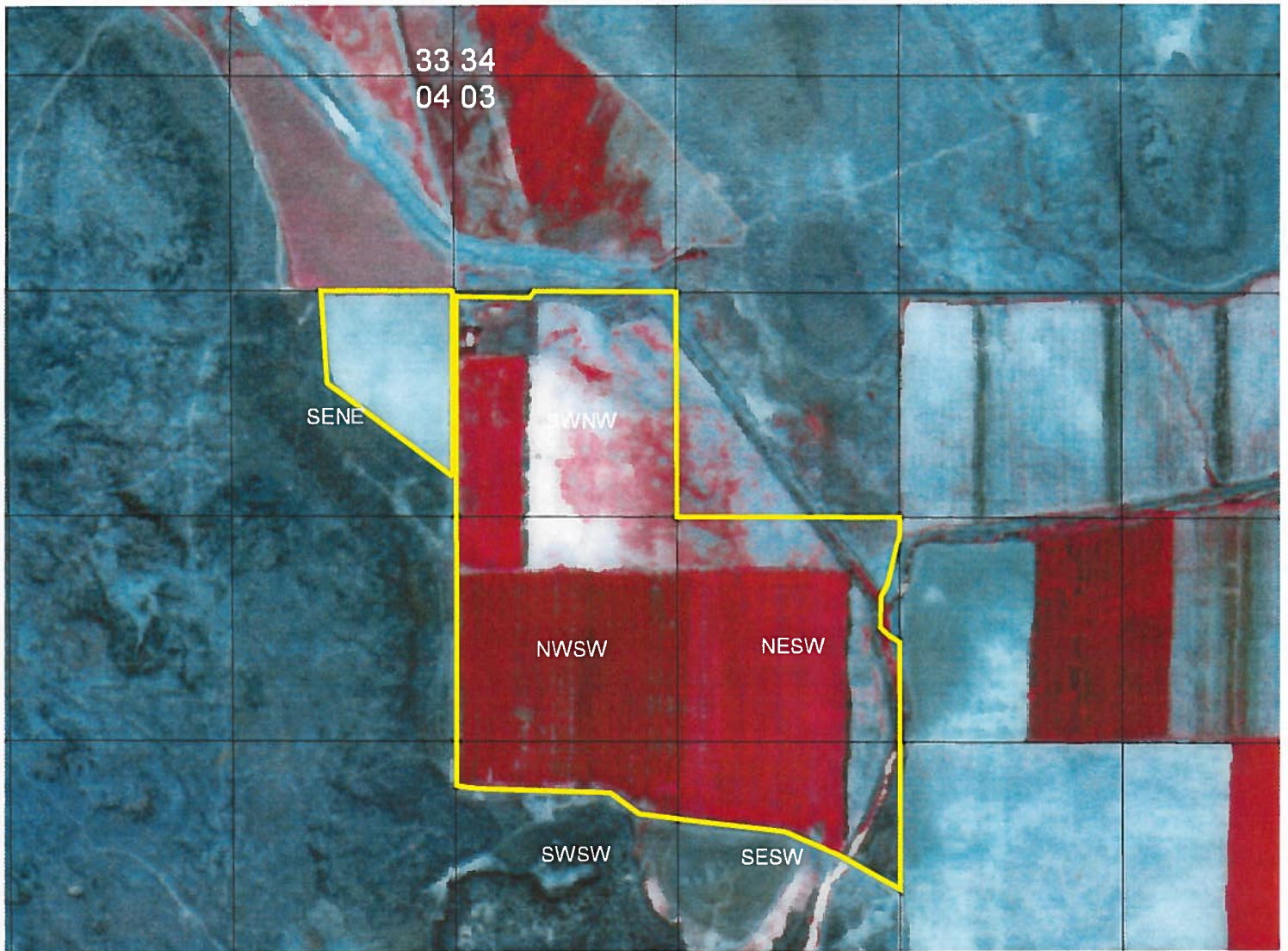


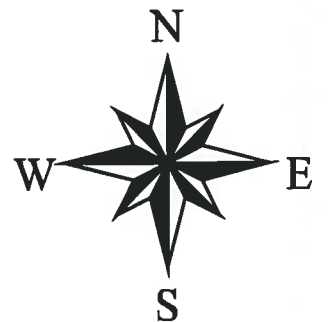
37-580



700 0 700 1400 2100 2800 Feet

T05S R14E S03 & S04

Map prepared by: Carter Fritschle
Date prepared: 10/22/03
1987-1988 NAPP photography
Idaho Department of Water Resources



10/22/2003

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

RIGHT NUMBER: 37-580

NAME AND ADDRESS: DRY CREEK PARTNERS
C/O BILL NOVINGER
1598 E 1330 S
GOODING ID 83330

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 3.200 CFS
640.000 AFY

PRIORITY DATE: 04/02/1906

POINT OF DIVERSION:

T05S R16E S7 SWNW Lot 2 Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
3.200 CFS
640.00 AFY

PLACE OF USE: IRRIGATION Within GOODING County

T05S R14E S03	SWNW	39.4	T05S R14E S03	NESW	39.0
T05S R14E S03	NWSW	39.8	T05S R14E S03	SWSW	9.7
T05S R14E S03	SESW	17.9	T05S R14E S04	SENE	14.2

160 ACRES TOTAL

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

10/22/2003

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

WATER IS DELIVERED THROUGH THE ROBERTSON DITCH.

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

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.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS RESERVOIR DIST. NO. 2.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

The right holder shall accomplish the change authorized by Transfer No. 66914 by March 7, 2003.

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

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 37-580
Date Received: 6/25/1999
Receipt No: S022310
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DRY CREEK PARTNERS Phone: (208)934-4448
C/O BILL NOVINGER
1598 E 1330 S
GOODING ID 83330

2. Date of Priority: 04/02/1906

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
05S	16E	7	SW NW 2	GOODING	

5. Description of diverting works:

DIVERSION TO ROBERTSON DITCH, SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	3.2	640

7. Total Quantity Appropriated is:
3.2 C.F.S. and/or 640 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
05S	14E	3	SW	NW	IRRIGATION	39.4
			NE	SW	IRRIGATION	39
			NW	SW	IRRIGATION	39.8
			SW	SW	IRRIGATION	9.7
			SE	SW	IRRIGATION	17.9
					Section Acres	145.8
05S	14E	4	SE	NE	IRRIGATION	14.2
					Section Acres	14.2
					Total Acres	160

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:

14. Remarks:

P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

AC. IRRIG. NOT SPECIFIED. FARM = 320 AC.

ORIGINALLY DECREED TO J. C. ROBERTSON IN THE FROST DECREE.

***** 37-00865 IS ALSO USED ON THE PLACE OF USE, BUT DOES NOT OVERLAP 37-00580.

TWO WATER RIGHTS, 37-00580 AND 37-00581, WERE DECREED TO THE SAME PLACE OF USE IN SECTIONS 3, 10, AND 15. WATERMASTER HAS HISTORICALLY DELIVERED 37-00580 TO CLAIMANTS LANDS IN SECTIONS 3 AND 4. 37-00581 HAS HISTORICALLY BEEN DELIVERED TO ANOTHER PARTYS LAND IN SECTION 10. THIS CLAIM IS BASED ON LANDS HISTORICALLY IRRIGATED IN SECTIONS 3 AND 4.

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

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.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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

MEMORANDUM

TO: Right 37-00580

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5494

DATE: February 4, 2000

Transfer 5494 changes the place of use under Right 37-00580 to reflect the acres as historically irrigated and as claimed in the SRBA. The exact acres in each quarter-quarter was identified by Allen Merritt in the region office through GIS and a map is included as part of his 12-30-1999 Memo.

Although the watermaster comment sheet was sent and marked received on the region review sheet, the form cannot be found in this or companion transfer 5492. The region staff will provide a second copy and the file will be withheld from processing until it has been received. Ownership documentation was copied from the other transfer file and provides ownership of the historically irrigated acres.

The applicant also provided a relinquishment form for Right 37-00859 from Dry Creek which overlaps this property according to the original decree, but has never been used by the applicant and has been partially claimed in the SRBA by the adjacent land owner.

Standard diversion volume and season of use were identified on the approval. Recommended conditions include watermaster control, measuring device & lockable controlling works, irrigation overlap and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5494/66914
WATER RIGHT NO. 37-00580

This is to certify that: **DRY CREEK PARTNERS**
C/O BILL NOVINGER
1598 E 1300 S
GOODING ID 83330

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	3.20 CFS	640.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG WOOD RIVER	MALAD RIVER

Priority: 04/02/1906

LOCATION OF POINT(S) OF DIVERSION: Lot 2 (SWNW), Sec. 7, Township 05S, Range 16E
GOODING County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	14E	3	SWNW 39.4	NESW 39.0	NWSW 39.8	
			SWSW 9.7	SESW 17.9		145.8
		4	SENE 14.2			14.2
Total number of acres irrigated:						160.0

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

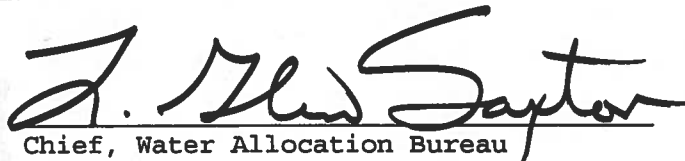
MICROFILMED
MAR 24 2000

TRANSFER NO. 5494
WATER RIGHT NO. 37-00580

CONDITIONS OF APPROVAL AND REMARKS

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.

Dated this 7th day of March, 2000.


Chief, Water Allocation Bureau

MICROFILMED
MAR 24 2000

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-580

WATER RIGHT NUMBER: 37-580

Owner Type Name and Address
 Current Owner DRY CREEK PARTNERS
 C/O BILL NOVINGER
 1598 E 1330 S
 GOODING, ID 83330
 (208)934-4448

Priority Date: 04/02/1906

Basis: Decreed

Status: Active

Source Tributary
 BIG WOOD RIVER MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	3.200 CFS	640.00 AF
	<u>Total Diversion:</u>	3.200 CFS	640.00 AF

Location of Point(s) of Diversion

BIG WOOD RIVER L2 (SW1/4NW1/4) Sec. 7, Twp 05S, Rge 16E, B.M.
 GOODING 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	
05S	14E	3							39.4		39.0	39.8	9.7	17.9					145.8
05S	14E	4				14.2													14.2

Total Acres: 160

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. R43 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. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-580

6. T09 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.

Remarks:

1. General P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
AC. IRRIG. NOT SPECIFIED. FARM = 320 AC.
ORIGINALLY DECREED TO J. C. ROBERTSON IN THE FROST DECREE.
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OF USE IN SECTIONS 3, 10, AND 15. WATERMASTER HAS HISTORICALLY DELIVERED
37-00580 TO CLAIMANTS LANDS IN SECTIONS 3 AND 4. 37-00581 HAS HISTORICALLY
BEEN DELIVERED TO ANOTHER PARTYS LAND IN SECTION 10. THIS CLAIM IS BASED
ON LANDS HISTORICALLY IRRIGATED IN SECTIONS 3 AND 4.

Comments:Dates and Other Information:

Claim Received Date: 6/25/1999
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
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