

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 36-4157D  
Date Received: 10/26/2001  
Receipt No:  
Received By:

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

1. Name of Claimant(s)

JOE E AGUEDA  
326 E 400 N  
JEROME ID USA 83338

Phone: (208)324-6825

SANDRA AGUEDA  
326 E 400 N  
JEROME ID USA 83338

Phone: (208)324-6825

2. Date of Priority: 06/01/1956

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 07S      | 17E   | 27      | SE SW                 | JEROME |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| STOCKWATER | 1/01 | 12/31 | 0.3    | 45         |
| COMMERCIAL | 1/01 | 12/31 | 0.3    | 45         |

7. Total Quantity Appropriated is:  
0.3 C.F.S. and/or 45 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use        | Acres |
|----------|-------|---------|----------------|------------|-------|
| 07S      | 17E   | 27      | SE SW          | STOCKWATER |       |

|     |     |    |    |    |            |
|-----|-----|----|----|----|------------|
|     |     |    | SE | SW | COMMERCIAL |
|     |     |    | SW | SE | COMMERCIAL |
| 07S | 17E | 34 | NE | NE | COMMERCIAL |
|     |     |    | NW | NE | COMMERCIAL |

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:

14. Remarks:

The total instantaneous diversion of water from all points of diversion under Transfer 5716 shall not exceed 0.39 cfs, nor a total combined annual volume of 48.8 af

The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by Right 36-04157D

The quantity of water decreed for Right 36-14860 for stockwater and domestic uses is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day

Commercial use under Right 36-04157D is for a dairy in the SESW, S27, T07S, R17E

Domestic use under Right 36-14860 is for 5 homes

Two points of diversion are located within SESW, S27, T07S, R17E.

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

15. Basis of Claim: Statutory Claim

36-4157

1st Partial Decree

NAP'd

4-7-2000

+5683

B = 37-8911

A

5716

C

D (comm #stk) DATA ENTERED

T#

68529

4-2001

F (comm) DATA ENTERED

E

T#

69072

36-15624

36-15625

37-20617

IRR

37-20612

INDUSTRIAL

Southern

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 5716  
WATER RIGHT NO(S). 36-04157D/36-14860

**RECEIVED**

JUL 03 2000

Department of Water Resources  
Southern Region

This is to certify that: JOE E AGUEDA  
SANDRA AGUEDA  
326 E 400 N  
JEROME ID 83338

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| Right No. 36-04157D : |                      |                       |                      |
| Priority: 06/01/1956  |                      |                       |                      |
| STOCKWATER            | 01/01 to 12/31       | 0.30 CFS              | 45.0 AF              |
| COMMERCIAL            | 01/01 to 12/31       | 0.30 CFS              | 45.0 AF              |
|                       |                      | <hr/> 0.30 CFS        | <hr/> 45.0 AF        |
| Right No. 36-14860 :  |                      |                       |                      |
| Priority: 12/31/1942  |                      |                       |                      |
| DOMESTIC              | 01/01 to 12/31       | 0.04 CFS              | 1.2 AF               |
| STOCKWATER            | 01/01 to 12/31       | 0.09 CFS              | 2.6 AF               |
|                       |                      | <hr/> 0.09 CFS        | <hr/> 3.8 AF         |
| TOTAL:                |                      | * 0.39 CFS            | 48.8 AF *            |

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 27, Township 07S, Range 17E  
JEROME County

PLACE OF USE: STOCKWATER & DOMESTIC

TWN RGE SEC

07S 17E 27                      SESW

PLACE OF USE: COMMERCIAL

TWN RGE SEC

07S 17E 27                      SESW                      SWSE  
34                                  NENE                      NWNE

122

TRANSFER NO. 5716  
WATER RIGHT NO(S). 36-04157D/36-14860

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
3. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- \* 8. The total instantaneous diversion of water from all points of diversion under Transfer 5716 shall not exceed 0.39 cfs, nor a total combined annual volume of 48.8 af.
9. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by Right 36-04157D.
10. Commercial use under Right 36-04157D is for a dairy in the SESW, S27, T07S, R17E.
11. The quantity of water decreed for Right 36-14860 for stockwater and domestic uses is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
12. Domestic use under Right 36-14860 is for 5 homes.
13. Two points of diversion are located within SESW, S27, T07S, R17E.

Dated this 28 day of June, 2000

*J. M. Saylor*  
Chief, Water Allocation Bureau

C18

QNT  
E25  
GEN

USE

POD  
F02

## Adjudication Claim Report 36-4157D

Priority Date: 06/01/1956  
Basis: Deceased  
Status: Active

Tributary

## GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| STOCKWATER            | 1/01 to 12/31           | 0.300 CFS             | 45.00 AF             |
| COMMERCIAL            | 1/01 to 12/31           | 0.300 CFS             | 45.00 AF             |
|                       | <u>Total Diversion:</u> | 0.300 CFS             | 45.00 AF             |

Location of Point(s) of Diversion

GROUND WATER                      SE1/4SW1/4                      Sec. 27, Twp 07S, Rge 17E, B.M.  
JEROME County

### Place of Use

STOCKWATER

| Twp | Rge | Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           |               |
|-----|-----|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------------|
|     |     |     | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>Totals</u> |
| 07S | 17E | 27  |           |           |           |           |           |           |           |           |           |           |           | X         |           |           |           |           |               |

**COMMERCIAL**

[illegible]

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 36-4157D

|            |   |   |  |  |   |  |   |  |
|------------|---|---|--|--|---|--|---|--|
| 07S 17E 27 |   |   |  |  | X |  | X |  |
| 07S 17E 34 | X | X |  |  |   |  |   |  |

Conditions of Approval:

1. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. 081 Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
3. 082 The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks:

1. General The total instantaneous diversion of water from all points of diversion under Transfer 5716 shall not exceed 0.39 cfs, nor a total combined annual volume of 48.8 af.^^ The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by Right 36-04157D.^^ The quantity of water decreed for Right 36-14860 for stockwater and domestic uses is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.^^ Commercial use under Right 36-04157D is for a dairy in the SESW, S27, T07S, R17E.^^ Domestic use under Right 36-14860 is for 5 homes.^^ Two points of diversion are located within SESW, S27, T07S, R17E.

Comments:

1. CLELLAND 10/3/1991 FORFEITURE/ABANDONMENT  
Comment: THIS WELL AND RIGHT WAS LAST USED IN THE SEASON OF 1985 PER POWER RECORDS. THERE IS AN APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE. EXTENSION WAS GRANTED UNTIL APRIL 1, 1996. COPIED FROM REMARKS OWNERSHIP CHANGE 5/14/91 BY JG.
2. PSKAGGS 6/17/2000 TRANSFER 5683  
Comment: Transfer 5683 adds/changes the points of diversion, changes the place, nature & season of use under a portion of Right 36-04157, splitting the right into Parts A & B, moving Part B to Basin 37. TRANSFER 5716 Transfer 5716 adds/changes the point of diversion, changes the place, nature & season of use under all of Right 36-14860 & a portion of Right 36-04157A, splitting the right into Parts C & D.

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 36-4157D

Dates and Other Information:

Claim Received Date: 10/26/2001  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector: AND  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES 11/08/2001  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: JOE E AGUEDA  
326 E 400 N  
JEROME ID 83338

SANDRA AGUEDA  
326 E 400 N  
JEROME ID 83338

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.30 CFS  
45.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-14860 IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 0.39 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION  
VOLUME OF 48.8 AF.

PRIORITY DATE: 06/01/1956

POINT OF DIVERSION:

T07S R17E S27 SESW Within JEROME County

T07S R17E S27 SESW Within JEROME County

TWO POINTS OF DIVERSION LOCATED IN T07S, R17E, S27, SESW.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| STOCKWATER            | 01/01 12/31          | 0.300 CFS<br>45.00 AFY |
| COMMERCIAL            | 01/01 12/31          | 0.300 CFS<br>45.00 AFY |

COMMERCIAL USE IS FOR A DAIRY IN THE SESW, S27, T07S, R17E.

PLACE OF USE:

STOCKWATER Within JEROME County

T07S R17E S27 SESW

COMMERCIAL Within JEROME County

|               |      |               |      |
|---------------|------|---------------|------|
| T07S R17E S27 | SESW | T07S R17E S27 | SWSE |
| T07S R17E S34 | NENE | T07S R17E S34 | NWNE |

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THE PLACE OF COMMERCIAL USE AUTHORIZED BY THIS APPROVAL  
INCLUDES LAND UPON WHICH WASTEWATER MAY BE APPLIED FOR  
IRRIGATION PURPOSES TO SATISFY WATER QUALITY REQUIREMENTS.  
WATER DIVERTED UNDER THIS APPROVAL SHALL NOT BE USED FOR  
IRRIGATION UNLESS THE WATER IS FIRST USED IN THE DAIRY AS  
AUTHORIZED BY RIGHT 36-4157D.

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 36-4157A.

36-4157

1st Partial Decree

NAP'D 4-7-2000

A +5683

B = 37-8911

C 5716 D (comm #stk) DATA ENTERED

T# 68529 4-2001 F (comm) DATA ENTERED

E

T# 69072

36-15624

36-15625

37-20617  
IRR

37-20612  
INDUSTRIAL