



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 3, 2010

DELOY WOLFLEY
10401 N PECAN
ORO VALLEY AZ 86737

RE: Filing late claims 75-14639 and 75-14640 for exchange water on Carmen Creek

Dear Mr. Wolfley,

Per our conversation earlier today, I am enclosing several forms you may wish to file with the Snake River Basin Adjudication (SRBA) court. As we talked about, it looks like you are going to file two late claims for exchange water on Carmen Creek, one for 1875 and the other for 1882.

In this packet, I am enclosing two claim forms. I have taken the liberty of filling in some of the information. I have inserted priority dates that match those of other exchange water claims. I have also taken the legal descriptions of all your points of diversion (PODs) off of Davis Creek and Smout Creek and put them in the appropriate fields. And I took the liberty of filling in a diversion rate. As we spoke about, exchange water rights were usually 45 inches for a whole share. The Igou ranch probably got one full share of 45 inches, so we would proportionally split that between you and the other owner(s) of the old Igou ranch. I also looked at the place of use (POU) descriptions for your other water rights and, since they were all identical, I filled out the place of use to match those other water rights.

Because I took the liberty of filling out most of the claim, it is imperative you look over it closely. If you see any omissions or errors, correct them and initial your corrections before mailing these to the court. The claim will be considered your statement of the water right, not mine, so it is very important you make sure this reflects your water rights.

Please feel free to call me at (208) 287-4907 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Monica".

Monica Van Bussum
Sr. Water Resource Agent

**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 75-14539

Date Received: _____

Receipt No: _____

Received By: _____

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) DELOY WOLFLEY, MARIA WOLFLEY Phone (520) 742-6808

Mailing Address 10401 N PECAN ORO VALLEY AZ ZIP 85737

Street or Box

City

State

2. Date of Priority (Only one (1) per claim) 05/01/1875
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Davis Creek, Smout Creek
which is tributary to (b) Freeman Creek

4. a. Location of Point of Diversion is: Township 23N, Range 23E, Section 29,
NW, 1/4 of SW, 1/4 Govt. Lot _____, BM., County of LEMHI

Parcel (PIN) no. _____

Additional points of diversion if any: List of PODs in #5

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Shared PODs with other Wolfley rights: 75-14343, 75-14345,

75-14347 and 75-14349

PODs from Smout Creek: 2 in Section 29 NWSW, one in Section 29 NESE and one in Section 30 NESE

PODs from Davis Creek: One each in Section 30 NESW, NWNE, NWSW and SWNE

Total number of PODs: 8

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/1 to 10/31 amount 0.9 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.9 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.)

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	22E	25				2.5									20			0.1	22.6
23N	22E	36				2.8													2.8
23N	23E	30			3.4				3.7	18.	4.0	7.0			11.		17.	6.9	71.0
23N	23E	31		17			20												37.0

Parcel (PIN) no(s).

Total number of acres irrigated 133.4

10. In which county (ies) are lands listed above as place of use located? LEMHI

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

75-14343, 75-14345, 75-14347 and 75-14349

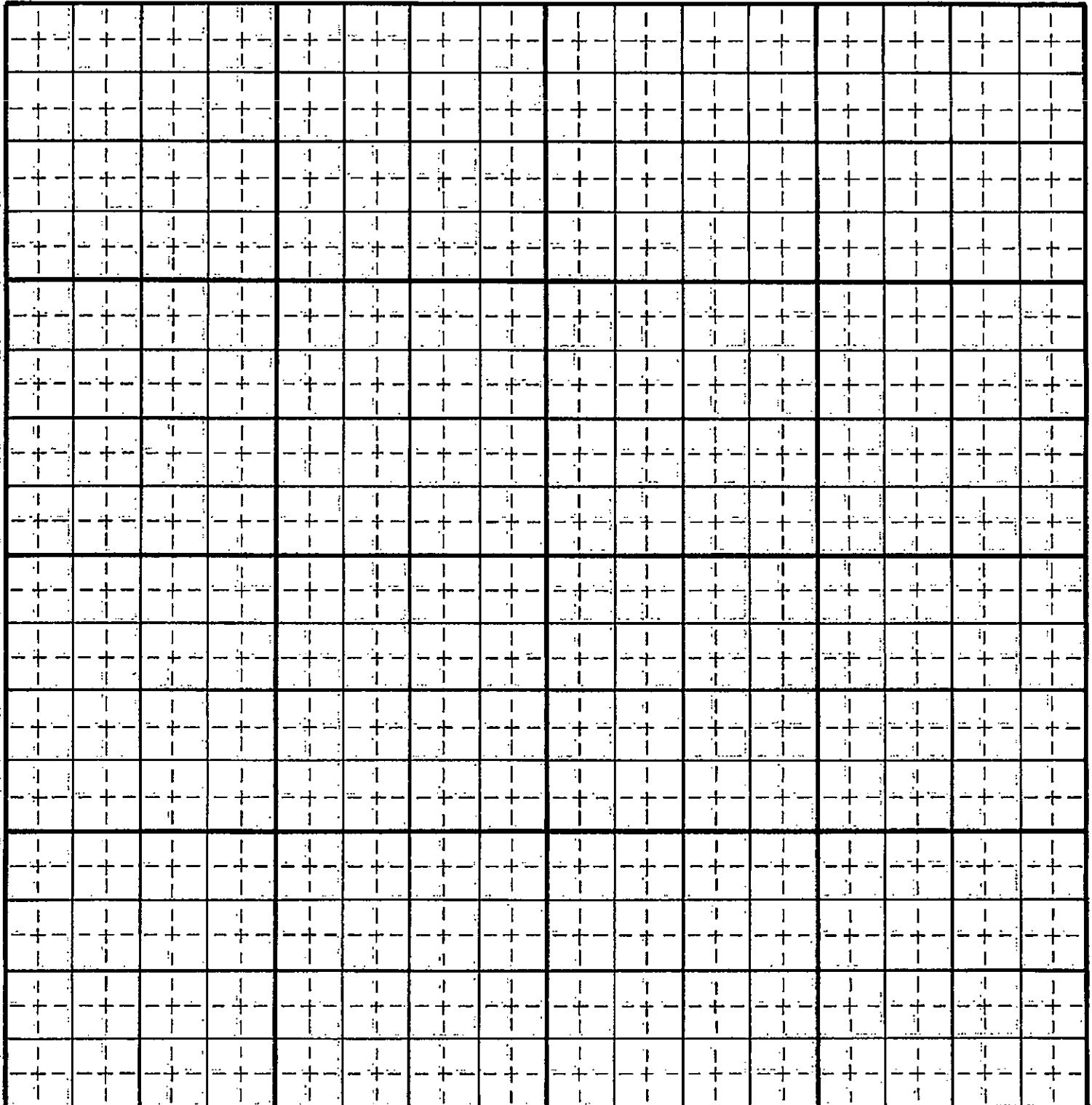
or None ()

13. Remarks: Claim is for proportional share of Ora and William Igou 45 inches of Carmen Creek exchange water

Last Name Identification No.

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 inches equals 1 mile



Last Name _____ Identification No. _____

14. Basis of Claim (Check One) Beneficial Use () Posted Notice () License () Permit () Decree (✓)

Court _____ Decree Date _____ Plaintiff v. Defendant McNutt v. Palmer

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices 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: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Last Name _____ Identification No. _____

**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 75-14640

Date Received: _____

Receipt No: _____

Received By: _____

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) DELOY WOLFLEY, MARIA WOLFLEY Phone (520) 742-6808

Mailing Address 10401 N PECAN ORO VALLEY AZ ZIP 85737
Street or Box City State

2. Date of Priority (Only one (1) per claim) 05/01/1882
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (☒) (a) Davis Creek, Smout Creek
which is tributary to (b) Freeman Creek

4. a. Location of Point of Diversion is: Township 23N, Range 23E, Section 29,
NW, 1/4 of SW, 1/4 Govt. Lot _____, BM., County of LEMHI

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Additional points of diversion if any: List of PODs in #5

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Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Shared PODs with other Wolfley rights: 75-14343, 75-14345, 75-14347 and 75-14349

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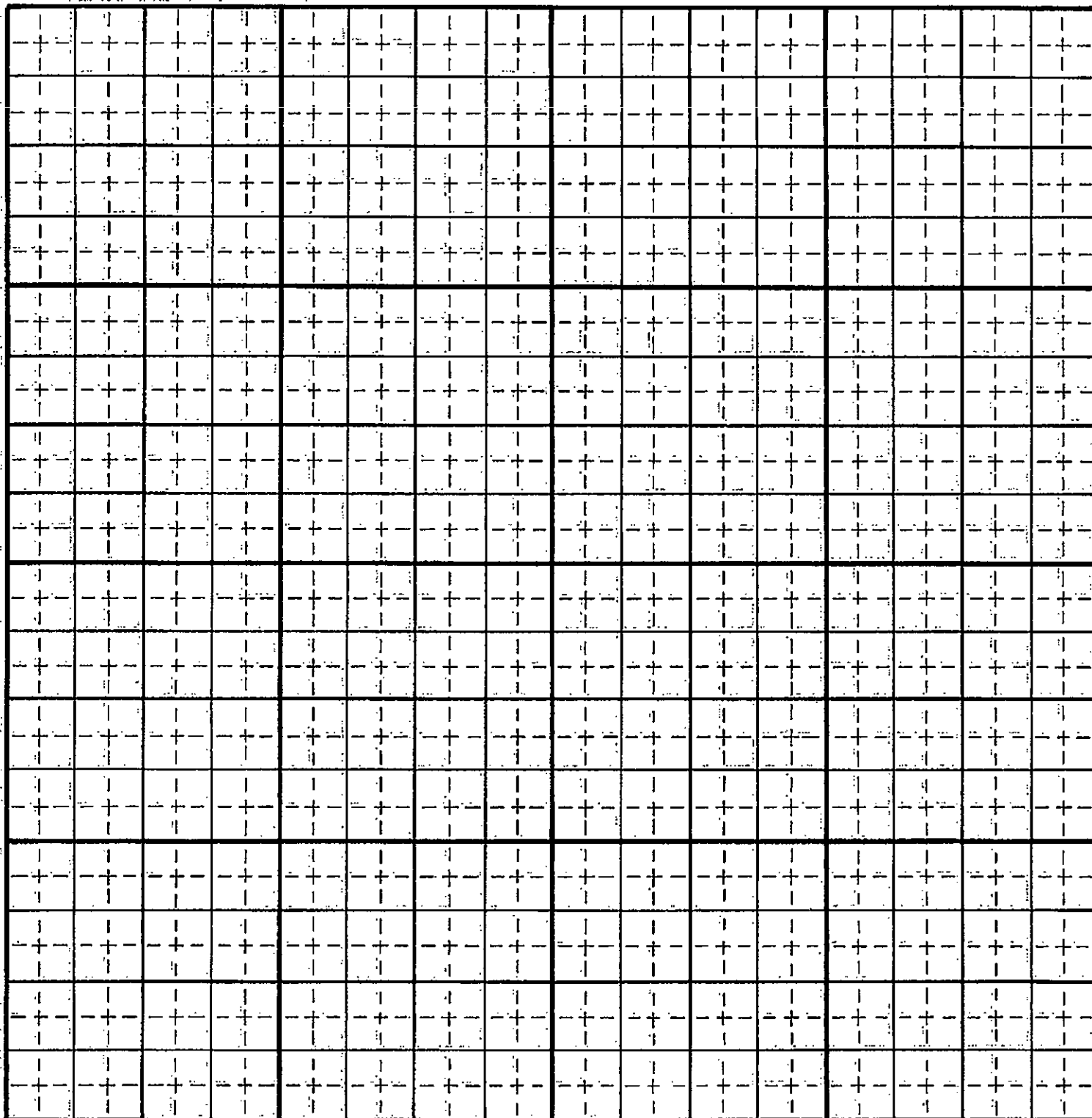
75-14343, 75-14345, 75-14347 and 75-14349 or None ()

13. Remarks: Claim is for proportional share of Ora and William Igou 45 inches of Carmen Creek exchange water

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Title Organization

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Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

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Last Name _____ Identification No. _____