

RECEIVED

MAR 02 2006

DEPARTMENT OF
WATER RESOURCES

February 27, 2006

To: Dept. Water Resource
Adjudication Bureau
P. O. Box 83720
Boise, Idaho 83720-0098

From: Duane Cutright

Subject: Change of water right priority date on #37-7746 to March 1, 1958 and 37-7738 to June 1, 1955.

Discussion

I was in the military and not living in Idaho at the time of the early adjudication proceedings. Therefore I was not aware of the long term implications of the adjudication.

From afar I did not grasp the significance of the priority date and accepted the date of my application, rather than my elderly father's original water usage dates.

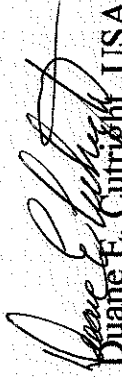
I request the changes based on the following information, (see enclosures 1 through 4).

1. USDA-NRCS map dated 7-17-57, showing house-outbuildings, and irrigation in use at that time. This was 2 years after the house and property was acquired. See deed enclosure #2. Pertains to 37-7738.
2. Deed
3. Copy of USDA-NRCS map dated 5-22-69 showing where Jay Cutright was presently watering crops and in the N.W. area where he had cleared the sagebrush and raised grain. He was then 81 years old and unable to move his pipe. Concerns 37-7746.
4. Statement from Mr. Douglas Wood (whose family owned and still owns the adjoining property) that they hauled dairy waste manure as fertilizer in for approximately 6 – 8 acres of corn in 1959 to 1960. Jay Cutright was then growing corn, alfalfa and pasture for his cattle, sheep and pigs on several more acres. Pertains to 37-7746.

The old steel pipe uprights and the old (pre-plastic pipe) reinforced black rubber pipes can still be seen throughout the area. The soil maps are signed on the back by Steven Thompson, District Conservationist for USDA-RCS in Gooding. His telephone is # 934-8481, extension 114.

For further information on clarification, please contact me at the address below.

Respectfully requested,


Duane E. Cutright, USA-Ret.
454 River Road
Bliss, Idaho 83314

RECEIVED

MAR 02 2006

DEPARTMENT OF
WATER RESOURCES

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)

A. Subcase 37-7746

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Duane E. Cutright

Address: 454 River Road Bliss, Idaho 83314

Daytime Phone: 837-4045

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: see B above

Address: _____

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____

2. ☐ **Source**
Should be: _____

3. ☐ **Quantity**
Should be: _____

4. ☐ **Priority Date**
Should be: March 1, 1958

5. ☐ **Point of Diversion**
Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____

7. ☐ **Purpose(s) of Use**
Should be: _____

8. ☐ **Period of Year**
Should be: _____

9. ☐ **Place of Use**
Should be: _____

10. ☐ **I object because:**
☐ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): See Enclosures. attached.

F.

VERIFICATION (must be completed)

State of Idaho)
County of Booming)ss.
Duane E Cutright
(Name of person filing objection)

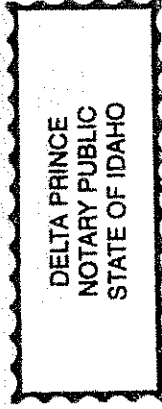
, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Duane E Cutright
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Feb 27, 2006



Delta Prince
Notary Public for Booming ID
Residing at: Booming
My Commission Expires: 9-13-2010

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on 29 Feb, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: NA

Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

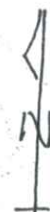
Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

Enclosure #1

7-17-57



Enclosure #1

House

+ Bldgs →



DEED RECORD No. 47—GOODING COUNTY, IDAHO

PROOF READ

IDAHO & LAMAR COUNTY DEEDS, 1911-1912

No. 127325

This Indenture, Made this 25th day of April in the year of our Lord one thousand nine hundred and Fifty-five, between Vern W. Carson and Hope W. Carson, husband and wife,

of Bliss, County of Gooding, State of Idaho
the parties of the first part, and
Jay G. Cutright

of Bliss, County of Gooding, State of Idaho,
the party of the second part,
WITNESSETH, That said parties of the first part, for and in consideration of the sum of \$10.00 and other good considerations lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm, unto the said party of the second part, and to his heirs and assigns, forever, all the following described real estate situated in Gooding County, State of Idaho, to-wit:

Beginning at the Northwest corner of Section 21, Township 6 South, Range 13 East of the Boise Meridian; thence Easterly, along the North boundary, 1320 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter; thence southerly along the east boundary of said Northwest Quarter of the Northwest Quarter approximately 853.4 feet to the north right of way boundary of U.S. Highway 30 as presently constructed; thence northwesterly along said north right of way boundary of U.S. Highway 30 as follows: North 71°30' west 35.9 feet to the tangent curve of a 7°20' (D=70'20') curve to the left (L=40'10'); thence 56.82 feet along the arc of said 7°20' curve to the left whose long chord bears north 73°35' west 56.8 feet to the curve tangent; thence north 75°40' west 375.7 feet to the tangent curve of a 10°6' (D=10°6') curve to the left (L=30°8'); thence 284.85 feet along the arc of said 10°6' curve to the left whose long chord bears north 77°14' west 284.8 feet to the curve tangent; thence north 78°48' west 144.7 feet to the tangent curve of a 19°00' curve to the right whose long chord bears north 248.15 feet along the arc of said 19°00' curve to the right (L=47°9'); thence 256.6 feet to the tangent curve of a 10°36' (D=10°36') curve to the right (L=10°55'); thence 119.79 feet along the arc of said 10°36' curve to the right whose long chord bears north 30°40.5' west 119.8 feet to the curve tangent; thence north 29°44' west approximately 106.1 feet to the west boundary of said section 21; thence northerly along said west boundary approximately 95.8 feet to the point of beginning, containing 20 acres, more or less.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity, of the said part 1es of the first part:

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said part 1es of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said part 1es of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals, the day and year first above written.

Signed, Sealed and Delivered in the Presence of -

VERN W. CARSON (Seal)
HOPE W. CARSON (Seal)

STATE OF IDAHO,

} ss.

County of Gooding

before me,

On this 25th

day of April

in the year 1955,

personally appeared Vern W. Carson and Hope W. Carson, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.

(NOTARY SEAL)

CECIL D. HOEDEY

Notary Public for the State of Idaho,
Residing at Gooding, Idaho.

Recorded at the request of Cecil D. Hobdey
at 1:40 o'clock P. M., this 31st day of May

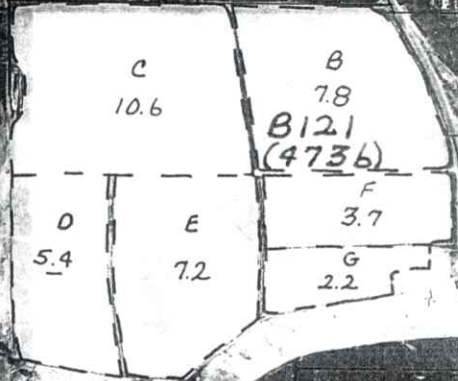
Fee, \$ 1.50

A. D. 19 55

Bert Bowler

House &
Bldgs

T-6S



B1578
4.9

ENCLOSURE
#3

February 24, 2006

To Whom It May Concern:

In 1958 we purchased a truck and manure bed to haul and spread the manure from our dairy.

We were so proud of this unit and how much it would haul, we hauled manure ad covered our neighbor, Jay Cutright's , 6-8 acre corn field. He also had an alfalfa field and irrigated pasture.

In conversing with my brother and the accuracy of the events in our story, we remember having to shovel the complete load of manure off of the truck three times before we concluded the cross-members weren't strong enough under the manure bed and would break the bed chain.

My brother moved away in 1960 but I remained in Hagerman and farmed the ranch and hauled manure on Mr. Cutright's corn patch until 1969-1970 when I moved to Gooding.

Sincerely,

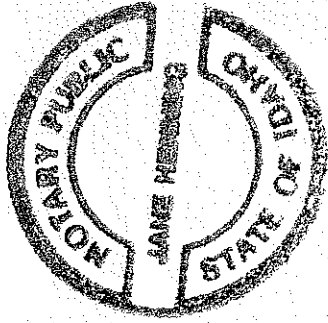
A handwritten signature in cursive script that reads "Douglas H. Wood". The signature is written in dark ink and is positioned above the printed name.

Douglas H. Wood

State of Idaho

County of Gooding

On this 24th day of February, in the year of 2006, before
me Jane Henning, a notary public, personally appeared
Douglas H. Wood, personally known to me to be the
person whose name is subscribed to the within instrument, and
acknowledge to me that he executed the same.



Jane Henning
Notary Public

My Commission Expires on March 1, 2012