

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

District Court - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-07234

DEC - 5 2011

NAME AND ADDRESS:

ARMIDA METCALF
MELVIN L METCALF
62 TOWNSEND GULCH RD
BELLEVUE, ID 83313

By

Clerk

Deputy Clerk

SOURCE:

GROUND WATER

QUANTITY:

0.14 CFS
24.50 AFY

PRIORITY DATE:

05/31/1973

POINT OF DIVERSION:

T01N R18E S02 LOT 1 (SWNE) Within Blaine County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
03-15 TO 11-15

QUANTITY
0.14 CFS
24.50 AFY

PLACE OF USE:

Irrigation
T01N R18E S02 LOT 2 (NWNE) 7.0
7.0 Acres Total

Within Blaine County

Right Nos. 37-7234 and 37-10667 are limited to the irrigation of
a combined total of 7 acres in a single irrigation season.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Woodman
Presiding Judge of the
Snake River Basin Adjudication

37-7234 7ac *0/6 split* → 37-7234 6ac
11/27/2012 → 37-22796 1ac

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

RIGHT NUMBER: 37-7234

NAME AND ADDRESS:

ARMINDA METCALF
62 TOWNSEND GULCH RD
BELLEVUE ID 83313

MELVIN L METCALF
62 TOWNSEND GULCH RD
BELLEVUE ID 83313

SOURCE: Source:
GROUND WATER

Tributary:

QUANTITY: 0.140 CFS 0.130 CFS
24.500 AFY 14.700 AFY

PRIORITY DATE: 05/31/1973

POINT OF DIVERSION:

T01N R18E S2 Lot 1 SWNE
Within BLAINE County

~~T01N R18E S2 Lot 2 SWNE~~
~~Within BLAINE County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/15 11/15	0.140 CFS 24.50 AFY
		~~0.130 CFS 14.70 AFY~~

PLACE OF USE: IRRIGATION within BLAINE County

T01N R18E S02 Lot 2 NWNE 7.0

~~T01N R18E S02 Lot 2 NWNE 4.2~~

7 ACRES TOTAL

~~4.2 ACRES TOTAL~~

Right Nos. 37-7234 and 37-10667 are limited to the irrigation of a combined total of 7 acres in a single irrigation season.

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.

~~The remainder of this right was forfeited for non-use from 1980 to 1987.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

The remainder of this right was forfeited for non-use from 1980 to 1987.

IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF

Ident. Number: A37-07234
Date Received:
Receipt No: 5001232
Received By: ADL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER FEDERAL LAW

1. Name: MELVIN LEVI METCALF 208-788-4386
Address: 62 TOWNSEND GULCH RD.
BELLEVUE, ID 83313

OR

Name: ARMIDA METCALF 208-788-4386
Address: 62 TOWNSEND GULCH RD.
BELLEVUE, ID 83313

2. Date of Priority: MAY 31, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	18E	2	SW	NE			BLAINE

5. Description of diverting works:
PUMP & GRAVITY FLOW IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.180		30.00

7. Total Quantity Appropriated is:
0.180 C.F.S. (and/or) 30.00 A.F.A.

8. Total consumptive use is 30.0 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	2	SW	NE		IRR	10.0

Section Acres 10.0

Total Acres 10.0

A37-07234

Page 1

Date: 07/21/88

COPY

SCANNED

MAR 20 2008

MICROFILMED
FEB 24 1993

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? ~~NO~~ Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE

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): Melvin L. Mutchall Date: 7-21-88

Date: _____

State of Idaho)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 21st day
of July 19 88

[Signature]
Notary Public

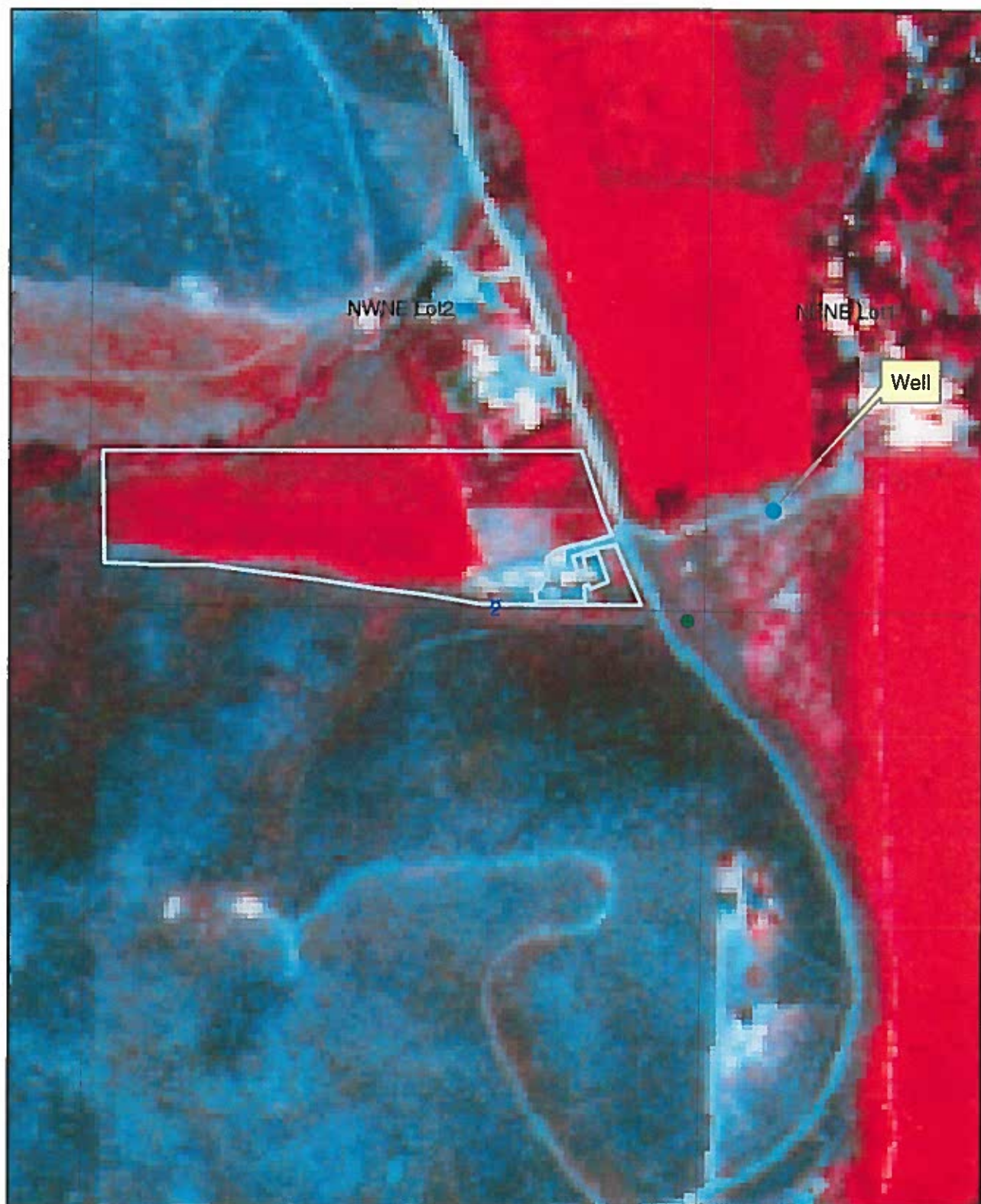
Seal

Residing at Kibbey, Id.
My Commission Expires 6/30/92

COPY

SCANNED
MAR 20 2008

MICROFILMED
FEB 24 1993



37-7234

Recommendation Shape File



D. Jones
10/4/2011

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

RIGHT NUMBER: 37-7234

NAME AND ADDRESS:

ARMINDA METCALF
62 TOWNSEND GULCH RD
BELLEVUE ID 83313

MELVIN L METCALF
62 TOWNSEND GULCH RD
BELLEVUE ID 83313

SOURCE: Source:
GROUND WATER

Tributary:

QUANTITY: 0.130 CFS
21.000 AFY

~~14.700 AFY~~

PRIORITY DATE: 05/31/1973

POINT OF DIVERSION:

T01N R18E S2 Lot 1 SWNE
Within BLAINE County

~~T01N R18E S2 Lot 2 SWNE~~
~~Within BLAINE County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

0.130 CFS 21.00 AFY

~~0.130 CFS 14.70 AFY~~

PLACE OF USE:

IRRIGATION

within BLAINE County

T01N R18E S02 Lot 2 NWNE 6.0

~~T01N R18E S02 Lot 2 NWNE 4.2~~

6 ACRES TOTAL

~~4.2 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.

~~The remainder of this right was forfeited for non-use from 1980 to 1987.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The remainder of this right was forfeited for non-use from 1980 to 1987.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Superseded 10/4/79

IDAHO DEPARTMENT OF WATER RESOURCES



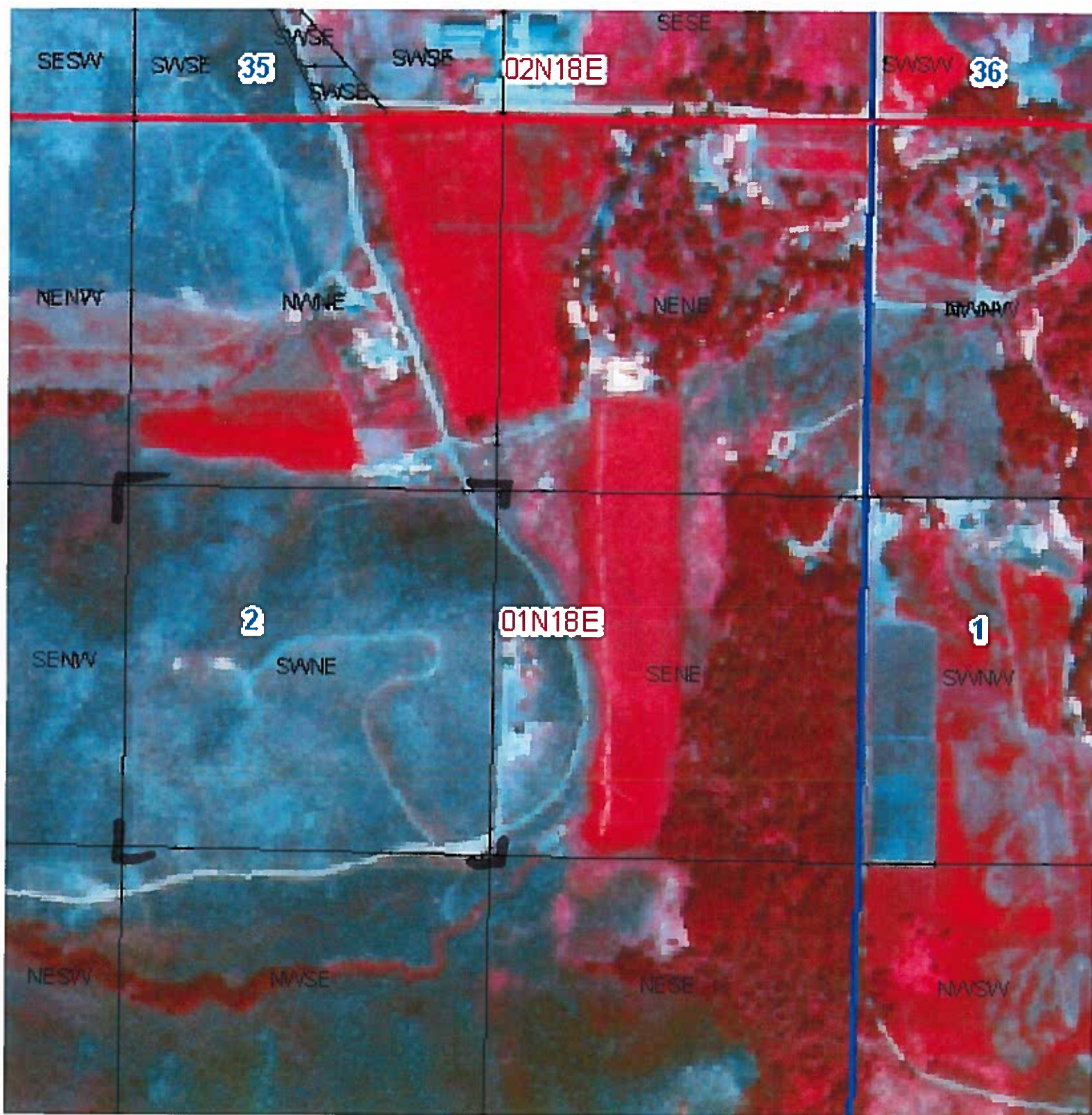
~~37-7234~~

Recommendation Shape File

*Superseded
DJ 10/4*



D. Jones
9/30/2011



11/16/2006

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

RIGHT NUMBER: 37-7234

NAME AND ADDRESS: MELVIN L METCALF
62 TOWNSEND GULCH RD
BELLEVUE ID 83313

ARMINDA METCALF
62 TOWNSEND GULCH RD
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.130 CFS
14.700 AFY

PRIORITY DATE: 05/31/1973

POINT OF DIVERSION:

T01N R18E S2 SENWNE Lot 2 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.130 CFS 14.70 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S02 Lot 2 NWNE 4.20

4.2 ACRES TOTAL

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

The remainder of this right was forfeited for non-use from 1980 to 1987.

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 - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

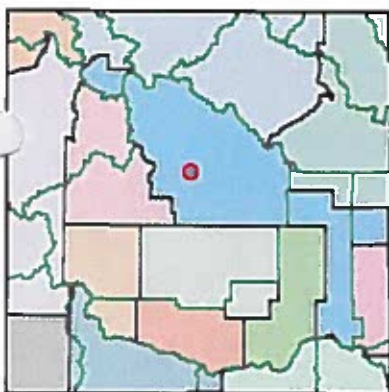
SRBA Recommendation:

37-7234

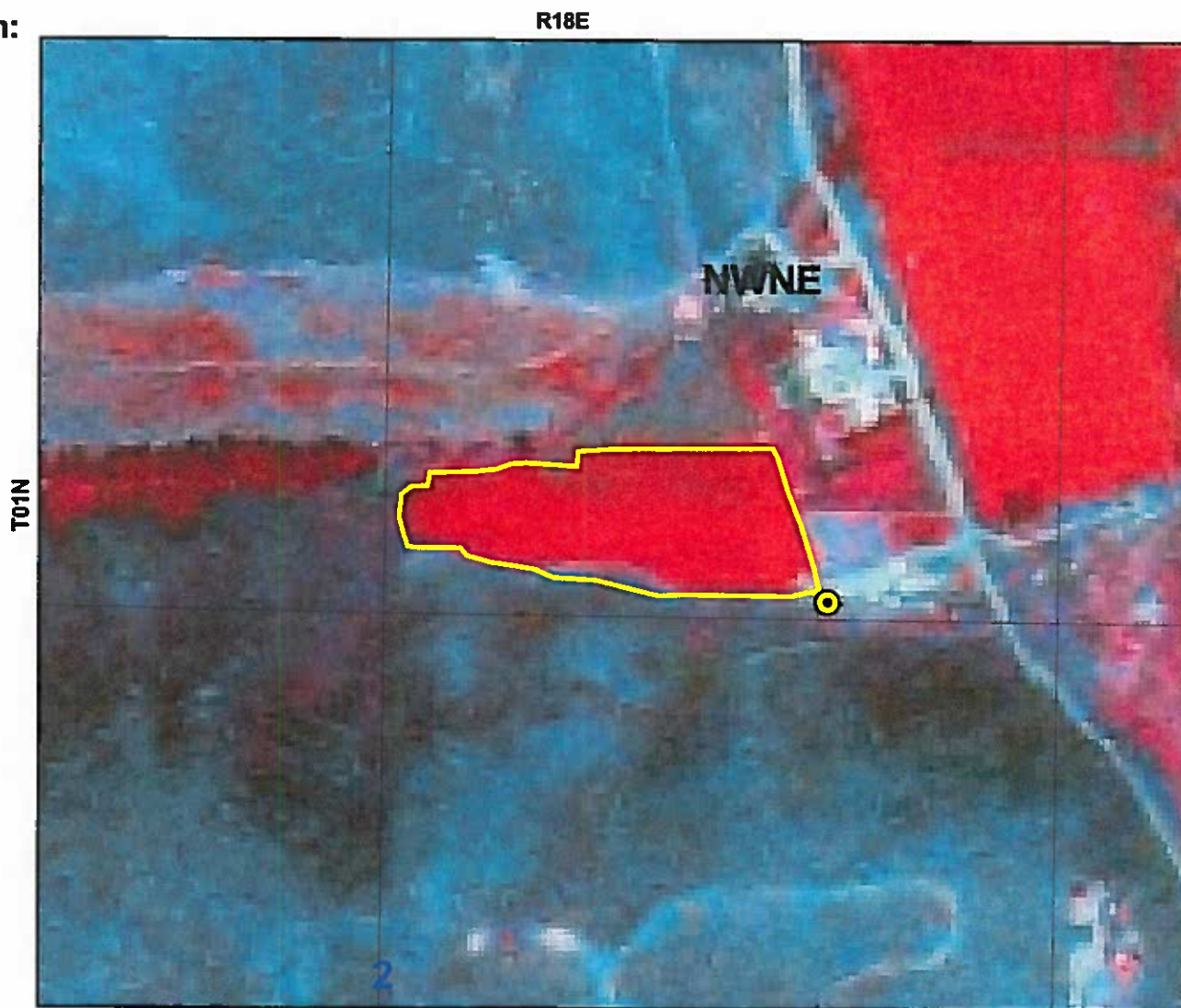
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by S. Keen
On Thursday, November 16, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

SRBA Recommendation:

37-7234

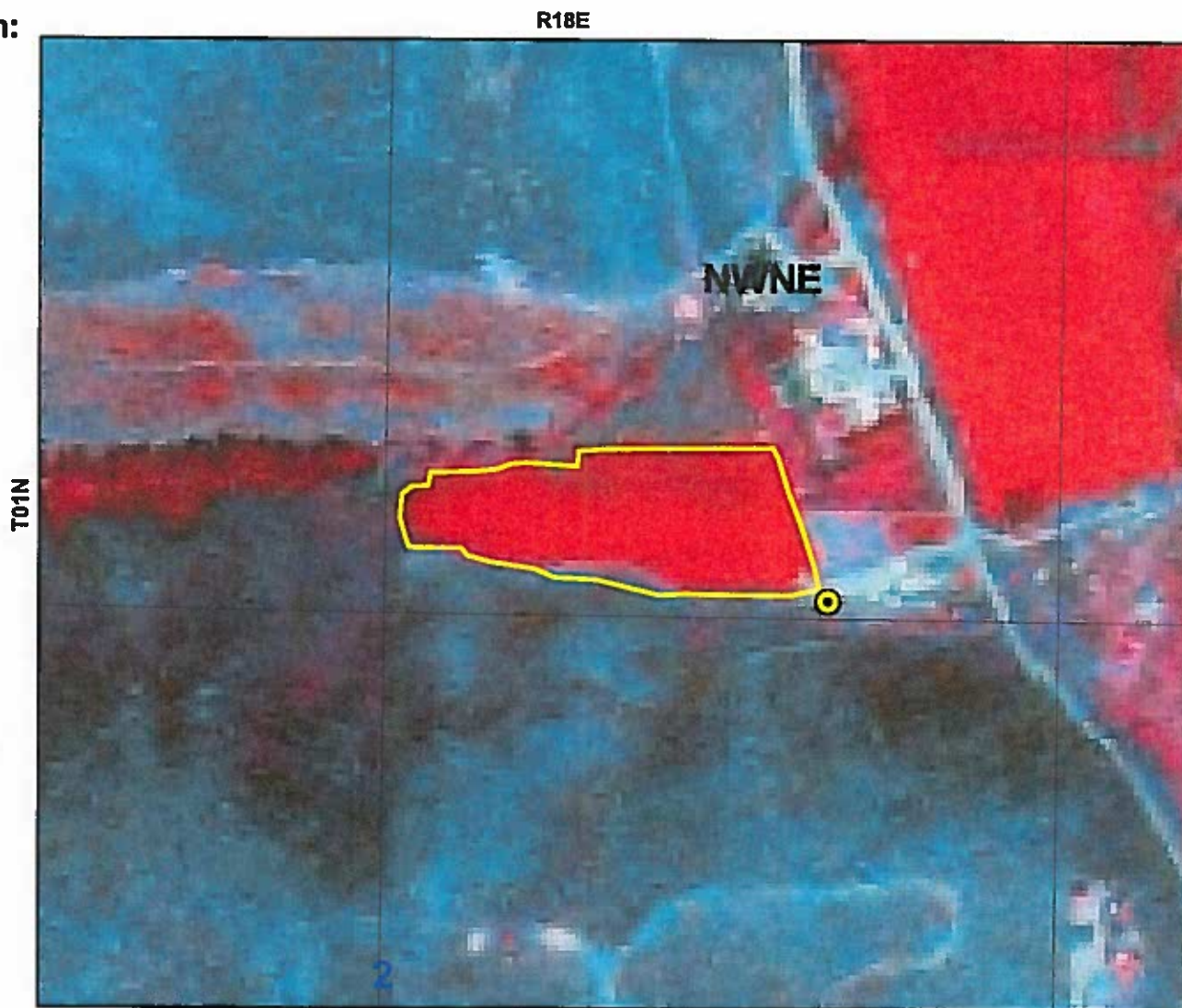
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by S. Keen
On Thursday, November 16, 2006
1987/88 Aerial Photography

Review of Claim 37-7234
S. Keen 11/16/2006

P.O.D. + P.O.U.

The permit, field exam, and license for this right describe the P.O.D. + P.O.U. in the SWNE of S.2, T1N, R18E. According to all the aerial photography I can find, there never has been any irrigation development in that Q. It is a steep hill. The Metcalfs ^{own} land in the NWNE (Lot 2) of Section 2, ~~is~~ is ~~roughly~~ roughly the same configuration described on the 1978 field report. I am recommending the NWNE (Lot 2) as the location of both the POD + POU for this right.

The examiner's map from 1978 shows the well across the road from the Metcalfs land. This is highly unlikely. In ArcView I'll show the POD between the house and the irrigated field. Hopefully the claimants will let us know if my guess is wrong. There is no time for a field exam.

The irrigated P.O.U. is only 4.2 acres. The pattern is consistent on the 1980, 1987, 1992, 2004, + 2006 aerial imagery. While there may not even have been 10 acres irrigated, as the license shows, I'll indicate on the report that there has been partial forfeiture of the right from 1980 to 1987.

Claim 37-7234

Quantity

The right was licensed for 0.18 cfs, or 0.018 cfs per acre, and 30 AF, or 3.0 AF/acre. With the P.O.U. reduced to 4.2 acres, I am recommending 0.13 cfs, or 0.03 cfs per acre, which is allowable for tracts of 5 acres or less. I am also recommending a volume of 3.5 AF/acre, the new standard, for a total of 14.7 AF because it will not exceed the original licensed amount.