

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: A36-10729
Date Received: 8/30/1988
Receipt No: 5001880
Received By: ADL

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

1. Name: LOREN WERT 208-536-2027
Address: 3403 SOUTH 2000 EAST
WENDELL, ID 83355

AND/OR

Name: RITA WERT 208-536-2027
Address: 3403 SOUTH 2000 EAST
WENDELL, ID 83355

2. Date of Priority: DEC 31, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	15E	22	SW	SW	SW		GOODING

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 30 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	15E	22	SW	SW		STOCK	

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:
NONE14. Remarks:
PRIORITY BEST EST. OF CLAIMANT.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): John WestDate: Aug 30-88

Date: _____

State of Idaho)

County of Twin Falls)

SS.

Subscribed and sworn (or affirmed) before me this 30th dayof Aug 19 88
Allen D. Merritt
Notary Public

Seal

Residing at Kimberly, Id.My Commission Expires 6/30/92

A36-10729

12/31/1970

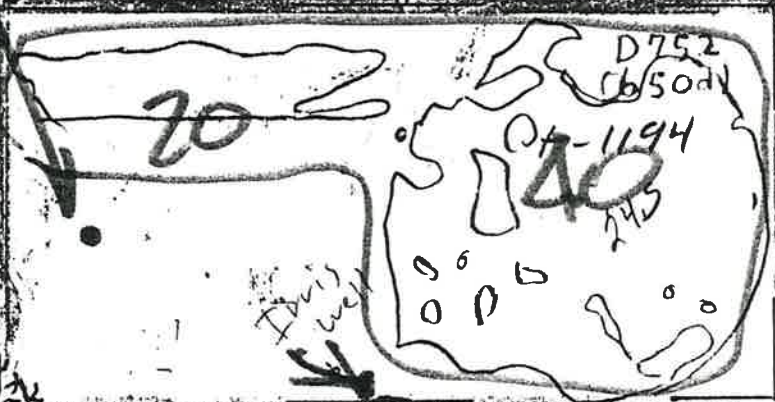
AN

T-85

0.04

well

S/30 Rouse



A3610721

12/31/1910

1137
(825.1)

+9

D/1

0.0

S/2032 Rouse

0.00

25.1

104.0

0.04

I
209



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

: Wayne + Mildred Wert
: Rt. 1, Box 2
Wendell, ID 83355

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MAILING DATE:

July 26, 1991

RESPONSE DATE:

August 9, 1991

RE: NOTICE OF CLAIM NO[S]:

A36-10729

RECEIVED

JUL 29 1991

Dear Claimant(s):

Department of Water Resources
Southern Region Office

We are currently preparing the Notice(s) of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Our research indicates there may have been a change in either the ownership or address for the above claim(s). IDWR records currently show the following name and address for the owner of the claim(s) listed above:

. Loren + Rita Wert
. 3403 S. 2000 E.
. Wendell, ID 83355

If our current records, as listed above, are not correct please complete the enclosed Change in Ownership or Change of Address form, as appropriate, to correct our records.

Your response must be received in this office by the **Response Date** indicated above. If no response is received from you, all further legal notices concerning the claim(s) will be sent to the name and address shown above. If you have claims other than those referenced here, please contact the Department so we may assist you in updating the information for all your claims. Should you have any questions, or feel that you need assistance, please contact IDWR at 1-800-451-4129.

Sincerely,

Donald V. Shaff
Manager Adjudication Section

state:region

Enclosures:

Change of Ownership Form

Change of Address Form

MICROFILMED
FEB 10 1993

COPY

1996 OCT -2 PM 3: 13

LODGED

DISTRICT COURT-SRBA

TWINFALLS CO., IDAHO

FILED _____

IDWR REPORT RE: CLAIMS IN SUBCASE NOS. 36-10725, 36-10729

In Re SRBA

Twin Falls County Civil Case No. 39576

Sub-Case Nos. 36-10725, 36-10729

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources

Karl J. Dreher, Director

David R. Tuthill Jr., Adjudication Bureau Chief

October 1, 1996

DESCRIPTIVE SUMMARY

Pursuant to the Court's request, IDWR submits this report to transmit the original claims in the above referenced subcases. Executed Standard Forms 5 have been submitted in each of these subcases, therefore IDWR transmits these claims merely to complete the Court's records.

Dated this 1st day of October, 1996

Charles L. Honsinger

Charles L. Honsinger
Deputy Attorney General
Idaho Department of Water Resources

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: A36-10729

Date Received: 8/30/1988

Receipt No: S001880

Received By: HEB q/c

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOREN WERT 208-536-2027
Address: 3115 SOUTH 1700 EAST
WENDELL ID 83355
AND/OR
Name: RITA WERT 208-536-2027
Address: 3115 SOUTH 1700 EAST
WENDELL ID 83355

2. Date of Priority: DEC 31, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	15E	22	SW	SW	SW		GOODING

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 30 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	15E	22	SW SW		STOCK	

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:

PRIORITY BEST EST. OF CLAIMANT.
ADDRESS CHANGE MADE FROM SFE 9/1/95 TLB.

15. Basis of Claim: BENEFICIAL USE

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 _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

SEPT 1, 1995

LOREN & RITA WERT
3115 SOUTH 1700 EAST
WENDELL, ID 83355

RE: SRBA CLAIM A36-08000, A36-10729, & A36-10725

NOTICE OF ADDRESS CHANGE

DEAR CLAIMANTS:

IDWR HAS RECEIVED YOUR NOTICE OF THE CHANGE OF ADDRESS OF THE
WATER RIGHT CLAIM(S) REFERENCED ABOVE. OUR RECORDS HAVE BEEN
CHANGED ACCORDINGLY.

IF YOU SOLD THE PROPERTY, PLEASE CONTACT THIS OFFICE AT
208-736-3033.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB

RECEIVED RECEIVED

SEP 01 1995

JUL 18 1995

RECEIVED

JUL 17 1995

Department of Water Resources
Southern Region

Department of Water Resources
Adjudication Bureau

OFFICE OF THE
ATTORNEY GENERAL

JUL 13 PM 2:56

DISTRICT COURT - SRBA

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

STANDARD FORM 3

(Check Appropriate Box)

☒ NOTICE OF CHANGE IN ADDRESS

OR

☐ CONSENT TO SUBSTITUTION OF
PARTY

INSTRUCTIONS FOR USE

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. *The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled.* If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

This form has been adopted by the court in Re SRBA, Twin Falls County Case 39576, *SRBA Administrative Order 1 Rules of Procedure* (amended 6/21/93), Section 4Ac(3), which may be consulted for further information.

A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here. Follow the instructions on the form or it will not be accepted for filing. The Verification and the Certificate of Mailing must be completed.

Standard forms may be obtained from the Idaho Department of Water Resources or the SRBA Court.

S.F. 3

Revised 3/22/95

(over)

Page 1

36-08000, 36-10729, 36-10725 document accepted
by the court 7/13/95, CIL system not updated -
no CIL record

CHANGE IN ADDRESS

You must use this form to advise the court and parties of any change in your address during the pendency of the SRBA.

You must provide a copy of the completed form to each party or if the party is represented by an attorney you must serve the attorney in every subcase in which you are a party.

No hearing will be held and no further order will issue from this court.

My name is Loren Wert or Rita Wert

I am the claimant of 36-68000 36-10729 36-10725
(Insert each water right number)

I have filed an objection/response to the following water right(s) _____

(Insert each water right number)

My new mailing address is 3115 So 1700 E
Wendell, Idaho 83355

My phone number is: Work 536-2027 Home 536-2027

(Go to Page 4)

CONSENT TO SUBSTITUTION OF PARTY

This form may only be used if a water right number is included as a "recommendation" in a director's report. *This form cannot be used for water rights that are not in a director's report or when portions of a water right are involved (i.e. where a water right is split).* You must use this form to substitute a new party into the SRBA.

You are to provide a copy of the completed form to every party in each subcase in which the new party is to be substituted. If the party is represented by an attorney you must serve the attorney. Because this is a "consent" form, it is a stipulation that there is no disagreement between the prior claimant/seller and the new claimant/purchaser that the prior claimant/seller has transferred all interests in the water right. No hearing will be held and no further order will issue.

"Prior claimant/seller" means any person who, pursuant to L.C. §§ 42-1409(2), (3) and (6) (1986), filed a notice of claim asserting the right to the use of water or on whose behalf the

right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of the "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The Substitution shall be filed by the new claimant/purchaser.

I am the new claimant/purchaser of _____
(Insert each water right number)

My name is _____

My address is _____

My phone number is: Work _____ Home _____

The name and address of the prior claimant/seller who I wish to be substituted for are:

Signature of prior claimant/seller

Signature of new claimant/purchaser

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name _____

Attorney of record for _____
(Identify party/claimant)

Attorney address and phone number: _____

- ☐ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.
- ☐ A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

VERIFICATION

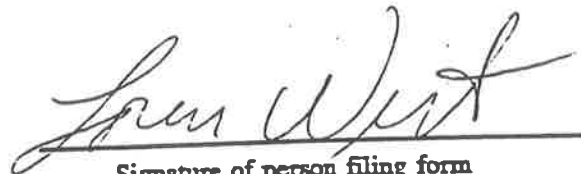
(To be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of Idaho

County of Twin Falls

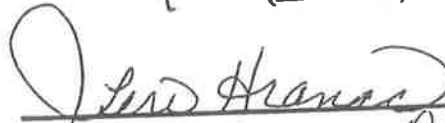
Loren Wert, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10) (1986); that the water right number I am asking the court to substitute a party on is a water right in a director's report filed with the court and that I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.


Signature of person filing form

BY: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on July 13 1995
(Insert Date)


Notary Public for Deputy Clerk

Residing at: _____

My Commission expires: _____

INSTRUCTIONS FOR MAILING

Mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on 7-13, 19995, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. A *Change of Address* was served on each party, or if they are represented by an attorney you must serve the attorney, in each subcase in which you are a party, at the following address(es):

3. A *Consent to Substitution of Party* was served on the prior claimant/seller, or if they are represented by an attorney you must serve the attorney, at the following address(es):

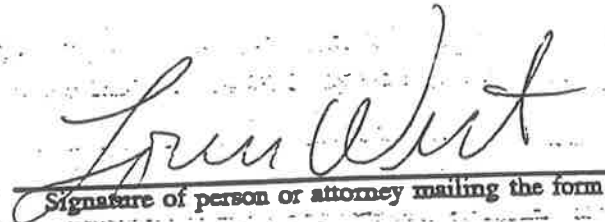
4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):

5. One copy to:

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

6. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724


Signature of person or attorney mailing the form

OBJECTION _____

RESPONSE _____

SETTLEMENT _____

RESPONSE _____



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

Brent King
Deputy Attorney General
Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706
(208) 327-5446

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Loren and Rita Wert
3115 South 1700 East
Wendell, Idaho 83355

April 15, 1996

Dear Mr. and Mrs. Wert,

Here is the Standard Form 5 (stipulation) for the elements of your water right, number 36-10729. Thank you for supplying the affidavit from Zane Harrison. Based on his statements that the historical use of the property included stockwater for 200 cows, we have included the correct amount of stock in the proper element. This appears, according to your late objection, to settle the only concern you had with this subcase.

To resolve this water right, all you need to do is look the document over and make sure that the information is correct. If it is, sign it and send it back to the department. We'll make sure it gets to the court. If for some reason the information on the Standard Form 5 is incorrect, give me a call or write a letter and let me know what the problem is.

Sincerely,

Brent King

COPY

✓ ed & Forwarded
4/23/96 JF

**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	)	STANDARD FORM 5
	)	
Case No. 39576	)	SUBCASE NO:
	)	36-10729
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

THIS FORM MAY ONLY BE USED IF ALL PARTIES HAVE STIPULATED TO ALL ELEMENTS OF A WATER RIGHT AND MAY BE SUBMITTED AT ANY TIME FOLLOWING THE CLOSE OF THE STATUTORY RESPONSE PERIOD.

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

Instructions For Use

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

1. The name and address of the claimant is:

LOREN WERT
RITA WERT
3115 SOUTH 1700 EAST
WENDELL ID 83355

Required Statement: As recommended in the director's report.

2. The source of water is:

Source: GROUNDWATER

Required Statement: As recommended in the director's report.

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is:

0.04 CFS

Required Statement: As recommended in the director's report.

4. The priority date is: 12/31/1970

Required Statement: As recommended in the director's report.

5. The legal description of the point(s) of diversion is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T08S R15E S22 SW SW SW

Required Statement: As recommended in the director's report.

6. The purpose of use is: STOCKWATER

Required Statement: 200 stock cows. IDWR and the parties agree that this is the correct number of stock.

7. The period of year when the water is to be used is:

01-01 TO 12-31

Required Statement: As recommended in the director's report.

8. The legal description of the place of use is:

T08S R15E S22 SW SW

Required Statement: Parcel no. RP08S15E226000. As recommended in the director's report.

9. The annual volume of consumptive use is: NOT APPLICABLE

Required Statement: As recommended in the director's report.

10. Other matters necessary to define this water right. NOT APPLICABLE

These matters are necessary because: NOT APPLICABLE

These matters do not fall within the 9 elements listed above because: NOT APPLICABLE

The stipulation of the parties is attached hereto and incorporated herein by reference.

Signature and Address of Parties and their Attorney of Record

I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name: Idaho Dept. of Water Resources

Address: P.O. Box 83720

City/State/Zip: Boise, ID 83720-0098

Attorney of Record: ~~Brent King~~ Charles L. Honsinger
A. Lynne Krogh

Name: Loren and Rita Wert

Address: 3115 South 1700 East

City/State/Zip: Wendell, Idaho 83355

Attorney of Record: pro se

Charles L. Honsinger

Attorney's Signature

08/29/96

Date

Loren Wert

Party's Signature

4-29-96

Date

Rita Wert

Party's Signature

4-29-96

Date

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on August 30, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

Loren & Rita Wert
3115 S 1700 E
Wendell, ID 83355



Signature of person or attorney mailing the form

Water Right Number - R36-10729

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

WERT

LOREN

1 - 3115 SOUTH 1700 EAST

2 -

3 -

City- WENDELL

State- ID Zip- 83355

Phone - 208-536-2027

WERT

RITA

1 - 3115 SOUTH 1700 EAST

2 -

3 -

City- WENDELL

State- ID Zip- 83355

Phone - 208-536-2027

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
12/31/1970 ERROR IN REGION J - BENEFICIAL USE

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

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
08S 15E 22 SW SW SW (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
04 - STOCKWATER 01/01 12/31 0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.040 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
08S 15E 22 SW SW 04 STOCKWATER (47) GOODING

Total Acres:

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use - STOCKWATER, 200 STOCK COWS

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
No Remarks found.

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

Water right number - R36-10729

Prefix Translation: RESEARCH

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

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

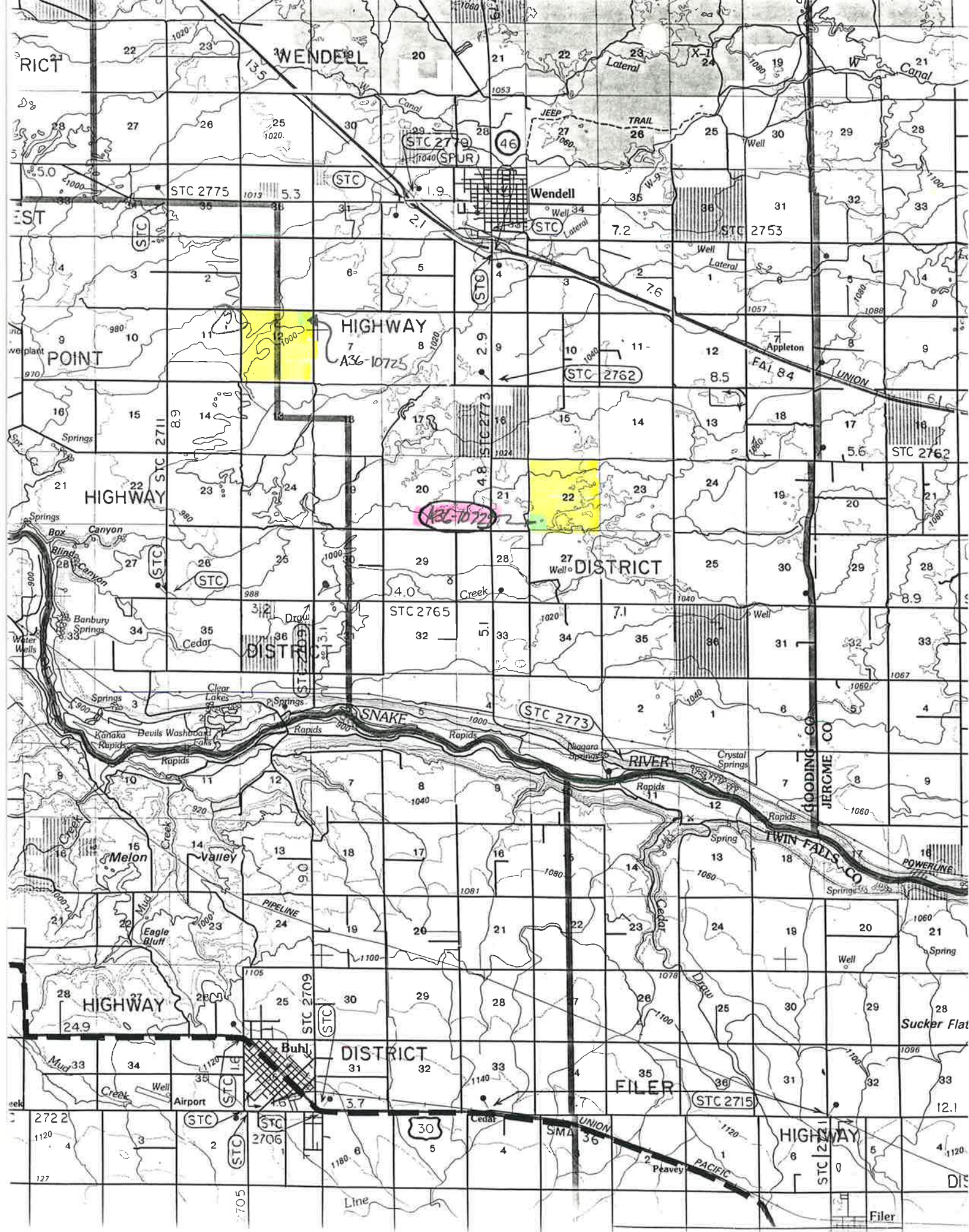
+ - - - - Comments - - - - -

Date: 05/23/1991 User Id: SRBA Subject: COPIED FROM REMARKS
PRIORITY BEST EST. OF CLAIMANT. PARCEL NO. RP08S15E226000
Date: 07/30/1992 User Id: WHITE Subject: DATA ENTRY
CHANGES MADE FOR DATA ENTRY STANDARDS.
Date: 09/01/1995 User Id: TBACKLUN Subject: ADDRESS CHANGE
ADDRESS CHANGE MADE FROM SF3.
Date: 04/09/1996 User Id: DJONES Subject: COPIED FROM REMARKS
PARCEL NO. RP08S15E226000
Date: 04/09/1996 User Id: DJONES Subject: RECOMMENDATION FOR SUPPLEMENTAL REPORT
IN RESPONSE TO COURT AUTHORIZED LATE OBJECTION THE CLAIMANT HAS SUBMITTED AN AFFIDAVIT FROM PREVIOUS OWNER SPECIFYING THE NUMBER,
TYPE AND USE PERIOD FOR THE STOCK.

+ - - Audit Fields - - +
04/09/96 DJONES

+ - - - - 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	- 08/30/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001880	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

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

April 9, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

MR & MRS WERT
3115 S 1700 E
WENDELL ID 83355

RE: A36-10725, A36-10729

Dear Mr & Mrs Wert:

I have completed data entry of the modified recommendations for the above referenced claims per the affidavits you submitted on 4/5/96. Further, I have discussed the situation with the staff attorney assigned to the case and he will be forwarding an SF-5, the court form stipulating to the water right information, for your review and signature within a few weeks.

After you left I found the cover letter from Dean Falk to you among the papers on my desk and am returning it to you (find it enclosed). If you are interested in obtaining a recorded right for your planned dairy development please get back in touch after obtaining updated herd information from Dean Falk. I spoke with the regional manager about the relation between the claim and a permit (if applied for) and he confirmed that the two combined could not exceed the 13,000 gallons per day domestic limitation. I believe that is what I communicated to you the other day, but wanted to follow up on it.

If you have any questions please give me a call or write a letter.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor
Southern Adjudication Unit

enc

RECEIVED

APR 05 1996

**Department of Water Resources
Southern Region**

Gooding

BEING FIRST DULY SWORN,

Between 1968 and 1980 I ran 200 head of stock cows 6 month
a year using a 1 HP pump in a stock well. I would start
pumping approximately November 25th and it would run
continually until May of each year.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 18 DAY OF March, 1996.

RESIDING AT Wendell Idaho

MY COMMISSION EXPIRES 12/30/97

A36-10729

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 Douglas Jones

DATE: 4/5/96 1:50PM
April 8, 1996 8:11am

CUSTOMER:
Loren & Rita Wert

SUBJECT: A36-10729
phone call (.) walk-in (.) appointment (X)

The Werts arranged to meet me to talk "about the papers".

They came in with a dairy water use work sheet prepared by Dean Falk and the partially completed application for permit we had worked on during the last meeting. The worksheet purported to support that the Werts could provide "domestic" water for 397 Jerseys and 430 heifers for an annual average of about 12,500 gallons per day. I pointed out that the spreadsheet showed that there were peak months where the average daily use exceeded 14,400 gallons per day and that the numbers would have to be adjusted to qualify under the domestic definition to process in the moratorium.

A discussion ensued wherein emotional and often angry accusations were made that we were stealing their water, that we change our story every time someone comes in, that if someone wanted to get anything done that they go to Boise, that they could pump whatever they wanted out of the hole because it was theirs. I tried to explain water appropriation, the limitations spelled out in statute, various ways dairies have legitimized their diversions.

Previously, the Werts have said that they wanted to have some sort of paper to document their usage. Initially they wanted to amend their claim to show 500 head with a 1912 priority date. I told them they could amend their claim to read however they wish, but that they would need to provide some evidence that the dairy that size existed in 1912. I told them they could file another claim to cover up to what they have at this time, but could not recommend what hadn't been developed yet. They could file an application which would be limited to a total of 13,000 gallons per day all uses combined, but would provide them 5 years to do it.

Lastly, they could file nothing and do whatever for up to 13,000 gpd legally.

After today's discussion I suggested that they get the numbers worked out thru Falk to show no more than 13,000 gpd monthly average and then decide what they want to do - file an application or exercise their statutory exemption.

The Werts also brought in two affidavits providing additional information about usage under A36-10725 & A36-10729. I explained the next step is to develop an SF-5 - a court form & process - to describe the rights correctly. I told them that I would forward the data to our attorneys and they could expect a response soon.

In closing, I expressed appreciation to them for obtaining the information and having the initiative to keep the process moving forward. I believe that I provided courteous responses during the difficult discussions while giving them accurate information. It was my impression that they left with a better attitude and with more knowledge and understanding.

6/9/94

COMMUNICATION DOCUMENTATION

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IDWR Employee/Agent Douglas Jones

DATE

January 10, 1996 1:20pm

CUSTOMER

Loren & Rita Werts

SUBJECT: A36-10725, A36-10729

phone call (.) walk-in (X)

Came in to amend claims to reflect present usage per granted motion to file late objection. After learning that he bought property in 1987 and there wasn't any dairy usage occurring during previous ownership, that he only began to build a herd beginning about in 1989, that there was probably only up to 50 head of milkers ever on the property I suggested that an amendment may not be the way to go. I informed him that if he could provide affidavits from knowledgeable people that describe what he wants to do then we could recommend it as his right. Much of what we talked about is what he wants to do on the property. We talked about the difference between the adjudication process and the appropriation process. I offered the possibility that he could amend his present claim to show up to a certain number of milking cows as of a recent date, but that the priority date would need to change to the more recent date. That didn't sound too good to them. We discussed what a water right is (i.e. elements of a right) and we talked about domestic rights (42-111 copy provided) and the domestic exception to the mandatory permit requirement (42-227, copy provided). In the end I assisted the Werts in partially completing an application to appropriate water for up to 250 milkers and 150 dry stock with commercial usage broken out. I discussed the Snake River Basin Moratorium and that we could process an application if it fit under the 42-111 definition (peak daily useage on hottest day of year).

6/9/94

COMMUNICATION DOCUMENTATION

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IDWR Employee/Agent Kelly K Christensen

DATE

December 13, 1995 3:32pm

CUSTOMER

LOREN WERT

SUBJECT: APPROVED LATE OBJECTION ON 36-10725 AND 36-10729
phone call (.) walk-in (X)

They brought in a court order approving the late objection and wanted the records updated accordingly. I discussed the situation with them and then indicated that I would check with the legal staff in Boise concerning the legal steps now pending. I told them that I would contact them later. They left. I then called Boise and talked with Nick Spencer. He indicated that the late objection had been approved and that the next step would be for either wait for Master Dolan to set a court date or for the department to review the facts concerning the objection and then make a proposed recommendation for the claimant's consideration.

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

July 14, 1995 10:00am

CUSTOMER

LOREN AND RITA WERT 36-08000, 36-10725,

36-10729

SUBJECT: QUESTIONS ON AMENDING HIS CLAIMS

phone call (.) walk-in (X)

He and his wife had copies of these three claims and wanted to amend them to show dairy use and increase the number of cattle from 20 or 30 range to 200-250 dairy cattle. I told them that since these were Basin 36 claims that I couldn't do anything to them at this point. They would have to go through the court to make any changes. I called over there and was told I could give them an Objection form and that they needed to include a cover letter asking the court to let them enter a late objection. They have also moved and may need to change their address. They decided to go over to the court for further clarification...

RECEIVED
DEC 14 1995
Department of Water Resources
Southern Region

RECEIVED
DEC 8 8 1995
Department of Water Resources
Planning Bureau

1995 DEC -1 PM 1:48
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *SM*

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

In Re SRBA	)	Subcase Nos.: 36-10725 and 36-10729
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO
	)	FILE LATE OBJECTIONS

On August 15, 1995, claimants Rita and Loren Wert filed their *Motion to File Late Objections* in the above subcases. The *Motion* alleged that the claimants filled out their "adjudication papers" incorrectly by failing to claim historical uses, including the number and type of cattle.

A hearing was held on November 22, 1995, at the SRBA Courthouse in Twin Falls, Idaho. Loren Wert appeared in person, *pro se*. Brent R. King appeared in person on behalf of IDWR.

Based upon the pleadings and statements by the claimant, it is clear that good cause and a meritorious position have been shown for the late objections.

Therefore, IT IS ORDERED that the *Motion* is granted. Objections lodged with the *Motion* are deemed filed as of the date of this Order. Responses to the objections shall be filed no later than January 31, 1996.

DATED: December 1, 1995.



Terrence A. Dolan
Special Master, Reporting Area 3
Snake River Basin Adjudication

RECEIVED

AUG 21 1995

OFFICE OF THE
ATTORNEY GENERAL

AUG 16 PM 3:44

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

Civil Case No. 39576
ident. No. A36-1072

RECEIVED

AUG 23 1995

Department of Water Resources
Adjudication Bureau

August 15, 1995

United States Dept. of Justice
Environment & Natural Resources Div.
550 West Fort Street, Box 033
Boise, Idaho 83724

RE: Adjudication
ID# A36-107209
10729

Dear Sirs:

I have recently been made aware that I did not fill out my adjudication papers correctly. When I filled out these papers I put down the number of stock I had on the place at the time not realizing that I should have put down the number of stock that it was set up for. I would like to have the number of range cattle changed from 30 to 200. I just didn't understand what the papers were asking for.

Please advise me what I need to do to make the change in the number of cattle.

Thank you in advance for your cooperation in this matter.

Sincerely,

Loren Wert

RECEIVED

RECEIVED

AUG 2 3 1995

AUG 2 1995

Department of Water Resources
Adjudication Bureau

1995 AUG 16 PM 3:44

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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 35976

Case No. 39576 A36-10729
(Insert water right number)

STANDARD FORM 1

OBJECTION

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. To object to more than one water right, you must file a separate objection form for each. The water right number you are objecting to must be indicated above in the blank space following "Case No." 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 SRBA Court no later than 14 days before the filing deadline to file their pleadings.

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. **Party/Claimant objecting:**

Name: Loren West

Address: 3115 S 1700 E

Wendell Idaho 83355

Phone: Work: Farmer Home: 536-2027

Briefly describe your interest in this water right:

The Number of livestock is wrong.

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.

2. **Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:**

Name: Loren West

Address: 3115 S 1700 E Wendell, Idaho

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

13. ☐ Other: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

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

No. 7 object to the Number
of livestock listed.

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.

chang- 30 to 200 head

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.

OBJECTION (Must be Completed)

State of

Idaho

County of

Twain Falls

Loren Wert

(Name of person filing objection)

, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection (as listed on Page 2, Section 2, "Party/Claimant Objecting") as defined by I.C. § 42-1401A(1) and (7), and that I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

Loren Wert

Signature of person filing objection

By: Attorney signing in representative capacity

Subscribed and sworn to before me on:

August 16, 1995

Notary Public for

Deputy Clerk

Residing at:

My Commission expires:

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I hereby certify that on 8-16, 1995, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. One copy to the owner of the water right at the following address:

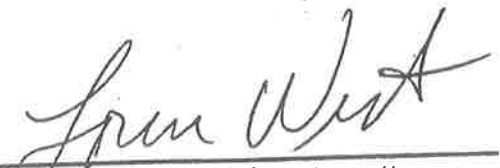
Name: _____
Address: _____

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 033
Boise, Idaho 83734



Signature of party/claimant or attorney

WATER RIGHT NUMBER - A36-10729

ADJ. FLAG TRANSLATION: ADJUDICATION TEMPORARY WORK AREA OLD (D) NUMBER -

+ - - - - LAST NAME - - - - + + - FIRST NAME - - + + - - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***

WERT

LOREN

1 - 3403 SOUTH 2000 EAST

2 -

3 -

CITY- WENDELL

STATE- ID ZIP- 83355

PHONE - 208-536-2027

WERT

RITA

1 - 3403 SOUTH 2000 EAST

2 -

3 -

CITY- WENDELL

STATE- ID ZIP- 83355

PHONE - 208-536-2027

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - - +
12/31/1970 ERROR IN REGION J - BENEFICIAL USE+ - - - - - SOURCE - - - - - + + - - - - - TRIBUTARY - - - - - +
GROUNDWATER+ - - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

08S 15E 22 SW SW SW (47) GOODING

+ - - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

04 - STOCKWATER

01/01

12/31

0.040

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.040+ - - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

08S

15E

22

SW SW

04 STOCKWATER

(47) GOODING

TOTAL ACRES:

+ - - DIVERSION MEANS - WELL & PUMP

+ - - NON-IRRIGATION USE - S/ 30 RANGE CATTLE

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - - REMARKS - - - - - +
PRIORITY BEST EST. OF CLAIMANT.+ - - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.MICROFILMED
FEB 10 1993VERIFIED
NOV 23 1990

WATER RIGHT NUMBER - A36-10729

ADJ. FLAG TRANSLATION: ADJUDICATION TEMPORARY WORK AREA

+ - - - - CONDITIONS OF APPROVAL - - - - -
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - - - COMMENTS - - - - -
NO COMMENTS FOUND

+ - - AUDIT FIELDS - 08/30/88 MERRITT 10/03/89 REFUNDML

+ - - - - 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	- 08/30/1988	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
CLAIMS TAPE ERROR FLG	-	RECEIPT NUMBER	- S001880	WATER DISTRICT	-
FEE EXEMPT FLAG	-	POU OWNERSHIP FLAG	- Y	FEDERAL/STATE INDICATOR	- S
		NAME CONNECTOR	- AND/OR	PRESUMPTION FLAG	-

RP 08515E 226000

DATA ENTRY
ENTERED 2/4/91 SW
CHECKED 3/4/92 K

"Verified by"
Topo Map/Ortho-PQ
ASCE Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records

CERTIFIED
DEC 7 1990
WATER EXAMINER

VERIFIED
NOV 23 1990