

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 45-10541

NAME AND ADDRESS: LILY BUTTARS
RT 2 BOX 2348
BURLEY, ID 83318

SOURCE: GROUNDWATER
QUANTITY: 0.04 CFS

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

PRIORITY DATE: 12/31/1959

POINT OF DIVERSION: T11S R23E S07 LOT 01 (NWNENE) Within Cassia County

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

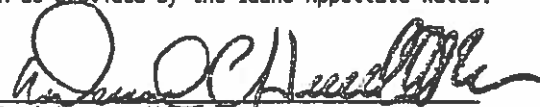
PLACE OF USE: Domestic Within Cassia County
T11S R23E S07 LOT 01 (NENE)

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



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

45-10541

LILY BUTTARS
RT 2 BOX 2348
BURLEY ID 83318

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

AJ5855NP
775

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: 45-10541

NAME AND ADDRESS: LILY BUTTARS
RT 2 BOX 2348
BURLEY ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY-DATE: 12/31/1959

POINT OF DIVERSION T11S R23E S07 LOT 1 (NWNENE) Within CASSIA County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-31 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within CASSIA County
T11S R23E S07 LOT 1 (NENE)

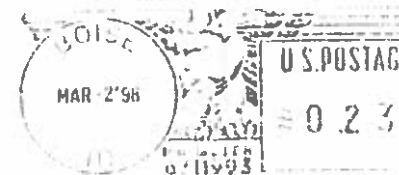
OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. 11S23E070005

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

POSTNET
FILE MARK



IMPORTANT WATER RIGHT INFORMATION

RECEIVED

MAR 04 1998

Department of Water Resources

AJ5856NP

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

DATE: SEP-9-1997

PAGE: A-347

RIGHT NUMBER: 45-10541

NAME & ADDRESS: LILY BUTTARS
RT 2 BOX 2348
BURLEY ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 12/31/1959

POINT OF DIVERSION: T11S R23E S07 LOT 1 (NWNENE)

Within CASSIA County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-31 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within CASSIA County
T11S R23E S07 Lot 1 (NENE)

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. 11S23E070005

KKC
Claim proofread by: CA
Date: 9-26

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: A45-10541
Date Received: 5/16/1989
Receipt No: 5007125
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LILY BUTTARS 208-678-5965
Address: RT. 2 BOX 2348
BURLEY, ID 83318

2. Date of Priority: DEC 31, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	23E	7	NW	NE	NE	1	CASSIA

5. Description of diverting works:
WELL AND PUMP, 400' DEEP

6. Water is used for the following purposes:

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

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	23E	7	NE	NE	1	DOMEST	

11. Place of use in counties: CASSIA

A45-10541

Page 1

Date: 05/16/89

MICROFILMED

MAR 08 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:
B.I.D.

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. A45-10541
Date Received 5-15-89
Receipt Number 5007125 sec

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) Lily Butters Phone () 678-5965
Mailing Address Rt 2 Box 2348 Zip 83318

2. Date of Priority (Only one per claim) 1965 Month/Day/Year

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

4. Location of point of diversion is: Township 11 South Range 23 East of Boise Meridian
Section 7, NW 1/4 of N.E. 1/4 of N.E. 1/4, Govt. Lot 1, 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. 200 ft. pipe 400 Deep

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

For Domestic purposes from JAN 31 to Dec 31 amount _____ (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

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 person; Stockwater: Type and Number of livestock) D-1

MICROFILMED

MAR 08 1999

10. Place of use is: Township: 11 South Range 23 East of Boise Meridian
Section 7, N.E. 1/4 of N.E. 1/4, Govt. Lot 1, 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? Cassia

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 ()
None

14. Remarks: Burley Irrigation District

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) X Lely Butters Date X May 15, 1989

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 _____
Organization 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 15th day of May 1989

SEAL

Notary Public Robert V. Horstall

Residing at Twin Falls, Idaho

My Commission Expires 1/16/1995

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED

MAR 08 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

· Miguel A. Rocha
· Box 150 A
· Oakley ID 83346

MAILING DATE: Aug. 3, 1993

RESPONSE DATE: Aug. 28, 1993

RE: NOTICE OF CLAIM NO[S]: A45-10541

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:

· Lily Buttern
· Rt. 2 Box 2848
· Burley ID 83318

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street
Boise, Idaho 83706-2237

PRESORTED
FIRST CLASS



RECEIVED
AUG 09 1993
Department of Water Resources

MICROFILMED
OCT 28 1994

LILY BUTTARS
ROUTE 2 BOX 2348
BURLEY ID 83318

NO! DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Miguel A. Rocha
Box 150 A
Oakley ID 83346

MAILING DATE: *Aug. 3, 1993*

RESPONSE DATE: *Aug. 28, 1993*

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Lily Butters
Pl. 2 Box 2348
Burley ID 83318

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Sincerely,

Donald V. Shaff
Manager Adjudication Section

state:region

Enclosures:

Change of Ownership Form
Change of Address Form

AJ5808NP
(OD-26)

WATER RIGHT NUMBER - A45-10541

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

*** C - CURRENT OWNER ***
BUTTARS

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - FIRST NAME - - +

LILY

OLD (D) NUMBER -

----- ADDRESS -----

1 - RT. 2 BOX 2348
2 -
3 -
CITY- BURLEY
PHONE - 208-678-5965

STATE- ID ZIP- 83318

+ - - PRIORITY DATE - - +
12/31/1959

```

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

```

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

+ - - - STATUS - - - - +

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

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

+ - - - - - POINT OF DIVERSION - - - - -
- - - - - STREAM INDEX (BLANK IF NO INDEX CODE)

GROUNDWATER

- - - - - LOT RELG COUNTY

11S 23E 7 NW NE NE 1 (31) CASSIA

CODE	DESCRIPTION	PERIOD FROM	WATER USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
		01/31	12/31	0.040	

		01/31	12/31		
43 - DOMESTIC				+ - TOTAL CONSUMPTIVE USE - +	+ - KW USAGE -
+ - TOTAL DIV. RATE - +	+ - TOTAL DIV. VOLUME - +		+ - TOTAL DIV. CAPACITY - +	0.0	
0.040					

+ - - - - -						PLACE OF USE	- - - - -		COUNTY
TWN	RNG	SEC	TRACT	LOT	ACRES	CODE	DESCRIPTION		
11S	23E	7	NE NE	1		43	DOMESTIC	(31) CASSIA	

+ - - DIVERSION MEANS - WELL AND PUMP, 400' DEEP

+ - - NON-IRRIGATION USE - D/1 HOUSE

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - OTHER RIGHTS FOR OWNERS	
+ - - - - - REMARKS	
+ - - - - B.I.D.	

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

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

+ - - - - DECREE PLAINTIFF - - - +

+ - - AUDIT FIELDS - 05/16/89 CLELLAND

+ - DECREE DATE
00/00/0000

DECLASSIFIED BY
00000000
OCT 28 1994

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

09/07/91 10:23:36
PAGE 2

WATER RIGHT NUMBER - A45-10541

PREFIX TRANSLATION: ADJUDICATION CLAIM

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+-----COMMENTS-----+
```

NO COMMENTS FOUND

[illegible]

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	-	05/16/1989	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	-	S007125	FEDERAL/STATE INDICATOR	-	S
CLAIMS TAPE ERROR FLG	-		PDU OWNERSHIP FLAG	-	Y	PRESUMPTION FLAG	-	
FEE EXEMPT FLAG	-		NAME CONNECTOR	-		NOTICE OF ERROR FLAG	-	

11523E070005
300 S 50 W

Rocha, Miguel A
Box 150A
Oakley 83346

CHANGE OF OWNERSHIP
LETTER SENT 8-3-93 JJ

CERTIFIED
FEB 23 1993
WATER EXAMINER

PROOF
SEP 16 1991

DATA ENTRY
ENTERED 8-11-93 JJ
CHECKED 10/10/93 HJD

"Verified By"
 Topo "Dr. Ho-PQ"
 A. [unclear]
 M. [unclear]
 F. [unclear]
 C. [unclear]
 ([unclear])
 F. [unclear]
 ID# R Records

VERIFIED
FEB 14 1993