

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: A37-11390
Date Received: 9/23/1988
Receipt No: 5002490
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SPRING OF GLADNESS RANCH, INC. 208-324-4828 *home*
Address: P. O. BOX 102
JEROME, ID 83338 *731-5530 cell*

2. Date of Priority: MAY 01, 1890

3. Source: UNNAMED STREAM Trib. to: CRYSTAL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	18E	11	NE	SW	SE		BLAINE

5. Description of diverting works:
CHECK DAM & DITCHES, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	09/15	1.000		

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) 61.00 A.F.A.

8. Total consumptive use is 61.0 Acre Feet Per Annum.

9. Non-irrigation uses:
LIVESTOCK/150 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	18E	11	SW	SE		IRR	18.0
			SE	SE		IRR	2.0
Section Acres							20.0

10. Place of Use: Continued

Total Acres 20.0

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:

 SYSTEM HAS BEEN USED FOR MANY YEARS, BUT RECORDS SHOW NO RECORDED
 WATER RIGHT. STOCK DRINK FROM DITCHES. LAND IS OFTEN SUB-IRRIG-
 ATED IN THE SPRING, SO SURFACE DIVERSION STARTS A LITTLE LATER
 THAN THE NORMAL IRRIGATION SEASON.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
FEB 25 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 x 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):

John D McLaughlin

Date: 23 Sept 1988

Date: _____

State of Idaho)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 23rd day

of September 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94



S.C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER
OPERATOR MIKE MCGONIGAL
BLAINE
COUNTY

IDAWA
STATE

FARM No. DATE 9-74
SCALE 8" = 1 mi. ACRES 280
PHOTO No. APPROXIMATE APPROXIMATE

R18E

BeA
IIIw-5

Ply
IIIw-2

HSP
CYw-20

(A)
LeA
III s-3

(B)

(C)
LeA
III s-3

BeA

IIIw-5

Ply IIIw-2

HSP

CYw-20

(D)

G

(E)
Ply

IIIw-2

HSP

CYw-20

4

13

12

IIw-13

IIIw-2

Ply

BeA
IIIw-5

HsO

IIw-20

IIIw-5
BeA

BuA
IIw-1

HsO

IIw-20

FEB 25 1980

12/22/2006

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

RIGHT NUMBER: 37-11390

NAME AND ADDRESS: SPRING OF GLADNESS RANCH INC
PO BOX 102
JEROME ID 83338

SOURCE: UNNAMED STREAM

TRIBUTARY: CRYSTAL CREEK

QUANTITY: 0.260 CFS

PRIORITY DATE: 04/15/1939

POINT OF DIVERSION:

T01S R18E S11 SESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.260 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R18E S11 SWSE 13.00

13 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 - Beneficial Use



Idaho Department of Water Resources

SRBA Recommendation:

37-11390

(Irrigation)

Legend

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



Blaine County
IDWR Basin 37

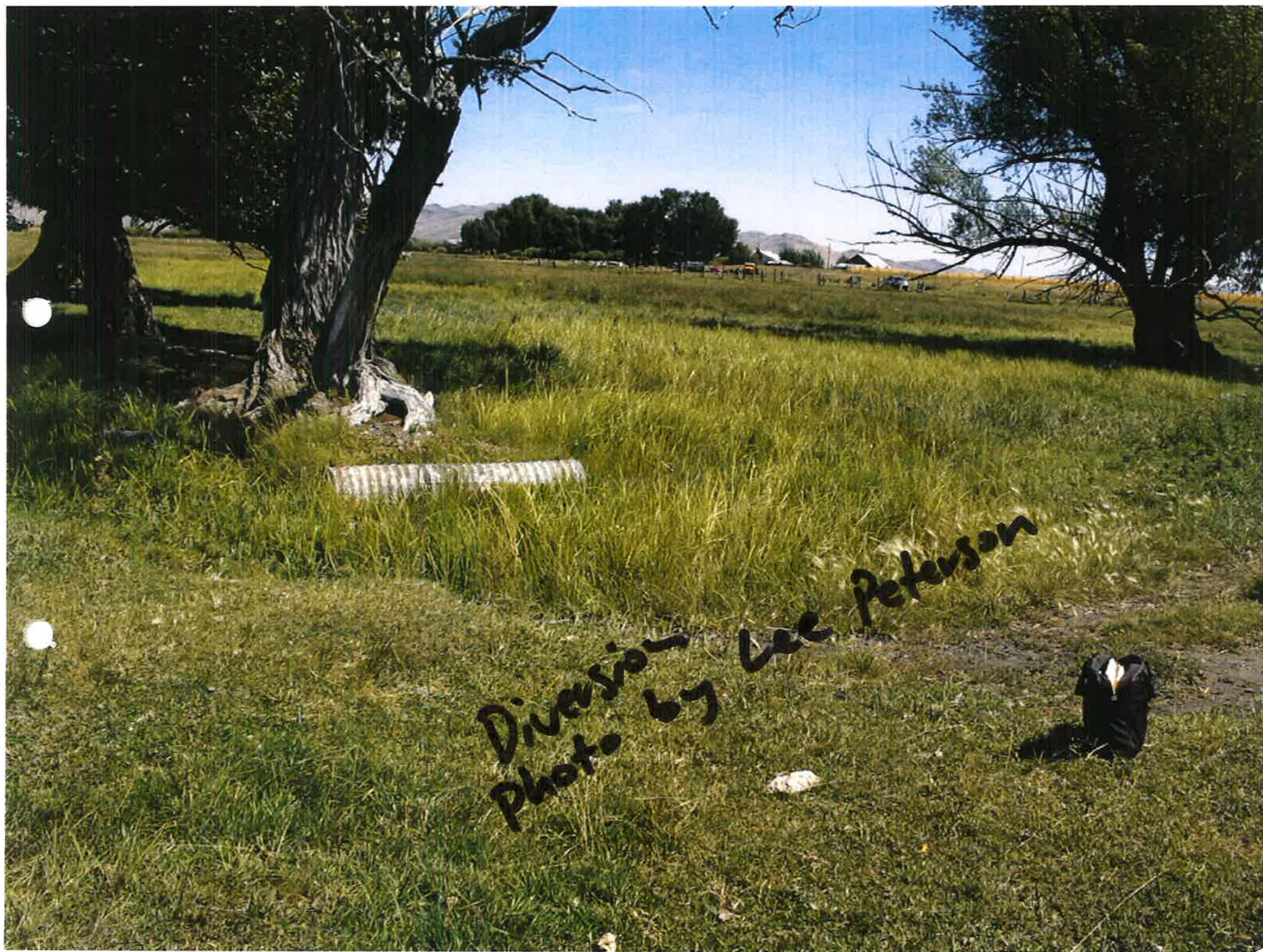


0 0.1 0.2 Miles

Owner: Spring Of Gladness Ranch Inc

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

Prepared by A. Merritt
On Friday, December 22, 2006
2004 Aerial Photography



Diversion by Lee Peterson



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
DEC 21 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

December 21, 2006

Mr. Allen Merritt
Southern District
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Re: Spring of Gladness Ranch Affidavit

Allen,

Enclosed is an affidavit from John McGonigal showing proof of priority date for the spring appurtenant to 37-11390, as well as proof of irrigation to the 40 acre parcel located in the SW ¼ NE ¼ SEC.12 T.01S R.18E appurtenant to 37-104, 37-105A, 37-11387, and 37-11394. Enclosed is a map of the Spring of Gladness map showing the 1987 infrared photo with a hand drawing depicting how water gets to the above described 40 acres. Please don't hesitate to call either Chuck Sr. or myself with comments or questions, thanks.

Sincerely,

Zach Latham, Hydrologist

Enclosures

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED
DEC 21 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF WATER USE	)	COMMENTS AND
ON THE FARM NOW KNOWN AS THE SPING OF	)	EVIDENCE OF
GLADNESS RANCH, BELLEVUE, ID AND WATER	)	JOHN MCGONIGAL
RIGHTS 37-11390, 37-11387, 37-104, 37-105A,	)	
37-11394	)	

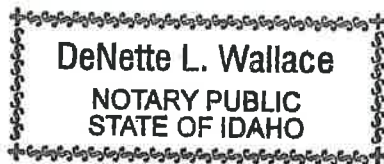
COMES NOW, JOHN MCGONIGAL, and provides the following comments and evidence in this matter:

1. I was born on the Spring of Gladness Ranch, Blaine County ID, on October 18th, 1933. The Spring of Gladness Ranch is located in Township 01S, Range 18E, Sec.11 and Sec.12.
2. The Spring of Gladness Ranch has always been an irrigated farm. I assisted my father in changing irrigation water in a pasture west of the house, out of a spring in the SE ¼, Sec.11, T.01S R.18E. To the best of my recollection, I began helping my father irrigate the afore mentioned pasture when I was 6 years old. My father diverted irrigation water out of the spring using canvass diversion dams for flood irrigation of the pasture.
3. The 40 acre parcel of the Spring of Gladness Ranch located in SW ¼, NE ¼, Sec.12, T.01S R.18E has been irrigated since 1881 when my grandfather homesteaded the Spring of Gladness Ranch. Water delivered through the bypass canal intersects a east-west running canal, and flows west into a pumping station located in the NW ¼, SW ¼, Sec.11, T.01S R.18E . Water is then pumped to the east through a mainline for ½ a mile, turns north in the middle of Sec. 12, and is able to irrigate the 40 acre parcel in the SW ¼, NE ¼, Sec.11, T.01S R.18E of the Spring of Gladness Ranch.

DATED this 21 day of December, 2006.

John McGonigal
John McGonigal

SUBSCRIBED and SWORN to before me this 21st day of December, 2006



DeNette L. Wallace

NOTARY PUBLIC

Residing at: Twain Falls, ID

My Commission Expires: 8/16/2012

File No.
37-0104=105A=11387=11394=11390

Spring of Gladness Ranch, Inc.
P.O. Box 102
Jerome

8/23/05

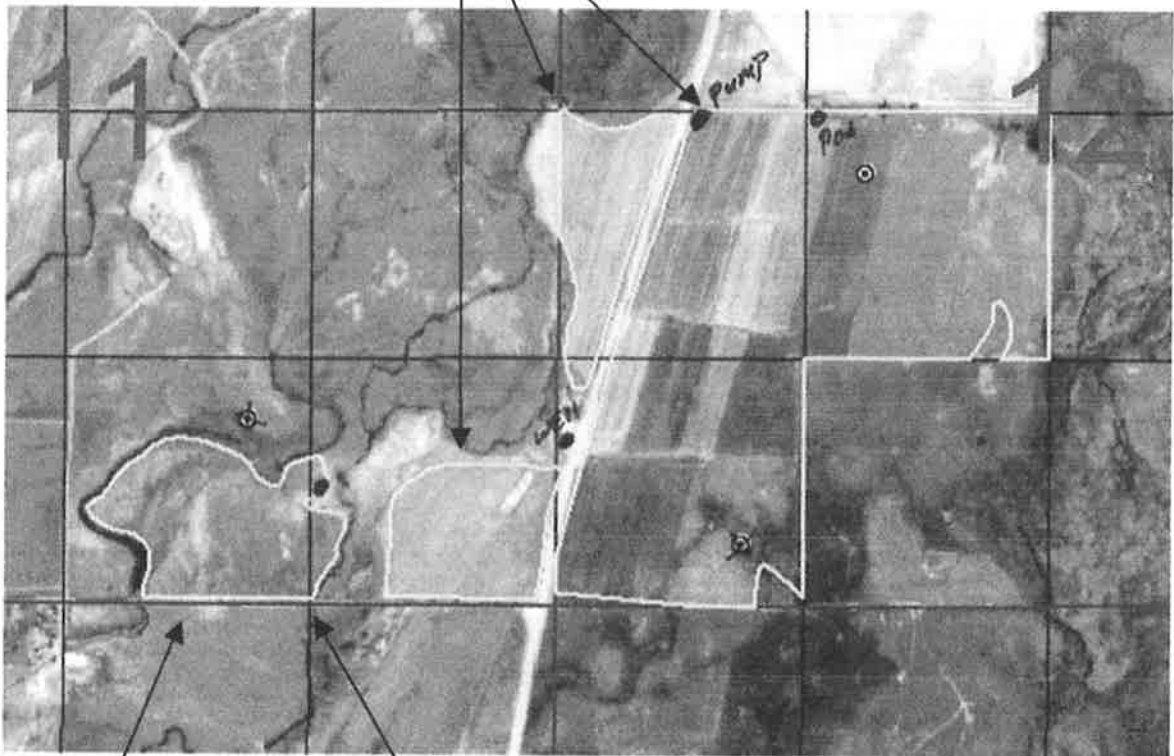
I met with John McGonigil and Chuck Brockway [John's request] to review and discuss these water right files and the property for them. On the 1987 color photo the yellow POD upper North is as marked the point where the By-pass is diverted out of the river, the next, center, yellow POD is where the extension by-pass starts, the third yellow dot down by yellow line is where 57F diversion is located as per previous GPS. As per Chuck, Spring 1 is right #11390, # 2 & 3 is 11387 and the two Art. Wells # 3 also gets water from 57F. As per John the yellow area on South-West is OK from GPS 1, the larger yellow areas is 2 & 3 as per photo. And Chuck and John both agreed that all files appear OK.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Spring	Sprng 1	2477163	1349565	A0016288	1060685
Art. Well	" 2	2477651	1349635	289	686
" "	" 3	2478072	1350178	290	687

Lee R. Peterson

Draft POU for 37-104, 37-105A, 37-11394, 37-11387

Canal?



Draft POU for 37-11390

Spring Creek

2004 Aerial Photo

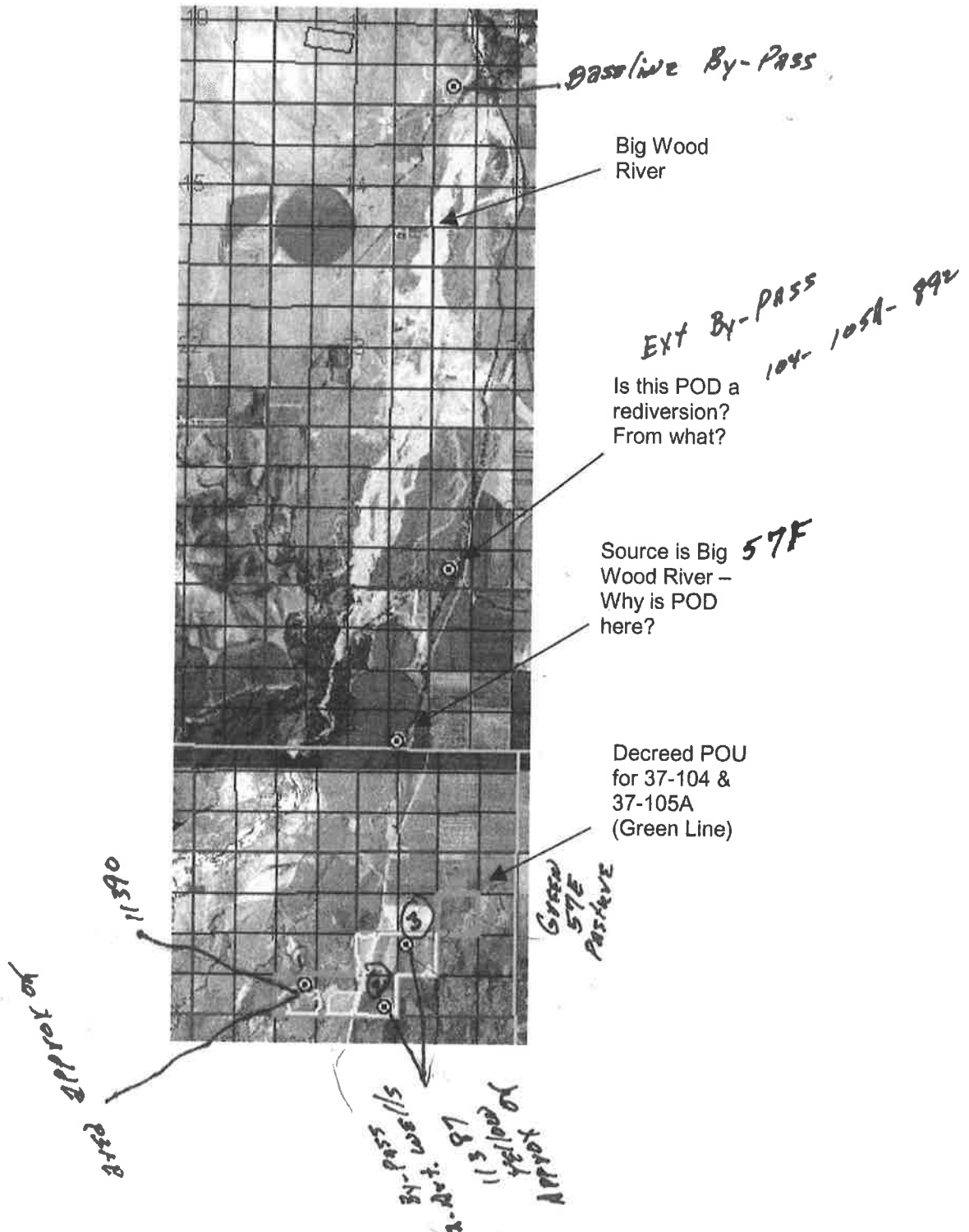


*SPRINKLING
approx 1987*

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.
 Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.
 Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Adjudication Claim Notes

Claim(s): 37-0104, 37-0105A, 37-11387, 37-11394, 37-11390

Background Data

37-0104

- Source is Big Wood River tributary to Malad River
- Decree for 1.5 cfs on 243 acres with a Priority Date of May 15, 1882
- Claimed for 1.5 cfs on 123 acres
- Watermaster delivering xx cfs

37-0105A

- Source is Big Wood River tributary to Malad River
- 37-0105 originally decreed for 7.6 cfs on 243 acres with a Priority Date of May 31, 1887
- See split summary:
 - Overclaimed

37-11387

- Beneficial Use claim
- Source is Groundwater
- Claimed for 2.56 cfs on 123 acres with a Priority Date of June 1, 1950

37-11394

- Source is Big Wood River tributary to Malad River
- Claimed for 1.69 cfs on 123 acres with a Priority Date of September 1, 1920
- Being claimed as a portion of the following rights, but the history of these right is unclear and it is unclear what right this is being claimed against.
 - 37-0892
 - 37-0893
 - 37-0894

37-11390

- Beneficial Use claim
- Source is Unnamed Stream tributary to Crystal Creek
- Claimed for 1.0 cfs on 20 acres with a Priority Date of May 01, 1890



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

Re: Evidence of Priority

RESPONSE DEADLINE
JUNE 17, 2005

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, P.E.
Water Rights Supervisor

Enclosures