

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 31-10293

2002 APR 11 AM 9:10

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: WEST JEFFERSON SCHOOL
DISTRICT NO. 253
1272 E 1500 N
TERRETON, ID 83450

SOURCE: GROUND WATER

QUANTITY: 0.12 CFS
11.00 APY

PRIORITY DATE: 04/01/1938

POINT OF DIVERSION: T06N R34E S22 NWNWNE Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.08 CFS 7.00 APY
	Domestic	01-01 TO 12-31	0.04 CFS 4.00 APY

DOMESTIC USE FOR TERRETON ELEMENTARY SCHOOL

PLACE OF USE: Irrigation T06N R34E S22 NWNE 2.8 Within Jefferson County
2.8 Acres Total

Domestic T06N R34E S22 NWNE Within Jefferson County

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

TWO POINTS OF DIVERSION LOCATED IN NWNE, S22, T07N, R36E.^^^
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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: A31-10293
Date Received: 9/15/1988
Receipt No: E002507
Received By: _____

NOTI

*Original
Claims sent
to court.
9-13-01*

RIGHT

1. Name: WEST JEFFERS NO 253 208-663-4542
Address: HC 63 BOX 100, 83450
TERRETON, ID

2. Date of Priority: APR 1, 1938

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	34E	22	NW	NW	NE		JEFFERSON

5. Description of diverting works:
WELL & PUMP TO SCHOOL BUILDINGS AND GROUNDS.

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		
IRRIGATION	04/01	11/01	0.160		

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

8. Total consumptive use is 20.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC - 2 SCHOOLS

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	36E	22	NW	NE		DOMEST	
			NW	NE		IRR	8.0

Section Acres 8.0

A31-10293

Page 1

Date: 09/15/88

MICROFILMED

NOV 17 1992

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SEP 21 1988

Department of Water Resources
Eastern District Office

A310293



10. Place of Use: Continued

Total Acres 8.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
A31-10294 & SHARES FROM OWSLEY CANAL CO.

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.

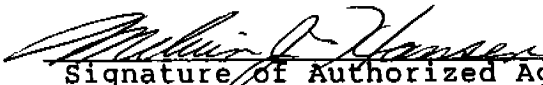
Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ Superintendent _____ of
Title

_____ West Jefferson Sc. Dist. #253 _____, that I have signed the foregoing
Organization
document in the space below as _____ Superintendent _____ of
Title

_____ West Jefferson Sc. Dist. #253 _____ and that the statements contained in the
Organization
foregoing document are true and correct.


Signature of Authorized Agent
Superintendent

_____ West Jefferson Sc. Dist. #253
Title and Organization

9/20/88

Date

State of Idaho)
) SS.
County of Jefferson)

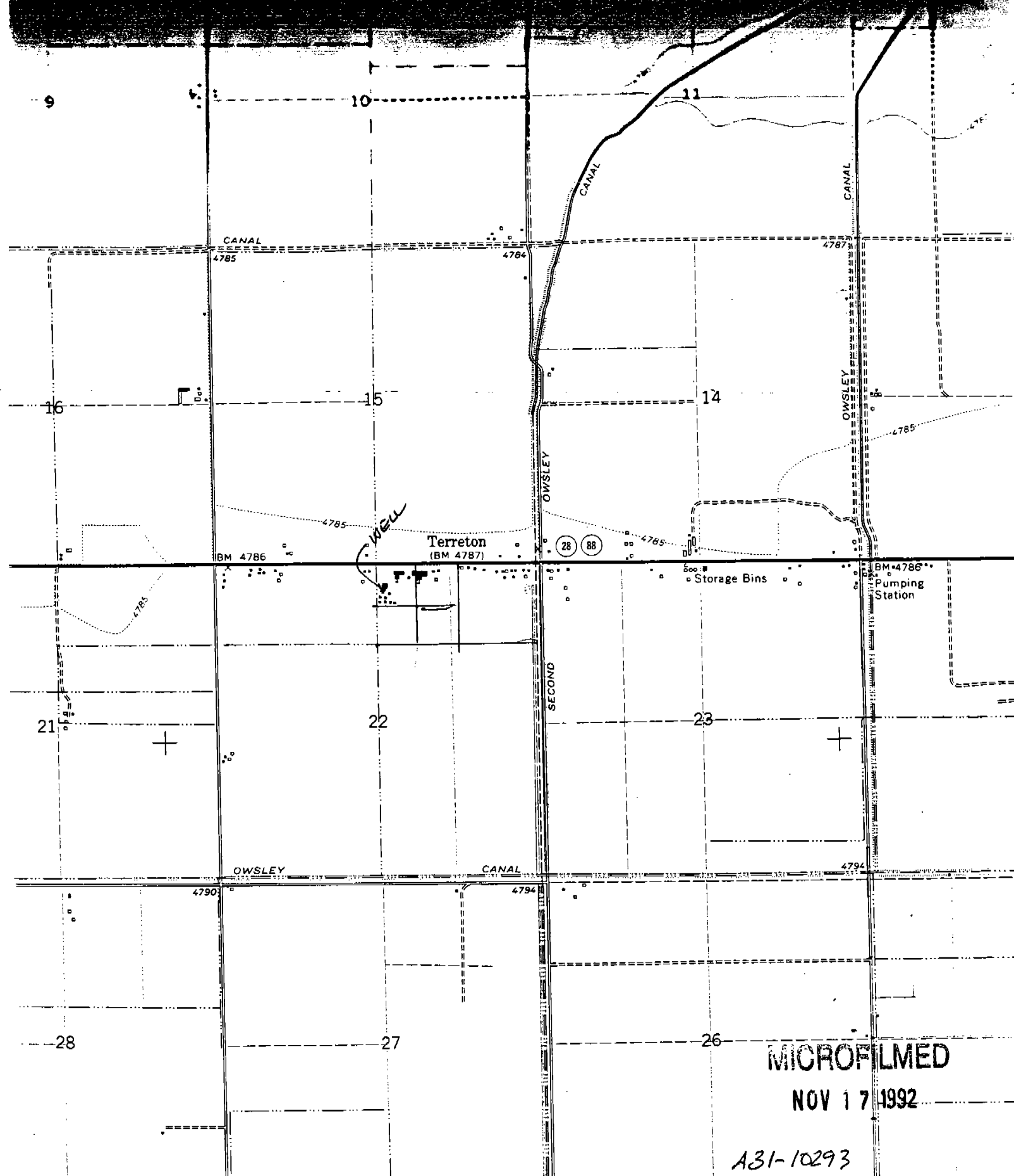
Subscribed and sworn (or affirmed) before me this 20th day
of September 19 88

Jackie Shively
Notary Public

Seal

Residing at Terreton, Idaho

My Commission Expires 8/2/94



MICROFILMED

NOV 17 1992

A31-10293

2002 FEB 11 AM 9:10
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)

ORDER OF PARTIAL DECREE

For Water Right 31-10293

On February 1, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 31-10293 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 4/11/02



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

2002 APR 11 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 31-10293

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 31-10293 was mailed
on April 11, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BEN SPEELMON
Represented by:
DALE W. STORER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

WEST JEFFERSON SCHOOL
DISTRICT NO. 253
1272 E 1500 N
TERRETON, ID 83450
Phone: 208-663-4542


ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
04/11/02

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SEP - 4 2001

Department of Water Resources

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 31-10293

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: BEN SPEELMON

Address: 1272 E. 1500 N.

TERRETON, IDAHO 83450

Daytime Phone: 208-663-4542

Name & Address of Attorney, if any:

DALE STORER

330 SHOLP AVE, 3RD FLOOR

IDAHO FALLS, ID. 208-523-0620

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

Name: WEST JEFFERSON SCHOOL DIST. #253

Address: 1272 E. 1500 N.

TERRETON, IDAHO 83450

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: 1272 E. 1500 N. TERRETON, Id. 83450
2. ☐ Source
Should be: _____
3. ☒ Quantity VOLUME SHOULD BE ^{22.5} ~~2500~~ ACRE FEET.
Should be: REMOVE 2500 GAL. RESTRICTION. DEVELOPMENT
TOOK PLACE PRIOR TO 1963. NO PERMIT REQUIRED.
4. ☒ Priority Date
Should be: REMOVE REMARK "NOT A DETERMINATION OF
HISTORICAL USE"
5. ☒ Point(s) of Diversion
Should be: 6 N 34 E 22 NW NW 1/4
6. ☐ Instream Flow Description
Should be: _____
7. ☒ Purpose(s) of Use
Should be: TERRETON ELEMENTARY & WEST JEFFERSON HIGH
SCHOOL.
8. ☐ Period of Year
Should be: _____
9. ☐ Place of Use
Should be: _____

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): _____

#3 A. DEVELOPED BEFORE 1963.

B. 470 PERSONS X 60 GALLONS X 180 DAYS = 15.5 AF
FOR SCHOOL USE PLUS 7 AF IRRIGATION.

#4 A. AFFIDAVIT IN FILE DOCUMENTS USE & PRIORITY.

#7 A. THIS RIGHT IS FOR TERRETON AND NOT HAMER ELEM.
HAMER IS RIGHT 31-10292.

F.

VERIFICATION (Must be Completed)

State of Idaho

County of Bonneville)ss.

Ben Speelman, 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.

Ben Speelman, Esq. of Lakoda
(Signature of person filing objection)

(Attorney signing in representative capacity)

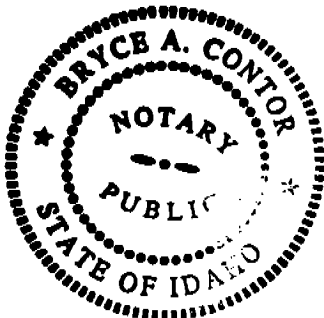
Subscribed and sworn to before me on: 8/31/2001

Bryce A. Contor

Notary Public for Idaho

Residing at: Mud Lake

My Commission Expires: 10/14/2005



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 August 31, ²⁰⁰¹~~199~~, 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: WEST JEFFERSON S.D. #253 (BEN SPEELMAN, Supt)
Address: 1272 E. 1500 N.
TERRETON, IDAHO 83450

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

West Jefferson School District No. 253

1272 East 1500 North
Terreton, Idaho 83450



Serving The Communities Of
Hamer • Mud Lake
Montevieu • Terreton

EXCELLENCE IN EDUCATION

Telephone 663-4542
FAX 663-4543

"RD" Palmer
Superintendent/Clerk
Jackie Shively
Secretary/Treasurer

Board of Trustees
Don M. Burtenshaw, Chairman
William H. Shively, Vice Chairman
Carl Ball, Trustee
Cindy Siddoway, Trustee
George H. Hansen, Trustee

July 8, 1994

Roxanne McCarthy
State of Idaho
Department of Water Resources
900 N. Skyline Drive
Idaho Falls, ID 83402-1718

RECEIVED
JUL 11 1994

Department of Water Resources
Eastern District Office

Dear Ms. McCarthy:

Enclosed is an "Evidence of Priority" document on the following
West Jefferson School District water adjudication rights.

Please reference Claim #A31-10293 and #A31-10294.

Sincerely,

Ben Speelman,
Superintendent

js

NOV 14 1996

July 6, 1994

TO WHOM IT MAY CONCERN:

This affidavit serves as verification for the following water adjudication claims.

1. No. A31-10293 04/01/1938
2. No. A31-10294 04/01/1958

I have personal knowledge that these claims are valid.

Melvin J. Hansen
Former Superintendent of West Jefferson
School District #253
Hamer, ID 83425

Melvin J. Hansen

Notary 7-8-94
Jackie Shively
Terreton, Idaho

Expires 8-2-94

RECEIVED

JUL 11 1994

Department of Water Resources
Eastern District Office

AGS-5000

NOV 14 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

POOR ORIGINAL

EASTERN REGION
FEBRUARY 9, 1993

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

*

RE: EVIDENCE OF PRIORITY

Dear Claimant(s):

The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". 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, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

EVIDENCE OF PRIORITY
Page - 2 -

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

The Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by MARCH 9, 1993, 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.

Respectfully submitted,

Eric Verner
Senior Water Agent

EV:jt

Enclosure: Brochure on "Evidence of Priority"
Proof Report

Other Water Right Numbers Needing Evidence of Priority