

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: A45-04242
Date Received: 6/01/1989
Receipt No: MQ03804
Received By: *[Signature]*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: G. FRANK SOMSEN
Address: 212 PLEASANT WAY
RUPERT, ID 208-436-3623

OR

Name: DIANNE L. SOMSEN
Address: 212 PLEASANT WAY
RUPERT, ID 208-436-3623

83350

2. Date of Priority: JUN 01, 1956

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	25E	28	NE	NE	NW		CASSIA
			SW				CASSIA

5. Description of diverting works:
2 WELLS, PUMPS, BOOSTER PUMP, & SPRINKLER SYSTEMS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A45-04242

Page

1

Date: 06/01/89

MICROFILMED

MAR 10 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	25E	28	SW	NE		IRR	40.0
			SE	NW		IRR	40.0
			NE	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				160.0
		33	NE	NE		IRR	40.0
			Section Acres				40.0
			Total Acres				200.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
45-02428, 45-02485.

14. Remarks:
THE 2 WELLS & PUMPS ARE CONNECTED TOGETHER IN A COMMON
IRRIGATION SYSTEM TO IRRIGATE ALL THE LANDS COVERED BY THESE
THREE WATER RIGHTS.

15. Basis of Claim: STATUTORY CLAIM

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): *Frank Sorenson* Date: *6/1/89*

Date: _____

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

Subscribed and sworn (or affirmed) before me this *1st* day

of *June* 19*89*

Robert V. Horstall
Notary Public

Seal

Residing at *Twin Falls Idaho*
My Commission Expires *1/16/1995*



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

25-Jan-1993

R. KEITH HIGGINSON
Director

A45-04242
G. FRANK SOMSEN
DIANNE L. SOMSEN
212 PLEASANT WAY
RUPERT

ID 83350

RE: Evidence of Priority

RESPONSE DEADLINE
APRIL 1, 1993

Dear Claimant:

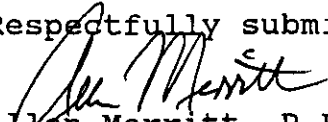
The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will at a later date conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

Please find enclosed a computer 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.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date by April 1, 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,


Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

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MAR 10 1993

RECEIVED

FEB 18 1993

State of Idaho
Department of Water Resources

Evidence of Priority
A45-04242
Department of Water Resource
Southern Region Office

NE NE - Sec 33
T. 9 S - 25 E

NE SE - Sec 28
T. 9 S - 25 E

SW NE - Sec 28
T. 9 S - 25 E

SE SE - Sec 28
T. 9 S - 25 E BM

SE NW - Sec 28
T. 9 S - 25 E

40 acres Sec 33
160 acres Sec 28

200 acres total

This affidavit is to notify you that I personally observed water being on the lands in question in the fall of 1955 and crops grown on these same lands in 1956.

At that time these lands did not belong to me, but one of the wells that supplied the water did. The lands in question were the property of Clarence Matlock, Robert Wiley and Bert Perry under a Desert Land Entry from the Bureau of Land Management.

At a later date I will attempt to secure affidavits from some of these parties to further support this claim.


G. Frank Somsen - A45-04242
212 Pleasant Way
Rupert, Idaho 83350

STATE OF IDAHO

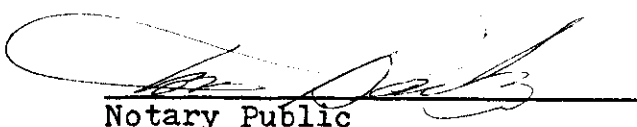
County of Minidoka

)
) ss.

On this 15th day of February, 1993, before me the undersigned Notary Public in and for said State personally appeared G. Frank Somsen, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)


Notary Public
Residing at Rupert, Idaho

My Commission Expires 5-22-94

MICROFILMED

MAR 10 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

March 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Gary Fowler
47 South 600 East
Rupert, ID 83350

Dear Mr. Fowler:

Pursuant to your recent request, please find enclosed proof reports of Snake River Basin Adjudication (SRBA) claims filed in the name of G. Frank Somsen. I have enclosed the following SRBA proof reports (highlighted in pink) for your reference:

A45-02428

~~A45-04242~~

A45-02485

A45-07192

A45-02491

SRBA claims A45-02428, A45-02485, A45-02491, and A45-07192 are all based on water right licenses. I have also enclosed proof reports of these original water right licenses (highlighted in blue) for your reference.

When the SRBA court asks, our department will be making recommendations for the enclosed SRBA claims, and the court will eventually issue decrees for these claims. SRBA claimants will be notified when these recommendations are made, and when decrees are issued. To be sure that all notification is received, it is critical for claimants to notify our department regarding any ownership or address changes.

If you have any questions, feel free to contact this office at your convenience.

Sincerely,

Corey Skinner, EIT
Dam Safety Section

Enclosures

TRANSMITTAL COVER SHEET

TO: Bill Goodman 12-27-05

208-436-4837

TOTAL PAGES SENT: _____
(including cover sheet)

DOCUMENT DESCRIPTION: partial decrees for Somsen: 45-2428,
45-2485, & 45-4242

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page. (\$0.50
minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: _____ Please remit to the above address.

SENDER: Jeanie Robertson,

COMMENTS: Bill - the problem is in the 10-acre tract for the
well in the SWNW. It was claimed in the NWSWNW in
all three rights, but was recommended in the SWSWNW.
The correct location is the NWSWNW as claimed.
Need to 'set-aside' partial decrees in order to correct.

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 45-04242

NAME AND ADDRESS: DIANNE L SOMSEN
G FRANK SOMSEN
214 WESTSIDE DRIVE
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 1.84 CFS
800.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 3.98 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1728 AF. COMBINED RIGHT NOS. 45-2428,
45-2485 and 45-4242.

PRIORITY DATE: 06/01/1956

POINT OF DIVERSION: T09S R25E S28 SENENE Within Cassia County
SWSWNW

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 1.84 CFS
800.00 AFY

PLACE OF USE: Irrigation Within Cassia County
T09S R25E S28 NENE 35.0 NWNE 40.0
SWNE 40.0 SENE 40.0
NENW 39.0 NWNW 40.0
SWNW 38.0 SENW 40.0
NESE 40.0 SESE 40.0
S33 NENE 40.0
432.0 Acres Total

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 432 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-2428, 45-2485 and 45-4242.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 200 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

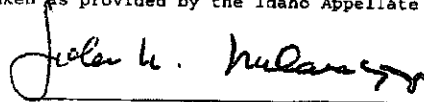
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. Section 42-1412(6), Idaho
Code.

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

05/20/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-4242

NAME AND ADDRESS: G FRANK SOMSEN
DIANNE L SOMSEN
212 PLEASANT WAY
RUPERT ID 83350

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.840 CFS
800.000 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 3.98 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1728 AF. COMBINED RIGHT NOS. 45-2428, 45-2485
and 45-4242.

PRIORITY DATE: 06/01/1956

POINT OF DIVERSION:

T09S R25E S28 SENENE Within CASSIA County Source: GROUND WATER

T09S R25E S28 SWSWNW Within CASSIA County Source: GROUND WATER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.840 CFS 800.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T09S R25E S28	NENE	35.0	T09S R25E S28	NWNE	40.0
T09S R25E S28	SWNE	40.0	T09S R25E S28	SENE	40.0
T09S R25E S28	NENW	39.0	T09S R25E S28	NWNW	40.0
T09S R25E S28	SWNW	38.0	T09S R25E S28	SENE	40.0
T09S R25E S28	NESE	40.0	T09S R25E S28	SESE	40.0
T09S R25E S33	NENE	40.0			

432 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 432 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-2428, 45-2485 and 45-4242.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 200 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Beneficial Use

State of Idaho
Department of Water Resources

Evidence of Priority for
45-4242

Evidence of Priority
A45-04242

NE NE - Sec 33
T. 9 S - 25 E

NE SE - Sec 28
T. 9 S - 25 E

SW NE - Sec 28
T. 9 S - 25 E

SE SE - Sec 28
T. 9 S - 25 E BM

SE NW - Sec 28
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40 acres Sec 33
160 acres Sec 28

200 acres total

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At a later date I will attempt to secure affidavits from some of these parties to further support this claim.

G. Frank Somsen - A45-04242
212 Pleasant Way
Rupert, Idaho 83350

STATE OF IDAHO)
County of Minidoka) ss.

On this _____ day of February, 1993, before me the undersigned Notary Public in and for said State personally appeared G. Frank Somsen, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

Notary Public
Residing at Rupert, Idaho
My Commission Expires _____

Log for claim A45-04242

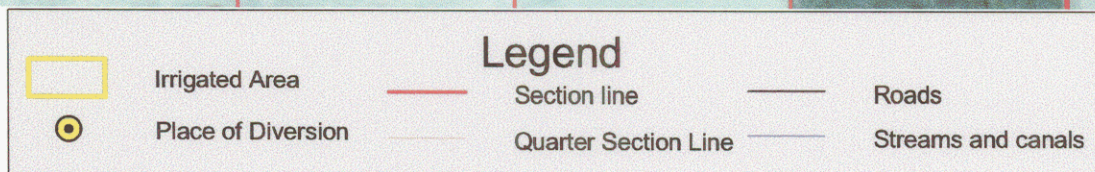
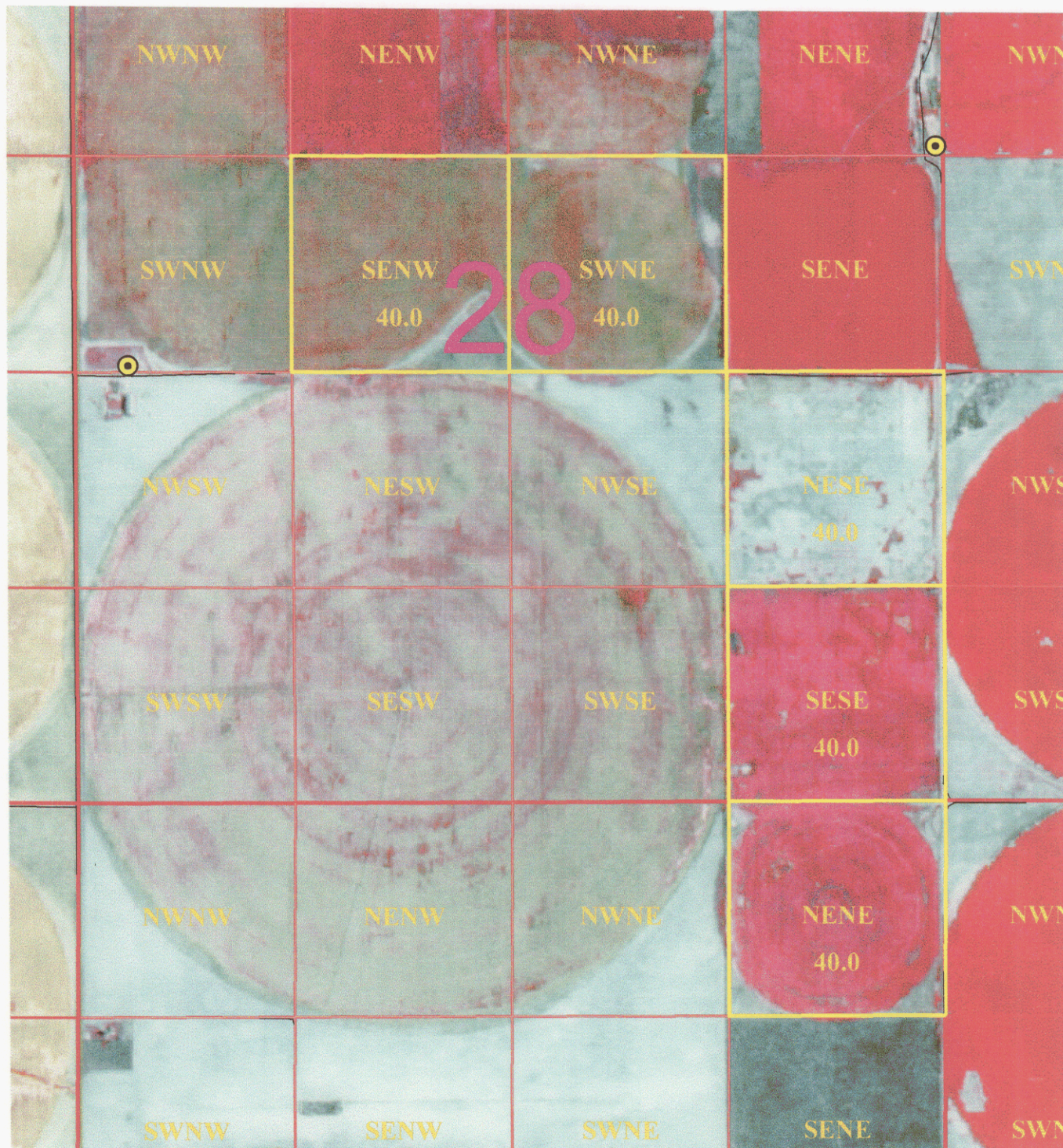
Spatial Dynamics MWY

5/18/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s25e	28	SWNE	40	40	
09s25e	28	SENW	40	40	
09s25e	28	NESE	40	40	
09s25e	28	SESE	40	40	
09s25e	33	NENE	40	40	
Totals:			200	200	

Sup 3.98 ac - 340 ac
432 ac

Township , 9S25E



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that G. Frank Somsen (Name of Claimant)
212 Pleasant Way, Rupert, ID 83350 Telephone No. 436-3623
 (Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) _____ 1956

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	3.0 cfs	Use	Irrigation	Period of Use From Mar 15	To Nov 15
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) 3.0 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ NE ¼, Sec. 28 Twp. 9S Rge. 25E B.M., County of Cassia
Additional points of diversion: SW ¼ Sec. 28 T. 9S R. 25E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well, 150 hp motor, pump (east well); well, 100 hp motor, pump, connecting
mainline to sprinkler system.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 200

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

1990

SECRET

The diagram is drawn on a grid. It shows a rectangular area with the following features:

- Top Label:** A. 35E
- Left Side:** A vertical line segment labeled PD.
- Right Side:** A vertical line segment labeled PD.
- Internal Dimensions:**
 - A horizontal segment in the middle is labeled 40.
 - A vertical segment on the right is labeled 40.
 - A horizontal segment below the middle is labeled 28.
 - A vertical segment at the bottom right is labeled 40.
- Bottom Label:** T. 95
- Bottom Right Label:** 30

Received by J. F. Kuntz Date 7-25-84 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by T.B. Date 7-27-84 claimant by: _____
#200. ~~\$30.00~~ fee received by JF Date 7-25-84 # 33150
Published in South Idaho Press _____
Dates 10/7 & 11/14/84 _____