

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 37-21409
Date Received:
Receipt No:
Received By:

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

1. Name of Claimant(s)

BLAINE COUNTY SCHOOL DISTRICT #61 Phone: (208)578-5000
118 W BULLION ST
HAILEY ID 83333

2. Date of Priority: 07/27/1972

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	23	SW NE	BLAINE	

5. Description of diverting works:

New well to be drilled, motor, pump, mainline to sprinklers

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	0.19	15

7. Total Quantity Appropriated is:
0.19 C.F.S. and/or 15 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
02N	18E	23	SW	NE	IRRIGATION	7
					Section Acres	7
					Total Acres	7

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

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

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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.

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

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Point of diversion and place of use are located within the grounds of Woodside Elementary School.

After specific notification by the Department, the right holder shall install a suitable measuring device 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.

This right is limited to the irrigation of 5 acres within the place of use described above in a single irrigation season.

15. Basis of Claim: License



Idaho Department of Water Resources

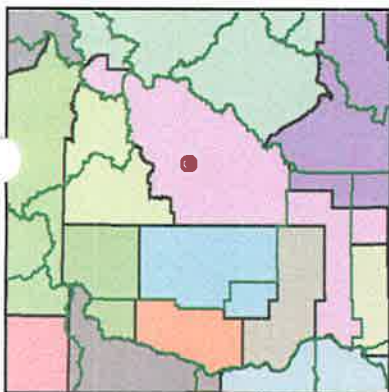
SRBA Recommendation:

37-21409

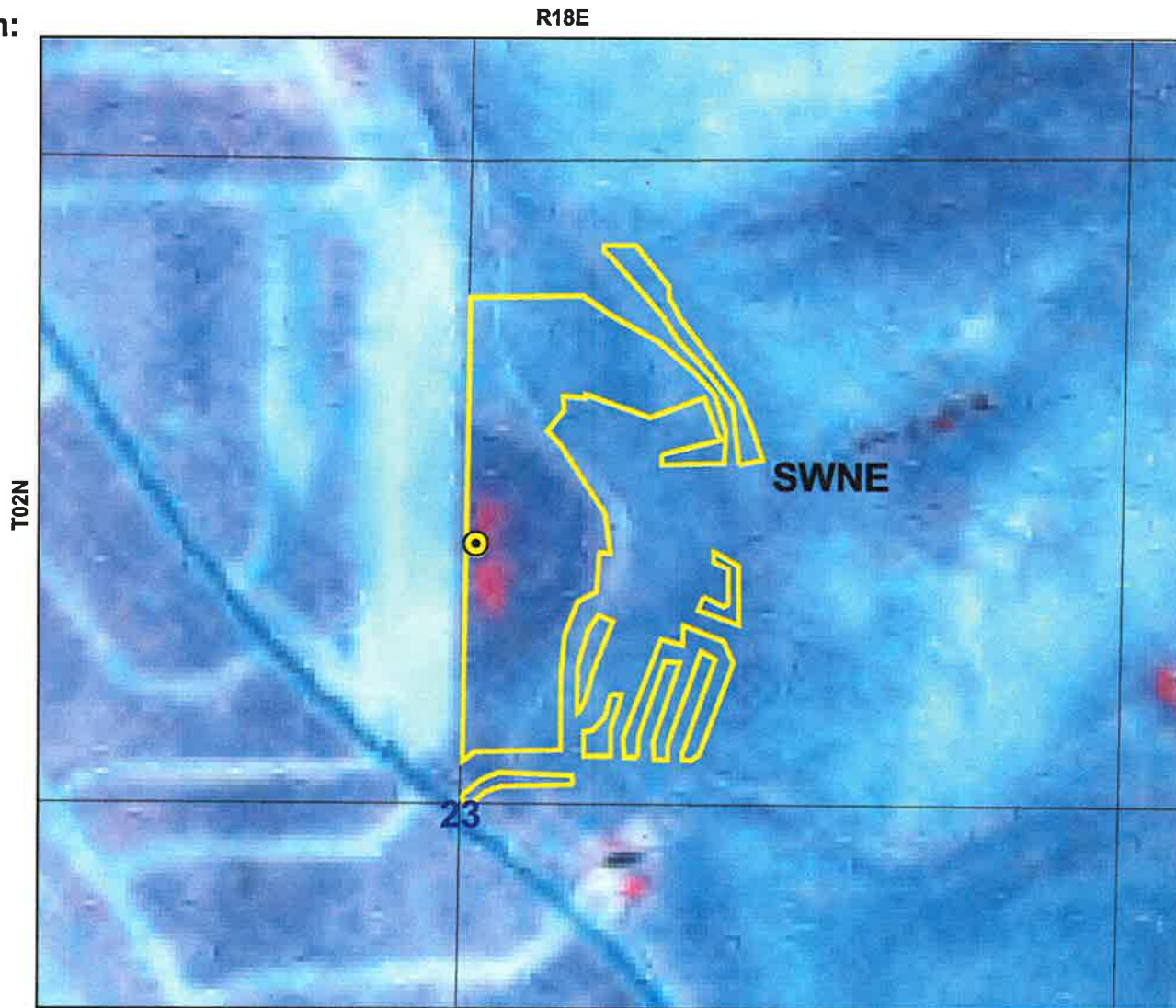
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by E. NORQUES
On Tuesday, October 3, 2006
1987/88 Aerial Photography

01/03/2007

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

RIGHT NUMBER: 37-21409

NAME AND ADDRESS: BLAINE COUNTY SCHOOL DISTRICT #61
118 W BULLION ST
HAILEY ID 83333

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.190 CFS
15.00 AFY

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.

PRIORITY DATE: 07/27/1972

POINT OF DIVERSION: T02N R18E S23 SWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.190 CFS 15.00 AFY

The period of use for the irrigation described in this approval may be
extended to a beginning date of 4/15 provided that beneficial use of the
water can be shown and other elements of the right are not exceeded. The
use of water before 5/1 is subordinate to all water rights having no
subordinated early or late irrigation use and a priority date earlier than the
date of this approval.

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S23 SWNE 7.00
7 ACRES TOTAL

This right is limited to the irrigation of 5 acres within the place of use
described above in a single irrigation season.

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 - License

This right is a split from former right 37-11379.

The right holder shall accomplish the change authorized by Transfer No. 71677 within one year of the date of the approval.

Failure of the right holder to comply with the conditions of Transfer No. 71677 is cause for the Director to rescind approval of the transfer.

After specific notification by the Department, the right holder shall install a suitable measuring device 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.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Point of diversion and place of use are located within the grounds of Woodside Elementary School.



Idaho Department of Water Resources

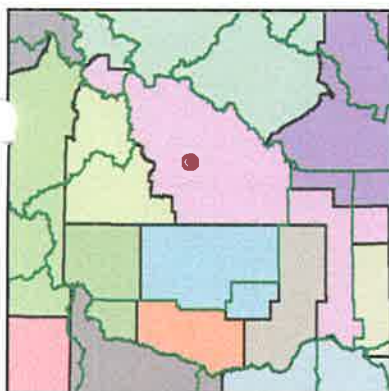
SRBA Recommendation:

37-21409

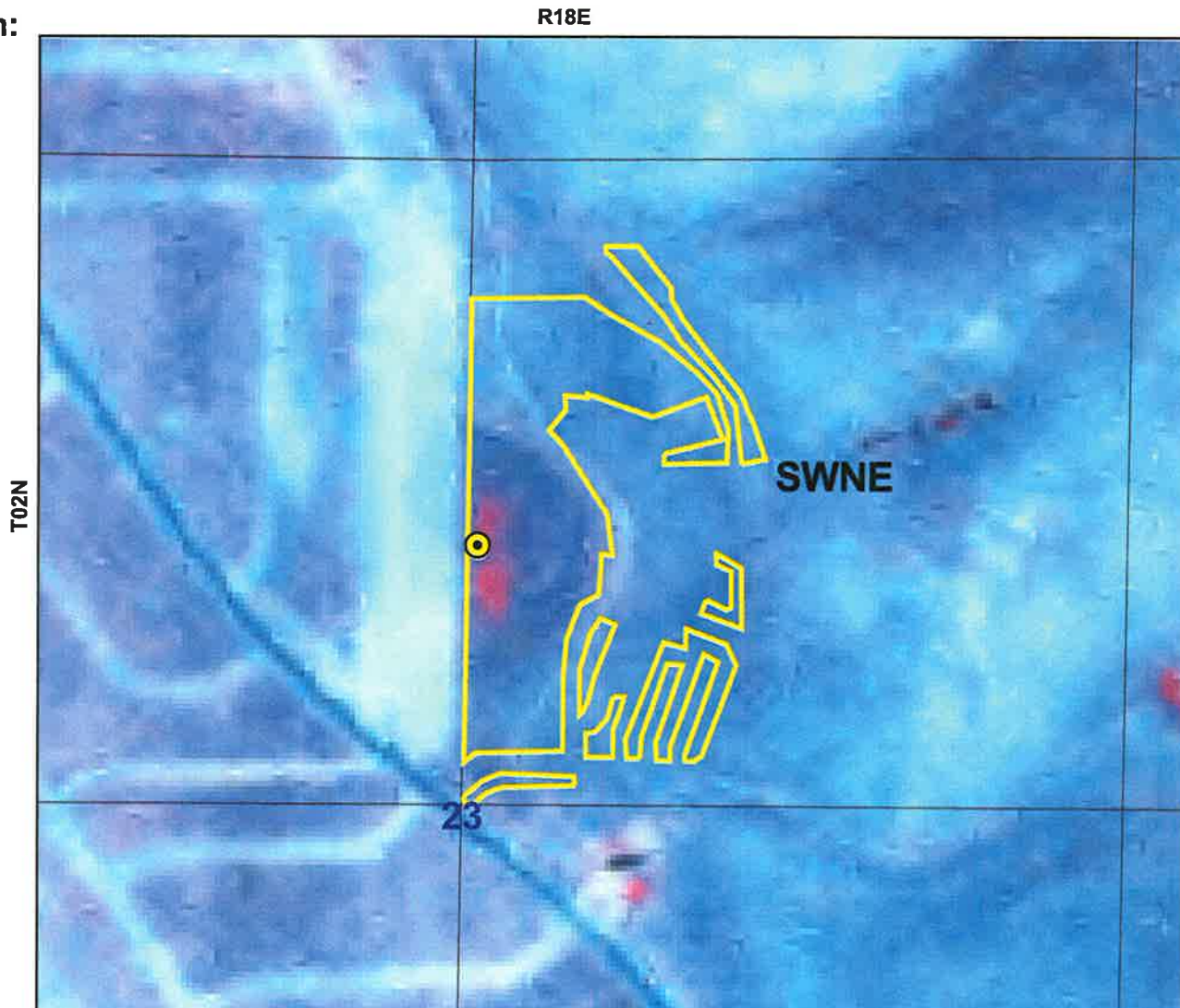
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by E. NORQUES
On Tuesday, October 3, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21409 V1

WATER RIGHT NUMBER: 37-21409 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	SPECK & AANESTAD JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	SHIRLEY J MOORE PO BOX 369 HAILEY, ID 83333 (208)788-2858
Current Owner	BLAINE COUNTY SCHOOL DISTRICT #61 118 W BULLION ST HAILEY, ID 83333
Original Owner	FRANK D MOORE PO BOX 369 HAILEY, ID 83333 (208)788-2858

Priority Date: 07/27/1972

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/31	0.190 CFS	15.00 AF
	<u>Total Diversion:</u>	0.190 CFS	15.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 23, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of UseIRRIGATION Within BLAINE County

T02N R18E S23 SWNE 7.0

Total Acres: 7

Conditions of Approval:

1. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
2. X27 This right is limited to the irrigation of 5 acres within the place of use described above in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21409 V1

3. C18 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.
4. P21 This right is a split from former right 37-11379.
5. T07 The right holder shall accomplish the change authorized by Transfer No. 71677 within one year of the date of the approval.
6. T08 Failure of the right holder to comply with the conditions of Transfer No. 71677 is cause for the Director to rescind approval of the transfer.
7. 01M After specific notification by the Department, the right holder shall install a suitable measuring device 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.
8. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. R59 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.
10. X59 Point of diversion and place of use are located within the grounds of Woodside Elementary School.

Remarks:Comments:

1. skeen 9/28/2006 Priority Date

Comment: Licensed Rights 37-7110 and 37-7152 were claimed together on Claim 37-11379 with the priority date of the junior of the two licenses.

2. skeen 9/29/2006 Place of Use Shape

Comment: To create the place of use shape, I relied on the 2006 NAIP aerial photography, which showed about 5.9 irrigated acres on the school district parcel, and on a diagram of the proposed irrigated area from water right file 37-21177. The main difference between the irrigated land on the aerial image and the irrigated area on the diagram is in the field north of the school building.

3. Vmusic 1/3/2007 BASIS OF RECOMMENDATION

Comment: TRANSFER NO. 71677 SPLIT 37-11379 INTO 37-21408 AND 37-21409. RECOMMENDED AS TRANSFERRED.

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	9/28/2006 2:31:36 PM	skeen			Active
Priority Date	9/28/2006 2:35:50 PM	skeen			Active
POD	9/29/2006 3:43:55 PM	skeen			Active
Source	9/29/2006 3:44:10 PM	skeen			Active
POU	9/29/2006 4:19:58 PM	skeen			Active
Use	9/29/2006 4:20:14 PM	skeen			Active
Season	9/29/2006 4:21:53 PM	skeen			Active
Quantity	9/29/2006 4:36:43 PM	skeen			Active
Summary			09/29/2006	skeen	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-21409 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	9/29/2006 3:56:24 PM	skeen	Edited shape boundary
POU	9/29/2006 4:04:43 PM	skeen	Edited shape boundary
POU	9/29/2006 4:03:51 PM	skeen	Edited shape boundary
POU	9/29/2006 4:19:58 PM	skeen	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	9/29/2006 4:20:14 PM	skeen	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POD	9/29/2006 3:43:56 PM	skeen	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	9/29/2006 3:44:11 PM	skeen	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	9/29/2006 3:52:27 PM	skeen	Updated shape for Active POU
POD	9/29/2006 3:42:42 PM	skeen	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21409 V1

Summary	9/29/2006 4:46:14 PM	skeen	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Season	9/29/2006 4:21:53 PM	skeen	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	9/29/2006 4:36:43 PM	skeen	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - Licenses 37-7110 and 37-7152 were issued for 3.0 af/acre. 5 acres * 3.0 af/acre = 15 af.
Contacts	9/28/2006 2:31:36 PM	skeen	(No) 1. Do you want to schedule an appointment? Comment for 1: There is sufficient information in the water right files for 37-7110, 37-7152, 37-11379, and 37-21409 to recommend this right.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21409 V1

General

9/28/2006 2:35:50 PM

skeen

(No) 1. Should this water use have been included in a later court decree of the water rights from this source?

(Yes) 4. Is the basis of claim decree or license?

(Yes) 5. Does the decree or license have a Priority Date?

(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?

(Yes) 15. Is the basis of claim coded correctly?

(No) 16. Is a Priority Date remark and/or condition required?

Water Supply Bank:

09/29/2006

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

RIGHT NUMBER: 37-21409

NAME AND ADDRESS: BLAINE COUNTY SCHOOL DISTRICT #61
118 W BULLION ST
HAILEY ID 83333

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.190 CFS
15.000 AFY

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.

PRIORITY DATE: 07/27/1972

POINT OF DIVERSION:

T02N R18E S23 SWNE Within BLAINE County

Point of diversion is located within the grounds of Woodside Elementary
School.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.190 CFS 15.00 AFY

The period of use for the irrigation described in this approval may be
extended to a beginning date of 4/15 provided that beneficial use of the
water can be shown and other elements of the right are not exceeded. The
use of water before 5/1 is subordinate to all water rights having no
subordinated early or late irrigation use and a priority date earlier than the
date of this approval.

PLACE OF USE: IRRIGATION Within BLAINE County

T02N R18E S23 SWNE 7.00

7 ACRES TOTAL

This right is limited to the irrigation of 5 acres within the place of use
described above in a single irrigation season.

Place of use is located within the grounds of Woodside Elementary School.

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.

09/29/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

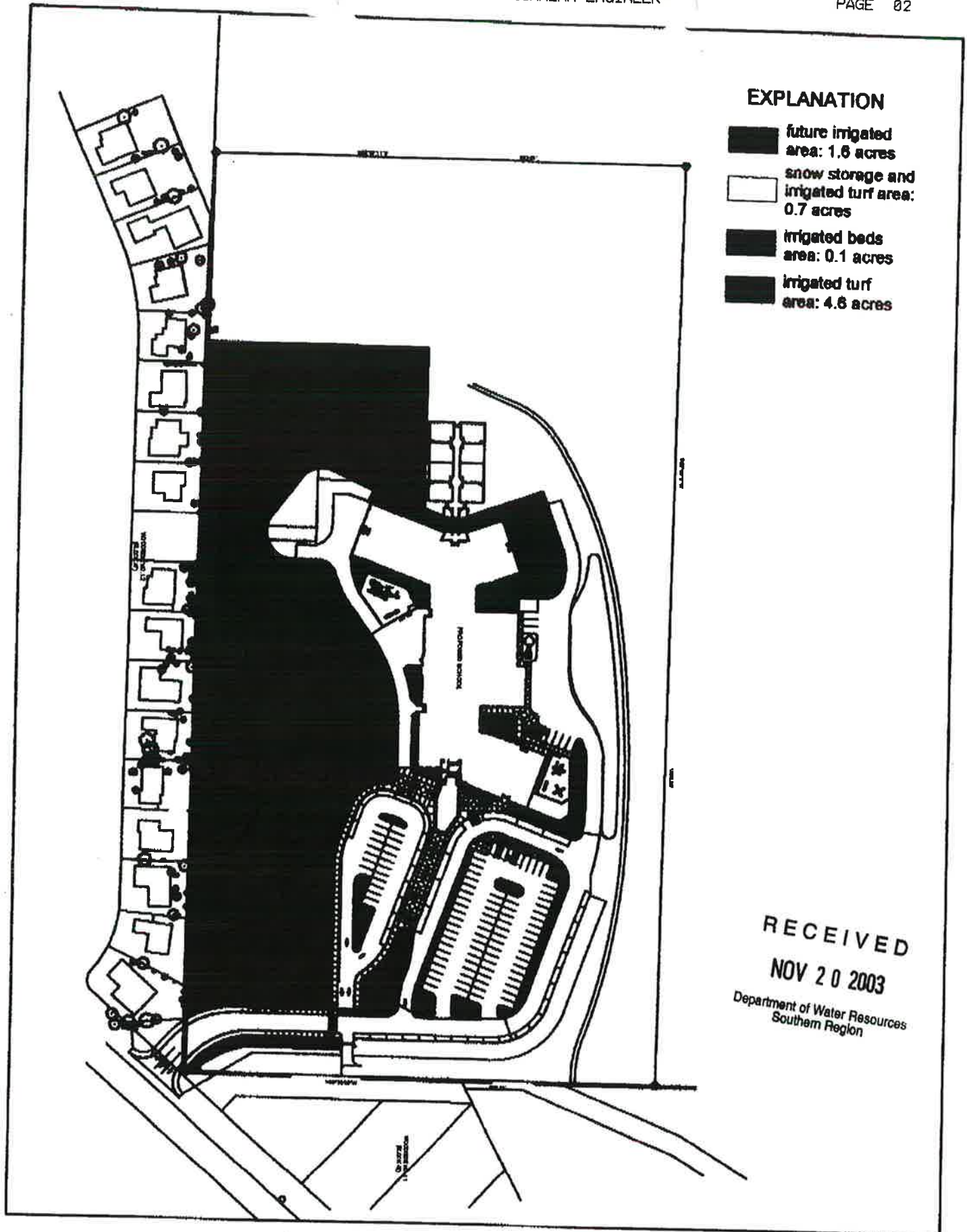
The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. *I #71677*

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. *TH 71677*

After specific notification by the Department, the right holder shall install a suitable measuring device 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.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

split from 37-11379



POU shape for 37-21409. From water right file
37-21177.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71677**

This is to certify that: BLAINE COUNTY SCHOOL DISTRICT #61
118 W BULLION ST
HAILEY ID 83333
(208)5788-5000

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-11379	AJC/License	07/27/1972	0.88 cfs	N/A	N/A	23.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-11379	YES	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-11379	37-21409	0.19 cfs	15.0 af	5.0	7.0	37-21408	0.69 cfs	54.0 af	N/A	18.0
COMBINED										
TOTALS		0.19 cfs	15.0 af	5.0	7.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 14th day of July, 2005



Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 37-11379

WATER RIGHT NO. 37-21409
As Modified by Transfer No. 71677

In accordance with the approval of Transfer No. 71677, Water Right No. 37-21409 is now described as follows.

Right Holder: BLAINE COUNTY SCHOOL DISTRICT #61
 118 W BULLION ST
 HAILEY ID 83333

Priority Date: July 27, 1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/31	0.19 CFS	15.0 AF
			0.19 CFS	15.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNE Sec. 23 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 18E 23			7.0														7.0

Total Acres: 7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 5 acres within the place of use described above in a single irrigation season.
2. 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.
3. After specific notification by the Department, the right holder shall install a suitable measuring device 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.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Point of diversion and place of use are located within the grounds of Woodside Elementary School.

WATER RIGHT NO. 37-21409
As Modified by Transfer No. 71677

CONDITIONS OF APPROVAL

7. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 14th day of July, 2005


Chief, Water Allocation Bureau