

AJ5856NP

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

DATE: SEP-9-1997

PAGE: A-378

RIGHT NUMBER:

45-10582

NAME & ADDRESS:

JOHN M HEWARD  
RT 3 BOX 3658  
BURLEY ID 83318

SOURCE:

GROUNDWATER

QUANTITY:

0.08 CFS

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

PRIORITY DATE:

04/15/1978

POINT OF DIVERSION:

T11S R23E S26

NWNE

Within CASSIA County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE  
STOCKWATER  
DOMESTIC 1 HOME

PERIOD OF USE

01-01 12-31  
01-01 12-31

QUANTITY

0.04 CFS  
0.04 CFS

PLACE OF USE:

STOCKWATER  
T11S R23E S26

Within CASSIA County  
NWNE

DOMESTIC  
T11S R23E S26

Within CASSIA County  
NWNE

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. 11S23E260601  
STOCKWATER, 10 CALVES

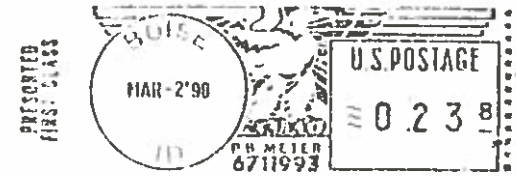
~~Claim~~ proofread by: C. J.

Date: 9-26

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

RETURN SERVICE REQUESTED

DATA ENTRY DONE  
REMAILED



3/11/98 *dm*  
IMPORTANT WATER RIGHT INFORMATION

321 East 600 South

45-10582  
JOHN M HEWARD  
RT 3 BOX 3658  
BURLEY ID 83318

RECEIVED

MAR 06 1998

Department of Water Resources

10582

83318X9576 45318



When I received the  
information you sent  
me for Small Domestic  
+ Stock Water Rights  
you had the wrong  
address. My address  
now is

John Heward  
321 E. 600 So.  
Burley, Idaho  
83318

RECEIVED

APR 06 1998

Department of Water Resources  
Southern Region

A45-1582

*Data Entry B*

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: A45-10582  
Date Received: 5/17/1989  
Receipt No: M003607  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JOHN M. HEWARD 208-678-5826  
Address: RT. 3 BOX 3658  
BURLEY, ID 83318

2. Date of Priority: APR 15, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 11S      | 23E   | 26      | NW     | NE     |     |     | CASSIA |

5. Description of diverting works:  
WELL 175' DEEP, 8" CASING, 1/2 HP 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 | 0.040  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/ ONE HOUSEHOLD; S/ 10 CALVES

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 11S      | 23E   | 26      | NW     | NE  |     | DOMEST |       |
|          |       |         | NW     | NE  |     | STOCK  |       |

MICROFILMED  
MAR 08 1993

11. Place of use in counties: CASSIA

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. A45-10582Date Received 5-17-89Receipt Number MO03607NOTICE 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) JOHN M. HEWARD Phone (678) 5826  
Mailing Address RT#3 Box 3658 Burley Zip 83318
2. Date of Priority (Only one per claim) May 17 - 1989 Month/Day/Year April 15 - 1978
3. Source of water supply (Check one) (☒ Groundwater) or Other ( ) (a) Well  
which is tributary to (b) \_\_\_\_\_  
Name or kind of source
4. Location of point of diversion is: Township 11 SOUTH Range 23 EAST - Boise Meridian  
Section 26 NW 9.75 1/4 of N.E. Q 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, BM.,  
County of CASSIA
- 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. 175 ft. - Brick Casing - 1/2 Horse Power
6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
- |                            |                                            |           |           |                          |
|----------------------------|--------------------------------------------|-----------|-----------|--------------------------|
| For <u>DOM.</u>            | purposes from <u>1-1 to 12-31</u> to _____ | Month/Day | Month/Day | amount <u>0.04</u> (cfs) |
| (Both dates are inclusive) |                                            |           |           |                          |
| For <u>LIVESTOCK</u>       | purposes from <u>1-1 to 12-31</u> to _____ | Month/Day | Month/Day | amount <u>0.04</u>       |
7. Total quantity claimed 0.08 (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) One House - CALVES 10

MICROFILMED

MAR 08 1993

10. Place of use is: Township: 11 SOUTH Range 23 EAST Boise Meridian

Section 26, 1/4 of NW 1/4 Govt. Lot \_\_\_\_\_, B.M.,

County of CASSIA 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? \_\_\_\_\_

12. Do you own the property listed above as place of use? Yes yes 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 (X)

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)

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) John M. Heward Date May 13-89

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 \_\_\_\_\_) )

County of Cassia ) SS.

Subscribed and sworn (or affirmed) before me this 17<sup>th</sup> day of May 1989

SEAL

Notary Public Anna Baer

Residing at Boise Idaho

My Commission Expires 2/1/994

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

MICROFILMED  
MAR 08 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 SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 45-10584

NAME AND ADDRESS: GUY V BAUGHER  
PO BOX 73  
DECLO, ID 83323

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 07/20/1981

POINT OF DIVERSION: T11S R24E S02 NWNWSW Within Cassia County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE  | PERIOD OF USE  | QUANTITY |
|-------------------------------|-----------------|----------------|----------|
|                               | Domestic 1 HOME | 01-01 TO 12-31 | 0.04 CFS |

PLACE OF USE: Domestic T11S R24E S02 NWSW Within Cassia County

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

09/07/91 11:04:23  
PAGE 1

OLD (D) NUMBER -

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

PHONE - 208-678-5826

+ - - - STATUS - - - - +

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

(31 ) CASSIA

+ - DECREE DATE - +  
00/00/0000

AJ5808NP  
(DD-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT

09/07/91 11:04:23  
PAGE 2

WATER RIGHT NUMBER - A45-10582

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - AUDIT FIELDS - 05/24/89 BAUMHOFF

[illegible]

```
+ - - - - - 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   | - | 05/17/1989 | 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        | - | M003607    | FEDERAL/STATE INDICATOR | - | S     |
| CLAIMS TAPE ERROR FLG | - |            | POU OWNERSHIP FLAG    | - | Y          | PRESUMPTION FLAG        | - |       |
| FEE EXEMPT FLAG       | - |            | NAME CONNECTOR        | - |            | NOTICE OF ERROR FLAG    | - |       |

11S23E 260 601

DATA ENTRY  
ENTERED 11/3  
CHECKED 2/6

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

VERIFIED  
OCT 24 1991

CERTIFIED  
OCT 23 1991  
WATER EXAMINER

PROOF  
SEP 16 1991

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



- ☐ MOVED, LEFT NO ADDRESS
- ☒ NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD
- ☐ ATTEMPTED - NOT KNOWN
- ☐ UNCLAIMED ☐ REFUSED
- ☐ NO SUCH STREET - NUMBER \_\_\_\_\_
- ☐ DO NOT REMAIN IN THIS ENVELOPE
- ☐ INSUFFICIENT ADDRESS
- ☐ NO MAIL RECEPTACLE
- ☐ BOX CLOSED NO ORDER



U.S. POSTAGE  
00.32  
METER 4945 ID

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 45-10584

NAME AND ADDRESS: GUY V BAUGHER  
PO BOX 73  
DECLO, ID 83323

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 07/20/1981

POINT OF DIVERSION: T11S R24E S02 NWNWSW Within Cassia County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE  | PERIOD OF USE  | QUANTITY |
|-------------------------------|-----------------|----------------|----------|
|                               | Domestic 1 HOME | 01-01 TO 12-31 | 0.04 CFS |

PLACE OF USE: Domestic T11S R24E S02 NWSW Within Cassia County

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-8,000-42001-11/96

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.