

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: A37-12870
Date Received: 2/24/1989
Receipt No: S006371
Received By: X

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CHARLES KEITH TURNER
Address: 1747 E 1700 S
GOODING ID 83330

AND

Name: STACEY TURNER
Address: 1747 E 1700 S
GOODING ID 83330

2. Date of Priority: MAR 1, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	14E	34	SE	SE	NE		GOODING

5. Description of diverting works:
210' 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	0.090		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
3 HOMES, 200 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	14E	34	SE	NE		STOCK	
			SE	NE		DOMEST	

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
OWNERSHIP CHANGE 3/18/92 BY JR.

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: 8/12/97

Date: _____

State of Idaho)
County of Twin Falls) SS.

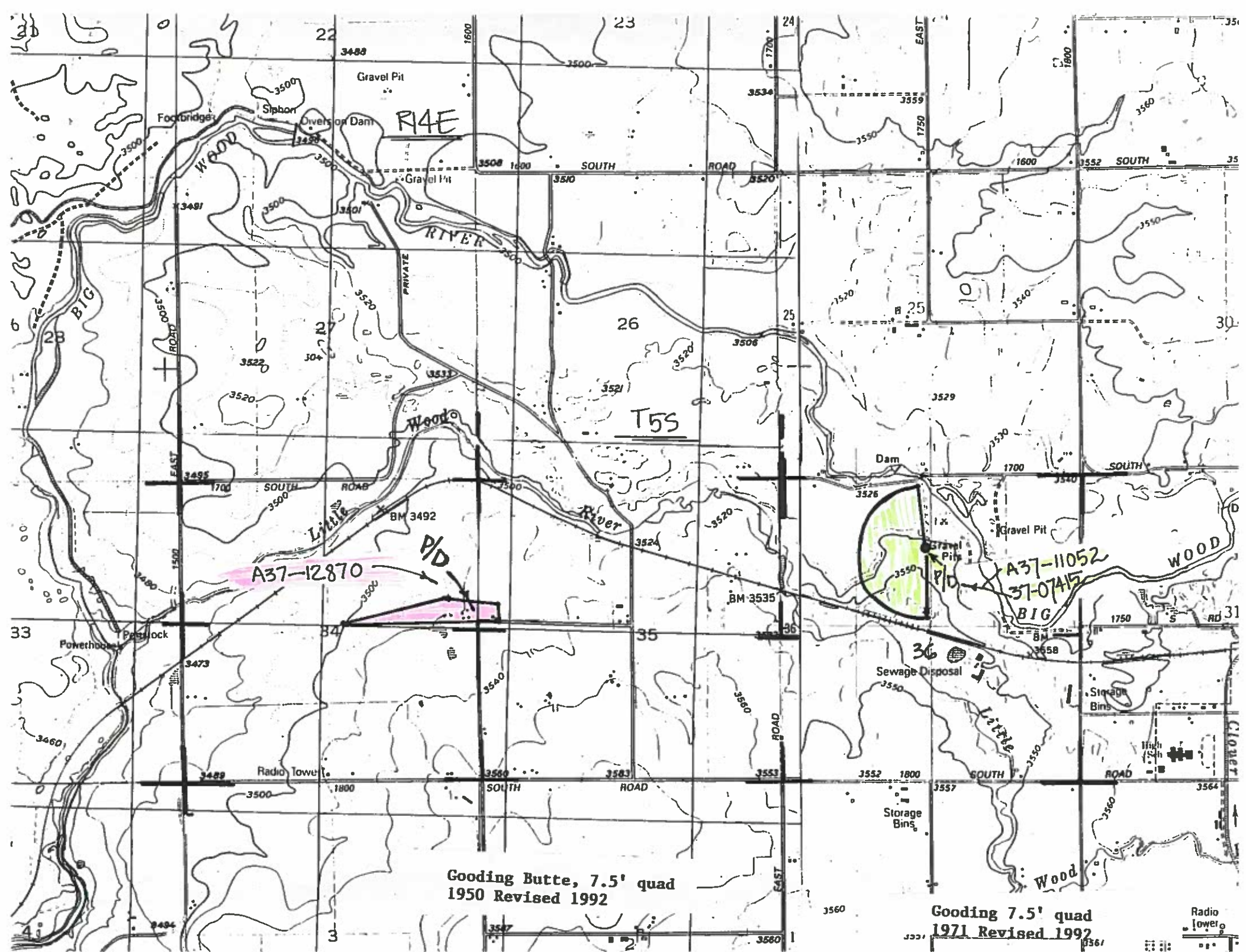
Subscribed and sworn (or affirmed) before me this 12th day

of August 19 97

Jeanie Robertson
Notary Public

Residing at Twin Falls, ID

My Commission Expires 9-23-2000



RECEIVED

EXHIBIT "A"

DEC 11 1991

TOWNSHIP 5 SOUTH. RANGE 14. EAST OF THE BOISE MERIDIAN, GOODING
COUNTY, IDAHO

A parcel of land located in the NE $\frac{1}{4}$ of Section 34 and in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35 and more particularly described as follows:

Commencing at the Section Corner common to Sections 34 and 35 of Township 5 South, Range 14 East and Sections 2 and 3 of Township 6 South, Range 14 East. Thence North 0°20'21.5" East along the Section line common to Sections 34 and 35 for a distance of 2648.82 feet to the Quarter Corner common to Sections 34 and 35. Thence continuing North 0°20'21.5" East along the Section line common to Sections 34 and 35 for a distance of 126.19 feet to the center of an existing county road and being the TRUE POINT OF BEGINNING:

Thence South 88°22'37" East along the approximate center of the existing County Road for a distance of 328.34 feet;

Thence North 3°07'02" West for a distance of 274.46 feet;

Thence North 79°52'50" West for a distance of 849.02 feet;

Thence South 75°30'11" West for a distance of 1871.73 feet;

Thence North 88°32'06" East for a distance of 2240.84 feet to the approximate center of the intersection of the existing County Road;

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SUBJECT TO:

A County Road easement for the existing County Road along the Easterly 448 feet of the Southerly boundary of the described parcel.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to 10 shares of Big Wood Canal Company water stock.

MICROFILMED

MAR 1992

Right No: A37-12870

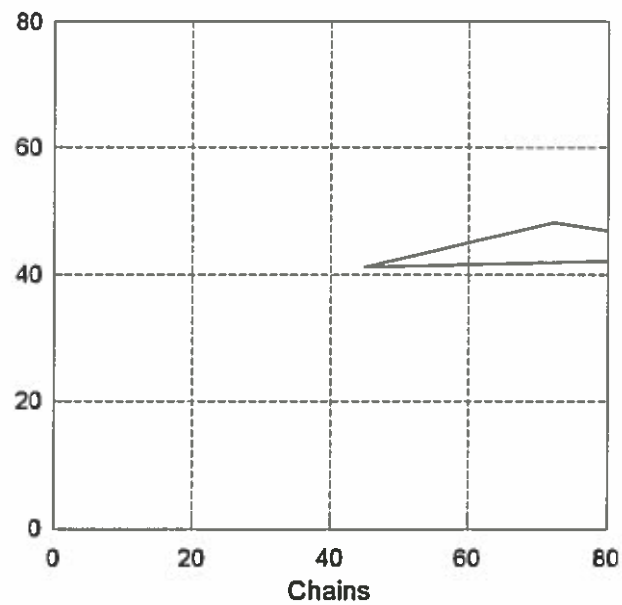
MEETS AND BOUNDS TABLE

X-COR	Y-COR	ANGLE			BEARING	DIST (FT)	CUM ACRES
		DEGREES	MINUTES	SECONDS			
=====	=====	=====	=====	=====	=====	=====	=====
80.00	0.00						0.48
80.24	40.13	0.00	20.00	21.50	ne	2648.82	0.52
80.25	42.04	0.00	20.00	21.50	ne	126.19	0.48
85.22	41.90	88.00	22.00	37.00	se	328.34	2.61
85.00	46.06	3.00	7.00	2.00	nw	274.46	2.30
72.33	48.32	79.00	52.00	50.00	nw	849.02	17.49
44.88	41.22	75.00	30.00	11.00	sw	1871.73	15.92
78.82	42.09	88.00	32.00	6.00	ne	2240.84	15.92
80.25	42.04	88.00	22.00	37.00	se	94.60	15.92

Right No: A37-12870

Section Breakdown

Sec ____, T ____, R ____



08/01/97 11:14 AM

Acres = 15.03

By: 

AJ0749NP
No. R37-12870

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/13/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES KEITH TURNER	03/01/1930	STOCKWATER	01-01 12-31	0.09 CFS	
C	STACEY TURNER		DOMESTIC	01-01 12-31	0.09 CFS	
	1747 E 1700 S					
	GOODING ID 83330					
				TOTAL DIVERSION:	0.18 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T05S R14E S34 SESENE

GOODING County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
05S	14E	34	:				S	:					:					:					:	

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
05S	14E	34	:				D	:					:					:					:	

POU County: GOODING

Non-Irrigation Uses: 3 HOMES; STOCKWATER, 200 BEEF STOCK

Other Rights: NONE

Remarks: GEN PARCEL NO. RP05S14E340020A

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 11/07/1993 User-ID: DUNN1 Subject: COPIED FROM REMARKS
OWNERSHIP CHANGE 3/18/92 BY JR.

Date: 08/13/1997 User-ID: JROBERTS Subject: AMENDED CLAIM
CLAIM WAS AMENDED TO CORRECT THE LEGAL DESCRIPTION OF THE POD AND

AJ0749NP
No. R37-12870

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/13/97
PAGE: 2

=====

Comments: Date: 08/13/1997 User-ID: JROBERTS Subject: AMENDED CLAIM
POU AS PER MAP SUBMITTED BY CLAIMANT, ALSO CHANGED NON-IRRIGATION
USES TO 3 HOMES. 8/13/97 jr

Audit: 08/13/97 JROBERTS

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE	CUSTOMER
August 13, 1997 9:43am	CHARLES TURNER A37-12870

SUBJECT: AMENDED CLAIM...
phone call (.) walk-in (X)

CLAIM WAS AMENDED TO CORRECT THE LEGAL DESCRIPTION OF THE POD AND POU WHICH WERE ORIGINALLY CLAIMED WRONG. HE HAD A COPY OF HIS WARRANTY DEED AND I PLOTTED THE BEARINGS TO CONFIRM. HE ALSO SAID THERE ARE THREE HOMES ON THE WELL NOW INSTEAD OF TWO, SO I CHANGED THAT IN NON-IRRIGATION USES ALSO...

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Address: 1747 E 1700 S

GOODING ID

83330

AND

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Address: 1747 E 1700 S

GOODING ID

83330

2. Date of Priority: MAR 1, 1930

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
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A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

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D/2 HOUSES, S/200 BEEF STOCK

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Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	14E	34	SW	NE		STOCK DOMEST	

11. Place of use in counties: GOODING

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

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NONE

14. Remarks:
OWNERSHIP CHANGE 3/18/92 BY JR.

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 _____

MAR 01 1993

SD-33	Last Name: POPE						STATE	
S	O	W	Water	Priority		Total	Use	
E	N	Right	No.	Date	Source	Diversion	Code	Desc
L	Name							
POPE								
SYLVA H.	C	A37-12790	12/31/1930	GROUNDWATER	0.240	43	DOMEST	
							04	STOCK
							01	IRR
POPE, JR.								
C. A.	C	A37-12870	03/01/1930	GROUNDWATER	0.180	43	DOMEST	
							04	STOCK

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

MAR 0 1 1993

SD-0604-2 Township: 05S			Range: 14E		Section: 34		Tract:		Lot:	
S	L		STATE	O	S	Max #	Records	28		
E	O	Water	Name	W	T	Priority	Use			
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc
-	-	-	-	-	-	-	-	-	-	-
-			A37-10729	BOLTE, ROBERT	C		J	03/10/1946	43	DOMEST
-				BOLTE, DONNA	C				04	STOCK
-			A37-10978	THOMAS, DALE A.	C			12/31/1948	43	DOMEST
-				THOMAS, BARBARA K.	C				04	STOCK
-			A37-11083	KOYLE, JOHN H.	C		J	08/15/1920	43	DOMEST
-				KOYLE, MARGARET H.	C				04	STOCK
-			A37-11084	KOYLE, JOHN H.	C		J	04/10/1950	43	DOMEST
-				KOYLE, MARGARET H.	C				04	STOCK
-			A37-12870	POPE, JR., C. A.	C		J	03/01/1930	43	DOMEST
-									04	STOCK
-			R37-10978	THOMAS, DALE A.	C			12/31/1948	43	DOMEST
-				THOMAS, BARBARA K.	C				04	STOCK
-	NENE		A01-00006	AMERICAN FALLS RESERVO	C	34	D	03/30/1921	01	IRR
-				ROSHOLT ROBERTSON & TU	A					
-	NWNE		A01-00006	AMERICAN FALLS RESERVO	C	23	D	03/30/1921	01	IRR
-				ROSHOLT ROBERTSON & TU	A					

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

MAR 01 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Mar-1992

JANET GORRELL
LAND TITLE AND ESCROW, INC.
PO BOX 473
GOODING ID 83330

RE: CHANGE OF OWNERSHIP - ADJUDICATION CLAIM NO. A37-12870 - POPE/
TURNER

Dear Janet:

Pursuant to the notification that you are representing the claimant(s) on the above referenced Adjudication Claim(s), the Department has changed the record(s) of the current owner as you requested. Please find enclosed copy(s) of the computer record of the claim(s) noting the change in claimant(s).

Please review the records(s) and if you have any corrections or any questions, please feel free to contact this office.

Sincerely,


Jeanie Robertson
Records Clerk

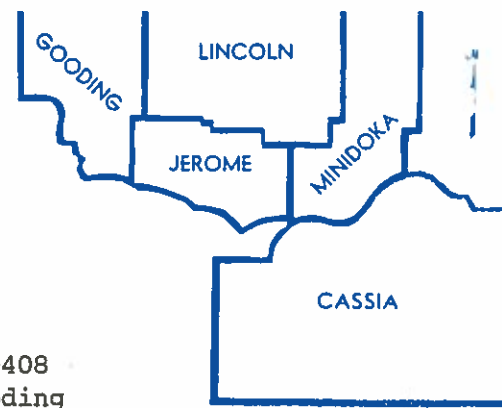
/jr
Enclosures

MICROFILMED

MAR 01 1993

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: CL-408
OFFICE: Gooding

December 10, 1991

Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Real Estate Sale
Pope to Turner

RECEIVED

DEC 11 1991

Department of Water Resources
Southern Region Office

Dear Bob:

In connection with the above referenced transaction, please find enclosed Notice to Change of Water Right Ownership and copy of recorded Warranty Deed. Please transfer water right to Charles Keith Turner and Stacey Turner and provide this office with a copy of transfer.

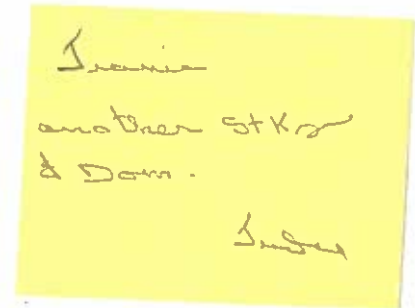
Thank you for your assistance.

Sincerely,

LAND TITLE AND ESCROW, INC.

Janet Gorrell
Manager-Gooding

Enclosures



BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-4842 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

MICROFILMED

MAR 01 1993

RECEIVED



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

DEC 11 1991

Please print or type
(see instructions on back of page)

Department of Water Resources
Southern Region Office

DATE OF CLOSING: 12-10-1991

LEGAL DESCRIPTION OF PROPERTY: Township 5S Range 14EBM
Section 34, NE 1/4 of 1/4 of 1/4, Govt. Lot , BM.
Lot , Block, , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A-3712870
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): CLIVE ARDEN POPE, JR AND VIVIAN H.
1751 S 1600 E, Gooding, Idaho 83330
- ☐ New Owner/Claimant (Purchaser): CHARLES KEITH TURNER and STACEY TURNER
- ☐ New Mailing Address: 1747 E 1700 S, Gooding, Idaho 83330
- ☐ New Telephone Number: () -
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes XX no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Copy of recorded warranty deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Charles Keith Turner Date 12-10-91
Stacey Turner Date 12-10-91
- ☐ Signature of Former Owner/Claimant(s): Clive A. Pope Date 12-10-91
Vivian H. Pope Date 12-10-91

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data Entry

Date: 3/18/92 By: JK

Further Action Needed

Further Action Taken

Date: By:

Final Review and Data Entry

Date: 3/18/92 By: JK

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

MAR 01 1993

WARRANTY DEED

COPY

For Value Received CLIVE ARDEN POPE, JR. and VIVIAN H. POPE, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

CHARLES KEITH TURNER and STACEY TURNER, husband and wife
whose address is: 1747 E 1700 S, Gooding, Idaho 83330

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"
Containing one page

RECEIVED

DEC 11 1991

Department of Water Resources
Southern Region Office

147057

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of Clive Arden Pope, Jr. Escrow Inc

40 min. past 1 o'clock P M. this 10
of Dec, 1991 12:00

JOHN A. MYERS Recorder

By Arbita Sells Deputy

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 10, 1991

Clive Arden Pope, Jr.
Clive Arden Pope, Jr.

Vivian H. Pope
Vivian H. Pope

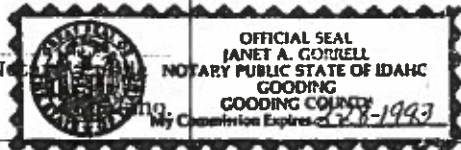
STATE OF IDAHO, COUNTY OF GOODING

On this 10th day of December, 1991,
before me, a notary public in and for said State, personally appeared

Clive Arden Pope, Jr.
and
Vivian H. Pope

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged
to me that they executed the same.

Janet A. Gorrell
Residing at Gooding



NOTARIZED

RECEIVED

DEC 11 1991

EXHIBIT "A"

TOWNSHIP 5 SOUTH. RANGE 14. EAST OF THE BOISE MERIDIAN
COUNTY, IDAHO

Department of Water Resources
Southern Region Office

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MICROFILMED

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Land Title and Escrow, Inc.

P.O. Box 473
Gooding, ID 83330



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Department of Water Resources
Southern Region Office

DEPARTMENT OF WATER RESOURCES
222 SHOSHONE STREET EAST
TWIN FALLS, IDAHO 83301

MICROFILMED

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Date Received: 2/24/1989
Receipt No: S006371
Received By: W

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: C. A. POPE, JR. 208-934-5370
Address: 1751S 1600E
GOODING, ID 83330

2. Date of Priority: MAR 01, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
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A37-12870

Page 1

Date: 02/24/89

MICROFILMED
MAR 01 1993

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14. Remarks:

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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
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CIVIL CASE NUMBER: 39576

Identification No. _____

Date Received _____

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NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

FEB 23 1989

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Department of Water Resources

Where Daily Use is less than 13,000 gallons per day. Southern Region Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Clive A. Pope Jr Phone (208) 934-5370Mailing Address 1751 S. 1600 E. Gooding, Id. Zip 833302. Date of Priority (Only one per claim) Mar 1, 1930 Month/Day/Year3. Source of water supply (Check one) (X Groundwater or Other () (a) _____

Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 5 Range 14Section 34, N.E. 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____, BM.,County of Gooding

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. Deep well Pump 210 FT.

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 .09 (cfs)For Stockwater purposes from Jan 1 to Dec 31 amount .09 (Both dates are inclusive)7. Total quantity claimed .18 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) This well serves two households, 200 head of cattle

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10. Place of use is: Township: 5 Range 14
Section 34, N.E. 1/4 of 54 1/4, Govt. Lot of N.E. 1/4, B.M.,
County of Gooding 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? Gooding

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) Shirley M. Byrd Date Feb 10, 1989
Date _____

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

of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
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 Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 10th day of February 1989

SEAL

Notary Public Raymond Cheney
Residing at Gooding, Idaho
My Commission Expires 8-24-94

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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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

February 7, 1989

C. A. Pope
1751 S. 1600 E
Gooding, ID 83330

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # 6656 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 Month / Day / 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

Note: Item #4 & #10 do not agree. Please review.

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.

BEFORE RETURNING THE CLAIM PLEASE READ THE ENCLOSED DRAFT TEXT FOR D&S BROCHURE. Due to recent rulings by the court you may defer filing the claim if you so desire but it is recommended by the Department that you continue to press your claim. If you have any questions contact our office.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm
Enclosures:

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IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

PREFIX TRANSLATION: ADJUDICATION CLAIM

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NOV 27 1996

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

CERTIFIED
JUN 18 1992
WATER EXAMINER

FROM: Allen Merritt

DATE: October 15, 1997

TO: Transfer No. 5136
Right No: 37-07415
Name: Turner

SUBJECT: Review and Recommendation

This transfer proposes to dry up irrigated acres (11.2) and convert the irrigation use to that of stockwater and commercial use associated with expansion of an existing dairy. The existing dairy is partially covered by SRBA claim 37-12870. The lands dried up under the license are those not presently covered by a pivot.

ANALYSIS

A review of the licensing exam, the tax notice for the original place of use and the NAPP 6/22/1987 photo leads me to believe that the license overstates the actual original beneficial use. I have measured the copy of the NAPP using a planimeter and find that there is about 71.5 acres within the E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 36, Twp.05S, Rge.14E, B.M north of the Railroad and south of the county road. This 71.5 acres appears all that could have been irrigated under the original license. The land outside the pivot look to be marginally irrigated on the NAPP as it does in Georgia's photos. By measuring what is outside of the pivot using a planimeter I calculate 10.6 acres to be dried up. Giving the benefit of doubt to the applicant it appears that after these acres are dried up there should only remain, at most, 60.9 acres.

Note: The front of the application only lists commercial but it should include commercial as well as stockwater.

I recommend that transfer #5136 be approved with the following conditions:

-Subject to final SRBA determination.

-This right split off for dairy use (37-07415B) when combined with 37-12870* is limited to 45.1 afa for the dairy barn and stockwater for the dairy string and dry cattle. 37-07415B provides an additional diversion volume of 42.4 afa above historical use (2.7 afa for 200 beef cattle).

-The uses for 37-07415B include:

Commercial	0.21 cfs	1.6 afa
Stockwater	0.21 cfs	40.8 afa
Total	0.21 cfs	42.4 afa

-The remaining irrigation portion of the subject right (37-07415B) is limited to 1.22 cfs (243.6 afa) for irrigation of 60.9 acres (28.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 32.0

A37-12870

acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Twp.05S, Rge.14E, B.M.).

-Measuring device(s) shall be installed and maintained on the well associated with the dairy and is subject to the West ESPA Measurement District measuring and reporting requirement.

-The remaining irrigation use is subject to North Snake Groundwater District &/or West ESPA Measurement District measuring and reporting requirements.

-Subject to all other local, state & federal requirements as needed.

-No new wells are authorized to be drilled under this approval.

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