

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 A36-15458
Date Received 10-7-92
Receipt Number C025699

RECEIVED

OCT 07 1992

Department of Water Resources

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Greg & Cristi Heins Phone (208) 531-5952
Mailing Address Rt 3, Box 225 Rupert, ID Zip 83350

2. Date of Priority (Only one (1) per claim) 1978 (photo date)

3. Source of water supply (a) ground water
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 7 S. Range 25 E. Section 34,
SE 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Minidoka

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 20" well hole, 312' deep
with 17' of casing; Worthington pump, 190 H.P. motor,
10" mainline and 8-4" wheelines

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Mar 15 to Nov 15 amount .06 or 12 ac feet
For stock water purposes from year around amount .06 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .06 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 9 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stock water up to 300 head of cattle

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9S	25E	34	40	40	39	39													158

Total number of acres irrigated 158

11. In which county (ies) are lands listed above as place of use located? Minidoka

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. 36-02678 of one ()

14. Remarks: This second presumption expansion claim is for expansion of right 36-02678, & claims addition acres, but the diversion rate has not increased.

Although the license show water for only 155 acres, there has always been 158 acres irrigated. This error was a result of an error in the measurement of the lands being irrigated. Therefore, water spread occurred at the time the permit was obtained. 1978 aerial photo was the oldest photo our ASCS had which shows the additional irrigated acres. Enclosed 1978 photo is certified by Minidoka ASCS Director.

Last Name

Ident No.

HEING

Scale: 2 inches equals 1 mile

mainline - 34 well & pump

Please see attached
aerial photograph from
ASCS. Farmable acres
are listed. Photograph
copy is certified by
ASCS director of Minidoka
County.

Minidoka

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Last Name Heins

Ident No. _____

Copies: White-State, Yellow-Claimant

Greg & Crista Heins

Rt 3 Box 225

Rupert ID 83350

(208) 531-5952

75 25 E

700 E.

POOR ORIGINAL

Cairfield
Photo taken in 1978
Thomas D. Smith
CED
9-18-92

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800 E.

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20 27
33 34

E535
(76E)
71559

A
142.5

B
7.3

C
6.7

E524
(227E)

80.0 80.0

778

27 26
34 35

51.8

50.2

48.1

15. Basis of Claim (check one) Ben al Use X Posted Notice _____ Li 3 e 3 Permit _____

Decree _____

If applicable provide IDWR Water Right Number 36-02678

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Mary Heins

Date 10-3-92

Curti Heins

Date 10-3-92

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Minidoka) SS.

Subscribed and sworn (or affirmed) before me this 5th day of October 19 92

SEAL

Notary Public William C. [Signature]

Residing at Boise

My Commission Expires 12-3-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be 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 _____

Last Name Heins Ident. Number _____

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Copies White-State, Yellow-Claimant

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: **A36-15458**
Date Received: 10/ 7/1992
Receipt No: C025699
Received By: _____

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

1. Name: GREGORY W HEINS 208-531-5952
Address: RT 3 BOX 225
RUPERT ID 83350

AND

Name: CRISTI HEINS 208-531-5952
Address: RT 3 BOX 225
RUPERT ID 83350

2. Date of Priority: DEC 31, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	25E	34	SE	NE	NE		MINIDOKA

5. Description of diverting works:
20" WELL HOLE, 312' DEEP WITH 17' CASING, 190HP PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		12.00
STOCKWATER	01/01	12/31	0.060		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 12.00 A.F.A.

8. Total consumptive use is 9.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, UP TO 300 HEAD OF CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	25E	34	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	39.0
			SE		NE		IRR	39.0

Section Acres 158.0

Total Acres 158.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
36-02678

14. Remarks:

THIS SECOND PRESUMPTION EXPANSION CLAIM IS FOR EXPANSION OF RIGHT 36-02678, AND CLAIMS ADDITION ACRES, BUT THE DIVERSION RATE HAS NOT INCREASED.

ALTHOUGH THE LICENSE SHOW WATER FOR ONLY 155 ACRES, THERE HAS ALWAYS BEEN 158 ACRES IRRIGATED. THIS ERROR WAS A RESULT OF AN ERROR IN MEASUREMENT OF THE LANDS BEING IRRIGATED. THEREFORE, WATER SPREAD OCCURRED AT THE TIME THE PERMIT WAS OBTAINED. 1978 AERIAL PHOTO WAS THE OLDEST PHOTO OUR ASCS HAD WHICH SHOWS THE ADDITIONAL IRRIGATED ACRES. ENCLOSED 1978 PHOTO IS CERTIFIED BY MINIDOKA ASCS DIRECTOR.

15. Basis of Claim: BENEFICIAL USE

Water Right Number: 33420

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: _____

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For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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GREG & CRISTI HEINS FARMS

ROUTE 3 BOX 225 1310 N. 600 E.
RUPERT, IDAHO 83350
(208) 531-5952

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OCT 07 1992

Department of Water Resources

October 3, 1992

Dear IDWR,

We are filing this beyond the deadline because we originally thought our expansion claim was covered in our initial notice of claim to a water right. It however, was not and we became aware of that recently, when you sent your recommendations. We have been advised by your office that a separate expansion claim for additional acres would be needed. Thus we are sending this separate expansion claim for additional acres. In the original notice of claim we paid for 158 acres and enclosed is \$50.00. If additional costs are involved please contact me.

Most Sincerely,

Cristi Heins

Cristi Heins

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Date Received October 9, 1992

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Name of Claimant Heins, Greg and Christi (208) 531-5952
Phone Number
Mailing Address Rt 3 Box 225 Rupert ID 83350
City State Zip
County(s) where place of use is located Minidoka Date claim originally due 10-12-1989
Identify water right(s) for which extension is requested 2nd Presumption Expansion claim based on A36-02678

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

Claimant filed A36-02678 on time for 158 acres.
License showed only 155 acres, so the recommendation
was for 155 acres. This claim is to pick up the additional
3 acres. No expansion claim was solicited by IDWR during
investigation period.

Claimant requests an extension to October 7, 1992
Signature Shelley Walter Keen October 9, 1992
Date of request

Sr. Water Resource Agent
Title

Also recommended by Helen Harrington-Thornton ^{ation}

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to 10/7, 1992
Signed this 9 day of October, 1992

DAVID B. SHAW
Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

DAVID B. SHAW

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FEB 09 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

23-Oct-1992

Gregory W. and Cristi Heins
Rt 3 Box 225
Rupert ID 83350

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim A36-02678 and A36-15458

Dear Mr. and Mrs. Heins:

Please find enclosed profile reports of recommendations on the above referenced claims.

As you will note, we are recommended the 3 expanded acres claimed on A36-15458 and have changed the recommendation on A36-02678 to reflect the total 158 acres and the expansion claim.

Also enclosed is Receipt No. C025699. The final recommendations will be mailed out in approximately two weeks when the final Director's Report is submitted to the SRBA Court.

Sincerely,


Helen Harrington-Thornton
Water Resource Agent

HHT

Enclosures:

Profile Reports
Receipt No. C025699

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Department of Water Resources
Southern Region

RECEIVED

OCT 20 1997

Department of Water Resources
Adjudication Bureau

Name of Party Filing Document:
The Duncan Limited Partnership

Attorney Name & Address:
ROGER D. LING
LING, NIELSEN & ROBINSON
615 H Street, P. O. Box 396
Rupert, Idaho 83350

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

In Re SRBA

Subcase No. 36-15458

Case No. 39576

STANDARD FORM 1

OBJECTION

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in a Director's Report. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR) or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy both sides with the even-number pages upside down.

The water right number you are objecting to must be indicated above in the blank space following "Subcase." To object to multiple water right recommendations, you must use a **separate form for each** objection and there must be **only one objector** for each form.

You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be **received** by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

Any party physically filing 25 or more objections must contact the Clerk of the SRBA Court no later than 14 days before the filing deadline and arrange an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant objecting:*

Name: The Duncan Limited Partnership

Address: c/o Paul H. Duncan and Kathy F. Duncan
750 East 100 South
Rupert, Idaho 83350

Phone: Work: Home: (208) 436-0502

Briefly describe your interest in this water right:

Objecting party is the claimant to the water right recommended by the Director of the Idaho Department of Water Resources.

2. If this objection is filed by an attorney:

Attorney Name: Roger D. Ling

Attorney Address: P. O. Box 396
Rupert, Idaho 83350

Attorney Phone No.: (208) 436-4717

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

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ **Name and Address:** I object to the name and/or address of the owner of the water right.
2. ☐ **Source:** I object to the source of water.
3. ☐ **Quantity:** I object to:
 - ☐ a. the total quantity of water used in cubic feet per second; or
 - ☐ b. the total quantity of water stored in acre feet per year; or
 - ☐ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ **Priority Date:** I object to the priority date.
5. ☐ **Points of Diversion:** I object to the legal description of the point(s) of diversion.
6. ☐ **Instream Flow:** I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ **Purpose(s) of Use:** I object to the purpose(s) of use.
8. ☐ **Period of Year:** I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ **Place of Use:** I object to:
 - ☐ a. the legal description of the place of use; or
 - ☐ b. the number of irrigated acres within each 40-acre subdivision.
10. ☐ **Consumptive Use:** I object to the annual volume of consumptive use.
11. ☐ **Water Right Recommendation:** I object to:
 - ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
12. ☐ **Description of Reservation:** I object to the legal description of the reservation.

13. ☐ **Other:** I object to:

REASONS SUPPORTING EACH BOX CHECKED

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

4. **Priority Date:** Claimant objects to the subordination provision under the priority date recommended, as there has been no showing by the holder of a water right with a priority date earlier than April 12, 1994 that they have been injured by this priority date of December 31, 1978.

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 subordination provisions under **priority date** should be removed.

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

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

VERIFICATION (Must be Completed)

State of Idaho

County of Minidoka

Roger D. Ling, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

Signature of person filing objection

Roger D. Ling
Roger D. Ling
Attorney signing in representative capacity

Subscribed and sworn to before me on: Oct. 15, 1997

Julia Thornton Barnes
Notary Public for Idaho
Residing at: Rupert, Idaho
My Commission Expires: 02/03/99

INSTRUCTION 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 hereby certify that on October 15, 1997, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Name: The Duncan Limited Partnership
Address: c/o Paul and Kathy Duncan
750 East 100 South
Rupert, ID 83350

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734



Signature of Objector or attorney
mailing on Objector's behalf

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NOV - 3 1997

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NOV 05 1997

Department of Water Resources
Adjudication Bureau

Parties' Names: Magic Valley Ground Water District, Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Tim Deeg, Mack Neibaur, and Ralph Breeding

Attorneys' Names and Address

Jeffrey C. Fereday
Michael C. Creamer
GIVENS PURSLEY & HUNTLEY LLP
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
(208) 342-6571
(208) 343-9492 (facsimile)

Henry R. Boomer, Esq.
Boomer Law Offices
514 Tyhee
P.O. Box 70
American Falls, ID 83211
(208) 226-2562
(208) 226-5419 (facsimile)

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OCT 31 1997

OFFICE OF THE
ATTORNEY GENERAL

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

In Re: SRBA

A. Subcase No. 36-15458

Case No. 39576

JOINT RESPONSE OF MAGIC VALLEY GROUND
WATER DISTRICT, ABERDEEN-AMERICAN FALLS
GROUND WATER DISTRICT, BINGHAM GROUND
WATER DISTRICT, TIM DEEG, MACK NEIBAUR,
AND RALPH BREDDING TO THE DUNCAN LIMITED
PARTNERSHIP'S OBJECTION

(Standard Form 2)

B. NAME AND ADDRESS OF PERSONS RESPONDING

Magic Valley Ground Water District
1099 N. 400 W.
Route 5, Box 139
Rupert, ID 83350
(208) 532-4524

Mack Neibaur
1200 N. 510 W. Norland
Route 1, Box 1478
Paul, ID 83347
(208) 532-4175

Ralph E. Bredding
2875 Visiting Road
American Falls, ID 83211
(208) 226-2109

Tim Deeg
2957 Deeg Road
American Falls, ID 83211
(208) 226-5588

Aberdeen-American Falls Ground
Water District
P.O. Box 70
American Falls, ID 83211
(208) 226-5914

Bingham Ground Water District
1523 W. 300 N.
Blackfoot, ID 83221
(208) 684-3614

MAIL9410



Name & Address of Attorneys:

Jeffrey C. Fereday
Michael C. Creamer
Givens Pursley & Huntley LLP
277 No. 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701

Henry R. Boomer, Esq.
514 Tyhee
P.O. Box 70
American Falls, ID 83211

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: The Duncan Limited Partnership

Address: c/o Paul H. Duncan and Kathy F. Duncan
750 E. 100 South
Rupert, Idaho 83550

- D. Magic Valley Ground Water District, Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Tim Deeg, Mack Neibaur, and Ralph Breeding (collectively, "Respondents"), hereby respond to The Duncan Limited Partnership's objections to the following elements.

4. ☒ **Priority Date.** Summary response: The use involved in this claim is an enlarged use which began, and has continued, without complying with the mandatory permit system applicable to water diversions and uses under Idaho law. Accordingly, the enlarged use must cease unless it qualifies as an enlargement as defined in I.C. § 42-1426, a statute which became effective April 12, 1994. To the extent the use qualifies as an enlargement, it may be recognized as a new water right in the SRBA only if it is subordinated to all other, non-enlarged water rights existing on that date or given a priority date no earlier than April 12, 1994. If the new water is not conditioned in this manner, it will cause injury to the priorities and the water rights of other water right holders, including members of respondent.

If the priority date asserted by the claimant in this matter is assigned to this enlarged right, without the subordination condition recommended by the IDWR, then Respondents' water rights will be injured by having new water rights created in the SRBA which are given priorities ahead of Respondents' water right priorities.

Recommendation. This water right claim should be denied unless it is decreed with the subordination condition as recommended in the Director's Report or given a priority date no earlier than April 12, 1994.

VERIFICATION

STATE OF IDAHO)
 : SS
COUNTY OF ADA)

Jeffrey C. Fereday and Henry R. Boomer, being first duly sworn, upon oath, deposes and says:

That we am the party/claimant filing this response as defined by I.C. 42-1401A(1) and (6); or that we are the attorneys for the parties/claimants responding and that we have read this response, know its contents and that the statements are true to the best of our knowledge.

By: Jeffrey C. Fereday
(Attorney signing in representative capacity for Magic Valley Ground Water District, Mack Neibaur, Tim Deeg, and Ralph Breeding)

Subscribed and sworn to before me this
30th day of October, 1997.

Julie Best Gilster
Notary Public for Idaho
Residing at: Nampa, Idaho
My commission expires: 4-21-2001

JULIE BEST-GILSTER
☆ NOTARY PUBLIC ☆
STATE OF IDAHO

By: Henry R. Boomer
(Attorney signing in representative capacity for Aberdeen-American Falls Ground Water District, and Bingham Ground Water District)

Subscribed and sworn to before me this
30th day of October, 1997.

Betty Huse
Notary Public for Idaho
Residing at: American Falls, Idaho
My commission expires: 1/14/98



F.

CERTIFICATE OF SERVICE

I certify that on October 30, 1997, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Name: The Duncan Limited Partnership
Address: c/o Paul H. Duncan and Kathy F. Duncan
750 E. 100 South
Rupert, Idaho 83550

3. One copy to the party who filed the objection at the following address:

Name: Roger D. Ling
Address: Ling, Nielsen & Robinson
615 H Street, P.O. Box 396
Rupert, ID 83350

4. Copies to:

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

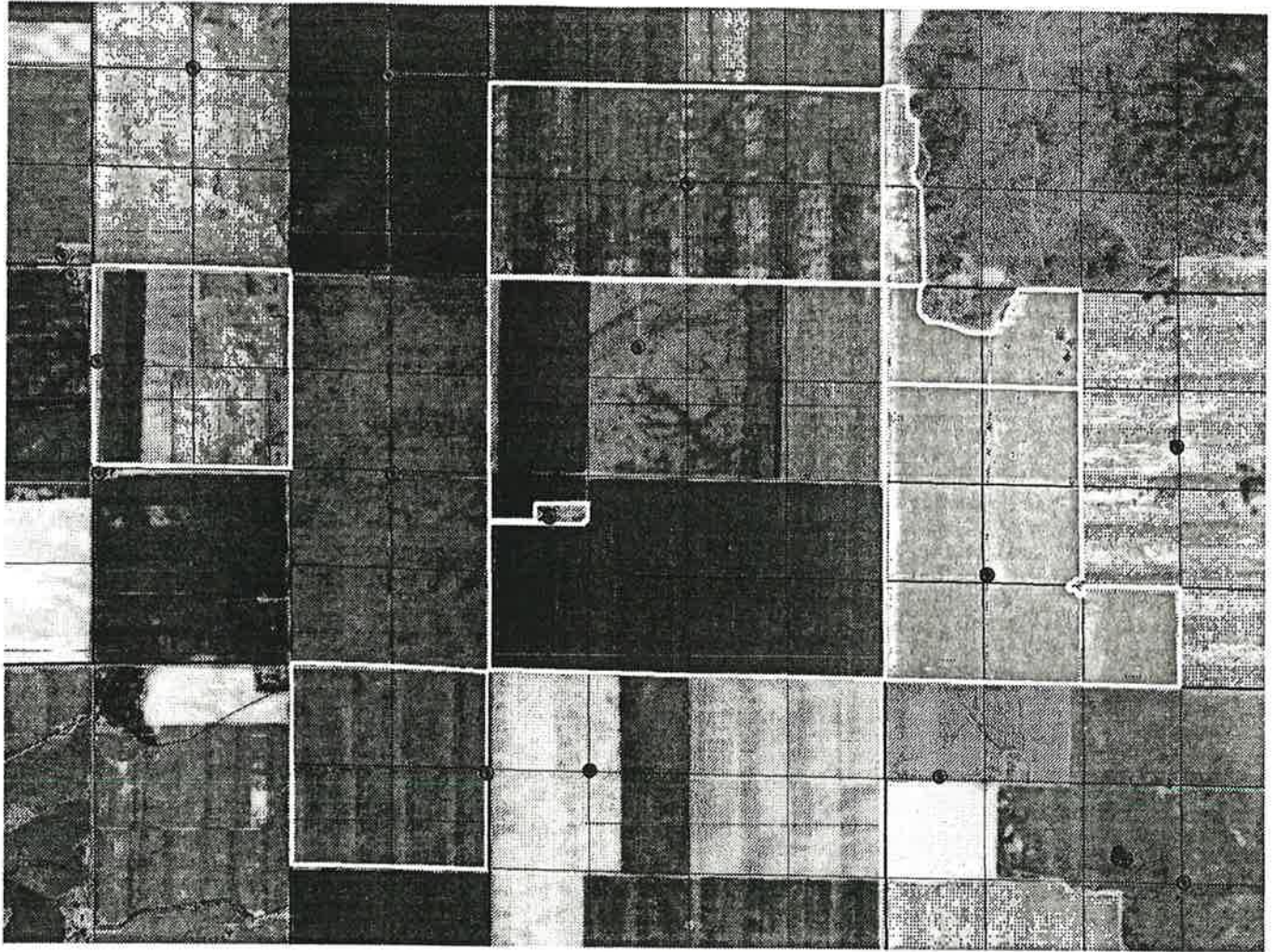
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Environment & Natural Resources Div.
United States Department of Justice
550 West Fort Street, Box 033
Boise, ID 83724

A handwritten signature in dark ink, appearing to read "J. Best", is written over a horizontal line.

IDAHO DEPARTMENT OF WATER RESOURCES

36-02066A, 36-02098, 36-02469D,
36-02469E, 36-02678, 36-07294,
36-13531, 36-15458



1320 0 1320 2640 3960 5280 Feet

TNS 7S, RNG 25E, SEC 23, 25, 26, 34



⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE



SECTION LINES &/OR TRACT LINES



QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY STEVE CLELLAND

1997 AUG -8 PM 1:36

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	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDINGS
Case No. 39576	)	
	)	SUBCASE NOS. 36-02066A, 36-02098,
	)	36-02469D, 36-02469E, 36-02678,
	)	36-07294, 36-13531, 36-15458

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

Elise Heins
Warren H Heins
Rt 3 Box 220
Rupert ID 83350

Phone: 531-5348

TO: Claimant/Purchaser(s):

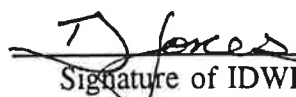
Name and Address of Claimant/Purchaser(s):

The Duncan Limited Partnership
Paul H Duncan
Kathy F Duncan
750 E 100 S
Rupert ID 83350
Phone: 436-1214

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 2/10/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8-8, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to: ✓
Claimant/Seller for Substitution of Party or attorney of record:
Elise Heins
Warren H Heins
Rt 3 Box 220
Rupert ID 83350
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
The Duncan Limited Partnership
Paul H Duncan
Kathy F Duncan
750 E 100 S
Rupert ID 83350
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-6-1997

PAGE: A-7

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-15458

NAME & ADDRESS: THE DUNCAN LIMITED PARTNERSHIP
PAUL H DUNCAN
KATHY F DUNCAN
750 E 100 S
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.05 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02678 IS LIMITED
TO A TOTAL COMBINED DIVERSION RATE OF 2.45 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 632 AF.

PRIORITY DATE: 12/31/1978

POINT OF DIVERSION: T07S R25E S34 SENENE Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.05 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T07S R25E S34	NENE 40	NWNE 40	SWNE 39	SENE 39
	158 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHT 36-02678 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE
IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
RIGHT NO. 36-02678 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02678 PURSUANT TO
IDAHO CODE 42-1426.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 8, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

THE DUNCAN LIMITED PARTNERSHIP
PAUL H DUNCAN
KATHY F DUNCAN
750 E 100 S
RUPERT ID 83350

RE: SRBA Claim(s) 36-02066A, 36-02098, 36-02469D, 36-02469E,
36-02678, 36-07294, 36-13531, 36-15458

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: Roger D. Ling Esq.

AJ0749NP
No. R36-15458

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

VERIFIED BY

DATE: 08/04/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THE DUNCAN LIMITED PARTNERSHIP	12/31/1978	IRRIGATION	04-01 10-31	0.05 CFS	
C	PAUL H DUNCAN					
C	KATHY F DUNCAN					
	750 E 100 S					
	RUPERT ID 83350					
	(208) 436-1214					
				TOTAL DIVERSION:	0.05 CFS	
D	GREGORY W HEINS					
D	CRISTI HEINS					
	RT 3 BOX 225					
	RUPERT ID 83350					
	(208) 531-5952					

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R25E S34

SENE

MINIDOKA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	25E	34	:	40		40		39		39										:	158.0
																				TOTAL ACRES	158.0

POU County: MINIDOKA

Other Rights: 36-02678

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 36-02678 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.45 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 632 AF.

POU USE OF THIS RIGHT WITH RIGHT 36-02678 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP RIGHT NO. 36-02678 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02678 PURSUANT TO IDAHO CODE 42-1426.

Dates: Exam Made Date: Verified Date: 08/04/1997 Objection Filed Date:

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

=====

Comments: Date: 10/23/1992 User-ID: THORNTON Subject: BASIS OF RECOMMENDATION
THIS CLAIM IS AN EXPANSION OF 36-02678.

Date: 10/23/1992 User-ID: THORNTON Subject: COPIED FROM REMARKS
THIS SECOND PRESUMPTION EXPANSION CLAIM IS FOR EXPANSION OF RIGHT
36-02678, AND CLAIMS ADDITION ACRES, BUT THE DIVERSION RATE HAS
NOT INCREASED.

ALTHOUGH THE LICENSE SHOW WATER FOR ONLY 155 ACRES, THERE
HAS ALWAYS BEEN 158 ACRES IRRIGATED. THIS ERROR WAS A RESULT OF
AN ERROR IN MEASUREMENT OF THE LANDS BEING IRRIGATED. THEREFORE,
WATER SPREAD OCCURRED AT THE TIME THE PERMIT WAS OBTAINED. 1978
AERIAL PHOTO WAS THE OLDEST PHOTO OUR ASCS HAD WHICH SHOWS THE
ADDITIONAL IRRIGATED ACRES. ENCLOSED 1978 PHOTO IS CERTIFIED BY
MINIDOKA ASCS DIRECTOR.

Date: 03/03/1994 User-ID: FRAZEE Subject: NOTICE OF APPEARANCE (NOA)
PER NOA REC'D 2/7/94, ADDED ATTORNEY ROGER D LING

Date: 01/30/1996 User-ID: DSMITH Subject: NAME AND/OR ADDRESS CHANGE
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE
ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT
OWNER CHANGE.
*ATTY NAME/ADDRESS STANDARDIZED TO AVOID DUPLICATE MAILING LABELS

Date: 07/02/1997 User-ID: SCLELLAN Subject: NAME CHANGE
FORMS AND DEEDS SUBMITTED BY DUNCAN CONFIRM CHANGE OF OWNERSHIP.

Audit: 08/04/97 SCLELLAN

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: JUL-10-1997

PAGE: A-7

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-15458

NAME & ADDRESS: THE DUNCAN LIMITED PARTNERSHIP
PAUL H DUNCAN
KATHY F DUNCAN
750 E 100 S
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.05 CFS

PRIORITY DATE: 12/31/1978

POINT OF DIVERSION: T07S R25E S34 SENENE Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.05 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T07S R25E S34	NENE 40	NWNE 40	SWNE 39	SENE 39
	158 ACRES TOTAL				

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

USE OF THIS RIGHT WITH RIGHT NO. 36-02678 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.45 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 632 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 474 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHT NO. 36-02678 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02678 PURSUANT TO IDAHO CODE 42-1416(2).

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

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

In Re SRBA

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

SUBCASE NOS. 36-02066A, 36-02098,
36-02469D, 36-02469E, 36-02678,
36-07294, 36-13531, 36-15458

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐Yes ☒No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

Elise Heins
Warren H Heins
Rt 3 Box 220
Rupert ID 83350

Phone: 531-5348

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

The Duncan Limited Partnership
Paul H Duncan
Kathy F Duncan
750 E 100 S
Rupert ID 83350

Phone: 436-1214

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 2/10/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on _____, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Elise Heins
Warren H Heins
Rt 3 Box 220
Rupert ID 83350
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
The Duncan Limited Partnership
Paul H Duncan
Kathy F Duncan
750 E 100 S
Rupert ID 83350
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Signature of person or attorney mailing the form

AJ0749NP
No. 36-15458

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

DATE: 07/02/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THE DUNCAN LIMITED PARTNERSHIP	12/31/1978	IRRIGATION	04-01 10-31	0.05 CFS	
C	PAUL H DUNCAN					
C	KATHY F DUNCAN					
	750 E 100 S					
	RUPERT ID 83350					
	(208) 436-1214					
D	GREGORY W HEINS					
D	CRISTI HEINS					
	RT 3 BOX 225					
	RUPERT ID 83350					
	(208) 531-5952					
				TOTAL DIVERSION:	0.05 CFS	

Water Source: GROUNDWATER

Point(s) of Diversion:

Tributary to:
SENE

Place of use Legal Description for: T07S R25E S34
IRRIGATION

Stage: BENEFICIAL USE
MINIDOKA County

T	R	S	NE	NW	SW	SE	NW	SW	SE	NE	NW	SW	SE	SUM	
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
07S	25E	34	40	40	39	39									
														TOTAL ACRES	158.0
															158.0

POU County: MINIDOKA

Other Rights: 36-02678

Remarks: GEN

USE OF THIS RIGHT WITH RIGHT NO. 36-02678 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.45 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 632 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 474 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE IRRIGATION SEASON. RIGHT NO. 36-02678 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02678 PURSUANT TO IDAHO CODE 42-1416(2). THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates:

Exam Made Date:

Verified Date:

Misc:

Water District Number:

Field Inspection Flag:
Presumption Flag:

Objection Filed Date: 04/29/1993

sw
8/4/97

AJ0749NP
No. 36-15458

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

DATE: 07/02/97
PAGE: 2

=====

Comments: Date: 10/23/1992 User-ID: THORNTON Subject: BASIS OF RECOMMENDATION
THIS CLAIM IS AN EXPANSION OF 36-02678.

Date: 10/23/1992 User-ID: THORNTON Subject: COPIED FROM REMARKS
THIS SECOND PRESUMPTION EXPANSION CLAIM IS FOR EXPANSION OF RIGHT
36-02678, AND CLAIMS ADDITION ACRES, BUT THE DIVERSION RATE HAS
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AN ERROR IN MEASUREMENT OF THE LANDS BEING IRRIGATED. THEREFORE,
WATER SPREAD OCCURRED AT THE TIME THE PERMIT WAS OBTAINED. 1978
AERIAL PHOTO WAS THE OLDEST PHOTO OUR ASCS HAD WHICH SHOWS THE
ADDITIONAL IRRIGATED ACRES. ENCLOSED 1978 PHOTO IS CERTIFIED BY
MINIDOKA ASCS DIRECTOR.

Date: 03/03/1994 User-ID: FRAZEE Subject: NOTICE OF APPEARANCE (NOA)
PER NOA REC'D 2/7/94, ADDED ATTORNEY ROGER D LING

Date: 01/30/1996 User-ID: DSMITH Subject: NAME AND/OR ADDRESS CHANGE
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE
ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT
OWNER CHANGE.
*ATTY NAME/ADDRESS STANDARDIZED TO AVOID DUPLICATE MAILING LABELS

Date: 07/02/1997 User-ID: SCELLAN Subject: NAME CHANGE
FORMS AND DEEDS SUBMITTED BY DUNCAN CONFIRM CHANGE OF OWNERSHIP.

Audit: 07/02/97 SCELLAN



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 10-18-96

DEC 06 1996

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

Department of Water Resources
Southeast Region

SEE ATTACHED WARRANTY DEED
FOR LEGAL DISCRIPTION

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR: 36-15458 36-02678 36-02066A 36-07294 *

[] Name and Address of Former Owner/Claimant(s)(Seller): JACK F. DUNCAN AND JANET DUNCAN, husand and wife

[] New Owner/Claimant (Purchaser): THE DUNCAN LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP

[] New Mailing Address: 750 East 100 South
RUPERT, IDAHO 83350

[] New Telephone Number: (208) 436 - 1214

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

TOWNSHIP 7 SOUTH, RANGE 25 EAST BOISE MERIDIAN MINIDOKA COUNTY, IDAHO
SECTION 26: N1/2 Split water right 36-02066A in 1/2

[] Attach proof of ownership, describe proof attached: QUITCLIAM DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s) THE DUNCAN LIMITED PARTNERSHIP Date
By Jack F. Duncan - GENERAL PARTNER Date 11-15-96

[] Signature of Former Owner/Claimant(s) Janet F. Duncan Date 11-15-96
Jack F. Duncan Date 11-15-96

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 7/2/97 By: SW

Claim Numbers of Split, if any:

* 36-02066A COVERED BY ANOTHER FORM BY DUNCANS.

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

QUITCLAIM DEED

#10684

COPY

For Value Received

JACK F. DUNCAN and JANET H. DUNCAN, husband and wife

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

THE DUNCAN LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP
750 East 100 South Rupert, Idaho 83350

Hereinafter called the grantee, the following described premises, in MINIDOKA County, Idaho to-wit:

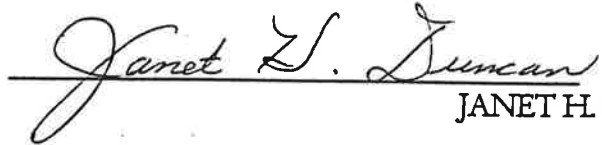
SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: October 18, 1996



JACK F. DUNCAN

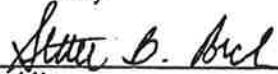


JANET H. DUNCAN

STATE OF IDAHO)

COUNTY OF MINIDOKA)

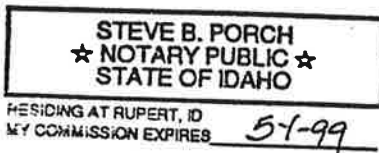
On this 18th day of OCTOBER, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared JACK F. DUNCAN AND JANET H. DUNCAN, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public

Residing at: Rupert, Id.

My Commission expires: 5-1-99



RECORDED AT REQUEST OF
Land Title-Rupert
FILM NO. _____
'96 NOV 15 15 : 40
MINIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
FILE 9 DEPUTY SP

427017

Order No.: 10684

AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE FOLLOWING
DESCRIBED PARCELS:

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 34: NE¼.

PARCEL NO. 2:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 19: E½, SAVE AND EXCEPT the following described tract:

Beginning at the Northeast corner of said Section 19; thence South for 41¼ rods
to the TRUE POINT OF BEGINNING;
Thence West for 15 rods;
Thence South for 15 rods;
Thence East for 15 rods;
Thence North for 15 rods to the POINT OF BEGINNING.

SECTION 20: W½.

PARCEL NO. 3:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 16: All.

PARCEL NO. 4:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 17: NE¼ and S½;

SECTION 35: NE¼;

SECTION 36: SAVE AND EXCEPT the following described tract:

Beginning at the Northeast corner of Section 36, said corner marked by a U.S.
GLO iron pipe with brass cap which shall be the POINT OF BEGINNING;
Thence South 00°05'00" East along the East line of Section 36 for 2639.97 feet
to a 5/8 inch rebar alongside a bent U.S. GLO iron pipe;
Thence South 00°14'25" East along the East line of Section 36 for 2628.09 feet
to a 5/8 inch rebar at the Southeast corner of Section 36;
Thence North 88°56'38" West along the South line of Section 36 for 1982.66
feet to a point;
Thence North 01°02'58" East for 37.49 feet to a ½ inch rebar;
Thence North 01°02'58" East for 1239.35 feet to a ½ inch rebar;
Thence North 89°03'28" East for 78.68 feet to a ½ inch rebar;
Thence North 00°10'53" West for 47.21 feet to a ½ inch rebar;
Thence North 78°47'40" West for 272.35 feet to a ½ inch rebar;
Thence North 00°15'49" West for 1122.27 feet to a ½ inch rebar;
Thence North 43°54'39" West for 52.13 feet to a ½ inch rebar;
Thence North 89°43'54" West for 561.95 feet to a ½ inch rebar;
Thence North 64°50'51" West for 69.79 feet to a ½ inch rebar;
Thence North 50°17'16" West for 200.49 feet to a ½ inch rebar;
Thence North 89°43'41" West for 874.35 feet to a ½ inch rebar;
Thence North 00°55'56" East for 1270.63 feet to a ½ inch rebar;
Thence South 88°50'12" East for 973.71 feet to a ½ inch rebar;
Thence North 01°11'23" East for 1333.41 feet to a ½ inch rebar on the North
line of Section 36;
Thence South 88°52'57" East along the North line of Section 36 for 166.05 feet
to a 5/8 inch rebar at the North quarter section corner of Section 36;
Thence South 88°52'57" East along the North line of Section 36 for 2640.32 feet
to the POINT OF BEGINNING.

EXHIBIT "A"
(CONTINUED)

PARCEL NO. 5:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 23: S½;
SECTION 24: W½SW¼;
SECTION 25: W½, SW¼SE¼;
SECTION 26: All.

PARCEL NO. 6:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 27: NW¼, SAVE AND EXCEPT the following described tract:

Beginning at the Northwest corner of Tract A in said Section 27, said corner marked by a U.S. Bureau of Reclamation pipe with brass cap which shall be the POINT OF BEGINNING;
Thence North 0°01'00" West along section line for 17.00 feet to a point;
Thence South 89°16'31" East for 391.49 feet to a point;
Thence South 0°01'00" East for 17.00 feet to a ½ inch rebar on the North line of Tract A;
Thence North 89°16'31" West along the North line of Tract A for 391.49 feet to the POINT OF BEGINNING.

PARCEL NO. 7:

TOWNSHIP 8 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 5: Farm Unit F, Tract F of the North Side Pumping Division of the Minidoka Project, Idaho, (as shown by plat, dated July 22, 1954, filed in the office of the County Recorder, Minidoka County, Idaho).

PARCEL NO. 8:

An Easement and road right-of-way for the purpose of ingress and egress as created by Agreement for Easement And Right-Of-Way, recorded January 23, 1973 as Document 230321, Minidoka County records, said Easement described, as:

Beginning at a point 8.78 chains South 0°11' East of the West ¼ corner of Section 5, Township 8 South, Range 24 East, Boise Meridian; Thence South 78°31' East for 10.25 chains; Thence South 72°55' East for 9.46 chains; Thence South 67°41' East for 30 feet; Thence South 22°19' West for 30 feet; Thence North 67°41' West for 30 feet; Thence North 72°55' West for 9.46 chains; Thence North 78°31' West for 10.25 chains to a point on the West section line of said Section 5; Thence North along the said West section line of Section 5 for 30 feet to the POINT OF BEGINNING.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 9-12-96

DEC 06 1996

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Department of Water Resources
Section _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM. _____

If you have additional legal descriptions, please attach separate sheet. SEE ATTACHED WARRANTY DEED
FOR LEGAL DISCRIPTION

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s) Assigned by IDWR: 36-15458, 36-02678, 36-02066A, 36-07294 *
- [] Name and Address of Former Owner/Claimant(s)(Seller): Gregory W. Heins and Cristi K. Heins
- [] New Owner/Claimant (Purchaser): Jack F. Duncan, Janet H. Duncan AND Paul H. Duncan, Kathy F. Duncan
- [] New Mailing Address: 750 EAST 100 SOUTH
RUPERT, IDAHO 83350
- [] New Telephone Number: () 436 - 1214
- [] Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner.
Township 7 South, Range 25 East Boise Meridian Minidoka County, Idaho
Section 26: N1/2 Split water right 36-02066A in 1/2

- [] Attach proof of ownership, describe proof attached: WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s): Janet H. Duncan Jack F. Duncan Date 9-17-96
Paul H. Duncan Kathy F. Duncan Date 9-17-96
- [] Signature of Former Owner/Claimant(s): X Gregory W. Heins Date Sept. 10, 1996
X Cristi K. Heins Date Sept. 10, 1996

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken:

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

*36-02066 A covered by another Form by DUNCAN'S.
Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

#10684

426065

For Value Received

**GREGORY W. HEINS and CRISTI K. HEINS, husband and wife
AND CLAUDE, INC. an Idaho Corporation**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

**JACK F. DUNCAN and JANET H. DUNCAN husband and wife AND PAUL H.
DUNCAN and KATHY F. DUNCAN, husband and wife**

Address: 750 EAST 100 SOUTH RUPERT, IDA. 83350

Hereinafter called the Grantee, the following described premises situated in Minidoka County, Idaho, to-wit:

See attached Exhibit "A"

Together with all water and water rights, ditches or ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1996 and subsequent years.

A Power Line easement dated February 25, 1972 and recorded October 26, 1972 as Document No. 228438 Minidoka County records.

A Power Line Easement dated February 25, 1972 and recorded October 26, 1972 as Document No. 228439 Minidoka County records.

Exceptions and reservations in Special Warranty Deed and Bill of Sale dated December 8, 1988 and recorded December 22, 1988 as Document No. 382905 Minidoka County records, and transferred by Quitclaim Deed dated March 13, 1989 and recorded March 19, 1989 as Document No. 384320, Minidoka County records.

An Easement Agreement For Ingress And Egress dated March 27, 1989 and recorded March 27, 1989 as Document No. 384419, Minidoka County records.

Terms and conditions of an unrecorded Contract of Sale dated December 13, 1988 held at the Rupert office of Land Title & Escrow, Inc.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: September 9, 1996

Order No.: 10684

EXHIBIT "A"PARCEL NO. 1:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 34: NE¼.

PARCEL NO. 2:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 26: N½

PARCEL NO. 3:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 27: NW¼, SAVE AND EXCEPT the following described tract:

Beginning at the Northwest corner of Tract A in said Section 27, said corner marked by a U.S. Bureau of Reclamation pipe with brass cap which shall be the POINT OF BEGINNING;

Thence North 0°01'00" West along section line for 17.00 feet to a point;

Thence South 89°16'31" East for 391.49 feet to a point;

Thence South 0°01'00" East for 17.00 feet to a ½ inch rebar on the North line of Tract A;

Thence North 89°16'31" West along the North line of Tract A for 391.49 feet to the POINT OF BEGINNING.

Together with all water rights for the hereinabove described real property including water rights 36-15458, 36-02678 which affect Parcel No. 1; 36-02066A which affects Parcel No. 2; and, 36-07294 which affects Parcel No. 3.

Gregory W. Heins
Gregory W. Heins

Cristi K. Heins
Cristi K. Heins

CLAUDE INC.

BY: Gregory W. Heins President
Gregory W. Heins, President

STATE OF Canada)

DISTRICT OF ^{) ss.} M.D. BIRCH HILLS #19

On this 10 day of September, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Gregory W. Heins and Cristi K. Heins, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Marvin Laschowski
Notary Public MARVIN LASCHOWSKI
Residing at:
My Commission expires: FEB. 26, 1998

STATE OF Canada)

DISTRICT OF ^{) ss.} M.D. Birch Hills #19

On this 10 day of September, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Gregory W. Heins, known or identified to me to be the President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Marvin Laschowski
Notary Public MARVIN LASCHOWSKI
Residing at:
My Commission expires: FEB. 26, 1998

RECORDED AT REQUEST OF
Land Title Report
FILM NO.

96 SEP 17 16:45

MURIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
FEE 12 DEPUTY

426065

Under section 3 of the Commissioners For Oaths Act, R.S.A. 1980 chapter C-19,



LASCHOWSKI, MARVIN ERNIE

of **GRAND CENTRE**

is appointed a **Commissioner For Oaths** in and for the Province of Alberta.

Effective Date

February 26, 1995

Expiry Date

February 26, 1998

**LASCHOWSKI, M
ALBERTA WHEAT POOL
P. O. BOX 476
GRAND CENTRE, AB
T0A 1T0**

028637

Appointee # **0647753**

A handwritten signature in dark ink, appearing to read "Whit".

Department of Justice

6/9/94

COMMUNICATION DOCUMENTATION

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

IDWR Employee/Agent JEANIE M ROBERTSON

DATE September 9, 1996 11:14am CUSTOMER STEVE PORCH/LAND TITLE-BURLEY

SUBJECT: PROFILE REPORTS
phone call (X) walk-in (.)

He FAXed a request for AJ Profile Reports for the following claim numbers:

Rancho Verde, Inc	36-02062
	36-02099
	36-02100
	36-02221
	36-13527
Split Butte Ranch, Inc	36-02109
	36-02141
	36-02142B
	36-02143
	36-02446
	36-02447
	36-07356
	36-13529
	36-13530
Gregory & Cristi Heins	36-02678
	36-07294
	36-15458
Warren & Elise Heins	36-02066A
	36-02098
	36-02469D
	36-02469E
	36-13531

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 20 1981

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

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

Case No. 36-15458 -0001

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

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

Respondents.)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

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OCT 20 1994

2. Person who filed objection:

Name: GREG & CRISTI HEINS
Address: RT 3 BOX 225
RUPERT ID 83350

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. ☒ Quantity: I respond to the objection concerning:
- 3c. ☒ The total quantity of water reserved for each and every purpose, including all present and future uses.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 3c., and all allegations of the objection regarding that item, IDWR responds as follows: Since this water right is not a federal reserved water right, this objection item is inapplicable and the claimant's assertion of it is in error. Because the claimant is objecting to the recommended diversion rate and diversion volume, IDWR believes that the claimant intended to identify objection items 3 and 3a. instead of 3c. as the basis of the objection. IDWR therefore responds as follows to those objection items, and all allegations of the objection regarding those items: This water right is based on beneficial use as an expansion of a

RECEIVED

MAR 7 1994

Department of Water Resources
Southern Region Office

RECEIVED

FEB 07 1994

Department of Water Resources
Adjudication Bureau

Movant's Name: Greg and Cristi Heins

Attorney Name & Address: ROGER D. LING
LING, NIELSEN & ROBINSON
615 H. Street, P.O. Box 396
Rupert, Idaho 83350IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase No. 36-15458

Case No. 39576

NOTICE OF APPEARANCE

CM+ blank updated.
3-3-94DESCRIPTIVE SUMMARY

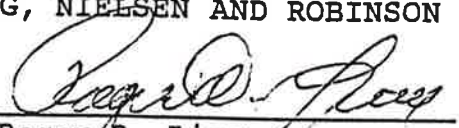
This document is a Notice of Appearance by Roger D. Ling of the firm of Ling, Nielsen and Robinson on behalf of Greg and Cristi Heins.

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE, that Roger D. Ling of the firm of Ling, Nielsen and Robinson hereby enters an appearance of the firm as the attorneys of record in the subcase listed above for Greg and Cristi Heins.

DATED this 4th day of February, 1994.

LING, NIELSEN AND ROBINSON

By: 
Roger D. Ling
Attorney for Greg and
Cristi Heins

LING, NIELSEN & ROBINSON
ATTORNEYS AT LAW
RUPERT, IDAHO 83350

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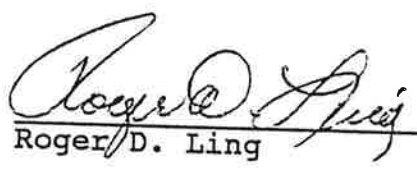
CERTIFICATE OF MAILING

I hereby certify that on the 4th day of February, 1994, I served a true and correct copy of the NOTICE OF APPEARANCE upon:

Nicholas B. Spencer
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to said persons at the foregoing addresses.


Roger D. Ling

MICROFILMED
OCT 20 1994

licensed right recommended pursuant to Idaho Code Section 42-1416. The expansion, in effect, adds 3.0 acres to the permissible place of use of the licensed right. Although the claimant claimed a diversion rate of 0.02 cfs per acre for the three expansion acres, the license upon which the expansion is based establishes a diversion rate of 0.0158 cfs per acre for the total number of acres irrigated under the two rights.

Responding to the claimant's objection to diversion volume, and all allegations regarding that objection, IDWR responds as follows: The recommended diversion volume for the three expansion acres is 4.0 AFY per acre, the same per acre volume that was claimed.

In response to Statement of the Objection item 8, and all allegations of the objection regarding this item, IDWR responds as follows: Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR's irrigation season of use standards have evolved over time as better technical information has become available. A necessary consequence of this is that, depending on when a particular license was issued, water rights in the same area have been licensed inconsistently, some licenses being issued with different lengths of season listed and some being issued with no season of use listed. To remedy this problem IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. The director's report does not prohibit pre-season or post-season irrigation; subject to the conditions set forth in general provision 12b of the director's report, water may be used for irrigation outside the standard season of use.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

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

(Over)

MICROFILMED

No. of
Pages

5

Notice of Claim No. A36-15458

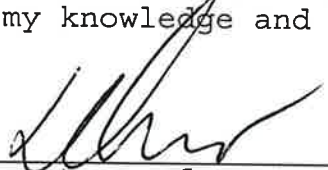
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 10th day of September,
1993.



Notary Public for Idaho
Residing at: _____
My Commission expires: _____

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

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of SEPTEMBER, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

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

2. One copy to the owner of the water right, and you must fill in the following information:

See No. 3

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: GREG & CRISTI HEINS
Address: RT 3 BOX 225
RUPERT ID 83350

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734


Signature of Respondent or attorney
mailing on Respondent's behalf

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

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

CIVIL CASE NUMBER: 39576
Ident. Number A36-15458
Date Received 10-7-92
Receipt Number C025699

RECEIVED

OCT 07 1992

Department of Water Resources

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Greg & Cristi Heins Phone (208) 531-5952
Mailing Address Rt 3, Box 225 Rupert, ID Zip 83350

2. Date of Priority (Only one (1) per claim) 1978 (photo date)

3. Source of water supply (a) ground water
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 7S Range 25E Section 34,
SE 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Minidoka

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 20" well hole, 312' deep
with 17' of casing; Worthington pump, 190 H.P. motor,
10" mainline and 8-4" wheelines

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OCT 20 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from Mar 15 to Nov 15 amount .06 or 12 ac feet

For stock water purposes from year around use amount .06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .06 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 9 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stockwater up to 300 head of cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
75	25E	34	40	40	39	39													158

Total number of acres irrigated 158

11. In which county (ies) are lands listed above as place of use located? Minidoka

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above 36-02678 of 1983 ()

14. Remarks: This second presumption expansion claim is for expansion of right 36-02678, & claims addition acres, but the diversion rate has not increased.

Although the license show water for only 155 acres, there has always been 158 acres irrigated. This error was a result of an error in the measurement of the lands being irrigated. Therefore, water spread occurred at the time the permit was obtained. 1978 aerial photo was the oldest photo our ASCS had which shows the additional irrigated acres. Enclosed 1978 photo is certified by Minidoka ASCS Director.

Last Name

Ident No.

Copies: White State, Yellow Claimant

HEINS

Scale: 2 inches equals 1 mile

mainline - 34 well & pump

Please, see attached
aerial photograph from
ASCS. Farmable acres
are listed. Photograph
copy is certified by
ASCS director of Minidoka
County.

MICROFILMED

Please see attached
aerial photograph from
ASCS. Farmable acres
are listed. Photograph
copy is certified by
ASCS director of Minidoka
County.

Microfilm

09 1993
MICROFILMED

OCT 20 1994

Copies: White-State, Yellow-Claimant

Last Name

Hein S

Ident No.

Greg & Cristi Heins
Rt 3 Box 225
Rupert, ID 83350
(208) 531-1852

MICROFILMED
OCT 20 1994

700 E.

7S 25E

28 27
33 34

POOR ORIGINAL

Certified
Plate taken in 1978
James E. Smith
CED
9-18-92

MICROFILMED
FEB 09 1993

800 E.

27 26
30 35

A
142.5

T1057
B
7.3

C
6.7

E535
(76E)
71559

80.0 89.0

E524
(227E)

77.8
77.8

51.8

50.2

48.1

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License ☒ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 36-02678

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) *My Heins* Date 10-3-92

Cristi Heins Date 10-3-92

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Minidoka) SS.

Subscribed and sworn (or affirmed) before me this 5th day of October 19 92

SEAL

Notary Public *William C. Bryant*

Residing at *Rupert*

My Commission Expires 12-3-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be 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 _____

Last Name Heins Ident. Number _____

MICROFILMED
FEB 09 1993
MICROFILMED
OCT 20 1994

Copies White-State, Yellow-Claimant

A36-15458

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

WARREN HEINS
GREG & CRISTI HEINS

2. SUBJECT OF INQUIRY:

They called to set up an appointment to get copies and review all their SRBA claims on file with the Court. They came in and asked for these copies and objection forms.

3. RESPONSE TO INQUIRY:

On the phone I told Cristi Heins, I cannot discuss the recommendations or objections; I can explain the process of the adjudication.

When they came in I explained this is a lawsuit and is operated under certain legal rules and procedures. Since I am not a lawyer I am unable to give this or other information which might be legal advice.

I gave them ^{people} copies of the recommended rights and the claims record. I explained the differences between Total Volumes and Consumptive Volumes. I showed them the map published by IDWR listing these values and the season of use.

I gave them 22 objection forms and explained I cannot assist in completing them. They also got a handout explaining D+S special procedure for late filing after the DReprt.

4. IDWR STAFF AND DATE:

Steve Clelland

4-9-93

Print name and initial

STEVE CLELLAND

Sm

(2A) WATER RIGHT CLAIM (Nos.):

A36-7294, A36-7356

A36-13527, A36-13529

A36-13530, A36-13531

A36-15458

A36-2026, A36-2066A, A36-02098, A36-2099,

A36-2100, A36-2109, A36-2141, A36-2142B,

A36-2143, A36-2221, A36-2446, A36-2447,

A36-2469D, A36-2469E, A36-2678

MICROFILMED

OCT 22 1994

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Department of Water Resources
Adjudication Bureau

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

AJ5809NP

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

Case No. 36-15458
(You must insert the
water right number you
are objecting to)

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

OBJECTION

Petitioner,

36-15458 -0001/
93-04-0495

vs.

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

Respondents.

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

OBJECTION - 1

(Over)

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By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name:

Greg & Crista

HEINS

ROUTE 3, BOX 225

RUPERT, ID 83350

Address:

Briefly describe your interest in this water right:

Owner

2. Owner of the water right:

Name:

Greg & Crista

HEINS

Address:

ROUTE 3, BOX 225

RUPERT, ID 83350

3. If this objection is filed by an attorney:

Attorney Name:

Attorney Address:

Attorney Phone No.:

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

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☐ Quantity: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☒ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of Use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. ☐ Remarks: I object to the "remarks" listed with the water right.

12. ☐ Water Right Recommendation: I object to:
- a. ☐ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to: _____
- _____
- _____
- _____
- _____

REASONS SUPPORTING EACH BOX CHECKED

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

3-C - The original amount of water diverted of .06CFS is needed for the irrigation and stockwater use.

8 - The period of use should be 3-01-11-01 because we typically are irrigating in March.

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.

3-C Change to .06CFS - 12 AFA Division as stated in original water license

8 - Change Period of use from 3-01 to 11-01 on irrigated division

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

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

I do have support material, please call.

VERIFICATION (Must be Completed)

State of IDAHO

County of minidoka

Gregg Hunt, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Gregg Hunt
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 26 day of April,
1993.

William J. [Signature]
Notary Public for Idaho
Residing at: Rupert
My Commission expires: 12-3-98

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INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name:

Greg & Crista

HEINS

Owner's address:

ROUTE 3, BOX 225
RUPERT, ID 83350

3. One copy to:

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

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734


Signature of Objector or attorney
mailing on Objector's behalf

R PROOF

✓

CVR

✓

MAPS

PHOTOS

MISC

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Water Right Number - R36-15458

Prefix Translation: RESEARCH

Old (D) Number - 33420

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

*** C - CURRENT OWNER ***
HEINS

GREGORY W

1 - RT 3 BOX 225

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-531-5952

HEINS

CRISTI

1 - RT 3 BOX 225

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-531-5952

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
12/31/1978 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 25E 34 SE NE NE (67) MINIDOKA

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

01 - IRRIGATION 04/01 10/31 0.050

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.050 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

07S	25E	34	NE NE	40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	34	NW NE	40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	34	SW NE	39.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	34	SE NE	39.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 158.0

+ - - Diversion Means - 20" WELL HOLE, 312' DEEP WITH 17' CASING, 190HP PUMP, SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-02678

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Water right number - R36-15458

Prefix Translation: RESEARCH

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

USE OF THIS RIGHT WITH RIGHT NO. 36-02678 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.45 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 632 AF, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 474 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 158 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHT NO. 36-02678 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02678 PURSUANT TO
IDAHO CODE 42-1416(2).

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

No Old Water Right Numbers Found

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

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

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

Date: 10/23/1992 User Id: THORNTON Subject: COPIED FROM REMARKS

THIS SECOND PRESUMPTION EXPANSION CLAIM IS FOR EXPANSION OF RIGHT 36-02678, AND CLAIMS ADDITION ACRES, BUT THE DIVERSION RATE HAS
NOT INCREASED.

HAS ALWAYS BEEN 158 ACRES IRRIGATED. THIS ERROR WAS A RESULT OF AN ERROR IN MEASUREMENT OF THE LANDS BEING IRRIGATED. THEREFORE,
WATER SPREAD OCCURRED AT THE TIME THE PERMIT WAS OBTAINED. 1978 AERIAL PHOTO WAS THE OLDEST PHOTO OUR ASCS HAD WHICH SHOWS THE
ADDITIONAL IRRIGATED ACRES. ENCLOSED 1978 PHOTO IS CERTIFIED BY MINIDOKA ASCS DIRECTOR.

Date: 10/23/1992 User Id: THORNTON Subject: BASIS OF RECOMMENDATION

THIS CLAIM IS AN EXPANSION OF 36-02678.

+ - - Audit Fields - - +

10/23/92 THORNTON

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

Court Report Filing - 00/00/0000	Field Inspection Made - 00/00/0000	Civil Case Number - 39576
Objection Filed Date - 00/00/0000	Field Inspection Flag -	Old Case Number -
Response Filed Date - 00/00/0000	Verified Date - 10/23/1992	Old Judicial District -
Claim Received Date - 10/08/1992	Last Amended Date - 00/00/0000	Temporary Right - P
	Receipt Number - C025699	Water District -
	POU Ownership Flag - Y	Federal/State Indicator - S
	Name Connector - AND	Presumption Flag -
		Notice of Error Flag -

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:01:23
10/16/92

PAGE: 11
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-15458

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y				6	HAT 10-23-92	HAT 10-23-92	HAT 10-23-92
POINT OF DIV	Y				1,5			
SOURCE	Y				-			
PLACE OF USE	Y				2			
DIV. AMOUNT CFS/VOLUME	Y				expansion no change			
CONSUMPTIVE USE	-				X			
PURPOSES	Y				X no stock			
PERIOD OF USE	Y				Y			
BASIS OF CLAIM	Y				N			
REMARKS	Y				Y			

"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.

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Expansion of 36-02678

K06-3
EO 158 acres
div. volume
632 AF
2.45 cfs
474 AF
F05-36-02678
Condition cot
K02-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:01:23
10/16/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-15458

LAST: HEINS
ADDRESS: RT 3 BOX 225
CITY: RUPERT
PHONE NUMBER: 208-531-5952

FIRST: GREGORY W
STATE: ID ZIP: 83350

OWNER CODE: C

LAST: HEINS
ADDRESS: RT 3 BOX 225
CITY: RUPERT
PHONE NUMBER: 208-531-5952

FIRST: CRISTI
STATE: ID ZIP: 83350

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: THIS SECOND PRESUMPTION EXPANSION CLAIM IS FOR EXPANSION OF RIGHT 36-02678, AND CLAIMS ADDITION ACRES, BUT THE DIVERSION RATE HAS NOT INCREASED.

ALTHOUGH THE LICENSE SHOW WATER FOR ONLY 155 ACRES, THERE HAS ALWAYS BEEN 158 ACRES IRRIGATED. THIS ERROR WAS A RESULT OF AN ERROR IN MEASUREMENT OF THE LANDS BEING IRRIGATED. THEREFORE, WATER SPREAD OCCURRED AT THE TIME THE PERMIT WAS OBTAINED. 1978 AERIAL PHOTO WAS THE OLDEST PHOTO OUR ASCS HAD WHICH SHOWS THE ADDITIONAL IRRIGATED ACRES. ENCLOSED 1978 PHOTO IS CERTIFIED BY MINIDOKA ASCS DIRECTOR.

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CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

This is an expansion claim for 3 acres based on 36-02678. They originally filed one claim for 158 acres. We recommended the licensed 155 acres. They then filed this expansion claim, which supports the additional acres with an SCS map.

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A. AJ CLAIM: # A36-15458 PRIORITY DATE: 12-31-1978 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
N

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

NOTES:

Priority date supported by SCS photo

=====

RECOMMENDED PRIORITY DATE:

12-31-78

REVIEWED BY

gth

DATE

10-23-92

=====

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-15458	07S	25E	34	SE	NE	NE		MINIDOKA

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-02678 R36-02678

WR RECORDS IN SAME 40 ACRE TRACT
36-02678

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

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

NOTES:

POD confirmed through review of A36-02678.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SOURCE: GW.

TRIB:

REVIEWED BY: HAT

DATE: 10-23-92

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=====

SYSTEM DESCRIPTION:

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A. ROOT WATER RIGHT NUMBERS: A36-15458

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	25E	34	NE	NE		HEINS, GREGORY W	A36-15458 /40.0	- /	39.0		40
			NE	NE		HEINS, GREGORY W	R36-02678 /38.0	36-02678 /38.0			
			NE	NE		HEINS, GREGORY W	A36-02678 /40.0	- /			
07S	25E	34	NW	NE		HEINS, GREGORY W	A36-15458 /40.0	- /	37.0		40
			NW	NE		HEINS, GREGORY W	R36-02678 /39.0	36-02678 /39.0			
			NW	NE		HEINS, GREGORY W	A36-02678 /40.0	- /			
07S	25E	34	SW	NE		HEINS, GREGORY W	A36-15458 /39.0	- /	35.0		39
			SW	NE		HEINS, GREGORY W	R36-02678 /39.0	36-02678 /39.0			
			SW	NE		HEINS, GREGORY W	A36-02678 /39.0	- /			
07S	25E	34	SE	NE		HEINS, GREGORY W	A36-15458 /39.0	- /	38.0		39
			SE	NE		HEINS, GREGORY W	R36-02678 /39.0	36-02678 /39.0			
			SE	NE		HEINS, GREGORY W	A36-02678 /39.0	- /			
TOTAL ACRES							A36-15458	158.00	149.00		158

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
N

POU COUNTY: MINIDOKA

PRESUMPTION FLAG:

NOTES:

This is an expansion claim based on 36-02678 and additional acres (3)
are confirmed by SES map, NAPP photo and orthophoto quad.

Diversion rate cannot be increased.

RECOMMENDATIONS:

TOTAL ACRES: 158

REVIEWED BY: HHT

DATE: 10-23-92

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A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-15458	IRRIGATION	FROM 03-15 TO 11-15	.060 CFS 12.00 AF/A
A36-15458	STOCKWATER	FROM 01-01 TO 12-31	.060 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED			.060 CFS 12.00 AF/A

B. WR RECORDED USES:

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

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(☒)

RECOMMEND TO WR STANDARDS OR OTHER?

☒ Y() N() Explain in notes, below.

NOTES:

Stockwater use can not be recommended on an
expansion claim

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 0.060 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 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 notes. **

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER
Y N

Expansion

B.

FLOW MEASUREMENT

Based on License

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: 36-02678

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-15458	GROUNDWATER	HEINS , GREGORY W	0.060		12.00	0.07
R36-02678	GROUNDWATER	HEINS , GREGORY W	2.450	0.015	620.00	4.00
A36-02678	GROUNDWATER	HEINS , GREGORY W	2.450	0.015	620.00	3.92

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 158 x 0.02 CFS/ACRE = 3.16 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 = 9.0 AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 12.00 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()

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

$$\frac{2.45}{158 \text{ ac.}} = 0.01551 \text{ cfs/ac.}$$

$$3 \text{ exp. ac.} \times 0.01551 = 0.04653 \text{ cfs}$$

1b. CALCULATIONS

Expansion claim based on
36-02678 (2.45 cfs)

Expansion in acres does not
allow for increase in
diversion rate.

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
<u>Irrigation</u>	<u>4-1</u> <u>10-31</u>	<u>.06</u> <u>.05</u>		
TOTAL FOR THIS RIGHT				
REVIEWED BY: <u>HAT</u>	DATE: <u>10-23-92</u>			

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Combined w/ remark for consumptive use. (see quicklook)

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: 36-15458

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-15458	0.060	-		-	
TOTAL CFS		0.060				

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
N

FIELD
EXAMINER

NOTES:

This expansion claim, based on 36-02678, adds 3 acres, w/o
increase in diversion rate

AUTHENTICATION:

SIGNATURE:

Debra D. Smith

DATE:

10-23-92

NAME OF FIELD EXAMINER:

Debra

TITLE:

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