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DEPT OF WATER RESOURCES

June 28, 2019

Nick Miller
Regional Manager
IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
Via email to Nick.Miller@idwr.idaho.gov

Subject: 63-34348 Condition 23: State Lands Underlying Little Camas and Long Tom Reservoirs

Dear Nick:

On behalf of the Elmore County Board of Commissioners (Elmore County), SPF Water Engineering has prepared this letter to address Condition 23 associated with the approval of water application 63-34348. Condition 23 states:

"Prior to the diverting of water under this permit [63-34348], the permit holder shall submit to IDWR authorization from the Idaho Department of Lands to use state land underlying Little Camas Reservoir and Long Tom Reservoir, or proof from Idaho Department of Lands that such authorization is not necessary."

Elmore County has contacted the Idaho Department of Lands (IDL) regarding the status of State lands underlying the two reservoirs. Michele Anderson from IDL provided a response stating that the State-owned land under Little Camas and Long Tom reservoirs was condemned in 1913 and conveyed to the Mountain Home Co-Operative Irrigation Company. A copy of the condemnation judgment describing the affected lands was also included with the response.

Using the information and documents provided by IDL, SPF prepared maps depicting the State land condemned to Mountain Home Co-Operative Irrigation Company. The legal land descriptions provided in the condemnation documents were traced onto the maps in order to depict the land ceded by the State as accurately as possible. The resulting maps show that there is no State land underlying either the Little Camas or Long Tom reservoirs. Based on this, Condition 23 on 63-34348 appears to be satisfied since IDL has provided proof in the form of condemnation documents that State authorization to use lands underlying the reservoirs is not necessary. Copies of the above-mentioned maps and condemnation documents are included as attachments with this letter.

Please contact my office if you have any questions or comments regarding this matter. The office phone number is (208) 383-4140. You may also reach me by email at salbertson@spfwater.com.

Sincerely,

A handwritten signature in blue ink that reads "Sean Albertson" followed by a small "for" written below it.

Sean Albertson, EIT
Associate Engineer

Enclosures: 1913 Condemnation Documents
Project Area State Land Ownership Map
Little Camas Reservoir State Land Ownership Map
Long Tom Reservoir State Land Ownership Map

Cc: Scott Campbell – Campbell Law (scott@slclexh2o.com)
Matt McGee – Spink Butler (MMcGee@spinkbutler.com)
Shelley Essl – Elmore County Clerk (sessl@elmorecounty.org)

OF THE STATE OF IDAHO, IN AND FOR THE
COUNTY OF ELMORE

MOUNTAIN HOME CO-OPERATIVE
IRRIGATION COMPANY,

Plaintiff,

vs.

THE STATE OF IDAHO, et al.,

Defendants.

RECEIPT AND ACKNOWLEDGMENT
OF SATISFACTION OF JUDGMENT.

RECEIVED from the MOUNTAIN HOME CO-OPERATIVE COMPANY, the sum of Three thousand three hundred fifty-one and 45/100 Dollars (\$3351.45), in full payment and satisfaction of the judgment made and entered in the above entitled cause, rendered in favor of the State of Idaho, said sum being the entire amount of said judgment which was the value of the three tracts of land condemned by plaintiff in the above entitled cause.

Dated Boise, Idaho, April 12, 1913.

J. H. Peterson

Attorney General of the State
of Idaho,
Attorney for Defendants.

~~Endorsements~~)

DISTRICT COURT FOURTH JUD. DISTRICT, STATE OF
IDAHO, COUNTY OF ELMORE

MOUNTAIN HOME CO-OPERATIVE
IRRIGATION COMPANY.

CLERK'S CERTIFICATE OF TRUE COPY

STATE OF IDAHO, ss.
County of Elmore,)

I, F. M. HOBBS, Clerk of the District Court of the Third 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 *Receipt and Acknowledgment of Satisfaction of Judgment* now on *file* in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the

Filed April 23rd, 1913,
F.C. Smith, Clerk.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF ELMORE.

MOUNTAIN HOME CO-OPERATIVE
IRRIGATION COMPANY;

Plaintiff,)

vs.)

THE STATE OF IDAHO, THE STATE
BOARD OF LAND COMMISSIONERS OF THE
State of Idaho, JOHN M. HAINES,
Governor of the State of Idaho, and
Chairman of the said Board; J. H. PETERSON,
Attorney General of said State; L. W.
GIFFORD, Secretary of State of said State;
F. L. HUSTON, Auditor of said State; GRACE
M. SHEPHERD, Superintendent of Public
Instruction of said State, members of said
Board,)

Defendants.)

J U D G M E N T .

This cause having come on for trial on the 14th day of March, 1913, before Hon. E. A. Walters, District Judge, and the issues therein arising upon the complaint and the answer of all of the defendants having been duly tried before the Court, upon a stipulation of facts, without a jury, a jury having been expressly waived by the parties hereto, plaintiff appearing by its attorneys, W. C. Howie, Esq., and Messrs. Sullivan & Sullivan, and the defendants by their attorney, the Attorney General of the State of Idaho, findings of fact and conclusions of law having been waived by the parties herein, by consent in writing, filed with the clerk of this Court, and the Court having determined that the use to which the parcels of land hereinafter described are to be applied in a public use authorized by law, and that the taking of said lands is necessary to such use and that the value of the premises sought to be taken for public use is the sum of \$3351.45;

NOW, THEREFORE, on motion of W. C. Howie, Esq., and Sullivan & Sullivan, attorneys for the plaintiff,

IT IS ORDERED, ADJUDGED AND DECREED that the plaintiff take and acquire and have for its use, being a public use, in fee simple, for the purpose of flooding and overflowing and extending its reservoir capacity and reservoir sites for the impounding of more water to be supplied to the farming neighborhood in and around Mountain Home, Elmore County, Idaho, for the irrigation of lands in said neighborhood, the pieces or parcels of land situated in the County of Elmore, State of Idaho, and described as follows, to-wit:

FOR LONG TOM RESERVOIR.

- (1) Commencing at a point eight hundred twenty (820) feet east of the south-east corner of the $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 36, Township 1 South of Range 7 East, Boise Meridian, thence north $35\frac{1}{2}^{\circ}$ west, 385 feet; thence north $54\frac{1}{2}^{\circ}$ east, 625 feet; thence north $37\frac{1}{2}^{\circ}$ west, 750 feet; thence north 27° west, 1000 feet; thence north 33° west, 75 feet to the east line of the $SW\frac{1}{4}SW\frac{1}{4}$ of said section 36; thence south 900 feet to the north-east corner of the $SW\frac{1}{4}SW\frac{1}{4}$ of said section 36; thence west 1320 feet to the west line of section 36; thence south 780 feet; thence south 42° east, 230 feet; thence south 88° east, 155 feet to south line of said section 36; thence east to place of beginning; all being in section 36, Township 1 South, Range 7 East, Boise Meridian.
- (2) Also commencing at a point on the east line of the $SW\frac{1}{4}NW\frac{1}{4}$ of said section 36, four hundred (400) feet south of the north-east corner of said subdivision, thence south $82\frac{1}{2}^{\circ}$ east 800 feet; thence north $30\frac{1}{2}^{\circ}$ east, 845 feet; thence north 57° east 575 feet; thence north 83° east 300 feet; thence south 77° east, 660 feet; thence north $47\frac{1}{2}^{\circ}$ east, 685 feet; thence north $66\frac{1}{2}^{\circ}$ east, 320 feet; thence north 22° east, 325 feet to the north line of said section 36; thence west 750 feet along said section line; thence south $40\frac{1}{2}^{\circ}$ west 500 feet; thence south 80° west, 1085 feet; thence south $63\frac{1}{2}^{\circ}$ west, 1280 feet; thence south $81\frac{1}{2}^{\circ}$ west 725 feet; thence south $62\frac{1}{2}^{\circ}$ west, 145 feet to the north line of the $SW\frac{1}{4}NW\frac{1}{4}$ of said section 36; in all containing one hundred three and twenty-five hundredths (103.25) acres, more or less, all being in Section 36, Township 1 South Range 7 East Boise Meridian;

FOR LITTLE CAMAS RESERVOIR.

- (3) Commencing at a point twelve hundred fifty (1250) feet east of the quarter corner on the north side of Section 16, Township 1 South of Range 9 East, Boise Meridian, thence south $3\frac{1}{2}^{\circ}$ east, 425 feet; thence south 59° east, 365 feet; thence south 19° east, 275 feet; thence south 7° east, 600 feet; thence south 11° west, 500 feet; thence south $26\frac{1}{2}^{\circ}$ west, 300 feet; thence south 54° west, 385 feet. thence south 58° west, 815 feet; thence south 6° west, 400 feet; thence south 40° east, 700 feet; thence south 16° east, 550 feet; thence south 16° west, 385 feet; thence south 19° west, 600 feet; thence south 46° west, 50 feet to the south line of said section 16 at a point 800 feet east of the quarter corner on the south side of said section; thence east 1840 feet to the south-east corner of said section 16; thence north one mile to the north-east corner of said section; thence west along the north side of said section a distance of 1390 feet to place of beginning, containing one hundred seventy-three and two-tenths (173.2) acres, more or less; all being in Section 16, Township 1 South, Range 9 East, Boise Meridian.

IT IS ORDERED, ADJUDGED AND DECREED that the sState of Idaho do have and recover judgment against said plaintiff for the sum of \$753.45, for the forst and second parcels above described for reservoir purposes at said Long Tom Reservoir; and for the sum of \$2598.00, for the third parcel above described for reservoir purposes at said Little Camas Reservoir, and that on payment of said sums, either to said defendant, the State of Idaho, or by depositing the same in Court herein, for said defendant, that a final order of condemnation be made herein; that each party pay its own costs.

Done this 14th day of March, 1913.

(SIGNED) Edward A. Walters.

District Judge.

Filed March 4th, 1913.

F. C. Smith, Clerk,

by B. H. Smith, Deputy.

Recorded in Book 4 of Judgments at page 192.

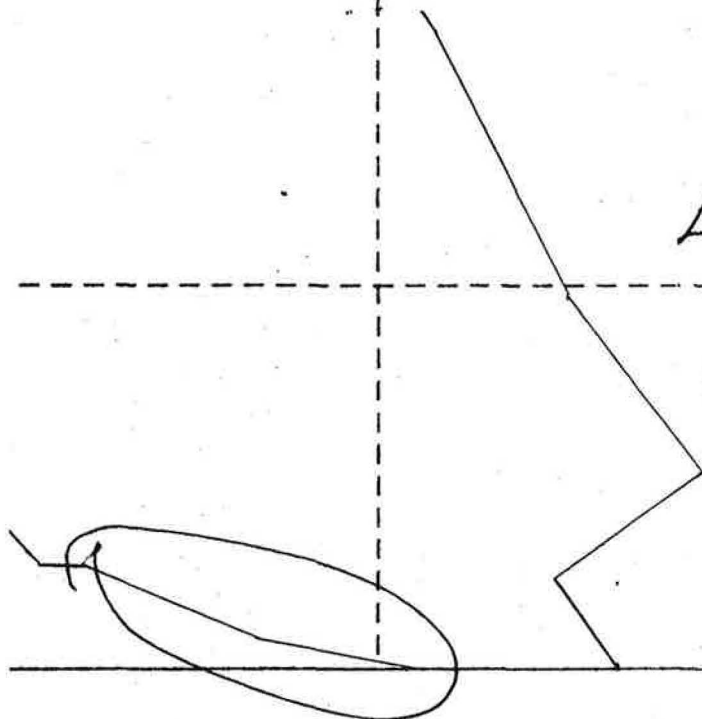
SECTION PLAT
8" - Mile

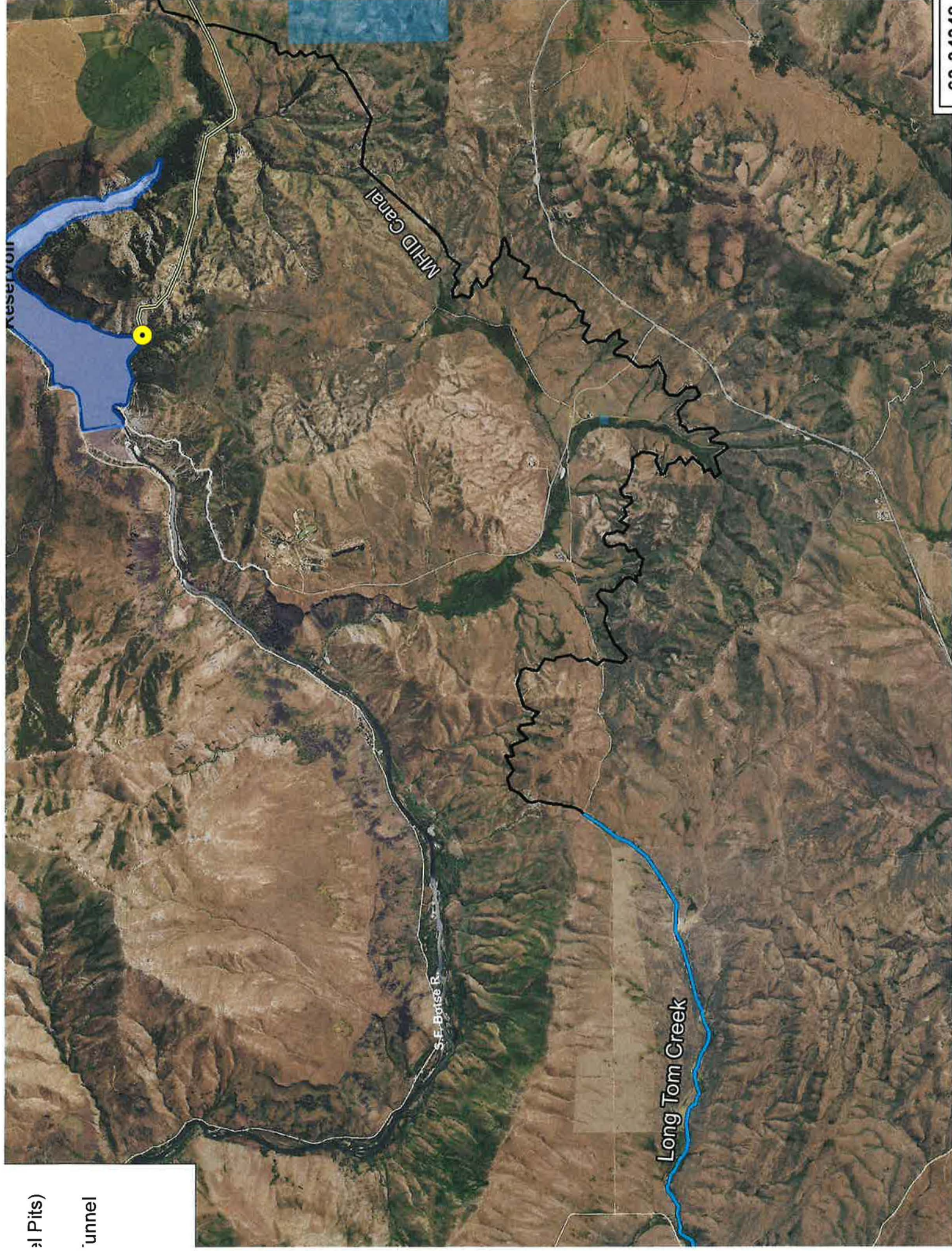
Section 36

Township 15

Range 7E

Long Tom
Reservoir





Legend

● Pits

— tunnel

0 10 Miles

