

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 A36-13531
Date Received 10-12-1989
Receipt Number 5010067 402

COPY
FOR YOUR FILES
DO NOT RETURN

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

RECEIVED

OCT 12 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Warren W. and Elise Heins Phone (208) 531-5348
Mailing Address Rt. 3, Box 220, Rupert, Idaho Zip 83350

2. Date of Priority (Only one (1) per claim) April 1, 1961

3. Source of water supply (a) groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 7S Range 25E Section 25,
_____ 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Minidoka

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 300' well with 200 H.P. pump and
motor, 75 H.P. booster pump, mainlines and wheel lines.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from Mar. 1 to Nov. 1 amount 5.0 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 5.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 990.6 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	25E	25					25	25	40	40	40	40	40	40			40		330

Total number of acres irrigated 330

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 X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
36-02098A and 36-02098B (350 acres) or None ()

14. Remarks:
This claim is for an expanded use of the above licenses and a
claim for a constitutional right by diversion and application to
beneficial use.

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Last Name Heins Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Special Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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

Signature of Claimant (s) Wayne W. Heins Date October 11, 1989

Shirley E. Heins Date October 11, 1989

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization _____

document in the space below as _____ of _____

Title _____

Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Minidoka) SS.

Subscribed and sworn (or affirmed) before me this 11th day of October 19 89

SEAL

Notary Public Roger D. Ling

Residing at Rupert, Idaho

My Commission Expires 10/30/94

Please Print Name

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 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, Idaho 83350

Date October 11, 1989

FEB 13 1990

MICROFILMED

Last Name Heins Ident. Number _____

Copy of While-State Law-Claimant
OCT 20 1984

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: A36-13531
Date Received: 10/12/1989
Receipt No: S010067
Received By: B.V. - W

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WARREN W. HEINS 208-531-5348
Address: RT. 3, BOX 220
RUPERT, ID 83350
AND
Name: ELISE HEINS 208-531-5348
Address: RT. 3, BOX 220
RUPERT, ID 83350
2. Date of Priority: APR 01, 1961
3. Source: GROUNDWATER. Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	25E	25	NE	SW			MINIDOKA
5. Description of diverting works:
300' WELL, 200 HP PUMP & 75 HP. BOOSTER; WHEEL LINE SPRINKLERS.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	11/01	5.000		
7. Total Quantity Appropriated is:
56.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 990.6 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	25E	25	NE	NW		IRR	25.0
			NW	NW		IRR	25.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0
						Section Acres	330.0
						Total Acres	330.0

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:
A36-02098 -- 350 ACRES

14. Remarks:

marks:
THIS CLAIM IS FOR AN EXPANDED USE OF THE ABOVE LICENSES AND A
CLAIM FOR A CONSTITUTIONAL RIGHT BY DIVERSION AND APPLICATION
TO BENEFICIAL USE.

15. Basis of Claim: BENEFICIAL USE

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FEB 08 1993

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Nov. 21, 1989

WARREN W HEINS
RT 3 BOX 220
RUPERT ID 83350

Re: A36-02469D
A36-02098
A36-02469E
A36-02066A
A36-13531

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim 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 black ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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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

October 3, 1990

A36-13531
WARREN W. HEINS
RT. 3 BOX 220

RUPERT

ID 88350

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

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

October 26, 1990

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OCT 31 1990

Department of Water Resources
Southern Region Office

Allen Merritt, P.E.
Water Rights Supervisor
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Snake River Adjudication Claim of
Warren W. Heins
Claim No. A36-13531

Dear Mr. Merritt:

Pursuant to your request for evidence to support the priority date of unlicensed and non-decreed water rights under the above claim, some evidence is being hereby presented. However, an explanation of the claim may be helpful. Under your computerized claim prepared from the written claim submitted by the claimant, you indicate that 350 acres, or all of the 330 acres described in the claim, are covered by Water License No. A36-02098. However, our records indicate that only 305 acres were covered by this license. Therefore, the claim was made for an additional 25 acres of water spread lands. In addition, a request was made for an additional 25.2 acres of water spread lands, and an additional 1 cfs., as it is our understanding that the license only provides for 4 cfs.

We are submitting in support of the claim an aerial photo of the subject real property showing the full 330 acres being irrigated in 1956. The original point of diversion under the above-referred to license is being used, and no change has been made to the well to increase its capacity. However, it is clear that all conditions that existed since 1956 would require a minimum of 5 cfs. to actually irrigate 330 acres. The only other evidence would be an actual measurement of the capacity of the diversion

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Allen Merritt, P.E.
Page 2
October 26, 1990

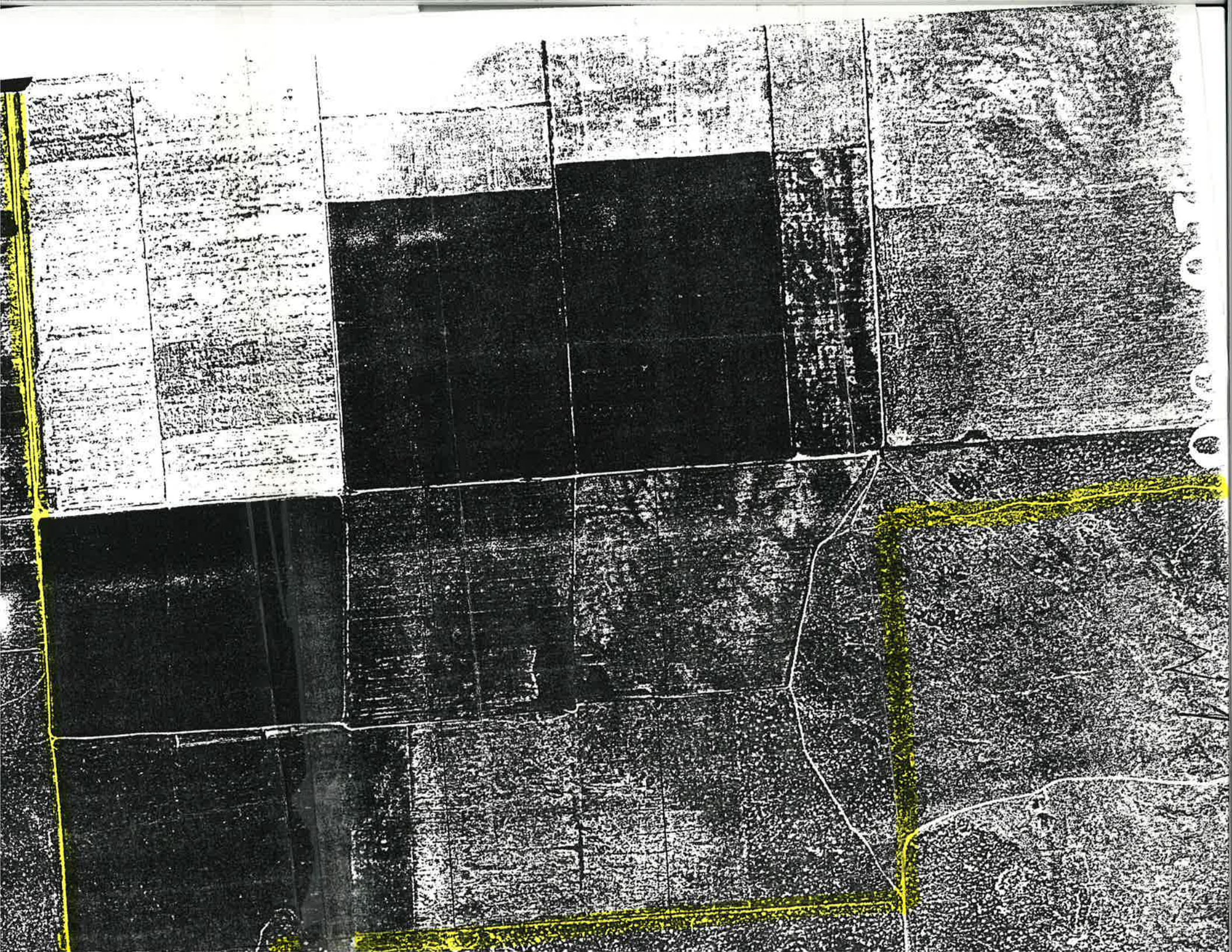
works, which has been in existence since 1961. However, it is impossible to obtain this evidence by the 1st of November, 1990.

Very truly yours,

Roger D. Ling / dmw.
Roger D. Ling

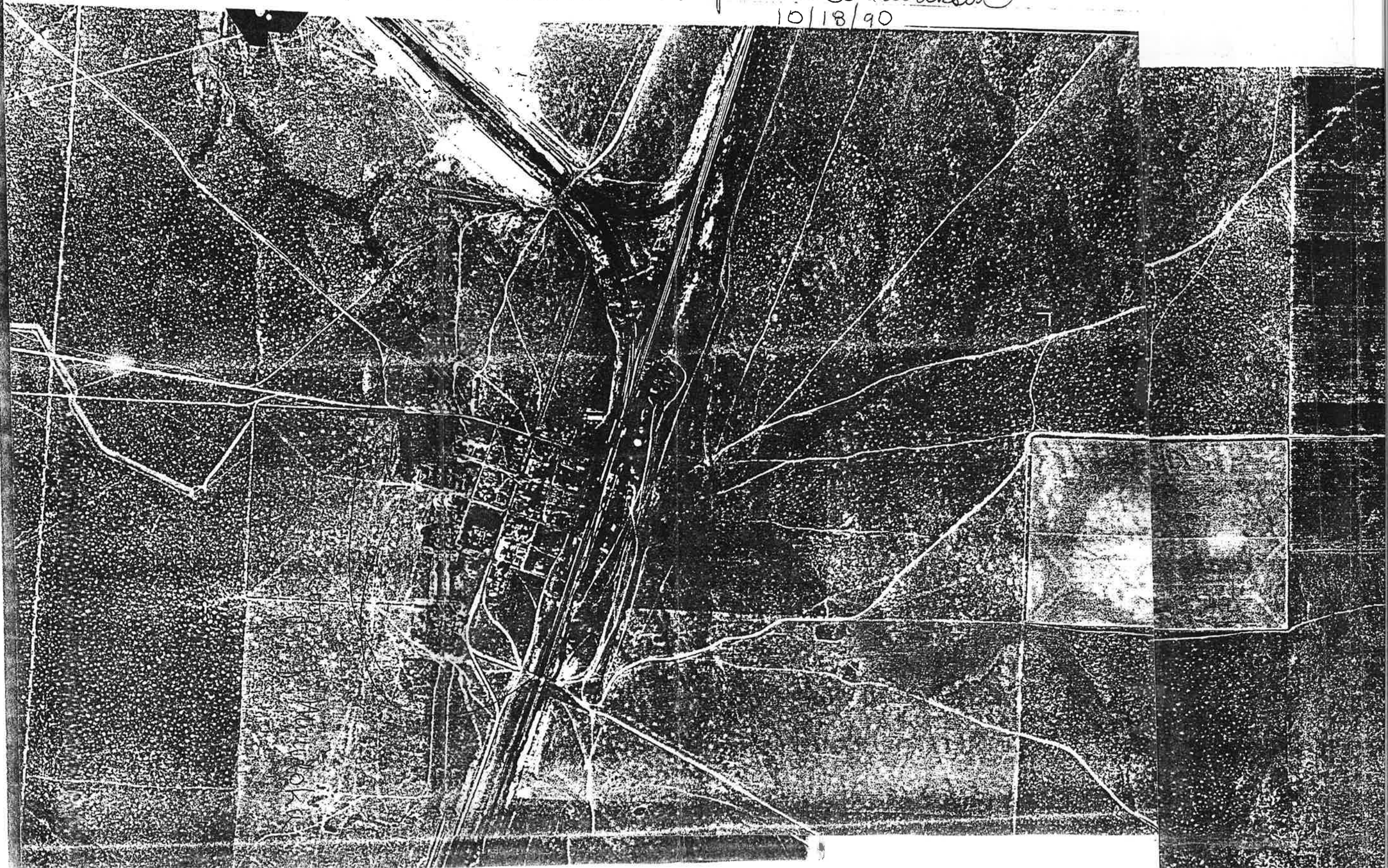
RDL:dmw
Enclosure
cc: Warren Heins

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FEB 08 1993



from: Minidoka County ASCS
Rupert Id 83350

Certifying 1956 Maps
to Anne Frederiksen
10/18/90



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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:
The Duncan Limited Partnership

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. 36-13531

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: The Duncan Limited Partnership

Address: c/o Paul H. Duncan and Kathy F. Duncan
750 East 100 South
Rupert, Idaho 83350

Phone: Work: Home: (208) 436-0502

Briefly describe your interest in this water right:

Objecting party is the claimant to the water right 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, 1979.

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.

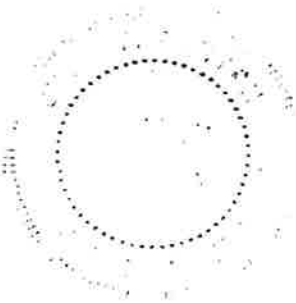
Signature of person filing objection

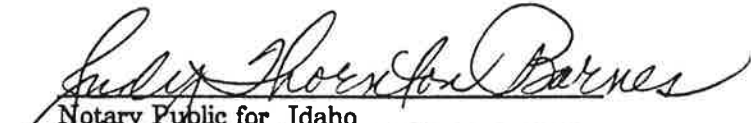


Roger D. Ling
Attorney signing in representative capacity

Subscribed and sworn to before me on: _____

Oct. 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:

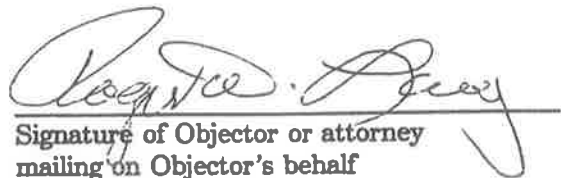
Name: The Duncan Limited Partnership
Address: c/o Paul and Kathy Duncan
750 East 100 South
Rupert, ID 83350

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

Department of Water Resources
Adjudication Bureau

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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

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)

Department of Water Resources
Southern Region
RECEIVED
OCT 31 1997
OFFICE OF THE
ATTORNEY GENERAL

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. 36-13531

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 THE DUNCAN LIMITED
PARTNERSHIP'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

MAIL9413



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: The Duncan Limited Partnership

Address: c/o Paul H. Duncan and Kathy F. Duncan
750 E. 100 South
Rupert, Idaho 83550

- 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 The Duncan Limited Partnership'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 am 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 Breeding)

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

JULIE BEST-GILSTER
☆ NOTARY PUBLIC ☆
STATE OF IDAHO

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.

Henry R. Boomer
Notary Public for Idaho
Residing at: American Falls, Idaho
My commission expires: 1/14/98



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: The Duncan Limited Partnership
Address: c/o Paul H. Duncan and Kathy F. Duncan
750 E. 100 South
Rupert, Idaho 83550

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

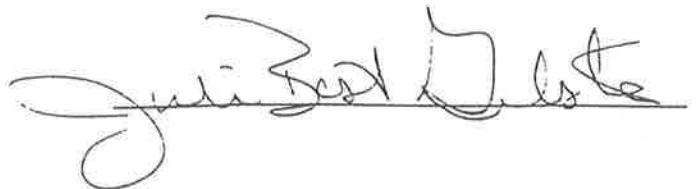
Name: Roger D. Ling
Address: Ling, Nielsen & Robinson
615 H Street, P.O. Box 396
Rupert, ID 83350

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

A handwritten signature in dark ink, appearing to read "Julie Best", is written over a horizontal line.

IDAHO DEPARTMENT OF WATER RESOURCES

(Orig)
36-02066A, 36-02098, 36-02469D,
36-02469E, 36-02678, 36-07294,
36-13531, 36-15458



1320 0 1320 2640 3960 5280 Feet

TNS 7S, RNG 25E, SEC 23, 25, 26, 34



⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE



SECTION LINES &/OR TRACT LINES



QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY STEVE CLELLAND

1997 AUG -8 PM 1:36

FILED
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	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDINGS
Case No. 39576	)	
	)	SUBCASE NOS. 36-02066A, 36-02098,
	)	36-02469D, 36-02469E, 36-02678,
	)	36-07294, 36-13531, 36-15458

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

Elise Heins
Warren H Heins
Rt 3 Box 220
Rupert ID 83350

Phone: 531-5348

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

The Duncan Limited Partnership
Paul H Duncan
Kathy F Duncan
750 E 100 S
Rupert ID 83350
Phone: 436-1214

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 2/10/97

T. Jones
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8-8, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Elise Heins
Warren H Heins
Rt 3 Box 220
Rupert ID 83350
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
The Duncan Limited Partnership
Paul H Duncan
Kathy F Duncan
750 E 100 S
Rupert ID 83350
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

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

DATE: AUG-6-1997

PAGE: A-8

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-13531

NAME & ADDRESS: THE DUNCAN LIMITED PARTNERSHIP
PAUL H DUNCAN
KATHY F DUNCAN
750 E 100 S
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.42 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02098 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.00 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1364 AF.

PRIORITY DATE: 04/01/1979

POINT OF DIVERSION: T07S R25E S25 SWNESW Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.42 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T07S R25E S25	NENW 35	NWNW 29	SWNW 40	SENE 39
		NESW 39	NWSW 40	SWSW 40	SESW 39
		SWSE 40			
	341 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 36 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 36-02098 IS LIMITED TO THE IRRI-
GATION OF A COMBINED TOTAL OF 341 ACRES IN A SINGLE IRRIGATION
SEASON.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02098 PURSUANT TO
IDAHO CODE 42-1426.
RIGHT NO. 36-02098 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.



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

August 8, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

THE DUNCAN LIMITED PARTNERSHIP
PAUL H DUNCAN
KATHY F DUNCAN
750 E 100 S
RUPERT ID 83350

RE: SRBA Claim(s) 36-02066A, 36-02098, 36-02469D, 36-02469E,
36-02678, 36-07294, 36-13531, 36-15458

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: Roger D. Ling Esq.



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
GOVERNOR

December 17, 1996

KARL J. DREHER
DIRECTOR

PAUL H DUNCAN AND
KATHY F DUNCAN AND
JACK F DUNCAN AND
JANET H DUNCAN
RT 1 BOX 364
RUPERT ID 83350

RECEIVED
FEB 12 1997

Department of Water Resources
Southern Region

RE: Snake River Basin Adjudication (SRBA)
Minidoka County - Notices of Claim #36-02062, 36-02066A,
36-02098, 36-02099, 36-02100, 36-02109, 36-02141,
36-02143, 36-02221, 36-02446, 36-02447, 36-02469D,
36-02469E, 36-02678, 36-07294, 36-07356, 36-13527,
36-13529, 36-13531, 36-13550 and 36-13458
Ownership Change

Dear Claimants:

As you know, the title company assisted you with some documents dealing with changing the ownership of water rights. Those documents were sent to the SRBA Court who in turn forwarded the Standard Forms 3 you completed to our office. In mid-1996 the Court altered the procedure placing the Department in the 'gate-keeper' role. Before we can make any changes, we must have a copy of the recorded Warranty Deeds to confirm the conveyance and legal descriptions.

Upon receipt of the Deed copies, the water right claim records will be reviewed and changed. Notice of the change will be sent to the SRBA Court, to you and any other necessary parties to the water right cases.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your water right claims.

Please contact this office toll-free at 1/800-451-4129 if you have any questions.

Sincerely,

Idaho Department of Water Resources
Adjudication Bureau

SO:ss:region:tf

VERIFIED BY

AJ0749NP
No. R36-13531

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/04/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THE DUNCAN LIMITED PARTNERSHIP	04/01/1979	IRRIGATION	04-01 10-31	0.42 CFS	
C	PAUL H DUNCAN					
C	KATHY F DUNCAN					
	750 E 100 S					
	RUPERT ID 83350					
	(208) 436-1214					
				TOTAL DIVERSION:	0.42 CFS	
D	ELISE HEINS					
D	WARREN W HEINS					
	RT 3 BOX 220					
	RUPERT ID 83350					
	(208) 531-5348					

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R25E S25 SWNESW

MINIDOKA County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE										
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:		
07S	25E	25	:					:					:					:					:		
			:					:	35	29	40	39	:	39	40	40	39	:			40		:	341.0	
																							TOTAL ACRES		341.0

POU County: MINIDOKA

Other Rights: 36-02098

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 36-02098 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.00 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1364 AF.

POU THIS RIGHT IS LIMITED TO THE IRRIGATION OF 36 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-02098 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 341 ACRES IN A SINGLE IRRIGATION SEASON.

EXP THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02098 PURSUANT TO
IDAHO CODE 42-1426.
RIGHT NO. 36-02098 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date: 08/04/1997 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: E

AJ0749NP
No. R36-13531

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/04/97
PAGE: 2

=====

Comments: Date: 08/23/1991 User-ID: CLELLAND Subject: DATE OF PRIORITY & EXPANSION
PRIORITY DATE PROVEN WITH OPQ AA81 DATED 1979. EVIDENCE SUBMIT-
TED WAS NOT PROOF OF DATE CLAIMED. DIVERSION OF ADDITIONAL WATER
TO USE HAS NOT BEEN ESTABLISHED OR PROVEN. IF USED, IT WAS
DEVELOPED AFTER THE 1968 IRRIGATION SEASON (SEE TRANS. 1099) AND
REQUIRES APPLICATION FOR PERMIT TO BE FILED. SEE MEMO IN FILE.

Date: 09/17/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/17/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 8/26/91. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/16/1992 User-ID: MERRITT Subject: RESPONDED TO NOE
LETTER SENT 10/16. NO CHANGE.

Date: 03/14/1994 User-ID: FRAZEE Subject: NOTICE OF APPEARANCE (NOA)
NOA REC'D 2/17/94 FROM ATTORNEY ROGER D LING

Date: 07/02/1997 User-ID: SCLELLAN Subject: NAME CHANGE
FORMS AND DEEDS SUBMITTED BY DUNCANS CONFIRM CHANGE OF OWNERSHIP.

Audit: 08/04/97 SCLELLAN

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-13531

NAME & ADDRESS: THE DUNCAN LIMITED PARTNERSHIP
PAUL H DUNCAN
KATHY F DUNCAN
750 E 100 S
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.42 CFS

PRIORITY DATE: 04/01/1979

POINT OF DIVERSION: T07S R25E S25 SWNES Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.42 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County		
	T07S R25E S25	NENW 35	NWNW 29	SNNW 40
		NESW 39	NWSW 40	SENN 39
		SWSE 40		
	341 ACRES TOTAL			

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 36 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02098 PURSUANT TO IDAHO CODE 42-1416(2).

RIGHT NO. 36-02098 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 36-02098 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.00 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1364 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1023 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 341 ACRES IN A SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

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

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

SUBCASE NOS. 36-02066A, 36-02098,
36-02469D, 36-02469E, 36-02678,
36-07294, 36-13531, 36-15458

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

Elise Heins
Warren H Heins
Rt 3 Box 220
Rupert ID 83350

Phone: 531-5348

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

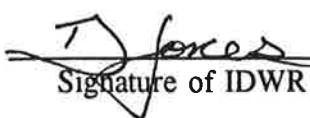
The Duncan Limited Partnership
Paul H Duncan
Kathy F Duncan
750 E 100 S
Rupert ID 83350

Phone: 436-1214

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 2/10/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on _____, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Elise Heins
Warren H Heins
Rt 3 Box 220
Rupert ID 83350
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
The Duncan Limited Partnership
Paul H Duncan
Kathy F Duncan
750 E 100 S
Rupert ID 83350
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/02/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THE DUNCAN LIMITED PARTNERSHIP	04/01/1979	IRRIGATION	04-01 10-31	0.42 CFS	
C	PAUL H DUNCAN					
C	KATHY F DUNCAN					
	750 E 100 S					
	RUPERT ID 83350					
	(208) 436-1214					
				TOTAL DIVERSION:	0.42 CFS	
D	ELISE HEINS					
D	WARREN W HEINS					
	RT 3 BOX 220					
	RUPERT ID 83350					
	(208) 531-5348					

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R25E S25

SWNESW

MINIDOKA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07S	25E	25	:					:	35	29	40	39	:	39	40	40	39	:			40		:	341.0
																						TOTAL ACRES		341.0

POU County: MINIDOKA

Other Rights: 36-02098

Remarks: GEN

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 36 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02098 PURSUANT TO IDAHO CODE 42-1416(2) ²⁶ RIGHT NO. 36-02098 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. USE OF THIS RIGHT WITH RIGHT NO. 36-02098 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.00 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1364 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1023 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 341 ACRES IN A SINGLE IRRIGATION SEASON.

THE) pou
TO) exp
CP
D) QWT
F A) pou

8/4/97

Dates: Exam Made Date: 06/07/1991

Verified Date:

Objection Filed Date: 04/29/1993

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag: E

AJ0749NP
No. 36-13531

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/02/97
PAGE: 2

=====
Comments: Date: 08/23/1991 User-ID: CLELLAND Subject: DATE OF PRIORITY & EXPANSION
PRIORITY DATE PROVEN WITH OPQ AA81 DATED 1979. EVIDENCE SUBMIT-
TED WAS NOT PROOF OF DATE CLAIMED. DIVERSION OF ADDITIONAL WATER
TO USE HAS NOT BEEN ESTABLISHED OR PROVEN. IF USED, IT WAS
DEVELOPED AFTER THE 1968 IRRIGATION SEASON (SEE TRANS. 1099) AND
REQUIRES APPLICATION FOR PERMIT TO BE FILED. SEE MEMO IN FILE.

Date: 09/17/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/17/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 8/26/91. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/16/1992 User-ID: MERRITT Subject: RESPONDED TO NOE
LETTER SENT 10/16. NO CHANGE.

Date: 03/14/1994 User-ID: FRAZEE Subject: NOTICE OF APPEARANCE (NOA)
NOA REC'D 2/17/94 FROM ATTORNEY ROGER D LING

Date: 07/02/1997 User-ID: SCLELLAN Subject: NAME CHANGE
FORMS AND DEEDS SUBMITTED BY DUNCANS CONFIRM CHANGE OF OWNERSHIP.

Audit: 07/02/97 SCLELLAN



NOTICE OF

NEW PROPERTY OWNER
CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DEC 06 1996

DATE OF CLOSING: 10-18-96

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Department of Water Resources
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet. SEE ATTACHED QUITCLAIM DEED
FOR LEGAL DESCRIPTION

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: 36-02066A #36-02098 #36-024690 #36-02469E #36-13531
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): JACK F. DUNCAN AND JANET H. DUNCAN, husband and wife
- ☐ New Owner/Claimant (Purchaser): THE DUNCAN LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP
- ☐ New Mailing Address: 750 East 100 South
RUPERT, ID. 83350
- ☐ New Telephone Number: (208) 436-1214
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
- ☐ Attach proof of ownership, describe proof attached: QUITCLAIM DEED
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s) THE DUNCAN LIMITED PARTNERSHIP Date _____
by Jack F. Duncan GENERAL PARTNER Date 11-15-96
- ☐ Signature of Former Owner/Claimant(s): Janet H. Duncan Date 11-15-96
Jack F. Duncan Date 11-15-96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 7/2/97 By: gcu

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

QUITCLAIM DEED

#10684

COPY

For Value Received

JACK F. DUNCAN and JANET H. DUNCAN, husband and wife

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

THE DUNCAN LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP
750 East 100 South Rupert, Idaho 83350

Hereinafter called the grantee, the following described premises, in MINIDOKA County, Idaho to-wit:

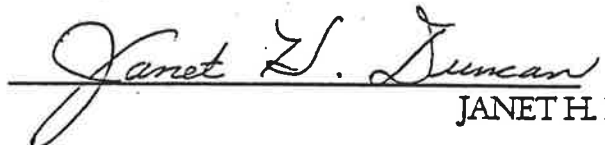
SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: October 18, 1996



JACK F. DUNCAN



JANET H. DUNCAN

STATE OF IDAHO)
)
COUNTY OF MINIDOKA)

On this 18th day of OCTOBER, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared JACK F. DUNCAN AND JANET H. DUNCAN, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public
Residing at: Rupert, Id.
My Commission expires: 5-1-99

STEVE B. PORCH
★ NOTARY PUBLIC ★
STATE OF IDAHO
RESIDING AT RUPERT, ID
MY COMMISSION EXPIRES 5-1-99

427017
RECORDED AT REQUEST OF
Land Title-Rupert
FILM NO. _____
96 NOV 15 15 : 40
MINIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
FILE 9 DEPUTY 

Order No.: 10684

AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE FOLLOWING
DESCRIBED PARCELS:

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 34: NE¼.

PARCEL NO. 2:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 19: E½, SAVE AND EXCEPT the following described tract:

Beginning at the Northeast corner of said Section 19; thence South for 41¼ rods
to the TRUE POINT OF BEGINNING;
Thence West for 15 rods;
Thence South for 15 rods;
Thence East for 15 rods;
Thence North for 15 rods to the POINT OF BEGINNING.

SECTION 20: W½.

PARCEL NO. 3:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 16: All.

PARCEL NO. 4:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 17: NE¼ and S½;

SECTION 35: NE¼;

SECTION 36: SAVE AND EXCEPT the following described tract:

Beginning at the Northeast corner of Section 36, said corner marked by a U.S.
GLO iron pipe with brass cap which shall be the POINT OF BEGINNING;
Thence South 00°05'00" East along the East line of Section 36 for 2639.97 feet
to a 5/8 inch rebar alongside a bent U.S. GLO iron pipe;
Thence South 00°14'25" East along the East line of Section 36 for 2628.09 feet
to a 5/8 inch rebar at the Southeast corner of Section 36;
Thence North 88°56'38" West along the South line of Section 36 for 1982.66
feet to a point;
Thence North 01°02'58" East for 37.49 feet to a ½ inch rebar;
Thence North 01°02'58" East for 1239.35 feet to a ½ inch rebar;
Thence North 89°03'28" East for 78.68 feet to a ½ inch rebar;
Thence North 00°10'53" West for 47.21 feet to a ½ inch rebar;
Thence North 78°47'40" West for 272.35 feet to a ½ inch rebar;
Thence North 00°15'49" West for 1122.27 feet to a ½ inch rebar;
Thence North 43°54'39" West for 52.13 feet to a ½ inch rebar;
Thence North 89°43'54" West for 561.95 feet to a ½ inch rebar;
Thence North 64°50'51" West for 69.79 feet to a ½ inch rebar;
Thence North 50°17'16" West for 200.49 feet to a ½ inch rebar;
Thence North 89°43'41" West for 874.35 feet to a ½ inch rebar;
Thence North 00°55'56" East for 1270.63 feet to a ½ inch rebar;
Thence South 88°50'12" East for 973.71 feet to a ½ inch rebar;
Thence North 01°11'23" East for 1333.41 feet to a ½ inch rebar on the North
line of Section 36;
Thence South 88°52'57" East along the North line of Section 36 for 166.05 feet
to a 5/8 inch rebar at the North quarter section corner of Section 36;
Thence South 88°52'57" East along the North line of Section 36 for 2640.32 feet
to the POINT OF BEGINNING.

EXHIBIT "A"
(CONTINUED)

PARCEL NO. 5:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 23: S½;
SECTION 24: W½SW¼;
SECTION 25: W½, SW¼SE¼;
SECTION 26: All.

PARCEL NO. 6:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 27: NW¼, SAVE AND EXCEPT the following described tract:

Beginning at the Northwest corner of Tract A in said Section 27, said corner marked by a U.S. Bureau of Reclamation pipe with brass cap which shall be the POINT OF BEGINNING;
Thence North 0°01'00" West along section line for 17.00 feet to a point;
Thence South 89°16'31" East for 391.49 feet to a point;
Thence South 0°01'00" East for 17.00 feet to a ½ inch rebar on the North line of Tract A;
Thence North 89°16'31" West along the North line of Tract A for 391.49 feet to the POINT OF BEGINNING.

PARCEL NO. 7:

TOWNSHIP 8 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 5: Farm Unit F, Tract F of the North Side Pumping Division of the Minidoka Project, Idaho, (as shown by plat, dated July 22, 1954, filed in the office of the County Recorder, Minidoka County, Idaho).

PARCEL NO. 8:

An Easement and road right-of-way for the purpose of ingress and egress as created by Agreement for Easement And Right-Of-Way, recorded January 23, 1973 as Document 230321, Minidoka County records, said Easement described, as:

Beginning at a point 8.78 chains South 0°11' East of the West ¼ corner of Section 5, Township 8 South, Range 24 East, Boise Meridian; Thence South 78°31' East for 10.25 chains; Thence South 72°55' East for 9.46 chains; Thence South 67°41' East for 30 feet; Thence South 22°19' West for 30 feet; Thence North 67°41' West for 30 feet; Thence North 72°55' West for 9.46 chains; Thence North 78°31' West for 10.25 chains to a point on the West section line of said Section 5; Thence North along the said West section line of Section 5 for 30 feet to the POINT OF BEGINNING.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DEC 06 1996

DATE OF CLOSING: 9-12-96

Department of Water Resources
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet. SEE ATTACHED WARRANTY DEED
FOR LEGAL DISCRIPTION

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)

Assigned by IDWR:

#36-02066A ✓ #36-02098 ✓ #36-024690 ✓ #36-02469E ✓ #36-13531 ✓

☐ Name and Address of Former Owner/Claimant(s)(Seller):

WARREN W. HEINS AND VICKI J. HEINS, husband and wife

☐ New Owner/Claimant (Purchaser):

PAUL H. DUNCAN AND KATHY F. DUCAN, husband and wife
JACK F. DUNCAN AND JANET H. DUNCAN, husband and wife

☐ New Mailing Address:

750 EAST 100 SOUTH
ROUTE #1 BOX 364
RUPERT, IDAHO 83350

☐ New Telephone Number:

() 436-3214

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached:

WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s)

Paul H. Duncan *Kathy F. Duncan* Date 9-17-96
Jack F. Duncan *Janet H. Duncan* Date 9-17-96

☐ Signature of Former Owner/Claimant(s):

Warren W. Heins Date 9-17-96
Vicki J. Heins Date 9-17-96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 7/2/97 By: scu

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

#10684

426065

For Value Received

GREGORY W. HEINS and CRISTI K. HEINS, husband and wife
AND CLAUDE, INC. an Idaho Corporation

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

JACK F. DUNCAN and JANET H. DUNCAN husband and wife AND PAUL H.
DUNCAN and KATHY F. DUNCAN, husband and wife
Address: 750 EAST 100 SOUTH RUPERT, IDA. 83350

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

See attached Exhibit "A"

Together with all water and water rights, ditches or ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

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

Taxes for 1996 and subsequent years.

A Power Line easement dated February 25, 1972 and recorded October 26, 1972 as Document No. 228438 Minidoka County records.

A Power Line Easement dated February 25, 1972 and recorded October 26, 1972 as Document No. 228439 Minidoka County records.

Exceptions and reservations in Special Warranty Deed and Bill of Sale dated December 8, 1988 and recorded December 22, 1988 as Document No. 382905 Minidoka County records, and transferred by Quitclaim Deed dated March 13, 1989 and recorded March 19, 1989 as Document No. 384320, Minidoka County records.

An Easement Agreement For Ingress And Egress dated March 27, 1989 and recorded March 27, 1989 as Document No. 384419, Minidoka County records.

Terms and conditions of an unrecorded Contract of Sale dated December 13, 1988 held at the Rupert office of Land Title & Escrow, Inc.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: September 9, 1996

Gregory W. Heins
Gregory W. Heins

Cristi K. Heins
Cristi K. Heins

CLAUDE INC.

BY: Gregory W. Heins President
Gregory W. Heins, President

STATE OF Canada)

DISTRICT OF ^{) ss.} M.D. BIRCH HILLS #19

On this 10 day of September, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Gregory W. Heins and Cristi K. Heins, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

MARVIN LASCHOWSKI
Notary Public
Residing at:
My Commission expires: FEB. 26, 1998

STATE OF Canada)

DISTRICT OF ^{) ss.} M.D. Birch Hills #19

On this 10 day of September, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Gregory W. Heins, known or identified to me to be the President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

MARVIN LASCHOWSKI
Notary Public
Residing at:
My Commission expires: FEB. 26, 1998

426065

RECORDED AT REQUEST OF
Land Title-Rupert
FILM NO.

'96 SEP 17 16 : 45
BIRIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
FEE 12 DEPUTY

Under section 3 of the Commissioners For Oaths Act, R.S.A. 1980 chapter C-19,

LASCHOWSKI, MARVIN ERNIE
of **GRAND CENTRE**

is appointed a Commissioner For Oaths in and for the Province of Alberta.

Effective Date

February 26, 1995

Expiry Date

February 26, 1998

LASCHOWSKI, M
ALBERTA WHEAT POOL
P. O. BOX 476
GRAND CENTRE, AB
T0A 1T0

028637

Appointee # **0647753**

Alberta
JUST


Department of Justice

For Value Received

**WARREN W. HEINS AND VICKI J. HEINS, husband and wife, and
ELISE HEINS, a single person**

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

**GREGORY W. HEINS AND CRISTI K. HEINS, husband and wife,
Address: Box 117, TANGENT, AB. T0H3J0, CANADA**

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

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH all water and water rights, which in this case includes Water Right No. 36-02066A.

SUBJECT TO:

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

Taxes for 1996 and subsequent years.

A Power Line Easement, dated February 25, 1972, executed by Morgan & Shillington Corp., to Idaho Power Company, a corporation, recorded October 26, 1972 as Document No. 228438, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress.

A Power Line Easement, dated February 25, 1972, executed by Morgan & Shillington Corp., to Idaho Power Company, a corporation, recorded October 26, 1972 as Document No. 228439, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress.

Exceptions and Reservations in Special Warranty Deed and Bill of Sale, dated December 8, 1988, executed by The Travelers Insurance Company, a Connecticut corporation, to Warren W. Heins and Elise Heins, husband and wife, recorded December 22, 1988 as Document No. 382905, Minidoka County records, which recites: "EXCEPTING THEREFROM AND RESERVING UNTO THE GRANTOR an undivided one-half interest in all of the minerals and mineral rights on, in or under said described real property".

TRANSFERRED BY QUITCLAIM DEED, dated March 13, 1989, between The Travelers Insurance Company, a Connecticut Corporation, and The Prospect Company, a Delaware corporation, recorded March 19, 1989 as Document No. 384320, Minidoka County records.

An Underground Power Line Easement, dated June 24, 1994, executed by Split Butte Ranch, Inc., to Idaho Power Company, a corporation, recorded December 16, 1994 as Document No. 416211, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: September 12, 1996

Warren W. Heins
WARREN W. HEINS

Elise Heins
ELISE HEINS

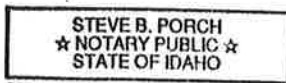
Vicki J. Heins
VICKI J. HEINS

STATE OF IDAHO

)
ss.
)

COUNTY OF MINIDOKA

On this 17th day of September, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared WARREN W. HEINS, VICKI J. HEINS and ELISE HEINS, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Steve B. Porch
Notary Public
Residing at: Rupert, Idaho
My Commission expires: 5/1/99

EXHIBIT "A"

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 26: N¼

Page (2) of (2)

RECORDED AT REQUEST OF
Land Title Trust
FILM NO. _____
'96 SEP 17 16 : 44
MINIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDED
FEE 6 DEPUTY JS

426064



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
GOVERNOR

December 17, 1996

KARL J. DREHER
DIRECTOR

PAUL H DUNCAN AND
KATHY F DUNCAN AND
JACK F DUNCAN AND
JANET H DUNCAN
RT 1 BOX 364
RUPERT ID 83350

DEC 20 1996

Department of Water Resources
Southern Region

RE: Snake River Basin Adjudication (SRBA)
Minidoka County - Notices of Claim #36-02062, 36-02066A,
36-02098, 36-02099, 36-02100, 36-02109, 36-02141,
36-02143, 36-02221, 36-02446, 36-02447, 36-02469D,
36-02469E, 36-02678, 36-07294, 36-07356, 36-13527,
36-13529, 36-13531, 36-13550 and 36-13458
Ownership Change

Dear Claimants:

As you know, the title company assisted you with some documents dealing with changing the ownership of water rights. Those documents were sent to the SRBA Court who in turn forwarded the Standard Forms 3 you completed to our office. In mid-1996 the Court altered the procedure placing the Department in the 'gate-keeper' role. Before we can make any changes, we must have a copy of the recorded Warranty Deeds to confirm the conveyance and legal descriptions.

Upon receipt of the Deed copies, the water right claim records will be reviewed and changed. Notice of the change will be sent to the SRBA Court, to you and any other necessary parties to the water right cases.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your water right claims.

Please contact this office toll-free at 1/800-451-4129 if you have any questions.

Sincerely,

Idaho Department of Water Resources
Adjudication Bureau

SO:ss:region:tf

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

September 9, 1996 11:14am

CUSTOMER

STEVE PORCH/LAND TITLE-BURLEY

SUBJECT: PROFILE REPORTS

phone call (X) walk-in (.)

He FAXed a request for AJ Profile Reports for the following claim numbers:

Rancho Verde, Inc 36-02062
36-02099
36-02100
36-02221
36-13527

Split Butte Ranch, Inc 36-02109
36-02141
36-02142B
36-02143
36-02446
36-02447
36-07356
36-13529
36-13530

Gregory & Cristi Heins 36-02678
36-07294
36-15458

Warren & Elise Heins 36-02066A
36-02098
36-02469D
36-02469E
36-13531

MICROFILMED
DEC 5 1996

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED
OCT 20 1994

RECEIVED

MAR 15 1994
Department of Water Resources
Southern Region Office

RECEIVED

FEB 17 1994
Department of Water Resources
Adjudication Bureau

Movant's Name: Warren W. and Elise Heins
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

Subcase No. 36-13531

Case No. 39576

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

CM dk
Added NOA Comment
& Modified Blank.
2/3-14-94

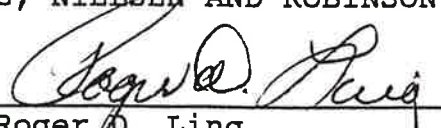
This document is a Notice of Appearance by Roger D.
Ling of the firm of Ling, Nielsen and Robinson on behalf of
Warren W. and Elise Heins.

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE, that Roger D. Ling of the firm
of Ling, Nielsen and Robinson hereby enters an appearance of
the firm as the attorneys of record in the subcase listed above
for Warren W. and Elise Heins.

DATED this 16th day of February, 1994.

LING, NIELSEN AND ROBINSON

By: 
Roger D. Ling
Attorney for Warren W. and
Elise Heins

NOTICE OF APPEARANCE - 1

MICROFILMED
OCT 20 1994

LING, NIELSEN & ROBINSON

ATTORNEYS AT LAW

RUPERT, IDAHO 83350

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CERTIFICATE OF MAILING

I hereby certify that on the 16th day of February, 1994, I served a true and correct copy of the NOTICE OF APPEARANCE upon:

Original to:

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

Copies to:

Nicholas B. Spencer
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

Greg Heins
Route 3, Box 225
Rupert, Idaho 83350

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to said persons at the foregoing addresses.


Roger D. Ling

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

In Re the General Adjudication)
of the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 36-13531 -0001

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

MICROFILMED
OCT 20 1994

2. Person who filed objection:

Name: GREG HEINS
Address: RT 3 BOX 225
RUPERT ID 83350

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
3. ☒ Quantity: I respond to the objection concerning:
- 3c. ☒ The total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I respond to the objection concerning the priority date.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1, and all allegations regarding this item, IDWR responds as follows: No notice of change of ownership has been filed with IDWR by the owner of the right as required by Idaho Code Sec. 42-1409(7). IDWR therefore lacks sufficient information to form a belief as

to the truth of the matter asserted. Upon the filing of a notice of change of ownership, IDWR will correct the name and address of the owner of this water right accordingly. The claimant may also need to file a Standard Form 3 with the SRBA Court.

In response to Statement of the Objection item 3, and all allegations of the objection regarding that item, IDWR responds as follows: It recommended the amount of water it determined was being beneficially used. The claimant is not entitled to any amount greater than that which is beneficially used. Idaho Code Sections. 42-104 and 42-1402.

In response to Statement of the Objection items 3 and 3c., and all allegations of the objection regarding that item, IDWR responds as follows: Since this water right is not a federal reserved water right, this objection item is inapplicable and the claimant's assertion of it is in error. IDWR further responds that under Idaho law water cannot be reserved for future use, but must be appropriated and put to beneficial use before the user can acquire a water right.

In response to Statement of the Objection item 4, and all allegations of the objection regarding that item, IDWR responds as follows: This right was claimed and recommended based on beneficial use as an expansion of a licensed right. Idaho Code Section 42-1416(2) provides that the priority date for such expansion rights is the date "of the completion of the expansion..." rather than the priority date of the licensed right. Therefore, IDWR recommended the date of completion of the expansion as the priority date and not the priority date of the original license as is requested by the claimant.

In response to Statement of the Objection item 8, and all allegations of the objection regarding this item, IDWR responds as follows: Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR's irrigation season of use standards have evolved over time as better technical information has become available. A necessary consequence of this is that, depending on when a particular license was issued, water rights in the same area have been licensed inconsistently, some licenses being issued with different lengths of season listed and some being issued with no season of use listed. To remedy this problem IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this

(Over)

MICROFILMED
OCT 20 1994

water right is located. The director's report does not prohibit pre-season or post-season irrigation; subject to the conditions set forth in general provision 12b of the director's report, water may be used for irrigation outside the standard season of use.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

No. of
Pages

Notice of Claim No. A36-13531

3

VERIFICATION (Must be Completed)

State of IDAHO

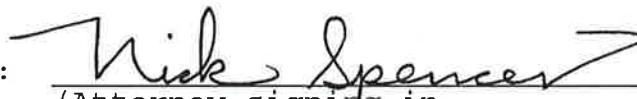
County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

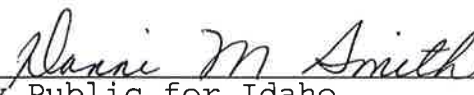
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing response

By: 
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 10th day of September,
1993.



Notary Public for Idaho
Residing at: _____
My Commission expires: _____

Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 10TH day of SEPTEMBER, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

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

2. One copy to the owner of the water right, and you must fill in the following information:

Name: ROGER D LING
Address: PO BOX 396
RUPERT ID 83350

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: GREG HEINS
Address: RT 3 BOX 225
RUPERT ID 83350

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number A36-13531
Date Received 10-12-1989
Receipt Number 5010067 40~

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 12 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Warren W. and Elise Heins Phone (208) 531-5348
Mailing Address Rt. 3, Box 220, Rupert, Idaho Zip 83350
2. Date of Priority (Only one (1) per claim) April 1, 1961
3. Source of water supply (a) groundwater
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 7S Range 25E Section 25,
_____ 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Minidoka
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 300' well with 200 H.P. pump and
motor, 75 H.P. booster pump, mainlines and wheel lines.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from Mar. 1 to Nov. 1 amount 5.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 5.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 990.6 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	25E	25					25	25	40	40	40	40	40	40			40		330

Total number of acres irrigated 330

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 X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
36-02098A and 36-02098B (350 acres) or None ()

14. Remarks:
This claim is for an expanded use of the above licenses and a
claim for a constitutional right by diversion and application to
beneficial use.

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Last Name Heins Ident No. _____

Copies: White State, Yellow-Claimant
00720 WVA

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) Wayne W. Heins Date October 11, 1989

Shirley Heins Date October 11, 1989

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Minidoka) SS.

Subscribed and sworn (or affirmed) before me this 11th day of October 19 89

SEAL

Notary Public Rogers D. Ling

Residing at Rupert, Idaho

My Commission Expires 10/30/94

Please Print Name

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 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 Rogers D. Ling

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

Date October 11, 1989

Last Name Heins Ident. Number _____

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Copies White-State, Yellow-Claimant

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

WARREN HEINS
GREG & CRISTI HEINS

2. SUBJECT OF INQUIRY:

They called to set up an appointment to get copies and review all their SRBA claims on file with the Court. They came in and asked for these copies and objection forms.

3. RESPONSE TO INQUIRY:

On the phone I told Cristi Heins, I cannot discuss the recommendations or objections; I can explain the process of the adjudication.

When they came in I explained this is a lawsuit and is operated under certain legal rules and procedures. Since I am not a lawyer I am unable to give this or other information which might be legal advice.

I gave them ^{PROFILE} copies of the recommended rights and the claims record. I explained the differences between Total Volume and Consumptive Volumes. I showed them the map published by IDWR listing these values and the season of use.

I gave them 22 objection forms and explained I cannot assist in completing them. They also got a handout explaining D+S special procedure for late filing after the DReport.

4. IDWR STAFF AND DATE:

Steve Clelland

4-9-93

Print name and initial

STEVE CLELLAND

SC

(22) WATER RIGHT CLAIM (Nos.):

A36-7294, A36-7356
A36-13527, A36-13529
A36-13530, A36-13531
A36-15458

A36-2026, A36-2066A, A36-02098, A36-2099,
A36-2100, A36-2109, A36-2141, A36-2142B,
A36-2143, A36-2221, A36-2446, A36-2447,
A36-2469D, A36-2469E, A36-2678

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AUG 28 1994

RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

A35809NP
Case No. 36-13531
(You must insert the
water right number you
are objecting to)

OBJECTION

36-13531 -0001/
93-04-0444

INSTRUCTIONS

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

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

OBJECTION - 1

(Over)

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Greg HEINS
Address: ROUTE 3, BOX 225
RUPERT, ID 83350

Briefly describe your interest in this water right:

Assistant manager of Farm

2. Owner of the water right:

Name: Warren W. Heins
Address: RT#3 Box 220
Rupert, Idaho 83350

3. If this objection is filed by an attorney:

Attorney Name: _____
Attorney Address: _____

Attorney Phone No.: _____

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

II. STATEMENT OF THE OBJECTION

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

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☒ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of Use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. ☐ Remarks: I object to the "remarks" listed with the water right.

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

REASONS SUPPORTING EACH BOX CHECKED

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

- # 8- WE typically are farming & irrigating ~~this time~~ in MARCH. and need to be able to irrigate when we need too.
- #1. Warren and Elise Heins are Divorced and Warren now owns the Farm.
- 3-C- Need the 56 CFS as issued in our ^{original} WATER License to irrigate the farm adequately
- 4- IR ^{Priority} Date of 4-01-1961

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.

- 3-C- Change CFS to 56 CFS and 990 AFA Duration as in original ^{WATER} License
- #8. Period of use changed to Period of use From 3-01-11-01
- #1. Warren Heins RT#3 Box 220 Report IDA# 83350
4. Priority Date of 4-01-1961 as in original WATER License

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____

I do have Support Material, please call.

VERIFICATION (Must be Completed)

State of IDAHO

County of minidoka

Gregg Allen, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Gregg Allen
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 26 day of April,
1993.

William J. [Signature]
Notary Public for Idaho
Residing at: Rupert
My Commission expires: 12-3-98

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name:

WARREN W. HEINS

Owner's address:

RT #3 Box 220

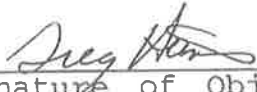
Rupert, IDAHO 83350

3. One copy to:

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

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734


Signature of Objector or attorney
mailing on Objector's behalf

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



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FEB 08 1993

Water Right Number - R36-13531

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***

LING

ROGER D

1 - PO BOX 396

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-000-0000

*** C - CURRENT OWNER ***

HEINS

ELISE

1 - RT 3 BOX 220

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-531-5348

HEINS

WARREN W

1 - RT 3 BOX 220

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-531-5348

+ - - Priority Date - - +

04/01/1979

+ - - Region - - - +

17 SOUTHERN

+ - - Stage - - - +

J - BENEFICIAL USE

+ - - Status - - - +

+ - - Source - - - - +

GROUNDWATER

+ - - Tributary - - - - +

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

+ Tw n R n g S e c T r a c t L o t R f l g C o u n t y

07S 25E 25 SW NE SW (67) MINIDOKA

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

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/01

10/31

0.420

+ - Total Div. Rate - +

0.420

+ - Total Div. Volume - +

+ - Total Consumptive Use - +

0.0

+ - KW Usage - +

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

+ Tw n R n g S e c T r a c t L o t A c r e s C o d e D e s c r i p t i o n C o u n t y

07S	25E	25	NE NW		35.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	NW NW		29.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	SW NW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	SE NW		39.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	NE SW		39.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	NW SW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	SW SW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	SE SW		39.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	SW SE		40.0	01	IRRIGATION	(67) MINIDOKA

Court Report Filing	- 00/00/0000	Field Inspection Made	- 06/07/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/16/1992	Old Judicial District	-

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FEB 08 1993

Water right number - R36-13531

Prefix Translation: RESEARCH

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

Claim Received Date	- 10/13/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S010067	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	- E
				Notice of Error Flag	- B

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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) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

16-Oct-1992 11:03

Warren & Elise Heins
Rt 3 Box 220
Rupert, ID 83350

RE: Heins SRBA 36-13531
Split Butte Ranch SRBA 36-13529 & 36-13530

Dear Mr. & Mrs. Heins:

This letter is in response to the Notice of Error (NOE) you recently filed with IDWR regarding the Director's proposed recommendations of the claims listed above.

Your NOE for 36-13529 questioned IDWR changing an original water right and specifically changing the priority date of 6/7/1951 to that of 3/27/1958. Please understand the record 36-13529 is a claim in the SRBA with a basis of beneficial use. IDWR's responsibility is to confirm such claims and make a recommendation to the court. IDWR's recommendation of the priority date is based on evidence we requested in which your lawyer responded by submitting a drilling log. The log supports a priority date of 3/27/1958. This right will be recommended in the Director's Report as proposed.

Your NOE for 36-13530 questioned IDWR changing the claimed diversion rate of 0.32 cfs to 0.07 cfs. Again this record 36-13530 represents your claim as to the water use. IDWR's recommendation is based on a review of your pump system which determined that the capacity of the pump was 0.07 cfs. This capacity is based on a theoretical calculation using information obtained from you that the pump is a 5 HP pump and pumps water from 290' with 60 psi in the pressure system. Unless you can provide specific pump capacity information this recommendation will remain as proposed.

Your NOE for 36-13531 questioned IDWR changing the claimed priority date and cfs rate. Again this record 36-13531 represents your claim as to the expanded use of the well licensed under 36-02098. IDWR's review of the evidence submitted and records of the IDWR conflict as to supporting a priority date of 4/1/1961. The earliest non-conflicting evidence to support the expanded acres is our orthophoto map with photograph dated 1979. IDWR's recommendation of the cfs rate is based on our understanding of the presumption statute which allows expanded acres. Our understanding is that the base water right diversion rate shall not be increased although acres are

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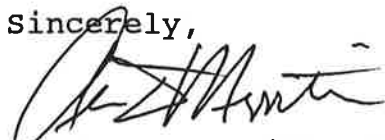
PAGE 2

Oct. 16, 1992

allowed to be expanded. The base right, 36-02098, is for 4.00 cfs recommended for 305 acres. This right is for the 36 additional acres, so as we understand the presumption, when this right and 36-02098 are combined the rate shall not exceed 4.00 cfs. The rate 0.42 was calculated as $[4.00 / (305 + 36) \times 36]$ which represents the 36 acres share of the 4.00 cfs. The recommendation as proposed for this right will remain as proposed.

If you still disagree with IDWR's recommendations you will have an opportunity to file an objection to the Director's report with the court.

Sincerely,



Allen D. Merritt, P.E.
Water Rights Supervisor

CC: Roger Ling, PO Box 396, Rupert, ID 83350

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FEB 08 1993

AUG-24-1992

NOTICE OF ERROR FORM

RECEIVED

SEP 17 1992

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

1. Water right number: 36-13531 and

36-02098

(# 21794)

2. Name:

Warren or Elise Heins
Monogram Farms
Rt. 3 Box 220
Rupert, ID 83350

Address:

MICROFILMED
FEB 08 1993

Weekday Telephone Number: 208-531-5348

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on this copy.)

3. Describe the portion of proposed recommendation with which you disagree:

4. Describe the changes you wish to have made in the proposed recommendation:

5. Describe why you disagree with the proposed recommendation:

6. Date:

Sept. 15, 1992

SIGNATURE

Glenn J. Huns

Secretary

THIS IS A COPY OF YOUR WATER RIGHT AS IDWR PROPOSES TO RECOMMEND IT TO THE DISTRICT COURT*

*THIS IS NOT A FINAL DETERMINATION OF YOUR CLAIM. YOU MUST FILE A NOTICE OF ERROR WITH IDWR IF YOU DISAGREE WITH THE PROPOSED RECOMMENDATION.

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
6-13531	WARREN W HEINS ELISE HEINS RT 3 BOX 220 RUPERT ID 83350	04/01/1972 24/02/1982 3-1-1961	IRRIGATION <i>as per Claim</i>	04-01 10-31 02-02 11-01 <i>3-1-92</i>	0.42 CFS 2400 AFY <i>1.0 CFS</i>	BENEFICIAL USE
TOTAL QUANTITY:					0.42 CFS 2400 AFY	
CONSUMPTIVE USE:					0000 AFY	
SOURCE: GROUNDWATER		TRIBUTARY:				
POINT OF DIVERSION:						
TOTS R25E S25		SWNESE				
PLACE OF USE: IRRIGATION						
TOTS R25E S25		NENE 32.0 NENE 22.0 NWSW 40.0	NNNW 22.0 NNNW 22.0 SWSW 40.0	SWNW 40.0 SESW 22.0 SESW 40.0	SENE 22.0 SENE 40.0 SWSE 40.0	NENE 32.0 NENE 40.0 NENE 40.0

241.0 ACRES TOTAL
1/22000 10000 7000

REMARKS: THIS RIGHT IS LIMITED TO THE IRRIGATION OF 36 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02098 PURSUANT TO IDAHO CODE 42-1416(2).
RIGHT NO. 36-02098 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
USE OF THIS RIGHT WITH RIGHT NO. 36-02098 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.00 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1364 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1023 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 341 ACRES IN A SINGLE IRRIGATION SEASON.

*See attached
Claim of Water
Right*

Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from Mar. 1 to Nov. 1 amount 5.0 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 5.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 990.6 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	25E	25					25	25	40	40	40	40	40	40			40		33

Total number of acres irrigated 330

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 X No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
36-02098A and 36-02098B (350 acres) or None ()

14. Remarks: This claim is for an expanded use of the above licenses and a claim for a constitutional right by diversion and application to beneficial use.

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FEB 08 1993

Last Name Heins Ident No. _____

Copies: White -State, Yellow-Claimant

THIS IS A COPY OF YOUR WATER RIGHT AS IDWR PROPOSES TO RECOMMEND IT TO THE DISTRICT COURT*

***THIS IS NOT A FINAL DETERMINATION OF YOUR CLAIM. YOU MUST FILE A NOTICE OF ERROR WITH IDWR
IF YOU DISAGREE WITH THE PROPOSED RECOMMENDATION.**

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
6-02098 <i>21794</i>	ELISE HEINS WARREN W HEINS RT 3 BOX 220 RUPERT ID 83350	11/24/1950 <i>OK</i>	IRRIGATION	<i>Change Beginning Date</i> 04-01 10-31 08-01 11-01	4.00 CFS	LICENSE
SOURCE: GROUNDWATER					TOTAL QUANTITY: 4.00 CFS	
POINT OF DIVERSION: T07S R25E S25					CONSUMPTIVE USE: 11240 APX	
PLACE OF USE: IRRIGATION T07S R25E S25					TRIBUTARY:	
SWNESE						
NENW 35.0					NENW 29.0	
NENW 22.0					NENW 12.0	
NWSW 40.0					SWSW 40.0	
SWNW 40.0					SESW 39.0	
SENW 39.0					NESW 39.0	
SWSE 40.0						

--341.0 ACRES IRIAL
7780810 40K28 707AK

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO

IDAHO CODE 42-1415A.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 305 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

RIGHT NO. 36-13531 IS AN EXPANSION OF THIS RIGHT PURSUANT TO

IDAHO CODE 42-1416(2).

RIGHT NO. 36-13531 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 36-13531 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.00 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1364 AF, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 1023 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 341 ACRES IN A SINGLE IRRIGATION SEASON.

R PROOF

CVR

MAPS

PHOTOS

MISC

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FEB 08 1993

Water Right Number - R36-13531

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
HEINS

WARREN W.

1 - RT 3 BOX 220

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-531-5348

HEINS

ELISE

1 - RT 3 BOX 220

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-531-5348

*** A - ATTORNEY ***
LING

ROGER D.

1 - PO BOX 396

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-000-0000

+ - - Priority Date - - +
04/01/1979+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
J - BENEFICIAL USE

+ - - Status - - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 25E 25 SW NE SW (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

03/15

11/15

0.420

+ - Total Div. Rate - + + - Total Div. Volume - +
0.420+ - Total Consumptive Use - + + - KW Usage - +
0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

07S	25E	25	NE NW		35.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	NW NW		29.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	SW NW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	SE NW		39.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	NE SW		39.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	NW SW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	SW SW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	SE SW		39.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	25	SW SE		40.0	01	IRRIGATION	(67) MINIDOKA

Water right number - R36-13531

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
----	-----	-----	-------	-----	-------	------	-------------	--------

Total Acres: 341.0

- - - Diversion Means - 300' WELL, 200 HP PUMP, 75 HP BOOSTER PUMP, WHEEL LINE SPRINKLERS

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - 36-02098

- - - - - Remarks - - - - -

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 36 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02098 PURSUANT TO IDAHO CODE 42-1416(2). RIGHT NO. 36-02098 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. USE OF THIS RIGHT WITH RIGHT NO. 36-02098 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.00 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1364 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1023 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 341 ACRES 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 - - - - -

Date: 08/23/1991 User Id: CLELLAND Subject: DATE OF PRIORITY & EXPANSION
PRIORITY DATE PROVEN WITH OPQ AA81 DATED 1979. EVIDENCE SUBMITTED WAS NOT PROOF OF DATE CLAIMED. DIVERSION OF ADDITIONAL WATER TO USE HAS NOT BEEN ESTABLISHED OR PROVEN. IF USED, IT WAS DEVELOPED AFTER THE 1968 IRRIGATION SEASON (SEE TRANS. 1099) AND REQUIRES APPLICATION FOR PERMIT TO BE FILED. SEE MEMO IN FILE.

- - - Audit Fields - - +

08/26/91 MERRITT

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 06/07/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/26/1991	Old Judicial District	-
Claim Received Date	- 10/13/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S010067	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	- E

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Water right number - R36-13531

Prefix Translation: RESEARCH

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

Notice of Error Flag -

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Memo TO FILE:

A36-02098 & A36-13531

From: STEVE CLELLAND

DATE: 8-23-91

RE: DATE OF PRIORITY OF EXPANSION

As noted earlier in memo, this well appears to have a capacity greater than what is licensed. The license is claimed as licensed for 4.0 cfs and the Expansion claim proposes to increase the Diversion rate to well & pump capacity.

The proof of priority submitted states the ASCS photo dated 1956 season shows proof of the 380 Acres irrigated. However the license field Exam was completed on September 5, 1956 and indicates only 280 Acres were irrigated at the 4.0 cfs rate of Diversion.

The date claimed by A36-13531 is April 1, 1961 and claims the extra acres were irrigated by that time. However, the original owners did not break out and reclaim the desert land listed under 36-02098 B until the 1968 season. See bottom of first page of Transfer #1099. At this time the owner of the water right states he has an excess of water that must be discontinued. He

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FEB 08 1993

even admits that he is only irrigating 255 acres at the $\frac{2}{3}$ inch per acre rate.

The theoretical calculation for the rate of well capacity = 5.02 cfs but it does not appear that this extra water, over what was licensed, had been put to a beneficial use as of 1968 irrigation season. Any increase in Diversion rate used since then would require an application for permit. Finally,

it does not appear that the claimant has shown the lands were under irrigation exceeding the ~~same~~ acres licensed of 305 acres.

Based on the photo of Orthophotogquad AA81 dated August 4, 1979 the lands had been placed into production with no increase in diversion rate.

Total Permissible Place of Use acres

$$= 340 \text{ Acres}$$

$$\div 4.0 \text{ cfs}$$

$$= 0.0117647 \text{ cfs per Acre}$$

$$\times 50 \text{ "/cfs}$$

$$= 0.588 \text{ " per Acre}$$

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A36-13531

CLAIM NUMBER: A36-02098

A. ROOT WATER RIGHT NUMBERS: A36-02098

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	LIC RECOMM ACRES	bu Claim	PPH Ac.
07S	25E	25	NE	NW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO. PATTERSON FARMS OF IDAHO INC.	A36-02098 /25.0 A36-13531 /25.0	- / - / 36-02098B /25.0 36-04249 /10.0	41.0	35	25	10	35
07S	25E	25	NW	NW		HEINS , WARREN W. HEINS , WARREN W. PATTERSON FARMS OF IDAHO INC.	A36-02098 / 3.0 A36-13531 /25.0	- / - / 36-04249 /29.0	39.0	29	3	26	29
07S	25E	25	SW	NW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-02098 /40.0 A36-13531 /40.0	- / - / 36-02098A /40.0	43.0	40	40	-	40
07S	25E	25	SE	NW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO. PATTERSON FARMS OF IDAHO INC.	A36-02098 /39.0 A36-13531 /40.0	- / - / 36-02098A /40.0 36-04249 /25.0	39.0	39	39	-	39
07S	25E	25	NE	SW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-02098 /39.0 A36-13531 /40.0	- / - / 36-02098A /40.0	40.0	39	39	-	39
07S	25E	25	NW	SW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-02098 /40.0 A36-13531 /40.0	- / - / 36-02098A /40.0	40.0	40	40	-	40
07S	25E	25	SW	SW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-02098 /40.0 A36-13531 /40.0	- / - / 36-02098A /40.0	43.0	39	40	-	40
07S	25E	25	SE	SW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-02098 /39.0 A36-13531 /40.0	- / - / 36-02098A /40.0	41.0	39	39	-	39
07S	25E	25	SW	SE		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-02098 /40.0 A36-13531 /40.0	- / - / 36-02098A /40.0	40.0	40	40	-	40
TOTAL ACRES						A36-02098	305.00		366.00	340	305	36	340

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
Y

341



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

M E M O

TO: WARREN & ELISE HEINS

FROM: STEVE CLELLAND

DATE: 15-Jul-1991 10:53

RE: ADJUDICATION CLAIMS

THE FOLLOWING FOUR ITEMS ARE IN NEED OF FURTHER ACTION OR INFORMATION FROM YOU. MAY I SUGGEST, THAT AFTER YOU REVIEW THE FILES INVOLVED, WE ARRANGE AN APPOINTMENT HERE IN TWIN FALLS TO COMPLETE THE FINAL REPORT INFORMATION. THANK YOU FOR YOUR PROMPT ATTENTION AND RESPONSE.

1. A36-02447 & A36-07356

THESE TWO WATER RIGHTS ARE CLAIMED TO IRRIGATE LANDS AT LESS THAN 1/2 INCH PER ACRE. IT APPEARS THESE RIGHTS ARE USED IN COMBINATION WITH A36-02446. BECAUSE OF THE OVERLAP OF ACRES COVERED BY THESE RIGHTS, THEY MAY NEED TO BE REPORTED AS A COMBINED SYSTEM.

2. A36-02098 & A36-13531

I TOLD GREG THIS MIGHT NEED AN AMENDMENT FOR MORE ACRES. THIS SITUATION HAS BEEN RESOLVED AND RECOMMENDED AS A COMBINED SYSTEM UNDER A PERMISSABLE PLACE OF USE.

3. LICENSE 36-02109

THIS IS AN UNCLAIMED WATER RIGHT THAT APPEARS TO BE APPURTENANT TO LANDS OWNED BY YOU. T07S, R25E, S35, NE1/4 FOR 160 ACRES AND S36, NW1/4 FOR 120 ACRES.

4. A36-02469E & A36-02066A

30 ACRES IN THE SW1/4 OF S24, T07S, R25E HAVE OVERLAPPING WATER RIGHTS. THE COMBINED RATE EXCEEDS 1" PER ACRE, AN IDWR STANDARD, AND THE IRRIGATION SYSTEMS APPEAR TO BE SEPARATE. I AM NOT SURE HOW TO REPORT THIS OVERLAP IN THE FINAL REPORT. PERHAPS YOU CAN EXPLAIN HOW IT IS IRRIGATED AND THE SYSTEM AND WATER RIGHTS USED.

***ALL THE OTHER CLAIMS YOU HAVE FILED, THAT ARE NOT MENTIONED HERE, ARE BEING REPORTED AS YOU HAVE CLAIMED; NO DISCREPANCIES FOUND.

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FEB 08 1993

FAVEND 7/22/91 sc

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:06:47
08/17/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-13531

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			(Y)	1,2,4,6		See 8-23-91	
POINT OF DIV	Y			(Y)				
SOURCE	Y			N				
PLACE OF USE	Y			(Y)	12456			
DIV. AMOUNT CFS/VOLUME	Y			(Y)				
CONSUMPTIVE USE	-			(Y)				
PURPOSES	Y			N				
PERIOD OF USE	Y			(Y)				
BASIS OF CLAIM	Y			N				
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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FEB 08 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:06:47
08/17/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-13531

LAST: HEINS
ADDRESS: RT. 3 BOX 220
CITY: RUPERT
PHONE NUMBER: 208-531-5348

FIRST: WARREN W.
STATE: ID ZIP: 83350

OWNER CODE: C

LAST: HEINS
ADDRESS: RT. 3 BOX 220
CITY: RUPERT
PHONE NUMBER: 208-531-5348

FIRST: ELISE
STATE: ID ZIP: 83350

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: THIS CLAIM IS FOR AN EXPANDED USE OF THE ABOVE LICENSES AND A
CLAIM FOR A CONSTITUTIONAL RIGHT BY DIVERSION AND APPLICATION
TO BENEFICIAL USE.

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CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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A. AJ CLAIM: # A36-13531 PRIORITY DATE: 04-01-1961 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)

DATABASE
Y

FIELD
EXAMINER
Y

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

REMARKS:

See Memo dated 8-23-91 by SCC

=====

RECOMMENDED PRIORITY DATE:

4-1-1979

REVIEWED BY

See

DATE

8-23-91

=====

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-13531	07S	25E	25	SW	NE	SW		MINIDOKA

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

A36-02098B NONE

A36-02098A

A36-02098

WR RECORDS IN SAME 40 ACRE TRACT

36-02098A

36-02098B

36-04249

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)

DATABASE

Y

DUE TO SOURCE DISCREPANCY? (Y/N)

Y

FIELD
EXAMINER

N

N

REMARKS:

add 10 Ac

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FEB 08 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

See above

SOURCE: _____ TRIB: _____

REVIEWED BY: *gnc* DATE: *8-23-91*

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FEB 08 1993

A. ROOT WATER RIGHT NUMBERS: A36-13531

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	25E	25	SW	SW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-13531 /40.0 A36-02098 /40.0	- / - / 36-02098A /40.0	43.0		
07S	25E	25	SE	SW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-13531 /40.0 A36-02098 /39.0	- / - / 36-02098A /40.0	41.0		
07S	25E	25	SW	SE		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-13531 /40.0 A36-02098 /40.0	- / - / 36-02098A /40.0	40.0		
07S	25E	25	NE	NW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO. PATTERSON FARMS OF IDAHO INC.	A36-13531 /25.0 A36-02098 /25.0	- / - / 36-02098B /25.0 36-04249 /10.0	41.0		
07S	25E	25	NW	NW		HEINS , WARREN W. HEINS , WARREN W. PATTERSON FARMS OF IDAHO INC.	A36-13531 /25.0 A36-02098 / 3.0	- / - / 36-04249 /29.0	39.0		
07S	25E	25	SW	NW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-13531 /40.0 A36-02098 /40.0	- / - / 36-02098A /40.0	43.0		
07S	25E	25	SE	NW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO. PATTERSON FARMS OF IDAHO INC.	A36-13531 /40.0 A36-02098 /39.0	- / - / 36-02098A /40.0 36-04249 /25.0	39.0		
07S	25E	25	NE	SW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-13531 /40.0 A36-02098 /39.0	- / - / 36-02098A /40.0	40.0		
07S	25E	25	NW	SW		HEINS , WARREN W. HEINS , WARREN W. MORGAN SHILLINGTON FARMS CO.	A36-13531 /40.0 A36-02098 /40.0	- / - / 36-02098A /40.0	40.0		
TOTAL ACRES						A36-13531	330.00		366.00		

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
X

** Recommended
P.P.U. see attached
pages*

RECORDED
FEB 08 1993

PRESUMPTION FLAG:

REMARKS:

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FEB 18 1993

RECOMMENDATIONS:

TOTAL ACRES: 36/340

REVIEWED BY: SC

DATE: 8-23-91

A. AJ CLAIMED USES:

PURPOSES
A36-13531 IRRIGATION

MONTH/DAY
FROM 03-01 TO 11-01

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
5.000 CFS

56.000 CFS

B. WR RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

PRESUMPTION FLAG:

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)

DATABASE

Y
Y
Y

FIELD
EXAMINER

N
X
X

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(~~X~~)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(~~X~~) N()

Explain in remarks, below.

REMARKS:

3/15 to 11/15

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(~~X~~)

AJ TOTAL CLAIMED DIVERSION RATE: 56.000 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?

FIELD
DATABASE EXAMINER

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

N

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B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

None
Exp. 42-1416(2)

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

OTHER RIGHTS LISTED IN CLAIM: ~~A~~36-02098

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-13531	GROUNDWATER	HEINS , WARREN W.	56.000	0.169		
A36-02098	GROUNDWATER	HEINS , WARREN W.	4.000	0.013		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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 = 990.0 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.)

1b. CALCULATIONS

See A36-02098
 $\frac{4.0}{340} = 0.0117647$
 $\times 36 = 0.42 \text{ cfs}$
Diversion Rate

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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

IRR

3/15 11/15

0.42

0

TOTAL FOR THIS RIGHT

REVIEWED BY:

DATE: 8-23-91

K06

K02

F05

E01

1360 AF

1020 AF

340 AC.

NOT FILMED
FEB 08 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED
(X)
(X)
()

NEEDS
REVIEW
()
()
(X) See memo

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-13531

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-

A36-13531

56.000

-

-

TOTAL CFS

56.000

CFS

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:

Stuart Cell

DATE:

8-23-91

NAME OF FIELD EXAMINER:

TITLE:

MICROFILMED
FEB 08 1993