

RECEIVED

APR 20 1998

OFFICE OF THE
ATTORNEY GENERAL

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APR 21 1998

Department of Water Resources
Adjudication Bureau

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: A43-10813
Date Received: 6/19/1989
Receipt No: S020899
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: HOLMGREN LAND & LIVESTOCK 435-279-8267
Address: PO BOX 78
BEAR RIVER UT 84301

2. Date of Priority: JUN 1, 1881

3. Source: CLEAR CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16S	27E	27	SE	SE	NE		CASSIA

5. Description of diverting works:
HEADGATES AND LATERALS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	11.100		

7. Total Quantity Appropriated is:
11.100 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
15S	27E	29	NE	SE		IRR	29.0
			NW	SE		IRR	8.0
			SW	SE		IRR	1.0
			SE	SE		IRR	32.0

MAIL13657



A43-10813

Page 1

Date: 04/13/98

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
						Section Acres	70.0
		33	NE	NW		IRR	28.0
			NW	NW		IRR	40.0
			SW	NW		IRR	34.0
			SE	NW		IRR	34.0
			NE	SW		IRR	36.0
			SE	SW		IRR	39.0
			SW	SE		IRR	3.0
						Section Acres	214.0
16S	27E	4	NW	NE	2	IRR	21.0
			SW	NE		IRR	39.0
			SE	NE		IRR	19.0
			NE	SE		IRR	35.0
			NW	SE		IRR	33.0
						Section Acres	147.0
		10	SE	SW		IRR	5.0
			SW	SE		IRR	5.0
						Section Acres	10.0
		15	NE	NE		IRR	38.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	3.0
						Section Acres	161.0
						Total Acres	602.0

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:

14. Remarks:

SEE DECREE FOR RESTRICTIONS.

THIS CLAIM IS BASED ON CLEAR CREEK DECREED WATER 43-00036,

14. Remarks: Continued

43-00035, 43-00034, 43-00033 & 43-00039.

ADDRESS CHANGE MADE 8-17-94 BY TLB

2/23/1998, DJ: AMENDED CLAIM RECEIVED THIS DAY WITH ADDITIONAL
VARIABLE FEE AMOUNTING TO \$2. FEES ARE COVERED UNDER RECEIPT
NUMBERS S008299 & S020899.

4/13/98, DJ: POINT OF DIVERSION AMENDED TO IDENTIFY THE IDAHO
WEIR AS DIVERSION AND MEASUREMENT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/18/1928

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET AL

vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X 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 Vice President of _____
Title

Holmgren Land & Livestock, that I have signed the foregoing
Organization

document in the space below as Vice President of _____
Title

Holmgren Land & Livestock and that the statements contained in the
Organization
foregoing document are true and correct.

Steven Holmgren
Signature of Authorized Agent

Vice President Holmgren Land & Livestock
Title and Organization

4/13/98
Date

State of Idaho

County of

Twin Falls

)
)
) SS.

Subscribed and sworn (or affirmed) before me this 13 day

of April 19 98

Douglas Jones
Notary Public

Seal

Residing at

Buhl, ID

My Commission Expires

8/8/2001

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: A43-10813
Date Received: 6/19/1989
Receipt No: X777777
Received By: 

FEB 23 1998

Department of Water Resources
Boise, Idaho

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: HOLMGREN LAND & LIVESTOCK 435-279-8267
Address: PO BOX 78
BEAR RIVER UT 84301

2. Date of Priority: JUN 1, 1881

3. Source: CLEAR CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16S	27E	3	NW	SW	SW		CASSIA
		15	NW	SE	SE		CASSIA

5. Description of diverting works:
HEADGATES AND LATERALS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	11.100		

7. Total Quantity Appropriated is:
11.100 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
15S	27E	29	NE	SE		IRR	29.0
			NW	SE		IRR	8.0
			SW	SE		IRR	1.0
			SE	SE		IRR	32.0

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
						Section Acres	70.0
		33	NE	NW		IRR	28.0
			NW	NW		IRR	40.0
			SW	NW		IRR	34.0
			SE	NW		IRR	34.0
			NE	SW		IRR	36.0
			SE	SW		IRR	39.0
			SW	SE		IRR	3.0
						Section Acres	214.0
16S	27E	4	NW	NE	2	IRR	21.0
			SW	NE		IRR	39.0
			SE	NE		IRR	19.0
			NE	SE		IRR	35.0
			NW	SE		IRR	33.0
						Section Acres	147.0
		10	SE	SW		IRR	5.0
			SW	SE		IRR	5.0
						Section Acres	10.0
		15	NE	NE		IRR	38.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	3.0
						Section Acres	161.0
						Total Acres	602.0

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:

14. Remarks:

SEE DECREE FOR RESTRICTIONS.

THIS CLAIM IS BASED ON CLEAR CREEK DECREED WATER 43-00036,

14. Remarks: Continued

43-00035, 43-00034, 43-00033 & 43-00039.
ADDRESS CHANGE MADE 8-17-94 BY TLB

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/18/1928

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET AL

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am VICE PRES. of
Title

HOLMGREN LAND & LIVESTOCK, that I have signed the foregoing
Organization

document in the space below as VICE PRES. of
Title

HOLMGREN LAND & LIVESTOCK and that the statements contained in the
Organization

foregoing document are true and correct.

Steven Holmgren
Signature of Authorized Agent

VICE PRES HOLMGREN LAND & LIVESTOCK
Title and Organization

2-20-98

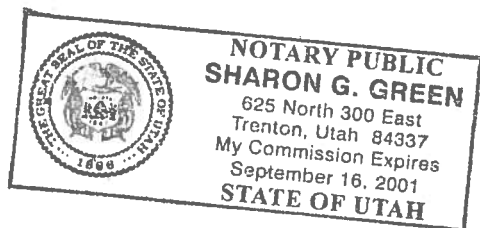
Date

State of Utah)
County of Box Elder) SS.

Subscribed and sworn (or affirmed) before me this 20 day
of Feb 19 98

Sharon G. Green
Notary Public

Seal



Residing at Tremonton, Ut
My Commission Expires Sept 16, 2001

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: **A43-10813**
Date Received: 6/19/1989
Receipt No: X777777
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: HOLMGREN LAND & LIVESTOCK 801-257-5539
Address: 785 NORTH 350 EAST
TREMONTON UT 84337

2. Date of Priority: JUN 1, 1881

3. Source: CLEAR CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	27E	10	NW	SW	SW		CASSIA

5. Description of diverting works:
HEADGATES AND LATERALS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	10.600		

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

8. Total consumptive use is 1800.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
16S	27E	4	SW	NE		IRR	40.0
			NE	SE		IRR	40.0
			SE	SE		IRR	40.0
			SE	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	160.0
		28	SW	SW		IRR	40.0
						Section Acres	40.0
		29	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	120.0
		33	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0
						Section Acres	280.0
						Total Acres	600.0

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:
A43-00038, A43-10534

14. Remarks:
SEE DECREE FOR RESTRICTIONS.
THIS CLAIM IS BASED ON CLEAR CREEK DECREED WATER 43-00036,
43-00035, 43-00034, 43-00033.
ADDRESS CHANGE MADE 8-17-94 BY TLB

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/18/1928

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET AL

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): _____

[✓] Old Mailing Address: HOLMGREN LAND & LIVESTOCK
BEAR RIVER CITY, UT. 84031
301

[✓] New Mailing Address: JAMES P. HOLMGREN SEC
HOLMGREN LAND & LIVESTOCK
785 N. 350 E. TREMONTON,
UT. 84332

New Telephone Number: () _____

[] Signature of Claimant: James P. Holmgren
Date: 08-15-1994

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 08-15-94 By: JH

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

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: **A43-10813**

Date Received: 6/19/1989

Receipt No: X777777

Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: HOLMGREN LAND & LIVESTOCK 801-257-5539
Address: BEAR RIVER CITY UT 84301

2. Date of Priority: JUN 1, 1881

3. Source: CLEAR CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	27E	10	NW	SW	SW		CASSIA

5. Description of diverting works:
HEADGATES AND LATERALS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	10.600		

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

8. Total consumptive use is 1800.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15S	27E	4	SW	NE		IRR	40.0
			NE	SE		IRR	40.0
			SE	SE		IRR	40.0
			SE	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	160.0
		28	SW	SW	IRR	40.0
					Section Acres	40.0
		29	NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	120.0
		33	NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	40.0
			SE	SW	IRR	40.0
			SW	SE	IRR	40.0
					Section Acres	280.0
					Total Acres	600.0

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:

A43-00038, A43-10534

14. Remarks:

SEE DECREE FOR RESTRICTIONS.

THIS CLAIM IS BASED ON CLEAR CREEK DECREED WATER 43-00036,
43-00035, 43-00034, 43-00033.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/18/1928

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET AL

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: ¹⁰⁸¹³ A43-00033
Date Received: 6/19/1989
Receipt No: S008299
Received By: See

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOLMGREN LAND & LIVESTOCK 801-257-5539
Address: BEAR RIVER CITY, UT 84301

2. Date of Priority: JUN 01, 1881

3. Source: CLEAR CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16S	27E	10	NW	SW	SW		CASSIA

5. Description of diverting works:
HEADGATES AND LATERALS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	10.600		

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

8. Total consumptive use is 1800.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	27E	4	SW	NE		IRR	40.0
			NE	SE		IRR	40.0
			SE	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 160.0

A43-00033-
¹⁰⁸¹³

Page 1

Date: 06/19/89

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MAR 05 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	27E	28	SW	SW		IRR	40.0
						Section Acres	40.0
		29	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	120.0
		33	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0
						Section Acres	280.0
						Total Acres	600.0

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:
A43-00038, A43-10534

14. Remarks:
SEE DECREE FOR RESTRICTIONS.
THIS CLAIM IS BASED ON CLEAR CREEK DECREED WATER 43-00036,
43-00035, 43-00034, 43-00033.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 10/18/1928

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL
Decree Defendant

A43-00033-
10813

Page 2

Date: 06/19/89

MICROFILM
MAR 05 1993

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 _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

A43-00033-
10813

Page 3

Date: 06/19/89

MICROFILM
MAR 05 1990

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 443-00033
Date Received 7/28/83
Receipt Number 5008299 *see*

RECEIVED

JUN 12 1983

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Haugren Land & Livestock Phone (801) 257-5539

Mailing Address Bear River City UT Zip 84301

2. Date of Priority (Only one (1) per claim) 6/1/88

3. Source of water supply (a) Clear Creek
which is tributary to (b) Raft River

4. a. Location of existing point of diversion is: Township 10 Range 27 Section 10,
NW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, B.M., County of CASSIA

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of

 1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Headgate & laterals

MICROFILM

MAR 05 1983

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 10.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 10.6 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
155	27	33					40	40	40	40	40			40			40		280
		28											40						40
		29													40	40		40	120
		4		~~40~~	40	40									40			40	160

Total number of acres irrigated 600

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

12. Do you own the property listed above as place of use? Yes ☒ 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 (☒)

14. Remarks: This Claim is Based on Clear Creek Decreed
Water 43-00036, 43-00034, 43-00033, 43-00035

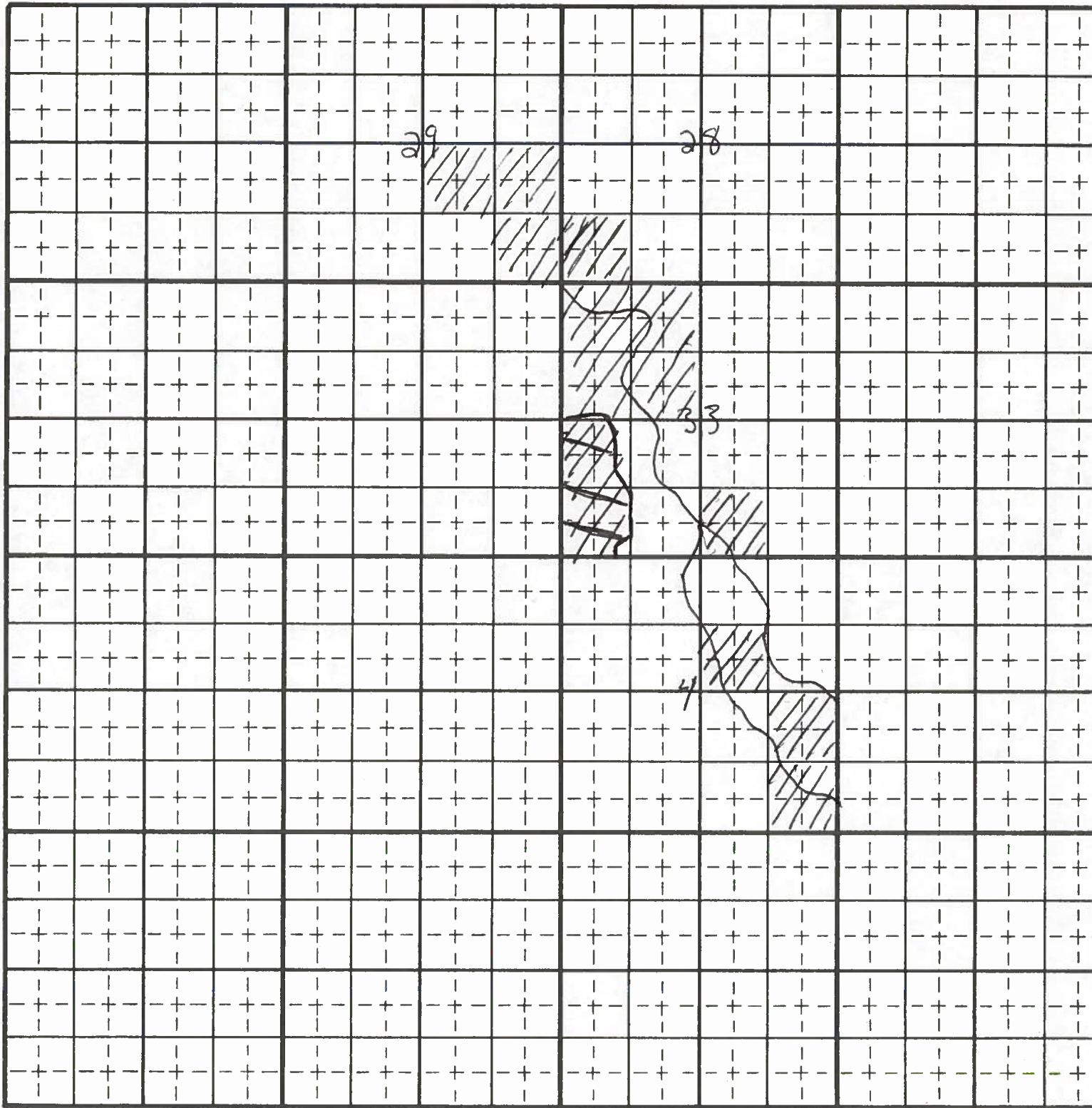
Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

AR 0519

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

Scale: 2 inches equals 1 mile



MICROFIL

MAR 05 19

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☒
If applicable provide IDWR Water Right Number _____
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 ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 0

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

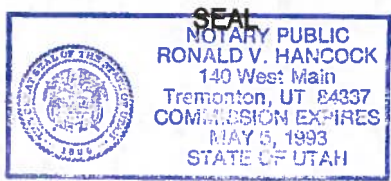
Signature of Claimant (s) X Date X
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Secretary Title
of Hammerton Land & Livestock Organization, that I have signed the foregoing
document in the space below as Secretary Title of Hammerton Land & Livestock Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent James Halcyon
Title and Organization Sec. Halcyon Land & Livestock Date 6-8-89

State of ~~Idaho~~ or UTAH)
County of BOX ELDER) SS.

Subscribed and sworn (or affirmed) before me this 8th day of JUNE 19 89



Notary Public Ronald V. Hancock
Residing at _____
My Commission Expires _____

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

Last Name _____ Ident. Number _____



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

RECEIVED
JUN 20 2002
Department of Water Resources
Southern Region

CHANGE IN ADDRESS

- ☐ Water Right Number(s): All water Right Numbers.
- ☐ Old Mailing Address: Holmgren Land & Livestock
PO Box 78 Bear River, UT
- ☐ New Mailing Address: HOLMGREN LAND + LIVESTOCK
785N 350E
TREMONTON UTAH 84337
- ☐ New Telephone Number: (435) 257 - 5539
- ☐ Signature of Claimant(s): James Holmgren
- Date: 6-17-02

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:

43-43
- 347 - 10528
- 348 - 10529
- 349 - 10530
- 350 - 10531
- 10513 - 10532
- 10514 - 10533
- 10534

ALL Contact 10 # 224439

UJH

06/14/2002

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

RIGHT NUMBER: 43-10813

NAME AND ADDRESS: HOLMGREN LAND & LIVESTOCK
PO BOX 78
BEAR RIVER UT 84301

SOURCE: CLEAR CREEK

TRIBUTARY: SINKS

QUANTITY: 11.10 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED
ABOVE AT THE POINT OF MEASUREMENT IN T16S, R27E, S27, SESENE.

PRIORITY DATE: 06/01/1881

POINT OF DIVERSION:

T16S R27E S3 NWSWSW Rediversion Within CASSIA County
T16S R27E S10 NWNENW Rediversion Within CASSIA County
T16S R27E S15 NWSESE Rediversion Within CASSIA County
T16S R27E S27 SESENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	11.100 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T15S R27E S29	NESE	29.0	T15S R27E S29	NWSE	8.0
T15S R27E S29	SESE	32.0	T15S R27E S33	NENW	28.0
T15S R27E S33	NWNW	40.0	T15S R27E S33	SWNW	34.0
T15S R27E S33	SESW	34.0	T15S R27E S33	NESW	36.0
T15S R27E S33	SESW	39.0	T15S R27E S33	SWSE	3.0
T16S R27E S04 Lot 2 NWNE	SENE	21.0	T16S R27E S04	SWNE	39.0
T16S R27E S04	SENE	19.0	T16S R27E S04	NESE	35.0
T16S R27E S04	NWSE	33.0	T16S R27E S10	SESW	5.0
T16S R27E S10	SWSE	5.0	T16S R27E S15	NENE	38.0
T16S R27E S15	NWNE	40.0	T16S R27E S15	SWNE	40.0
T16S R27E S15	SENE	40.0	T16S R27E S15	NENW	3.0

601 ACRES TOTAL

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43-B.

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.

EXPLANATORY MATERIAL:

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

RECEIVED

JUN 18 2000

Department of Water Resources

2002 JUN 17 AM 10:38

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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) Subcase 43-10813
) (Holmgren Land & Livestock)
Case No. 39576)
) AMENDED
) SPECIAL MASTER REPORT

Findings of Fact

Holmgren Land & Livestock, P.O. Box 78, Bear River, Utah 84301, filed a *Notice of Claim to a Water Right* on June 19, 1989, claiming 11.1 cfs from Clear Creek for irrigation of 602 acres in Cassia County from April 1 to October 31 with a priority date of June 1, 1881, based on a decree. The Director of the Idaho Department of Water Resources filed his *Preliminary Director's Report for Water Rights Diverted from Clear Creek, IDWR Basin 43 - Cassia County* on February 27, 1998. The Director recommended claim 43-10813 as filed.

Steven Holmgren filed an *Objection* on April 13, 1998, objecting to point of diversion. Harold, Beth and Ray Jones were granted leave to file a *Late Objection* on June 18, 1999, objecting to point of diversion. The same date, the United States of America, Department of Interior, Bureau of Land Management was granted leave to file a *Late Objection* to place of use. Also on the same date, Holmgren Land & Livestock was granted leave to file an *Amended Notice of Claim* changing the legal description of the point of diversion.

The Director filed his *Amended Preliminary Director's Report* for subcase 43-10813, *et al.*, on July 19, 1999, recommending the claim as filed, but with the amended point of diversion. The Jones' did not renew their earlier objection to point of diversion. On April 10, 2000, the United States and Holmgren Land & Livestock filed a *Stipulation to Resolve Objection and Joint Motion to Dismiss the United States as a Party* agreeing to eliminate 1 acre of federal land from the place of use. On May 11, 2000, the Special Master entered an *Order Granting Motion to Dismiss United States as a Party* based on the *Stipulation*.

The Director filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim as originally filed without regard to the earlier *Stipulation*. So, the United States filed another *Objection* on February 8, 2002, objecting to place of use (the same 1 acre of federal land).

A *Special Master Report and Recommendation* was entered on June 10, 2002. However, the *Recommendation* omitted two points of diversion.

Conclusions of Law

Holmgren Land & Livestock and the United States are bound by the terms of the *Stipulation*, dated April 10, 2000. Therefore, Holmgren Land & Livestock is entitled to a partial decree adjudicating a water right under claim 43-10813 as described in the *Stipulation* and the attached *Amended Special Master Recommendation for Partial Decree for Water Right 43-10813*.

DATED June 17, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 19576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-10813

2002 JUN 17 AM 10:38

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED 

NAME AND ADDRESS: HOLMGREN LAND & LIVESTOCK
PO BOX 78
BEAR RIVER, UT 84301

SOURCE: CLEAR CREEK TRIBUTARY: SINKS
QUANTITY: 11.10 CFS

03063666

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED ABOVE AT THE POINT OF MEASUREMENT IN T16S, R27E, S27.

PRIORITY DATE: 06/01/1981

POINT OF DIVERSION: T16S R27E S03 NWSWSW (Rediversion) Within Cassia County
S10 NWNENW (Rediversion)
S15 NWSESE (Rediversion)
S27 SESENE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-11 11.10 CFS

PLACE OF USE: Irrigation Within Cassia County
T15S R27E S29 NESE 29.0 NWSE 8.0
SESE 32.0
S33 NENW 28.0 NWNW 40.0
SWNW 14.0 SENW 34.0
NESW 16.0 SESW 39.0
SWSE 3.0
T16S R27E S04 LOT 2 (NWNE) 21.0 LOT 2 (SWNE) 39.0
LOT 2 (SENE) 19.0 LOT 2 (NESE) 35.0
LOT 2 (NWSE) 33.0
S10 SESW 5.0 SWSE 5.0
S15 NENE 38.0 NWNE 40.0
SWNE 40.0 SENE 40.0
NENW 3.0
601.0 Acres Total

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER
DISTRICT 41-B.

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).

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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.

AMENDED



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JUN 17 2002

Department of Water Resources

2002 JUN 17 AM 10:38

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 43-10813

On June 17, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED June 17, 2002.


LETTIE MESSICK
Deputy Clerk

NOTICE OF ISSUANCE

PAGE 1
06/17/02

RECEIVED

JUN 11 2002

Department of Water Resources
Adjudication Bureau

2002 JUN 10 PM 4:10
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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	)	Subcase 43-10813
	)	(Holmgren Land & Livestock)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT

Findings of Fact

Holmgren Land & Livestock, P.O. Box 78, Bear River, Utah 84301, filed a *Notice of Claim to a Water Right* on June 19, 1989, claiming 11.1 cfs from Clear Creek for irrigation of 602 acres in Cassia County from April 1 to October 31 with a priority date of June 1, 1881, based on a decree. The Director of the Idaho Department of Water Resources filed his *Preliminary Director's Report for Water Rights Diverted from Clear Creek, IDWR Basin 43 - Cassia County* on February 27, 1998. The Director recommended claim 43-10813 as filed.

Steven Holmgren filed an *Objection* on April 13, 1998, objecting to point of diversion. Harold, Beth and Ray Jones were granted leave to file a *Late Objection* on June 18, 1999, objecting to point of diversion. The same date, the United States of America, Department of Interior, Bureau of Land Management was granted leave to file a *Late Objection* to place of use. Also on the same date, Holmgren Land & Livestock was granted leave to file an *Amended Notice of Claim* changing the legal description of the point of diversion.

The Director filed his *Amended Preliminary Director's Report* for subcase 43-10813, *et al.*, on July 19, 1999, recommending the claim as filed, but with the amended point of diversion. The Jones' did not renew their earlier objection to point of diversion. On April 10, 2000, the United States and Holmgren Land & Livestock filed a *Stipulation to Resolve Objection and Joint Motion to Dismiss the United States as a Party* agreeing to eliminate 1 acre of federal land from the place of use. On May 11, 2000, the Special Master entered an *Order Granting Motion to Dismiss United States as a Party* based on the *Stipulation*.

The Director filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim as originally filed without regard to the earlier *Stipulation*. So, the United States filed another *Objection* on February 8, 2002, objecting to place of use (the same 1 acre of federal land).

Conclusions of Law

Holmgren Land & Livestock and the United States are bound by the terms of the *Stipulation*, dated April 10, 2000. Therefore, Holmgren Land & Livestock is entitled to a partial decree adjudicating a water right under claim 43-10813 as described in the *Stipulation* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-10813*.

DATED June 10, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-10813

2002 JUN 10 PM 4:10
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: HOLMGREN LAND & LIVESTOCK
PO BOX 78
BEAR RIVER, UT 84301

SOURCE: CLEAR CREEK TRIBUTARY: SINKS

QUANTITY: 11.10 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED ABOVE AT THE POINT OF MEASUREMENT IN T16S, R27E, S27.

PRIORITY DATE: 06/01/1881

POINT OF DIVERSION: T16S R27E S03 NWSWSW Within Cassia County
S15 NWSESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	11.10 CFS

PLACE OF USE:	Irrigation	Within Cassia County
	T15S R27E S29	NESE 29.0 NWSE 8.0
	S33	SESE 32.0 NENW 28.0 SWNW 34.0 NESW 36.0 SWSW 3.0 NWNW 40.0 SESW 39.0
	T16S R27E S04 LOT 02 (NWNE)	21.0 LOT 02 (SWNE) 39.0
	LOT 02 (SENE)	19.0 LOT 02 (NESE) 35.0
	LOT 02 (NWSE)	33.0
	S10	SESW 5.0 SWSE 5.0
	S15	NENE 38.0 NWNE 40.0 SWNE 40.0 SENE 40.0 NENW 3.0
	601.0 Acres Total	

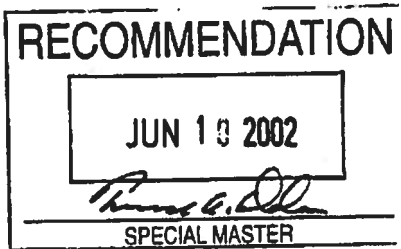
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER
DISTRICT 43-B.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

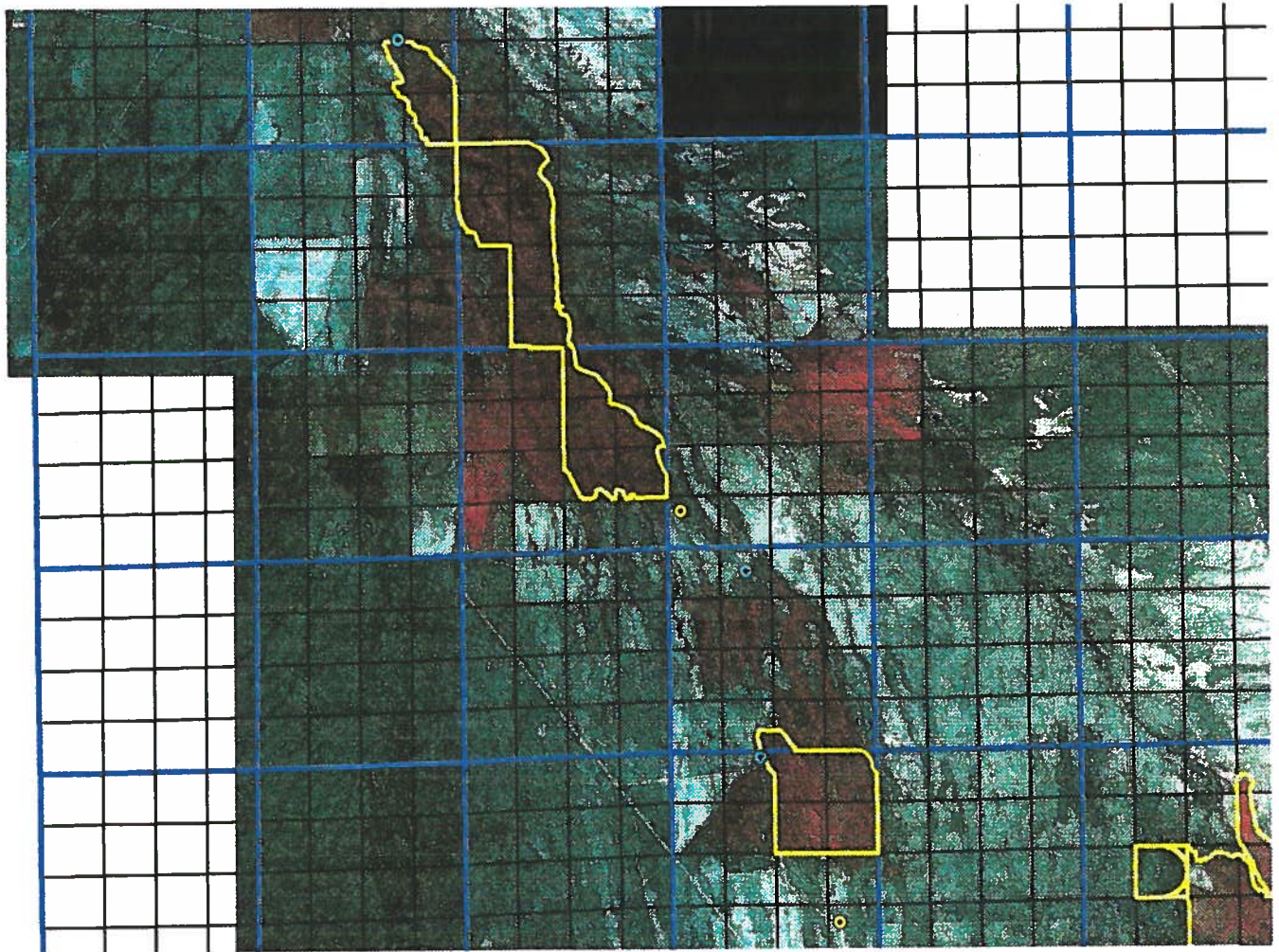
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES

HOLMGREN LAND & LIVESTOCK



0.5 0 0.5 1 1.5 2 Miles

43-10813



-  Recommended Place of Use
-  Recommended Point of Diversion
-  Section Lines
-  Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY: FEBRUARY 17, 1998
BY: DOUGLAS JONES

2002 JUN 10 PM 4:10

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

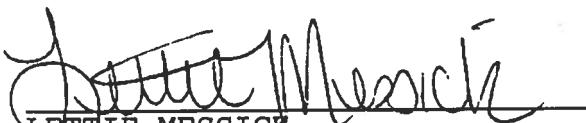
Water Right(s): 43-10813

On June 10, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED June 10, 2002.


LETTIE MESSICK
Deputy Clerk

2002 JUN 10 PM 4:10

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

In Re SRBA

Case No. 39576

)
)
)
)
CERTIFICATE OF MAILING

Water Right(s): 43-10813

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 10, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

HAROLD AND BETH JONES
Represented by:
PATRICK D. BROWN
HUTCHINSON & BROWN, LLP
P O BOX 207
TWIN FALLS, ID 83303-0207
Phone: 208-733-9300

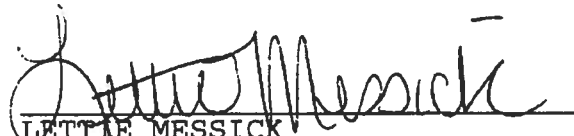
UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

CERTIFICATE OF MAILING

PAGE 1
06/10/02

HOLMGREN LAND & LIVESTOCK
PO BOX 78
BEAR RIVER, UT 84301

STEVEN HOLMGREN
PO BOX 78
BEAR RIVER, UT 84321
Phone: 435-279-8267


LETTIE MESSICK
Deputy Clerk



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

KARL J. DREHER
Director

June 10, 2002

Jim Holmgren
785 N 350 E
Tremonton UT 84337

RE: Snake River Basin Adjudication (SRBA)
Claim No.: 43-10813
BLM Objection to Place of Use

Dear Mr. Holmgren:

I believe that Larry Brown spoke with you regarding the objection and possible resolution that BLM has on the place of use recommended for this claim from Clear Creek. I am about to create documents to initiate the change that will delete the one-acre overlap on BLM ground, and I understand that you also wish the address on this claim changed from Bear River to the Tremonton address.

In order for the Department to change a right holder's address, we must have a signed notice in the file, therefore, please sign the enclosed form and return it to me in the pre-addressed envelope. It is possible to change addresses of all the Holmgren Land and Livestock water rights to the Tremonton address with just one form. Please indicate that all the rights change, or inform me what rights should retain the Bear River address.

There is also correspondence in the file indicating that Matt Gardner may have purchased a portion of the land to which this right is appurtenant. If so, please let me know so that I can update the right accordingly.

I was sorry to learn of Steve's death last December. I enjoyed working with him in my investigation of the water rights along Clear Creek.

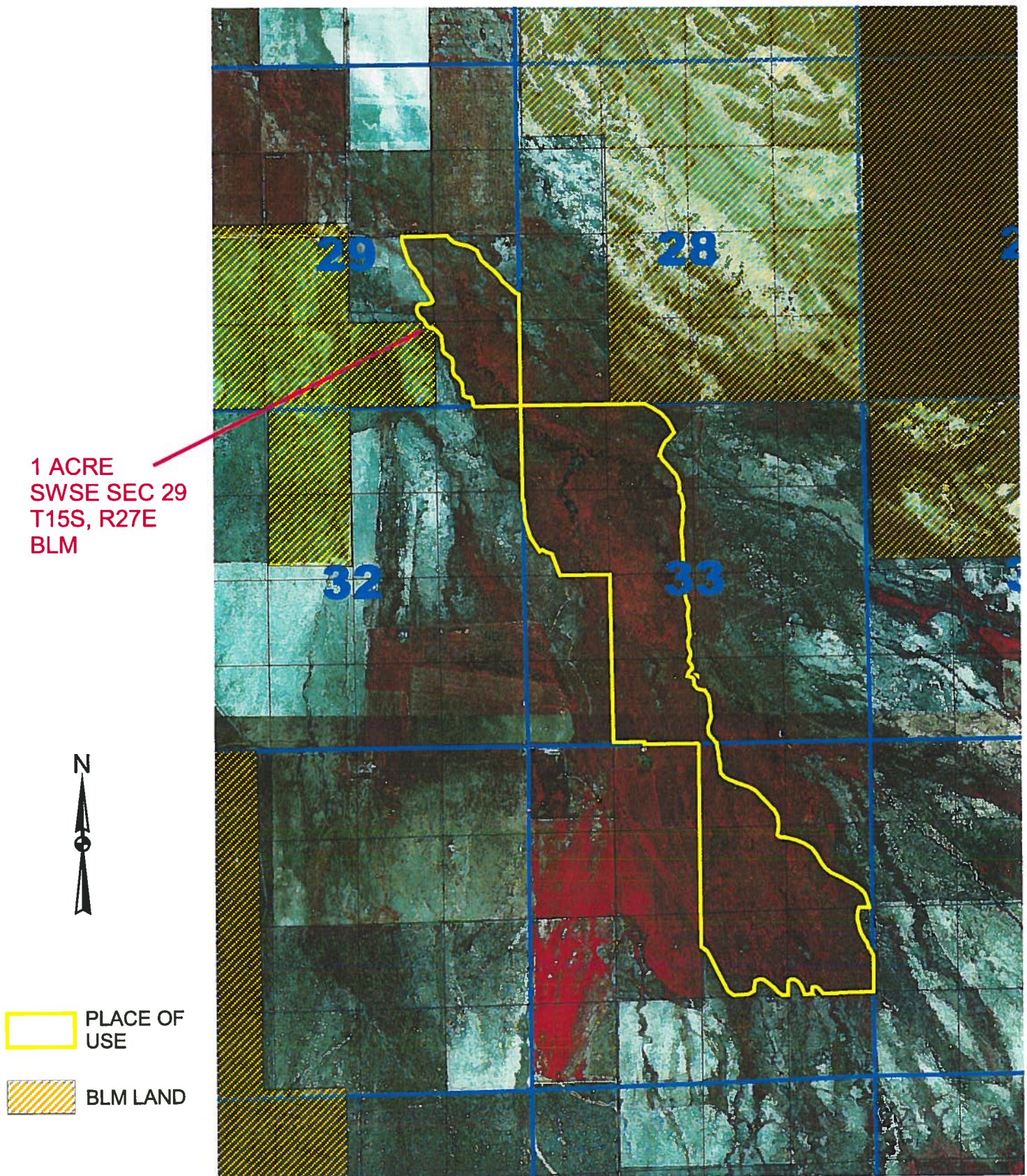
Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Adjudication Unit

43-10813

SITE OF BLM OBJECTION

SOURCE: CLEAR CREEK



Hancock, Vikie

From: McHugh, Candice
Sent: Monday, June 10, 2002 1:43 PM
To: Hancock, Vikie
Subject: FW: Basin 43 Settlements

FYI from BLM. You're right.

-----Original Message-----

From: Brown, Larry [mailto:Larry.Brown@usdoj.gov]
Sent: Monday, June 10, 2002 1:40 PM
To: 'McHugh, Candice'
Subject: RE: Basin 43 Settlements

Actually, it is T.15S, R27E, Section 29, SWSE 1.0 Acres that should be deleted from Holmgren's Water Right Number 43-10813. Sorry about the earlier incorrect e-mail.

-----Original Message-----

From: McHugh, Candice [mailto:cmchugh@idwr.state.id.us]
Sent: Thursday, June 06, 2002 1:22 PM
To: Brown, Larry
Subject: RE: Basin 43 Settlements

Larry,

Your message requested the following:

43-10813 - Holmgren Land and Livestock. Draft SF-5 deleting T10S, R27E, S13, NWSE (1 acre) from water right, adjusting total acres, and adjusting quantity. Change address to 785 N 350 E, Termonton, UT 84337, Ph: (435) 257-5539 - Jim Holmgren. Spoke with J on 2/13/02 and he said this was OK.

According to Vicky Hancock, she couldn't tell from her copy of the Objection what portion of the POU BLM had issue with, so she went to ArcView and looked at the BLM ownership layer. There is one acre in the SWSE of Sec 29, T15S, R27E that is on BLM land. Please verify that this is the correct location of the objected to portion of the POU

Let me know; we are also verifying the address and that will be changed in the SF5 too.

Thanks

Candice

Hancock, Vikie

Subject: 43-10813 SF5 (Holmgren Land and Livestock)
Due Date: Thursday, June 20, 2002

Status: Not Started
Percent Complete: 0%

Total Work: 0 hours
Actual Work: 0 hours

Owner: Hancock, Vikie
Requested By: McHugh, Candice

43-10813 - Holmgren Land and Livestock. Draft SF-5 deleting T10S, R27E, S13, NWSE (1 acre) from water right, adjusting total acres, and adjusting quantity. Change address to 785 N 350 E, Termonton, UT 84337, Ph: (435) 257-5539 - Jim Holmgren. Spoke with J on 2/13/02 and he said this was OK.

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 43-10813

(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: Holmgren Land & Livestock

Address: P.O. Box 78; Bear River, UT. 84301

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 United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

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)

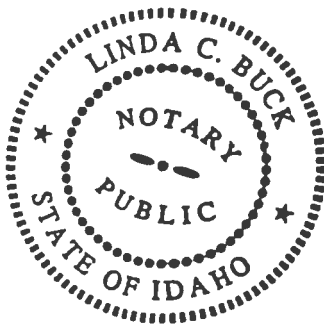
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
(Signature of person filing objection)

Larry G. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

February 7, 2002



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: Holmgren Land & Livestock
Address: P.O. Box 78; Bear River, UT. 84301

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: 43-10813

NAME AND ADDRESS: HOLMGREN LAND & LIVESTOCK
PO BOX 78
BEAR RIVER UT 84301

SOURCE: CLEAR CREEK

TRIBUTARY: SINKS

QUANTITY: 11.100 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED
ABOVE AT THE POINT OF MEASUREMENT IN T16S, R27E, S27, SESENE.

PRIORITY DATE: 06/01/1981

POINT OF
DIVERSION:

T16S R27E S3 NWSWSW Rediversion Within CASSIA County
T16S R27E S10 NWNENW Rediversion Within CASSIA County
T16S R27E S15 NWSESE Rediversion Within CASSIA County
T16S R27E S27 SESENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4/01 10/31

QUANTITY
11.100 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T15S R27E S29	NESE	29.0	T15S R27E S29	NWSE	8.0
T15S R27E S29	SWSE	1.0	T15S R27E S29	SESE	32.0
T15S R27E S33	NENW	28.0	T15S R27E S33	NWNW	40.0
T15S R27E S33	SWNW	34.0	T15S R27E S33	SESW	39.0
T15S R27E S33	NESW	36.0	T15S R27E S33	SESW	39.0
T15S R27E S33	SWSE	3.0	T16S R27E S04 Lot 2	NWNE	21.0
T16S R27E S04	SWNE	39.0	T16S R27E S04	SENE	19.0
T16S R27E S04	NESE	35.0	T16S R27E S04	NWSE	33.0
T16S R27E S10	SESW	5.0	T16S R27E S10	SWSE	5.0
T16S R27E S15	NENE	38.0	T16S R27E S15	NWNE	40.0
T16S R27E S15	SWNE	40.0	T16S R27E S15	SENE	40.0
T16S R27E S15	NENW	3.0			

602 ACRES TOTAL

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

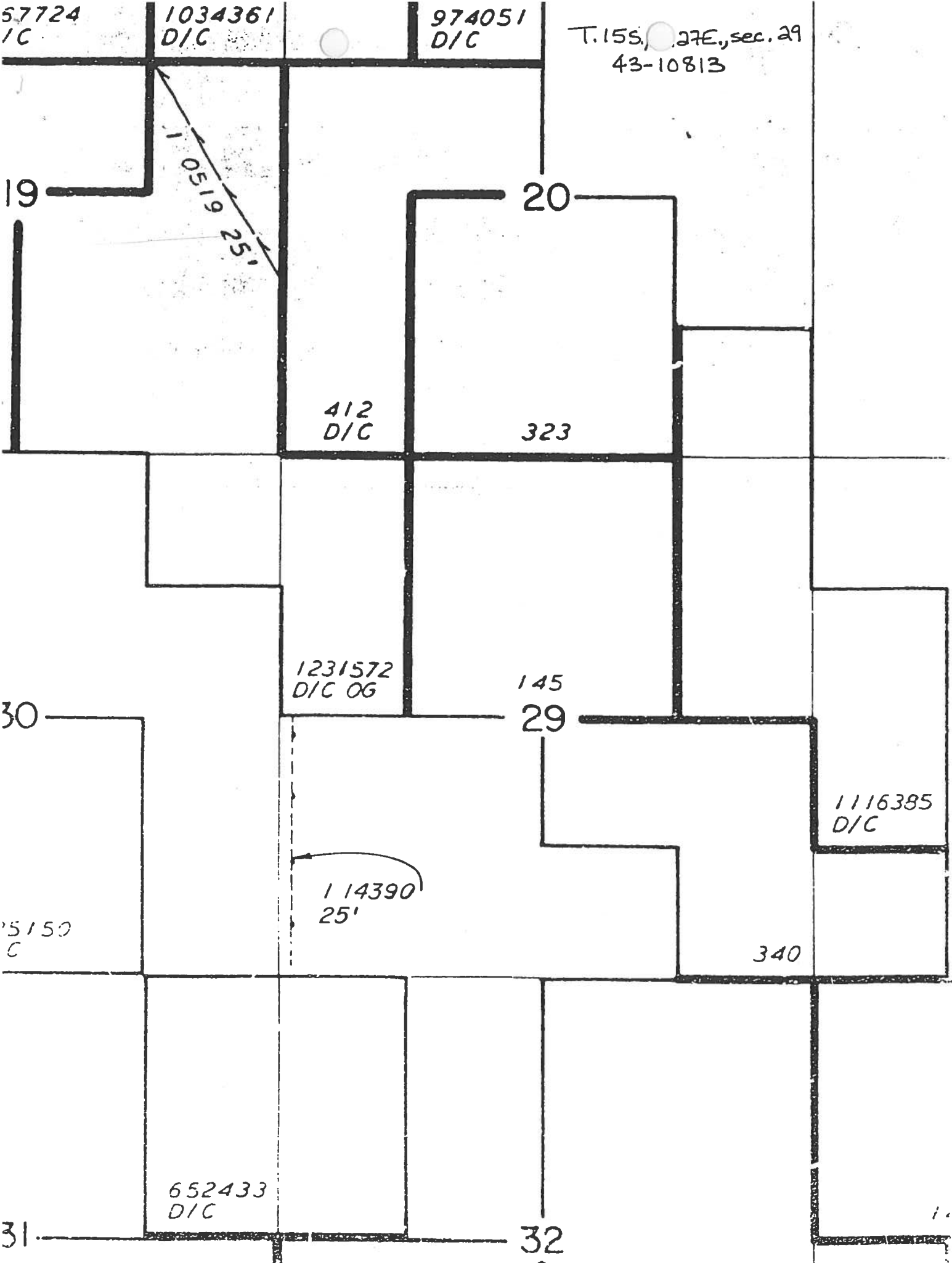
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY
FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF
THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A
POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.
THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER
DISTRICT 43-B.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

09/19/2001

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO
SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.



57724
D/C

1034361
D/C

974051
D/C

T.15S., 27E., sec. 29
43-10813

19

20

412
D/C

323

1231572
D/C OG

145

29

1116385
D/C

340

652433
D/C

31

32

10319 25'

114390 25'

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

LAND AND MINERAL TITLES

INDEX TO SEGREGATED TRACIS

INDEX TO SEGREGATED TRACTS		Guthrie, Eugene T	
TRACT NO	TRACT	TRACT NO	TRACT
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
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98	98	98	98
99	99	99	99
100	100	100	100

Words in Sec 25 apply to private promoters [over]

Journal of Interpersonal Violence 26(1) 1-17
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FOR OFFICIALS GETTING CASUAL OR USE OF
INFORMATION, AND AFTER TO IN. OF
MISCELLANEOUS DOCUMENTS

Customer TO	Quantity TO

[illegible]

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER

SCALE in Centim.

MEMO

TO: MATT GARDNER DATE: 10-26-2001

FROM: JIM STANTON, IDAHO DEPT OF WATER RESOURCES

RE: Splitting of SRBA Recommendation 43-10813, Holmgren Land & Livestock

Based on your purchase of 29 acres of the recommended place of use of 602 acres, you would be entitled to 4.82% of the recommended flow rate of 11.1 cfs. Therefore, you would received 0.53 cfs with this property. To complete the transaction, you would have to file a Change of Ownership of Water Right form with this Department. If you want a higher flow rate, you would need to apply for a water transfer to take the additional water off of the remaining land and make it appurtenant to the land that you are purchasing.

Feel free to contact me if you have further questions.

02/08/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-10813

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HOLMGREN LAND & LIVESTOCK PO BOX 78 BEAR RIVER, UT 84301 (435)279-8267

Priority Date: 06/01/1881
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
CLEAR CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/3	11.1 CFS		
		1			

Total Diversion	11.1 CFS
-----------------	----------

Location of Point(s) of Diversion:

CLEAR CREEK	Rediversion	NWSWSW	Sec. 03	Township 16S	Range 27E	CASSIA County
CLEAR CREEK	Rediversion	NWNENW	Sec. 10	Township 16S	Range 27E	CASSIA County
CLEAR CREEK	Rediversion	NWSESE	Sec. 15	Township 16S	Range 27E	CASSIA County
CLEAR CREEK		SESENE	Sec. 27	Township 16S	Range 27E	CASSIA County

IRRIGATION Use:
Acre Limit: 602

Place(s) of use:

Place of Use Legal Description: IRRIGATION

CASSIA County

<u>Townsh</u> <u>ip</u>	<u>Rang</u> <u>e</u>	<u>Section</u> <u>n</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>
15S	27E	29		NESE	29		NWSE	8		SWSE	1		SESE	32
		33		NENW	28		NWNW	40		SWNW	34		SENE	34
				NESW	36		SESW	39						
				SWSE	3									
16S		4	2	NWNE	21		SWNE	39		SENE	19			
				NESE	35		NWSE	33						
		10		SESW	5									
				SWSE	5									
		15		NENE	38		NWNE	40		SWNE	40		SENE	40
				NENW	3									

Total Acres: 602

Water Right 43-10813

05/10/2001

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: 43-10813
HOLMGREN LAND & LIVESTOCK
PO BOX 78
BEAR RIVER UT 84301
Telephone Number: (435)279-8267

RECEIVED

JUN 28 2001

Department of Water Resources
Southern Region

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: 6-20-01 SIGNATURE: Steven Holmgren
Please print your name: STEVEN HOLMGREN

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

AMENDED PRELIMINARY DIRECTOR'S REPORT

**Subcase Nos. 43-00043, 43-00347,
43-00348, 43-00350, 43-10813 & 43-10814**

**In Re SRBA
Twin Falls County Civil Case No. 39576**

Report to the SRBA District Court

**Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill, Jr., Adjudication Bureau Chief**

July 16, 1999

AMENDED PRELIMINARY DIRECTOR'S REPORT

AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

02/25/00 14:45:57
Page 1

Water Right Number - R43-10813

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
HOLMGREN LAND & LIVESTOCK

1 - PO BOX 78
2 -
3 -
City- BEAR RIVER State- UT Zip- 84301
Phone - 435-279-8267

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1881 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
CLEAR CREEK SINKS

+ - - - - Point of Diversion - - - - - +						
Twn	Rng	Sec	Tract	Lot	RFlg	County
16S	27E	27	SE SE NE			(31) CASSIA
		3	NW SW SW	R	(31) CASSIA	
		10	NW NE NW	R	(31) CASSIA	
		15	NW SE SE	R	(31) CASSIA	
IDaho WEIR						

+ - - - - Water Use - - - - - +					
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	11.100	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
11.100 0.0

+ - - - - Place of Use - - - - - +								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
15S	27E	29	NE SE		29.0	01	IRRIGATION	(31) CASSIA
15S	27E	29	NW SE		8.0	01	IRRIGATION	(31) CASSIA
15S	27E	29	SW SE		1.0	01	IRRIGATION	(31) CASSIA
15S	27E	29	SE SE		32.0	01	IRRIGATION	(31) CASSIA
15S	27E	33	NE NW		28.0	01	IRRIGATION	(31) CASSIA
15S	27E	33	NW NW		40.0	01	IRRIGATION	(31) CASSIA
15S	27E	33	SW NW		34.0	01	IRRIGATION	(31) CASSIA
15S	27E	33	SE NW		34.0	01	IRRIGATION	(31) CASSIA
15S	27E	33	NE SW		36.0	01	IRRIGATION	(31) CASSIA
15S	27E	33	SE SW		39.0	01	IRRIGATION	(31) CASSIA
15S	27E	33	SW SE		3.0	01	IRRIGATION	(31) CASSIA
16S	27E	4	NW NE	2	21.0	01	IRRIGATION	(31) CASSIA
16S	27E	4	SW NE		39.0	01	IRRIGATION	(31) CASSIA
16S	27E	4	SE NE		19.0	01	IRRIGATION	(31) CASSIA
16S	27E	4	NE SE		35.0	01	IRRIGATION	(31) CASSIA
16S	27E	4	NW SE		33.0	01	IRRIGATION	(31) CASSIA
16S	27E	10	SE SW		5.0	01	IRRIGATION	(31) CASSIA
16S	27E	10	SW SE		5.0	01	IRRIGATION	(31) CASSIA
16S	27E	15	NE NE		38.0	01	IRRIGATION	(31) CASSIA
16S	27E	15	NW NE		40.0	01	IRRIGATION	(31) CASSIA
16S	27E	15	SW NE		40.0	01	IRRIGATION	(31) CASSIA

AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

02/25/00 14:46:39
Page 2

Water right number - R43-10813

Prefix Translation: RESEARCH

+ - - - - Place of Use - - - - -								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
16S	27E	15	SE NE		40.0	01	IRRIGATION	(31) CASSIA
16S	27E	15	NE NW		3.0	01	IRRIGATION	(31) CASSIA

Total Acres: 602.0

+ - - Diversion Means - HEADGATES AND LATERALS.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - -

QNT THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED ABOVE AT THE POINT OF MEASUREMENT IN T16S, R27E, S27,
SESENE.

GEN THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43-B.

+ - - - - Old Water Right Numbers - - - - -

4300033
4300034
4300035
4300036

+ - - - - Conditions of Approval - - - - -

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +	+ - Decree Date -
ALBION-IDAHO LAND CO.	JOBE ADAMS ET AL	10/18/1928

+ - - Audit Fields - 02/10/98 DJONES 02/23/98 DJONES 04/16/98 CM1-SEGB 07/16/99 DJONES

+ - - - - Comments - - - - -

Date: 02/23/1998 User Id: DJONES Subject: COPIED FROM REMARKS

THIS CLAIM IS BASED ON CLEAR CREEK DECREED WATER 43-00033, 43-00034, 43-00035, 43-00036.

Date: 02/23/1998 User Id: DJONES Subject: COPIED FROM REMARKS

SEE DECREE FOR RESTRICTIONS.

43-00035, 43-00034, 43-00033 & 43-00039.

VARIABLE FEE AMOUNTING TO \$2. FEES ARE COVERED UNDER RECEIPT

THIS CLAIM IS BASED ON CLEAR CREEK DECREED WATER 43-00036,
ADDRESS CHANGE MADE 8-17-94 BY TLB
2/23/1998, DJ: AMENDED CLAIM RECEIVED THIS DAY WITH ADDITIONAL
NUMBERS S008299 & S020899.

AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

02/25/00 14:46:40

Page 3

Water right number - R43-10813

Prefix Translation: RESEARCH

+ - - - - - 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	- 04/12/1998	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 06/19/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 43B
Licensed Date	- 00/00/0000	Receipt Number	- X777777	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	- C
		Name Connector	-	Notice of Error Flag	-

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Quantity THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED ABOVE AT THE POINT OF MEASUREMENT IN T16S, R27E, S27, SESENE.
2. General THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43-B.

Comments:

Author	Date	Subject	Comment
DJONES	2/23/98	COPIED FROM REMARKS	THIS CLAIM IS BASED ON CLEAR CREEK DECREED WATER 43-00033, 43-00034, 43-00035, 43-00036. COPIED FROM REMARKS SEE DECREE FOR RESTRICTIONS. THIS CLAIM IS BASED ON CLEAR CREEK DECREED WATER 43-00036, 43-00035, 43-00034, 43-00033 & 43-00039. ADDRESS CHANGE MADE 8-17-94 BY TLB ***** 2/23/1998, DJ: AMENDED CLAIM RECEIVED THIS DAY WITH ADDITIONAL VARIABLE FEE AMOUNTING TO \$2. FEES ARE COVERED UNDER RECEIPT NUMBERS S008299 & S020899.

Dates:

Licensed Date:
Claim Received Date: 06/19/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date: 4/12/98
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates: No dates found

Other Information:

Receipt Number(s): S020899
State or Federal: S
Owner Name Connector:
Water District Number: 43B
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:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:

DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log: No log entries

02/08/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 43-10813

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HOLMGREN LAND & LIVESTOCK PO BOX 78 BEAR RIVER, UT 84301 (435)279-8267

Priority Date: 06/01/1881
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
CLEAR CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	11.1 CFS		

Total Diversion	11.1 CFS
-----------------	----------

Location of Point(s) of Diversion:

CLEAR CREEK	NWSWSW	Sec. 03	Township 16S	Range 27E	CASSIA County
CLEAR CREEK	NWSESE	Sec. 15	Township 16S	Range 27E	CASSIA County

IRRIGATION Use:
Acre Limit: 602

Place(s) of use:

Place of Use Legal Description: IRRIGATION

CASSIA County

<u>Townsh</u>	<u>Range</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>
15S	27E	29		NESE	29		NWSE	8		SWSE	1		SESE	32
		33		NENW	28		NWNW	40		SWNW	34		SESW	34
				NESW	36		SESW	39						
				SWSE	3									
16S		4	2	NWNE	21		SWNE	39		SENE	19			
				NESE	35		NWSE	33						
		10		SESW	5									
				SWSE	5									
		15		NENE	38		NWNE	40		SWNE	40		SENE	40
				NENW	3									

Total Acres: 602

Water Right 43-10813

Remarks:

RECEIVED

MAY 12 2000

Department of Water Resources

RECEIVED

MAY 22 2000

Department of Water Resources
Southern Region

South
VH

200 MAY 11 AM 11:17

DISTRICT COURT-SRBA

TWIN FALLS CO., IDAHO

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 43-10813

ORDER GRANTING MOTION
TO DISMISS UNITED STATES
AS A PARTY

On April 10, 2000, claimant Holmgren Land & Livestock, objector the United States of America, Department of Interior, Bureau of Land Management, and IDWR filed a *Stipulation to Resolve Objection and Joint Motion to Dismiss the United States as a Party*. In the *Stipulation*, the parties agreed to delete from the place of use 1 acre of land owned by the United States. In exchange, the United States agreed to withdraw its *Objection* to place of use and be dismissed, without prejudice, as a party to the subcase.

For good cause shown,

THEREFORE, IT IS ORDERED that the *Joint Motion to Dismiss the United States as a Party* is **granted**. The United States *Objection* is withdrawn and the United States is dismissed, without prejudice, as a party to subcase 43-10813.

Dated May 11, 2000.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTION TO DISMISS UNITED STATES AS A PARTY** was mailed May 11, 2000, with sufficient first-class postage prepaid as follows:

Director of IDWR
Box 83720
Boise, Idaho 83720-0098

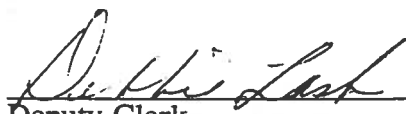
Office of the Attorney General
Peter J Ampe
Box 83720
Boise, Idaho 83720-0010

United States Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise, Idaho 83724

Roger D. Ling
P O Box 396
Rupert, Idaho 83350

Patrick D. Brown
109 S. Adams Street
Jerome, Idaho 83338

Steven Holmgren
P O Box 78
Bear River, Utah 84321


Deputy Clerk



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

3/5/1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Attn: Steve Holmgren
Holmgren Land and Livestock
PO Box 78
Bear River UT 84301

RE: Right 43-10813

Dear Mr Holmgren:

I am writing in regard to our previous conversations concerning the 1 ac of BLM land that was included on your SRBA claim recommendation. Please accept my apologies for the length of time it has taken to forward a possible course of action for you.

Initially I explored the possibility of your relinquishing the acre through IDWR; however, I have learned that the BLM has applied an alternative process that has been found to be acceptable to the courts and other claimants. I suggest that you give BLM's Fred Price a call, phone (208) 373-3831, and refer to the claim number referenced above. If this acceptable to you, you should indicate that you would be willing to settle the objection by stipulating to the removal of the 1 ac described on BLM land. At that point I do not know how the actual process will evolve. I do know Fred and respect his abilities with technical details, familiarity with legal processes, preferences to keep things as straight forward as possible.

That said, I recommend that you carefully review written materials forwarded by IDWR, BLM, the SRBA Court, and any other players. Specific questions regarding legal matters should be asked of an attorney, since IDWR is a technical support agency and staff are not attorneys. Please feel free to ask questions regarding the content and background of our recommendations.

I look forward to an acceptable resolution to the objection of the recommendation, and working with you in the future.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor
Southern Adjudication Unit

RECEIVED

FEB 16 1999

Department of Water Resources

RECEIVED

MAR 08 1999

Department of Water Resources
Southern Region

South

DJ

Names of Parties Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural
Resources Division

LARRY A. BROWN
Special Attorney, U.S. Dept. of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
Ph.: (208) 387-0834 FAX: (208) 387-0842

**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

) Subcase No. 43-10813
) *Clear Creek*
) **MOTION FOR ORDER GRANTING**
) **LEAVE TO FILE A LATE**
) **OBJECTION**
)
)

Case No. 39576

The United States of America, by and through the undersigned attorney, respectfully
moves this Court for an Order granting leave to file a late objection to water right claim number
43-10813. The Affidavit of Fredric W. Price in support of this motion and a Standard Form 1
Objection, Subcase Number 43-10813 are filed herewith.

MEMORANDUM OF POINTS AND AUTHORITIES

On February 27, 1998, the Idaho Department of Water Resources (hereinafter "IDWR") issued a preliminary director's report that contained a description of water right claim number 43-10813. Affidavit of Fredric W. Price in Support of Motion for Leave to File a Late Objection (hereinafter "Price Aff."). The United States Department of the Interior, Bureau of Land Management (hereinafter "BLM") became aware of the preliminary director's report in November, 1998. Price Aff. Mr. Fredric W. Price, a water rights specialist employed by the BLM, was informed by IDWR in November, 1998 that a final Director's Report containing a description of water right claim number 43-10813 was not published. Price Aff. This Court accepted the preliminary director's report as final without notice of publication of a final Director's Report, and without sufficient opportunity to file objections. Price Aff.

On February 1, 1998, Mr. Price discovered that water right claim number 43-10813 describes a place of use located on lands owned by the United States and managed by the BLM. Price Aff. A water right cannot be established in trespass. Bassett v. Swenson, 51 Idaho 526, 5 P.2d 722, 723 (1931). The time for filing objections to water right number 43-10813 is expired. Price Aff. However, if water right claim number 43-10813 is decreed as described in the final Director's Report, the "claim of right thus initiated [in trespass] is void." Id. (citing Marshal v. Niagara Springs Orchard Co. Ltd., 22 Idaho 144, 12 P. 208).

//

//

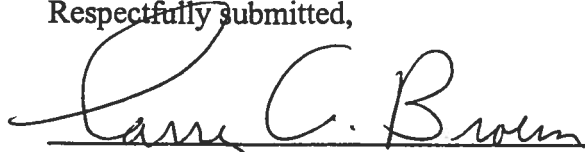
//

//

Because of a lack of notice of publication of a final Director's Report and insufficient opportunity to file objections, this Court should issue an Order granting leave for the BLM to file a late objection. BLM's objection would insure water right claim number 43-10813 is properly described in the partial decree that may be issued by this Court in the future.

DATED this 11th day of February, 1999.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Larry A. Brown", is written over a horizontal line.

Larry A. Brown, Special Attorney
U.S. Department of Justice

CERTIFICATE OF SERVICE

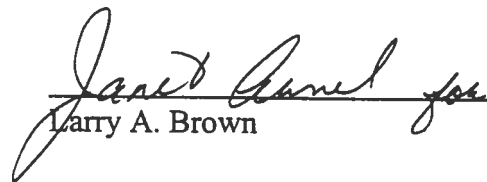
I certify that on Feb. 12, 1999, I served a true and correct copy of fore-going **MOTION FOR ORDER GRANTING LEAVE TO FILE A LATE OBJECTION** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources 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 83720-0098

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

Holmgren Land & Livestock
P.O. Box 78
Bear River, UT 84301


Larry A. Brown

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: SESENE S27 T16S R27E
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: _____

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): ALL MEASUREMENTS

ARE MADE AT THE IDAHO WEIR

RECEIVED

APR 17 1998

Department of Water Resource
Southern Region

RECEIVED

APR 15 1998

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

A: Subcase 43-10813

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

STEVEN HOLMGREN

Address:

Box 78

BEAR RIVER, UT. 84301

Daytime Phone:

435-279-8267

Name & Address of Attorney, if any:

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

Name:

HOLMGREN LAND AND LIVESTOCK

Address:

PO BOX 78

BEAR RIVER UT 84301

F.

VERIFICATION (Must be Completed)

State of UTAH)
)ss.

County of BOX ELDER)

STEVEN HOLMBREN . 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.

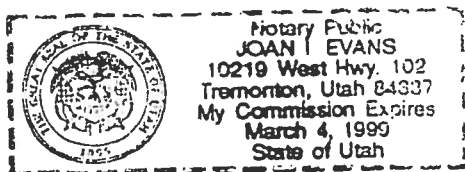
Steven Holmbren
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 10, 1998

Joan Evans



Notary Public for

Residing at:

10 Madison St.

My Commission Expires:

3-4-99

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.

CERTIFICATE OF MAILING

G.

I certify that on 4-12, 1998, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: _____

Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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


Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED

FEB 26 1999

Department of Water Resources
Southern Region

RECEIVED

FEB 19 1999

Department of Water Resources
Adjudication Bureau

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 43-10813

(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 208 387-0835; R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494

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: Holmgren Land & Livestock

Address: P.O. Box 78 Bear River, UT. 84301

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 United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

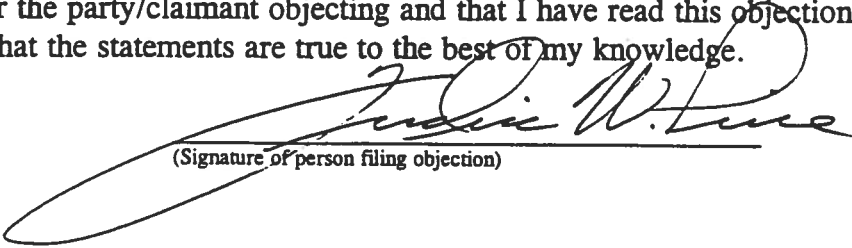
State of Idaho)

) ss.

County of Ada)

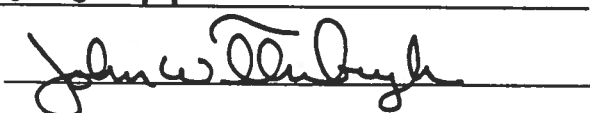
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 2-3-99


John W. Thornburgh

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 05-16-2003

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 _____, 199__, 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: Holmgren Land & Livestock

Address: P.O. Box 78 Bear River, UT. 84301

Name:

Address:

Name:

Address:

Name:

Address:

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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

Signature of Objector or attorney mailing on Objector's behalf

SRBA DIRECTORS REPORT 43-10813

Return to SRBA Home Page

IWT072

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

Right Number: 43-10813

Name and Address: HOLMGREN LAND & LIVESTOCK
PO BOX 78
BEAR RIVER, UT 84301

Source: CLEAR CREEK Tributary: SINKS

Quantity: 11.10 CFS

Priority Date: 06-01-1881

Diversion Point: T16S R27E S03 NWSWSW Within Cassia County
S15 NWSESE

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-01 TO 10-31	11.10 CFS

Place of Use:	Irrigation	Within Cassia County
T15S R27E S29	NESE 29	NWSE 8
	SWSE 1 BLM	SESE 32
S33	NENW 28	NWNW 40
	SWNW 34	SENE 34
	NESW 36	SESW 39
	SWSE 3	
T16S R27E S04 LOT 2	(NWNE) 21	LOT 2 (SWNE) 39
LOT 2	(SENE) 19	LOT 2 (NESE) 35
LOT 2	(NWSE) 33	
S10	SESW 5	SWSE 5
S15	NENE 38	NWNE 40
	SWNE 40	SENE 40
	NENW 3	

602 Acres Total

Other Provisions Necessary for Definition / Administration of this Water Right:

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER
DISTRICT 43-B.

Explanatory Material: Basis of Claim - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

Return to SRBA Home Page

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)02/23/98 14:31:46
Page 1

Water Right Number - R43-10813 Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***
HOLMGREN LAND & LIVESTOCK

1 - PO BOX 78

2 -

3 -

City- BEAR RIVER

Phone - 435-279-8267

State- UT Zip- 84301

+ - - - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/01/1881 17 SOUTHERN D - DECREED+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
CLEAR CREEK SINKS

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

+ - - - - TwN Rng Sec Tract Lot Rflg County

16S 27E 3 NW SW SW (31) CASSIA
15 NW SE SE (31) CASSIA+ - - - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 11.100+ - - - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
11.100 0.0+ - - - - TwN Rng Sec Tract Lot Acres Place of Use Code Description County
15S 27E 29 NE SE 29.0 01 IRRIGATION (31) CASSIA
15S 27E 29 NW SE 8.0 01 IRRIGATION (31) CASSIA
15S 27E 29 SW SE 1.0 01 IRRIGATION (31) CASSIA
15S 27E 29 SE SE 32.0 01 IRRIGATION (31) CASSIA
15S 27E 33 NE NW 28.0 01 IRRIGATION (31) CASSIA
15S 27E 33 NW NW 40.0 01 IRRIGATION (31) CASSIA
15S 27E 33 SW NW 34.0 01 IRRIGATION (31) CASSIA
15S 27E 33 SE NW 34.0 01 IRRIGATION (31) CASSIA
15S 27E 33 NE SW 36.0 01 IRRIGATION (31) CASSIA
15S 27E 33 SE SW 39.0 01 IRRIGATION (31) CASSIA
15S 27E 33 SW SE 3.0 01 IRRIGATION (31) CASSIA
16S 27E 4 NW NE 21.0 01 IRRIGATION (31) CASSIA
16S 27E 4 SW NE 39.0 01 IRRIGATION (31) CASSIA
16S 27E 4 SE NE 19.0 01 IRRIGATION (31) CASSIA
16S 27E 4 NE SE 35.0 01 IRRIGATION (31) CASSIA
16S 27E 4 NW SE 33.0 01 IRRIGATION (31) CASSIA
16S 27E 4 SE SW 5.0 01 IRRIGATION (31) CASSIA
16S 27E 10 SW SE 5.0 01 IRRIGATION (31) CASSIA
16S 27E 15 NE NE 38.0 01 IRRIGATION (31) CASSIA
16S 27E 15 NW NE 40.0 01 IRRIGATION (31) CASSIA
16S 27E 15 SW NE 40.0 01 IRRIGATION (31) CASSIA
16S 27E 15 SE NE 40.0 01 IRRIGATION (31) CASSIA

Water right number - R43-10813

Prefix Translation: RESEARCH

Trn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
16S	27E	15	NE NW	3.0	01	IRRIGATION	(31) CASSIA	
Total Acres:							602.0	

+ - - - - Diversion Means - HEADGATES AND LATERALS.

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use -

+ - - - - Remarks -

GEN THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43-B.

+ - - - - Old Water Right Numbers -

4300033

4300034

4300035

4300036

+ - - - - Conditions of Approval -

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION

- PURSUANT TO SECTION 42-1425, IDAHO CODE.

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO

- SECTION 42-1425, IDAHO CODE.

+ - - - - Decree Plaintiff - +

ALBION-IDAHO LAND CO.

+ - - - - Decree Defendant - - - +

JOBE ADAMS ET AL

+ - - - - Decree Date - +

10/18/1928

+ - - - - Comments-

Date: 02/23/1998 User Id: DJONES Subject: COPIED FROM REMARKS

THIS CLAIM IS BASED ON CLEAR CREEK DECREED WATER 43-00033,

Date: 02/23/1998 User Id: DJONES Subject: COPIED FROM REMARKS

SEE DECREE FOR RESTRICTIONS.

43-00035, 43-00034, 43-00033 & 43-00039.

VARIABLE FEE AMOUNTING TO \$2. FEES ARE COVERED UNDER RECEIPT

NUMBERS S008299 & S020899.

THIS CLAIM IS BASED ON CLEAR CREEK DECREED WATER 43-00036,

ADDRESS CHANGE MADE 8-17-94 BY TLB

2/23/1998, DJ: AMENDED CLAIM RECEIVED THIS DAY WITH ADDITIONAL

+ - - - - Audit Fields - - +

02/23/98 DJONES

+ - - - - 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	- 00/00/0000	Old Judicial District	-

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Page 3
02/23/98 14:31:48

Water right number - R43-10813

Prefix Translation: RESEARCH

Claim Received Date	- 06/19/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 438
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- C
				Notice of Error Flag	-

NO. OF CLAIMS IN POLYGON _____

TRANSFER NUMBER _____

CLAIM NUMBERS -00347 -00348DATE 01-22-98

OBJECTION FILED _____

-00350 -10813AGENT 71TOTAL ACRES FROM RECOMMENDATION 451

GEOGRAPHIC INFO SYSTEM _____

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM						40										35			16
GIS						39.7										35.4			15.6
<i>Claimed</i>	1165	27E	4			40										40			40
RECOM														34					
GIS														33.8					
<i>Claimed</i>	155	28E	28											40					
RECOM																29	8		32
GIS																29.3	7.7		31.6
<i>Claimed</i>	155	27E	29												40	40	40		40
RECOM								35	40	34	40	40			40			28	
GIS								34.7	39.8	34.1	39.8	39.8			39.4			27.5	
<i>Claimed</i>	155	27E	33					40	40	40	40	40			40			40	

UPDATED

B36-DBPOU.DBF

B36-DBPOD.DBF

POLYGON #

UPDATED

ATTRIBUTES OF B36-POU.SHP

ATTRIBUTES OF B36-POD.SHP

22, 23, 24 1/30

(5)

* 155 27E 32 NENE = 14.2 ac : Not claimed, but contiguous
 28 SE SW = 4.6 ac : " "

Σ claimed = 560 (+40 duplicated = 600)

Σ GIS = 448.1

Σ Acc = 450 (Δ = 110)

@ 1"/ac: rts under
 A43-10813 would
 provide 530 ac.

There are 600 ac
 claimed (w/ dup 40)
 GIS found 450 ac
 within claimed
 POU

When were
 -00347 -00348 -00350
 bought & transferred
 ???
 ...
 These rights
 overlap -00286

P/U CONFLICT yes () no ()

P/D CONFLICT yes () no ()

SENT FOR DECREE yes () no ()

TRANSFER NUMBER _____

CLAIM NUMBERS 43-10813 _____ DATE _____

AGENT _____

GEOGRAPHIC INFO ACRES

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM																			
GIS																			
CLAIM																			
GIS																			
CLAIM																			
GIS																			
CLAIM																			
GIS																			

UPDATED POLYGON # UPDATED

B43 -DBPOU.DBF _____ POLYGON CREATED ON 604 () _____
B43 -DBPOD.DBF _____ ATTRIBUTES OF B43 -POU.SHP 17, 18, 23
ATTRIBUTES OF B43 -POD.SHP 4, 6
Sec 15 Sec 3



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

January 26, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES HOLMGREN SECRETARY
HOLMGREN LAND & LIVESTOCK
785 NORTH 350 EAST
TREMONTON, UT 84337

RE: RIGHTS FROM CLEAR CREEK CLAIMED IN THE SNAKE RIVER BASIN
ADJUDICATION.

Dear Mr Holmgren:

As a result of Judge Daniel C. Hurlbutt Jr's Order for Director's Report issued October 24, 1997 in SRBA Case No. 92-00014 Harold Jones and Ray Jones v. Naf Irrigation Company department staff will present draft recommendations for claims identifying Clear Creek as a source.

The meeting is scheduled for February 10, 1998 at 1 pm in the conference room of the Raft River Electric office in Malta. Please plan to attend this meeting or let us know if you won't be there.

David R. Tuthill, Jr., P.E., Chief, Adjudication Bureau will attend along with adjudication staff of the department's Twin Falls office.

The presentation will use geographic information systems (GIS) computer graphics that were developed from reviews of aerial photos showing 1987 irrigation usages photographed by the Soil Conservation Service.

Please contact me at 208-736-3033 to confirm that you will be able to come to the meeting and with any questions you may have about the review procedure.

Sincerely Yours,

Francis G. Hitchcock
Water Resources Agent, Sr.

cc: Patrick D. Brown, Esq.
Roger D. Ling, Esq.

HL+L

- 1) confirm POD for A43-10814
a. SE $\frac{1}{4}$ § 15
- 2) ditto " " A43-10813
a. SW $\frac{1}{4}$ § 10
b. check structure @ 9+10
- 3) ditto " " A43-10534 (GN)
- 4) ditch in § 33 - a headgate.
- 5) spring in § 28/29 (channel source?)
- 6) Channel for CL. CR @ boundary E
from STEWART pond.
a. ditch system to STEWART
- 7)

Campbell: Filled in the old C. L. Channel
Sr. K: farming it. (approx 1984)

(★) in ID. a while this year (Norm)

REVIEW 01-12-98:

by pri date only -

VT. mty.

have had enough

- UNCLAIMED
1. 05-21-1910 -00347
 2. 01-17-1911 -00348
 3. 07-14-1912 -00350

(w/ Campbell.)

(map)

CLAIMED 07-06-95
LATE - taken by K.C.

to E ditch of K's ho

25"

Unclaimed - H.L. & L.

130"

"

-

"

- 1908 water -05/1

60"

"

-

" CLAIMED 1910

05/1

26"

"

-

" CLAIMED 1911

01/1

75"

"

-

" CLAIMED 1912

07/1

?

Fredrickson - NAF store 1911

11/2

(★)

Rice Cr. flows to Round Mtn:
K. Sr. has the site

Gunnell - & delivery, & succession
Dosen/ 1970s - abandoned @ Settlers

MFG:

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 10.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 10.6 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
155	276	33					40	40	40	40	40			40				40	280
		28											40						40
		29													40	40		40	120
		4			40	40									40			40	160

Total number of acres irrigated 600

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

12. Do you own the property listed above as place of use? Yes ☒ 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 (☒)

14. Remarks: This Claim is Based on Clear Creek Decreed
Water 43-00036, 43-00034, 43-00033, 43-00035-

Last Name -10813

COPY

Ident No. _____

Copies: White -State, Yellow-Claimant

OCT-24-97 FRI 10:51 AM

SRBA DIST COURT

FAX NO. 12087362121

P. 02

P.

RECEIVED

OCT 28 1997

Department of Water Resources
Southern Region

ADAM KCH
Allen

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

HAROLD JONES and RAY JONES

Plaintiffs,

v.

NAF IRRIGATION COMPANY, a
Utah Corporation; LARRY KEMPTON
in his capacity as an individual and as
president of NAF IRRIGATION
COMPANY; LAVERNE KEMPTON,
individually and in his capacity as Water
Master and Ditchrider for NAF
IRRIGATION COMPANY; MONTE
CAMBELL as an individual; and JEFF
SESSIONS doing business as ROUND
MOUNTAIN RANCH,

Defendants.

SRBA Case No. 92-00014

ORDER FOR DIRECTOR'S REPORT

This case is a dispute between several water rights holders on Clear Creek in the state of Idaho. The SRBA court has jurisdiction because the case requires a determination of one or more elements of the disputed water rights. *Young Harvey Walker v. Big Lost River Irrigation District*, 856 P. 2d 868, 124 Idaho 78 (1993). During the course of litigation, it has become apparent that trial

RECEIVED

ORDER FOR DIRECTOR'S REPORT
G:\ORDERS\DIRRPT.NAF
10/24/97

OCT 30 1997

Page 1 of 3

Department of Water Resources
Southern Region

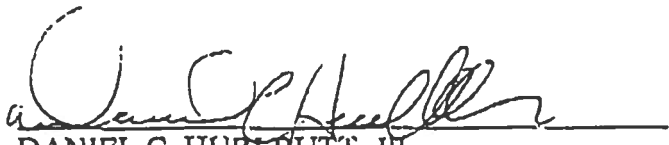
of the several water rights at issue is likely to result in duplicative litigation when the Clear Creek Stream System is reported in a Director's Report as part of the SRBA.

To avoid a multiplicity of litigation between these and other parties on Clear Creek, this court enters the following order:

1. The Idaho Department of Water Resources shall prepare a preliminary Director's Report for all, approximately thirty, water rights claimed in the Snake River Basin Adjudication on Clear Creek. This report shall be prepared and submitted to the court on or before February 27, 1998.
2. The court will serve copies of the preliminary Director's Report on each claimant included in the report.
3. All claimants included in the Director's Report for Clear Creek shall file objections to the report on or before March 27, 1998.
4. Any party wishing to file a response to an objection to the preliminary Director's Report shall file the response with the court on or before April 10, 1998.
5. A scheduling conference on all objections and responses filed to the preliminary Director's Report for Clear Creek will be held on Monday, April 13, 1998 at 10 a.m. in the district courthouse for the Snake River Basin Adjudication located at 253 3rd Avenue North, Twin Falls, Idaho. All parties and counsel are required to be personally present at this scheduling conference.
6. Parties in the *Jones v. NAF Irrigation Company et al* case pending before the court shall be allowed to continue discovery on issues raised in the pleadings.
7. The prior scheduling order and trial setting in *Jones v. NAF Irrigation, et al* is hereby vacated in favor of the schedule set forth in this order.

IT IS SO ORDERED.

DATED October 24, 1997.


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER FOR DIRECTOR'S REPORT** was mailed on October 24, 1997, with sufficient first-class postage to the following:

Patrick D Brown
Hepworth, Lezamiz & Hohnhorst
PO Box 389
Twin Falls, ID 83303-0389

Roger D Ling
Ling, Nielson & Robinson
PO Box 396
Rupert, ID 83350



Deputy Clerk

08-22-01

10²⁰

Mon - UT. district

Kempster, Larry - Clear Creek Water Users
Kempster, Vern - ditch rider
Chrybill, Bob - secretary (MONT)

Id. users have been given cda of decree
Sundgren - watermaster (till 2 yrs
ago)

3 decrees - UT decree
Id. " " tied together 1)
2)
3)

measurement @ ?
gaging station - same P/D as hista.
site mentioned in a
washed out 25 yrs ago
USGS came up monthly - in addition
to other Kanyons.
Cippselli weir - trash adjacent
some " " have been replaced.



Verm

ca. ditch has a weir -
when reaches 20 ft - goes to 2
15 ft in or but couldn't tell
has been moved downstream -

other diversion - approx 3-400' from
old gauging P.D.
same as the Id. diversion
10' cyp weir.

in spring - 2 diversions until it
comes up
users have good runoff, soil
soaks up and everyone has
good water in channel
knobs w/ sub around Vermilion.

Crude can surge 50-60' 24 hrs.
can freeze up
in 2 yrs can be to dry to see
normal in: 20' - then ID can go
thru 560

Campbell:
St. K: Filled in the old C. G. Channel
 forming it. (approx. 1984)

★: in ID. a while this year (Worm)

Rug's Lawyer @ VT. Mts.
 "ID. guys have had enough
 Shindlerge"

revised degree
(map) Pot/runner/mta. (w/ Campbell.)

3 out of ditch & ditch of K's ho

25"	Unclaimed -	H.L. & L.	
130"	"	"	- 1908 water - 05/1
60"	"	"	1910 05/1
26"	"	"	1911 01/1
75"	"	"	1912 07/1

Fredrickson - NAF store 1911 11/2

★: Rice Cr. flows to Round Mtn:
 K. Sr. has the site.

Ginnell - & delivery, & delivery
 ★, Olsen/1973 - abandoned @ Settling

-4-

Ray wants to run a pipeline from
Chen Co

vt. users will get water and
would be injured

$$\begin{array}{r} \textcircled{17} \\ \hline 16 \end{array} \quad \begin{array}{r} \textcircled{17} \\ \hline 16 \end{array}$$

8,

← 20 cfs
17 cfs
25~

11.66 cfs / 16 cfs is NAF-4

.5
0-12

Company

1994

April	22	6.0	20	17.0	17	8.0
	23	8.	21	17.0	18	8.
	24	9.	22	16.0	19	8.
	25	9.5	23	15.0	20	8.
	26	8.5	24	15.0	21	7.
	27	7.5	25	17.0	22	7.
	28	6.5	26	18.0	23	7.
	29	5.5	27	18.0	24	7.
	30	5.5	28	18.0	25	7.
MAY	1	5.0	29	18.0	26	6.0
	2	4.5	30	18.0	27	went on turns
	3	4.0	31	18.0		
	4	4.5	JUNE 1	17.0		
	5	8.0	2	16.		
full degree	6	12.0	3	15.		
	7	14.0	4	15.		
	8	18.0	5	15.		
	9	25.5	6	15.		
<u>IDaho 10</u>	10	28.0	7	15.		
	11	30.5	8	15.		
	12	37.5	9	15.		
	13	47.0	10	15.		
	14	48.	11	15.		
	15	35.	12	15.		
	16	33.	13	13.		
	17	35.	14	12.		
split	18	26.	15	12.		
	19	20.	16	10.		

LAST: HOLMGREN LAND & LIVESTOCK
ADDRESS: BEAR RIVER CITY
CITY: BEAR RIVER CITY
PHONE NUMBER: 801-257-5539
STATE: UT
ZIP: 84301

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS:

SEE DECREE FOR RESTRICTIONS.
THIS CLAIM IS BASED ON CLEAR CREEK DECREED WATER 43-00036,
43-00035, 43-00034, 43-00033.

FIELD EXAMINATION INFORMATION

CONTACT PERSON:

DATE OF FIELD EXAM

08/15/94

APPOINTMENT MADE: Y() N()

PHONE NUMBER: () -

TIME: 10: - A() P()

ACCOMPANIED BY:

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / NOTES: