

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: 39570

Ident. Number: A37-07864
Date Received: 7/07/1988
Receipt No: S000754
Received By: WJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JERRY DAUBY
Address: P.O. BOX 438
BELLEVUE, ID 83313
2. Date of Priority: NOV 05, 1980
3. Source: SEAMANS CREEK Trib. to: SINKS
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	19E	31	SW	SW	SW	4	BLAINE
5. Description of diverting works:
EXCAVATION IN STREAMBED
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		
IRRIGATION	04/15	10/15	0.020		
7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) 0.40 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
S/15 RANGE
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	19E	31	SW	SW	4	IRR STOCK	8.0

Section Acres 8.0

A37-07864

Page 1

Date: 07/07/88

MICROFILMED
FEB 24 1993

10. Place of Use: Continued

Total Acres 8.0

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:
NONE

14. Remarks:

LAND WILL BE IRRIG WITH ADDITIONAL WELL, APPROVED, BUT NOT YET
INSTALLED, WHICH CURRENTLY IS FILED FOR DOMESTIC USE, NOT
IRRIGATION. #37-88-S-051. APP HAS BEEN FILED FOR IRRIGATION
USE WHICH WILL USE A 5HP PUMP.

15. Basis of Claim: LICENSE

MICROFILMED
FEB 24 1993

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): *James M. Naulty* Date: 7-7-88
Date:

State of Idaho)
County of T. F.) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of July 19 88 *Lon White*
Notary Public

Seal

Residing at T. F.
My Commission Expires 5/95

MICROFILMED
FEB 24 1993

MEMORANDUM

TO: 37-14278

FROM: Erin Retelle

RE: Field Exam

Date: January 8, 2007

.....

On October 31, 2006, I visited the EE-Da-How Ranch. The ranch is irrigated with water primarily from Seamons Creek.

With the assistance of the ranch manager, I preformed a Manning's equation estimate on Seamons Creek in Section 34, just upstream of the ranch. The calculation gave a flow rate of 0.73 cfs.

The water is collected in a large reservoir in the middle of the ranch (see layouts) and pumped through mainlines throughout the property. At the point labeled "Pumps 1" is a pumphouse containing a 20 hp pump. At the point labeled "Pumps 2" are 2 7hp submersible pumps. The ranch also has smaller aesthetic/recreational ponds that are not part of the irrigation system.

The outflow from the reservoir is through a glory hole in to a channel. The water sinks near the middle of the NW quarter of Section 32, and rises again in a lesser amount in the NENE of Section 31. At the time I visited the area, no water was flowing off the ranch. However, a very small channel (2 ft wide x less than a foot deep) meandered into the subdivision downstream of the ranch. The channel was evident on the Schwenk and Beudet properties in the SWNE of Section 31, but became less defined and fizzled out in the properties to the west. I marked a GPS point where someone built their driveway over where the channel would have been with no drainage pipe (labeled "no water possible beyond here).

37-14278

-  Blaine taxlots
-  Recommendation POD
-  Administrative BasinsAdminbas.shp
-  Township/Range
-  Sections
-  QQ

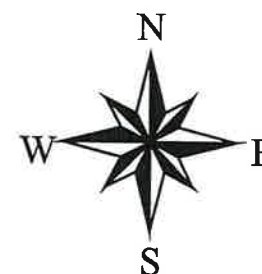


0.4 0 0.4 0.8 Miles

January 8, 2007
Erin Retelle, IDWR

37-14278

-  **Recommendation POD**
 **Administrative BasinsAdminbas.shp**
 **Township/Range**
 **Sections**
QQ



0.6 0 0.6 1.2 Miles

January 8, 2007
Erin Retelle, IDWR

MANNING EQUATION CHANNEL CAPACITY RESULTS

11-01-2006

File Number: 37-14278
Claimant: Shoemaker
Channel measured: Seamon's Creek
Date of measurement: 10/31/2006
Measurement location:

Calculation prepared by: Erin Retelle
Comments about the measurement:

The results of the calculation are:

- The length of the channel measured is 60 feet.
- The upstream and downstream rod readings are 4.99 and 5.90 feet.
- The channel cross section is 1.19 ft-sq.
- The wetted perimeter is 8.79 feet.
- The hydraulic radius is 0.14 feet.
- The slope is 0.0152
- The roughness coefficient is 0.0793
- The flow velocity is 0.611 ft/sec.
- The rate of flow is 0.73 cfs.

CROSS SECTION NUMBER 1

For File Number 37-14278 for the Seamon's Creek

Number	Rod Reading	Water Depth	Distance
1	5.09	0.00	0.00
2	4.80	-0.29	0.50
3	4.80	-0.29	1.00
4	5.50	0.41	1.50
5	5.14	0.05	2.00
6	5.24	0.15	2.50
7	5.38	0.29	3.00
8	5.33	0.24	3.50
9	5.40	0.31	4.00
10	5.45	0.36	4.50
11	5.60	0.51	5.00
12	5.55	0.46	5.50
13	5.48	0.39	6.00
14	5.34	0.25	6.50
15	5.12	0.03	7.00
16	4.79	-0.30	7.50
17	4.73	-0.36	8.00

The area for this cross section is 1.19 square feet
and the wetted perimeter is 8.79 feet.

12/09/2006

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

RIGHT NUMBER: 37-7864

NAME AND ADDRESS: JERRY W DAUBY
PO BOX 438
BELLEVUE ID 83313

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

Forfeited/abandoned due to non-use from May 1983 to present.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

Forfeited/abandoned: This is included for a claim based on a decree or license that is proposed to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.



Idaho Department of Water Resources

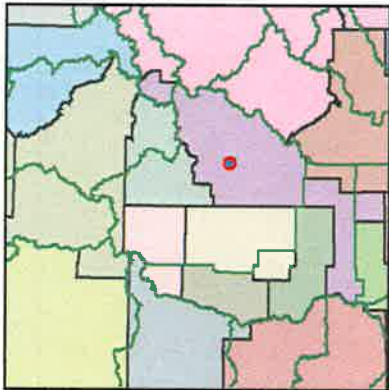
Water Right:

37-7864

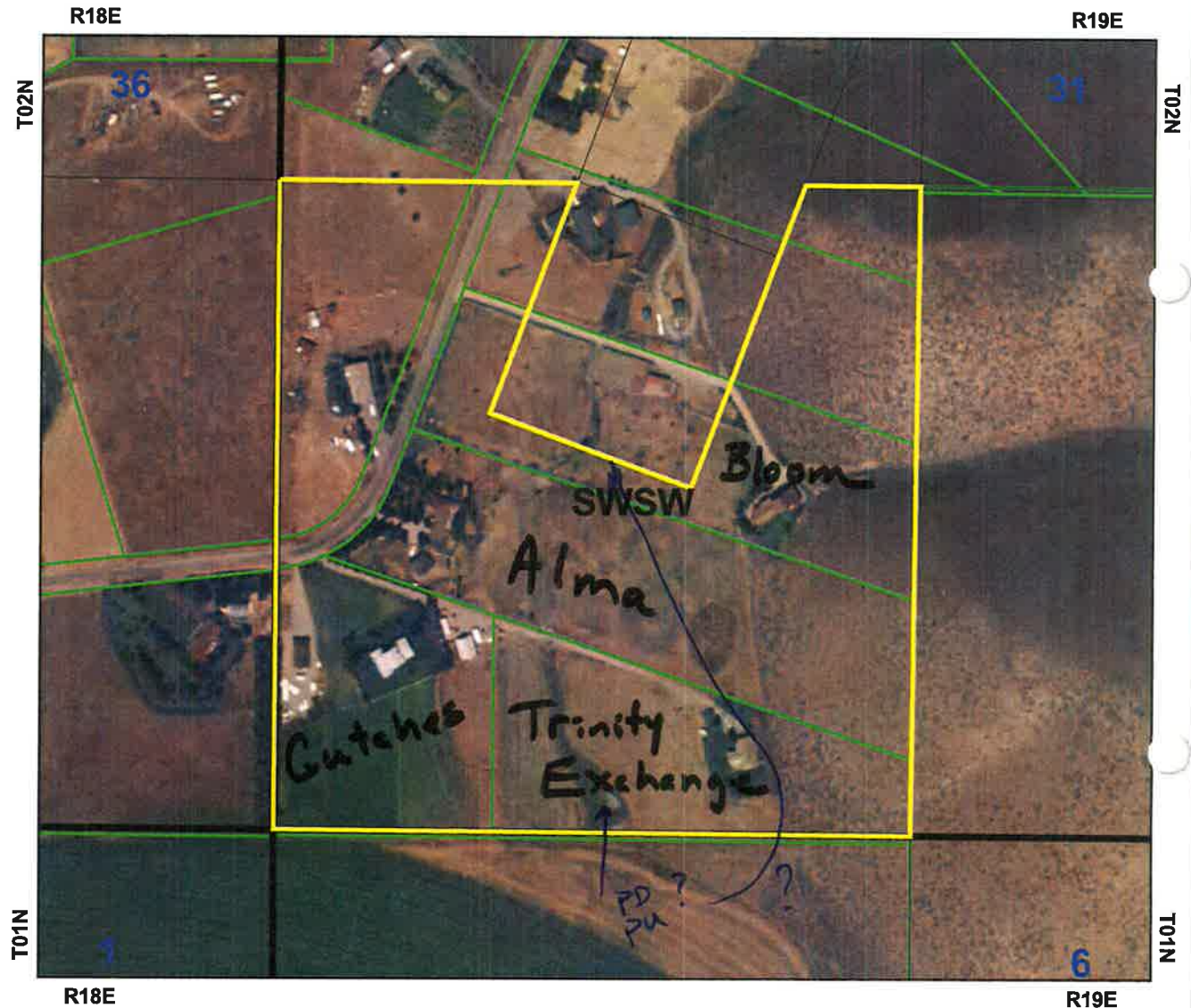
(Stockwater)

Legend

-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by J. Peppers
On Tuesday, November 21, 2006
2004 Aerial Photography

0277-13
 112211
 Ownership

MULDOON RANCH SUBDIVISION NO. 2

PAGE 1 of 2

BLAINE COUNTY

SEC. 31, T2N, R19E, B.M.

IDAHO

CURVE DATA

Curve	Δ	R	LC	Δ
1	47° 18' 34"	240.00	171.00	258.19
2	27° 14' 34"	284.00	124.74	164.30
3	10° 24' 34"	284.00	275.85	228.61
4	10° 24' 34"	275.85	275.85	242.38
5	22° 42' 34"	275.85	171.00	212.00
6	22° 42' 34"	171.00	171.00	22.00
7	22° 42' 34"	171.00	171.00	22.00
8	22° 42' 34"	171.00	171.00	22.00
9	22° 42' 34"	171.00	171.00	22.00
10	22° 42' 34"	171.00	171.00	22.00
11	22° 42' 34"	171.00	171.00	22.00
12	22° 42' 34"	171.00	171.00	22.00
13	22° 42' 34"	171.00	171.00	22.00
14	22° 42' 34"	171.00	171.00	22.00

LEGEND

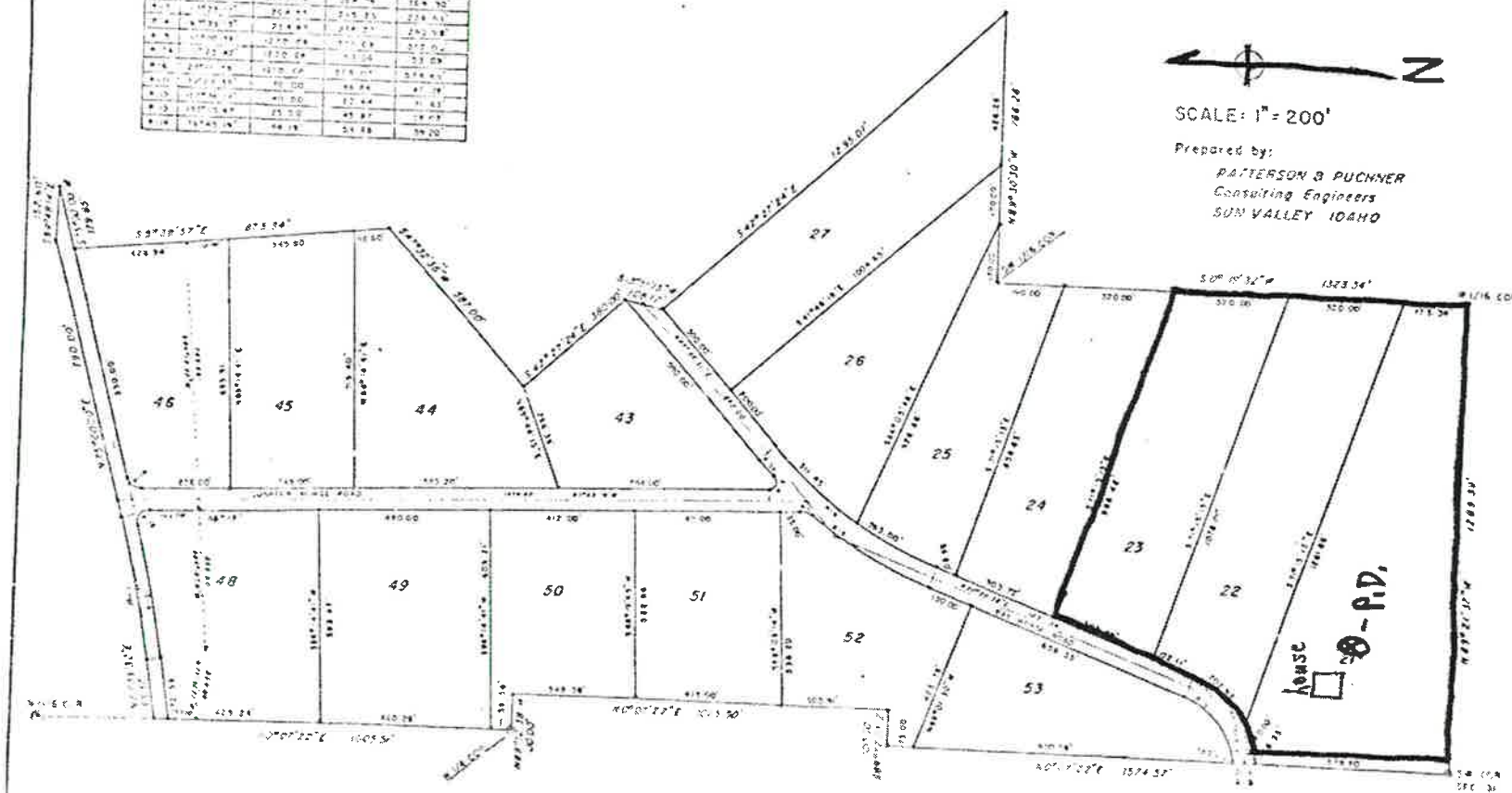
- 1/2" x 24" Rebar set
- Brick Cor. set
- Brick Cor. found
- Of Rebar set



SCALE: 1" = 200'

Prepared by:

PATTERSON & PUCHNER
 Consulting Engineers
 SUN VALLEY IDAHO



MULDOON RANCH SUBDIVISION NO. 2

PAGE 1 of 2

BLAINE COUNTY

SEC. 31, T2N, R19E, B.M.

IDAHO

CURVE DATA

STATION	CHORD BEARING	CHORD DIST.	ARC DIST.	ANGLE
1+00	S 89° 12' 24" E	100.00	100.00	90.00
2+00	S 89° 12' 24" E	100.00	100.00	90.00
3+00	S 89° 12' 24" E	100.00	100.00	90.00
4+00	S 89° 12' 24" E	100.00	100.00	90.00
5+00	S 89° 12' 24" E	100.00	100.00	90.00
6+00	S 89° 12' 24" E	100.00	100.00	90.00
7+00	S 89° 12' 24" E	100.00	100.00	90.00
8+00	S 89° 12' 24" E	100.00	100.00	90.00
9+00	S 89° 12' 24" E	100.00	100.00	90.00
10+00	S 89° 12' 24" E	100.00	100.00	90.00
11+00	S 89° 12' 24" E	100.00	100.00	90.00
12+00	S 89° 12' 24" E	100.00	100.00	90.00
13+00	S 89° 12' 24" E	100.00	100.00	90.00
14+00	S 89° 12' 24" E	100.00	100.00	90.00
15+00	S 89° 12' 24" E	100.00	100.00	90.00
16+00	S 89° 12' 24" E	100.00	100.00	90.00
17+00	S 89° 12' 24" E	100.00	100.00	90.00
18+00	S 89° 12' 24" E	100.00	100.00	90.00
19+00	S 89° 12' 24" E	100.00	100.00	90.00
20+00	S 89° 12' 24" E	100.00	100.00	90.00

LEGEND

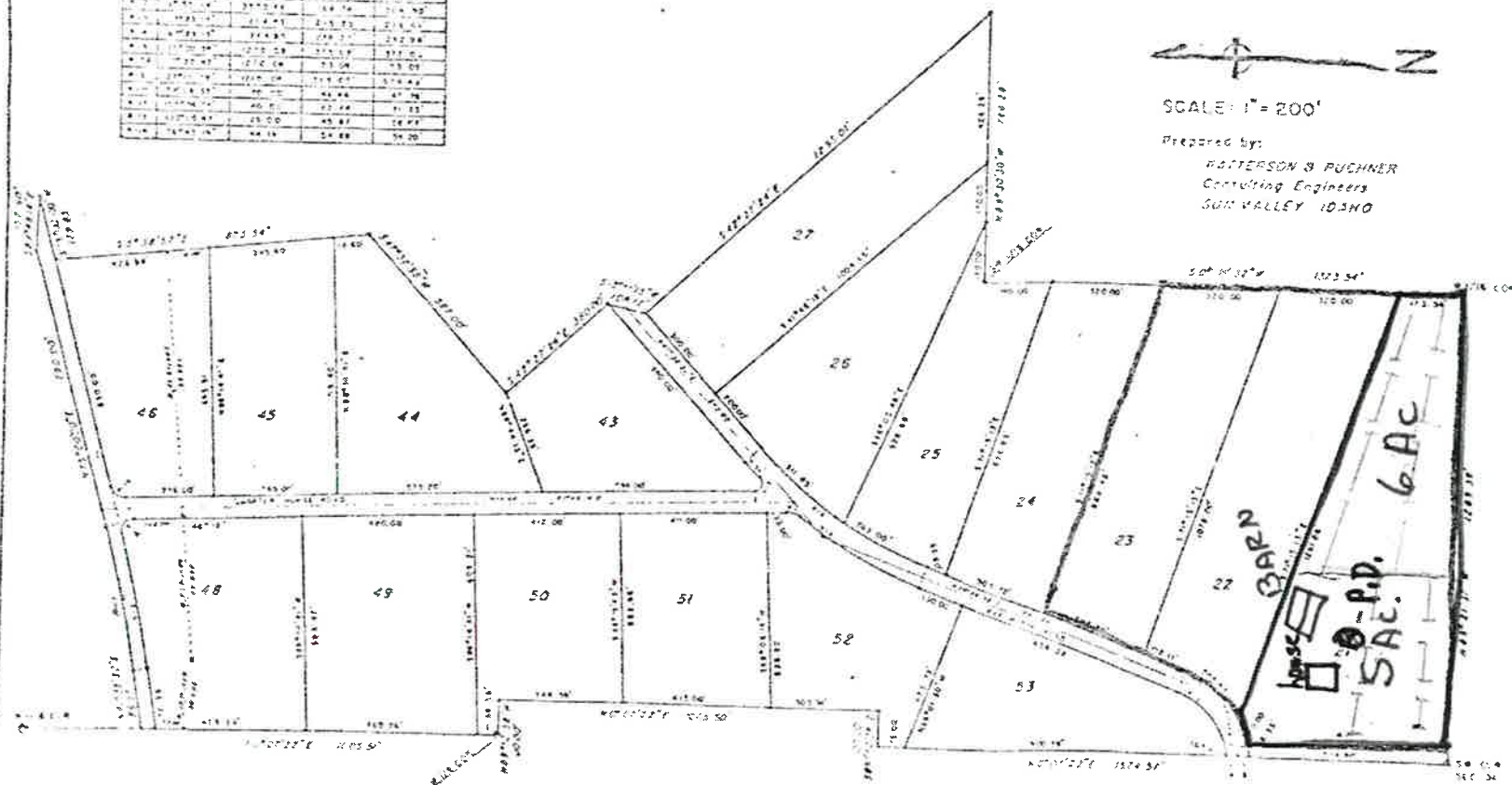
- 1/2" x 24" RAILROAD
- 1/2" x 24" RAILROAD
- 1/2" x 24" RAILROAD
- 1/2" x 24" RAILROAD



SCALE: 1" = 200'

Prepared by:

HATTEYSON & PUCHNER
Consulting Engineers
SUN VALLEY, IDAHO



5K
RECEIVED
12/11/2006
DEC 18 2006
DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

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: 01/05/2007

Water right number: 37-7864

JERRY W DAUBY

PO BOX 438

BELLEVUE ID 83313

Telephone Number: (208)788-4756

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:

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

DATE: 12-13-06

SIGNATURE: Jerry W. Dauby

Please print your name: JERRY W. DAUBY

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

37-07864 Dauby

Conversation Date: 12/5/06 between Jerry Dauby and Sandy Hemenway

*****Recommend: Disallowing this Water Right.**

12/5/06 per Jerry Dauby, he sold the property in 1989-1992. He wasn't sure on the exact dates, due to selling off many lots during that time period.

Jerry sold the property to Wilam Alma (PO Box 497, 214 Bayhorse Rd. Bellevue, Idaho 83313-0497).

Jerry stated that he never developed Seamans Creek for irrigation, etc. due to the creek being dry during irrigation season, and only having water that came to his property during the very early spring and late fall time period (due to him being at the end of the line). Jerry drilled a well instead.

Checking for water rights for Wilam Alma, he has a water right for that piece of property: 37-8354 ground water source for irrigation; 37-12425 decreed ground water source for domestic.

State of Idaho

Department of Water Resources

MAY 5 1983

WATER RIGHT LICENSE

Department of Water Resources
Southern District OfficeLicense of Water Right No. 37-7864 Priority November 5, 1980 Amount 0.02 cfs

THIS IS TO CERTIFY, that Jerry Dauby
of Bellevue, Idaho, has complied with the terms and conditions of Permit
No. 37-7864 issued pursuant to Application for Permit dated November 5, 1980,
and has submitted proof to the Department of Water Resources on November 18, 1981,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.68 cfs of water from Seamans Creek,
tributary to sinks, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Stockwater	from <u>October 1</u> to <u>June 1</u>	at <u>0.02</u> cfs and	<u>0.4</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
0.4 acre feet per year, said waters to be diverted within the Government Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
Section 31, Twp. 2N, Rge. 19E in the County of Blaine

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2N	19E	31																	

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2nd day of May, 19 83.

Acting for the Director



7-7864