

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: A37-00369B
Date Received: 4/11/1989
Receipt No: S006847
Received By: ScC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANN C. CUEVA 208-678-5963
Address: RT. 1 BOX 1314
HEYBURN, ID 83336-0000

2. Date of Priority: AUG 03, 1883

3. Source: SOLDIER CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	14E	21	NE	NW			CAMAS

5. Description of diverting works:
VIA ABBOTT CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.910		

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

8. Total consumptive use is 1290.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	14E	21	SE	NW		IRR	20.0
			NE	SW		IRR	35.0
			NW	SW		IRR	5.0
			SW	SW		IRR	40.0

A37-00369B

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Date: 10/27/89

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FEB 22 1993

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00369B
Date Received: 3/22/1989
Receipt No: 3006847
Received By: W

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ACQUIRED UNDER STATE LAW

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Address: RT. 1 BOX 1314
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			NE	SW		IRR	35.0
			NW	SW		IRR	5.0
			SW	SW		IRR	40.0

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Date: 03/22/89

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10. Place of Use: Continued

[illegible]

11. Place of use in counties: CAMAS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A37-00836, 00057

14. Remarks:
TRANS. 3065.
ORIGINALLY DECREED TO SARAH KEETHLER IN THE FROST DECREE.

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

CLIFFORD HALLOWELL
Decree Plaintiff

MILO W. BAKER, ET. AL.
vs Decree Defendant

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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): Ann C. Cueva Date: 3-31-89

Date: _____

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of March 19 89

Steve S. Leonard
Notary Public

Seal

Residing at Burley Idaho

My Commission Expires 8-16-94

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 21, 2006

Water right number: 37-369B

ANN C CUEVA

241 S 600 W

HEYBURN ID 83336

Telephone Number: (208) 678-5963

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

~~X~~ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

DATE: 11-6-06

SIGNATURE:

Please print your name:

ANN C CUEVA

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (800)451-4129

SCANNED
NOV 09 2006

05/24/2006

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

RIGHT NUMBER: 37-369B

NAME AND ADDRESS: ANN C CUEVA
241 S 600 W
HEYBURN ID 83336

SOURCE: SOLDIER CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 0.910 CFS

PRIORITY DATE: 08/03/1883

POINT OF DIVERSION:

T01N R14E S21 SENENW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.910 CFS

PLACE OF USE:

IRRIGATION Within CAMAS County

T01N R14E S21	SENE	13.00	T01N R14E S21	NESW	38.00
T01N R14E S21	NWSW	10.00	T01N R14E S21	SWSW	39.00
T01N R14E S21	SESW	37.00	T01N R14E S28	NENW	39.00
T01N R14E S28	NWNW	36.00	T01N R14E S28	SWNW	38.00
T01N R14E S28	SENE	40.00	T01N R14E S29	NENE	38.00
T01N R14E S29	NWNE	22.00	T01N R14E S29	SWNE	37.00
T01N R14E S29	SENE	39.00			

426 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 426 acres in a single irrigation season. Combined Right Nos.: 37-57, 37-369B, and 37-836.

This right is limited to the irrigation of 100 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.



Idaho Department of Water Resources

SRBA Recommendation:

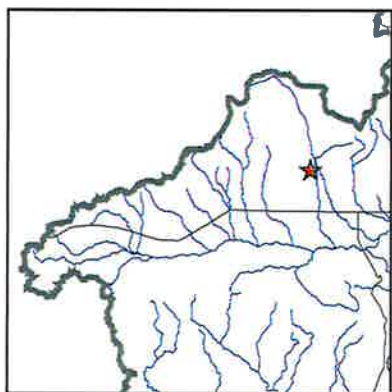
37-57

37-369B

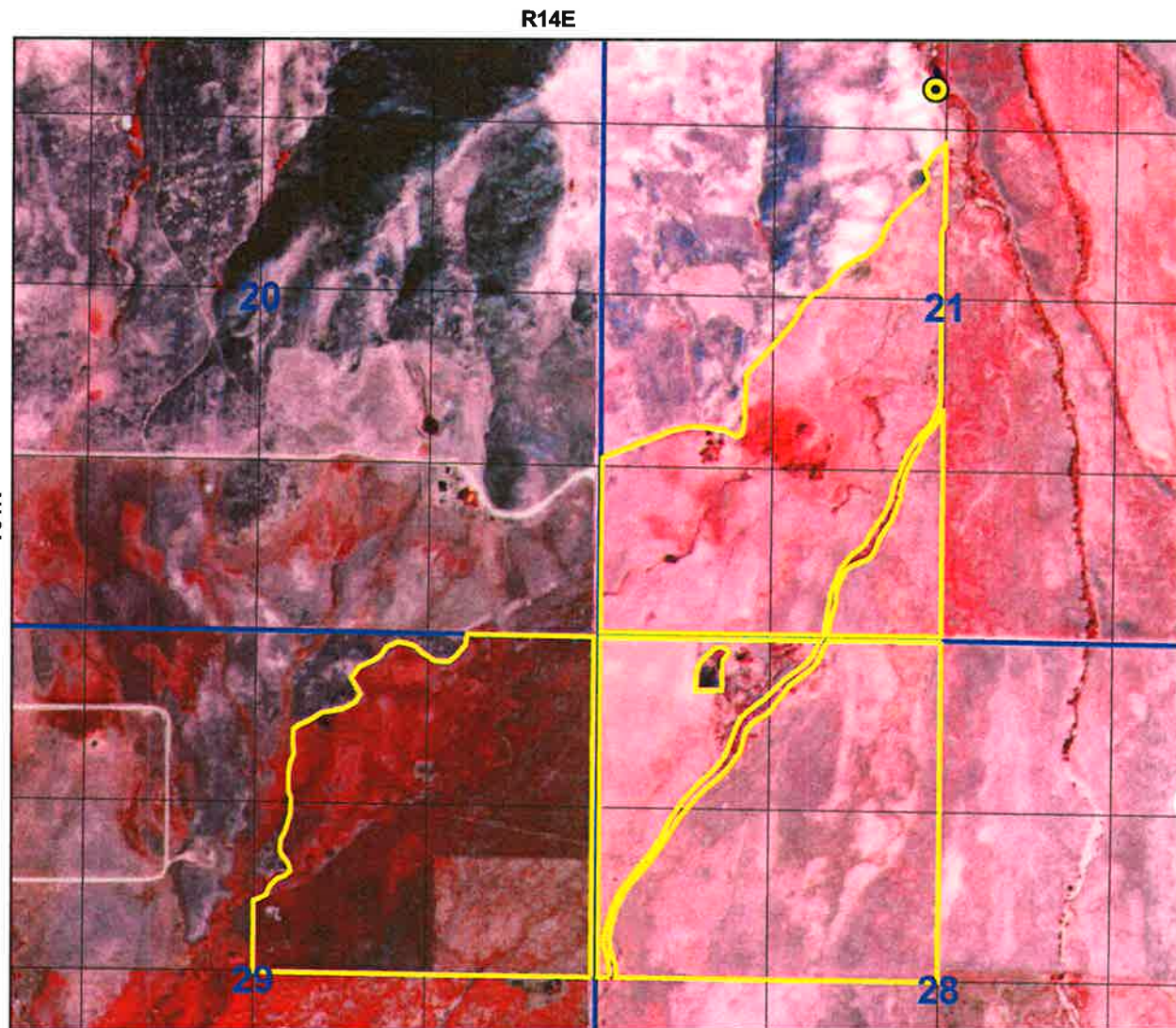
37-836

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Camas County
IDWR Basin 37



0 0.25 0.5 Miles

Prepared by M. Anders
On Wednesday, May 24, 2006
1987/88 Aerial Photography

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Keethler, Sarah	2.9		37-0369
3065	Cueva, Ann C.	0.91		37-0369B
	Keethler, Sarah	1.99		37-0369A

TRANSFER

SCANNED
APR 30 2004

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JUN 25 1984

Department of Water Resources
Southern District OfficeTransfer No. 3065Water Right No. 37-0369

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Ann C. Cueva Phone 678-5963Post Office address Route #1 Box 1314, Heyburn, ID 83336

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-0369 Decreed to Sarah Keethler
(Name)
in case of S. C. Frost et al vs Alturas Water Co. et al
dated in 12-13-1909 in Fourth District county of Lincoln
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
Purchase of a portion of the water right for use on new lands

3. Source of water Soldier Creek tributary to Camas Creek

4. Date of priority 8-3-1883

5. Water is used for the following purposes:

- amount 2.9 cfs for Irrigation purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.9 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is _____ % of _____ % of Section _____
Township _____ Range _____, B.M., in _____ County
Additional points of diversion, if any Not stated in decree

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1N	14E	20											X	X			X	X	160
		29					X	X	X	X									160

Total number of acres to be irrigated 160

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit B).

1. Amount of water: a. 0.90625 cubic feet per second &/or
b. _____ acre feet per annum

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2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. 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	
1N	14E	29					30	20	40	10									100

Total number of acres to be irrigated 100

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 0.90625 c.f.s. &/or _____ acre feet
b. Description of diverting works Existing headgate & ditch

- c. Describe the reasons for the proposed changes A portion of the original farm has been subdivided. Those lots that had been sold retained their water rights. The remainder of the water on the other lots has been purchased for use on new lands further up the ditch from Soldier Creek.

2. Change in point of diversion

Point of diversion NE 1/4 NW 1/4, Section 21 Township 1N
Range 14E, B.M., Camas County
Additional points _____

3. Change in place of use

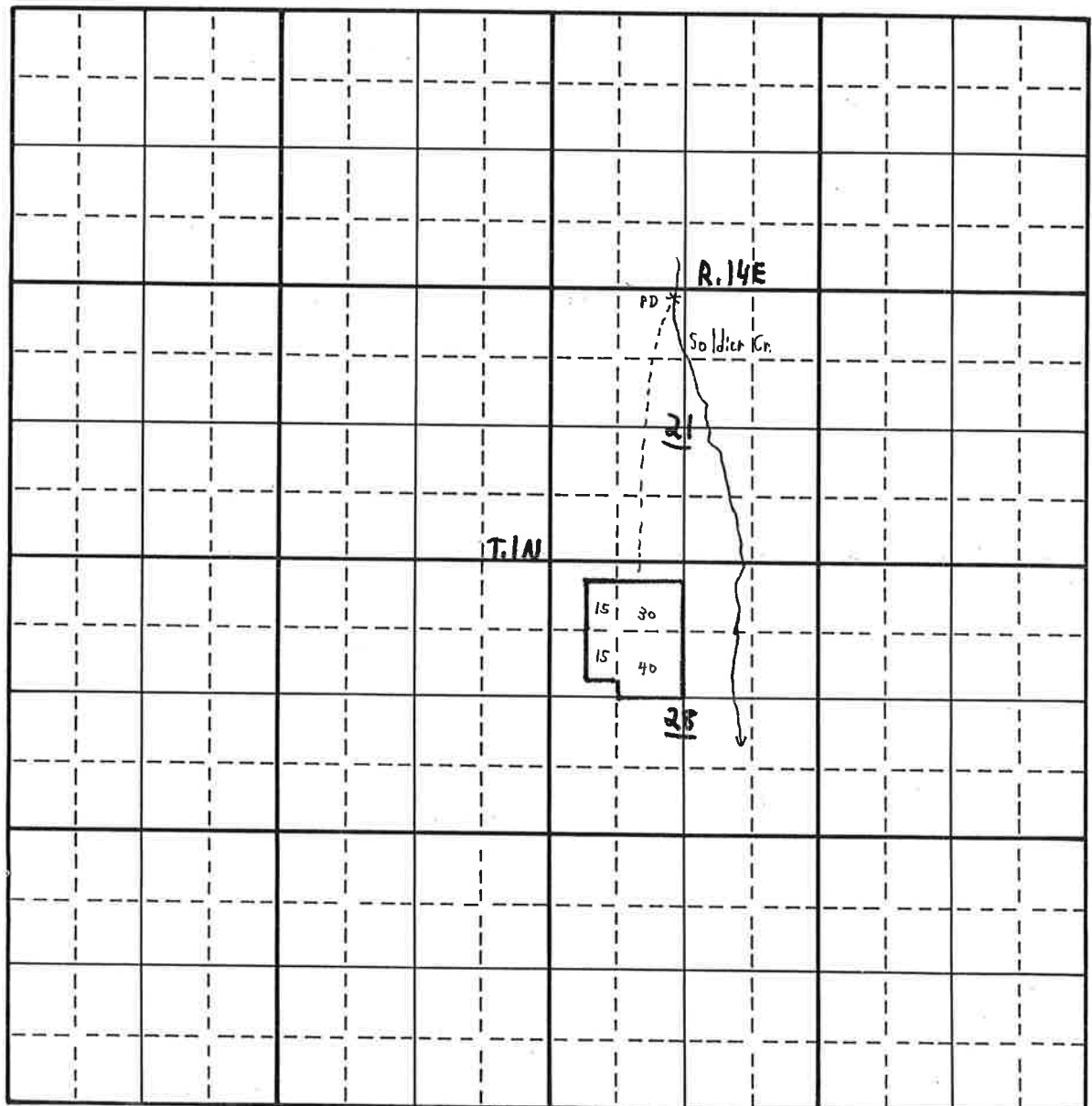
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Land has been subdivided & will no longer be irrigated with river water.
Summer homes will be built on the lots.

Describe the lands place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1N	14E	28					30	15	15	40									100

Total number of acres to be irrigated 100

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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D. RE. IKS

Proof of ownership of the right assumes that each subdivision lots includes its frontage to the middle of the road, since the road will also no longer be irrigated.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

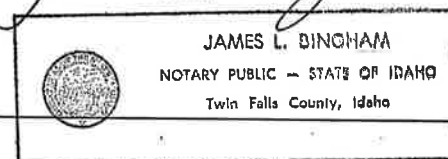
I understand that any willfull misrepresentations made in this application may result in voiding its approval.

x Ann C. Curva
(Signature of Applicant)

Subscribed and sworn to before me this 21st day of JUNE, 19 84

James L. Bingham
(Notary Public)

My commission expires 10-1-84



ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0369B and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 37C, Soldier Creek.

Witness my hand this 14th day of August, 19 85

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by [initials] Date 6-25-84 Protest filed by None
 Prelim. check by [initials] Fee _____
 Receipted by _____ Date see original app.
 Published in Gooding Co. Leader Copies of protest forwarded by _____
 Pub. dates 7/10 & 7/17/84 Hearing held by _____ Date _____
 Watermaster recommendation requested on N/A Recommended for approval denial
 _____ rec'd. _____ by ADM Jim

Water Right Number - 37-00369B Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CUEVA ANN C. 1 - RT. 1 BOX 1314
2 -
3 -
City- HEYBURN State- ID Zip- 833360000
Phone -

*** O - ORIGINAL OWNER ***
BAKER MILO W. 1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
08/03/1883 17 D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SOLDIER CREEK CAMAS CREEK

+ - - - - Rng Sec Tract Lot RFlg County Point of Diversion Stream Index (Blank if no Index Code)
01N 14E 21 NE NW (25) CAMAS

+ - - - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 0.910

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.910

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
01N	14E	28	NE NW		30.0	01	IRRIGATION	(25) CAMAS
01N	14E	28	NW NW		15.0	01	IRRIGATION	(25) CAMAS
01N	14E	28	SW NW		15.0	01	IRRIGATION	(25) CAMAS
01N	14E	28	SE NW		40.0	01	IRRIGATION	(25) CAMAS

Total Acres: 100.0

+ - Diversion Means -
+ - Non-Irrigation Use -
+ - Other Rights for Same Use -

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Water right number - 37-00369B Adj. flag translation: Standard Water Right Number

+ - - - - Remarks - - - - - +
TRANS. 3065.
ORIGINALLY DECREED TO SARAH KEETHLER IN THE FROST DECREE.

+ - - - - Conditions of Approval - - - - - +
R01 - A measuring device of a type approved by this Department shall be
- maintained as a part of the diverting works.
R02 - A lockable device subject to the approval of the Department shall
- be maintained on the diverting works in a manner that will
- provide the watermaster suitable control of the diversion.
R04 - Use of water under this water right is subject to control by the
- watermaster of State Water District No. 37C

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
CLIFFORD HALLOWELL MILO W. BAKER, ET. AL. 03/11/1959

+ - - Microfilm Rolls -

+ - - Audit Fields - 03/24/87 05/28/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Start Work Date - 00/00/0000	Verified Date - 03/24/1987	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 37C
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended - P
Decree Date - 03/11/1959		

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