

No Color
Documents
In File

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: A57-10879

Date Received: 10/16/1991

Receipt No: C022019

Received By: *as frayer*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD A LEMKE
Address: RT 1 BOX 561
MARSING ID 83639

AND

Name: SANDRA M LEMKE
Address: RT 1 BOX 561
MARSING ID 83639

2. Date of Priority: DEC 31, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	04W	33	SW	SE			OWYHEE

5. Description of diverting works:
WELL, PIPED TO HOUSE

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		

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:
DOMESTIC, 1 HOME

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OCT 06 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04W	33	SW	SE		DOMEST	
			SW	SE		STOCK	

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
GEM IRRIGATION DISTRICT

14. Remarks:
PARCELS I AND III. PURCHASED PROPERTY 10/1990.

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): *Wend L Lemke* Date: *10-16-91*
Samuel M. Lemke Date: *10-16-91*

State of Idaho)
County of *Ada*) SS.

Subscribed and sworn (or affirmed) before me this *16th* day
of *Oct.* 19 *91*

Sally Frazee
Notary Public
SALLY FRAZEE, Notary Public
Residing at Boise, Idaho
Residing at _____
My Commission Expires November 14, 1992
My Commission Expires _____

Seal

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 57-10879

1976 DEC -3 AM 10:51
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: RICHARD A LEMKE
SANDRA M LEMKE
RT 1 BOX 561
MARSING ID 83639

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1977

POINT OF DIVERSION: T03N R04W S33 SWSE Within OWYHEE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within OWYHEE County
T03N R04W S33 SWSE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

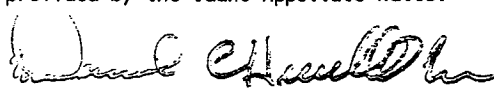
DATED: DEC -3 1996


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

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: DEC -3 1996

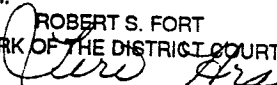

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

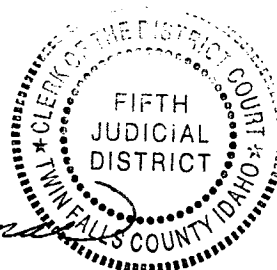
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JUN 06 1997

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-10879

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a
full, true and correct copy of the
original on file in the above entitled
action.

ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK



PAGE 1
NOV-18-1996

AJ5809NP
No. R57-10879

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/22/96
PAGE: 7

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RICHARD A LEMKE	12/31/1977	DOMESTIC	01-01 12-31	0.04 CFS	
C	SANDRA M LEMKE					
	RT 1 BOX 561					
	MARSING ID 83639					
				TOTAL DIVERSION:	0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T03N R04W S33

SWSE

OWYHEE County

Place of use Legal Description for: DOMESTIC

	NE				NW				SW				SE			
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
03N 04W 33	:		:		:		:		:		:		:		:	

POU County: OWYHEE

Non-Irrigation Uses: 1 HOME

Other Rights: GEM IRRIGATION DISTRICT

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP03N04W338815.

Dates: Exam Made Date: Verified Date: 10/21/1996 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 11/07/1991 User-ID: HOSELEY Subject: COPIED FROM REMARKS
PARCELS I AND III. PURCHASED PROPERTY 10/1990.

Date: 10/14/1996 User-ID: DS1-PROD Subject: D&S 1 HOME UPDATE
USE-NOT-IRRIGATION FIELD TEXT REPLACED WITH "1 HOME".
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO AN EXP REMARK.

Date: 10/21/1996 User-ID: DSHAFF Subject: DATA ENTRY

JUN 0 6 1997
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AJ5809NP
No. R57-10879

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/22/96
PAGE: 8

=====
Comments: Date: 10/21/1996 User-ID: DSHAFF Subject: DATA ENTRY
A SIMPLE REFORMATTING IN THE BATCH UPDATE PROCESS REVEALED THIS
RECORD HAD EXISTED FOR A DIR. REPORT WITH WATER USES IN THE POU
OF 43 AND 04 WHEREAS THE WATER USEAGE WAS ONLY 43. THE DIR.
REPORT RECOMMENDED ONLY 43 IN BOTH PLACES. THIS RECORD WAS
MODIFIED TO DELETE THE 04 CODE IN THE POU.

Audit: 10/21/96 DSHAFF

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JUN 06 1997

From: DWR80::KWALKER
To: DWR03::DSHAFF
CC: KWALKER
Subj: WATER USE BITE

21-OCT-1996 11:43:07.06

HI, DON... I PULLED FILE A57-10879 AND FOUND THAT IT IS A CLAIM FOR YEAR-ROUND DOMESTIC USE ON THE FRONT. ON THE SECOND PAGE THOUGH, IT SHOWS A PLACE OF USE FOR STOCKWATER EVEN THOUGH THAT'S THE ONLY PLACE ON THE CLAIM THAT STOCK SHOWS UP. IT APPEARS TO ME THAT THE STOCKWATER P/U SHOULD BE DELETED IN ORDER TO MAKE THE CLAIM OK. HOPE THIS ANSWERS YOUR QUESTIONS.
KAY

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JUN 06 1997

From: • DWR03::DSHAFF 21-OCT-1996 11:37:11.82
To: DWR80::KWALKER DWR60::KCHRISTE DWR70::GTAYLOR
CC: DWR80::JSHURTE DWR60::DJONES DWR70::ECARLSEN,DSHAFF
Subj: HELP WITH WATER USE BITE

By creating R-records for a group of programmatically reformatted records (Short) I was bitten by the Water Use Code trap in the Batch Update. Would each of you or a designee get me answers on what to do data entry-wise with each of these records as they apply to your region? Thanks

34-10878
57-10879

36-13549

36-13557

36-14396

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JUN 06 1997

THIS IS AN IMPORTANT LEGAL NOTICE CONCERNING YOUR WATER RIGHT CLAIMS IN 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 SRBA	)	Case No. 39576
	)	NOTICE OF FILING AMENDED DIRECTOR'S
	)	FOR REPORTING AREAS 1, 2, AND 3
	)	(BASINS 34, 57 AND 36)

TO: ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN REPORTING AREAS 1, 2 AND 3
(BASINS 34, 57 AND 36)

The Idaho Department of Water Resources has filed Amended Director's Reports for Reporting Areas 1, 2, and 3 (Basins 34, 57, and 36, also known as the test basins) with the SRBA District Court. One of the purposes of the Amended Reports is to conform the director's reports to the requirements of the adjudication statute, Title 42, chapter 14, Idaho Code, which was amended in 1994.

The Amended Reports amend the "preamble" to the director's reports, which include "general provisions." The general provisions apply to all water rights or certain classes of water rights, and are recommended to be included in the court's decree of water rights. The amendments significantly reduce the general provisions, and include some changes in the text of the remaining general provisions. The remainder of the preamble consists of explanatory material. The Amended Reports do not change the list of water rights in the report. IDWR will file amended reports at a later date that revise the list of water rights in the reports.

The SRBA District Court has entered an order granting the amendments to the Director's Report for Basin 57 in part. The order further provides that no additional objections to the remaining general provisions in the Basin 57 report will be allowed. The court has entered an order setting a hearing on the Amended Reports for Basins 34 and 36 on January 16, 1996, at 1:30 p.m., at the SRBA Courthouse. **The order provides that any party opposing the amendments to the report shall file with the court a notice and brief in opposition by 5:00 p.m. January 8, 1996;** any party wishing to file a response to the objections shall file their briefs prior to 5:00 p.m., January 15, 1996.

Some claimants have filed a motion asking the court to designate the general provisions as "Basin Wide Issue No. 5" for determination by the court. The court has entered an order designating the general provisions in Basin 57 as Basin Wide Issue No. 5. (One of the general provisions, concerning the Reynolds Creek Decree, was referred to the special master for Basin 57.) A hearing on the designation of general provisions in Basins 34 and 36 as part of Basin Wide Issue No. 5 will be held January 16, 1996, at 1:30 p.m. at the SRBA Courthouse.

The court's order also sets forth a schedule for the resolution of Basin Wide Issue No. 5. All parties to the SRBA who intend to participate must file with the SRBA District Court a notice of intent to participate by 5:00 p.m., January 5, 1996. The notice must state whether the party supports or opposes the inclusion of each general provision in the court's decree, and clearly and briefly explain their position. Briefs in support of the general provisions must be filed with the court by 5:00 p.m., January 26, 1996. Briefs in opposition to general provisions must be filed with the court by 5:00 p.m., February 9, 1996. Responsive briefs must be filed with the court by 5:00 p.m., February 16, 1996. A pretrial conference will be held at 9:00 a.m. on February 20, 1996, and hearing will be held at 9:00 a.m. on March 12, 1996, at the SRBA Courthouse.

A copy of each amended report is available for inspection at the locations listed on this notice. Copies of all or a portion of the amended reports and/or the court's orders are available from the offices of IDWR listed on this notice, subject to payment of costs of mailing and/or copying.

If you have questions about the SRBA, please call any office of IDWR listed in this notice; if you have questions concerning your rights and responsibilities as a claimant in the SRBA, please consult your attorney.

December 29, 1995

Karl J. Dreher

• Director, Idaho Department of Water Resources

**WHERE AMENDED DIRECTOR'S REPORT FOR
BASIN 34 IS AVAILABLE FOR INSPECTION**

MOORE POST OFFICE, 321 MAIN STREET, MOORE
BUTTE COUNTY ASCS, 125 S WATER, ARCO
CUSTER COUNTY ASCS, 716 W CUSTER, MACKAY
CUSTER COUNTY CLERK'S OFFICE, CUSTER COUNTY
COURTHOUSE, 9TH & MAIN, CHALLIS
AUDITOR & RECORDER'S OFFICE, BUTTE COUNTY
COURTHOUSE, 248 W GRAND, ARCO
BIG LOST RIVER IRRIGATION DISTRICT OFFICE, 101 MAIN,
MACKAY
BIG LOST RIVER ELECTRIC CO-OP, 302 PINE, MACKAY

**WHERE AMENDED DIRECTOR'S REPORT FOR
BASIN 57 IS AVAILABLE FOR INSPECTION**

OWYHEE COUNTY ASSESSOR'S OFFICE, OWYHEE
COUNTY COURTHOUSE, MURPHY
U.S. POST OFFICE, MURPHY
U.S. POST OFFICE, 7 NORTH MAIN, HOMEDALE
U.S. POST OFFICE, MARSING
OWYHEE COUNTY ASCS, REICH STREET, MARSING
GEM IRRIGATION DISTRICT, 119 SOUTH FIRST, HOMEDALE
U.S. POST OFFICE, GRANDVIEW

**WHERE AMENDED DIRECTOR'S REPORT FOR
BASIN 36 IS AVAILABLE FOR INSPECTION**

A&B IRRIGATION DISTRICT, 11TH & E STREETS, RUPERT
DISTRICT COURT CLERK, BLAINE COUNTY COURTHOUSE,
202-2 AVE. S, HAILEY
DISTRICT COURT CLERK, BUTTE COUNTY COURTHOUSE,
248 W GRAND, ARCO
HAGERMAN POST OFFICE, 444 NORTH STATE, HAGERMAN
DISTRICT COURT CLERK, JEROME COUNTY COURTHOUSE,
300 N LINCOLN, JEROME
DISTRICT COURT CLERK, MINIDOKA COUNTY COURT
HOUSE, 8TH & G STREET, RUPERT
NORTHSIDE CANAL COMPANY, 921 N LINCOLN, JEROME
DISTRICT COURT CLERK, LINCOLN COUNTY COURT
HOUSE, 111 W S, SHOSHONE

**THIS IS AN IMPORTANT LEGAL NOTICE CONCERNING
YOUR WATER RIGHT CLAIMS IN THE SNAKE RIVER
BASIN ADJUDICATION**

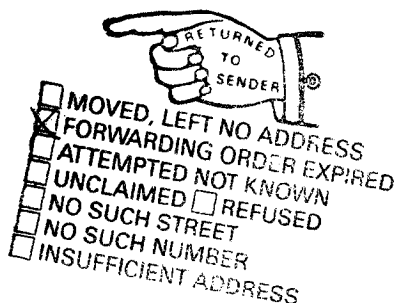
OFFICES OF IDWR AND SRBA DISTRICT COURT

IDWR State Office, 1301 N. Orchard St., Statehouse Mail, Boise, ID 83720-9000;
(208) 327-7906, or toll-free (800) 451-4129.
IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082; (208) 334-2190.
IDWR Southern Region, 222 Shoshone St. East, Twin Falls, ID 83301-6602; (208) 736-3033.
IDWR Eastern Region, 900 N. Skyline, Ste. A, Idaho Falls, ID 83402-3653; (208) 525-7161.
SRBA DISTRICT COURT, P.O. Box 2707, 253 3rd Ave. North, Twin Falls, ID 83303-2707;
(208) 736-3011.

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SEP 27 1996

Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098



Presorted
First Class Mail
U.S. Postage Paid
Permit No. 1
Boise, ID

RECEIVED
JAN 10 1996
WATER RESOURCES
WESTERN REGION

57-10879
RICHARD A LEMKE
SANDRA M LEMKE
RT 1 BOX 561
MARSING

RECEIVED
JAN 05 1996

Department of Water Resources

ID 83639

WATER RIGHT NUMBER - A57-10879

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - - LAST NAME - - - - - + + - FIRST NAME - - - + + - - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
LEMKE

RICHARD A

1 - RT 1 BOX 561

2 -

3 -

CITY- MARSING

STATE- ID ZIP- 83639

PHONE - 208-000-0000

LEMKE

SANDRA M

1 - RT 1 BOX 561

2 -

3 -

CITY- MARSING

STATE- ID ZIP- 83639

PHONE - 208-000-0000

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - - +
12/31/1977 14 WESTERN J - BENEFICIAL USE+ - - - - - SOURCE - - - - - + + - - - - - TRIBUTARY - - - - - +
GROUNDWATER+ - - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

03N 04W 33 SW SE (73) OWYHEE

+ - - - - - WATER USE - - - - - +
CDDE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC 01/01 12/31 0.040

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.040 0.0+ - - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY03N 04W 33 SW SE 04 STOCKWATER (73) OWYHEE
03N 04W 33 SW SE 43 DOMESTIC (73) OWYHEE

+ - - DIVERSION MEANS - WELL, PIPED TO HOUSE

+ - - NON-IRRIGATION USE - DOMESTIC, 1 HOME

+ - - OTHER RIGHTS FOR SAME USE - GEM IRRIGATION DISTRICT

+ - - - - - REMARKS - - - - - +
PARCELS I AND III. PURCHASED PROPERTY 10/1990.+ - - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.MICROFILMED
OCT 06 1992

WATER RIGHT NUMBER - A57-10879

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - CONDITIONS OF APPROVAL - - - - -
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 10/16/91 FRAZEE

+ - - - - COMMENTS - - - - -
NO COMMENTS FOUND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 10/16/1991	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- C022019	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- AND	NOTICE OF ERROR FLAG	-

RP 03 N 04 W 338815

DATA ENTRY

ENTERED 11/2/91 CH
CHECKED 12/31/91 AW

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

VERIFIED
NOV 03 1991

CERTIFIED
NOV 04 1991
WATER EXAMINER

MICROFILMED
OCT 06 1992