

02/23/2005

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

RIGHT NUMBER: 37-4091
NAME AND ADDRESS: JUSTICE DITCH CO
C/O TWILA BENDORF
RT 1 BOX 360
HAGERMAN ID 83332

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
Recommended as Right Nos. 37-1160 and 37-1175.

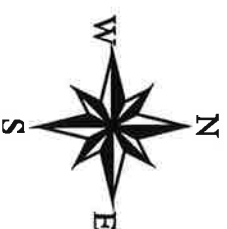
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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 23, 2004

37-4091
JUSTICE DITCH CO
C/O TWILA BENDORF
RT 1 BOX 360
HAGERMAN ID 83332

Re: Evidence of Priority Date

Dear Claimant:

RESPONSE DEADLINE
AUGUST 20, 2004

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

Sincerely,

Carter Fritschle
Water Rights Supervisor

Enclosures

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-04091
Date Received: 6/07/1988
Receipt No: 5000349
Received By: SC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JUSTICE DITCH CO.
Address: C/O TWILA BENDORF
RT. 1 BOX 360
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1934

3. Source: WASTE WATER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	14E	30	NE	NE	SE		GOODING

5. Description of diverting works:
HEAD GATE 76" X 52"

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	9.100		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is 1053.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC AND STOCKWATER.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	13E	35	NE		NE		IRR	19.0
			SW		NE		IRR	8.2
			SE		NE		IRR	26.7
			SE		NW		IRR	8.0
			NE		SW		IRR	3.0
			NE		SE		IRR	37.3
			NW		SE		IRR	34.1
			SW		SE		IRR	20.0
			SE		SE		IRR	37.9
								Section Acres
		36	NW		NE		IRR	20.9
			NE		NW		IRR	19.2
			NW		NW		IRR	39.6
			SW		SW		IRR	11.3
					Section Acres	91.0		
07S	13E	1			1		IRR	31.3
					2		IRR	34.7
					Section Acres	66.0		
					Total Acres	351.2		

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
37-1175, 37-1160 A&B.

14. Remarks:
WASTE WATER DIVERTED FROM MALAD RIVER CHANNEL.

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

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: 2

For Organizations:

I do solemnly swear or affirm that I am Vice President of Justice Ditch Co., that I have signed the foregoing document in the space below as Vice President of Justice Ditch Co. and that the statements contained in the foregoing document are true and correct.

Tom Anderson
Signature of Authorized Agent
V. Pres - Justice Ditch Co.
Title and Organization
6-7-88
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding Id
My Commission Expires 10/16/1992

MICROFILMED
FEB 23 1993

JUSTICE DITCH ATTACHMENT

ANDERSON, T.E.	7S	13E	SEC. 1	LOT 1	31.33
				LOT 2	6.67
BENDORF, R.K.	6S	13E	SEC. 35	SESE	37.9
			SEC. 36	SWSW	11.3
MARSH, FLOYD	6S	13E	SEC. 35	NESE	37.3
				SENE	26.7
WOODY, L.H.	7S	13E	SEC. 1	LOT 2	28.07

MICROFILMED
FEB 23 1993

MALAD STATE PARK ACRES

6S 13E	SEC. 35	SWSE	20.0
		NWSE	34.1
		NESW	3.0
		SENE	8.0
		SWNE	8.2
		NENE	19.0
	SEC. 36	NWNW	39.6
		NENW	19.2
		NWNE	20.9
	TOTAL		172.0

MICROFILMED
FEB 23 1993