

DEPARTMENT OF
WATER RESOURCES

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: 1.409 CFS (70.45")
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Use**
Should be: _____
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): The IDWR's recommendation for 1.64 CFS
was based on a deed recorded 9 April 1979 for 32 inches of decreed water and a deed recorded 31 December 1979 for 50
inches of the Emily Warren decree. Historically, these amounts cannot be supported based on earlier recorded deeds.
A historical review of the Emily Warren Decree is attached. After reviewing the historical data, all claimants of this
water right have signed an agreement detailing an acceptable distribution of the water right to each of the claimants.
A copy of the distribution agreement is attached.

F.

VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of BINGHAM)

LaVerelle Stecklein, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

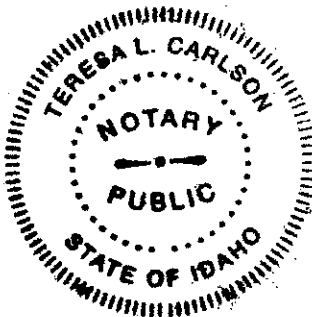
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

LaVerelle Stecklein
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

1/24/2006



Teresa L. Carlson
Notary Public for _____
Residing at: Irith, Idaho
My Commission Expires: 5-29-11

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 // / 30 , 200 6 , 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: Deanna Stecklein / LaVerelle Stecklein (Myself)

Address: 757 W Riverton Rd
Blackfoot, ID 83221

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

LaVerelle Stecklein
Signature of objector or attorney
mailing on Objector's behalf

Distribution of the Emily Warren Decree

Upon a detailed review of the Abstracts and deeds associated with the Joseph and Emily Warren properties the following distribution of the Emily Warren Decree has been accepted by users of the decree.

Right No. 27-00025A

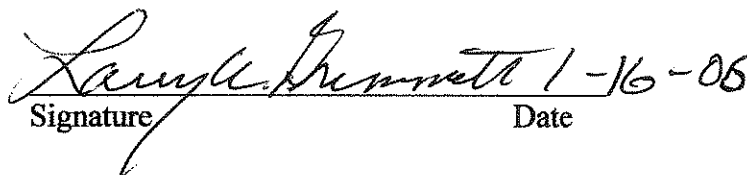
Larry Grimmett

224 S 550 W

Blackfoot, ID 83221

Acceptable portion of decree: 8.95"

I, Larry Grimmett, accept the distribution of the Emily Warren Decree as noted to the left for all users of this decree including my portion.

 1-16-06
Signature Date

Right No. 27-00025B

Deanna Stecklein

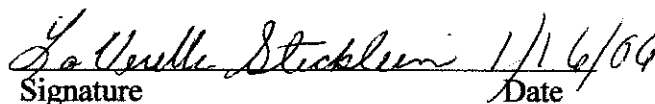
LaVerelle Stecklein

757 W Riverton RD

Blackfoot, ID 83221

Acceptable portion of decree: 70.44"

I, La Verelle Stecklein, accept the distribution of the Emily Warren Decree as noted to the left for all users of this decree including my portion.

 1/16/06
Signature Date

Right No. 27-00025C

Norman Winter

230 S 550 W Nagisty Rd

Blackfoot, ID 83221

Acceptable portion of decree: 8.95"

I, Norman Winter, accept the distribution of the Emily Warren Decree as noted to the left for all users of this decree including my portion.

 1-16-06
Signature Date

Right No. 27-12069

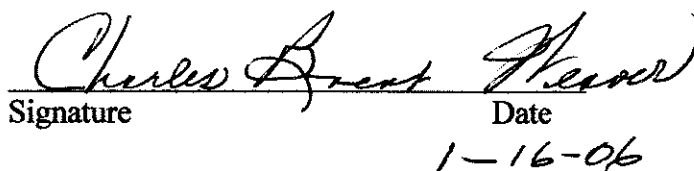
Charles Brent Weaver

802 W Riverton Rd

Blackfoot, ID 83221

Acceptable portion of decree: 17.66"

I, Charles Brent Weaver, accept the distribution of the Emily Warren Decree as noted to the left for all users of this decree including my portion.

 1-16-06
Signature Date

Total Decree 106"

An Analysis of the Emily Warren Decree

based on the actual property Abstracts¹ located after the initial analysis was completed.

Prepared by Merlin E Yancey, Date: Jan 16, 2006

No.	Date Recorded	Date Prepared	Parties Involved	Acres	Water Rights	Emily Warren Rights	Comments
1	6 Sept 1884	3 Sept 1884	Joseph Warren to George F. Culmer	167.25	Not yet decreed	Not yet decreed	Lots 4, 5, 6 and SE ¼ of the NW ¼ of Sec 18
2	18 May 1888	16 May 1888	George F Culmer to Emily Warren	167.25	Not yet decreed	Not yet decreed	Lots 4, 5, 6 and SE ¼ of the NW ¼ of Sec 18
3	18 November 1903	1 November 1888	Probate for the Estate of Joseph Warren	40	Not yet decreed	Not yet decreed	Inventory of estate appraised and filed Dec. 24, 1888.
4		1 August 1891	Fred S. Stevens vs. Eastern Idaho Water -- Emily Warren Decree		106 inches	106 inches	Decree Date 1 April 1883
According to the probate record Joseph Warren died Oct. 15, 1888. In his will he "bequeathes ½ of all the real and personal estate to this wife" and ½ of all the real and personal estate to his three children (Joseph H. Warren 18, Alice Warren 16 and George Warren 13). Since the 106 inches of the Emily Warren right was an April 1, 1883 decree it seems reasonable that it was part of the Joseph Warren Estate and would be distributed according to Joseph Warren's will. ½ to his wife and ½ to the 3 children, i.e. 53 inches to Emily and 53 inches to the children. Each of the 3 children has 17.66" based on Probate. The divisions of the Emily Warren decree shown below are approximated values based on the dates deeds were recorded. Based on general statements transferring water rights on certain deeds such as "and water rights", and "with all water rights" there is potential for some error to occur relative to the original owners intent in this analysis. This analysis was a best effort attempt at being fair with all parties involved in the Emily Warren Decree.							
5	5 February 1904	2 February 1904	Emily Warren Hodder to George R Warren	131.10	100 inches Rights: Emily retains 6" for her 5 acres. Emily has 47" to deed to George.	Emily 6" + George 47" = 17.66" = 64.66" Alice 17.66" Joseph 17.66"	Lots 4, 5 and SE ¼ of the NW ¼ of Sec 18 less about 5 acres of SE ¼ of the NW ¼ of Sec 18. Two deeds were prepared for this property in 1904. Apparently Emily deeds her interest and Joseph and Alice (in a separate deed) deed their interest to George R Warren. Also see No. 11 & 12.
6	6 May 1907	15 February 1904	George R. & Anne Warren to Emily Warren	20	9 inches of decreed water.	Emily 6" + 9" = 15" George 55.66" Alice 17.66" Joseph 17.66"	Emily's original 5 acres had 6" of water. An additional 15 acres are deed with 9" of water. The 20 acres include the North ½ of the SE ¼ of the NW ¼ of section 18 TS 3S R 35E.
7	9 January 1908	4 May 1907	Emily Warren Hodder, Frederick Hodder to Joseph H. Warren	10	...and water rights	Emily 8.4" George 55.666" Alice 17.666" Joseph 24.266"	Emily's retains 4 of the original 5 acres and 6 of the added 15 acres. Emily water right would be 4.8" from the 4 acres + 3.6" for the 6 acres for a total of 8.4 inches.

An Analysis of the Emily Warren Decree							
based on the actual property Abstracts ¹ located after the initial analysis was completed.							
Prepared by Merlin E Yancey, Date: Jan 16, 2006							
No.	Date Recorded	Date Prepared	Parties Involved	Acres	Water Rights	Emily Warren Rights	Comments
8	9 January 1908	3 August 1907	George Warren & Anna to Joseph H Warren	60.15	40"	Emily 8.4" George 15.66" Alice 17.66" Joseph 64.26"	George deeds 40" of his 55.66" to Joseph. Joseph now has 64.26" of the decree.
9	22 May 1909, at request of Alice S. Miller	14 May 1909	Emily Hodder to Alice S. Miller	None	20 inches of Emily Warren Decree	Emily 8.4" George 15.66" Alice 17.66" Joseph 64.26"	Emily previously deeded the remainder of her right to George and has none to deed to Alice. Alice, according to the Probate of her father's estate, would have 17.66" (1/3 of 53"). 20" would be difficult to support.
10	31 August 1910	22 March 1904	Fred & Finetta Stevens to George R Warren	38.20	None		No. 10 and No. 17 appear to be a property transfer for convenience of the parties involved. It appears that Stevens retains that portion 1884 Stevens' water right associated with his property.
11	10 January 1911, at request of Idaho Irrigated Lands Co.	20 April 1904	Joseph H. Warren & Alice Warren Miller to George R. Warren	131.10	100 inches Emily Warren Decree	Emily 8.4" George 33.33" Alice 17.66" Joseph 46.6"	No. 12 same as No. 11 with the exception that Alice's husband, James N. Miller is mentioned. Note: These deeds are prepared in April 1904 but not recorded until Jan. 1911. Joseph Warren original water right of 17.66" is transferred to George. Alice water right associated with this deed was previously recorded to a separate deed.
12	18 January 1911, at request of Idaho Irrigated Lands Co.	20 April 1904	Joseph H. Warren & Alice Warren Miller to George R. Warren	131.10	100 inches Emily Warren Decree	Emily 8.4" George 33.33" Alice 17.66" Joseph 46.6"	
13	7 February 1911	10 May 1882	USA to Joseph Warren	167.25	No mention	See No. 1 & 2 above.	Book 1, p. 235. Deed recorded about 29 year after it was prepared.
14	8 February 1911	30 January 1911	E. M. Kennedy & wife to John Cotton	None	50 inches Leon Misslen Decree		Water Right Decree Date: 1 May 1885. Mentioned in deed No.15.

An Analysis of the Emily Warren Decree

based on the actual property Abstracts¹ located after the initial analysis was completed.

Prepared by Merlin E Yancey, Date: Jan 16, 2006

No.	Date Recorded	Date Prepared	Parties Involved	Acres	Water Rights	Emily Warren Rights	Comments
15	18 February 1911	19 January 1911	George R. & Joseph H. Warren & wives to John Cotton	93.87	50 inches of Emily Warren Decree Also: 50 inches Leon Misslen Decree	Emily 8.4" George 33.33" Alice 17.66" Joseph 46.6"	This property was previously recorded in George Warren name only (See No. 5, 11 & 12). The remainder of estate has been deeded to Emily, Alice and Joseph. George only had 33.33" of the Emily Warren Decree to deed to John Cotton.
On Jan. 10, 1911 deed (No.11) is recorded and basically, the same deed (No. 12) was recorded on Jan. 18, 1911 with mention of Alice husband, James. Deed (No. 15) was prepared the next day to sell the George's property and water right to John Cotton. It is interesting to note that both George R. and Joseph H. Warren were identified as parties of the first part, even though the property had been recorded in George R. Warren name the day previous. It appears that they considered themselves both still involve in finalizing the estate of Joseph and Emily. The deed specifies 50 inches of Emily Warren water. However considering previously recorded water rights it appears that George only had 33.333" of the Emily Warren decree remaining when this deed was recorded on 18 Feb. 1911. John Cotton is deeded an additional 50" of Leon Misslen 30 January 1911 and that deed (No. 14) was recorded 8 February 1911.							
16	16 July 1912	15 July 1912	Frederick Hodder, Administrator to Abbie S. Osborne	10	... with all water rights	Emily 8.4" George 33.33" Alice 17.66" Joseph 46.6"	An exact amount of the water right was not specified.
17	5 May 1913	24 Feb 1904	Emily Warren Hodder to Fred S Stevens	29	None		No. 10 and No. 17 appear to be a property transfer for convenience of the parties involved. It appears that Stevens retains that portion 1884 Stevens' right associated with his property (Lot 3).
18	18 December 1915	26 March 1912	Joseph H Warren & wife to George W. Jones	50.68	40 inches of Emily Warren Decree		Joseph actually has 46.6" of the Emily Warren Decree. The deed specified only 40"

In an effort to fairly distribute the water rights between the above properties of the Warren Estate (and the acquired Stevens property) where some uncertainty existed in the actual right transferred on some deeds (on some deeds a general statement is made which mention no specific amount, on other deed specific amounts are mentioned that cannot be supported by a review of recorded deeds, etc.), one approach would be to divide the total inches of water right by the total acres of property involved. The total recorded acreage would be 154.55 acres. The total water right would be 88.34" (Emily Warren) + 50" (Leon Misslen) = 138.34". A water right arrived at in this manner would be within tens of an inch per acres of trying to divide the right up on individual parcels of the property. Accordingly, a water right of 0.895"/acre would exist, yielding the following Emily Warren Rights: Right No. 27-00025A = 8.95", Right No. 27-00025B = 70.44", Right No. 27-00025C = 8.95". Alice's water right # 27-12069 for 17.66" was transferred to other property. See item No. 23. All users of the decree agreed that is method would be acceptable to them.

An Analysis of the Emily Warren Decree							
based on the actual property Abstracts ¹ located after the initial analysis was completed.							
Prepared by Merlin E Yancey, Date: Jan 16, 2006							
No.	Date Recorded	Date Prepared	Parties Involved	Acres	Water Rights	Emily Warren Rights	Comments
19	7 October 1916, at request of Bingham Abstract Co.	5 October 1911	USA to Alice S. Miller	28.5 A. Lot 3 Sec 23	None		Alice is deeded Lot 3 Sec 23 R34E from the U.S. Alice was deeded a water right in May 1909.
20		17 February 1915 through 21 September 1916	Probate Record of the Alice S. Miller Estate	Lot 3 Sec 23 R34E is a portion of the estate	"and water rights"		Order of Sale dated August 10, 1916. On September 19, 1916 an undivided one half interest in the property (which included Lot 3) was sold to Joseph H Warren.
21	7 October 1916	2 October 1916	Order Confirming Sale of Real Estate, In the matter of the Estate of Alice S. Miller, Deceased.	Lot 3 Sec 23 R34E is a portion of the estate	"together with all water rights"		Sold to Joseph H. Warren.
22	21 October 1916	7 October 1916	James Miller to Joseph H. Warren				Property including ½ interest in Lot 3.
23	1 June 1918, at request of J.N. Miller. Perhaps Alice dies. She is not listed on 1910 census with the family.	31 May 1918	Joseph H. & Urda Warren to James N. Miller	Lot 3 Sec 23 R34E	"20 inch represented by deed of date May 14, 1909". (See No. 9 above)		20 inches deeded by Emily Warren to her daughter, Alice, was intended for this property. Alice Warren is the wife of James N. Miller. Based on Deed 9 above a water right of only 17.66" exists.
Summary of Analysis							
Based on the deeds and documents associated with the early distribution of the Emily Warren Decree, the follow distribution appears reasonable:							
Right No. 27-00025A = 8.95", Right No. 27-00025B = 70.44", Right No. 27-00025C = 8.95", and Right No. 27-12069 = 17.66.							
January 16, 2006 - Each Claimant signed an agreement accepting the above stated distribution of the water right.							

1. The property Abstracts were prepared by The Bingham Abstract Co., Ltd.(No. 1124) and The Bingham Title and Trust Co.(No. 3200). These abstracts identified deeds and documents not previously considered.