

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: A43-10423
Date Received: 6/08/1989
Receipt No: 5027681
Received By: RAO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LYLE D. WOODBURY 208-349-5591
Address: STAR RT., BOX 54
DECLO, ID 83323
AND/OR
Name: CAROL J. WOODBURY 208-349-5591
Address: STAR RT., BOX 54
DECLO, ID 83323

2. Date of Priority: JAN 25, 1908

3. Source: RAFT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	27E	24	SE	NE	NW		CASSIA
	28E	18	NW	NE	NW		CASSIA

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	8.000		

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

8. Total consumptive use is 7171.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-10423

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Date: 06/08/89

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	28E	13	SW		SE		IRR	38.0
			SE		SE		IRR	38.0
							Section Acres	76.0
		18	NW		SW		IRR	47.0
							Section Acres	47.0
		24	NE		NE		IRR	38.0
			NW		NE		IRR	38.0
			NE		NW		IRR	40.0
							Section Acres	116.0
							Total Acres	239.0

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:
A43-02434, A43-02335, A43-10421, A43-10422

14. Remarks:
SEE ATTACHMENTS. ORIGINALLY DECREED AS 43-0426
SUPERCEDED THRU FEDERAL DECREE; NEVER RECODED.

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

Number of attachments: 4

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): Lyle D Woodbury Date: June 6, 1989
18-6-89
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of June 19 89

Helen Harrington
Notary Public

Seal

Helen Harrington, Notary Public
Residing at _____ Residing at Boise, Idaho
My Commission Expires December 1, 1999
My Commission Expires _____

RAFT RIVER DECREEES

4-29-83 10.1 cfs

4-1-86 3.8 cfs

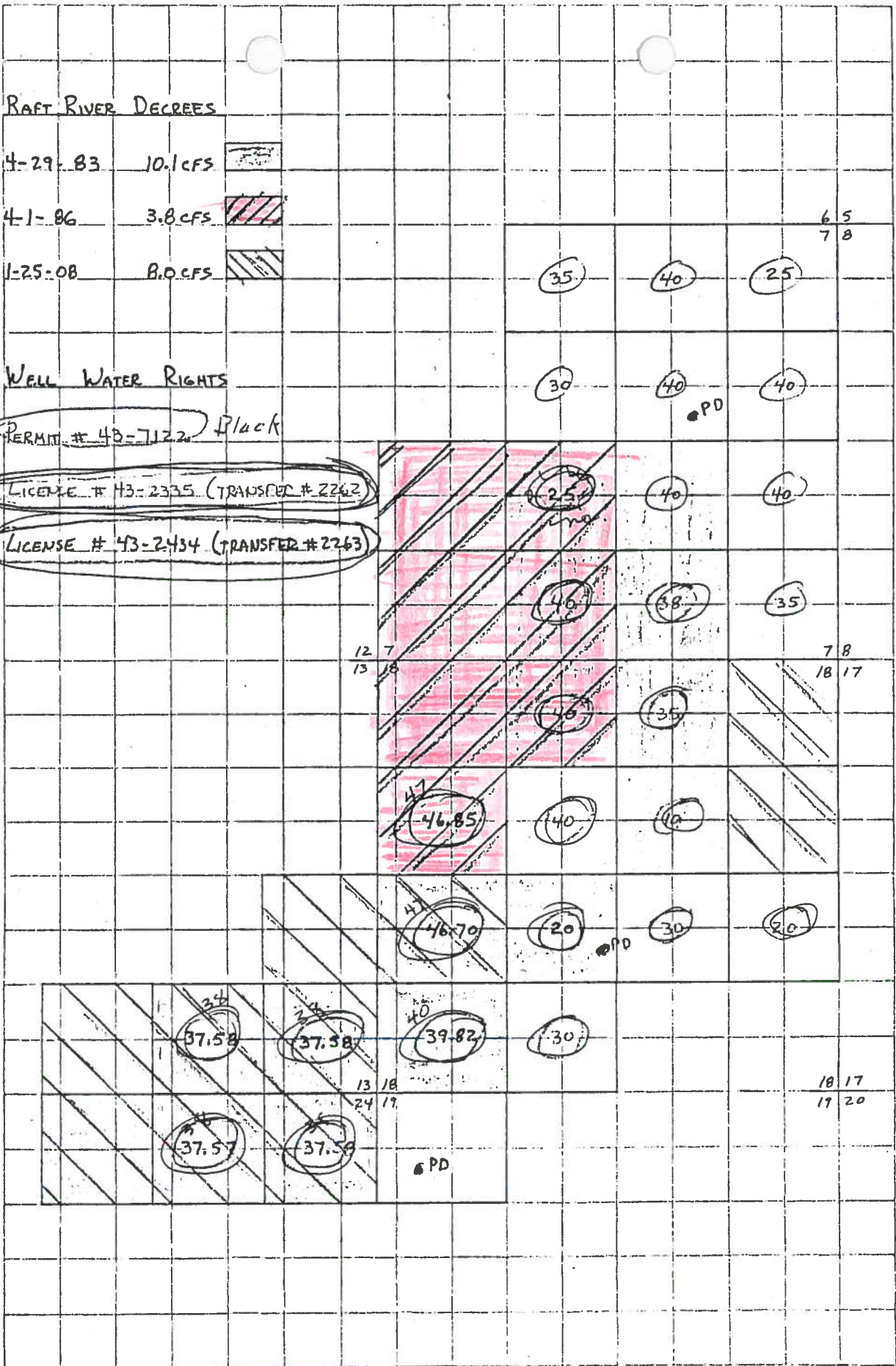
1-25-08 8.0 cfs

WELL WATER RIGHTS

PERMIT # 43-7122 Black

LICENSE # 43-2335 (TRANSFER # 2262)

LICENSE # 43-2434 (TRANSFER # 2263)



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PS-2
50 Mine
INC

Notes

Simple

Albion-Idaho Land Co. vs. Jobe Adams									
Case	Plaintiff	Defendant	Amount	Priority	Decree	Settlement	Remarks	County	Case
43-0443	Albion-Idaho Land Co.	"	100/536 of 0.5 continuous flow					Cassia	3025 Charles C. Cavanah
43-0030	"	"	0.8	4-1-1871			Not given?		
43-0015	"	"	(0)	4-30-1872	4-1 to 11-1		SE1/4SE1/4, Sec. 1; Twp. 12S, Rge. 26E, B.M. Lot 7, Sec. 6; Lot 1, Sec. 7; Twp. 12S, Rge. 27E. NW1/2SW1/4, Sec. 17; E1/2SE1/4, Sec. 18; Twp. 11S, Rge. 27E, B.M.		
43-0025	"	"	4.0	5-31-1873	4-1 to 7-1		NW1/4NW1/4, E1/2NW1/4, NE1/4SW1/4, Sec. 36; Twp. 9S, Rge. 27E, B.M.		
43-0263	Becher vs. Beecher	"	4.46	8-27-1881			W1/2SE1/4, SW1/4NE1/4, Sec. 36; Twp. 9S, Rge. 27E, B.M. Lots 2 and 3, SE1/4NW1/4, Sec. 31; Twp. 11S, Rge. 27E, B.M.		
43-0022	"	"	2.36	"			E1/2SW1/4, Lot 4, Sec. 30; NE1/4NW1/4, Sec. 31; Twp. 11S, Rge. 27E, B.M.		
43-0023	"	"	(0)	5-31-1882	4-1 to 7-1		E1/2NW1/4, Lot 2, Sec. 30; SE1/4SW1/4, W1/2SE1/4, NE1/4SW1/4, Sec. 19; NW1/4NE1/4, Sec. 30; Twp. 11S, Rge. 27E, B.M.		
43-0021	"	"	1.0	"	"		W1/2SE1/4, E1/2SW1/4, Sec. 7; Twp. 10S, Rge. 28E, B.M.		
43-0179	Trans. No. 957	"	10.1	4-29-1883			W1/2NE1/4, NE1/4SW1/4, NE1/4NW1/4, Lots 3 & 4; Sec. 18; Twp. 10S, Rge. 28E, B.M. S1/2SE1/4, Sec. 13; NW1/2NE1/4, NE1/4NW1/4, Sec. 24; Twp. 10S, Rge. 27E, B.M.		
43-0422	Carl	"	10.1	"			W1/2SE1/4, E1/2SW1/4, Sec. 7; Twp. 12S, Rge. 27E, B.M. S1/2SE1/4, Sec. 13; NW1/2NE1/4, NE1/4NW1/4, Sec. 24; Twp. 10S, Rge. 27E, B.M.		
43-0016	Trans. No. 957	"	(0)	4-30-1883			W1/2SW1/4, SW1/4NW1/4, Sec. 7; Twp. 12S, Rge. 27E, B.M. E1/2NE1/4, NW1/4NE1/4, SE1/4NW1/4, SW1/4NE1/4, Sec. 25; Twp. 9S, Rge. 27E, B.M.		
43-0163	Trans. No. 957	"	1.2	"			NE1/4, Sec. 19; Twp. 11S, Rge. 27E, B.M. E1/2NE1/4, Sec. 24; E1/2SE1/4, Sec. 13; Twp. 12S, Rge. 26E, B.M.		
43-0223	Trans. No. 957	"	1.3	"			S1/2SE1/4, NW1/4SE1/4, SW1/4NE1/4, Sec. 25; Twp. 9S, Rge. 27E, B.M.		
43-0025	Trans. No. 957	"	(0)	5-31-1883	4-1 to 7-1		NE1/4, Sec. 19; Twp. 11S, Rge. 27E, B.M. E1/2NE1/4, Sec. 24; E1/2SE1/4, Sec. 13; Twp. 12S, Rge. 26E, B.M.		
43-0015	Trans. No. 957	"	1.6	9-11-1883			NE1/4, Sec. 19; Twp. 11S, Rge. 27E, B.M. E1/2NE1/4, Sec. 24; E1/2SE1/4, Sec. 13; Twp. 12S, Rge. 26E, B.M.		
43-0162	Trans. No. 957	"	(0)	"			NE1/4, Sec. 19; Twp. 11S, Rge. 27E, B.M. E1/2NE1/4, Sec. 24; E1/2SE1/4, Sec. 13; Twp. 12S, Rge. 26E, B.M.		
43-0225	Trans. No. 957	"	2.1	"			NE1/4, Sec. 19; Twp. 11S, Rge. 27E, B.M. E1/2NE1/4, Sec. 24; E1/2SE1/4, Sec. 13; Twp. 12S, Rge. 26E, B.M.		

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TITLE
OF
CASE

Albion-Idaho Land Co.
VS.
Jobe Adams

County Cassia
District 43-A
U.S. Dist. Court
10-18-1928
Charles C. Cavanah

Raft River

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Case No.	Plaintiff	Defendant	Acres	Section	Range	County	Remarks
43-0305	Schodde, Frank G., Fred & George Transferred by decree - Beecher vs. Albion-Idaho Land Co. Cassia Cr. Tr. Trans. No. 987		1.54 (0) 1.6	4-1-1884 3-7-1886			SW1/4NE1/4, NW1/4SE1/4, E1/2NW1/4, Lots 1 & 2, Sec. 31; Twp. 12S, Rge. 27E, B.M. E1/2NW1/4, Sec. 7; Twp. 12S, Rge. 27E, B.M. Lots 3 & 4, E1/2SW1/4, Sec. 7; Lots 1 & 2, NE1/4NW1/4, Sec. 18; Twp. 10S, Rge. 28E, B.M. Lots 1 & 2, E1/2SE1/4, SE1/4NE1/4, Sec. 1; Twp. 10S, Rge. 27E, B.M., Lots 6 & 7, Sec. 6; Lot 1, Sec. 7; Twp. 10S, Rge. 28E, B.M.
43-0180	International Mortgage Bank		3.8	4-1-1886			
43-0196	Lounsbury, Ralph A.		3.0	"			
43-0197	"		0.475	"			
43-0306	Schodde, Frank G., Fred & George		1.54	"			
43-0425	Fallett, Carl Transferred by decree - Beecher vs. Albion-Idaho Land Co. Cassia Cr. Tr.		3.8 (0) 5.2	" 6-1-1886			
43-0021	"		(0)	5-31-1888			
43-0022	"		2.4 (0)	4-1 to 7-1			
43-0023	"		1.0	"			
43-0196	Lounsbury, Ralph A.		3.8	4-1-1894			
43-0307	Schodde, Frank G., Fred & George		0.9	"			
43-0426	Rice, Hyrum W.		0.4 (2.1)	4-1-1896			
43-0427	Cotterel, S. H.		1.7	4-1-1906			
43-0421	Union Central Life Insurance Co.		2.1	"			
43-0224	Oregon Mortgage Co. Trans. No. 957 Benson Bees		1.0	4-1-1907			
43-0438	Hopkins, John B.		1.9	10-1-1907			

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Raft River

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Albion-Iaano Land Co.

vs.

Jobe Adams

43-A

Cassida

U.S. Dist. Court

10-18-1928

Case No.	Plaintiff	Defendant	Amount	Interest	Costs	Settlement	Remarks
43-0439	Davenport, John B.		2.0	10-1-1907			NE1/2SE1/4, SW1/4SE1/4, SE1/4SW1/4, Sec. 9: Twp. 11S, Rge. 27E, B.M.
43-0226	Oregon Mortgage Co.		(0) 2.4	1-25-1908			Lots 2, 3 & 4, Sec. 31; Twp. 9S, Rge. 28E, B.M. NE1/2SW1/4, Sec. 6; E1/2NW1/4, Sec. 7; Twp. 10S, Rge. 28E, B.M. Fr. NE1/4NW1/4, Sec. 24; Twp. 10S, Rge. 27E, B.M.
43-0426	Fallett, Carl		21.0	"			E1/2SW1/4, Sec. 6; Fr. E1/2NW1/4, Sec. 7; Twp. 10S, Rge. 28E, B.M. Fr. NE1/4NW1/4, Sec. 24; Twp. 10S, Rge. 27E, B.M.
43-0121	International Mortgage Bank		"	"			SE1/4SE1/4, Sec. 23; SW1/4SW1/4, Sec. 24; NW1/4NW1/4, Sec. 25; NE1/4NE1/4, Sec. 26; Twp. 10S, Rge. 27E, B.M. SW1/4NE1/4, SE1/4NW1/4, E1/2SW1/4, Sec. 24; Twp. 10S, Rge. 27E, B.M.
43-0430	Emigh, Fred		3.2	4-29-1908			SE1/4SE1/4, Sec. 23; SW1/4SW1/4, Sec. 24; NW1/4NW1/4, Sec. 25; NE1/4NE1/4, Sec. 26; Twp. 10S, Rge. 27E, B.M. SW1/4NE1/4, SE1/4NW1/4, E1/2SW1/4, Sec. 24; Twp. 10S, Rge. 27E, B.M.
43-0431	Emigh, Roy		"	"			SE1/4SE1/4, Sec. 23; SW1/4SW1/4, Sec. 24; NW1/4NW1/4, Sec. 25; NE1/4NE1/4, Sec. 26; Twp. 10S, Rge. 27E, B.M. SW1/4NE1/4, SE1/4NW1/4, E1/2SW1/4, Sec. 24; Twp. 10S, Rge. 27E, B.M.
43-0432	Hanson, George H.		1.2	1-7-1909			Lots 2, 3 & 4, Sec. 31; Twp. 9S, Rge. 28E, B.M. NE1/4SW1/4, Sec. 2; E1/2SE1/4, Sec. 3; Twp. 11S, Rge. 27E, B.M.
43-0428	Cottrel, S. H.		2.1	4-1-1909			E1/2SW1/4, Sec. 35; Twp. 10S, Rge. 27E, B.M. SE1/4SW1/4, Lot 3; NW1/4SW1/4, SW1/4NW1/4, Sec. 2; E1/2SE1/4, Sec. 3; Twp. 11S, Rge. 27E, B.M.
43-0422	Union Central Life Insurance Co.		2.1	"			Lots 1, 2 & 3, Fr. Lot 4, Sec. 6; Twp. 10S, Rge. 28E, B.M.
43-0436	Rice, Hyrum		1.7	5-26-1909			Lots 1, 2, 3 & 4, Sec. 6; Twp. 10S, Rge. 28E, B.M.
43-0420	W. T. Brown Real Estate Mortgage Co.		(0) 1.7	"			SE1/4, E1/2SW1/4, Sec. 6; Twp. 10S, Rge. 28E, B.M. NE1/4NE1/4, Sec. 23; NW1/4SW1/4, SW1/4NW1/4, Sec. 24; Twp. 10S, Rge. 27E, B.M.
43-0434	Vallen, Stephen & Johns, William H.		4.8	6-25-1909			SE1/4NE1/4, Sec. 23; NW1/4SW1/4, SW1/4NW1/4, Sec. 24; Twp. 10S, Rge. 27E, B.M.
43-0432	Emigh, Roy		2.4	6-30-1909			SE1/4NE1/4, Sec. 23; NW1/4SW1/4, SW1/4NW1/4, Sec. 24; Twp. 10S, Rge. 27E, B.M.
43-0435	Lounsbury, Edward		2.4	9-8-1909			SE1/4NE1/4, Sec. 23; NW1/4SW1/4, SW1/4NW1/4, Sec. 24; Twp. 10S, Rge. 27E, B.M.
43-0256	Pierce, W. J.		1.04	9-13-1909			SE1/4NE1/4, Sec. 23; NW1/4SW1/4, SW1/4NW1/4, Sec. 24; Twp. 10S, Rge. 27E, B.M.
43-0433	Abbott, Emma L.		0.8	2-28-1910			SE1/4NE1/4, Sec. 23; NW1/4SW1/4, SW1/4NW1/4, Sec. 24; Twp. 10S, Rge. 27E, B.M.
43-0252	Pierce, W. J.		9.6	4-1-1910			SE1/4NE1/4, Sec. 23; NW1/4SW1/4, SW1/4NW1/4, Sec. 24; Twp. 10S, Rge. 27E, B.M.
43-0258	"		1.84	6-3-1911			SE1/4NE1/4, Sec. 23; NW1/4SW1/4, SW1/4NW1/4, Sec. 24; Twp. 10S, Rge. 27E, B.M.

U.S. DIST. COURT RAFT RIVER, OREGON

Albion-Idaho Land Co.

vs.

Jobe Adams

Courtesy Raft River

WATER DIST. 43-A

JUDICIAL DIST. U.S. Dist. Court

DATE OF DECISION 10-18-1928

COUNTY Cassia

DEED Charles C. Cavanah

LEGEND	P.N. -	PRIORITY NUMBER	P.N. -	SECURE NUMBER	CT -	CUMULATIVE TOTAL
	OWNER	NAME	PRIORITY	DATE	SEC.	DESCRIPTION, LAND TO BE ADJUDICATED, ETC.
13-0029	Cassia Creek Irrigation Company		1.6	3-7-1886	Secs. 25-36 12S 26E 30&31 12S 27E	E1/2SE1/4, Sec. 24; E1/2NE1/4, SE1/4, Sec. 25; E1/2SE1/4, Sec. 36; Twp. 12S, Rge. 26E, B.M. S1/2, NW1/4SW1/4, Sec. 19; NW1/4, SW1/4, Sec. 30; SW1/4NE1/4, NW1/4SW1/4, Sec. 31; Twp. 12S, Rge. 27E, B.M. Same as above
13-0017	"	"	5.2	6-1-1886	"	"
13-0021	"	"	2.4	5-31-1888	"	"
13-0078	"	"	1.0	"	"	"
13-0181	Falleit, Carl	Trans. No. 841	8.0	1-25-1908	NESW 24 10S 27E NESE 13 10S 27E	E1/2NE1/4, NW1/4SW1/4, Sec. 18; Twp. 10S, Rge. 28E. NE1/4SE1/4, S1/2SE1/4, Tr. SE1/4SW1/4, Sec. 13; NE1/2NE1/4, NE1/4NW1/4, Sec. 24; Twp. 10S, Rge. 27E.
13-0163	Barson Brothers	Trans. No. 957	1.2	4-30-1883	NESW 7 10S 28E SWSW 6 10S 28E	NE1/4, SE1/4NW1/4, NW1/4SE1/4, S1/2SE1/4, Sec. 25; E1/2NE1/4, Tr. E1/2SE1/4, Sec. 36; Twp. 9S, Rge. 27E, B.M. Lots 2, 3 & 4, Sec. 31; Twp. 9S, Rge. 28E. Lots 1, 2, 3 & 4, Sec. 6; Twp. 10S, Rge. 28E, B.M. Same as above
13-0223	"	"	1.3	"	SENE 36 9S 27E Lot 4 6 10S 28E	"
13-0162	"	"	1.6	9-11-1883	SWSW 31 9S 28E	"
13-0225	"	"	2.1	"	"	"
13-0224	"	"	1.0	4-1-1907	"	"
13-0226	"	"	2.4	1-25-1908	"	"
13-0420	"	"	1.7	5-26-1909	"	"

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IDAHO CAPITAL REPORT

Department of Water Resources
Southern District Office

ICR

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Volume 3, No. 11

SUPREME COURT OPINIONS

No. 8167

CARL FOLLETT,

Plaintiff-Appellant,

v.

TAYLOR BROTHERS, a co-
partnership composed of
D. A. Taylor and W. D.
Taylor as firm members,
and D. A. TAYLOR and
W. D. TAYLOR,

Defendants-Respondents.

Boise, January Term, 1956

Filed February 17, 1956

Clay Koelsch, Clerk

Appeal from the District Court of the Eleventh Judicial District of the State of Idaho in and for Cassia County. Honorable Preston Thatcher, Presiding District Judge.

Ben B. Johnson, Preston, and Merrill & Merrill,
Pocatello, for appellant.

S. T. Lowe and Kales E. Lowe, Burley, and
Robert M. Kerr, Jr., Blackfoot, for respondents.

SUMMARY

ACTION FOR DAMAGES TO PLAINTIFF'S CROPS ALLEGEDLY CAUSED BY DEFENDANTS' WRONGFUL DIVERSION OF IRRIGATION WATERS; ALSO TO ENJOIN DEFENDANTS FROM DIVERTING IRRIGATION WATERS IN DEROGATION OF PLAINTIFF'S CLAIMED PRIOR WATER RIGHTS. JUDGMENT FOR DEFENDANTS, REVERSED AND CAUSE REMANDED WITH INSTRUCTIONS.

SMITH, J.

Appellant seeks relief against respondents:

(1) For damages to appellant's 1948 crops allegedly caused by respondents' wrongful diversion of irrigation water from Raft River to which appellant alleges entitlement by reason of his prior decreed water rights; and

Section 1

3 ICR 59

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(2) To enjoin respondents from diverting from Raft River upon their lands by their newly constructed diversion works or otherwise, any of the water of said river when the decreed rights of appellant are not filled and the water is needed by him for irrigation uses.

The issues were framed by appellant's amended complaint and respondents' answer thereto, respondents' cross-complaint and appellant's answer thereto. The facts and matters in issue are essentially as hereinafter set forth.

Raft River is located largely in Cassia County, flowing northerly into Snake River. Appellant's decreed water rights involved in this proceeding are appurtenant to his 1400 acre ranch situate in the Raft River water shed.

Respondents' 3,000 acre Bar M Ranch is situate southerly from appellant's ranch extending southerly on both sides of Raft River some six miles, but is below and extends northerly from the confluence of Raft River and Cassia Creek. The most northern portion of respondents' Bar M Ranch is situate some six miles southerly and upstream from the southern portion of appellant's ranch.

The so-called Heglar Ranch, a 160 acre tract, is a part of the most northern or downstream portion of respondents' Bar M Ranch.

Water rights for the irrigation of appellant's lands were adjudicated in favor of appellant's predecessor, January 21, 1913, by the Sweetser decree, in the action of Sweetser Farms, Ltd., v. Cotterell, et al, in the Fourth Judicial District in and for Cassia County, in amounts (c. f. s. indicating cubic feet of water per second of time) and dates of priority as follows:

10.1 c. f. s.	April 29, 1883,
3.8 c. f. s.	April 1, 1886,
21.0 c. f. s.	January 25, 1908.

Later, water rights on Raft River and Cassia Creek were adjudicated in the action of Albion-Idaho Land Company v. Jobe Adams, et al, in the United States District Court, District of Idaho, Southern Division. The court by its decree therein, referred to herein as the Federal Decree, filed October 23, 1928, adjudicated water rights to appellant's lands, then owned by his predecessor, International Mortgage Bank, in amounts and with dates of priority as decreed by the Sweetser decree. The Federal Decree further provides that the water, for the purpose of satisfying those rights so decreed to appellant's lands, shall be taken from Raft River at the Heglar Ranch.

The court by the Federal Decree also adjudicated the water rights to the Bar M Ranch in the amount of 34.8 c.f.s. of water from Raft River and Cassia Creek with dates of priority ranging from April 30, 1872 to November 13, 1886, with 32.2 c.f.s. of those rights effective only during the period from April 1 to July 1 of each year. This left 2.6 c.f.s. effective for the balance of each irrigation season.

Cassia Creek Irrigation Company, Inc., on April 1, 1939, was the owner of the Bar M Ranch. Respondents were stockholders in such irrigation company and respondent D. A. Taylor was a director thereof. On that date, April 1, 1939, such irrigation company transferred all of the aforesaid water rights, adjudicated to the Bar M Ranch, to land owners who diverted waters above the confluence of Raft River and Cassia Creek, at points of diversion varying up to some 15 miles upstream on Cassia Creek. (Transfer approved, Beecher v. Cassia Creek Irr. Co., 66 Idaho 1, 154 P.2d 507.) Prior to such transfer, water additional to the amounts adjudicated to the Bar M Ranch, were

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required to overcome transmission losses to points of diversion; for instance, delivery of the 2.6 c.f.s. of water to the Bar M Ranch on and after July 1st of each year required not less than 22 c.f.s. of water to be emitted from Cassia Creek to flow down Raft River. Those waters as well as other accumulations of water which flowed down or percolated back to the river, flowed down through the Heglar Ranch, below the main Bar M Ranch and were used in making distributions of water rights downstream, including the water rights adjudicated to the lands which appellant owns.

May 24, 1946, respondents purchased from Cassia Creek Irrigation Company, Inc., the Bar M Ranch, but without the adjudicated water rights theretofore decreed to said lands by the Federal Decree, since these rights had been separated from the lands and transferred upstream as aforesaid.

During the year 1947 respondents, owners of the Bar M Ranch, constructed a dam to be used as a headgate in Raft River channel, in the form of concrete abutments to hold flash boards. Respondents, during the 1948 irrigation season, by use of such concrete dam and by use of a pole dam constructed about 1 1/2 miles further downstream, proceeded to divert onto their Bar M Ranch lands all of the water flowing in Raft River after high water season, at such places of diversion. Appellant asserts that respondents thereby deprived him, appellant, of his adjudicated waters necessary for crop production during the year 1948, causing his 1948 crop loss complained of.

At no time prior to 1948 were the waters of Raft River interfered with as by the attempt of respondents during that year, after high water season, to divert onto their lands all of the water of Raft River then flowing in the stream above the Heglar Ranch. At no time prior to 1948 had the delivery of water to appellant's ranch been so interfered with. Their appears to have been waters available to apply to the adjudicated rights of appellant's lands.

The record shows that waters which were made appurtenant to the Bar M Ranch by the Federal Decree augmented and increased the waters in Raft River below the main Bar M Ranch properties, i.e., at the Heglar Ranch, by percolation and return flow and in instances by non-use by the owners.

Respondents during 1947 filed an application with the Department of Reclamation of the State of Idaho for a permit to appropriate 60 second feet of water of Raft River for irrigation purposes, with points of diversion above appellant's lands and above the Heglar Ranch, the waters thereby to be diverted to cover a greater area of lands than theretofore. Respondents set forth in such application for permit that the water applied for had been appropriated and used on their Bar M Ranch lands since March 21, 1941.

Respondents in their cross-complaint alleged that on or about April 1, 1941, their predecessors in interest and they, respondents, appropriated for use in and upon the Bar M Ranch lands all the water flowing in Raft River at the south boundary line of said lands, amounting to 3,000 inches or 60 c.f.s. The water of Raft River thereby affected was the flow of the river above or south of the Heglar Ranch. Respondents further allege their ownership of the use and of the right to the use of said water under claim of adverse possession.

Respondents based their claim to the 60 c.f.s. of the waters of Raft River, superseding the old adjudicated rights of appellant, and in bar to appellant's claimed prior decreed rights to the waters of Raft River, singularly by reason of a restrictive provision contained in the Federal Decree hereinbefore referred to, which reads as follows:

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"Provided, however, that the water for the purpose of satisfying the rights of said International Mortgage Bank shall be taken from Raft River from what is known as the Heglar Ranch, and that the said International Mortgage Bank shall not claim the right to have any of the water above the Heglar Ranch used for the purpose of satisfying the amounts given them by virtue of the decree aforesaid." (Then follows land description of the Heglar Ranch.)

On the other hand appellant likewise depends upon the Federal Decree in protection of his adjudicated rights to the waters of Raft River and particularly upon the provisions thereof as follows:

" * * * at all times when the water hereby decreed is not actually used upon the land to which the same is hereby decreed, the said water must be permitted to flow down the stream for the benefit of junior appropriators." (From paragraph 18 of said decree.)

"And it is further ordered, adjudged and decreed, that the rights of each of the parties hereto, hereinafter mentioned and set out is the right to divert and use the water of Raft River in accordance with the priorities hereinafter set out and not otherwise, and that at such times as there shall be an insufficient amount of water flowing in said Raft River to fill and supply all of the rights hereinafter mentioned and set out that the various parties hereto shall be entitled to receive their various amounts of water hereinafter mentioned in accordance with the priorities hereinafter specifically set out." (From paragraph 19 of said decree.)

"It is further ordered, adjudged and decreed that each of the parties hereto, both plaintiff and defendants, cross-complainants and intervenors, together with their heirs, successors, assigns, agents, servants and employees, are hereby severally and particularly restrained and enjoined from using, attempting to use, diverting or attempting to divert any of the waters of said Raft River or its tributaries as hereinbefore defined and set out, in any manner except as hereinbefore provided and set out and in strict accordance with the terms of this decree." (From general provisions of said decree.)

The trial court granted respondents relief under their cross-complaint. The court limited respondents' asserted right to the waters of Raft River to 2,000 inches or 40 c.f.s. with date of priority of April 1, 1941, to be diverted from the river above or south of the southern boundary of the Heglar Ranch; also restrained appellant from using or diverting any of such waters so decreed to respondents and from molesting respondents' dams and diversion works.

The trial court denied appellant any relief and dismissed his complaint. Appellant perfected appeal from the resulting judgment.

The controversy in the case, presented by the issues, and saved by appellant's specifications of error, is:

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Whether or not respondents may divert the waters of Raft River pursuant to any appropriation or attempted appropriation subsequent in time to appellant's prior decreed water rights, or otherwise divert the waters of said river, at any time when appellant's rights are not filled and he has beneficial use for the water.

The question of respondents' claimed ownership of the right to the use of waters of Raft River, based upon their asserted adverse possession and use thereof as against the rights decreed to appellant's lands, and the trial court's decree thereon, must be initially disposed of.

The trial court found, (1) that ever since and including the year 1941, during the high water period of each year, excepting a portion of the year 1948, respondents had diverted and used approximately 2,000 inches or 40 c.f.s. of the waters of Raft River for irrigation purposes under a claim of right, adversely to all the world; also, following such finding, (2) that respondents are the owners of the use and the right to the use of 2,000 inches or 40 c.f.s. of the waters of Raft River with date of priority of April 1, 1941.

The trial court entered its decree accordingly, without limiting respondents' right to the use of such waters, to flood waters, during the high water period of each year.

The record does not sustain the aforesaid findings of the court nor its decree. The record shows by the testimony of one of respondents that when respondents purchased the Bar M Ranch during May, 1946, the ditches were grown up and not good, and that they had "quite a little time the first year or two to spread this water." Then they built the concrete dam during 1947, with flash boards to divert the water, and built large ditches with a bulldozer outfit. The testimony of said respondent then shows that at least up to that time respondents had used mostly flood waters.

"Q. And you built that cement dam, concerning which they have been talking, in nineteen, forty-seven; was it?

"A. I think it was.

"Q. Up to that time you hadn't been using very much water on the Bar M Ranch?

"A. Well, there was quite a little water used on it.

"Q. In high water seasons?

"A. That's right."

The record is devoid of any showing of respondents' adverse use of waters decreed to appellant's lands during any of the period of time referred to in the trial court's findings, excepting during the year 1948. It was not until early June of 1948 and continuing during that season that respondents used the waters at times and under circumstances that the same interfered with appellant's use thereof. The prescriptive period had not elapsed when appellant commenced this action February 1, 1949.

"A claimant asserting a prescriptive right to water must prove all the elements of prescription." Village of Fairview v. Franklin Etc. Irr. Co., 59 Idaho 7, 79 P.2d 531. This court in that case adopted the rule set out in St. Onge v. Blakely, 75 Mont. 1, 245 P. 532, 536, as follows:

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" * * * two parties may at the same time be in possession of water from a creek and neither hold adverse to the other; each may justly claim the right to use the water he is using, without affecting the rights of the other, and therefore, in order to constitute adverse possession of water, the burden is upon the claimant to show that his use of the water deprived the prior appropriators of water at times when such prior appropriators actually needed the water; the use does not become adverse until it interferes with the use thereof by the prior appropriators, and therefore proof merely that the claimant used water and claimed the right to use it is no proof whatever of adverse use. (Cases.) While the elements of adverse possession of the two classes of property are the same [land and water], owing to the difference in their nature, the proof of hostile possession thereof necessarily differs. * * * (Underscoring curs.)"

See also Head v. Merrick, 69 Idaho 106, 108, 203 P.2d 608.

Respondents failed to prove their ownership of the right to the use of the waters of Raft River, whether flood waters or otherwise, adverse to appellant and his decreed rights.

This case essentially involves the question of availability of the waters of Raft River and the right to the use thereof for irrigation purposes after high water and during the balance of the irrigation season. The record shows that the high waters subside about May 1st or during that month; also that water for irrigation of crops become vital the forepart of and during June and that lack of water then will cause crops to suffer or "burn up." Water flows in Raft River above the Heglar Ranch after the high water period of each year. The record shows that when respondents diverted that water during the irrigation season of 1948, such diversion depleted the supply of water available at the Heglar Ranch to fill appellant's decreed rights, which appellant and predecessor therefore had actually diverted and used.

May respondents appropriate for use upon their lands 40 c.f.s. or if less, then all the waters flowing in Raft River above or south of the Heglar Ranch, after high water and during the balance of the irrigation season? If respondents be permitted so to do, then the water to become available at the Heglar Ranch for the purpose of filling appellant's decreed rights would be nil or largely insufficient. The testimony of one of respondents shows that respondents intend to and will, unless restrained, take all the water in Raft River above the Heglar Ranch, as indicated by the following:

"Q. You intend to divert everything you can get; irrespective of the lower users, is that it?

"A. As long as we can use the water.

* * *

"Q. You intend to take it?

"A. We intend to take it."

The matter now necessitates interpretation of the Federal Decree and its provisions hereinbefore set out upon which the respective parties rely.

The Federal Decree must be construed as a whole and given a construction as will harmonize with the facts and the law of the case. Boundary County v. Woldson.

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49 F. Supp, 600 (affirmed 144 F.2d 17); Whaley v. Matthews (Neb.), 287 N.W. 205; Quigley v. McIntosh (Mont.), 103 P.2d 1067; Yedor v. Chicago City Bank & Trust Co., (Ill.), 54 N.E. 2d 728.

Respondents assert that the restrictive provisions contained in the Federal Decree prohibited appellants' predecessor and appellant from claiming the right to have any of the water of Raft River above the Heglar Ranch used for the purpose of satisfying the water rights decreed to appellant's lands; that under the Decree appellant's predecessor had, and appellant has, no right to the waters flowing in said stream above the Heglar Ranch to be used for such purposes, the effect of the Decree as to them being to separate Raft River in two parts, i.e., one, that portion above the Heglar Ranch, and the other, that portion below the Heglar Ranch; that as to them the water in the river above the Heglar Ranch was unappropriated, subject to respondents' appropriation thereof.

While respondents' land is a portion of that to which water rights were adjudicated in the action of Albion-Idaho Land Co. v. Jobe Adams, et al, and decreed by the Federal Decree entered therein, they admit that they do not possess the right to divert and use the water that was made appurtenant to their land by said Decree. Their predecessors in interest transferred those decreed water rights for use on land situate upstream on Cassia Creek.

Respondents assert the right to appropriate and divert waters of Raft River not involved in the Albion-Idaho Land Company case, nor adjudicated therein, nor decreed to any land covered by the Federal Decree.

Respondents do not stand in privity with their predecessor, owner of the land with the decreed water rights made appurtenant thereto, who was a party to that action, because respondents own the land without those decreed water rights; for such reason respondents stand in the position of strangers to that action.

Respondents would seek to avoid the mandates of the Federal Decree, requiring the flow downstream for the benefit of junior appropriators of all the decreed waters of Raft River, when not in actual use upon the lands to which decreed; also imposing obedience to the rule of priority of appropriation of waters based upon the fact that all the waters of the stream were covered by said Decree, excepting perhaps some high water pre-irrigation season run-off.

If respondents consider that appellant is bound by the Federal Decree, then so are respondents, and they must permit the decreed water of Raft River to flow downstream to fill prior decreed rights as required by the mandates of said Decree.

On the other hand if respondents as strangers to the Albion-Idaho Land Company action claim that they are not bound by the Federal Decree, then as to respondents neither is appellant bound by the Decree; therefore, as to respondents, appellant would be and is a prior appropriator of the water of the stream above Heglar Ranch insofar as that water contributes to, and is necessary to, fill his decreed rights; and respondents could not become an appropriator prior in time to appellant.

Respondents, although strangers to the action of Albion-Idaho Land Co. v. Jobe Adams, et al, would accept the benefits of the restrictive provisions of the Federal Decree entered therein as operating in their favor, but would repudiate its accompanying, burdensome provisions. This they cannot be allowed to do.

Estoppel operates to prevent a party benefiting from a transaction, from

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questioning the validity and effectiveness thereof insofar as it imposes a liability or restriction upon him, and precludes one who accepts the benefit from repudiating the accompanying, resulting obligation. The application of the rule prohibits a party from establishing a right or title in himself under one provision or implication of an instrument while ignoring or contradicting another provision or implication which is destructive or fatally repugnant to such right or title. 19 Am. Jur., Estoppel, s. 64, p. 688; 31 C.J.S., Estoppel, s. 109, p. 347.

"Priority of appropriation shall give the better right as between those using the water;" Idaho Const., art. 15, secs. 3 and 5. "As between appropriators, the first in time is the first in right." Idaho Code, sec. 42-106; Malad Valley Irr. Co. v. Campbell, 2 Idaho 411, 18 P. 52; Geertson v. Barrack, 3 Idaho 344, 29 P. 42; Kirk v. Bartholomew, 3 Idaho 367, 29 P. 40; Brose v. Board of Directors, 20 Idaho 281, 118 P. 504; Brose v. Board of Directors, 24 Idaho 116, 132 P. 799; Crockett v. Jones, 47 Idaho 497, 277 P. 550; Beecher v. Cassia Creek Irr. Co., 66 Idaho 1, 9, 154 P.2d 507; Colthrop v. Mountain Home Irr. D., 66 Idaho 173, 157 P.2d 1005.

Appellant's decreed water rights are real property; such rights are appurtenant to appellant's lands to which the water represented thereby has been beneficially applied. Idaho Const., art. 15, s. 4; I.C., secs. 42-101 and 55-101; Hall v. Blackman, 8 Idaho 272, 68 P. 19; Paddock v. Clark, 22 Idaho 498, 126 P. 1053; Ireton v. Idaho Irrigation Co., 30 Idaho 310, 164 P. 687; Twin Falls Canal Co. v. Shippen, 46 Idaho 787, 271 P. 578; Beecher v. Cassia Creek Irrigation Co., 66 Idaho 1, 154 P.2d 507.

Damages

Appellant is an experienced farmer and knows methods of irrigation. The year 1948 he planted and cultivated various crops but in comparison, by use of some waters obtained, he produced a relatively small crop.

The record shows that high waters of Raft River subside about May 1st, or during May; that water becomes most vital for the irrigation of crops by the first of June, or thereabout, and that lack of water will cause crops to burn up.

During 1947 respondents constructed new diversion works in Raft River including the concrete dam. The spring of 1948, after the early season of high waters, they diverted the waters of said river onto their lands by means of the concrete dam and a pole dam, points of diversion above the Heglar Ranch, and above appellant's point of diversion at the Heglar Ranch. Particularly, during early June of 1948, respondents admitted taking all the water of the river and that they intended to take it, irrespective of the rights of lower users, including appellant.

When appellant was deprived of water he, together with state reclamation and water district officials, removed respondents' obstructions in Raft River, the first time about June 2nd, and the second time a few days later; but respondents rather promptly replaced the obstructions and continued taking the water.

Respondents assert that appellant should have irrigated his lands by use of flood water; that since he did not he cannot complain of the lack of water during irrigation season; also that he did not observe the highest duty of water in its application to his lands. Such theories would require appellant to anticipate in advance that respondents' intended to and would interfere with the flow of appellant's decreed water and thereby deprive appellant of his use thereof without due process. Appellant was not required and could not be required to anticipate any such wrong nor to make anticipatory provision therefor in advance. Appellant needed the water during the irrigation season after

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high waters and he was deprived of its use when so greatly needed at the beginning of the irrigation season to keep his crops from burning up. Furthermore, respondents admitted that they took the water, all that they could get, and that they intended to take it.

The trial court did not find the amount of appellant's crop damages. Appellant is entitled to a recovery therefor.

We deem it unnecessary to consider appellant's further specifications of error.

The judgment of the trial court is reversed and the cause remanded with instructions to the trial court to find the amount of damages suffered by appellant by reason of loss of and damage to his crops during the 1948 irrigation season, proximately caused by the acts of respondents in depriving appellant of waters or any part thereof decreed to his lands and to the use of which he was entitled, and in aid thereof, the trial court, in its discretion, or upon application of either appellant or respondents, may cause additional testimony to be taken; thereupon the trial court is instructed to enter judgment accordingly in favor of appellant and against respondents for appellant's damages as sustained; further, the trial court is instructed by entry of proper decree permanently to restrain and enjoin defendants from diverting waters of Raft River at any time when the decreed water rights of appellant to the waters of said stream are not filled and said water is needed by appellant for the purposes for which decreed.

Costs to appellant.

TAYLOR, C.J., and KEETON, PORTER and ANDERSON, JJ., concur.

* * * * *

COPY

27 JUN 20 PM 2:45

CLERK OF DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

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: 43-10421, 43-10422,
43-10423

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☐ Change in Ownership

☐ Point of Diversion

☐ Period of Use

☐ Split of Water Right

☒ Place of Use

☐ Nature of Use

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.

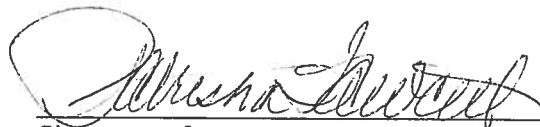
Dated: 6/30/04


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6/30, 2004, I mailed the original and copies of this form to the following persons, postage prepaid 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. One Copy to:
Claimant or attorney of record:
Lyle Woodbury
Carol Woodbury
152 N Yale Rd
Declo ID 83323
3. One Copy to:
Each party in the subcase or attorney of record:
Bureau of Land Management
Idaho State Office
1387 S Vinnell Way
Boise ID 83709
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

06/02/2004

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

RIGHT NUMBER: 43-10421
NAME AND ADDRESS: CAROL J WOODBURY
152 N YALE RD
DECLO ID 83323

LYLE D WOODBURY
152 N YALE RD
DECLO ID 83323

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 10.100 CFS

After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

USE OF RIGHT NOS. 43-10421, 43-10422 AND 43-10423 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 21.90 CFS.

USE OF RIGHT NOS. 43-2335, 43-13349, 43-13350, 43-7122A, 43-7122B, 43-10421, 43-10422 AND 43-10423 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3032.4 AF AT THE FIELD HEADGATE.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

PRIORITY DATE: 04/29/1883

POINT OF
DIVERSION: T10S R27E S24 SENENW Within CASSIA County
T10S R28E S18 NWNENW 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	10.100 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R27E S13	SWSE	11.0	T10S R27E S13	SESE	39.0
T10S R27E S24	NENE	38.0	T10S R27E S24	NWNE	24.0
T10S R27E S24	NENW	17.0	T10S R28E S07	NENE	13.0
T10S R28E S07	NWNE	23.0	T10S R28E S07	SWNE	40.0
T10S R28E S07	SENE	38.0	T10S R28E S07	NENW	4.1

06/02/2004

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

T10S R28E S07	SENE	23.0	T10S R28E S07	NESW	28.0
T10S R28E S07 Lot 3 NWSW		46.0	T10S R28E S07 Lot 4 SWSW		29.0
T10S R28E S07	SESE	33.0	T10S R28E S07	NESE	26.0
T10S R28E S07	NWSE	40.0	T10S R28E S07	SWSE	26.0
T10S R28E S18	NWNE	24.0	T10S R28E S18	SWNE	9.0
T10S R28E S18	NENW	35.0	T10S R28E S18 Lot 1 NWNW		38.0
T10S R28E S18 Lot 2 SWNW		11.0	T10S R28E S18	SENE	39.0
T10S R28E S18	NESW	23.0	T10S R28E S18 Lot 3 NWSW		44.0
T10S R28E S18 Lot 4 SWSW		36.0	T10S R28E S18	SESE	3.2
T10S R28E S19 Lot 1 NWNW		18.0			

778.3 ACRES TOTAL

USE OF RIGHT NOS. 43-10421, 43-10422 AND 43-10423 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 398.2 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 758.1 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-02335, 43-13349, 43-13350, 43-07122A, 43-07122B, 43-10421, 43-10422, & 43-10423.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 278 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 right holder shall accomplish the change authorized by transfer 70563 by May 1, 2006.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT WAS FORMERLY KNOWN AS RIGHT NO. 43-424.

06/02/2004

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

RIGHT NUMBER: 43-10422
NAME AND ADDRESS: CAROL J WOODBURY
152 N YALE RD
DECLO ID 83323

LYLE D WOODBURY
152 N YALE RD
DECLO ID 83323

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.800 CFS

After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

USE OF RIGHT NOS. 43-10421, 43-10422 AND 43-10423 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 21.90 CFS.

USE OF RIGHT NOS. 43-2335, 43-13349, 43-13350, 43-7122A, 43-7122B, 43-10421, 43-10422 AND 43-10423 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3032.4 AF AT THE FIELD HEADGATE.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

PRIORITY DATE: 04/01/1886

POINT OF
DIVERSION: T10S R27E S24 SENENW Within CASSIA County
T10S R28E S18 NWNENW 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	3.800 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R27E S13	SWSE	11.0	T10S R27E S13	SESE	39.0
T10S R27E S24	NENE	38.0	T10S R27E S24	NWNE	24.0
T10S R27E S24	NENW	17.0	T10S R28E S07	NENE	13.0
T10S R28E S07	NWNE	23.0	T10S R28E S07	SWNE	40.0
T10S R28E S07	SENE	38.0	T10S R28E S07	NENW	4.1

06/02/2004

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

T10S R28E S07	SESW	23.0	T10S R28E S07	NESW	28.0
T10S R28E S07 Lot 3	NWSW	46.0	T10S R28E S07 Lot 4	SWSW	29.0
T10S R28E S07	SESW	33.0	T10S R28E S07	NESE	26.0
T10S R28E S07	NWSE	40.0	T10S R28E S07	SWSE	26.0
T10S R28E S18	NWNE	24.0	T10S R28E S18	SWNE	9.0
T10S R28E S18	NENW	35.0	T10S R28E S18 Lot 1	NWNW	38.0
T10S R28E S18 Lot 2	SWNW	11.0	T10S R28E S18	SESW	39.0
T10S R28E S18	NESW	23.0	T10S R28E S18 Lot 3	NWSW	44.0
T10S R28E S18 Lot 4	SWSW	36.0	T10S R28E S18	SESW	3.2
T10S R28E S19 Lot 1	NWNW	18.0			

778.3 ACRES TOTAL

USE OF RIGHT NOS. 43-10421, 43-10422 AND 43-10423 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 398.2 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 758.1 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-02335, 43-13349, 43-13350, 43-07122A, 43-07122B, 43-10421, 43-10422, & 43-10423.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 93.4 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 right holder shall accomplish the change authorized by transfer 70563 by May 1, 2006.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT WAS FORMERLY KNOWN AS RIGHT NO. 43-425.

06/02/2004

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

RIGHT NUMBER: 43-10423
NAME AND ADDRESS: CAROL J WOODBURY
152 N YALE RD
DECLO ID 83323

LYLE D WOODBURY
152 N YALE RD
DECLO ID 83323

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 8.000 CFS
After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

USE OF RIGHT NOS. 43-10421, 43-10422 AND 43-10423 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 21.90 CFS.

USE OF RIGHT NOS. 43-2335, 43-13349, 43-13350, 43-7122A, 43-7122B, 43-10421, 43-10422 AND 43-10423 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3032.4 AF AT THE FIELD HEADGATE.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

PRIORITY DATE: 01/25/1908

POINT OF
DIVERSION: T10S R27E S24 SENENW Within CASSIA County
T10S R28E S18 NWNENW 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	8.000 CFS

PLACE OF USE:	<u>IRRIGATION Within CASSIA County</u>				
	T10S R27E S13	SWSE	11.0	T10S R27E S13	SESE 39.0
	T10S R27E S24	NENE	38.0	T10S R27E S24	NWNE 24.0
	T10S R27E S24	NENW	17.0	T10S R28E S07	NENE 13.0
	T10S R28E S07	NWNE	23.0	T10S R28E S07	SWNE 40.0
	T10S R28E S07	SENE	38.0	T10S R28E S07	NENW 4.1

06/02/2004

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

T10S R28E S07	SE	23.0	T10S R28E S07	NE	28.0
T10S R28E S07 Lot 3	NWSW	46.0	T10S R28E S07 Lot 4	SWSW	29.0
T10S R28E S07	SE	33.0	T10S R28E S07	NE	26.0
T10S R28E S07	NW	40.0	T10S R28E S07	SW	26.0
T10S R28E S18	NW	24.0	T10S R28E S18	SW	9.0
T10S R28E S18	NE	35.0	T10S R28E S18 Lot 1	NWNW	38.0
T10S R28E S18 Lot 2	SWNW	11.0	T10S R28E S18	SE	39.0
T10S R28E S18	NE	23.0	T10S R28E S18 Lot 3	NWSW	44.0
T10S R28E S18 Lot 4	SWSW	36.0	T10S R28E S18	SE	3.2
T10S R28E S19 Lot 1	NWNW	18.0			

778.3 ACRES TOTAL

USE OF RIGHT NOS. 43-10421, 43-10422 AND 43-10423 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 398.2 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 758.1 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-02335, 43-13349, 43-13350, 43-07122A, 43-07122B, 43-10421, 43-10422, & 43-10423.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 26.8 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 right holder shall accomplish the change authorized by transfer 70563 by May 1, 2006.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A PORTION OF OLD RIGHT 43-426.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 30, 2004

LYLE WOODBURY
CAROL WOODBURY
152 N YALE RD
DECLO ID 83323

RE: SRBA Claim(s) 43-10421, 43-10422, 43-10423

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70563

This is to certify that: CAROL J WOODBURY And
 LYLE D WOODBURY
 152 N YALE RD
 DECLO ID 83323
 (208)349-5591

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
43-10421	AJC/Decreed	04/29/1883	10.10 cfs	N/A	278.0	758.1	RAFT RIVER
43-10422	AJC/Decreed	04/01/1886	3.80 cfs	N/A	93.4	758.1	RAFT RIVER
43-10423	AJC/Decreed	01/25/1908	8.00 cfs	N/A	26.8	758.1	RAFT RIVER

Purpose of Transfer (Changes Proposed)

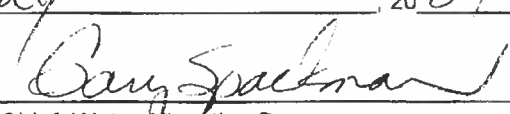
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
43-10421	NO	NO	YES	NO	NO	NO
43-10422	NO	NO	YES	NO	NO	NO
43-10423	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
43-10421	43-10421	10.10 cfs	N/A	278.0	778.3		N/A	N/A	N/A	N/A
43-10422	43-10422	3.80 cfs	N/A	93.4	778.3		N/A	N/A	N/A	N/A
43-10423	43-10423	8.00 cfs	N/A	26.8	778.3		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		21.90 cfs	N/A	398.2	778.3		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 1st day of May, 2004


 Chief, Water Allocation Bureau

WATER RIGHT NO. 43-10421
As Modified by Transfer No. 70563

In accordance with the approval of Transfer No. 70563, Water Right No. 43-10421 is now described as follows.

Right Holder: CAROL J WOODBURY And
 LYLE D WOODBURY
 152 N YALE RD
 DECLO ID 83323

Priority Date: April 29, 1883

Source: RAFT RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	10.10 CFS	
			10.10 CFS	

LOCATION OF POINT(S) OF DIVERSION:

RAFT RIVER SENENW Sec. 24 Twp 10S Rge 27E CASSIA County

RAFT RIVER NWNENW Sec. 18 Twp 10S Rge 28E CASSIA 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	
10S 27E 13															11.0	39.0	50.0
10S 27E 24	38.0	24.0			17.0												79.0
10S 28E 7	13.0	23.0	40.0	38.0	4.1		23.0		28.0	46.0	29.0	33.0	26.0	40.0	26.0		369.1
10S 28E 18		24.0	9.0		35.0	38.0	11.0	39.0	23.0	44.0	36.0	3.2					262.2
10S 28E 19						L 1	L 2			L 3	L 4						18.0
						L 1											

Total Acres: 778.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 278 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 43-10421, 43-10422 and 43-10423 shall not exceed 21.90 cfs for the irrigation of 398.2 acres.
3. Rights 43-2335, 43-13349, 43-13350, 43-7122A, 43-7122B, 43-10421, 43-10422 and 43-10423 when combined shall not exceed a total annual maximum diversion volume of 3032.4 af at the field headgate, and the irrigation of 758.1 acres.

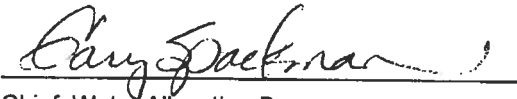
WATER RIGHT NO. 43-10421
As Modified by Transfer No. 70563

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. The right holder shall accomplish the change authorized by this transfer within two (2) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 1st day of May, 20 04


Chief, Water Allocation Bureau

WATER RIGHT NO. 43-10422
As Modified by Transfer No. 70563

In accordance with the approval of Transfer No. 70563, Water Right No. 43-10422 is now described as follows.

Right Holder: CAROL J WOODBURY And
 LYLE D WOODBURY
 152 N YALE RD
 DECLO ID 83323

Priority Date: April 01, 1886

Source: RAFT RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	3.80 CFS	
			3.80 CFS	

LOCATION OF POINT(S) OF DIVERSION:

RAFT RIVER SENENW Sec. 24 Twp 10S Rge 27E CASSIA County

RAFT RIVER NWNENW Sec. 18 Twp 10S Rge 28E CASSIA 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	
10S 27E 13															11.0	39.0	50.0
10S 27E 24	38.0	24.0			17.0												79.0
10S 28E 7	13.0	23.0	40.0	38.0	4.1			23.0	28.0	46.0	29.0	33.0	26.0	40.0	26.0		369.1
10S 28E 18		24.0	9.0		35.0	38.0	11.0	39.0	23.0	44.0	36.0	3.2					262.2
10S 28E 19						L 1	L 2			L 3	L 4						18.0
						L 1											

Total Acres: 778.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 93.4 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 43-10421, 43-10422 and 43-10423 shall not exceed 21.90 cfs for the irrigation of 398.2 acres.
3. Rights 43-2335, 43-13349, 43-13350, 43-7122A, 43-7122B, 43-10421, 43-10422 and 43-10423 when combined shall not exceed a total annual maximum diversion volume of 3032.4 af at the field headgate, and the irrigation of 758.1 acres.

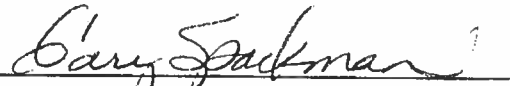
WATER RIGHT NO. 43-10422
As Modified by Transfer No. 70563

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. The right holder shall accomplish the change authorized by this transfer within two (2) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 1st day of May, 20 04


Chief, Water Allocation Bureau

WATER RIGHT NO. 43-10423
As Modified by Transfer No. 70563

In accordance with the approval of Transfer No. 70563, Water Right No. 43-10423 is now described as follows.

Right Holder: CAROL J WOODBURY And
 LYLE D WOODBURY
 152 N YALE RD
 DECLO ID 83323

Priority Date: January 25, 1908

Source: RAFT RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	8.00 CFS	
			8.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

RAFT RIVER SENENW Sec. 24 Twp 10S Rge 27E CASSIA County

RAFT RIVER NWNENW Sec. 18 Twp 10S Rge 28E CASSIA 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	
10S 27E 13															11.0	39.0	50.0
10S 27E 24	38.0	24.0			17.0												79.0
10S 28E 7	13.0	23.0	40.0	38.0	4.1			23.0	28.0	46.0	29.0	33.0	26.0	40.0	26.0		369.1
10S 28E 18		24.0	9.0		35.0	38.0	11.0	39.0	23.0	44.0	36.0	3.2					262.2
10S 28E 19						L1	L2			L3	L4						18.0
						L1											

Total Acres: 778.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 26.8 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 43-10421, 43-10422 and 43-10423 shall not exceed 21.90 cfs for the irrigation of 398.2 acres.
3. Rights 43-2335, 43-13349, 43-13350, 43-7122A, 43-7122B, 43-10421, 43-10422 and 43-10423 when combined shall not exceed a total annual maximum diversion volume of 3032.4 af at the field headgate, and the irrigation of 758.1 acres.

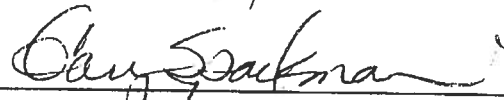
WATER RIGHT NO. 43-10423
As Modified by Transfer No. 70563

CONDITIONS OF APPROVAL

4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. The right holder shall accomplish the change authorized by this transfer within two (2) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 1st day of May, 2004


Chief, Water Allocation Bureau

COPY

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

2003 JUN 13 AM 11 56

**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

Water Rights: 43-10421, 43-10422,
43-10423

**NOTICE OF ADMINISTRATIVE
PROCEEDING**

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

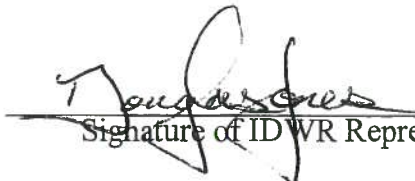
☒ I.C. § 42-222 transfer

☐ point of diversion ☒ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed not later than: June 11, 2004.

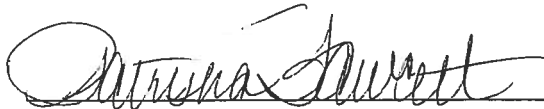
Dated 6/11/03


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6/13, 2003, I mailed the original and copies of this form to the following persons, postage prepaid, and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant or attorney of record:
Lyle Woodbury
Carol Woodbury
152 N Yale Rd
Declo ID 83323
3. One copy to:
Each party in the subcase, or attorney of record:
Bureau of Land Mgmt
1387 S Vinnell Way
Boise ID 83709
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 13, 2003

LYLE WOODBURY
CAROL WOODBURY
152 N YALE RD
DECLO ID 83323

RE: SRBA Claim(s) 43-2335, 43-2434, 43-10421, 43-10422,
43-10423

Dear Claimant:

Please find the enclosed copy of the Notice of 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.

After IDWR completes the indicated administrative process, and has modified the SRBA claims, you will be forwarded a Notice of Completed Administrative Proceeding. Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

RECEIVED

FEB 19 2002

Department of Water Resources
Southern Region

**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

A. Subcase 43-10423

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTINGName: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State OfficeAddress: 1387 South Vinnell Way
Boise, Idaho 83709-1657Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 faxUnited States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724**C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT**

Name: Lyle D. Woodbury

Address: 152 N. Yale Rd.; Declo, ID. 83323

Name: Carol Woodbury

Address: 152 N. Yale Rd.; Declo, ID. 83323

Name:

Address: ;

Name:

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: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: See attached

11. **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 OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

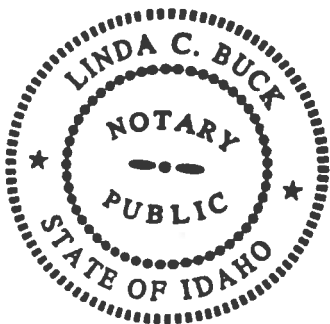
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

February 7, 2002



Linda C. Buck

Notary Public for Idaho

Residing at: Mountain Home

My Commission Expires: 12-21-2005

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 Feb. 8, 2002, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Name: Lyle D. Woodbury
Address: 152 N. Yale Rd.; Declo, ID. 83323

Name: Carol Woodbury
Address: 152 N. Yale Rd.; Declo, ID. 83323

Name:
Address: ;

Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney mailing on Objector's behalf

09/19/2001

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

RIGHT NUMBER: 43-10423

NAME AND ADDRESS: CAROL WOODBURY
152 N YALE RD
DECLO ID 83323LYLE D WOODBURY
152 N YALE RD
DECLO ID 83323

-POUS ON BLM
-CLAIMANT IS NOT AUTHORIZED
TO FARM PUBLIC LAND

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 8.000 CFS

PRIORITY DATE: 01/25/1908

POINT OF
DIVERSION:T10S R27E S24 SENENW Within CASSIA County
T10S R28E S18 NWNENW Within CASSIA CountyPURPOSE AND
PERIOD OF USE:PURPOSE OF USE
IRRIGATIONPERIOD OF USE
03/15 11/15QUANTITY
8.000 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T10S R27E S12	NESE	2.6	T10S R27E S12	SESE	0.8
T10S R27E S13	NESE	3.3	T10S R27E S13	NWSE	0.5
T10S R27E S13	SWSE	23.0	T10S R27E S13	SESE	35.8
T10S R27E S24	NENE	39.0	T10S R27E S24	NWNE	22.3
T10S R28E S18	NWNE	25.5	T10S R28E S18	SWNE	9.7
T10S R28E S18	NENW	35.0	T10S R28E S18 Lot 1	NWNW	4.1
T10S R28E S18 Lot 2	SWNW	18.7	T10S R28E S18	SENE	35.2
T10S R28E S18	NESW	20.0	T10S R28E S18 Lot 3	NWSW	46.9
T10S R28E S18 Lot 4	SWSW	35.1	T10S R28E S18	SESW	1.1
T10S R28E S19 Lot 1	NWNW	18.6	T10S R28E S07	NENE	12.5
T10S R28E S07	NWNE	23.4	T10S R28E S07	SWNE	40.0
T10S R28E S07	SENE	37.7	T10S R28E S07	NENW	4.1
T10S R28E S07	SENE	22.7	T10S R28E S07	NESW	22.9
T10S R28E S07 Lot 3	NWSW	46.6	T10S R28E S07 Lot 4	SWSW	38.6
T10S R28E S07	SESW	35.5	T10S R28E S07	NESE	26.3
T10S R28E S07	NWSE	41.6	T10S R28E S07	SWSE	29.0

Pou's on
BLM

758.1 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 26.8 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 758.1 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
43-02335, 43-02434, 43-07122A, 43-07122B, 43-10421, 43-10422, & 43-10423.

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

09/19/2001

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

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.
THIS RIGHT IS A PORTION OF OLD RIGHT NO. 43-426.

TOWNSHIP 10 SOUTH RANGE 27 EAST OF THE BOISE MERIDIAN, IDAHO

CLATSOP COUNTY, OREGON
SEAL DISTRICT NO. 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	SECTION	ACRES	REMARKS
1	1	36.00	Public Domain
2	2	36.00	Public Domain
3	3	36.00	Public Domain
4	4	36.00	Public Domain
5	5	36.00	Public Domain
6	6	36.00	Public Domain
7	7	36.00	Public Domain
8	8	36.00	Public Domain
9	9	36.00	Public Domain
10	10	36.00	Public Domain
11	11	36.00	Public Domain
12	12	36.00	Public Domain
13	13	36.00	Public Domain
14	14	36.00	Public Domain
15	15	36.00	Public Domain
16	16	36.00	Public Domain
17	17	36.00	Public Domain
18	18	36.00	Public Domain
19	19	36.00	Public Domain
20	20	36.00	Public Domain
21	21	36.00	Public Domain
22	22	36.00	Public Domain
23	23	36.00	Public Domain
24	24	36.00	Public Domain
25	25	36.00	Public Domain
26	26	36.00	Public Domain
27	27	36.00	Public Domain
28	28	36.00	Public Domain
29	29	36.00	Public Domain
30	30	36.00	Public Domain
31	31	36.00	Public Domain
32	32	36.00	Public Domain
33	33	36.00	Public Domain
34	34	36.00	Public Domain
35	35	36.00	Public Domain
36	36	36.00	Public Domain

1. 2200 Acres, 24 Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1

VERIFIED BY *[Signature]* 6/25/01

06/25/2001

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

RIGHT NUMBER: 43-10423

NAME AND ADDRESS: CAROL WOODBURY
LYLE D WOODBURY
152 N YALE RD
DECLO, ID 83323

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 8 CFS

PRIORITY DATE: 01/25/1908

POINT OF DIVERSION: T10S R27E S24 SENENW Within CASSIA County
T10S R28E S18 NWNENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	8.00 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T10S R27E S12		NESE	2.6	T10S R27E S12	SESE 0.8
T10S R27E S13		NESE	3.3	T10S R27E S13	NWSE 0.5
T10S R27E S13		SWSE	23	T10S R27E S13	SESE 35.8
T10S R27E S24		NENE	39	T10S R27E S24	NWNE 22.3
T10S R28E S18		NWNE	25.5	T10S R28E S18	SWNE 9.7
T10S R28E S18		NENW	35	T10S R28E S18	LOT 1 NWNW 4.1
T10S R28E S18	LOT 2	SWNW	18.7	T10S R28E S18	SENW 35.2
T10S R28E S18		NESW	20	T10S R28E S18	LOT 3 NWSW 46.9
T10S R28E S18	LOT 4	SWSW	35.1	T10S R28E S18	SESW 1.1
T10S R28E S19	LOT 1	NWNW	18.6	T10S R28E S7	NENE 12.5
T10S R28E S7		NWNE	23.4	T10S R28E S7	SWNE 40
T10S R28E S7		SENE	37.7	T10S R28E S7	NENW 4.1
T10S R28E S7		SENW	22.7	T10S R28E S7	NESW 22.9
T10S R28E S7	LOT 3	NWSW	46.6	T10S R28E S7	LOT 4 SWSW 38.6
T10S R28E S7		SESW	35.5	T10S R28E S7	NESE 26.3
T10S R28E S7		NWSE	41.6	T10S R28E S7	SWSE 29

758.1 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 26.8 ACRES
WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 758.1 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-02335, 43-02434, 43-07122A,
43-07122B, 43-10421, 43-10422, & 43-10423.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
Water Right 43-10423

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.
THIS RIGHT IS A PORTION OF OLD RIGHT NO. 43-426.

05/16/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-10422

(based on 43-425)

- thought orig. rt (43-425) had priority date of 1866 =
- why diversion rate decreased? (cause rec acres not 40 Hc)

Owner Type
Current Owner
Current Owner

Name and Address
CAROL J WOODBURY
LYLE D WOODBURY
STAR RT BOX 54
DECLO, ID 83323
(208)349-5591

152 N YALE RD

Priority Date: 04/01/1886
Basis: Decreed
Status: Active

Source
RAFT RIVER

Tributary to
SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	03/15	11/15	2.96 CFS		
Total Diversion			2.96 CFS		

Location of Point(s) of Diversion:

RAFT RIVER	SENENW	Sec. 24	Township 10S	Range 27E	CASSIA County
RAFT RIVER	NWNENW	Sec. 18	Township 10S	Range 28E	CASSIA County

IRRIGATION Use:
Acre Limit: 93.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION

CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10S	27E	12		NESE	2.6		SESE	0.8						
		13		NESE	3.3		NWSE	0.5		SWSE	23		SESE	35.8
		24		NENE	39		NWNE	22.3						
	28E	18		NWNE	25.5		SWNE	9.7						
				NENW	35	1	NWNW	4.1	2	SWNW	18.7		SENW	35.2
				NESW	20	3	NWSW	46.9	4	SWSW	35.1		SESW	1.1
		19	1	NWNW	18.6									
		7		NENE	12.5		NWNE	23.4		SWNE	40		SENE	37.7
				NENW	4.1		SENW	22.7						
				NESW	22.9	3	NWSW	46.6	4	SWSW	38.6		SESW	35.5
				NESE	26.3		NWSE	41.6		SWSE	29			

Total Acres: 758.1

Conditions of Approval:

1. 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.

11/17/2000

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

RIGHT NUMBER: 43-10423

NAME AND ADDRESS: CAROL J WOODBURY
LYLE D WOODBURY
STAR RT BOX 54
DECLO, ID 83323

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.81 CFS

THIS RIGHT WHEN COMBINED WITH THE FOLLOWING RIGHTS SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS.: 43-
02335, 43-02434, 43-07122A, 43-07122B, 43-10421, 43-10422, &
43-10423.

PRIORITY DATE: 01/25/1908

POINT OF DIVERSION: T10S R27E S24
T10S R28E S18

SENENW
NWNENW

Within CASSIA County
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
2.81 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T10S R27E S12	NESE	2.6	T10S R27E S12	SESE	0.8
T10S R27E S13	NESE	3.3	T10S R27E S13	NWSE	0.5
T10S R27E S13	SWSE	23	T10S R27E S13	SESE	35.8
T10S R27E S24	NENE	39	T10S R27E S24	NWNE	22.3
T10S R28E S18	NWNE	25.5	T10S R28E S18	SWNE	9.7
T10S R28E S18	NENW	35	T10S R28E S18	LOT 1 NWNW	4.1
T10S R28E S18	LOT 2 SWNW	18.7	T10S R28E S18	SENW	35.2
T10S R28E S18	NESW	20	T10S R28E S18	LOT 3 NWSW	46.9
T10S R28E S18	LOT 4 SWSW	35.1	T10S R28E S18	SESW	1.1
T10S R28E S19	LOT 1 NWNW	18.6	T10S R28E S7	NENE	12.5
T10S R28E S7	NWNE	23.4	T10S R28E S7	SWNE	40
T10S R28E S7	SENE	37.7	T10S R28E S7	NENW	4.1
T10S R28E S7	SENW	22.7	T10S R28E S7	NESW	22.9
T10S R28E S7	LOT 3 NWSW	46.6	T10S R28E S7	LOT 4 SWSW	38.6
T10S R28E S7	SESW	35.5	T10S R28E S7	NESE	26.3
T10S R28E S7	NWSE	41.6	T10S R28E S7	SWSE	29

758.1 ACRES TOTAL

Water Right 43-10423

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 26.8 ACRES
WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 758.1 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-02335, 43-02434, 43-07122A, 43-
07122B, 43-10421, 43-10422, & 43-10423.

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

43-02335, 43-02434, 43-10421, 43-10422, & 43-10423



0 1320 2640 Feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON NOV. 17, 2000
TWP 10S, RNG 27E, SEC. 12, 13, & 24
TWP 10S, RNG 28E, SEC. 7 & 18

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

This property is partially in and partially out of the CGWA

A43-02335 4/8/1949 4 cfs 360.3 Ac.

Transfer #4464 was approved in 1995 and determined the POU for this right. The transfer created a ppu with license 43-07122A, which was not required to be in the adjudication.

- right is limited to 283 ac in ppu

A43-02434 12/13/1955 5.36 cfs 397.8 Ac.

Transfer #4465 was approved in 1995 for "W.R. parts A & B for 43-02434." (This claim is for both parts.) The transfer created a ppu with 43-07122B, a license not required to be in the adjudication.

- right is limited to 303.68 ac in ppu
- old transfer #2263 clarified the POU of this right as 303.68 ac.

Will recommend separate POU's for each right. (with their ppu for part of other license 43-07122) and then include "both" POU's for decreed rights for a total of 758.1 acres. Decreed rights were reduced to "recommended acres" within tracts from original decree tracts, and diversion rates reduced accordingly.

-0604-2 Township: 10S Range: 28E Section: 24				Tract:		Lot:		
S	L	Water	Name	O	S	Max #	Records	
E	O			W	T	Priority	Use	
L	Tract	T	Right No.	N	AC	G	Date	
			Last, First				Code	
							Desc	
---	NENE	A43-10423	WOODBURY, CAROL J.	C	38	D	01/25/1908	01 IRR
---			WOODBURY, LYLE D.	C				
---	NWNE	A43-10423	WOODBURY, CAROL J.	C	38	D	01/25/1908	01 IRR
---			WOODBURY, LYLE D.	C				
---	NENW	A43-10423	WOODBURY, CAROL J.	C	40	D	01/25/1908	01 IRR
---			WOODBURY, LYLE D.	C				
---	SENW	A43-10386	WOODWORTH, DELMAR	C		J	03/20/1920	43 DOMES
---	NWSW	A43-10385	WOODWORTH, DELMAR	C		J	05/01/1917	43 DOMES
---								04 STOCK
---	NWSW	A43-10385	WOODWORTH, DELMAR	C		J	05/01/1917	43 DOMES
---								04 STOCK
---	NWSW	R43-10385	WOODWORTH, DELMAR	C		J	05/01/1917	43 DOMES
---								04 STOCK
---	NWSW	R43-10385	WOODWORTH, DELMAR	C		J	05/01/1917	43 DOMES
---								04 STOCK

END OF DATA...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE
 (Enter=Continue) (GOLD7=This Query)

(Menu _____)

A43-10423

5/6 10, 27, 24 *

10, 27, 13

10, 28, 7

10, 28 18

10, 28 19

15:23:11
11/15/00
17

CLAIM NUMBER: A43-10423

Concl Code C18
Remarks E14 758.1 Ae
ADU1 w/ all
KDB6
QNT E28 .02 cps M

$$\text{div. rate} \quad 21 \div 200 \times 26.8 = 2.81 \text{ cfs}$$

proton
changes

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:22:41
11/15/00

PAGE: 2
QUICKLOOK INFORMATION

16
CLAIM NUMBER: A43-10423

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	-N							
POINT OF DIV	-N							
SOURCE	-N							
PLACE OF USE	Y-							
DIV. AMOUNT CFS/VOLUME	Y-							
CONSUMPTIVE USE	/							
PURPOSES OF USE	-N							
PERIOD OF USE	-N							
BASIS OF CLAIM	-N							
REMARKS	Y-							

BARCODE UPDATED
WHOM/DATE

R PROOF

CVR

MAPS

PHOTOS

MISC

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DATE: 11/15/00
PAGE: 1

DIVERSION
VOLUME

Stage: DECREED

Am

Pou County: CASSIA

Other Water Rights Listing Overlapping Place(s) of use:

43-00179	43-00181A	43-00181B	43-00424	43-02012	43-02030	43-02319	43-02434B	43-04066	43-07122B
43-07131	43-07311								

Remarks: GEN Point of diversion not given in decree.

Dates:	App. Received:	Priority Date:
		01/25/1908

App. Received:	Priority Date:
Proof Due Date:	Proof Made Date:
Exam Made Date:	Exam Sent to S.O.:
Licensed Date:	

Misc: **Water District Number:** **Field Exam Fee:**

Audit: 12/26/91 CURTIS 12/27/91 CURTIS

$$5 \times 40 = 200 \text{ Ae.}$$
$$2\frac{1}{2} \text{ fs} \div 200 = 0.0125 \text{ fs/Ae.}$$
$$21 \div 200 \times 26.8 = 2.81 \text{ fs}$$
$$26.8 \times 0.02 = 0.536 \text{ fs}$$

SD-0611-2 Basin: 43 Starting Water Right: 00426

S	O	S
E	W	Y
L	N	S
Water	Priority	Use
Right No.	Date	Desc
Name	STG/	
Last, First	STS	Source
X 43-00426	FOLLETT, CARL	C 01/25/1908 D/ RAFT RIVER IRR WR
A43-00426	RENUMBERED CLAIM	C 01/25/1908 /Z RAFT RIVER IRR AJ
		RENUMBERED CLAIM

* Decreed copied to Water Right Database (G6=Print Profile Rpt) (G8=Cancel)
(Enter=Continue) (G1=Print Screen Query) (G7=This Query) (Menu _____)