

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: A37-00047F
Date Received: 3/23/1990
Receipt No: 5023007
Received By: KKC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DOUGLAS WYNN 208-788-5137
Address: 344 GLENDALE RD
BELLEVUE ID 83313

AND/OR

Name: MARILYN WYNN 208-788-5137
Address: 344 GLENDALE RD
BELLEVUE ID 83313

2. Date of Priority: OCT 31, 1889

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
01N	18E	12	SW	SW			BLAINE

5. Description of diverting works:
HEADGATE #50, GLENDALE CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.010		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	26	NW	NW		IRR	19.0

10. Place of Use: Continued

Section Acres 19.0

Total Acres 19.0

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:

A37-00307F

14. Remarks:

P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
LT 8B, POVERTY FLATS SUBDIVISION.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST, ET. AL.
Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL
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: _____

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): Douglas M. Wynn Date: 4-14-00
Marilyn Angel Wynn Date: 4-14-00

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of April 20 00

Kelly R Christensen
Notary Public

Seal

Residing at Twin Falls

My Commission Expires 3-11-04

11/17/2006

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

RIGHT NUMBER: 37-47F
NAME AND ADDRESS: DOUGLAS WYNN
344 GLENDALE RD
BELLEVUE ID 83313

MARILYN WYNN
344 GLENDALE RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.500 CFS
PRIORITY DATE: 10/31/1889
POINT OF DIVERSION:

T01N R18E S12 NWSESW 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	0.500 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S26	NENW	2.00	T01N R18E S26	NWNW	17.00
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19 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 19.0 acres in a single irrigation season. Combined Right Nos.: 37-47F and 37-307F.

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

The place of use is located within Lot 8B, Poverty Flat Subdivision.



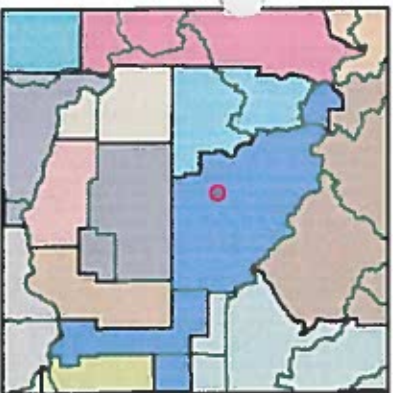
Idaho Department of Water Resources

SRBA Recommendation:

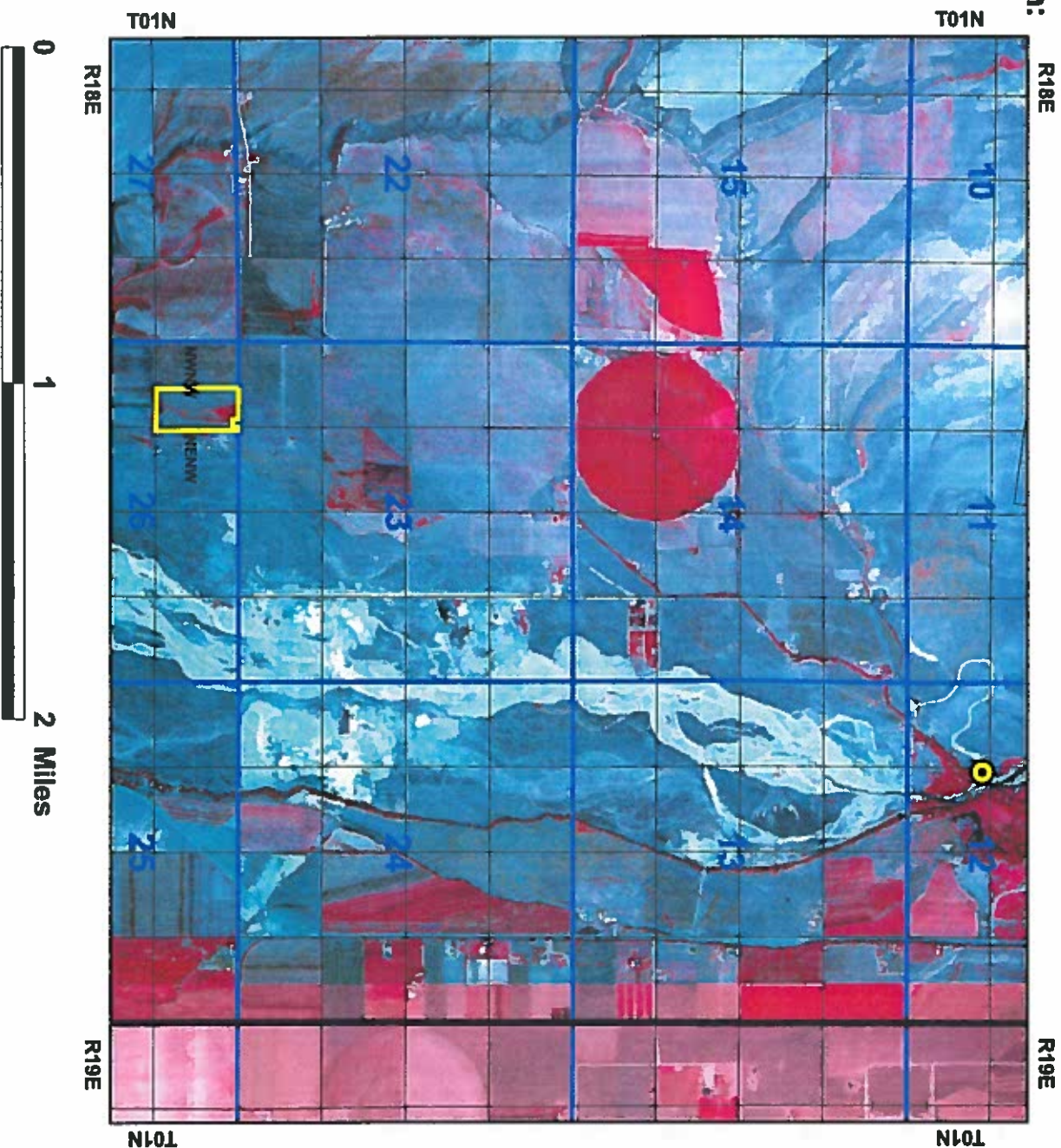
37-47F
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters

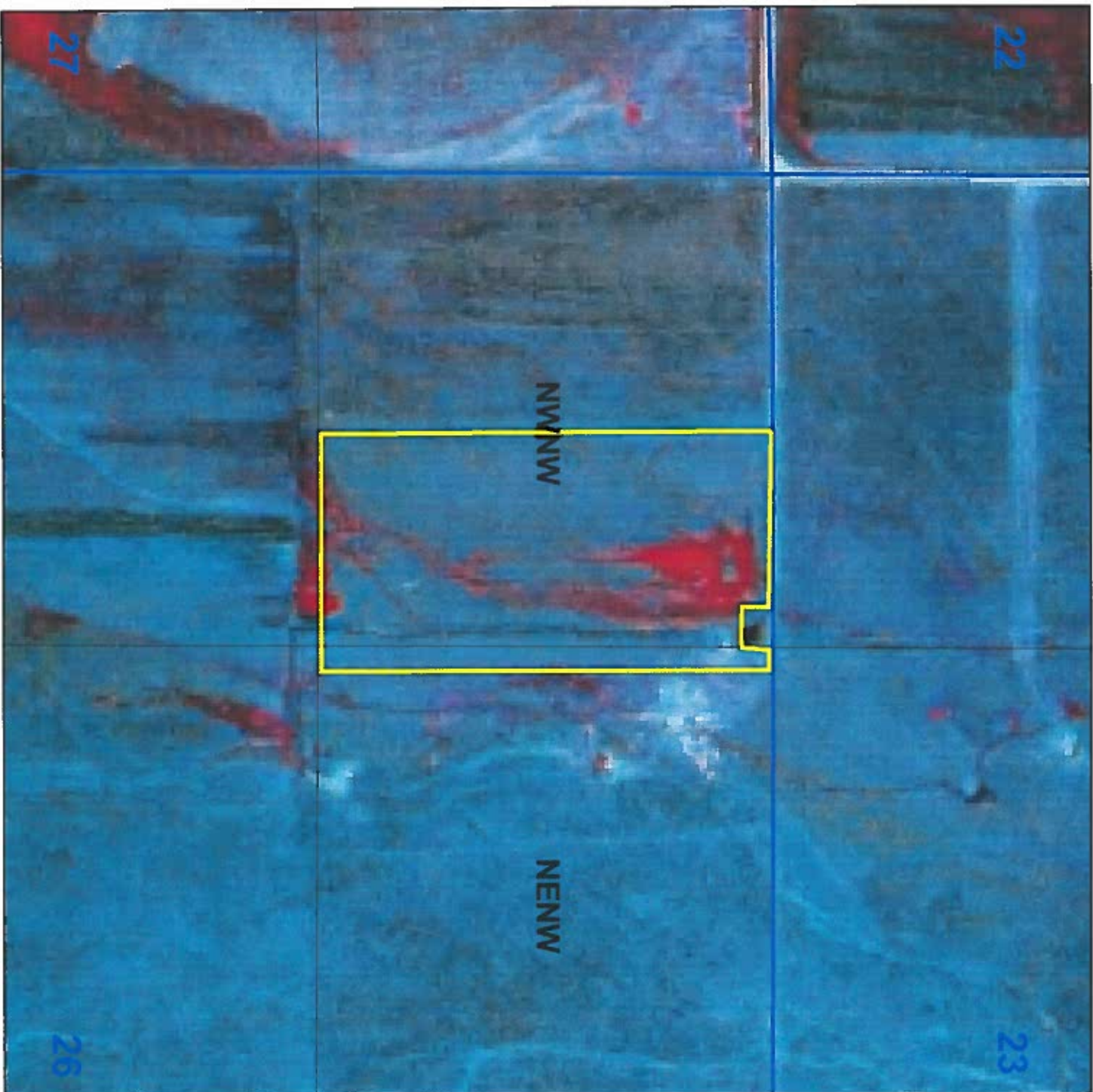


Blaine County
IDWR Basin 37



Prepared by C. Skinner
On Friday, November 17, 2006
1987/88 Aerial Photography

37-47F



MEMORANDUM

TO: SRBA Claim Files Based on Portions of Rights 37-0047 & 37-0307

FROM: Corey Skinner

DATE: November 14, 2006

SUBJECT: SRBA Review & Recommendation(s)

Numerous SRBA claims have been filed based on portions of rights 37-0047 and 37-0307. Review of records indicates that various lot owners within the Poverty Flats Subdivision have filed these claims. Review of IDWR water right records indicates that right 37-0047 was decreed for 6.0 cfs for the irrigation of five 40-acre tracts that are now portions of Poverty Flats Subdivision, in particular, the Southwest $\frac{1}{4}$ of Section 23 (T01N, R18E) and the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 26 (T01N, R18E). Review of IDWR water right records indicates that right 37-0307 was decreed for 1.6 cfs for the irrigation of four 40-acre tracts that are located to the west of Poverty Flats Subdivision, in particular, the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 22 (T01N, R18E), the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 27 (T01N, R18E). Further review of IDWR records indicates that these two particular decreed rights did not historically overlap any other rights on their historical places of use. Therefore, there does not seem to be any problem with assuming that these rights were moved via unrecorded transfer(s) to the claimed place(s) of use now consisting of the Poverty Flats Subdivision.

The SRBA review consisted of determining the historically irrigated land on the property now consisting of the Poverty Flats Subdivision. Examination of various years of aerial photos helped to determine an approximate shape outlining the historically irrigated land. This shape (outlined in yellow) is shown on page 4 of this memo showing various years of aerial photos. The shape consists of approximately 199 acres of land. Note that the shape includes some land, in particular Lot 5 (owned by Ken Smith) and Lot 8C (owned by Fredrick Brown) that do not currently (as of this date) have SRBA claims filed by the property owners for their irrigation use. Water master records indicate that both of these properties &/or owners, Lot 5 (owned by Ken Smith) and Lot 8C (owned by Fredrick Brown), have been delivered water. The owners of these properties have been contacted in an effort to try and solicit SRBA claim filings for their water use.

Because the historically irrigated ground consists of approximately 199 acres there is a slight problem because the originally decreed place of use for right 37-0307 only consisted of four 40-acre tracts, at most 160 acres. Note that the approximately 199 acres matches very closely with the originally decreed place of use for right 37-0047, five 40-acre tracts, or potentially 200 acres. For the claims based upon right 37-0307, a set of allowable irrigated acres per claim was established by proportionately distributing the at most 160 acres amongst the claims within the historically irrigated 199 acres based on the amounts of water for each individual claimant as recorded in water master records. For example, original decree was for 1.6 cfs for 160 acres or 0.01cfs/acre so if watermaster records show delivery of 0.14 cfs then a 14-acre limit is recommended. The following table summarizes the individual recommendations for the claims currently filed, and that need to be filed, based on rights 37-0047 and 37-0307....

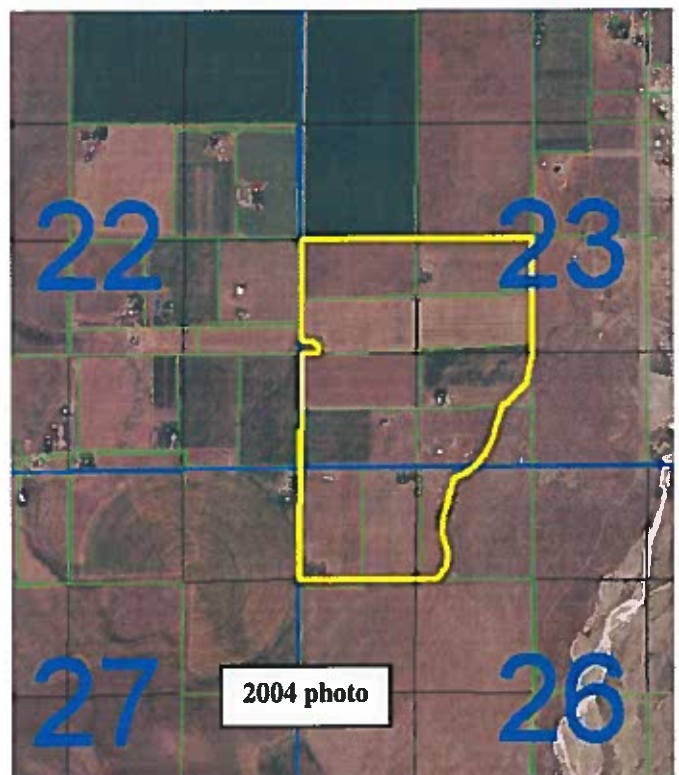
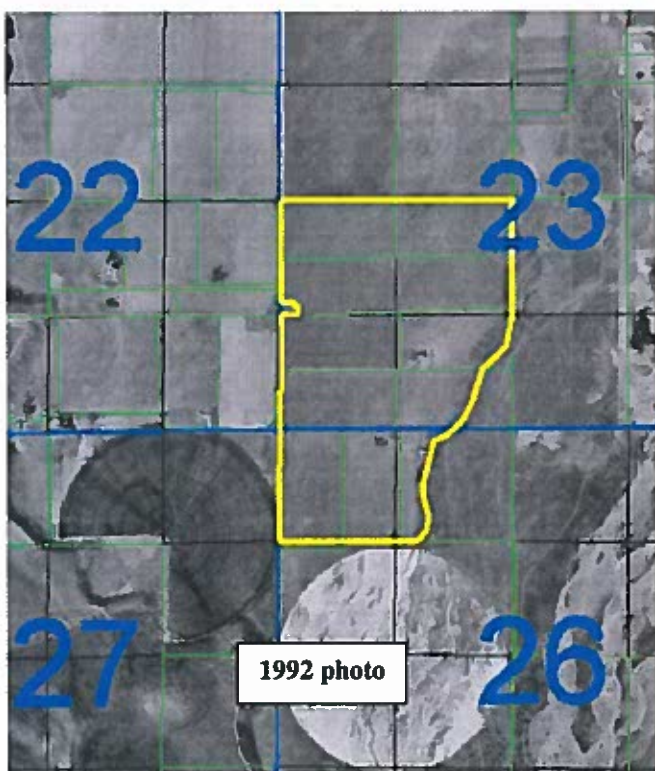
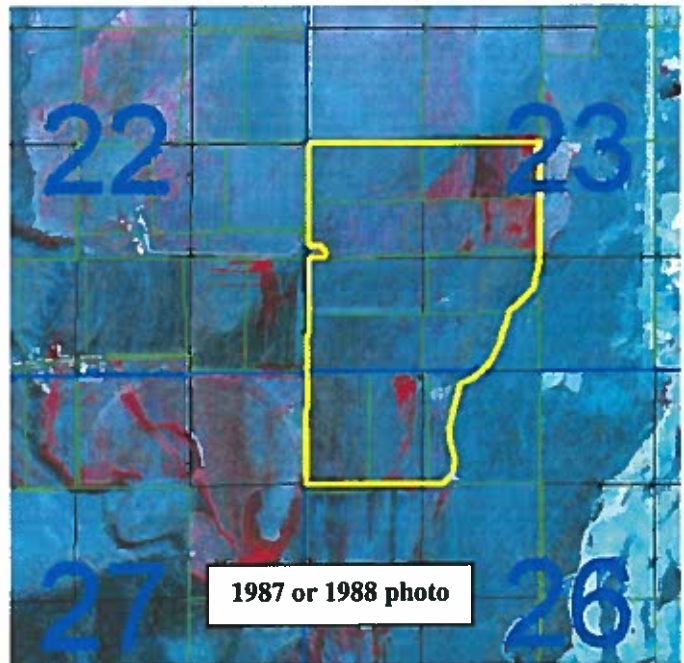
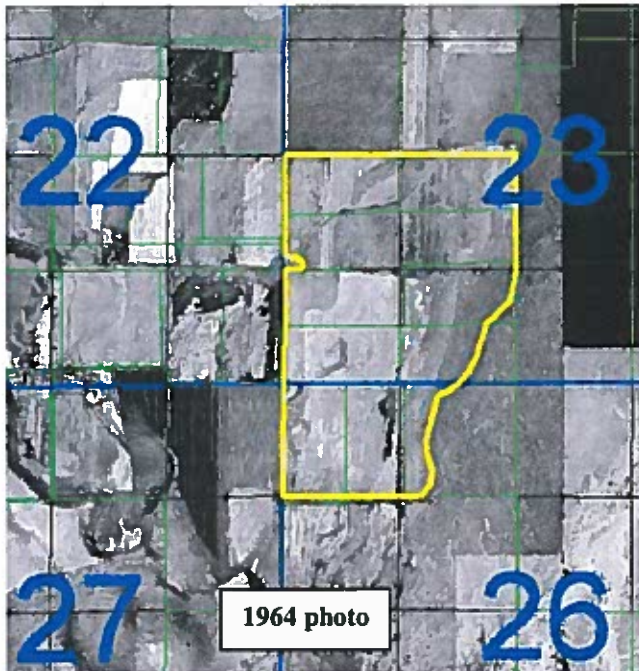
37-47 & 37-307 SRBA Claim Review Memo

November 14, 2006

Lot #	Claimant / Lot Owner	Claim #	Claimed Rate	Claimed POU	Water Master Rate	Rec. Rate	Rec. POU	Notes
1	Walbert	37-47E	0.50 cfs	20 acres	0.50 cfs	0.50 cfs	20 acres	Rec. as claimed
1	Walbert	37-307E	0.14 cfs	20 acres	0.14 cfs	0.14 cfs	14 acres within 20 acre PPU	Rec. as claimed except acre limit within PPU
2	Elisson	37-47A	0.50 cfs	20 acres	0.50 cfs	0.50 cfs	20 acres	Rec. as claimed
2	Elisson	37-307A	0.14 cfs	20 acres	0.14 cfs	0.14 cfs	14 acres within 20 acre PPU	Rec. as claimed except acre limit within PPU
3	South 36	37-11723	0.96 cfs	37.4 acres	0.96 cfs	0.96 cfs	36.4 acres	Claim based on 37-47. One acre home site (owned by Beck) not included in recommended POU
3	South 36	37-11721	0.24 cfs	37.4 acres	0.24 cfs	0.24 cfs	24 acres within 36.4 acre PPU	Claim based on 37-307. One acre home site (owned by Beck) not included in recommended POU
4	Toothman or Zenoniani	37-21803	0.50 cfs	20 acres	0.50 cfs	0.50 cfs	20 acres	Claim based on part of 37-47
4	Toothman or Zenoniani				0.14 cfs	0.14 cfs	14 acres within 20 acre PPU	No Claim Filed as of 11/14/06 on 37-307
5	Smith				0.50 cfs	0.50 cfs	19 acres	No Claim Filed as of 11/14/06 on 37-47
5	Smith				0.14 cfs	0.14 cfs	14 acres within 19 acre PPU	No Claim Filed as of 11/14/06 on 37-307
6	Guyre	37-47B	0.50 cfs	20 acres	0.50 cfs	0.50 cfs	20 acres	Rec. as claimed
6	Guyre	37-307B	0.14 cfs	20 acres	0.14 cfs	0.14 cfs	14 acres within 20 acre PPU	Rec. as claimed except acre limit within PPU
7	Murphy	37-47C	0.50 cfs	20 acres	0.50 cfs	0.50 cfs	14 acres	6.0 acres on east end of property not historically irrigated
7	Murphy	37-307C	0.14 cfs	20 acres	0.14 cfs	0.14 cfs	14 acres	6.0 acres on east end of property not historically irrigated
8A	Brunetto	37-47D	0.50 cfs	22 acres	0.50 cfs	0.50 cfs	21 acres	Plat shows lot at 21.37 acres
8A	Brunetto	37-307D	0.14 cfs	22 acres	0.14 cfs	0.14 cfs	14 acres within 21 acre PPU	Plat shows lot at 21.37 acres
8B	Wynn	37-47F	1.01 cfs	19 acres	0.50 cfs	0.50 cfs	19 acres	Recommended Rate Based on Water Master Records
8B	Wynn	37-307F	0.27 cfs	19 acres	0.14 cfs	0.14 cfs	14 acres within 19 acre PPU	Recommended Rate Based on Water Master Records
8C	Brown				1.01 cfs	1.01 cfs	9 acres	No Claim Filed as of 11/14/06 on 37-47
8C	Brown				0.27 cfs	0.24 cfs	9 acres	No Claim Filed as of 11/14/06 on 37-307. Rate adjusted to match original decree total (1.6 cfs)

Note that the total recommended amounts for the claimed portions of right 37-47 total 5.97 cfs for the irrigation of 198.4 acres, compared to the original decreed amount of 6.0 cfs for the irrigation of five 40-acre tracts, and compared to the total water master record of 5.97 cfs. Also note that the total recommended amounts for the claimed portions of right 37-307 total 1.60 cfs for the irrigation of 145 acres, compared to the original decreed amount of 1.60 cfs for the irrigation of four 40-acre tracts, and compared to the total water master record of 1.63 cfs. *It should be noted that these totals include proposed recommendations for claims that have not yet been filed as of this date (Toothman or Zenoniani portion of 37-307 for Lot # 4, Smith portions of 37-47 and 37-307 for Lot #5, and Brown portions of 37-47 and 37-307 for Lot #8C.* Also in order to insure that no more than 1.6 cfs will be recommended for the portions of right 37-307, the proposed recommendation for the Brown portion of right 37-307 is 0.24 cfs (water master records show 0.27 cfs). This particular recommendation was selected to be reduced since it has the highest duty of water (rate per acre), when compared to the original decree, and other claimed portions based on the original decree.

**Various Years of Aerial Views of Historical Place of Use
(Approximately 199 acres Outlined in Yellow)**



ROAD

GLENDALE

300

304

1 2
3

316

4 5

324

328

332

336

6 7

22 23
27 26

340

344

348

POVERTY FLAT SUBDIVISION

SECS. 23 & 26

8A 8B

8C

FND 5/8" PIN JUB 1973

N 88°53'08"E

2652.35'

22 23

1310.02

1312.32'

30'

20 Acres

20 Acres

2 CARRIER

N 88°53'08"E

1314.12'

1312.32'

Acres

2593.00'

N 87°26'46"E

1160.07'

2430.39'

1270.32'

20 Acres

20 Acres

60' PRIVATE DRIVEWAY & UTILITY EASEMENT

Glendale Road
(Dedicated)

1317.03'

S 89°30'53" W

1317.03'

20 Acres

20 Acres

(BASIS OF BEARINGS)
N 0°00'00"E

22 23

1319.07'

1319.07'

FND 5/8" PIN
JUB 1973

27 26

717.67'

S 89°30'53" W

686.17'

1264.30'

30' ROADWAY & UTILITY EASEMENT

WYNN

8-A

8-B

8-C

21.37 Acres

20.47 Acres

37.99 Acres

2590.84' 1295.42'
N 0°00'00"E

27 26

S 89°44'44" W

2678.15'

UNPLATTED

S 89°58'28" W 2688.16'

(S 89°58'23" W 2688.00')

FND 5/8" PIN
JUB 1973

27 26

MICROFILMED
FEB 22 1993

1306.16'
(1306.10')

5224.21'

C1/4

(S 89°58'23" W 2688.00')

MEMO

FROM: Kelly K Christensen
TO: A37-00047F AND A3700307F
SUBJECT: NOTE TO FILE

Date: April 17, 2000

Allocations records show a different right appurtenant to the property. The claimants brought in a warranty deed and delivery records from Lee Peterson. They indicated that the claimed records were currently appurtenant to the property.

They have no knowledge concerning an unrecorded transfer. I briefly discussed this with them and then accepted the two claims listed above. They may have to be amended at some date in the future if conflicting information is found.



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

February 29, 2000

Douglas and Angel Wynn
344 Glendale Rd
Bellevue, Idaho 83313

RE: Snake River Basin Adjudication (SRBA)
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, Township 01N, Range 18E, Subv. Lot 8B

Dear Mr. and Mrs. Wynn;

This morning I had a chance to investigate possible water right claims appurtenant to your property in Poverty Flats Subdivision. I can find no claims that are associated with lot 8B. I searched in the NW quarter of section 26, which is your correct legal description, and also in sections 27 and 23, but find no claims that appear to match your lot, or any in the name of previous owners Fisher or Lete (other than Judy for lot 8A).

It may be that no water right claims were ever filed for your property. I didn't think to ask Angel if you were indeed using surface water to irrigate your acreage, but assume that you are. If you wish to file a claim in the SRBA and preserve your right to use the water, there is a portion of an underlying water right that was decreed to your property when the land was part of an 80-acre farm. This water right was appurtenant to the SESE of Section 22 and the NWNW of section 26 and used a point of diversion on the Glendale Ditch. The water right number is 37-00429, and owners of property in the SESE of Section 22 have already claimed their portions in the adjudication as A37-00429A and A37-00429B.

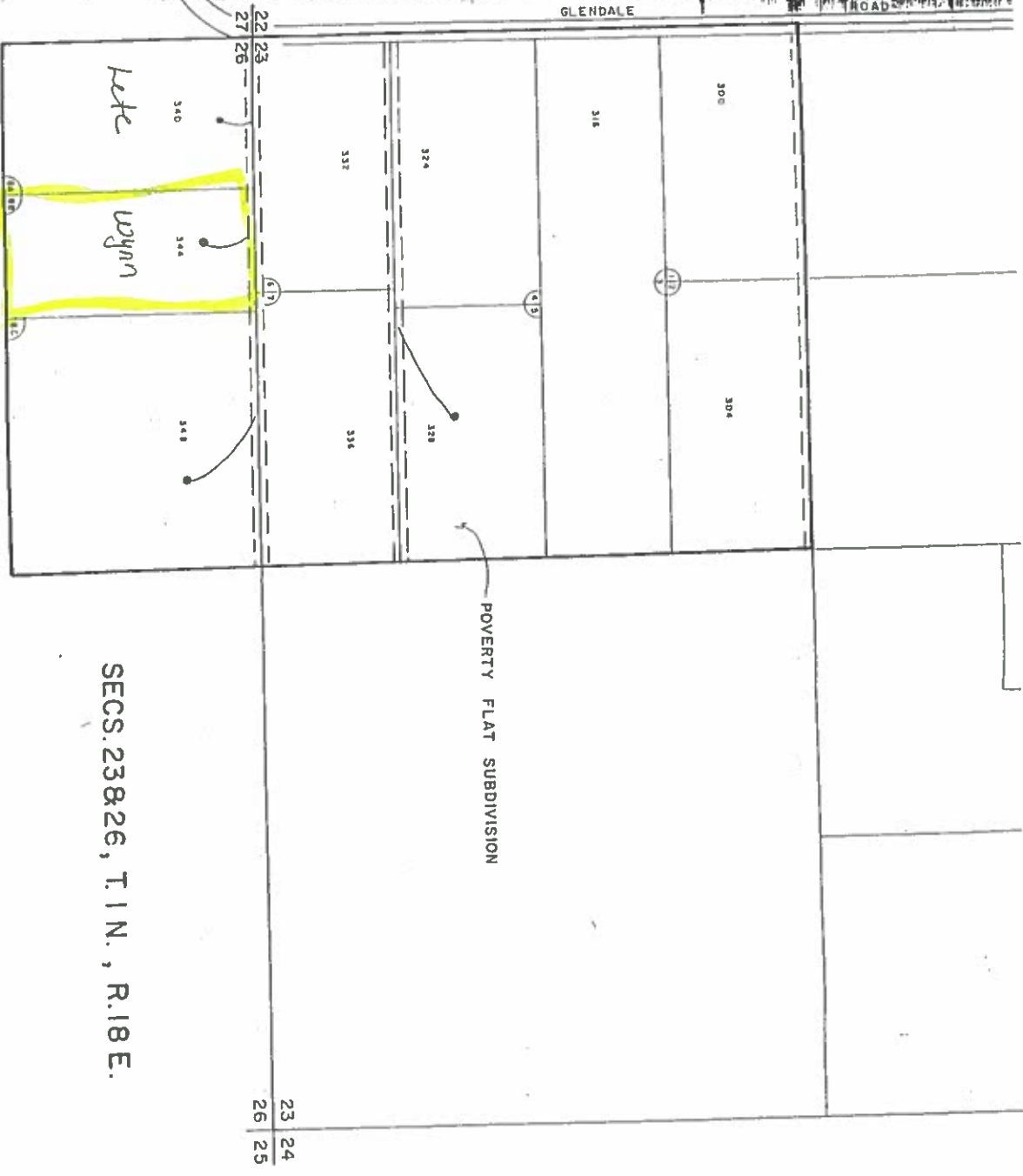
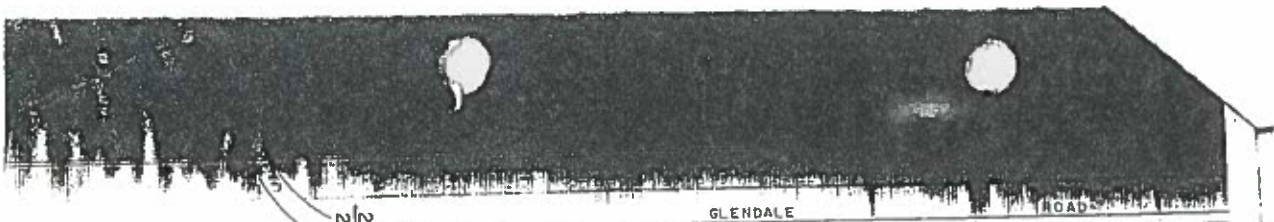
Any claim for a water right in the Snake River Basin Adjudication is just that - a claim. It will not be a valid water right until all elements of it have been investigated when the adjudication process gets to the Wood River drainage. From my research this morning, it appears that the water decreed to your portion of the old farm was never officially transferred off and so would still be available for you to claim. Be aware, however, that water rights in the Wood River Valley have become very complicated affairs, and a more thorough investigation may turn up information that I did not see which may effect the validity of your claim to a portion of this root water right.

Fees associated with filing a claim for irrigation are \$50.00 plus \$1.00 for each irrigated acre. You may want to contact your title company or previous owners to make sure that I didn't miss a previously filed claim, however the numbers on the print-out that you gave me, 37-00307 and 37-00047, did not appear to correspond with the property you purchased. I am enclosing a form

you will need to complete should you decide a new claim is needed. Please feel free to contact me or send any correspondence to my attention. If you do talk to another agent, please have this letter handy as it will help explain your situation.

Sincerely,

Vikie Hancock
Water Resource Agent



SECS. 23 & 26, T. 1 N., R. 18 E.



2500	2514	2500
2528	Detail 2525 of Page 2500	2500
2500	2500	2500

Edwards, Howard & Marston, Inc.
ENGINEERS, PLANNERS, SURVEYORS

2525

(From LITE claim file 37-00307)