

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: A37-00886L
Date Received: 9/11/1989
Receipt No: S002230
Received By: tw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: OTIS DISBENNETT 208-788-2506
Address: P.O. BOX 316
BELLEVUE, ID 83313

2. Date of Priority: JUN 01, 1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	36	SW		NW		BLAINE

5. Description of diverting works:
WOODEN GATES INTO GRAVITY FLOW CANAL, REDIV. FROM DIST. 45 CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.540		

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

8. Total consumptive use is 8.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	12	SW	NE		IRR	3.2

Section Acres 3.2

Total Acres 3.2

A37-00886L

Page 1

Date: 09/11/89

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FEB 23 1993

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:
NONE

14. Remarks:

THIS LAND IS DRY & ROCKY. REQUIRES THE AMOUNT OF WATER APPLIED
FOR TO SUSTAIN THE PROPER IRRIGATION FOR CROPS PRODUCED.

ORIGINALLY FILED AS A37-00886K, WHICH WAS A NUMBER THAT ALREADY
EXISTED ON THE HOST MASTER FILE. CHANGED TO NUMBER A37-00886L.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S. C. FROST, ET AL.

Decree Plaintiff

vs

ALTURAS WATER CO., 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: _____

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 _____

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: 39356
Ident. Number A37-00886 BL
Date Received 9-2-88
Receipt Number 5002230

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

RECEIVED

SEP 2 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Otis Dishennett Phone (208) 788-2506
Mailing Address P.O. Box 316 Bellevue, Idaho 83313 Zip 83313

2. Date of Priority (Only one (1) per claim) 06-01-1884

3. Source of water supply (a) Big Wood River
which is tributary to (b) Malad River

4. a. Location of existing point of diversion is: Township 2N Range 18E Section 36,
SW 1/4 of NW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Blaine

Additional points of diversion if any: Rediversion from District 45 Canal NW 1/4 SE 1/4 NE 1/4 Sec. 12
T.1 N. R 18E. B.M.

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. Wooden Gates into Gravity Flow Canal

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 04-01 to 10-15 amount .54 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .54 (cfs) and/or (b) 8.00 (acre feet)

8. Total consumptive use claimed is 8.00 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:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
1N	18E	12			3.2														3.2

Total number of acres irrigated 3.2

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

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.
_____ or None (X)

14. Remarks:

This land is dry and rocky and need the amount of water applied for to
sustain the proper growth for crops producted

MICROFILMED

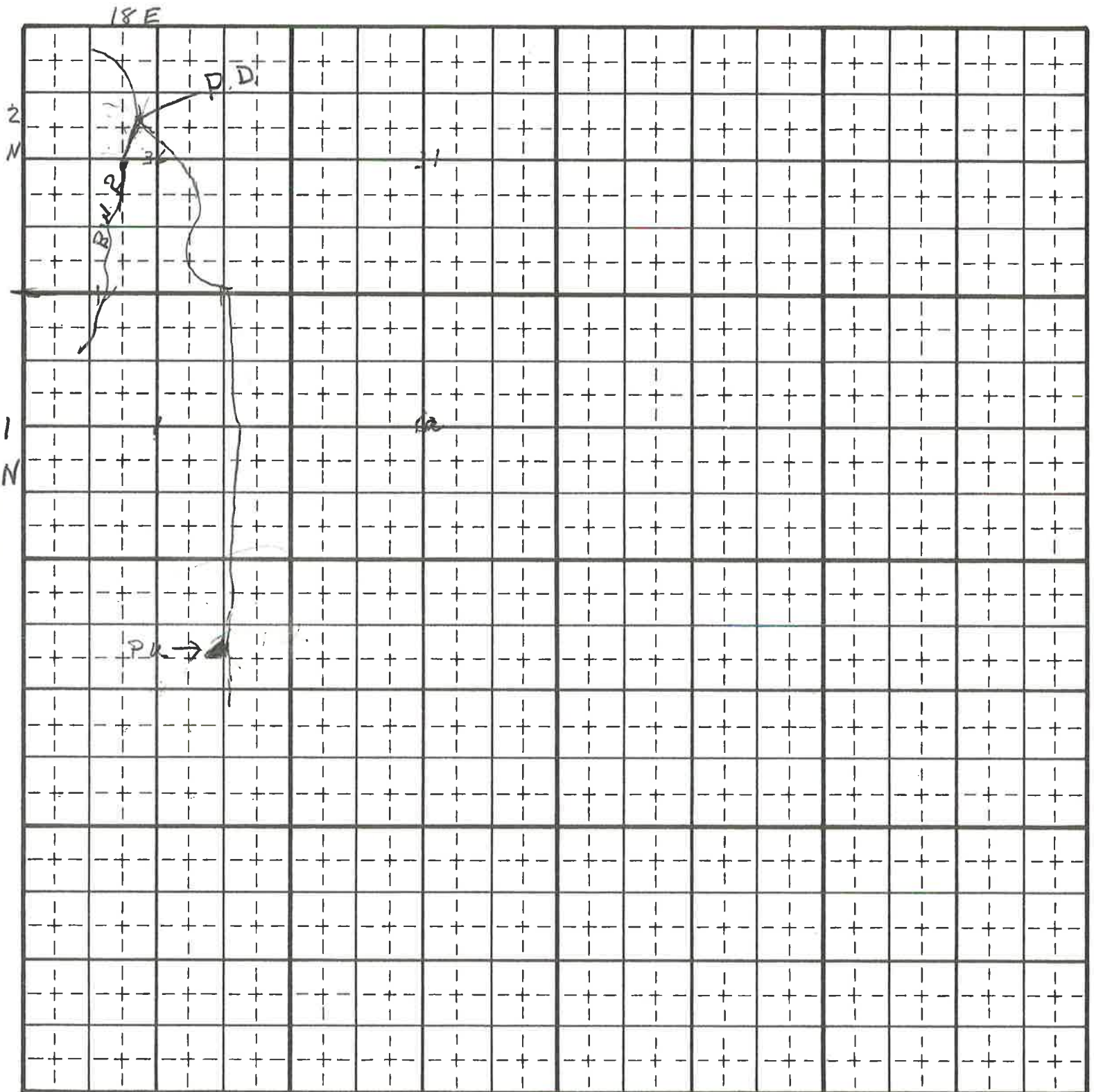
FEB 23 1993

Last Name Disbennett Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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FEB 23 1993

Last Name Dishennett Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 37-0886C
Court 4th Judicial Dist Case Number _____ Decree Date 12-13--1909
Plaintiff vs Defendant S.C. Frost Vs: Alturas Water Co.

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 _____

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

Signature of Claimant (s) Otha Disbennett Date 8-19-88

Date _____

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this _____ 19th day of August 19 88

SEAL

Notary Public Reid J. Newby

Residing at Shoshone, Idaho 83352

My Commission Expires Life

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 Disbennett Ident. Number _____

MICROFILMED

Feb 23 1993

Copies White-State, Yellow-Claimant

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: 37-886L ST-ID 37-0886
OTIS DISBENNETT JR
PO BOX 316
BELLEVUE ID 83313
Telephone Number: (208)788-2506

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: Otis Disbennett
Please print your name: OTIS DISBENNETT

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: 37-886L

NAME AND ADDRESS: OTIS DISBENNETT JR
PO BOX 316
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.600 CFS

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION:

T02N R18E S36 NESWNW Lot 3 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MITIGATION	04/01 10/31	0.060 CFS
IRRIGATION	04/01 10/31	0.540 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S12 SWNE 3.20

MITIGATION same as IRRIGATION

3.2 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.

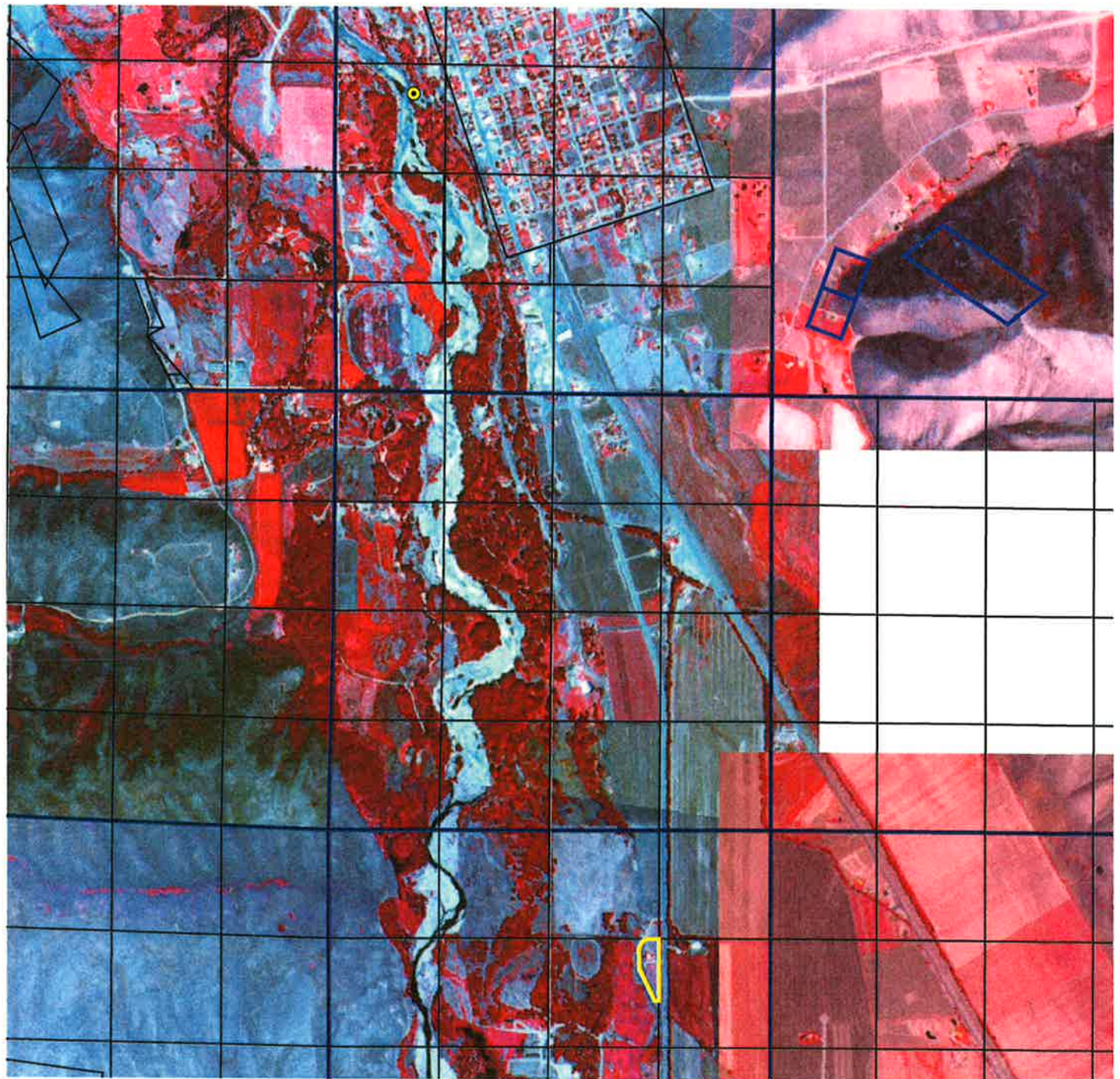
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Total rate of diversion includes 0.06 cfs charged for channel loss. The right is limited to 0.54 cfs at the point of diversion.

Idaho Department of Water Resources

Right(s): 37-886L

Recommended Place of Use
TWP 01N RNG 18E S12
Prepared November 28, 2006



660 0 660 1320 Feet



-  Recommended Point of Diversion
-  Recommended Place of Use
-  Quarter Section Lines
-  PLSS Section Lines

GIS Place of Use Presentation
1987 NAPP Aerial Photography

Prepared by Amanda Kriwox

11-28-06

WR vs. Adj. Split
suffix
discrepancies...

37-886

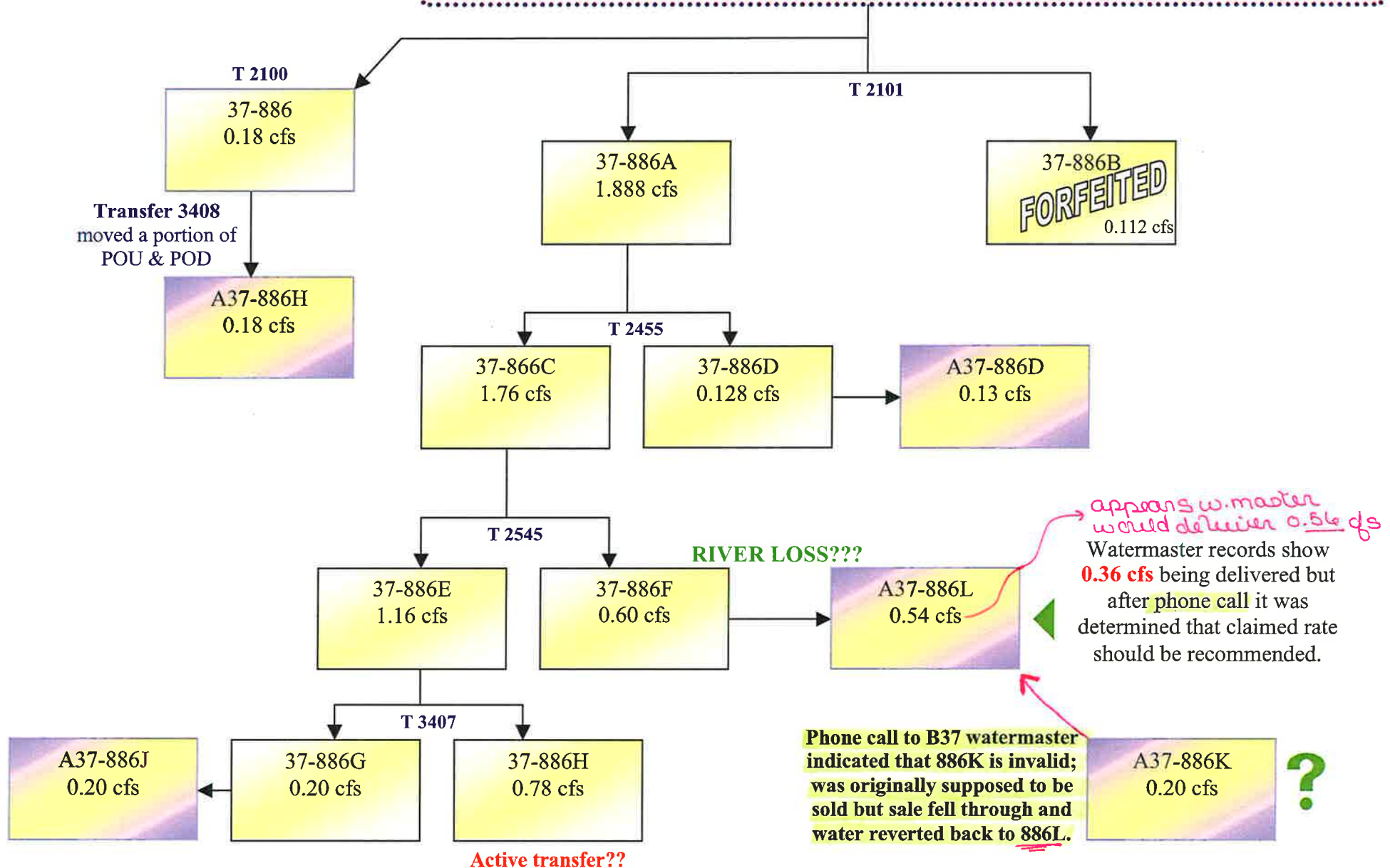
Schariff et all vs. C.A.Jones

JUNE 1, 1884

2.0 CFS

POU: 1N 18E S27 E½ NW, SWNE and 1N 18E S22 SESW acres not specified

POD: 2N 18E S26 SENE



Transfer No. 2545Water Right No. 37-0886CSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Otis Disbennett Jr. Phone 788-2506Post office address P. O. Box 316, Bellevue, Id 83313

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to W. D. Scharff et al (Name)
in case of W. D. Scharff et al vs C. A. Jones
dated 1-29-1919 in Fourth District county of Blaine
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
_____ purchase of water (warranty deed attached)

3. Source of water Big Wood R. tributary to Malad R.

4. Date of priority 6-1-1884

5. Water is used for the following purposes:

amount 1.708 cfs for irrigation purposes from Apr 1 to Nov 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 1.708 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22
Township 2N Range 18E, B.M., in Blaine County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2N	18E	25	Lands Within City of Bellevue. Except Blocks #73 & 74																
		36		X			X												

Total number of acres to be irrigated _____

9. Describe any other water rights used for the same purposes as described above _____

37-0886C / # 2545

See Scharff vs Jones Decree

1. Amount of water: a. 0.60 cubic feet per second
b. _____ &/or _____ acre feet per annum

2. Point of diversion _____

3. Place of use:

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE	
1.	Change in point of diversion

- a. Amount of water to be diverted 0.60 c.f.s. &/or _____ acre feet
b. Point(s) of diversion SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36 Township 2N
Range 18E, B.M., _____ Blaine County
Additional points Re-diversion NE $\frac{1}{4}$ Sec. 12 T. 1N R. 18E

2. Change in place of use

- Total number of acres to be irrigated 4

4. Remarks P. U. contains 3.5 acres.

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Chris Dickemott Jr.
(Signature of applicant)

Subscribed and sworn to before me this 24th day of February, 19 81.

[Signature]
(Notary public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0886F and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

2. Use of water under this right is subject to control by the watermaster of State Water District No. 37, Big Wood River.

3. The maximum rate of diversion under this right shall not exceed 0.56 cfs nor shall the annual volume exceed 17.5 acre feet per annum.

Witness my hand this 19th day of October, 1981.

L. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by J. S. Stanton Date 2-24-81

Prelim. check by T.C.B. Fee \$50.00

Received by J Date 2-24-81 # 16847

Published in wood river journal

Pub. dates 3/24 + 4/2/81

Watermaster recommendation requested on 3/5/81

rec'd. 3/10/81

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial

by L.H. DCT

QUITCLAIM DEED

RECEIVED

MAR 28 1997

For Value Received

OTIS DISBENNETT, JR.
BOX 316
BELLEVUE, IDAHO 83313

Department of Water Resources

do hereby convey, release, remise and forever quit claim unto

BRUCE PRICE
10773 HIWAY 75
BELLEVUE, IDAHO 83313

the following described ~~PRIME~~ water Rights situated in Blaine County, Idaho, to-wit:

10.00 Inches from the Big Wood River Irrigation District #37
Canal NO. 45 District Canal
District Priority No. 35A3
State ID 370886 Decreed 6-1-1884 to W.D.Schariff ET AL

382132

Deed

BLAINE CO. REQUEST

OF:

Bruce Price

'95 SEP 12 PM 12 59

MARY GREEN. CLERK

FEES \$ *3.00*

YMP

Dated:

9-7-95

X Otis Disbennett Jr. *Bruce Price*



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 4, 1997

Bruce Price
PO Box 1022
Bellevue, ID
83313

Dear Mr. Price;

37-886E 7
We have received your application for a transfer of 10" of Big Wood River that you purchased from Otis Disbennett in 1995. Since the application was not complete, I took the liberty of filling in the missing data based on our records. I also spoke to Mr. Disbennett concerning this water right. The 30" of water under this right, minus 3" conveyance loss due to a previous transfer, is used to irrigate 3.2 acres of the 3.5 acres that he owns. He told me that he has continued to irrigate the 3.2 acres since selling you the 10", and that he plans to continue to irrigate this land. Water can only be transferred on an acre-for-acre basis, so we can only approve your proposed transfer if land is dried up on Mr. Disbennett's property. Since you bought 1/3 of the water right, he will have to dry up 1.1 acres in order for you to irrigate 1.1 acres of your dry land.

Your application is enclosed. If you still wish to submit this document, it can be returned to this office along with a filing fee of \$100. (which was not included with the original application). We have to accept any application that you wish to file, so you can make any changes to the document that you so desire. Our main office in Boise makes the final decision as to whether to approve or deny a proposed transfer, but your present proposal is a blatant expansion and therefore illegal under Sec. 42-222 of the Idaho Code. A letter of agreement from Mr. Disbennett should resolve this problem, however.

Regards,

James E. Stanton
Sr. Water Resource Agent

RECEIVED

MAR 28 1997

Department of Water Resources

State of Idaho
Department of Water Resources
1301 North Orchard
Boise, Idaho 83706-2237

RECEIVED

APR 02 1997

Department of Water Resources
Southern Region

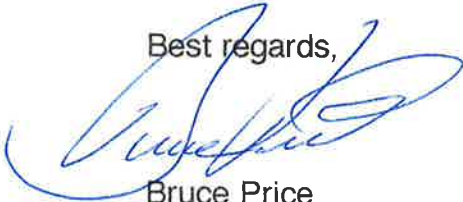
March 25, 1997

To Whom It May Concern,

We have purchased water rights from Mr. Disbennett to irrigate dry land for pasture. These water rights have been deeded to us and we are now applying for transfer of water right which you will find enclosed. We would appreciate you finalizing the paper work for this matter. If you have any questions please call Bruce Price at 208-788-2482.

Thank you for your time.

Best regards,



Bruce Price

9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME DisbennettCLAIM IDENT. NO. A37-00886KDATE RECEIVED 9-2-88CK # 10AMOUNT \$ 78.205002230

YES

NO

1. Is the name and address complete with zip code? X2. Is a priority date entered? X

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? X(b) Is a tributary to entered? (if required) N/A X4. Is the legal description of the p.d. sufficient? X5. Is there a description of the diverting works? X6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. XIs the period of use included? XIs a quantity claimed for each use? X7. Is a total quantity claimed entered? X8. If required is a consumptive use entered? N/A XIs the consumptive use correct? N/A X9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4. X10. Is (are) the place(s) of use entered? X11. Is (are) the county(ies) entered? X12. Is the ownership of p.u. checked? X13. Are other water rights listed or "none" checked? X14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A X15. Is the basis of the claim checked? X16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) XHas the claim been signed, sealed, and dated by a notary? XIs the fee enclosed correct? XIf this claim is based on an existing water right, has the identification number been entered? N/A XShould this claim be receipted and data entered? X

MICROFILMED

Claim checked by: Heber FEB 23 1989Comments: fees were paid @ \$3.2 for 3.2 acres. not worth charging.

S002230

09/16/88
10:52:55

CHANGE
Receipt S002230
A37-12788 25.00
A37-00886L 53.20

DISBENNETT, OTIS

ADJUDICATION FEE

0410162 9337 6490

\$78.20

\$78.20

CHECK 10

WR/NO: A37-12788 A37-00886L

Idaho Department of Water Resources

Region: SOUTHERN

Signature: _____

Changed from "K"

Adm 9/12/88
Adm

MICROFILMED

FEB 23 1993