

11/23/2004

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

RIGHT NUMBER: 37-4319
NAME AND ADDRESS: DOROTHY M EDINBOROUGH
214 ORCHARD DR
GOODING ID 83330

GERALD C EDINBOROUGH
214 ORCHARD DR
PO BOX 112
GOODING ID 83330

SOURCE: WASTE WATER TRIBUTARY: BIG WOOD RIVER
QUANTITY: 0.540 CFS
PRIORITY DATE: 06/01/1947
POINT OF DIVERSION:
T05S R15E S12 NWNW 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	0.540 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T05S R15E S12	SWNW	20.0	T05S R15E S12	NWSW	7.0
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27 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.

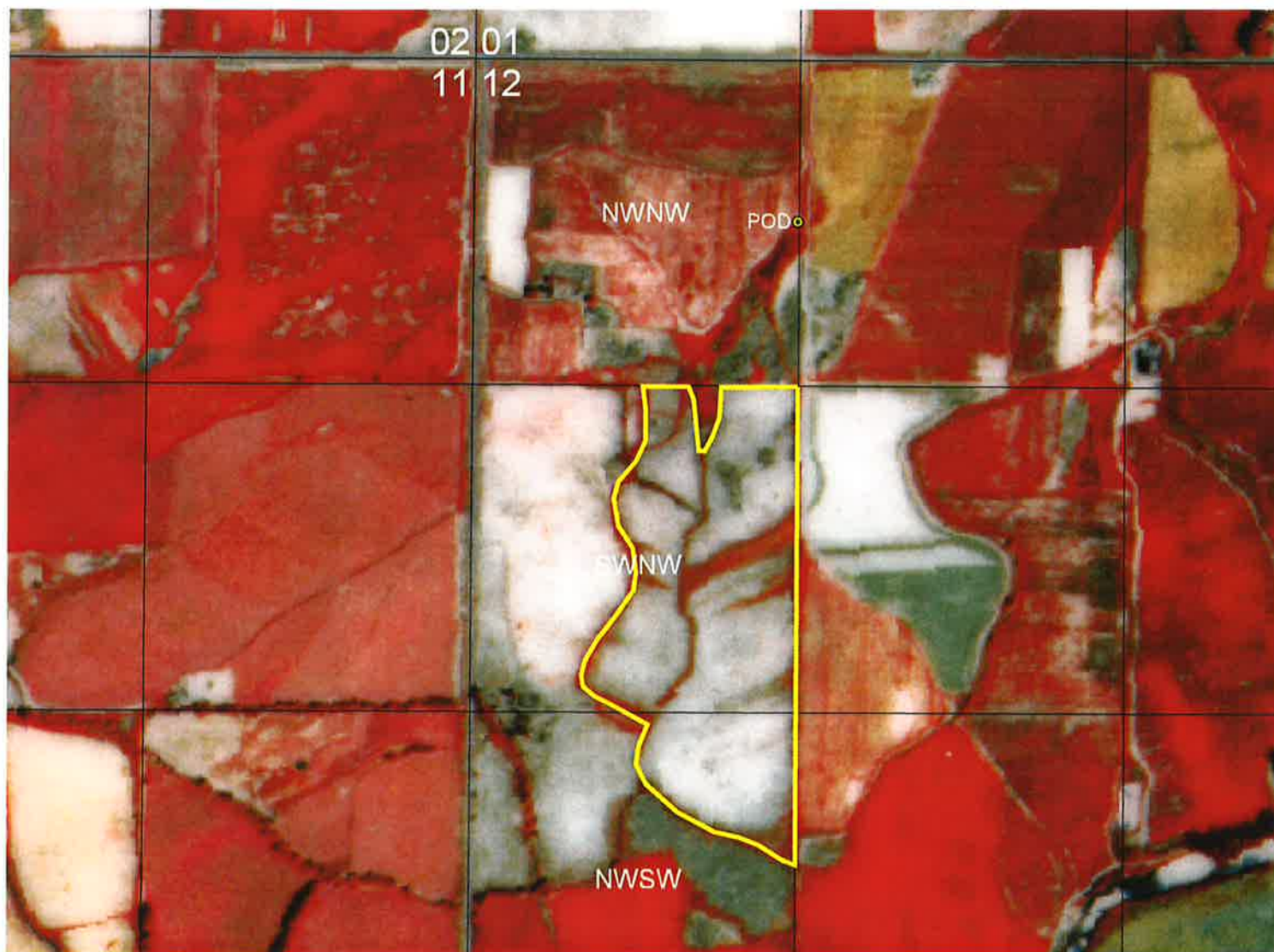
EXPLANATORY MATERIAL: Beneficial Use

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 American Falls Reservoir Dist. No. 2.

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

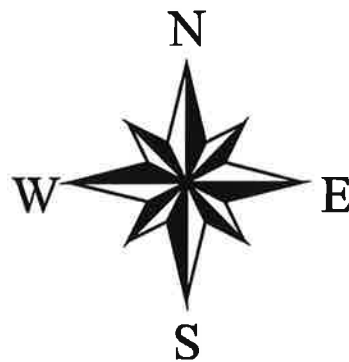
37-4319



700 0 700 1400 Feet

T05S R15E S12

Map prepared by: Carter Fritschle
Date prepared: 01/22/03 - Revised 11/23/04
1987-1988 NAPP photography
Idaho Department of Water Resources



Contacts Data Entry Form

Claim Number 37-4319

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	DOROTHY M EDINBOROUGH	214 ORCHARD DR	GOODING	ID	83330	(208)934-5015
Current Owner <i>dead</i>	~~GERALD C~~ EDINBOROUGH	214 ORCHARD DR PO BOX 112	GOODING	ID	83330	(208)934-5015

Date of Field Exam: 10/11/04 Time: 9:30 A*Contract Buying* 539-4588 cell
Accompanied By: Don Braun Phone Number: 934-5620Relationship to Claimant: Buyer

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

North of Gooding 5 mi approx 5 mi
East - Don is buying property on
Contract, he will own in approx 5 yrs

Point of Diversion and Source Data Entry Form

Claim Number 37-4319

Claimed Point of Diversion and Source

T05S R15E S12 SENWNW Within GOODING County Source: WASTE WATER ROBERTSON DITCH

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T05S R15E S12 NWNW Within GOODING County

Recommended Point of Diversion and Source

Source Information

Source

Waste water

Tributary To

Robertson DitchBig Wood River
CA 11-23-04

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
					<u>Gooding</u>	<u>waste from</u>
						<u>own & neighbors</u>

Other rights from this POD? NONE

Document how the POD and Source were verified:

Don took me out to POD & POD
RPS
Dorthy 1 2448720 1312278 plate NONE photo 1030338

Reviewer: Date: 10-11-04

Place Of Use Data Entry Form

Claim Number 37-4319

Claimed Place Of Use

T05S R15E S12 SWNW 20.0 T05S R15E S12 NWSW 7.0
Total Acres 27

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T05S R15E S12 SWNW 20.0 T05S R15E S12 NWSW 7.0
Total Acres 27

OK by Don

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
55	15E	12			Gooding			Irrigation

Total Acres _____

Document how the POU was verified:

Don took me to property and showed
me the approx 27 ac. as shown yellow on
map which Don said looks OK

Reviewer: _____

Date: 10-11-04

Period of Use and Quantity Data Entry Form

Claim Number 37-4319

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	2	
Overall Diversion Rate	2	Overall Diversion Volume		

varies day x day
year x year
undetermined
quite often none

☐ 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	3/15	11/15	2	
Overall Diversion Rate	2	Overall Diversion Volume		

no mea. system

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>irrigation</i>				

Overall Diversion Rate _____ Overall Diversion Volume _____

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

*With farmers - neighbors changing to sprinkler
irrig this wastewater is less and less
the past few years there has been very
little to none*

Reviewer: _____

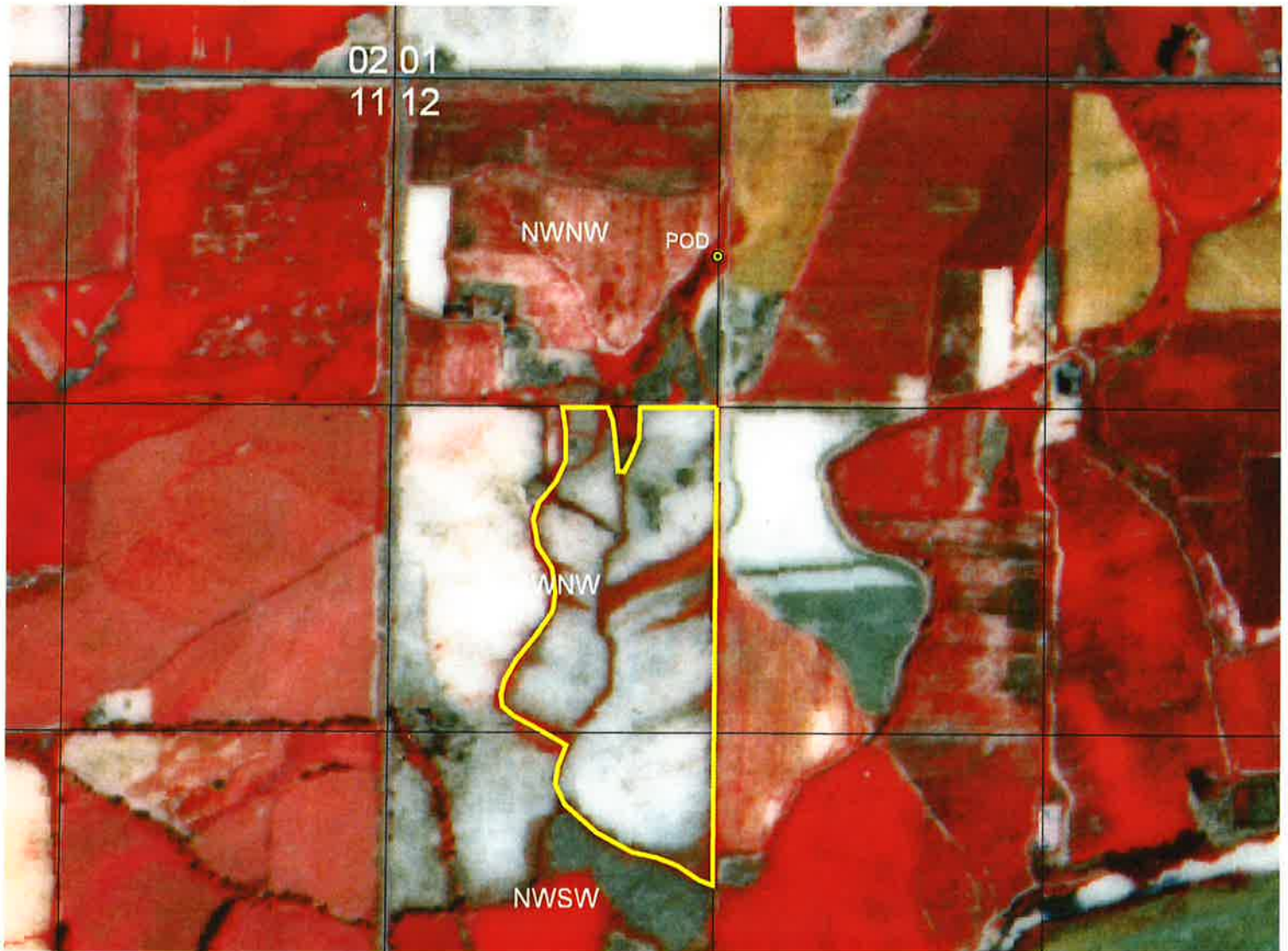
Date: _____

10-11-04

POD
approx as
shown photos
4/8 6/83

37-4319

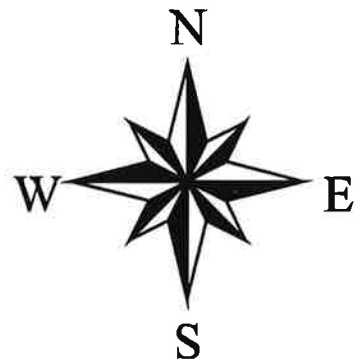
on on land



700 0 700 1400 Feet

T05S R15E S12

Map prepared by: Carter Fritschle
Date prepared: 01/22/03
1987-1988 NAPP photography
Idaho Department of Water Resources





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 www.idwr.state.id.us

Priority dt. June 01/927
w/ 52 water

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2004

37-4319

GERALD C AND DOROTHY M EDINBOROUGH
214 ORCHARD DR
PO BOX 112
GOODING ID 83330

Re: Evidence of Priority Date

Dear Claimants:

RESPONSE DEADLINE
AUGUST 27, 2004

The Notice of Claim to a Water Right (claim) identified with the number shown above your names has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

Sincerely,

Carter Fritschle
Water Rights Supervisor

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

RECEIVED
MAY 2 1983
Department of Water Resources
Southern District Office

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 Gerald Edinborough
(Name of Claimant)
#2, Box 112, Gooding, ID 83330 Telephone No. 934-5015
(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) 1947

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)
Waste water tributary to _____

(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, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>2.0 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>Mar. 15</u>	To <u>Nov. 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) 2.0 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ NW ¼, Sec. 12 Twp. 55 Rge. 55E B.M., County of Gooding
 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. Earth diversion dam earth ditches gravity flow irrigation.

(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]

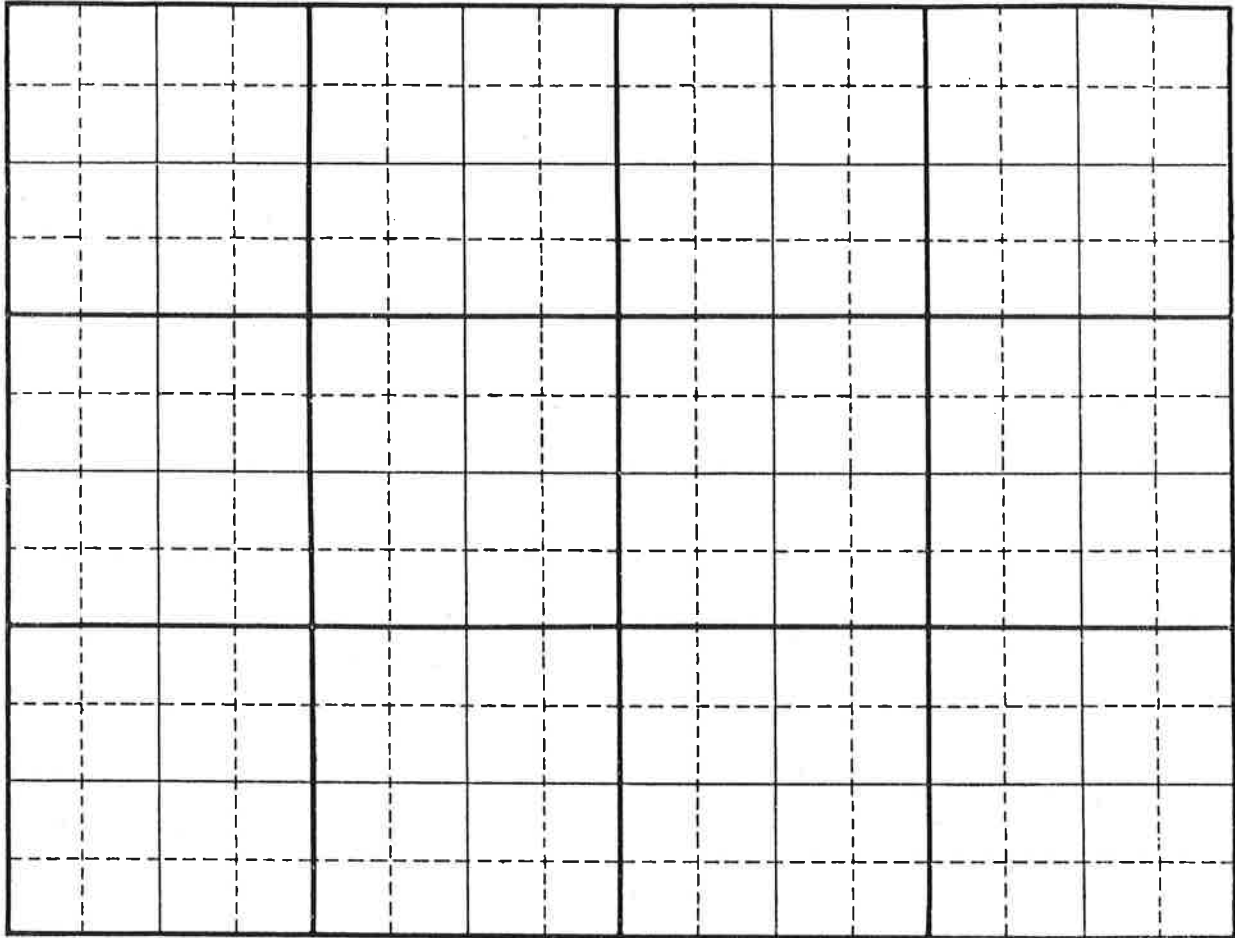
No. of acres 27

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 _____



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 12th day of April, 1983.

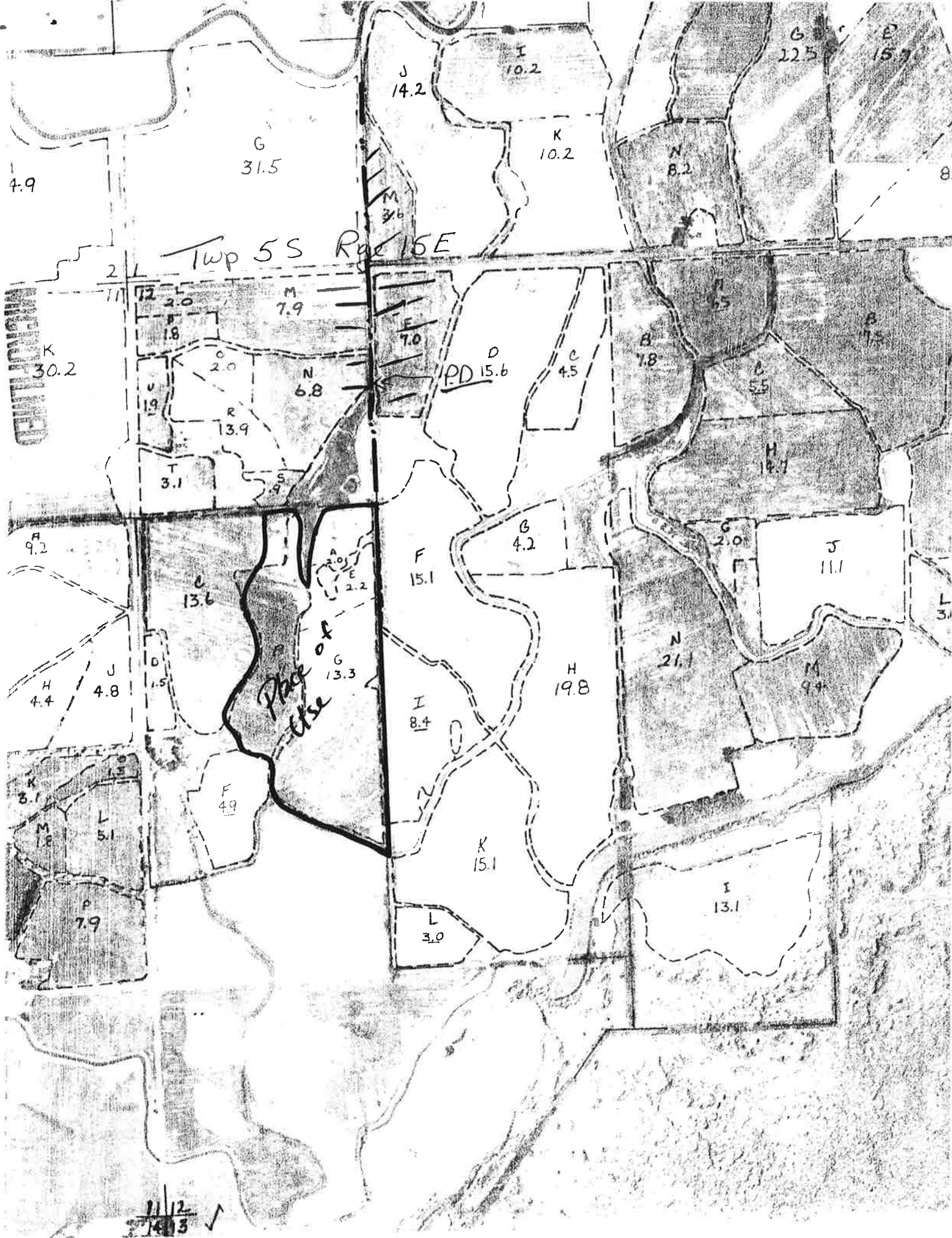
Paul C. Schindler
(Claimant)

Mae Morrow
Notary Public 1661 S. Main
Residing at Gooding, Id. 8330

My commission expires 10/83

FOR DEPARTMENT USE ONLY

Received by TE maw Date 5/2/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ADW Date 5/9/83
\$30.00 fee received by ADW Date 5/13/83 # 27292
Published in Gooding County Reader
Dates 6/29 & 7/16/83



11/12/3 ✓

707
STAN

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: A37-04319
Date Received: 8/22/1988
Receipt No: 5001602
Received By: ADL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALD EDINBOROUGH 208-934-5015
Address: 214 ORCHARD DRIVE
GOODING, ID 83330
AND/OR
Name: DOROTHY M. EDINBOROUGH 208-934-5015
Address: 214 ORCHARD DRIVE
GOODING, ID 83330

2. Date of Priority: JUN 01, 1927

3. Source: WASTE WATER Trib. to: ROBERTSON DITCH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	15E	12	SE	NW	NW		GOODING

5. Description of diverting works:
EARTH, DAM & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

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

8. Total consumptive use is 81.0 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED
FEB 24 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	15E	12	SW	NW		IRR	20.0
			NW	SW		IRR	7.0
						Section Acres	27.0
						Total Acres	27.0

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:

SHARES IN BIG WOOD CANAL CO. & A. F. R. D. #2

14. Remarks:

THIS CLAIM IS BASED ON STATUTORY CLAIM 37-4319 WHICH CLAIMED A PRIORITY OF 6/1/1947; THE DATE WHEN MR. EDINBOROUGH FARMED THE LAND. THIS WASTE WATER WAS BEING USED THEN AND BEFORE WITH PRIORITY OF FIRST USE ESTIMATED TO BE 1927.

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 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): *Ronald C. Finborough* Date: 8/22/88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 22nd day

of Aug 19 88

[Signature]
Notary Public

Seal

Residing at Riley, Id

My Commission Expires 6/30/94

