

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: A37-00788
Date Received: 9/29/1988
Receipt No: 5003218
Received By: Sc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARY T. ELDREDGE *LEA* 208-823-4351
Address: BOX 126
CAREY, ID 83320

2. Date of Priority: JAN 31, 1908

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	22E	25	NW	NE	NE		BLAINE

5. Description of diverting works:
OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

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

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	22E	25	SW	NE		IRR	25.0
			NW	SE		IRR	25.0

Section Acres 50.0

10. Place of Use: Continued

Total Acres 50.0

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:
A37-00787, FISH CREEK RES.

14. Remarks:

THIS SAME WR IS ALSO DESCRIBED BY LIC. #37-02100.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

TELFER

Decree Plaintiff

vs

SMITH 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.

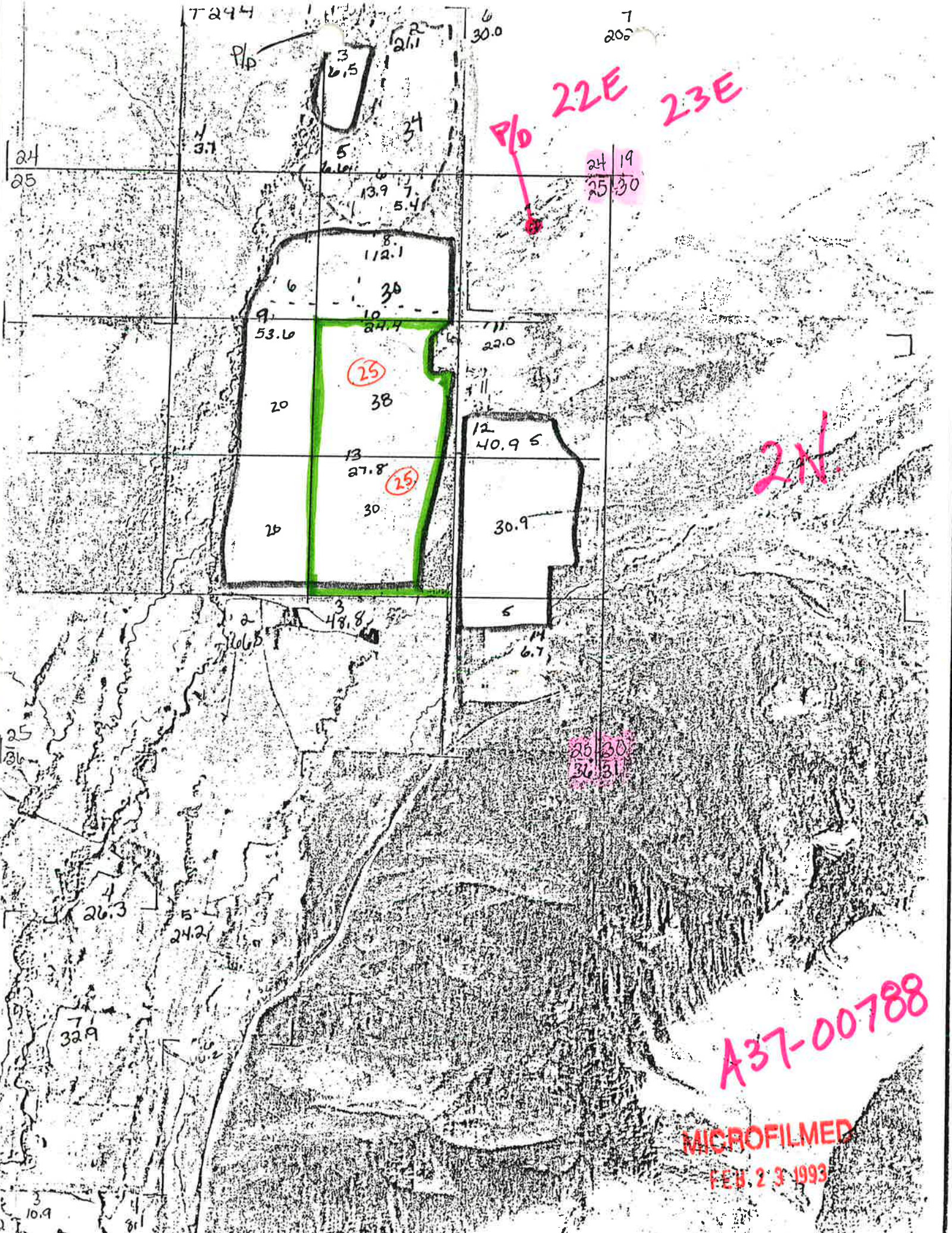
Signature of Claimant(s): Mary Eldredge Date: 10-5-1988
Date:

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of October 19 88 Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94



22E 23E

2N

A37-00788

MICROFILMED
FEB 23 1993

11/29/2006

**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: 12/15/2006

Water right number: 37-788

MARY T ELDREDGE

BOX 126

CAREY ID 83320

Telephone Number: (208)823-4351

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

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

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

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-4-06 SIGNATURE: Lee Eldredge

Please print your name: _____

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

11/28/2006

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

RIGHT NUMBER: 37-788

NAME AND ADDRESS: MARY T ELDREDGE
BOX 126
CAREY ID 83320

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 1.000 CFS

PRIORITY DATE: 01/31/1908

POINT OF DIVERSION:

T02N R22E S25 NENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.000 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R22E S25

SWNE

25.00

T02N R22E S25

NWSE

25.00

50 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 91 acres in a single irrigation season. Combined Right Nos.: 37-787 and 37-788.

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



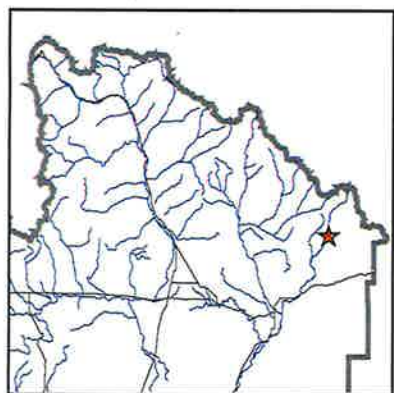
Idaho Department of Water Resources

SRBA Recommendation:

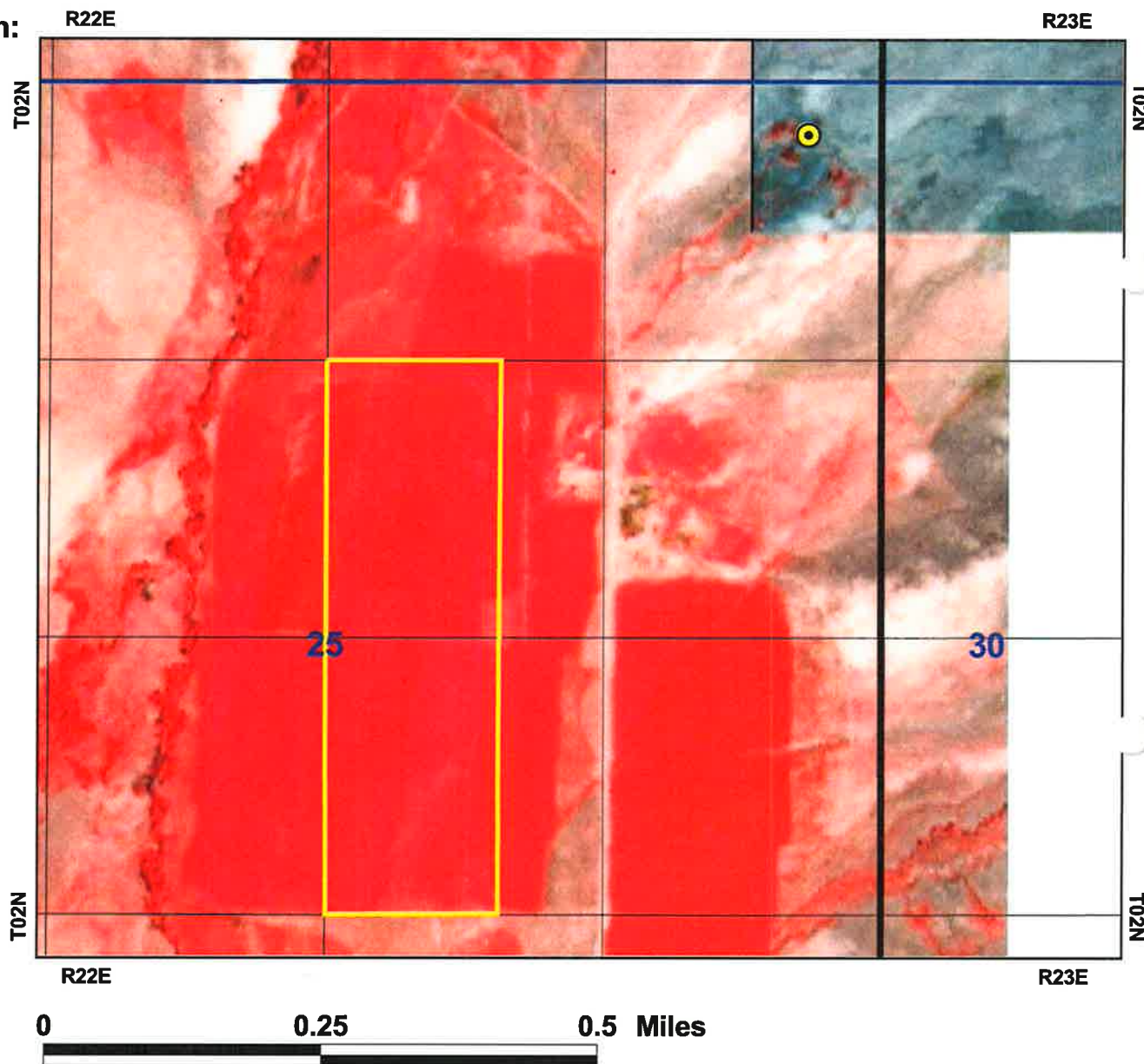
37-788

Legend

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



Blaine County
IDWR Basin 37



Prepared by M. Anders
On Tuesday, November 28, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-788

Background Data

- Source is a Spring tributary to sinks
- Decreed for 1.0 cfs on 50 acres
- Claimed 1.0 cfs on 50 acres

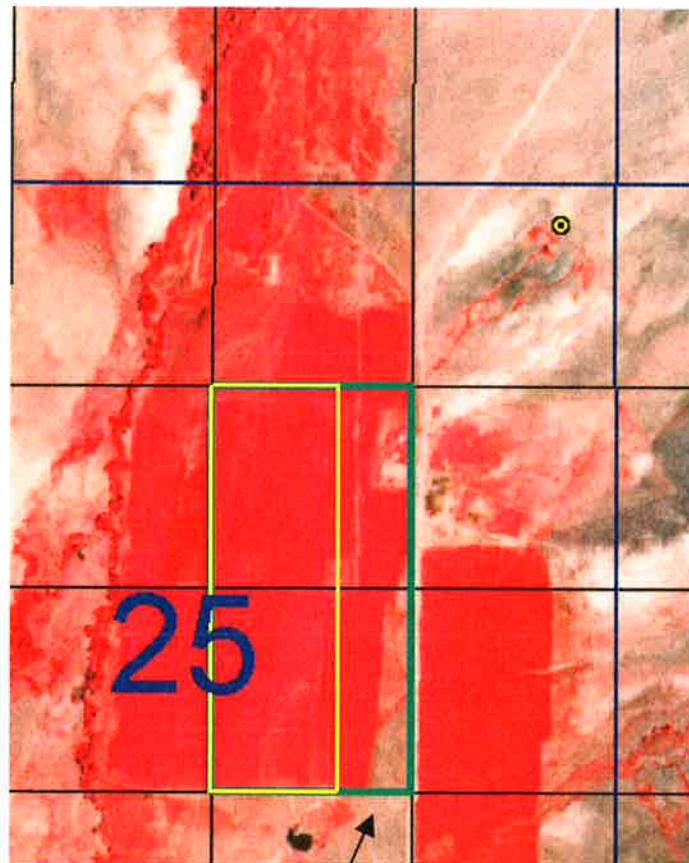
Place Of Use Data

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 for 50
acres within green
line



Photograph of POD taken by Lee Peterson during field exam.
Location: 2518194 1364699
Plate: A0016255
Photo #: 1060638

Notes

T2N R22E Section 25

- Found 50 acres
- The owner also uses Fish Creek Reservoir shares on this and adjacent land.
- 10/14/05 talked with Lee Eldridge on telephone. Mr. Eldridge state that the old ditch that ran east of the farm washed out in about 1978 during very high water in the spring. He stated that they put the Pole Canyon water and spring water in the same ditch. The ditch runs down the east side of the property and they water downslope to the west. The land in the SENE is also watered from ditch according to field exam. Their reservoir shares are taken out of Fish Creek about a mile above the ranch and piped to ranch. The canal water can be put into the ditch if they desire, but hey normally run it directly to sprinklers. They can run the ditch water to the same sprinklers.
- Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

File No.
A37-00787=00788

Owner
Mary Y. Eldredge
Box 126
Carey

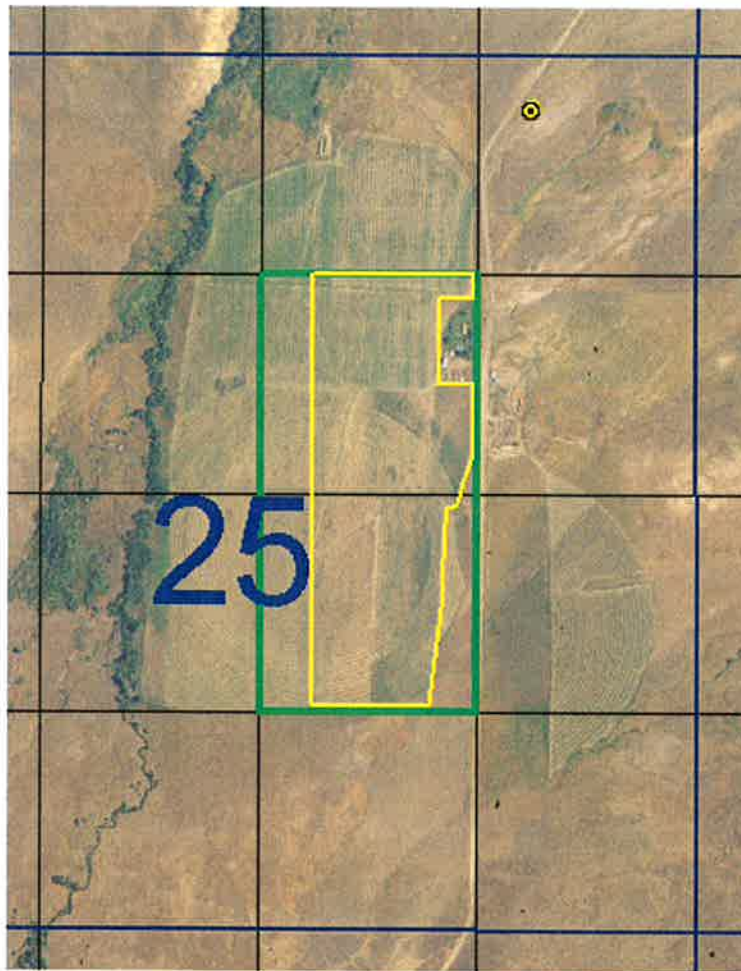
Date
7-6-05

I met Lee Eldredge [husband] this morning in Carey and reviewed their water which we did, Water right 37-787 Lee said this POD is on pole creek but on the color photo the yellow indicator is in the wrong place for POD 1 and he said the yellow area looks OK and the green marked area is OK . He then marked on the photo the approx location of the ditches for this water was delivered the red area marked on photo is not irrigated it is pasture and natural irrig. But the red lands above is irrigated, the 15 acre marked property is feed lot and belongs to Mary and the land above this 15 acres belong to Judy Cennarusa. This water and the water on right 788 is co-mingled to irrigate as much land as they own and can. Water right 37-788 Lee said this water is from a spring on approx. 50 acres and the land marked red on photo [see photo] is not irrigated with water but the two small red area just west of yellow marked land is irrig., the areas West side are pasture lands irrig. Naturally . The POD marked 2 on photo is in the wrong place part of this irrigated by two circle sprinklers and some wheel lines. The area marked with circles are approx. the area covered. And by Lee again these waters are co-mingled and both sources go dry around the middle of June each year.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Photo look E	Mary 1	2518848	1367676	A0016254	1060637
" " S	" 2	2518194	1364699	255	638

Lee R. Peterson

2004 Aerial Photo



Notes

T2N R22E Section 25

- Found 50 acres.
- There is more land being irrigated here than is claimed. The irrigated land adjacent to the east & west is the same owner (Eldredge). Other rights?
- POD is located to QQQ, but it appears too far NW – does it need to be relocated? There are several springs in that area - are they all being used? Additional PODS needed?
- Water Right 37-2100 has the same decreed POU as this right. There is not Adjudication claim for 37-2100.
- This is claim claimed at 0.02 cfs/acre. Right 37-787 overlaps this one and it is claimed at >0.02 cfs/acre. Too much water...

Water Right Report 37-788

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARY TELFER ELDREDGE ZZ

Status: Active

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

SPRING NE1/4NE1/4 Sec. 25, Twp 02N, Rge 22E, B.M.
BLAINE County

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
02N	22E	25			25.0											25.0			50.0

DOMESTIC same as IRRIGATION
STOCKWATER same as IRRIGATION

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-788

Licensed Date:
Decreed Date: 9/1/1955
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Lawrence E Smith
Decree Plaintiff: William H Telfer, 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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank: