

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: A37-10802  
Date Received: 8/04/1988  
Receipt No: S001294  
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: MILES L. REAY 208-823-4528  
Address: BOX 63  
CAREY, ID 83320

OR  
Name: MADGE REAY 208-823-4528  
Address: BOX 63  
CAREY, ID 83320

2. Date of Priority: JUN 01, 1918

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 01S      | 22E   | 7       | NE     | SW     | NE     |     | BLAINE |

5. Description of diverting works:  
OPEN DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.040 |      |        |

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

8. Total consumptive use is 6.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 01S      | 22E   | 7       | SW NE      |     | IRR           | 2.0   |
|          |       |         |            |     | Section Acres | 2.0   |
|          |       |         |            |     | Total Acres   | 2.0   |

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:  
THIS WR HAS BEEN DECIDED IN A PREVIOUS COURT CASE,  
DETAILS UNKNOWN.

15. Basis of Claim: BENEFICIAL USE

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): Madge Reay Date: 8/4/88  
Date: \_\_\_\_\_

State of Idaho

County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 4th day

of August 19 88

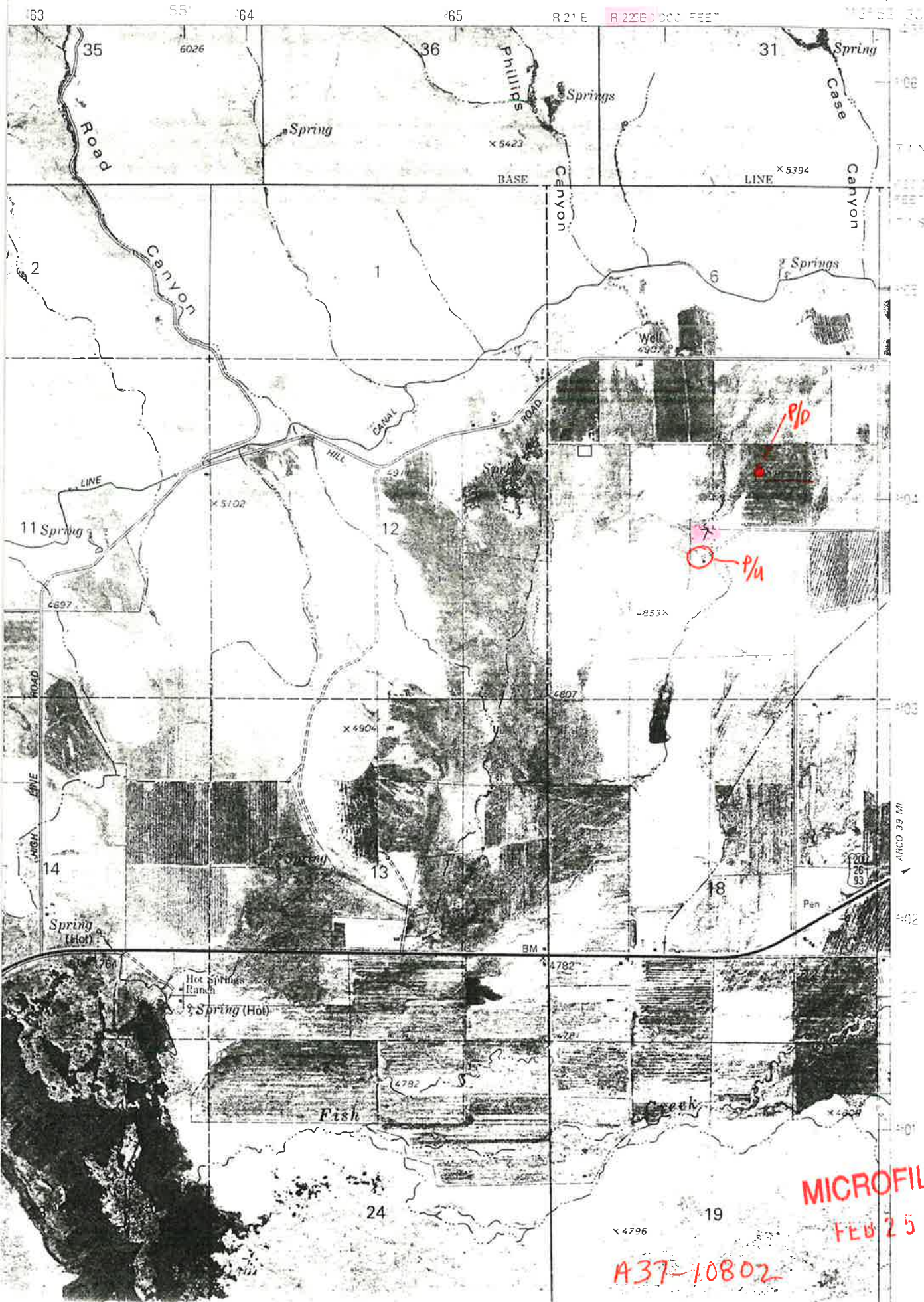
Roxanne Storey  
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

CROOKS 2 SW QUADRANGLE  
IDAHO  
7.5 MINUTE SERIES (ORTHO PHOTOQUAD)



TIN  
TIS

MICROFILMED  
FEB 25 1993

A37-10802

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 A37-10803

Date Received

Receipt Number 5001299

NOTICE OF CLAIM  
TO A  
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

RECEIVED

AUG 4 1988

Department of Water Resources  
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Duane E. Cutright Phone (208) 934 4317Mailing Address Bx 501 (2401 E - 1300 S) Gooding, Idaho Zip 833302. Date of Priority (Only one (1) per claim) MARCH 1<sup>ST</sup> 19823. Source of water supply (a) Well - ground water  
which is tributary to (b) \_\_\_\_\_4. Location of point of diversion is: Township 5 Range 16Section 7, NW 1/4 of NW 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, B.M.,County of Gooding

Additional points of diversion if any: \_\_\_\_\_

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. Encased well 280' deep  
pipes to house & barn

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

For domestic purposes from Jan. 1<sup>ST</sup> to December 31<sup>ST</sup> amount .04 (cfs)  
(Both dates are inclusive)For stockwater purposes from Jan. 1<sup>ST</sup> to Dec. 31<sup>ST</sup> amount .037. Total quantity claimed .07 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater Type and number of livestock) 1 House hold, 100 head cattle, 4 goatsMICROFILMED  
FEB 25 1989

Copies: White-Stat

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place in use below.

[illegible]

11. In which county (ies) are lands listed above as place of use located? Gooding

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. \_\_\_\_\_ or None ( ☒ )

14. Remarks: \_\_\_\_\_

15. Basis of Claim (check one) Beneficial Use X Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_  
 Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
 Plaintiff vs Defendant \_\_\_\_\_

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 0

**For Individuals:** I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)  Date Aug 4. 1988

**For Organizations:** I do solemnly swear or affirm that I am \_\_\_\_\_ Title  
of \_\_\_\_\_, that I have signed the foregoing  
Organization  
document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title Organization  
and that the statements contained in the foregoing document are true and correct.

**Signature of Authorized Agent** \_\_\_\_\_

| Title and Organization | Date |
|------------------------|------|
|------------------------|------|

State of Idaho/or \_\_\_\_\_ )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 4<sup>th</sup> day of Aug 19 88

SEAL

Notary Public 

Residing at Kimberly, Id. **REFUSED**

Last Name Cutright My Commission Expires 6/30/94  
 Ident No. A37-10803 FEB 25 1993  
 Copies White-Stat. Yellow-Claimant

*Copies White-State Yellow-Claimant*

08/21/2003

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

RIGHT NUMBER: 37-10802

NAME AND ADDRESS: MADGE REAY  
030 REAY LN  
CAREY ID 83320

MILES L REAY  
030 REAY LN  
CAREY ID 83320

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

PRIORITY DATE: 06/01/1962

POINT OF DIVERSION:

T01S R22E S7 NENESW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.020 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R22E S07 NESW 0.7

0.7 ACRES TOTAL

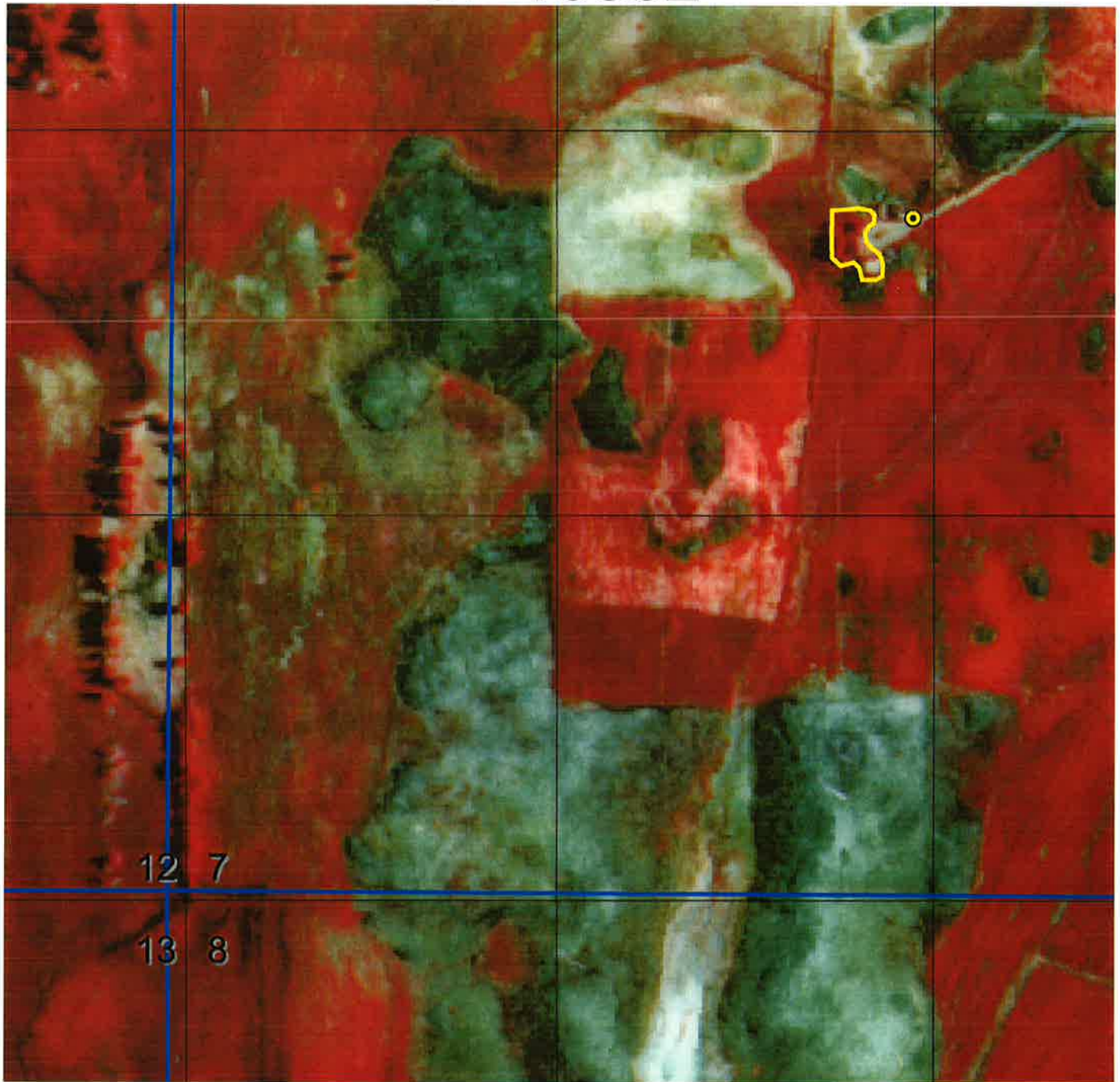
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: Beneficial Use

# IDAHO DEPT OF WATER RESOURCES

## 37-10802



660 0 660 Feet

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

TWN: 1S  
RNG: 22E



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

Date: AUGUST 21, 2003

37-10802

5/30/03

2pm

CALL IN ON PRIORITY LOTTER

phone  
CALL  
w/

MADGE  
REAY:

Court case w/ Neighbor (Ronald Peck)  
they were successful in their claim/case,  
she guesses pre - 1974, maybe as early as 1968  
"Spring has dried up & use is limited"  
"ditch is dry for most of year."

Source  
may have  
changed.

I need to do exam too to confirm POU etc.

\* REAY Ln is new address!!

\* telephone is same.

she did not have a copy of the court case and  
so she is writing a letter to support the priority ltr.  
She says all the "old timers" that know of this right  
are long gone.

6/24/03 1:50pm: call out to set up exam - 11AM WED 25th  
+ turn on Peck Lane to Reay Lane, North.

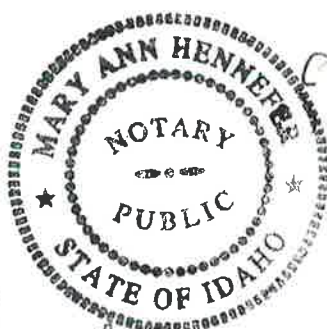
6-25-03 11AM EXAM

met w/ Madge Reay she showed me the ditch  
where the water used to flow & where they pumped it.  
Conversion upstream to sprinklers has eliminated  
all the flow. Source was mixture of Springs &/or WW;  
rename to unnamed stream.

8/21/03

615 Acres = 0.70 Acres for yard & picnic areas.  
 $Q = 0.70 \times 0.03 \text{ cfs/ac} = \underline{0.02 \text{ cfs}}$

Mary Ann Hennefer  
Carey, Id  
Comm. expires 11-16-05



Carey Idaho  
May 31st 2003  
**RECEIVED**  
JUN - 6 2003

Department of Water Resources

Dear Steve Celland,

In reply to our telephone conversation of 5/30/2003 I will answer as much as I can of the history of the WR in question. It was in use as of <sup>6/11</sup> 1918 as told to me by J.R. Beck a neighbor (deceased) also on what ground it was used.

The many people who lived here before us, I have no knowledge of where they used the water as they are all gone also. I bought the property ~~in~~ before Sept 25, 1962. Exact date I don't know as of this moment. I have a Land Title Warranty for the property on that date.

Our water resources papers say it was used as stock water. It was <sup>in the winter</sup> but it was also later set up to sprinkle a big yard and garden plus some acreage in the summer. It seems it has changed from 6.0 to 2.0 to a dry ditch as of now.

When we bought the property it was a swamp. How times have changed. anxious to meet with you here.

Madge Reay

030 Reay Lane Carey Idaho 83320



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

37-10802  
MILES L REAY  
BOX 63  
CAREY ID 83320

May 20, 2003

37-10802  
MADGE REAY  
BOX 63  
CAREY ID 83320

**RESPONSE DEADLINE**  
**JUNE 20, 2003**

Re: Evidence of Priority Date for SRBA Claim

Dear Claimant:

The Notice of Claim identified with the number shown above 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, at a later date, 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 recommended 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 will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice number. If you have questions not covered by this letter or the enclosed pamphlet, please contact the office listed above.

Sincerely,

Steve Clelland  
Water Resource Agent, Sr.

Enclosures

37-10802  
draft  
T1S R22E  
12-30-02  
SCC

NENESW  
POD

Spring POD

POU

7 8

18 17