

11/26/2004

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

RIGHT NUMBER: 37-4237

NAME AND ADDRESS: MRS C IEST  
2313 TERRACE DR  
CALDWELL ID 83605

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.330 CFS

PRIORITY DATE: 06/07/1951

POINT OF DIVERSION:

T05S R16E S11 SESE Within LINCOLN County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 11/15          | 2.330 CFS       |

PLACE OF USE: IRRIGATION Within LINCOLN County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T05S R16E S11 | SWSW | 0.5  | T05S R16E S11 | SESW | 3.0  |
| T05S R16E S11 | SWSE | 1.8  | T05S R16E S14 | NWNE | 17.0 |
| T05S R16E S14 | NENW | 29.0 | T05S R16E S14 | NWNW | 40.0 |
| T05S R16E S14 | SWNW | 19.0 | T05S R16E S14 | SENW | 1.5  |
| T05S R16E S15 | NENE | 3.4  | T05S R16E S15 | SENE | 1.2  |

116.4 ACRES TOTAL

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

Diversion of water under this right is limited to those times when water is available for diversion in Coulee 700 at the original point of diversion in T05S, R16E, S02, NWSE as prescribed in Instrument No. 105092, Ditch and Water Agreement, Dated September 9, 1954, Recorded July 3, 1956, 9:00 a.m., Book 5 Agreements Page 594, Lincoln County, Idaho.

This right is subject to the Coulee 700 Ditch and Water Agreement as described in Instrument No. 105092, Ditch and Water Agreement, Dated September 9, 1954, Recorded July 3, 1956, 9:00 a.m., Book 5 Agreements Page 594, Lincoln County, Idaho.

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.

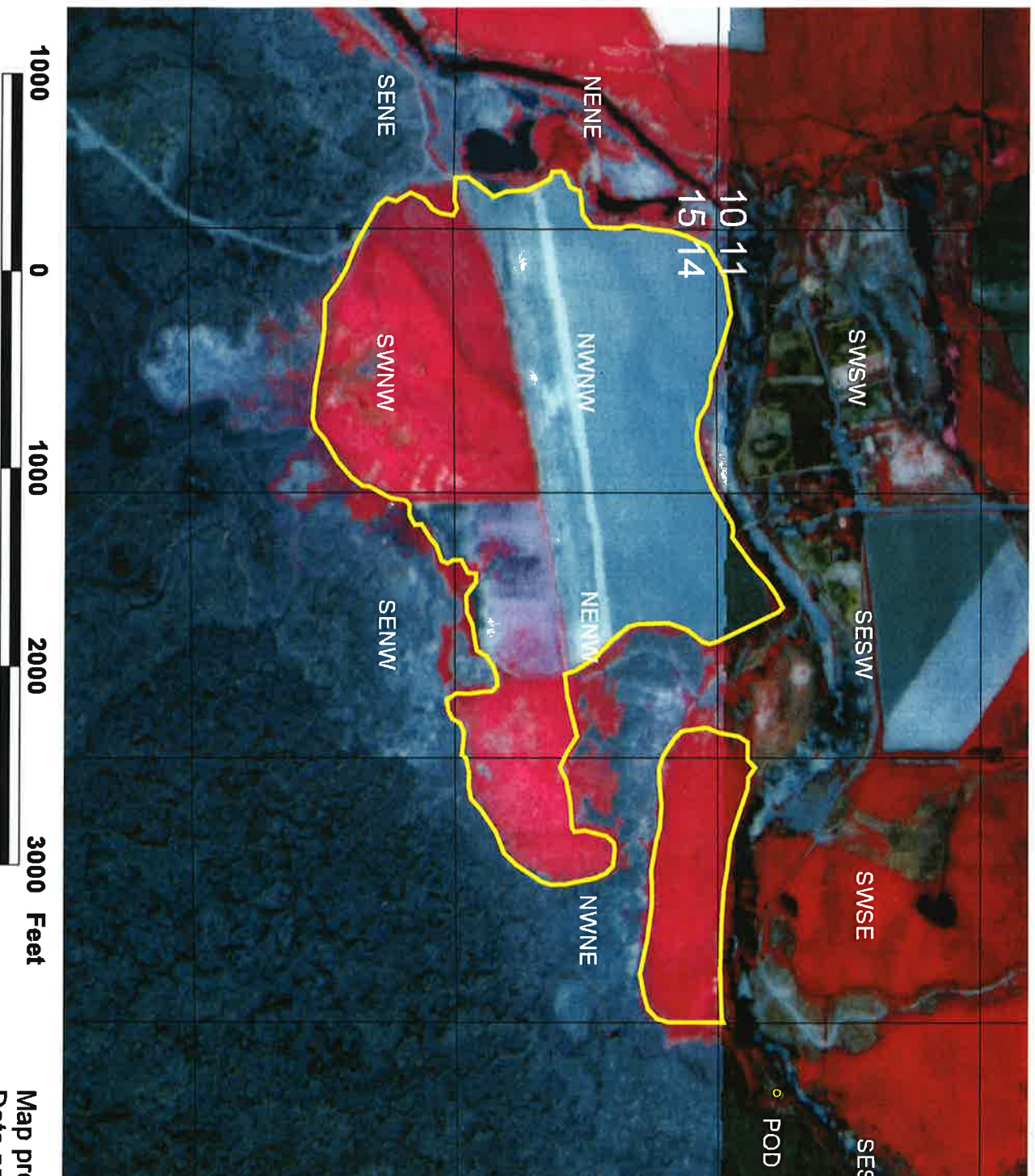
EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

# 37-4237

## T05S R16E S11 S14 & S15



Map prepared by: Carter Fritschle  
Date prepared: 01/17/03 - Revised 11/23/04  
1987-1988 NAPP photography  
Idaho Department of Water Resources

## Contacts Data Entry Form

Claim Number 37-4237

| Owner Type    | Full Name                     | Address         | City     | State | Zip   | Phone    |
|---------------|-------------------------------|-----------------|----------|-------|-------|----------|
| Current Owner | MRS C <del>TEST</del><br>IEST | 2313 TERRACE DR | CALDWELL | ID    | 83605 | 459-6382 |

Date of Field Exam: 10-5-04 Time: 9:30 AAccompanied By: Nick Sabola Phone Number: 934-9648Relationship to Claimant: Renter

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

Nick took me to Property - 5 mi North-  
10 mi East of Gooding



## Point of Diversion and Source Data Entry Form

Claim Number 37-4237

## Claimed Point of Diversion and Source

T05S R16E S11 SESE Within LINCOLN County Source: BIG WOOD RIVER MALAD RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

## Water Right Point of Diversion and Source

T05S R16E S11 SESE Within LINCOLN County

## Recommended Point of Diversion and Source

## Source Information

Source

Tributary To

Wastewater from \_\_\_\_\_ Malad River  
 neighbors & Big \_\_\_\_\_  
 Wood River - Amer. Falls system \_\_\_\_\_

| Twp | Rge | Sec  | Gov Lot | QQQ of QQ of Q | County  | Source |
|-----|-----|------|---------|----------------|---------|--------|
| 55  | 16E | 11/4 |         |                | Lincoln |        |
|     |     |      |         |                |         |        |
|     |     |      |         |                |         |        |

Other rights from this POD? Deerood - Amer Falls - waste

Document how the POD and Source were verified:

Nick took me out to POD - old Pump  
 site - now pipe across River - approx where  
 shown on color photo - SEE GPS  
 Test 1 2457690 1310884 <sup>plate</sup> A0015203 <sup>photo</sup> 1036335

Reviewer: Date: 10-5-04

## Place Of Use Data Entry Form

Claim Number 37-4237

## Claimed Place Of Use

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T05S R16E S11 | SESW | 3.0  | T05S R16E S11 | SWSE | 1.0  |
| T05S R16E S14 | NWNE | 16.0 | T05S R16E S14 | NENW | 31.0 |
| T05S R16E S14 | NWNW | 39.0 | T05S R16E S14 | SWNW | 19.0 |
| T05S R16E S14 | SENW | 3.0  | T05S R16E S15 | NENE | 4.0  |
| T05S R16E S15 | SENE | 1.0  |               |      |      |

Total Acres 117

☐ Use Claimed POU as Recommended POU

## Water Right Place Of Use

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T05S R16E S11 | SESW | 3.0  | T05S R16E S11 | SWSE | 1.0  |
| T05S R16E S14 | NWNE | 16.0 | T05S R16E S14 | NENW | 31.0 |
| T05S R16E S14 | NWNW | 39.0 | T05S R16E S14 | SWNW | 19.0 |
| T05S R16E S14 | SENW | 3.0  | T05S R16E S15 | NENE | 4.0  |
| T05S R16E S15 | SENE | 1.0  |               |      |      |

Total Acres 117

OK By Nick

## Recommended Place of Use

☐ See corrections to claimed POU above

| Twp | Rge       | Sec | QQ | Q | County  | Lot Num | Acres | Purpose of Use |
|-----|-----------|-----|----|---|---------|---------|-------|----------------|
| 55  | SEE ABOVE |     |    |   | Lincoln |         |       | Irrig          |
|     |           |     |    |   |         |         |       |                |
|     |           |     |    |   |         |         |       |                |
|     |           |     |    |   |         |         |       |                |

Total Acres \_\_\_\_\_

Document how the POU was verified:

NICK DROVE ME AROUND PROPERTY AND WE REVIEWED YELLOW AREA ON COLOR MAP WHICH HE SAID IT LOOK OK

Reviewer: \_\_\_\_\_



Date: 10-5-04

## Period of Use and Quantity Data Entry Form

Claim Number 37-4237

## Claimed Period of Use and Diversion Rate

| Water Use              | Start                            | End                      | Rate | Volume        |
|------------------------|----------------------------------|--------------------------|------|---------------|
| IRRIGATION             | 5/01 <i>when water available</i> | 10/15 <i>some times</i>  | 3    | <i>varies</i> |
| Overall Diversion Rate | 3                                | 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             | 5/01  | 10/15                    | 3    |                       |
| Overall Diversion Rate | 3     | Overall Diversion Volume |      | <i>no mea. system</i> |

## Recommended Period of Use and Diversion Rate

| Water Use         | Start         | End | Rate | Volume |
|-------------------|---------------|-----|------|--------|
| <i>Irrigation</i> | <i>varies</i> |     |      |        |
|                   |               |     |      |        |
|                   |               |     |      |        |

Overall Diversion Rate \_\_\_\_\_ Overall Diversion Volume \_\_\_\_\_

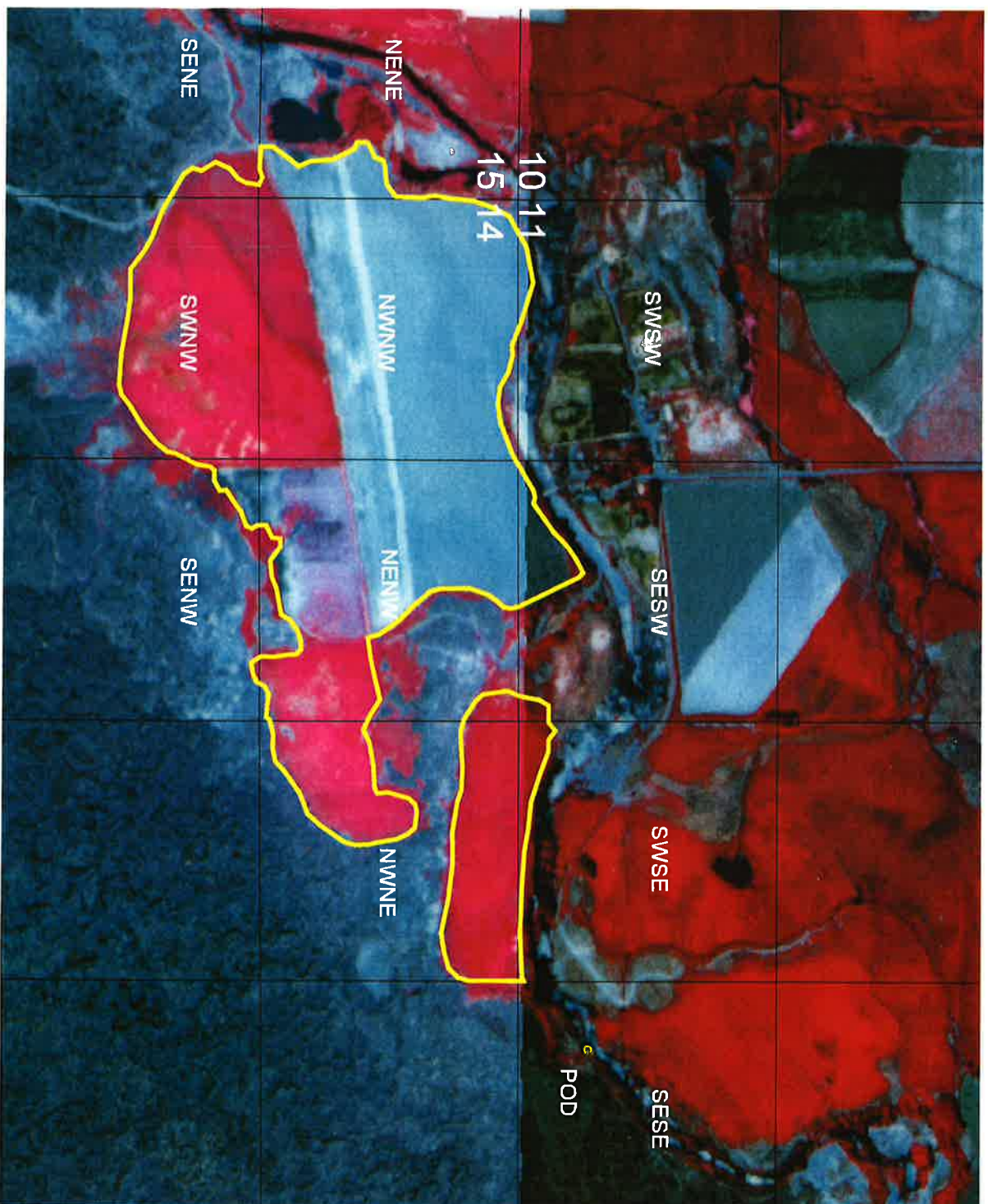
Document how the Period of Use and/or Diversion Rate were verified:

*this water varies when neighbors waste some and there is water from river*

Reviewer: \_\_\_\_\_

Date: *10-5-04*

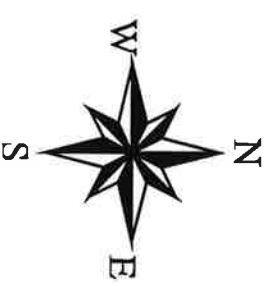
# 37-4237



1000 0 1000 2000 3000 Feet

**T05S R16E  
S11 S14 & S15**

*approved  
By Nick*



Map prepared by: Carter Fritschle  
Date prepared: 01/17/03  
1987-1988 NAPP photography  
Idaho Department of Water Resources

WR-NUMBER: 37-4237

CURRENT OWNER: MRS. C. TEST  
2313 TERRACE DRIVE  
CALDWELL, ID 83605

PRIORITY DATE: 1-May-1948

STAGE: STATUTORY CLAIM

PLACE OF USE: Township 05S Range 16E Section 14 Tract NWNE  
PLACE OF USE: Township 05S Range 16E Section 14 Tract NW  
PLACE OF USE: Township 05S Range 16E Section 15 Tract NE

1978

COUNTY: LINCOLN  
SOURCE: WASTE WATER  
WATER USE:  
IRRIGATION

TRIBUTARY: BIG WOOD RIVER

DIVERSION-RATE: 3.000 CFS  
TOTAL RATE: 3.000 CFS  
DIVERSION-VOLUME: 0.00 AF  
TOTAL VOLUME: 0.00 AF

POINT OF DIVERSION: T05S R16E S11 SESE

| PLACE OF USE: | T05S | R16E | S11 | SESE | AC 03 |
|---------------|------|------|-----|------|-------|
|               | T05S | R16E | S11 | SESE | AC 01 |
|               | T05S | R16E | S14 | NWNE | AC 16 |
|               | T05S | R16E | S14 | NWNE | AC 31 |
|               | T05S | R16E | S14 | NWNE | AC 39 |
|               | T05S | R16E | S14 | SWNW | AC 19 |
|               | T05S | R16E | S14 | SENE | AC 03 |
|               | T05S | R16E | S15 | SENE | AC 04 |
|               | T05S | R16E | S15 | SENE | AC 01 |

TOTAL ACRES: 117

RECEIVED  
Aug 6 2004  
Department of Water Resources

RECEIVED

AUG 24 1981

August 19, 1981

Department of Water Resources

Director of Department of Water Resources  
Statehouse  
Boise, Idaho 83720

Gentlemen:

Please find enclosed a copy of the water and ditch agreement to the use of the waters of 700 Creek. This agreement pertains to the use of the waters of 700 Creek and bears directly on any determination of the uses of these waters. I request that this agreement be included in the records of claims 37-4079, 37-4081, 37-4088 and any future claims which may be filed to the waters of 700 Creek.

Sincerely,



Lois L. Peterson  
Rt. 1 Box 90  
Shoshone, Idaho 83352

37-4237 - claimed SRBA  
37-4088 - not claimed SRBA  
37-4186 - claimed SRBA  
37-4187 - claimed SRBA  
37-2521 - not claimed SRBA (priority date 6-7-1951)  
37-4081 - claimed SRBA  
37-4079 - not claimed SRBA

nick  
sabola 434 9648-

50.00 Filing Fee  
117.00 Variable  
= 167.00

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

RECEIVED

Ident. Number: A37-04237  
Date Received: 7/08/1988  
Receipt No: W0004531-W000454  
Received By: SM

JUL 15 1988

Department of Water Resources  
Southern Region Office  
NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: MRS. C. ~~F~~<sup>I</sup>EST  
Address: 2313 TERRACE DRIVE  
CALDWELL, ID

83605

2. Date of Priority: MAY 01, 1948

3. Source: BIG WOOD RIVER(WASTEWATER) Trib. to: MALAD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 05S      | 16E   | 11      | SE     | SE     |     |     | LINCOLN |

5. Description of diverting works:

PUMP, DITCH TO GRAVITY IRRIGATION SYSTEM  
*Pipe across River*

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 05/01 | 10/15 | 3.000  |      |        |

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

*351.0*

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 05S      | 16E   | 11      | SE     | SW  |     | IRR           | 3.0   |
|          |       |         | SW     | SE  |     | IRR           | 1.0   |
|          |       |         |        |     |     | Section Acres | 4.0   |

A37-04237

Page 1

Date: 07/08/88

MICROFILMED  
FEB 23 1993

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 05S      | 16E   | 14      | NW     | NE  |     | IRR           | 16.0  |
|          |       |         | NE     | NW  |     | IRR           | 31.0  |
|          |       |         | NW     | NW  |     | IRR           | 39.0  |
|          |       |         | SW     | NW  |     | IRR           | 19.0  |
|          |       |         | SE     | NW  |     | IRR           | 3.0   |
|          |       |         |        |     |     | Section Acres | 108.0 |
|          |       | 15      | NE     | NE  |     | IRR           | 4.0   |
|          |       |         | SE     | NE  |     | IRR           | 1.0   |
|          |       |         |        |     |     | Section Acres | 5.0   |
|          |       |         |        |     |     | Total Acres   | 117.0 |

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): ✓ Tina Diet Date: 7-8-88  
Date:                     

State of Idaho                     )  
                                          ) SS.  
County of Canyon                )

Subscribed and sworn (or affirmed) before me this 8<sup>th</sup> day  
of July 19 88 Eather E. Haddard  
Notary Public  
Seal

Residing at Caldwell, Idaho  
My Commission Expires 7-25-93

**RECEIVED**

APR 7 1982

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 Mrs. C. Test

(Name of Claimant)

2313

2314 Terrace Drive, Caldwell, ID 83605

(Zip Code)

Telephone No. 459-6382

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) 1948

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)

Wastewater

tributary to

Big Wood River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)  
(Mo., Day) (Mo., Day)

Quantity 3.00 cfs Use irrigation Period of Use From May 1 To Oct 15

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) 3.00 cfs TOTAL QUANTITY USED.

(cfs, qpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Sec. 11 Twp. 5S Rge. 16E B.M., County of Lincoln

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. 35 hp pump, ditch to gravity irrigation system

- (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.

[illegible]

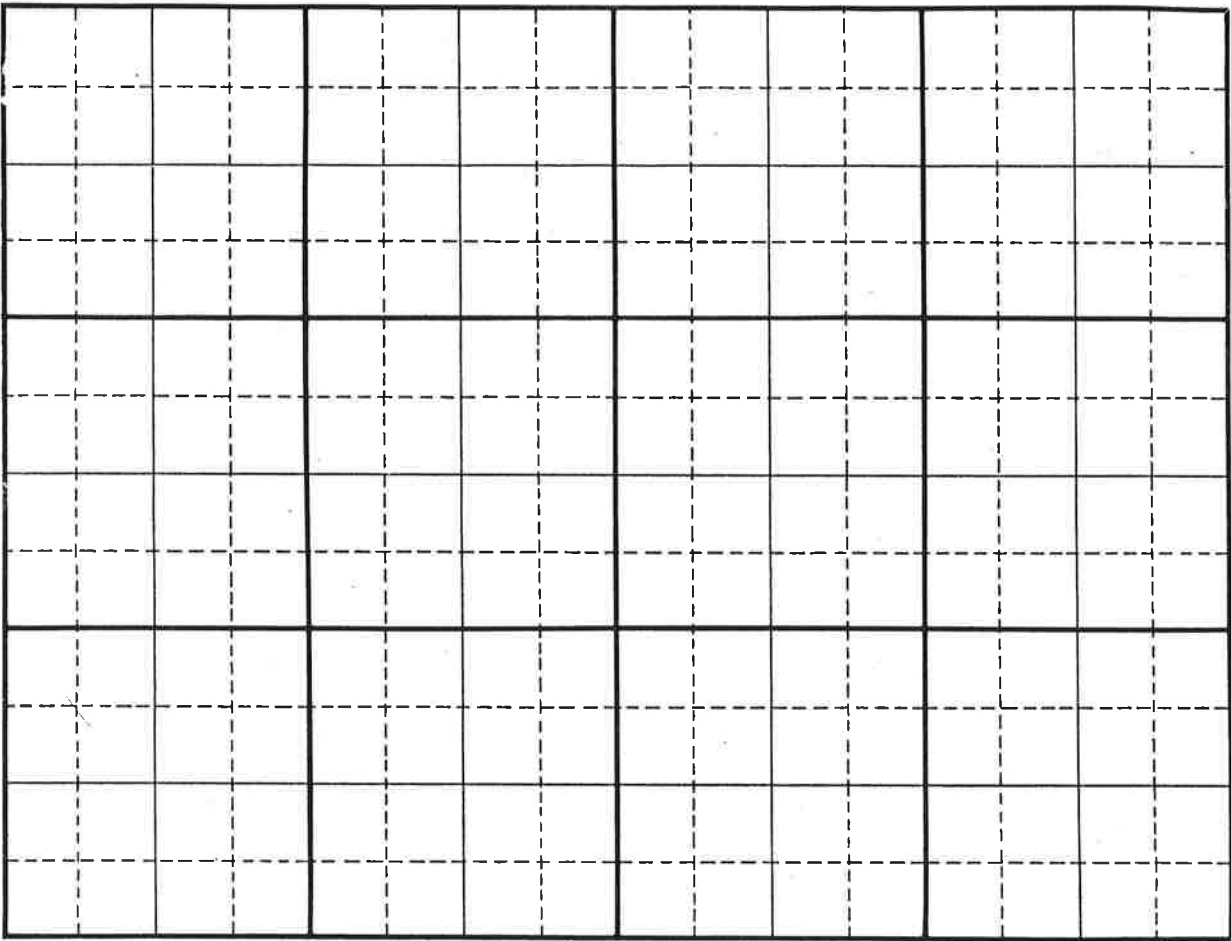
No. of acres 117

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

**NOTE:** Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks Water is diverted by a pump in the channel of the Big Wood River.. Water in the river at this point is wastewater, about 90% of which comes from nearby lands owned by the applicant.



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 Canyon ) 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 25th day of March

Aina Iest

(Claimant) One and the same  
19 82 Mrs. C. Iest

Wm. L. McKinley, Jr.  
Notary Public

Residing at Caldwell, Idaho

commission expires Lifetime

**RECEIVED**  
Received by JP Date 3-29-82 Exception filed by: \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by JP Date 4-18-82 " \_\_\_\_\_ claimant by: \_\_\_\_\_  
\$30.00 fee received by JP Date 3/30/82 22835  
Published in Lincoln Co. Journal  
Dates 4/22 & 4/29/82

3-31-82 FOR DEPARTMENT USE ONLY

