

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 37-11430
Date Received: 9/28/1988
Receipt No: S002584
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

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

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

JOHN I MOLYNEUX Phone: (208)788-2450
10407 HWY 75
BELLEVUE ID 83313

KRISTY MOLYNEUX Phone: (208)788-2450
10407 HWY 75
BELLEVUE ID 83313

2. Date of Priority: 05/01/1982

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	12	SW NE NW	BLAINE	
01N	18E	36	NW NE NW	BLAINE	
01S	18E	12	NE NW NE	BLAINE	

5. Description of diverting works:

TWO WELLS CONNECTED TO A COMMON PRESSURE PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	3.62	633.5
37-11430	06/17/2005			

7. Total Quantity Appropriated is:
3.62 C.F.S. and/or 633.5 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
01N	18E	36	SW	SW		IRRIGATION	38
			SE	SW		IRRIGATION	39
			NW	SW		IRRIGATION	40
			NE	SW		IRRIGATION	40
						Section Acres	157
01S	18E	1	NE	NW	3	IRRIGATION	5
			NW	NE	2	IRRIGATION	19
			NE	NE	1	IRRIGATION	19
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			NE	SW		IRRIGATION	20
			SE	SE		IRRIGATION	39
			SW	SE		IRRIGATION	40
			SE	SW		IRRIGATION	35
						Section Acres	257
01S	18E	12	NE	NW		IRRIGATION	38
			NW	NW		IRRIGATION	8
			SE	NW		IRRIGATION	40
			SW	NW		IRRIGATION	13
			NE	NE		IRRIGATION	38
			NW	NE		IRRIGATION	40
						Section Acres	177
						Total Acres	591

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:

THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUND WATER DIVERTED UNDER THIS RIGHT AND SHALL ONLY DIVERT GROUND WATER UNDER THIS RIGHT WHEN WATER FROM THE APPURTENANT SURFACE WATER RIGHTS CANNOT BE DELIVERED TO THE RIGHT HOLDER.

IF THE SURFACE WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE, THIS RIGHT TO DIVERT GROUNDWATER SHALL NOT BE USED WITHOUT AN APPROVED TRANSFER PURSUANT TO SECTION 42-222, IDAHO CODE, OR APPROVAL OF THE DEPARTMENT IF A TRANSFER IS NOT REQUIRED.

THIS RIGHT IS FOR IRRIGATION OF 181 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE.

10/23/01, DJ: CLAIM AMENDED TO REFLECT APPROVED TRANSFER #5563.

THIS CLAIM IS FOR THE EXLARGED USE FROM LICENSED RIGHTS 37-02658 & 37-07651 AND DOES NOT AUTHORIZE ADDITIONAL DIVERSION RATE UNDER EXISING RIGHTS.

15. Basis of Claim: Beneficial Use



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,

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

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.

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 37-11430
Date Received: 9/28/1988
Receipt No: S002584
Received By:

***** AMENDED *****
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MAXINE MOLYNEUX Phone: (208)788-2552

1174 GANNETT PICABO RD
BELLEVUE ID USA 83313

A W MOLYNEUX Phone: (208)788-2552

1174 GANNETT PICABO RD
BELLEVUE ID USA 83313

2. Date of Priority: 05/01/1982

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	12	SW NE NW	BLAINE	
01N	18E	36	NW NE NW	BLAINE	
01S	18E	12	NE NW NE	BLAINE	

5. Description of diverting works:

THREE WELLS CONNECTED TO A COMMON PRESSURE PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	3.62	633.5

7. Total Quantity Appropriated is:
3.62 C.F.S. and/or 633.5 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
01N	18E	36	NW	SW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			SW	SW		IRRIGATION	38
			SE	SW		IRRIGATION	39
						Section Acres	157
01S	18E	1	NE	NW	3	IRRIGATION	5
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			NE	NE	1	IRRIGATION	19
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			NE	SW		IRRIGATION	20
			SE	SE		IRRIGATION	39
			SW	SE		IRRIGATION	40
						Section Acres	257
01S	18E	12	NE	NW		IRRIGATION	38
			NW	NW		IRRIGATION	8
			SE	NW		IRRIGATION	40
			SW	NW		IRRIGATION	13
			NE	NE		IRRIGATION	38
			NW	NE		IRRIGATION	40
						Section Acres	177
						Total Acres	591

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:

10/23/01, DJ: CLAIM AMENDED TO REFLECT APPROVED TRANSFER #5563.

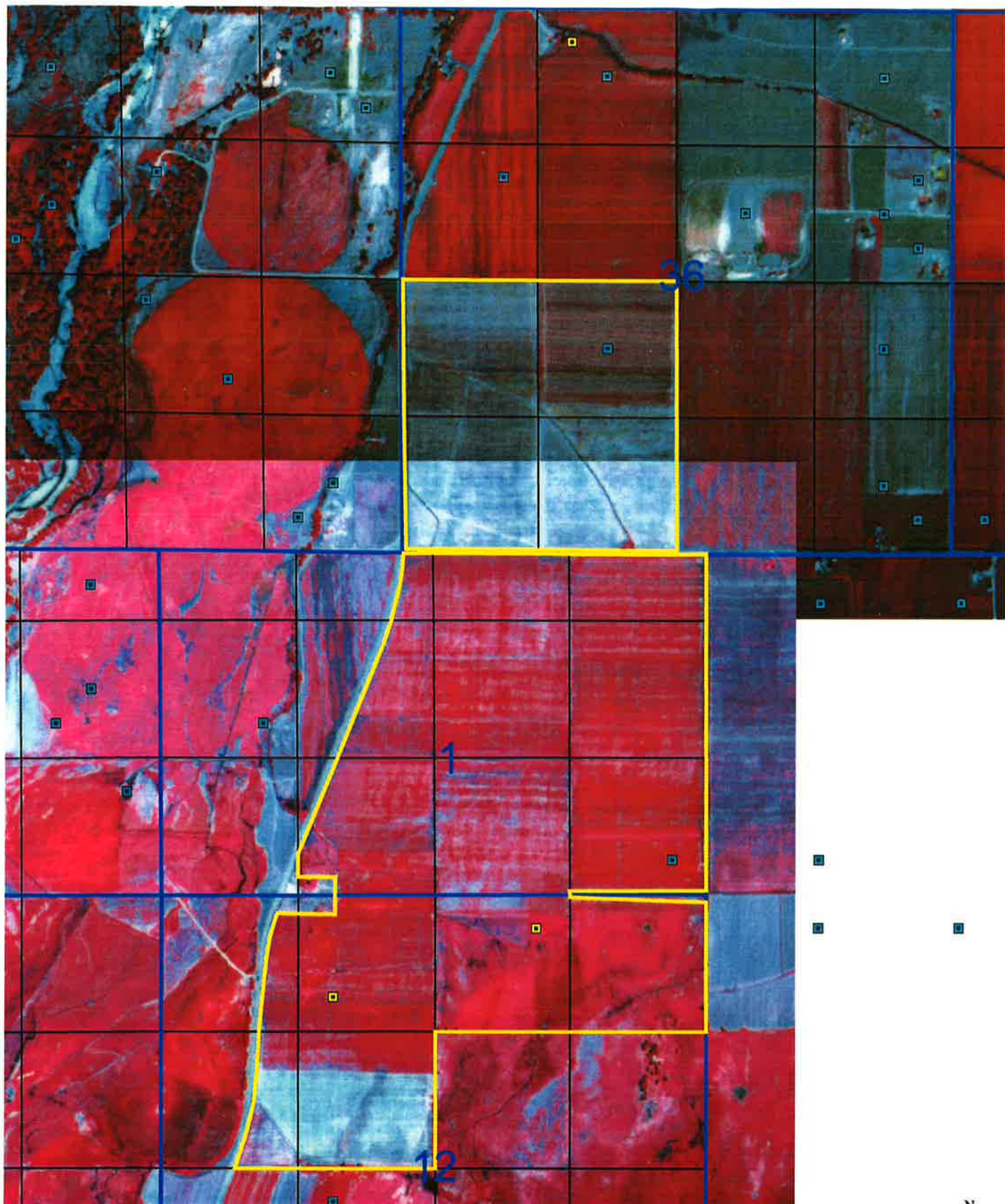
THIS RIGHT IS FOR IRRIGATION OF 181 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE.

THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUND WATER DIVERTED UNDER THIS RIGHT AND SHALL ONLY DIVERT GROUND WATER UNDER THIS RIGHT WHEN WATER FROM THE APPURTENANT SURFACE WATER RIGHTS CANNOT BE DELIVERED TO THE RIGHT HOLDER.

IF THE SURFACE WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE, THIS RIGHT TO DIVERT GROUNDWATER SHALL NOT BE USED WITHOUT AN APPROVED TRANSFER PURSUANT TO SECTION 42-222, IDAHO CODE, OR APPROVAL OF THE DEPARTMENT IF A TRANSFER IS NOT REQUIRED.

THIS CLAIM IS FOR THE EXLARGED USE FROM LICENSED RIGHTS 37-02658 & 37-07651 AND DOES NOT AUTHORIZE ADDITIONAL DIVERSION RATE UNDER EXISING RIGHTS.

15. Basis of Claim: Beneficial Use



1320 0 1320 Feet

T1S R18E S1 & 12

37-2658, 37-4421B,
37-7651 & 37-11430



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: A37-11430
Date Received: 9/28/1988
Receipt No: 5002584
Received By: ADA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

AND/OR

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

2. Date of Priority: MAY 01, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	18E	36	NW	NE	NW		BLAINE
01S	18E	12	NE	NW	NE		BLAINE

5. Description of diverting works:
TWO WELLS CONNECTED TO A COMMON PRESSURE PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.620		

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

8. Total consumptive use is 452.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A37-11430

Page 1

Date: 09/28/88

MICROFILMED

FEB 25 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	18E	1	SW		NE	2	IRR	20.0
			SE		NE	1	IRR	19.0
			SE		NW	3	IRR	6.0
			NE		SW		IRR	16.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 181.0

Total Acres 181.0

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 RIVER DECREES

14. Remarks:
THIS CLAIM IS FOR THE EXPANDED USE FROM LICENSED RIGHTS
37-02658 & 37-07651.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0 ~~See~~ 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 Twila Falls) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of Sept 19 88 A. D. Monti
Notary Public

Seal

Residing at Kimberly, Ida
My Commission Expires 6/30/99

COPY

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB 23 2009	
By _____	Clark
_____	Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcase No: 37-2658, 37-4421B, 37-7651
) 37-11430, 37-20570, 37-20571, 37-20574,
) 37-20577, 37-20578, 37-20581, 37-20584,
) 37-20593, 37-22027, 37-22029, 37-22031,
) 37-22033, 37-22035, 37-22037, 37-22039
) 37-22041

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER 74959

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the *associated* water right(s):

☒ Conditions of Approval

☐ Point of Diversion

☐ Period of Use

☐ Split of Water Right

☐ Place of Use

☐ Nature of Use

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 2/20/09


Signature of IDWR Representative

SUPPORT DATA

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
5/21/96

IN FILE # 37-2658
for all ADRs

CERTIFICATE OF MAILING

I certify that on 2/23, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724

A W Molyneux
Maxine Molyneux
1174 Gannett-Picabo Rd
Bellevue ID 83313

John Molyneux
Kristy Molyneux
10407 Hwy 75
Bellevue ID 83313

Stephen Schmid
Kathryn Schmid
205 9th Ave N
Twin Falls ID 83301



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

February 23, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

A W MOLYNEUX
MAXINE MOLYNEUX
1174 GANNETT PICABO RD
BELLEVUE ID 83313

RE: SRBA Claim(s) 37-2658, 37-4421B, 37-7651, 37-11430,
37-20570, 37-20571, 37-20574, 37-20577, 37-20578,
37-20581, 37-20584, 37-20593, 37-22027, 37-22029,
37-22031, 37-22033, 37-22035, 37-22037, 37-22039
37-22041

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: John Molyneux
Kristy Molyneux
10407 Hwy 75
Bellevue ID 83313

Stephen Schmid
Kathryn Schmid
205 9th Ave N
Twin Falls ID 83301

COPY

DISTRICT COURT - SRBA	
F Judicial District	
County of Twin Falls - State of Idaho	
FEB 23 2009	
By _____	Clerk
_____	Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcase No: 37-2658, 37-4421B, 37-7651
) 37-11430, 37-20570, 37-20571, 37-20574,
) 37-20577, 37-20578, 37-20581, 37-20584,
) 37-20593, 37-22027, 37-22029, 37-22031,
) 37-22033, 37-22035, 37-22037, 37-22039
) 37-22041

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER 74959

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the *associated* water right(s):

☒ Conditions of Approval

☐ Point of Diversion

☐ Period of Use

☐ Split of Water Right

☐ Place of Use

☐ Nature of Use

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 2/20/09


Signature of IDWR Representative

SUPPORT DATA

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
5/21/96

ON FILE # 37-2658
for all ADRs

CERTIFICATE OF MAILING

I certify that on 2/23, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724

A W Molyneux
Maxine Molyneux
1174 Gannett-Picabo Rd
Bellevue ID 83313

John Molyneux
Kristy Molyneux
10407 Hwy 75
Bellevue ID 83313

Stephen Schmid
Kathryn Schmid
205 9th Ave N
Twin Falls ID 83301



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

February 23, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

A W MOLYNEUX
MAXINE MOLYNEUX
1174 GANNETT PICABO RD
BELLEVUE ID 83313

RE: SRBA Claim(s) 37-2658, 37-4421B, 37-7651, 37-11430,
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Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: John Molyneux
Kristy Molyneux
10407 Hwy 75
Bellevue ID 83313

Stephen Schmid
Kathryn Schmid
205 9th Ave N
Twin Falls ID 83301

10/20/2006

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

RIGHT NUMBER: 37-11430

NAME AND ADDRESS: MAXINE MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE ID 83313

A W MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE ID 83313

JOHN I MOLYNEUX
10407 HWY 75
BELLEVUE ID 83313

KRISTY MOLYNEUX
10407 HWY 75
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

QUANTITY: 2.400 CFS
633.500 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The rights listed below are limited to a total combined diversion rate of 9.24 cfs and to a total combined annual diversion volume of 2068.5 AF.
Combined Right Nos.: 37-2658, 37-4421B, 37-7651, and 37-11430.

The rights listed below are limited to a total combined diversion rate of 27.41 cfs. Combined Right Nos.: 37-2658, 37-4421B, 37-7651, 37-11430, 37-20570, 37-20571, 37-20574, 37-20577, 37-20578, 37-20581, 37-20584, and 37-20593.

PRIORITY DATE: 05/01/1982

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T01N R18E S36 NWNENW Within BLAINE County

T01S R18E S12 NENWNE Within BLAINE County

T01S R18E S12 SWNENW Within BLAINE County

10/20/2006

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

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.400 CFS 633.50 AFY

PLACE OF USE: IRRIGATION Within BLAINE County

T01N R18E S36	NESW	40.00	T01N R18E S36	NWSW	40.00
T01N R18E S36	SWSW	38.00	T01N R18E S36	SESW	39.00
T01S R18E S01 Lot 1	NENE	19.00	T01S R18E S01 Lot 2	NWNE	19.00
T01S R18E S01 Lot 3	NENW	5.00	T01S R18E S01	NESW	20.00
T01S R18E S01	SESW	35.00	T01S R18E S01	NESE	40.00
T01S R18E S01	NWSE	40.00	T01S R18E S01	SWSE	40.00
T01S R18E S01	SESE	39.00	T01S R18E S12	NENE	38.00
T01S R18E S12	NWNE	40.00	T01S R18E S12	NENW	38.00
T01S R18E S12	NWNW	8.00	T01S R18E S12	SWNW	13.00
T01S R18E S12	SENW	40.00			

591 ACRES TOTAL

This right is limited to the irrigation of 181 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 591 acres in a single irrigation season. Combined Right Nos.: 37-2658, 37-4421B, 37-7651, 37-11430, 37-20570, 37-20571, 37-20574, 37-20577, 37-20578, 37-20581, 37-20584, and 37-20593.

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

This right is based upon an enlargement of Right Nos. 37-2658 and 37-7651 pursuant to Section 42-1426, Idaho Code.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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.

10/20/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

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

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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



Idaho Department of Water Resources

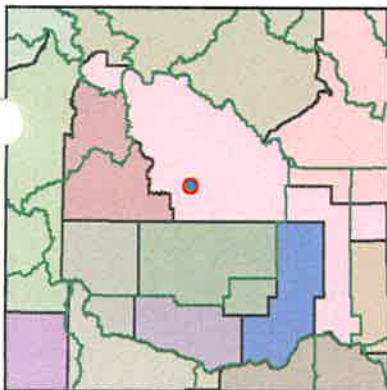
SRBA Recommendation:

37-11430

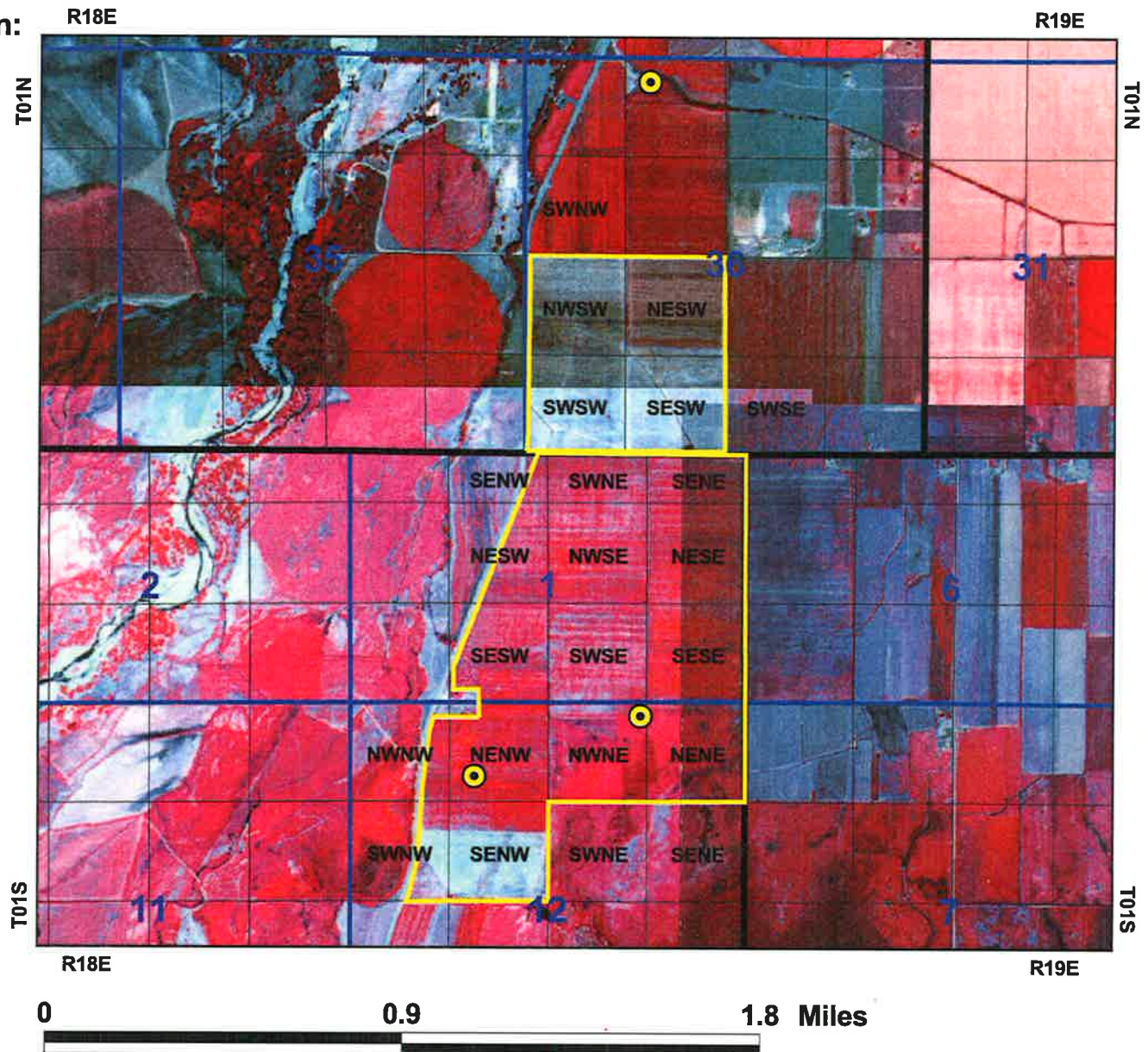
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



Prepared by S. Keen
On Wednesday, October 25, 2006
1987/88 Aerial Photography

Combined Use Limits for Molyneux Rights

<u>Transfer</u>	<u>Rights</u>	<u>Combined Acres</u>	<u>Combined # Rate</u>	<u>Combined Vol.</u>
5563 (GW)	37-2658 37-44218 37-7651 37-11430	591	9.24	2068.5 Diversion Volume
70140 (SW)	37-20570 37-20577 37-20593	396 within 591		1386.0 Field Headgate Vol.
5551 (SW)	37-20571 37-20574 37-20578 37-20581 37-20584	195		682.5 Field Headgate Vol.

* All 12 rights are limited to 591 acres

* All 12 rights are limited to 27.41 cfs, which is the sum of the surface water diversion rates. This comes to about 0.046 cfs per acre

* The four rights from Transfer 5563 are limited to 9.24 cfs + 2068.5.

Combined Limits for Molyneux Rights

- * The 3 rights in Transfer 70140 are limited to 396 acres.
- * The 5 rights in Transfer 5551 are limited to 195 acres.

Note: 396 acre + 195 acres = 591 acres

- * The volumes will not be listed as annual diversion volume limits for the individual surface water rights because the high diversion rates and conveyance loss will result in more than 3.5 AF/acre being diverted annually. Instead, the volumes will be listed in conditions as combined field headgate volumes.
- * The rate for 37-11430 is not additive because it is an enlargement right.

S. Keen
10/20/2006

Idaho Department of Water Resources
Twin Falls, ID 83301

RECEIVED

JUN 09 2005

Department of Water Resources
Southern Region

Water Right No. 37-11430

May 11, 2005

Owner: A. W. Molyneux and Maxine Molyneux
1174 Gannett-Picabo Road
Bellevue, ID 83313

This water right was expanded to use existing well water at a new location for irrigation. New mainline was installed under existing roadway to deliver water to land in Sections 1 and 12 Tp 1S R. 18 E., B.M. in 1982. In 1999 we sold a portion (80 Acres) of property but kept the water from the well for delivery to the above mentioned lands. The property in Sec. 36 Tp1N R. 18 E., B. M. sold to Wilsons, Nachtmans and Keys, was sold without ground water as evidenced by disclaimers contained in the deeds to these individuals. The water has been used annually since 1982, on the remaining portions of Section 36 Tp1N R. 18 E., B.M. and Sections 1 and 12 Tp1S R. 18 E., B.M., owned by us.

Sincerely,

A.W. Molyneux

A. W. Molyneux

Maxine Molyneux

Maxine Molyneux

State of Idaho
County of Blaine

On this 8th day of May, 2005, before me personally appeared A. W. Molyneux and Maxine Molyneux, known to me to be the persons who executed the within instrument, and acknowledged that they executed the same as their free act and deed.

Carolyn Baird
Notary Public

Residing at: *Hailey*

My commission expires: *1/23/2009*



RECEIVED

JUN 09 2005

Department of Water Resources
Southern Region

Idaho Department of Water Resources
Twin Falls, ID 83301

Water Right No. 37-11430

May 11, 2005

Owner: A. W. Molyneux and Maxine Molyneux
1174 Gannett-Picabo Road
Bellevue, ID 83313

I have been a resident of Blaine County all of my life and have been Baseline Canal Ditch rider for 20 years. I have knowledge of A.W. Molyneux and Maxine Molyneux purchasing the "Byington" place, property in Section 36 Tp 1N R. 18 E., B.M. and Sections 1 and 12, Tp 1S R. 18 E., B.M., in 1973 and the "Clark" place, property in Sections 1 and 12, Tp 1S R., 18 E., B.M., in 1982. Mr. & Mrs. Molyneux installed irrigation mainline under the Baseline Road and connected the two places together with the well water.

Molyneux's also transferred well water from Clyde Molyneux property, Dwight Wilson's and Frank Nachtman's property, all in Section 36 Tp 1N R., 18 E., B.M., when it was sold in 1999.

Sincerely,

William Sherbine

William Sherbine

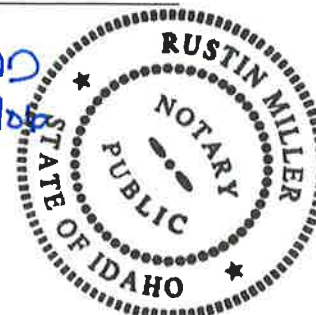
State of Idaho
County of Blaine

On this 22 day of May, 2005, before me personally appeared William Sherbine, known to me to be the person who executed the within instrument and acknowledged that he executed the same as his free act and deed.

Rustin Miller
Notary Public

Residing at: *Bethley ID*

My Commission expires: *12/26/08*



Idaho Department of Water Resources
Twin Falls, ID 83301

RECEIVED

JUN 09 2005

Department of Water Resources
Southern Region

Water Right No. 37-11430

May 11, 2005

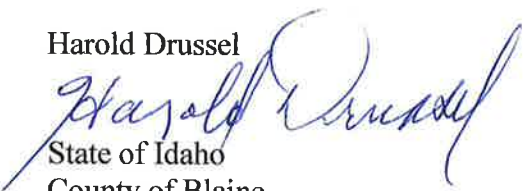
Owner: A. W. Molyneux and Maxine Molyneux
1174 Gannett-Picabo Road
Bellevue, ID 83313

I have lived in Blaine County on Baseline Road for most of my life and during the time A. W. Molyneux and Maxine Molyneux bought the "Byington" property in Section 36, Tp1N R., 18 E., B.M., and Sections 1 and 12 Tp 1S R., 18 E., B.M., in 1973 and the "Clark" property in Sections 1 and 12 Tp 1S R., 18 E., B.M., in 1982.

In 1982 I observed Molyneuxs installing an irrigation pipe under the Baseline Road to irrigate the Clark place with water from the mainline on the Byington place. They have been irrigating with this system ever since.

Sincerely

Harold Drussel


State of Idaho
County of Blaine

On this 25 day of May, 2005, before me personally appeared Harold Drussel, known to me to be the person who executed the within instrument and acknowledged that he executed the same as his free act and deed.


Notary Public
Residing at: Hailey
My commission expires: 6/23/2011





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, P.E.
Water Rights Supervisor

Enclosures

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE

August 29, 1997 4:07pm

CUSTOMER

Stankey, Rob

SUBJECT: 37-02658,-04421,-07651 & A37-11430

phone call (.) walk-in (x)

Printed profile reports for all the above claims.