

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: **A36-02128**

Date Received: 5/26/1989

Receipt No: S007363

Received By: _____

address change & NOA

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	3	NE	NW	SW		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	2.620		

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

8. Total consumptive use is 720.0 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	3	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	24E	3	SE	SW		IRR	40.0

Section Acres 240.0

Total Acres 240.0

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:
A36-07405

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 22160

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

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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

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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

SEP 25 1992

Department of Water Resources
Post Office

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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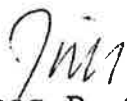
JAN 25 1993

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: A36-02128
Date Received: 1/18/1989
Receipt No: 5007363
Received By: Adm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ACEQUIA INC.
Address: P.O. DRAWER 226
SUN VALLEY, ID

208-726-8474

83353

COPY

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 of	Lot	County
07S	24E	3	NE	NW	SW		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	2.620		

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

8. Total consumptive use is 720.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	24E	3	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	24E	3	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
						Section Acres	240.0
						Total Acres	240.0

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:
A36-07405

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 22160

16. Signature(s)

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am 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.

Joanay Haley
Signature of Authorized Agent

president Acquia Inc.
Title and Organization

5/26/89
Date

State of Idaho

County of Thin Falls) SS.

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

Notary Public

Seal

Residing at Kimberly, Id.

My Commission Expires 6/30/99

4749

02/28
A36
A35 07405

4748

T 6 S

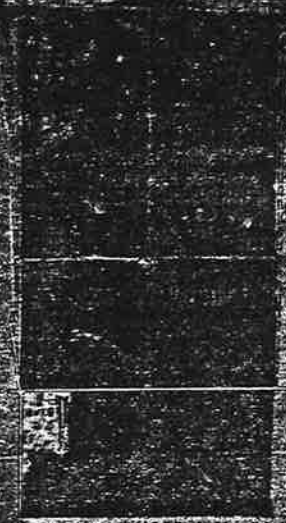
T 7 S

47

4746

50'

4745



Well

4391

NORTH

Well

4363

Well

4379

10

Siphon

4406

ROAD

Important Information About Your Water Right

August 27, 2001

ACEQUIA INC
PO BOX 226
SUN VALLEY, ID 83353

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 36-02128. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on July 15, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

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

RECEIVED
SEP - 7 2001

In Re SRBA)

Water Right 36-02128

Case No. 39576)

Department of Water Resources

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on July 15, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

THEREFORE, IT IS ORDERED that the period of use for the irrigation element of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

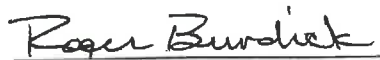
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated August 27, 2001


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

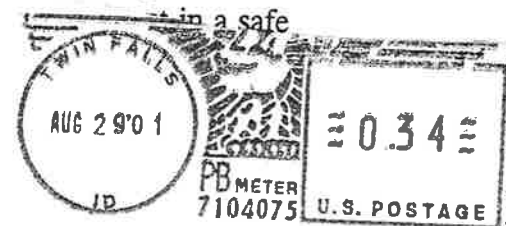
STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

ACEQUIA INC
PO BOX 226
SUN VALLEY, ID 83353

RECEIVED

SEP - 7 2001

Department of Water Resources



36-2198
36-7403
36-2129
36-7932
36-2128
36-7405



NO. OF CLAIMS IN POLYGON _____

CLAIM NUMBERS 36-02128 36-07405 DATE 5/28/97

TOTAL ACRES

AGENT [Signature]

FROM RECOMMENDATION 240

GEOGRAPHIC INFO SYSTEM 237

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	<u>75</u>	<u>24E</u>	<u>3</u>							<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>				
GIS								<u>2</u>	<u>3</u>	<u>57</u>	<u>39</u>	<u>40</u>	<u>37</u>	<u>38</u>	<u>39</u>				
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

240
237

B36-DBPOU.DBF

UPDATED

8/15

ATTRIBUTES OF B36-POU.SHP

UPDATED

65

B36-DBPOD.DBF

8/15

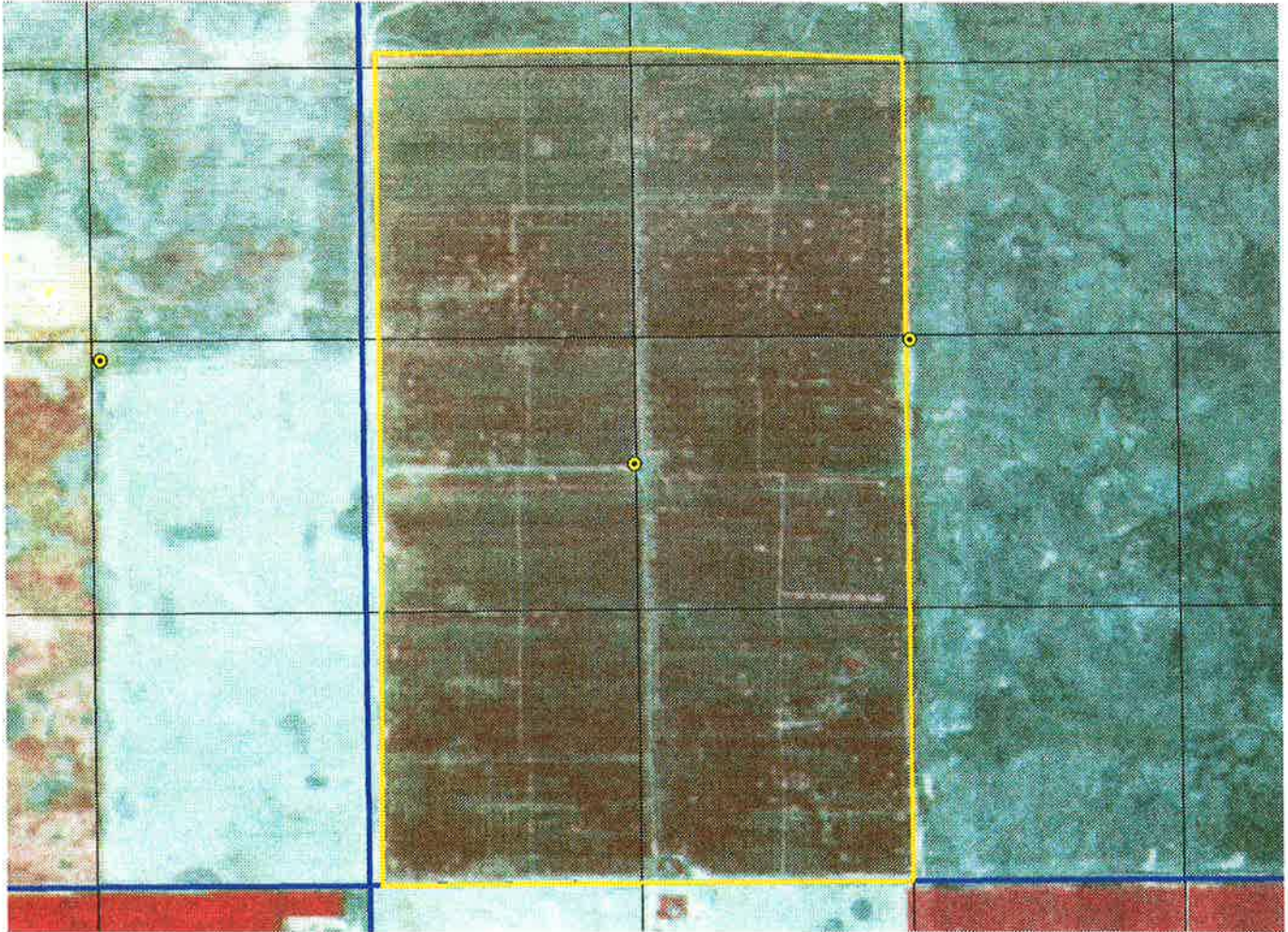
ATTRIBUTES OF B36-POD.SHP

71

8/13 Unioned, but not numbered - OK 8/15

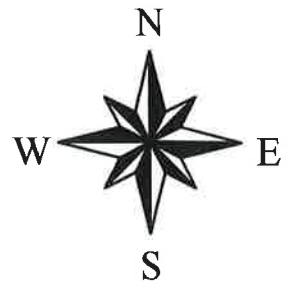
IDAHO DEPARTMENT OF WATER RESOURCES

36-02128 & 36-07405
ACEQUIA INC



TNS 7S, RNG 24E, SEC 3

660 0 660 1320 1980 Feet



- ⊙ B36-pod.shp
- Pou-outline.shp
- T07s24e.dxf
- 7
- T07s24eqq.shp

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY AUGUST 1997
BY DOUGLAS JONES

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. 36-02128
	)	
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).

MICROFILMED
DEC 03 1996

(Over)

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)

MICROFILMED

DEC 03 1996

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. A36-02128.	4

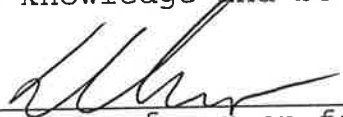
(Over)

VERIFICATION (Must be Completed)

State of IDAHO
County of ADA

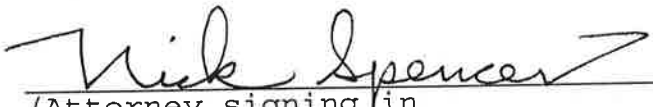
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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.



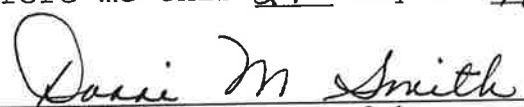
Signature of person filing response

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

MICROFILMED

DEC 03 1996

(Over)

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)

OFFICE OF THE
ATTORNEY GENERAL

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.

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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: /5/
(Attorney signing in representative capacity)

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

 /5/
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.

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DEC 03 1996

CERTIFICATE OF MAILING

I certify that on 11/7, 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

/s/
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

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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

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DEC 03 1996

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

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DEC 03 1996

R PROOF

✓

CVR

✓

MAPS

PHOTOS

MISC

✓

MICROFILM

JAN 25 1993

Water Right Number - R36-02128

Prefix Translation: RESEARCH

Old (D) Number - 22160

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

*** A - ATTORNEY ***
SPECK

JAMES P

1 - PO BOX 987

2 -

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-4421

*** C - CURRENT OWNER ***
ACEQUIA INC

1 - PO BOX 1678

2 -

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-8474

+ - - 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 3 NE NW SW (67) MINIDOKA

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

01 - IRRIGATION 04/01 10/31 2.620

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.620 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

07S	24E	3	SW NW	40.0	01	IRRIGATION	(67) MINIDOKA
07S	24E	3	SE NW	40.0	01	IRRIGATION	(67) MINIDOKA
07S	24E	3	NE SW	40.0	01	IRRIGATION	(67) MINIDOKA
07S	24E	3	NW SW	40.0	01	IRRIGATION	(67) MINIDOKA
07S	24E	3	SW SW	40.0	01	IRRIGATION	(67) MINIDOKA
07S	24E	3	SE SW	40.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 240.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-07405

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JAN 25 1993

Water right number - R36-02128

Prefix Translation: RESEARCH

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

RIGHT NO. 36-07405 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.
USE OF THIS RIGHT WITH RIGHT NO. 36-07405 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.78 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 960 AF, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 720 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 240 ACRES IN A SINGLE IRRIGATION SEASON.

+ - - - - 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: 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	-

UNRECORDED

JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:44
08/04/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02128

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
N

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) _____

DATE OF FIELD EXAM: 8/14/90

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: None

PHONE NUMBER: (____) _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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JAN 25 1993

A. AJ CLAIM: # A36-02128 PRIORITY DATE: 06-07-1951 STAGE: L
B. WR RECORD: # 36-02128 PRIORITY DATE: 06-07-1951 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

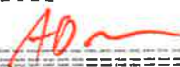
DATABASE
N

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 

DATE


8/14/90

MICROFILMED

JAN 25 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-02128	07S	24E	3	NE	NW	SW		MINIDOKA

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-07405 NONE

WR RECORDS IN SAME 40 ACRE TRACT
36-07405

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-02128	07S	24E	3		NW	SW		MINIDOKA

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A36-07405 NONE

36-07405

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER
[Signature]

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:

AD~ *As Claimed* *8/14/90*

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JAN 25 1993

A. ROOT WATER RIGHT NUMBERS: A36-02128

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	24E	3	SE	NW		ACEQUIA INC. ACEQUIA INC.	A36-02128 740.0 A36-07405 /40.0	36-02128 740.0 36-07405 /40.0	39.0		
07S	24E	3	NE	SW		ACEQUIA INC. ACEQUIA INC.	A36-02128 740.0 A36-07405 /40.0	36-02128 740.0 36-07405 /40.0	39.0		
07S	24E	3	NW	SW		ACEQUIA INC. ACEQUIA INC.	A36-02128 740.0 A36-07405 /40.0	36-02128 740.0 36-07405 /40.0	38.0		
07S	24E	3	SW	SW		ACEQUIA INC. ACEQUIA INC.	A36-02128 740.0 A36-07405 /40.0	36-02128 740.0 36-07405 /40.0	39.0		
07S	24E	3	SW	NW		ACEQUIA INC. ACEQUIA INC.	A36-02128 740.0 A36-07405 /40.0	36-02128 740.0 36-07405 /40.0	39.0		
07S	24E	3	SE	SW		ACEQUIA INC. ACEQUIA INC.	A36-02128 740.0 A36-07405 /40.0	36-02128 740.0 36-07405 /40.0	41.0		
TOTAL ACRES							A36-02128 240.00	36-07405 240.00	235.00		

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 & claimed.

RECOMMENDATIONS:

TOTAL ACRES: 290

REVIEWED BY: AD

DATE: 8/12/90

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JAN 25 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-02128 IRRIGATION	FROM 03-15 TO 11-15	2.620 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.620 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-02128 IRRIGATION	FROM TO	2.620 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.620 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N(☐) Explain in remarks, below.

REMARKS:

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JAN 25 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 2.620 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.620 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
N

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

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

N/A

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

OTHER RIGHTS LISTED IN CLAIM: A36-07405

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-02128	GROUNDWATER	ACEQUIA INC.	2.620	0.010		
A36-07405	GROUNDWATER	ACEQUIA INC.	1.160	0.004		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

3.78

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JAN 25 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 240 x 0.02 CFS/ACRE = 4.80 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 = 720.0 AF/A

ACRES 240 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 720 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 240 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 960 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(☒)

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

When A36-07405 & A36-02128 considered shall not exceed
3.78 cfs nor 720 A.F. CU or 960 A.F. IR.

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JAN 25 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AE/A	REC. CONS. USE
IRRIGATION	03-15 11-15	DATABASE EXAMINER 2.620 ✓	DATABASE EXAMINER 760 ✓	DATABASE EXAMINER 720.0 ✓
TOTAL FOR THIS RIGHT		2.620		720.0

REVIEWED BY: *for*

DATE: *8/14/90*

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JAN 25 1993

PAGE: 10
BASIS OF CLAIM REVIEW SHEET

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED
AS CLAIMED

NEEDS
REVIEW

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-02128

DATABASE
2.620

EXAMINER

CFS

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

36-02128

2.620

A36-02128

2.620

2.620

TOTAL CFS

2.620

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: 8/18/90

NAME OF FIELD EXAMINER:

TITLE:

MICROFILMED

JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:44
08/04/90

CLAIM NUMBER: A36-02128

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

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PG = 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.

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JAN 25 1993