

03/11/2005

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

RIGHT NUMBER: 37-4166
NAME AND ADDRESS: ALAN C OPPIO
PO BOX 381
GOODING ID 83330
SOURCE: WASTE WATER TRIBUTARY: MALAD RIVER
QUANTITY: 0.700 CFS
PRIORITY DATE: 05/26/1955
POINT OF DIVERSION:
T06S R14E S15 SENW Within GOODING County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.700 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T06S R14E S15 NWSW 35.0

35 ACRES TOTAL

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

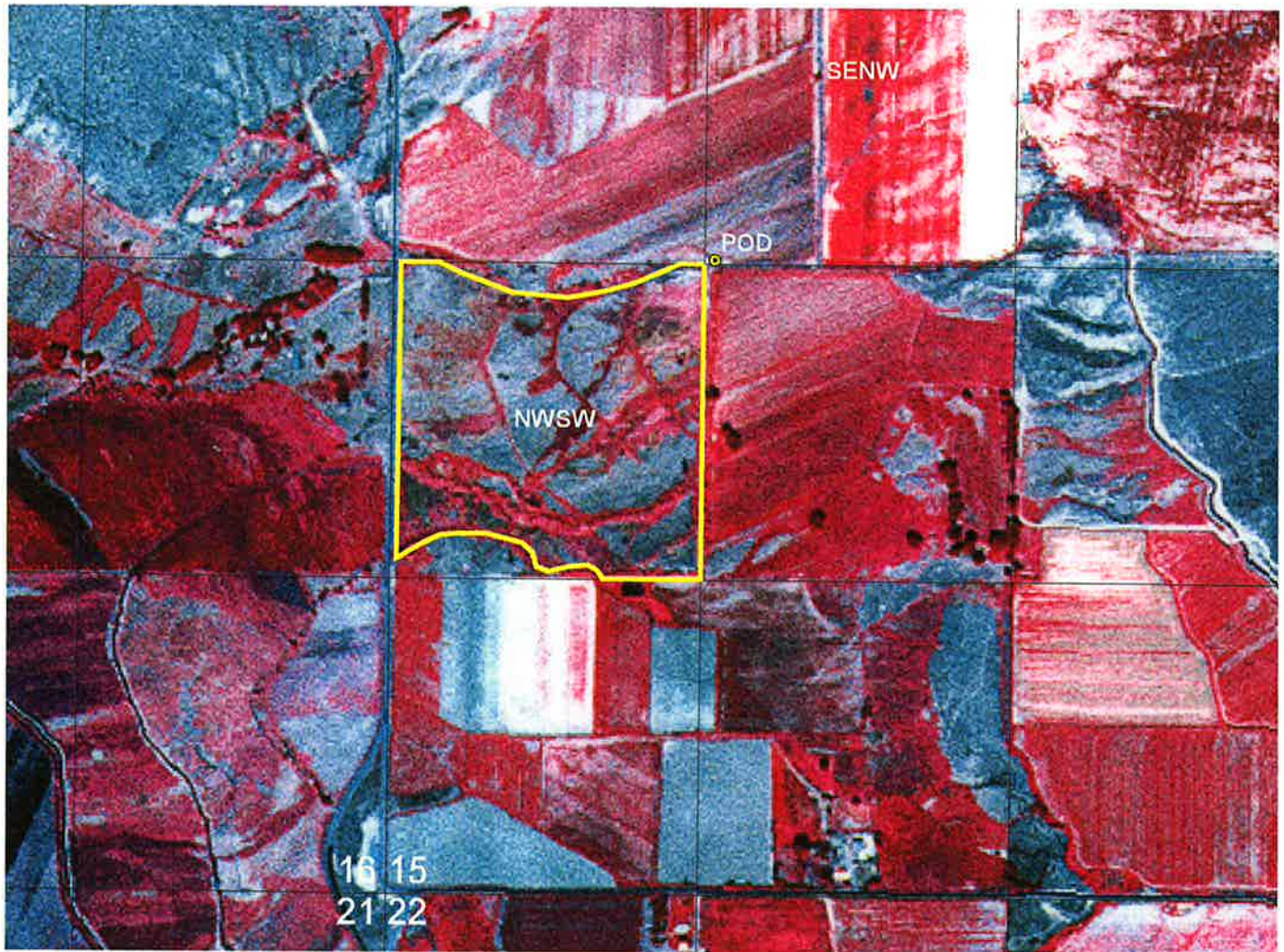
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

The source of this right is waste water originally diverted by the Big Wood Canal Co.

Use of this right is combined with water from Big Wood Canal Co.

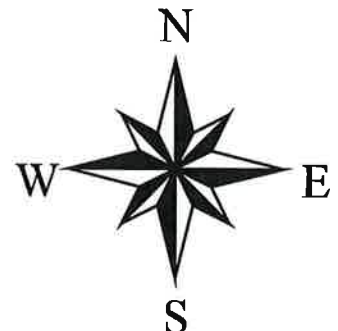
37-4166



800 0 800 1600 2400 Feet

T06S R14E S15

Map prepared by: Carter Fritschle
Date prepared: 03/11/05
1987-1988 NAPP photography
Idaho Department of Water Resources



Contacts Data Entry Form

Claim Number 37-4166

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	ALAN C OPPIO	PO BOX 381	GOODING	ID	83330	(208)934-9474

Date of Field Exam: 9-8-04 Time: 11 AMAccompanied By: Alan Oppio Phone Number: 934-9474Relationship to Claimant: owner

Directions to Property (if different from above) and/or update owner information:

4 mi West & 1 1/2 south of Gooding

_____

Lee R. Peterson
234 S View Rd
Jerome, ID 83338-6448

Date: 9-8-04

Point of Diversion and Source Data Entry Form

Claim Number 37-4166

Claimed Point of Diversion and Source

T06S R14E S15 NENSW Within GOODING County Source: WASTE WATER MALAD RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T06S R14E S15 NWSW Within GOODING County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

① Oppio 1 Big wood River

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
6S	14E	15			Gooding	^{most} Big wood cc - Amer Falls Res.

Other rights from this POD? Big wood cc & waste

Document how the POD and Source were verified:

By owner - Allen Oppio

7-30-04 ① Oppio 1 2435809 1300462 ^{plate} A0013740 ^{photo} 1020257
 The A-B-C- POD on map attached to claim - they
 are all gone - broken - obsolete - he hasn't and
 will not use or replace

Reviewer: Date: 9-8-04

Place Of Use Data Entry Form

Claim Number 37-4166

Claimed Place Of Use

T06S R14E S15 NWSW 35.0

Total Acres 35

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T06S R14E S15 NWSW 35.0

Total Acres 35

37-4166 OK

Recommended Place of Use

☐ See corrections to claimed POU above

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6S	14E	15			Gooding		OK	Stock-irrig

Total Acres _____

Document how the POU was verified:

Mr Oppio and I reviewed Photo and Maps
he said they appear OK

Reviewer: _____

Date: 7.8.04

Period of Use and Quantity Data Entry Form

Claim Number 37-4166

Claimed Period of Use and Diversion Rate *varies each day & year*

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	10/15	0.7	

Overall Diversion Rate 0.7

Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	10/15	0.7	<i>NO SOURCE OF MSB.</i>

Overall Diversion Rate 0.7

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Stock-Irrig.</i>	<i>WHATEVER AVAILABLE</i>			<i>VARIES</i>

Overall Diversion Rate

Overall Diversion Volume

Document how the Period of Use and/or Diversion Rate were verified:

With waste water there is no set period rate or volume - it can change so soon

Reviewer: Date: *9-8-04*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Charles M. Luther
(Name of Claimant)
RR#2, Gooding, Idaho, 83330 Telephone No. 934-5153
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) May 26, 1955

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) South Gooding Main and Lateral South Tail End of tributary to Malad River
American Falls Res Dist #2
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.7 cfs</u>		Use <u>irrigation</u>		Period of Use From <u>4-1</u>	To <u>10-15</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) .7 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SW ¼, Sec. 15 Twp. 6 S Rge. 14 E B.M., County of Gooding (3 Points)
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion Dams

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	14E	15										35							35

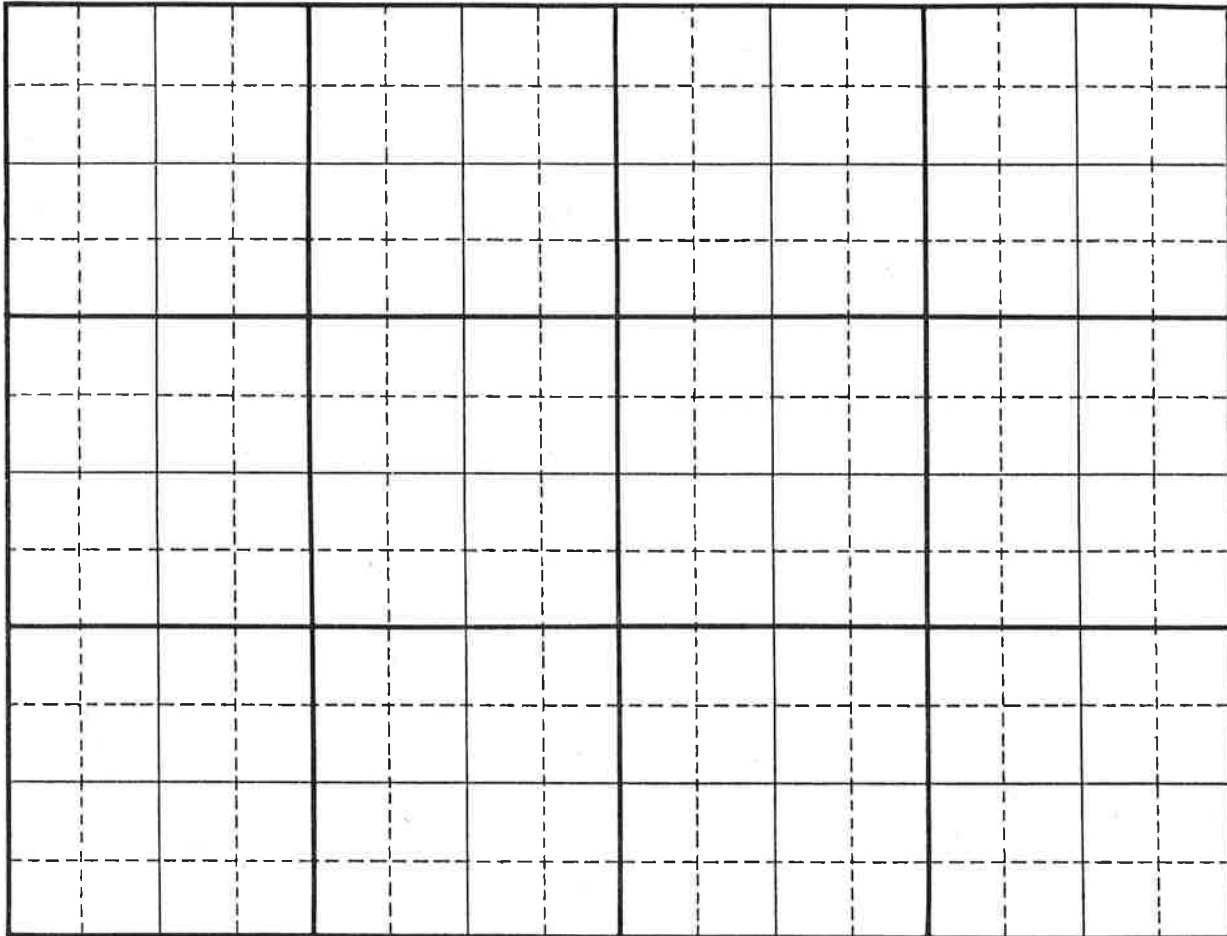
Acreage estimated from enclosed ASCS photo map.

No. of acres 35

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: NA

NOTE: Include here the type and number of stock watered: _____
If you are claiming water as a member of an organization, list name of organization: NA

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of GOODING) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

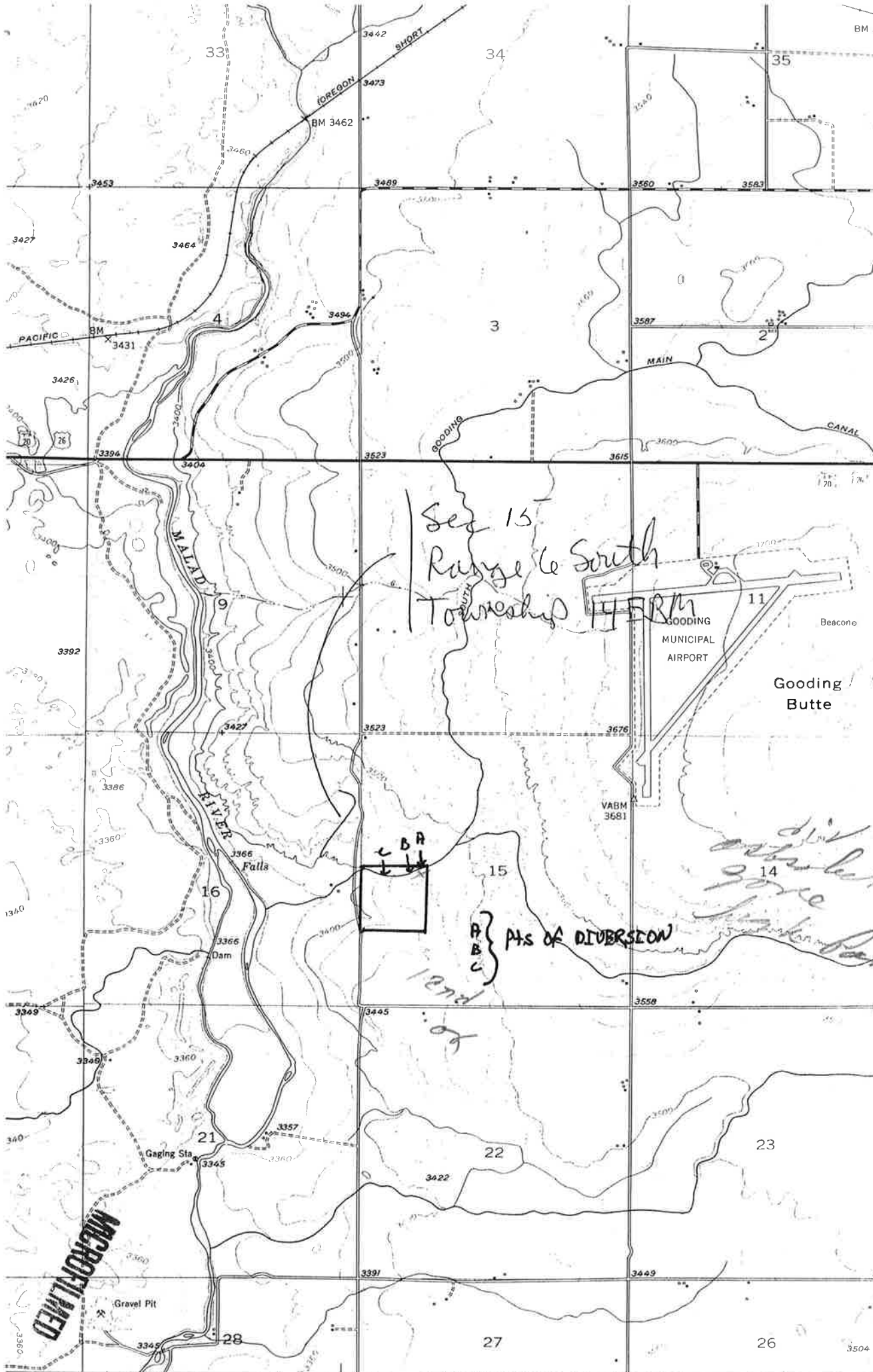
Sworn to before me this 10 day of March

Charles M. Luther
(Claimant)

John C. Arkoosh
Notary Public
Residing at Gooding, Idaho

My commission expires Lifetime

FOR DEPARTMENT USE ONLY			
Received by <u>mary</u>	Date <u>3/8/81</u>	Exception filed by:	Forwarded to
check by <u>JP</u>	Date <u>3-23-81</u>		claimant by:
\$10.00 fee received by <u>mary</u>	Date <u>3-24-81 #16922</u>		
Notarized in <u>Gooding Co. Idaho</u>			
Dates <u>4/22/81 4/29/81</u>			



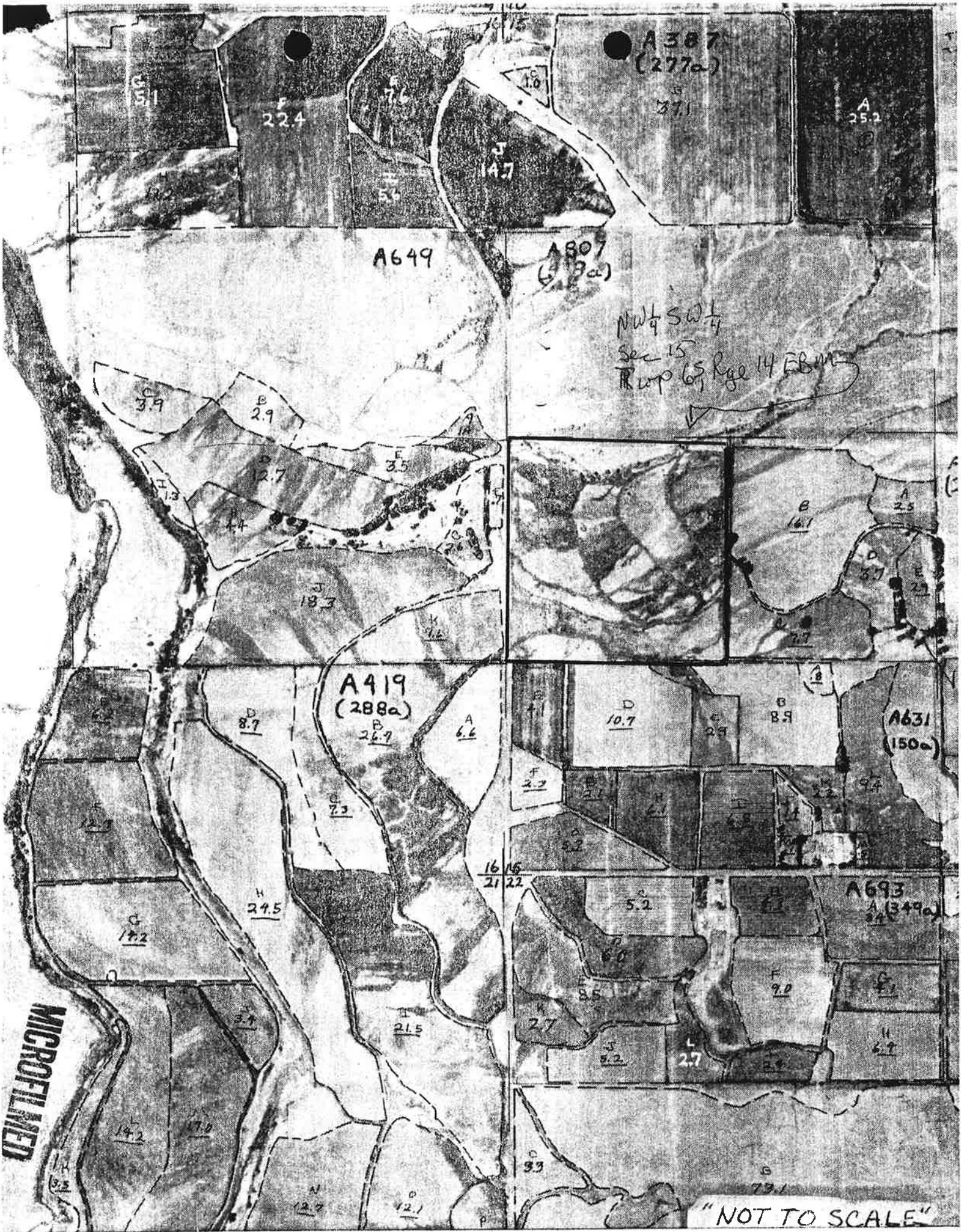
Sec 15
Range 6 South
Township 14 N



A
B
C } Pts of DIVERSION

*div
outlet
gone
bank dam*

MICROFILMED



A387
(277a)

A252

A649

A807
(43a)

NW 1/4 SW 1/4
Sec 15
Rwp 65 Rge 14 EBM

A419
(288a)

A631
(150a)

A693
(349a)

MICROFILMED

"NOT TO SCALE"

Boise Meridian, Idaho.

T. 6 S., R. 14 E.,

Sec. 15, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 40.00 acres, according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the said Acts of Congress, in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said Charles M. Luther and to his heirs the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Charles M. Luther and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States. This patent is issued subject to the provisions of the Act of June 17, 1902 (32 Stat. 388), the Acts amendatory thereof and supplementary thereto, and Sections 1 and 2 of the Act of May 15, 1922 (42 Stat. 541) and the Act of March 31, 1950 (64 Stat. 39). Reserving unto the United States, its permittee or licensee, the right to enter upon, occupy and use, any part or all of that portion of the said land lying within 25 feet of the center line of the transmission line right of way of the Idaho Power Company for the purposes provided in the Act of June 10, 1920 (41 Stat. 1063) and subject to the conditions and limitations of Section 24 of said Act, as amended by the Act of August 26, 1935 (49 Stat. 846).

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the ninth day of May in the year of our Lord one thousand nine hundred and fifty-five and of the Independence of the United States the one hundred and seventy-ninth.

For the Director, Bureau of Land Management.

(U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT SEAL)

By S.C. NICHOLS
Chief, Patents Unit.

Patent No. 115214

Filed for record at the request of Charles M. Luther, at 1:30 P.M., May 26, 1955.

Bert Bowler, Ex-Officio Recorder

Fees, \$ 1.25

By Dorothy Robbins, Deputy.

No. 127304

Idaho 05914

4-1040
(October 1948)

THE UNITED STATES OF AMERICA,
To all to whom these presents shall come, Greeting:

WHEREAS Certificate of the Land Office at Boise, Idaho, is now deposited in the Bureau of Land Management, whereby it appears that full payment has been made by Charles M. Luther, according to the provisions of the Act of Congress of June 17, 1902 (32 Stat. 388), as amended and supplemented, and the Act of March 31, 1950 (64 Stat. 39), for the following described land:

AFFIDAVIT

STATE OF IDAHO)
) SS.
County of Gooding)

Clyde Medford, being first duly sworn deposes and says:

1. That he is the son of J. F. Medford.

2. That as of January 1, 1946, J. F. Medford was the owner of or purchasing on a contract the following described real property, to-wit:

South one-half of the Northeast quarter (S½NE¼), and the North one-half of the Southeast quarter (N½SE¼) Section 16, Township 6 South, Range 14 East, Boise Meridian.

3. That J. F. Medford irrigated those parts of the above-described real property that are presently in cultivation, by using waste water off of the South Gooding Main and Lateral South Tail-end, during the farming season of 1946, and thereafter until such time he sold the said real property to C. M. Luther.

DATED this 13th day of March, 1981.

Clyde Medford

STATE OF IDAHO)
) SS.
County of Gooding)

On this 13th day of March, 1981, before me, the undersigned, a Notary Public in and for said State, personally appeared CLYDE MEDFORD known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the day and year first above written.

John C. Johnson

Notary Public for the State of Idaho
Residing at Gooding, Idaho

MICROFILMED

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 37-4166
Date Received: 8/23/1988
Receipt No: S001640
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ALAN C OPPIO Phone: (208) 934-9474
PO BOX 381
GOODING ID 83330

2. Date of Priority: 05/26/1955

3. Source: WASTE WATER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	14E	15	NE NW SW	GOODING	

5. Description of diverting works:

DIVERSION DAMS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/15	0.7	

7. Total Quantity Appropriated is:

0.7 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	14E	15	NW	SW	IRRIGATION	35
Section Acres						35
Total Acres						35

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:

THERE ARE 2 P/DS IN THE NWSW SEC. 15.
SOURCE IS SPILLAGE FROM AMERICAN FALLS RES. DIST. #2 CANAL.

15. Basis of Claim: Statutory Claim



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 cursive script, reading '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
P.O. Box 381
Gooding, ID 83330
 New Telephone Number (208) 934-9474
5. Date you acquired the property February 2002

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:

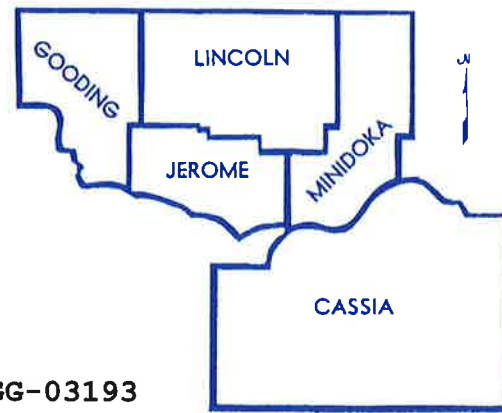
TOWNSHIP 6 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

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

Q.D.

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO:
OFFICE:

GG-03193
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 678-3524 - FAX 678-4435

BOX 348, 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 436-0808 - FAX 436-1199



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 27, 2001

RECEIVED

APR 04 2002

Department of Water Resources
Southern Region

CHARLES M LUTHER
PO BOX 207
GOODING ID 83330-0207

Re: Snake River Basin Adjudication (SRBA)
Water Right(s) #~~37-193B~~, 37-2069, **37-4166**, 37-4167, 37-10881, 37-10882,
~~37-10883~~, ~~37-10884~~ 37-10885 37-8338
Change of Address ~~WR~~

Dear Water Right Holder:

Records updated 1/11/02 up

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary **and list any other water rights you may have** before returning this letter by January 18, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

~~CHANGE OF OWNERSHIP
LETTER SENT~~

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Charles M Luther
Claimant Signature

934-459.5
Telephone No.

SS 87
SS 88
SS 89
SS 90
SS 91
SS 92
SS 93
SS 94
SS 95
SS 96
SS 97
SS 98
SS 99
SS 100
SS 101
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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: A37-04166
Date Received: 8/23/1988
Receipt No: 5001640
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES M. LUTHER 208-934-5153
Address: RT. 2, BOX 236
1817 S., 1750 E.
GOODING, ID 83330

2. Date of Priority: MAY 26, 1955

3. Source: WASTE WATER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	14E	15	NE	NW	SW		GOODING

5. Description of diverting works:
DIVERSION DAMS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.700		

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

8. Total consumptive use is 105.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	14E	15	NW	SW		IRR	35.0
Section Acres							35.0

10. Place of Use: Continued

Total Acres 35.0

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:
AMERICAN FALLS WATER

14. Remarks:
THERE ARE 2 P/DS IN THE NWSW SEC. 15.
SOURCE IS SPILLAGE FROM AMERICAN FALLS RES. DIST. #2 CANAL.

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
FEB 23 1993

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: 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): Charles M. Luther Date: 8-23-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 23rd day

of August 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

