

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-4033 V2

WATER RIGHT NUMBER: 43-4033 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	S CHAD FRIDAL 2970 E 1400 S MALTA, ID 83342 (208)645-2549
Original Owner	MARK DURFEE SUBLETT RT MALTA, ID 83342 (208)645-2457

Priority Date: 06/01/1945

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.060 CFS	2.40 AF
STOCKWATER	01/01 to 12/31	0.020 CFS	0.70 AF
COMMERCIAL	01/01 to 12/31	0.060 CFS	2.40 AF
	<u>Total Diversion:</u>	0.060 CFS	5.50 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4SW1/4	Sec. 32, Twp 12S, Rge 28E, B.M.
CASSIA County		

Place of UseDOMESTIC Within CASSIA County

T12S R28E S32 SESW

STOCKWATER Within CASSIA County

T12S R28E S32 SESW

COMMERCIAL Within CASSIA County

T12S R28E S32 SESW

Conditions of Approval:

1. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-4033 V2

2. N09 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N14 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Place of Use THE USE OF WATER UNDER THIS RIGHT FOR DOMESTIC, STOCKWATER AND COMMERCIAL PURPOSES WITHIN T12S, R28E, S32, SE1/4 IS LIMITED TO THE S1/2 OF S1/2 OF THAT PLACE OF USE.

Comments:

1. tfawcett 8/23/2002 SF5 ENTERED
Comment: SF5 DATA ENTERED.

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:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

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>
Summary			08/23/2002	tfawcett	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	8/23/2002 3:48:05 PM	tfawcett	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-4033

NAME AND ADDRESS: ~~MARK DUFFEE~~ S. CHAD FRIDAL
~~SUBLETT ROUTE~~ 2970 E. 1400 S.
~~MALTA ID 83342~~ MALTA, ID 83342

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.060 CFS
5.50 AFY

Fwp *C* *RG*

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1945

POINT OF DIVERSION: T12S R28E S32 SWSSEW Within CASSIA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC	01/01 12/31	0.060 CFS
			2.40 AFY
	STOCKWATER	01/01 12/31	0.020 CFS
			0.70 AFY
	COMMERCIAL	01/01 12/31	0.060 CFS
			2.40 AFY

PLACE OF USE:	DOMESTIC		Within CASSIA County
	T12S R28E S32	SESW	
	STOCKWATER		Within CASSIA County
	T12S R28E S32	SESW	
	COMMERCIAL		Within CASSIA County
	T12S R28E S32	SESW	

THE USE OF WATER UNDER THIS RIGHT FOR DOMESTIC, STOCKWATER, AND COMMERCIAL PURPOSES WITHIN SESW, S32, T12S, R28E, IS LIMITED TO THE ~~S2S2~~ OF THAT PLACE OF USE.

S1/2 & S1/2

Sm^c
Lanz

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RECEIVED
BLM ISO MR

AUG 05 2002

9:00 A.M.

RECEIVED

AUG 13 2002

Department of Water Resources

**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

) Subcase No. 43-04033

) Standard Form 5

) **STIPULATED ELEMENTS
OF A WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

S. Chad Fridal

S. Chad Fridal
S. Chad Fridal

7-22
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown
Larry A. Brown Fwp
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

8/8/02
Date

IDWR CONCURRENCE:

Bryan Brown
Bryan Brown
Date 8/6/02

IDWR CONCURRENCE:

Candice M. McHugh
Candice M. McHugh
Deputy Attorney General
Date 8/6/02

CERTIFICATE OF MAILING

I certify that on Aug 8, 2002 mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

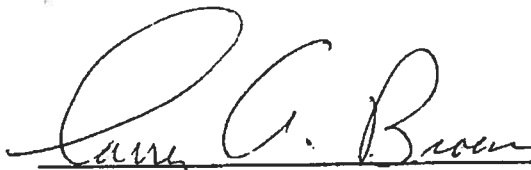
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

S. Chad Fridal
2970 E. 1400 S.
Malta, Idaho 83342


Signature of person or attorney mailing the form

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right No(s).: 43-04033
 Adjudication Claim No(s).: 43-04033

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** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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**.

3. Name and Address of Former Owner/Claimant Mark Durfee
Sublett Route; Malta, Idaho 83342

4. New Owner/Claimant(s) S. Chad Fridal
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 2970 E. 1400 S.

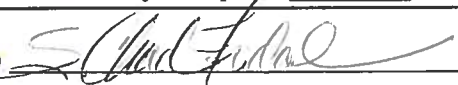
City, State and ZIP Code Malta, Idaho 83342

New Telephone Number (208) 1045-2549

5. Date you acquired the property 8-1-99

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. 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.

Number of acres you irrigate with this water right _____	Number and type of stock _____
Diversion rate in CFS _____	Other uses _____

7. Signature of New Owner(s) 
 or Claimant(s)

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

changed on 8/5 signed 8/6/2002 R. Brown

270957

AMENDED WARRANTY DEED

Warranty Deed Recorded

Date Recorded: August 17, 1999

As Instrument No. 264574

FOR VALUE RECEIVED, the SMITH OIL COMPANY, an Idaho Corporation, hereinafter called the "Grantor", does hereby grant, bargain, sell and convey all interest in and to the property described as follows to S. CHAD FRIDAL and CASSI L. FRIDAL, husband and wife, whose address is HC-61, Box 1050, Malta, Idaho 83342, hereinafter called the "Grantee", situated in Cassia County, State of Idaho:

S1/2S1/2SE1/4SW1/4 Section 32, Township 12
South, Range 28 East, Boise Meridian, Cassia
County, State of Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs, successors and assigns forever. The Grantor does hereby covenant to and with the said Grantee that the Grantor is the owner in fee simple of said premises; that the said premises are free from all encumbrances except as described in the Memorandum of Sale entered into between the parties and that Grantor will warrant and defend the same from all lawful claims whatsoever.

AMENDED WARRANTY DEED - 1

C:\contracts\Smith.Friday.Warranty.Deed.vpd

DATED this 20 day of August, 2000
1999.

"GRANTOR"

SMITH OIL COMPANY, an Idaho
Corporation

By: Suzanne Smith
Suzanne Smith

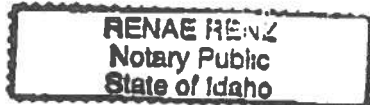
ATTEST:

C. Bruce Young
C. Bruce Young - Secretary
of Smith Oil Company, Inc.

STATE OF IDAHO)
ss.
County of Cassia)

On this 20 day of August, 2000, before me the undersigned, a Notary Public in and for said State, personally appeared Suzanne Smith and C. Bruce Young, being the President and Secretary, respectively, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same for an on behalf of Smith Oil Company, Inc.

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



Renae Henz
NOTARY PUBLIC FOR IDAHO

AMENDED WARRANTY DEED - 2
C:\contracts\smich.Friday.Warranty.Deed.upd

Residing at: Paul
My Commission Expires: 1-20-06

270957

SASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY

RECORDER
FEE 9.00 DEPUTY DL

*00 AUG 31 AM 10 26

RECORDED AT REQUEST OF

De Darro

P.O. Box 487

Darby, ID.
83318

AMENDED WARRANTY DEED - 3
C:\contracts\Smith.Friday.Warranty.Deed.wpd

Exenow 10935

264574

WARRANTY DEED

FOR VALUE RECEIVED, the SMITH OIL COMPANY, an Idaho Corporation, hereinafter called the "Grantor", does hereby grant, bargain, sell and convey all interest in and to the property described as follows to S. CHAD FRIDAL and CASSI L. FRIDAL, husband and wife, hereinafter called the "Grantee", situated in Cassia County, State of Idaho:

S1/2S1/2SE1/4NW1/4 Section 32, Township 12
South, Range 28 East, Boise Meridian, Cassia
County, State of Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs, successors and assigns forever. The Grantor does hereby covenant to and with the said Grantee that the Grantor is the owner in fee simple of said premises; that the said premises are free from all encumbrances except as described in the Memorandum of Sale entered into between the parties and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 27th day of July, 1999.

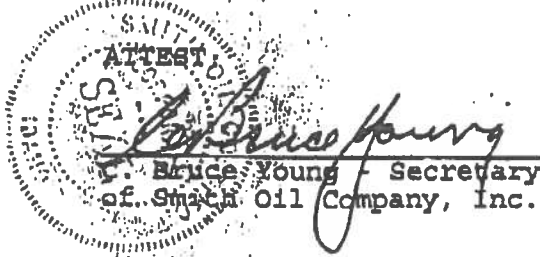
"GRANTOR"

SMITH OIL COMPANY, an Idaho
Corporation

By: Suzanne Smith
Suzanne Smith

WARRANTY DEED - 1

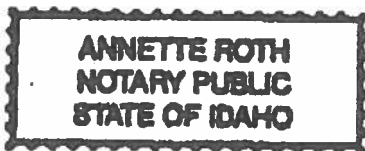
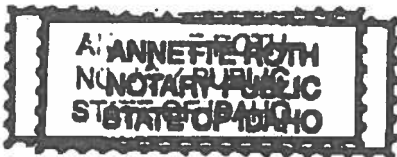
C:\contractor\Smith.Friday.Warranty.Deed.wpd



STATE OF IDAHO)
) ss.
 County of Cassia)

On this 27th day of July, 1999, before me the undersigned, a Notary Public in and for said State, personally appeared Suzanne Smith and C. Bruce Young, being the President and Secretary, respectively, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same for an on behalf of Smith Oil Company, Inc.

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



Annette Roth
 NOTARY PUBLIC FOR IDAHO
 Residing at: BLVD R. Rd. Id
 My Commission Expires: 8-4-99

WARRANTY DEED - 2

C:\contracts\Smith.Friday.Warranty.Deed.wpd

264574
 CASSIA COUNTY, IDAHO
 DARGEMAN ROSSLEY
 RECORDER
 FEE 6.00 DEPUTY Jan
 '99 AUG 17 PM 4 25
 RECORDED AT THE REQUEST OF
 LAND TITLE & ESBROW

242648

SHERIFF'S DEED

WHEREAS, on the 13th day of June, 1995, Smith Oil Company, Inc, obtained a Judgment against Carle Whitson, Individually, and as a partner of Mean Jeans, Martha Jean Whitson, and the Snowville Truck and Travel Plaza, Inc. in the sum of \$135,000.00, in Cassia County Case No. CV-94-00283-D filed in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Cassia; and

WHEREAS, a Writ of Execution was issued by the court on

the 27th day of September, 1995, whereby the Sheriff of Cassia County was directed to execute and by virtue of said Execution the undersigned, as Sheriff of Cassia County, Idaho, levied upon the following-described real property, to wit:

TOWNSHIP 12 SOUTH, RANGE 28 EAST, BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: S1/2 of the S1/2 of the SE1/4 of
the SW1/4

WHEREAS, the real property herein described was struck off and sold to Smith Oil Company, Inc. on the 2nd day of November, 1995, for the sum of \$115,000.00, as the highest and best bidders therefore, the time and place of the sale thereof having been duly advertised according to law, and a Certificate of Sale having been issued on the 6th day of November, 1995.

NOW, THEREFORE, KNOW ALL BY THIS DEED that I, Bill R. Crystal Sheriff of Cassia County, Idaho, for and in consideration of the premises aforesaid, do hereby convey unto Smith Oil

SHERIFF'S DEED - 1

Company, their heirs and assigns, the following tract or tracts of land, to wit:

TOWNSHIP 12 SOUTH, RANGE 28 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 32: S1/2 of the S1/2 of the SE1/4 of the
SW1/4

to have and to hold the said premises described herein, together with all the appurtenances thereunto belonging to Smith Oil Company, Inc.

WITNESS my hand this 7th day of May, 1996.

Bill R. Crystal
Bill R. Crystal
Cassia County Sheriff.

Deborah A. Brigham
Notary Public in and for the
County of Cassia, State of Idaho.

Commission expires: 10-21-97

242648

RECORDED AT THE REQUEST OF

Smith Oil Co

FILM 276

1996 MAY -7 A 10 32

CASSIA COUNTY, IDAHO

GARRELL M. ROSNELLEY

RECORDER

FEES 60.00 DEPUTY Ann

2545 Burton

Barley

SHERIFF'S DEED - 2

FURNISHED BY Land Title and Survey, Inc.

#EC 1071

278210

WARRANTY DEED

For Value Received

MARK DUFFEE, also known as MARK E. DUFFEE, and PATSY ANN DUFFEE,
 husband and wife
 Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
 MEAN JEAN'S ENTERPRISES a partnership
 Address: Box 614
 Snowville, UT 84336

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho,
 to-wit:

TOWNSHIP 12 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
 CASSIA COUNTY, IDAHO

Section 32: S4S4SE4SW4

SUBJECT TO:

All reservations in Patents or Deeds in the chain of title.

Taxes for 1993 and subsequent years.

Mortgage dated August 16, 1991 and recorded August 22, 1991 as
 Instrument No. 214872 on Film No. 227, records of Cassia County,
 Idaho.

Mortgage dated September 4, 1992 and recorded September 17, 1992
 as Instrument No. 220954 on Film No. 238, records of Cassia
 County, Idaho which was assigned by Assignment of Mortgage
 dated February 23, 1993 and recorded March 2, 1993 as Instrument
 No. 223376 film No. 242 records of Cassia County, Idaho

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

Dated: March 3, 1993

Mark Duffee
 Mark Duffee aka Mark E. Duffee

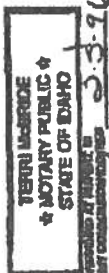
Patsy Ann Duffee
 Patsy Ann Duffee

STATE OF IDAHO, COUNTY OF Minidoka, ss
 On this 10th day of March, 1993
 before me, a notary public in and for said State, personally appeared

Mark Duffee aka Mark E. Duffee
 and Patsy Ann Duffee

known to me to be the person^s whose name^s are
 subscribed to the within instrument, and acknowledged
 to me that they executed the same.

Daniel M. Roskelley
 Notary Public
 , Idaho.
 Residing at
 Commission expires



96-5-5
 3545
 10-1-94
 RECORDED AT THE REQUEST OF
 Patsy Ann Duffee
 01 NOV 15 PM 2 22

CASSIA COUNTY, IDAHO
 DANIEL M. ROSKELLEY
 RECORDER
 FEE 3.00
 DEPUTY *pm*

278210

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: A43-04033
Date Received: 4/19/1989
Receipt No: 5006901
Received By: ADP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARK DURFEE 208-645-2457
Address: SUBLETT ROUTE
MALTA, ID 83342

2. Date of Priority: JUN 01, 1940

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	28E	32	SW	SE	SW		CASSIA

5. Description of diverting works:
8" X 270' WELL WITH 3 H.P. SUBMERSIBLE PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.110		
COMMERCIAL	01/01	12/31	0.110		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 3 HOUSEHOLDS, S/ 50 RANGE, C/ TRUCK STOP & RESTAURANT

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	28E	32	SE	SW		DOMEST	

A43-04033

Page 1

Date: 04/19/89

COPY

MICROFILMED

MAR 05 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	28E	32	SE	SW		STOCK	
			SE	SW		COMMER	

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:
NONE

14. Remarks:
TRANS. 1637.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Mark Durfee Date: 4-19-89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 19th day

of April 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/94



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04033
MARK DUFEE
SUBLETT ROUTE

MALTA

ID 83342

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) 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(s) indicate 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 soon 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.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). 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

MICROFILMED

MAR 05 1993

Topographic map showing a valley area. Handwritten blue ink annotations include:

- T12S** and **T13S** (Township labels)
- R27E** and **R28E** (Range labels)
- V E R** and **V A L L E Y** (Valley labels)
- well** (pointing to a location near a road)
- p/u** (pointing to a location near a road)
- A large **A** with an arrow pointing to a location near a road

The map also features contour lines, spot elevations, and a grid system.

A43-04033

IN THE MATTER OF:

RECEIVED

Mark Durfee

FEB 03 1992

AFFIDAVIT

State of Idaho

Department of Water Resources
Southern Region Office

County of Cassia

Rosella Neddo

being first duly sworn,

deposes and says: In May of 1945 I was stationed at the Civil Aeronautics

Administration Site at Strevell, Idaho. There was water available from a well

for domestic use and watering yards.

EVID. PRIORITY = 1945

Rosella Neddo
(signature)

Subscribed and sworn to before me this 3rd day of February 1992.

Barbara Anderson
(notary public)

Residing at Albion, Ida.
My commission expires 7-23-93

MICROFILMED

MAR 05 1993

A43-04033

Identification No. _____
 Claim No. 43-4033
 Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)



1. Name of claimant Mark Dufee
 post office address Nai, Idaho 83345
 2. The point of diversion is in NE 1/4 of NW 1/4 Section 29 Township 16 S
 Range 28 E.B. B.M. located on Ground Water
(name of source)

tributary to _____ in Cassia County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

1940 amount: .11 c.f.s. or _____ acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 Total claimed .11 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use year around for 4 families period of use from approx 30 yrs ago to July 1966 (both dates inclusive)
 use Domestic period of use from 1-1 to 12-31 (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____
 length is _____ feet; height is _____ feet;
 width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped pumped; depth of well is approx 176 feet; diameter of well is 6 inches; type of pump is submersible
 capacity of pump is 50 gal/g.p.m.; name and address of well driller is _____
 _____;

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MAY 05 1993

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet;
width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000
feet is _____ feet; material through which ditch passes is _____;
maximum length of pipe line to first place of use is 50 feet; diameter of pipe line is 2 inches;
type of pipe _____; grade of pipe per 1000 feet is _____.
Please explain any changes or Increase in size of conveying system since water was first appropriated, giv-
ing date and dimensions if possible _____

d. If water is stored: name of reservoir _____ acre feet;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____;
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____
c.f.s.; if reservoir is off stream, describe _____

is reservoir on or off stream _____ explain _____
if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe
location of reservoir by 40-acre subdivisions _____

location of reservoir _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

MICROFILMED

MAR 05 1993

b. Do you own water through a ditch owned by several users? If yes, give the name of the ditch the other users and their respective interests in the ditch are (if known)

6. Where water is used for stock watering, give number of each kind of stock watered

7. Where water is used for domestic or municipal purposes give number of families served 7
name of town supplied Airport & some of Port of Entry

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

The well has been used for 4 families, an airport, 5 head of pleasure horses, and a large (approx. 1 acre) lawn. This was in use by the GAA. This information was acquired from W.B. Gummell who was caretaker of the airport.

W.B. Gummell

State of Idaho }
County of Cassia } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Mark Unwin
Claimant

Sworn to before me this 16th day of May, 1970.

Gene Baxter
Notary Public
Residing at Malta, Idaho

My commission expires May 3, 1971

For Department Use Only

Received by <u> </u>	Date <u>5-19-70</u>	Exception filed by: <u> </u>	Forwarded to claimant by: <u> </u>	Date <u> </u>
Prelim. check by <u>D.H.</u>	Date <u>6-5-70</u>	<u> </u>	<u> </u>	<u> </u>
Fee received by <u> </u>	Date <u>6-5-70</u> Fee \$ <u>10.00</u>	<u> </u>	<u> </u>	<u> </u>
Approved for publication by <u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Published in <u> </u>	Dates <u>6-11 + 25-70</u>	<u> </u>	<u> </u>	<u> </u>

MICROFILMED

MAR 05 1993

May 14, 1970

MAY 20 1970

Department of Reclamation

Department of Reclamation
Mr. R. Keith Higginson
Statehouse Annex #2
Boise, Idaho 83707

Dear Mr. Higginson:

We have been in business in the Strevell area for twenty years. Our business consisted of a truck stop, cafe, and gas station. The location of this business was Sec. 29, Twp. 16 S., Rge. 28 E., B.M. The interstate has moved the traffic from this location and in order to remain in business we have been forced to relocate along the interstate at the Sublet Malm Interchange. Our new place of business was acquired after a years negotiation and special sale with the Bureau of Land Management. The special sale was completed the 18th of March, 1970, at a cost of \$20,000. Our new location is within the SE 1/4 Sec. 32, Twp. 12 S., Rge. 28 E., B.M. One of the conditions of the sale imposed by the Bureau of Land Management was that the property purchased be developed by means of a well. We were not aware of the requirement for a permit until April, 1970, at which time we applied for a permit. This application was subsequently denied on the basis that the proposed well was to be drilled within the Raft River Critical Ground Water Area. There is no other source of water available at our new location and we require a minimum of 0.1 c.f.s of water. Without the water our investment will be a total loss.

After traveling to Boise on May 14, 1970, it appears the only way we can save our investment would be by means of a proposed transfer of an existing water right to the new location. We feel we can establish a water right on one of the following:

An existing well located in the NE 1/4 Sec. 29, Twp. 16 S., Rge. 28 E., B.M., which was established in the 1930's by the federal government for the emergency airstrip located at Strevell. This well was used by the Department of Aeronautics and the Department of Highways for a port of entry and a house. We purchased the well and the property three years ago when the port of entry was moved. We can file a claim on this well followed by a transfer.

MICROFILMED

MAR 05 1993

43-4033

Page 2

The second alternative would be to establish a claim on one of the many stock wells near our new location then file a transfer on the claim to the new location. We would then effect a change in nature of use under constitutional provisions. The location and information on the stockwatering well will be supplied shortly.

Would you please review this matter and advise us as to your recommendations on how to proceed and which alternative to take.

Very truly yours,

Mark Dwyer
James Dwyer

MICROFILME

MAR 05 1993

42.4032

RECEIVED

FEB 19 2002

Department of Water Resources
Southern Region

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

A. Subcase 43-04033

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone. (202) 305-0274 fax

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Mark Durfee

Address: Sublett Route; Malta, ID. 83342

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: See attached

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

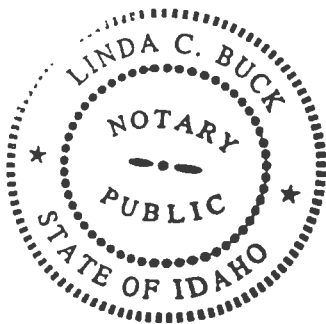
Gary A. Madenford
(Signature of person filing objection)

Larry C. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

February 7, 2002

Linda C. Buck



Linda C. Buck

Notary Public for Idaho

Residing at: Mountain Home

My Commission Expires: 12-21-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Feb. 8, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Mark Durfee

Address: Sublett Route; Malta, ID. 83342

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney mailing on Objector's behalf

09/19/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-4033

NAME AND ADDRESS: MARK DURFEE
SUBLETT ROUTE
MALTA ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
5.50 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER
USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1945

POINT OF
DIVERSION:

T12S R28E S32 SWSESW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.060 CFS
STOCKWATER	01/01 12/31	2.40 AFY
COMMERCIAL	01/01 12/31	0.020 CFS
		0.70 AFY
		0.060 CFS
		2.40 AFY

PLACE OF USE: DOMESTIC Within CASSIA County
T12S R28E S32 SESW
STOCKWATER Within CASSIA County
T12S R28E S32 SESW
COMMERCIAL Within CASSIA County
T12S R28E S32 SESW

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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE
AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Recommendation:

Objection Recommended. The POU describes mixed ownership. The following limiting language inserted under Place of Use, would resolve BLM's objection.

**-THE USE OF WATER UNDER THIS RIGHT FOR DOMESTIC,
STOCKWATER, AND COMMERCIAL PURPOSES WITHIN SESW, S32,
T12S, R28E, IS LIMITED TO THE S2S2 OF THAT PLACE OF USE.**

T.12S., P.28E., sec. 32
43-04033

1 08131
Recon US
Rstd Min

6531
D/C

29

39

4776
D/C

32

IDI 33041
5' Buried

15149
Hwy

3041
ried

1 014294
50'

11-99-0023
D/C

1232383
D/C

4150
D/C

11700096
D/C All Min NOE & L
R/W

IDI 32656
12.5'

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

RECEIVED

MAY 29 2001

Department of Water Resources
Southern Region

RECEIVED

MAY 24 2001

WATER RESOURCES
WESTERN REGION



RECEIVED

MAY 22 2001

Department of Water Resources



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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

May 7, 2001

KARL J. DREHER
DIRECTOR

Dear Water Users of the Raft River Valley,

Please find enclosed the Preliminary Director's Report for your water right claims in the Snake River Basin Adjudication. This is an important opportunity to review the Idaho Department of Water Resources' (IDWR) conclusions regarding your water rights, resolve errors, and have questions answered **before** the report is finalized for the SRBA Court.

CONTENTS OF THIS MAILING:

- ❖ Preliminary Director's Report Instructions (blue page, front and back)
- ❖ Letter From Karl Dreher, Director of IDWR
- ❖ **Your Water Right Recommendation(s) & Map(s)** with Notice of Error form(s)
- ❖ Proposed General Provisions for the Raft River Basin (with attachment)
- ❖ General Basin Map for the Raft River Area for vicinity reference
- ❖ Letter from the Presiding Judge, Snake River Basin Adjudication Court

Please join us for an informational presentation at **7:00 pm on May 30th, at Raft River Elementary School in Malta**. If you miss the informational meeting or need additional assistance then give us a call to set up an appointment.

Respectfully yours,

Douglas Jones, P.E.
Water Rights Supervisor
Southern Adjudication Unit
Idaho Department of Water Resources

(Other instructions on the back)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 9, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Water Right Claimant(s):

The Idaho Department of Water Resources (IDWR) has completed its initial investigation of your water right claim(s) in the Snake River Basin Adjudication (SRBA). We have enclosed a printout showing our preliminary recommendation for reporting your claim(s) to the SRBA District Court.

Please review the preliminary recommendation carefully. If there is any information on the printout you believe is inaccurate, please fill out the enclosed reply indicating what changes you believe should be made. Further instructions to assist you with the review are enclosed. For water rights with an irrigation water use, a Geographic Information System (GIS) computerized image of the place of use for your claim(s) is also enclosed.

You may return this reply in person to us at a public meeting IDWR will be conducting in your area. **The meeting will be held on Wednesday, May 30, 2001, at 7:00 p.m. in the Raft River Elementary School Cafeteria at 140 W Center St, Malta, ID.** Please come to the public meeting, where you will have an opportunity to find out more about the SRBA process and speak with a department staff member should you have questions regarding your water right claim. Please bring any and all information you have which will help the Department understand your claim(s) and describe them accurately.

This process is intended to ensure IDWR recommends your water right accurately to the SRBA District Court. This is the easiest and least costly means for you to identify corrections you believe should be made to our recommendation. Completion of this process is an important step toward the overall success of the adjudication in Idaho. Your participation is necessary so that accurate information is provided to the SRBA District Court.

We look forward to hearing from you.

Sincerely,

Karl J. Dreher
Director

Enclosures

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-4033

MARK DURFEE

SUBLETT ROUTE

MALTA ID 83342

Telephone Number: (208)645-2457

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

05/09/2001

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

RIGHT NUMBER: 43-4033
NAME AND ADDRESS: MARK DUFEE
SUBLETT ROUTE
MALTA ID 83342

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.060 CFS
5.50 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER
USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1945

POINT OF DIVERSION:
T12S R28E S32 SWSESW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.060 CFS 2.40 AFY
STOCKWATER	01/01 12/31	0.020 CFS 0.70 AFY
COMMERCIAL	01/01 12/31	0.060 CFS 2.40 AFY

PLACE OF USE:

DOMESTIC Within CASSIA County
T12S R28E S32 SESW
STOCKWATER Within CASSIA County
T12S R28E S32 SESW
COMMERCIAL Within CASSIA County
T12S R28E S32 SESW

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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE
AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

43-04033



660 0 660 1320 1980 Feet



T12S R28 SEC 32 SESW



-  RECOMMENDED PLACE OF USE
-  POINT OF DIVERSION
-  SECTION LINES
-  1/4-1/4 LINES

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND
DATE: March 13, 2001

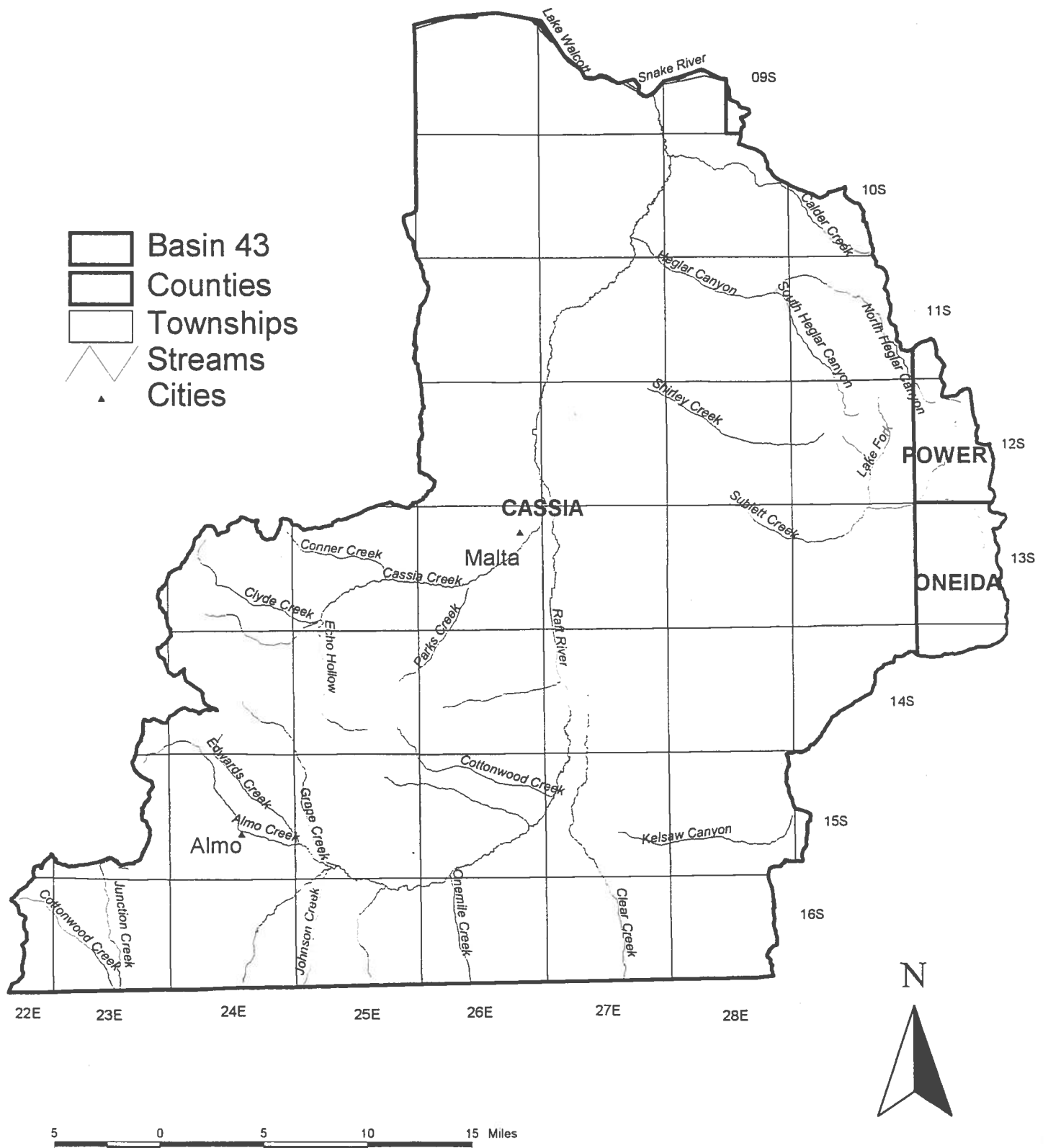
Basin 43 General Provisions

1. The following surface water rights from the following sources of water in Basin 43 shall be administered separately from all other surface water rights in Basin 43:

Almo Creek
Grape Creek
Stines Creek
Graham Creek
Clear Creek

See Attachment "A" For Water Right Numbers

Basin 43



DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



ROGER BURDICK
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Dear Water Right Claimant:

To help you with your water right claim(s) in the Snake River Basin Adjudication, this letter of explanation is being sent to you along with information sent by the Idaho Department of Water Resources (IDWR). Included are the following important documents which I ask you to please read carefully because they give you the opportunity to save a great deal of time and money:

1. **Preliminary Recommendation.** This is IDWR's *initial* finding and conclusion about your water right and how it should be reported to the SRBA Court. This preliminary recommendation is not filed with the court, but is provided to you to help correct errors or resolve any disagreement you may have over its content. This document has been prepared following IDWR's investigation and may be different than the claim(s) you actually filed.

Therefore, please review this preliminary recommendation carefully to find any errors or disagreements you have with IDWR's findings.

2. **Error Correction/Settlement Process.** This preliminary recommendation is a special service provided to you by IDWR to help you correct errors and resolve any other disagreement you have before the actual recommendations are ultimately filed with the court.

A description of how to work with IDWR is included. Our experience in the SRBA shows that by working in cooperation with IDWR most errors and differences can be addressed before coming into court. It's well worth your time to take full advantage of IDWR's helpful service. If your disagreement cannot be resolved, you will be able to file an objection to IDWR's actual recommendation when it is filed in court and have the final decision made by the Presiding Judge.

This error correction service is an important opportunity for you to work together with IDWR to make sure your water right claim(s) are decreed accurately. There is no cost to you other than your time reviewing the preliminary recommendation and talking to IDWR about any problem you see. Of course, you may always employ the services of an attorney if you wish.

The goal of the SRBA is to see that your water right(s) are decreed by the court as accurately and fairly as possible. It is important to me that this is done efficiently in order to reduce your costs and present you with your decree.

I strongly encourage you to take full advantage of this opportunity to use the fine and courteous services provided by IDWR.

Sincerely yours,

A handwritten signature in black ink that reads "Roger Burdick".

Roger S. Burdick
Presiding Judge
Snake River Basin Adjudication

03/14/2001

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

RIGHT NUMBER: **43-4033**

NAME AND ADDRESS: MARK DUFEE
SUBLETT ROUTE
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.06 CFS
5.5 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1945

POINT OF DIVERSION: T12S R28E S32 SWSSEW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	0.02 CFS 0.70 AFY
COMMERCIAL	01-01 12-31	0.06 CFS 2.40 AFY
DOMESTIC	01-01 12-31	0.06 CFS 2.40 AFY

PLACE OF USE:

STOCKWATER Within CASSIA County
T12S R28E S32 SESW

COMMERCIAL Within CASSIA County
T12S R28E S32 SESW

DOMESTIC Within CASSIA County SESW
T12S R28E S32

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Q # Volume:

43-4033

3/13/01
SCC

$$\left(\begin{array}{l} \text{potential:} \\ (.06 \text{ cfs})(1.98)(365 \text{ days}) = 43.4 \text{ AFY} \end{array} \right)$$

USES:
3 homes

cfs:
.08

UOL:
2.4

50 head Range

.02

0.7

TRUCK STOP/RESTR.

.06

2.4
5.5 AFY

TOTAL 0.06 cfs

(limited by theor. calc.)
Volume is additive.

Receipt Query:

5006901 $\Rightarrow$ \$61.00

$\therefore$ Domestic is De Minimus

- limited to $\frac{1}{2}$ acre lawn

2 x 0.6 AF = 1.2 AFY

1 x 1.2 AF = 1.2 AFY
2.4 AFY

Remarks:

N09

N14

IDAHO DEPARTMENT OF WATER RESOURCES

43-04033



660 0 660 1320 1980 Feet



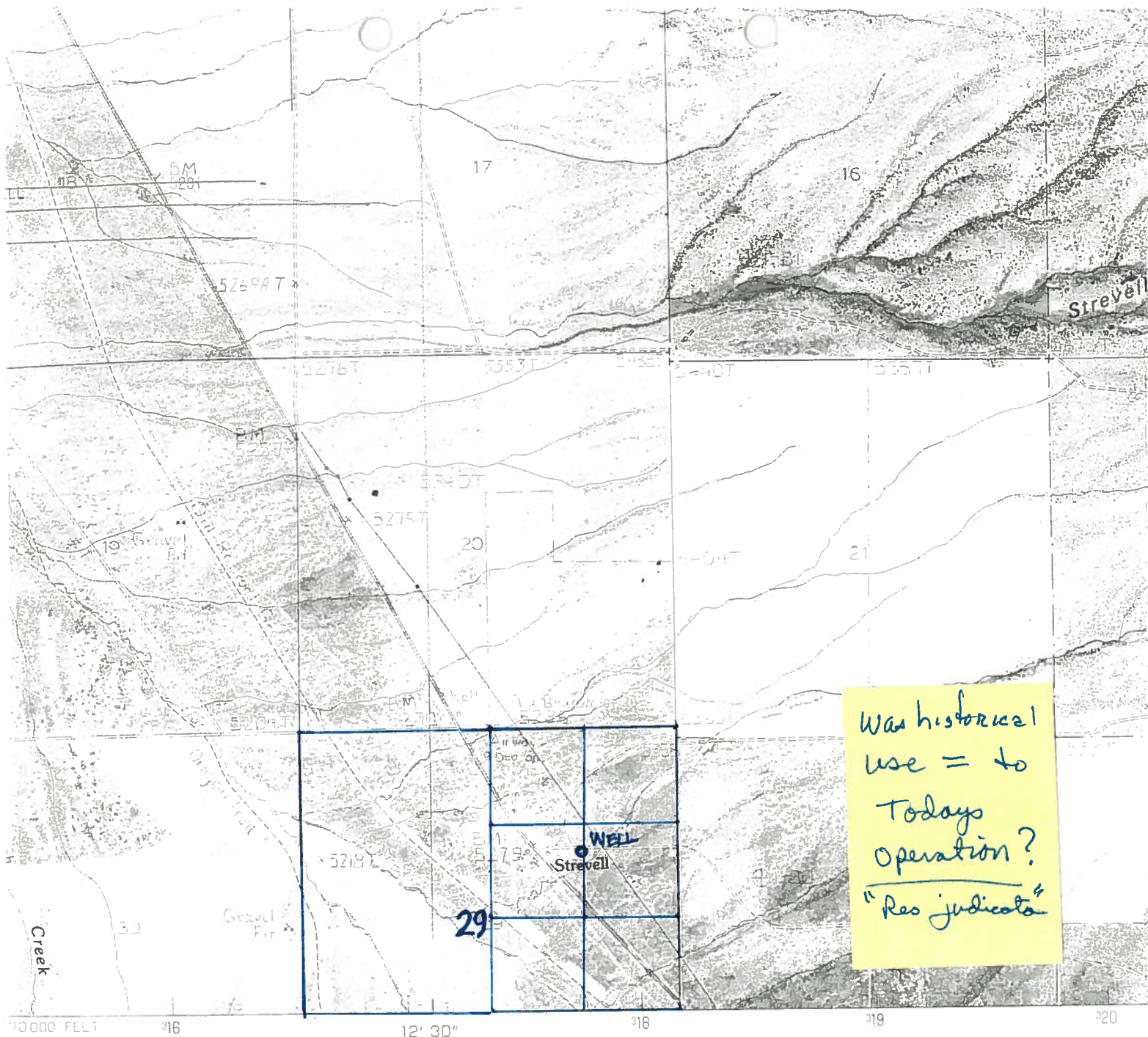
T12S R28 SEC 32 SESW



-  RECOMMENDED PLACE OF USE
-  POINT OF DIVERSION
-  SECTION LINES
-  1/4-1/4 LINES

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND
DATE: March 13, 2001



Was historical
use = to
Today's
operation?
"Res judicata"

vice

Copies Of These Maps Can Be Obtained
At Bonneville Blue Print, Boise Idaho

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, MENLO PARK, CALIF. 94025

DD83

T16S
R 28 E
S 29

Site of original well.

No other claim made Against
the historic use of this well.
(As of 4/14/00)
SCC

Resources pursuant to
nd objections in the Snake
d, is made and no legal
tractors, and reproduction
ployees for the accuracy
ap

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: A43-04033
DATE: 4-14-00
BY: SCC

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (\text{H.P.}) \times (\text{EFF.})}{\text{TDH}}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (3) \times (0.70)}{[(270) + (45 \times 2.31)]} = \frac{0.06 \text{ cfs}}{0.05}$$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner ☒	owner ()	<u>3HP</u>
area estimate ()	estimate ☒	Pump Make, Serial or ID, rating
well logs ☒	owner gage ()	
Booster (Y) ☒	(N)	

REMARKS 8" X 270' well

Well log: SWL = 185 with no draw down
TEST FLOW = 15 GPM = 0.031 cfs

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	CV-DV	
5/01-09/30	153	2-3	
4/15-10/15	184	2.5-3.5	POTENTIAL =
4/01-10/31	214	3-4	
3/01-11/30	275	VARIES	
3/15-11/15	246	VARIES	

POTENTIAL = 43.4 AFA

REQUIRED Acre Feet/Acre/Annum =
(AF/Ann/Ac irrigation requirement from chart for area)

NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

WELL DRILLER'S REPORT

A43-04033

State law requires that this report be filed with the State Reclamation Engineer
within 30 days after completion or abandonment of the well.

1. WELL OWNER

Name

Address

Owner's Permit No.

7. WATER LEVEL

Static water level 18.5 feet below land surfaceFlowing? ☐ Yes ☒ No G.P.M. flowTemperature Normal Quality Good

Artesian closed-in pressure _____ p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement☐ Abandoned (describe method of abandoning)

8. WELL TEST DATA

☐ Pump ☒ Bailer ☐ Other

Discharge G.P.M.

Draw Down

Hours Pumped

15none1/4

3. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 8 inches Total depth 272 feetCasing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
<u>2.50</u> inches	<u>8 5/8</u> inches	<u>1</u> feet	<u>256</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was a packer or seal used?

☐ Yes☒ No

Perforated?

☒ Yes☐ No

How perforated?

☐ Factory☐ Knife☒ TorchSize of perforation 3/16 inches by 6 inches

Number	From	To
<u>64</u> perforations	<u>218</u> feet	<u>252</u> feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed?

☐ Yes☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

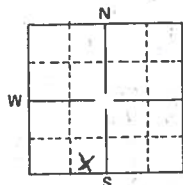
Gravel packed? ☐ Yes ☒ No Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal? ☒ Yes ☐ No To what depth 35 feetMaterial used in seal ☐ Cement grout ☒ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



County

Cassia
S.E. 1/4 SW 1/4 Sec. 32, T. 12 N/S, R. 28 E/W

10.

Work started

April 3, 1970

finished

April 21, 1970

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is
true to the best of my knowledge.

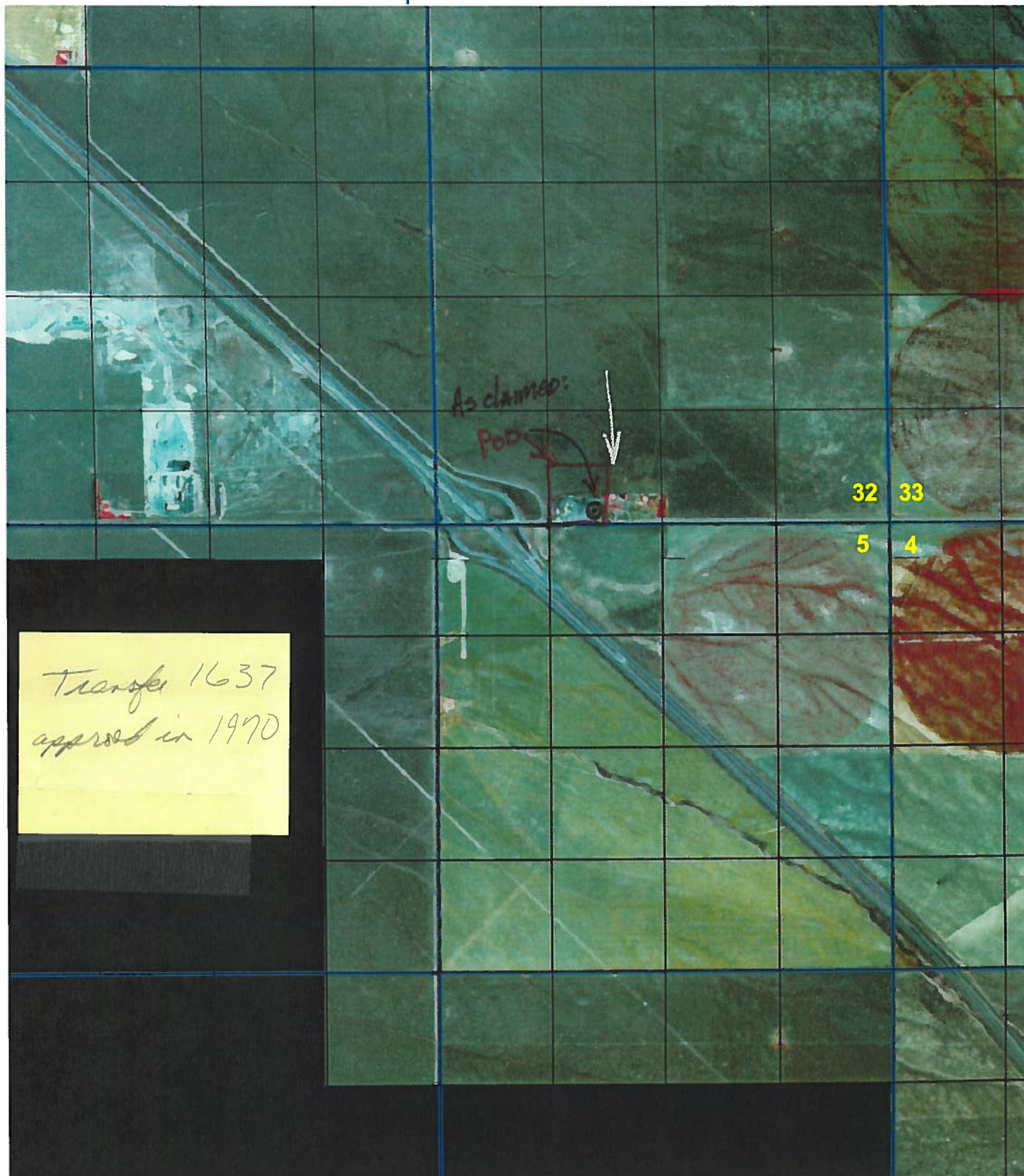
Driller's or Firm's Name

Number

Address

Signed By

Date



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

TWP 12S, RNG 28E
TWP 13S, RNG 28E

Gis Field Map
1987/1988 Napp Photography

Field Exam Date _____
Jeanie Robertson

29 20
32 33

2505
T 1735

AW
O

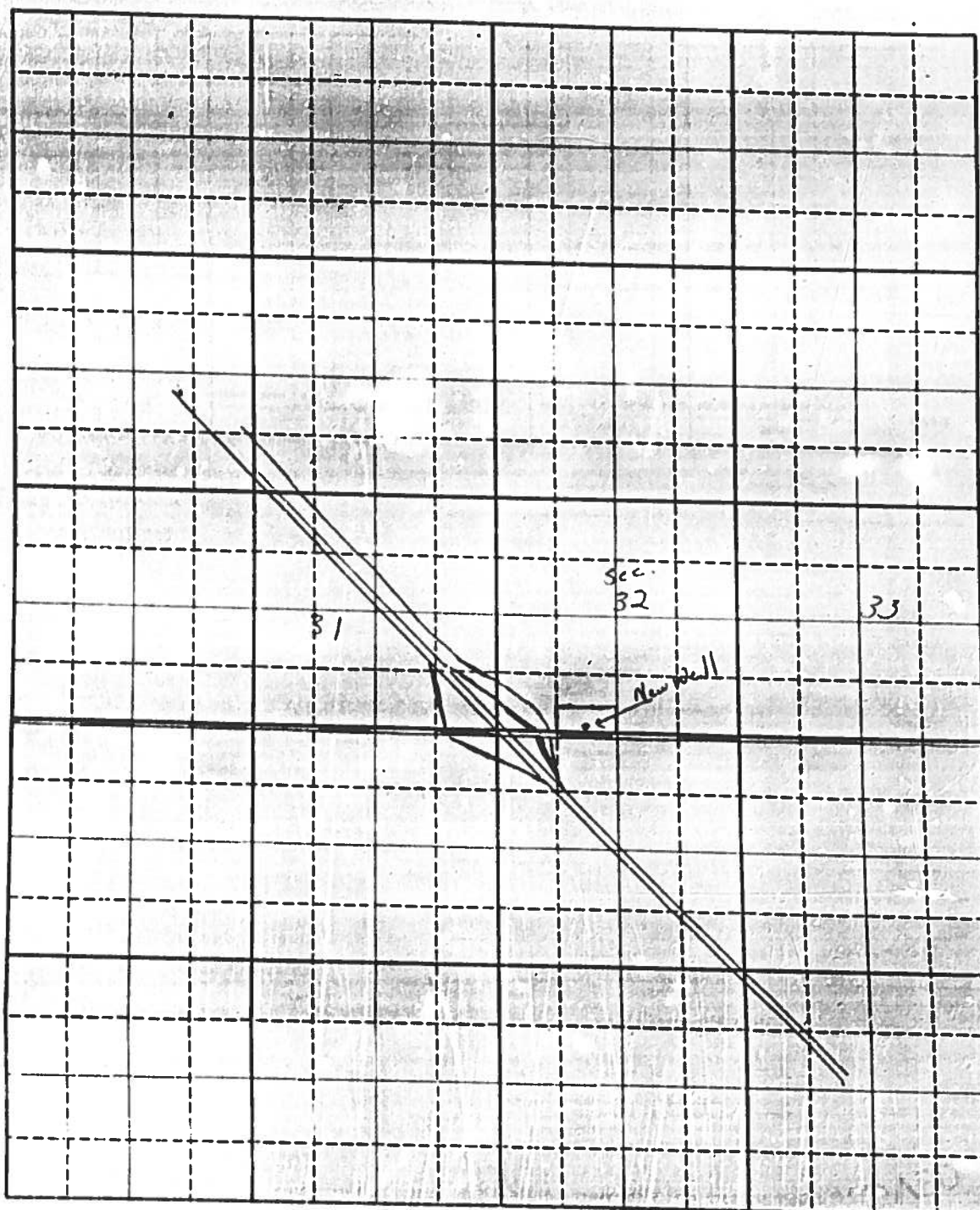
AW
L

12/31
T 83
5.31
HEV

32 33
5 4

13 40

13 40 3



SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

b. Do you intend to make the transfer permanent? Yes
Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right:

e. Indicate on the above plat the new land to be irrigated and the point of diversion.
I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Mark Dwyer
(signature of applicant)

Subscribed and sworn to before me this 20th day of May, 1970

Gene Baxter
(notary public)

My commission expires May 3, 1971

ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER

APPROVED

This is to certify that I have examined Application for Transfer of Water Rights No. 43-4033
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons:

Witness my hand this 20th day of July, 1970

P. K. H. H.
State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by D.M.C. Date 5-21-70
Prelim. check by D.M.C. Date 5-21-70
Fee received by E.J. Date 6-5-70 Fee \$ 10
Approved for publication by D.M.C.
Published in South Idaho Dates June 18 & 19
Hearing held _____
Watermaster Recommendation sent _____

Protest filed by: _____ Date _____

R PROOF

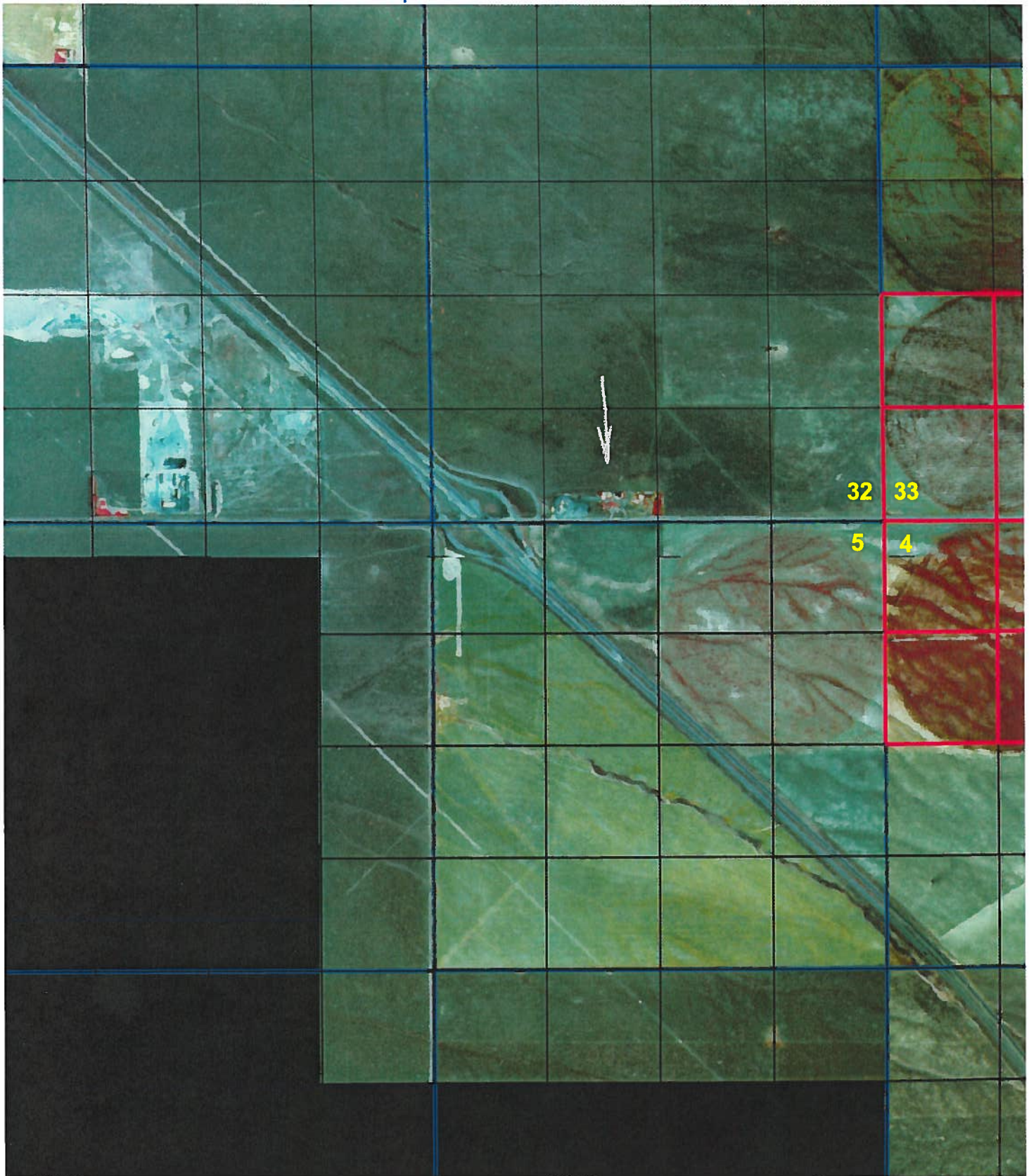
CVR

MAPS

PHOTOS

MISC

Idaho Department of Water Resources



0 1320 2640 3960 Feet

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

TWP 12S, RNG 28E
TWP 13S, RNG 28E

Gis Field Map
1987/1988 Napp Photography

Field Exam Date _____
Jeanie Robertson



N

2505
T1735

29 28
32 33

AW
0

AW
L

2137
T832
5.31
HEV

32 33
5 4

2505
T 1735

29 + 28
32 + 33

AW
10

AW
10

213
T 83
5.3
HEV

32 + 3
5 + 4