

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 37-761A
Date Received: 10/12/1988
Receipt No: M001567
Received By:

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

1. Name of Claimant(s)

GARY CARNEY Phone: (208)438-5348
225 N 1250 W
PAUL ID 83347

BARBARA J CARNEY Phone: (208)438-5348
225 N 1250 W
PAUL ID 83347

2. Date of Priority: 06/01/1885

3. Source: FISH CREEK EAST FORK Trib. to: FISH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	22E	1	NW NW SW	BLAINE	

5. Description of diverting works:

HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.25	

7. Total Quantity Appropriated is:
0.25 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
01N	22E	2	SE	SE	IRRIGATION	40
					Section Acres	40
					Total Acres	40

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:

PORTION OF ORIGINAL 1.0 CFS

15. Basis of Claim: Decreed



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 9, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY CARNEY
BARBARA CARNEY
225 N 1250 W
PAUL ID 83347

Re: SRBA Claim(s) 37-758, 37-760, 37-761A, 37-763, 37-764, 37-1163, 37-2578

Dear Mr. and Mrs. Carney:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant.

While verifying the places of use in the claims against your warranty deed, I discovered what appears to be a data entry error. As you can see on the enclosed Adjudication Claim Report for 37-1163, the place of use lists 40 acres in the NWNW in Section 11 of township 1N, range 22E. The original claim filed by Verl Simpson contains a page from the Carey Valley Reservoir Co. vs. Eldridge & Condie et al. decree indicating the NWNW is actually in section 12. The map attached to the claim also supports section 12.

In order to correct this apparent error, it is necessary for you to amend claim 37-1163. I am enclosing an amended claim showing what I believe is the correct place of use. Please review this amended claim and if you agree it reflects your actual place of use, sign where indicated in front of a notary and return the entire amended claim to me in the enclosed self-addressed envelope. I will then make permanent the correction to our records and confirm by letter when this has been completed. All other printouts of the claims listed above are for you to keep for your records. Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

RECEIVED
AUG 08 2001
 Department of Water Resources
 Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>37-2578</u>			<u>37-764</u>	
	<u>37-1163</u>			<u>37-763</u>	
	<u>37-758</u>				
	<u>37-761A</u>				
	<u>37-760</u>				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Margie & Verl Simpson
4. New Owner/Claimant(s) Box 06 Stocking R.D. Carey Idaho
- Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- Gary & Barbara Carney 83320
- New Mailing Address 225N 1250W Paul Id., 83
- City, State and ZIP Code 83347
- New Telephone Number (208-438-5348
5. Date you acquired the property 8/30/00

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

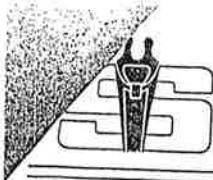
DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Gary Carney
(include title if applicable)

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

For Office Use Only			
Received by <u>[Signature]</u>	Date <u>8/9/01</u>	Fee <u>[Signature]</u>	
Receipted by <u>[Signature]</u>	Date <u>8/9/01</u>	Receipt No. _____	
Processed by <u>[Signature]</u> AJ	Date <u>8/9/01</u>	WR _____	Date _____



THIS AGREEMENT MAY BE EXECUTED IN COUNTERPART,
AND AS EXECUTED SHALL CONSTITUTE ONE AGREEMENT,
BINDING ON ALL PARTIES, EVEN THOUGH ALL THE
PARTIES DO NOT SIGN THE ORIGINAL OR THE SAME
COUNTERPART.

Order No. 00009672
This form furnished by
Blaine County Title Associates

PARCEL #01N220111920A
PARCEL #01N220011820A

WARRANTY DEED

For Value Received RICHARD VERL SIMPSON and LINDA SCOBLE, AS CO-PERSONAL
REPRESENTATIVES OF THE ESTATE OF VERL W. "BUD" SIMPSON and MAXINE SIMPSON,
DECEASED

the Grantor hereby grants, bargains, sells, conveys and warrants unto GARY & CARNEY and BARBARA
& CARNEY, husband and wife

the Grantee whose current address is: 1250 WEST 225 NORTH, PAUL, ID 83347

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE
INCORPORATED HEREIN.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns
forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said
premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful
claims whatsoever.

Dated: August 29, 2000

Richard Verl Simpson

RICHARD VERL SIMPSON, CO-PERSONAL REPRESENTATIVE

State of IDAHO

County of BLAINE

ss.

On this 30 day of August, 2000, before me, the
undersigned, a Notary Public, in and for said State, personally appeared RICHARD VERL SIMPSON

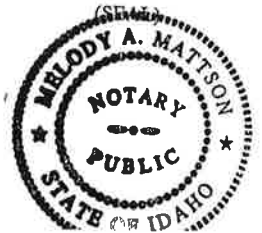
known to me, and/or identified to me on the basis of
satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me
that he executed the same.

*CO-PERSONAL REPRESENTATIVE

WITNESS MY HAND AND OFFICIAL SEAL.

Melody A. Mattson

Notary Public
Residing at: KETCHUM, IDAHO
Commission Expires: September 24, 2002





Order No. 00009672
This form furnished by
Blaine County Title Associates

PARCEL #01N220111920A
PARCEL #01N220011820A **WARRANTY DEED**

For Value Received RICHARD VERL SIMPSON and LINDA SCOBLE, AS CO-PERSONAL REPRESENTATIVES OF THE ESTATE OF VERL W. "BUD" SIMPSON and MAXINE SIMPSON, DECEASED

the Grantor hereby grants, bargains, sells, conveys and warrants unto GARY & CARNEY and BARBARA P. CARNEY, husband and wife

the Grantee whose current address is: 1250 WEST 225 NORTH, PAUL, ID 83347

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.

Instrument # 442717

HAILEY BLAINE, IDAHO

2000-08-31

03:45:00 No. of Pages: 3

Recorded for: BLAINE COUNTY TITLE

MARSHA RIEMANN

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: August 29, 2000

Linda Scoble
LINDA SCOBLE, CO-PERSONAL REPRESENTATIVE

State of IDAHO

County of Lemhi ss.

On this 30th day of August, 2000, before me, the undersigned, a Notary Public, in and for said State, personally appeared LINDA SCOBLE

satisfactory evidence, to be the person whose name is/are subscribed to the within instrument and acknowledged to me on the basis of that she executed the same. *CO-PERSONAL REPRESENTATIVE

WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL)

Linda K. Robie
Notary Public
Residing at: Salmon, Idaho
Commission Expires: 10-6-05



BOUNDING ON ALL PARTIES, EVEN THOUGH ALL THE PARTIES DO NOT SIGN THE ORIGINAL OR THE SAME COUNTERPART.

Order Number: 00009672

TOWNSHIP 1 NORTH, RANGE 22 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 1: SW1/4SW1/4

SECTION 2: SE1/4SE1/4, E1/2SW1/4, W1/2SE1/4

SECTION 12: NW1/4NW1/4

SECTION 11: N1/2NE1/4, E1/2NW1/4, NE1/4S21/4

EXCEPTING THEREFROM the following described parcel:

BEGINNING at a point 62 feet South of the Northwest corner of the NE1/4SW1/4 of said Section 11; thence running S. 51°24' E., 272 feet; thence S. 29°01' E., 336 feet; thence N. 56°33' E., 204 feet; thence S. 87°57' E., 191 feet; thence S. 36°15' E., 468 feet; thence S. 31°00' W., 192 feet; thence S. 33°04' E., 138 feet; thence S. 28°16' W., 199 feet; S. 72°32' W., 243 feet; thence West along the South line of said NE1/4SW1/4 of said Section 11 to the Southwest corner of said NE1/4SW1/4 for a distance 656 feet; thence North along the West line of said NW1/4SW1/4 of said Section 11 to the TRUE POINT OF BEGINNING.

TOGETHER WITH THOSE WATER RIGHTS SET FORTH ON EXHIBIT "A", WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE, AND WHICH ARE TRANSFERRED AND CONVEYED BY QUITCLAIM DEED AND NOT WARRANTY DEED.

Fish Creek Water Rights:

1. Decreed right A37-00758, Priority 6/1/1884, on 160 acres for 2.0 CFS from the East Fork of Fish Creek
2. Decreed right A37-00760, Priority 6/1/1885, on 80 acres for .80 CFS from Fish Creek
3. Decreed right A37-00761A, Priority 6/1/1885, on 40 acres for .25 CFS from the East Fork of Fish Creek
4. Decreed right A37-00763, Priority 6/1/1887, on 80 acres for .80 CFS from Fish Creek
5. Decreed right A37-00764, Priority 6/1/1890, on 60 acres for .60 CFS from the East Fork of Fish Creek
6. Decreed right A37-01163, Priority 5/1/1923, on 240 acres for 1.56 CFS from Fish Creek

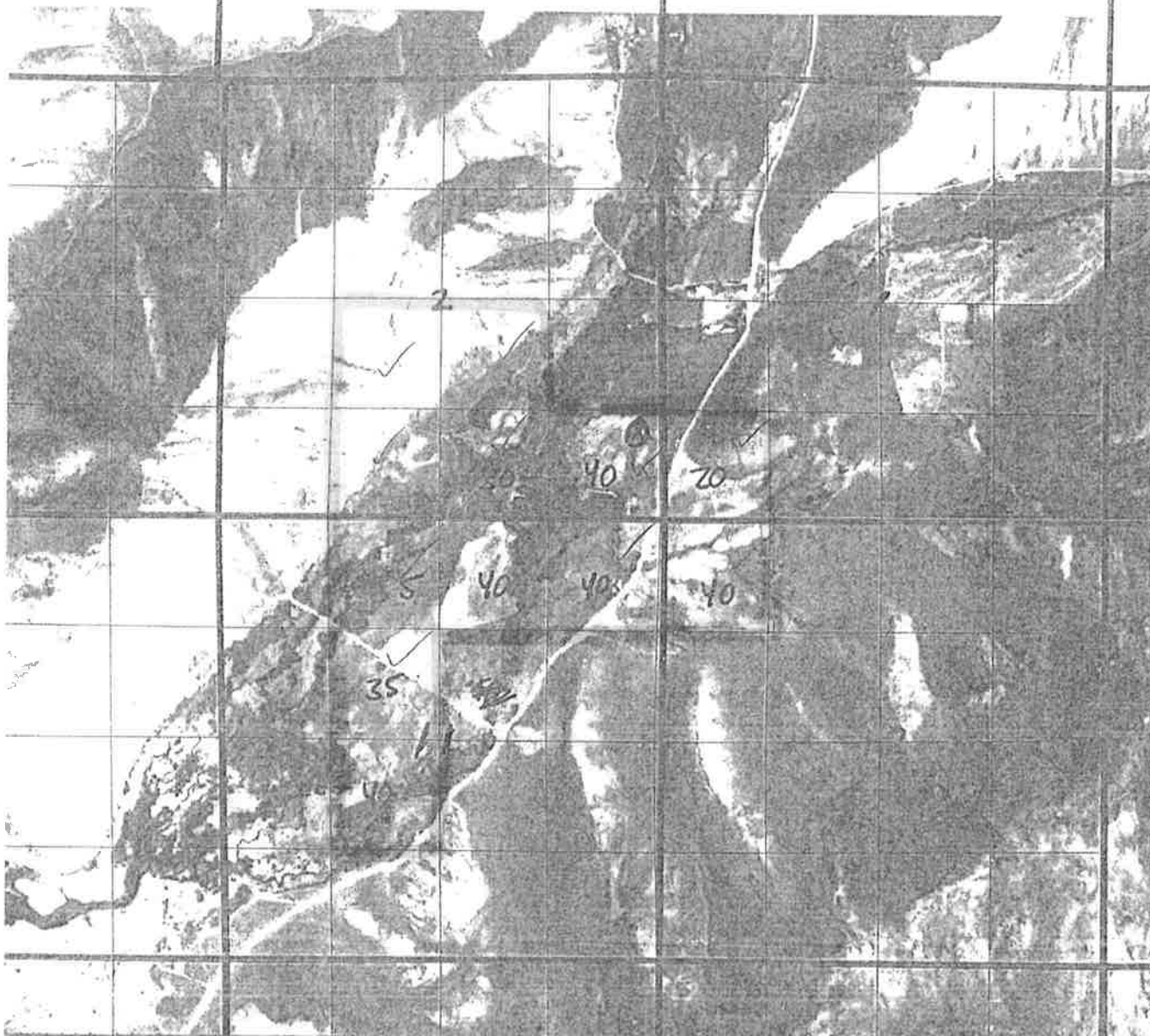
Well Water Right:

7. License A37-02578, Priority 8/30/1955, on 290 acres for 2.74 CFS from a well.

EXHIBIT

A

CURRENT
POU
GROUNDWATER
TOIN, RZEE



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: A37-00761A

Date Received: 10/12/1988

Receipt No: M001567

Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VERL W. SIMPSON 208-823-4533
Address: BOX 05
STOCKING RD.
CAREY, ID 83320

OR

Name: MAXINE SIMPSON 208-823-4533
Address: BOX 05
STOCKING RD.
CAREY, ID 83320

2. Date of Priority: JUN 01, 1885

3. Source: FISH CREEK, EAST FORK Trib. to: FISH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	22E	1	NW	NW	SW		BLAINE

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.250		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-00761A

Page 1

Date: 10/12/88

MICROFILMED
FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	22E	2	SE	SE		IRR	40.0
Section Acres							40.0
Total Acres							40.0

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:
A37-01163

14. Remarks:
PORTION OF ORIGINAL 1.0 CFS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1914

POTTER, ET. AL.
Decree Plaintiff

vs

PATTERSON, 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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): *Paul W. Simpson* Date: 10/12/88

Date: _____

State of Idaho)
County of Blaine) SS.

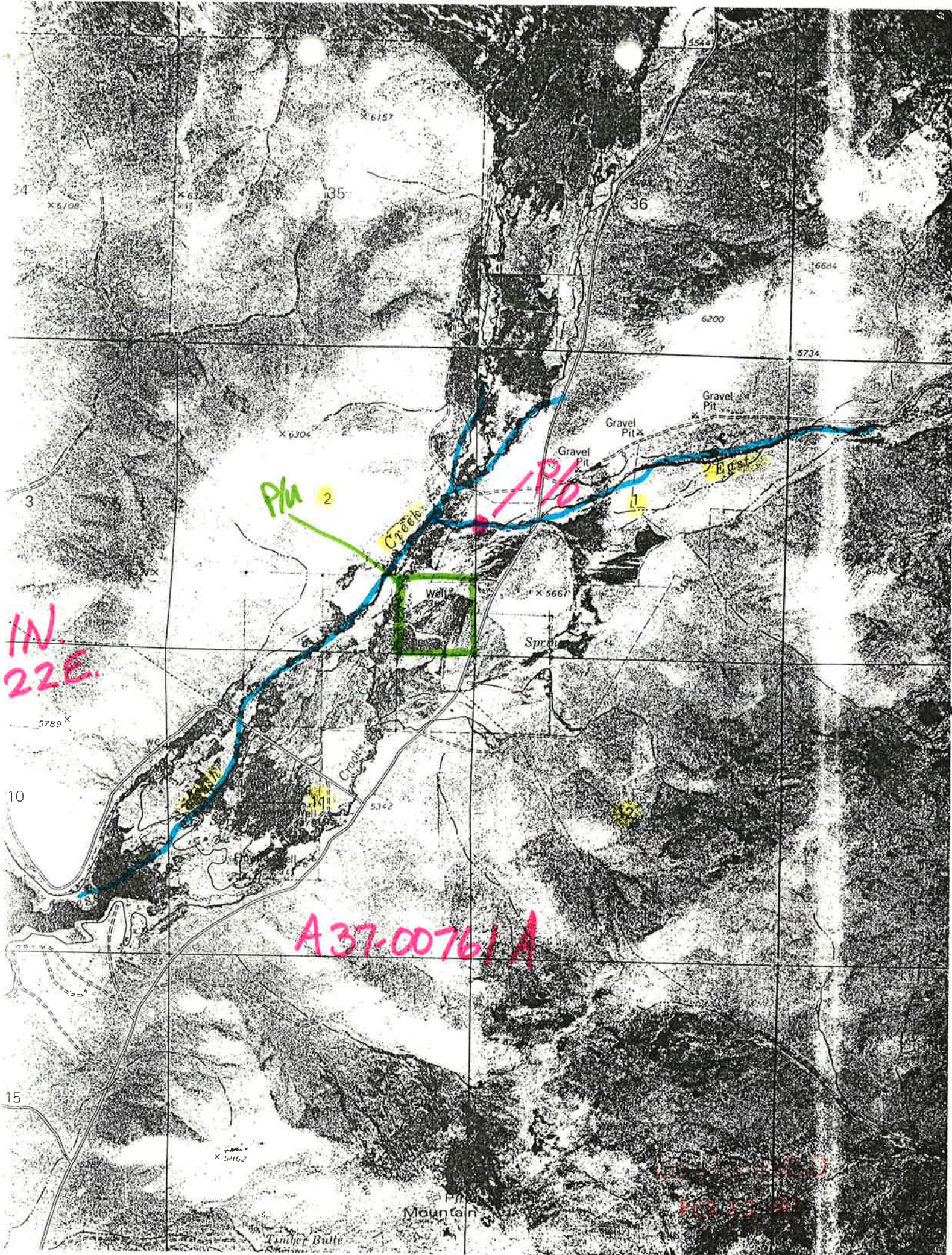
Subscribed and sworn (or affirmed) before me this 12 day
of Oct 19 88

John Dale Carter
Notary Public

Seal

Residing at Boise Id

My Commission Expires 4/2/94



COPY

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 MAY 2 AM 11 54

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

In Re SRBA

Case No. 39576

Subcase No. 37-758, 37-760, 37-761A,
37-763, 37-764, 37-1163,
37-2578

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

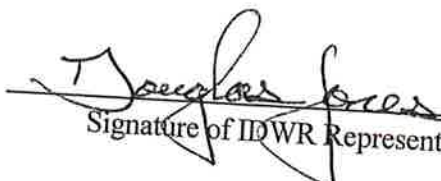
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 5/1/07


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5/2, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Paul Carney
Polly Carney
291 S 2800 E
Paul ID 83347

Gary Carney
Barbara Carney
225 N 1250 W
Paul ID 83347



Signature of person or attorney mailing the form

03/14/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-758

NAME AND ADDRESS: PAUL CARNEY
291 S 2800 E
PAUL ID 83347

POLLY CARNEY
291 S 2800 E
PAUL ID 83347

GARY CARNEY
225 N 1250 W
PAUL ID 83347

BARBARA J CARNEY
225 N 1250 W
PAUL ID 83347

SOURCE: EAST FORK FISH CREEK

TRIBUTARY: FISH CREEK

QUANTITY: 2.000 CFS

PRIORITY DATE: 06/01/1884

POINT OF

DIVERSION: T01N R22E S1 NENWSW 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	2.000 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R22E S02	SWSE	22.00	T01N R22E S02	SESE	1.00
T01N R22E S11	NENE	32.00	T01N R22E S11	NWNE	40.00
T01N R22E S11	NENW	26.00			

121 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 270 acres in a single irrigation season. Combined Right Nos.: 37-758, 37-760, 37-761A, 37-763, 37-764, 37-1163, and 37-2578.

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

03/14/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-760

NAME AND ADDRESS: PAUL CARNEY
291 S 2800 E
PAUL ID 83347

POLLY CARNEY
291 S 2800 E
PAUL ID 83347

GARY CARNEY
225 N 1250 W
PAUL ID 83347

BARBARA J CARNEY
225 N 1250 W
PAUL ID 83347

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 06/01/1885

POINT OF

DIVERSION: T01N R22E S2 NESWSE 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	0.800 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R22E S11	NENW	25.00	T01N R22E S11	SENW	38.00
T01N R22E S11	NESW	17.00			

80 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 270 acres in a single irrigation season. Combined Right Nos.: 37-758, 37-760, 37-761A, 37-763, 37-764, 37-1163, and 37-2578.

The rights listed below are limited to the irrigation of a combined total of 80 acres in a single irrigation season. Combined Right Nos.: 37-760 and 37-763.

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.

03/14/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-761A
NAME AND ADDRESS: BARBARA J CARNEY
225 N 1250 W
PAUL ID 83347

GARY CARNEY
225 N 1250 W
PAUL ID 83347

PAUL CARNEY
291 S 2800 E
PAUL ID 83347

POLLY CARNEY
291 S 2800 E
PAUL ID 83347

SOURCE: EAST FORK FISH CREEK TRIBUTARY: FISH CREEK
QUANTITY: 0.250 CFS
PRIORITY DATE: 06/01/1885

POINT OF
DIVERSION: T01N R22E S1 NENWSW 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	0.250 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R22E S02 SESE 40.00
40 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 270 acres in a single irrigation season. Combined Right Nos.: 37-758, 37-760, 37-761A, 37-763, 37-764, 37-1163, and 37-2578.

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

03/14/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-763

NAME AND ADDRESS: GARY CARNEY
225 N 1250 W
PAUL ID 83347

BARBARA J CARNEY
225 N 1250 W
PAUL ID 83347

PAUL CARNEY
291 S 2800 E
PAUL ID 83347

POLLY CARNEY
291 S 2800 E
PAUL ID 83347

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 06/01/1887

POINT OF

DIVERSION: T01N R22E S2 NESWSE 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	0.800 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R22E S11	NENW	25.00	T01N R22E S11	SENE	38.00
T01N R22E S11	NESW	17.00			

80 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 80 acres in a single irrigation season. Combined Right Nos.: 37-760 and 37-763.

The rights listed below are limited to the irrigation of a combined total of 270 acres in a single irrigation season. Combined Right Nos.: 37-758, 37-760, 37-761A, 37-763, 37-764, 37-1163, and 37-2578.

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.

03/14/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-764

NAME AND ADDRESS: GARY CARNEY
225 N 1250 W
PAUL ID 83347

BARBARA J CARNEY
225 N 1250 W
PAUL ID 83347

PAUL CARNEY
291 S 2800 E
PAUL ID 83347

POLLY CARNEY
291 S 2800 E
PAUL ID 83347

SOURCE: EAST FORK FISH CREEK

TRIBUTARY: FISH CREEK

QUANTITY: 0.600 CFS

PRIORITY DATE: 06/01/1890

POINT OF

DIVERSION: T01N R22E S1 NENWSW 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	0.600 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R22E S01	SWSW	14.00	T01N R22E S12	NWNW	13.00
---------------	------	-------	---------------	------	-------

27 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 270 acres in a single irrigation season. Combined Right Nos.: 37-758, 37-760, 37-761A, 37-763, 37-764, 37-1163, and 37-2578.

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

03/14/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-1163

NAME AND ADDRESS: GARY CARNEY
225 N 1250 W
PAUL ID 83347

BARBARA J CARNEY
225 N 1250 W
PAUL ID 83347

PAUL CARNEY
291 S 2800 E
PAUL ID 83347

POLLY CARNEY
291 S 2800 E
PAUL ID 83347

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.560 CFS

PRIORITY DATE: 05/01/1923

POINT OF

DIVERSION: T01N R22E S2 NESWSE 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		1.560 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>				
	T01N R22E S02	SESW	15.00	T01N R22E S02	SWSE 36.00
	T01N R22E S02	SESE	12.00	T01N R22E S11	NENE 27.00
	T01N R22E S11	NWNE	40.00		

130 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 270 acres in a single irrigation season. Combined Right Nos.: 37-758, 37-760, 37-761A, 37-763, 37-764, 37-1163, and 37-2578.

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.

03/14/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-2578

NAME AND ADDRESS: GARY CARNEY
225 N 1250 W
PAUL ID 83347

BARBARA J CARNEY
225 N 1250 W
PAUL ID 83347

PAUL CARNEY
291 S 2800 E
PAUL ID 83347

POLLY CARNEY
291 S 2800 E
PAUL ID 83347

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.740 CFS
850.50 AFY

PRIORITY DATE: 08/30/1955

POINT OF
DIVERSION: T01N R22E S2 NESESE 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	2.740 CFS 850.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R22E S01	SWSW	13.00	T01N R22E S02	SWSE	24.00
T01N R22E S02	SESE	40.00	T01N R22E S11	NENE	32.00
T01N R22E S11	NWNE	40.00	T01N R22E S11	NENW	26.00
T01N R22E S11	SENE	38.00	T01N R22E S11	NESW	17.00
T01N R22E S12	NWNW	13.00			

243 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 270 acres in a single irrigation season. Combined Right Nos.: 37-758, 37-760, 37-761A, 37-763, 37-764, 37-1163, and 37-2578.

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 - License

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

SOUTHERN REGION

May 2, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
~~Interim~~ Director

PAUL CARNEY
POLLY CARNEY
291 S 2800 E
PAUL ID 83347

RE: SRBA Claim(s) 37-758, 37-760, 37-761A, 37-763, 37-764,
37-1163, 37-2578

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

cc: Gary Carney
Barbara Carney
225 N 1250 W
Paul ID 83347

RECEIVED

MAR 13 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

MAR 05 2007

DEPARTMENT OF
WATER RESOURCES

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
A37-00758					
A37-00760					
A37-00761A					
A37-00763					
A37-00764					
A37-01163					
A37-02578					

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
 - B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
 - C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Gary Carney and Barbara Carney
1250 West 225 North, Paul, ID 83347

4. New Owner/Claimant(s) Paul Carney and Polly Carney
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address 291 South 2800 East,

City, State and ZIP Code Paul, ID 83347

New Telephone Number (208-) 438-2400

SCANNED

MAR 08 2007

5. Date you acquired the property

December 29, 2006

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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

7. Signature(s) of New Owner(s) or Claimant(s)

Paul Carney
Polly Carney

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by AMHDate 3.5.07Received by AMHDate 3.5.07Processed by AJDate 3.5.07Receipt Amt. \$175.00Receipt No. C083415WR Date 3/13/07

WARRANTY DEED

543343

#CL-973

For Value Received as part of an IRC 1031 tax deferred exchange

GARY CARNEY and BARBARA CARNEY, husband and wife

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

PAUL CARNEY and POLLY CARNEY , husband and wife as to an undivided one-third interest

Address: 291 South 2800 East, Paul, ID 83347

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

REPLACEMENT PROPERTY:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto as set out on Exhibit "A".

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: **December 28, 2006**

Gary Carney
GARY CARNEY

Barbara Carney
BARBARA CARNEY

Instrument # 543683

HAILEY, BLAINE, IDAHO

2007-01-10

11:53:00 No. of Pages: 2

Recorded for : LAND TITLE & ESCROW, INC

JOLYNN DRAGE

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: CORRECTION DEED

JKS

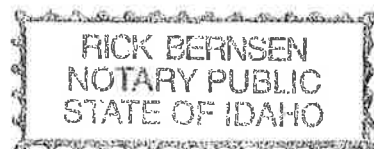
STATE OF IDAHO)
COUNTY OF JEROME) ss.

On this 28th day of **December, 2006**, before me, the undersigned, a Notary Public in and for said State, personally appeared **GARY CARNEY and BARBARA CARNEY**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary Public

Residing at: Jerome

My Commission expires: 7-30-09



SCANNED

MAR 08 2007

EXHIBIT "A"

An undivided one-third (1/3) interest in:

TOWNSHIP 1 NORTH, RANGE 22 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 1: SW1/4SW1/4

SECTION 2: SE1/4SE1/4, E1/2SW1/4, W1/2SE1/4

SECTION 12: NW1/4NW1/4

SECTION 11: N1/2NE1/4, E1/2NW1/4, AND A FRACTION OF THE NE1/4SW1/4 KNOWN AS TAX LOT 7735 described as follows:

A portion of that real property conveyed to Carney by the Warranty Deed recorded August 31, 2000 as Instrument No. 442717, Blaine County Records, T1N, R22E, Section 11, B.M., BLAINE COUNTY, IDAHO a portion of the Northeast quarter of the Southwest quarter more particularly described as follows:

Beginning at the Northwest corner of said Northeast quarter of the Southwest quarter and running thence Southerly along the West line thereof 62 feet to the intersection thereof with the Northeastern line of that certain 20 acre parcel of land excepted from that real property conveyed by the Warranty Deed from Stella Hurst to C.W. Drage, et ux., recorded November 6, 1951, in Book 162 of Deeds at Page 308, Blaine County, Records;

Thence along said Northeastern line as follows:

S. 51°24'E. 272 feet;

S. 29°01'E. 336 feet;

N.56°33'E. 204 feet;

S. 87°57'E. 191 feet;

S.36°15'E. 468 feet;

S.31°00' W. 192 feet;

S.33°04'E. 138 feet;

S.28°16'W. 199 feet;

S.72°32'W. 243 feet, more or less to a point on the South line of the aforesaid Northeast quarter of the Southwest quarter of said Section 11 which bears Easterly 656 feet from the Southwest corner thereof; thence

Leaving said Northeastern line and running Easterly along the South line of said Northeast quarter of the Southwest quarter 664 feet, more or less, to the Southeast corner thereof; thence

Westerly along the North line of said Northeast quarter of the Southwest quarter 1,320 feet, more or less, to the POINT OF BEGINNING.

Fish Creek Water Rights:

1. Decreed right A37-00758, Priority 6/1/1884, on 160 acres for 2.0 CFS from the East Fork of Fish Creek
2. Decreed right A37-00760, Priority 6/1/1885, on 80 acres for .80 CFS from Fish Creek.
3. Decreed right A37-00761A, Priority 6/1/1885, on 40 acres for .25 CFS from the East Fork of Fish Creek.
4. Decreed right A37-00763, Priority 6/1/1887, on 80 acres for .80 CFS from Fish Creek.
5. Decreed right A37-00764, Priority 6/1/1890, on 60 acres for .60 CFS from the East Fork of Fish Creek.
6. Decreed right A37-01163, Priority 5/1/1923, on 240 acres for 1.56 CFS from Fish Creek.

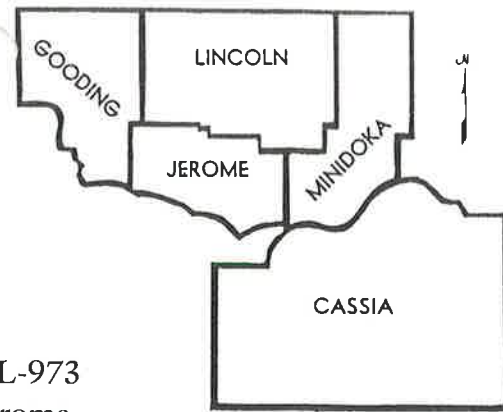
Well Water Right:

7. License A37-02578, Priority 8/30/1955, on 290 acres for 2.74 CFS from a well.

(End of Exhibit "A")

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



WA
RECEIVED

REFER TO: CL-973
OFFICE: Jerome

MAR 05 2007

DEPARTMENT OF
WATER RESOURCES

March 2, 2007

IDWR State Office
Attn: Kara Alder
P.O. Box 83720
Boise, ID 83720-0098

RE: Carney/Carney
Blaine County Property

Dear Kara:

Enclosed please find the following for the above referenced:

- *Land Title and Escrow check #18660 in the amount of \$175.00
- *IDWR transfer form
- *Copy of recorded Warranty Deed

If you have any questions regarding this matter, please do not hesitate to contact this office at 208-324-3357.

Very truly yours,

LAND TITLE AND ESCROW, INC.

S. Georgio

Shellie Georgio,
Escrow Assistant

enc.

SCANNED

MAR 08 2007

12/01/2006

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

RIGHT NUMBER: 37-761A

NAME AND ADDRESS: BARBARA J CARNEY
225 N 1250 W
PAUL ID 83347

GARY CARNEY
225 N 1250 W
PAUL ID 83347

SOURCE: EAST FORK FISH CREEK

TRIBUTARY: FISH CREEK

QUANTITY: 0.250 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T01N R22E S1 NENWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.250 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R22E S02

SESE

40.00

40 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 270 acres in a single irrigation season. Combined Right Nos.: 37-758, 37-760, 37-761A, 37-763, 37-764, 37-1163, and 37-2578.

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



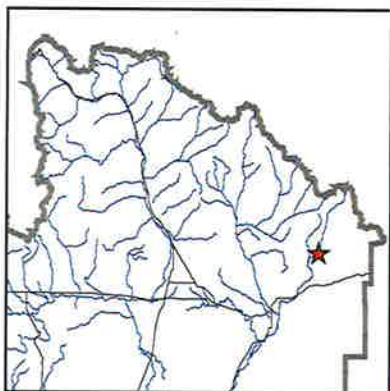
Idaho Department of Water Resources

SRBA Recommendation:

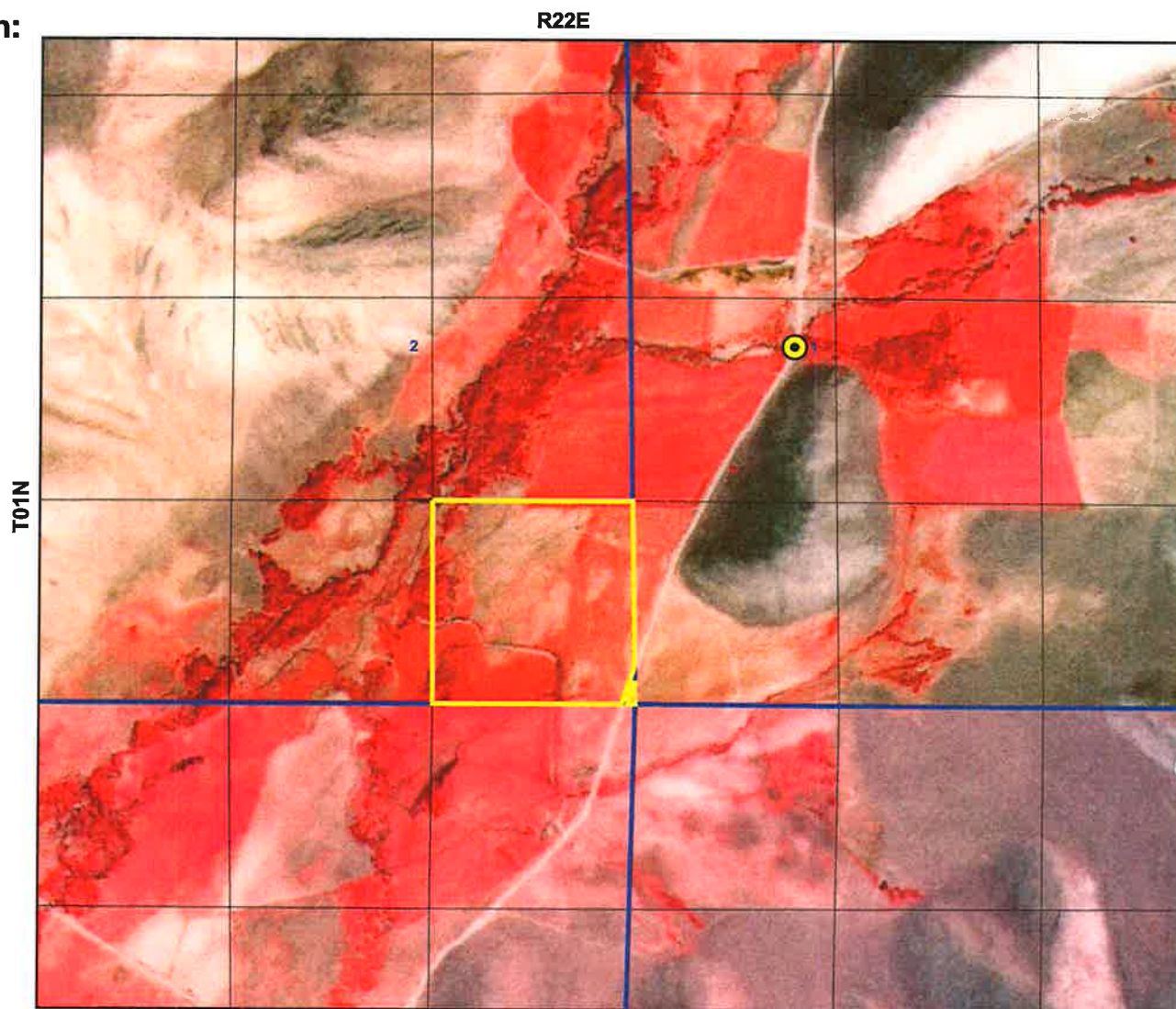
37-761A

Legend

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



Blaine County
IDWR Basin 37



0 0.25 0.5 Miles



Prepared by M. Anders
On Friday, December 1, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-761A

Background Data

- Source is East Fork Fish Creek
- A priority date search confirmed the following.
 - 37-761 is decreed for 1.0 cfs on 160 acres in 4 QQ
 - 37-761A claimed 0.25 cfs on 40 acres
 - 37-761B claimed 1.0 cfs on 115 acres
 - Overclaimed

Place Of Use Data

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

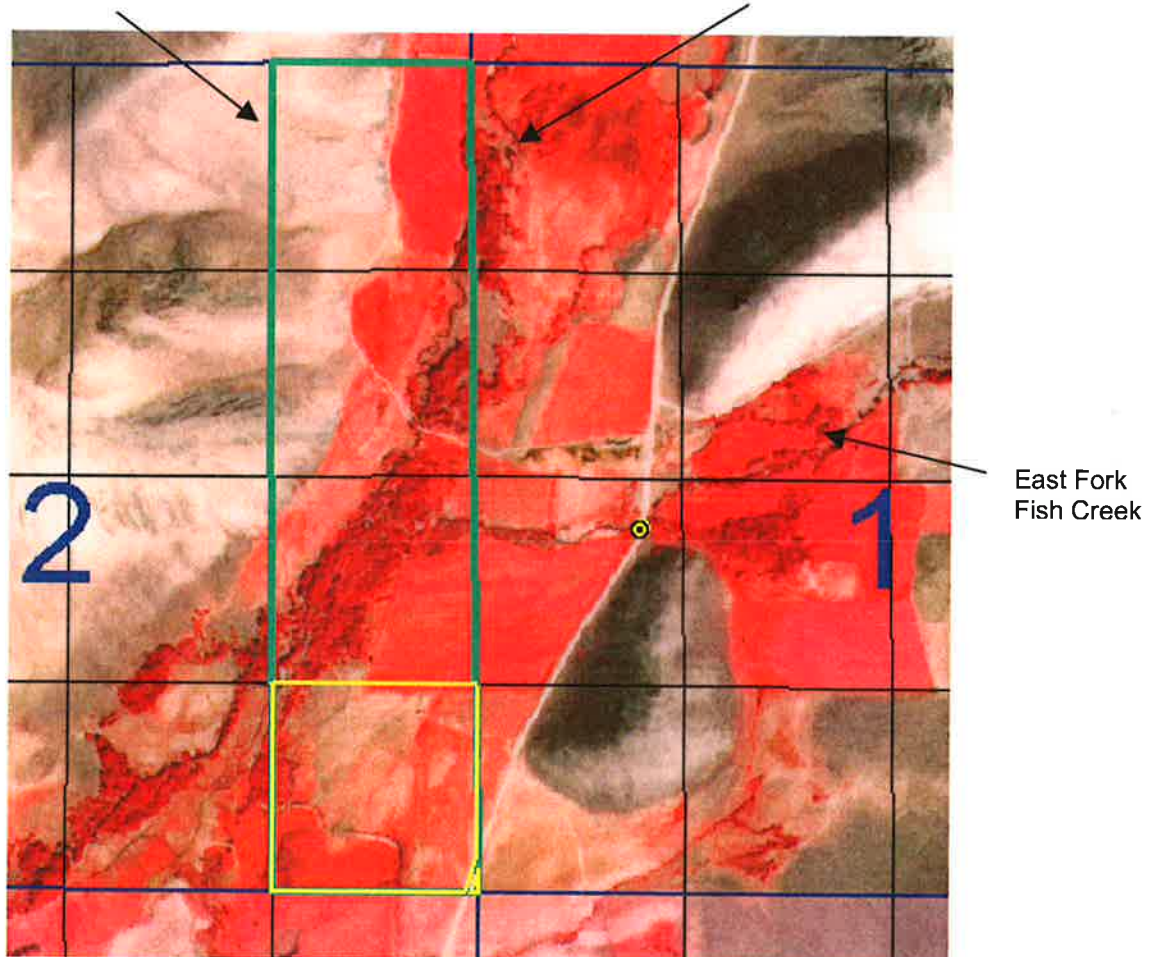
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo

Decreed POU for 37-761
(Green line)

Fish Creek





Photograph of POD taken by Lee Peterson during field exam.

Location: 2517007 1360655

Plate: A0016253

Photo #: 1060634

Notes

T1N R22E Section 2

- Found 40 acres.
- Sent a letter on October 19, 2005 to both owners telling them that 37-761 is overclaimed and describing a possible way to split the right. I subsequently talked to both owners on the telephone:
 - Mr. Carney was somewhat unsure about this right
 - Mr. Skelton said that he thought the watermaster delivered 0.5 cfs to each of them for this right, but his claim (37-761) is for 1.0 cfs.
 - There is no documentation in the claim file that indicates how much of this right Mr. Skelton owns.
 - A warranty deed in 37-761A lists "water right 37-761A for 0.25 cfs" as being owned by Mr. Carney.
 - The watermaster is delivering 1.0 cfs to Mr. Skelton and nothing to Mr. Carney for this right. There appears to be delivery errors for other rights (see 37-758, 37-1195, and 37-21296) owned by these claimants, so I am uncertain about relying on the watermaster deliveries to delegate this right.

- 37-761 and 37-1215 were decreed as a stacked water right. Carney owns 25% of decreed POU, but he only claimed part of 37-761, he didn't claim part of 37-1215. Skelton claimed all of 37-1215.
- Decision:
 - 0.25 cfs to 37-761A (Carney) for Irrigation of 40 acres
 - He owns 25% of the decreed POU
 - 0.75 cfs to 37-761B (Skelton) for Irrigation of 115 acres
 - He owns 75% of the decreed POU
 - 1.6 cfs to 37-1215 (Skelton)
- Recommendations:
 - 37-761A
 - 0.25 cfs for Irrigation of 40 acres
 - The rights listed below are limited to the irrigation of a combined total of 270 acres in a single irrigation season. Combined Right Nos.: 37-758, 37-760, 37-761A, 37-763, 37-764, 37-1163, and 37-2578.
- Data used for review: 1987, 1992, & 2004 aerial photos, Blaine 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

October 19, 2005

Gary & Barbara Carney
225 N 1250 W
Paul, ID 83347

Leon & Frances Skelton
445 Gustafson
Idaho Falls, ID 83402

RE: Snake River Basin Adjudication claims 37-761 & 37-761A

Dear Claimants,

Water right 37-761 was originally decreed for a diversion rate of 1.0 cfs from East Fork Fish Creek for irrigation of an unspecified number of acres in 4 quarter-quarter sections (40 acres each). The following claims totaling 1.25 cfs have been filed against water right 37-761 in the Snake River Basin Adjudication:

37-761	Leon & Frances Skelton	1.00 cfs
37-761A	Gary & Barbara Carney	<u>0.25 cfs</u>
		1.25 cfs

State law mandates that I cannot recommend more than 1.0 cfs (the decreed diversion rate) for this right in the Snake River Basin Adjudication.

A possible resolution is to split the water right into two parts, with each claimant receiving a diversion rate based on the number of acres they own and irrigate. A review of the decree indicates that although this right was decreed to 4 quarter-quarter sections, only about 80 acres in the southern portion of the decreed place of use could have been irrigated with a gravity distribution system from East Fork of Fish Creek comparable to the one used at the time of the decree. Assuming that 80 acres was irrigated with this right, it was originally decreed at a rate of 0.0125 cfs/acre. Deeds and other documents submitted with your claims and the Blaine County tax records all indicate that each claimant currently owns 40 acres of the original 80 acres. Applying the original decreed diversion rate of 0.0125 cfs to the number of acres owned and irrigated by each claimant would result in this water right being split as follows:

37-761	Leon & Frances Skelton	40 acres	0.50 cfs
37-761A	Gary & Barbara Carney	<u>40 acres</u>	<u>0.50 cfs</u>
		80 acres	1.0 cfs

Please advise me on how to resolve this issue. If you have any questions or would like to discuss this, feel free to contact me at (208) 287-4937.

Sincerely,

Matt Anders

GIS Specialist – Snake River Basin Adjudication

File No.

37=758=2578=1163=764=760=763=761A

Owner

Gary Carney
225 N 1250 W
Paul ,

Date

7-5-05

I have an appt. to meet Gary at location north of Carey and we did meet this morning at the location we agreed on and reviewed his seven water right files then we proceeded to his place North of fish creek reservoir to locate his three POD's.

Water Right 37-758: this right does irrigate the two yellow outline areas on the West side of photo from No. 1 diversion and the area down fish creek is riparian irrig. natural and the water is from East Fish creek, the small area lower east side of road is not irrig. With this water.

Water Right 2578: the area along fish creek designated riparian is and is irrig. Naturally , the small area bottom south west about Carey res. Gary said he didn't believe this is so, and the large gray area is a mountain and natural irrig only and the area East side irrig. With this rightt -yes it will be in the near future when circle sprinklers are installed

Water Right 1163: Gary said the area marked yellow looks OK for place of use and is provided water from Well POD 2 and area along fish creek is riparian natural irrig. The area marked green is not and he does not know.

Water right 764: this area is provided water from No.2 POD and the creeks are fish creek and east fork with the gray area the mountain and not irrig. The area marked in yellow was irrig. By water from POD 3 prior spring wash out and will be. Gary said he would install a new structure or a pump not sure at this date. Source of water is fish creek , and Gary said the yellow area represents a good area.

Water Right 763 overlaps 760.

Water Right 761A: Gary said this area looks OK and is provided by POD 1, East Fork .

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.	
Seven WR	Gary	1	2517007	1360655	A0016253	1060634
"	"	2	2516564	1360297	A0007982	635
"	"	3	2516277	1360346	None	636

Background Data

- Source is East Fork Fish Creek
- Did a preliminary search on the splits, but need to confirm with priority date search file.
 - 37-761 is decreed for 1.0 cfs on 4 QQ
 - 37-371 claimed 1.0 cfs on 115 acres
 - 37-371A claimed 0.25 cfs on 40 acres
 - **Overclaimed**

761A?

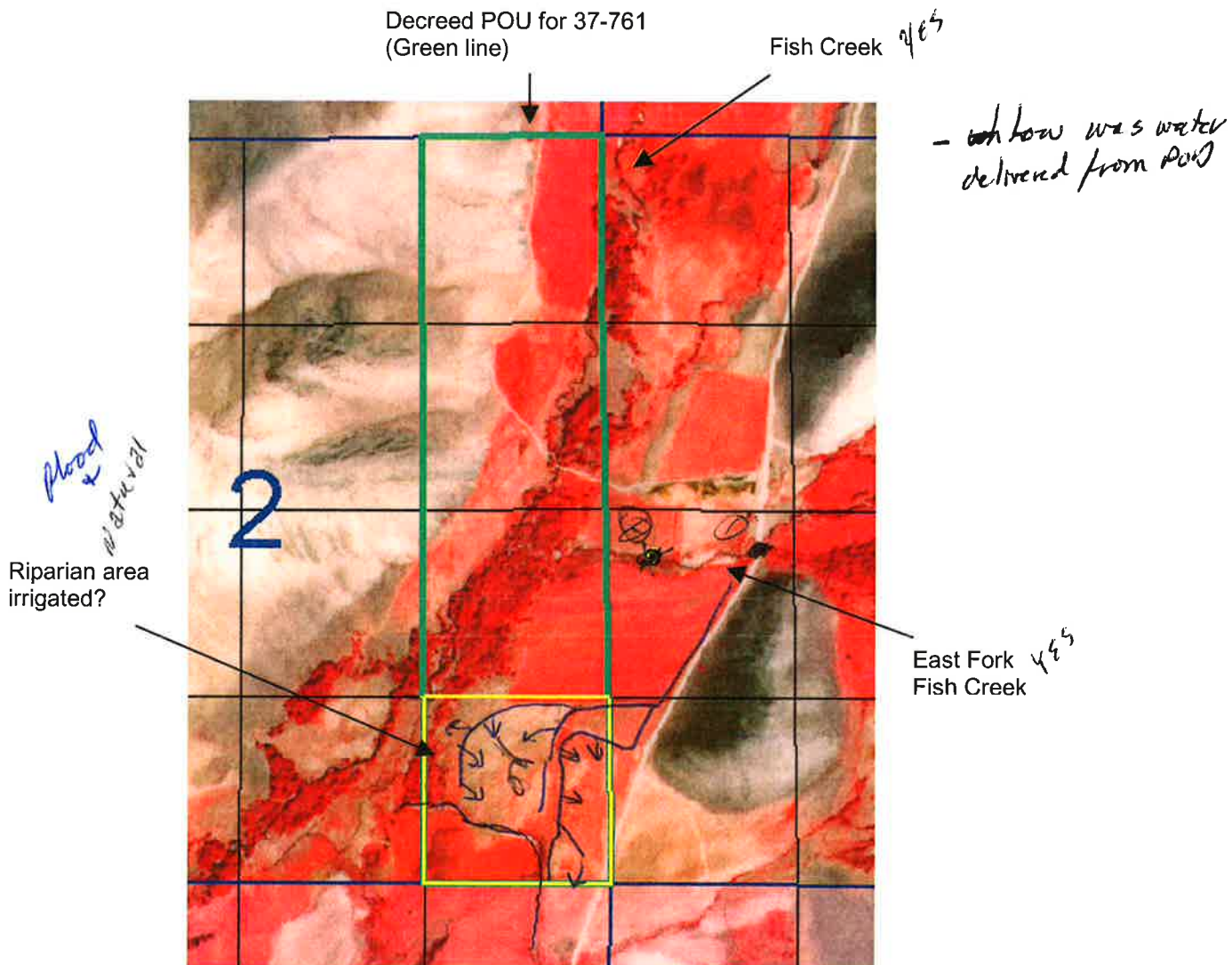
Place Of Use Data

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



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-761

WATER RIGHT NUMBER: 37-761

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ISABELLA MC DOUGAL
	, ZZ

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
EAST FORK FISH CREEK	FISH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion
EAST FORK FISH CREEK

Place of Use
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
01N	22E	2	X				
		L 1					

Conditions of Approval:

1. AC. IRRIG. NOT SPECIFIED. FARM = 160 AC.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-761

Licensed Date:
Decreed Date: 12/16/1914
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37U
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Joseph R Patterson, et al
Decree Plaintiff: Adelbert L Potter, et al
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank: