

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 37-7766
Date Received: 11/4/1988
Receipt No: S003544
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CAREY WATER & SEWER DISTRICT

Phone: (208)823-4047

PO BOX 187

CAREY ID USA 83320

2. Date of Priority: 02/21/1979

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	21E	22	SW NW	BLAINE	
01S	21E	34	NE SW	BLAINE	

5. Description of diverting works:

new well in section 34 pumps and pipeline distribution system

6. Water is used for the following purposes:

Purpose
MUNICIPAL

From To C.F.S.
01/01 12/31 0.71

(or) A.F.A

7. Total Quantity Appropriated is:
0.71 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
----------	-------	---------	------------	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

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

The total instantaneous diversion of water from all points of diversion under Right 37-7766 shall not exceed 0.71 cfs.

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

Approval of Transfer 68997 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Place of use is located within the service area of Carey Water and Sewer District.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68997

RECEIVED

JUN 28 2001

Department of Water Resources
Southern Region

This is to certify that: CAREY WATER & SEWER DISTRICT
PO BOX 187
CAREY ID 83320
(208)823-4047

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
37-7766	AJC/License	02/21/1979	0.71 cfs			N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-7766	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-7766	37-7766	0.71 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
TOTALS		0.71 cfs					N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 26th day of June, 2001

[Signature]
Chief, Water Allocation Bureau

WATER RIGHT NO. 37-7766
As Modified by Transfer No. 68997

In accordance with the approval of Transfer No. 68997, Water Right No. 37-7766 is now described as follows.

Right Holder: CAREY WATER & SEWER DISTRICT
PO BOX 187
CAREY ID 83320

Priority Date: 02/21/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01 to	12/31	0.71 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNW Sec. 22 Twp 01S Rge 21E BLAINE County

GROUND WATER NESW Sec. 34 Twp 01S Rge 21E BLAINE County

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The total instantaneous diversion of water from all points of diversion under Right 37-7766 shall not exceed 0.71 cfs.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
5. Approval of Transfer 68997 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. Place of use is located within the service area of Carey Water and Sewer District.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

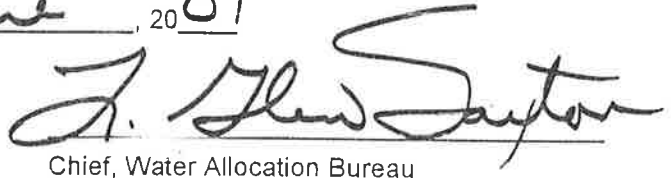
WATER RIGHT NO. 37-7766
As Modified by Transfer No. 68997

CONDITIONS OF APPROVAL

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 26th day of June, 2001


Chief, Water Allocation Bureau

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: A37-07766
Date Received: 10/19/1988
Receipt No: 500 3544
Received By: ADN

RECEIVED

OCT 19 1988

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CAREY WATER DISTRICT
Address: P.O. BOX 187
CAREY, ID

208-823-4683

83320

2. Date of Priority: FEB 21, 1979

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	21E	22	SW	NW			BLAINE

5. Description of diverting works:
WELL WITH 150000 GAL. STORAGE TANK DELIVERING TO PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.710		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC USE FOR 130 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	21E	22	NE	SW		MUNI	
			SE	SW		MUNI	
			NW	SE		MUNI	

A37-07766

Page 1

Date: 10/19/88

MICROFILMED

FEB 24 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	21E	22	SW		SE		MUNI	
		27	NW		NE		MUNI	
			SW		NE		MUNI	
			NE		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			SE		SW		MUNI	
			NW		SE		MUNI	
		34	SW		SE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			NE		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			SE		SW		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

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): Robert O. Adams Date: 10/20/88

Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of Oct. 19 88

Barbara L. Murphy
Notary Public

Seal

Residing at Barry
My Commission Expires April 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

RECEIVED

MAR 1 1990

Department of Water Resources
Southern Region Office

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 22, 1990

City of Carey
C/O Dennis Patterson
P. O. Box 221
Carey, ID 83320

Gentlemen:

Our records show you have filed your adjudication claim(s) in the Snake River Basin Adjudication. Our records do not, however, include a clear map of your service area. Would it be possible for us to get a map of your customer service area for your municipal water system, both to supplement the record of your claim(s) and for use as described below?

In our review and investigation phase of the Snake River Basin Adjudication, the map would be helpful for us to have this information in verifying individual claims to water rights for domestic purposes. We will be happy to discuss with you the most convenient way for you to provide this information to us. I can be reached at 327-7931 or you may contact my assistant, Anita Warntjes at 327-7986.

Your assistance in this matter is greatly appreciated.

Sincerely,

DAVID B. SHAW

Adjudication Bureau Chief

DBS:alw

937-07766

MICROFILMED
FEB 24 1993



State Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

September 12, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

CAREY WATER DISTRICT
PO BOX 187
CAREY ID 83320

RE: Service area under water right 37-07766

Dear Sirs:

Recently I have had an inquiry about delivery of water by the Carey Water District system. After researching the underlying water right and associated adjudication claim I was unable to confirm or deny whether the property was within the system or not. In 1990 David Shaw, Bureau Chief, requested (copy enclosed) a map of your service area to supplement your claim and so that we could address these inquiries. To date we have not received one.

In light of the question about a municipal supplier providing irrigation for 5 acres of new irrigation I call your attention to the limitations of your water right license (copy enclosed) which identifies a flow rate of 0.71 cfs from one well. Under continuous use this flow rate would provide up to 514 acre feet per year (167.5 mg per yr).

Please keep in mind that changes in the system, for example backup well development, would require an approved transfer. Increasing flow capacity through pump or motor changeout would require another water right.

If you have any questions please contact us. I look forward to receiving a system diagram at your earliest opportunity.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

A37-07766

IDAHO DEPARTMENT OF WATER RESOURCES 11/20/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right 37-7766

1

NAME AND ADDRESS: CAREY WATER & SEWER DISTRICT
PO BOX 187
CAREY ID 83320

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.71 CFS

PRIORITY DATE: 02/21/1979

POINT OF DIVERSION:

T01S R21E S22 SWSNW Within BLAINE County

T01S R21E S34 SENESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	0.710 CFS

PLACE OF USE: MUNICIPAL Within BLAINE County
PLACE OF USE IS WITHIN THE SERVICE AREA OF CAREY WATER AND SEWER DISTRICT.

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

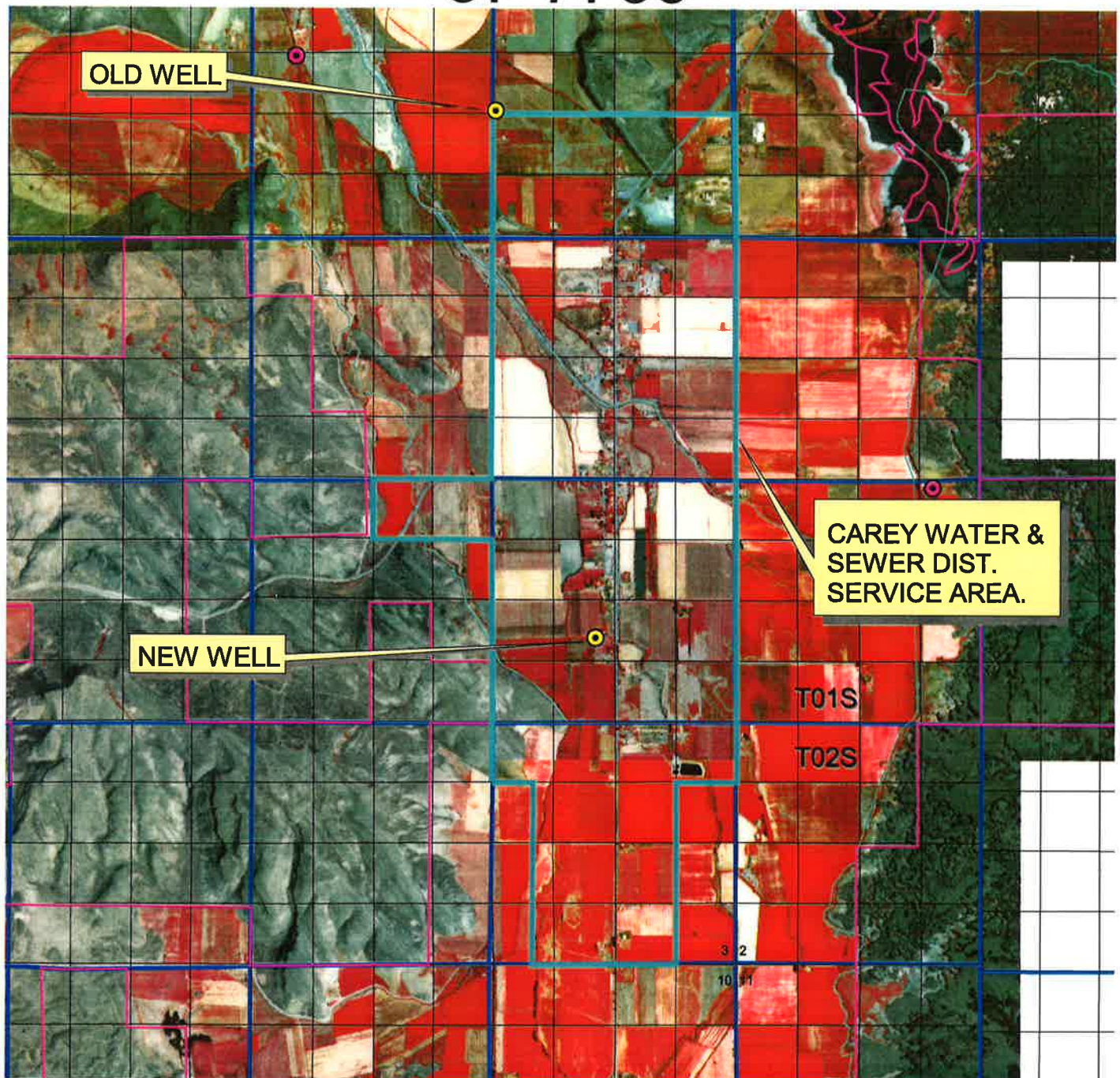
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

Note: POU listed in database is used only to link POU to the correct shape file.

IDAHO DEPT OF WATER RESOURCES

37-7766



1320 0 1320 Feet



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

TWN: 1S & 2S
RNG: 21E
SEC: 03, 22, 27, 33 & 34

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

Date: November 20, 2001





Review 37-7766

11/20/01
SCC

MAP OF THE SERVICE AREA IS TAKEN
FROM THE WR FILE 37-7766 TRANSFER
DOCUMENTS. CLAIMANT NEVER RESPONDED TO
SRBA REQUESTS. AREA HAS INCREASED FROM
THE ORIGINAL LICENSE POW. ~~APPLY CDS~~ PER TRANS.

NEW PERMIT IS PENDING FOR INCREASED FLOW:
37-20384

Water Permit Report 37-20384

PERMIT

CAREY WATER & SEWER DISTRICT
PO BOX 187
CAREY, ID 83320
(208)823-4047

GROUND WATER

MUNICIPAL

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. 102 The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
4. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 37-20384

5. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
6. 022 The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.
-  7. 075 Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.

Remarks:

1.

Place of use is within the service area of Carey Water & Sewer District.Comments:Dates and Other Information:

Permit Proof Due Date: 6/1/2003
Permit Proof Made Date:
Permit Approved Date: 6/6/2001
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date:
Date Sent to State Office:
Date Received at State Office:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False