



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

RECEIVED

SEP 07 2004

Department of Water Resources
Southern Region

☐ Water Right Number(s): 435-10252

☐ Old Mailing Address:

Amalia R. Rodriguez

☐ New Mailing Address:

636 E 100 N

Rupert ID 83350

☐ New Telephone Number: (208) 436-0427

☐ Signature of Claimant(s): Amalia R. Rodriguez

Date: 9-6-04

FOR IDWR USE ONLY

Initial Review and Data Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

RECEIVED

APR 09 2004

04/01/2004

Department of Water Resources
Southern Region

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: See Cover Letter

Water right number: 45-10252

JULIO G RODRIGUEZ
RT 1 BOX 353A
RUPERT ID 83350
Telephone Number: (208)436-0427

AMALIA R RODRIGUEZ
RT 1 BOX 353A
RUPERT ID 83350
Telephone Number: (208)677-2222

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 4-11-04

SIGNATURE: Julio G Rodriguez

Please print your name: Julio G Rodriguez

Amalia R Rodriguez

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

Address updated
8-7-2004
KKC

04/1/2004

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
45-10252	JULIO G RODRIGUEZ RT 1 BOX 353A RUPERT ID 83350 AMALIA R RODRIGUEZ RT 1 BOX 353A RUPERT ID 83350	Disallowed	NO BENEFICIAL USE FOUND.

03/03/2004

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

RIGHT NUMBER: 45-10252

NAME AND ADDRESS: JULIO G RODRIGUEZ
RT 1 BOX 353A
RUPERT ID 83350

AMALIA R RODRIGUEZ
RT 1 BOX 353A
RUPERT ID 83350

DISALLOWED

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.240 CFS

PRIORITY DATE: 12/31/1915

POINT OF DIVERSION:

T09S R25E S20 NENWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.240 CFS
DOMESTIC	1/01 12/31	0.040 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T09S R25E S20 NWNE

DOMESTIC Within CASSIA County

T09S R25E S20 NWNE

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

NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

NO BENEFICIAL USE FOUND.

EXPLANATORY MATERIAL: Beneficial Use

April 7, 1998

NOTE TO FILE

FROM: V.Hancock

CLAIM NO: >A45-10252

In investigating a Change of Ownership request from Jorge and Velen Valladares I contacted the Cassia County Assessor. According to her, parcel number 09S25E200000 (found on 1992 computer print-out) has been split. The NW 1/4 of the NE 1/4, listed as pou for this claim, is now owned by William Mc Manus, who purchased it from Valladares, who purchased it from Rodriguez, all in 1994. A William Mc Manus has current AJ claims in adjacent sections 17 and 21. I did not contact Mc Manus. A check for claims in the NE 1/4 of the NE 1/4 of section 20 showed only one large claim for MID and one for Dept of Interior. Sent back original Ownership Change form. See letter to Valladares in file.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 7, 1998

Jorge and Velen Valladares
575 East 100 North
Rupert, Idaho 83350

RE: Snake River Basin Adjudication (SRBA)
Claim Number A45-10252

Dear Claimants:

We have received your Notice of Change of Water Right Ownership. In investigating this claim, however, it appears that the property you purchased from Julio Rodriguez does not have a water right. The claim number referenced above belongs to property in the NW 1/4 of the NE 1/4 of section 20. According to your Warranty Deed, the property you purchased lies in the NE 1/4 of the NE 1/4 of section 20.

I have enclosed some documents which may help explain where your property lies in relation to the property with claim number A45-10252. Please examine these documents, and if there are errors, or if you have any further questions, please contact this office.

Sincerely,

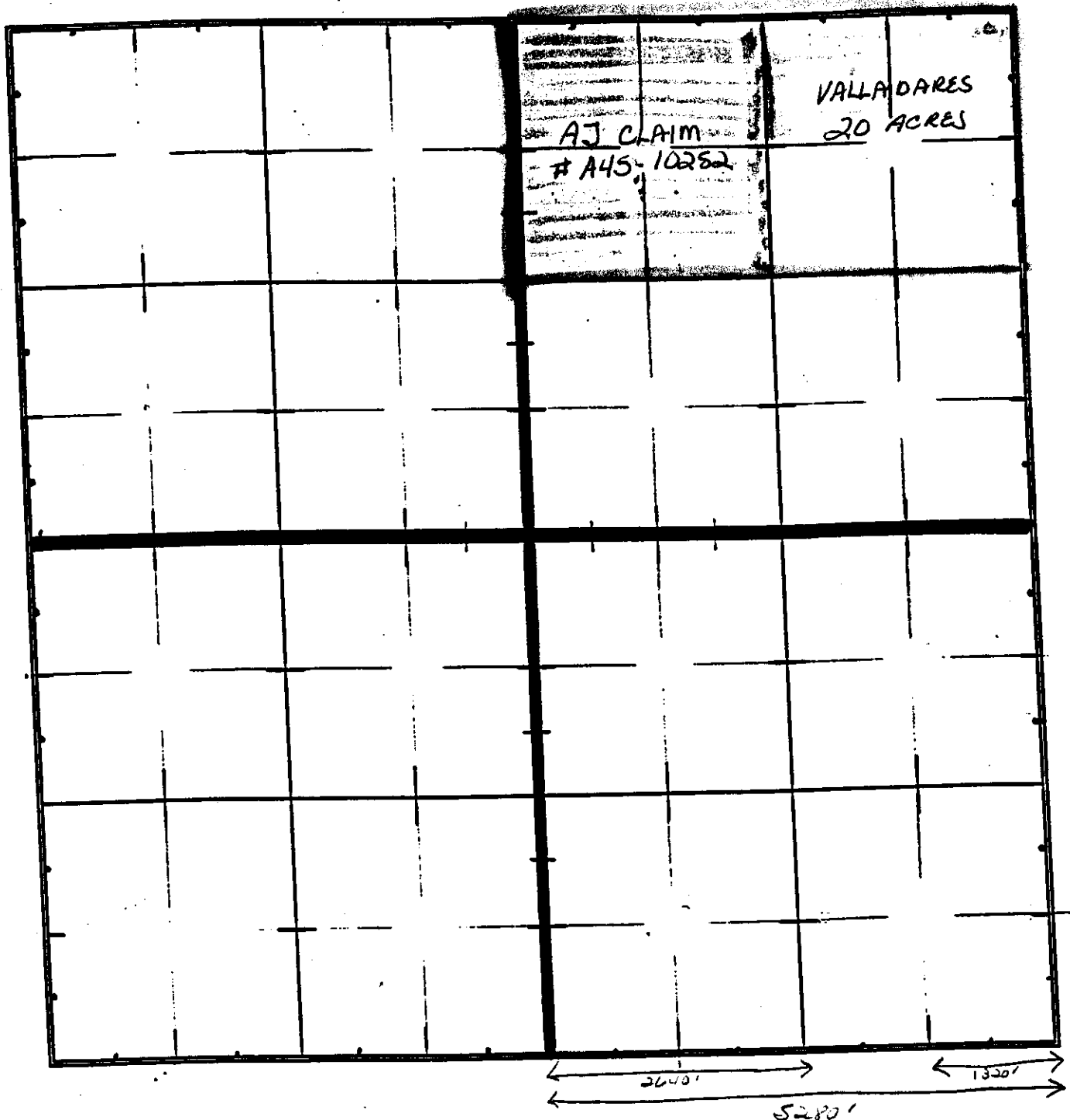
A handwritten signature in cursive script, appearing to read 'Vikie Hancock'.

Vikie Hancock

encl.

TOWNSHIP 07S
RANGE 25E
SECTION 20

CLAIM NUMBER A45-10252
DATE 4-8-98
AGENT W.H. (Clark)



CURRENTLY OWNED BY MC MANUS WITH A45-10252

CURRENTLY OWNED BY VALLADARES

ORIGINALLY OWNED BY RODRIGUEZ

RECEIVED ID

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

MAR 20 1998

Department of Water Resource
Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right Number(s) _____
Adjudication Claim Number(s) A45-10252.

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Julio & Amalia Rodriguez

4. New Owner/Claimant(s) Jorge and Velen Valladares

New Mailing Address

Name connector (Check one): ☒ AND, ☐ OR, ☒ AND/OR
Rt. 1. Box 358 (575 E. 100 N.)

City, State and ZIP Code

Rupert, ID 83350

New Telephone Number

(208) 436-5171

5. Date you acquired the property 6-1-94

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Jorge Valladares Date 3-20-98

Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

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.

RECEIVED

NOV 2 1989

Department of Water Resources

AMENDED Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

CIVIL CASE NUMBER: 39576

Ident. Number: A45-10252
Date Received: 3/06/1989
Receipt No: S006457
Received By: [Signature]

1. Name: JULIO G. RODRIGUEZ
Address: RT. 1, BOX 353-A
RUPERT, ID

208-436-0427

OR

Name: AMALIA R. RODRIGUEZ
Address: RT. 1, BOX 353-A
RUPERT, ID

83350

208-436-0427

83350

2. Date of Priority: DEC 31, 1915

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	25E	20	NE	NW	NE		CASSIA

5. Description of diverting works:
8" X 97' WELL, WITH 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:
0.240 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 CATTLE.

A45-10252

Page 1

Date: 10/25/89

COPY

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	25E	20	NW	NE		DOMEST	
			NW	NE		STOCK	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:
67 SHARES OF MINIDOKA IRR. DIST. WATER.

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 ~~not~~ 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/We do solemnly swear or affirm that the statements contained in the foregoing ~~document~~ ^{AMENDED} are true and correct.

Signature of Claimant(s):

Julio G. Rodriguez
Amador R. Lopez

Date: 10-31-89

Date: _____

State of Idaho)

County of Cassia)

SS.

Subscribed and sworn (or affirmed) before me this 31 day

of October 19 89

M. Edmund Bengerson
Notary Public

Seal

Residing at Burley

My Commission Expires 1/15/92

RECEIVED

OCT 25 1989

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

Department of Water Resources
Southern Region Office

[X] Water Right Number(s): A 45-10252

[X] Name and Address of
Former Claimant: Ruth D. Smith

Route 1 Box 358

Rupert, ID 83350

[X] New Claimant(s): Julio G. Rodriguez or Amalia R. Rodriguez, husband
and wife

[X] New Mailing Address: Route 1 Box 353A
Rupert, ID 83350

New Telephone Number: (208) 436 - 0427

[X] Does the change in ownership result in a splitting of the
water right claimed? yes X no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

[X] Attach proof of ownership
Describe proof attached: Warranty Deed

[X] Signature of New Claimant(s): Julio G. Rodriguez
Amalia R. Rodriguez

Date: October 24, 1989

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10/25/89

By: R.V. 21

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

MICROFILMED

MAR 09 1993

203813

WARRANTY DEED

For Value Received

RUTH D. SMITH, a widow

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
JULIO G. RODRIGUEZ and AMALIA R. RODRIGUEZ, husband and wife
Address: Route 1 Box 353 A
Rupert, ID 83350

Hereinafter called the Grantee, the following described premises situated in Minidoka County, Idaho,
to-wit:

TOWNSHIP 9 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 20: N $\frac{1}{2}$ NE $\frac{1}{4}$

TOGETHER WITH all water and water rights, ditches or ditch rights, used
thereon or appurtenant thereto.

SUBJECT TO:

Taxes for 1989 and subsequent years.

Assessments of the Minidoka Irrigation District and the rights and powers
of said District as by law provided.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee
and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to
and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are
free from all incumbrances except as above described and that Grantor will warrant and defend the
same from all lawful claims whatsoever.

Dated: September 8, 1989

Ruth D. Smith
Ruth D. Smith

STATE OF IDAHO, COUNTY OF Minidoka, ss
On this 8th day of September, 1989
before me, a notary public in and for said State, personally appeared

Ruth D. Smith

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged
to me that she executed the same.

SEP 11 9 56 AM '89
CASSIA COUNTY, IDAHO
FRANK D. NEARNS
RECORDED
FEE \$2.00
LAND TITLE & ESCROW

FILE 209
LAND TITLE & ESCROW

203813

RECORDED
MAR 09 1990

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

COPY

Ident. Number: A45-10252
Date Received: 3/06/1989
Receipt No: S006457
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT O. SMITH 208-436-3510
Address: 575 E., 100 N. (RT. 1,
BX. 358)
RUPERT, ID 83350

AND/OR

Name: RUTH D. SMITH 208-436-3510
Address: 575 E., 100 N. (RT. 1,
BX. 358)
RUPERT, ID 83350

2. Date of Priority: DEC 31, 1915

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	25E	20	NE	NW	NE		CASSIA

5. Description of diverting works:
8" X 97' WELL, WITH 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	0.020		

7. Total Quantity Appropriated is:
0.040 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/50 BEEF CATTLE.

A45-10252

Page 1

Date: 03/06/89

RECEIVED
MAR 09 1989

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	25E	20	NW	NE		DOMEST	
			NW	NE		STOCK	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:
67 SHARES OF MINIDOKA IRR. DIST. WATER.

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): X Ruth D. Smith Date: X 3-6-89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of March 19 89

Robert V. Warstell
Notary Public

Seal

Residing at Twin Falls, Idaho
My Commission Expires 1/16/1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Jan. 9, 1990

Re: A45-10252

JULIO G RODRIGUEZ
RT 1 BOX 353-A
RUPERT ID 83350

Dear Claimant(s):

Please review the computer generated claim(s) for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
OCT 27 1994

WATER RIGHT NUMBER - 147-1024

NON-EXHAUSTION USE - 0/1 HOURS, 8/300 GALLON CAPILL.

OTHER RIGHTS FOR SAME USE - NONE

87 SHARES OF MINERAL IN. TEST. WATER.

FOR WATER RIGHT ADJUDICATION.

NO ADJUDICATIONS OF APPROVAL RECORD.

DECLARE PLAINTIFF - - - - - RECORDS DEPARTMENT - - - - -

DISCOVER DATE - +
00/00/0000

AUDIT PERIOD - 02/06/58 PLUS/STILL 10/25/57 PLUS/STILL

NO COMMENTS FOUND

AQUACULTURE RIGHTS DATE AND FLAG AREA - - - - -

COURT REPORT FILED	-	00/00/0000	FIELD INSPECTOR'S NAME	-	00/00/0000	CIVIL CASE NUMBER	-	89375
EXEMPTION FILED DATE	-	00/00/0000	FIELD INSPECTOR'S FLAG	-		CIVIL CASE NUMBER	-	
RESPONSE FILED DATE	-	00/00/0000	LAST FIELD DATE	-	00/00/0000	OLD JUDICIAL DISTRICT	-	
CLAIM RECEIVED DATE	-	00/00/0000	LAST FIELD DATE	-	10/25/1988	TEMPORARY RIGHT	-	
RECEIVED DATE	-	00/00/0000	RECEIVED DATE	-	00/00/0000	WATER DISTRICT	-	
LICENSED DATE	-	00/00/0000	RECEIVED DATE	-	00/00/0000	PERMANENT STATE INDICATOR	-	
CLAIMS TAPE SPECK FILE	-		200 CLAIMS/FILE FLAG	-	Y	DESCRIPTION FLAG	-	
SEE EXEMPT FLAG	-		DATE CORRECTED	-	00	NOTICE ON EXEMPT FLAG	-	

09525E 200000

DATA ENTRY
ENTERED 11-20-92
CHECKED 2/6/93

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPE Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
OCT 25 1991

CERTIFIED
OCT 25 1991
WATER EXAMINER

RECEIVED
SEP 07 2004
Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

A. Subcase

45-10252

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Julio A Rodriguez

Address: 636 E 100N

RUPERT ID 83350

Daytime Phone: 436 0427

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Julio A Rodriguez

Address: 636 E 100N

RUPERT ID 83350

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: AS CLAIMED
3. ☒ **Quantity** " "
Should be: _____
4. ☒ **Priority Date** " "
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: 9S, 25E Sec 20 NENE
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: AS CLAIMED
8. ☒ **Period of Year** " "
Should be: _____
9. ☐ **Place of Use**
Should be: 9S-25E Sec 20 NENE

11. I object because:

☐ This water right should not exist.

☒ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): THE CLAIMED LISTED

THE WRONG LEGAL DESCRIPTION

F.

VERIFICATION (Must be Completed)

State of IDAHO)
)ss.

County of TWIN FALLS)

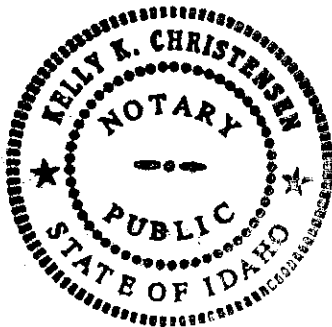
Julio Rodriguez, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Julio Rodriguez
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 8-7-04



Kelly K. Christensen
Notary Public for IDWR
Residing at: TWIN FALLS
My Commission Expires: 4-2-2010

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on 8-7 2004, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: _____

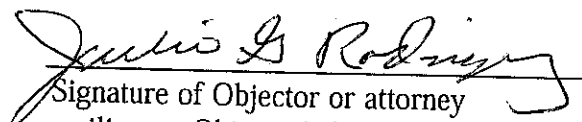
Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf