

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 45-10209

RECEIVED

AUG 14 1998

Department of Water Resources
Southern Region

NAME AND ADDRESS: EUGENE E MALONE
BOX 6
MURTAUGH, ID 83344

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 02/28/1979

POINT OF DIVERSION: T11S R20E S05 NESESE Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
	Stockwater	10-01 TO 05-01	0.02 CFS

PLACE OF USE:	Stockwater		Within Twin Falls County
	T11S R20E S04	SWSW	
	Domestic		Within Twin Falls County
	T11S R20E S04	SWSW	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

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



Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication

Please Carefully Review Your Partial Decree

Carefully read and check all items to make sure they are accurate, especially:

1. Name and Address
2. Water Source
3. Date of Priority
4. Point of Diversion
5. Place of Use
6. Nature of Use

If You Find An Error Or Something That Needs To Be Corrected

Call the IDWR Regional Office that handles your basin. The telephone numbers are on the back panel of this brochure. Your basin is designated as the first two digits of your water right.

The proper form will be mailed to you upon your request. Complete and return the form to the IDWR Regional Office that handles your basin not later than 60 days after the date printed on the partial decree.

Costs associated with this publication are available from the Idaho Department of Water Resources in accordance with Section 60-202, Idaho Code.
IDWR-6,000-42001-11/96

Printed on recycled paper

Here's How To Contact IDWR Regional Offices If You Need Assistance

If your partial decree begins with 34:

IDWR Eastern Regional Office
900 N. Skyline Dr., Idaho Falls, ID 83401
(208) 525-7161
Toll Free: (888) 2-SRBA34 (277-2234)

If your partial decree begins with 36:

IDWR Southern Regional Office
222 Shoshone St. E, Twin Falls, ID 83301
(NOTE: moving mid-Dec. to 1341 Fillmore St. N., call first)
(208) 736-3033
Toll Free: (888) 2-SRBA36 (277-2236)

If your partial decree begins with 57:

IDWR Western Regional Office
2735 Airport Way, Boise, ID 83705
(208) 334-2190
Toll Free: (888) 2-SRBA57 (277-2257)

A Very Important Reminder

While the SRBA continues, the law requires that you notify IDWR if there are any name or address changes. If the property to which the right applies changes hands, please file a change of ownership with the form obtained from an IDWR office. Failure to file an ownership change may result in your right not being included in the final decree at the end of the case, a penalty of up to \$100 and restrictions on water use.

Guide To Reviewing Your Partial Decree Water Right In The Snake River Basin Adjudication



Idaho
Department
of Water
Resources



5th Judicial
District
Court
of Twin Falls

Congratulations **Here's your decreed water right!**

You have received your partial decree of water rights in the Snake River Basin Adjudication (SRBA) with this brochure. The partial decree is the SRBA Court's official decision on your water right based on the claim to a water right you submitted.

The term "Partial Decree" simply means your water right represents only a small portion of the future SRBA decree. This partial decree is final; however, you have the opportunity to correct errors and the right to an appeal.

The partial decrees being issued at this time cover only small domestic and stockwater water rights in Water Basins 34, 36 and 57. The first two digits of your water right identify the basin. Please note that contested claims and claims to water rights for irrigation and other uses are still being processed.

This brochure is designed to help answer questions you may have about your water right and to provide a way to get more information or to have your questions answered.

Commonly Asked Questions

1. Do I need to do something?

Yes. Carefully check your partial decree to make sure all the information is correct. If there are errors, call the Idaho Department of Water Resources (IDWR) to request a change form. If you have a question about the decree, contact IDWR for further information. The phone numbers are on the back of this brochure.

If a change is needed, mail the form to IDWR within 60 days of the date printed on your partial decree.

If the partial decree correctly describes your water right, you do not need to do anything more. However, be sure to keep IDWR notified of any changes in ownership for all your water rights.

2. When will processing on my other water rights be completed?

The domestic and stockwater partial decrees are being mailed in numerical batches during Nov. and Dec., 1996. Finalization of partial decrees on irrigation and other non-domestic and non-stockwater rights is ongoing. These partial decrees will be issued as hearings are completed. For more information, contact IDWR.

3. This is a copy of the partial decree for my water right. Where is the original?

The original partial decree for your water right will be retained by the Snake River Basin Adjudication (SRBA) Court, and a certified copy will be permanently archived at IDWR. Copies are available upon request.

4. Why does this partial decree have a different format from the document that was mailed to me in 1992?

The new format has basically the same information as the previous document. We have designed this new format to be more easily read. We also put any remarks near the element of the water right that they modify.

5. When will the SRBA be completed so my partial decree becomes part of the final decree?

The final decree will be issued at the end of the case when all water rights have been reviewed and disputes resolved. The SRBA Court and IDWR are moving forward as quickly as possible. This is a large, complex case with many legal and technical problems to resolve.

We anticipate that finalization of the process will require many more years of hard work. In the meantime, your partial decree represents a completion of the effort to decree your individual water right, and if you are not advised otherwise you can consider this process complete.

6. When will partial decrees be issued for other basins?

The SRBA Court and IDWR are setting up the procedures to issue partial decrees for small domestic and stockwater rights in other basins.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

February 27, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

45-10209
EUGENE E MALONE
BOX 6
MURTAUGH ID 83344

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

Dear Water Right Claimant(s):

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

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

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

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

Sincerely,

Karl J. Dreher
Director

Enclosures

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

DATE: February 27, 1998

PAGE: 1

RIGHT NUMBER: 45-10209

NAME AND ADDRESS: EUGENE E MALONE
BOX 6
MURTAUGH ID 83344

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY-DATE: 02/28/1979

POINT OF DIVERSION T11S R20E S05 NESESE Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	10-01 05-01	0.02 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

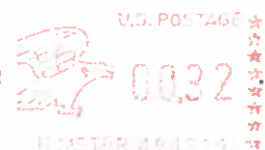
PLACE OF USE:	STOCKWATER	Within TWIN FALLS County
	T11S R20E S04	SWSW
	DOMESTIC	Within TWIN FALLS County
	T11S R20E S04	SWSW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 11S20E058400
STOCKWATER 30 BEEF

STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

- 
- ☐ Insufficient Address
 - ☐ Moved, Left No Address
 - ☐ Unclaimed ☐ Refused
 - ☐ Attempted - Not Known
 - ☐ No Such Street ☐ Vacant
 - ☐ No Such Number
 - ☐ No Receptacle
 - ☐ Not Deliverable
 - ☐ As Addressed
 - ☐ Unable To Forward



- 
- ☐ Insufficient Address
 - ☐ Moved, Left No Address
 - ☐ Unclaimed ☐ Refused
 - ☐ Attempted - Not Known
 - ☐ No Such Street ☐ Vacant
 - ☐ No Such Number
 - ☐ No Receptacle
 - ☒ Not Deliverable
 - ☐ As Addressed
 - ☐ Unable To Forward

RECEIVED
AUG 14 1998
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

RETURN SERVICE REQUESTED



IMPORTANT WATER RIGHT INFORMATION

- 
- RECEIVED
MAR 05 1998
Department of Water Resources
- ☐ Insufficient Address
 - ☐ Moved, Left No Address
 - ☐ Unclaimed ☐ Refused
 - ☐ Attempted - Not Known
 - ☐ No Such Street ☐ Vacant
 - ☐ No Such Number
 - ☐ No Receptacle
 - ☒ Not Deliverable
 - ☐ As Addressed
 - ☐ Unable To Forward

AJ5856NP

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

DATE: SEP-9-1997

PAGE: A-162

RIGHT NUMBER: 45-10209

NAME & ADDRESS: EUGENE E MALONE
BOX 6
MURTAUGH ID 83344

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 02/28/1979

POINT OF DIVERSION: T11S R20E S05

NESESE

Within TWIN FALLS County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
STOCKWATER
DOMESTIC 1 HOME

PERIOD OF USE

10-01 05-01
01-01 12-31

QUANTITY

0.02 CFS
0.04 CFS

PLACE OF USE:

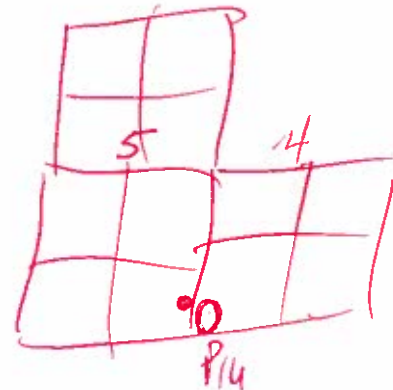
STOCKWATER
T11S R20E S04Within TWIN FALLS County
SWSWDOMESTIC
T11S R20E S04Within TWIN FALLS County
SWSW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 11S20E058400
STOCKWATER 30 BEEFClaim proofread by: C. J.Date: 9-25

*not in season
standard
leave as is
KRC*

*diff legal
reasonable
to assume
correct.*



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: A45-10209
Date Received: 1/19/1989
Receipt No: S006087
Received By: R.V. W

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EUGENE E. MALONE 208-432-5220
Address: BOX 6,
MURTAUGH, ID 83344

2. Date of Priority: FEB 28, 1979

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	20E	5	NE	SE	SE		TWIN FALLS

5. Description of diverting works:
WELL & 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	10/01	05/01	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/1 HOUSE, S/30 BEEF.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	20E	4	SW	SW		DOMEST	
			SW	SW		STOCK	

A45-10209

Page 1

Date: 01/19/89

MICROFILMED

MAR 09 1993

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 FALLS

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

CIVIL CASE NUMBER: 39576

Identification No. A45-10209
Date Received 12-14-88
Receipt Number 5006087

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.

Pl in check
#3163
R. H. Horstelf

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Eugene E. Mahone Phone (208) 432-5220
Mailing Address Box 6 Murtaugh, Idaho Zip 83344

2. Date of Priority (Only one per claim) 2-28-79 Month/Day/Year

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

4. Location of point of diversion is: Township 11 Range 20
Section 5 NE 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____, BM.,
County of TWIN FALLS

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 & Pump

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

	Month/Day	Month/Day	(cfs)
For <u>Domestic</u> purposes from <u>1-1</u> to <u>12-31</u> amount <u>.04</u>			
(Both dates are inclusive)			
For <u>Stock</u> purposes from <u>10-1</u> to <u>5-1</u> amount <u>.02</u>			

7. Total quantity claimed .04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) D/House 5/30 Beef

MICROFILMED

MAR 09 1993

10. Place of use is: Township: 11 Range 20

Section 4, SW 1/4 of SW 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 _____

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

Signature of Claimant (s) X Eugene E. Malone Date 12-14-88
_____ Date _____

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

of _____, that I have signed the foregoing

document in the space below as _____ of _____

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 _____ } SS.

County of Twin Falls }

Subscribed and sworn (or affirmed) before me this 16th day of January 1989

SEAL

Notary Public Robert V. Kerstetter

Residing at Twin Falls, Idaho

My Commission Expires 1/16/95

Last Name _____ Ident No. A45-10209

Copies: White-State, Yellow-Claimant

MICROFILMED

MAR 09 1993

WATER RIGHT NUMBER - A45-10209

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

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

+ - FIRST NAME - - +

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

*** C - CURRENT OWNER ***
MALONE

EUGENE E.

1 - BOX 6,
2 -
3 -

CITY- MURTAUGH
PHONE - 208-432-5220

STATE- ID ZIP- 83344

+ - - PRIORITY DATE - - +
02/28/1979

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

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

+ - - - STATUS - - - - +

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

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

[illegible]

11S 20E 5 NE SE SE (83) TWIN FALLS

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

| | | | |
|-----------------|-------|-------|-------|
| 43 - DOMESTIC | 01/01 | 12/31 | 0.040 |
| 04 - STOCKWATER | 10/01 | 05/01 | 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 | PLACE OF USE CODE | DESCRIPTION | COUNTY |
|-----|-----|-----|-------|-----|-------|-------------------|-------------|------------------|
| 11S | 20E | 4 | SW SW | | | 04 | STOCKWATER | (83) TWIN FALLS |
| 11S | 20E | 4 | SW SW | | | 43 | DOMESTIC | (83) TWIN FALLS |

+ - - DIVERSION MEANS - WELL & PUMP.

+ - - NON-IRRIGATION USE - D/1 HOUSE, S/30 BEEF.

+ - - OTHER RIGHTS FOR SAME USE - NONE

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

```

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

```

NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - DEGREE DATE - +
00/000000 07 1994

MICROFILMED
 OCT 27 1994

PREFIX TRANSLATION: ADJUDICATION CLAIM

```

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

```

| | | | | | | | | |
|-----------------------|---|------------|-----------------------|---|------------|-------------------------|---|-------|
| 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 | - | 01/19/1989 | 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 | - | S006087 | FEDERAL/STATE INDICATOR | - | S |
| CLAIMS TAPE ERROR FLG | - | | POU OWNERSHIP FLAG | - | Y | PRESUMPTION FLAG | - | |
| FEE EXEMPT FLAG | - | | NAME CONNECTOR | - | | NOTICE OF ERROR FLAG | - | |

11S20E058400

ENTERED 6/22/92 SW
CHECKED 8/7/92 AS

VERIFIED
OCT 30 1991

PROOF
SEP 16 1991

CERTIFIED
DEC 23 1991
WATER EXAMINER