

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: A73-00041
Date Received: ~~11/28/1989~~ 4/24/90
Receipt No: E013599
Received By: WAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DUANE E. MOEN 208-876-4262
Address: RT. 62 BOX 2330
MAY, ID 83253

2. Date of Priority: OCT 01, 1887

3. Source: SPRING CREEK Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	22E	8	SW	SE	NW		LEMHI

5. Description of diverting works:
WOODEN HDGATE WITH DITCH AND FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	05/14	2.000		
IRRIGATION	05/15	07/09	3.100		
IRRIGATION	07/10	11/01	1.400		

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

8. Total consumptive use is 802.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	21E	22	NE	SE		IRR	40.0

A7300041



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	21E	22	SE	SE		IRR	30.0
						Section Acres	70.0
		23	SW	NW		IRR	30.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SE	SW		IRR	40.0
						Section Acres	190.0
		26	NE	NW		IRR	40.0
			NW	NW		IRR	21.0
						Section Acres	61.0
						Total Acres	321.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
73-00092

14. Remarks:
P/D MISSOURI CANAL.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

J.B. MORROW
Decree Plaintiff

JOSEPH WAGONER
Decree Defendant

vs

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.

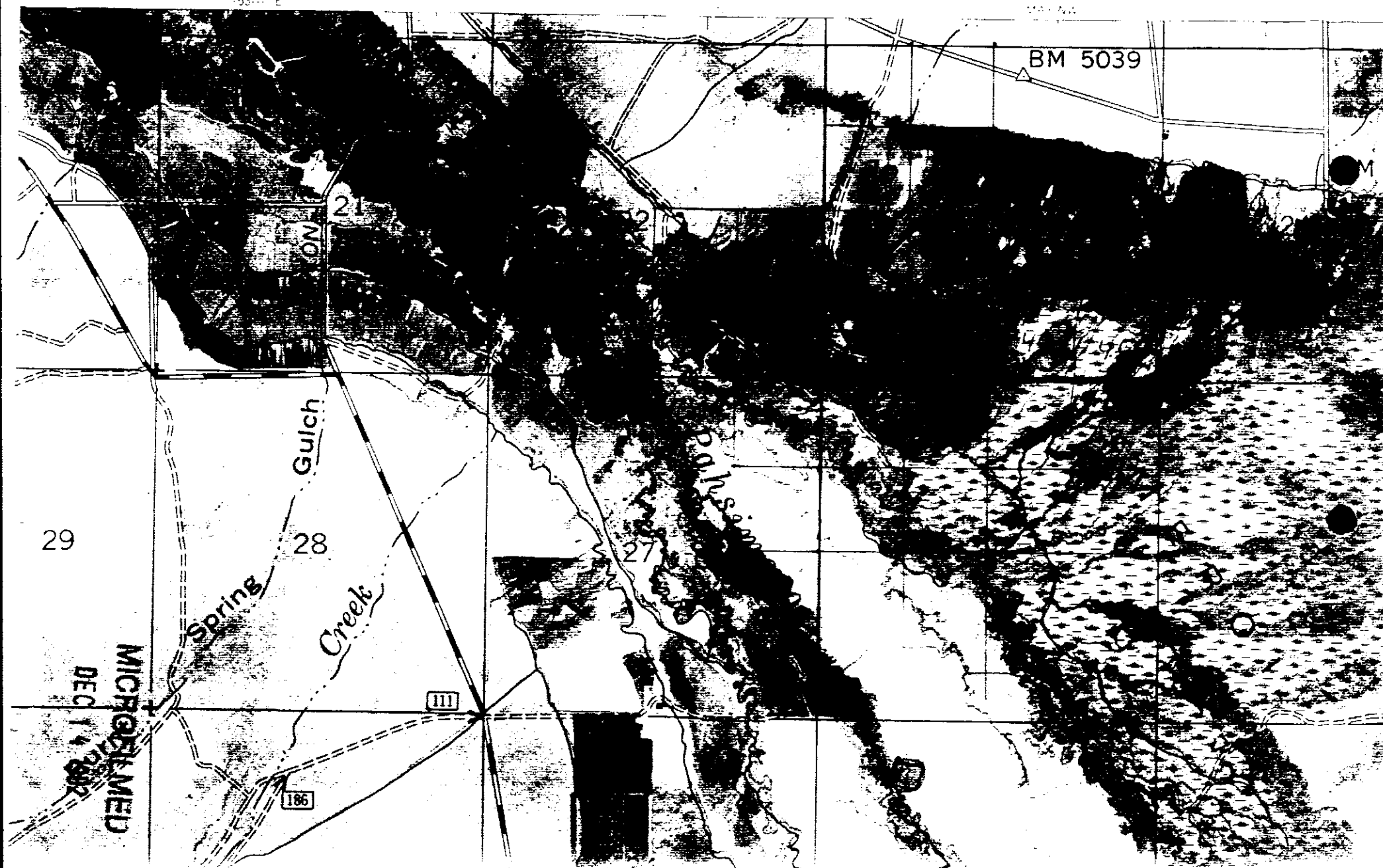
Signature of Claimant(s): Muane Moen Date: April 24, 1990
Date:

State of Idaho)
County of Bonnerville) SS.

Subscribed, and sworn (or affirmed) before me this 24th day
of April 19 90

Seal

Helen Harrington
Notary Public
Helen Harrington, Notary Public
Residing at Boise, Idaho
Residing ~~at~~ Commission Expires December 1, 1994
My Commission Expires





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 16, 1994

DUANE E MOEN
RT 62 BOX 2330
MAY ID 83253

RE: Snake River Basin Adjudication (SRBA)
Custer County - Notices of Claim A73-00099A, A73-00099B,
A73-00100, A73-04007A, A73-02157, A73-000136, A73-00041,
A739-00092A, A73-00098, A73-00252, A73-00257 & A73-10390

Dear Mr. Moen:

An overpayment of your filing fees has been brought to our attention on your claims in the amount of \$96.00. The refund process has been initiated with the State Auditor's Office, and you should receive your check in the near future.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:ref

MICROFILMED
NOV 15 1996

OCT 6 1994

TO: S.S. ~~HERMAN~~ to Log In

FOR: D. Shaff/D. Allen

FROM: E. CARLSEN.

SUBJ: Receipt No. E011712 (Please attach ARQ2 Receipt copy immediately behind blue form) E013599, E014815, E017572

RE: PayOR Duane E Moen

Address Rt 62 Box 2330

May 10 83253

Claimant(s) if NOT Payor

Refund Amount \$ 102⁰⁰ 9/6 Claim Location (~~Region~~ Claimant)

Extension Filed? Y/N NA

Copy Attached? Y/N NA

Late Fees Paid? ☒ Y ☐ N ☐ NA

Late Fee Receipt # E01757Z

S.O. Verified Ext. by nlp on — D.B. Query by —

Refund Generated By (☒) Agent () Claimant**Refund Category:**

insufficient fees / claim incomplete / withdrawn (o-pmt)

other:

Date of Last Correspondence (copy attached) ?

<u>Claim No.</u>	<u>Use*</u>	<u>Fees Paid</u>	<u>Correct Fee</u>	<u>Rec't #</u>
		\$		
		\$		
<u>SEE ATTACHED ARQ2 RECEIPT REPORTS.</u>		\$		
		\$		
		\$		
<u>Total</u>		\$	\$	

*Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded. D.E. claim in AJSP1 at minimum.

Detailed Reason(s) for Refund Attached ☒ Y/☐ N

SEE MEMO DATED 4 OCT 94

SEE NOTES ON MEMOS.

Region AJ Spvsr. Approval *[Signature]*

Don Shaff Approval *[Signature]*

S.O. AJ Spvsr. Approval

Hold

To Fiscal

Logged 10-

Data Base Modified? Y/N NA A &/or R Records By _____ on _____

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NOV 15 1996

05/12/93

INTERDEPARTMENT MEMO

RECEIVED

OCT 6 1994

Department of Water Resources

DATE: 4 OCTOBER 1994

TO: DON SHAFF
FROM: ERNIE CARLSEN

RE: FILING FEE REFUND
DUANE E MOEN

IN JANUARY, 1990, TONY OLENCHAK AUTHORED THE INITIAL MEMO ON THE OVERPAYMENT OF FILING FEES BY DUANE MOEN. YOU RETURNED THE REQUEST FOR REFUND ASKING THAT WE PROVIDE MORE SUBSTANTIAL DOCUMENTATION. YOUR APPEAL FOR MORE INFO WAS PLACED IN THE HOLD FILE. NOW AFTER MR. MOEN FILED SEVERAL MORE NOTICES, AMENDED A FEW OF THE ORIGINALS AND RECEIVED THREE MORE RECEIPTS I WILL TRY AND COMPLY WITH YOUR REQUEST.

BECAUSE THE ACREAGE HAS BEEN AMENDED ON A FEW OF HIS NOTICES AND THREE MORE RECEIPTS ARE INVOLVED IT SEEMS THE EASIEST WAY TO CALCULATE THE REFUND DUE IS TO USE COMBINED TOTALS. I HAVE EXAMINED ALL TWELVE NOTICES LISTED ON RECEIPTS E011712, E013599, E014815 AND E017572 AND DETERMINED THERE ARE 1097 NON-OVERLAPPING ACRES. (THE MAPS ARE NOT VERY PRECISE IN SOME OF THE 1/41/4S BUT WITH THE AVAILABLE INFORMATION THE ABOVE NUMBER IS AS GOOD AS IT GETS.) FOR THE 12 NOTICES ON THE FOUR RECEIPTS HE PAID A VARIABLE FEE OF \$1088.00 WITH AN OVERPAYMENT OF \$111.00 (E11712) FOR A TOTAL OF \$1199.00. THE DIFFERENCE BETWEEN THIS FIGURE AND THE CORRECTED VARIABLE FEE OF \$1097.00 EQUALS \$102.00. THEREFORE THE CLAIMANT IS DUE A REFUND OF \$102.00. THE ATTACHED WORK SHEETS PROVIDE A BREAK DOWN FOR EACH RECEIPT.

THE ONLY RECEIPT WITH THE CORRECT FEES FOR THE NOTICES AS THEY WERE INITIALLY FILED IS E013599. I HAVE NO EXPLANATION FOR THE ERRORS MADE ON THE OTHER THREE.

\$ 96- WITH PRE-AMENDMENT ACRES
ON E011712

[Signature]
10-14-94

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NOV 15 1996

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 10/03/94
Time: 17:16:21

Rec/No - E014815 AR/No -
From: - MOEN, DUANE E.

Receipt Type - CK Doc/No - 560
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 06/11/1990

Type Of Payment
ADJUDICATION FEE

Fund FD	PCA	Obj	Subsid	Fee
9337	410162	6490		220.00

Total Due - 220.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A7300252	50.00	A7300257	170.00		

(ENTER=CONTINUE)

(GOLD7=SELECTION SCREEN)

(GOLD8=CANCEL)

AS #	TOTAL ACRES	NON-OVERLAPPING ACRES	CLAIM FEE	VARIABLE FEE	TOTAL FEE	REMARKS
473-00252	160.0	—	50 ⁰⁰	—	50 ⁰⁰	80 ACRE OVERLAP WITH A73-00041 80 ACRE OVERLAP WITH A73-00257
473-00257	160.0	80.0	50 ⁰⁰	80 ⁰⁰	130 ⁰⁰	80 ACRE OVERLAP WITH A73-00041.
			TOTAL = 180 ⁰⁰			220 ⁰⁰ - 180 ⁰⁰ = 40 ⁰⁰ REFUND DUE ON THIS RECEIPT IS 40 ⁰⁰ .

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Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 09/30/94
Time: 08:52:00

Rec/No - E017572 AR/No -
From: - MOEN DUANE E.

Receipt Type - CK Doc/No - 793
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 07/02/1992

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
ADUDICATION FEE & LATE FEE	337		41503	1155		194.00

Total Due - 194.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A7300098	64.00	A7310390	80.00		50.00

(ENTER=CONTINUE)

(GOLD7=SELECTION SCREEN)

(GOLD8=CANCEL)

A7 #	(GOLD7=SELECTION SCREEN)					
	TOTAL ACRES	PRE-OVERLAPPING ACRES	CLAIM FEE	VARIABLE FEE	TOTAL FEE	
173-00098	149.0	64.0	-	64.00	64.00	CLAIM WAS AMENDED ADDING 64 ACRES. CLAIM FEE WAS PAID UNDER RECEIPT E013599.
173-10390	68.0	-3-	50.00	3.00	53.00	38 ACRE OVERLAP WITH AMENDED NOTICE A73-00098. 12 ACRE OVERLAP WITH AMENDED NOTICE A73-00099B. 15 ACRE OVERLAP WITH A73-04007A.
TOTAL = 117.00						194.00 - 50.00 (144.00) = 144.00 144.00 - 117.00 = 27.00 REFUND OF \$27.00 ON THIS RECEIPT

MICROFILMED
NOV 15 1996

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 09/30/94
Time: 08:53:21

Rec/No - E011712 AR/No -
From: - MOEN, DUANE E.

Receipt Type - CK Doc/No - 415
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 01/16/1990

Type Of Payment
ADJUDICATION FEE
OVERPAYMENT

Fund	FD	PCA	Obj	Subsid	Fee
9337		410162	6490		678.00
9337		410162	6490		111.00

Total Due - 789.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A7300099A	462.00	A7302157	66.00	A7300099B	50.00
A7300100	50.00	A7304007A	50.00		

(ENTER=CONTINUE)

(GOLD7=SELECTION SCREEN)

(GOLD8=CANCEL)

AS	Total ACRES	100% ACRES	CLAIM FEE	VARIABLE FEE	TOTAL FEE	REMARKS
A73-00099A	412.0	412.0	50-	412-	462-	Sec 11/END entitled RECEIPT NO E011712 dated 1-16-90 for explanation on fee for amended notice. P.O.U. for notice was amended in Nov. 1992. 281 AC overlaps with 73-00099A & 90 AC overlaps with 73-00098 (see receipt E013599).
* (412.0)	(0)	(0)	(50-)	(0-)	(50-)	
A73-00099B	418.0	47.0	50-	47-	97-	
T15N R21E S22 SENW		19 AC				P.O.U. overlaps with A73-00099A. This notice was amended in Feb 91. The change reduced the non-overlapping acres from 16 to 10. MICROFILMED NOV 15 1996
NESW		12 AC				
NWSE		6				
32B NENE		10 AC.				
		47 AC.				
A73-00100	412.0	-	50-	-	50-	P.O.U. overlaps with A73-00099A. This notice was amended in Feb 91. The change reduced the non-overlapping acres from 16 to 10. MICROFILMED NOV 15 1996
* (37.0)	(16.0)		(50-)	(16-)	(66-)	
A73-02157	37.0	10.0	50-	10-	60-	
T15N R21E 21 SWSE		8 AC				120 ACES overlaps with A73-00099A. TOTAL = \$739.00 789.00 - 739.00 = 50.00 refund due on this receipt.
28 NWNE		2 AC				
		10 AC.				
A73-04007A	140.0	20.0	50-	20-	70-	
T15N R21E S22 SWSE		20. AC.				

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 09/30/94
Time: 08:53:33

Rec/No - E013599 AR/No -
From: - MOEN, DUANE E.

Receipt Type - CK Doc/No - 508
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 04/24/1990

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
ADJUDICATION FEE	9337		410162	6490		646.00

Total Due - 646.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A7300136	50.00	A7300041	371.00	A7300092A	90.00
A7300098	135.00				

(ENTER=CONTINUE)

(GOLD7=SELECTION SCREEN)

(GOLD8=CANCEL)

	TOTAL ACRES	NON-OVERLAPPING ACRES	CHAIN FEE	VARIABLE FEE	TOTAL FEE	REMARKS
A73-00041	321.0	321.0	50	321	371	
A73-00092A	*(65.01) 80.0	(40.0) 55.0	50	(40) 55	(90) 105	NOTICE WAS AMENDED IN FEB 91 INCREASING ACREAGE FROM 65 to 80. NON-OVERLAPPING ACRES ALSO INCREASED TO 55. ACRES. 25 AC OVERLAP WITH A73-00098.
T15N R21E 321 N1/4 NE 11 AC SW NE 40 AC NW SE 4 AC 55 AC.						
A73-00098	85.0	85.0	50	85	135	NOTICE WAS AMENDED IN FEB 91 SEE RECEIPT E017572 FOR VARIABLE FEE ON ADDED ACRES.
A73-00136	100.0	-0-	50	-	50	100 AC OVERLAP WITH A73-00041.

661⁰⁰ 646⁰⁰ - 661⁰⁰ = -15⁰⁰
UNDER PAYMENT OF 15⁰⁰

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NOV 15 1996

* ACREAGE AND FEES PRIOR TO AMENDMENT.

ACTION REQUIRED

FROM: D. Shaff

TO: Ernest - Eastern

RECEIVED

JAN 23 1990

Department of Water Resources
Eastern District Office

I need some help on these. For the claims submitted I need the use(s) claimed, the fee(s) for those uses per each claim and the total fees due with the amt. actually paid with the resulting overpayment due for refund. I want the staff to demonstrate we got what we were due, and they have some coming back. My objective is for the staff to supply the research. I cannot know the WR FEE next to the WR NO. in the receipt is accurate.

Thank



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NOV 15 1996

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: E011712

Date: 01/16/90
Time: 08:31:28

Received
From: MOEN, DUANE E.

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$678.00
<u>OVERPAYMENT</u>	0410162 9337 6490	\$111.00
Total		\$789.00

CHECK 415

WR/NO: A73-00099A A73-02157 A73-00099B A73-00100 A73-04007A

Idaho Department of Water Resources

Region: EASTERN

Signature: Tony Olenich

Additional claims on "Temporary Hosts" include:

*A73-00041
A73-00098
A73-00136
A73-00139A*

These were not received in the mail the claims check and the claims that receipted,

Tony I couldn't find this one in file hold I made a copy of the proof report

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NOV 15 1996

May want to see if these show up

Jan 16, 1970.

RECEIPT NO. E011712

<u>CLAIM</u>	<u>FLAT FEE</u>	<u>VARIABLE FEE</u>	<u>TOTAL CLAIM FEE</u>
A73-00099A	\$50	\$412 (412 IRR. ACRES)	\$462
A73-02157	\$50	\$16 (21 OF 37 IRR. ACRES PAID ON A73-00099A)	\$66
A73-00100	\$50	0 (412 IRR. ACRES PAID ON A73-00099A)	\$50
A73-04007A	\$50	0 (140 IRR. ACRES PAID ON A73-00099A)	\$50
A73-00099B*	\$50	0* (412 IRR. ACRES PAID ON A73-00099A)	\$50*
			<u>TOTAL \$678*</u>
			CHECK 415 \$789
			REFUND \$111*

* The map attached to A73-00099B indicates the place of use was listed incorrectly. I suspect the land description for the place of use was copied from A73-00099B to be modified to the place of use outlined on the map. However, the land description was never modified. When the claim fees were calculated, a variable fee was not assessed to claim A73-00099B since it had the same land list as A73-00099A. If the place of use on A73-00099B were modified to reflect the acres on the attached map, 127 of the 418 acres were not paid for. However, the claimant later sent in additional claims which covered 90 of the 127 unpaid acres (A73-00092 + A73-00098 on Receipt E013599). The end result is that the place of use on A73-00099B should be modified and charged a variable fee of \$37. This would reduce the above refund to \$74.

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NOV 15 1996

Water Right Number - 73-00041

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***
KERN S

F. D.

1 -
2 -
3 -

City-
Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
10/01/1887 15 D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRING CREEK PAHSIMEROI RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	05/14	2.000	
01 - IRRIGATION		05/15	07/09	3.100	
01 - IRRIGATION		07/10	11/01	1.400	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
3.100

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
15N	21E	22	NE SE			01	IRRIGATION	59 LEMHI
15N	21E	22	SW SE			01	IRRIGATION	59 LEMHI
15N	21E	22	SE SE			01	IRRIGATION	59 LEMHI
15N	21E	27	NE NE			01	IRRIGATION	59 LEMHI

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
P/D MISSOURI CANAL, NO LEGAL DESCRIPTION
AMOUNT DECREED = 0.02CFS/IRRIGATED ACRES

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

DEC 14 1992
MICROFILMED

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 05/20/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 73
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 04/07/1910				

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DEC 14 1992