

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 37-2473E
Date Received: 9/15/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHARLES L MATTHIESEN Phone: (208) 726-8087
PO BOX 2540
KETCHUM ID 83340

2. Date of Priority: 06/24/1946

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	17E	23	SE SE	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	4/15	10/15	0.04	7.7

7. Total Quantity Appropriated is:
0.04 C.F.S. and/or 7.7 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
05N	17E	23	SE	SE	IRRIGATION	2.2
Section Acres						2.2
Total Acres						2.2

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:

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion under Right Nos.

37-02473A/B/C/D/E/F/G/H/J and K.

A measuring device of a type acceptable to the Department shall be installed and permanently maintained across Dip Creek at a point where the creek enters the right holders property located within NESE, S23, T05N, R17E.

The total diversion rate from the wells shall not exceed flow of Dip Creek measured at the point identified above and is further limited to those times when water is available to fill Right Nos. 37-02473A/B/C/D/E/F/G/H/J and K.

Right Nos. 37-02473A/B/C/D/E/F/G/H/J and K when combined shall not exceed a total combined rate of diversion of 0.86 cfs, a total combined annual volume of 175.0 af, nor the total combined irrigation of 26 acres.

Right No. 37-02473E is diverted and used within Lot 5, Dip Creek Ranch Subdivision.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: License

11/21/2006

NOTICE OF ERROR
REPLY

DEC 1 2006

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: 12/13/2006

Water right number: 37-2473E

CHARLES L MATTHIESEN

PO BOX 2540

KETCHUM ID 83340

Telephone Number: (208)726-8087

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

DATE: 12/12/2006

SIGNATURE:

Charles L. Matthiesen

Please print your name:

CHARLES L. MATTHIESEN

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

SCANNED

DEC 14 2006

09/19/2006

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

RIGHT NUMBER: 37-2473E

NAME AND ADDRESS: CHARLES L MATTHIESEN
PO BOX 2540
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
7.70 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation purposes.

A measuring device of a type acceptable to the Department shall be installed and permanently maintained across Dip Creek at a point where the creek enters the NESE, S23, T05N, R17E, and the total combined diversion rate from the points of diversion for the following rights shall not exceed the flow of Dip Creek measured at the point identified above. Combined rights: 37-2473A, 37-2473B, 37-2473C, 37-2473D, 37-2473E, 37-2473F, 37-2473G, 37-2473H, 37-2473J, and 37-2473K.

PRIORITY DATE: 06/24/1946

POINT OF DIVERSION:

T05N R17E S23 SESE Within BLAINE County

Right No. 37-2473E is diverted within Lot 5, Dip Creek Ranch Subdivision.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.040 CFS 7.70 AFY

PLACE OF USE: IRRIGATION Within BLAINE County

T05N R17E S23 SESE 2.20
2.2 ACRES TOTAL

Right No. 37-2473E is used within Lot 5, Dip Creek Ranch Subdivision.

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 holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from the authorized point of diversion for this right.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

The right holder shall accomplish the change authorized by this transfer by December 31, 2001.



Idaho Department of Water Resources

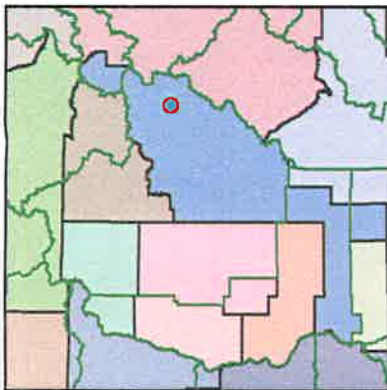
SRBA Recommendation:

37-2473E

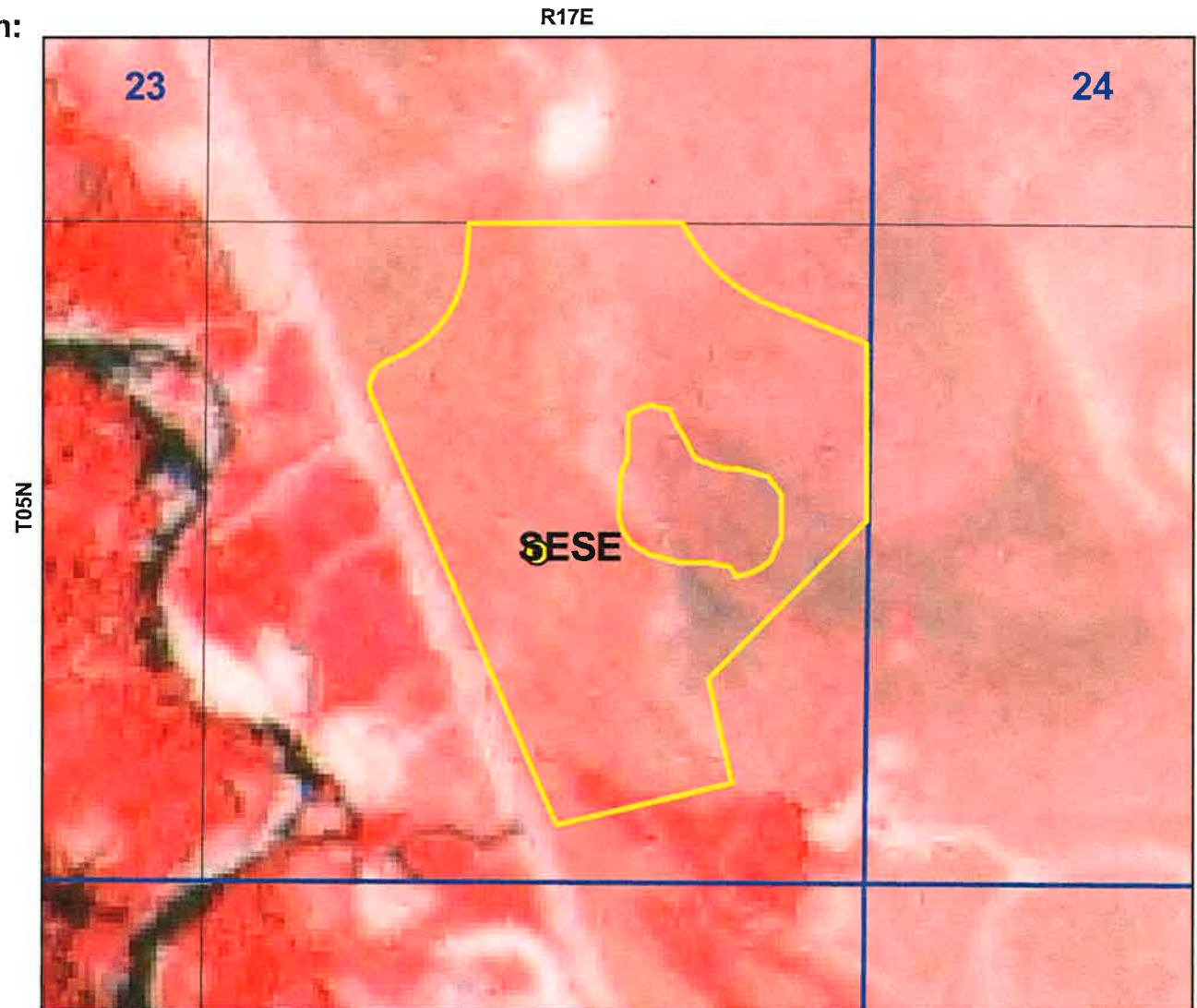
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by E. NORQUES
On Tuesday, September 19, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

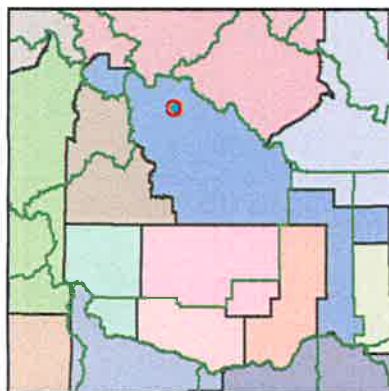
SRBA Recommendation:

37-2473E

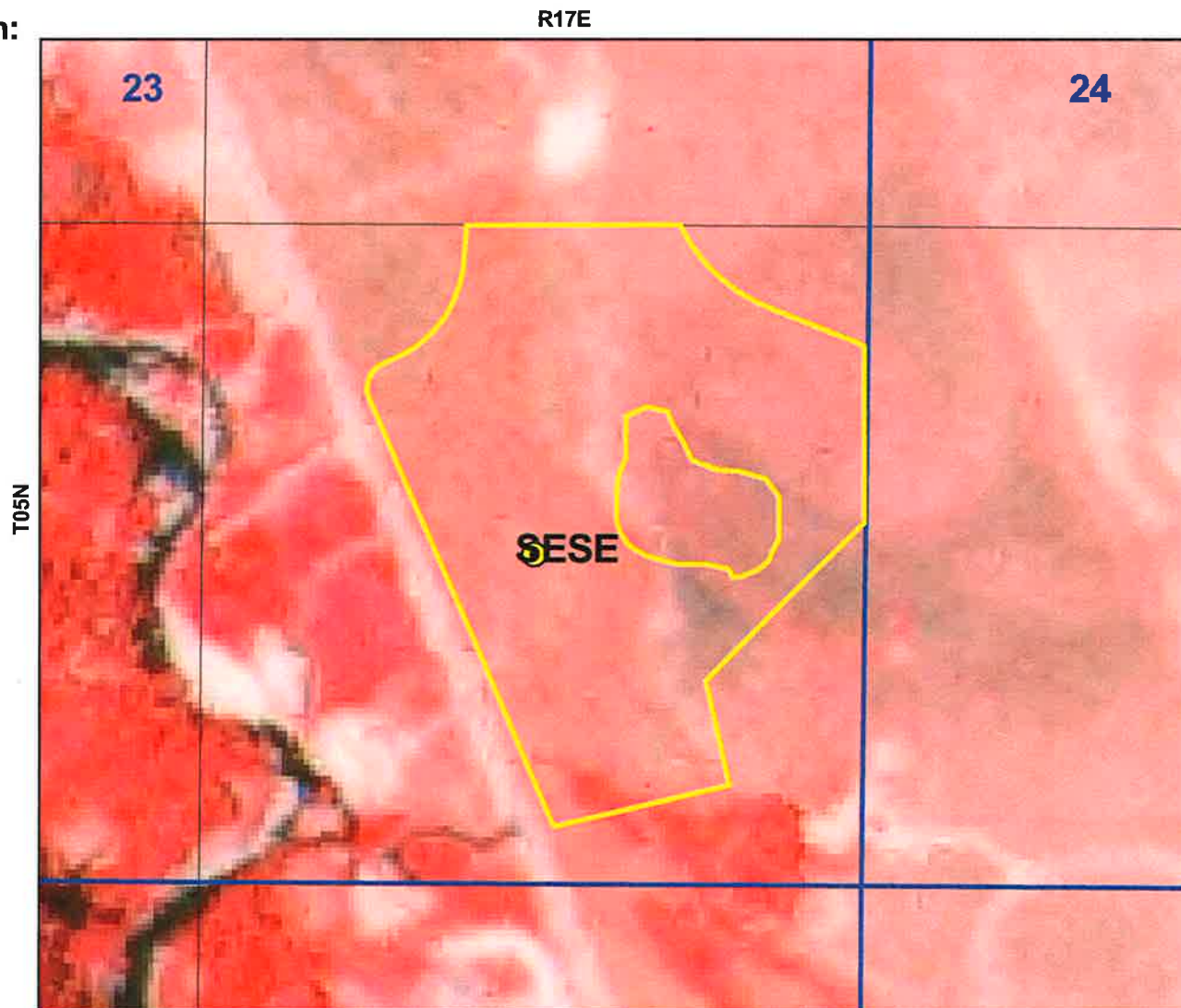
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by E. NORQUES
On Tuesday, September 19, 2006
1987/88 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NOS. 4867/4868/4869/4870/4871/4872/4873/4874/4875 & 4876
WATER RIGHT NOS. 37-02473A/B/C/D/E/F/G/H/J & K
Priority: 06/24/1946

This is to certify that: **CHARLES L MATTHIESEN**
PO BOX 2540
KETCHUM ID 83340

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

TRANSFER NO. 4867
WATER RIGHT NO. 37-02473A

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 23, Township 05N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 23	NESE 2.2			2.2
Total number of acres irrigated:				2.2

TRANSFER NO. 4868
WATER RIGHT NO. 37-02473B

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 23, Township 05N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 23	NESE 2.2			2.2
Total number of acres irrigated:				2.2

TRANSFER NOS. 4867/4868/4869/4870/4871/4872/4873/4874/4875 & 4876
WATER RIGHT NOS. 37-02473A/B/C/D/E/F/G/H/J & K

TRANSFER NO. 4869
WATER RIGHT NO. 37-02473C

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 24, Township 05N, Range 17E
 BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 24	NWSW 2.2			2.2
Total number of acres irrigated:				2.2

TRANSFER NO. 4870
WATER RIGHT NO. 37-02473D

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 23, Township 05N, Range 17E
 BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 23	NESE 1.1			1.1
24	NWSW 1.1			1.1
Total number of acres irrigated:				2.2

TRANSFER NO. 4871
WATER RIGHT NO. 37-02473E

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 23, Township 05N, Range 17E
 BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 23	SESE 2.2			2.2
Total number of acres irrigated:				2.2

**TRANSFER NOS. 4867/4868/4869/4870/4871/4872/4873/4874/4875 & 4876
WATER RIGHT NOS. 37-02473A/B/C/D/E/F/G/H/J & K**

**TRANSFER NO. 4872
WATER RIGHT NO. 37-02473F**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 24, Township 05N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 24	SWSW 2.2			2.2
Total number of acres irrigated:				2.2

**TRANSFER NO. 4873
WATER RIGHT NO. 37-02473G**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 24, Township 05N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 24	SWSW 2.2			2.2
Total number of acres irrigated:				2.2

**TRANSFER NO. 4874
WATER RIGHT NO. 37-02473H**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 24, Township 05N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 24	NWSW 2.2			2.2
Total number of acres irrigated:				2.2

**TRANSFER NOS. 4867/4868/4869/4870/4871/4872/4873/4874/4875 & 4876
WATER RIGHT NOS. 37-02473A/B/C/D/E/F/G/H/J & K**

**TRANSFER NO. 4875
WATER RIGHT NO. 37-02473J**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 24, Township 05N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 24	NWSW 2.2			2.2
Total number of acres irrigated:				2.2

GROUNDWATER SUBTOTAL:	0.36 CFS	69.3 AF
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**TRANSFER NO. 4876
WATER RIGHT NO. 37-02473K**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.12 CFS	21.7 AF
FIRE PROTECTION	01/01 to 12/31	0.38 CFS	
FIRE PROTECTION ST	01/01 to 12/31		25.1 AF
AESTHETIC	01/01 to 12/31	0.38 CFS	58.9 AF
AESTHETIC STORAGE	01/01 to 12/31		25.1 AF
DIVERSION TO STORA	01/01 to 12/31	0.50 CFS	
Totals		0.50 CFS	105.7 AF

SOURCE: DIP CREEK

TRIBUTARY OF: BIG WOOD RIVER

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 24, Township 05N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 23	NESW 3.1	SESE 1.5		4.6
24	NWSW 1.6			1.6
Total number of acres irrigated:				6.2

PLACE OF USE: FIRE PROTECTION & AESTHETIC, same as IRRIGATION use

SURFACE WATER SUBTOTAL:	0.50 CFS	105.7 AF
TRANSFER TOTAL:	0.86 CFS	175.0 AF

**TRANSFER NOS. 4867/4868/4869/4870/4871/4872/4873/4874/4875 & 4876
WATER RIGHT NOS. 37-02473A/B/C/D/E/F/G/H/J & K**

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
- * 3. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion under Right Nos. 37-02473A/B/C/D/E/F/G/H/J and K.
- * 8. A measuring device of a type acceptable to the Department shall be installed and permanently maintained across Dip Creek at a point where the creek enters the right holder's property located within NESE, S23, T05N, R17E.
- * 9. The total diversion rate from the wells shall not exceed flow of Dip Creek measured at the point identified above and is further limited to those times when water is available to fill Right Nos. 37-02473A/B/C/D/E/F/G/H/J and K.
10. Right Nos. 37-02473A/B/C/D/E/F/G/H/J and K when combined shall not exceed a total combined rate of diversion of 0.86 cfs, a total combined annual volume of 175.0 af, nor the total combined irrigation of 26 acres.
11. Right No. 37-02473A is diverted and used within Lot 1, Dip Creek Ranch Subdivision.
12. Right No. 37-02473B is diverted and used within Lot 2, Dip Creek Ranch Subdivision.
13. Right No. 37-02473C is diverted and used within Lot 3, Dip Creek Ranch Subdivision.
14. Right No. 37-02473D is diverted and used within Lot 4, Dip Creek Ranch Subdivision.
15. Right No. 37-02473E is diverted and used within Lot 5, Dip Creek Ranch Subdivision.
16. Right No. 37-02473F is diverted and used within Lot 6, Dip Creek Ranch Subdivision.
17. Right No. 37-02473G is diverted and used within Lot 7, Dip Creek Ranch Subdivision.
18. Right No. 37-02473H is diverted and used within Lot 8, Dip Creek Ranch Subdivision.

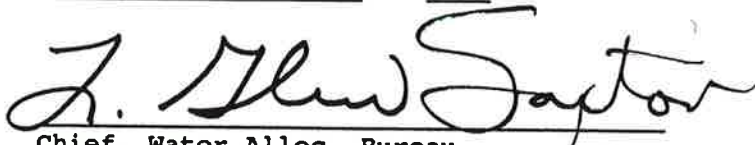
Redundant?

TRANSFER NOS. 4867/4868/4869/4870/4871/4872/4873/4874/4875 & 4876
WATER RIGHT NOS. 37-02473A/B/C/D/E/F/G/H/J & K

CONDITIONS OF APPROVAL AND REMARKS

19. Right No. 37-02473J is diverted and used within Lot 9, Dip Creek Ranch Subdivision.
20. Right No. 37-02473K is diverted and used for ponds and the surrounding irrigation within Dip Creek Ranch Subdivision.

Dated this 31st day of December, 1996


Chief, Water Alloc. Bureau