

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 37-780A
Date Received: 4/13/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

GILBERT G CROSS

Phone: (208)823-4596

PO BOX 245
CAREY ID USA 83320

2. Date of Priority: 03/30/1883

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	Type
01N	22E	15	SW SW SW	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1.3	
IRRIGATION STORAGE	04/01	11/01		125
IRRIGATION FROM STORAGE	04/01	11/01		125
STOCKWATER	12/31	01/01	0.03	
DOMESTIC	12/31	01/01	0.02	

7. Total Quantity Appropriated is:
1.3 C.F.S. and/or 125 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01S	21E	13	SE	SE		IRRIGATION	34.9
			SE	SE		STOCKWATER	
			SE	SE		DOMESTIC	
						Section Acres	34.9
01S	21E	24	NE	NE		IRRIGATION	35.5
						Section Acres	35.5
						Total Acres	70.4

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:

NOTE CHANGE OF POU FROM ORIGINAL DECREE; ALSO WATER USES. QUANTITY AND ACREAGE HAS BEEN DECREASED.

15. Basis of Claim: Decreed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-780

WATER RIGHT NUMBER: 37-780

Renumbered to
37-780A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GILBERT G CROSS PO BOX 245 CAREY, ID 83320 (208)823-4596

Priority Date: 03/30/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FISH CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.300 CFS	
STOCKWATER	1/01 to 12/31	0.030 CFS	
DOMESTIC	1/01 to 12/31	0.020 CFS	
IRRIGATION STORAGE	4/01 to 11/01		125.00 AF
IRRIGATION FROM STORAGE	4/01 to 11/01		125.00 AF
<u>Total Diversion:</u>		1.300 CFS	

Location of Point(s) of Diversion

FISH CREEK	SW1/4SW1/4SW1/4	Sec. 15, Twp 01N, Rge 22E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	21E	13																34.9	34.9
01S	21E	24	35.5																35.5

Total Acres: 70.4

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	
01S	21E	13																X	

DOMESTIC

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-780

Twp	Rge	Sec	NE				NW				SW				SE				Totals
01S	21E	13	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																		X	

IRRIGATION FROM STORAGE same as IRRIGATION

Conditions of Approval:

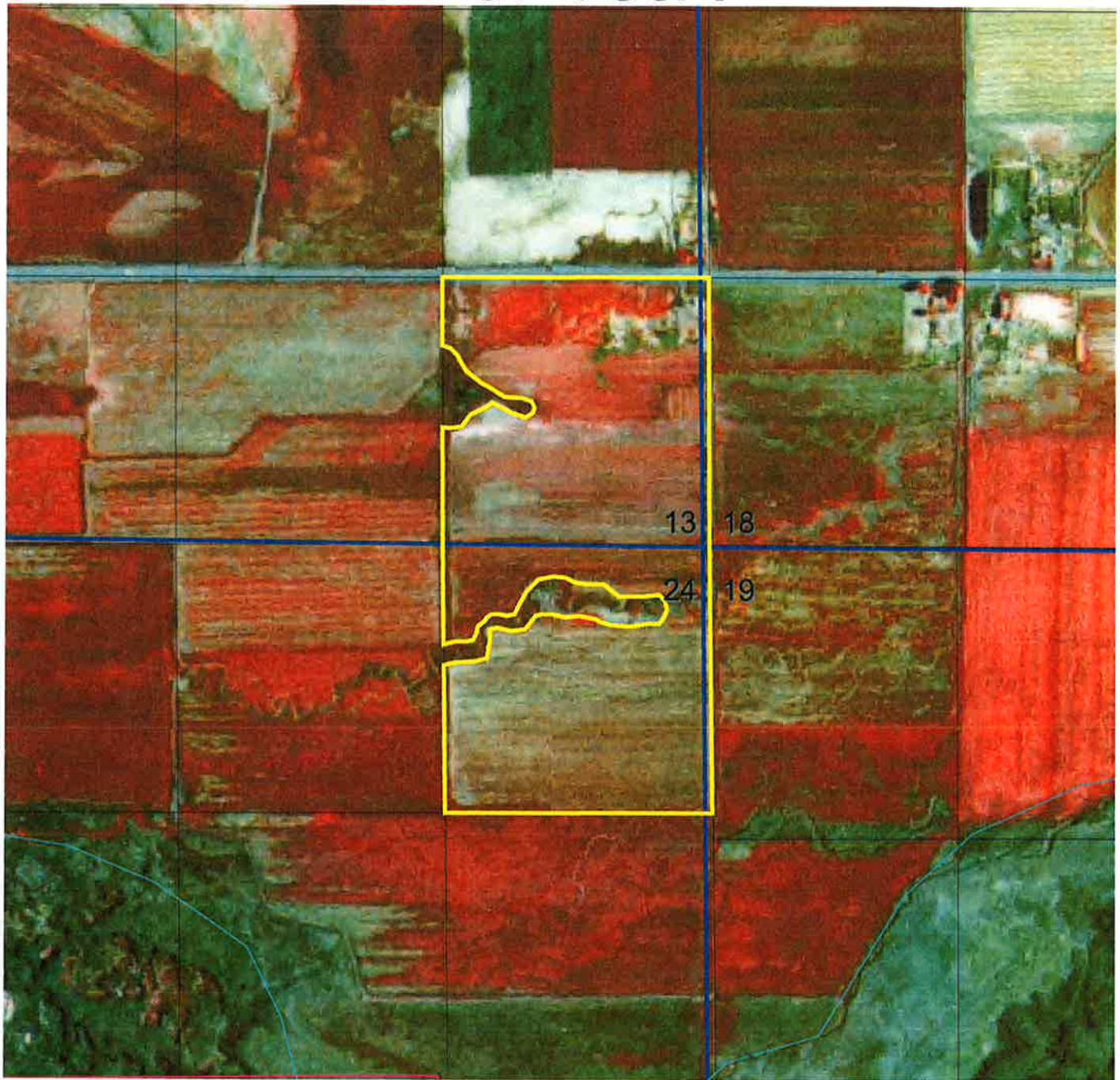
Remarks:

- General NOTE CHANGE OF POU FROM ORIGINAL DECREE; ALSO WATER USES. QUANTITY AND ACREAGE HAS BEEN DECREASED.

Comments:

IDAHO DEPT OF WATER RESOURCES

37-780A



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: 21E
SEC: 13, 24



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

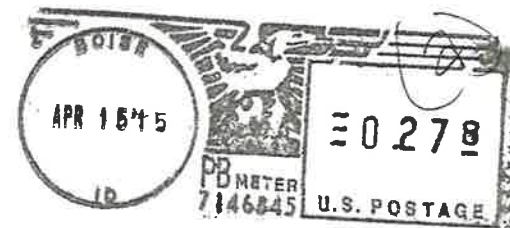
Date: APRIL 12, 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested



GILBERT G CROSS
PO BOX 245
CAREY ID 83320



RECEIVED

APR 20 2005

Department of Water Resources

BAAGTME 83320



37-780A

04/13/2005

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

RIGHT NUMBER: 37-780A

NAME AND ADDRESS: GILBERT G CROSS
PO BOX 245
CAREY ID 83320

SOURCE: FISH CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.300 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/30/1883

POINT OF DIVERSION:
T01N R22E S33 SENESE 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	1.300 CFS
STOCKWATER	12/31 01/01	0.030 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R21E S13	SESE	34.9	T01S R21E S24	NENE	35.5
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STOCKWATER Within BLAINE County

T01S R21E S13	SESE				
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70.4 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

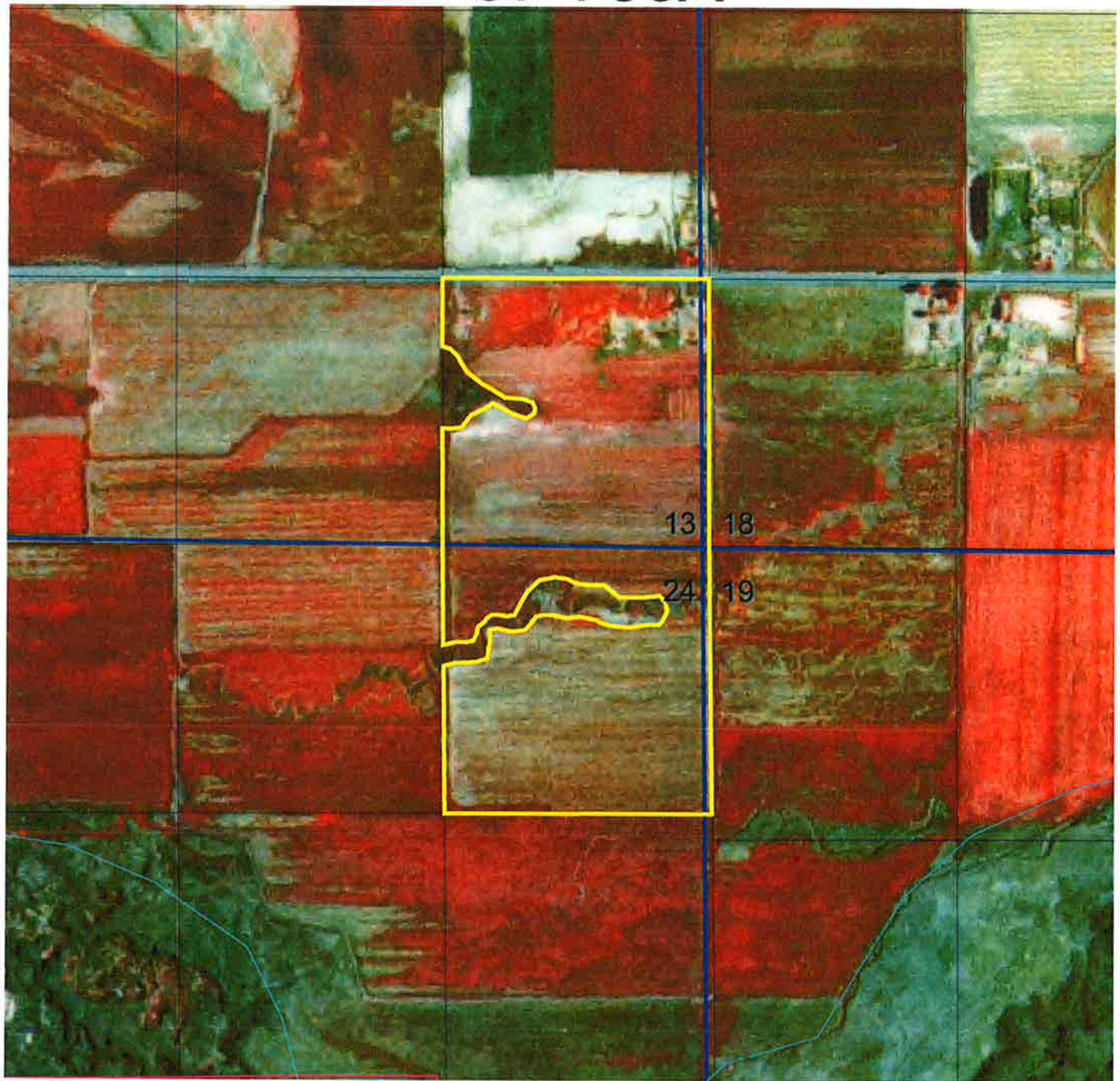
EXPLANATORY MATERIAL: Decreed

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

WATER IS DELIVERED THROUGH HIGHLINE CANAL.

IDAHO DEPT OF WATER RESOURCES

37-780A



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
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-  Quarter - Quarter lines

TWN: 1S
RNG: 21E
SEC. 13, 24



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

Date: APRIL 12, 2005

37-780 A

4/13/65
SCC

renumbered claims to reflect split status.

POD nothing found at the claimed POD in
1N 22E S15 most other lands in this
area are diverted from the highline canal.
reid Highline canal at 1N 22E S33 SE NE SE

POU no issues over POU and acres - okay

Other uses: we have allowed claims on this system
for stockwater w/ 13000 GPD limit.

Dom use is doubtful for this system. Also would
result in enlargement of the right as would the Storage
parts if allowed.

Remarks: N05 N08 for SW use.

AC. IRRIG. NOT SPECIFIED. FARM = 120 AC.
35 acres transferred away under Transfer No. 3922.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-780A

Comments:

1. SKAGGS 4/29/1993 TRANSFER 3922/DENIED

Comment: Transfer No. 3922 was filed to change the point of diversion & place of use under a portion of Right Nos. 37-00737 & 37-00780, splitting each right into parts A & B. The transfer was denied per Memorandum Decision and Order dated 02-22-93. (See Microfilm)

2. PSKAGGS 1/13/1997 TRANSFER 3922/CONDITIONALLY APPROVED.

Comment: This matter was appealed to the District Court & finally conditionally approved by the Department thru Second Amended Final Order dated 04-14-1998.