

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

RECEIVED
MAR 10 1992

Ident. Number: A36-07863
Date Received: ~~8/21/1989~~ 3/10/92
Receipt No: S008908
Received By: HHT

Department of Water Resources

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CITY OF RUPERT 208-436-4900
Address: P.O. BOX 426
RUPERT ID 83350

2. Date of Priority: JUN 30, 1979

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	24E	21	NE	SW	NW		MINIDOKA
			SW	SW	NW		MINIDOKA
			SE	SW	NW		MINIDOKA
		29	NW	SW	NE		MINIDOKA
			SW	NW	SE		MINIDOKA

5. Description of diverting works:
5 WELLS AND PUMPS TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	5.190		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL/WATER FOR CITY OF RUPERT

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

A36-04075,-07115,-07656,-07862; PERMITS 36-07944 & 36-08198

14. Remarks:

P/U WITHIN CITY LIMITS OF RUPERT.

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

FOR ORGANIZATIONS:

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

Signature of Authorized Agent
Deputy Superintendent
City of Rupert
Title and Organization

3/6/92
Date

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FEB 05 1993

State of Idaho)
County of Minidoka) SS.

Subscribed and sworn (or affirmed) before me this 6 day
of March 19 92

[Signature]
Notary Public

Seal

Residing at 701 17th St. Rupert, Id.

My Commission Expires 1/15/96

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name
acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature _____

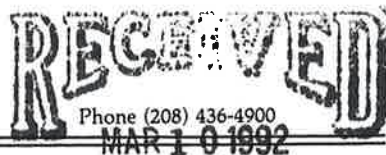
Address _____

Date _____



P.O. Box 426

Rupert, Idaho 83350



Department of Water Resources

March 6, 1992

Helen Harrington Thornton
Sr. Water Resource Agent
IDWR
1301 N. Orchard Street
State House Mail
Boise, Idaho 83720

Re: Notice of Claim A36-07863 AMENDED, Minidoka County

Dear Helen:

Enclosed, you will find the signed, dated and notarized AMENDED Claim A36-07863.

In regard to your question concerning Well No. 9, this Well is no longer in use. As you mentioned in your letter, the total cfs will undoubtedly require adjustment due to the elimination of Wells No. 9 and 32 as the diversion rate will remain unchanged on the 5 remaining Wells.

I appreciate the help we've received from IDWR regarding the above. It has been a pleasure working with you, and if you have any questions, or need further information please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Dustin".

Don Dustin
Public Works Director

MICROFILMED
FEB 05 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

February 28, 1992

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Don Dustin
Public Works Director
City of Rupert
620 F St.
Rupert, ID 83350

RE: Notice of Claim A36-07863 AMENDED
Minidoka County

Dear Don:

Enclosed is the amended claim we discussed on the phone last week; I'm sorry it took me so long. You (or an authorized agent) need to sign it on page 2 and have the signature notarized on page 3. No cost, just return the original to me and I will continue with the processing and review of the City claims.

The original license on which this claim is based included seven points of diversion. I have enclosed a map and associated list of measurements of those seven wells. I don't know why Well #32 was included on this list or the license; well #32 was certainly never listed on the comment noted at the end of list of the 44 wells.

You will note that the seven wells licensed had a combined diversion rate of 5.19 cfs. Since your claim is for only five of those seven wells, the flows from the two unclaimed wells may be eliminated from the recommended claim unless you can show that the existing five wells have been upgraded to increase their flow and that the diversion rate remains the same but through fewer wells. Give me a call if this is confusing and we can discuss it.

Also, it would help me if you could tell me why Well #9 is not being claimed. Is it no longer in use?

Please call me if you have any questions or need more explanation. Thanks for your patience in this matter.

Sincerely,

Helen Harrington Thornton
Sr. Water Resource Agent

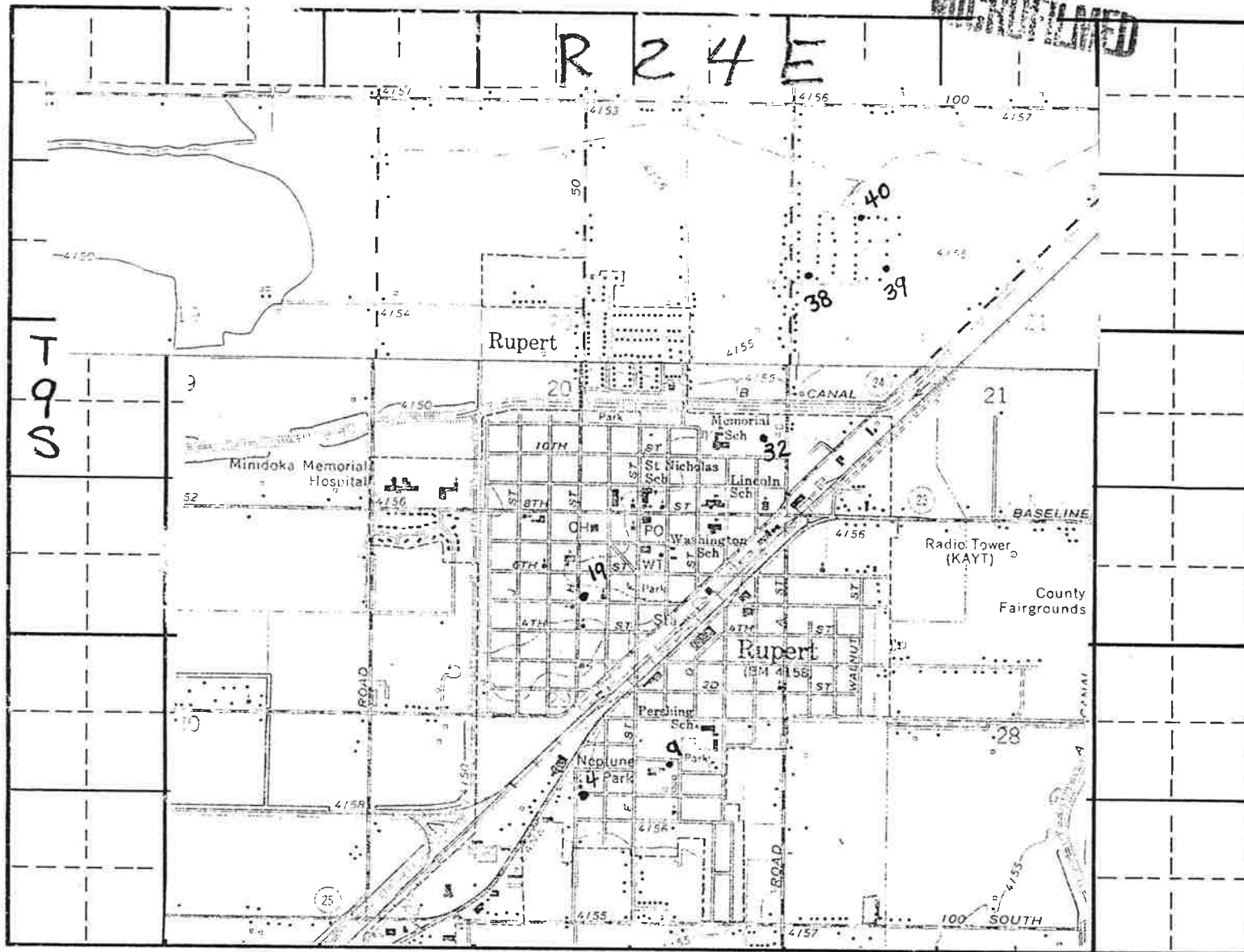
HHT:sf:state:tf

Enclosures:

Amended Claim Referenced Above
Map

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MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

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From license exam. License included 7 points of diversion

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not on permit

May 9, 1983

	CFS	Reading
#4 G. E. Motor #LCJ1108327 5 Hp F.M. Pump F2H2289 Address: 4th St. South & H St. NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T9S, R24E	.72	5.25
#9 F. Motor F258671 5 Hp Pump P.V 6945 Address: 3rd St. S. & F. St. NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T9S, R24E	.67	4.50
#19 G.E. Motor UHJ687H607 5 Hp Johnston pump Address: 4th St. & 5th NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T9S, R24E	.45	2.0
#32 Westinghouse Motor 5 Hp S# 434 Johnston Pump Address: 11th & B St. SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T9S, R24E	.69	4.75
#38 Westinghouse Motor 5 Hp S# 1439290 Johnston Pump Address: E. 16th St. & Cedar SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T9S, R24E	.72	5.25
#39 Fairbanks Morris 5 Hp PV 412 Address: 16th & Fir St. SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T9S, R24E	0.98	9.75
#40 Fairbanks Morris 5 Hp F434219 Address: 16th & Fir Sts SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T9S, R24E	0.96	9.25

Eagle Meter 0-13 #091465
Annv - Barr 6.065" Dia. # 191130

Capacity Total = 5.19 cfs

Notes related to
We # 9832 written
by Don Dustin, City
of Rupert

HAT
3/10/92

RECEIVED
FEB 05 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: A36-07863
Date Received: 8/03/1989
Receipt No: 5008908
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF RUPERT
Address: P.O. BOX 426
RUPERT, ID

83350

208-436-4900

RECEIVED

2. Date of Priority: JUN 30, 1979

AUG 21 1989

3. Source: GROUNDWATER

Trib. to:

Department of Water Resources
Southern Region Office

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	20	NE	SW	SE		MINIDOKA
		21	SW	SW	NW		MINIDOKA
		29	NW	NE	NE		MINIDOKA
			NE	NW	NE		MINIDOKA

5. Description of diverting works:
4 WELLS & PUMPS TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	5.190		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

M/ MUNICIPAL WATER FOR CITY OF RUPERT

10. Place of Use:

Township Range Section 1/4 of 1/4 Lot Use Acres

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

A36-04075, 07115, 07656, 07862; 36-7944, 8198

14. Remarks:

P/U WITHIN CITY LIMITS OF RUPERT.

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 Organizations:

I do solemnly swear or affirm that I am Mayor Title of

City of Rupert, that I have signed the foregoing

Organization

document in the space below as Mayor Title of

City of Rupert and that the statements contained in the

Organization

foregoing document are true and correct.

W. F. "Bief" Whittom
Signature of Authorized Agent

Mayor - City of Rupert
Title and Organization

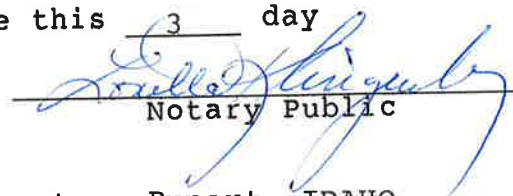
August 3, 1989
Date

State of Idaho)
County of Minidoka) SS.

Subscribed and sworn (or affirmed) before me this 3 day

of August 19 89

Seal


Notary Public

Residing at Rupert, IDAHO

My Commission Expires 2-11-92

CITY OF RUPERT

P.O. Box 426

Rupert, Idaho 83350

Phone (208) 436-9608

-MUNICIPAL- HIGH PRESSURE WELLS

<u>NAME</u>	<u>LOCATION</u>	<u>GPM</u>	<u>ft S</u>
WELL # 1	SECTION 29 NWNE	1500	3.33
WELL # 2	SECTION 29 NENE	1650	3.67
WELL # 3	SECTION 20 SWSE	1500	3.33 <u>Out of service</u>
~~WELL # 4~~ Rmp # 44	SECTION 20 SESE (IRRIGATION WELL)	600	
WELL # 5	SECTION 21 SWNW	555	1.23

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FEB 05 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Aug. 25, 1989

Re: A36-07863
A36-07862
A36-07115
A36-07656
A36-04075

.CITY OF RUPERT
.P O BOX 426
.RUPERT ID 83350

Dear Claimant(s):

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

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of you claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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FEB 05 1993

A36-07863
Rupert



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

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MAR 1 1990

Department of Water Resources
Southern Region Office

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 22, 1990

City of Rupert
C/O Ken Fredrickson
P. O. Box 426
Rupert, ID 83350

Gentlemen:

Our records show you have filed your adjudication claim(s) in the Snake River Basin Adjudication. Our records do not, however, include a clear map of your service area. Would it be possible for us to get a map of your customer service area for your municipal water system, both to supplement the record of your claim(s) and for use as described below?

In our review and investigation phase of the Snake River Basin Adjudication, the map would be helpful for us to have this information in verifying individual claims to water rights for domestic purposes. We will be happy to discuss with you the most convenient way for you to provide this information to us. I can be reached at 327-7931 or you may contact my assistant, Anita Warntjes at 327-7986.

Your assistance in this matter is greatly appreciated.

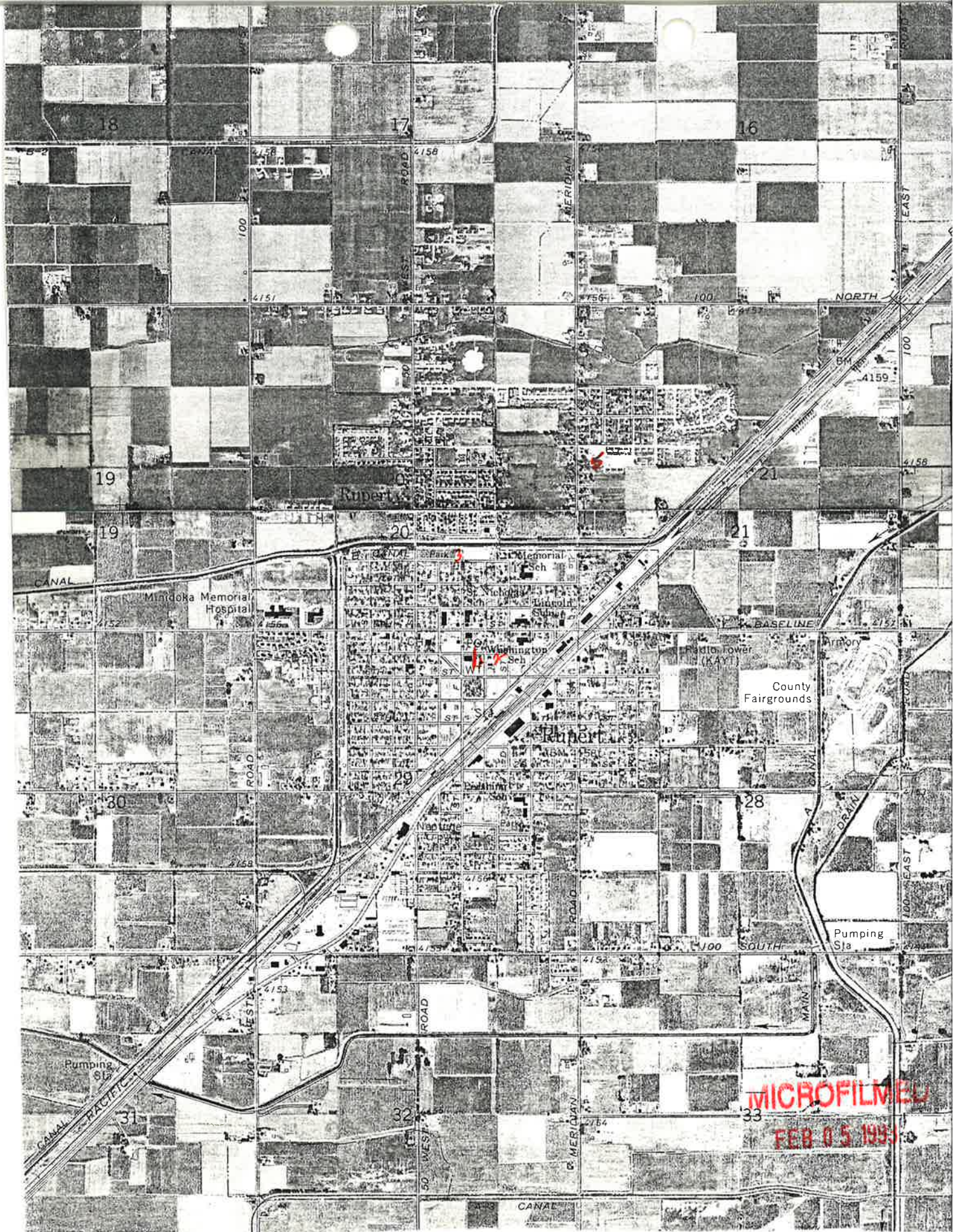
Sincerely,

DAVID B. SHAW
Adjudication Bureau Chief

DBS:alw

A36-07862 07115
07863 07656
04075

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FEB 05 1993



Water Right Number - R36-07863

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***

BEEMAN

JOSEPHINE P

1 - 608 W FRANKLIN ST

2 -

3 -

City- BOISE

State- ID Zip- 83702

Phone - 208-388-8900

*** C - CURRENT OWNER ***

CITY OF RUPERT

1 - PO BOX 426

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-436-4900

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/30/1979 17 SOUTHERN L - LICENSE

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

Point of Diversion							Diversion Name
Twn	Rng	Sec	Tract	Lot	RFlg	County	
09S	24E	21	NE SW NW		(67)	MINIDOKA	
			SW SW NW		(67)	MINIDOKA	
			SE SW NW		(67)	MINIDOKA	
		29	NW SW NE		(67)	MINIDOKA	
			SW NW SE		(67)	MINIDOKA	

Water Use		Diversion Rate		Diversion Volume
Code	Description	Period From	Period To	
40 - MUNICIPAL		04/01	10/31	3.830

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
3.830 0.0

Place of Use								County
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	

+ - - Diversion Means - 5 WELLS AND PUMPS TO PIPELINE NETWORK

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-04075

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

POU PLACE OF USE IS WITHIN THE CITY LIMITS OF RUPERT.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF

OK
12-4-97
KKC

Water right number - R36-07863

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +
DIVERSION DESCRIBED ABOVE: 36-04075 AND 36-15489.

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

+ - - - - Conditions of Approval - - - - - +
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
S16 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- MINIDOKA IRRIGATION DIST.

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

+ - - Audit Fields - 08/06/97 CFRITSCH

+ - - - - Comments - - - - - +
Date: 05/15/1992 User Id: THORNTON Subject: ASSOCIATED RIGHTS
THIS RIGHT AND 36-04075 ARE USED STRICTLY FOR MUNICIPAL IRRIGATION. OTHER CITY OF RUPERT MUNICIPAL RIGHTS ARE FOR
INDDOOR USES. THE SYSTEMS ARE NOT CONNECTED.

+ - - - - 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	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 03/10/1992	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	- S008908	Federal/State Indicator	- S
		POU Ownership Flag	- N	Presumption Flag	- C
		Name Connector	-	Notice of Error Flag	-

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FEB 29 1996

Department of Water Resources
Adjudication Bureau

RECEIVED

MAR 06 1996

Department of Water Resources
Southern Region

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

Case No. 39576

) Subcase Nos. 36-04075, 36-07115,
) 36-07656, 36-07862 and 36-07863
)
)
)
)
)

ORDER GRANTING MOTION TO
FILE LATE OBJECTIONS

On November 15, 1995, the claimant, the City of Rupert, filed its *Motion for Leave to File Amended Claims or in the Alternative Motion for Leave to File Late Objections and Memorandum in Support (Motion)* concerning the above subcases. The *Motion* sought to correct the priority dates recommended for three of the subcases and to change the remarks section of all five subcases.

The *Motion* was heard on February 23, 1996, at the SRBA Courthouse, Twin Falls, Idaho. Josephine P. Beeman appeared by telephone for the claimant and Nicholas B. Spencer appeared by telephone for IDWR. During the hearing, the claimant elected to pursue the late objection portion of its *Motion*. No one opposed the *Motion*. IDWR and the claimant agreed that they reasonably expect to file Standard Forms 5 for the subcases within one month; hence, no further proceedings need to be scheduled.

The claimant has shown good cause to file its late objections and the Court is satisfied that justice will be better served by granting the *Motion*.

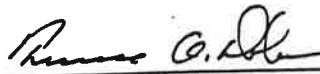
ORDER GRANTING MOTION
TO FILE LATE OBJECTIONS
2/27/96

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DEC 5 1996

THEREFORE IT IS ORDERED that the City of Rupert's *Motion for Leave to File Late Objections* is granted. Responses to the objections shall be filed no later than Friday, April 12, 1996.

DATED February 23, 1996.

IT IS SO ORDERED.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTION TO FILE LATE OBJECTIONS** Was mailed on February 27, 1996, 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, MSC 033
Boise, ID 83724

Josephine Beeman
243 North 8th Street, Suite 2009
Boise, ID 83702

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098



Deputy Clerk

RECEIVED

NOV 16 1995

Movant's Name:

City of Rupert, an Idaho municipal corporation

Department of Water Resources

Attorneys' Names and Addresses:

Josephine P. Beeman

Dana L. Hofstetter

Dillion, Bosch, Daw & Bock, Chartered

242 N. 8th St., Suite 200

Boise, Idaho 83702

Telephone: (208) 344-8990

Facsimile: (208) 344-9140

RECEIVED

MAR 06 1996

Department of Water Resources
Southern Region

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

In Re SRBA	)	Subcase Nos. 36-04075, 36-07863,
	)	36-07862, 36-07656 and 36-07115
Case No. 39576	)	
	)	MOTION FOR LEAVE TO FILE AMENDED
	)	CLAIMS OR IN THE ALTERNATIVE MOTION
	)	FOR LEAVE TO FILE LATE OBJECTIONS AND
_____	)	MEMORANDUM IN SUPPORT

DESCRIPTIVE SUMMARY

This is a Motion for Leave to File Amended Claims or in the alternative Motion to File Late Objections in the above-referenced subcases by the City of Rupert, an Idaho municipal corporation. The Motion is supported by the attached Memorandum, the Affidavit of Brent E. Spronk (City of Rupert, Low Pressure Irrigation System), the Affidavit of Brent E. Spronk (City of Rupert, Potable Municipal System), the Affidavit of Josephine P. Beeman and the record before the Court and oral argument, if necessary.

MOTION FOR LEAVE TO FILE AMENDED CLAIMS OR IN THE
ALTERNATIVE MOTION FOR LEAVE TO FILE LATE OBJECTIONS
AND MEMORANDUM IN SUPPORT - 1

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DEC 5 1996

MOTION

Pursuant to SRBA Administrative Order 1, and Rules 15 (a), 55(c) and 60(a) of the Idaho Rules of Civil Procedure, the City of Rupert, an Idaho municipal corporation, by and through its counsel of record, Dillion, Bosch, Daw & Bock, Chartered, respectfully moves that the Court grant leave to file the eight (8) amended claims attached hereto as Exhibit A or in the alternative grant leave to file the five (5) objections attached hereto as Exhibit B.

MEMORANDUM

Rule 15(a), Idaho Rules of Civil Procedure, provides that leave to amend pleadings shall be freely given when justice so requires. The decision to grant permission to amend is in the sound discretion of the trial court. Payette Farms Company v. Conter, 103 Idaho 148, 645 P.2d 888 (1982); Sinclair Marketing, Inc. v. Siepert, 107 Idaho 1000, 695 P.2d 385 (1985). In the interest of justice, courts generally should favor liberal grants of leave to amend. Wickstrom v. North Idaho College, 111 Idaho 450, 725 P.2d 155 (1986). This Motion is being filed to amend certain priority dates for the City of Rupert's water rights. Since no additional water is being claimed, this Motion is best characterized as a motion to amend pleadings within the scope of Rule 15(a).

In the alternative, this Motion is based on the filing of objections to the recommended priority dates in the Director's Report. This Court has applied Rules 55(c) and 60(b), Idaho Rules of Civil Procedure, to motions to file late objections. Under Rules 55(c) and 60(b), the setting aside of an entry of default or of a default judgment are both within the sound discretion of the trial court and will not be reversed on appeal unless an abuse of discretion clearly appears. Clear Springs Trout Company v. Anthony, 123 Idaho 141, 143, 845 P.2d 559, 561 (1992); Newbold v. Arvidson, 105 Idaho 663, 664, 672 P.2d 231, 232 (1983). Judgments by default are not favored and there is a preference for setting them aside so that cases can be decided on the merits. Baldwin v. Baldwin, 114 Idaho 525, 528, 757 P.2d 1244, 1247 (Ct.

MOTION FOR LEAVE TO FILE AMENDED CLAIMS OR IN THE
ALTERNATIVE MOTION FOR LEAVE TO FILE LATE OBJECTIONS
AND MEMORANDUM IN SUPPORT - 2

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DEC 5 1996

App. 1988); Gro-Mor, Inc. v. Butts, 109 Idaho 1020, 1024, 712 P.2d 721, 725 (Ct. App. 1985). Even in doubtful cases, relief from a default is favored. Id.

The City of Rupert is an Idaho municipal corporation and the claimant of five municipal water rights in Reporting Area 3 (Basin 36) of the SRBA. Two of the City of Rupert's claimed water rights (nos. 36-04075 and 36-07863) are for its municipal low pressure irrigation system. The other three claimed water rights (nos. 36-07862, 36-07115 and 36-07656) are associated with the City's potable water system. This Motion solely seeks to correct the recommended priority dates for three of those water rights, nos. 36-04075, 36-07862 and 36-07115. No other elements of the claims or the Director's recommendations for those water rights are being amended or objected to. Changes are being sought to the remarks of the claims and the Director's Report for these three water rights as well as Rupert's two other claimed water rights, nos. 36-07863 and 36-07656, to ensure that the remarks for these water rights are consistent with the proposed priority date revisions. Since a unique water right number is assigned for each priority date, the proposed priority date changes will result in additional water right numbers being assigned to the City of Rupert. The existing remarks will need to be revised to reflect any water right numbers newly issued as a result of the proposed priority date changes.

The City of Rupert hired special water rights counsel earlier this year. Affidavit of Josephine P. Beeman. The special counsel along with Spronk Water Engineers undertook an extensive evaluation of historical records and data to establish and confirm appropriate priority dates for the City of Rupert's claimed water rights. As a result of those investigations, it has been determined that the priority dates in the Director's Report for some of Rupert's water rights are incorrect. Id., Affidavit of Brent E. Spronk (City of Rupert, Potable Municipal System) and Affidavit of Brent E. Spronk (City of Rupert, Low Pressure Irrigation System).

MOTION FOR LEAVE TO FILE AMENDED CLAIMS OR IN THE
ALTERNATIVE MOTION FOR LEAVE TO FILE LATE OBJECTIONS
AND MEMORANDUM IN SUPPORT - 3

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DEC 5 1996

The analysis undertaken supports the following four water right priorities for two of the municipal potable system's water rights (nos. 36-07862 and 36-07115):

<u>(NEW) WATER RIGHT NO.</u>	<u>PRIORITY DATE</u>	<u>AMOUNT (CFS)</u>
36-15488	04-10-1913	0.67
36-15489	11-29-1917	2.95
36-15490	03-02-1939	2.67
36-07115	03-15-1970	0.88
	TOTAL	7.17

Affidavit of Brent E. Spronk (City of Rupert, Potable Municipal System). This recommendation only affects the priority dates for water rights nos. 36-07862 and 36-07115. The City is not requesting that the priority date for the third potable municipal system water right (no. 36-07656) be changed. Further, no change in the total flow rate recommended for the potable municipal system is being requested. The four new priorities and associated flows added to the unchanged claim no. 36-07656 flow rate total 10.61 cubic feet per second, the overall water capacity of the City's potable municipal well system. This amount is the same combined flow recommended by the Director for the City's potable municipal well system. Id.

The proposed claims and objections reflect the recommended changes in priority dates for two of the potable municipal system water rights. Additionally, the proposed claims and objections indicate that the remarks need to be revised in light of the new water right numbers that will be assigned for the additional priority dates. Typically, an individual water right has only one priority date. Because the City is recommending the identification of additional priority dates, new water right numbers will need to be assigned. The remarks sections of the claims and the Director's recommendations will need to be revised to reflect the new water right numbers assigned to the City of Rupert.

MOTION FOR LEAVE TO FILE AMENDED CLAIMS OR IN THE
ALTERNATIVE MOTION FOR LEAVE TO FILE LATE OBJECTIONS
AND MEMORANDUM IN SUPPORT - 4

MICROFILMED
DEC 5 1996

With respect to the City's low pressure irrigation system's claim no. 36-04075, the investigation justifies the following priorities:

<u>(NEW) WATER RIGHT NO.</u>	<u>PRIORITY DATE</u>	<u>AMOUNT (CFS)</u>
36-15491	10-31-1934	6.00
36-15492	12-31-1955	27.00
	TOTAL	33.00

Affidavit of Brent E. Spronk (City of Rupert, Low Pressure Irrigation System). No amendment is requested for the second low pressure irrigation system municipal claim's (no. 36-07863) priority. However, again, revisions are suggested to the remarks in the claims and the Director's remarks to reflect the new water right numbers issued to the City of Rupert.

The recommended revisions and priority dates are supported by in depth technical and historical investigations and fundamental principles of water law. The suggested changes will help ensure that the City of Rupert will be able to continue to serve its population with potable water and will enable the City to continue to serve its municipal irrigation needs. Further, coming at this early stage in the proceedings, no prejudice will result to anyone if the Motion is granted; but prejudice to the City and its citizens will result if the Motion is denied.

CONCLUSION

For the foregoing reasons, the Court should grant the City of Rupert's Motion for Leave to File Amended Claims or in the Alternative Motion for Leave to File Late Objections.

DILLION, BOSCH, DAW & BOCK.
CHARTERED

Dated: November 15, 1995

By:


Josephine P. Beeman

MOTION FOR LEAVE TO FILE AMENDED CLAIMS OR IN THE
ALTERNATIVE MOTION FOR LEAVE TO FILE LATE OBJECTIONS
AND MEMORANDUM IN SUPPORT - 5

MICROFILMED
DEC 5 1996

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 15, 1995, I caused to be served a true copy of the foregoing document, by the method indicated below, and addressed to the following:

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

U.S. Mail _____
Hand Delivered ☒
Fed. Express _____
Fax _____

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

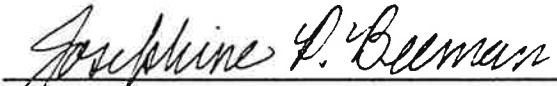
U.S. Mail ☒
Hand Delivered _____
Fed. Express _____
Fax _____

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

U.S. Mail ☒
Hand Delivered _____
Fed. Express _____
Fax _____

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSG 003
Boise, Idaho 83724

U.S. Mail ☒
Hand Delivered _____
Fed. Express _____
Fax _____



Josephine P. Beeman

MOTION FOR LEAVE TO FILE AMENDED CLAIMS OR IN THE
ALTERNATIVE MOTION FOR LEAVE TO FILE LATE OBJECTIONS
AND MEMORANDUM IN SUPPORT - 6

MICROFILMED
DEC 5 1995
MICROFILMED
- 4006

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: A36-15488

Date Received: / /

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF RUPERT
Address: PO BOX 426
RUPERT ID 83350
208-436-4900

2. Date of Priority: APR 10, 1913

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	20	NE	SW	SE		MINIDOKA
		21	SW	SW	NW		MINIDOKA
		29	NW	NE	NE		MINIDOKA
			NE	NW	NE		MINIDOKA

5. Description of diverting works:
4 WELLS & PUMPS TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.670		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL/WATER SYSTEM FOR CITY OF RUPERT

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT.
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 10.61 CFS. OTHER RIGHT
NOS.: 36-07115, 36-07656, 36-15489 AND 36-15490.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine B. Beeman will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature Josephine P. Beeman

Address 242 N. 8th Street Boise, ID 83702

Date November 15, 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-15489
Date Received: / /
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF RUPERT 208-436-4900
Address: PO BOX 426
RUPERT ID 83350

2. Date of Priority: NOV 29, 1917

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	20	NE	SW	SE		MINIDOKA
		21	SW	SW	NW		MINIDOKA
		29	NW	NE	NE		MINIDOKA
			NE	NW	NE		MINIDOKA

5. Description of diverting works:
4 WELLS & PUMPS TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	2.950		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL/WATER SYSTEM FOR CITY OF RUPERT

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT.
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 10.61 CFS. OTHER RIGHT
NOS.: 36-07115, 36-07656, 36-15488 AND 36-15490.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature Josephine P. Beeman

Address 242 N. 8th St. Boise, Idaho 83702

Date November 15, 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-15490
Date Received: / /
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF RUPERT 208-436-4900
Address: PO BOX 426
RUPERT ID 83350

2. Date of Priority: MAR 2, 1939

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	20	NE	SW	SE		MINIDOKA
		21	SW	SW	NW		MINIDOKA
		29	NW	NE	NE		MINIDOKA
			NE	NW	NE		MINIDOKA

5. Description of diverting works:
4 WELLS & PUMPS TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	2.670		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL/WATER SYSTEM FOR CITY OF RUPERT

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

MICROFILMED

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT.
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 10.61 CFS. OTHER RIGHT
NOS.: 36-07115, 36-07656, 36-15488 AND 36-15489.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature Josephine P. Beeman

Address 242 N. 8th St. Boise, Idaho 83702

Date November 15, 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A36-07656**
Date Received: 8/21/1989
Receipt No: S008908
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CITY OF RUPERT
Address: PO BOX 426
RUPERT ID 83350 208-436-4900

2. Date of Priority: SEP 18, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	24E	20	NE	SW	SE		MINIDOKA
		21	SW	SW	NW		MINIDOKA
		29	NW	NE	NE		MINIDOKA
			NE	NW	NE		MINIDOKA

5. Description of diverting works:
4 WELLS & PUMPS TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	3.440		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL/WATER SYSTEM FOR CITY OF RUPERT

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT.
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 10.61 CFS. OTHER RIGHT
NOS.: 36-07115, 36-15488, 36-15489 AND 36-15490.

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 Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature Josephine P. Beeman

Address 242 N. 8th Street Boise, ID 83702

Date November 15, 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-07115
Date Received: 8/21/1989
Receipt No: S008908
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CITY OF RUPERT
Address: PO BOX 426
RUPERT ID 83350
208-436-4900

2. Date of Priority: MAR 15, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	20	NE	SW	SE		MINIDOKA
		21	SW	SW	NW		MINIDOKA
		29	NW	NE	NE		MINIDOKA
			NE	NW	NE		MINIDOKA

5. Description of diverting works:
4 WELLS & PUMPS TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.880		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL, CITY OF RUPERT

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT.
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 10.61 CFS. OTHER RIGHT
NOS.: 36-07656, 36-15488, 36-15489 AND 36-15490.

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 Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature Josephine P. Beeman
Address 242 N. 8th Street Boise, ID 83702
Date November 15, 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-15491
Date Received: / /
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF RUPERT
Address: PO BOX 426
RUPERT ID 83350
208-436-4900
2. Date of Priority: DEC 31, 1934
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	20	SE	NW	NE		MINIDOKA
			SE	SE	NE		MINIDOKA
			NE	SE	SW		MINIDOKA
			SW	SE	SW		MINIDOKA
			SE	SE	SW		MINIDOKA
			NE	NW	SE		MINIDOKA
			SW	NW	SE		MINIDOKA
			SE	NW	SE		MINIDOKA
				SW	SE		MINIDOKA
			SE	SW	SE		MINIDOKA
			NE	SE	SE		MINIDOKA
		21	SW	SW	NW		MINIDOKA
			SE	SE	NW		MINIDOKA
		28	SW	NW	NW		MINIDOKA
			SW	SW	NW		MINIDOKA
		29	NE	NE	NE		MINIDOKA
			NW	NE	NE		MINIDOKA
			SE	NE	NE		MINIDOKA
				NW	NE		MINIDOKA
				SW	NE		MINIDOKA
			NW	SW	NE		MINIDOKA
			SW	SW	NE		MINIDOKA
			SW	SE	NE		MINIDOKA
			NE	NE	NW		MINIDOKA
			SW	NE	NW		MINIDOKA

4. Point of Diversion: Continued

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	29	NW	SE	NW		MINIDOKA
			NE	NE	SE		MINIDOKA
			NE	NW	SE		MINIDOKA
			SW	NW	SE		MINIDOKA
			SE	NW	SE		MINIDOKA
			SE	NW	SE		MINIDOKA
			NW	SE	SE		MINIDOKA
			SE	SE	SE		MINIDOKA

5. Description of diverting works:

36 WELLS & PUMPS TO GRAVITY IRRIG. SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	04/01	10/31	6.000		

7. Total Quantity Appropriated is:

6.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

MUNICIPAL/CITY OF RUPERT

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

2 POINTS OF DIVERSION LOCATED IN NESESW, S20, T09S, R24E.
 2 POINTS OF DIVERSION LOCATED IN SENWSE, S29, T09S, R24E.
 2 POINTS OF DIVERSION LOCATED IN SENWSE, S29, T09S, R24E.
 PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT, IDAHO.
 USE OF THIS RIGHT WITH RIGHT NOS. 36-07863 AND 36-15492
 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 36.83 CFS AND
 TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1080 AF.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

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 _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Josephine P. Beeman

Address

242 N. 8th St. Boise, ID 83702

Date

November 15, 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-15492

Date Received: / /

Receipt No: _____

Received By: _____

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

1. Name: CITY OF RUPERT
Address: PO BOX 426
RUPERT ID

208-436-4900

83350

2. Date of Priority: DEC 31, 1955

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	20	SE	NW	NE		MINIDOKA
			SE	SE	NE		MINIDOKA
			NE	SE	SW		MINIDOKA
			SW	SE	SW		MINIDOKA
			SE	SE	SW		MINIDOKA
			NE	NW	SE		MINIDOKA
			SW	NW	SE		MINIDOKA
			SE	NW	SE		MINIDOKA
				SW	SE		MINIDOKA
			SE	SW	SE		MINIDOKA
			NE	SE	SE		MINIDOKA
		21	SW	SW	NW		MINIDOKA
			SE	SE	NW		MINIDOKA
		28	SW	NW	NW		MINIDOKA
			SW	SW	NW		MINIDOKA
		29	NE	NE	NE		MINIDOKA
			NW	NE	NE		MINIDOKA
			SE	NE	NE		MINIDOKA
				NW	NE		MINIDOKA
				SW	NE		MINIDOKA
			NW	SW	NE		MINIDOKA
			SW	SW	NE		MINIDOKA
			SW	SE	NE		MINIDOKA
			NE	NE	NW		MINIDOKA
			SW	NE	NW		MINIDOKA

MICROFILMED

4. Point of Diversion: Continued

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	29	NW	SE	NW		MINIDOKA
			NE	NE	SE		MINIDOKA
			NE	NW	SE		MINIDOKA
			SW	NW	SE		MINIDOKA
			SE	NW	SE		MINIDOKA
			SE	NW	SE		MINIDOKA
			NW	SE	SE		MINIDOKA
			SE	SE	SE		MINIDOKA

5. Description of diverting works:

36 WELLS & PUMPS TO GRAVITY IRRIG. SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	04/01	10/31	27.000		

7. Total Quantity Appropriated is:

27.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

MUNICIPAL/CITY OF RUPERT

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
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11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

2 POINTS OF DIVERSION LOCATED IN NESESW, S20, T09S, R24E.
 2 POINTS OF DIVERSION LOCATED IN SENWSE, S29, T09S, R24E.
 2 POINTS OF DIVERSION LOCATED IN SENWSE, S29, T09S, R24E.
 PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT, IDAHO.
 USE OF THIS RIGHT WITH RIGHT NOS. 36-07863 AND 36-15491
 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 36.83 CFS AND
 TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1080 AF.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

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 _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Josephine P. Beeman

Address 242 N. 8th St. Boise ID 83702

Date November 15, 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-07863
Date Received: 3/10/1992
Receipt No: S008908
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CITY OF RUPERT
Address: PO BOX 426
RUPERT ID 83350 208-436-4900

2. Date of Priority: JUN 30, 1979

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	21	NE	SW	NW		MINIDOKA
			SW	SW	NW		MINIDOKA
			SE	SW	NW		MINIDOKA
		29	NW	SW	NE		MINIDOKA
			SW	NW	SE		MINIDOKA

5. Description of diverting works:
5 WELLS AND PUMPS TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	04/01	10/31	3.830		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL/WATER FOR CITY OF RUPERT

10. Place of Use:

Township Range Section 1/4 of 1/4 Lot Use Acres

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

2 POINTS OF DIVERSION LOCATED IN NESESW, S20, T09S, R24E.
2 POINTS OF DIVERSION LOCATED IN SENWSE, S29, T09S, R24E.
2 POINTS OF DIVERSION LOCATED IN SENWSE, S29, T09S, R24E.
PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT, IDAHO.
USE OF THIS RIGHT WITH RIGHT NOS. 36-15491 AND 36-15492
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 36.83 CFS AND
TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1080 AF.

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 Organizations:

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

_____, that I have signed the foregoing

Organization
document in the space below as _____ of

_____, Title
and that the statements contained in the

Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

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 _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature Josephine P. Beeman
Address 242 N. 8th St. Boise, ID 83702
Date November 15, 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. 36-07862
	)	
Case No. 39576	)	
	)	STANDARD FORM 1
	)	
	)	
_____	)	OBJECTION

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. To object to more than one water right, you must file a separate objection form for each. The water right number you are objecting to must be indicated above in the blank space following "Case No." 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 on 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 SRBA Court no later than 14 days before the filing deadline to file their pleadings.

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 needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. ***Party/Claimant Objecting***

Name: City of Rupert
Address: P.O. Box 426
Rupert, ID 83350
Phone: Work: (208) 436-4900 Home: N/A

Briefly describe your interest in this water right:

The City of Rupert is the owner of this water right.

If this objection is filed by an attorney:

Attorney Name: Josephine P. Beeman
Dana L. Hofstetter
Attorney Address: Dillion, Bosch, Daw & Bock, Chartered
Fidelity Building
242 N. 8th Street, Suite 200
Boise, Idaho 83702
Attorney Phone No: (208) 344-8990

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: City of Rupert
Address: P.O. Box 426
Rupert, ID 83350

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 description of the annual volume of consumptive use.
11. **Water Right Recommendation:** I object to:
 - ☐ a. this water right being recommended at all, or
 - ☐ b. this water right not being recommended.
12. ☐ **Description of Reservation:** I object to the legal description of the reservation.

13. ☒ **Other:** I object to: Remarks

REASONS SUPPORTING EACH BOX CHECKED

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

The recommended priority date does not reflect actual dates of beneficial use. The remarks reference other City of Rupert water right numbers. New water rights numbers may be issued as a result of proposed changes in priority dates. The remarks need to be revised to reference any new water right numbers issued because of changes in priority dates for the City of Rupert's water 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.

Water right nos. 36-07862 and 36-07115 should be amended to provide for the following four water right priorities:

<u>Priority Date</u>	<u>Amount(cfs)</u>
04-10-1913	0.67
11-29-1917	2.95
03-02-1939	2.67
03-15-1970	0.88

The remarks should be revised to reference appropriate new water right numbers.

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

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

Affidavit of Brent E. Spronk (City of Rupert, Potable Municipal System)

VERIFICATION (Must be Completed)

State of Idaho
County of Ada

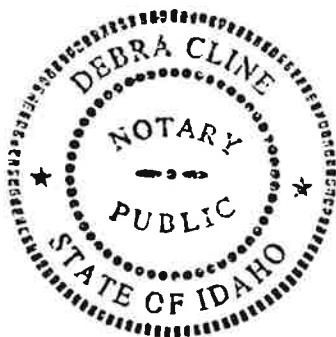
The City of Rupert, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection (as listed on Page 2, Section 2, "Party/Claimant Objecting") as defined by I.C. § 42-1401A(1) and (7), and that I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing objection

Josephine P. Beeman
By: Attorney signing in representative capacity

Subscribed and sworn to before me on: November 15, 1995.



Debra L. Cline
Notary Public for IDAHO
Residing at: Caldwell, Idaho
My commission expires: 7/21/01

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 the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 15, 1995, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707
2. One copy to the owner of the water right at the following address:
N/A
3. One copy to:
Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449
4. One copy to:
Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706
5. One copy to:
United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724


Signature of party/claimant or attorney

E:\1778\7862.OBJ

S.F.1
Revised 5/1/95

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. 36-07656
	)	
Case No. 39576	)	
	)	STANDARD FORM 1
	)	
	)	
	)	
	)	OBJECTION

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. To object to more than one water right, you must file a separate objection form for each. The water right number you are objecting to must be indicated above in the blank space following "Case No." 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 on 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 SRBA Court no later than 14 days before the filing deadline to file their pleadings.

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 needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. ***Party/Claimant Objecting***

Name: City of Rupert
Address: P.O. Box 426
Rupert, ID 83350
Phone: Work: (208) 436-4900 Home: N/A

Briefly describe your interest in this water right:

The City of Rupert is the owner of this water right.

If this objection is filed by an attorney:

Attorney Name: Josephine P. Beeman
Dana L. Hofstetter
Attorney Address: Dillion, Bosch, Daw & Bock, Chartered
Fidelity Building
242 N. 8th Street, Suite 200
Boise, Idaho 83702
Attorney Phone No: (208) 344-8990

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: City of Rupert
Address: P.O. Box 426
Rupert, ID 83350

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 description of the annual volume of consumptive use.
11. **Water Right Recommendation:** I object to:
 - ☐ a. this water right being recommended at all, or
 - ☐ b. this water right not being recommended.
12. ☐ **Description of Reservation:** I object to the legal description of the reservation.

13. ☒ **Other:** I object to: Remarks.

REASONS SUPPORTING EACH BOX CHECKED

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

The remarks reference other City of Rupert water right numbers. New water right numbers may be issued to these water rights as a result of the proposed changes in priority dates. The remarks need to be revised to reference any new water right numbers issued because of changes in the priority dates for the City of Rupert's water 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 revised to reference appropriate new water right numbers.

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

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

Affidavit of Brent E. Spronk (City of Rupert, Potable Municipal System)

VERIFICATION (Must be Completed)

State of Idaho
County of Ada

The City of Rupert, duly sworn, upon oath, deposes and says:

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Signature of person filing objection

Josephine P. Beeman
By: Attorney signing in representative capacity

Subscribed and sworn to before me on: November 15, 1995.



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Notary Public for IDAHO
Residing at: Caldwell, Idaho
My commission expires: 7/21/01

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N/A

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

4. One copy to:

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

5. One copy to:

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


Signature of party/claimant or attorney

E:\1778\7656.OBJ

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. 36-07115

Case No. 39576

STANDARD FORM 1

OBJECTION

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Attorney Name: Josephine P. Beeman
Dana L. Hofstetter
Attorney Address: Dillion, Bosch, Daw & Bock, Chartered
Fidelity Building
242 N. 8th Street, Suite 200
Boise, Idaho 83702
Attorney Phone No: (208) 344-8990

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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.
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 - ☐ a. this water right being recommended at all, or
 - ☐ b. this water right not being recommended.
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Water right nos. 36-07862 and 36-07115 should be amended to provide for the following four water right priorities:

<u>Priority Date</u>	<u>Amount(cfs)</u>
04-10-1913	0.67
11-29-1917	2.95
03-02-1939	2.67
03-15-1970	0.88

The remarks should be revised to reference appropriate new water right numbers.

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

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

Affidavit of Brent E. Spronk (City of Rupert, Potable Municipal System)

VERIFICATION (Must be Completed)

State of Idaho
County of Ada

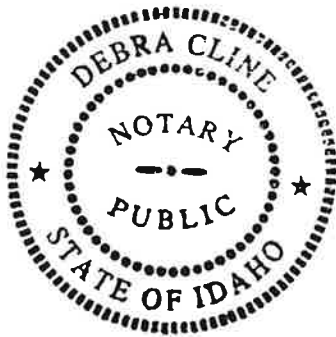
The City of Rupert, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection (as listed on Page 2, Section 2, "Party/Claimant Objecting") as defined by I.C. § 42-1401A(1) and (7), and that I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing objection

Josephine P. Beeman
By: Attorney signing in representative capacity

Subscribed and sworn to before me on: November 15, 1995.



Debra L. Cline
Notary Public for IDAHO
Residing at: Caldwell, Idaho
My commission expires: 7/21/01

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 the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 15, 1995, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

N/A

3. One copy to:

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

4. One copy to:

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

5. One copy to:

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


Signature of party/claimant or attorney

E:\1778\7115.OBJ

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. 36-04075
	)	
Case No. 39576	)	
	)	STANDARD FORM 1
	)	
	)	
	)	OBJECTION

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. To object to more than one water right, you must file a separate objection form for each. The water right number you are objecting to must be indicated above in the blank space following "Case No." 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 on 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 SRBA Court no later than 14 days before the filing deadline to file their pleadings.

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 needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. ***Party/Claimant Objecting***

Name: City of Rupert
Address: P.O. Box 426
Rupert, ID 83350
Phone: Work: (208) 436-4900 Home: N/A

Briefly describe your interest in this water right:

The City of Rupert is the owner of this water right.

If this objection is filed by an attorney:

Attorney Name: Josephine P. Beeman
Dana L. Hofstetter
Attorney Address: Dillion, Bosch, Daw & Bock, Chartered
Fidelity Building
242 N. 8th Street, Suite 200
Boise, Idaho 83702
Attorney Phone No: (208) 344-8990

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: City of Rupert
Address: P.O. Box 426
Rupert, ID 83350

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 description of the annual volume of consumptive use.
11. **Water Right Recommendation:** I object to:
 - ☐ a. this water right being recommended at all, or
 - ☐ b. this water right not being recommended.
12. ☐ **Description of Reservation:** I object to the legal description of the reservation.

13. ☒ **Other:** I object to: Remarks

REASONS SUPPORTING EACH BOX CHECKED

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

The recommended priority date does not reflect actual dates of beneficial use. The remarks reference other City of Rupert water right numbers. New water right numbers may be issued as a result of changes in priority dates. The remarks need to be revised to reference any new water right numbers issued because of changes in priority dates for the City of Rupert's water 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.

Water rights no. 36-04075 should be amended to provide the following two priority dates:

<u>Priority Date</u>	<u>Amount(cfs)</u>
10-31-1934	6.00
12-31-1955	27.00

The remarks should be revised to reference appropriate new water right numbers.

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

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

Affidavit of Brent E. Spronk (City of Rupert, Low Pressure Irrigation System)

VERIFICATION (Must be Completed)

State of Idaho
County of Ada

The City of Rupert, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection (as listed on Page 2, Section 2, "Party/Claimant Objecting") as defined by I.C. § 42-1401A(1) and (7), and that I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing objection

Josephine P. Berman
By: Attorney signing in representative capacity

Subscribed and sworn to before me on: November 15, 1995.



Debra L. Cline
Notary Public for IDAHO
Residing at: Caldwell, Idaho
My commission expires: 7/21/01

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Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706
5. One copy to:
United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724


Signature of party/claimant or attorney

E:\1778\4075.OBJ

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. 36-07863
	)	
Case No. 39576	)	
	)	STANDARD FORM 1
	)	
	)	
	)	OBJECTION

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. To object to more than one water right, you must file a separate objection form for each. The water right number you are objecting to must be indicated above in the blank space following "Case No." 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 on page 6, and must be strictly followed.

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Dana L. Hofstetter
Attorney Address: Dillion, Bosch, Daw & Bock, Chartered
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Boise, Idaho 83702
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REASONS SUPPORTING EACH BOX CHECKED

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

The remarks reference other City of Rupert water right numbers. New water right numbers may be issued to these water rights as a result of the proposed changes in priority dates. The remarks need to be revised to reference any new water right numbers issued because of changes in the priority dates for the City of Rupert's water rights.

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Specifically describe how you want the Director's Report to be changed. You may use additional pages, if necessary.

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State of Idaho
County of Ada

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Signature of person filing objection

Josephine P. Beeman
By: Attorney signing in representative capacity

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Notary Public for IDAHO
Residing at: Caldwell, Idaho
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Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

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Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

5. One copy to:

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


Signature of party/claimant or attorney

EA1778\7863.OBJ

S.F.1
Revised 5/1/95

DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST. EAST
TWIN FALLS, ID 83301-6105



Department of Water Resources
Southern Region
2148 4th Ave. E.
Twin Falls, Idaho 83301

Date 4-4-95

Name JO BEEMAN

Address PO Box 829 BOISE, ID 83701

No. of Copies	Material	Cost
94	A36-07115, A36-04075,	\$ 4.70
	A36-07656, A36-07862, &	
	A36-07863	
	& postage	3.00
TOTAL		\$ 7.70

Please find enclosed the form(s) and/or information you requested. The charge, if any, is indicated above.

If we may be of further assistance, please contact us.

Sincerely,

Lara L Backlund

MICROFILMED
DEC 5 1996

9/20/94

COMMUNICATION DOCUMENTATION

File No. A36-04075
A36-07115
A36-07656
A36-07862
A36-07863

This form is to be used to document public record information requests regarding any SRBA claim or other water right. 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.

IDWR Employee/Agent Allen Merritt Date January 19, 1995

Contact person(s) CITY OF RUPERT WATER SYSTEM EMPLOYEES, CITY MAYOR & CITY ATTORNEY.

Nature of Contact THEY CAME INTO OFFICE TO DISCUSS OPTIONS WITH REGARD TO COVERING A WELL THAT PERMIT 36-07944 COVERED. THE PERMIT HAS SINCE LAPSED.

Substance of Communication:

WE TALKED ABOUT RE-INSTATING PERMIT BUT BENEFICIAL USE WAS NEVER ESTABLISHED DURING TIME PERMIT WAS VALID. WE THEN DISCUSSED FILING A TRANSFER TO COVER THE WELL WITH EXISTING RIGHTS AND WE ALSO DISCUSSED FILING FOR APPLICATION FOR PERMIT IF THEY NEED MORE DIVERSION CAPACITY. I TOLD THEM THAT UNDER MORATORIUM THE DEPT WOULD PROCESS A MUNICIPAL APPLICATION BUT NEW USES MUST ALL MEET INDIVIDUALLY DOMESTIC DEFINITION. (NO NEW PARKS, BALL FIELDS OR LARGE TRACTS OF IRRIGATION) I SHOWED THEM THE ADJUDICATION FILES. THEY TOOK WITH THEM FORMS FOR TRANSFER & APPLIC. FOR PERMIT. THEY MENTIONED THAT ORIGINAL DOMESTIC WELL FOR CITY WAS USED EARLIER THAN LICENSE INDICATES. I TOLD THEM IF THEY WISHED TO FILE A LATE OBJECTION OR LATE CLAIM THEN THEY NEED TO FILE A MOTION WITH THE COURT.

MICROFILMED
DEC 5 1996
MICROFILMED

R PROOF



CVR



MAPS



PHOTOS



MISC



VERIFIED ADM

Water Right Number - R36-07863

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
CITY OF RUPERT1 - PO BOX 426
2 -
3 -
City- RUPERT
Phone - 208-436-4900

State- ID Zip- 83350

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/30/1979 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

						Point of Diversion	
Twn	Rng	Sec	Tract	Lot	RFlg	County	
09S	24E	21	NE SW NW		(67)	MINIDOKA	
			SW SW NW		(67)	MINIDOKA	
			SE SW NW		(67)	MINIDOKA	
			NW SW NE		(67)	MINIDOKA	
			SW NW SE		(67)	MINIDOKA	

Code		Description	Period From	Period To	Diversion Rate	Diversion Volume
40	MUNICIPAL		04/01	10/31	3.830	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.830 0.0

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

Total Acres:

+ - - Diversion Means - 5 WELLS AND PUMPS TO PIPELINE NETWORK
+ - - Non-Irrigation Use - MUNICIPAL/WATER FOR CITY OF RUPERT
+ - - Other Rights for Same Use - 36-04075+ - - - - - Remarks - - - - - +
PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT, IDAHO.
USE OF THIS RIGHT WITH RIGHT NO. 36-04075 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 36.83 CFS AND TO A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 1080 AF.

Water right number - R36-07863

Prefix Translation: RESEARCH

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

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

No Old Water Right Numbers Found

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

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT
- TO IDAHO CODE 42-1416A.
S16 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- MINIDOKA IRRIGATION DIST.

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

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

Date: 05/15/1992 User Id: THORNTON Subject: ASSOCIATED RIGHTS
THIS RIGHT AND 36-04075 ARE USED STRICTLY FOR MUNICIPAL IRRIGATION. OTHER CITY OF RUPERT MUNICIPAL RIGHTS ARE FOR
INDDOOR USES. THE SYSTEMS ARE NOT CONNECTED.

+ - - Audit Fields - - +
05/26/92 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	- 05/26/1992	Old Judicial District	-
Claim Received Date	- 03/10/1992	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S008908	Water District	-
		POU Ownership Flag	- N	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- C
				Notice of Error Flag	-

MICROFILMED
FEB 05 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:07:51
03/16/92

PAGE: 11
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07863

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			HHT 1/8/92	N		HHT 5/15/92	HHT 5/15/92	HHT 5/15/92
POINT OF DIV	Y	HHT 2/28/92 Rcvd 3/10/92	[Red wavy line]	N claim amended		[Red wavy line]	[Red wavy line]	[Red wavy line]
SOURCE				N				
PLACE OF USE				N				
DIV. AMOUNT CFS/VOLUME				Y				
CONSUMPTIVE USE	-			Y	6			
PURPOSES				N				
PERIOD OF USE	Y			Y	6			
BASIS OF CLAIM				N				
REMARKS	Y			Y	6			

"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.

Map located in file A36-04075

Condition S16
Remarks: J03
~~FEF~~

E10(modified) - 36.83cfs
1080 AFA

RECEIVED
FEB 05 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:07:51
03/16/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-07863

MICROFILMED
FEB 05 1993

LAST: CITY OF RUPERT
ADDRESS: P.O. BOX 426
CITY: RUPERT
PHONE NUMBER: 208-436-4900

FIRST:
STATE: ID ZIP: 83350

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: P/U WITHIN CITY LIMITS OF RUPERT.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: Don Dustin / Irvin Hardy

DATE OF FIELD EXAM: 1/8/92

APPOINTMENT MADE: Y(☒) N(☐)

ACCOMPANIED BY: _____

RELATIONSHIP TO CLAIMANT: Public Works Dir. / Water Mgr

DIRECTIONS TO PROPERTY / REMARKS:

city Hall

PHONE NUMBER: (208) 436-4900 (city Hall)

TIME: ____:____ A(☐) P(☐)

PHONE NUMBER: (208) 436-9040 (shop - Irvin)

A. AJ CLAIM: # A36-07863 PRIORITY DATE: 06-30-1979 STAGE: L
B. WR RECORD: # 36-07863 PRIORITY DATE: 06-30-1979 STAGE: L

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER N

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

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:
06-30-1979

REVIEWED BY HMT

DATE 5/15/92

=====

MICROFILMED
FEB 05 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-07863	09S	24E	21	NE	SW	NW		MINIDOKA
A36-07863	09S	24E	21	SW	SW	NW		MINIDOKA
A36-07863	09S	24E	21	SE	SW	NW		MINIDOKA
A36-07863	09S	24E	29	NW	SW	NE		MINIDOKA
A36-07863	09S	24E	29	SW	NW	SE		MINIDOKA

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-07115	-
A36-07656	-
A36-07862	R36-04075
A36-12019	R36-07115
A36-12044	R36-07656
A36-12045	R36-07862
A36-12489	R36-12019
A36-12492	R36-12044
	R36-12045
	R36-12489
	R36-12492

WR RECORDS IN SAME 40 ACRE TRACT

36-04075
36-07115
36-07862
36-08467

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-07863	09S	24E	21		SW	NW		MINIDOKA
36-07863	09S	24E	29		NW	NE		MINIDOKA
36-07863	09S	24E	20		SE	SE		MINIDOKA
36-07863	09S	24E	29		NW	SE		MINIDOKA

OTHER WR RECORDS WITH SAME WR POD

36-04075
36-07115
36-07862

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

A36-04075	NONE
A36-07115	
A36-07656	
A36-07862	
A36-11503	
A36-11687	
A36-11947	
A36-12019	
A36-12044	
A36-12045	
A36-12165	
A36-12356	
A36-12489	
A36-12492	
A36-12494	

MICROFILMED
FEB 05 1993

A. ROOT WATER RIGHT NUMBERS: A36-07863

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
TOTAL ACRES							A36-07863				

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
N

FIELD
EXAMINER
N

POU COUNTY:

PRESUMPTION FLAG: C

REMARKS:

Municipal - Remask JO3

RECOMMENDATIONS:

TOTAL ACRES: Ø

REVIEWED BY: HHT

DATE: 5/15/92

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SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y	<u>N</u>
DUE TO SOURCE DISCREPANCY? (Y/N)	N	<u>N</u>

REMARKS:

Original license had 7 pts of diversion. 2 are not longer used, per discussion with Public Works Supervisor Dan Austin. Therefore the 5 pts of diversion recommended were on the license. Claim was amended to claim pts of diversion not originally claimed but were licensed.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
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<u>See Below</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
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SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: HHT DATE: 5/15/92

9S 24E 21 NESW NW
 SWSW NW
 SE SWNW
 29 NW SW NE
 SW NWSE

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

AJ TOTAL CLAIMED DIVERSION RATE: 5.190 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 5.190 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(Y) N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A36-04075,-07115,-07656,-07862; PERMITS 36-07944 & 36-08198

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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A. AJ CLAIMED USES:

A36-07863 PURPOSES
MUNICIPAL

MONTH/DAY
FROM ~~01-01~~ TO ~~12-31~~

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
5.190 CFS

5.190 CFS

3.83

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period of use
of 1993
licensed
wells.

B. WR RECORDED USES:

36-07863 PURPOSES
MUNICIPAL

MONTH/DAY
FROM 04-01 TO 10-31

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
5.190 CFS

5.190 CFS

PRESUMPTION FLAG: C

C. FIELD EXAM REQUIRED?

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

DATABASE
N
N
Y

FIELD
EXAMINER
N
N
N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(☒)

RECOMMEND TO WR STANDARDS OR OTHER?

as licensed

Y(☒) N() Explain in remarks, below.

REMARKS:

Because of disuse of two of originally licensed 7 wells the diversion rate is being decreased & see attached sheet showing wells not longer used.

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(____) N(____)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(____) N(____) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

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

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

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*See attached calculations & map in file A36-04075
360 ac. x 3.0 AFA = 1080 AFA.*

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
MUNICIPAL	04-01 10-31 ~~01-01 12-31~~	DATABASE EXAMINER 5.190 <u>3.83</u>	DATABASE EXAMINER <u>—</u>	DATABASE EXAMINER 0.0 <u>1080</u>
TOTAL FOR THIS RIGHT		5.190		0.0
REVIEWED BY: <u>HHT</u>		DATE: <u>5/15/92</u>		

Remark E410
36.83 cfs
1080 AFA

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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

ROOT WATER RIGHT NUMBER: 36-07863

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	5.190		

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-07863	5.190	-		36-07863	5.190
TOTAL CFS		5.190				5.190

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	FIELD EXAMINER
Y	<u>[Signature]</u>

REMARKS:

AUTHENTICATION:

SIGNATURE: [Signature]

DATE: 5/15/92

NAME OF FIELD EXAMINER: Selen Harrington-Thorn

TITLE: Sr. Wtr Res. Agent

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* Conversation w/ Don Duxson, City Mgr. from 36-07863 field exam
re: Discussion about amended
claim A36-07863 #115
3/6/92

May 9, 1983

	CFS	Reading
#4 G. E. Motor #LCJ1108327 5 Hp F.M. Pump F2H2289 Address: 4th St. South & H St. NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T9S, R24E	.72	5.25

* 3/6/92
well no
longer
used. Delete
from claim
36-07863

~~.67~~ subtract from
Total
Capacity

4.50

#19 G.E. Motor UHJ687H607 5 Hp Johnston pump Address: 4th St. & 5th NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T9S, R24E	.45	2.0
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3/6/92
not part
of this
claim - included
on A36-04075

~~.69~~ subtract from
Total capacity

4.75

#32 Westinghouse Motor 5 Hp S# 434 Johnston Pump Address: 11th & B St. SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T9S, R24E		
#38 Westinghouse Motor 5 Hp S# 1439290 Johnston Pump Address: E. 16th St. & Cedar SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T9S, R24E	.72	5.25

#39 Fairbanks Morris 5 Hp PV 412 Address: 16th & Fir St. SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T9S, R24E	0.98	9.75
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#40 Fairbanks Morris 5 Hp F434219 Address: 16th & Fir Sts SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T9S, R24E	0.96	9.25
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Eagle Meter 0-13 #091465
Annv - Barr 6.065" Dia. # 191130

Capacity Total = 5.19 cfs

3.83 cfs

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