

JUL 23 1999

1998 NOV 30 Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO
FILED *M*

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 <u>47-12905</u>
	)	(Insert water right number)
	)	
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☐ LATE NOTICE OF CLAIM
	)	☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Richard P. and Norma R. Vierstra

My address is 2574 East 3800 North
Twin Falls, ID 83301

My phone number is: Work _____ Home (208) 734-2446

I am an attorney representing Richard P. and Norma R. Vierstra

My name is Patrick D. Brown

My address is 812 Shoshone Street East
Twin Falls, ID 83301

My phone number is (208) 735-8812

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

Because the original claim I filed was filled out with the assistance of IDWR who stated that I can only claim the stockwater as set forth in the original claim. I have since hired counsel and learned that I am entitled to the stockwater based on the full extent of my use and, therefore, need to amend the claim to accurately reflect that use.

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

☒ An amended Notice of Claim (available from IDWR).

☒ Payment of the following additional fees required by IDWR:

No fees required.

VERIFICATION (Must be completed)

State of Idaho

County of Twin Falls

Richard P. Versteig, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Richard P. Versteig
Signature of person filing motion

[Signature]
Attorney signing in representative capacity

Subscribed and sworn to before me on November 25, 1998.
(Insert Date)

Leann L. McMillan
Notary Public for Idaho
Residing at: Jerome
My Commission expires: 8/24/2001

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. FAX filings will not be accepted by the SRBA Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 25, 1998, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

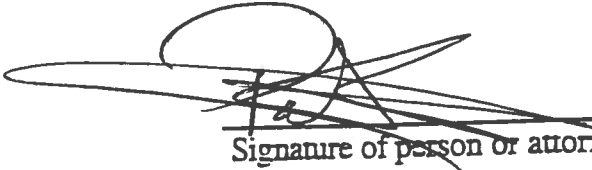
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

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 47-12905
Date Received _____
Receipt Number _____

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

Please type or print clearly

1. Name of Claimant (s) Richard P. and Norma R. Vierstra Phone (208) 734-2446
Mailing Address 2574 E 3800 N Twin Falls Id. Zip 83301

2. Date of Priority (Only one (1) per claim) Oct. 24, 1935

3. Source of water supply (a) groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 10S Range 16E Section 14,
SE 1/4 of SW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Twin Falls

Additional points of diversion if any: _____

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

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

Govt. Lot _____ B.M., County of _____

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

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

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

Livestock troughs.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Domestic & purposes from 1/1 to 12/31 amount .04 or _____

For Stock purposes from 1/1 to 12/31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 2 houses, 250 dairy cattle

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10S	16E	14															D		
10S	16E	14															S		

Total number of acres irrigated _____

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

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.
Stock water is also provided by 47-12904 and permit or None ()

14. Remarks: # 47-08278.

Scale: 2 inches equals 1 mile

See Attached Map.

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows, totaling 256 squares. The dashed lines are thin and light gray, contrasting with the white background of the squares. The overall pattern is a uniform, repeating grid of crosshairs.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Bent ☐ Use ☒ Posted Notice ☐ Lease ☐ Permit ☐
Decree ☐
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) Richard P. Vierstra Date 11-25-98

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title 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 _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 25th day of November 19 98

SEAL

Notary Public Leann L. McMullan

Residing at Jerome, Id

My Commission Expires 8/24/2001

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Patrick Brown-Parker, Warr & Brown will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

Address 812 Shoshone Street East, Twin Falls, Idaho 83301

Date 11/25/98

Last Name Vierstra Ident. Number 47-12905

Copies White-State, Yellow-Claimant



NOTES:

MAPPED FROM AERIAL PHOTOGRAPHY DATED DEC. 17, 1981
 GRID: IDAHO COORDINATE SYSTEM, CENTRAL ZONE
 DATUM: U.S.C. & G.S., 1968 ADJUSTMENT
 MAPPED BY: DAVID C. SMITH & ASSOCIATES
 PORTLAND, OREGON (JOB 776)
 GROUND CONTROL BY: VTN OREGON
 PORTLAND, OREGON

UNITED STATES DEPARTMENT OF
 SOIL CONSERVATION SERVICE

RURAL CLEAN WATER PROJECT
 ROCK CREEK, TWIN FALLS COUNTY
 TWIN FALLS & SNAKE RIVER

0 200 400 600
 SCALE IN FEET

CONTOUR INTERVAL 2

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 47-12905
Date Received: 12/21/1988
Receipt No: S004926
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PHOENIX DAIRY LLC Phone: (208)736-7630

2574 E 3800 N
TWIN FALLS ID USA 83301

2. Date of Priority: 10/24/1935

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
10S	16E	14	SE	SW	SE	TWIN FALLS	

5. Description of diverting works:

WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.04	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 250
Number of homes: 2

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
----------	-------	---------	--------	---------	-----	-------

10S

16E

14

SW
SW

SE
SE

STOCKWATER
DOMESTIC

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:

14. Remarks:

10-25-05, DJ: Claim amended pursuant Order Granting Motion to Amend dated 7/13/1999.

15. Basis of Claim: Beneficial Use



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

☒ Water Right Number(s): A47-12904, -12905

☒ Old Mailing Address: _____

☒ New Mailing Address: RICHARD + NORMA VIERSTRA
2574 E 3800 N
TWIN FALLS ID. 83301

☐ New Telephone Number: () - SAME

☒ Signature of Claimant(s): Greg^(SON) Vierstra FOR
RICHARD & NORMA

Date: 11/17/98

FOR IDWR USE ONLY	
Initial Review and Data Entry	
Date:	By:
Further Action Needed:	
Further Action Taken	
Date:	By:
Final Review and Data Entry	
Date: 11/23/98	By: [Signature]

RECEIVED
NOV 17 1998
Department of Water Resources
Southern Region

COPY

200 AUG 21 / 11:10:13

FILED
TWIN FALLS CO., IDAHO

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

In Re SRBA

Case No. 39576

SUBCASE NO. 47-12904, 47-12905

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated:

8/21/00

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8/21, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Patrick D Brown
109 S Adams
Jerome ID 83338
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Patrick D Brown
109 S Adams
Jerome ID 83338
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

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

08/18/2000

RIGHT NUMBER: 47-12904

NAME AND ADDRESS: PHOENIX DAIRY LLC
2574 E 3800 N
TWIN FALLS, ID 83301

SOURCE: GROUND WATER

QUANTITY: 0.03 CFS

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

PRIORITY DATE: 09/14/1980

POINT OF DIVERSION: T10S R16E S14 SWSWE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1-01 12-31	0.03 CFS

PLACE OF USE:

STOCKWATER Within TWIN FALLS
County
T10S R16E S14 SWSE

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

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

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. RP10S16E148400A STOCKWATER, 100 RANGE, HORSES,
OR MULES

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

08/18/2000

RIGHT NUMBER: 47-12905

NAME AND ADDRESS: PHOENIX DAIRY LLC
2574 E 3800 N
TWIN FALLS, ID 83301

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 10/24/1935

POINT OF DIVERSION: T10S R16E S14 SESWSE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1-01 12-31	0.04 CFS
STOCKWATER	1-01 12-31	0.02 CFS

PLACE OF USE:

DOMESTIC Within TWIN FALLS County
T10S R16E S14 SWSE
STOCKWATER Within TWIN FALLS
County
T10S R16E S14 SWSE

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

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

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. RP10S16E148400A STOCKWATER, 25 HEAD



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

August 21, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

PATRICK D BROWN
106 S ADAMS
JEROME ID 83338

RE: SRBA Claim(s) 47-12904, 47-12905

Dear Counselor:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

NCAV

RECEIVED
AUG - 4 2000
Department of Water Resources
Southern Region

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 47-12905
Adjudication Claim No(s): _____

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

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE**, or other legal document indicating your ownership of the property and water rights or claims in questions, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water rights(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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(s)/Claimant(s): Richard P. Vierstra/ Norma R. Vierstra
2674 East 3800 North
Twin Falls, ID 83301

4. New Owner/Claimant(s): Phoenix Dairy LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address: 2574 East 3800 North

City, State, and Zip Code Twin Falls, ID 83301

New Telephone Number: (208) 736-7630

5. Date you acquired the property: Acquired 4-8-91, name change effective 7-18-2000

6. Did you acquire all of the former owner's property? If you did, skip this item and go to Item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right? _____ Number and type of stock? _____

Diversion rate in CFS? _____ Number of homes you acquired? _____
Other uses? _____

7. Signature of New Owner(s) or Claimant(s) Greg Vierstra
Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

WARRANTY DEED

Twin Falls County, Idaho

Recorded for:
HEPWORTH, ET AL

03:02pm

Jul. 27, 2000

2000-011441

No. of Pages: 3 Fee: \$9.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: CN

For value received PHOENIX, a partnership, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto PHOENIX-DAIRY, LLC, 3624 N 3200 E, Kimberly, ID 83341, hereinafter called the grantee, the following described premises, in Twin Falls County, Idaho, to-wit:

West half of the Southeast quarter, Section 14, Township 10 South, Range 16 East, Boise Meridian, EXCEPT a parcel of land in the Southeast corner of said property with dimensions of 279 feet East to West (North to South boundaries) and 471 feet North to South (East and West boundaries).

Together with all water rights, buildings, outbuildings, improvements and 77 shares of the capital stock in Twin Falls Canal Company.

Subject to Grantee assuming and paying all mortgages of record against said property and the indebtedness they secure.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said 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 described above and that Grantor will warrant and defend the same from all lawful claims whatsoever. This Warranty Deed is subject to Grantee paying any indebtedness against said above-described real property.

Dated this 14 day of July, 2000.

PHOENIX, a partnership

By Richard P. Vierstra
Richard P. Vierstra, Partner

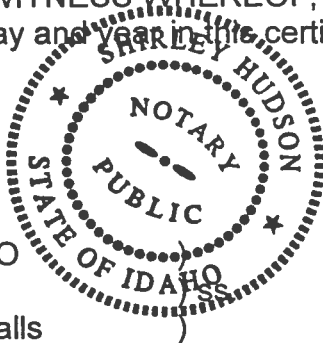
By *Norma R. Vierstra*
Norma R. Vierstra, Partner

By *Gregory S. Vierstra*
Gregory S. Vierstra, Partner

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 14th day of July, 2000, before me, the undersigned, a notary public in and for said county and state, personally appeared RICHARD P. VIERSTRA, known to me to be one of three partners of Phoenix, a partnership, who subscribed said foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Shirley Hudson
NOTARY PUBLIC FOR IDAHO
Residing at: Buhl IDAHO
My Commission Expires: 8-26-2005

STATE OF IDAHO
County of Twin Falls

On this 16 day of June, 2000, before me, the undersigned, a notary public in and for said county and state, personally appeared NORMA R. VIERSTRA, known to me to be one of three partners of Phoenix, a partnership, who subscribed said foregoing instrument, and acknowledged to me that she executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Susanne Patrick
NOTARY PUBLIC FOR ~~IDAHO~~ FLORIDA
Residing at: Ft. Myers
My Commission Expires: April 8, 2003



STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 8th day of June, 2000, before me, the undersigned, a notary public in and for said county and state, personally appeared GREGORY S. VIERSTRA, known to me to be one of three partners of Phoenix, a partnership, who subscribed said foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



WLN\11030wd.wpd

Shirley Hudson
NOTARY PUBLIC FOR IDAHO
Residing at: Boyl IDAHO
My Commission Expires: 8-26-2005

ARTICLES OF ORGANIZATION
LIMITED LIABILITY COMPANY

To the Secretary of State of Idaho,
Statehouse, Boise, Idaho 83720

00 JUL 17 PM 2:12

SECRETARY OF STATE
STATE OF IDAHO



1. The name of the limited liability company is: PHOENIX-DAIRY, LLC
2. The address of the initial registered office is: 3624 N 3200 E, Kimberly, ID 83341
(not a PO Box)
- _____ and the name of the initial registered agent at that address is: Gregory S. Vierstra

Signature of registered agent: Gregory S. Vierstra

3. The latest date certain on which the limited liability company will dissolve: May 31, 2050
4. Is management of the limited liability company vested in a manager or managers?
☒ Yes ☐ No (check appropriate box)
5. If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name:

Address:

Richard P. Vierstra

2574 E 3800 N, Twin Falls, ID 83301

Norma R. Vierstra

13730 Peace Road, Fort Meyers, FL 33905

Gregory S. Vierstra

3624 N 3200 E, Kimberly, ID 83341

6. Signature of at least one person listed in #5 above:

Gregory S. Vierstra

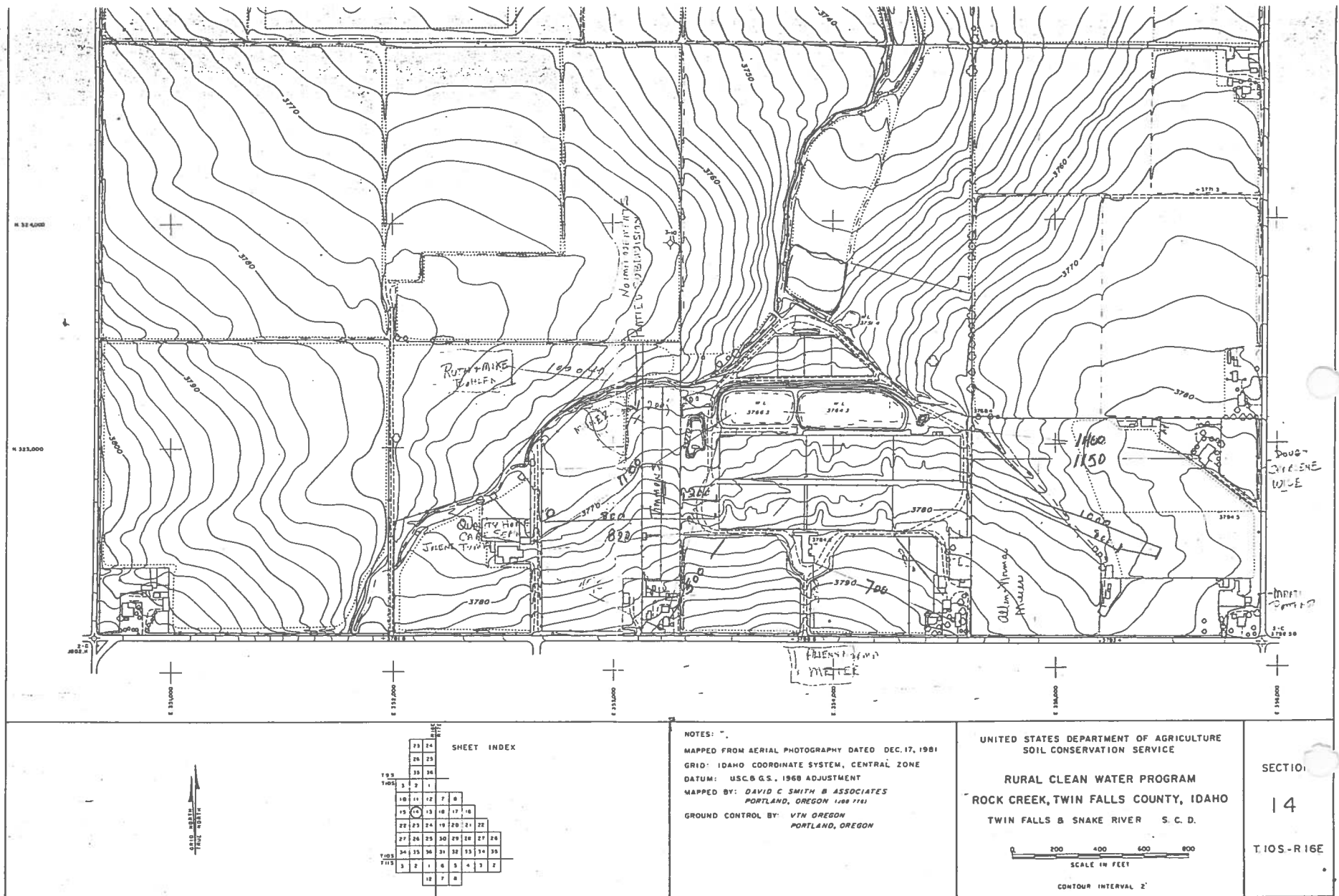
Secretary of State use only

W 12457

IDAHO SECRETARY OF STATE

07/18/2000 09:00
CK: 31866 CT: 2050 BH: 334211

1 @ 100.00 = 100.00 ORGAN LLC # 2



JUL 23 1999

COPY

Department of Water Resources

1999 JUL 13 PM 4: 13

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

Subcases 47-12904 and 47-12905

ORDER GRANTING MOTION TO
FILE AMENDED NOTICES OF
CLAIM

Background

47-12904

On August 14, 1998, IDWR filed its *Director's Report for Reporting Area 12 (Basin 47), Domestic and Stockwater*, recommending the claim to Richard and Norma Vierstra for .03 cfs of groundwater for year 'round stockwater use with a priority date of September 14, 1980, based on beneficial use. It was recommended as claimed.

On January 22, 1999, the Vierstras filed an *Objection* objecting to name and address, quantity, priority date and purpose of use. They now seek .7 cfs for stockwater and commercial uses with a priority date of September 14, 1977. The same date, the Vierstras filed a *Motion to File Amended Notice of Claim* stating that they need to amend the claim to accurately reflect the full extent of their use of the water.

47-12905

The Director recommended this claim to the Vierstras for .04 cfs of groundwater for year 'round domestic (2 homes) and stockwater uses with a priority date of October 24, 1935, based on beneficial use. It, too, was recommended as claimed.

On November 30, 1998, the Vierstras filed an *Objection* objecting to name and address and quantity. The total quantity requested in the *Objection* was the same as the recommendation, but because of the combined use with 47-12904, the amount may need to be adjusted. The same date, the Vierstras filed a *Motion to File Amended Notice of Claim* again stating that they need to amend the claim to accurately reflect the full extent of their use of the water.

47-12904 & 47-12905

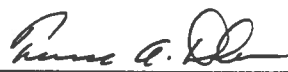
Hearing

A hearing on the two *Motions* was held on July 7, 1999, at the SRBA Courthouse in Twin Falls, Idaho. Patrick D. Brown appeared for the Vierstras and Nicholas B. Spencer appeared by telephone for IDWR. There was no opposition to the *Motions*. Mr. Spencer related that if the claims are amended as requested, they will have to be re-recommended in a later *Director's Report* for irrigation and other claims in Basin 47.

Order

For good cause shown, THEREFORE, IT IS ORDERED that the Vierstras' *Motions to File Amended Notices of Claims* are **granted**.

Dated July 13, 1999.



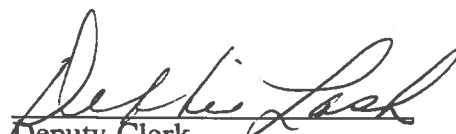
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE AMENDED NOTICES OF CLAIM was mailed July 13, 1999, with sufficient first-class postage prepaid as follows:

Director of IDWR
Box 83720
Boise, ID 83720-0098

Patrick D Brown
812 Shoshone Street East
Twin Falls, Idaho 83301



Deputy Clerk

COBY

COPY

RECEIVED

JUL 23 1993

1998 NOV 30 10:45 Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS, 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	)	Subcase	<u>47-12905</u>
	)		(Insert water right number)
	)		
Case 39576	)	STANDARD FORM	4
	)		
	)	MOTION TO FILE:	
	)	☐ LATE NOTICE OF CLAIM	
	)	☒ AMENDED NOTICE OF CLAIM	

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

COPY

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Richard P. and Norma R. Vierstra

My address is 2574 East 3800 North
Twin Falls, ID 83301

My phone number is: Work _____ Home (208)734-2446

I am an attorney representing Richard P. and Norma R. Vierstra

My name is Patrick D. Brown

My address is 812 Shoshone Street East
Twin Falls, ID 83301

My phone number is (208)735-8812

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

Because the original claim I filed was filled out with the assistance of IDWR
who stated that I can only claim the stockwater as set forth in the original claim.
I have since hired counsel and learned that I am entitled to the stockwater based on the full extent of my use and, therefore, need to amend the claim to accurately reflect that use.

COPY

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

I have attached:

☒ An amended Notice of Claim (available from IDWR).

☒ Payment of the following additional fees required by IDWR:

No fees required.

VERIFICATION (Must be completed)

State of Idaho

County of Twin Falls

Richard P. Weister, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Richard P. Weister
Signature of person filing motion

[Signature]
Attorney signing in representative capacity

Subscribed and sworn to before me on November 25, 1998.
(Insert Date)

Leann L. McMillan
Notary Public for Idaho
Residing at: Jerome
My Commission expires: 8/24/2001

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. FAX filings will not be accepted by the SRBA Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 25, 1998, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

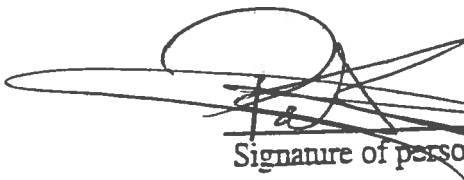
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

A handwritten signature in black ink, consisting of a large loop and several horizontal strokes, positioned above a horizontal line.

Signature of person or attorney mailing the form

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:

Ident. Number

Date Received

Receipt Number

39576
47-12905

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

Please type or print clearly

1. Name of Claimant (s) Richard P. and Norma R. Vierstra Phone (208) 734-2446Mailing Address 2574 E 3800 N Twin Falls Id. Zip 833012. Date of Priority (Only one (1) per claim) Oct. 24, 19353. Source of water supply (a) groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 10S Range 16E Section 14,
SE 1/4 of SW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Twin Falls

Additional points of diversion if any: _____

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

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

Govt. Lot _____ B.M., County of _____

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.well to pump to 2 Houses &
livestock troughs.

COPY

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic & purposes from 1/1 to 12/31 amount .04 or _____

For Stock purposes from 1/1 to 12/31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 2 houses, 250 dairy cattle

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10S	16E	14																D	
10S	16E	14																S	

Total number of acres irrigated _____

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

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.
Stock water is also provided by 47-12904 and permit or None ()

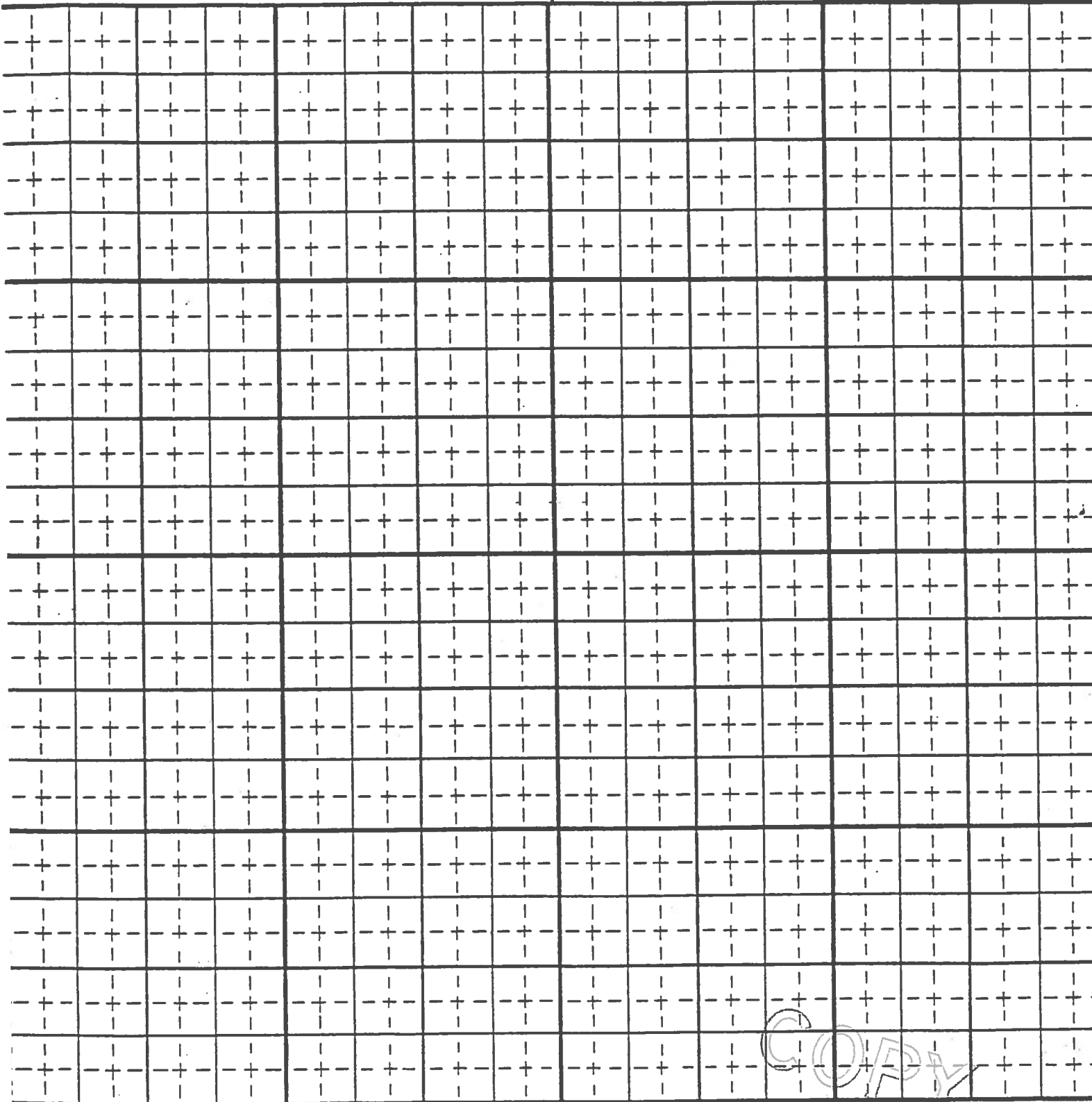
14. Remarks: # 47-08278.

COPY

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

Scale: 2 inches equals 1 mile

See Attached Map.



15. Basis of Claim (check one) Benl Use ☒ Posted Notice _____ L _____ se _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) Richard P. Vierstra

Date 11-25-98

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 _____

Title

of _____

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 _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 25th day of November 19 98

SEAL

Notary Public Leann L. McMillan

Residing at Jerome, Id

My Commission Expires 8/24/2001

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Patrick Brown-Parker, Warr & Brown will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

Address 812 Shoshone Street East, Twin Falls, Idaho 83301

Date 11/25/98

COPY

Last Name Vierstra Ident. Number 47-12905

Copies White-State, Yellow-Claimant

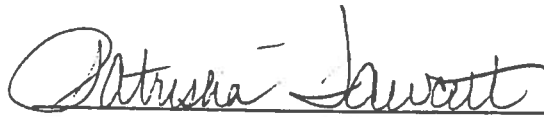
DIST. BY T-383A
 TWIN FALLS CO., IDAHO
 FILED

NOTICE OF COMPLETED

CERTIFICATE OF MAILING

I certify that on 11-24, 1998, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant or attorney of record:
Richard P Vierstra
Norma R Vierstra
2574 E 3800 N
Twin Falls ID 83301
3. One Copy to:
Each party in the subcase or attorney of record:
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form



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

November 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RICHARD P VIERSTRA
NORMA R VIERSTRA
2574 E 3800 N
TWIN FALLS ID 83301

RE: SRBA Claim(s) 47-12904, 47-12905

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

☒ Water Right Number(s): A47-12904, -12905

☒ Old Mailing Address:

☒ New Mailing Address: RICHARD + NORMA VIERSTRA
2574 E 3800 N
TWIN FALLS ID. 83301

☐ New Telephone Number: () - SAME

☒ Signature of Claimant(s): Greg^(SON) Vierstra FOR
RICHARD & NORMA

Date: 11/17/98

FOR IDWR USE ONLY	
Initial Review and Data Entry	
Date:	By:
Further Action Needed:	
Further Action Taken	
Date:	By:
Final Review and Data Entry	
Date: 11/23/98	By: <i>[Signature]</i>

RECEIVED
NOV 17 1998
Department of Water Resources
Southern Region

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE

November 17, 1998 11:49am

CUSTOMER

VIERSTRA/Phoenix Ptrnshp

SUBJECT: A47-12904, -12905 and 47-08278(P)/47-08353(A)

phone call (.) walk-in (x)

Greg Vierstra came in to find out about the claims in his folks' name, Norma and Richard, and in the name of Phoenix Partnership. He filled out a Change of Address per his folks claims, however, the Allocation had the updated address (that's a switch!) for the permit and application.

After reviewing all the claims, Greg will back because, he admitted, there are changes back at the ranch.

AJ5856NP

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

DATE: SEP-2-1997
PAGE: A-2336

RIGHT NUMBER: 47-12905

NAME & ADDRESS: RICHARD P VIERSTRA
NORMA R VIERSTRA
RT 2 BOX 5820
TWIN FALLS ID 83301

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 10/24/1935

POINT OF DIVERSION: T10S R16E S14 SESWSE Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC 2 HOMES	01-01 12-31	0.04 CFS

PLACE OF USE:	STOCKWATER	Within TWIN FALLS County
	T10S R16E S14	SWSE
	DOMESTIC	Within TWIN FALLS County
	T10S R16E S14	SWSE

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. RP10S16E148400A
STOCKWATER, 25 HEAD

D4-24-98

Claim proofread by: MH

Date: SEP 16 1997

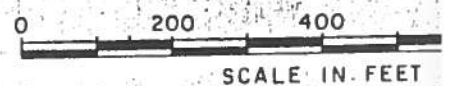


NOTES:

MAPPED FROM AERIAL PHOTOGRAPHY DATED DEC. 17, 1981
GRID: IDAHO COORDINATE SYSTEM, CENTRAL ZONE
DATUM: U.S.C. & G.S., 1968 ADJUSTMENT
MAPPED BY: DAVID C. SMITH & ASSOCIATES
PORTLAND, OREGON (JOB 776)
GROUND CONTROL BY: VTN OREGON
PORTLAND, OREGON

UNITED STATES DEPARTMENT OF
SOIL CONSERVATION SERVICE

RURAL CLEAN WATER
ROCK CREEK, TWIN FALLS (ID)
TWIN FALLS & SNAKE RIVER



SCALE IN FEET

CONTOUR INTERVAL 10 FEET

AJ5808NP
(00-26)

WATER RIGHT NUMBER - A47-12905

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

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

*** C - CURRENT OWNER ***
VIERSTRA

RICHARD P.

1 - RT. 2 BOX 5820
2 -
3 -
CITY- TWIN FALLS
PHONE - 208-734-2446

STATE- ID ZIP- 83301

VIERSTRA

NORMA R.

1 - RT. 2 BOX 5820
2 -
3 -
CITY- TWIN FALLS
PHONE - 208-734-2446

STATE- ID ZIP- 83301

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - - +
10/24/1935 ERROR IN REGION J - BENEFICIAL USE

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

+ - - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)
10S 16E 14 SE SW SE (83) TWIN FALLS

+ - - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME
43 - DOMESTIC 01/01 12/31 0.040
04 - STOCKWATER 01/01 12/31 0.020

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.040 0.0

+ - - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY
10S 16E 14 SW SE 04 STOCKWATER (83) TWIN FALLS
10S 16E 14 SW SE 43 DOMESTIC (83) TWIN FALLS

+ - - DIVERSION MEANS - WELL AND PUMP
+ - - NON-IRRIGATION USE - D/2 HOUSES S/25
+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - - REMARKS - - - - - +
NO REMARKS FOUND.

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

2500 3800 N

WATER RIGHT NUMBER - A47-12905

PREFIX TRANSLATION: ADJUDICATION CLAIM

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

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 01/31/89 CLELLAND 10/17/89 REFUNDML

+ - - - - COMMENTS - - - - -
NO COMMENTS FOUND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 12/21/1988	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- S004926	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- AND/OR	NOTICE OF ERROR FLAG	-

RP10516E148400 A

DATA ENTRY
ENTERED 3-24-94/B
CHECKED 4-28-94/T

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
JAN 0 3 1992

CERTIFIED
FEB 1 1992
WATER EXAMINER

PROOF
DEC 0 4 1991

WATER RIGHT NUMBER - A47-12905

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

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

+ - FIRST NAME - - +

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

*** C - CURRENT OWNER ***
VIERSTRA

RICHARD P.

1 - RT. 2 BOX 5820

2 -

3 -

CITY- TWIN FALLS

STATE- ID ZIP- 83301

PHONE - 208-734-2446

VIERSTRA

NORMA R.

1 - RT. 2 BOX 5820

2 -

3 -

CITY- TWIN FALLS

STATE- ID ZIP- 83301

PHONE - 208-734-2446

+ - - PRIORITY DATE - - +
10/24/1935

+ - - - REGION - - - +
ERROR IN REGION

+ - - - STAGE - - - +
J - BENEFICIAL USE

+ - - - STATUS - - - - +

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

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

+ - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

10S 16E 14 SE SW SE (83) TWIN FALLS

CODE	DESCRIPTION	PERIOD FROM	PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
43 - DOMESTIC		01/01	12/31	0.040	
04 - STOCKWATER		01/01	12/31	0.020	

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.040 0.0

TWN	RNG	SEC	TRACT	LOT	ACRES	CODE	DESCRIPTION	COUNTY
10S	16E	14	SW SE			04	STOCKWATER	(83) TWIN FALLS
10S	16E	14	SW SE			43	DOMESTIC	(83) TWIN FALLS

+ - - DIVERSION MEANS - WELL AND PUMP

+ - - NON-IRRIGATION USE - D/2 HOUSES S/25

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - +
NO REMARKS FOUND.

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

2500 3800 N

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - - + - - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

| | | | | | | | | |
|-----------------------|---|------------|-----------------------|---|------------|-------------------------|---|-------|
| COURT REPORT FILING | - | 00/00/0000 | FIELD INSPECTION MADE | - | 00/00/0000 | CIVIL CASE NUMBER | - | 39576 |
| OBJECTION FILED DATE | - | 00/00/0000 | FIELD INSPECTION FLAG | - | | OLD CASE NUMBER | - | |
| RESPONSE FILED DATE | - | 00/00/0000 | VERIFIED DATE | - | 00/00/0000 | OLD JUDICIAL DISTRICT | - | |
| CLAIM RECEIVED DATE | - | 12/21/1988 | LAST AMENDED DATE | - | 00/00/0000 | TEMPORARY RIGHT | - | P |
| PROOF DUE DATE | - | 00/00/0000 | PROOF MADE DATE | - | 00/00/0000 | WATER DISTRICT | - | |
| LICENSED DATE | - | 00/00/0000 | RECEIPT NUMBER | - | S004926 | FEDERAL/STATE INDICATOR | - | S |
| CLAIMS TAPE ERROR FLG | - | | POU OWNERSHIP FLAG | - | Y | PRESUMPTION FLAG | - | |
| FEE EXEMPT FLAG | - | | NAME CONNECTOR | - | AND/OR | NOTICE OF ERROR FLAG | - | |

PROOF
DEC 04 1991

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: A47-12905
Date Received: 1/31/1989
Receipt No: S004926
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD P. VIERSTRA 208-734-2446
Address: RT. 2 BOX 5820
TWIN FALLS, ID 83301

AND/OR

Name: NORMA R. VIERSTRA 208-734-2446
Address: RT. 2 BOX 5820
TWIN FALLS, ID 83301

2. Date of Priority: OCT 24, 1935

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 10S | 16E | 14 | SE | SW | SE | | TWIN FALLS |

5. Description of diverting works:
WELL AND PUMP

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 | | |
| STOCKWATER | 01/01 | 12/31 | 0.020 | | |

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/2 HOUSES S/25

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 10S | 16E | 14 | SW | SE | | DOMEST | |
| | | | SW | SE | | STOCK | |

11. Place of use in counties: TWIN FALLS

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 FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A47-12905
Date Received 12-14-88
Receipt Number 5004926NOTICE OF CLAIM
TO A
WATER RIGHTACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) RICHARD P. & NORMA R. VIERSTRA Phone (208) 734-2416
Mailing Address Box 2 Bix 5820, Twin Falls, Id Zip 833012. Date of Priority (Only one per claim) Oct. 24, 1935 Month/Day/Year3. Source of water supply (Check one) (X) Groundwater or Other () (a) _____
Name or kind of source
which is tributary to (b) _____4. Location of point of diversion is: Township 10 S Range 16 E
Section 14, S/E 1/4 of S/W 1/4 of S/E 1/4, Govt. Lot _____, BM.,
County of TWIN FALLSAdditional 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. ONE WELL ONE PUMP

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

For DOMESTIC purposes from 1-1 Month/Day to 12-31 Month/Day amount .04 (cfs)
(Both dates are inclusive)
For STACK purposes from 1-1 Month/Day to 12-31 Month/Day amount .027. Total quantity claimed .04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single landers; Stockwater: Type and Number of livestock) D/2 S/25

MICROFILMED

MAR 14 1993

10. Place of use is: Township: 10 S Range 16 E

Section 14, S/W 1/4 of S/E 1/4, Govt. Lot _____, B.M.,

County of TWIN FALLS 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? TWIN FALLS

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

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 0

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

Signature of Claimant (s) Norma R. Vierstrz Date 12-14-88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

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 _____ Date _____

Title and Organization _____

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 19th day of Dec. 19 88

SEAL

Notary Public Allen D. Minter

Residing at Kimberly, Id.

My Commission Expires 6/30/94

Last Name Vierstrz Ident No. _____

COPIES FILMED
Copies: White-State, Yellow-Claimant
MAR 14 1993

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: A47-12905
Date Received: 1/31/1989
Receipt No: S004926
Received By: SC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD P. VIERSTRA 208-734-2446
Address: RT. 2 BOX 5820
TWIN FALLS, ID 83301
AND/OR
Name: NORMA R. VIERSTRA 208-734-2446
Address: RT. 2 BOX 5820
TWIN FALLS, ID 83301

2. Date of Priority: OCT 24, 1935

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 10S | 16E | 14 | SE | SW | SE | | TWIN FALLS |

5. Description of diverting works:
WELL AND PUMP

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 | | |
| STOCKWATER | 01/01 | 12/31 | 0.020 | | |

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/2 HOUSES S/25

A47-12905

Page 1

Date: 01/31/89

MICROFILMED

MAR 14 1993

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 10S | 16E | 14 | SW | SE | | DOMEST | |
| | | | SW | SE | | STOCK | |

11. Place of use in counties: TWIN FALLS

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 FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A47-12905Date Received 12-14-88Receipt Number 2004926**NOTICE 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 \$25

Please type or print clearly

1. Name of Claimant (s) RICHARD P. & NORMA R. VIERSTRA Phone (208) 734-2446Mailing Address Box 5520, Twin Falls, ID Zip 833012. Date of Priority (Only one per claim) OCT. 24, 1935 Month/Day/Year3. Source of water supply (Check one) (X) Groundwater or Other () (a) _____

Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 10 S Range 16 ESection 14, S/E 1/4 of S/W 1/4 of S/E 1/4, Govt. Lot _____, BM.,County of TWIN FALLSAdditional 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. ONE WELL ONE PUMP

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

For DOMESTIC purposes from 1-1 to 12-31 amount .04 (cfs)
(Both dates are inclusive)For STACK purposes from 1-1 to 12-31 amount .027. Total quantity claimed .04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) D/2 S/25

MICROFILMED

MAR 14 1989

10. Place of use is: Township: 10 S Range 16 E

Section 14, S/W 1/4 of S/E 1/4, Govt. Lot _____, B.M.,

County of TWIN FALLS 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? TWIN FALLS

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

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 0

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

Signature of Claimant (s) Norma R. Vierstra Date 12-14-88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

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 _____ Date _____

Title and Organization _____

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 19th day of Dec. 19 88

SEAL

Notary Public Al D. Monte

Residing at Kimberly, Id.

My Commission Expires 6/30/94

Last Name Vierstra Ident No. _____

MICROFILMED
Copies: White-State, Yellow-Claimant
MAR 14 1993

NOTICE OF ERROR
REPLY

RECEIVED
NOV 21 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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:

Water right number: 47-12905

PHOENIX DAIRY LLC
2574 E 3800 N
TWIN FALLS, ID 83301
Telephone Number: (208) 734-2446

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Phoenix Dairy disagrees with the "combined use" remark with water right 47-12904.

2. Describe the changes you wish to make in the proposed recommendation:

Remove the remark. No combined use with 47-12904 is necessary.

3. Give a brief explanation as to why you disagree with these portions:

Water right 47-12904 is a separate water right and there should not be a "combined use" limitation.

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/20/06

SIGNATURE: 

Please print your name: Travis L. Thompson - attorney

11/09/2006

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

RIGHT NUMBER: 47-12905

NAME AND ADDRESS: PHOENIX DAIRY LLC
2574 E 3800 N
TWIN FALLS ID 83301

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: 10/24/1935

POINT OF DIVERSION:

T10S R16E S14 SESWE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| DOMESTIC | 1/01 12/31 | 0.040 CFS |
| STOCKWATER | 1/01 12/31 | 0.020 CFS |

PLACE OF USE: STOCKWATER in TWIN FALLS County

T10S R16E S14 SWSE

DOMESTIC in TWIN FALLS County

T10S R16E S14 SWSE

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. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Jones, Doug

From: Jones, Doug
Sent: Tuesday, October 25, 2005 2:32 PM
To: 'TLT@IDAHOWATERS.COM'
Subject: Vierstra/Phoenix Dairy

Travis,

Attached are the version 1 recommendations for the two claims 47-12904 & -12905. Both of these claims were filed as de minimis claims (\$25 ea), the uses described were developed at different dates and are additive. However, both described uses combined do not exceed 13,000 gpd - the statutory limit under 42-111 - although documentation of extent of historical use as of the claimed priority date is not in the file. I have looked at the SRBA website and see that amended claims had been lodged at the court and granted, but had not been data entered. I have completed the data entry.

Please note that amended claim for 47-12904 specified large flow rates, non-de minimis uses, a priority date of 1980 and was not accompanied by filing fees of \$125. This claim can't be recommended as claimed due to "No Lawful Appropriation" (post 1963 priority). The claim will be recommended as a de minimis right and the upcoming recommendation will reflect certain elements of the amended claim, though the specifics are yet to be finalized.

I have noticed that Proof of Beneficial Use was filed for permit 47-8278, Brockway Engr has submitted a field exam, and the state office is processing that filing. Application for Permit 47-8353 has been held since filing due to the drought moratorium on processing new applications.

If you have further questions please let me know.

Doug



47-12905v1.doc



47-12904v1.doc

06/13/2005

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

RIGHT NUMBER: 47-12905

NAME AND ADDRESS: PHOENIX DAIRY LLC
2574 E 3800 N
TWIN FALLS ID 83301

VERIFIED BY KKC

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER FOR THE RIGHTS LISTED BELOW SHALL NOT
EXCEED 13,000 GALLONS PER DAY. RIGHT NOS. 47-12904 AND 47-12905

PRIORITY DATE: 10/24/1935

POINT OF DIVERSION:

T10S R16E S14 SESWSE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| DOMESTIC | 1/01 12/31 | 0.040 CFS |
| STOCKWATER | 1/01 12/31 | 0.020 CFS |

PLACE OF USE: STOCKWATER Within TWIN FALLS County

T10S R16E S14 SWSE

DOMESTIC Within TWIN FALLS County

T10S R16E S14 SWSE

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. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use



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

12905
RECEIVED

MAY 10 1999

Department of Water Resources

SOUTHERN REGION

April 2, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RICHARD VIERSTRA
2574 E 3800 N
TWIN FALLS ID 83301

RE: Follow up Memo to Our March 3, 1999 Meeting

Dear Mr. Vierstra,

Enclosed you will find a memo that addresses my response to issues discussed at our meeting of March 3, 1999.

Please note my memo encompasses a memo written by Corey Skinner from his meeting with Greg Vierstra on November 20, 1998.

Please feel free to contact me at our office if you need further information.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

CC: Pat Brown, Esq.

A47-12905

MEMO

TO: SRBA Claim Files A47-12904 & A47-12905; Water Right Files 47-08278 (Permit) and 47-08353 (Application)

FROM: Steve Clelland *sw*

DATE: March 22, 1999

RE: Analysis of SRBA Claims for Dairy Uses; Appointment & Conversations with Bud Vierstra and Pat Brown

This is a follow-up memo to the appointment I had with Bud Vierstra and his counsel, Pat Brown, on March 3, 1999. I gave some verbal response, to the issues raised during the meeting, to both Mr. Vierstra and Mr. Brown on 3/12 and 3/10, respectively. Here is a final report of my analysis of this group of water rights.

Attached is a good historic description of the dairy operations as outlined in a Memo by Corey Skinner and dated November 20, 1998. That meeting was with Greg Vierstra, he is Bud Vierstra's son.

The following is a brief time-line description of the events leading to the present situation:

- 1935 --Original homestead well developed; 2 houses & 25 stock.
- 1977 --Dairy is developed to an 1100 head operation.
- 1980 --Sept. 14, second well is drilled and developed.
- 1986 --Dairy buy-out commences, 5 year duration.
- 1988 --December 21, SRBA claims filed for A47-12904 & A47-12905.
- 1991 --Dairy buy-out ends.
 - July 17, Application for Permit 47-08278 is filed. Two POD's listed.
- 1993 --Nov. 16, Proof made for 47-08278. (Due on 12/01/93.)
- 1994 --Feb. 4, Application for Permit 47-08353 is filed. Two POD's listed.
 - Application is held in SRBA drought moratorium, est. 5/15/92.
- 1998 --August, the court decrees SRBA claims.
 - Nov. 17, Greg V. meets with Georgia Satterlee to file Change of ownership.
 - Nov. 20, Greg V. meets with Corey Skinner to discuss options.
- 1999 --March 3, Bud V. and Pat B. meet with Steve Clelland to review options.

Pat Brown stated they would be filing Objections and Amendments on the two SRBA claims. They would like to see the claims reported as based on the "determination of historical beneficial use." This would result in removing the current remark stating no determination has been made. Concerns were raised that neighbors may use this statement to harass the dairy in the future about the lack of proper water rights. They also felt they could establish both the *de minimis* claims at the full limit of 13,000 gallons per day.

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Since both wells are tied into one delivery system the issue of combined use must be addressed. Based on the above descriptions it would be feasible to allow the amounts to be additive in a given year.

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and requests to our offices to pull the Application from the moratorium holdback.

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MEMORANDUM

TO: Water Right Files 47-08278 and 47-8353 and Snake River Basin Adjudication Claim Files A47-12904 and A47-12905

FROM: Corey Skinner *CS*

DATE: November 20, 1998

SUBJECT: Conversation with Greg Vierstra

This day, I met with Greg Vierstra to discuss the water right situation on his dairy located within the SWSE $\frac{1}{4}$ of Section 14 (T10S, R16E), about a mile southeast of Curry. The following information was gathered from my conversation with Mr. Vierstra, and examination of the Department's records:

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COPY

1998 NOV 24 AM 11:44

DISTRICT COURT-3R3A
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

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDINGS
)
)

) SUBCASE NO. 47-12904, 47-12905

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

Name and New Address of Claimant:

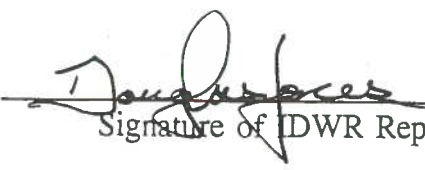
Richard P Vierstra
Norma R Vierstra
2574 E 3800 N
Twin Falls ID 83301
Phone: 734-2446

The Claimant has filed Objections or Responses to the following water rights: None

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

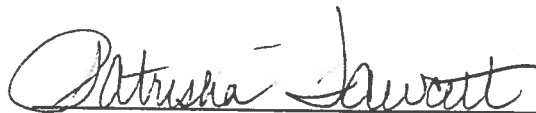
DATED: 11/24/98


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11-24, 1998, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant or attorney of record:
Richard P Vierstra
Norma R Vierstra
2574 E 3800 N
Twin Falls ID 83301
3. One Copy to:
Each party in the subcase or attorney of record:
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form



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

47-12905
COPY 1289

SOUTHERN REGION

April 2, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RICHARD VIERSTRA

2574 E 3800 N

TWIN FALLS ID 83301

RE: Follow up Memo to Our March 3, 1999 Meeting

Dear Mr. Vierstra,

Enclosed you will find a memo that addresses my response to issues discussed at our meeting of March 3, 1999.

Please note my memo encompasses a memo written by Corey Skinner from his meeting with Greg Vierstra on November 20, 1998.

Please feel free to contact me at our office if you need further information.

Sincerely,

STEVE CLELLAND

Sr. Water Resource Agent

ENC:

CC: Pat Brown, Esq.

447-12905

A47-12905

MEMORANDUM

TO: Water Right Files 47-08278 and 47-8353 and Snake River Basin
Adjudication Claim Files A47-12904 and A47-12905

FROM: Corey Skinner *CS*

DATE: November 20, 1998

SUBJECT: Conversation with Greg Vierstra

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On December 21, 1988, two SRBA claims (A47-12904 and A47-12905) were filed by Richard &/or Norma Vierstra (Greg Vierstra's parents). One of these claims (A47-12904) was filed for stockwater use diverted from two wells. The original claim lists the number of livestock as "100 mixed range, horses, mules". The other claim (A47-12905) lists domestic and stockwater use diverted from one well. The original claim lists two homes and 25 head of stock.

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MEMO

TO: SRBA Claim Files A47-12904 & A47-12905; Water Right Files 47-08278 (Permit) and 47-08353 (Application)

FROM: Steve Clelland *sc*

DATE: March 22, 1999

RE: Analysis of SRBA Claims for Dairy Uses; Appointment & Conversations with Bud Vierstra and Pat Brown

This is a follow-up memo to the appointment I had with Bud Vierstra and his counsel, Pat Brown, on March 3, 1999. I gave some verbal response, to the issues raised during the meeting, to both Mr. Vierstra and Mr. Brown on 3/12 and 3/10, respectively. Here is a final report of my analysis of this group of water rights.

Attached is a good historic description of the dairy operations as outlined in a Memo by Corey Skinner and dated November 20, 1998. That meeting was with Greg Vierstra, he is Bud Vierstra's son.

The following is a brief time-line description of the events leading to the present situation:

- 1935 --Original homestead well developed; 2 houses & 25 stock.
- 1977 --Dairy is developed to an 1100 head operation.
- 1980 --Sept. 14, second well is drilled and developed.
- 1986 --Dairy buy-out commences, 5 year duration.
- 1988 --December 21, SRBA claims filed for A47-12904 & A47-12905.
- 1991 --Dairy buy-out ends.
 - July 17, Application for Permit 47-08278 is filed. Two POD's listed.
- 1993 --Nov. 16, Proof made for 47-08278. (Due on 12/01/93.)
- 1994 --Feb. 4, Application for Permit 47-08353 is filed. Two POD's listed.
 - Application is held in SRBA drought moratorium, est. 5/15/92.
- 1998 --August, the court decrees SRBA claims.
 - Nov. 17, Greg V. meets with Georgia Satterlee to file Change of ownership.
 - Nov. 20, Greg V. meets with Corey Skinner to discuss options.
- 1999 --March 3, Bud V. and Pat B. meet with Steve Clelland to review options.

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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

November 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RICHARD P VIERSTRA
NORMA R VIERSTRA
2574 E 3800 N
TWIN FALLS ID 83301

RE: SRBA Claim(s) 47-12904, 47-12905

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

DATE: 11/23/98
PAGE: 1

Field Inspection Flag:
Presumption Flag:

MEMORANDUM

TO: Water Right Files 47-08278 and 47-8353 and Snake River Basin
Adjudication Claim Files A47-12904 and A47-12905

FROM: Corey Skinner /K

DATE: November 20, 1998

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Page 2
Vierstra Dairy Memo
November 20, 1998

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6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE

November 17, 1998 11:49am

CUSTOMER

VIERSTRA/Phoenix Ptrnshp

SUBJECT: A47-12904,-12905 and 47-08278(P)/47-08353(A)
phone call (.) walk-in (x)

Greg Vierstra came in to find out about the claims in his folks' name, Norma and Richard, and in the name of Phoenix Partnership. He filled out a Change of Address per his folks claims, however, the Allocation had the updated address (that's a switch!) for the permit and application.

After reviewing all the claims, Greg will back because, he admitted, there are changes back at the ranch.

AJ5856NP

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

DATE: SEP-2-1997
PAGE: A-2336

RIGHT NUMBER: 47-12905

NAME & ADDRESS: RICHARD P VIERSTRA
NORMA R VIERSTRA
RT 2 BOX 5820
TWIN FALLS ID 83301

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 10/24/1935

POINT OF DIVERSION: T10S R16E S14 SESWSE Within TWIN FALLS County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|------------------|---------------|----------|
| | STOCKWATER | 01-01 12-31 | 0.02 CFS |
| | DOMESTIC 2 HOMES | 01-01 12-31 | 0.04 CFS |

| | | |
|---------------|---------------|--------------------------|
| PLACE OF USE: | STOCKWATER | Within TWIN FALLS County |
| | T10S R16E S14 | SWSE |
| | DOMESTIC | Within TWIN FALLS County |
| | T10S R16E S14 | SWSE |

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. RP10S16E148400A
STOCKWATER, 25 HEAD

D4-24-98

Claim proofread by: MH
Date: SEP 16 1997