

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 37-4K
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MICHAEL E WILLARD Phone: (949)574-9996
1339 HAMPSHIRE CIRCLE
NEWPORT BEACH CA 92660

2. Date of Priority: 03/24/1883

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	20	SW NW	BLAINE	

5. Description of diverting works:

HIAWATHA CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.13	20.8

7. Total Quantity Appropriated is:
0.13 C.F.S. and/or 20.8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	18E	29	NE	SE	IRRIGATION	7.9
			SE	NE	IRRIGATION	1
					Section Acres	8.9
					Total Acres	8.9

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Right 37-4K is limited to the irrigation of 2.0 acres within the place of use described above in a single irrigation season.

The portion of Right 37-4K used for conveyance losses is 0.04 cfs, and rediversion of water from the Hiawatha Canal shall not exceed 0.09 cfs and 20.8 af.

The portion of Right 37-4G in excess of Right 37-4J and 37-4K in the amount of .05 cfs shall be considered abandoned through approval of Transfer 68560.

Approval of Transfer 68560 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Decreed

12/18/2006

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

RIGHT NUMBER: 37-4K

NAME AND ADDRESS: MICHAEL E WILLARD
1339 HAMPSHIRE CIR
NEWPORT BEACH CA 92660

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.130 CFS
20.800 AFY

The portion of Right 37-4K used for conveyance losses is 0.04 cfs, and
rediversion of water from the Hiawatha Canal shall not exceed 0.09 cfs and
20.8 af.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S20 SESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.130 CFS 20.80 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S29	SENE	1.00	T03N R18E S29	NESE	7.90
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8.9 ACRES TOTAL

This right is limited to the irrigation of 2.0 acres within the place of use
described above in a single irrigation season.

Rights 37-4K, 37-7958, and 37-577CK when combined shall not exceed the
irrigation of 4.6 total acres within the 8.9 acre place of use described above
in a single irrigation season.

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

The portion of Right 37-4G in excess of Right 37-4J and 37-4K in the
amount of 0.05 cfs shall be considered abandoned through approval of
Transfer No. 68560.

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

12/18/2006

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

Failure of the right holder to comply with the conditions of Transfer No. 68560 is cause for the Director to rescind approval of the transfer.

Approval of Transfer No. 68560 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.



Idaho Department of Water Resources

SRBA Recommendation:

37-4K
37-577CK
37-7958

Legend

○

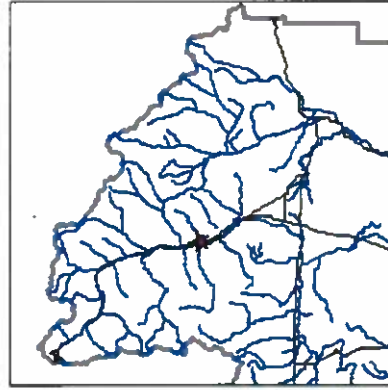
Point of Diversion

Place of Use

Townships

PLS Sections

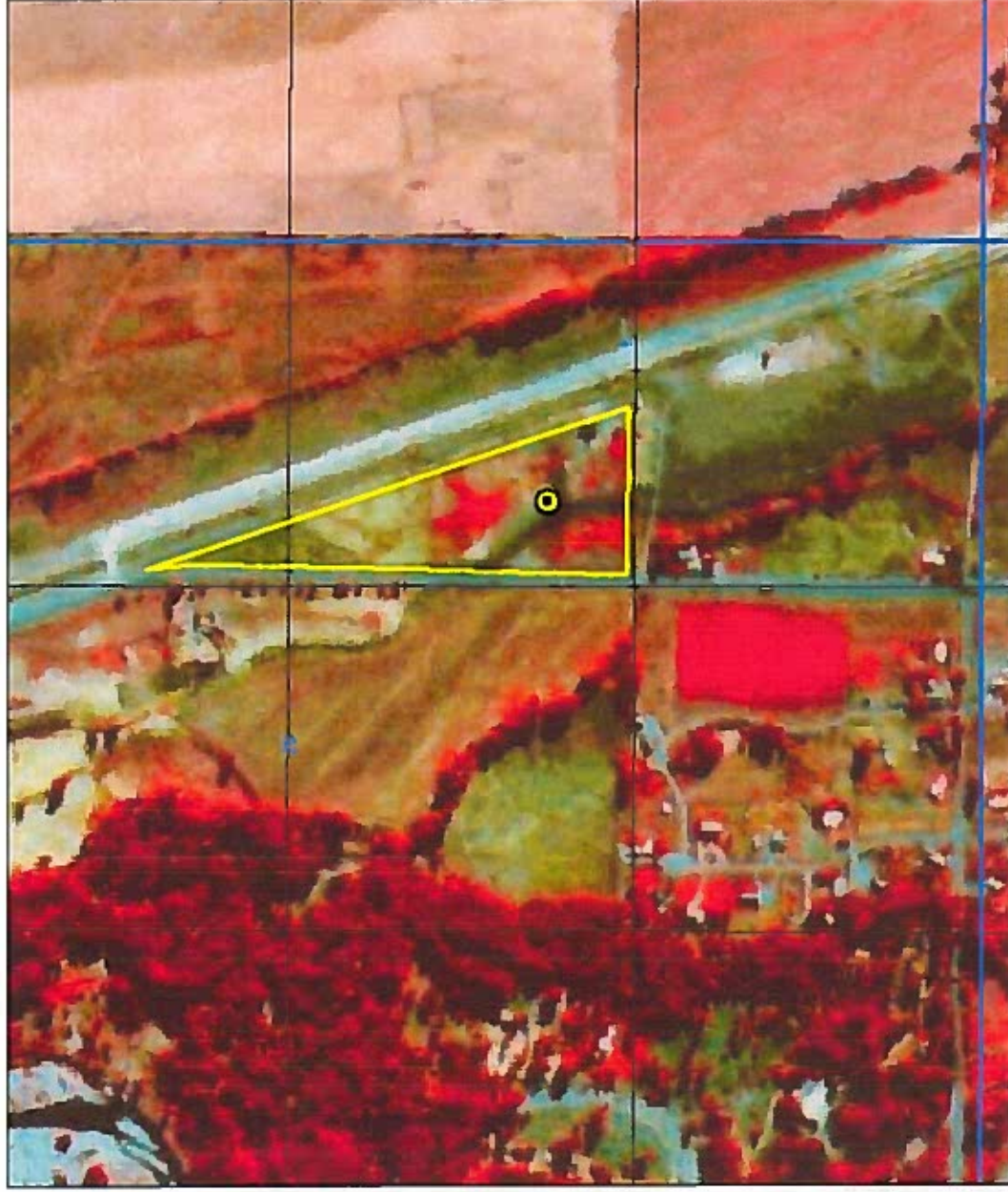
Quarter Quarters



Blaine County
IDWR Basin 37



R18E



T33N

0.5 Miles

0.25

0

Prepared by M. Anders
 On Monday, December 18, 2006
 1987/88 Aerial Photography

Anders, Matthew

From: Anders, Matthew
Sent: Monday, December 18, 2006 11:58 AM
To: 'Charles G. Brockway'
Cc: Tuthill, Dave
Subject: RE: Mike Willard 37-4K, 37-7958, 37-30000B

Chuck,

Thanks for the heads-up on these! I took a second look and you are correct, there are 3 claims for Willard

Please note that claim 37-577CK represents the water in right 37-30000B. This relation is uncommon, but I asked around and we plan to leave it that way.

The main changes I made are updating the conditions and remarks. Attached are the updated the recommendations and figures the claimant will get next week.

Let me know if you have any questions.

Matt

-----Original Message-----

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Friday, December 15, 2006 3:59 PM
To: Anders, Matthew
Subject: Mike Willard 37-4K, 37-7958, 37-30000B

Matt,

Regarding our client, Mike Willard. I understand you did the recommendations for 37-4K and 37-7958. I reviewed them and think they're OK. However, 37-30000B is in the same PPU as the other two but apparently has not been recommended. I think I heard that Anita was assigned that?

37-30000B was the result of a fairly recent transfer, so hopefully it will be a no-brainer.

If you can check on that I'd be much obliged.

Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

12/18/2006

Anders, Matthew

From: Tuthill, Dave
Sent: Monday, December 18, 2006 10:01 AM
To: Anders, Matthew
Subject: RE: Mike Willard 37-4K, 37-7958, 37-30000B

Matt, if you would please take care of it, I would appreciate it.

Thanks, Dave

-----Original Message-----

From: Anders, Matthew
Sent: Monday, December 18, 2006 9:53 AM
To: Tuthill, Dave
Subject: FW: Mike Willard 37-4K, 37-7958, 37-30000B

Dave,

OK, we have the numbering worked out.

I looked through the files and all three are post 1987 transfers, so there is really no analysis. However, there are some changes/fixing that needs to be done. Do you want me to take care of it, or do you want me to give you (or Anita) my notes?

Matt

-----Original Message-----

From: Christensen, Kelly
Sent: Monday, December 18, 2006 9:46 AM
To: Anders, Matthew
Subject: RE: Mike Willard 37-4K, 37-7958, 37-30000B

37-30000B was created through T-4882 and then T-5330 changed the nature of use to include the aesthetic stuff.

The claim 37-577CK was the original claim that represents the water right 37-30000B. When the smoke all clears, wherever the remarks refer to 30000B replace it with 577CK. What you are dealing with is a gentle blend of allocations and adjudication.

The river is expected to run smoothly once you have massaged the edges. (By the way, you are not required to have a stream channel alteration permit to complete this task).

any questions? my phone is always open when not in use.

-----Original Message-----

From: Tuthill, Dave
Sent: Monday, December 18, 2006 8:56 AM
To: Christensen, Kelly
Cc: Anders, Matthew

12/18/2006

Subject: RE: Mike Willard 37-4K, 37-7958, 37-30000B

Kelly, can you help?

Thanks,

Dave

-----Original Message-----

From: Anders, Matthew

Sent: Monday, December 18, 2006 8:27 AM

To: Tuthill, Dave

Subject: FW: Mike Willard 37-4K, 37-7958, 37-30000B

Dave,

Anita gave me these files this morning and I'm looking through them.

One of the files she gave me was 37-577CK. There is a transfer in it for 37-30000B. The claim is for 37-577CK is the same as the transfer for 37-30000B. Also, some of the conditions on 37-577CK are combined use limits for 37-0000B and 37-7958, but no mention of 37-557CK.

I couldn't find any remarks in the database that 37-30000B was renumbered to 37-577CK. Is it possible it was renumbered?

Matt

-----Original Message-----

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]

Sent: Friday, December 15, 2006 3:59 PM

To: Anders, Matthew

Subject: Mike Willard 37-4K, 37-7958, 37-30000B

Matt,

Regarding our client, Mike Willard. I understand you did the recommendations for 37-4K and 37-7958. I reviewed them and think they're OK. However, 37-30000B is in the same PPU as the other two but apparently has not been recommended. I think I heard that Anita was assigned that?

37-30000B was the result of a fairly recent transfer, so hopefully it will be a no-brainer.

If you can check on that I'd be much obliged.

Chuck

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Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543

12/18/2006

Southern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68560 ✓

RECEIVED
NOV - 1 2001
Department of Water Resources
Southern Region

This is to certify that: MICHAEL E WILLARD
1339 HAMPSHIRE CIRCLE
NEWPORT BEACH CA 92660
(949)574-9996

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
37-4G	AJC/	03/24/1883	0.83 cfs	31.5 af	9.0	9.0	BIG WOOD 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>
37-4G	YES	YES	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>
37-4G	37-4K	0.13 cfs	20.8 af	2.0	8.9	37-4J	0.65 cfs	24.5 af	7.0	7.0
TOTALS		0.13 cfs	20.8 af	2.0	8.9		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of October, 2001

[Signature]
Chief, Water Allocation Bureau

WATER RIGHT NO. 37-4J
As Modified by Transfer No. 68560

In accordance with the approval of Transfer No. 68560, Water Right No. 37-4J is now described as follows.

Right Holder: RIGMOR GRABHER And
ELMAR GRABHER
PO BOX 507
SUN VALLEY ID 83353

Priority Date: 03/24/1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.65 CFS	24.5 AF
			0.65 CFS	24.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E BLAINE 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	
02N	18E	4															2.0	3.0	5.0
02N	18E	9	.6	1.4															2.0

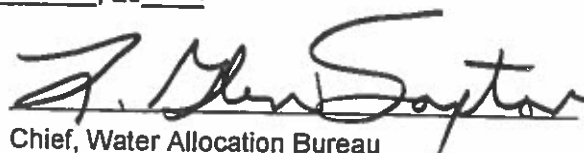
Total Acres: 7

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Approval of Transfer 68560 is not a confirmation of the validity of this water right and does not preclude the opportunity for review in the ongoing Snake River Basin Adjudication.

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 17th day of October, 2001


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-4K
As Modified by Transfer No. 68560

In accordance with the approval of Transfer No. 68560, Water Right No. 37-4K is now described as follows.

Right Holder: MICHAEL E WILLARD
 1339 HAMPSHIRE CIRCLE
 NEWPORT BEACH CA 92660

Priority Date: 03/24/1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.13 CFS	20.8 AF
			0.13 CFS	20.8 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
03N 18E 29	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	8.9
				1.0									7.9				

Total Acres: 8.9

CONDITIONS OF APPROVAL

- ✓ 1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
- ✓ 2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- ✓ 3. Right 37-4K is limited to the irrigation of 2.0 acres within the place of use described above in a single irrigation season.
- ✓ 4. The portion of Right 37-4K used for conveyance losses is 0.04 cfs, and rediversion of water from the Hiawatha Canal shall not exceed 0.09 cfs and 20.8 af.
- ✓ 5. The portion of Right 37-4G in excess of Right 37-4J and 37-4K in the amount of .05 cfs shall be considered abandoned through approval of Transfer 68560.
- ✓ 6. Approval of Transfer 68560 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

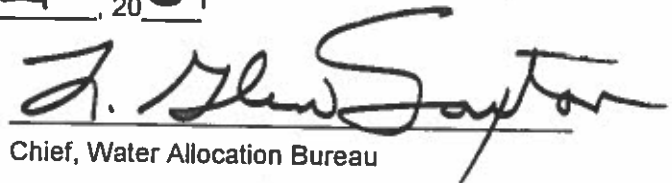
WATER RIGHT NO. 37-4K
As Modified by Transfer No. 68560

CONDITIONS OF APPROVAL

- ✓ 7. The right holder shall accomplish the change authorized by this transfer within one (1) 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.
- 9. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

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 17th day of October, 2001


Chief, Water Allocation Bureau