

09/30/2010

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

RIGHT NUMBER: 35-4037

NAME AND ADDRESS: DANIEL T POLATIS
131 S 1075 W
~~174 S 1075 W~~
BLACKFOOT ID 83221

RICHARD D POLATIS
174 S 1075 W
BLACKFOOT ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.200 CFS ~~2.000 CFS~~
606.40 AFY

PRIORITY DATE: 06/16/1961

POINT OF
DIVERSION:

T03S R32E S5 NWSW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	~~2.000~~ <u>2.200 CFS</u> 606.40 AFY

PLACE OF USE: IRRIGATION in BINGHAM County

T03S R32E S05	NESW	33.60	T03S R32E S05	NWSW	38.00
T03S R32E S05	SWSW	40.00	T03S R32E S05	SESW	40.00

151.6 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water Right Number - R35-04037

Prefix Translation: RESEARCH

Old (D) Number - 354037

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

POLATIS

RICHARD D

1 - 174 S 175 W

2 -

3 -

City- BLACKFOOT

State- ID Zip- 83221

Phone - 208-684-3135

POLATIS

DANIEL T

1 - 174 S 175 W

2 -

3 -

City- BLACKFOOT

State- ID Zip- 83221

Phone - 208-684-3135

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1959 15 EASTERN I - DISALLOWED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
03S 32E 5 NW SW (11) BINGHAM+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/15 2.910+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.910 454.8+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
03S 32E 5 NE SW 37.9 01 IRRIGATION (11) BINGHAM
03S 32E 5 NW SW 37.9 01 IRRIGATION (11) BINGHAM
03S 32E 5 SW SW 37.9 01 IRRIGATION (11) BINGHAM
03S 32E 5 SE SW 37.9 01 IRRIGATION (11) BINGHAM

Total Acres: 151.6

+ - - Diversion Means - WELL AND PUMP TO SPRINKLERS

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - NONE

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Water right number - R35-04037

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +
NO LAWFUL APPROPRIATION SHOWN.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +

Date: 12/15/1993 User Id: TAYLOR Subject: DISALLOWED CLAIM
THIS CLAIM WAS RECOMMENDED AS DISALLOWED BECAUSE NO EVIDENCE OF PRIORITY WAS SUBMITTED. TWO LETTERS WERE SENT TO CLAIMANT AND
WHEN CLAIMS WERE AMENDED THE CLAIMANT WAS INFORMED THAT EVIDENCE WAS NECESSARY.

+ - - Audit Fields - - +
12/15/93 TAYLOR

+ - - - - - 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	- 05/31/1989	Last Amended Date	- 08/01/1991	Temporary Right	- P
		Receipt Number	- E008455	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

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MAY 09 2005

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Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518
Idaho State Bar Number 1198

COPY

**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

Case No. 35976

A. Subcase 35-4037

**MOTION FOR RELIEF FROM
PARTIAL DECREE**

Claimant, Richard D. Polatis, hereby moves this court for relief from the Partial Decree disallowing the above numbered claim and for an order authorizing claimant to file a late objection, a copy of which, together with supporting documentation, is appended hereto, to the Director's Recommendation of Disallowance, pursuant to Idaho Rules of Civil Procedure, Rule 60(b) for reasons of mistake, inadvertence or excusable neglect, and calls upon the court to exercise its inherent equitable powers to prevent a serious detriment and injustice to claimant without causing any injury or prejudice to the rights of the state or any other person, because claimant can produce substantial and undisputed evidence that water has been diverted and applied to beneficial use on approximately 151.6 acres of irrigated land during each irrigation season, commencing with the irrigation season of 1959.

Claimant further hereby moves this court for an order to expedite the hearing herein and to schedule the same at the earliest convenience of the court.

FILED

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MAY 11 2005

DATED this 7 day of April, 2005.


Richard D. Polatis

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of April, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Kent W. Foster, Esq.

G:\WPDATA\KWF\12591 Polatis, Richard D\Motion.wpd:cdv

PROFILED

SCANNED
MAY 11 2005

Kent W. Foster, Esq.
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COPY

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

Case No. 35976

A. Subcase 35-4037

STANDARD FORM 1
OBJECTION

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Richard D. Polatis

Address: 174 S. 1075 N.

Blackfoot, ID 83221

Daytime Phone: 208-684-3135

Name & Address of Attorney, if any:

Kent W. Foster

Holden, Kidwell, Hahn & Crapo, PLLC

1000 Riverwalk Dr., Ste. 200

PO Box 50130

Idaho Falls, ID 83405-0130

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C. **CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT**

Name: Richard D. Polatis

Address: 174 S. 175 W.

Blackfoot, ID 83221

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**

Should be: 174 S. 1075 W., Blackfoot, ID 83221

2. ☒ **Source**

Should be: Groundwater

3. ☒ **Quantity**

Should be: 2.910 cfs

4. ☒ **Priority Date**

Should be: May 1, 1959

5. ☒ **Points of Diversion**

Should be: NWSW, Section 5, T.3S., R.32E.B.M., Bingham County

6. ☐ **Instream Flow Description**

Should be: _____

7. ☒ **Purpose(s) of Use**

Should be: Irrigation

8. ☒ **Period of Year**

Should be: April 1 to October 31.

9. ☒ **Place of Use**

Should be: 151.6 acres in SW1/4, Section 5, T.3S., R.32E.

10. **I object because:**

☐ This water right should not exist.

☒ This water right was not recommended, but should be recommended with the elements described above.

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E. REASONS SUPPORTING OBJECTION(S): Claimant is able to produce evidence clearly demonstrating that water has been diverted and applied to beneficial use as described above each irrigation season commencing with the irrigation season of 1959 and continuing each irrigation season without interruption through the present time.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Bonneville)

Kent W. Foster, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Richard D. Polatis
Richard D. Polatis

Kent W. Foster
Kent W. Foster

Subscribed and sworn to before me on:

7 April 2005



Cheri Vandermeulen
Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 7 July 2009

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MAY 11 2005

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CERTIFICATE OF MAILING

I hereby certify that on the 27th day of April, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

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253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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Kent W. Foster, Esq.

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MAY 11 2005

PROFILE

RICHARD D. POLATIS

COPY

STATE OF IDAHO)
)ss.
County of Bonneville)

Richard D. Polatis, being first duly sworn, on his oath deposes and says:

1. Affiant resides at 174 South 1075 West, Blackfoot, Idaho 83221, and with his brother, Daniel T. Polatis, is involved in an Idaho farm partnership known as Polatis Brothers Farms. Affiant is over the age of eighteen (18) years and gives this testimony based on his own personal knowledge of the facts stated herein.
2. Affiant and his brother have been involved with farming for many years and it has been affiant's primary responsibility for taking care of the paperwork associated with the farming operation, including water rights matters. Polatis Brothers Farms owns a number of farms and there are several water rights appurtenant thereto and used in connection therewith.
3. In about 1987, Polatis Brothers Farms leased some land from Farm Credit Bank of Spokane, the successor by merger to the Federal Land Bank of Spokane, which land included the SW1/4 of Section 5, T.3S., R.32E.B.M. There was an existing well located on said land with an operating electric pump in it and every indication that the approximately 160 acres had been irrigated from the well for a long period of time. Polatis Brothers Farms began using the well and existing equipment to irrigate said land from the commencement of the lease in 1987 until the land was purchased by Polatis Brothers Farms from Farm Credit Bank of Spokane in April 1989. The same irrigation use and same irrigation practices have continued since the time of the purchase of the land to the present date.

Unfortunately during the time affiant normally would have been paying attention to the water rights matters regarding this land, he began to experience health problems which distracted him and made it difficult for him to concentrate and take care of business as he desired. The health problems became sufficiently severe in about 1997 or 1998 to seriously affect affiant's ability to focus on the water rights issues as he would have desired. Affiant had some neck surgery in December of 2001, which, over a period of

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MAY 11 2005

time, resulted in significant improvement. Before affiant recovered to any great extent from the surgery however, he experienced a stroke on December 25, 2003, which left much of his left side paralyzed and continued to interfere with his ability to focus on his normal business affairs, including the water rights matters for the farms. Affiant has now recovered substantially and continues to improve, especially in his ability to concentrate and to deal with water rights matters. Affiant recently discovered for example that water right number 35-4037 had been disallowed because of affiant's inability to respond to the communications received from the Idaho Department of Water Resources or to assist in the providing of evidence that would have been possible if affiant had been in better health.


Richard D. Polatis

SUBSCRIBED AND SWORN to me this 7th day of April, 2005.


Notary Public for the State of Idaho
Residing at: IDAHO FALLS, ID
My Commission Expires: 11/20/2010

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MAY 11 2005

AFFIDAVIT OF GLEN E. KIRKPATRICK

STATE OF IDAHO)
)ss
County of LANUVON)

COPY

Glen E. Kirkpatrick, on his oath deposes and says:

1. Affiant presently resides at 22518 Hoskins Rd., Caldwell, ID 83607, and his telephone number is (208) 337-5449. Affiant is 83 years of age and will be 84 in July. Affiant was born and raised, and resided in Bingham County, most of his life, where his occupation was farming.
2. In the fall of 1954, affiant and his wife moved to a 400 acre farm west of Blackfoot. The farm is located in an area we then called "out on the desert". Mr. Mel Wilcox, who owned Wilcox Lumber in Blackfoot, had purchased the land and arranged with me to develop it as a farm. We removed the sage brush, had two wells drilled by Guy Cushman, prepared and planted the 400 acres, and I personally operated it in 1954, 1955 and 1956. In 1956, I had an opportunity to purchase a farm from a widow named VanOrden, and we then moved to and operated that farm after 1956.
3. There was quite a bit of interest at that time about developing the desert land, and several people were doing things similar to what I did. A Mr. Hauck came from California to look into developing 160 acres of land being the SW1/4 Section 5, T.35N., R.32E., which was located near the 400 acres I was operating. He came to see me after he arrived and we went together to look at the land in which he was interested. We called Mr. Hauck both "Herm" and "Lew". I think his full name was Herman Lewis Hauck. Mr. Hauck had a well drilled on the 160 acres referenced above, removed the sage brush, prepared and planted the farm and operated it himself. He had a son, Walter, who wanted to, and I understand eventually did, attend college at the University of Idaho in Moscow, Idaho. Mr. Hauck farmed part of the year in California, and then he would bring a large diesel engine, portable mainline and sprinkler pipe on two large trucks he had to Idaho, and farm the 160 acres in Idaho during the summer months. I do not know for certain whether his well was drilled by Guy Cushman or by a Bill Findlay, but it was first

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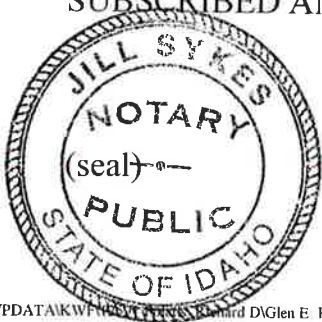
MAY 11 2005

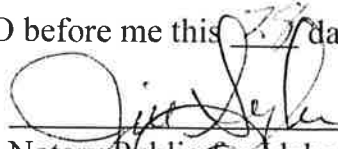
operated with Mr. Hauck's diesel engine during the crop season of 1955. Mr. Hauck actually lived at our home during the summers of 1955 and 1956 while he was here operating the farm, and my wife did his washing and cooking those two seasons. Although my wife and I moved to the VanOrden farm after the 1956 crop season, we had contact with the Haucks for several years. I was aware that he had electrical power installed to operate the well in 1958.

DATED this 28 day of March, 2005.


Glen E. Kirkpatrick

SUBSCRIBED AND SWORN TO before me this 28 day of March, 2005.




Notary Public for Idaho
Residing at: Caldwell
My commission expires: 10-10-07

G:\WPDATA\KWK\FBI\NOTARY\Notary D:\Glen E. Kirkpatrick Affidavit wpd:cdv

SCANNED

MAY 11 2005

PROFIT

1448 West 100 South
Blackfoot, Id 83221
April 5, 2005

COPY

Dear Richard Polatis,
Richard, I bought the farm on the southwest quarter of section 5 from Herman Hauck on contract in the late 1950's and sold it to Bill Dishman around 1970.

I raised grain, potatoes, hay, and sugar beets during that time. It was irrigated with 6 hand lines. And ran by an electric pump, which was already on the land. I farmed and irrigated all 160 acres, except that witch was covered by rock piles.

Sincerely,
Frank Tominga

Frank Tominga

Subscribed and Sworn before me on 5th April 2005

Patricia P. Waters



Commission Expires

9/30/05

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MAY 11 2005

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518
Idaho State Bar Number 1198

COPY

**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

Case No. 35976

A. Subcase 35-4037

**MOTION TO FILE
LATE OBJECTION**

Claimant in the above entitled subcase hereby moves this court for leave to file a late objection to the Director's Recommendation that right number 35-4037 be disallowed. This motion is made upon the grounds and for the reason that claimant has substantial evidence of the diversion and application to beneficial use of groundwater for the irrigation of approximately 151.6 acres of land during each irrigation season, commencing with the irrigation season of 1959, to the present.

DATED this 7 day of April, 2005.


Richard D. Polatis

PROFILE

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MAY 11 2005

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of April, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
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United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Kent W. Foster, Esq.

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PROFILE

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MAY 11 2005

APPLICATION FOR PERMIT 35-2388

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 33088
Permit No. G- 25239
District No.

Herman L. Hauck
General Delivery
Blackfoot, Idaho

1. Name of Applicant: HERMAN L. HAUCK
Postoffice address: 763 1/2 Phillips Ave, Arlington, Calif.
Blackfoot County: Bingham State: Idaho
2. Quantity of water claimed: 160 miner's inches
 - (a) Rate of withdrawal in cubic feet per second. 3.2 or Idaho
Miners' inches or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean, to be raised through a drilled well
4. Location of point of diversion or well is in the N.E. 1/4 of the S.E. 1/4 of Section 5
Twp. 3 S., Rge. 32 E., B.M., County of Bingham
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the 1/4 of the 1/4 of Section, Twp.
Rge., B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section, Twp., Rge., B.M.
7. Kind of works: Drilled well to be cased and equipped with turbine pump and sprinkler.
8. Estimated cost of works: \$8,000.00
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:41:30
05/29/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A35-04037

LAST: POLATIS
ADDRESS: 174 S. 175 W.
CITY: BLACKFOOT
PHONE NUMBER: 208-584-3135

FIRST: RICHARD D.

STATE: ID ZIP: 83221

OWNER CODE: C

LAST: POLATIS
ADDRESS: 174 S. 175 W.
CITY: BLACKFOOT
PHONE NUMBER: 208-584-3135

FIRST: DANIEL T.

STATE: ID ZIP: 83221

OWNER CODE: C 284-4312

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

SCANNED

MAY 09 2005

PROFILED

CONTACT PERSON: Daniel Polaris

PHONE NUMBER: () 684-4312

DATE OF FIELD EXAM: 7-18-91

APPOINTMENT MADE: Y(☒) N()

TIME: 11:00 A(☒) P()

ACCOMPANIED BY: _____

PHONE NUMBER: () - - -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

7-8-91 9:00 pm - Busy - 9:10 - Daniel - appt 7-18-91 10-11 am -

A. AJ CLAIM: # A35-04037 PRIORITY DATE: 05-01-1959 STAGE: S
B. WR RECORD: # 35-04037 PRIORITY DATE: 05-01-1959 STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE FIELD
N EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(✓)
IF YES EXPLAIN.

REMARKS: No EV AS OF 6-16-93
" " 9-17-93

DISALLOWED - NO EVIDENCE OF PRIORITY 12-15-93

RECOMMENDED PRIORITY DATE:
05-01-1959 ✓

REVIEWED BY *FR*

DATE 7-18-91

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A35-04037	03S	32E	5	SW	NE	SW		BINGHAM
OTHER AJ CLAIMS WITH SAME AJ POD				WR RECORDS IN SAME 40 ACRE TRACT				
A PREFIX				R PREFIX				
NONE				NONE				

SOURCE: GROUNDWATER ✓

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
35-04037	03S	32E	5	SW	SW			BINGHAM
OTHER WR RECORDS WITH SAME WR POD				AJ CLAIMS IN SAME 40 ACRE TRACT				
A PREFIX				R PREFIX				
NONE				NONE				

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER
12

REMARKS:

PER AQ, WAPP, ASCS and FE 7-18-91

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
035	32	5	SW	NE	SW		Burke

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: 260

DATE: 7-18-91

A. ROOT WATER RIGHT NUMBERS: A35-04037

B. POB LISTING

TRP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
035	32E	5	NE	SW	POLATIS, RICHARD D.	A35-04037	739.0	35-04037	739.0	41.0	40.0
035	32E	5	NW	SW	POLATIS, RICHARD D.	A35-04037	739.0	35-04037	739.0	21.0	40.0
035	32E	5	SW	SW	POLATIS, RICHARD D.	A35-04037	739.0	35-04037	739.0	39.0	39.0
035	32E	5	SE	SW	POLATIS, RICHARD D.	A35-04037	739.0	35-04037	739.0	42.0	39.0
TOTAL ACRES						A35-04037	156.00	156.00	143.00		

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(✓)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POB DISCREPANCY? (Y/N)

DATABASE
Y
FIELD
EXAMINER
JB

PRESUMPTION FLAG:

REMARKS:

P.O. U. Amended 8-1-91
to 37.9 Acres in each 1/4 1/4
total of 151.6 acres

PER OQ, NAPP, ASCS & FIELD EXAM 7-18-91

RECOMMENDATIONS:

TOTAL ACRES: 152.0

REVIEWED BY: JB

DATE: 7-18-91

A. AJ CLAIMED USES:

PURPOSES
A35-04037 IRRIGATION

MONTH/DAY
FROM 04-01 TO 10-15

TOTAL DIVERSION RATE/VOLUME CLAIMED

~~DIVERSION QUANTITY~~
~~2.010 CFS~~

~~2.010 CFS~~

*Amended no stock
8-1-91 to 2.91 cfs*

DIVERSION QUANTITY
2.010 CFS
1.110 CFS

B. WR RECORDED USES:

PURPOSES
35-04037 IRRIGATION
35-04037 STOCKWATER

MONTH/DAY
FROM 04-01 TO 10-15
FROM 01-01 TO 12-31

TOTAL DIVERSION RATE/VOLUME CLAIMED

~~2.010 CFS~~

2.12 cfs?

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y
Y
Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☐) N(☐) EXPLAIN IN REMARKS, BELOW.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 2.010 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.010 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **
** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN REMARKS. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y *JB*

B.

FLOW MEASUREMENT

X MEASUREMENT METHOD Polysonic, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☒) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

Polysonic 977.3 gpm = 2.177 cfs
+ 329.6 gpm = 0.73 cfs
1306.9 gpm = 2.91 cfs
64 birds @ 5.15 gpm/bird

2.01 cfs
155 acres
0.13 cfs/acre

Recommend 2.91 cfs. IN 1991 2.91 cfs was beneficially used
on land per F.E.

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

ACRES 155 X 0.02 CFS/ACRE = 3.10 CFS
(TAKEN FROM P/U REVIEW)

1B. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 458.0 AF/A

ACRES 155 X CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 465 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 155 X DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 620 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
<u>IRR</u>	<u>4-1 10-31</u>	<u>2.91</u>	<u>1020</u>	<u>465</u>
TOTAL FOR THIS RIGHT		<u>1</u>	<u>1</u>	<u>1</u>

REVIEWED BY: [Signature]

DATE: 6-16-98

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	()	()
FORFEIT/ABANDON	()	()
ADDITIONAL DIV. AMOUNT	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 35-04037

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.010

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-

A35-04037

2.010

-

35-04037

2.010

TOTAL CFS

2.010

2.010

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

Amended 8-1-91 to 2.91 gfs

AUTHENTICATION:

SIGNATURE:

NAME OF FIELD EXAMINER:

DATE:

TITLE:

7-18-91

As Water Agent

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16341330
05/29/91

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A35-04037

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y		JB 7-18-91	TO 10 AC Y	5-2			
SOURCE								
PLACE OF USE	Y		JB "		5-2			
DIV. AMOUNT CFS/VOLUME	Y		JB "	Y	5			
CONSUMPTIVE USE	-			Y				
PURPOSES	Y		JB "		5			
PERIOD OF USE	Y		JB "	ag	6			
BASIS OF CLAIM				y				
REMARKS								

"VERIFIED BY" CODES

TCPD MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

The water applied for in this application is to cover lands patented and for which there has not been water allocated in the past. Upon allowance of this application there is expected to develop the land for agriculture and thus make beneficial use of the water in accordance with the terms of this application.

Remarks:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Herman L. Hauck

Applicant.

By

THOMAS P. WOLFE

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. Oct. 22, 1954

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-25239

Recorded in Book 89 Page 25239 Approved October 25, 1954

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before December 25, 1954

and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before

April 25, 1957

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before October 25, 1959

Witness my hand this 25th day of October, 1954

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 25th day of October, 1954.

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS
By Paula L. Fleenor
Acting Secretary of State

By LEN JORDAN
Governor

12.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3 S.	32 E.	5													40	40	40	40	160
APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. G-25239																			
Comes now Herman L. Hauck and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-25239. That the point of diversion is described in said permit as being located NE 1/4 SE 1/4, Section 5 Twp. 3 So., Range 32 E.B.M. That he now requests that the point of diversion be changed to a point located NW 1/4 SE 1/4, Section 5, Twp. 3 So., Range 32, E.B.M. That his reasons for desiring to make such change are as follows: That said well, being the point of diversion, was actually drilled in the above location rather than as originally shown on the permit. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.																			
Signed at Blackfoot, Idaho, this 4th day of June, 1958																			
/s/ Herman L. Hauck																			
Date of receipt at Department of Reclamation June 5, 1958																			
APPROVAL OF STATE RECLAMATION ENGINEER																			
I, E. N. Humphrey, Acting State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-25239. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.																			
/s/ E. N. Humphrey Acting State Reclamation Engineer																			

Approved and recorded:
June 13, 1958.

Permit No. G-25239
 Certificate of Completion of Works /

✓
 TO ALL WHOM IT MAY CONCERN:

This is to certify that HERMAN L. HAUCK of Arlington, County of _____, and State of California, the holder of Permit No. R-25239, issued upon Application No. G-33088 bearing date of priority of October 22, 1954, authorizing the diversion of 3.2 second feet of waters of Subterranean, to be raised through a drilled well County of Bingham, State of Idaho, for Irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.43 second feet of the waters of subterranean flow from a well that the point of diversion of said waters NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, Township 3 South, Range 32 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 15 $\frac{1}{4}$ acres in the SE $\frac{1}{4}$ Section 5, Township 3 South, Range 32 East, B.M. Proof of Completion of Works made: August 22, 1958.

Witness my hand this 7th day of November, A.D. 1958

/s/ Geo. N. Carter
 State Reclamation Engineer

Proof of Completion of Works made: August 22, 1958
 Certificate of Completion of Works issued: November 7, 1958

LICENSE ISSUED FOR 2.43 SEC. FT.

Page 6491



7-18-91
A35-4037
Polaris

MODE SELECT
INPUT

OUTER DIAMETER
8.2760 IN

PIPE MATERIAL
? CS, SS

WALL THICKNESS
.10600 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
6.833 IN U

PRT PERIOD
04 MIN

PRT UNIT GPM
NO

PRT UNIT GPM
YES

PRT UNIT MOD

PRT UNIT MOD

NO

PRT UNIT FPS

YES

PRT UNIT INTEG

NO

PRT UNIT A11

NO

PRT UNIT A12

YES

START TIME

07-18 13:04

OPERATION TIME

01

HR

ZERO MODE

AUT ZERO

13:04+975.210E GPM

+ 6.115E GPM

+002.30X A12

00R

13:08+979.021E GPM

+ 6.151E GPM

+002.90X A12

00R

13:12+982.720E GPM

+ 6.174E GPM

+002.90X A12

00R

13:16+981.135E GPM

+ 6.164E GPM

+002.90X A12

00R

13:20+966.605E GPM

+ 6.072E GPM

+002.90X A12

00R

07-18 13:2000 WR

+985.776E GPM

977.3 gpm

avg

07-18 13:2000 WR

+988.003E GPM

3.177

g/s



**Holden Kidwell
Hahn & Crapo** P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

E-mail: rharris@holdenlegal.com

January 5, 2011

RECEIVED
JAN 06 2011
Department of Water Resources
Eastern Region

Michael Holliday
Senior Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Drive, Ste. A
Idaho Falls, ID 83402-1718

RE: *Executed Standard Form 5 Stipulated Elements of a Water Right for
Subcase No. 35-4037*

Dear Michael:

This letter is a follow-up to an email I sent on January 5, 2011. Enclosed for your signature are original Standard Form 5 Stipulated Elements of a Water Right for Subcase No. 35-4037. I initially provided this to Mr. Polatis in early December, and he signed the first page of the document, but failed to initial on the third page. He has recently provided the initialed page, and I am including the original of his signature and initialization. However, the document he signed was a printed copy of the SF5 that I had signed. Therefore, his original signature is on a document that does not have my original signature. I do not perceive this to be a problem because it is my understanding from past experience the Department will accept faxed, scanned or emailed signature pages. Nevertheless, I have also included my original signature pages, just in case you need them.

I trust that you will sign and initial where needed, and then forward these to the SRBA Court for final processing. If you have any questions or concerns, please let me know.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

G:\WPDATA\RLH\Inactive\12591 Polatis, Richard D\Michael Holliday 2011.01.05.ltr.wpd:sm

To: 35-4037.
From - Enric.

8-15-08.

Quantity -

Laanaga offshoot sites irrigation system
consisted of 6 handlines -

$$1320' \div 40' = 33 \text{ nozzles} \times 5 \text{ gpm} = 165 \text{ gpm/handline.}$$

$$165 \text{ gpm} \times 6 \text{ lines} \div 448.8 = 2.20 \text{ cfs.}$$

Priority date -

- Based on well log completion date June 16, 1961.

- Note that Herman L. Hauke referenced in Kirkpatrick
offshoot actually developed the ST/4 section 5.
see 35-2388.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

January 2, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

DANIEL T POLATIS
131 S 1075 W
BLACKFOOT ID 83221

RE: Notice of Change of Address for 35-4037 and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Polatis:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of a change of address for the above referenced water right(s). Based on this change, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Bobby Kern
Office Specialist II

Enclosure

cc Kent W Foster (for Richard D Polatis)

SCANNED
JAN 13 2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights
(Please print or type)

[] Water Right Number(s): 35-4037

[] Name(s): Daniel T. Polatis

[] Old Mailing Address: 174 S. 175 W.
Blackfoot, ID 83221

[] New Mailing Address: 131 S. 1075 W.
Blackfoot, ID 83221

Telephone Number: ()
Email: _____
[] Signature(s) of Owner(s): *Daniel T. Polatis*

(Include your title if on behalf of company or organization)

Date: _____

Send to:

IDWR Northern Region
7600 Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
Ph. 208-769-1450

IDWR Southern Region
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208-736-3033

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
Ph. 208-334-2190

IDWR Eastern Region
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402-3653
Ph. 208-525-7161

SCANNED

JAN 13 2009

RECEIVED

DEC 29 2008

Department of Water Resources
Eastern Region

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

)

Water Rights: 35-4037

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☒ Address change

☐ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion

☐

place of use

☐ period of use

☐

nature of use

☐ split of water right

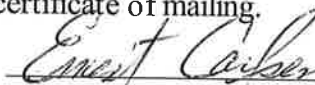
☐

change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 16 January 09



Signature of IDWR Representative

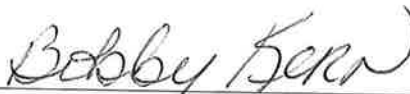
SCANNED

JAN 13 2009

CERTIFICATE OF MAILING

I certify that on January 9, 2009, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Daniel T. Polatis Richard D. Polatis
131 S 1075 W Represented by: Kent W. Foster
Blackfoot, ID 83221 1000 Riverwalk D.r, Ste. 200
Idaho Falls, ID 83405
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

SCANNED
JAN 13 2009

01/02/2009

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

RIGHT NUMBER: 35-4037
NAME AND ADDRESS: DANIEL T POLATIS
131 S 1075 W
BLACKFOOT ID 83221
RICHARD D POLATIS
174 S 1075 W
BLACKFOOT ID 83221

SOURCE: GROUND WATER
QUANTITY: 2.200 CFS
606.40 AFY

TRIBUTARY:

PRIORITY DATE: 06/16/1961

POINT OF
DIVERSION:

T03S R32E S5 NWSW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.200 CFS 606.40 AFY

PLACE OF USE: IRRIGATION in BINGHAM County

T03S R32E S05	NESW	33.60	T03S R32E S05	NWSW	38.00
T03S R32E S05	SWSW	40.00	T03S R32E S05	SESW	40.00

151.6 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SCANNED
JAN 13 2009

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

RIGHT NUMBER: 35-4037

NAME AND ADDRESS: DANIEL T POLATIS
174 S 175 W
BLACKFOOT ID 83221

RICHARD D POLATIS
174 S 1075 W
BLACKFOOT ID 83221

DRAFT.

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~2.00~~ 2.200 CFS
606.40 AFY

PRIORITY DATE: 06/16/1961

POINT OF
DIVERSION:

T03S R32E S5 NWSW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

~~2.00~~ 2.200 CFS

606.40 AFY

PLACE OF USE: IRRIGATION in BINGHAM County

T03S R32E S05	NESW	33.60	T03S R32E S05	NWSW	38.00
T03S R32E S05	SWSW	40.00	T03S R32E S05	SESW	40.00

151.6 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

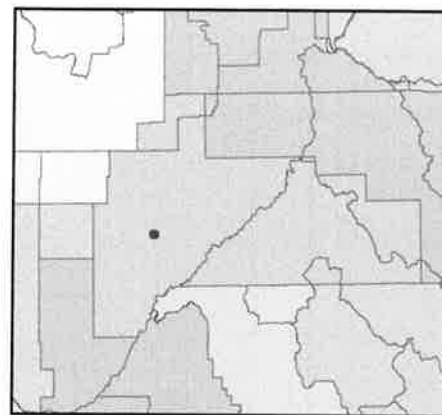


Idaho Department of Water Resources

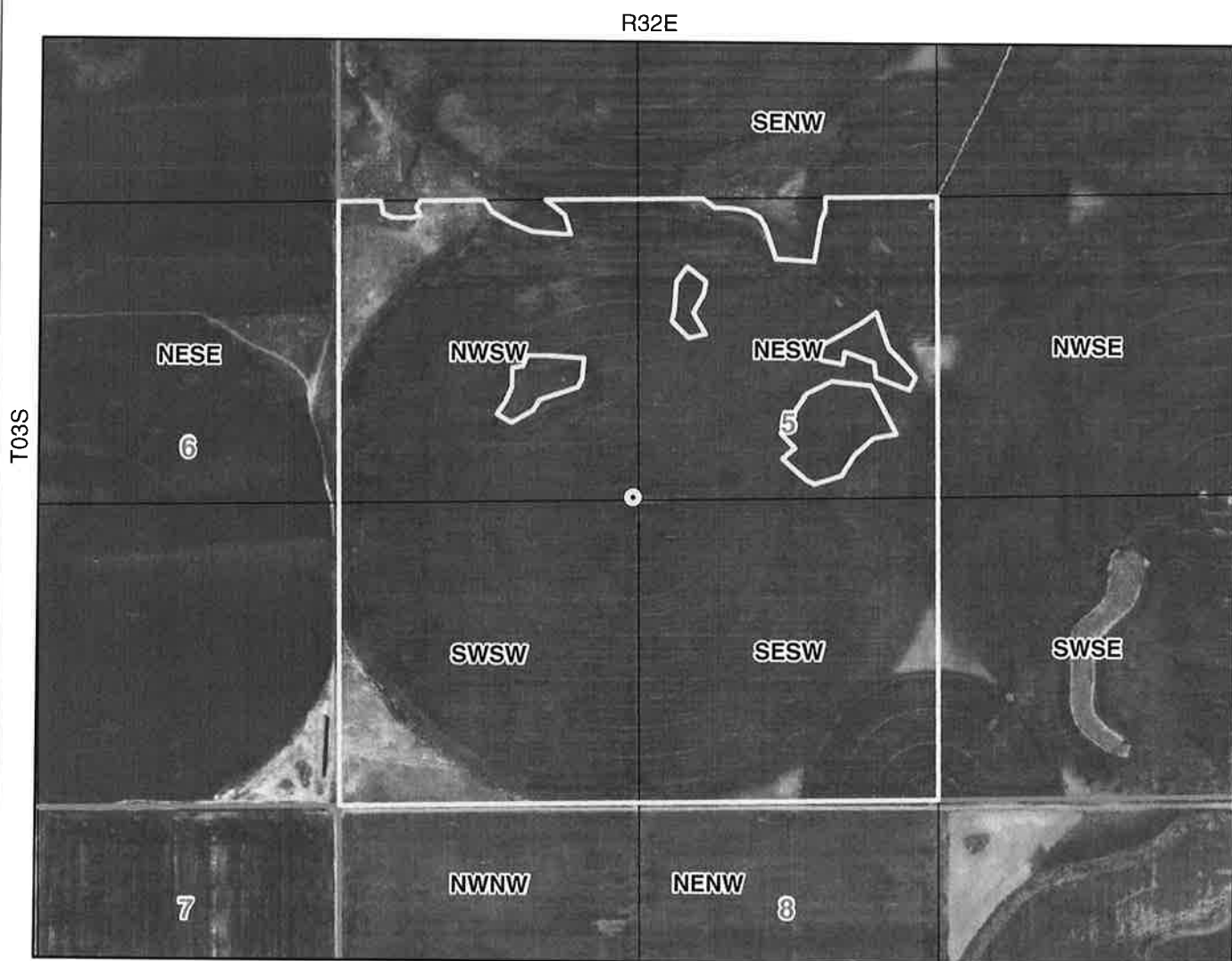
SRBA Recommendation
35-4037
(IRRIGATION)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Bingham County
IDWR Basin 35



Prepared by Ernie Carlsen
On October 01, 2008
2004 Aerial Photography

0 0.15 0.3 0.6 Miles

WELL LOG AND REPORT OF THE STATE RECLAMATION ENGINEER OF IDAHO

17040206

Permit No. _____ Well No. #1 _____ County Bingham

035473

Owner Frank Tomanoga

Locate well in section

Address Rockford, Idaho.

NW 1/4	NE 1/4
SW 1/4	SE 1/4

Driller Cushman and Johnson Drilling co.

Address Blackfoot, Idaho.

Well location $8\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{4}$ Sec. 5, T. 3 N/S, R. 32 E/W M

Size of drilled hole 18 inch

168 feet Total depth of well

Give depth to standing water from the ground 140 ft. Water temp. 52° Fahr.

On "Pumping Test" delivery was _____ g.p.m. or _____ c.f.s. Drawdown was _____ feet.

Size of pump and motor used to make test No Test

Length of time of test _____ hours _____ minutes.

If flowing well, give flow _____ c.f.s. or _____ g.p.m. and of shut off pressure _____

If flowing well, described control works _____

(TYPE AND SIZE OF VALVE, ETC.)

Water will be used for irrigation Weight of casing per lined foot 60 pounds

Thickness of casing 5/16 Casing material steel

(STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing ~~89 ft.~~ 57 1/2 ft. of 16 in. pipe top of pipe is 89 ft.

(CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)

from top of ground

there is 7 ft. of 18 in. at top of hole

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks—seals, grouting, etc.
18	0	7	7 ft.	
16	89	146 1/2	57 1/2	

W.H.H.

Number and size of perforations 400 3 in. located full length feet to _____ feet from ground

Date of commencement of well May 9, 1961 Date of completion of well June 16, 1961

52 5.5 35 32 E

1128

18

WELL LOG

From Feet	To Feet	Type of Material	Water-bearing Formation Ans. Yes or No	Casing Perforated Ans. Yes or No
0	3	Top soil		
3	15	Black lava		
15	42	Hard lava		
32	47	Lava		
45	52	Cinders		
52	53	Lava		
53	61	Hard lava		
61	85	Black lava		
85	9	Cinders		
90	96	Lava		
96	118	Hard black lava		
118	147	Cinders		
147	148	Lava (some water)		
148	165	Cinders (water)		

If more space is required use Sheet No. 2

WELL DRILLER'S STATEMENT

This well was drilled under my supervision and the above information is true and correct to the best of my knowledge and belief.

Signed Cushman and Johnson

By Emma Cushman

Dated _____, 19__.

License No. 16

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 35-4037

NAME AND ADDRESS: DANIEL T POLATIS
174 S 175 W
BLACKFOOT ID 83221

RICHARD D POLATIS
174 S 1075 W
BLACKFOOT ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.000 CFS
606.40 AFY

PRIORITY DATE: 06/16/1961

POINT OF
DIVERSION:

T03S R32E S5 NWSW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.000 CFS 606.40 AFY

PLACE OF USE: IRRIGATION in BINGHAM County

T03S R32E S05	NESW	33.60	T03S R32E S05	NWSW	38.00
T03S R32E S05	SWSW	40.00	T03S R32E S05	SESW	40.00

151.6 ACRES TOTAL

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.

~~NO LAWFUL APPROPRIATION SHOWN.~~

~~NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

Partial decree
35-4037


**NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD**

Richard D Polatis
174 S 175 W
Blackfoot, ID 83221



U.S. POSTAGE

00.34

H METER 581719



PROFITED

**SCANNED
MAY 09 2005**

RECEIVED

MAR 15 2002

Department of Water Resources

RECEIVED
MAR 21 2002
Department of Water Resources
Eastern Region
MAR 12 11:20

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

Subcase: See Exhibit A

Case No. 39576

PARTIAL DECREE OF DISALLOWED
WATER RIGHT CLAIMS

On January 29, 1999, the Director of the Idaho Department of Water Resources filed a *Director's Report, Irrigation and Other Rights, Reporting Area 5 (IDWR Basin 35), Part III*, recommending that the water right claims listed on the attached Exhibit A be **disallowed**. The time period for objecting to this recommendation has passed.

As this Court has previously determined, all claims reported to the Court by the Director of IDWR shall appear in a decree. This is required so that there is no confusion over action taken by the Court on all claims reported to it.

THEREFORE IT IS ORDERED AND ADJUDGED that the water right claims listed on the attached Exhibit A are hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

RULE 54(b) CERTIFICATE

SCANNED
MAY 09 2005

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.

DATED March 11, 2002.

R. S. Burdick

ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

PROFILED

EXHIBIT A

Subcase Nos:

35-02012C
35-02113
35-04015
35-04028-
35-04037
35-04045
35-04116
35-04218-
35-07246E
35-07353A
35-07602C
35-08038
35-08086-
35-10358
35-10495
35-10565
35-10814
35-10907-
35-11045
35-11108
35-11381
35-11480
35-11506-
35-11531
35-11979
35-12313
35-12338
35-12791-
35-12796
35-12797
35-12809
35-12838
35-12865
35-13083

SCANNED
MAY 09 2005

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(Certificate of mailing continued)

GLENN ANDERSEN
TAMRA ANDERSEN
1945 WEST 850 SOUTH
SPRINGFIELD, ID 83277
Phone: 208-328-2470

GLENN B MARTINEAU TRUST
2001 WILSHIRE BLVD STE 325
SANTA MONICA, CA 90403
Phone: 213-829-0282

CLARENCE R SCHROEDER
CLARENCE SCHROEDER
SYLVIA SCHROEDER
2308 S MOSER RD
AMERICAN FALLS, ID 83211
Phone: 208-226-2007

WILLIAM R SCHROEDER
2388 S MOSER RD
AMERICAN FALLS, ID 83211
Phone: 208-226-2179

ANNE SCHROEDER
WILLIAM R SCHROEDER
2388 SOUTH MOSER ROAD
AMERICAN FALLS, ID 83211
Phone: 208-226-2179

ROGER L STOKES
2581 W 2200 S
OGDEN, UT 84401

ISAAC PIERCE
2592 W 1300 S
STERLING, ID 83210
Phone: 208-397-4836

BOB KNUDSEN JR
KNUDSEN POOR FARMS INC
2700 WEST 2100 SOUTH
ABERDEEN, ID 83210
Phone: 208-397-4300

KNUDSEN POOR FARMS, INC
2700 WEST 2100 SOUTH
ABERDEEN, ID 83231
Phone: 208-397-4300

BEN CAVANESS
2761 MOONLIGHT LN
AMERICAN FALLS, ID 83211-5432
Phone: 208-226-2562

HAROLD TOEWS
3200 CAPITOL MALL DR SW #A-204
OLYMPIA, WA 98502-8668

DAVID J STOKES
3491 ADAMS AVE
OGDEN, UT 84403
Phone: 801-621-5887

LARRY D CALDWELL
472 SOUTH 1400 WEST
PINGREE, ID 83262
Phone: 208-684-4296

WARREN HILL
572 S 1500 W
PINGREE, ID 83262
Phone: 208-684-4572

OTTO L TIEDE
614 CALDER
AMERICAN FALLS, ID 83211
Phone: 208-226-5795

C DEAN CORNIA
6527 HOLIDAY DR
BOISE, ID 83709
Phone: 208-375-6946

ALLAN F LARSEN TRUST
BARBARA E LARSEN TRUST
848 W TABER RD
BLACKFOOT, ID 83221
Phone: 208-684-4911

PROFILED

SCANNED
MAY 09 2005

Robbin Hlad
Deputy Clerk

December 18, 1991

A35-04037

RICHARD D POLATIS
174 S 175 W
BLACKFOOT ID 83221

RE: Evidence of Priority

*****FINAL REQUEST*****
RESPONSE DEADLINE
JANUARY 20, 1992

Dear Mr. Polatis:

Our records indicate that your claim, listed above, is based upon either a "Statutory Claim" or "Beneficial Use" of the water. For water rights of this type, the claimed "Priority Date" must be substantiated with supporting evidence. We previously requested this supporting evidence be submitted by July 25, 1991, and to date we have not received the requested documentation.

Before the Department can make a recommendation to the Court to decree the claim, some evidence of the priority date must be submitted. We are enclosing a brochure outlining the types of evidence you may submit, and a printout of your claim for reference. We request that you submit your evidence of priority as soon as possible.

If we do not receive the requested documentation, the Department will recommend the claim be disallowed, due to lack of evidence supporting any priority date.

Please submit the required evidence supporting the priority date by January 20, 1992. Please reference the claim number on your correspondence. If you have questions or need other assistance, please contact this office.

Sincerely,

Eric Verner
Senior Water Rights Agent

EV:jt

Enclosure: Brochure/Proof Report

SCANNED

MAY 09 2005

PROFILED

MICROFILMED

DEC 10 1992

June 12, 1991

RICHARD D POLATIS
174 S 175 W
BLACKFOOT ID 83221

RE: **Evidence of Priority**

Dear Mr. Polatis:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. **But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.**

Please submit the required evidence supporting the priority date by **July 12, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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MAY 09 2005

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DEC 10 1992

RICHARD D POLATIS

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water Right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A35-04037
RICHARD D. POLATIS
DANIEL T. POLATIS
174 S. 175 W.
BLACKFOOT ID 83221

PROFILED

SCANNED

MAY 09 2005

MICROFILMED

DEC 10 1992

PROFILED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

SCANNED
MAY 09 2005

A. GENERAL INFORMATION

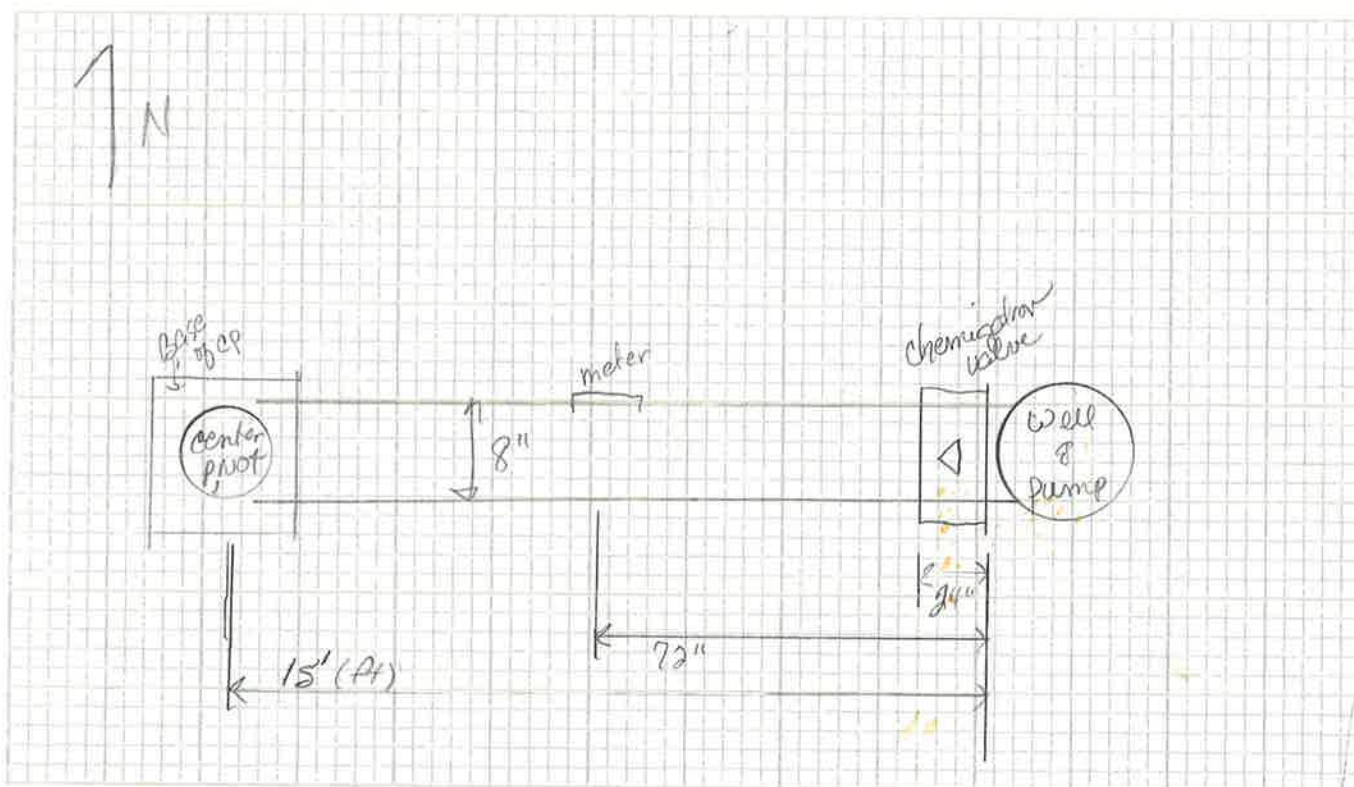
1. Owner: Richard & Daniel Polster Permit No. A35-4037
Current Address: _____ Phone No. _____
2. Accompanied by: Richard Polster EXAM. DATE: 7-18-91
Address: _____ Phone No. _____
Relationship to Permit Holder: partner
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: _____
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

PROFILE

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MAY 09 2005

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pressure gauge		Valley			0-100	

2. Measurements:

Static depth - 150' w/ ? drawdown (aced to Richard.)
60 psi (at top of beginning of pivot)
flow - 2.67 cfs

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

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: A35-04037
Date Received: 5/31/1989
Receipt No: E008455
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RICHARD D. POLATIS 208-684-3135
Address: 174 S. 175 W.
BLACKFOOT, ID 83221
OR
Name: DANIEL T. POLATIS 208-684-3135
Address: 174 S. 175 W.
BLACKFOOT, ID 83221

2. Date of Priority: MAY 1, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	32E	5	NW	SW			BINGHAM

5. Description of diverting works:
WELL AND PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	2.910		

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

8. Total consumptive use is 454.8 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

PROFILED

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MAY 09 2005

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03S	32E	5	NE		SW		IRR	37.9
			NW		SW		IRR	37.9
			SW		SW		IRR	37.9
			SE		SW		IRR	37.9
Section Acres								151.6
Total Acres								151.6

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: STATUTORY CLAIM

Water Right Number: 354037

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): *Richard L. Polster* Date: 1 Aug 91

Date: _____

PROFILED

SCANNED
MAY 09 2005

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of August 19 91

Seal

Betty J. Thompson
Notary Public

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT 1110 S. 10TH ST. IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94

PROFILED

SCANNED
MAY 09 2005

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: A35-04037
Date Received: 5/31/1989
Receipt No: E008455
Received By: HWT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD D. POLATIS 208-684-3135
Address: 174 S. 175 W.
BLACKFOOT, ID 83221

OR
Name: DANIEL T. POLATIS 208-684-3135
Address: 174 S. 175 W.
BLACKFOOT, ID 83221

2. Date of Priority: MAY 01, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	32E	5	NW	SW			BINGHAM

5. Description of diverting works:
WELL AND PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	2.010		

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

A.F.A.

8. Total consumptive use is 468.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A35-04037

Page 1

Date: 05/31/89

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MAY 09 2005

MICROFILMED

DEC 10 1992

A3504037



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	32E	5	NE	SW		IRR	39.0
			NW	SW		IRR	39.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0

Section Acres 156.0

Total Acres 156.0

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: STATUTORY CLAIM
Water Right Number: 354037

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MAY 09 2005

PROFILED

MICROFILMED

DEC 10 1992

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 N 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): Buckley M. Polate Date: 31 May 89
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 31st day

of May 19 89

Seal

Anthony S. Olmstead
Notary Public

Residing at Idaho Falls

My Commission Expires 9/12/1994

SCANNED

MAY 09 2005

PROFILED

MICROFILMED

DEC 10 1992

DEC 10 1992

MICROFILMED

MAY 09 2005

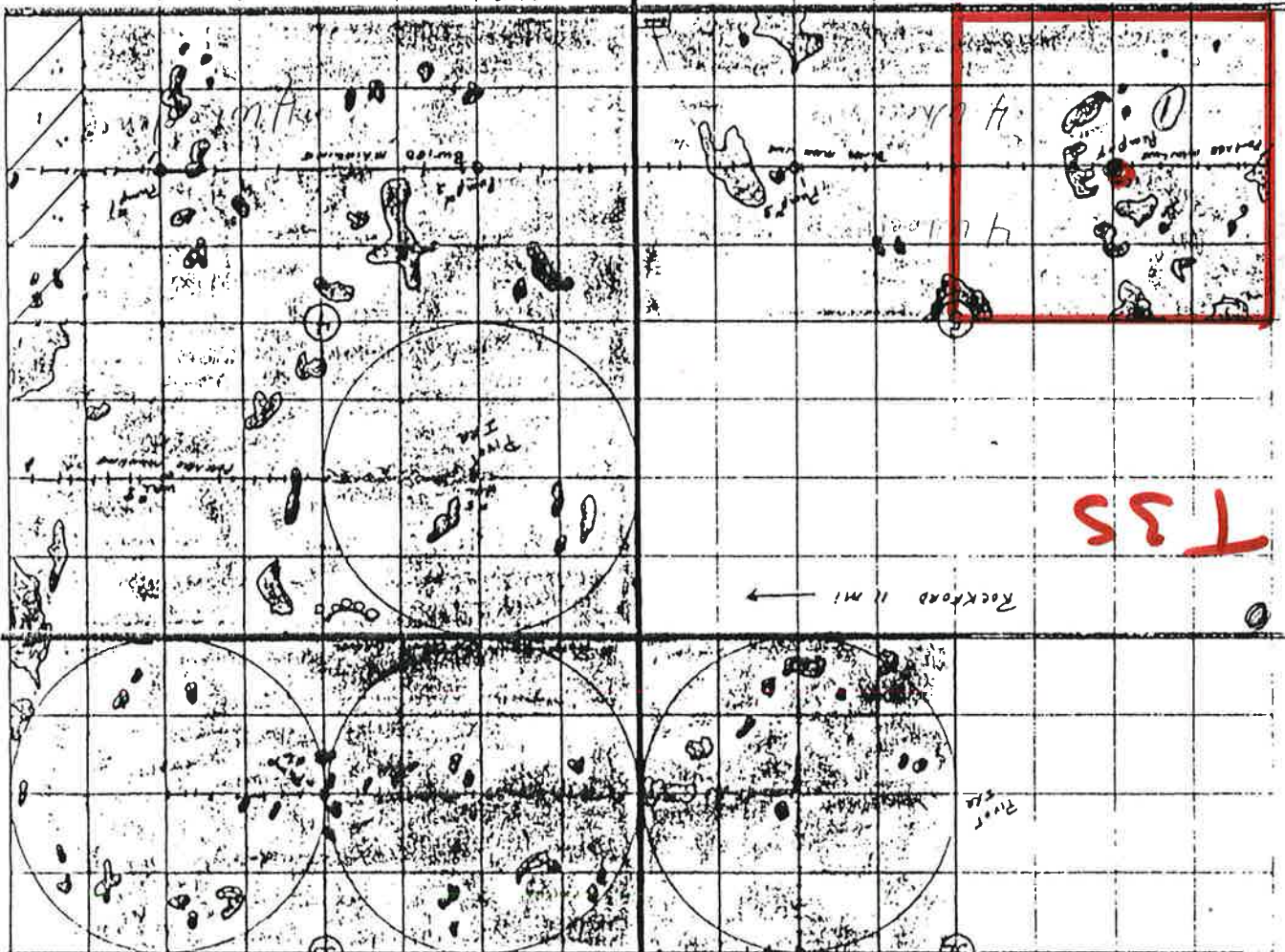
SCANNED

A 55-04037

Leone Paper

8 20 21

① 135 HCS



T 35

R 326

TITLE REPORT OF	
PLATED BY	VERIFIED
SCALE: 1" = 1/20	
IDAHO STATE	
BLISSMAN COUNTY	
TP 2 E 3 S RGE 32 E	

FACE # 2

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: A35-04037
Date Received: 5/31/1989
Receipt No: E008455
Received By: HWT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD D. POLATIS 208-684-3135
Address: 174 S. 175 W.
BLACKFOOT, ID 83221

OR

Name: DANIEL T. POLATIS 208-684-3135
Address: 174 S. 175 W.
BLACKFOOT, ID 83221

684-4312

2. Date of Priority: MAY 01, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	32E	5	NW	SW			BINGHAM

5. Description of diverting works:
WELL AND PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	2.010		

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

8. Total consumptive use is 468.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A35-04037

Page 1

Date: 05/31/89

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MAY 09 2005

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	32E	5	NE	SW		IRR	39.0
			NW	SW		IRR	39.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0

Section Acres 156.0

Total Acres 156.0

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: STATUTORY CLAIM
Water Right Number: 354037

PROFILED

SCANNED
MAY 09 2005

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 N 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): Buchanan, D. L. Date: 31 May 89

Date: _____

State of Idaho)
County of Bonnerville) SS.

Subscribed and sworn (or affirmed) before me this 31st day

of May 19 89

Seal

Anthony J. Olenick
Notary Public

Residing at Idaho Falls

My Commission Expires 9/12/1994

PROFILED

SCANNED
MAY 09 2005

MAY 09 2005

SCANNED

PROFILE

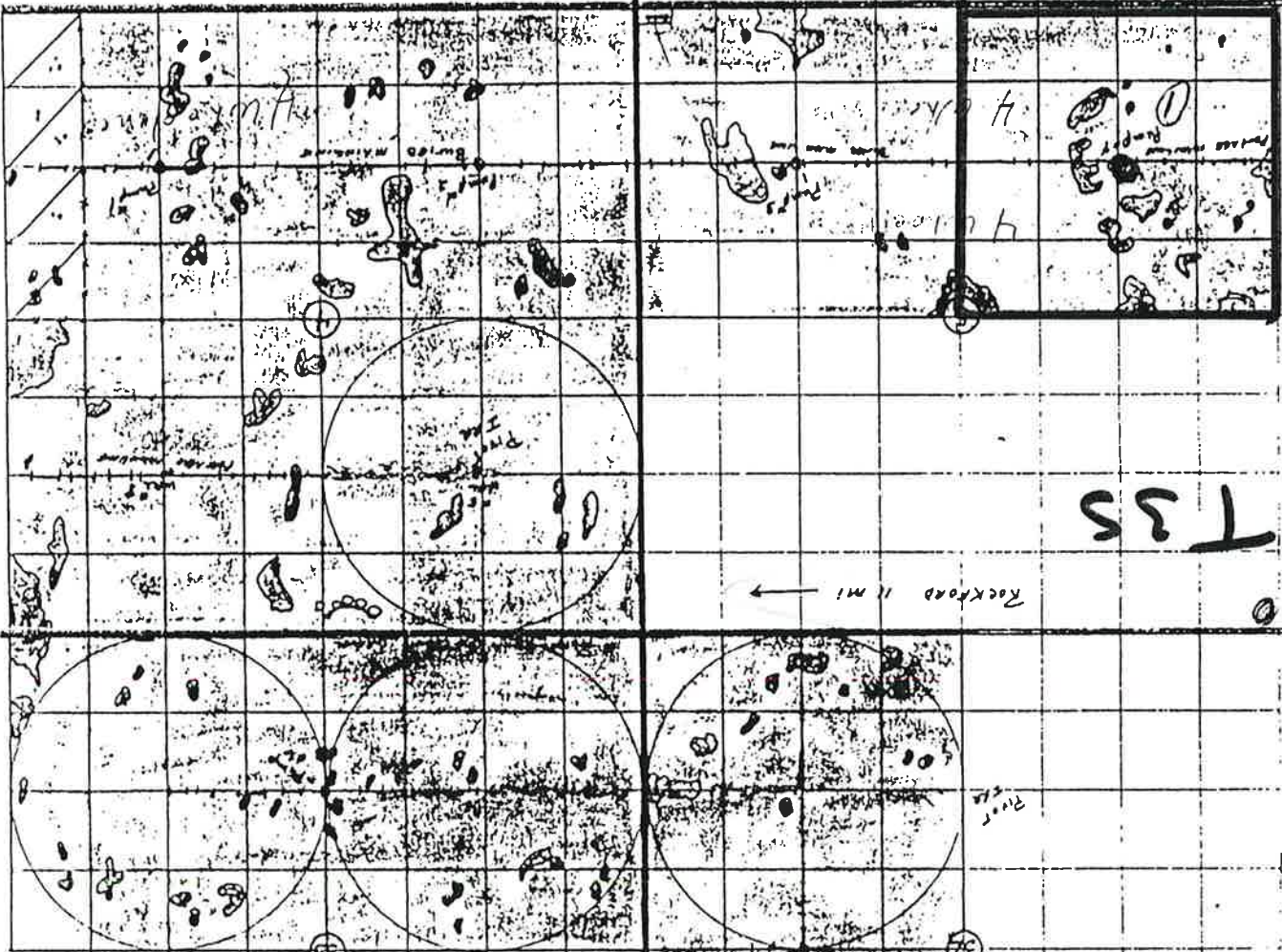
A55-04037

Large River

① 1.5 HCS

8 00 L

WATER LAKE 6-10-02



T35

Rockford 11 MI

R326

TITLE REPORT ON	
SW.	
PLATTED BY VERIFIER	
SCALE: 1" = 1/320	
N	IDAHO STATE
V	BINGHAM COUNTY
TP. 23.5 RGE 32.5	

PARCEL #2