

3

Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Query B29 Organization = Union Pacific

<u>Basin Num</u>	<u>Sequence</u>	<u>Split Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority D</u>	<u>Diversion</u>	<u>Source L</u>	<u>Water Use</u>	<u>Owner L</u>	<u>Version N</u>	<u>Source T</u>	<u>Application</u>
29	4329		Beneficial I	Active	1882-09-04		0.6 SQUAW C	MUNICIPAL	UNION PACIFIC RAIL	wr	Adjudication	Claim
29	4330		Beneficial I	Active	7/1/17		0.27 GROUND		MUNICIPAL	OREGON SHORT LIN	wr	Adjudication
29	4331		Beneficial I	Active	7/1/24		0.02 GROUND		INDUSTRIAL	OREGON SHORT LIN	wr	Adjudication
29	4332		Statutory C	Active	5/14/13		0.05 GROUND		INDUSTRIAL	JACK L NELSON (Re)	wr	Adjudication
29	4333		Beneficial I	Active	1882-07-01		0.5 BLASER S	COMMERCIAL	OREGON SHORT LIN	wr	Adjudication	Claim



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 2, 2001

Union Pacific Railroad
1416 Dodge Street
Omaha, Nebraska 68179

Re: Claim 29-4331, Snake River Basin Adjudication

Dear Water User(s):

We are now in the process of reviewing adjudication claims in Administrative Basin 29. Claim filing began a number of years ago, followed by several years of resolving legal issues. We are now in the process reviewing claims in order to make recommendations to the court.

Your claim 29-4331 is based upon a right that was originally developed without a permit or license. This was perfectly legal and appropriate for a long period of time in Idaho's history. In the 1970's or 1980's, a "statutory" claim was filed, but this process did not involve any investigation by the department; claims were simply advertised, then recorded. When the adjudication commenced, a new adjudication claim was filed, based upon the older statutory claim.

Your water right falls in this class. Because of the nature of the statutory claims process and the adjudication claims process, this right has never been investigated nor verified by the department. I've enclosed copies of the adjudication claim and the older statutory claim.

In order to recommend this right, I need you to supply "evidence of priority" and "evidence of beneficial use." The enclosed pamphlet describes some typical sources that may be used. If an affidavit is used, it must clearly show that the person making the affidavit personally observed the water use. The more detail the affidavit gives, indicating dates, circumstances, amounts and details of water use, the better. As I review the documentation provided, my standard will be:

The documentation should tend to indicate that diversion works were in place and had adequate capacity for the claimed use. The documentation should also tend to indicate that water was applied to the claimed beneficial use on the claimed place of use.

Please review these documents, and provide documentation of the historical use of this right. Feel free to call me if you have questions. You should be able to reach me Thursday or Friday mornings.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.
Oregon Short Line Railroad Company

Notice is hereby given that Union Pacific Railroad Company - Lessee
(Name of Claimant)

P. O. Box 1592 Pocatello, Idaho
(Mailing Address)

83204 Telephone No. 236-5514
(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) July 1, 1924

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Ground water tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	
Quantity 0.02 cfs	Use Domestic	Period of Use From 1 - 1	To 12 - 31
Quantity	Use	Period of Use From	To
Quantity	Use	Period of Use From	To
Quantity	Use	Period of Use From	To
Quantity	Use	Period of Use From	To

- (4) 0.02 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW ¼ SW ¼, Sec. 16 Twp. 6 S., Rge. 33 E., B.M., County of Power
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 4½" x 162' deep well with a 1 H.P. submersible pump.

Original well was 94' deep and was drilled an additional 68 ft. in 1943.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	33E	16											X						

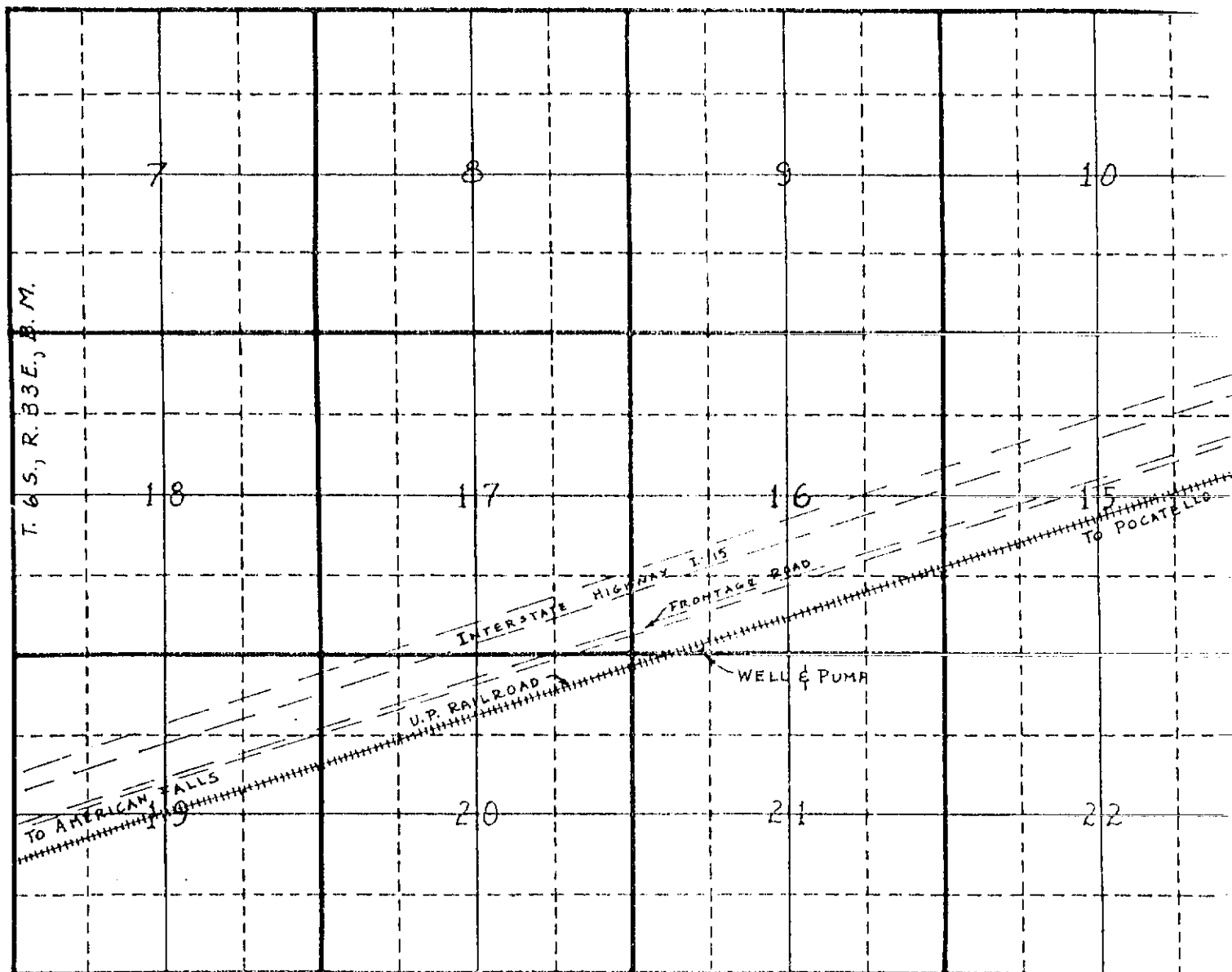
Number of

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Water is used by local maintenance section crew and by the traveling maintenance gangs.

NOTE: Include here the type and number of stock watered.

- (7) If you are claiming water as a member of an organization, list name of organization
Union Pacific Railroad Company

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho Malheur)
County of Boyle) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

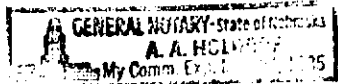
UNION PACIFIC RAILROAD COMPANY

Sworn to before me this

day of

1953

Notary Public
Residing at



My commission expires

FOR DEPARTMENT USE ONLY

Received by HWT Date 4-18-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by HWT Date 4-18-83 claimant by: _____
\$20.00 fee received by to Date 4-18-83
Published in Boyle County News
Dates 4/25 5/25/83

Claim the
microfiche

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

CIVIL CASE NUMBER: 39356

GENERAL ADJUDICATION No. 11, Ident. Number 22-4111
TO THE USE OF WATER FROM THE OF Data Received 2/20/90
RIVER BASIN WATER SYSTEM Receipt Number 4014792

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Print clearly in the following spaces the name of the person claiming the water right, the location of the water right, the amount of water claimed, the purpose for which the water is claimed, and the date when the water right was acquired. If the claimant is a corporation, give the name of the corporation and the name of the person who is the president or manager of the corporation. If the claimant is a partnership, give the name of the partnership and the name of the person who is the partner or manager of the partnership. If the claimant is a trust, give the name of the trust and the name of the person who is the trustee of the trust. If the claimant is a partnership, give the name of the partnership and the name of the person who is the partner or manager of the partnership. If the claimant is a trust, give the name of the trust and the name of the person who is the trustee of the trust. If the claimant is a partnership, give the name of the partnership and the name of the person who is the partner or manager of the partnership. If the claimant is a trust, give the name of the trust and the name of the person who is the trustee of the trust.

1416 Dodge Street, Omaha, Nebraska

Only one (1) per claim July 1, 1924

supply (a) groundwater

point of diversion is Township 5 E., Range 22 E., Section 16

SW 1/4 of 1/4, Gov. Lot 1, B.M., County of Teton

diversion is any:

beginning point of claimed stream flow is

Range Section 16

B.M., County of Teton

Township Range Section 16

Gov. Lot 1, B.M., County of Teton

diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.)

of any changes or enlargements in use, the dimensions of the diversion works as

is enlarged and the depth of each well, and the original well was 24' deep and was

well with a 1 HP submersible pump. Original well was 24' deep and was

total 68 ft. in 1943

FILED IN CASE NO. 39356

Clifford White, Twin Falls, Idaho

25x10



(both dates are inclusive)

(c)(4)

(acre feet)

Industrial purposes from 1-1 to 12-31 amount 0.02 or
 purposes from to amount or
 purposes from to amount or
 purposes from to amount or
 quantity claimed (a) 0.02 (b) and/or (c) (acre feet)
 consumptive use claimed (a) acre feet per annum

ation uses, describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of
Etc.)

Location of place of use:

For each use, indicate acreage in each subdivision in the tabulation below. If a use is for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

[illegible]

Total number of acres irrigated

only (ies) are lands listed above as place of use located? POWELL

The property listed above as place of use? Yes X No

If the property listed above is place of use? Yes No
If No, describe in Remarks below the authority you have to claim this water right.

Other water rights used at the same place and for the same purposes as described above.

or None (x)

ned by local maintenance section crew and by the traveling maintenance gang.

in Pacific

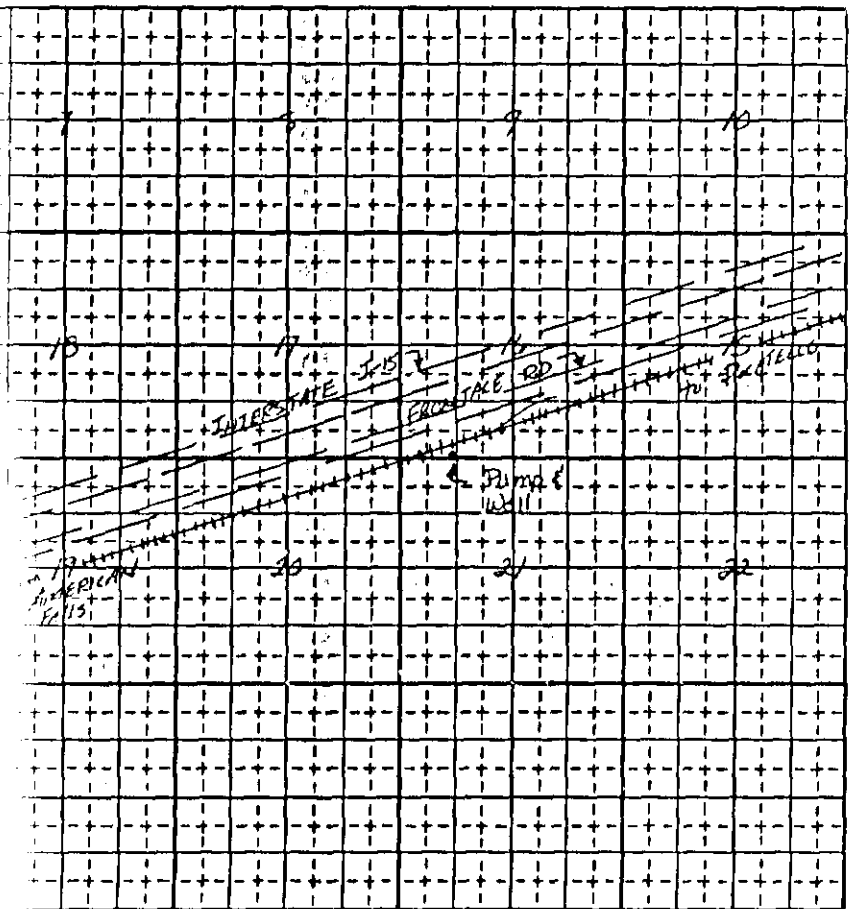
Ident. No. 29-4331

Cycling: Black, Snow, Yellow-Chainmail

25x11

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Union Pacific

Ident No. 29-4331

Colors: White-Black, Yellow-Black

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 29-4331
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 R. or Basin Adjudication." (b.) I/We do _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.
Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Chief Engineer - Design
Title _____
of Union Pacific Railroad Company _____, that I have signed the foregoing
Organization _____
document in the space below as Chief Engineer - Design of UPRR Co.
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

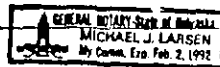
Signature of Authorized Agent J. R. Boman
Title and Organization Chief Engineer - Design/UPRR Co. Date 2/13/90

State of Idaho/or Nebraska } ss.
County of Douglas }

Subscribed and sworn (or affirmed) before me this 13 day of February 19 90

SEAL

Notary Public [Signature]
Residing at Omaha NE
My Commission Expires _____
Please Print Name _____



17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

Case Name Union Pacific Ident. Number 29-4331 Circle White Stamp, Yellow-Claimant

1989

SERRA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME	<u>Union Pacific</u>	CLAIM IDENT. NO.	<u>A29-04331</u>
RECEIVED	<u>2-20-90</u>	AMOUNT \$	<u>492.00</u>
Is the name and address complete with zip code?	<u>5 claims</u>	YES	NO
Is a priority date entered?	<u>✓</u>	Required	Info?
Is the priority date acceptable in view of mandatory filing dates?	<u>✓</u>		
Adjudication Memos #1 and #4 to determine if a Permit is required.	<u>✓</u>		
Is a source entered?	<u>✓</u>		
Is a tributary to entered? (if required)	<u>N/A</u>		
Is the legal description of the p.d. sufficient?	<u>✓</u>		
Is there a description of the diverting works?	<u>✓</u>		
Is the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	<u>✓</u>		
Is the period of use included?	<u>✓</u>		
Is a quantity claimed for each use?	<u>✓</u>		
Is a total quantity claimed entered?	<u>✓</u>		
Is required is a consumptive use entered?	<u>N/A</u>		
Is the consumptive use correct?	<u>N/A</u>		
Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	<u>N/A</u>		
Are the place(s) of use and purpose(s) indicated?	<u>✓</u>		
Are the county(ies) entered?	<u>✓</u>		
Is ownership of p.u. checked?	<u>✓</u>		
Are other water rights listed or "none" indicated?	<u>✓</u>		
Are required, are remarks correct? (If the claimant does not own place of use, authority for filing the claim must be shown in the remarks.)	<u>N/A</u>		
Is basis of the claim indicated?	<u>✓</u>		
Has claimant requested a monthly docket sheet, is payment enclosed? (If not, describe payment status in "Comments" below.)	<u>N/A</u>		
Are claim signed by the claimant, and is the signature appropriate? (Signatures must complete the organization block.)	<u>✓</u>		
Has claim been signed, sealed, and dated by a notary?	<u>✓</u>		
Is claim filed on time, or was an extension granted?	<u>✓</u>		
Is fee enclosed correct?	<u>Exempt</u>		
Is claim is based on an existing water right, has the location number been entered?	<u>N/A</u>		
Is this claim be data entered?	<u>✓</u>		
Claim checked by:	<u>✓</u>	Date:	<u>3-22-91</u>
Claim must be returned to claimant:	<u>(Yes) ✓ (No)</u>		
Claimant must be notified of modifications:	<u>(Yes) ✓ (No)</u>		
Entered by:	<u>5-17-90</u>	Date:	<u>2-24-91</u>
Entered by:	<u>5-17-90</u>	Checked by:	<u>5-17-90</u>
	<u>5-17-90</u>		

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: A29-04331
Date Received: 2/20/1990
Receipt No: C014792
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UNION PACIFIC RAILROAD COMPANY 402-271-3728
Address: 1416 DODGE ST.
OMAHA, NE 68179

2. Date of Priority: JUL 1, 1924

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06S	33E	16	SW SW		POWER

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.020		

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

A.F.A.

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

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	33E	16	SW SW		INDUST	

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? YES

A29-04331

Page

1

Date: 04/08/91

13. Other Water Rights Used:
NONE

14. Remarks:
ITEM 5:
4-1/2" X 162' DEEP WELL WITH A 1 HP SUBMERSIBLE PUMP.
ORIGINAL WELL WAS 94' DEEP AND WAS DRILLED AN ADDITIONAL 68' IN
1943.
WATER IS USED BY LOCAL MAINTENANCE SECTION CREW AND BY THE
TRAVELING MAINTENANCE GANGS.

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 "Now you will receive notice in the Snake River
Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay
a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, 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

Title and Organization

Date

State of Idaho

County of _____

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

UNION PACIFIC RAILROAD COMPANY

ENGINEERING DEPARTMENT



S. J. McLAUGHLIN
Vice President-Engineering
Room 1200
(402) 271-3046

Mailing Address
Room 1200
1415 Dodge Street
Omaha, Nebraska 68102

C. D. Barton
Chief Engineer-M/W East
(402) 271-3182
C. L. Jensen
Chief Engineer-M/W West
(402) 271-3473
J. R. Beran
Chief Engineer-Design
(402) 271-3029
P. M. Abney
Chief Engineer-Signal
(402) 271-3036
K. R. Welch
Chief Engineer-Facilities
(402) 271-4854

February 15, 1990

Drainage & Water;
Idaho: Water Supply

Mr. Forrest E. Luthy
Idaho Department of Water Resources
Adjudication Bureau
Statehouse Mall
Boise, Idaho 83720

RECEIVED
FEB 20 1990

Department of Water Resources

Dear Mr. Luthy:

In connection with the Snake River Basin water rights adjudication, enclosed please find for filing five (5) completed Water Rights Claim forms for water rights owned by Union Pacific Railroad Company in Caribou, Power and Bannock Counties.

The enclosed claims are identified as follows:

(1) Bancroft Spring	-	29-4329
(2) Bancroft Well	-	29-4330
(3) Michaud	-	29-4331
(4) Pocatello Batise Spring	-	29-4334
(5) Blaser	-	29-4333

Also, enclosed is Union Pacific Voucher No. 456935 made payable to the Idaho Department of Water Resources in the amount of \$492.00 to cover the associated filing fees.

If I can be of further assistance to you, please feel free to contact Mr. Jack L. Nelson at (402) 271-2347.

Yours truly,

J. R. Beran

J. R. BERAN
Chief Engineer - Design

b0215e.j1n