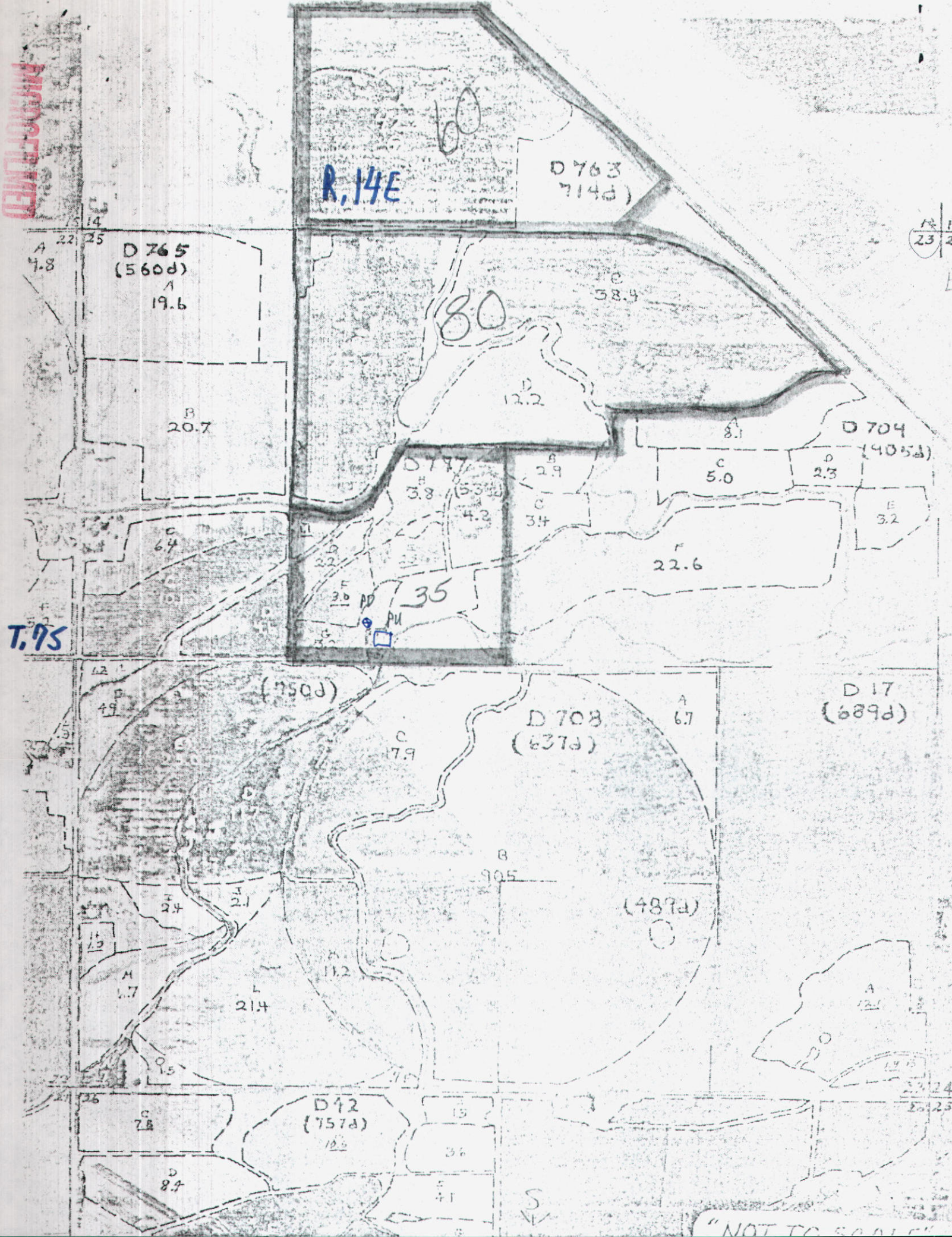


UNCLASSIFIED



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 36-04217

1996 DEC 13 AM 8:45

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: ARLIN C HILARIDES
BERT R HILARIDES
2750A S 1500 E
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1958

POINT OF DIVERSION: T07S R14E S23 SWSNW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01-01 12-31	0.02 CFS	
DOMESTIC 1 HOME	01-01 12-31	0.04 CFS	

PLACE OF USE: STOCKWATER Within GOODING County
T07S R14E S23 SENW

DOMESTIC Within GOODING County
T07S R14E S23 SENW

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: DEC 13 1996

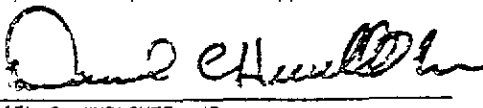

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

WFOPOF 1027

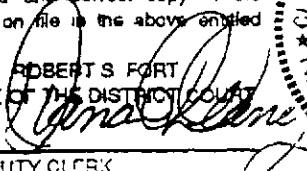
RULE 54(b) CERTIFICATE

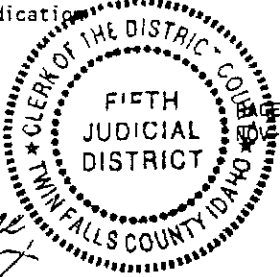
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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: DEC 13 1996


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-04217

State of Idaho
County of Twin Falls ss
I hereby certify the foregoing to be a
full, true and correct copy of the
original on file in the above entitled
action.
ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK



NOV 26-1996

• •

This
Right has been
Decreed in the
SRBA.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Bert R. &/or Arlin C. Hilarides
(Name of Claimant)
Route #1 Box 174, Wendell, ID 83355 Telephone No 536-6200
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority (When was the water first applied to a beneficial use) 1958

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water (Name of stream, lake, spring, etc., or ground water)
Groundwater tributary to _____

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed.

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.13 cfs</u>	Use	<u>Livestock</u>	Period of Use From	<u>Jan 1</u> To <u>Dec 31</u>
Quantity	<u>0.13 cfs</u>	Use	<u>Commercial</u>	Period of Use From	<u>Jan 1</u> To <u>Dec 31</u>
Quantity	_____	Use	_____	Period of Use From	_____ To _____
Quantity	_____	Use	_____	Period of Use From	_____ To _____
Quantity	_____	Use	_____	Period of Use From	_____ To _____

(4) 0.13 TOTAL QUANTITY USED
(cfs, af)

(5) A) Point of diversion. (Location of point where water is diverted from its source)
SE 1/4 NW 1/4, Sec 23 Twp 7S Rge. 14E B.M., County of Gooding
Additional points of diversion _____

B) Describe means of diversion of water (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities be as specific as possible. Describe any changes in the system and give the date of the change.
Well & pump

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	14E	23								X									

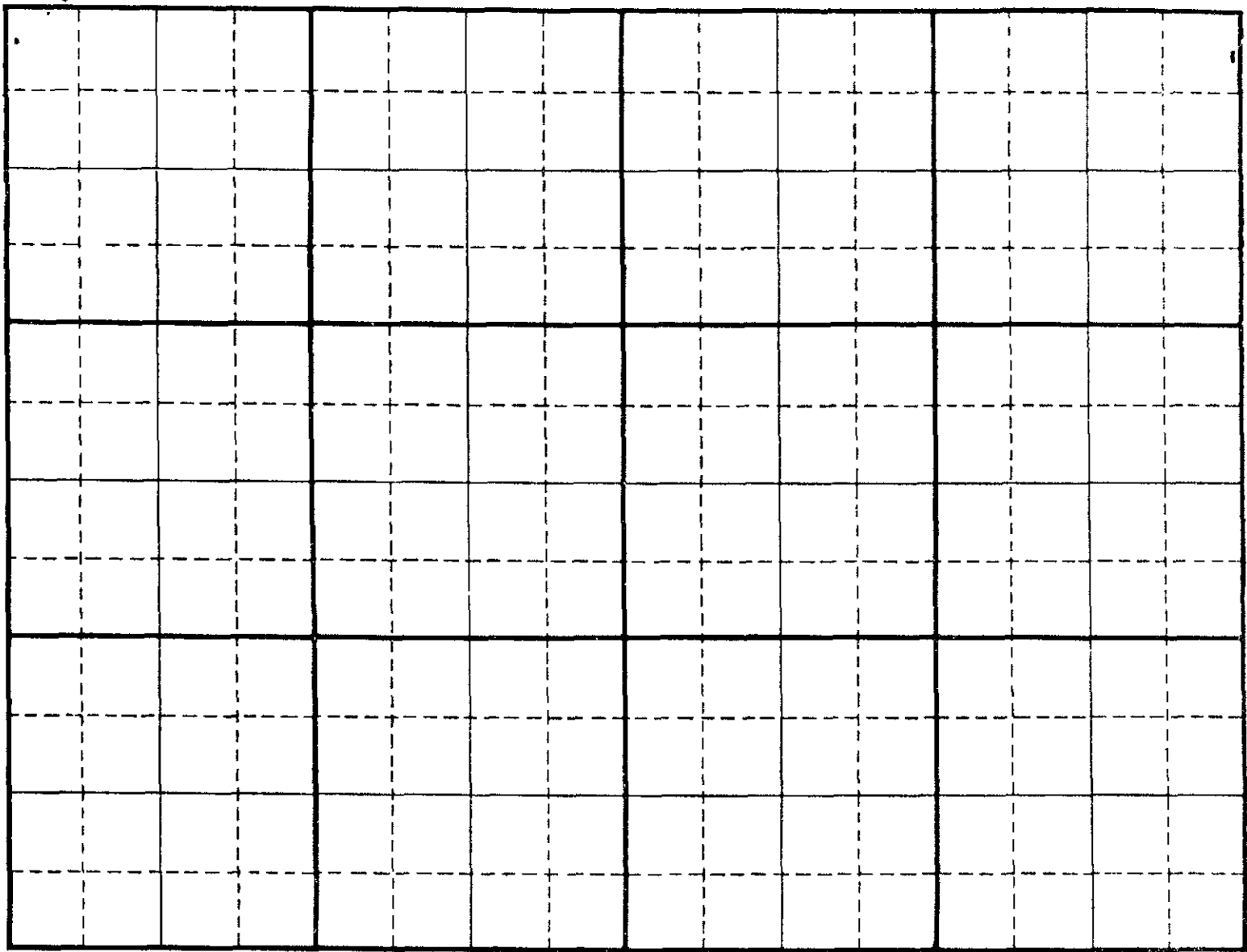
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible
Commercial use in dairy barn

NOTE Include here the type and number of stock watered 150 dairy cows

(7) If you are claiming water as a member of an organization, list name of organization _____

(8) Remarks _____



Scale 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

John C. Haridas
(Claimant)

Sworn to before me this 27th day of May, 19 83.

Loren O. Halmer

Notary Public

Residing at Twin Falls, ID

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by J. Stanton Date 5-27-83 Exception filed by _____ Date _____
Prelim. check by LH Date 6/16/83 Forwarded to claimant by _____
\$30.00 fee received by JP Date 5-27-83 #30213
Published in 900 days Co. Leader
Dates 8/31 & 9/7/83

R.14E

D 763
(5143)

D 765
(5600)
19.6

20.7

38.4

30

12.2

D 704

(4053)

5.0

2.5

3.2

22.6

D 777
(5377)

35

AD
PU

T.7S

(5500)

D 108
(6073)

D .7
(6893)

(7812)

D 12
(7572)

2.3

8.7

21.4

1.7

2.4

2.1

1.3

1.9

1.2

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NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given
that the following claim(s) to
water right(s) have been
established by diversion and
application to beneficial use:

36-4217

**HILARIDES, BERT R. &/or
ARLIN C.**

**RT 1 BOX 174, WENDELL,
ID 83355**

Source: GROUNDWATER

Priority Date: 01/01/1958

**Diversion Pt: SENW Sec 23
T 07S R 14E**

**Use: STOCKWATER (0.13
CFS)**

COMMERCIAL (0.13 CFS)

In: SENW Sec 23 T 07S R 14E

36-4221

MOORE, TIM L.

**RT. 1 BOX 278, WENDELL,
ID 83355**

**Source: WASTE WATER
trib. to SNAKE RIVER**

Priority Date: 04/01/1920

**Diversion Pt. LOT 02 Sec 03
T 09S R 14E**

**Use: IRRIGATION (3 00
CFS)**

STOCKWATER (0.03 CFS)

**In NWNE SWNE NENW
Sec 03 T 09S R 14E FOR 60
ACRES**

36-4223

**ICKE, DON &/or EMILY
GARDNER, WALTER &/or
KATRINA**

**RT 1 BOX 106, WENDELL,
ID 83355**

Source: GROUNDWATER

Priority Date: 01/01/1907

**Diversion Pt: SWNE Sec 28
T 07S R 15E**

**Use: IRRIGATION (0.03
CFS)**

STOCKWATER (0.07 CFS)

DOMESTIC (0 06 CFS)

**In: SWNE Sec 28 T 07S R 15E
FOR 1 ACRES**

36-4229

**BRAILSFORD, RICK &/or
KAREN**

**RT. 2 BOX 27, WENDELL,
ID 83355**

**Source: WASTE WATER
trib to NORTHSIDE CA-
NAL CO SYSTEM**

Priority Date: 04/15/1970

**Diversion Pt: SENW Sec 15
T 08S R 15E**

**Use: IRRIGATION (0 89
CFS)**

**In: NENW SENW Sec 15 T
08S R 15E FOR 35 ACRES**

AFFIDAVIT of PUBLICATION

State of Idaho,)
County of Gooding) SS

Frank T. Crow Jr., being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145, that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 31 day of Aug, 19 83, and the date of the last publication was on the 1 day of Sept, 19 83.

Subscribed and sworn to before me this 7 day of Sept, 19 83
(SEAL)

Cindy Davis
NOTARY PUBLIC
GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice. 136
Number of Insertions 2
Lines tabular at 42¢ 136
Lines straight at 32¢ 43.52
Subsequent lines at 21¢ 136 28.56
Total Cost 72.08

COPY OF NOTICE (Paste Here)

Notice of Claim of Water Rights
TITLE OF NOTICE

36-4221 36-4217
PLAINTIFF ATTORNEY

36-4229 36-4237

DEFENDANT
36-4238 36-4246

PLAINTIFF

Dept of Water
BILL TO

36-4237
CAMPBELL LAND & LIVE-
STOCK
C/O JAMES CAMPBELL,
RT. 2 BOX 95, WENDELL,
ID 83355
Source GROUNDWATER
Priority Date: 01/01/1921
Diversion Pt: SESW Sec 36 T
07S R 15E
Use: STOCKWATER (0.26
CFS)
DOMESTIC (0.06 CFS)
In: SESW Sec 36 T 07 S R 15E

36-4238
SANDY, W.A.
BUXTON, WILLIAM C
RT. 1 BOX 258A, HAGER-
MAN, ID 83332
Source: WASTE WATER
trib to SNAKE RIVER
Priority Date: 05/01/1914
Diversion Pt: SWSE SESW
Sec 05T 08S R 14E
Use: IRRIGATION (3.00
CFS)
In: SENW NESW NWSW
SWSW SESW NWSE SWSE
Sec 05 T 08S R 14E FOR 101
ACRES

36-4246
LEHMANN, LYNDALL S
Rt 2, BUHL, ID 83316
Source: WASTE WATER
trib to IRRIGATION DITCH
Priority Date: 01/01/1968
Diversion Pt: SWSE Sec 03 T
08S R 14E
Use: IRRIGATION (0.24
CFS)
IRRIGATION STORAGE
(0.3 AF)
In: SWSE Sec 03 T 08S R 14E
FOR 6 ACRES

Any exception to any
claim of water right may be
filed with the Director of the
Idaho Department of Water
Resources, 1041 Blue Lakes
Blvd. North, Twin Falls,
Idaho 83301.

A. KENNETH DUNN
Director

PUB: 8-31, 9-7

• •

This
Right has been
Decreed in the
SRBA.

10-15-2012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESUSE TYPEWRITER OR
BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name BETTENCOURT DAIRY
Address 181 W 400N, Jerome, Idaho 83338
Drilling Permit No. 36-93-S-0150
Water Right Permit No. 36-4217

2. NATURE OF WORK

- ☒ New well ☐ Deepened ☒ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures
such as liners, screen, materials, plug depths, etc. in lithologic
log, section 9.)

3. PROPOSED USE

- ☐ Domestic ☐ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☒ Other DAIRY, STOCKWATER (specify type)

4. METHOD DRILLED

- ☒ Rotary ☐ Air ☐ Auger ☐ Reverse rotary
☐ Cable ☐ Mud ☐ Other _____
(backhoe, hydraulic, etc.)

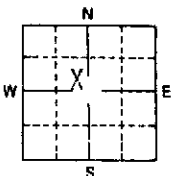
5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____
Thickness Diameter From To
2.50 inches 8 5/8 inches + 2 feet = 18.5 feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feetWas casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation? _____ inches by _____ inches
Number From To_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feetWell screen installed? ☐ Yes ☒ No
Manufacturer _____ Type _____
Top Packer or Headpipe _____
Bottom of Tailpipe _____Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feetSurface seal depth 18 Material used in seal: ☐ Cement grout
☒ Bentonite ☐ Puddling clay ☐ _____Sealing procedure used: ☐ Slurry pit
☐ Temp surface casing ☐ Overbore to seal depthMethod of joining casing: ☐ Threaded ☐ Welded
☐ Solvent Weld ☐ Cemented between strata

Describe access port _____

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No _____ Block No _____

County GoodingAddress of Well Site _____
(give at least name of road)_____ T 7S N ☐ or S ☐
_____ SE 1/4 NW 1/4 Sec. 23 R 14E BM E ☐ or W ☐

7. WATER LEVEL

Static water level 136 feet below land surface
Flowing? ☐ Yes ☒ No GPM flow _____
Artesian closed-in pressure _____ psi
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F Quality _____
Describe artesian or temperature zones below

8. WELL TEST DATA

☐ Pump ☐ Bailer ☒ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
		1

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
10	0	4	Top Soil		X
	4	12	Gray Basalt		
	12	16	Gray Basalt large breaks		
	16	26	Gray Basalt		
	26	31	Crevice & broken		
	31	34	Gray Basalt		
	34	49	Gray Basalt small breaks		
	49	51	Gray Basalt breaks		
	51	57	Red Sand & Clay		
	57	61	Brown Clay		
	61	63	Gray Basalt porous & broken		
	63	67	Gray Basalt		
	67	73	Gray Basalt large breaks		
	73	81	Pink & Gray basalt porous		
	81	89	Gray Basalt small breaks		
	89	96	Gray Basalt		
	96	96 1/2	small crevice		
	96 1/2	104	Gray Basalt		
	104	107	Gray E. Lg. breaks & crevice		
	107	110	Med Hard small breaks		
	110	113	Med Hard Gray Basalt		
	113	115	Pink & Gray Basalt sm. breaks		
	115	122	Med Hard Gray Basalt		
	122	133	M H Gray Basalt sm. breaks porous		
	133	147	Gray Basalt small breaks Y		
	147	151	Red & Gray Porous Lg. break-clay		
	151	156	Gray Basalt		
	156	159	Gray Basalt small breaks X		
	159	161	Gray Basalt lg. breaks		
	161	169	Med Hard Gray Basalt		
	169	173	Gray Basalt small breaks		
	173	174	Large breaks		
	174	180	Red Sand		
10/8	180	187	Med Hard Gray Basalt sm. breaks		
8	187	193	Gray Basalt large breaks X		
	193	199	Gray Basalt large breaks X		
10/10	199	209	Gray Basalt sm. & Lg. breaks X		

Work started 5/3/93 finished 5/12/93

11. DRILLER'S CERTIFICATION

We certify that all minimum well construction standards were
complied with at the time the rig was removedSMITH DRILLING & PUMP CO. INC. 11
Firm Name _____ Firm No _____Address Jerome Date 5/15/93

Signed by Drilling Supervisor _____

and

(Operator) Walter H. Robinson
(if different than the Drilling Supervisor)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1061 E. Lakes Blvd. W.
Twin Falls, Idaho 83301
(208) 734-1575

SEPTEMBER 27 1987

BERT R. HILARIDES
ARLIN C. HILARIDES
RT. 1 BOX 174
WENDELL

ID 87755

RE: Claim No. 36-4217

Dear Claimant:

The Department of Water Resources has found you have established your claim to a water right, and no further action is authorized under Sections 42-241 and 42-244, IDAHO CODE. Your claim will be placed in our file and will be available at any time for use by you or the court.

The filing and advertising of the claim does not create the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to place in our file, you may have that information or evidence added to the file. Please refer to the claim identification number when contacting our office.

We are enclosing a copy of our claim form for your use. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,



ALLEN D. MERPITT
Senior Water Resource Analyst

Enclosure

NOTICE OF CLAIM TO WATER RIGHTS

Notice is hereby given that the following claim(s) for water rights have been established by diversion and beneficial use for beneficial use:

2E-4217

HILARIDES, BERT R. &/or ARLIN C.

RT. 1 BOX 174, WENDELL, ID 83355

Source: GROUNDWATER

Priority Date: 01/01/1958

Diversion Pt: SENW Sec 23 T 07S R 14E

Use: STOCKWATER	(0.15 CFS)
COMMERCIAL	(0.17 CFS)

In. SENW Sec 23 T 07S R 14E

Any exception to any claim of water rights is filed with the Director of the Idaho Department of Water Resources, 1211 Edge Lakes Blvd, North Twin Falls, Idaho 83401

A. KENNETH

Director

Published 9/21 & 9/22/58

LEGAL (257) 1e

**NOTICE OF CLAIMS
TO WATER RIGHTS**

Notice is hereby given
that the following claim(s) to
water right(s) have been
established by diversion and
application to beneficial use:

36-4217

HILARIDES, BERT R &/or
ARLIN C
RT. 1 BOX 174, WENDELL,
ID 83355

Source: GROUNDWATER

Priority Date: 01/01/1958

Diversion Pt: SENW Sec 23

T 07S R 14E

Use: STOCKWATER (0.13
CFS)

COMMERCIAL (0.13 CFS)

In: SENW Sec 23 T 07S R 14E

*AD
meyer*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Boysen Region

WATER RESOURCES DIVISION
BOYSEN REGION
BOYSEN DIVISION

BOYSEN DIVISION

Gooding County Leader
P.O. Box 55
Gooding Idaho 83378

Gentlemen:

Enclosed you will find a legal notice which is to be published on the dates indicated herein under for two consecutive weekly issues in your newspaper. We have allowed ample time for you to provide a call-proof to this office for removal before the first publication date. If you cannot publish the notice on the enclosed dates please let us immediately.

An affidavit of publication must be submitted to the District Engineer with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication bill to this office before SEPTEMBER 17, 1967.

Yours truly,

Mary A. Nambor
Secretary

Encl.

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: LH

Right Number 36 - 21 Applicant HILARIDES, Bert R. &/or Arlin C.

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed. None

By ADM Date 9/22/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 11/1/83

10