

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: A37-00006  
Date Received: 9/28/1988  
Receipt No: 5002584  
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: A. W. MOLYNEUX 208-788-2552  
Address: 1174 GANNETT PICABO ROAD  
BELLEVUE, ID 83313

AND/OR

Name: MAXINE MOLYNEUX 208-788-2552  
Address: 1174 GANNETT PICABO ROAD  
BELLEVUE, ID 83313

2. Date of Priority: MAY 01, 1881

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 02S      | 21E   | 29      | SE     | NW     | NW     |     | BLAINE |

5. Description of diverting works:  
TWO PUMPS AND 1 GRAVITY DITCH FROM CREEK

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 3.000  |      |        |

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

8. Total consumptive use is 742.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

A37-00006

Page 1

Date: 09/28/88

MICROFILMED  
FEB 22 1993

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 02S      | 21E   | 29      | NE  |    | NW  |     | IRR           | 35.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 39.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 39.0  |
|          |       |         | SE  |    | NW  |     | IRR           | 40.0  |
|          |       |         | NE  |    | SW  |     | IRR           | 40.0  |
|          |       |         | NW  |    | SW  |     | IRR           | 39.0  |
|          |       |         | SW  |    | SW  |     | IRR           | 39.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 26.0  |
|          |       |         |     |    |     |     | Section Acres | 297.0 |
|          |       |         |     |    |     |     | Total Acres   | 297.0 |

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:  
37-0007 & 37-0008

14. Remarks:  
THERE ARE THREE POINTS OF DIVERSION WITHIN THE SENWNW SEC. 29.

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

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

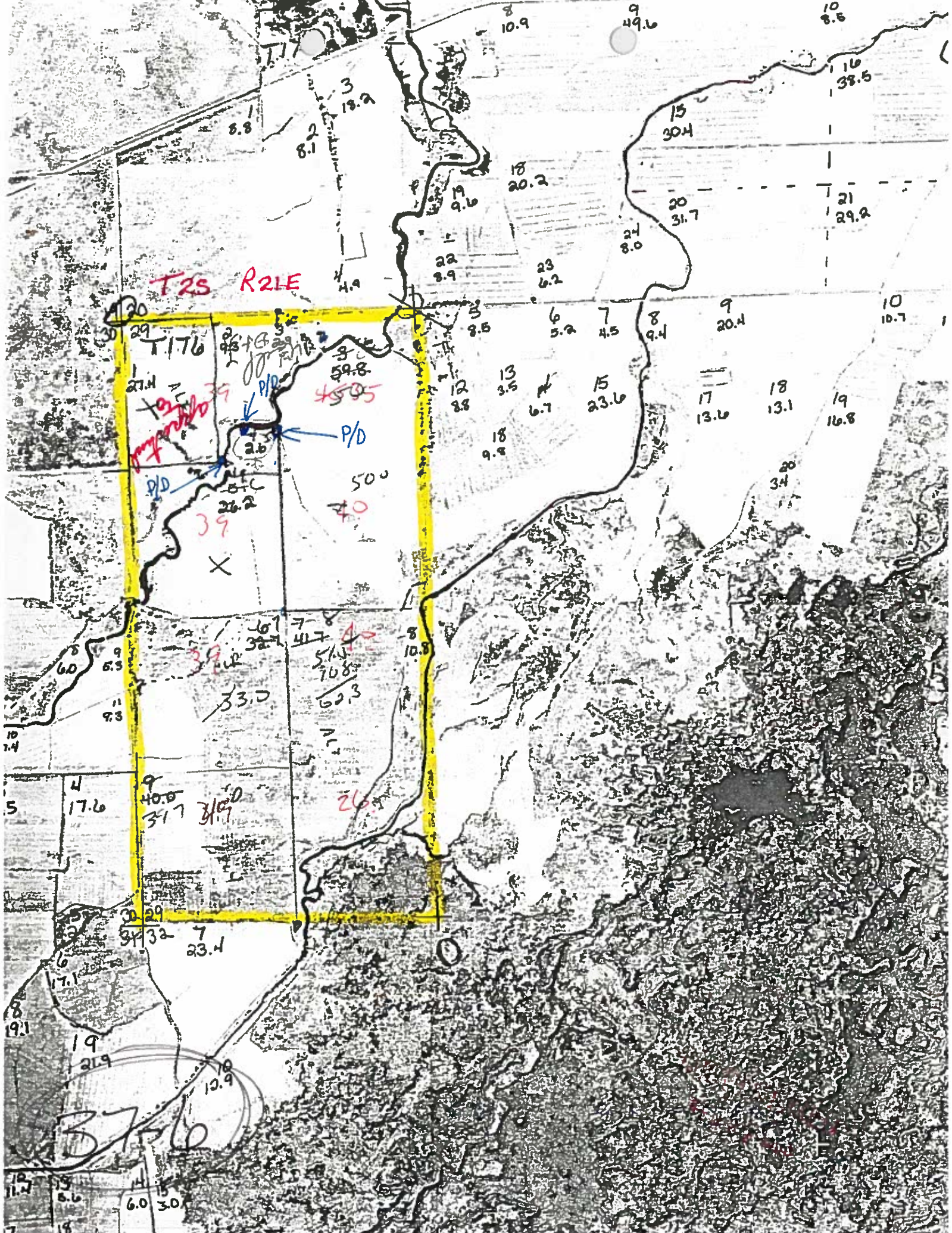
Signature of Claimant(s): A.W. Molyneux Date: Sept 28, 1988  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 28<sup>th</sup> day  
of Sept. 19 88  
Chas. M. Mott  
Notary Public

Seal

Residing at Kimberly, Id.  
My Commission Expires 6/30/94



T2S R2LE

T176

4505

P/D

500

40

33.0

26

3756

06/15/2004

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

RIGHT NUMBER: 37-6

NAME AND ADDRESS: A W MOLYNEUX  
1174 GANNETT-PICABO RD  
BELLEVUE ID 83313

MAXINE MOLYNEUX  
1174 GANNETT-PICABO RD  
BELLEVUE ID 83313

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 3.000 CFS

PRIORITY DATE: 05/01/1881

POINT OF DIVERSION:

T02S R21E S29 SENWNW Within BLAINE County

T02S R21E S29 SENWNW Within BLAINE County

T02S R21E S29 SENWNW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 11/01

3.000 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T02S R21E S29 | NENW | 34.0 | T02S R21E S29 | NWNW | 36.0 |
| T02S R21E S29 | SWNW | 36.0 | T02S R21E S29 | SENW | 40.0 |
| T02S R21E S29 | NESW | 38.0 | T02S R21E S29 | NWSW | 39.0 |
| T02S R21E S29 | SWSW | 40.0 | T02S R21E S29 | SESW | 17.0 |

280 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 280 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-7 & 37-8.

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

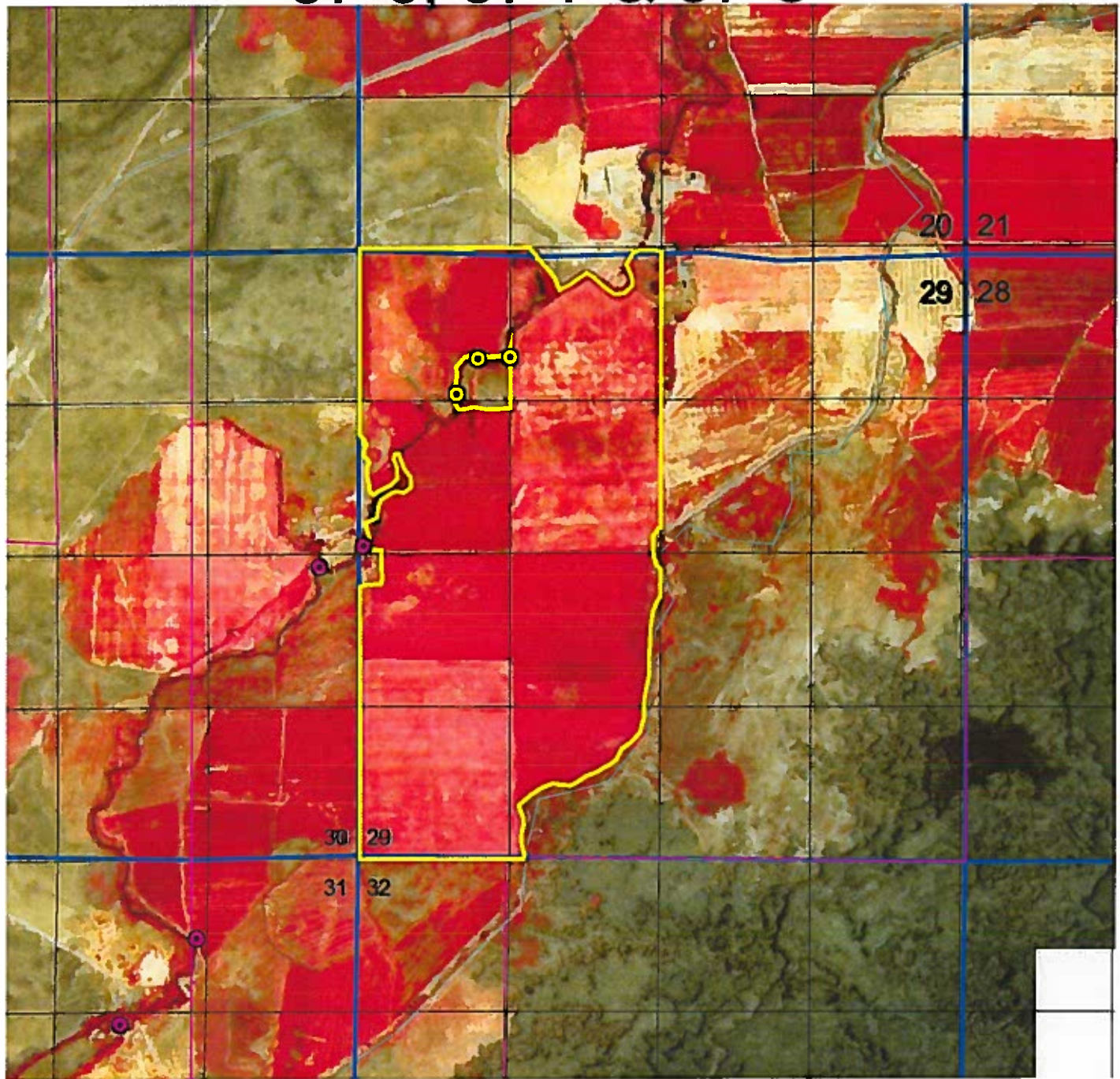
This partial decree is subject to such general provisions necessary for  
the definition of the rights or for the efficient administration of the water  
rights as may be ultimately determined by the Court at a point in time no  
later than the entry of a final unified decree. Section 42-1412(6), Idaho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

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.

# IDAHO DEPT OF WATER RESOURCES

## 37-6, 37-7 & 37-8



1320 0 1320 Feet

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

TWN: 2S  
RNG: 21E  
SEC. 29



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

Date: JUNE 15, 2004

6/14/04  
SCC

MDLYNEUX

37-6

37-7

37-8

transfers splitting these rights occurred on these  
dates: T# 2286 C. 1978

T# 2715 C. 1982

claims filed in 1988 indicate they are re-joined  
as single rights again.

-6 3.0 cfs

-7 2.5 cfs

-8 0.6 cfs

6.1 cfs

$$\div 281.4 \text{ Ac (GIS)} = \underline{\underline{0.0217 \text{ cfs/Ac}}}$$

\* Actual POA acres for the slope rounded to 280 Ac.

POD's: 2 pump sites confirmed w/ C. Brockway's GPS work  
in Silver Cr. area. Ditch POD is visible in NAPP.

GIS AC =  
281.4

36.2

34.5

36.4

40

38.9

38.1

40

17.4

↑  
LWCC  
BORDER

37-6 -7 -8  
T2S, R21E  
draft map  
10-31-02 scc

30 29

31 32

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 37-6A

WATER RIGHT NUMBER: 37-6A

| <u>Owner Type</u> | <u>Name and Address</u>                                                          |
|-------------------|----------------------------------------------------------------------------------|
| Current Owner     | MAXINE MOLYNEUX<br>1174 GANNETT PICABO RD<br>BELLEVUE, ID 83313<br>(208)788-2552 |
| Original Owner    | JACOB ADAMS                                                                      |
|                   | , ZZ                                                                             |
| Current Owner     | A W MOLYNEUX<br>1174 GANNETT PICABO RD<br>BELLEVUE, ID 83313<br>(208)788-2552    |

Priority Date: 05/01/1881

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u>  |
|---------------|-------------------|
| SILVER CREEK  | LITTLE WOOD 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           | 1.500 CFS             |                      |
|                       | <u>Total Diversion:</u> | 1.500 CFS             |                      |

Location of Point(s) of Diversion

|               |            |                                 |
|---------------|------------|---------------------------------|
| SILVER CREEK  | NE1/4NW1/4 | Sec. 29, Twp 02S, Rge 21E, B.M. |
| BLAINE County |            |                                 |
| SILVER CREEK  | SE1/4SW1/4 | Sec. 20, Twp 02S, Rge 21E, B.M. |
| BLAINE County |            |                                 |
| SILVER CREEK  | NW1/4NW1/4 | Sec. 29, Twp 02S, Rge 21E, B.M. |
| 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 |        |
| 02S | 21E | 29  |    |    |    |    | 40.0 | 40.0 | 40.0 | 40.0 |    |    |    |    |    |    |    |    | 160.0  |

Total Acres: 160

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 37-6A

2. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

1. General TWO P/D IN NWNW S29 T2S R21E.  
TRANS. 2286, 2715.

Comments: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: 37M  
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

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 37-6B

WATER RIGHT NUMBER: 37-6B

|                   |                                                |
|-------------------|------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                        |
| Original Owner    | JACOB ADAMS                                    |
|                   | , ZZ                                           |
| Current Owner     | ORIS C DURFEE<br>PO BOX 152<br>CAREY, ID 83320 |

Priority Date: 05/01/1881

Basis: Decreed

Status: Active

|               |                   |
|---------------|-------------------|
| <u>Source</u> | <u>Tributary</u>  |
| SILVER CREEK  | LITTLE WOOD 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  | 1.500 CFS             |                      |
|                       | <u>Total Diversion:</u> |           | 1.500 CFS             |                      |

Location of Point(s) of Diversion

|               |            |                                 |
|---------------|------------|---------------------------------|
| SILVER CREEK  | NW1/4SE1/4 | Sec. 30, Twp 02S, Rge 21E, B.M. |
| BLAINE County |            |                                 |
| SILVER CREEK  | NW1/4NW1/4 | Sec. 29, Twp 02S, Rge 21E, B.M. |
| BLAINE County |            |                                 |
| SILVER CREEK  | NE1/4NW1/4 | Sec. 29, Twp 02S, Rge 21E, B.M. |
| 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 |        |
| 02S | 21E | 29  |    |    |    |    |    |    |    |    | 40.0 | 40.0 | 40.0 | 40.0 |    |    |    |    | 160.0  |

Total Acres: 160

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

1. General TRANS. 2286.

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 37-6B

Comments:

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: 37M  
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