

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 41-10071

NAME AND ADDRESS: H C MISENHIMER
781 FALLS AVE
AMERICAN FALLS, ID 83211

SOURCE: GROUNDWATER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 11/03/1929

POINT OF DIVERSION: T09S R31E S05 SWSW Within Power County

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

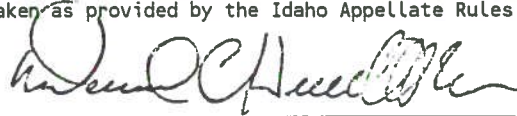
PLACE OF USE: Domestic Within Power County
T09S R31E S05 SWSW

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.

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

AJ5856NP

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

DATE: SEP-29-1997
PAGE: A-37

RIGHT NUMBER: 41-10071

NAME & ADDRESS: H C MISENHIMER
781 FALLS AVE
AMERICAN FALLS ID 83211

SOURCE: GROUNDWATER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 11/03/1929

POINT OF DIVERSION: T09S R31E S05 SWSWSW Within POWER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOUSE	01-01 12-31	0.02 CFS

PLACE OF USE: DOMESTIC Within POWER County
T09S R31E S05 SWSW

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. RP D1722-0.

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT**

DATE: 07/15/97
PAGE: 125

NAME & ADDRESS

WATER USE

RATE

DIVERSION
VOLUME

11/03/1929 DOMESTIC

TOTAL DIVERSION: 0.02 CFS

Tributary to:

MSMSMS

POWER County

T09S R31E S05

Point(s) of Diversion:

Place of use Legal Description for: DOMESTIC

三

MS

35

[illegible]

095 31E 5

POW County: POWER

Non-Irrigation Uses: ~~DOMESTIC~~, 1 HOUSE

Other Rights: NONE

Remarks: GEN PARCEL NO. RP D1722-0.

Dates: _____ **Exam Made Date:** _____

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit:	01/15/92	HOSELEY	01/16/92	HOSELEY	03/30/95	POST-STD
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DATA ENTERED BY _____
DATE _____

9-24-97



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

February 27, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

41-10071

H C MISENHIMER

781 FALLS AVE

AMERICAN FALLS ID 83211

RE: Domestic and/or Stockwater Rights in Basins 41, 43 and 45
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your domestic and/or stockwater water right(s) in basins 41, 43 and 45. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended domestic and stockwater right(s) in your area. Water rights for irrigation and other purposes in these basins will be recommended in a later process.

Note that you have 120 days in which to file any objection to our recommendation and to review the domestic and stockwater water rights of other claimants, including those of the United States. Information on the other water rights can be found at the county courthouses in American Falls, Malad City, Burley and Twin Falls, and at all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the Court does not receive an objection from you about our recommendation, and no other party objects to your water right, your water right will be decreed later this year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions that you have about your water right(s) or this adjudication process.

Sincerely

Karl J. Dreher
Director

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: February 27, 1998

PAGE: 1

RIGHT NUMBER: 41-10071

NAME AND ADDRESS: H C MISENHIMER
781 FALLS AVE
AMERICAN FALLS ID 83211

SOURCE: GROUNDWATER

QUANTITY: 0.02 CFS

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

PRIORITY-DATE: 11/03/1929

POINT OF DIVERSION T09S R31E S05 SWSWSW Within POWER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOUSE	01-01 12-31	0.02 CFS

PLACE OF USE: DOMESTIC Within POWER County
T09S R31E S05 SWSW

OTHER MATTERS 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. RP D1722-0.

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: A41-10071
Date Received: 3/07/1990
Receipt No: E012262
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: H.C. MISENHIMER
Address: 781 FALLS AVE.
AMERICAN FALLS, ID 83211 208-226-2486
2. Date of Priority: NOV 03, 1929
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County |
|----------|-------|---------|-------------------|-----|--------|
| 09S | 31E | 5 | SW SW SW | | POWER |
5. Description of diverting works:
2 WELLS; 6"X 250' & 6"X 300', SUBM. PUMPS
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|----------|-------|-------|-------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.020 | | |
7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
D/1 HOUSE
10. Place of Use:
- | Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|--------|-------|
| 09S | 31E | 5 | SW SW | | DOMEST | |
11. Place of use in counties: POWER

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 _____

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

Identification No. 441-10071
Date Received 3-7-90
Receipt Number SV E012262/90

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

MAR 13 1990

Department of Water Resources
Southern Region Office

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

RECEIVED

MAR 7 - 1990

Department of Water Resources
Eastern District Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) HC MISENHIMER Phone () 226-2486Mailing Address 781 FALLS AVE Am. Falls ID Zip 832112. Date of Priority (Only one per claim) 1989 NOV 3 Month/Day/Year

3. Source of water supply (Check one) ☒ Groundwater or Other () (a) WELL
which is tributary to (b) _____
Name or kind of source

4. Location of point of diversion is: Township 9S Range 31ESection 5, SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____, BM.,County of POWER

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 2 WELLS 250 FT DEEP 6" CASING
300 FT DEEP 6" CASING
SUB PUMP

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For HOUSEHOLD purposes from 1-1 Month/Day to 12-31 Month/Day amount .02 (cfs)
(Both dates are inclusive)

For _____ purposes from YEAR 9000 amount _____

7. Total quantity claimed .02 (cfs)8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 HOUSE

MICROFILMED

MAR 02 1993

10. Place of use is: Township: 95 Range 31E
Section 5, SW 1/4 of SW 1/4, Govt. Lot _____, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

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

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.
() None or NONE

14. Remarks: _____

15. Basis of Claim (Circle One) (Beneficial Use) Posted Notice License Permit Decree
Court _____ Decree Date _____ Plaintiff vs Defendant _____
If applicable provide IDWR Water Right Number _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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) X H C Wilson Rimmer Date Mar 6 - 1990
Date _____

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

Signature of Authorized Agent _____ Date _____
Title and Organization _____

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

Subscribed and sworn (or affirmed) before me this 6th day of March 1990

SEAL

Notary Public Anna Baunhoff

Residing at _____

My Commission Expires _____

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

NOTARIZATION REQUIRED FOR EACH CLAIM

Anna Baunhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires September 7, 1994

MICROFILMED
MAR 02 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. E, Twin Falls, Idaho 83301
(208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mar. 30, 1990

Re: A41-10071

H C MISENHIMER
781 FALLS AVE
AMERICAN FALLS ID 83211

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of you claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 02 1993

CERTIFIED
JUN 26 1991
WATER EXAMINER

WATER RIGHT NUMBER - A41-10071

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - +

+ - - - - FIRST NAME - - - - +

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

*** C - CURRENT OWNER ***

MISENHIMER

H.C.

1 - 781 FALLS AVE.

2 -

3 -

CITY- AMERICAN FALLS

PHONE - 208-226-2486

STATE- ID

ZIP- 83211

+ - - - - PRIORITY DATE - - - - +

11/03/1929

+ - - - - REGION - - - - +

17 SOUTHERN

+ - - - - STAGE - - - - +

J - BENEFICIAL USE

+ - - - - SOURCE - - - - - +

GROUNDWATER

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

+ - - - - POINT OF DIVERSION - - - - - +

STREAM INDEX (BLANK IF NO INDEX CODE)

TWN

RNG

SEC

TPACT

LOT

RFLG

CJUNTY

09S

31E

5

SW SW SW

(77) POWER

PERIOD FROM

PERIOD TO

WATER USE

DIVERSION RATE

DIVERSION VOLUME

43 - DOMESTIC

01/01

12/31

0.020

0.020

+ - - - - TOTAL DIV. RATE - - - - +

+ - - - - TOTAL DIV. VOLUME - - - - +

+ - - - - TOTAL DIV. CAPACITY - - - - +

+ - - - - TOTAL CONSUMPTIVE USE - - - - +

+ - - - - KW USAGE - - - - +

+ - - - - TWN

RNG

SEC

TRACT

LOT

ACRES

PLACE OF USE

DESCRIPTION

COUNTY

09S

31E

5

SW SW

43 DOMESTIC

(77) POWER

+ - - - - DIVERSION MEANS - 2 WELLS: 6"X 250' & 6"X 300', SUBM. PUMPS

+ - - - - NON-IRRIGATION USE - D/I HOUSE

+ - - - - JIHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - REMARKS

NO REMARKS FOUND.

+ - - - - OLD WATER RIGHT NUMBERS

NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - CONDITIONS OF APPROVAL

NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF

+ - - - - DECREE DEFENDANT

+ - - - - DECREE DATE

00/00/0000

+ - - - - AUDIT FIELDS - 03/22/90 CLELLAND