

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: **A36-07308**
Date Received: 1/18/1989
Receipt No: S006012
Received By: _____

AMENDED

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

AMENDED

1. Name: DENNIS NEWTON 208-532-4396
Address: RT 1 BOX 1468
PAUL ID 83347
AND/OR
Name: RANDY NEWTON 208-532-4552
Address: RT 1 BOX 1468
PAUL ID 83347
2. Date of Priority: APR 1, 1958
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	23E	23		NW	NE		MINIDOKA
5. Description of diverting works:
WELL & PUMP.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.000		1504.00
DOMESTIC	01/01	12/31	0.060		
7. Total Quantity Appropriated is:
6.000 C.F.S. (and/or) 1504.00 A.F.A.
8. Total consumptive use is 1128.0 Acre Feet Per Annum.
9. Non-irrigation uses:
DOMESTIC/ 1 TRAILER HOME, 1 LABOR HOME

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	23E	14	SW		SW		IRR	34.0
			SE		SW		IRR	21.0
			SW		SE		IRR	10.0
			SE		SE		IRR	1.0
							Section Acres	66.0
		23	NE		NE		IRR	33.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			NE		NW		IRR	40.0
			NW		NW		IRR	39.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
							Section Acres	310.0
							Total Acres	376.0

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:
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):

Bong W. White

Date: 3/13/95

Heidi A. Hunter

Date: 3/13/95

State of Idaho

County of

Twin Falls

)
) SS.

Subscribed and sworn (or affirmed) before me this

13th

day

of

March

19

95

Steve C. [Signature]

Notary Public

Seal

Residing at

Twin Falls

My Commission Expires

12/7/2000



State of I
DEPART
1301 North O
Phone: (208)

6-21-91 Sharla The
corres. was sent to
you in July '91. Pls
file this w/it.

Randy Newton
Rt. 1 Box 1468
Paul, ID 83347

RE: Snake River I
Minidoka Cour

Southern
bring to you to Tux.
to you to Tux.
Department of Water Resources
Eastern District Office

Dear Mr. Newton:

In reviewing your claim to a water right #A36-07308, we noticed that you have claimed a domestic use along with the irrigation use. The irrigation portion of this claim is based on an existing license and the domestic claim represents an expansion of the license through an additional use. Although the additional use is not prohibited, the rules and regulations for this situation require a separate claim to be filed. We suggest you file a claim for Domestic and/or Stockwater purposes. We have enclosed a form and instructions for this purpose. The filing fee for this claim is \$25.00.

Please complete the enclosed claim form, choose a priority date of when water was first used for this purpose, sign it, have your signature notarized and return it to the attention of Burke Scholer within 15 days. We are in the final stages of preparing the Directors Report to go to the court. It is necessary to have your claim in soon so it can be included. Claim #A36-07308 will not have the domestic portion recommended.

If you have any questions or concerns in preparation of this document, please do not hesitate to call me or Burke Scholer at 800-451-4129.

Thank you for cooperation.

Yours truly,

John D Carlson

John D. Carlson
Adjudication Supervisor
Department of Water Resources
Southern Region of the

RECEIVED

AUG 28 1991

JDC:BHS:state:tf

Enclosures:

Domestic form w/instructions
A36-07308 Listing of Water Right

MICROFILMED

DEC 04 1996

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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2. Date of Priority: MAR 02, 1973
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|----------|
| 07S | 23E | 23 | NW | NE | | | MINIDOKA |
5. Description of diverting works:
WELL & PUMP.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|---------|
| IRRIGATION | 03/15 | 11/15 | 6.000 | | 1504.00 |
| DOMESTIC | 01/01 | 12/31 | 0.060 | | |
7. Total Quantity Appropriated is:
6.000 C.F.S. (and/or) 1504.00 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
D/1 TRAILER HOME, 1 LABOR HOUSE

A36-07308

Page 1

Date: 01/18/89

MICROFILMED
DEC 04 1996

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	23E	14	SW		SW		IRR	34.0
			SE		SW		IRR	21.0
			SW		SE		IRR	10.0
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							Section Acres	310.0
							Total Acres	376.0

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:
NONE

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): *Barry W. Hunt* Date: 1-18-89

Date: _____

State of Idaho)
County of *FF*) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of *Jan* 19 89 *Lori White*
Notary Public

Seal

Residing at *FF*
My Commission Expires 5/94

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A36-07308

Page 1

Date: 01/18/89

MICROFILMED
FEB 03 1993

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FEB 03 1993

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			NE		NW		IRR	40.0
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State of Idaho)

County of

Twin Falls

) SS.
)

Subscribed and sworn (or affirmed) before me this 13th day

of

March

19

95

Steve C. [Signature]

Notary Public

Seal

Residing at

Twin Falls

My Commission Expires

12/7/2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 6, 1991

Randy Newton
Rt. 1 Box 1468
Paul, ID 83347

RE: Snake River Basin Adjudication (SRBA)
Minidoka County - #A36-07308

Dear Mr. Newton:

In reviewing your claim to a water right #A36-07308, we noticed that you have claimed a domestic use along with the irrigation use. The irrigation portion of this claim is based on an existing license and the domestic claim represents an expansion of the license through an additional use. Although the additional use is not prohibited, the rules and regulations for this situation require a separate claim to be filed. We suggest you file a claim for Domestic and/or Stockwater purposes. We have enclosed a form and instructions for this purpose. The filing fee for this claim is \$25.00.

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If you have any questions or concerns in preparation of this document, please do not hesitate to call me or Burke Scholer at 800-451-4129.

Thank you for cooperation.

Yours truly,

John D. Carlson

John D. Carlson

Adjudication Supervisor
Department of Water Resources
Southern Region Office

RECEIVED

AUG 28 1991

JDC:BHS:state:tf
Enclosures:

Domestic form w/instructions
A36-07308 Listing of Water Right

MICROFILMED

FEB 03 1993

late objection filed **already partially decreed!*
revised recommend *ion from settlement conference*

NO. OF CLAIMS IN POLYGON 2
 CLAIM NUMBERS 36-07308 36-15480 DATE 6/6/97 TOTAL ACRES
 AGENT JR FROM RECOMMENDATION 368
 GEOGRAPHIC INFO SYSTEM 367.89

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	07S	23E	14											34	21			10	01
GIS														34.05	21.58			9.43	.55
RECOM	07S	23E	23	25	40	40	39	40	39	39	40								
GIS				25.05	39.97	39.96	39.0	39.99	39.31	39.08	39.96								
RECOM																			
GIS																			
RECOM																			
GIS																			

B36-DBPOU.DBF 97 ✓ POLYGON # UPDATED
 B36-DBPOD.DBF 104 ✓ ATTRIBUTES OF B36-POU.SHP (97)
ATTRIBUTES OF B36-POD.SHP (104) SENWNE-23

late objection filed
amended in settlement conference

**already decreed!*

From: DWR06::dwr03::choosing 19-JUN-1997 13:20:18.85
To: DWR06::"jroberts@idwr.state.id.us"
CC:
Subj: Claim Files

Jeannie:

We have the claim file for subcase no. 36-07308, but don't have the claim file for 36-15480. I'll send the claim file for 07308 down the next time anybody heads down. I'll keep an eye out for the other one.

Charlie

From: DWR60::JROBERTS 19-JUN-1997 14:20:05.06
To: DWR03::CHONSING
CC: JROBERTS
Subj: A36-15480

Hi Charlie,

Just thought I'd let you know that upon further inspection, it looks like we do have the original file on this one. It may not be complete, but it looks like the original rather than a TEMP. So you don't have to keep looking for it and can just send down 36-07308... Thanks, Jeanie

Water Right Number - 36-07308

Prefix Translation: WATER RIGHT

Old (D) Number -

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

+ - First Name - - +

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

*** C - CURRENT OWNER ***
NEWTON

RANDY

1 - RT 1 BOX 1468

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-532-4552

NEWTON

DENNIS

1 - RT 1 BOX 1468

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-532-4396

+ - - Priority Date - - +
03/02/1973+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

Tw	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name
07S	23E	23	SE NW NE			(67)	MINIDOKA	

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	1.620	

Total Div. Rate - +	Total Div. Volume - +	Total Div. Capacity - +	Total Consumptive Use - +	KW Usage - +
1.620			0.0	

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	23E	14	SW SW		34.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	14	SE SW		21.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	14	SW SE		10.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	14	SE SE		1.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	23	NE NE		25.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	23	NW NE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	23	SW NE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	23	SE NE		39.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	23	NE NW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	23	NW NW		39.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	23	SW NW		39.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	23	SE NW		40.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 368.0

+ - - Diversion Means - WELL & 250 HP PUMP, 150 HP BOOSTER, SPRINKLERS

"DO NOT FILM"

Water right number - 36-07308

Prefix Translation: WATER RIGHT

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-15480

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

QNT USE OF THIS RIGHT WITH RIGHT NO. 36-15480 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.18 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1472.0 AF.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 36-15480 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 368 ACRES IN A SINGLE
IRRIGATION SEASON.

~~CON USE OF THIS RIGHT WITH RIGHT NO. 36-15480 IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1104.0 AF.~~

EXP RIGHT NO. 36-15480 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

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

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

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
STATE OF IDAHO UNITED STATES ET AL 02/10/1997

+ - - Audit Fields - 07/28/95 SCLELLAN 07/31/95 SCLELLAN 09/13/95 CFRITSCH 08/20/96 CFRITSCH 09/05/96 CFRITSCH
02/11/97 PD-DSHAF

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

Date: 06/05/1991 User Id: SCHOLER Subject: DOMESTIC USE
CLAIM A36-07308 INCLUDED A DOMESTIC USE. THE DOMESTIC USE IS NOT RECOMMENDED WITH THIS RIGHT AS IT IS AN ADDITIONAL USE WHICH
REQUIRES A SEPARATE CLAIM ACCORDING TO CLAIMS VERIFICATION MANUAL PAGE 69 ITEM 10. MR NEWTON WAS SENT NOTIFICATION OF THIS ON JUNE
5 1991 AND WAS SENT A FORM AND INSTRUCTIONS TO FILE A DOMESTIC/ STOCKWATER CLAIM.
DOMESTIC CLAIM SUBMITTED JUNE 19,1991.

Date: 06/05/1991 User Id: SCHOLER Subject: REVIEW - BHS

Date: 09/13/1995 User Id: CFRITSCH Subject: REVISED RECOMMENDATION
A BENEFICIAL USE RIGHT (36-15480) HAS BEEN RECOMMENDED IN ADDITION TO THIS RIGHT FOR THE WATER USAGE DATING BACK TO WHEN
THE WELL WAS FIRST DRILLED. THE COMBINED DIVERSION RATE LIMIT OF 6.18 CFS COMES FROM THE SYSTEM MEASUREMENT MADE DURING THE 1979
FIELD EXAM. THE VERIFIED DATE WAS RESET.

Date: 08/20/1996 User Id: CFRITSCH Subject: REFORMATTED
REFORMATTED REMARKS TO NEW STANDARD.

+ - - - - - 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	- 09/05/1996	Old Judicial District	-
Claim Received Date	- 01/18/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S006012	Federal/State Indicator	- S

"DO NOT FILM"

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

06/18/97 13:55:43
Page 3

Water right number - 36-07308

Prefix Translation: WATER RIGHT

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

POU Ownership Flag	- Y	Presumption Flag	-
Name Connector	- AND/OR	Notice of Error Flag	-

"DO NOT FILM"

A. LYNNE KROGH
NICHOLAS B. SPENCER
Deputy Attorney(s) General
Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 327-7900

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

In Re SRBA	)	Subcase No. 36-07308
	)	
Case No. 39576	)	
	)	RESPONSE TO OBJECTION
	)	

I. GENERAL INFORMATION

1. Person responding to objection:

Name: KARL J. DREHER, 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: DENNIS L. NEWTON
RANDY W. NEWTON

Address: RT 1, BOX 1486
PAUL, ID 83347

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

Attorney Address: DEPUTY ATTORNEY GENERAL
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 83720
BOISE, ID 83720-0098

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

4. ☒ Priority Date: I respond to the objection concerning the priority date.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 4, and all allegations of the objection regarding this item, IDWR responds as follows: this claim as filed was based on water right license 36-07308 having a priority date of March 2, 1973, which is the priority date claimed and recommended. The claimants assert that the priority date of this right should be changed to April 1, 1958. There is evidence indicating that water may have been diverted at this point of diversion as early as 1958. The claimants should have filed a separate beneficial use claim for any water use predating the priority date of the license. IDWR would then have investigated the claim and reviewed the evidence supporting the earlier priority date, including all evidence regarding quantities diverted prior to the priority date of the license and number of acres irrigated thereby. IDWR would then have recommended the beneficial use right to the full extent

(Over)

supported by the evidence, and adjusted its recommendation of the licensed right to delete the acres and quantity, if any, recommended pursuant to the beneficial use right.

However, since a separate claim was not previously filed, IDWR proposes that the claimant's amended claim/objection be treated as a separate beneficial use claim. IDWR will investigate the claim, and will both recommend a separate beneficial use right, if appropriate, and adjust its recommendation of the licensed right to the extent supported by the evidence.

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:

Notice of Claim No. A36-07308.

No. of
Pages

3

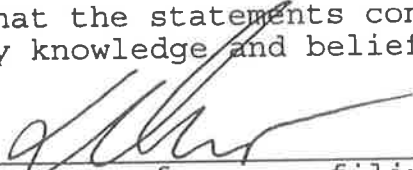
(Over)

VERIFICATION (Must be Completed)

State of IDAHO
County of ADA

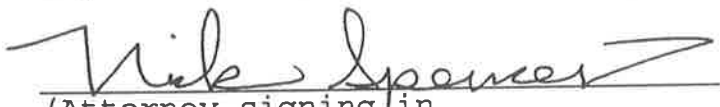
David B. Shaw, being first duly sworn, upon oath, deposes and says:

That Karl J. Dreher, 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 Karl J. Dreher, 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 22nd day of June,
1995.



Notary Public for Idaho

Residing at: BOISE ID

My Commission expires: 12-5-2000

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 22ND day of JUNE, 1995, 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 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:

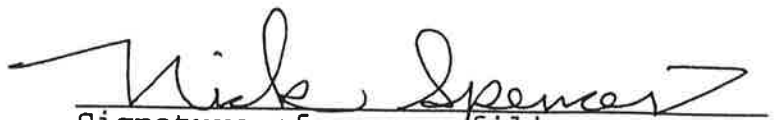
Dennis Newton
Randy Newton
Rt 1 Box 1468
Paul ID 83347

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:

see #2

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 person filing response
or attorney mailing on Respondent's
behalf

(Over)

From: DWR03::CFRITSCH 21-MAR-1995 10:56:54.62
To: DWR60::SCLELLAN
CC: CFRITSCH
Subj: AMENDING 36-07308

Hi Steve,

Nick wanted me to check with you to see what information Dennis and Randy Newton may have provided you in amending 36-07308 to a beneficial use right with a 1958 priority.

Thanks,

Carter

From: DWR60::SCLELLAN "STEVE @ SOUTHERN" 21-MAR-1995 11:07:44.71
To: DWR03::CFRITSCH
CC: SCLELLAN
Subj: RE: AMENDING 36-07308

THEY HAD SOME STUFF W/ THEM, ASCS MAPS FROM 1957... SHOWED NO USE, ASCS MAP FROM 1965 SHOWED THE FIELDS TILLED, MAYBE EVEN SOME PUMP EQUIPMENT INFO, BUT I DID NOT COPY IT OR REVIEW IT. I TOLD THEM AFTER/IF THE CLAIM WAS ACCEPTED BY THE COURT WE WOULD WANT TO REVIEW ALL THEY HAD AS PROOF OF PRIORITY.

THEY APPEARED TO HAVE LOTS OF DOCUMENTS BUT I CANNOT SAY IF IT WILL SUPPORT WHAT THEY CLAIMED AS AMENDED. THERE WAS A JUMP FROM THE 1957 PHOTO TO THE 1965 PHOTO WHERE THEY BELIEVED THE USE WAS "PROVEN" BY THESE TWO PHOTOS.

THAT'S ALL...
STEVE

COMMUNICATION DOCUMENTATION

A36-15480

IDWR Employee/Agent Steve Clelland

FILE LATE CLAIM

CLAIM A36-15480 WILL REMAIN UNCLAIMED IF THE COURT ALLOWS THE AMENDED CLAIM TO BE FILED AS THE LICENSED NUMBER.

MEMO

TO: SRBA FILE A36-07308 & A36-15480
FROM: STEVE CLELLAND
DATE: July 28, 1995

RE: REVISED RECOMMENDATION

=====

THIS REVISION OF THE RECOMMENDATION OF THESE RIGHTS IS BASED ON RESULTS OBTAINED IN SETTLEMENT CONFERENCE PROCEDURES. ADDITIONAL DOCUMENTATION OF THE PROOF OF PRIORITY AND WATER USES WAS PROVIDED BY MR. NEWTON AND IT HAS CHANGED THE FINAL RECOMMENDATIONS FOR THIS SYSTEM.

THE CLAIM A36-07308 WILL REPRESENT THE REMAINING PORTION OF THE EXISTING LICENSED RIGHT. THE CLAIM A36-15480 WILL REPRESENT THE BENEFICIAL USE AS ESTABLISHED BY THE ADDITIONAL INFORMATION AND REVIEW. (AT THE TIME OF THIS MEMO IT WAS NOT YET ESTABLISHED HOW TO PROVIDE A PROCESS FOR THE CLAIMANT TO ACTUALLY "CLAIM" THIS BENEFICIAL USE. EITHER BY THE AMENDED ORDER OR TO FILE MOTION TO FILE A LATE CLAIM.)

<u>A36-07308</u>	<u>A36-15480</u>	<u>TOTAL RIGHT</u>
03-02-1973	04-01-1958	--
1.15 CFS	4.85 CFS	6.0 CFS
65.0 AC.	303.0 AC.	368.0 ACRES

THE BENEFICIAL USES WERE ESTABLISHED BY THE PUMP IN USE IN 1958. THE PUMP TEST SHOWS 2600 GPM (5.79 CFS) AND THE PROOF OF BENEFICIAL USE STATEMENT STATES 2025 GPM (4.51 CFS). THEORETICAL CALCULATION OF THE CONDITIONS IN 1975, ASSUMING 350' LIFT, EQUALLED 4.40 CFS. THE TEST PUMP FIGURE APPEARS HIGH IN RELATION TO THE OTHER MEASUREMENTS.

THE PLACE OF USE WAS BASED ON THE ONLY AVAILABLE MAP, AN ASCS 1968 FLIGHT. THE ASCS ACRES ADD UP TO 303 ACRES. THIS IS THE GRAVITY SYSTEM THAT WAS IN PLACE SIMILAR TO THE ORIGINAL SYSTEM AS DEVELOPED.

THE CURRENT SYSTEM IS 6.0 CFS ON 368 ACRES AND THE PER ACRE RATE IS 0.016 CFS/AC. THIS RATE WAS APPLIED TO THE ACRES FOUND IN 1968 TO RESOLVE THE FLOW RATE VARIATIONS AS DESCRIBED ABOVE. THEREFORE, 303 ACRES X 0.016 CFS/AC = 4.85 CFS; THIS IS THE RECOMMENDED FLOW RATE FOR THE BENEFICIAL USE RIGHT. (THE AVERAGE OF THE THREE FLOW RATES = 4.90 CFS.)

Paul, Idaho
July 19, 1995

To whom it may concern:
RE: Dennis and Randy Newton Farm.

I, Mack W. Neibaur, have lived in this area since MAY of 1951, and I am familiar with all of the development that has taken place since then.

This farm, that Newtons are applying for a corrected water right priority date for, was transferred to Mr. Bakr by Julion Clawson Farms about 1954 or 1955. Mr Baker started to clear the land and do some leveling in 1956, at the same time drilling a well. The drilling was delayed for a time but was completed in late 1957 or early 1958 and the pump was installed in the spring of 1958.

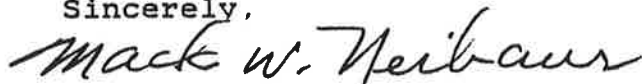
Theron and Glen Stokes took possession during the winter of 1960--1961 and farmed the land in 1961 and for several years. They then either leased or sold to another party who later sold to Newtons.

I can verify that water was used beneficially on this farm in 1961, continuing to the present.

Since Mr. Baker had other developments in this area and should have been familiar with procedures, I would think he may have filed for a permit in 1957 or 1958, but a check of the records would show this.

Newel Baker was the developer.

Sincerely,



Mack W. Neibaur
Rt. 1 Box 1478
Paul, Idaho

CONDITIONAL SALE CONTRACT

LAYNE & BOWLER PUMP COMPANY

MANUFACTURERS OF

DEEP WELL TURBINE PUMPS

LAYNE & BOWLER PUMP COMPANY, a Corporation, of Los Angeles, Los Angeles County, California, hereinafter called the Seller, and Nevel Baker of Burley in the county of Cassia and State of Idaho hereinafter called the Buyer, do hereby agree upon the 30 day of April 1958, as follows:
Seller agrees to furnish and to sell the following described Machinery to the Buyer F.O.B. Well site
To wit:

One Turbine Pump
1- 25 A.C. 12 Discharge head w/ 12" Std. Discharge Outlet
330' X 12" X 3' X 1 1/2" Column, Tubing & Shafting
1- 4 Stage 14" R.H. Bowls
1- 5' X 12" Discharge Pipe T2E
1- 5' X 12" Suction Pipe w/ 12" Std. Strainer
1- 30 gal Lubricator
1- 250 h.p. U.S. V.H.S. Motor 440 Volts 3 Phase 60 Cycle 1800 RPM w/INT.
1- 250 h.p. 440 Volt Reduced Voltage Starter CR-1034
1- 600 Amp. Disconnect Switches & 3-800 Amp 600 Volt Fuses & Trons
1- Capactor - 3 Lighting Arrestors & 1 Phase Reversal Relay
Installation & Wiring included

SERVICE REQUIREMENTS

Pumping capacity in gallons per minute 2600 Revolutions per minute 1770
Lift below surface 315 Ft. Lift above surface 0 Ft. Total Lift 315 Ft.
Shipment to be made in about 5 days after receipt and approval of order.

LEGAL DESCRIPTION

Land upon which said pump and equipment will be installed:
Detail of Section

Section _____ Township _____ Range _____ County _____ State _____

PRICE:

Buyer agrees to buy said Machinery and to pay Seller at Los Angeles, California, the total purchase price of fifteen thousand two hundred fifty Dollars \$15,250.00

TERMS:

Cash

Balance

\$15,250.00
Payment in full with order.
Payable as follows: net 30 days

The buyer agrees to execute a promissory note for the unpaid balance, payable in accordance with the terms of this contract and bearing interest at the rate of _____ percent per annum.

MAKE ALL REMITTANCES PAYABLE TO LAYNE & BOWLER PUMP COMPANY

P.O. Box 6991, Los Angeles 22, California

DUPLICATE

specified, at the time of installation, and should be in normal use, that any parts prove defective within one year after the installation of the pump, and Buyer gives Seller immediate written notice thereof, within said year, Seller agrees to furnish, f. o. b. Los Angeles, new parts to replace the same, but Seller shall not be liable for any loss or damage by reason of defective workmanship or material or for replacing defective parts as aforesaid, and Buyer shall pay all costs of and other expense incurred in making such replacements. In case of failure of the machinery herein described to perform the said specified duty, Seller in accordance with guarantee reserves the right to replace it with other machinery which will perform said duty, or shall return money paid on price of the machinery and take back the machinery, and if the machinery is taken back and the money is returned, Seller shall be liable for no damage whatever under this contract or otherwise, and shall be fully released from every provision, guarantee and warranty thereof.

The capacity, speed, lift, and all other service requirements and guarantees and/or warranties herein stated shall be considered as met if it is found the well is crooked to the extent that the mechanical operation of the pump is impaired, or if the well does not properly furnish the pump with the amount of clean, non-aerated and/or non-gaseous water, free from sand, detritus and/or other foreign substances, called for herein within the total head or lift specified herein.

Seller makes no warranties nor guarantees whatsoever, either express or implied, of material or equipment not of its own manufacture.

Regardless of the method of bookkeeping, or of the form of invoice that may be used by Seller, it is agreed that the title to the machinery furnished hereunder shall remain in Seller until the entire purchase price and interest, whether the same or any part thereof be evidenced by notes, judgments or otherwise, and any renewals or extensions thereof shall have been fully paid by Buyer in lawful money of the United States, it being further agreed that payment for all expense, labor and materials furnished by Seller and not included in the contract price shall become immediately due and payable upon presentation of invoice to Buyer and may be deducted from any moneys paid by Buyer on the contract price without relieving Buyer of the obligation to make all payments in accordance with the terms of this agreement notwithstanding any such deduction, and the machinery shall remain the personal property of Seller until fully paid for, whatever may be the mode of its attachment to realty or other property, and Buyer agrees to perform all acts which may be necessary to perfect and assure retention of title in Seller. Buyer agrees to pay to Seller when due all bills for additional parts, service or equipment ordered, and any payments made by Buyer shall be first applied to amounts so owing, if any, next to interest, and then to said purchase price. Buyer agrees that the title to all equipment, repairs, new parts or accessories placed upon said pump and component shall immediately pass to Seller, and the same shall remain in Seller until the complete performance by Buyer of all Buyer's obligations under this agreement. Buyer, pending full payment hereunder, shall not, without Seller's prior written consent, assign this agreement, or sell, lease or encumber, or permit to be encumbered, the said machinery, or remove said machinery from address of original installation or delivery.

Buyer shall keep said machinery in good condition and repair at his own expense and shall permit Seller to examine same at any time. Buyer shall pay all taxes and assessments of every character levied against said machinery. Any and all loss, damage or injury of or to said machinery by fire, flood, or any other cause of casualty, shall be at Buyer's risk and shall not release Buyer from purchasing and paying for said machinery in full, in accordance with the terms hereof.

Time is expressly made of the essence hereof with respect to the performance of the obligations hereunder assumed by Buyer, and the acceptance by Seller of part or full payment of any sums past due, or the waiver of a breach of any covenant hereof, shall not be construed to be a waiver by Seller of this provision or of any continuing or subsequent defaults on Buyer's part. In the event of the failure of Buyer to make any payment herein provided for, or to perform any of the terms or conditions hereof, in the manner or within the time herein provided for, or in the event of the insolvency, receivership or bankruptcy of Buyer, or the attachment or seizure of said machinery under legal process, or in the event of the sale, assignment, transfer, mortgage, pledge, encumbrance, hypothecation or other disposal of said machinery, or any part thereof, or of this contract, or any interest therein, made or suffered by said Buyer, without the prior written consent of Seller, then, in any such event said Buyer shall be and be deemed in default hereunder.

In the event of any such default, at the option of Seller, without demand or notice, (a) all amounts provided to be paid hereunder, whether evidenced by notes or otherwise, shall become immediately due and payable; and (b) Buyer's right to the use and possession of said machinery shall immediately terminate, and Seller may, without demand or notice, retake possession thereof, and remove same from any premises, by legal action or otherwise; and (c) Seller may sue for the purchase price or any part thereof then unpaid and for all other amounts payable hereunder; or (d) Seller may, without demand or notice, resell the said machinery at public or private sale, and after deducting all expenses and attorney's fees incurred herein as hereinafter provided, credit the net proceeds thereof to the unpaid balance due under this contract, and Buyer agrees to pay Seller any deficiency remaining under this contract after such sale is completed and the net proceeds applied thereon; or, in lieu of such resale, (e) Seller may credit the reasonable value of said machinery, as determined by it, less all expenses and attorney's fees herein incurred, as hereinafter provided,

due or unpaid. In the event of any such default, in lieu of enforcing this contract by any of the remedies herein provided, Seller may at its option declare this contract terminated, and in each event (a) all of the right, title and equity of Buyer in and to said machinery or any part thereof, and in and to this contract, or any interest therein, shall immediately cease and terminate and revert to Seller; and (b) Seller shall be released from all obligations to transfer or deliver said machinery to said Buyer; and (c) all sums of money theretofore paid and all sums then due and unpaid by Buyer to Seller hereunder shall remain the sole property of Seller, and shall be considered as compensation for the use, wear, tear and depreciation of said machinery; and (d) Buyer agrees to pay Seller forthwith all payments and interest then due and unpaid hereunder as part compensation for the use of said machinery; and in the event of such termination of this contract, (e) Buyer's right to the use and possession of said machinery shall immediately terminate, and Seller may, without demand or notice, retake possession thereof, and remove same from any premises, by legal action or otherwise.

Seller shall have the right to enforce one or more remedies hereunder, successively or concurrently, and such action shall not estop nor prevent Seller from pursuing any other remedy hereunder, and any repossession, retaking or sale of the machinery pursuant to the terms hereof shall not release Buyer until the purchase price has been paid in full, nor shall the institution of suit for the purchase price or any part thereof prevent Seller from later retaking possession of said machinery by legal action or otherwise; and in the event suit is brought by Seller or its assigns for the enforcement of this contract or any of the terms thereof, or affecting said machinery or this contract, Buyer hereby waives the right to change of venue or to change of place of trial from the court originally acquiring jurisdiction, and hereby consents and agrees that such court may retain jurisdiction. Buyer agrees to repay to Seller any expenses incurred in enforcing this contract or in recovering possession of said machinery, or in collecting any sum due hereunder, including reasonable attorney's fees actually incurred, whether legal action is brought or not.

Buyer hereby agrees to furnish a straight, plumb well, adequately cased, of correct proportions and construction for the immediate and ready installation of the above described pump and equipment, with water and pumping conditions as stated above, and agrees that Seller shall not be responsible or liable for damages to or loss of the well occasioned by installation, pumping, or any acts or work done in or about the installation and operation of said pump and equipment. Seller is not to be held responsible for settling of foundation or for damage caused to pumps by such settling. In case a test is desired of the pump furnished, it is understood that Seller will make such a test in its test laboratory at its factory, free of cost, provided Buyer wishes same and notice in writing is given five days before shipment is to be made. If field tests are desired, it is understood that Buyer is to furnish and set a suitable water-measuring device and suitable instrument for measuring power, and Buyer will also pay all costs of such tests as well as the engineer's time and expenses.

The specified shipment and installation are both subject to any delay on the part of Buyer in supplying Seller with any data required by Seller, and are subject to any delay caused by or due to any act or to any changes in data, shipment, installation or otherwise at Buyer's instance, and to delays caused by fires, floods, strikes, accidents, transportation, civil or military authority, or any other causes beyond Seller's control. The receipt of the machinery by Buyer shall constitute acceptance of delivery under the terms hereof, and shall be and is a waiver of any and all claims for loss or damage due to delay.

Seller shall not be liable for damage or for consequential damage, particularly including loss or damage for diminution or failure of crop, shortage of water, or inability or failure to supply same, whether due to improper installation or performance of the machinery or otherwise, nor shall Seller be liable for collapsing, telescoping, separating or otherwise injuring the well, it being understood and agreed by Buyer that this work is uncertain and precarious in its nature. Should Seller be delayed in making or fail to make installation by virtue of some defect in the well, or by virtue of the well not being in condition to receive the pump, then Buyer will reimburse Seller for time lost and expenses incurred during such delay, and will also reimburse Seller for the reasonable value of its services in removing or attempting to remove such defects or attempting to put the well in condition for the installation of the pump, all of which Seller is hereby authorized to do if it chooses. Should Seller finally consider installation impossible, then Buyer will pay the installed price of the machinery less a rebate to Buyer equaling the difference between the reasonable value of Seller's efforts in attempting the installation and the price above specified for installation or the usual price for such installation if none is expressly specified above. Should the pump be lost or damaged before complete installation by virtue of some defect in, or the construction or behavior of the well, then Buyer will reimburse Seller for such loss or damage.

Buyer agrees that he has read this instrument and that it expresses his complete contract with Seller, all oral stipulations being waived by both parties. In order to afford Seller a proper opportunity to check the terms conditions and provisions herein, this contract shall not become binding upon Seller until it is approved and signed by Seller at its home office by its authorized executive officer. No subsequent amendment hereof shall be binding upon Seller unless reduced to writing and signed by an authorized executive officer thereof.

LAYNE & BOWLER PUMP COMPANY

By R. W. Miller Salesman

Approved and signed at its home office in Los Angeles, California, this

_____ day of _____, 19____

I hereby accept the foregoing on the day and date first above written, and at the price and on the terms, conditions and provisions therein named.

1459 Burton

Burley, Idaho

(Buyer's Mailing Address)

By Harold P. Baker Buyer's Signature

+020

7-6-68 Flight

Law

705

E
14.1

23 E

F 4.6

G 3.4

D
28.1

14

H

233.9

J 9.4

U 3.8

V 2.2

X 5.3

147

Z 11.5

AA 14.6

BB 4.2

A
70.0

K 13.0

W 2.4

G 34
(86)

L 2.9

M 6.3

B 7.0

A 2.1

P 8.0

N 3.7

O 6.1

pump

CC 27.2

T 18.1

S 12.0

Q 40.3

R 5.0

DD 11.4

G552

G527

(106)

Highway 24

Up. Rail. Bank Tracks

14 13
23 24

300 West

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder William D. & Ed LaVelle, R. M. 7-4
b) Post Office Address Box 145 Route 1 Paul, Idaho
2. Permit Number 36-7308
3. Date of Priority that you are prepared to establish APRIL 1, 1975
4. a) Source from which water was appropriated SUBTERRANEAN SOURCE
b) Location of the point of diversion: _____
Township 7 Range 23 Section 23
Boise Meridian. Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 4.76 cfs for IRRIGATION purposes from APRIL 1 to 12-31-75 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated _____ cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) PUMP SIZE 20025 GALLONS PER MINUTE
MOTOR SIZE 250 H.P. SIZE OF WELL CASING 16 INCHES
DEPTH OF WELL 380 FEET
b) Describe the type and size of measuring device which you have installed at your point of diversion: TARBOZZI WEIR FLOWMETER
- c) Give well driller's name and address and the date the well was completed: NEWL BARKER
Boyle, Oregon Oct - 1952
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Domestic use for home

Exam typed 4/14/75 by jg

DATE OF EXAM September 19, 1979

ACREAGE

Found 376 ✓
Recommended 376 ✓

Irrigation Requirement 4.0 ✓ Ac Ft/Ac

USE

Irrigation Q = 6.0 c.f.s. V = 1504.0 AF/Ann. from Mar 15 to Nov 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source:

twp. N/S Rge. E/W B.M. Sec Sub 1/4 1/4 County _____

Exchange? yes _____ no X

Name source exchanged with:

twp. N/S Rge. E/W B.M. Sec Sub 1/4 1/4 County _____

Point of injection:

twp. N/S Rge. E/W B.M. Sec Sub 1/4 1/4 County _____

Point of exchange:

twp. N/S Rge. E/W B.M. Sec Sub 1/4 1/4 County _____

Total Q measured 6.18 cfs Method of measurement Annubar 12"

Total Q recommended 6.0 cfs Meter No. see below Type in-line Condition Good

Total V recommended 1504.0 AF/Annum

Recommended Amendments:

P.D. NW1/4 Sec. 23 T. 7S R. 23E

Place of Use _____

Other _____

None _____

MEASUREMENT CALCULATION:

Measured 25" pressure in 12" mainline = 6.18 cfs. Allow 6.0 cfs (amount applied for).
Volume: 376 ac X 4.0 AF/Ac/Ann irrig req = 1504.0 AF/Annum

SYSTEM DESCRIPTION:

Well, pump, U. S. Motor 250 hp SN 1100760, 12" mainline / 12" Lincoln Linesguard
150 hp booster motor SN 17-12082, 12" mainline to hand lines.
Measured with Annubar #191159 & Eagle Eye Meter #65810 (Model 67C).

REMARKS:

Randy Newton was present during field exam.

Examiner's Signature: J. E. Slater

Date 9-20-79

Checked by: John H. Smith

Date 9-21-79

Approved by: _____

Date 2/12/81

Calday Review
on track

RECEIVED
MAY 3 1 1995
Department of Water Resources
Adjudication Bureau

RECEIVED
MAY 2 6 1995
OFFICE OF THE
ATTORNEY GENERAL

1995 MAY 24 PM 5: 18
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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

In Re SRBA	)	Subcase No. 36-07308
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO FILE LATE
	)	OBJECTION TO AN UNCONTESTED WATER
	)	RIGHT and
	)	
	)	REFERRING SUBCASE TO A SPECIAL
	)	MASTER FOR FURTHER PROCEEDINGS

On March 22, 1995, Dennis L. Newton and Randy W. Newton, claimants to Water Right No. 36-07308, filed an ex parte *Motion to Amend Notice of Claim (Motion)*. Substantively, the court will treat this *Motion* as a late objection to an uncontested water right. Notice of this *Motion* was provided to the State of Idaho and the United States Department of Justice. No opposition and no response has been filed.

This water right was recommended in the Director's Report for Reporting Area 3 with a priority date of March 2, 1973 and no objection was filed. No partial decree has issued for this water right. By this *Motion* the claimants essentially assert a late objection to the "uncontested" recommendation, thereby creating a contested subcase.

The *Motion to File a Late Objection* is **GRANTED** and the hearing set for 1:30 p.m. on June 20, 1995 is vacated. Responses to the late objection shall be filed within 30 days of the

RECEIVED

JUN 07 1995

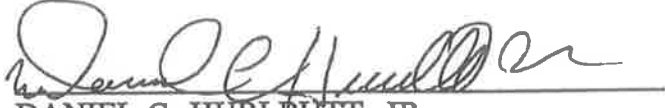
Department of Water Resources
Southern Region

ORDER GRANTING MOTION TO FILE LATE OBJECTION TO AN
UNCONTESTED WATER RIGHT and REFERRING SUBCASE TO
A SPECIAL MASTER FOR FURTHER PROCEEDINGS
5/24/95

date of this order. All further proceedings in this subcase shall be before Special Master Terrance A. Dolan.

IT IS SO ORDERED.

DATED May 24, 1995.


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

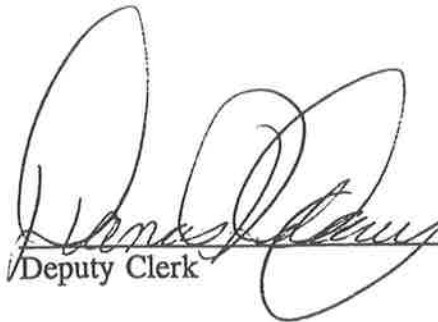
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND NOTICE OF CLAIM was mailed on May 24, 1995, with sufficient first-class postage to the following:

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

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

Dennis L. Newton
Randy W. Newton
Box 1468 Route 1
Paul, ID 83347


Deputy Clerk

RECEIVED

MAR 30 1995

Department of Water Resources
Adjudication Bureau

1995 MAR 27 PM 12:01

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

RECEIVED

MAR 29 1995

OFFICE OF THE
ATTORNEY GENERAL

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

In Re SRBA

Case No. 39576

)
)
)
)

Subcase No. 36-07308

ORDER SETTING HEARING ON
MOTION TO AMEND NOTICE OF
CLAIM

On March 22, 1995, Dennis L. Newton and Randy W. Newton, claimants to Water Right No. 36-07308, filed an ex parte *Motion to Amend Notice of Claim*.

IT IS ORDERED that the ex parte *Motion to Amend Notice of Claim* for Water Right No. 36-07308 will follow the Docket Sheet Procedure and will be heard at the regularly scheduled status conference on June 20, 1995 at 1:30 p.m. at the SRBA Courthouse, 253 Third Avenue North, Twin Falls, Idaho.

IT IS SO ORDERED.

DATED March 27, 1995.



DANIEL C. HURLBUTT, JR.

Presiding Judge

Snake River Basin Adjudication

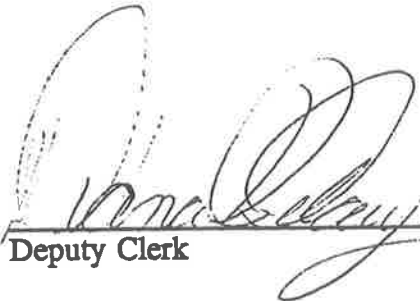
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER SETTING HEARING ON MOTION TO AMEND NOTICE OF CLAIM** was mailed on March 27, 1995, with sufficient first-class postage to the following:

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

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

Dennis L. Newton
Randy W. Newton
Box 1468 Route 1
Paul, ID 83347


Deputy Clerk

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 22 1995

By _____

RECEIVED

MAR 28 1995

MARCH OFFICE OF 1995
ATTORNEY GENERAL

NEWTON BROTHERS
BOX 1468 RT. #1
PAUL, ID 83347

RECEIVED
MAR 30 1995

Department of Water Resources
Adjudication Bureau

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE

RE: AMENDED NOTICE OF CLAIM
WATER RIGHT 36-07308

Honorable Daniel C. Hurlbutt, Jr:

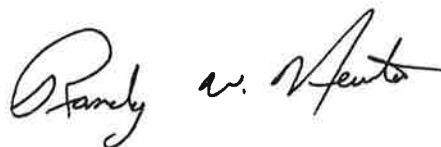
We are asking the Courts to amend this Water Right's date of Priority, from March 2, 1973, to April 1, 1958. We have evidence and personal knowledge to support our claim of beneficial use, which dates back to April 1958. Because of changing ownerships, the licensing was not completed until 1973, when we bought the property. However the well and pump was in place and in use well before that date. We thank you for your time in this matter.

NEWTON BROTHERS

DENNIS L. NEWTON



RANDY W. NEWTON



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: A36-07308
Date Received: 1/18/1989
Receipt No: S006012
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DENNIS NEWTON 208-532-4396
Address: RT 1 BOX 1468
PAUL ID 83347

AND/OR

Name: RANDY NEWTON 208-532-4552
Address: RT 1 BOX 1468
PAUL ID 83347

2. Date of Priority: APR 1, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	23E	23	NW	NE			MINIDOKA

5. Description of diverting works:
WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.000		1504.00
DOMESTIC	01/01	12/31	0.060		

7. Total Quantity Appropriated is:
6.000 C.F.S. (and/or) 1504.00 A.F.A.

8. Total consumptive use is 1128.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC/ 1 TRAILER HOME, 1 LABOR HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	23E	14	SW	SW		IRR	34.0
			SE	SW		IRR	21.0
			SW	SE		IRR	10.0
			SE	SE		IRR	1.0
					Section Acres		66.0
		23	NE	NE		IRR	33.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	39.0
			NE	NW		IRR	40.0
			NW	NW		IRR	39.0
			SW	NW		IRR	39.0
			SE	NW		IRR	40.0
					Section Acres		310.0
					Total Acres		376.0

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:
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):

Bong W. White

Date: 3/13/95

Henry A. Hunter

Date: 3/13/95

State of Idaho)

County of

Twin Falls

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 13th day

of

March

19

95

Steve C. O'Connell

Notary Public

Seal

Residing at

Twin Falls

My Commission Expires

12/7/2000

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: A36-07308
Date Received: 1/18/1989
Receipt No: S006012
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DENNIS NEWTON
Address: RT 1 BOX 1468
PAUL, ID

208-532-4396

83347

AND/OR

Name: RANDY NEWTON
Address: RT. 1 BOX 1468
PAUL, ID

208-532-4552

83347

2. Date of Priority: MAR 02, 1973

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	23E	23	NW	NE			MINIDOKA

5. Description of diverting works:
WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.000		1504.00
DOMESTIC	01/01	12/31	0.060		

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

1504.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

D/1 TRAILER HOME, 1 LABOR HOUSE

A36-07308

Page 1

Date: 01/18/89

"DO NOT FILM"

FEB 11 1989

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	23E	14	SW		SW		IRR	34.0
			SE		SW		IRR	21.0
			SW		SE		IRR	10.0
			SE		SE		IRR	1.0
							Section Acres	66.0
		23	NE		NE		IRR	33.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			NE		NW		IRR	40.0
			NW		NW		IRR	39.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
							Section Acres	310.0
							Total Acres	376.0

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:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

(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.

NOT FILMED

From: DWR03::CFRITSCH 21-MAR-1995 10:56:54.62
To: DWR60::SCLELLAN
CC: CFRITSCH
Subj: AMENDING 36-07308

Hi Steve,

Nick wanted me to check with you to see what information Dennis and Randy Newton may have provided you in amending 36-07308 to a beneficial use right with a 1958 priority.

Thanks,

Carter

From: DWR60::SCLELLAN "STEVE @ SOUTHERN" 21-MAR-1995 11:07:44.71
To: DWR03::CFRITSCH
CC: SCLELLAN
Subj: RE: AMENDING 36-07308

THEY HAD SOME STUFF W/ THEM, ASCS MAPS FROM 1957... SHOWED NO USE, ASCS MAP FROM 1965 SHOWED THE FIELDS TILLED, MAYBE EVEN SOME PUMP EQUIPMENT INFO, BUT I DID NOT COPY IT OR REVIEW IT. I TOLD THEM AFTER/IF THE CLAIM WAS ACCEPTED BY THE COURT WE WOULD WANT TO REVIEW ALL THEY HAD AS PROOF OF PRIORITY.

THEY APPEARED TO HAVE LOTS OF DOCUMENTS BUT I CANNOT SAY IF IT WILL SUPPORT WHAT THEY CLAIMED AS AMENDED. THERE WAS A JUMP FROM THE 1957 PHOTO TO THE 1965 PHOTO WHERE THEY BELIEVED THE USE WAS "PROVEN" BY THESE TWO PHOTOS.

THAT'S ALL...
STEVE

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-07308 &
A36-15480

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

March 13, 1995 12:28pm

NAME: RE:
RANDY & DENNIS NEWTON CAMEIN FILE LATE CLAIM

THEY RETURNED AFTER CONSULTING WITH THE SRBA COURT AND THE COURT INFORMED THEM TO **AMEND** THE CLAIM A36-07308 AND NOT FILE THE SECOND CLAIM A36-15480.

I CONSULTED W/ DAVE SHAW AND DAN STECKEL, WHO WERE IN THE OFFICE AT THE TIME, AND THEY SAID TO FOLLOW THE COURT'S LEAD AND AMEND THE EXISTING CLAIM. (NORMALLY WE WOULD CHANGE THE NUMBER OF THE AMENDED CLAIM ANYWAY TO SHOW THE BASIS OF CLAIM IS NOT THE LICENSE FOR RECORDING IN THE DIRECTOR'S REPORT... THE LICENSE WOULD CONTAIN REMARKS POINTING TO THE NEW NUMBER.)

AMENDED THE CLAIM TO THE NEW PRIORITY AND CHANGED THE BASIS OF CLAIM TO BENEFICIAL USE. COURT TOLD THEM TO FILE THE SF4 AND INDICATE IT WAS AMENDED AND NOT LATE... I TOLD THEM FOLLOW THE COURT'S ADVICE SINCE I DO NOT KNOW WHAT THEY ARE PROPOSING AND CANNOT GIVE THE LEGAL ADVICE THEY ASK.

CLAIM A36-15480 WILL REMAIN UNCLAIMED IF THE COURT ALLOWS THE AMENDED CLAIM TO BE FILED AS THE LICENSED NUMBER.

COMMUNICATION DOCUMENTATION

IDWR Employee/Agent Steve Clelland

THEY WANTED TO CLAIM AN EARLIER PRIORITY TO THE LICENSE THEY WERE ISSUED. THEY FILED A LATE CLAIM **A36-15480** FOR THE SAME USE AS LICENSED UNDER **A36-07308**. GAVE THEM THE FEES DUE OF \$50 + \$50 FOR A TOTAL OF \$100.00 AND THEN A FORM 4 AND SENT THEM TO THE SRBA COURT HOUSE.

AJ0749NP
No. R36-07308

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

DATE: 07/31/95
PAGE: 1

VERIFIED BY Scw

MICROFILMED
DEC 04 1996

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DENNIS NEWTON RT 1 BOX 1468 PAUL ID 83347 (208) 532-4396	03/02/1973	IRRIGATION	04-01 10-31	1.15 CFS	
				TOTAL DIVERSION:	1.15 CFS	
C	RANDY NEWTON RT 1 BOX 1468 PAUL ID 83347 (208) 532-4552					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T07S R23E S23

SEWNWE

MINIDOKA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
07S	23E	14	:											34	21			10	01	66.0
07S	23E	23	:	25	40	40	39	40	39	39	40									302.0
TOTAL ACRES																			368.0	

POU County: MINIDOKA

Other Rights: 36-15480

Remarks: USE OF THIS RIGHT WITH RIGHT NO. 36-15480 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.0 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1472 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1104 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 368 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 65 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates: Exam Made Date: Verified Date: 07/31/1995

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

AJ0749NP
No. R36-07308

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

DATE: 07/31/95
PAGE: 2

=====
Comments: Date: 06/05/1991 User-ID: SCHOLER Subject: DOMESTIC USE
CLAIM A36-07308 INCLUDED A DOMESTIC USE. THE DOMESTIC USE IS NOT
RECOMMENDED WITH THIS RIGHT AS IT IS AN ADDITIONAL USE WHICH
REQUIRES A SEPARATE CLAIM ACCORDING TO CLAIMS VERIFICATION MANUAL
PAGE 69 ITEM 10. MR NEWTON WAS SENT NOTIFICATION OF THIS ON JUNE
5 1991 AND WAS SENT A FORM AND INSTRUCTIONS TO FILE A DOMESTIC/
STOCKWATER CLAIM.
DOMESTIC CLAIM SUBMITTED JUNE 19, 1991.

Date: 06/05/1991 User-ID: SCHOLER Subject: REVIEW - BHS

Audit: 07/31/95 SCLELLAN

MICROFILMED
DEC 04 1995

RECOMMENDED PERMISSIBLE PLACE OF USE:

CLAIMS: A36-07308
A36-15480

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
A36-15480		7S	23E	14										20	21			7	1		49	
A36-07308														14				3			17	
PPU	TOTAL													34	21			10	1		66	

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
A36-15480		7S	23E	23	25	34	40	36	33	27	39	26									254	
A36-07308						6		3		7	12		20								48	
PPU	TOTAL				25	40	40	39	40	39	39	40									302	368

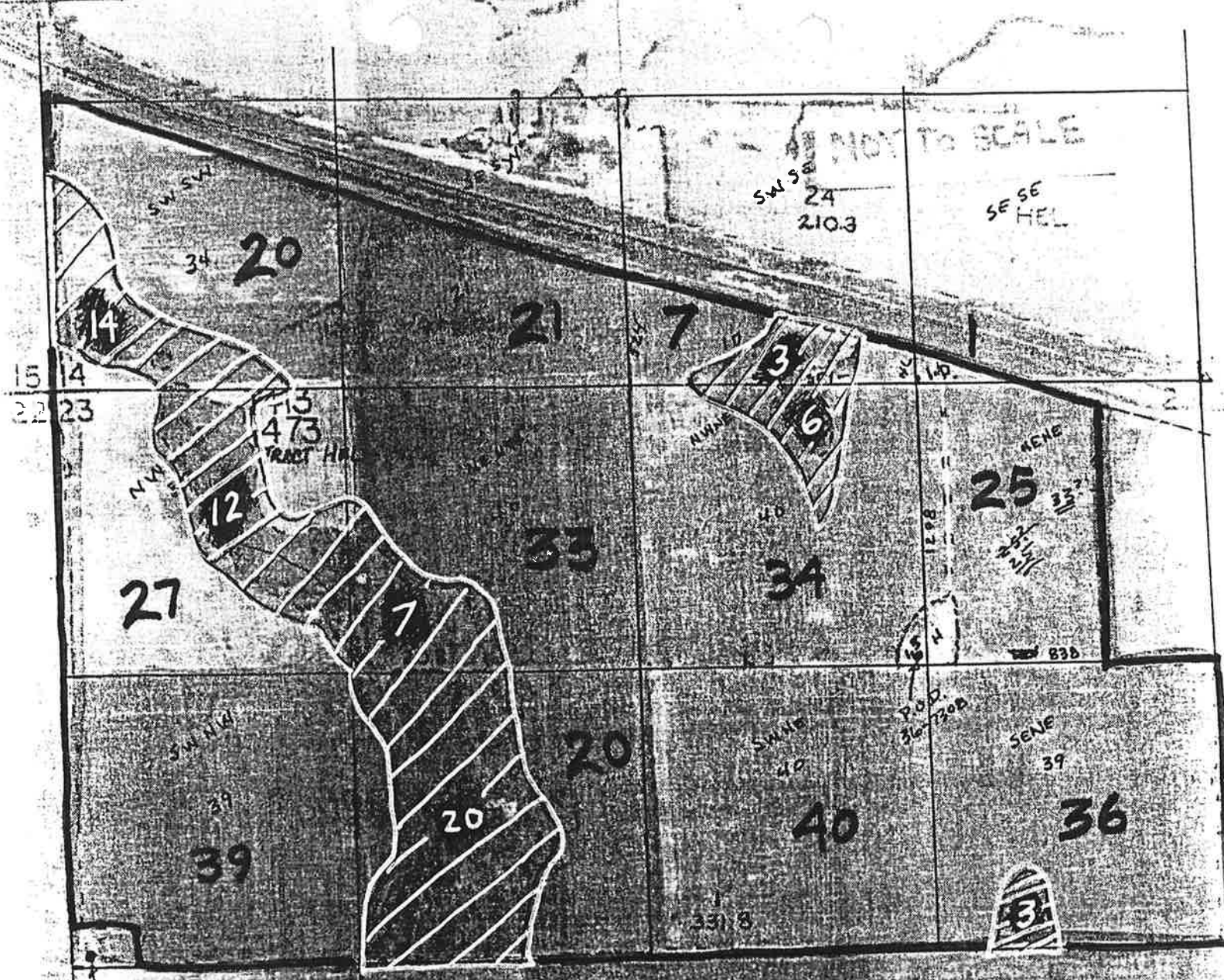
	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

$$CU = 3 \times 368 = 1104 \text{ AF}$$

$$VOL = 4 \times 368 = 1472 \text{ AF}$$

ECG
 MICROFILMED
 7-31-95
 DEC 04 1996



NOT TO SCALE

SW 1/4
24
210.3

SE 1/4
HEL

15
22
23

13
473
TRACT H

838

P.O.D.
A36-10998
DOMESTIC

□ = LANDS A36-15480
303 AC.

▨ = LANDS A36-7308
65 AC.

* Adjusted
POU
7-28-95
SCC

MICROFILM

FEB 03 1993

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-07308
Date Received: 1/18/1989
Receipt No: S006012
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DENNIS NEWTON 208-532-4396
Address: RT 1 BOX 1468
PAUL, ID 83347

AND/OR

Name: RANDY NEWTON 208-532-4552
Address: RT. 1 BOX 1468
PAUL, ID 83347

2. Date of Priority: MAR 02, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	23E	23	NW	NE			MINIDOKA

5. Description of diverting works:
WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.000		1504.00
DOMESTIC	01/01	12/31	0.060		

7. Total Quantity Appropriated is:
6.000 C.F.S. (and/or) 1504.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 TRAILER HOME, 1 LABOR HOUSE

A36-07308

Page 1

Date: 01/18/89

MICROFILMED

FEB 03 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	23E	14	SW		SW		IRR	34.0
			SE		SW		IRR	21.0
			SW		SE		IRR	10.0
			SE		SE		IRR	1.0
			Section Acres					66.0
		23	NE		NE		IRR	33.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			NE		NW		IRR	40.0
			NW		NW		IRR	39.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			Section Acres					310.0
			Total Acres					376.0

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:
NONE

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): Benny W. Henth Date: 1-18-89

Date: _____

State of Idaho)
County of SE) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of Jan 19 89 Don White
Notary Public

Seal

Residing at SE
My Commission Expires 5/94

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED

FEB 63 1955

Water Right Number - R36-07308

Prefix Translation:

RESEARCH

Old (D) Number -

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

+ - First Name - - +

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

*** C - CURRENT OWNER ***
NEWTON

DENNIS

1 - RT. 1 BOX 1468

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-532-4396

NEWTON

RANDY

1 - RT. 1 BOX 1468

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-532-4552

+ - - Priority Date - - +
03/02/1973+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

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

+ - - - - Tributary - - - - - +

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

Twn Rng Sec Tract Lot RFlg County

07S 23E 23 SE NW NE (67) MINIDOKA

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

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 10/31 6.000 1472.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
6.000 1472.00 1104.0

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

Twn Rng Sec Tract Lot Acres Code Description County

07S	23E	14	SW SW		34.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	14	SE SW		21.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	14	SW SE		10.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	14	SE SE		1.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	23	NE NE		25.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	23	NW NE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	23	SW NE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	23	SE NE		39.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	23	NE NW		40.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	23	NW NW		39.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	23	SW NW		39.0	01	IRRIGATION	(67) MINIDOKA
07S	23E	23	SE NW		40.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 368.0

MICROFILMED
FEB 03 1993

Water right number - R36-07308

Prefix Translation: RESEARCH

+ - - Diversion Means - WELL & PUMP.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

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

+ - - - - - 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: 06/05/1991 User Id: SCHOLER Subject: REVIEW - BHS

Date: 06/05/1991 User Id: SCHOLER Subject: DOMESTIC USE

CLAIM A36-07308 INCLUDED A DOMESTIC USE. THE DOMESTIC USE IS NOT RECOMMENDED WITH THIS RIGHT AS IT IS AN ADDITIONAL USE WHICH
REQUIRES A SEPARATE CLAIM ACCORDING TO CLAIMS VERIFICATION MANUAL PAGE 69 ITEM 10. MR NEWTON WAS SENT NOTIFICATION OF THIS ON JUNE
5 1991 AND WAS SENT A FORM AND INSTRUCTIONS TO FILE A DOMESTIC/ STOCKWATER CLAIM.
DOMESTIC CLAIM SUBMITTED JUNE 19, 1991.

+ - - Audit Fields - - +
05/29/92 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	- 05/29/1992	Old Judicial District	-
Claim Received Date	- 01/18/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S006012	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

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FEB 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:47:16
08/17/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07308

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	✓		BHS 5-3-91	N	6	BHS 5-3-91	6-5-91	BHS 8-26-91
POINT OF DIV	✓			Y	5, 6			
SOURCE	✓			N	6			
PLACE OF USE	✓		BHS 5-15-91	Y	1, 2, 4 5, 6	BHS 5-15-91		
DIV. AMOUNT CFS/VOLUME	✓		6-4-91	RATE NO VOL YES	6	6-4-91		
CONSUMPTIVE USE	✓			Y				
PURPOSES	✓			N				
PERIOD OF USE	✓			N				
BASIS OF CLAIM	✓			N				
REMARKS				N				

"VERIFIED BY" CODES

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

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

FEB 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:47:16
08/17/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-07308

LAST: NEWTON
ADDRESS: RT. 1 BOX 1468
CITY: PAUL
PHONE NUMBER: 208-532-4396

FIRST: DENNIS
STATE: ID ZIP: 83347

OWNER CODE: C

LAST: NEWTON
ADDRESS: RT. 1 BOX 1468
CITY: PAUL
PHONE NUMBER: 208-532-4552

FIRST: RANDY
STATE: ID ZIP: 83347

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE

(N)

FIELD
EXAMINER

BAZ

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CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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A. AJ CLAIM: # A36-07308

PRIORITY DATE: 03-02-1973 ✓

STAGE: L ✓

B. WR RECORD: # 36-07308

PRIORITY DATE: 03-02-1973 ✓

STAGE: L ✓

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE

N

FIELD
EXAMINER

BHS

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:

03-02-1973

REVIEWED BY

BHS

DATE

5-3-91

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-07308	07S	23E	<u>23</u>		NW ✓	NE ✓		<u>MINIDOKA</u> ✓
OTHER AJ CLAIMS WITH SAME AJ POD				WR RECORDS IN SAME 40 ACRE TRACT				
A PREFIX				R PREFIX				
NONE				NONE				

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-07308	07S	23E	<u>23</u>		NW ✓	NE ✓		<u>MINIDOKA</u> ✓
OTHER WR RECORDS WITH SAME WR POD				AJ CLAIMS IN SAME 40 ACRE TRACT				
A PREFIX				R PREFIX				
NONE				NONE				

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER
BHS
BHS

REMARKS:

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>75</u>	<u>23E</u>	<u>23</u>	<u>SE</u>	<u>NW</u>	<u>NE</u>	<u>---</u>	<u>MINIDOKA</u>

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

BHS

DATE:

5-3-91

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A. ROOT WATER RIGHT NUMBERS: A36-07308

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	23E	14	SW	SW		NEWTON, DENNIS	A36-07308 /34.0	36-07308 /34.0	40.0		34
07S	23E	14	SE	SW		NEWTON, DENNIS YOUNG & YOUNG	A36-07308 /21.0 A36-02214 / 5.0	36-07308 /21.0 36-02214 / 5.0	40.0		21
07S	23E	14	SW	SE		NEWTON, DENNIS YOUNG & YOUNG	A36-07308 /10.0 A36-02214 /20.0	36-07308 /10.0 36-02214 /20.0	37.0		10
07S	23E	14	SE	SE		NEWTON, DENNIS YOUNG & YOUNG	A36-07308 / 1.0 A36-02214 /35.0	36-07308 / 1.0 36-02214 /35.0	39.0		1.0
07S	23E	23	NE	NE		NEWTON, DENNIS	A36-07308 /33.0	36-07308 /33.0	37.0		33(?)25
07S	23E	23	NW	NE		NEWTON, DENNIS	A36-07308 /40.0	36-07308 /40.0	40.0		40.0
07S	23E	23	SW	NE		NEWTON, DENNIS	A36-07308 /40.0	36-07308 /40.0	37.0		40
07S	23E	23	SE	NE		NEWTON, DENNIS	A36-07308 /39.0	36-07308 /39.0	39.0		39.0
07S	23E	23	NE	NW		NEWTON, DENNIS	A36-07308 /40.0	36-07308 /40.0	39.0		40
07S	23E	23	SW	NW		NEWTON, DENNIS NEWTON, RANDY	A36-07308 /39.0 A36-10998 /	36-07308 /39.0 -	42.0		39
07S	23E	23	SE	NW		NEWTON, DENNIS	A36-07308 /40.0	36-07308 /40.0	40.0		40.0
07S	23E	23	NW	NW		NEWTON, DENNIS	A36-07308 /39.0	36-07308 /39.0	40.0		39
TOTAL ACRES						A36-07308	376.00	376.00	470.00		376

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 FIELD
EXAMINER
Y N OK BHS

ASCS = 332
WR = 376 12% DIFF

NOTE: ACREAGE REDUCTION CAME
FROM NENE SEC 23. REFER TO
ATTACHED MAP WHICH SHOWS
CALCULATIONS FOR THIS ACREAGE.

$$\frac{(838)(1298)}{43560} = 24.97 (25 AC) MAX$$

ACREAGE WHICH IS NOT TILLABLE WAS
ALLOWED SINCE THEY DO IRRIGATE IT
AND HAS PASTURE GRASS FOR SPRING
AND FALL USE.

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PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: 368

REVIEWED BY: BHS

DATE: 6-3-91

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A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-07308	IRRIGATION	FROM 03-15 TO 11-15	6.000 CFS 1504.00 AF/A
A36-07308	<u>DOMESTIC</u>	FROM 01-01 TO 12-31	<u>.060 CFS</u>
TOTAL DIVERSION RATE/VOLUME CLAIMED			6.000 CFS 1504.00 AF/A

B. WR RECORDED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-07308	IRRIGATION	FROM 03-15 TO 11-15	6.000 CFS 1504.00 AF/A
TOTAL DIVERSION RATE/VOLUME CLAIMED			6.000 CFS 1504.00 AF/A

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:

ON THE THE LICENSE
THE DOMESTIC PORTION OF THIS CLAIM REPRESENTS AN ADDITIONAL NU AND MUST HAVE
A SEPERATE CLAIM - (WILL NOT RECOMMEND THIS PORTION).

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 6.000 ☒ CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 6.000 ☒ 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?

FIELD
DATABASE EXAMINER
N

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

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
A36-07308	GROUNDWATER	NEWTON , DENNIS	6.000	0.015	1504.00	4.00
A36-02214	GROUNDWATER	YOUNG & YOUNG	3.080	0.014		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-07308	DOMESTIC	NEWTON , DENNIS	FROM 01-01 TO 12-31	.060 CFS	.00 AF/A
A36-10998	DOMESTIC	NEWTON , RANDY	FROM 01-01 TO 12-31	.040 CFS	

→ SWSW NW

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 368 x 0.02 CFS/ACRE = 7.36 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 = 1128.0 AF/A

ACRES 368 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 1104 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 1504.00 AF/A

ACRES 368 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 1472 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(☒)

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

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
<u>IRRIGATION</u>	<u>3-15 11-15</u>	<u>6.0 BHS</u>	<u>1472 BHS</u>	<u>1104 BHS</u>
_____	_____	_____	_____	_____
TOTAL FOR THIS RIGHT				
_____	_____	_____	_____	_____

REVIEWED BY: BHS

DATE: 6-4-91

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW *N/A*

ROOT WATER RIGHT NUMBER: 36-07308

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	6.000	_____	

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-07308	6.000	-		36-07308	6.000
TOTAL CFS		6.000				6.000

DIVERSION RATE REVIEW

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

REMARKS:

AUTHENTICATION:

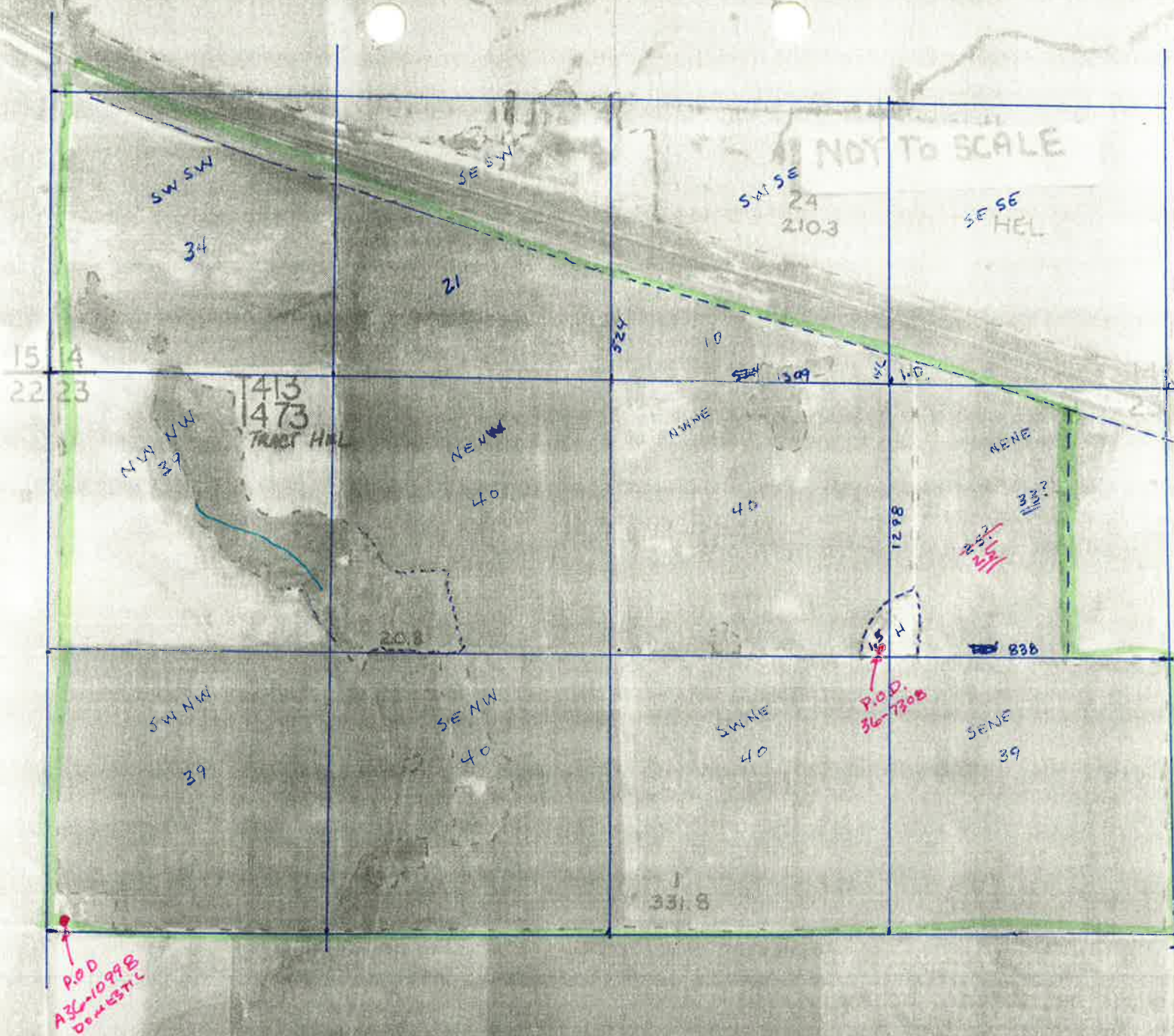
SIGNATURE: Burke H. Scholer

DATE: 6-4-91

NAME OF FIELD EXAMINER: BURKE H. SCHOLER

TITLE: WATER RESOURCE AGENT

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