

Idaho Dept. of Water Resources

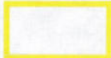
Claim No(s): 65-2422

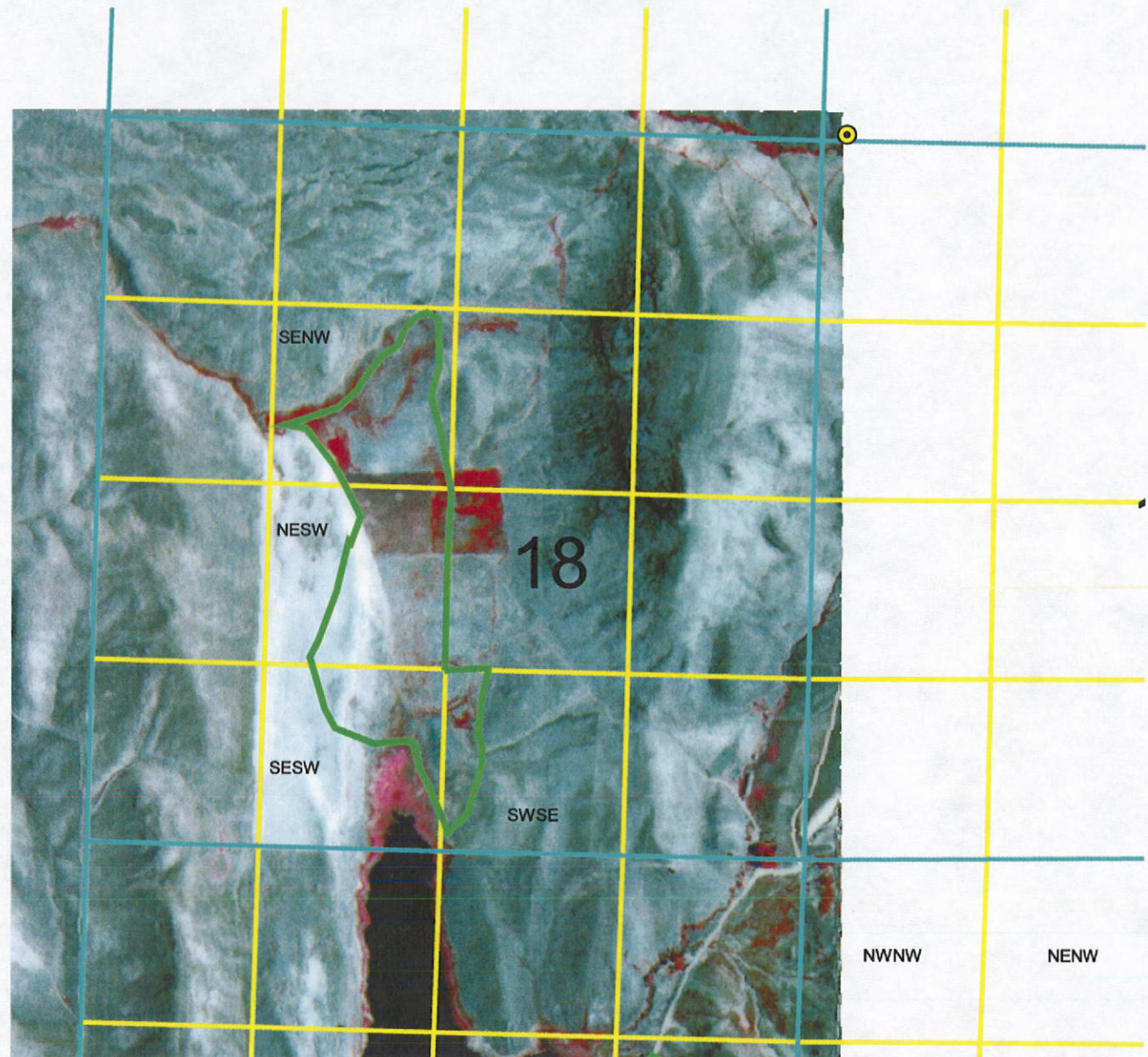
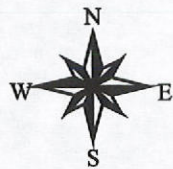
65-11343

T8N, R1W, S 18

Prepared by: Sue Bock

Date: 7/29/2002

-  Sue_pou.shp
-  Sue_pod.shp
-  S08n01w.shp
-  Q08n01w.shp



1987 NAPP Photo

700 0 700 1400 Feet



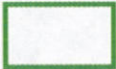
Idaho Dept. of Water Resources

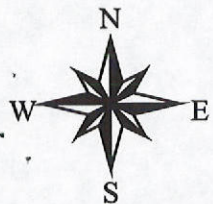
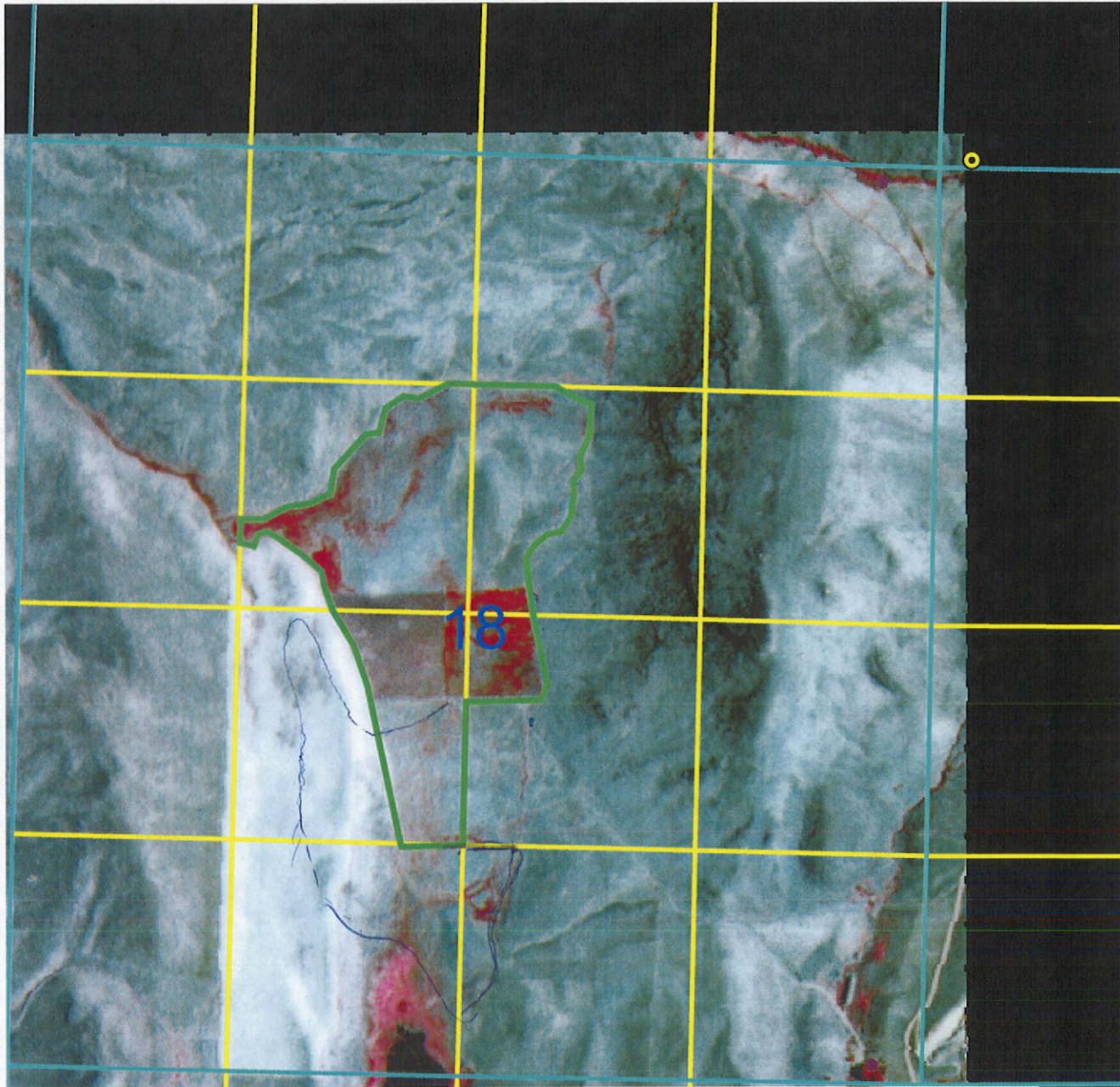
Claim No(s): 65-02422,
65-11343

T08N, R01W, Sec 18

Created by: Sue Bock

Date: 10/27/2000

-  Place of Use
-  Point of Diversion
-  Section lines
-  1/4 1/4 lines



0 1000 2000 3000 Feet



1987 NAPP Photo

Jsh

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: A65-02422
Date Received: 2/14/1990
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES A. MITCHELL 208-365-2831
Address: 8777 VAN DEUSEN RD.
EMMETT, ID 83617

2. Date of Priority: AUG 16, 1941

3. Source: SUCKER CREEK Trib. to: BIG WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	01W	8	SW	SW			GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	01W	18	SW	NE		IRR	9.0
			SE	NW		IRR	28.0
			NE	SW		IRR	18.0

Section Acres 55.0

A65-02422

Page 1

Date: 04/13/90

MICROFILMED

SEP 18 1992

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. No. *A65-02422*

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

Please type or print clearly:

Name of Claimant(s) James A. Mitchell

Mailing Address 8777 Van Deusen Rd.
(include Zip Code) Emmett, Idaho 83617

Phone Number (208) 365 - 2831

MICROFILMED
SEP 18 1992

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: A65-02422
Date Received: 2-14-90
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES A. MITCHELL
Address: P. O. BOX 374
EMMETT, ID

83617

RECEIVED

FEB 14 1990

Name: ELIZABETH MITCHELL
Address: P. O. BOX 374
EMMETT, ID

83617

Department of Water Resources

2. Date of Priority: AUG 16, 1941

3. Source: SUCKER CREEK

Trib. to: BIG WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	01W	8	SW	SW	SW		GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

A65-02422

Page

1

Date: 02/05/90

MICROFILMED

SEP 18 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	01W	18	SW	NE		IRR	9.0
			SE	NW		IRR	28.0
			NE	SW		IRR	18.0
						Section Acres	55.0
						Total Acres	55.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): James A. Mitchell Date: 2-12-90

Date: _____

State of Idaho)
County of Gem) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of February, 19 90

[Signature]
Notary Public

Seal

Residing at Emmett, Idaho
My Commission Expires 6-1-91

4/5/909:

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Mitchell

CLAIM IDENT. NO.

AGS-02422

DATE RECEIVED

2-14-90

CK #

AMOUNT \$

exempt

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *
2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☐ YES ☐ NO ☐ *
3. (a) Is a source entered? ☐ YES ☐ NO ☐ *
- (b) Is a tributary to entered? (If required) ☐ YES ☐ NO ☐ N/A ☐ *
4. Is the legal description of the p.d. sufficient? ☐ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☐ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☐ YES ☐ NO ☐ *
- Is the period of use included? ☐ YES ☐ NO ☐ *
- Is a quantity claimed for each use? ☐ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☐ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☐ YES ☐ NO ☐ N/A ☐ *
- Is the consumptive use correct? ☐ YES ☐ NO ☐ N/A ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☐ NO ☐ N/A ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☐ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☐ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☐ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☐ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☐ NO ☐ N/A ☐ *
15. Is the basis of the claim indicated? ☐ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☐ NO ☐ N/A ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☐ YES ☐ NO ☐ Exempt ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☐ NO ☐ N/A ☐ *
22. Should this claim be data entered? ☐ YES ☐ NO ☐ *

Claim checked by: RRB

Date:

4/3/90

Claim must be returned to claimant: ☐ (Yes) ☐ (No)

Claimant must be notified of modifications: ☐ (Yes) ☐ (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments:

MICROFILMED

SEP 18 1992

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 65-02422

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 25 2003	
By _____	Clerk
	Deputy Clerk

NAME AND ADDRESS: JAMES A MITCHELL
8777 VAN DEUSEN RD
EMMETT, ID 83617

SOURCE: SUCKER CREEK TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 1.00 CFS

PRIORITY DATE: 08/16/1941

POINT OF DIVERSION: T08N R01W S08 SWSW Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.00 CFS

PLACE OF USE:	Irrigation	Within Gem County
	T08N R01W S18	SENW 18.3 NESW 23.7
		SESW 12.5 SWSW 0.5
	55.0 Acres Total	

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. 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
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION
MAR 25 2003

SPECIAL MASTER

07/29/2002

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

RIGHT NUMBER: 65-2422

NAME AND ADDRESS: JAMES A MITCHELL
8777 VAN DEUSEN RD
EMMETT ID 83617

SOURCE: SUCKER CREEK

TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 1.00 CFS

PRIORITY DATE: 08/16/1941

POINT OF DIVERSION:

T08N R01W S8 SWSW Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/15 11/15

1.000 CFS

PLACE OF USE:

IRRIGATION Within GEM County

T08N R01W S18

SENW

18.3

T08N R01W S18

NESW

23.7

T08N R01W S18

SESW

12.5

T08N R01W S18

SWSE

0.5

55 ACRES TOTAL

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

Idaho Dept. of Water Resources

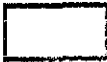
Claim No(s): 65-2422

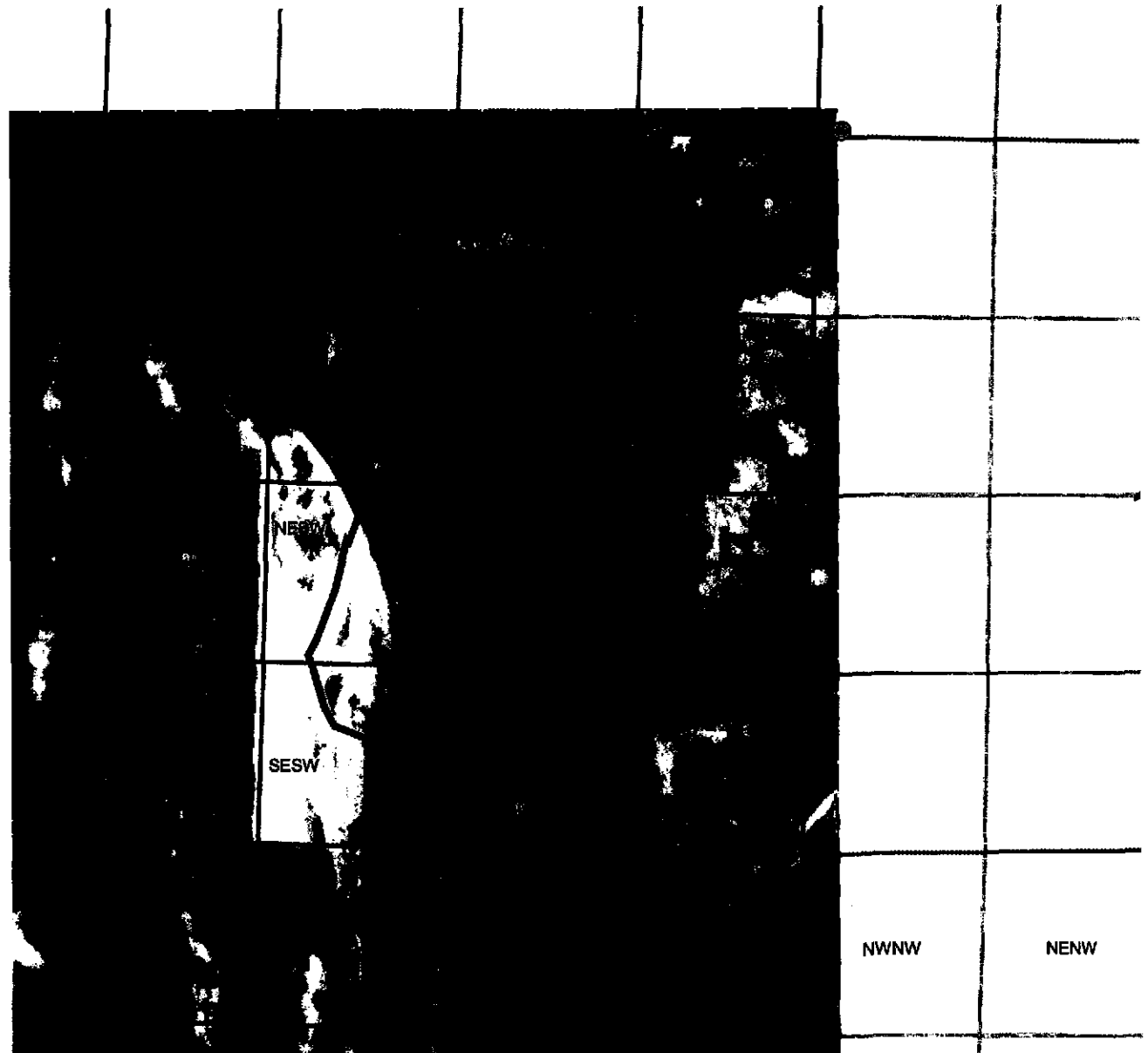
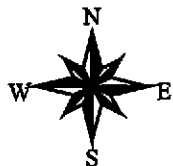
65-11343

T8N, R1W, S 18

Prepared by: Sue Bock

Date: 7/29/2002

-  Sue_pou.shp
-  Sue_pod.shp
-  S08n01w.shp
-  Q08n01w.shp



1987 NAPP Photo

700 0 700 1400 Feet



Bock, Susan

From: Baxter, Garrick
Sent: Tuesday, July 23, 2002 2:56 PM
To: Bock, Susan
Subject: RE: and now the million dollar question(s)

Hi Sue,

I follow your explanation, but I think we need to be careful in explaining the situation to Mr. Mitchell. Because we have already issued our recommendation, our options are limited: Mr. Mitchell is entitled to rely upon the prima facie weight given our recommendation, and thus we can not now disallow a right. However, I would explain to Mr. Mitchell the impact of the map he drew for you and suggest that if this is all he has in fact irrigated, we can draft up an SF5 saying such. However, I would also give him the opportunity to take a second chance at drawing the map. Maybe even draw up the POU just without the BLM acres and ask him where else he irrigates. If we need to do a site visit, I'm up for a trip.

Another question that comes up in my mind is has he been irrigating the BLM land. If we can't identify other acres he has been irrigating, then have him apply for a transfer instead of just losing the acres.

Let me know what you think.

Garrick

-----Original Message-----

From: Bock, Susan
Sent: Tuesday, July 23, 2002 12:15 PM
To: Baxter, Garrick
Subject: and now the million dollar question(s)

Okay Garrick, see if you can follow this.

Mitchell

65-11343 for 15 acres at 1" per acre (.3 cfs) 1947 priority date. All on BLM.

65-2422 for 55 acres at .018 cfs per acre (1.00 cfs) 1941 priority date. 9 acres on BLM

Both are from same pod.

9 acres from 65-11343 are covered on 65-2422.

New shape based on what claimant drew on map. New shape comes up to 38.5 acres. SOOOOO,,,

This is what I plan to do.

Disallow 65-11343, recommended as 65-2422.

On 65-2422 recommend for 38.5 acres and .82 cfs based on....

55 acres + 6 acres (difference) total cfs 1.3 cfs. $1.3\text{cfs}/61\text{ acres} = 0.0213\text{ cfs}$

$0.0213 \times 38.5\text{ acres} = .82\text{ cfs}$

This okay with you?

Still need to pass it by claimant

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN 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

Case No. 39576

A. Subcase 65-02422

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

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

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

Name: James A. Mitchell

Address: 8777 Van Deusen Rd; Emmett ID, 83617

Name:

Address:;

Name:

Address:;

Name:

Address:;

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(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: See attached

11. **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 OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

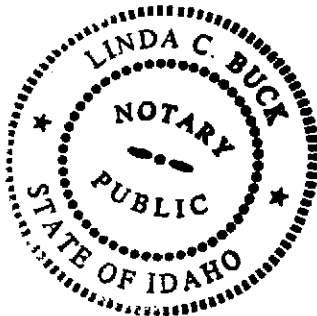
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Fredric W. Price
(Signature of person filing objection)

Larry C. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 01-16-2002



Linda C. Buck

Notary Public for Idaho

Residing at: Mountain Home

My Commission Expires: 12-21-2005

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 Jan 18, 2002, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Name: James A. Mitchell

Address: 8777 Van Deusen Rd; Emmett ID, 83617

Name:

Address:;

Name:

Address:;

Name:

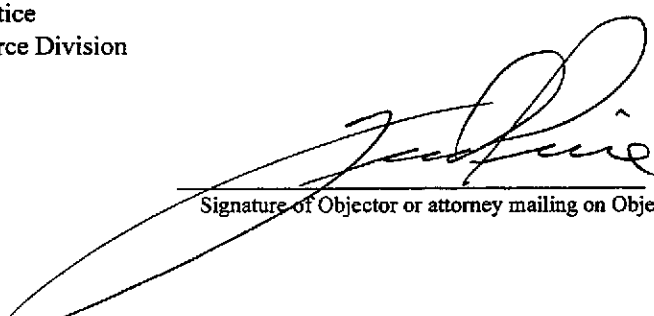
Address:;

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

08/31/2001

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

RIGHT NUMBER: 65-2422

NAME AND ADDRESS: JAMES A MITCHELL
8777 VAN DEUSEN RD
EMMETT ID 83617

SOURCE: SUCKER CREEK

TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 1.000 CFS

PRIORITY DATE: 08/16/1941

POINT OF
DIVERSION:

T08N R01W S8 SWSW Within GEM County - BLM (65-19924)

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	1.000 CFS

PLACE OF USE:

IRRIGATION Within GEM County

T08N R01W S18	SWNE	9.0	T08N R01W S18	SENE	28.0
T08N R01W S18	NESW	18.0			

55 ACRES TOTAL

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

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN 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)

Case No. 39576)

A. Subcase 65-2422
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234
Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

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

Name: James A. Mitchell
Address: 8777 Van Deusen Rd.
Emmett, ID 83617

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

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**
Should be:
 2. ☐ **Source**
Should be:
 3. ☐ **Quantity**
Should be:
 4. ☐ **Priority Date**
Should be:
 5. ☐ **Point(s) of Diversion**
Should be:
 6. ☐ **Instream Flow Description**
Should be:
 7. ☐ **Purpose(s) of Use**
Should be:
 8. ☐ **Period of Year**
Should be:
 9. ☐ **Place of Use**
Should be:
 11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

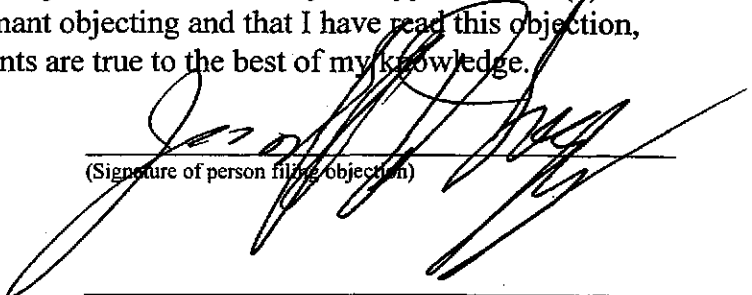
County of Ada

)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:

(Name of person filing objection)

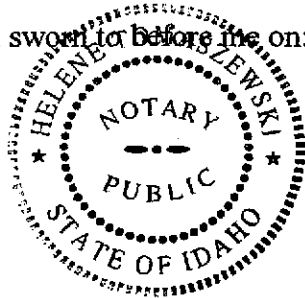
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

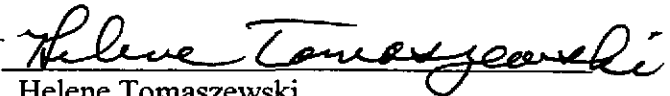

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002





Helene Tomaszewski

Notary Public for: Idaho

Residing at: Meridian

My Commission Expires: 01-16-2002

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 January 17, 2002, I mailed the original and copies of this objection, 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, ID. 83303-2707

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

Name: James A. Mitchell

Address: 8777 Van Deusen Rd.
Emmett, ID 83617

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on Objector's behalf



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

“When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season.”

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

10/25/2000

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

RIGHT NUMBER: 65-2422

NAME AND ADDRESS: JAMES A MITCHELL
8777 VAN DEUSEN RD
EMMETT, ID 83617

SOURCE: SUCKER CREEK TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 1 CFS

PRIORITY DATE: 08/16/1941

POINT OF DIVERSION: T08N R01W S8 SWSW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3-15 11-15	1.00 CFS

PLACE OF USE:

<u>IRRIGATION Within GEM County</u>			
T08N R01W S18	SWNE	9	T08N R01W S18
T08N R01W S18	NESW	18	SENW 28
55 ACRES TOTAL			

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:30:47
06/02/00
99

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A65-02422

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME																																																																							
C	JAMES A MITCHELL	08/16/1941	IRRIGATION	03-15 11-15	1.000 CFS																																																																								
					TOTAL DIVERSION:	1.000 CFS																																																																							
Water Source: SUCKER CREEK		Tributary to: BIG WILLOW CREEK		Stage: DECREED																																																																									
Point(s) of Diversion:		T08N R01W S08	SWSW	GEM County																																																																									
Place of use Legal Description for: IRRIGATION																																																																													
<table border="0"> <tr> <td colspan="4">NE</td> <td colspan="4">NW</td> <td colspan="4">SW</td> <td colspan="4">SE</td> <td></td> </tr> <tr> <td>T</td><td>R</td><td>S</td><td>:</td> <td>Lt</td><td>Ac</td><td>Lt</td><td>Ac</td> <td>Lt</td><td>Ac</td><td>Lt</td><td>Ac</td> <td>Lt</td><td>Ac</td><td>Lt</td><td>Ac</td> <td>:</td> <td>SUM</td> </tr> <tr> <td>08N</td><td>01W</td><td>18</td><td>:</td> <td></td><td></td><td>09</td><td>:</td> <td></td><td></td><td>28</td><td>:</td> <td>18</td><td>:</td> <td></td><td></td> <td>:</td> <td>55.0</td> </tr> <tr> <td colspan="16"></td> <td>TOTAL ACRES</td> <td>55.0</td> </tr> </table>							NE				NW				SW				SE					T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	08N	01W	18	:			09	:			28	:	18	:			:	55.0																	TOTAL ACRES	55.0
NE				NW				SW				SE																																																																	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM																																																												
08N	01W	18	:			09	:			28	:	18	:			:	55.0																																																												
																TOTAL ACRES	55.0																																																												

POU County: GEM

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag: Presumption Flag:

C18

WR5809NP
No. 65-02422

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/02/00
PAGE: 9

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES A. MITCHELL	08/16/1941	IRRIGATION	03/15 11/15	1.000 CFS	
C	ELIZABETH MITCHELL					
	P. O. BOX 374					
	EMMETT ID 83617					
				TOTAL DIVERSION:	1.000 CFS	

Water Source: SUCKER CREEK

Tributary to: BIG WILLOW CREEK

Stage: DECREED

Point(s) of Diversion:

T08N R01W S08

SWSW

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
08N	01W	18	:				09	:				28	:		18			:						55.0
																							TOTAL ACRES	55.0

Pou County: GEM

Dates:	App. Received:	Priority Date:	08/16/1941
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Idaho Dept. of Water Resources

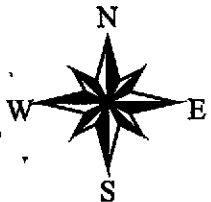
Claim No(s): 65-02422,
65-11343

T08N, R01W, Sec 18

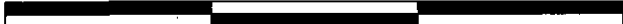
Created by: Sue Bock

Date: 10/27/2000

-  Place of Use
-  Point of Diversion
-  Section lines
-  1/4 1/4 lines



0 1000 2000 3000 Feet



1987 NAPP Photo

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM #: 65-02422 Date: 4-6-00

Overlapping POU Claim #'s: _____

	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	8N	16W	18			9					28	18								55
GIS						15					24	16								55
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

POU_ID #(s): 374, 375

POD_ID #(s): 275

Total Claimed Acres: 55

Total GIS Acres: 55

COMMENTS:

POD looks to be in S18 NENE instead of S8