

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: A37-02667
Date Received: 7/12/1988
Receipt No: 5000869
Received By: Adm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES L. MESERVY 208-544-2563
Address: 421 SOUTH 650 EAST
DIETRICH, ID 83324

2. Date of Priority: JUN 14, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	18E	34	NE	NE	NE		LINCOLN

5. Description of diverting works:
WELL WITH 50 H.P. TURBINE PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.970		

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

8. Total consumptive use is 369.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	18E	27	SE	SW		IRR	39.0
			NW	SE		IRR	18.0
			SW	SE		IRR	35.0
			SE	SE		IRR	31.0

Section Acres 123.0

A37-02667

Page 1

Date: 07/12/88

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Total Acres 123.0

11. Place of use in counties: LINCOLN

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SHARES IN AMERICAN FALLS RES. DIST. #2

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 29814

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): X James J. Smeser Date: 7/12/88
Date: _____

State of Idaho)
County of Twin Falls) SS.

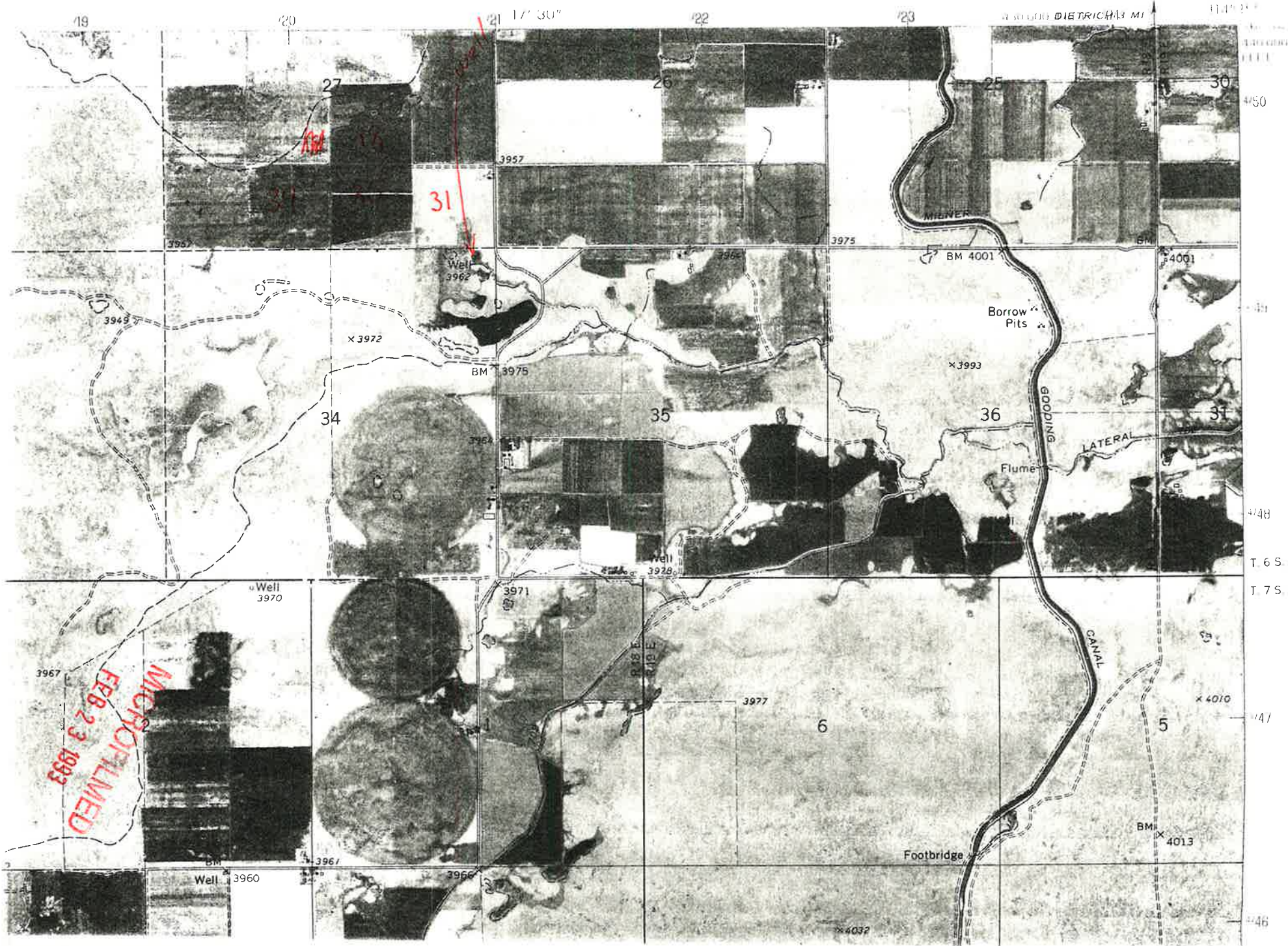
Subscribed and sworn (or affirmed) before me this 12th day
of July 19 88 Al D. Merritt
Notary Public

Seal

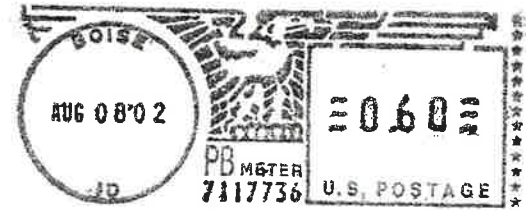
Residing at Kimberly, Id
My Commission Expires 6/30/99

MICROFILMED
FEB 23 1995

SHOSHONE SE QUADRANGLE
IDAHO
7.5 MINUTE SERIES (ORTHO PHOTOQUAD)



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



RECEIVED
AUG 13 2002
Department of Water Resources

JAMES L MESERVY
421 S 550 E
DIETRICH ID 83324

37-2667

08/05/2002

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

RIGHT NUMBER: 37-2667

NAME AND ADDRESS: JAMES L MESERVY
421 S 650 E
DIETRICH ID 83324

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.970 CFS
492.00 AFY

PRIORITY DATE: 06/14/1961

POINT OF
DIVERSION: T06S R18E S34 NENENE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
1.970 CFS
492.00 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T06S R18E S27	SESW	39.0	T06S R18E S27	NWSE	18.0
T06S R18E S27	SWSE	35.0	T06S R18E S27	SESE	31.0

123 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 - License

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS
RESERVOIR DIST. NO. 2.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RE: Water Rights in Reporting Area 16, Basin 37
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your Ground Water right(s) in Basin 37 for portions of the Big Wood River and Little Wood River drainage basins. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note that you have until October 11, 2002 in which to review your water rights or those of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses in Gooding, Shoshone, Mountain Home, Fairfield, and Hailey, and at all the Idaho Department of Water Resources offices (see addresses in enclosures).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed around the end of this year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl J. Dreher', is written over a horizontal line.

Karl J. Dreher
Director

Enclosures

NOTICE OF FILING OF DIRECTOR'S REPORT FOR IDWR REPORTING BASIN 37, PART I GROUND WATER FOR IRRIGATION AND OTHER WATER RIGHTS

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report for irrigation and other water rights in IDWR Basin 37, Part I Ground Water. A map of the area covered by this Director's Report is attached to this Notice. This Director's Report contains the Director's recommendation to the SRBA court as to how each of your claimed ground water rights should be decreed in the SRBA.

This Director's Report encompasses the portion of IDWR's Administrative Basin 37 that is also within the Eastern Snake Plain Aquifer. Only those claims that list "Ground Water" as a source within this boundary are being reported in this Director's Report. This portion of Basin 37 is generally the Big Wood River Basin below Magic Reservoir, and the Little Wood River Basin from the Carey area downstream to the confluence with the Big Wood River and the Malad River to the Snake River.

This Director's Report includes claims for irrigation and other uses, including some small domestic and stock water uses. The Director's Report for most small domestic and stockwater rights for IDWR Basin 37 was sent to the SRBA court and individual water users on March 5, 1999. Some small domestic and stockwater claims were withheld from the earlier report. If a claim for small domestic and stockwater was withheld from the 1999 report, it is reported in this Director's Report.

Included with this Notice is the Director's recommendation for your water rights claimed in the SRBA not previously recommended in the small domestic and stockwater report. IDWR is providing individual reports like this one to all claimants of irrigation and other water rights in your area. A complete copy of the Director's Report, listing all of these irrigation and other rights claimed under state law and "dual based" claims by the federal government, is available at the SRBA courthouse in Twin Falls and the locations listed on the third and fourth pages of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

Finally, recommendations for surface water rights for the entirety of Basin 31 and the remaining portion of Basin 37 ground water rights will be reported in the future. You may need to review the Director's Report for subsequent parts of Basin 37. Claims in which you have an interest may be reported in other parts of the Basin 37 Director's Reports. However you will not receive any Notice of those reports unless you have water right claims that are reported in those subsequent parts. If you want to review someone else's water right you need to look at the complete Director's Report, which will be available at the SRBA courthouse in Twin Falls and other locations listed on the third and fourth page of this notice.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The description of your right, which is enclosed, is only the Director's recommendation to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the

Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS

The complete Director's Report contains recommendations to the SRBA Court on your water right and all other irrigation and other rights in your area. The Court will decide how it will decree all water rights. The Director's recommendations in the full report are listed in two sections of the report:

- 1) **List of Recommended Water Rights** -- Water right recommendations are listed numerically by water right number.
- 2) **List of Claims Recommended to Be Disallowed** -- Water rights recommended to be disallowed are listed numerically by water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

Also included in the complete Director's Report are descriptions of the United States' claims under federal law that has also been claimed under a state law basis. These are called "dual based" claims. The Director does not investigate the federal portion of these claims and makes no recommendation whether they should be granted or not.

If you want to review someone else's water right you need to look at the complete Director's Report, which is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

What do I do if I disagree with a recommendation?

If you disagree with any element of the recommendation for your water right or anyone else's water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA Web Site at www.srba.state.id.us.

Your objection must be **received** by the SRBA Court on or before **October 11, 2002**.

What do I do if someone else objects to my water right recommendation?

If someone files an objection to your water right, or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form available from any IDWR office or from the SRBA Court. You may also download a copy of the response form from the SRBA Web Site at www.srba.state.id.us.

Your response must be **received** by the SRBA Court on or before **December 10, 2002**.

What do I do if I want to participate in the court case on someone else's water right?

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

What happens if there are no objections to a water right?

After the deadline for filing objections, IDWR will file a list of all water right recommendations with no objections. The SRBA Court will hear the uncontested recommendations on **December 11, 2002**, at **1:30 P.M.** at the **SRBA Courthouse**. Partial decrees will be issued following this hearing.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations.

Additional information regarding water right claims can be found on the SRBA Web Site at www.srba.state.id.us.

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA Web Site at www.srba.state.id.us.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR Southern Region office in Twin Falls. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

**Snake River Basin Adjudication
District Court**
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011

Idaho Department of Water Resources
1301 North Orchard
Box 83720
Boise, Idaho 83720-0098
(208) 327-7906
(800) 451-4129

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

Idaho Department of Water Resources
Southern Region
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

Gooding County Courthouse
624 Main St.
Gooding, ID 83330

Blaine County Courthouse
1st & Croy St.
Hailey, ID 83333

Camas County Courthouse
501 Soldier Road
Fairfield, ID 83327

Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 765-1450

Idaho Department of Water Resources
Eastern Region
900 North Skyline, Suite A
Idaho Falls, Idaho 83402-3653
(208) 525-7161

Lincoln County Courthouse
111 W. B St.
Shoshone, ID 83467

Elmore County Courthouse
150 S. 4th E.
Mountain Home, ID 83647

DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 33.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in their records for the water right.

SOURCE: The name and/or type of the source where you divert your water. For example: "*groundwater*," "*unnamed spring*," "*Common Creek*."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

PRIORITY DATE: The date used to determine the priority of your right in relation to other rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

PURPOSE OF USE: The general category of the type of use you can make of your water. Typical purposes of use include irrigation, domestic, and stock watering.

PERIOD OF USE: The period of time during the year when you can use the water for your right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit.

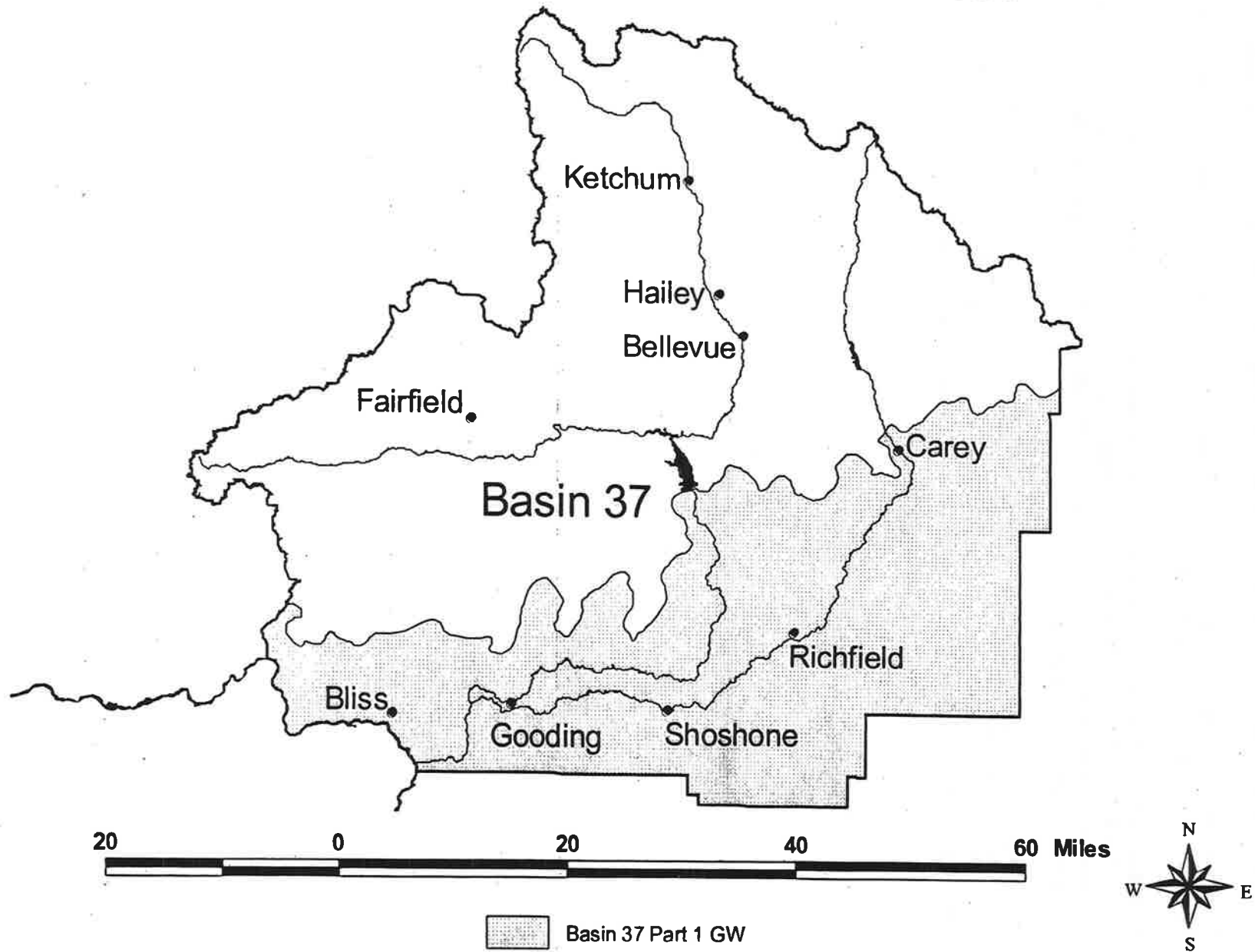
DUAL BASED CLAIMS: In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated by a remark under the priority date that reads:

* 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT. *

THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW WITH AN APRIL 17, 1926, DATE OF PRIORITY
PURSUANT TO AN EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC WATER RESERVE 107.

IDWR does not investigate or make recommendations regarding federal law based claims.

Basin 37 Part 1 Ground Water



05/22/2002

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

RIGHT NUMBER: 37-2667

NAME AND ADDRESS: JAMES L MESERVY
421 S 650 E
DIETRICH ID 83324

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.97 CFS
492.0 AFY

PRIORITY DATE: 06/14/1961

POINT OF DIVERSION:

T06S R18E S34 NENENE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
1.970 CFS
492.00 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T06S R18E S27	SESW	39.0	T06S R18E S27	NWSE	18.0
T06S R18E S27	SWSE	35.0	T06S R18E S27	SESE	31.0

123 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

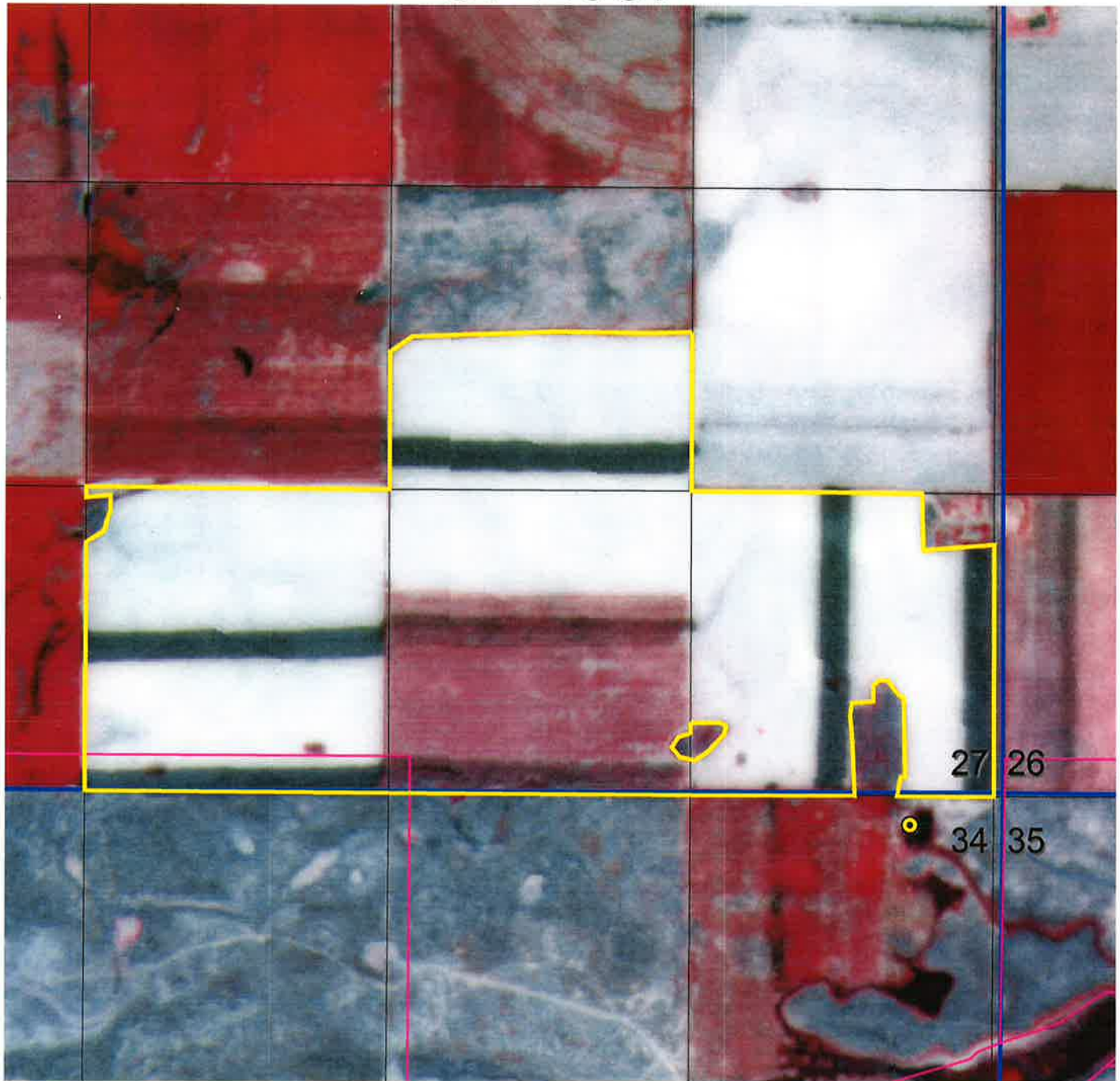
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS
RESERVOIR DIST. NO. 2.

IDAHO DEPT OF WATER RESOURCES

37-2667



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 6S
RNG: 18E
SEC: 27

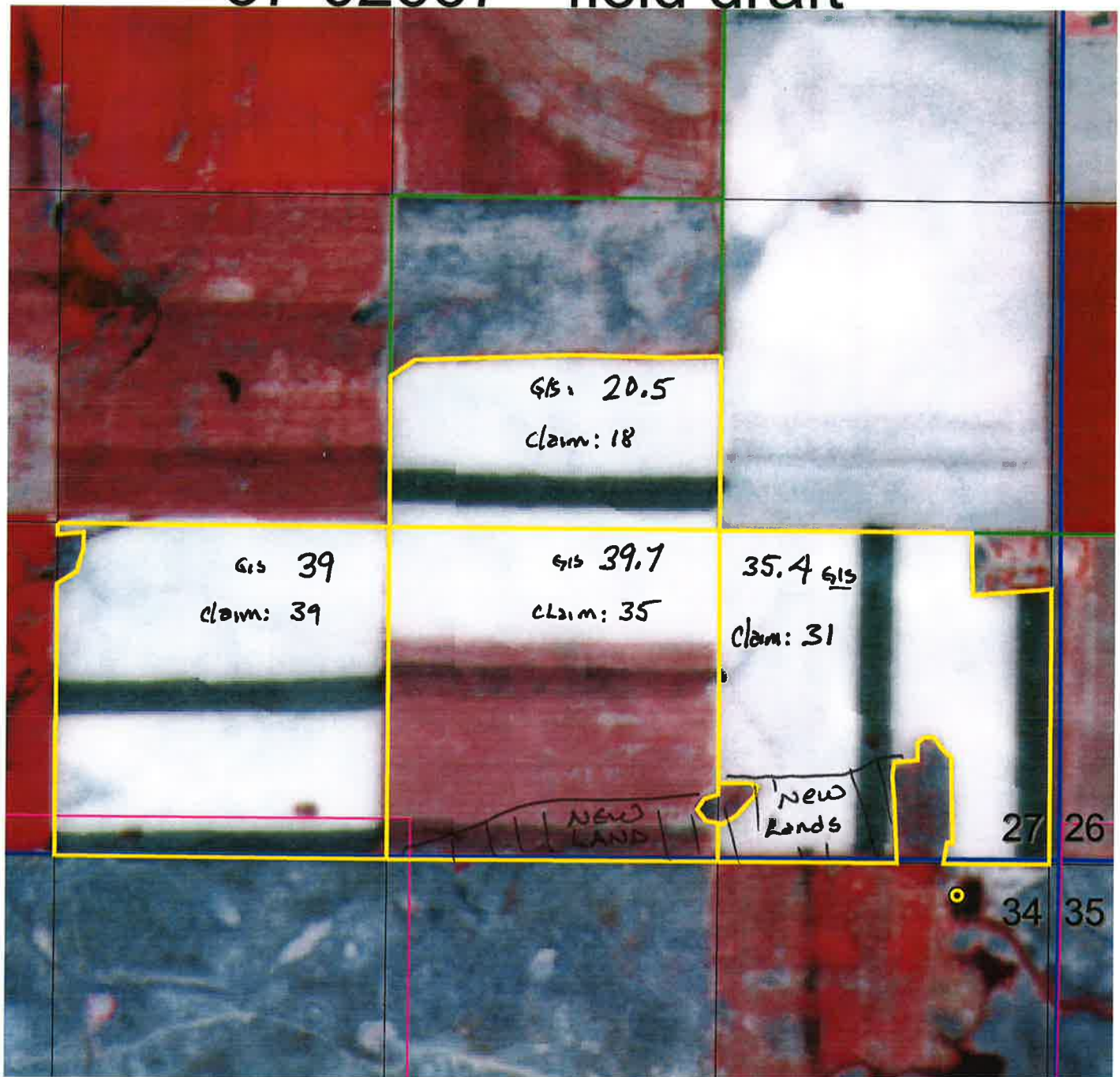


GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: MAY 22, 2002

IDAHO DEPT OF WATER RESOURCES

37-02667 - field draft



1320 0 1320 Feet

- Basin 37 part 1-POU
- Basin 37 part 1-POD
- Ownership FED-Private
- Streams
- Section Lines
- Quarter - Quarter lines

GIS Acres = 135 Ac.

Claimed as (L)

< Amer. Falls #2 >

TWN: 6S
RNG: 18E
SEC: 27

see 5/22/02



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

Date: October 26, 2001

**Possible 12 Acre Expansion*

Water Right Report 37-2667

Name and Address

WITHAM & LONG
1503 2ND AVE SOUTH
PAYETTE, ID 83661

Status: Active

Tributary
$$\frac{3}{15} \text{ to } \frac{11}{15}$$

Annual Volume

1.970 CFS

Sec. 34, Twp 06S, Rge 18E, B.M.

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	
06S	18E	27											39.0			18.0	35.0	31.0	123.0

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2667

Dates and Other Information:

Licensed Date: 5/15/1979
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False