

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: A37-00772A
Date Received: 10/18/1988
Receipt No: 10001661
Received By: JC A20

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT D. WHITBY 208-823-4434
Address: BOX 395
CAREY, ID 83320
OR
Name: BEVERLY A. WHITBY 208-823-4434
Address: BOX 395
CAREY, ID 83320

2. Date of Priority: MAR 30, 1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	22E	33	NE	NE	SE		BLAINE

5. Description of diverting works:
CONCRETE DAM DIVER. FOR THE HIGHLINE CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A37-00772A

Page 1

Date: 10/18/88

MICROFILMED

REC 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	22E	7	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
					Section Acres		80.0
		9	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
					Section Acres		80.0
					Total Acres		160.0

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:
SHARES IN FISH CREEK RESEVIOR.

14. Remarks:
THIS RIGHT HAS BEEN USED AT THIS LOCATION SINCE 1956.

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 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): Robert H. Whitty Date: 10-20/88
Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 20 day
of Oct. 19 88 Chas D. Wentt
Notary Public

Seal

Residing at Kinseely, Id.
My Commission Expires 6/30/99

1	2	3	5	6
12.59	13.0	13.0	14.0	13.0
19.01	10.0			
29.6	W	10		
0.4 B				
MAY				

260 2 2¹/₂ ACR C.T.
670 18 6
2 18 1/2
B
100

2
20.9
10.6

T207 1 2
29.4 35.9
A
K/R

3
37.3

BR
AC
-5547

7 21.71
169 (G.S.)
(N.S.)
21.3
7

T270
5/4
P

13.0 13.6
ALF ACL
12.2
8 19
14.5 22.5
2

2015.3.14

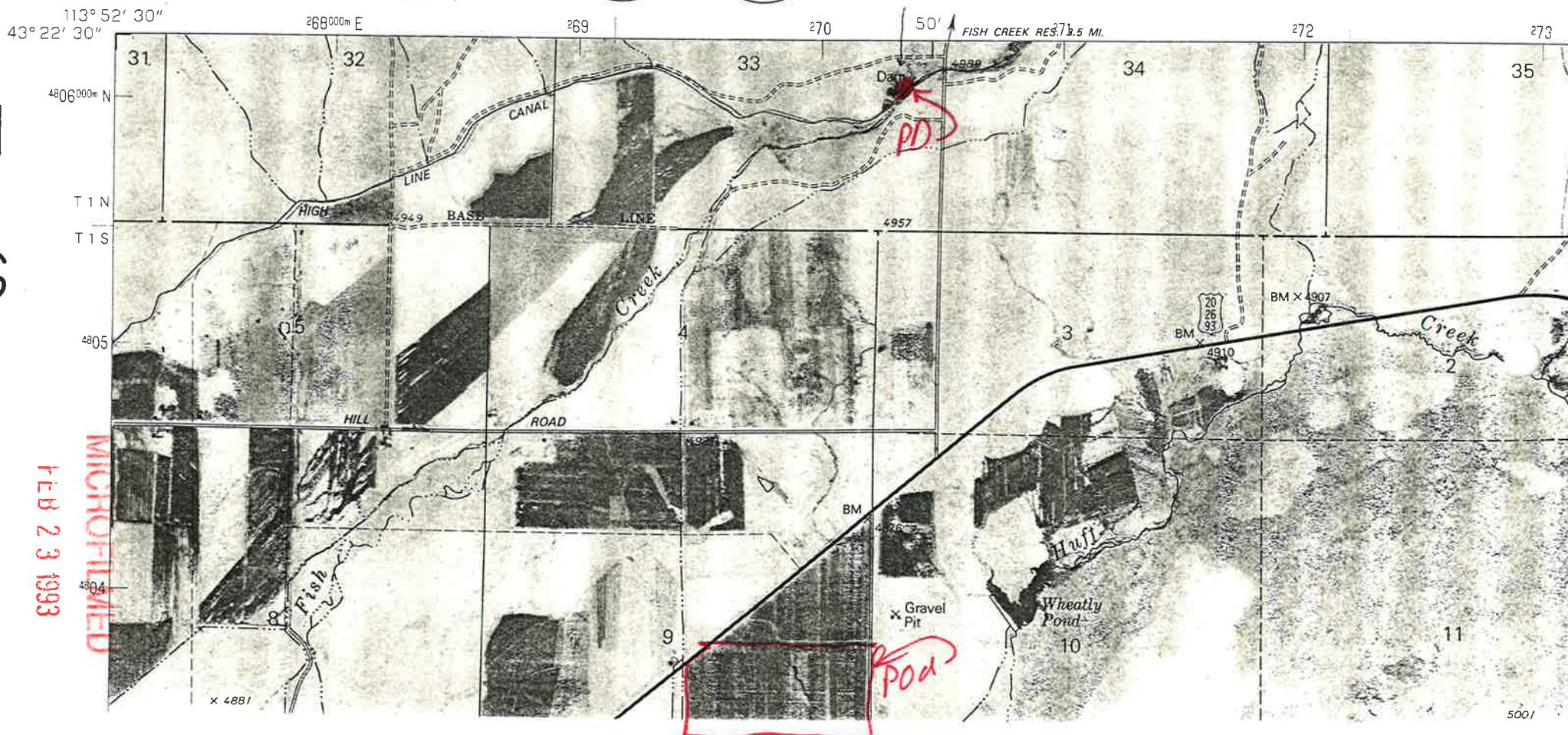
CONTINUED

21 FEB 3 1993

7
19.5

Idaho
DEPARTMENT OF WATER RESOURCES

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



03/09/2004

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

RIGHT NUMBER: 37-772A

NAME AND ADDRESS: ROBERT D WHITBY
496 AUSTIN RD BOX 395
CAREY ID 83320

BEVERLY A WHITBY
496 AUSTIN RD BOX 395
CAREY ID 83320

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 03/30/1883

POINT OF DIVERSION:

T01N R22E S33 SENESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.600 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R22E S07

NENW 37.0

T01S R22E S07 Lot 1 NWNW 37.0

74 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

WATER IS DELIVERED THROUGH HIGHLINE CANAL.

IDAHO DEPT OF WATER RESOURCES

37-772A



1320 0 1320 Feet

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

TWN: 1S
RNG: 22E
SEC. 7



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

Date: MARCH 9, 2004

37-772A

12/23/03
SCC

should be 80 ac. as shown on photo
Claim is for 160 Acres but decree only covers $\frac{1}{2}$ these acres. May need enlargement claim for expanded acres.

1. what is the correct POU and acres claimed?
2. what is delivered by watermaster? *probably 1.6 cfs*
when available ✓ confirmed at 80' in list

25 Per Doug:

Acres claimed 37-772A is not irrigated by 1883 water right - it is used marked area on photo 1 - He thinks photo 1 & 2 create to 160 acres

3/5/04 w/ Doug Surtees:

Whitby has claimed the wrong lands.
should be N $\frac{1}{2}$ NW S.7 Peterson claimed N $\frac{1}{2}$ NE S.7 under claim 37-10675 (part of 772)
Map w/ claim is correct on POU.

1-6-04 Robert D Whilby 37-7726

As per visit with Doug Surrens, Director of Fish & Co this 1.6 cfs water right is not used on the yellow lined land as Photo 1 approx 80, approx 160 ac on Photo 2. He said the 1.6 cfs is delivered when sufficient water available.

Doug also will get those rights corrected when he goes to I DWR field

land:
see 7- Evelyn & ^{read} Lee Peterson
see 9 Paradise

37-772A
draft
T1S R22E
12-4-02 scc

* P&P

PIPE

Decease Pou

Whitby
POU
37-772A

Peterson

~~37-772A~~

37-10675

Photo 1

32 33

37-7581 well POD

Hot springs canal POD

37-7581 POU

Claim
37-772A

12/9/02
SOC

37-772A

photo 2

Water Right Report 37-772

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TERESA PARKS
	, ID

Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	3.200 CFS	
	Total Diversion:	3.200 CFS	

FISH CREEK

IRRIGATION

[illegible]

Conditions of Approval:

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

Comments:

Dates and Other Information:

decim for $\frac{1}{2}$ pou $\frac{1}{2}$ water

12/4/02
SCC

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-772

Dates and Other Information:

Licensed Date:
Decreed Date: 12/16/1914
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: 37U
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