

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: A47-14365
Date Received: 1/25/1989
Receipt No: S005890
Received By: RVK

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SERGIO ARROYO 208-543-5678
Address: 3997N 1300E
BUHL, ID 83316

2. Date of Priority: JUN 15, 1941

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	14E	10	NE	NE	NE		TWIN FALLS

5. Description of diverting works:
125'WELL, 1HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.240		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE, S/350 DAIRY COWS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	14E	10	NE	NE		STOCK DOMEST	

A47-14365

Page 1

Date: 01/25/89

MICROFILMED

MAR 15 1993

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
NONE

14. Remarks:

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 "How 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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A47-14365

Date Received

Receipt Number 5005800 24NOTICE OF CLAIM
TO A
WATER RIGHT RECEIVED
JAN 10 1989ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.Department of Water Resources
Southern Region Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) SERGIO ARROYO Phone (208) 543 5678Mailing Address 3997 North 1300 East Zip 833162. Date of Priority (Only one per claim) JUNE 15 1941 Month/Day/Year3. 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 ~~Butt~~ T. 10 S Range 14 ESection 10, NE 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____, BM.,County of TWIN FALLS

Additional points of diversion if any: _____

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. 125' WELL 1 HP PUMP

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

For DOMESTIC purposes from JAN. 1 Month/Day to DEC. 31 Month/Day amount 0.04 (cfs)

(Both dates are inclusive)

For STOCKWATER purposes from JAN. 1 to DEC 31 amount 0.247. Total quantity claimed 0.28 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 HOUSEHOLD STOCKWATER 350 COWS

(DAIRY COWS)

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MAR 15 1993

10. Place of use is: Township: 10 S. Range 14 E
Section 10, NE 1/4 of NE 1/4, Govt. Lot _____, B.M.,

County of TWIN FALLS for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any NONE

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

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.

14. Remarks: _____

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 _____

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

Signature of Claimant (s) Sing & Dwyer Date 1-10-89

Date _____

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 _____ Date _____

Title and Organization _____

State of Idaho/or _____ } SS.

County of Twin Falls }

Subscribed and sworn (or affirmed) before me this 10th day of January 19 89

SEAL

Notary Public Roxanne Storey

Residing at Buhl, Id

My Commission Expires 6-30-94

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant
MAR 15 1993

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1/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Arroyo, Sergio CLAIM IDENT. NO. A47-14365
DATE RECEIVED 1/10/89 CK # 4392 AMOUNT \$ 25

YES NO

1. Is the name and address complete with zip code? ☒ YES ☐ NO
2. Is a priority date entered? ☒ YES ☐ NO
- Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.
3. (a) Is a source entered? ☒ YES ☐ NO
(b) Is a tributary to entered? (if required) ☐ YES ☒ N/A
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO
5. Is there a description of the diverting works? ☒ YES ☐ NO
6. Are 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. ☒ YES ☐ NO
Is the period of use included? ☒ YES ☐ NO
Is a quantity claimed for each use? ☒ YES ☐ NO
7. Is a total quantity claimed entered? ☒ YES ☐ NO
8. If required is a consumptive use entered? ☐ YES ☒ N/A
Is the consumptive use correct? ☐ YES ☒ N/A
9. 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, each household must file a separate claim. See Adjudication Memo # 4. ☒ YES ☐ NO
10. Is (are) the place(s) of use entered? ☒ YES ☐ NO
11. Is (are) the county(ies) entered? ☒ YES ☐ NO
12. Is the ownership of p.u. checked? ☒ YES ☐ NO
13. Are other water rights listed or "none" checked? ☐ YES ☒ NO
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☒ N/A
15. Is the basis of the claim checked? ☒ YES ☐ NO
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) ☒ YES ☐ NO
- Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO
- Is the fee enclosed correct? ☒ YES ☐ NO
- If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☒ N/A
- Should this claim be receipted and data entered? ☒ YES ☐ NO

Claim checked by: JCC

Comments:

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MAR 15 1989

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

01/27/98 16:43:59
Page 1

Water Right Number - R47-14365

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
ARROYO

SERGIO

1 - 3997N 1300E

2 -

3 -

City- BUHL

Phone - 208-543-5678

State- ID Zip- 83316

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/15/1941 ERROR IN REGION J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

10S 14E 10 NE NE NE (83) TWIN FALLS

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

43 - DOMESTIC 01/01 12/31 0.040

04 - STOCKWATER 01/01 12/31 0.240

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.280 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

10S 14E 10 NE NE 04 STOCKWATER (83) TWIN FALLS

10S 14E 10 NE NE 43 DOMESTIC (83) TWIN FALLS

Total Acres:

+ - - Diversion Means - 125'WELL, 1HP PUMP

+ - - Non-Irrigation Use - 1 HOUSE

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +

EXP STOCKWATER 350 DAIRY COWS
PARCEL NO. RP 10S14E100000

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

Water right number - R47-14365

Prefix Translation: RESEARCH

+ - - - - Conditions of Approval - - - - - +

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - - +

01/27/98 SEGBERT

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 01/27/1998	Old Judicial District	-
Claim Received Date	- 01/12/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S005890	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-20-1997

PAGE: A-120

RIGHT NUMBER: 47-14365

NAME & ADDRESS: SERGIO ARROYO
3997N 1300E
BUHL ID 83316

SOURCE: GROUNDWATER

QUANTITY: 0.28 CFS

PRIORITY DATE: 06/15/1941

POINT OF DIVERSION: T10S R14E S10 NENENE Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.24 CFS
	DOMESTIC D/1 HOUSE, S/350 DAIRY CO	01-01 12-31	0.04 CFS

PLACE OF USE:	STOCKWATER	Within TWIN FALLS County
	T10S R14E S10	NENE
	DOMESTIC	Within TWIN FALLS County
	T10S R14E S10	NENE

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RP10S14E100000

Verified by

D. Smith

Date: 9-9-97

Verification Source:

Alpha Index

INFORMATION REQUEST

NAME:

DATE:

ADDRESS:

CITY/ZIP:

PHONE:

(please print)

I HAVE REQUESTED TO REVIEW AND/OR OBTAIN COPIES OF THE FOLLOWING DOCUMENTS ON FILE WITH THE DEPARTMENT OF WATER RESOURCES.

ADJUDICATION
CLAIM NUMBERS

ALLOCATION WATER
RIGHT NUMBERS

OTHER
DOCUMENTS

X

A47-14360

5

X

RESEARCH SUBJECT: 5

Sec 10 T10 R14 NENE - Arroyo, Sergio

See 7 T 10 R 14 Lots 1 & 2 Allison, Theo

COPIES MADE OF:

10 COPIES OR LESS: FREE

NUMBER OF COPIES MADE:

FEES DUE @ \$0.05 PER COPY:

OTHER FEES:

RECEIPT NUMBER:

ASSISTING AGENT:

Lina Petto

(customer signature)

RECEIVED MICROFILMED
DEC 1 1985

JAN 24 1995

DEC 1 1996

**Department of Water Resources
Southern Region**



DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83401 (208) 736-3033

GOVERNOR PHILIP E. BATT

Governor PHILIP E. BATT

R. KEITH HIGGINSON
Director

ORIGINAL

January 10, 1995

A47-14365

SERGIO ARROYO

3997N 1300E

BUHL

ID 83316

~~COPY~~

RE: Evidence of Priority

Dear Claimant:

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

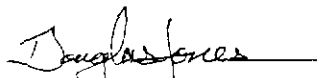
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

January 10, 1995
page 2

notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,



Douglas Jones, P.E.
Water Rights Supervisor

Enc.

MICROFILMED

DEC 1 1996



Governor PHILIP E. BATT

A. KEITH HIGGINSON
Director

January 10, 1995

A47-14365
SERGIO ARROYO
3997N 1300E
BUHL

ID 83316

COPY
*Reminder hand delivered
2/5/96*

RE: Evidence of Priority

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* MARCH 15, 1995 *

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page 2

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Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enc.

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DEC 1 1996

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 Douglas Jones

DATE:

July 3, 1996 2:10pm

CUSTOMER:

SERGIO ARROYO

SUBJECT: A47-14365

phone call (.) walk-in (X)

Mr Arroyo came in to get a drilling permit to enable diversion of more water for his dairy operation. I learned he presently has 400 milking, 200 dry cows and heifers and 2 homes. I researched the water right and adjudication records and found A47-14365 which identifies 350 dairy cows and one home. This claim was filed on for 13,000 gallons per day (\$25 fee form) and a priority of 1941. His present set-up includes a wash pen with sprinklers.

Mr Arroyo said he bought the property in 1987 and built the dairy from scratch. He said that he wants to have at least 500 milkers and 200 dry on the property. I informed him that he presently does not have water rights for his present operation, let alone water to expand further. I explained that IDWR cannot process new applications for permit unless there is a mitigation plan and that perhaps he could find an existing license/right and transfer it to his. We talked about mitigation plans and I told that the plan must cause water to recharge without using an injection well. IDWR would review a plan for acceptability prior to formal submittal with an application. He asked for names of people who make these plans and I told him that there are hydrologists and engineers in the phone book and that I can't give him names nor can we design it for him.

I also told him that as he is presently exceeding his water rights IDWR would much rather work with him to come into compliance than to be water cops and get tough. I informed him that we could not issue a drilling permit for a use that does not qualify under 42-111. I said that as long as he is working with us toward resolving the problem that IDWR will not pursue an enforcement mode. He seemed interested in looking into the options and would get back to me.

TO THE CLAIM EXAMINER:

MICROFILMED
DEC 1 1996

A second letter requesting evidence of priority to 1941 was provided to the claimant along with the info brochure. By his statements it appears that the claim may only represent a right for domestic & stock purposes (<13,000 gpd) to 1987. There may be a house right to 1941 but the whole project only dates to 1987. His diversion rate claimed is also excessive given the 1 hp pump identified in the claim.

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