

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 37-7581
Date Received: 10/20/1988
Receipt No: M001661
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT D WHITBY

Phone: (208)823-4434

496 AUSTIN RD BOX 395
CAREY ID USA 83320

BEVERLY A WHITBY

Phone: (208)823-4434

496 AUSTIN RD BOX 395
CAREY ID USA 83320

2. Date of Priority: 01/09/1978

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	22E	9	NE NW NW	BLAINE	

5. Description of diverting works:

WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	5.1	1610

7. Total Quantity Appropriated is:
5.1 C.F.S. and/or 1610 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	
01S	22E	8	SE	NE	IRRIGATION	35.8	
			NE	SE	IRRIGATION	38.1	
			Section Acres				73.9
01S	22E	9	NE	NE	IRRIGATION	38.3	
			NW	NE	IRRIGATION	39	
			SW	NE	IRRIGATION	35.1	
			SE	NE	IRRIGATION	36	
			NE	NW	IRRIGATION	39	
			NW	NW	IRRIGATION	30	
			SW	NW	IRRIGATION	40	
			NW	SW	IRRIGATION	40	
Section Acres				297.4			
01S	22E	10	NW	NW	IRRIGATION	31.7	
			SW	NW	IRRIGATION	17.3	
			Section Acres				49
Total Acres				420.3			

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:

14. Remarks:

THIS CLAIM IS AMENDED BY FILING OF THE AMENDMENT TO THE PERMIT/LICENSE WHICH IS THE BASIS FOR THE CLAIM. 12-13-01 SCC.

REINSTATED 9-10-1982.

THIS LICENSE WAS EXPANDED, WATER USAGE ON LANDS INCREASED IN JUNE 1983. SEE ADDIT. CLAIM.

The right holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department.

15. Basis of Claim: License

APPROVED

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-07581

Amendment to
Claim ALSO!

Date of Priority: January 9, 1978

Maximum Diversion Rate: 5.10 CFS
Maximum Diversion Volume: 1610.0 AF

Comes now ROBERT WHITBY
#496 AUSTIN RD BOX 395
CAREY ID 83320

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 37-07581, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	5.10 CFS	1610.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW, Sec. 9, Township 01S, Range 22E
BLAINE 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>
01S	22E	4	~~SESE~~ 2.3 *	NESE 38.1 ✓		2.3
		8	SENE 35.8 ✓	NWNE 39 ✓	SWNE 35.1 ✓	73.9
		9	NENE 38.3 ✓	NENW 39 ✓	NWNW 30 ✓	
			SENE 36 ✓	NWSW 40 ✓	~~SWSW~~ 21.9 *	
			SWNW 40 ✓			334.8
			~~NWSE~~ 15.5 *			
		10	NWNW 31.7 ✓	SWNW 17.3 ✓		49

Total number of acres irrigated: 460

* these 3 POU tracts were not claimed
as POU & are not included in the amendment.
SCC

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Twin Falls Id., this 23rd day of August, 1994.

Robert H. Whitby
(Signature)

SEP 07 1994

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-07581

FOR DEPARTMENT USE ONLY

Preliminary check by BC Fee = 50⁰⁰ Received by RT # 0031116 Date 8-24-94 ✓

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 37-07581 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.

Witness my hand this 30TH day of AUGUST, 1994.


Acting for R. Keith Higginson, Director

SEP 07 1994

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: A37-07581
Date Received: 10/18/1988
Receipt No: 1001661
Received By: JC - Adm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT D. WHITBY 208-823-4434
Address: BOX 395
CAREY, ID 83320

AND/OR
Name: BEVERLY A. WHITBY 208-823-4434
Address: BOX 395
CAREY, ID 83320

2. Date of Priority: JUN 12, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	22E	9	NE	NW	NW		BLAINE

5. Description of diverting works:
WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.000		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 1037.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/400 RANGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	22E	8	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
Section Acres							80.0
		9	NE	NE		IRR	35.0
			NW	NE		IRR	40.0
			SW	NE		IRR	35.0
			SE	NE		IRR	10.0
			NE	NW		IRR	40.0
			NW	NW		IRR	35.0
			SW	NW		IRR	40.0
			NW	SW		IRR	40.0
Section Acres							275.0
		10	NW	NW		IRR	40.0
			SW	NW		IRR	20.0
Section Acres							60.0
Total Acres							415.0

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:
CAREY RES. CANAL CO.

14. Remarks:
REINSTATED 9-10-1982.
THIS LICENSE WAS EXPANDED, WATER USAGE ON LANDS INCREASED
IN JUNE 1983. SEE ADDIT. CLAIM.

15. Basis of Claim: PERMIT

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): Robert H. White Date: 10/20/88
Date: _____

State of Idaho)
County of Blaine) SS.

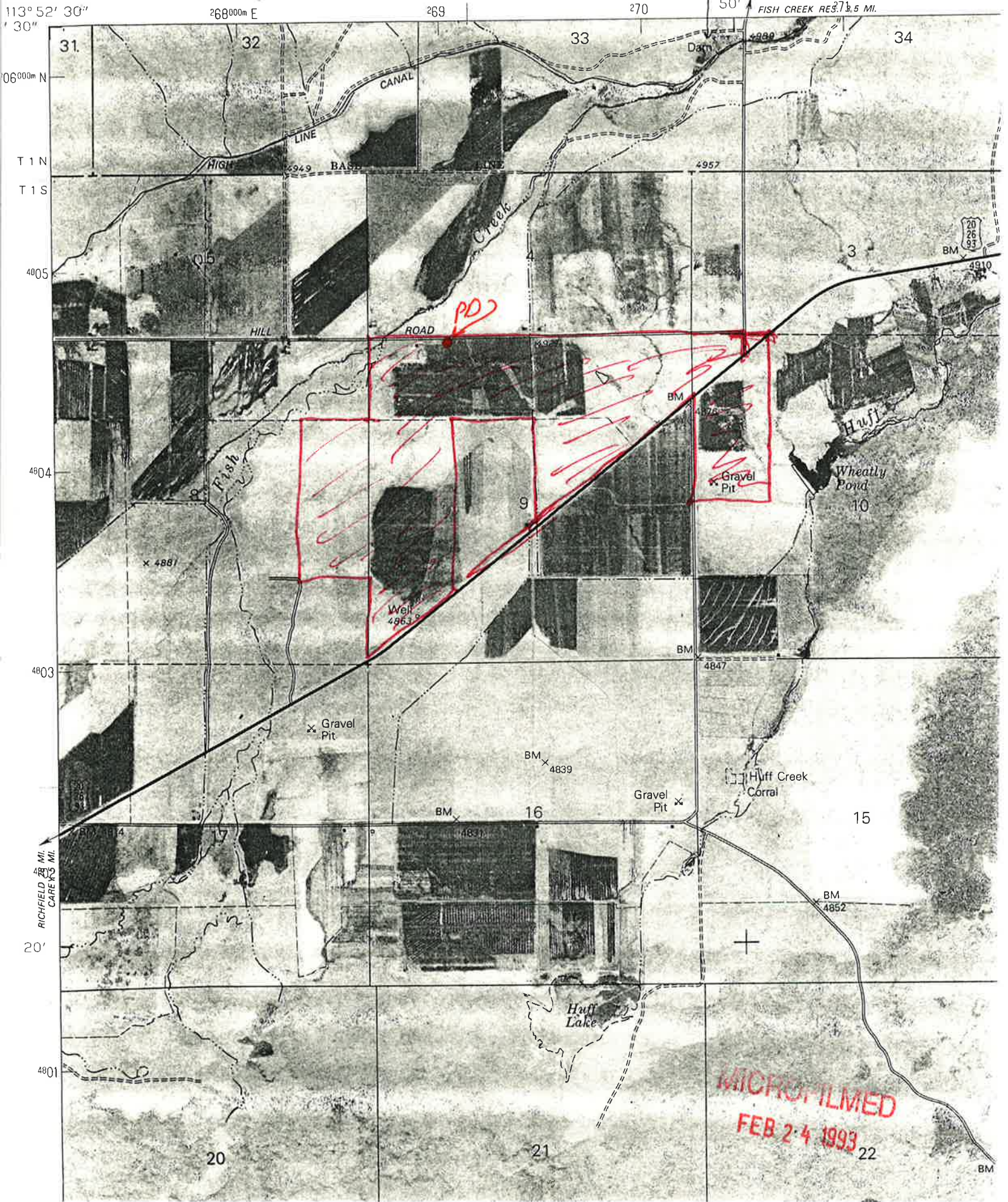
Subscribed and sworn (or affirmed) before me this 20th day
of Oct. 19 88

Ann D. Merritt
Notary Public

Seal

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

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



06/11/2002

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

RIGHT NUMBER: 37-7581

NAME AND ADDRESS: ROBERT D WHITBY
496 AUSTIN RD BOX 395
CAREY ID 83320

BEVERLY A WHITBY
496 AUSTIN RD BOX 395
CAREY ID 83320

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.10 CFS
1,610.0 AFY

PRIORITY DATE: 01/09/1978

POINT OF DIVERSION:

T01S R22E S9 NENWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/15	5.100 CFS 1,610.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 15 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R22E S04	SESE	2.3	T01S R22E S08	SENE	35.8
T01S R22E S08	NESE	38.1	T01S R22E S09	NENE	38.3
T01S R22E S09	NWNE	39.0	T01S R22E S09	SWNE	35.1
T01S R22E S09	SENE	36.0	T01S R22E S09	NENW	39.0
T01S R22E S09	NWNW	30.0	T01S R22E S09	SWNW	40.0
T01S R22E S09	NWSW	40.0	T01S R22E S09	SWSW	21.9
T01S R22E S09	NWSE	15.5	T01S R22E S10	NWNW	31.7
T01S R22E S10	SWNW	17.3			

460 ACRES TOTAL

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

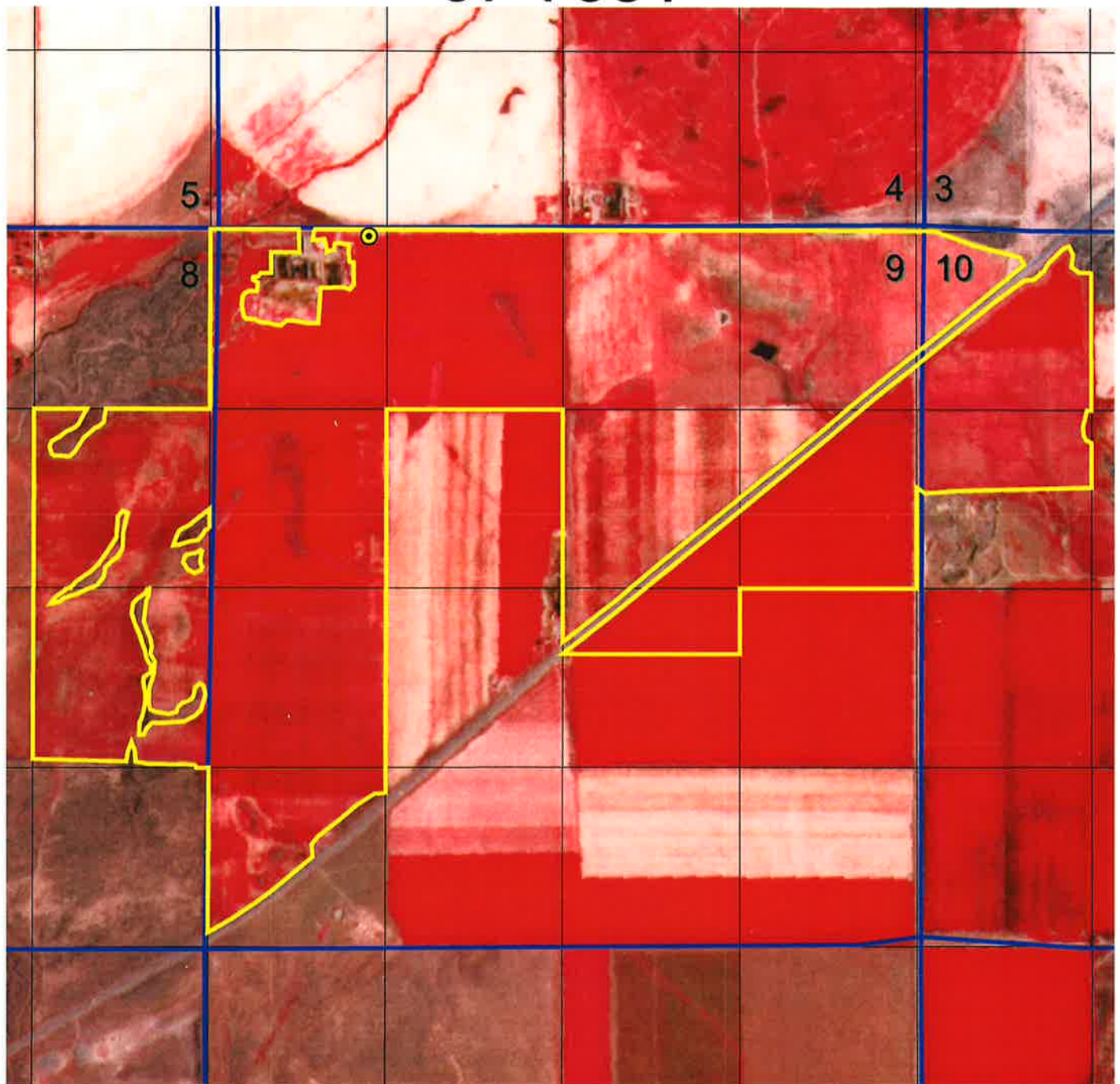
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

USE OF THIS RIGHT IS COMBINED WITH WATER FROM CAREY VALLEY RESERVOIR CO.

IDAHO DEPT OF WATER RESOURCES

37-7581



1320 0 1320 Feet

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

TWN: 1S
RNG: 22E
SEC: 8, 9 & 10



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

Date: JUNE 11, 2002

12/13/01
SCC

Lic. Duty: $5.10 \text{ cfs} \div 460 \text{ ac} = 0.011 \text{ cfs/ac}$

claim duty: $5.10 \text{ cfs} \div 415 \text{ ac} = 0.012 \text{ cfs/ac}$

- * Limited by Lic. to 5.10 cfs.
- * No Stock use included. $\left\langle \begin{array}{l} \text{claimed in A37-11733} \\ \text{(P.D. 1/5/2001)} \end{array} \right\rangle$ ✓

POU is limited to his description, license issued after 1987 cannot use CFS acc. transfer.

12/14/01
SCC

after reviewing this with Carter, we determined the claim based on permit will be effectively amended when the permit was amended. (Similar to the transfer amendment process) Without an amendment the claim severely limits the rights claimed.

* CLAIM IS AMENDED

Licensed POU & GIS POU don't fit with the original claim's intent. Appears he may need to file a Transfer to conform total acres to the actual Q-Q uses.

Overlap POU w/ Fish Creek Res. 37-14273
(AKA CAREY VALLEY IRR RES.)

6/11/02
SCC

Rec'd = Lic. Maybe several errors in correct POU.

REVIEW 37-7581

12/13/01
SCC

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
LIC			IS 22E	4																2.3	2.3	
CLAIM			(AMENDED TO MATCH LICENSE) 12/14/01																		0	
GIS																				0		
Rec'd																				0		

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
LIC				8			35.8									38.1					73.9	
CLAIM							40									40					80	
GIS							36.1									35.8					71.9	
Rec'd							35.8									38.1					73.9	

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
LIC				9	38.3	39	35.1	36	39	30	40		40	21.9			15.5				334.8	
CLAIM					35	40	35	10	40	35	40		40	0			0				275	
GIS					37.4	40	33.8	6	40	32	40		40.1	21.3			2.4				293	
Rec'd					38.3	39	35.1		39	30	40		40	0			0					

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
LIC				10					31.7	17.3											49	460
CLAIM									40	20											60	415
GIS									33.5	17.6											51.1	416
Rec'd									31.7	17.3											49	

lic. issued 1994 = POU as licensed, to the extent claimed

TRANSMITTAL COVER SHEET

TO: DOUG VOLLMER

FAX # 734-5653

TOTAL PAGES SENT: 5

(including cover sheet)

DOCUMENT DESCRIPTION: PROOF REPORT OF WATER RIGHT 37-07581
AND SNAKE RIVER BASIN ADJUDICATION CLAIM (A37-07581)

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES

1341 FILLMORE ST, STE 200

TWIN FALLS ID 83301-3380

PHONE: 736-3033

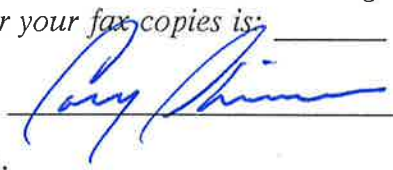
FAX: 736-3037

CHARGES: One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost \$0.25 per page. (\$0.50 minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: _____

Please remit to the above address.

SENDER: 

COMMENTS: _____

* NOTE LICENSED DIVERSION RATE IS 5.10 cfs

CLAIM WILL NOT BE RECOMMENDED FOR ANY MORE
THAN WHAT IS LICENSED.

* NOTE RIGHT APPEARS TO BE SUPPLEMENTAL TO SURFACE
WATER

* NOTE ADJUDICATION CLAIM ONLY SHOWS 415 ACRES,
LICENSE SHOWS 460 ACRES. CLAIM WILL NOT BE
RECOMMENDED FOR ANY MORE ACRES THAN WHAT
WAS CLAIMED (415).

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07581

Priority: January 9, 1978

Maximum Diversion Rate: 5.10 CFS

Maximum Diversion Volume: 1610.0 AF

This is to certify, that ROBERT WHITBY
#496 AUSTIN RD BOX 395
CAREY ID 83320

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated April 7, 1977; and
has submitted Proof of Beneficial Use on July 6, 1982. An examination indicates
that the works have a diversion capacity of 5.100 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	5.10 CFS	1610.0 AF

LOCATION OF POINT(S) OF DIVERSION: 10/31 NWNW, Sec. 9, Township 01S, Range 22E
BLAINE 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>
01S	22E	4	SESE 2.3			2.3
		8	SENE 35.8	NESE 38.1		73.9
		9	NENE 38.3	NWNE 39	SWNE 35.1	
			SENE 36	NENW 39	NWNW 30	
			SWNW 40	NWSW 40	SWSW 21.9	
			NWSE 15.5			334.8
		10	NWNW 31.7	SWNW 17.3		49

Total number of acres irrigated: 460

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

SEP 07 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

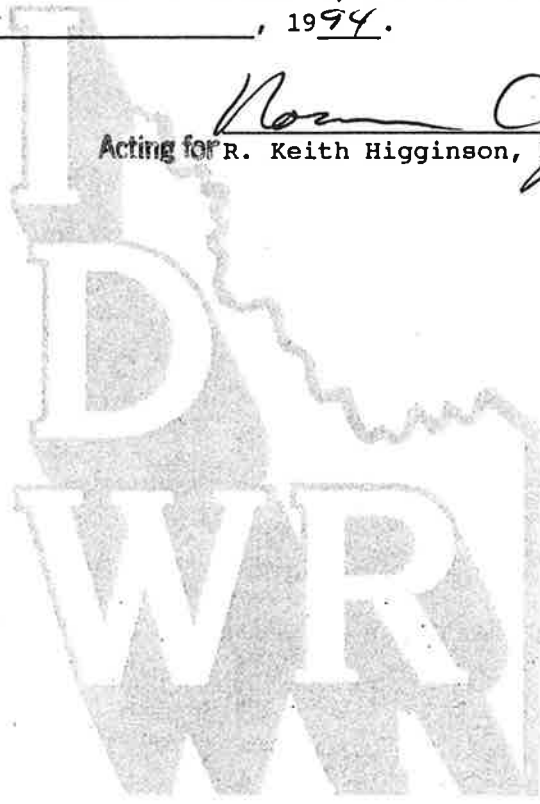
WATER RIGHT NO. 37-07581

CONDITIONS/REMARKS:

6. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 30TH day of August, 1994.

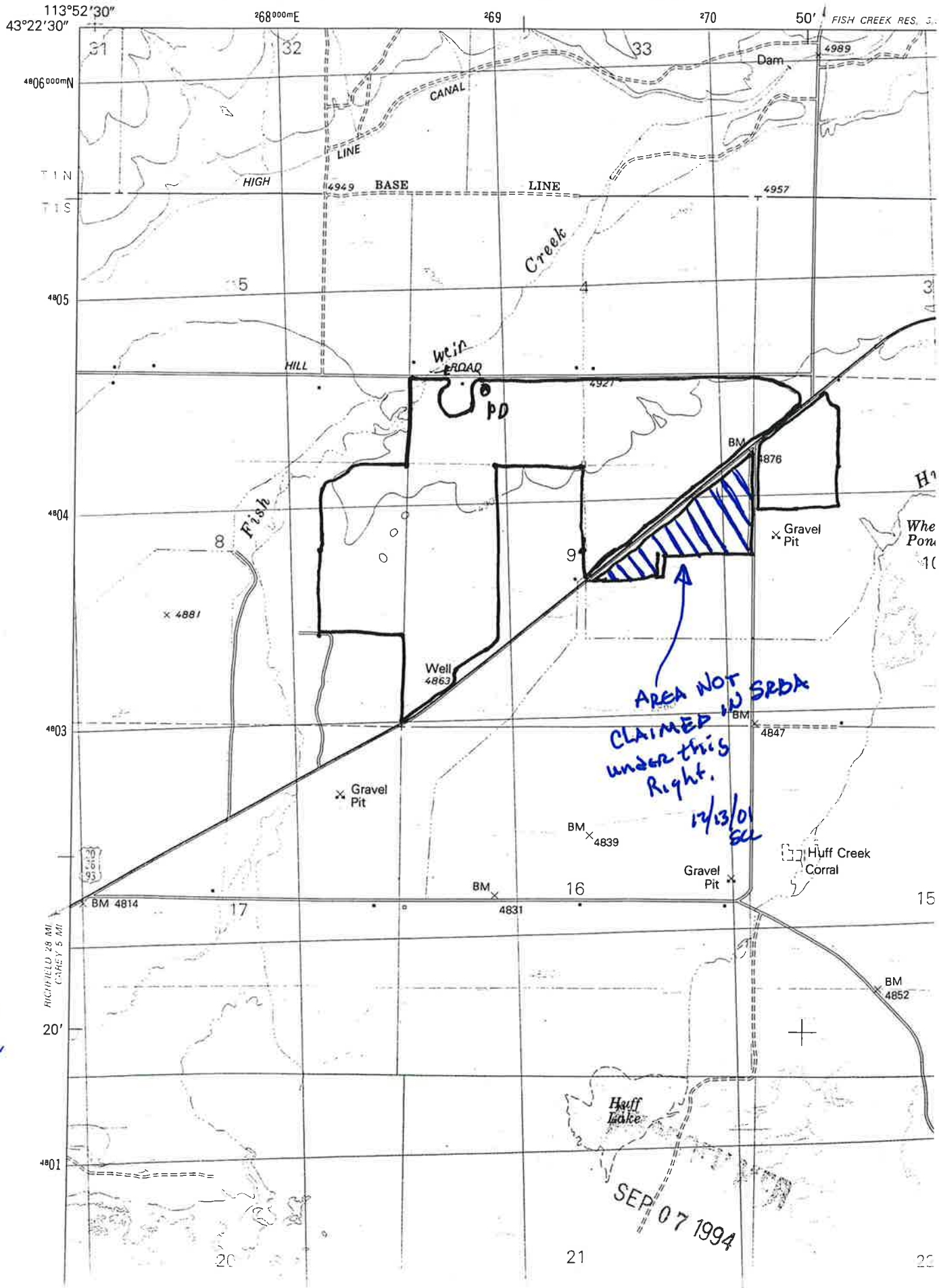

Acting for R. Keith Higginson, Director



SEP 07 1994

3220 IV NW
(LAKE HILLS)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



Match
Line

Copy
from
Lic. Exam

OUT

↑
exceeds permit

SEP 07 1994

Copy from
Lic. Exam

Match

Line—

