

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: A41-10036
Date Received: 2/28/1990
Receipt No: 5011643 5-
Received By: _____

RECEIVED

MAR 19 1990

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: OTTO R. DEEG 208-226-2000
Address: 640 TETON
AMERICAN FALLS, ID 83211

2. Date of Priority: JAN 06, 1945

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	30E	1	SE	SE	SE		POWER

5. Description of diverting works:
WELL & PUMP TO PIPELINE & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	03/15	11/15	0.070		

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

8. Total consumptive use is 6.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSEHOLD, S/ 10 MIXED CATTLE OR HORSES OR SHEEP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	30E	1	SE	SE		STOCK	

A41-10036

Page 1

Date: 02/28/90

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MAR 02 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	30E	1	SE	SE		DOMEST	
			SE	SE		IRR	2.0
						Section Acres	2.0
						Total Acres	2.0

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:
THIS CLAIM WAS ORIGINALLY CLAIMED UNDER 29-04379 BUT IT WAS
FOUND THAT IT IS LOCATED IN BASIN 41 AND REASSIGNED THIS NUMBER.
THE IRRIGATION USE IS MODIFIED FROM THE ORIGINAL CLAIM.

15. Basis of Claim: STATUTORY CLAIM

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): Otto Drey Date: 3/1/1990

Date: _____

State of Idaho)
County of Power) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of March 19 90 Rose Ann Funk
Notary Public

Seal

Residing at Am. Falls Id.
My Commission Expires 12-16-92



ate of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3035

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A41-10036
OTTO R. DEEG
640 TETON

AMERICAN FALLS ID 83211

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by February 3, 1992, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 02 1993

January 25, 1992
640 Teton Avenue
American Falls, Idaho 83211

State of Idaho
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

RECEIVED

FEB 03 1992

Department of Water Resources
Southern Region Office

Dear Gentlemen,

This response is to provide evidence of priority date that I have claimed for domestic, livestock, and irrigation water on water right number A41-10036. I have researched back to that date claimed, but evidence is very difficult to find. The verification form that I have chosen to submit is an affidavit of my own testimony, as well as one by a neighbor, that has observed the actual beneficial use of this water claimed. These statements that are made, are from the two of us that have lived and farmed in the area all of our lives.

I, Otto Deeg being a resident of Power County for 64 years, attest that to the best of my personal knowledge the ground water described by the water right number A41-10036, and that the priority date of January 6, 1945 is correct, and that the beneficial use from that date forward has been, and is the date of beneficial use.

I, Ernest L. Permann being a resident of Power County for 75 years, attest that to the best of my personal knowledge the ground water described by the water right number A41-10036, and that the priority date of January 6, 1945 is correct, and that the beneficial use from that date forward has been, and is the date of beneficial use.

IN THE WITNESS WHEREOF, the parties have hereunto set their hands, the day and year first above written.

Otto Deeg
OTTO DEEG

Ernest L. Permann
ERNEST PERMANN

MICROFILMED 1

MAR 02 1993

MAR 02 1993

AJ5856NP

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

DATE: SEP-29-1997

PAGE: A-23

RIGHT NUMBER: 41-10036

NAME & ADDRESS: OTTO R DEEG
640 TETON
AMERICAN FALLS ID 83211

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 01/06/1945

POINT OF DIVERSION: T09S R30E S01 SWSESE Within POWER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE:	STOCKWATER	Within POWER County
	T09S R30E S01	SESE
	DOMESTIC	Within POWER County
	T09S R30E S01	SESE

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
DOMESTIC, 1 HOUSE; STOCKWATER, 10 HEAD MIXED

AJ5809NP
No. R41-10036

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/15/97
PAGE: 96

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	OTTO R DEEG 640 TETON AMERICAN FALLS ID 83211 (208) 226-2000	01/06/1945	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	0.02 CFS 0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T09S R30E S01

SMSSE

POWER County

Place of use Legal Description for: STOCKWATER

	NE	NW	SW	SE
T R S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
09S 30E 1	:	:	:	S

Place of use Legal Description for: DOMESTIC

	NE	NW	SW	SE
T R S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
09S 30E 1	:	:	:	D

POU County: POWER

Non-Irrigation Uses: ~~DOMESTIC~~, 1 HOUSE, STOCKWATER, 10 HEAD MIXED

Other Rights: NONE

Dates: Exam Made Date: 07/21/1994 Verified Date: 09/21/1994 Objection Filed Date:

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

Comments: Date: 09/21/1994 User-ID: SCLELLAN Subject: RECOMMENDATION
THIS CLAIM WAS ORIGINALLY CLAIMED UNDER 29-04379 BUT IT WAS
FOUND THAT IT IS LOCATED IN BASIN 41 AND REASSIGNED THIS NUMBER.
THE IRRIGATION USE IS MODIFIED FROM THE ORIGINAL CLAIM.

Date: 09/21/1994 User-ID: SCLELLAN Subject: RECOMMENDATION
EXAM SHOWS THE IRRIGATION PORTION IS NOW COVERED BY A NEW IRRI-
GATION RIGHT FROM A SEPARATE WELL SYSTEM.

Audit: 09/21/94 SCLELLAN 03/30/95 POST-STD

DATA ENTERED BY
DATE 9-24-97

Water Right Number - R41-10036

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
DEEG

OTTO R

1 - 640 TETON
2 -
3 -City- AMERICAN FALLS
Phone - 208-226-2000

State- ID Zip- 83211

+ - - Priority Date - - +
D1/06/1945+ - - Region - - +
15 EASTERN+ - - Stage - - +
J - BENEFICIAL USE

+ - - Status - - +

+ - - Source - - - +
GROUNDWATER

+ - - Tributary - - - +

+ - - Twn Rng Sec Tract Lot Rflg County Point of Diversion - - - - - +

09S 30E 1 SW SE SE (77) POWER

+ - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume - - - - - +

04 - STOCKWATER
43 - DOMESTIC01/01 12/31
01/01 12/310.020
0.040+ - - Total Div. Rate - + - - Total Div. Volume - + - - Total Consumptive Use - + - - KW Usage - +
0.040 0.0

+ - - Twn Rng Sec Tract Lot Acres Place of Use Code Description County - - - - - +

09S 30E 1 SE SE
09S 30E 1 SE SE04 STOCKWATER
43 DOMESTIC(77) POWER
(77) POWER

Total Acres:

+ - - Diversion Means - WELL & PUMP TO PIPELINE

+ - - Non-Irrigation Use - DOMESTIC, 1 HOUSE, STOCKWATER, 10 HEAD MIXED

+ - - Other Rights for Same Use - NONE

+ - - Remarks - - - - - +
No Remarks found.

+ - - No Old Water Right Numbers Found - - - - - Old Water Right Numbers - - - - - +

Water right number - R41-10036

Prefix Translation: RESEARCH

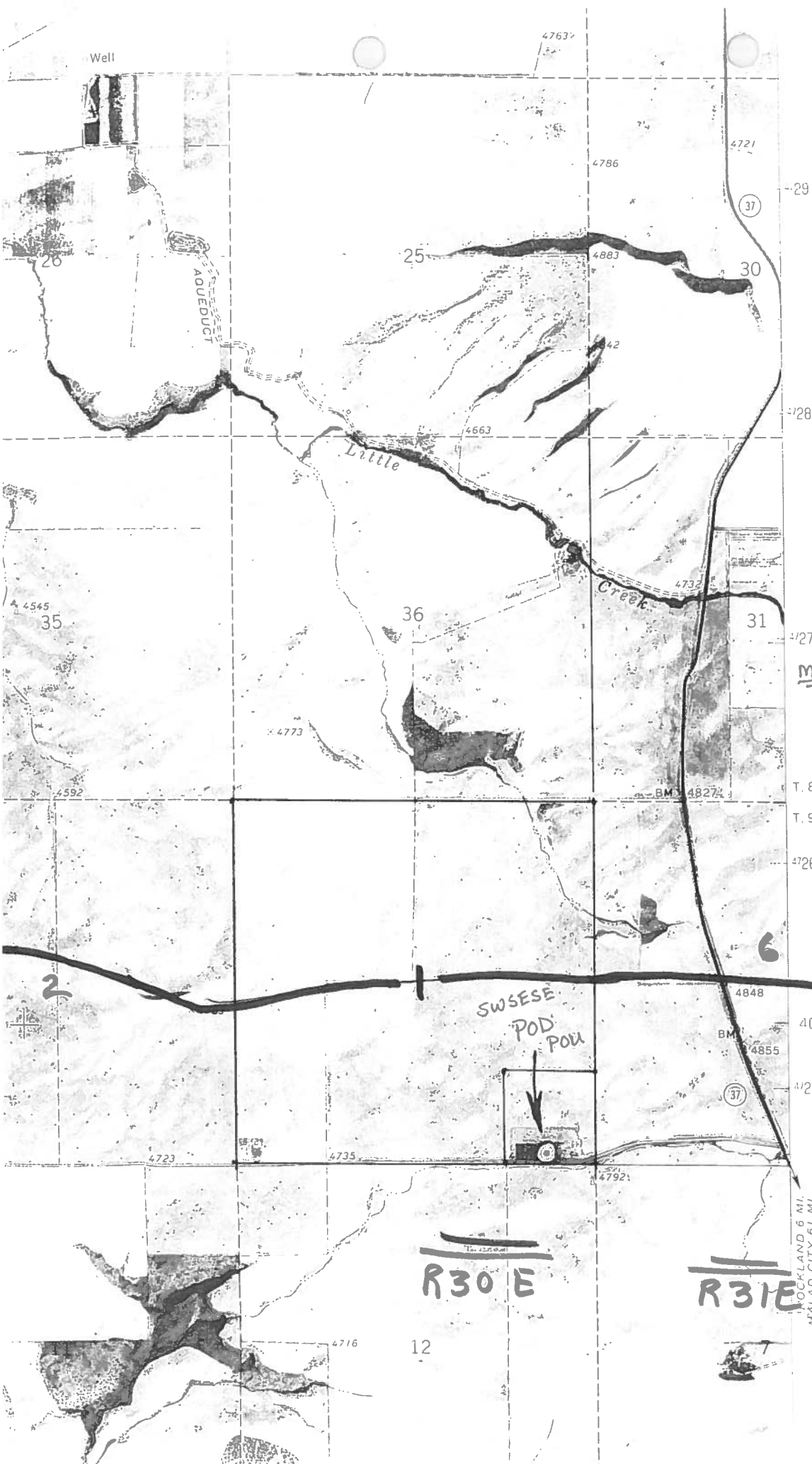
+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

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

+ - - - - - Comments - - - - -
Date: 09/21/1994 User Id: SCLELLAN Subject: COPIED FROM REMARKS FOUND THAT IT IS LOCATED IN BASIN 41 AND REASSIGNED THIS NUMBER.
THIS CLAIM WAS ORIGINALLY CLAIMED UNDER 29-04379 BUT IT WAS
THE IRRIGATION USE IS MODIFIED FROM THE ORIGINAL CLAIM.
Date: 09/21/1994 User Id: SCLELLAN Subject: RECOMMENDATION
EXAM SHOWS THE IRRIGATION PORTION IS NOW COVERED BY A NEW IRRIGATION RIGHT FROM A SEPARATE WELL SYSTEM.

+ - - Audit Fields - - +
09/21/94 SCLELLAN

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -
Court Report Filing - 00/00/0000 Field Inspection Made - 07/21/1994 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - 09/21/1994 Old Case Number -
Response Filed Date - 00/00/0000 Last Amended Date - 00/00/0000 Temporary Right - P
Claim Received Date - 03/23/1990 Receipt Number - S011643 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - Presumption Flag -
Notice of Error Flag -



EXAM
7-21-94

5 HP
160' Deep
SW. 350'

30+ gpm
20 gpm

MAP

BB35 8-20-76

T8S
T9S

BASIN LINE



R30 E

R31 E

LOCKLAND 5 MI.
MAD CITY 61 MI.

CLAIM NO. A41 - 10036STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET
FOR DOMESTIC AND STOCKWATER CLAIMS IN PLACE OF A CVR

1. ☒ No Change NAME:
☐ NEW OWNER: _____
☒ No Change ADDRESS: _____
☐ NEW ADDRESS: _____
- ☒ DATA ENTRY STANDARDS CHECKED?
2. ☒ No Change - DATE OF PRIORITY: No Field Verification Needed.
☐ CHANGE- Priority date, per claimant, is _____.
(if the priority date, based on your exam, seems questionable, explain in COMMENTS.)
3. ☒ No Change - SOURCE:
☐ CHANGE - Different Source found: _____
4. ☐ No Change - POINT OF DIVERSION:
☒ Point of diversion is different than the claim ^{change 10 Ac.}
New P/D: Twp. 9S, Rge. 3DE, Sec. 1, SW 1/4 SE 1/4 SE 1/4
- Note: If the 10-acre tract is shown on the claim, then verification of the 10-acre parcel is needed. Otherwise the 10-acre tract is not required, unless the source is a spring.
5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS:
☒ Incomplete desc., complete items missing, IF KNOWN.
HP of pump 5 HP Static water level 350' Well depth 460'
Casing size _____ Pumping water level _____ Gravity flow _____
Method of irr. _____ * CLAIMANT EST. FLOW = 30+ GPM = 0.07 cfs
→ REDUCED TO 20 GPM = 0.04 cfs
6. ☐ No Change - WATER USES:
☒ Different uses, (list uses found). $\frac{8.8(5)0.70}{390 + (50 \times 2.31)} = 0.012 \text{ cfs}$
- Use DOMESTIC From 1-1 To 12-31 Amount 0.04 cfs _____ af
Use Stock From _____ To _____ Amount 0.02 cfs _____ af
7. ☐ No Change - TOTAL VOLUME:
☒ Change found, The new total is, -- -- -- 0.04 cfs _____ af
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____
- ☒ DATA ENTRY STANDARDS (correct to..)

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4, 1/4

~~No~~ IRRIGATION
USE

11. ☐ Checked: N/A

12. ☐ Checked: N/A

13. ☒ No change - OTHER RIGHTS FOR SAME USE:
☐ CHANGE: NONE

14. ☒ None REMARKS: (copy existing remarks to comments in "R")
☐ Add the following standard remarks:
LIST STANDARD REMARKS FOR THE RECOMMENDATION:

15. ☒ BASIS OF CLAIM VERIFIED AS: D - L - P - S - J (circle one)

COMMENTS: (pertinent to field examination)

< see attached sheet: 7-21-94 >

ATTACHMENTS: Attached to This Form. Attachments are in Permit File.

PHOTOS ☐
MAP ☐
SYSTEM DIAGRAM ☐

DATE EXAM CONDUCTED: 7-21-94

FIELD EXAMINER: STEVE CLELLAND

Signature Steve Clelland

REVIEWED BY/DATE: Sam 9-21-94

DATA ENTRY BY/DATE: S

VERIFICATION BY/DATE: [Signature]

A41-10036 DEEG

EXAM NOTES
7-21-94
SCC

met w/ Tim Deeg @ site -

CONVERSATION
MEMO

He explained the well was used for irrigation of the pasture west of the house but 3 yrs ago the casing slipped down and the flow was reduced from 30+ gpm to about 20 gpm. Irrigation is now covered by a new system & Right.

I told him I would recommend as a D/S right w/o irrigation portion, he agreed and said that is how it will be from now on.

I explained the AJ process from claims to Director's report and mentioned current situations of the Court reviewing new legislation.

He complemented the Dept. on a job well done and complexity of the tasks we deal with.

He also said he is ready to complete the application on his new permit - either now or after harvest.