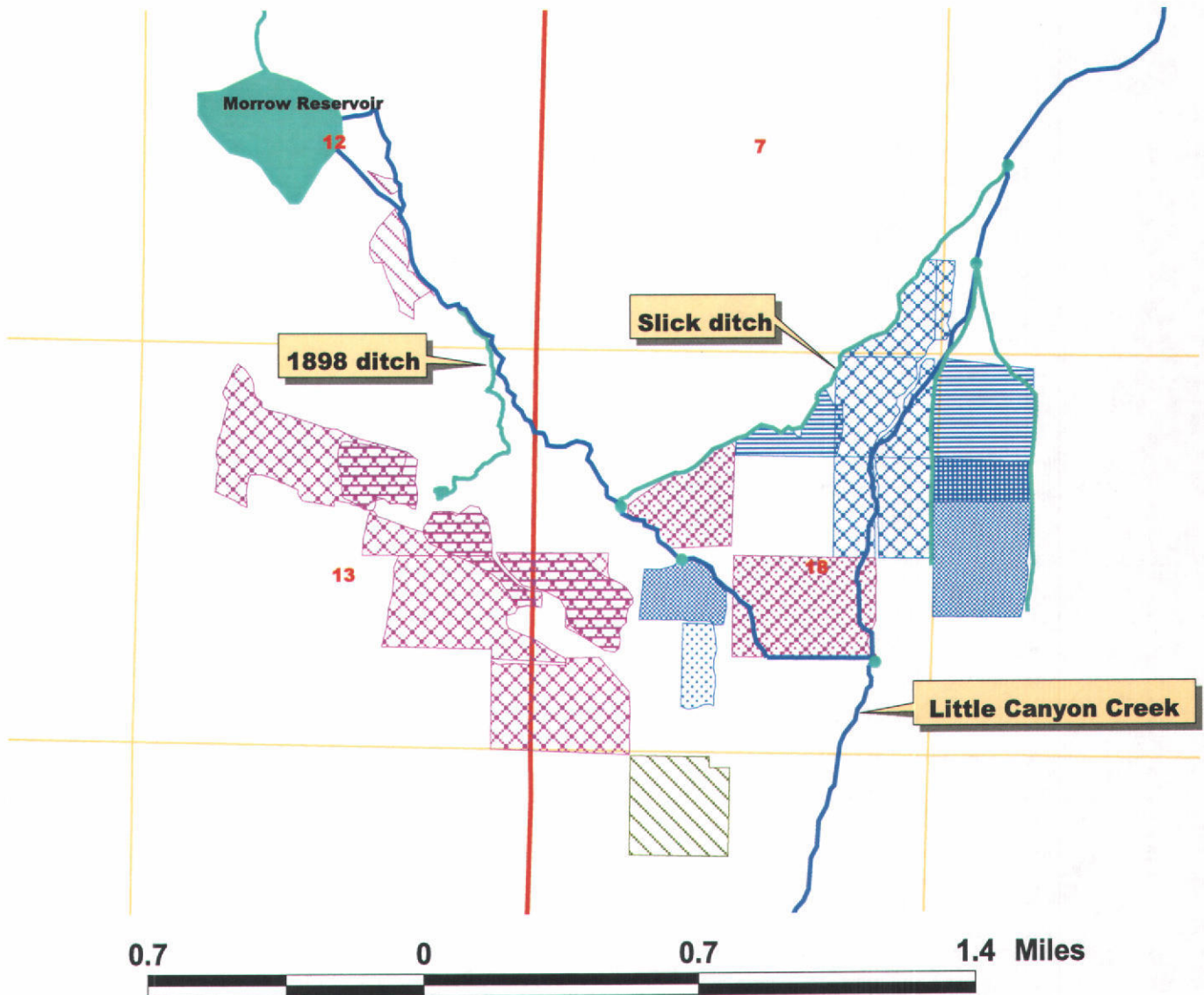


Smith v Batruel - An Overview



-  61-00293B
-  61-00293C
-  61-00293D
-  61-00299
-  61-00303/4A
-  61-00303/4B
-  61-00308.shp
-  61-00370 pou.shp
-  61-02000B
-  61-11921
-  B61 roads.shp

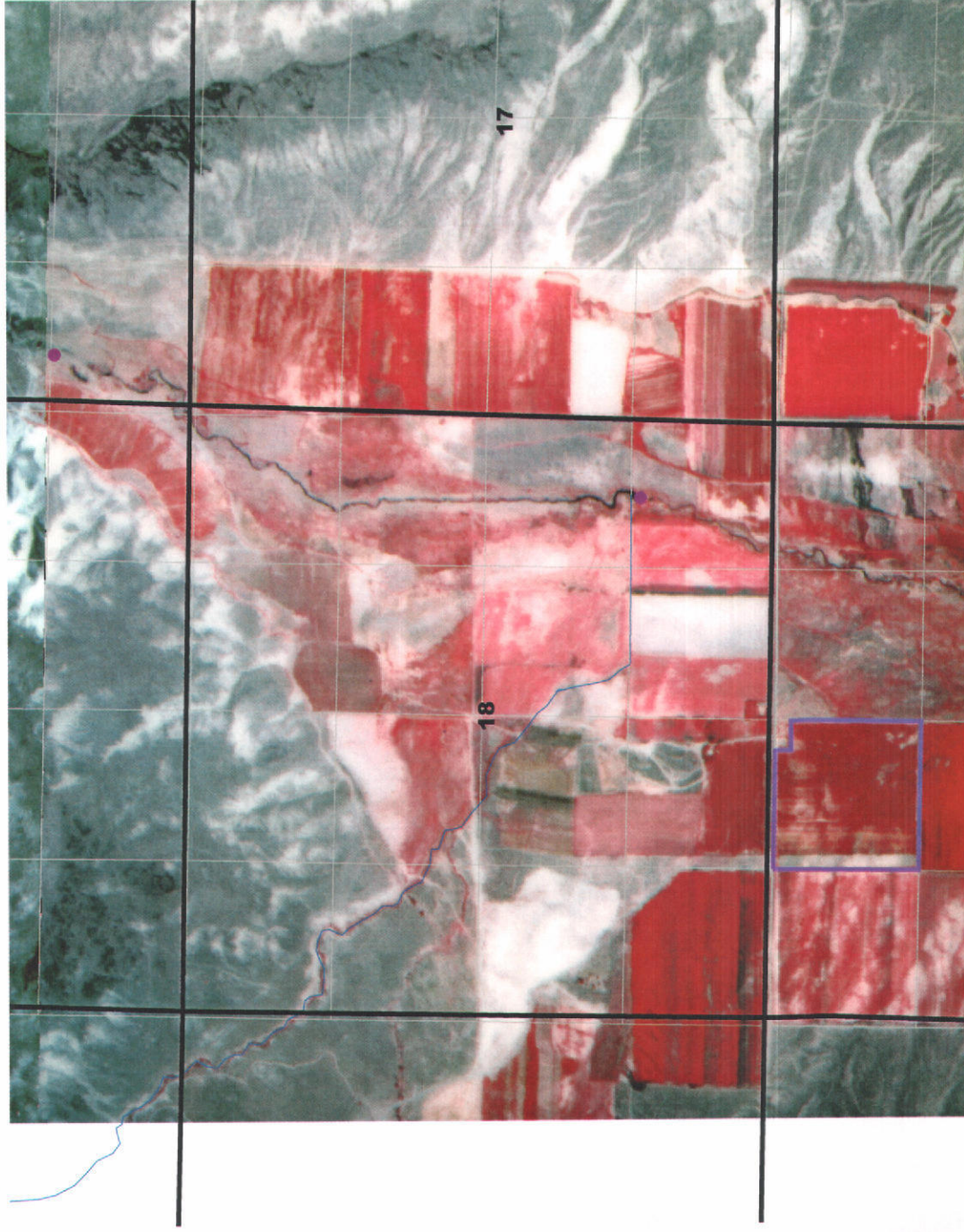
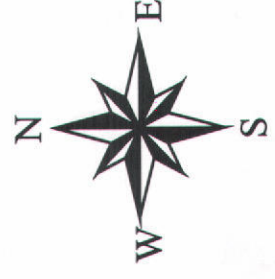


Water Right Nos. 61-00293C and 61-00293D

T05S, R10E

Map Prepared February 18, 1999
By Roxanne Brown for the
Dept. of Water Resources

• Points of Diversion
61-00293C and 61-00293D
Sand Springs Gulch



1.2 Miles

0.6

0

0.6

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 461-00293A
Date Received 12-5-89
Receipt Number W0068125

RECEIVED

DEC 05 1989

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) CARLENE VINER Phone (208) 346-2638
Mailing Address Box 420 Glenns Ferry, IDAHO Zip 83623

2. Date of Priority (Only one (1) per claim) ~~2-26-1989~~ 1-1-1898

3. Source of water supply (a) SAND SPRING Gulch
which is tributary to (b) LITTLE CANYON CREEK

4. a. Location of existing point of diversion is: Township 5S Range 10E Section 18,
NW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of ELMORE

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.

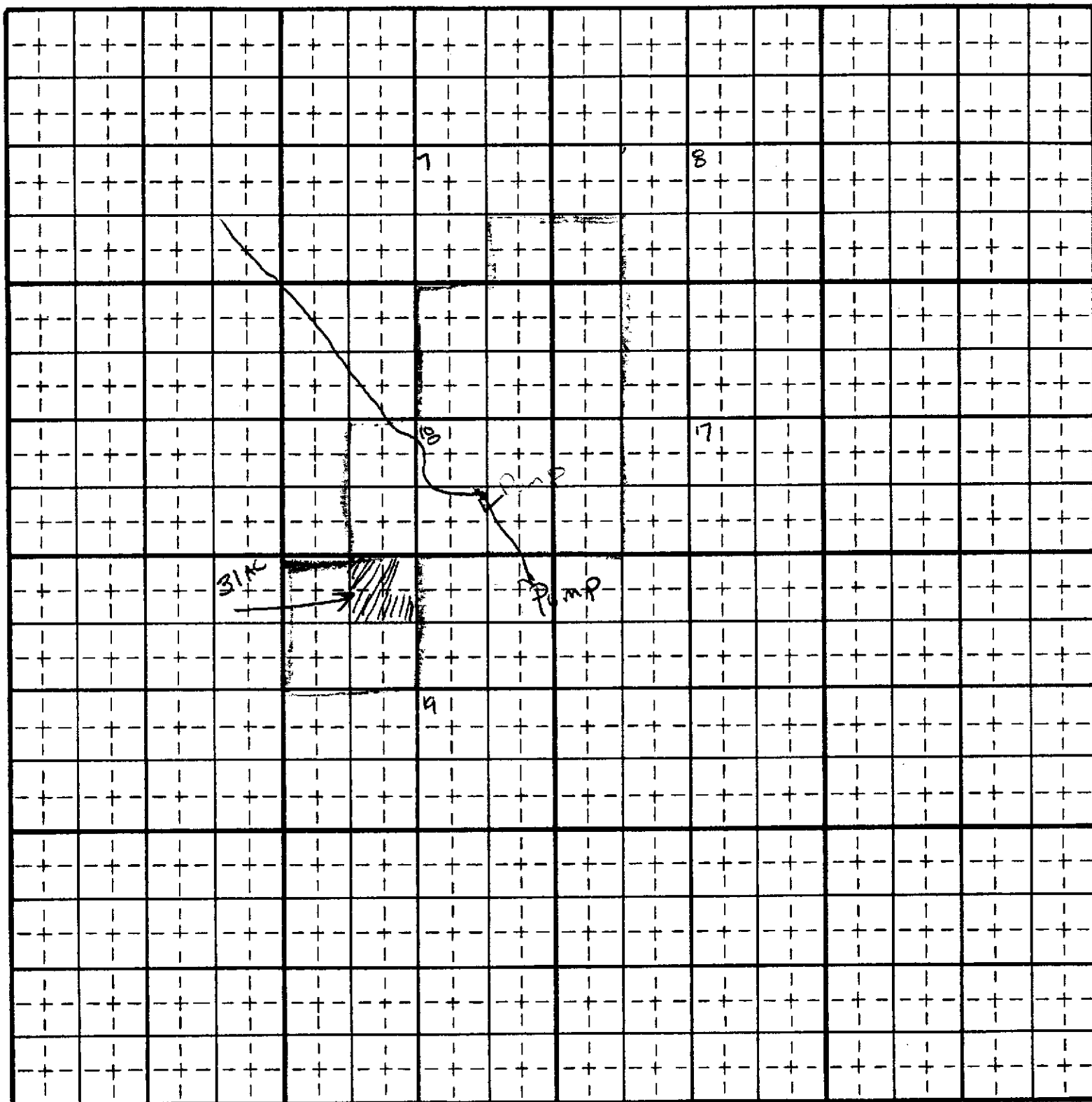
SAND SPRING Gulch WATER
Under 61-0293A is mixed with water in 61-7236 AND MEN.
Pumped from the sump created by raising the water level in
LITTLE CANYON CREEK. This water is then pumped into a
mainline and distributed with sprinklers

100111532

61-0293A

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

Scale: 2 inches equals 1 mile



WATER RESOURCES
DIVISION
JAN 11 1982

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒ 61-0293A
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date 1-1-1898
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 1

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

Signature of Claimant (s) Carlene Vinier Date 11-30-89

Date _____

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 _____ Title _____ of _____ 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 Ida) SS.

Subscribed and sworn (or affirmed) before me this 30 day of November 19 89

SEAL

Notary Public Bruce A. Schell

Residing at _____

My Commission Expires _____

Please Print Name

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 _____ Ident. Number _____

MAILED
700 11 1898
Copies White-State, Yellow-Claimant

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: A61-00293A
Date Received: 12/05/1989
Receipt No: W006865
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CARLENE R. VINER 208-366-2638
Address: RT. 1 BOX 420
GLENNS FERRY, ID 83623-0000
2. Date of Priority: JAN 01, 1898
3. Source: SAND SPRING GULCH Trib. to: LITTLE CANYON CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 05S | 10E | 18 | NW | SE | SE | | ELMORE |
5. Description of diverting works:
SEE REMARKS
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.715 | | |
| STOCKWATER | 01/01 | 12/31 | 0.040 | | |
7. Total Quantity Appropriated is:
0.715 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 112.0 Acre Feet Per Annum.
9. Non-irrigation uses:
STOCK-400 HD
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	10E	19	NE	NW		IRR	32.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	32.0
					Total Acres	32.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
LITTLE CANYON CREEK

14. Remarks:

ORIGINAL DECREE HERRON VS. MORROW & VAN FLEET 2/26/1904 FOR 57.5 INCHES OR 1.15 CFS.
PARAGRAPH 1 OF DECREE STATES, "PLAINTIFFS & DEFENDANTS ARE EACH ENTITLED TO 1/2 OF THE WATER THAT RISES & FLOWS IN SAND SPRINGS GULCH BETWEEN DEFENDANTS POND DIVERSION DITCH & THE LOWER DIVERSION DITCH UNDER THE HERRON V. MORROW & VAN FLEET DECREE."

DECREE WAS DEFINED IN THE COURT DECISION OF 4/5/1989.
DIVERSION WORKS: SAND SPRING GULCH WATER UNDER 61-0293A IS MIXED WITH WATER IN 61-07236 AND THEN LITTLE CANYON CREEK. THIS WATER IS THEN PUMPED INTO A MAINLINE AND DISTRIBUTED WITH SPRINKLERS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

RICHARD P. & CARLENE R. VINER
Decree Plaintiff

vs

PETER & MARY N. BATRUEL
Decree 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: _____

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: A61-00293A
Date Received: 12/ 7/1989
Receipt No: W006865
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

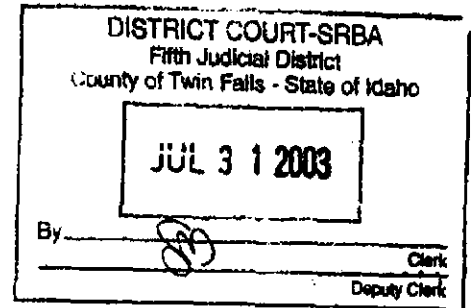
COPY FOR
YOUR FILES

1. Name: CARLENE R VINER
Address: RT 1 BOX 420
GLENN'S FERRY ID 83623-0000
208-366-2638
2. Date of Priority: JAN 1, 1898
3. Source: SAND SPRING GULCH Trib. to: LITTLE CANYON CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	10E	18	NW	SE	SE		ELMORE
5. Description of diverting works:
SEE REMARKS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.715		
STOCKWATER	01/01	12/31	0.040		
7. Total Quantity Appropriated is:
0.715 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 112.0 Acre Feet Per Annum.
9. Non-irrigation uses:
STOCK-400 HD
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	10E	19	NE	NW		IRR	32.0



**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 61-00293C**
)

On June 17, 2003, 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 61-00293C is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED July 31, 2003.

A handwritten signature in cursive script that reads "Roger Burdick".

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

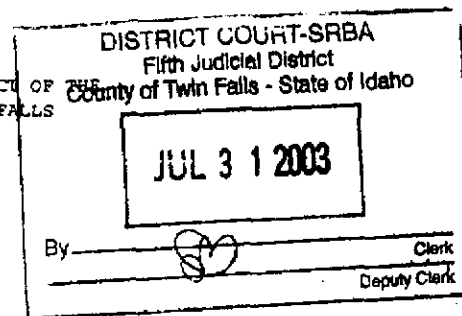
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-00293C



NAME AND ADDRESS: IDAHO FRESH PAK INC
P O BOX 110
LEWISVILLE, ID 83431-0110

SOURCE: SAND SPRINGS GULCH TRIBUTARY: LITTLE CANYON CREEK

QUANTITY: 0.395 CFS

PRIORITY DATE: 08/01/1898

POINT OF DIVERSION: T05S R10E S18 NWSESE (Injection) Within Elmore County
NWSESE (Rediversion)
NWSESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.395 CFS

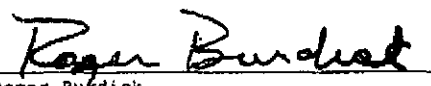
PLACE OF USE: Irrigation Within Elmore County
T05S R10E S19 NENW 39.2
39.2 Acres Total

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. 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.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

ROGER L JONES

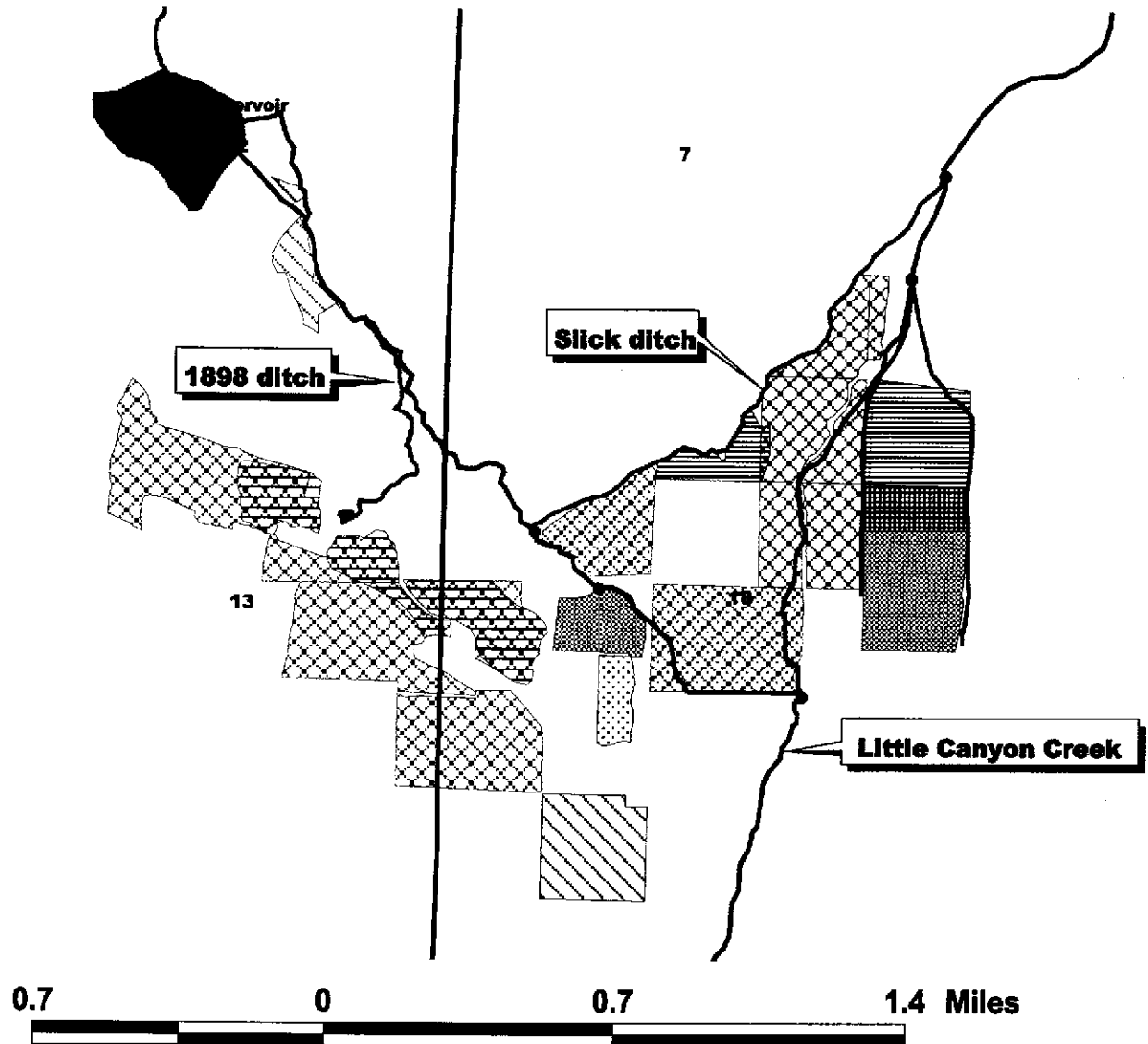
Represented by:
NORMAN M. SEMANKO
ATTORNEY AT LAW
205 N 10TH ST, STE 530
BOISE, ID 83702
Phone: 208-344-6690

USDI BLM

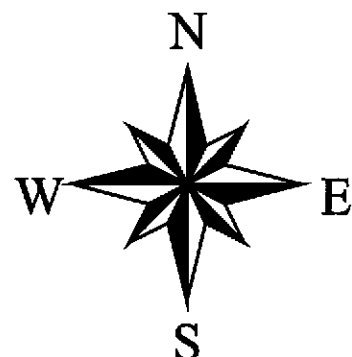
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JULIE MURPHY
Chief Deputy Clerk

Smith v Batruel - An Overview



-  61-00293B
-  61-00293C
-  61-00293D
-  61-00299
-  61-00303/4A
-  61-00303/4B
-  61-00308.shp
-  61-00370 pou.shp
-  61-02000B
-  61-11921
-  B61 roads.shp



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

JUL 19 2002

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

Department of Water Resources

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
61-293C					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) 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**.

Name and Address of Former
Owner/Claimant(s)

Roger L. Jones
dba RJT Farming, Inc.
P. O. Box 475
Rupert, ID 83350

New Owner/Claimant(s)

Idaho Fresh-Pak, Inc.

Name Connector (Check one): ☐ and ☐ or ☐ and/or

New Mailing Address

P. O. Box 130

City, State and ZIP Code

Lewisville, ID 83431-0130

New Telephone Number

(208) 745-4686

Date you acquired the property

July 10, 2002

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use:	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) IDAHO FRESH-PAK, INC.
(include title if applicable)

By: Ray Clement
Ray Clement, President

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

When Recorded Return To:

Idaho Fresh-Pak, Inc.
529 North 3500 East
Post Office Box 130
Lewisville, Idaho 83431
Attn: Rodney K. Roberts

Instrument # 338002
Elmore County, Idaho
01:38pm Jul. 12, 2002
For: GUARANTY TITLE INC
No. of Pages: 3 Fee: \$9.00
GAIL L. BEST, Recorder
Deputy: DAC

CORPORATION GENERAL WARRANTY DEED

FOR VALUE RECEIVED, RJT FARMING, INC., a corporation duly organized and existing under the laws of the State of Idaho, GRANTOR, does hereby grant, bargain, sell and convey unto IDAHO FRESH-PAK, INC., a corporation duly organized and existing under the laws of the State of Idaho, whose address is 529 North 3500 East, Post Office Box 130, Lewisville, Idaho 83431, GRANTEE, the real property described on Exhibit A, attached hereto and incorporated by this reference.

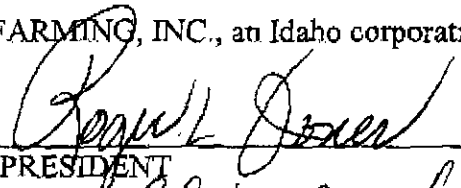
SUBJECT TO all easements, restrictions, rights-of-way and other matters of record; and taxes and assessments for the year 2002 and thereafter.

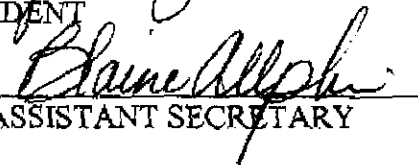
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the successors and assigns of the Grantee forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Assistant Secretary this 10th day of July, 2002.

GRANTOR:

RJT FARMING, INC., an Idaho corporation

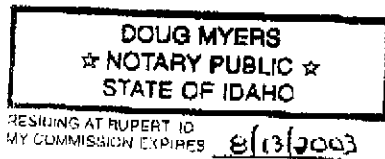
BY: 
ITS: PRESIDENT

ATTEST: 
ASSISTANT SECRETARY

STATE OF IDAHO)

COUNTY OF Cassia) ss.

On this 10th day of July, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Roger L. Jones and Blaine Arpud, known or identified to me to be the President and Assistant Secretary of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Doug Myers
Notary Public
Residing at: Rupert, Id
My Commission expires: 8/13/2003

**EXHIBIT A
TO
CORPORATE GENERAL WARRANTY DEED**

LEGAL DESCRIPTION OF PROPERTY (FARM)

The real property referenced in the foregoing instrument is located in Elmore County, Idaho and more particularly described as:

Tract I:

Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho

Section 19: U.S. Government Lots 3 and 4;

 E1/2SW1/4; W1/2W1/2SE1/4; W1/2E1/2SW1/4SE1/4

TRACT II:

Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho

Section 30: U.S. Government Lots 1 and 2 North of Bennett Rd

 E1/2NW1/4 North of Bennett Rd

 W1/2NE1/4 North of Bennett Rd

TRACT III:

Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho

Section 19: E1/2NW1/4 and

 U.S. Government Lots 1 and 2

SAVE AND EXCEPT:

Parcel 2:

A parcel of land being a portion of the NE1/4 of the NW1/4 of Section 19, Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho, said parcel being more particularly described as follows:

Commencing at the iron pin marking the corner common to Sections 18, 17, 20, and 19, Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho;

thence,

South 89°23'00" West 2680.52 feet to the Brass Cap marking the 1/4 corner common to said Sections 18 and 19, said point being the REAL POINT OF BEGINNING; thence,

South 00°30'04" West 135.55 feet more or less, along the Meridional Center Line of said Section 19 to an iron pin; thence

North 89°52'32" West 270.13 feet to an iron pin; thence,

North 00°09'52" West 133.94 feet to said line common to Sections 18 and 19;

thence,

South 89°52'32" East 271.69 feet to the REAL POINT OF BEGINNING.

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
WATER RESOURCES
2083275400
Aug-28-02 12:34PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
936	8/28 12:33PM	1'29"	2083424657	Send.....	6/ 6	EC144	Completed.....
Total		1'29"	Pages Sent: 6	Pages Printed: 0			



State of Idaho
DEPARTMENT OF WATER RESOURCES
1381 North Oakland Street, P.O. Box 39999, Boise, Idaho 83724-9999
Phone: (208) 325-7999 FAX: (208) 325-7995

WATER RESOURCES
DIVISION
Fax & Internet
208-325-7995

FAX Transmittal Cover Sheet

Number of pages including this one: 6

Date: 8/28/2002
To: Matt Howard / Charlie Hensinger
Fax No.: 208-342-4657
From: Nancy Brown
Fax No.: 327-7265
Phone No.: 327-7265
Subject: "Change of Ownership" for 61-00792; rec'd on my desk yesterday.

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
WATER RESOURCES
2083275400
Aug-28-02 12:21PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
935	8/28 12:19PM	2'10"	208 333 8409	Send.....	6/ 6	EC144	Completed.....

Total 2'10" Pages Sent: 6 Pages Printed: 0



DEPARTMENT OF WATER RESOURCES
1301 North Oakland Street, P.O. Box 60000, Salem, Idaho 83654-0000
Phone: (208) 327-7900 FAX: (208) 327-7905

WATER RESOURCES
Salem, Idaho 83654

FAX Transmittal Cover Sheet

Number of pages including this one: 6

Date: 8/28/2002
To: Matt Howard / Charlie Hensinger
Fax No.: 208-333-8409 / 342-4657
From: Roxanne Brown
Fax No.: 327-7905
Phone No.: 327-7905
Subject: "Change of Ownership" for 61-00793C; rec'd
on my desk yesterday.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 61-293C V1

WATER RIGHT NUMBER: 61-293C V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROGER L JONES DBA RJT FARMING INC PO BOX 475 RUPERT, ID 83350 (208)436-3126
Original Owner	CARLENE R VINER RT 1 BOX 420 GLENN'S FERRY, ID 83623 (208)366-2638

Priority Date: 01/01/1898

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SAND SPRINGS GULCH CREEK	LITTLE CANYON CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.395 CFS	
<u>Total Diversion:</u>		0.395 CFS	

Location of Point(s) of Diversion

SAND SPRINGS GULCH CREEK	NW1/4SE1/4SE1/4	Sec. 18, Twp 05S, Rge 10E, B.M.
ELMORE County	(Rediversion)	
SAND SPRINGS GULCH CREEK	NW1/4SE1/4SE1/4	Sec. 18, Twp 05S, Rge 10E, B.M.
ELMORE County	(Injection)	

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	10E	19					40.0												40.0

Total Acres: 40

Conditions of Approval:

1. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61:
WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 61-293C V1

Remarks:

1. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 22 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. RBROWN 11/22/1998 COPIED FROM REMARKS
 Comment: ORIGINAL DECREE HERRON VS. MORROW & VAN FLEET 2/26/1904 FOR 57.5 INCHES OR 1.15 CFS. PARAGRAPH 1 OF DECREE STATES, "PLAINTIFFS & DEFENDANTS ARE EACH ENTITLED TO 1/2 OF THE WATER THAT RISES & FLOWS IN SAND SPRINGS GULCH BETWEEN DEFENDANTS POND DIVERSION DITCH & THE LOWER DIVERSION DITCH UNDER THE HERRON V. MORROW & VAN FLEET DECREE." DECREE WAS DEFINED IN THE COURT DECISION OF 4/5/1989. DIVERSION WORKS: SAND SPRING GULCH WATER UNDER 61-0293A IS MIXED WITH WATER IN 61-07236 AND THEN LITTLE CANYON CREEK. THIS WATER IS THEN PUMPED INTO A MAINLINE AND DISTRIBUTED WITH SPRINKLERS.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: NONE RECEIVED
 State or Federal:
 Owner Name Connector: 0
 Water District Number: 61D
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust: False
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

SubCase:

SubCase Number: 61-293C
 Class: 1
 SF5 Filed Date:
 Special Master Recom Signed Date: 2/8/2002
 Attorney Assigned:
 Adjudication Agent:
 Basis of Claim:



Title: Parcel 2

Date: 11-23-1998

Scale: 1 inch = 368 feet

File:

Tract 1: 0.838 Acres: 36503 Sq Feet: Closure = n00.2114e 1.61 Feet: Precision = 1/504: Perimeter = 811 Feet

001=/se,se,se,18,5s,10e

004=n89.5232w 270.13

002=/s89.3300w 2680.52

005=n00.0952w 133.94

003=s00.3004w 135.55

006=s89.5232e 271.69

CLAIM NUMBER: A61-00293C

Water Source: SAND SPRING ~~W~~
Tributary to: LITTLE CANYON CREEK
Point(s) of Diversion: T05S R10E S18 (I) NWSE
Stage: BENEFICIAL USE
ELMORE County

[illegible]

Other Rights: LITTLE CANYON CREEK

ORIGINAL DECREE HERRON VS. MORROW & VAN FLEET 2/26/1904 FOR 57.5 INCHES OR 1.15 CFS.

PARAGRAPH 1 OF DECREE STATES, "PLAINTIFFS & DEFENDANTS ARE EACH ENTITLED TO 1/2 OF THE WATER THAT RISES & FLOWS IN SAND SPRINGS GULCH BETWEEN DEFENDANTS POND DIVERSION DITCH & THE LOWER DIVERSION DITCH UNDER THE HERRON V. MORROW & VAN FLEET DECREE."

DECREE WAS DELETED IN THE COURT DECISION OF 4/5/1989.

DIVERSION WORKS: SAND SPRING GULCH WATER UNDER 61-02934 IS MIXED WITH WATER IN 61-07236 AND THEN LITTLE CANYON CREEK. THIS WATER IS THEN PUMPED INTO A MAINLINE AND DISTRIBUTED WITH SPRINKLERS.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 61D	Field Inspection Flag: Presumption Flag: C	

K06 (27.0)

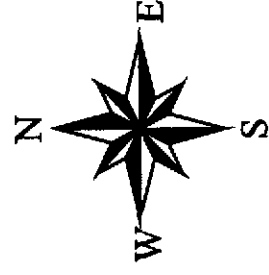
Water Right Nos. 61-00293C and 61-00293D



T05S, R10E

Map Prepared February 18, 1999
By Roxanne Brown for the
Dept. of Water Resources

- Points of Diversion
- 61-00293C and 61-00293D
- ∇ Sand Springs Gulch



1.2 Miles

0.6

0

0.6



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: _____

☐ Name and Address of Former
Owner/Claimant(s)(Seller): _____

*A61-00273A, - 00299 - 00303A
- 00304A, - 00370, - 03000, - 04038,
04113, - 07236
Carlene Viner*

☐ New Owner/Claimant
(Purchaser): _____

☐ New Mailing Address: _____

*Carlene Smith
Rt. 1, Box 420
Glenns Ferry ID 83623*

☐ New Telephone Number: _____

() 366-2711

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

name change only

☐ Attach proof of
ownership, describe
proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New
Owner/Claimant(s) _____

Carlene Smith

Date *2-12-96*

_____ Date

☐ Signature of Former
Owner/Claimant(s): _____

_____ Date

_____ Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: *2-12-96* By: *BMF*

Further Action Needed: _____

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: *2-12-96* By: *BMF*

Claim Numbers of Split, if any: _____

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

A61-00293C

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

OCT 20 1998

Please print or type. Attach pages with additional information. Instructions are on the back of this page. **WATER RESOURCES
WESTERN REGION**
Incomplete forms will be returned.

RECEIVED

OCT 21 1998

Department of Water Resources

1. Water Right Number(s) _____
Adjudication Claim Number(s) A61-00293A
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 for parcel of ten acres or less. (These are usually on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Carlene R. Viner Smith
Rt. 1 Box 420 Glenns Ferry, ID 83623
4. New Owner/Claimant(s) Roger L. Jones - DBA R. J. T. Farming, Inc.
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address Box 475
City, State and ZIP Code Rupert, Idaho 83350
New Telephone Number (208) 436 - 3126
5. Date you acquired the property 2-9-98
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated 32 Number and type of stock _____
Diversion rate in CFS cubic feet per second Number of homes Other uses
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.
7. Signature of New Owner/Claimant(s) *Roger L. Jones* Date *Sept 15-98*
Smith retains 9 minors mch per deed Date _____
(Corporations or other organizations must submit a list of directors/officers, demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

data entry complete 11/13/98 RB

ADJUDICATION OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

(OD-26)

Water Right Number - 61-00293A Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
VINER
RICHARD P.
1 - RT. 1 BOX 420
2 -
3 -
City- GLENNS FERRY State- ID Zip- 836230000
Phone -

CARLENE R.
1 - RT. 1 BOX 420
2 -
3 -
City- GLENNS FERRY State- ID Zip- 836230000
Phone -

JAMES
1 -
2 -
3 -
City- State- Zip-
Phone -

JOSEPH
1 -
2 -
3 -
City- State- Zip-
Phone -

VAN FLEET
1 -
2 -
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City- State- Zip-
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VAN FLEET
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Phone -

Water right number - 61-00293A

+ - - Other Rights for Same Use - -

	Remarks	
ORIGINAL DECREE HERRON VS. MORROW & VAN FLEET 2/26/1904 FOR		

57.5 INCHES OR 1.15 CFS.

PARAGRAPH 1 OF DECREE STATES, "PLAINTIFFS & DEFENDANTS ARE EACH ENTITLED TO 1/2 OF THE WATER THAT RISES & FLOWS IN SAND SPRINGS GULCH BETWEEN DEFENDANTS POND DIVERSION DITCH & THE LOWER DIVERSION DITCH UNDER THE HERRON V. MORROW & VAN FLEET DECREE."

Old Water Right Numbers
No Old Water Right Numbers

- - - Conditions of Approval - - -
No Conditions of Approval found.

+ - - - Decree Defendant - - - +
PETER & MARY N. BATRUEL

+ - - - Decree Plaintiff - - +
RICHARD P. & CARLENE R. VINER

05/01/88 CONVERT

+ - - Audit Fields - 02/25/87

- - - Water Rights Dates and Flags Area

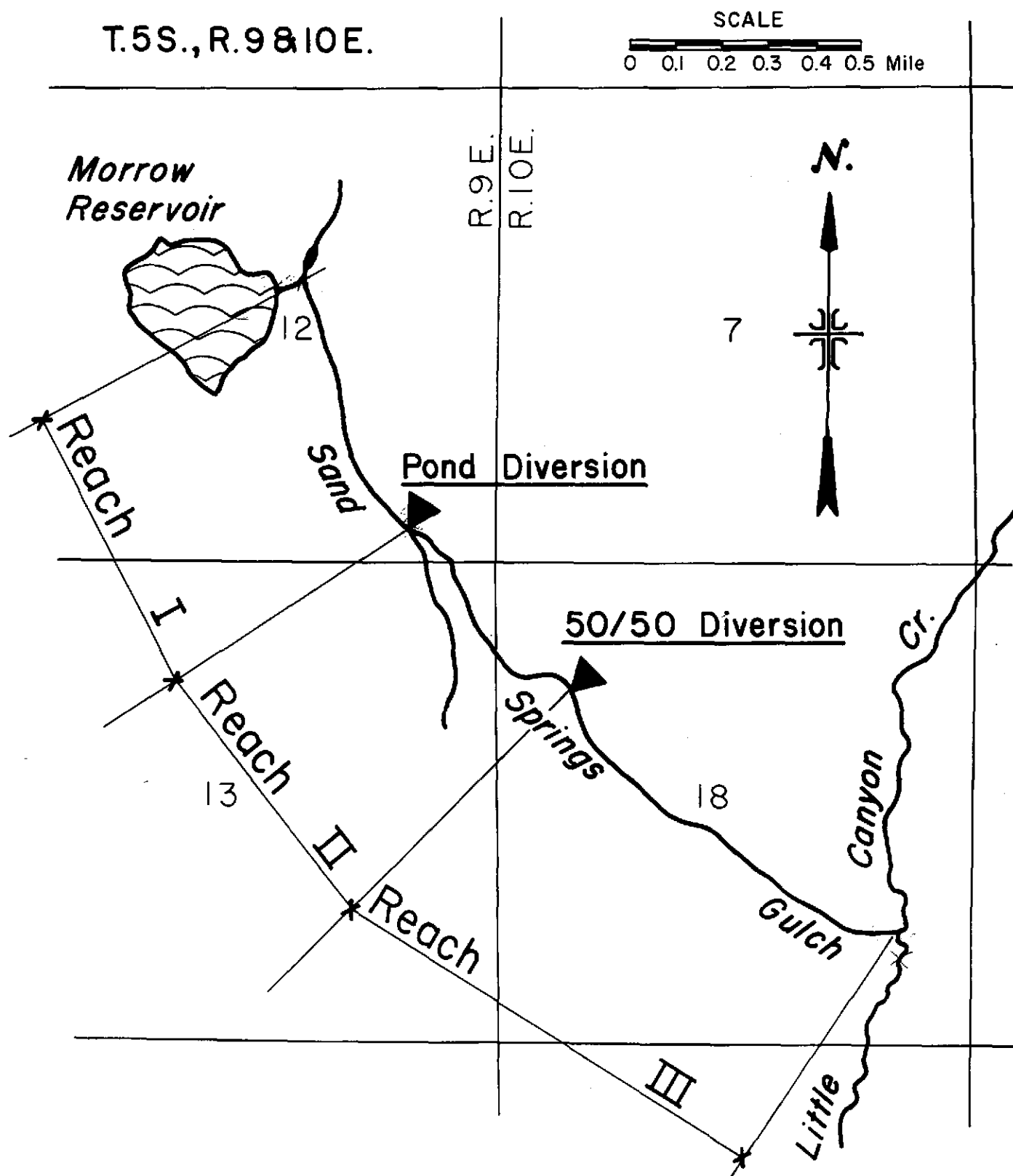
Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 61D
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 12/01/1986	Presumption Flag	-	Microfilm Roll Number	-

Microfilm Roll Number -

2000年12月24日

100 11 1932

REACHES ON SAND SPRINGS GULCH



Water Right Number - R61-00293C Prefix Translation: RESEARCH Old (D) Number -

+ - - - - Last Name - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
JONES ROGER L 1 - DBA RJT FARMING INC
2 - PO BOX 475 State- ID Zip- 83350
3 - City- RUPERT
Phone - 208-436-3126

*** O - ORIGINAL OWNER ***
VINER CARLENE R 1 - RT 1 BOX 420
2 - State- ID Zip- 836230000
3 - City- GLENNS FERRY
Phone - 208-366-2638

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/01/1898 14 WESTERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SAND SPRINGS GULCH LITTLE CANYON CREEK

+ - - - - Point of Diversion - - - - - +

TwN	Rng	Sec	Tract	Lot	Rflg	County
05S	10E	18	NW SE SE NW SE SE	I R	(39) (39)	ELMORE ELMORE

+ - - - - Water Use - - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	0.395	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.395 0.395 0.0

+ - - - - Place of Use - - - - - +

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
05S	10E	19	NE NW	40.0	01	IRRIGATION		(39) ELMORE

Total Acres: 40.0

+ - - Diversion Means - SEE REMARKS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - LITTLE CANYON CREEK

+ - - - - Remarks - - - - - +

POU THIS RIGHT IS LIMITED TO THE IRRIGATION OF 22 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	-
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	- 12/07/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 61D
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- C
				Notice of Error Flag	-
					39576