

RECEIVED

NOV 15 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM

Water Right Number(s): 47-129B

Previous Mailing Address: STATE OF IDAHO DEPT OF EDUCATION
IDAHO HISTORICAL SOCIETY
610 N JULIA DAVIS DR. BOISE, ID. 83702

New Mailing Address: IDAHO STATE HISTORICAL SOCIETY
2445 OLD PENITENTIARY ROAD
BOISE, IDAHO 83712

Telephone Number: (208) 334-2844

Signature of all Claimant(s): Milan P. Kouch
Please print your name below your signature.
MILAN P. KOUCH
HISTORIC SITES SUPERVISOR.

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177

Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701

SS
ADDRESS FM.doc
Revised 12/3/04

IDWR Use Only:
Data Entry: _____

Date: _____

11/02/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 47-129B

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF EDUCATION
IDAHO HISTORICAL SOCIETY
610 N JULIA DAVIS DR
BOISE ID 83702

SOURCE: ROCK CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.010 CFS

PRIORITY DATE: 04/15/1882

POINT OF DIVERSION:

T11S R18E S23 NWNWNW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.010 CFS

PLACE OF USE: IRRIGATION Within TWIN FALLS County

T11S R18E S23 NWNW 1.0

1 ACRES TOTAL

Right Nos. 47-129B and 47-130B are limited to the irrigation of a combined total of 1 acre in a single irrigation season.

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

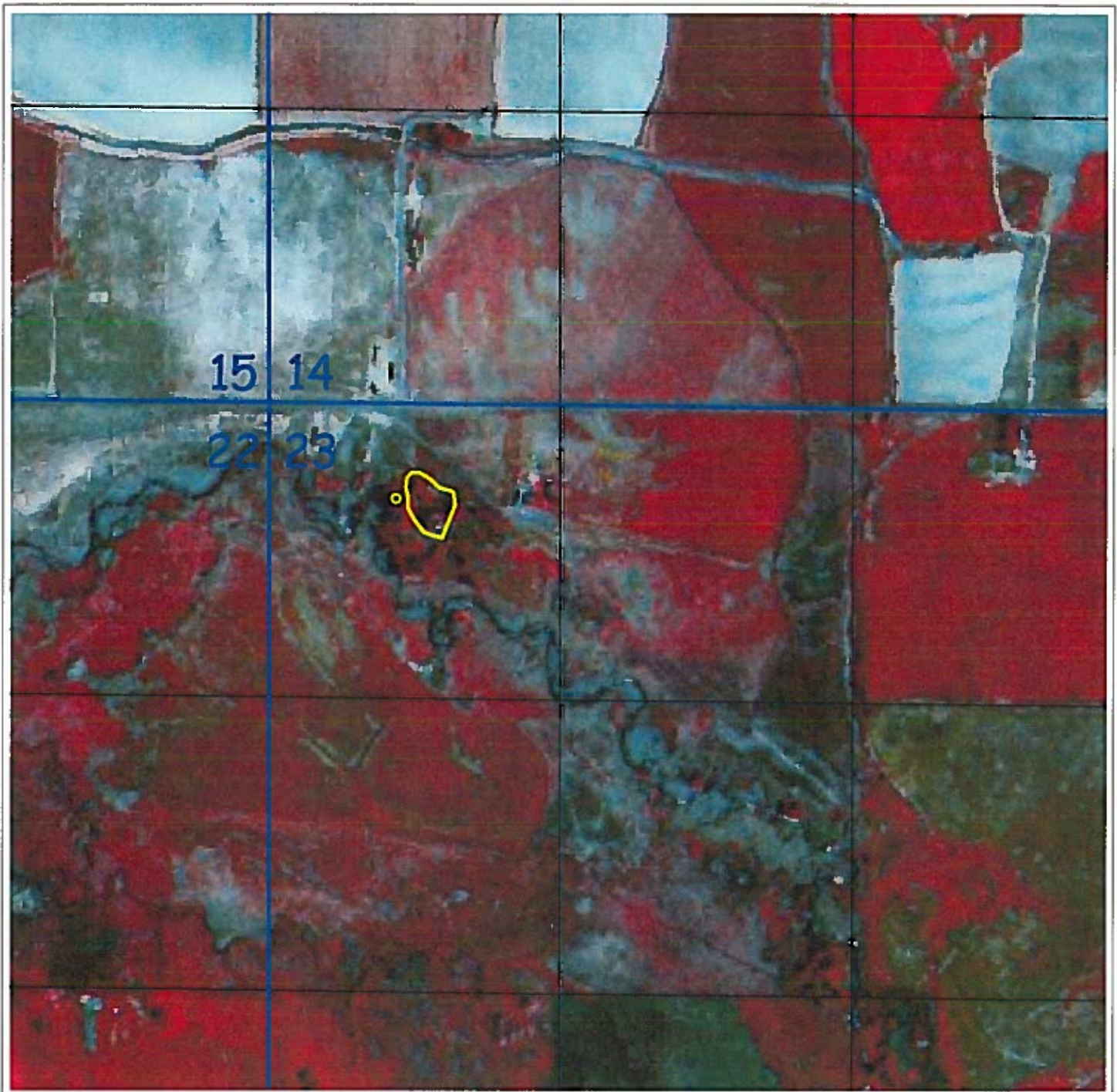
Idaho Department of Water Resources

Right(s): 47-129B & 47-130B

Recommended Place of Use

TWP 11S RNG 18E S23

Prepared September 1, 2005



660 0 660 1320 Feet



-  Recommended Point of Diversion
-  Recommended Place of Use
-  Section Lines
-  Quarter Section Lines

GIS Place of Use Presentation
1987 NAPP Aerial Photography

Prepared by Amanda Kriwox

08/30/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: See cover letter

Water right number: 47-129B

STATE OF IDAHO
DEPT OF EDUCATION
IDAHO HISTORICAL SOCIETY
610 N JULIA DAVIS DR
BOISE ID 83702
Telephone Number: (208)334-2682

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 15 NOV 2006

SIGNATURE: Milan P. Kovach

Please print your name: MILAN P. KOVACH

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

09/01/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 47-129B

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF EDUCATION
IDAHO HISTORICAL SOCIETY
610 N JULIA DAVIS DR
BOISE ID 83702

SOURCE: ROCK CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.010 CFS

Right Nos. 47-129B and 47-130B are limited to a total combined diversion rate of 0.02 cfs.

PRIORITY DATE: 04/15/1882

POINT OF DIVERSION:

T11S R18E S23 NWNWNW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.010 CFS

PLACE OF USE: IRRIGATION Within TWIN FALLS County

T11S R18E S23 NWNW 1.0

1 ACRES TOTAL

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

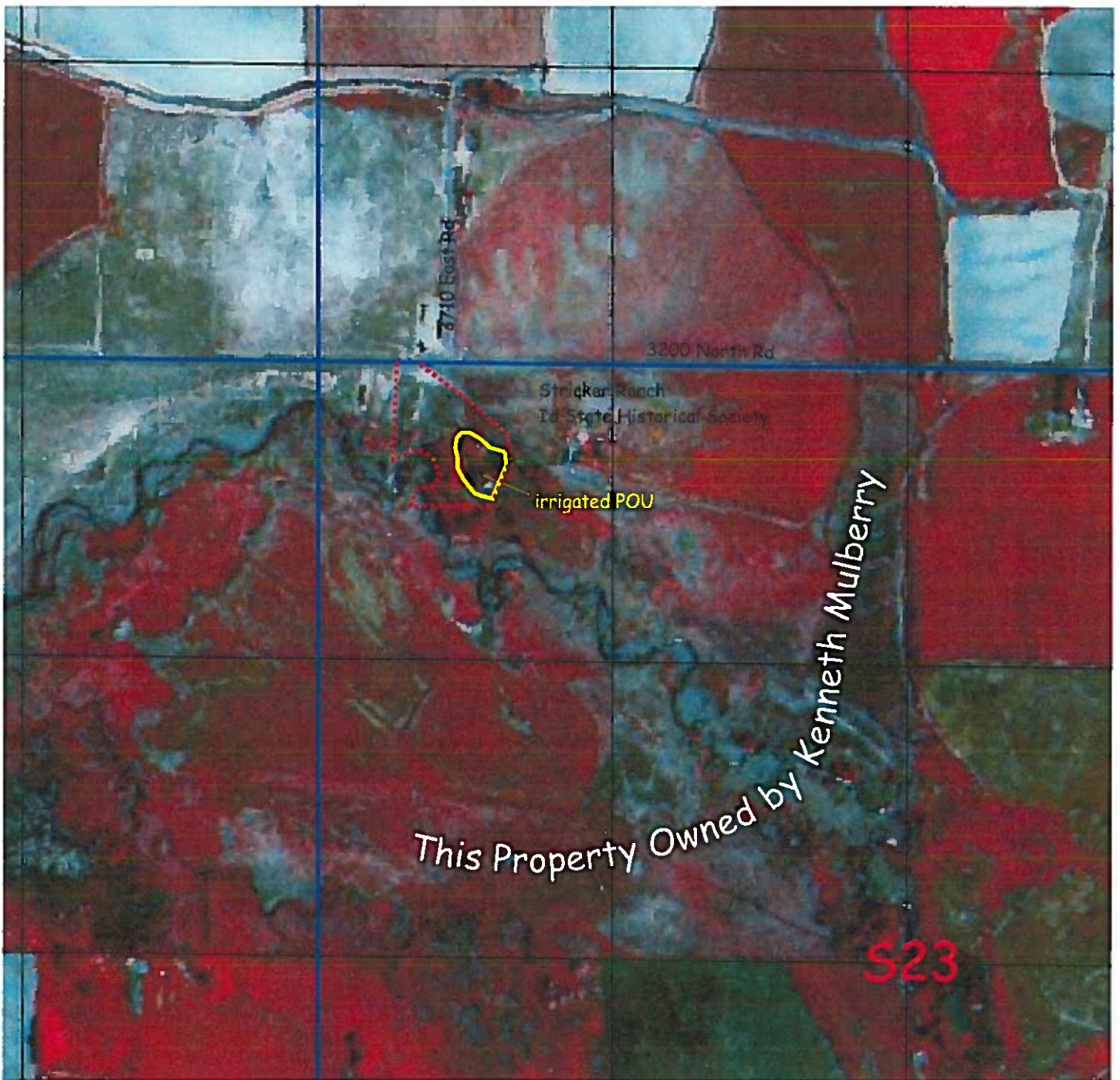
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

DRAFT

I did not see any notes on how the P/u was calculated other than sis. In general I don't have a problem with your shape but where you cut it down I generally like some claimant contact info.

It can wait till NOE to confirm the P/u.

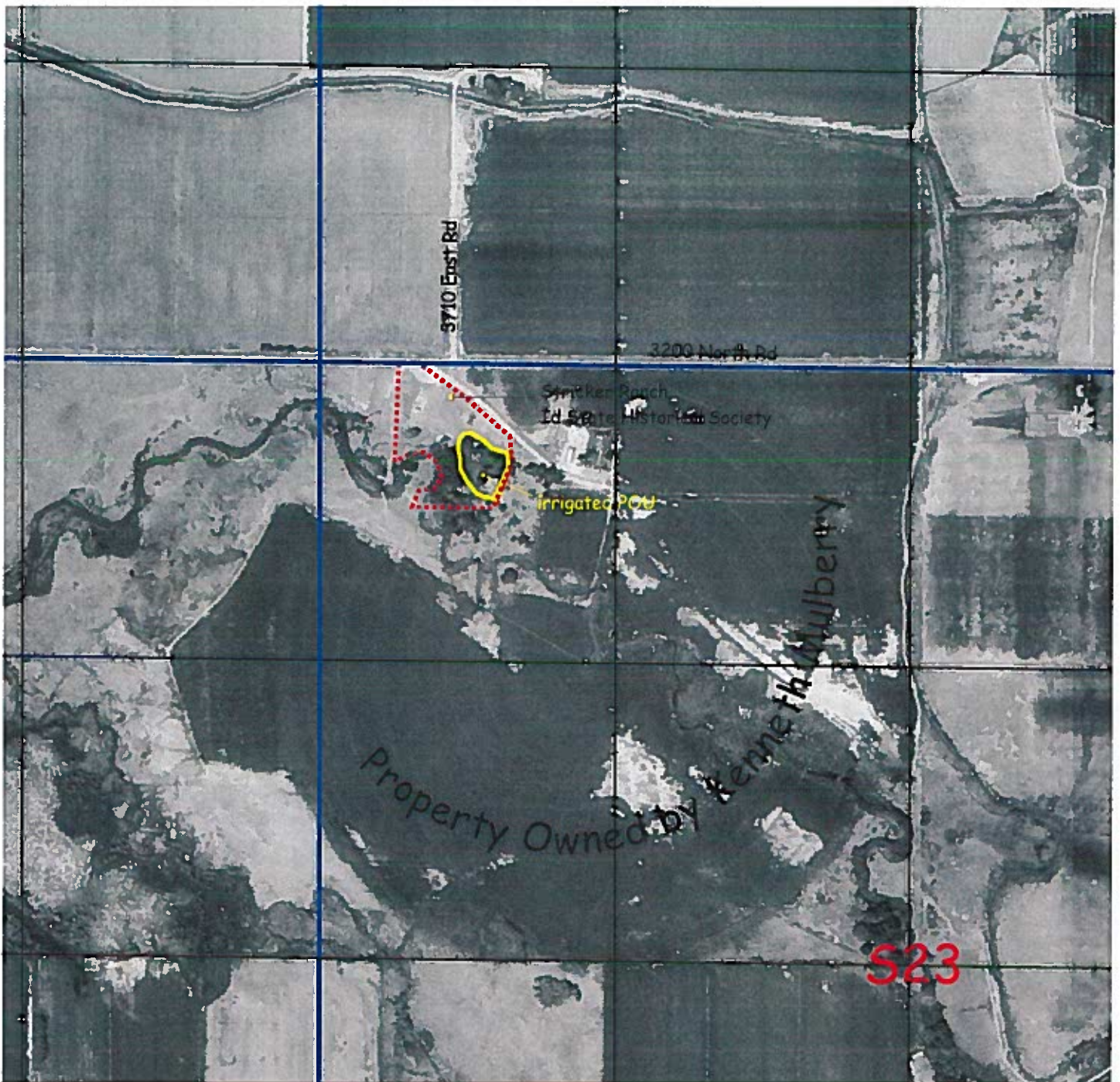


* GPS the pod... try to get a date
for when this was transferred from
the decreed location @ the
NESW & SESE of S23

1987 imagery



2004 Imagery



1992 imagery

* GPS the pod... try to get a date
for when this was transferred from
the decreed location @ the
NESW & SESE of S23

Decree $\rightarrow$ Norton vs Garity

4-15-1882

Rock Creek

Decree For: 0.40 cfs irrigation + domestic

WR pod $\rightarrow$ 11 S 18 E S23 NE SW + SE SE

Claim: 2 acres @ 0.01 cfs

irrigation 4-1 to 10-31 $\rightarrow$ change to 3-15 to 11-15

did not claim pod from WR...

$\rightarrow$ letter (1999) poss. supports acc. trans
of pod w/ 4 hrs (from now) ago.

GIS $\rightarrow$ 1 acre of irrigation

OK to use 0.01 cfs

* Appears to be an acc. transfer of pod.

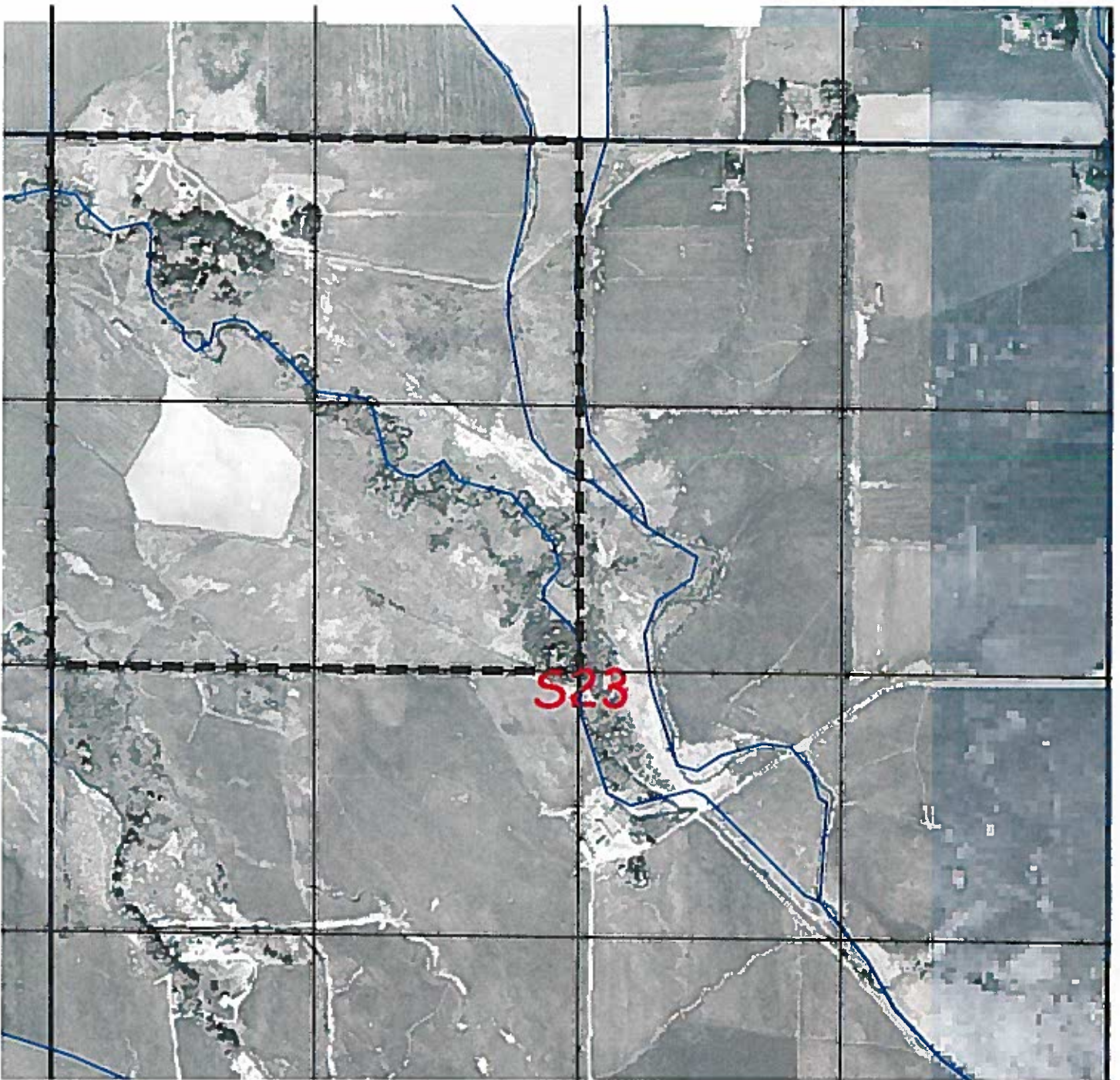
$\rightarrow$ needs gpsed

A47-129 & A47-129B



1969 imagery

A47-129 & A47-129B

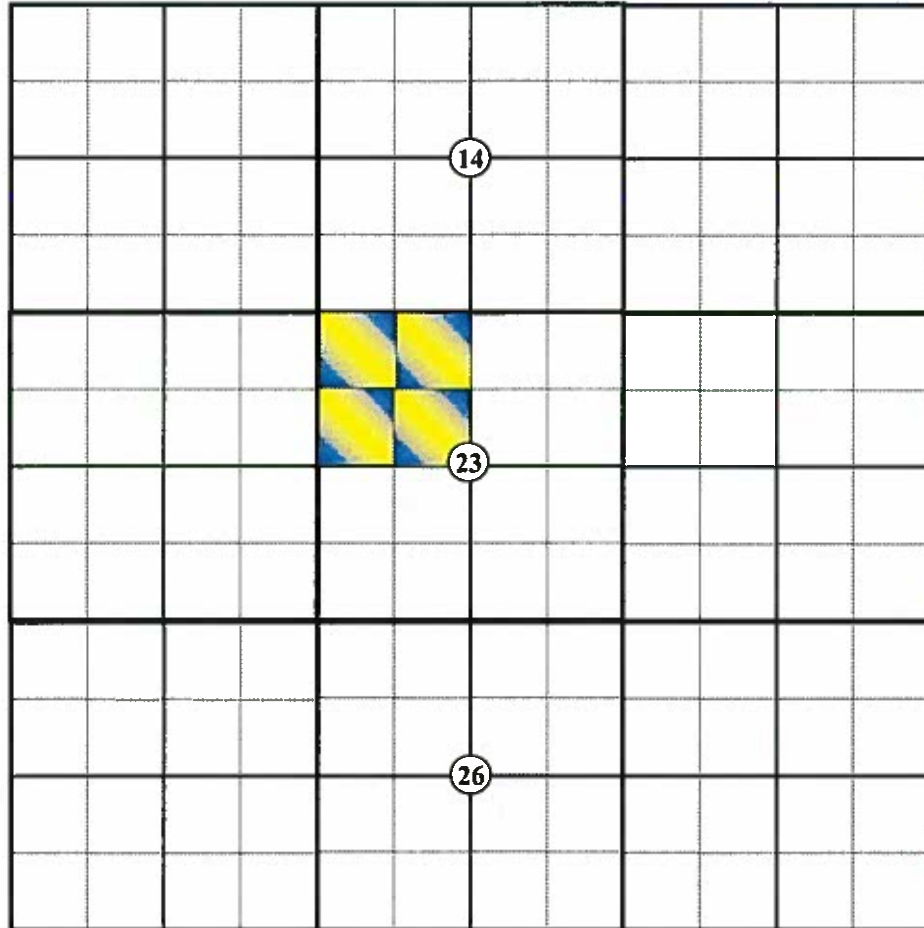


"... April 15, 1882... 20" ($20 \times .02 = 0.40\text{cfs}$)
for irrigation and domestic purposes...
NW $\frac{1}{4}$ of 11S 18E S23..."

1964 imagery

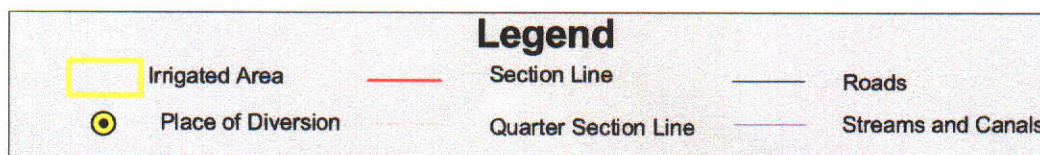
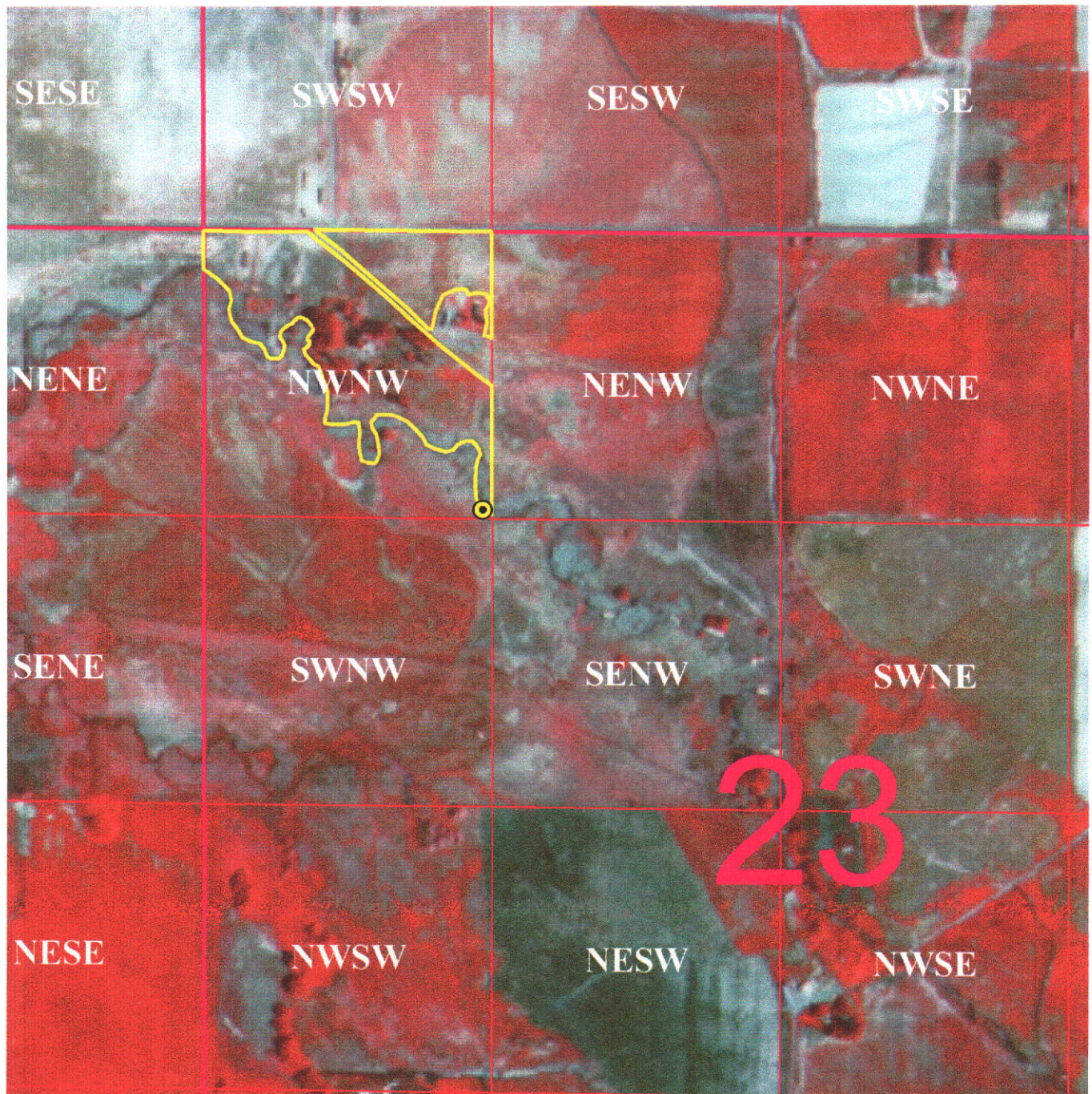
47-129 Decree Norton vs Garrity

"... April 15, 1882... 20" ($20 \times .02 = 0.40\text{cfs}$) for irrigation and domestic purposes...
NW $\frac{1}{4}$ of 11S 18E S23..."



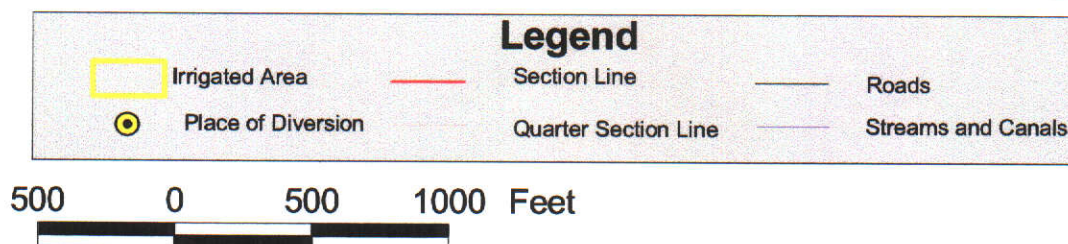
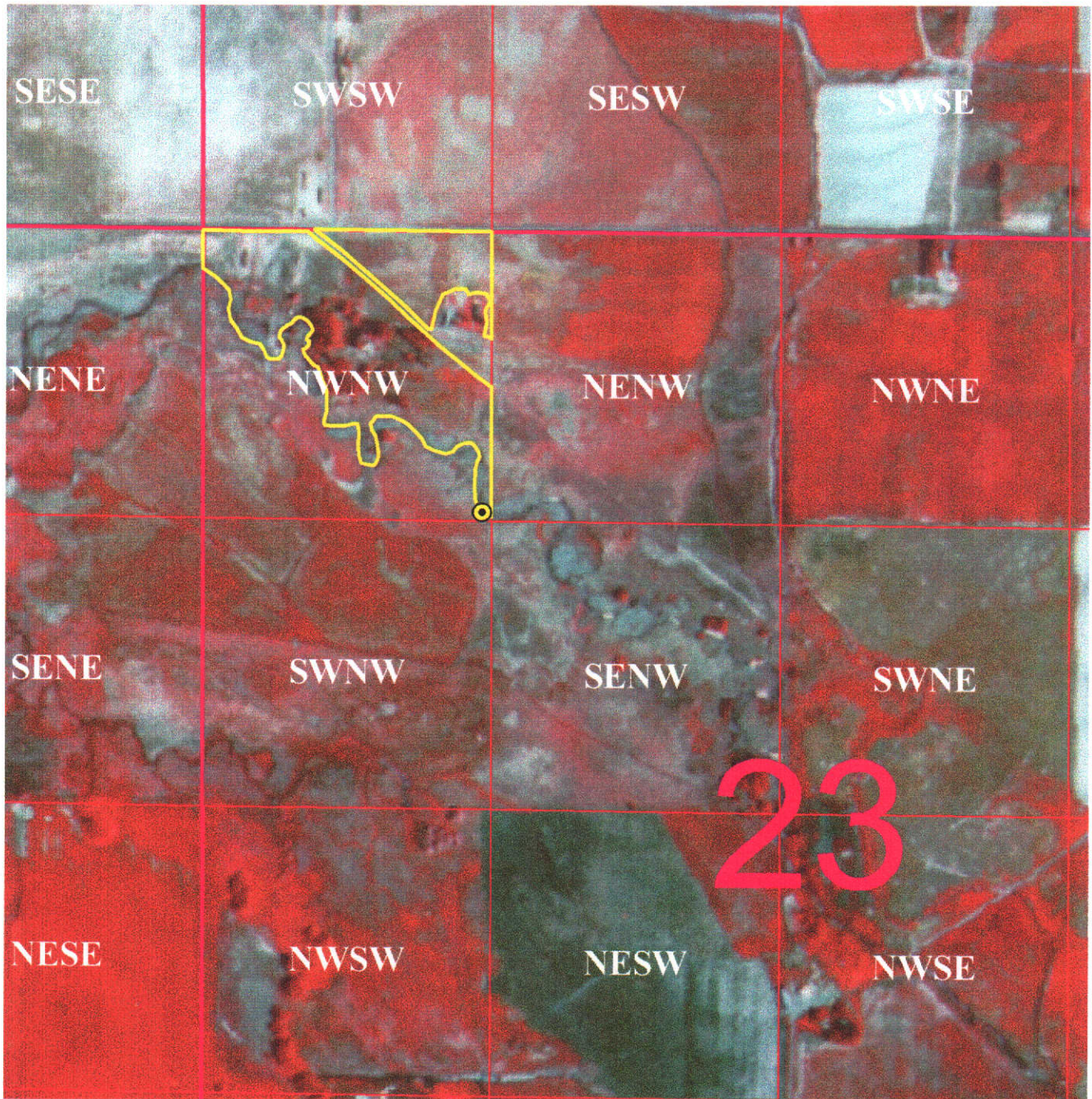
10/12/2000

Water Right Claim Number A47-00129B and A47-00130B
Township , 11S18E



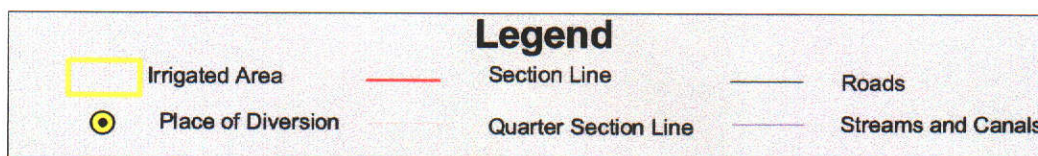
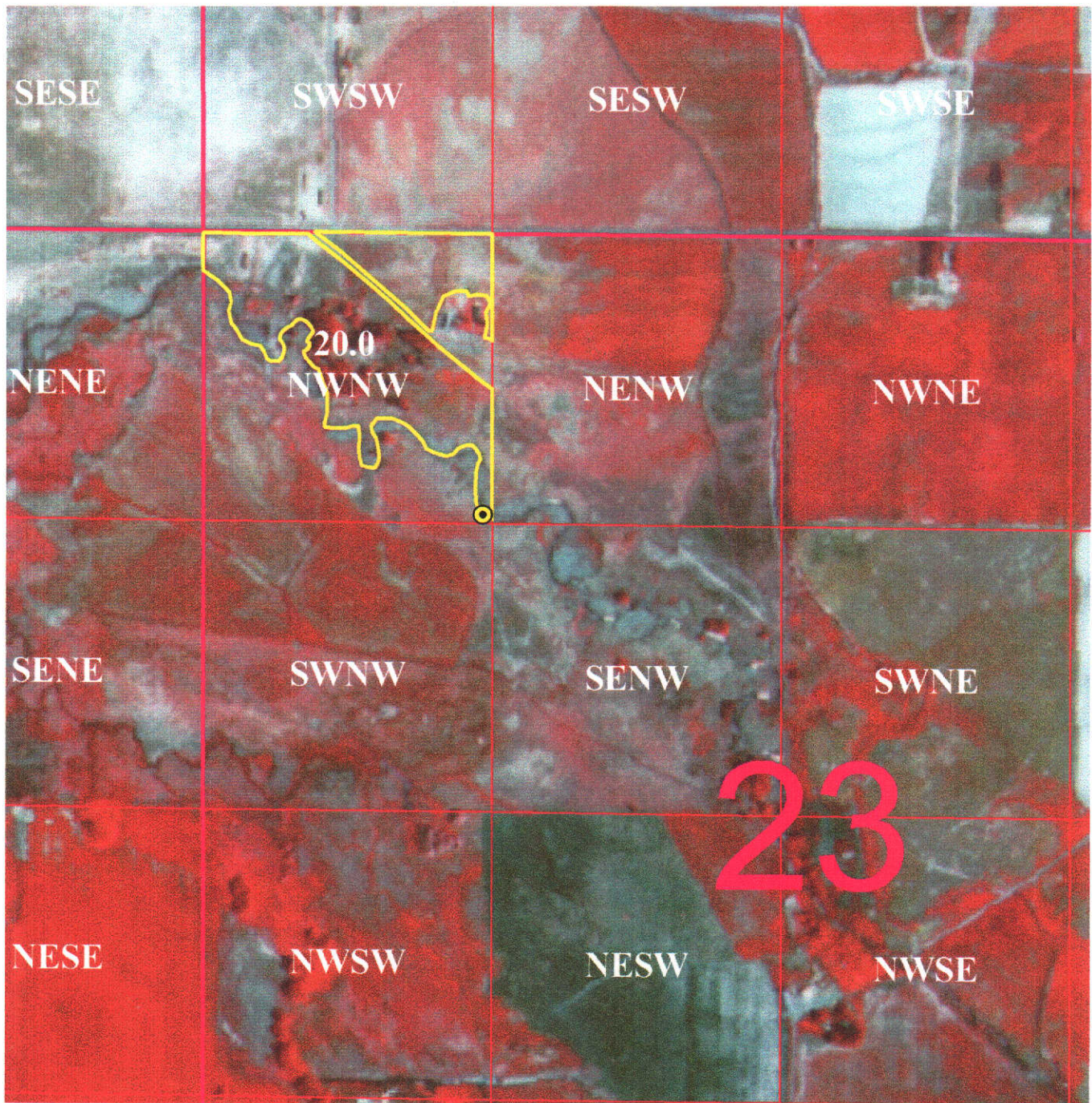
10/12/2000

Water Right Claim Number A47-00129B and A47-00130B
Township , 11S18E



10/12/2000

Water Right Claim Number A47-00129B and A47-00130B
Township , 11S18E



RECEIVED

JUL 21 1998

Department of Water Resources

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

Ident. Number: A47-00129B

Date Received: 7/20/1998

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IDAHO STATE HISTORICAL SOCIETY 208-334-2682
Address: 1109 MAIN ST
BOISE ID 83702

2. Date of Priority: APR 15, 1882

3. Source: ROCK CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	18E	23	NW	NW			TWIN FALLS

5. Description of diverting works:
PUMP IN ROCK CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.010		

7. Total Quantity Appropriated is:
0.010 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	18E	23	NW	NW		IRR	2.0
Section Acres							2.0
Total Acres							2.0

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
47-00130B AND 47-02478B

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand 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: _____

For Organizations:

I do solemnly swear or affirm that I am _____ Director _____ of _____ Title

Idaho State Historical Society, that I have signed the foregoing
Organization

document in the space below as _____ Director _____ of _____ Title

Idaho State Historical Society and that the statements contained in the
Organization
foregoing document are true and correct.

Shirley R. Stiles
Signature of Authorized Agent

Director / Id. St. Historical Soc.
Title and Organization

July 21, 1998
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 21st day

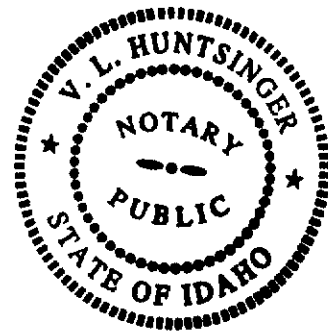
of July 19 98

V.L. Huntsinger
Notary Public

Seal

Residing at Baino Idaho

My Commission Expires 12022000





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

July 31, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Steve Guerber, Director
Idaho State Historical Society
1109 Main St
Boise ID 83702

RE: Snake River Basin Adjudication (SRBA) Claim Nos. A47-02478 & A47-02478B

Dear Mr. Guerber:

Enclosed you will find the above to referenced Notice of Claims. IDWR's agent, Carter Fritschle, has reviewed the claims your agency submitted on July 20, 1998 and found only a portion of claim A47-02478 should be claimed by your agency. The original claim for this right is therefore being returned to you. In addition, a split right has been issued, A47-02478B which is your portion of the original claim. If you would please complete the signature portion of A47-02478B and return to this office we can proceed with the processing of all of the water rights in this matter. For your information A47-00129B and A47-00130B are being processed currently.

You will soon be receiving a billing for electronic transfer of funds for filing fees on the three(3) claims filed. You will also receive a copy of the Request for Extension of Time as soon as the appropriate action has been taken by the SRBA Bureau Chief.

If you have any further questions regarding this matter please do not hesitate to call our me at 327-7931.

Yours truly,

D. M. 1.4
7-21-98

Phil

Danni

Please return A47-02478
(it's not their claim) and
have them sign & return
A47-02478B. Ask Debbie
Allen if this will begin
electronic transfer for the
claim fees. Thanks, Danni

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Idaho State Historical Society (208) 334-2682
Name of Claimant Phone Number
1109 Main Street Boise Idaho 83672
Mailing Address City State Zip
Twin Falls September 1984
County(s) where place of use is located Date claim originally due
A47-00129B, A47-00130B, A47-0247B (A47-0247B)
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:
When the property was donated to the Historical Society, we assumed that the water
right would automatically transfer to us. We did not realize until recently that a
file transfer was required.

Claimant requests an extension to 22 July, 19 98
Steve Guebert July 21, 1998, 19 98
Signature Date of request
Director / Id. St. Historical Society
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [X granted] [_____ denied] for the following reasons:

and if granted the filing deadline is extended to October 1, 19 98
Signed this 5th day of August, 19 98

Dana R. Tuttle
Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706



**DO
NOT
FILM**

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

09/09/99 09:55:46
Page 1

Water Right Number - A47-001298

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
IDAHO STATE HISTORICAL SOCIETY

1 - 1109 MAIN ST
2 -
3 -
City- BOISE State- ID Zip- 83702
Phone - 208-334-2682

*** O - ORIGINAL OWNER ***
STRICKER

HERMAN

1 -
2 -
3 -
City- X State- ID Zip- 0
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/15/1882 17 SOUTHERN D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
ROCK CREEK SNAKE RIVER

TwN	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name
11S	18E	23	NW NW			(83)	TWIN FALLS	

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	0.010	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.010 0.0

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
11S	18E	23	NW NW		2.0	01	IRRIGATION	(83) TWIN FALLS

Total Acres: 2.0

+ - - Diversion Means - PUMP IN ROCK CREEK

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 47-00130B AND 47-02478B

+ - - - - - Remarks - - - - - +
No Remarks found.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

09/09/99 09:56:28
Page 2

Water right number - A47-001298

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 07/23/98 CFRITSCH

+ - - - - Comments - - - - - +
No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 07/23/1998	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- C042930	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of Error Flag	-

Water Right Number - A47-00129

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
KEN MULBERRY ENTERPRISES1 - PO BOX H
2 -
3 -
City- KIMBERLY State- ID Zip- 83341
Phone - 208-423-5556

*** L - LEINHOLDER ***

MUTUAL LIFE INSURANCE CO OF NEW YORK THE

1 - ATTN DAVID M BROWN SR COUNSEL
2 - 5650 MEXICO RD #15
3 -
City- ST PETERS State- MO Zip- 633761696
Phone - 636-447-5600+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/15/1882 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
ROCK CREEK SNAKE RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name
11S 18E 23 NE NE SW (83) TWIN FALLS
NW SE SE (83) TWIN FALLS+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.400
04 - STOCKWATER 03/15 11/15 0.070+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.400 194.40 194.4+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
11S 18E 14 NE NW 23.0 01 IRRIGATION (83) TWIN FALLS
11S 18E 14 NW NW 39.0 01 IRRIGATION (83) TWIN FALLS
11S 18E 14 SW NW 40.0 01 IRRIGATION (83) TWIN FALLS
11S 18E 14 SE NW 23.0 01 IRRIGATION (83) TWIN FALLS
11S 18E 14 NE SW 34.0 01 IRRIGATION (83) TWIN FALLS
11S 18E 14 NW SW 40.0 01 IRRIGATION (83) TWIN FALLS
11S 18E 14 SW SW 38.0 01 IRRIGATION (83) TWIN FALLS
11S 18E 14 SE SW 38.0 01 IRRIGATION (83) TWIN FALLS
11S 18E 15 NE NE 39.0 01 IRRIGATION (83) TWIN FALLS
11S 18E 15 SW NE 40.0 01 IRRIGATION (83) TWIN FALLS
11S 18E 15 SE NE 40.0 01 IRRIGATION (83) TWIN FALLS
11S 18E 15 NE SE 40.0 01 IRRIGATION (83) TWIN FALLS
11S 18E 15 NW SE 39.0 01 IRRIGATION (83) TWIN FALLS
11S 18E 15 SW SE 39.0 01 IRRIGATION (83) TWIN FALLS
11S 18E 15 SE SE 35.0 01 IRRIGATION (83) TWIN FALLS
11S 18E 22 NE NE 6.0 01 IRRIGATION (83) TWIN FALLS

Prefix Translation: ADJUDICATION CLAIM

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 12/22/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

09/09/99 09:59:08
Page 1

Water Right Number - 47-00129

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
STRICKER

HERMAN

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/15/1882 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
ROCK CREEK SNAKE RIVER

Tw	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
11S	18E	23	NE SW SE SE			(83) TWIN FALLS (83) TWIN FALLS				

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01	IRRIGATION					
43	DOMESTIC				0.400	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.400 0.0

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
11S	18E	23	NE NW			01	IRRIGATION	(83) TWIN FALLS
11S	18E	23	NW NW			01	IRRIGATION	(83) TWIN FALLS
11S	18E	23	SW NW			01	IRRIGATION	(83) TWIN FALLS
11S	18E	23	SE NW			01	IRRIGATION	(83) TWIN FALLS

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +

GEN P/D NOT GIVEN IN DECREE BUT VERIFIED BY WATERMASTER.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

09/09/99 09:59:08
Page 2

Water right number - 47-00129

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
A. D. NORTON ET AL PATRICK GARRITY ET AL 03/19/1892

+ - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - 02/11/86 05/28/88 CONVERT 02/08/98 CLEARFLD

+ - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 05/06/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 470
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Presumption Flag -	Name Connector -	POU Ownership Flag-
SRBA Decreed Flag -		



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

9/14/1999

KEN MULBERRY ENTERPRISES
PO BOX H
KIMBERLY ID 83341

RE: ROCK CREEK WATER RIGHT DECREES 47-00130^R & 47-00129^B

Dear Sirs,

Please be advised that there are competing SRBA claims filed against the original decree awards for the above referenced rights. These rights are for a total of 1.0 cfs for use within the NW 160 acres in Sec 23 T11S R18E. Copies of the Water Right and Adjudication Claim computer records for each user and right are attached for your reference.

I am writing to each claimant requesting information relative to ownership and historic (many decades ago) water usage. Warranty Deed chain of title may be one element of vital information to help settle the ownership issue. Affidavit(s) from individuals with first hand knowledge of water right usage under these specific rights may also be helpful.

This information is requested to assist IDWR in providing guidance to the watermaster, Chuck Helman, and in reviewing and recommending these claims to the SRBA Court. In the absence of corroborative information from each claimant IDWR will make conclusions based on the information at hand and best legal interpretation.

Please forward information to this office at your earliest convenience. Questions may be directed to Allen Merritt, Regional Manager, or me.

Sincerely,

Douglas Jones, PE
Water Rights Supervisor
Southern Adjudication Unit

Cc: Chuck Helman

Idaho State Historical Society
1109 Main St
Boise Id 83702

47-00130B



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

9/14/1999

KARL J. DREHER
DIRECTOR

IDAHO STATE HISTORICAL SOCIETY
1109 MAIN ST
BOISE ID 83702

RE: ROCK CREEK WATER RIGHT DECREES 47-00130 & 47-00129^b

Dear Sirs,

Please be advised that there are competing SRBA claims filed against the original decree awards for the above referenced rights. These rights are for a total of 1.0 cfs for use within the NW 160 acres in Sec 23 T11S R18E. Copies of the Water Right and Adjudication Claim computer records for each user and right are attached for your reference.

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Sincerely,

Douglas Jones, PE
Water Rights Supervisor
Southern Adjudication Unit

Cc: Chuck Helman

KEN MULBERRY ENTERPRISES
PO BOX H
KIMBERLY ID 83341

47-00129B



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

October 18, 1999

Douglas Jones, PE
Water Rights Supervisor
Southern Adjudication Unit
State of Idaho
Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380

RECEIVED
OCT 20 1999
Department of Water Resources
Southern Region

Re: Idaho State Historical Society Water Rights 47-00129^B and 47-00130

Dear Mr. Jones:

Enclosed are copies of two documents. The first is a quit claim deed dated February 2, 1979; the second is a trustee's deed dated September 24, 1984. It is the second of these documents, which conveys title to the Stricker ranch site (Ranch) to the Idaho State Historical Society (Society).

The information that I have been provided indicates that the Society has been diverting property from Rock Creek and applying it to beneficial use on the Ranch property for over 17 years. The Society applied for and received the necessary permits at that time and has been paying the bill for the water that it has used.

More recently, an individual named Mulberry obtained property that abuts the Ranch parcel. Apparently Mulberry diverted water from Rock Creek for use on his property. Ostensibly, after Mulberry acquired the property he altered the Rock Creek streambed and channel, an action that has drawn the attention of both the Army Corps of Engineers and the Department of Fish and Game.

I understand that the Stricker family diverted water and used it on the Ranch site for many years prior to the time that the property was deeded to the Society. Mr. Swanson has indicated that there are several neighbors, including Glen Young, who would be willing to attest to this diversion and use as well as to the Society's diversion and use. If you wish to have this information in the form of an affidavit or other format, please let me know.

Douglas Jones
October 18, 1999
Page 2

In your letter of October 7, 1999, you inquired as to the inter-relationship between the various agency individuals who might have information concerning the topic. Please be advised that Ken Swanson is the Historical Sites Manager for the Society. Any questions concerning the Ranch property and related issues, including water rights, should be referred directly to Ken. His telephone number is (208) 334-2120.

As the attorney for the Society, I will be working with Ken. If you have questions that are not fact-specific regarding the property, or other issues with which I can assist, please don't hesitate to call.

In addition to Mulberry, you may also have me or know of the current tenant on the property, Bruce Bacon. Mr. Bacon is the Ranch site caretaker. Mr. Bacon is not an employee of the Society, he is not a representative of the Society and has no authority to speak for or represent the Society in any capacity. Any questions concerning Mr. Bacon or the Ranch site should be referred directly to Ken Swanson.

Please feel free to contact Ken with any additional questions concerning the factual basis for the Society's claim. In the meantime, if there are issues with which I may assist you, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kay C. Manweiler', written over a large, stylized circular flourish.

KAY C. MANWEILER
Deputy Attorney General
Contracts & Administrative Law Division

KCM:blm

Enc: Trustee's Deed; Quit Claim Deed

c w/o enc.: Steve Guerber, Director, Idaho State Historical Society
Ken Swanson, Historic Sites Manager, Idaho State Historical Society

RECEIVED

OCT 20 1999

Department of Water Resources
Southern Region

TRUSTEE'S DEED

THIS INDENTURE, made this 28th day of September, 1984, at Twin Falls, Idaho, by and between CLIFTON A. HAYNES, Trustee of the Trust Estate of Lucy G. Stricker, deceased, of Twin Falls, County of Twin Falls, State of Idaho, the party of the first part, and THE IDAHO STATE HISTORICAL SOCIETY, 325 West State Street, Boise, Idaho, the party of the second part,

W I T N E S S E T H :

THAT, WHEREAS, Clifton A. Haynes, Trustee of said Trust Estate of Lucy G. Stricker, deceased, filed his Petition with the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, Magistrate Division, in the matter of the Testamentary Trust of Lucy G. Stricker, deceased, praying for an Order from said Court authorizing him as such Trustee to convey to the party of the second part herein the real property and improvements located thereon in said Petition and hereinafter described, for the purpose of expending time and money on the repair of a home and a two-room log cabin and store building located on said premises to preserve the same to honor the memory of Herman Stricker and Lucy G. Stricker and for the public interest as a historical site; and

WHEREAS, said Petition came on for hearing in the Courtroom in the Twin Falls County Judicial Building, Twin Falls, Idaho, on the 1st day of August, 1984, and upon proof that notice of the time and place of said hearing and notice that prior to or at the time of said hearing objections

could be made to said Petition had been duly and regularly served on Blythe Haynes, daughter of said deceased, and Clifton A. Haynes, Herman Maurice Haynes, Lucille Boam, Dorothy Rarick, Shirley Puckett, Helen Sanchez, Candice Hall Evans, Cynthia Hall Rhyne, Lee Hall, Christine Hall Gathright, Cathy Hall Walcott and Norma Werry, grandchildren of said deceased; and

WHEREAS, on said 1st day of August, 1984, no one appeared in opposition to said matter and on said date the said Clifton A. Haynes appeared personally and testified in support of the allegations set out in said Petition, and the said Blythe Haynes, daughter of the said Herman Stricker and Lucy G. Stricker, appeared in person and testified in support of the allegations set out in said Petition; and

WHEREAS, the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, Magistrate Division, on the 1st day of August, 1984, make an order authorizing said Trustee to make conveyance of said real property and improvements, and to make, execute and deliver to said party of the second part, Trustee's Deed, a certified copy of which order having been recorded in the office of the County Recorder of Twin Falls County, State of Idaho, within which the real estate is situated, on the 28th day of September, 1984, which said order is now on file and of record in said Recorder's Office and which is hereby referred to and made a part of this

instrument;

NOW, THEREFORE, the said Clifton A. Haynes, Trustee of the party of the first part, pursuant to the Orders last

aforesaid of the said District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, Magistrate Division, ~~for and in consideration of the Idaho State Historical Society~~, as aforesaid, the ~~party of the second part~~, expending time and money on the repair of the Stricker home and two-room log cabin and store building located on said premises hereinafter described to preserve the same and to honor the memory of Herman Stricker and Lucy G. Stricker and for the public interest as a historical site, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the said party of the second part, its successors and assigns, all the right, title, interest and estate of the said Lucy G. Stricker, deceased, in and to that certain real estate situated in Twin Falls County, State of Idaho, and described on Exhibit "A", attached hereto and made a part hereof.

TO HAVE AND TO HOLD all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, its successors and assigns, for a historical site as long as the same is used by the party of the second part for such purpose, but when such use is discontinued or the above covenants, conditions and restrictions violated by the party of the second part, its successors or assigns, said land above described shall revert to the surviving heirs of the said Herman Stricker and Lucy G. Stricker, subject to the Testamentary Trust created by the said Lucy G. Stricker.

IN WITNESS WHEREOF, said party of the first part,
Trustee of the Trust Estate of Lucy G. Stricker, deceased,
as aforesaid, has hereunto set his hand and seal the day
and year first above written.

Clifton A. Haynes
Trustee of the Trust Estate of
Lucy G. Stricker, deceased.

STATE OF IDAHO)
 : ss.
County of Twin Falls)

On this 28th day of September, 1984, before
me, the undersigned, a Notary Public in and for said State,
personally appeared CLIFTON A. HAYNES, known or identified
to me to be the person whose name is subscribed to the
within instrument as Trustee of the Trust Estate of Lucy
G. Stricker, deceased, and acknowledged to me that he
executed the same as Trustee of the Trust Estate of Lucy
G. Stricker, deceased.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my official seal the day and year in this
certificate first above written.

Esther Dopp
Notary Public for Idaho,
Residing at Twin Falls, Idaho.

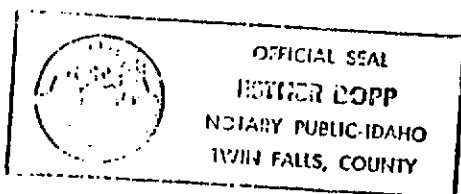
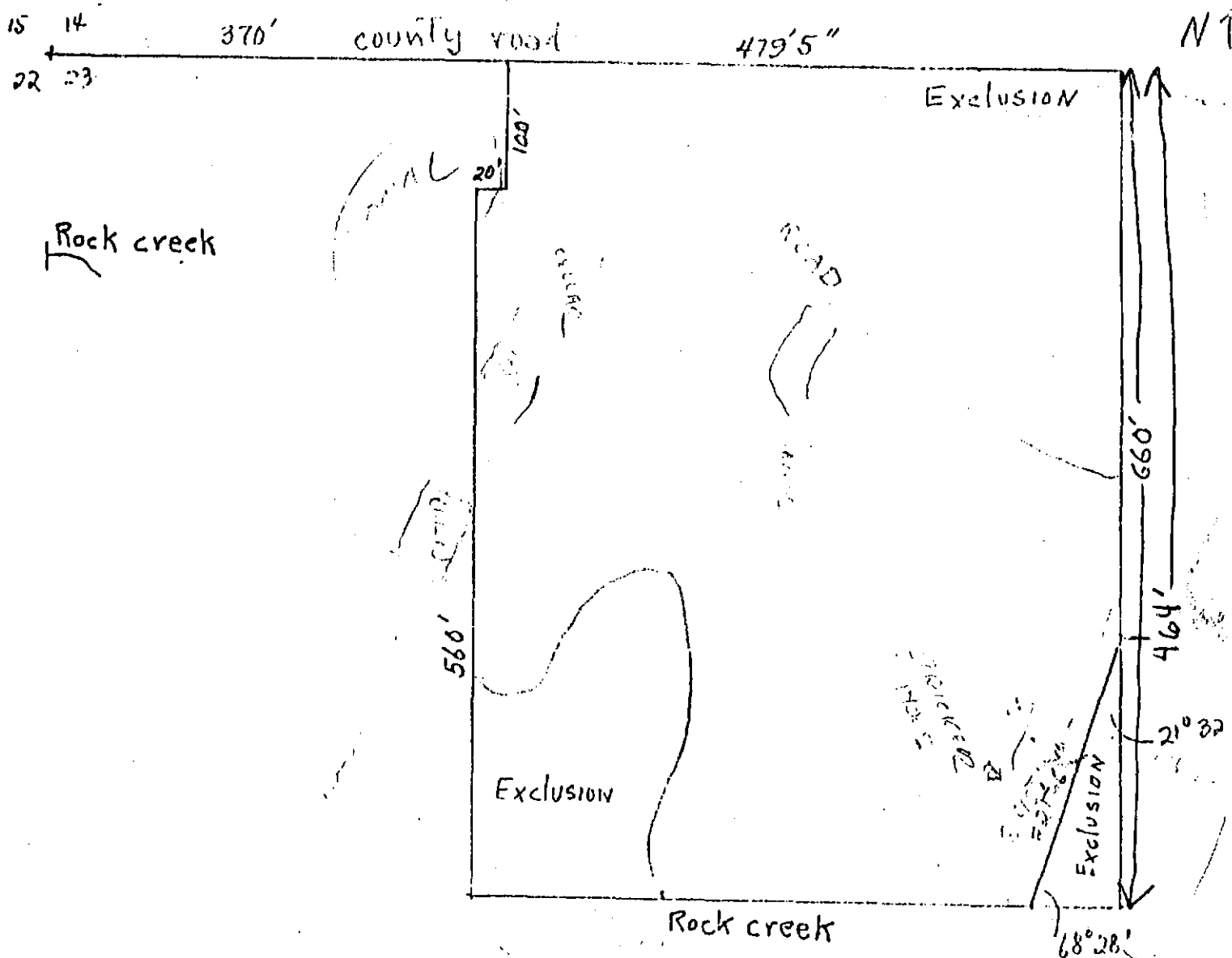


EXHIBIT "A"

A parcel of land in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 11 South, Range 18 East, Twin Falls County, State of Idaho, beginning at a point on the North line of Section 23, 370 feet East from its Northwest corner (with Sections 14, 15, and 22); THENCE East 479 feet 5 inches on Section line; THENCE South 660 feet; THENCE West 499 feet 5 inches; THENCE North 560 feet; THENCE East 20 feet; THENCE North 100 feet to point of beginning; excluding all land North of the present roadway that traverses the Northeastern end of the described parcel; a triangle beginning 464 feet South of the Northeast corner with a western boundary bearing South 21°32' West for 221 feet 6 inches; and all land West of Rock Creek.



QUITCLAIM DEED

For Value Received of ten dollars and other valuable consideration hereby received and accepted,
The Daughters of the Utah Pioneers, a Utah non-profit corporation,
do hereby convey, release, remise and forever quit claim

unto Gladys Stricker

715 Center St. E.

Kamela, Idaho 83341

the following described premises, to-wit: A part of the Northeast Quarter (NE1/4) of Section Fifteen (15), Township Eleven (11) South, Range Eighteen (18), E. B. M., Twin Falls County, Idaho, more particularly described as follows:

BEGINNING at a point South 0° 48' East 38 feet and South 89° 12' West 51 feet;

THENCE South 10° 45' East 62 feet to South side County Road;

THENCE South 10° 45' East 193 feet to a point;

THENCE South 79° 15' West 83 feet to a point;

THENCE North 18° 57' West 210 feet to a point;

THENCE North 84° 50' East 116.4 feet to point of beginning, containing 0.52 acres; P. M. NE

together with their appurtenances and improvements located thereon

Dated: February 2, 1979

Vivetta H. Miller President Daughter of Utah Pioneers

Vivetta H. Miller, President

Daughter of Utah Pioneers

STATE OF IDAHO, COUNTY OF

On this 2nd day of Feb, 1979,
before me, a notary public in and for said State, personally appeared

Vivetta H. Miller

known to me to be the person who name
subscribed to the within instrument, and acknowledged
to me that executed the same.

Anna H. Miller
Notary Public

Residing at Twin Falls, Idaho

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____,
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____

Deputy.

Fees \$ _____

Mall to: _____

Log for claim A47-00129B

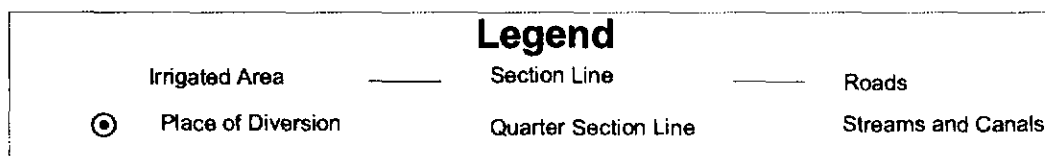
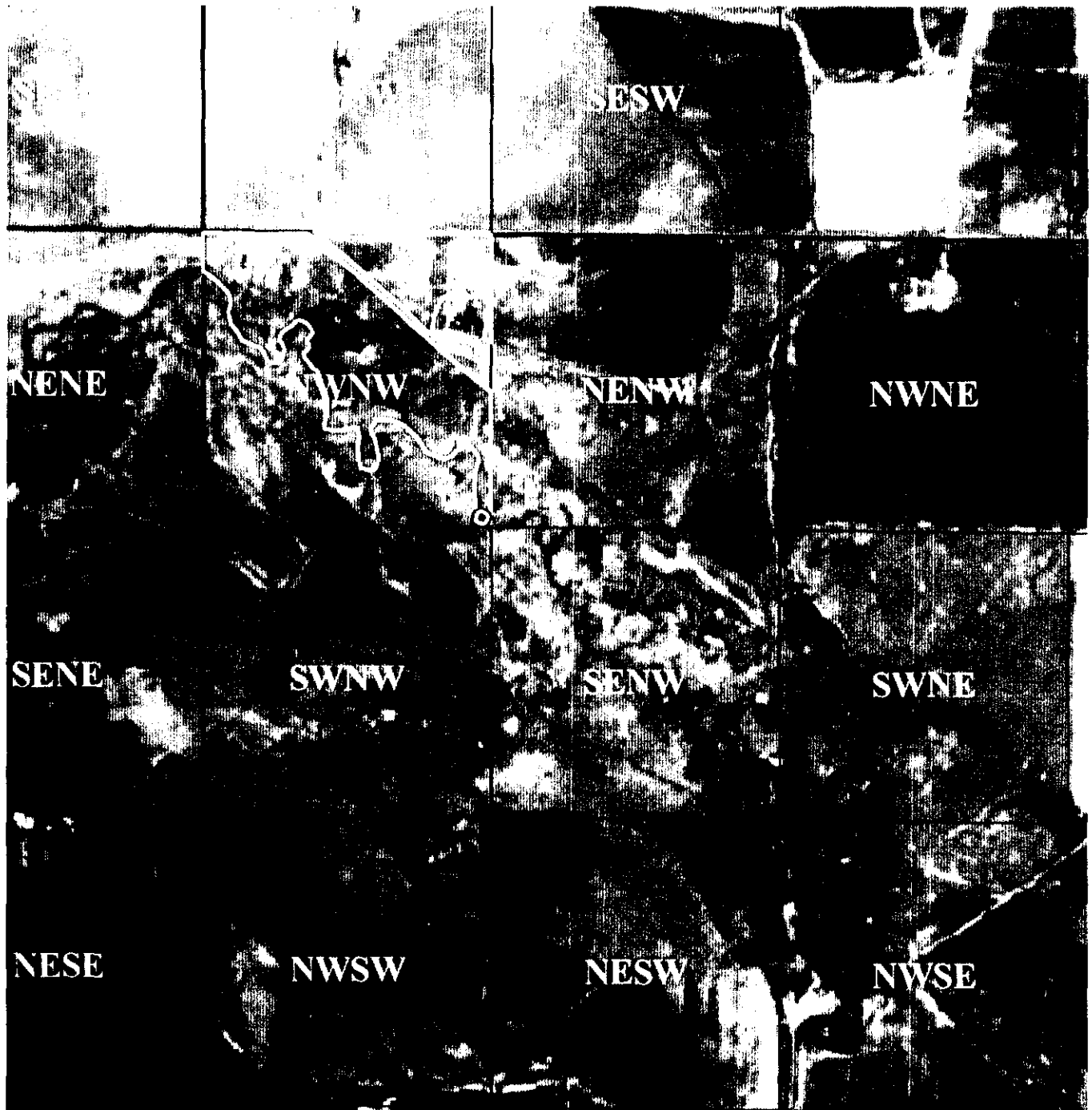
Spatial Dynamics BTD

10/12/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s18e	23	NWNW	2	20	POD placement? / Indiscernible
Totals:			2	20	

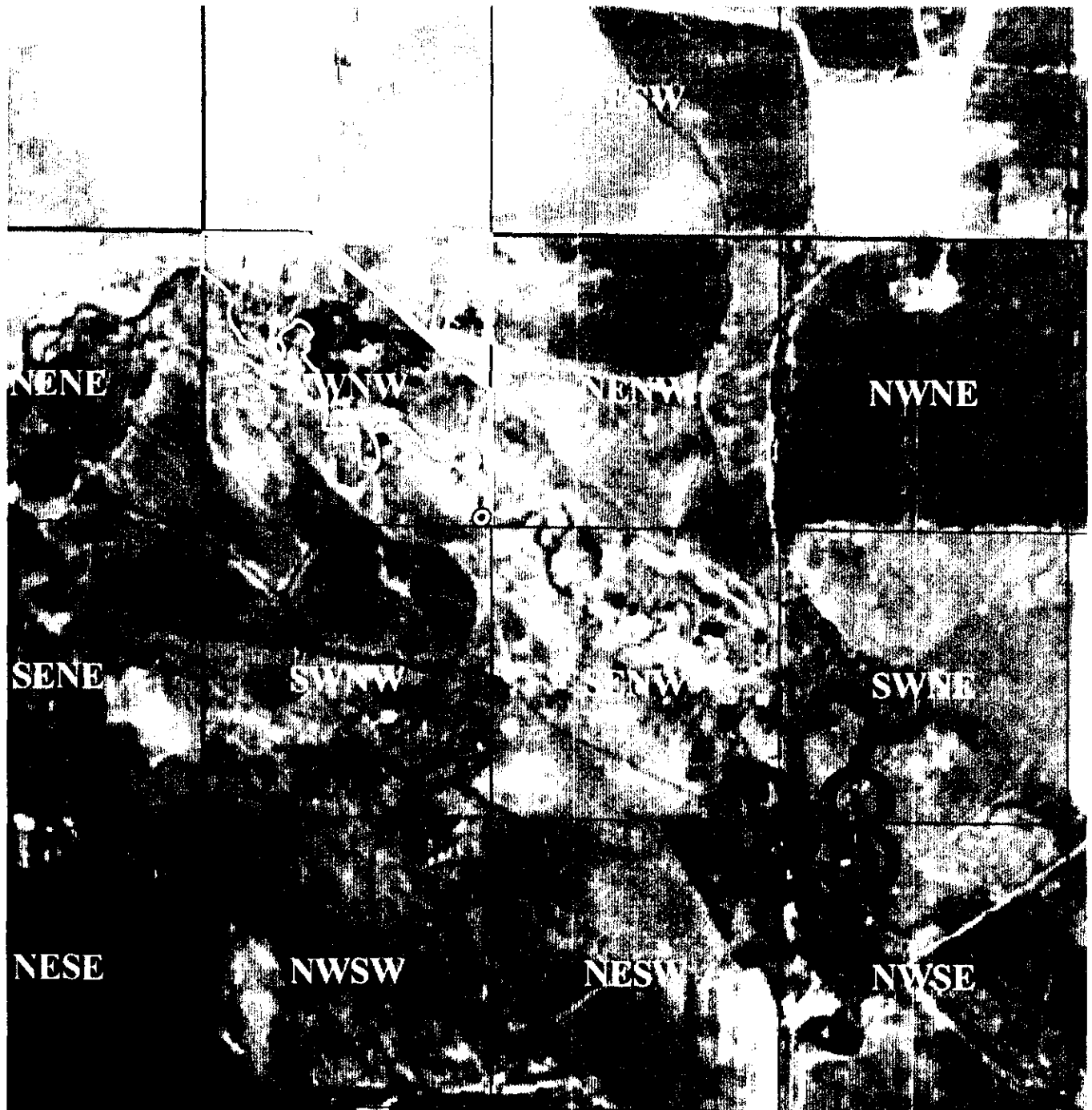
10/12/2000

Water Right Claim Number A47-00129B and A47-00130B
Township , 11S18E



10/12/2000

Water Right Claim Number A47-00129B and A47-00130B
Township , 11S18E



Legend

- | | | |
|--------------------|----------------------|--------------------|
| Irrigated Area | Section Line | Roads |
| Place of Diversion | Quarter Section Line | Streams and Canals |

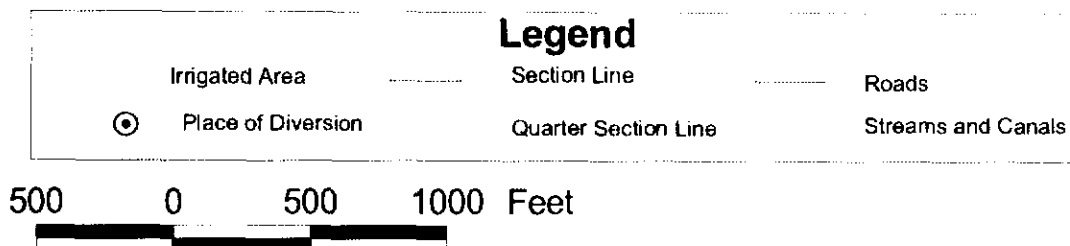
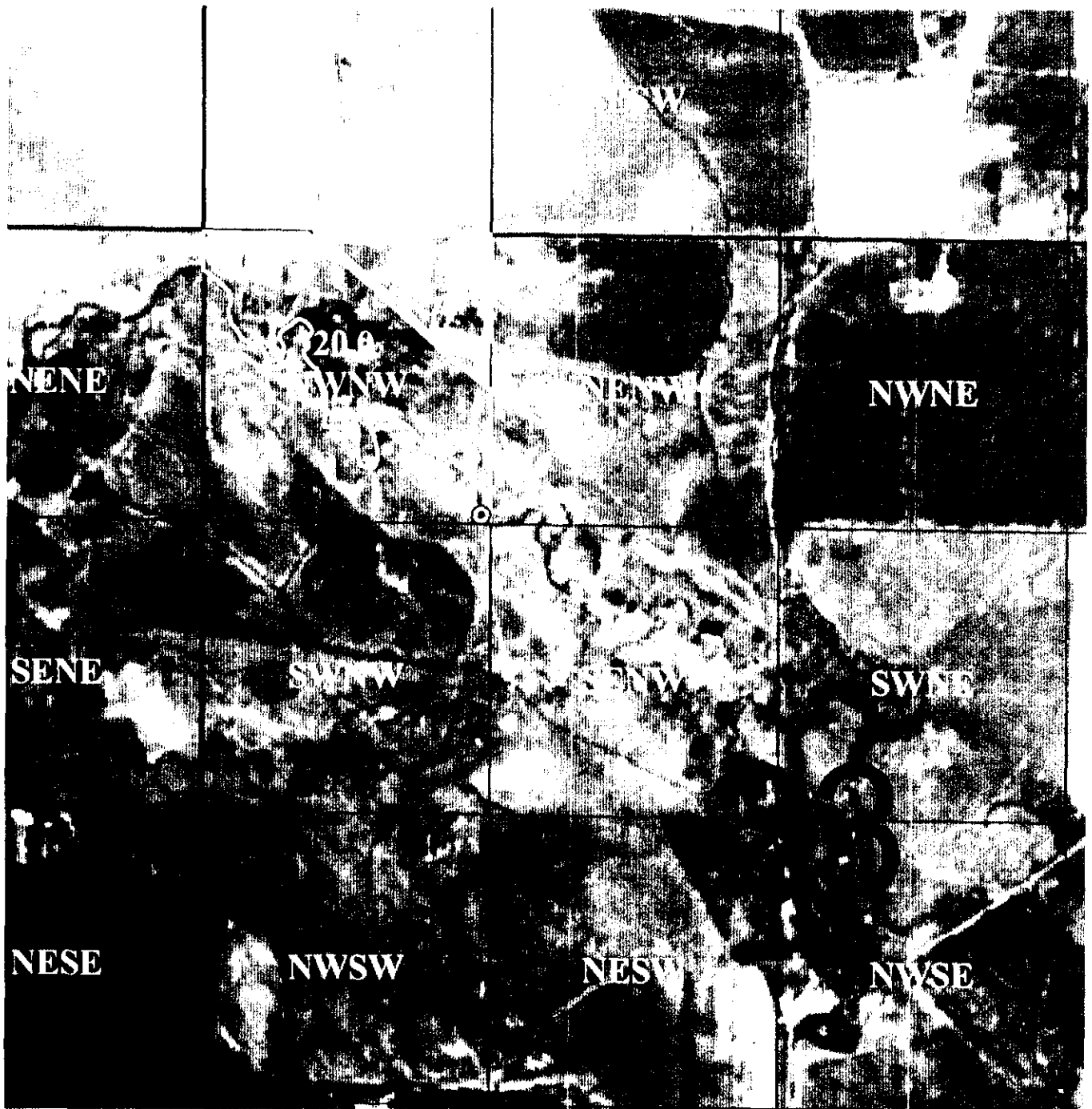


500 0 500 1000 Feet



10/12/2000

Water Right Claim Number A47-00129B and A47-00130B
Township , 11S18E



AJ5809NP
No. A47-00129B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/03/00
PAGE: 50

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	IDAHO STATE HISTORICAL SOCIETY 1109 MAIN ST BOISE ID 83702 (208) 334-2682	04/15/1882	IRRIGATION	04-01 10-31	0.010 CFS	
TOTAL DIVERSION:					0.010 CFS	

Water Source: ROCK CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T11S R18E S23

NWNW

TWIN FALLS County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
11S	18E	23	:								02									:	2.0
																				TOTAL ACRES	2.0

POU County: TWIN FALLS

Other Rights: 47-00130B AND 47-02478B

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
47-12694 47-14934 A47-00130B A47-12694 A47-14934

Other Water Rights Listing Overlapping Place(s) of Use:
A47-00129 A47-00130 A47-00130B A47-00131 A47-00132 A47-02257 A47-02468 A47-02478 A47-02548 A47-02550

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 07/23/98 CFRITSCH