

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 37-04305

NAME AND ADDRESS: CITY OF BLISS
PO BOX 115
BLISS, ID 83314

UNION PACIFIC RAILROAD CO
REAL ESTATE DEPT
1800 FARNAM ST
OMAHA, NE 68102

SOURCE: GROUND WATER

QUANTITY: 0.12 CFS

PRIORITY DATE: 08/01/1960

POINT OF DIVERSION: T06S R13E S06 SENESE Within Gooding County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Municipal 01-01 TO 12-31 0.12 CFS

PLACE OF USE: Municipal Within Gooding County
T06S R13E S05 NWSW SWSW
SESW
S06 NESE SWSE
SESE
S07 NENE NWNE
S08 NENW NWNW

PLACE OF USE IS WITHIN THE CITY OF BLISS AND SURROUNDING SERVICE AREA.

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).

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.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

DEC 17 2002
SCANNED

DEC 19 2002

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.
Oregon Short Line Railroad Company,

Notice is hereby given that Union Pacific Railroad Company, Lessee.

(Name of Claimant)

P. O. Box 1592, Pocatello, Idaho

83204

Telephone No. 236-5514

(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) August 1, 1917

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, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.12 cfs</u>	Use <u>Municipal</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 0.12 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NE ¼ SE ¼, Sec. 6 Twp. 6S Rge. 13E 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. 12" x 517' well, elec. pump to 350,000 steel water tank & tied into line from well in SE ¼, SE ¼, Sec. 5, T6S, R13E, B.M. system was changed from basic railroad use to Municipal use in 1960.

(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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	13E	5										X	X	X					
6S	13E	6													X		X	X	
6S	13E	7	N½	N½															
6S	13E	8					N½	N½											

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Water tank, pipe lines & facilities were donated to the City of Bliss in 1960. The two wells are leased to the City & the entire system is the City's municipal water supply, however the Railroad Company continues to use some water for its local maintenance section men and by the larger traveling maintenance gangs.

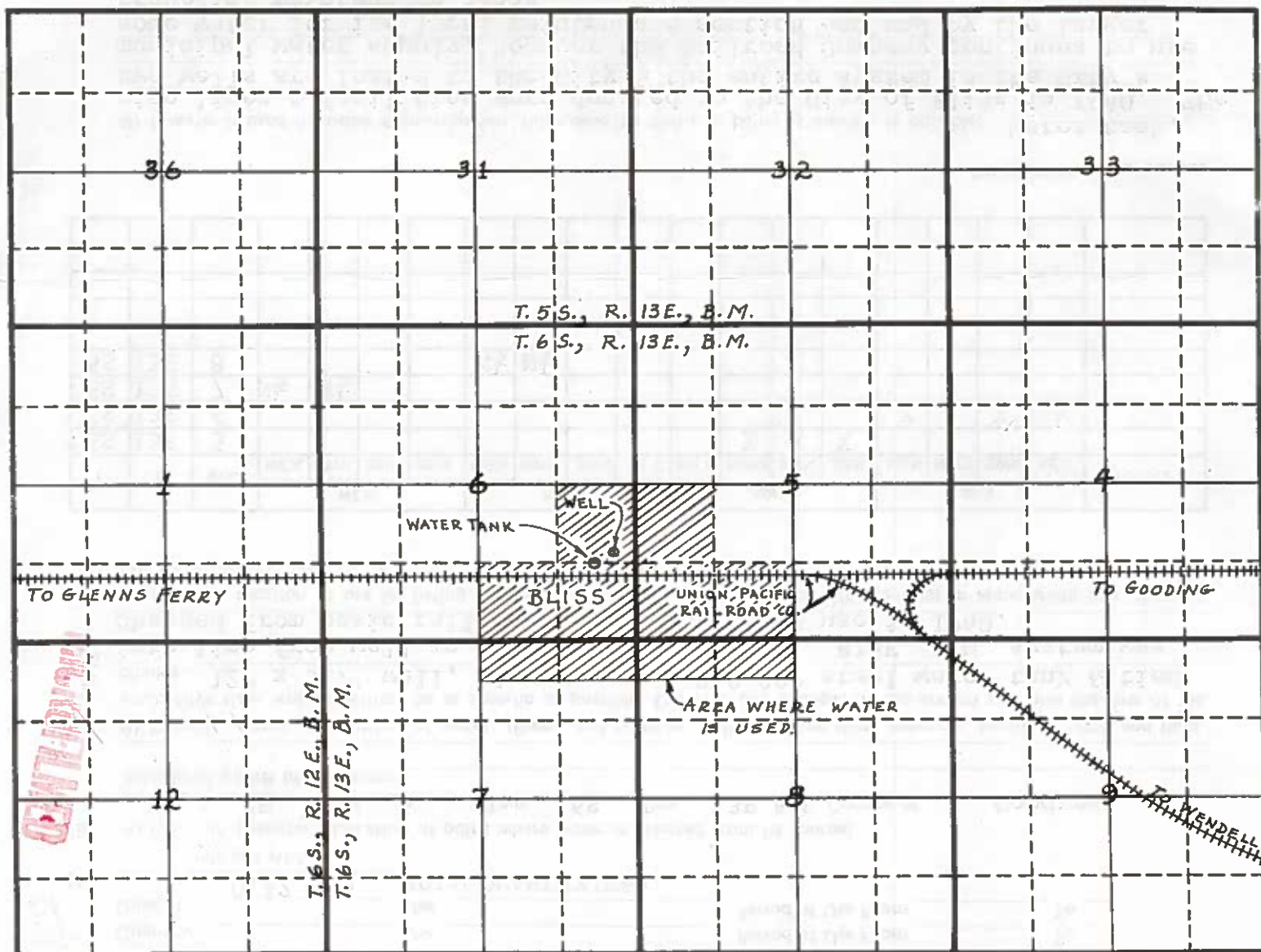
NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:
Union Pacific Railroad Company

SCANNED

OCT 1 11 2003

(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 Nebraska)
County of Douglas) 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.

UNION PACIFIC RAILROAD COMPANY

Sworn to before me this 8th day of February, 1983.

Sp. Roger
Assistant Vice President (Claimant)

A. A. Holdorf
Notary Public
Residing at Omaha, Neb.

My commission expires



Received by CW Date 2-10-83 Exception filed by: _____ Date _____
Prelim. check by EMC Date 4/18/83
\$20.00 fee received by CW Date 4/18/83 #28059
Published in Gooding Co. Leader
D: ss 5/19 - 5/26/83

4-14-83 FOR DEPARTMENT USE ONLY

RECORDED

C O N T R A C T

C. E. No. 3780

Audit No. 5558

Between

C. O. WILSON
(PENNSYLVANIA DRILLING & CONSTRUCTION COMPANY)

and

OREGON SHORT LINE RAILROAD COMPANY

Drilling Deep Well

at

Bliss, Idaho.

POOR QUALITY ORIGINAL

POOR QUALITY ORIGINAL

MICROFILMED

THIS AGREEMENT, made and entered into this 6th day
of July, 1917, between G. C. Wilson, doing business
as the Pennsylvania Drilling & Construction Company, hereinafter
called the "Contractor," and the CENTRAL MOUNT WEST RAILROAD COMPANY,
a corporation of the State of Utah, hereinafter called the "Railroad
Company," WITNESSETH:

That, for and in consideration of the covenants, promises and
agreements hereinafter mentioned, to be made and performed by the
Railroad Company, the Contractor hereby covenants and agrees to
drill and complete in a workmanlike manner, to the satisfaction and
approval of the Chief Engineer of the Railroad Company, a deep well
at Blinn, Idaho.

The Contractor shall furnish all machinery, tools, rigs and
labor and shall start hole fourteen (14) inches in diameter and con-
tinue same until it is necessary to reduce the size of hole, which,
if feasible, will not be less than ten (10) inches in diameter, but
in no case will it be less than eight (8) inches in diameter.

In consideration of the faithful performance of the covenants
and agreements made by the Contractor, the Railroad Company hereby
covenants and agrees to pay, or cause to be paid to the Contractor,
the rates and prices hereinafter named, to-wit:

For the first 350 feet from the ground surface,									
\$3.50 per linear foot of well.									
From 350 feet depth to 600 feet depth - \$3.00 per linear foot.									
"	600	"	"	1200	"	"	-	2.50	"
"	1200	"	"	1500	"	"	-	2.25	"

The above prices are for drilling well through all kinds of
material, with the exception of granite, and include installation of
piping. In the event granite formations are encountered the Con-

POOR QUALITY ORIGINAL

Contractor will, upon request of the Railroad Company, continue drilling and shall receive payment therefor at the rate of \$6.00 per lined foot of well.

The above prices are based upon and in consideration of free transportation as herein provided.

Approximate estimate of the depth of well drilled, on the basis of prices named herein, shall be made on or about the first of the month by the Engineer of the Railroad Company, subject to the approval of the Chief Engineer, and the amount of said estimate, less 20%, shall be paid to the Contractor on or about the twentieth day of said month, the said reserved percentage to be withheld by the Railroad Company until the final completion and acceptance of the well.

Should the Railroad Company elect to furnish drilling machines and equipment, Contractor shall deduct fifty cents (50¢) per foot from the prices named herein for all holes drilled with Railroad Company's equipment, and shall maintain and return said equipment in as good condition as received, ordinary wear excepted.

In the event that material is on the ground at the completion of well, Contractor shall furnish, free of cost, one 24-hour test of flow of well, such test to include the placing in the well of the working barrel, rods, drop line and setting up steam head. Any additional tests will be made by the Contractor at the rate of \$25.00 per day for each twelve hours.

The Railroad Company will, at its own cost and expense, furnish such casing, piping, drive shafts, water and fuel as may be necessary in connection with the drilling of said well. The Contractor

POOR QUALITY ORIGINAL

will furnish a good and sufficient bond for the proper completion of said work in the sum of \$100.00, the said bond to hold good until (6) months after the completion of said well and its acceptance by the Chief Engineer of the Railroad Company.

The Contractor shall be subject to the laws of the State of Idaho regarding liens for labor and material furnished for said work, and shall protect and indemnify the Railroad Company against all claims or liens against the work for labor or material furnished said Contractor; and the Railroad Company may, whenever it is deemed by the Chief Engineer proper or expedient so to do, pay to the laborer or other persons employed by said Contractor, or who may have furnished material for said work, out of any moneys due or payable or other obligation, any sums due for labor or material under this contract; and before the final settlement is made between the Contractor and the Railroad Company for work done and material furnished under this contract, the Contractor shall furnish satisfactory evidence to the Railroad Company that the said well is free and clear from all liens for labor, workmanship or material, and that no claim then exists in respect to which such liens could attach.

Free transportation over the lines operated by the Oregon Short Line Railroad Company will be granted to the Contractor for himself and for necessary men, material and tools in connection with the drilling of said well.

It is hereby mutually covenanted and agreed that whenever in the opinion of the Chief Engineer of the Railroad Company it shall be necessary or expedient to stop the work or any portion of it, the

RECORDED

POOR QUALITY ORIGINAL

MACROFILMED

Railroad Company shall have the right and power to stop said work and the Contractor shall be held liable for damages by reason thereof. The order to stop said work shall be made in writing, signed by the Chief Engineer and delivered to the Contractor on the work or at the Contractor's office or last known place of business, or to any person in charge of the work for the Contractor.

The work of drilling said well shall commence on or before June 28, 1917, and shall be prosecuted with diligence, to the end that said well shall be in operation at as early a date as practicable.

The well covered by this contract shall be drilled at such location and to such depth as may be determined by the said Chief Engineer, and whenever, in his opinion, said well has been drilled to such depth as to insure sufficient flow of water, the Contractor shall discontinue further drilling on such well.

The Contractor shall be responsible for the work until its final completion and acceptance by the Chief Engineer of the Railroad Company, and all possible precautions are to be taken to prevent its being injured while under Contractor's charge. Theft of material or any work damaged before acceptance by said Chief Engineer must be made good by the Contractor. The Contractor must also take all necessary precautions to prevent injury to persons or property, public or private.

The Contractor agrees and binds himself, his heirs and assigns, to indemnify and save harmless the Railroad Company from and against all manner of claims, damages, actions, suits, costs of action, debts, dues, liabilities, judgments and costs arising or that may hereafter arise

POOR QUALITY ORIGINAL

or be claimed, or that any in any way be predicated upon the fact of
or the destruction of any property whatsoever, and injured to or the
death of any persons whatsoever, caused or contributed to by the
drilling of said well, except insofar as such caused or directly con-
tributed to by the negligence of the Railroad Company, or its agents,
servants or employees; and further agrees, at the request of the Rail-
road Company, to defend, at his own sole cost and expense, any and
all suits or actions growing out of or predicated in any manner upon
any of the matters or things aforesaid.

IN WITNESS WHEREOF, the parties hereto have duly executed this
agreement the day and year first above written.

Witness:

Ag't L. G. Shriver Penna. Drilling & Const. Co.
Ag't C. B. Miller, Jr.
Contractor.

OREGON SHORT LINE RAILROAD COMPANY,

By (Signed) H. Y. Plaz
Vice-President & General Manager

Approved to Sign & Execution
(Signed) Geo. H. Smith
General Attorney J. L.

APPROVED

Ag't C. H. Stradley
General Attorney

3-1-17
3/1/17.

...Contract C. M. No. 3770, Audit No. 9557 - C. C. Wilson -
Drilling Deep Well at Quinsa, Idaho...

Salt Lake City, November 15, 1937.

Mr. Garfield:

Following to your letter of July 27th, 1937, in con-
nection with Cashier's Check No. 3-000100 of the National Bank
of Commerce, St. Louis, amount \$100.00, deposited by C. C. Wilson
as a guarantee for the faithful performance of work under Con-
tract C. M. No. 3735, deep well at Kanab, and which was to be
deposited to cover faithful performance of installation of deep well
at Quinsa under Contract 3730: 3780

The well at Quinsa has not been completed and well re-
ported that you volume check from this work and apply same to
Contract C. M. No. 3770, Audit No. 9557, with Mr. Wilson, covering
drilling of deep well at Quinsa.

POOR QUALITY ORIGINAL

cc - Mr. Garfield.

JHA:V.

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Lincoln } SS.

Melba Thorne, being first duly sworn, deposes and says that he is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, Lincoln County, 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 17 day of May

1983, and the date of the last publication was on the 26

day of May, 1983.

Melba Thorne

Subscribed and sworn to before me this 26

day of May, 1983
(SEAL)

Haugen Hagen
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice _____

Number of Insertions _____

_____ Lines tabular at 315c

76 Lines straight at 39 29.64
21c

76 Subsequent lines at 24 19.76
15c

TOTAL COST ... 49.40

COPY OF NOTICE

(Paste Here)

Water Rights
TITLE OF NOTICE

36-4205-37-4310

PLAINTIFF ATTORNEY

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:

37-4310

LAUGHLIN, MARVIN J.
RT. 1, SHOSHONE, ID 83352
Source: WASTE WATER trib. to BIG WOOD RIVER
Priority Date: 05/01/1902
Diversion Pt: NESE Sec 06 T 05S R 18E
Use: IRRIGATION (0.80 CFS)
In: NWNE Sec 07 T 05S R 18E FOR 40 ACRES

37-4309

EDLUND DOUGLAS P.
RT. 1 BOX 105, RICHFIELD, ID 83349
Source: GROUNDWATER
Priority Date: 01/01/960
Diversion Pt: SWSE Sec 13 T 04S R 19E
Use: STOCKWATER (0.02 CFS)
COMMERCIAL (0.01 CFS)
DOMESTIC (0.01 CFS)
In: SWSE Sec 13 T 04S R 19E

37-4308

PALACIO, TONY
RT. 1 BOX 104, SHOSHONE, ID 83352
Source: WASTE WATER trib. to MILNER GOODING CANAL
Priority Date: 03/15/1954
Diversion Pt: NENE Sec 33 T 04S R 16E
Use: IRRIGATION (1.60 CFS)
In: NENE SENE Sec 33 T 04S R 16E
NWNW Sec 34 T 04S R 16E FOR 45 ACRES

37-4307

OREGON SHORT LINE RAILROAD CO.
UNION PACIFIC RAILROAD CO.,
P.O. BOX 1592, POCATELLO, ID 83204
Source: GROUNDWATER
Priority Date: 11/01/1956
Diversion Pt: SWNW Sec 25 T 04S R 19E
Use: MUNICIPAL (0.15 CFS)

36-4205

OREGON SHORT LINE RAILROAD CO.
UNION PACIFIC RAILROAD CO.,
P.O. BOX 1592, POCATELLO, ID 83204
Source: GROUNDWATER
Priority Date: 05/04/1918
Diversion Pt: SESW Sec 05 T 07S R 23E
Use: STOCKWATER (0.06 CFS)
DOMESTIC (0.04 CFS)
In: SESW Sec 05 T 07S R 23E

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.

This
Right has been
Decreed in the
SRBA.

MICROFILMED
DEC 17 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3575

JUNE 14, 1983

RECORDED

POOR QUALITY ORIGINAL

OREGON SHORT LINE RAILROAD CO.
UNION PACIFIC RAILROAD CO.
P.O. BOX 1592
POCATELLO ID 83204

RE: Claim No. 37-4385

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm 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 have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

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

Yours truly,



ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

SCANNED
OCT 10 2003

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:

32-4305-

OREGON SHORT LINE RAILROAD CO.

UNION PACIFIC RAILROAD CO., P.O. BOX 1592, POCA TELLO, ID 83204

Source: GROUNDWATER

Priority Date: 08/01/1917

Diversion Pt: NESE Sec 06 T 06S R 13E

Use: MUNICIPAL (0.12 CFS)

In: NWSW SWSW SESW Sec 05 T 06S R 13E NESE SWSE SESE Sec 06 T 06S R 13E NENE
NWNE Sec 07 T 06S R 13E NENW NWNW Sec 08 T 06S R 13E

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

Published 5/18 & 5/25/83.

UNPROFITABLE

ok
merge

37-4305
OREGON SHORT LINE
RAILROAD CO.
UNION PACIFIC RAIL-
ROAD CO., P.O. BOX 1592,
POCATELLO, ID 83204
Source: GROUNDWATER
Priority Date: 08/01/1917
Diversion Pt: NESE Sec 06
T 06S R 13E
Use: MUNICIPAL (0.12
CFS)
In: NWSW SWSW SESW Sec
05 T 06S R 13E NESE SWSE
SESE Sec 06 T 06S R 13E
NENE NWNE Sec 07 T 06S R
13E NENW NWNW Sec 08 T
06S R 13E

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

MAY 6, 1983

Gooding County Leader
P.O. Box 56
Gooding, Idaho 83330

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JUNE 6, 1983.

Yours truly,

Mary R. Newby
Secretary

Encl.

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: LH

Right Number 37-4305 Applicant UPRR Co.

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 ADA Date 6/14/83

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By _____ Date _____

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

RECEIVED
APR 20 1983

Department of Water Resources
Southern District Office

INITIAL REVIEW BY: Ernest.

Right Number _____

Applicant U.P.R.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.
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☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received.
☒ Claim published correctly.
☐ Exceptions processed.

By _____

Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By RC

Date 6/27/83

RECEIVED
JUN 27 1983

Department of Water Resources