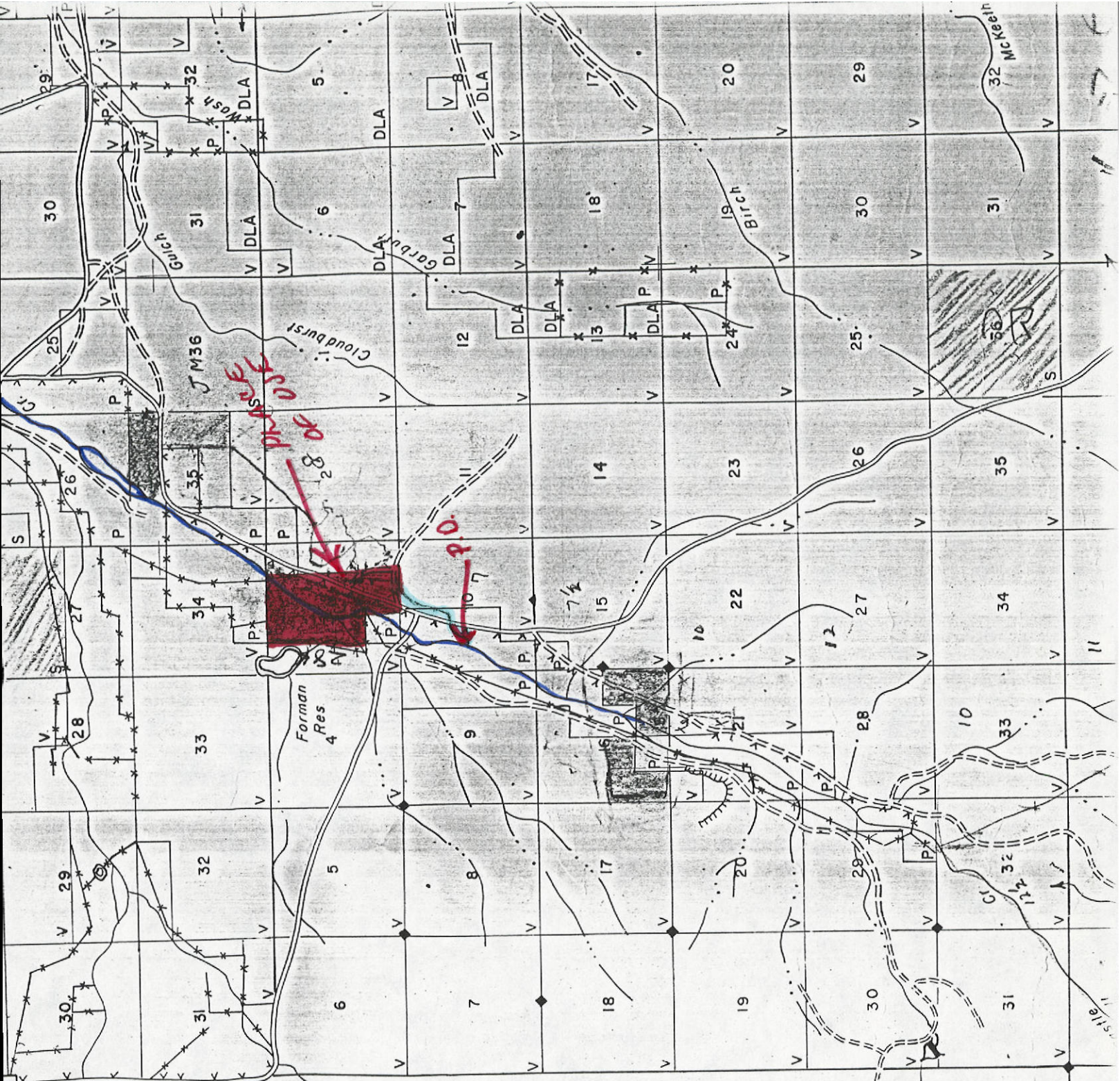
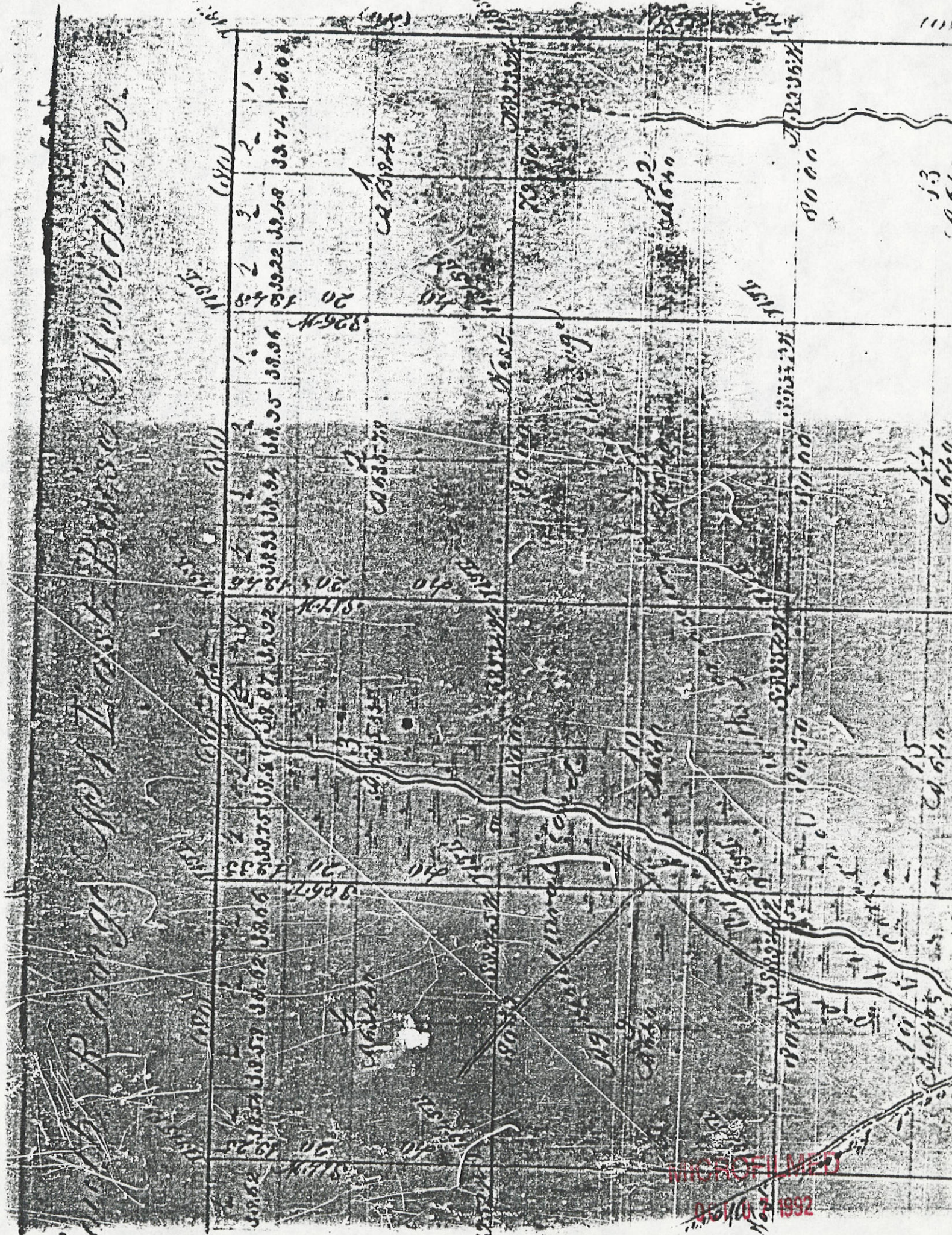




T5S

MICROFILMED
OCT 7 1992

W



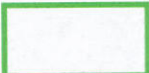
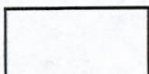
REPRODUCED
FROM 7-1992

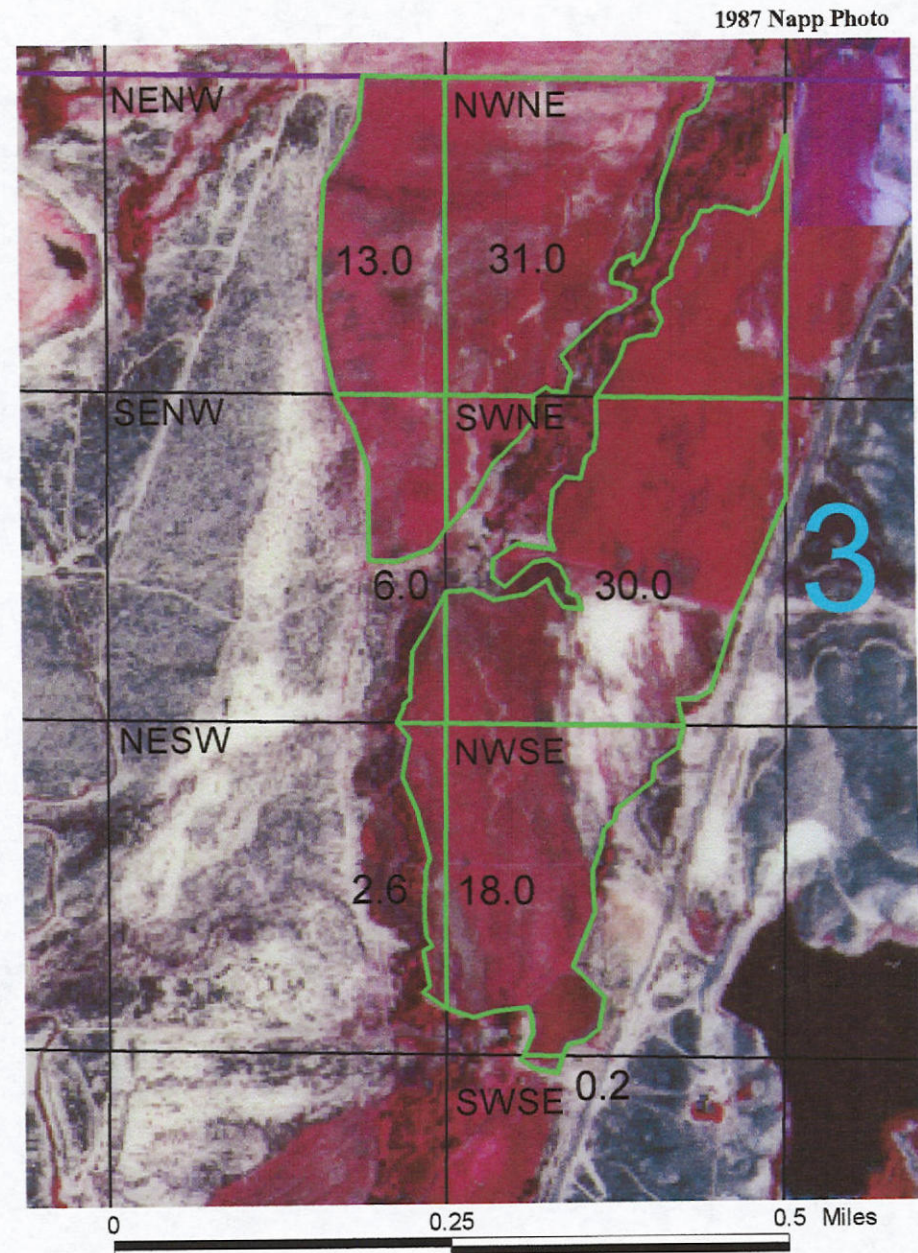
Idaho Department of Water Resources

Claim Number: 57-07209

Legal: T05S, R01E, S03

Reviewed By:

-  Point of Diversion
(Located outside of view)
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines
-  Township/Range Lines



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: **A57-07209**
Date Received: 1/10/1989
Receipt No: W001912
Received By: _____

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

1. Name: JAY H COX 208-834-2286
Address: HC 79 BOX 2225
OREANA ID 83650

AND/OR
Name: CAROL J COX 208-834-2286
Address: HC 79 BOX 2225
OREANA ID 83650

2. Date of Priority: APR 8, 1978

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	01E	10	SE	NW			OWYHEE

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	10/01	04/01			200.00
IRRIGATION FROM STORAGE	04/01	09/01			200.00
DIVERSION TO STORAGE	10/01	04/01	2.000		

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) 200.00 A.F.A.

8. Total consumptive use is 381.5 Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATER.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05S	01E	3	NW		NE	2	IRR	29.0
			SW		NE		IRR	31.0
			NE		NW	3	IRR	13.0
			SE		NW		IRR	6.0
			NE		SW		IRR	7.0
			NW		SE		IRR	22.0
			SW		SE		IRR	1.0

Section Acres 109.0

Total Acres 109.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:

A57-00088, A57-00113, A57-00158 & A57-02129.

14. Remarks:

DESC. OF DIVERTING WORKS - SMALL DIVERSION DAM IN CASTLE CREEK WITH DITCH TO RESERVOIR, THEN GRAVITY FLOW DITCH TO IRRIGATED LANDS.

OWNERSHIP CHANGED BY KW 2/16/1996.

15. Basis of Claim: PERMIT

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

2002 DEC 24 PM 3 47

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	)	Water Right 57-7209
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on December 15, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on July 26, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 04-01 to 09-15

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after September 1, under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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.

Dated December 24, 2002.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

Important Information About Your Water Right

December 24, 2002

Carol J Cox
HC 79 Box 2225
Oreana, ID 83650

Jay H Cox
3119 Gemstone Dr
Meridian, ID 83642

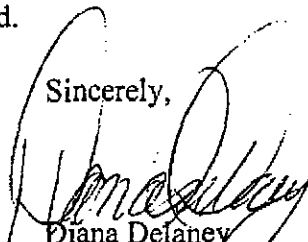
Dear Water Right Claimant(s):

This letter accompanies copies of an *Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc* (hereinafter "*Order*") for water right numbers 57-88, 57-220A, 57-2129, and 57-7209. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of these water rights. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for each of these water rights. As stated in the face of each *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). The *Order* also incorporates into the *Partial Decrees* an express statement that each *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). These *Orders*, in combination with the *Partial Decrees* that were issued for these water rights on December 15, 1997, set forth all of the elements of your water rights. The Snake River Basin Adjudication (SRBA) Court suggests that you keep these documents in a safe location together with a copy of each *Partial Decree* to show evidence of these water rights. The original of these *Orders* and the original of each *Partial Decree* for these water rights are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Orders* are entered *Nunc Pro Tunc*, meaning that the *Orders* will be treated as if they were issued on the same date that the *Partial Decrees* were originally issued.

Sincerely,



Diana Delaney
Case Administrator

RECEIVED

JUN 25 1997

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSDepartment of Water Resources
Adjudication BureauIn Re SR8A)
)
Case No. 39576)
)PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

1997 JUN 23 AM 11:19

Water Right 57-07209

DISTRICT COURT-SR8A
TWIN FALLS CO., IDAHO
FILED _____NAME & ADDRESS: JAY H COX
CAROL J COX
HC 79 BOX 2225
OREANA ID 83650

SOURCE: CASTLE CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.00 CFS
490.0 AFY

PRIORITY DATE: 04/08/1978

POINT OF DIVERSION: T05S R01E S10

NWSWSW

Within Owyhee County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USE
IRRIGATION STORAGE
IRRIGATION FROM STORAGE
DIVERSION TO STORAGEPERIOD OF USE
01-01 12-31
Irrigation Season
01-01 12-31QUANTITY
200.0 AFY
200.0 AFY
2.00 CFS

PLACE OF USE:

IRRIGATION FROM STORAGE Within Owyhee County

T05S R01E S03 Lot 2 (NWNE) 29.0
NESW 7.0SWNE 31.0 Lot 3 (NENW) 13.0
NWSE 22.0 SWSE 1.0

SENW 6.0

109.0 ACRES TOTAL

USE OF THIS RIGHT WITH OTHER RIGHTS LISTED BELOW IS LIMITED TO
IRRIGATION OF A COMBINED TOTAL OF 109.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHTS: 57-00088, 57-02129, 57-10857
AND 57-10858.

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

DATED:


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

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.

DATED:

State of Idaho
County of Twin FallsI hereby certify the foregoing to be a true
true and correct copy of the original
file in the above entitled action.ROBERT S. FORT
CLERK OF THE DISTRICT COURTBy 
DEPUTY CLERKPARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-07209PAGE 1
MAY-19-1997

DATE: 02/16/96
PAGE: 1

Misc: Water District Number: 57C Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. 57-07209

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 02/16/96
PAGE: 2

=====

Comments: Date: 07/10/1991 User-ID: MCCARTHY Subject: COPIED FROM REMARKS
DESC. OF DIVERTING WORKS - SMALL DIVERSION DAM IN CASTLE CREEK
WITH DITCH TO RESERVOIR, THEN GRAVITY FLOW DITCH TO IRRIGATED
LANDS.

Date: 01/19/1996 User-ID: DSMITH Subject: NAME AND/OR ADDRESS CHANGE
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE
ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT
OWNER CHANGE.
*NAME/ADDRESS CONFORMED TO AVOID DUPLICATE MAILING LABELS

Date: 02/16/1996 User-ID: KWALKER Subject: OWNERSHIP CHANGE
OWNERSHIP CHANGED BY KW 2/16/1996.

Audit: 02/16/96 KWALKER

RECEIVED

FEB 13 1996

Department of Water Resources
Adjudication Bureau

RECEIVED

APR 12 1996

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

WATER RESOURCES
WESTERN REGION

57-00088, 57-00220A, 57-02129, 57-07209, 57-10478, 57-1085

In Re SRBA

Case No. 39576

STANDARD FORM 3

57-10858

(Check Appropriate Box)

☐ NOTICE OF CHANGE IN ADDRESS

OR

☒ CONSENT TO SUBSTITUTION OF
PARTY

this document was accepted by the SRBA court 2/9/96
CM system was not updated because there is no

INSTRUCTIONS FOR USE CM record - no objection

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. *The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled.* If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

This form has been adopted by the court in Re SRBA, Twin Falls County Case 39576, *SRBA Administrative Order I Rules of Procedure* (amended 6/21/93), Section 4Ac(3), which may be consulted for further information.

A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here. Follow the instructions on the form or it will not be accepted for filing. The Verification and the Certificate of Mailing must be completed.

Standard forms may be obtained from the Idaho Department of Water Resources or the SRBA Court.

right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of the "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The Substitution shall be filed by the new claimant/purchaser.

57-00088, 57-00220A, 57-02129
57-07209, 57-10478, 57-10857

I am the new claimant/purchaser of 57-10858

(Insert each water right number)

My name is Jay H. Cox AND/OR CAROL J. Cox

My address is HC 79, Box 2225, OREANA, IDAHO 83650

My phone number is: Work 208 834-2286 Home SAME

The name and address of the prior claimant/seller who I wish to be substituted for are:

WARREN R. TAYLOR HC 79, Box 2225

OREANA, IDAHO 83650

Warren R. Taylor
Signature of prior claimant/seller

Jay H. Cox AND/OR Carol J. Cox
Signature of new claimant/purchaser

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name _____

Attorney of record for _____

(Identify party/claimant)

Attorney address and phone number: _____

- ☐ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.
- ☐ A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

INSTRUCTIONS FOR MAILING

Mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on 2-7, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

*

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

2. A *Change of Address* was served on each party, or if they are represented by an attorney you must serve the attorney, in each subcase in which you are a party, at the following address(es):

3. A *Consent to Substitution of Party* was served on the prior claimant/seller, or if they are represented by an attorney you must serve the attorney, at the following address(es):

4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 16, 1996

RE: Notice of Claims to Water Right Nos. 57-00088, 57-02129, 57-10857,
57-10858, 57-07209, 57-00220A & 57-10478

Jay H. &/or Carol J. Cox
HC 79, Box 2225
Oreana, ID 83650

Dear Mr. and Mrs. Cox:

We have received the Change of Ownership Form 42-1409(7) in connection with the above referenced claims. Enclosed are computer generated profile reports of the information on these claims, which now reflect the change of ownership to the Department's records. These profile reports show you as the current owner (C) and Warren Taylor as the director's report owner (D). As we have discussed, these claims were previously submitted to the Snake River Basin Adjudication (SRBA) Court in Twin Falls to be decreed as a part of the Department's Director's Report for water rights in Basin 57.

Although the Department's records have been changed to reflect this ownership change, SRBA Judge Daniel C. Hurlbutt, Jr. has issued a Court Order dated June 17, 1993, requiring that any claimant with a claim submitted for final decree must complete Standard Form 3 before the Court's records for the decree will be changed to reflect the new owner. Standard Form 3 was given to you when you were in the office last week. If you need another form, please contact this office as soon as possible.

Please be advised that Ron Howerton (who attended the Castle Creek Water District meeting) is preparing a new listing of rights for Castle Creek to replace the list given out at the water district meeting. You should be receiving a copy from him in the mail within the next week. As I stated on your answering machine, we found that your Claim No. 57-00220A was not on that listing because the water district flag was not data entered on that claim. Also, Claim No. 57-10478 was not included because it is only a beneficial use claim and cannot be delivered until the decree is issued by the court.

If you have any questions concerning Standard Form 3, please do not hesitate to contact me at (208)334-2190 or the SRBA Court at (208)736-3011.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

January 9, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WARREN TAYLOR
PO BOX 70
OROVADA NV 89425-0070

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim #57-07209
Change of Address

Dear Claimant,

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claim(s) can be sent only to the address on your claim or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. That action will suffice to provide adequate notice to IDWR but not to the SRBA court. SRBA Judge Hurlbutt issued an Order June 17, 1993 requiring claimants like yourself identified in a Director's Report to use Standard Form 3 for change of address or ownership. We have enclosed Standard Form 3 for your use. We have also enclosed the legal notice which was returned to us by the Post Office. Please contact us or the Court (208/736-3011) if you have any questions.

Thank you for your help. We hope to assure you receive future notices about SRBA matters.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

Enclosures:

Standard Form 3

IDWR Legal Notice

#####

The address is correct as shown above or as otherwise changed.

Claimant

RECEIVED

JAN 10 1996

WATER RESOURCES
WESTERN REGION

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

VERIFIED BY *A. McCarthy*
7-17-92

DATE: 07/17/92
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WARREN TAYLOR HC 79 BOX 2225 OREANA ID 83650 (208) 834-2339	04/08/1978	IRRIGATION STORAGE	01-01 12-31		200.0 AFA
			IRRIGATION FROM STORAGE	03-15 11-15		200.0 AFA
			DIVERSION TO STORAGE	01-01 12-31	2.00 CFS	
TOTAL DIVERSION:					2.00 CFS	490.0 AFA
CONSUMPTIVE USE:						381.5 AFA

Water Source: CASTLE CREEK

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:

T05S R01E S10

NWSWSW

OWYHEE County

Place of use Legal Description for: IRRIGATION FROM STORAGE

NE				NW				SW				SE			
T	R	S		NENE	NWNE	SWNE	SENE	: NENE	NWNE	SWNE	SENE	: NENE	NWNE	SWNE	SENE
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
05S	01E	3	:	02-29		31		:	03-13		06	:	07		
TOTAL ACRES															
109.0															

POU County: OWYHEE

Other Rights: SEE REMARKS

Conditions of Approval:

- M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00088, 57-02129, 57-10857 AND 57-10858. USE OF THIS RIGHT WITH OTHER RIGHTS LISTED ABOVE IS LIMITED TO A A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 381.5 AF AND TO THE IRRIGATION OF A COMBINED TOTAL OF 109.0 ACRES IN A SINGLE IRRIGATION SEASON. 0.45 CFS OF RIGHT NO. 57-02129 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 57-00088, 57-02129, 57-10857 AND 57-10858.

Dates: Exam Made Date: 06/13/1988 Verified Date: 07/17/1992

Misc: Water District Number: 57C Field Inspection Flag:
Presumption Flag:

Comments: Date: 07/10/1991 User-ID: MCCARTHY Subject: COPIED FROM REMARKS
DESC. OF DIVERTING WORKS - SMALL DIVERSION DAM IN CASTLE CREEK
WITH DITCH TO RESERVOIR, THEN GRAVITY FLOW DITCH TO IRRIGATED
LANDS.

Audit: 07/17/92 MCCARTHY

MICROFILMED
OCT 07 1992

Claim No.: A57-07209

CVR CORRECTIONS

Season of Use, Consumptive Use, Diversion Volume

☒ Change season of Use

Use Code 01 From 3/15 to 11/15

Use Code 02 From 1/1 to 12/31

Use Code 03 From 1/1 to 12/31

☒ Change Consumptive Use Volume

109.0 acres x 3.5 af/a (for area) = 381.5 af/a

☒ Change Diversion Volume

109.0 acres x 4.5 af/a (for area) = 490.5 af/a

☐ Change Remarks

Code

Recommended Change

☒ Corrections Made 2-3-92
(date)

Data-entry Complete 2-3-92
(date)

Reviewing Agent R. McCarthy
(signature)

MICROFILMED

OCT 07 1992

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. _____

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	Y	B. Dingle 4/3/91	5	N	N	RMF 7/10/91	
PT. OF DIV.							DATA ENTRY COMPLETED
SOURCE							BY RMF DATE 10-22-91
PL. OF USE							FINAL RECOMMENDATION
DIV. AMOUNT CFS/AF							BY RMF DATE 11-7-91
CONSUMPTIVE USE							
NATURE OF USE							
PERIOD OF USE							
BASIS OF CLAIM							
REMARKS							

VERIFICATION CODES

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____

TOPO MAP/ORTHOGRAPHO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER(SEE COMMENTS) = 6

IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS:

licensed 9/19/1970, license serves to amend claim

OCT 07 1992

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 57-07209

Priority: April 8, 1978

Maximum Diversion Rate: 2.00 CFS
Maximum Diversion Volume:¹ 200.0 AF

This is to certify, that WARREN TAYLOR
HC 89 BOX 2225
OREANA, ID 83650

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated April 8, 1978; and
has submitted Proof of Beneficial Use on May 18, 1987. An examination indicates
that the works have a diversion capacity of 2.250 cfs of water from:

CASTLE CREEK tributary to SNAKE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	10/01 to 04/01		200.0 AF
IRRIGATION FROM STORAGE	04/01 to 09/01		200.0 AF
DIVERSION TO STORAGE	10/01 to 04/01	2.00 CFS	
	Totals	2.00 CFS	200.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 10, Township 05S, Range 01E
OWYHEE County

PLACE OF USE: IRRIGATION STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	01E	3	LOT 2(NWNE) 29	SWNE 31	LOT 3(NENW) 13	
			SENW 6	NESW 7	NWSE 22	
			SWSE 1			109

Total number of acres irrigated: 109

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION STORAGE use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.

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SEP 26 1990

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OCT 07 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:14:54
07/10/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A57-07209

LAST: TAYLOR
ADDRESS: HC 79 BOX 2225
CITY: OREANA
PHONE NUMBER: 208-834-2339

FIRST: WARREN
STATE: ID ZIP: 83650

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE FIELD
Y EXAMINER

CLAIM REMARKS: DESC. OF DIVERTING WORKS - SMALL DIVERSION DAM IN CASTLE CREEK
WITH DITCH TO RESERVOIR, THEN GRAVITY FLOW DITCH TO IRRIGATED
LANDS.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: () -

DATE OF FIELD EXAM: / /

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

*Field exam conducted by B. Dingee on 6/13/1988;
see exam in permanent licensing file.*

MICROFILMED

OCT 07 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: Aug. of 1996

LEGAL DESCRIPTION OF PROPERTY: Township 55 Range 1E - Section 3
43 Range 1E - Section 35
 Section _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s) 57-00088, 57-00220A, 57-02129,
 Assigned by IDWR: 57-07209, 57-10478, 57-10857 + 57-10858

☐ Name and Address of Former Owner/Claimant(s)(Seller): Warren R. Taylor
HC 79, Box 2225
Oreana, ID 83659

☒ New Owner/Claimant (Purchaser): Jay H. Cox & Carol J. Cox

☒ New Mailing Address: HC 79, Box 2225
Oreana, ID 83650

☒ New Telephone Number: (208) 834-2286

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

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FEB 09 1996

WATER RESOURCES
WESTERN REGION

☒ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s) Jay H. Cox, Carol J. Cox Date 2-6-96

☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 2/16/96 By: kw

Further Action Needed

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

SEP 27 1996

07/13/96
COPY

MORTGAGE

THE PARTIES: The parties hereto are JAY H. COX and CAROL J. COX, husband and wife, (herein called "Mortgagor") and WARREN R. TAYLOR and JOYCE D. TAYLOR, husband and wife, (herein called "Mortgagee").

MORTGAGE: The Mortgagor hereby mortgages to the Mortgagee that real property (herein called "premises" which term includes all buildings, structures, improvements, appurtenant BLM or state permits or leases, and fixtures now on or hereafter placed thereon) situated in Owyhee County, Idaho and described as follows:

See Exhibit "A" attached hereto, and by this reference made a part hereof.

SUBJECT TO that certain Mortgage recorded April 16, 1992, as Instrument No. 207639, records of Owyhee County Records.

TOGETHER WITH all water rights, ditch rights, rights of way, buildings, structures, improvements, fixtures, tenements, hereditaments and appurtenances now or hereafter thereto belonging or used in connection therewith.

SUBJECT TO taxes and assessments for the year 1994 and all subsequent years, together with any and all existing easements, rights of way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

OBLIGATIONS: This mortgage is given to secure each and all of the following obligations:

(1) The payment of the principal sum of \$232,000.00 plus interest thereon at the rate of 10.55% per annum according to the terms of one certain promissory note dated August 18, 1994, executed by the Mortgagor and payable to the Mortgagee, which note is due and payable in full on or before February 15, 2007.

MORTGAGE-1

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WATER RESOURCES
WESTERN REGION

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SEP 27 1996

(2) The full performance of each provision herein and in such note to be performed by the Mortgagor and the payment of all sums hereafter provided to be secured hereby, and all extensions of any of the foregoing.

PREPAYMENT PENALTY: There is no penalty for prepayment of the obligations after January 1, 1995, secured hereby and the principal and interest may be prepaid at any time.

MORTGAGOR AGREES: The Mortgagor agrees with the Mortgagee during the continuance hereof as follows: (1) that the Mortgagor shall pay and perform all of the obligations secured hereby when due and according to their terms; (2) that the Mortgagor shall pay before all or any part thereof becomes delinquent all taxes, assessments and other charges of every kind, both general and special, which have heretofore been or which may hereafter be levied on or against the premises, or this mortgage, or the obligations secured hereby; (3) that the Mortgagor shall promptly pay and satisfy all liens or encumbrances that are or may become liens on the premises or any part thereof superior to the lien of this mortgage; (4) that the Mortgagor shall at all times keep all of the buildings and improvements on the premises, including those hereafter placed thereon, continually insured against loss by fire in the sum of the full insurable value thereof or the sum of the unpaid balance of the obligations secured hereby, whichever is less, in a reliable insurance company with the loss, if any, payable to the Mortgagee as the Mortgagee's interest may appear at the time of such loss and if any insured buildings or improvements on the premises are destroyed or damaged from any cause insured against under such fire insurance policies, the money collected under such insurance policies shall be applied, at the Mortgagor's option, either to the payment of the obligations secured by this mortgage or to the reconstruction of the buildings or improvements so destroyed or damaged; (5) that the Mortgagor shall keep the buildings and improvements now on or hereafter placed on the premises in good repair at all times and will not commit or suffer any waste of such buildings and improvements or the premises; (6) that if the Mortgagor fails to pay any taxes, assessments, charges, liens, encumbrances or insurance premiums as herein provided, or fails to pay any other sum or keep any other agreement provided for herein, then the Mortgagee may, at the Mortgagee's option, pay or perform the same and all expenditures so made shall be added to and become a part of the debt secured by this mortgage and shall bear interest at the rate provided herein, without waiver,

however, of any right arising to the Mortgagee for breach of agreement and this mortgage may be foreclosed at any time while the Mortgagor neglects to repay any sum so paid by the Mortgagee plus such interest; (7) that if litigation is commenced to foreclose this mortgage, the Mortgagee shall be entitled to the appointment of a receiver to collect the rents and profits arising out of the premises during the pendency of such foreclosure and to apply the same to the balance remaining due on the obligations secured by this mortgage, first deducting all proper charges and expenses attending the execution of such trust; (8) and that if litigation is instituted to collect any obligation secured hereby, or to foreclose this mortgage, or to enforce any of the agreements contained in this mortgage, the Mortgagor agrees to pay a reasonable attorney's fee in such litigation together with all court costs including the costs of procuring title reports for such foreclosure, all of which shall be a lien upon the premises and secured by this mortgage.

FORECLOSURE: If the Mortgagor fails to pay when due any obligation secured by this mortgage or defaults in performing any of the provisions herein to be performed by the Mortgagor, or has falsely warranted any fact herein, or becomes bankrupt or insolvent, or if the premises are attached or levied upon, or if proceedings of any kind are taken to foreclose any lien on the premises or any part thereof regardless of whether such lien is prior or subsequent to the lien of this mortgage, then the Mortgagee may immediately and without notice declare all obligations secured hereby as immediately due and proceed to foreclose this mortgage as provided by law. If the sale proceeds on foreclosure fail to satisfy all obligations secured hereby, the Mortgagor jointly and severally agrees to pay the deficiency.

INTERPRETATION: Time is of the essence of each provision hereof. A waiver by the Mortgagee of one or several defaults in performance of any provision hereof to be performed by the Mortgagor shall not be construed as being a waiver of such provision itself or any subsequent default in performance thereof. Singular terms shall be read as if written in the plural when the context so requires or permits.

BINDING EFFECT: The agreements herein shall apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties.

DATED:

August 18, 1994

Jay H. Cox
Mortgagor: Jay H. Cox

Carol J. Cox
Mortgagor: Carol J. Cox

Address: HC 79, Box 2225
Oreana, Idaho 83650

STATE OF IDAHO)
County of Owyhee) :ss

On this 18th day of August, 1994, before me,
the undersigned _____, a Notary Public, personally
appeared JAY H. COX and CAROL J. COX, husband and wife,
known or identified to me to be the persons whose names
are subscribed to the within instrument, and acknowledged
to me that they executed the same.

Nicholas K. Ikh
Notary Public for Idaho
Commission expires: Jan. 31, 2000



MORTGAGE-4

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SEP 27 1996

Exhibit "A" Land Description
File No. 01752

IN TOWNSHIP 4 SOUTH, RANGE 1 EAST, B. M., OWYHEE COUNTY,
IDAHO

Section 35: N $\frac{1}{2}$ NE $\frac{1}{2}$, SE $\frac{1}{2}$ NE $\frac{1}{2}$, NE $\frac{1}{2}$ SE $\frac{1}{2}$

IN TOWNSHIP 5 SOUTH, RANGE 1 EAST, B. M., OWYHEE COUNTY,
IDAHO

Section 3: Lots 2, 3, SW $\frac{1}{2}$ NE $\frac{1}{2}$, SE $\frac{1}{2}$ NW $\frac{1}{2}$, NE $\frac{1}{2}$ SW $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{2}$

IN TOWNSHIP 7 SOUTH, RANGE 1 EAST, B. M., OWYHEE COUNTY,
IDAHO

Section 3: SW $\frac{1}{2}$ NW $\frac{1}{2}$, NW $\frac{1}{2}$ SW $\frac{1}{2}$

Section 4: Lot 1, SE $\frac{1}{2}$ NE $\frac{1}{2}$

IN TOWNSHIP 7 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY,
IDAHO

Section 13: E $\frac{1}{2}$

Section 24: E $\frac{1}{2}$

IN TOWNSHIP 8 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY,
IDAHO

Section 1: SW $\frac{1}{2}$ SE $\frac{1}{2}$

Section 11: Lots 1, 2, 3, 4, NE $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{2}$

Section 12: W $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{2}$

Section 21: E $\frac{1}{2}$ NE $\frac{1}{2}$

Section 22: SW $\frac{1}{2}$ NW $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{2}$

213547

FILED-RECORDED

94 AUG 18 PM 2 40

BARBARA JAYO

OWYHEE COUNTY RECORDER

BY *W. J. Shadwin*

DEPUTY

RECEIVED
AUG 15.00
W. J. Shadwin

INDEXED

NOT RECORDED

EXHIBIT A

RECORDED
SEP 27 1981

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: A57-07209
Date Received: 12/07/1988
Receipt No: W021912 50
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WARREN TAYLOR 208-834-2339
Address: HC 79, BOX 2225
OREANA, ID 83650

2. Date of Priority: APR 08, 1978

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	01E	10	SE	NW			OWYHEE

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	10/01	04/01			200.00
IRRIGATION FROM STORAGE	04/01	09/01			200.00
DIVERSION TO STORAGE	10/01	04/01	2.000		

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) 200.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATER.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	01E	3	NW	NE	2	IRR	29.0

A57-07209

Page 1

Date: 01/10/89

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OCT 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	01E	3	SW	NE		IRR	31.0
			NE	NW	3	IRR	13.0
			SE	NW		IRR	6.0
			NE	SW		IRR	7.0
			NW	SE		IRR	22.0
			SW	SE		IRR	1.0
						Section Acres	109.0
						Total Acres	109.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:

A57-00088, A57-00113, A57-00158 & A57-02129.

14. Remarks:

DESC. OF DIVERTING WORKS - SMALL DIVERSION DAM IN CASTLE CREEK
WITH DITCH TO RESERVOIR, THEN GRAVITY FLOW DITCH TO IRRIGATED
LANDS.

15. Basis of Claim: PERMIT

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): Warren R. Taylor Date: 1-10-89
Date:

State of Idaho)
County of AOA) SS.

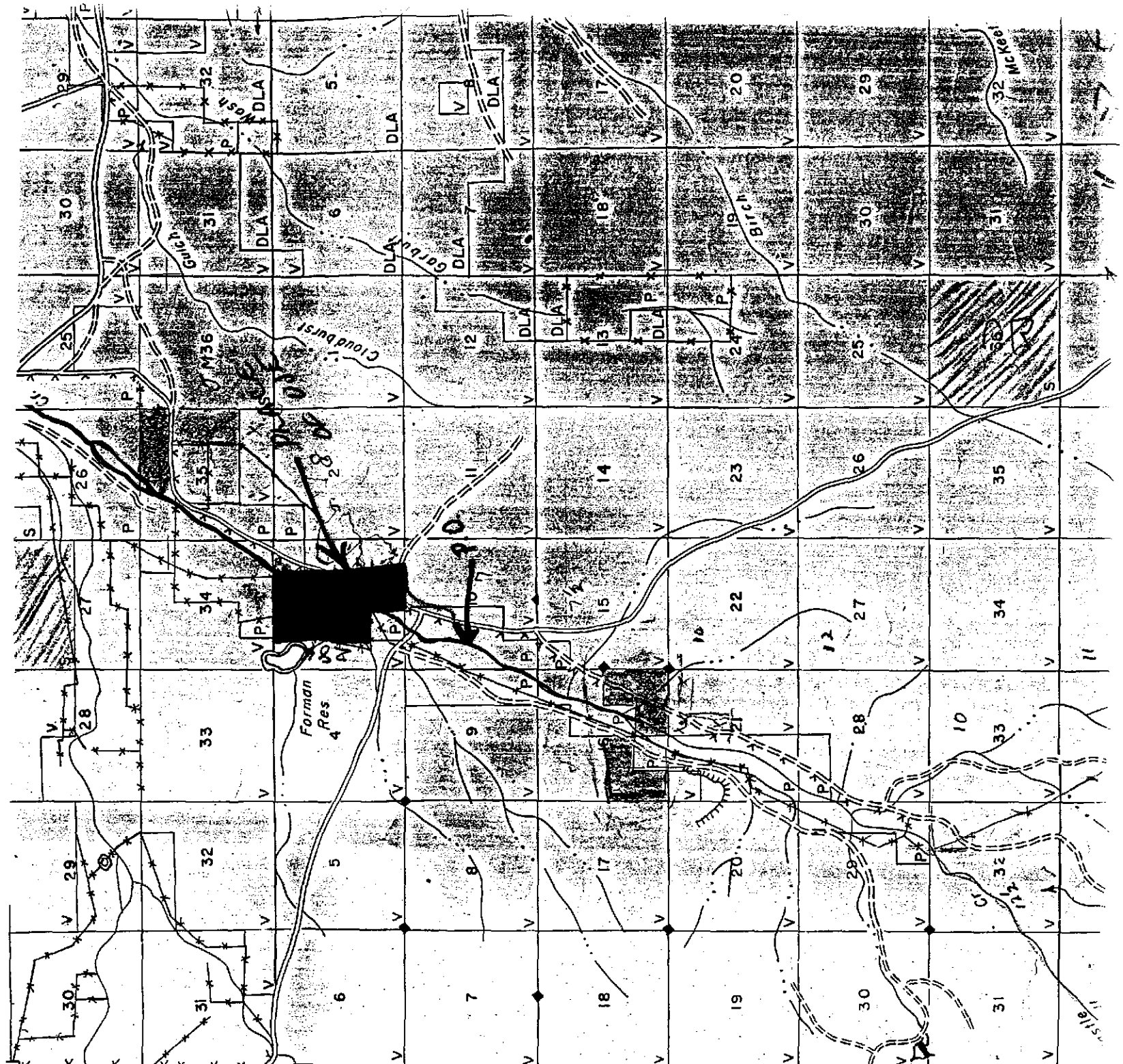
Subscribed and sworn (or affirmed) before me this 10th day

of January 19 89

Seal

Jon Shurtle
Notary Public

Residing at Meridian ID
My Commission Expires 9-14-94

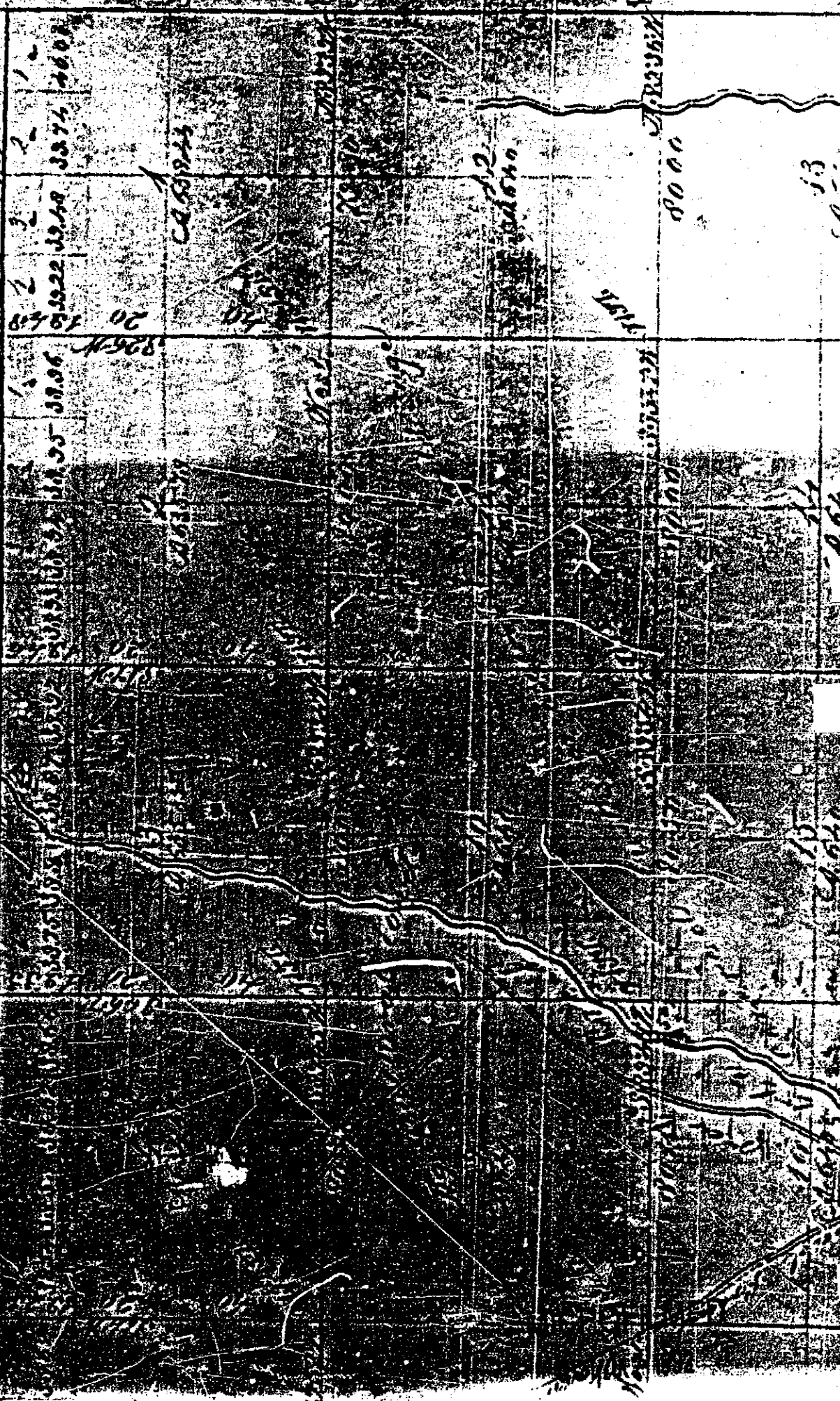


T5S

MICROFILMED

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IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-07209

Date: 4-17-03

	TNS	RNG	SEC	NE				NW				SW				SE				SUM
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	55	1E	3		-2 29	31		-3 13			6	7					22	1		109
GIS					31	30		13			6	26					18	.2		100.8
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 109

Overlapping EOU Claim #'s:

Total GIS Acres: 100.8

57-00088, 57-02129, 57-10857, 57-10858

COMMENTS:

County data indicates claimant doesn't have ownership.
Per claim map & image interpretation.

Idaho Department of Water Resources

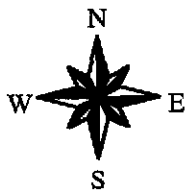
Claim Number: 57-07209

Legal: T05S, R01E, S03

Reviewed By:

1987 Napp Photo

-  Point of Diversion
(Located outside of view)
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines
-  Township/Range Lines



0 0.25 0.5 Miles