Salmon Falls Sheep Co. 47-2457	1940	7.5
24	47-027	1914	.80
25	47-048	1914	1.40
26	47-2451	11968	= 10011.09
27	47-7221	1973	= 5004.09
28			
29			
30			

5	491.32	222.64	20.00	20.49
6				
7				
8	1153.00	1097.79	1153.00	59.79
9	2544.14	1097.79	1153.00	59.79
10				
11				
12				
13				
14				
15	452.4	205.20	194.39	162.61
16				
17				
18	4165	1887.57	1787.22	1787.22
19				
20	2154	1756.53	1880.30	1787.77
21	1719.85			
22				
23	680	271.92	257.84	14.18
24				
25				
26				
27				
28	13630.15			
29	.882	2076.21		
30				

Water Right Claim Number 47-00039
Township , 14S13E

03/09/2001



400 0 400 800 Feet

claimed Acres = 45

SPATIAL DYNAMICS

Found By GIS = 36.1 Ac

Accession/Serial #: IDIDAA 000931 **BLM Serial #:** IDIDAA 000931**Note:** This record has not been checked against the Legal Land Patent. We don't have an electronic image for this document.**Names****Patentee:** JOHN MACRAE**Survey****State:** IDAHO**Acres:** 160**Metes/Bounds:** No**Title Transfer****Issue Date:** 11/11/1898**Land Office:** Idaho**Cancelled:** No**U.S. Reservations:** Yes**Mineral Reservations:** No**Authority:** May 20, 1862: Homestead EntryOriginal (12 Stat. 392)**Document Numbers****Document Nr.:** 778**Accession/Serial Nr.:** IDIDAA 000931**BLM Serial Nr.:** IDIDAA 000931

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
SWSW	27/	14-S	13-E	No	Boise	ID	Twin Falls	
E½NE	33/	14-S	13-E	No	Boise	ID	Twin Falls	
NWNW	34/	14-S	13-E	No	Boise	ID	Twin Falls	

47-0039A

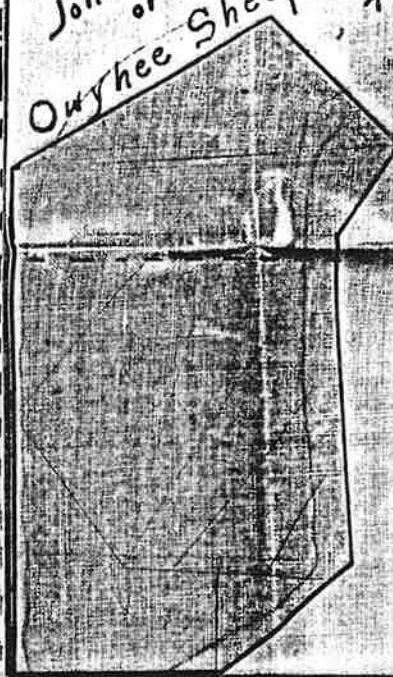
T 14S R 13E

Plaintiff Exhibit #7
DRA Brackett Etal vs Cedar Canal Co
Copied from original in Twin Falls Ct House

John McGray

Ranch
Co

John Grey
or
Owyhee Sheep and Land
Co 45.33



47 0039. That plaintiff the Owyhee Land and Sheep Company, have and enjoy the right to use two cubic feet per second of time of the flow of the waters of said House Creek, for stock and domestic purposes, and for the irrigation of a certain tract of land situated in Twin Falls County, State of Idaho, and described and known as the Harry Stewart Homestead tract, and that priority of said appropriation date from the 1st day of May 1893.

47 0039 Also, that plaintiff the Owyhee Land and Sheep Company have and enjoy the right to use forty-five fiftieths cubic feet per second of time of the flow of the waters of Cedar Creek and its tributaries, for stock and domestic purposes, and for the irrigation of a certain tract of land situated in Twin Falls County, State of Idaho, and described and known as the John McGrae Homestead Entry, comprising 160 acres of land situated in Township 14 South, of Range 13 East of the Boise Meridian, and that priority of said appropriation date from the 1st day of May, 1893.

47 0040 It is further ORDERED, ADJUDGED AND DECREED that the plaintiff, Vineyard Land and Stock Company, be, and it is hereby given the right to the use of one and three-fifths (1 3/5) cubic feet of water per second of time from the waters of House Creek for the Purpose of irrigation and domestic use upon eighty acres of land belonging to said plaintiff located in the north half of the southwest quarter (N2 SW4) and the Northwest quarter (NW4) of section twelve (12) and the south half of the southwest quarter (S2 SW4) of section one (1) in township fifteen (15) south, range twelve (12) east of the Boise Meridian, in Twin Falls County, State of Idaho, the same to date from May 1st, 1889.

47 0041 And it is further ORDERED, ADJUDGED AND DECREED that the plaintiff Vineyard Land and Stock Company be, and it is hereby given the right to the use of additional waters of said House Creek in the amount of one and two-fifths (1 2/5) cubic feet per second for the purpose of irrigation and domestic use upon seventy additional acres of land belonging to said plaintiff and located in the north half of the southwest quarter (N2 SW4) and the northwest quarter (NW4) of Section twelve (12), and the south half of the southwest quarter (S2 SW4) of section one (1), township fifteen (15) south, range

INTER-DEPARTMENT MEMO — 1

FROM Allen Meritt

DATE 4/5/82

TO File 47-0039 Transfer by Teus Angus Farm

SUBJECT Location of John McRae homestead entry
I located in the Twin Falls County Courthouse in Book 82
Page 2 of Deeds Instrument No. 291710 whereby John McRae
was deeded from the United States the following land:

E $\frac{1}{2}$ N $\frac{1}{4}$ E $\frac{1}{4}$ of Sec. 33 }
NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 34 } T.14S. R.13E. J.B.M.
SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 27 }

The assessor's office shows that all of these lands belong to
Bailey et. al. % Teus Angus Farms.

ADA

SIGNATURE

December 5, 1983

RE: Right No. 47-0039

Tews Angus Farm
Route 1
Filer, ID 83228

Dear Sir:

On June 3, 1983, the Department sent you a letter in reference to an Application for Transfer of water right No. 47-0039 which was originally filed in October, 1981.

In our June 3 correspondence, we informed you that the transfer could not be approved as prepared because it would result in an expansion of the use of water which is prohibited by Section 42-222, Idaho Code. We requested that you provide us with the location of 18 acres of land that would be removed from irrigation as the result of change in the use of water from irrigation to stockwater.

To date we have not received this information. Therefore, the Department purposes to approve the transfer with the conditions that the number of acres irrigated by Right 47-0039 be reduced by 18 acres and that the 0.18 cfs diverted from Steel Springs is junior to all other existing water rights using Steel Springs between the period of April 1 and November 1.

The use of water will be subject to the control of the watermaster of water district 43C and a measuring device and lockable controlling works of a type acceptable to the Department shall be installed and maintained at the point of diversion.

If we do not hear from you on or before January 10, 1984, we will assume you have no objections to the limitations purposed by the conditions.

If you have any questions on this matter, please let us know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
2664	Owyhee Land & Sheep Co.	0.9		47-0039
	Tews Angus Farm	0.18		47-0039B
	Owyhee Land & Sheep Co.	0.72		47-0039A

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Tews Angus Farm Phone 733-6409

Post office address Route 1 - Filer, Idaho 83228

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to Owyhee Land & Sheep Co. (Name)

in case of Ira Brackett et al vs Cedar Canal Co., et al

dated Jan. 3, 1914 in Fourth Jud. Dist county of Twin Falls
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
by purchase _____

3. Source of water Cedar Creek & tributaries tributary to Salmon Falls Creek

4. Date of priority May 1, 1893

5. Water is used for the following purposes: (suggested season)
amount 0.90 for irrigation purposes from *Apr 1 to Nov. 1
amount * for stock purposes from * to _____
amount * for domestic purposes from * to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 0.90 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is _____ 1/4 of _____ 1/4 of Section _____
Township _____ Range _____, B.M., in _____ County
Additional points of diversion, if any _____

8. Lands irrigated or place of use: (John McRae homestead entry)

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S	13E						Described as "The John McRae Homestead Entry comprising 160 acres of land situated within Township 14 South, Range 13 East of the Boise Meridian"												
							Applicant will provide legal description of place of use.												

Total number of acres to be irrigated 160

9. Describe any other water rights used for the same purposes as described above _____

	Additional points	Range	' B.M.,	County
2.	Point of diversion	%	%	Township
1.	Amount of water:	a. cubic feet per second b. acre feet per annum &/or		

[illegible]

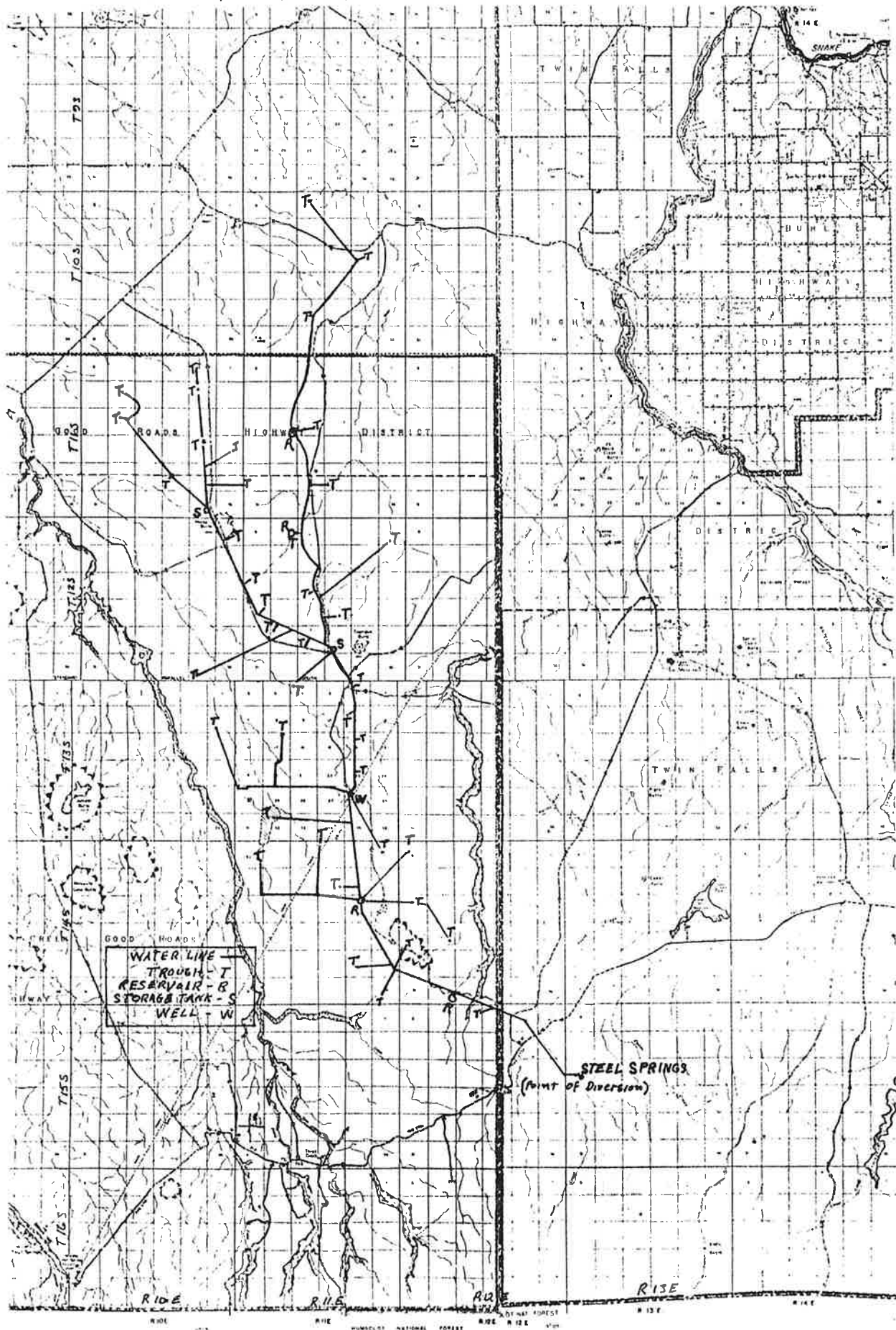
a.	Amount of water to be diverted	0.18	c.f.s. &/or	acre feet
b.	Point(s) of diversion	NW	%	Township 15S
	Range 13E	B.M., Twin Falls	%	County (Steel Springs tributary House Creek
	Additional points			

d. Describe the reasons for applying for a change in the point(s) of diversion to provide a water supply to a stockwater system on public grazing land. The water will be co-mingled with groundwater in the existing part of the system. Steel Springs has a dependable flow and is at a high enough elevation to allow gravity flow in the pipe

[illegible]

Total number of acres to be irrigated _____

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



4. Remarks The 0.18 cfs described in Item C1 had been used for stockwater. The purpose of the transfer is to show the place of use. St. 1-10-84

I hereby assert that no one will be injured by such change and 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.

Subscribed and sworn to before me this 28 day of August, 1984.
(Signature of applicant) James L. Ingram, Jr.
(Notary public) James A. Hise

My commission expires Sept

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 47-0039B and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as apart of the diverting works. 2. Use of water under this right is subject to control by the watermaster of State Water District No. 47C, Cedar, Devil & Deadwood Creeks.

Witness my hand this 13 day of January, 19 84.

D. Hunt Dayton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by mayor Date 10/28/81 Fee 50.00 Prelim. check by _____
Received by mayor Date 10/25/81 # 20621
Published in Times News Pub. dates 7/21 + 4/28/82
Watermaster recommendation requested on _____
rec'd. _____
by Jim Recommended for approval denial _____
Hearing held by _____ Date _____
Copies of protest forwarded by _____
Protest filed by _____

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	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	
10S	11E	4								X									
		14			X														
		28									X								
11S	10E	2								X									
		8								X									
		11								X									
		17								X									
		23		X															
		24														X			
		27									X								
11S	11E	16														X			
		27										X							
		30										X							
12S	10E	1		X															
		35										X							
12S	11E	1											X						
		5															X		
		16											X						
		18								X									
		19			X														
		22									X								
		28									X								
		29					X												
13S	10E	12											X						

Total number of acres irrigated _____

LAND LIST ATTACHMENT

Description and location of place of use:

[illegible]

Total number of acres irrigated _____

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 47-0039

Notice is hereby given that Tews Angus Farm of Filer, Idaho has applied to the Department of Water Resources for a change of place of use and change of nature of use of the waters of Cedar Creek and tributaries, tributary to Salmon Falls Creek. The right sought to be changed is evidenced by decree to Owyhee Land & Sheeb Co., in case of Ira Brackett et al vs Cedar Canal Co., et al, dated January 3, 1914 in Fourth Judicial District county of Twin Falls and is recorded as follows:

Amount: 0.90 cfs

Priority: May 1, 1893

Point of Diversion: Not recorded in decree

The water is used for irrigation of 160 acres from April 1 to November 1, stockwater and domestic purposes within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 33; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T14S, R13E, B.M., Twin Falls County

TO BE CHANGED AS FOLLOWS:

Amount: 0.18 cfs

Steel Springs tributary to House Creek

Point of Diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, T15S, R13E, B.M., Twin Falls County

Place of Use: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 4;

SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14;

NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T10S, R11E

SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2;

SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8,

SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11,

SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17,

NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23,

NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24,

NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T11S, R10E

NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16,

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27,

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T11S, R11E

NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1,

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T12S, R10E

SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5,

SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16,

SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18,

SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19,

NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22,

NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28,

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T12S, R11E

SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T13S, R10E

NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2,

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4,

SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11,

NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14,

NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17,

SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23,

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T13S, R11E

SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 1,

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3,

NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6,

NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10,

NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26,

NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T14S, R11E

NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6,

NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18,

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19,

NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T14S, R12E

SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, T15S, R12E,
to be

The water is/used for stockwater purposes from April 1 to November 1.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before May 10, 1982.

A. KENNETH DUNN
Director

Published in Times News on April 21 and April 28, 1982.