

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: A36-13931
Date Received: 2/08/1990
Receipt No: S011144
Received By: AD

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ROOST POTATO CO.
Address: 952 S. 1400 E.
EDEN, ID

208-825-5007

83325

2. Date of Priority: MAR 01, 1955

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	19E	28	SW	SE	NW		JEROME

5. Description of diverting works:
2 WELLS & 2 10 H.P. PUMPS DELIVERING TO PIPELINE NETWORK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
COMMERCIAL	01/01	12/31	0.320		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 3 HOMES; COMMERCIAL, 10,000 BEEF FEEDLOT

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	19E	28	SE	NW		DOMEST	
			SE	NW		COMMER	

A36-13931

Page 1

Date: 11/27/90

all
SCANNED
FEB 26 2021

MICROFILMED
FEB 08 1993

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
A36-07000

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Roost Potato Co. Organization, that I have signed the foregoing document in the space below as President Title of

Roost Potato Co. Organization and that the statements contained in the foregoing document are true and correct.

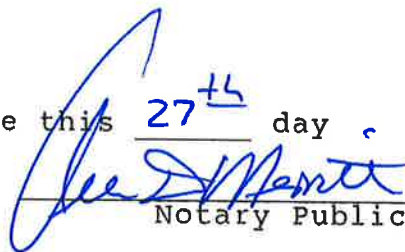
Calvin Jones
Signature of Authorized Agent

President Roost Potato Co.
Title and Organization

11-27-90
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of Nov. 19 90


Notary Public

Seal

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

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: A36-13931
Date Received: 2/08/1990
Receipt No: S011144
Received By: R. J. [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROOST POTATO CO. 208-825-5007
Address: 952 S., 1400 E.
EDEN, ID 83325

2. Date of Priority: MAR 01, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	19E	28	SW	SE	NW		JEROME

5. Description of diverting works:
1 WELL & 10 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
COMMERCIAL	01/01	12/31	2.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/3 HOUSES, C/10,000 HEAD FEED LOT

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	19E	28	SE	NW		DOMEST	
			SE	NW		COMMER	

A36-13931

Page 1

Date: 02/08/90

MICROFILMED
FEB 08 1993

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am PRESIDENT of

Title
ROOST POTATO CO, that I have signed the foregoing
Organization
document in the space below as PRESIDENT of

Title
ROOST POTATO CO and that the statements contained in the
Organization
foregoing document are true and correct.

Calvin Jones
Signature of Authorized Agent

PRESIDENT ROOST POTATO CO.
Title and Organization

2-14-90
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of February 1990

Seal

Robert T. Worstell
Notary Public

Residing at Twin Falls, Idaho

My Commission Expires January 16, 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

AGG-13931
ROOST POTATO CO.
952 S. 1400 E.

EDEN

ID 83325

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

MICROFILMED
FEB 08 1993

IN THE MATTER OF:

A36-13931

AFFIDAVIT

State of Idaho

County of Twila Falls

Calvin Jones

being first duly sworn,

deposes and says:

My father, Henry Jones
began the development of the feed lot
in the late forties and the feed mill
in 1954 with all development as
claimed in A36-13931 was in place
in 1955. (See Attached letter)
At that time there was 3000 head of
cattle in the feed lot. The later
licenses 36-07000 and 36-02329 provided
for the expansion of the system where it
has served up to 20,000 cattle. In
1990 we served 10,000 cattle.

Calvin Jones
(signature)

Subscribed and sworn to before me this 31st day of Oct. 19 90.

[Signature]
(notary public)

Residing at Kimberly Id.

My commission expires 6/30/94

MICROFILMED
FEB 08 1993

10-31-90



Roost Potato Co.
952 S 1400 E
Eden, Idaho 83325

State Of Idaho
Dept. Of Water Resources
Southern Region
222 Shoshone St. East
Twin Falls, Idaho 83301

Dear Water Resources:

I have put together the attached maps for # A36-13931. I also will sign a copy of the claim to a water right and have it notarized. Many people will also say that the 2 wells were used on or before 1955. L. E. Allen Pump Co. will testify that they have worked on the wells since that time.

The map of the feed yard shows 4 wells and their use to the operation.

Yellow=#A36-13931, 2 wells with 10 h.p. pumps serve an area of 3 homes, mill, livestock pens with a capacity of 3000 head of cattle and office.

Red=#A36-07000, 1 well with 40 h.p. pump and serves water for livestock pens with a capacity of 17000 head of cattle.

Blue=#A36-02324, 1 well with 200 hp. motor pump. This pump provides water for the irrigation of about 42 acres of livestock pens and another 70.4 acres of farm ground.

#A36-02324 should have a water right of more than 60 acres. This well has served much more than that in year after year of farm and feed yard irrigation.

Sincerely

Calvin Jones President

MICROFILMED
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

A 36-13931

 **Roost Potato Co.**
952 S 1400 E
Eden, Idaho 83325

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

MICROFILMED
FEB 08 1993

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-13931
Date Received: 2/08/1990
Receipt No: S011144
Received By: A.V. 21

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROOST POTATO CO. 208-825-5007
Address: 952 S., 1400 E.
EDEN, ID 83325

2. Date of Priority: MAR 01, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	19E	28	SW	SE	NW		JEROME

5. Description of diverting works:

~~1 WELL & 10 HP PUMP~~

2 WELLS & 2 10 HP PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
COMMERCIAL	01/01	12/31	2.200		

7. Total Quantity Appropriated is:

2.200 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

D/3 HOUSES, C/10,000 HEAD FEED LOT

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	19E	28	SE	NW		DOMEST	
			SE	NW		COMMER	

A36-13931

Page 1

Date: 02/08/90

MICROFILMED
FEB 08 1993

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

MICROFILMED
FEB 08 1993

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 _____

A253-5-7

T361

28.9

T356

Cont
Beas

20/21
29/28

B
133.2

20/22
28/27

C
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G
43.8

H
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Printed
Beas

60

70.4

A110-1-3

J
57.4

T119

Cranberry

36.5

75.1

I
92.8

112.7

182.8

Print
Beas

150.2

704-37

75.1

MICROFILMED
FEB 08 1993

in h t

CERT. No. 19083-38.1 19277-1.9	CERT. No. 15985-14 19273-12.1	CERT. No. 15985-13 19273-12.9
--------------------------------------	-------------------------------------	-------------------------------------

Lot 4
Kimsa
CERT. No.
19083-38
19277-2

Kimsa
CERT. No.
19083-20
19277-20
17.5
17.5

5

4

Statutory Water Rights

<u>Point of Diversion</u>	<u>License Number</u>	<u>C. F. S.</u>	<u>Priority Date</u>
A HAYES WASTE WATER	36-7763	0.80	11-14-77
B MITCHELL	G-26874 (36-2324)	1.20	4-24-57
C FEED YARD	36-7000	0.86	6-14-67
D ROOST	G-31106 (36-2573)	3.96	4-29-63
D ROOST	G-31737 (36-2589)	0.34	2-25-64
E ROOST	G-26833 (36-2321)	3.88	4-8-57
F ROOST	G-27320 (36-2349)	4.32	4-17-58
G ROOST	G-31417 (36-2578)	4.71	10-3-63

(con'd. on other map)

MICROFILMED
FEB 08 1993

		Hayes Cert. No. 19024-20	Hayes Cert. No. 19024-20 A *	Hayes			
		Hayes Cert. No. 19023-30					
Randall Cert. No. 1271-37.5	Randall Cert. No. 19271-40	Watkins Cert. No. 16703-40	Watkins Cert. No. 16703-40			Mitchell License No. G-26874 40 inches	Mitchell License No. G-26874 40 inches
Randall Cert. No. 1097-40	Randall Cert. No. 19097-40	29 Mary Lawrence	Mary Lawrence	Baldwin Cert. No. 19086-40	Watkins Cert. No. 16659-40	28 McVee Cert. No. 19025-40	Lucy Wright
Randall Cert. No. 097-40	Watkinson Cert. No. 19041-40	Davidson Cert. No. 16583-40	Davidson Cert. No. 16583-40	Baldwin Cert. No. 19086-40	Hoffland Cert. No. 18221-40		
Watkins Cert. No. 9274-40	Davidson Cert. No. 16204-40	Davidson Cert. No. 16583-40	Davidson Cert. No. 16583-40	Jones Cert. No. 19085-40	Hoffland Cert. No. 18221-40		
Woodward Cert. No. 3702-40	Woodward Cert. No. 16204-40	Tester Cert. No. 19022-40	Tester Cert. No. 19022-40	Woodward Cert. No. 19082-40	Woodward Cert. No. 19082-38 19275-2	Knifony Cert. No. 19272-20	
				Kimble Cert. No. 19083-40	Kimble Cert. No. 19082-22.1 19275-17.9	33 U.S. Cert. No. 15985-13 19273-12.9	
				Kimble Cert. No. 19083-38.1 19277-1.9	U.S. Cert. No. 15985-14 19273-12.9	U.S. Cert. No. 15985-13 19273-12.9	
				Lot 4 Kimble Cert. No. 19083-38 19277-2			
				Kimble Cert. No.			

MICROFILMED
FEB 08 1993

LING, ROBINSON & WALKER

ATTORNEYS AT LAW

RUPERT, IDAHO 83350-0396

Movant's Name:
Roost Potato Co.

Attorney's Name & Address:
Roger D. Ling
LING, ROBINSON & WALKER
Attorneys at Law
P. O. Box 396
Rupert, Idaho 83350
Telephone (208) 436-4717
Facsimile (208) 436-6804
ISB No. 1018

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. 36-13931

MOTION FOR RELIEF FROM CLERICAL
MISTAKE IN PARTIAL DECREE

COMES NOW the claimant Roost Potato Co., by and through its attorney, and moves the Court, pursuant to Rule 14d of the SRBA Administrative Order 1 and Rule 60(a) of the Idaho Rules of Civil Procedure, for an Order striking the following words, to-wit: "The quantity of water under this right shall not exceed 13,000 gallons per day." from the Partial Decree entered herein on December 16, 1997, on the grounds and for the reasons that the inclusion of such phrase under the quantity element of this water right was a clerical mistake and error arising from oversight, and the phrase is inconsistent with the 40.2 acre-feet per year allowed under the quantity element of this water right and the diversion rate of 0.4 cfs to provide

MOTION FOR RELIEF FROM CLERICAL
MISTAKE IN PARTIAL DECREE

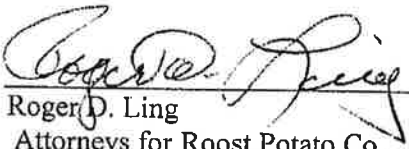
-1-

all
SCANNED
FEB 26 2021

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2
3 water for three (3) domestic homes and a minimum of 1,400 cattle in a feedlot, and this
4 erroneous quantity phrase limits this right, notwithstanding the purpose and diversion rate, to a
5 quantity allowed for one (1) domestic water right, and for the further reason that said limitation
6 did not appear in the Recommendation contained in the Director's Report for Water Right No.
7 36-13931, and the portion of the right for the three homes allows the daily diversion of 39,000
8 gallons and the stockwater portion allows the daily diversion of 206,820 gallons.
9

10 DATED this 6th day of January, 2005.

11 LING, ROBINSON & WALKER

12
13 By: 
14 Roger D. Ling
15 Attorneys for Roost Potato Co.

16 . CERTIFICATE OF MAILING .

17 I hereby certify that on January 7, 2005, I mailed the original and copies of this motion,
18 including all attachments, to the following persons, by mailing the original and/or copies, postage
19 prepaid and addressed as follows:

20 1. Original to:

21 Clerk of the District Court
22 Snake River Basin Adjudication
23 253 Third Avenue North
24 P.O. Box 2707
25 Twin Falls, Idaho 83303-2707

26 2. Copies to:

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

MOTION FOR RELIEF FROM CLERICAL
MISTAKE IN PARTIAL DECREE

LING, ROBINSON & WALKER

ATTORNEYS AT LAW

RUPERT, IDAHO 83350-0396

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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


Roger D. Ling

MOTION FOR RELIEF FROM CLERICAL
MISTAKE IN PARTIAL DECREE

1
2
3 Movant's Name:
4 Roost Potato Co.

5 Attorney's Name & Address:
6 Roger D. Ling, ISB No. 1018
7 LING, ROBINSON & WALKER
8 Attorneys at Law
9 P. O. Box 396
10 Rupert, Idaho 83350
11 Telephone (208) 436-4717
12 Facsimile (208) 436-6804

13
14 **IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE**
15 **STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

16 In Re SRBA)

Subcase No. 36-13931

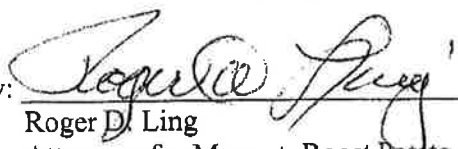
17 Case No. 39576)

NOTICE OF MOTION

18 TO: CLERK OF THE DISTRICT COURT, SNAKE RIVER BASIN ADJUDICATION
19 PLEASE TAKE NOTICE that the undersigned will bring the *Motion for Relief*
20 *from Clerical Mistake in Partial Decree* of the claimant Roost Potato Co. on for hearing before
21 the Snake River Basin Adjudication District Court at Twin Falls, Idaho on the 19th day of April,
22 2005, at 1:30 o'clock p.m. of that day or as soon thereafter as counsel can be heard.

23 DATED this 6th day of January, 2005.

24 LING, ROBINSON & WALKER

25
26 By: 

Roger D. Ling
Attorneys for Movant, Roost Potato Co.

27
28 **NOTICE OF MOTION**

LING, ROBINSON & WALKER

ATTORNEYS AT LAW

RUPERT, IDAHO 83350-0396

CERTIFICATE OF MAILING

I hereby certify that on January 7th, 2005, I mailed the original and copies of this notice to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

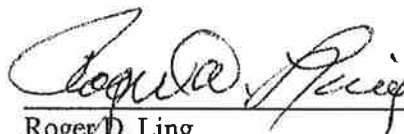
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

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


Roger D. Ling

NOTICE OF MOTION

36-1343

•

Claim No. below

Source: <http://www.irs.gov/efile/efilefaq.html>.

10

Figure 1

36.0160

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. see below

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: Steve Clelland

2/3/2000 9:30 AM

NAME:

TIM SCHNIEDER

CALLBACK

RE:

RESPONSE TO LETTER

He sent me a letter back in Aug. 99 requesting some information around the rights SRBA Claim 36-13931 & Application 36-08640. I called him today to relate what I have found.

36-13931: Partial Decree has been issued and the only way to change this record is to have the owners file a motion to Alter or Amend with the court.

36-08640: This right is an Application and is on hold under the Snake River Moritorium and is subject to those restrictions. I know of no way to bypass that action. If a water right is needed I suggested purchase and transfer of an existing right as an option.

He called to follow-up on the details of the recommendations for Roost Potato; the claims have some minor errors in them and need corrections – see previous note on 11/23/99. I need to contact Nick Spencer to discuss these issues and call Tim back ASAP.

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON
BRENT C. TINGEY

LING, NIELSEN & ROBINSON
ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

August 25, 1999

RECEIVED

AUG 26 1999

Department of Water Resources
Southern Region

Steve Clelland
Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RE: Water Permit No. 36-08640 and Water Right No. 36-13931

Dear Steve:

During our conversation on Tuesday, August 24, 1999, you indicated that Water Permit No. 36-08640 was on moratorium hold due to a protest from 1992. In further reviewing our files, I have found a letter from Loren O. Holmes, Southern Region Manager, dated June 1, 1992, indicating that the protests of this Application had been withdrawn and that the Department would continue review of the Application.

I would greatly appreciate your reviewing this matter and letting me know if there has been another protest, and if not, what actions have been taken by the Department in review of this Application. Mr. Jones is prepared to go forward with Proof of an Application for Beneficial Use as soon as such Proof can be filed.

You had also stated that the 13,000 gallon per day limitation on Water Right No. 36-13931 had been removed from the Partial Decree on 12/15/97. I am enclosing a copy of the Partial Decree that Mr. Jones received signed by Judge Hurlbutt which shows that limitation on the aforementioned water right. I would greatly appreciate it if you could send me a copy of the Decree showing that the 13,000 gallon per day limitation has been removed.

Thank you very much for your assistance in these matters. I look forward to your response.

Sincerely,

LING, NIELSEN & ROBINSON



Timothy J. Schneider

TJS/jb
encs



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

01-Jun-1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

GLENN ELWELL SECRETARY
MIDDLE SNAKE RIVER STUDY GROUP
PO BOX 407
JEROME ID 83338

RE: Application for Permits Nos. :

36-08640	(Roost Potato Co. Inc.) ✓
47-08293	(Drown Family Trust)
47-08294	(Shelby)

Dear Mr. Elwell:

This office acknowledges receipt of the withdrawal of your protest against the above referenced applications.

Since you were the only protestant, the issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the applications which includes regional review prior to being forwarded to our State Office.

The Department will continue review of the applications without further contact with you unless information is requested.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

cc: Applicants

SRBA

SUBCASE SUMMARY REPORT 36-13931

[Return to SRBA Home Page](#)

SRBA

SUBCASE SUMMARY REPORT

HTML12

12-28-1999

SUBCASE: 36-13931

FILE#: 00000

CLAIMANT: ROOST POTATO CO

STATUS: PD ISSUED

WATER SOURCE: GROUNDWATER,

****** PARTIES INVOLVED ******

ROOST POTATO CO

PRO SE

****** ROA ENTRIES ******

12-16-1997 PARTIAL DECREE FILED

12-16-1997

[Return to SRBA Home Page](#)

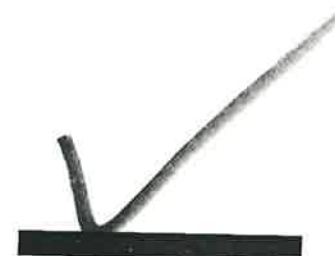
R PROOF



CVR



MAPS



PHOTOS



MISC



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FEB 08 1982

AJ5809NP
No. R36-13931

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/96
PAGE: 200

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROOST POTATO CO 952 S 1400 E EDEN ID 83325 (208) 825-5007	03/01/1955	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	0.32 CFS 0.08 CFS	40.20 AFA
TOTAL DIVERSION:					0.40 CFS	40.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T09S R19E S28

NWSENW

SWSNW

JEROME County

Place of use Legal Description for: STOCKWATER

T	R	S	NE	NENE	NWNE	SWNE	SENE	NE	NENW	NWNW	SWNW	SENW	SW	NESW	NWSW	SWSW	SESW	SE	NESE	NWSE	SWSE	SESE					
09S	19E	28	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
			:					:					:					:					:				

Place of use Legal Description for: DOMESTIC

T	R	S	NE	NENE	NWNE	SWNE	SENE	NE	NENW	NWNW	SWNW	SENW	SW	NESW	NWSW	SWSW	SESW	SE	NESE	NWSE	SWSE	SESE					
09S	19E	28	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
09S	19E	29	:					:					:					:					:				

POU County: JEROME

Non-Irrigation Uses: DOMESTIC, 3 HOMES; COMMERCIAL, 3,000 BEEF FEEDLOT

Other Rights: SEE REMARKS

Remarks: GEN THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-02324, 36-15152, AND 36-07000. TWO POINTS OF DIVERSION LOCATED IN NWSENW AND TWO POINTS OF DIVERSION LOCATED IN SWSNW, S28, T09S, R19E.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 01/02/1992 User-ID: CHRISTEN Subject: OVERLAPPING RIGHTS

Hold 36-02324 has objection filed KRC 11-18-96

N 11 N 13 corner

related 7 11-15-96

*Remark F06
Remark F02-add
twice both
10 ac
suppl*

*2pts
ordl
501144
fee paid 270.00*

AJ5809NP
No. R36-13931

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/96
PAGE: 201

=====

Comments: Date: 01/02/1992 User-ID: CHRISTEN Subject: OVERLAPPING RIGHTS
36-07000 ALSO SUPPLIES STOCKWATER TO THE SAME FEEDLOT BUT IS FOR
DIFFERENT PENS. IT SHARES A COMMON SYSTEM WITH 36-07000. THE
DELIVERY SYSTEM IS ALSO TIED INTO THE IRRIGATION WELL CURRENTLY
LICENSED THROUGH 36-02324. THAT WELL IS AVAILABLE FOR BACKUP USE

Audit: 09/30/96 DSHAFF

Water Right Number - R36-13931 Prefix Translation: RESEARCH

Old (D) Number

VERIFIED ADM

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

*** C - CURRENT OWNER ***
ROOST POTATO CO.

1 - 952 S. 1400 E.

2 -

3 -

City- EDEN

Phone - 208-825-5007

State- ID Zip- 83325

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/01/1955 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County09S 19E 28 NW SE NW (53) JEROME
SW SE NW (53) JEROME+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume43 - DOMESTIC 01/01 12/31 0.080
04 - STOCKWATER 01/01 12/31 0.320 40.20+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.400 40.20 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County09S 19E 28 SW NW 04 STOCKWATER (53) JEROME
09S 19E 28 SE NW 04 STOCKWATER (53) JEROME
09S 19E 28 SW NW 43 DOMESTIC (53) JEROME
09S 19E 28 SE NW 43 DOMESTIC (53) JEROME
09S 19E 29 SE NE 43 DOMESTIC (53) JEROME

Total Acres:

+ - - Diversion Means - 4 WELLS TIED INTO A COMMON BURIED DELIVERY SYSTEM.

+ - - Non-Irrigation Use - DOMESTIC, 3 HOMES; COMMERCIAL, 3,000 BEEF FEEDLOT

+ - - Other Rights for Same Use - SEE REMARKS

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-02324, 36-15152, AND 36-07000.
TWO POINTS OF DIVERSION LOCATED IN NWSNW AND TWO POINTS OFMICROFILMED
FEB 08 1993

Water right number - R36-13931

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - -
DIVERSION LOCATED IN SWSNW, S28, T09S, R19E.

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

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

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

+ - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - - +
02/07/92 MERRITT

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/08/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 02/07/1992	Old Judicial District	-
Claim Received Date	- 02/08/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S011144	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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CLAIM NO. A36 - 13931

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET
FOR SMALL INDUSTRIAL AND COMMERCIAL CLAIMS IN PLACE OF A CVR

1. ☒ No Change NAME:
☐ NEW OWNER: _____
☒ No Change ADDRESS: _____
☐ NEW ADDRESS: _____
☐ DATA ENTRY STANDARDS CHECKED?
2. ☒ No Change - DATE OF PRIORITY:
(EVIDENCE OF PRIORITY REQUIRED) ☐ Proof in File
☐ Claimant Contact if Not
☐ CHANGE- Priority date, per claimant, is _____
(if the priority date, based on your exam, seems questionable,
explain in COMMENTS.)
3. ☒ No Change - SOURCE:
☐ CHANGE - Different Source found: _____
4. ☒ No Change - POINT OF DIVERSION:
☐ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4

Note: If the 10-acre tract is shown on the claim, then verification of the 10-acre parcel is needed. Otherwise the 10-acre tract is not required, unless the source is a spring:

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS:
☐ Complete items missing, IF KNOWN.

HP of pump _____ Static water level _____ Well depth _____
Casing size _____ Pumping water level _____ Gravity flow _____

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

Q = CFS

H.P. = Total Brake Horsepower of pumping plant (including booster)

EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)

TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = depth to water in FEET from land surface to pumping water level

PSI = pumping pressure measured in psi near pump
(if open discharge assume zero [0])

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$$Q = \frac{(8.8) \left(\dots \overset{20}{\dots} \right) (0.70)}{[(\dots \overset{242}{\dots}) + (\dots \overset{-}{\dots} \times 2.31)]} = \frac{\frac{8.8 * 20 \text{ HP} * .7}{242 + (2.3 * 40)} = .3688}{\approx .37 \text{ CFS}} = \underline{.51 \text{ CFS}}$$

LIFT FROM:

measurement ()

owner ()

area estimate ()

well logs (X)

Booster (Y) (N)

PSI FROM:

measurement ()

owner ()

estimate (-)

owner gage ()

NOTES ON PUMP:

Motor Make, Serial or ID

Two 10 HP PUMPS

Pump Make, Serial or ID, rating

REMARKS

PURPOSE - UNKNOWN
RECOMMEND AS CLAIMED

DESCRIPTION OF USE: (Fully describe type, time & all aspects of Use)

USED TO SUPPLY THREE HOUSES AND WATER UP TO 10,000 HEAD
OF CATTLE YEAR ROUND

one Home is located in 9S-19E 29SE/NE
per phone conversation 12-20-91 with Mr. Jones.
KKC

limit diversion rate to theoretical rate
based upon examine data; assume system
is additive; pressure is an estimate.

37 CFS is within 7.5% of claimed diversion
and as available data is mostly estimates
of recommended the claimed diversion rate
of 0.40 CFS
KKC

CALCULATE VOLUMES: (time) X (rate) = Vol.

div vol

for 3000 H/L cattle

Range cattle @ 0.0134 * 3000 = 40.2 AFD

consumptive losses -

Vol not for stock
needed for stock
water use.

6. ☒ No Change - WATER USES:
☐ RECOMMENDED USES:

change use from stockwater in commercial to stockwater in a feed lot as use is for

Use _____ From _____ To _____ Amount _____ cfs _____ af _____ af

Use _____ From _____ To _____ Amount _____ cfs _____ af _____ af

☐ DATA ENTRY STANDARDS CHECKED FOR ITEMS 6, 7, 8 AND 9.

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
 Use _____ Twp. _____ Rge. _____ Sec. _____ 1/4, _____ 1/4, _____ 1/4

See map

13. ☒ No change - OTHER RIGHTS FOR SAME USE:
☐ CHANGE: _____

REMARKS AND CONDITIONS

14. ☐ (copy existing remarks to comments in "R")
☐ LIST STANDARD REMARKS FOR THE RECOMMENDATION: ☐ NONE

☐ LIST STANDARD CONDITIONS FOR THE RECOMMENDATION: ☐ NONE

15. ☒ BASIS OF CLAIM VERIFIED AS: D - L - P - S - J (circle one)

COMMENTS: (pertinent to field examination)

*affidavit attached to claim
 verifying priority date and use.*

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ATTACHMENTS: Attached to This Form. Attachments are in Permit File.

PHOTOS

MAP

SYSTEM DIAGRAM

☐
☒
☐

☐
☐
☐

DATE EXAM CONDUCTED: 7/8/91

ACCOMPANIED BY: _____

FIELD EXAMINER: MIKE HARSHBARGER

SIGNATURE: Michael Harshbarger

REVIEWED BY/DATE: _____

DATA ENTRY BY/DATE: MTM 7/9/91

VERIFICATION BY/DATE: _____

REVIEW DATE

12-31-91

1-31-92

CLAIMS A36-07000

A36-13931

Stock water in a feedlot.

The current system is 4 wells tied together into a combined ~~no~~ buried mainline system. A second buried mainline system used for dust control has been abandoned. (see attached memo dated 1-27-92 RE: Office visit)

The system diagram was provided by Calvin Jones and is attached.

I am recommending adding the P/U in Sec 29 and Sec 21 to the P/U on 36-7000 without adding ~~the~~ to the Stock numbers.

Recommendations:

Right	Hd	CLAIMED RATE	LEGAL LIMIT
A36-7000	10,000	0.32 CFS	0.66 CFS
A36-13931	3,000	0.56 CFS	2.20 CFS

The delivery system includes the well previously used to deliver irrigation water under 36-2324 therefore the system is more than capable of supplying the claimed div rates. Recommend as claimed.

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1-27-92

Office visit with Calvin Jones

He is transferring the P/O & P/U from 36-02324 & 36-15152 to Sec 36, T 8S, R-20E (pending approval) - application made this date.

No dust abatement is claimed under 36-15152. Also the transfer P/U is based upon the adjudication field exam.

Stock water:

All 4 existing wells now ~~supply~~ ^{supply} water for feed lot. Wells claimed under 36-13931 are now the primary source with the well under 36-7000 used to supplement & the irrigation well originally licensed under 36-2324 being used for backup. That well no longer supplies water for irrigation. The system used for dust abatement has been abandoned as of 1990. The system was approx 1 standard rainbird ($\frac{9}{16}$ - $\frac{7}{32}$ ^{tip} range) per pen. for the pens located in Sec 28 & 29. The pens in Sec 27 used 1 big gun (1" tip $\pm$) rotated between pens.

The stock pens and water systems in Sec 27 have been removed as of this date.

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36-7000
2 WELLS
P/D

36-13931
2 WELLS
P/D

Eden

Pump

CANAL

BM 3931

33

34

35

27

26

sects

Pump

9

1

1983

IN THE MATTER OF:

A36-13931

AFFIDAVIT

State of Idaho

County of Twin Falls

Calvin Jones

being first duly sworn,

deposes and says:

My father, Henry Jones
began the development of the feed lot
in the late fourties and the feed mill
in 1954 with all development as
claimed in A36-13931 was in place
in 1955. (See Attached letter)
At that time there was 3000 head of
cattle in the feed lot. The later
licenses 36-07000 and 36-02329 provided
for the expansion of the system where it
has served up to 20,000 cattle. In
1990 we served 10,000 cattle.

Calvin Jones
(signature)

Subscribed and sworn to before me this 31st day of Oct. 19 90.

[Signature]
(notary public)

Residing at Kimberly Id.
My commission expires 6/30/94

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FEB 08 1993

