

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

A36-02469 RE

Date Received

Receipt Number

5010067APM

COPY
FOR YOUR FILES
DO NOT RETURN

**NOTICE OF CLAIM
TO A**

**WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED

OCT 12 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Warren W. and Elise Heins Phone (208) 531-5348
Mailing Address Rt. 3, Box 220, Rupert, Idaho Zip 83350
2. Date of Priority (Only one (1) per claim) January 24, 1961
3. Source of water supply (a) groundwater
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 7S Range 25E Section 23,
Line between SWSE and SESW
1/4 of 1/4 of 1/4, Govt. Lot, _____ B.M., County of Minidoka
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 310' well, 10" in diameter; 200 H.P. pump
and motor; mainline and wheel lines.

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OCT 18 1984

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from Mar. 1 to Nov. 1 amount .417 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .417 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 114 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	25E	24										18	20						38

Total number of acres irrigated 38

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
License 36-02469A - water commingled or None ()

14. Remarks:
Two lincses provide water for 35 acres of Southwest Quarter of
Southwest Quarter and 33 acres in Northwest Quarter of Southwest
Quarter. Water under License 36-02469B prorated from total of 84
acres - 1 delivery point.

Last Name Heins Ident No. _____

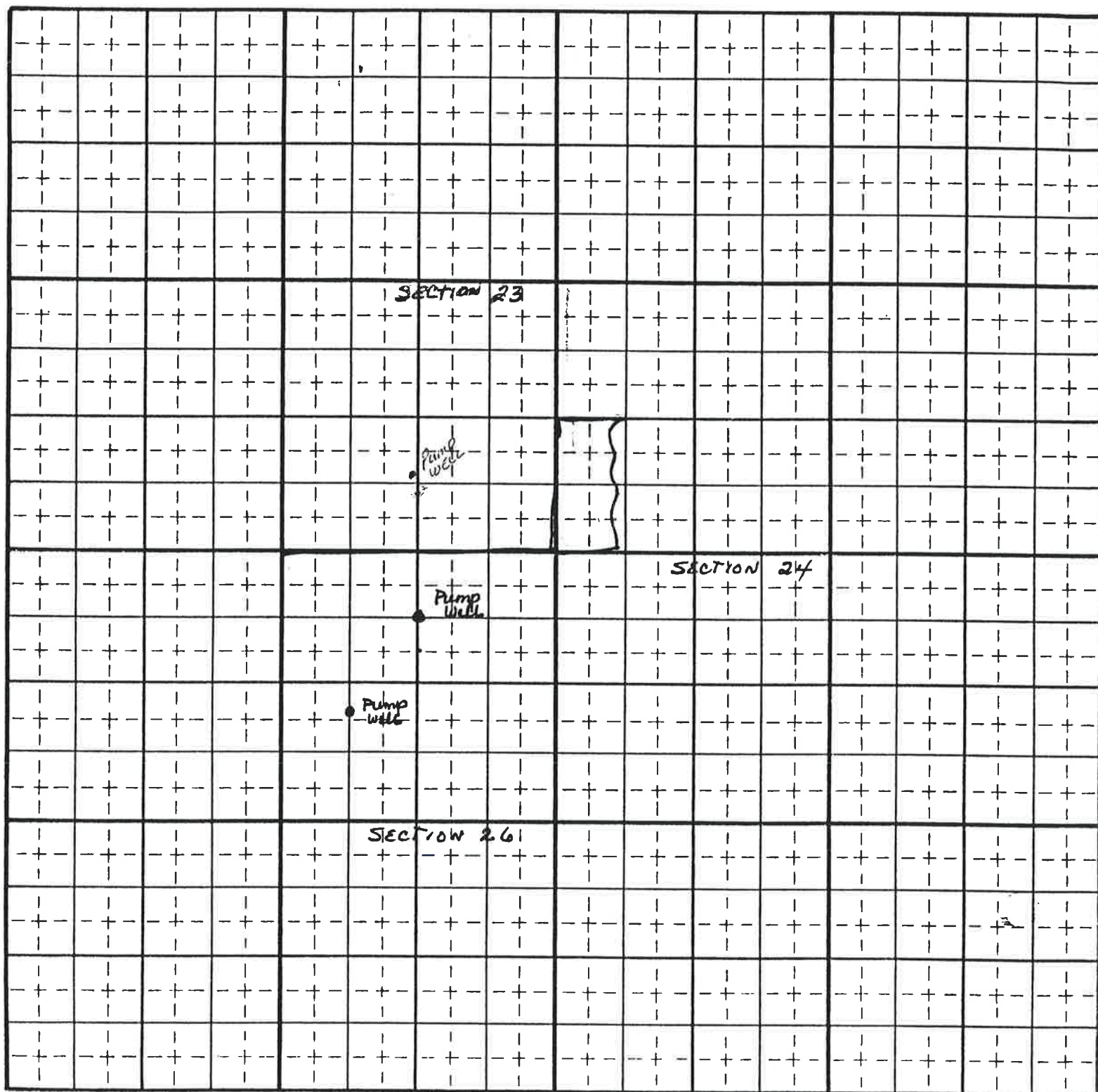
Copies: White State Yellow Ultimant

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OCT 18 1994

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

Scale: 2 inches equals 1 mile



7S R. 25 E. 3M.

MICROFILMED

OCT 18 1994

Copies: White-State, Yellow-Claymont

Last Name Heins Ident No.

15. Basis of Claim (check one) ☐ Official Use ☐ Posted Notice ☐ ☒ nse ☐ Permit ☐
Decree ☐
If applicable provide IDWR Water Right Number 36-02469B
Court ☐ Case Number ☐ Decree Date ☐
Plaintiff vs Defendant ☐

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

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

Signature of Claimant (s) *Harold H. Heins* Date October 10, 1989
Shirley Heins Date October 10, 1989

For Organizations: I do solemnly swear or affirm that I am ☐
of ☐ Title ☐
Organization ☐ , that I have signed the foregoing
document in the space below as ☐ of ☐
Title ☐ Organization ☐
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent ☐
Title and Organization ☐ Date ☐

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

Subscribed and sworn (or affirmed) before me this 10th day of October 19 89
SEAL Notary Public *Samuel A. Ling*
Residing at Rupert, Idaho
My Commission Expires 10/30/94

Please Print Name

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

Signature *Samuel A. Ling*
Address P.O. Box 396, Rupert, Idaho 83350
Date October 10, 1989

Last Name Heins Ident. Number ☐

MICROFILMED
OCT 18 1994
Copies White-State, Yellow-Claimant

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-02469E
Date Received: 10/12/1989
Receipt No: S010067
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELISE HEINS 208-531-5348
Address: RT. 3, BOX 220
RUPERT, ID 83350
AND
Name: WARREN W. HEINS 208-531-5348
Address: RT. 3, BOX 220
RUPERT, ID 83350
2. Date of Priority: JAN 24, 1961
3. Source: GROUNDWATER. Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	25E	23	NW	SW	SE		MINIDOKA
5. Description of diverting works:
10" X 310' WELL, 200 HP PUMP; MAINLINE TO WHEEL LINE SPRINKLERS.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/01	0.417		
7. Total Quantity Appropriated is:
0.417 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 114.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	25E	24	NW	SW		IRR	18.0
			SW	SW		IRR	20.0
						Section Acres	38.0
						Total Acres	38.0

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:

LICENSE A36-02469D - WATER CO-MINGLED.

14. Remarks:

TWO LICENSES PROVIDE WATER FOR 35 ACRES OF SW OF SW AND 33 ACRES IN NW OF SW. WATER UNDER LICENSE 36-02469B IS PRORATED FROM A TOTAL OF 84 ACRES - 1 DELIVERY POINT.

TOTAL FARM SIZE IS 353 ACRES. ALSO USES WATER UNDER CLAIM A36-02469E.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For 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 _____

Water Right Number - 36-02469B

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 29351

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

*** C - CURRENT OWNER ***
SHILLINGTON

KARIN L.

1 -
2 -
3 -
City- RUPERT
Phone - 208-000-0000

State- ID Zip-

*** O - ORIGINAL OWNER ***
MORGAN SHILLINGTON FARM CO.1 -
2 -
3 -
City-
Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
01/24/1961 17 L - LICENSE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S	25E	23	SW NE		(67)	MINIDOKA
07S	25E	23	SE NW <i>XC</i>		(67)	MINIDOKA
07S	25E	23	SE SW		(67)	MINIDOKA
07S	25E	23	SW SE		(67)	MINIDOKA

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

01 - IRRIGATION

1.030

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
1.030+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

| | | | | | | | | |
|-----|-----|----|----------------|--|------|----|------------|----------------|
| 07S | 25E | 14 | SW SE <i>C</i> | | 19.0 | 01 | IRRIGATION | (67) MINIDOKA |
| 07S | 25E | 14 | SE SE <i>C</i> | | 8.0 | 01 | IRRIGATION | (67) MINIDOKA |
| 07S | 25E | 24 | SW NW <i>C</i> | | 19.0 | 01 | IRRIGATION | (67) MINIDOKA |
| 07S | 25E | 24 | NW SW <i>C</i> | | 18.0 | 01 | IRRIGATION | (67) MINIDOKA |
| 07S | 25E | 24 | SW SW <i>C</i> | | 20.0 | 01 | IRRIGATION | (67) MINIDOKA |

Total Acres: 84.0

+ - - Diversion Means -

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JAN 28 1993

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JAN 28 1993

| | | | | | | | | |
|------------------|---|------------|-----------------|---|------------|------------------|---|---|
| Proof Due Date | - | 00/00/0000 | Field Exam Made | - | 00/00/0000 | Field Exam Fee | - | |
| Approved/Denied | - | 00/00/0000 | Protested Date | - | 00/00/0000 | Swan Falls | - | |
| Proof Made Date | - | 00/00/0000 | Hearing Date | - | 00/00/0000 | Temporary Right | - | P |
| Start Work Date | - | 00/00/0000 | Verified Date | - | 07/01/1985 | DLE/Carey Act | - | |
| Order Show Cause | - | 00/00/0000 | Receipt Number | - | | Water District | - | |
| Licensed Date | - | 05/01/1979 | Appl Received | - | 00/00/0000 | Transfer/Amended | - | |
| Decree Date | - | 00/00/0000 | | | | | | |



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Nov. 21, 1989

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

WARREN W HEINS
RT 3 BOX 220
RUPERT ID 83350

Dear Claimant(s):

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

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

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

JAN 28 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

M E M O

TO: WARREN & ELISE HEINS

FROM: STEVE CLELLAND

DATE: 15-Jul-1991 10:53

RE: ADJUDICATION CLAIMS

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

1. A36-02447 & A36-07356

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

2. A36-02098 & A36-13531

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

3. LICENSE 36-02109

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

4. A36-02469E & A36-02066A

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

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

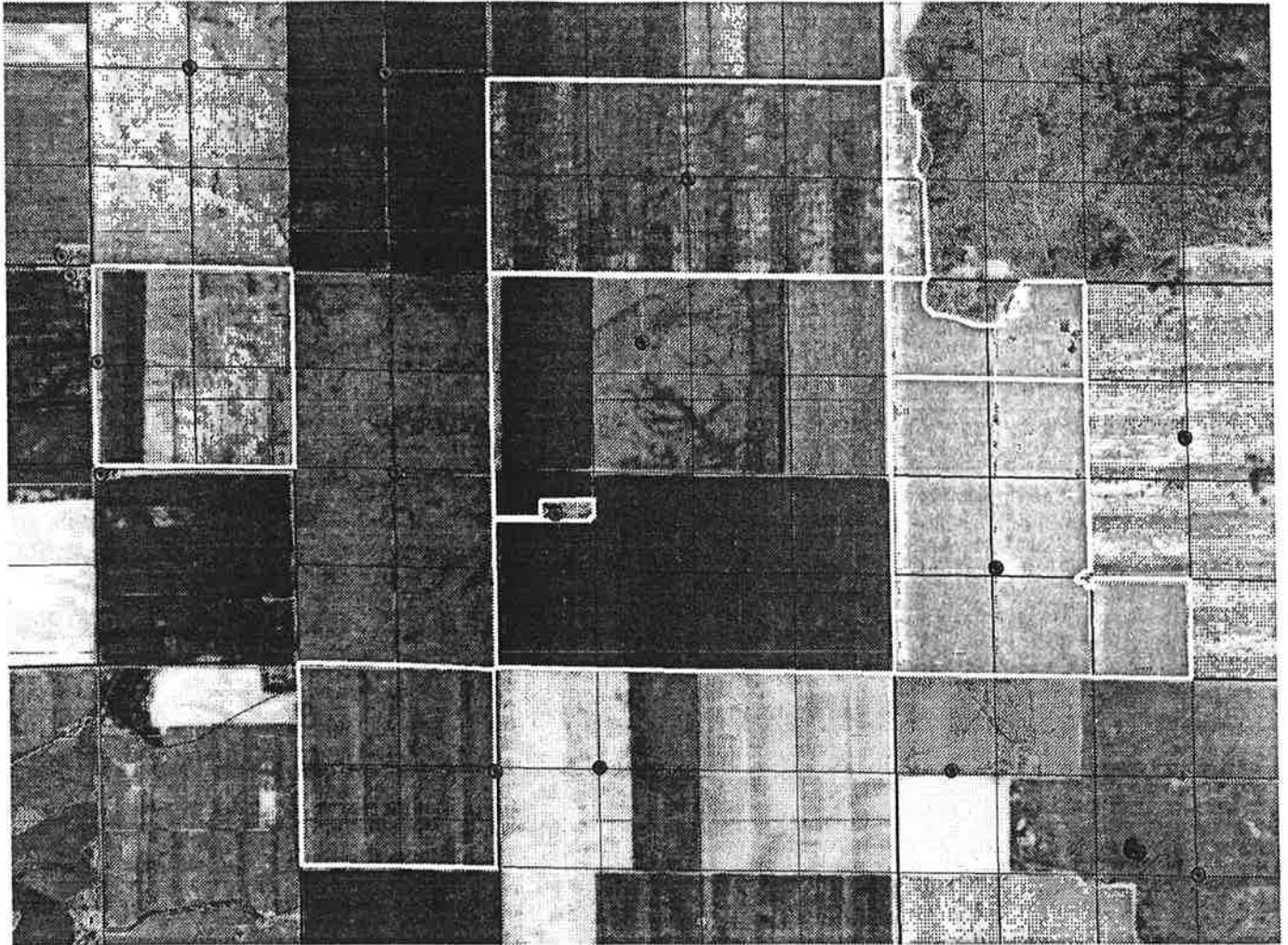
MICROFILMED

JAN 28 1993

FAXED 7/22/91 sc

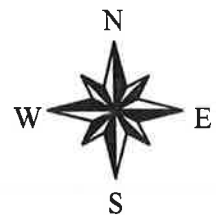
IDAHO DEPARTMENT OF WATER RESOURCES

36-02066A, ^{ORIG-W/}36-02098, 36-02469D,
36-02469E, 36-02678, 36-07294,
36-13531, 36-15458



1320 0 1320 2640 3960 5280 Feet

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



⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE



SECTION LINES &/OR TRACT LINES



QUARTER/QUARTER LINES

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

1997 AUG -8 PM 1:36

DISTRICT T-SRBA
TWIN FALLS CO., IDAHO
FILEDIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

NOTICE OF COMPLETED

ADMINISTRATIVE PROCEEDINGS

Case No. 39576)

SUBCASE NOS. 36-02066A, 36-02098,
36-02469D, 36-02469E, 36-02678,
36-07294, 36-13531, 36-15458IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No**FROM: Claimant/Seller(s):**

Name and Address of Claimant/Seller(s):

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

Phone: 531-5348

TO: Claimant/Purchaser(s):

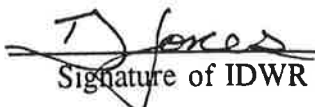
Name and Address of Claimant/Purchaser(s):

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

Phone: 436-1214

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 2/10/97

 Signature of IDWR Representative

CERTIFICATE OF MAILING

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

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Elise Heins
Warren H Heins
Rt 3 Box 220
Rupert ID 83350
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
The Duncan Limited Partnership
Paul H Duncan
Kathy F Duncan
750 E 100 S
Rupert ID 83350
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

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

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02469E

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

SOURCE: GROUNDWATER

QUANTITY: 0.453 CFS
116.0 AFY

PRIORITY DATE: 01/24/1961

POINT OF DIVERSION: T07S R25E S23 NWSWSE Within MINIDOKA County

| PURPOSE AND
PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|-------------------|------------------------|
| | IRRIGATION | Irrigation Season | 0.453 CFS
116.0 AFY |

PLACE OF USE: IRRIGATION Within MINIDOKA County
T07S R25E S24 NWSW 13 SWSW 16
29 ACRES TOTALEXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT NO. 36-02469D IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 8, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

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

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: Roger D. Ling Esq.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

December 17, 1996

KARL J. DREHER
DIRECTOR

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

RECEIVED

FEB 12 1997

Department of Water Resources
Snake River Region

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

Dear Claimants:

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

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

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

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

Sincerely,

Idaho Department of Water Resources
Adjudication Bureau

SO:ss:region:tf

VERIFIED BY See

AJ0749NP
No. R36-02469E

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

DATE: 08/04/97
PAGE: 1

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|---------------|--------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C | THE DUNCAN LIMITED PARTNERSHIP | 01/24/1961 | IRRIGATION | 04-01 10-31 | 0.45 CFS | 116.00 AFA |
| C | PAUL H DUNCAN | | | | | |
| C | KATHY F DUNCAN | | | | | |
| | 750 E 100 S | | | | | |
| | RUPERT ID 83350 | | | | | |
| | (208) 436-1214 | | | | | |
| | | | | TOTAL DIVERSION: | 0.45 CFS | 116.00 AFA |

D ELISE HEINS
D WARREN W HEINS
RT 3 BOX 220
RUPERT ID 83350
(208) 531-5348

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T07S R25E S23

NWSWSE

MINIDOKA County

Place of use Legal Description for: IRRIGATION

| | | | | NE | | | | NW | | | | SW | | | | SE | | | | | |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|------|------|
| T | R | S | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : | SUM |
| 07S | 25E | 24 | : | | | | | | | | | | | | | | | | | : | 29.0 |
| | | | | | | | | | | | | | | | | | | | TOTAL ACRES | 29.0 | |

POU County: MINIDOKA

Other Rights: NONE

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks: EXP RIGHT NO. 36-02469D IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date:

Verified Date:

08/04/1997

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: C

=====

Comments: Date: 08/23/1991 User-ID: CLELLAND Subject: COPIED FROM REMARKS
TWO LICENSES PROVIDE WATER FOR 35 ACRES OF SW OF SW AND 33 ACRES
IN NW OF SW. WATER UNDER LICENSE 36-02469B IS PRORATED FROM A
TOTAL OF 84 ACRES - 1 DELIVERY POINT.
TOTAL FARM SIZE IS 353 ACRES. ALSO USES WATER UNDER
CLAIM A36-02469E.

Date: 09/17/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/17/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 3/11/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/15/1992 User-ID: MERRITT Subject: RESPONDED TO NOE
LETTER SENT 10/15. NO CHANGE MADE BASED ON NOE.
ADDED LING AS ATTORNEY.

Date: 03/14/1994 User-ID: FRAZEE Subject: NOTICE OF APPEARANCE (NOA)
REC'D NOA 2/17/94 FROM ATTORNEY ROGER D LING

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

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

Audit: 08/04/97 SCLELLAN

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JUL-10-1997
PAGE: A-4-----
RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02469E

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

SOURCE: GROUNDWATER

QUANTITY: 0.453 CFS
116.0 AFY

PRIORITY DATE: 01/24/1961

POINT OF DIVERSION: T07S R25E S23 NWSWSE Within MINIDOKA County

| PURPOSE AND | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|----------------|-------------------|------------------------|
| PERIOD OF USE: | IRRIGATION | Irrigation Season | 0.453 CFS
116.0 AFY |

PLACE OF USE: IRRIGATION Within MINIDOKA County
T07S R25E S24 NWSW 13 SWSW 16
29 ACRES TOTAL

CONSUMPTIVE USE: 87.0 AFY

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

RIGHT NO. 36-02469D IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

In Re SRBA)

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

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

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

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

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

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

Phone: 531-5348

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

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

Phone: 436-1214

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 2/10/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

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

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Elise Heins
Warren H Heins
Rt 3 Box 220
Rupert ID 83350
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
The Duncan Limited Partnership
Paul H Duncan
Kathy F Duncan
750 E 100 S
Rupert ID 83350
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Signature of person or attorney mailing the form

AJ0749NP
No. 36-02469E

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

DATE: 07/02/97
PAGE: 1

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|---------------|--------------------------------|------------------|------------|-----------------------|-------------------|----------------------|
| C | THE DUNCAN LIMITED PARTNERSHIP | 01/24/1961 | IRRIGATION | 04-01 10-31 | 0.45 CFS | 116.00 AFA |
| C | PAUL H DUNCAN | | | | | |
| C | KATHY F DUNCAN | | | | | |
| | 750 E 100 S | | | | | |
| | RUPERT ID 83350 | | | | | |
| | (208) 436-1214 | | | | | |
| | | | | TOTAL DIVERSION: | 0.45 CFS | 116.00 AFA |
| | | | | CONSUMPTIVE USE: | | ~~87.00 AFA~~ |

D ELISE HEINS
D WARREN W HEINS
RT 3 BOX 220
RUPERT ID 83350
(208) 531-5348

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T07S R25E S23 NWSWE MINIDOKA County

Place of use Legal Description for: IRRIGATION

| | | | | NE | | | | NW | | | | SW | | | | SE | | | | | |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|------|
| T | R | S | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : | SUM |
| 07S | 25E | 24 | : | | | | | | | | | | | 13 | 16 | | | | | : | 29.0 |
| | | | | | | | | | | | | | | | | | | | | TOTAL ACRES | 29.0 |

POU County: MINIDOKA

Other Rights: NONE

Conditions of Approval:
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks: GEN (RIGHT NO. 36-02469D IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.) EAP

Dates: Exam Made Date: Verified Date: Objection Filed Date: 04/29/1993

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

sw
8/4/97

AJ0749NP
No. 36-02469E

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

DATE: 07/02/97
PAGE: 2

=====

Comments: Date: 02/23/1991 User-ID: CLELLAND Subject: COPIED FROM REMARKS
TWO LICENSES PROVIDE WATER FOR 35 ACRES OF SW OF SW AND 33 ACRES
IN NW OF SW. WATER UNDER LICENSE 36-02469B IS PRORATED FROM A
TOTAL OF 84 ACRES - 1 DELIVERY POINT.
TOTAL FARM SIZE IS 353 ACRES. ALSO USES WATER UNDER
CLAIM A36-02469E.

Date: 09/17/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/17/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 3/11/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/15/1992 User-ID: MERRITT Subject: RESPONDED TO NOE
LETTER SENT 10/15. NO CHANGE MADE BASED ON NOE.
ADDED LING AS ATTORNEY.

Date: 03/14/1994 User-ID: FRAZEE Subject: NOTICE OF APPEARANCE (NOA)
REC'D NOA 2/17/94 FROM ATTORNEY ROGER D LING

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

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

Audit: 07/02/97 SCLELLAN



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DEC 06 1996

DATE OF CLOSING: 10-18-96

Idaho Department of Water Resources
Southern Region

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

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

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: 36-02066A #36-02098 #36-024690 #36-02469E #36-13531
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): JACK F. DUNCAN AND JANET H. DUNCAN, husband and wife
- ☐ New Owner/Claimant (Purchaser):
THE DUNCAN LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP
- ☐ New Mailing Address: 750 East 100 South
RUPERT, ID. 83350
- ☐ New Telephone Number: (208) 436-1214
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
- ☐ Attach proof of ownership, describe proof attached: QUITCLAIM DEED
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s): THE DUNCAN LIMITED PARTNERSHIP Date _____
BY Jack F. Duncan GENERAL PARTNER Date 11-15-96
- ☐ Signature of Former Owner/Claimant(s): Jack F. Duncan Date 11-15-96
Janet H. Duncan Date 11-15-96

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 7/2/97 By: Sen

Claim Numbers of Split, if any:

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

QUITCLAIM DEED

#10634

COPY

For Value Received

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

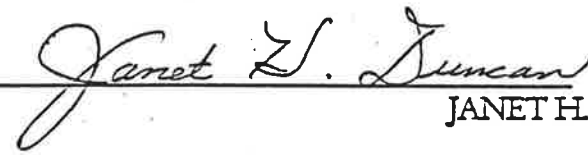
Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

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

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

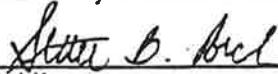
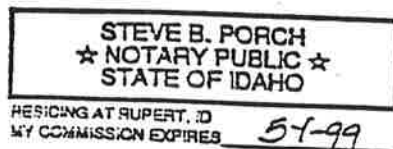
SEE ATTACHED EXHIBIT "A"

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

Dated: October 18, 1996
JACK F. DUNCAN
JANET H. DUNCAN

STATE OF IDAHO)

COUNTY OF MINIDOKA)

On this 18th day of OCTOBER, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared JACK F. DUNCAN AND JANET H. DUNCAN, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.
Notary Public
Residing at: Rupert, Id.
My Commission expires: 5-1-99RECORDED AT REQUEST OF
Janet H. Duncan
FILM NO. _____
96 NOV 15 15 : 40
MINIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
FILE 9 DEPUTY 

427017

Order No.: 10684

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

EXHIBIT "A"

PARCEL NO. 1:

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

SECTION 34: NE¼.

PARCEL NO. 2:

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

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

Beginning at the Northeast corner of said Section 19; thence South for 41¼ rods
to the TRUE POINT OF BEGINNING;
Thence West for 15 rods;
Thence South for 15 rods;
Thence East for 15 rods;
Thence North for 15 rods to the POINT OF BEGINNING.

SECTION 20: W½.

PARCEL NO. 3:

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

SECTION 16: All.

PARCEL NO. 4:

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

SECTION 17: NE¼ and S½;

SECTION 35: NE¼;

SECTION 36: SAVE AND EXCEPT the following described tract:

Beginning at the Northeast corner of Section 36, said corner marked by a U.S.
GLO iron pipe with brass cap which shall be the POINT OF BEGINNING;
Thence South 00°05'00" East along the East line of Section 36 for 2639.97 feet
to a 5/8 inch rebar alongside a bent U.S. GLO iron pipe;
Thence South 00°14'25" East along the East line of Section 36 for 2628.09 feet
to a 5/8 inch rebar at the Southeast corner of Section 36;
Thence North 88°56'38" West along the South line of Section 36 for 1982.66
feet to a point;
Thence North 01°02'58" East for 37.49 feet to a ½ inch rebar;
Thence North 01°02'58" East for 1239.35 feet to a ½ inch rebar;
Thence North 89°03'28" East for 78.68 feet to a ½ inch rebar;
Thence North 00°10'53" West for 47.21 feet to a ½ inch rebar;
Thence North 78°47'40" West for 272.35 feet to a ½ inch rebar;
Thence North 00°15'49" West for 1122.27 feet to a ½ inch rebar;
Thence North 43°54'39" West for 52.13 feet to a ½ inch rebar;
Thence North 89°43'54" West for 561.95 feet to a ½ inch rebar;
Thence North 64°50'51" West for 69.79 feet to a ½ inch rebar;
Thence North 50°17'16" West for 200.49 feet to a ½ inch rebar;
Thence North 89°43'41" West for 874.35 feet to a ½ inch rebar;
Thence North 00°55'56" East for 1270.63 feet to a ½ inch rebar;
Thence South 88°50'12" East for 973.71 feet to a ½ inch rebar;
Thence North 01°11'23" East for 1333.41 feet to a ½ inch rebar on the North
line of Section 36;
Thence South 88°52'57" East along the North line of Section 36 for 166.05 feet
to a 5/8 inch rebar at the North quarter section corner of Section 36;
Thence South 88°52'57" East along the North line of Section 36 for 2640.32 feet
to the POINT OF BEGINNING.

EXHIBIT "A"
(CONTINUED)

PARCEL NO. 5:

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

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

PARCEL NO. 6:

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

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

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

PARCEL NO. 7:

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

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

PARCEL NO. 8:

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

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



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DEC 06 1996

DATE OF CLOSING: 9-12-96

Department of Water Resources
Southern Region

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

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

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s)
Assigned by IDWR: #36-02066A ✓ #36-02098 ✓ #36-024690 ✓ #36-02469E ✓ #36-13531 ✓
- [] Name and Address of Former Owner/Claimant(s)(Seller): WARREN W. HEINS AND VICKI J. HEINS, husband and wife
- [] New Owner/Claimant (Purchaser):
PAUL H. DUNCAN AND KATHY F. DUCAN, husband and wife
JACK F. DUNCAN AND JANET H. DUNCAN, husband and wife
- [] New Mailing Address:
750 EAST 100 SOUTH
~~ROUTE #1 BOX 364~~
RUPERT, IDAHO 83350
- [] New Telephone Number: () 436-3214
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

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

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

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

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 7/2/97 By: ser

Claim Numbers of Split, if any:

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

WARRANTY DEED

#1C684

426065

For Value Received

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

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

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

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

See attached Exhibit "A"

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

SUBJECT TO:

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

Taxes for 1996 and subsequent years.

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

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

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

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

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

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

Dated: September 9, 1996

Gregory W. Heins
Gregory W. Heins

Cristi K. Heins
Cristi K. Heins

CLAUDE INC.

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

STATE OF Canada)

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

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

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

STATE OF Canada)

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

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

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

426065

RECORDED AT REQUEST OF
Land Title-Rupert

FILM NO.

'96 SEP 17 16 : 45

BLAND COUNTY, IDAHO
DUANE SMITH, RECORDER
FEE 12 DEPUTY

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

LASCHOWSKI, MARVIN ERNIE

of **GRAND CENTRE**

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

Effective Date

February 26, 1995

Expiry Date

February 26, 1998

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

028637

Appointee # **0647753**

Alberta
JUSTICE


Department of Justice

For Value Received

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

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

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

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

SEE ATTACHED EXHIBIT "A"

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

SUBJECT TO:

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

Taxes for 1996 and subsequent years.

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

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

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

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

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

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

Dated: September 12, 1996

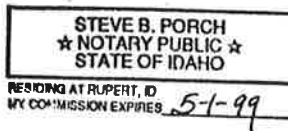
Warren W. Heins
WARREN W. HEINS

Elise Heins
ELISE HEINS

Vicki J. Heins
VICKI J. HEINS

STATE OF IDAHO)
COUNTY OF MINIDOKA) ss.

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



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

EXHIBIT "A"

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

SECTION 26: N½

Page (2) of (2)

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

426064



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

December 17, 1996

KARL J. DREHER
DIRECTOR

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

DEC 20 1996

Department of Water Resources
Southern Region

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

Dear Claimants:

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

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

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

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

Sincerely,

Idaho Department of Water Resources
Adjudication Bureau

SO:ss:region:tf

6/9/94

COMMUNICATION DOCUMENTATION

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

IDWR Employee/Agent JEANIE M ROBERTSON

DATE September 9, 1996 11:14am **CUSTOMER** STEVE PORCH/LAND TITLE-BURLEY

SUBJECT: PROFILE REPORTS
phone call (X) walk-in (.)

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

| | |
|------------------------|-----------|
| Rancho Verde, Inc | 36-02062 |
| | 36-02099 |
| | 36-02100 |
| | 36-02221 |
| | 36-13527 |
| Split Butte Ranch, Inc | 36-02109 |
| | 36-02141 |
| | 36-02142B |
| | 36-02143 |
| | 36-02446 |
| | 36-02447 |
| | 36-07356 |
| | 36-13529 |
| | 36-13530 |
| Gregory & Cristi Heins | 36-02678 |
| | 36-07294 |
| | 36-15458 |
| Warren & Elise Heins | 36-02066A |
| | 36-02098 |
| | 36-02469D |
| | 36-02469E |
| | 36-13531 |

MICROFILMED
DEC 04 1996

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILM

OCT 18 1994

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

In Re the General Adjudication)
of the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 36-02469E -0001

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

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

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

2. Person who filed objection:

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

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

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

REASONS SUPPORTING EACH BOX CHECKED

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

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

| | No. of
Pages |
|--------------------------------|-----------------|
| Notice of Claim No. A36-02469E | 4 |

(Over)

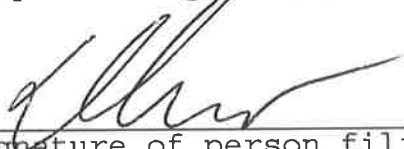
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

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



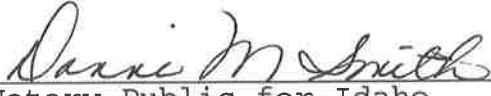
Signature of person filing response

By:



(Attorney signing in
representative capacity)

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



Notary Public for Idaho

Residing at: _____

My Commission expires _____

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

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

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

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

4. One copy to:

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



Signature of Respondent or attorney
mailing on Respondent's behalf

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number A36-02469 & E
Date Received _____
Receipt Number 5010067 AP

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 12 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

- Name of Claimant (s) Warren W. and Elise Heins Phone (208) 531-5348
Mailing Address Rt. 3, Box 220, Rupert, Idaho Zip 83350
- Date of Priority (Only one (1) per claim) January 24, 1961
- Source of water supply (a) groundwater
which is tributary to (b) _____
- a. Location of existing point of diversion is: Township 7S Range 25E Section 23,
Line between SWSE and SESW
1/4 of 1/4 of 1/4, Govt. Lot, B.M., County of Minidoka
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
- Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 310' well, 10" in diameter; 200 H.P. pump
and motor; mainline and wheel lines.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from Mar. 1 to Nov. 1 amount .417 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .417 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 114 acre feet per annum.

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

10. Description of place of use:

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

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

| TWP | RNG | SEC | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
| | | | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | |
| 7S | 25E | 24 | | | | | | | | | | 18 | 20 | | | | | | 38 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated 38

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

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

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

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

License 36-02469A - water commingled or None ()

14. Remarks:

Two lincses provide water for 35 acres of Southwest Quarter of Southwest Quarter and 33 acres in Northwest Quarter of Southwest Quarter. Water under License 36-02469B prorated from total of 84 acres - 1 delivery point.

JAN 28 1993

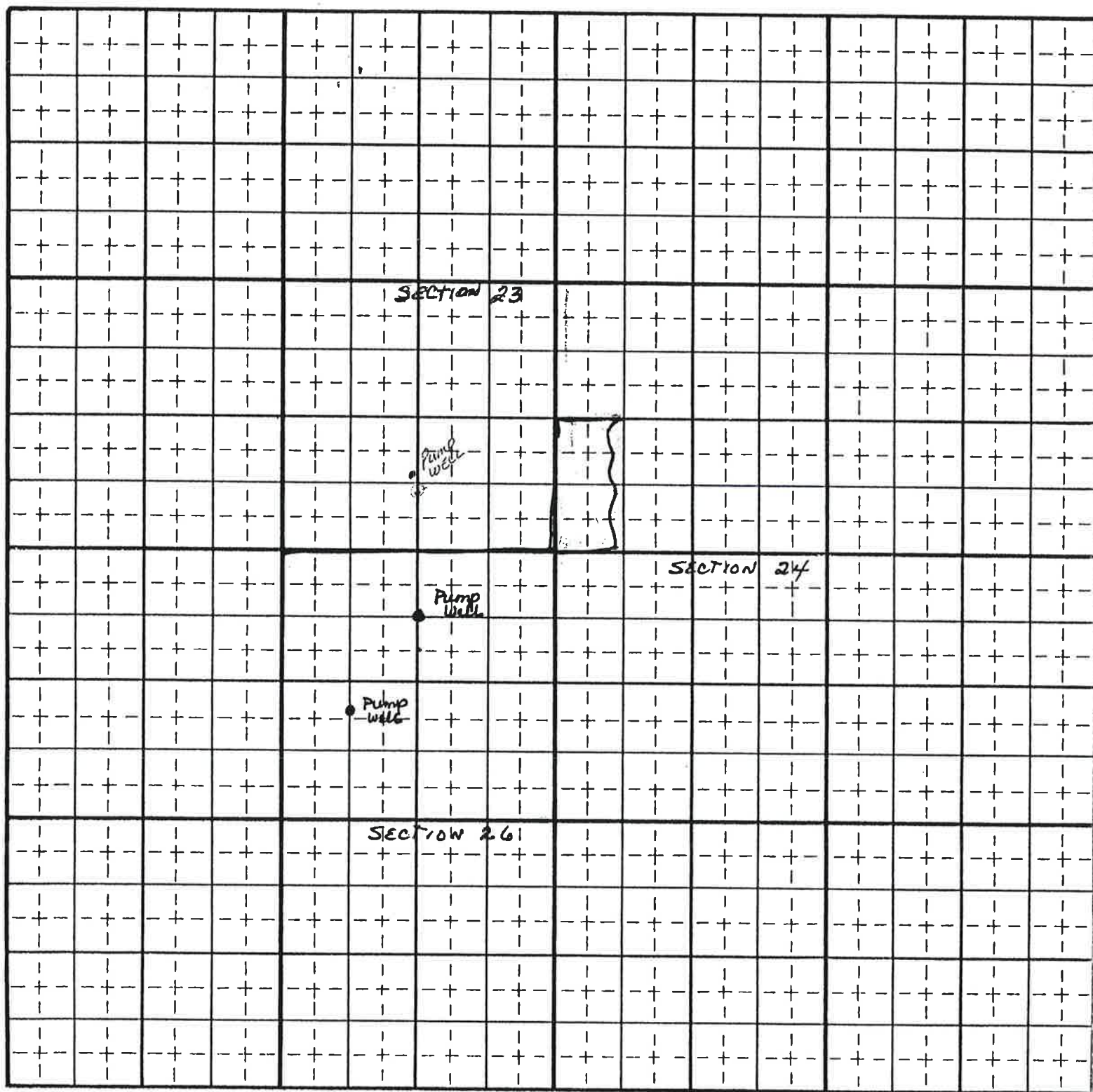
MICROFILMED

Last Name Heins Ident No. _____

Copies: White-State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



7S R. 25 EBM.

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JAN 28 1993
OCT 18 1994
Copies: White-State, Yellow-Claimant

Last Name Heins Ident No.

15. Basis of Claim (check one) Beneficial Use Posted Notice License X Permit
Decree _____
If applicable provide IDWR Water Right Number 36-02469B
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) Harold H. Heins Date October 10, 1989
Shirley Heins Date October 10, 1989

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

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 10th day of October 19 89

SEAL

Notary Public Roger D. Ling

Residing at Rupert, Idaho

My Commission Expires 10/30/94

Please Print Name

17. Notice of Appearance:

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

Signature Roger D. Ling

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

Date October 10, 1989

Last Name Heins Ident. Number _____

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JAN 28 1993
OCT 18 1994
Copies White-State, Yellow-Claimant

RECEIVED

MAR 15 1994

Department of Water Resources
Southern Region Office

RECEIVED

FEB 17 1994

Department of Water Resources
Adjudication Bureau

Movant's Name: Warren W. and Elise Heins
Attorney Name & Address: ROGER D. LING
LING, NIELSEN & ROBINSON
615 H. Street, P.O. Box 396
Rupert, Idaho 83350

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

In Re SRBA
Case No. 39576

Subcase No. 36-02469E

NOTICE OF APPEARANCE

*modified blank; added
Comment.*

*CM o/c
2/3-14-94*

DESCRIPTIVE SUMMARY

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

NOTICE OF APPEARANCE

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

DATED this 16th day of February, 1994.

LING, NIELSEN AND ROBINSON

By: *Roger D. Ling*
Roger D. Ling
Attorney for Warren W. and
Elise Heins

NOTICE OF APPEARANCE - 1

MICROFILMED

OCT 18 1994

LING, NIELSEN & ROBINSON
ATTORNEYS AT LAW
RUPERT, IDAHO 83350

CERTIFICATE OF MAILING

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

Original to:

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

Copies to:

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

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

Greg Heins
Route 3, Box 225
Rupert, Idaho 83350

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


Roger D. Ling

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

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

WARREN HEINS
GREG & CRISTI HEINS

2. SUBJECT OF INQUIRY:

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

3. RESPONSE TO INQUIRY:

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

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

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

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

4. IDWR STAFF AND DATE:

Steve Clelland 4-9-93

Print name and initial

STEVE CLELLAND

SW

(22) WATER RIGHT CLAIM (Nos.):

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

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

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007 18 1994

#3 more.

RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System

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

Petitioner,

vs.

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

Respondents.

ASD 749NP

Case No. 36-02469 E

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

OBJECTION

36-02469E -0001/
93-04-0212

INSTRUCTIONS

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

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

OBJECTION - 1

(Over)

MICROFILMED

OCT 18 1994

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name:

Greg HEINS

Address:

ROUTE 3, BOX 225
RUPERT, ID 83350

Briefly describe your interest in this water right:

ASSISTANT MANAGER of FARM

2. Owner of the water right:

Name:

WARREN W. HEINS

Address:

RT#3 Box 220

Rupert, IDAHO 83350

3. If this objection is filed by an attorney:

Attorney Name:

Attorney Address:

Attorney Phone No.:

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

II. STATEMENT OF THE OBJECTION

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

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

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

REASONS SUPPORTING EACH BOX CHECKED

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

Box #1. WARREN & ELISE HEINS ARE DIVORCED AND WARREN OWNS THE FARM.

Box #8. WE ARE TYPICALLY IRRIGATING IN MARCH.

CHANGES TO THE DIRECTOR'S REPORT

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

Address changed to. WARREN W. HEINS

RT#3 Box 220
Rupert, IDAHO 83350

Period of use changed to READ. Period of use 3-01 - TO 8-11-01

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

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

I do have support material, please call.

VERIFICATION (Must be Completed)

State of IDAHO

County of Minido KA

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

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

Greg Heins
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

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

William C. [Signature]
Notary Public for Idaho
Residing at: Boise
My Commission expires: 12-3-98

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Owner name:

WARREN W. HEINS

Owner's address:

RT#3 Box 220

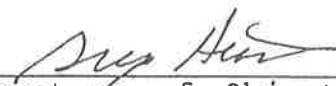
Rupert, IDAHO 83350

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

NOTICE OF ERROR



RESPONSE



CORRECTED R PROOF



MICROFILMED

JAN 28 1993

Water Right Number - R36-02469E Prefix Translation: RESEARCH Old (D) Number -

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

*** A - ATTORNEY ***
LING ROGER 1 - PO BOX 396
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-000-0000

*** C - CURRENT OWNER ***
HEINS ELISE 1 - RT 3 BOX 220
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-531-5348

HEINS WARREN W 1 - RT 3 BOX 220
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-531-5348

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/24/1961 17 SOUTHERN L - LICENSE

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

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 25E 23 NW SW SE (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.453 116.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.453 116.00 87.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 25E 24 NW SW 13.0 01 IRRIGATION (67) MINIDOKA
07S 25E 24 SW SW 16.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 29.0

+ - - Diversion Means - 10" X 310' WELL, 200 HP PUMP; MAINLINE TO WHEEL LINE SPRINKLERS.

+ - - Non-Irrigation Use -

MICROFILMED

JAN 28 1993

Prefix Translation: RESEARCH

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| 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 | - 10/15/1992 | Old Judicial District | - |
| Claim Received Date | - 10/13/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S010067 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - AND | Presumption Flag | - C |
| | | | | Notice of Error Flag | - B |

2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

15-Oct-1992 08:45

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

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

Dear Mr. & Mrs Heins:

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

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

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

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

Sincerely,


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

MICROFILMED

JAN 28 1993

NOTICE OF ERROR FORM

AUG-24-1992

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

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

RECEIVED

SEP 17 1992

Department of Water Resources

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

1. Water right number: 36-0249E combined with 36-02469D ✓
and 36-02649A

2. Name:

Address:

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

Weekday Telephone Number:

208-531-5348

JAN 28 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

3. Describe the portion of proposed recommendation with which you disagree:

The Period of use From

4. Describe the changes you wish to have made in the proposed recommendation:

Return the Period From April 1 back to the March 1 as is stated on the original permit.

5. Describe why you disagree with the proposed recommendation:

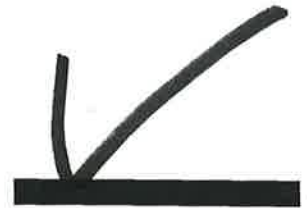
The original permit states March 1 as the period from date and there are times, such as 1992 crop year, when we have had to irrigate in March in order to provide moisture to sprout the seeds. Surely, one cannot change a license date by "administrative decree"?

6. Date: September 15, 1992

SIGNATURE


Secretary

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED

JAN 28 1993

Water Right Number - R36-02469E Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***

HEINS ELISE 1 - RT 3 BOX 220
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-531-5348

HEINS WARREN W. 1 - RT 3 BOX 220
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-531-5348

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +

01/24/1961 17 SOUTHERN L - LICENSE

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

GROUNDWATER

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

| Twn | Rng | Sec | Tract | Lot | RFlg | County |
|-----|-----|-----|----------|-----|------|---------------|
| 07S | 25E | 23 | NW SW SE | | | (67) MINIDOKA |

+ - - - - Water Use - - - - - +

| Code | Description | Period From | Period To | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|-----------|----------------|------------------|
| 01 - IRRIGATION | | 03/15 | 11/15 | 0.453 | 116.00 |

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

0.453 116.00 87.0

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

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|---------------|
| 07S | 25E | 24 | NW SW | | 13.0 | 01 | IRRIGATION | (67) MINIDOKA |
| 07S | 25E | 24 | SW SW | | 16.0 | 01 | IRRIGATION | (67) MINIDOKA |

Total Acres: 29.0

+ - - Diversion Means - 10" X 310' WELL, 200 HP PUMP; MAINLINE TO WHEEL LINE SPRINKLERS.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

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

RIGHT NO. 36-02469D IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

MICROFILMED

JAN 28 1993

Water right number - R36-02469E

Prefix Translation: RESEARCH

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

+ - - - - Old Water Right Numbers - - - - - +
3602469B

+ - - - - Conditions of Approval - - - - - +
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT
- TO IDAHO CODE 42-1416A.

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

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - - +
03/11/92 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 | - 03/11/1992 | Old Judicial District | - |
| Claim Received Date | - 10/13/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S010067 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - AND | Presumption Flag | - C |
| | | | | Notice of Error Flag | - |

MICROFILMED
JAN 28 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:34:14
08/17/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-02469E

| WR ELEMENT | FIELD EXAM
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | VERIFIED BY
CODE | COMPLETED
REVIEW
WHOM/DATE | COMPLETED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|---------------------------|-------------------|---|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE | Y | | 6-7-91
su | N | | | Scu
8-23-91 | |
| POINT OF DIV | Y | | | N | 1456 | Scu | | |
| SOURCE | Y | | | N | | | | |
| PLACE OF USE | Y | | | (Y) | 1456 | Scu | | |
| DIV. AMOUNT
CFS/VOLUME | Y | | | (Y) | 6. | | | |
| CONSUMPTIVE USE | - | | | (Y) | | | | |
| PURPOSES | Y | | | N | | | | |
| PERIOD OF USE | Y | | | (Y) | | | | |
| BASIS OF CLAIM | Y | | | N | | | | |
| REMARKS | Y | | | (Y) | 6. | | | |

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED
JAN 28 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:34:14
08/17/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02469E

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

FIRST: WARREN W.
STATE: ID ZIP: 83350

OWNER CODE: C

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

FIRST: ELISE
STATE: ID ZIP: 83350

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: TWO LICENSES PROVIDE WATER FOR 35 ACRES OF SW OF SW AND 33 ACRES
IN NW OF SW. WATER UNDER LICENSE 36-02469B IS PRORATED FROM A
TOTAL OF 84 ACRES - 1 DELIVERY POINT.
TOTAL FARM SIZE IS 353 ACRES. ALSO USES WATER UNDER
CLAIM A36-02469E.

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JAN 28 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED

JAN 28 1993

A. AJ CLAIM: # A36-02469E PRIORITY DATE: 01-24-1961 STAGE: L
B. WR RECORD: # 36-02469 PRIORITY DATE: - - STAGE:

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
N

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

REMARKS:

RECOMMENDED PRIORITY DATE:

1-24-1961

REVIEWED BY

su

DATE

6-21-91

MICROFILMED
JAN 28 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|------------|------|------|------|-----|-----|-----|-----|----------|
| A36-02469E | 07S | 25E | 23 | NW | SW | SE | | MINIDOKA |

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-02469D NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-02469A
36-02469B

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

3602469 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

C. FIELD EXAM REQUIRED?

| | DUE TO POD DISCREPANCY? (Y/N) | DUE TO SOURCE DISCREPANCY? (Y/N) | DATABASE | FIELD EXAMINER |
|--|-------------------------------|----------------------------------|----------|----------------|
| | | | Y | <u>Y</u> |
| | | | Y | <u>Y</u> |

REMARKS:

10' south of Center line in Sec. 23

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SOURCE:

REVIEWED BY:

TRIB:

DATE:

6-21-91

MICROFILMED
JAN 28 1993

A. ROOT WATER RIGHT NUMBERS: A36-02469C
A36-02469D
A36-02469E

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-------------|-----|-----|-----|-----|-----|--|--|--|-----------------|----------------|------------------|
| 07S | 25E | 24 | NW | SW | | HEINS , WARREN W.
HEINS , ELISE
MILLER , JOLENE R.
SHILLINGTON , KARIN L. | A36-02469E /18.0
A36-02066A /15.0
A36-02469C /18.0 | - /40.0
36-02066A /15.0
- /
36-02469B /18.0 | 15.0 | 13 12 | 13 |
| 07S | 25E | 24 | SW | SW | | HEINS , WARREN W.
HEINS , ELISE
MILLER , JOLENE R.
SHILLINGTON , KARIN L. | A36-02469E /20.0
A36-02066A /15.0
A36-02469C /20.0 | - /40.0
36-02066A /15.0
- /
36-02469B /20.0 | 21.0 | 16 15 | 16 |
| TOTAL ACRES | | | | | | | A36-02469E | 38.00 | 80.00 | 36.00 | |

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

see A36-02469C

(38 - 5% = 36)

* not within tolerance

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
Y

PRESUMPTION FLAG:

REMARKS:

COS - Acres reduced

RECOMMENDATIONS:

TOTAL ACRES: 29

REVIEWED BY: see

DATE: 6-21-91

Planned w/ ADM

MICROFILMED

JAN 28 1993

A. AJ CLAIMED USES:

PURPOSES
A36-02469E IRRIGATION

MONTH/DAY
FROM 03-01 TO 11-01

DIVERSION QUANTITY
.417 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.417 CFS

B. WR RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

TOTAL DIVERSION RATE/VOLUME CLAIMED

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

FIELD
DATABASE EXAMINER
Y
Y
Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N(☐)

Explain in remarks, below.

REMARKS:

8-15 11-15

MICROFILMED
JAN 28 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(X)

AJ TOTAL CLAIMED DIVERSION RATE: 0.417 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

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

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER
Y N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: ~~A36-02469D~~ ~~36-02066A~~ NONE

*this right
100% overlapped by -2066A*

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|-------------|-------------------|-----------|----------------|-----------|----------------|
| A36-02469E | GROUNDWATER | HEINS , WARREN W. | 0.417 | 0.010 | | |
| A36-02066A | GROUNDWATER | HEINS , ELISE | 7.680 | 0.012 | | |

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

0.022

MICROFILMED

JAN 28 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 29 x 0.02 CFS/ACRE = 0.58 CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 114.0 AF/A

ACRES 29 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 87 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 29 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 116 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

1b. CALCULATIONS

Combined Rate:

$$\begin{array}{r} \text{claimed} \\ -2469 \text{ E } 0.417 \text{ cfs} \\ \hline 29 \text{ Ac} \end{array} = 0.014 \text{ cfs/Ac.}$$

$$= 0.014$$

$$\begin{array}{r} -2066 \text{ A } = 0.012 \text{ cfs/Ac} \\ \hline 0.026 \end{array}$$

DISALLOWED
(PORTION)

XEROFILMED
JAN 28 1993

There. Cap

* See Memo
To File
Capacity = 5.525 cfs

$$\frac{8.8 (300 \text{ HP}) 0.70}{230' + (60 \times 2.31)} = \frac{1848}{368.6} = 5.01 \text{ cfs}$$

per
changes made
after 1987
commencement date

Licensee 36-

w/ 200 HP pump
as claimed $\frac{1232}{368.6}$

3.34 cfs

RECOMMENDATIONS:

| REC. PURPOSES | REC. PERIOD FROM TO | REC. DIV RATE CFS | REC. DIV VOL. AF/A | REC. CONS. USE |
|--|---------------------|-------------------|--------------------|----------------|
| IRRIGATION | 3-15 11-15 | 0.453 | 116 | 87 |
| TOTAL FOR THIS RIGHT | | | | |
| REVIEWED BY: <u>See</u> DATE: <u>8-22-91</u> | | | | |

MICROFILMED

JAN 28 1993

PDD on line dividing SE and SW, S23, T07S, R25E.

F05 REMARK:

RIGHT NO(S). 36-2066A ARE/~~IS~~ ALSO DIVERTED THROUGH THE * POINT OF DIVERSION DESCRIBED ABOVE.

this right is used in comb. w/ Right No. 36-2066A, and use of the two rights is limited to

C03
C09

A. CHECK ONLY THE FOLLOWING THAT APPLY:

| | ACCEPTED
AS CLAIMED | NEEDS
REVIEW |
|------------------------------|------------------------|-----------------|
| OWNERSHIP _____ | (X) | () |
| FORFEIT/ABANDON _____ | (X) | () |
| ADDITIONAL DIV. AMOUNT _____ | () | (X) |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-02469

| TOTAL DIVERSION RATE OF WR SPLITS | DATABASE | EXAMINER | CFS |
|-----------------------------------|----------|----------|-----|
| | 11.050 | | |

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| A36-02469 | A36-02469C | 7.290 | - | | 36-02469 | |
| A36-02469 | A36-02469D | 5.030 | - | | 36-02469 | |
| A36-02469 | A36-02469E | 0.417 | - | | 36-02469 | |
| - | - | - | - | | 36-02469A | 10.020 |
| - | - | - | - | | 36-02469B | 1.030 |
| TOTAL CFS | | 12.737 | | | | 11.050 |

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)

YES

See A36-2469
A+B
for Split Review

| DATABASE | FIELD
EXAMINER |
|----------|-------------------|
| N | N |

REMARKS:

RECORDED
JAN 28 1993

AUTHENTICATION:

SIGNATURE:

Steve Celli

DATE:

8-23-91

NAME OF FIELD EXAMINER:

TITLE:

RECEIVED

JAN 28 1993

POD
(10' SOUTH
OF CENTER)
NWSWSE

field +
NAPP acres
Plumister

12
13
14
15

CLAIM A36-02469 E INIT 9a
T. R. S. Q/Q
P/D 16 25E 23 NWSWSE
PHOTO ID. NAB1 1979

T7S
T8S

T7S
T8S

42° 45' 113° 30' 296 640 000 FEET R 25 E R 26 E

Produced by the Geological Survey
in cooperation with the Soil Conservation Service
Orthophotograph prepared from 1:78,000-scale
aerial photographs taken August 1, 1979

MICROFILMED
JAN 28 1993

A36-02469 E

CLAIM NUMBER: A36-02469D

SPLIT REVIEW

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: 36-02469

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
11.050

EXAMINER

CFS

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| A36-02469 | A36-02469C | 7.290 | - | ~~5.48~~ | 36-02469 | |
| A36-02469 | A36-02469D | 5.030 | - | ~~5.03~~ | 36-02469 | |
| A36-02469 | A36-02469E | 0.417 | - | | 36-02469 | |
| - | - | - | - | | 36-02469A | 10.020 |
| - | - | - | - | | 36-02469B | 1.030 |
| TOTAL CFS | | 12.737 | | | | 11.050 |

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER

REMARKS:

10.02 cfs
628 Ac. = 0.0159554 x 315 (PART C) = 5.03 cfs (5.025955) ~~4.99~~

0.0159554 x 310 (PART C) = 4.95

0.0122 x 37 (PART C) = 0.45 ~~0.613~~

1.03 / 84 Ac = 0.0122619 x 29 (PART E) = 0.355635 ~~5.603~~

11.05 712 Ac (625 + 66) = 691 Ac.

Proportional
Shares Based
on Licensed
Acres
* Reduction in
Irrigated
Acres

Recommended Rates:

* CORRECTED PROPORTIONAL
SHARES

BASED ON ACTUAL
ACRES USED

$$\frac{10.02}{625} = 0.016032$$

$$\frac{1.03}{66} = 0.0156061$$

$$x 315 = 5.05$$

$$x 310 = 4.97$$

$$x 37 = 0.577$$

$$x 29 = 0.453$$

R36-02469D

R36-02469C

R36-02469E

11.05 cfs

See
8-23-91

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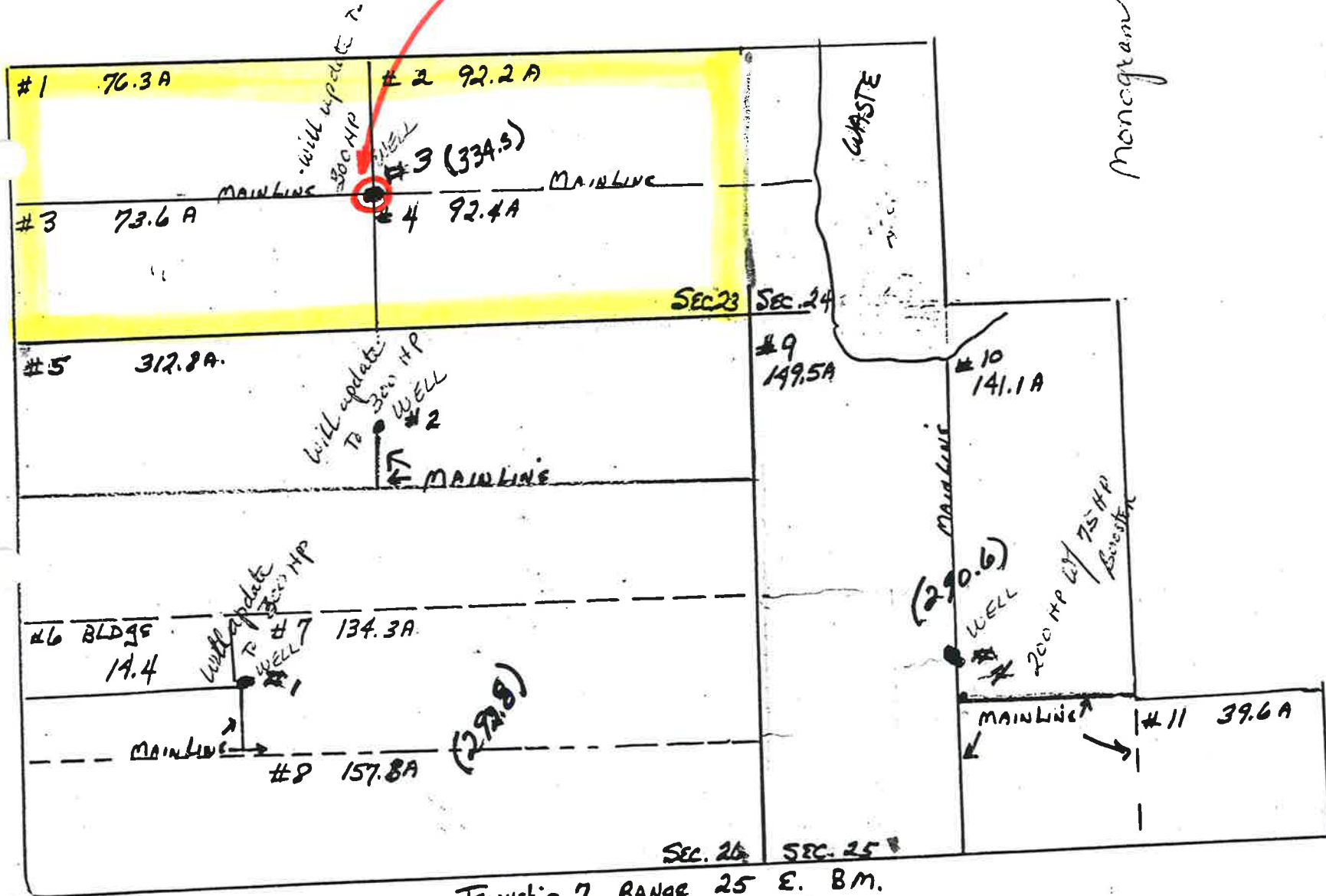
PART C

A36-02469D

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Monogram Fitter



Township 7 RANGE 25 E. B.M.

5

Last Name Heins

Memo to file: A36-02469 D & E, A36-02469 C
FROM: STEVE CLELLAND
DATE: 8-23-91

RE: WELL CAPACITIES

I was doing some theoretical calculations of the South well used by Heins. At first I used the 300 HP as listed on their map and the amount came out just right for the licensed amounts. When I checked the system as claimed it listed a 200 HP motor which indicates the 300 HP was developed after the claim was filed.

I determined the unrecorded transfer of parts A & B to parts C, D & E occurred in Sept. 1975 when Maldonado bought the N/2 from Morgan-Shillington (see conversation memo w/ Miller).

This being so, the 5 year forfeiture period had passed and it appeared the right was lost, or portions of it were.

When I looked at the old license Exam it appears both wells were used to produce the total 11.05 cfs. Since each well & pump was similar, they should produce about $\frac{1}{2}$ the total amount or 5.525 cfs each. JAN 28 1996

Without more information on the rate of Diversion from each well separately at time of exam, It appears Each well is capable of supplying the rights claimed.

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE

A36-02469 CA36-02469 D & ERE: Split of Wells & PropertyDATE 8-23-91

NAME OF PARTY

JOLENE MILLER

I asked her when they bought their farm and split the wells. She looked up some information and found she bought the lands in ~~September 1975~~. At that time Patterson Farms either rented or owned the other portion known as Monogram Farms. She thought Heins bought that piece a couple years later. *Mrs. Miller called Back:

Maldonado bought from Morgan-Shillington Sept. 1975
Millers bought it from Maldonado in Dec 1981

Therefore Heins would have bought around 1983.
However the Transfer on 36-2066A was not completed by Patterson Farms until 1984.

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