

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: A45-00690
Date Received: 5/30/1989
Receipt No: MDO 3753
Received By: BAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ORIN B. WOODBURY 208-654-9354
Address: RT 3 BOX 3345
BURLEY, ID 83318

2. Date of Priority: MAY 01, 1882

3. Source: DAYLEY CANYON Trib. to: SNAKE RIVER
LUNCH CREEK SNAKE RIVER
ANTELOPE OR SUMIT SPRINGS SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
12S	24E	5	NW		NW		NW		CASSIA
		7	SW		NE		NE		CASSIA
			NW		NW		SE		CASSIA
		9	SW		NW		NW		CASSIA

5. Description of diverting works:
SPRING BOX AND PIPELINE INTO RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.350		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
200 BEEF

A45-00690

Page 1

Date: 05/30/89

MICROFILMED
MAR 08 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	24E	5	SE		NE		IRR	33.0
			NE		NW		IRR	33.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			Section Acres					146.0
		31	NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					160.0
			Total Acres					306.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
45-00691, 45-07186, 45-07004

14. Remarks:
RT. IS FOR ENTIRE FLOW OF SAID WATER SOURCES.

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

SARAH E. ROBINSON
Decree Plaintiff

vs

H. R. MATTHEWS ET AL
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: 0

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): *D. B. Woodbury* Date: May 30 1989
Date: _____

State of Idaho)
County of Cassia) ss.

Subscribed and sworn (or affirmed) before me this 30 day
of May 19 89

Seal

Bruce A. Schuld
Notary Public

BRUCE A. SCHULD, NOTARY PUBLIC

Residing at RESIDING AT BOISE, IDAHO

My Commission Expires MY COMMISSION EXPIRES APRIL 11, 1995

01/16/2004

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

RIGHT NUMBER: 45-690

NAME AND ADDRESS: ORIN B WOODBURY
559 E 800 S
BURLEY ID 83318

SOURCE: DAYLEY CREEK
LUNCH CREEK
UNNAMED STREAM

TRIBUTARY: SINKS
TRIBUTARY: SINKS
TRIBUTARY: SINKS

KKC

QUANTITY: 3.200 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN
.02 CFS PER ACRE NOR MORE THAN 4 AFA PER ACRE. COMBINED RIGHT
NOS. 45-7004, 45-7186A, 45-7186B, 45-690 and 45-691.

The quantity of water under this right for stockwater use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION:

T12S R24E S5 NESESE Within CASSIA County

T12S R24E S7 SWSNW Within CASSIA County

T12S R24E S7 NENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	3.200 CFS
STOCKWATER	03/15 11/15	0.050 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T11S R24E S31	NENE	40.0	T11S R24E S31	SENE	40.0
T11S R24E S31	NESE	40.0	T11S R24E S31	NWSE	40.0
T11S R24E S31	SWSE	40.0	T11S R24E S31	SESE	40.0
T11S R24E S32	NENE	39.0	T11S R24E S32	NWNE	39.0
T11S R24E S32	SWNE	39.0	T11S R24E S32	SENE	39.0
T11S R24E S32	NENW	39.0	T11S R24E S32	NWNW	39.0
T11S R24E S32	SWNW	39.0	T11S R24E S32	SENE	39.0
T11S R24E S32	NWSW	40.0	T11S R24E S32	SWSW	40.0
T11S R24E S32	NESE	40.0	T11S R24E S32	NWSE	40.0
T11S R24E S33	NENW	40.0	T11S R24E S33	NWNW	40.0
T11S R24E S33	SWNW	40.0	T11S R24E S33	SENE	40.0
T12S R23E S12	NENE	21.0	T12S R23E S12	NWNE	35.0
T12S R23E S12	SWNE	40.0	T12S R23E S12	SENE	40.0
T12S R23E S12	SENE	34.0	T12S R23E S12	NESW	34.0
T12S R23E S12	NESE	8.0	T12S R23E S12	NWSE	34.0
T12S R24E S05 Lot 3	NENW	33.0	T12S R24E S05 Lot 4	NWNW	33.0
T12S R24E S05	SWNW	37.0	T12S R24E S05	SENE	33.0
T12S R24E S05	NESW	7.0	T12S R24E S05	NWSW	37.0
T12S R24E S06 Lot 1	NENE	39.0	T12S R24E S06 Lot 2	NWNE	39.0
T12S R24E S06	SWNE	39.0	T12S R24E S06	SENE	39.0
T12S R24E S06 Lot 3	NENW	41.0	T12S R24E S06 Lot 4	NWNW	38.0
T12S R24E S06 Lot 5	SWNW	38.0	T12S R24E S06	SENE	41.0
T12S R24E S06	NESW	41.0	T12S R24E S06 Lot 6	NWSW	38.0
T12S R24E S06 Lot 7	SWSW	38.0	T12S R24E S06	SESE	40.0
T12S R24E S06	NESE	40.0	T12S R24E S06	NWSE	40.0
T12S R24E S06	SWSE	30.0	T12S R24E S06	SESE	30.0
T12S R24E S07 Lot 1	NWNW	25.0	T12S R24E S07 Lot 2	SWNW	17.0

STOCKWATER same as IRRIGATION

1951 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1951 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-7004, 45-7186A, 45-7186B, 45-690 and 45-691.

01/16/2004

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE 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.

The quantity of water decreed for this water right for stockwater use is
not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

THE SOURCE RECOMMENDED AS UNNAMED STREAM IS ALSO KNOWN AS ANTELOPE SPRING
CREEK.

Orin Woodbury.

Pg 1/2

45-7004, 45-7186A, 45-7186B. GW
45-690, 45-691 surface water Rights.

The groundwater system is being recommended in 3 independent parcels from various combinations of 5 wells.

45-7004 was licensed on and recommended for 320 acres, this includes a farmstead in Sec 31 SESE. This right includes 4 P/Ds based upon T-2916
1. Sec 32 NENE, NWNW (2 wells), & SWSW.

45-7186A was licensed on 560 ac and recommended on 555 ac. The QDs in the N¹/₂ of sec 32 are 39 ac maximum each. Thus the recommendations for 2 short acres. This right was licensed out of the two wells located in Sec 32 NWNW.

45-7186B was licensed on 1089 acres and recommended on 1079 acres. Section 6 is a correction section where lots 1, 2, 4, 5, 6, & 7 are either 38 or 39 ac each. accumulative, I found seven fewer acres in the section lot lots. Some minor adjustments were made in Sec 6 and sec 7 giving a total found P/D of 1079 acres as opposed to the licensed 1089 ac. The licensing volume was inadvertently calculated on 1098. The recommendation volume is $1079 \times 4 \text{ AF} = \underline{4316 \text{ AFA}}$

The license reflects 3 P/Ds, 2 in Sec 32 NWNW, and 1 in Sec 31.

45-690 was decreed on 160 ac in Sec 31 SE 1/4. The decreed Points of diversion were roughly described in the decree but the recommendation for the P/Ds were based upon the office visit on 1-9-04 by Orin Woodbury.

The current system is two stream channel diversions via open ditch leading eventually to buried pipelines leading to a holding pond. Water is pumped out of the pond and into a common mainline system that allows the water to ^{potentially} reach all of the P/U.

I am recognizing this right for 160 acres within the PPU consisting of all 3 P/Us for the ground water right.

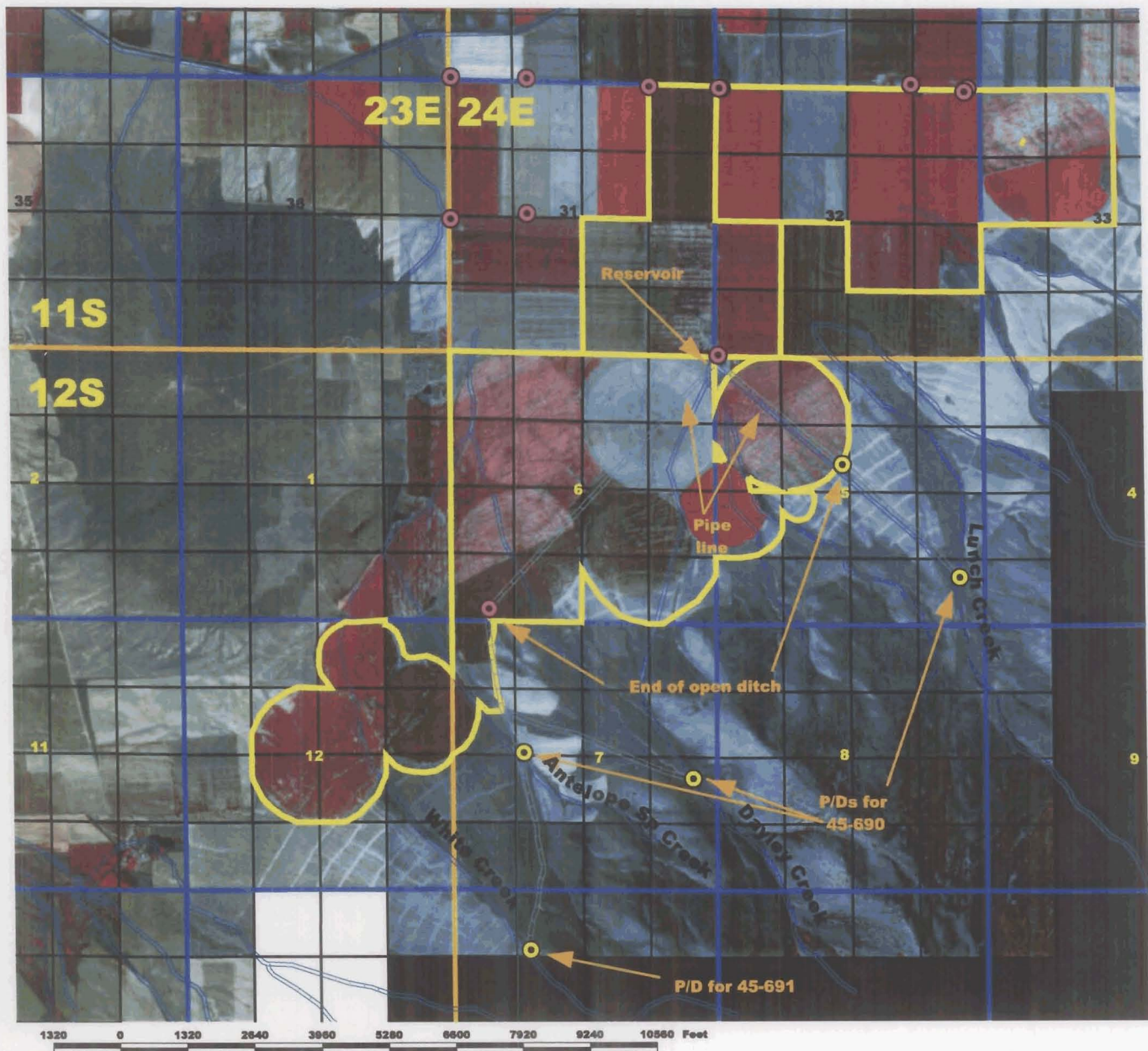
45-691 was decreed on 193 acres in Sec 6 Lot lots 3 thru 7. Lot 3 is 41 acres and the rest are 38 ac each.

The claimant also identified the P/D & delivery systems for this right. He identified one P/D with open ditch to one of the pipelines for the 45-690 system. This right utilizes the same delivery system as described above. I

I am recognizing this right for 193 acres within the PPU as described above. This right is also recommended for 1" per acre for the decreed acres. $193 \times .02 = \underline{3.86 CFS}$

Idaho Department of Water Resources

RECOMMENDED PLACE OF USE FOR 45-690 and 45-691



PLACE OF USE

TWP 11S, RNG 24E, Sec 31, 32, & 33

TWP 12S, RNG 23E, Sec 12

TWP 12S, RNG 24E, Sec 5, 6, & 7

Data entry on January 16, 2004

CASSIA CO



RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

TOWNSHIP LINES

SECTION LINES

QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



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

Sarah E. Robinson, - - - - - Plaintiff,)
vs.)

H. R. Matthews, Heber C. Dayley, Sr., and)
Mrs. Hattie Austin, late Mrs Hattie Schneider,)
Defendants,)

D E C R E E D.

H. C. Austin, Leslie Schneider, Dallas)
Schneider, Nellie Schneider, Bertha Schneider,)
Otto Schneider, and Lula Schneider,)
Impleaded Defendants.)

Upon filing the findings of fact and conclusions of law herein, counsel having been heard thereon, and the court being fully advised in the premises, both as to the law and the facts, it is considered, ordered, adjudged, and decreed, that the waters of the several streams involved in this action be distributed, allotted, and decreed as follows, to-wit:

45-0690 That the defendant Heber C. Dayley, Sr., be and he is hereby
45-0536 allotted, adjudged, and decreed the use and the right to divert and
use all and the whole of the flow of the waters of Dayley Canyon,
Cassia County, Idaho, for the irrigation of his tract of land
described in the findings of fact herein, and for stock and domestic
purposes, said right to date from the first day of May, 1882.

II.

That the defendant Heber C. Dayley, Sr., be and he is hereby
allotted, adjudged, and decreed the use and the right to divert and
use all and the whole of the flow of the waters of Lunch Creek,
Cassia County, Idaho, for the irrigation of his tract of land described
in the findings of fact herein and for stock and domestic purposes,
said right to date from the first day of May, 1882.

III.

That the defendant Heber C. Dayley, Sr., be and he is
hereby allotted, adjudged, and decreed the use and the right to divert
and use all and the whole of the flow of the waters of Antelope, or

JUN 05 1996

Summit Springs, Cassia County, Idaho, for the irrigation of his said tract of land described in the findings of fact herein and for stock and domestic purposes, said right to date from the 1st day of May, 1882.

IV.

It is further ordered, adjudged, and decreed, that the defendant Mrs. Hattie Austin, late Mrs. Hattie Schneider, and the impleaded defendants, H. C. Austin, Leslie Schneider, Dallas Schneider, Nellie Schneider, Bertha Schneider, Otto Schneider, and Lula Schneider be, and they are hereby perpetually enjoined and restrained from the use of any of the water herein allotted and decreed to the defendant Heber C. Dayley, Sr., or in any manner interfering with said Heber C. Dayley, Sr.'s., use thereof.

V.

45-0691
45-0637 That the defendant Mrs. Hattie Austin, late Mrs. Hattie Schneider, and the impleaded defendants Leslie Schneider, Dallas Schneider, Nellie Schneider, Bertha Schneider, Otto Schneider and Lula Schneider, be and they are hereby allotted, adjudged, and decreed the use and the right to divert and use all and the whole of the flow of the waters of Rocky, or Slide Canyon, Cassia County, Idaho, for the irrigation of their tract of land described in the findings of fact herein, and for stock and domestic purposes, said right to date from the First day of May, 1882.

VI.

45-0692
45-0638 That the defendant Mrs. Hattie Austin, late Mrs. Hattie Schneider, and the impleaded defendants, Leslie Schneider, Dallas Schneider, Nellie Schneider, Bertha Schneider, Otto Schneider and Lula Schneider, be and they are hereby allotted, adjudged and decreed the use and the right to divert and use all and the whole of the flow of the flush or flood waters of Rocky, or Slide Canyon, Cassia County Idaho, for the irrigation of their said tract of land described in the findings of fact herein and for stock and domestic purposes, said right to date from the 10th day of May, 1882.

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VII.

It is further ordered, adjudged, and decreed that the defendant Mrs. Hattie Austin, late Mrs Hattie Schneider and the impleaded defendants Leslie Schneider, Dallas Schneider, Nellie Schneider, Bertha Schneider, Otto Schneider and Lula Schneider, ^{right} have and enjoy the sole and exclusive to the use of the Dayley Ditch for the purpose of conveying the waters of Rocky, or Slide Canyon and its tributaries, from the head thereof down through its course to a point on said Dayley Ditch not to exceed fifty feet above where said ditch ~~will~~ ~~intersect~~ intersects with the waters of Summit, or Antelope springs, and the said defendant Hober C. Dayley, Sr., be and he is hereby perpetually enjoined and restrained from the use of said ditch above said point, to-wit, not to exceed fifty feet above where said ditch intersects with the waters of Antelope or Summit springs, or in any manner interfering with the defendant Mrs. Hattie Austin, late Mrs Hattie Schneider, and the impleaded defendants Leslie Schneider, Dallas Schneider, Nellie Schneider, Bertha Schneider, Otto Schneider, and Lula Schneider's use thereof.

VIII.

It is further ordered, adjudged, and decreed, that the defendant Hober C. Dayley, Sr., be and he is hereby perpetually enjoined and restrained from the use of any of the waters heretofore allotted and decreed to the defendant Mrs. Hattie Austin, late Mrs. Hattie Schneider, and the impleaded defendants Leslie Schneider, Dallas Schneider, Nellie Schneider, Bertha Schneider, Otto Schneider and Lula Schneider, or in any manner interfering with their use thereof.

IX.

It is hereby further ordered, adjudged, and decreed that the temporary restraining order heretofore issued in this action, as far as the same pertains or relates to Antelope, or Summit springs, be and the same is hereby dissolved, and that said restraining order, as far as the same pertains or relates to Rocky, or Slide Canyon and the waters thereof, be and the same is hereby confirmed and made perpetual.

RECEIVED

JUN 05 1996

I.

It is further ordered, adjudged and decreed that the clerk's and sheriff's fees in this cause shall be paid as follows, to-wit:

One half by the defendant Heber G. Dayley, Jr., and the other one half by the defendant Mrs. Hattie Austin, late Mrs. Hattie Schneider, and the impleaded defendants Leslie Schneider, William Schneider, Nellie Schneider, Bertha Schneider, Otto Schneider and Lula Schneider.

It is further ordered, adjudged and decreed that each party to this action shall pay his, or her own witnesses and attorneys fees and none shall have the right to tax the costs against another.

Dated at Twin Falls, Idaho, 11th day of May 1916.

Wm. B. Brown
Judge of the District Court.

Noted at Idaho
County of Cassia
I hereby certify that the foregoing
instrument is a full, true and correct
copy of the original on file in this
office.

Dated 9-16-19 21

Frank B. Brown
Clerk of the District Court, Ex-officio
Auditor and Recorder, Cassia County,
Idaho

By _____
Deputy

RECEIVED

JUN 05 1996

Cassia County, Idaho
Twin Falls, Idaho
June 13, 1916

L. B.

By _____

Deputy

with
June 13, 1916
Deputy



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

MAR 18 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 8, 2002

ORIN WOODBURY

~~LELAND WOODBURY~~ *Devised*

559 E 800 S

BURLEY ID 83318

RECEIVED

APR 04 2002

Department of Water Resources
Southern Region

Re: Snake River Basin Adjudication (SRBA)

Water Rights #45-690, 45-691, 45-7004, 45-7186, 45-10909,
45-10911 (Orin) and 45-10910 (Joint Ownership)

Dear Water Right Holders:

records modified 3-25-02.

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your water right(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary **and list any other water rights you may have** before returning this letter by March 18, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Orin Woodbury

Claimant Signature

654-9354

Telephone No.

Log for claim A45-00690

Spatial Dynamics MWY

4/25/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s24e	31	NESE	40	39	POD placement?
11s24e	31	NWSE	40	40	TYPO: REPORT SAYS 11S 24E S5
11s24e	31	SWSE	40	39	12S24E S5 SENE SEEMS INCORRECT
11s24e	31	SESE	40	37	
12s24e	5	SENE	33	8.9	
12s24e	5	NENW	33	34	
12s24e	5	NWNW	40	37	
12s24e	5	SWNW	40	37	
Totals:			306	271.9	

45-690 was originally decreed to Twp 11S, Rng 24E, Sec 31 SE ¹/₄.
(160ac)

Township 11S24E, 12S24E

