

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 31-11469

2002 APR -8 PM 1:44

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: DOROTHY H DALLING
GLENN W DALLING
426 W 1 S
SUGAR CITY, ID 83448

SOURCE: CAMAS CREEK TRIBUTARY: MUD LAKE

QUANTITY: 0.05 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED ABOVE FOR STOCK WATER PURPOSES AT A POINT OF
MEASUREMENT IN T11N, R38E, S25, SESE.

PRIORITY DATE: 06/12/1909

POINT OF DIVERSION: T11N R38E S25 SESE Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 09-30	0.05 CFS
			2.00 APY

PLACE OF USE:	Stockwater		Within Clark County
	T10N R39E S05	NENE	
	T11N R38E S36	SESW	
	R39E S31	SWSE	

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.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

12/19/2000

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

RIGHT NUMBER: 31-11469

NAME AND ADDRESS: GLENN DALLING
426 W 1 S
SUGAR CITY, ID 83448
DOROTHY H DALLING
462 W 1 S
SUGAR CITY, ID 83448

SOURCE: CAMAS CREEK TRIBUTARY: MUD LAKE

QUANTITY: 0.05 CFS

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

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED ABOVE FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT IN T11N, R38E, S25, SESE.

PRIORITY DATE: 06/12/1909

POINT OF DIVERSION: T11N R38E S25 SESE Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05-01 09-30	0.05 CFS
		2.00 AFY

PLACE OF USE:

<u>STOCKWATER Within CLARK County</u>		
T10N R39E S5	NENE	T11N R38E S36
T11N R39E S31	SWSE	SESW

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. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

STOCKWATER 360 CATTLE



RECEIVED

DEC 08 2000

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO
IN AND FOR THE COUNTY OF TWIN FALLS

Department of Water Resources
Eastern Region

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 31-11469

Date Received: 11/30/00

Receipt No:

Received By:

E000481

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DOROTHY H DALLING Phone: (208)356-7744

462 W 1 S
SUGAR CITY ID USA 83448

GLENN DALLING Phone: (208)356-7744

426 W 1 S
SUGAR CITY ID USA 83448

2. Date of Priority: 06/12/1909

3. Source: CAMAS CREEK Trib. to: MUD LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
11N	38E	25	SE SE	CLARK

5. Description of diverting works:

PUMP FROM CREEK TO STORAGE TANK TO THREE TROUGHS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	05/01	10/31	0.05	2

7. Total Quantity Appropriated is:
0.05 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 360

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	39E	5	NE	NE	STOCKWATER	
11N	38E	36	SE	SW	STOCKWATER	
11N	39E	31	SW	SE	STOCKWATER	

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM ORIGINATES FROM DECREED RIGHT 31-00079, SPLIT BY TX 4720 (10/1996).
FOR STOCKWATER; 360 CATTLE.

15. Basis of Claim: Decreed

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 Individuals:

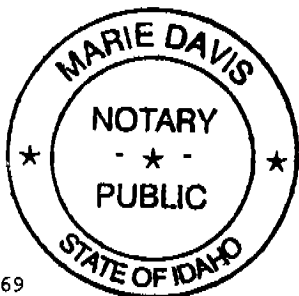
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Glenn W. Dalling Date: 12-7-00
Dorothy H. Dalling 12-7-00 Date: _____

State of Idaho)
 County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 7
 of Dec 2000

Marie Davis



Notary Public
 Residing at Sugar City
 My commission Expires 1-11-2003

STATE OF IDAHO
IDaho DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) 5-00079 B
Adjudication Claim Number(s) A-31-00079 (Pac?)
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal instrument indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION, AND
 - N/A. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.) OR
 - N/A. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Don or Beverly Rutenbach
HC 63 Box 210, Terrellton ID 83450
4. New Owner/Claimant(s) Glenn or Dorothy Dalling
New Mailing Address 426 West 1st Street
City, State and ZIP Code Sugar City Idaho 83441
New Telephone Number (208) 338-1744
5. Date you acquired the property water right 8-14-15 Ed Thompson 1920
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s) if this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated 0 Number and type of stock 200 range cattle

Diversion rate in CFS 0.5 cfs Number of homes 0 Other uses 0

cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Glenn W. Dalling Date 10-28-98
Dorothy Dalling Date 10-28-98
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

STATE OF IDAHO
STATE LAND LEASE

LEASE NUMBER, 0-8311

This lease agreement is made and entered into by and between the State of Idaho, acting by and through the State Board of Land Commissioners (lessor) and Glenn V. Dalling (lessee)
426 West 1st South Sugar City ID 83448
(Address) (City) (State) (Zip)

This lease shall commence January 1, 1995, and terminate December 31, 2003.

The annual rent payment is due on May 1 of each year.

The lessor, in consideration of the rental paid and the covenants, conditions and restrictions hereinafter set forth, in attachment B, does hereby lease and demise unto the lessee the lands described in attachment A at the rates and uses specified herein; grazing 3,425.10 acres containing 975.00 ALMS, cropland 0.00 acres of dryland at 0.00 per acre, 0.00 acres irrigated land at 0.00 per acre and 0.00 acres of wasteland at 0.00 per acre, miscellaneous 0.00 per acre, or 0.00 per acre bid.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed the day and year first above written.

COUNTERSIGNED:

Pete T. Canarrusa Secretary of the State of Idaho
Stanley F. Hamilton Director Department of Land
Cecil D. Andrus President of the State Board of Land Commissioners and Governor of the State of Idaho

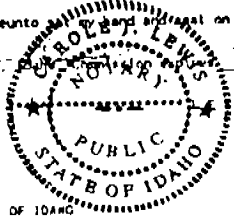


STATE OF IDAHO

COUNTY OF Ada
On this 23 day of April, in the year 1994, before me, a Notary Public in and for said State, personally appeared Cecil D. Andrus, known to me to be the president of the State Board of Land Commissioners of the State of Idaho and the Governor of the State of Idaho; and Pete T. Canarrusa, known to me to be the Secretary of the State of Idaho and Stanley F. Hamilton, known to me to be the Director, that executed the within instrument, and acknowledged to me that the State Board of Land Commissioners of the State of Idaho and the State of Idaho executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

Residing at Boise Carol J. Lewis Notary Public for Idaho



Glenn V. Dalling (lessee)
Dorothy Dalling (lessee)

COUNTY OF Madison
On this 15 day of April, in the year 1994, before me, a Notary Public in and for said State, personally appeared Glenn V. Dalling and Dorothy Dalling

known to me to be the lessee that executed the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

Residing at Sugar City, Idaho, Commission expires 8-22-2000 Therese Ball Notary Public for Idaho

Water Right No.	Name Last, First	O W N	Priority Date	STG/STS	Source	Use Code Desc
31-00078	HAYS, JR., JOHN W.	C	07/10/1911	D/	CAMAS CREEK	01 IRR 04 STOCK 43 DOMEST
31-00079			00/00/0000	/Z		
31-00079A	WOOD LAND & LIVESTOC	C	06/12/1909	D/	CAMAS CREEK	01 IRR
31-00079B	DALLING, GLENN	C	06/12/1909	D/	CAMAS CREEK	04 STOCK - PER TX 4720
	DALLING, DOROTHY	C				
31-00080	HENNINGER, ELVIN W.	C	09/02/1922	D/	DRY CREEK	01 IRR 28 Oct 96
	HENNINGER, DOLLY M.	C				04 STOCK 43 DOMEST
31-00081	HENNINGER, ELVIN W.	C	00/00/0000	/Z		
	HENNINGER, DOLLY M.	C				
31-00082	HILLMAN, M.	C	05/01/1898	D/	WEST CAMAS CREEK	01 IRR 04 STOCK 43 DOMEST
31-00083	HILLMAN, M.	C	10/29/1904	D/	SPRINGS	01 IRR

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

WR 2108Tx 4720 10/1996

79A 5.75 cfs 252 AC irrig
79B .05 cfs stockwater only

Adjudication

WR 5108 79B 0.05 cfs stock only ⇒ GLEN DALLING

WR 5108 79A SPLIT BY ADJ 5.75 cfs 252 AC.
79C
79D

78 2.54 cfs 160 AC (Best Case)

20 2.40 cfs 160 AC (Best Case)

Adjudication① Acreage Limited By TX 4720 To 469³ AC.② GPS ACREAGE SHOWS 563 AC (-469³ AC)③ NEGOTIATING CLAIM FOR 94⁷ AC.

④ PPU ALL RIGHTS; TOTAL PDD's.

RECEIVED

APR 15 2002

Department of Water Resources

APR 12 PM 3:29

CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

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

AMENDED ORDER OF PARTIAL DECREE

For Water Right 31-11469

On April 8, 2002, an *Order of Partial Decree* was erroneously issued for water right 35-11469 instead of water right 31-11469.

On February 7, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 31-11469 is hereby decreed as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b)* issued April 8, 2002.

DATED

4/12/02

Roger S. Burdick
ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the AMENDED ORDER OF PARTIAL DECREE was mailed on April 12, 2002, with sufficient first-class postage to the following:

Idaho Department of Lands

Represented by:
Steven J Schuster
PO Box 83720
Boise, Id 83720-0010

Glenn & Dorothy Dalling
426 W 1 S
Sugar City, ID 83448

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098


Deputy Clerk

RECEIVED

APR - 8 2002

Department of Water Resources

2002 APR -8 PM 1:44

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)

ORDER OF PARTIAL DECREE

For Water Right 35-11469

On February 7, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-11469 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 4/8/02



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

2002 APR 08 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 31-11469

CERTIFICATE OF MAILING

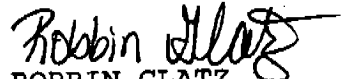
I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 31-11469 was mailed
on April 08, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

IDAHO DEPARTMENT OF LANDS

Represented by:
STEVEN J. SCHUSTER
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-332-3542

DOROTHY H DALLING
GLENN W DALLING
426 W 1 S
SUGAR CITY, ID 83448
Phone: 208-356-7744


ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
04/08/02

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NOV 13 2001

Department of Water Resources

RECEIVED

NOV 19 2001

Department of Water Resources
Eastern Region

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

A. Subcase No. 31-11469

Case No. 39576

STANDARD FORM 2

RESPONSE TO OBJECTION

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name: United States of America, acting through the USDA Forest Service
Address: 550 W. Fort St. MSC 033
Boise, ID 83724

Name and Address of Attorney:

Attorney Name: David L. Negri
Attorney Address: United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St. MSC 033
Boise, ID 83724
Attorney Phone: (208) 331-5943

C. NAME AND ADDRESS OF PERSON WHO FILED OBJECTION TO WHICH YOU
ARE RESPONDING:

Name: Idaho Department of Lands
Address: 954 West Jefferson Street
P.O. Box 83720
Boise, ID 83720-0050

D. I am responding to the objection(s) to the following elements:

1. ☒ Name and Address

2. ☐ Source

3. ☐ Quantity

4. ☐ Priority Date

5. ☐ Point(s) of Diversion

6. ☐ Instream Flow Description

7. ☐ Purpose(s) of Use

8. ☐ Period of Year

9. ☐ Place of Use

11. Recommendation:

☐ This water right should not exist

☐ This water right was not recommended, but should be recommended with the elements described above.

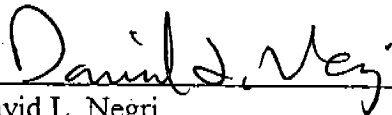
VERIFICATION

State of Idaho)
) ss.
County of Ada)

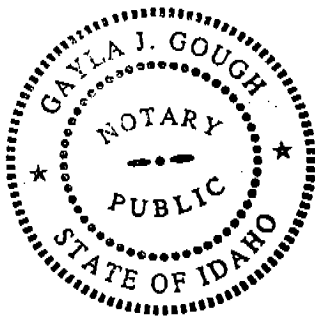
MICHAEL COLLETTE, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding, and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

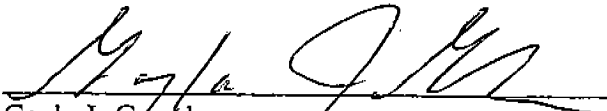

Michael Collette


David L. Negri
United States Department of Justice

Subscribed and sworn to before me on: November 8, 2001



(seal)


Gayla J. Gough
Notary Public for: Idaho
Residing at: Kuna, Idaho
My Commission Expires: 11-17-2004

CERTIFICATE OF MAILING

I certify that on November 9, 2001, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original BY HAND DELIVERY to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy by U.S. Mail to the claimant of the water right at the following address:

Dorothy and Glenn Dalling
426 W. 1 S.
Sugar City, Idaho 83448

3. One copy by U.S. Mail to the party who filed the objection at the following address:

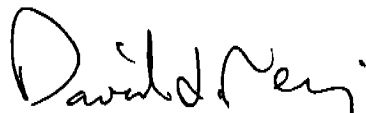
Steven J. Shuster
Deputy Attorney General
Idaho Department of Lands
954 West Jefferson Street
P.O. Box 83720
Boise, Idaho 83720-0050

4. Copies by U.S. Mail to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



David L. Negri

**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	)	Subcase 31-11469
	)	
Case No. 39576	)	
	)	STANDARD FORM 1
	)	OBJECTION
	)	
	)	

NAME AND ADDRESS OF PERSON OBJECTING

Name: Idaho Department of Lands
Address: 954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050

Daytime Phone: (208) 334-0200

Name & Address of Attorney, if any:

Attorney Name:	ALAN G. LANCE Attorney General CLIVE J. STRONG Deputy Attorney General Chief, Natural Resources Division STEVEN J. SCHUSTER Deputy Attorney General Idaho Department of Lands
Attorney Address:	954 West Jefferson Street PO Box 83720 Boise, Idaho 83720-0050
Attorney Phone No.	(208) 334-0200 Idaho State Bar # 3453

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Dorothy and Glenn Dalling
Address: 426 W 1 S
Sugar City, Idaho 83448

I object to the following elements as recommended in the Director's Report.

1. ☒ **Name and Address**
Should be: Idaho Department of Lands
954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050
2. ☐ **Source**
Should be: As claimed
3. ☐ **Quantity**
Should be: As claimed
4. ☐ **Priority Date**
Should be: As claimed
5. ☐ **Point(s) of Diversion**
Should be: As claimed
6. ☐ **Instream Flow Description**
Should be: As claimed
7. ☐ **Purpose(s) of Use**
Should be: As claimed
8. ☐ **Period of Year**
Should be: As claimed
9. ☐ **Place of Use**
Should be: As claimed
10. **I object because:**
 - ☐ This water right should not exist.
 - ☒ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING OBJECTION(S):

The State of Idaho, through the Idaho Department of Lands, is the owner of a portion of the land upon which use is claimed. This land is State Public School endowment land. This land is more particularly described as the NE¼NE¼ of Section 5, Township 10 North, Range 39 East, Boise Meridian, and the SE¼SW¼, Section 36, Township 11 North, Range 38 East, Boise Meridian. The claimant does not have a valid water right for use on the endowment land because a private claim cannot be made on such lands.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

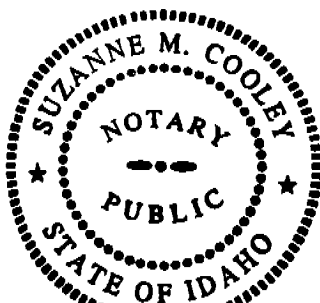
Steven J. Schuster, duly sworn, upon oath, deposes and says:

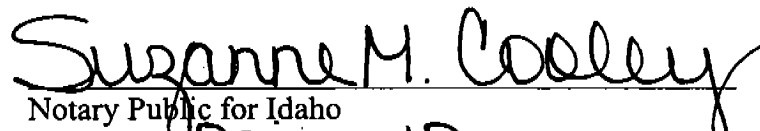
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands which is a party/claimant in this proceeding as defined by I.C. § 42-1401A (1) and (6), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
STEVEN J. SCHUSTER
Deputy Attorney General
Idaho Department of Lands


STEVEN J. SCHUSTER
Deputy Attorney General
Idaho Department of Lands

Subscribed and sworn to before me on this 6th day of September, 2001.




Notary Public for Idaho
Residing at: Boise, ID
My Commission expires: 7-22-2002

CERTIFICATE OF MAILING

I certify that on this 6th day of September, 2001, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Dorothy and Glenn Dalling
Address: 426 W 1 S
Sugar City, Idaho 83448

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724


STEVEN J. SCHUSTER
Deputy Attorney General
Idaho Department of Lands

13-782	500 SHEETS, FILLER	5 SQUARE
12-381	50 SHEETS EYE-EASE®	5 SQUARE
12-382	100 SHEETS EYE-EASE®	5 SQUARE
12-389	200 SHEETS EYE-EASE®	5 SQUARE
12-392	100 RECYCLED WHITE	5 SQUARE
12-399	200 RECYCLED WHITE	5 SQUARE

Made in U.S.A.

publiGrowth

20 Limito to 120 DUREC.02

Total AC 469³

(EMC/HWT FIELD EXAM)

CURRENT SRBA CLAIMS DO NOT REFLECT TRANSFERS #2495 AND #4720, AND, CURRENT SRBA CLAIMS DO NOT REFLECT CURRENT (HISTORIC) USE. USING THE AERAGE (469°N) IDENTIFIED BY JONES & CHARLSON (IN 4720 FIGURE) COMPARED TO ACTUAL POL (564°N) IT APPEARS THAT AN ENLARGEMENT CLAIM FOR 94°N IS NECESSARY.

ADJUDICATION CLAIMS WILL BE AMENDED TO SHOW A PERMISSIBLE PLACE OF USE (ON w/ DON 12/1/00 TARIFF) AND AN ENLARGEMENT CLAIM WILL BE FILED FOR 31-00079.

A31-00020 Limited to 2.40 cts 120 ac

(K 4720 1100 6111) 469-AC

A31-11480 LENLANS claim OF 31-00079 ^{1.89%} 94² AC

Permissible Pull on 564⁰ 70 ton

$$\text{Au Dispersed rts} = \frac{10.69 \text{ g}}{56.42 \text{ g}} = 0.1895 \Rightarrow 0.019\%$$

The Problem is w/ 79 A/B whether 79 was limited to 252K (TA 472)
D.W. RATE is $5.75/252 = 0.0228$

Dwg. Ratio is $5.75/252 = 0.0228$

79A 2.6 cfs

5.75/252 $\rightarrow$ 114AC

79B 3.15 (Low 0.05, $T_{\infty} = 4720$) $\rightarrow$ 138 A

11469 0.05 stockton only

Today 5-80 cfs

T 4720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4720
WATER RIGHT NO. 31-00079B

A31-11469

This is to certify that: **DON BURTENSCHAW**
BEVERLY BURTENSCHAW
HC 63 BOX 2610
TERRETON ID 83450

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	05/01 to 09/30	0.05 CFS	2.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
CAMAS CREEK	MUD LAKE

Priority: 06/12/1909

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 25, Township 11N, Range 38E
CLARK County

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	
10N	39E	5	NENE
11N	38E	36	SESW
	39E	31	SWSE

CONDITIONS OF APPROVAL AND REMARKS

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
3. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

TRANSFER NO. 4720
WATER RIGHT NO. 31-00079B

CONDITIONS OF APPROVAL AND REMARKS

5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 28th day of October, 1996

J. Glen Saylor
Chief, Water Alloc. Bureau

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2495/31-00079 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water CAMAS CREEK tributary to MUD LAKE

4. Date or priority 6-12-1909

5. Water is used for the following purpose:

amount 5.80 cfs for Irrigation purposes from 5-01 to 9-01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 5.80 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	9	9N	37E	CLARK	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9N	37E	8				40									40			40	120
		9							40	40									80
		17					40			14									54

Total acres 254

9. Describe any other water rights used for the same purpose as described above _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHED

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
31-00079A	6-12-1909	5.756 cfs	Irrig	5-01	to 9-01
31-00020	5-30-1912	2.40 cfs	"	"	to 4
31-00078	7-10-1911	2.54 cfs	"	"	to 4
					to

2. Total amount of water being transferred 10.696 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water CAMAS CREEK tributary to MUD LAKE

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE 1/2	NE 1/2	9	9N	37E	CLARK	Irrig
		NW 1/4	NW 1/4	16	"	"	"	"

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
N	3E	8									8	23	30	27.6	8.5		3	24.8	124.9
		9	7	9	7.4				16	26.5	26.3	32.6	34	18.5		2.8			180.1
		17	6	18	14.2		30	26.9	25	31	4.2	9							164.3

Permissible place of use Total acres 469.3

ATTACHMENT "A"

MEMORANDUM

TO: FILE NO. 31-00079
 FROM: PAM SKAGGS/STATE OFFICE
 SUBJECT: TRANSFER NO. 4720
 DATE: October 22, 1996

RECEIVED

NOV 08 1996

Department of Water Resources
 Eastern District Office

Transfer No. 4720 was filed to change the point of diversion, place, nature and season of use under a portion of Right No. 31-00079, splitting the right into parts A and B. The applicant will remove 2 acres from irrigation to provide water to a stockwater system consisting of a pump, storage tank and a series of 3 troughs.

The transfer application originally included Right No. 31-00020 also, but was amended before final processing. Overlap review of the water rights as recorded show no overlap of the original place of use of the 2 acres being dried up. The change from irrigation to stockwater use reduces both the diversion and consumptive use volume.

Change in Nature of Use Evaluation

			Div. Vol.	C/U Vol.
Original Rt:	254 Acres	5.80 cfs	(889 afa)	(635 afa)
Unchanged				
Part A:	252 "	5.75 "	(882 ")	(630 ")
Stockwater				
Part B:	(2 ")	0.05 "	2 "	-----
Total:	254 Acres	5.80 cfs	884 afa	630 afa

The application identifies a modified season of use for 152 days and 360 range cattle. The diversion volume was calculated from this information.

360 cattle x 12 gpd x 152 days = 656,640 gal or 2.0 af

Recommended conditions include measuring device, watermaster control, right-of-way and standard transfer conditions.

M E M O

FROM: H. W. JONES
TO: PAM SKAGGS/JIM JOHNSON
DATE: SEPTEMBER 24, 1996
RE: TR 4720 - BURTENSCHAW

The intent of this action was to assist one Glen Dalling in securing a right to pump stockwater from Camas Creek. Traditionally, he has watered his cattle out of the creek, but the BLM wants to fence that area off to stock. New applications in that area are usually always protested, so we advised Mr. Dalling to buy part of a water right and change the nature of use to stockwater. Mr. Burtenshaw provided that opportunity.

When we reviewed the existing claims and water rights for Mr. Burtenshaw, we felt the claims indicated the truer picture of use (A31-00079A and A31-00020). After the transfers were advertised, I attended the transfer conference in Boise. Our ideas about using adjudication claims as a basis for transfers was not endorsed, so we had to rethink Transfer 4720.

It was then we discovered Mr. Burtenshaw also owned the ground under A31-00079B. He also had the ground under A31-00078. It became apparent all the rights were delivered to a common ditch system to irrigate 469.3 acres. Since we work in concert with the adjudication team on transfers, we informed Mr. Burtenshaw his claims needed to be corrected and amended to reflect the actual 1/4 of 1/4 of use. Also, the total acres were incorrect. It took literally months before Mr. Burtenshaw would come in and help us correct his place of use.

My true intent is to only dry out two specific acres of irrigation and change the cfs involved to stockwater use. The irrigation land list is being provided as the proposed "R" record for the rights after the change. We are proposing a permissible place of use for the three (3) rights, but they are not overlapping, rather used in an adjacent mode.

MEMO

Page - 2 -

Our efforts, whether inspired or not, were to provide the Boise review team a picture of the rights in a true use mode. We have been on-site, reviewed NAPP photos and 1994 and 1995 slide photo overflights of the Burtenshaw property.

Since the transfer was advertised and made well known by the water master of Camas Creek and no protests were filed, I feel no re-advertisement is necessary. Jim and I discussed this. I realize all allocations will probably do is approve deleting two (2) acres from Rt. 31-00079. This should be simple and quick. The rest of the land list information will be for Ernie Carlsen's use in amending the claims.

I have done another transfer in the past which was a "two-fer" and noticed Pam approved the "B" portion but deferred any action on the "A" portion. This was left up to adjudication review and recommendation. That is quite acceptable.

The importance here is SCS has cost-shared the stockwater project and will only release the money to Mr. Dalling if the transfer is approved. Right now there is tension between the parties over this disposal and we could use help getting an approval that SCS can take to the bank.