

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 37-526A
Date Received: 10/24/1988
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)
RICHARD D PAYNE Phone: (208)823-4377
PO BOX 113
CAREY ID USA 83320
2. Date of Priority: 06/01/1881
3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	21E	20	SE SE SW	BLAINE	
02S	21E	29	NE NE NW	BLAINE	
02S	21E	18	SE SE SE	BLAINE	

5. Description of diverting works:

SMITH #36 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.78	

7. Total Quantity Appropriated is:
2.78 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
02S	21E	20	NE SW	IRRIGATION	27
			NW SW	IRRIGATION	11
			SE SW	IRRIGATION	29

SW	SW	IRRIGATION	25
		Section Acres	92
02S	21E 29	NE NE	IRRIGATION 22
		NW NE	IRRIGATION 39
		SW NE	IRRIGATION 25
		SE NE	IRRIGATION 5
		Section Acres	91
		Total Acres	183

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:

14. Remarks:

This claim was amended this date to correct the place of use. Claimed acres east of Silver Creek were deleted and the acres west of Silver Creek were modified to better reflect the actual irrigated place of use. Overall there was a reduction in irrigated acres therefore no additional fees are due. KKC

A37-00526 HAS BEEN SPLIT INTO A37-00526A AND A37-00526B BY APPROVED TRANSFER 3744 DATED 12/24/1991.

15. Basis of Claim: Decreed

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): Richard Payne Date: 2-4-04

Date: _____

State of Idaho)
) SS.
County of Twin Falls)

Subscribed and sworn to (or affirmed) before me this 4th day of February 2004



Kelly K Christensen
Notary Public

Residing at Twin Falls, ID

My commission Expires 3-11-2004
02/04/2004

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: **A37-00526A**

Date Received: 10/24/1988

Receipt No: X777777

Received By: _____

Split by Transfer

**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 1, 1881

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	21E	18	SE	SE	SE		BLAINE
		20	SE	SE	SW		BLAINE
		29	NE	NE	NW		BLAINE

5. Description of diverting works:
SMITH #36 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.780		

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

8. Total consumptive use is 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	20	NE	SW		IRR	23.3
			NW	SW		IRR	8.8
			SE	SW		IRR	4.9

**MICROFILMED
FEB 23 1993**

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
						Section Acres	37.0
		28	NW	NW		IRR	40.0
						Section Acres	40.0
		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	357.0

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:
37-00527, 37-00528

14. Remarks:
A37-00526 HAS BEEN SPLIT INTO A37-00526A AND A37-00526B BY
APPROVED TRANSFER 3744 DATED 12/24/1991.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

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

ALTURAS WATER COMPANY, ET. AL
vs 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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
FEB 23 1992

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: A37-00526
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 01, 1881

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
02S	18E	18	SE		SE		SE		BLAINE
		20	SE		SE		SW		BLAINE
		29	NE		NE		NW		BLAINE

5. Description of diverting works:
SMITH #36 HEADGATE

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 350.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02S	21E	20	NE		SW		IRR	23.3
			NW		SW		IRR	8.8

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	21E	20	SE	SW		IRR	7.9
						Section Acres	40.0
		28	NW	NW		IRR	40.0
						Section Acres	40.0
		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, A37-00528

14. Remarks:

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 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 W 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

MICROFILMED
FEB 23 1993

37-526A

6/1/5
SCC

NOE:

Z27 NW 1992 DOQQ photo
shows this SWSW S:20 is not
being irrigated.
Also not irrigated in 1987 NAAPP.
Cannot be covered with these rights.

04/12/2005

RECEIVED
JUN 03 2005
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: June 3, 2005

Water right number: 37-526A

RICHARD D PAYNE

PO BOX 113

CAREY ID 83320

Telephone Number: (208)823-4377

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of Use

2. Describe the changes you wish to make in the proposed recommendation:

North 500 Feet of The SW SW Sec. 20

3. Give a brief explanation as to why you disagree with these portions:

I HAVE BEEN IRRIGATING THIS GROUND FOR 15 YRS

☒ 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
JUN 03 2005

Dear Sir

RECEIVED
JUN 03 2005
DEPARTMENT OF
WATER RESOURCES

I don't disagree with the decision
on water right number 37-526 A.

This is just a consideration I would
like covered to be able to utilize the
buried mainline and wheel line that
is currently in place.

I will respect whatever decision is made

Thank
You

Sincerely

Richard
Payne

SCANNED
JUN 03 2005

07/02/2004

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

RIGHT NUMBER: 37-526A
NAME AND ADDRESS: RICHARD D PAYNE
PO BOX 113
CAREY ID 83320

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER
QUANTITY: 2.780 CFS
PRIORITY DATE: 06/01/1881
POINT OF DIVERSION: .

T02S R21E S20 SESESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	2.780 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T02S R21E S20	NESW	21.0	T02S R21E S20	NWSW	9.0
T02S R21E S20	SWSW	1.1	T02S R21E S20	SESW	25.0
T02S R21E S29	NENE	18.0	T02S R21E S29	NWNE	34.0
T02S R21E S29	SWNE	20.0	T02S R21E S29	SENE	2.5

130.6 ACRES TOTAL

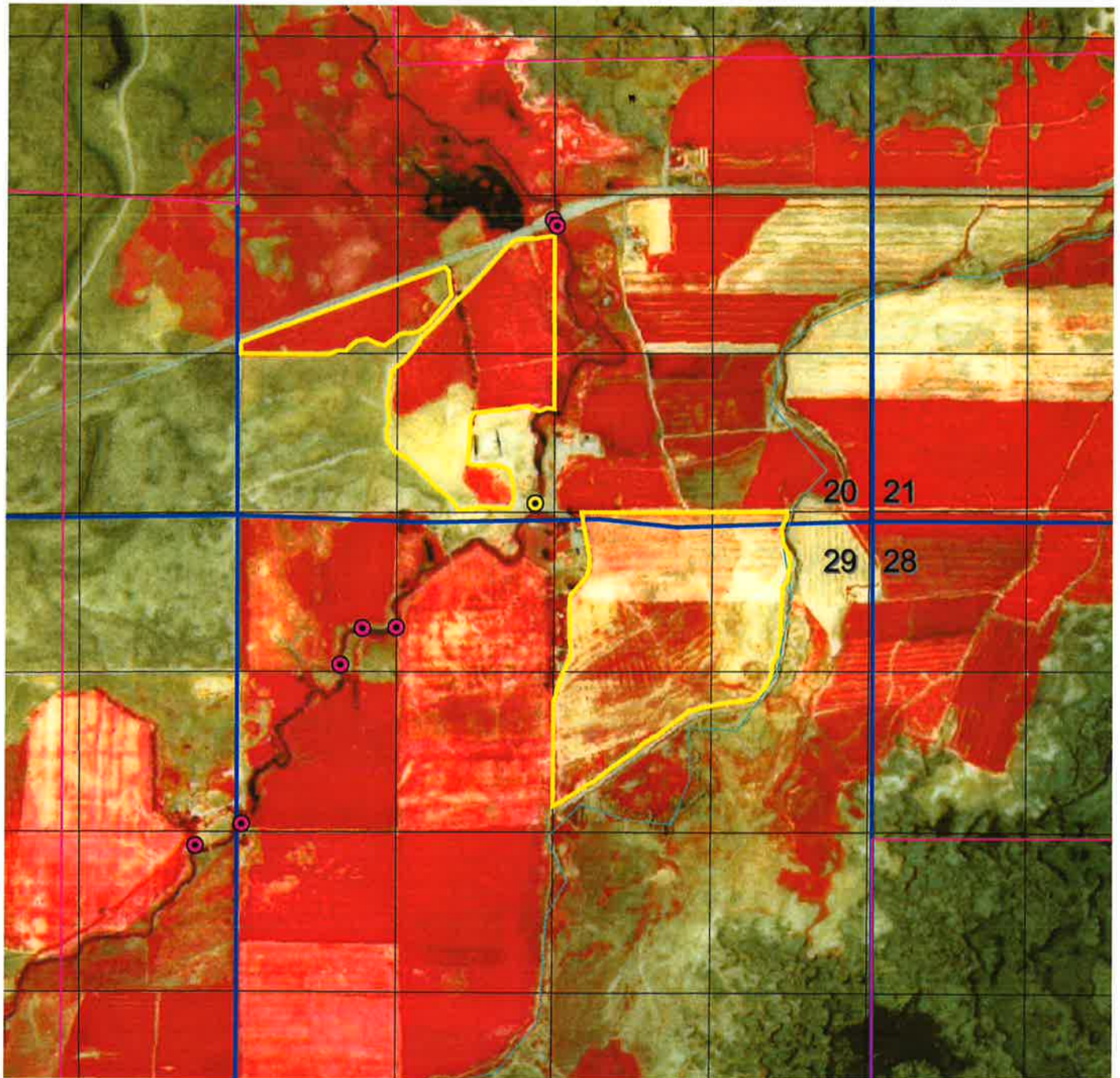
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: Decreed

IDAHO DEPT OF WATER RESOURCES

37-526A



1320 0 1320 Feet

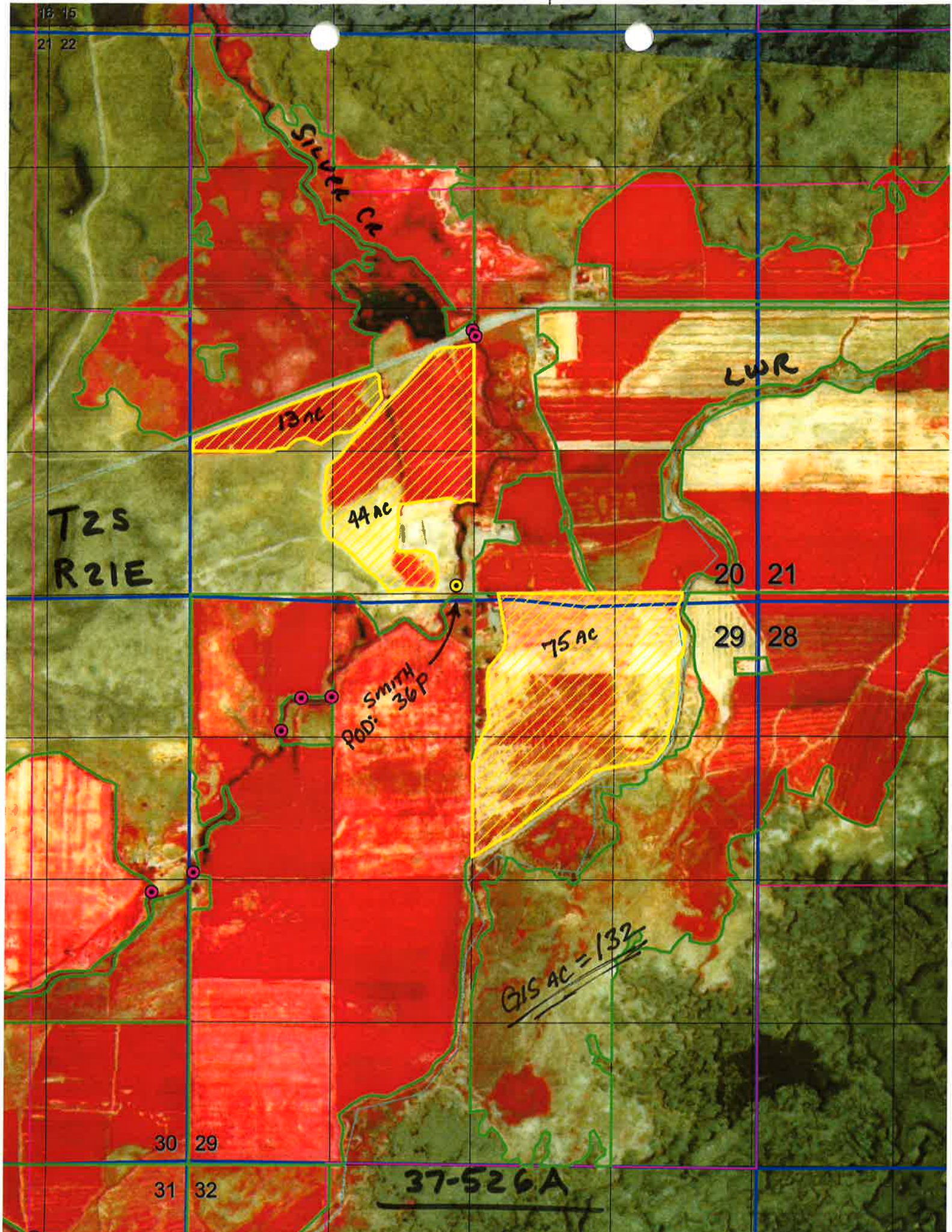
-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 2S
RNG: 21E
SEC. 20 & 29



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

Date: JULY 02, 2004



16 15
21 22

Silver Cr

LWR

T2S
R21E

13 ac

44 ac

20 21

29 28

SMITH
POB: 36P

75 ac

GIS AC = 132

30 29

31 32

37-526A

1/22/04
SEC

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:

a) 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.?

★ ALSO APPLIES TO: 37-526A

(Part B already
issued as P.D.
= DISALLOWED)

6/30/04
SEC

review of transfer file: converted portion of this right to SWater use. Irrigation portion was not confirmed or reviewed by the transfer.

POD: Smith 36P found in Brockway Diversions for Silver Cr.

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 POW 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 appear 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 on 400, but

37M

0-1-1551 140' 28'

after water works.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-526

WATER RIGHT NUMBER: 37-526

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TIKURA CATTLE ASSN C/O LOREN STRODE 139 LLP RD CAREY, ID 83320 (208)823-4694
Original Owner	PAYNE BROTHERS , ZZ

Priority Date: 06/01/1881

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WOOD RIVER	MALAD RIVER
SILVER CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	4/01 to 11/01	0.020 CFS	
IRRIGATION	4/01 to 11/01	2.780 CFS	
	<u>Total Diversion:</u>	2.800 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER	L1 (NW1/4NW1/4)	Sec. 7, Twp 03S, Rge 21E, B.M.
LINCOLN County		
SILVER CREEK	SE1/4SE1/4	Sec. 18, Twp 02S, Rge 21E, B.M.
BLAINE County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	21E	29											X						
03S	21E	30																X	
03S	21E	31	X																
03S	21E	32					X												

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-526

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

Conditions of Approval:

1. 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.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:Comments:

1. LUKE 12/24/1991 Transfer No. 3744

Comment: Transfer No. 3744 changed nature of use for a portion of this right from irrigation to stockwater. Transfer also changed/added point of diversion and place of use for stockwater use. Updated place of use and point of diversion descriptions have not been added for irrigation component of this right since review of Department orthophoto and remote sensing data is not consistent with what has been claimed in SRBA. The complete irrigation use can not be recognized through the transfer without further field investigation by the Department or by confirmation through the SRBA. Note: Transfer also added Little Wood River as source for stock use. Based on remarks by applicant in transfer application, this transfer may only be temporary until such time as a pending application for permit can be approved. Applicants have a pending application for permit for stock use which has been protested (37-8607).