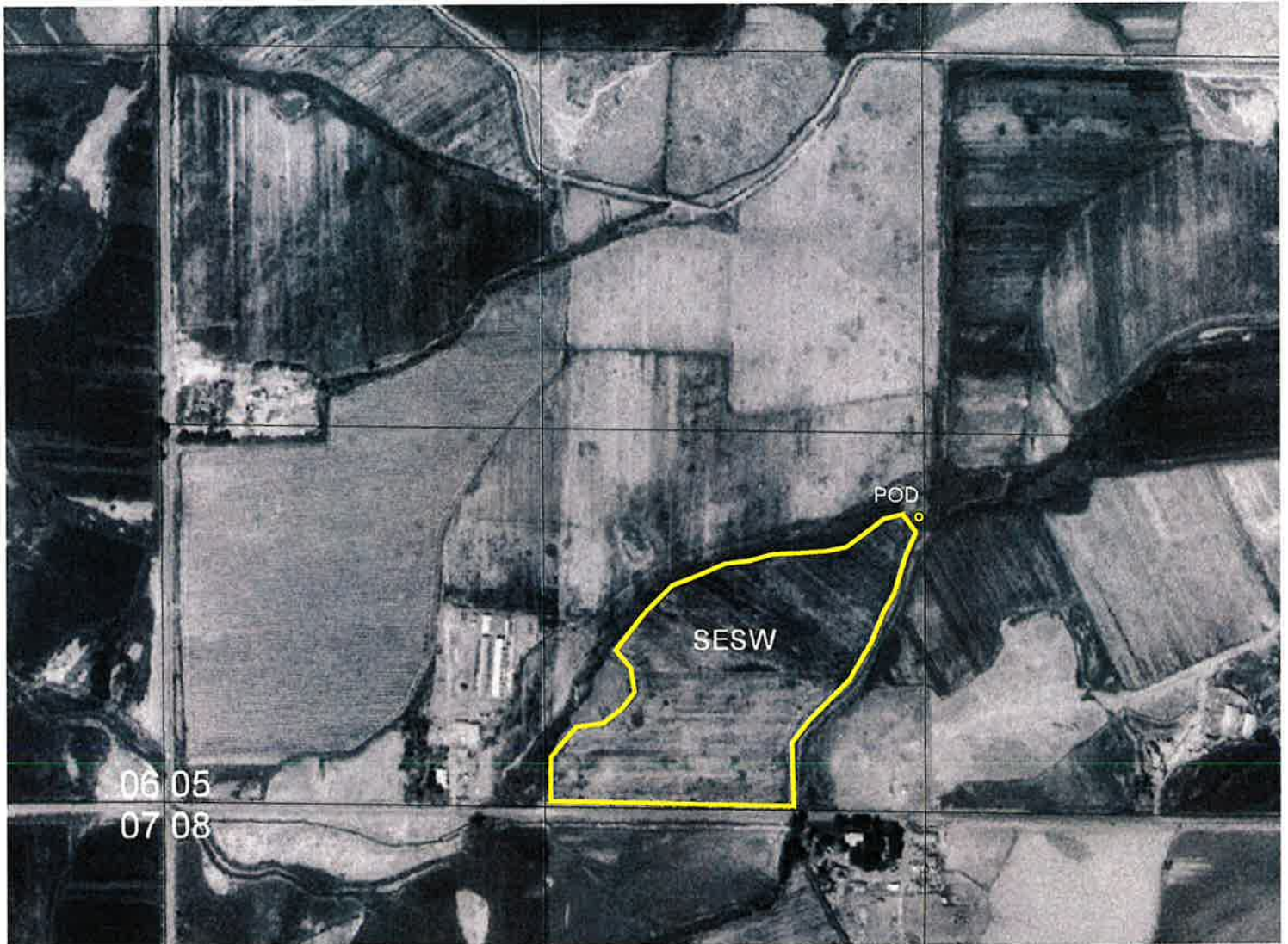


37-21462



800 0 800 1600 Feet

T05S R16E S05

Map prepared by: Carter Fritschle
Date prepared: 09/14/05
Digital Orthophotoquad - 1992 Photography
Idaho Department of Water Resources



09/14/2005

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

RIGHT NUMBER: 37-21462

NAME AND ADDRESS: TODD KUHN
930 W 520 N
SHOSHONE ID 83352

BRENDA KUHN
930 W 520 N
SHOSHONE ID 83352

SOURCE: WASTE WATER

TRIBUTARY: THORN CREEK

QUANTITY: 0.320 CFS

PRIORITY DATE: 04/01/1961

POINT OF DIVERSION:

T05S R16E S5 SESW 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	0.320 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R16E S05 SESW 16.0

16 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: BASIS OF CLAIM - Beneficial Use

The source of this right is waste water originally diverted by American Falls Reservoir District No. 2.

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 37-21462
Date Received: 5/19/2005
Receipt No: **50 27685**
Received By: **KKC**

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

1. Name of Claimant(s)

TODD KUHN Phone: (208)886-7154
BRENDA KUHN Phone:
930 W 520 N
SHOSHONE ID USA 83352

2. Date of Priority: 04/01/1961

3. Source: WASTE WATER Trib. to: THORN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	16E	5	NE SE SW	LINCOLN	

5. Description of diverting works:

wastewater dumps into a pond and is ditched to a second pond and then into a sprinkler system

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.32	

7. Total Quantity Appropriated is:
0.32 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
05S	16E	5	SE SW	IRRIGATION	16
Section Acres					16
Total Acres					16

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:

This claim represents waste water coming out of the neighbors pond and going into a pond just across the fence within the claimants property where it is eventually co-mingled with canal share water and applied to the claimed place of use.

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): Judd Ad Date: 5-19-05

Date: _____

State of Idaho)
County of Twin Falls) SS.

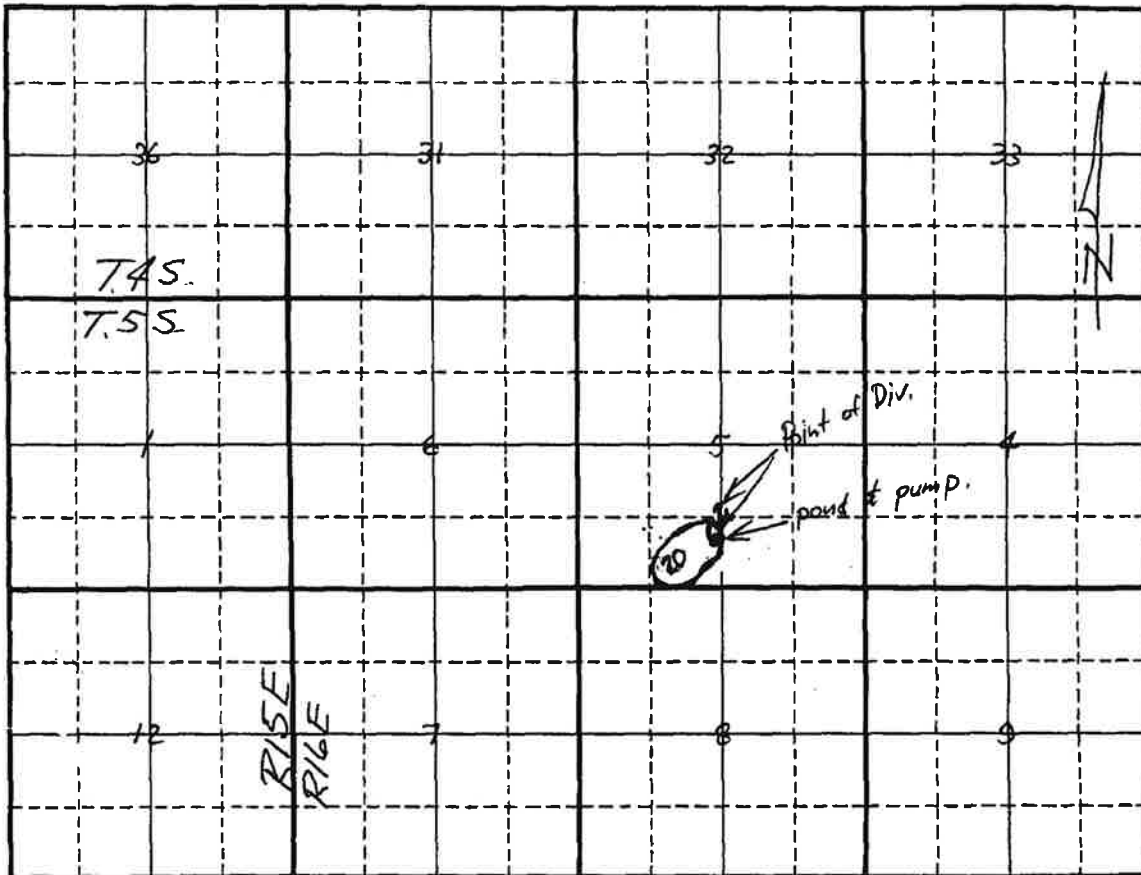
Subscribed and sworn (or affirmed) before me this 19th day of May 2005
Kelly K Christensen
Notary Public



Residing at _____ Twin Falls, ID

My commission Expires 4-2-2010

(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

29th

day of June

Lene Lilburn

(Claimant)

1987

Lene H. Conner

Notary Public

Residing at

Gooding, Id.

My commission expires

3/1

FOR DEPARTMENT USE ONLY

Received by adm

Date 4/29/83

Exception filed by:

Forwarded to

Date

Prelim. check by gpc

Date 4/30/83

claimant by:

Published in Journal of Journal

Date 7/1 + 9/8/83

30.00

-\$20.00 fee received by gpc

Date 4/29/83

#29081

IN THE MATTER OF:

Gibson water right

State of Idaho

County of Lincoln

AFFIDAVIT

Alex Bilbao

being first duly sworn,

deposes and says:

I have witnessed that water diverted from NE 1/4, SW 1/4, Sec. 5 Twp. 5 S. Rge 16 E., County of Lincoln has been used to irrigate SE 1/4 of the SW 1/4 of Sec. 5, Rge 16 E. Twp. 5 S. for the last 22 years, as stated on form No. 243, Claim to a water right by Gene Gibson

Alex Bilbao
(signature)

Subscribed and sworn to before me this 27th day of June 1983.

Larry H. Casarin
(notary public)

Residing at Gooding, Id.

My commission expires 1/1/84

ELSA DAMBORIENA

STAR ROUTE

RICHFIELD, IDAHO 83349

487-2111

RECEIVED

SEP 15 1983

9/15/83

Department of Water Resources
Boise, Idaho 83725

I, Elsa Damboriena, do hereby
file an exception to claim # 37-4364,
filed by Gene Gibson.

I am the owner of the pond
described in Sec. 5B. This pond is
used to collect the waste water from
our property described as the SE 1/4 of
SEC. 5 TOWNSHIP 5S. RANGE 16 E BOISE MERIDIAN.

Reuse of this water is necessary to
obtain full production ^{on} the above named
property as it has only 114 shares for the 160 acres.

Also, the pond shown on the
claim is located in the wrong legal
description. The correct legal description of
this pond is the SW 1/4 of the SE 1/4
SEC. 5 TOWNSHIP 5S RANGE 16 E B.M.

This pond was constructed in 1976 according
to Soil Conservation specifications to better
utilize our water and to pick waste coming
on to our property.

Elsa Damboriena

Subscribed & Sworn to before me this 15th day of Sept. 1983

Loren O'Hallman

Notary Public

Residing at Twin Falls, ID
My Commission expires - Life



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

September 15, 1983

Gene Gibson
Rt. 1 Box 172
Gooding, Idaho 83330

Re: Claim to a Water Right 37-4364

Dear Mr. Gibson:

We are enclosing a copy of an affidavit in Opposition to your claim to a water right, submitted by **Eliza Damboriena**

The following is a quote from the provisions under which this claim has been filed (section 42-243b, of the Idaho Code):

42-243b. Recording of claims by Department, Corrections

"At any time after filing a claim under the provisions of this section any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Sincerely,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

September 15, 1983

Eliza Damboriena
Star Route
Richfield, Idaho 83349

Re: Claim to a Water Right No. 37-4364

Dear Mrs. Damboriena:

We are in receipt of your exception to a Claim to a Water Right.

The following excerpt from Section 42-243b of the Idaho Code explains what has been done and what will be done in regards to the exception you have filed:

42-243b. Recording of claims by Department, Corrections
"At any time after filing a claim under the provisions of this section any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya
Encl: