

AJ0749NP
No. R35-13211

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 04/21/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TOPHILL FARMS INC PO BOX 99 LEWISVILLE ID 83431 (208) 522-2523	04/23/1968	IRRIGATION	04-01 10-31	0.21 CFS	
					TOTAL DIVERSION:	0.21 CFS

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T04N R36E S34

NESE

JEFFERSON County

Place of use Legal Description for: IRRIGATION

	NE	NESE	SE	SESE	SUM
T R S	40	40	40	40	40
04N 36E 34	40	40	40	40	40
04N 36E 35	40	39	36	36	36
TOTAL ACRES	40	39	36	36	734.0

POU County: JEFFERSON

Other Rights: 35-02787

Conditions of Approval:

- C11 - THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
- H02 - POSSIBLE ALTERNATIVE PERIOD OF USE 04/01 10/31
- H03 - SEE EXPLANATORY MATERIAL BELOW.
 - IRRIGATION PERIOD OF USE IS CURRENTLY ON APPEAL TO THE IDAHO SUPREME COURT. THE SRBA COURT RULED "IRRIGATION SEASON" IS ADEQUATE AND APPROPRIATE TO DESCRIBE THE PERIOD OF USE.
 - APPELLANTS ARGUE A SPECIFIC CALENDAR DESCRIPTION IS NECESSARY TO DESCRIBE THE PERIOD OF USE FOR A WATER RIGHT. IF THE IDAHO SUPREME COURT OVERTURNS THE DECISION OF THE SRBA COURT ON USING "IRRIGATION SEASON" THE SPECIFIC CALENDAR DESCRIPTION SHOWN MAY BE USED.

Remarks: QNT

USE OF THIS RIGHT WITH RIGHT NO. 35-02787 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.14 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2607 AF.

POU1

USE OF THIS RIGHT WITH RIGHT NO. 35-02787 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 734 ACRES IN A SINGLE IRRIGATION SEASON.

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Remarks: GEN THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 35-02787 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXP THIS RIGHT IS FOR AN ENLARGEMENT OF 25 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.
RIGHT NO. 35-02787 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: E
Presumption Flag:

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: A35-13211
Date Received: 12/ 5/1988
Receipt No: 5024063
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TOPHILL FARMS INC 208-522-2523
Address: PO BOX 99
LEWISVILLE ID 83431

2. Date of Priority: APR 23, 1968

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	36E	34	NE	SE			JEFFERSON

5. Description of diverting works:
WELL AND PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.210		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	36E	34	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			SW	NW		IRR	39.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	36E	34	NW		SW		IRR	39.0
			SW		SW		IRR	39.0
			SE		SW		IRR	40.0
			NE		SE		IRR	36.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
							Section Acres	433.0
		35	SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	36.0
			NW		SW		IRR	36.0
			NE		SE		IRR	34.0
			NW		SE		IRR	36.0
							Section Acres	301.0
							Total Acres	734.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
35-02787

14. Remarks:

USE OF THIS RIGHT WITH RIGHT NO. 35-02787 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.14 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 2607 AF.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 35-02787 PURSUANT TO SECTION 42-1426, IDAHO CODE.

15. Basis of Claim: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am Secretary of
Title
Tophill Farms Inc., that I have signed the foregoing
Organization
document in the space below as Secretary of
Title
Tophill Farms Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Secretary Tophill Farms Inc.
Title and Organization

4-21-98
Date

State of Idaho)
County of Bannville) SS.

Subscribed and sworn (or affirmed) before me this 21 day
of April 19 98

[Signature]
Notary Public

Seal

Residing at Rigby, Id
My Commission Expires 2/26/2002

55-13211

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Page 1

CERTIFICATE OF MAILING

I certify that on 10-23, 1998, 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:
SEE ATTACHED LIST
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record
N/A
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

35-12915 & 35-07575
AG AMERICA FCB
PO BOX 50030

IDAHO FALLS ID 83405-0030

35-12391 & 35-07030 & 35-07304
BRENT CALL
JUNE CALL
PO BOX 77
MENAN ID 83434

35-13061 & 35-02602
CARLSON FIVE A PARTNERSHIP
PO BOX 50682
IDAHO FALLS ID 83405

35-10248 & 35-02899
ALLAN M COOK
2681 W 17TH S
IDAHO FALLS ID 83402

35-13069 & 35-07065 & 35-07064
LEON D DANCE
599 MC ADOO
BLACKFOOT ID 83221

35-13203 & 35-02852
THEODORE L DEFFINGER
3515 SIERRA RD
SAN JOSE CA 95132

35-12933 & 35-02653
THAYNE GNEITING
190 N 400 W
BLACKFOOT ID 83221

35-10054 & 35-02586B & 35-0736
J WARD JOHN
MARY V JOHN
246 HARTERT DR
IDAHO FALLS ID 83404

35-13011 & 35-02704
IRVIN G LONDON
MELBA J LONDON
6276 N 26TH W
IDAHO FALLS ID 83402

35-13064 & 35-02500A & 35-02661C
RICHARD B REED
3843 N 105TH WEST
IDAHO FALLS ID 83402

35-10189 & 35-07338
DEAN SNARR & SONS
C/O DENNIS SNARR
201 N 2600 E
ROBERTS ID 83444

35-13211 & 35-02787
TOPHILL FARMS INC
PO BOX 99
LEWISVILLE ID 83431

35-12915 & 35-07575
CHARLES B WELLS
MARIE WELLS
PO BOX 263
ROBERTS ID 83444

35-11572 & 35-02454
WINDING BROOK CORPORATION
C/O RANDY MOORE
PO BOX 53
NAMPA ID 83653

35-12935 & 35-02617
WINDING BROOK CORPORATION
C/O RODNEY MOORE
PO BOX 53
NAMPA ID 83653

35-11573 & 35-02282
WINDING BROOK CORPORATION
C/O RANDY MOORE
PO BOX 53
NAMPA ID 83653



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 23, 1998

RE: Notice of Administrative Proceeding (NAP) for
Enlargement Claim

Dear Claimant:

The Snake River Basin Adjudication (SRBA) Court will soon complete the issuing of partial decrees for the area in which your enlargement claim is located. The Idaho Department of Water Resources (IDWR) is required to advertise these claims and is required to notify the SRBA.

Therefore, this office is sending the enclosed NAP to the SRBA Court and other parties listed on page 2 of the form. The intent of this mailing is to notify those parties of the enlargement claims advertising.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Hoagland
Technical Records Specialist

Enclosure

The Jefferson Star
Rigby, Idaho

AFFIDAVIT OF PUBLICATION

State of Idaho)
) SS
County of Jefferson)

I, Terry Carr of The Jefferson Star,
published weekly at Rigby, Jefferson
County, Idaho, do solemnly swear that the

Notice of
Enlargement of Water Right

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in
any supplement issue thereof for 2
consecutive issues, the first publication
having been made on 9-2-99
and the last publication having been made
on 9-9-99

Further, that said newspaper is one of gen-
eral circulation in said county; that it is a
legal newspaper, conforming to legal
specifications under the Idaho Statutes;
that it has at least two hundred bona fide
subscribers living within the county of
publication; and that it has been continu-
ously and uninterruptedly published in
said county during a period of seventy
eight consecutive weeks prior to the first
publication of the said notice.

Terry Carr

On this 9th day of Sept
in the year of 1998, before me, a Notary
Public, personally appeared

Terry Carr,

known or identified to me to be the person
whose name subscribed to the within
instrument, and being by me first duly
sworn, declared that the statements there-
in are: true, and acknowledged to me that
she executed the same.

Cynthia Foster
Notary Public of Idaho
Residing at 1032 N 1100 E, Shelley, ID

My commission expires March 8, 1999

The following claims to water rights have been filed in the Snake River
Basin Adjudication as enlargements to existing water rights under Idaho
Code §42-1426. Note that the places of use are shown to the nearest sec-
tion — more specific locations are available upon request.

Water Right: 35-10189
NAME & ADDRESS:

DEAN SNARR & SONS
C/O DENNIS SNARR
201 N 2600 E
ROBERTS ID 83444
GROUNDWATER
04/01/1985
T04N R36E 27 SENWNE
IRRIGATION
T04N R36E 22 NESE NWSE SWSE SESE
23 NESW NWSW SWSW SESW
26 NENW NWNW SWNW SENW
27 NENE NWNE

SOURCE:
PRIORITY DATE:
POINT OF DIVERSION:
PURPOSE OF USE:
PLACE OF USE:

This right is for an enlargement of 189 Acres within the total 421 acres
recommended.
Water Right: 35-10248
NAME & ADDRESS:

ALLEN M COOK
2681 W 17TH S
IDAHO FALLS ID 83402
GROUNDWATER
05/01/1980
T04N R36E 22 NWNENE NWNE NWNENW
IRRIGATION
T04N R36E 14 SWSW SESW
15 NENE NWNE SWNE SENE
NESW NWSW SWSW SESW
NESE NWSE SWSE SESE
16 SENE NESE SESE
22 NENE NWNE SWNE SENE
NENW NWNW SWNW SENW

SOURCE:
PRIORITY DATE:
POINT OF DIVERSION:
PURPOSE OF USE:
PLACE OF USE:

This right is for an enlargement of 28 Acres within the total 828 acres
recommended.
Water Right: 35-12915
NAME & ADDRESS:

FARM CREDIT BANK OF SPOKANE
PO BOX 30
IDAHO FALLS ID 83405
GROUNDWATER
10/31/1986
T05N R36E 31 SENWNE
IRRIGATION
T05N R36E 29 SWSW
30 SWSW SESW SWSE SESE
31 NENE NWNE SWNE SENE
NENW NWNW SWNW SENW
NESW NWSW SWSW SESW
NESE NWSE
32 NWNW SWNW NWSW

SOURCE:
PRIORITY DATE:
POINT OF DIVERSION:
PURPOSE OF USE:
PLACE OF USE:

This right is for an enlargement of 140 acres within the total 533 acres
recommended.
Water Right: 35-13203
NAME & ADDRESS:

THEODORE L DEFFINGER
3515 SIERRA RD
SAN JOSE CA 95132
GROUNDWATER
08/12/1971
T04N R35E 12 SWNESE
IRRIGATION
T04N R35E 12 NENE NWNE SWNE SENE
NESE NWSE SWSE SESE

SOURCE:
PRIORITY DATE:
POINT OF DIVERSION:
PURPOSE OF USE:
PLACE OF USE:

This right is for an enlargement of 25 acres within the total 317 acres
recommended.
Water Right: 35-13204
NAME & ADDRESS:

CLARA R ANDERSON
VAUGHN C ANDERSON
PO BOX 181
ROBERTS ID 83444
ROBERTS SLOUGH
TRIBUTARY: SNAKE RIVER
05/01/1985
T05N R37E 34 SENW GVMT LOT 3
IRRIGATION
T04N R37E 03 NENW NWNW SWNW SENW
34 GVMT LOTS 3, 4, 5, 12, 43

SOURCE:
PRIORITY DATE:
POINT OF DIVERSION:
PURPOSE OF USE:
PLACE OF USE:

This right is for an enlargement of 158 acres within the total 301 acres
recommended.
Water Right: 35-13211
NAME & ADDRESS:

TOPHILL FARMS INC
PO BOX 99
LEWISVILLE ID 83431
GROUNDWATER
04/23/1968
T04N R36E 34 NESE
IRRIGATION
T04N R36E 34 SWNE SENE SWNW SENW
NESW NWSW SWSW SESW
NESE NWSE SWSE
35 SWNE SENE SWNW SENW
NESW NWSW NESE NWSE

SOURCE:
PRIORITY DATE:
POINT OF DIVERSION:
PURPOSE OF USE:
PLACE OF USE:

This right is for an enlargement of 25 acres within the total 734 acres
recommended.
The water rights will be subject to all prior water rights. Those asserting
injury from the enlargements may file petitions with the Director, Idaho

RECEIVED

SEP 11 1998

Department of Water Resource
Eastern Region