

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 37-20878
Date Received: 3/14/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BELLEVUE FARMS LANDOWNERS ASSN Phone:
PO BOX 774
BELLEVUE ID 83313

2. Date of Priority: 06/15/1891

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
02N	18E	36	NE SW NW	BLAINE	

5. Description of diverting works:

VIA DISTRICT CANAL TO DITCHES TO LANDS IRRIGATED.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	5.412	

7. Total Quantity Appropriated is:
5.412 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01N	19E	7	SW	NW	2	IRRIGATION	8
			NW	SW	3	IRRIGATION	35
			SW	SW	4	IRRIGATION	36.3
			NW	SE		IRRIGATION	5
			SW	SE		IRRIGATION	35
			SE	SW		IRRIGATION	31.3
						Section Acres	150.6
01N	19E	18	NW	NE		IRRIGATION	14.1
			NW	NW		IRRIGATION	33.7
			NE	NW		IRRIGATION	28.7
						Section Acres	76.5
						Total Acres	227.1

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:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-20787.

15. Basis of Claim: Decreed

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 37-20787
Date Received: 8/28/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BELLEVUE FARMS LANDOWNERS ASSN Phone:
PO BOX 774
BELLEVUE ID 83313

2. Date of Priority: 06/15/1891

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
02N	18E	36	NE	SW	NW	BLAINE	

5. Description of diverting works:

VIA DISTRICT CANAL TO DITCHES TO LANDS IRRIGATED.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	5.564	

7. Total Quantity Appropriated is:
5.564 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01N	19E	7	SW	NW	2	IRRIGATION	8
			NW	SW	3	IRRIGATION	35
			SW	SW	4	IRRIGATION	36.3
			SE	SW		IRRIGATION	35
			NW	SE		IRRIGATION	5
			SW	SE		IRRIGATION	35
						Section Acres	154.3
01N	19E	18	NW	NE		IRRIGATION	14.1
			NE	NW		IRRIGATION	30
			NW	NW		IRRIGATION	33.7
						Section Acres	77.8
						Total Acres	232.1

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:

8/29/02 tf; this is the remaining portion of Bellevue Farms Landowners Assn claim 37-11928A pursuant to the data entry of six owner changes. See claims 37-20788, -20789, -20790, -20791, -20792 and -20793

15. Basis of Claim: Decreed

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: **A37-11928A**

Date Received: 10/24/1988

Receipt No: X777777

Received By: *[Signature]*

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: BELLEVUE FARMS LANDOWNERS' ASSOC
Address: PO BOX 774
BELLEVUE ID 83313

2. Date of Priority: JUN 15, 1891

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	18E	36	NE	SW	NW		BLAINE

5. Description of diverting works:
VIA DISTRICT CANAL TO DITCHES TO LANDS IRRIGATED.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.447		655.3 <i>HB</i>

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

8. Total consumptive use is ^{655.3}~~656.6~~ Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	19E	7	SW	NW	2	IRR	8.0
			NW	SW	3	IRR	40.0
			SW	SW	4	IRR	40.0
			SE	SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	19E	7	NW	SE		IRR	5.0
			SW	SE		IRR	35.0
Section Acres							168.0
		18	NW	NE		IRR	14.1
			NE	NW		IRR	40.0
			NW	NW	1	IRR	40.0
Section Acres							94.1
Total Acres							262.1

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:

A37-11924 THRU A37-11928 & A37-02557

14. Remarks:

THIS CLAIM IS BASED ON A PORTION OF 37-0480 & 37-0667 COMBINED.

OWNERSHIP CHANGE RESULTED IN SPLIT FROM A37-11928. A37-11928A BELONGS TO BELLEVUE FARMS WITH 6.447 CFS. A37-11928B BELONGS TO MC CARTHY WITH 1.153 CFS. 3/18/96 TLB

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

RECEIVED

(see instructions on back of page)

FEB 10 1996

LEGAL DESCRIPTION OF PROPERTY: Township 1N Range 19E Department of Water Resources
Section 18, NW 1/4 of NE 1/4 of NE 1/4, Govt. Lot , BM. Southern Region
Lot 9, Block, 2, Subdivision/Townsite Bellevue Farms Subdivision
If you have additional legal descriptions, please attach separate sheet. Please see Schedule A, attached.

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s) Assigned by IDWR: Please see Schedule B, attached.
- [] Name and Address of Former Owner/Claimant(s)(Seller): Bellevue Farms Landowners Association
P.O. Box 774
Bellevue, ID 83313
- [] New Owner/Claimant (Purchaser): Susan M. & Michael J. McCarthy
- [] New Mailing Address: P.O. Box 287
Bellevue, ID 83313
- [] New Telephone Number: (208) 726-6951
- [] Does the change in ownership result in a splitting of the water right owned/claimed? xx yes ___ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Please see Schedule C, attached.
- [] Attach proof of ownership, describe proof attached:
- (proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- [] Signature of New Owner/Claimant(s) Susan M. McCarthy Date 1/25/96
M. J. McCarthy Date 1/25/96
- [] Signature of Former Owner/Claimant(s): BELLEVUE FARMS LANDOWNERS ASSOCIATION Date _____
Robert G. Eschew PRESIDENT Date 1/28/96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

1927 v 1928

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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Water Resources
NOV 27 1996

SCHEDULE A

COMPLETE LEGAL DESCRIPTION OF PROPERTY:

1. Lot 9, Block 2 of Bellevue Farms Subdivision	<u>46.87 acres</u>
2. Township 1N - Range 19E	
Section 18 NW1/4 of NE 1/4 of NE 1/4	25.87 acres
Section 18 NE 1/4 of NE 1/4 of NE 1/4	20.00 acres
Section 7 SE 1/4 of SE 1/4 of SE 1/4	<u>1.00 acres</u>
	<u>46.87 acres</u>

NW NE 25.9
NE NE 20.00

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SCHEDULE B

WATER RIGHT NUMBERS ASSIGNED BY IDWR:

Groundwater Right	A37-02557L
Surface Water Right	A37-11924 (37-0577)
Surface Water Right	A37-11925 (37-0664)
Surface Water Right	A37-11926 (37-0298)
Surface Water Right	A37-11927 (37-0666)
Surface Water Right	A37-11928 (37-0480,37-0667)

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SCHEDULE C

PORTION OF WATER RIGHT OWNED BY SUSAN M. & MICHAEL J. MCCARTHY:

Total Groundwater Rights	261 acres
Total Surface Water Rights	309 acres

Lot 9, Block 2 Bellevue Farms	46.87 acres
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Portion of Water Rights applicable (appurtenant) to Lot 9, Block 2 Bellevue Farms:

Groundwater (A37-02557) $(46.87 \div \overset{235}{261}) \times 5.3 \text{ cfs} = \textcircled{.952 \text{ cfs}} .855$

Surface Water(A37-11924) $(46.87 \div 309) \times 5.056 \text{ cfs} = .767 \text{ cfs}$

Surface Water(A37-11925) $(46.87 \div 309) \times .30 \text{ cfs} = .046 \text{ cfs}$

Surface Water(A37-11926) $(46.87 \div 309) \times 3.00 \text{ cfs} = .455 \text{ cfs}$

Surface Water(A37-11927) $(46.87 \div 309) \times .30 \text{ cfs} = .046 \text{ cfs}$

Surface Water(A37-11928) $(46.87 \div 309) \times 7.60 \text{ cfs} = \underline{1.153 \text{ cfs}}$

Total Portion of Surface Water 2.467 cfs

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12/02/2006

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

RIGHT NUMBER: 37-21931

NAME AND ADDRESS: BELLEVUE FARMS LANDOWNERS ASSN
PO BOX 774
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.165 CFS

PRIORITY DATE: 06/15/1891

POINT OF DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.165 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S07 Lot 2 SWNW	0.20	T01N R19E S07 Lot 3 NWSW	2.90
T01N R19E S07 Lot 4 SWSW	4.20	T01N R19E S07 SESW	2.50
T01N R19E S07 SWSE	4.40	T01N R19E S18 NWNE	4.80
T01N R19E S18 NENW	3.70	T01N R19E S18 Lot 1 NWNW	5.00

27.7 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-480 and 37-667.

SUSAN & MICHAEL MCCARTHY
POST OFFICE BOX 287
BELLEVUE, ID 83313
(208) 726-6951

RECEIVED

FEB 13 1996

Department of Water Resources
Southern Region

February 13, 1996

Mr. James E. Stanton, Sr. Water Resources Agent
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301-6105

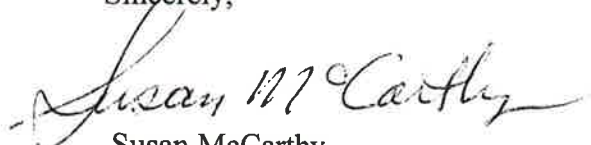
Re: New Property Owner Notice of Change of Water Right Ownership Request

Dear Jim;

Enclose please find a completed Notice of Change of Water Right Ownership form.
Please consider this letter a formal request to process the enclosed form.

If you have any questions please do not hesitate to call me at the above phone number.
Your assistance in this matter is greatly appreciated.

Sincerely,


Susan McCarthy

Enclosure

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

MARCH 19, 1996

SUSAN & MICHAEL MCCARTHY
PO BOX 287
BELLEVUE ID 83313

RE: SRBA CLAIM(S) A37-02557L, A37-11924, A37-11925, A37-11926,
A37-11927, & A37-11928 (SPLIT)
BELLEVUE FARMS

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH
THE ABOVE-REFERENCED ADJUDICATION CLAIM(S). WE HAVE CHANGED THE
DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR
RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS
OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

CC: BELLEVUE FARMS, PO BOX 774, BELLEVUE, ID 83313

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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 Kelly K Christensen

DATE

July 16, 1996 8:49am

CUSTOMER

SUSAN MC CARTHY PHONE 726-6951
FAX 726-1082

SUBJECT: ERRORS IN CLAIMS A37-02557P, A37-11924, A37-11925, A37-11926, A37-11927, A37-11928
phone call (X) walk-in (.)

She noted several data entry errors related to the above claims. In the remarks for A37-11924(B) it references 02557L as the base right. That is a surface water right.

A37-02557P does not show an AFA value. The original right did.

All surface water rights show an AFA value of 115.9. She had calculated that volumn to be 117.17 based upon the split acreage. In remarks for A37-11926B, remarks lists the diversion rate as 4.545, she thought that it should read 2.545.

In A37-11928 remarks list one right as 19928 rather than 11928.

She also noted that on each of the rights the ownership flag is set at 'No'. I asked that she send a letter to this office noting the error and that the department would then update the claims for that problem.

She received a copy of the A suffix rights rather than the B suffix rights. After the corrections (excluding the ownership issue) she would like a copy of each right faxed to her, preferably a profile report.

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MEMORANDUM

TO: Russell &/or Michele Swift-Dion Transfer File (37-02557 Part)
FROM: Corey Skinner *CS*
DATE: September 10, 1996
SUBJECT: Staff Review

The enclosed transfer application, filed by Russell &/or Michele Swift-Dion, seeks to transfer a portion of water right license 37-02557L (SRBA claim A37-02557N). Originally, water right 37-02557 was licensed to divert 5.3 cfs of groundwater for the irrigation of 265.0 acres of farmground a couple of miles southeast of Bellevue (Sections 7 and 18, Township 01 North, Range 19 East).

Since the original license was issued, the place of use for water right 37-02557 has been subdivided into Bellevue Farms Subdivision. In recent years, the department has approved several transfers for individual lot owners within the subdivision to add their own wells to irrigate their own individual lots with their respective portion(s) of 37-02557. This has resulted in several splits of the base right.

The applicants of the enclosed transfer propose to drill a new well to irrigate their lot within the subdivision with their portion of 37-02557. The enclosed transfer application proposes to add a diversion point and split the water right (now 37-02557L & SRBA claim A37-02557N). Since the department has approved, as recently as last year, previous transfers of this nature based on the same water right in the same subdivision, the enclosed transfer should be pretty straightforward. However, there are some issues that complicate the matter.

The subdivision (more specifically Bellevue Farms Landowners Association) has SRBA claims filed on surface water over almost the entire subdivision. The subdivision has the following SRBA claims filed:

A37-11924A	A37-11925A	A37-11926A
A37-11927A	A37-11928A	

These SRBA claims are based on several old decrees, and a total diversion rate of 13.789 cfs has been claimed. The watermaster's 1995 decree book shows Bellevue Farms having portions of the decrees that these SRBA claims are based on. The claimed place of use for all of these claims overlap the place of use involved with the enclosed transfer application.

On August 27th, while in the area, I visited the property

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involved with the enclosed transfer application. I observed that the well licensed under 37-02557 diverts water into a small pond a few feet north of the well. This pond also collects surface water that is delivered from the north (I assume surface water covered under the subdivision's SRBA claims listed in the proceeding paragraph). Water is then diverted from this pond and used to irrigate lands to the east and to the south. An old ditch, runs from the pond to the west, but it is pretty obvious that the ditch has not been used for quite some time. The plat map copy submitted with the transfer application shows the old ditch as a "10' drainage easement". Mel Schulte's 05/15/95 memo (copy attached) and the enclosed sketch and photographs describe the present system.

The lot involved with the enclosed transfer application is west of the well licensed under 37-02557. From what I observed in the field, the only way for water to reach the lot involved with this transfer is through the old ditch west of the well. As can be seen in the attached photos, and the 1987 NAPP photo (437-187 Y 25 NW) the lot involved with this transfer does not appear to have been irrigated for quite some time.

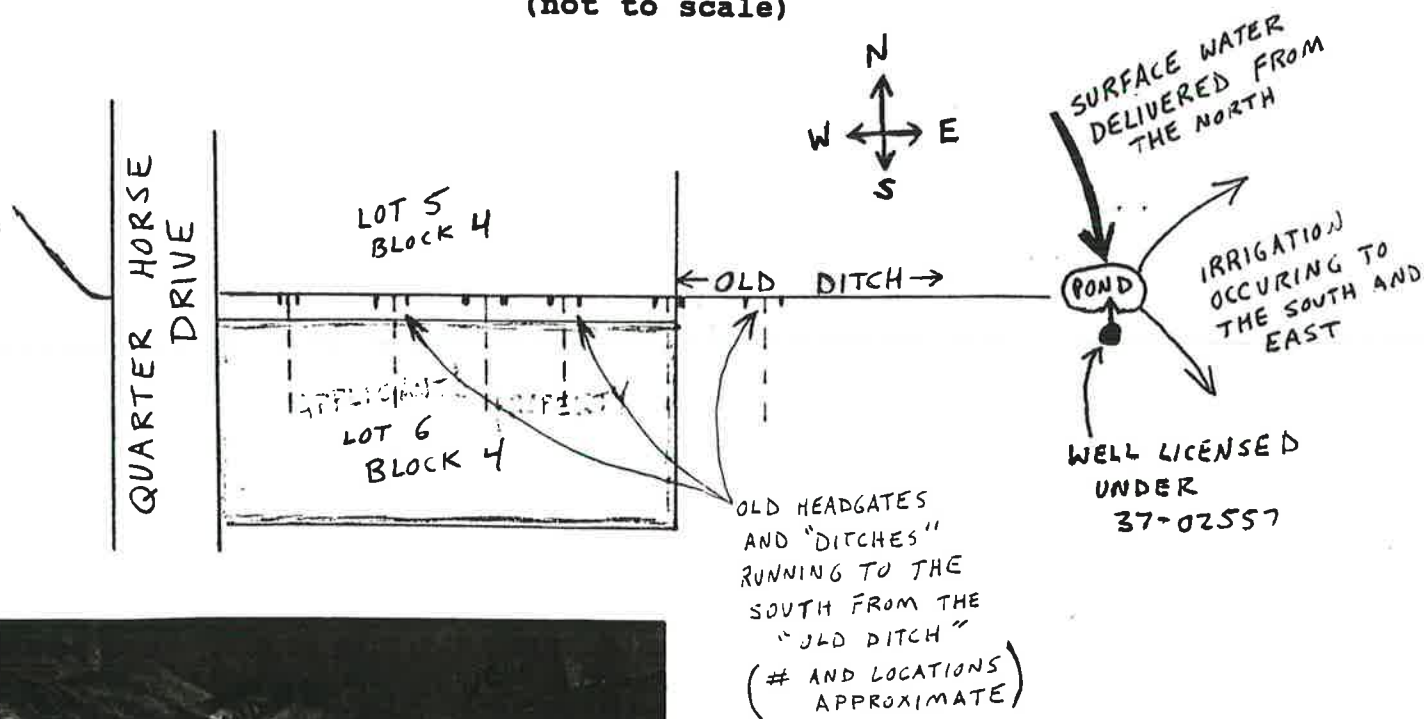
It is obvious that possible partial forfeiture is an issue involved with the enclosed transfer application. My field observations indicate that the lot involved with this transfer has not been irrigated in the recent past with either the groundwater from the well licensed under 37-02577 or with the surface water claimed in the SRBA by the subdivision.

Determining the exact last date that the lot involved with this transfer was actually irrigated would be pretty difficult, and the partial forfeiture issue presently seems to be up in the air. In addition, the department has recently approved (last year) similar transfers in the same subdivision. For these reasons the enclosed transfer could probably be approved.

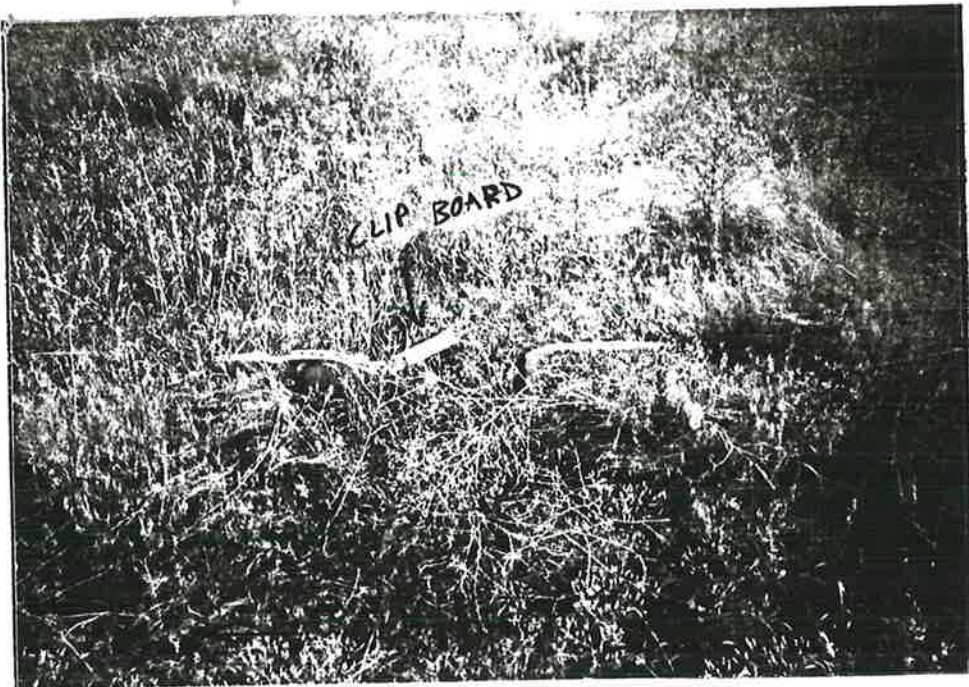
Previous approved transfers off this base right (37-02577) were approved with supplemental use conditions, probably due to the overlapping SRBA surface water claims filed by the subdivision. If this transfer were approved, the applicants would drill their own well and irrigate their lot. The applicant's lot is covered by the remaining base right (37-02577L and SRBA claim A37-02577N) and the subdivision's SRBA surface water claims. However, it does not appear that the applicant's lot is currently irrigated so if the transfer were approved and the applicants drilled a well to irrigate their lot, their well would more than likely be a primary irrigation source.

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SKETCH OF AREA INVOLVED WITH TRANSFER
(not to scale)



View looking up old ditch (indicated by arrows) towards the well licensed under 37-02557 to the east. The old ditch did not appear to have had water ran through it for quite some time. There was some sage growth in a few areas in the bottom of the ditch. In addition, the pond embankment currently prevents the well and surface water from entering the ditch. The concrete and wood structure is an old headgate (appeared abandoned) that delivered water, at one time, from the old ditch to land to the south.



View of one of the headgates that delivered water, at one time, from the old ditch to lands to the south. This photo of this particular headgate was taken to represent a typical sample of the headgates along the south side of the old ditch. A couple of headgates were in slightly worse condition and a couple were in slightly better condition.



View of Lot 6, Block 4, Bellevue Farms Subdivision (the property involved with this transfer application) from Quarter Horse Drive looking towards the east. Note the large sage growth and the general appearance of lack of recent irrigation. The arrow indicates the approximate location of the well licensed under 37-02557, that serves as the current source for the "groundwater use" on Lot 6 (the applicant's property).