

FROM SOUTHERN-COMPLETED-PROG-4

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-13752

NAME & ADDRESS: AUGUST MARTSCH
VILMA L MARTSCH
RT 1 BOX 1069
PAUL ID 83347

Also HAVE 36-13751 FOR CA

SOURCE: GROUNDWATER

QUANTITY: 0.08 CFS

0.04 RB 3/5/98

RECEIVED

DEC 11 1996

Department of Water Resources
Southern Region

Within MINIDOKA County

PRIORITY DATE: 08/10/1924

POINT OF DIVERSION: T09S R22E S25 SESENE

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
DOMESTIC 1 HOME

PERIOD OF USE
01-01 12-31

QUANTITY
0.04 CFS

PLACE OF USE: DOMESTIC Within MINIDOKA County
T09S R22E S25 SENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED:

ckout
div rate conflict
KRC 1-3-96

DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED:

DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-13752

PAGE 1
NOV-5-1996

Water Right Number - R36-13752

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

MARTSCH	AUGUST	1 - RT 1 BOX 1069	
		2 -	
		3 -	
		City- PAUL	State- ID Zip- 83347
		Phone - 208-438-5916	
MARTSCH	VILMA L	1 - RT 1 BOX 1069	
		2 -	
		3 -	
		City- PAUL	State- ID Zip- 83347
		Phone - 208-438-5916	

+ - - Priority Date - - + + - - Region - - + + - - Stage - - + + - - Status - - - +
08/10/1924 17 SOUTHERN J - BENEFICIAL USE

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

+ - - - - Point of Diversion - - - - - +						
TwN	Rng	Sec	Tract	Lot	RFlg	County
09S	22E	25	SE SE NE			(67) MINIDOKA

+ - - - - Water Use - - - - - +				+ - - - - Diversion Name - - - - - +	
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
43 - DOMESTIC		01/01	12/31	0.040	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.080 0.0

+ - - - - Place of Use - - - - - +						
TwN	Rng	Sec	Tract	Lot	Acres	County
09S	22E	25	SE NE			(67) MINIDOKA

+ - - Diversion Means - 6" X 70' WELL, 3/4 HP PUMP.

+ - - Non-Irrigation Use - 1 HOME

+ - - Other Rights for Same Use - M.I.D. IRRIG. WATER.

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

EXP PARCEL NO. RP09S22E251200
PROPERTY ASLO KNOWN AS 40 S 750 W

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

*Rate conflict
hold back
ATT.
KKC
12-12-97*

Water right number - R36-13752

Prefix Translation: RESEARCH

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

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 10/18/96 DSHAFF

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

Date: 10/14/1996 User Id: DS1-PROD Subject: D&S 1 HOME UPDATE

USE-NOT-IRRIGATION FIELD TEXT REPLACED WITH "1 HOME".

CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.

ANY GEN REMARK CHANGED TO AN EXP REMARK.

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 11/07/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S010394	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	- OR	Notice of Error Flag	-

AJ5809NP
No. R36-13752

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/20/96
PAGE: 187

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	AUGUST MARTSCH	08/10/1924	DOMESTIC	01-01 12-31	0.04 CFS	
C	VILMA L MARTSCH					
	RT 1 BOX 1069					
	PAUL ID 83347					
	(208) 438-5916					
				TOTAL DIVERSION:	0.08 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T09S R22E S25

SESENE

MINIDOKA County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE			
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
09S	22E	25	:																

POU County: MINIDOKA

Non-Irrigation Uses: 1 HOME

Other Rights: M.I.D. IRRIG. WATER.

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP09S22E251200
PROPERTY ASLO KNOWN AS 40 S 750 W

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments: Date: 10/14/1996 User-ID: DS1-PROD Subject: D&S 1 HOME UPDATE
USE-NOT-IRRIGATION FIELD TEXT REPLACED WITH "1 HOME".
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO AN EXP REMARK.

Audit: 10/18/96 DSHAFF

RECEIVED
DEC 13 1996

10-24-96
KKC



DEPARTMENT OF WATER RESOURCES

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

CÉCIL D. ANDRUS
GovernorR. KEITH HIGGINSON
DirectorAugust or Vilma Martsch
Rt. 1 Box 1069
Paul, Idaho 83347

October 20, 1989

A-36-13751
13752

RE: SRBA Claim

Dear Claimant:

Please find enclosed your ^{two}claim^s and your check # 479 for
\$ 50.00 which you submitted to our office. I am returning
these pursuant to Rule 10,4 of the Department's Adjudications Rules and
Regulations. In checking your claim it appears that the following
items need clarification:

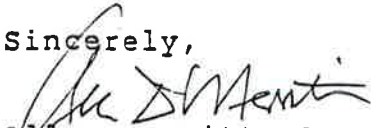
- [] Item #2 Priority
- [X] Item #4 Point of Diversion Legal Description
- [] Item #6 Uses descriptions
- [X] Item #9 Description of Non-irrigation Uses
- [X] Item #10 Place of Use Legal Description
- [] Item #16 Signature & Notorization
- [] Improper fee (THE CORRECT FEE IS \$ _____)
- [] Other or Remarks

Please determine 1/4 1/4 description.

On the claim for domestic purposes
is there 6 households or 6 people
in 1 house?

~~If you wish to continue to press your claim please find enclosed~~
~~instructions and another claim form to use.~~ If you will make the
necessary corrections and return your claim with the correct fee and a
copy of this letter within 30 DAYS of the date of this letter, your
filing will be considered timely and will not be assessed an additional
\$50.00 late fee.

Sincerely,


Allen Merritt, P.E.
Water Rights SupervisorADM:adm
Enclosures:MICROFILMED
DEC 9 1996

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: A36-13752

Date Received: ~~11/07/1989~~ 10/11/1989

Receipt No: S010394

Received By: B. V. St.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: AUGUST MARTSCH 208-438-5916
Address: RT. 1, BOX 1069
PAUL, ID 83347

OR

Name: VILMA L. MARTSCH 208-438-5916
Address: RT. 1, BOX 1069
PAUL, ID 83347

2. Date of Priority: AUG 10, 1924

3. Source: GROUNDWATER. Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	23E	25	SE	SE	NE		MINIDOKA

5. Description of diverting works:
6" X 70' WELL, 3/4 HP PUMP.

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	23E	25	SE NE		DOMEST	

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:
M.I.D. IRRIG. WATER.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ 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 _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A36-13752
Date Received 10/11/89
Receipt Number 5010394NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

OCT 11 1989

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes Department of Water Resources
Where Daily Use is less than 13,000 gallons per day. Southern Region Office

Filing Fee \$25

Please type or print clearly VILM L. MARTSCH1. Name of Claimant (s) AUGUST MARTSCH or Phone (208) 438-5916Mailing Address RT 1 BOX 1069 PAUL, ID. Zip 83347✓ 2. Date of Priority (Only one per claim) AUGUST 10, 1924 Month/Day/Year3. Source of water supply (Check one) (✓) Groundwater or Other () (a) _____✓ which is tributary to (b) Snake River Basin Name or kind of source4. Location of point of diversion is: Township 9S Range 23ESection 25, SE 1/4 of Se 1/4 of Ne 1/4, Govt. Lot _____, BM.,County of MINIDOKA

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. 6 inch casing 10 ft. deep 3/4 hole power pipe to house

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For DOMESTIC purposes from 1-1 ^{Month/Day} to 12-31 ^{Month/Day} amount 0.04 (cfs)For DOMESTIC purposes from 1-1 ^(Both dates are inclusive) to 12-31 amount 0.047. Total quantity claimed 0.08 (cfs)8. Total consumptive use claimed is de minimus✓ 9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 61 HOUSE HOLDMICROFILMED
FEB 16 1993

✓ 10. Place of use is: Township: 9 S Range 23 E
Section 25, SE 1/4 of Ne 1/4, Govt. Lot _____, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

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 ☒ 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.
() None or M.I.D.

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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) August Martock Date 10-10-89

Date _____

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

of _____ Title _____
Organization _____ that I have signed the foregoing
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 _____ Date _____

Title and Organization _____

State of Idaho/or Idaho)
County of Minidoka)

SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 10th day of October 1989

SEAL

Notary Public Lynn Brown
Residing at Joel, Idaho
My Commission Expires 1994

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant
MICROFILMED FEB 16 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

August or Vilma Martsch

Rt. 1 Box 1069

Paul, Idaho 83347

October 20, 1989

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim^{two}s and your check # 479 for \$ 50.00 which you submitted to our office. I am returning these pursuant to Rule 10,4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification:

[]	Item #2	Priority
[X]	Item #4	Point of Diversion Legal Description
[]	Item #6	Uses descriptions
[X]	Item #9	Description of Non-irrigation Uses
[X]	Item #10	Place of Use Legal Description
[]	Item #16	Signature & Notorization
[]	Improper fee	(THE CORRECT FEE IS \$ _____)
[]	Other or Remarks	

Please determine $\frac{1}{4}$ $\frac{1}{4}$ description.

On the claim for domestic purposes
is there 6 households or 6 people
in 1 household.

~~If you wish to continue to press your claim please find enclosed instructions and another claim form to use.~~ If you will make the necessary corrections and return your claim with the correct fee and a copy of this letter within 30 DAYS of the date of this letter, your filing will be considered timely and will not be assessed an additional \$50.00 late fee.

Sincerely,


Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm
Enclosures:

MICROFILMED
FEB 16 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Nov. 8, 1989

Re: A36-13751

A36-13752

AUGUST MARTSCH
RT 1 BOX 1069
PAUL ID 83347

Dear Claimant(s):

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

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

Yours truly,

A handwritten signature in dark ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
FEB 16 1993

WATER RIGHT NUMBER - A36-13752

ADJ. FLAG TRANSLATION: ADJUDICATION TEMPORARY WORK AREA OLD (D) NUMBER -

+ - - - - LAST NAME - - - - +

+ - FIRST NAME - - +

+ - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
MARTSCH

AUGUST

1 - RT. 1, BOX 1069

2 -

3 -

CITY- PAUL

STATE- ID ZIP- 83347

PHONE - 208-438-5916

MARTSCH

VILMA L.

1 - RT. 1, BOX 1069

2 -

3 -

CITY- PAUL

STATE- ID ZIP- 83347

PHONE - 208-438-5916

+ - - PRIORITY DATE - - +
08/10/1924+ - - - REGION - - - +
17 ERROR IN REGION+ - - - STAGE - - - +
J - BENEFICIAL USE

+ - - - STATUS - - - - +

+ - - - - SOURCE - - - - - +
GROUNDWATER

+ - - - - - TRIBUTARY - - - - - +

+ - - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

09S 23E 25 SE SE NE (67) MINIDOKA

+ - - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC

01/01

12/31

0.040

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.080+ - - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

09S

23E

25

SE NE

43 DOMESTIC

(67) MINIDOKA

TOTAL ACRES:

+ - - DIVERSION MEANS - 6" X 70' WELL, 3/4 HP PUMP.

+ - - NON-IRRIGATION USE - D/I HOUSE.

+ - - OTHER RIGHTS FOR SAME USE - M.I.D. IRRIG. WATER.

+ - - - - - REMARKS - - - - - +
NO REMARKS FOUND.+ - - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.MICROFILMED
FEB 16 1993

WATER RIGHT NUMBER - A36-13752

ADJ. FLAG TRANSLATION: ADJUDICATION TEMPORARY WORK AREA

+ - - - - CONDITIONS OF APPROVAL - - - - -
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - - - COMMENTS - - - - -
NO COMMENTS FOUND

+ - - AUDIT FIELDS - 11/07/89 WORSTELL 12/20/89 GW-UPD

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -

COURT REPORT FILING	-	00/00/0000	FIELD INSPECTION MADE	-	00/00/0000	CIVIL CASE NUMBER	-	39576
OBJECTION FILED DATE	-	00/00/0000	FIELD INSPECTION FLAG	-		OLD CASE NUMBER	-	
RESPONSE FILED DATE	-	00/00/0000	VERIFIED DATE	-	00/00/0000	OLD JUDICIAL DISTRICT	-	
CLAIM RECEIVED DATE	-	11/07/1989	LAST AMENDED DATE	-	00/00/0000	TEMPORARY RIGHT	-	P
CLAIMS TAPE ERROR FLG	-		RECEIPT NUMBER	-	S010394	WATER DISTRICT	-	
FEE EXEMPT FLAG	-		PDU OWNERSHIP FLAG	-	Y	FEDERAL/STATE INDICATOR	-	S
			NAME CONNECTOR	-	OR	PRESUMPTION FLAG	-	

RP 09 S22 E25 1200
40S 750W
Pd T9S R22E
Pu T9S R22E

DATA ENTRY

ENTERED 5/20/91 SW

CHECKED 2/27/92 AS

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
JAN 25 - 1991

CERTIFIED
JAN 29 1991
WATER EXAMINER

PROOF
JAN 02 1991