

COPY

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 MAY 2 AM 11 54

**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

Case No. 39576

) Subcase No. 37-7738, 37-7746,
) 37-21960

) **NOTICE OF COMPLETED**
) **ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

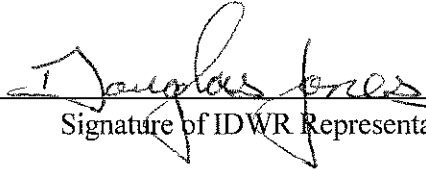
Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: _____

5/1/07



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5/2, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

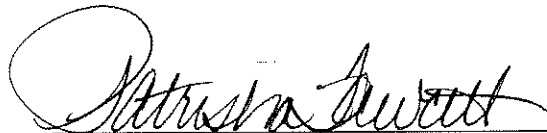
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

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

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Duane Cutright
Carole Cutright
454 River Rd
Bliss ID 83314



Signature of person or attorney mailing the form

03/19/2007

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-7738	CAROLE V CUTRIGHT 454 RIVER RD BLISS ID 83314	Disallowed	Recommended as Right No. 37-21960.
	DUANE E CUTRIGHT 454 RIVER RD BLISS ID 83314		

03/19/2007

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

RIGHT NUMBER: 37-7746

NAME AND ADDRESS: CAROLE V CUTRIGHT
454 RIVER RD
BLISS ID 83314

DUANE E CUTRIGHT
454 RIVER RD
BLISS ID 83314

SOURCE: SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.110 CFS
54.70 AFY

PRIORITY DATE: 12/09/1978

POINT OF
DIVERSION:

T06S R13E S21 NWNWNW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.110 CFS
54.70 AFY

PLACE OF USE:

IRRIGATION in GOODING County

T06S R13E S16

SWSW

6.00

T06S R13E S21

NWNW

9.00

15 ACRES TOTAL

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

The remainder of this right has been recommended as Right No.
37-21960.

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 - License

03/19/2007

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

RIGHT NUMBER: 37-21960

NAME AND ADDRESS: CAROLE V CUTRIGHT
454 RIVER RD
BLISS ID 83314

DUANE E CUTRIGHT
454 RIVER RD
BLISS ID 83314

SOURCE: SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.100 CFS
27.40 AFY

PRIORITY DATE: 03/15/1958

POINT OF
DIVERSION:

T06S R13E S21 NWNWNW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY
IRRIGATION	03/15 11/15	0.060 CFS 26.20 AFY

PLACE OF USE: IRRIGATION in GOODING County

T06S R13E S21 NWNW 7.00

DOMESTIC same as IRRIGATION

7 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: BASIS OF CLAIM - Beneficial Use

This right is a combination of old Right No. 37-7738 and a portion of Right No. 37-7746.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

SOUTHERN REGION

May 2, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
~~Interim~~ Director

DUANE CUTRIGHT
CAROLE CUTRIGHT
454 RIVER RD
BLISS ID 83314

RE: SRBA Claim(s) 37-7738, 37-7746, 37-21960

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
MAR 15 2007
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
37-7746					
37-7738					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

Dwane E Cutright
Dwane E Cutright

4. New Owner/Claimant(s)

Dwane E & Carole V. Cutright

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

454 River Rd

City, State and ZIP Code

Bliss ID 83314

New Telephone Number

(208) 837 4045

5. Date you acquired the property

12-28-1976

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Deane E. Clark
Carol V. Cetrone

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

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

QUITCLAIM DEED

For Value Received

I, Duane E. Cutright
does (do) hereby convey, release, remise and forever quit claim
unto Duane E. Cutright and Carole V. Cutright, husband and wife;

whose address is; 454 River Road, Bliss, Idaho 83314

the following described premises, to-wit:
See attached

Instrument # 220124

GOODING, GOODING, IDAHO

2007-01-31

11:54:45 No. of Pages: 4

Recorded for : DUANE E CUTRIGHT

DENISE M. GILL

Fee: 12.00

Ex-Officio Recorder Deputy

[Handwritten signature]

together with their appurtenances.

Dated

[Handwritten signature] Jan 31 - 2007

DELTA PRINCE
NOTARY PUBLIC
STATE OF IDAHO

STATE OF IDAHO COUNTY OF

On this 31st day of January, 2007 before
me, a notary public in and for said State, personally
appeared Duane E Cutright

_____ known
to me to the person who name _____ subscribed
to the within instrument, and acknowledged to me that
executed the same.

Residing at: Gooding, ID
My commission Expires: 9/13/2010

Notary Public

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed
for record at the request of
at _____ minutes past _____ o'clock .m.
this _____ day of _____, 2000
in my office, and duly recorded in
Book of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy

Fee \$

Mail Notice to:

Name _____

Address _____

City & State _____

A R R A N T Y D E E D

FOR VALUE RECEIVED:

FRANK H. CUTRIGHT and EDNA CUTRIGHT, Husband and Wife,
Gooding, Idaho and FLORENCE SIMONS, dealing with her sole and
separate property, Jerome, Idaho, hereinafter called the Grantor,
hereby grants, bargains, sells and conveys unto: DUANE E.
CUTRIGHT, Chevy Chase, Maryland, hereinafter called the Grantee,
all our right, title and interest in and to the following de-
scribed property situate in Gooding County, Idaho, to-wit:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 6 South, Range
13 E.B.M., and

Beginning at the NW corner of Section 21,
Twp. 6 S., R. 13 E.B.M.;

thence Easterly along the North boundary 1320
feet to the NE corner of the NW $\frac{1}{4}$ N $\frac{1}{4}$ W;

thence Southerly along the East boundary of
said NW $\frac{1}{4}$ NW $\frac{1}{4}$ 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:

Then North 71° 30' West 35.9 feet to the tangent
curve of a 7° 20' (D - 7° 20') curve to the left
(I - 4° 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 1° 6' (D - 1° 6') curve to the left
(I - 3° 8');

thence 284.85 feet along the arc of said 1° 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° 0' (D - 19° 0') curve to the right
(I - 47° 9');

thence 248.15 feet along the arc of said 19° 0'
curve to the right whose long chord bears North 55° 13.5'
West 242.7 feet to the curve tangent;

thence North 31° 39' West 256.6 feet to the tangent
curve of a 1° 36' (D - 1° 36') curve to the right (I -
1° 35');

thence 119.79 feet along the arc of said 1° 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 16;

PAGE 2.

CUTRIGHT, Chevy Chase, Maryland, hereinafter called the Grantee,
all our right, title and interest in and to the following de-
scribed property situate in Gooding County, Idaho, to-wit:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 6 South, Range
13 E.B.M., and

ok 065175 21 3000

Beginning at the NW corner of Section 21,
Twp. 6 S., R. 13 E.B.M.;

- thence Easterly along the North boundary 1320 feet to the NE corner of the NW $\frac{1}{4}$ N $\frac{1}{4}$ W;
- thence Southerly along the East boundary of said NW $\frac{1}{4}$ N $\frac{1}{4}$ W 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:
 - Then North 71° 30' West 35.9 feet to the tangent curve of a 7° 20' (D - 7° 20') curve to the left (I - 4° 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 1° 6' (D - 1° 6') curve to the left (I - 3° 8');
 - thence 284.85 feet along the arc of said 1° 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° 0' (D - 19° 0') curve to the right (I - 47° 9');
 - thence 248.15 feet along the arc of said 19° 0' curve to the right whose long chord bears North 55° 13.5' West 242.7 feet to the curve tangent;
 - thence North 31° 39' West 256.6 feet to the tangent curve of a 1° 36' (D - 1° 36') curve to the right (I - 1° 35');
 - thence 119.79 feet along the arc of said 1° 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.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to 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 they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED: This 28th day of December, 1976.

Frank H. Cutright
Edna Cutright
Florence Simons

STATE OF IDAHO)
) SS.
County of Gooding)

On this 28th day of December, 1976, before me the undersigned, notary public in and for said State, personally appeared Frank H. Cutright and Edna Cutright and Florence Simons 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 first above written.

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

