

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 37-20372

Date Received: 2/8/01

Receipt No:

Received By:

SO 23611

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CATHERINE M LEWIS Phone: (208)522-9423
3774 S 5TH W
IDAHO FALLS ID USA 83404

LEROY LEWIS Phone: (208)522-9423
3774 S 5TH WEST
IDAHO FALLS ID USA 83404

788-8063
Leroy
8:00-5:00
208-526-3295

2. Date of Priority: 04/15/1989

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	26	SE SE SW	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:

0.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	18E	26	SE	SW	STOCKWATER	
			SE	SW	DOMESTIC	

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:

SEE BELOW

14. Remarks:

ALSO HAS DECREED IRRIGATION RIGHT FOR 90 INCHES PRIORITY DATE 4-3-1884 AND ADDITIONAL DOMESTIC CLAIM 37-11346 ON ADJOINING PROPERTY, DIFFERENT HOME. WATER FROM THE POINT OF DIVERSION DESCRIBED IN THIS CLAIM 37-20372 HAS ALSO TEMPORARILY BEEN USED TO PROVIDE DOMESTIC WATER TO THE PLACE OF USE DESCRIBED IN 37-11346 UNTIL THAT DOMESTIC WELL REPAIRED.

15. Basis of Claim: Beneficial Use

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

RECEIVED
FEB 05 2001
Department of Water Resources
Southern Region

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. 37-20372
Date Received 2-8-2001
Receipt Number 5023611

**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

Please type or print clearly

1. Name of Claimant (s) Leroy and Catherine Lewis Phone (208) 522-9423

Mailing Address 3774 S. 5th W., Idaho Falls, ID Zip 83404

2. Date of Priority (Only one per claim) April 15, 1988 ~~1989~~ Month/Day/Year

3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____

which is tributary to (b) _____ Name or kind of source

4. Location of point of diversion is: Township 2N Range 18E

Section 26, SE 1/4 of SW ~~SW~~ SE 1/4 of SW 1/4, Govt. Lot _____, BM.,

County of Blaine U/A SEE LETTER-ACCOMPANIED 2-2-2001

Additional points of diversion if any: N/A

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. N/A

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

For Domestic purposes from Jan. 1 to Dec. 31 amount 0.04 (cfs)

For Stockwater purposes from Jan. 1 to Dec. 31 amount 0.02 (Both dates are inclusive)

7. Total quantity claimed 0.06 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) One house, and/or 10 horses and/or 10 Cows

10. Place of use is: Township: 2N Range 18E
Section 26, SE 1/4 of SW 1/4, Govt. Lot _____, B.M.,

County of Blaine for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any N/A

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

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.

Domestic/stockwater (37-11346), Irrigation Water (decree pending) 90 inches

14. Remarks: Priority date: April 3, 1884

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 None

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

Signature of Claimant (s) [Signature] Date Feb. 2, 2001
Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, Title _____ that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____ }
County of _____ } SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Last Name LEWIS Ident No. 37-20372
Copies: White-State, Yellow-Claimant

12/08/2006

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

RIGHT NUMBER: 37-20372
NAME AND ADDRESS: CATHERINE M LEWIS
3774 S 5TH W
IDAHO FALLS ID 83404

LEROY C LEWIS
3774 S 5TH W
IDAHO FALLS ID 83404

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.060 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.
PRIORITY DATE: 04/15/1989
POINT OF DIVERSION:

T02N R18E S26 SESESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: STOCKWATER in BLAINE County
T02N R18E S26 SESW
DOMESTIC in BLAINE County
T02N R18E S26 SESW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

12/8/06

Leroy C. Lewis
3774 S 5th W
Idaho Falls Id 83404

RE: Snake River Basin Adjudication claim 37-20372

Dear Mr. Lewis,

In our meeting at Sun Valley earlier this week, you requested to amend Snake River Basin Adjudication (SRBA) claim 37-20372 to include domestic and stockwater use in NENW Section 35. A search of our database indicates that the domestic and stockwater use in NENW Section 35 is already partially decreed as water right 37-11346 (attached). Since the domestic and stockwater use in NENW Section 35 is already decreed, it cannot be decreed again in 37-20372. Your most straightforward option is to file a transfer for water right 37-11346 to change the point of diversion to the well in SESW Section 26. Please contact or visit the Twin Falls IDWR office (208-736-3033) to initiate the transfer process.

In reviewing the recommendation for SRBA claim 37-20372, I noticed that I incorrectly had the domestic place of use in NENW Section 35. I have updated preliminary recommendation for 37-20372 (attached) so the domestic POU is located in SESW Section 26.

We discussed some modifications to the irrigation place of use and diversion rate for SRBA claim 37-311 during our meeting at Sun Valley. I have made notes in the claim file about our discussion, but I will wait to make the proposed changes to the preliminary recommendation until you have submitted the two narratives describing how your property was historically irrigated.

Feel free to contact me at (208) 287-4937 if you have any questions.

Sincerely,

Matt Anders
GIS Specialist – Snake River Basin Adjudication

12/08/2006

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

RIGHT NUMBER: 37-20372

NAME AND ADDRESS: CATHERINE M LEWIS
3774 S 5TH W
IDAHO FALLS ID 83404

LEROY C LEWIS
3774 S 5TH W
IDAHO FALLS ID 83404

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/15/1989

POINT OF DIVERSION:

T02N R18E S26 SESESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: STOCKWATER in BLAINE County

T02N R18E S26 SESW

DOMESTIC in BLAINE County

T02N R18E S26 SESW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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.

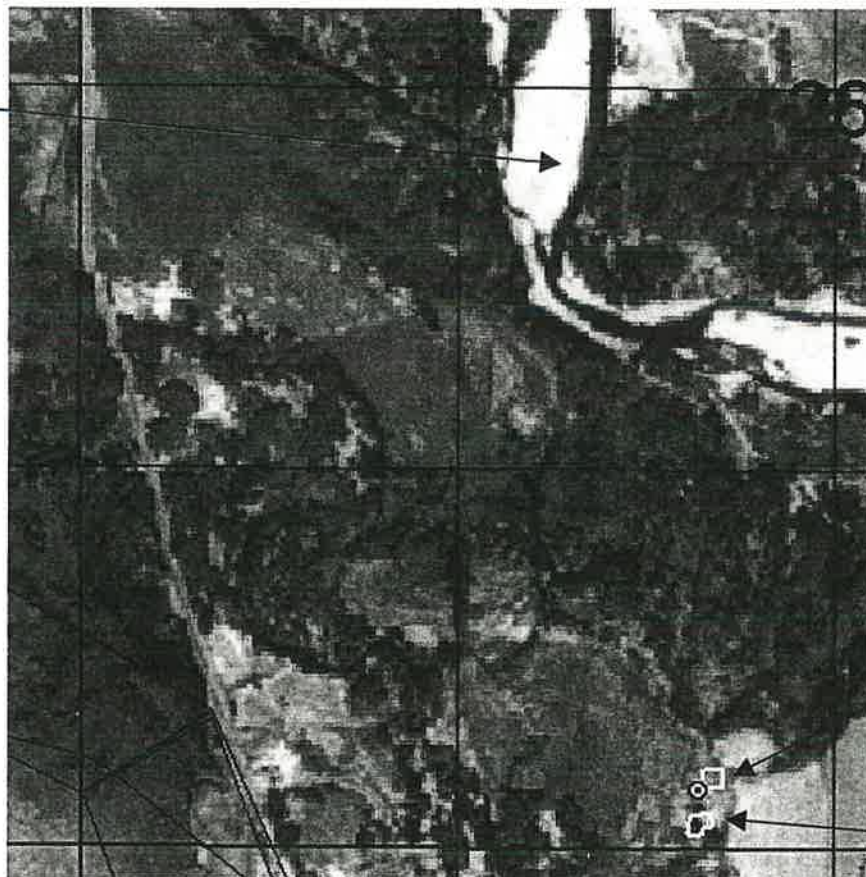
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Place Of Use Data – 37-20372

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.

1987 Aerial Photo

Big Wood
River



Domestic
Place of Use

Stockwater
Place of Use

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-11346

NAME AND ADDRESS: CATHERINE M LEWIS
LEROY C LEWIS
3774 S 5TH W
IDAHO FALLS, ID 83402

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 08/01/1900

POINT OF DIVERSION: T02N R18E S35 NENENW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOUSE	01-01 TO 12-31	0.04 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Blaine County
	T02N R18E S35	NENW	
	Domestic		Within Blaine County
	T02N R18E S35	NENW	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

Adjudication Claim Notes

Claim(s): 37-20372

Background Data

- Beneficial Use claim for domestic and stockwater
- Source is groundwater
- Claimed for 0.06 cfs

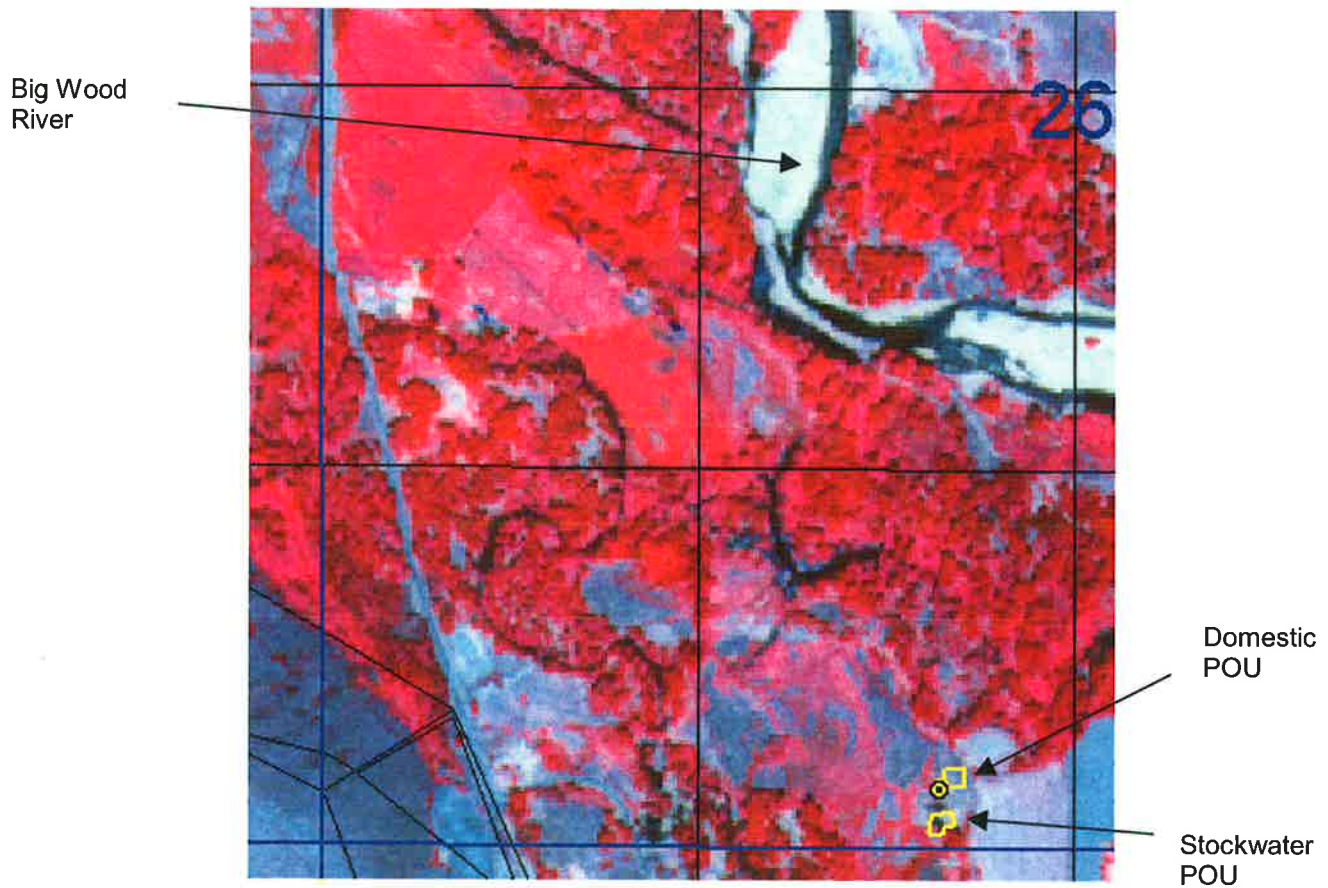
Place Of Use Data

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



POD GPS's by Lee Peterson during field exam.

Location: 2477441 1363297

Plate: A0016272

Photo #: none

Notes

- 12/4/06 – Met with Leroy Lewis at the public meeting in Sun Valley.
 - Mr. Lewis said Catherine Lewis is deceased and should be removed from the claim.
 - Mr. Lewis said that he had two houses and two stockwater uses on his property
 - 1 house and stockwater in SESW Section 26
 - 1 house and stockwater in NENW Section 35
 - 37-20372 is only for the 1 house and stockwater in SESW Section 26. He was not sure why the house and stockwater in NENW Section 35 were not on this claim.
 - Mr. Lewis said that the well for the 1 house and stockwater in NENW Section 35 failed and he connected them to his well SESW Section 26. He would like to amend 37-20372 to add the house and stockwater in NENW Section 35.
- 12/8/06 – In the notes in claim for 37-20372, Mr. Lewis indicated he also had claim 37-11346 for the house and stockwater in NENW Section 35. I checked the database and found that 37-11346 has been partially decreed for domestic and stockwater in NENW Section 35. Since there is already a water right for the domestic and stockwater in NENW Section 35, this water cannot be decreed again in 37-20372. I sent Mr. Lewis a letter stating this and suggesting that he needs to transfer the POD for 37-11346 to the well in SESW Section 26.
- 12/8/06 – Noticed that I incorrectly had the domestic POU for 37-20372 in NENW Section 35. Updated recommendation so the domestic POU is located in SESW Section 26.

11/29/2006

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: 12/15/2006

Water right number: 37-20372

CATHERINE M LEWIS
3774 S 5TH W
IDAHO FALLS ID 83404
Telephone Number: (208)522-9423

LEROY C LEWIS
3774 S 5TH W
IDAHO FALLS ID 83404
Telephone Number: (208)522-9423

Remove Deceased (5/22/03)

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:

Note that two houses, from single well on SE5W sec 25
~~noted~~ and Lot 1 in Sect 25 - Increase diversion
rate for 2 houses

3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 12/4/06

SIGNATURE:

Please print your name:

Leroy Lewis

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

12/8/06 - M. Anders

- no amended claim sent. See letter 12/8/06

File No.
37-20372-00311

Owner [Dead]
Leroy & Catherine Lewis
3774 S 5th W
Idaho Falls

Property: 377 Broadford Rd
Bellevue

Date
8/2/05

I went up this morning and met Leroy at his home on Broadford road to review his two files and the photo [red-blue] needs correction. Leroy said he has at least 45 acres and maybe more as marked on photo. The area sold and bought are a close trade in acreage both are marked in black on photo. The acreage found of 12 acres are very much short and the place of use is partial, the area in yellow are part of the hay ground, house and sheds.

The domestic and stock water POD is not correct, the pump is further south [see photo] but the place of use is somewhat correct for the house and corrals. This photo shows use of both rights 20372 & 311.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Broadford Slough	Lewis 1	2477270	1363487	None	1060662
" "	" 2	2477104	1363617	A0011760	663
Lewis Domestic Pump "	3	2477441	1363297	A0016272	None

Lee R. Peterson

Vickie

Feb 2, 2001

I didn't have the instructions for the form so I ran into a couple of questions.

- I wasn't sure if you wanted the legal description to the nearest forty acres or to the nearest 10 acres. I put it down to the 40 acre piece but if you need it to the 10 acres it would be the $SE\frac{1}{4}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$ of section 26 of T2N, R18E.

- I didn't know the exact date the well was drilled, but it was in the second week of April and I think that it was earlier than April 15th which was a Saturday. That date is very close.

If you have any questions, I can be reached at (208) 526-3295 from 8:00 to 5:00 during the day.
I did keep a copy of the application.

Sincerely

Gray Davis

3774 S. 5th W.

Idaho Falls, ID 83404

RECEIVED

FEB 05 2001

Department of Water Resources
Southern Region

Idaho Department of Water Resources Receipt

Receipt ID S023611

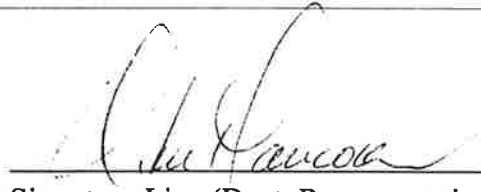
Payment Amount	\$25.00	Date Received	2/8/01 12:56:59 PM	Region	Southern	Status	
Payment Type	Check	Check Number	8380				

Payer LEWIS, LEROY OR CATHERINE

Comment CLAIM 37-20372, DOMESIC AND STOCKWATER

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	ADJUDICATION FILING FEE	0337		44503	1155


Signature Line (Dept. Representative)