

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: **A36-02460**
Date Received: 6/19/1990
Receipt No: C017334
Received By: _____

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

1. Name: MAX L AUKER 208-324-4937
Address: 358E STATE HWY 25
JEROME ID 83338

AND

Name: WENDY A AUKER 208-324-4937
Address: 358E STATE HWY 25
JEROME ID 83338

2. Date of Priority: JAN 11, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	19E	32	SE	NE	NW		JEROME

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.720		

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

8. Total consumptive use is 999.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
08S	19E	32	NE	NE		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	19E	32	NW	NE	IRR	35.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	38.0
			NW	NW	IRR	35.0
			SW	NW	IRR	20.0
			SE	NW	IRR	36.0
			NE	SW	IRR	15.0
			NE	SE	IRR	10.0
			NW	SE	IRR	20.0
					Section Acres	328.0
		33	SW	NW	IRR	5.0
					Section Acres	5.0
					Total Acres	333.0

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
A36-07614

14. Remarks:
CHANGE IN P/U DUE TO USE OF SAME WELL AND SPRINKLERS OF THE TWO
WR'S LISTED. NO INCREASE IN ACRES OR WATER HAS OCCURRED, THE P/U
IS FARMED AS ONE SYSTEM.

15. Basis of Claim: LICENSE

Water Right Number: 29287

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: _____

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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 _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

JUN 24 1993

DATE OF CLOSING: June 22, 1993

LEGAL DESCRIPTION OF PROPERTY: Township 8 South Range 19 East

Section 32, 1/4 of 1/4 of 1/4 Govt. Lot 1 & 2, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet. (See Attached)

Warranty Deed

Department of Water Resources
Southern Region Office

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) 36-07614
Assigned by IDWR: _____

☐ Name and Address of Former Owner/Claimant(s)(Seller): Randal J. Waters
233 S. 1450 E.

Jerome, Idaho 83338

☐ New Owner/Claimant (Purchaser): Max L. Auker and Wendy A. Auker

☐ New Mailing Address: 358 East State Hwy. 25

Jerome, Idaho 83338

☐ New Telephone Number: (208) 324-4937

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Warranty Deed

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

☐ Signature of New Owner/Claimant(s) [Signature] Date 6-22-93

[Signature]

Date 6-22-93

☐ Signature of Former Owner/Claimant(s): X Randal J. Waters

Date 6-22-93

Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 6/28/93 By: JS

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

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Jerome County records.

Power Line Easement given by Larry Davidson and Kathleen Davidson, husband and wife, to Idaho Power Company, a corporation, dated May 20, 1974, recorded November 22, 1974 in Book 184 Page 975 as Instrument Number 208823, Jerome County records, affecting the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 8 South, Range 19, East Boise Meridian.

Existing easements for road, highway, ditches, canals, laterals and power and transmission lines, as shown in document dated August 7, 1980, recorded August 7, 1980 as Instrument Number 251624, Jerome County records.

Mortgage given by Randal J. Waters, a single man, to the United States of America, acting through the Farmers Home Administration, dated August 7, 1980, recorded August 7, 1980 as Instrument Number 251624, Jerome County records, TO SECURE: \$175,000.00, however, no representation is made as to the present outstanding balance thereof. Waiver of Rights in Personal Property dated March 1, 1983, recorded March 21, 1983 as Instrument Number 271942, Jerome County records. Subordination Agreement dated February 13, 1991, recorded February 21, 1991 as Instrument Number 910564, Jerome County records, wherein Farmers Home Administration agrees to subordinate the lien described herein to the Right of Way Easement shown below.

Power Line Easement given by Randy J. Waters, a single person, to Idaho Power Company, a corporation, dated March 24, 1983, recorded July 8, 1983 as Instrument Number 274653, Jerome County records, affecting a portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 8 South, Range 19, East Boise Meridian.

Right of Way Option given by Randal J. Waters, Grantor, to Idaho Power Company, dated December 14, 1988, recorded January 4, 1989 as Instrument Number 314172, Jerome County records.

Financing Statement from Randal J. Waters, as Debtors, to United States of America, acting through the Farmers Home Administration, as Secured Party, filed September 10, 1990 as Instrument Number 322386, Jerome County records.

Right of Way Option given by Randal J. Waters, to Idaho Power Company, dated December 14, 1988, recorded January 4, 1989 as Instrument Number 314172, Jerome County records, affecting a parcel in Section 32 and 33, Township 8 South, Range 19, East Boise Meridian.

Right of Way Easement given by Randal J. Waters and Debbie Waters, to Idaho Power Company, dated December 5, 1990, recorded December 6, 1990 as Instrument Number 323414, Jerome County records, affecting a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, and Tract G Section 33 all in Township 8 South, Range 19, East Boise Meridian.

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PARCEL NO. 1:

Section 32 and 33: Tract "G", EXCEPTING THEREFROM that portion lying South of Section 21.

PARCEL NO. 2:

Section 32: Lots 1 and 2; N $\frac{1}{2}$ N $\frac{1}{2}$;

SUBJECT TO THE FOLLOWING:

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

Taxes for 1993 and subsequent years, which are not yet due and payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Interim and Recordable Contract by and between the United States of America, acting through the Secretary of the Interior, and William C. Williams and Zelda Bea Williams, husband and wife, dated May 14, 1949, recorded May 25, 1949 in Book 143 Page 54 as Instrument Number 106061, Jerome County records.

Power Line Easement given by W. C. Williams and Zelda B. Williams, husband and wife, to Idaho Power Company, a corporation, dated July 30, 1949, recorded June 10, 1950 in Book 142 Page 210 as Instrument Number 109540, Jerome County records, affecting a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and within Farm Unit "A", Section 32, Township 8 South, Range 19, East Boise Meridian.

Power Line Easement given by Tennessee C. Robison and Ann Louise Robison, husband and wife, to Idaho Power Company, a corporation, dated February 2, 1965, recorded May 4, 1965 in Book 168 Page 486 as Instrument Number 163625, Jerome County records, affecting a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 8 South, Range 19, East Boise Meridian.

Power Line Easement given by T. C. Robison and Anna Louise Robison, husband and wife, to Idaho Power Company, a corporation, dated April 24, 1968, recorded December 3, 1968 in Book 184 Page 216 as Instrument Number 178882, Jerome County records, affecting a portion of the above described property.

Subject to the unpaid balance of one certain Mortgage in favor of The Federal Land Bank of Spokane, dated October 17, 1974, recorded October 31, 1974 in Book 195 Page 1366 as Instrument Number 208563, Jerome County records, which the Grantees herein named assumes and agrees to pay. Subordination Agreement dated December 11, 1990, recorded December 19, 1990 as Instrument Number 323546, Jerome County records, wherein The Federal Land Bank of Spokane hereby agrees to subordinate the lien of the Mortgage described herein to the Right of Way Easement shown below.

Financing Statement No. 9568 from Larry Davidson and Kathleen Davidson, as Debtors, to The Federal Land Bank of Spokane, as Secured Party, filed October 31, 1974 as Instrument Number 208554, Jerome County records. Continuation filed June 12, 1979.

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WARRANTY DEED

(Idaho)

Randal J. Waters, a married man, dealing with his ~~separate property~~ ^{his wife, of} Jerome County, Idaho, hereinafter called the Grantor, for and in consideration of ~~Ten Dollars and other valuable~~ ^{consideration} ----- DOLLARS (\$ 10.00*****), GRANTS, CONVEYS, and WARRANTS to Max L. Aufer and Wendy A. Aufer, ^{his wife, of} Jerome County, Idaho currently residing at 358 East State Hwy 25, Jerome, Idaho 83338, hereinafter called the Grantee, as a community property estate, the following-described premises situated in Jerome County, Idaho: .

See Exhibit "A" Attached Hereto:

RECORDED
OF Land Title & Escrow, Inc.
JUN 22 3 53 PM '93
JEROME IDAHO
FEES 9.00 TP *Waters*

932299

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee, that the Grantor is lawfully seized in fee simple of said premises; that they are free from all encumbrances, except as above described; and that Grantor will warranty and forever defend the title thereto against all lawful claims and demands whatsoever.

Dated this 22nd day of June, 19 93

Randal J. Waters
Randal J. Waters

STATE OF Idaho
COUNTY OF Jerome

} ss:

ACKNOWLEDGMENT

On this 22nd day of June, 19 93, before me,
Rick Bernsen, the undersigned officer, personally appeared
Randal J. Waters

known to me or satisfactorily proven to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(S E A L)

My commission expires: 7-30-97

Rick Bernsen
Jerome, Idaho Notary Public

Residing at Jerome, Idaho

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OCT 18 1994

Water Right Number - 36-02460

Prefix Translation: WATER RIGHT

Old (D) Number - 29287

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

*** C - CURRENT OWNER ***

AUKER

MAX L

1 - 358E STATE HWY 25

2 -

3 -

City- JEROME

State- ID Zip- 83338

Phone - 208-324-4937

AUKER

WENDY A

1 - 358E STATE HWY 25

2 -

3 -

City- JEROME

State- ID Zip- 83338

Phone - 208-324-4937

*** D - DIR RPT OWNER ***

WATERS

DEBBIE

1 - 233 S 1450 E

2 -

3 -

City- JEROME

State- ID Zip- 83338

Phone - 208-825-5576

WATERS

RANDAL J

1 - 233 S 1450 E

2 -

3 -

City- JEROME

State- ID Zip- 83338

Phone - 208-825-5576

+ - - Priority Date - - +
01/11/1961+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
L - LICENSE

+ - - Status - - - - +

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

+ - - - - Tributary - - - - - +

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

08S 19E 32 SE NE NW (53) JEROME

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

01 - IRRIGATION

04/01

10/31

4.720

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

08S 19E 32 NE NE 31.0 01 IRRIGATION (53) JEROME

08S 19E 32 NW NE 37.0 01 IRRIGATION (53) JEROME

08S 19E 32 SW NE 40.0 01 IRRIGATION (53) JEROME

08S 19E 32 SE NE 40.0 01 IRRIGATION (53) JEROME

08S 19E 32 NE NW 40.0 01 IRRIGATION (53) JEROME

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OCT 18 1994

Water right number - 36-02460

Prefix Translation: WATER RIGHT

+ - - - - Place of Use - - - - - +								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08S	19E	32	NW NW		38.0	01	IRRIGATION	(53) JEROME
08S	19E	32	SW NW		20.0	01	IRRIGATION	(53) JEROME
08S	19E	32	SE NW		33.0	01	IRRIGATION	(53) JEROME
08S	19E	32	NE SW		14.0	01	IRRIGATION	(53) JEROME
08S	19E	32	NE SE		5.0	01	IRRIGATION	(53) JEROME
08S	19E	32	NW SE		15.0	01	IRRIGATION	(53) JEROME
08S	19E	33	NW NW		4.0	01	IRRIGATION	(53) JEROME
08S	19E	33	SW NW		5.0	01	IRRIGATION	(53) JEROME

Total Acres: 322.0

+ - - Diversion Means - WELL AND PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-07614

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 236 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. RIGHT NO. 36-07614 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 4.72 CFS. USE OF THIS RIGHT WITH RIGHT NO. 36-07614 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1288 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 966 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 322 ACRES IN A SINGLE IRRIGATION SEASON.

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

3602460

+ - - - - Conditions of Approval - - - - - +

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

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

+ - - - - Comments - - - - - +

Date: 09/13/1991 User Id: CLELLAND Subject: COPIED FROM REMARKS
CHANGE IN P/U DUE TO USE OF SAME WELL AND SPRINKLERS OF THE TWO WR'S LISTED. NO INCREASE IN ACRES OR WATER HAS OCCURRED, THE P/U IS FARMED AS ONE SYSTEM.

Date: 06/30/1993 User Id: GIVENS Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 6/24/93 FORMER OWNERS RANDAL J. OR DEBBIE WATERS NEW OWNERS MAX L. & WENDY A. AUKE. COPY OF WARRANTY DEED SUBMITTED WITH FORM.

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OCT 18 1994

Water right number - 36-02460

Prefix Translation: WATER RIGHT

+ - - Audit Fields - - +

06/30/93 GIVENS

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

Court Report Filing	- 11/02/1992	Field Inspection Made	- 11/05/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 06/19/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C017334	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	- C
				Notice of Error Flag	-

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OCT 18 1994

Important Information About Your Water Right

August 27, 2001

RECEIVED

SEP - 7 2001

Department of Water Resources

WENDY A AUKEER
MAX L AUKEER
358E STATE HWY 25
JEROME, ID 83338

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 36-02460. 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 February 24, 1998, 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

In Re SRBA)

Water Right 36-02460

Case No. 39576)

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 February 24, 1998. 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: 04-01 11-01

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT. ccc

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*.

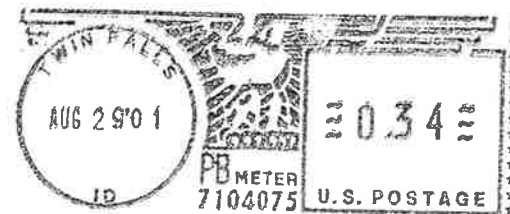
RULE 54(b) CERTIFICATE

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
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



36-7614
36-2460

WENDY A AUKE
MAX L AUKE
358E STATE HWY 25
JEROME, ID 83338

SEP - 7 2001

Department of Water Resources

NOA
JTF
JTF



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

30-Jun-1993

MAX L AUKER
WENDY A AUKER
358e STATE HWY 25
JEROME ID 83338

RE: ADJUDICATION CLAIM(s) NO.(s) 36-07614 - 36-2460 -
RANDAL J. OR DEBBIE WATERS

Dear Claimant(s):

Pursuant to the notification that you now own the property with the above-referenced Adjudication Claim(s), we have changed the Department's record(s) as you have requested. In doing a computer search, I found that there was one more Adjudicated Right in the same legal as 36-07614 and in the name of Randal J. or Debbie Waters. I have changed the Ownership on this as well.

Please note that the Director's Report for Basin 36 has been filed with the court and the recommendations for the above-listed right is listed with the Owner's Code D, which stands for the past owners name. Your name will be listed with a C, standing for Current Owner.

Please review the record(s) and should you have any questions, please feel free to call this office.

Sincerely,

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

Judy Givens
Adjudication Secretary

/jg

Enclosures

MICROFILMED

OCT 18 1994

let

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: A36-02460
Date Received: 4/13/1990
Receipt No: C017334
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEBBIE WATERS 208-825-5576
Address: 233 S. 1450 E.
JEROME, ID 83338

OR
Name: RANDAL J. WATERS 208-825-5576
Address: 233 S. 1450 E.
JEROME, ID 83338

2. Date of Priority: JAN 11, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	19E	32	SE	NE	NW		JEROME

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.720		

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

8. Total consumptive use is 999.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
08S	19E	32	NE	NE		IRR	39.0

A36-02460

Page 1

Date: 07/06/90

MICROFILMED

JAN 28 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres		
08S	19E	32	NW	NE		IRR	35.0		
			SW	NE		IRR	40.0		
			SE	NE		IRR	40.0		
			NE	NW		IRR	38.0		
			NW	NW		IRR	35.0		
			SW	NW		IRR	20.0		
			SE	NW		IRR	36.0		
			NE	SW		IRR	15.0		
			NE	SE		IRR	10.0		
			NW	SE		IRR	20.0		
			Section Acres						328.0
			33	SW	NW		IRR	5.0	
			Section Acres						5.0
Total Acres						333.0			

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
A36-07614

14. Remarks:
CHANGE IN P/U DUE TO USE OF SAME WELL AND SPRINKLERS OF THE TWO
WR'S LISTED. NO INCREASE IN ACRES OR WATER HAS OCCURRED, THE P/U
IS FARMED AS ONE SYSTEM.

15. Basis of Claim: LICENSE

Water Right Number: 29287

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 _____

4/5/1989

FBI CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Waters

CLAIM IDENT. NO.

A36-02460

DATE RECEIVED

4-13-90

CK #

AMOUNT \$

5000

YES

NO

Require
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A
- Is the consumptive use correct? ☒ YES ☐ NO N/A
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO
12. Is the ownership of p.u. checked? ☒ YES ☐ NO
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A
15. Is the basis of the claim indicated? ☒ YES ☐ NO
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A
22. Should this claim be data entered? ☒ YES ☐ NO

Claim checked by:

Rat

Date:

7-5-90

Claim must be returned to claimant:

(Yes) / (No)

Claimant must be notified of modifications:

(Yes) / (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Rat

Date:

Date:

Date:

Checked by:

Rat

Date:

7-6

MICROFILMED

Comments:

JAN 28 1993

50 (Acres overlap)
50 Late fee
100

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: A36-02460

Date Received: 4/13/1990

Receipt No: 0017334

Received By: SCC / J. Davison

RECEIVED
JUN 19 1990

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEBBIE WATERS 208-825-5576
Address: 233 S. 1450 E.
JEROME, ID 83338

OR

Name: RANDAL J. WATERS 208-825-5576
Address: 233 S. 1450 E.
JEROME, ID 83338

2. Date of Priority: JAN 11, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	19E	32	SE	NE	NW		JEROME

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.720		

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

8. Total consumptive use is 999.0 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

JAN 28 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres			
08S	19E	32	NE	NE		IRR	39.0			
			NW	NE		IRR	35.0			
			SW	NE		IRR	40.0			
			SE	NE		IRR	40.0			
			NE	NW		IRR	38.0			
			NW	NW		IRR	35.0			
			SW	NW		IRR	20.0			
			SE	NW		IRR	36.0			
			NE	SW		IRR	15.0			
			NE	SE		IRR	10.0			
			NW	SE		IRR	20.0			
									Section Acres	328.0
				33	SW	NW		IRR	5.0	
						Section Acres	5.0			
						Total Acres	333.0			

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
A36-07614

14. Remarks:

CHANGE IN P/U DUE TO USE OF SAME WELL AND SPRINKLERS OF THE TWO
WR'S LISTED. NO INCREASE IN ACRES OR WATER HAS OCCURRED, THE P/U
IS FARMED AS ONE SYSTEM.

15. Basis of Claim: LICENSE
Water Right Number: 29287

(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.

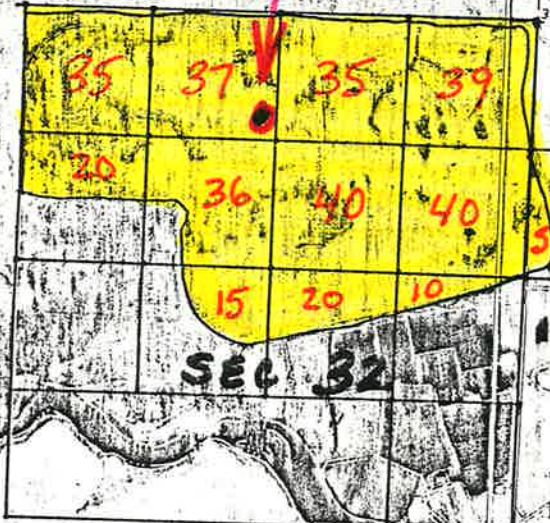
JAN 22 1993

19E.

PO.

28

27



8s.

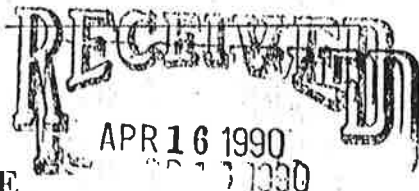
JAN 28 1983

UNRECORDED

A36-02460

NORTH
SIDE

Date Recd



State of Idaho
Department of Water Resources
**REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

Department of Water Resources
Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Randal J. & Debbie Waters () 825-5576
Name of Claimant Phone Number
2335 1450 E. Jerome, Id. 83338
Mailing Address City State Zip
Jerome April 12
County(s) where place of use is located Date claim originally due
A 36 - 02460 A 36 - 02614 3 domestic
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

On Jan. 29, I came in and did preliminary work with Steve Clelland regarding the above water rights. Because of fees due, I had to apply for approval on farm budget, which has not been approved and accepted. Life moved, and the information regarding our water rights were packed away.

Claimant requests an extension to April 30, 19 90 and misplan
Randal J. Waters April 13, 19 90
Signature Date of request

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to June 20, 19 90

Signed this 19 day of May, 19 90

Director or his designated agent

DAVID B. SHAW

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

JAN 28 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866RECEIVED
APR 04 2002
Department of Water Resources
Southern Region

FAX TRANSMITTAL COVER SHEET

DIRK KEMPTHORNE
GOVERNORKARL J. DREHER
DIRECTOR

DATE: 4.4.02

TO: Allen Merritt

FROM: Karl J. Dreher

DOCUMENT
DESCRIPTION: Demand O/R request - 36-02460

COMMENTS:

COVER SHEET + 10 PAGES

PLEASE CONTACT
ENTIRE DOCUMENT

327-7941

IF YOU DON'T RECEIVE THIS

MAY 19 1998

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

Department of Water Resources
Southern Region

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

DEC 12 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 No(s): 36-02460 & 36-07614
Adjudication Claim No(s): _____
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 attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Max Auker & Wendy A. Auker
358-B Hwy 25 Jerome, ID 83338
4. New Owner/Claimant(s) Dean T. Dimond & Eden C. Dimond
New Mailing Address Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
1454 Hwy 25
City, State and ZIP Code Jerome, ID 83338
New Telephone Number () _____
5. Date you acquired the property May 15, 1998
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 you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
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 or Claimant(s) Dean T. Dimond
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

#J-26227

WARRANTY DEED

983179

For Value Received

MAX L. AUKER and WENDY A. AUKER, husband and wife

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

DEAN T. DIMOND and EDEN C. DIMOND, husband and wife
Address: 1454 HWY 25, JEROME, ID 83338

RECORDED WITH REQUEST
Land Title & Escrow, Inc.
May 15 3:41 PM '98
JEROME, IDAHO
FEES \$6.00 DE [Signature]

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

See attached Exhibit "A"

SUBJECT TO:

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

Taxes for 1998 and subsequent years.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Interim and Recordable Contract, dated May 14, 1949, recorded May 25, 1949 in Book 143 Page 54 as Instrument Number 106061, Jerome County records.

Power Line Easement dated July 30, 1949, recorded June 10, 1950 in Book 142 Page 210 as Instrument Number 109540, Jerome County records.

Power Line Easement, dated February 2, 1965, recorded May 4, 1965 in Book 168 Page 486 as Instrument Number 163625, Jerome County records.

Power Line Easement dated April 24, 1968, recorded December 3, 1968 in Book 184 Page 216 as Instrument Number 178882, Jerome County records.

Power Line Easement, dated May 20, 1974, recorded November 22, 1974 in Book 184 Page 975 as Instrument Number 208823, Jerome County records.

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

Dated: May 15, 1998

[Signature]
MAX L. AUKER
[Signature]
WENDY A. AUKER

RECEIVED

MAY 19 1998

Department of Water Resources
Southern Region

STATE OF IDAHO

COUNTY OF Jerome

) ss.

On this 15th day of May, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared MAX L. AUKER and WENDY A. AUKER, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary Public
Residing at:

TERRI McBRIDE
★ NOTARY PUBLIC ★
STATE OF IDAHO
SEALING AT SPOKANE, ID
MY COMMISSION EXPIRES 5-5-2002

EXHIBIT "A"

PARCEL NO. 1

TOWNSHIP 8 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 32 and 33: Tract "G", EXCEPTING THEREFROM that portion lying South of Lateral No. 21.

PARCEL NO. 2

TOWNSHIP 8 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 32: Lots 1 and 2; N $\frac{1}{2}$ N $\frac{1}{2}$.

Subject to:

Existing easements for road, highway, ditches, canals, laterals and power and transmission lines, as shown in document dated August 7, 1980, recorded August 7, 1980 as Instrument Number 251624, Jerome County records.

Power Line Easement dated March 24, 1983, recorded July 8, 1983 as Instrument Number 274653, Jerome County records.

Right of Way Option dated December 14, 1988, recorded January 4, 1989 as Instrument Number 314172, Jerome County records.

Right of Way Easement dated December 5, 1990, recorded December 6, 1990 as Instrument Number 323414, Jerome County records.

Mortgages in favor of the United States of America acting through the Farmers Home Administration which the Grantees by acceptance of this Deed assume and agree to pay the balance thereof.

REGISTERED

MAY 19 1998

Department of Water Resources
Southern Region

RECEIVED

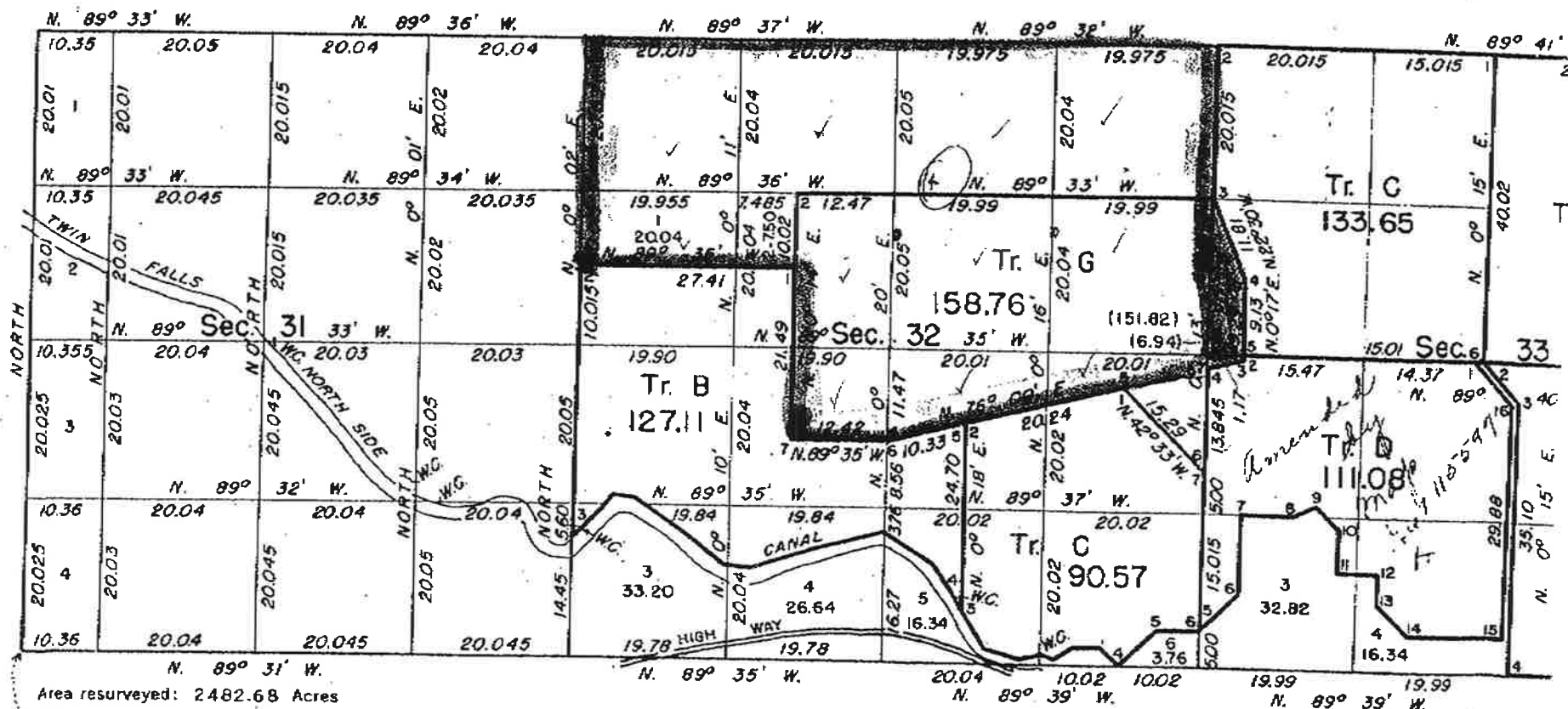
MAY 19 1998

Department of Water Resources
Southern Region

T82, R 19E S32/33

DEPENDENT RESURVEY AND SUBDIVISION OF SECTIONS

"This plat is made solely for the purpose of assisting in locating the land, and the company assumes no liability for variations, if any, with an actual survey."



Important Information About Your Water Right

August 27, 2001

WENDY A AUKER
MAX L AUKER
358E STATE HWY 25
JEROME, ID 83338

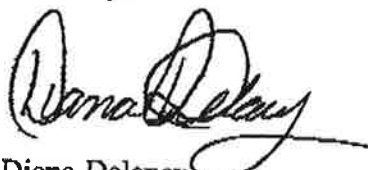
Dear Water Right Claimant(s):

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 36-02460. 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 February 24, 1998, 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

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02460

1998 FEB 24 PM 12:03
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: WENDY A AUKER
MAX L AUKER
358E STATE HWY 25
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 4.72 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-07614 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.72 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1288 AF.

PRIORITY DATE: 01/11/1961

POINT OF DIVERSION: T08S R19E S32 SENENW

Within JEROME County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season QUANTITY
4.72 CFS

PLACE OF USE: IRRIGATION
T08S R19E S32

Within JEROME County

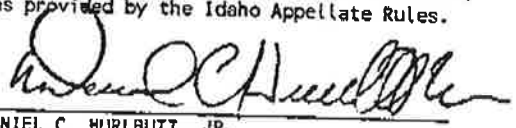
NENE 31	NWNE 37	SWNE 40	SENE 40
NENW 40	NWNW 38	SWNW 20	SENW 33
NESW 14	NESE 5	NWSE 15	
NWNW 4	SWNW 5		
NWSE 15			

S33
322 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 236 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 36-02460 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 322.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-02460

PAGE 1
FEB-12-1998

MEMORANDUM

To: File 36-15986

From: Sharla

Date: March 22, 2002

Re: Permit Processing

This application is for use of waste water through an agreement with American Falls Reservoir District #2. Waste water (AFRD calls it incidental operation spillage) will be diverted (no pump) from lateral 21 past AFRD's last diversion into the applicant's settlement pond. The waste water now ends up in the North Side Canal Co. lateral where the sediment has been a problem. Waste water will then be pumped from the settlement pond via a 20 hp pump (designed for 1800 gpm) to a second pond where the waste water is to be mixed with ground water (pumped from two wells under rights 36-2460 and 36-7614). The mixed waste water/ground water will then be pumped through a mainline to three center pivots and a number of wheel lines and hand lines. The waste water will be spread over a total of 322 acres

The place of use on the application and the place of use decreed in 1998 for 36-2460 and 36-7614 are slightly different. The differences are 37 acres in NWNE and 15 acres in NWSE, S32 and 4 acres in NWNW, S33 on the existing rights versus the actual use of 40 acres in NWNE and 16 acres in NWSE, S32 and no acres in the NWNW, S33. In speaking with Mr. Dimond, he told me that a previous owner of the farm (Mr. Waters -- who sold to Auker's who in turn sold to Dimond's) for a time had a line running to the NWNW, S33. When he sold to Auker's, that use stopped. I have confirmed with the county assessor that Mr. Waters is still the current owner of those 4 acres in the NWNW, S33. Mr. Dimond further told me that he has obtained in writing a statement from Mr. Waters' explaining that the 4 acres are no longer watered under those rights and that he has no problem with Mr. Dimond filing a transfer of the two existing ground water rights to correct the error. Mr. Dimond has also asked the bank who holds the lien on his farm loan to provide a statement giving their consent to a transfer. Mr. Dimond has been diligent in his efforts to get all the rights to match in legal descriptions and ownership. The change of ownership form submitted in 1998 has not been processed yet due to the 4 acres in the NWNW, S33 discrepancy. The ownership change can be accomplished with the approval of the transfer.

This application was processed by regional staff as being mitigated by the decreased pumping of ground water under rights 36-2460 and 36-7614; they are the primary water source for the 322 acres and the waste water is to be used to supplement the ground

water when it is available. There may be some years that no waste water is available past AFRD's last diversion; other years the applicant may be able to pump it from the settlement pond the whole season and not have to turn on the pumps at the wells.

After discussing all of the above with the applicant, I recommend the permit be issued, not as something that is being mitigated, but rather as an application that can be reviewed for approval on a "case-by-case" basis because protection and furtherance of the public interest requires consideration and approval of the application irrespective of the general drought related moratorium as stated in the Amended Moratorium Order for the ESRPA. In this case, eliminating sediment in NSCC's lateral is certainly in the public interest and so is the reduction of ground water withdrawals when the waste water is available.

I recommend approval of the permit with the following conditions in addition to necessary standard conditions:

Totalizing measuring devices of a type acceptable to the department and to the watermaster of Water District 130 shall be installed and maintained on the pump at the settling pond and on the ground water wells.

Use of this right and ground water rights 36-2460 and 36-7614 are limited to a combined total annual diversion of 1288 acre feet and the irrigation of a total of 322 acres.

Merritt, Allen

From: Merritt, Allen
Sent: Thursday, April 04, 2002 5:07 PM
To: Young, Norm
Cc: Jones, Doug
Subject: RE: Internet Feedback Message

After reading the letter and talking with John Freitag and Kelly Christensen a little more I conclude that Mr. Dimond may be complaining about a change of ownership &/or the SRBA recommendations involving rights 36-2460 & 7614.

Review of the SRBA files indicates that the original claims were filed by Randal &/or Debbie Waters on 4/13/1990. The claim was field examined by me 11/9/1990. Steve Clelland took over review and finalized recommendation in around 9/13/1991. The director's report was issued 11/2/1992. On 11/17/92 Steve met with Mr. Walters and Mr. Auker to discuss the director's report and issues involving recommendation (Conversation memo in files) The recommendation put both rights into a PPU which included 4 acres in the NWNW S33, T08S, R19E. In June of 1993 we processed a change of ownership from Waters to Auker. The rights were partially decreed first around 2/24/1998. They have also been involved in being re-decreed.

We received a change of ownership of the rights from Auker to Dimond on 5/19/1998.

In talking with John about this ownership change he indicated that he found the original in the SRBA files and forwarded it to the State Office presumably around 12/12/2001 (That is when the thing is date stamped in SO) I discussed this matter with Trish Fawcett about what the processing policy was back in 1998. She indicated that normally rights that were decreed the ownership changes along with the SRBA claim files were forwarded to the SO for processing. She indicated that for a time they were held and then it was decided not to send the SRBA claim files and Richard Hansen in the SO returned the SRBA claim files. I can only assume the ownership change was never sent in 1998 to the SO or it was sent to SO then returned with SRBA files and but not processed. Anyway the ownership change was not processed timely in 1998 by the department.

As for other issues in Mr. Dimonds letter he has always expressed his feeling that the department somehow needs to correct the water right without him filing a transfer. The memo Sharla wrote on 3/22/2002 contained in file 36-15986 bears on this matter.

I hope this is helpful in understanding Mr. Dimond's frustration.

Allen

-----Original Message-----

From: Gibson, Deborah
Sent: Thursday, April 04, 2002 11:26 AM
To: Merritt, Allen
Subject: FW: Internet Feedback Message

FYI - Please draft a response for Karl. Thanks.

-----Original Message-----

From: Erika Meadows [mailto:EMeadows@gov.state.id.us]
Sent: Wednesday, April 03, 2002 3:16 PM
To: 'kdreher@idwr.state.id.us'; 'hcdimond@northrim.net'
Cc: 'dgibson@idwr.state.id.us'
Subject: FW: Internet Feedback Message

Dear Dean,

Governor Kempthorne has asked me to respond to your email. Thank you for contacting our office. I am forwarding your email to the Department of

Water Resources Director, Karl Dreher, for his review and consideration. You will be receiving a response from his office determining the department's solution to this problem. I hope this is helpful. Again, thank you for writing Governor Kempthorne.

Erika Meadows
Policy Assistant/Natural Resources
Office of Governor Kempthorne
(208) 334-2100
Fax: (208) 334-3454

-----Original Message-----

From: Addy Wissel On Behalf Of Governor Kempthorne
Sent: Friday, March 15, 2002 2:56 PM
To: Erika Meadows
Subject: FW: Internet Feedback Message

-----Original Message-----

From: IUSR_WWW2@www2.state.id.us [mailto:IUSR_WWW2@www2.state.id.us]
Sent: Friday, March 15, 2002 2:34 PM
To: Governor@gov.state.id.us
Subject: Internet Feedback Message

Message received through Internet Feedback form Friday, March 15, 19102 at 14:34:07

Classification:

Mr. Dean Dimond
1454 HWY 25
Jerome ID 83338 208- 825-5055

EMail: Example: idaho@email.gov

Miscellaneous

Comments:

Dear Gov. Kempthorne

My name is Dean Dimond I have a wife and two small children that I support off a small (300 acre) farm in Jerome County. As you are well aware money is pretty tight for farmer these days and it takes all we can scrape together just to support our small family.

The reason I am writing this letter is due to the problems we are having with the Dept. of Water Resource. (If the state really needs to cut some funds in the budget this would be a good place to start.) There are several issues I would like to discuss starting with the inefficiency of the Twin Falls office. I purchased my farm in 1998 and Land Title filed for the water to be transferred into my name in April of 1998. The paperwork has set on their desk until this year when I found out that the transfer had not been made. I called and requested that the paperwork be processed. They sent it to Boise and the Boise office found a discrepancy between the adjudicated water right and the actual water right. The reason the error was not caught in the adjudication process is because the water resource was sending the paper work to previous owners because they had not done the transfer so the notices were sent to the wrong parties. Because they have not done their job they say to correct the problem I need to get a release not from the man I purchased the ground from but the man that owned the ground prior to him and then pay the IDWR a \$100. I do not feel this is right and I am running out of \$100's to pay them to correct their own errors. If the paper would have been processed properly we could have corrected the mistake at the closing when all parties were present and not

had to try and find them all after four years.

My next big concern is the 10% water cut back that the IDWR wants to make this year. I have been to their meetings and listened to their speeches and as near as I can tell based on the facts the IDWR has presented the cut back will not help the aquifer one bit, but it will hurt us and our local economy greatly. According to the grafts the water resource presented in their meeting there is still more water coming out of the springs than what there was in the 1900's. When the canal system came though the water levels went up at the springs until it peaked in the 1960's when we started to repair the canal system to reduce leakage and installed more sprinklers to reduce run off and water more efficiently. The problem is that IDWR issued permits on the flows of the streams based on the flows that were there when the canals were leaking and now in an effort to fill water permits that should have only been issued on an availability basis they want to shut down pumps to try and raise the water level in the aquifer. This would work if the pumps were pumping from the upper level of water that is there from the canals. However, these deep wells are lifting from a deeper water source that has very little fluctuation. So to cut these wells back will have little or no effect on the springs. I realize the need to conserve water and that the surface water users will probably be short this year, but many of them have supplemental wells that the IDWR says cannot be cut back so it seems unfair and dumb to turn off primary wells and start supplementary wells. Is there really any water savings? Another thing that is not logical is to have IDWR causing disputes between ground and surface water users, most farmers use both so it is like fighting with ourselves. I think that we need to look at what is good for the State of Idaho and work out solutions for what is best for the entire state and do away with people that just have a big political agendas. To cut back 10% on my small farm would really hurt and it seems dumb to not use good water and then just let it run out the ocean where it will not do anyone any good. The costs of running a big pump such as mine is about the same whether I am watering 300 acres or 270 acres. It just gives me 30 fewer acres to pay the bills.

IDWR required farmers to form a Ground Water Pumper District a few years ago which just formed another layer of government. The good thing about the ground water district is that the board is made up of farmers that have logical ideas unlike the IDWR. The ground water district has worked hard to come up with a agreement on this water call but in your state of the union address I heard you give the credit to the IDWR for pumpers efforts. My thought would be, why don't we keep the water districts to monitor and control the pumping, much as the canal companies do for the surface water. Have the title company transfer water rights names to the new owner whenever property is sold; and shut down the IDWR office such as the one in Twin Falls. If need be we could still have a office in Boise to oversee the ground water districts but leave the power in the hands of the people that the decisions will effect their every day lives. I am sure that if we took even half the money that is currently going to the local IDWR offices and redirected to ground water districts not only would the State save money but we would get a better job.

I would really like to hear your thoughts on these matters and would appreciate a response to this letter you can reach me at 208-825-5055 or by mail 1454 HWY 25 Jerome ID 83338. Thank you for your time and I look forward to hearing from you.

Dean Dimond

Merritt, Allen

From: Merritt, Allen
Sent: Thursday, April 04, 2002 11:16 AM
To: Young, Norm
Cc: Skaggs, Pam; Freitag, John; Baldwin, Mary; Weihing, Warren; Christensen, Kelly
Subject: FW: Dean Dimond transfer

There are a couple of issues with Mr. Dimond.....

He has filed an application for use of waste water to replace ground water. (36-15986) That application was filed 1/18/2002. In the review process there was a problem identified with him wanting to irrigate different land than his ground water rights covered and also his ground water rights had a portion of them originally licensed and then decreed to a small tract on his neighbor's land. We advised that he needed a transfer to straighten it up. We proceeded with the application for permit anyway. Application sent to Mary to prepare ad 1/28/2001. Ad prepared 2/5/2002. Final Protest Date 3/11/2002. On my desk for final review 3/11/2002. Forwarded to Boise 3/11/2002. Approved permit 3/29/2002. During this process Mr. Dimond was calling complaining about us not processing fast enough.

In the meantime John Freitag has worked with Mr. Dimond to draft a transfer. John indicates that although application is drafted and given to Mr. Dimond to sign it has not been returned with the money....with a notarized statement of the lien holder...and a notarized statement from the neighbor. Mr. Dimond has expressed that he thinks IDWR should correct this on our own since it was mistakenly placed on the neighbor's property. (He has talked to SRBA staff about this) In actuality the neighbor's property was irrigated from the Dimond system at one time and we did not know who owned it until recently. Now he is reshaping the lands irrigated. (We are not processing a transfer since it has not been filed.)

Another issue with Dimond is that he has some sort of energy loan request that Weihing is dealing with...I don't know the status there.

I hope this helps...call if you have questions.

Allen

-----Original Message-----

From: Skaggs, Pam
Sent: Thursday, April 04, 2002 10:36 AM
To: Merritt, Allen
Subject: FW: Dean Dimond transfer

Allen,

Norm has received an inquiry about a transfer that appears to be in your office. Could you follow-up & reply to Norm.

Thanks, Pam

-----Original Message-----

From: Skaggs, Pam
Sent: Thursday, April 04, 2002 10:35 AM
To: Young, Norm
Subject: RE: Dean Dimond transfer

Norm,

This appears to be "Draft" Transfer 69759 for Rights 36-2460 & 7614 that was entered on our Workflow system 03-20-2002. We don't even have a copy of the application at this point. I will forward your query to Allen at Southern to follow-up on your query.

Pam

-----Original Message-----

From: Young, Norm
Sent: Thursday, April 04, 2002 10:22 AM

To: Skaggs, Pam
Subject: Dean Dimond transfer

Pam: We have received a constituent request letter that includes a concern that a transfer (?) application filed by Mr. Dimond has not been processed timely. If you have an application, could I have the file, ASAP? Norm

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 3-19-2002

File: 36-2460 and 36-7614 diamond

Prepared by Kelly K Christensen

Conversation with Dean Diamond
Re: 36-2460 and 36-7614

John Freitag requested that I visit with him concerning the recommendations of these rights. I called him today and discussed the claims, the recommendations, procedures and transfer issues.

His questions in part covered the following;

1. Why was the place of use recommended with 4 acres outside the claimed place of use?
 - a. I reviewed Steve Clelland's recommendation and found that he observed the ground as part of the system based upon aerial photography (and possibly a field examination). In discussing this with Dean, he indicated that the original owner owned all of the ground (the licensed place of use and the 40 acre tract where the 4 acres exist.) I understood him to indicate that the 4 acres were probably part of the system at that time but I did not pursue this issue.
2. Why was the diversion rate limited to 4.72 cfs and what happened to the claimed volume?
 - a. I explained the system capacity limitation that set the combined rate to 4.72 cfs. I noted that the claim was filed for 999 af in item 8 for consumptive use for each right. I then explained that the claim represents an individual's understanding of his use and does not necessarily reflect department standards. I explained that the department standard is 4 af per acre and that the recommendation reflects that amount. I did not discuss the difference between consumptive use and diversion volume.
3. Why wasn't anybody notified what the recommendation was for?
 - a. I read a portion of Steve's 11/17/92 memo regarding the recommendation of the two rights. Steve indicated that the meeting was with Randall Waters and Max Aucker. I explained that this memo was generated because the claimant had been informed of the recommendation and it raised questions, therefore they had to have seen the recommendation.
4. Does a transfer open up the water rights to complete review?
 - a. I explained that the transfer process was, in part, an effort to get existing rights to reflect current reality. If there was an issue of partial forfeiture then it would possibly be recognized through the transfer process. I used the example of changing irrigation systems to where some ground is no longer practical to irrigate. If the owner did nothing legal to protect the acres taken out of production, then those acres have the potential to be recognized as forfeited.

We discussed a number of related issues primarily focusing on historical events. I eventually suggested that discussing history is fine but the practical solution would be for him to proceed with a transfer to recognize that the 4 acres are back on his property. We discussed unrecorded transfers and quit claim deeds as it related to his system. I suggested that he could contact an attorney to get legal advice as to the best method to get the legal right to transfer the 4 acres to his side.

Post-it® Fax Note		7671	Date	# of pages ▶ 1
To	Norm Y		From	Allen Merv. JK
Co./Dept.			Co.	
Phone #			Phone #	
Fax #			Fax #	

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)

Water Right 36-02460

Case No. 39576)

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 February 24, 1998. 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: 04-01 11-01

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.ccc

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
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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: 36-02460

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
4.720

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
A36-02460	A36-02460	4.720	-		36-02460	4.720
TOTAL CFS		4.720				4.720

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: *[Signature]*

NAME OF FIELD EXAMINER: _____

[Signature] 9-13-91
DATE: 11/9/90
TITLE: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:39:21
09/15/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-02460

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~	N		See 9-13-91	DB	
POINT OF DIV	Y			N	1, 5			
SOURCE				N				
PLACE OF USE	Y			(Y)	6, 1, 5, 4			
DIV. AMOUNT CFS/VOLUME				(Y)	6			
CONSUMPTIVE USE	-			(Y)	6			
PURPOSES				N				
PERIOD OF USE				N				
BASIS OF CLAIM				N				
REMARKS	Y			(Y)	6			

VERIFIED BY CODES

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

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 236 x 0.02 CFS/ACRE = 4.72 CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 999.0 AE/A

ACRES 236 x CONSUMPTIVE VOL. AE/A FOR AREA 3.0 =

522 TOTAL CONSUMPTIVE USE 708 AE/A 964 AF

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AE/A

ACRES 236 x DIVERSION VOL. AE/A FOR AREA =

322 TOTAL DIVERSION VOLUME 940 AE/A 1288 AF

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

No overlap.

1b. CALCULATIONS

RECORDED
JAN 28 1983

limited to combine
Div. Rate = 4.72 cfs

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AE/A	USE	
IRRIGATION	~~04-01~~	~~11-01~~	4.720	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
TOTAL FOR THIS RIGHT			4.720					
REVIEWED BY:			DATE:					

K06
E07
E01

205

A. AJ CLAIMED USES:

A36-02460 PURPOSES
IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

3/15 11/15

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
4.720 CFS

4.720 CFS

B. WR RECORDED USES:

36-02460 PURPOSES
IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
4.720 CFS 944.00 AF/A

4.720 CFS 944.00 AF/A

SUMPTION FLAG: C

C. FIELD EXAM REQUIRED?

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

DATABASE
N
N
N

FIELD
EXAMINER

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(✓) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y(✓) N() Explain in remarks, below.

REMARKS:

Recommend as licensed

RECEIVED
JAN 28 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 4.720 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 4.720 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
Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD N/A , SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: ~~A36-07614~~

~~delete~~ OK

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-02460	GROUNDWATER	WATERS, DEBBIE	4.720	0.014		
A36-07614	GROUNDWATER	WATERS, RANDAL J.	1.940	0.005		
A36-07698	GROUNDWATER	STEWART, FRED R.	2.360	0.014		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-14947	DOMESTIC	WATERS, DEBBIE	FROM 01-01 TO 12-31	.040 CFS	
A36-14947	STOCKWATER	WATERS, DEBBIE	FROM 01-01 TO 12-31	.050 CFS	
A36-10956	DOMESTIC	STEWART, PHYLLIS LA REY	FROM 01-01 TO 12-31	.040 CFS	
A36-10956	STOCKWATER	STEWART, PHYLLIS LA REY	FROM 01-01 TO 12-31	.040 CFS	

A. ROOT WATER RIGHT NUMBERS: A36-02460

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08S	19E	32	NE	NE		WATERS, DEBBIE	A36-02460 / 39.0	36-02460 / 39.0	37.0	31	31
						WATERS, RANDAL J.	A36-07614 / 39.0	- /			
08S	19E	32	NW	NE		WATERS, DEBBIE	A36-02460 / 35.0	36-02460 / 23.0	41.0	37	37
						WATERS, RANDAL J.	A36-07614 / 35.0	- /			
08S	19E	32	SW	NE		WATERS, DEBBIE	A36-02460 / 40.0	36-02460 / 22.0		40	40
						AMERICAN FALLS RESERVOIR DIST.	A01-00006 / 40.0	- /			
						WATERS, RANDAL J.	A36-07614 / 40.0	36-07614 / 18.0			
08S	19E	32	NE	NW		WATERS, DEBBIE	A36-02460 / 38.0	36-02460 / 37.0	37.0	40	40
						WATERS, RANDAL J.	A36-07614 / 38.0	36-07614 / 1.0			
						WATERS, DEBBIE	A36-14947 /	- /			
08S	19E	32	SE	NW		WATERS, DEBBIE	A36-02460 / 36.0	36-02460 / 36.0		33	33
						STEWART, FRED R.	A36-07698 / 4.0	36-07698 / 4.0			
						AMERICAN FALLS RESERVOIR DIST.	A01-00006 / 22.5	- /			
						WATERS, RANDAL J.	A36-07614 / 36.0	- /			
08S	19E	32	NE	SW		WATERS, DEBBIE	A36-02460 / 15.0	- /		14	14
						STEWART, FRED R.	A36-07698 / 24.0	36-07698 / 24.0			
						WATERS, RANDAL J.	A36-07614 / 15.0	36-07614 / 15.0			
						AMERICAN FALLS RESERVOIR DIST.	A01-00006 / 40.0	- /			
08S	19E	32	NE	SE		WATERS, DEBBIE	A36-02460 / 10.0	- /		5	5
						WATERS, RANDAL J.	A36-07614 / 10.0	36-07614 / 10.0			
						AMERICAN FALLS RESERVOIR DIST.	A01-00006 / 40.0	- /			
08S	19E	32	NW	SE		WATERS, DEBBIE	A36-02460 / 20.0	- /		15	15
						STEWART, PHYLLIS LA REY	A36-10956 /	- /			
						WATERS, RANDAL J.	A36-07614 / 20.0	36-07614 / 20.0			
						AMERICAN FALLS RESERVOIR DIST.	A01-00006 / 40.0	- /			
						STEWART, FRED R.	A36-07698 / 8.0	36-07698 / 8.0			
19E	33	SW	NW			WATERS, DEBBIE	A36-02460 / 5.0	- /		5	5
						WATERS, RANDAL J.	A36-07614 / 5.0	36-07614 / 5.0			
						AMERICAN FALLS RESERVOIR DIST.	A01-00006 / 40.0	- /			
08S	19E	32	SE	NE		WATERS, DEBBIE	A36-02460 / 40.0	36-02460 / 12.0		40	40
						AMERICAN FALLS RESERVOIR DIST.	A01-00006 / 40.0	- /			
						WATERS, RANDAL J.	A36-07614 / 40.0	36-07614 / 28.0			
08S	19E	32	NW	NW		WATERS, DEBBIE	A36-02460 / 35.0	36-02460 / 35.0	42.0	38	38
						WATERS, RANDAL J.	A36-07614 / 35.0	- /			
08S	19E	32	SW	NW		WATERS, DEBBIE	A36-02460 / 20.0	36-02460 / 32.0		20	20
						STEWART, FRED R.	A36-07698 / 20.0	36-07698 / 20.0			
						AMERICAN FALLS RESERVOIR DIST.	A01-00006 / 19.6	- /			
						WATERS, RANDAL J.	A36-07614 / 20.0	- /			

Recommend PPU.
Recommend under A36-07614

8S 19E 33 NW NW

4
322
236

TOTAL ACRES

A36-02460

333.00

236.00

157.00

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
YFIELD
EXAMINER

PRESUMPTION FLAG: C

REMARKS:

Acres adjusted to be limited to licensed amount.

RECOMMENDATIONS:

TOTAL ACRES:

236 / 322 PPU

REVIEWED BY:

AD

DATE:

11/9/90

see 9-13-91

* Recommended
P.P.U.

* see
Land list in file

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-02460	08S	19E	32	SE	NE	NW		JEROME

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-14947 NONE
A36-07614

WR RECORDS IN SAME 40 ACRE TRACT
36-07614

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-02460	08S	19E	32		NE	NW		JEROME

OTHER WR RECORDS WITH SAME WR POD
36-07614

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A36-14947 NONE
A36-07614

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER

REMARKS:

Appears correct. The well is very close to the line between NENW & SENW.

MICROFILMED

JAN 28 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:

OK
ADN

11/9/90

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 11 / 5 / 90

APPOINTMENT MADE: Y(____) N(____) 

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

ACCOMPANIED BY: None

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

RECEIVED

JAN 20 1993

A. AJ CLAIM: * A36-02460 PRIORITY DATE: 01-11-1961 STAGE: L
B. WR RECORD: * 36-02460 PRIORITY DATE: 01-11-1961 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:
01-11-1961

REVIEWED BY ADn

DATE 11/9/90

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED
OCT 18 1994

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

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

RANDALL WATERS

MAX AUCKER

2. SUBJECT OF INQUIRY:

They came in to discuss the recommendation of two previous licensed water rights. They were concerned that our failure to acknowledge their irrigation of the waste ground (about 14 acres) was short changing them from what they had been doing.

3. RESPONSE TO INQUIRY:

I did not look up the file or old licenses but used his figures and the recommendations he held. I explained we were instructed to identify the acres beneficially irrigated and take out large waste areas. That could explain the lowered acreage. However, upon calculating the rate per acre, based on the remarks which limited the diversion rate, no additional water is available under these licenses. I told him he can object to the recommendation but the most he can gain is another 14 acres and no more water.

We discussed the Swan Falls agreement and the development of the Trust water to show Idaho power does not "reap the extra water we identify."

4. IDWR STAFF AND DATE:

Steve Clelland

11-17-1992

Print name and initial

STEVE CLELLAND

su

WATER RIGHT CLAIM (Nos.):

A36-2460

A36-7614

MICROFILMED

OCT 18 1994

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED

JAN 28 1993

VERIFIED BY SC

Water Right Number - R36-02460 Prefix Translation: RESEARCH Old (D) Number - 29287
+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WATERS DEBBIE 1 - 233 S 1450 E
2 -
3 -
City- JEROME State- ID Zip- 83338
Phone - 208-825-5576
WATERS RANDAL J 1 - 233 S 1450 E
2 -
3 -
City- JEROME State- ID Zip- 83338
Phone - 208-825-5576

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/11/1961 17 SOUTHERN L - LICENSE

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

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
08S 19E 32 SE NE NW (53) JEROME

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 4.720

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
4.720 0.0

+ - - - - Place of Use - - - - - +								
TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08S	19E	32	NE NE		31.0	01	IRRIGATION	(53) JEROME
08S	19E	32	NW NE		37.0	01	IRRIGATION	(53) JEROME
08S	19E	32	SW NE		40.0	01	IRRIGATION	(53) JEROME
08S	19E	32	SE NE		40.0	01	IRRIGATION	(53) JEROME
08S	19E	32	NE NW		40.0	01	IRRIGATION	(53) JEROME
08S	19E	32	NW NW		38.0	01	IRRIGATION	(53) JEROME
08S	19E	32	SW NW		20.0	01	IRRIGATION	(53) JEROME
08S	19E	32	SE NW		33.0	01	IRRIGATION	(53) JEROME
08S	19E	32	NE SW		14.0	01	IRRIGATION	(53) JEROME
08S	19E	32	NE SE		5.0	01	IRRIGATION	(53) JEROME
08S	19E	32	NW SE		15.0	01	IRRIGATION	(53) JEROME
08S	19E	33	NW NW		4.0	01	IRRIGATION	(53) JEROME
08S	19E	33	SW NW		5.0	01	IRRIGATION	(53) JEROME

Total Acres: 322.0

MICROFILMED
JAN 28 1993

Court Report Filing	- 00/00/0000	Field Inspection Made	- 11/05/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 09/13/1991	Old Judicial District	-
Claim Received Date	- 06/19/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C017334	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	- C
				Notice of Error Flag	-

PHOTOGRAPHED
JAN 28 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:39:21
09/15/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02460

LAST: WATERS
ADDRESS: 233 S. 1450 E.
CITY: JEROME
PHONE NUMBER: 208-825-5576

FIRST: DEBBIE
STATE: ID ZIP: 83338

OWNER CODE: C

LAST: WATERS
ADDRESS: 233 S. 1450 E.
CITY: JEROME
PHONE NUMBER: 208-825-5576

FIRST: RANDAL J.
STATE: ID ZIP: 83338

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: CHANGE IN P/U DUE TO USE OF SAME WELL AND SPRINKLERS OF THE TWO
WR'S LISTED. NO INCREASE IN ACRES OR WATER HAS OCCURRED, THE P/U
IS FARMED AS ONE SYSTEM.

UNRECORDED

JAN 28 1993

TRANSMITTAL COVER SHEET

TO: TERRI @

LAND & TITLE

FAX # 324-8961

TOTAL PAGES SENT: 5

(including cover sheet)

DOCUMENT DESCRIPTION: CHANGE OF WATER RIGHT OWNERSHIP FORM

WITH INSTRUCTIONS PROFILE REPORT OF 36-07460 AND

36-07614 (SNAKE RIVER BASIN ADJUDICATION DECREES)

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES

1341 FILLMORE ST, STE 200

TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page. (\$0.50
minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: NONE

Please remit to the above address.

SENDER:

Cory Skinner

COMMENTS:

MEMORANDUM

TO: SRBA Files 36-07614 and 36-02460

FROM: Corey Skinner *CS*

DATE: January 16, 1997

SUBJECT: Pertinent Information

This day, Chris Reninger of Jerome Farm Service Agency (324-4325) called wanting to know how much water was "licensed under water right 36-07614". After conducting the research, I called Ms. Reninger back. I explained to her that according to the SRBA recommendations: "that water right 36-07614 is diverted out of the same well as an additional water right, 36-02460." I then quoted her the various amounts of total diversion rate, acres irrigated, etc. for the combined rights and also told her the limitations of right 36-07614 as listed in the remarks section of the proof report (AJ) for water right 36-07614.

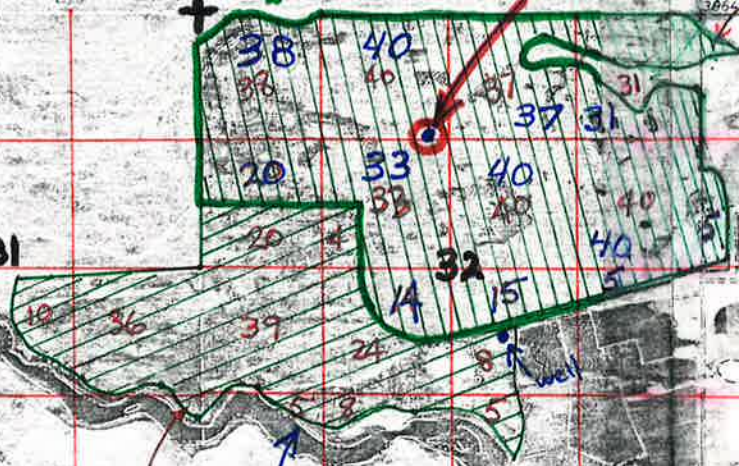


30 A36-2460
A36-7614
P.P.U. 322 Ac.

R 19 E

Rock hillside
pivot goes over
but not cropped.

POD
well



FRED
STEWART
A36-7698

|| T8 S

|| T9 S

RECOMMENDED PERMISSIBLE PLACE OF USE:

CLAIMS: A36-02460

A36-07614

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
A36-02460 CLAIM			32	39	35	40	40	38	35	20	36	15				10	20			328	
36-02460 (LIC)			32	39	23	22	12	37	35	32	36	0				0	0			236	
A36-07614 CLAIM			32	39	35	40	40	38	25	20	36	15				10	20			328	
36-07614 (LIC)			32	0	0	18	28	1	0	0	0	15				10	20			92	

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
FIELD EXAM			32	31	37	40	40	40	38	20	33	14				5	15			313	
* PPU				31	37	40	40	40	38	20	33	14				5	15			313	

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
~~N/A~~																					
A36-07614 claim			31	NO CLAIMS																0	
36-07614 (LIC)			31	NO LICENSED																0	
FIELD EXAM				(* Belongs to Fred Stewart) A36-07698																	

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
A36-07614 A36-02460	2		33					0	5											5	
36-07614			33					0	5											5	
FIELD EXAM								4	5											9	
* PPU								4	5											9	

4.72 cfs

1.94 cfs

* LIMITED TO 4.72 cfs

$$322 \times 0.02 = 6.44 \text{ cfs} *$$

$$\times 3 = 966 \text{ AF CU.}$$

$$\times 4 = 1288 \text{ AF D.V.}$$

JAN 28 1993

322