

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: A45-02428
Date Received: 6/01/1989
Receipt No: M003804
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: G. FRANK SOMSEN 208-436-3623
Address: 212 PLEASANT WAY
RUPERT, ID 83350

OR
Name: DIANNE L. SOMSEN 208-436-3623
Address: 212 PLEASANT WAY
RUPERT, ID 83350

2. Date of Priority: DEC 15, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
16" X 200' (APPROX.), 100 HP PUMP WITH 40 HP BOOSTER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	1.300		320.00

7. Total Quantity Appropriated is:
1.300 C.F.S. (and/or) 320.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09S	25E	28	NW		NW		IRR	40.0
			SW		NW		IRR	40.0
							Section Acres	80.0
							Total Acres	80.0

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:
45-02485, 45-04242

14. Remarks:

TWO WELLS ARE CONNECTED TOGETHER IN A COMMON SYSTEM TO
IRRIGATE ALL THE LANDS COVERED BY THESE 3 WATER RIGHTS.

15. Basis of Claim: LICENSE
Water Right Number: 23439

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): X Frank Jensen Date: X 6/1/89

Date: _____

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of June 1989

Robert V. Horstelt
Notary Public

Seal

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



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

12-27-05

TO: Bill Goodman

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 ^{*decreed} recommended in the SWSWNW.

The correct location is the NWSWNW as claimed.

Need to 'set-aside' partial decrees in order to correct.

* * * Immediate TX Result Report (Dec. 27. 2000 3:36PM) * * *

1) IDAHO DEPT OF WATER RESOURCES
2)

Date	Time	Destination	Mode	TXtime	Page	Result	User Name	File No.
Dec. 27.	3:35PM	2084364837	G3TES>	1'24"	P.	7 OK		3107

: Batch
M : Memory
S : Standard
> : Reduction
Q : RX Notice Req.

C : Confidential
L : Send later
D : Detail
H : Stored/D. Server
A : RX Notice

\$: Transfer
@ : Forwarding
F : Fine
* : LAN-Fax

P : Polling
E : ECM
U : Super Fine
+ : Delivery

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 45-02428

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

SOURCE: GROUND WATER

QUANTITY: 1.30 CFS
320.00 APY

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: 12/15/1952

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-15	1.30 CFS 320.00 APY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL AND AFTER OCTOBER 15 UNDER THIS REMARK IS
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR
LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A
PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Cassia County
T09S R25E S28	NENE 35.0 SWNE 40.0 NENW 39.0 SWNW 38.0 NESE 40.0 S33 NENE 40.0	NWNE 40.0 SENE 40.0 NWNW 40.0 SENE 40.0 SESE 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 80 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

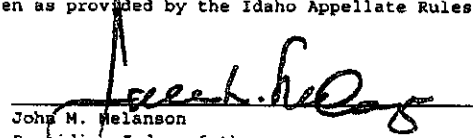
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

U.S. POSTAGE PB351
1100
3350 \$01.29 APR 02
9501 MAILED FROM ZIP CODE

**IDAHO DEPARTMENT OF WATER
RESOURCES**

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

45-2428

TO

SOMSEN
212 PLEASANT WAY
RUPERT ID 83350

ATTEMPTED
ADDRESS
NOT KNOWN

ATTEMPTED
ADDRESS
NOT KNOWN

KC

ATTEMPTED
ADDRESS
NOT KNOWN

ATTEMPTED
ADDRESS
NOT KNOWN

05/20/2003

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

RIGHT NUMBER: 45-2428

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

VERIFIED BY *KKC*

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.300 CFS
320.000 APY

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: 12/15/1952

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	04/01 10/15	1.300 CFS 320.00 APY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS
MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS
OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL AND AFTER
OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

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 80 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

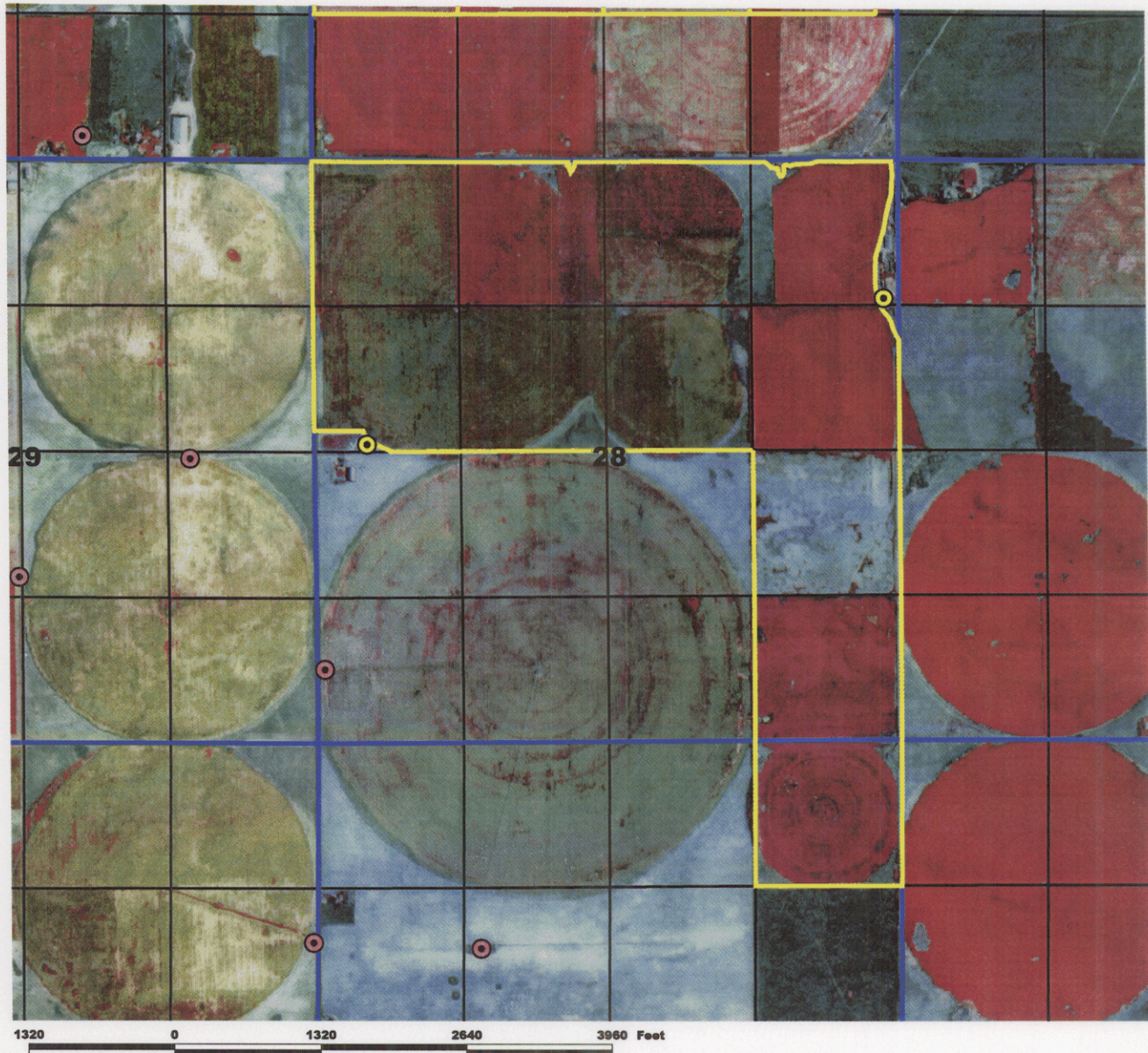
This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR
45-2428, 45-2485, and 45-4242**



PLACE OF USE
TWP 9S, RNG 25E, Sec 28
Data entry on May 20, 2003

● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



CASSIA CO



Log for claim A45-02428

Spatial Dynamics MWY

5/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s25e	28	NWNW	40	40	
09s25e	28	SWNW	40	40	
Totals:			80	80	

SW corner of SWNW owned by Gary Fowler.
4 Ac?

lie on 80 ac

lie P/D = Sec 28 SWNW
= Sec 28 NENE

Capacity
1.30 cfs
2.68 cfs

Comb limit = 3.98 cfs

$3.98 \times 1984 \text{ ft}^2 \cdot 246 \text{ days}$
1938.6

claims within PPU Ac
45-2485-160
-2428-80
-4242-200 Ac

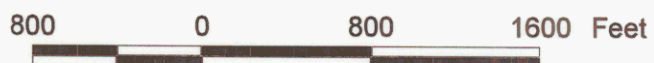
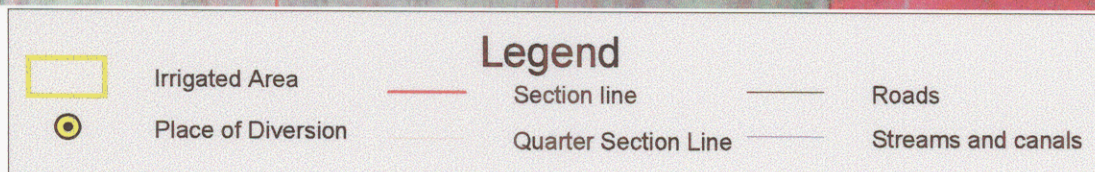
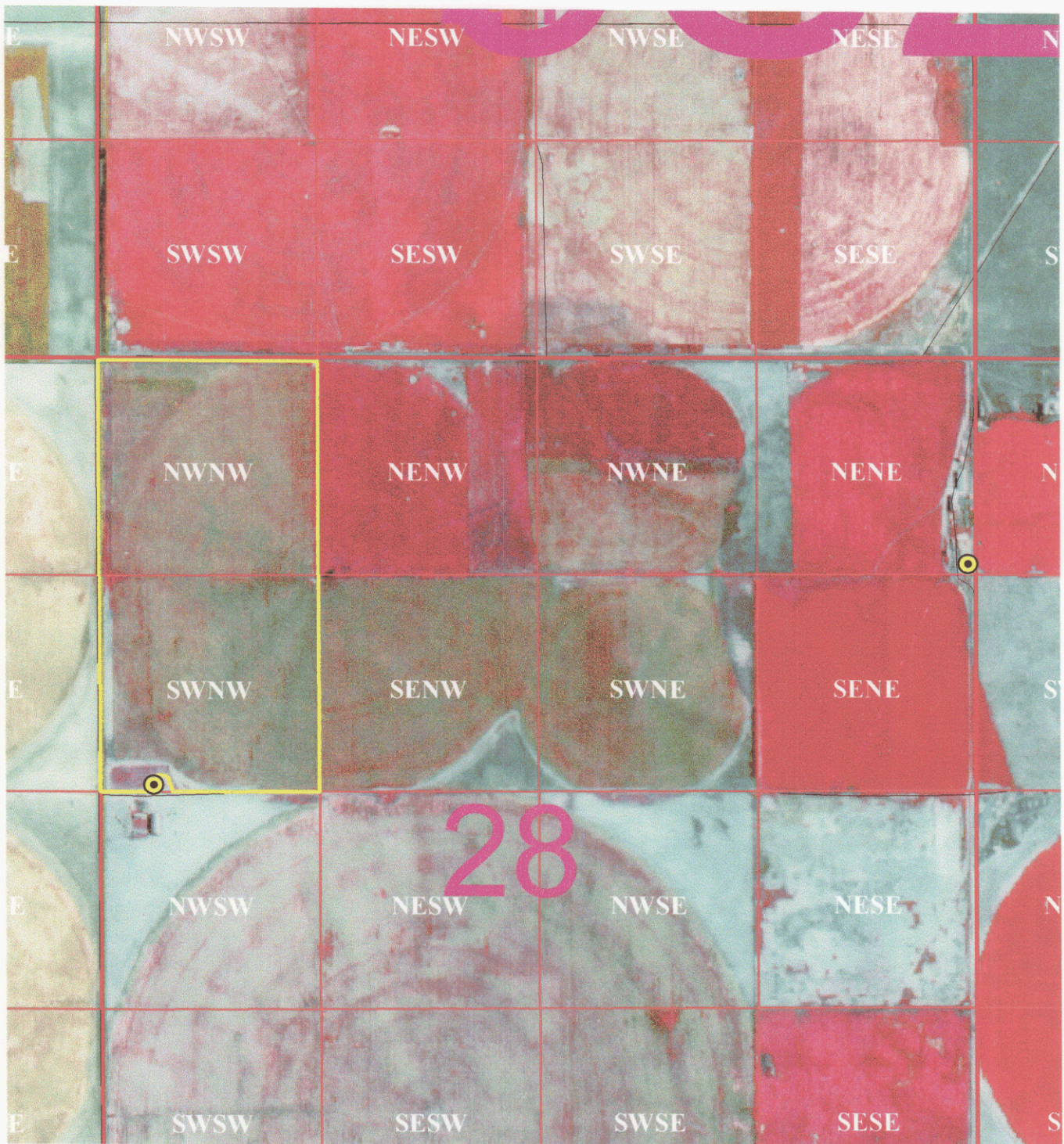
~~3430~~

PU = 432

43284 = 17280

limiting factor

Township , 9S25E



State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 23439/45-2428 Priority Dec. 15, 1952 Amount

THIS IS TO CERTIFY, that DOROTHY M. MATLOCK
of Rupert, Idaho, has complied with the terms and conditions of Permit
No. 23439/45-2428 issued pursuant to Application for Permit dated December 15, 1952
and has submitted proof to the Department of Water Administration on May 25, 1960

that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.30 cfs and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of is hereby confirmed in the following amounts:

Amount 1.30 cfs for Irrigation from (both dates inclusive)

Amount for from to (both dates inclusive)

Amount for from to (both dates inclusive)

Subject, however, to the condition that no more than 1.30 cfs of water be diverted at
any one time, said waters to be diverted within the

 Sec. 28, Twp. 9 S, Rge. E. B.M.
in the county of Cassia; and that the amount of water so diverted and to which
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed acre feet per year or
4.0 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NW 1/4								SW 1/4								ACRES
			NW 1/4	NW 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NW 1/4	NW 1/4	SE 1/4	NE 1/4					
9 S	25 E	28							40	40								80	

Number of acres in place of use 80

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director of the Department of Water Administration, Idaho, this 14 day of

April 19 72

Director

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-23439

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Dorothy M. Matlock
2. Source of water supply: Subterranean flow from a well
3. Location of point of diversion: Is in the _____
T. 9 S R. 25 E.R.M. County of Cassia SW 1/4 of Section 28
4. Describe works as they exist, giving dimensions and capacities of same: 70 HP M.M. Motor
#02303922A Hollow shaft gear drive #1118559 SDHP Wantham
pump #19288 8" check valve into 8" mainline
8" x 100' column 12" x 11' casing h: 60' well depth 108' DD None
5. Water is used for: irrigation and domestic
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
SW 1/4, NW 1/4, S 1/4, NE 1/4, SE 1/4 Sec. 28, NE 1/4 Sec. 33, all in
Twp. 9 S., Rge. 25 E.R.M.

Amend P.D.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Clarence Matlock alongmeasurement was made by taking pressure
readings along each lateral 3 line 99 nozzles
size 1/2"This examination was made on the 4thday of August

(Signed)

Ron Heberger1962

Examiner.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED

AUG 10 1962

Department of Reclamation

Clarence S. Christman

Dorothy M. Matlock

Rt. #1, Rupert, Idaho

call at Dec 16-OL 40733

Permit No. 0-23139

call this PM. 5/19/62

Examination for Completion of Works & Beneficial Use

County Cassia

28-9S.-25E.

Sz 6.4 a.f.s.

Sz Well

P.A. - SW NE, Sec. 28, T.9S. - R. 25E. 6M

We - Ingomar & Daniels

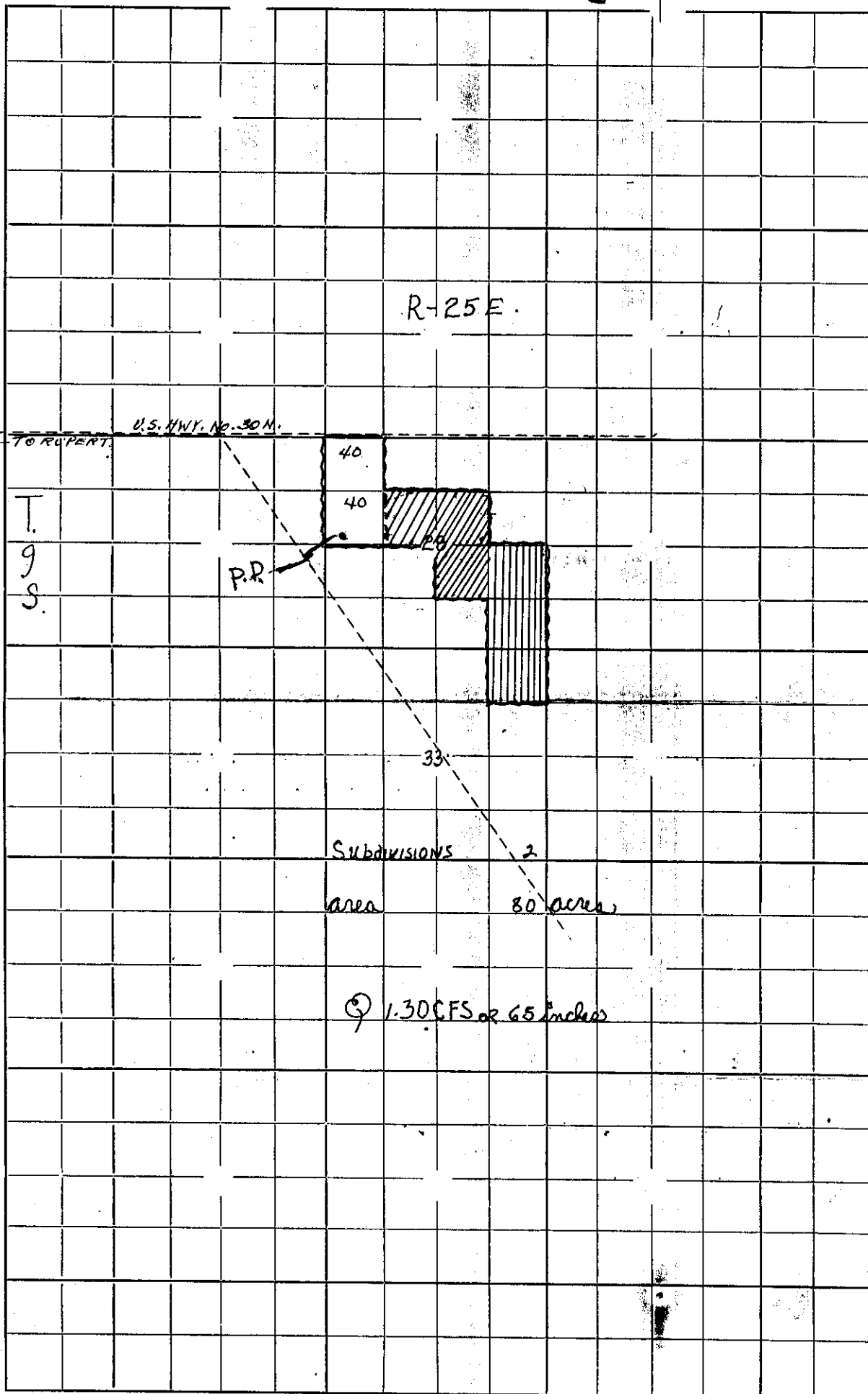
Filed - Dec. 15, 1952

Due - Dec. 26, 1957
Feb. 1, 1961

Dillon - Earl Perry

no other rights

D



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

23439

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-23439

REPORT ON PROOF OF Completion of Works & Beneficial Use

Dorothy M. Matlook, Rt. #1, Rupert, Idaho