

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-10687

1996 DEC -3 AM 10:49
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: RAY PERSHALL
RT 1 BOX 448
MARSING ID 83639

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 07/01/1962

POINT OF DIVERSION: T02N R04W S09 NWENW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE DOMESTIC 1 HOME	PERIOD OF USE 01-01 12-31	QUANTITY 0.04 CFS
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PLACE OF USE: DOMESTIC Within Owyhee County
T02N R04W S09 NENW

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.

DATED: DEC - 3 1996


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

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

DATED: DEC - 3 1996


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

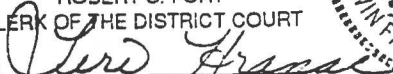
MICROFILMED

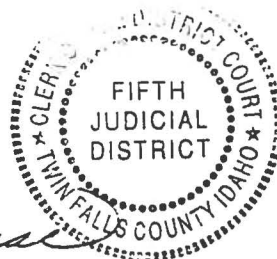
JUN 06 1997

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-10687

State of Idaho
County of Twin Falls ss
I hereby certify the foregoing to be a
full, true and correct copy of the
original on file in the above entitled
action.

ROBERT S. FORT
CLERK OF THE DISTRICT COURT

By 
DEPUTY CLERK



PAGE 1
NOV-18-1996

AJ5809NP
No. R57-10687

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/20/96
PAGE: 7

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RAY PERSHALL RT 1 BOX 448 MARSING ID 83639 (208) 896-4287	07/01/1962	DOMESTIC	01-01 12-31	0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T02N R04W S09

NWNENW

OWYHEE County

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	:
02N	04W	9	:																	:
			:																	:

POU County: OWYHEE

Non-Irrigation Uses: 1 HOME

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP0071401

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments: Date: 11/07/1991 User-ID: SMITH Subject: COPIED FROM REMARKS 2 WELLS, ONE USED FOR HOUSE USE ONLY, THE OTHER FOR IRRIGATING LAWN AND SHRUBS.

Date: 10/14/1996 User-ID: DS1-PROD Subject: D&S 1 HOME UPDATE USE-NOT-IRRIGATION FIELD TEXT REPLACED WITH "1 HOME". CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD. ANY GEN REMARK CHANGED TO AN EXP REMARK.

Audit: 10/18/96 DSHAFF

JUN 06 1997
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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: A57-10687
Date Received: 11/21/1988
Receipt No: W002131
Received By: DE JH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RAY PERSHALL 208-896-4287
Address: RT. 1 BOX 448
MARSING, ID 83639

2. Date of Priority: JUL 01, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	04W	9	NW	NE	NW		OWYHEE

5. Description of diverting works:
160' WELL W/1 1/2 HP SUBMERSIBLE PUMP, PIPE TO PLACES OF USE

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSEHOLD AND SURROUNDING GROUNDS

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	04W	9	NE	NW		DOMEST	

11. Place of use in counties: OWYHEE

A57-10687

Page 1

Date: 02/14/89

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

13. Other Water Rights Used:

DOMESTIC WELL LOCATED ON SAME PARCEL.

14. Remarks:

2 WELLS, ONE USED FOR HOUSE USE ONLY, THE OTHER FOR IRRIGATING
LAWN AND SHRUBS.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

A57-10687

11-21-88

W002131/W002132

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

RECEIVED

NOV 21 1988

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Ray Pershall Phone (208) 896-4287Mailing Address Route 1, Box 448 Marsing, Idaho Zip 836392. Date of Priority (Only one (1) per claim) 7/1/19623. Source of water supply (a) groundwater
which is tributary to (b) _____4. Location of point of diversion is: Township 2 N. Range 4 W.Section 9, NW 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____, B.M.,County of Owyhee

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Well is approximately 160 feet deep.
Water is withdrawn by a 1-1/2 h.p. submersible pump connected to a 2"
diameter pipeline which distributes the water to a residence and surrounding
grounds.

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

For domestic purposes from Jan. 1 to Dec. 31 amount .04 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of livestock) Domestic use for one residence and surrounding grounds.

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
2 N.	4 W.	9					D											

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

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.
Domestic well located on same parcel or None ()

14. Remarks: 2 Wells - one used for in house use only & the other for irrigating lawn & shrubs.

15. Basis of Claim (check one) Beneficial Use X Posted Notice License Permit
Decree

If applicable provide IDWR Water Right Number
Court Case Number Decree Date
Plaintiff vs Defendant

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not 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) Ray Pershall Date 11/17/88
Date

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

Signature of Authorized Agent

Title and Organization Date

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

Subscribed and sworn (or affirmed) before me this 17 day of November 19 88

SEAL

Notary Public John H. Noyes
15420 Homedale Rd
Residing at Caldwell, Idaho

My Commission Expires Sept. 21, 1994

Last Name Pershall Ident No. Copies While-State, Yellow-Claimant

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OCT 6 6 1992

12/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME PERSHALL

CLAIM IDENT. NO. A57-10687

DATE RECEIVED 11-21-88 CK # 4572/43% AMOUNT \$ 10.73/00

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☐	☐	*
Is the priority date acceptable in view of mandatory filing dates?	☐	☐	*
3. (a) Is a source entered?	☐	☐	*
(b) Is a tributary to entered? (if required)	☐	☐	
4. Is the legal description of the p.d. sufficient?	☐	☐	*
5. Is there a description of the diverting works?	☐	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	☐	☐	
Is the period of use included?	☐	☐	
Is a quantity claimed for each use?	☐	☐	*
7. Is a total quantity claimed entered?	☐	☐	
8. If required is a consumptive use entered?	☐	☐	
Is the consumptive use correct?	☐	☐	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	☐	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☐	☐	*
11. Is (are) the county(ies) entered?	☐	☐	
12. Is the ownership of p.u. checked?	☐	☐	
13. Are other water rights listed or "none" indicated?	☐	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☐	☐	
15. Is the basis of the claim indicated?	☐	☐	
16. Has the claimant requested a monthly docket sheet? (If yes, describe payment status in "Comments" below.)	☐	☐	
17. Is the claim signed by the claimant, and is the signature appropriate?	☐	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☐	☐	*
19. Was this claim filed on time, or was an extension granted?	☐	☐	*
20. Is the fee enclosed correct?	☐	☐	*
21. If this claim is based on an existing water right, has the identification number been entered?	☐	☐	
22. Should this claim be receipted and data entered?	☒	☐	

Claim checked by: VERIFIED RDH Date: 1-28-89

Claim must be returned to claimant: ☐ (Yes) ☒ (No)

Claimant must be sent a copy of amended claim for approval: ☐ (Yes) ☒ (No)

Receipt Prepared by: _____ Date: _____
Claim data entered by: _____ Date: _____
Sent to claimant by: _____ Date: _____

Comments: OK

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OCT 06 1992
25.00



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

- Roger Jr. or Shannon Seely
- Rt. 1 Box 288
- Marsing ID 83639

RECEIVED

OCT 31 1991

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

MAILING DATE: Oct. 29, 1991

RESPONSE DATE: Nov. 12, 1991

Department of Water Resources
Western Regional Office

RE: NOTICE OF CLAIM NO[S]: 457-10687 + 457-10636

Dear Claimant(s):

We are currently preparing the Notice(s) of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Our research indicates there may have been a change in either the ownership or address for the above claim(s). IDWR records currently show the following name and address for the owner of the claim(s) listed above:

- Ray Pershall
- Rt. 1 Box 448
- Marsing Id. 83639

If our current records, as listed above, are not correct please complete the enclosed Change in Ownership or Change of Address form, as appropriate, to correct our records.

Your response must be received in this office by the Response Date indicated above. If no response is received from you, all further legal notices concerning the claim(s) will be sent to the name and address shown above. If you have claims other than those referenced here, please contact the Department so we may assist you in updating the information for all your claims. Should you have any questions, or feel that you need assistance, please contact IDWR at 1-800-451-4129.

Sincerely,

Donald V. Shaff
Manager Adjudication Section

state:region

Enclosures:

- Change of Ownership Form
- Change of Address Form

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OCT 6 8 1992

WATER RIGHT NUMBER - A57-10687

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

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

+ - FIRST NAME - - +

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

*** C - CURRENT OWNER ***
PERSHALL

RAY

1 - RT. 1 BOX 448
2 -
3 -
CITY- MARSING
PHONE - 208-896-4287

STATE- ID ZIP- 83639

+ - - PRIORITY DATE - - +
07/01/1962

+ - - - 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)

02N 04W 9 NW NE NW (73) DWYHEE

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

43 - DOMESTIC 01/01 12/31 0.040

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

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

02N 04W 9 NE NW 43 DOMESTIC (73) DWYHEE

+ - - DIVERSION MEANS - 160' WELL W/1 1/2 HP SUBMERSIBLE PUMP, PIPE TO PLACES OF USE

+ - - NON-IRRIGATION USE - D/1 HOUSEHOLD AND SURROUNDING GROUNDS

+ - - OTHER RIGHTS FOR SAME USE - ~~DOMESTIC WELL LOCATED ON SAME PARCEL~~

RME

+ - - - - REMARKS - - - - - +
2 WELLS, ONE USED FOR HOUSE USE ONLY, THE OTHER FOR IRRIGATING
LAWN AND SHRUBS.

→ to comments RME

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

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

+ - - - - DECREE PLAINTIFF - - - - +

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DECREE DEFENDANT - - - - +

+ - DECREE DATE - +
00/00/0000

OCT 06 1992

+ - - AUDIT FIELDS - 02/01/89 HARRIS 02/14/89 HARRIS 10/24/89 REFUNDML

WATER RIGHT NUMBER - A57-10687

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - - 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	- 11/21/1988	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	- W002131	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	PDU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	-		

~~Delete Duplicate Filing~~
~~Pershing is prior owner~~
~~Covered by A57-10637~~

RP 0071401

Seun, Roger Jr & Shannon

RL 1 Box 288

Marsing, ID 83639

Change of ownership
filed 4/29/91

DATA ENTRY

ENTERED 11-7-91 DMS

CHECKED 11/29/91 DLD

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

MICROFILMED
OCT 06 1992

VERIFIED
APR - 1991

PROOF
MAR 03 1991

CERTIFIED
APR 27 1991
WATER EXAMINER