

RECEIVED

JUL 14 2005

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 13 2005	
By _____	Clerk
_____	Deputy Clerk

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

) SUBCASE: 45-00249

) ORDER OF REFERENCE APPOINTING
) SPECIAL MASTER TERENCE A. DOLAN

On May 6, 2005, a *Partial Decree* was issued in the above-captioned water right. On July 13, 2005, a *Motion to Set Aside Partial Decree* was filed by Dora A. Droz for the above-captioned water right.

Therefore, IT IS ORDERED that Special Master Terrence A. Dolan be appointed to preside over the above-captioned *Motion* and conduct all proceedings necessary to issue a recommendation consistent with AO1, and the authority previously conferred in the *Order of Reference for Basin 45 Irrigation and Other Uses Rights*; as to the *Motion* and to the underlying merits as to how the *Partial Decree* should be amended, if it is determined that said *Partial Decree* should be set aside or amended.

Dated July 13, 2005.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF REFERENCE APPOINTING SPECIAL MASTER TERRENCE A. DOLAN was mailed on July 13, 2005, with sufficient first-class postage to the following:

DORA A DROZ
CONSERVATOR FOR INA DROZ
PO BOX 222
TOPANGA, CA 90290
Phone: 213-455-1971

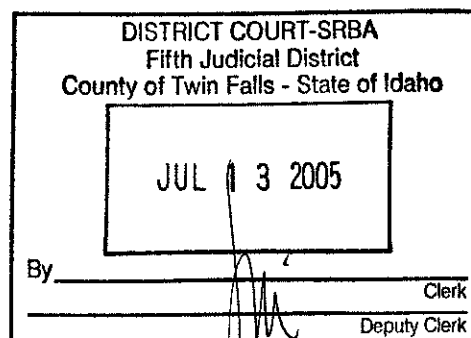
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.

July 11, 2005

To: Snake River Basin
Adjudication Division
Twin Falls, Idaho

From: Dora A. Droz
PO Box 222
Topanga, CA 90290



Re: Water Rights Allowance

To Whom It May Concern:

My name is Dora A. Droz, and I am the owner of a 220-acre ranch/farm in Albion, Idaho. An automobile accident in 1998 has left me disabled and no longer able to travel. As I am unable to attend to this matter in person, I feel at a great disadvantage.

I called your office a few weeks ago and stated my position. Because of serious health problems and unprecedented, unfavorable conditions, I missed the deadline for filing for changes in the claims in question allotted to me. (The terrible rain storms in 2005 were disastrous and it took time to recover healthwise and otherwise.) I was told I could ask for a motion to set aside the claims in question. I should have moved faster, but my health intervened. I was also told it would be wise to engage a lawyer. That has not been possible. The lawyer I asked to assist me in 2004 accomplished nothing, so I proceeded on my own. I did manage to get changes. I called Kelly Christensen — Basin 45. He said the acreage for the claims had been determined by airplane. I asked for a review. I am now stating my position and the reason for appealing.

Water Right 45-249

Ina Droz was suffering from Alzheimer's disease and, as her conservator, I filed the original claim on May 22, 1989 (see attached copy). I was assisted by:

the Water Master with records and complete knowledge of the activity;

Roy Thornburg, the man who leased the place for years until his death in 2003
(he was very informative);

people in the area who knew my brother, Roy Droz, and the activity related to the place;

May Petersen (my sister) who passed away March 8, 2002; and

Dwight Droz (my brother) who came from Bremerton, Washington to assist me
(currently unable to travel).

My sister (May), my brother (Dwight), and I made many trips to Idaho to establish our claims. We spent hours with the Water Master reviewing records and information. Everything was very well documented. A form dated January 23, 2004 (see attached copy) allowed me 68.1 acres, 1.3660 CFS. Imagine my surprise when I was informed that my water rights had been so reduced!

I called the Twin Falls office (handling Basin 45 claims) and spoke with Kelly Christensen. I asked for a review. He stated that the acreage had been determined by airplane. A new form arrived dated June 7, 2004 (see attached copy) stating that the acreage had been increased to 82.9 acres, 1.660 CFS.

I am asking for the original 86.7 acreage and more water to restore the property to its original status as a farm, as well as a pasture for cattle. The original claim stated that the amounts available were 86.7 acres, 3.010 CFS. The reduction from 86.7 acres, 3.010 CFS to 82.9 acres, 1.660 CFS hardly seems a fair settlement!

In my computation, even with the return to 86.7 acres, the CFS allowed would only be about 1.736 — a very low rate as compared to the previously granted and well-documented amount available (3.010 CFS).

Based on this information and the documentation accompanying this letter, I am appealing for a better settlement than that which has been allowed. Thank you for your consideration in this matter.

Respectfully,



Dora A. Droz

Addendum

My brother, Roy Droz, had a very involved irrigation system which I observed in operation. Farming and raising cattle were serious business to my brother. It was a very large area and, if my brother said (as he claimed), that he farmed 86.7 acres, I would have to agree. My sister and I saw it in operation. That was not his first place. He had been in business with Frank Coffey, operating a 1,000 acre ranch/farm in Wells, Nevada prior to that operation. They knew their business! My sister and I also visited that ranch.

We also made periodic trips to Idaho through the years and viewed the ranch in operation. We grew up in Delco, graduated from Albion High School and Albion State Normal School, and have roots there.

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: A45-00249
Date Received: 5/22/1989
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DORA A. DROZ 213-455-1971
Address: CONSERVATIVE FOR INA DROZ
P.O. BOX 222
TOPANGA, CA 90290

2. Date of Priority: APR 12, 1892

3. Source: BRIM CREEK Trib. to: LAND CREEK

④ Point of Diversion: *none - comes from springs & tributaries that flow into Brim Creek*
Township Range Section 1/4 of 1/4 of 1/4 Lot County

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.010		
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is 260 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12S	25E	18	<u>NE</u> NW		IRR	25.0
			NW NW	1	IRR	14.7

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	25E	18	SW	NW	2	IRR	30.0
			SE	NW		IRR	17.0
Section Acres							86.7
Total Acres							86.7

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A45-106861

14. Remarks:
86.7 ACRES ACTUALLY IRRIGATED ON 220 ACRE FARM.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

JOHN A. BRIDGER, ET. AL.
Decree Plaintiff

HYRUM TREMAYNE, ET. AL.
Decree Defendant

vs

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 Conservator for Ina of
the Estate of Ina Droz Title
Organization that I have signed the foregoing
document in the space below as Conservator of
the Estate of Ina Droz Title
Organization and that the statements contained in the
foregoing document are true and correct.

Dora Droz
Signature of Authorized Agent
Conservator for Ina Droz
Title and Organization

May 22 1989
Date

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 22 day

of May 19 89

Don White
Notary Public

Seal

Residing at TF

My Commission Expires 5/94

DATE: 03/19/98
PAGE: 2

Stage: DECREED

surprised about

01/23/2004

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

RIGHT NUMBER: 45-249

NAME AND ADDRESS: DORA A DROZ
CONSERVATOR FOR INA DROZ
PO BOX 222
TOPANGA CA 90290

SOURCE: BRIM CANYON CREEK

TRIBUTARY: LAND CREEK

QUANTITY: 1.360 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-249 and 45-11957.

PRIORITY DATE: 04/12/1892

POINT OF DIVERSION:

T12S R25E S18 SWSNW Lot 2 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.360 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R25E S18	NENW	29.0	T12S R25E S18 Lot 1 NWNW	12.0
T12S R25E S18 Lot 2 SWNW	22.0	T12S R25E S18	SENW	5.1

68.1 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 68.1 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-249 and 45-11957.

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

06/17/2004

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

RIGHT NUMBER: 45-249

NAME AND ADDRESS: DORA A DROZ
CONSERVATOR FOR INA DROZ
PO BOX 222
TOPANGA CA 90290

SOURCE: BRIM CANYON CREEK

TRIBUTARY: LAND CREEK

QUANTITY: 1.660 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN
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PRIORITY DATE: 04/12/1892

POINT OF DIVERSION:

T12S R25E S18 SWSWNW Lot 2 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

1.660 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R25E S18	NENW	25.0	T12S R25E S18 Lot 1 NWNW	24.0
T12S R25E S18 Lot 2 SWNW		29.0	T12S R25E S18 SENW	4.9

82.9 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 82.9 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-249 and 45-11957.

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: Decreed