

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

RIGHT NUMBER: 2-7381

NAME AND ADDRESS: JOAN M NIEFFENEGGER
KEITH L NIEFFENEGGER
1032 GRIDLEY DR
HAGERMAN ID 83333

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.02 CFS
2.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-00055BB IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.04 CFS.

PRIORITY DATE: 02/07/1977

POINT OF DIVERSION:

T08S R13E S1 NENWSE Lot 11 Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.02 CFS 2.0 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY
AS FEBRUARY 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 30, PROVIDED
OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER
BEFORE MARCH 15 AND AFTER NOVEMBER 15 UNDER THIS REMARK IS
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR
LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL
DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within GOODING County

T08S R13E S01 Lot 11 NWSE 0.5

0.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-00055BB IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1.1 ACRES IN A SINGLE
IRRIGATION SEASON.

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

PROPERTY IS ALSO KNOWN AS LOT 15, GRIDLEY ISLAND SUBDIVISION.

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: BASIS OF CLAIM - License

01 WATER RIGHT NUMBER - A02-7381 02 CLD (CD) NUMBER -

LAST NAME

03001 - NIEFFENEGGER
03002 - NIEFFENEGGER

FIRST NAME

04001 - KEITH L.
04002 - JOAN

ORIG. OWNER

05001 - C
05002 - C

06 ADD LINE 1 - RT. 1 BOX 141

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - HAGERMAN

10 STATE - ID 11 ZIP - 83332

12 STAGE - L LICENSE

13 STATUS -

14001 - SNAKE RIVER

15001 - COLUMBIA RIVER

16 DIVERSION MEANS - 1/2HP PUMP, PIPELINE & SPRINKLER SYSTEM.

17 COUNTY - 47 GOODING

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .020

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT - 02

TRACT SEC TWN RNG DIVERSION POINTS S T R E A M I N D E X F I E L D S
22001 - NWSE 23001 - 01 24001 - 08S 25001 - 13E 26001 - 11 27001 - 28001 - 0 272.0 0.0 0.0 0.0 0 0 0 583.2

29 NON-IRRIGATION USE -

USE CODE / USE TWN RNG PLACE OF USE SEC TRACT ACRES LOT
30001 - 01 IRRIGATION 31001 - 08S 32001 - 13E 33001 - 01 34001 - NWSE 35001 - 01 36001 - 11
TOTAL ACRES: 1

PERIOD FROM PERIOD TO USE CODE / USE WATER USE DIVERSION RATE DIVERSION VOLUME
37001 - 0315 38001 - 1115 39001 - 01 IRRIGATION 40001 - 0.020 41001 - 0.00

42 DECREE PLAINTIFF NAME - 43 DECREE DEFENDANT NAME -

REMARKS
44001 - P/D & P/U = LOT 15, GRIDLEY ISLAND SUBD.
44002 - AC. IRR. = .5.

APPROVAL CONDITIONS: 45001 R35

46 OTHER RIGHTS FOR SAME USE -

47 PRIORITY DATE 7-FEB-1977 55 LICENSE DATE 7 Nov. 1978 63 TRANSFER/AMENDED
48 PROOF DUE 56 APPL RECEIVED 64 DLE/CAREY ACT
49 PROOF MADE 57 FIELD EXAM MADE 65 FLAG_1
50 APPROVE/DENIED 58 DECREE 66 FLAG_2
51 PROTESTED 59 START WORK 67 FLAG_3
52 HEARING 60 ORDER SHOW CAUSE

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by SHAFF

Date 8/15/83

Right No. 02-7381

Claimant NIEFFENEGER

Recommendation differs from claim:
(Document any differences)

☒ Yes

☐ No

☐ Disallow

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

☒ License

☐ Previous Statutory Claim.

☐ Permits, valid or lapsed. Number(s) if different than above _____

☐ Decree. Name & date _____

☐ Conveyance Loss Calculations. See printout included.

☐ Title abstract. ☐ In file. Or, Name & location _____

☐ County records. ☐ In file. Or, Name & location _____

☐ Affidavits. ☐ In file.

☐ Posted Notices, Water Locations Notices. ☐ In file.

☐ Deed Records. ☐ In file. Or, Name & location _____

☐ Patent Records. ☐ In file. Or, Name & location _____

☐ Metzker Maps. Identify _____

☐ A.S.C.S. Records. Year & Photograph No. _____

☐ Irrigation Company/District Records. ☐ In file. Or Name & location _____

☐ Historical Books. Name(s) & location _____

☐ Interview(s). Attach conversation memorandum.

☐ Other _____

☐ _____

Field Exam Made: ☒ Yes ☐ No Date 9/28/78

☒ Adj. Report in file ☒ Beneficial Use Report in License (S.O.) File

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-7381
36-7675 Priority February 7, 1977 Amount 0.02 cfs

THIS IS TO CERTIFY, that KEITH L. &/or JoAN NIEFFENEGGER
of Hagerman, Idaho, has complied with the terms and conditions of Permit
No. 36-7675 issued pursuant to Application for Permit dated February 7, 1977,
and has submitted proof to the Department of Water Resources on March 7, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.02 cfs of water from Clear Creek,
tributary to Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>0.02</u> cfs and	<u>2 acre feet</u>
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2 acre feet per year, said waters to be diverted within the Gov't. Lot 11 (Lot 15, Gridley
Island Sub.) Sec. 1, Twp. 8S, Rge. 13E, B. M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
<u>8S</u>	<u>13E</u>	<u>1</u>	<u>Gov't. Lot 11 (Lot 15, Gridley Island Sub.)</u>																<u>1½</u>

Total number of acres irrigated 1½

June 30, 1982

Mr. Keith L. Nieffenegger
Route #1
Hagerman, Idaho 83332

RE: License No. 36-7675

Dear Mr. & Mrs. Nieffenegger:

Pursuant to the adjudication of the Snake River Department personnel have conducted a detailed study of Gridley Island water rights. We have concluded that water rights used on the island, that are diverted from the channel separating the island from the north shore, are in fact diverting from the Snake River. We are aware that in many cases the water diverted from this channel is composed primarily of water from Clear Creek or Riley Creek - nevertheless the source has been determined to be the Snake River since the water in the channel is at the same elevation as the Snake.

To clarify the above referenced water right for the adjudication we are currently planning to change the official source from Clear Creek to the Snake River, with a corresponding change in water right number to Basin 02.

If you have an objection to this change or have any questions concerning the reasons please contact this office prior to July 30, 1982.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Supervisor, Water Allocation Section

DRT:jg

FROM D. SHAFF

DATE 5/26/82

TO D. TOTHILL

SUBJECT 36-7675

TO BE CONSISTENT WITH OTHER RIGHTS ON GRIDLEY ISLAND, THIS RIGHT SHOULD PROBABLY HAVE THE SOURCE CHANGED TO THE SNAKE RIVER WITH A CORRESPONDING NUMBER CHANGE. I HAVE REVIEWED THE FIELD REPORT AND FOUND THE P/D AT THE SUBDIVISION ON THE ISLAND RATHER THAN ACROSS THE RIVER AT THE CREEK. PLEASE NOTIFY OF THE DECISION.



SIGNATURE

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7675 Priority February 7, 1977 Amount 0.02 cfs

THIS IS TO CERTIFY, that KEITH L. &/or JoAN NIEFFENEGGER
of Hagerman, Idaho, has complied with the terms and conditions of Permit
No. 36-7675 issued pursuant to Application for Permit dated February 7, 1977,
and has submitted proof to the Department of Water Resources on March 7, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.02 cfs of water from Clear Creek,
tributary to Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u> at <u>0.02</u> cfs and <u>2 acre feet</u>		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		
(both dates inclusive)			

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2 acre feet per year, said waters to be diverted within the Gov't. Lot 11 (Lot 15, Gridley
Island Sub.) Sec. 1, Twp. 8S, Rge. 13E, B. M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	13E	1	Gov't. Lot 11 (Lot 15, Gridley Island Sub.)																½

Total number of acres irrigated ½

FIELD REPORT

- (name spring, stream, etc.)

Tributary to _____

- RECEIVED

MAR 21 1978

~~Department of Water Resources~~
~~Southern District Office.~~

Examination for 6/4

36-7675

$$\frac{5}{4}$$

Other uses: _____

- Max Rate of Diversion 0.02 cubic feet per second and annual volume _____ AF/Annum.

- (Gridley Island Sur.)

County

County

County

Other Points of Diversions: _____

Description of diverting works: 3/4 hp mtr, pump, 1 1/2" plastic pipe to pump, 3/4" plastic pipe from pump

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]

DATE OF EXAM 6-4-78

Griener Island Subdivision

ACREAGE

Found 4.15 - 1 Acre

Recommended 4.15 - 1 Acre

Irrigation Requirement 4.0 Ac Ft/Ac

USE

Irrigation Q = .02 c.f.s. V = 4.0 AF/Ann. from MARCH 15 to Nov. 15

Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ✓

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured _____ Method of measurement _____

Total Q recommended .02 C.F.S. Meter No. ✓ Type ✓ Condition ✓

Total V recommended 4.0 AC.FT./ANN.

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ✓

MEASUREMENT CALCULATION:

NO MEASUREMENT MADE, APPLICANT IS PUMPING WATER
FROM CLEAR CR TRIBUTARY TO THE SNAKE RIVER FOR THE IRR
OF APPROXIMATELY (1) ACRE (.02 C.F.S.)
VOLUME - (4.0 AC.FT./ANN.) = (IRR Req 4.0 AC.FT./Ac) (1 ACRE)

SYSTEM DESCRIPTION:

3/4 HP MOTOR SERIAL# SKCST66CS 1 1/2" P.V.C. pipe FROM
THE CR. TO THE PUMP SPRINKLERS run off 3/4" DIA P.V.C. LINE.
USED ONLY FOR IRRIGATION OF LAWN & GARDEN.

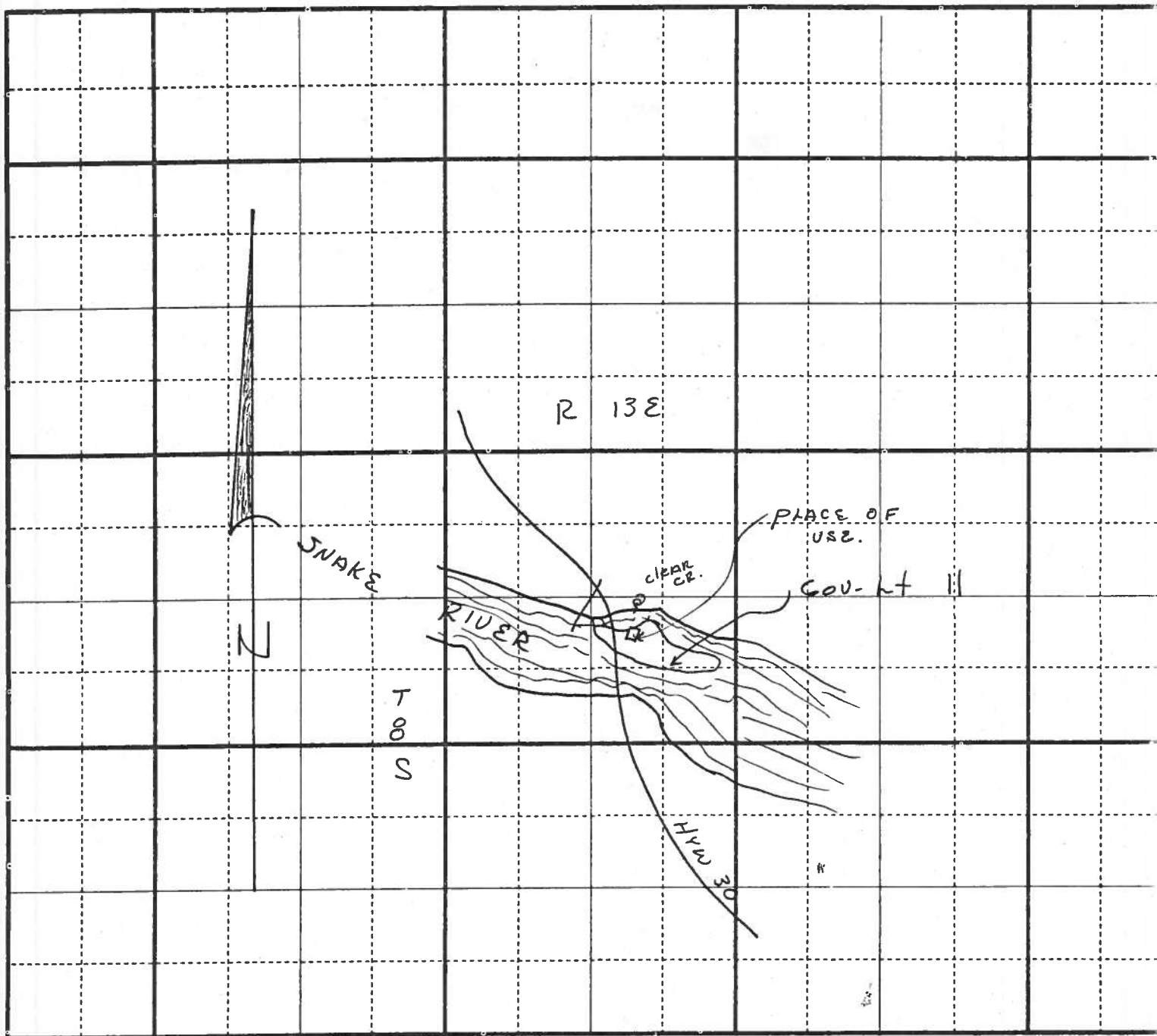


Diagram of System

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF _____
Snake River
_____ DRAINAGE BASIN.

NOTICE OF CLAIM TO A WATER RIGHT

02-7381 ~~36-7675~~	
I.D. No.	Map No.
\$ 10.00	18682
Fee Paid	Receipt No.

Notice is hereby given that Keith L. &/or Joan Nieffenegger
(Name of Claimant)

Route #1 Box 141, Hagerman, ID 83332
(Mailing Address)

Telephone No. 837-6325

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) _____
February 7, 1977

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) _____
~~Clear Creek~~ Snake River tributary to Snake River COLUMBIA RIVER

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity 0.02 cfs Use irrigation Period of Use From Mar 15 To Nov 15
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

(4) 0.02 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source SE (down SE) ¼ Lot 11 ¼
Sec. 1, Twp. 8S, Rge. 13E, B.M., Gooding County
Additional Points: SCI: 2720(1) 583.2

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
3/4 hp 1/2 hp pump, plastic line, Rainbird sprinkler heads (9 heads)

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	13E	1														1/2			1/2
																1/2			

Total no. of acres 1/2

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks (P. D. & P. U. are Lot 15 of Gridley Island Subdivision.)

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case. _____

RECEIVED

JUL 8 1981

Department of Water Resources
Western Regional Office

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF _____

Snake River

DRAINAGE BASIN.

NOTICE OF CLAIM TO A WATER RIGHT

02-7381	
I.D. No.	Map No.
\$ 10.00	18682
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Notice is hereby given that Keith L. & /or JoAn Niefenegger
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Telephone No. 837-6325

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(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) February 7, 1977

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Clear Creek tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity 0.02 cfs Use irrigation Period of Use From Mar 15 To Nov 15
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

(4) 0.02 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source 1/4 Lot 11 1/4
Sec. 1, Twp. 8S, Rge. 13E, B.M., Gooding County
Additional Points: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
3/4" 1/2 hp pump, plastic line, Rainbird sprinkler heads (9 heads)

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T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	13E	1														1/2			1/2
																1/2			

Total no. of acres 1/2

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks P. D. & P. U. are Lot 15 of Gridley Island Subdivision.

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case.

☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho

Department of Water Resources
Western Regional Office

RECEIVED

JUL 8 1981

02-7381

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 36-0005588

1997 DEC 29 PM 3:40

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: KEITH L NIEFFENEGGER
JOAN M NIEFFENEGGER
RT 1 BOX 141
HAGERMAN ID 83333

SOURCE: RILEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.04 CFS

USE OF THIS RIGHT WITH RIGHT NO. 02-07381 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.04 CFS.

PRIORITY DATE: 05/01/1883

POINT OF DIVERSION: T08S R13E S01 LOT 7 (NENWSE) Within GOODING County

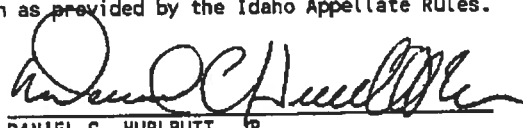
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.04 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T08S R13E S01 Lot 11 (NWSE) 1.1
1.1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 02-07381 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1.1 ACRES IN A SINGLE
IRRIGATION SEASON.

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.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
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)

Water Right 36-00055BB

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on December 29, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

THEREFORE, IT IS ORDERED that the period of use for the irrigation element of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 02-15 11-30

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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.

Dated August 27, 2001


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

August 27, 2001

JOAN M NIEFFENEGGER
KEITH L NIEFFENEGGER
RT 1 BOX 141
HAGERMAN, ID 83333

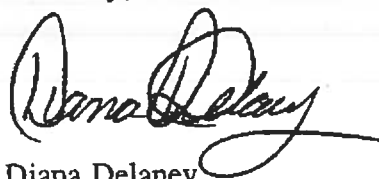
Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 36-00055BB. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on December 29, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

ATTEMPTED NOT KNOWN
NO SUCH STREET
VACANT
NOT RECORDED
FILE AS
FBI
FBI

2-7381
36-10245B
36-155BB

1032 Bradley Drive
NIEFFENEGGER, JOAN M
RT 1 BOX 141
HAGERMAN ID 83333

Keith

Mr. Pres. Sam
Response

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: A02-07381
Date Received: 7/21/1988
Receipt No: S001030
Received By: tw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KEITH L. NIEFFENEGGER
Address: RT. 1
HAGERMAN, ID 83333

Name: JOAN NIEFFENEGGER
Address: RT. 1
HAGERMAN, ID 83332
2. Date of Priority: FEB 07, 1977
3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
08S	13E	1		11	GOODING
5. Description of diverting works:
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.020		2.00
7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) 2.00 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
08S	13E	1	SE	NE	11	IRR	1.0
Section Acres							1.0
Total Acres							1.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

P/D & P/U LOT 15, GRIDLEY ISLAND SUBD.

LIC. INCORRECTLY DESCRIBES SOURCE AS CLEAR CREEK.

15. Basis of Claim: LICENSE

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): Keith L. Neffenger Date: 7-21-88
_____ Date: _____

State of Idaho)
County of T.F.) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of July 19 88 Lois White
Notary Public

Seal

Residing at T.F.
My Commission Expires 5/95

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

08/12/92 11:31:51
Page 1

Water Right Number - R02-07381
Prefix Translation: RESEARCH
Old (D) Number -

*** C - CURRENT OWNER ***
NIEFFENEGGER
1 - RT 1 BOX 141
2 -
3 -
City- HAGERMAN
Phone - 208-837-6325
1 - RT 1 BOX 141
2 -
3 -
City- HAGERMAN
Phone - 208-837-6325
State- ID Zip- 83333
State- ID Zip- 83333

KEITH L
JOAN M

1 - RT 1 BOX 141
2 -
3 -
City- HAGERMAN
Phone - 208-837-6325
1 - RT 1 BOX 141
2 -
3 -
City- HAGERMAN
Phone - 208-837-6325
State- ID Zip- 83333
State- ID Zip- 83333

Priority Date - 02/07/1977
Region - ERROR IN REGION
Source - SNAKE RIVER
Point of Diversion -
Rng Sec Tract Lot RFlg County
13E 1 NE NW SE 11 (47) GOODING
Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.020
Total Div. Rate - 0.020
Total Div. Volume - 0.020
Total Consumptive Use - 0.0
KW Usage -

Twon Rng Sec Tract Lot Acres Code Description County
08S 13E 1 NW SE 11 1.0 01 IRRIGATION (47) GOODING

Total Acres: 1.0

Diversion Means - PUMP AND SPRINKLER SYSTEM
Non-Irrigation Use -
Other Rights for Same Use - 36-00055BB
Remarks - PROPERTY IS ALSO KNOWN AS LOT 15 & PART OF LOT 27, GRIDLEY ISLAND
SUBD.
USE OF THIS RIGHT WITH RIGHT NO. 36-00055BB IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.04 CFS, A TOTAL COMBINED

MICROFILMED
MAR 20 1993

Water right number - R02-07381

+	.
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.	.
.	.
+	-
	0207381

+

+ - - - Decree Plaintiff	- - +	+ - - - Decree Defendant	- - +	+ - Decree Date	- +
				00/00/0000	

Date:	User Id:	CLELAND Subject:	COPIED FROM REMARKS	-Comments-
P/D & P/U LOT 15.		GRIDLEY ISLAND SUBD.		LIC. INCORRECTLY DESCRIBES SOURCE AS CLEAR CREEK.

+ - - Audit Fields - - +
00/00/00

Court Report Filing		Adjudication Rights Dates and Flags Area		Civil Case Number	
Objection Filed Date	- 00/00/0000	Field Inspection Made	- 03/15/1991	Old Case Number	- 39576
Response Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Judicial District	-
Claim Received Date	- 07/21/1988	Verified Date	- 03/04/1992	Temporary Right	- P
		Last Amended Date	- 00/00/0000	Water District	- 02
		Receipt Number	- S001030	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	- AND/OR	Notice of Error Flag	-

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:22:30
03/26/91

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A02-07381

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			3-15-91 see /WB	N		see 3-16-92	see 4-8-91	
POINT OF DIV	Y			(Y)	12456			
SOURCE				N				
PLACE OF USE	Y			(Y)				
DIV. AMOUNT CFS/VOLUME				(Y)	6			
CONSUMPTIVE USE	-			(Y)				
PURPOSES				N				
PERIOD OF USE				(Y)	6.			
BASIS OF CLAIM				N	6			
REMARKS	Y			(Y)				

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:22:30
03/26/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A02-07381

LAST: NIEFFENEGGER
ADDRESS: RT. 1
CITY: HAGERMAN
PHONE NUMBER: 208-000-0000
OWNER CODE: C

FIRST: KEITH L.
STATE: ID ZIP: 83333

LAST: NIEFFENEGGER
ADDRESS: RT. 1
CITY: HAGERMAN
PHONE NUMBER: 208-000-0000
OWNER CODE: C

FIRST: JOAN
STATE: ID ZIP: 83332

FIELD
EXAMINER

DATABASE
Y

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: P/D & P/U LOT 15, GRIDLEY ISLAND SUBD.
LIC. INCORRECTLY DESCRIBES SOURCE AS CLEAR CREEK.

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CONTACT PERSON: _____

DATE OF FIELD EXAM: ____/____/____

ACCOMPANIED BY: _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

PHONE NUMBER: (____) ____-____

TIME: ____:____ A(____) P(____)

PHONE NUMBER: (____) ____-____

APPOINTMENT MADE: Y(____) N(____)

See Also overlapping Right A36-00055 88

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A. AJ CLAIM: # A02-07381 PRIORITY DATE: 02-07-1977 STAGE: L
B. WR RECORD: # 02-07381 PRIORITY DATE: 02-07-1977 STAGE: L

C. FIELD EXAM REQUIRED? DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:
02-07-1977

REVIEWED BY

SCU

DATE

4-8-91

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A02-07381	08S	13E	1				11	GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX
R PREFIX
NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: SNAKE RIVER

TRIB: COLUMBIA RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
02-07381	08S	13E	1				11	GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX
R PREFIX

NONE

NONE

SOURCE: SNAKE RIVER

TRIB: COLUMBIA RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
		Y	~~Y~~
		N	~~N~~

REMARKS:

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MAR 20 1993

POINT OF DIVERSION REVIEW SHEET CONTINUED

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	LOT	COUNTY
			NE	NW	SE	
					11	

TRIB: COLUMBIA RIVER

SOURCE: SNAKE RIVER

REVIEWED BY: SW DATE: 4-8-91

A. ROOT WATER RIGHT NUMBERS: A02-07381

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08S	13E	1	SE	NE	11	NIEFFENEGGER, KEITH L.	A02-07381 / 1.0	02-07381 / 1.0	23.0	1.1	1.0
			SE	NE		FISH & GAME	A36-02158 / 30.0	36-02158 / 30.0			
			SE	NE		BEDAL, JAMES		36-00012 /			
			SE	NE		BEDAL, JAMES		36-00013 /			
			SE	NE		BEDAL, JAMES		36-00014 /			
			SE	NE		BEDAL, KATE C.		36-00171 /			
			SE	NE		BEDAL, KATE C.		36-00172 /			
			SE	NE		BEDAL, KATE C.		36-00173 /			
			SE	NE		BEDAL, KATE C.		36-00174 /			
TOTAL ACRES							A02-07381	1.00	23.00		1.0

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(X)

IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

PRESUMPTION FLAG:

REMARKS:
ADD TRACT: NWSE

RECOMMENDATIONS:

TOTAL ACRES: 1.0

REVIEWED BY: SC

DATE: 4-8-91

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MAR 20 1993

Recommendation:

0.5 acres per license

R. Brown 12/14/02

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A02-07381 IRRIGATION	FROM 03-15 TO 11-15	.020 CFS 2.00 AF/A
	TOTAL DIVERSION RATE/VOLUME CLAIMED	.020 CFS 2.00 AF/A

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
02-07381 IRRIGATION	FROM 03-15 TO 11-15	.020 CFS 2.00 AF/A
	TOTAL DIVERSION RATE/VOLUME CLAIMED	.020 CFS 2.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	FIELD	DATABASE	EXAMINER
DUE TO WATER-USE DISCREPANCY?	(Y/N)	N	☒
DUE TO DIVERSION RATE DISCREPANCY?	(Y/N)	N	☒
DUE TO PERIOD FROM/TO DISCREPANCY?	(Y/N)	N	☒

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☐) N(☒)

Explain in remarks, below.

REMARKS:

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Y (X) N ()

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 0.020 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.020 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) N

FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y (X) N () IF YES COMPLETE OVERLAP REVIEW (100% overlap.)

OTHER RIGHTS LISTED IN CLAIM: A36-00055 BB

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A02-07381	SNAKE RIVER	NIEFFENEGER , KEITH L.	0.020	0.020	2.00	2.00
A36-02158	BICKEL SPRING CREEK	FISH & GAME	15.000	0.200		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES 1.0 x 0.02 CFS/ACRE = 0.02 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES 1 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 3 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 2.00 AF/A

ACRES 1 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 4 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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MAR 20 1993

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AF/A

REC. CONS.
USE

DATABASE EXAMINER
0.0

DATABASE EXAMINER
2.00

DATABASE EXAMINER
0.020

03-15 11-15

IRRIGATION

TOTAL FOR THIS RIGHT

REVIEWED BY: SCU

DATE: 48-91

*add limits
when combined
w/ K36-005588*

*Recommend volume
per license.*

R. Brown 12/4/02

EOI

Prop. AKA Lots 15 & part of 27, ...

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MAR 20 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED
AS CLAIMEDNEEDS
REVIEWOWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT()
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 02-07381

DATABASE
0.020

EXAMINER

TOTAL DIVERSION RATE OF WR SPLITS

CFS

SPLITS:

OLD RIGHT
NUMBERSCURRENT
CLAIM NUMBERSDIVERSION
RATECURRENT "R"
CLAIM NUM."R" DIV.
RATEWR RIGHT
NUMBERSDIVERSION
RATE

- A02-07381 -

0.020

02-07381
A02-073810.020
0.020

TOTAL CFS

0.020

0.020

DIVERSION RATE REVIEW

DATABASE

Y

(Y/N)

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

DATE:

NAME OF FIELD EXAMINER:

TITLE:

MICROFILMED

MAR 20 1993

Water Right Number - A02-07381

*** C - CURRENT OWNER ***
NIEFFENEGGER
KEITH L.
1 - RT. 1

JOAN

NIEFFENEGGER

```

+ - - Priority Date - - +
02/07/1977
+ - - - Region - - +
Error in Region
L - LICENSE
+ - - Stage - - +
Status - - - +

```

[illegible][illegible]

082	13E	1	11	(47)	GOODING
13E					
13E					

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
		03/15	11/15	0.020	2.00

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +	+ - Total Consumptive Use - +	+ - KW Usage - +
0.020	2.00			

Twn	Rng	Sec	Tract	Lot	Acres	place of Use Code	Description	County
47	01	01	IRRIGATION	(47)	GOODING			

Total Acres: 1.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

	P/D & P/U LOT 15, GRIDLEY ISLAND SUBD.	LIC. INCORRECTLY DESCRIBES SOURCE AS CLEAR CREEK.	Remarks
			No Old Water Right Numbers found.
			No Old Water Right Numbers found.

MICROFILMED
MAR 20 1993

MICROFILMED
MAR 20 1993