

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: A36-07193
Date Received: 1/26/1989
Receipt No: 5007363
Received By: AD

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

1. Name: ACEQUIA INC. 208-726-8474
Address: P.O. DRAWER 226
SUN VALLEY, ID 83353

2. Date of Priority: JUN 29, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	24E	26	SW	SE	SW		MINIDOKA
			SE	NW	SE		MINIDOKA
		35	NW	SE	NE		MINIDOKA
			SW	NE	SW		MINIDOKA
			SW	NE	SE		MINIDOKA

5. Description of diverting works:
FIVE WELLS & PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.280		

7. Total Quantity Appropriated is:
0.280 C.F.S. (and/or) 480.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	24E	35	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
							Section Acres	160.0
							Total Acres	160.0

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:
A36-02123

14. Remarks:

15. Basis of Claim: LICENSE

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: 1

For Organizations:

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

Signature of Authorized Agent

President Acquia Inc.
Title and Organization

5/26/89
Date

State of Idaho)
County of Thir Fz 16) SS.

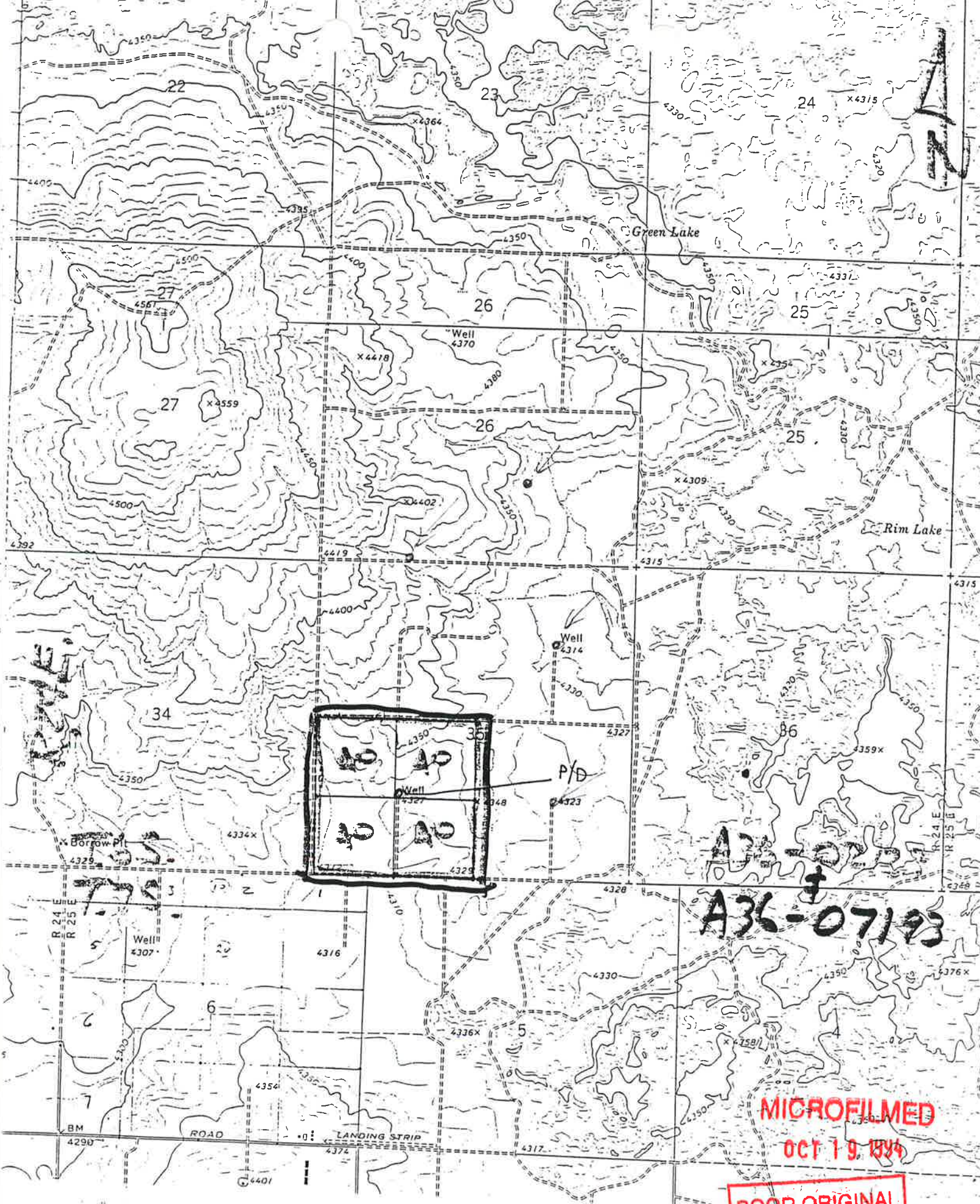
Subscribed and sworn (or affirmed) before me this 26th day
of May 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.

My Commission Expires 6/20/92



A36-07193

MICROFILMED
OCT 19 1984

POOR ORIGINAL

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: **A36-07193**

Date Received: 5/26/1989

Receipt No: S007363

Received By: _____

address change NOA
R

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ACEQUIA INC
Address: PO BOX 1678
KETCHUM ID 83340
208-726-8474

2. Date of Priority: JUN 29, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	24E	26	SW	SE	SW		MINIDOKA
			SE	NW	SE		MINIDOKA
		35	NW	SE	NE		MINIDOKA
			SW	NE	SW		MINIDOKA
			SW	NE	SE		MINIDOKA

5. Description of diverting works:
FIVE WELLS & PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.280		

7. Total Quantity Appropriated is:
0.280 C.F.S. (and/or) 480.00 A.F.A.

8. Total consumptive use is 480.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	24E	35	NE	SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	24E	35	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0

Section Acres 160.0

Total Acres 160.0

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:
A36-02123

14. Remarks:

15. Basis of Claim: LICENSE

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 _____

SD-0601-2 Last Name: ACEQUIA

STATE

S	First	O	Water	Priority		Total	Use
E	Name	W	Right No.	Date	Source	Diversion	Code Desc
L		N					
-	-----	-	-----	-----	-----	-----	-----
-	ACEQUIA INC						
A		C	A36-11047	09/01/1958	GROUNDWATER	0.040	43 DOMEST
A		C	A36-11046	09/01/1958	GROUNDWATER	0.040	43 DOMEST
A		C	R36-02200	02/25/1953	GROUNDWATER	8.460	01 IRR
A		C	R36-02125	06/07/1951	GROUNDWATER	2.470	01 IRR
A		C	R36-11339	02/25/1953	GROUNDWATER	1.600	01 IRR
A		C	R36-11046	09/01/1958	GROUNDWATER	0.040	43 DOMEST
A		C	R36-11047	09/01/1958	GROUNDWATER	0.040	43 DOMEST
A		C	R36-02198	02/25/1953	GROUNDWATER	5.080	01 IRR
A		C	R36-02199	02/25/1953	GROUNDWATER	3.650	01 IRR
A		C	A36-07182	06/29/1971	GROUNDWATER	0.150	01 IRR
A		C	A36-07391	10/12/1973	GROUNDWATER	0.110	01 IRR
A		C	A36-07192	06/29/1971	GROUNDWATER	0.300	01 IRR
A		C	A36-07193	06/29/1971	GROUNDWATER	0.280	01 IRR
A		C	A36-07403	11/08/1973	GROUNDWATER	1.350	01 IRR
A		C	A36-07404	11/08/1973	GROUNDWATER	1.290	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

FEB 03 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

09-Oct-1992

James P. Speck
PO Box 987
Ketchum, ID 83340

*see # A36-02121 for
Original Powers of Attorney*

RE: Confirmation of Response to Notice of Error and Change of Address
for Acequia Inc. & Estate of Rosemary Haley SRBA Claims.

Dear Mr. Speck:

This letter is intended to confirm my responses to your Notices of Error discussed in our October 7th meeting with Miles Clinton at my office.

Regarding your general concern about the season of use, the proposed recommendations are based on irrigation season of use standards adopted by the director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost. Additionally, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for a conditioned irrigation use outside the general irrigation season.

Regarding your general concern about the language in the recommendations which talks about "right includes a change in point of diversion", the Department includes such language in rights where the proposed legal description for the point of diversion is different than the legal description of the base water right. This situation may exist if there has been a physical change in the point of diversion or if it has been determined that the base water right location was incorrect even if there has been no physical change in the point of diversion.

Regarding your concerns about disallowal of several of the rights, these rights were recommended for disallow because generally it was determined by field examination and information gathered from the ASCS that there was a period of 5 years of non-use for these rights or that the acres claimed irrigated consisted of lava out crops that have never been farmed.

I confirm that based on your change of ownership letter and the power of attorney documents submitted we have changed the address of Acequia Inc. and have added you as attorney for all claims in the name of Acequia Inc. Additionally we have changed the name of the Rosemary Haley claims to that of the Estate of Rosemary Haley and have changed

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FEB 03 1993

Page 2
Oct 9, 1992

the address to that of Acequia Inc. and have also added you as attorney for all claims in the name of Rosemary Haley.

After our meeting and review of the files the following additional changes were made to the proposed recommendations:

36-02127 None 36-07850A None
36-02195A None 36-11340 None
36-02130A None 36-07041 None
36-02191 None 36-08106A None
36-02192 None 36-02193 None
36-11290 None 36-11288 None
36-02121 None 36-02194 None

36-02129 Reference to point of diversion change deleted.
36-07403 Reference to point of diversion change deleted.

36-07192 Disallowed since acres originally recommended covered under
36-02122.
36-02122 Deleted reference to 36-07192 in remarks.
36-02124 Deleted reference to 36-07192 in remarks.
36-02190 Deleted reference to 36-07192 in remarks.
36-07193 Deleted reference to 36-07192 in remarks.
36-02123 Deleted reference to 36-07192 in remarks.

If you still disagree with IDWR's recommendations, you will have the opportunity to file an objection to the Director's Report with the court. If you have further questions please feel free to contact our office.

Sincerely,



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

MICROFILMED

FEB 03 1993

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

September 24, 1992

RECEIVED

CERTIFIED MAIL P 059 723 341
RETURN RECEIPT REQUESTED

OCT 01 1992

RECEIVED

SEP 25 1992

Mr. Dave Shaw
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

Department of Water Resources
Boise, Idaho Office

Department of Water Resources

Re: Acequia, Inc. - Estate of Rosemary Haley

Dear Dave:

Enclosed you will find Notices of Error for certain water rights claimed by Acequia, Inc. and the Estate of Rosemary Haley in the Snake River Basin Adjudication. I have also enclosed copies of the Special Powers of Attorney whereby Acequia, Inc. and the Estate of Rosemary Haley have designated me their attorney-in-fact to act in these matters. Please note that the address used by Acequia, Inc. in filing its claims should no longer be used. Instead, the corporation's new address is designated on the Notices of Error (P.O. Box 1678, Ketchum, Idaho 83340).

The period of use for all of my client's irrigation water rights has been changed from the traditional period of March 15 through November 15 to April 1 through October 31. Is this same change being made for every irrigation right in Basin 36? If so, why?

As I mentioned, Ms. Haley passed away in February, 1992 and her records are somewhat in a state of disarray. I have not yet been able to locate her copies of the claims filed in the Adjudication nor any notes or records on the claims based upon beneficial use. I know she worked closely with Gary Funderberg in the Southern Region on many of the water rights matters for Acequia, Inc. I would like to arrange a meeting with an appropriate representative of the Department to discuss the Notices of Error and hopefully resolve many of the questions before the Department must file the Basin 36 Report - I understand this deadline to be November 1, 1992.

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FEB 03 1993

Mr. Dave Shaw
September 24, 1992
Page 2

I look forward to hearing from you. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

Jm
James P. Speck

JPS\dmk
Enclosures
cc: Dr. Mike Haley (w/o encls.)

MICROFILMED

FEB 03 1993

A36 7193

AGENT

INITIALS KKC

DATE 7-25-91

CLAIM NO.

OR ENTRY
ORDER

REMARK

CODE

ENTRY DATA

CONDITION

CODE**STAGE**

OR

PRESUMPTION

CODE

~~Handwritten scribbles~~

7

100

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②

 $E\emptyset$

8.94

36-02122, 36-02123

36-02124, 36-02190

36-7192

E ϕ 1. ✓ Save the following portion $\equiv$ use of this right with right No. 36-02123 is limited to a total combined annual diversion volume of 640 AF, a total combined annual consumptive use volume of 480 AF, and the irrigation of a combined total of 160 Acres in a single irrigation season.

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

Water Right Number - R36-07193

Adj. Flag Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
ACEQUIA INC.1 - P.O. DRAWER 226
2 -
3 -
City- SUN VALLEY
Phone - 208-726-8474

State- ID Zip- 83353

+ - - Priority Date - - + + - - Region - - + + - - Stage - - + + - - Status - - - +
06/29/1971 17 Error in Region L - LICENSE+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County (Blank if no Index Code)06S 24E 35 NW SE NE (67) MINIDOKA
06S 24E 35 SW NE SW (67) MINIDOKA
06S 24E 35 SW NE SE (67) MINIDOKA+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

03/15

11/15

0.280

640.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.280 640.00 480.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County06S 24E 35 NE SW 40.0 01 IRRIGATION (67) MINIDOKA
06S 24E 35 NW SW 40.0 01 IRRIGATION (67) MINIDOKA
06S 24E 35 SW SW 40.0 01 IRRIGATION (67) MINIDOKA
06S 24E 35 SE SW 40.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 160.0

+ - - Diversion Means - FIVE WELLS & PUMPS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - R36-02123

+ - - - - Remarks - - - - - +
No Remarks found.

Water District -

Reviewed by
KLC
7-25-91

```
+ - - Diversion Means - WELL.
```

```
+ - - Non-Irrigation Use -
```

```
+ - - Other Rights for Same Use - G-22155
```

```
+ - - - - - Remarks - - - - - +
```

```
      No Remarks found.
```

Water right number - 36-07193 Adj. flag translation: Standard Water Right Number

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

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
R31 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.0 afa per acre for the
- lands above.

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

+ - - Audit Fields - 06/10/85 05/28/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 09/01/1977	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 08/18/1971	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 01/01/1900	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 04/23/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 06/20/1983	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Microfilm Roll No	-	Presumption Flag	-

Water Right Number - A36-07193

Adj. Flag Translation: Adjudication Temporary Work Area

Old (D) Number -

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

*** C - CURRENT OWNER ***
ACEQUIA INC.1 - P.O. DRAWER 226
2 -
3 -
City- SUN VALLEY State- ID Zip- 83353
Phone - 208-726-8474+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
06/29/1971 17 L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

06S	24E	26	SW SE SW		(67)	MINIDOKA
06S	24E	26	SE NW SE		(67)	MINIDOKA
06S	24E	35	NW SE NE		(67)	MINIDOKA
06S	24E	35	SW NE SW		(67)	MINIDOKA
06S	24E	35	SW NE SE		(67)	MINIDOKA

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	0.280	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.280 480.00 480.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06S	24E	35	NE SW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	24E	35	NW SW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	24E	35	SW SW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	24E	35	SE SW		40.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 160.0

+ - - Diversion Means - FIVE WELLS & PUMPS

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - A36-02123

+ - - - - Remarks - - - - - +
No Remarks found.

Water right number - A36-07193

Adj. flag translation: Adjudication Temporary Work Area

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

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
R31 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.0 afa per acre for the
- lands above.

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

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

+ - - Audit Fields - 01/27/89 MERRITT

+ - - - - 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	- 04/23/1985	Old Judicial District	-
Claim Received Date	- 05/26/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Claims Tape Error Flg	-	Receipt Number	- S007363	Water District	-
Fee Exempt Flag	-	POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-

NO. OF CLAIMS IN POLYGON 2CLAIM NUMBERS 36-7193DATE 6-19-97

TRANSFER NUMBER _____

OBJECTION FILED yesAGENT KKCTOTAL ACRES FROM RECOMMENDATION 160GEOGRAPHIC INFO SYSTEM 160.2

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	65	24E	35									40	40	40	40				
GIS												40.1	40	40.1	40				
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF 6-19ATTRIBUTES OF B36-POU.SHP (132) 6-19B36-DBPOD.DBF 6-19ATTRIBUTES OF B36-POD.SHP () 6-19

P/D disc

65 24E 35

NWSE NE

139 NE SWNE

P/D overlap

SWNE SW

138 NW SWSW

36-2122B

SWNE SE

140 NWSWSE

2123

2124

7193

2190

All three P/D's shifted across Q.C.
lines based upon GIS maps & GCDB.

P/U CONFLICT yes () no (X)

P/D CONFLICT yes (X) no ()

SENT FOR DECREE yes () no ()

RECEIVED

FEB 24 1997

RECEIVED

FEB 25 1997

OFFICE OF THE
ATTORNEY GENERAL

Department of Water Resources
Adjudication Bureau

Claimants Names:

Rodney A. & Shirley S. Jentzsch
Joseph & Melynda Kearl
Route 3, Box 3256
Rupert, ID 83350

Attorney Name & Address:

James P. Speck
Hogue, Speck & Aanestad, P.A.
120 East Avenue
P. O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
FAX: (208) 726-0752

*R + blank prefix records modified.
36-02122B has no 'i' record.*

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

02-26-97

In Re SRBA

Case No. 39576

) Subcases Nos. 36-02122B, 36-02123,
) 36-02124, 36-02190 and 36-07193

) NOTICE OF APPEARANCE
)
)

DESCRIPTIVE SUMMARY

This is a notice of appearance by counsel on behalf of the new claimants and purchasers of the water rights which are the subjects of the above-entitled Subcases.

NOTICE OF APPEARANCE

The law firm of Hogue, Speck & Aanestad hereby enters its appearance on behalf of Claimants, Rodney A. & Shirley S. Jentzsch and Joseph & Melynda Kearl, in the above-entitled Subcases.

MAIL4027

NOTICE OF APPEARANCE - 1



\\WPDATA\SRBA\NAPEAR.SUB
2/17/97 3:18 PM

DATED this 18th day of February, 1997.

HOGUE, SPECK & AANESTAD, P.A.

By


James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of February, 1997, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

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

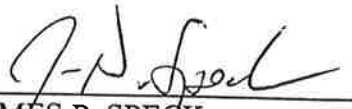
- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

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

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK

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: A36-07193

Date Received: 5/26/1989

Receipt No: S007363

Received By: ownership change K

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RODNEY A JENTZSCH 208-436-1226
Address: RT 3 BOX 3256
RUPERT ID 83350
AND
Name: SHIRLEY S JENTZSCH 208-436-1226
Address: RT 3 BOX 3256
RUPERT ID 83350
AND
Name: JOSEPH KEARL 208-436-1226
Address: RT 3 BOX 3256
RUPERT ID 83350
AND
Name: MELYNDA KEARL 208-436-1226
Address: RT 3 BOX 3256
RUPERTQ ID 83350

2. Date of Priority: JUN 29, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	24E	26	SW	SE	SW		MINIDOKA
			SE	NW	SE		MINIDOKA
		35	NW	SE	NE		MINIDOKA
			SW	NE	SW		MINIDOKA
			SW	NE	SE		MINIDOKA

5. Description of diverting works:
FIVE WELLS & PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.280		

7. Total Quantity Appropriated is:
0.280 C.F.S. (and/or) 480.00 A.F.A.

8. Total consumptive use is 480.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	24E	35	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0

Section Acres 160.0

Total Acres 160.0

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:
A36-02123

14. Remarks:

15. Basis of Claim: LICENSE

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: _____

MEMO TO FILE: 36-02122
DATE: MAY 29, 1996
AGENT: JEANIE ROBERTSON
RE: OWNERSHIP CHANGE

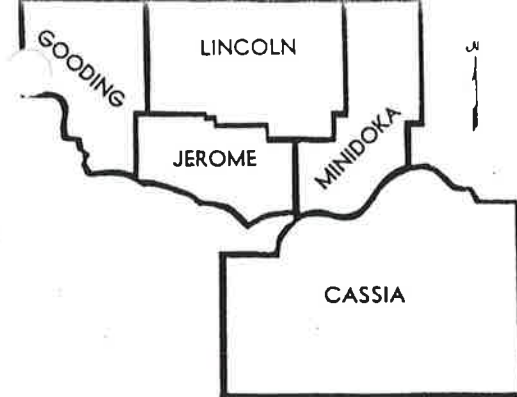
Received an ownership change form from Acequia to Rodney & Shirley Jentzsch and Joseph & Melynda Kearl for a portion of this right. This portion corresponded to the "Recommended" portion while Acequia retained ownership of the "Disallowed" portion. I split the "A" record into parts A (Acequia) and B (Jentzsch & Kearl), renumbered the "blank" or recommended record 36-02122 into part B (Jentzsch & Kearl), and created a part A (Acequia) to match the disallowed portion, at the suggestion of Deputy AG Brent King.

36-02122A, 36-02122B, 36-02123, 36-02124, 36-02190, 36-07193:
James Speck was Attorney of Record for Acequia and he told me to leave his name on the Jentzsch/Kearl claims for the time being.

MICROFILMED
DEC 04 1996

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



RECEIVED

REFER TO:
OFFICE:

MAY 06 1996

Department of Water Resources
Southern Region

Order #10831
Rupert

May 3, 1996

ATTENTION: JEANIE ROBERTSON
WATER RIGHTS AGENT
ADJUDICATION

IDAHO DEPARTMENT OF WATER RESOURCES
222 SHOSHONE ST. EAST
TWIN FALLS, IDAHO 83301

Dear Jeanie:

Enclosed is another New Property Owner-Notice of Change of Water Right Ownership on Acequia, Inc. to Rodney A. Jentzsch and Shirley S. Jentzsch and Joseph Kearl and Melynda Kearl.

I have also attached a copy of the Warranty Deed in reference to the above.

Thanks for your help on this matter.

Very truly yours:
LAND TITLE AND ESCROW, INC.
Julia G. Coffman
Julia G. Coffman
Escrow Officer

enc.
pc: file

BOX 177, BURLEY, IDAHO 83318
PHONE 878-3524 - FAX 878-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 834-8477 - FAX 834-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1188

MICROFILMED
DEC 04 1996

DATE OF CLOSING: 2-23-96

☐ 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: 36-02123, 36-07193, 36-02124, 36-02190 & 36-02122

[] New Telephone Number: (208) 436 - 1226

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

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

MICROFILMED

DEC 04 1996

422679

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

RECORDED AT REQUEST OF
Land Title-Rupert

FILM NO. —

(#10831)

422679

'96 FEB 28 16 : 38

(Space above line for Recorder's use)

MINIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
FEE 9 DEPUTY SP

WARRANTY DEED

FOR VALUE RECEIVED, ACEQUIA, INC., an Idaho corporation, whose address is P.O. Box 226, Sun Valley, ID 83353 ("Grantor" whether one or more), hereby grants, bargains, sells and conveys unto RODNEY A. JENTZSCH and SHIRLEY S. JENTZSCH, husband and wife, and JOSEPH KEARL and MELYNDA KEARL, husband and wife, whose address is Route 3, Box 3256, Rupert ID 83350 ("Grantees", whether one or more), that certain real property situated in Minidoka County, Idaho and described in Exhibit A attached hereto and made a part hereof by this reference.

SUBJECT TO the following:

1. Liens for taxes and assessments not yet due and payable;
2. Reservations and exceptions in any patents from the United States or any patent or deed from the State of Idaho;
3. Building and zoning ordinances and regulations;
4. Covenants, conditions, rights-of-way, easements and restrictions of record if any as disclosed by the records of Minidoka County, Idaho;

TOGETHER WITH the following water rights as recommended in the Directors Report for Reporting Area 3 in In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls District Court Case No. 39576 (the "SRBA"):

- a. All of Water Right No. 36-02123 in the amount of 2.72 cfs;
- b. All of Water Right No. 36-07193 in the amount of 0.28 cfs;
- c. All of Water Right No. 36-02124 in the amount of 6.1 cfs;

RWPDATADUMACEQUIAFARMJENSZCHWENTYDEED.001

-1-

MICROFILMED

DEC 04 1996

- d. All of Water Right No. 36-02190 in the amount of 1.6 cfs; and
- e. A portion of Water Right No. 36-02122 in the amount of 1.28 cfs.

SUBJECT TO the final outcome of all proceedings in and the provisions, terms and conditions of the decree to be entered in the SRBA.

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the Grantor will warrant and defend the same from all lawful claims whatsoever. However, notwithstanding the description of the water rights set forth above, Grantor does not make any representation or warranty as to the amount, volume or any other element of such water rights.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the date set forth below.

"GRANTOR"

ACEQUIA, INC.

Date: 2/13/96

By:

Michael Haley
Michael Haley, President

DISTRICT OF COLUMBIA) ss.
)

On this 13th day of February, 1996, before me, the undersigned notary public in and for said state, personally appeared Michael Haley, known or identified to me to be the president of ACEQUIA, INC. and the person who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



Adrienne A. Schmidt
Notary Public for District of Columbia
Residing at: Edgewater MD
Commission Expires:

-2-

My Commission
Expires 5/15/99

2/12/96

MICROFILMED

DEC 04 1996

Order No.: 10831

SCHEDULE C

TOWNSHIP 6 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

TRACT NO. 1:

SECTION 35: S½.

TRACT NO. 2:

SECTION 35: N½.

TRACT NO. 3:

SECTION 26: That portion of the S½ of said Section 26, more particularly described as follows:

Beginning at the Southeast corner of Section 26, said corner marked by a U.S. General Land Office iron pipe with brass cap which shall be the POINT OF BEGINNING;

Thence North 89°44'23" West along the South section line for 2633.94 feet to a U.S. General Land Office iron pipe with brass cap at the South quarter section corner of Section 26;

Thence North 00°04'04" East for 1681.61 feet to a ½ inch rebar;

Thence South 89°23'51" East for 2636.58 feet to a ½ inch rebar on the East line of Section 26;

Thence South 00°09'18" West along the East line of Section 26 for 1665.86 feet to the POINT OF BEGINNING.

TRACT NO. 4:

SECTION 26: That portion of the SW¼ of said Section 26, more particularly described as follows:

Beginning at the Southwest corner of Section 26, said corner marked by a 2 inch iron pipe; thence South 89°52'01" East along the South line of the SW¼ for 1285.70 feet to a point which shall be the POINT OF BEGINNING;

Thence North 00°07'59" East for 103.93 feet;

Thence South 89°52'01" East for 100.00 feet;

Thence South 00°07'59" West for 103.93 feet to the South line of the SW¼;

Thence North 89°52'01" West along said line for 100.00 feet to the POINT OF BEGINNING.

EXHIBIT A

MICROFILMED

DEC 04 1996

RECEIVED

MAY 08 1996

Department of Water Resources
Adjudication Bureau

COPY
RECEIVED

MAY 21 1996

Department of Water Resources
Southern Region

FEB 14 1996

Hogue, Speck & Anastas

36-02123

36-02124

36-02190

36-02123
7/93

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

STANDARD FORM 3

(Check Appropriate Box)

☐ NOTICE OF CHANGE IN ADDRESS
OR

☒ CONSENT TO SUBSTITUTION OF
PARTY *this document was accepted by*

SRBA court 5/6/96

CM system has been updated

INSTRUCTIONS FOR USE

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled. If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

This form has been adopted by the court in Re SRBA, Twin Falls County Case 39576, SRBA Administrative Order I Rules of Procedure (amended 6/21/93), Section 4Ac(3), which may be consulted for further information.

A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here. Follow the instructions on the form or it will not be accepted for filing. The Verification and the Certificate of Mailing must be completed.

Standard forms may be obtained from the Idaho Department of Water Resources or the SRBA Court.

right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of the "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The Substitution shall be filed by the new claimant/purchaser.

I am the new claimant/purchaser of 36-02123, 36-07193, 36-02124, 36-02190

My name is RODNEY A. JENTZSCH AND SHIRLEY S. JENTZSCH
(Insert each water right number)
JOSEPH KEARL AND MELYNDA KEARL

My address is ROUTE 3 BOX 3256 RUPERT, IDAHO 83350

My phone number is: Work (208) 532-4119 Home (208) 436-1226

The name and address of the prior claimant/seller who I wish to be substituted for are:

Acequa, Inc., Post Office Box 226, Sun Valley, ID 83353

Michael J. Haley
Signature of prior claimant/seller
Michael J. Haley, President

Rodney A. Jentzsch
Shirley S. Jentzsch
Signature of new claimant/purchaser
Melinda Kearl
Joseph Kearl

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name _____

Attorney of record for _____
(Identify party/claimant)

Attorney address and phone number: _____

- ☐ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.
- ☐ A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

INSTRUCTIONS FOR MAILING

Mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on FEBRUARY 23, 1996, I mailed the original and copies of this form, 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. A *Change of Address* was served on each party, or if they are represented by an attorney you must serve the attorney, in each subcase in which you are a party, at the following address(es):

3. A *Consent to Substitution of Party* was served on the prior claimant/seller, or if they are represented by an attorney you must serve the attorney, at the following address(es):

JAMES P. SPECK, ESQ.

HOGUE, SPECK & AANESTAD

P.O. BOX 987

KETCHUM, IDAHO 83340

4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

May 29, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

RODNEY & SHIRLEY JENTZSCH
JOSEPH & MELYNDA KEARL
RT 3 BOX 3256
RUPERT ID 83350

Re: Ownership Change for Adjudication Claim # 36-02122, 36-02123,
36-02124, 36-02190, 36-07193
ACEQUIA/JENTZSCH-KEARL

Dear Claimants:

Pursuant to notification that you presently own the property in which the above referenced Adjudication Claims are appurtenant, I have changed the Department's records of the current owner as you requested.

I have enclosed copies of the claims (A36-02123, A36-02124, A36-02190, and A36-07193) and also profile reports (36-02123, 36-02124, 36-02190, and 36-07193) which show how the rights have been recommended in the Director's Report. (The C owner code refers to the Current owner and the D refers to the owner at the time the Director's Report was issued.)

As you only purchased a portion of the property to which 36-02122 was appurtenant, I have split that original right into parts A and B. Your portion is known as A36-02122B, while Acequia retained A36-02122A. I have enclosed copies of this claim and a proof report (R36-02122B) for this right also.

Mr. Speck asked me to leave his name as Attorney of Record on your claims for the time being. If you decide to have his name removed or change to another attorney, please submit the enclosed Change in Attorney Form.

If you have any questions, feel free to call me at the office.

Sincerely,

Jeanie Robertson
Sr. Water Rights Agent

MICROFILMED

Water Right Number - 36-07193 Prefix Translation: WATER RIGHT Old (D) Number -

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

*** A - ATTORNEY ***
SPECK JAMES P 1 - PO BOX 987
2 -
3 -
City- KETCHUM State- ID Zip- 83340
Phone - 208-726-4421

*** C - CURRENT OWNER ***
JENTZSCH RODNEY A 1 - RT 3 BOX 3256
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-436-1226

JENTZSCH SHIRLEY S 1 - RT 3 BOX 3256
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-436-1226

KEARL JOSEPH 1 - RT 3 BOX 3256
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-436-1226

KEARL MELYNDA 1 - RT 3 BOX 3256
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-436-1226

*** D - DIR RPT OWNER ***
ACEQUIA INC 1 - PO BOX 1678
2 -
3 -
City- KETCHUM State- ID Zip- 83340
Phone - 208-726-8474

+ - - Priority Date - - + + - - Region - - + + - - Stage - - - + + - - Status - - - +
06/29/1971 17 SOUTHERN L - LICENSE

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

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

06S 24E 35 NW SE NE (67) MINIDOKA
SW NE SW (67) MINIDOKA
SW NE SE (67) MINIDOKA

Water right number - 36-07193

Prefix Translation: WATER RIGHT

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31		0.280	
+ - Total Div. Rate - +		+ - Total Div. Volume - +		+ - Total Consumptive Use - +		+ - KW Usage - +
0.280				0.0		

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
06S	24E	35	NE SW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	24E	35	NW SW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	24E	35	SW SW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	24E	35	SE SW		40.0	01	IRRIGATION	(67) MINIDOKA
Total Acres:					160.0			

+ - - Diversion Means - THREE WELLS & PUMPS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-02123

Remarks

GEN RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 8.94 (capacity of diversion system). OTHER RIGHT NOS.: 36-02122, 36-02123, 36-02124 AND 36-02190. USE OF THIS RIGHT WITH RIGHT NO. 36-02123 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 640 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 480 AF, AND THE IRRIGATION OF A COMBINED TOTAL OF 160 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: 09/28/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/25/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 7/29/91. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/08/1992 User Id: ROBERTSO Subject: ADDRESS CHANGE & NOTICE OF APPEARANCE ENTERED
Date: 10/09/1992 User Id: MERRITT Subject: RESPONDED TO NOE
MET WITH SPECK 10/7. DELETED REFERENCE TO 36-07192 IN REMARKS.

MICROFILMED
DEC 04 1996

Water right number - 36-07193

Prefix Translation: WATER RIGHT

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

Date: 05/16/1996 User Id: JROBERTS Subject: OWNERSHIP CHANGE
FORM RECEIVED 5/6/96, COPY OF WARRANTY DEED SUBMITTED WITH FORM, ORIGINAL OWNER ACEQUIA - NEW OWNERS RODNEY & SHIRLEY JENTZSCH AND
JOSEPH & MELYNDA KEARL. A36-07193 ALSO CHANGED. jr

+ - - Audit Fields - - +

05/16/96 JROBERTS

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

Court Report Filing	- 11/02/1992	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 05/03/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 08/31/1993	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 05/26/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S007363	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	- C
				Notice of Error Flag	- C

MICROFILMED
DEC 04 1996

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

CUSTOMER

February 8, 1996 4:30pm **STEVE PORCH** 36-02122, 36-02123, 36-02124,
36-02190, 36-07193

SUBJECT: PROFILE REPORTS

phone call (X) walk-in (.)

He is a real estate agent who requested profile reports on these Acequia claims. Also wanted some Change of Ownership forms and some SF3's left at the front desk, which he will pick up tomorrow.

MICROFILMED
DEC 04 1996
FILMED
DEC 04 1996

RECEIVED

FEB 01 1995

**Department of Water Resources
Southern Region**

RECEIVED

JAN 03 1995

OFFICE OF THE
ATTORNEY GENERAL

5 COPY

RECEIVED

JAN 04 1995

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

Water Right No. 36-07193

STANDARD FORM 1

**AMENDED
OBJECTION**

INSTRUCTIONS

This form must be used to file an objection to a water right recommended in the director's report. ***Only one party/claimant may object to one water right per objection form.*** 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. If you do, the text must be on the front and back of each page exactly as it appears here. The objection must be received by the court on or before the deadline specified in the Notice of Filing the Director's Report that IDWR mailed to you. Follow the Instructions for Mailing this objection (Page 6) or the court will not accept it for filing. This form has been adopted by the court in ***SRBA Administrative Order 1*** (amended June 21, 1993), Section 4, which may be consulted for further information.

Any party filing 25 or more objections must make an appointment with the Clerk of the SRBA Court.

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 is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. ***Party/Claimant objecting:***

Name: Acequia, Inc.

Address: c/o James P. Speck
Hogue, Speck & Aanestad
P. O. Box 987
Ketchum, ID 83340

Phone: Work: (208) 726-4421
Home:

Briefly describe your interest in this water right: Claimant

If this objection is *filed by an attorney*:

Attorney Name: James P. Speck

Attorney Address: Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, Idaho 83340

Attorney Phone No.: (208) 726-4421

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

2. ***Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:***

Name: Acequia, Inc.

Address: P. O. Drawer 226
Sun Valley, ID 83353

II. STATEMENT OF THE OBJECTION

1. ☒ **Period of Year:** I object to the period of year when water is used or is necessary for the purpose stated.
2. ☒ **Remarks:** I object to the "remarks" listed with the water right.

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.

The reasons stated in the original Objection filed by Claimant are incorporated herein by this reference. In addition, the Water Right is based upon a license issued by the Idaho Department of Water Resources ("IDWR") which specified March 15 to November 15 as the period of use for the Water Right. The Water Right has historically been used during this licensed period of use. Claimant and its predecessors have a vested interest in and have relied upon this period of use. IDWR is estopped from and has waived any right it may have had to change the licensed period of use or recommend such change.

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 changes described in the original Objection filed by Claimant are incorporated herein by this reference. In addition, the period of use should be changed to March 15 through November 15.

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.

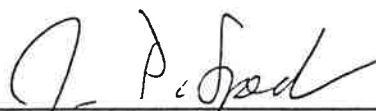
VERIFICATION (Must be completed)

State of Idaho)
)
County of Blaine) ss.

James P. Speck, being first 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 I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of party/claimant filing objection

By: 
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 12-29-94
(Insert Date)


Notary Public for Idaho
Residing at Blaine County
My Commission expires 2/5/99

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 all of the parties listed below in the Certificate of Mailing.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on December 30, 1994, 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, and you must fill in the following information:

Owner's name: Acequia, Inc.

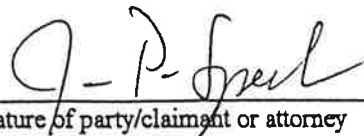
Owner's address: c/o James P. Speck
Hogue, Speck & Aanestad
P. O. Box 987
Ketchum, ID 83340

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 party/claimant or attorney

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 19 1994

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

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

Case No. 36-07193 -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)

2. Person who filed objection:

Name: ACEQUIA INC
Address: POST OFFICE DRAWER 226
SUN VALLEY ID 83353

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

11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 11 and all allegations of the objection regarding this item, IDWR responds as follows.

The claimant filed objections to IDWR's recommendation of disallowal of all of claim no. 36-02121 and a portion of claim no. 36-02122. The claimant seeks changes in the combined use remark of this right, to change the remark to reflect the changes sought in the objections to the recommendations of the other claims. In its responses, IDWR denies the objections to the recommendations of the other claims, and IDWR incorporates those responses herein by reference (see sub-case nos. 36-02121-0001 and 36-02122-0001.) However, if claim nos. 36-02121 and 36-02122 are determined by the court differently than recommended by IDWR, then the combined use remark in the description of this right will need to be changed.

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. A36-07193

4

(Over)

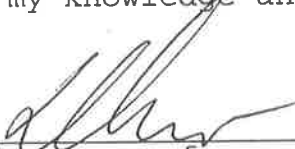
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

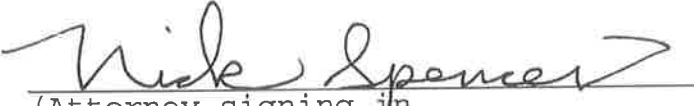
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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 31st day of August,
1993.



Notary Public for Idaho

Residing at: _____

My Commission expires: _____

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

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of August, 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:

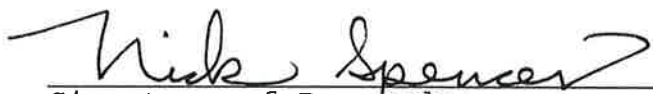
See No. 3

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: JAMES P SPECK
Address: PO BOX 987
KETCHUM ID 83340

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: A36-07193
Date Received: 1/26/1989
Receipt No: 5007363
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ACEQUIA INC. 208-726-8474
Address: P.O. DRAWER 226
SUN VALLEY, ID 83353

2. Date of Priority: JUN 29, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	24E	26	SW	SE	SW		MINIDOKA
			SE	NW	SE		MINIDOKA
		35	NW	SE	NE		MINIDOKA
			SW	NE	SW		MINIDOKA
			SW	NE	SE		MINIDOKA

5. Description of diverting works:
FIVE WELLS & PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.280		

7. Total Quantity Appropriated is:
0.280 C.F.S. (and/or) 480.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	24E	35	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
Section Acres								160.0
Total Acres								160.0

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:
A36-02123

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: 1

For Organizations:

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

Thomas J. Kelly
Signature of Authorized Agent

President Acquia Inc.
Title and Organization

5/26/89
Date

State of Idaho

County of Thur File) SS.

Subscribed and sworn (or affirmed) before me this 26th day

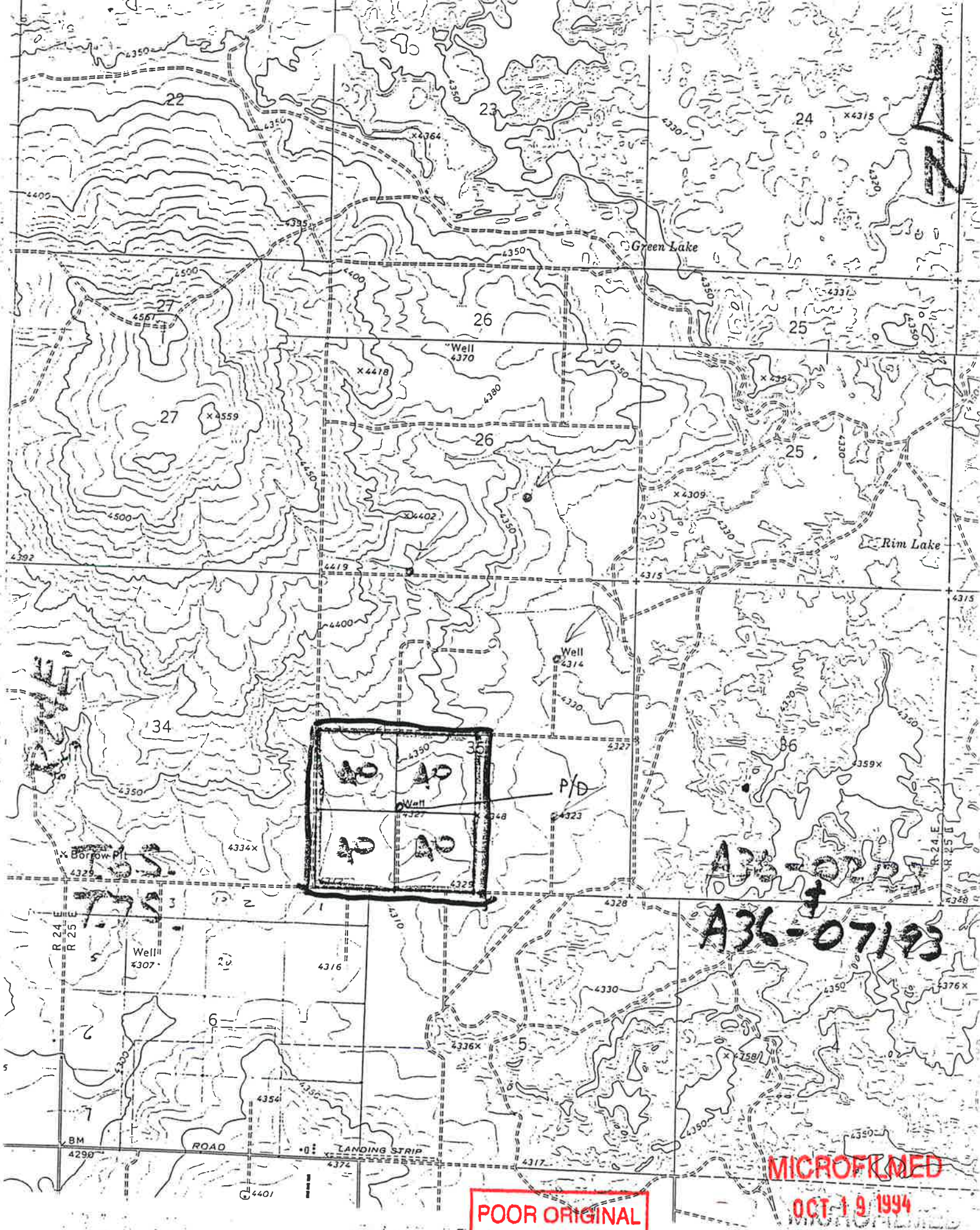
of May 19 89

Notary Public

Seal

Residing at Kibbey, Id.

My Commission Expires 6/30/92



POOR ORIGINAL

MICROFILMED

OCT 19 1994

FEB 03 1993

RECEIVED

MAY 03 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

Case No. 36-07193
(You must insert the
water right number you
are objecting to)

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

OBJECTION

Petitioner,

36-07193 -0001/
93-04-0299

vs.

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

Respondents.

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.

(Over)

OBJECTION - 1

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OCT 19 1994

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: Acequia, Inc.

Address: Post Office Drawer 226

Sun Valley, Idaho 83353

Briefly describe your interest in this water right:

Owner

2. Owner of the water right:

Name: Acequia, Inc.

Address: Post Office Drawer 226

Sun Valley, Idaho 83353

3. If this objection is filed by an attorney:

Attorney Name: James P. Speck

Attorney Address: Post Office Box 987

Ketchum, Idaho 83340

Attorney Phone No.: (208) 726-4421

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.

Acequia has filed Objections to the quantity of water recommended for 36-02121 and 36-02122. All reasons supporting those objections apply to this Objection to the combined rate of diversion of this right and those rights.

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 Remarks should be changed so that the combined rate of diversion limitation for all rights diverted through the same points of diversion is increased to account for increases in 36-02121 and 36-02122.

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. _____

VERIFICATION (Must be Completed)

State of Idaho

County of Blaine

James P. Speck, 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.

ACEQUIA, INC.

By: _____
Signature of person filing objection

By: J. P. Speck
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 30th day of April,
1993.

Donald T. Kirby
Notary Public for Idaho
Residing at: Ketchikan, Idaho
My Commission expires: 4/1/97

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 30th 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:

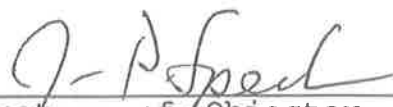
Owner name: Acequia, Inc.
Owner's address: Post Office Drawer 226
Sun Valley, Idaho 83353

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



MICROFILMED

FEB 03 1993

Water Right Number - R36-07193

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***
SPECK

JAMES P

1 - PO BOX 987

2 -

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-4421

*** C - CURRENT OWNER ***
ACEQUIA INC

1 - PO BOX 1678

2 -

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-8474

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/29/1971 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County06S 24E 35 NW SE NE (67) MINIDOKA
SW NE SW (67) MINIDOKA
SW NE SE (67) MINIDOKA+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.280+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.280 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
06S 24E 35 NE SW 40.0 01 IRRIGATION (67) MINIDOKA
06S 24E 35 NW SW 40.0 01 IRRIGATION (67) MINIDOKA
06S 24E 35 SW SW 40.0 01 IRRIGATION (67) MINIDOKA
06S 24E 35 SE SW 40.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 160.0

+ - - Diversion Means - THREE WELLS & PUMPS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-02123

MICROFILMED
FEB 03 1993

Water right number - R36-07193

Prefix Translation: RESEARCH

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

RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 8.94 (capacity of diversion system). OTHER RIGHT NOS.: 36-02122, 36-02123, 36-02124 AND 36-02190.
USE OF THIS RIGHT WITH RIGHT NO. 36-02123 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 640 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 480 AF, AND THE IRRIGATION OF A COMBINED TOTAL OF 160 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: 09/28/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/25/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 7/29/91. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/08/1992 User Id: ROBERTSO Subject: ADDRESS CHANGE & NOTICE OF APPEARANCE ENTERED
Date: 10/09/1992 User Id: MERRITT Subject: RESPONDED TO NOE
MET WITH SPECK 10/7. DELETED REFERENCE TO 36-07192 IN REMARKS.

+ - - Audit Fields - - +
10/09/92 MERRITT

+ - - - - - 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	- 10/09/1992	Old Judicial District	-
Claim Received Date	- 05/26/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S007363	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- C
				Notice of Error Flag	- C

MICROFILMED

FEB 03 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

09-Oct-1992

James P. Speck
PO Box 987
Ketchum, ID 83340

RE: Confirmation of Response to Notice of Error and Change of Address
for Acequia Inc. & Estate of Rosemary Haley SRBA Claims.

Dear Mr. Speck:

This letter is intended to confirm my responses to your Notices of Error discussed in our October 7th meeting with Miles Clinton at my office.

Regarding your general concern about the season of use, the proposed recommendations are based on irrigation season of use standards adopted by the director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost. Additionally, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for a conditioned irrigation use outside the general irrigation season.

Regarding your general concern about the language in the recommendations which talks about "right includes a change in point of diversion", the Department includes such language in rights where the proposed legal description for the point of diversion is different than the legal description of the base water right. This situation may exist if there has been a physical change in the point of diversion or if it has been determined that the base water right location was incorrect even if there has been no physical change in the point of diversion.

Regarding your concerns about disallowal of several of the rights, these rights were recommended for disallow because generally it was determined by field examination and information gathered from the ASCS that there was a period of 5 years of non-use for these rights or that the acres claimed irrigated consisted of lava out crops that have never been farmed.

I confirm that based on your change of ownership letter and the power of attorney documents submitted we have changed the address of Acequia Inc. and have added you as attorney for all claims in the name of Acequia Inc. Additionally we have changed the name of the Rosemary Haley claims to that of the Estate of Rosemary Haley and have changed

MICROFILMED

FEB 03 1993

Page 2
Oct 9, 1992

the address to that of Acequia Inc. and have also added you as attorney for all claims in the name of Rosemary Haley.

After our meeting and review of the files the following additional changes were made to the proposed recommendations:

36-02127 None 36-07850A None
36-02195A None 36-11340 None
36-02130A None 36-07041 None
36-02191 None 36-08106A None
36-02192 None 36-02193 None
36-11290 None 36-11288 None
36-02121 None 36-02194 None

36-02129 Reference to point of diversion change deleted.
36-07403 Reference to point of diversion change deleted.

36-07192 Disallowed since acres originally recommended covered under
36-02122.
36-02122 Deleted reference to 36-07192 in remarks.
36-02124 Deleted reference to 36-07192 in remarks.
36-02190 Deleted reference to 36-07192 in remarks.
36-07193 Deleted reference to 36-07192 in remarks.
36-02123 Deleted reference to 36-07192 in remarks.

If you still disagree with IDWR's recommendations, you will have the opportunity to file an objection to the Director's Report with the court. If you have further questions please feel free to contact our office.

Sincerely,



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

MICROFILMED
FEB 03 1993

AUG-24-1992

NOTICE OF ERROR FORM

RECEIVED

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

OCT 01 1992

Department of Water Resources
Southern Region Office

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: 36-07193

2. Name: ACEQUIA, INC.

Address: P.O. Box 1678
KETCHUM ID 83340

Weekday Telephone Number: 208/726-4421

RECEIVED

SEP 25 1992

Department of Water Resources

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 the copy.)

N/C
File objection

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

DELETION OF S.26 POINTS OF DIVERSION
COMBINED RATE OF DIVERSION LIMIT.

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

INCLUDE S.26 WELLS AND INCREASE COMBINED RATE OF
DIVERSION LIMIT OR DELETE S.26 WELLS, MAKE WELL IN
SWYU S.35 ONLY POINT OF DIVERSION, AND LIMIT COMBINED RATE
OF DIVERSION OF 36-07123 AND 36-0793 TO 3.0 CFS.

5. Describe why you disagree with the proposed recommendation:

DIVERSION SYSTEM WITH S.26 WELLS SHOULD INCLUDE THEIR
CAPACITY, SUCH WELLS TO BE RE-ACTIVATED UPON TERMINATION
OF BLAINE LARSEN LEASE.

6. Date: 9/23/92

SIGNATURE

J. P. Spink, attorney-in-fact
for Acquia, Inc.

RECORDED
FEB 03 1993

R PROOF

X

CVR

X

MAPS

PHOTOS

MISC

VERIFIED BY

Water Right Number - R36-07193

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
ACEQUIA INC.

1 - P.O. DRAWER 226

2 -

3 -

City- SUN VALLEY

State- ID Zip- 83353

Phone - 208-726-8474

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
06/29/1971 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

06S 24E 35 NW SE NE (67) MINIDOKA

06S 24E 35 SW NE SW (67) MINIDOKA

06S 24E 35 SW NE SE (67) MINIDOKA

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

01 - IRRIGATION

03/15

11/15

0.280

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.280 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

06S 24E 35 NE SW 40.0 01 IRRIGATION (67) MINIDOKA

06S 24E 35 NW SW 40.0 01 IRRIGATION (67) MINIDOKA

06S 24E 35 SW SW 40.0 01 IRRIGATION (67) MINIDOKA

06S 24E 35 SE SW 40.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 160.0

+ - - Diversion Means - THREE WELLS & PUMPS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-02123

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

RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF
THESE RIGHTS IS LIMITED TO 8.94 (capacity of
diversion system). OTHER RIGHT NOS.: 36-02122, 36-02123,MICROFILMED
FEB 03 1993

Water right number - R36-07193

Prefix Translation: RESEARCH

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

36-02124, 36-02190 AND 36-07192.
USE OF THIS RIGHT WITH RIGHT NO. 36-02123 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 640 AF, A TOTAL
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 480 AF, AND THE
IRRIGATION OF A COMBINED TOTAL OF 160 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 - - - - - +

No Comments Found

+ - - Audit Fields - - +

07/29/91 WELLS

+ - - - - - 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	- 07/29/1991	Old Judicial District	-
Claim Received Date	- 05/26/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S007363	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- C

MICROFILMED

FEB 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:44
08/04/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-07193

LAST: ACEQUIA INC.
ADDRESS: P.O. DRAWER 226
CITY: SUN VALLEY
PHONE NUMBER: 208-726-8474

FIRST:
STATE: ID ZIP: 83353

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 8/15/90

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: None

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED

FEB 03 1993

A. AJ CLAIM: * A36-07193 PRIORITY DATE: 06-29-1971 STAGE: L

B. WR RECORD: * 36-07193 PRIORITY DATE: 06-29-1971 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
[Red checkmark]

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(*[Red checkmark]*)
IF YES EXPLAIN.

REMARKS: _____

RECOMMENDED PRIORITY DATE:
06-29-1971

REVIEWED BY *Adm*

DATE *9/10/90*

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FEB 03 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-07193	06S	24E	35	SW	NE	SW		MINIDOKA
A36-07193	06S	24E	35	SW	NE	SE		MINIDOKA
A36-07193	06S	24E	35	NW	SE	NE		MINIDOKA
A36-07193	06S	24E	26	SW	SE	SW		MINIDOKA
A36-07193	06S	24E	26	SE	NW	SE		MINIDOKA

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
A36-07192 NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-02123
36-02124
36-02122
36-02190

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-07193	06S	24E	35		NE	SW		MINIDOKA

OTHER WR RECORDS WITH SAME WR POD

36-02123

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

A36-07192 NONE
A36-11288
A36-02122
A36-02123
A36-02190
A36-02124

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER
Y

REC 03 1063

REMARKS:

Wells in section 20 have no pumps.
Recommend those wells in Sec 35.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
6S	24E	35	SW	NE	SW		Milwaukee
		35	SW	NE	SE		"
		35	NW	SE	NE		"

SOURCE: GROUNDWATER

REVIEWED BY:

ADN

DATE:

9/10/90

MICROFILMED

FEB 03 1993

A. ROOT WATER RIGHT NUMBERS: A36-07193

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
06S	24E	35	SW	SW		ACEQUIA INC. ACEQUIA INC.	A36-07193 740.0 A36-02123 /40.0	36-07193 740.0 36-02123 /40.0	40.0		40.0
06S	24E	35	NE	SW		ACEQUIA INC. ACEQUIA INC.	A36-07193 740.0 A36-02123 /40.0	36-07193 740.0 36-02123 /40.0	38.0		
06S	24E	35	NW	SW		ACEQUIA INC. ACEQUIA INC.	A36-07193 740.0 A36-02123 /40.0	36-07193 740.0 36-02123 /40.0	40.0		40.0
06S	24E	35	SE	SW		ACEQUIA INC. ACEQUIA INC.	A36-07193 740.0 A36-02123 /40.0	36-07193 740.0 36-02123 /40.0	38.0		
TOTAL ACRES						A36-07193	160.00	160.00	158.00		

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:

within tolerance

RECOMMENDATIONS:

TOTAL ACRES:

160

REVIEWED BY:

ADN

DATE:

9/10/90

CLAIM NUMBER: A36-07193

A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-07193	IRRIGATION	FROM 03-15 TO 11-15	.280 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED			.280 CFS 480.00 AF/A

B. WR RECORDED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-07193	IRRIGATION	FROM 03-15 TO 11-15	.280 CFS 135.80 AF/A
TOTAL DIVERSION RATE/VOLUME CLAIMED			.280 CFS 135.80 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() Explain in remarks, below.

REMARKS:

MICROFILMED
FEB 03 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 0.280 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.280 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(Y) N(☐) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A36-02123

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-07193	GROUNDWATER	ACEQUIA INC.	0.280	0.001		
A36-02123	GROUNDWATER	ACEQUIA INC.	2.720	0.017	480.00	3.00

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

2.00

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FEB 03 1993

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 160 x 0.02 CFS/ACRE = 3.20 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 = 480.0 AF/A

ACRES 160 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =

TOTAL CONSUMPTIVE USE 480 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 480.00 AF/A

ACRES 160 x DIVERSION VOL. AF/A FOR AREA 4.0 =

TOTAL DIVERSION VOLUME 640 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

Overlaps with A36-02123

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	03-15 11-15	DATABASE EXAMINER 0.280 ✓	DATABASE EXAMINER 480.0 ✓	DATABASE EXAMINER 480.0
TOTAL FOR THIS RIGHT		0.280	~~480.00~~ 640	480.0

REVIEWED BY:

Adn

DATE:

9/10/90

LEB 03 2033

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-07193

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.280

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-07193	0.280	-	-	36-07193	0.280
TOTAL CFS		0.280				0.280

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
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: 

DATE: 9/10/90

NAME OF FIELD EXAMINER: _____

TITLE: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:44
08/04/90

CLAIM NUMBER: A36-07193

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			ADN	N			DB 10-4-90	KKC 7-25-91
POINT OF DIV	Y		/	Y	1, 5		/	/
SOURCE								
PLACE OF USE	Y			N				
DIV. AMOUNT CFS/VOLUME				N	1, 4, 5			
CONSUMPTIVE USE				Y				
PURPOSES				N				
PERIOD OF USE				N				
BASIS OF CLAIM			N					
REMARKS			N					
			N					

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAFF 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.

MICROFILMED

FEB 03 1993