

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: A43-10365
Date Received: 5/17/1989
Receipt No: 5907590
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J.H. & T. INVESTMENTS, LTD. 208-645-2288
Address: STAR RT.
DECLO, ID 83323

2. Date of Priority: JUN 30, 1985

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	26E	35		SW	SE		CASSIA

5. Description of diverting works:
WELL, PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

7. Total Quantity Appropriated is:
0.800 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	Lot	Use	Acres
11S	26E	35	SE	SE		IRR	40.0

Section Acres 40.0

Total Acres 40.0

A43-10365

Page 1

Date: 06/06/89

MICROFILMED

MAR 04 1993

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:
A43-02320

14. Remarks:
EXPANSION AFTER CRITICAL GROUNDWATER CLOSING DATE.

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 Partner of
J. H. & T. Investment that I have signed the foregoing
document in the space below as _____ of
_____ Title

_____ and that the statements contained in the
_____ Organization
foregoing document are true and correct. Shayne Buck
Signature of Authorized Agent

Title and Organization
June 6 1989
Date

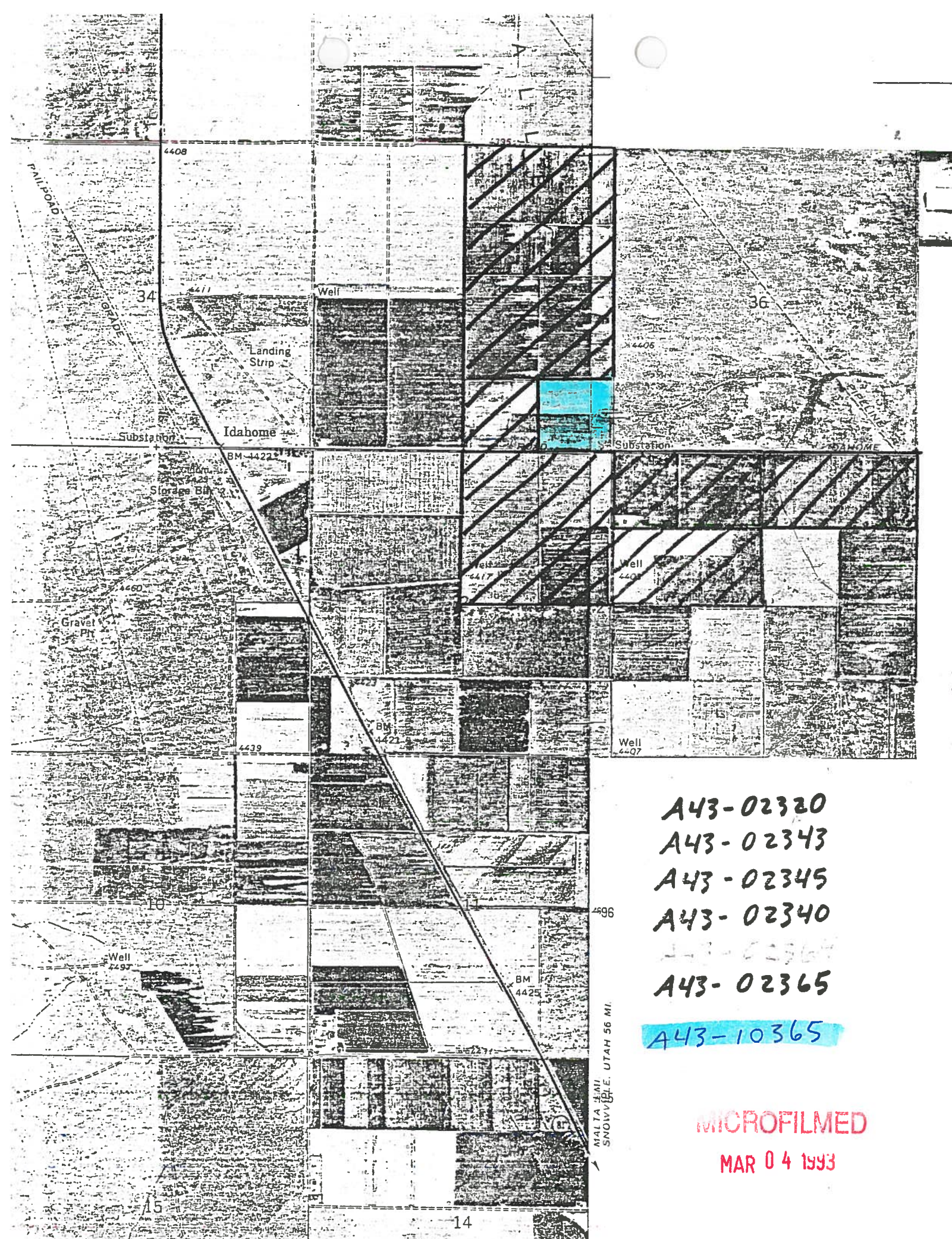
State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of June 19 89

Lon White
Notary Public

Seal

Residing at TF
My Commission Expires 5/94



A43-02320
A43-02343
A43-02345
A43-02340
A43-02364
A43-02365

A43-10365

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MAR 04 1993



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

A43-10365
J.H. & T. INVESTMENTS, LTD.
STAR RT.

DECL0

ID 83323

*sent to :
c/o Thane Buck
HC 66 Box 27
Decl 83323*

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

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MAR 04 1993



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

RECEIVED
R. KEITH HIGGINSON
Director

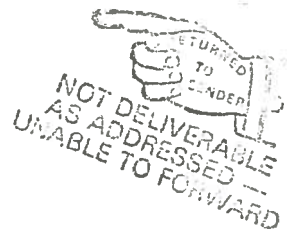
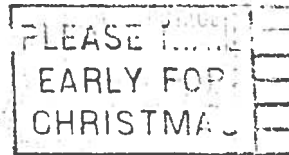
A43-10365
J.H. & T. INVESTMENTS, LTD.
STAR RT.

DEC 09 1991

Department of Water Resources
Southern Region Office

DECLO

ID 83323



RECEIVED

DEC 09 1991

Department of Water Resources
Southern Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Shoshone Street East • Twin Falls, Idaho • 83301

resent to: ↓

J.H. & T. Investments, LTD.
C/O THANE BUCK
HC 66 BOX 27
DECLO ID 83323

MICROFILMED

MAR 04 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Twin Falls, Idaho • 83301

MICROFILMED

MAR 04 1993

RETURNED TO SENDER
NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD



U.S. POSTAGE
PLEASE USE
EARLY FOR
CHRISTMAS

RECEIVED

DEC 09 1991

Department of Water Resources
Southern Region Office



A43-10365

THAIN BUCK

1984 ASCS photos

SUBMITTED AS
PROOF OF
PRIORITY.



S-35 T-11 R-26 June 84

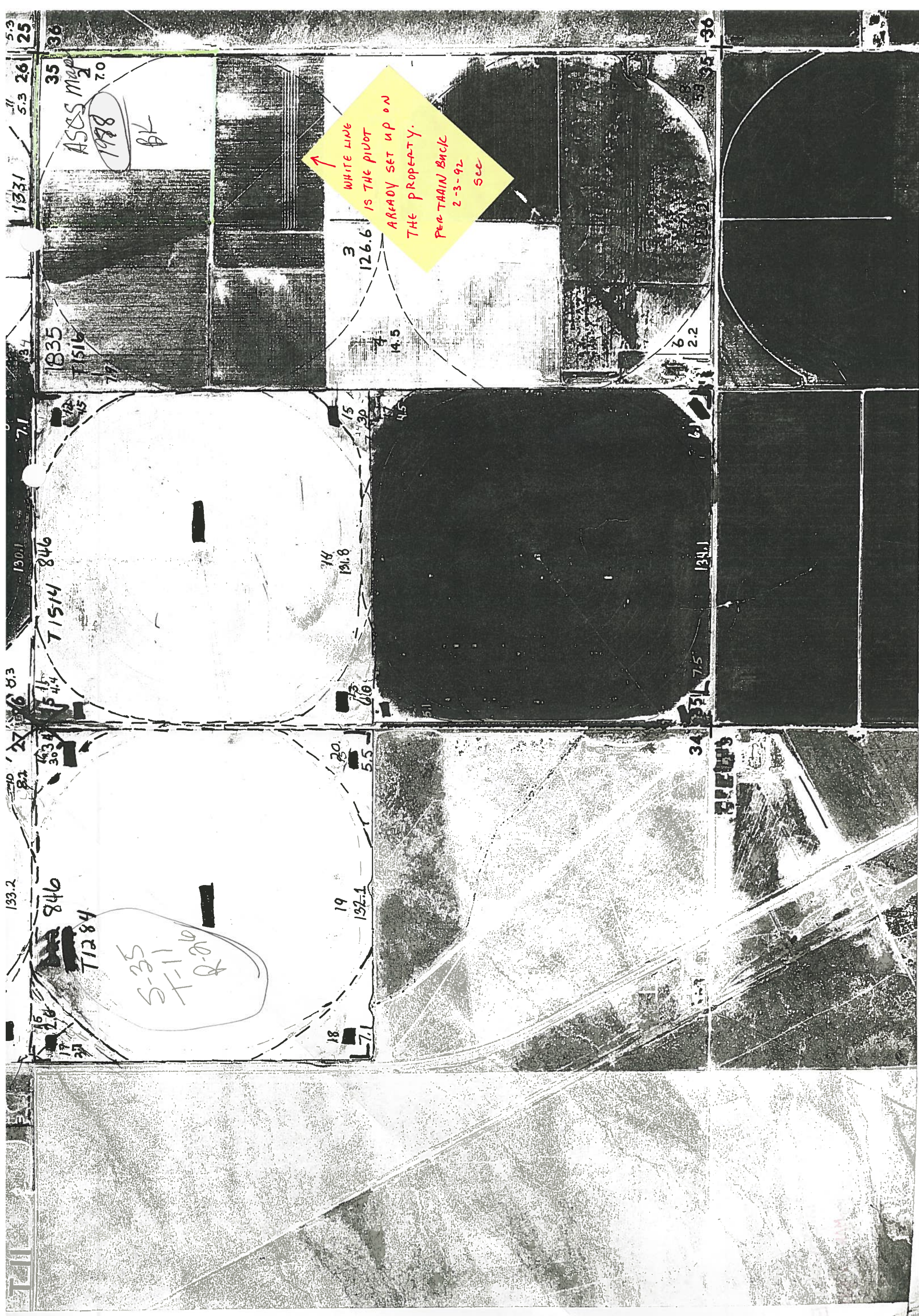
RED X
INDICATES
ACRES
CLAIMED.



June 84 S-2 T-12 R-26

MICROFILMED

MAR U 4 1993



**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: 43-10365

JH & T INVESTMENTS LTD

2100 E 800 S

DECL0 ID 83323

Telephone Number: (208)645-2288

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:

July 11 - 01

SIGNATURE:

Thayne Buck

Please print your name: _____

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208)736-3033

07/10/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-10365

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARILYN W BUCK
Current Owner	THAYNE L BUCK
	2100 E 800 S
	DECLO, ID 83323
	(208)645-2288
Original Owner	JH & T INVESTMENTS LTD
	2100 E 800 S
	DECLO, ID 83323
	(208)645-2288

Priority Date: 06/30/1985
Basis: Beneficial Use
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.47 CFS		
Total Diversion			0.47 CFS		

Location of Point(s) of Diversion:

GROUND WATER SWSWSE Sec. 35 Township 11S Range 26E CASSIA County

IRRIGATION Use:
Acre Limit: 38

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Townshi</u>	<u>Rang</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
p	e	n												
11S	26E	35		NENE	33		NWNE	35		SWNE	33		SENE	34
				NESE	33		NWSE	35		SWSE	36		SESE	38

Total Acres: 277

Conditions of Approval:

- 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.

Remarks:

- Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 38 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 43-02320A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.42 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 956 AF.
3. General THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-02320A PURSUANT TO SECTION 42-1416B, IDAHO CODE.
4. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 43-02320A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 277 ACRES IN A SINGLE IRRIGATION SEASON.

Dates:

Licensed Date:
Claim Received Date: 06/06/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): S007590
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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
	43-02320A				
	43-10365				
	43-10180				

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**.

3. Name and Address of Former Owner/Claimant(s)

J. H & T INVESTMENTS LTD
2100 E 800 SO

4. New Owner/Claimant(s)

THAYNE & MARILYN BUCK

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

New Mailing Address

2100 E 800 SO.

City, State and ZIP Code

DEC 10, ID 83323

New Telephone Number

(208) 645-2280

5. Date you acquired the property

1998 (MARCH)

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) _____
(include title if applicable)

Thayne Buck

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 _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

1 THIS INDENTURE, made this 2 day of March,
2 1998, between J H & T INVESTMENT, LTD, a Utah Limited
3 Partnership, 3662 West 2550 South, Ogden, Utah 84401,
4 ("Grantor"), and THAYNE L. BUCK and MARILYN W. BUCK, whose
5 address is 2050 East 800 South, Declo, Idaho 83323,
6 ("Grantee").
7

W I T N E S S E T H:

8 The Grantor for and in consideration of the sum of
9 Ten Dollars (\$10.00), lawful money of the United States of
10 America, and other good and valuable consideration, to the
11 Grantor in hand paid by the Grantee, the receipt whereof is
12 hereby acknowledged, has granted, bargained, and sold and by
13 these presents does grant, bargain and sell, convey and confirm
14 unto the Grantee, and to the heirs and assigns of Grantee
15 forever, all of the following described real estate situated in
16 the County of Cassia, State of Idaho, to-wit:
17

18 That property more particularly described on
19 Exhibit A attached hereto and made a part hereof
20 by reference.

21 SUBJECT TO: Accruing taxes, levies and
22 assessments; and easements of record, if
23 any.

24 AND TOGETHER WITH ALL WATER RIGHTS APPURTENANT.

25 TOGETHER with all and singular the tenements,
26 hereditaments and appurtenances thereunto belonging or in
anywise appertaining, the reversion and reversions, remainder

1 and remainders, rents, issues and profits thereof, and all
2 estate, right, title and interest in and to said property as
3 well in law as in equity of the Grantor.

4 TO HAVE AND TO HOLD, all and singular the above-
5 mentioned and described premises, together with appurtenances
6 unto the Grantee and to the heirs and assigns of Grantee
7 forever.

8 The Grantor shall and will warrant and by these
9 presents will forever defend the said premises in the quiet and
10 peaceable possession of the Grantee, and the heirs and assigns
11 of Grantee against all and every person and persons whomsoever
12 lawfully claiming the same, except as aforesaid.

13 IN WITNESS WHEREOF, the Grantor has executed this
14 Deed the day and year first above written.

J H & T INVESTMENT, LTD

16
17 BY Thayne L. Buck
General Partner

18 BY Marilyn W. Buck
19 Limited Partner

20
21 STATE OF IDAHO)
22 County of Cassia) ss

23 On this 2 day of March, in the year 1998,
24 before me, the undersigned, a Notary Public in and for said
25 State, personally appeared THAYNE L. BUCK and MARILYN W. BUCK,
26 known or identified to me to be the partner or partners of the
partnership of J H & T INVESTMENT, LTD, and the partner or one
of the partners who subscribed said partnership name to the

1 foregoing instrument, and acknowledged to me that they executed
2 the same in said partnership name.

3 William Parsons
4 Notary Public for Idaho

5 Residing at _____

6 My Commission Expires: _____

7 WILLIAM A. PARSONS
8 NOTARY PUBLIC
9 STATE OF IDAHO

10 Residing at Burley, Idaho
11 My Commission Expires 7/29/98

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PARSONS, SMITH, STONE & FLETCHER, LLP
LAWYERS
BURLEY, IDAHO

EXHIBIT A

Township 11 South, Range 26 East of the Boise Meridian, Cassia County, Idaho.

Section 35: E $\frac{1}{2}$, EXCEPTING THEREFROM: Beginning at a point which is 25 feet West and 20 feet North of the Southeast corner of said Section 35; thence West 100 feet; thence North 100 feet; thence East 100 feet; thence South 100 feet to the Point of Beginning.

And also excepting the following described parcel:

Section 35: Part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the South $\frac{1}{4}$ section corner of Section 35, said corner marked by $\frac{5}{8}$ inch rebar; Thence South 89°48'07" East along the South line of Section 35 for a distance of 35.00 feet to a $\frac{1}{2}$ inch rebar which shall be the Point of Beginning.

Thence North 00°11'53" East for a distance of 219.16 feet to a $\frac{1}{2}$ inch rebar;

Thence North 49°21'41" East for a distance of 346.29 feet to a $\frac{1}{2}$ inch rebar;

Thence along a non-tangent curve to the left for a distance of 836.37 feet to a $\frac{1}{2}$ inch rebar; said curve having a radius of 1358.85 feet and a central angle of 35°15'56" with a long chord of bearing of South 58°38'55" East for a distance of 823.23 feet;

Thence South 00°11'53" West for a distance of 19.72 feet to a $\frac{1}{2}$ inch rebar on the South line of Section 35;

Thence North 89°48'07" West along the South line of Section 35 for a distance of 966.50 feet to the Point of Beginning.

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

FILM 299

1998 MAR -5 P 4: 14

CASSIA COUNTY, IDAHO
DANIEL M. ROSKELLEY
RECORDER

FEE 200 DEPUTY du

LAND TITLE & ESCROW

254110

VERIFIED BY

[Signature] 1/23/01

01/23/2001

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

RIGHT NUMBER: 43-10365

NAME AND ADDRESS: JH & T INVESTMENTS LTD
2100 E 800 S
DECLO, ID 83323

SOURCE: GROUND WATER

QUANTITY: 0.47 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-02320A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.42 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 956 AF.

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION: T11S R26E S35 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	0.47 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T11S R26E S35	NENE	33	T11S R26E S35 NWNE 35
T11S R26E S35	SWNE	33	T11S R26E S35 SENE 34
T11S R26E S35	NESE	33	T11S R26E S35 NWSE 35
T11S R26E S35	SWSE	36	T11S R26E S35 SESE 38

277 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-02320A IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 277 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 38 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-02320A PURSUANT
TO SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

43-04039

- statutory claim not claimed in adjudication
- was for 40 Ac. in SESE of Sec. 35, T11S, R26E
- priority date of 6/1/63 for .28 cfs
and 6/1/66 for .52 cfs } .8 cfs total
- well in SWSE of Section 35
- same well as licensed under 43-02320 for 4 cfs
on 280 Ac. (0.014 cfs/Ac.)
- claim states pump was changed around 1962
- field exam for license done 6/10/60 and mentioned
measurements of 4.29 cfs 8/16/52 & 4.46 cfs 7/17/50
but license issued for 4 cfs
- area declared CGWA 7/23/63
- '62 photos seem to indicate some irrigation in
SESE ^(10 Ac.?) and full 40 in production by '68
- could possibly have some volume if this were
claimed (4 AF?), not sure about diversion rate?
-

43-10365 was filed as an expansion claim
for the same acres in SESE of Section 35.

- recommended that way with a priority date
of 6/30/1985 and no additional diversion
rate or volume...

AJ5809NP
No. A43-10365

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/04/97
PAGE: 1

OWNER
CODE NAME & ADDRESS
C JH & T INVESTMENTS LTD
STAR RT
DECLD ID 83323
(208) 645-2288

PRIORITY
DATE 06/30/1985
WATER USE IRRIGATION

USE PERIOD
FROM 03-15 TO 11-15
DIVERSION RATE 0.80 CFS
DIVERSION VOLUME 0.80 CFS

Water Source: GROUNDWATER

Point(s) of Diversion:

Place of use Legal Description for:

T R S : Lt Ac Lt Ac Lt Ac
11S 26E 35 :

POU County: CASSIA

Other Rights: A43-02320

Remarks: GEN EXPANSION AFTEI

Dates: Exam Made Date:

Misc: Water District Numbr

Audit: 06/06/89 WHITE 03/30/95 POST-STD

Presumption Flag: E

tion Filed Date:

SESW : NESE NWSE SWESE : SUM
t Ac : Lt Ac Lt Ac Lt Ac Lt Ac :
TOTAL ACRES 40 : 40.0
40.0

Stage: BENEFICIAL USE
CASSIA County

Statutory claim
43-04039
has not been claimed
in AJ

Jamie -
we back/JH & T's
claims (WR & AJ)
43-04039
43-10365
we the 2 we were
discussing.
GLB

DATE: 02/04/97
PAGE: 1

TOTAL DIVERSION: 0.800 CFS

Stage: STATUTORY CLAIM

CASSIA County

St

TOTAL ACRES

43-02320

04/01/1960

Proof Made Date:
Exam Sent to S.O.:

Field Exam Fee:

06/18/85 05/28/88 CONVERT

DATE: 02/04/97
PAGE: 1

SD-0604-2 Township: 11S Range: 26E Section: 35 Tract: SESE Lot: 16

S	L	STATE	O	S	Max #	Records	16			
E	O	Water	Name	W	T	Priority	Use			
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc
-	-	-	-	-	-	-	-	-	-	-
-	SESE	-	43-04039	MC ELHINNEY, HENRY G.	C	40	S	04/01/1960	01	IRR

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

SD-0604-2 Township: 11S Range: 26E Section: 35 Tract: SESE Lot: 24

S	L	STATE	O	S	Max #	Records	24			
E	O	Water	Name	W	T	Priority	Use			
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc
-	-	-	-	-	-	-	-	-	-	-
-			A45-10589	REFERENCE RT.	C			01/01/1948	43	DOMEST
-				BUCK, MARILYN	O				04	STOCK
-			R45-10589	BUCK, MARILYN	O			01/01/1948	43	DOMEST
-				REFERENCE RT.	C				04	STOCK
-	SESE		A43-10365	JH & T INVESTMENTS LTD	C	40	J	06/30/1985	01	IRR

(Enter=Continue)

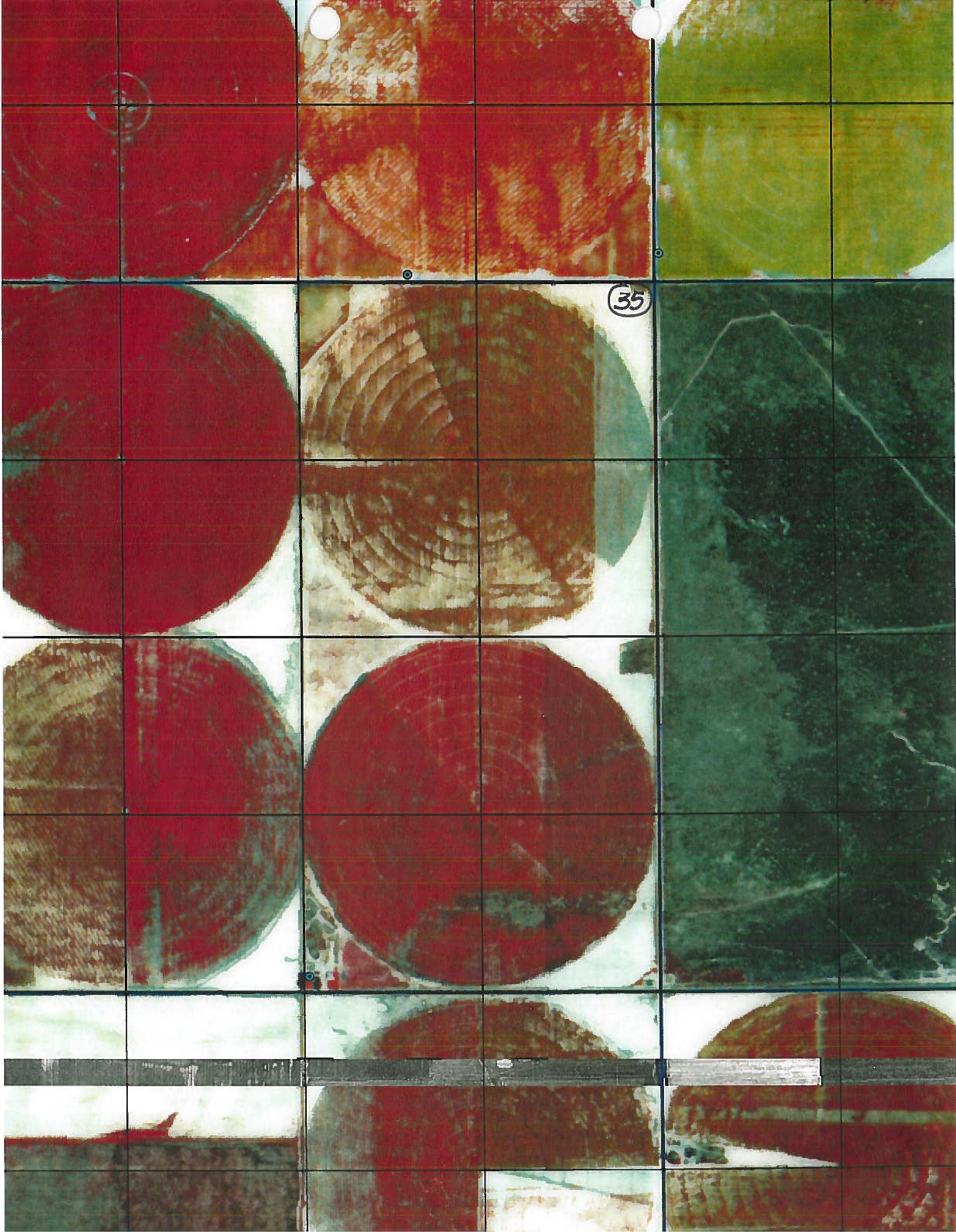
(GOLD7=This Query)

(Menu _____)

75-10565

1/12, KABC

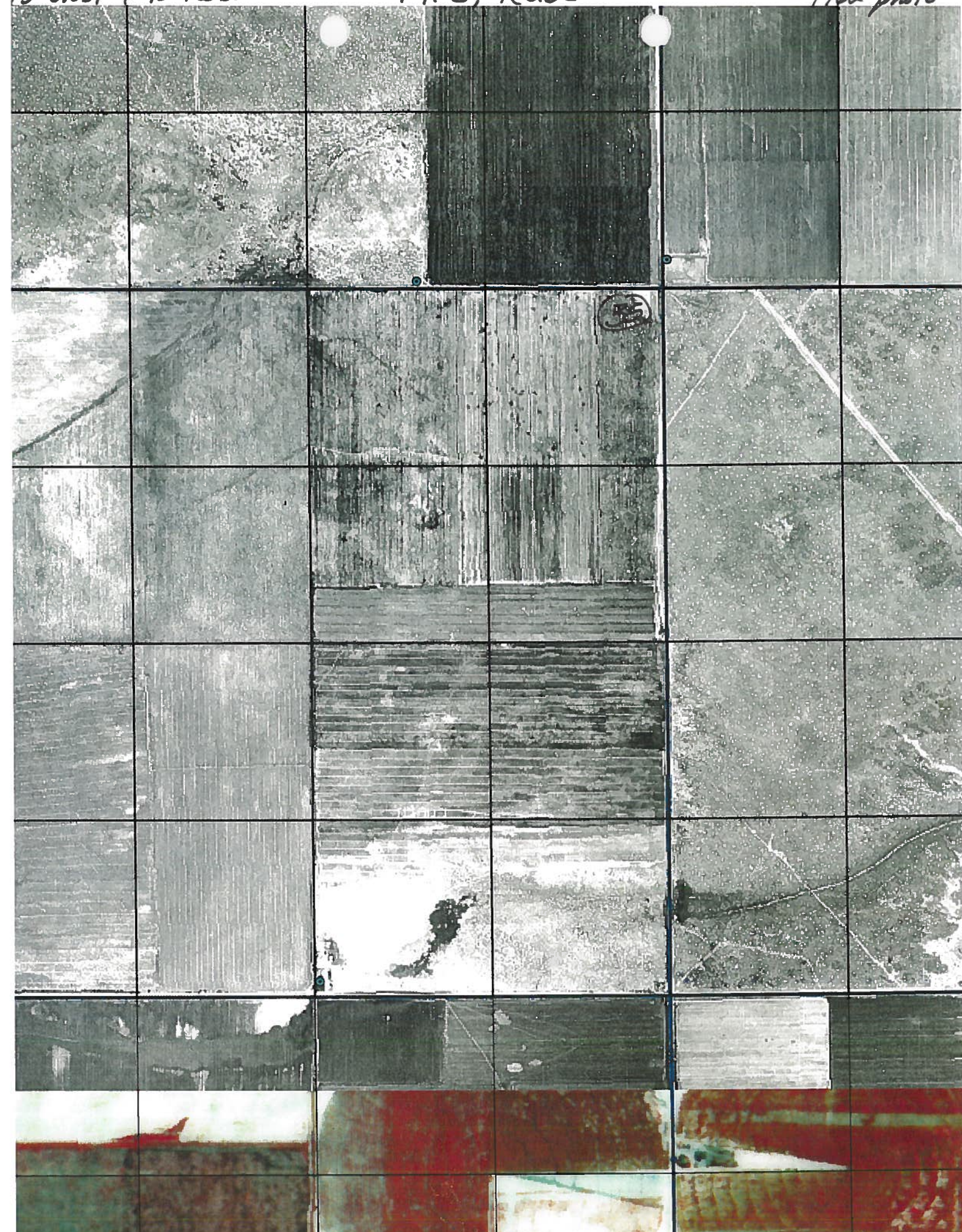
1701 photo



43-08057 & 73-10060

1115, 15265

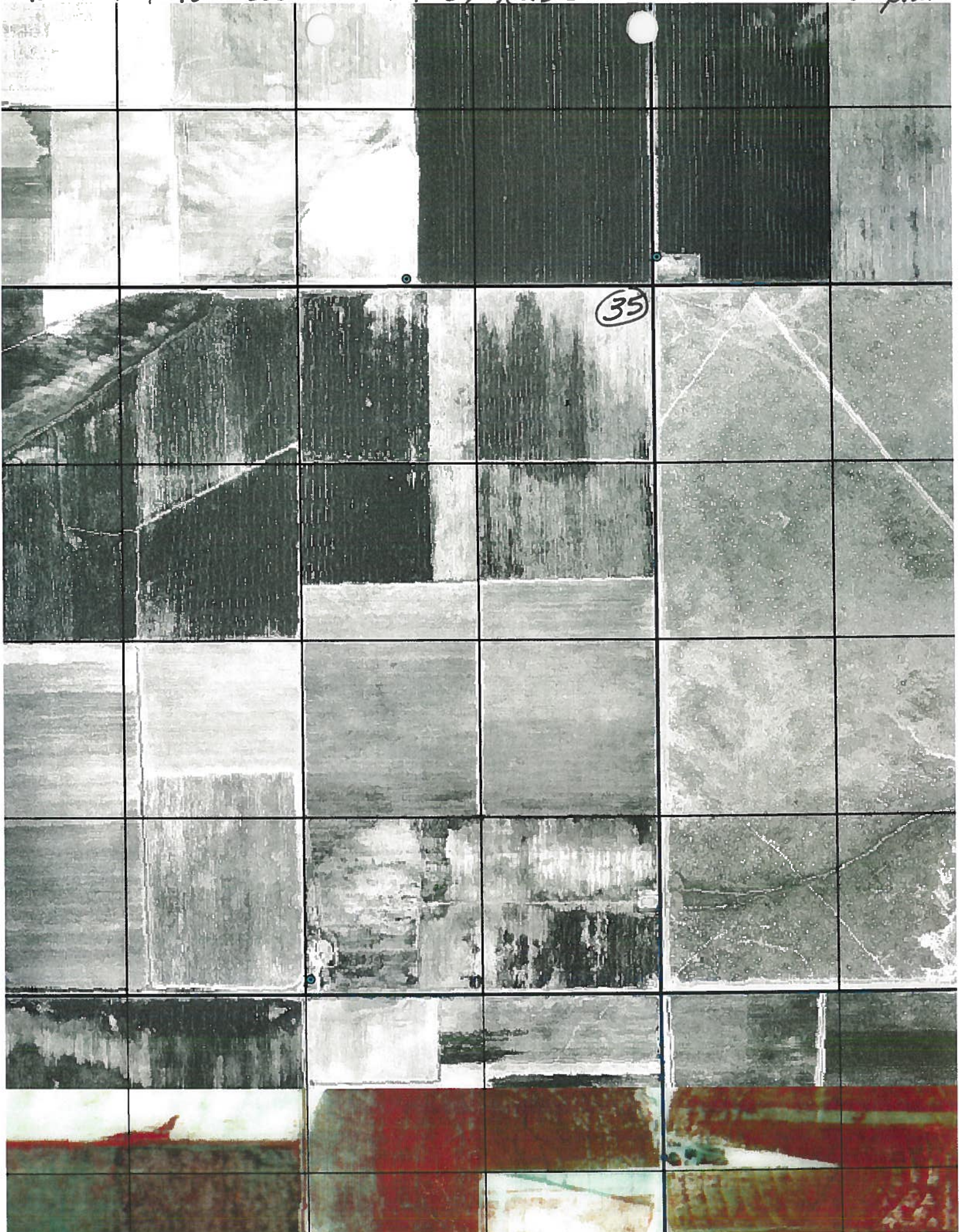
1700 photo



75-07057 7 75-10565

1 115, R26E

1100 photo



Identification No. _____
Claim No. 43-4039
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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 Henry G. McElhinney
post office address 810 Conant Avenue, Burley, Idaho 83318

2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 35 Township 11 South
Range 26 East S.M. located on subterranean waters
(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:

<u>June 1, 1963</u>	amount	<u>.28</u> c.f.s. or _____	acre feet
<u>June 1, 1966</u>	amount	<u>.52</u> c.f.s. or _____	acre feet
	amount	_____ c.f.s. or _____	acre feet
	Total claimed	<u>.8</u> 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 <u>irrigation</u>	period of use from <u>April 1st</u> to <u>October 31</u>	(both dates inclusive)
use _____	period of use from _____ to _____	(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 subterranean
width at bottom is _____ feet; width at top is _____ feet; height is _____ feet
since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped underground water
245 feet; diameter of well is 16 inches; type of pump is Johnson 1/2 HP Motor (turbine pump)
capacity of pump is 1,100 g.p.m.; name and address of well driller is James Schoonover, deceased, Burley, Idaho

48 4039

11 so, give date and explain Yes, it is our understanding that the pump on the wall was changed after the original installation, to the one earlier described herein. Date of change was about 1962

Conveying works: length of ditch to place of use is 150 feet; width of ditch at top is 60 feet;
width of bottom of ditch is 2 feet; depth of water is 2 feet; grade of ditch per 1000
feet is 18/10 feet; material through which ditch passes is sandy loam
maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ 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, giving date and dimensions if possible: no substantial change in conveying system
since water appropriated

d. If water is stored: name of reservoir not stored
 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 _____

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 _____

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 40

Explain any significant increase in area irrigated since first use, give dates and acreages if known: the area has been expanded 40 acres, all located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, from the original 280 acres as indicated in the license and certificate of water right granted to Henry G. McKelhinney on the 8th day of August, 1960, recorded in Vol. 11 of licenses at page 6932, Dept. of Reclamation. Petitioner has been under the impression that his water right covered all 320 acres of his half section, and just became aware that although used continuously, over at least the past 8 years, proof of the right had not been made.

1960, and recorded in Volume 11 of Licenses, p. 6932, Department of Reclamation. Petitioner was applying the water to a beneficial use on the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ at least from the year 1960 forward, but while bringing the same under cultivation, there was a small portion which was not immediately covered, the same ground had been cultivated and utilized since the year 1953.

43-4039

5. Do you get water through a ditch owned by several users? No 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 _____
Not used for stock water

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied one family so served

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 Nothing

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Mr. McKinnney, the petitioner herein, is an old man, and has recently
had difficulty with strokes, which render his memory, with respect to
water right appropriation and well record extremely hazy. This accounts
for the sometimes vague-seeming information included above. Mr. McKinnney
has always thought that he had his whole half section under right
and sold the same, he being under that impression, last year, to Martin
H. Funk and Mary Lou Funk, all by contract dated the 1st day of April
1970. The Funks, in turn, having been advised that their water right ran
to the entire half section defended the same, on the same basis, and are
obligated to their lessee therefore. Mr. McKinnney applied the water
to a beneficial use, i.e., irrigation, and actually claims to have done
the same long before the date cited herein. Under the circumstances
petitioner's right to use the water, established by diversion and
application to a beneficial use, appears complete. The capacity of the
pump and diversion works are easily sufficient to such an undertaking
and Mr. McKinnney seems to have established a water right to 40 acres
named herein by appropriation and such application.

State of Idaho

County of Cassia

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.

Sworn to before me this 2nd day of June, 19 71

Residing at Burley, Idaho

My commission expires 12/7/74

For Department Use Only

43-4039

Received by ej Date 6/4/71

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by guc Date 6-4-71

Fee received by ej Date 6/11/71 Fee \$10.00

Approved for publication by _____

Published in _____ Dates _____

McElhinney Well at Idohorne

0 to 12 ft is soil

12 to 48 ft cement gravel + some water

48 to 80 ft sand stands when drilling

80 to 90 ft yellow clay

90 to 106 ft blue clay

106 to 112 ft water or gravel

112 to 126 ft pea gravel some sand mixed

126 to 132 ft soft yellow clay

132 to 137 ft ~~fine~~ grey clay

137 to 205 ft gravel

205 to 220 ft clay

220 to 225 ft cement gravel

225 to 232 ft clay

232 to 243 ft cement gravel

243 to 245 ft yellow sticky clay

43-4039

WILLIAM A. PARSONS
RICHARD K. SMITH

PARSONS & SMITH
ATTORNEYS AND COUNSELLORS AT LAW
137 WEST 13TH STREET
BURLEY, IDAHO 83318
AREA CODE 208
678-8382

P.O. BOX 910
RECEIVED

JUN 1 1971

Department of Water Administration

June 1, 1971

Mr. R. Keith Higginson
State of Idaho
Department of Water Administration
Room 107, State House
Boise, Idaho

Re: Henry G. McElhinney, Twp. 11 S, Rge. 26 E.B.M.
Section 35 - petition under 42-225(a), Idaho Code

Dear Mr. Higginson:

Pursuant to our recent telephone conversation concerning the above designated matter, and your letter of May 13, 1971, please find enclosed Claim of Water Right presented on behalf of Mr. Henry G. McElhinney.

It is hoped that the information contained therein makes it clear that no injunction on the use of the water in question should issue, and that the water right should be confirmed.

The claim to the water right is based on actual use over a long period of time, but Mr. McElhinney's age and infirmities render the matter difficult.

I intend to supplement the claim with the affidavits of several other people as soon as they can be secured. I will forward them for attachment to the claim at the earliest date.

If anything additional is required, at this juncture, please advise.

Very truly yours,
PARSONS & SMITH

Richard K. Smith

RKS/dmj
Encl.

43-4039

WILLIAM A. PARSONS
RICHARD K. SMITH

PARSONS & SMITH
ATTORNEYS AND COUNSELLORS AT LAW
137 WEST 13TH STREET
BURLEY, IDAHO 83318

AREA CODE 208
678-8388

(Dictated 7/22-not read)

July 23, 1971

P. O. BOX 910
RECEIVED

JUL 23 1971

Department of Water Admini

Mr. R. Keith Higginson
State of Idaho
Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Claim to Water Right #43-4039 - Henry G. McElhinney

Dear Mr. Higginson:

Please find enclosed an amended Claim To A Water Right filed on behalf of Mr. Henry G. McElhinney.

The prior claim and cover letter contained illusions to an earlier use, due to the fact that Mr. McElhinney maintained throughout, that he had applied the water to a beneficial use at an earlier date than that utilized in the original petition filed. On additional investigation, it appeared, through talking with Mr. McElhinney's son, that actual application of the water on the property in question, was used at least three years prior to the time set out in the original petition claim, and the priority date should go back at least to April 1, 1960.

A part of the confusion in the handling of this claim is Mr. McElhinney's age and physical condition.

If anything additional is required, at this juncture to assure Mr. McElhinney's securing the water right, he has utilized for so long, I would appreciate your advising.

Again, thank you for your consideration.

Very truly yours,

PARSONS & SMITH

Richard K. Smith
Richard K. Smith

RKS/dmj
Encl.

July 12, 1971

Re: Claim to a Water Right No. 43-4039- Henry G. McElhinney

Parsons & Smith
P.O. Box 910
Burley, Idaho 83318

ATTN: Richard K. Smith

Gentlemen:

We are in receipt of the claim to a water right that you have submitted in behalf of Henry G. McElhinney. We find in reviewing this claim that the priority date claimed is after the 3-25-63 date that the State Legislature enacted as the mandatory permit system on ground water sources as defined in Section 43-229 of the Idaho Code.

We do note, however, from various remarks in the claim and in your cover letter that perhaps the system was used prior to this date. If this is the case, then the claim could be amended to show the actual first date of use of the water.

If this first use was after the 3-25-63 date, Mr. McElhinney would be using the water without the benefit of a permit and could be subject to a penalty. We are enclosing a new claim form and application for permit for your consideration in this matter.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cr

Enc: Claim to a Water Right
Application for Permit
w/instructions

43-4039

State of Idaho
License and Certificate of Water Right

Water Meter No. 30815

Amount 2.00 5/25/51

Water District No. _____

Priority Sept. 10, 1948

THIS IS TO CERTIFY that HERBERT G. McELHINNEY
of Idaho, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 10, 1948, that Permit No. 20046
was issued under said application; that Certificate of Completion of work, with a carrying capacity of
6.4 second feet, was issued thereunder on July 27, 1953, showing that said works
were completed on the 11 day of July, 1953; and that on the 11th
day of August, 1959.

HENRY G. MOOREHEAD

of Dec 10, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean, for the purpose of irrigation & domestic use, under Use Permit No. 20646 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses at page 6932 on the 5 day of August, 1960.

The right hereby confirmed dates from September 10 1965

The Point of Diversion is located

In the 35 1/4 38 1/2 Sec 35 T11 S. R. 26 E. B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed _____ cubic feet per second.

Description and location of area

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	20 E.	35	18, 112	40	40
			19, 112	40	40
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The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

1000

by T. H. C. Anderson

State Reclamation Engineers

YSEAL

43 2340

July 27, 1960

Re: Permit No. 20646

Henry G. McKinnney
Star Route
Doole, Idaho

Dear Mr. McKinnney:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 20646 shows the well is capable of conveying 200 miner's inches, or 4.0 c.f.s. of water for the irrigation of 280 acres.

Upon receipt of the statutory fee of \$1.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the License and Certificate of Water Right, confirming the right with priority of September 10, 1948 to the use of 4.0 second feet of ~~surface~~ ~~subterranean~~ water with the point of diversion in ~~SW 1/4~~ ~~SW 1/4~~ Sec. 35, for the irrigation of 280 acres in the NE 1/4, E 1/4, SW 1/4, Sec. 35, T. 11 S., R. 26 E., B. M.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rale
Chief Clerk

KPH:ew

20646

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

300 9-25-4

REPORT OF ENGINEER

Permit No. 20046

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Harry C. McElhinney

2. Source of water supply: Subterranean by well and pumps

3. Location of point of diversion: Is in the

SW 34 of Section 35

T. 11 S. R. 26 E. S. 4 M. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: 224' x 16" end to bottom
h = 40' 8060' 10" x 85' ch. 9' to bot. of bowl. 1st stage 16"
1st stage 16"
40 by U.S. Motor 154791. No protection. 220V. 4.00 amps.
Water panel on plank panel 4' bottom.

5. Water is used for: irrigation and incidental domestic

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

E. Sec. 35, T. 11 S., R. 26 E., S. 4 M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Down along

C.C. H. Sub. P. Claim. They measured on all
U.S.G. measurement reported to me by Gary Crockett
on 8/22/60.
Aug-16-52 = 4.29 cfs - Current meter 60' of well by E. W. Foster
Aug-17-52 = 4.46 cfs - " " 80' of well - Reed Mower.

This examination was made on the

10

day of

June

19 60

(Signed)

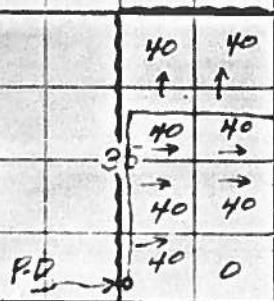
E. H. Humphrey

Examiner

20046

R-26E

T
H
S



Subdivisions = 7

Area = 280 acres.

$Q = 775 \frac{1}{2}$
~~7.75 ft.~~

11 ft.



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

RECEIVED
JAN 19 2001
Department of Water Resources
Southern Region

☐ Water Right Number(s):

☐ Old Mailing Address:

HC 66 Box 27
Declo, ID 83323

☐ New Mailing Address:

2100 E 800 So
Declo, ID 83323

☐ New Telephone Number: (208) 645-2288

☐ Signature of Claimant(s):

Thayne Buck

Date:

Jan 19-01

FOR IDWR USE ONLY

Initial Review and Data Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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03/17/00
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PROFILE REPORT

CLAIM NUMBER: A43-10365

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JH & T INVESTMENTS LTD	06/30/1985	IRRIGATION	03-15 11-15	0.800 CFS	
TOTAL DIVERSION:					0.800 CFS	

0.47

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T11S R26E S35 SW SWSE

CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																	
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
11S	26E	35	:																										
																								40	:	40.0			
																								TOTAL ACRES	:	40.0			

POU County: CASSIA

Other Rights: A43-02320

Remarks: GEN EXPANSION AFTER CRITICAL GROUNDWATER CLOSING DATE.

Dates: Exam Made Date: Verified Date: 03/12/1985 Objection Filed Date:

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

diversion rate:
 $3.42 \div 277 \times 38 = 0.469 \text{ cfs}$

Coord. Code C18
Remarks:
POU1 E11 277 Ac
K06 38 Ac
QNT E25 3.42 cfs
GEN K04 956 AF
eff. rt.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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QUICKLOOK INFORMATION

5
CLAIM NUMBER: A43-10365

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	-N							
POINT OF DIV	Y-							
SOURCE	-N							
PLACE OF USE	Y-							
DIV. AMOUNT CFS/VOLUME	Y-							
CONSUMPTIVE USE	/							
PURPOSES OF USE	-N							
PERIOD OF USE	-N							
BASIS OF CLAIM	-N							
REMARKS	Y-							

BARCODE UPDATED
WHOM/DATE

R PROOF

CVR

MAPS

PHOTOS

MISC

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