

10/31/2002

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

RIGHT NUMBER: 37-11131

NAME AND ADDRESS: MOLLIE B DALTON
1071A E 2250 S
BLISS ID 83314

RICHARD H DALTON
1071A E 2250 S
BLISS ID 83314

SOURCE: MALAD RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 5.600 CFS

RIGHT NOS. 37-7944 AND 37-11131 ARE LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 5.80 CFS.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 07/01/1889

POINT OF DIVERSION:

T06S R14E S30 SENESW 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	5.600 CFS
STOCKWATER	01/01 12/31	0.070 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S25	SWNW	4.0	T06S R13E S25	SENW	33.0
T06S R13E S25	NESW	1.0	T06S R13E S25	NWSE	11.0
T06S R13E S26	NENE	25.0	T06S R13E S26	NWNE	40.0
T06S R13E S26	SWNE	40.0	T06S R13E S26	SENE	40.0
T06S R13E S26	NENW	40.0	T06S R13E S26	SENW	40.0
T06S R13E S26	NESW	19.0	T06S R13E S26	NWSE	8.0

STOCKWATER same as IRRIGATION

301 ACRES TOTAL

RIGHT NOS. 37-7008, 37-7944 AND 37-11131 ARE LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 381 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 280 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

10/31/2002

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PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: Decreed

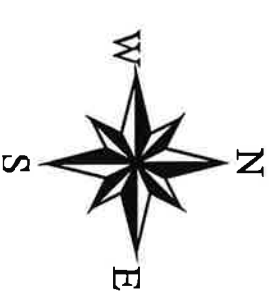
STOCKWATER, 300 CATTLE

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

WATER IS DELIVERED THROUGH THE THORPE DITCH.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 37-447A AND
37-447C.

37-11131



Map prepared by: Carter Fritschle
Date prepared: 10/31/02
1987-1988 NAPP photography
Idaho Department of Water Resources

Water Right 37-447 Split Right Analysis

Water Right 37-447A Split Right:

2.90 cfs of 37-447A combined with 1.10 cfs (all) of 37-447B and claimed as 37-447C.

0.80 cfs of 37-447A claimed as 37-447D.

5.10 cfs of 37-447A combined with 0.50 cfs (all) of 37-447C and claimed as 37-11131.

Total = 8.80 cfs (All of 37-447A)

Water Right 37-447B Split Right:

1.10 cfs (all) of 37-447B combined with 2.90 cfs of 37-447A and claimed as 37-447C

Water Right 37-447C Combined Right:

0.50 cfs (all) of 37-447C combined with 5.10 cfs of 37-447A and claimed as 37-11131.

Claim 37-447C = 2.90 cfs of 37-447A combined with 1.10 cfs (all) of 37-447B = 4.00 cfs

Claim 37-447D = 0.80 cfs of 37-447A = 0.80 cfs

Claim 37-11131 = 5.10 cfs of 37-447A combined with 0.50 cfs (all) of 37-447C = 5.60 cfs

Water rights 37-447B and 37-447C were created when Transfer No. 801 modified the POU for 1.60 cfs on 80 acres within the decreed POU of 37-447. 37-447B remained within the legal description of the 80 acres (1.10 cfs), and 37-447C (0.50 cfs) was moved to new land. Transfer No. 801 was protested because it appeared to be an enlargement in use. Transfer No. 801 was approved stating there would be no injury to the protestant's water rights. This could be viewed as having the same affect as making a permissible place of use for the 1.60 cfs, but limiting it to 80 acres within the new permissible POU. The "un-transferred" portion of 37-447 (34-447A) was 8.80 cfs in 11 quarter-quarters or 440 acres.

IDAHO DEPARTMENT OF WATER RESOURCES

10/31/2002

ADJUDICATION CLAIM POU REVIEW REPORT

ADJUDICATION CLAIM NUMBER: 37-11131

Water Right #	Type	Twtp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
37-447C	Claim	06S	13E	25	SW	NW		IRRIGATION	15/233	PAUL ZELLER
37-7944	Claim	06S	13E	25	SW	NW		IRRIGATION	4/37	RICHARD H DALTON
37-4093	Water Right	06S	13E	25	SW	NW		IRRIGATION	26/539	THORPE DITCH CO
1-6	Claim	06S	13E	25	SW	NW		IRRIGATION	18.8/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-4093	Claim	06S	13E	25	SW	NW		IRRIGATION	26/539	RICHARD DALTON
37-11131	Claim	06S	13E	25	SW	NW		IRRIGATION	10/301	RICHARD H DALTON
37-7944	Water Right	06S	13E	25	SW	NW		IRRIGATION	4/37	RICHARD H DALTON
1-6	Claim	06S	13E	25	SE	NW		IRRIGATION	18.8/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-7944	Claim	06S	13E	25	SE	NW		IRRIGATION	33/37	RICHARD H DALTON
37-7944	Water Right	06S	13E	25	SE	NW		IRRIGATION	33/37	RICHARD H DALTON
37-4093	Claim	06S	13E	25	SE	NW		IRRIGATION	6/539	RICHARD DALTON
37-11131	Claim	06S	13E	25	SE	NW		IRRIGATION	32/301	RICHARD H DALTON
37-4093	Water Right	06S	13E	25	SE	NW		IRRIGATION	6/539	THORPE DITCH CO
37-447C	Claim	06S	13E	25	NE	SW		IRRIGATION	27/233	PAUL ZELLER
37-4093	Claim	06S	13E	25	NE	SW		IRRIGATION	35/539	RICHARD DALTON
1-6	Claim	06S	13E	25	NE	SW		IRRIGATION	18.8/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-11131	Claim	06S	13E	25	NE	SW		IRRIGATION	5/301	RICHARD H DALTON
37-4093	Water Right	06S	13E	25	NE	SW		IRRIGATION	35/539	THORPE DITCH CO
37-447A	Water Right	06S	13E	25	NE	SW		IRRIGATION		MARTIN THORPE
37-507	Water Right	06S	13E	25	NW	SE		IRRIGATION		MULLINS CANAL & RESERVOIR CO
37-11131	Claim	06S	13E	25	NW	SE		IRRIGATION	7/301	RICHARD H DALTON
37-4093	Water Right	06S	13E	25	NW	SE		IRRIGATION	8/539	THORPE DITCH CO

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 37-11131

10/31/2002

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
37-4093	Claim	06S	13E	25	NW	SE		IRRIGATION	8/539	RICHARD DALTON
37-4093	Claim	06S	13E	26	NE	NE		IRRIGATION	27/539	RICHARD DALTON
1-6	Claim	06S	13E	26	NE	NE		IRRIGATION	42.8/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-11131	Claim	06S	13E	26	NE	NE		IRRIGATION	25/301	RICHARD H DALTON
37-447A	Water Right	06S	13E	26	NE	NE		IRRIGATION		MARTIN THORPE
37-4093	Water Right	06S	13E	26	NE	NE		IRRIGATION	27/539	THORPE DITCH CO
37-4093	Claim	06S	13E	26	NW	NE		IRRIGATION	40/539	RICHARD DALTON
37-11131	Claim	06S	13E	26	NW	NE		IRRIGATION	40/301	RICHARD H DALTON
1-6	Claim	06S	13E	26	NW	NE		IRRIGATION	42.8/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-4093	Water Right	06S	13E	26	NW	NE		IRRIGATION	40/539	THORPE DITCH CO
37-447A	Water Right	06S	13E	26	NW	NE		IRRIGATION		MARTIN THORPE
37-447A	Water Right	06S	13E	26	SW	NE		IRRIGATION		MARTIN THORPE
37-4093	Water Right	06S	13E	26	SW	NE		IRRIGATION	40/539	THORPE DITCH CO
37-4093	Claim	06S	13E	26	SW	NE		IRRIGATION	40/539	RICHARD DALTON
37-11131	Claim	06S	13E	26	SW	NE		IRRIGATION	40/301	RICHARD H DALTON
1-6	Claim	06S	13E	26	SW	NE		IRRIGATION	42.8/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-447A	Water Right	06S	13E	26	SE	NE		IRRIGATION		MARTIN THORPE
1-6	Claim	06S	13E	26	SE	NE		IRRIGATION	42.9/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-11131	Claim	06S	13E	26	SE	NE		IRRIGATION	40/301	RICHARD H DALTON
37-4093	Water Right	06S	13E	26	SE	NE		IRRIGATION	40/539	THORPE DITCH CO
37-4093	Claim	06S	13E	26	SE	NE		IRRIGATION	40/539	RICHARD DALTON

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 37-11131

10/31/2002

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
37-4093	Claim	06S	13E	26	NE	NW		IRRIGATION	13/539	RICHARD DALTON
37-7008	Claim	06S	13E	26	NE	NW		IRRIGATION	40/212	RICHARD H DALTON
37-447C	Water Right	06S	13E	26	NE	NW		IRRIGATION		ROBERT E DINGMAN
37-7008	Water Right	06S	13E	26	NE	NW		IRRIGATION	40/200	RICHARD H DALTON
37-11131	Claim	06S	13E	26	NE	NW		IRRIGATION	40/301	RICHARD H DALTON
37-507	Water Right	06S	13E	26	NE	NW		IRRIGATION		MULLINS CANAL & RESERVOIR CO
37-4093	Water Right	06S	13E	26	NE	NW		IRRIGATION	13/539	THORPE DITCH CO
37-507	Water Right	06S	13E	26	SE	NW		IRRIGATION		MULLINS CANAL & RESERVOIR CO
37-7008	Water Right	06S	13E	26	SE	NW		IRRIGATION	40/200	RICHARD H DALTON
37-447C	Water Right	06S	13E	26	SE	NW		IRRIGATION		ROBERT E DINGMAN
37-11131	Claim	06S	13E	26	SE	NW		IRRIGATION	40/301	RICHARD H DALTON
37-4093	Claim	06S	13E	26	SE	NW		IRRIGATION	15/539	RICHARD DALTON
37-7008	Claim	06S	13E	26	SE	NW		IRRIGATION	40/212	RICHARD H DALTON
37-4093	Water Right	06S	13E	26	SE	NW		IRRIGATION	15/539	THORPE DITCH CO
1-6	Claim	06S	13E	26	NE	SW		IRRIGATION	24.4/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-7008	Claim	06S	13E	26	NE	SW		IRRIGATION	12/212	RICHARD H DALTON
37-447C	Claim	06S	13E	26	NE	SW		IRRIGATION	19/233	PAUL ZELLER
37-7008	Water Right	06S	13E	26	NE	SW		IRRIGATION	40/200	RICHARD H DALTON
37-11131	Claim	06S	13E	26	NE	SW		IRRIGATION	12/301	RICHARD H DALTON
37-4093	Water Right	06S	13E	26	NE	SW		IRRIGATION	40/539	THORPE DITCH CO
37-4093	Claim	06S	13E	26	NE	SW		IRRIGATION	40/539	RICHARD DALTON

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37-4093	Claim	06S	13E	26	NW	SE		IRRIGATION	40/539	RICHARD DALTON
37-447A	Water Right	06S	13E	26	NW	SE		IRRIGATION		MARTIN THORPE
37-4093	Water Right	06S	13E	26	NW	SE		IRRIGATION	40/539	THORPE DITCH CO
1-6	Claim	06S	13E	26	NW	SE		IRRIGATION	24.4/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-11131	Claim	06S	13E	26	NW	SE		IRRIGATION	10/301	RICHARD H DALTON
37-447C	Claim	06S	13E	26	NW	SE		IRRIGATION	29/233	PAUL ZELLER

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: A37-11131
Date Received: 8/26/1988
Receipt No: 5001787
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD H. DALTON 208-837-4825
Address: 1071A E., 2250 S.
BLISS, ID 83314

AND

Name: MOLLIE B. DALTON 208-837-4825
Address: 1071A E., 2250 S.
BLISS, ID 83314

2. Date of Priority: JUL 01, 1889

3. Source: MALAD RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	14E	30	NE	SE	SW		GOODING

5. Description of diverting works:
THORPE #40 HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.600		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is 840.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/300 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	13E	25	SW	NW		IRR	10.0
			SE	NW		IRR	32.0
			NE	SW		IRR	5.0
			NW	SE		IRR	7.0
						Section Acres	54.0
		26	NE	NE		IRR	25.0
	NW		NE		IRR	40.0	
	SW		NE		IRR	40.0	
	SE		NE		IRR	40.0	
	NE		NW		IRR	40.0	
	SE		NW		IRR	40.0	
	NE		SW		IRR	12.0	
	NW		SE		IRR	10.0	
						Section Acres	247.0
						Total Acres	301.0

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:
37-07944, 37-07008

14. Remarks:
THIS RIGHT IS BASED ON DECREED RIGHT NO. 37-00447

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

Decree Plaintiff

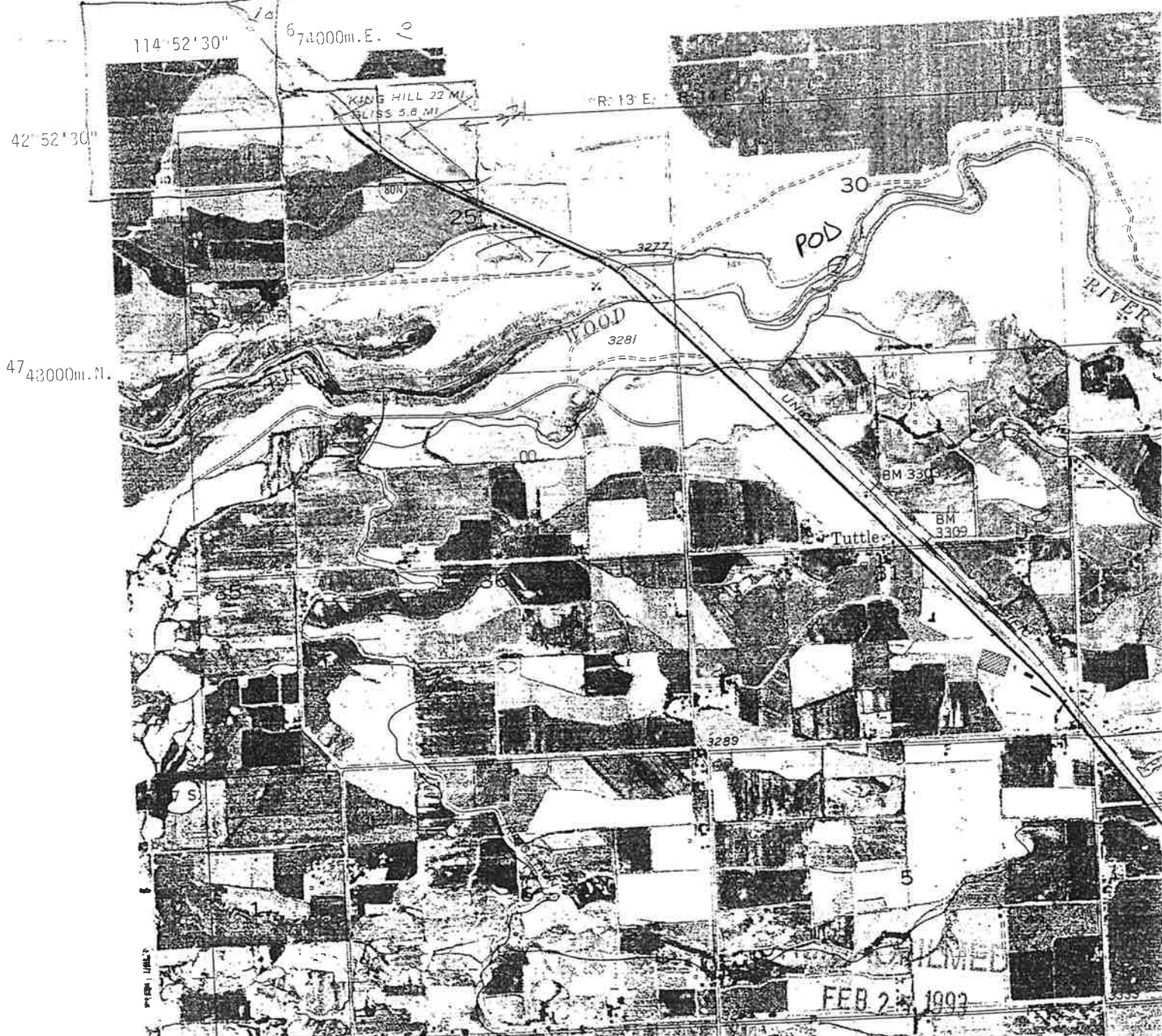
vs

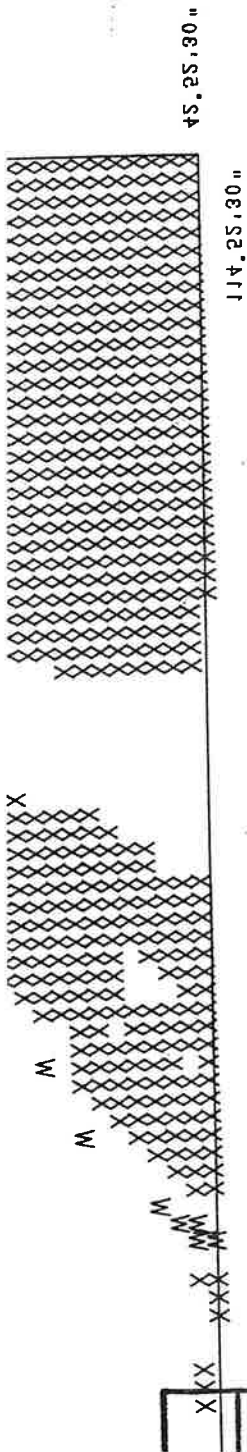
Decree Defendant

(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.

MICROFILMED
 FEB 25 1993

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY





IDAHO
HAGERMAN ORTHOPHOTOQUAD

MICROFILMED

FEB 25 1993

