

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 A36-02098
Date Received _____
Receipt Number 5010067 AD

COPY

FOR YOUR FILES
DO NOT RETURN

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 12 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Warren W. and Elise Heins Phone (208) 531-5348
Mailing Address Rt. 3, Box 220, Rupert, Idaho Zip 83350

2. Date of Priority (Only one (1) per claim) November 24, 1950

3. Source of water supply (a) groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 7S Range 25E Section 25,
_____ 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Minidoka

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 300' well with 200 H.P. pump and
motor, 75 H.P. booster pump, mainline and wheel lines.

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OCT 13 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from Mar. 1 to Nov. 1 amount 4.0 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 915 acre feet per annum.

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

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	25E	25					25	3	40	39	39	40	40	39			40		305

Total number of acres irrigated 305

11. In which county (ies) are lands listed above as place of use located? Minidoka

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

14. Remarks:

Actual place of use varies slightly from licenses. Additional
claim is made for water spread lands.

Last Name Heins Ident No. _____

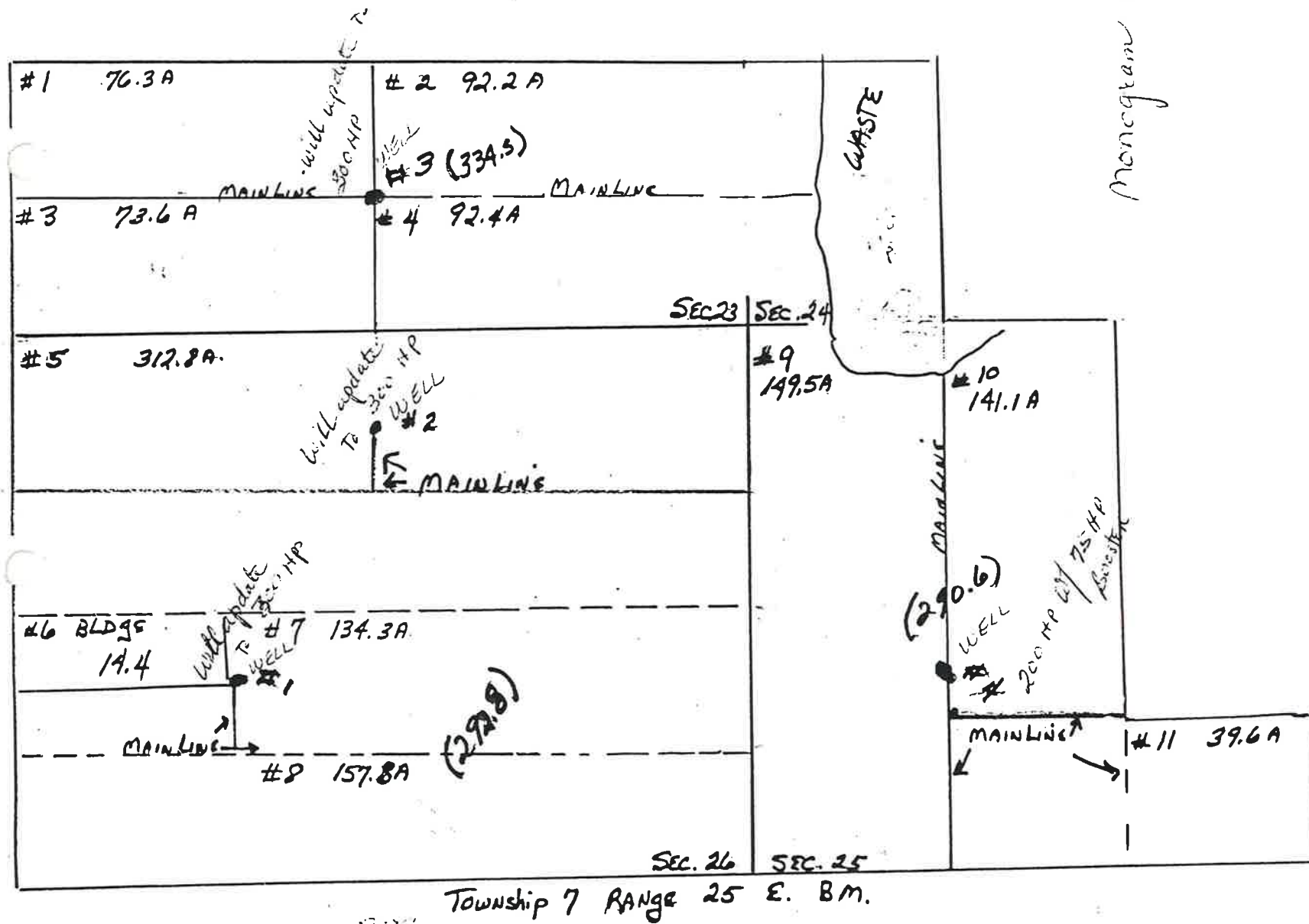
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JAN 25 OCT 13 1994

Copies: White - State, Yellow - Claimant

Oct 13 1994

Last Name	Heins
-----------	-------



15. Basis of Claim (check one) Be ☐ Trial Use ☐ Posted Notice ☐ ☒ Use ☐ Permit ☐
Decree ☐

If applicable provide IDWR Water Right Number G21794 (36-02098A and 36-02098B)

Court ☐ Case Number ☐ Decree Date ☐

Plaintiff vs Defendant ☐

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☐ do not ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments ☐

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Marion H. Heins Date October 11, 1989

Shirley Heins Date October 11, 1989

For Organizations: I do solemnly swear or affirm that I am ☐

of ☐ Title ☐
Organization ☐ , that I have signed the foregoing

document in the space below as ☐ of ☐
Title ☐ Organization ☐

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

Signature of Authorized Agent ☐

Title and Organization ☐ Date ☐

State of Idaho/or ☐)
County of Minidoka) SS.

Subscribed and sworn (or affirmed) before me this 11th day of October 19 89

SEAL

Notary Public David D. Ring

Residing at Rupert, Idaho

My Commission Expires 10/30/94

Please Print Name

17. Notice of Appearance:

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

Signature Roger D. Ling

Address P.O. Box 396, Rupert, Idaho 83350

Date October 11, 1989

Last Name Heins Ident. Number ☐

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OCT 13 1994
Copies White State, Yellow-Claimant

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: A36-02098
Date Received: 10/12/1989
Receipt No: S010067
Received By: Q. V. St.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WARREN W. HEINS 208-531-5348
Address: RT. 3, BOX 220
RUPERT, ID 83350
AND
Name: ELISE HEINS 208-531-5348
Address: RT. 3, BOX 220
RUPERT, ID 83350
2. Date of Priority: NOV 24, 1950
3. Source: GROUNDWATER. Trib. to:
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
07S 25E 25 NE SW MINIDOKA
5. Description of diverting works:
300' WELL, 200 HP PUMP, 75 HP BOOSTER PUMP, WHEEL LINE SPRINKLERS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	11/01	4.000		
7. Total Quantity Appropriated is:
4.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 915.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	25E	25	NE		NW		IRR	25.0
			NW		NW		IRR	3.0
			SW		NW		IRR	40.0
			SE		NW		IRR	39.0
			NE		SW		IRR	39.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	39.0
			SW		SE		IRR	40.0
							Section Acres	305.0
							Total Acres	305.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
NONE.

14. Remarks:

ACTUAL PLACE OF USE VARIES SLIGHTLY FROM LICENSES. ADDITIONAL CLAIM IS MADE FOR WATER SPREAD LANDS.

THIS CLAIM COMBINES SPLIT WATER RIGHTS 36-02098A & 36-02098B INTO A SINGLE ADJUDICATION CLAIM A36-02098.

THIS CLAIM INCLUDES AN UN-RECORDED TRANSFER OF P/U.

15. Basis of Claim: LICENSE
Water Right Number: G21794

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Nov. 21, 1989

Re: A36-02469D
A36-02098
A36-02469E
A36-02066A
A36-13531

WARREN W HEINS
RT 3 BOX 220
RUPERT ID 83350

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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JAN 25 1993

Water Right Number - R36-02098

Prefix Translation: RESEARCH

Old (D) Number - G21794

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

*** C - CURRENT OWNER ***
HEINS

WARREN W.

1 - RT 3 BOX 220

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-531-5348

1 - RT 3 BOX 220

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-531-5348

HEINS

ELISE

ADD > ATTORNEY: LING

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
11/24/1950 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	25E	25	SW NE SW		(67)	MINIDOKA

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15		4.000	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
4.000 0.0

+ - - - - Place of Use - - - - - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	25E	25	NE NW		35.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	NW NW		29.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	SW NW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	SE NW		39.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	NE SW		39.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	NW SW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	SW SW		39.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	SE SW		39.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	SW SE		40.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 340.0

+ - - Diversion Means - 300' WELL, 200 HP PUMP, 75 HP BOOSTER PUMP, WHEEL LINE SPRINKLERS

+ - - Non-Irrigation Use -

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Water right number - R36-02098

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - 36-13531

+ - - - - - Remarks - - - - - +
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 305 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 36-13531 IS AN EXPANSION OF THIS RIGHT PURSUANT TO
IDAHO CODE 42-1416(2).
RIGHT NO. 36-13531 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.
USE OF THIS RIGHT WITH RIGHT NO. 36-13531 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.00 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1360 AF, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 1020 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 340 ACRES IN A SINGLE IRRIGATION SEASON.

+ - - - - - Old Water Right Numbers - - - - - +
3602098A
3602098B

+ - - - - - Conditions of Approval - - - - - +
C05 - RIGHT INCLUDES CHANGE IN PLACE OF USE.

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

+ - - - - - Comments - - - - - +
Date: 08/23/1991 User Id: CLELLAND Subject: COPIED FROM REMARKS
ACTUAL PLACE OF USE VARIES SLIGHTLY FROM LICENSES. ADDITIONAL CLAIM IS MADE FOR WATER SPREAD LANDS.

+ - - Audit Fields - - +
08/23/91 CLELLAND

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 00/00/0000 Field Inspection Made - 06/07/1991 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 - 10/13/1989 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - S010067 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - AND Presumption Flag - C

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JAN 25 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 36-02098A Adj. Flag Translation: Standard Water Right Number Old (D) Number - 21794

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

*** C - CURRENT OWNER ***
MORGAN SHILLINGTON FARMS CO.

1 - C/O W. H. SHILLINGTON
2 - P.O. BOX 201
3 -
City- RUPERT State- ID Zip- 83350
Phone -

*** O - ORIGINAL OWNER ***
MONOGRAM FARMS INC.

1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
11/24/1950 17 L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
07S 25E NE SW (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 3.500

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
3.500

+ - - - - Place of Use - - - - - +								
TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	25E		SW NW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E		SE NW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E		NE SW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E		NW SW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E		SW SW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E		SE SW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E		SW SE		40.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 280.0

+ - - Diversion Means -
+ - - Non-Irrigation Use -

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Field Exam Fee	-
Swan Falls	-
Temporary Right	- P
DLE/Carey Act	-
Water District	-
Transfer/Amended	- P

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JAN 25 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 36-02098B Adj. Flag Translation: Standard Water Right Number Old (D) Number - 21794

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

*** C - CURRENT OWNER ***
MORGAN SHILLINGTON FARMS CO.

1 - C/O W. H. SHILLINGTON
2 - P.O. BOX 201
3 -
City- RUPERT State- ID Zip- 83350
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
11/24/1950 17 L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

07S 25E NE SW (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 0.500

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.500

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

07S 25E NE NW 25.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 25.0

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
TRANS. 1099.

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

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

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JAN 25 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - 36-02098B Adj. flag translation: Standard Water Right Number

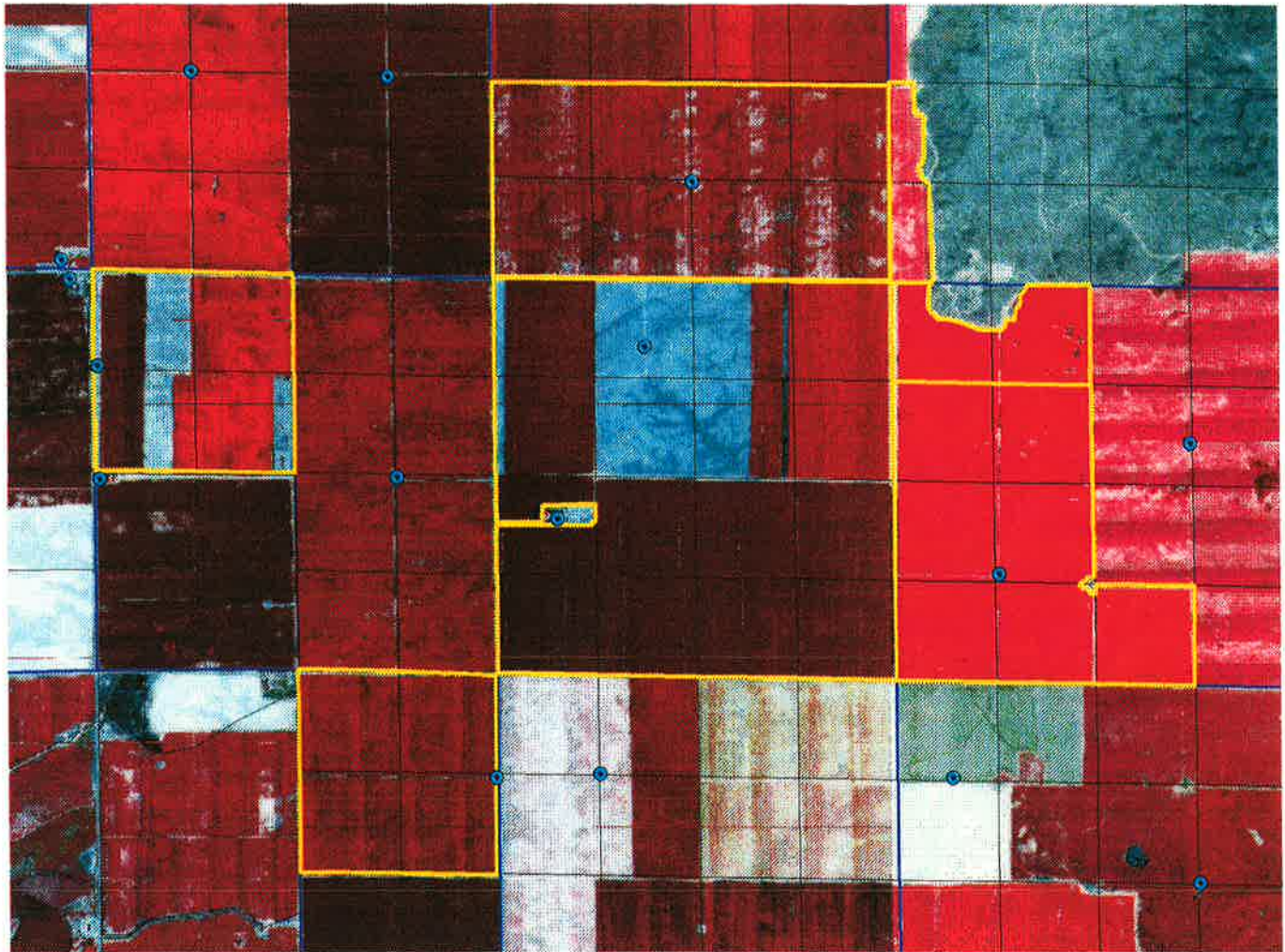
+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 06/03/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 04/24/1979	Appl Received	- 00/00/0000	Transfer/Amended	- P
Decree Date	- 00/00/0000				

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JAN 25 1993

IDAHO DEPARTMENT OF WATER RESOURCES

**36-02066A, 36-02098, 36-02469D,
36-02469E, 36-02678, 36-07294,
36-13531, 36-15458**



1320 0 1320 2640 3960 5280 Feet

TNS 7S, RNG 25E, SEC 23, 25, 26, 34



⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES &/OR TRACT LINES

QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY STEVE CLELLAND

1997 AUG -8 PM 1:36

FILED
TWIN FALLS, IDAHO

**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	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDINGS
Case No. 39576	)	
	)	SUBCASE NOS. 36-02066A, 36-02098,
	)	36-02469D, 36-02469E, 36-02678,
	)	36-07294, 36-13531, 36-15458

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

Elise Heins
Warren H Heins
Rt 3 Box 220
Rupert ID 83350

Phone: 531-5348

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

The Duncan Limited Partnership
Paul H Duncan
Kathy F Duncan
750 E 100 S
Rupert ID 83350

Phone: 436-1214

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: 7/10/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8-8, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Elise Heins
Warren H Heins
Rt 3 Box 220
Rupert ID 83350
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
The Duncan Limited Partnership
Paul H Duncan
Kathy F Duncan
750 E 100 S
Rupert ID 83350
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy 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

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

DATE: AUG-6-1997

PAGE: A-2

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02098

NAME & ADDRESS: THE DUNCAN LIMITED PARTNERSHIP
PAUL H DUNCAN
KATHY F DUNCAN
750 E 100 S
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 4.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-13531 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.00 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1364 AF.

PRIORITY DATE: 11/24/1950

POINT OF DIVERSION: T07S R25E S25 SWNESW Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	4.00 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T07S R25E S25	NENW 35	NWNW 29	SWNW 40	SENW 39
		NESW 39	NWSW 40	SWSW 40	SESW 39
		SWSE 40			
	341 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 305 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 36-13531 IS LIMITED TO THE IRRIGI-
GATION OF A COMBINED TOTAL OF 341 ACRES IN A SINGLE IRRIGATION
SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
RIGHT NO. 36-13531 IS AN EXPANSION OF THIS RIGHT PURSUANT TO
IDAHO CODE 42-1426.
RIGHT NO. 36-13531 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

August 8, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

THE DUNCAN LIMITED PARTNERSHIP
PAUL H DUNCAN
KATHY F DUNCAN
750 E 100 S
RUPERT ID 83350

RE: SRBA Claim(s) 36-02066A, 36-02098, 36-02469D, 36-02469E,
36-02678, 36-07294, 36-13531, 36-15458

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: Roger D. Ling Esq.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

December 17, 1996

KARL J. DREHER
DIRECTOR

PAUL H DUNCAN AND
KATHY F DUNCAN AND
JACK F DUNCAN AND
JANET H DUNCAN
RT 1 BOX 364
RUPERT ID 83350

RECEIVED

FEB 12 1997

Department of Water Resources
Snake River Region

RE: Snake River Basin Adjudication (SRBA)
Minidoka County - Notices of Claim #36-02062, 36-02066A,
36-02098, 36-02099, 36-02100, 36-02109, 36-02141,
36-02143, 36-02221, 36-02446, 36-02447, 36-02469D,
36-02469E, 36-02678, 36-07294, 36-07356, 36-13527,
36-13529, 36-13531, 36-13550 and 36-13458
Ownership Change

Dear Claimants:

As you know, the title company assisted you with some documents dealing with changing the ownership of water rights. Those documents were sent to the SRBA Court who in turn forwarded the Standard Forms 3 you completed to our office. In mid-1996 the Court altered the procedure placing the Department in the 'gate-keeper' role. Before we can make any changes, we must have a copy of the recorded Warranty Deeds to confirm the conveyance and legal descriptions.

Upon receipt of the Deed copies, the water right claim records will be reviewed and changed. Notice of the change will be sent to the SRBA Court, to you and any other necessary parties to the water right cases.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your water right claims.

Please contact this office toll-free at 1/800-451-4129 if you have any questions.

Sincerely,

Idaho Department of Water Resources
Adjudication Bureau

SO:ss:region:tf

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

50

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THE DUNCAN LIMITED PARTNERSHIP	11/24/1950	IRRIGATION	04-01 10-31	4.00 CFS	
C	PAUL H DUNCAN					
C	KATHY F DUNCAN					
	750 E 100 S					
	RUPERT ID 83350					
	(208) 436-1214					
				TOTAL DIVERSION:	4.00 CFS	
D	WARREN W HEINS					
D	ELISE HEINS					
	RT 3 BOX 220					
	RUPERT ID 83350					
	(208) 531-5348					

EXP RIGHT NO. 36-13531 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1426.
RIGHT NO. 36-13531 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

AJ0749NP
No. R36-02098

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/04/97
PAGE: 2

=====

Dates:	Exam Made Date:	Verified Date:	08/04/1997	Objection Filed Date:
--------	-----------------	----------------	------------	-----------------------

Misc:	Water District Number:	Field Inspection Flag:
		Presumption Flag: C

Comments: Date: 08/23/1991 User-ID: CLELLAND Subject: COPIED FROM REMARKS
ACTUAL PLACE OF USE VARIES SLIGHTLY FROM LICENSES. ADDITIONAL
CLAIM IS MADE FOR WATER SPREAD LANDS.

Date: 09/17/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/17/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 8/26/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/15/1992 User-ID: MERRITT Subject: RESPONDED TO NOE
LETTER SENT 10/15. NO CHANGE.

Date: 03/11/1994 User-ID: FRAZEE Subject: NOTICE OF APPEARANCE (NOA)
NOA REC'D 2/17/94 FROM ATTORNEY ROGER D LING

Date: 01/30/1996 User-ID: DSMITH Subject: NAME AND/OR ADDRESS CHANGE
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE
ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT
OWNER CHANGE.
*NAME/ADDRESS STANDARDIZED TO AVOID DUPLICATE MAILING LABELS

Date: 07/02/1997 User-ID: SCLELLAN Subject: NAME CHANGE
FORMS AND DEEDS SUBMITTED BY DUNCANS CONFIRM CHANGE OF OWNERSHIP.

Audit: 08/04/97 SCLELLAN

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW-----
RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02098

NAME & ADDRESS: THE DUNCAN LIMITED PARTNERSHIP
PAUL H DUNCAN
KATHY F DUNCAN
750 E 100 S
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 4.00 CFS

PRIORITY DATE: 11/24/1950

POINT OF DIVERSION: T07S R25E S25 SWNESW Within MINIDOKA County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	4.00 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T07S R25E S25	NENW 35	NWNW 29	SWNW 40	SENW 39
		NESW 39	NWSW 40	SWSW 40	SESW 39
		SWSE 40			
341 ACRES TOTAL					

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 305 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. RIGHT NO. 36-13531 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2). RIGHT NO. 36-13531 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. USE OF THIS RIGHT WITH RIGHT NO. 36-13531 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.00 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1364 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1023 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 341 ACRES IN A SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

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

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. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

SUBCASE NOS. 36-02066A, 36-02098,
36-02469D, 36-02469E, 36-02678,
36-07294, 36-13531, 36-15458

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

Elise Heins
Warren H Heins
Rt 3 Box 220
Rupert ID 83350

Phone: 531-5348

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

The Duncan Limited Partnership
Paul H Duncan
Kathy F Duncan
750 E 100 S
Rupert ID 83350

Phone: 436-1214

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: 2/10/97

T. J. Jones
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on _____, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Elise Heins
Warren H Heins
Rt 3 Box 220
Rupert ID 83350
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
The Duncan Limited Partnership
Paul H Duncan
Kathy F Duncan
750 E 100 S
Rupert ID 83350
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy 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

DATE: 07/02/97
PAGE: 1

Misc: Water District Number: Field Inspection Flag:

AJ0749NP
No. 36-02098

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/02/97
PAGE: 2

Comments: Date: 08/23/1991 User-ID: CLELLAND Subject: COPIED FROM REMARKS
ACTUAL PLACE OF USE VARIES SLIGHTLY FROM LICENSES. ADDITIONAL
CLAIM IS MADE FOR WATER SPREAD LANDS.

Date: 09/17/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
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Date: 10/15/1992 User-ID: MERRITT Subject: RESPONDED TO NOE
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NOA REC'D 2/17/94 FROM ATTORNEY ROGER D LING

Date: 01/30/1996 User-ID: DSMITH Subject: NAME AND/OR ADDRESS CHANGE
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE
ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT
OWNER CHANGE.
*NAME/ADDRESS STANDARDIZED TO AVOID DUPLICATE MAILING LABELS

Date: 07/02/1997 User-ID: SCLELLAN Subject: NAME CHANGE
FORMS AND DEEDS SUBMITTED BY DUNCANS CONFIRM CHANGE OF OWNERSHIP.

Audit: 07/02/97 SCLELLAN



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 10-18-96

DEC 06 1996

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Department of Water Resources
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM. Southern Region

Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet. SEE ATTACHED QUITCLAIM DEED FOR LEGAL DESCRIPTION

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: 36-02066A #36-02098 #36-024690 #36-02469E #36-13531
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): JACK F. DUNCAN AND JANET H. DUNCAN, husband and wife
- ☐ New Owner/Claimant (Purchaser): THE DUNCAN LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP
- ☐ New Mailing Address: 750 East 100 South
RUPERT, ID. 83350
- ☐ New Telephone Number: (208) 436-1214
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: QUITCLAIM DEED
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s) THE DUNCAN LIMITED PARTNERSHIP Date _____
by Jack F. Duncan GENERAL PARTNER Date 11-15-96
- ☐ Signature of Former Owner/Claimant(s): Jack F. Duncan Date 11-15-96
Janet H. Duncan Date 11-15-96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 7/2/97 By: SA

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

QUITCLAIM DEED

#1C684

COPY

For Value Received

JACK F. DUNCAN and JANET H. DUNCAN, husband and wife

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

THE DUNCAN LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP
750 East 100 South Rupert, Idaho 83350

Hereinafter called the grantee, the following described premises, in MINIDOKA County, Idaho to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: October 18, 1996

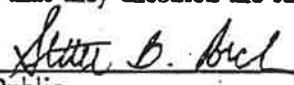

JACK F. DUNCAN

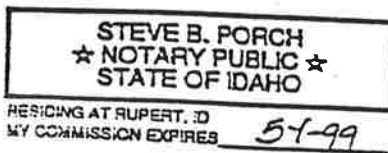

JANET H. DUNCAN

STATE OF IDAHO)

COUNTY OF MINIDOKA)

On this 18th day of OCTOBER, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared JACK F. DUNCAN AND JANET H. DUNCAN, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public
Residing at: Rupert, Id.
My Commission expires: 5-1-99



96 NOV 15 15 : 40
MINIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
FILE 9 DEPUTY 

RECORDED AT REQUEST OF
~~Janet H. Duncan~~
FILM NO. 1

427017

Order No.: 10684

AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE FOLLOWING
DESCRIBED PARCELS:

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 34: NE¼.

PARCEL NO. 2:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 19: E½, SAVE AND EXCEPT the following described tract:

Beginning at the Northeast corner of said Section 19; thence South for 41¼ rods
to the 'TRUE POINT OF BEGINNING;

Thence West for 15 rods;

Thence South for 15 rods;

Thence East for 15 rods;

Thence North for 15 rods to the POINT OF BEGINNING.

SECTION 20: W¼.

PARCEL NO. 3:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 16: All.

PARCEL NO. 4:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 17: NE¼ and S¼;

SECTION 35: NE¼;

SECTION 36: SAVE AND EXCEPT the following described tract:

Beginning at the Northeast corner of Section 36, said corner marked by a U.S.
GLO iron pipe with brass cap which shall be the POINT OF BEGINNING;

Thence South 00°05'00" East along the East line of Section 36 for 2639.97 feet
to a 5/8 inch rebar alongside a bent U.S. GLO iron pipe;

Thence South 00°14'25" East along the East line of Section 36 for 2628.09 feet
to a 5/8 inch rebar at the Southeast corner of Section 36;

Thence North 88°56'38" West along the South line of Section 36 for 1982.66
feet to a point;

Thence North 01°02'58" East for 37.49 feet to a ½ inch rebar;

Thence North 01°02'58" East for 1239.35 feet to a ½ inch rebar;

Thence North 89°03'28" East for 78.68 feet to a ½ inch rebar;

Thence North 00°10'53" West for 47.21 feet to a ½ inch rebar;

Thence North 78°47'40" West for 272.35 feet to a ½ inch rebar;

Thence North 00°15'49" West for 1122.27 feet to a ½ inch rebar;

Thence North 43°54'39" West for 52.13 feet to a ½ inch rebar;

Thence North 89°43'54" West for 561.95 feet to a ½ inch rebar;

Thence North 64°50'51" West for 69.79 feet to a ½ inch rebar;

Thence North 50°17'16" West for 200.49 feet to a ½ inch rebar;

Thence North 89°43'41" West for 874.35 feet to a ½ inch rebar;

Thence North 00°55'56" East for 1270.63 feet to a ½ inch rebar;

Thence South 88°50'12" East for 973.71 feet to a ½ inch rebar;
Thence North 01°11'23" East for 1333.41 feet to a ½ inch rebar on the North
line of Section 36;

Thence South 88°52'57" East along the North line of Section 36 for 166.05 feet
to a 5/8 inch rebar at the North quarter section corner of Section 36;

Thence South 88°52'57" East along the North line of Section 36 for 2640.32 feet
to the POINT OF BEGINNING.

EXHIBIT "A"
(CONTINUED)

PARCEL NO. 5:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 23: S½;
SECTION 24: W½SW¼;
SECTION 25: W½, SW¼SE¼;
SECTION 26: All.

PARCEL NO. 6:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 27: NW¼, SAVE AND EXCEPT the following described tract:

Beginning at the Northwest corner of Tract A in said Section 27, said corner marked by a U.S. Bureau of Reclamation pipe with brass cap which shall be the POINT OF BEGINNING;
Thence North 0°01'00" West along section line for 17.00 feet to a point;
Thence South 89°16'31" East for 391.49 feet to a point;
Thence South 0°01'00" East for 17.00 feet to a ½ inch rebar on the North line of Tract A;
Thence North 89°16'31" West along the North line of Tract A for 391.49 feet to the POINT OF BEGINNING.

PARCEL NO. 7:

TOWNSHIP 8 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 5: Farm Unit F, Tract F of the North Side Pumping Division of the Minidoka Project, Idaho, (as shown by plat, dated July 22, 1954, filed in the office of the County Recorder, Minidoka County, Idaho).

PARCEL NO. 8:

An Easement and road right-of-way for the purpose of ingress and egress as created by Agreement for Easement And Right-Of-Way, recorded January 23, 1973 as Document 230321, Minidoka County records, said Easement described, as:

Beginning at a point 8.78 chains South 0°11' East of the West ¼ corner of Section 5, Township 8 South, Range 24 East, Boise Meridian; Thence South 78°31' East for 10.25 chains; Thence South 72°55' East for 9.46 chains; Thence South 67°41' East for 30 feet; Thence South 22°19' West for 30 feet; Thence North 67°41' West for 30 feet; Thence North 72°55' West for 9.46 chains; Thence North 78°31' West for 10.25 chains to a point on the West section line of said Section 5; Thence North along the said West section line of Section 5 for 30 feet to the POINT OF BEGINNING.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

DEC 06 1996

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 9-12-96

Department of Water Resources
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet. SEE ATTACHED WARRANTY DEED
FOR LEGAL DISCRIPTION

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s)
Assigned by IDWR: #36-02066A ✓ #36-02098 ✓ #36-024690 ✓ #36-02469E ✓ #36-13531 ✓
- [] Name and Address of Former Owner/Claimant(s)(Seller): WARREN W. HEINS AND VICKI J. HEINS, husband and wife
- [] New Owner/Claimant (Purchaser):
PAUL H. DUNCAN AND KATHY F. DUCAN, husband and wife
- [] New Mailing Address:
JACK F. DUNCAN AND JANET H. DUNCAN, husband and wife
750 EAST 100 SOUTH
~~ROUTE #1 BOX 364~~
RUPERT, IDAHO 83350
- [] New Telephone Number: () 436-1214
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- [] Attach proof of ownership, describe proof attached: WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s): Paul H. Duncan Janet H. Duncan Date 9-17-96
Paul H. Duncan Janet H. Duncan Date 9-17-96
- [] Signature of Former Owner/Claimant(s): Warren W. Heins Date 9-17-96
Vicki J. Heins Date 9-17-96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

7/2/97

By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

#10684

426065

For Value Received

**GREGORY W. HEINS and CRISTI K. HEINS, husband and wife
AND CLAUDE, INC. an Idaho Corporation**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

**JACK F. DUNCAN and JANET H. DUNCAN husband and wife AND PAUL H.
DUNCAN and KATHY F. DUNCAN, husband and wife**
Address: 750 EAST 100 SOUTH RUPERT, IDA. 83350

Hereinafter called the Grantee, the following described premises situated in Minidoka County, Idaho, to-wit:

See attached Exhibit "A"

Together with all water and water rights, ditches or ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1996 and subsequent years.

A Power Line easement dated February 25, 1972 and recorded October 26, 1972 as Document No. 228438 Minidoka County records.

A Power Line Easement dated February 25, 1972 and recorded October 26, 1972 as Document No. 228439 Minidoka County records.

Exceptions and reservations in Special Warranty Deed and Bill of Sale dated December 8, 1988 and recorded December 22, 1988 as Document No. 382905 Minidoka County records, and transferred by Quitclaim Deed dated March 13, 1989 and recorded March 19, 1989 as Document No. 384320, Minidoka County records.

An Easement Agreement For Ingress And Egress dated March 27, 1989 and recorded March 27, 1989 as Document No. 384419, Minidoka County records.

Terms and conditions of an unrecorded Contract of Sale dated December 13, 1988 held at the Rupert office of Land Title & Escrow, Inc.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: September 9, 1996

Gregory W. Heins
Gregory W. Heins

Cristi K. Heins
Cristi K. Heins

CLAUDE INC.

BY: Gregory W. Heins President
Gregory W. Heins, President

STATE OF Canada)

DISTRICT OF M.D. BIRCH HILLS #19) ss.

On this 10 day of September, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Gregory W. Heins and Cristi K. Heins, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

MARVIN LASCHOWSKI
Notary Public
Residing at:
My Commission expires: FEB. 26, 1998

STATE OF Canada)

DISTRICT OF M.D. Birch Hills #19) ss.

On this 10 day of September, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Gregory W. Heins, known or identified to me to be the President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

MARVIN LASCHOWSKI
Notary Public
Residing at:
My Commission expires: FEB. 26, 1998

426065

RECORDED AT REQUEST OF
Land Title Report

FILM NO. _____

'96 SEP 17 16 : 45

SHRIMDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
FEE - 12 DEPUTY DL

Under section 3 of the Commissioners For Oaths Act, R.S.A. 1980 chapter C-19,

LASCHOWSKI, MARVIN ERNIE

of **GRAND CENTRE**

is appointed a Commissioner For Oaths in and for the Province of Alberta.

Effective Date

February 26, 1995

Expiry Date

February 26, 1998

**LASCHOWSKI, M
ALBERTA WHEAT POOL
P. O. BOX 476
GRAND CENTRE, AB
T0A 1T0**

028637

Appointee # **0647753**

Alberta
JUSTICE


Department of Justice

For Value Received

**WARREN W. HEINS AND VICKI J. HEINS, husband and wife, and
ELISE HEINS, a single person**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

**GREGORY W. HEINS AND CRISTI K. HEINS, husband and wife,
Address: Box 117, TANGENT, AB. T0H3J0, CANADA**

Hereinafter called the Grantee, the following described premises situated in MINIDOKA County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH all water and water rights, which in this case includes Water Right No. 36-02066A.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1996 and subsequent years.

A Power Line Easement, dated February 25, 1972, executed by Morgan & Shillington Corp., to Idaho Power Company, a corporation, recorded October 26, 1972 as Document No. 228438, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress.

A Power Line Easement, dated February 25, 1972, executed by Morgan & Shillington Corp., to Idaho Power Company, a corporation, recorded October 26, 1972 as Document No. 228439, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress.

Exceptions and Reservations in Special Warranty Deed and Bill of Sale, dated December 8, 1988, executed by The Travelers Insurance Company, a Connecticut corporation, to Warren W. Heins and Elise Heins, husband and wife, recorded December 22, 1988 as Document No. 382905, Minidoka County records, which recites: "EXCEPTING THEREFROM AND RESERVING UNTO THE GRANTOR an undivided one-half interest in all of the minerals and mineral rights on, in or under said described real property".

TRANSFERRED BY QUITCLAIM DEED, dated March 13, 1989, between The Travelers Insurance Company, a Connecticut Corporation, and The Prospect Company, a Delaware corporation, recorded March 19, 1989 as Document No. 384320, Minidoka County records.

An Underground Power Line Easement, dated June 24, 1994, executed by Split Butte Ranch, Inc., to Idaho Power Company, a corporation, recorded December 16, 1994 as Document No. 416211, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

4 Dated: September 12, 1996

Warren W. Heins
WARREN W. HEINS

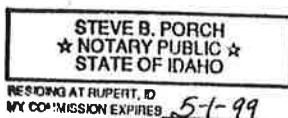
Elise Heins
ELISE HEINS

Vicki J. Heins
VICKI J. HEINS

STATE OF IDAHO)

COUNTY OF MINIDOKA) ss.

On this 17th day of September, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared WARREN W. HEINS, VICKI J. HEINS and ELISE HEINS, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Steve B. Porch
Notary Public
Residing at: Rupert, Idaho
My Commission expires: 5/1/99

EXHIBIT "A"

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 26: N½

Page (2) of (2)

RECORDED AT REQUEST OF
Land Title Trust
FILM NO. _____
'96 SEP 17 16 : 44
MINIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
FEE 6 DEPUTY DS

426064



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

December 17, 1996

KARL J. DREHER
DIRECTOR

PAUL H DUNCAN AND
KATHY F DUNCAN AND
JACK F DUNCAN AND
JANET H DUNCAN
RT 1 BOX 364
RUPERT ID 83350

DEC 20 1996

Department of Water Resources
Southern Region

RE: Snake River Basin Adjudication (SRBA)
Minidoka County - Notices of Claim #36-02062, 36-02066A,
36-02098, 36-02099, 36-02100, 36-02109, 36-02141,
36-02143, 36-02221, 36-02446, 36-02447, 36-02469D,
36-02469E, 36-02678, 36-07294, 36-07356, 36-13527,
36-13529, 36-13531, 36-13550 and 36-13458
Ownership Change

Dear Claimants:

As you know, the title company assisted you with some documents dealing with changing the ownership of water rights. Those documents were sent to the SRBA Court who in turn forwarded the Standard Forms 3 you completed to our office. In mid-1996 the Court altered the procedure placing the Department in the 'gate-keeper' role. Before we can make any changes, we must have a copy of the recorded Warranty Deeds to confirm the conveyance and legal descriptions.

Upon receipt of the Deed copies, the water right claim records will be reviewed and changed. Notice of the change will be sent to the SRBA Court, to you and any other necessary parties to the water right cases.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your water right claims.

Please contact this office toll-free at 1/800-451-4129 if you have any questions.

Sincerely,

Idaho Department of Water Resources
Adjudication Bureau

SO:ss:region:tf

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE

September 9, 1996 11:14am

CUSTOMER

STEVE PORCH/LAND TITLE-BURLEY

SUBJECT: PROFILE REPORTS

phone call (X) walk-in (.)

He FAXed a request for AJ Profile Reports for the following claim numbers:

Rancho Verde, Inc 36-02062
36-02099
36-02100
36-02221
36-13527

Split Butte Ranch, Inc 36-02109
36-02141
36-02142B
36-02143
36-02446
36-02447
36-07356
36-13529
36-13530

Gregory & Cristi Heins 36-02678
36-07294
36-15458

Warren & Elise Heins 36-02066A
36-02098
36-02469D
36-02469E
36-13531

MICROFILMED
DEC 03 1996

R PROOF

CVR

MAPS

PHOTOS

MISC

UNCLASSIFIED

OCT 13 1994

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 the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 36-02098 -0001

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

2. Person who filed objection:

Name: GREG HEINS
Address: RT 3 BOX 225
RUPERT ID 83350

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1, and all allegations regarding this item, IDWR responds as follows: No notice of change of ownership has been filed with IDWR by the owner of the right as required by Idaho Code Sec. 42-1409(7). IDWR therefore lacks sufficient information to form a belief as to the truth of the matter asserted. Upon the filing of a notice of change of ownership, IDWR will correct the name and address of the owner of this water right accordingly. The claimant may also need to file a Standard Form 3 with the SRBA Court.

In response to Statement of the Objection item 8, and all allegations of the objection regarding this item, IDWR responds as follows: Idaho Code Sec. 42-1411(2)(g) requires the director

to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR's irrigation season of use standards have evolved over time as better technical information has become available. A necessary consequence of this is that, depending on when a particular license was issued, water rights in the same area have been licensed inconsistently, some licenses being issued with different lengths of season listed and some being issued with no season of use listed. To remedy this problem IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. The director's report does not prohibit pre-season or post-season irrigation; subject to the conditions set forth in general provision 12b of the director's report, water may be used for irrigation outside the standard season of use.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

	No. of Pages
Notice of Claim No. A36-02098	4

(Over)

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing response

By: 
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 30th day of August,
1993.



Notary Public for Idaho
Residing at: _____
My Commission expires _____

Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of August, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: ROGER D LING
Address: PO BOX 396
RUPERT ID 83350

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: GREG HEINS
Address: RT 3 BOX 225
RUPERT ID 83350

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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 A36-02098
Date Received _____
Receipt Number 5010067 AD

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 12 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Warren W. and Elise Heins Phone (208) 531-5348
Mailing Address Rt. 3, Box 220, Rupert, Idaho Zip 83350

2. Date of Priority (Only one (1) per claim) November 24, 1950

3. Source of water supply (a) groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 7S Range 25E Section 25,
_____ 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Minidoka

Additional points of diversion if any: _____

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

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

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 300' well with 200 H.P. pump and
motor, 75 H.P. booster pump, mainline and wheel lines.

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JAN 25 1993

OCT 13 1989

6. Water is claimed for the following uses:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from Mar. 1 to Nov. 1 amount 4.0 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 915 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	25E	25					25	3	40	39	39	40	40	39			40		305

Total number of acres irrigated 305

11. In which county (ies) are lands listed above as place of use located? Minidoka

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (X)

14. Remarks:

Actual place of use varies slightly from licenses. Additional
claim is made for water spread lands.

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MICROFILMED
OCT 15 1994

JAN 25 1993

Last Name Heins Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) ☐ General Use ☐ Posted Notice ☐ License ☒ Permit ☐ Decree ☐

If applicable provide IDWR Water Right Number G21794 (36-02098A and 36-02098B)

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Warren W. Heins Date October 11, 1989

Shirley Heins Date October 11, 1989

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Minidoka) SS.

Subscribed and sworn (or affirmed) before me this 11th day of October 19 89

SEAL

Notary Public Carole A. Perry

Residing at Rupert, Idaho

My Commission Expires 10/30/94

Please Print Name

17. Notice of Appearance:

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

Signature Roger D. Ling

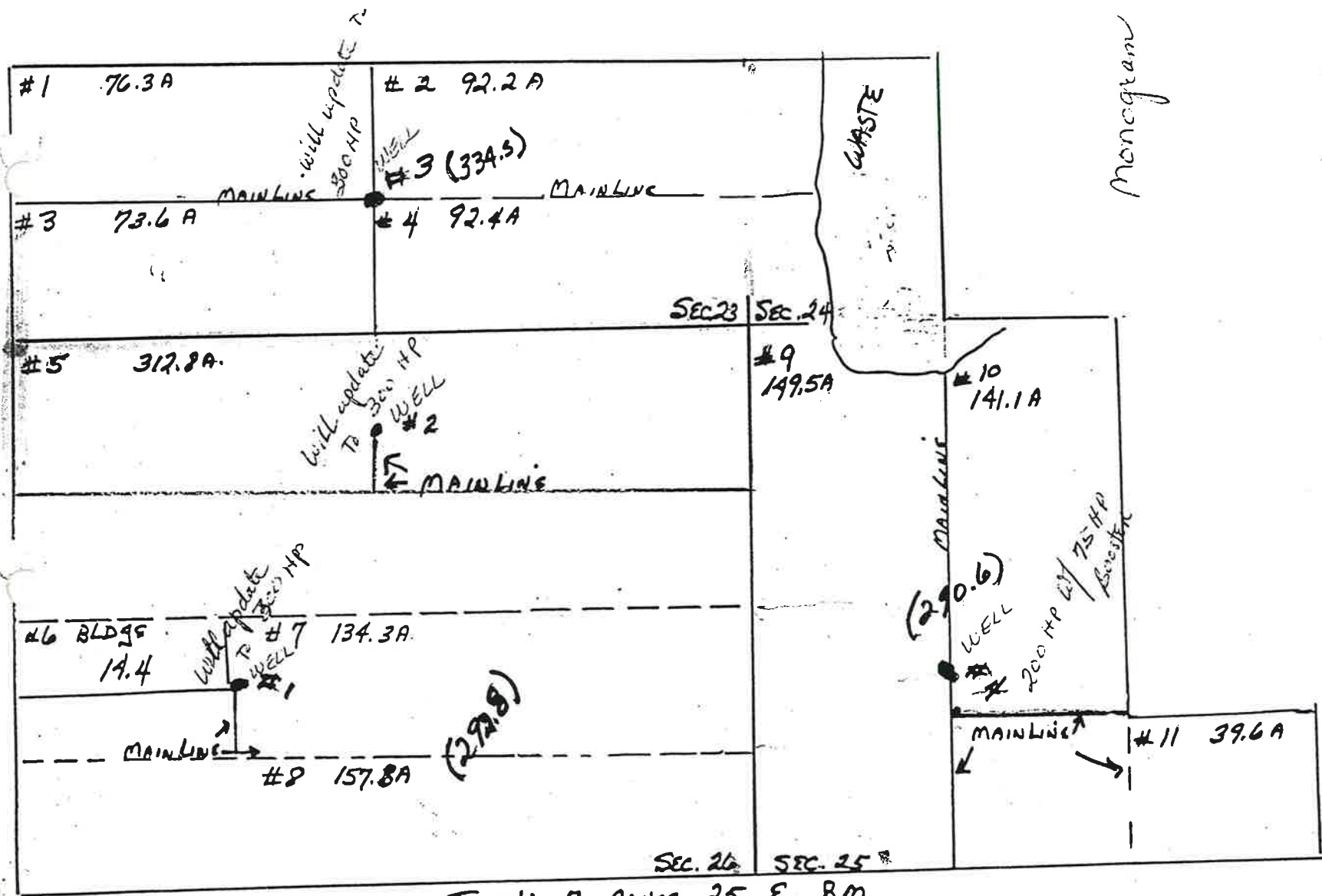
Address P.O. Box 396, Rupert, Idaho 83350

Date October 11, 1989

Last Name Heins Ident. Number _____

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MICROFILMED
JAN 25 1993
OCT 13 1994

Copies White-State, Yellow-Claimant



Township 7 Range 25 E. B.M.

MICROFILMED
MICROFILMED
JAN 25 1993
OCT 13 1995

RECEIVED

MAR 15 1994

Department of Water Resources
Southern Region Office

RECEIVED

FEB 17 1994

Department of Water Resources
Adjudication Bureau

Movant's Name: Warren W. and Elise Heins

Attorney Name & Address: ROGER D. LING
LING, NIELSEN & ROBINSON
615 H. Street, P.O. Box 396
Rupert, Idaho 83350

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 No. 36-02098

Case No. 39576

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

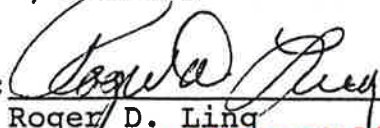
This document is a Notice of Appearance by Roger D. Ling of the firm of Ling, Nielsen and Robinson on behalf of Warren W. and Elise Heins.

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE, that Roger D. Ling of the firm of Ling, Nielsen and Robinson hereby enters an appearance of the firm as the attorneys of record in the subcase listed above for Warren W. and Elise Heins.

DATED this 16th day of February, 1994.

LING, NIELSEN AND ROBINSON

By: 

Roger D. Ling
Attorney for Warren W. and
Elise Heins

OCT 13 1994

NOTICE OF APPEARANCE - 1

LING, NIELSEN & ROBINSON

ATTORNEYS AT LAW

RUPERT, IDAHO 83350

CM dk
2/3-11-94
blank modified.

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of February, 1994, I served a true and correct copy of the NOTICE OF APPEARANCE upon:

Original to:

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

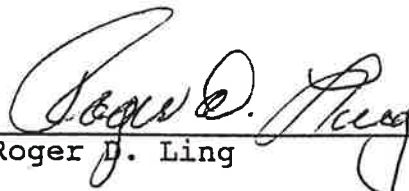
Copies to:

Nicholas B. Spencer
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

Greg Heins
Route 3, Box 225
Rupert, Idaho 83350

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to said persons at the foregoing addresses.


Roger D. Ling

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

WARREN HEINS
GREG & CRISTI HEINS

2. SUBJECT OF INQUIRY:

They called to set up an appointment to get copies and review all their SRBIA claims on file with the Court. They came in and asked for these copies and objection forms.

3. RESPONSE TO INQUIRY:

On the phone I told Cristi Heins, I cannot discuss the recommendations or objections; I can explain the process of the adjudication.

When they came in I explained this is a lawsuit and is operated under certain legal rules and procedures. Since I am not a lawyer I am unable to give this or other information which might be legal advice.

I gave them ^{PROVIDE} copies of the recommended rights and the claims record. I explained the differences between Total Volume and Consumptive Volumes. I showed them the map published by IDWR listing these values and the season of use.

I gave them 22 objection forms and explained I cannot assist in completing them. They also got a handout explaining D+S special procedure for late filing after the DReport.

4. IDWR STAFF AND DATE:

Steve Clelland

4-9-93

Print name and initial

STEVE CLELLAND

SW

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(22) WATER RIGHT CLAIM (Nos.):

A36-7294, A36-7356
A36-13527, A36-13529
A36-13530, A36-13531
A36-15458

A36-2026, A36-2066A, A36-02098, A36-2099
A36-2100, A36-2109, A36-2141, A36-2142-B,
A36-2143, A36-2221, A36-2446, A36-2447,
A36-2469D, A36-2469E, A36-2678

RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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)

AJ55809NP

Case No. 36-02098

(You must insert the
water right number you
are objecting to)

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

OBJECTION

Petitioner,)

vs.)

36-02098 -0001/
93-04-0160

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

OBJECTION - 1

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OCT 13 1994

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Greg HEINS
ROUTE 3, BOX 225
RUPERT, ID 83350

Name: _____

Address: _____

Briefly describe your interest in this water right:

Assistant manager of Farm.

2. Owner of the water right:

Name: WARREN W. HEINS

Address: RT#3 Box 220

Rupert, IDAH 83350

3. If this objection is filed by an attorney:

Attorney Name: _____

Attorney Address: _____

Attorney Phone No.: _____

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☐ Quantity: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of Use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. ☐ Remarks: I object to the "remarks" listed with the water right.

12. ☐ Water Right Recommendation: I object to: 001 17 JUN
- a. ☐ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to: _____
- _____
- _____
- _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

Box #1. WARREN & ELISE HEINS are Divorced and WARREN owns Farm.

Box #8. WE Typically Irrigate in March

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

Box #1. Changed TO WARREN W. HEINS

RT#3 Box 220

Report, #DPA# 83350

Box #8. Changed To.

3-01 → 11-01 as in original Warren Right

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

I have support material, Please call.

VERIFICATION (Must be Completed)

State of IDAHO

County of minidoca

Greg Heins, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Greg Heins
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 26 day of April,
1993.

William J. Smith
Notary Public for Idaho
Residing at: Rupert
My Commission expires: 12-3-98

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name: WARREN W. HEINS
Owner's address: RT#3 Box 220
Rupert, IDAHO 83350.

3. One copy to:

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

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734


Signature of Objector or attorney
mailing on Objector's behalf

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

X

—

X

—

X

—

MICROFILMED

JAN 25 1993

Water Right Number - R36-02098

Prefix Translation: RESEARCH

Old (D) Number - G21794

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

*** A - ATTORNEY ***
LING

ROGER D

1 - PO BOX 369
2 -
3 -
City- RUPERT
Phone - 208-000-0000

State- ID Zip- 83350

*** C - CURRENT OWNER ***
HEINS

ELISE

1 - RT 3 BOX 220
2 -
3 -
City- RUPERT
Phone - 208-531-5348

State- ID Zip- 83350

HEINS

WARREN W

1 - RT 3 BOX 220
2 -
3 -
City- RUPERT
Phone - 208-531-5348

State- ID Zip- 83350

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
11/24/1950 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 25E 25 SW NE SW (67) MINIDOKA+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 4.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
4.000 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 25E 25 NE NW 35.0 01 IRRIGATION (67) MINIDOKA
07S 25E 25 NW NW 29.0 01 IRRIGATION (67) MINIDOKA
07S 25E 25 SW NW 40.0 01 IRRIGATION (67) MINIDOKA
07S 25E 25 SE NW 39.0 01 IRRIGATION (67) MINIDOKA
07S 25E 25 NE SW 39.0 01 IRRIGATION (67) MINIDOKA
07S 25E 25 NW SW 40.0 01 IRRIGATION (67) MINIDOKA
07S 25E 25 SW SW 40.0 01 IRRIGATION (67) MINIDOKA
07S 25E 25 SE SW 39.0 01 IRRIGATION (67) MINIDOKA
07S 25E 25 SW SE 40.0 01 IRRIGATION (67) MINIDOKAMICROFILMED
JAN 25 1993

Court Report Filing	- 00/00/0000	Field Inspection Made	- 06/07/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/15/1992	Old Judicial District	-

MICROFILMED
JAN 25 1993

Water right number - R36-02098

Prefix Translation: RESEARCH

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Claim Received Date	- 10/13/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S010067	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	- C
				Notice of Error Flag	- B

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JAN 25 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

15-Oct-1992 08:45

Warren & Elise Heins
Rt 3 Box 220
Rupert, ID 83350

RE: Heins SRBA 36-02098 & 36-02469E
Rancho Verde SRBA 36-02062, 36-02099, 36-02100 & 36-02221
Split Butte Ranch SRBA 36-02141 & 36-02142B

Dear Mr. & Mrs Heins:

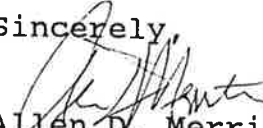
This letter is in response to the Notice of Error (NOE) you recently filed with IDWR regarding the Director's proposed recommendation of the claim(s) listed above. Your NOE indicates that you would like the recommendation to show a longer season of use for irrigation. For the reasons states below, the season of use that will be recommended in the Director's Report will remain as proposed.

The proposed recommendation is based on irrigation season of use standards adopted by the director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost.

In addition, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for irrigation outside the irrigation season under certain conditions. The conditions are that the water is beneficially used, as determined by the director; that all water rights with a period of use outside the irrigation season regardless of priority, are satisfied; and that the use does not conflict with the public interest as determined by the director. This proposed general provision will be included in the Director's Report.

If you still disagree with IDWR's recommendations you will have an opportuntiy to file an objection to the Director's report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process.

Sincerely,


Allen D. Merritt, P.E.
Water Rights Supervisor

MICROFILMED

JAN 25 1993

NOTICE OF ERROR FORM

AUG-24-1992

RECEIVED

SEP 17 1992

Department of Water Resources

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

1. Water right number: 36-02098 #21794
(2098A & 2098B)

2. Name: Warren or Elise Heins
Monogram Farms
Rt. 3 Box 220
Rupert, ID 83350

Address:

Weekday Telephone Number: 208-531-5348

36-02098A & B
Combined to make
36-02098.

MICROFILMED

JAN 25 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on this copy.)

3. Describe the portion of proposed recommendation with which you disagree:
The period of Use FROM

4. Describe the changes you wish to have made in the proposed recommendation:
Please change the date back to March 1st rather than April 1.

5. Describe why you disagree with the proposed recommendation:
The April 1 date is not as listed in the original license and we have irrigated in March to provide moisture to the newly planted seeds. This as recently as 1992.

6. Date: September 15, 1992

SIGNATURE

Shirley Heins Secretary

R PROOF

CVR

MAPS

PHOTOS

MISC



MICROFILME

JAN 25 1993

VERIFIED ADM

MICROFILMED
JAN 25 1993

Water Right Number - 236-02098

Prefix Translation: RESEARCH

Old (D) Number - G21794

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

*** C - CURRENT OWNER ***

HEINS

ELISE

1 - RT 3 BOX 220

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-531-5348

HEINS

WARREN W.

1 - RT 3 BOX 220

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-531-5348

*** A - ATTORNEY ***

LING

ROGER D.

1 - PO BOX 369

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
11/24/1950 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 25E 25 SW NE SW (67) MINIDOKA+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 4.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
4.000 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 25E 25 NE NW 35.0 01 IRRIGATION (67) MINIDOKA
07S 25E 25 NW NW 29.0 01 IRRIGATION (67) MINIDOKA
07S 25E 25 SW NW 40.0 01 IRRIGATION (67) MINIDOKA
07S 25E 25 SE NW 39.0 01 IRRIGATION (67) MINIDOKA
07S 25E 25 NE SW 39.0 01 IRRIGATION (67) MINIDOKA
07S 25E 25 NW SW 40.0 01 IRRIGATION (67) MINIDOKA
07S 25E 25 SW SW 40.0 01 IRRIGATION (67) MINIDOKA
07S 25E 25 SE SW 39.0 01 IRRIGATION (67) MINIDOKA
07S 25E 25 SW SE 40.0 01 IRRIGATION (67) MINIDOKA

Prefix Translation: RESEARCH

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	07E	08S	001	001	0.00	000	0.00 ACRES OF LAND IN THE SOUTHWEST CORNER OF SECTION 08, TOWNSHIP 06 NORTH, RANGE 07 EAST, COUNTY OF HENNEBEE, MINNESOTA.	Hennebee

Total Acres: 341.0

+ - - Diversion Means - 300' WELL, 200 HP PUMP, 75 HP BOOSTER PUMP, WHEEL LINE SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-13531

+ - - - - - Remarks - - - - - +

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 305 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. RIGHT NO. 36-13531 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2). RIGHT NO. 36-13531 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. USE OF THIS RIGHT WITH RIGHT NO. 36-13531 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.00 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1364 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1023 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 341 ACRES IN A SINGLE IRRIGATION SEASON.

+-----Old Water Right Numbers-----+

3602098A
3602098B

+ Conditions of Approval +

C05 - RIGHT INCLUDES CHANGE IN PLACE OF USE.

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

+ -Comments-

Date: 08/23/1991 User Id: CLELLAND Subject: COPIED FROM REMARKS

ACTUAL PLACE OF USE VARIES SLIGHTLY FROM LICENSES. ADDITIONAL CLAIM IS MADE FOR WATER SPREAD LANDS.

+ - - Audit Fields - - +

08/26/91 MERRITT

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 06/07/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/26/1991	Old Judicial District	-
Claim Received Date	- 10/13/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S010067	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	- C
				Notice of Error Flag	-

MICROFILMED
JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:36:21
08/17/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-02098

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	Y		6-7-90 su	N			su 8-23-90	
POINT OF DIV	Y			(Y) 10A-1,6				
SOURCE	Y			N				
PLACE OF USE	Y			(Y)	1,4,5,6 su			
DIV. AMOUNT CFS/VOLUME	Y			(Y)				
CONSUMPTIVE USE	-			(Y)				
PURPOSES	Y			N				
PERIOD OF USE	Y			(X)				
BASIS OF CLAIM	Y			N				
REMARKS	Y			(Y)				

"VERIFIED BY" CODES

TOPO 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.

MICROFILMED
JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:36:21
08/17/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02098

LAST: HEINS
ADDRESS: RT. 3 BOX 220
CITY: RUPERT
PHONE NUMBER: 208-531-5348

FIRST: WARREN W.

STATE: ID ZIP: 83350

OWNER CODE: C

LAST: HEINS
ADDRESS: RT. 3 BOX 220
CITY: RUPERT
PHONE NUMBER: 208-531-5348

FIRST: ELISE

STATE: ID ZIP: 83350

OWNER CODE: C

FIELD EXAM REQUIRED?

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

CLAIM REMARKS: ACTUAL PLACE OF USE VARIES SLIGHTLY FROM LICENSES. ADDITIONAL
CLAIM IS MADE FOR WATER SPREAD LANDS.

MICROFILMED

JAN 25 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED

JAN 25 1993

A. AJ CLAIM: # A36-02098 PRIORITY DATE: 11-24-1950 STAGE: L
B. WR RECORD: # 36-02098 PRIORITY DATE: - - STAGE:

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE Y FIELD EXAMINER ✓

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

REMARKS: _____

===== RECOMMENDED PRIORITY DATE: =====

REVIEWED BY 8u

DATE 6-24-91

=====

MICROFILMED

JAN 25 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-02098	07S	25E	25	SW	NE	SW		MINIDOKA

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-02098B NONE
A36-02098A
A36-13531

WR RECORDS IN SAME 40 ACRE TRACT

36-02098A
36-02098B
36-04249

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

3602098 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
Y

FIELD
EXAMINER
W
V

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
			add SW				

SOURCE:

TRIB:

REVIEWED BY: SW

DATE: 6-24-91

MICROFILMED

JAN 25 1993

A. ROOT WATER RIGHT NUMBERS: A36-02098

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM ACRES	ACRES
07S	25E	25	NE	NW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO. PATTERSON FARMS OF IDAHO INC.	A36-02098 /25.0 A36-13531 /25.0	- / - / 36-02098B /25.0 36-04249 /10.0	41.0	35	25	35
07S	25E	25	NW	NW		HEINS , WARREN W. HEINS , WARREN W. PATTERSON FARMS OF IDAHO INC.	A36-02098 / 3.0 A36-13531 /25.0	- / - / 36-04249 /29.0	39.0	29	3	29
07S	25E	25	SW	NW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-02098 /40.0 A36-13531 /40.0	- / - / 36-02098A /40.0	43.0	40	40	40
07S	25E	25	SE	NW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO. PATTERSON FARMS OF IDAHO INC.	A36-02098 /39.0 A36-13531 /40.0	- / - / 36-02098A /40.0 36-04249 /25.0	39.0	39	39	39
07S	25E	25	NE	SW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-02098 /39.0 A36-13531 /40.0	- / - / 36-02098A /40.0	40.0	39	39	39
07S	25E	25	NW	SW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-02098 /40.0 A36-13531 /40.0	- / - / 36-02098A /40.0	40.0	40	40	40
07S	25E	25	SW	SW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-02098 /40.0 A36-13531 /40.0	- / - / 36-02098A /40.0	43.0	39	40	40
07S	25E	25	SE	SW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-02098 /39.0 A36-13531 /40.0	- / - / 36-02098A /40.0	41.0	39	39	39
07S	25E	25	SW	SE		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-02098 /40.0 A36-13531 /40.0	- / - / 36-02098A /40.0	40.0	40	40	40
TOTAL ACRES						A36-02098	305.00		366.00	340	305	36

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
Y

341

110
b.u.
claim
JAN 5 1995
P.P.U.
Ac.
35
26
40
39
39
40
39
40
36
340

PRESUMPTION FLAG:

REMARKS:

MICROFILMED
JAN 25 1993

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

305 / 340 PPA
Sen

DATE:

8-23-91

A. AJ CLAIMED USES:

PURPOSES
A36-02098 IRRIGATION

MONTH/DAY
FROM 03-01 TO 11-01

DIVERSION QUANTITY
4.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

4.000 CFS

B. WR RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

TOTAL DIVERSION RATE/VOLUME CLAIMED

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)

DATABASE
Y
Y
Y

FIELD
EXAMINER
N
N
Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(X)

Y(X) N()

Explain in remarks, below.

REMARKS:

3/15 11/15

MICROFILMED
JAN 25 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 4.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 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?

FIELD

DATABASE EXAMINER

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

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: ~~NONE~~ 36-13531

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-02098	GROUNDWATER	HEINS , WARREN W.	4.000	0.013		
A36-13531	GROUNDWATER	HEINS , WARREN W.	56.000	0.169		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

MICROFILMED

JAN 25 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 340 x 0.02 CFS/ACRE = 6.80 CFS
(Taken from p/u review)

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 = 915.0 AF/A

ACRES 340 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 1020 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 340 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 1360 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

1b. CALCULATIONS

$$\frac{4.0 \text{ cfs}}{340 \text{ Ac}} = 0.0117647 \text{ cfs/Ac}$$
$$\times 50'' = 0.588''/\text{Acre}$$

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JAN 25 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS. USE
	FROM	TO	RATE	CFS	VOL.	AF/A	
<u>Irrigation</u>	<u>3/15</u>	<u>11/15</u>	<u>4.00</u>		<u>1360</u>		<u>1020</u>
					<u>0</u>		<u>0</u>

TOTAL FOR THIS RIGHT

REVIEWED BY: en

DATE: 8-23-91

MICROFILMED

JAN 25 1993

K06

1501

F05

E01

~~1360 AF~~
~~1020 AF~~
~~340 Ac~~

1369
1023
341

C05

Alc
8/24/91

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
()	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-02098

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 4.000	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-02098A	A36-02098	4.000	-		36-02098A	3.500
A36-02098B	A36-02098	4.000	-		36-02098B	0.500
-	-		-		36-02098	
TOTAL CFS		8.000	N/A			4.000

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
N

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

NAME OF FIELD EXAMINER: _____

DATE: _____

TITLE: _____

MICROFILMED
JAN 25 1993

T
7
S

POU
BORDER

POD

CLAIM A36-13531 INIT SCC
T. R. S. Q/Q
P/D 7S 25E 25 SWNESW
PHOTO ASCS BY JOANN FREDRICKSON
DT. & ID. 1956

R25E

POU IN 1956

WICKI WILSON
10/21/2011

MEMO TO FILE:

A36-02098 {A36-1353}

From: STEVE CLELLAND

DATE: 8-23-91

RE: DATE OF PRIORITY OF EXPANSION

As noted earlier in memo, this well appears to have a capacity greater than what is licensed. The license is claimed as licensed for 4.0 cfs and the Expansion claim proposes to increase the Diversion rate to well & pump capacity.

The proof of priority submitted states the ASCS photo dated 1956 season shows proof of the 330 Acres irrigated. However the license field Exam was completed on September 5, 1956 and indicates only 280 Acres were irrigated at the 4.0 cfs rate of Diversion.

The date claimed by A36-13531 is April 1, 1961 and claims the extra acres were irrigated by that time. However, the original owners did not break out and reclaim the desert land listed under 36-02098 B until the 1968 season. See bottom of first page of Transfer #1099. At this time the owner of the water right states he has an excess of water that must be discontinued. He

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MEMO
Page 2

even admits that he is only irrigating 255 acres at the $\frac{2}{3}$ inch per acre rate.

The theoretical calculation for the rate of well capacity = 5.02 cfs but it does not appear that this extra water, over what was licensed, had been put to a beneficial use as of 1968 irrigation season. Any increase in diversion rate used since then would require an application for permit. Finally,

it does not appear that the claimant has shown the lands were under irrigation exceeding the ~~rate~~ acres licensed of 305 acres.

Based on the photo of Orthophotogquad AA81 dated August 4, 1979 the lands had been placed into production with no increase in diversion rate.

Total Permissible Place of Use acres

= 340 Acres

$\div 4.0$ cfs

= 0.0117647 cfs per Acre

$\times 50$ "/cfs

= 0.588" per Acre

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GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: A36-02098
DATE: 8-23-91
BY: SC

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (\text{H.P.}) \times (\text{EFF.})}{\text{TDH}}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump
(if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (275) \times (0.70)}{[(210') + (55 \times 2.31)]} = \frac{1694}{337.05} = 5.026 \text{ cfs}$$

LIFT FROM:
measurement ()
owner (X)
area estimate ()
well logs ()
FILE (X) Booster (Y) (N) 75HP

PSI FROM:
measurement (X)
owner (X)
estimate ()
owner gage ()

NOTES ON PUMP:
Motor Make, Serial or ID
200 HP electric motor
Pump Make, Serial or ID, rating

REMARKS

300' well water @ 203'. all measurements used are taken from info supplied in original microfilm file.

ANNUAL VOLUME ANALYSIS

$$\text{POTENTIAL Acre Feet/Acre/Annum} = \frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$$

(season)	(days)	
3/15 - 11/15	246	POTENTIAL = $\frac{(\dots) \times (1.98) \times (\dots)}{(\dots)}$
4/1 - 11/1	215	
4/15 - 10/15	184	
3/1 - 12/1	276	

POTENTIAL = _____

REQUIRED Acre Feet/Acre/Annum = _____
(AF/Ann/Ac irrigation requirement from chart for area)

NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

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JAN 25 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

M E M O

TO: WARREN & ELISE HEINS

FROM: STEVE CLELLAND

DATE: 15-Jul-1991 10:53

RE: ADJUDICATION CLAIMS

THE FOLLOWING FOUR ITEMS ARE IN NEED OF FURTHER ACTION OR INFORMATION FROM YOU. MAY I SUGGEST, THAT AFTER YOU REVIEW THE FILES INVOLVED, WE ARRANGE AN APPOINTMENT HERE IN TWIN FALLS TO COMPLETE THE FINAL REPORT INFORMATION. THANK YOU FOR YOUR PROMPT ATTENTION AND RESPONSE.

1. A36-02447 & A36-07356

THESE TWO WATER RIGHTS ARE CLAIMED TO IRRIGATE LANDS AT LESS THAN 1/2 INCH PER ACRE. IT APPEARS THESE RIGHTS ARE USED IN COMBINATION WITH A36-02446. BECAUSE OF THE OVERLAP OF ACRES COVERED BY THESE RIGHTS, THEY MAY NEED TO BE REPORTED AS A COMBINED SYSTEM.

2. A36-02098 & A36-13531

I TOLD GREG THIS MIGHT NEED AN AMENDMENT FOR MORE ACRES. THIS SITUATION HAS BEEN RESOLVED AND RECOMMENDED AS A COMBINED SYSTEM UNDER A PERMISSABLE PLACE OF USE.

3. LICENSE 36-02109

THIS IS AN UNCLAIMED WATER RIGHT THAT APPEARS TO BE APPURTENANT TO LANDS OWNED BY YOU. T07S, R25E, S35, NE1/4 FOR 160 ACRES AND S36, NW1/4 FOR 120 ACRES.

4. A36-02469E & A36-02066A

30 ACRES IN THE SW1/4 OF S24, T07S, R25E HAVE OVERLAPPING WATER RIGHTS. THE COMBINED RATE EXCEEDS 1" PER ACRE, AN IDWR STANDARD, AND THE IRRIGATION SYSTEMS APPEAR TO BE SEPARATE. I AM NOT SURE HOW TO REPORT THIS OVERLAP IN THE FINAL REPORT. PERHAPS YOU CAN EXPLAIN HOW IT IS IRRIGATED AND THE SYSTEM AND WATER RIGHTS USED.

***ALL THE OTHER CLAIMS YOU HAVE FILED, THAT ARE NOT MENTIONED HERE, ARE BEING REPORTED AS YOU HAVE CLAIMED; NO DISCREPANCIES FOUND.

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JAN 25 1993

FAXED 7/22/91 sc

Memo To File:

6-24-91

A36-13531

I just reviewed the microfiche field notes for this water right's diversion capacity. No official FDR measurement was made but the Depositions for the holder and two witnesses affirmed the pump capacity to be about 5.0 cfs. (see 36-02098)

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JAN 25 1993

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON
DAVID W. HALEY

LING, NIELSEN & ROBINSON
ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

October 26, 1990

RECEIVED

OCT 31 1990

Department of Water Resources
Southern Region Office

Allen Merritt, P.E.
Water Rights Supervisor
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Snake River Adjudication Claim of
Warren W. Heins
Claim No. A36-13531

Dear Mr. Merritt:

Pursuant to your request for evidence to support the priority date of unlicensed and non-decreed water rights under the above claim, some evidence is being hereby presented. However, an explanation of the claim may be helpful. Under your computerized claim prepared from the written claim submitted by the claimant, you indicate that 350 acres, or all of the 330 acres described in the claim, are covered by Water License No. A36-02098. However, our records indicate that only 305 acres were covered by this license. Therefore, the claim was made for an additional 25 acres of water spread lands. In addition, a request was made for an additional 25.2 acres of water spread lands, and an additional 1 cfs., as it is our understanding that the license only provides for 4 cfs.

We are submitting in support of the claim an aerial photo of the subject real property showing the full 330 acres being irrigated in 1956. The original point of diversion under the above-referred to license is being used, and no change has been made to the well to increase its capacity. However, it is clear that all conditions that existed since 1956 would require a minimum of 5 cfs. to actually irrigate 330 acres. The only other evidence would be an actual measurement of the capacity of the diversion

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JAN 25 1993

MICROFICHE FILE:

36-02098

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Form No. 21794

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. G.T. Newcomb of Twin Falls, Idaho. President of Monogram Farms, Inc., a corporation, and owner of retail pump supply.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Monogram Farms, Inc., of Rupert, Idaho. An Idaho Corporation.
President of corporation and as such am authorized to give this affidavit

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 21794 with date and priority of November 28, 1950.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Subterranean source with well located on north-south center line of N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 25, T 7S, R 25E.B.M. 1320' E and 1980' N from SW corner of said section.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Water is surfaced by means of a pump driven by a 200 HP electric motor. Water is disbursed by means of a sprinkler system. The well is 300' deep with 203' to water. Hole is 18" and no casing is used. Pump will discharge maximum amount of water to-wit: 5/6 Cubic feet per second. However with use of sprinkler system this is cut down. There are 264 sprinkler heads size 1 1/64 x 3/32 with operating pressure of 55 lbs per head. This will pump 2191.2 gal per minute. Amount determined by pressure and size of sprinkler heads, from chart.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation purposes over the entire S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 25. Entire tract above has been under cultivation, and in 1955 potatoes were raised over the entire 280 acres. Tract had previously been dry farmed before placed under irrigation, and therefore had previously been cleared of sage brush and leveled. Pumping equipment and sprinkler system have been the only recent improvements.

21744

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21794.

Proof of Application of Water to Beneficial Use
Deposition of Witness and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Kenneth W. Marshall, age 30, of 455 Sophomore Blvd., Twin Falls, Idaho. I am a farm appraiser for The Travelers Insurance Company, and also own and operate two pump irrigated farms in Idaho.

Ques. 2. Are you acquainted with G.T. Newcomb, Pres. of Monogram Farms, Inc. holder of Permit No. 21794. ? How long have you known him and where does he reside?

Ans. I am and have known Mr. Newcomb for over 5 years, and have been acquainted with Monogram Farms, Inc., operations for over 4 years. ~~XXXXXXXXXXXXXXXXXXXX~~ Monogram Farms has offices in Rupert & Twin Falls.

Ques. 3. Have you read or heard read said Permit No. 21794, and are you familiar with its provisions and conditions?

Ans. I have read the same, and am acquainted with its provisions and conditions.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Subterranean source with place of diversion approximately on the middle north-south line of the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 25, Twp 7S, R 25 E.B.M. An electric motor drives a pump for surfacing the water which in turn is conveyed over the S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 25, by a sprinkler system.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. This system will safely conduct 4.9 cubic feet per second of water to place of use, and I have seen this much so conveyed.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. The Travelers made a loan to Monogram Farms, Inc., within the last two years, which loan covered the within described real property. At that time I carefully checked the system, found out the pressure and number of sprinkler heads, and from the chart ascertained that approximately 4.5 cubic feet per second of water was being pumped.

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JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 21794

This proof is for Completion of works & Beneficial use In Water District No. _____

1. Name of applicant Monogram Farms, Inc., G. T. Newcomb, President, Box 426, Twin Falls, Idaho
2. Source of water supply: Subterranean from a well
3. Location of point of diversion: Is in the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 25
T. 7 S. R. 25 E. County of Minidoka

4. Describe works as they exist, giving dimensions and capacities of same: Charleson 200 hp. motor 22237 Layne Turbine delivery to East into closed system steel pipe line buried 12" d. 1/4 mi past al. lateral 3" diam.

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25,

Twp. 7 South, Range 25 East, B. M.

This system is all inter connected with the lines on Section 26

This particular pump has been turned off for the season as other pumps are sufficient.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

Crops are potatoes - beets - red clover seed - white dutch clover seed

The SE NW is not being farmed nor irrigated this year. It was seeded by airplane - last year raised a crop of grain. very rocky - not so well cleared.

This examination was made on the 5 day of Sept

(Signed) E. N. Humphrey

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JAN 25 1993

21794

T.
7
S.

R-25E.



NOTE:
PLACE OF
USE
@ EXAM

Sub divisions = seven

Area = 280 acres.

Q = 200 inches.

Application For Transfer of Water Right

RECEIVED

JAN 24 1968

Department of Reclamation

STATE OF IDAHO

County of Minidoka

ss.

Farms Co.

W. H. Shillington, Partner, Morgan-Shillington, being first duly sworn, deposes and says:

That his name is W. H. Shillington; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Box 201, Rupert, Idaho 83350

That he is the owner and using a certain water right, bearing date of priority of 11/24, 1950 for 4 cubic feet per second of the waters of well

County of Minidoka, State of Idaho, decreed to Monogram Farms, Inc. by decree of Judge of the Judicial District of the State of Idaho, in and for the county of, in the case of

vs., said decree bearing date of (or obtained by virtue of License No. 21794, issued by the State Department of Reclamation of the State of Idaho, dated December 2, 1955, bearing date of November 24, 1950) for the purpose of irrigating the following described lands situate, lying and being in Water District No. In the County of Minidoka and State of Idaho, to-wit:

SW1/4, SW1/4, SW1/4, Section 25, Township 7 South - Range 25 East, B.M.

and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i.e. by purchase of Monogram Farms, Inc. by Morgan-Shillington Farms Co. A Partnership as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said well NE1/4SW1/4 of Section 25, Township 7 South, Range 25 East, B. M., and conducted to the above described lands through a sprinkler system as per map herewith and of this affidavit made a part.

CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of 5 cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Minidoka and State of Idaho, to-wit:

Township 7 South, Range 25 East, B.M., Section 25, NE1/4SW1/4

That reasons for desiring to make such transfer are as follows: I have sold this excess 5 cfs to Karin Shillington for use on NE1/4SW1/4 of Section 25, which is a part of her desert entry, therefore, this water will be used to reclaim desert land.

TRANS. Part B

MICROFILMED

36 2098

JAN 25 1993

April 11, 1968

C
O
P
Y

Re: Morgan-Shillington Transfer

W. H. Shillington, Partner
Morgan-Shillington Farms Co.
P. O. Box 201
Rupert, Idaho 83350

Dear Mr. Shillington:

Enclosed please find the Certificate of Transfer No. 1099 and Order Granting Transfer No. 1099 and departmental receipt no. 403 in the amount of \$11.00.

A copy of the Certificate is being sent to the Bureau of Land Management. If we can be of further help please contact us.

Very truly yours,

Donald W. McElowney
Appropriation Examiner

DWM:dj

Enc: Cert. of Transfer No. 1099
Order Granting Transfer No. 1099
Receipt for \$11.00 (to Idaho Land & Appraisal)

Copy to: Bureau of Land Management
Idaho Land & Appraisal Service

36 2098

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JAN 25 1993

That he intends to divert and convey said 5 second feet of water to the tract of land last above described in the following manner and as per map accompanying this application:

Right-of-way-Deed between Morgan-Shillington Farm Co. and Karin Shillington:
A right-of-way from well #3 of the Grantors located in the Northeast Quarter of the Southwest Quarter of Section 25, Township 7 South, Range 25 E. B.M.; thence North across said NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 25, Township 7 South, Range 25 E. B.M.; and continuing North across the Southeast Quarter of the Northwest Quarter of said Section, Township and Range approximately 2200 feet to premises of the Grantee described as the Northeast Quarter of the Northwest Quarter in said Section, Township and Range, Minidoka County, Idaho. (This is by pipeline)
Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in $\frac{1}{4}$ of $\frac{1}{4}$ of Section Township Range and thereafter conduct same to the above described land through the ditch, as per map appended.

That his reasons for desiring to make such change are as follows:

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

K. W. Shillington

Applicant.

Subscribed and sworn to before me this 19 day of January, 1968.

[Signature]

Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? well
Where is the diversion point located? NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T7S-R25E.B.M.
Through what ditch is it now conducted? none
How much land is now irrigated by the water sought to be transferred? none - At 2/3 inch
..... per acre which is the amount necessary with my sprinkler system,
I have an excess of 25 inches.

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JAN 25 1993

What is the total amount of water in inches, or second feet, dedicated to said land? 200 inch. H. C. Am.
irrigating 255 acres at 2/3 inch per acre
What kind of crops are being raised? primarily grain, on a portion rotation of 1 year potatoes,
1 year beets, 2 years grain
How much water per acre is now required to irrigate said land? 2/3 inch per acre
What will be the effect on the land now irrigated, if the use of water on it is discontinued? none has
to be discontinued, 25 inches in excess under our irrigation system.

Give location of new point of diversion, if change is to be made. none
Through what ditch will it be conducted after transfer? none - pipeline
How much water will be required per acre to irrigate the land to which this water is transferred? 5/8 to
1 inch

Do you claim any other water right for the land from which you seek to abandon the use of this water?
If so, give amount, date and source none
Is there any other water right for the land to which you seek to make this transfer? If so, give amount,
date and source none

Signed *M. H. Wheelington*
Applicant.

STATE OF IDAHO,
County of _____ ss.

I, _____, Watermaster of _____
Water District No. _____, County of _____, State of Idaho, whose postoffice address
is _____, have read or heard read the foregoing affidavit and petition
of _____, and, of my own knowledge, believe the same to be true
as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;
and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer
issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of
transfer prayed for) for the following reasons:

** This transfer #1099
was approved and
completed by IDWR
Residing in Licenses
36-2098A
36-2098B*

Dated at _____, Idaho, this _____ day of _____

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JAN 25 1993