



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

April 12, 2004

**CASA DEL NORTE LP
18196 SE WILSON RD
GLENN'S FERRY ID 83623**

RE: Notices of Claim to a Water Right in the Snake River Basin Adjudication (SRBA) 37-7081,
37-19825, 37-21291 and 37-21292

Dear Claimant:

I am reviewing the Notices of Claim to a Water Right appurtenant to the land you acquired from Kast C K Cattle Company. Our Southern Region office has forwarded the new and amended claims to me for review. However, I am returning amended claim 37-7081 because the partial decree for the elements of this claim was issued by the SRBA Court on December 11, 2002. Also, it appears that a transfer will be required to change the place of use of 37-7081 to a permissible place of use as described on the "amended claim" you submitted.

The amended claim for the combination of claims 37-822A, 37-825 and 37-828 for 7/9 of the water stored in Pioneer Reservoir has been assigned the identification number 37-21291.

Also, I am requesting evidence of priority date for claim number 37-21292 which is for the storage of water in Kitsinger Reservoir, and for claim number 37-19825 which is for the waste water stored in Pioneer Reservoir. Documentation is required to support the date water was first put to beneficial use for the purposes of use described in these claims. Enclosed you will find a pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

Please submit the required evidence supporting the priority date and the historic use by **May 14, 2004**, 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,

A handwritten signature in black ink, appearing to read 'Carter Fritschle', written over a horizontal line.

Carter Fritschle
Water Rights Supervisor

Enclosures:

Amended Claim 37-7081
"Evidence of Priority" pamphlet

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: 37-7081
Date Received:
Receipt No:
Received By:

RECEIVED
APR 06 2004
Department of Water Resources
Southern Region

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Casa Del Norte, LP

Phone: (208) 366-7931

Route 1 18196 SE Wilson R
Box 451
Glenns Ferry, ID 83623

2. Date of Priority: December 8, 1970

3. Source: Ground water

Trib. to: NA

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
5S	12E	8	NE SW	Gooding	

5. Description of diverting works:

Well (14"x421', turbine pump), pipeline and canal to place of use.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	3/1 4/1	10/1	1.67	303.0
Stockwater	1/1	12/31	0.20	

7. Total Quantity Appropriated is:

1.67 cfs or 303.0 ac-ft

8. Total consumptive use:

9. Non-irrigation uses:

Stockwater: 900 head of range cattle

10. Place of use:

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	12E	5	26.0	31.9	37.0	36.9	6.8	5.1	7.6	21.7	8.8	2.7							184.5
		8		31.0	9.4		14.9	15.7			25.3	2.2		24.7		9.2	1.1		133.5
		17		3.4			28.0												31.4

Total number of acres irrigated 349.4

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:

Overlapping permissible place of use with water rights 37-19825, 37-820A, 37-826, 37-824, 37-823, 37-819A, and 37-827. Partial overlapping permissible place of use with water rights 37-821A, 37-821B, and 37-2169 (section 5 of T5S R12E).

14. Remarks:

Irrigated area is a 349.4-acre permissible place of use. This water right is used for irrigation up to 101 acres within the place of use described.

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am John B. McAllen, Managing Member of
Title
CASA Del Norte LP, that I have signed the foregoing
Organization
document in the space below as MANAGING MEMBER of
Title
CASA Del Norte LP and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent John B. McAllen

MANAGING MEMBER, CASA Del Norte LP
Title and Organization

4/2/04
Date

State of Idaho)
County of Elmore) SS.

Subscribed and sworn (or affirmed) before me this
of 4-2 2004

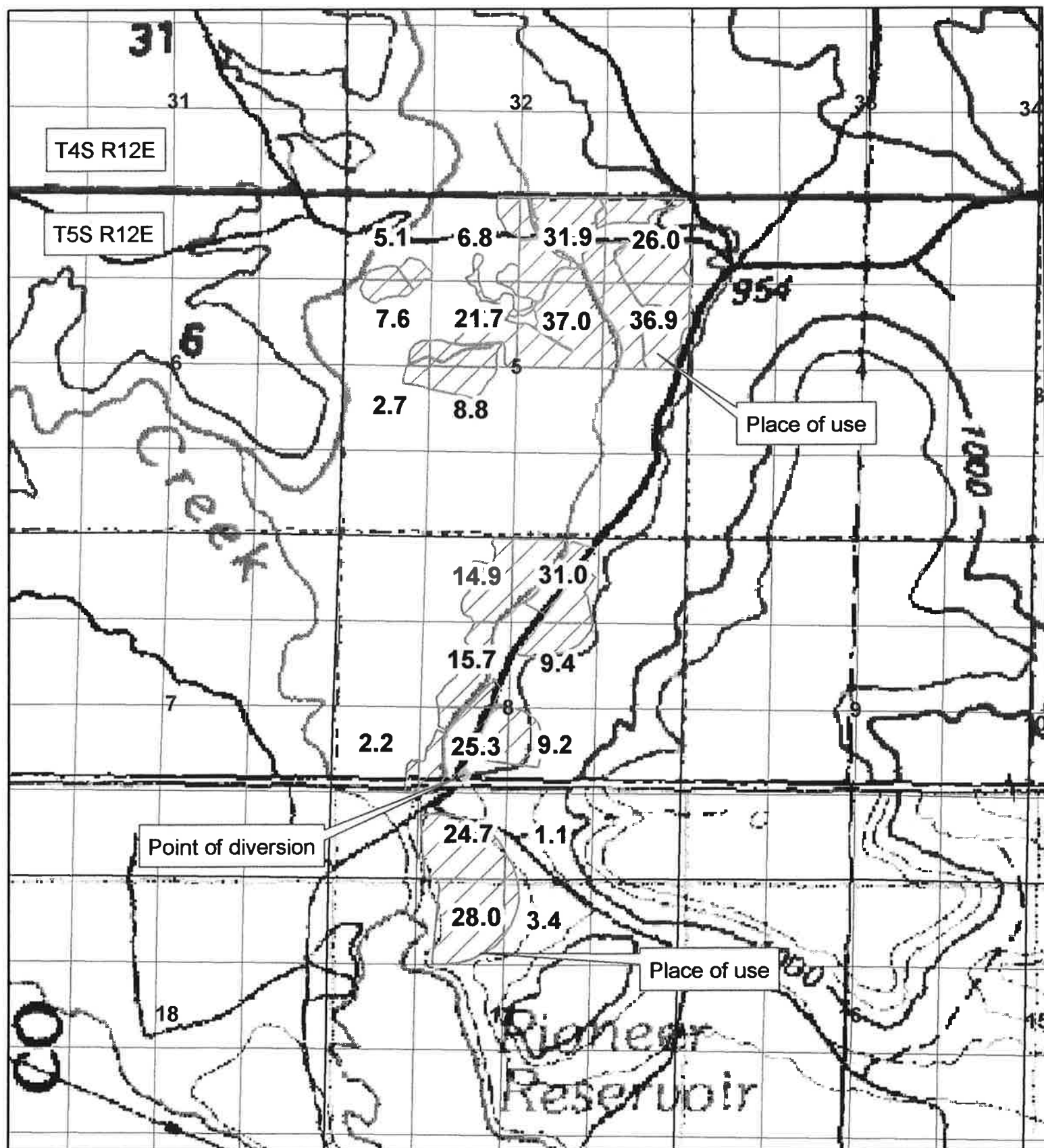
Judith M. Allred
Notary Public



Residing at _____ Residing at Mountain Home, Idaho
My Commission Expires _____ My Commission Expires 05-22-06

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

Scale: 1 inch equals 2000 feet



Last Name Casa Del Norte, LP Ident No. 37-7081

RECEIVED

JUL 11 2002

06/22/2002

NOTICE OF ERROR
REPLY

Department of Water Resources

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: July 23, 2002

Water right number: 37-7081

KAST CK CATTLE CO

PO BOX 63

BLISS ID 83314

Telephone Number: (208)352-1157

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:

July 8, 2002

SIGNATURE:

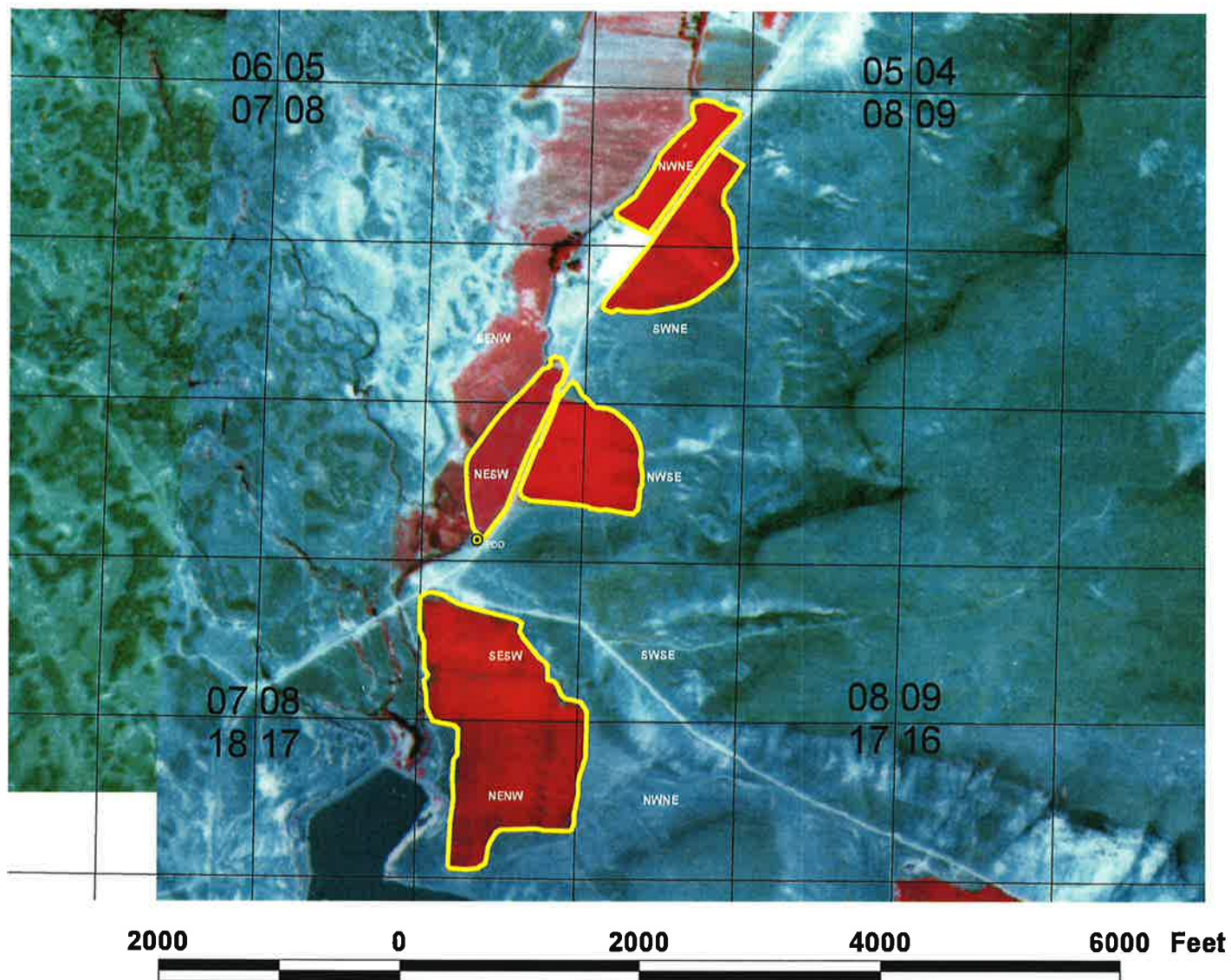
K Lynn Bennett

Please print your name:

Kast CK Cattle Co. K Lynn Bennett, President

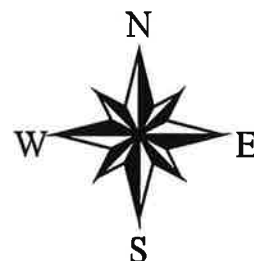
IDWR State Office, PO Box 83720, Boise ID 83707-9815

37-7081



T05S R12E S08 & S17

Map prepared by: Carter Fritschle
Date prepared: 06/05/02
1987-1988 NAPP photography
Idaho Department of Water Resources



06/10/2002

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

RIGHT NUMBER: 37-7081

NAME AND ADDRESS: KAST CK CATTLE CO
PO BOX 63
BLISS ID 83314

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.67 CFS
404.0 AFY

PRIORITY DATE: 12/08/1970

POINT OF DIVERSION:

T05S R12E S8 SWNESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/01

1.670 CFS
404.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 1 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 GOODING County

T05S R12E S08	NWNE	16.0	T05S R12E S08	SWNE	9.6
T05S R12E S08	SENE	2.6	T05S R12E S08	NESW	17.0
T05S R12E S08	SESW	22.0	T05S R12E S08	NWSE	8.6
T05S R12E S08	SWSE	0.3	T05S R12E S17	NWNE	0.9
T05S R12E S17	NENW	24.0			

101 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: License

USE OF THIS RIGHT IS COMBINED WITH WATER FROM CLOVER CREEK AND PIONEER RESERVOIR.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

37-7081



Point of Diversion looking northwest. The irrigation pump has been pulled and only the pump supplying water for 37-10999 is in the well. A 100 HP pump in the ditch is being used to supply water to the place of use at this time. CLF 6-4-02



Looking northeast at new undeveloped well and a portion of the place of use from approximately 24 feet southeast from the old well. CLF 6-4-02

37-10999 and 37-7081 POD

5-16-1992



USGS

1 Meter Resolution

37-7081

CA

6-4-02

K. Lynn Bennett - Manager

John McCallum - Purchased ranch from Kast (April '02)

Well currently used for Domestic use
in new house on hill to the east.

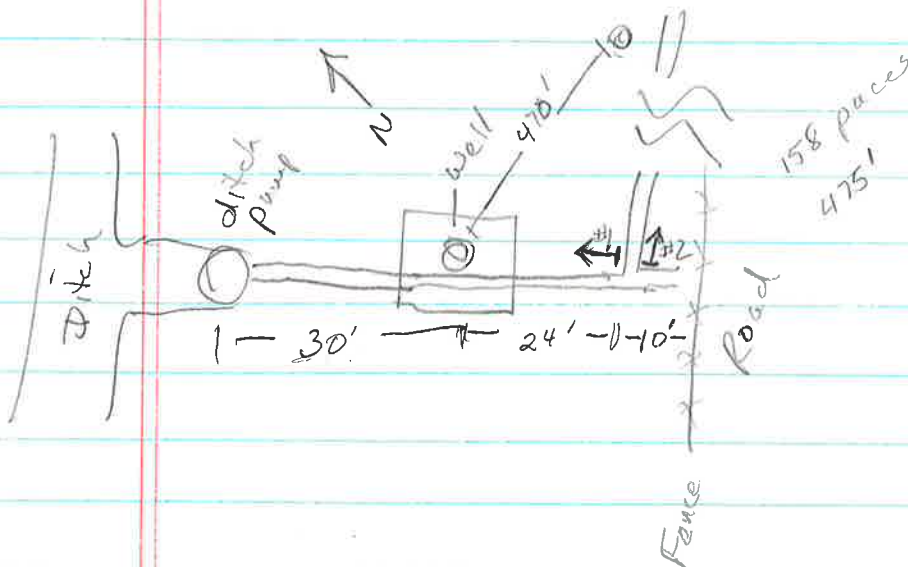
Ditch pump

100HP GE S.N. CKJ313144 Motor

Turbine pump Layne Bowler

Photo #1 Looking NW at well and ditch pump

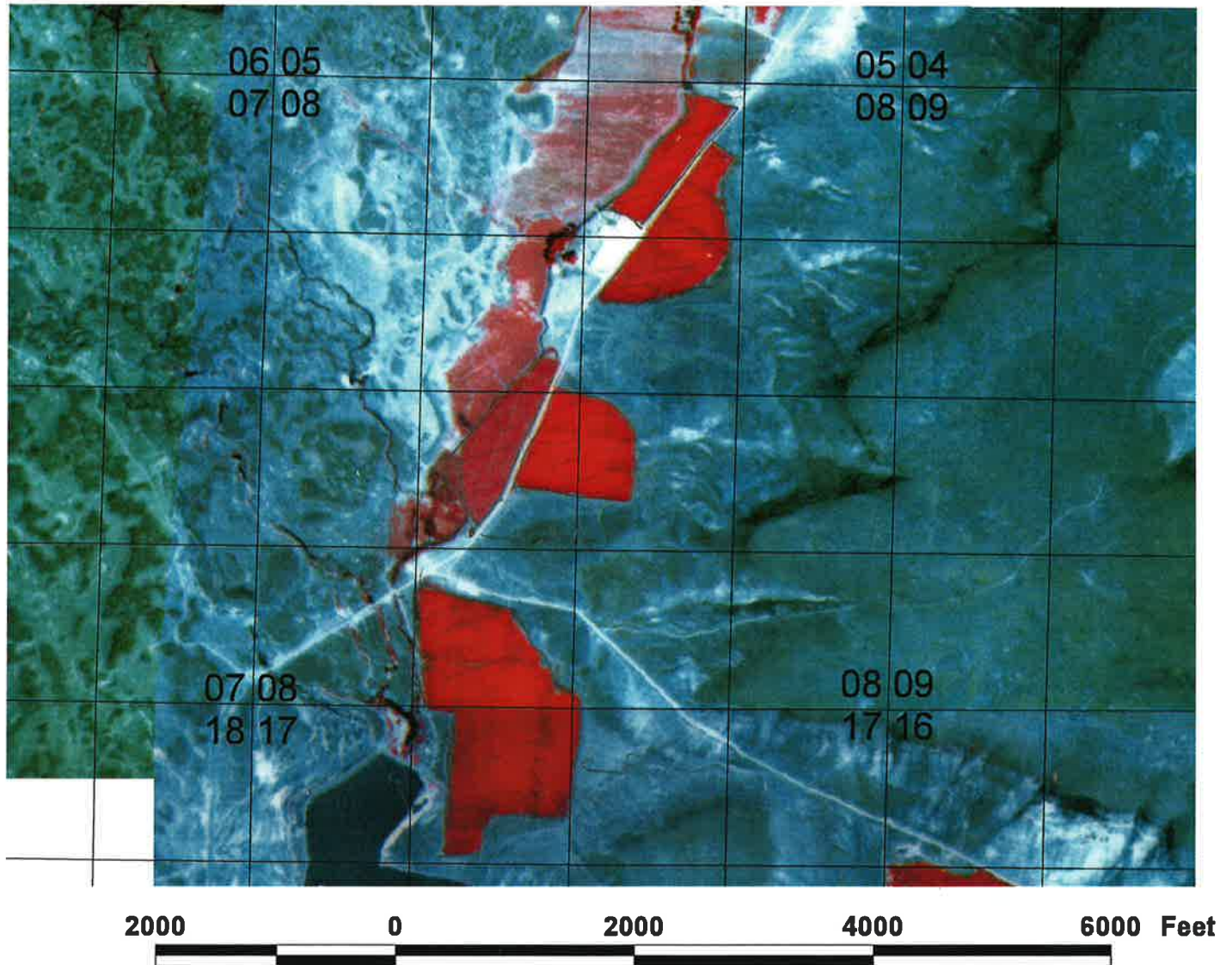
Photo #2 Looking NE at new well (not yet
developed - no pump.



Pivot on south field - handlines on other fields
under ground mainlines.

Check ownership layer from X Drive. No federal land
included in recommended POU.

37-7081

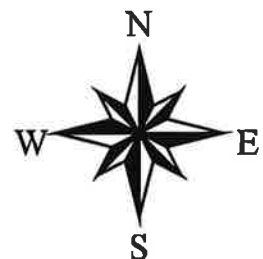


T05S R12E S08 & S17

Field map
6-4-02
CA



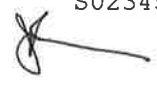
Fields irrigated with
Ground water



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 37-7081
Date Received: 10/24/00
Receipt No: S023455
Received By: 

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

KAST CK CATTLE CO
PO BOX 63
BLISS ID 83314

Phone: (208) 352-1157

2. Date of Priority: 12/08/1970

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05S	12E	8	NE SW		GOODING

5. Description of diverting works:

Well, Pump, handlines & pivot

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
IRRIGATION	04/01	10/01	1.67		303

7. Total Quantity Appropriated is:
1.67 C.F.S. and/or 303 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	12E	8	SE	NW	IRRIGATION	19
			NE	SW	IRRIGATION	22.1
			NW	SW	IRRIGATION	3
			SE	SW	IRRIGATION	21
			NW	SE	IRRIGATION	8
			NE	NW	IRRIGATION	5.9
Section Acres						79
05S	12E	17	NE	NW	IRRIGATION	22
					Section Acres 22	
Total Acres						101

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:

14. Remarks:

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 _____ 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 President of _____

Kast CK Cattle Co., Title
Organization that I have signed the foregoing
document in the space below as President of

Kast CK Cattle Co. Title
Organization and that the statements contained in the
foregoing document are true and correct. [Signature]
Signature of Authorized Agent

President Kast CK Cattle Co.
Title and Organization

Oct 24, 2000
Date

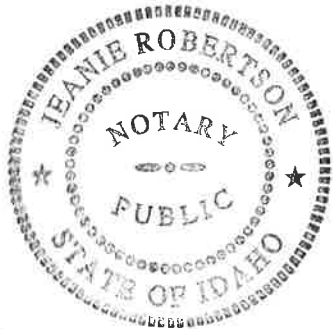
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 24th
of October 2000

[Signature]
Notary Public

Residing at Twin Falls, Id.

My commission Expires 9-23-2006



RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 8023455

Date: 10/24/2000
Time: 13:04:17

Received
From: KAST CATTLE CO.

Type of Payment	Program A cct	Amount
ADJUDICATION CLAIM A37-07081	41503 337 1155	50.00

CHECK 0359

Total \$ 50.00

A37-07081 - Water Right Numbers -

Region: SOUTHERN

Signature:



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7081 Priority December 8, 1970 Amount 1.67 cfs

THIS IS TO CERTIFY, that MICHAEL KAST
of King Hill, Idaho, has complied with the terms and conditions of Permit
No. 37-7081 issued pursuant to Application for Permit dated December 8, 1970
and has submitted proof to the Department of Water Resources on January 30, 1976
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.67 cfs of water from a ground water source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>October 1</u>	at <u>1.67</u> cfs and	<u>303</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.67 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
303 acre feet per year, said waters to be diverted within the NE 1/4, Sec. 8, Twp. 5S,
Rge. 12E, B.M., in the County of Gooding

Description and location of place of use:

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	
5S	12E	8	7	7	7											20	20	10	71
		17	10	20															30

Total number of acres irrigated 101

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26 day of

April, 19 79.

Deputy Director

37-7081

37-7081

DATE OF EXAM 8-16-76

ACREAGE

Found 101
Recommended 101

Irrigation Requirement 3.0 Ac Ft/Ac

USE

Irrigation Q = 1.67 c.f.s. V = 303. AF/Ann. from April 1 to Oct 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 1.67 c.f.s. 750 gal/min Method of measurement Badger

Total Q recommended 1.67 c.f.s. Meter No. M058844 Type 8" Condition New

Total V recommended 303.0 Ac Ft/ANN.

Recommended Amendments:

P.D.
Place of Use
Other
None ☒

MEASUREMENT CALCULATION:

Meas: $(750 \text{ gal/min.} \div 448.8 \text{ gal/min/cfs}) = 1.67 \text{ c.f.s.}$
Allowed 1.67 c.f.s.
Volume = $303.0 \text{ Ac Ft/ANN.} = (\text{IRR. Req } 3.0 \text{ Ac Ft/Ac.}) (101.0 \text{ Acres})$

SYSTEM DESCRIPTION:

Vertical Motor 100 Hp. #C2849-02-292 84-02239
Hayne & Bowler Pump. #44298

Runs the water in a gravity flow ditch to its place
of use. The ground will be sprinkled in the future.

REMARKS:

Examiner's Signature

Larry Lundberg

Date 8-16-76

Checked by

Larry Lundberg

Date 9-14-76

Approved by

Michael L. Stueb

Date 9-22-76

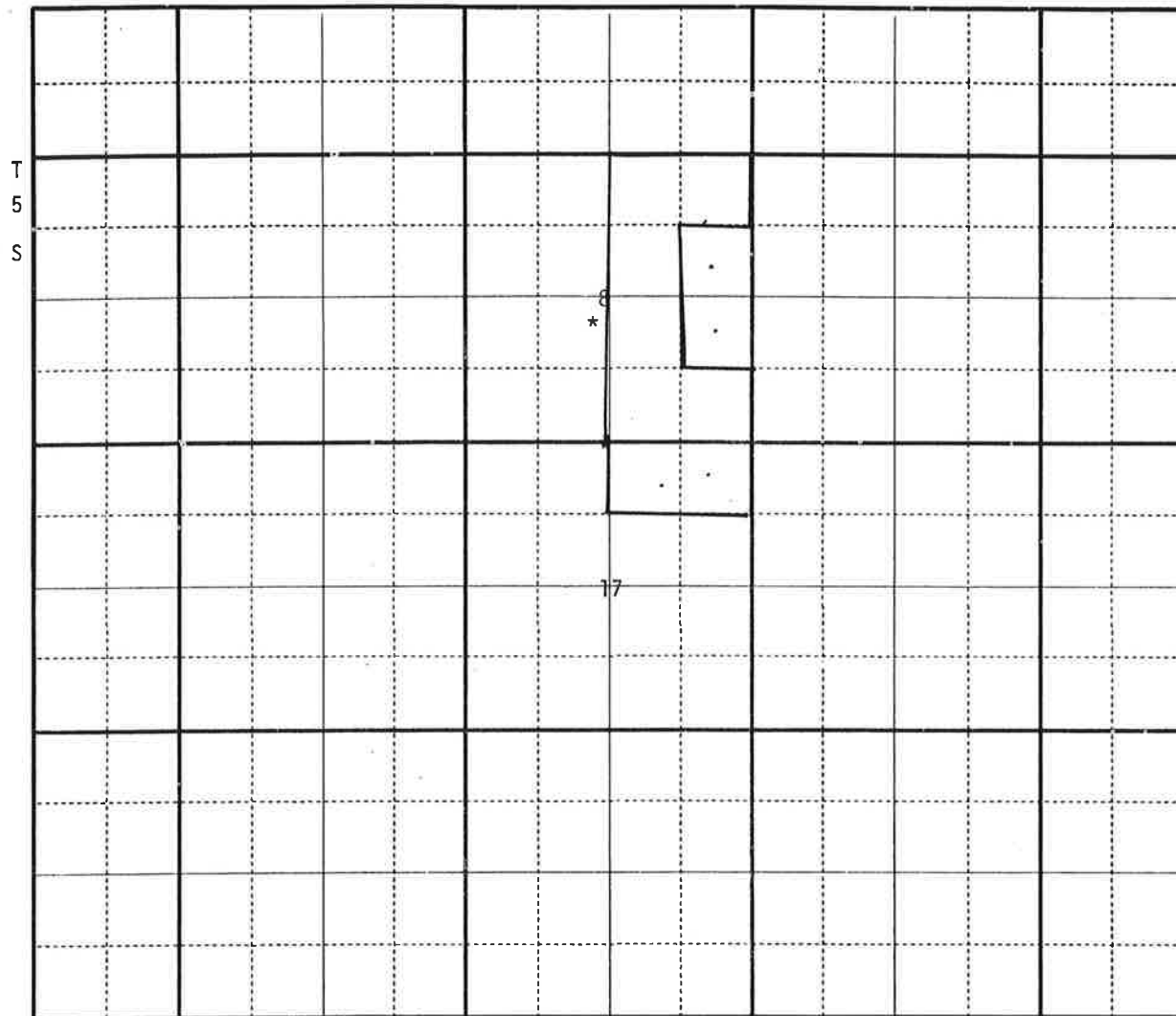


Diagram of System