

04/12/2005

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 3, 2005

Water right number: 37-581

PATRICK J O MALEY
1413 S 1600 E
GOODING ID 83330
Telephone Number: (208)934-0939

JUANITA M O MALEY
1413 S 1600 E
GOODING ID 83330
Telephone Number: (208)934-0939

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

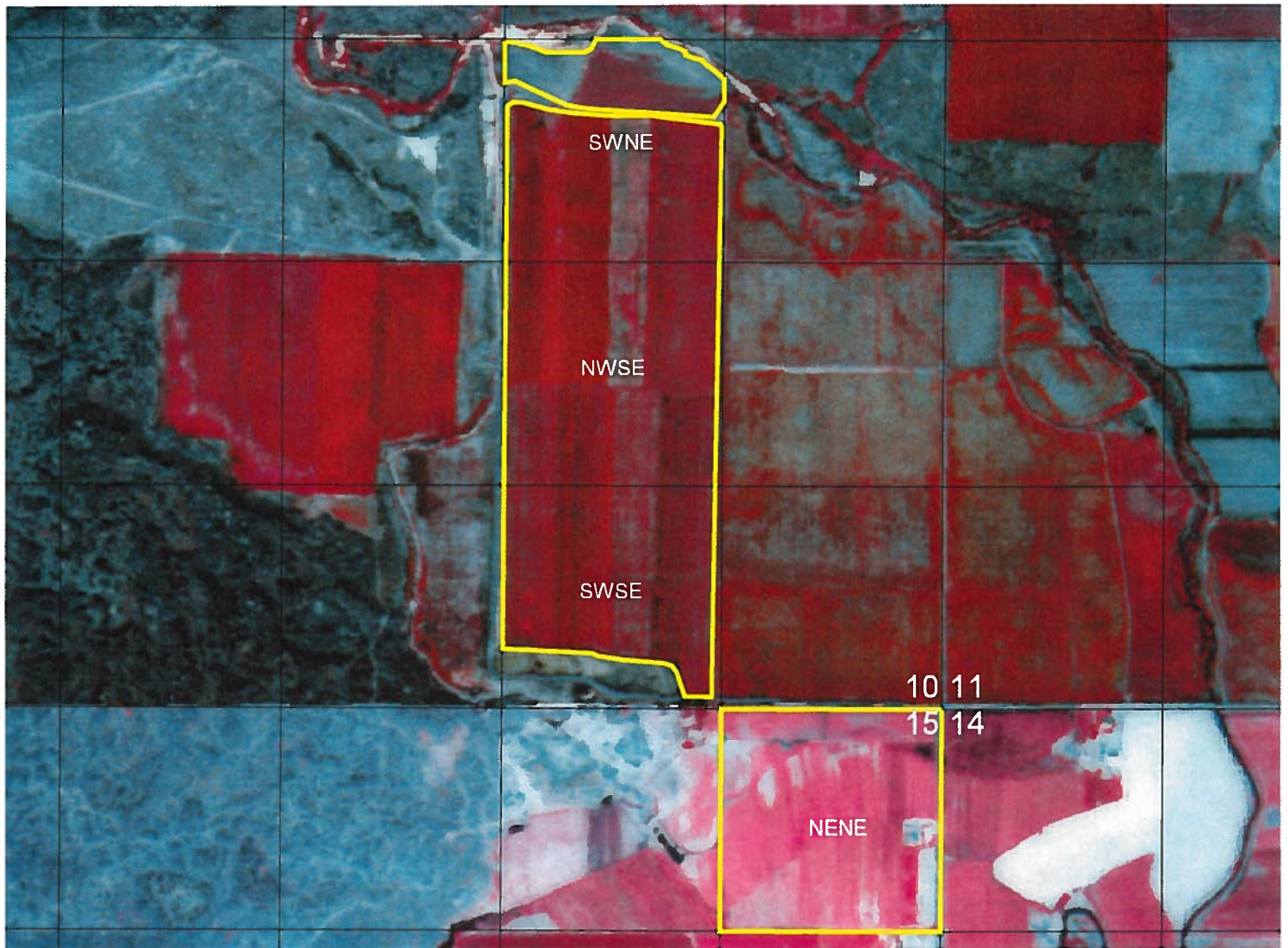
3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 5/18/05 SIGNATURE: Pat O'Maley
Please print your name: PAT O'MALEY

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

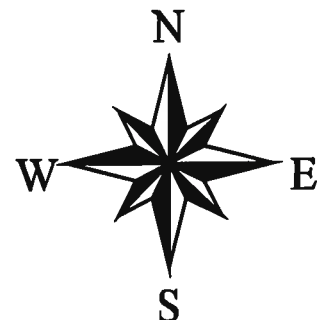
37-581



700 0 700 1400 2100 2800 Feet

T05S R14E S10 & S15

Map prepared by: Carter Fritschle
Date prepared: 10/23/03
1987-1988 NAPP photography
Idaho Department of Water Resources



10/23/2003

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

RIGHT NUMBER: 37-581

NAME AND ADDRESS: PATRICK J O MALEY
1413 S 1600 E
GOODING ID 83330

JUANITA M O MALEY
1413 S 1600 E
GOODING ID 83330

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 04/02/1906

POINT OF DIVERSION:

T05S R16E S7 SWNW Lot 2 Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

3.200 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T05S R14E S10	SWNE	36.0	T05S R14E S10	NWSE	39.0
T05S R14E S10	SWSE	30.0	T05S R14E S15	NENE	40.0

145 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-859A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 185 ACRES IN A SINGLE
IRRIGATION SEASON.

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH THE ROBERTSON DITCH.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS
RESERVOIR DIST. NO. 2.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.

IDAHO DEPARTMENT OF WATER RESOURCES

10/22/2003

ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 37-581

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Water Right #	Type	Twp	Rge	Sec	Qq	Q	Lot	Purpose of Use	Acres/Total	Name
1-6	Claim	05S	14E	10	SW	NE		IRRIGATION	37/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-581	Claim	05S	14E	10	SW	NE		IRRIGATION	40/160	PATRICK J O MALEY
37-859A	Claim	05S	14E	10	SW	NE		IRRIGATION	26/175	PATRICK J O MALEY
37-581	Claim	05S	14E	10	NW	SE		IRRIGATION	40/160	PATRICK J O MALEY
37-859A	Claim	05S	14E	10	NW	SE		IRRIGATION	40/175	PATRICK J O MALEY
37-867	Claim	05S	14E	10	NW	SE		IRRIGATION	39/173356	BIG WOOD CANAL CO
37-581	Water Right	05S	14E	10	NW	SE		IRRIGATION		JOHN C ROBERTSON
37-859	Water Right	05S	14E	10	NW	SE		IRRIGATION		WILLIAM SCHREIBER
37-20733	Claim	05S	14E	10	NW	SE		IRRIGATION FROM STORAGE	39/	BIG WOOD CANAL CO
1-6	Claim	05S	14E	10	SW	SE		IRRIGATION	29.9/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-581	Claim	05S	14E	10	SW	SE		IRRIGATION	40/160	PATRICK J O MALEY
37-859A	Claim	05S	14E	10	SW	SE		IRRIGATION	34/175	PATRICK J O MALEY
37-867	Claim	05S	14E	10	SW	SE		IRRIGATION	36/173356	BIG WOOD CANAL CO
37-581	Water Right	05S	14E	10	SW	SE		IRRIGATION		JOHN C ROBERTSON
37-859	Water Right	05S	14E	10	SW	SE		IRRIGATION		WILLIAM SCHREIBER
37-20733	Claim	05S	14E	10	SW	SE		IRRIGATION FROM STORAGE	36/	BIG WOOD CANAL CO
37-581	Claim	05S	14E	15	NE	NE		IRRIGATION	40/160	PATRICK J O MALEY
37-859A	Claim	05S	14E	15	NE	NE		IRRIGATION	40/175	PATRICK J O MALEY
37-867	Claim	05S	14E	15	NE	NE		IRRIGATION	38/173356	BIG WOOD CANAL CO
37-581	Water Right	05S	14E	15	NE	NE		IRRIGATION		JOHN C ROBERTSON
37-859	Water Right	05S	14E	15	NE	NE		IRRIGATION		WILLIAM SCHREIBER
37-20733	Claim	05S	14E	15	NE	NE		IRRIGATION FROM STORAGE	38/	BIG WOOD CANAL CO

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-581

WATER RIGHT NUMBER: 37-581

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PATRICK J O MALEY 1413 S 1600 E GOODING, ID 83330 (208)934-0939
Original Owner	DON E BELLAMY PO BOX 85 CARMEN, ID 83462 (208)934-5358
Original Owner	MARILEE J BELLAMY PO BOX 85 CARMEN, ID 83462 (208)934-5358
Current Owner	JUANITA M O MALEY 1413 S 1600 E GOODING, ID 83330 (208)934-0939

Priority Date: 04/02/1906

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	3.200 CFS	640.00 AF
	<u>Total Diversion:</u>	3.200 CFS	640.00 AF

Location of Point(s) of Diversion

BIG WOOD RIVER L2 (NW1/4SW1/4NW1/4) Sec. 7, Twp 05S, Rge 16E, B.M.
GOODING County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	14E	10			40.0												40.0	40.0	120.0
05S	14E	15	40.0																40.0

Total Acres: 160

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-581

Remarks:

1. General 6/7/95, DJ: OWNERSHIP CHANGE REC'D 5/22/95.
****THIS CLAIM WAS ORIGINALLY FILED AS A37-00580A**** ****AMENDED
CLAIM***** 6/28/99 jr **** AMENDED CLAIM TO CHANGE
UNDERLYING WATER RIGHT TO 37-00581.
ORIGINAL CLAIM LISTED 37-00580. TWO WATER RIGHTS, 37-00580 AND 37-00581,
WERE DECREED TO THE SAME PLACE OF USE IN SECTIONS 3, 10, AND 15.
WATERMASTER HAS HISTORICALLY DELIVERED 37-00581 TO CLAIMANT'S LANDS IN
SECTIONS 10 AND 15. 37-00580 HAS HISTORICALLY BEEN DELIVERED TO ANOTHER
PARTY'S LAND IN SECTIONS 3 AND 4. THIS CLAIM IS BASED ON LANDS HISTORICALLY
IRRIGATED IN SECTIONS 10 AND 15. [AMENDMENT CHANGED PLACE OF USE AND
POINT OF DIVERSION].

Comments:Dates and Other Information:

Claim Received Date: 8/10/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-580A

WATER RIGHT NUMBER: 37-580A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PATRICK J O MALEY 1413 S 1600 E GOODING, ID 83330
Original Owner	MARILEE J BELLAMY PO BOX 85 CARMEN, ID 83462 (208)934-5358
Original Owner	DON E BELLAMY PO BOX 85 CARMEN, ID 83462 (208)934-5358
Original Owner	JUANITA M O MALEY 1413 S 1600 E GOODING, ID 83330

Priority Date: 04/02/1906

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	3.200 CFS	
	<u>Total Diversion:</u>	3.200 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	L2 (NW1/4SW1/4NW1/4)	Sec. 7,	Twp 05S,	Rge 16E, B.M.
GOODING County				
BIG WOOD RIVER	L1 (SW1/4NW1/4NW1/4)	Sec. 7,	Twp 05S,	Rge 16E, B.M.
GOODING County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05S	14E	10	8.0				28.0
05S	14E	15	40.0	4.0			44.0

Total Acres: 72

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-580A

Conditions of Approval:

Remarks:

1. General 6/7/95, DJ: OWNERSHIP CHANGE REC'D 5/22/95.
***** THIS CLAIM HAS BEEN
RENUMBERED TO A37-00581 TO REFLECT CORRECT UNDERLYING WATER RIGHT.
6/28/99 jr

Comments:

Dates and Other Information:

Claim Received Date: 8/10/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False