

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: A36-11643
Date Received: 8/10/1989
Receipt No: S008812
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: W.H. MOLLER
Address: 824 6TH ST.
RUPERT, ID 83350 208-436-3333
AND/OR
Name: VELVA MOLLER
Address: 824 6TH ST.
RUPERT, ID 83350 208-436-3333
2. Date of Priority: APR 1, 1981
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
07S 24E 29 NW NE MINIDOKA
5. Description of diverting works:
WELL, PUMP, SPRINKLERS
6. Water is used for the following purposes:
Purpose From To C.F.S (or) A.F.A.
IRRIGATION 03/15 11/15 1.800
7. Total Quantity Appropriated is:
1.800 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 270.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	24E	20	NE	SW		IRR	3.0

A36-11643

Page 1

Date: FEB 06 1993

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	24E	20	NW SW		IRR	18.0 7
			SW SW		IRR	40.0 38
			SE SW		IRR	29.0 37
			SW/SE			
			Section Acres			90.0 83
						7
			Total Acres			90.0 90

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:

THIS WATER RIGHT IS AN EXPANSION OF RIGHT 36-02118 PURSUANT TO IDAHO CODE 42-1416(2).

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 _____

MICROFILMED
FEB 08 1993

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON
DAVID W. HALEY

LING, NIELSEN & ROBINSON
ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

April 24, 1991

Mr. Allen Merritt, P.E.
Adjudication Section
Supervisor
Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

RECEIVED

APR 25 1991

Department of Water Resources
Southern Region Office

Re: Amendment of Claim A36-11643
Claimant: W.H. Moller and Velva Moller

Dear Mr. Merritt:

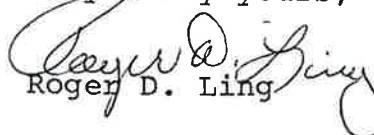
I have enclosed for filing in the Snake River Adjudication two amended claims, in substitute of the claim No. A36-11643 previously filed on behalf of Mr. and Mrs. W.H. Moller. The first Amended Claim is for 75 acres that the claimants commenced irrigating on April 1, 1962, and therefore have obtained a constitutional water right for these 75 acres. In support of this claim, we have attached to the claim a verified aerial photo from the ASCS office taken on September 1, 1962, showing the irrigation of these additional acres, in support of the 1962 appropriation of the additional water.

We have also filed an amended claim for water spread lands in Section 20, showing the water spread on 90 acres. In support of this claim, we have attached an aerial photo showing the irrigation of the 90 acres and a report from the ASCS office reporting barley grown in 1981 on the subject real property in Section 20.

As the acreage has not been increased from the claim amended, we are enclosing our check in the sum of \$50.00 for the second claim showing the early priority date.

If you have any questions in regard to this matter, please feel free to contact this office.

Very truly yours,


Roger D. Ling

RDL:rah
Enclosure

cc: Mr. and Mrs. W.H. Moller

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FEB 08 1993

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

RECEIVED

CIVIL CASE NUMBER: 39576
Ident. Number: A36-11643
Date Received: _____
Receipt No: N/A
Received By: Adm

APR 25 1991

Department of Water Resources
Southern Region Office

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

1. Name: W.H. MOLLER Phone: 208-436-3333
Address: 824 6th Street
RUPERT, IDAHO 83350

AND/OR

Name: VELVA MOLLER Phone: 208-436-3333
Address: 824 6th Street
RUPERT, IDAHO 83350

2. Date of Priority: April 01, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	24E	29	NW	NE			MINIDOKA

5. Description of diversion works:
WELL, PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.
IRRIGATION	3/15	11/15	1.8		

7. Total Quantity Claimed is:
1.8 (C.F.S.) (and/or) (Acre Feet)

8. Total consumptive use claimed is:
270.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Description of place of use:

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Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	24E	20	NW	SW		IRR	18.0
			SW	SW		IRR	40.0
			SE	SW		IRR	29.0
			NE	SW		IRR	3.0
Total Acres:							90.0

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

MINIDOKA

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

13. Other water rights used at the same place and for the same purposes as describe above.

A36-02118

14. Remarks:

EXPANDED USE UNDER LICENSE 36-02118 FOR 4.4 CFS, WHICH COVERS 283 ACRES IN SECTIONS 28 AND 29 WITH A 1951 PRIORITY DATE.

15. Basis of Claim: BENEFICIAL USE

Water Right Number: 22131

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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For individuals:

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

Signature of Claimant(s): Wilbert H. Moller Date: 4-24-91

Velva Moller Date: 4-24-91

State of Idaho)
County of Minidoka) ss.

MICROFILMED
FEB 08 1993

Subscribed and sworn (or affirmed) before me this 24th day of April, 1991.

(SEAL)

Deane M. Weber
Notary Public for Idaho
Residing at: Burley, Idaho
My Commission Expires: 09/17/94

17. Notice of Appearance:

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

Signature: Roger D. Ling

Address: P. O. Box 396, Rupert, ID 83350

Date: 4/24/91

SECTION 1 - FARM FIELD REPORT (NOTE: Grey Shaded Area to be Filled in by Reporter ONLY.)

[illegible]

DATE _____

6/5/81

247)

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APR 25 1991

Department of Water Resources
Southern Region Office

642

747

NW SW

(292F) NESW

Highway

Barley - 90.0A

SWSW

10070 Payment to Bill
SESW

A

8
16.7

D
7.5

E
8.5

1200 North

NORLAND

A. Berks.
69.1

B
49.6

Berks.

C
65.

Berks.

D
40.0

Meridian Road

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FEB 08 1993

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: A36-11643
Date Received: 8/10/1989
Receipt No: S008812
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: W.H. MOLLER 208-436-3333
Address: 824 6TH ST.
RUPERT, ID 83350

AND/OR

Name: VELVA MOLLER 208-436-3333
Address: 824 6TH ST.
RUPERT, ID 83350

2. Date of Priority: MAR 01, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	24E	29	NW	NE			MINIDOKA

5. Description of diverting works:
WELL, PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.300		

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

8. Total consumptive use is 495.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	24E	20	SW	NW		IRR	21.0
			SW	SW		IRR	40.0
			SE	SW		IRR	29.0
						Section Acres	90.0
		28	NE	NW		IRR	35.0
			SE	NW		IRR	40.0
						Section Acres	75.0
						Total Acres	165.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
A36-02118

14. Remarks:
EXPANDED ON LICENSE A36-02118 FOR 4.4 CFS, WHICH COVERS
283 ACRES IN SECTIONS 28 & 29 WITH A 1951 PRIORITY DATE.

15. Basis of Claim: BENEFICIAL USE
Water Right Number: 22131

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16. Signature(s)

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

Number of attachments: _____

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: _____

Walbert H. Moller Date: 8/10/89

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this 10 day

of Aug 19 89

Wm. White
Notary Public

Seal

Residing at TF

My Commission Expires 5/94

F510

T1069
F577

19 20
30 29

1
60.7

2
28.9

3
97.6

T1072
F557

1
25.8

2
16.5

4
8.1

7
3.4

T1073
F53

3
47.8

1
66.8

5
14.3

3
37.9

T308
F390

1
16.1

30 29
31 32

3
18.8

4
70.5

T1075
F529

MICHAEL
FEB 08 1993

T1076
F587

1
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5
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29 30
32 33

1
12.9

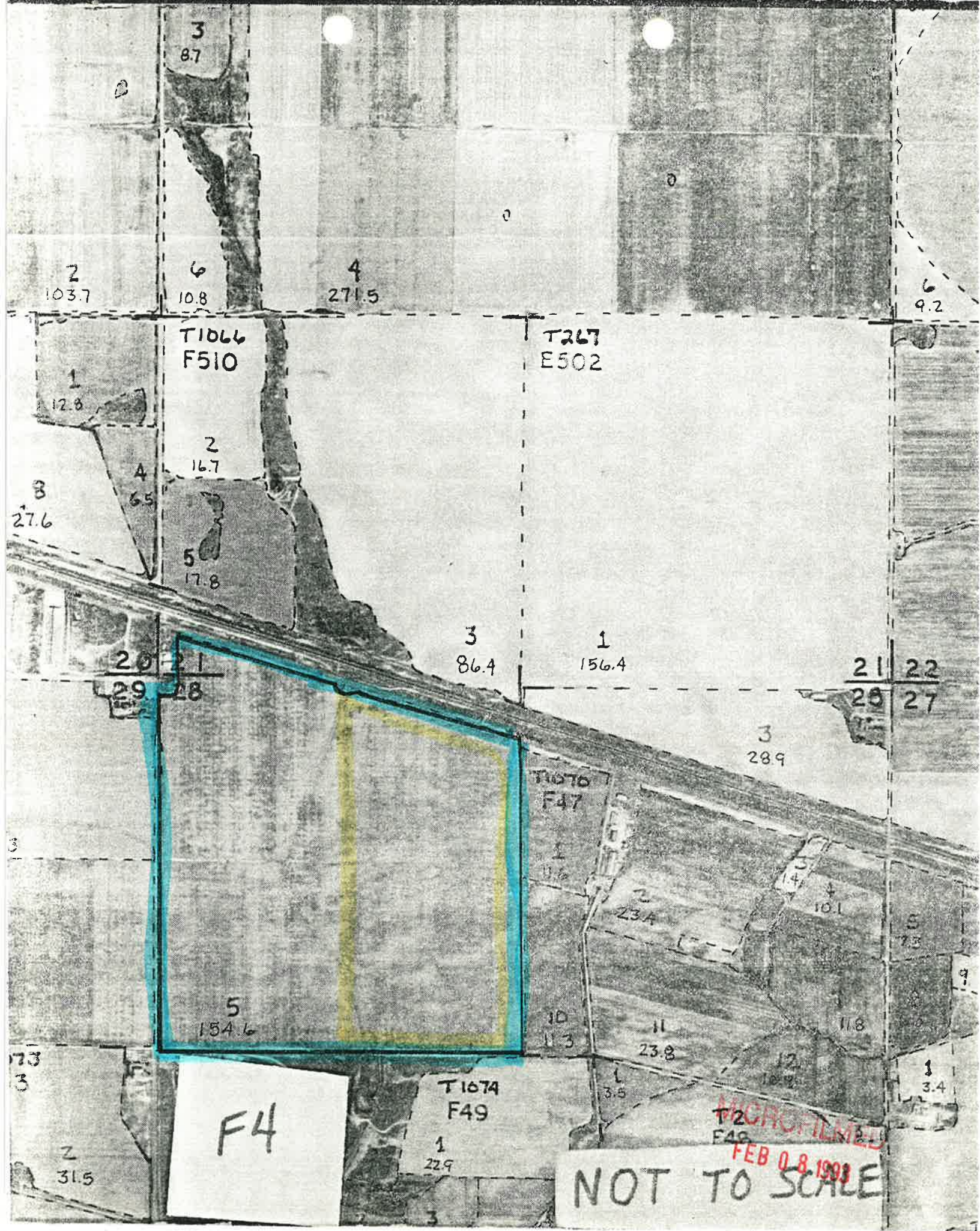
2
16.7

4
6.5

8
27.6

5
17.8

North - East



F4

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FEB 08 1993

NOT TO SCALE



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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 3, 1990

A36-11643
W.H. MOLLER
824 6TH ST.

ENCLOSURE

ID 83350

Dear Claimant(s):

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

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

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

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

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosure

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FEB 08 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

April 8, 1991

MR & MRS W H MOLLER
824 6TH STREET
RUPERT ID 83350

RE: Evidence of Priority - Snake River Basin Adjudication
Claim #A36-11643

Dear Claimant(s):

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

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

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

Sincerely,

for 
Allen Merritt, P.E.
Adjudication Section Supv.

Enclosure

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FEB 08 1993

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OCT 28 1997

Department of Water Resources
Southern Region

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OCT 20 1997

Department of Water Resources
Adjudication Bureau

Name of Party Filing Document:
W. H. Moller and Velva Moller

Attorney Name & Address:
ROGER D. LING
LING, NIELSEN & ROBINSON
615 H Street, P. O. Box 396
Rupert, Idaho 83350

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

In Re SRBA

Case No. 39576

Subcase No. 36-11643

STANDARD FORM 1

OBJECTION

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in a Director's Report. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR) or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy both sides with the even-number pages upside down.

The water right number you are objecting to must be indicated above in the blank space following "Subcase." To object to multiple water right recommendations, you must use a **separate form for each** objection and there must be **only one objector** for each 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.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

Any party physically filing 25 or more objections must contact the Clerk of the SRBA Court no later than 14 days before the filing deadline and arrange an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; that it 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: W. H. Moller and Velva Moller

Address: 824 6th Street
Rupert, Idaho 83350

Phone: Work: Home: (208) 436-3333

Briefly describe your interest in this water right:

Objecting parties are the claimants to the water rights recommended by the Director of the Idaho Department of Water Resources.

2. If this objection is filed by an attorney:

Attorney Name: Roger D. Ling

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

Attorney Phone No.: (208) 436-4717

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

II. STATEMENT OF THE OBJECTION

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

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

4. **Priority Date:** Claimant objects to the subordination provision under the priority date recommended, as there has been no showing by the holder of a water right with a priority date earlier than April 12, 1994 that they have been injured by this priority date of April 1, 1981.

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.

The subordination provisions under **priority date** should be removed.

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.

VERIFICATION (Must be Completed)

State of Idaho

County of Minidoka

Roger D. Ling, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

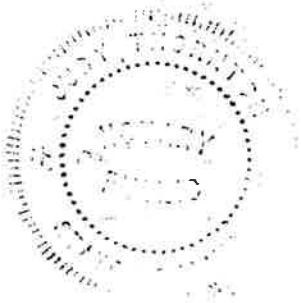
That I am the party/claimant filing this objection (as listed on Page 2, Section 1, "Party/Claimant objecting") as defined by I.C. § 42-1401A(1) and (7) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are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

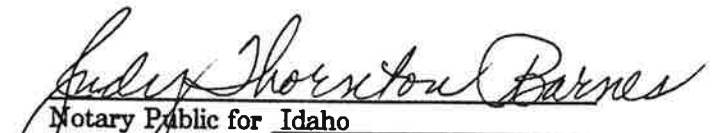
Signature of person filing objection



Roger D. Ling
Attorney signing in representative capacity

Subscribed and sworn to before me on: October 15, 1997





Notary Public for Idaho
Residing at: Rupert, Idaho
My Commission Expires: 02/03/99

INSTRUCTION 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 October 15, 199 7, 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 claimant of the water right at the following address:

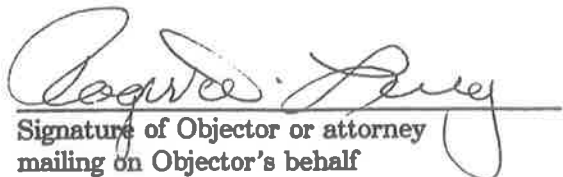
Name: W. H. Moller and Velva Moller
Address: 824 6th Street
Rupert, Idaho 83350

3. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734


Signature of Objector or attorney
mailing on Objector's behalf

NOV - 3 1997

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Department of Water Resources
Adjudication Bureau

Parties' Names: Magic Valley Ground Water District, Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Tim Deeg, Mack Neibaur, and Ralph Breeding

NOV 05 1997

Department of Water Resources

Southern Region

RECEIVED

OCT 31 1997

OFFICE OF THE
ATTORNEY GENERAL

Attorneys' Names and Address

Jeffrey C. Fereday
Michael C. Creamer
GIVENS PURSLEY & HUNTLEY LLP
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
(208) 342-6571
(208) 343-9492 (facsimile)

Henry R. Boomer, Esq.
Boomer Law Offices
514 Tyhee
P.O. Box 70
American Falls, ID 83211
(208) 226-2562
(208) 226-5419 (facsimile)

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

A. Subcase No. 36-11643

Case No. 39576

JOINT RESPONSE OF MAGIC VALLEY GROUND
WATER DISTRICT, ABERDEEN-AMERICAN FALLS
GROUND WATER DISTRICT, BINGHAM GROUND
WATER DISTRICT, TIM DEEG, MACK NEIBAUR,
AND RALPH BREEDING TO W. H. MOLLER AND
VELVA MOLLER'S OBJECTION

(Standard Form 2)

B. NAME AND ADDRESS OF PERSONS RESPONDING

Magic Valley Ground Water District
1099 N. 400 W.
Route 5, Box 139
Rupert, ID 83350
(208) 532-4524

Mack Neibaur
1200 N. 510 W. Norland
Route 1, Box 1478
Paul, ID 83347
(208) 532-4175

Ralph E. Breeding
2875 Visiting Road
American Falls, ID 83211
(208) 226-2109

Tim Deeg
2957 Deeg Road
American Falls, ID 83211
(208) 226-5588

Aberdeen-American Falls Ground
Water District
P.O. Box 70
American Falls, ID 83211
(208) 226-5914

Bingham Ground Water District
1523 W. 300 N.
Blackfoot, ID 83221
(208) 684-3614

MAIL9415



Name & Address of Attorneys:

Jeffrey C. Fereday
Michael C. Creamer
Givens Pursley & Huntley LLP
277 No. 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701

Henry R. Boomer, Esq.
514 Tyhee
P.O. Box 70
American Falls, ID 83211

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: W. H. Moller and Velva Moller

Address: 824 6th Street
Rupert, Idaho 83350

- D. Magic Valley Ground Water District, Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Tim Deeg, Mack Neibaur, and Ralph Breeding (collectively, "Respondents"), hereby respond to W. H. Moller and Velva Moller's objections to the following elements.

4. ☒ **Priority Date.** Summary response: The use involved in this claim is an enlarged use which began, and has continued, without complying with the mandatory permit system applicable to water diversions and uses under Idaho law. Accordingly, the enlarged use must cease unless it qualifies as an enlargement as defined in I.C. § 42-1426, a statute which became effective April 12, 1994. To the extent the use qualifies as an enlargement, it may be recognized as a new water right in the SRBA only if it is subordinated to all other, non-enlarged water rights existing on that date or given a priority date no earlier than April 12, 1994. If the new water is not conditioned in this manner, it will cause injury to the priorities and the water rights of other water right holders, including members of respondent.

If the priority date asserted by the claimant in this matter is assigned to this enlarged right, without the subordination condition recommended by the IDWR, then Respondents' water rights will be injured by having new water rights created in the SRBA which are given priorities ahead of Respondents' water right priorities.

Recommendation. This water right claim should be denied unless it is decreed with the subordination condition as recommended in the Director's Report or given a priority date no earlier than April 12, 1994.

VERIFICATION

STATE OF IDAHO)
 : SS
COUNTY OF ADA)

Jeffrey C. Fereday and Henry R. Boomer, being first duly sworn, upon oath, deposes and says:

That we are the party/claimant filing this response as defined by I.C. 42-1401A(1) and (6); or that we are the attorneys for the parties/claimants responding and that we have read this response, know its contents and that the statements are true to the best of our knowledge.

By: Jeffrey C. Fereday
(Attorney signing in representative capacity for Magic Valley Ground Water District, Mack Neibaur, Tim Deeg, and Ralph Broeding)

Subscribed and sworn to before me this
30th day of October, 1997.

Julie Best-Gilster
Notary Public for Idaho
Residing at: Nampa, Idaho
My commission expires: 4-21-2001

By: Henry R. Boomer
(Attorney signing in representative capacity for Aberdeen-American Falls Ground Water District, and Bingham Ground Water District)

Subscribed and sworn to before me this
30th day of October, 1997.

Debbie Huse
Notary Public for Idaho
Residing at: American Falls, Idaho
My commission expires: 1/14/98

JULIE BEST-GILSTER
☆ NOTARY PUBLIC ☆
STATE OF IDAHO



F.

CERTIFICATE OF SERVICE

I certify that on October 30, 1997, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Name: W. H. Moller and Velva Moller
Address: 824 6th Street
Rupert, Idaho 83350

3. One copy to the party who filed the objection at the following address:

Name: Roger D. Ling
Address: Ling, Nielsen & Robinson
615 H Street, P.O. Box 396
Rupert, ID 83350

4. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

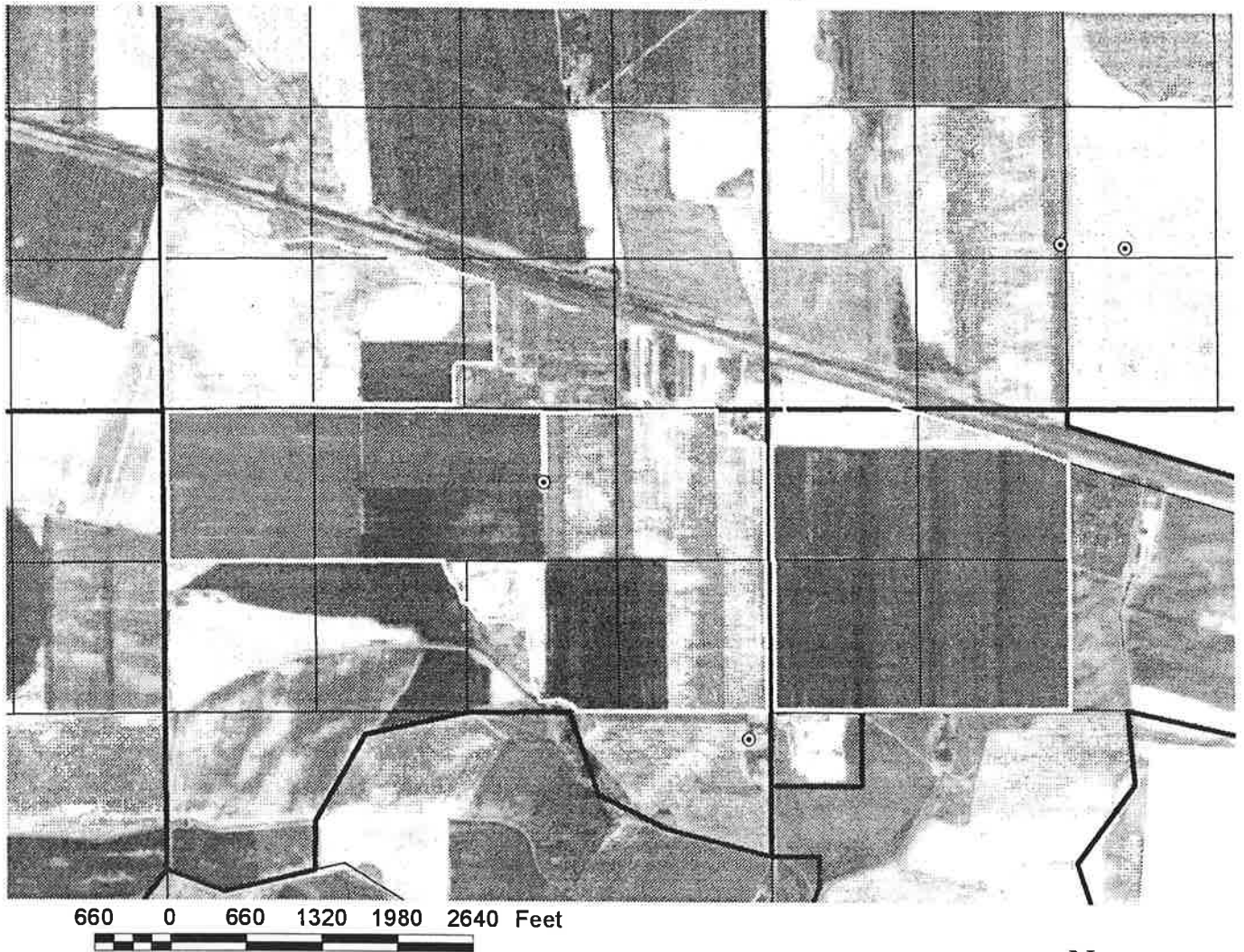
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

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

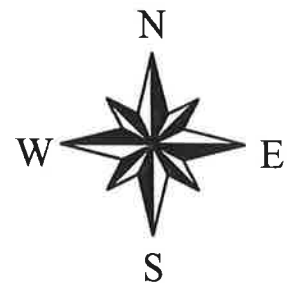


IDAHO DEPARTMENT OF WATER RESOURCES

**36-02118, 36-11643, & 36-15186
W H & VELVA MOLLER**



TNS 7S, RNG 24E, SEC 20, 21, 28, & 29



○ B36-pod.shp
Pou-outline.shp

T07s24e.dxf



T07s24eqq.shp

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY AUGUST 1997
BY KELLY K CHRISTENSEN

CLAIM NUMBERS 36-2118 36-11643
36-15186

DATE 8-22-97
 AGENT KKC

TRANSFER NUMBER _____
 OBJECTION FILED _____
 TOTAL ACRES FROM RECOMMENDATION 448
 GEOGRAPHIC INFO SYSTEM 468

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	75	24E	20									1	6	37	37			3	8
GIS												1.6	10	37.7	37.3			4.5	9
RECOM	75	24E	21											2					2
GIS														3.8					3
RECOM	75	24E	28					30	39	39	38								14
GIS								32.6	38.6	38.3	39.7								1
RECOM	75	24E	29	37	38	25	38	39	38										
GIS				36.6		28.8	39.1		38.4		1								2

UPDATED

78.6

POLYGON #

UPDATED

POLYGON CREATED ON 604 ()

B36-DBPOU.DBF 8-22

ATTRIBUTES OF B36-POU.SHP () 8-22

B36-DBPOD.DBF 8-10-97

ATTRIBUTES OF B36-POD.SHP (65) 8-28-97

P/U edited into 3 polygons

Sec 20 393

Sec 28-21 394

Sec 29 395

*some acre shifting between Q.Q.s
 found Acres > than claimed*

P/U CONFLICT yes (X) no ()

P/D CONFLICT yes () no ()

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

R PROOF



CVR



MAPS



PHOTOS



MISC



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Water Right Number - R36-11643

Prefix Translation: RESEARCH

Old (D) Number -

VERIFIED BY

KRC
8-2-91

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

*** C - CURRENT OWNER ***

MOLLER

VELVA

1 - 824 6TH ST.

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-436-3333

MOLLER

W.H.

1 - 824 6TH ST.

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-436-3333

*** A - ATTORNEY ***

LING

ROGER

1 - P.O. BOX 396

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1981 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 24E 29 NE NW NE (67) MINIDOKA+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 1.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.000 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 24E 20 NE SW 1.0 01 IRRIGATION (67) MINIDOKA
07S 24E 20 NW SW 6.0 01 IRRIGATION (67) MINIDOKA
07S 24E 20 SW SW 38.0 01 IRRIGATION (67) MINIDOKA
07S 24E 20 SE SW 37.0 01 IRRIGATION (67) MINIDOKA
07S 24E 20 SW SE 3.0 01 IRRIGATION (67) MINIDOKA
07S 24E 21 SW SW 2.0 01 IRRIGATION (67) MINIDOKA
07S 24E 28 NE NW 30.0 01 IRRIGATION (67) MINIDOKA
07S 24E 28 NW NW 39.0 01 IRRIGATION (67) MINIDOKA
07S 24E 28 SW NW 39.0 01 IRRIGATION (67) MINIDOKA
07S 24E 28 SE NW 38.0 01 IRRIGATION (67) MINIDOKAMICROFILMED
FEB 08 1993

Water right number - R36-11643

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	24E	29	NE NE		37.0	01	IRRIGATION	(67) MINIDOKA
07S	24E	29	NW NE		38.0	01	IRRIGATION	(67) MINIDOKA
07S	24E	29	SW NE		25.0	01	IRRIGATION	(67) MINIDOKA
07S	24E	29	SE NE		38.0	01	IRRIGATION	(67) MINIDOKA
07S	24E	29	NE NW		39.0	01	IRRIGATION	(67) MINIDOKA
07S	24E	29	NW NW		38.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 448.0

+ - - Diversion Means - WELL, PUMP, SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-02118 AND 36-15186.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-02118 AND 36-15186.
USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.01 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1792 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1344 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 448 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS AN EXPANSION OF RIGHT NOS.36-02118 AND 36-15186 PURSUANT TO IDAHO CODE 42-1416(2).
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 90 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Old Water Right Numbers
No Old Water Right Numbers Found

Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff Decree Defendant Decree Date
00/00/0000

Comments
No Comments Found

Audit Fields
08/02/91 CHRISTEN

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	-

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Water right number - R36-11643

Prefix Translation: RESEARCH

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Response Filed Date	- 00/00/0000	Verified Date	- 08/02/1991	Old Judicial District	-
Claim Received Date	- 08/10/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S008812	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- E

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:00:28
06/17/91

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-11643

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		KKC 7-24-91	N N	6	KKC 7-24-91		
POINT OF DIV	Y		/	Y	6, 1, 2, 5	/		
SOURCE	Y			N	6			
PLACE OF USE	Y			Y	6, 5, 1, 2			
DIV. AMOUNT CFS/VOLUME	Y			Y	6			
CONSUMPTIVE USE	-			Y	6			
PURPOSES	Y			N	6			
PERIOD OF USE	Y			N	6			
BASIS OF CLAIM	Y			N	6			
REMARKS	Y			Y				

"VERIFIED BY" CODES

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

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

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:00:28
06/17/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-11643

LAST: MOLLER
ADDRESS: 824 6TH ST.
CITY: RUPERT
PHONE NUMBER: 208-436-3333

FIRST: VELVA
STATE: ID ZIP: 83350

OWNER CODE: C

LAST: LING
ADDRESS: P.O. BOX 396
CITY: RUPERT
PHONE NUMBER: 208-000-0000

FIRST: ROGER
STATE: ID ZIP: 83350

OWNER CODE: A

LAST: MOLLER
ADDRESS: 824 6TH ST.
CITY: RUPERT
PHONE NUMBER: 208-436-3333

FIRST: W.H.
STATE: ID ZIP: 83350

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE FIELD
Y EXAMINER

CLAIM REMARKS: THIS WATER RIGHT IS AN EXPANSION OF RIGHT 36-02118 PURSUANT TO
IDAHO CODE 42-1416(2).

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CONTACT PERSON: Norman Bagnel

PHONE NUMBER: () 532-4305

DATE OF FIELD EXAM: 7/24/91

APPOINTMENT MADE: Y(X) N()

TIME: 9:00 A(X) P()

ACCOMPANIED BY: Norm's Son

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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A. AJ CLAIM: # A36-11643 PRIORITY DATE: 04-01-1981 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) Y

DATABASE
Y

FIELD
EXAMINER
N

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

REMARKS: Priority date verified by an ASCS crop report dated that year
& indicating the acres irrigated.

=====

RECOMMENDED PRIORITY DATE:

4-1-81

REVIEWED BY

KKC

DATE

7-28-91

=====

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-11643	07S	24E	29	<i>NE</i>	NW	NE		MINIDOKA

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

A36-02118 R36-02118

A36-15186 R36-15186

WR RECORDS IN SAME 40 ACRE TRACT

36-02118

> overlapping rights see narrative.

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

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

DATABASE

Y
Y

FIELD
EXAMINER

N

REMARKS:

P/D determined via ASCS Photo

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SOURCE: OK TRIB: OK
REVIEWED BY: KKC DATE: 7-24-91

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A. ROOT WATER RIGHT NUMBERS: A36-11643
R36-11643

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	24E	20	NW	SW		MOLLER , VELVA	A36-11643 /18.0	- /	37.0		
			NW	SW		MOLLER , VELVA	R36-11643 /18.0	- /			
07S	24E	20	SW	SW		MOLLER , VELVA	A36-11643 /40.0	- /	38.0		
			SW	SW		MOLLER , VELVA	R36-11643 /40.0	- /			
07S	24E	20	SE	SW		MOLLER , VELVA	A36-11643 /29.0	- /	39.0		
			SE	SW		MOLLER , VELVA	R36-11643 /29.0	- /			
07S	24E	20	NE	SW		MOLLER , VELVA	A36-11643 / 3.0	- /	38.0		
			NE	SW		MOLLER , VELVA	R36-11643 / 3.0	- /			
			NE	SW		YOUNG & YOUNG PARTNERSHIP		36-08404 /30.0			
TOTAL ACRES						A36-11643		90.00	152.00		

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

PRESUMPTION FLAG: E *OK*

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: 448

REVIEWED BY: KKC

DATE: 7-24-91

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see attached
land list
for permissible
place of use.

A. AJ CLAIMED USES:

PURPOSES
A36-11643 IRRIGATION

MONTH/DAY
FROM 03-15 TO 11-15

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
1.800 CFS
1.800 CFS

1.00 for calc. see narrative pg 3

B. WR RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

PRESUMPTION FLAG: E

C. FIELD EXAM REQUIRED?

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

FIELD
EXAMINER
DATABASE
Y
Y
Y

Y
N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☐) N(☐) Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 1.800 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

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

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER
Y ☒

B.

FLOW MEASUREMENT

MEASUREMENT METHOD Sonic meter, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-11643	GROUNDWATER	MOLLER , VELVA	1.800	0.020		
R36-11643	GROUNDWATER	MOLLER , VELVA	1.800	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

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

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 270.0 AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

See attached narrative.

*NA div vol based upon
cons. use system & placed in
remarks.*

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1b. CALCULATIONS

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
<u>irr</u>	<u>3-15 11-15</u>	<u>1.00</u>	<u>NA</u>	<u>NA</u>
TOTAL FOR THIS RIGHT				

REVIEWED BY: KRC

DATE: 7-24-91

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
(☒)	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-11643

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-11643	1.800	R36-11643	1.800	-	
-	R36-11643	1.800	R36-11643	1.800	-	
TOTAL CFS		3.600	3.600			

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

Kelly K. Christensen

DATE:

7-24-91

NAME OF FIELD EXAMINER:

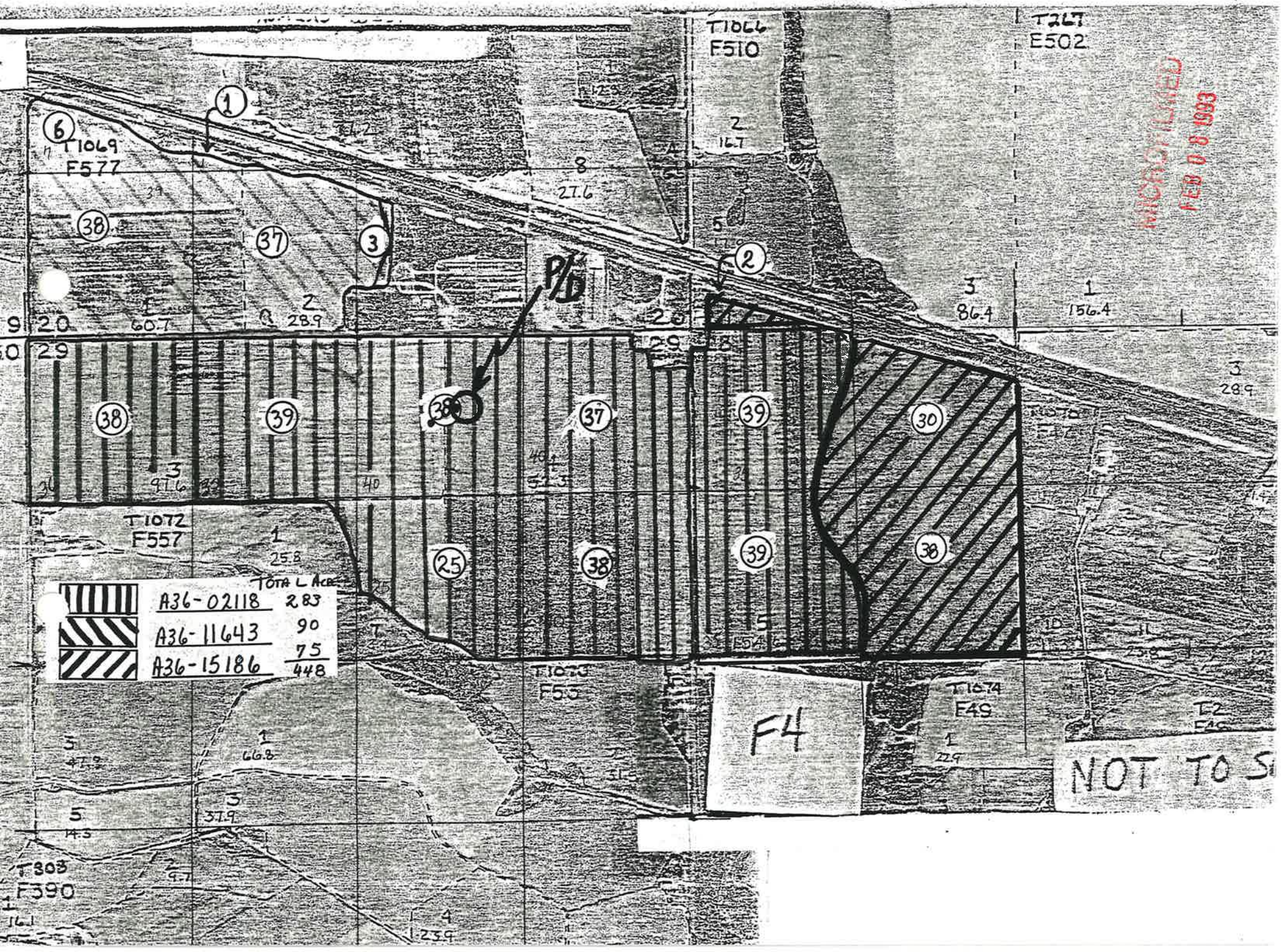
KELLY K. CHRISTENSEN

TITLE:

SR Water Resource Agent

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FEB 08 1993

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FEB 08 1993



	A36-02118	2.83
	A36-11643	90
	A36-15186	75
		448

TOTAL ACRES

F4

NOT TO SCALE

Fo A36-2118
- 11643
- 15186

FOUND ACRES RECOMMENDED AS PERMISSIBLE PLACE OF USE

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
FOUND	ACRES	7S	24E	20									1	6	38	37			3		85	

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
FOUND	ACRES	7S	24E	21											2						2	

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
FOUND	ACRES	7S	24E	28					30	39	39	38									146	

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
FOUND	ACRES	7S	24E	29	37	38	25	38	39	38											215	

SYSTEM TOTAL 448 ACRES
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FEB 08 1993

CURRENT OWNER: W. H. MOLLER

~~6~~ RIGHTS

~~THREE~~

SYSTEMS (CLAIMS RELATED BY P/U AND/OR P/D)

SYSTEM 1.

CLAIMS: A36-0273

The system is a ground water right claimed as licensed.

Review found no expansion but P/U required modification to match found acres per Q-Q. System modification created field acre changes.

P/D legal lacked 10 Acre designation but otherwise matched license description.

SYSTEM 2.

CLAIMS: A36-02065A

The system is a ground water right claimed as licensed. Review, using ASCS, NAPP, AND ORTHO PHOTO, verified no change.

P/D legal description lacked the 10 acre designation but otherwise matched the legal description.

System 3

claims A36-02118

A36-11643

A36-15186

A36-02223

36-2222

Rights A36-2223 & 36-2222 were not claimed
Their source was waste water.

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System 3 (CONT)

The claimed system is one P/D (groundwater) for licensed right A36-2118, expansion right A36-11643 with a April, 1981 priority supported by ASCS crop reports and expansion right A36-15186 supported by AN ASCS Aerial photo (9-1-1962 FLIGHT) which shows cultivated fields. Priority claimed was April 1, 1962.

Analysis

Licensed Right A36-2118 required a change in P/U to match system modifications for a sprinkler system. No overall acre change was made. the claim was recommended for 283 acres and 4.4 CFS (matches licensed acres & diversion rate).

Claim A36-15186 has a substantiated priority date of April, 1962 which is prior to the mandatory permit statute for ground water rights, therefore a presumption flag is not necessary. (No "E" in Presumption)

Field verification on 7-24-91 found the P/U as outlined on the ASCS photo. A measurement was made to determine the current diversion rate for the beneficial use claim. The system capacity was measured as 5.01 CFS. See below for calculations

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Claim A36-11643 analysis:

Based upon priority date this right is considered an expansion of both A36-2118 and A36-15186. The diversion rate recommended is based upon the 7-24-91 field exam as that exam established the div rate for A36-15186. No excess capacity is available for the expanded acres.

Calculations

36-2118 licensed for 4.4 CFS AND 283A.

CURRENT RATE FOR 2nd right only (A36-15186)

$$(283 + 75) = 358 \text{ acres total}$$

$$\text{DIV RATE} = 5.01 \text{ CFS} / 358 = \underline{0.0140 \text{ CFS/ACRE}}$$

Current rate which includes expansion acres (A36-11643)

$$358 + 90 = 448 \text{ ACRES}$$

$$\text{DIV RATE} = 5.01 / 448A = \underline{0.0112 \text{ CFS/ACRE}}$$

Recommendations

A36-15186	75 acres @ 0.0140 CFS/ACRE = $\frac{1.05}{0.99 \text{ CFS}}$
A36-11643	90 acres @ 0.0112 CFS/ACRE = $\underline{1.00 \text{ CFS}}$

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SONIC METER READINGS FROM 7-24-91 FIELD EXAM

SYSTEM CLAIMS. A36-2065A

-11643

-15186

MODE SELECT
INPUT

OUTER DIAMETER
10.1858 IN

PIPE MATERIAL *EAST LINE*
? CS,SS

WALL THICKNESS
0.1110 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
7.685 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

07-24 10:0500 *R
+ 1.316E 3GPM

MODE SELECT
T0 CHECK

0373.2 MMSEC
100.23 % T0

07-24 10:0500 *R
+002.60 % AI2

07-24 10:0600 *R
+ 1.305E 3GPM

07-24 10:0700 *R
+ 1.314E 3GPM

07-24 10:0800 *R
+ 1.312E 3GPM

1,305 GPM

1,314

1,312

3,931/3 =

1,310 GPM AVE =

448.8

2.92 CFS *

MODE SELECT
INPUT

OUTER DIAMETER *WEST LINE*
8.1165 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1430 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
5.954 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

MODE SELECT
T0 CHECK

0297.9 MMSEC
101.83 % T0

07-24 10:3200 *R
+003.00 % AI2

07-24 10:3400 *R
+936.490E 0GPM

07-24 10:3500 *R
+946.792E 0GPM

07-24 10:3600 *R
+943.886E 0GPM

07-24 10:3700 *R
+933.584E 0GPM

07-24 10:3800 *R
+936.490E 0GPM

07-24 10:3900 *R
+933.131E 0GPM

936.5

946.8

943.9

933.6

936.5

939.1

939.4 AVE =

448.8

2.09 CFS *

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SYSTEM TOTAL

2.09 + 2.92 = 5.01 CFS

FIELD SKETCH

7-24-91

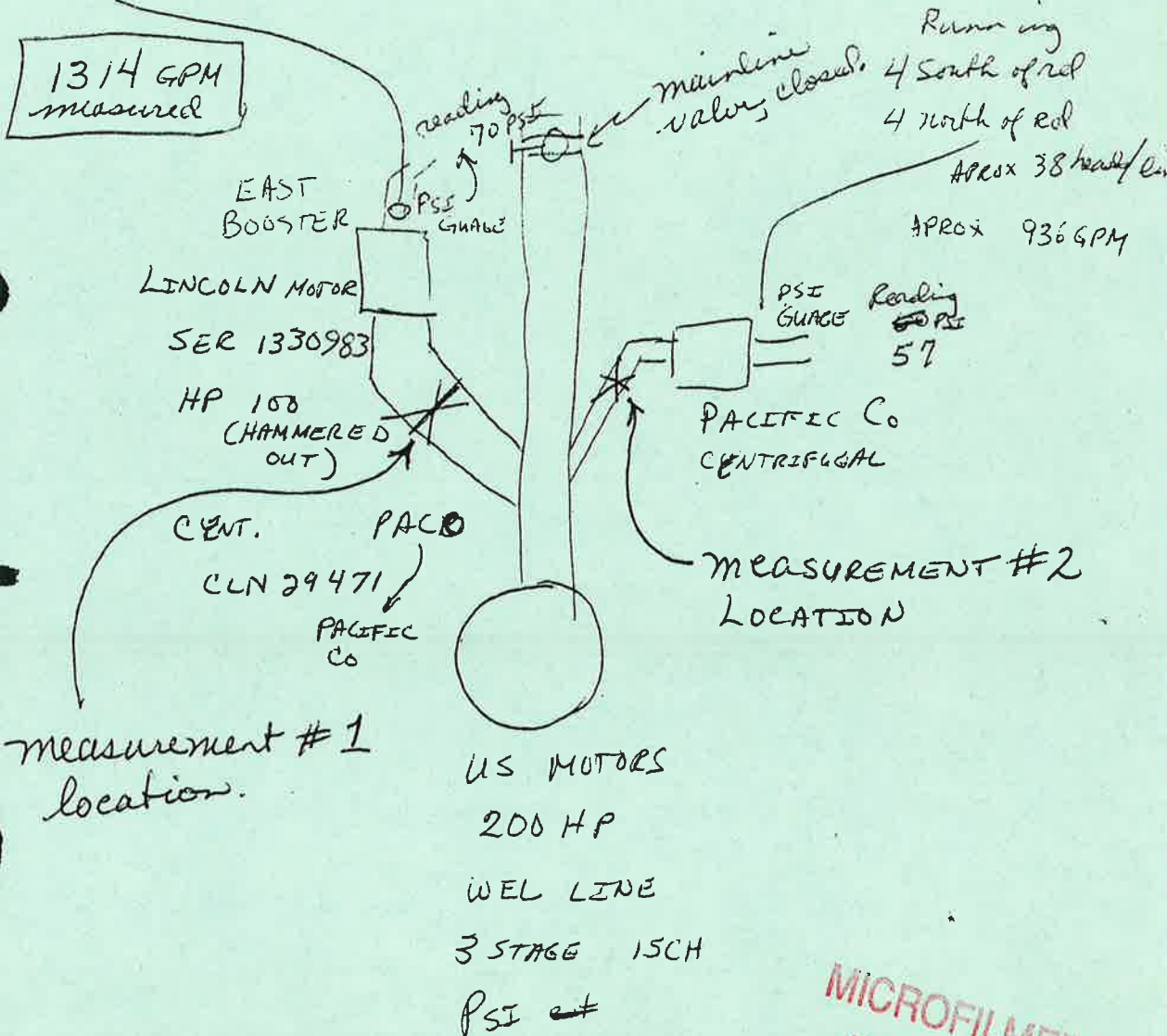
KKC

Part of the P/U is normally placed in the yearly ASCS set aside program (54 acres this year)

A36-11643

Running
14 hand lines
12
2 hand lines off for moving
most all 1/4 mi ea

lip size = 9/64 all the way through



Accompanied by Norman Bagnel's son.
they manage the farm for the owners.
Mr. Bagnel said that the waste water rights, 36-2222 and 36-2223 are no longer used as there is no waste water available.