

Log for claim 36-04036

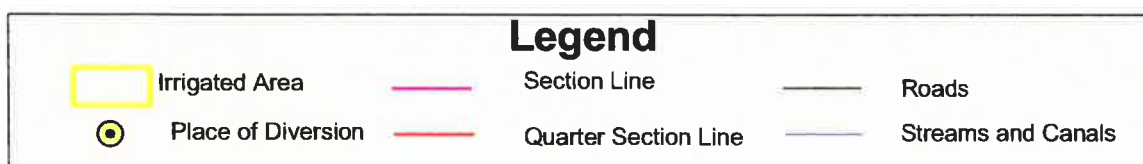
Spatial Dynamics LTD

12/17/01

TR	SEC	QQ	Acres Recommended	Acres Shaped	COMMENT
08s14e	34	SWSE	40	40	
08s14e	34	SESE	40	40	
09s14e	3	NENE	40	41	
09s14e	3	SENE	40	40	
Totals:			160	161	

Water Right Number 36-04036
Townships , 8S14E, 9S14E

12/17/2001



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: **A36-04036**
Date Received: 8/17/1988
Receipt No: S001518
Received By: _____

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

1. Name: ROBERT MEYERS 208-733-4952
Address: 3024 WOODRIDGE DR
TWIN FALLS ID 83301

2. Date of Priority: MAY 1, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	14E	3		NE	NE		GOODING

5. Description of diverting works:
30HP LIFT, 90'X12", SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.200		

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

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

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	14E	34	SW	SE		IRR	40.0
			SE	SE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	80.0
09S	14E	3	NE	NE	IRR	40.0
			SE	NE	IRR	40.0
					Section Acres	80.0
					Total Acres	160.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
OWNERSHIP CHANGE 3/8/95 GROUNDWATER MEASUREMENT OPTION FORM
SIGNED. JG

15. Basis of Claim: STATUTORY CLAIM

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: _____

Water Right Number - 36-04036

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
MEYERS

ROBERT

1 - 3024 WOODRIDGE DR
2 -
3 -
City- TWIN FALLS
Phone - 208-733-4952

State- ID Zip- 83301

*** D - DIR RPT OWNER ***
RUFFING

DONNA F

1 - 3593 S 1500 E
2 - RT 1
3 -
City- WENDELL
Phone - 208-536-2783
1 - 3593 S 1500 E
2 - RT 1
3 -
City- WENDELL
Phone - 208-536-2783

State- ID Zip- 83355

RUFFING

FRANKLIN W

State- ID Zip- 83355

+ - - Priority Date - - +
05/01/1962

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +

+ - - Status - - - - +
I - DISALLOWED

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

+ - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
09S 14E 3 NE NE (47) GOODING

+ - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 3.200

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.200 480.0

+ - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
08S 14E 34 SW SE 40.0 01 IRRIGATION (47) GOODING
08S 14E 34 SE SE 40.0 01 IRRIGATION (47) GOODING
09S 14E 3 NE NE 40.0 01 IRRIGATION (47) GOODING
09S 14E 3 SE NE 40.0 01 IRRIGATION (47) GOODING

Total Acres: 160.0

+ - - Diversion Means - 30HP LIFT, 90'X12", SPRINKLERS

+ - - Non-Irrigation Use -

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JUL 4 1996

Water right number - 36-04036

Prefix Translation: WATER RIGHT

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - -
NO LAWFUL APPROPRIATION SHOWN.

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

+ - - - - - Conditions of Approval - - - - -
P01 - NO LAWFUL APPROPRIATION SHOWN: There are a number of
- circumstances in which a claim is proposed to be disallowed on
- this basis. This is most commonly included for a claim based on
- beneficial use or posted notice that is PROPOSED to be disallowed
- because the right claimed is not within an exception to the
- mandatory permit statute, and beneficial use of water prior to
- the mandatory permit statute was not confirmed. This is also
- included where a claim is PROPOSED to be disallowed because the
- claim is to water that is not public water subject to
- appropriation. This is also included where a right was
- determined not to exist in a prior adjudication.

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

+ - - - - - Comments - - - - -
Date: 07/08/1991 User Id: MERRITT Subject: REASON FOR DISALLOW
CLAIMANT DID NOT RESPOND TO REQUEST FOR PROOF OF PRIORITY. ALSO CLAIMANT CONTACTED TO FILE TRANSFER SINCE P/U IS DIFFERENT
THAN THAT CLAIMED AND CHANGE OCCURED AFTER 11/19/1987. CLAIMANT INDICATED HE WOULD FILE BUT HAS NOT DONE SO.
Date: 03/08/1995 User Id: JGIVENS Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 2/16/95 FORMER OWNERS GLENNA M. AND TONY RUFFING NEW OWNER ROBERT MEYERS. GROUND WATER MEASUREMENT
OPTION FORM NOTED AT BOTTON FOR ADDRESS CHANGE SIGNED BY FORMER OWNERS.

+ - - Audit Fields - - +
03/08/95 JGIVENS

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -
Court Report Filing - 11/02/1992 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 12/21/1992 Field Inspection Flag - Old Case Number -
Response Filed Date - 09/10/1993 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 08/17/1988 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - S001518 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - AND/OR Presumption Flag -
Notice of Error Flag -

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**IDAHO DEPARTMENT OF WATER RESOURCES
GROUND WATER MEASUREMENT OPTION FORM**

Department records show that you are the holder of certain water rights which describe the following points of diversion or wells:

WATER RT. NUMBER	NAME	POINT OF DIVERSION TWP RNG SEC Q Q Q LT	OPTION 1	OPTION 2
*36-04048	RUFFING, TONY	08S 14E 23 NWNWSE	☐	☒
36-04036	RUFFING, TONY	09S 14E 3 NENE	☐	☐

This form may not list all rights and names associated with the above wells. Please note that you may be responsible for measurement of other wells which you own that are not on this form or are listed under a different name.
* Denotes water right number from SRBA Directors Report.

Instructions for Completing Form:

Please choose a measurement option for each point of diversion listed above. Place a check mark in the space provided above under either OPTION 1 or OPTION 2 for each point of diversion. These options are defined as follows:

OPTION 1: I choose to install a measuring device according to Department of Water Resources criteria and file an annual report on forms provided by the Department.

OPTION 2: I choose not to install a measuring device because I believe installation will be burdensome and that ground water withdrawals can be estimated by power records.

2/15/95
Date

Glenora M. Ruffing
Tony Ruffing
Signature

Return this form to :
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83720

Address Correction:

*36-04036 has been sold to Robert Meyers
3024 Woodridge Dr.
Twin Falls ID 83301
733-4952

RECEIVED
FEB 15 1995
Department of Water Resources
Southern Region

RECEIVED
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FEB 16 1995
Department of Water Resources
Southern Region



Phil Batt
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

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

R. KEITH HIGGINSON
Director

March 8, 1995

.ROBERT MEYERS
.3024 WOODRIDGE DR
.TWIN FALLS ID 83301

RE: Snake River Basin Adjudication (SRBA) Change of Ownership
No. 36-04036 - FRANKLIN W/DONNA F RUFFING

Dear Claimant(s):

Thank you for notifying us of your change in Ownership on the water right claim(s) referenced above. I have changed the records in our computer system, please find enclosed a copy. Please note that the Director's report for Basin 36 has been filed with the court and the recommendations for the above-listed right(s) remain listed in the former owners name.

If you have not filed the Standard Form #No 3 (form enclosed) with the Adjudication Court here in Twin Falls, you will need to do so, since this is part of the process now in the Change of Ownership(s) in Basin 36.

Should you have any questions, you can contact this office, the SRBA District Court (736-3011).

Sincerely,

Judy Givens
Technical Records Specialist

jg

Enclosures - Proof Report

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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: A36-04036
Date Received: 8/17/1988
Receipt No: S001518
Received By:

COPY

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANKLIN W. RUFFING
Address: RT. 1
3593S 1500E
WENDELL, ID 83355 208-536-2783

AND/OR

Name: DONNA F. RUFFING
Address: RT. 1
3593S 1500E
WENDELL, ID 83355 208-536-2783

2. Date of Priority: MAY 01, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	14E	3	NE	NE			GOODING

5. Description of diverting works:
30HP LIFT, 90'X12", SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A36-04036

Page 1

Date Filed: 08-17-88

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	14E	34	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	80.0
09S	14E	3	NE	NE		IRR	40.0
			SE	NE		IRR	40.0
						Section Acres	80.0
						Total Acres	160.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

P. U. DESCRIBED INCORRECTLY AS HAVING SEC. 34 IN T9S.

15. Basis of Claim: STATUTORY CLAIM

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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: 2

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): *[Signature]* Date: 8-17-88
Date:

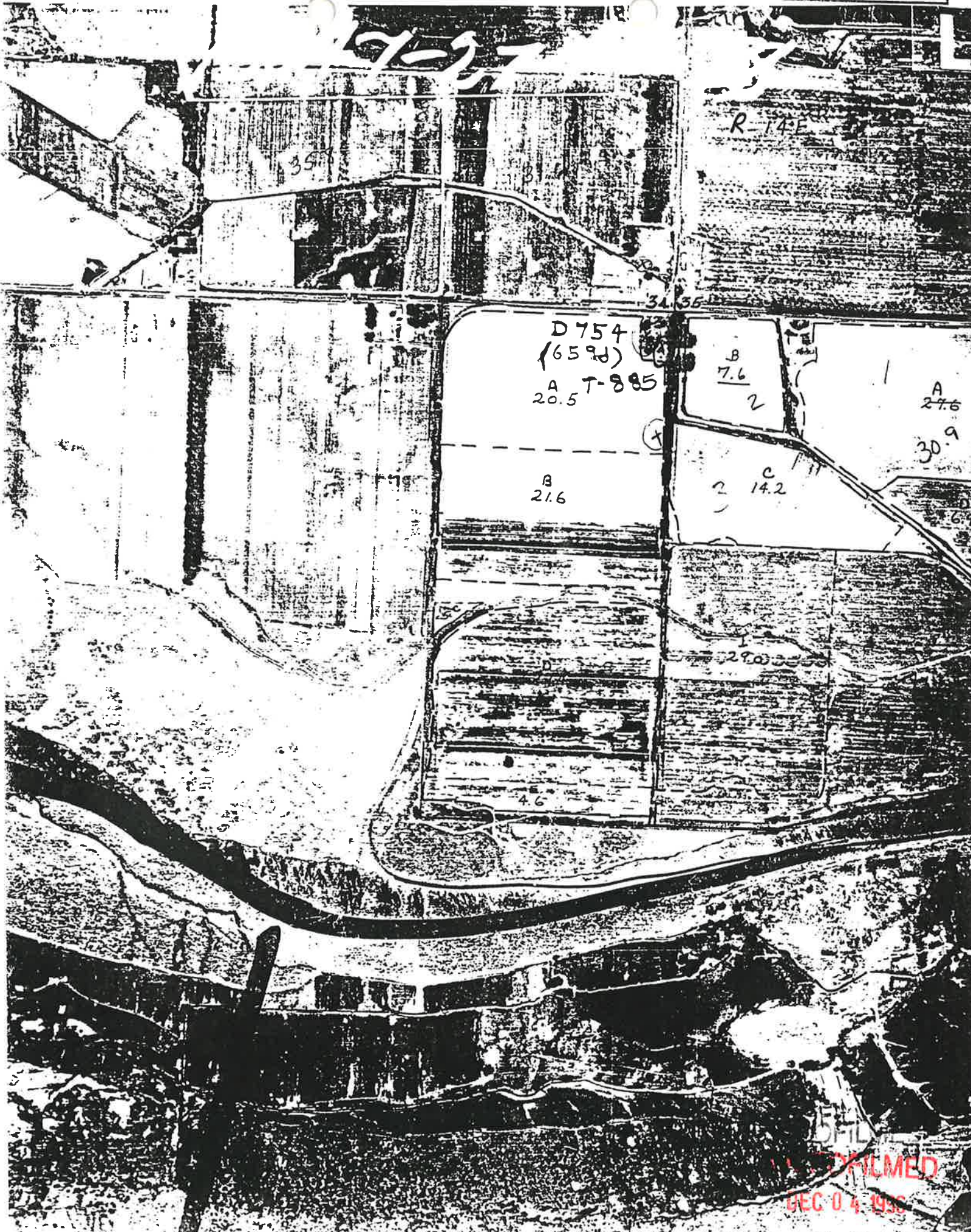
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of August 19 88

Seal

[Signature]
Notary Public

Residing at Buhl, Id.
My Commission Expires 6-30-94



11-11-51
FILMED
DEC 04 1956

16.8
(436d)
(4)

I 409
(840d)
T-108
34+

POOR ORIGINAL

D 411
(842d)

A
5.8

16.4

2.4

G
20

D 432
(845d)

T-108

D 754
(851d)

T-88

A

54.8

D
9.2

54.5

Sec. 34

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From: DWR60::DJONES 14-MAR-1995 12:41:33.89
To: DWR03::NSPENCER
CC: DJONES
Subj: BASIN 36 CLAIM - LATE EVIDENCE OF PRIORITY

NICK:

SOUTHERN HAS RECEIVED A LATE SUBMITTAL OF EVIDENCE OF PRIORITY FOR DISALLOWED CLAIM (36-04036) FROM ATTORNEY J. DEE MAY. CLAIM HAS BEEN OBJECTED TO SO THERE MAY BE SETTLEMENT CONFERENCE CONSIDERATIONS. MAY IS ASKING FOR DIRECTION. PLEASE ADVISE WHETHER YOU WANT THE SUBMITTAL OR IF IT SHOULD BE RETURNED WITH REQUEST FOR MAY TO CONTACT YOU, ETC. PLEASE RESPOND FORTHWITH. THANKS, DOUGLAS

Original w/ affidavits & exhibits/
attachments sent to S.O. per
telemssg fm NSPENCER 3/16/89
Jf

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DEC 04 1996

ELLSWORTH, MAY, SUDWEEKS, STUBBS,
IPSEN & PERRY
ATTORNEYS AT LAW

BART D. BROWNING
MAURICE O. ELLSWORTH
LOREN C. IPSEN
THOMAS D. KERSHAW, JR.
J. MICHAEL KULCHAK
J. DEE MAY
MARK B. PERRY
MARK D. STUBBS
JAY D. SUDWEEKS

*With Attorneys Licensed to Practice
in Idaho, Arizona, Nevada and Oregon*

516 Second Street East
P.O. Box 1846
Twin Falls, Idaho 83303
Telephone (208) 733-7180
Facsimile (208) 733-7967

BOISE, IDAHO
Alaska Center
1020 Main Street, Suite
400
P.O. Box 637
83701
Telephone (208) 338-1001
Facsimile (208) 338-8400

HAILEY, IDAHO
219 S. Main
83333
Telephone (208) 788-0834

March 10, 1995

Idaho Department of Water Resources
220 Shoshone East
Twin Falls, ID 83301

RECEIVED

MAR 13 1995

Department of Water Resources
Southern Region

RE: Water Right No. 36-04036

Gentlemen:

I am representing Mr. Robert Meyers who purchased a parcel of real property located in Gooding County, Idaho, from Franklin and Donna Ruffing in 1989. The facts of that purchase are set out in the Affidavit of Robert J. Meyers which I have enclosed with this letter. Critical to this situation is the fact that the notice to provide evidence of priority date was sent to Mr. Ruffing and did not get to Mr. Meyers in time to provide that evidence within the deadline given in the notice. When Mr. Meyers came in to see me I obtained affidavits from both he and Glenna Mae Ruffing, whose father, Herman Brand, previously owned the property at the time the water right was put to a beneficial use. I prepared affidavits for those two individuals which I have enclosed with this letter, establishing the evidence of the priority date of 1961. I am providing this evidence pursuant to notice on behalf of my client realizing that the deadline given by the Idaho Department of Water Resources has expired. On his behalf I am asking that this evidence be considered establishing the priority date for the above referenced water right.

On my client's behalf I would appreciate hearing back from you with regard to whether or not you are objecting to the submission of this evidence, since it is beyond the date of the deadline, given the extenuating circumstances outlined in Mr. Meyers' affidavit. If you are not willing to accept that evidence, could you please let me know immediately so I can make a motion to the court to admit such evidence. It would appear to me that there has been no

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DEC 04 1996

Idaho Department of Water Resources
March 10, 1995
Page 2

damage that has occurred to the department based on the delay and given the circumstances which led to the delay, it would seem that submission of the evidence as to priority date would be appropriate at this time. Please let me hear from you as quickly as possible.

Very truly yours,

ELLSWORTH, MAY, SUDWEEKS, STUBBS,
IPSEN & PERRY

A handwritten signature in dark ink, appearing to read "J. Dee May", with a checkmark at the end.

J. DEE MAY

JDM:mab

Enclosures

cc: Robert J. Meyers

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DEC 04 1996



te of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 3, 1990

ABG-04036
FRANKLIN M. HUFFING
3593 E. 1500 S.
TWIN FALLS, IDAHO
83301

TO: 81255

Dear Claimant(s):

In the past you submitted the claim(s) identified with the number(s) shown above your name and address at the top of this letter. You indicated on the claim(s) that the basis for establishing the water right(s) was Beneficial Use, meaning the water right was not previously confirmed by a decree, water right license or permit before you filed the claim(s).

The purpose of this letter is to request evidence supporting the priority date(s) you have claimed. The enclosed pamphlet describes what this means. While I encourage you to read all of the pamphlet, I direct your attention to the right-hand half of the pamphlet after you open it. There you will find two sections: What Kind of Evidence is Required, and Some Examples of Documents which May Be Evidence of the Priority Date. These sections tell you what must be submitted. The other sections tell you why the evidence is necessary and what the consequences of not submitting the evidence could be.

Please submit the requested evidence by November 1, 1990. When returning to the Department please reference all documents with the claim(s) identification number(s) listed above.

If you have questions not addressed by the pamphlet or need other technical assistance, please feel free to contact this office. For advice on your water right(s), please contact your attorney.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosure

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DEC 04 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

April 8, 1991

MR & MRS FRANKLIN W RUFFING
3593 S 1500 E
RT 1
WENDELL ID 83355

RE: Evidence of Priority - Snake River Basin Adjudication
Claim #A36-04036

Dear Claimant(s):

Our records indicate that your claim(s) listed above, is based upon either a "Statutory Claim" or "Beneficial Use" of the water. For water rights of this type, the claimed "Priority Date" must be substantiated with supporting evidence. We previously requested this supporting evidence be submitted by November 1, 1990, and to date we have not received the requested documentation.

Before the Department can make a recommendation to the Court to decree the claim(s), some evidence of the priority date must be submitted. Again we are enclosing a brochure outlining the types of evidence you may submit, and a printout of your claim(s) for reference. We request that you submit your evidence of priority as soon as possible. **If we do not receive the requested documentation, your claim(s) will be recommended for disallowal due to lack of evidence supporting any priority date.**

Please submit the required evidence supporting the priority date(s) by April 23, 1991. Please reference the claim number on your correspondence. If you have questions or need other assistance please contact this office.

Sincerely,

for Anna Baumgartner
Allen Merritt, P.E.

Adjudication Section Supv.

Enclosure

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DEC 04 1996

R PROOF

CVR

MAPS

PHOTOS

MISC

OCT 18 1994

Water right number - R36-04036

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - POSSIBLE SHARES IN NORTH SIDE CANAL CO.

+	Remarks
	No Remarks found.

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

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
S17 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- NORTH SIDE CANAL CO. LTD.

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

	-Comments-
Date: 12/22/1993 User Id: MERRITT Subject: THIS RECOMMENDATION IS BASED ON FIELD WORK ORIGINALLY DONE IN 1990 AND MAPS OBTAINED IN THE OBJECTION PHASE OF THE PROCESS.	WITH THE INFORMATION SUBMITTED WITH THE OBJECTION AND TAKING INTO ACCOUNT THAT LICENSE 36-07854 WILL BE ISSUED FOR THE LANDS IN THE S1/2SE1/4 OF SEC 34 THEN THIS RECOMMENDATION IS BEING MADE FOR THE BALANCE OF THE LANDS SHOWN IRRIGATED IN THE ASCS MAP (74 ACRES).

+ - - Audit Fields - - +
12/22/93 MERRITT

+ - - - - - 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	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	08/17/1988	Last Amended Date	-	00/00/0000	Temporary Right	-	P
			Receipt Number	-	S001518	Water District	-	
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-	AND/OR	Presumption Flag	-	
						Notice of Error Flag	-	

100-1-1004
MICROFILMED

Water Right Number - R36-04036 Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***

RUFFING DONNA F 1 - 3593 S 1500 E
2 - RT 1 1500E
3 -
City- WENDELL State- ID Zip- 83355
Phone - 208-536-2783

RUFFING FRANKLIN W 1 - 3593 S 1500 E
2 - RT 1
3 -
City- WENDELL State- ID Zip- 83355
Phone - 208-536-2783

*** P - PRESENT OWNER ***

MEYERS ROBERT J 1 - 3024 WOODRIDGE DR
2 -
3 -
City- TWIN FALLS State- ID Zip- 83301
Phone - 208-733-4952

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

05/01/1962 17 SOUTHERN L - LICENSE

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

GROUNDWATER

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

Twn	Rng	Sec	Tract	Lot	Rflg	County
09S	14E	3	NE NE NE	1		(47) GOODING

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

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	1.480	296.00

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

1.480 296.00 222.0

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

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	14E	3	NE NE	1	37.0	01	IRRIGATION	(47) GOODING
09S	14E	3	SE NE		37.0	01	IRRIGATION	(47) GOODING

Total Acres: 74.0

+ - - Diversion Means - WELL WITH 30 HP PUMP TO 50 HP BOOSTER TO SPRINKLERS

+ - - Non-Irrigation Use - NONE

Post-It™ brand fax transmittal memo 7671

of pages ▶ 2

From Allen MILLER

To Carter F.

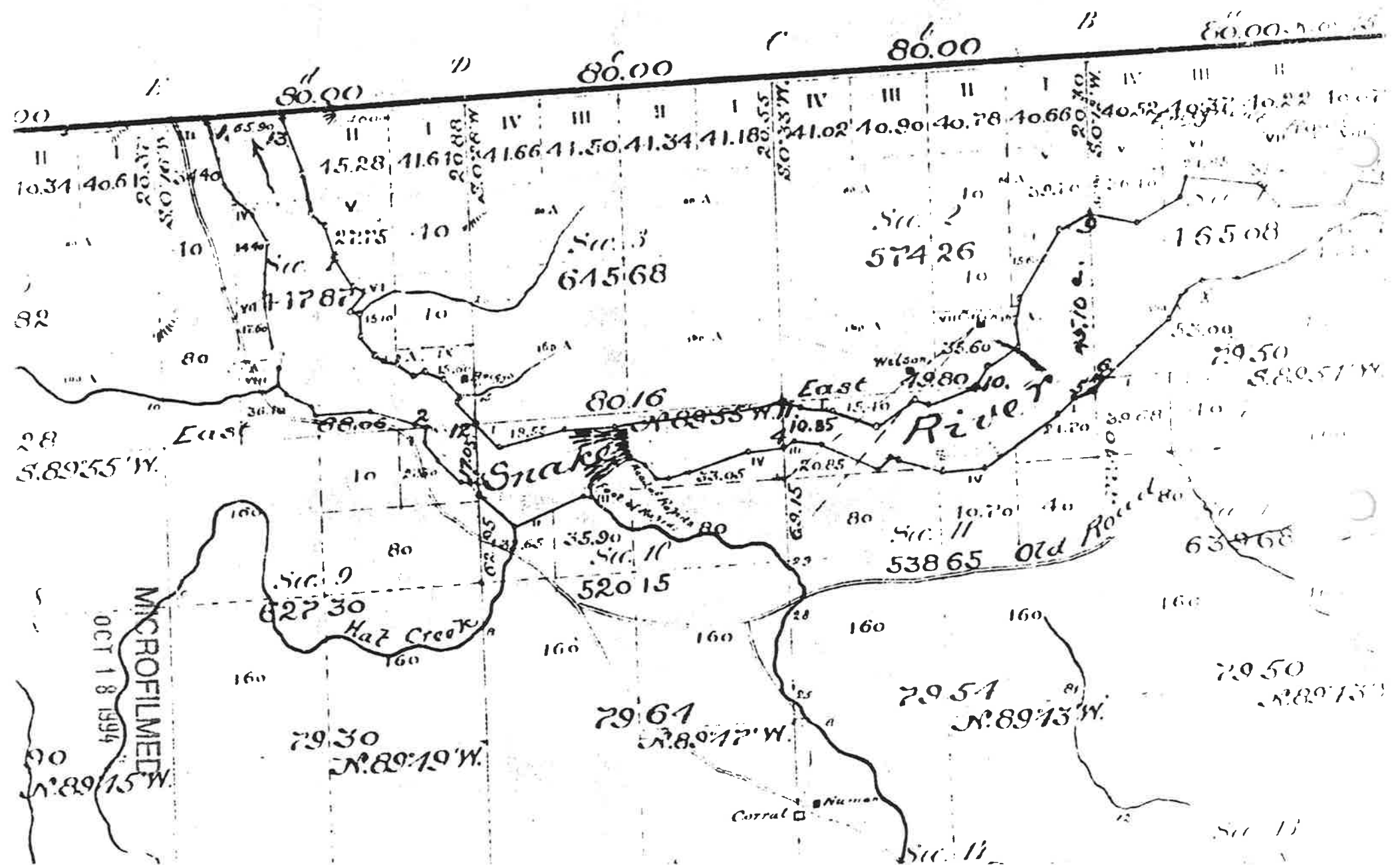
Co. Co. Phone # Phone #

Dept. Dept.

Fax # Fax #

001 1 1994

POOR ORIGINAL



DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.

in case follow-up is needed.

Robert Meyers

733-4952

2. SUBJECT OF INQUIRY: Claim A36-04036. I called Mr. Meyers to verify certain information related to the licensing exam for Permit 36-07854. Said permit covers the SE $\frac{1}{4}$ Sec. 34. The SRBA claim did cover the S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 34 and additional land to the south. These two parcels no longer have any connection to each other as far as their irrigation systems are concerned.

3. RESPONSE TO INQUIRY: I told Mr. Meyers that he should explain how the system under the SRBA claim works when he files the objection (that it is no longer used in Sec. 34). He also wanted me to review his objection once he gets it put together, but I told him that I was not qualified to give him legal advice.

4. IDWR STAFF AND DATE:

J. E. Stanton 11-25-92

Print name and initial

WATER RIGHT CLAIM (Nos.):

A36-04036

MICROFILMED

OCT 13 1994

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.

in case follow-up is needed.

Robert Meyers

436-04036

2. SUBJECT OF INQUIRY:

Disallow of claim

Mr Meyers came in to check of water right for F/NE Sec. 3 T9S R14E. He indicated that he purchased property from Mr. Ruffing. He showed me copies of tax papers & bills for when the well was constructed.

3. RESPONSE TO INQUIRY:

I gave Mr. Meyers objection form and change of ownership form. I showed him the file and indicated that basically the claim was disallowed since no evidence of priority was submitted. I told him that I could not change the recommendation and that he would have to file an objection. I told him the copies of tax documents & receipts would be considered if presented in the objection procedure. I indicated there may be an opportunity for mediation but I told him I was not clear as to exactly how mediation was going to work.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

A. Martin

11/16/92

436-04036

MICROFILMED

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. 36-04036 -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: ROBERT J MEYERS
Address: 3024 WOODRIDGE DR
TWIN FALLS ID 83301

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

12. ☒ Water Right Recommendation: I respond to the objection concerning:

12b. ☒ This water right not being recommended.

14. ☒ Other: I respond to the objection concerning:
DISALLOWAL.

REASONS SUPPORTING EACH BOX CHECKED

In response to the objectors Statement of Interest in the water right, 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 Objection items 12, 12.b, and 14, and all allegations of the objection regarding these items, IDWR responds as follows: IDWR recommended the claim for disallowal because the claimant did not provide information, twice requested by IDWR, to support a finding that water was put to beneficial use prior to May 20, 1971, the effective date of the mandatory permit statute, established by Idaho Code section 42-201, for appropriation of surface water. In further response to these items, IDWR responds that when IDWR staff contacted the claimant to inform him that he might need to file an application for permit, the claimant stated that water was no longer used from the claimed source.

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:

Notice of Claim No. A36-04036

No. of
Pages

5

(Over)

VERIFICATION (Must be Completed)

State of IDAHO

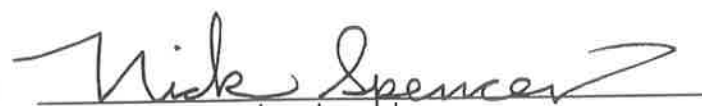
County of ADA

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 10th day of September,
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 10th day of September, 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: FRANKLIN W & DONNA F RUFFING
Address: 3593 S 1500 E
RT 1
WENDELL ID 83355

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: ROBERT J MEYERS
Address: 3024 WOODRIDGE DR
TWIN FALLS ID 83301

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: A36-04036
Date Received: 8/17/1988
Receipt No: S001518
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANKLIN W. RUFFING
Address: RT. 1
3593S 1500E
WENDELL, ID

208-536-2783

83355

AND/OR

Name: DONNA F. RUFFING
Address: RT. 1
3593S 1500E
WENDELL, ID

208-536-2783

83355

2. Date of Priority: MAY 01, 1962

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	14E	3	NE	NE			GOODING

5. Description of diverting works:
30HP LIFT, 90'X12", SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.200		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

A36-04036

Page

1

Date: 08/17/88

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OCT 18 1994
FEB 05 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	14E	34	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				80.0
09S	14E	3	NE	NE		IRR	40.0
			SE	NE		IRR	40.0
			Section Acres				80.0
			Total Acres				160.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

P. U. DESCRIBED INCORRECTLY AS HAVING SEC. 34 IN T9S.

15. Basis of Claim: STATUTORY CLAIM

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: 2

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): *Frank E. Ruppberg* Date: 8-17-88
Date:

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 17th day

of August 19 88

Seal

Roxanne Stoney
Notary Public

Residing at Buhl, Id

My Commission Expires 6-30-94

7-27

R-14E

D 754
(659d)
A T-885
20.5

B
7.6
2

A
27.6
30.9

B
21.6

C
14.2

4.6

(436a)
(14)

L 409
(840d)
T-108
34+

POOR ORIGINAL

D 411
(842d)

A
5.8

D 432
(845d)
7.5

1029

D 754
(851d)

214
T-885

A
54.8

D
9.2

54.6

Sec. 34

MICROFILMED
OCT 1 FEB 05 1983

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.

Case No. 36-04036
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 25 1993

Department of Water Resources
Southern Region Office

RECEIVED

DEC 28 1992

Department of Water Resources

INSTRUCTIONS

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

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

(Over)

OBJECTION - 1

MICROFILMED

OCT 13 1994

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: ROBERT J. Meyers
Address: ~~RTB~~ 3024 Woodridge Dr.
Twin Falls, Id. 83301

Briefly describe your interest in this water right:

I purchased Ruffing's Farm
From Frank in 1989 And By
Filing the Adjudication Papers
in 8-17-88, he Thought he Had
Done the proper paperwork.
So I Am the Deeded legal owner of the land
where well is used & located.

2. Owner of the water right:

Name: Listed in Franklin W. Ruffing name
Address: Rt. 1 35935. 1500 E.
Wendell, Idaho 83355

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.

(Over)

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: the Water Right being Disallowed,
The well was Drilled in 1961 & used continuously
since that time. Adjudication Filings were made
on 8-17-88 And Documentation is inclosed to
Verify the Above information.

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.

- (13) The Water Right needs to Be Re-instated
- (14) Ruffing was in Foreclosure By F.H.A & PROOF
OF Priority Date was not submitted on time. PROOF
OF Priority is submitted with the objection Filing

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.

- As the Right Has been in affect since 1961
And never Protested, then is NO Bonifide Reason
Why the Director shouldn't ReInstate And
Approve Water Rights No. 36-04036

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.

Adjudication Filing Receipt - 4 pages
Well Expense Sheet (1961) - 1 page
U.S. Individual Income Tax Return (1961) - 7 pages (1962) - 8 pages
Copy of Deed - 1 page
VERIFICATION (Must be Completed)

State of IDAHO

County of Gooding

Robert J. Meyers, 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.

Robert J. Meyers
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

1992 Subscribed and sworn to before me this 17 day of December.

Nolan Victor
Notary Public for Idaho
Residing at: Turner Falls
My Commission expires: 12/31/97



(Over)

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 16th day of December, 1992, 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:

FRANKLIN W. RUFFIN

Owner's address:

RT. 1 3593 S. 1500 E.

WEAVER, Idaho 83355

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

Robert J. Meyers

Signature of Objector or attorney
mailing on Objector's behalf

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

(12) & (14)

Receipt No: S001518

Date: 08/17/88
Time: 13:20:12

Received
From: RUFFING, GLENNA M.

Type of Payment	Program A cct	Amount
ADJUDICATION FEE	0410162 9337 6490	\$285.00
Total		\$285.00

CHECK 4428

WR/NO: A36-10500 A36-10501 A36-10502 A36-04036

Idaho Department of Water Resources

Region: Southern

Signature: Lon White

*Pd. by Frank W. Ruffing to Glenna M. Ruffing
\$285.00 in full.
Glenna Ruffing
8-17-88.*

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001 10 1988

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: A36-04036
Date Received: 8/17/1988
Receipt No: S001518
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANKLIN W. RUFFING
Address: RT. 1
3593S 1500E
WENDELL, ID

208-536-2783

AND/OR

Name: DONNA F. RUFFING
Address: RT. 1
3593S 1500E
WENDELL, ID

83355

208-536-2783

83355

2. Date of Priority: MAY 01, 1962

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
09S	14E	3	NE NE		GOODING

5. Description of diverting works:
30HP LIFT, 90'X12", SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.200		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

A36-04036

Page 1

Date: 08/17/88

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	14E	34	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				80.0
09S	14E	3	NE	NE		IRR	40.0
			SE	NE		IRR	40.0
			Section Acres				80.0
			Total Acres				160.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

P. U. DESCRIBED INCORRECTLY AS HAVING SEC. 34 IN T9S.

15. Basis of Claim: STATUTORY CLAIM

POOR ORIGINAL

R-14E

D 754
(659d)
A 20.5 T-885

B
7.6

A
27.6

30.9

B
21.6

C
14.2

D
6.9

4.6

312

1 + 04
(840d)
T-108
34+

POOR ORIGINAL

D887
(839d)
T-895

D.441
(842d)
T-896

C
10.8

A
5.8

604
(9)

76.4

2.4

D432
(845d)
7.5
5

T-1019

B
19.5

D754

865.0

22.4

T-885

(17)
A
54.8

D
9.2

34.35

2.0 34

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JUN 17 1994

POOR ORIGINAL

Oct 25	C. B. Eaton	4	7	41	40	---
Aug 5	Summer Land			45	50	---
15	Vector Miller			45	28	---
22	G. & H. Drilling	-	8	40	00	---
24	Vector Miller			10	00	---
Aug 30	G. & H. Drilling	-	1	55	00	---
Sept 6	Summer Land			33	81	---
8	Trac. Miller			88	14	---
Oct 30	Concrete Products	1	4	26	30	---

$\begin{array}{r} 7 \\ 6 \\ 5 \\ 4 \\ 3 \\ 2 \\ 1 \end{array}$

2 4, 4 4
 2 6, 3 4
 7 2 1, 3 8
 4 1 9 1, 4 3
 5 5 1 2, 7 3

FILE

WARRANTY DEED

For Value Received

FRANKLIN W. RUFFING, an unmarried man

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

ROBERT MEYERS and KATHI MEYERS, husband and wife
 whose address is: Route 3 Woodridge Estate Twin Falls, Idaho 83301

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

See Exhibit "A" Attached Hereto:

149274

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of *Land Title & Escrow Inc.*

26 min. past *9* o'clock *A* m. this *6*

of *July*, 19*92* *mu s. 00*

JOHN A. MYERS Recorder

By *Roberta Sides* Deputy

Together with 121.18 shares of North Side Canal Company
 Water Stock

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: July 2, 1992

Franklin W. Ruffing
 FRANKLIN W. RUFFING

STATE OF IDAHO, COUNTY OF Jerome
 On this 2nd day of July, 1992
 before me, a notary public in and for said State, personally appeared

FRANKLIN W. RUFFING

known to me to be the person ^s whose name ^s are
 subscribed to the within instrument, and acknowledged
 to me that they executed the same.

Rick Bernsen
 Notary Public
 Residing at _____, Idaho.
 Commission expires: _____

RICK BERNSEN
 ★ NOTARY PUBLIC ★
 STATE OF IDAHO
 RESIDING AT JEROME, ID
 MY COMMISSION EXPIRES *7-2-97*

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EXHIBIT "A"

TOWNSHIP 8 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 34: S½SE½, EXCEPTING THEREFROM the following described
parcel of land:

Beginning at the Southeast corner of Section 34,
Township 8 South, Range 14, East Boise Meridian,
Gooding County, Idaho, which is THE TRUE POINT
OF BEGINNING;

Thence North 0°02' West, 625.7 feet;

Thence North 89°58' West, 124.2 feet;

Thence South 48°45' West, 532.1 feet;

Thence South 5°08' West, 226.5 feet;

Thence South 89°45' East, 495.2 feet to THE TRUE
POINT OF BEGINNING.

TOWNSHIP 9 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 3: Lot 1; SE½NE½;

SUBJECT TO THE FOLLOWING:

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

Taxes for 1992 and subsequent years, which are not yet due and
payable.

Assessments of the American Falls Reservoir District and the
rights and powers of said District as by law provided.

Assessments of the North Side Canal Company and the rights and
powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of the North
Side Canal Company, Ltd.

Terms and conditions of a Contract of Sale by and between Tony F.
Ruffing and Glenna Mae Ruffing, husband and wife, Vendors, and
Franklin W. Ruffing and Donna Ruffing, husband and wife,
Purchasers, dated April 21, 1974, recorded April 25, 1974 as
Instrument Number 50090, Gooding County records.

Transmission Line Easement given by Idaho Farms Company, a
corporation, Grantor, to Idaho Power Company, a corporation,
dated May 17, 1937, recorded May 29, 1937 in Book 4 Page 172 as
Instrument Number 67795, Gooding County records, affecting a por-
tion of the SE½NE½ of Section 3 and the SW½NW½ of Section 2, both
Township 9 South, Range 14, East Boise Meridian.

Power Line Easement given by Franklin W. Ruffing and Donna F.
Ruffing, husband and wife, to Idaho Power Company, a corporation,
dated August 29, 1980, recorded February 3, 1981 as Instrument
Number 87546, Gooding County records, affecting a portion of the
SE½SE½ of Section 34, Township 8 South, Range 14, East Boise
Meridian.

MICROFILMED

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILM

Water Right Number - R36-04036

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
RUFFING

DONNA F

1 - 3593 S 1500 E

2 - RT 1

3 -

City- WENDELL

State- ID Zip- 83355

Phone - 208-536-2783

RUFFING

FRANKLIN W

1 - 3593 S 1500 E

2 - RT 1

3 -

City- WENDELL

State- ID Zip- 83355

Phone - 208-536-2783

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1962 17 SOUTHERN I - DISALLOWED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

09S 14E 3 NE NE (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 3.200+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.200 480.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
08S 14E 34 SW SE 40.0 01 IRRIGATION (47) GOODING
08S 14E 34 SE SE 40.0 01 IRRIGATION (47) GOODING
09S 14E 3 NE NE 40.0 01 IRRIGATION (47) GOODING
09S 14E 3 SE NE 40.0 01 IRRIGATION (47) GOODING

Total Acres: 160.0

+ - - Diversion Means - 30HP LIFT, 90'X12", SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

Water right number - R36-04036

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +
NO LAWFUL APPROPRIATION SHOWN.

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

+ - - - - - Conditions of Approval - - - - - +
P01 - NO LAWFUL APPROPRIATION SHOWN: There are a number of
- circumstances in which a claim is proposed to be disallowed on
- this basis. This is most commonly included for a claim based on
- beneficial use or posted notice that is PROPOSED to be disallowed
- because the right claimed is not within an exception to the
- mandatory permit statute, and beneficial use of water prior to
- the mandatory permit statute was not confirmed. This is also
- included where a claim is PROPOSED to be disallowed because the
- claim is to water that is not public water subject to
- appropriation.

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

+ - - - - - Comments - - - - - +
Date: 07/08/1991 User Id: MERRITT Subject: REASON FOR DISALLOW
CLAIMANT DID NOT RESPOND TO REQUEST FOR PROOF OF PRIORITY. ALSO CLAIMANT CONTACTED TO FILE TRANSFER SINCE P/U IS DIFFERENT
THAN THAT CLAIMED AND CHANGE OCCURED AFTER 11/19/1987. CLAIMANT INDICATED HE WOULD FILE BUT HAS NOT DONE SO.

+ - - Audit Fields - - +
03/16/92 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	- 03/16/1992	Old Judicial District	-
Claim Received Date	- 08/17/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001518	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:22:42
06/30/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-04036

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			DISALLOW	6.	See 9-30-91		
POINT OF DIV	Y			Y	5			
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-Y							
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS								

"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.

6W 7/19/90

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:22:42
06/30/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-04036

LAST: RUFFING
ADDRESS: 3593 S. 1500 E.
RT. 1 1500E
CITY: WENDELL
PHONE NUMBER: 208-536-2783

OWNER CODE: C

FIRST: DONNA F.

STATE: ID ZIP: 83355

LAST: RUFFING
ADDRESS: 3593 S. 1500 E.
RT. 1
CITY: WENDELL
PHONE NUMBER: 208-536-2783

OWNER CODE: C

FIRST: FRANKLIN W.

STATE: ID ZIP: 83355

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

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:

A. AJ CLAIM: # A36-04036 PRIORITY DATE: 05-01-1962 STAGE: S
B. WR RECORD: # 36-04036 PRIORITY DATE: 05-01-1962 STAGE: S

C. FIELD EXAM REQUIRED?

DATABASE FIELD
N EXAMINER
X

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

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

REMARKS:

No PROOF FILED

RECOMMENDED PRIORITY DATE:
~~05-01-1962~~

DISALLOW

DATE

REVIEWED BY

Scu

9-30-91

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-04036	09S	14E	3	NE	NE	NE		GOODING

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

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-04036	09S	14E	3		NE	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>4E</u>	<u>14E</u>	<u>3</u>	<u>NE</u>	<u>NE</u>	<u>NE</u>	<u>—</u>	<u>47</u>
<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: _____ DATE: _____

A. ROOT WATER RIGHT NUMBERS: A36-04036

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	14E	3	NE	NE		RUFFING, DONNA F. LARGE CLAIM	A36-04036 /40.0 A01-00212Z1/41.2	36-04036 /40.0 -		38	
09S	14E	3	SE	NE		RUFFING, DONNA F. RUFFING, FRANKLIN W. RUFFING, FRANKLIN W.	A36-04036 /40.0 A36-10500 / A36-10501 /	36-04036 /40.0 - -	39.0	38	
08S	14E	34	SW	SE		RUFFING, DONNA F. MOYLE, ALLEN LARGE CLAIM	A36-04036 /40.0 A36-10452 / A01-00212Z1/40.0	36-04036 /40.0 - -	40.0		40.0
08S	14E	34	SE	SE		RUFFING, DONNA F. RUFFING, FRANKLIN W. BENNETT, MARSHA LARGE CLAIM	A36-04036 /40.0 A36-10502 / A36-10742 / A01-00212Z1/40.0	36-04036 /40.0 - - -	40.0		40.0
TOTAL ACRES						A36-04036	160.00	160.00	119.00		

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
NFIELD
EXAMINER

PRESUMPTION FLAG:

REMARKS:

Map 3B 10 90 shows obvious irrig of POU claimed

Section 34 not irrigated from this well. It was used with top portion and with flow a well in P350 30-31 which also covers the NW 1/4 30-31. It appears to be a well in the P350 30-31 which was drilled during mid 1980's.

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-04036 IRRIGATION	FROM 03-15 TO 11-15	3.200 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		3.200 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-04036 IRRIGATION	FROM 03-15 TO 11-15	3.200 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		3.200 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(____) N(____)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(____) N(____) Explain in remarks, below.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 3.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.200 CFS

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

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

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

Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-04036	GROUNDWATER	RUFFING , DONNA F.	3.200	0.020		
A01-0021221	LARGE CLAIM	LARGE CLAIM	9999999.000	415.354		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-10500	STOCKWATER	RUFFING , FRANKLIN W.	FROM 01-01 TO 12-31	.040 CFS	
A36-10501	DOMESTIC	RUFFING , FRANKLIN W.	FROM 01-01 TO 12-31	.040 CFS	
A36-10452	DOMESTIC	MOYLE , ALLEN	FROM 01-01 TO 12-31	.060 CFS	
A36-10452	STOCKWATER	MOYLE , ALLEN	FROM 01-01 TO 12-31	.060 CFS	
A36-10502	DOMESTIC	RUFFING , FRANKLIN W.	FROM 01-01 TO 12-31	.040 CFS	
A36-10502	STOCKWATER	RUFFING , FRANKLIN W.	FROM 01-01 TO 12-31	.040 CFS	
A36-10742	DOMESTIC	BENNETT , MARSHA	FROM 01-01 TO 12-31	.040 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE

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

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 480.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(____) N(____)

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

=====

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
IRRIGATION	03-15 11-15	3.200 _____	_____	480.0 _____
TOTAL FOR THIS RIGHT		3.200		480.0

REVIEWED BY: _____

DATE: _____

=====

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-04036

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	3.200	_____	

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-04036	3.200	-		36-04036	3.200
TOTAL CFS		3.200				3.200

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	FIELD EXAMINER
Y	_____

REMARKS:

Disallow claim. Claimant didn't respond to
request for proof of priority, and we had filed
a formal for change in place of use.

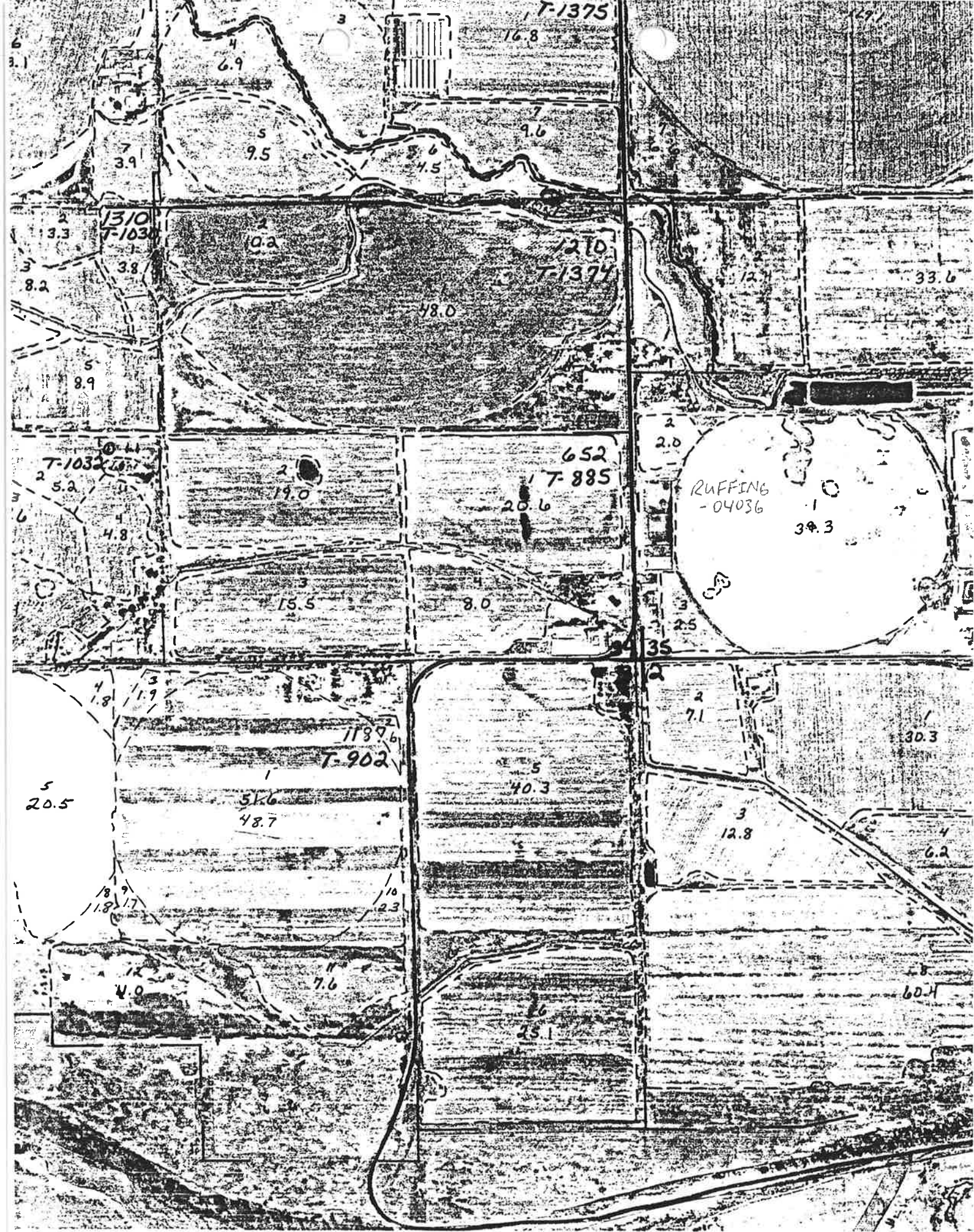
AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____





27-27

R-14E

D754
(6594)
A T-885
20.5

B
7.6

2

A
27.6

9
30

B
21.6

C
14.2

4.6

16.8

(436d)
(1x)

I 409
(840d)
T-108
34.4

B
33.8

78

D 887

D 411
(842d)

A
5.8

60.7

T-8

10.8

76.4

F 4
12.4

G
20.8

D 432
(846d)
7.5
10.9

D 754
(851d)

B
9.5

27
T 885

D
9.2

A
54.8

54.35

Sec. 34

PROFILME

CONVERSATION MEMORANDUM

NAME OF PARTY Franklin Ruffing DATE 8/14/90
 EMPLOYEE: lw FILE A36-041231

RE: contacted Frank on 8/14/90
Water used to be piped across road
North 80 acres in section 34. There
was apparently no longer a
system in place to pump the water
out of section 34. Frank agreed
to install a pump on POD.

Get appt.

Need to review if
transfer needs filed.

536-2783

NOTES

TO: A36 DATE: 7/25/90

Q = 8.8 x 80 x .7 GE WELLPUMP 30HP PSI = 85lbs

85 x 2.31 + 80 # UVJ721289

492.8 BERKLY BOOSTER 50HP 750 GPM

276.35 200' H

Q = 1.78 # 516996

Need

FROM: lw

MICROFILMED

FEB 05 1993