

A37-00580

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: **A37-00580**
Date Received: 6/25/1999
Receipt No: S022310
Received By: 

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

1. Name: DRY CREEK PARTNERS 208-934-4448
Address: C/O BILL NOVINGER
1598 E 1300 S
GOODING ID 83330

2. Date of Priority: APR 2, 1906

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	16E	7	SW	NW		2	GOODING

5. Description of diverting works:
DIVERSION TO ROBERTSON DITCH, SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	3.200		640.00

7. Total Quantity Appropriated is:
3.200 C.F.S. (and/or) 640.00 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
05S	14E	3	SW	NW		IRR	40.0
			NE	SW		IRR	39.0
			NW	SW		IRR	40.0
			SW	SW		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	14E	3	SE	SW		IRR	17.0
						Section Acres	146.0
		4	SE	NE		IRR	14.0
						Section Acres	14.0
						Total Acres	160.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

BIG WOOD CANAL CO. SHARES, AMERICAN FALLS SUPPLEMENTAL WATER

14. Remarks:

P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

AC. IRRIG. NOT SPECIFIED. FARM = 320 AC.

ORIGINALLY DECREED TO J. C. ROBERTSON IN THE FROST DECREE.

37-00865 IS ALSO USED ON THE PLACE OF USE, BUT DOES NOT OVERLAP 37-00580.

TWO WATER RIGHTS, 37-00580 AND 37-00581, WERE DECREED TO THE SAME PLACE OF USE IN SECTIONS 3, 10, AND 15. WATERMASTER HAS HISTORICALLY DELIVERED 37-00580 TO CLAIMANT'S LANDS IN SECTIONS 3 AND 4. 37-00581 HAS HISTORICALLY BEEN DELIVERED TO ANOTHER PARTY'S LAND IN SECTION 10. THIS CLAIM IS BASED ON LANDS HISTORICALLY IRRIGATED IN SECTIONS 3 AND 4.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

BIG WOOD CANAL CO.

Decree Plaintiff

S. H. CHAPMAN, ET. AL.

vs

Decree Defendant

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 A37-00580Date Received 6-24-99Receipt Number SD22310

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUN 24 1999

Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) Dry Creek Partners Phone (208) 934-4448Mailing Address c/o Bill Novinger, 1598 E. 1300 S., Gooding, ID Zip 833302. Date of Priority (Only one (1) per claim) 4/2/19063. Source of water supply (a) Big Wood River
which is tributary to (b) Malad River4. a. Location of existing point of diversion is: Township 5S Range 16E Section 7,
1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Gooding

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diversion to Robertson Ditch,
water conveyed to place of use where it is used for sprinkler
irrigation.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 10/31 amount 3.20 or 640.0
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.20 (cfs) and/or (b) 640.0 (acre feet)

8. Total consumptive use claimed is 480.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5S	14E	3							40		39	40	10	17					146
5S	14E	4				14													14

Total number of acres irrigated 160

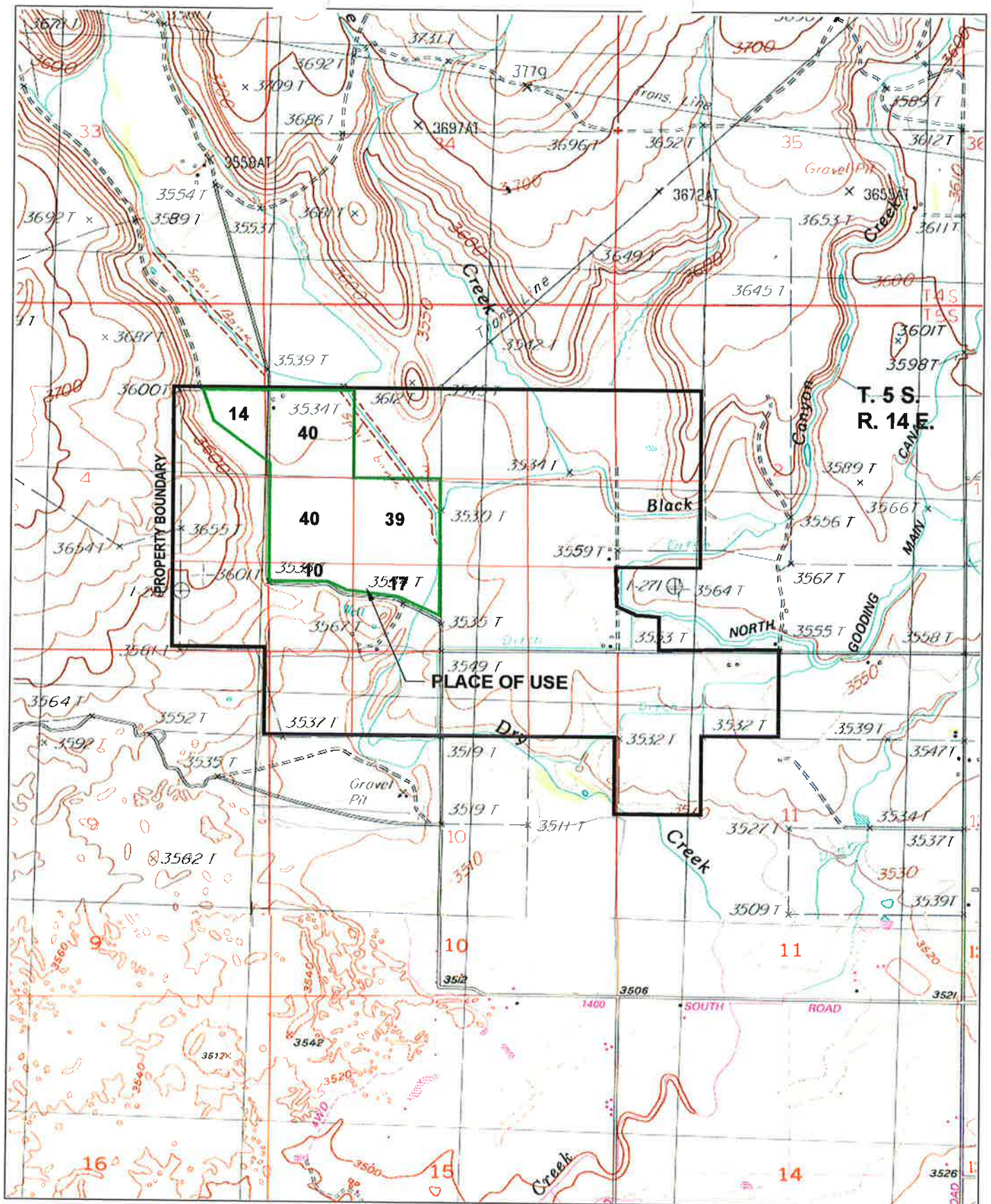
11. In which county (ies) are lands listed above as place of use located? Gooding

12. Do you own the property listed above as place of use? Yes X No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Big Wood Canal Company shares, Am. Falls supplemental water or None ()

14. Remarks: 37-00865 is also used on the place of use, but does not overlap 37-00580.
Two water rights, 37-00580 and 37-00581, were derived to the same place of use in sections 3 and 10^{and 15}. Watermaster has historically delivered 37-00580 to claimant's lands in sections 3^{and 4} and 37-00581 has historically been delivered to another party's land in section 10. This claim is based on lands historically irrigated in sections 3 and 4.

Last Name _____ Ident No. _____



SRBA CLAIM 37-00580 FOR DRY CREEK PARTNERS

Source: Big Wood River

Acres: 160

Rate: 3.20 cfs

Volume: 640 ac-ft

Prepared by Brockway Engineering, PLLC
6/8/99

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 37-00580

Court _____ Case Number 2184 Decree Date 6/27/1925

Plaintiff vs Defendant BWCC vs. Chapman, et al.

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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Partner

Title

of Dry Creek Partners _____, that I have signed the foregoing

Organization

document in the space below as Partner _____ of Dry Creek Partners _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

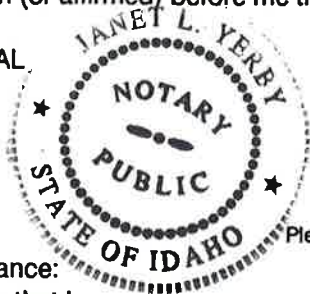
Signature of Authorized Agent [Signature]

Title and Organization Partner, Dry Creek Partners Date 6/28/99

State of Idaho/or _____)
County of Gooding _____) SS.

Subscribed and sworn (or affirmed) before me this 21st day of June 19 99

SEAL



Notary Public [Signature]

Residing at Gooding, ID

My Commission Expires 3/22/2002

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 8022310

Date: 6/25/1999
Time: 14:40:06

Received
From: DRY CREEK FARM

Type of Payment		Program A cct		Amount
DJUDICATION FEE	41503	337	1155	355.00

CHECK 1657

Total \$ 355.00

Water Right Numoers
A37-00580 A37-00865 - -

Region: SOUTHERN

Signature: Jeanie Robertson

138⁸²

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1598 E 1300 S
GOODING ID 83330

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3.200 C.F.S. (and/or) 640.00 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
05S	14E	3	SW	NW		IRR 19	40.0 21 ⁰⁰
			NE	SW		IRR 38	39.0 1 ⁰⁰
			NW	SW		IRR 38	40.0 2 ⁰⁰
			SW	SW		IRR 27	10.0 ?

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	14E	3	SE	SW		IRR 17	17.0 ~

Section Acres 146.0

4	SE	NE	IRR NR	14.0	1400
---	----	----	--------	------	------

Section Acres 14.0

Total Acres 160.0

Handwritten calculations:
 1400
 382
 +50
 +50
 138
 +225
 363
 A37-00865
 ?

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

BIG WOOD CANAL CO. SHARES, AMERICAN FALLS SUPPLEMENTAL WATER

14. Remarks:

P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
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Case Number:

Court :

Decree date: / /

BIG WOOD CANAL CO.

Decree Plaintiff

S. H. CHAPMAN, ET. AL.

vs 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 _____ 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.

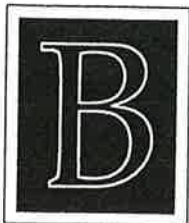
Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUN 24 1999

Department of Water Resources
Southern Region

June 24, 1999

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Dry Creek Dairy transfer and SRBA claims

Dear Allen:

As we discussed, the following documents are enclosed:

1. SRBA claim for 37-00580 by Dry Creek Partners
2. SRBA claim for 37-00865 by Dry Creek Partners
3. Amended SRBA claim for 37-00581 by Patrick O'Maley
4. Transfer application for 37-00580 to change the decreed acres to agree with the SRBA claim acres.
5. Relinquishment of portion of water right 37-00859 by Dry Creek Partners.

Please do not hesitate to call if you have any questions. Based on our conversations, I understand that the transfer / permit package previously filed can now be processed and advertised.

Enclosed are two checks from Dry Creek Partners: \$355 that you calculated for the two SRBA claim forms, and \$100 for the transfer application. Please determine the fee, if any, for O'Maley's amended claim and I will send you a check.

Sincerely,



Charles G. Brockway

cc: Bill Novinger

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

August 13, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DRY CREEK PARTNERS
C/O BILL NOVINGER
1598 E 1300 S
GOODING ID 83330

RE: ADJUDICATION CLAIM NOS. A37-00580 AND A37-00865

DEAR CLAIMANTS:

PLEASE FIND ENCLOSED YOUR RECEIPT AND COPIES OF COMPUTER GENERATED CLAIMS BASED ON THE INFORMATION FROM YOUR ORIGINAL CLAIMS WHICH HAVE BEEN ENTERED IN OUR COMPUTER RECORDS.

PLEASE REVIEW THE COMPUTER GENERATED CLAIMS FOR ACCURACY. IN A FEW INSTANCES CLARIFICATIONS MAY HAVE BEEN ADDED BY THE DEPARTMENT AT THE TIME OF DATA ENTRY. IF YOU HAVE ANY QUESTIONS OR OBJECTIONS REGARDING YOUR CLAIM, PLEASE CONTACT THIS OFFICE.

SINCERELY,

A handwritten signature in cursive script, appearing to read 'Jeanie', written over the printed name.

JEANIE ROBERTSON
SR. WATER RESOURCE AGENT

/jr

Enclosures: