

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 31-11707

2002 AUG 27 AM 9:36

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: SIDDOWAY SHEEP CO INC
1055 N 1700 E
TERRETON, ID 83450

SOURCE: GROUND WATER

QUANTITY: 0.41 CFS
136.50 AFY

PRIORITY DATE: 10/06/1976

POINT OF DIVERSION: T05N R35E S04 LOT 3 (NWSENW) Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.41 CFS 136.50 AFY

PLACE OF USE: Irrigation
T05N R35E S09 SENW 39.0 Within Jefferson County
39.0 Acres Total

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

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

AUG 28 2002

Department of Water Resources

2002 AUG 27 AM 9:36

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 Rights 31-11706 and 31-11707**
)

On May 29, 2001, the Idaho Department of Water Resources filed an *Amended Director's Report* recommending that water right claim 31-7210 be split and decreed as 31-11706 and 31-11707. No objection was filed to this *Amended Director's Report* and the time for filing objections has expired.

Therefore, IT IS ORDERED that water rights 31-11706 and 31-11707 are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED August 27, 2002



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE FOR WATER RIGHTS 31-11706 & 31-11707 was mailed on August 27, 2002, with sufficient first-class postage to the following:

HILL FARMING INC.
C/O RICK HILL
660 N 5TH W
ST ANTHONY, ID 83445

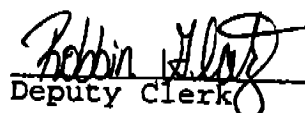
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

SIDDOWAY SHEEP CO INC
1055 N 1700 E
TERRETON, ID 83450

ORDER

Page 1 8/27/02

FILE COPY FOR 00070


Deputy Clerk

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

)

Water Rights: 31-7210, 31-11706,
31-11707

Case No. 39576

)

)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party (split) HILL - SIDDOWAY
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: May 25, 2001

Ernest Carlson
Signature of IDWR Representative



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION
May 24, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

HILL FARMING INC
C/O RICK HILL
660 N 5TH W
ST ANTHONY ID 83445

RE: Notice of Change of Water Right Ownership (NCO) for
31-7210 and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Hill:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

DELOG
DC 5/23/01
split ok
DC 5/2001

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
31-7210	Needs NAP	X			

RECEIVED

MAY 23 2001

Department of Water Resources
Eastern Region

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

Hill Farms Inc
St. Anthony ID

4. New Owner/Claimant(s)

Siddoway Sheep Co., Inc.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1055 N 1700 E

City, State and ZIP Code

Terreton ID 83450

New Telephone Number

208) 663-4585

5. Date you acquired the property
1953

Did not sell. Water was transferred
to Hill Farms March 31, 1992 with
transfer of some property. 40
acres with water rights stayed with
original owner - Siddoway Sheep Co. Inc.

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>31-7210</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		~~40 acres~~
Stock	<u>.41 CFS</u>	<u>39 ACRES irrigated</u>
Domestic		<u>x 3.5</u>
Other		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Cindy Siddoway /owner/sec.
(include title if applicable) Siddoway Sheep Co Inc

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Property Comments

(subject land description continued)

Tract 1 (see aerial photograph) has 124.09 acres and is the headquarters of this sheep ranch. It is 1/4 mile wide (east to west) and 3/4 mile long north to south. It is located 8 miles southeast of Terretton with access by county gravel road. All of the subject building improvements (see description on page 13) including the ranch home, labor housing, lambing facilities, corrals, scales, hay and grain storage, and machine shed, are located on this tract. The north 39 acres has a water right (License #A31-07210, priority date 10/6/1976, 3.74 CFS, 353 acres) and was tenant irrigated cropland in 1994 with the adjoining 313 acres to the north and a mainline from the well located 1 mile to the north. As of May 1994, tract 1 still had the water right but no irrigation laterals or joint-use agreement for delivery of water from the well. The water right could be transferred to another 39 acres so has some contributory value. With the cooperation of the owner of said well on the adjoining farm, it would be possible to transfer to the north 40 acres of tract 2 and deliver water from the well with a new mainline. The soils are Terretton sandy loam, Terretton silty clay loam, and Terretton clay. The deeded carrying capacity for this tract is estimated at 6 AUMs per 39 irrigated acres or 234 AUMs. 84 acres are classified as farmstead and 1.09 acres as waste. Tract 1 is joined on the south by a 640 acres of dry grazing sage and native grasses leased from the State of Idaho in 1994 at a fee of \$644 for 120 aums at \$4.53 per aum plus \$100 for use during winter feeding. Another state section (36) or 640 acres of dry grazing sage and native grasses located 3 miles southwest of tract 1 is leased for 50 AUMs in the spring.

✓ 40 acres

313
39

Tract 2 (see aerial photograph) has 159.6 acres. Its southwest corner is 1/4 mile east of the northeast corner of tract 1. It is 1/4 mile wide (east to west) and 1 mile long north to south. The north 39 acres are dry farm alfalfa/grass with the south 120 acres being crested wheat dry grazing. With the cooperation of the owner of the irrigation well located 1/2 mile west of the northwest corner of tract 2 on the adjoining farm, it would be possible to transfer water right from tract 1 to the north 40 acres of tract 2 and deliver water from the well with a new mainline. Most of the soils are Terretton loamy sand with Terretton clay on the north end. This tract is grazed by the sheep in the spring after lambing. It is not fenced. Access is by county gravel road frontage along the north property line. The deeded carrying capacity for this tract is estimated at 3 AUMs per acre for the north 39 acres of dry crop improved pasture and 1 AUM per acre for the 120 acres in crested wheat for a total of 237 AUMs. .6 acre of road is classified waste.

Tract 3 (see aerial photograph) has 320 acres located about 2 miles southeast of tract 1. It is irregular in shape being 1/2 mile wide (east to west) and 1 mile long north to south. Most of the soils are rocky Bereniceton and Terretton silt loam with some Terretton clay. This tract is located on the Twin Buttes allotment and is grazed by the sheep in the spring after lambing and in the winter. It is not fenced. The deeded carrying capacity for this tract is estimated at 5 acres per AUM or 64 AUMs. Access is by unimproved dirt roads through BLM land.

Tract 4 (see aerial photo) with 200 acres is 1 mile wide (east to west) and 1/2 mile long north to south located 6 miles southeast of St. Anthony with access by county paved road along its west property line. The west end of the farm has a water right of 17 acres/shares (1 share = 1 acre) assessed by Enterprise Irrigation District at \$3.00 to \$6.00 per acre depending upon district expenses. It can irrigate an estimated 10 acres of native grass pasture below the ditch. 160 acres have a water right (Decree/Claim #A22-00163B, priority date 4/1/1896) for 2.67 CFS (7.5 gpm per acre) from the Teton River which crosses this tract with 1/4 mile of frontage on its east end. Several years ago (over 10 years) there was a pumping plant located on the west bank of the river which pumped into the existing steel mainline (approximately 220 feet with an estimated lift of 100 feet). Portable mainline and over 1/2 mile handlines were used to irrigate about 97 acres. The appraisal includes this water right, supply and limited equipment. This tract has been used as dry improved pasture (weed infested) for approximately 140 buck sheep from April to September depending upon the weather. It works well for this purpose with livestock water from the river and some shade along the river so little attention to the bucks is needed. It is also used as a lay-over site when trailing the sheep between the desert and the forest. The south and west property lines are fenced with the north and east lines being enclosed by the river. 83 acres including some tillable land with a water right but not under the original sprinkler system are classified as dry grazing.

(continued on next page)

MAKE CHECK PAYABLE TO:
DEANN MADSEN
JEFFERSON COUNTY TREASURER
134 NORTH CLARK
RIGBY, IDAHO 83442

2000 TAX BILL/RECEIPT

BILL# 7165 CODE AREA 28-00

1ST HALF DUE
TAX 1,230.89
LATE
INT
COST
TOT

2ND HALF DUE
TAX 1,230.89
LATE
INT
COST
TOT

FULL DUE
TAX 2,461.78
LATE
INT
COST
TOT

SIDDOWAY SHEEP COMPANY
% SIDDOWAY JEFF
1055 N 1700 E
TERRETON ID 83450

TAXING DISTRICT
STATE
COUNTY
SCH DIST 253
ROAD/BRIDGE
WT JEFF CEM
W JEFF FIRE D
LIBRARY DIST
W. JEFF AMB
DISTRICT TOTAL
LAND FILL USE F
AMOUNT DUE

NE4NE4: SE4NW4: E2SW4: TAX 1:
SEC 9, TWP 5 NORTH RGE 35 EBM
1975 KIT NORTHWEST 24 X 67 ON
TAX 1 IN NW4SW4:

1053 N 1700 E

83450

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.
KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

BRING THIS NOTICE FOR PROPER CREDIT
YOUR CHECK IS YOUR RECEIPT

