

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4332 V1

WATER RIGHT NUMBER: 29-4332 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNION PACIFIC RAILROAD CO REAL ESTATE DEPT 1800 FARNAM ST OMAHA, NE 68102 (402)997-3600
Original Owner	OREGON SHORT LINE RAILROAD CO C/O UNION PACIFIC RAILROAD CO PO BOX 1592 POCATELLO, ID 83201
Representative	UNION PACIFIC RAILROAD CO REAL ESTATE DEPT 1800 FARNAM ST OMAHA, NE 68102 (402)997-3600

Priority Date: 05/14/1913

Basis: Beneficial Use

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	01/01 to 12/31	0.050 CFS	2.00 AF
<u>Total Diversion:</u>		0.050 CFS	2.00 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4NE1/4SE1/4 Sec. 35, Twp 04S, Rge 34E, B.M.
BINGHAM County

Place of Use

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	34E	35																	X

Conditions of Approval:

1. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES
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Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	2/4/2003 4:06:44 PM	rwarner			Active
Priority Date	2/4/2003 4:07:55 PM	rwarner			Active
POD	2/4/2003 4:08:15 PM	rwarner			Active
Source	2/4/2003 4:09:04 PM	rwarner			Active
POU	2/4/2003 4:09:22 PM	rwarner			Active
Use	2/4/2003 4:12:05 PM	rwarner			Active
Season	2/4/2003 4:13:07 PM	rwarner			Active
Quantity	2/4/2003 4:20:47 PM	rwarner			Active
Summary			02/04/2003	rwarner	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	2/4/2003 4:06:44 PM	rwarner	(No) 1. Do you want to schedule an appointment?
			Comment for 1: desktop review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4332 V1

Priority Date	2/4/2003 4:07:55 PM	rwarner	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 13. Has additional evidence of priority date been submitted? (Yes) 14. Can any portion of the claim be recommended as a valid water right? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	2/4/2003 4:08:14 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	2/4/2003 4:09:04 PM	rwarner	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Claim in file shows the same well.
POU	2/4/2003 4:09:22 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required?
POU	2/4/2003 4:35:05 PM	rwarner	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

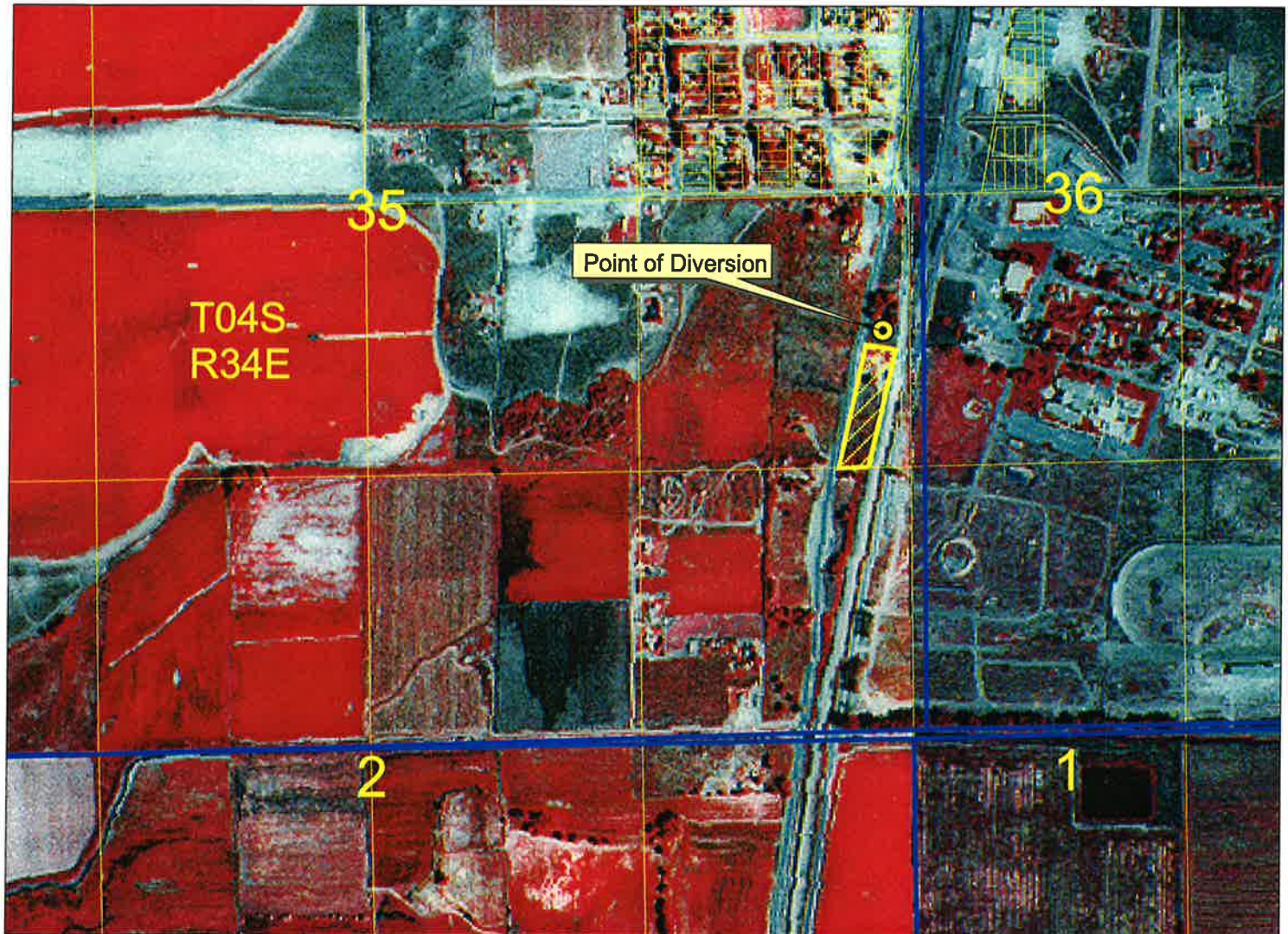
Adjudication Recommendation Report 29-4332 V1

Use	2/4/2003 4:12:05 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (Yes) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (Yes) 13. Is a Purpose of Use remark and/or condition required?
Season	2/4/2003 4:13:07 PM	rwarner	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	2/4/2003 4:20:47 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - .05cfs x 60x60x24x365.25/43560 = 33 AFA
Summary	2/4/2003 4:23:56 PM	rwarner	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
POD	2/4/2003 4:35:34 PM	rwarner	Edited point location

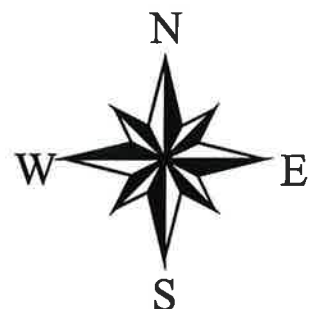


State of Idaho Department of Water Resources Eastern Region

Claim No.: 29-4332



0.2 0 0.2 0.4 Miles



- Well.shp
- Place of use.shp
- Sections
- QQ

Industrial

SCANNED
MAR 30 2006

PROFILED

GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by R. Warner
Date: February, 2003

02/18/2003

Roger

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: April 21, 2003

Water right number: 29-4332

UNION PACIFIC RAILROAD CO
REAL ESTATE DEPT
1800 FARNAM ST
OMAHA NE 68102
Telephone Number: (402)997-3600

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:

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

DATE: 4/17/03

SIGNATURE: Stan Muefeler - My Real Estate - Agent for USRA

Please print your name: Stan Muefeler

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

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MAR 30 2006

RECEIVED

APR 24 2003

Department of Water Resources
Eastern Region

02/21/2003

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.

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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:

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

DATE:

4/17/03

SIGNATURE:

Stan Miskelt - Myr Real Estate - Agent for WRR

Please print your name:

Stan Miskelt

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

RECEIVED

APR 24 2003

Department of Water Resources
Eastern Region

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MAR 30 2006

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4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Union Pacific CLAIM IDENT. NO. 429-04332
 DATE RECEIVED 5-30-89 CK # 154031 AMOUNT \$ 415 ⑦

- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 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. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 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. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 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.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: CA Date: 7-21-89
 Claim must be returned to claimant: (Yes) (No)
 Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: CA Date: 7-21-89
 Claim data entered by: CA Date: 7-21-89 Checked by: CA Date: 7-21-89
 Sent to claimant by: CA Date: 7-21-89

Comments: _____

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NOV 13 1992

UNION PACIFIC RAILROAD COMPANY

ENGINEERING DEPARTMENT

S. J. McLAUGHLIN,
Assistant Vice President
Engineering
(402) 271-3018



Room 920
1416 Dodge Street
Omaha, Nebraska 68179

C. D. Barton
Chief Engineer-Maintenance
(402) 271-3792
C. L. Jensen
Chief Engineer-Programs
(402) 271-5573
J. R. Beran
Chief Engineer-Design
(402) 271-3029
P. M. Abaray
Chief Engineer-Signals
(402) 271-3036

May 25, 1989

Drainage & Water:
Idaho: Water Supply

RECEIVED
MAY 30 1989

Mr. Forrest E. Luthy
Idaho Department of Water Resources
Adjudication Bureau
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

Dear Mr. Luthy:

In connection with the Snake River Basin water rights adjudication, enclosed please find for filing seven (7) completed Water Rights Claim forms for water rights owned by Union Pacific Railroad Company in Bingham, Ada, Minidoka and Elmore Counties.

The enclosed claims are identified as follows:

(1)	Taber	-	35-4161
(2)	Fort Hall	-	29-4332
(3)	Orchard	-	61-4074
(4)	Minidoka #3	-	36-4203
(5)	Minidoka #2	-	36-4204
(6)	King Hill	-	61-4075
(7)	Hammett	-	61-4076

Also, enclosed is Union Pacific Voucher No. 154031, made payable to the Idaho Department of Water Resources in the amount of \$415.00 to cover the associated filing fees. Please note that this amount is less the \$33.00 credit balance referenced in Mr. Donald V. Shaff's letter dated April 5, 1989, Receipt No. C006124. In conjunction with his letter, we do not wish to file the claim for water right 94-4182 furnished with my letter dated March 29, 1989; but would rather have the \$33.00 credit applied to the enclosed filings.

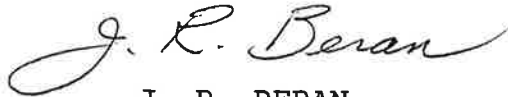
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NOV 13 1992

If I can be of further assistance to you, please feel free to contact Mr. Jack L. Nelson at (402) 271-2347.

Yours truly,

A handwritten signature in cursive script that reads "J. R. Beran".

J. R. BERAN
Chief Engineer - Design

jln/c/0525i

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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: A29-04332
Date Received: 5/30/1989
Receipt No: C007120
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UNION PACIFIC RAILROAD COMPANY 402-271-3728
Address: 1416 DODGE STREET
OMAHA, NE 68179

2. Date of Priority: MAY 14, 1913

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	34E	35	NE	SE			BINGHAM

5. Description of diverting works:
8" X 66' DEEP WELL, 1 HP SUB. PUMP, 82 GALLON PRESSURE TANK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	34E	35	NE	SE		INDUST	

11. Place of use in counties: BINGHAM

A29-04332

Page 1

Date: 07/21/89

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

13. Other Water Rights Used:
NONE

14. Remarks:
WATER IS USED AT SECTION HOUSE AND SURROUNDING YARD, AND BY
MAINTENANCE SECTION FORCES.

15. Basis of Claim: STATUTORY CLAIM

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, 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

Title and Organization

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: 39356

Ident. Number 29-4332

Date Received

Receipt Number

C007120

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 30 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Union pacific Railroad Company Phone (402) 271-3728

Mailing Address 1416 Dodge Street, Omaha, Nebraska Zip 68179

2. Date of Priority (Only one (1) per claim) May 14, 1913

3. Source of water supply (a) groundwater
which is tributary to (b)4. a. Location of existing point of diversion is: Township 4 S. Range 34 E. Section 35,
NE 1/4 of SE 1/4 of 1/4, Govt. Lot, B.M., County of Bingham

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of
1/4, Govt. Lot B.M., County of5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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.

8"x66' deep well, 1 HP electrical submersible pump and an 82 gallon pressure tank

A2904332



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Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Industrial purposes from 1-1 to 12-31 amount 0.05 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.05 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4 S.	34 E.	35													I				

Total number of acres irrigated _____

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. _____ or None (X)

14. Remarks:

Water is used at section house and surrounding yard, and by Maintenance Section Forces.

Last Name Union Pacific Ident No. 29-4332

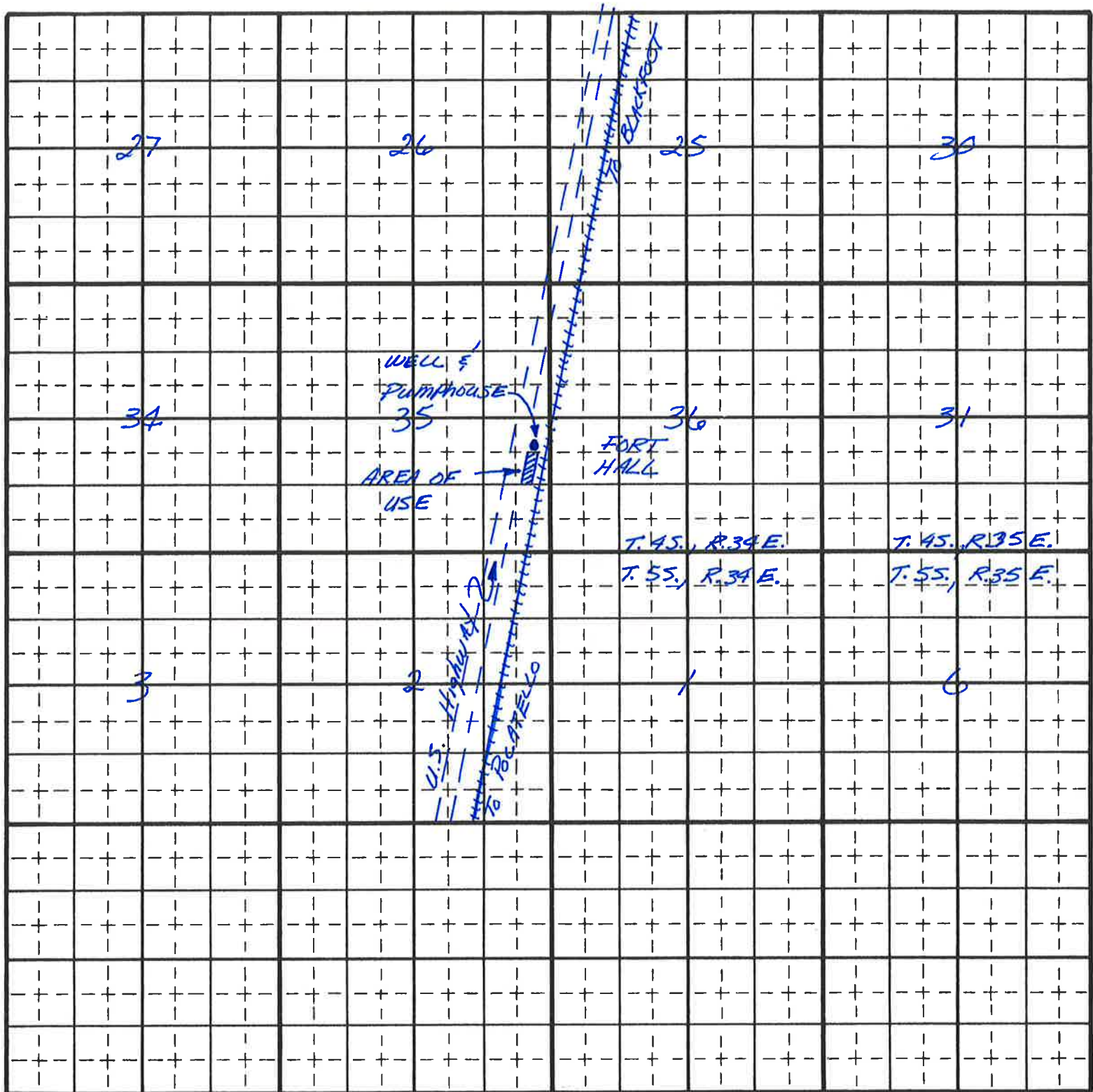
Copies: 1 State, 3 Claimant

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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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Copies: White-State, Yellow-Claimant

Last Name Union Pacific

Ident No.

29-4332

MAR 30 2006

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 29-4332
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Chief Engineer - Design

of Union Pacific Railroad Company, that I have signed the foregoing
document in the space below as Chief Engineer - Design of UPRR Co.
Title Organization

and that the statements contained in the foregoing document are true and correct.

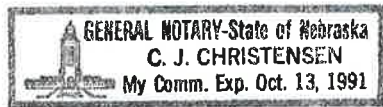
Signature of Authorized Agent J. R. Beran

Title and Organization Chief Engineer - Design/UPRR Co. Date 5/25/89

State of Idaho/or Nebraska)
County of Douglas) SS.

Subscribed and sworn (or affirmed) before me this 25th day of May 19 89

SEAL



Notary Public C. J. Christensen

Residing at Omaha, Nebraska

My Commission Expires Oct. 13, 1991

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Union Pacific Ident. Number 29-4332

SCANNED

MAR 30 2008

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Copies White-State, Yellow-Claimant