

11/03/2003

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

RIGHT NUMBER: 37-1191
NAME AND ADDRESS: KURT W WESTENDORF
439 N 700 W
GOODING ID 83330

IRENE WESTENDORF
439 N 700 W
GOODING ID 83330

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 2.400 CFS
PRIORITY DATE: 09/02/1902
POINT OF DIVERSION:

T03S R18E S9 NESE Within LINCOLN County
T04S R18E S15 NWSE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.400 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R16E S10	SWSW	40.0	T05S R16E S10	SESW	38.0
T05S R16E S15	NENW	40.0	T05S R16E S15	NWNW	35.0

153 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-619B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 153 ACRES IN A SINGLE
IRRIGATION SEASON.

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.

EXPLANATORY MATERIAL: Decreed

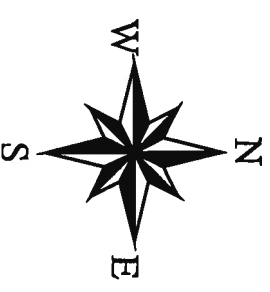
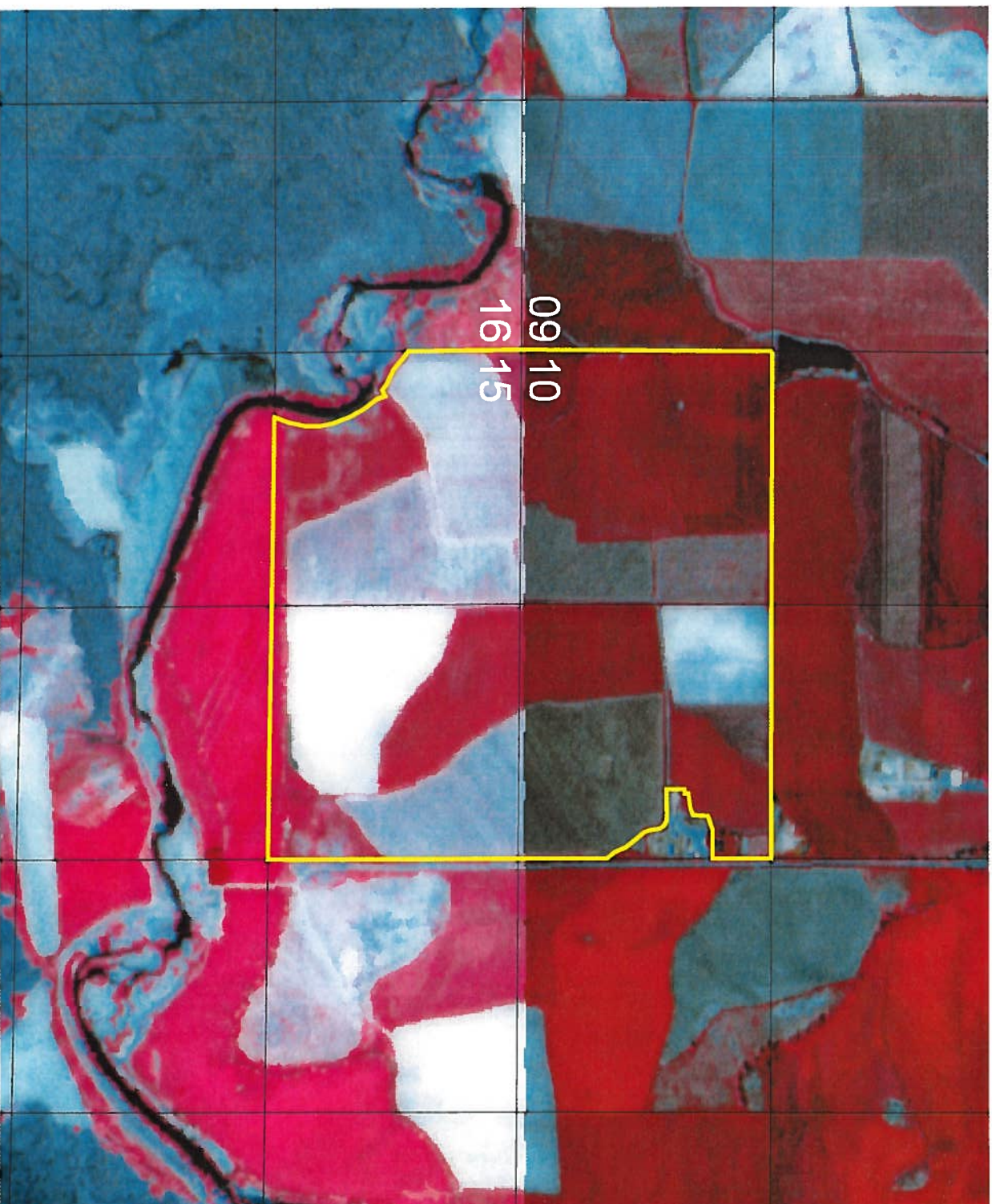
WATER IS DELIVERED THROUGH THE MILNER GOODING CANAL VIA THE
NORTH SHOSHONE CANAL. THE LINCOLN BYPASS CANAL MAY ALSO BE
USED IN THE DELIVERY OF THIS RIGHT.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS
RESERVOIR DIST. NO. 2.

37-619B & 37-1191

**T05S R16E
S10 & S15**



Map prepared by: Carter Frischle
Date prepared: 10/31/03
1987-1988 NAPP photography
Idaho Department of Water Resources

RECEIVED

APR 22 1993

Department of Water Resources
Tribal Region Office

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: A37-01191
Date Received: 7/ 6/1988
Receipt No: S000719
Received By: Ad

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: KURT W WESTENDORF 208-886-7701
Address: 439N 700W
GOODING ID 83330

AND/OR

Name: IRENE WESTENDORF 208-886-7701
Address: 439N 700W
GOODING ID 83330

2. Date of Priority: SEP 2, 1902

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	16E	10	NE	NE	SW		LINCOLN

5. Description of diverting works:
VIA BIG WOOD CANAL CO. SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	16E	10	SW	SW		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	16E	10	SE	SW		IRR	40.0
						Section Acres	80.0
		15	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
						Section Acres	80.0
						Total Acres	160.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

PT. OF DIVERSION IS HEADGATE WHICH DEVERTS WATER 3 WAYS OFF
OF LATERAL DITCH. WATER USED ON SAME ACRES AS A37-00619.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

SIMS

Decree Plaintiff

CHAPMAN

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

Signature of Claimant(s): Kurt Westendorf Date: April 21, 1993
_____ Date: _____

State of Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of April 19 93 _____
Notary Public

Seal

Residing at Camas County, IDAHO
My Commission Expires 6-15-95

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

09-Apr-1993 15:21

Kurt W. &/or Irene Westendorf
439N 700W
Gooding, ID 83330

RE: Amend Claim A37-01191

Dear Mrs Westendorf:

Pursuant to our phone conversation of this day please find enclosed the draft amendment of the above referenced claim to correct the "Bad Address Record" which we have found on your original claim. I have enclosed a copy of the front of your original claim with the problem address circled in red. As we discussed if the amendment seems appropriate please sign the amended claim before a notary and return it to our office. If you have questions please feel free to contact our office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Allen D. Merritt'.

Allen D. Merritt, P.E.
Water Rights Supervisor

Encl:

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AUG 24 1994

FILE: A37-01191AGENT: Allen MerrittDATE: 4/9/93RE: "Bad Address"NAME OF PARTY: Irene Westendorf

This day I phoned ~~886-7701~~ 886-7701 and talked to Mrs. Westendorf. I explained the problem with the bad addresses and she explained the SIVs listed on the original claim were old owners years ago and should be removed. I told her I would draft an amendment of the claim and sent it to her so she could sign before a notary and return it to our office.

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AUG 24 1993

MEMORANDUM

To: Allen Merritt
From: Helen Harrington-Thornton ^{list}
Date: March 26, 1993
Subject: "Bad Address List"

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A request was recently made by Judge Hurlbutt for a list of addresses of all claimants in the SRBA. When that list was prepared, several claims showed up with errors in the address. Attached is a portion of that list that is pertinent to Southern Region.

It would appear that at least a few of these are "original" owners that were accidentally left on the claim without a change in ownership code. However, since we may have a claim listing these names, we will need to have the correct claimant amend the claim to correct the records. However, I am forwarding these to the region rather than taking care of them myself because the original claim file will need to be checked to confirm what is actually on the claim. If we are lucky, the problem is a data entry error rather than a claimant error (i.e., the claim is handwritten and is correct, but the data entry neglected to changed the owner code).

I believe that if the error is NOT a data entry error, we will need to have the claimant amend the claim to correct the problem.

I haven't heard that there is any deadline for these corrections, but you might check with Carter or Don if you have any questions.

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AUG 24 1994

11/1/84

DATE: 03/05/93
TIME: 00:01:59
PAGE: 1

WATER RIGHTS BAD ADDRESS LIST		WATER RIGHT NUMBER			LAST NAME			OWNER CODE			CITY			STATE ZIP CODE		
A02-02186		SAILOR CREEK WATER CO.						C			TWIN FALLS			ID		
A02-02262		TRAVELERS INSURANCE CO.						C								
A21-07132		MARTINDALE						C								
A21-07341		ZOLLINGER						C								
A22-04108		PETERSON						C								
A22-04109		PETERSON						C								
A29-02292		JENSEN						C								
A31-07248		MARTIN FAMILY TRUST						C								
A31-10024		LEONARD						C			ST. ANTHONY			ID		
A31-10024		LEONARD						C			ST ANTHONY			ID		
A31-10024		LEONARD						C			ST ANTHONY			ID		
A31-10024		HITESMAN						C			ST ANTHONY			ID		
A31-10024		LEONARD						C			ST. ANTHONY			ID		
A34-00578		NICHOLS						C								
A34-02254		US DEPT OF INTERIOR						C			SAN FRANCISCO			CA		
A35-02505		WESTFALL						C			ABERDEEN			ID.		
A35-02579		MICHAELSON						C			AMERICAN FALLS			ID		
A35-07184		DBA SCHATZ BROTHERS						C								
A35-10461		PECKHAM						C			WEST VALLEY			UT		
A35-10461		PECKHAM						C			WEST VALLEY			UT		
A36-02316		MILLER						C								
A36-07154		PARRS LOCKER STORAGE						C								
A37-00113P		NORTHWESTERN & PACIFIC HYPOTHEKBANK						C								
A37-01191		SIMS, GUARDIAN						C								
A37-01191		SILVA						C								
A37-01191		SILVA						C								
A37-04040		DBA WHITE ARROW RANCH						C								
A37-04041		DBA WHITE ARROW RANCH						C								
A37-07005		STIMPSON						C								
A37-07005		STIMPSON						C								
A37-07426		DBA WHITE ARROW RANCH						C								
A37-07857		BONNEVILLE PACIFIC CORP.						C								
A45-07567		GOLDEN VALLEY LAND & CATTLE CO.						C								
A47-10544		FARNWORTH						C			BUHL			ID		
A47-10769		SMITH						C			HOUSTON			TX		
A47-11221		BLEI						C			PORTLAND			ID		
A51-02443		CONIER						C								
A57-00157		TOY						C								
A63-03162		GIBBENS						C			BOISE			ID		
A63-04111		HANSBERGER						C								
A63-04849		GIBBENS						C								
A63-08085		DEE MAR INC.						C			BOISE			ID		
A63-08123		ROBERTS						C			BOISE			ID		
A63-08123		ROBERTS						C			BOISE			ID		
A63-08376		THE TRAVELERS INSURANCE CO.						C								
A65-00850		IRVING						C								
A65-00851		IRVING						C								
A65-05385		SIMMONS						C								
A65-07321		NICHOLS						C								
A65-07321		NICHOLS						C								
A65-07714		BURROUGHS						C								
A65-07719		MORELL						C								
A65-07719		SCOTT						C								

Eastern

no phone

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AUG 24 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
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Ident. Number: A37-01191
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Receipt No: S000719
Received By: *ll*

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ACQUIRED UNDER STATE LAW

1. Name: KURT W. WESTENDORF 208-886-7701
Address: 439N 700W
GOODING, ID 83330

AND/OR

Name: IRENE WESTENDORF 208-886-7701
Address: 439N 700W
GOODING, ID 83330

AND/OR

Name: ELSIE HELEN SILVA
Address:

AND/OR

Name: FLORENCE PEARL SILVA
Address:

AND/OR

Name: LUCY L. SIMS, GUARDIAN
Address:

2. Date of Priority: SEP 02, 1902

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	16E	10	NE	NE	SW		LINCOLN

5. Description of diverting works:
VIA BIG WOOD CANAL CO. SYSTEM

A37-01191

Page 1

Date: 07/06/88

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FEB 23 1993

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Purpose	From	To	C.F.S	(or)	A.F.A.
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15. Basis of Claim: DECREED

Water Right Number:

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Court :

Decree date:

SIMS

Decree Plaintiff

vs

CHAPMAN

Decree Defendant

A37-01191

Page

2

Date: 07/06/88

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FEB 23 1993

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: 1

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): *Ernie Wistendrup* Date: *July 6, 1988*
_____ Date: _____

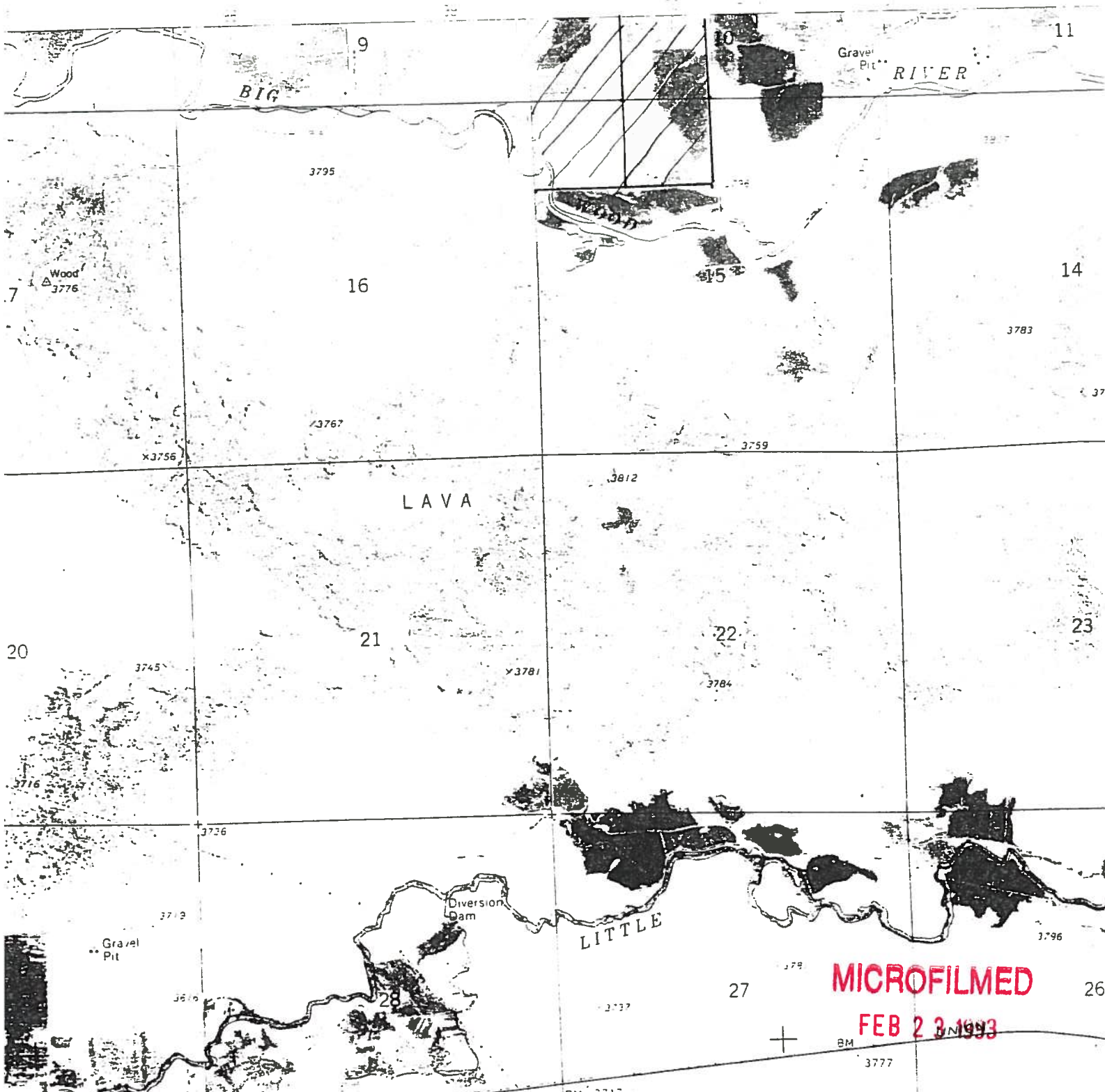
State of Idaho)
County of *T.F.*) SS.

Subscribed and sworn (or affirmed) before me this *6th* day
of *July* 19 *88* *Lois White*
Notary Public

Seal

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

160 AC



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FEB 23 1993