

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 37-20578
Date Received: 10/26/2001
Receipt No:
Received By:

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

1. Name of Claimant(s)

A W MOLYNEUX Phone: (208)788-2552

1174 GANNETT PICABO RD
BELLEVUE ID USA 83313

MAXINE MOLYNEUX Phone: (208)788-2552

1174 GANNETT PICABO RD
BELLEVUE ID USA 83313

2. Date of Priority: 05/31/1887

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	18E	12	SW SE SW	BLAINE	

5. Description of diverting works:

VIA BYPASS CANAL THEN REDIVERTED INTO DITTO & BASELINE CANALS

6. Water is used for the following purposes:

Purpose	From To	C.F.S. (or)	A.F.A
IRRIGATION	04/15 10/15	1.11	438.8

7. Total Quantity Appropriated is:
1.11 C.F.S. and/or 438.8 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	12	NE	NE	IRRIGATION	38
					Section Acres	38
					Total Acres	195

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:

10/29/01, DJ: THIS CLAIM SPLIT FROM 37-11434 AND AMENDED PURSUANT APPROVED TRANSFER #5551 AND OWNERSHIP CHANGE.

THIS CLAIM REPRESENTS A PORTION OF WATER RIGHT NO. 37-105C.

THE PERIOD OF USE FOR THE IRRIGATION DESCRIBED IN THIS APPROVAL MAY BE EXTENDED TO AN ENDING DATE OF 10/31 PROVIDED THAT OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER 10/15 IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE OF THIS APPROVAL.

CLAIMS 37-20571, 37-20574, 37-20578, 37-20581 & 37-20584 WHEN COMBINED SHALL NOT EXCEED A TOTAL ANNUAL MAXIMUM DIVERSION VOLUME OF 682.5 ACRE FEET AT THE FIELD HEADGATE, AND THE IRRIGATION OF 195 ACRES.

15. Basis of Claim: Decreed

COPY

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB 28 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):

- | | |
|---|---|
| ☒ <u>Conditions of Approval</u> | ☐ Split of Water Right |
| ☐ Point of Diversion | ☐ Place of Use |
| ☐ Period 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 44419
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

11/17/2006

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

RIGHT NUMBER: 37-20578

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

MAXINE MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.110 CFS

This right shall not exceed a total annual maximum diversion volume of 438.8 af at the field headgate.

27.41

The rights listed below are limited to a total combined diversion rate of

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.

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Rights 37-20571, 37-20574, 37-20478, 37-20581 and 37-20584 when combined shall not exceed a total annual maximum diversion volume of 682.5 af at the field headgate.

PRIORITY DATE: 05/31/1887

POINT OF DIVERSION:

T01N R18E S12 NWSESW Within BLAINE County

T01N R18E S25 NWSESW Rediversion Within BLAINE County

T01N R18E S25 NESWSW Rediversion Within BLAINE County

This right is measured and administered at the point of rediversion.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.110 CFS

PLACE OF USE:

IRRIGATION in 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 S12	NENE	38.00			

195 ACRES TOTAL

591

The rights listed below are limited to the irrigation of a combined total of

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.

Rights 37-20571, 37-20574, 37-20478, 37-20581 and 37-20584 when

combined shall not exceed the irrigation of 195 acres.

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

11/17/2006

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

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 - Decreed

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

Approval of Transfer 5551 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

The right holder shall cease irrigation of 278 acres previously authorized under Rights 37-00182A, 37-00334E and 37-30011A and consolidate use of water on the remaining 271 acres.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Use of this right is combined with water from Base Line Canal Co.

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

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



Idaho Department of Water Resources

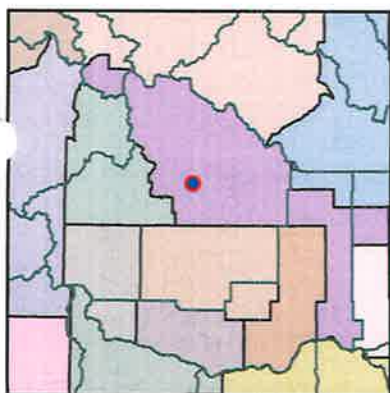
SRBA Recommendation:

37-20578

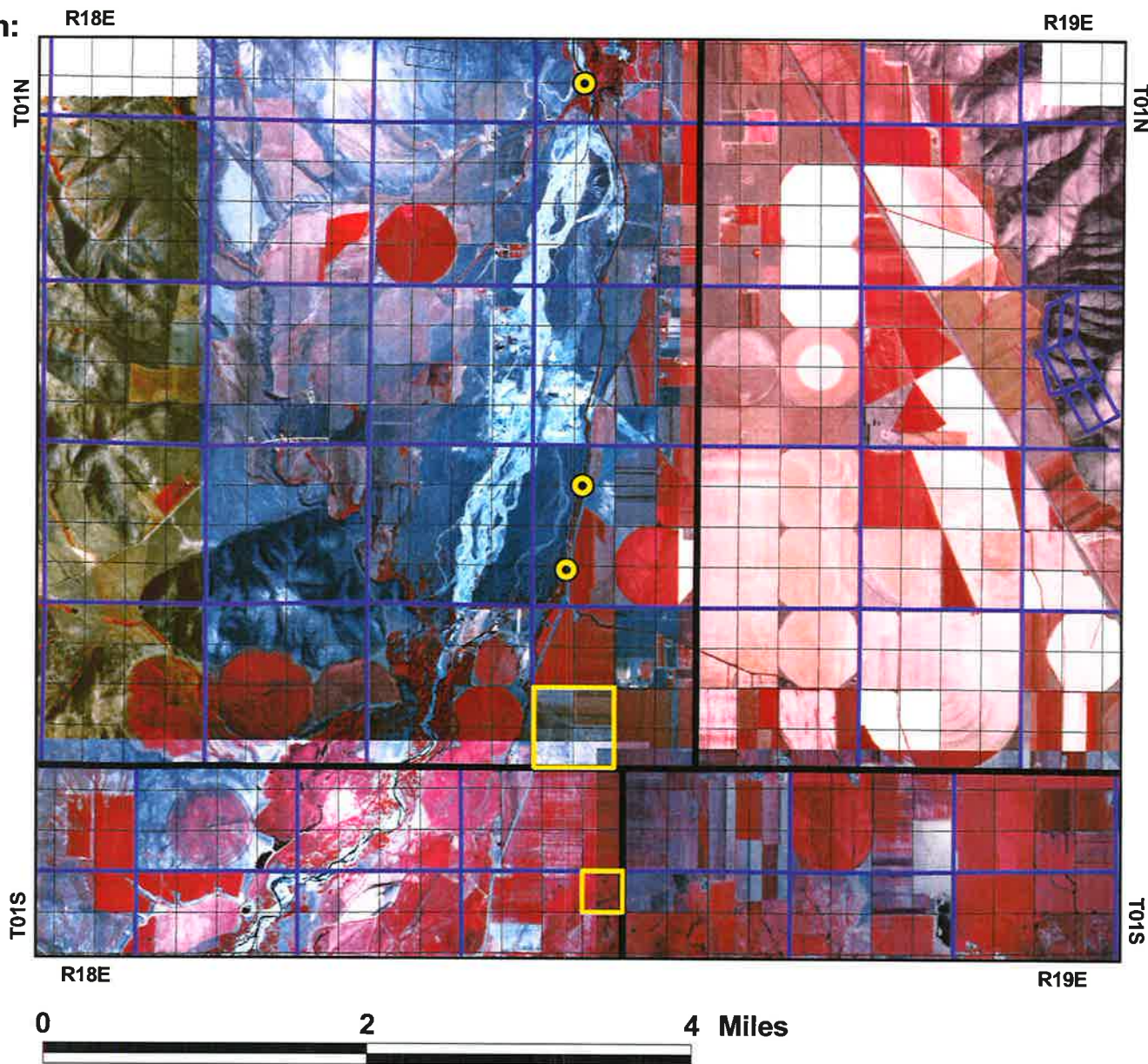
(Irrigation)

Legend

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

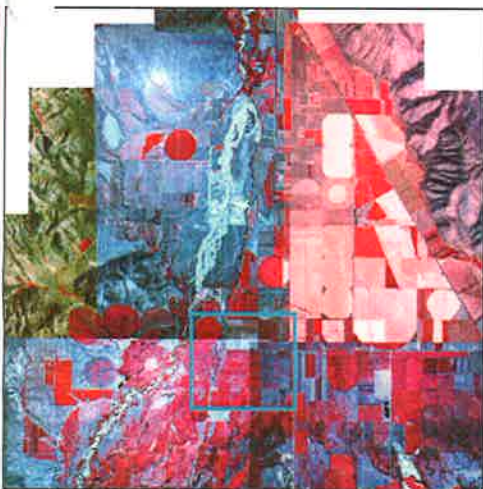


Blaine County
IDWR Basin 37



Prepared by T. Baker
On Saturday, November 18, 2006
1987/88 Aerial Photography

37-20578



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

wR AS
 * 37-883A $\rightarrow$ 37-11433
 3.07 cfs 3.20 cfs
 B+C = 0.13 cfs
 37-20574 2.21 Molyneux
 37-20575 0.18 Keys
 37-20576 0.68 Nachtman
 3.07 cfs

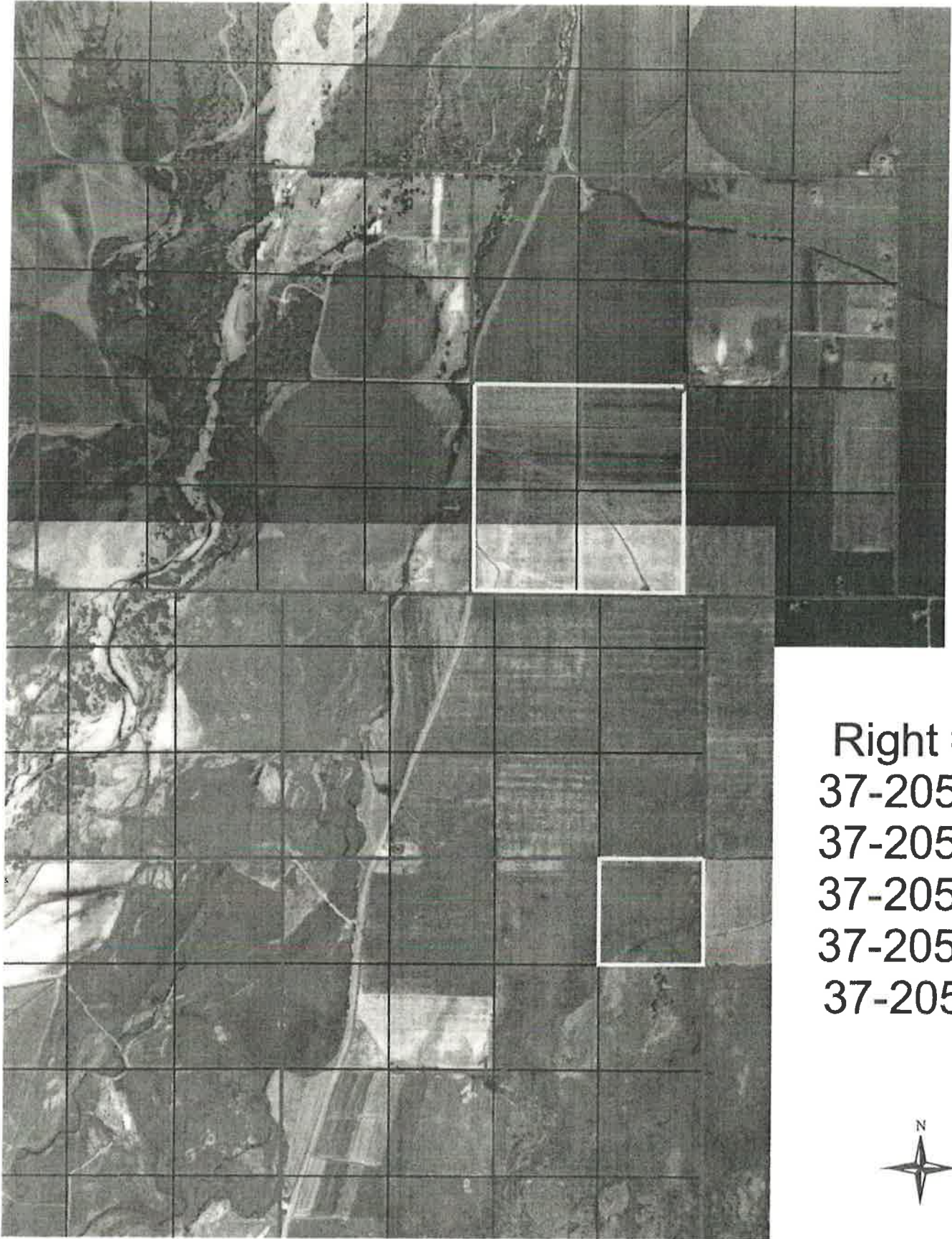
* 37-704G $\rightarrow$ 37-11435
 0.77 cfs 0.80 cfs
 37-20581 0.55 Molyneux
 37-20582 0.05 Keys
 37-20583 0.17 Nachtman
 0.77 cfs

* 37-106E $\rightarrow$ 37-1143L
 4.61 cfs 6.0 cfs
 37-20584 3.32 Molyneux
 37-20585 0.27 Keys
 37-20586 1.02 Nachtman
 4.61 cfs

* 37-105C $\rightarrow$ 37-11434
 1.54 cfs 11.6 cfs
 37-182A 9.60 cfs
 37-20577 9.60 Molyneux
 37-20578 1.11 Molyneux
 37-20579 0.09 Keys
 37-20580 0.34 Nachtman
 11.14 cfs
 1.54 cfs

* 37-30000J $\rightarrow$ 37-11431
 1.06 cfs 7.884 cfs
 37-20570 6.49 Molyneux
 37-20571 0.77 Molyneux
 37-20572 0.06 Keys
 37-20573 0.23 Nachtman
 7.55 cfs
 1.0 cfs

* = Rights from transfer 5551 6/19/2000



Right #'s
37-20571,
37-20574,
37-20578,
37-20581,
37-20584



T1S R18E S1 & 12
T1N R18E S36

2640 0 2640 Feet

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