

No Color
Documents
In File

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 51-7027

WATER RIGHT NUMBER 51-7027

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	NOLAN C SIMPSON
	, ID
Original Owner	MERRILL E TALLMAN STAR RT BOX 141 BRUNEAU, ID 83604
Current Owner	TERRY W THOMAS HC 85 BOX 145 BRUNEAU, ID 83604 (208)845-2991
Current Owner	THOMAS W THOMAS HC 85 BOX 141 BRUNEAU, ID 83604 (208)845-2195

Priority Date 10/18/1968

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>
DOMESTIC	1/01 to 12/31	0 020 CFS	1 20 AF
IRRIGATION	3/01 to 11/01	6 400 CFS	1,600 00 AF
	<u>Total Diversion</u>	6 420 CFS	1,601 20 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4NE1/4	Sec 35, Twp 06S, Rge 04E, B M
OWYHEE County		
GROUND WATER	SE1/4SE1/4NW1/4	Sec. 35, Twp 06S, Rge 04E, B.M
OWYHEE County		

Place of Use

DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
06S 04E 35	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
	X				

IRRIGATION

Twp Rge Sec	NE	NW	SW	SE

| NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 51-7027

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S 04E 35	40 0	40 0	40 0	40 0	40 0	40 0	40 0	40 0									320 0

Total Acres 320

Conditions of Approval

- 1 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
- 2 N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY
- 3 N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE

Remarks

- 1 Purpose of Use DOMESTIC USE IS FOR 1 HOME AND 600 RANGE CATTLE.
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED THE USE OF WATER AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT

Comments

- 1 KWALKER 7/15/1998 COPIED FROM REMARKS
Comment THIS LAND IS NOW IRRIGATED BY MAINLINE PIPE SYSTEM, NOT THE CIRCULAR SYSTEM IN THE AREIAL PHOTOS RECOMMENDATION RECOMMENDED THIS CLAIM AS LICENSED RATHER THAN AS CLAIMED THE STOCKWATER USE CAN BE CONSIDERED PART OF THE DOMESTIC USE UP TO 13,000 GPD SO STOCKWATER USE DELETED AND RECOMMENDATIONS AS RIGHT WAS LICENSED
- 2 AJU10-JS 7/31/1998 AJU10 CONDITION UPDATE
Comment CONDITION CODE(S) C14 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 51-7027

Dates and Other Information

Licensed Date
Decreed Date 12/1/2000
Water Supply Bank Enrollment Accepted
Water Supply Bank Enrollment Removed
Enlargement Use Priority Date
Enlargement Statute Priority Date
State or Federal S
Owner Name Connector AND
Water District Number
Generic Max Rate Per Acre.
Generic Max Volume Per Acre
Decree Defendant
Decree Plaintiff
Civil Case Number 39576
Judicial District FIFTH
Swan Falls Trust or Nontrust
Swan Falls Dismissed.
DLE Act Number
Carey Act Number
Mitigation Plan False

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 51-07027

RECEIVED

MAR - 4 2003

Department of Water Resources

NAME AND ADDRESS: TERRY W THOMAS
HC 85 BOX 145
BRUNEAU, ID 83604

THOMAS W THOMAS
HC 85 BOX 141
BRUNEAU, ID 83604

SOURCE: GROUNDWATER
QUANTITY: 6.42 CFS
1601.20 AFY

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

PRIORITY DATE: 10/18/1968

POINT OF DIVERSION: T06S R04E S35 SESENE Within Owyhee County
SESENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-01	6.40 CFS 1600.00 AFY
	Domestic	01-01 TO 12-31	0.02 CFS 1.20 AFY

PLACE OF USE:	Irrigation		Within Owyhee County
	T06S R04E S35	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
	320.0 Acres Total		

Domestic		Within Owyhee County
T06S R04E S35	SENE	

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

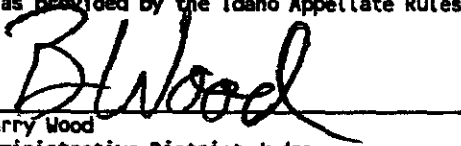
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

MICROFILMED

FILED

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.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

NOV 30 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 5, 2003

TERRY THOMAS
29282 CATTLE DRIVE RD
BRUNEAU ID 83604

**RE: APPLICATION TO LEASE WATER RIGHT NO. 51-07027 TO THE WATER
SUPPLY BANK**

Dear Mr. Thomas:

The department has completed its review of the Application to Sell or Lease a Water Right to the Water Supply Bank ("bank") that you submitted to this office in the name of Idaho Transportation Department. Please consider that the offered water right is accepted into (leased to) the bank.

Several items to keep in mind in connection with lease of a water right to the bank is as follows:-

1. There is no rental payment to the owner of the water right if the right or a part thereof is not rented from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires on March 1, 2010.
4. While a water right is in the bank, forfeiture provisions are stayed.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: IDWR - W. Region
51-07027

MICROFILMED
JUN 11 2003

Water Supply Bank No. _____

Water Right No. 51-07027

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR - 4 2003

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Department of Water Resources

Name of Seller/Lessor TERRY THOMAS-TOM THOMAS Phone 845-2991
Post office address 29222 CATTLE DRIVE BRUNEAU - IDAHO

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____ (Name of court)
- b. License No. 51-07027 issued by the Idaho Department of Water Resources.
- c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease, show "all" on line a. below and skip the remainder of part 2.)

- a. all Amount of water under right. 6.42 cubic feet per second &/or
1600000 acre-feet per annum

SE 1/4
SE 1/4
SE 1/4

Point of diversion: SE 1/4 of SE 1/4 of Section 536 Township T66E Range

ROSE, B.M. in OWYHEE County.

Additional points ALL

MICROFILMED
JUN 05 2003

c. Place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 320

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

MICROFILMED
JUN 9 5 2003

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

- e. If the water right is a permit, describe the work accomplished toward developing the right.

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

MICROFILMED
JUN 05 2003

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

X For lease for a period from 3-1-002 to 3-1-0010
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the state of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

CURRENT RENTAL RATE

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

3-1-002
Date

Terry Thomas
Signature Tom Thomas

FOR DEPARTMENT USE ONLY

Received by mt Date 3-04-03 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ by _____

RECEIVED
JUN 05 2003