

1998 JUL 24 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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 45-10540

RECEIVED

AUG 14 1998

Department of Water Resources
Southern Region

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 03 (NWSE) Within Cassia County

PURPOSE AND 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 Within Cassia County
T11S R23E S07 LOT 03 (NWSE)

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

RECEIVED

AUG 14 1998

Department of Water Resources
Southern Region

TURNED
TO SENDER
UNDELIVERABLE AS ADDRESSED
POSTAGE WILL BE PAID BY ADDRESSEE



U.S. POSTAGE

0032

11 METERS PER MINUTE

45-10540

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



5th Judicial
District
Court
of Twin Falls



Idaho
Department
of Water
Resources



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

45-10540
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

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: 45-10540

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 3 (NWSE) Within CASSIA County

PURPOSE AND

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

PLACE OF USE: DOMESTIC Within CASSIA County
T11S R23E S07 LOT 3 (NWSE)

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. 11S23E078200

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

PRESORTED
FIRST CLASS



IMPORTANT WATER RIGHT INFORMATION

RETURNED
TO
SENDER
NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD

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-346

RIGHT NUMBER: 45-10540

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 3 (NWSE)

Within CASSIA County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
DOMESTIC 1 HOME

PERIOD OF USE
01-31 12-31

QUANTITY
0.04 CFS

PLACE OF USE: DOMESTIC Within CASSIA County
T11S R23E S07 Lot 3 (NWSE)

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. 11S23E078200

Claim proofread by: CJ

Date: 9-26

ch 10 01
update
1998
KKC

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: A45-10540
Date Received: 5/16/1989
Receipt No: S007125
Received By: SLC

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	SE	SE	NE	3	CASSIA

5. Description of diverting works:
WELL AND PUMP, 230' 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	SE	NE	3	DOMEST	

11. Place of use in counties: CASSIA

A45-10540

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. A45-10540
Date Received 5/15-89
Receipt Number 500 7125 sec

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

MAY 16 1989

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day
Department of Water Resources
Southern Region Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Lily Butters Phone () 678-5965
Mailing Address Route 2 Box 2348 Zip 83318

2. Date of Priority (Only one per claim) 1959 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 11S Range 23 East of Boise Meridian
Section 7, SE 1/4 of ~~7~~ SE 1/4 of NE 1/4, Govt. Lot 3, 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. Well 230 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 or Res: Stockwater: Type and Number of livestock) D-1

MICROFILMED

MAR 08 1989

10. Place of use is: Township: 11 South Range 23 East of Boise Meridian
Section 7, A.C. SE 1/4 of N.E. 1/4, Govt. Lot 3, B.M.,
County of _____ 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 445-105410

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 X

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 _____

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. Thorstall

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

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

May 23, 1989

NO. A45-10540

Lily Buttars
Rt. 2 Box 2348
Burley, ID 83318

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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

Serry L. Kinkad
Rt. 2 Box 2348
Burley ID 83318

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MAILING DATE: *Aug. 3, 1993*

RESPONSE DATE: *Aug. 23, 1993*

RE: NOTICE OF CLAIM NO[S]: *A45-10540*

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 Bittner
Rt. 2 Box 2348
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

AJ5808NP
(DD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

09/07/91 10:22:19
PAGE 1

WATER RIGHT NUMBER - A45-10540

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

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

+ - FIRST NAME - - +

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

*** C - CURRENT OWNER ***
BUTTARS

LILY

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 - - - - - - - - - - - - - - - - +

[illegible]

11S 23E 7 ~~SE SE NE~~ 3 (31) CASSIA

| CODE | DESCRIPTION | PERIOD FROM | PERIOD TO | WATER USE | DIVERSION RATE | DIVERSION VOLUME |
|------|-------------|-------------|-----------|-----------|----------------|------------------|
| 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| 6 | 6 | 6 | 6 | 6 | 6 | 6 |
| 7 | 7 | 7 | 7 | 7 | 7 | 7 |
| 8 | 8 | 8 | 8 | 8 | 8 | 8 |
| 9 | 9 | 9 | 9 | 9 | 9 | 9 |
| 10 | 10 | 10 | 10 | 10 | 10 | 10 |
| 11 | 11 | 11 | 11 | 11 | 11 | 11 |
| 12 | 12 | 12 | 12 | 12 | 12 | 12 |
| 13 | 13 | 13 | 13 | 13 | 13 | 13 |
| 14 | 14 | 14 | 14 | 14 | 14 | 14 |
| 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| 16 | 16 | 16 | 16 | 16 | 16 | 16 |
| 17 | 17 | 17 | 17 | 17 | 17 | 17 |
| 18 | 18 | 18 | 18 | 18 | 18 | 18 |
| 19 | 19 | 19 | 19 | 19 | 19 | 19 |
| 20 | 20 | 20 | 20 | 20 | 20 | 20 |
| 21 | 21 | 21 | 21 | 21 | 21 | 21 |
| 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| 23 | 23 | 23 | 23 | 23 | 23 | 23 |
| 24 | 24 | 24 | 24 | 24 | 24 | 24 |
| 25 | 25 | 25 | 25 | 25 | 25 | 25 |
| 26 | 26 | 26 | 26 | 26 | 26 | 26 |
| 27 | 27 | 27 | 27 | 27 | 27 | 27 |
| 28 | 28 | 28 | 28 | 28 | 28 | 28 |
| 29 | 29 | 29 | 29 | 29 | 29 | 29 |
| 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| 31 | 31 | 31 | 31 | 31 | 31 | 31 |
| 32 | 32 | 32 | 32 | 32 | 32 | 32 |
| 33 | 33 | 33 | 33 | 33 | 33 | 33 |
| 34 | 34 | 34 | 34 | 34 | 34 | 34 |
| 35 | 35 | 35 | 35 | 35 | 35 | 35 |
| 36 | 36 | 36 | 36 | 36 | 36 | 36 |
| 37 | 37 | 37 | 37 | 37 | 37 | 37 |
| 38 | 38 | 38 | 38 | 38 | 38 | 38 |
| 39 | 39 | 39 | 39 | 39 | 39 | 39 |
| 40 | 40 | 40 | 40 | 40 | 40 | 40 |
| 41 | 41 | 41 | 41 | 41 | 41 | 41 |
| 42 | 42 | 42 | 42 | 42 | 42 | 42 |
| 43 | 43 | 43 | 43 | 43 | 43 | 43 |
| 44 | 44 | 44 | 44 | 44 | 44 | 44 |
| 45 | 45 | 45 | 45 | 45 | 45 | 45 |
| 46 | 46 | 46 | 46 | 46 | 46 | 46 |
| 47 | 47 | 47 | 47 | 47 | 47 | 47 |
| 48 | 48 | 48 | 48 | 48 | 48 | 48 |
| 49 | 49 | 49 | 49 | 49 | 49 | 49 |
| 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| 51 | 51 | 51 | 51 | 51 | 51 | 51 |
| 52 | 52 | 52 | 52 | 52 | 52 | 52 |
| 53 | 53 | 53 | 53 | 53 | 53 | 53 |
| 54 | 54 | 54 | 54 | 54 | 54 | 54 |
| 55 | 55 | 55 | 55 | 55 | 55 | 55 |
| 56 | 56 | 56 | 56 | 56 | 56 | 56 |
| 57 | 57 | 57 | 57 | 57 | 57 | 57 |
| 58 | 58 | 58 | 58 | 58 | 58 | 58 |
| 59 | 59 | 59 | 59 | 59 | 59 | 59 |
| 60 | 60 | 60 | 60 | 60 | 60 | 60 |
| 61 | 61 | 61 | 61 | 61 | 61 | 61 |
| 62 | 62 | 62 | 62 | 62 | 62 | 62 |
| 63 | 63 | 63 | 63 | 63 | 63 | 63 |
| 64 | 64 | 64 | 64 | 64 | 64 | 64 |
| 65 | 65 | 65 | 65 | 65 | | |

| | | | |
|---------------|-------|-------|-------|
| 43 - DOMESTIC | 01/31 | 12/31 | 0.040 |
|---------------|-------|-------|-------|

| + - TOTAL DIV. RATE - + | | + - TOTAL DIV. VOLUME - + | | + - TOTAL DIV. CAPACITY - + | | + - TOTAL CONSUMPTIVE USE - + | | + - KW USAGE - + | |
|-------------------------|--|---------------------------|--|-----------------------------|--|-------------------------------|--|------------------|--|
| 0.040 | | | | | | 0.0 | | | |

[illegible]

11S 23E 7 ~~SE NE~~ 3 43 DOMESTIC (31) CASSIA

+ - - DIVERSION MEANS - WELL AND PUMP, 230' DEEP

+ - - NON-IRRIGATION USE - 0/1 HOUSE

+ - - OTHER RIGHTS FOR SAME USE - NONE

| | | |
|--|--------|---------|
| | B.I.D. | REMARKS |
|--|--------|---------|

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

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

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - DECREE DATE +
 00/00/0000
 OCT 28 1994

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

VERIFIED
FEB 14 1955