

08/14/2003

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-11010

NAME AND ADDRESS: FLORIAN WERNETTE  
494 N 600 E  
FIRTH ID 83236

OPAL WERNETTE  
494 N 600 E  
FIRTH ID 83236

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.240 CFS

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

PRIORITY DATE: 09/10/1976

POINT OF DIVERSION:

T02S R36E S12 NWNWSE Within BINGHAM County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

1/01 12/31

0.240 CFS

PLACE OF USE: STOCKWATER Within BINGHAM County

T02S R36E S12 NWSE

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

This partial decree is subject to such general provisions necessary for  
the definition of the rights or for the efficient administration of the water  
rights as may be ultimately determined by the Court at a point in time no  
later than the entry of a final unified decree. Section 42-1412(6), Idaho  
Code.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use  
1000 CATTLE RP 0422501

PROFILED

SCANNED  
MAY 25 2006

no shapefile  
for Stockwater

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

RIGHT NUMBER: 27-11010

NAME AND ADDRESS:

FLORIAN WERNETTE  
494 N 600 E  
FIRTH ID 83236  
  
OPAL WERNETTE  
494 N 600 E  
FIRTH ID 83236

SOURCE: Source:  
GROUND WATER

Tributary:

QUANTITY: 0.090 CFS ~~0.240 CFS~~  
14.330 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

The rights listed below are limited to a total combined annual diversion volume of 14.33 af for stockwater. Combined Right Nos.: 27-11009, 27-11010, and 27-11011.

PRIORITY DATE: 09/10/1976

POINT OF DIVERSION:

T02S R36E S12 NWSWNE  
Within BINGHAM County

~~T02S R36E S12 NWNWSE~~  
~~Within BINGHAM County~~

PURPOSE AND  
PERIOD OF USE:

| Purpose of use: | Period of use: | Quantity:                                          |
|-----------------|----------------|----------------------------------------------------|
| STOCKWATER      | 01/01 12/31    | <u>0.090 CFS 14.33 AFY</u><br><del>0.240 CFS</del> |

PLACE OF USE: STOCKWATER within BINGHAM County

T02S R36E S12 SWNE

~~T02S R36E S12 NWSE~~

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

~~THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS  
NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 400 cow/calf pairs and 400 yearlings.  
~~1000 CATTLE RP 0422501~~

Page 463



27-11010

**SHOSHONE-BANNOCK TRIBES  
WATER RESOURCES DEPARTMENT**

P.O. BOX 306  
FORT HALL, ID 83203

**FACSIMILE TRANSMITTAL SHEET**

|                                                          |                                              |
|----------------------------------------------------------|----------------------------------------------|
| TO:<br>Ernie Carlsen<br>Cindy Bird/Desginee              | FROM:<br>Elese Teton                         |
| COMPANY:<br>IDWR                                         | DATE:<br>5/29/2008                           |
| FAX NUMBER:<br>(208) 525-7177<br>(208) 547-3939          | TOTAL NO. OF PAGES INCLUDING COVER:<br>1     |
| PHONE NUMBER:<br>(208) 525-7161<br>(208) 527-3993        | SENDER'S TELEPHONE NUMBER:<br>(208) 239-4580 |
| RE:<br>Request for Preparations of SF5s for Water Rights |                                              |

NOTES/COMMENTS:

The Shoshone-Bannock Tribes, Florian and Opal Wernette (through their Attorney Jerry Rigby) have reached agreement in two Basin 27 subcases. We request you prepare the following SF5s's for water rights as shown. Should you have any questions give me a call at the number listed above.

| <u>Water Right No.</u> | <u>Purpose of Use</u> | <u>Period of Use</u> | <u>Quantity</u> |
|------------------------|-----------------------|----------------------|-----------------|
| 27-11009               | Stockwater            | 01/01 - 12/31        | 14.33 AFY       |

Note: Calculation is based on 400 cow/calf pairs @ 20 gal per day for 365 days and 400 yearlings @ 12 gal per day for 365 days.

REMARKS: Water rights 27-11009 and 27-11010 shall not exceed a total combined annual diversion volume of 14.33 AFY for stockwater use

| <u>Water Right No.</u> | <u>Purpose of Use</u> | <u>Period of Use</u> | <u>Quantity</u> |
|------------------------|-----------------------|----------------------|-----------------|
| 27-11010               | Stockwater            | 01/01 - 12/31        | 14.33 AFY       |

Note: Calculation is based on 400 cow/calf pairs @ 20 gal per day for 365 days and 400 yearlings @ 12 gal per day for 365 days.

REMARKS: Water rights 27-11010 and 27-11009 shall not exceed a total combined annual diversion volume of 14.33 AFY for stockwater use

*informed rec'd 5/20/08*

08/22/2003

NOTICE OF ERROR  
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:**

Water right number: 27-11010

FLORIAN WERNETTE

494 N 600 E

FIRTH ID 83236

Telephone Number: (208)785-0534

OPAL WERNETTE

494 N 600 E

FIRTH ID 83236

Telephone Number: (208)785-0534

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

\_\_\_\_ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6-13-05 SIGNATURE: Opal Wernette  
Please print your name: OPAL WERNETTE

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED  
JUL 11 2005  
Department of Water Resources  
Eastern Region



PROFILED  
SCANNED  
MAY 25 2006

KWJ  
7/12

Stachwala Claim.

5/14/83 27-11010

filed claim on Stachwala day from and paid  
the \$25 - filing fee. Which would limit the  
claim to 13,000 gpd.

ADD: ✓ C18 general condition

✓ N11 ? N13 Remarks a condition to limit volume.

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Wernette

CLAIM - ENT. NO.

A27-11010

DATE RECEIVED

5/31/89

CK #

EOG8457

AMOUNT \$

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO \*
2. Is a priority date entered? ☒ YES ☐ NO \*
- Is the priority date acceptable in view of mandatory filing dates?  
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO \*
3. (a) Is a source entered? ☒ YES ☐ NO \*
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A ☐ NO \*
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO \*
5. Is there a description of the diverting works? ☒ YES ☐ NO \*
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO \*
- Is the period of use included? ☒ YES ☐ NO \*
- Is a quantity claimed for each use? ☒ YES ☐ NO \*
7. Is a total quantity claimed entered? ☒ YES ☐ NO \*
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A ☐ NO \*
- Is the consumptive use correct? ☒ YES ☐ NO N/A ☐ NO \*
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A ☐ NO \*
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO \*
11. Is (are) the county(ies) entered? ☒ YES ☐ NO \*
12. Is the ownership of p.u. checked? ☒ YES ☐ NO \*
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO \*
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A ☐ NO \*
15. Is the basis of the claim indicated? ☒ YES ☐ NO Assume Beneficial use \*
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A ☐ NO \*
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO \*
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO \*
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO \*
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt ☐ NO \*
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A ☐ NO \*
22. Should this claim be data entered? ☒ YES ☐ NO \*

Claim checked by:

B

Date:

6/16/89

Claim must be returned to claimant:

(Yes) ☐ (No) ☒

Claimant must be notified of modifications:

X (Yes) ☒ (No) ☐

Receipt Prepared by:

Date:

Claim data entered by:

Date:

Checked by:

Date:

Sent to claimant by:

Comments:

send copy assumed Beneficial use

**MICROFILMED**

**NOV 13 1992**

WATER RIGHT NUMBER - A27-10010

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

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

+ - FIRST NAME - - +

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

\*\*\* C - CURRENT OWNER \*\*\*

WERNETTE

FLORIAN

1 - 494 N. 600 E.

2 -

3 -

CITY- FIRTH

STATE- ID ZIP- 93236

PHONE - 208-785-0534

1 - 494 N. 600 E.

2 -

3 -

CITY- FIRTH

STATE- ID ZIP- 93236

PHONE - 208-785-0534

+ - - PRIORITY DATE - - +  
09/10/1976+ - - - REGION - - - +  
15 EASTERN

+ - - - STAGE - - - +

J - BENEFICIAL USE

+ - - - STATUS - - - +

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

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

| TWN | RNG | SEC | TRACT          | LOT | RFLG | COUNTY       | POINT OF DIVERSION | STREAM INDEX (BLANK IF NO INDEX CODE) |
|-----|-----|-----|----------------|-----|------|--------------|--------------------|---------------------------------------|
| 02S | 36E | 12  | NW SE<br>SW NE |     |      | (11) BINGHAM |                    |                                       |

| CODE            | DESCRIPTION | PERIOD FROM | PERIOD TO | WATER USE | DIVERSION RATE | DIVERSION VOLUME |
|-----------------|-------------|-------------|-----------|-----------|----------------|------------------|
| 04 - STOCKWATER |             | 01/01       | 12/31     |           | 0.240          |                  |

| TOTAL DIV. RATE - + | TOTAL DIV. VOLUME - + | TOTAL DIV. CAPACITY - + | TOTAL CONSUMPTIVE USE - + | KW USAGE - + |
|---------------------|-----------------------|-------------------------|---------------------------|--------------|
| 0.240               |                       |                         | 0.0                       |              |

| TWN | RNG | SEC | TRACT          | LOT | ACRES | CODE          | DESCRIPTION | COUNTY       |
|-----|-----|-----|----------------|-----|-------|---------------|-------------|--------------|
| 02S | 36E | 12  | NW SE<br>SW NE |     |       | 04 STOCKWATER |             | (11) BINGHAM |

+ - - DIVERSION MEANS - WELL W/2 HP SUP. PUMP, 72' DEEP

+ - - NON-IRRIGATION USE - 6/1000 HD CATTLE

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - +  
NO REMARKS FOUND.+ - - - - OLD WATER RIGHT NUMBERS - - - - - +  
NO OLD WATER RIGHT NUMBERS FOUND.+ - - - - CONDITIONS OF APPROVAL - - - - - +  
NO CONDITIONS OF APPROVAL FOUND.

WATER RIGHT NUMBER - 427-11010

PREFIX TRANSLATION: ADJUDICATION CLAIM

DEGREE PLAINTIFF - - - +

DEGREE DEFENDANT - - - +

DEGREE DATE - +  
00/00/0000

AUDIT FIELDS - 06/19/89 KHISER

COMMENTS - - - - -  
NO COMMENTS FOUND

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   | - 05/21/1989 | 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        | - 800F437    | FEDERAL/STATE INDICATOR | - S     |
| CLAIMS TAPE ERROR FLG | -            | POW OWNERSHIP FLAG    | - Y          | PRESUMPTION FLAG        | -       |
| FEE EXEMPT FLAG       | -            | NAME CONNECTOR        | - AND        |                         |         |

R.P. 0422 501

P.D. NWSE  
P.D. NWSE

**PROOF**  
JUL 30 1991

DATA ENTRY DS  
ENTERED 74  
CHECKED 74

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

**VERIFIED**  
AUG - 1991

CERTIFIED  
OCT 7 1991  
WATER EXAMINER

JUL 13 1989

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: A27-11010  
Date Received: 5/31/1989  
Receipt No: E008457  
Received By: JK

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: FLORIAN WERNETTE 208-785-0534  
Address: 494 N. 600 E.  
FIRTH, ID 83236

AND  
Name: OPAL WERNETTE 208-785-0534  
Address: 494 N. 600 E.  
FIRTH, ID 83236

2. Date of Priority: SEP 10, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 02S      | 36E   | 12      | NW     | SW     | NE     |     | BINGHAM |

5. Description of diverting works:  
WELL W/2 HP SUB. PUMP, 72' DEEP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.240 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
S/1000 HD CATTLE

A27-11010

Page 1

Date: 06/19/89

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NOV 13 1992

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use   | Acres |
|----------|-------|---------|------------|-----|-------|-------|
| 02S      | 36E   | 12      | SW NE      |     | STOCK |       |

11. Place of use in counties: BINGHAM

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. A27-11010

Date Received 3-31-89

Receipt Number 6008457

53

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) FLORIAN and Opal WERNETTE Phone (208) 785-0534

Mailing Address 494N GOOE FIRTH, IDAHO Zip 83236

2. Date of Priority (Only one per claim) Sept. 10, 1976 Month/Day/Year

3. Source of water supply (Check one) ☒ Groundwater or Other ( ) (a) \_\_\_\_\_

Name or kind of source

which is tributary to (b) \_\_\_\_\_

4. Location of point of diversion is: Township 2 S Range 36 E

Section 12, NW 1/4 of SW 1/4 of NE 1/4, Govt. Lot \_\_\_\_\_, BM.,

County of Bingham

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 with 2 HP submersible pump 72 ft. deep

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

For Stockwater purposes from Jan 1 Month/Day to Dec 31 Month/Day amount 1.24 (cfs)

(Both dates are inclusive)

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_

7. Total quantity claimed 1.24 (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: give and Number of livestock) Stockwater 1000 head Cattle

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NOV 19 1992

10. Place of use is: Township: 2S Range 36 E

Section 12, SW 1/4 of 14E 1/4, Govt. Lot \_\_\_\_\_, B.M.,

County of Bingham 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? Bingham

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 ( )

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 \_\_\_\_\_

By signing I/We acknowledge reading the notice on the back of this claim form.

I/We wish to receive for a small annual fee monthly copies of the docket sheet.

YES \_\_\_\_\_ NO \_\_\_\_\_

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Flourence Wernetto Date May 31, 1989  
Opal Wernetto Date May 31, 1989

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 Bonneville } SS.

Subscribed and sworn (or affirmed) before me this 31 day of May 19 89

SEAL

Notary Public E. E. Lewis

Residing at Idaho Falls, ID

My Commission Expires 22 Aug 1994

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

Copies: White-State, Yellow-Claimant

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NOV 13 1992