

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 37-1046B
Date Received: 10/25/1988
Receipt No: C003048
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BRUCE PRICE Phone: (208) 788-~~4740~~ 3789
PO BOX 1022
BELLEVUE ID 83313

SHERRY PRICE Phone: (208) 788-~~4740~~ 3789
PO BOX 1022
BELLEVUE ID 83313

2. Date of Priority: 04/01/1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	21E	3	SW NE	BLAINE	
02N	21E	3	NW SE	BLAINE	

5. Description of diverting works:

DITCH FROM MULDOON CREEK, PUMP IN DITCH, SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.2	

7. Total Quantity Appropriated is:
0.2 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
02N	21E	10	NW	NW	IRRIGATION	10
					Section Acres	10
					Total Acres	10

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:

OWNERSHIP OF THE PROPERTY IS UNDIVIDED WITH THE FOLLOWING PROPORTIONS: BARZILLA
YOUNG 50% SALLY LAIDLAW WILLIAMS 25% P. JAMES MECHAM 25%

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

July 11, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRUCE PRICE
SHERRY PRICE
PO BOX 1022
BELLEVUE ID 83313

Re: SRBA Claim(s) 37-1046B, 37-2243B
Decreed Water Right 37-12020

Dear Mr. and Mrs. Price:

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. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett', is written over a horizontal line.

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.

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
	37-2243	B			
	37-1046	B			
	37-2443	B			

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)

*Burzillar Young and or Sally Laidlaw
and or P. James Meckham
Williames*

4. New Owner/Claimant(s)

Bruce or Sherry Price

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Box 1022

City, State and ZIP Code

Bellevue Id 83313

New Telephone Number

208 788-4740

5. Date you acquired the property

9-19-01

RECEIVED

FEB 04 2002

Department of Water Resources
Southern Region

*Price 165412
Sherry 202304*

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) _____
(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 _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by Sherry AJ Date 7/11/02 WR _____ Date _____

RECEIVED
FEB 04 2002
Department of Water Resources
Southern Region

WARRANTY DEED

For Value Received Barzilla E. Young, an unmarried man who took title as Barzilla Young, and Sally Laidlaw Williams, a married woman as her sole and separate property. Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Bruce B. Price and Sherry L. Price, husband and wife

whose address is: PO Box 1022, Bellevue, ID 83313

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

Township 2 North, Range 21 E.B.M., Blaine County, Idaho,
Section 10: A portion of the NW¼ described as follows:

Commencing at the Northwest corner of said Section 10; thence S. 0°43'45" W., along the West boundary of said Section 10 for a distance of 186.39 feet to the True Point of Beginning.

Thence S. 0°43'45" W. along the West boundary of said Section 10, for a distance of 1,315.16 feet; thence N. 51°19'40" E. along a property line fence for a distance of 828.05 feet; thence N. 38°17'30" W., for a distance of 1,016.27 feet to a point on the West boundary of Section 10 and being the True Point of Beginning.

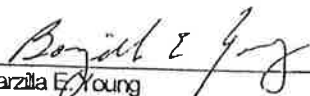
TOGETHER With all water rights appurtenant thereto including, but not limited to 0.2 C.F.S. for Irrigation from April 1 through November 1 of each year diverted from Muldoon Creek and identified as number A37-02243B in the Snake River Basin Water Adjudication, and 0.2 C.F.S. for irrigation from April 1 through November 1 of each year diverted from Muldoon Creek and identified as number A37-01046B in the Snake River Basin Water Adjudication and 0.04 C.F.S. for domestic purposes and 0.02 for stock water purposes from January 1 through December 31 of each year diverted from a spring and identified as number A37-12020 in the Snake River Basin Water Adjudication.

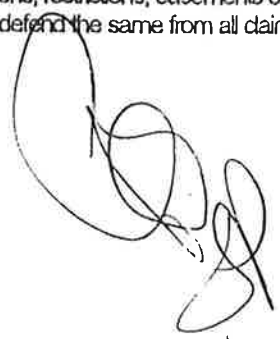
Purchaser agrees Sally Laidlaw Williams may personally occupy at no cost to her the Property during her lifetime at anytime mutually agreed to by the parties. Sally Laidlaw Williams shall contact Purchaser at least thirty (30) days in advance of when she desires to occupy the property to ascertain if it is available.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: September 12, 2001


Barzilla E. Young


Sally Laidlaw Williams

QUITCLAIM DEED

FOR VALUE RECEIVED, P. JAMES MECHAM, as Grantor, does here grant, convey and assign to BARZILLA E. YOUNG, as Grantee, of 650 San Jose Way, Boise, Idaho 83712, the following described real property:

Township 2 North, Range 21 East, Section 10, B.M., Blaine County, Idaho: a portion of the NW 1/4 described as follows:

COMMENCING at the NW corner of said Section 10; THENCE South 0 degrees 43'45" W., along the West boundary of said Section 10 for a distance of 186.39 feet to the True Point Of Beginning.

THENCE South 0 degrees 43'45" W., along the West boundary of said Section 10, for a distance of 1315.16 feet; THENCE North 51 degrees 19'40" E., along a property line fence for a distance of 828.05 feet; THENCE North 38 degrees 17'30" W., for a distance of 1016.27 to a point on the West boundary of Section 10 and being the True Point of Beginning.

✓ TOGETHER WITH one-half interest in the spring located adjacent to the above property.

SUBJECT TO easement for county road along the Southeasterly boundary thereof, and title to that portion of the property lying South of the county road.

TO HAVE AND TO HOLD unto the Grantee and Grantee's successors and assigns. This transfer and conveyance vests in Grantee all of Grantor's right, title, and interest in the described real property, and any after acquired title relating thereto, as the Grantee's sole and separate property.

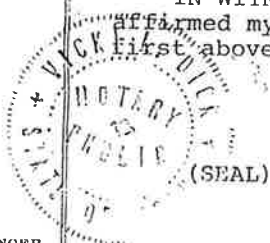
DATED This 16 day of August, 1990.

P. James Mecham
P. James Mecham

STATE OF IDAHO)
) ss.
County of Blaine)

On this 16 day of August, 1990, before me, the undersigned Notary Public in and for the state of Idaho, personally appeared P. JAMES MECHAM, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affirmed my official seal, the day and year in this certificate first above written.



Vicki L. Dyer
Notary Public for Idaho
Residing in Blaine
Commission expires: 2-27-92

TED C. SPRINGER
ATTORNEY AT LAW
P. O. BOX 409
CHALLIS, IDAHO 83226
208-879-2312

BLAINE CO. REQUEST
Barzilla E. Young
Deed
'90 AUG 10 PM 4 30
MARY GREEN, CLERK
FEE \$3.00

322630

BARZY

WARRANTY DEED

For Value Received Helen M. Burks and F. Dennis Burks

the grantor s, do hereby grant, bargain, sell and convey unto Barzilla Young, Connie Young, Sally Laidlaw Williams and P. James Mecham as tenants in common the grantee s, whose current address is 650 San Jose Way, Boise, Idaho 83712

the following described premises, in Blaine County Idaho, to-wit:

Township 2 North, Range 21 E., B.M., Blaine County Idaho
Section 10: A portion of the NW 1/4 described as follows:

COMMENCING at the Northwest corner of said Section 10;
THENCE S.0 degrees 43'45" W., along the west boundary of said Section 10 for a distance of 186.39 feet to the True Point of Beginning.
THENCE S.0 degrees 43'45" W. along the west boundary of said Section 10, for a distance of 1315.16 feet;
THENCE N.51 degrees 19'40" E. along a property line fence for a distance of 828.05 feet;
THENCE N.38 degrees 17'30" W., for a distance of 1016.27 feet to a point on the west boundary of Section 10 and being the TRUE POINT OF BEGINNING.

TOGETHER with one-half interest in spring located adjacent to above property.

SUBJECT TO easement for county road along the Southeasterly boundary thereof, and title to that portion of the property lying South of the County Road.

MULDON HOUSE 1/2 BARZY 1/4 Jim 1/4 SALLY

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees , heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: December 8, 1986

Helen M. Burks
F. Dennis Burks

STATE OF IDAHO, COUNTY OF YUMA
On this 8 day of DEC., 1986,
before me, a notary public in and for the said State, personally appeared

Helen M. Burks

Helen M. Burks and
F. Dennis Burks

known to me to be the person whose name
subscribed to the within instrument, and acknowledged to
me that executed the same.

[Signature]

Notary Public

Residing at
Comm. Expires My Commission Expires Aug. 23, 1988

STATE OF IDAHO, COUNTY OF

87 JAN 2 PM 4 24
MARIE M. CLERK
DEPUTY
FEES 2.00

BLAINE CO.
REQUEST OF

San Valley Title

280737

INSTRUMENT NO.



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

This Policy Not Valid Unless
Counter-signed By First American
Title Insurance Company

First American Title Insurance Company

BY

PRESIDENT

ATTEST

SECRETARY

J

43751

OWNER'S POLICY

SCHEDULE A

Order No.: **K24361**

Policy No.: **J1437514**

Reference No.:

Amount of Insurance: **\$ 110,000.00**

Premium: **\$ 635.00**

Endorsements:

\$

Date of Policy: **September 19, 2001** at **12:47 PM**

1. Name of Insured:

Bruce B. Price and Sherry L. Price

2. The estate or interest in the land which is covered by this policy is:

A fee simple interest

3. Title to the estate or interest in the land is vested in:

Bruce B. Price and Sherry L. Price, husband and wife

4. The land referred to in this policy is described as follows:

**Township 2 North, Range 21 E.B.M., Blaine County, Idaho,
Section 10: A portion of the NW $\frac{1}{4}$ described as follows:**

**Commencing at the Northwest corner of said Section 10; thence S.
0°43'45" W., along the West boundary of said Section 10 for a distance of
186.39 feet to the True Point of Beginning.**

**Thence S. 0°43'45" W. along the West boundary of said Section 10, for a
distance of 1,315.16 feet; thence N. 51°19'40" E. along a property line
fence for a distance of 828.05 feet; thence N. 38°17'30" W., for a distance
of 1,016.27 feet to a point on the West boundary of Section 10 and being
the True Point of Beginning.**

SCHEDULE B

Order No.: **K24361**

Policy No.: **J1437514**

EXCEPTIONS FROM COVERAGE

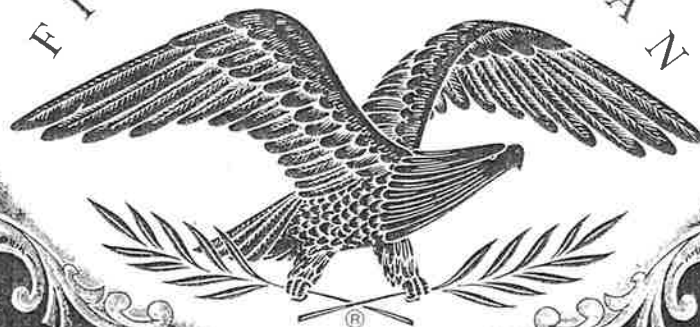
This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

PART I

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interest, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. General taxes for the year 2001 not yet due or payable.
8. Easement contained in Warranty Deed recorded January 2, 1997, as Instrument No. 280737.
9. Subject to the Interest of Sally Laidlaw Williams as disclosed in that certain Warranty Deed, recorded as Instrument No. 455569, records of Blaine County, Idaho.

END OF EXCEPTIONS

FIRST AMERICAN



1889

First American Title Insurance Company

POLICY
OF
TITLE
INSURANCE



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: A37-01046B
Date Received: 10/25/1988
Receipt No: C003048
Received By: CF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BARZILLA YOUNG
Address: 650 SAN JOSE WAY
BOISE, ID 83712 208-342-1587
AND/OR
Name: SALLY LAIDLAW WILLIAMS
Address: 6491 ASCOT DRIVE
OAKLAND, CA 94611
AND/OR
Name: P. JAMES MECHAM
Address: P.O. BOX 121
CAREY, ID 83320
2. Date of Priority: APR 01, 1885
3. Source: MULDOON CREEK Trib. to: LITTLE WOOD RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	21E	3		SW	NE		BLAINE
				NW	SE		BLAINE
5. Description of diverting works:
DITCH FROM MULDOON CREEK, PUMP IN DITCH, SPRINKLER IRRIGATION
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		
7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 25.0 Acre Feet Per Annum.
9. Non-irrigation uses:

A37-01046B

Page 1

Date: 10/25/88

MICROFILMED

FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	21E	10	NW NW		IRR	10.0
Section Acres						10.0
Total Acres						10.0

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:
37-02243

14. Remarks:

OWNERSHIP OF THE PROPERTY IS UNDIVIDED WITH THE FOLLOWING PROPORTIONS:

BARZILLA YOUNG	50%
SALLY LAIDLAW WILLIAMS	25%
P. JAMES MECHAM	25%

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

WOODWORTH, ET AL
Decree Plaintiff

vs

ANTHONY, ET AL, AMENDED
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): Bogith C Gray Date: 10-25-88

Date: _____

State of Idaho)
County of Ada) SS.

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

Carter Fritschle
Notary Public

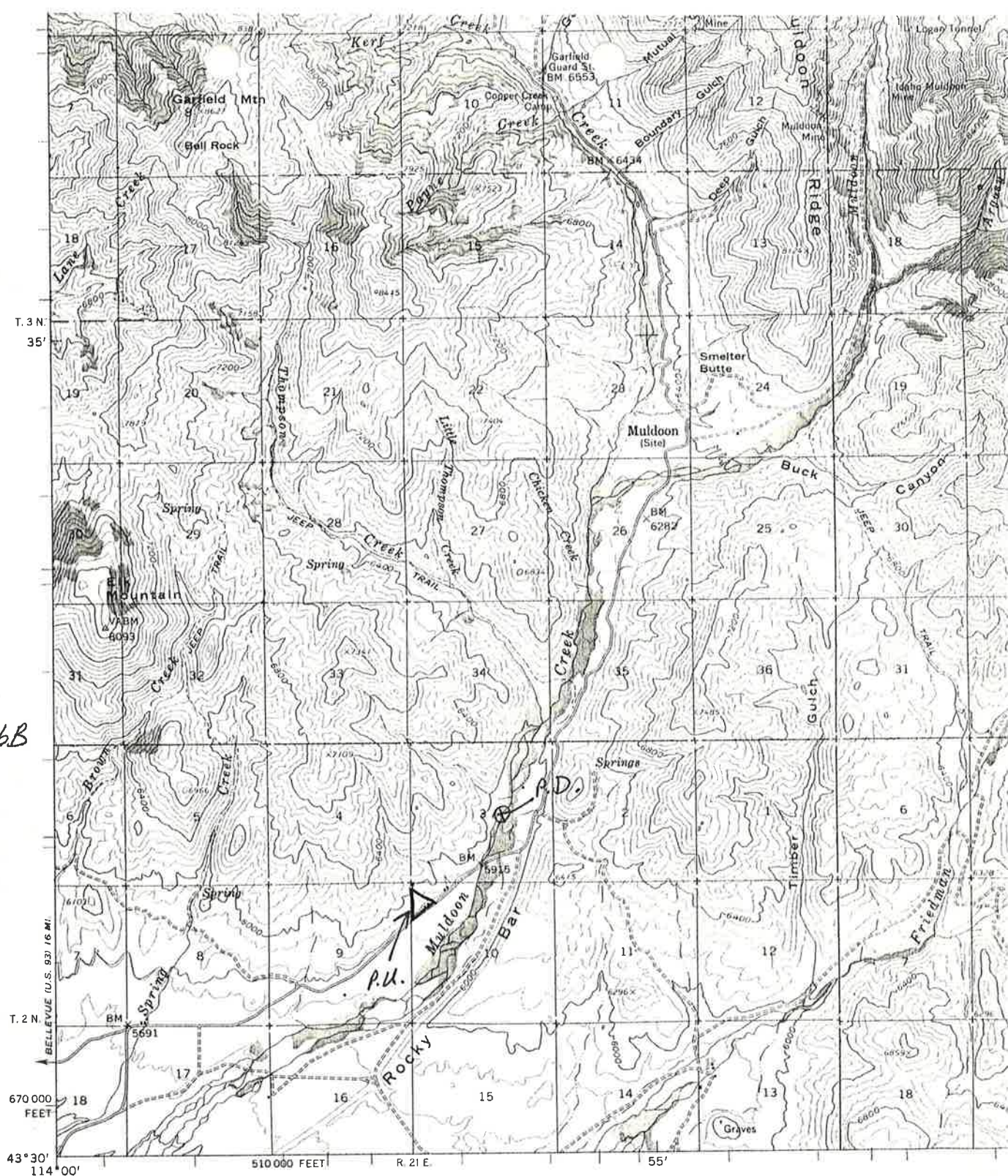
Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My commission Expires March 21, 1994

A37-01046B

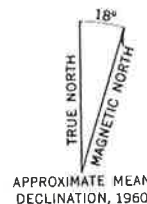


Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS

Topography from aerial photographs by photogrammetric methods
Aerial photographs taken 1957. Field check 1960

Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system, central zone
1000-meter Universal Transverse Mercator grid ticks,
zone 12, shown in blue

Dashed land lines indicate approximate locations
Land lines unsurveyed in T. 5 N.-Rs. 21 and 22 E.,
and part of T. 3 N.-R. 22 E.



SCALE 1:62500
CONTOUR INTERVAL 80
DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACT
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER 25
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS

MICROFILMED

FEB 23 1993

COPY

DEPT. OF AGRICULTURE - IDAHO
TWIN FALLS CO., IDAHO
FILED _____

2003 JUN 25 PM 12 05

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. 37-1046B, 37-2243B

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

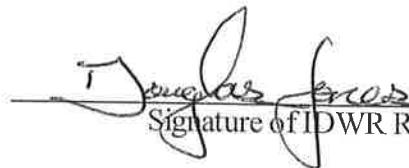
IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

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 *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:

6/24/03


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6/25, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

Original to:

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

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

Bruce Price
Sherry Price
PO Box 326
Carey ID 83320



Signature of person or attorney mailing the form

05/29/2008

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

RIGHT NUMBER: 37-1046B

NAME AND ADDRESS: BRUCE B PRICE
PO BOX 326
CAREY ID 83320

SHERRY L PRICE
PO BOX 326
CAREY ID 83320

SOURCE: MULDOON CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.060 CFS

PRIORITY DATE: 04/01/1885

POINT OF
DIVERSION:

T02N R21E S3 NENWSE 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	0.060 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R21E S10	NWNW 2.80	
	2.8 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 2.8 acres in a single irrigation season. Combined Right Nos.: 37-1046B and 37-2243B.

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

05/29/2008

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

RIGHT NUMBER: 37-2243B

NAME AND ADDRESS: BRUCE B PRICE
PO BOX 326
CAREY ID 83320

SHERRY L PRICE
PO BOX 326
CAREY ID 83320

SOURCE: WASTE WATER

TRIBUTARY: DEEP GULCH CREEK

QUANTITY: 0.060 CFS

PRIORITY DATE: 08/08/1912

POINT OF
DIVERSION:

T02N R21E S3 NENWSE Within BLAINE County
T02N R21E S3 NENWSE Rediversion Within BLAINE County
T03N R21E S12 NESESW Injection 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	0.060 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R21E S10 NWNW 2.80

2.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 2.8 acres in a single irrigation season. Combined Right Nos.: 37-1046B and 37-2243B.

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 point of diversion pursuant to Section 42-1425, Idaho Code.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 25, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

BRUCE PRICE
SHERRY PRICE
PO BOX 326
CAREY ID 83320

RE: SRBA Claim(s) 37-1046B, 37-2243B

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 23 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): ^{AJ} 37-1046B 37-12020
37-12947 37-12952
^{AJ} 37-2243B

[] Name(s): Bruce Price
Sherry Price

[] Old Mailing Address: Box 905
Bellevue, Id. 83313

[] New Mailing Address: Box 326
Caryn, Id. 83320

Telephone Number: (208) 788 - 3789

[] Signature(s) of Owner(s) 
(Include your title if on behalf of company or organization)

Date: 4-23-08

SUPPORT DATA
IN FILE # 37-12020

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS



02 1A
0004389393
\$ 00.87
MAR 08 2007
MAILED FROM ZIP CODE 83700

 NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

Box 9

37-2243B
37-1046B

SHERRY L PRICE
PO BOX 1022
BELLEVUE ID 83725

RECEIVED

MAR 12 2007

DEPARTMENT OF
WATER RESOURCES

RECEIVED

MAR 12 2007

DEPARTMENT OF
WATER RESOURCES

12/15/2006

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

RIGHT NUMBER: 37-1046B
NAME AND ADDRESS: BRUCE B PRICE
PO BOX 905
BELLEVUE ID 83313

SHERRY L PRICE
PO BOX 1022
BELLEVUE ID 83313

SOURCE: MULDOON CREEK TRIBUTARY: LITTLE WOOD RIVER
QUANTITY: 0.060 CFS
PRIORITY DATE: 04/01/1885
POINT OF DIVERSION:

T02N R21E S3 NENWSE 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	0.060 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R21E S10 NWNW 2.80

2.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 2.8 acres in a single irrigation season. Combined Right Nos.: 37-1046B and 37-2243B.

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

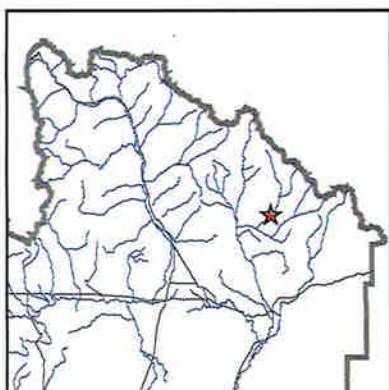
SRBA Recommendation:

37-1046B

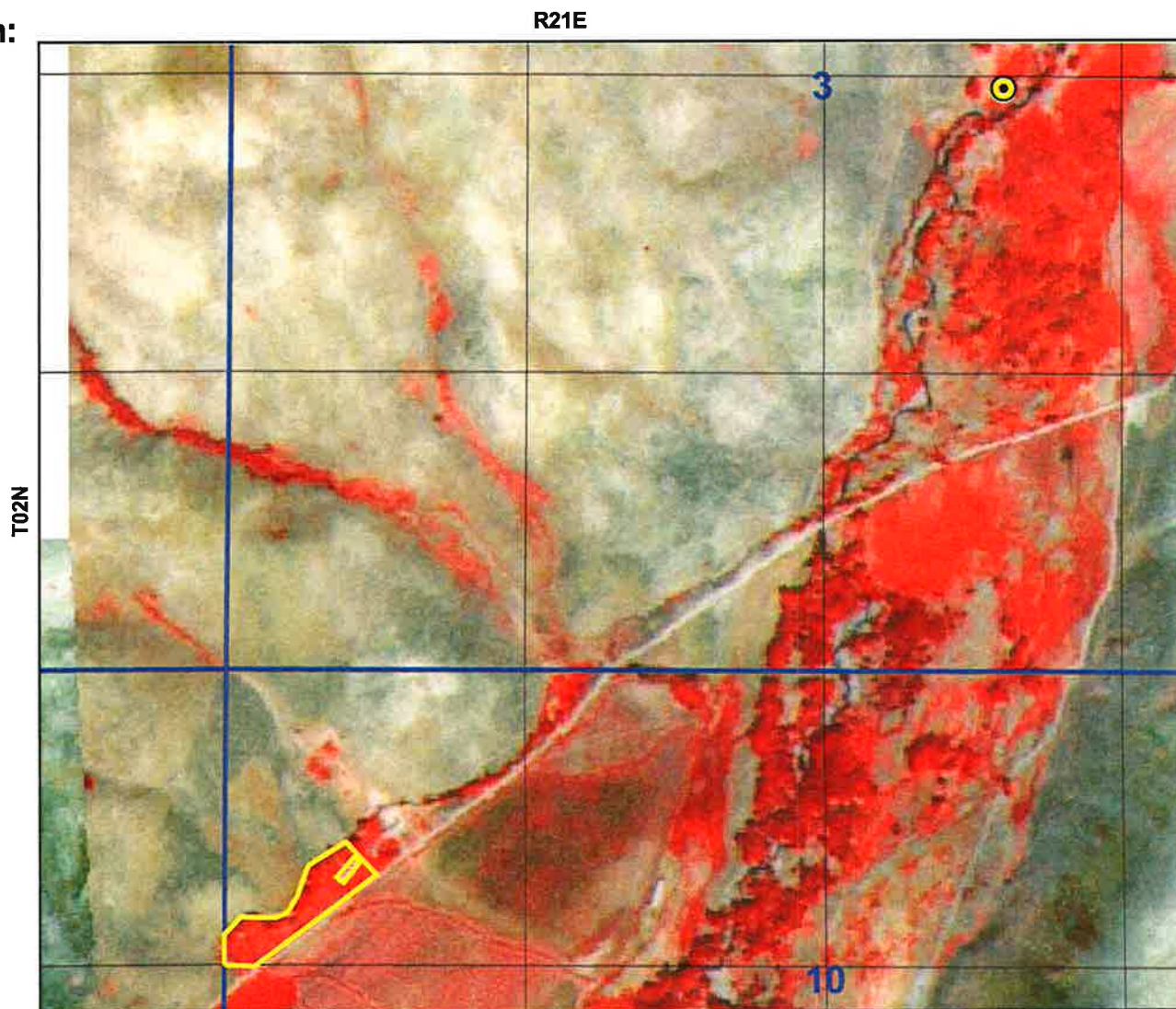
37-2243B

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 15, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-1046B, 37-2243B

Background Data

37-1046

- Source is Muldoon Creek
- Priority Date: 4/1/1885
- A priority date search indicates:
 - 37-1046 originally decreed for 1.6 cfs on 5 QQ with priority date of April 1, 1885
 - 37-1046A is claiming 0.04 cfs for Irrigation of 2 acres
 - 37-1046B claiming 0.2 cfs for Irrigation of 10 acres
 - 37-1046C is claiming 1.6 cfs for Irrigation of 606 acres
 - **Overclaimed**

37-2243

- Source is waste water
- Priority Date: 8/8/1912
- A priority date search confirmed:
 - 37-2243 was originally licensed for 4.3 cfs on 215 acres
 - 37-2243A claimed 4.3 cfs for Irrigation of 606 acres
 - 37-2243B claimed 0.2 cfs for Irrigation of 10 acres
 - **Overclaimed**

Place Of Use Data

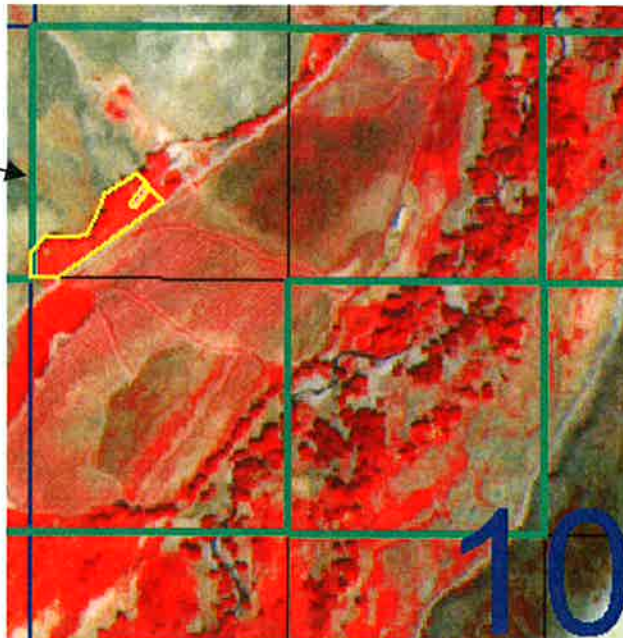
Yellow line is the draft Place of Use created by IDWR based on historical data and records.

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 37-1046 &
Licensed POU for 37-2243
(green line)



Muldoon Creek September
23, 2004

ABC Agra Upper Diversion



ABOVE: View looking across Muldoon Creek towards the ABC Agra Upper Diversion(s). Note a head gate has been installed, but water from Muldoon Creek still enters the diversion ditch via an uncontrolled diversion just downstream of the recently installed head gate. The head of the Clark Lower Diversion Ditch is visible in the foreground of this view.



LEFT: View of the recently installed head gate for the ABC Agra Upper Diversion. This head gate is tied into a buried 30" diameter pipeline that discharges into the upper diversion ditch.

BELOW: View looking back up the ABC Agra Upper Diversion Ditch showing the location of the discharge from the pipeline from the head gate. Also note uncontrolled water from Muldoon Creek entering the ditch.



ABC Agra Upper Diversion



LEFT: View of measuring device, two 42" rectangular weirs, in ABC Agra Upper Diversion Ditch.

BELOW: Close up view of measuring device showing presence of only one staff gage, but weirs are not at the same elevation.



GPS coordinate location for point of diversion: 2504977, 1370397 (IDTM coordinates NAD83 projection) Legal Description NWSE Section 3 (T02N, R21E). Site Tag #A0011841.

Diversion works consist of metal screw gate structure. However, another uncontrolled diversion also enters the ditch. Measuring device consists of two 42-inch rectangular weirs placed in parallel. One staff gage was present for one of the weirs, but the two weirs were not at the same elevation. Flow through left (east) weir was measured at 3.52 cfs and flow through right (west) weir was measured at 3.88 cfs.

Concerns: Lack of control on all of the water entering the ditch. Measuring device needs a staff gage on both weirs. ABC Agra's SRBA filings identify point of diversion in SWNE Section 3 (T02N, R21E).

Notes

37-1046B

➤ Overclaim resolution:

- 37-1046A (Merrill) claimed 0.04 cfs of the 1.6 cfs decreed
- 37-1046B (Price) claimed 0.20 cfs of the 1.6 cfs decreed
 - Submitted 3 deeds:
 - 1986 & 1990 deeds only mention water from spring
 - 2001 deed mentions
 - 0.2 from 37-2243B
 - 0.2 from 37-1046B
 - 0.04 and 0.02 from 37-12020
 - 7 of the 10 acres being claimed in 37-1046B are above the ditch. The 7 acres above the ditch does not appear to be irrigated on the 1987, 1992, 2004, and 2005 aerial photos. Irrigation of this land was also not evident during a field exam in 2005.
- 37-1046C (Muldoon Ranch) claimed the entire 1.6 cfs of the 1.6 cfs decreed
- 37-1046 was originally decreed for 1.6 cfs for Irrigation of 5 (QQ)
 - Based on the 1987 aerial photo, the claimed POU for 37-1046C, and POD documentation for Muldoon Ranch by Corey Skinner in 2004 (indicates Muldoon Ranch is only diverting water to the west from Muldoon Creek, Clark is diverting to the east), all the irrigated land is west of Muldoon Creek and the total is 80 acres.
 - Decreed duty of water is 1.6 cfs / 80 acres = 0.02 cfs/acre
 - Irrigation totals:
 - 37-1046A (Merrill) – 1.6 acres
 - 37-1046B (Price) – 2.8 acres
 - 37-1046C (Muldoon Ranch) – 76 acres
- Decision:
 - Did a proportional split of the water based on the amount of irrigated acres owned by each claimant within decreed POU:
 - 37-1046A (Merrill) – 0.03 cfs for Irrigation of 1.6 acres
 - 37-1046B (Price) – 0.06 cfs for Irrigation of 2.8 acres
 - 37-1046C (Muldoon Ranch) – 1.51 cfs for Irrigation of 76 acres

37-2243B

- This owner also has 37-12020, a decreed diminimus right for domestic and stockwater. The source is the spring uphill north-northwest of property. Lee Peterson collected GPS data for the spring POD:
- name = BRUCE2
 - Tag # - n/a
 - Photo number = 1060633
 - X = 2503823, Y = 1369712

- 12/4/05 – Met with Mr. & Mrs. Price at public meeting in Sun Valley
 - They are still unhappy with the amount of water I am planning only recommend the land below the ditch with the duty of water for each water right.
 - I outlined their options:
 - Convince Arlen Crouch to give them more water
 - Buy a water right and transfer it to the land above the ditch
 - Develop a new water right from the spring on the hillside
 - Submit a narrative that documents irrigation of the hillside prior to 1987.
 - I told them I would assess any narrative they submit to see if it supports appropriating them more water.
- Overclaim resolution:
 - 37-2243A (Muldoon Ranch) claimed the entire 4.3 cfs of the 4.3 cfs decreed
 - 37-2243B (Price) claimed 0.20 cfs of the 4.3 cfs decreed
 - Submitted 3 deeds:
 - 1986 & 1990 deeds only mention water from spring
 - 2001 deed mentions
 - 0.2 from 37-2243B
 - 0.2 from 37-1046B
 - 0.04 and 0.02 from 37-12020
 - 7 of the 10 acres being claimed in 37-2243B are above the ditch. The 7 acres above the ditch does not appear to be irrigated on the 1987, 1992, 2004, and 2005 aerial photos. Irrigation of this land was also not evident during a field exam in 2005.
 - 37-2243C (Merrill) claimed 0.04 cfs for Irrigation of 2 acres
 - 37-2243 was originally decreed for 4.3 cfs for Irrigation of 215 cfs
 - Decreed duty of water is $4.3 \text{ cfs} / 215 \text{ acres} = 0.02 \text{ cfs/acre}$
 - Irrigation totals:
 - 37-2243A (Muldoon Ranch) – 212 acres
 - 37-2243B (Price) – 2.8 acres
 - 37-2243C (Merrill) – 1.6 acres
 - Decision:
 - Did a proportional split of the water based on the amount of irrigated acres owned by each claimant within decreed POU:
 - 37-2243A (Muldoon Ranch) – 4.21 cfs for Irrigation of 210.6 acres
 - 37-2243B (Price) – 0.06 cfs for Irrigation of 2.8 acres
 - 37-2243C (Merrill) – 0.03 cfs for Irrigation of 1.6 acres

➤ Recommendations:

○ 37-1046

- 37-1046A (Merrill) – 0.03 cfs for Irrigation of 1.6 acres
- 37-1046B (Price) – 0.06 cfs for Irrigation of 2.8 acres
- 37-1046C (Muldoon Ranch) – 1.51 cfs for Irrigation of 195 acres within PPU
- Based on the 1987 aerial photo, the claimed POU for 37-1046C, and POD documentation for Muldoon Ranch by Corey Skinner in 2004 (indicates Muldoon Ranch is only diverting water to the west from Muldoon Creek, Clark is diverting to the east), all the irrigated land is west of Muldoon Creek
- Inconsistency:
 - Based the proportional split on the 80 irrigated acres within the decreed place of use, but allowed 37-1046C to irrigate up to 195 acres (right decreed on 5 QQ) within PPU.

○ 37-2243

- 37-2243A (Muldoon Ranch) – 4.21 cfs for Irrigation of 210.6 acres
- 37-2243B (Price) – 0.06 cfs for Irrigation of 2.8 acres
- 37-2243C (Merrill) – 0.03 cfs for Irrigation of 1.6 acres

➤ 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

August 31, 2005

ABC Agra, LLC
PO Box 378
Jerome, ID 83338

George T. & Marilyn K. Merrill Family Trust
735 Victor Ave
Chubbuck, ID 83202

Bruce & Sherry Price
PO Box ~~1022~~ 905
Bellevue, ID 83313

RE: Snake River Basin Adjudication claims 37-1046, 37-1046A, & 37-1046B

Dear Claimants,

Water right 37-1046 was originally decreed for a diversion rate of 1.6 cfs for irrigation of an unspecified number of acres in 5 quarter-quarter sections (40 acres each). The following claims totaling 1.84 cfs have been filed against water right 37-1046 in the Snake River Basin Adjudication:

37-1046	ABC Agra, LLC	1.60 cfs
37-1046A	Merrill Family Trust	0.04 cfs
37-1046B	Bruce & Sherry Price	<u>0.20 cfs</u>
		1.84 cfs

However, state law mandates that I cannot recommend more than 1.6 cfs (the decreed diversion rate) for this right in the Snake River Basin Adjudication.

A possible resolution is to split the water right into three parts, with each claimant receiving a diversion rate based on the number of acres they are irrigating. Right 37-1046 was originally decreed at a rate of 0.02 cfs/acre. The number of acres being irrigated by each claimant was determined through a review of the historical aerial photos and a recent field examination. Applying the original decreed diversion rate of 0.02 cfs to the number of acres irrigated by each claimant would result in this water right being split as follows:

37-1046	ABC Agra, LLC	76 acres	1.51 cfs
37-1046A	Merrill Family Trust	1.6 acres	0.03 cfs
37-1046B	Bruce & Sherry Price	<u>2.8 acres</u>	<u>0.06 cfs</u>
		~80 acres	1.6 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.
37-2243B & 1046B

Owner
Bruce Price
P O Box 1022
Bellevue

Date
6/30/05

I met with Bruce today and reviewed both of his water rights with right 37-1046B POD out of the lateral from Muldoon cr. Shared with George Merrill, for irrigation of his 10 acres for .2 CFS, the POD is shown on lateral see red & green photos the POD for the spring is up the hill. The POD 2-3 does not apply to these rights as indicated on pages 5-6 attached in file. Bruce said both of these rights apply to this same acreage.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Bruce-Merrill	Meril 1	2504109	1369387	A0016252	1060632
" "	Bruce 2	2503824	1369712	none	633

↓
This is the
spring see
37-12020

↓
This is the field gate
just north of property.
The canal head gate GPSed
by Corey Skinner.

Lee R. Peterson

Name = ABC Agra - Upper

K = 2504977

ψ = 1370397

Tag = A0011841

Legal = T2N, R21E, section 3, NWSE

MEMORANDUM

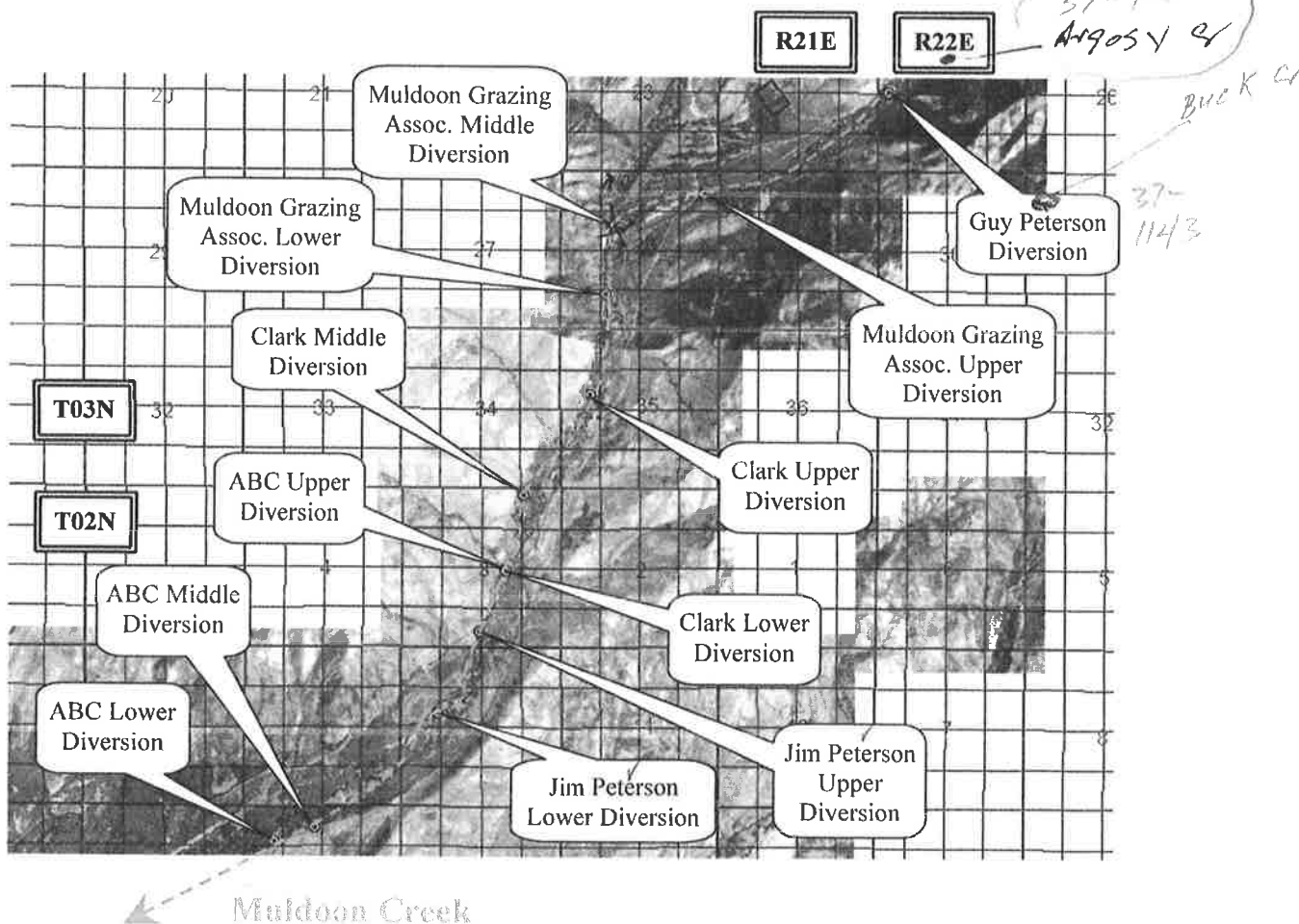
TO: Muldoon Creek Water District (37-O) File

FROM: Corey Skinner

DATE: September 23, 2004

SUBJECT: Field Visit

On September 9th, Corbin Knowles and I visited Muldoon Creek to inventory water diversions and measuring devices in an effort to gather information to assess compliance with the Department's October 2003 order requiring the installation of control works and measuring devices. Corbin and I met Jim Peterson, Water District 37-O water master, and Mr. Peterson proceeded to show Corbin and I around. The various points of diversion were GPSed, some site tags were installed, photos were taken, and some measurements were made. The following documents our observations during our visit...



Background Data

37-1046B

- Source is Muldoon Creek *YES*
- Same POU is 37-2243B *YES*
- Did a preliminary search on the splits, but need to confirm with priority date search file. *Bruce said priority is OK*
 - 37-1046 originally decreed for 1.6 cfs on 5 QQ
 - 37-1046 claimed all 1.6 cfs on 140 acres
 - 37-1046A claimed 0.04 cfs and 2 acres
 - 37-1046B claimed 0.2 cfs and 10 acres *OK same land*
 - **Overclaimed**

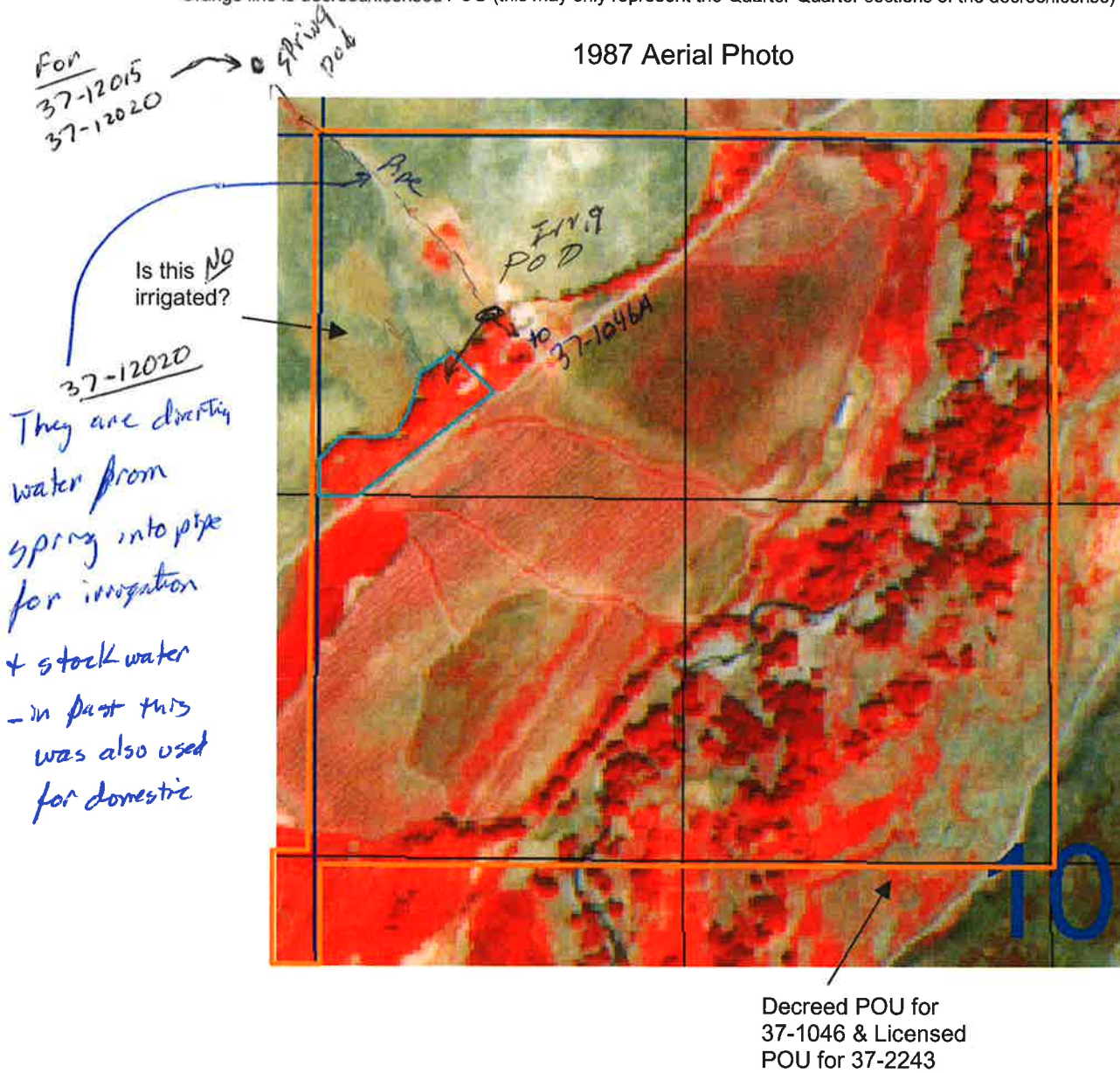
37-2243B

- Source is waste water *YES*
- Same POU as 37-1046B *YES*
- Checked priority date search: *OK*
 - 37-2243 was originally licensed for 4.3 cfs on 215 acres
 - 37-2243 claimed 4.3 cfs on 215 acres
 - 37-2243B claimed 0.2 cfs on 10 acres *OK same land*
 - **Overclaimed**

Place Of Use Data

Blue line is the draft Place of Use created by IDWR based on historical data and records.
 Blue dot is draft Point of Diversion created by IDWR based on historical data and records.
 Orange line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

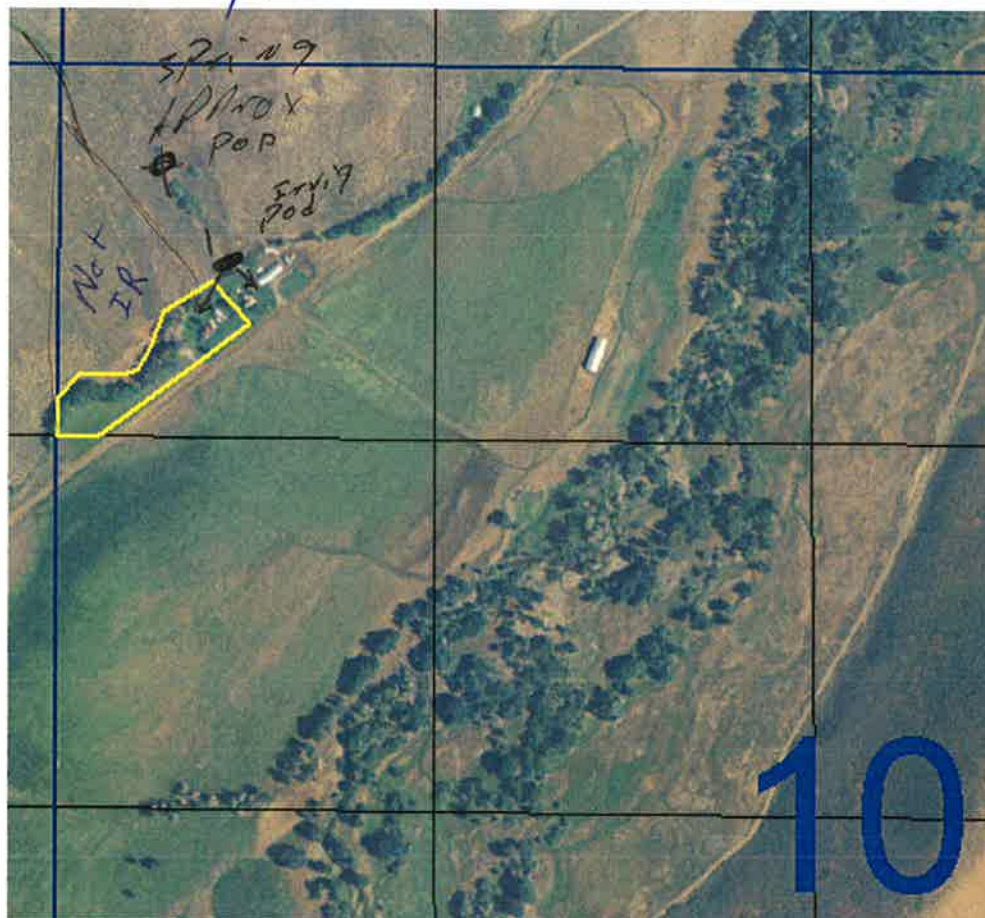
1987 Aerial Photo



Spring
2
pod

Not
Dissected
just runs
down hill

2004 Aerial Photo



Notes

T2N R21E Section 10

37-1046B

- Found 2.9 acres. The rest of the 10 acres appears to be above the canal? They claim a pump and sprinkler system – is water applied to the hillside above canal? *no*
- POD2 & POD3 claimed for this right *no*

37-2243B

- 37-2243 is licensed for 35 acres in NWNW Sec 10
- 37-2243B is claiming 10 acres in NWNW.
- Found 2.9 acres. The rest of the 10 acres appears to be above the canal? They claim a pump and sprinkler system – is water applied to the hillside above canal?
- All 3 PODs claimed for this right. Are all 3 PODs being used for this right? POD 1 is on a hillside – is this a spring or mine waste water?

pod for #1 is COVEY SPRINGER GPS

SEE POD - GPS for these two rights on comments

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1046

WATER RIGHT NUMBER: 37-1046

Owner Type

Current Owner

Name and Address

JAMES R GILLESPIE
8717 VINCENT
BOISE, ID 83709
(208)375-6229

Priority Date: 04/01/1885

Basis: Decreed

Status: Active

Source

MULDOON CREEK

Tributary

LITTLE WOOD RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

1.600 CFS

Annual VolumeTotal Diversion:

1.600 CFS

Location of Point(s) of Diversion

MULDOON CREEK

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	
02N	21E	9				X													
02N	21E	10					X	X	X	X									

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1046

Licensed Date:
Decreed Date: 11/10/1903
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 370
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Frank Anthony, et al
Decree Plaintiff: N R Woodworth, et al (Amended)
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>
----------------	------------------------	-----------------	-----------------

Water Supply Bank: