

04/27/2005

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

RIGHT NUMBER: 27-11946

NAME AND ADDRESS: OPAL WERNETTE
494 N 600 E
FIRTH ID 83236

FLORIAN WERNETTE
494 N 600 E
FIRTH ID 83236

SOURCE: SAND CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 1.880 CFS

PRIORITY DATE: 04/01/1961

POINT OF DIVERSION:
T02S R36E S12 SWNE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.880 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T02S R36E S12	NENE	9.4	T02S R36E S12	SWNE	22.0
T02S R36E S12	SENE	39.0	T02S R36E S12	NESE	23.0
T02S R36E S12	SESE	0.5			

93.9 ACRES TOTAL

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: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

04/18/2005

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EXPLANATORY MATERIAL: Beneficial Use

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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

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 27-11946
Date Received: 7/10/2003
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

OPAL WERNETTE Phone: (208)785-0534
494 N 600 E
FIRTH ID USA 83236

FLORIAN WERNETTE Phone: (208)785-0534
494 N 600 E
FIRTH ID USA 83236

2. Date of Priority: 04/01/1961

3. Source: SAND CREEK Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	36E	12	SW NE NE	BINGHAM	

5. Description of diverting works:

HEADGATES IN STREAM AND CHECKS.
NO PUMPS ON THIS SIDE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	3	450

7. Total Quantity Appropriated is:
3 C.F.S. and/or 450 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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02S	36E	12	NE	NE	IRRIGATION	35
			SW	NE	IRRIGATION	35
			SE	NE	IRRIGATION	37
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	35
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	39
			NE	SE	IRRIGATION	39
			SW	SE	IRRIGATION	39
			SE	SE	IRRIGATION	7
					Section Acres	346
					Total Acres	346

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:

14. Remarks:

RECORDED AS A WASTE WATER RIGHT, RECORDED IN BOOK "E" OF WATER LOCATIONS AT PAGE 83 OF THE RECORDS OF BINGHAM COUNTY, IDAHO. (SEE ATTACHED COPY OF PROPERTY ABSTRACT). NO MORE THAN 300 ACRES ARE IRRIGATED PER SEASON. GROUNDWATER RIGHTS ARE PRIMARY SOURCE OF IRRIGATION WATER ON THIS PROPERTY NOW. SAND CREEK WASTE WATER IS ANNUALLY USED TO IRRIGATE CORNERS/AREAS SPRINKLER SYSTEM CANNOT IRRIGATE.

15. Basis of Claim: Beneficial Use

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

27-11946

Date Received

7-10-03

Receipt Number

ED29980

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Opal & Florian Wernette Phone (208) 785-0534
Mailing Address 494 N. 600 East, Firth, ID Zip 83236

2. Date of Priority (Only one (1) per claim) April 1, 1961

3. Source of water supply (a) Sand Creek
which is tributary to (b) Blackfoot River

4. a. Location of existing point of diversion is: Township 2 S Range 36 E Section 12,
SW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Bingham

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Headgates in stream and checks.
No pumps on this side.

RECEIVED

JUL 10 2003

Department of Water Resources
Eastern Region

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 3.0 or 450

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.0 (cfs) and/or (b) 450 (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2S	36E	12	35		35	37				40	35		40	39	39		39	7	346

Total number of acres irrigated 346

11. In which county (ies) are lands listed above as place of use located? Bingham

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks: Recorded as a waste water right, recorded in book "E" of water locations at page 83 of the records of Bingham County, Idaho. (See attached copy of property abstract). No more than 300 acres are irrigated per season. Groundwater rights are primary source of irrigation water on this property now. Sand Creek waste water is annually used to irrigate corners/areas sprinkler system cannot irrigate.

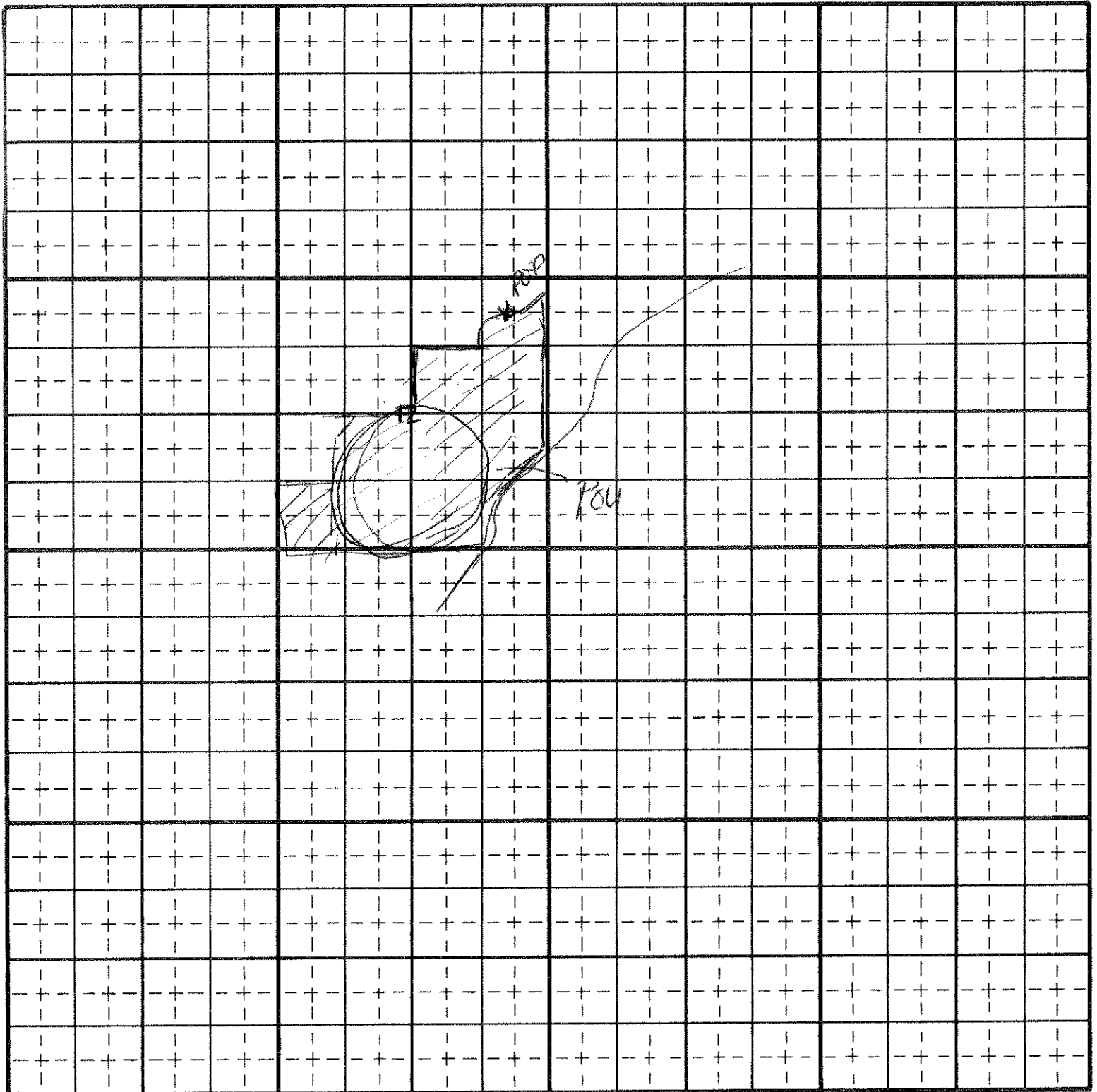
Last Name Wernette Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T2S, R36E Sec. 12



Last Name Wernette Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

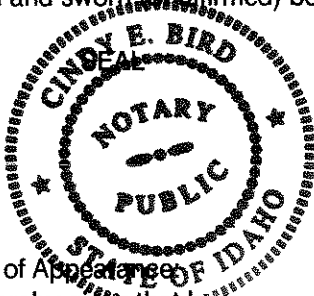
Signature of Claimant (s) Herman Wernette Date 7/8/2003
Opal Wernette Date 7/8/2003

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 8th day of July 19 2003.



Notary Public Cindy E Bird
Residing at Java Hot Springs
My Commission Expires May 1, 2007
Please Print Name Cindy E. Bird

17. Notice of Appearance
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

Last Name Wernette Ident. Number _____

