

AJ0749NP
No. R36-02126

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

DATE: 06/18/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LYLE FASSETT	06/07/1951	IRRIGATION	04-01 10-31	2.36 CFS	640.00 AFA
C	EVELYN FASSETT 1122 N 400 E RUPERT ID 83350 (208) 532-4480			TOTAL DIVERSION:	2.36 CFS	640.00 AFA

D ACEQUIA INC
PO BOX 226
SUN VALLEY ID 83353
(208) 726-8474

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R24E S01 SWNESE

MINIDOKA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07S	24E	1	:					:					:					:	40	40	40	40	:	160.0
																							TOTAL ACRES	160.0

POU County: MINIDOKA

Other Rights: NONE

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Comments: Date: 08/01/1991 User-ID: MERRITT Subject: COPIED FROM REMARKS
P/D IN CENTER OF SE1/4, S1, T7S, R24E.

Date: 10/08/1992 User-ID: ROBERTSO Subject: ADDRESS CHANGE & NOTICE OF APPEARANCE ENTERED

Date: 02/26/1997 User-ID: SSHERMAN Subject: ADDRESS CHANGE
ADDRESS CHANGE BY ATTORNEY LETTER.

Date: 06/18/1997 User-ID: SCLELLAN Subject: CHANGE OF OWNERSHIP
FASSETT FILED CORRECT FORM, DEED, AND MAP.

Audit: 06/18/97 SCLELLAN

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

JUN 17 1997

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right Number(s) 4-36-02126 - 36-2125 - 36-07182
Adjudication Claim Number(s) A36-02126 A36-02125 A36-07182

2. The following **REQUIRED** information must be submitted with this form.

- ☒ A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
- ☒ B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county)
OR
- ☒ C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) ACE CHIN Fung

PO Box 226 Sun Valley ID 83353

4. New Owner/Claimant(s) Lyle & Evelyn FASSETT

Name connector (Check one): [] AND, [] OR, ☒ AND/OR

New Mailing Address 1122 N 400 E

City, State and ZIP Code Rupert ID 83350

New Telephone Number (208) 532-4480

5. Date you acquired the property April 1994

6. ☒ If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

☒ Number of acres actually irrigated _____ Number and type of stock _____

☒ Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

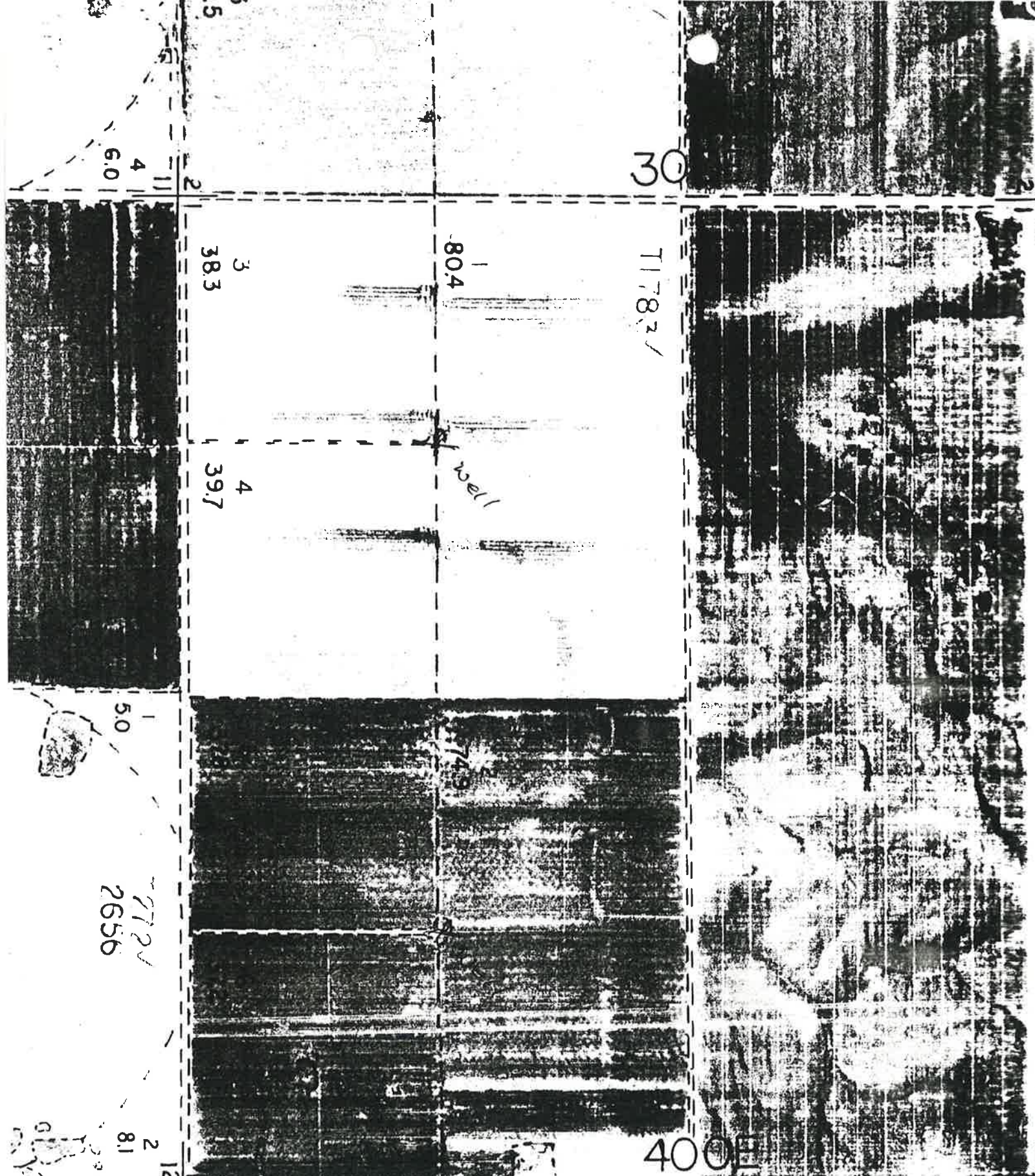
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Lyle Fasset Date 6/17/97

Evelyn Fasset Date 6/17-97

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.



A36-2125
A36-2126
A36-7182

T7S R24E Sec. 1

808 - S.P.S. 8^{SW} 6/18/97

#11368

429289

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

JUN 17 1997

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, ACEQUIA, INC., an Idaho corporation, whose address is P.O. Box 226, Sun Valley, ID 83353 ("Grantor" whether one or more), hereby grants, bargains, sells and conveys unto LYLE FASSETT and EVELYN FASSETT, husband and wife, whose address is 1122 North 400 East, Rupert, Idaho 83350 ("Grantee", whether one or more), that certain real property situated in Minidoka County, Idaho and described as follows:

South Half of Section 1, Township 7 South, Range 24 East, B.M., Minidoka County, Idaho, excepting therefrom that portion of the Southeast Quarter of Section 1 described in Exhibit A attached hereto and made a part hereof by this reference, and subject to the power line easement for such excepted parcel as also described in Exhibit A.

SUBJECT TO the following:

1. Licens for taxes and assessments not yet due and payable;
2. Reservations and exceptions in any patents from the United States or any patent or deed from the State of Idaho;
3. Building and zoning ordinances and regulations;
4. Covenants, conditions, rights-of-way, easements and restrictions of record if any as disclosed by the records of Minidoka County, Idaho;

TOGETHER WITH the following:

2.36 cfs of Water Right No. 36-02126, 2.47 cfs of Water Right No. 36-02125 and 0.15 cfs of Water Right No. 36-07182 as recommended in the Directors Report for Reporting Area 3 in In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls District Court Case No. 39576 (the

"SRBA");

SUBJECT TO the final outcome of all proceedings in and the provisions, terms and conditions of the decree to be entered in the SRBA.

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the Grantor will warrant and defend the same from all lawful claims whatsoever. However, notwithstanding the description of the water rights set forth above, Grantor does not make any representation or warranty as to the amount, volume or any other element of such water rights.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the date set forth below.

"GRANTOR"

429289

ACEQUILA, INC.

Date: April 3, 1997

By:

Michael Haley
Michael Haley, President

RECORDED AT REQUEST OF
Land Title Report

FILM NO.

'97 APR 15 16 : 55

DISTRICT OF COLUMBIA) ss.

MINIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
FEE 9 DEPUTY JP

On this 3rd day of April, 1997, before me, the undersigned notary public in and for said state, personally appeared Michael Haley, known or identified to me to be the president of ACEQUILA, INC. and the person who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

Adrianne A. Schmidt
Notary Public for District of Columbia
Residing at: Lusby, MD
Commission Expires:

My Commission
Expires 5/15/99



Order No. 10580

EXHIBIT "A"

TOWNSHIP 7 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 1: That part of the SE¼, more particularly described as follows:

Beginning at the East quarter section corner of Section 1, said corner marked by a 1 inch iron pipe; thence South 00°27'11" West along section line for 719.75 feet to a ½ inch rebar which shall be the POINT OF BEGINNING;

Thence South 00°27'11" West along section line for 184.22 feet to a ½ inch rebar;

Thence South 88°10'07" West for 236.46 feet to a ½ inch rebar;

Thence North 00°27'11" East for 184.22 feet to a ½ inch rebar;

Thence North 88°10'07" East for 236.46 feet to the POINT OF BEGINNING.

AND ALSO TOGETHER WITH a 20 foot wide power line easement, more particularly described as follows:

Beginning at the East quarter section corner of Section 1, said corner marked by a 1 inch iron pipe; thence South 00°27'11" West along section line for 719.75 feet to a ½ inch rebar; thence South 88°10'07" West for 236.46 feet to a ½ inch rebar; thence 00°27'11" West for 110.58 feet to the POINT OF BEGINNING;

Thence South 00°27'11" West for 21.32 feet;

Thence South 70°11'48" West for 1199.88 feet;

Thence South 15°19'57" East for 61.76 feet;

Thence South 00°16'21" West for 1305.17 feet to a point on the South line of Section 1;

Thence North 89°41'12" West along section line for 20.00 feet;

Thence North 00°16'21" East for 1302.41 feet;

Thence North 15°19'57" West for 77.51 feet;

Thence North 70°11'48" East for 1225.76 feet to the POINT OF BEGINNING.

Post-it Fax Note	7671	Date	10/23/96	# of pages	2
To	JIM SPECK	From	Shm.		
Co./Dept.		Co.	Red Title		
Phone #		Phone #	436-0606		
Fax #	726-0757	Fax #	436-6199		

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: **A36-02126**
Date Received: 5/26/1989
Receipt No: S007363
Received By: _____

address change & NOA
[Signature]

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

1. Name: ACEQUIA INC
Address: PO BOX 1678
KETCHUM ID 83340
208-726-8474

2. Date of Priority: JUN 7, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	24E	1	SW	NE	SE		MINIDOKA

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.360		

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

8. Total consumptive use is 480.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	24E	1	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	160.0
					Total Acres	160.0

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:
P/D IN CENTER OF SE1/4, S1, T7S, R24E.

15. Basis of Claim: LICENSE
Water Right Number: 22158

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 _____

SD-0601-2 Last Name: ACEQUIA

STATE

S E L -	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
A	ACEQUIA INC						
A		C	A36-07405	11/08/1973	GROUNDWATER	1.160	01 IRR
A		C	A36-07850A	03/30/1979	GROUNDWATER	0.427	01 IRR
A		C	A36-02121	06/07/1951	GROUNDWATER	2.440	01 IRR
A		C	A36-02123	06/07/1951	GROUNDWATER	2.720	01 IRR
A		C	A36-02124	06/07/1951	GROUNDWATER	6.100	01 IRR
A		C	A36-02125	06/07/1951	GROUNDWATER	2.470	01 IRR
A		C	A36-02126	06/07/1951	GROUNDWATER	2.360	01 IRR
A		C	A36-02127	06/07/1951	GROUNDWATER	4.940	01 IRR
A		C	A36-02128	06/07/1951	GROUNDWATER	2.620	01 IRR
A		C	A36-02129	06/07/1951	GROUNDWATER	8.840	01 IRR
A		C	A36-02130A	06/07/1951	GROUNDWATER	4.153	01 IRR
A		C	A36-07932	08/14/1980	GROUNDWATER	0.800	01 IRR
A		C	A36-08106A	08/10/1982	GROUNDWATER	1.387	01 IRR
A		C	A36-02190	02/25/1953	GROUNDWATER	1.600	01 IRR
A		C	A36-02192	02/25/1953	GROUNDWATER	3.480	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

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

09-Oct-1992

James P. Speck
PO Box 987
Ketchum, ID 83340

*see # A36-02121 for
Original Powers of Attorney*

RE: Confirmation of Response to Notice of Error and Change of Address
for Acequia Inc. & Estate of Rosemary Haley SRBA Claims.

Dear Mr. Speck:

This letter is intended to confirm my responses to your Notices of Error discussed in our October 7th meeting with Miles Clinton at my office.

Regarding your general concern about the season of use, the proposed recommendations are 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. Additionally, 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 a conditioned irrigation use outside the general irrigation season.

Regarding your general concern about the language in the recommendations which talks about "right includes a change in point of diversion", the Department includes such language in rights where the proposed legal description for the point of diversion is different than the legal description of the base water right. This situation may exist if there has been a physical change in the point of diversion or if it has been determined that the base water right location was incorrect even if there has been no physical change in the point of diversion.

Regarding your concerns about disallowal of several of the rights, these rights were recommended for disallow because generally it was determined by field examination and information gathered from the ASCS that there was a period of 5 years of non-use for these rights or that the acres claimed irrigated consisted of lava out crops that have never been farmed.

I confirm that based on your change of ownership letter and the power of attorney documents submitted we have changed the address of Acequia Inc. and have added you as attorney for all claims in the name of Acequia Inc. Additionally we have changed the name of the Rosemary Haley claims to that of the Estate of Rosemary Haley and have changed

MICROFILMED

JAN 25 1993

Page 2
Oct 9, 1992

the address to that of Acequia Inc. and have also added you as attorney for all claims in the name of Rosemary Haley.

After our meeting and review of the files the following additional changes were made to the proposed recommendations:

36-02127 None 36-07850A None
36-02195A None 36-11340 None
36-02130A None 36-07041 None
36-02191 None 36-08106A None
36-02192 None 36-02193 None
36-11290 None 36-11288 None
36-02121 None 36-02194 None

36-02129 Reference to point of diversion change deleted.
36-07403 Reference to point of diversion change deleted.

36-07192 Disallowed since acres originally recommended covered under
36-02122.
36-02122 Deleted reference to 36-07192 in remarks.
36-02124 Deleted reference to 36-07192 in remarks.
36-02190 Deleted reference to 36-07192 in remarks.
36-07193 Deleted reference to 36-07192 in remarks.
36-02123 Deleted reference to 36-07192 in remarks.

If you still disagree with IDWR's recommendations, you will have the opportunity to file an objection to the Director's Report with the court. If you have further questions please feel free to contact our office.

Sincerely,



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

MICROFILMED

JAN 25 1993

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

September 24, 1992

RECEIVED

CERTIFIED MAIL P 059 723 341
RETURN RECEIPT REQUESTED

OCT 01 1992

RECEIVED

Department of Water Resources
Boise, Idaho Office

SEP 25 1992

Department of Water Resources

Mr. Dave Shaw
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

Re: Acequia, Inc. - Estate of Rosemary Haley

Dear Dave:

Enclosed you will find Notices of Error for certain water rights claimed by Acequia, Inc. and the Estate of Rosemary Haley in the Snake River Basin Adjudication. I have also enclosed copies of the Special Powers of Attorney whereby Acequia, Inc. and the Estate of Rosemary Haley have designated me their attorney-in-fact to act in these matters. Please note that the address used by Acequia, Inc. in filing its claims should no longer be used. Instead, the corporation's new address is designated on the Notices of Error (P.O. Box 1678, Ketchum, Idaho 83340).

The period of use for all of my client's irrigation water rights has been changed from the traditional period of March 15 through November 15 to April 1 through October 31. Is this same change being made for every irrigation right in Basin 36? If so, why?

As I mentioned, Ms. Haley passed away in February, 1992 and her records are somewhat in a state of disarray. I have not yet been able to locate her copies of the claims filed in the Adjudication nor any notes or records on the claims based upon beneficial use. I know she worked closely with Gary Funderberg in the Southern Region on many of the water rights matters for Acequia, Inc. I would like to arrange a meeting with an appropriate representative of the Department to discuss the Notices of Error and hopefully resolve many of the questions before the Department must file the Basin 36 Report - I understand this deadline to be November 1, 1992.

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JAN 25 1993

Mr. Dave Shaw
September 24, 1992
Page 2

I look forward to hearing from you. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS\dmk
Enclosures
cc: Dr. Mike Haley (w/o encls.)

MICROFILMED

JAN 25 1993

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: A36-02126
Date Received: 1/18/1989
Receipt No: 5007363
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ACEQUIA INC. 208-726-8474
Address: P.O. DRAWER 226
SUN VALLEY, ID 83353

2. Date of Priority: JUN 07, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	24E	1	SW	NE	SE		MINIDOKA

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.360		

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

8. Total consumptive use is 480.0 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	24E	1	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0

COPY

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	24E	1	SE	SE		IRR	40.0

Section Acres 160.0

Total Acres 160.0

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:
P/D IN CENTER OF SE1/4, S1, T7S, R24E.

15. Basis of Claim: LICENSE
Water Right Number: 22158

16. Signature(s)

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

Number of attachments: 1

For Organizations:

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

Foreman Haley
Signature of Authorized Agent

President Acquia Inc.
Title and Organization

5/26/89
Date

State of Idaho)
County of Twin Falls) SS.

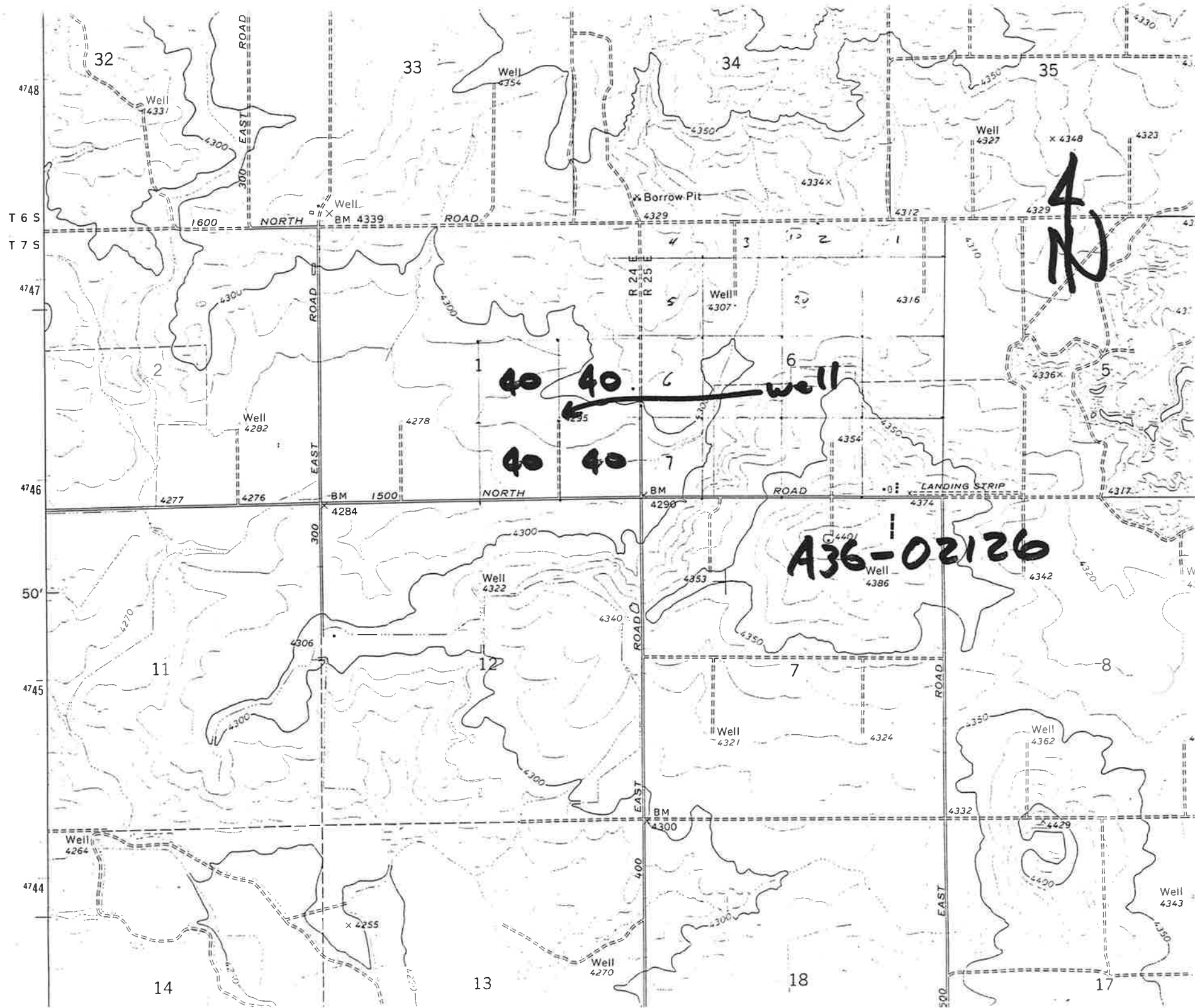
Subscribed and sworn (or affirmed) before me this 26th day
of May 19 89

Al D. [Signature]
Notary Public

Seal

Residing at Kimberly, ID

My Commission Expires 6/30/94



NO. OF CLAIMS IN POLYGON 1

CLAIM NUMBERS 36-02126

DATE _____

AGENT KKC

TOTAL ACRES

FROM RECOMMENDATION _____

GEOGRAPHIC INFO SYSTEM 159.5

RIGHT NO	TNS	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
RECOM	<u>75</u>	<u>24E</u>	<u>1</u>													<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>160</u>
GIS																<u>39.9</u>	<u>39.9</u>	<u>39.9</u>	<u>39.9</u>	<u>159.5</u>
RECOM																				
GIS																				
RECOM																				
GIS																				
RECOM																				
GIS																				

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF _____

ATTRIBUTES OF B36-POU.SHP (60) 5-28-97

B36-DBPOD.DBF _____

ATTRIBUTES OF B36-POD.SHP (66) "

6/18/97 sec: change of owner - Deed lists exemption of land
parcel in NESE (184 ft x 236') = 1 acre lot.

1997 JUN 26 PM 2: 39

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

**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

**SUB CASE NO. 36-02125, 36-02126,
36-07182**

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):

Acequia Inc

PO Drawer 226

Sun Valley ID 83353

Phone: 726-8474

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

Lyle Fassett

Evelyn Fassett

1122 N 400 E

Rupert ID 83350

Phone: 532-4480

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: 6/24/97

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6-26, 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:
James P Speck
Hogue Speck & Aanestad
PO Box 987
Ketchum ID 83340
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Lyle Fassett
Evelyn Fassett
1122 N 400 E
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

AJ5856NP

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

DATE: JUN-24-1997
PAGE: A-3

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02126

NAME & ADDRESS: LYLE FASSETT
EVELYN FASSETT
1122 N 400 E
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 2.36 CFS
640.0 AFY

PRIORITY DATE: 06/07/1951

POINT OF DIVERSION: T07S R24E S01 SWNESE Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	2.36 CFS
			640.0 AFY

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T07S R24E S01	NESE 40	NWSE 40	SWSE 40	SESE 40
	160 ACRES TOTAL				

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE



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

June 26, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LYLE FASSETT
EVELYN FASSETT
1122 N 400 E
RUPERT ID 83350

RE: SRBA Claim(s) 36-02125, 36-02126, 36-07182

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,

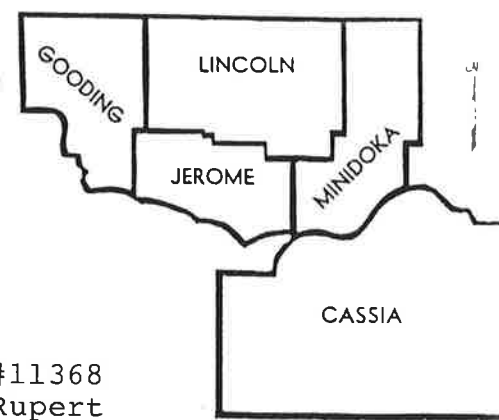
Trish Fawcett
Technical Records Specialist

/tf

cc: James P. Speck

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #11368
OFFICE: Rupert

April 10, 1997

RECEIVED

MAY 09 1997

Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Department of Water Resources
Southern Region

Dear Clerk:

Enclosed please find the original executed Notice of Change of Water Right Ownership executed by Lyle and Evelyn Fassett on property located in Minidoka County, Idaho. Also attached is a copy of the executed recorded Warranty Deed and an aerial photo.

Would you please make the necessary changes in your records to indicate the new owners for future water assessment notices.

Should you have any questions concerning this letter, please do not hesitate to contact this office.

Very truly yours,
LAND TITLE AND ESCROW, INC.

A handwritten signature in cursive script that reads "Nancy Garrett".

Nancy Garrett
Reconveyance Department

/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 878-3524 - FAX 878-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

MAY 09 1997

Please print or type. Attach pages with additional information. Instructions are on the back. **Department of Water Resources
Southern Region**
Incomplete forms will be returned.

1. Water Right Number(s) 36-02125 and 36-07182 + 36-02126 per warranty deed
Adjudication Claim Number(s) and ownership change form submitted by Lyle Fassett

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Acequia, Inc.

P. O. Drawer 226
Sun Valley, Idaho 83353

4. New Owner/Claimant(s) Lyle Fassett and Evelyn Fassett

Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR

New Mailing Address 1122 North 400 East

City, State and ZIP Code Rupert, Idaho 83350

New Telephone Number (208) 532 - 4480

5. Date you acquired the property April 10, 1997

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Lyle Fassett Date April 10, 1997

Evelyn Fassett Date April 10, 1997
Evelyn Fassett

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

429289

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, ACEQUIA, INC., an Idaho corporation, whose address is P.O. Box 226, Sun Valley, ID 83353 ("Grantor" whether one or more), hereby grants, bargains, sells and conveys unto LYLE FASSETT and EVELYN FASSETT, husband and wife, whose address is 1122 North 400 East, Rupert, Idaho 83350 ("Grantee", whether one or more), that certain real property situated in Minidoka County, Idaho and described as follows:

South Half of Section 1, Township 7 South, Range 24 East, B.M., Minidoka County, Idaho, excepting therefrom that portion of the Southeast Quarter of Section 1 described in Exhibit A attached hereto and made a part hereof by this reference, and subject to the power line easement for such excepted parcel as also described in Exhibit A.

SUBJECT TO the following:

1. Licns for taxes and assessments not yet due and payable;
2. Reservations and exceptions in any patents from the United States or any patent or deed from the State of Idaho;
3. Building and zoning ordinances and regulations;
4. Covenants, conditions, rights-of-way, easements and restrictions of record if any as disclosed by the records of Minidoka County, Idaho;

TOGETHER WITH the following:

2.36 cfs of Water Right No. 36-02126, 2.47 cfs of Water Right No. 36-02125 and 0.15 cfs of Water Right No. 36-07182 as recommended in the Directors Report for Reporting Area 3 in In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls District Court Case No. 39576 (the

"SRBA");

SUBJECT TO the final outcome of all proceedings in and the provisions, terms and conditions of the decree to be entered in the SRBA.

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the Grantor will warrant and defend the same from all lawful claims whatsoever. However, notwithstanding the description of the water rights set forth above, Grantor does not make any representation or warranty as to the amount, volume or any other element of such water rights.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the date set forth below.

"GRANTOR"

429289

ACEQUILA, INC.

Date: April 3, 1997

By: Michael Haley

Michael Haley, President

RECORDED AT REQUEST OF
Land Title-Rupert

FILM NO. —

'97 APR 15 16 : 55

DISTRICT OF COLUMBIA) ss.

BLONDE COUNTY, IDAHO
DANIEL SMITH, RECORDER
FEE 9 DEPUTY SP

On this 3rd day of April, 1997, before me, the undersigned notary public in and for said state, personally appeared Michael Haley, known or identified to me to be the president of ACEQUILA, INC. and the person who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

Odorous O. Schmidt
Notary Public for District of Columbia
Residing at: Lesby, MD
Commission Expires:

My Commission
Expires 5/15/99



NOTARY PUBLIC FOR DISTRICT OF COLUMBIA

-2-

20197

APR 31 '97 16:33

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PAGE 16

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4

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5.0

2656

2

8.1

12

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

November 25, 1996 3:49pm

CUSTOMER

**STEVE PORCH - LAND TITLE/RUPERT 36-02125,
36-02126, 36-02127,
36-07182, 36-11047**

SUBJECT: ACEQUIA PROFILE REPORTS

phone call (X) walk-in (.)

Called with the legal description of T07S, R24E, S $\frac{1}{2}$ of Sections 1 and 2. Came up with the above mentioned rights and FAXed them to him @ 436-1199...

A. LYNNE KROGH
NICHOLAS B. SPENCER
Deputy Attorney(s) General
Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 327-7900

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. 36-02126
	)	
Case No. 39576	)	
	)	RESPONSE TO OBJECTION
	)	

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)

RESPONSE TO OBJECTION NO. 36-02126

MICROFILMED

DEC 03 1996
PAGE 1

2. Person who filed objection:

Name: ACEQUIA, INC.

Address: C/O JAMES P. SPECK
HOGUE, SPECK & AANESTAD
P.O. BOX 987
KETCHUM, ID 83340

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

Attorney Address: DEPUTY ATTORNEY GENERAL
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 83720
BOISE, ID 83720-0098

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

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 8, and all allegations of the objection regarding this item, IDWR responds as follows: Idaho Code §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

(Over)

throughout the state based on a 75% chance of a 24°F 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. IDWR denies that it is estopped from recommending the standard season of use recommended for this water right. IDWR denies that it has waived its authority to recommend the standard season of use recommended for this water right, and affirmatively alleges it has a statutory duty to recommend the season of use for this right.

(Over)

RESPONSE TO OBJECTION NO. 36-02126

MICROFILMED

DEC 03 1996
PAGE 3

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. A36-02126.

4

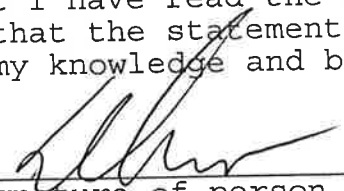
(Over)

VERIFICATION (Must be Completed)

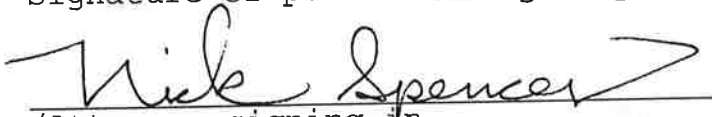
State of IDAHO
County of ADA

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

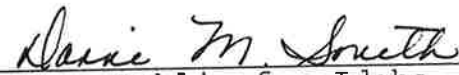
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. §42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director 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 24th day of MARCH,
1995.


Notary Public for Idaho

Residing at: BOISE ID

My Commission expires: 12/5/2000

(Over)

RESPONSE TO OBJECTION NO. 36-02126

MICROFILMED
PAGE 5
1996

1995 MAR 27 10:11 AM

CERTIFICATE OF MAILING

I hereby certify that on the 27TH day of MARCH, 1995, 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 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

HAND DELIVERY
NBS

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

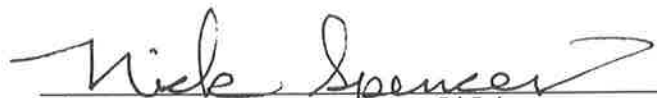
see #3

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:

James P. Speck
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

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 person filing response
or attorney mailing on Respondent's
behalf

(Over)

RECEIVED

JAN 19 1995

Department of Water Resources
Adjudication Bureau

RECEIVED RECEIVED

JAN 18 1995

FEB 01 1995

OFFICE OF THE ATTORNEY GENERAL
Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

Water Right No. 36-02126

STANDARD FORM 1

OBJECTION

INSTRUCTIONS

This form must be used to file an objection to a water right recommended in the director's report. ***Only one party/claimant may object to one water right per objection form.*** 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. If you do, the text must be on the front and back of each page exactly as it appears here. The objection must be **received** by the court on or before the deadline specified in the Notice of Filing the Director's Report that IDWR mailed to you. Follow the Instructions for Mailing this objection (Page 6) or the court will not accept it for filing. This form has been adopted by the court in ***SRBA Administrative Order 1*** (amended June 21, 1993), Section 4, which may be consulted for further information.

Any party filing 25 or more objections must make an appointment with the Clerk of the SRBA Court.

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 is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. ***Party/Claimant objecting:***

Name: Acequia, Inc.

Address: c/o James P. Speck
Hogue, Speck & Aanestad
P. O. Box 987
Ketchum, ID 83340

Phone: Work: (208) 726-4421
Home:

Briefly describe your interest in this water right: Claimant

If this objection is *filed by an attorney*:

Attorney Name: James P. Speck

Attorney Address: Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, Idaho 83340

Attorney Phone No.: (208) 726-4421

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

2. ***Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:***

Name: Acequia, Inc.

Address: P. O. Drawer 226
Sun Valley, ID 83353

II. STATEMENT OF THE OBJECTION

1. ☒ **Period of Year:** I object to the period of year when water is used or is necessary for the purpose stated.

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.

The Water Right is based upon a license issued by the Idaho Department of Water Resources ("IDWR") which did not specify or otherwise limit the period of use for the Water Right. The Water Right has historically been used from March 15 through November 15. Claimant and its predecessors have a vested interest in and have relied upon this period of use. IDWR is estopped from and has waived any right it may have had to change the period of use or recommend such change.

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.

The period of use should be changed to March 15 through November 15.

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.

VERIFICATION (Must be completed)

State of Idaho)
)
County of Blaine) ss.

James P. Speck, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection (as listed on Page 2, Section 1, "Party/Claimant Objecting"), as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of party/claimant filing objection

By: JS/
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____
(Insert Date)

JS/
Notary Public for Idaho
Residing at _____
My Commission expires _____

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 all of the parties listed below in the Certificate of Mailing.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on 1/17, 1995, I mailed the original and copies of this objection, including all attachments, to the following persons by mailing the original and/or 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's name: Acequia, Inc.

Owner's address: c/o James P. Speck
Hogue, Speck & Aanestad
P. O. Box 987
Ketchum, ID 83340

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

151

Signature of party/claimant or attorney

A. LYNNE KROGH
NICHOLAS B. SPENCER
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 327-7920
FAX: (208) 327-7866

ATTORNEYS FOR THE IDAHO
DEPARTMENT OF WATER RESOURCES

DEC 28 1994
Department of Water Resource
Southern Region Office

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	)	IDWR'S REPLY TO MOTIONS OF
	)	ACEQUIA, INC., FOR LEAVE TO
	)	FILE LATE OBJECTIONS TO
Case No. 39576	)	RECOMMENDED WATER RIGHT NOS.
	)	36-02125, 36-02126, 36-02127,
	)	36-02128, 36-02129, 36-02130A,
	)	36-02191, 36-02192, 36-02193,
	)	36-02195A, 36-02197, 36-02198,
	)	36-02199, 36-02200, 36-07182,
	)	36-07192, 36-07391, 36-07403,
	)	36-07404, 36-07405, 36-07850A,
	)	36-07932, 36-08106A, AND
	)	36-11290

Descriptive Summary

This document constitutes IDWR's reply to the twenty-four motions filed by Acequia, Inc., for leave to file late objections to the season of use recommended for each of the above-enumerated recommended water rights. IDWR does not oppose the motions.

IDWR'S REPLY TO MOTIONS OF ACEQUIA, INC.
FOR LEAVE TO FILE LATE OBJECTIONS, Page 1

MICROFILMED
DEC 03 1996

Reply to Motions for Leave to File Late Objections

The Idaho Department of Water Resources (IDWR) does not oppose the twenty-four motions of Acequia, Inc. (Acequia), for leave to file late objections to the season of use recommended by IDWR for the water rights enumerated above--so long as the scope of those objections is limited to season of use as described in Acequia's motions.

However, IDWR requests, since the proposed objections were not attached to the motions for leave to file late objections, that if the Court should grant the motions it set a date certain by which the objections are to be filed. IDWR will respond to the objections within 60 days after their filing.

IDWR also notes that recommended water right number 36-02193 is based upon an accomplished transfer recommended pursuant to Idaho Code §42-1416A (1989) and recommended water right number 36-11209 is based upon an expansion recommended pursuant to Idaho Code §42-1416(2) (1985). Because of the bench ruling made by the Court on December 21, 1994, staying proceedings in presumption-based subcases pending resolution of Basin-Wide Issue 4, IDWR believes that further action on these two motions for leave to file late objections may have been stayed. However, IDWR does note that the objections which Acequia seeks to assert are not related directly to the presumption statutes themselves.

Therefore, IDWR requests that the Court, as part of its determination of the present motions, initially determine whether further action on the motions for leave to file late objections to

recommended water right numbers 36-02193 and 36-11290 has been stayed, and also determine whether the present stay precludes the filing of those two objections.

DATED this 23RD day of December, 1994.


NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I hereby certify that on the 23RD day of December, 1994, I served a true and correct copy of the foregoing IDWR'S REPLY TO MOTIONS OF ACEQUIA, INC., FOR LEAVE TO FILE LATE OBJECTIONS TO WATER RIGHTS on the each of the following persons by first class mail, postage prepaid, to the address or addresses listed below.

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

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

James P. Speck, Esq.
Hogue, Speck & Aanestad, P.A.
P.O. Box 987
Ketchum, Idaho 83340


NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

R PROOF



CVR



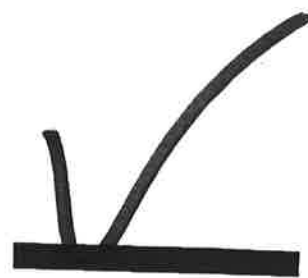
MAPS



PHOTOS



MISC



MICROFILME

1972-3 1553

Water Right Number - R36-02126

Prefix Translation: RESEARCH

Old (D) Number - 22158

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

*** A - ATTORNEY ***
SPECK

JAMES P

1 - PO BOX 987
2 -
3 -
City- KETCHUM
Phone - 208-726-4421

State- ID Zip- 83340

*** C - CURRENT OWNER ***
ACEQUIA INC1 - PO BOX 1678
2 -
3 -
City- KETCHUM
Phone - 208-726-8474

State- ID Zip- 83340

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/07/1951 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 24E 1 SW NE SE (67) MINIDOKA

+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 2.360 640.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.360 640.00 480.0+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 24E 1 NE SE 40.0 01 IRRIGATION (67) MINIDOKA
07S 24E 1 NW SE 40.0 01 IRRIGATION (67) MINIDOKA
07S 24E 1 SW SE 40.0 01 IRRIGATION (67) MINIDOKA
07S 24E 1 SE SE 40.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 160.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

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JAN 25 1993

Water right number - R36-02126

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - -
No Remarks found.

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

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

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

+ - - - - Comments - - - - -

Date: 08/01/1991 User Id: MERRITT Subject: COPIED FROM REMARKS

P/D IN CENTER OF SE1/4, S1, T7S, R24E.

Date: 10/08/1992 User Id: ROBERTSO Subject: ADDRESS CHANGE & NOTICE OF APPEARANCE ENTERED

+ - - Audit Fields - - +
10/08/92 ROBERTSO

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

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 10/08/1992 | Old Judicial District | - |
| Claim Received Date | - 05/26/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S007363 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:44
08/04/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02126

LAST: ACEQUIA INC.
ADDRESS: P.O. DRAWER 226
CITY: SUN VALLEY
PHONE NUMBER: 208-726-8474

FIRST:

STATE: ID ZIP: 83353

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: P/D IN CENTER OF SE1/4, S1, T7S, R24E.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) _____

DATE OF FIELD EXAM: 8/15/90

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: Note

PHONE NUMBER: (____) _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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JAN 25 1993

A. AJ CLAIM: # A36-02126 PRIORITY DATE: 06-07-1951 STAGE: L
B. WR RECORD: # 36-02126 PRIORITY DATE: 06-07-1951 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
✓

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

REMARKS:

RECOMMENDED PRIORITY DATE:
06-07-1951

REVIEWED BY

ADN

DATE

8/15/90

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JAN 25 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|-----------|------|------|------|-----|-----|-----|-----|----------|
| A36-02126 | 07S | 24E | 1 | SW | NE | SE | | MINIDOKA |

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|----------|------|------|------|-----|-----|-----|-----|----------|
| 36-02126 | 07S | 24E | 1 | | NE | SE | | MINIDOKA |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A36-11047 NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER
Y

REMARKS:

Appears correct as claimed.

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JAN 25 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

DATE:

As Claimed
ADN 8/15/90

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JAN 25 1993

A. ROOT WATER RIGHT NUMBERS: A36-02126

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM
ACRES |
|-------------|-----|-----|-----|-----|-----|------------------------------|--------------------------------|---------------------|-----------------|----------------|-----------------|
| 07S | 24E | I | NE | SE | | ACEQUIA INC.
ACEQUIA INC. | A36-02126 740.0
A36-11047 / | 36-02126 740.0
- | 37.0 | | |
| 07S | 24E | I | NW | SE | | ACEQUIA INC. | A36-02126 740.0 | 36-02126 740.0 | 39.0 | | |
| 07S | 24E | I | SW | SE | | ACEQUIA INC. | A36-02126 740.0 | 36-02126 740.0 | 37.0 | | |
| 07S | 24E | I | SE | SE | | ACEQUIA INC. | A36-02126 740.0 | 36-02126 740.0 | 39.0 | | |
| TOTAL ACRES | | | | | | | A36-02126 | 160.00 | 160.00 | 152.00 | |

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

PRESUMPTION FLAG:

REMARKS:

within tolerance. Recommend as licensed

RECOMMENDATIONS:

TOTAL ACRES:

160

REVIEWED BY:

ADR

DATE:

8/15/90

MICROFILMED

JAN 25 1993

A. AJ CLAIMED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| A36-02126 IRRIGATION | FROM 03-15 TO 11-15 | 2.360 CFS |
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | 2.360 CFS |

B. WR RECORDED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|-------------------------------------|-----------|--------------------|
| 36-02126 IRRIGATION | FROM TO | 2.360 CFS |
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | 2.360 CFS |

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

| | DATABASE | FIELD EXAMINER |
|--|----------|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N) | N | <u> ✓ </u> |
| DUE TO DIVERSION RATE DISCREPANCY? (Y/N) | N | <u> ✓ </u> |
| DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N) | Y | <u> ✓ </u> |

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(✓) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y(✓) N() Explain in remarks, below.

REMARKS:

MICROFILMED

JAN 25 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 2.360 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.360 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER
N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD N/A, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|-----------|----------|--------------|---------------------|----------|--------|
| A36-11047 | DOMESTIC | ACEQUIA INC. | FROM 01-01 TO 12-31 | .040 CFS | |

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 160 x 0.02 CFS/ACRE = 3.2 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 480.0 AF/A

ACRES 160 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 480 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 160 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 640 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(☒)

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

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JAN 25 1993

RECOMMENDATIONS:

| REC.
PURPOSES | REC. PERIOD
FROM TO | REC. DIV
RATE CFS | REC. DIV
VOL. AF/A | REC. CONS.
USE |
|----------------------|------------------------|------------------------------|----------------------------|------------------------------|
| IRRIGATION | 03-15 11-15 | DATABASE 2.360
EXAMINER ✓ | DATABASE 640
EXAMINER ✓ | DATABASE 480.0
EXAMINER ✓ |
| TOTAL FOR THIS RIGHT | | 2.360 | | 480.0 |

REVIEWED BY:

ADN

DATE:

8/15/90

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JAN 25 1993

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: 36-02126

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.360

EXAMINER

CFS

N/A

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| - | A36-02126 | 2.360 | - | | 36-02126 | 2.360 |
| TOTAL CFS | | 2.360 | | | | 2.360 |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: 

DATE: 8/15/90

NAME OF FIELD EXAMINER: _____ TITLE: _____

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JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:44
08/04/90

PAGE: 11
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-02126

| 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 | | | ADM | | | | | |
| POINT OF DIV | Y | | | N | | | DB
10-4-90 | |
| SOURCE | | | | ~~N~~ N | 5,1 | | | |
| PLACE OF USE | Y | | | N | | | | |
| DIV. AMOUNT
CFS/VOLUME | | | | N | 5,1,4 | | | |
| CONSUMPTIVE USE | | | | Y | | | | |
| PURPOSES | | | | N | | | | |
| PERIOD OF USE | Y | | | N | | | | |
| BASIS OF CLAIM | | | | N | 6 | | | |
| REMARKS | Y | | | N | | | | |

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAFF 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.

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JAN 25 1993