

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 37-491
Date Received: 11/7/1989
Receipt No: S010388
Received By:

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

1. Name of Claimant(s)

BRET L RUBY

Phone: (208)934-5798

1004 4TH AVE W
GOODING ID USA 83330

SANDRA K MILLER

Phone: (208)934-5798

1004 4TH AVE W
GOODING ID USA 83330

TERRY D RUBY

Phone: (208)934-5798

1004 4TH AVE W
GOODING ID USA 83330

2. Date of Priority: 01/18/1900

3. Source: COW CREEK

Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
01S	12E	28	NE	NW		CAMAS	Ending Point
01S	12E	28				CAMAS	
01S	12E	19	NW	SW		CAMAS	Beginning Point
01S	12E	28	NE	NW		CAMAS	

5. Description of diverting works:

40 HP PUMP & ABOVE GROUND MAINLINE TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.8	

7. Total Quantity Appropriated is:

2.8 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
01S	12E	28	SW	NW	IRRIGATION	35
			SE	NW	IRRIGATION	40
			SW	NE	IRRIGATION	35
			SE	NE	IRRIGATION	20
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	35
					Section Acres	205
					Total Acres	205

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:

14. Remarks:

THE PLACE OF USE HAS BEEN EXPANDED ABOVE THE ORIGINAL WATER FILING BY THE USE OF SPRINKLER IRRIGATION TO IRRIGATE MORE LAND FROM THE SAME SOURCE. __THIS IS AN UN-RECORDED EXPANSION.

CHG OF OWNERSHIP FROM L.RUBY TO MILLER/RUBY/RUBY 10/14/98 DMS

15. Basis of Claim: Decreed

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

A37-00491
 RECEIVED
 OCT 05 1998
 Department of Water Resources

1. Water Right or Adjudication Claim No(s): A37-13277 - A37-13278 - A37-00491

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

Louella Ruby Deceased and Verla

4. New Owner/Claimant(s)

new Verla Ruby and or Sandra Miller and or Terry D. Ruby and or Bret S. Ruby

New Mailing Address

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
1004 - 4th ave.

City, State and ZIP Code

Gooding Id. 83330

New Telephone Number

(208) 984-5798

5. Date you acquired the property

10-1-74

⑥

If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

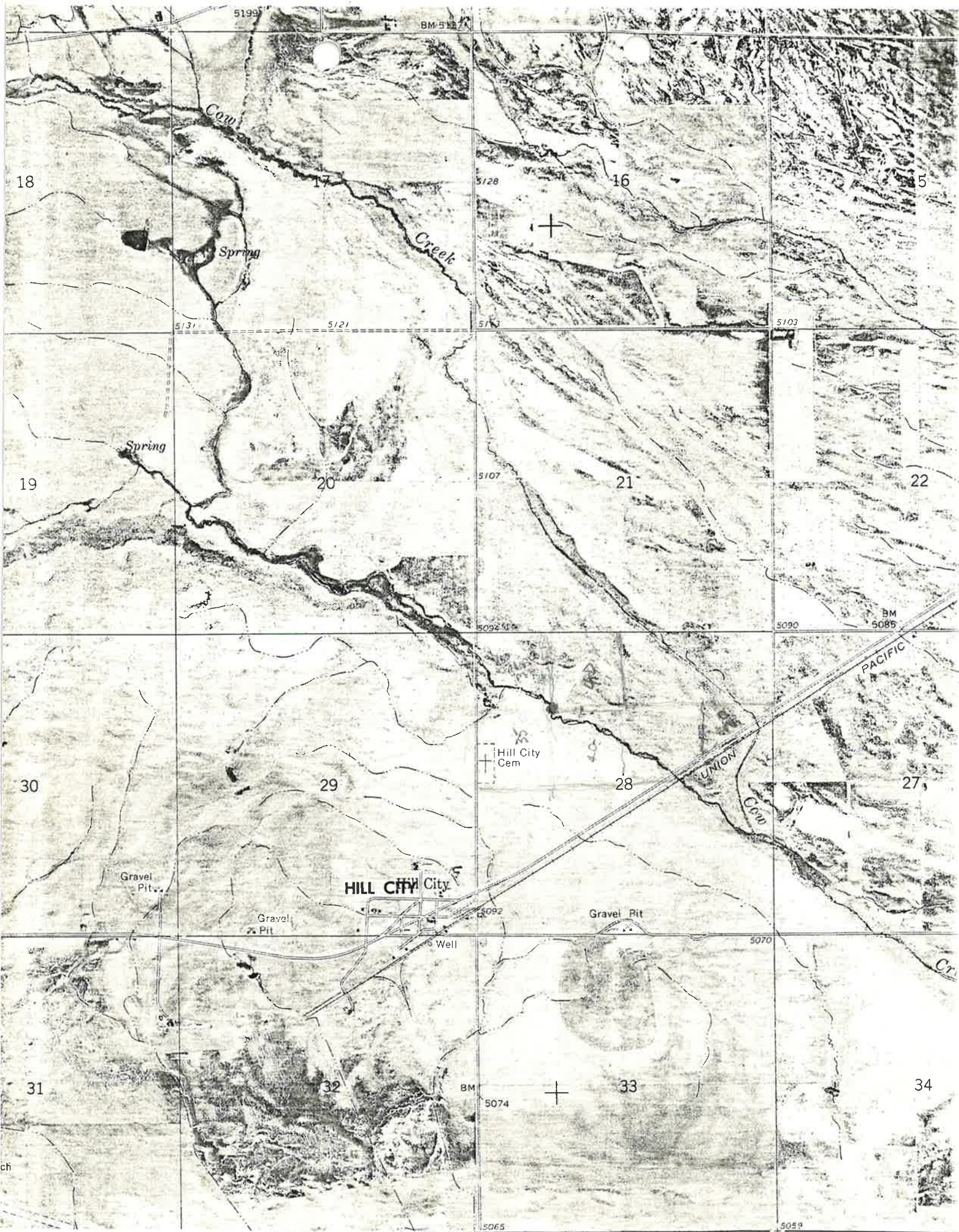
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

Verla J. Ruby and or Sandra Miller
and or Terry D. Ruby and or Bret S. Ruby

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.



WARRANTY DEED

COPY

For Value Received VERLA RUBY and LOWELL RUBY, wife and husband

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

SANDRA K. MILLER, TERRY D. RUBY and BRET L. RUBY, as tenants in common,
Box 144

Hill City, Idaho 83337

Hereinafter called the Grantee, the following described premises situated in Camas County, Idaho, to-wit:

Township 1 South, Range 12 East, Boise Meridian

Section 20: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27: SE $\frac{1}{4}$ Section 28: NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ EXCEPT the following described tract of land: Beginning at the southwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and running thence North 40 rods; thence East 20 rods; thence South 40 rods; thence West 20 rods to the Place of Beginning.Also all that part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ lying North of the State Highway right of way.Section 29: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, EXCEPT the south 132 feet of the NW $\frac{1}{4}$ SW $\frac{1}{4}$.Section 34: NE $\frac{1}{4}$

TOGETHER with all water and ditch rights appurtenant thereto.

EXCEPTING AND RESERVING in the Grantors a LIFE ESTATE in the above described property.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: May 6th, 1991.

Verla Ruby
Verla Ruby
Lowell Ruby
Lowell Ruby

STATE OF IDAHO, COUNTY OF GOODING

On this _____ day of May, 1991
before me, a notary public in and for said State, personally appeared VERLA RUBY and
LOWELL RUBY, wife and husband

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged
to me that they executed the same.

Notary Public

Residing at *Gooding*, Idaho.
Commission Expires: *5-27-92*

Filed for Record at the Request of
CRAIG HARBOY
STATE OF IDAHO }
County of Camas, }

I hereby certify that this instrument
was filed for record in my office
on *10-15* 19*91* at *5-7* o'clock *AM*

truly recorded in Book *28* of
DEEDS Page *73*
Lowell Ruby
County Recorder
Deputy

66626

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: A37-00491
Date Received: 11/07/1989
Receipt No: S010388
Received By: B. L. J. K.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOWELL RUBY 208-934-5798
Address: 721 NEVADA
GOODING, ID 83330
OR
Name: VERLA RUBY 208-934-5798
Address: 721 NEVADA
GOODING, ID 83330

2. Date of Priority: JAN 18, 1900

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
01S	12E	28	NE NW		CAMAS
Beginning Point of Minimum Instream Flow					
01S	12E	19	NW SW		CAMAS
Ending Point of Minimum Instream Flow					
01S	12E	28	NE NW		CAMAS

5. Description of diverting works:
40 HP PUMP &* ABOVE GROUND MAINLINE TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.800		

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

8. Total consumptive use is 444.0 Acre Feet Per Annum.

A37-00491

Page 1

Date: 11/07/89

MICROFILMED
FEB 23 1993

9. Non-irrigation uses:
S/200 CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	12E	28	SW	NE		IRR	35.0
			SE	NE		IRR	20.0
			NE	NW		IRR	40.0
			NW	NW		IRR	35.0
			SW	NW		IRR	35.0
			SE	NW		IRR	40.0

Section Acres 205.0

Total Acres 205.0

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:
NONE.

14. Remarks:

THE PLACE OF USE HAS BEEN EXPANDED ABOVE THE ORIGINAL WATER
FILING BY THE USE OF SPRINKLER IRRIGATION TO IRRIGATE MORE
LAND FROM THE SAME SOURCE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

MICROFILMED
FEB 23 1993

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): * Verla Ruby Date: * Nov. 7, 1989
_____ Date: _____

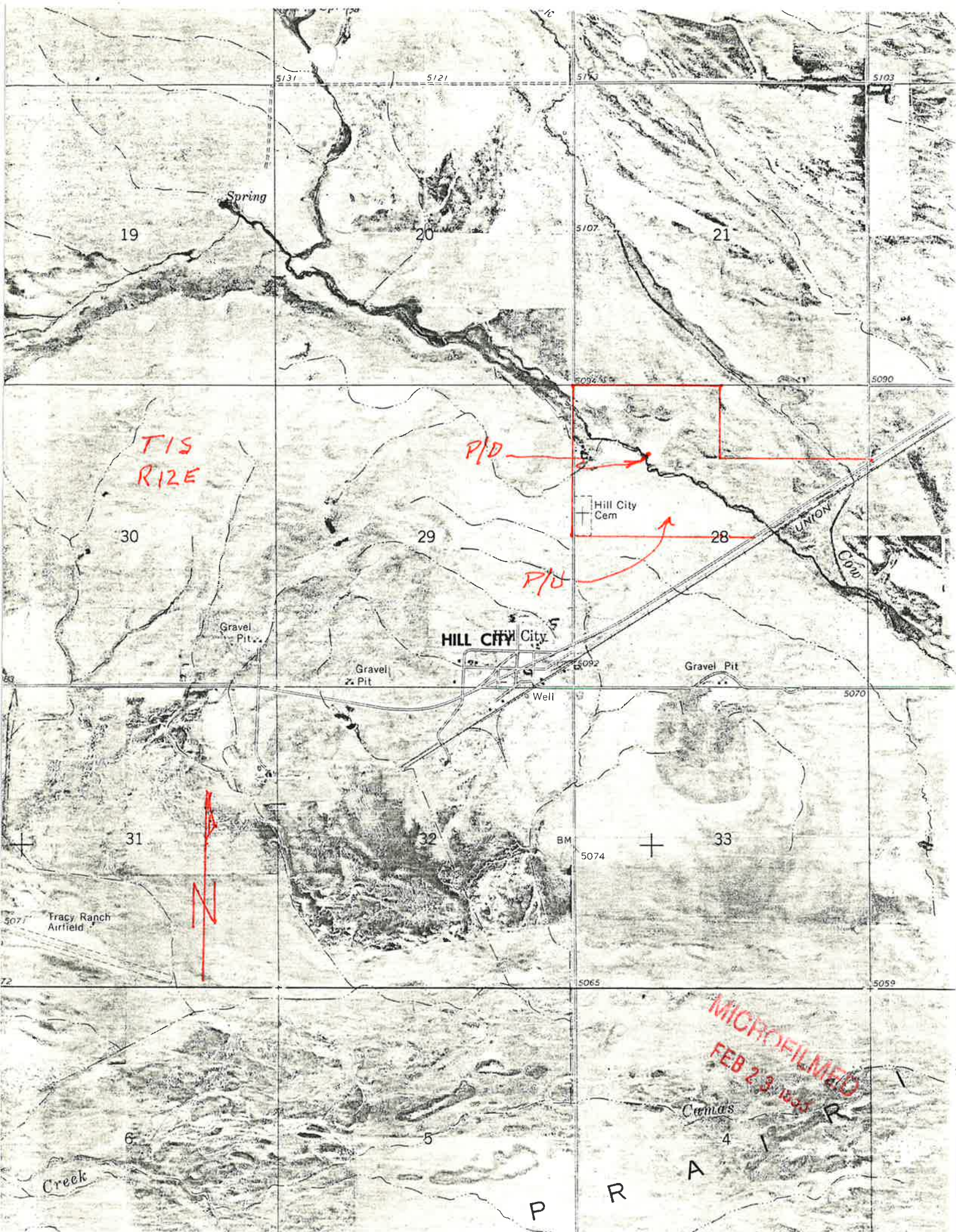
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of November 1989
Robert V. Horstelt
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires January 16, 1995



RECEIVED

NOV 14 2006

11/01/2006

DEPARTMENT OF
WATER RESOURCES

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: 37-491

BRET L RUBY
1004 4TH AVE W
GOODING ID 83330
Telephone Number: (208)934-5798

SANDRA K MILLER
1004 4TH AVE W
GOODING ID 83330
Telephone Number: (208)934-5798

TERRY D RUBY
1004 4TH AVE W
GOODING ID 83330
Telephone Number: (208)934-5798

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:

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

DATE:

11/8/06

SIGNATURE:

Terry D Ruby

Please print your name:

Terry D. Ruby

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

SCANNED
NOV 14 2006

07/17/2006

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

RIGHT NUMBER: 37-491
NAME AND ADDRESS: BRET L RUBY
1004 4TH AVE W
GOODING ID 83330

SANDRA K MILLER
1004 4TH AVE W
GOODING ID 83330

TERRY D RUBY
1004 4TH AVE W
GOODING ID 83330

SOURCE: COW CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 2.800 CFS

The rights listed below are limited to a total combined diversion rate of 2.8 cfs. Combined Right Nos.: 37-491 and 37-21792.

PRIORITY DATE: 01/18/1900

POINT OF DIVERSION:

T01S R12E S28 SENWNW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.800 CFS

PLACE OF USE: IRRIGATION Within CAMAS County

T01S R12E S28	SWNE	33.00	T01S R12E S28	NENW	40.00
T01S R12E S28	NWNW	29.00	T01S R12E S28	SWNW	29.00
T01S R12E S28	SENE	35.00			

166 ACRES TOTAL

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 166 acres in a single irrigation season. Combined Right Nos.: 37-491 and 37-21792.

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

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

Right No. 37-21792 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.



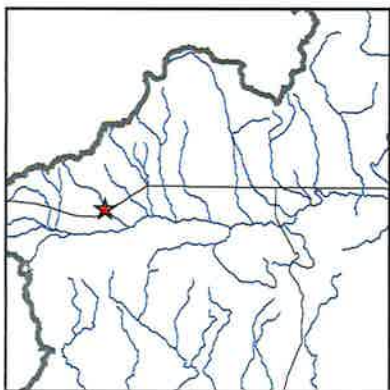
Idaho Department of Water Resources

SRBA Recommendation:

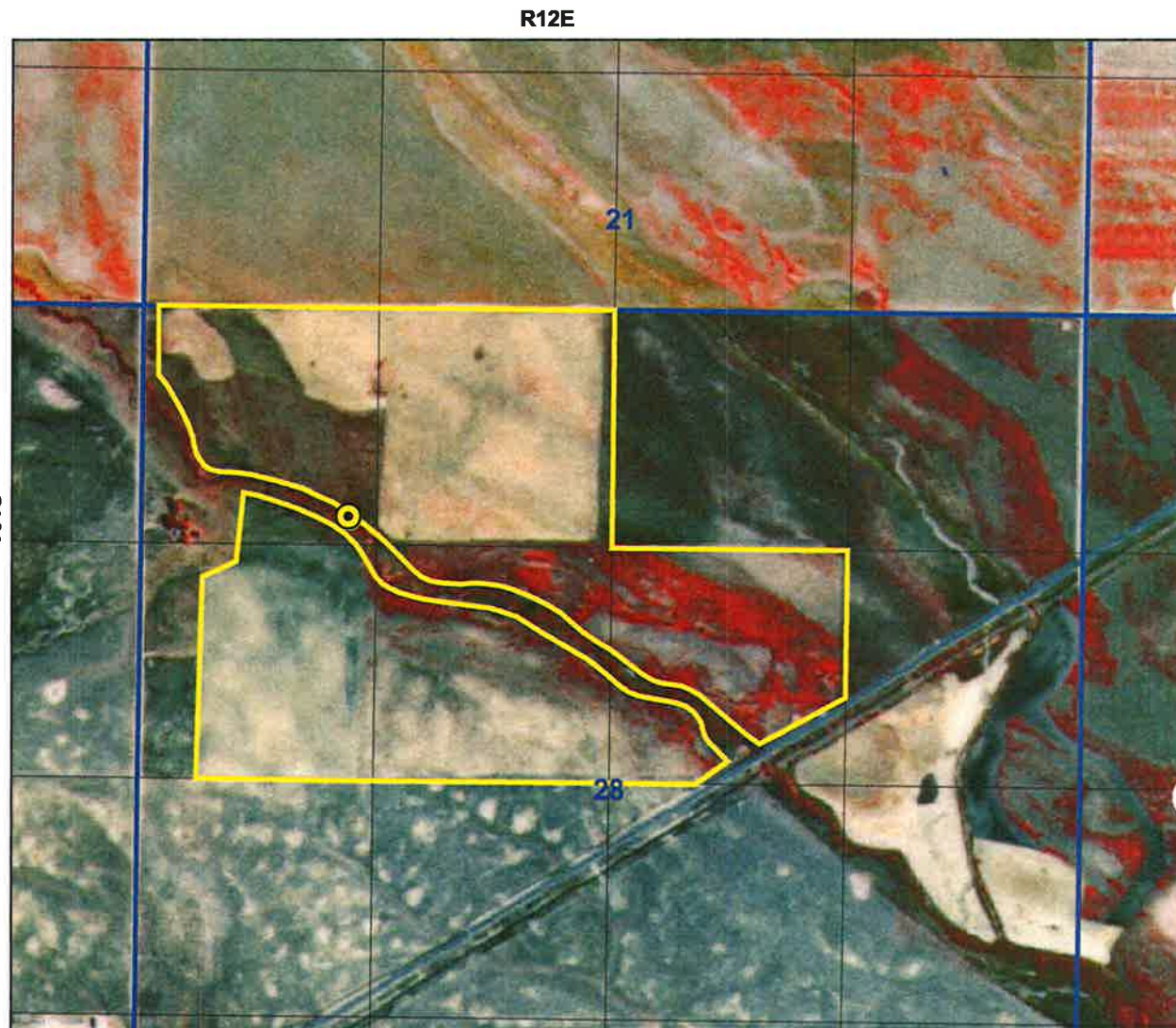
37-491
37-21792

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 Monday, July 17, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-491, 37-21792

Background Data

37-491

- Source is Cow Creek tributary to Camas Creek
- Decreed for 2.8 cfs on 4 QQ
- Claimed 2.8 cfs on 205 acres

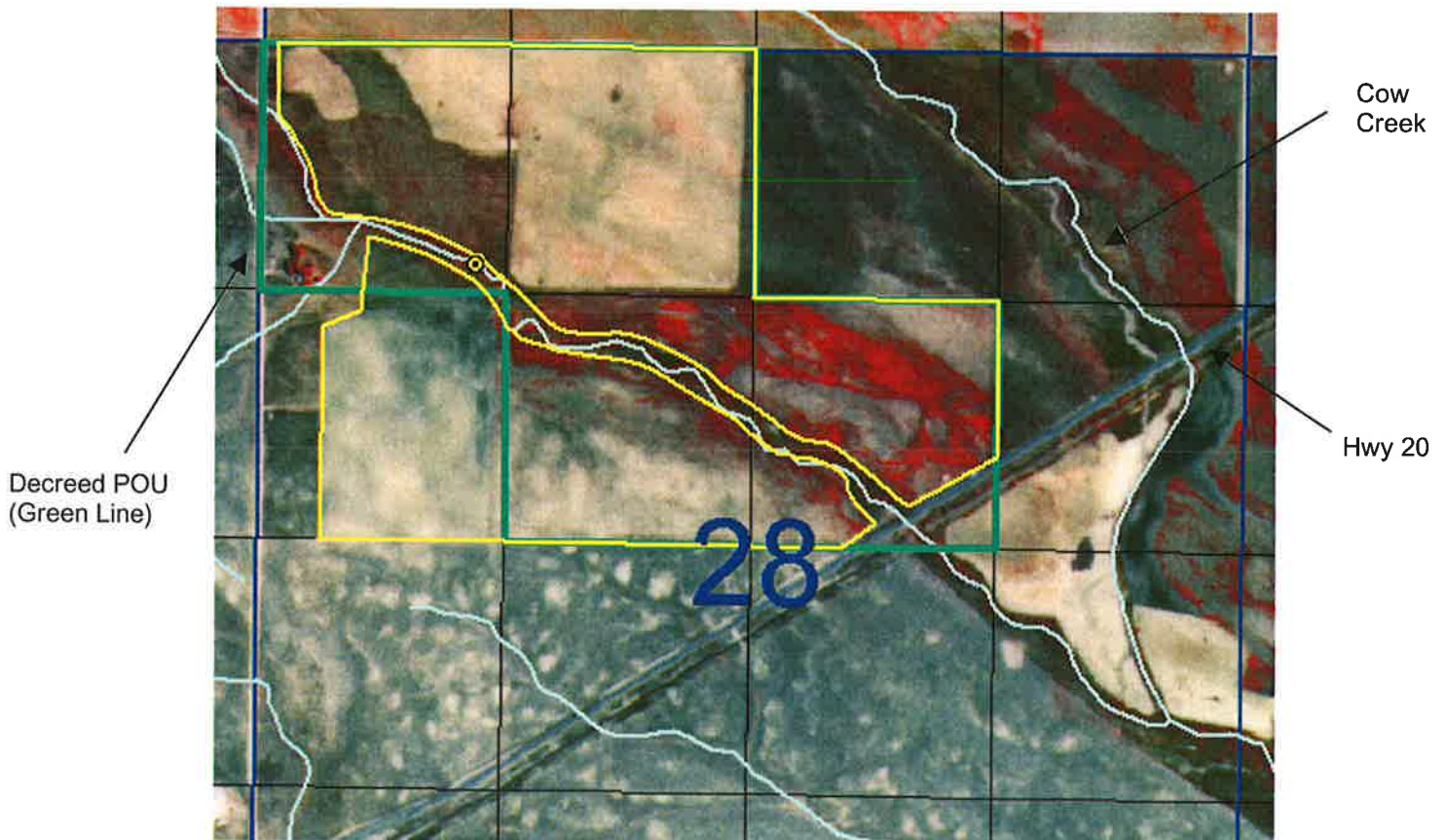
37-21792

- Beneficial Use claim
- Source is Cow Creek tributary to Camas Creek
- Claimed 2.8 cfs on 205 acres

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.
Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T1S R12E Section 28

- Found 166 acres. Decreed acres = 160. Expansion acres = 6. Assuming accomplished transfer after decree.
- Source in Frost Decree is Cow Creek, but USGS map says unnamed stream tributary to Cow Creek. Recommended as Cow Creek tributary to Camas Creek.
- SENE is not owned by claimant according to the deed submitted with claim and Camas Co tax records.
- 6/12/06 – Talked with Terry Ruby (208-731-1527) on telephone. Mr. Ruby requested that I send him (1370 S, 1700E, Gooding) an expansion claim so they can claim the additional acres.
- Recommendations:
 - 166 acre PPU
 - 37-491 – 2.8 cfs for irrigation of 160 acre within PPU, accomplished transfer of POU
 - 37-21792 – 0.10 cfs for irrigation of 6 acres with PPU, priority date of 4/15/87 the start of the irrigation season based on the 1987 aerial photo as evidence of priority
 - combined use limit of 2.8 cfs
 - combined use limit of 166 acres
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 12, 2006

Terry Ruby
1370 S 1700 E
Gooding, ID 83330

RE: Snake River Basin Adjudication claim 37-491

Dear Mr. Ruby,

Snake River Basin Adjudication (SRBA) claim 37-491 was originally filed in 1989 for 2.8 cfs from Cow Creek for irrigation of 205 acres. However, water right 37-491 is limited to irrigation of 160 acres. To claim the additional irrigated acres you need to file a SRBA water right enlargement claim.

As you requested in our telephone conversation today, attached is a SRBA water right enlargement claim for the decreed acres plus the additional acres being irrigated. By completing the attached claim form, you are claiming that you are using your decreed water from Cow Creek to irrigate the 160 acres decreed to water right 37-491, plus up to 45 additional acres. Please review the attached claim and if you feel it is correct, have it notarized and return it along with \$50 to me. This \$50 is the SRBA filing fee for an irrigation claim (we have waived the late fee and the \$1 per acre fee). If you don't return **both** the signed claim form and the \$50 filing fee, we will review SRBA water right claim 37-491 as it was originally submitted.

Please note that I have assigned the attached water right enlargement claim a priority date of April 15, 1987 based on information available to me. If you have evidence that supports and earlier priority date, please submit it along with the claim form. Enclosed is a pamphlet that explains acceptable types of evidence of priority.

I have enclosed a 1987 aerial photograph with a draft outline of the irrigated place of use and point of diversion. If you feel I have incorrectly identified the irrigated land and/or point of diversion, please use a pen to make edits on the 1987 aerial photo, then return the photo to me. I have also enclosed a 2004 aerial photograph to help you locate your property.

Feel free to contact me at (208) 287-4937 if you have any questions.

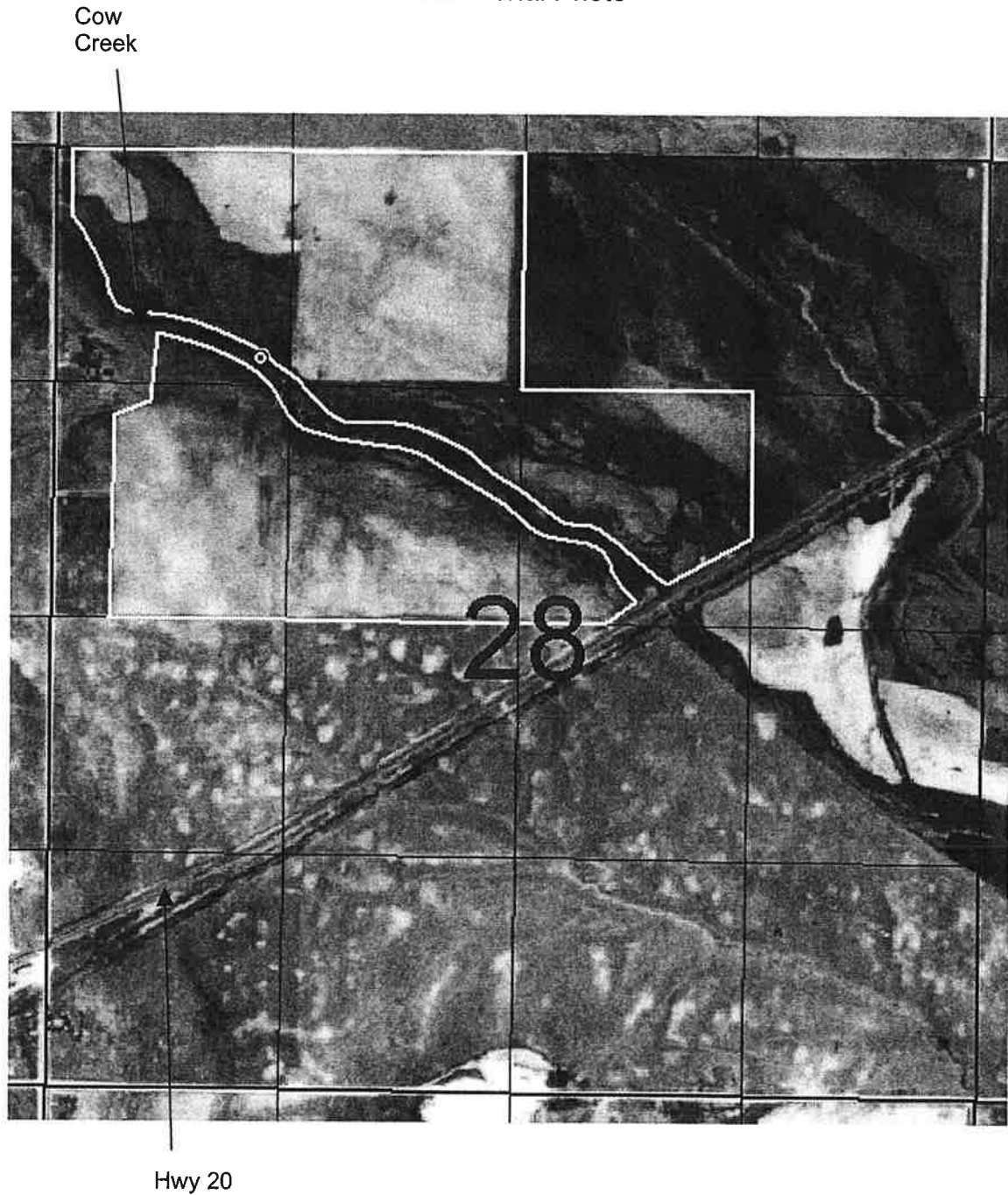
Sincerely,

Matt Anders
GIS Specialist – Snake River Basin Adjudication

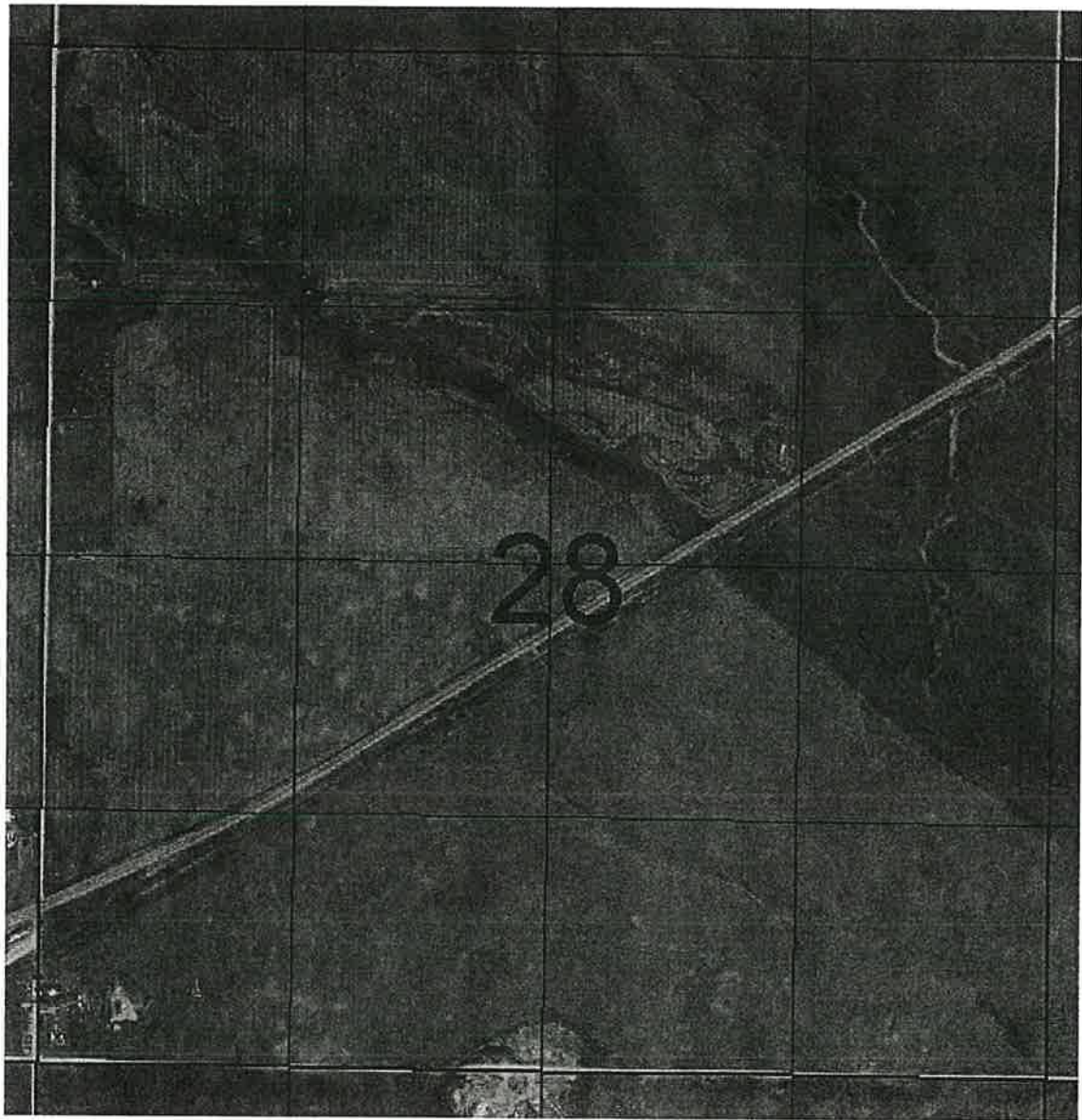
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

1987 Aerial Photo



2004 Aerial Photo



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 37-21792
Date Received: 6/12/2006
Receipt No:
Received By:

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

1. Name of Claimant(s)

BRET L RUBY
1004 4TH AVE W
GOODING ID USA 83330

Phone: (208)934-5798

SANDRA K MILLER
1004 4TH AVE W
GOODING ID USA 83330

Phone: (208)934-5798

TERRY D RUBY
1004 4TH AVE W
GOODING ID USA 83330

Phone: (208)934-5798

2. Date of Priority: 04/15/1987

3. Source: COW CREEK , COW CREEK , COW CREEK , COW CREEK Trib. to: CAMAS CREEK ,
CAMAS CREEK , CAMAS CREEK , CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	12E	28	NE NW	CAMAS	Ending Point
01S	12E	28		CAMAS	
01S	12E	28	NE NW	CAMAS	
01S	12E	19	NW SW	CAMAS	Beginning Point

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2.8	

7. Total Quantity Appropriated is:
2.8 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
01S	12E	28	SW	NE	IRRIGATION	35
			SE	NE	IRRIGATION	20
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	35
			SW	NW	IRRIGATION	35
			SE	NW	IRRIGATION	40
					Section Acres	205
					Total Acres	205

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:

14. Remarks:

Claim for enlargement of decreed right 37-491.

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): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-491

WATER RIGHT NUMBER: 37-491

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CICERO B MINK ZZ

Priority Date: 01/18/1900

Basis: Decreed

Status: Active Transferred

<u>Source</u>	<u>Tributary</u>
COW CREEK	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	2.800 CFS	
		<u>Total Diversion:</u>	2.800 CFS	

Location of Point(s) of Diversion
COW CREEK

Place of Use
IRRIGATION

[illegible]

Conditions of Approval:

Remarks:

Comments:

1. pskaggs 4/30/2002 3:52:24 PM Approved Transfer 69371
Comment: Approved transfer 69371 is associated with all or part of this Right and the following records.
Claim 67-491 3.25 cfs 1040 afa 288.8 total acres

Not this <
Right