

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 45-11616

NAME AND ADDRESS: ROBERT FAIRBROTHER
SUSIE FAIRBROTHER
RT 2 BOX 2586
BURLEY, ID 83318

RECEIVED

AUG 14 1998

Department of Water Resources
Southern Region

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 08/21/1980

POINT OF DIVERSION: T11S R23E S06 SENE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.06 CFS

PLACE OF USE: Domestic Within Cassia County
T11S R23E S06 SENE

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

45-11616

SUSIE FAIRBROTHER

ROBERT FAIRBROTHER

RT 2 BOX 2586

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,

A handwritten signature in black ink, appearing to read 'Karl J. Dreher'.

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: 45-11616

NAME AND ADDRESS: SUSIE FAIRBROTHER
ROBERT FAIRBROTHER
RT 2 BOX 2586
BURLEY ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

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

PRIORITY-DATE: 08/21/1980

POINT OF DIVERSION T11S R23E S06 SENE Within CASSIA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.06 CFS

PLACE OF USE: DOMESTIC Within CASSIA County
T11S R23E S06 SENE

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. 11S23E061800

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

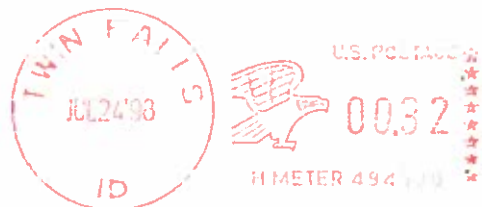
RECEIVED

MAR 04 1998

Department of Water Resources



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



AJ5856NP

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

DATE: SEP-9-1997

PAGE: A-1147

RIGHT NUMBER: 45-11616

NAME & ADDRESS: SUSIE FAIRBROTHER
ROBERT FAIRBROTHER
RT 2 BOX 2586
BURLEY ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 08/21/1980

POINT OF DIVERSION: T11S R23E S06 SENE Within CASSIA County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.06 CFS

PLACE OF USE: DOMESTIC Within CASSIA County
T11S R23E S06 SENE

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. 11S23E061800

Claim proofread by: CA

Date: 9-29

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: A45-11616
Date Received: 6/23/1989
Receipt No: S008131
Received By: SCV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT FAIRBROTHER 208-678-4358
Address: RT. 2 BOX 2586
BURLEY, ID 83318

OR
Name: SUSIE FAIRBROTHER 208-678-4358
Address: RT. 2 BOX 2586
BURLEY, ID 83318

2. Date of Priority: AUG 21, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	23E	6	SE	NE			CASSIA

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.060		

7. Total Quantity Appropriated is:
0.060 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	6	SE	NE		DOMEST	

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 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. A45-11616
Date Received 5/25-89
Receipt Number 5008131

RECEIVED NOTICE OF CLAIM TO A WATER RIGHT RECEIVED
JUN 12 1989 MAY 25 1989

Department of Water Resources
Southern Region Office

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) Susie Robert on Slitt Fairbrother Phone (208) 678-4358

Mailing Address Rt 2 Box 2586 Burley Zip 83318

2. Date of Priority (Only one per claim) 8-21-80 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 23
Section 6 SE 1/4 of NE 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
Well 6" casing 2 1/2" pump 60'-70' deep
pipe to garden and to stock tank

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

For Domestic purposes from Jan-1 to Dec 31 amount .06 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .06 (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) 1 house hold

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MAR 09 1993

10. Place of use is: Township: 11 Range 23

Section 6, SE 1/4 of NE 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? Cassia

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

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) Phil Taylor Date 4-8-89

Janie Fairbrother Date 4-8-89

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

of _____, Title _____, 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 9th day of June 19 89

SEAL

Notary Public Kaylyn Perry

Residing at Burley Idaho

My Commission Expires _____

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

MY COMMISSION EXPIRES 6-15-89
NOTARY PUBLIC
RESIDING AT BURLEY, IDAHO

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MAR 09 1993

Robert S. Fairbrother
Route 2, Box 2586
Burley, ID 83318



Dept of Water Resources
2148 4th Ave East
Twin Falls, Idaho
83301



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 26, 1989

Robert or Susie Fairbrother
Rt. 2 Box 2586
Burley, ID 83318

A45-11616

RE: SRBA Claim

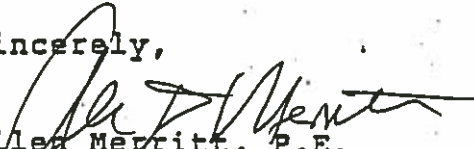
Dear Claimant:

Please find enclosed your claim and your check # 1009 for
\$ 25.00 which you submitted to our office. I am returning
these pursuant to Rule 10,4 of the Department's Adjudications Rules and
Regulations. In checking your claim it appears that the following
items need clarification:

- ☒ Item #2 Priority DAY / MONTH / YEAR
- ☐ Item #4 Point of Diversion Legal Description
- ☐ Item #6 Uses descriptions
- ☐ Item #9 Description of Non-irrigation Uses
- ☐ Item #10 Place of Use Legal Description
- ☒ Item #16 Signature & Notorization
- ☐ Improper fee (THE CORRECT FEE IS \$ _____)
- ☐ Other or Remarks

If you wish to continue to press your claim please find enclosed
instructions and another claim form to use. If you will make the
necessary corrections and return your claim with the correct fee and a
copy of this letter within 30 DAYS of the date of this letter, your
filing will be considered timely and will not be assessed an additional
late fee of \$ 50.00.

Sincerely,


Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm
Enclosures:

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MAR 09 1993

FROM: Allen Merritt

TO: FILE

SUBJECT: ACCEPTING CLAIMS WITHOUT LATE FEE.

BASED ON MY UNDERSTANDING OF THE WAY MAIL IS HANDLED IN THE BURLEY AREA I AM ACCEPTING CLAIMS AS BEING FILED TIMELY WITH A POSTMARK FROM TWIN FALLS WITH A DATE OF JUNE 9TH FOR CLAIMS FROM CASSIA COUNTY. (NOTE DEADLINE FOR CASSIA CO. IS JUNE 8TH)

BASED ON MY INVESTIGATION IT IS VERY LIKELY THAT CLAIMS WERE PLACED IN POST OFFICES IN THE BURLEY AREA ON JUNE 8TH AND NOT POSTMARKED UNTIL THE 9TH IN TWIN FALLS. THE ATTACHED LETTER FROM THE POST OFFICE EXPLAINS THIS SITUATION. THIS AFFECTS APPROX. 20 CLAIMS.

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MAR 09 1993



United States
Postal Service

June 14 1989

Mr. Merritt:

In regards to the conversation on this date concerning the reason for the June 9th post marks on filings due to you on the 8th of June.

My personal feeling is that they were mailed in the Burley area after 6 oclock Which is the cut off time for all mail in Burley. At that ime all mail is

trucked to Twin Falls for processing. My feeling the mail was mailed on the 8th of June but after that time . Therefore the mail came to Twin Falls on the 9th and then was postmarked with the Date of 9 June 1989...

Respectfully

Maurice Miller
Maurice Miller

Supervisor Mails and Delivery Relief

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MAR 09 1993

From: DWR03::SHAFF 13-JUN-1989 14:24
To: DWR60::MERRITT
CC: SHAFF
Subj: POST MARKS

Lynne and I talked to Dave about this. Apparently a similar event happened with Bingham Co. The guideline, which will be a part of a memorandum update on its way, is a day late is OK if we have documented the processing by the Postal Service caused the late postmark. This rule for "we" applies where a group of claims falls in this category. Where the day late postmark is not within a group, but is instead an isolated instance, the claimant will be required to submit the documented proof the postal service caused the problem.

To get the jump on the memo, please write a conversation memorandum, if you talked to the postmaster/mistress about their procedures. Lynne wants tracks to explain, if it's necessary later, why the late postmarked claims were accepted without approved extensions or late fees.

7
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MAR 09 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

Aug. 15, 1989

Re: A45-11616

ROBERT FAIRBROTHER
RT 2 BOX 2586
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 09 1993

OLD (D) NUMBER -

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

PHONE - 208-678-4358

+ - - - STATUS - - - - +

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

STREAM INDEX (BLANK IF NO INDEX CODE)

0.060

0.060

COUNTY

(31) CASSIA

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

1994

