

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-10885 V1

WATER RIGHT NUMBER: 37-10885 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALAN C OPPIO PO BOX 381 GOODING, ID 83330 (208)934-9474
Original Owner	CHARLES M LUTHER PO BOX 207 GOODING, ID 83330-0207 (208)934-4595

Priority Date: 07/01/1924

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
STOCKWATER	1/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4SE1/4	Sec. 16, Twp 06S, Rge 14E, B.M.
GOODING County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	14E	16													X				

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	14E	16													X				

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-10885 V1

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory PARCEL NO. 06S14E167200A STOCKWATER, 250 RANGE CATTLE

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
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



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

February 13, 2002

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

ALAN C OPPIO
PO BOX 381
GOODING ID 83330

Re: SRBA Claim(s) 37-4166, 37-4167
Decreed Water Right 37-10885

Dear Mr. Oppio:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**FEB 13 2002**Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-10885					
	37-4166				
	37-4167				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) E. Estate of Charles M. Luther, deceased
Gooding, ID 83330
4. New Owner/Claimant(s) Alan C. Oppio
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 381
- City, State and ZIP Code Gooding, ID 83330
- New Telephone Number (208) 934-9474
- Date you acquired the property February 2002

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Alan C. Oppio
Alan C. Oppio

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>H. W. H. H.</u>	Date <u>2/13/02</u>	Fee <u>25.00</u>
Received by <u>H. W. H. H.</u>	Date <u>2/13/02</u>	Receipt No. <u>50241001</u>
Processed by <u>V</u>	AD Date _____	WR _____ Date _____

WARRANTY DEED

RECEIVED

FEB 13 2002

#GG-03193

For Value Received

Department of Water Resources
Southern Region

Nancy Ballard, Personal Representative of the Estate of Charles M. Luther, also known as C.M. Luther, deceased, pursuant to Letters Testamentary, dated March 13, 2001, Case Number SP-01-00041, Gooding County Fifth Judicial District, recorded as Instrument Number 189746, Gooding County records.

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Alan C. Oppio, a single man
Address: P.O. Box 381, Gooding, ID 83330

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

SEE ATTACHED SCHEDULE A

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2002 and subsequent years, taxes are an accruing lien, not yet due or payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Power Line Easement given by Edw. M. Harness and Theora M. Harness, his wife, to Idaho Power Company, a corporation, dated January 13, 1947, recorded January 31, 1947 in Book 5 of Misc., at Page 174, as Instrument Number 99547, Gooding County records, affecting the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 6 South, Range 14, East Boise Meridian.

Ditch Right-of-Way given to William M. Cady by the United States Department of the Interior dated October 17, 1950, recorded April 5, 1951 in Book 6 at Page 610 as Instrument Number 115038, Gooding County records, affecting the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 6 South, Range 14, East of the Boise Meridian.

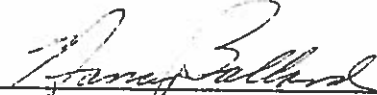
TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 16.0 Shares of Capital Stock of the Big Wood Canal Company and 46 acres in American Falls Reservoir District #2, along with Water Right Nos. 37-4167; 37-4166 and 37-10885 of the State of Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: February 11, 2002

Estate of Charles M. Luther, deceased

By


Nancy Ballard as Personal Representative

Instrument # 193947

GOODING, GOODING, IDAHO

2002-02-12

11:48:03 No. of Pages: 3

Recorded for: LAND TITLE

HELEN EDWARDS

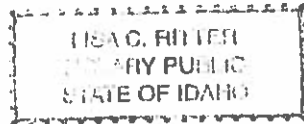
Ex-Officio Recorder Deputy

Fee: 9.00



STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 11 day of February, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Nancy Ballard, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Charles M. Luther, deceased, and acknowledged to me that she executed the same as such Personal Representative.





Notary Public
Residing at: Hagerman, ID
My Commission expires: 10/06/04

SCHEDULE A

Order Number: GG-03193

Parcel No. 1:

TOWNSHIP 6 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 16: N $\frac{1}{2}$ SE $\frac{1}{4}$;

Parcel No. 2:

TOWNSHIP 6 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 16: S $\frac{1}{2}$ NE $\frac{1}{4}$;

EXCEPTING therefrom a parcel of land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said parcel being all that part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 16 that lies Northeasterly of the Easterly right of way boundary of a county road and more particularly described as follows:

Commencing at the Northeast corner of said Section 16, from which the East one-quarter corner of said Section 16 bears South 00°05'30" West, 2689.73 feet;

Thence South 00°05'30" West along the East boundary of the NE $\frac{1}{4}$ of said Section 16 for a distance of 1344.87 feet to the Northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 16 and being the TRUE POINT OF BEGINNING;

Thence continuing South 00°05'30" West along the East boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 16 for a distance of 467.31 feet to a point on the Northeasterly right of way boundary of a county road, said point being on the arc of a curve left;

Thence Northwesterly along the arc of the curve left for a distance of 185.78 feet to the point of tangent, said arc having a radius of 741.20 feet and a long cord bearing and distance of North 21°56'13" West, 185.29 feet;

Thence North 29°09'28" West along the Northeasterly right of way boundary of the county road for a distance of 339.67 feet to a point on the North boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 16;

Thence South 89°42'35" East along the North boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 16 for a distance of 235.47 feet to the TRUE POINT OF BEGINNING.

Parcel No. 3:

TOWNSHIP 6 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 15: NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Q.D.

17/16
20/21

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17.1
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11.5
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7-1464
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7.2
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36.9
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22.9
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3.2
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18.8
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10.1
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9.5
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90
7-127

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16/15
21/22

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7-149

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TRV

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1921

T-1704

194

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17/16
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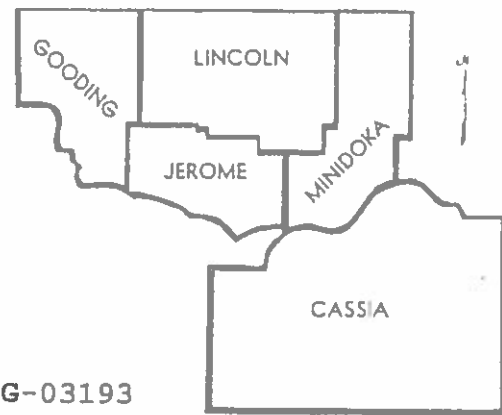
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Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: GG-03193
OFFICE: Gooding

February 12, 2002

Department of Water Resources
Southern Region
1341 Fillmore Suite 200
Twin Falls, Idaho 83301

RECEIVED

FEB 13 2002

Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership
Luther to Oppio
Cert Mail #7000 0520 0015 3076 1728

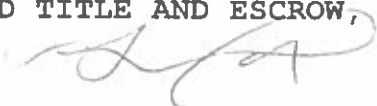
Dear Sirs:

At the request of the buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership on
on Charles M. Luther
for Water Right Number 37-10885; 37-4166 and 37-4167
- Copy of Deed # 193947
- Copy of Map
- Check #11516 in the amount of \$25.00 for the transfer fee

Thank you,

LAND TITLE AND ESCROW, INC.


Lisa Ritter
(208) 934-8477
P.O. Box 473, 546 Main Street
Gooding, Idaho 83330

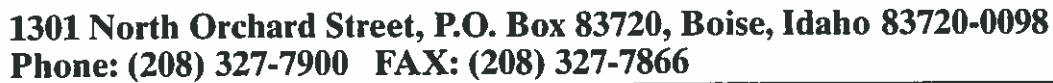
cc:

BOX 177, BURLEY, IDAHO 83318
PHONE 878-3524 - FAX 878-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 438-0608 - FAX 438-1199



934-459.5

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S. POSTAL SERVICE
PS FORM 3547

Snake River Basin Adjudication
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

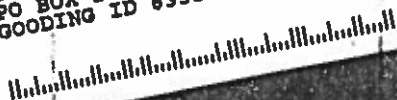
RETURN TO SENDER

fee due 60¢

U.S. POSTAL SERVICE
PS FORM 3547

LUTH017 833302223 1301 07 11/29/01
FORM 3547

LUTHER, CHARLES M
PO BOX 207
GOODING ID 83330-0207



LUTHER, CHARLES M
RT2
GOODING ID 83330

37-2069-
4166-
4167-
10881 PD
10882 PD
10883-
10884-

CIDS
18533
18534

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-24-1997
PAGE: A-503

RIGHT NUMBER: 37-10885

NAME & ADDRESS: CHARLES M LUTHER
1817 S 1750 E
~~RT 2 BOX 236~~
GOODING ID 83330

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/01/1924

POINT OF DIVERSION: T06S R14E S16 NENESE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within GOODING County
T06S R14E S16 NESE

DOMESTIC Within GOODING County
T06S R14E S16 NESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 06S14E167200A
STOCKWATER, 250 RANGE CATTLE

Claim proofread by: KT
Date: 11-3

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: A37-10885
Date Received: 8/09/1988
Receipt No: MO01032
Received By: CR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES M. LUTHER 208-934-5153
Address: 1817 SOUTH 1750 EAST
RT. 2, BOX 236
GOODING, ID 83330
2. Date of Priority: JUL 01, 1924
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06S | 14E | 16 | NE | NE | SE | | GOODING |
5. Description of diverting works:
WELL, 6" CASING, 125' DEEP, SUBMERSIBLE.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.040 | | |
| STOCKWATER | 01/01 | 12/31 | 0.040 | | |
7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
DOMESTIC/ 1 HOME, STOCKWATER/ 250 RANGE CATTLE.
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	14E	16	NE	SE		DOMEST	

A37-10885

Page 1

Date: 08/09/88

MICROFILMED

FEB 25 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	14E	16	NE SE		STOCK	

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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): Charles M. Luther Date: 8-11-88

Date: _____

State of Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 11 day

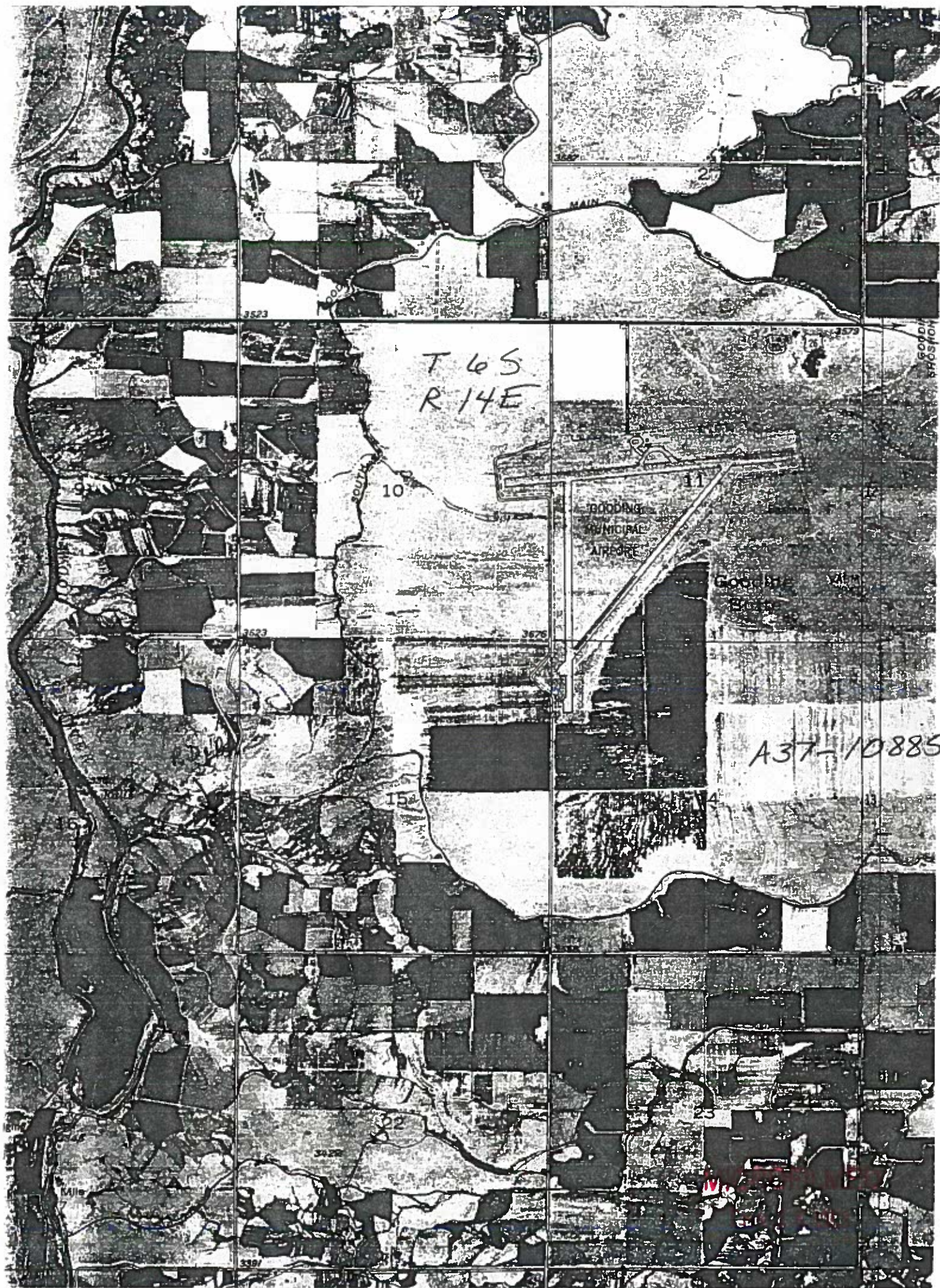
of Aug 19 88

Seal

John Paul Cook
Notary Public

Residing at Bow Id

My Commission Expires 8/2/94



T 6 S
R 14 E

A37-10885

BOODING
MUNICIPAL
AIRPORT

Good Hope

WATER RIGHT NUMBER - A37-10885

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - +

+ - FIRST NAME - - +

+ - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
LUTHER

CHARLES M.

1 - 1817 SOUTH 1750 EAST
2 - RT. 2, BOX 236
3 -
CITY- GOODING
PHONE - 208-934-5153

STATE- ID ZIP- 83330

+ - - PRIORITY DATE - - +
07/01/1924

+ - - - REGION - - - +
ERROR IN REGION

+ - - - STAGE - - - +
J - BENEFICIAL USE

+ - - - STATUS - - - - +

+ - - - - SOURCE - - - - - +
GROUNDWATER

+ - - - - - TRIBUTARY - - - - - +

+ - - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY

STREAM INDEX (BLANK IF NO INDEX CODE)

06S 14E 16 NE NE SE (47) GOODING

+ - - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO

DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC
04 - STOCKWATER

01/01 12/31
01/01 12/31

0.040
0.040

+ - TOTAL DIV. RATE - +
0.040

+ - TOTAL DIV. VOLUME - +

+ - TOTAL DIV. CAPACITY - +

+ - TOTAL CONSUMPTIVE USE - +
0.0

+ - KW USAGE - +

+ - - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE

DESCRIPTION

COUNTY

06S 14E 16 NE SE
06S 14E 16 NE SE

04 STOCKWATER
43 DOMESTIC

(47) GOODING
(47) GOODING

+ - - DIVERSION MEANS - WELL, 6" CASING, 125' DEEP, SUBMERSIBLE.

+ - - NON-IRRIGATION USE - DOMESTIC/ 1 HOME, STOCKWATER/ 250 RANGE CATTLE.

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - - REMARKS - - - - - +
NO REMARKS FOUND.

+ - - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - DECREE DATE - +
00/00/0000

MICROFILMED
OCT 25 1994

