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SEP 06 2006

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2006 SEP 1 PM 1 43

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

In Re SRBA

Case No. 39576

) Subcase No. 37-7008, 37-7944,
) 37-11131

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING

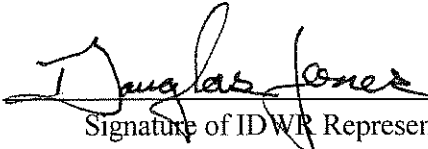
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 8/31/06


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 9/1, 2006, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

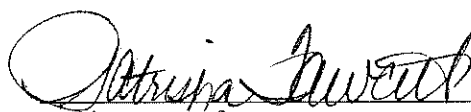
2. Copies to:

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

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Mollie Dalton
545 Nevada St
Gooding ID 83330

Jo Beeman
Beeman & Associates
409 W Jefferson
Boise ID 83702



Signature of person or attorney mailing the form

08/31/2006

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

RIGHT NUMBER: 37-7008

NAME AND ADDRESS: MOLLIE B DALTON
545 NEVADA ST
GOODING ID 83330

SOURCE: UNNAMED STREAM

TRIBUTARY: MALAD RIVER

QUANTITY: 2.000 CFS
802.70 AFY

PRIORITY DATE: 12/21/1967

POINT OF
DIVERSION: T06S R13E S26 NWNESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS 2.70 AFY
IRRIGATION	04/01 11/01	2.000 CFS 800.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 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 NOVEMBER 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.

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S26	NENW	40.00	T06S R13E S26	NWNW	40.00
T06S R13E S26	SWNW	40.00	T06S R13E S26	SENW	40.00
T06S R13E S26	NESW	40.00			

STOCKWATER same as IRRIGATION

200 ACRES TOTAL

RIGHT NOS. 37-7008, 37-7944 AND 37-11131 ARE LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 381 ACRES IN A SINGLE
IRRIGATION SEASON.

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 - License

STOCKWATER, 200 CATTLE

08/31/2006

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

RIGHT NUMBER: 37-7944

NAME AND ADDRESS: MOLLIE B DALTON
545 NEVADA ST
GOODING ID 83330

SOURCE: MALAD RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.740 CFS
148.00 AFY

RIGHT NOS. 37-7944 AND 37-11131 ARE LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 5.80 CFS.

PRIORITY DATE: 12/30/1981

POINT OF

DIVERSION: T06S R14E S30 SENESW Within GOODING County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.740 CFS
148.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 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 NOVEMBER 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.

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S25 SWNW 4.00 T06S R13E S25 SENW 33.00

37 ACRES TOTAL

RIGHT NOS. 37-7008, 37-7944 AND 37-11131 ARE LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 381 ACRES IN A SINGLE
IRRIGATION SEASON.

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 - License

WATER IS DELIVERED THROUGH THE THORPE DITCH.

08/31/2006

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

RIGHT NUMBER: 37-11131

NAME AND ADDRESS: MOLLIE B DALTON
545 NEVADA ST
GOODING ID 83330

SOURCE: MALAD RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 5.600 CFS

Right Nos. 37-7944 and 37-11131 are limited to a total combined diversion rate of 5.80 cfs.

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

PRIORITY DATE: 07/01/1889

POINT OF
DIVERSION: T06S R14E S30 SENESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	5.600 CFS
STOCKWATER	01/01 12/31	0.070 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S25	SWNW	4.00	T06S R13E S25	SENW	33.00
T06S R13E S25	NESW	1.00	T06S R13E S25	NWSE	11.00
T06S R13E S26	NENE	25.00	T06S R13E S26	NWNE	40.00
T06S R13E S26	SWNE	40.00	T06S R13E S26	SENE	40.00
T06S R13E S26	NENW	40.00	T06S R13E S26	SENW	40.00
T06S R13E S26	NESW	19.00	T06S R13E S26	NWSE	8.00

STOCKWATER same as IRRIGATION

301 ACRES TOTAL

Right Nos. 37-7008, 37-7944 and 37-11131 are limited to the irrigation of a combined total of 381 acres in a single irrigation season.

This right is limited to the irrigation of 280 acres within the place of use described above in a single irrigation season.

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

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

This right is a combination of old Right Nos. 37-447A and 37-447C.

Water is delivered through the Thorpe Ditch.

Stockwater, 300 cattle

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

September 1, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

MOLLIE DALTON
545 NEVADA ST
GOODING ID 83330

RE: SRBA Claim(s) 37-7008, 37-7944 and 37-11131

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Josephine Beeman
Beeman & Associates
409 W Jefferson
Boise ID 83702

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

RECEIVED
AUG 30 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-7008					
37-7944					
37-11131					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

RICHARD H. DALTON - NO. 37-7944
RICHARD AND MOLLIE DALTON - 37-7008, 11131
1071A E 2250 S, BLISS, ID 83314

4. New Owner/Claimant(s)

MOLLIE R. DALTON

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

545 NEVADA STREET

City, State and ZIP Code

GOODING, ID 83330

New Telephone Number

(208) 837-4825

5. Date you acquired the property

8/17/06

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s) x Mable Dalton
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

COPY

PERSONAL REPRESENTATIVE DEED

FOR VALUE RECEIVED, MOLLIE R. DALTON, Personal Representative of the Estate of RICHARD H. DALTON, deceased, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto MOLLIE R. DALTON, whose address is 545 Nevada Street, Gooding, ID 83330, hereinafter called the Grantee, all right, title and interest of the Grantor in that certain real property situated in the County of Gooding, State of Idaho, particularly described as follows:

TOWNSHIP 6 SOUTH, RANGE 13 EAST, BOISE MERIDIAN, GOODING
COUNTY, IDAHO

Section 26: NE $\frac{1}{4}$, E $\frac{1}{2}$ of the NW $\frac{1}{4}$, and a tract of land described as follows:

Beginning at the NE corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 26; thence West a distance of 2640 feet more or less on the East-West center line of said Section 26 to the NW corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section; thence South 615 feet, on the West line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, thence North 87 degrees 22 minutes East 1183 feet; thence North 5 degrees 15 minutes East 125 feet; thence North 85 degrees 40 minutes East 1200 feet; thence South 25 feet; thence East 251 feet; thence North 370 feet; along the East line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ to the place of beginning.

EXCEPTING from the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26:

- (a) Railroad right of way as set forth in Book F of Deeds Page 153; and
- (b) State Highway right of way as set forth in Book 35 of Deeds Page 311, records of Gooding County, Idaho, and

TOGETHER WITH all that part of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ and of NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 25, North and East of the North Side Branch of the Union Pacific Railroad right of way, and that part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 25, South and West of State Highway No. 25, in Township 6 South, Range 13 East Boise Meridian,

PERSONAL REPRESENTATIVE DEED - Page 1

Instrument # 217865

GOODING, GOODING, IDAHO

2006-08-18

09:32:45

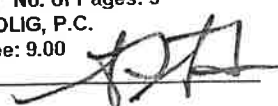
No. of Pages: 3

Recorded for : JEFFREY E. ROLIG, P.C.

DENISE M. GILL

Fee: 9.00

Ex-Officio Recorder Deputy



EXCEPT a tract 200 feet wide extending from the South line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ to the Highway as described in Deed recorded in Book 42 of Deeds Page 552, records of said County, all in Gooding County, Idaho.

Together with all water, water rights, ditch and canal rights thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said premises unto the said Grantee, her heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee that she is the owner in fee simple of said premises; that the premises are free from all encumbrances, except as mentioned above, and that she will warrant and defend the same from all lawful claims whatsoever.

Dated this 17 day of August, 2006.

GRANTOR:
ESTATE OF RICHARD H. DALTON

By: Mollie R. Dalton
Mollie R. Dalton
Personal Representative

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 17 day of August, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared MOLLIE R. DALTON, known to me to be the Personal Representative of the Estate of Richard H. Dalton, deceased, and known to me to be the person whose name is subscribed on the foregoing instrument, and acknowledged to me that she executed the same on behalf of the said Estate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




NOTARY PUBLIC FOR IDAHO
Residing in: Twin Falls, ID
My Commission Expires: 2-6-12