

R F 15 11 W F

RECEIVED

APR 17 1998

APR 15 1998

Department of Water Resources
Southern RegionDepartment of Water Resources
Adjudication Bureau

1998 APR 14 PM 3:57

DISTRICT
TWIN FALLS
FILEDSRBA
IDAHO
4-14

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 36-11116

Case No. 39576

RECOMMENDATION TO
SET ASIDE PARTIAL DECREE

Findings of Fact

A *Partial Decree* was entered on November 15, 1996, granting Idaho Acres Dairy, a partnership, .04 cfs of groundwater for year 'round domestic and stock water uses with a priority date of May 20, 1958, based on beneficial use. By copy of a letter dated January 16, 1998, IDWR notified the SRBA Court that Idaho Acres sought to modify the *Partial Decree* by correcting legal descriptions for the point of diversion and place of use. The letter concluded:

I have reviewed the file material related to your water right and note that the claim was recommended as signed and filed. However, a map attached to the claim showed the well and dairy as located in Sec 10, T8S R25E. Attached is a map I put together showing the actual location for claim 36-11116. IDWR would be amenable to correcting the information if so directed by the SRBA Court.

On February 24, 1998, the Presiding Judge entered an *Order of Reference to Special Master Dolan* for a recommendation on whether to re-open the subcase. A hearing on the claimant's *Motion to Set Aside Partial Decree* was held on April 9, 1998, in Rupert, Idaho. Christine Hepworth appeared *pro se* and John M. Marshall appeared for IDWR.

Recommendation

Based on the record and evidence presented at the hearing, Idaho Acres Dairy is entitled to have the *Partial Decree* set aside to correct clerical mistakes in legal descriptions of the point of diversion and place of use. The claimant and IDWR could file with the SRBA Court a *Standard Form 5* and a proposed *Partial Decree Nunc Pro Tunc* with the correct legal descriptions.

THEREFORE, IT IS RECOMMENDED that the *Partial Decree* be set aside.

DATED April 14, 1998.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the RECOMMENDATION TO SET ASIDE PARTIAL DECREE was mailed on April 14, 1998, with sufficient first-class postage to the following:

Director of IDWR
Box 83720
Boise, Idaho 83720-0098

Idaho Acres Dairy
Route 3 Box 191
Rupert, Idaho 83350



Deputy Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 13, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Attn: Craig Hepworth
IDAHO ACRES DAIRY
897 N 700 E
RUPERT ID 83350

RE: Modification of Partial Decree No. 36-11116; RULE 60b, IRCP

Dear Mr./Mrs. Hepworth:

The purpose of this letter is to acknowledge your call to this office on 1/13/1997, regarding the modification of Partial Decree No. 36-11116 in the Snake River Basin Adjudication. It is my understanding that you desire to modify your partial decree by correcting the legal descriptions for the point of diversion and place of use.

Modification of the type that you have proposed are required to be reviewed by the Fifth Judicial Court in Twin Falls. By copy of this letter this office is notifying the Court of your requested change. You can anticipate that the Court will be contacting you to describe the method by which you can proceed with this requested change. **Please be advised that the Partial Decree was entered over 1 year ago and the court may have limited options at this late date.** In the event that the court can not address this matter you may still file a Transfer of Water Right, pursuant to 42-222, Idaho Code, as we discussed today.

I have reviewed the file material related to your water right and note that the claim was recommended as signed and filed. However, a map attached to the claim showed the well and dairy as located in Sec 10, T8S R25E. Attached is a map I put together showing the actual location for claim 36-11116. IDWR would be amenable to correcting the information if so directed by the SRBA Court.

Sincerely,

Douglas Jones
Water Rights Supervisor
Southern Adjudication Unit

enc

cc: Clerk of the Fifth Judicial Court in Twin Falls
State Office (D. Smith) *w/o enc*
Claim File

**State of Idaho****DEPARTMENT OF WATER RESOURCES**

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

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

PHILIP E. BATT
GOVERNORKARL J. DREHER
DIRECTOR**TRANSMITTAL COVER SHEET****FAX NUMBER:** (208) 327-5400**DATE:** 1-13-98**TO:**Frank**FROM:**Dani**DOCUMENT DESCRIPTION:**Entire claim files**COVER SHEET + _____ PAGES****CONTACT: _____ IF YOU DO NOT RECEIVE ALL THE PAGES****THANK YOU!**

TELEPHONE CONVERSATION

MEMORANDUM

pg 1 of 2

INCOMING CALL
 ✓ OUTGOING CALL
 RETURNING CALL

833/840 - 48/

TO: ORANGE HAWK WORTH
 DATE: 01-13-98
 FROM: 7H

940 May

531-5851

FILE: IDAHO AVES DAIRY
 FILE NO: 36-1116, -1117
 SUBJECT: SNR in POW...

REMARKS:

N/A,

request files from Bpiste
 suggested he call Cant... gave #
 we can provide OPO
 H... as he suggested... he can get ASLS.
 856/TT DANNI - files or contents?

940 May

ROUTING INSTRUCTIONS:

CALENDER DATES:

FH/ABH

1042 - play msg: DANNI - Charant has contacted
 S.O. - Charlie H has reviewed and says that
 change requested is valid. advised that a
 motion to Alter may be filed for the 21st time

TELEPHONE CONVERSATION

MEMORANDUM

pg 2 of 2

____ INCOMING CALL
____ OUTGOING CALL
____ RETURNING CALL

TO: _____

DATE: 01-13-98

FROM: FH

FILE: IDAHO AGENTS DAIRY

FILE NO: 36-11116, -11117

SUBJECT: Correct "error".

REMARKS:

10 55 TT- busy
11 10 TT- Ct. / - AMI - says Ad - tried to find
he was not busy and asked to
speak w/ someone w/ experience...

ROUTING INSTRUCTIONS: _____

CALENDER DATES: _____

FH/ABH

TELEPHONE CONVERSATION

MEMORANDUM

☒ INCOMING CALL
☐ OUTGOING CALL
☐ RETURNING CALL

437 / 440

TO: 71

DATE: 01-12-1998

FROM: Craig Hexterth - Idaho Home Dining -
531-5851

FILE: _____

FILE NO: _____

SUBJECT: 2 summer
DOM in some S...

REMARKS: wife called B4 - needed to make an
appt.
39576
36-11116 > Partial Decree
-11117

ROUTING INSTRUCTIONS: _____

CALENDER DATES: _____

FH/ABH

From: DWR60::SCLELLAN "Steve at Southern" 8-JAN-1998 16:22:12.90
To: @AJSTAFF
CC: SCLELLAN
Subj: INCOMING... FOR APPT

THIS IS THE STORY FOR WHOMEVER MAY MEET WITH THIS GUY AT SOME FUTURE DATE...

FYFI... FOR YOUR FUTURE INFORMATION

January 8, 1998 1:20pm

NAME: RE:
CRAIG HEPWORTH CALLIN/BACK IDAHO ACRES DAIRY

HE LEFT A MSG. ON VOICE MAIL TO CALL BACK AT 531-5851. I SPOKE TO THE LADY WHO ANSWERED AND SAID SHE KNEW WHY HE HAD CALLED. APPEARS THEY HAVE RECEIVED SEVERAL PARTIAL DECREES AND WHILE COMPARING THEM HE NOTICED TWO ARE IN SECTION 9... ONLY ONE SHOULD BE IN SECTION NINE AND THE OTHER SHOULD BE IN SECTION 10; ACCORDING TO MR. HEPWORTH.

SHE TOLD ME 36-11116 IS LISTED IN SEC. 9 BUT SHOULD BE SEC. 10 INSTEAD. 36-11117 IS CORRECT IN SECTION 9. AFTER LISTENING TO HER DESCRIPTION OF THE PROPERTY AND THE STOCKWATER SITES, IT DOES SEEM POSSIBLE THE ERROR IS VALID. I SUGGESTED THEY GET SOME MAPS TOGETHER AND MAKE AN APPT. WITH AN SRBA AGENT HERE TO SEE IF THE ERROR IS THERE AND HOW TO CORRECT THE RECORDS FOR A PARTIALLY DECREED RIGHT AT THIS POINT IN THE ADJUDICATION OF THOSE RIGHTS.

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

01/13/98 08:17:54
Page 1

Water Right Number - 36-11116

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
IDAHO ACRES DAIRY

1 - RT 3 BOX 191
2 -
3 -
City- RUPERT
Phone - 208-531-5212

State- ID Zip- 83350

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
05/20/1958 17 SOUTHERN D - DECREED

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

+ - - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
08S 25E 9 NW SW NW (67) MINIDOKA

+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
43 - DOMESTIC 01/01 12/31 0.040
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 25E 9 SW NW 04 STOCKWATER (67) MINIDOKA
08S 25E 9 SW NW 43 DOMESTIC (67) MINIDOKA

Total Acres:

+ - - Diversion Means - WELL AND PUMP

+ - - Non-Irrigation Use - 1 HOME

+ - - Other Rights for Same Use - NONE

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

EXP PARCEL NO. RP 08S25E0900A1.
STOCK 125 MIXED DAIRY CATTLE

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

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

01/13/98 08:17:55
Page 2

Water right number - 36-11116

Prefix Translation: WATER RIGHT

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

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

+ - - - - Decree Plaintiff - - - +
STATE OF IDAHO

+ - - - - Decree Defendant - - - +
UNITED STATES ET AL

+ - Decree Date - +
11/15/1996

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

Date: 08/26/1991 User Id: SMITH Subject: COPIED FROM REMARKS
SECOND WELL ADDED OCT. 1988.

Date: 10/02/1996 User Id: D&S-DSHA Subject: D&S CONDITION CODE UPDATE
CONDITION CODE N11 ADDED CONDITION CODE N13 ADDED

+ - - Audit Fields - - +
00/00/00

+ - - - - 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	- 03/01/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S006423	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

01/13/98 08:18:21
Page 1

Water Right Number - 36-11117

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
IDAHO ACRES DAIRY

1 - RT 3 BOX 191
2 -
3 -
City- RUPERT
Phone - 208-531-5212

State- ID Zip- 83350

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
03/31/1958 17 SOUTHERN D - DECREED

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

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
08S 25E 9 NE NE NE (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
43 - DOMESTIC 01/01 12/31 0.040
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 25E 9 NE NE 04 STOCKWATER (67) MINIDOKA
08S 25E 9 NE NE 43 DOMESTIC (67) MINIDOKA

Total Acres:

+ - - Diversion Means - WELL AND PUMP

+ - - Non-Irrigation Use - 1 HOME

+ - - Other Rights for Same Use - NONE

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

EXP PARCEL NO. RP 08S25E0900A1.
STOCK 100 DAIRY CATTLE

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

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

01/13/98 08:18:21

Page 2

Water right number - 36-11117

Prefix Translation: WATER RIGHT

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

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

+ - - - Decree Plaintiff - - - +
STATE OF IDAHO

+ - - - Decree Defendant - - - +
UNITED STATES ET AL

+ - Decree Date - +
11/15/1996

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

Date: 10/02/1996 User Id: D&S-DSHA Subject: D&S CONDITION CODE UPDATE
CONDITION CODE N11 ADDED CONDITION CODE N13 ADDED

+ - - Audit Fields - - +
00/00/00

+ - - - - 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	- 03/01/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S006423	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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: A36-11116
Date Received: 3/01/1989
Receipt No: S006423
Received By: See

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IDAHO ACRES DAIRY 208-531-5212
Address: RT. 3 BOX 191
RUPERT, ID 83350

2. Date of Priority: MAY 20, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	25E	9	NW	SW	NW		MINIDOKA

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
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:
D/1 HOUSE S/125 MIXED DAIRY

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	25E	9	SW	NW		DOMEST	
			SW	NW		STOCK	

A36-11116

Page 1

Date: 03/01/89

MICROFILMED
FEB 12 1993

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
NONE

14. Remarks:
SECOND WELL ADDED OCT. 1988.

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 Organizations:

I do solemnly swear or affirm that I am Partner of
Title
Idaho Acres Dairy, that I have signed the foregoing
Organization
document in the space below as Partner of
Title
Idaho Acres Dairy and that the statements contained in the
Organization
foregoing document are true and correct.

Partner

Leonard N. Hefner
Signature of Authorized Agent

Idaho Acres Dairy
Title and Organization

3-1-89

Date

State of Idaho

County of Twin Falls) SS.Subscribed and sworn (or affirmed) before me this 1st dayof March 19 89Shirley C. Lill
Notary Public

Seal

Residing at Twin FallsMy Commission Expires Dec 7, 1994

AJ5856NP

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

DATE: OCT-14-1996

PAGE: A-5

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-11116

NAME AND ADDRESS: IDAHO ACRES DAIRY
RT 3 BOX 191
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY
USED FOR: DOMESTIC 1 HOME/ STOCK 125 MIXED DAIRY CATTLE

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/20/1958

POINT OF DIVERSION: T08S R25E S09 NWSNW Within MINIDOKA County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within MINIDOKA County
T08S R25E S09 SWNW

DOMESTIC Within MINIDOKA County
T08S R25E S09 SWNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

PARCEL NO. RP 08S25E0900A11

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP 08S25E0900A1.
STOCK 125 MIXED DAIRY CATTLE

VERIFIED BY K.KC
10-14-96

MICROFILMED

DEC 3 1996

AJ5809NP
No. R36-11116

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/96
PAGE: 236

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	IDAHO ACRES DAIRY RT 3 BOX 191 RUPERT ID 83350 (208) 531-5212	05/20/1958	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	0.04 CFS 0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T08S R25E S09

NWSWNW

MINIDOKA County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE							
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
08S	25E	9	:																

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE							
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
08S	25E	9	:																

POU County: MINIDOKA

Non-Irrigation Uses: DOMESTIC 1 HOUSE; STOCK 125 MIXED DAIRY CATTLE

Other Rights: NONE

Remarks: GEN PARCEL NO. RP 08S25E0900A1.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

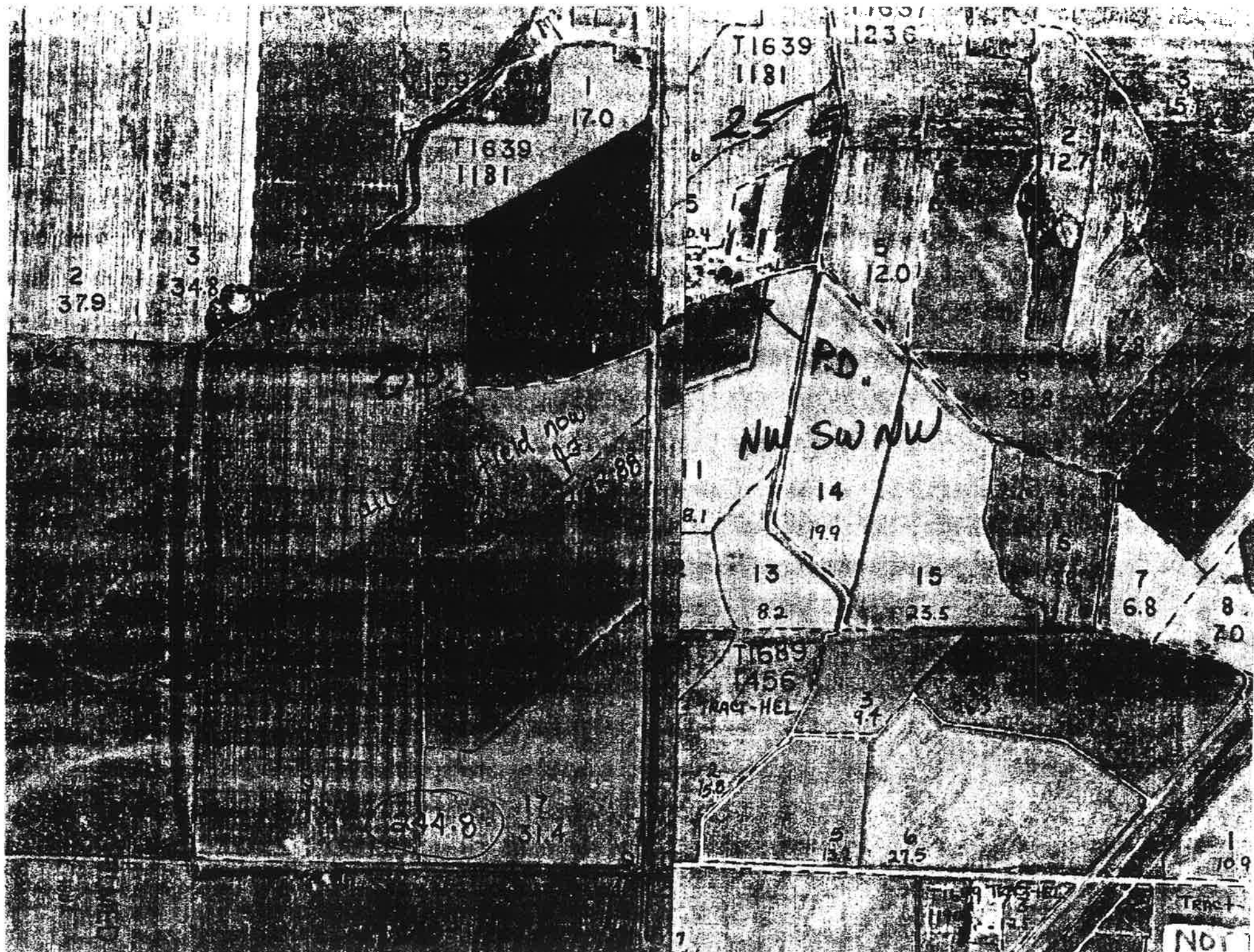
Comments: Date: 08/26/1991 User-ID: SMITH Subject: COPIED FROM REMARKS
SECOND WELL ADDED OCT. 1988.

Audit: 09/30/96 DSHAFF

*Updated
10-11-96
KHC*

MICROFILMED

20000000





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GovernorR. KEITH HIGGINSON
Director

Mar. 7, 1990

IDAHO ACRES DAIRY
RT 3 BOX 191
RUPERT ID 83350

Re: A36-02512

A36-11110

A36-11116

A36-11117

Dear Claimant(s):

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

Yours truly,

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

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

FEB 12 1995

MICROFILMED
FEB 12 1993

AJ5806NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

11/09/90 03:56:33
PAGE 2

WATER RIGHT NUMBER - 436-11116

ADJ. FLAG TRANSLATION: ADJUDICATION TEMPORARY WORK AREA

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - DECREE DATE - +
00/00/0000

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

+ - - ADJUT FIELDS - 03/01/89 CLELLAND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -

COURT REPORT FILING - 00/00/0000
OBJECTION FILED DATE - 00/00/0000
RESPONSE FILED DATE - 00/00/0000
CLAIM RECEIVED DATE - 03/01/1989
CLAIMS TAPE ERROR FLG -
FEE EXEMPT FLAG -

FIELD INSPECTION MADE - 00/00/0000
FIELD INSPECTION FLAG -
VERIFIED DATE - 00/00/0000
LAST AMENDED DATE - 00/00/0000
RECEIPT NUMBER - S006423
POL OWNERSHIP FLAG - Y
NAME CONNECTOR -

CIVIL CASE NUMBER - 35576
OLD CASE NUMBER -
OLD JUDICIAL DISTRICT -
TEMPORARY RIGHT - P
WATER DISTRICT -
FEDERAL/STATE INDICATOR - S
PRESUMPTION FLAG -

RP08525E0900A1

DATA ENTRY

ENTERED 7-29
CHECKED CH 3/2/90

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

CERTIFIED
DEC 7 1990
WATER EXAMINER

VERIFIED
DEC 7 1990

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: A36-11117
Date Received: 3/01/1989
Receipt No: S006423
Received By: Sec

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IDAHO ACRES DAIRY
Address: RT. 3 BOX 191
RUPERT, ID 83350
208-531-5212
 2. Date of Priority: MAR 31, 1958
 3. Source: GROUNDWATER Trib. to:
 4. Point of Diversion:
- | | | | | | | | |
|----------|-------|---------|--------|--------|-----|-----|----------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
| 08S | 25E | 9 | NE | NE | NE | | MINIDOKA |
5. Description of diverting works:
WELL AND PUMP
 6. Water is used for the following purposes:
- | | | | | | |
|------------|-------|-------|--------|------|--------|
| Purpose | From | To | C.F.S. | (or) | A.F.A. |
| DOMESTIC | 01/01 | 12/31 | 0.040 | | |
| 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:
D/1 HOUSE S/100 DAIRY
 10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	25E	9	NE	NE		DOMEST	
			NE	NE		STOCK	

A36-11117

Page 1

Date: 03/01/89

MICROFILMED

FEB 12 1993

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
NONE

14. Remarks:

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 Organizations:

I do solemnly swear or affirm that I am Partner of _____ Title

Idaho Acres Dairy, that I have signed the foregoing
Organization
document in the space below as Partner of _____ Title

Idaho Acres Dairy and that the statements contained in the
Organization
foregoing document are true and correct.

Leonard M. Hepworth
Signature of Authorized Agent

Partner Idaho Acres Dairy
Title and Organization

3-1-89
Date

State of Idaho

County of

Twin Falls

) SS.

Subscribed and sworn (or affirmed) before me this 1st day

of

March

19

89Steve [Signature]
Notary Public

Seal

Residing at

Twin Falls

My Commission Expires

Dec 7, 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 SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-11117

NOV 15 AM 10:29

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: IDAHO ACRES DAIRY
RT 3 BOX 191
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/31/1958

POINT OF DIVERSION: T08S R25E S09 NENENE Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER		01-01 12-31	0.04 CFS
DOMESTIC 1 HOME		01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within MINIDOKA County
T08S R25E S09 NENE

DOMESTIC Within MINIDOKA County
T08S R25E S09 NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED: NOV 13 1996


DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication

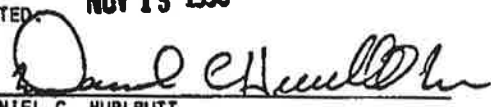
MICROFILMED

MAY 21 1997

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: NOV 15 1996


 DANIEL C. HURLBUTT
 PRESIDING JUDGE
 Snake River Basin Adjudication

State of Idaho
 County of Twin Falls ss.
 I hereby certify the foregoing to be a full,
 true and correct copy of the original on
 file in the above entitled action.

ROBERT S. FORT
 CLERK OF THE DISTRICT COURT
 BY 
 DEPUTY CLERK



RECORDED

MAY 2 1997

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-14-1996
PAGE: A-6

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-11117

NAME AND ADDRESS: IDAHO ACRES DAIRY
RT 3 BOX 191
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIARILY
USED FOR: DOMESTIC 1 HOME; STOCK 100 DAIRY CATTLE

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/31/1958

POINT OF DIVERSION: T08S R25E S09 NENE Within MINIDOKA County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within MINIDOKA County
T08S R25E S09 NENE

DOMESTIC Within MINIDOKA County
T08S R25E S09 NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
PARCEL NO. RP 08S25E0900A11

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP 08S25E0900A11
STOCK 100 DAIRY CATTLE

VERIFIED BY KKC
10-14-96

MICROFILMED

DEC 06 1996

AJ5809NP
No. R36-11117

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/96
PAGE: 237

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	IDAHO ACRES DAIRY RT 3 BOX 191 RUPERT ID 83350 (208) 531-5212	03/31/1958	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	0.04 CFS 0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T08S R25E S09 NENENE

MINIDOKA County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
08S	25E	9	:																

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
08S	25E	9	:																

POU County: MINIDOKA

Non-Irrigation Uses: DOMESTIC 1 HOUSE; STOCK 100 DAIRY CATTLE

Other Rights: NONE

Remarks: GEN PARCEL NO. RP 08S25E0900A1.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

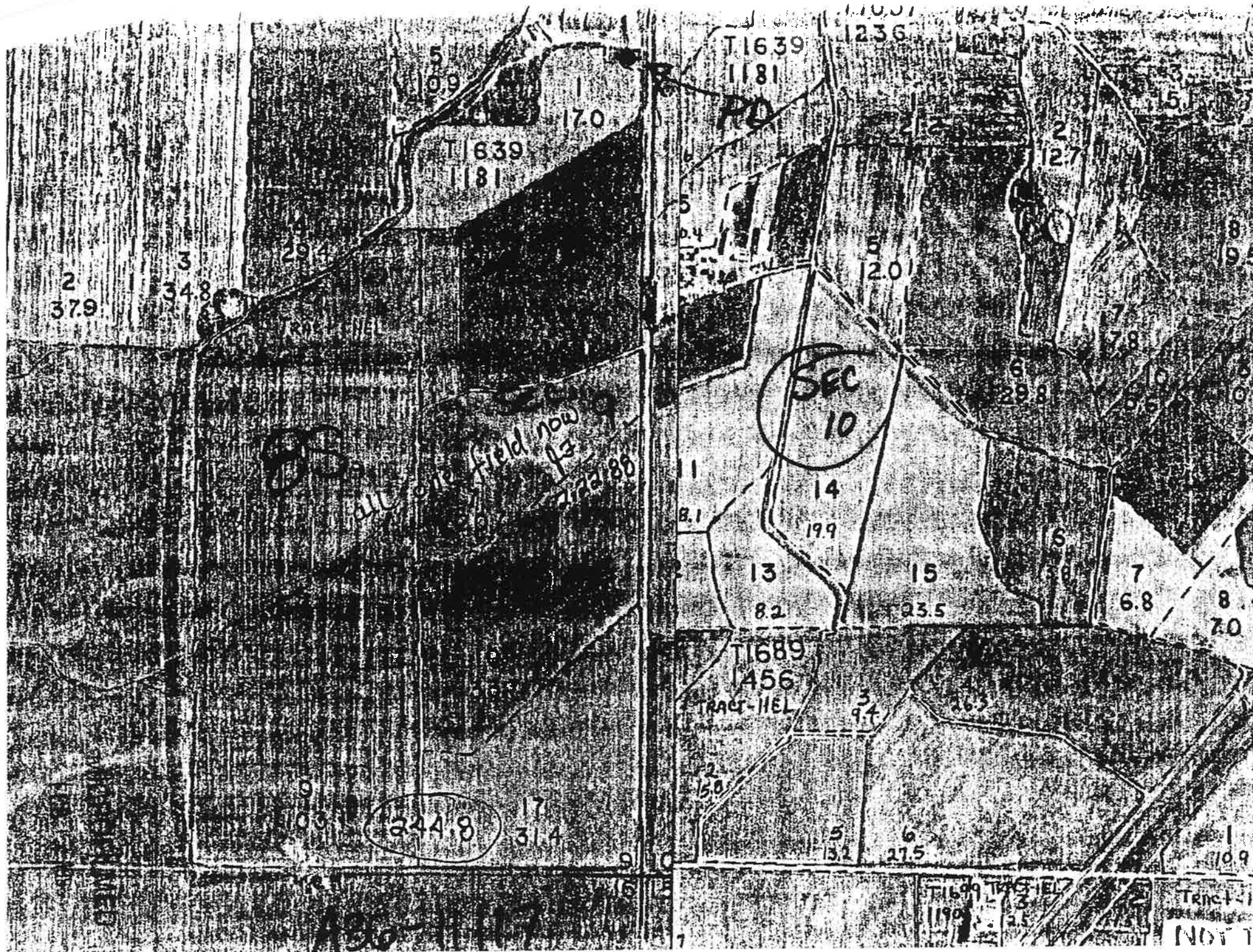
Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 09/30/96 DSHAFF

Updated 10-11-96
KRC

DEC 05 1996
MICROFILMED





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GovernorR. KEITH HIGGINSON
Director

Mar. 7, 1990

Re: A36-02512

A36-11110

A36-11116

A36-11117

IDAHO ACRES DAIRY

RT 3 BOX 191

RUPERT ID 83350

Dear Claimant(s):

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

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy', is written above the typed name.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
FEB 12 1993

AJ58CENP
(JD-2e)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PFD OF READING REPORT

11/09/90 03:57:49
PAGE 1

WATER RIGHT NUMBER - A36-11117

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

+ - - - - LAST NAME - - - - +

+ - FIRST NAME - - +

+ - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
IDAHO ACRES DAIRY

1 - RT. 3 BOX 191

2 -

3 -

CITY- RUPERT

PHONE - 208-331-5212

STATE- ID ZIP- 83350

+ - - PRIORITY DATE - - +
03/31/1958

+ - - - REGION - - - +
17 ERROR IN REGION

+ - - - STAGE - - - +
J - BENEFICIAL USE

+ - - - STATUS - - - - +

+ - - - - SOURCE - - - - - +
GROUNDWATER

+ - - - - TRIBUTARY - - - - - +

TWN	RNG	SEC	TRACT	LOT	RFLG	COUNTY	POINT OF DIVERSION	STREAM INDEX (BLANK IF NO INDEX CODE)
08S	25E	9	NE NE NE			(67) MINIDOKA		

CODE	DESCRIPTION	PERIOD FROM	PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
43 - DOMESTIC		01/01	12/31	0.040	
04 - STOCKWATER		01/01	12/31	0.040	

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +

0.040

TWN	RNG	SEC	TRACT	LOT	ACRES	PLACE OF USE	DESCRIPTION	COUNTY
08S	25E	9	NE NE			04 STOCKWATER		(67) MINIDOKA
08S	25E	9	NE NE			43 DOMESTIC		(67) MINIDOKA

TOTAL ACRES:

VERIFIED
NOV 7 1990

+ - - DIVERSION MEANS - WELL AND PUMP
+ - - NON-IRRIGATION USE - 0/1 HOUSE 5/100 DAIRY
+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - REMARKS - - - - - +
NO REMARKS FOUND.
+ - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.
+ - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

MICROFILMED
FEB 14 1990

AJ5803NP
(GD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROC READING REPORT

11/09/90 03:57:49
PAGE 2

WATER RIGHT NUMBER - A36-11117

ADJ. FLAG TRANSLATION: ADJUDICATION TEMPORARY WORK AREA

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - DECREE DATE - +
00/00/0000

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

+ - - AUDIT FIELDS - 03/01/89 CLELLAND

+ - - - - 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	- 03/01/1999	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
CLAIMS TAPE ERROR FLG	-	RECEIPT NUMBER	- S006423	WATER DISTRICT	-
FEE EXEMPT FLAG	-	PDU OWNERSHIP FLAG	- Y	FEDERAL/STATE INDICATOR	- S
		NAME CONNECTOR	-	PRESUMPTION FLAG	-

RP08S25E0900A1

DATA ENTRY

ENTERED 7-27

CHECKED CH 3/14/92

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

CERTIFIED
DEC 1990
WATER EXAMINER

VERIFIED
NOV 27 1990