

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 37-4421A
Date Received: 10/24/2001
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

A W MOLYNEUX Phone: (208)788-2552
MAXINE MOLYNEUX Phone: (208)788-2552
1174 GANNETT-PICABO RD
BELLEVUE ID USA 83313

Amended

2. Date of Priority: 01/01/1955

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	18E	1	SE 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
STOCKWATER	01/01	12/31	0.09	

7. Total Quantity Appropriated is:
0.09 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
01S	18E	12	NE NE	STOCKWATER	

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:

10/24/01, DJ: CLAIM AMENDED TO REFLECT APPROVED TRANSFER #5563.

The claim was amended to add stockwater to the claim and then to remove the irrigation portion of the claim. KKC

15. Basis of Claim: Statutory Claim

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): A. W. Molyneux Date: 6-9-05

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 9th day of June 2005



Kelly R. Christensen
Notary Public

Residing at _____ Twin Falls, ID

My commission Expires 4-2-2010

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-4421A
Date Received: 10/24/2001
Receipt No:
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***** AMENDED *****
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

A W MOLYNEUX Phone: (208)788-2552

1174 GANNETT PICABO RD
BELLEVUE ID USA 83313

MAXINE MOLYNEUX Phone: (208)788-2552

1174 GANNETT PICABO RD
BELLEVUE ID USA 83313

2. Date of Priority: 01/01/1955

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	18E	1	SE 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	04/01	11/01	2.98	133

7. Total Quantity Appropriated is:
2.98 C.F.S. and/or 133 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
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01S	18E	12	NE	NE	IRRIGATION	38
					Section Acres	38
					Total Acres	38

11. Place of use in counties: BLAINE

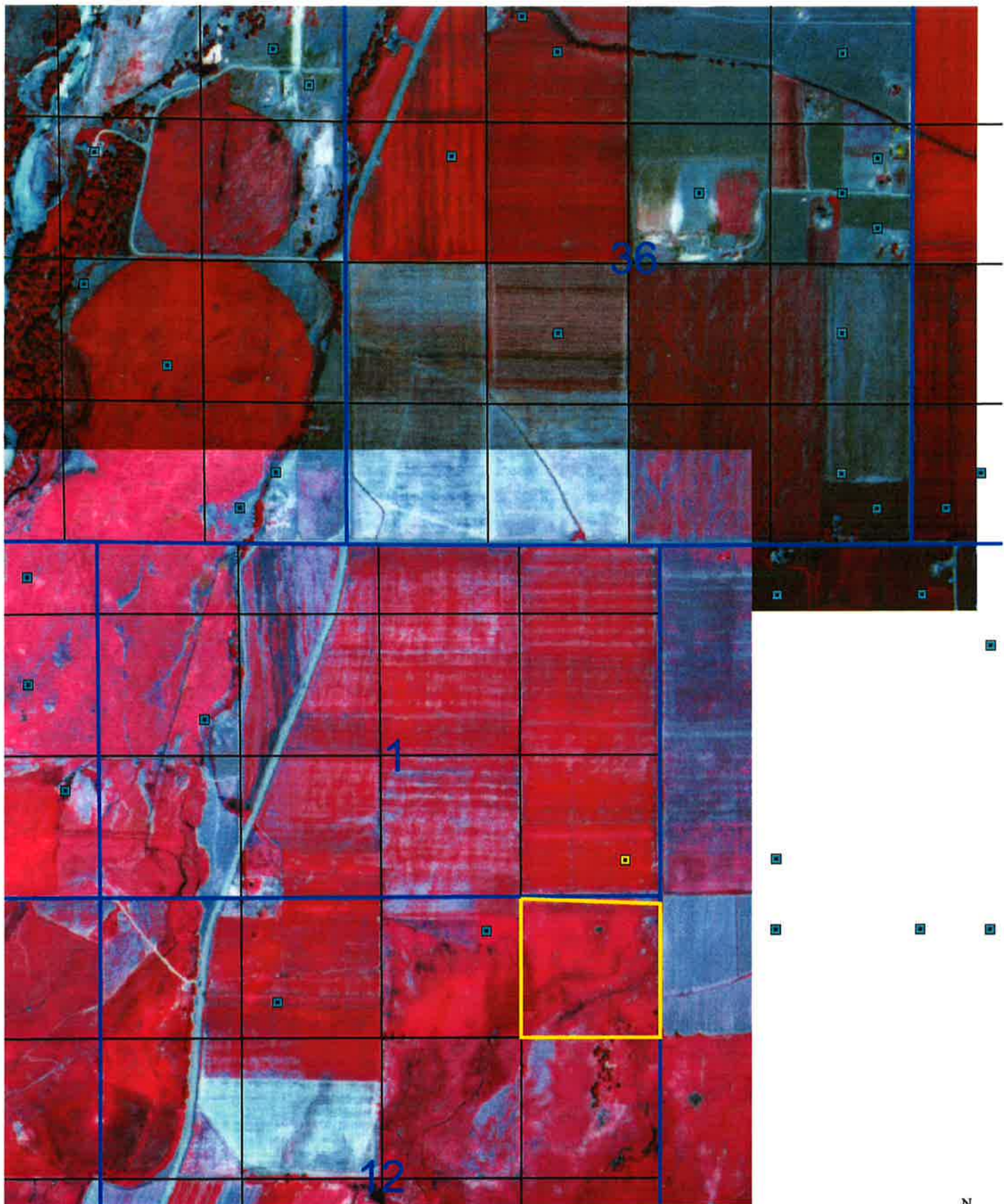
12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

10/24/01, DJ: CLAIM AMENDED TO REFLECT APPROVED TRANSFER #5563.

15. Basis of Claim: Statutory Claim



1320 0 1320 Feet

37-4421A

T1S R18E S1 & 12



10/2001
D. Jones

Claim #	Claim cfs	Rt #	Transfer #	Tran cfs	Tran Vol	O/C	Split #	%	cfs	volume	Acres	Owner
37-11431	7.884	37-30011A	5553	6.85	1386		37-20570		6.49	1386.0	396	AW Molyneux
		37-30011B	5138	0.12			37-30011B		0.12		12	AW Molyneux
		37-30011C	5139	0.16			37-30011C		0.16		16	AW Molyneux
		37-30000J	5551	1.06	419.8	X	37-20571	71.96%	0.77	302.1	195	AW Molyneux
							37-20572	5.90%	0.06	24.8	16	C Molyneux
							37-20573	22.14%	0.23	92.9	60	Nachtman/Wilson
		37-30000K	5138	0.02			37-30000K		0.02		12	AW Molyneux
		37-30000L	5139	0.03			37-30000L		0.03		16	AW Molyneux
37-11432	3.5	37-334E	5553	3.36	1330.6		37-20593		3.36	1330.6	396	AW Molyneux
			5138	0.06			37-20594		0.06		12	AW Molyneux
			5139	0.08			37-20595		0.08		16	AW Molyneux
37-11433	3.2	37-883A	5551	3.07	948.5	X	37-20574	71.96%	2.21	682.5	195	AW Molyneux
							37-20575	5.90%	0.18	56.0	16	C Molyneux
							37-20576	22.14%	0.68	210.0	60	Nachtman/Wilson
		37-883B	5138	0.06			37-883B		0.06		12	AW Molyneux
		37-883C	5139	0.07			37-883C		0.07		16	AW Molyneux
37-11434	11.6	37-182A	5553	9.6	1386		37-20577		9.60	1386.0	396	AW Molyneux
		37-182B	5138	0.17			37-182B		0.17		12	AW Molyneux
		37-182C	5139	0.23			37-182C		0.23		16	AW Molyneux
		37-105C	5551	1.54	609.8	X	37-20578	71.96%	1.11	438.8	195	AW Molyneux
							37-20579	5.90%	0.09	36.0	16	C Molyneux
							37-20580	22.14%	0.34	135.0	60	Nachtman/Wilson
		37-105D	5138	0.03			37-105D		0.03		12	AW Molyneux
		37-105E	5139	0.04			37-105E		0.04		16	AW Molyneux
37-11435	0.8	37-704G	5551	0.77	304.9	X	37-20581	71.96%	0.56	219.4	195	AW Molyneux
							37-20582	5.90%	0.05	18.0	16	C Molyneux
							37-20583	22.14%	0.17	67.5	60	Nachtman/Wilson
		37-704H	5138	0.01			37-20596		0.01		12	AW Molyneux
		37-704J	5139	0.02			37-20597		0.02		16	AW Molyneux
37-11436	6	37-106E	5551	4.61	948.5	X	37-20584	71.96%	3.32	682.5	195	AW Molyneux
							37-20585	5.90%	0.27	56.0	16	C Molyneux
							37-20586	22.14%	1.02	210.0	60	Nachtman/Wilson
		37-106F	5138	0.09			37-106F		0.09		12	AW Molyneux
		37-106G	5139	0.12			37-106G		0.12		16	AW Molyneux
	32.984			32.17					31.82			
37-2658	6.71	37-2658	5563	6.71	1228.5		37-2658	351 ac	6.71	1228.5	591	AW Molyneux
37-4421	3.46	37-4421A	5563	2.98			37-4421A	40 ac	2.98	133	591	AW Molyneux
		37-4421B	5563	0.48	204.3		37-4421B	138 ac	0.48	204.3	591	AW Molyneux
37-7651	2.05	37-7651	5563	2.05	420		37-7651	120 ac	2.05	420	591	AW Molyneux
37-11430	3.62	37-11430	5563	3.62	633.5		37-11430	enlgmt	3.62	633.5	591	AW Molyneux

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: A37-04421
Date Received: 9/28/1988
Receipt No: 5002589
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MAXINE MOLYNEUX 208-788-2552
Address: 1174 GANNETT PICABO ROAD
BELLEVUE, ID 83313

AND/OR

Name: A. W. MOLYNEUX
Address: BELLEVUE, ID 83313

2. Date of Priority: JAN 01, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	18E	1	SE	SE	SE		BLAINE
		12	SW	NE	NW		BLAINE

5. Description of diverting works:
WELLS, DITCHES, PUMP, SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.460		

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

8. Total consumptive use is 440.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

MICROFILMED
FEB 24 1993

Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	18E	1	SE	SW		IRR	35.0
Section Acres							35.0
		12	NE	NE		IRR	37.0
			NE	NW		IRR	40.0
			NW	NW		IRR	10.0
			SW	NW		IRR	15.0
			SE	NW		IRR	39.0
Section Acres							141.0
Total Acres							176.0

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:

BIG WOOD DECREES & 37-2658 & 37-7651 FROM WELLS

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: See Map A37-11431

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): A.W. Molyneux Date: Sept. 28, 1988
Date:

State of Idaho

County of Twin Falls)
) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of Sept. 19 88

Al D. Merritt
Notary Public

Seal

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

11/10/2006

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

RIGHT NUMBER: 37-4421A
NAME AND ADDRESS: MAXINE MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE ID 83313

A W MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE ID 83313

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.070 CFS
4.10 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 10/24/2001

POINT OF DIVERSION:
T01S R18E S1 SESESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	01/01 12/31	0.070 CFS 4.10 AFY
PLACE OF USE:	<u>STOCKWATER in BLAINE County</u>		
	T01S R18E S12 NENE		

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 300 range cattle.



Idaho Department of Water Resources

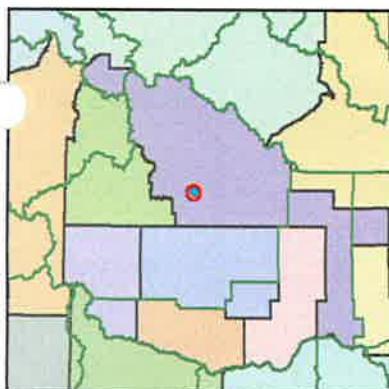
SRBA Recommendation:

37-4421A

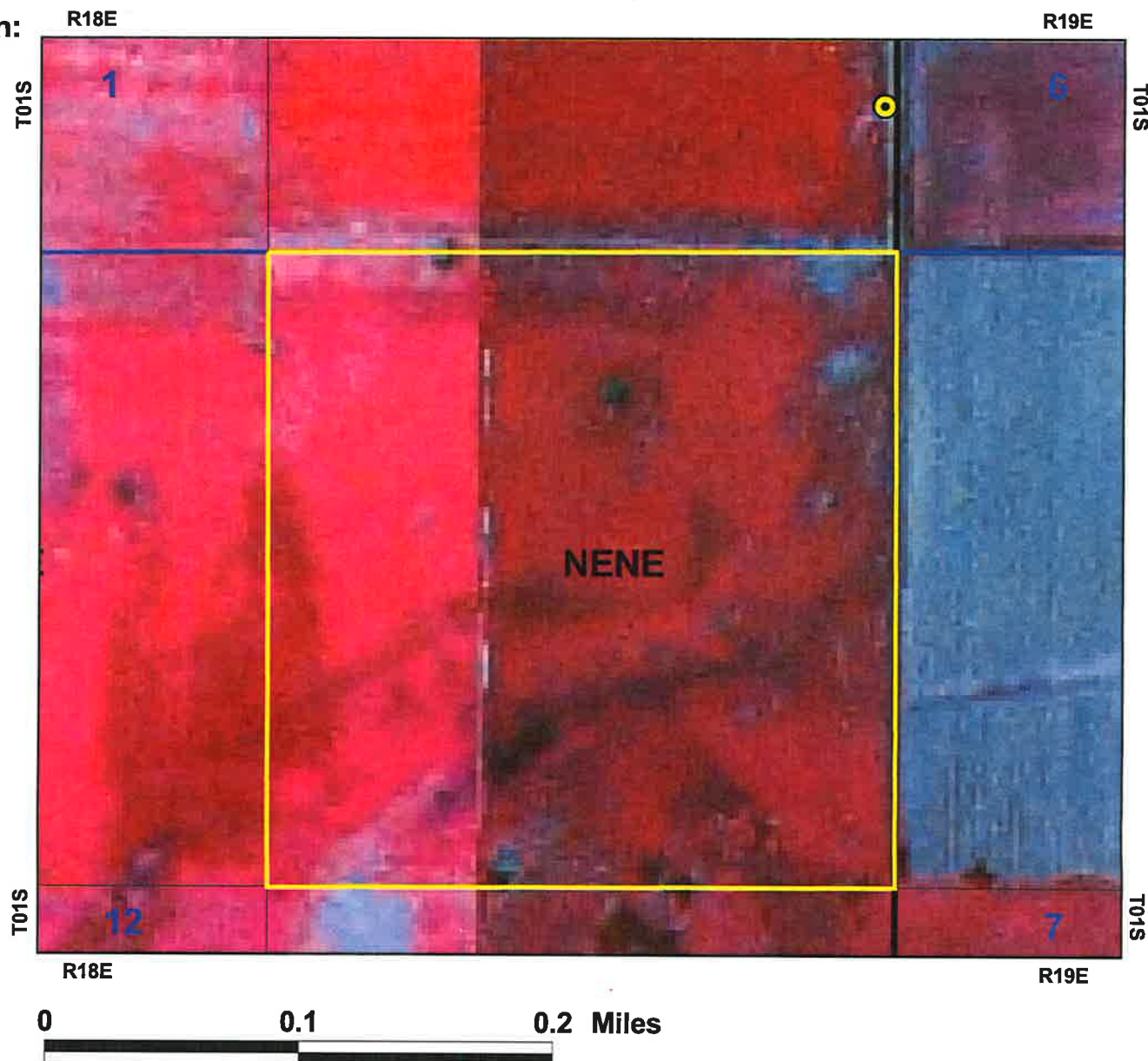
(Stockwater)

Legend

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



Blaine County
IDWR Basin 37



Prepared by S. Keen
On Thursday, October 26, 2006
1987/88 Aerial Photography

MEMORANDUM

DATE: October 26, 2006

TO: SRBA Claim File 37-4421A

FROM: Shelley W. Keen 

RE: Priority Date Recommendation

There is no information in the file to support the claimed 1955 priority date. There is information indicating that the well existed by the 1980s at least, but the first indication that it was used for stock watering purposes, and not for irrigation, was the amendment of the claim in 10/24/2001. The claim cannot be recommended as an accomplished change from irrigation to stock watering because the change appears to have occurred after 1987. Therefore, I am recommending the claim as a new de minimis stock watering use established 10/24/2001.



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

June 17, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOHN MOLYNEUX
KRISTY MOLYNEUX
10407 HWY 75
BELLEVUE ID 83313

Re: SRBA Claims 37-2658, 37-4421A, 37-4421B, 37-7651, 37-11430

Dear Mr. and Mrs. Molyneux:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership as requested except on claim 37-4421A. The place of use on this claim was not listed on the deed you provided. Please find the enclosed copies of the computer records of the other claims 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'.

Trish Fawcett
Technical Records Specialist

Enc.

RECEIVED

JUN 13 2005

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right or Adjudication Claim No(s): 37-11430, 37-7651, 37-4421A, 37-4421B,
and 37-2658
2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant A.W. Molyneux and Maxine Molyneux
1174 Gannett-Picabo Rd, Bellevue ID 83313

4. New Owner/Claimant(s) John Molyneux Kristy Molyneux
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address 10407 Hwy 75

City, State and ZIP Code Bellevue, ID 83313

New Telephone Number (208) 788-2450

5. Date you acquired the property 7/1/2001

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Water rights do not need to be split, claims are for water that is connected on parcel
 Number of acres you irrigate _____ Number and type of stock _____

owned by A.W. Molyneux (Maxine) and also John Molyneux
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
(Kristy)

Please just add our names to the claims.
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) John Molyneux
Kristy Molyneux

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

RECEIVED

JUN 13 2005

Department of Water Resources
Southern Region

GIFT DEED

For value received A.W. MOLYNEUX and MAXINE MOLYNEUX, husband and wife, herein after called the Grantor, do hereby convey, release, remise and forever gift unto John I. Molyneux and Kristy Molyneux, husband and wife, whose address is 10407 Highway 75, Bellevue, ID 83313, hereinafter called the Grantee, 70% interest, being all of the Grantor's interest, in the following described premises situated in Blaine County, Idaho, to-wit:

Exhibit "A" attached hereto

Instrument # 467435

HAILEY, BLAINE, IDAHO

2002-07-01 11:40:00 No. of Pages: 2

Recorded for: KRISTY MOLYNEUX

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: MISC DEEDS

Together with their appurtenances.

Dated June 24, 2002.

A. W. Molyneux
A. W. Molyneux

Maxine Molyneux
Maxine Molyneux

STATE OF IDAHO

County of Blaine

ON June , 2002, before me a Notary Public of said State, personally appeared A. W. Molyneux and Maxine Molyneux, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Danae K. Fisher

Notary Public for Idaho

Residing at: Picabo, Idaho

Commission Expires: 11-13-2002



Legal Description

Exhibit "A"

Township 1 South, Range 18 East, Boise Meridian, Blaine County, Idaho

Section 1: Lots 1 and 2 and all that portion of Lot 3, east of State Highway 75 (tax lot 1394), N1/2SE1/4, SE1/4SE1/4, all that portion of the NE1/4SW1/4 East of State Highway 75 (tax lot 1392)

Section 12: E1/2 NW1/4, all that portion of the SW1/4NW1/4 East of State Highway 75 (tax lot 1386), all that portion of the NW1/4NW1/4 East of State Highway 75 (tax lot 1388)

EXCEPTING THEREFROM A PARCEL OF LAND DESCRIBED AS FOLLOWS:

A parcel of land situated in a portion of Government Lot 3, Section 1, Township 1 South, Range 18 East, Boise Meridian, Blaine County, Idaho, described as follows:

Beginning at the Southwest corner of Section 36, Township 1 North, Range 18 East, Boise Meridian as shown on Project No. 122-b on file in the office of the Transportation Department, Division of Highways, in Shoshone, Idaho;

Thence North 89°30'50" East, 14.52 feet to a point on the North boundary of Section 1, Township 1 South, Range 18 East, Boise Meridian and being centerline of the Baseline Road.

Thence South 0°29'10" East 25.00 feet to a point on the Southerly right-of-way boundary of said Baseline Road 40.00 feet left of State Highway 75 Station 318+48.88 and being the true point of beginning;

Thence North 89°30'50" East along the said southerly boundary of Baseline Road, 26.00 feet to the point being 65.83 feet left of said SH 75 Station 319+62.70;

Thence South 19°11'04" West 121.12 feet to a point on the Easterly Right-of-way boundary of said SH 75 and being 40.00 feet left of station 319+62.70;

Thence along the existing Easterly right-of-way boundary of said SH 75 along a curve left for a length of 115.00 feet to a radius of 3,859.73 feet to the True Point of Beginning.



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, R.E.
Water Rights Supervisor

Enclosures

Idaho Dept. of Water Resources
Twin Falls, ID 83301

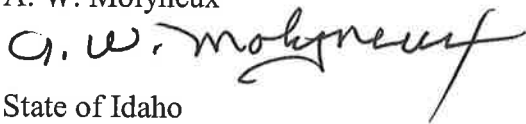
June 9, 2005

RE: Claim 37-4421B

I, A. W. Molyneux, purchased the Clark farm in Sections 1 & 12 T. 1S R. 18E, in 1982 from Wayne Clark. He told me that he had farmed this land since the late 1930's using water from the Big Wood River. He also stated that he drilled a 6" artesian well in the NE/NW Sec. 12 in 1955, running the water into the existing ditch system for irrigation and year-round livestock use (about 300 cow-calf pairs). The well was apparently never measured, as Clark never said what it flowed. He did not say how many acres were irrigated, but it would have flowed under gravity to the land south and west of the well (the ditch comes to the well from the east). We do not know of anyone in the area with personal knowledge of this well, so this affidavit is the best we can do to support the claim.

Sincerely,

A. W. Molyneux



State of Idaho
County of Twin Falls

On this 9th day of June, 2005, before me personally appeared A. W. Molyneux, known to me to be the person who executed the above statement, and acknowledged that he executed the same as his free act and deed.

Notary Public Residing at Twin Falls, Idaho. My commission expires 10-25-2006

Seal



By: 

RECEIVED

JUN 09 2005

Department of Water Resources
Southern Region

RECEIVED

MEMO

JAN 12 2000

FROM: Allen Merritt

 Department of Water Resources

DATE: January 7, 2000

Transfer File No.	5551	5553	5563
Water Right(s):	37-00105C	37-00182A	37-02658
	37-00106E	37-00334E	37-07651
	37-00704G	37-30011A	37-11430
	37-00883A		37-04421
	37-30000J		

In the Name of: A.W. Molyneux

SUBJECT: Review and Recommendation

These transfers deal with further splitting up of the Molyneux property. The much larger, ranch was initially split by earlier transfers 5137, 5138 & 5139. These three new transfers deal with the land and water system essentially described by approved transfer T5137. These lands are served by waters diverted from the Big Wood River through the Bypass Canal and then re-diverted into the Baseline Canal and the Dittoe Canal or Ditch. The land is also served by four wells which supplement the decrees from the river. An excess flow analysis was made at the time of T5137 and is made part of this recommendation (A copy will be placed in T5551.).

The purpose of these three new transfers is to prepare the remaining Molyneux land for further splitting up. T5551 deals only with the Baseline Canal water. It consolidates the Baseline water on a PPU of 396 acres. It is understood that the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec 36 is what is now intended to be sold which is a part of this PPU created by T5551. Transfer T5553 consolidates the Dittoe water on another portion of the ranch in a 396 acre PPU. Transfer T5563 deals with the well water and removes groundwater from the lands intended to be sold and consolidates the groundwater on the lands intended to be retained. This transfer also splits right 37-04421 into A & B. The B part and all the other rights are placed into a 591 acre PPU which will be served by sprinklers out of three existing wells. The A part will be diverted from the artesian well in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 1 and will be at times used for flood irrigation of the lands within NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12. *** Note that this same tract is within the 591 acre PPU to be served out of the other three wells through a sprinkler system. This seems somewhat peculiar but apparently that is how the system can work. Note that part A lists 37 acres on the application but the 591 acre PPU list 38 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12. The acreage should be consistent and I recommend that part a also be 38 acres.

The applications were processed without protest. Forfeiture does not appear to be an issue. Excess flow is an issue.

Analysis

Prior excess flow analysis found that 0.024 cfs/acre was justified for sprinklers at the field headgate. Analysis also found that 0.063 cfs/acre was justified for flood irrigation at the field headgate. The

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analysis also estimated conveyance loss to be 6.24 cfs. In the situation of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12 the applicant proposes two application methods. This situation could be allowed if appropriate conditions are imposed and the flood irrigation rate from the artesian well is limited to 0.063 cfs/acre for the 38 acres (37-04421A – 2.39 cfs).

Doug has reviewed the files for AJ and wanted a more definitive analysis of right 37-04421. We discussed this in length and I requested Jim Stanton to contact the owner and possibly measure the wells described on this claim. Jim contacted the owner (see memo 1/7 enclosed). Since it appears that the measurement of the one well is not possible at this time and may not be for sometime we discussed with Jeff Peppersack what conditions may be appropriate. It was decided to proceed with processing and not hold transfers but to condition use of well to historical limits (See below).

RECOMMENDATION

I recommend that these transfers be approved subject to the following conditions:

- Big Wood decrees under control of watermaster for district 37.
- All groundwater rights are supplemental and only to be used when appurtenant surface water is utilized to the fullest extent.
- Subject to further SRBA review and possible further limitation.
- Right 37-04421A is to be allowed for irrigation of 38 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12 and limited to 2.39 cfs from well within SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 1. Use of this right may only be used for flood irrigation of lands and when this right is combined with other rights the total use on this tract is limited to 2.39 cfs at the field headgate. The use of the well is restricted to historical practice of use of natural artesian flow. This well shall not be modified by installation of pump or other means until review by SRBA is complete to determine extent of beneficial use and a reasonable sustainable diversion rate consistent with the historical flow capacity from the well.
- Other similar and appropriate conditions as stated in T5137.

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MEMO

TO: File

DATE: 1/7/2000

FROM: J E STANTON

SUBJECT: App. for Transfer #5563, A W Molyneux (Groundwater)

Today I discussed this transfer with Bill Molyneux. He called to check on the progress of this application and of the two related surface-water transfers. I told him that we were holding all three together until the 2 wells covered by Claim A37-04421 could be measured. I had previously measured the west well at 0.48 cfs, so that is the amount requested to be transferred. Although the east well is not part of this transfer, it covers 40 acres that is part of the transfer via a separate but overlapping system. Bill told me that the east well flows for 6-8 week starting in late June or early July. He said that is has flowed for the last 4 years, but sometimes doesn't flow at all in dry years. He leaves the well open all the time. The well flows directly into a small ditch that also carries river water, so trying to read the high-water mark in the ditch would not give a clue as to the flow rate from the well. Bill said the well had never been measured, and doesn't know how much it flows.

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MEMO

TO: File

DATE: 9-29-99

FROM: J E STANTON

SUBJECT: App. For Transfer, Bill Molyneux (Groundwater)

I recently visited this property to verify certain facts concerning Claim A37-04421. This claim covers two wells. The well in the SE corner of Sec. 1 is a small artesian well that flows for about 30 days each spring (according to Bill). It runs into a ditch that also brings his Baseline Canal rights to the NE/NE Sec. 12 for gravity irrigation of this tract. The ditch runs along the east side of the tract, eventually turning southwesterly near the SE corner of the tract. The water barely makes it to the west side of the 40, which is pasture.

The well in Sec. 12 was measured in 1993 by me under Licensing Exam 37-08207. This well is pumped into sprinklers for use on land north and south of the well. It has no connection to the artesian well even though both wells are covered by the same claim. So the east well is not involved in this transfer.

Bill's other two pumping wells are connected via a common mainline, which will be extended to tie into the mainline from the west well should the need arise in a dry year. The N ½ NE ¼ Sec. 12 is sprinkled from the two main wells. So the NE/NE Sec. 12 is sprinkled with one system and gravity irrigated with another system, depending on what is most efficient at the time. Since the artesian well has not been measured as far as I know, I just left the remainder of the claimed flow for this well; the well undoubtedly produces much less than 3 cfs.

For annual volume, the application shows the new standard of 3.5 AFA/acre for the two licenses and the expansion claim. The volume shown for 4421B is the measured flow rate for 184 days.

This application appears reasonable and should be approved. The land will continue to be irrigated as before except for the north 80 from which groundwater is being removed. The buyers of the 80 only want surface rights, which will remain as the primary water supply for this tract. That tract will be sold with only its proportional share of river rights.

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