

10/20/2006

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

RIGHT NUMBER: 37-7746

NAME AND ADDRESS: DUANE E CUTRIGHT
454 RIVER RD
BLISS ID 83314

SOURCE: SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.110 CFS
54.700 AFY

PRIORITY DATE: 12/09/1978

POINT OF DIVERSION:

T06S R13E S21 NWNWNW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.110 CFS
54.70 AFY

PLACE OF USE:

IRRIGATION Within GOODING County

T06S R13E S16

SWSW

6.00

T06S R13E S21

NWNW

9.00

15 ACRES TOTAL

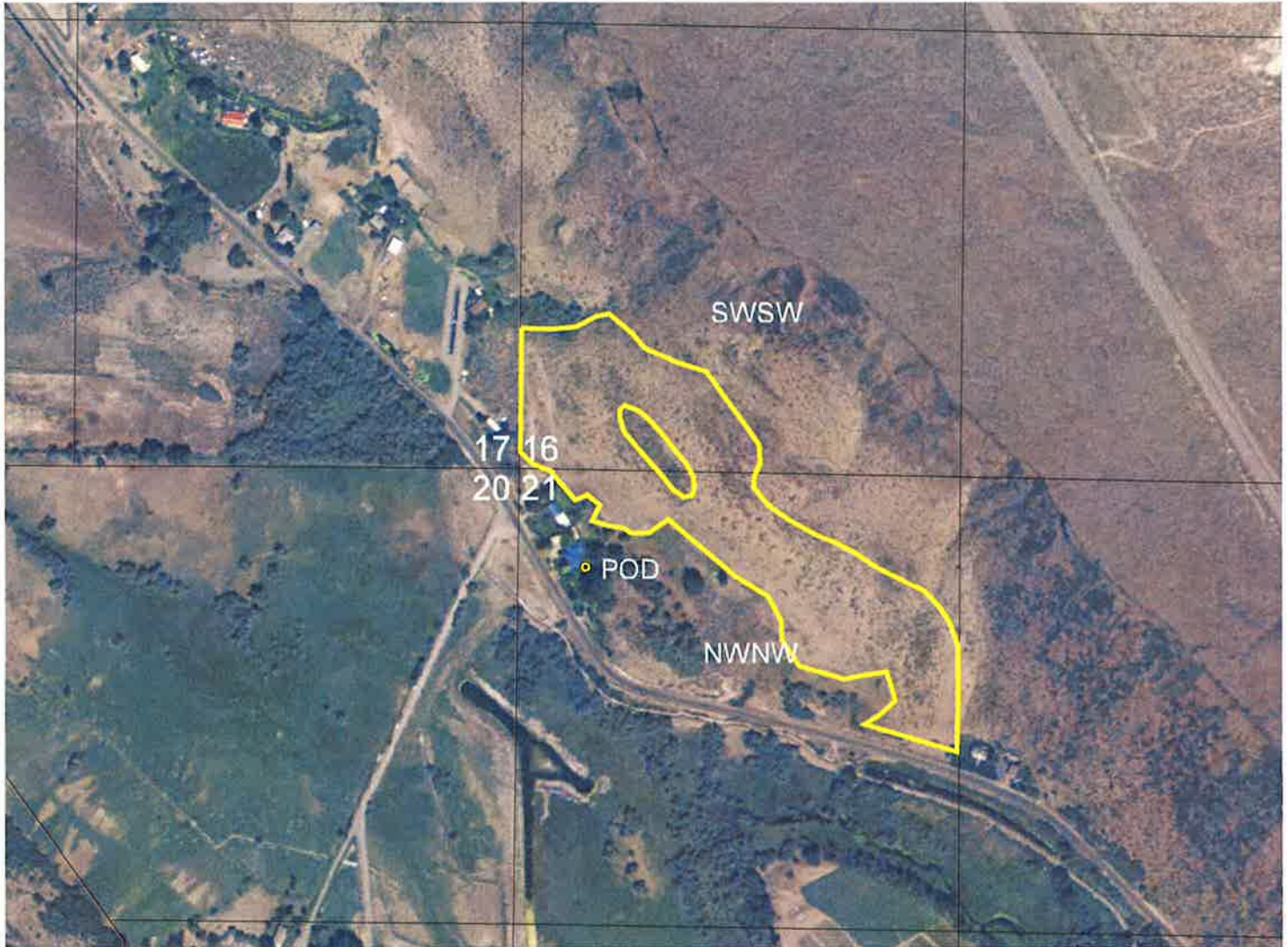
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The remainder of this right has been recommended as Right No.
37-21960.

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: BASIS OF CLAIM - License

37-7746



400 0 400 800 1200 1600 2000 Feet

T06S R13E S16 & S21

Map prepared by: Carter Fritschle
Date prepared: 10/30/02 - Revised 10/20/2006
2004 NAIP photography
Idaho Department of Water Resources



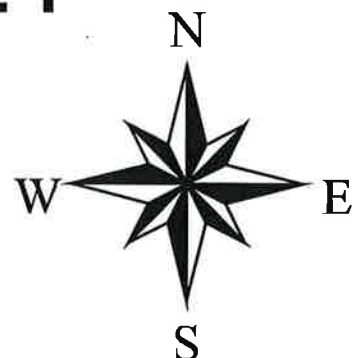
37-7746



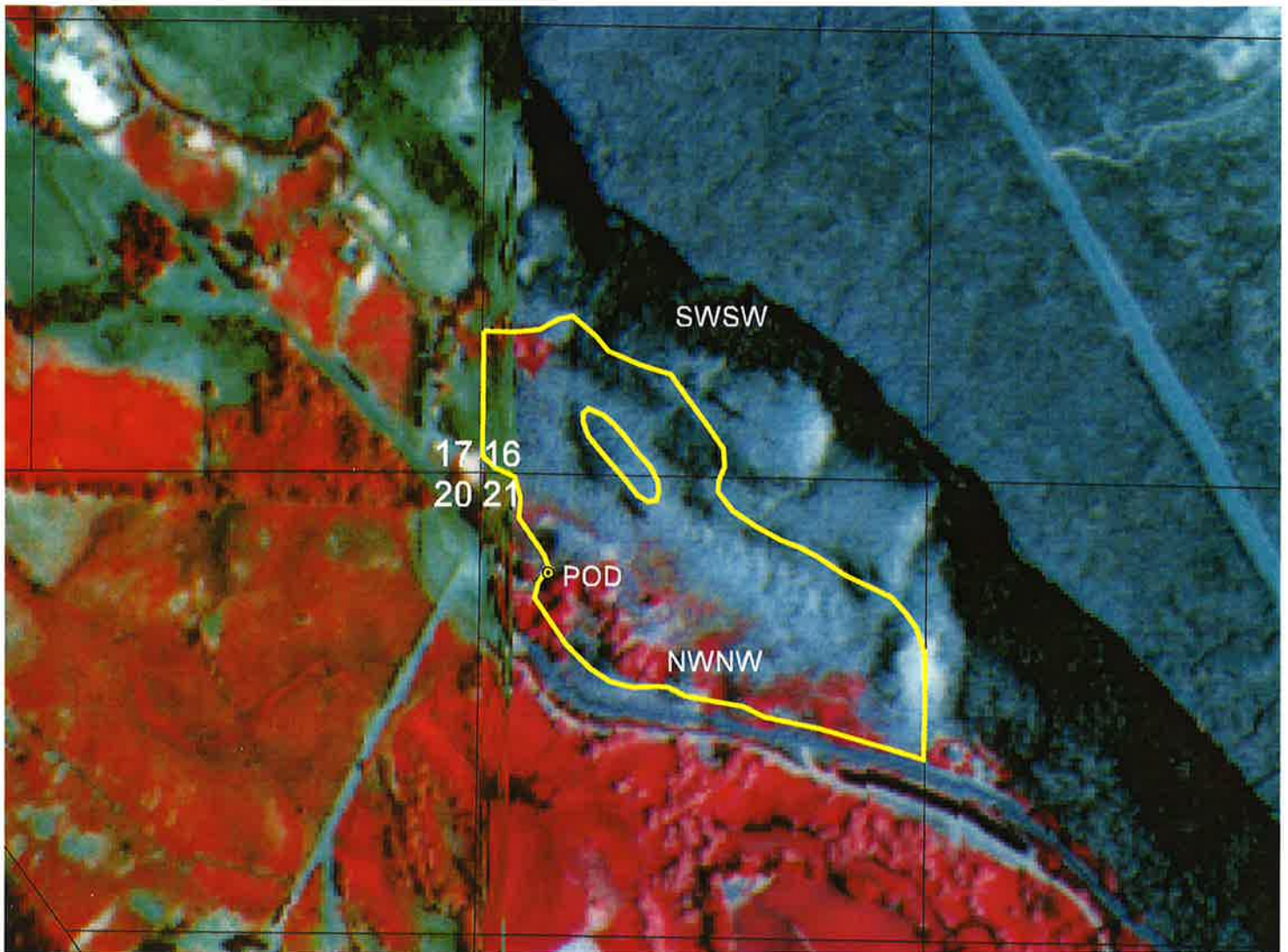
400 0 400 800 1200 1600 2000 Feet

T06S R13E S16 & S21

Map prepared by: Carter Fritschle
Date prepared: 10/30/02 - Revised 03/09/07
2004 NAIP photography
Idaho Department of Water Resources



37-7746



400 0 400 800 1200 1600 2000 Feet

T06S R13E S16 & S21

Map prepared by: Carter Fritschle
Date prepared: 10/30/02
1987-1988 NAPP photography
Idaho Department of Water Resources



02/13/2003

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

RIGHT NUMBER: 37-7746

NAME AND ADDRESS: DUANE E CUTRIGHT
454 RIVER RD
BLISS ID 83314

SOURCE: SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.150 CFS
72.900 AFY

PRIORITY DATE: 12/09/1978

POINT OF DIVERSION:

T06S R13E S21 NWNWNW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.150 CFS
72.90 AFY

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S16 SWSW 6.0 T06S R13E S21 NWNW 14.0

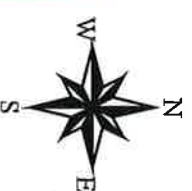
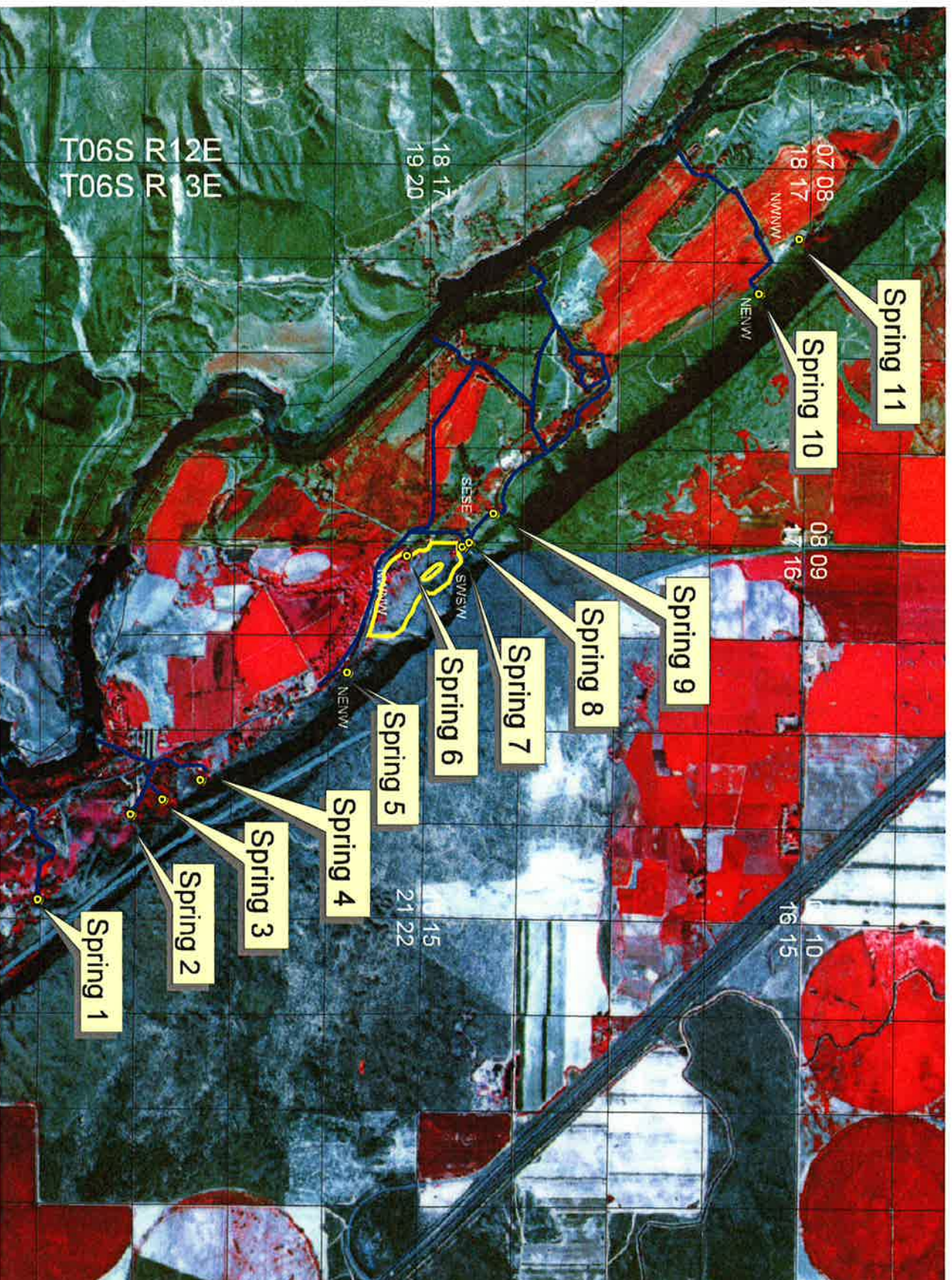
20 ACRES TOTAL

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

Montana Mining Co. Ditch and Springs



CLF 2002 - 2003

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07746

Priority: December 9, 1978 Amount: 0.15 CFS 72.9 AFA

This is to certify, that DUANE E. CUTRIGHT
P.O. BOX 501
GOODING, ID 83330

has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated November 28, 1978, and
has submitted proof to the Department of Water Resources on January 30, 1984, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .210 cfs of water from:

SPRING tributary to SNAKE RIVER

source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	03/15 to 11/15	0.15 CFS	72.9 AFA

LOCATION OF POINT OF DIVERSION(S): NWNWNW , Sec. 21, Township 06S, Range 13E
GOODING 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>
06S	13E	16	SWSW 6			6
		21	NWNW 14			14

Total number of acres irrigated: 20

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The maximum combined rate of diversion under this right & Right 37-7738 shall not exceed 0.21 cfs.

MICROFILMED

MAR 16 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07746

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 9TH
day of MARCH, 1989.

Acting for the Director

Roman C. Young

RECORDED

MAR 16 1989

RECEIVED
SEP 16 1987

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT Department of Water Resources

A. GENERAL INFORMATION

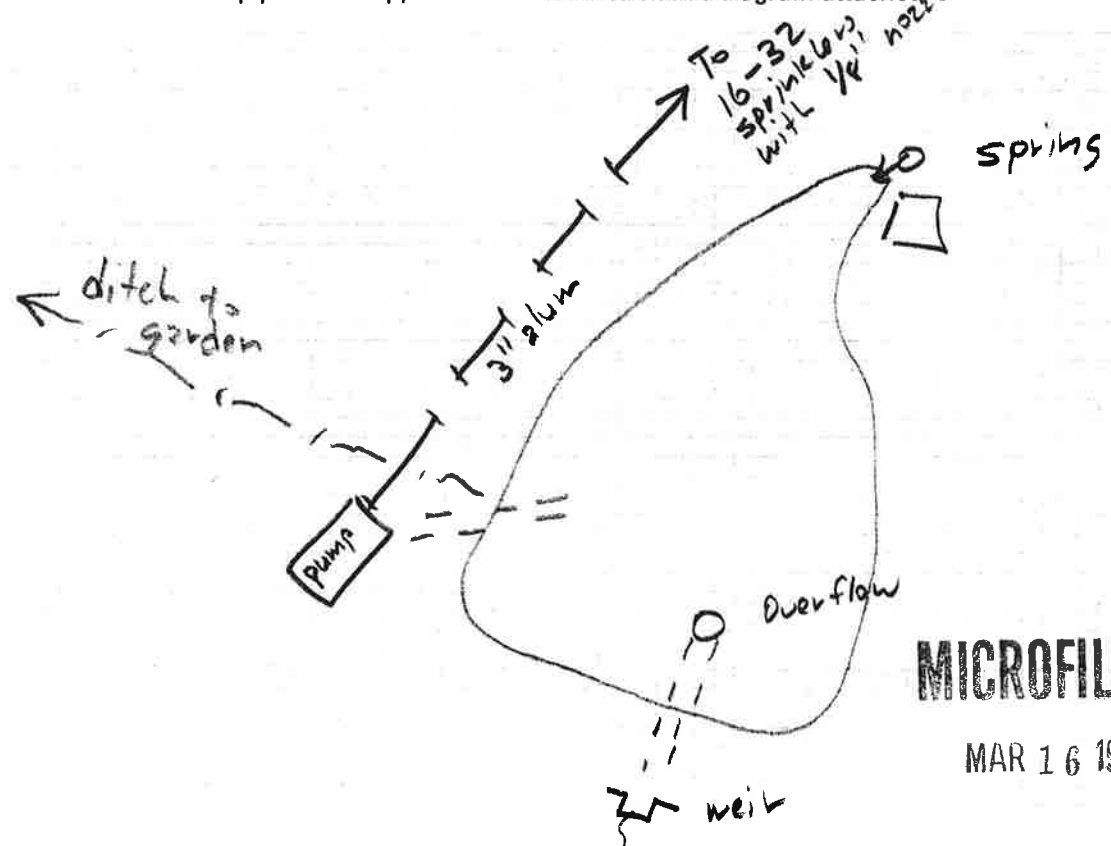
1. Owner: Duane E. Cutright Permit No. 37-7746
Current Address: Bx 501, Gooding, Idaho, 83330 Phone No. 934-4317
2. Accompanied by: Duane Cutright EXAM. DATE: 7/8/87
Address: _____ Phone No. _____
Relationship to Permit Holder: Same
3. Source: Spring tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with same place of use: Now ☐ Copies Attached
2. Other water rights with same point of diversion: 37-7738 ☒ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☒ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

A small pond (approx 60'x20') catches flow from spring. A propane powered pump diverts from pond to various aunts. of 3" handline Max. of 32 sprinkler heads normally used. At time of exam only 16 handline hookup up but others were at site.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	International Super C	?	123 6811	Pacific	H1R1480
	Propane powered				Model 3D LK4E
					500gpm @ 180' TDH

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NW	NW	21	6S	13E	Gooding	Quard, Aerial Photo

6. **Place(s) of Use:**

Indicate Method of Determination

Same

Twp.	Rge.	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	13	16											6						6
6S	13	21						14											14

20

REGISTERED

MAR 16 1989

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
1' rectangular contracted	weir					

Meas. 0.16 head = 0.21 cfs

2. Measurements:

32 rainbird sprinklers with 1/8" nozzles with 35 psi ave pressure
yields $(2.7 \text{ gpm/head}) (32 \text{ heads}) = 0.19 \text{ cfs}$
448.8

Allow 0.21 cfs measured over weir.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

N/A since Propane powered.

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$

$20 \times 4.0 = 80 \text{ Aft}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$

$(0.21) \times (246) \times (1.9835) = 102.5$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$

80 Aft

2. Volume Calculations for Other Uses:

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MAR 16 1989

H. REMARKS AND OVERLAP REVIEW ANALYSIS

At time of exam owner indicated that he estimated that spring flow was about 10% low.

Acres recommended do not include the area around house & orchard covered under 37-7738.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3/15	11/15	0.21 cfs	80.0 Afa
Totals:				

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☒ None

☐ Other

J. AUTHENTICATION

Field Examiner's Name

Allen Merritt

Signature

Allen D Merritt

Certification Date

5/15/87

Field Report Preparation Date

7/20/87



CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

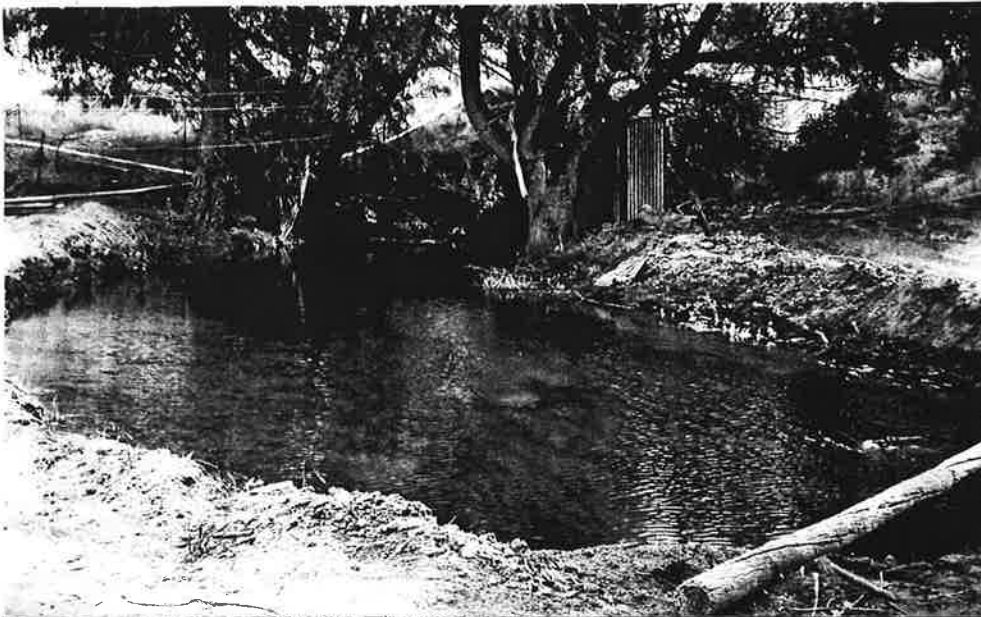
Royanne McCarthy 1/11/89

MICROFILMED

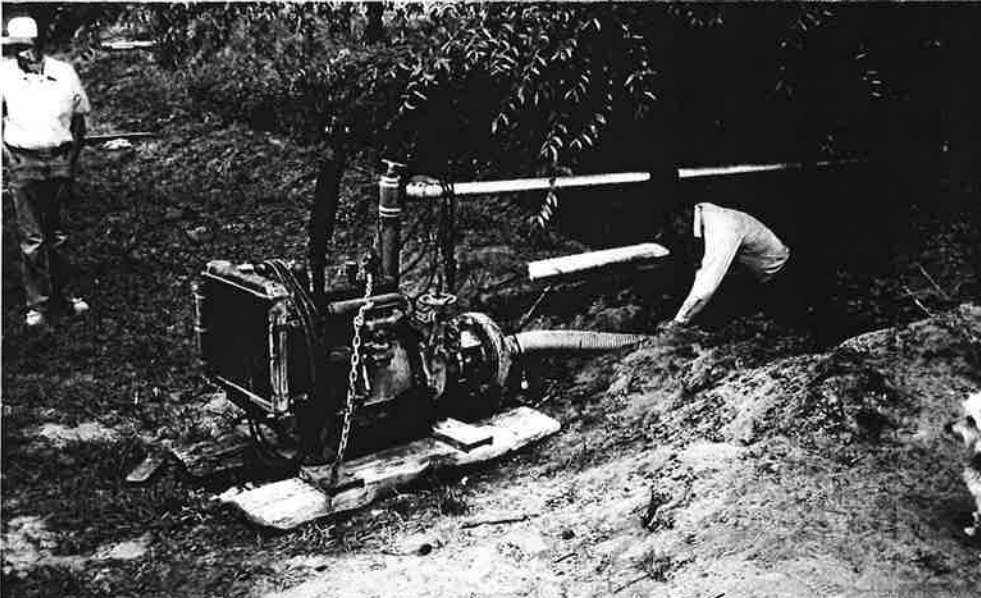
MAR 16 1989

37-7746

7/8/87



Spring @ old
tin building with
pond below,
sprinklers in background.



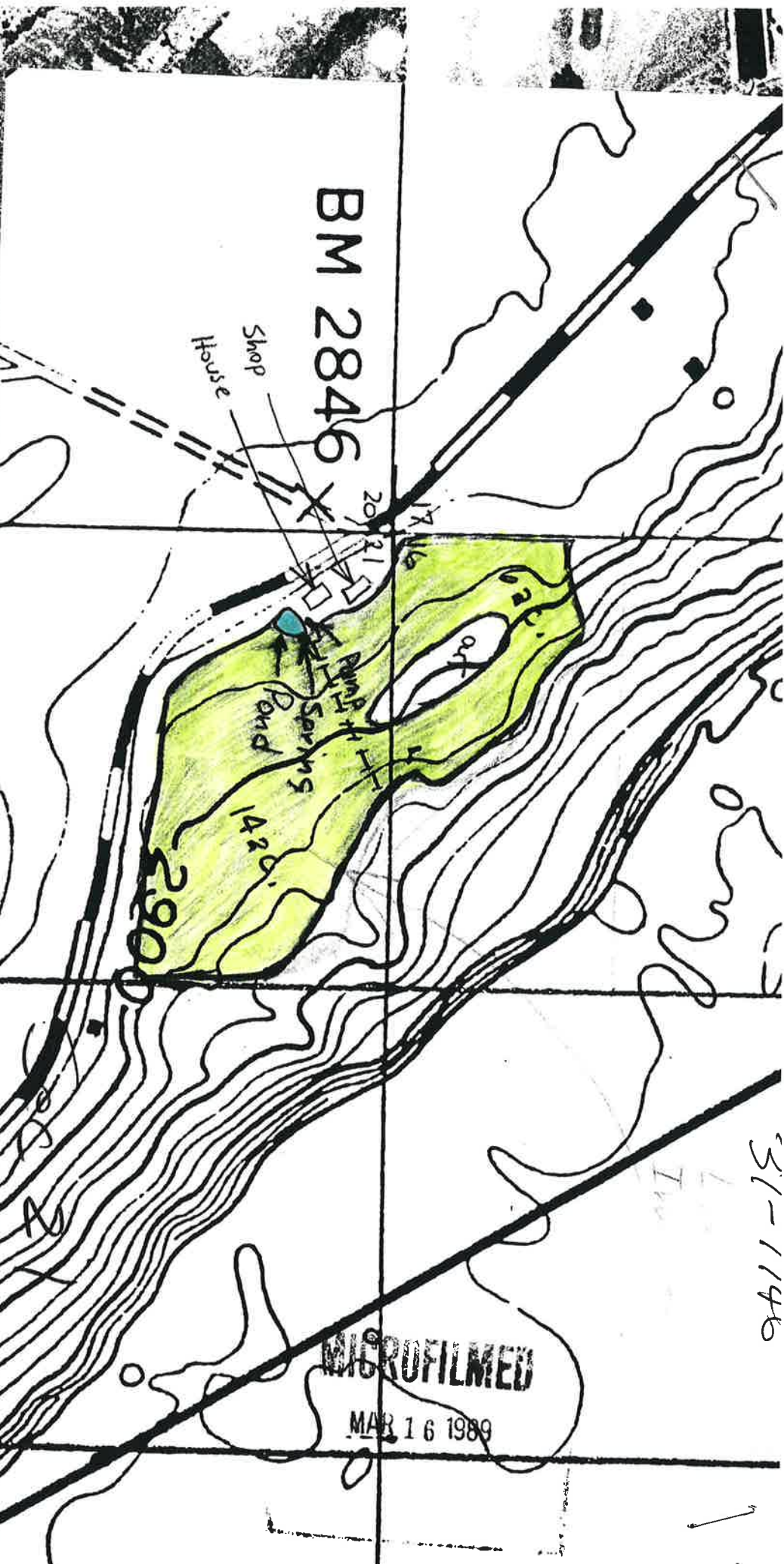
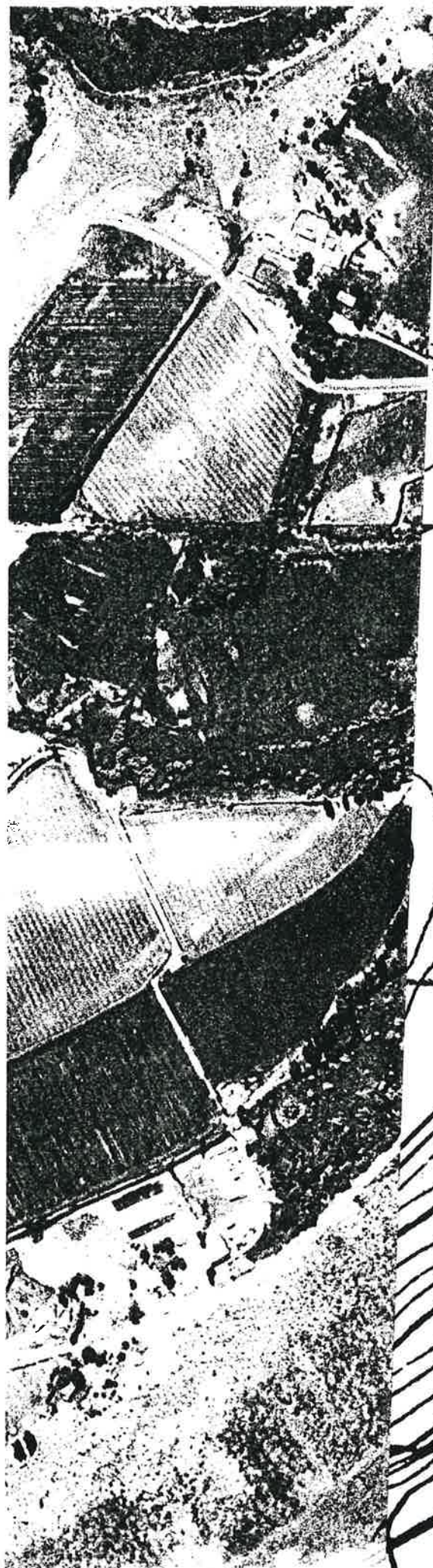
Propane engine
pumping water from
pond to sprinklers.



1' contracted rectangular
weir meas. total output
from spring, when
pump turned on
pump easily adjusted to
consume total flow.
During exam pump started
and outflow ceased to
flow.

MICROFILMED

MAR 16 1989



BM 2846

House

Shop

Spring

Pond

2900

MICROFILMED

MAR 16 1989

31-1146

I

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 37-7746
Date Received: 8/4/88
Receipt No: S001299
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DUANE E CUTRIGHT Phone: (208)837-4045
454 RIVER RD
BLISS ID USA 83314

2. Date of Priority: 04/01/1888

3. Source: SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
06S	13E	21	NW NW NW	GOODING

5. Description of diverting works:

DITCH &/OR FLUME

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.74	

7. Total Quantity Appropriated is:
0.74 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	13E	16	SW SW	IRRIGATION	6
				Section Acres	6
06S	13E	21	NW NW	IRRIGATION	14
				Section Acres	14
				Total Acres	20

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:

THE SAME SPRING IS APPROPRIATED UNDER 37-7738 *****
05/10/99, CHANGED ADDRESS, C.T

claim amended 1-12-2001 to change the priority date and basis of claim. Claimant indicated that he has documentation to support the claimed priority date.

THE CLAIMANT ELECTED TO AMEND THE PRIORITY DATE ON THIS CLAIM BASED UPON AN OLD DECREE DOCUMENT. KKC 1-26-2001

15. Basis of Claim: Beneficial Use

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: _____

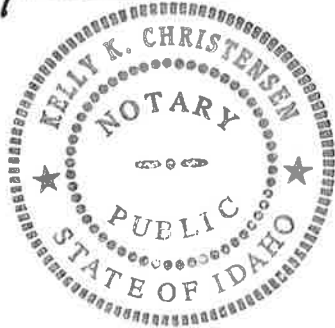
For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Donna E. Lutz* Date *Jan 26, 2001*
_____ Date: _____

State of Idaho)
County of *Twin Falls*) SS.

Subscribed and sworn (or affirmed) before me this *26th* day
of *Jan* 200*1* *Kelly K. Christensen*



Notary Public
Residing at *Twin Falls*
My commission Expires *3-11-04*

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 37-7746
Date Received: 8/4/88
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DUANE E CUTRIGHT Phone: (208)837-4045
454 RIVER RD
BLISS ID USA 83314

2. Date of Priority: 03/15/1915

3. Source: SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
06S	13E	21	NW NW NW	GOODING

5. Description of diverting works:

DITCH &/OR FLUME

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.74	

7. Total Quantity Appropriated is:
0.74 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	13E	16	SW SW	IRRIGATION	6
				Section Acres	6
06S	13E	21	NW NW	IRRIGATION	14
				Section Acres	14
				Total Acres	20

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:

THE SAME SPRING IS APPROPRIATED UNDER 37-7738 *****
05/10/99, CHANGED ADDRESS, C.T

claim amended 1-12-2001 to change the priority date and basis of claim. Claimant indicated that he has documentation to support the claimed priority date.

15. Basis of Claim: Beneficial Use

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: _____

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): *David E. Luby* Date: Jan 12-01
_____ Date:

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this

at 12th day of Jan 2001

Kelly K. Christensen

Notary Public

Residing at Twin Falls

My commission Expires 3-11-04



1-26-01

37-7746

Memo to file

Mr. Cutright brought in papers indicating an 1888 use (may be decreed)

Additional research is needed to confirm the historical use.

KKC

January 25, 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street Suite #200
TWIN FALLS, IDAHO 83301-3380

Subject, Change of priority date.

I respectfully request a change of priority for the following Water Right.

Identification #-37-7746. Filed under the name of Duane Cutright. Located in the NW¹/₄ NW¹/₄ Section 21 TWP 6 Range 13 in Gooding county. This Water was originally filed on (according to the enclosed court records) on April 1, 1888. See pages 1&4 of the enclosure.

Having spent a career in the Military I was unaware of the importance of the priority date, under the adjudication process, when I filed the original request.

Any additional information will be gladly furnished.

respectfully submitted,


Duane Cutright

454 River Road
Bliss, Idaho 83314

telephone 837-4045

(1) enclosure

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING.

Ereatus West and Lona West
(husband and wife) and John
A. West Jr. successors in
interest of David B. Bliss and
Lydia H. Bliss and Fred G. Bliss.

Plaintiffs.

-Vs-

DECREE.

E. Boll and Helen Boll (husband
and wife) Deborah Sherman (for-
merly Smith) and George Sherman
(wife and husband) P. R. Lan-
chester and Auretta Lancheater
(husband and wife) and Walter
Burkhardt and Josephine Burkhardt
(husband and wife).

Defendants.

This came on regularly for hearing on
the 30th day of May, 1913 before Hon. Edward A. Walters,

District Judge sitting at chambers in Shoshone, Lincoln
County, State of Idaho, upon the stipulation of the parties
herein, waiving the taking of testimony, findings of facts,
and conclusions of law and upon the stipulation of said
parties that the following decree should be entered in this
action and the Court being fully informed and advised in the
premises, Therefore by reason of the law and the stipulation
of entry of judgment and of waiver of findings of facts and
conclusions of law;

It is hereby Ordered, Adjudged and Decreed
that Ereatus West and Lona West (husband and wife) and
John A. West, Jr., unmarried, successors in interest of
David B. Bliss and Lydia H. Bliss, and Fred G. Bliss, plain-
tiffs and E. Boll and Helen Boll (husband and wife)
Deborah Sherman (formerly Smith) and George Sherman (wife
and husband) P. R. Lancheater and Auretta Lancheater (hus-

band and wife), Walter Burkhardt and Josephine Burkhardt (husband and wife) defendants, be and they hereby are entitled to use for irrigation and other purposes the following number of inches of water, each fifty (50) inches thereof to be equivalent to a flow of one cubic foot per second of time as prescribed by the law of Idaho, from the waters of the Montana Mining Company's ditch, or any and all Springs feeding or tributary to said ditch, which ditch and Springs are located as follows; said ditch, beginning at Spring No.1 in Lot 3, Sec. 21 T. 6 S.R. 13 E.B.M., and flowing in a North Westerly direction parallel to the Snake River and ending at the center of East line of Lot 6, Sec. 7 T. 6 S.R. 13 E.B.M.

Said Springs feeding and tributary to said ditch, being located as follows; Spring No 1 and 2 in Lot 3, Sec. 21 T. 6 S.R. 13 E.B.M; Springs No. 3 and 4 in the N.W. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Sec. 21, T. 6 S.R. 13 E.B.M; Springs No. 5 and 6 in the N.W. $\frac{1}{4}$ of Sec. 21, T. 6 S.R. 13 E.B.M; Springs No. 7 and 8 on the S.W. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Sec. 16 T. 6 S.R. 13 E.B.M; Spring No. 9 in the S.E. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Sec. 17 T. 6 S.R. 13 E.B.M; Spring No.10 in the N.E. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Sec. 17 T. 6 S.R. 13 E.B.M; Spring No.11 in the N.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Sec. 16 T. 6 S.R. 13 E.B.M; Springs No. 12 and 13 in the S.W. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Sec. 7 T. 6 S.R. 13 E.B.M; Spring No. 14 in Lot 5, Sec. 12 T. 6 S.R. 13 E.B.M, which said ditch and said Springs are all situate in Gooding County, State of Idaho.

37-0789 Erastus West and Lona West (husband and wife) and John A. West, Jr., unmarried, successors in interest of David B. Bliss and Lydia H. Bliss, plaintiffs, One Hundred seventy-five (175) inches to be used on the following described lands; the North one-half of the North West one-fourth, the South-East one-fourth of the North-West one-fourth, and Lot No.2 all in Section seventeen (17) Township Six (6) South Range Thirteen East Boise Meridian, containing One Hundred ninety-four and forty-four one-hundredths acres, except

however, three and twenty-eight one-hundredths (3.28) acres heretofore conveyed by David B. Bliss to the Twin Falls North Side Land and Water Company, also the South-West one-fourth of the South-West one-fourth of Section Eight (8) in Township Six (6) South Range Thirteen East Boise Meridian, containing Forty (40) acres.

0790 Fred G. Bliss, plaintiff, One Hundred twenty-five (125) inches to be used on the following described lands; Lots Number Six (6) and Seven (7) in Section Seven and the North-West one-fourth of the North-East one-fourth and Lots No. Two (2) and Eight (8) of Section Seven in Township Six (6) South Range Thirteen East Boise Meridian, containing approximately One Hundred Thirty acres, ^{and} Lot No. Five (5) of Section Twelve, Township Six (6) South Range Twelve, East Boise Meridian, containing Thirty-eight and eight (38.8) one-hundredths acres.

0791 Deborah Sherman and George Sherman (wife and husband) One Hundred inches to be used in the following described lands; South-West one-fourth of the North-East one-fourth and the North-West one-fourth of the South-East one-fourth and Lot No. Two (2) of Section Twenty-one, Township Six (6) South Range Thirteen East Boise Meridian, containing One Hundred Thirty-five acres more or less according to Government Survey.

0792 P. L. Lancaster and Auretta Lancaster (husband and wife) One Hundred Thirty-eight inches to be used on the following described lands; the South-East one-fourth of the South-East one-fourth, and the North-West one-fourth of the South-East one-fourth, and Lot Three (3) of Section Seventeen Township Six, South Range Thirteen East Boise Meridian, containing One Hundred Thirty-five and Forty-one (135.41) one-hundredths acres; which said water may be taken from Spring No. 9 when necessary to irrigate the above described land, so long as the excess water therefrom is turned into the said Montana Mining Company's ditch.

37-0793 Walter Burkhardt and Josephine Burkhardt (husband and wife) One Hundred inches to be used on the following described lands: Lot One (1) Section Seventeen and Lot Seven (7) Section Eighteen, Township Six (6) South Range Thirteen East Boise Meridian, containing Eighty-one and ninety-four (81.94) one-hundredths acres.

37-0794 E. Bell and Helen Bell (husband and wife) Sixty (60) inches to be used on the following described lands: Lot Three (3) Section Twenty-one Township Six (6) South Range Thirteen East Boise Meridian, containing Sixty-two and ninety-three (62.93) one-hundredths acres, according to the Government Survey.

All of which said lands herein last above described are situate in the County of Gooding, State of Idaho.

All of which said rights shall date in priority from April, 1, 1883.

That the parties herein shall maintain the said Montana Mining Company's ditch as described herein and to that end, they shall contribute yearly the following portions of the entire cost of said maintenance, namely:

Fred G. Bliss and the lands to which his said water is decreed, twenty-five (25) per cent of said cost.

Erastus West and Lona West (husband and wife) and John A. West, Jr., unmarried and the lands to which their said water is decreed, twenty-five (25) per cent of said cost.

Walter Burkhardt and Josephine Burkhardt (husband and wife) and the lands to which their said water is decreed, fifteen (15) per cent of said cost.

P. F. Lancheater and Auretta Lancheater (husband and wife) and the lands to which their said water is decreed, fifteen (15) per cent of said cost.

E. Bell and Helen Bell (husband and wife) and the lands to which their said water is decreed, ten (10) per cent of said cost.

Doborch Sherman and George Sherman (wife and husband) and the lands to which their said water is decreed, ten (10) per cent of said cost.

Dated at Shoshone, Idaho May 30th, 1913.

Edward A. Mackwell
Senior District Judge.

STIPULATION.

It is hereby stipulated and agreed by and between counsel for plaintiffs and counsel of defendants that the above and foregoing decree may be signed by the Court at chambers and the taking of testimony, making findings of facts and conclusions of law, is hereby expressly waived. It being the intention of the parties hereto, that the above decrees shall be entered by the Judge by Stipulation and consent of all parties.

Dated this 20th day of May, 1913.

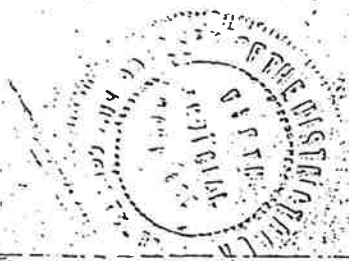
Sherman P. Mackwell
Attorney for plaintiffs;
Residence, Shoshone, Idaho.

W. F. Smith
Attorney for defendants;
Residence, Gooding, Idaho.

STATE OF IDAHO }
County of Gooding }

I, Sibyl Stevens, Clerk of the District Court of the Fifth Judicial District, and ex-officio Auditor and Recorder, in and for the County of Gooding, State of Idaho, do hereby certify that the foregoing is a true and correct copy of the original on file and of record in this office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 19 day of June, 1920

SIBYL STEVENS, Clerk, ex-officio Auditor & Recorder
By Edward A. Mackwell Deputy



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: A37-07746

Date Received: 8/ 4/1988

Receipt No: S001299

Received By: Ch: changed
address

~~COPY FOR~~
~~YOUR FILES~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

~~COPY FOR~~
~~YOUR FILES~~

1. Name: DUANE E CUTRIGHT 208-934-4317
Address: 454 RIVER RD
BLISS ID 83314

2. Date of Priority: NOV 28, 1978

3. Source: UNNAMED SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	13E	21	NW	NW	NW		GOODING

5. Description of diverting works:
DITCH &/OR FLUME

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.740		

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

8. Total consumptive use is 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	13E	16	SW	SW		IRR	6.0
						Section Acres	6.0
		21	NW	NW		IRR	14.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	14.0
					Total Acres	20.0

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:
A37-07738

14. Remarks:

THE SAME SPRING IS APPROPRIATED UNDER 37-7738

05/10/99, CHANGED ADDRESS, C.T.

15. Basis of Claim: PERMIT

Water Right Number - A37-07746

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CUTRIGHT

DUANE E

1 - 454 RIVER RD

2 -

3 -

City- BLISS
Phone - 208-934-4317

State- ID Zip- 83314

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
11/28/1978 17 SOUTHERN P - PERMIT+ - - - - Source - - - - - + - - - - - Tributary - - - - - +
UNNAMED SPRING SNAKE RIVER+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

06S 13E 21 NW NW NW (47) GOODING

+ - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

03/15 11/15

0.740

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.740 0.0+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

06S 13E 16 SW SW 6.0 01 IRRIGATION (47) GOODING

06S 13E 21 NW NW 14.0 01 IRRIGATION (47) GOODING

Total Acres: 20.0

+ - - Diversion Means - DITCH &/OR FLUME

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-07738

+ - - - - - - - - - - - Remarks - - - - - +

✓ GEN THE SAME SPRING IS APPROPRIATED UNDER 37-7738

05/10/99, CHANGED ADDRESS, C.T.

+ - - - - - - - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 16, 1999

DUANE E CUTRIGHT
454 RIVER RD
BLISS ID 83314

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No. A37-04302, A37-04303,
A37-07738, A37-07746
Change of Address Notification

Dear Claimant(s):

Thank you for notifying us of your change in Address on the water right claim(s) referenced above. Our records have been updated accordingly. Enclosed please find computer print-outs of your claims reflecting your correct mailing address.

If you have any questions, please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

Enclosures



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

April 19, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

APR 29 1999

Department of Water Resources
Southern Region

DUANE E CUTRIGHT
454 RIVER RD
BLISS ID 83314

RE: Snake River Basin Adjudication (SRBA) Change of Address
Water Right No. A37-10805

Dear Water Right Holder:

IDWR has been notified the address presently on 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 claim or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office at your earliest convenience. Make corrections to your name and address at the top of this letter if necessary before returning this letter. 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 in any of the properties connected with the water right(s) referenced above, please call this office to obtain a form to make this required change to the water right records.

Sincerely,

Cheryl Timm
SRBA Records Clerk

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

yes - changed 341 S 240

Signature of water right claimant

data entered 5/10/99 Ct

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: A37-07746
Date Received: 8/04/1988
Receipt No: S001299
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DUANE E. CUTRIGHT 208-934-4317
Address: P.O. BOX 501
GOODING, ID 83330

2. Date of Priority: NOV 28, 1978

3. Source: UNNAMED SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 06S | 13E | 21 | NW | NW | NW | | GOODING |

5. Description of diverting works:
DITCH &/OR FLUME

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.740 | | |

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

8. Total consumptive use is 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 | 13E | 16 | SW | SW | | IRR | 6.0 |
| | | | | | | Section Acres | 6.0 |
| | | 21 | NW | NW | | IRR | 14.0 |
| | | | | | | Section Acres | 14.0 |

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10. Place of Use: Continued

Total Acres 20.0

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:
A37-07738

14. Remarks:

THE SAME SPRING IS APPROPRIATED UNDER 37-7738

15. Basis of Claim: PERMIT

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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: _____

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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FEB 24 1993

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: 39356

Ident. Number A37-07746

Date Received _____

Receipt Number 500 1299

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 4 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Duane E. Cutright Phone (208) 934-4317Mailing Address Box 501 (2401 E - 13005) Gooding, Idaho Zip 833302. Date of Priority (Only one (1) per claim) 11/28/783. Source of water supply (a) Ground water
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 6 Range 13 Section 21,NW 1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Gooding

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.pond - ~~pipe~~ - ditch
to barns & Garden - sprinkler pipeMICROFILMED
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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from Mar 15 to Nov 15 amount 0.21 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.21 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 60 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
| | | | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | |
| 65 | 138 | 16 | | | | | | | | | | | 6 | | | | | | |
| 65 | 138 | 21 | | | | | 14 | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated 20

11. In which county (ies) are lands listed above as place of use located? Gooding

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Domestic Use - Ref. 37-7738 or None ()

14. Remarks:

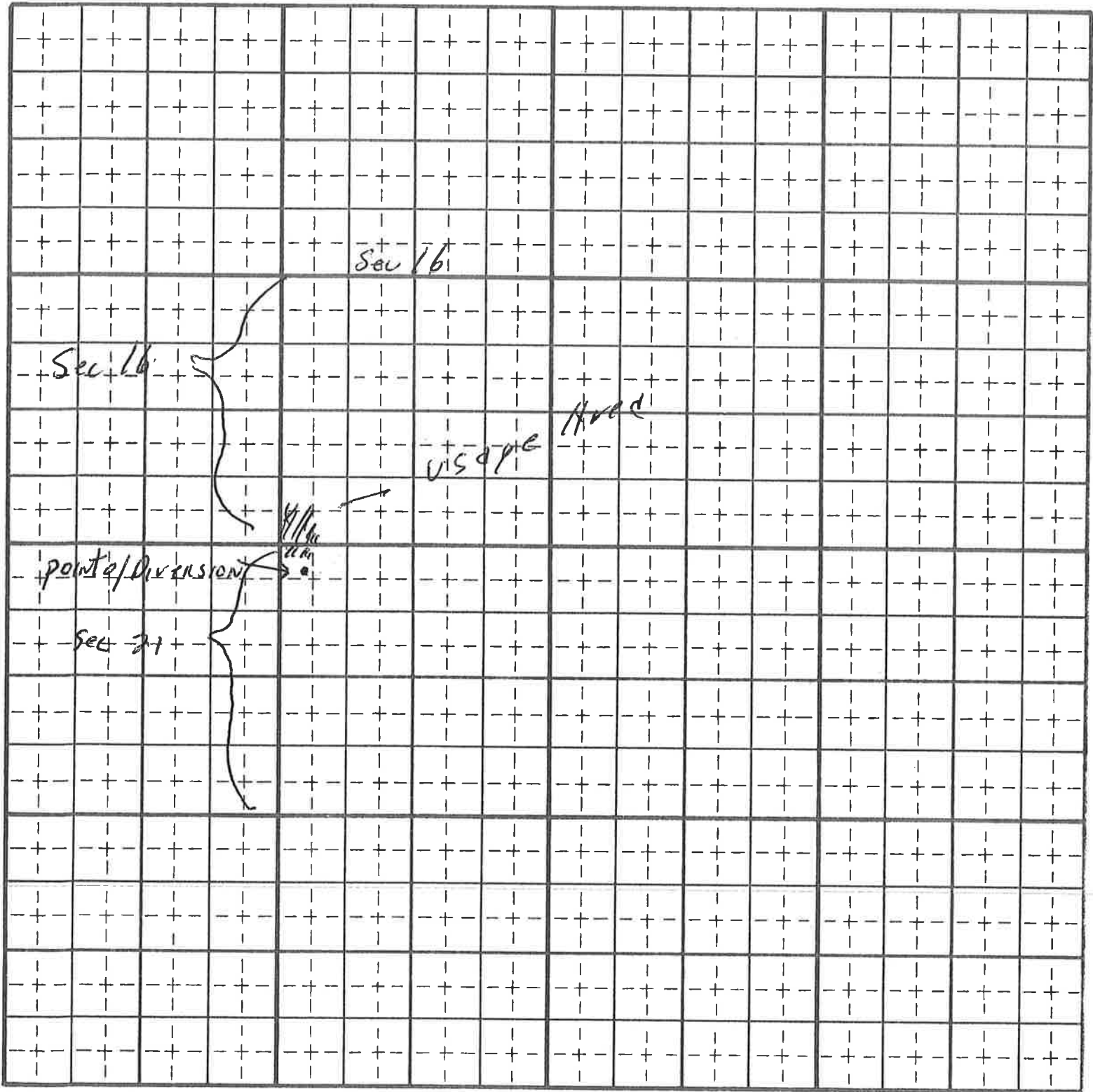
Last Name Cutright Ident No. _____

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FEB 24 1993

Copies: White - State, Yellow - Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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FEB 24 1993

Copies: White-State, Yellow-Claimant

Last Name

C. H. 47

Ident No.

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit ☒
 Decree _____
 If applicable provide IDWR Water Right Number 37-7746
 Court _____ Case Number _____ Decree Date _____
 Plaintiff vs Defendant _____

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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)  Date _____
 _____ Date _____

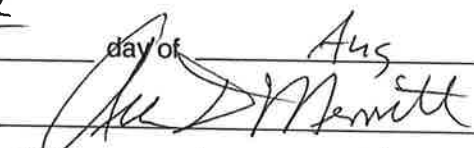
For Organizations: I do solemnly swear or affirm that I am _____ Title _____
 of _____, that I have signed the foregoing
 Organization
 document in the space below as _____ of _____
 Title Organization
 and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
 Title and Organization _____ Date _____

State of Idaho/or _____)
 County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 4th day of Aug 19 88

SEAL

Notary Public 

Residing at Kimberly, Id

My Commission Expires 6/30/94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name C. Knight Ident. Number _____

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 FEB 24 1993

Copies White-State, Yellow-Claimant