

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 36-15625
Date Received: 11/8/2001
Receipt No:
Received By:

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

1. Name of Claimant(s)

GLENDAL CONSTRUCTION INC
CHARLES DOUGLAS SLUDER
PO BOX 868
BELLEVUE ID USA 83313

Phone: (208) 788-3429

2. Date of Priority: 06/01/1956

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	14E	31	SW NE	GOODING	
06S	14E	31	SW NE	GOODING	

5. Description of diverting works:

Well, pump & system to production facility.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	01/01	12/31	0.1	15

7. Total Quantity Appropriated is:
0.1 C.F.S. and/or 15 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06S	14E	31	NW	SE		INDUSTRIAL	
			SE	NW		INDUSTRIAL	
			SW	NE		INDUSTRIAL	

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

The total instantaneous diversion of water from all points of diversion under Right 36-15625 shall not exceed 0.10 cfs, nor total combined annual volume of 15.0 af.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Industrial use is for a cement production facility.

The industrial use authorized under this approval shall comply with applicable county zoning and use ordinances.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

15. Basis of Claim: Statutory Claim

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20612 V1

WATER RIGHT NUMBER: 37-20612 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GLENDALE CONSTRUCTION INC CHARLES DOUGLAS SLUDER PO BOX 868 BELLEVUE, ID 83313

Priority Date: 06/01/1956
 Basis: Beneficial Use
 Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	01/01 to 12/31	0.100 CFS	15.00 AF
	<u>Total Diversion:</u>	0.100 CFS	15.00 AF

Location of Point(s) of Diversion

GROUND WATER	L3 (SW1/4NE1/4)	Sec. 31, Twp 06S, Rge 14E, B.M.
GOODING County		
GROUND WATER	L3 (SW1/4NE1/4)	Sec. 31, Twp 06S, Rge 14E, B.M.
GOODING County		

Place of Use

INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
06S 14E 31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X					X						X			

Conditions of Approval:

1. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
2. T07 The right holder shall accomplish the change authorized by this transfer on or before October 26, 2002.
3. INDUSTRIAL USE IS FOR CONCRETE PRODUCTION FACILITY.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20612 V1

6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 082 The industrial use authorized under this approval shall comply with applicable county zoning and use ordinances.

Remarks:Comments:

1. dshaff 12/5/2001 Prior Report

Comment: This water is a split from 36-4157 that was in the directors report and supplemental report for Basin 36. This recommendation record was a result in the change in basin with Trans 69072. This right will not be reported again in Basin 37 but will move to degree before that time.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			12/05/2001	dshaff	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	12/5/2001 1:26:16 PM	dshaff	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES 11/08/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: GLENDALE CONSTRUCTION INC
CHARLES DOUGLAS SLUDER
PO BOX 868
BELLEVUE ID 83313

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.10 CFS
15.0 AFY

PRIORITY DATE: 06/01/1956

POINT OF DIVERSION:

T06S R14E S31 SWNE Within GOODING County

T06S R14E S31 SWNE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.100 CFS 15.00 AFY

INDUSTRIAL USE IS FOR A CEMENT PRODUCTION FACILITY.

PLACE OF USE: INDUSTRIAL Within GOODING County

T06S R14E S31	SWNE	T06S R14E S31	SENW
T06S R14E S31	NWSE		

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 36-4157E.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69072 ✓

RECEIVED
NOV - 1 2001
Department of Water Resources
Southern Region

This is to certify that: DOUG SLUDER
GLENDALE CONSTRUCTION
164 GLENDALE RD
BELLEVUE ID 83313

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
36-4157E	AJC/Decreed	06/01/1956	0.24 cfs	47.6 af	11.9	11.9	GROUND WATER

Purpose of Transfer (Changes Proposed)

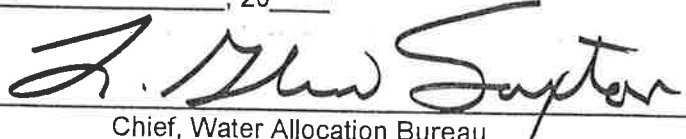
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-4157E	YES	YES	YES	NO	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-4157E	36-15625	0.10 cfs	15.0 af	N/A	N/A	36-15624	0.14 cfs	27.6 af	N/A	6.9
TOTALS		0.10 cfs	15.0 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 26th day of October, 2001


Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15624
As Modified by Transfer No. 69072

In accordance with the approval of Transfer No. 69072, Water Right No. 36-15624 is now described as follows.

Right Holder: DONNA ANDREWS And/Or
 KEVIN S ANDREWS
 1763 E 3000 S
 WENDELL ID 83355

Priority Date: 06/01/1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.14 CFS	27.6 AF
			0.14 CFS	27.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER Lot 3 SENWSW Sec. 30 Twp 07S Rge 15E GOODING County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	15E	30																	6.9
																			L 3

Total Acres: 6.9

CONDITIONS OF APPROVAL

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 26th day of October, 2001


 Chief, Water Allocation Bureau

WATER RIGHT NO. 36-15625
As Modified by Transfer No. 69072

In accordance with the approval of Transfer No. 69072, Water Right No. 36-15625 is now described as follows.

Right Holder: GLENDALE CONSTRUCTION INC
 CHARLES DOUGLAS SLUDER
 PO BOX 868
 BELLEVUE ID 83313

Priority Date: 06/01/1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	12/31	0.10 CFS	15.0 AF
			0.10 CFS	15.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER Lot 3 SWNE Sec. 31 Twp 06S Rge 14E GOODING County

GROUND WATER Lot 3 SWNE Sec. 31 Twp 06S Rge 14E GOODING County

PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S	14E	31			X					X								X	

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The total instantaneous diversion of water from all points of diversion under Right 36-15625 shall not exceed 0.10 cfs, nor total combined annual volume of 15.0 af.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. Industrial use is for a cement production facility.
5. The industrial use authorized under this approval shall comply with applicable county zoning and use ordinances.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

WATER RIGHT NO. 36-15625
As Modified by Transfer No. 69072

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 26th day of October, 2001


Chief, Water Allocation Bureau

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 36-15625

WATER RIGHT NUMBER: 36-15625

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JACK A MC ENTIRE 2327 128TH AVE SE BELLEVUE, WA 98005 (206)746-9791
Original Owner	LOIS JENSEN BELLEVUE, WA 98005
Current Owner	GLENDALE CONSTRUCTION INC CHARLES DOUGLAS SLUDER PO BOX 868 BELLEVUE, ID 83313

Priority Date: 06/01/1956

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	01/01 to 12/31	0.100 CFS	15.00 AF
	<u>Total Diversion:</u>	0.100 CFS	15.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 31, Twp 06S, Rge 14E, B.M.
GOODING County		
GROUND WATER	SW1/4NE1/4	Sec. 31, Twp 06S, Rge 14E, B.M.
GOODING County		

Place of Use

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	14E	31			X					X								X	

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 36-15625

3. 082 The industrial use authorized under this approval shall comply with applicable county zoning and use ordinances.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks:

1. General The total instantaneous diversion of water from all points of diversion under Right 36-15625 shall not exceed 0.10 cfs, nor total combined annual volume of 15.0 af.
2. General Industrial use is for a cement production facility.

Comments:Dates and Other Information:

Claim Received Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

**ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER,
P.L.L.C.
ATTORNEYS AT LAW**

J. EVAN ROBERTSON
JEFFREY J. HEPWORTH
GARY D. SLETTE
RICHARD J. "TUG" WORST
TIMOTHY J. STOVER

303 Shoshone Street North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041



GARY D. SLETTE
gslette@idalawyer.com

August 12, 2003

RECEIVED

AUG 12 2003

VIA FACSIMILE 208-327-7866

Department of Water Resources
Southern Region

Attn: Permit Section
Idaho Dept. of Water Resources
P.O. Box 83720
Boise ID 83720-0098

RE: Transfer No. 69072/Water Right No. 37-20612

Dear IDWR Agent:

I represent Doug Sluder and Glendale Construction, Inc. They are the owners and holders of the above-numbered water right for industrial purposes in Gooding County, Idaho. My clients received an extension of time until October 26, 2003, in which to accomplish the transfer approved as Transfer No. 69072. At this point, Wood River Drilling has constructed the well and installed the pump on the property. However, due to circumstances beyond my clients' control, the cement plant which he was to purchase this fall will not be made available any time earlier than mid-2004.

In speaking with Doug Jones of the Twin Falls of the IDWR, he expressed his belief that only the construction of the diversion works was necessary to be accomplished during the extended time period. However, he suggested writing to you to confirm that issue. In the event a second extension of time is necessary because of my clients' inability to acquire the cement plant at this time, I would ask that this letter be treated as such an extension request for an additional one (1) year period. Please advise me at your earliest convenience.

Yours truly,

GARY D. SLETTE

GDS:rlm

cc: Glendale Construction, Inc.
IDWR - Twin Falls 736-3037

rlw\gds\letter\IDWR Boise3

36-4157

1st Partial Decree

NAP'D

4-7-2000

T5683

A

B = 37-8911

5716

C

D (comm & stk) DATA ENTERED

T#

68529

4-2001

F (comm)

DATA ENTERED

E

T#

69072

36-15624

36-15625

37-20617

IRR

37-20612

INDUSTRIAL

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20612 V1

WATER RIGHT NUMBER: 37-20612 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GLENDALE CONSTRUCTION INC CHARLES DOUGLAS SLUDER PO BOX 868 BELLEVUE, ID 83313

Priority Date: 06/01/1956

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	01/01 to 12/31	0.100 CFS	15.00 AF
	<u>Total Diversion:</u>	0.100 CFS	15.00 AF

Location of Point(s) of Diversion

GROUND WATER	L3 SW1/4NE1/4	Sec. 31, Twp 06S, Rge 14E, B.M.
GOODING County		
GROUND WATER	L3 SW1/4NE1/4	Sec. 31, Twp 06S, Rge 14E, B.M.
GOODING County		

Place of Use

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	14E	31			X					X								X	

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 082 The industrial use authorized under this approval shall comply with applicable county zoning and use ordinances.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-20612 V1

Remarks:

1. Purpose of Use INDUSTRIAL USE IS FOR CONCRETE PRODUCTION FACILITY.
2. Explanatory The right holder shall accomplish the change authorized by this transfer on or before October 26, 2002.

Comments:

1. dshaff 12/5/2001 Prior Report
Comment: This water is a split from 36-4157 that was in the directors report and supplemental report for Basin 36. This recommendation record was a result in the change in basin with Trans 69072. This right will not be reported again in Basin 37 but will move to degree before that time.
2. vhancock 2/8/2002 This right is a split of former right 36-4157E and renumbered from right 36-15625.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False