

No Color
Documents
In File

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7363A

WATER RIGHT NUMBER: 36-7363A

<u>Owner Type</u>	<u>Name and Address</u>
→ Current Owner	THOMAS HEIDA PO BOX 140 WENDELL, ID 83355-0140 (208)536-2189
Directors Report Owner	BOX CANYON LIVESTOCK INC 3462 S 1600 E WENDELL, ID 83355 (208)526-2381
→ Current Owner	MARY JANE HEIDA PO BOX 140 WENDELL, ID 83355-0140 (208)536-2189
Attorney	MICHAEL H FELTON JR FELTON & FELTON PO BOX 589 BUHL, ID 83316-0589 (208)543-4368
→ Current Owner	FRANS AARDEMA PO BOX 140 WENDELL, ID 83355-0140 (208)536-2189
→ Current Owner	BOX CANYON DAIRY PO BOX 140 WENDELL, ID 83355-0140 (208)536-2928
→ Current Owner	CORNELIA AARDEMA PO BOX 140 WENDELL, ID 83355-0140 (208)536-2189
Directors Report Owner	FREDERICK PRINS 3462A S 1600 E WENDELL, ID 83355 (208)536-2381

Priority Date: 08/07/1973

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.230 CFS	440.00 AF
<u>Total Diversion:</u>		1.230 CFS	440.00 AF

Location of Point(s) of DiversionGROUND WATER
GOODING County

SE1/4SE1/4SW1/4

Sec. 27, Twp 08S, Rge 14E, B.M.

*Documentation
of ownership change
is located in
SRBA file at
Southern Region.
verified this with
Trish Fascett today.
KW
6/2/04*

*Aardema's
& Heida's
do business
as*

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7363A

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	
08S 14E 27							5.0		13.0	40.0	18.0	21.0					97.0
08S 14E 28													13.0				13.0

Total Acres: 110

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
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.

Remarks:Comments:

1. CLELLAND 9/30/1991 CHANGE IN DIVERSION RATE
Comment: CHANGE WAS TO CORRECT A CALCULATION ERROR OF 0.01 CFS. COPIED FROM REMARKS APPLICANT OWNS PORTION FILED ON ONLY.
2. ROBERTSO 7/16/1992 NAME STANDARD
Comment:
3. KCHRISTE 12/15/1997 REFORMAT
Comment: DELETED CONS USE
4. AJU10-DS 12/21/1999 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
5. CTIMM 4/20/2000 OWNERSHIP CHANGE
Comment: 4/20/00, CT: CHANGED OWNERSHIP FROM FRED PRINS TO THE AARDEMAS AND HEIDAS DBA BOX CANYON DAIRY AS PER AGREEMENT FOR PURCHASE OF CORPORATE STOCK, AND CORPORATION WARRANTY DEED, INCLUDING FORM 1409(6). ADDED MICHAEL HARLAND FELTON AS ATTORNEY.
6. pskaggs 4/18/2002 11:24:34 AM Water Right
Comment: This water right record was updated by decree record from old rightid 324783 to new RightID 421912

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7363A

Dates and Other Information:

Licensed Date:
Decreed Date: 12/12/2001
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

Combined Use Limits:

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	)	Water Right 36-07363A
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on December 29, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 to 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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 December 12, 2001.


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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 36-07363A

1997 DEC 29 PM 2:53

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

NAME & ADDRESS: FREDERICK PRINS
WENDELL ID 83355

BOX CANYON LIVESTOCK INC
3462 S 1600 E
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 1.23 CFS
440.0 AFY

PRIORITY DATE: 08/07/1973

POINT OF DIVERSION: T08S R14E S27 SESEW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	1.23 CFS 440.0 AFY

PLACE OF USE:	IRRIGATION	Within GOODING County			
	T08S R14E S27	S28	SWNW 5	NESW 13	NWSW 40
		S28	SESW 21		SWSW 18
	110 ACRES TOTAL		NESE 13		

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.



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

MICROFILMED

JUN 11 2002

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

December 12, 2001

Frederick Prins
Wendell, ID 83355

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an ***Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc*** (hereinafter "***Order***") for water right number 36-07363A. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The purpose of the ***Order*** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the ***Order***, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This ***Order*** also incorporates into the ***Partial Decree*** an express statement that the ***Partial Decree*** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This ***Order***, in combination with the ***Partial Decree*** that was issued for this water right on December 29, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the ***Partial Decree*** to show evidence of this water right. The original of this ***Order*** and the original of the ***Partial Decree*** for this water right are on file with SRBA Court. If you do not have a copy of the original ***Partial Decree***, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the ***Order*** is entered ***Nunc Pro Tunc***, meaning that the ***Order*** will be treated as if it were issued on the same date that the ***Partial Decree*** was originally issued.

Sincerely,


Diana Delaney
Case Administrator

MICROFILMED

JUN 11 2002

State of Idaho
Department of Water Resources

RECEIVED

FEB 17 1978

WATER RIGHT LICENSE

License of Water Right No. 36-7363 Priority August 7, 1973 3.79 cfs

Department of Water Resources
Southern District Office

THIS IS TO CERTIFY, that Robert W. Stacey
of Wendell, Idaho, has complied with the terms and conditions of Permit
No. 36-7363 issued pursuant to Application for Permit dated August 7, 1973,
and has submitted proof to the Department of Water Resources on June 30, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 5.90 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>3.79</u> cfs and	<u>1368</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 3.79 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1368 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, & SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27,
Twp. 8S, Rge. 14E, B. M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8S	14E	27			20	15			30	10	30	30	35	35	37	40	40	20	342

Total number of acres irrigated 342

A measuring device of a type approved by this Department shall be maintained as
part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
January, 19 78.


Director