

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: A37-00458A
Date Received: 10/06/1988
Receipt No: MO01554
Received By: CC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOE GOITIANDIA 208-726-9600
Address: P.O. BOX 130
KETCHUM, ID 83340

AND/OR

Name: CHERYL GOITIANDIA 208-726-9600
Address: P.O. BOX 130
KETCHUM, ID 83340

2. Date of Priority: JUN 01, 1883

3. Source: CLEAR CREEK Trib. to: COMSTOCK DITCH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	18E	31	SW	SW	NE		BLAINE

5. Description of diverting works:
POND WITH 5 H.P. PUMP DELIVERING TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.540		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

MICROFILMED
FEB 22 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	18E	31	SW	NE		IRR	6.0
Section Acres							6.0
Total Acres							6.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
OTHER CLAIMS FOR GROUNDWATER

14. Remarks:
THE RIGHT IS BASED ON 1/2 OF THE ENTIRE FLOW LESS 3 INCHES OF ORIGINAL DECREED RT. 37-0458 WHICH WAS FOR THE ENTIRE FLOW OF CLEAR CREEK SPRING. THIS AMOUNT IS ESTIMATED TO BE APPROX. 27 MINER'S INCHES IN A NORMAL YEAR. THE PUMP SYSTEM SUPPLYING WATER TO THE SPRINKLERS IS DESIGNED TO PUMP APPROX 120 GPM. THIS PUMP ALSO WOULD BE USED FOR FIRE PROTECTION FOR THE SURROUNDING TRAILER PARK AREA. THE CLEAR CREEK FLOWS IN A CHANNEL WHICH IS INTERCEPTED BY THE COMSTOCK DITCH WHICH DIVERTS WATER FROM THE BIG WOOD RIVER.

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

Decree Plaintiff

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

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

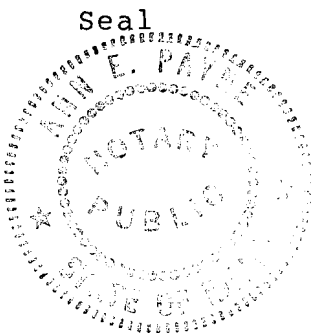
Signature of Claimant(s): Joe Martin Date: 10/07/88

Date: _____

State of Idaho)
County of Blaine) SS.

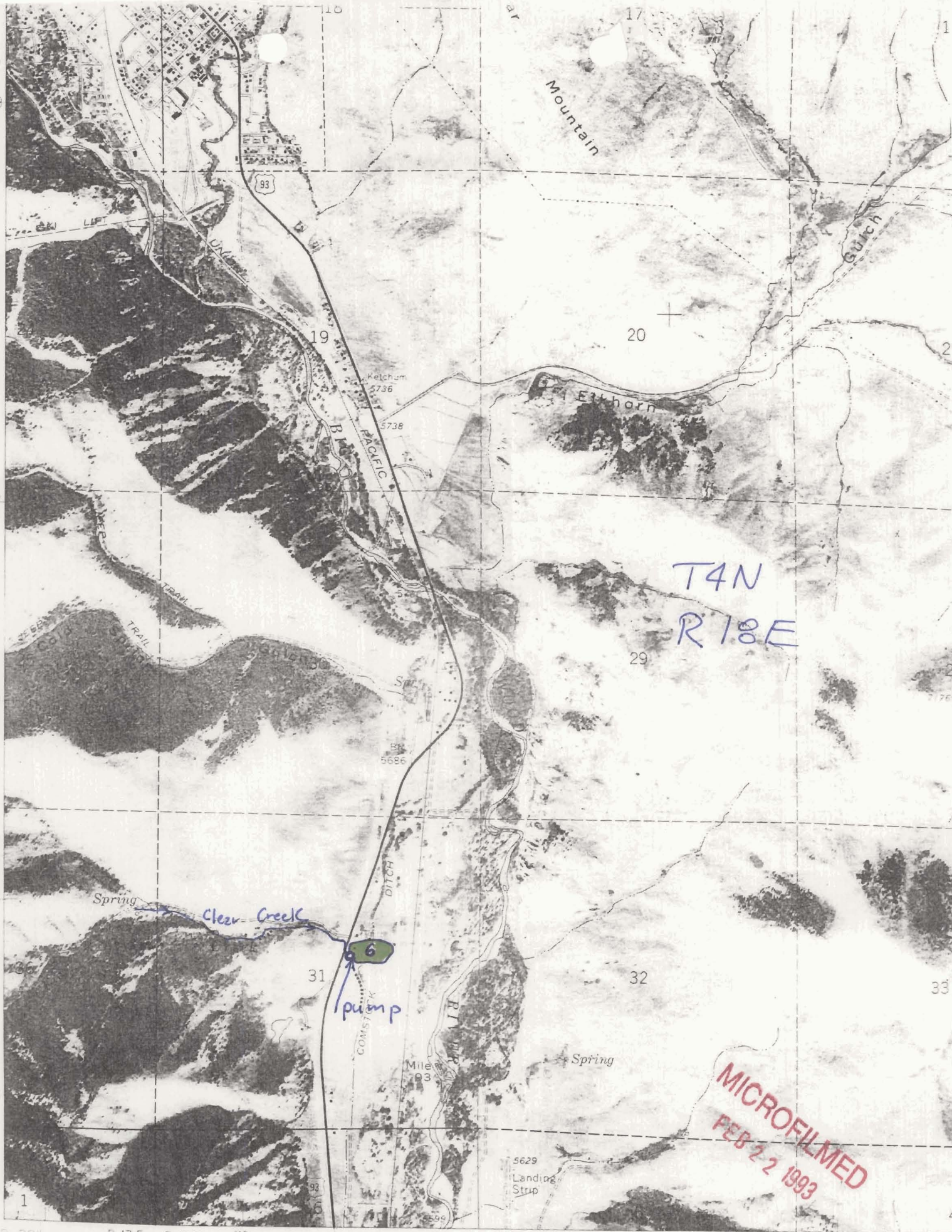
Subscribed and sworn (or affirmed) before me this 7th day
of October 19 88

Aime E. Payne
Notary Public



Residing at Ketchum, Idaho

My Commission Expires October/94



Produced by the Geological Survey
in cooperation with the U. S. Forest Service

Orthophotograph prepared from 1:80,000-scale

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: A37-00458
Date Received: 1/17/1990
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SPLIT RIGHT
Address:

X, ID

X

2. Date of Priority: JUN 01, 1883

3. Source: CLEAR CREEK SPRING
SPLIT RIGHT

Trib. to: CLEAR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
65N	46E	36	NE	NE	NE		SUBSCRIPTION

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION					

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	18E	31	NW	SE		IRR	
			SW	SE		IRR	

11. Place of use in counties: BLAINE

A37-00458

Page

1

Date: 01/17/90

MICROFILMED
FEB 22 1993

01/10/2007

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

RIGHT NUMBER: 37-458A

NAME AND ADDRESS: CHERYL GOITIANDIA
PO BOX 2275
KETCHUM ID 83340

JOE GOITIANDIA
PO BOX 2275
KETCHUM ID 83340

SOURCE: CLEAR CREEK

TRIBUTARY: SINKS

QUANTITY: 0.080 CFS

Right Nos. 37-458A and 37-11550 are limited to a total combined diversion rate of 0.08 cfs for irrigation purposes.

PRIORITY DATE: 06/01/1883

POINT OF DIVERSION:

T04N R18E S31 SWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.080 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R18E S31 SWNE 4.00

4 ACRES TOTAL

Right Nos. 37-458A and 37-11550 are limited to the irrigation of a combined total of 4 acres 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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.



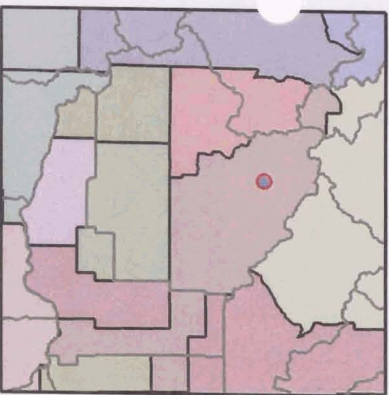
Idaho Department of Water Resources

SRBA Recommendation:

37-458A
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters

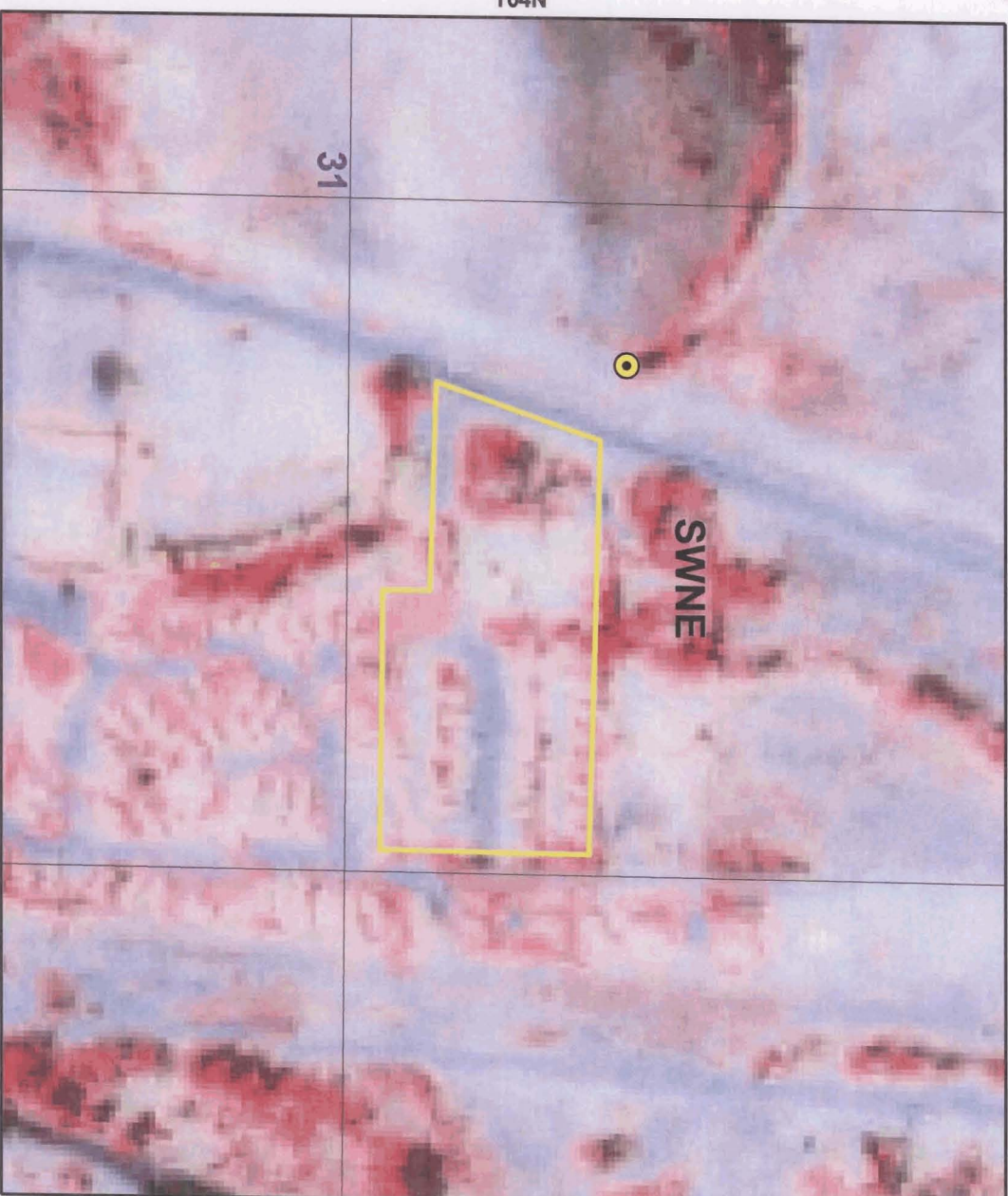


Blaine County
IDWR Basin 37



T04N

R18E



Prepared by J. Dean
On Wednesday, January 10, 2007
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-458A V1

WATER RIGHT NUMBER: 37-458A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHERYL GOITIANDIA PO BOX 2275 KETCHUM, ID 83340 (208)725-2090
Current Owner	JOE GOITIANDIA PO BOX 2275 KETCHUM, ID 83340 (208)725-2090

Priority Date: 06/01/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CLEAR CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.080 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

CLEAR CREEK	SW1/4SW1/4NE1/4	Sec. 31, Twp 04N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	18E	31			4.0														4.0

Total Acres: 4

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C02 Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.
3. E55 Right Nos. 37-458A and 37-11550 are limited to the irrigation of a combined total of 4 acres in a single irrigation season.
4. E51 Right Nos. 37-458A and 37-11550 are limited to a total combined diversion rate of 0.08 cfs for irrigation purposes.
5. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-458A V1

Remarks:Comments:

1. jdean 1/10/2007 Copied from Claim

Comment: THE RIGHT IS BASED ON 1/2 OF THE ENTIRE FLOW LESS 3 INCHES OF ORIGINAL DECREED RT. 37-0458 WHICH WAS FOR THE ENTIRE FLOW OF CLEAR CREEK SPRING. THIS AMOUNT IS ESTIMATED TO BE APPROX. 27 MINERS INCHES IN A NORMAL YEAR. THE PUMP SYSTEM SUPPLYING WATER TO THE SPRINKLERS IS DESIGNED TO PUMP APPROX 120 GPM. THIS PUMP ALSO WOULD BE USED FOR FIRE PROTECTION FOR THE SURROUNDING TRAILER PARK AREA. THE CLEAR CREEK FLOWS IN A CHANNEL WHICH IS INTERCEPTED BY THE COMSTOCK DITCH WHICH DIVERTS WATER FROM THE BIG WOOD RIVER.

2. jdean 1/10/2007 Accomplished change

Comment: This claim was recommended with an accomplished change in the POU as well as an accomplished change in the source. POU change was justified because there were no other claims competing for the amount of water that this claim was recommended for. Source change was justified because Clear Creek Spring should feed into Clear Creek and the POD is just downstream of where it was originally. Source was also changed to be consistent with the recommendation for part B.

3. jdean 1/10/2007 Reduction of acres

Comment: The acres for this claim were reduced as per aerial photography and overlap with 37-11550 which will be recommended for the 4 acres of irrigation issued under license number 37-7578.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/20/2006 10:50:01 AM	cclark			Active
Priority Date	12/20/2006 10:50:29 AM	cclark			Active
POD	12/20/2006 1:08:44 PM	cclark			Active
POU	12/20/2006 1:08:47 PM	cclark			Active
Source	12/20/2006 1:08:48 PM	cclark			Active
Use	12/20/2006 1:08:49 PM	cclark			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-458A V1

Quantity	12/20/2006 1:08:51 PM	cclark	Active
Season	12/20/2006 1:08:51 PM	cclark	Active
Contacts	1/10/2007 4:25:22 PM	jdean	Active
Priority Date	1/10/2007 4:28:08 PM	jdean	Active
POD	1/10/2007 4:44:46 PM	jdean	Active
Source	1/10/2007 4:46:33 PM	jdean	Active
POU	1/10/2007 4:55:12 PM	jdean	Active
Use	1/10/2007 4:55:29 PM	jdean	Active
Season	1/10/2007 4:57:15 PM	jdean	Active
Quantity	1/10/2007 4:58:36 PM	jdean	Active
Summary		01/10/2007 jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	1/10/2007 4:28:08 PM	jdean	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Source	1/10/2007 4:46:33 PM	jdean	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (No) 5. Can the claimed source be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the source? (Yes) 8. Can the change be verified as an accomplished transfer? (Yes) 10. Does the file contain all the necessary information to verify the source? (Yes) 11. Is a Source remark and/or condition required? Description for Question 8 - Diversion takes place from creek, not at the spring.
POU	1/10/2007 4:47:04 PM	jdean	Updated shape for Active POU
POU	1/10/2007 4:52:48 PM	jdean	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-458A V1

POU	1/10/2007 4:55:12 PM	jdean	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - The POU is in the qq north of the POU described in the original decree. Description for Question 13 - POU was verified as per tax lot data, and license 37-7578.
POD	12/20/2006 1:08:45 PM	cclark	(Yes) 1. Is the basis of this claim a Decree or License?
Source	12/20/2006 1:08:49 PM	cclark	(Yes) 1. Is the basis of claim Decree or License?
Season	12/20/2006 1:08:51 PM	cclark	(Yes) 1. Is the basis of claim Decree or License?
POU	12/20/2006 1:08:48 PM	cclark	(Yes) 1. Is the basis of this claim a Decree or License?
Use	12/20/2006 1:08:50 PM	cclark	(Yes) 1. Is the basis of this claim a Decree or License?
Quantity	12/20/2006 1:08:51 PM	cclark	(Yes) 1. Is the basis of this claim a Decree or License?
Contacts	12/20/2006 10:50:01 AM	cclark	(No) 1. Do you want to schedule an appointment?
General	12/20/2006 10:50:30 AM	cclark	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Contacts	1/10/2007 4:25:23 PM	jdean	(No) 1. Do you want to schedule an appointment?
			Comment for 1: Desk Review
POD	1/10/2007 4:33:12 PM	jdean	Updated PLS
POD	1/10/2007 4:33:00 PM	jdean	Updated shape
POU	1/10/2007 4:53:11 PM	jdean	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-458A V1

Use	1/10/2007 4:55:29 PM	jdean	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	1/10/2007 4:57:15 PM	jdean	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	1/10/2007 4:58:36 PM	jdean	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a diversion rate and/or volume? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Flow measurement not required because diversion rate is less than 0.2 cfs.
POD	1/10/2007 4:44:46 PM	jdean	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-458A V1

Summary	1/10/2007 5:05:13 PM	jdean	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Summary	11/3/2006 4:54:40 PM	CFRITSCH	Bulk Copy

Water Supply Bank: