

Late Claims 3
45-13964
45-13965

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

45-10754

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: TIM PAYTON, PRESIDENT BIRCH CREEK WATERUSERS

Address: 1900 SOUTH 478 WEST

OAKLEY, IDAHO 83346

Daytime Phone: (208) 862-3224

Name & Address of Attorney, if any:
TRAVIS L THOMPSON

113 MAIN AVENUE WEST, SUITE 303

TWIN FALLS, IDAHO 83301-6167

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: DELROY MITTON, SIDNEE MITTON

Address: PO BOX 231

OAKLEY ID 83346

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: SEE E BELOW
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☒ **Period of Year**
Should be: SEE E BELOW
9. ☐ **Place of Use**
Should be: _____
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.

E. **REASONS SUPPORTING OBJECTIONS(S):** VARIOUS ISSUES WITH ADDITIONAL POINTS OF DIVERSION, POINT OF WATER MEASUREMENT, HISTORICAL EARLY SEASON USE PRIOR TO 3/15, AND REFERENCE TO SEPTEMBER 10, 1992 WATER ROTATION AGREEMENT.

F.

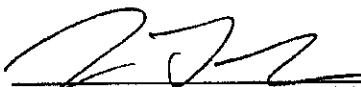
VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of TWIN FALLS)

TRAVIS L THOMPSON, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

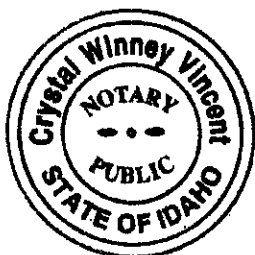
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)



(Attorney signing in representative capacity)

Subscribed and sworn to before me on: DECEMBER 30, 2004




Notary Public for STATE OF IDAHO
Residing at: TWIN FALLS
My Commission Expires: APRIL 8, 2010

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on DECEMBER 30, 200 , 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, ID 83303-2707

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

Name: _____ DELROY MITTON
Address: _____ SIDNEE MITTON
_____ PO BOX 231
_____ OAKLEY ID 83346

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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


Signature of objector or attorney
mailing on Objector's behalf

01/28/2004

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

RIGHT NUMBER: 45-10754
NAME AND ADDRESS: SIDNEE MITTON
BOX 231
OAKLEY ID 83346
DELROY MITTON
BOX 231
OAKLEY ID 83346

SOURCE: BIRCH CREEK TRIBUTARY: GOOSE CREEK

QUANTITY: 0.010 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/05/1882

POINT OF DIVERSION:

T14S R22E S14 SESESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	03/15 11/15	0.010 CFS
Domestic use is for 1 lawn.		

PLACE OF USE: DOMESTIC Within CASSIA County
T14S R22E S04 Lot 2 NWNE

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

PROPERTY IS ALSO KNOWN AS PART OF LOT 2, BLK 5, OAKLEY TOWNSITE. PARCEL NO. OK002005003A.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-79G.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM OAKLEY CANAL CO.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-10754 V1

WATER RIGHT NUMBER: 45-10754 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SIDNEE MITTON BOX 231 OAKLEY, ID 83346 (208)862-3645
Current Owner	DELROY MITTON BOX 231 OAKLEY, ID 83346 (208)862-3645

Priority Date: 12/05/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIRCH CREEK	GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	03/15 to 11/15	0.010 CFS	
	<u>Total Diversion:</u>	0.010 CFS	

Location of Point(s) of Diversion

BIRCH CREEK	SE1/4SE1/4SE1/4	Sec. 14, Twp 14S, Rge 22E, B.M.
CASSIA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	22E	4		X															
				L 2															

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.
3. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
4. S21 USE OF THIS RIGHT IS COMBINED WITH WATER FROM OAKLEY CANAL CO.
5. X01 Domestic use is for 1 lawn.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-10754 V1

1. Explanatory PROPERTY IS ALSO KNOWN AS PART OF LOT 2, BLK 5, OAKLEY TOWNSITE. PARCEL NO. OK002005003A.
2. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-79G.

Comments:

1. SSHERMAN 12/3/1997 COPIED FROM REMARKS

Comment: THIS CLAIM IS BASED ON 1/2 IN. BIRCH CREEK DECREE 1975, 5/16 IN BIRCH CREEK DECREE 1981, AND 25/48 IN BIRCH CREEK DECREE 1982, IE. 45-00077, 45-00078 AND 45-00079 RESPECTIVELY. RECORDED ON BOO K 36 PAGE 7 CASSIA COUNTY RECORDERS OFFICE.

2. jroberts 12/16/2003 Basis of Recommendation

Comment: The remarks in the claim said it was a combination of 1975, 1981, and 1982 Birch Creek water but I think it probably meant 1875, 1881, and 1882. I am recommending this as part of 45-79G for 1882 water with a diversion rate of .01 cfs, with the standard season of use, an accomplished transfer in the PoU, and the point of diversion in the SESESE of Section 14 like all other city water out of Birch Creek, instead of their individual points of rediversion at their property. The original claim was for 0.03 cfs but information in the old water master records indicates this property had 25/48 inches of 1882 water, or 0.01 cfs. They could make additional claims for their portions of 1875 (45-77J) and 1881 (45-78E) water. (Needs O/C to Poulton.)

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: NONE RECEIVED

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Adams	Cont show	13	81	82	
Bates		1	2 1/2	5 1/2	
Wm. Dutton		1/2	5/16	25/48	
Ben. Burke		3/4	3/8	3/8	
Ray C. Burke		1/2	1/4	1/4	
Ed. Bell	Birch Creek Ranch		2		
Joe Bell		1 3/4	2 3/2	1 3/2	
Leo Jones	(Carl Black)	5/6	5/16	25/48	
Frank Buckley	(Lloyd E. Smith)	1/6	1/16	5/48	
Bill Bunt		1/4	3/32	5/32	1/8 = .125
John A. Clark	Wax			10	1/6 = .166
John C. Clark	never paid		4/8		1/3 = .333
Max Cooper		5/6	5/16	25/48	1/2 = .500
Newell Dayley					5/6 = .833
Joe Ellison	Sold	1			3/8 = .375
Arlo Harwood		1/6	1/2	1/2	5/6 = .833
Kenda Lee		1			1/6 = .166
Carl Herring	Tom McKnight	5/6	5/16	25/48	5/8 = .625
Carl Herring	(Dan)	1/6	1/4	1/4	1/6 = .166
Ralph Herring		5/6	5/16	25/48	1/6 = .166
Golden Hargan	(Mellor)	5/8	5/16	25/32	1/2 = .500
Ed Hunter		1/3	3/12	10/16	
Herbert Harder		1 1/2	3 1/2	5 1/2	
Chas. Judd		1	1/2	5/8	
Wm. J. Judd		5/6	5/16	25/48	
Carl Judd			1 1/2		
Ralph Smith	(Bob Nelson)	1/6	1/12	1/12	
Carl Key	(Ben. Jones) Sold	1	5/8	1 3/8	
Arlene Baker		3/6	3/16	10/48	
Meriel Petersen		3/6	1 1/2	1/4	
Samuel Shingler	(George Routh)	1			
Howard Smith		3/4	3/8	3/8	
Wilford Sapers		1	1/2	1/2	
Walt Southworth		1/2	5/16	25/48	
Joe Sowers	(Wm. Judd)	5/6	5/16	25/48	
Elmer Taylor		1/2	3/8	13/48	
Ed War	(Cliff Bell)	5/6	5/16	25/48	
Earl Whiteley		1/2	1/4	1/4	
W B Whiteley		1/6	1/16	5/48	
TT		22.55	16.00	21.46	

MICROFILMED
MAR 05 1993

BIRCH CREEK WATER USERS 45-B

Water Master Robert Bell
45b

NAME:		volume used in	2000		
1	ANDERSON, BOB	0	\$35.00		
2	ADAMS, ERNEST	0	\$35.00		
3	AMMIOTT, MIKE	0	\$35.00		
4	BEDKE, ERIC	0	\$35.00		
5	BEDKE, RAY C.	0	\$35.00		
6	BELL, CLIFF	2.04	\$35.00		
7	BURCH, GOLDEN	0	\$35.00		
8	BUCKLEY, R. / N MCMURRY	0	\$35.00		
9	COOPER, MAX	2.04	\$35.00		
10	DAYLEY, KENDALL	8.04	\$42.43		
11	FEHLMAN, ROBERT	4.76	\$35.00		
12	FONSBECK, CLYDENE	0	\$35.00		
13	GARRARD, EDNA	2.55	\$35.00		
14	GEE, LAVERDA	7	\$36.95		
15	GORRINGE, BRENDON	2.04	\$35.00		
16	HAINES, MRS CLOYCE	2.72	\$35.00		
17	HALE, JAMES	6.8	\$35.00		
18	HARPER, ARNOLD	0	\$35.00		
19	LUKER, DAN	1.36	\$35.00		
20	Eis, PAUL	0	\$35.00		
21	GARY NAGEL	0	\$35.00		
22	JUDD, DAVID	0	\$35.00		
23	ROBERT MANNING	556.8	\$2,939.29		
24	McBRIDE, JAMES	1.36	\$35.00		
25	McMURRY, NORMAN	0	\$35.00		
26	McKNIGHT, TIM	2.38	\$35.00		
27	MULLARD, GARY	1.02	\$35.00		
28	MYERS, T.R.	1.36	\$35.00		
29	MITTON, STEVEN	0	\$35.00		
30	MULHLESTEIN, CLINT	3.23	\$35.00		
31	PAYTON, CHARLES	352.6	\$1,861.34		
32	PAYTON, TIM	0	\$35.00		
33	PETERSON, MURIAL	0	\$35.00		
34	PETERSON, NELS	0	\$35.00		
35	QUALLS, CINDY	0	\$35.00		
36	RANDALL, ILLA	4.08	\$35.00		
37	DAVID MUNK	0	\$35.00		
38	STRINGHAM, LONNIE	0	\$35.00		
39	VERDINE, MARCUS	0	\$35.00		
40	WHITELEY, EARL	0	\$35.00		
41	WHITELEY, READ	0	\$35.00		
42	OAKLEY CANAL CO.		\$440.00		
TOTALS		958.1	\$6,615.00		

AMOUNTS WORKED ON 5.2789

6615.014

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-79G

WATER RIGHT NUMBER: 45-79G

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JACOB DAYLEY OAKLEY, ID 83342

Priority Date: 12/05/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIRCH CREEK	GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.269 CFS	
	<u>Total Diversion:</u>	0.269 CFS	

Location of Point(s) of Diversion

BIRCH CREEK

Place of UseIRRIGATION Within CASSIA County

T13S R22E S33	NENW	T13S R22E S33	SENW
T13S R22E S33	NESW	T13S R22E S33	SESW

Conditions of Approval:Remarks:

- General TRANS. 824, 1019, 2268, 2298.
 ACTUAL DIV. RATE = 0.2685 CFS.
 P/D UNKNOWN. DESCRIBED DIFFERENTLY IN TRANS. 2268 & 2298.

Comments:Dates and Other Information:

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DELROY MITTON	12/05/1882	DOMESTIC	01-01 12-31	0.03 CFS	
C	SIDNEE MITTON					
TOTAL DIVERSION:					0.03 CFS	

Water Source: BIRCH CREEK

Tributary to: GOOSE CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T14S R22E S04

NWNWNE

CASSIA County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE						
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
14S	22E	4	:		D	:					:							

POU County: CASSIA

Non-Irrigation Uses: 1 YARD

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER D
- DETERMINATION OF HISTORICAL
- N13 - THE QUANTITY OF WATER U
- GALLONS PER DAY.

Remarks: EXP PARCEL NO. RPOK002005003A A

Dates: Exam Made Date:

Ver

Misc: Water District Number:

File

Pre

*now owned by Boulton
no o/c rec'd.*

*This claim is based on 79 (1882)
cause it combined all three sts.
Could still claim 78 & 77!*

77 .01 cfs (1/2 in.)

78 .006 cfs (5/16 in.)

79 .01 (25/48")

*-Remarks stated comb. of 1925, 1981, &
1982. I think it meant 1875, 1881, &
1882. Am recommending this as part
of 45-77J for 1875 water with
a div. rate of .01 cfs. Can file
other claims for other rights. Need o/c*

*o/c of
1982*

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/03/98

PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DELROY MITTON	12/05/1882	DOMESTIC ✓	01-01 12-31 ✓	0.03 CFS	
C	SIDNEE MITTON					
TOTAL DIVERSION:					0.03 CFS	

Water Source: BIRCH CREEK ✓

Tributary to: GOOSE CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T14S R22E S04 NWNWNE

CASSIA County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
14S	22E	4	:	D	:	:	:	:	:	:	:	:	:	:	:

POU County: CASSIA

Non-Irrigation Uses: 1 YARD ✓

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RPOK002005003A A

Dates: Exam Made Date: Verified Date: 12/03/1997 Objection Filed Date:

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

Held basis of
verify claim

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

2

C DELROY MITTON
C SIDNEE MITTON
BOX 231
OAKLEY ID 83346
(208) 862-3645

12/05/1882 DOMESTIC

0.03 CFS

0.03 CFS

TOTAL DIVERSION: 0.03 CFS

Stage: BENEFICIAL USE

T14S R22E S04
NW/4NE

CASSIA County

MS

[illegible]

POU County: CASSIA

Non-Irrigation Uses: 1 YARD

Other Rights: NONE

Conditions of Approval:

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
 DETERMINATION OF HISTORICAL BENEFICIAL USE.
 N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP0K002005003A A

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
		12/03/1997	

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

Comments: Date: 12/03/1997 User-ID: SSSHERMAN Subject: COPIED FROM REMARKS
THIS CLAIM IS BASED ON 1/2 IN. BIRCH CREEK DECREE 1975, 5/16 IN
BIRCH CREEK DECREE 1981, AND 25/48 IN BIRCH CREEK DECREE 1982,
IE. 45-00077, 45-00078 AND 45-00079 RESPECTIVELY, RECORDED ON 800

AJ0749NP
No. R45-10754

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

DATE: 12/03/97
PAGE: 2

Comments: Date: 12/03/1997 User-ID: SSHERMAN Subject: COPIED FROM REMARKS
K 36 PAGE 7 CASSIA COUNTY RECORDERS OFFICE.

Audit: 12/03/97 SSHERMAN

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-20-1997

PAGE: A-127

Act # M003667

RIGHT NUMBER: 45-10754

NAME & ADDRESS: ~~DELOY MITTON~~
~~SIDNEE MITTON~~
~~BOX 234~~
OAKLEY ID 83346

*James C + Lynn Poulton
Po Box 163*

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 0.03 CFS

PRIORITY DATE: 12/05/1982

POINT OF DIVERSION: T14S R22E S04V

NWNWNE

Within CASSIA County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
DOMESTIC LAWN AND GARDEN FOR HOUSE

PERIOD OF USE
01-01 12-31

QUANTITY
0.03 CFS

PLACE OF USE: DOMESTIC
T14S R22E S04V

Within CASSIA County
NWNE

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

THIS CLAIM IS BASED ON 1/2 IN. BIRCH CREEK DECREE 1975, 5/16 IN
BIRCH CREEK DECREE 1981, AND 25/48 IN BIRCH CREEK DECREE 1982,
IE. 45-00077, 45-00078 AND 45-00079 RESPECTIVELY. RECORDED ON BOO
K 36 PAGE 7 CASSIA COUNTY RECORDERS OFFICE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RP0K002005003A A

Verified by *[Signature]*

Date: *11/04/97*

Verification Source: *[Signature]*

SD-2503-3

Idaho Department Of Water Resources
Receipt Maintenance II - Maint. Screen 3

Date: 11/04/97

Time: 15:43:46

Receipt Number : M003667

Page 1 Of 3

Receipt Amt :

230.00

A4500441 *ir* 130.00
A4510754 *0* 25.00

A4500421 *ir* 50.00

A4510588 *0+5* 25.00



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 5, 1997

JAMES C & LYNN POULTON
PO BOX 168
OAKLEY ID 83346

12-3-97

Response

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right A45-00441,
A45-00421, A45-10588 & A45-10754

Dear Claimant:

We have been advised you may be the new owner of the property with the water rights referenced above.

Before we can modify our records to reflect your new ownership of the property and water rights referenced above, we need Form 42-248/42-1409(6) completed and returned. We have enclosed this form for your use. Please return the completed form with warranty deed copy and map to my attention no later than November 18, 1997.

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:state
Enclosure:
Form 42-248/42-1409(6)

COPY

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: [REDACTED]
Date Received: 5/23/1989
Receipt No: 11007667
Received By: BAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DELROY MITTON
Address: BOX 231
OAKLEY, ID 83346 208-862-3645

OR

Name: SIDNEE MITTON
Address: BOX 231
OAKLEY, ID 83346 208-862-3645

2. Date of Priority: DEC 05, 1882

3. Source: BIRCH CREEK Trib. to: GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	22E	4	NW	NW	NE		CASSIA

5. Description of diverting works:
GRAVITY FROM DITCH ONTO LOT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
LAWN AND GARDEN FOR HOUSE HOLD

MICROFILMED

MAR 08 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14S	22E	4	NW NE		DOMEST	

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:
NONE

14. Remarks:

THIS CLAIM IS BASED ON 1/2 IN. BIRCH CREEK DECREE 1975, 5/16 IN BIRCH CREEK DECREE 1981, AND 25/48 IN BIRCH CREEK DECREE 1982, IE. 45-00077, 45-00078 AND 45-00079 RESPECTIVELY. RECORDED ON BOOK 36 PAGE 7 CASSIA COUNTY RECORDERS OFFICE.

15. Basis of Claim: BENEFICIAL USE

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: 0

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): X Kelly M. Miller Date: 5/23/89
Date:

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 23 day
of May 19 89 Bruce A. Schmitt
Notary Public

Seal

Residing at Boise Idaho
My Commission Expires 4/11/91