

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO

RECEIVED

DEC 11 2002

Department of Water Resources

ROGER BURDICK
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121



SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

December 9, 2002

Magic Valley Growers
375 W Avenue D
Wendell, ID 83355

RE: Water Right 37-07458A

Ladies and Gentlemen:

On August 8, 2002, the Idaho Department of Water Resources filed its *Director's Report for Irrigation & Other Uses, Reporting Area 16, IDWR Basin 37, Part 1, Groundwater* which contained the director's recommendation for a partial decree of water right 37-07458A. The owners of this water right, as reported by IDWR, are Shirley and David Bell. According to Mr. & Mrs. Bell, the property for this water right was sold to you "quite some time ago." However, neither the SRBA Court nor IDWR has a copy of any change of ownership.

I am enclosing a printout of the director's recommendation for this water right. Please review your records to confirm your ownership of this water right. Then, contact the Southern Regional Office of IDWR to file for a change of ownership. Because no decree has been issued, there is no charge for this filing.

However, if no change of ownership is filed by January 15, 2003, the SRBA Court will issue the partial decree for water right 37-07458A in the names of Shirley and David Bell. After the decree is issued, the charge for a change of ownership is \$25.

If you have questions about water right 37-07458A or about the SRBA, please contact the court at 736-3011 or the Southern Regional Office of IDWR at 736-3033.

Sincerely,

A handwritten signature in dark ink, appearing to read "Diana R Delaney".

Diana R Delaney
Case Administrator

DRD

cc: Shirley & David Bell
IDWR

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SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

December 9, 2002

David L Bell
Shirley M Bell
808 Grand View Drive
Twin Falls, ID 83301

RE: Change of Ownership to Water Right 37-0458A⁷

Dear Mr. & Mrs. Bell:

I appreciate your stopping by the SRBA office today. I contacted both the State Office and the Southern Regional Office of the Idaho Department of Water Resources and neither office can locate a current change of ownership for this water right changing the ownership from Bell to Magic Valley Growers.

To complete a change of ownership, you will need to contact the Southern Regional Office of IDWR at 736-3033. I have also written to Magic Valley Growers and asked them to review their records to verify ownership and to contact IDWR to complete the change of ownership and to contact me to verify ownership.

To satisfy notice requirements, I am adding Magic Valley Growers as an additional Claimant on this water right. Until a change of ownership is filed or until we can at least verify ownership with Magic Valley Growers, you will continue to receive information about this right. In the event that a change of ownership is not filed and Magic Valley Growers does not confirm ownership, the decree will be issued in the name of Shirley M. and David L. Bell.

Sincerely,

A handwritten signature in black ink, appearing to read "Diana R Delaney".

Diana R Delaney
Case Administrator

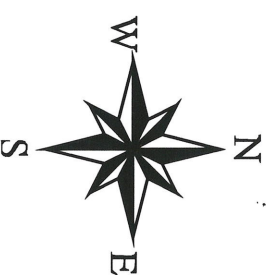
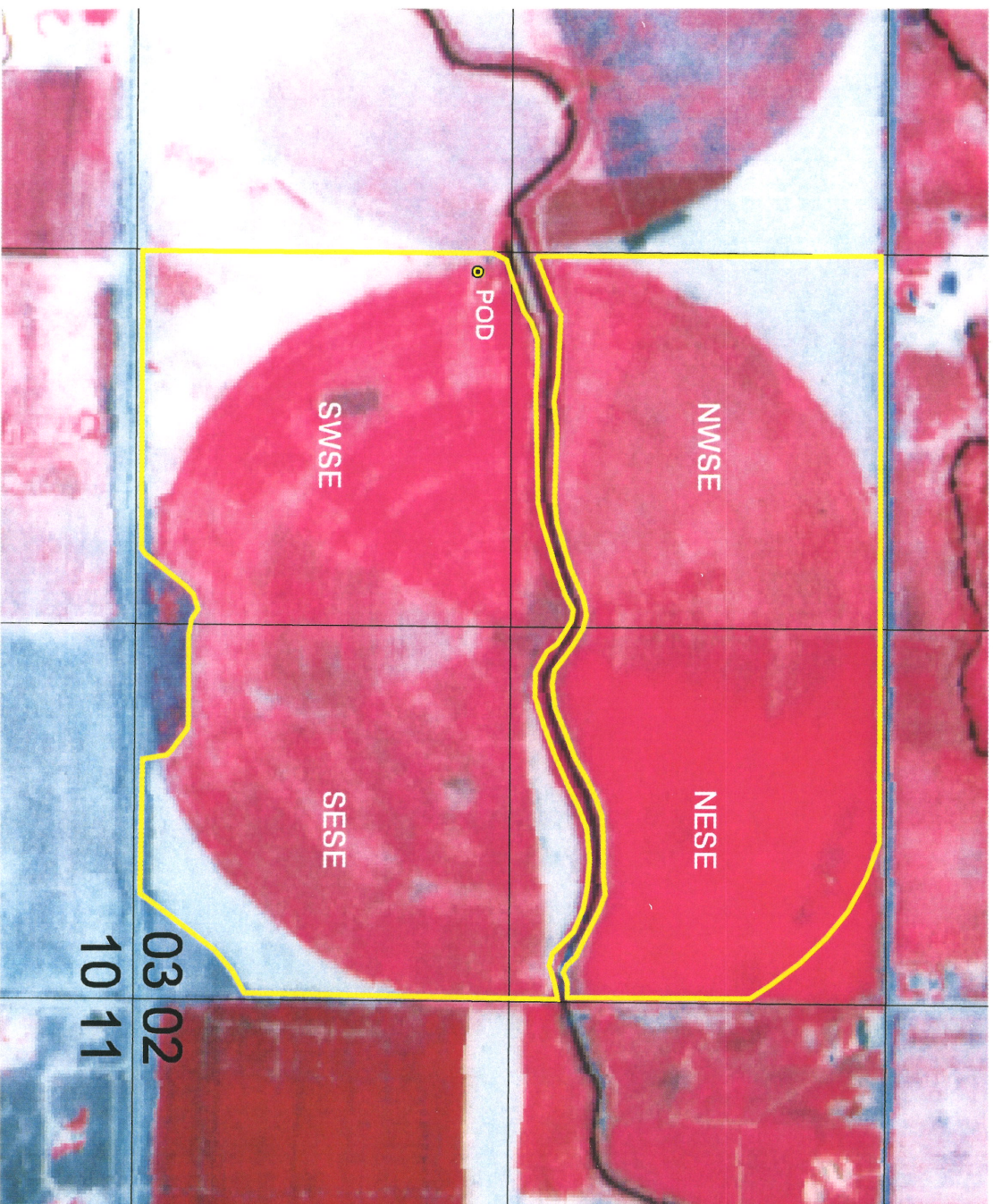
DDD

cc IDWR

SCANNED
DEC 11 2002

37-7458A

T06S R15E S03



Map prepared by: Carter Fritschle
Date prepared: 04/22/02
1987-1988 NAPP photography
Idaho Department of Water Resources

04/22/2002

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

RIGHT NUMBER: 37-7458A
NAME AND ADDRESS: SHIRLEY M BELL
422 S 100 E
JEROME ID 83338

DAVID L BELL
442 S 100 E
JEROME ID 83338

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 1.25 CFS
580.0 AFY
PRIORITY DATE: 10/14/1975
POINT OF DIVERSION:

T06S R15E S3 NWSWE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/15	1.250 CFS 580.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 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 GOODING County

T06S R15E S03	NESE	35.0	T06S R15E S03	NWSE	37.5
T06S R15E S03	SWSE	37.5	T06S R15E S03	SESE	35.0

145 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 AMERICAN FALLS RESERVOIR DIST. NO. 2.
USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

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: A37-07458A

Date Received: 8/29/1988

Receipt No: X777777

Received By: *C/C split RB*

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: SHIRLEY M BELL
Address: 422 S 100 E
JEROME ID

83338

AND/OR

Name: DAVID L BELL
Address: 442 S 100 E
JEROME ID

83338

2. Date of Priority: OCT 14, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	15E	3	NE	SE	SW		GOODING

5. Description of diverting works:
SPRINKLERS & HANDLINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/15	1.250		

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

8. Total consumptive use is 437.7 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	15E	3	NE	SE		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	15E	3	NW	SE		IRR	38.0
			SW	SE		IRR	38.0
			SE	SE		IRR	35.0

Section Acres 146.0

Total Acres 146.0

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 RES. AND BIG WOOD CANAL CO.

14. Remarks:

AC. IRR. = 287.5.

**

CHANGE OF OWNERSHIP ON 11/20/1992; OLSENS TO BELLS. COPY OF
WARRANTY DEED ON FILE. 1/05/1993 RVW.

OWNERSHIP CHANGE RESULTED IN A SPLIT FROM A37-07458. "A" PORTION
BELONGS TO BELL WITH 1.25 CFS(146 ACRES). "B" PORTION BELONGS
TO GOLDEN ACRES WITH 1.23 CFS(144 ACRES). BOTH SIGNATURES ON
FORM. TLB 4/26/96

15. Basis of Claim: LICENSE



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

DATE OF CLOSING: N/A

MAR 25 1996

LEGAL DESCRIPTION OF PROPERTY: Township 06S Range 15E.B.M.

Section 3, ----- 1/4 of ----- 1/4 of SW 1/4, Govt. Lot -----, BM.

Lot -----, Block -----, Subdivision/Townsite -----.

If you have additional legal descriptions, please attach separate sheet.- Exhibit "A"

Department of Water Resources
Southern Region

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)

Assigned by IDWR: A37-07458; A37-11159

☐ Name and Address of Former Owner/Claimant(s)(Seller):

David L. Bell and Shirley M. Bell

442 S. 100 E.

☐ New Owner/Claimant (Purchaser):

Jerome ID 83338

Golden Acres L. L. C.

☐ New Mailing Address:

P. O. Box 828

Wendell ID 83355

☐ New Telephone Number:

(208) 536-6656

☐ Does the change in ownership result in a splitting of the water right owned/claimed? x yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

1.23 cfs of Water License No. 37-07458 for irrigation of
145 acres; claimed in the Snake River Basin Adjudication

as Claim No. A37-07458

☐ Attach proof of ownership, describe proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

Signature of New Owner/Claimant(s)

Golden Acres LLC by [Signature], mgr. Date

Date

Signature of Former Owner/Claimant(s):

Shirley M. Bell Date 3/21/96

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 4/29/96 By: MB

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

NOV 27 1996

EXHIBIT "A"

Township 6 South, Range 15 East of the Boise Meridian, Gooding County, Idaho

Section 3: W1/2S1/2

EXCEPTING the following tax numbers 3 and 4, more particularly described as follows:

Tax #3

Township 6 South, Range 15 East of the Boise Meridian, Gooding County, Idaho

Section 3: A parcel of land described as follows:

COMMENCING at the Southwest corner of Section 3, said point lies South
0°07'00" West, 2,656.46 feet from the West Quarter corner of Section 3;
Thence North 0°07'00" East, 449.72 feet along the West boundary of Section 3 to the REAL
POINT OF BEGINNING;
Thence North 00°07'00" East, 475.45 feet;
Thence South 85°38'52" East, 82.35 feet;
Thence South 35°50'17" East, 120.09 feet;
Thence South 18°40'35" East, 155.26 feet;
Thence South 08°38'47" East, 227.84 feet;
Thence North 89°53'00" West, 237.36 feet to the REAL POINT OF BEGINNING.

Tax #4

Township 6 South, Range 15 East of the Boise Meridian, Gooding County, Idaho

Section 3: A parcel of land located in the SW1/4SW1/4 more particularly described as follows:

COMMENCING at the Southwest corner of Section 3, said point lies South
0°07'00" West, 2,656.46 feet from the West Quarter corner of Section 3;
Thence North 0°07'00" East, 925.17 feet along the West boundary of Section 3 to the REAL
POINT OF BEGINNING;
Thence North 00°07'00" East, 29.62 feet, along the West boundary of Section 3;
Thence South 89°53'00" East, 25.00 feet;
Thence South 57°52'48" East, 67.36 feet;
Thence North 85°38'52" West, 82.35 feet to the REAL POINT OF BEGINNING.

SUBJECT to a 25.00 foot wide county roadway easement parallel with and adjoining the West boundary of the above-described parcel.

RECORDED
NOV 27 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

MAY 2, 1996

GOLDEN ACRES LLC
1031 S 2400 E
HAZELTON ID 83335

RE: SRBA CLAIM(S) A37-07458 SPLIT (A37-07458A & B)
BELL

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S). WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

A handwritten signature in cursive script that reads "Tara L. Backlund".

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

CC: BELL, 422 S 100 E, JEROME, ID 83338

MICROFILMED
NOV 27 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7458 Priority October 14, 1975 Amount 2.48 cfs

THIS IS TO CERTIFY, that BLAIN H. OLSEN
of Gooding, Idaho, has complied with the terms and conditions of Permit
No. 37-7458 issued pursuant to Application for Permit dated October 14, 1975,
and has submitted proof to the Department of Water Resources on November 18, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.48 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 15</u>	at <u>2.48</u> cfs and	<u>1,125</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 2.48 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1,125 acre feet per year, said waters to be diverted within the SE 1/4 SW 1/4, Sec. 3, Twp. 6S,
Rge. 15E, B.M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	15E	3									37.5	30	37.5	37.5	35	37.5	37.5	35	287.5

Total number of acres irrigated 287.5

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this _____ day of
February, 19 80.

Director

A = 2.48 x 145 = 1.25 cfs
287.5

2 mi E $\frac{1}{4}$ N to E,
white with blue

3. Water will be used for the following purposes:

Other uses: _____

Max Rate of Diversion 3.00 cubic feet per second and annual volume _____ AF/Annum.

Township 6S N/S, Range 15E E/W, B.M., Section 3, Subdivision SE $\frac{1}{4}$ SW $\frac{1}{4}$, Gooding
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Other Points of Diversions:

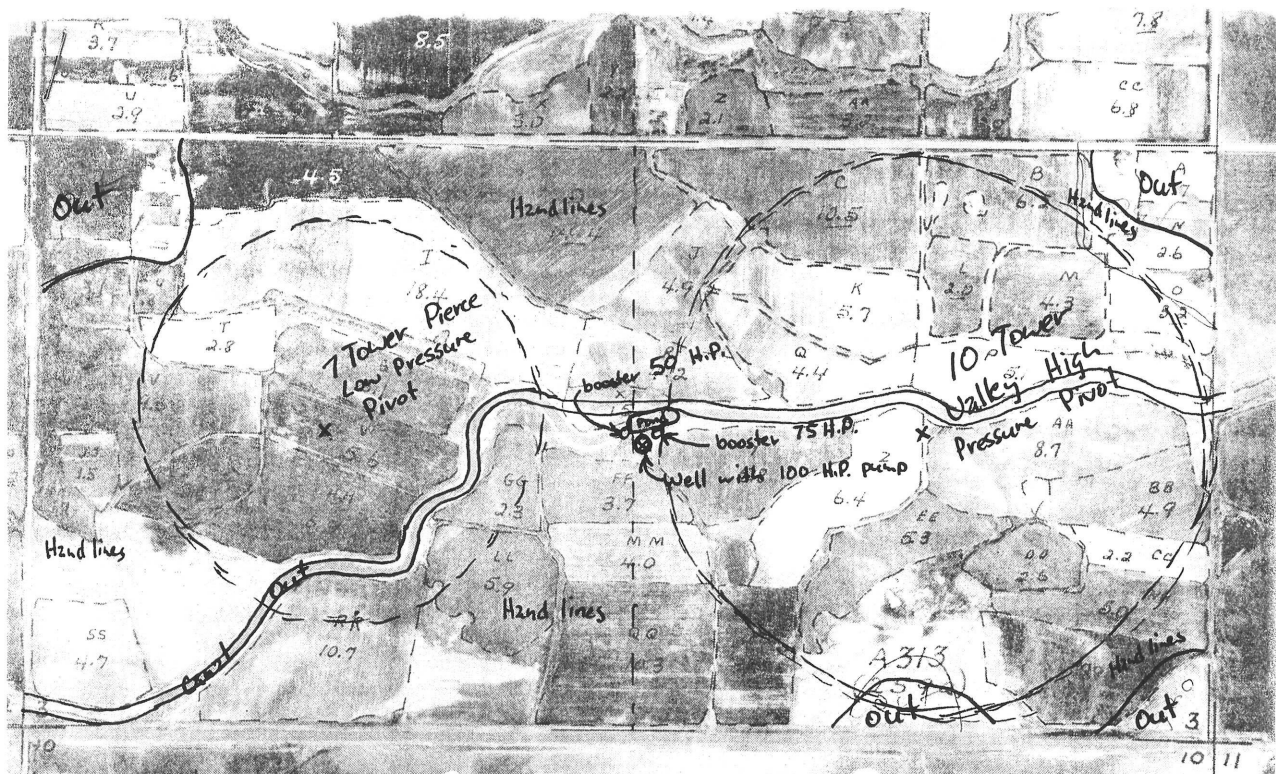
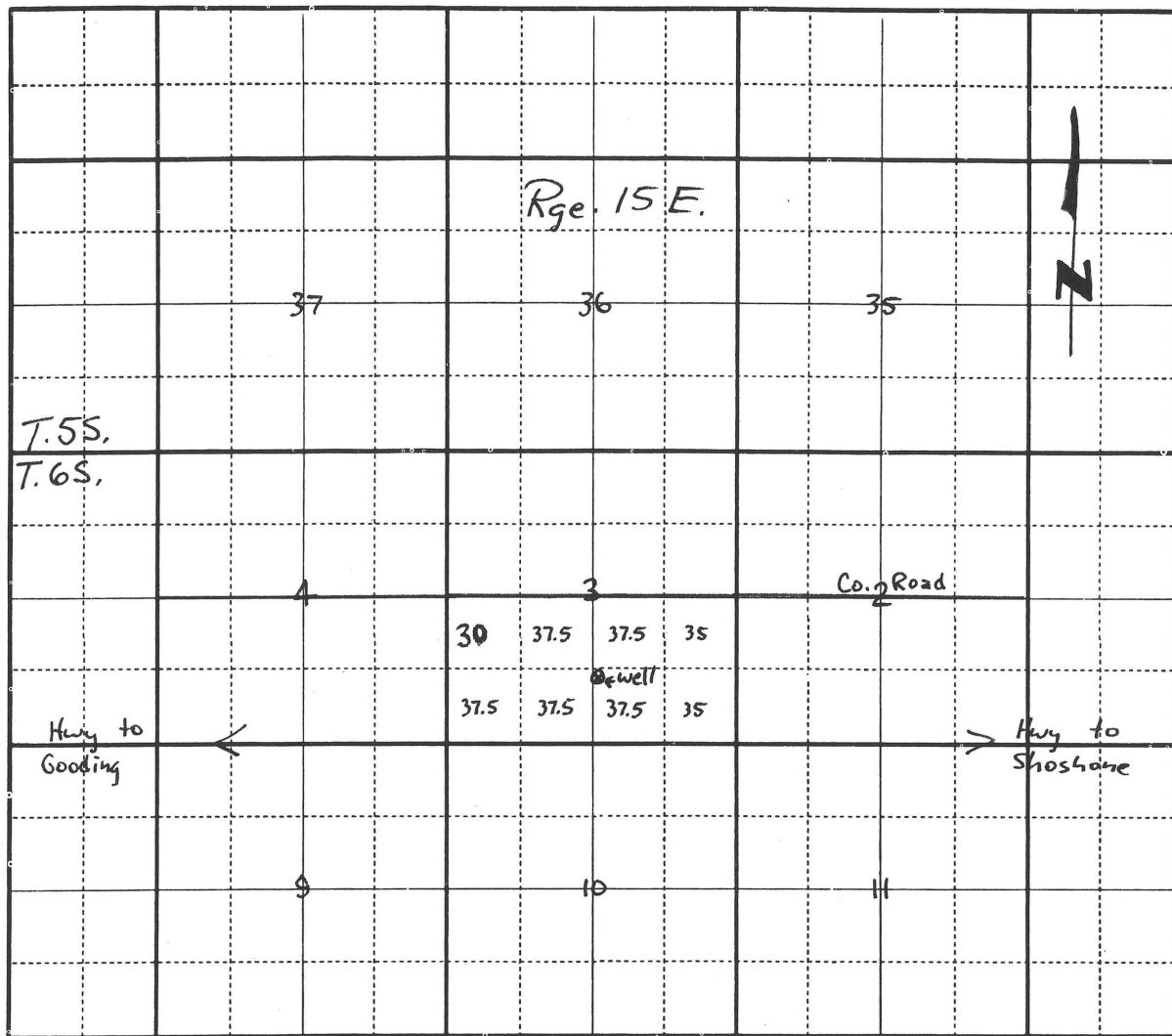
Description of diverting works: 16" well, casing down to 60' deep, 520' total depth, 100 hp motor lifting water 75 hp and 40 hp delivers water thru mainline and center pivot, 10" well pipe

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

292.5



DATE OF EXAM 4/16/79

ACREAGE
Found 287.5
Recommended 287.5

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q = 2.48 c.f.s. V = 1124.5 AF/Ann. from April 1 to Nov. 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes ☒ no _____

Name source: American Falls Dist. #2 water
twp. 6 S. ~~N.E.~~ Rge. 15 E. E/W, B.M., Sec. 3, Sub. SW 1/4 SE 1/4 Gooding
County

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County

Point of injection:
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County

Point of exchange:
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County

Total Q measured 2.48 cfs Method of measurement meter

Total Q recommended 2.48 cfs Meter No. 755 405 Type Rate-a-flow Condition Good

Total V recommended 1124.5 A.F./Ann.

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:
$$Q_{meas} = 1000 \text{ gal.} / 54.0 \text{ sec.} = \left[\frac{(1000 \times 60 \text{ sec./min})}{54.0} / 448.8 \text{ gpm/cfs} \right] = 2.48 \text{ cfs}$$

$$V_{req} = (2.48 \text{ cfs})(1.98 \text{ A.F./cfs/dy})(229 \text{ dy}) = 1124.5 \text{ A.F.}$$

SYSTEM DESCRIPTION:

A 100 H.P. General Electric motor drives the pump on the well; motor serial C4J310143. This pump open discharges into a small reservoir. Two pumps divert from the reservoir and supply the water for the sprinkler system. One is a 75 H.P. G.E. motor, serial LLJ1119351 with Wel Line pump No. 45663. The other is a 50 H.P. Newman motor with Peabody Floway pump, serial 78-31065. The sprinkler system consists of a 10 tower Valley high pressure pivot and a 7 tower Pierce low pressure pivot and several handlines for irrigating the areas not covered by the pivot.

REMARKS:

Mr. Olsen was present during exam. Mr. Olsen stated that the well when developed originally pumped 1300 gpm however since that time the well has decreased in rate probably due to wearing of pump because of pumping of sand.

Examiner's Signature Allen Merrill Date 4/19/79

Checked by J.E. Stanton / J. Sudabing Date 4-19-79

Approved by _____ Date _____