

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: A47-16364
Date Received: 9/27/1994
Receipt No: S017417
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BARBARA BOTHOF 208-543-6681
Address: 3616 N 1200 E
BUHL ID 83316

2. Date of Priority: SEP 12, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	14E	27	NE	NE			TWIN FALLS

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.260		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOUSE; STOCKWATER, 370 HEAD DAIRY COWS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use
10S	14E	27	NE	NE		DOMEST
			NE	NE		STOCK

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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. 147-16364

Date Received

Receipt Number 5017417NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED 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) Barbara Bothe Phone (208) 543-6681Mailing Address 3616 N. 1200 E. Buhl, Id Zip 833162. Date of Priority (Only one per claim) 9/12/80 (B.B. 94) Month/Day/Year3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____
which is tributary to (b) _____
Name or kind of source4. Location of point of diversion is: Township 10 Range 14Section 27, N.E. 1/4 of N.E. 1/4 of _____ 1/4, Govt. Lot _____, B.M.,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. Well No Irrigation

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

For <u>Domestic</u> purposes from <u>Year Around</u> amount <u>.04</u> (cfs)
For <u>Stockwater</u> purposes from <u>Year Around</u> amount <u>.26</u>

7. Total quantity claimed 0.30 (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 Dairy - 300 Milk Cows

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10. Place of use is: Township: 10 Range 14
Section 27, N.E. 1/4 of N.E. 1/4, Govt. Lot _____, B.M.,

for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

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 / 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.
() None or _____

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 No 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) Bubba Dittus Date 8-11-94
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
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 _____)
County of Twin Falls) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 11th day of August 19 94

SEAL

Notary Public Anna Voss

Residing at Buhl, Idaho

My Commission Expires 1-23-98

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DEC 1 1996

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

AJ5856NP

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

DATE: AUG-20-1997
PAGE: A-174

RIGHT NUMBER: 47-16364

NAME & ADDRESS: BARBARA BOTHOF
3616 N 1200 E
BUHL ID 83316

SOURCE: GROUNDWATER

QUANTITY: 0.3 CFS

PRIORITY DATE: 09/12/1960

POINT OF DIVERSION: T10S R14E S27 NENE Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.26 CFS
	DOMESTIC DOMESTIC 1 HOUSE; STOCKWA	01-01 12-31	0.04 CFS

PLACE OF USE:	STOCKWATER	Within TWIN FALLS County
	T10S R14E S27	NENE
	DOMESTIC	Within TWIN FALLS County
	T10S R14E S27	NENE

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RP 10S14E270010

Verified by D. Smith Date: 9-10-97

Verification Source: Alpha Index

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A47-16364

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 Steve Clelland

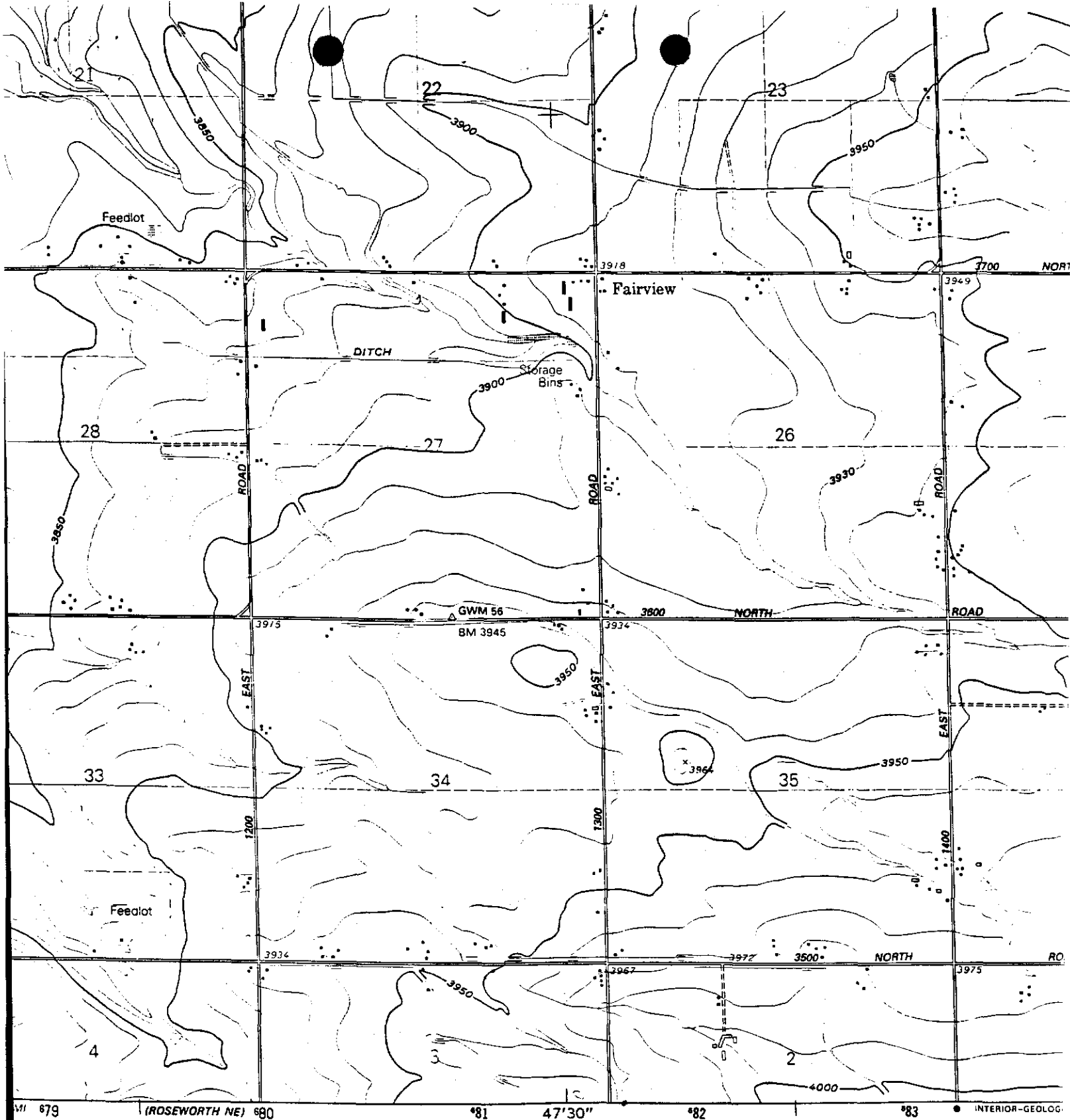
September 27, 1994 10:34am

NAME:
BARBARA BOTHOF

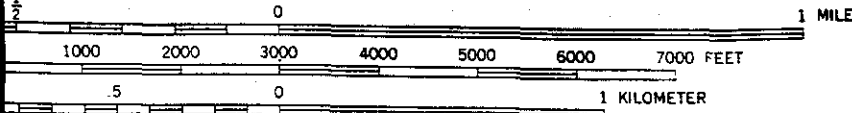
RE:
NEW CLAIMS ON FILE

I CALLED TO ASK IF SHE CAN DROP BY TO COMPLETE THE DIVERSION RATE OF THE THREE CLAIMS SHE HAS SUBMITTED. SHE WILL COME BY SOON.

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DEC 1 1996



SCALE 1:24 000



CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

ROAD CL
Primary highway,
hard surface
Secondary highway,
hard surface

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Interstate Route
DEC 1 1996



QUADRANGLE LOCATION



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

AUGUST 17, 1994

R. KEITH HIGGINSON
Director

BARBARA BOTHOF
3616 N 1200 E
BUHL ID 83316

RE: SRBA CLAIM

Dear Barbara Bothof,

Please find enclosed your claims and your check # 5661 for \$175.00 which you submitted to our office. I am returning these pursuant to the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification ON ALL THREE CLAIMS:

- (X) Item # 2 Priority date. (day-month-year)
- (X) Item # 4 Point of Diversion Legal Description.
(X) Needs additional $\frac{1}{4}$ - $\frac{1}{4}$ Legal Description.
- (X) Item # 6 Uses Descriptions.
- () Item # 9 Description of Non-irrigation uses.
- (X) Item #10 Place of Use Legal Description.
(X) Needs additional $\frac{1}{4}$ - $\frac{1}{4}$ Legal Description.
- (X) Item #16 Signature & Notarization. DOCKET SHEET ORDER.
- (X) Improper fee (THE CORRECT FEE IS \$75.00/PER CLAIM)
- (X) Other or Remarks:

PLEASE NOTE THE HIGHLIGHTED ITEMS ON YOUR CLAIM FORMS THAT NEED FURTHER COMPLETION. TYPE OF STOCK ON ITEM #9 IS UNCLEAR... ONLY 1000 HEAD FEEDLOT CAN BE CLAIMED ON THIS FORM OR ABOUT 370 HEAD OF MILKING DAIRY STOCK.

ITEM #16 - YOU SAY YOU DO WANT THE DOCKET SHEET, THERE IS A \$7.50 PER YEAR SUBSCRIPTION FEE THAT IS DUE.

ITEM #2 - IF THE WATER RIGHTS WERE DEVELOPED AFTER 11-19-1987 THEN YOU MAY NOT BE REQUIRED TO FILE SRBA CLAIMS. YOU MAY FILE THEM ANYWAY EVEN IF THEY ARE DEVELOPED AFTER THE SRBA COMMENCEMENT DATE.

If you wish to continue to press your claim please make the necessary corrections and return your claim with the correct fee and a copy of this letter within 30 DAYS of the date of this letter.

Sincerely,

STEVE CLELLAND

Water Rights Agent, Sr. MICROFILMED

Enclosures:

DEC 1 1996

Fairview Dairy

R#1 1291 E., 3700 N.

Buhl, Idaho 83316

722 Shoshone St

Idaho Dept of Water Resources
~~2148 1st Ave E~~
Twin Falls, ID 83301



JUL 15 1994

AUG 12 1994

Department of Water Resources
Northern Region Office

range in your
ter rights that
DEC
system
that you
file a
notice

REPROFILMED

COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

FAIRVIEW DAIRY
BARBARA BOTHOF

3616 N. 1200 E. 543-6681
BUHL, ID 83316

5661

92-1/1241

PAY TO THE ORDER OF Idaho Dept of Water Resources \$ 175.00
One Hundred Seventy-five and 00/100 DOLLARS

WESTONE
BANK

West One Bank, Idaho
Buhl Office 1-0002
P.O. Box 666
Buhl, ID 83316
1-800-221-5511

FOR Water Permit Fee

Barbara Bothof

⑈005661⑈ ⑆124100019⑆ ⑆10002140276⑈

DRILLING PERMIT LISTING

SD-0641-2 Last Name: BOTHOF

S Basin Number: 47 Year:

E	Name	Permit	1	1	1	W	S	O	Approval
L	Last, First	Number	/4	/4	/4	Lt	U	T	G
BOTHOF									
	DONLEY	47-89-C-0011-000	10S	14E	19	SW	SE		10/05/1989
	BARBARA	47-92-S-0140-000	10S	14E	19	SW	SE	L P L	10/05/1992
	BARBARA	47-93-S-0171-000	10S	14E	27	SW	SW	D P L	10/19/1993

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

NOTE: if these ^{are} the wells you are referencing in your SRBA claims as submitted, The ^{water right} well is not required to be filed in the SRBA process since it was drilled & developed after Nov. 19, 1987.

— Steve C.

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6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A47-16363,
A47-16364 & A47-16365

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 Steve Clelland

October 5, 1994 2:25pm

NAME:
BARBARA BOTHOF

RE:
AMENDMENTS

I CALLED, SHE SAID SHE WAS STILL COMING IN. WE DISCUSSED THE VARIOUS FLOW ESTIMATES PROVIDED BY IDWR (I.E. 12 GAL/HD/DAY FOR DRY STOCK AND 35 GAL/HD/DAY FOR MILKING COWS) I EXPLAINED THAT I WOULD PREFER SHE COME IN TO THE OFFICE, THIS IS DIFFICULT TO EXPLAIN ON THE PHONE. SHE SAID SHE WILL BE IN THIS WEEK OR CALL NEXT WEEK TO MAKE SURE I WILL BE IN THE OFFICE. OK.

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6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A47-16363,
A47-16364 & A47-16365

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 Steve Clelland

October 5, 1994 9:08am

NAME: BARBARA BOTHOF 543-6681 RE: AMENDED CLAIMS
A47-16363, A47-16364, A47-16365

I CALLED HER EARLIER, LAST WEEK, TO HAVE HER COME IN AND AMEND THESE CLAIMS AND ADD THE DIVERSION RATES AND THE POU ON ONE. SHE SAID SHE WOULD BE IN TO DO THIS. THE NEXT DAY, AFTER I HAD DATA ENTERED THE PARTIAL CLAIMS, FARM CREDIT CALLED ANOTHER STAFF PERSON AND CONFIRMED HER CLAIMS WERE ON FILE.

THIS DAY I CALLED TO ASK IF SHE PLANNED TO COME IN THIS WEEK (I WILL BE IN THE FIELD NEXT WEEK) AND THERE WAS NO ANSWER.

Cowlyn / Farm Credit 733-2577
Barbara Bothof
Permit # A47-16365
wants to know status 1993 priority?
loan pending... STEVE

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DEC 1 1996

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A47-16364

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 Steve Clelland

November 3, 1994 12:39pm

NAME:
BARBARA BOTHOFF

CAME IN

RE:
SRBA CLAIMS

SHE CAME IN WITH TENA PETTER TO CORRECT SOME MISSING INFORMATION ON THREE SRBA CLAIMS: A47-16363, A47-16364 & A47-16365. SHE USED THE STANDARD RATE CHARTS FROM APPENDIX IV TO LIST THE DIVERSION RATE FOR HER CLAIMS. THE LEGALS FOR A47-16363 AND A47-16364 WERE THE SAME AND APPEARED TO BE THE SAME WELL. SHE CLARIFIED THERE ARE TWO WELLS AT THE SITE; ONE IS USED FOR THE HOUSE AND 370 HEAD OF DAIRY AND ONE IS USED FOR THE OTHER 400 HEAD OF DAIRY. I MENTIONED THE PERMIT REQUIREMENTS FOR USES OVER THE 13,000 GALLON PER DAY LIMIT AND TOLD HER THIS HAS THE APPEARANCE OF A 750 COW DAIRY IN NEED OF A PERMIT OR LICENSED USAGE. SHE CHOOSE TO FILE THE CLAIMS AS LISTED AND LET THE COURT DEAL WITH THE FINAL RECOMMENDATIONS.

I ASKED ABOUT THE COMMON PRIORITY DATE OF 9-12-79 FOR THE TWO CLAIMS AND SHE STATED THAT WAS THE DATE THE DAIRY WAS STARTED. SHE DID SAY THE HOUSE WAS THERE ON ONE WELL YEARS BEFORE THE DAIRY AND DECIDED TO CHANGE THE DATE TO 1960. AGAIN I POINTED OUT TO BOTH BARBARA AND TENA, THIS APPEARS TO BE A 750 COW DAIRY STARTED IN 1979 AND SHOULD HAVE A PERMIT OR LICENSED RIGHT TO BE IN COMPLIANCE WITH IDAHO CODE. THE DOMESTIC EXEMPTION FOR A WATER RIGHT WAS NOT INTENDED TO STRING SEVERAL 13,000 GALLON PER DAY RIGHTS TO MAKE UP THE USES DEVELOPED. TENA PETTER EXPLAINED TO ME THIS IS THE ONLY OPTION AVAILABLE TO DAIRY USES THAT DO NOT HAVE LICENSES AND THEY ARE ENTITLED TO THE 13,000 GALLON LIMIT FROM EACH WELL TO COVER THE USES DEVELOPED AT THE TIME OF THE SRBA.

***** IDWR NOTE ON RECOMMENDATION *****

THIS USE IS FOR A COMMON SYSTEM, 750 COW DAIRY USE AND IS NOT COVERED BY THE DOMESTIC EXEMPTION. THE DAIRY USE BEGAN IN 1979 AND IS NOT THE RESULT OF AN EXPANSION OF AN EXISTING 370 HEAD DAIRY AS CLAIMED. THESE CLAIMS ARE BEING FILED TO AVOID THE PERMIT REQUIREMENT THAT IS NEEDED FOR A DAIRY OF THIS SIZE.

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DEC 1 1996

A 47-16364

West One Bank, Idaho
Post Office Box 666
Buhl, Idaho 83316
208 543-4381

March 10, 1995

WEST ONE
BANK

State of Idaho
Dept. of Water Resources
Southern Region
222 Shoshone St. E.
Twin Falls, ID 83301

RE: Barbara Bothof dba Fairview Dairy

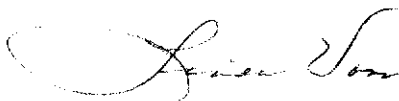
Gentlemen:

Fairview Dairy originated in 1973 under Bothof ownership. In 1979 a new dairy barn was constructed.

The date the wells were drilled is unknown to us, however, we are aware that the dairy has operated on ground water from its beginning.

If we can provide additional information, please contact us.

Sincerely,



Linda Voss
Loan Officer

lw

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DEC 1 1996

Individual
Acknowledgement

West One Bank, Idaho, N.A.

WEST ONE
BANK

STATE OF IDAHO,

COUNTY OF

Twin Falls ss.

On this

10th

day of

March

in the year 19

95

before me

JACKIE MAKI

_____, a notary public in and for said State of

Idaho, personally appeared

LINDA VOSS

known or identified to me (or proved to me on the oath of _____)

to be the person

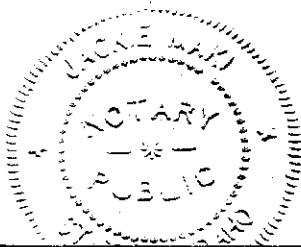
whose name

is

subscribed to the within instrument and acknowledged to me that

he

executed the same.



Jackie Maki

Notary Public for Idaho

Residing at

Buhl, Idaho

My commission expires

05/03/2000

FILED MED



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

Governor PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-16364
BARBARA BOTHOF
3616 N 1200 E
BUHL

ID 83316

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.

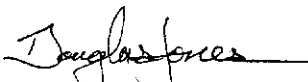
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in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

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