

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: A37-00528
Date Received: 10/24/1988
Receipt No: S003173
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD D. PAYNE 208-823-4377
Address: BOX 113
CAREY, ID 83320

2. Date of Priority: JUN 10, 1883

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	21E	30	NW	SW	SE		BLAINE
02S	21E	21	SW	NW	NE	R	BLAINE

5. Description of diverting works:
VIA WEST CANAL, HEADGATES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.180		

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

8. Total consumptive use is 455.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02S	21E	28	NE	NW		IRR	20.0
			NW	NW		IRR	40.0
			SW	NW		IRR	20.0

Section Acres 80.0

A37-00528

Page 1

Date: 10/24/88

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02S	21E	29	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0

Section Acres 280.0

Total Acres 360.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-00527

14. Remarks:
UNRECORDED TRANS. CHANGED P/U TO INCLUDE TWO TRACTS IN S. 28;
NENW & SWNW.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/13/1909

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

vs

ALTURAS WATER COMPANY, ET. AL.
Decree 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

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): Richard D Payne Date: 10/24/88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of October 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94

T2S

T3S

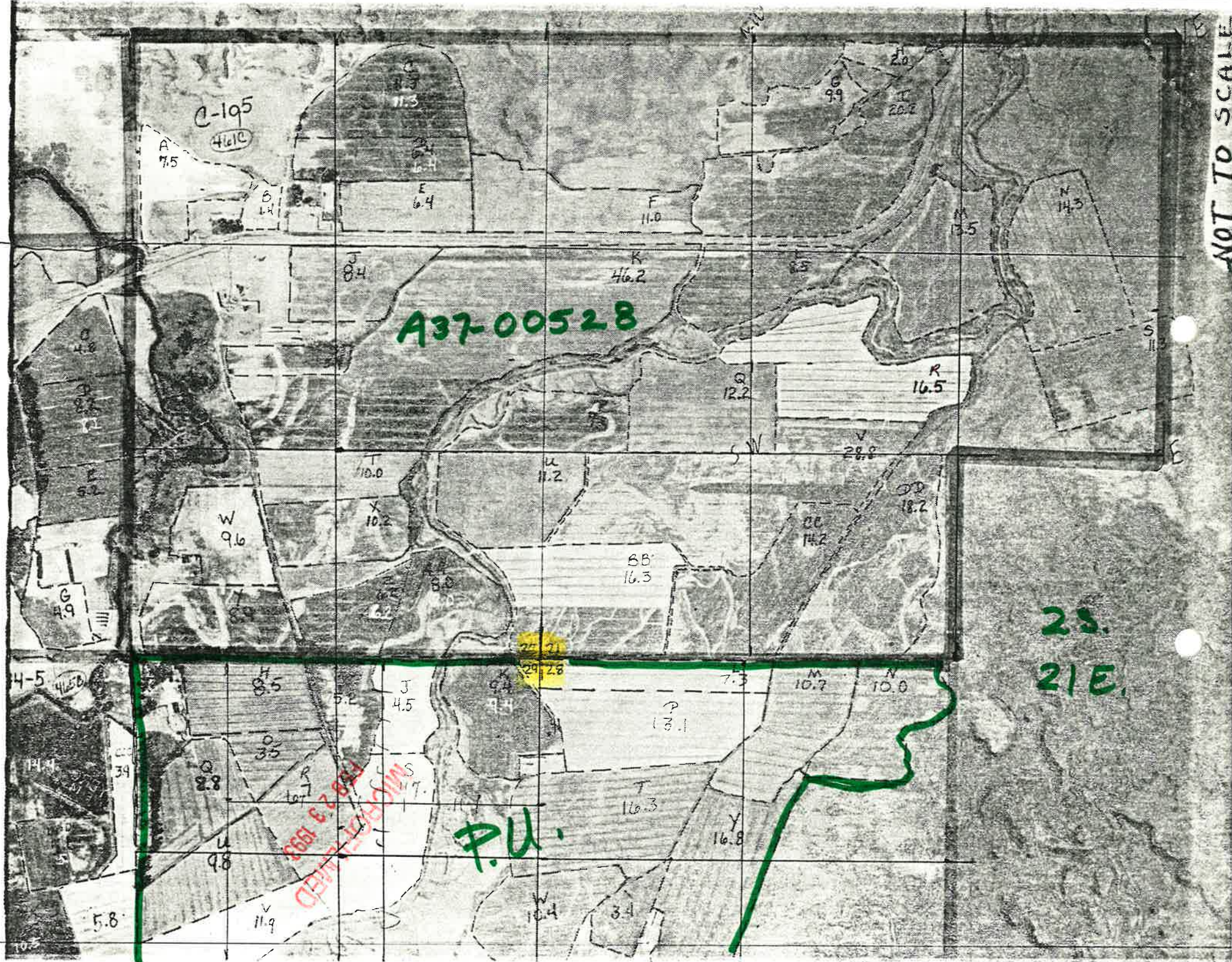
29.
21 E.

A37-00528

MICROFILMED
 FEB 23 1993



NOT TO SCALE



04/12/2005

**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: June 3, 2005

Water right number: 37-528

RICHARD D PAYNE

PO BOX 113

CAREY ID 83320

Telephone Number: (208)823-4377

RECEIVED
JUN 03 2005
DEPARTMENT OF
WATER RESOURCES

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:

6-1-05

SIGNATURE:

Richard D Payne

Please print your name:

Richard D Payne

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

SCANNED
JUN 03 2005

06/30/2004

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

RIGHT NUMBER: 37-528

NAME AND ADDRESS: RICHARD D PAYNE
PO BOX 113
CAREY ID 83320

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 06/10/1883

POINT OF DIVERSION:

T01N R21E S30 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.180 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T02S R21E S28	NENW	23.0	T02S R21E S28	NWNW	40.0
T02S R21E S28	SWNW	18.0	T02S R21E S28	SENW	0.5
T02S R21E S29	NENE	17.0	T02S R21E S29	SWNE	3.5
T02S R21E S29	SENE	33.0	T02S R21E S29	NESE	15.0
T02S R21E S29	NWSE	37.0	T02S R21E S29	SWSE	35.0

222 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-527 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 222 ACRES 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.

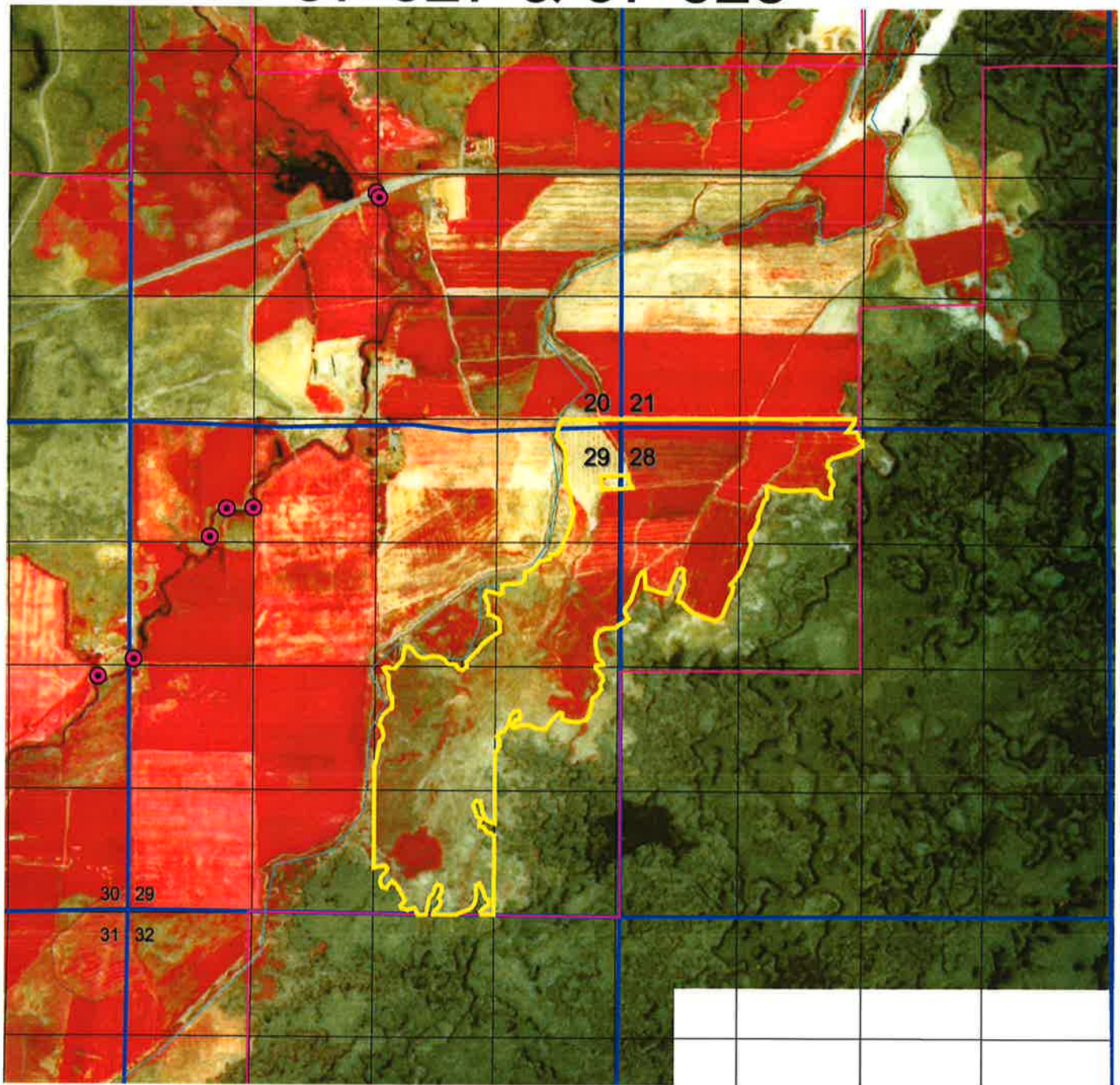
EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH WEST CANAL.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM LITTLE WOOD RIVER
IRRIGATION DIST.

IDAHO DEPT OF WATER RESOURCES

37-527 & 37-528



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 2S
RNG: 21E
SEC. 28 & 29



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: JUNE 30, 2004

1/22/04
SCC

37-527

37-528

37-11931 → DISALLOWED, NO PROOF

1. 37-11931 ★ Requires proof of priority
due last June !! <see note in file>

Q: Proof of flow rate delivered as
12.8 cfs in LWR.

2. Confirm POU of irrigated acres under:

2) 527 & 528

b) Additional Acres under 37-11931

3. locate POD and Re diversion from West Canal

— Is IT POSSIBLE to Deliver from West Canal?

NO — Are Diversions made from LWR below West C.?

1-29-04 Richard Payne 37-527-528- 11931 (526)
I met with Dick Payne to review his water
files.

1- 37-11931 Dick advise me that he did not have
anything to justify or prove the priority of
this water claim and since he has converted
to sprinkler irrigation he doesn't want this
claim (it can be terminated) he did say that
years ago it was used every spring to
wet up the farm so they could get by the
remaining year with other rights, but he
has not used this right for years and
won't now so he does not want the claim.

2- the lands designated - (^{yellow} marks) in sec- 28 and
29 all east of LW river is lands for 37-527
and 528 which is now all sprinkler
irrigated (see photo) and regarding for 11931
when used years ago and when water
was available it was used on all lands they
owned but hasn't and isn't any longer.

3- all of water for 527 & 528 are delivered from
the LW Canal Co West Canal approx. where
marked on photo and there is no diversion
from LW river for these rights.

The lands sec 20 & 21 (see photo) belong to
Kenny Bailey & Paul Lindsey.

The lands in 28 & 29 Marked irrigation appears good for 527 & 528 east of LW river, land on west and north of POD for 726 appears good. Water right 37-726 is water delivered by water Dist 37M in Shoshone.

~~Richard~~ Richard said he thinks he has approx (more or less) 420 acres now under sprinkler and he is going to Twin Falls IDWR and file for a transfer of his water rights so he will be able to use all water on all of his farm when and where it is needed instead of the rights broken up into designated areas.

Water right 526A? 726 is all delivered from Silver Creek at POD shown on photo by Dist. 37M.

0526 is in 400, but

37M

1-1-1551 400 28'

after 2000

Water Right Report 37-528

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PAYNE BROTHERS
	, ZZ

Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	0.800 CFS	
		<u>Total Diversion:</u>	0.800 CFS	

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
02S	21E	20									X			X					
02S	21E	28						X											
02S	21E	29	X	X	X	X									X	X	X		

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-528

Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37N
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False