

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: A37-00611

Date Received: 4/06/1988

Receipt No: S000014

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CORWIN SILVA 208-886-7712
Address: 241 FOUR MILE RD.
SHOSHONE, ID 83352

AND/OR

Name: MERLE SILVA
Address: SHOSHONE, ID 83352

2. Date of Priority: APR 30, 1891

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	17E	9	SW	NW	SW	R	LINCOLN
			SW	SW	SE	R	LINCOLN
10S	21E	28	SW	SW	NW	5	LINCOLN

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.800		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 402.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/50 RANGE

A37-00611

Page 1

Date: 04/06/88

MICROFILMED

FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05S	17E	16	NW		NW		IRR	36.0
			SW		NW		IRR	25.0
			Section Acres					61.0
		17	NE		NE		IRR	21.0
			NW		NE		IRR	28.0
			SW		NE		IRR	7.0
			SE		NE		IRR	17.0
			Section Acres					73.0
			Total Acres					134.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
37-0612

14. Remarks:

TRANS. 79, 170, & 341.

FILE SHOWS RT. IS USED AS ORIGINALLY DECREED.

THIS WATER WAS ORIGINALLY DECREED FROM BIG WOOD RIVER ,HOWEVER, WHEN MILNER GOODING CANAL WAS CONSTRUCTED TO BRING AMER. FALLS WATER FROM SNAKE RIVER AN AGREEMENT WAS MADE TO DELIVER THIS WATER FROM THE MILNER GOODING CANAL WITH WATER FROM THE SNAKE RIVER. PRIORITIES REMAIN THE SAME AND PRIORITY CUTS ARE MADE BASED ON DELIVERABLE AMOUNTS IN THE BIG WOOD RIVER.

15. Basis of Claim: DECREED

Water Right Number: 370611

Case Number:

Court : 4TH

Decree date: 12/13/1909

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): Corwin Silva Date: 04/6/88

Date: _____

State of Idaho)
County of Turn Falls) SS.

Subscribed and sworn (or affirmed) before me this 6 day
of April 19 88 Larry O. Halver
Notary Public

Seal

Residing at Turn Falls
My Commission Expires 3/2/93

MICROFILMED
FEB 23 1993

03/29/2005

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

RIGHT NUMBER: 37-611

NAME AND ADDRESS: 4 BROS DAIRY INC
C/O ANDREW FITZGERALD
427 N 250 W
SHOSHONE ID 83352

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.800 CFS

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

PRIORITY DATE: 04/30/1891

POINT OF DIVERSION:

T04S R18E S15 SWNWSE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 11/15	2.800 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R17E S16	NWNW	36.0	T05S R17E S16	SWNW	25.0
T05S R17E S17	NENE	21.0	T05S R17E S17	NWNE	28.0
T05S R17E S17	SWNE	7.0	T05S R17E S17	SENE	17.0

STOCKWATER same as IRRIGATION

134 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-612 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 134 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.

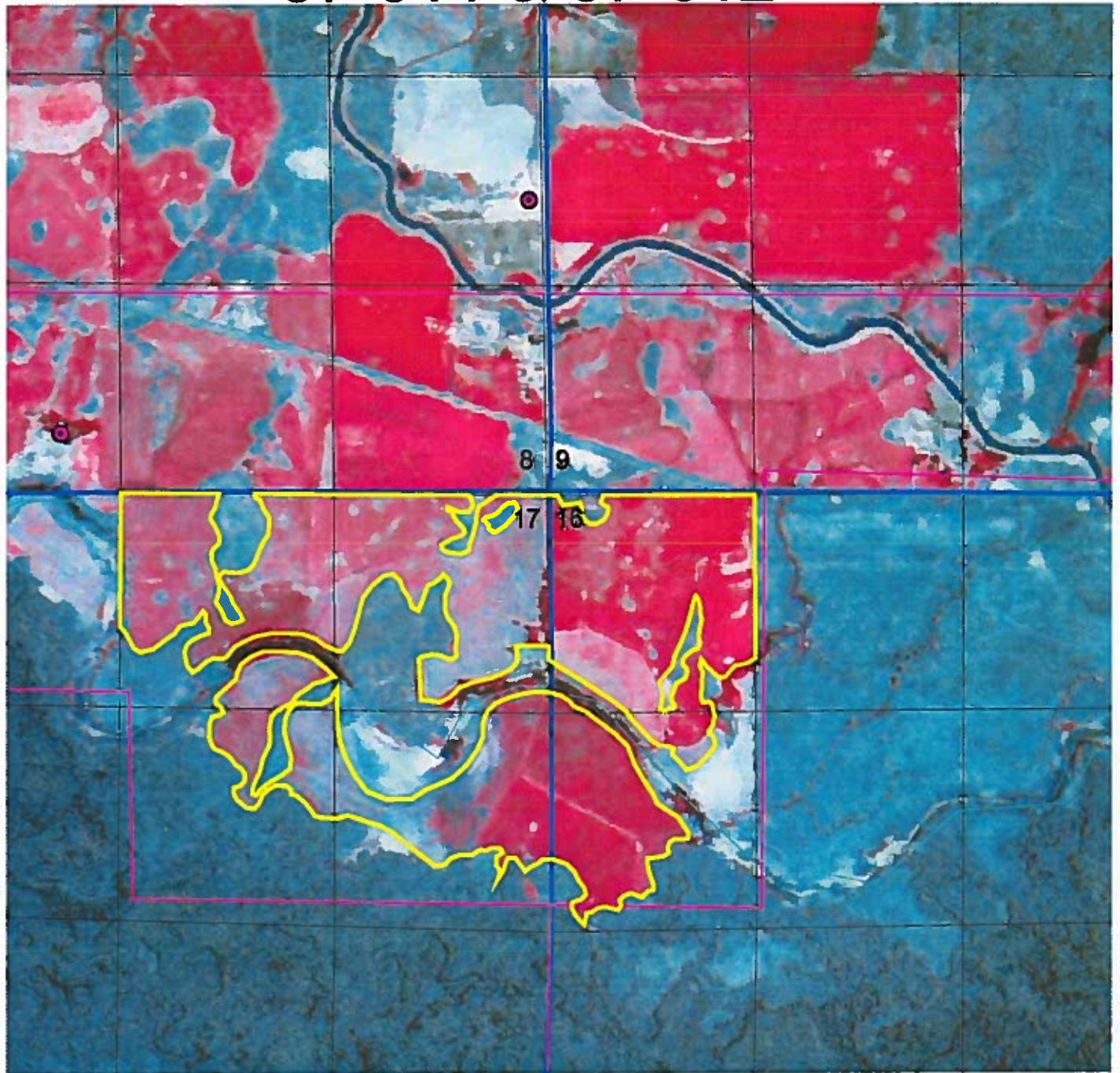
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

IDAHO DEPT OF WATER RESOURCES

37-611 & 37-612



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 5S
RNG: 17E
SEC. 16 & 17



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: MARCH 29, 2005

37-611

37-612

1. CONFIRM POD's & SOURCE
(BWR OR CANAL)

2. Check FOU ALTHOUGH GISAC = CLAIM AC.

12/24/03

SEE

found old POD
from BWR in transfer file

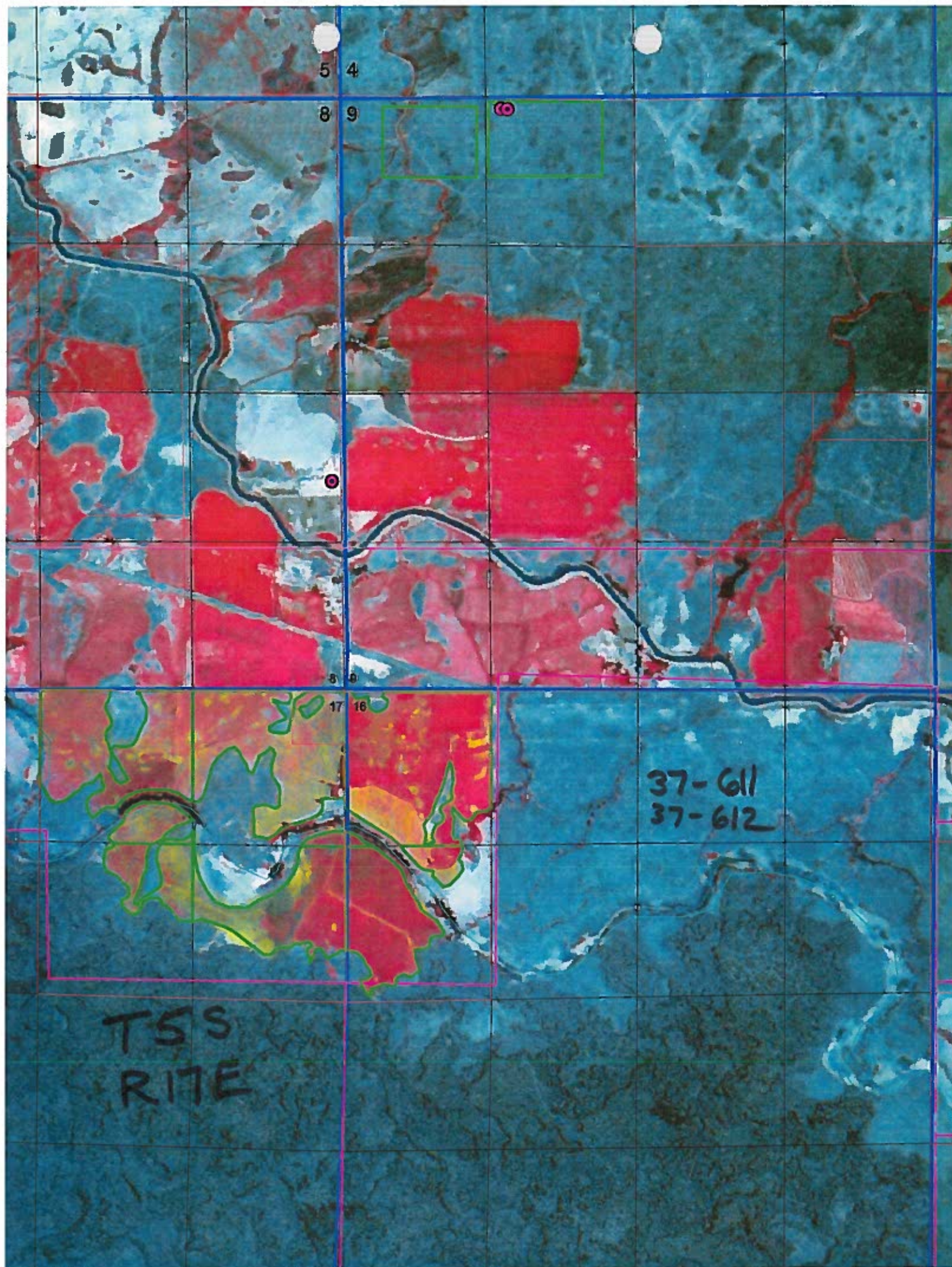
map as:

TSS R17E S15
NENESE

(137)

(134)

2:00 PM I called ^{Mrs} Mr Porwin Silva - she
invited me to come see them - Porwin
is so hard of hearing and very aged.
Couldn't talk well so Mrs Silva answered my
questions - They get their water out of
American Falls Res. District Canal
she informed me that due to water
shortage and Mr Silva health they
haven't farmed the last 2 or 3 years
but when they did and if they do
again they will farm the same land
which they always did. I don't
believe they will - some one else will
have to - Their son works at TREE
so he probably won't. My estimation
is that Mr & Mrs Silva will never farm
the lands again due to health conditions



GIS Ac.
= 137 Ac.

8

9

17

16

T5s RITE

11/27/02
BU

37-611
-612

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-811WATER RIGHT NUMBER: **37-611**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HATTIE I SILVA
	SHOSHONE, ID 83352
Original Owner	ARTHUR D SILVA
	, ZZ

Priority Date: 04/30/1891

Basis: Decreed

Status: Active

Source**BIG WOOD RIVER**Tributary

MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /		
IRRIGATION	/ to /	2.800 CFS	
	<u>Total Diversion:</u>	2.800 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER

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	
05S	17E	16						X	X										
05S	17E	17	X	X	X	X													

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

- General TRANS. 79, 170, & 341.
FILE SHOWS RT. IS USED AS ORIGINALLY DECREED.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-611

Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False