

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT - 8 2002	
By _____	Clerk
_____	County Clerk

**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	)	
	)	ORDER OF PARTIAL DECREE
Case No. 39576	)	
	)	For Water Right 43-10009
_____	)	

On August 29, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 43-10009 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED October 8, 2002



 ROGER S. BURDICK
 Presiding Judge
 Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-10009

OCT - 2 2002

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: DANIEL R STOLFUS
LOLA R STOLFUS
1873 S ELBA ALMO RD
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 12/08/1986

POINT OF DIVERSION: T13S R25E S28 SESW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Cassia County
T13S R25E S28 SESW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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

Roger Burdick
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 OCT 08 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA

Case No. 39576

)
)
)
)
CERTIFICATE OF MAILING

Water Right(s): 43-10009

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 43-10009 was mailed
on October 08, 2002, with sufficient first-class postage prepaid
to the following:

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

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

DANIEL R STOLFUS
LOLA R STOLFUS
1873 S ELBA ALMO RD
MALTA, ID 83342
Phone: 208-638-5560

ROBBIN HALL
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
10/08/02

RECEIVED

SEP - 3 2002

2002 AUG 29 PM 4: 05

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

**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 43-10009
) (Stolfus)

Case No. 39576

)
) **SPECIAL MASTER REPORT**

Findings of Fact

Jack and Ruth McCleskey filed a *Notice of Claim to a Water Right* on September 19, 1988, claiming .04 cfs from groundwater for year-'round domestic use in Cassia County with a priority date of December 8, 1986, based on beneficial use. The Director of the Idaho Department of Water Resources 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 filed, but to Daniel and Lola Stolfus, 1873 S. Elba Almo Road, Malta, Idaho 83342.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on February 8, 2002, objecting to point of diversion. However, on July 5, 2002, the claimants, the United States and IDWR filed an *Amended Claim Standard Form 5* changing the point of diversion.

Conclusions of Law

Daniel and Lola Stolfus are entitled to a partial decree adjudicating a water right under claim 43-10009 as described in the *Amended Claim Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-10009*.

DATED August 29, 2002.

Terrence A. Dolan

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. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-10009

2002 AUG 29 PM 4:05
DISTRICT COURT SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: DANIEL R STOLFUS
LOLA R STOLFUS
1873 S ELBA ALMO RD
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 12/08/1986

POINT OF DIVERSION: T13S R25E S28 SESW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Cassia County
T13S R25E S28 SESW

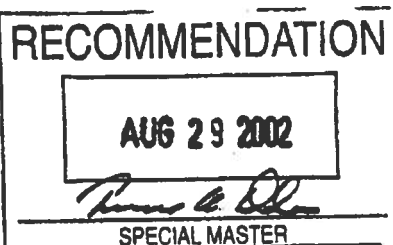
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

RULE 54(b) CERTIFICATE

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



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

SEP - 3 2002

2002 AUG 29 PM 4:05

Department of Water Resources

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

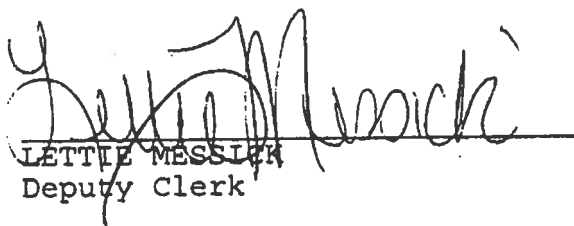
Water Right(s): 43-10009

On August 29, 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 August 29, 2002.


LETTIE MESSIER
Deputy Clerk

NOTICE OF ISSUANCE

PAGE 1
08/29/02

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10009 V2

WATER RIGHT NUMBER: 43-10009 V2

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RUTH I MC CLESKEY PO BOX 484 ELBA, ID 83326 (208)638-5578
Current Owner	DANIEL R STOLFUS 1873 S ELBA ALMO RD MALTA, ID 83342 (208)638-5560
Original Owner	JACK H MC CLESKEY PO BOX 484 ELBA, ID 83326 (208)638-5578
Current Owner	LOLA R STOLFUS 1873 S ELBA ALMO RD MALTA, ID 83342 (208)638-5560

Priority Date: 12/08/1986

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 28, Twp 13S, Rge 25E, B.M.
CASSIA County		

Place of UseDOMESTIC Within CASSIA County

T13S R25E S28 SESW

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Robertson, Jean

From: Robertson, Jean
Sent: Tuesday, June 11, 2002 9:38 AM
To: Brown, Roxanne
Subject: 43-10009

Hi Roxanne,

This is a BLM Objection that I'm wondering if you are working on? The PoD was claimed wrong and recommended wrong...it should be in the SESW and probably the **NWSESW**, not the SESWSE. We have an ownership change here in the file (received 6/20/2001 to Stolfus) with deeds that show the parcel is in the SESW of Section 28. I heard from Mrs. Stolfus today and she would like things to be settled so she doesn't have to attend the Initial Hearing on August 14 @ 1:30pm if possible. Any chance of getting things settled before then? Let me know if you need anything from us...I also have an email fro Mrs. Stolfus so we can keep her informed. Thanks, Jeanie

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 43-10009

(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: Daniel R. Stolfus

Address: 1873 S. Alba Almo Rd.; Malta, ID. 83342

Name: Lola R. Stolfus

Address: 1873 S. Elba Almo Rd.; Malta, ID. 83342

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: See attached

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):

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 POD. Claimant's water right should not include this POD.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

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

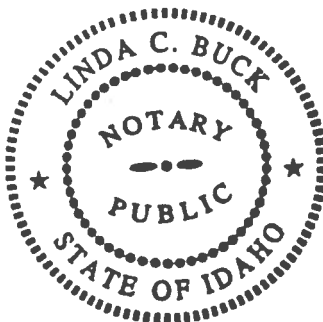
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
(Signature of person filing objection)

Larry C. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: February 7, 2002

Linda C. Buck



Linda C. Buck
Notary Public for Idaho
Residing at: Mountain Home
My Commission Expires: 12-21-2005

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Daniel R. Stolfus
Address: 1873 S. Alba Almo Rd.; Malta, ID. 83342

Name: Lola R. Stolfus
Address: 1873 S. Elba Almo Rd.; Malta, ID. 83342

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: 43-10009

NAME AND ADDRESS: DANIEL R STOLFUS
1873 S ELBA ALMO RD
MALTA ID 83342

LOLA R STOLFUS
1873 S ELBA ALMO RD
MALTA ID 83342

- Unauthorized POD on BLM
- There is no well on BLM within the POD description
- PERHAPS THIS LOCATION IS A TYPOGRAPHICAL ERROR?
- SEE MAP ATTACHED TO DEED.

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 12/08/1986

POINT OF
DIVERSION:

T13S R25E S28 SESWSE Within CASSIA County BLM

PURPOSE AND
PERIOD OF USE:

SHOULD THIS BE DESCRIBED AS SESW
WHERE THE POU IS? MAYBE.. EVEN THE NW 10a tract?

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
1/01 12/31

QUANTITY
0.040 CFS

PLACE OF USE: DOMESTIC Within CASSIA County
T13S R25E S28 SESW

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
PARCEL NO. RP13S25E286750

TOWNSHIP 13 SOUTH RANGE 25 EAST OF THE BOISE MERIDIAN, IDAHO

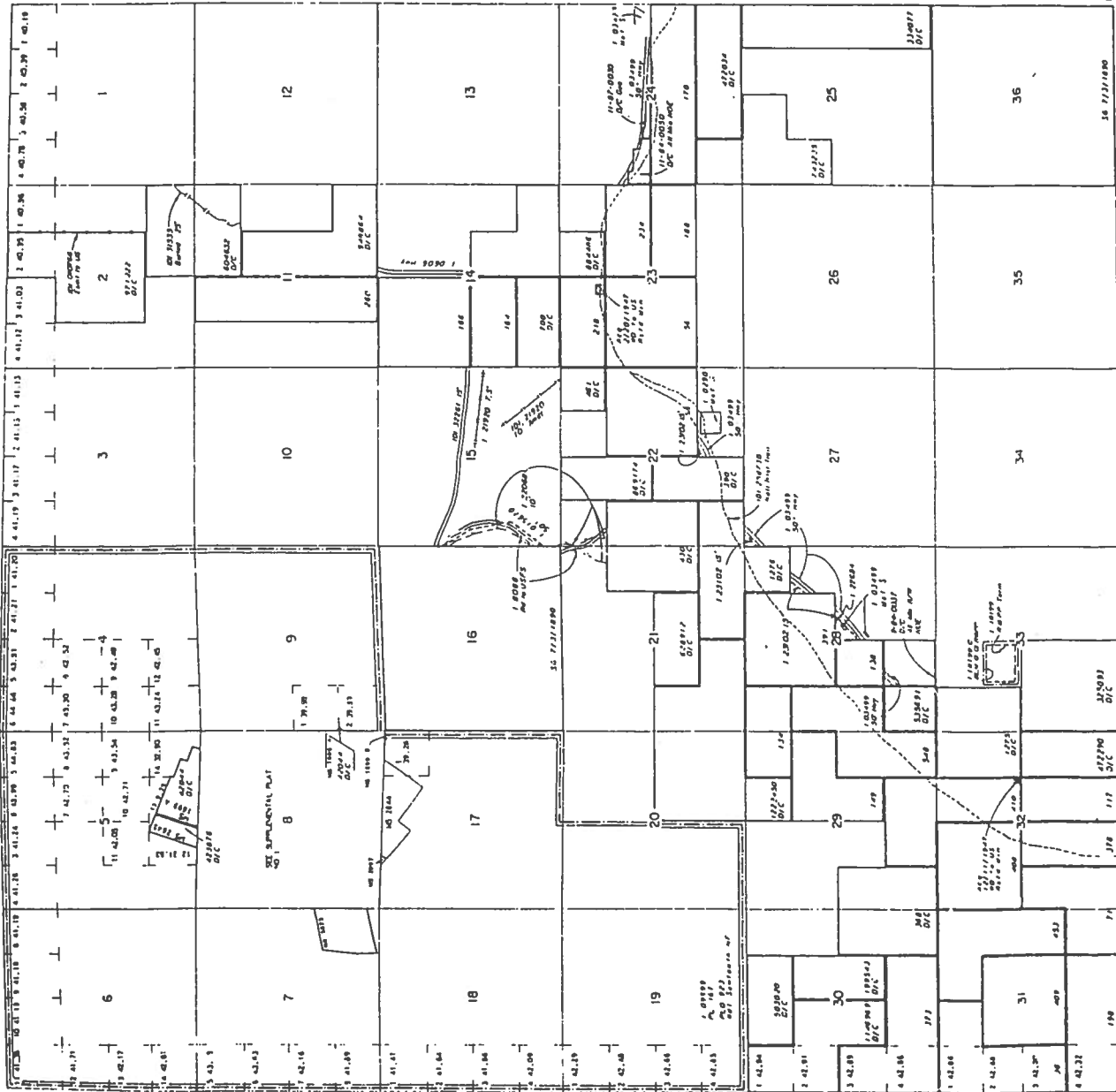
CASSIA COUNTY
BUREAU DISTRICT SEC. 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

INDEX TO SEGREGATED TRACTS		
TRACT NO.	T	R
1	2	5
2	2	5
3	2	5
4	2	5
5	2	5
6	2	5
7	2	5
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32	2	5
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35	2	5
36	2	5

1. 09999 Oct. 16, 1897 (Act of Cong. 12/21/1933)
completed 1/12/1932. All of surface land by U.S.
excluding
1. 09999 A. 1. Sec. 8, 35, 6, 1901
1. 09999 A. 2. Sec. 8, 35, 6, 1901
1. 09999 A. 3. Sec. 8, 35, 6, 1901
1. 09999 A. 4. Sec. 8, 35, 6, 1901
1. 09999 A. 5. Sec. 8, 35, 6, 1901
1. 09999 A. 6. Sec. 8, 35, 6, 1901
1. 09999 A. 7. Sec. 8, 35, 6, 1901
1. 09999 A. 8. Sec. 8, 35, 6, 1901
1. 09999 A. 9. Sec. 8, 35, 6, 1901
1. 09999 A. 10. Sec. 8, 35, 6, 1901
1. 09999 A. 11. Sec. 8, 35, 6, 1901
1. 09999 A. 12. Sec. 8, 35, 6, 1901
1. 09999 A. 13. Sec. 8, 35, 6, 1901
1. 09999 A. 14. Sec. 8, 35, 6, 1901
1. 09999 A. 15. Sec. 8, 35, 6, 1901
1. 09999 A. 16. Sec. 8, 35, 6, 1901
1. 09999 A. 17. Sec. 8, 35, 6, 1901
1. 09999 A. 18. Sec. 8, 35, 6, 1901
1. 09999 A. 19. Sec. 8, 35, 6, 1901
1. 09999 A. 20. Sec. 8, 35, 6, 1901
1. 09999 A. 21. Sec. 8, 35, 6, 1901
1. 09999 A. 22. Sec. 8, 35, 6, 1901
1. 09999 A. 23. Sec. 8, 35, 6, 1901
1. 09999 A. 24. Sec. 8, 35, 6, 1901
1. 09999 A. 25. Sec. 8, 35, 6, 1901
1. 09999 A. 26. Sec. 8, 35, 6, 1901
1. 09999 A. 27. Sec. 8, 35, 6, 1901
1. 09999 A. 28. Sec. 8, 35, 6, 1901
1. 09999 A. 29. Sec. 8, 35, 6, 1901
1. 09999 A. 30. Sec. 8, 35, 6, 1901
1. 09999 A. 31. Sec. 8, 35, 6, 1901
1. 09999 A. 32. Sec. 8, 35, 6, 1901
1. 09999 A. 33. Sec. 8, 35, 6, 1901
1. 09999 A. 34. Sec. 8, 35, 6, 1901
1. 09999 A. 35. Sec. 8, 35, 6, 1901
1. 09999 A. 36. Sec. 8, 35, 6, 1901
1. 09999 A. 37. Sec. 8, 35, 6, 1901
1. 09999 A. 38. Sec. 8, 35, 6, 1901
1. 09999 A. 39. Sec. 8, 35, 6, 1901
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1. 09999 A. 41. Sec. 8, 35, 6, 1901
1. 09999 A. 42. Sec. 8, 35, 6, 1901
1. 09999 A. 43. Sec. 8, 35, 6, 1901
1. 09999 A. 44. Sec. 8, 35, 6, 1901
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1. 09999 A. 46. Sec. 8, 35, 6, 1901
1. 09999 A. 47. Sec. 8, 35, 6, 1901
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1. 09999 A. 49. Sec. 8, 35, 6, 1901
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1. 09999 A. 51. Sec. 8, 35, 6, 1901
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1. 09999 A. 53. Sec. 8, 35, 6, 1901
1. 09999 A. 54. Sec. 8, 35, 6, 1901
1. 09999 A. 55. Sec. 8, 35, 6, 1901
1. 09999 A. 56. Sec. 8, 35, 6, 1901
1. 09999 A. 57. Sec. 8, 35, 6, 1901
1. 09999 A. 58. Sec. 8, 35, 6, 1901
1. 09999 A. 59. Sec. 8, 35, 6, 1901
1. 09999 A. 60. Sec. 8, 35, 6, 1901
1. 09999 A. 61. Sec. 8, 35, 6, 1901
1. 09999 A. 62. Sec. 8, 35, 6, 1901
1. 09999 A. 63. Sec. 8, 35, 6, 1901
1. 09999 A. 64. Sec. 8, 35, 6, 1901
1. 09999 A. 65. Sec. 8, 35, 6, 1901
1. 09999 A. 66. Sec. 8, 35, 6, 1901
1. 09999 A. 67. Sec. 8, 35, 6, 1901
1. 09999 A. 68. Sec. 8, 35, 6, 1901
1. 09999 A. 69. Sec. 8, 35, 6, 1901
1. 09999 A. 70. Sec. 8, 35, 6, 1901
1. 09999 A. 71. Sec. 8, 35, 6, 1901
1. 09999 A. 72. Sec. 8, 35, 6, 1901
1. 09999 A. 73. Sec. 8, 35, 6, 1901
1. 09999 A. 74. Sec. 8, 35, 6, 1901
1. 09999 A. 75. Sec. 8, 35, 6, 1901
1. 09999 A. 76. Sec. 8, 35, 6, 1901
1. 09999 A. 77. Sec. 8, 35, 6, 1901
1. 09999 A. 78. Sec. 8, 35, 6, 1901
1. 09999 A. 79. Sec. 8, 35, 6, 1901
1. 09999 A. 80. Sec. 8, 35, 6, 1901
1. 09999 A. 81. Sec. 8, 35, 6, 1901
1. 09999 A. 82. Sec. 8, 35, 6, 1901
1. 09999 A. 83. Sec. 8, 35, 6, 1901
1. 09999 A. 84. Sec. 8, 35, 6, 1901
1. 09999 A. 85. Sec. 8, 35, 6, 1901
1. 09999 A. 86. Sec. 8, 35, 6, 1901
1. 09999 A. 87. Sec. 8, 35, 6, 1901
1. 09999 A. 88. Sec. 8, 35, 6, 1901
1. 09999 A. 89. Sec. 8, 35, 6, 1901
1. 09999 A. 90. Sec. 8, 35, 6, 1901
1. 09999 A. 91. Sec. 8, 35, 6, 1901
1. 09999 A. 92. Sec. 8, 35, 6, 1901
1. 09999 A. 93. Sec. 8, 35, 6, 1901
1. 09999 A. 94. Sec. 8, 35, 6, 1901
1. 09999 A. 95. Sec. 8, 35, 6, 1901
1. 09999 A. 96. Sec. 8, 35, 6, 1901
1. 09999 A. 97. Sec. 8, 35, 6, 1901
1. 09999 A. 98. Sec. 8, 35, 6, 1901
1. 09999 A. 99. Sec. 8, 35, 6, 1901
1. 09999 A. 100. Sec. 8, 35, 6, 1901



SCALE IN CHAINS
0 10 20 30 40

THE NOTION 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 WITH-
DRAWAL ORDER

Lat 42°14'30" N
Long 111°29'30" W

CURRENT TO	DIRECT TO
FEB 23 1938	

USE PLATS

FOR ORDERS EFFECTIVE DISPOSAL ON USE OF
UNRECORDED DEEDS, REFERENCE TO INDEX OF
RECORDED DOCUMENTS

Base Map
T. 13S
R. 25E

263225

WARRANTY DEED

#3174

For Value Received

RECEIVED

JUN 20 2001

Department of Water Resources
Southern Region

JARED UDY and EMILY P. UDY, husband and wife and
RICHARD LANCE UDY and KRISTINE UDY, husband and wife
Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

DANIEL R. STOLFUS and LOLA R. STOLFUS, husband and wife
Address: 1873 South Elba/Almo Road, Elba, ID 83326

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

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: Part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 28, more particularly described as follows:

Beginning at the Northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 28, said corner marked by an iron monument; thence South 89°47'03" East along the North line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ for 490.55 feet to a 1/2 inch rebar which shall be the Point of Beginning;
Thence South 89°47'03" East along the North line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ for 96.51 feet to a 1/2 inch rebar;
Thence South 3°53'25" East for 564.15 feet to a 1/2 inch rebar;
Thence South 51°51'57" West for 350.09 feet to a 1/2 inch rebar;
Thence North 14°40'22" West for 596.59 feet to a 1/2 inch rebar;
Thence North 55°15'46" East for 354.96 feet to the Point of Beginning.

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: SE $\frac{1}{4}$ SW $\frac{1}{4}$

LESS a perpetual road right-of-way over and across the West 66 feet of said SE $\frac{1}{4}$ SW $\frac{1}{4}$, as reserved in U. S. Patent, recorded August 27, 1984 as Instrument No. 163191 on Film No. 167, records of Cassia County, Idaho;

EXCEPTING THEREFROM the following described parcel:

Beginning at the Northwest corner of the SE¼SW¼ of said Section 28, said corner marked by an iron monument; thence South 89°47'03" East along the North line of the SE¼SW¼ for 490.55 feet to a 1/2 inch rebar which shall be the Point of Beginning;

Thence South 89°47'03" East along the North line of the SE¼SW¼ for 96.51 feet to a 1/2 inch rebar;

Thence South 3°53'25" East for 564.15 feet to a 1/2 inch rebar;

Thence South 51°51'57" West for 350.09 feet to a 1/2 inch rebar;

Thence North 14°40'22" West for 596.59 feet to a 1/2 inch rebar;

Thence North 55°15'46" East for 354.96 feet to the Point of Beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

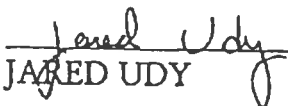
All reservations in patents or deeds in the chain of title.

Taxes for 1999 and subsequent years, a lien, but not yet due or payable.

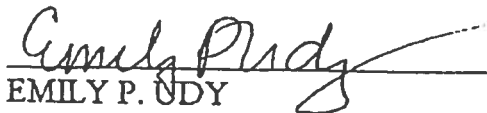
Reservations and restriction set forth in Patent from the United States of America to Roscoe B. Ward and Joyce L. Ward dated April 9, 1984 and recorded August 27, 1984 as Instrument No. 163191, records of Cassia County, Idaho.

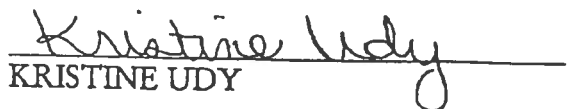
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all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

Dated: June 3, 1999


JARED UDY


RICHARD LANCE UDY

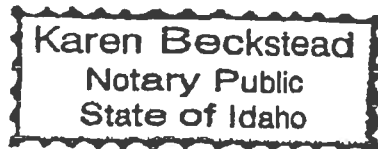

EMILY P. UDY


KRISTINE UDY

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 3RD day of June, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **JARED UDY** and **EMILY P. UDY**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

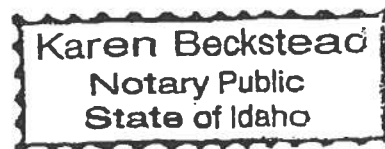
Karen Beckstead
Notary Public
Residing at: Burley, ID
My Commission expires: 03/04/03



STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 3rd day of June, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **Richard Lance Udy** and **Kristine Udy**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Karen Beckstead
Notary Public
Residing at: Burley, ID
My Commission expires: 03/04/03



RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM
1999 JUN - 8 A 11: 27
CASSIA COUNTY, IDAHO
DARRELL N. ROSKELLEY
RECORDER
FEE \$ 20 DEPUTY adma

263225

R0S183462
SW4NW4=40.67 A

R0S183462
SE4NW4=40.67 A

EP 3600

W4 1339.95 CW16 1339.95 C4

R0S183462
NW4SW4=40.90 A

R0S183462
NE4SW4=40.95 A

EP 0600

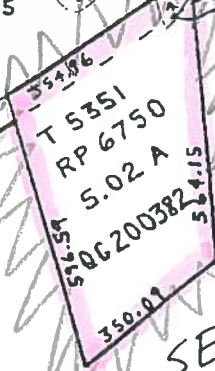
1325.50 1327.21 1328.95
S16W 1346.89 SW16 490.55 C S16 759.82
T3947 RP5350
777 2.81 A 440

R0S183462
SW4SW4=41.12 A

R0S183462
SE4SW4=41.17 A

RP 6601

SW SCALE 1 in. = 400 ft. 1353.82 W16S S4



06/22/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-10009

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DANIEL R STOLFUS
Current Owner	LOLA R STOLFUS
	1873 S ELBA ALMO RD
	MALTA, ID 83342
	(208)638-5560
Original Owner	JACK H MCCLESKEY
Original Owner	RUTH I MCCLESKEY
	PO BOX 484
	ELBA, ID 83326
	(208)638-5578

Priority Date: 12/08/1986
Basis: Beneficial Use
Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	1/01	12/31	0.04 CFS		
Total Diversion			0.04 CFS		

Location of Point(s) of Diversion:

GROUND WATER	SESWSE	Sec. 28	Township 13S	Range 25E	CASSIA County
--------------	--------	---------	--------------	-----------	---------------

Place(s) of use:

Place of Use Legal Description: DOMESTIC	CASSIA County
--	---------------

<u>Township</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>
13S	25E	28		SESW										

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

Water Right 43-10009

1. Explanatory PARCEL NO. RP13S25E286750

Dates:

Licensed Date:
Claim Received Date: 12/29/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): C004849
State or Federal: S
Owner Name Connector: AND/OR
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False



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 22, 2001

DANIEL R STOLFUS
LOLA R STOLFUS
1873 S ELBA ALMO RD
MALTA ID 83342

RE: SRBA Claim(s) 43-10009

Dear Mr. and Mrs. Stolfus:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**JUN 20 2001**Department of Water Resources
Southern Region

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
43-10009					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) JACK + Ruth MCCLESKEY
P.O. Box 484 Elba Id 83326
4. New Owner/Claimant(s) DANIEL R + Lola R STOLFUS
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 1873 S Elba Almo Rd.
- City, State and ZIP Code MALTA Idaho 83342
- New Telephone Number 208 638-5560
5. Date you acquired the property 6-3-99

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Daniel P. Steffen
(include title if applicable) _____

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by gawatt Date 6/22/01 Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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: 43-10009

RUTH I MCCLESKEY
PO BOX 484
ELBA ID 83326
Telephone Number: (208)638-5578

JACK H MCCLESKEY
PO BOX 484
ELBA ID 83326
Telephone Number: (208)638-5578

RECEIVED

JUN 20 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: 6-19-01

SIGNATURE:

Lola R Stolfus

Please print your name:

Lola R. STOLFUS

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

new owners : as of May 1999

Daniel + Lola STOLFUS

1873 S. Elba Almo Rd.

Elba, ID 83342

(208) 638-5560

FAX (208) 638-5712

263225

WARRANTY DEED

#31742

For Value Received

RECEIVED

JUN 20 2001

Department of Water Resources
Southern Region

JARED UDY and EMILY P. UDY, husband and wife and
RICHARD LANCE UDY and KRISTINE UDY, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

DANIEL R. STOLFUS and LOLA R. STOLFUS, husband and wife
Address: 1873 South Elba/Almo Road, Elba, ID 83326

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PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: Part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 28, more particularly described as follows:

Beginning at the Northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 28, said corner marked by an iron monument; thence South 89°47'03" East along the North line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ for 490.55 feet to a 1/2 inch rebar which shall be the Point of Beginning;
Thence South 89°47'03" East along the North line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ for 96.51 feet to a 1/2 inch rebar;
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PARCEL NO. 2:

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CASSIA COUNTY, IDAHO

Section 28: SE $\frac{1}{4}$ SW $\frac{1}{4}$

LESS a perpetual road right-of-way over and across the West 66 feet of said SE $\frac{1}{4}$ SW $\frac{1}{4}$, as reserved in U. S. Patent, recorded August 27, 1984 as Instrument No. 163191 on Film No. 167, records of Cassia County, Idaho;

EXCEPTING THEREFROM the following described parcel:

Beginning at the Northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 28, said corner marked by an iron monument; thence South 89°47'03" East along the North line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ for 490.55 feet to a 1/2 inch rebar which shall be the Point of Beginning;

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TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

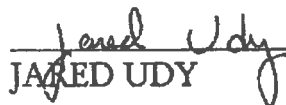
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Taxes for 1999 and subsequent years, a lien, but not yet due or payable.

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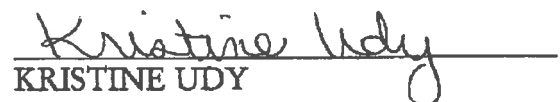
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all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

Dated: June 3, 1999


JARED UDY


RICHARD LANCE UDY

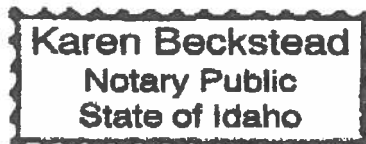

EMILY P. UDY


KRISTINE UDY

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 3RD day of June, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared JARED UDY and EMILY P. UDY, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

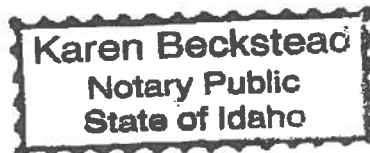
Karen Beckstead
Notary Public
Residing at: Burley, ID
My Commission expires: 03/04/03



STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

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Karen Beckstead
Notary Public
Residing at: Burley, ID
My Commission expires: 03/04/03



RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM
1999 JUN - 8 A 11: 21
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE \$ 263225
9 DEPUTY

R0S183462
SW4NW4=40.67A

R0S183462
SE4NW4=40.67A

RP 3000

W4 1339.95 CW16 1339.95 C4

R0S183462
NW4SW4=40.90A

R0S183462
NE4SW4=40.95A

RP 0600

1325.50 1327.21 1328.95
S16W 1346.89 SW16 490.55 T3947 RP5350 C S16
777 2.81+8
532 759.82

R0S183462
SW4SW4=41.12A

R0S183462
SE4SW4=41.17A

RP 6601

1325.50 1327.21 1328.95
SW 1353.82 W16S S4
SCALE 1 in. = 400 ft.

354.96
T 5351
RP 6750
5.02 A
586200382
350.09

AJ5856NP

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

DATE: AUG-18-1997
PAGE: A-4

RIGHT NUMBER: 43-10009

NAME & ADDRESS: JACK H MCCLESKEY
RUTH I MCCLESKEY
PO BOX 484
ELBA ID 83326

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 12/08/1986

POINT OF DIVERSION: T13S R25E S28

SESWSE

Within CASSIA County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
DOMESTIC 1 HOME

PERIOD OF USE
01-01 12-31

QUANTITY
0.04 CFS

*checked on original claim and this
how it was claimed ... set it
9/25/97*

PLACE OF USE: DOMESTIC
T13S R25E S28

Within CASSIA County
SESW

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP13S25E286750

Claim proofread by: KT

Date: 9-4

AJ5856NP

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

DATE: AUG-8-1997

PAGE: A-5

RIGHT NUMBER: 43-10009

NAME & ADDRESS: JACK H MCCLESKEY
RUTH I MCCLESKEY
PO BOX 484
ELBA ID 83326

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 12/08/1986

POINT OF DIVERSION: T13S R25E S28 SESWSE Within CASSIA County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC DOMESTIC, 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within CASSIA County
T13S R25E S28 SESW

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

PARCEL NO. RP13S25E286750

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Claim data entry by: KST

Date: 8/13/97

Data entry verified by: Paul

Date: 8-15-97

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: A43-10009
Date Received: 9/19/1988
Receipt No: C004849
Received By: \$ entered

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK H. MCCLESKEY 208-638-5578
Address: P.O. BOX 484
ELBA, ID 83326

AND

Name: RUTH I. MCCLESKEY 208-638-5578
Address: P.O. BOX 484
ELBA, ID 83326

2. Date of Priority: DEC 08, 1986

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	25E	28	SE	SW	SE		CASSIA

5. Description of diverting works:
210' WELL, 6" CASING, 1 HP PUMP, 1" PIPE TO HOUSE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ ONE HOUSEHOLD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	28	SE	SW		DOMEST	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For 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 _____

Pied Piper Incorporated



P.O. Box 2558
Idaho Falls, Idaho
83403-2558



MICROFILMED
MAR 10 1993

Idaho Dept. of Water Resources
2148 4th Ave. East
Twin Falls, Idaho 83301



10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME McCleskey CLAIM IDENT. NO. 1743-10009

DATE RECEIVED 9/27 CK # 2423 AMOUNT \$ 25.00

	YES	NO
1. Is the name and address complete with zip code?	☒	☐
2. Is a priority date entered?	☒	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.		
3. (a) Is a source entered?	☐	☐
(b) Is a tributary to entered? (if required)	☐ N/A	☐
4. Is the legal description of the p.d. sufficient?	☒	☐
5. Is there a description of the diverting works?	☐	☐
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	☐	☐
Is the period of use included?	☐	☐
Is a quantity claimed for each use?	☐	☐
7. Is a total quantity claimed entered?	☐	☐
8. If required is a consumptive use entered?	☐ N/A	☐
Is the consumptive use correct?	☐ N/A	☐
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	☐ N/A	☐
10. Is (are) the place(s) of use and purpose(s) indicated?	☒ different from #4	☐
11. Is (are) the county(ies) entered?	☐	☐
12. Is the ownership of p.u. checked?	☐	☐
13. Are other water rights listed or "none" indicated?	☐	☐
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☐ N/A	☐
15. Is the basis of the claim indicated?	☒	☐
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
Has the claim been signed, sealed, and dated by a notary?	☒	☐
Was this claim filed on time, or was an extension granted?	☒	☐
Is the fee enclosed correct?	☒ Exempt	☐
If this claim is based on an existing water right, has the identification number been entered?	☐ N/A	☐
Should this claim be receipted and data entered?	☒	☐

Claim checked by: **MICROFILMED**

Comments: #4 & #10 Do not match **MAR 05 1989**

ORIGINAL claim sent to legal for
objection review 3/6/02.

IN THE DISTRICT COURT OF THE FIFT

STATE OF IDAHO, IN AND FOR THE COUNTY OF

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 A43-10009Date Received 9-19-88Receipt Number COO 4849NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee See Southern Region Office

RECEIVED

SEP 19 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

- Name of Claimant (s) JACK H. & RUTH I. MCCLESKEY Phone (208) 638-5578
Mailing Address P.O. Box 484 ELBA, ID. Zip 83326
- Date of Priority (Only one (1) per claim) December 8, 1986
- Source of water supply (a) Groundwater
which is tributary to (b) _____
- Location of point of diversion is: Township 13 South Range 25 East
#28 Boise.
Section Meridian SE 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____, B.M.,
County of Cassia
- Additional points of diversion if any: _____
- Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 210 ft. deep well, 6" pipe casing,
1hp pump motor, 1" galvanized pipe 185 ft Long to Well &
Iron Tank in crawl space under House.
- Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)
(Both dates are inclusive) (cfs)
For Domestic purposes from 1-1 to 12-31 amount .04
For _____ purposes from _____ to _____ amount _____
- Total quantity claimed .04 (cfs)
- Total consumptive use claimed is de minimus
- Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) Domestic, One

MICROFILMED

MAR 05 1993

COPY

Copies: White-State, Yellow-Claimant

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
13S	25E	28												D				

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 X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

14. Remarks: Joseph H. McCleskey & husband
Audrey R. Brinkley & wife

15. Basis of Claim (check one) Beneficial Use X 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 X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

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

Signature of Claimant (s) Joseph H. McCleskey Date _____
Ruth L. McCleskey Date _____

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 5th day of September 19 88

SEAL

Notary Public Rosella Naddo

Residing at Notary Public

My Commission Expires 04/06/93

Last Name _____ Ident No. _____

MICROFILMED
MAR 05 1993
Copied to State, Wash. Claimant

WATER RIGHT NUMBER - A43-10009 PREFIX TRANSLATION: ADJUDICATION CLAIM OLD (U) NUMBER -

+ - - - - LAST NAME - - - - + - - - - FIRST NAME - - - - + - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
MCCLESKEY

JACK H.

1 - P.O. BOX 484

2 -

3 -

CITY- ELBA

PHONE - 208-638-5578

1 - P.O. BOX 484

2 -

3 -

CITY- ELBA

PHONE - 208-638-5578

STATE- ID ZIP- 83326

STATE- ID ZIP- 83326

MCCLESKEY

RUTH I.

+ - - - - PRIORITY DATE - - - - + - - - - REGION - - - - + - - - - STAGE - - - - + - - - - STATUS - - - - +
12/08/1986 ERROR IN REGION J - BENEFICIAL USE

+ - - - - SOURCE - - - - - + - - - - TRIBUTARY - - - - - +
GROUNDWATER

+ - - - - TWN RNG SEC TRACT LOT RFLG COUNTY POINT OF DIVERSION - - - - - STREAM INDEX (BLANK IF NU INDEX CODE)

13S 25E 28 SE SW SE (31) CASSIA

+ - - - - CODE DESCRIPTION PERIOD FROM PERIOD TO WATER USE DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC 01/01 12/31 0.040

+ - - - - TOTAL DIV. RATE - + - - - TOTAL DIV. VOLUME - + - - - TOTAL DIV. CAPACITY - + - - - TOTAL CONSUMPTIVE USE - + - - - KW USAGE - +
0.040

+ - - - - TWN RNG SEC TRACT LUT ACRES PLACE OF USE CODE DESCRIPTION COUNTY

13S 25E 28 SE SW 43 DOMESTIC

+ - - - - DIVERSION MEANS - 210' WELL, 6" CASING, 1 HP PUMP, 1" PIPE TO HOUSE.

+ - - - - NON-IRRIGATION USE - 0/ ONE HOUSEHOLD

+ - - - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - REMARKS FOUND.
NU REMARKS FOUND.

+ - - - - OLD WATER RIGHT NUMBERS - - - - - OLD WATER RIGHT NUMBERS FOUND.
NO OLD WATER RIGHT NUMBERS FOUND.

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

MICROFILMED

MAR 05 1993

