

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: A36-14326
Date Received: 3/01/1990
Receipt No: M006130
Received By: R L R

\$56⁰⁰

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JERRY CALLEN
Address: 500S 427A W
JEROME, ID 83338 208-324-1215

OR

Name: PATRICIA CALLEN
Address: 500S 427A W
JEROME, ID 83338 208-324-1215

2. Date of Priority: JUL 15, 1919

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	16E	17	NW	NW	NE		JEROME

5. Description of diverting works:
2 WELLS, 105' DEEP 6" CASING WITH 3/4 HP. SUB. PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
COMMERCIAL	01/01	12/31	0.060		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

D/ 1 HOUSE, C/ STOCKYARD WITH 3000 HD BEEF CATTLE.

A36-14326

Page 1

Date: 03/01/90

MICROFILMED
FEB 08 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	16E	17	NW	NE		DOMEST	
			NW	NE		COMMER	

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 Individuals:

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

Signature of Claimant(s): Jerry Collins Date: 1 Mar 90

Date: _____

State of Idaho)
County of Juniper) SS.

Subscribed and sworn (or affirmed) before me this 1 day
of Mar 19 90

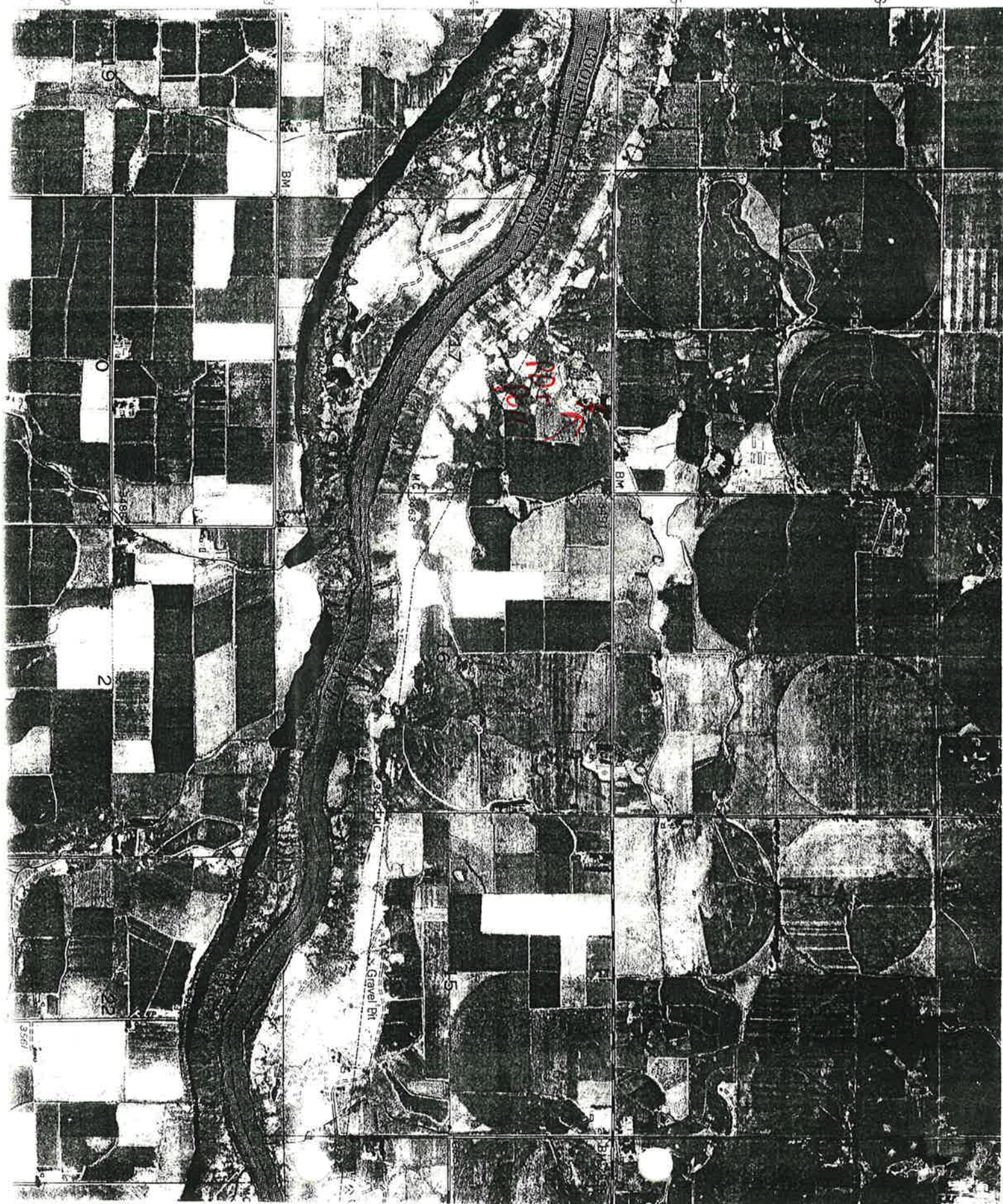
John Salazar
Notary Public

Seal

Residing at Boise Id

My Commission Expires 6/2/94

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FEB 0 8 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

A36-14326
JERRY CALLEN
500 S. 427-A W.

JEROME

ID 93388

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

April 8, 1991

MR & MRS JERRY CALLEN
500 S 427-A W
JEROME ID 83338

RE: Evidence of Priority - Snake River Basin Adjudication
Claim #A36-14326

Dear Claimant(s):

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

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

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

Sincerely,

 Allen Merritt, P.E.
Adjudication Section Supv.

Enclosure

MICROFILMED
FEB 08 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:17:19
08/30/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-14326

LAST: CALLEN
ADDRESS: 500 S. 427-A W.
CITY: JEROME
PHONE NUMBER: 208-324-1215

FIRST: JERRY

STATE: ID ZIP: 83338

OWNER CODE: C

LAST: CALLEN
ADDRESS: 500 S. 427-A W.
CITY: JEROME
PHONE NUMBER: 208-324-1215

FIRST: PATRICIA

STATE: ID ZIP: 83338

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
N

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

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:

CLAIM NUMBER: A36-14326

REVIEWED BY _____ DATE _____

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-14326	09S	16E	17	NW	NW	NE		JEROME

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-08494
36-07975

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?

	DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y	-----
DUE TO SOURCE DISCREPANCY? (Y/N)	Y	-----

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SOURCE: _____ TRIB: _____
REVIEWED BY: _____ DATE: _____

A. ROOT WATER RIGHT NUMBERS: A36-14326

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	16E	17	NW	NE		CALLEN, JERRY	A36-14326 /	- /			38.0
						LARGE CLAIM	A01-00212Z3/40.0	- /			
						CALLEN, JERRY	A36-02691 /30.0	36-02691 /30.0			
						CALLEN, JERRY		36-07975 /			
						CALLEN, JERRY		36-08494 /			
09S	16E	17	NW	NE		CALLEN, JERRY	A36-14326 /	- /			38.0
						LARGE CLAIM	A01-00212Z3/40.0	- /			
						CALLEN, JERRY	A36-02691 /30.0	36-02691 /30.0			
						CALLEN, JERRY		36-07975 /			
						CALLEN, JERRY		36-08494 /			
TOTAL ACRES						A36-14326					76.00

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-14326	DOMESTIC	FROM 01-01 TO 12-31	.040 CFS
A36-14326	COMMERCIAL	FROM 01-01 TO 12-31	.060 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED			.060 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
----------	-----------	--------------------

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(____) N(____)

RECOMMEND TO WR STANDARDS OR OTHER? Y(____) N(____) Explain in remarks, below.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.060 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.000 CFS

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

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER
Y

B. FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A01-00212Z3	LARGE CLAIM	LARGE CLAIM	9999999.000	303.196		
NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION						

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ $\times$ 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

1b. CALCULATIONS

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 = _____ AE/A
ACRES _____ $\times$ CONSUMPTIVE VOL. AE/A FOR AREA _____ =
TOTAL CONSUMPTIVE USE _____ AE/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AE/A
ACRES _____ $\times$ DIVERSION VOL. AE/A FOR AREA _____ =
TOTAL DIVERSION VOLUME _____ AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(____) N(____)

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

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
-----	-----	-----	-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----	-----	-----	-----
TOTAL FOR THIS RIGHT				-----		-----		-----

REVIEWED BY: -----

DATE: -----

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	()	()
FORFEIT/ABANDON	()	()
ADDITIONAL DIV. AMOUNT	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-14326

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
-	A36-14326	0.060	-		-	
TOTAL CFS		0.060				

DIVERSION RATE REVIEW

DATABASE	FIELD EXAMINER
N	_____

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)

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:17:19
08/30/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-14326

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							
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS								

"VERIFIED BY" CODES

TOPD MAP/ORTHO-PG = 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.

COPY

RECEIVED

FEB 07 1997

Department of Water Resources

Norman M. Semanko
ROSHOLT, ROBERTSON & TUCKER
P.O. Box 1906
Twin Falls, Idaho 83303-1906
Telephone: (208) 734-0700
01069703.NMS/kn

Attorneys for Claimants
Jerry and Patricia Callen

RECEIVED

JUN 13 1997

Department of Water Resources
Southern Region

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)
_____)

MOTION FOR LEAVE TO
FILE LATE OBJECTION

SRBA Claim No. 36-14326

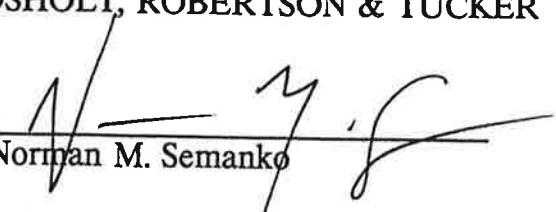
COMES NOW, Jerry and Patricia Callen, through counsel, pursuant to SRBA
Administrative Order 1 and I.R.C.P., Rule 55(c), and moves the court to enter an order
granting leave to the Claimants to file a late objection to the director's report filed for
SRBA Claim No. 36-14326. A copy of the proposed objection is attached hereto as
Exhibit "A".

The grounds for this motion are set forth in the accompanying Brief in Support
and Affidavit filed herewith.

Oral argument on the motion is requested.

DATED this 5 day of February, 1997.

ROSHOLT, ROBERTSON & TUCKER

By: 
Norman M. Semanko

MOTION FOR LEAVE TO FILE LATE OBJECTION - 1

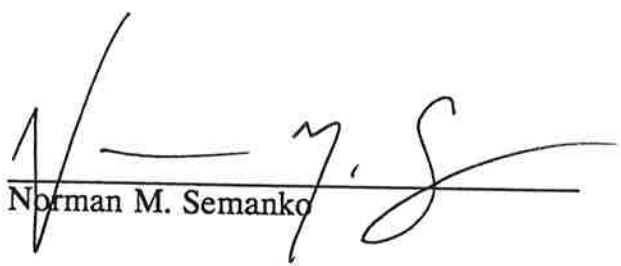
CERTIFICATE OF MAILING

I hereby certify that on this 5 day of February, 1997, I served a copy of the foregoing MOTION FOR LEAVE TO FILE LATE OBJECTION, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

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

United States Dept. of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

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


Norman M. Semanko

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant objecting:*

Name: Jerry and Patricia Callen

Address: 500 South, 427A West

Jerome, ID 83338

Phone: Work: _____ Home: 208-324-1215

Briefly describe your interest in this water right:

Owner

2. **If this objection is filed by an attorney:**

Attorney Name: Norman M. Semanko of Rosholt, Robertson & Tucker

Attorney Address: 142 3rd Avenue North, P.O. Box 1906

Twin Falls, ID 83303-1906

Attorney Phone No. 208-734-0700

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. ☐ **Point(s) of Diversion:** I object to the legal description of the point(s) of diversion.
6. ☐ **Instream Flow:** I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ **Purpose(s) of Use:** I object to the purpose(s) of use.
8. ☐ **Period of Year:** I object to the period of year when water is used or is necessary for the purpose stated.
9. **Place of Use:** I object to:
 - ☐ a. the legal description of the place of use; or
 - ☐ b. the number of irrigated acres within each forty 40-acre subdivision.
10. ☐ **Consumptive Use:** I object to the annual volume of consumptive use.
11. **Water Right Recommendation:** I object to:
 - ☐ a. this water right being recommended at all; or
 - ☒ b. this water right not being recommended.

12. ☐ **Description of Reservation:** I object to the legal description of the reservation.

13. ☐ **Other:** I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

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

Box 11.b.: This right was established by beneficial
use and should have been recommended as claimed.

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 Director's Report should be changed to
recommend the water right as claimed.

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.

Affidavit of Jerry Callen

VERIFICATION

State of Idaho)
) ss.
County of Twin Falls)

Norman M. Semanko, duly sworn, upon oath, deposes and says:

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), and 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

N. M. Semanko
(Attorney signing in representative capacity)

Subscribed and sworn to before me on this 5 day of February, 1997.



Kay Nistler
NOTARY PUBLIC FOR IDAHO
Residing at: Jerome
My commission expires: 11-24-2001

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on this 5 day of February, 1997, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

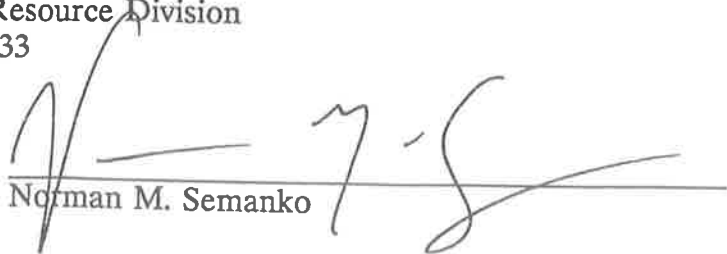
Name: Jerry and Patricia Callen
Address: 500 South 427A West
Jerome, ID 83338

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724


Norman M. Semanko

1
2 Norman M. Semanko
3 ROSHOLT, ROBERTSON & TUCKER
4 P.O. Box 1906
5 Twin Falls, Idaho 83303-1906
6 Telephone: (208) 734-0700
7 01299708.NMS

8
9
10 Attorneys for Claimants
11 Jerry and Patricia Callen
12

13
14
15 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
16 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
17

18 In Re SRBA)
19)
20 Case No. 39576)
21)
22)

AFFIDAVIT OF JERRY CALLEN

SRBA Claim No. 36-14326

23 STATE OF IDAHO)
24) ss.
25 County of Twin Falls)

26 JERRY CALLEN, being first duly sworn, deposes and says:

- 27 1. I am the owner and claimant of water right no. 36-14326.
28 2. I was born in 1932 and currently reside in Jerome County, Idaho.
1 use of water right no. 36-14326 since my childhood in the 1930's and first recall the
2 existence and use of the right during 1938.
3 4. Water right no. 36-14326 is a beneficial use water right for domestic and
4 commercial/stockwater uses and is not evidenced by any existing decree, license or
5 permit. The right is used to satisfy the domestic needs of one household and the

1 commercial/stockwater needs of beef cattle. Various ground water wells have been used
2 to satisfy the water right since before my childhood, and long before 1963.

3 5. On March 1, 1990, I filed a Notice of Claim to a Water Right Acquired
4 Under State Law for water right no. 36-14326, for domestic (.04 cfs) and
5 commercial/stockwater (.06 cfs) uses, with a July 15, 1919 priority date. After filing the
6 Claim, I understood that I had supplied everything necessary to the Idaho Department
7 of Water Resources.
8

9 6. While I now understand that the Idaho Department of Water Resources
10 sent letters to me during 1990 and 1991 asking me to provide evidence supporting the
11 priority date for water right no. 36-14326, I do not recall receiving any such letters. In
12 addition, I did not receive a copy of the director's recommendation for disallowal of
13 water right no. 36-14326, which I now understand was issued on November 2, 1992, or
14 any notification that I had the right to file an objection.
15

16 7. Over the past several years since filing my claim, I have read various
17 newspaper articles stating that domestic and stockwater rights are not required to be filed
18 in the SRBA. As a result of these articles and other similar characterizations of the
19 SRBA by the news media, water user organizations and water users, I believed that
20 nothing further needed to be done to protect water right no. 36-14326, as it was a
21 domestic and stockwater right.
22

23 8. During December, 1996, I received in the mail a Partial Decree of
24 Disallowed Water Rights, dated December 5, 1996, and signed by SRBA Presiding Judge
25 Daniel C. Hurlbutt, Jr. Included in the list of water rights to be disallowed was 36-14326.
26 Upon receiving these materials, I contacted the Idaho Department of Water Resources
27 and the law firm of Rosholt, Robertson & Tucker in Twin Falls, Idaho.
28

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Further your affiant sayeth not.

DATED this 5 day of February, 1997.

Jerry Callen
JERRY CALLEN

SUBSCRIBED AND SWORN to before me this 5 day of February, 1997.



Kay Nistler
NOTARY PUBLIC FOR IDAHO
Residing at Jerome
My commission expires 11-24-2001

TRANSMISSION VERIFICATION REPORT

TIME : 05/30/1997 14:18
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

DATE, TIME	05/30 14:16
FAX NO./NAME	97362121
DURATION	00:01:53
PAGE(S)	04
RESULT	OK
MODE	STANDARD

5/30/97

Faxed a copy of original claim to Terry Solen
at SRBA Court. JK

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: Terry Dolan
SRBA Court

TOTAL PAGES SENT: 3 + cover

DOCUMENT DESCRIPTION: original claim copy of A36 - 14326
Terry Callen

FROM: IDAHO DEPARTMENT OF WATER RESOURCES

1341 FILLMORE ST, STE 200

TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

SENDER: Jeanie - Southern Region (IDWR)

CHARGES:

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Please remit to the above address.

COMMENTS: _____

COPY

RECEIVED

FEB 07 1997

Department of Water Resources

Norman M. Semanko
ROSHOLT, ROBERTSON & TUCKER
P.O. Box 1906
Twin Falls, Idaho 83303-1906
Telephone: (208) 734-0700
01069701.NMS/kn

Attorneys for Claimants
Jerry and Patricia Callen

No Obj.
added to record.
R. 02-10-97

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

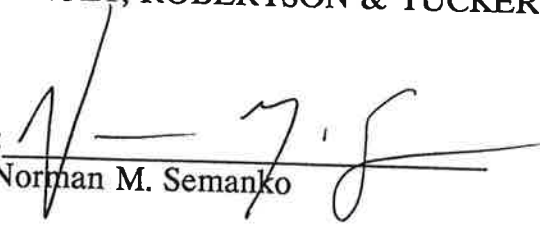
NOTICE OF APPEARANCE

SRBA Claim No. 36-14326

YOU WILL PLEASE TAKE NOTICE that Norman M. Semanko of the firm of
Rosholt, Robertson & Tucker hereby enters the appearance of said firm as attorneys of
record for Jerry and Patricia Callen in the above-entitled case.

DATED this 5 day of February, 1997.

ROSHOLT, ROBERTSON & TUCKER

By: 
Norman M. Semanko

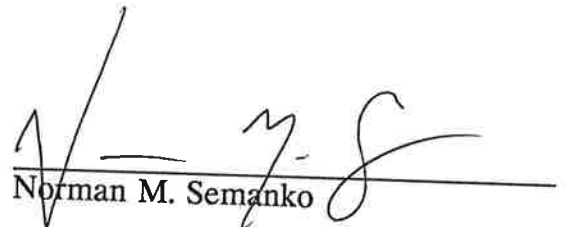
CERTIFICATE OF MAILING

I hereby certify that on this 5 day of February, 1997, I served a copy of the foregoing NOTICE OF APPEARANCE, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

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

United States Dept. of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

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


Norman M. Semanko



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 9, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JERRY CALLEN
427A W 500 S
JEROME ID 83338

RE: Modification of Partial Decree No. 36-14326

Dear Mr./Mrs. CALLEN:

The purpose of this letter is to acknowledge your call to this office on 12/20/1996, regarding the modification of Partial Decree No. 36-14326 in the Snake River Basin Adjudication. It is my understanding that you desire to modify your partial decree by having the disallowal recommendation changed to acknowledge the stockwater use at the feedlot.

Modifications of the type that you have proposed are required to be reviewed by the Fifth Judicial Court in Twin Falls. By copy of this letter this office is notifying the Court of your requested change. You can anticipate that the Court will be contacting you to describe the method by which you can proceed with this requested change.

Please advise me if you desire assistance in identifying information relative to your partial decree.

Sincerely,

Douglas Jones
Water Rights Supervisor
Southern Adjudication Unit

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

COMMUNICATION DOCUMENTATION

Claim No. 36-14326

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

D Jones

Date

12/20/96

Contact Person(s)

Lenny Callen427-AW5005 Jerome83338

Nature of Contact

P.D. Disallowed

Substance of Communication

Discussed why it became disallowed, what options he had. He failed to respond to two requests for info.

I suggested that if he needed more than 13,000 gpd that he take exception to decree. He may need counsel to assist him.

Semanko called later and indicated he may get on board & work on case.

R PROOF

✓

CVR

✓

MAPS

✓

PHOTOS

MISC

MICROFILMED
FEB 08 1993

Water Right Number - R36-14326

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

CALLEN

JERRY

1 - 500 S. 427-A W.

2 -

3 -

City- JEROME

State- ID Zip- 83338

Phone - 208-324-1215

CALLEN

PATRICIA

1 - 500 S. 427-A W.

2 -

3 -

City- JEROME

State- ID Zip- 83338

Phone - 208-324-1215

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/15/1919 17 SOUTHERN I - DISALLOWED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

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

Tw	Rng	Sec	Tract	Lot	RFlg	County
09S	16E	17	NW NW NE		(53)	JEROME

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
43 - DOMESTIC		01/01	12/31	0.040	1.20
10 - COMMERCIAL		01/01	12/31	0.060	41.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.060 42.20 0.0

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	16E	17	NW NE			10	COMMERCIAL	(53) JEROME
09S	16E	17	NW NE			43	DOMESTIC	(53) JEROME

Total Acres:

+ - - Diversion Means - 2 WELLS, 105' DEEP 6" CASING WITH 3/4 HP. SUB. PUMPS

+ - - Non-Irrigation Use - DOMESTIC, 1 HOME; COMMERCIAL, 3000 BEEF FEEDLOT

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +
NO LAWFUL APPROPRIATION SHOWN.MICROFILMED
FEB 08 1993

Water right number - R36-14326

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

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

P01 - NO LAWFUL APPROPRIATION SHOWN: There are a number of
- circumstances in which a claim is proposed to be disallowed on
- this basis. This is most commonly included for a claim based on
- beneficial use or posted notice that is PROPOSED to be disallowed
- because the right claimed is not within an exception to the
- mandatory permit statute, and beneficial use of water prior to
- the mandatory permit statute was not confirmed. This is also
- included where a claim is PROPOSED to be disallowed because the
- claim is to water that is not public water subject to
- appropriation.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

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

Date: 03/19/1992 User Id: MERRITT Subject: DISALLOWAL

EVIDENCE OF PRIORITY NOT SUBMITTED. USE EXCEEDS 13,000 GAL/DAY.

+ - - Audit Fields - - +

04/24/92 WORSTELL

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 04/24/1992	Old Judicial District	-
Claim Received Date	- 03/01/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- M006130	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
FEB 08 1993

FILE NUMBER ----- 36-14326
REVIEWER ----- RVW 4/24/92

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE ----- 0
NUMBER OF NONMILKING CATTLE ----- 3000
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
IF ANAEROBIC, ENTER ZERO ----- 0.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) ----- 4
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS - 0
NUMBER OF MILKINGS PER DAY ----- 0

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.00
MILKING CATTLE @35 GPD/HD ----- 0.00
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 0.67
NONMILKING CATTLE @12 GPD/HD ----- 0.67
TOTAL (BASED UPON ROUNDED NUMBERS) ----- 0.67

DIVERSION VOLUME (AFA):

STOCKWATER
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.0
MILKING CATTLE @35 GPD/HD ----- 0.0
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 41.0
NONMILKING CATTLE @12 GPD/HD ----- 40.3
TOTAL (BASED UPON ROUNDED NUMBERS) ----- 41.0

COMMERCIAL
WASHING OF BULK TANK AND RELATED EQUIPMENT ----- 0.0
PARLOR FLOOR AND MILKHOUSE FLOOR ----- 0.0
CATTLE WASHING BASED UPON METHOD OF WASHING ----- 0.0
TOTAL ----- 0.0

TOTAL DIVERSION VOLUME ----- 41.0

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER
MILKING ----- 0.0
NONMILKING ----- 0.0
TOTAL ----- 0.0
COMMERCIAL ----- 0.0
TOTAL CONSUMPTIVE USE ----- 0.0

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP) -----	0.75	0.75	0.00
LIFT (FT) -----	105	105	0
DISCHARGE PRESSURE (PSI) -----	20	20	0
FRICTION LOSSES (FT) -----	3.0	3.0	0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) * -----	0.03	0.03	0.00
DIVERSION VOLUME (AFA) ** -----	22.1	21.7	0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

* DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY
DAY OF THE YEAR.

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