

RECEIVED

JUL 25 2000

2000 JUL 21 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

Department of Water Resources

In Re SRBA

Case No. 39576

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

Water Right 82-04039

NAME AND ADDRESS: WAYNE NEWMAN
STAR RT BOX 474
STITES, ID 83552

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1970

POINT OF DIVERSION: T31N R04E S08 SENWNE Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.04 CFS
	Domestic 1 HOME	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Idaho County
	T31N R04E S08	NWNE	
	Domestic		Within Idaho County
	T31N R04E S08	NWNE	

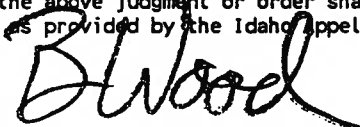
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

Basin 85

Basin 82

5

*pool
& pool in
this QQ*

8

South Fork Clearwater River

T31N R04E

Don -

Here is the B82
PD that should
have a B85 number.
(see attached map)

Shelley suggests
AT data be changed
rather than wait
for WR data (seems
obvious) who can
make the change?

R -

**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

A82-04039

Date Received

Receipt Number

N 766

NOTICE OF CLAIM

**TO A
WATER RIGHT**

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Department of Water Resources
Northern District Office

Please type or print clearly

1. Name of Claimant (s) WAYNE NEWMAN Phone (28) 926-7522Mailing Address STITES, IDAHO Zip 835522. Date of Priority (Only one (1) per claim) MAY 1, 19703. Source of water supply (a) GROUND WATER
which is tributary to (b) _____4. Location of point of diversion is: Township 31N Range 4ESection 8, SE 1/4 of NW 1/4 of NE 1/4, Govt. Lot _____, B.M.,County of IDAHO

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. WELL w/ PUMP (57' DEEP) TO
SINGLE HOUSE & STOCK TROUGHS.6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)
(Both dates are inclusive) (cfs)For DOMESTIC purposes from 1/1 to 12/31 amount 0.02For STOCKWATER purposes from 1/1 to 12/31 amount 0.047. Total quantity claimed 0.06 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) LIMIT TO 13,000 gpd. ONE HOUSE PLUS 100 HEAD CATTLE

APR 24 1993

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place or use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
31N	4E	8		D/S														

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

12. Do you own the property listed above as place of use? Yes X No
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

14. Remarks:

15. Basis of Claim (check one) Beneficial Use ✓ Posted Notice License Permit
Decree

If applicable provide IDWR Water Right Number 82-4039

Court Case Number Decree Date

Plaintiff vs Defendant

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments

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

Signature of Claimant (s) Wayne Newman Date 7-12-88

Date

For Organizations: I do solemnly swear or affirm that I am

of Title
Organization , that I have signed the foregoing

document in the space below as of
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization Date

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

Subscribed and sworn (or affirmed) before me this 12th day of July 19 88

SEAL

Notary Public Perry A. Jensen

Residing at Kootenai

My Commission Expires 5-94

Last Name Newman Ident No. 82-4039

Copies White-Stamp Yellow-Change

MICROFILMED
APR 24 1993

A8C 2666
A85-07204
✓ A82-04039 REC. 11000746
A85-07202

April 12, 1989

Mr. Wayne Newman
Star Rt. Box 174
Stites, ID 83552

RE: Withdrawing Claims

Dear Sir:

As per what I think is a request for the withdrawal of your water rights claims within the Snake River Basin Adjudication, I would like to give you more information on the effects of withdrawing your claims.

The amendment of the Commencement Order which allows people to defer their filings until water rights need to be established, only pertains to domestic & stockwater uses. These water rights will be established through the Supplemental Adjudication procedures as needed.

The fees will be at least ten times as expensive if you must establish water rights through the Supplemental Adjudication procedures. It is the Department of Water Resources suggestion that if there is any chance that your rights to the water that you are using could ever be challenged, that you file your claims in the current General Adjudication.

Claims A85-1066, A82-04039, A85-07202 are for domestic and stockwater purposes and may be withdrawn in accordance with the Amendment.

Claim number A85-07204 is for irrigation purposes. Refunds for claims accepted for other than stock and domestic purposes are very limited. We will need further information of why you are requesting this claim to be refunded.

Some loaning institutes are requiring that water rights be filed before loans can be secured. Please consider your situation before withdrawing your filings.

Please write back to me explaining in more detail the reasons why you wish to withdraw your filings from the Snake River Basin Adjudication.

If I can be of further assistance please feel free to contact me at this office.

Thank you,

Allen Beardslee
Sr. Water Resource Agent

MICROFILMED
APR 24 1993

OLD (D) NUMBER -

+ - - - - - ADDRESS - - - - - +

STATE- ID ZIP- 83552

+ - - - STATUS - - - - +

+ - - - - - - - - - - TRIBUTARY - - - - - - - - - - - - - - - - +

| TWN | RNG | SEC | TRACT | LOT | RFLG | COUNTY | POINT OF DIVERSION | STREAM INDEX (BLANK IF NO INDEX CODE) |
|-----|-----|-----|----------|-----|------|------------|--------------------|---------------------------------------|
| 31N | 04E | 8 | SE NW NE | | | (49) IDAHO | | |

| CODE | DESCRIPTION | PERIOD FROM | PERIOD TO | DIVERSION RATE | DIVERSION VOLUME |
|------|-------------|-------------|-----------|----------------|------------------|
| 04 - | STOCKWATER | 01/01 | 12/31 | 0.040 | |
| 43 - | DOMESTIC | 01/01 | 12/31 | 0.020 | |

| + - TOTAL DIV. RATE - + | | + - TOTAL DIV. VOLUME - + | | + - TOTAL DIV. CAPACITY - + | | + - TOTAL CONSUMPTIVE USE - + | | + - KW USAGE - + | |
|-------------------------|--|---------------------------|--|-----------------------------|--|-------------------------------|--|------------------|--|
| 0.060 | | | | | | 0.0 | | | |

| TWN | RNG | SEC | TRACT | LOT | ACRES | PLACE OF USE
CODE | DESCRIPTION | COUNTY |
|---|-----|-----|-------|-----|-------|----------------------|-------------|-------------|
| 31N | 04E | 8 | NW NE | | | 04 | STOCKWATER | (49) IDAHO |
| 31N | 04E | 8 | NW NE | | | 43 | DOMESTIC | 49 |
| + - - DIVERSION MEANS - 57' WELL AND PUMP | | | | | | | | |

+ - - NON-IRRIGATION USE - D/1 HOME & S/100 HEAD

+ - - OTHER RIGHTS FOR SAME USE - NONE

| + | ----- | REMARKS | ----- | + |
|---|-------------|-------------------|-------|---|
| | MICROFILMED | NO REMARKS FOUND. | | |

+ - - - - - JAN 17 1995 - - - - - OLD WATER RIGHT NUMBERS - - - - - +
 NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

+ - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 07/26/88 HAYNES 09/26/89 REFUNDML

WATER RIGHT NUMBER - A82-04039

PREFIX TRANSLATION: ADJUDICATION CLAIM

-----COMMENTS-----
NO COMMENTS FOUND

-----ADJUDICATION RIGHTS DATES AND FLAGS AREA-----

| | | | | | |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| COURT REPORT FILING | - 00/00/0000 | FIELD INSPECTION MADE | - 00/00/0000 | CIVIL CASE NUMBER | - 39576 |
| OBJECTION FILED DATE | - 00/00/0000 | FIELD INSPECTION FLAG | - | OLD CASE NUMBER | - |
| RESPONSE FILED DATE | - 00/00/0000 | VERIFIED DATE | - 05/21/1986 | OLD JUDICIAL DISTRICT | - |
| CLAIM RECEIVED DATE | - 07/26/1988 | LAST AMENDED DATE | - 00/00/0000 | TEMPORARY RIGHT | - P |
| PROOF DUE DATE | - 00/00/0000 | PROOF MADE DATE | - 00/00/0000 | WATER DISTRICT | - |
| LICENSED DATE | - 00/00/0000 | RECEIPT NUMBER | - N000766 | FEDERAL/STATE INDICATOR | - S |
| CLAIMS TAPE ERROR FLG | - | POU OWNERSHIP FLAG | - Y | PRESUMPTION FLAG | - |
| FEE EXEMPT FLAG | - | NAME CONNECTOR | - | NOTICE OF ERROR FLAG | - |

RP 31N04E080160A

DATA ENTRY

ENTERED 11-30-93

CHECKED 4-1-94

Verified By
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
JAN 20 1993

PROOF
DEC 04 1992

CERTIFIED
APR 22 1993
WATER EXAMINER