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MAY 22 2002

Department of Water Resources

MAY 20 PM 4:12

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED 7/17/02

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 35-02750A & 35-02750B
)

On March 11, 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 35-02750A and 35-02750B is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED May 20, 2002



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

2002 MAY 20 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): 35-02750A

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 35-02750A was mailed
on May 20, 2002, with sufficient first-class postage prepaid
to the following:

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

KAY S JORGENSEN
PO BOX 191
MORELAND, ID 83256
Phone: 208-684-4568

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/20/02



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

35-02750A

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KAY JORGENSEN
PO BOX 191
MORELAND ID 83256

RE: Notice of Change of Water Right Ownership (NCO) for
35-02750 and Notice of Completed Administrative Proceeding
(NCAP)

Dear Mr. Jorgensen:

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

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: 35-02750, 35-02750A,
35-02750B

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party (Split) **JORGENSEN – JORGENSEN & THOMAS**
- ☐ 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.

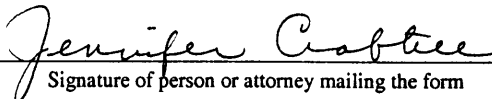
DATED: 16 June '00

Ernest Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 23, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
KAY JORGENSEN
PO BOX 191
MORELAND ID 83256
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
L RICHARD & KIM THOMAS
PO BOX 185
MORELAND ID 83256
4. One copy to:
Each party in the subcase, or attorney of record
NORMAN SEMANKO
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

DELOG BC
6/12/00

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JUN 12 2000

Department of Water Resources
Eastern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIPPlease print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.1. Water Right No(s): 32003/35-2750

Adjudication Claim No(s): _____

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** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is 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/ClaimantKay S Jorgensen
Box 191

4. New Owner/Claimant(s)

Moreland ID 83256

New Mailing Address

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
L. Richard and Kim Thomas

City, State and ZIP Code

Box 185 Moreland, Id. 83256

New Telephone Number

(208) 684-3757

5. Date you acquired the property

10/23/19856. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners**. If necessary, attach additional pages. 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.Number of acres you irrigate with this water right 6.3 Number and type of stockDiversion rate in CFS 0.13 Number of homes you acquired _____ Other uses7. Signature of New Owner(s) L. Richard Thomas
or Claimant(s) Kimber Lee Thomas

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

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

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MAY 21 1999

Department of Water Resources
Eastern Region

Department of Water Resources

1999 MAY 18 AM 09:05
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

RECEIVED

JUN 11 1999

In Re SRBA

)

ORDER SETTING HEARING

Department of Water Resources
Eastern Region

Case No. 39576

)

)

SUBCASE NOS: 35-02750A 35-02750B

Please be advised that Special Master TERRENCE A. DOLAN
has set for hearing the MOTION TO SET ASIDE PARTIAL DECREE AND
SCHEDULING CONFERENCE.

THURSDAY, JUNE 24, 1999 at 03:30 PM

IF

BONNEVILLE COUNTY COURTHOUSE
605 NORTH CAPITAL AVE
IDAHO FALLS, ID

IT IS SO ORDERED.

Dated: MAY 18, 1999

/S/ TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

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

Page 1 5/18/99

24 November 1998

MR KAY S JORGENSEN
BOX J
MORELAND ID 83256

Re: Your letter, dated 27 October 1998, to: Karl J. Dreher, Director

Dear Mr. Jorgensen:

The department is in receipt of your letter expressing concerns over recommendations to your Snake River Basin Adjudication (SRBA) water right claims. Herein, I will attempt to clarify the points of your concerns.

First, regarding domestic water right 35-10838, which you "declare should be in effect", this water right was decreed (partial) by the SRBA court on 11/28/97. 35-10838 was recommended and decreed (partial) as it was claimed. I have enclosed a copy of the claim for your reference. Any concerns regarding this water right should be addressed to the SRBA court at the number below.

Next, you have expressed concerns regarding the pictorial representation of your irrigation claim 35-02750B. The claim to 35-02750B was examined on 01/16/97. The examining agent determined at that time service from the well did not cross the highway to the north. Consequently, the recommendation was based on the irrigated lands south of the highway. The examiner found 98 acres irrigated. The diversion rate was reduced according to the acres, maintaining a diversion rate of 0.02 cfs/ac, which equates to 1 inch per acre.

Your letter references water right 35-02470B. Our database shows no record of that water right, but it does show 35-02470 is claimed in T.6S., R.31E. Section 18. This is not your water right claim.

However, when you filed your claim in the SRBA, you split 35-02750 into parts A and B. Part A was for 0.04 cfs for domestic use (copy of the recommendation is enclosed). Part B was the remainder of the license used for irrigation. As licensed, 35-02750 was for 2.04 cfs on 102 acres. Since the domestic claim (35-02750B) was filed in the SRBA, the license was reduced to 2.00 cfs available for irrigation. But, the examining agent found only the 98 acres irrigated and adjusted the recommended diversion rate accordingly to 1.96 cfs.

Referencing the last paragraph of your letter, *"The place of use as enlarged has been sold with water right as claimed under state license enclosed"*. The meaning of this paragraph is unclear. If you have sold the lands, or portions thereof, to which this water right is appurtenant a Notice of Change of Water Right Ownership is required to list the name of the new owner pursuant to §42-

Jorgensen, K.S.
Page 2

248 IC. Further, if the place of use was enlarged, as stated, there is no SRBA water right claim or permit for the lands enlarged. This is a violation of §42-1426 IC.

The deadline for filing a Notice of Error with IDWR was August 31, 1998. To modify the recommendation at this point will require filing an objection with the SRBA court in Twin Falls. To help expedite this, enclosed are objection forms with instructions. Questions regarding the filing of objections should be directed to the court. Their telephone number is (208) 736-3011.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: files 35-02750A and B

enclosures: Recommendations to 35-02750A and 35-02750B
SRBA claim 35-10838 (copy)
Objection forms, SF-1 & SF-4, w/ instructions