

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: A35-04037
Date Received: 5/31/1989
Receipt No: E008455
Received By: HUT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD D. POLATIS
Address: 174 S. 175 W.
BLACKFOOT, ID 83221 208-684-3135

OR

Name: DANIEL T. POLATIS
Address: 174 S. 175 W.
BLACKFOOT, ID 83221 208-684-3135

2. Date of Priority: MAY 01, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	32E	5	NW	SW			BINGHAM

5. Description of diverting works:
WELL AND PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	2.010		

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

8. Total consumptive use is 468.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A35-04037

Page 1

Date: 05/31/89

MICROFILMED

DEC 10 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03S	32E	5	NE		SW		IRR	39.0
			NW		SW		IRR	39.0
			SW		SW		IRR	39.0
			SE		SW		IRR	39.0
							Section Acres	156.0
							Total Acres	156.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM
Water Right Number: 354037

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): Buckley M. Delate Date: 31 May 89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of May 19 89

Anthony J. Olenichak
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 9/2/1994

PARCEL # 2

TP. 2 S. 3 E. RGE. 32. E.

BINGHAM COUNTY

IDAHO STATE

SCALE: 1" = 1/320

PLATTED BY VERIFI
SW.

TITLE REPORT OF

CL. 12

R 32 E

Pivot 32 E

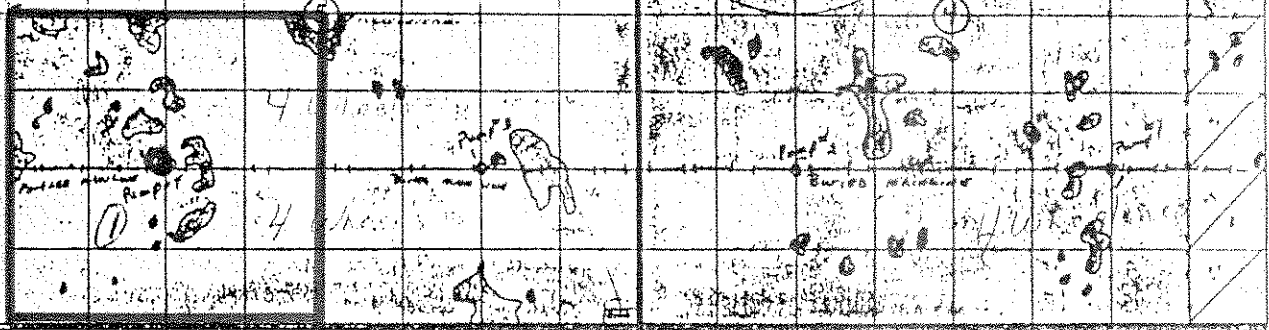
Pivot 32 E

Pivot 32 E

Pivot 32 E

Rockford 11 MI →

T 35



① 125 HRS

8 0 6

Large Pigeon

A 35-04037

MICROFILMED

DEC 10 1992

December 18, 1991

A35-04037

RICHARD D POLATIS
174 S 175 W
BLACKFOOT ID 83221

FINAL REQUEST

RE: Evidence of Priority *RESPONSE DEADLINE*

JANUARY 20, 1992

Dear Mr. Polatis:

Our records indicate that your claim, listed above, is based upon either a "Statutory Claim" or "Beneficial Use" of the water. For water rights of this type, the claimed "Priority Date" must be substantiated with supporting evidence. We previously requested this supporting evidence be submitted by July 25, 1991, and to date we have not received the requested documentation.

Before the Department can make a recommendation to the Court to decree the claim, some evidence of the priority date must be submitted. We are enclosing a brochure outlining the types of evidence you may submit, and a printout of your claim for reference. We request that you submit your evidence of priority as soon as possible.

If we do not receive the requested documentation, the Department will recommend the claim be disallowed, due to lack of evidence supporting any priority date.

Please submit the required evidence supporting the priority date by January 20, 1992. Please reference the claim number on your correspondence. If you have questions or need other assistance, please contact this office.

Sincerely,

Eric Verner
Senior Water Rights Agent

EV:jt

Enclosure: Brochure/Proof Report

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DEC 10 1992

35-4037

June 12, 1991

RICHARD D POLATIS
174 S 175 W
BLACKFOOT ID 83221

RE: Evidence of Priority

Dear Mr. Polatis:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the 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, 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.

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".

It is our goal to recommend this 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. But, 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 **July 12, 1991**, 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.

MICROFILMED

DEC 10 1992

RICHARD D POLATIS

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water Right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A95-04027
RICHARD D. POLATIS
DANIEL T. POLATIS
174 S. 175 W.
BLACKFOOT

ID 83221

MICROFILMED

DEC 10 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

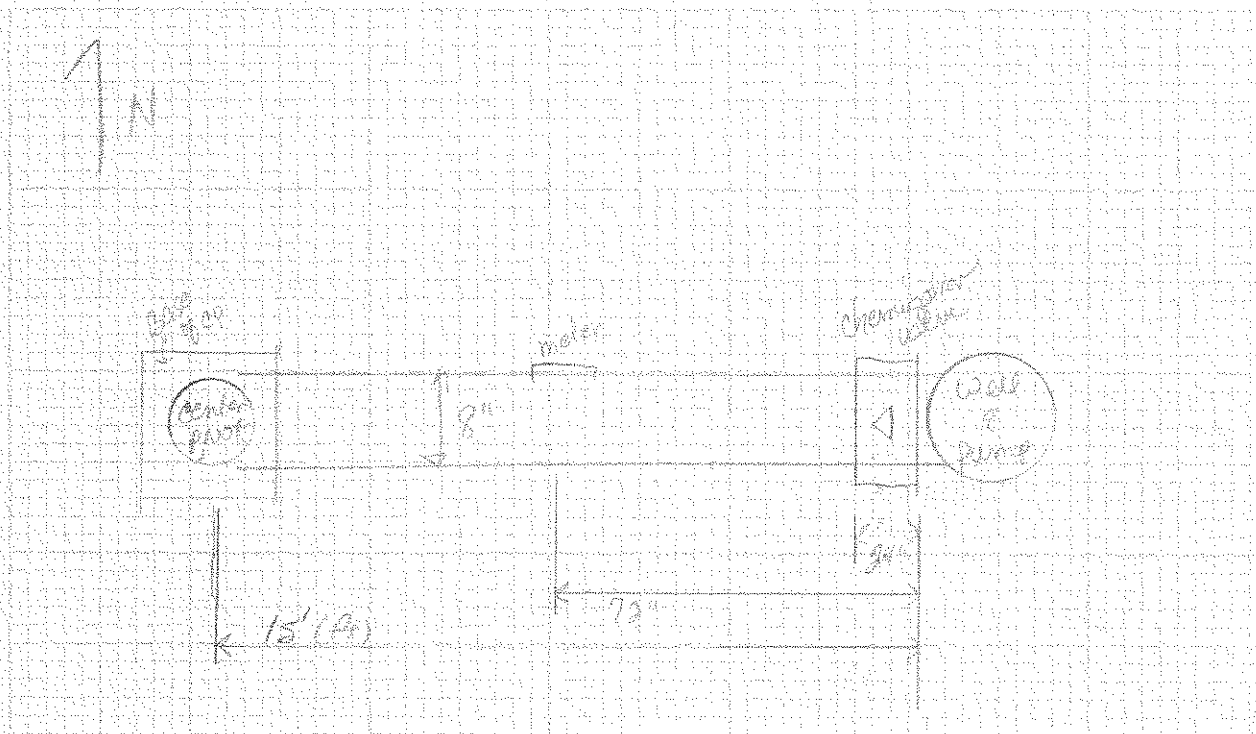
1. Owner: Richard & Daniel Polster Permit No. A35-4037
Current Address: _____ Phone No. _____
2. Accompanied by: Richard Polster EXAM. DATE: 7-13-91
Address: _____ Phone No. _____
Relationship to Permit Holder: Partner
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion: _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
- ☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pressure gauge		Valley			0-70	

2. Measurements:

Static depth - 150' w/ ? drawdown (based on Richard
60 psi (at top of beginning of point)

Flow - 2.67 cfs

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

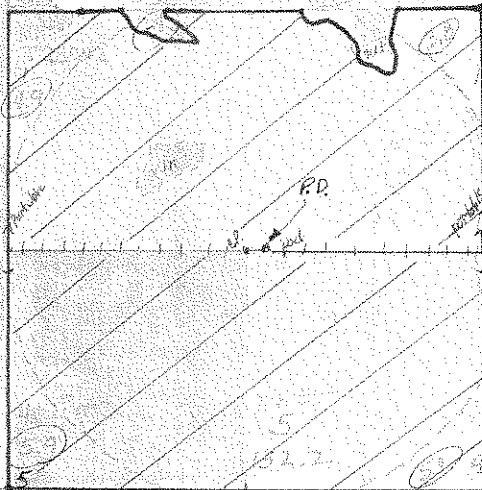
2. Volume Calculations for Other Uses:

133.5 2112

1998

R 32E

CLAIM NO(S): ASS-04037
DATE: 6-16-98 1032 & 326
SOURCE OF DOC: ASSS Proter-1987
SIGNATURE: [Signature]



Face
of Use

A35-4037

APR 15 1960

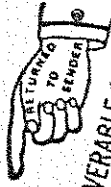
RECEIVED

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STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707



NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

Richard D Polatis
174 S 175 W
Blackfoot, ID 83221

Partial decree
35-4037



RECEIVED

MAR 15 2002

Department of Water Resources

RECEIVED

MAR 21 2002

Department of Water Resources
Eastern Region

MAR 12 11:11:30

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

) Subcase: See Exhibit A

Case No. 39576

)
)
) **PARTIAL DECREE OF DISALLOWED
WATER RIGHT CLAIMS**

On January 29, 1999, the Director of the Idaho Department of Water Resources filed a *Director's Report, Irrigation and Other Rights, Reporting Area 5 (IDWR Basin 35), Part III*, recommending that the water right claims listed on the attached Exhibit A be **disallowed**. The time period for objecting to this recommendation has passed.

As this Court has previously determined, all claims reported to the Court by the Director of IDWR shall appear in a decree. This is required so that there is no confusion over action taken by the Court on all claims reported to it.

THEREFORE IT IS ORDERED AND ADJUDGED that the water right claims listed on the attached Exhibit A are hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

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.

DATED March 11, 2002.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

35-02012C
35-02113
35-04015
35-04028-
35-04037
35-04045
35-04116
35-04218-
35-07246E
35-07353A
35-07602C
35-08038
35-08086-
35-10358
35-10495
35-10565
35-10814
35-10907-
35-11045
35-11108
35-11381
35-11480
35-11506-
35-11531
35-11979
35-12313
35-12338
35-12791-
35-12796
35-12797
35-12809
35-12838
35-12865
35-13083

(Subcase list: 35DIS2)
3/11/02

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE OF DISALLOWED WATER RIGHT CLAIMS was mailed on March 12, 2002, with sufficient first-class postage to the following:

D NEIL MORGAN
GEORGE E PERSCHON
JULIE MORGAN
RENEE P PERSCHON
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

DEPT OF FISH & GAME
P O BOX 25
BOISE, ID 83707
Phone: 208-334-3791

J R SIMPLOT COMPANY
P O BOX 27
BOISE, ID 83707-0027

STEVEN WHEELER
P.O. BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

JUDY BROADHEAD
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LA MAR WHYTE
MARIE WHYTE
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KATHERINE SCHROEDER
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ABERDEEN, ID 83210
Phone: 208-397-5335

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

KEITH J GNEITING
PO BOX 95
STERLING, ID 83210
PARTIAL DECREE OF DISALLOWED CLAIMS

REGIONAL DIRECTOR, PN REGION
REGIONAL DIRECTOR, PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD
BOISE, ID 83706-1234
Phone: 208-378-5155

USDI FISH AND WILDLIFE SER
USDI FISH AND WILDLIFE SER
DIVISION OF ENGINEERING
911 NE 11TH AVE
PORTLAND, OR 97232-4181
Phone: 503-231-6145

EUGENE M HIGGINS
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STELLA L WEBB
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Phone: 208-684-4083

DANIEL T POLATIS
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Phone: 208-684-3135

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DAN DEGIULIO
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Phone: 208-684-4194

RICHARD D POLATIS
174 S 175 W
BLACKFOOT, ID 83221
Phone: 208-684-3135

(Certificate of mailing continued)

GLENN ANDERSEN
TAMRA ANDERSEN
1945 WEST 850 SOUTH
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SANTA MONICA, CA 90403
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WILLIAM R SCHROEDER
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Phone: 208-226-2179

ANNE SCHROEDER
WILLIAM R SCHROEDER
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AMERICAN FALLS, ID 83211
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ROGER L STOKES
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ISAAC PIERCE
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BOB KNUDSEN JR
KNUDSEN POOR FARMS INC
2700 WEST 2100 SOUTH
ABERDEEN, ID 83210
Phone: 208-397-4300

KNUDSEN POOR FARMS, INC
2700 WEST 2100 SOUTH
ABERDEEN, ID 83231
Phone: 208-397-4300

BEN CAVANESS
2761 MOONLIGHT LN
AMERICAN FALLS, ID 83211-5432
Phone: 208-226-2562

HAROLD TOEWS
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OLYMPIA, WA 98502-8668

DAVID J STOKES
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OGDEN, UT 84403
Phone: 801-621-5887

LARRY D CALDWELL
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PINGREE, ID 83262
Phone: 208-684-4296

WARREN HILL
572 S 1500 W
PINGREE, ID 83262
Phone: 208-684-4572

OTTO L TIEDE
614 CALDER
AMERICAN FALLS, ID 83211
Phone: 208-226-5795

C DEAN CORNIA
6527 HOLIDAY DR
BOISE, ID 83709
Phone: 208-375-6946

ALLAN F LARSEN TRUST
BARBARA E LARSEN TRUST
848 W TABER RD
BLACKFOOT, ID 83221
Phone: 208-684-4911

Robbin Hartz
Deputy Clerk

35-4037

5NWNW

03S32E5NENW

03S32E5NWNE

03S32E5NENE

5SWNW

03S32E5SENW

03S32E5SWNE

03S32E5SENE

03S32E5NWSW

03S32E5NENE

03S32E5NWSE

03S32E5NESE

03S32E5SWSW

03S32E5SESW

03S32E5SWSE

03S32E5SESE