

No Color
Documents
In File

Important Information About Your Water Right

December 14, 2001

HUGH H DORST
MARY M DORST
STAR ROUTE
MACKAY, ID 83251

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 34-00685A. 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 the 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 the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

MICHAEL

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 34-00685A

Case No. 39576)

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

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, IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, 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 recommendation and the time period for filing objections has now expired.

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

PERIOD OF USE: 05-01 10-15

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES

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 at 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 any 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 14, 2001

Roger Burdick

ROGER BURDICK

Presiding Judge

Snake River Basin Adjudication

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DEC 11 2003

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 34-00685A

1997 DEC 29 PM 4:37

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: MARY M DORST
HUGH H DORST
STAR ROUTE
MACKAY ID 83251

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 0.06 CFS

PRIORITY DATE: 08/01/1896

POINT OF DIVERSION: T07N R23E S12 NWNWSE Within CUSTER County

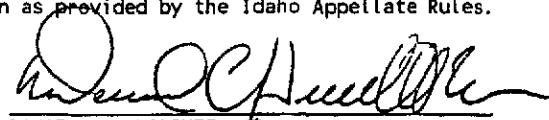
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.06 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County
	T07N R24E S18	NWNE 5 SWNE 1
	6 ACRES TOTAL	

USE OF THIS RIGHT WITH RIGHT NO. 34-00684A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 6 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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DEC 11 2007



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

November 24, 2003

JAMES B J DORST
4460 SAWTELLE ST
CHUBBUCK ID 83202-1735

RE: Change of Ownership for Water Rights 34-685A & 34-10002B

Dear Mr. Dorst:

Our letter of October 24, 2003 (copy enclosed) requesting the required filing fees and support data remains unanswered. Therefore, I am returning the ownership change request. A copy of your ownership change information will be kept in our files for reference.

If, at a later date, you wish to reinstate this request you may send the enclosed ownership change request form along with the required filing fees and we will be happy to complete the request for you.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosures

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DEC 11 2003

AUG 31 2001

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources

RECEIVED

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

SEP 27 2001

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
#34-10002B	01, 04	10-11-01	731		
*34-684A	01 P.D. 1229-97				
34-685A	01				
*34-10829	01 P.D. 1239-96				
* Processed on 10.23.03 - Kari Hays					

spoke to James B.J. Dorst. all water rights should be included per enclosed Director Report copies.

2. The following REQUIRED information must be submitted with this form:

- A. The appropriate FILING FEE. See instructions for fee amounts.
- B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, WITH ATTACHED LEGAL DESCRIPTION.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
- OR
- If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) Hugh H. Dorst (Deceased)
4. New Owner/Claimant(s) Hugh H. Dorst Estate - James B.J. Dorst Per Rep
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 4574 Hwy 93 North
- City, State and ZIP Code Mockay, Idaho 83251
- New Telephone Number (208) 588-2799
5. Date you acquired the property Hugh Dorst (Deceased) died on 7-21-00

SUPPORT DATA
IN FILE # 34-684A

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6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Hugh West Estates - James West Per Rep.
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>J. Mann</u>	Date <u>9/27/01</u>	Fee <u>\$50.00</u>
Received by <u>J. Mann</u>	Date <u>9/27/01</u>	Receipt No. <u>1056529</u>
Processed by _____	AJ Date _____	WR _____ Date _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street P.O. Box 83720
Boise Idaho 83720-0098

Return Service Requested

RECEIVED

NOV 1 2003

Idaho Department of Water Resources

DORSS14

IAAGTME57803062

DORSS574 632512003 1A03 04 10/31/03
RETURN TO SENDER
DORST
4460 SAWTELLE ST
CHUBBUCK ID 83202-1735
RETURN TO SENDER



WR 34-685A Qnd 34-10002B
Mail present w/ address
change form
Karin Lynne 11.3.03

MICROFILMED -



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

October 24, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JAMES B J DORST
4574 HWY 93 NORTH
MACKAY ID 83251

RE: Change of Ownership for Decreed Water Rights 34-685A & 34-10002B

Dear Mr. Dorst:

The Notice of Change in Water Right Ownership request that you sent to us has been partially processed and the completed portion of the request has been mailed to you.

In order for us to complete the processing of your request on the water rights referenced above we need additional information and filing fees.

As stated in our letter of August 13, 2003 (copy enclosed) water right **34-10002B** includes 1 acre in the **SENE of T7N, R24E, S18** which is not shown on the deed or the map that you sent. Please provide proof of ownership of this land with a **\$25.00** filing fee so that we can finalize your request. If you do not own this 1 acre in the SENE, please send a **\$100.00** filing fee so that we can split the water right accordingly.

Water right 34-685A is ready for processing once a **\$25.00** filing fee has been received for this right.

Your request will be held pending your reply. If we have no response from you within **30 days** we will return your request and no further action will be taken.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosure

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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

August 13, 2003

JAMES B J DORST
4574 HWY 93 NORTH
MACKAY ID 83251

RE: Change of Ownership for Decreed Water Rights 34-684A, 34-685A, 34-10002B,
34-10829

Dear Mr. Dorst:

The Notice of Change in Water Right Ownership paperwork that you sent to the Department of Water Resources has been forwarded to me for final processing.

A review of this paperwork shows that water right 34-10002B includes 1 acre in the SENE of T7N, R24E, S18 but that $\frac{1}{4}$ $\frac{1}{4}$ (SENE) is not shown on the deed or the map that accompanied your ownership change request. We are unable to finalize your request without complete proof of ownership.

The \$50.00 filing fee that was submitted with the ownership change request is not sufficient to cover the processing of these four (4) water rights. The filing fee is \$25.00 per water right and \$100.00 for any water right that needs to be split between multiple owners.

Please call me at your earliest convenience to discuss the final processing of these water rights. My telephone number in Boise is 208-327-7941

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

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SEP 11 2003