

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-7041

NAME AND ADDRESS: WISTISEN LIVESTOCK CORP
C/O RULON WISTISEN
PO BOX 128
BANCROFT ID 83217

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.68 CFS
1,432.4 AFY

PRIORITY DATE: 11/20/1969

POINT OF DIVERSION:

T08S R39E S4 SWSW Within CARIBOU County

T08S R39E S4 SWSE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 10/15	4.680 CFS
		1,431.00 AFY
STOCKWATER	9/01 12/31	0.040 CFS
		1.40 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within CARIBOU County

T08S R39E S04	SWNE	16.0	T08S R39E S04	SENE	27.0
T08S R39E S04	NESW	40.0	T08S R39E S04	SWSW	40.0
T08S R39E S04	SESW	40.0	T08S R39E S04	NESE	37.0
T08S R39E S04	NWSE	40.0	T08S R39E S04	SWSE	40.0
T08S R39E S04	SESE	40.0	T08S R39E S09	NENE	40.0
T08S R39E S09	NWNE	40.0	T08S R39E S09	SWNE	40.0
T08S R39E S09	SENE	40.0	T08S R39E S09	NENW	40.0
T08S R39E S09	NWNW	40.0	T08S R39E S09	SWNW	40.0
T08S R39E S09	SENE	40.0	T08S R39E S09	NESE	40.0
T08S R39E S09	SESE	40.0	T08S R39E S09	SWSE	40.0

STOCKWATER Within CARIBOU County

T08S R39E S04 SWSW

800 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 477 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

02/22/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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

THE MAXIMUM COMBINED RATE OF DIVERSION UNDER THIS RIGHT AND
RIGHT 29-07305 SHALL NOT EXCEED 4.68 CFS.

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.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.



STATE OF IDAHO

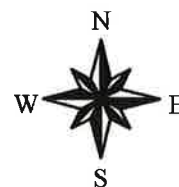
Department of Water Resources

Eastern Region

Water Right(s) 29-7041 & 29-7305



3000 0 3000 6000 Feet



LEGEND

-  Point of Diversion
-  Place of Use
-  Sections
-  Quater-Quaters

Place of Use: T8S, R39E
Secs. 4 and 9

Point of Diversion: T8S, R39E
Sec. 4 NESWSW AND NESWSE

GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: C. Bird
Date: February 2002

SCANNED

APR 12 2006

PROFILED

02/18/2003

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: April 21, 2003

Water right number: 29-7041

WISTISEN LIVESTOCK CORP

C/O RULON WISTISEN

PO BOX 128

BANCROFT ID 83217

Telephone Number: (208) 648-7835

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:

4/21/03

SIGNATURE:

Rulon Wistisen

Please print your name:

Rulon Wistisen

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

2/20/02 Wednesday.

- When was the POU changed from 477 acres to the 800 acres (irrigating 477 within the 800)?

PPLU? Done in 1974-75 per Rulon Wistisen. The Wistisen family has been operating this farm since 1957.

2/21/02 Conversation in my office with Rulon Wistisen. They combined and have used the water as a permissible place of use since about 1974-75. Rulon Wistisen is part of the corporation. The permissible place of use effects claims A29-7041 & A29-7305.

PROFILED

SCANNED

APR 12 2006

CONVERSATION MEMORANDUM

EMPLOYEE: Cindy Bird

FILE: A29-7041 and 7305

RE: ownership

DATE: January 31, 2002

NAME OF PARTY

Dale Wistisen

Office visit

January 29, 2002 Dale Wistisen came into the office to do an ownership change on another adjudication claim. I asked Dale what the current address for Wistisen Livestock Corporation because the post office has change the rural route address. So, Dale was going to find out what the new address and get back to me. He also wanted to come back with his brother to make sure that all of their rights have been filed correctly.

PROFILED

SCANNED
APR 12 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2001

A29-7041, A29-7305, A29-7392, A29-7394A
Stan Wistisen
P.O. Box 116
Bancroft, ID 83217

REF: Snake River Basin Adjudication (SRBA)

SUBJECT: CRP Contract

Dear Claimant(s);

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above in the "address" label has been filed in the Snake River Basin Adjudication (SRBA).

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. A field examination to verify items in the Notice will be conducted by Department personnel as soon as the weather permits. I was able to visit some of you this year before the snow arrived. While waiting for the weather to cooperate again I would like to collect some of the necessary documentation needed to recommend your claim to the SRBA court. The statute (42-104) requires the water be put to beneficial use to have a valid water right. One exception to the statute is if the land has been put into CRP. But evidence must be submitted to the Department of Water Resources to retain the water right otherwise the water right will not be recommended to the SRBA court.

If you have previously irrigated land that has been put into CRP, I would appreciate it if you could send me a copy of the contract when the land was put into CRP for my records, **by March 1, 2002. If you do not have any land in CRP please disregard this notice.** With no response from you, we will assume that you do not have any land in CRP. You may contact either the Farm Service Agency (FSA) or Natural Resource Conservation Service (NRCS) in Soda Springs at 547-4396 for a copy of the contract.

PROFILED

SCANNED
APR 12 2002

Please feel free to contact me in Soda at (208) 547-3993 if you have any additional questions. Have a safe and happy holiday.

Sincerely;

Cindy E. Bird

Cindy E. Bird
Adjudication Bureau

WR5809NP
No. 29-07041

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/27/01
PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RAOUL WISTISEN PO BOX 157 BANCROFT ID 83217	11/20/1969	IRRIGATION STOCKWATER	04/15 10/15 09/01 12/31	4.680 CFS 0.040 CFS	1431.00 AFA 1.40 AFA
TOTAL DIVERSION:					4.680 CFS	1432.40 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T08S R39E S04 SWSW SWSE CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
08S	39E	9	:	40		39		40		40		40		39		39		40		:	
				40		39		40		40		39		39		40		40		:	477.0
				TOTAL ACRES																:	477.0

Place of use Legal Description for: STOCKWATER

08S 39E 4 : : : S : :

Pou County: CARIBOU

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-07305

Other Water Rights Listing Overlapping Place(s) of use:
29-07305

Remarks: GEN STOCK, 300 RANGE

Dates:	App. Received:	Priority Date:	11/20/1969
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee:

Audit: 04/23/85 05/22/88 CONVERT 03/12/96 PRODMGR 02/06/98 CLEARFLD

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7041

WATER RIGHT NUMBER: 29-7041

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RAOUL WISTISEN PO BOX 157 BANCROFT, ID 83217

Priority Date: 11/20/1969

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	4.680 CFS	1,431.00 AF
STOCKWATER	9/01 to 12/31	0.040 CFS	1.40 AF
	<u>Total Diversion:</u>	4.680 CFS	1,432.40 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4	Sec. 4,	Twp 08S,	Rge 39E, B.M.
CARIBOU County				
GROUND WATER	SW1/4SW1/4	Sec. 4,	Twp 08S,	Rge 39E, B.M.
CARIBOU County				

Place of UseIRRIGATION Within CARIBOU County

T08S R39E S09	NENE 40.0	T08S R39E S09	NWNE 39.0
T08S R39E S09	SWNE 40.0	T08S R39E S09	SENE 40.0
T08S R39E S09	NENW 40.0	T08S R39E S09	NWNW 39.0
T08S R39E S09	SWNW 39.0	T08S R39E S09	SENE 40.0
T08S R39E S09	NESE 40.0	T08S R39E S09	NWSE 40.0
T08S R39E S09	SWSE 40.0	T08S R39E S09	SESE 40.0

Total Acres: 477

STOCKWATER Within CARIBOU County

T08S R39E S04 SWSW

Total Acres: 0

Conditions of Approval:Remarks:

- General STOCK, 300 RANGE

Comments:

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: GROUNDWATER

add S02

29-07041	RAOUL WISTISEN P.O. BOX 157 BANCROFT ID 83217	11/20/1969	IRRIGATION	04-15 10-15	4.68	CFS	LICENSE
					1431.0	AFY	
			STOCKWATER	09-01 12-31	.04	CFS	
					1.4	AFY	
			TOTAL QUANTITY:	4.68	CFS		
		CONSUMPTIVE USE:			1432.4	AFY	
					1192.5	AFY	

NON-IRRIGATION-USES:

STOCK, 300 RANGE

POINT OF DIVERSION:

T08S R39E S04

SWSW
SWSE

PLACE OF USE: IRRIGATION

T08S R39E S09

NENE 40.0	NWNE 39.0	SWNE 40.0	SENE 40.0
NENW 40.0	NWNW 39.0	SWNW 39.0	SENW 40.0
NESE 40.0	NWSE 40.0	SWSE 40.0	SESE 40.0

477.0 ACRES TOTAL

PLACE OF USE: STOCKWATER

T08S R39E S04

SWSW

29-00553	LOUIS A. SILVER 7226 N. 16TH AVE. PHOENIX AZ	01/01/1970 DOMESTIC	01-01 12-31	.04	CFS	BENEFICIAL USE
				1.2	AFY	

TOTAL QUANTITY:	.04	CFS
	1.2	AFY

NON-IRRIGATION-USES:

DOMESTIC, 1 HOME

POINT OF DIVERSION:

T08S R39E S15

SENW

PLACE OF USE: DOMESTIC

T08S R39E S15

SENW

MAY 7 2001

MEMO

TO: FILES: A29-07394A, A29-07041, A29-07305

FROM: CHERI VANDERMEULEN 

DATE: April 18, 2000

RE: CHANGE OF ADDRESS

I have changed the address of the above-mentioned claims due to a phone conversation with Mr. Wistisen on April 18, 2000.

RT 1 box 1010 is the old address. The new mailing address is:

PO Box 128
Bancroft ID 83217

MAY 7 2001

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: A29-07041
Date Received: 1/23/1990
Receipt No: M005574
Received By: \$

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WISTISEN LIVESTOCK CORPORATION
Address: C/O RULON WISTISEN
RT. 1 BOX 1010
BANCROFT, ID 83217

208-648-7835

2. Date of Priority: NOV 20, 1969

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	39E	4	NE	SW	SW		CARIBOU
			NE	SW	SE		CARIBOU

5. Description of diverting works:

WELL WL@ 100', 14" CASING, 200HP PUMP, MAINLINE, HANDLINE & ROLL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/01	4.680		
STOCKWATER	09/01	12/31	0.040		

add 502

7. Total Quantity Appropriated is:

4.680 C.F.S. (and/or) 1432.40 A.F.A.

8. Total consumptive use is

2002.5 Acre Feet Per Annum.

9. Non-irrigation uses:

S/ UP TO 500 HEAD CATTLE

1192.5 per diem

A29-07041

Page

1

Date: 01/23/90

MICROFILMED
NOV 13 1992

A2907041

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres			
08S	39E	4	SW		NE		IRR	17.0			
			SE		NE		IRR	8.0			
			SE		NW		IRR	25.0			
			NE		SW		IRR	40.0			
			SW		SW		STOCK				
			SW		SW		IRR	38.0			
			SE		SW		IRR	39.0			
			NE		SE		IRR	39.0			
			NW		SE		IRR	40.0			
			SW		SE		IRR	39.0			
			SE		SE		IRR	39.0			
										Section Acres	324.0
			9	NE		NE			IRR	39.5	
				NW		NE			IRR	39.5	
SW		NE				IRR	40.0				
SE		NE				IRR	40.0				
NE		NW				IRR	39.5				
NW		NW				IRR	38.0				
SW		NW				IRR	39.5				
SE		NW				IRR	40.0				
NE		SE				IRR	40.0				
NW		SE				IRR	40.0				
SW		SE				IRR	40.0				
SE		SE				IRR	40.0				
							Section Acres	476.0			
							Total Acres	800.0			

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
A29-07305

14. Remarks:
THIS RIGHT WILL APPLY 4.68CFS TO 477 ACRES WITHIN THE LISTED
PLACE OF USE IN ITEM #10.

15. Basis of Claim: LICENSE

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 Organizations:

I do solemnly swear or affirm that I am Rulon F. Wistisen of Herdman Title Wistisen Livestock Corp. that I have signed the foregoing document in the space below as Herdman of Wistisen Livestock Corp. Title Wistisen Livestock Corp. and that the statements contained in the foregoing document are true and correct. Rulon Wistisen Signature of Authorized Agent Herdman Wistisen Livestock Corp. Title and Organization Jan 23, 1990 Date

State of Idaho)
County of Carbon) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of January 19 90 Anna Baumhoff Notary Public

Seal

Residing at Anna Baumhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994

T7S
T8S

47 34000m. N.

42°45'

390 000
FEET

85

200

POD

25	17	8
40	40	39
39	39	39
39	39.5	39.5
39.5	40	40
40	40	40
40	40	40

5453T

5449

39E

ADP-01041

SEWAGE
LAGOONS
5440
WW5422

Bancroft

REPROFILMED
NOV 13 1992