



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

March 1, 2004

Eric Wildman
Staff Attorney
SRBA District Court
P.O. Box 2707
Twin Falls, ID 83307-2707

Re: Partial Decree for Water Right No. 35-13120

Dear Eric,

The partial decree for uncontested water right no. 35-13120 was issued by the SRBA Court on November 17, 2000. Recently, IDWR discovered a clerical error in the recommendation and partial decree for this water right. The error is in the legal description of the point of diversion. The point of diversion was claimed as T2S R35E S14, but was recommended to the Court and subsequently partially decreed as T7S R35E S14. A copy of the claim and the partial decree are enclosed here for the Court's reference.

Due to the clerical nature of the error, IDWR suggests that the Court consider amending the partial decree issued for 35-13120 on its own motion pursuant to IRCP 60 (a).

Please call me if you would like to discuss this matter further. I can be reached at (208) 327-7900.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan".

Susan Hamlin Nygard
Deputy Attorney General
Idaho Department of Water Resources

Enclosures

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 35-13120

NAME AND ADDRESS: BRYCE SARGENT
LAURALYN SARGENT
843 ROBERT ST
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER
QUANTITY: 0.04 CFS

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

PRIORITY DATE: 12/31/1974

POINT OF DIVERSION: T07S R35E S14 SWSW Within Bingham County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Domestic 1 HOME 01-01 TO 12-31 0.04 CFS

PLACE OF USE: Domestic T02S R35E S14 SWSW Within Bingham County

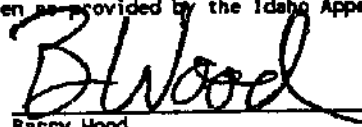
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.


Barry Wood
Administrative District Judge
Presiding Judge of the
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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. 135-13120
Date Received 15 AUG 96
Receipt Number E022481 JA/EC

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use Is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant(s) BRAYNE & LAURELYN SARGENT Phone (208) 785-5450
Mailing Address 843 Proberta Street, Blackfoot Zip 83201

2. Date of Priority (Only one per claim) Dec 31, 1974 Month/Day/Year

3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____
which is tributary to (b) _____ Name or kind of source

4. Location of point of diversion is: Township T2 South Range RANGE 35 E
Section 14 W $\frac{1}{2}$ of SW 1/4 of _____ 1/4, Govt Lot _____ B
County of Bingham

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the date of changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Well depth unknown, casing = 6" - 3/4" pump
depth 10 feet - drilled 1974

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from JANUARY 1 to December 31 amount 0.04 cfs
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 cfs

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) one household - no livestock

A portion of the ~~W&SW~~ of Section 14, Township 2 South, Range 35 E.B.M., Bingham County, Idaho, described as: Beginning at a point thence N. 00°25'00" W. 880.46 feet along the Section line and N. 80°35'00" E. 25 feet to the Easterly right-of-way of a County Road from the SW corner of said Section 14, which is the point of beginning; and running thence N. 00°25'00" W. 129.58 feet along said Easterly right-of-way; thence N. 87°53'00" E. 218.99 feet; thence S. 01°08'33" E. 132.23 feet; thence S. 88°35'00" W. 220.49 feet to the point of beginning. SW 1/4 SW 1/4

10. Place of use is: Township: T2 South Range 35 EAST T02S R35E
Section 14 W 1/2 of SW 1/4, Gov. Lot _____ B.M. S241 S244

for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Bingham

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
(X) None or NONE

14. Remarks: 317 North 200 West Blackfoot Idaho 83201
above address is the location of well

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments 1 (legal description)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Floyd Bruce Sargent Date 8-14-96
Lauralyn Sargent Date 8-14-96

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____ Organization _____ that I have signed the foregoing
document in the space below as _____ of _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____
Title and Organization _____

State of Idaho/or _____)
County of _____) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 14th day of August 19 96

SEAL

Notary Public [Signature]
Residing at Blackfoot
My Commission Expires 10/21/97

Last Name Day Ident No. n/a
Copies: White-State, Yellow-Claimant