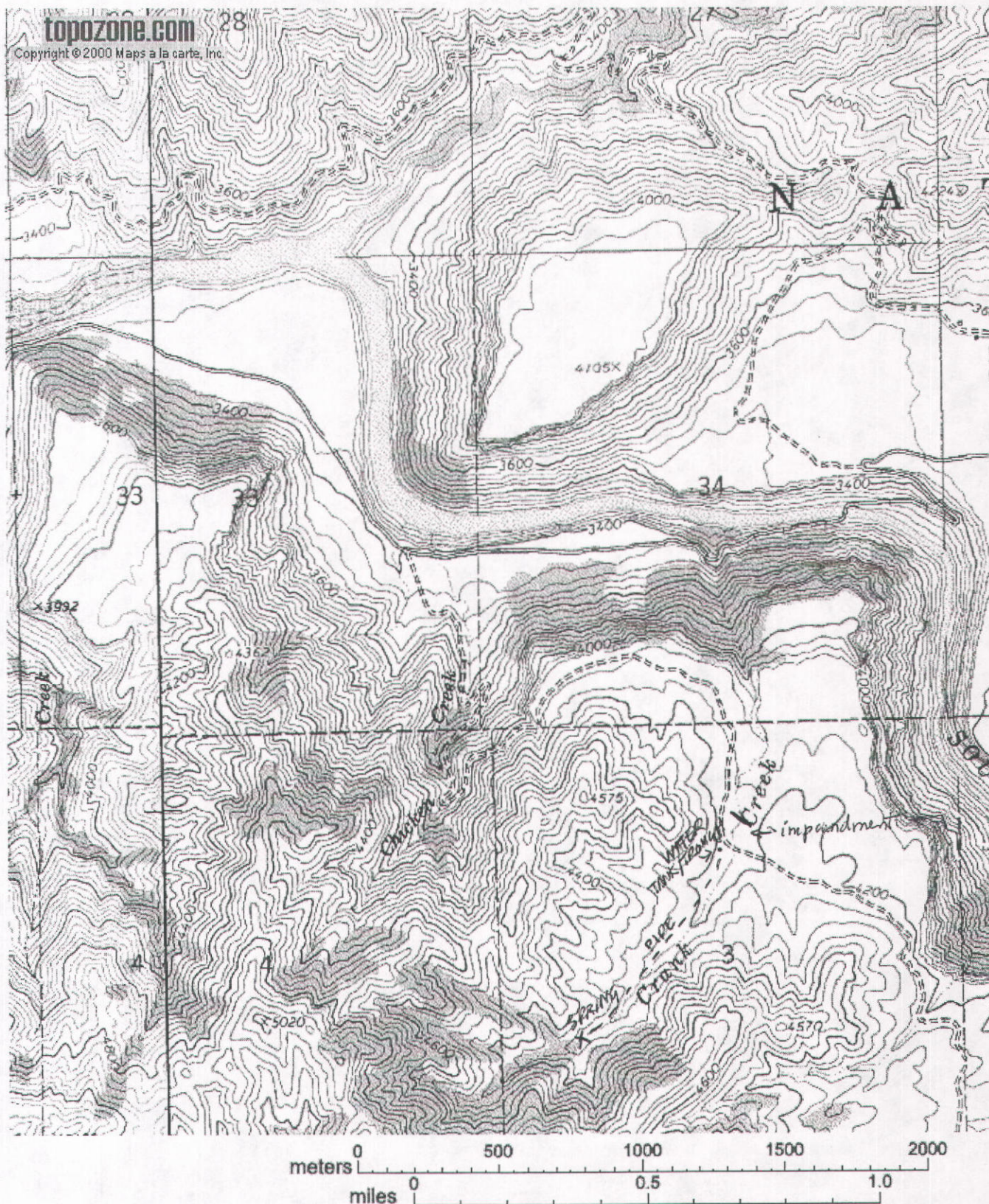


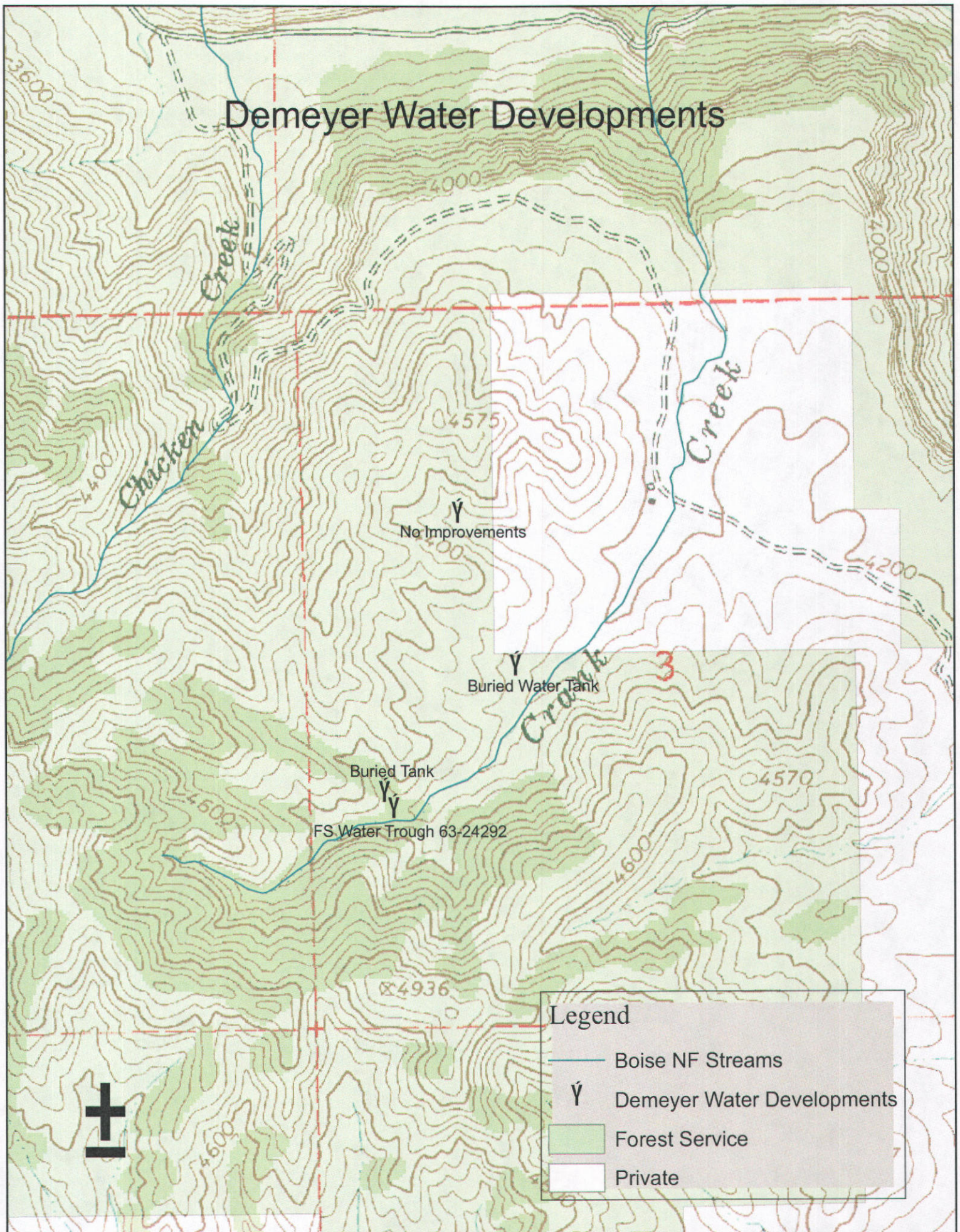
ATTACHMENT

TopoZone.com

Map center is UTM 11 602997E 4822312N - **LONG GULCH** quad [Quad Info]



Demeyer Water Developments



8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: Stockwater, 25 Cattle and/or horses

Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	06E	3	SE	NW		DOMESTIC	
			SE	NW		STOCKWATER	
			NW	NE		STOCKWATER	

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF
RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER
SYSTEM

Identification No. 63-31601
Date Received 12/20/02
Receipt Number W029936

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

RECEIVED

DEC 20 2002

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant(s) Estate of Margarette Elizabeth Odom DeMeyer, by Arlen A. DeMeyer, Jr., Personal Representative
Phone (208) 343-9894

Mailing Address c/o Mayfield Stage HC34, Boise, Idaho Zip 83716

2. Date of Priority (Only one per claim) 04/01/1945 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other (X) (a) spring/ stream Crank Creek
which is tributary to (b) South Fork Boise River

4. Location of point of diversion is: Township 2N Range 6E

Section 3, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____, BM.,

County of Elmore

Additional points of diversion if any: N/A

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate, Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. pipe from point of diversion to water tank/trough at point of use, impoundment for instream stock water use; pipe 1" diam x 1 mi. length, tank/trough 5' L x 2.5' W x 3' H; impoundment 20' L x 4' H

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For domestic purposes from April 1 to November 1 amount 0.02 (cfs)

For stockwater purposes from April 1 to November 1 amount 0.02 (cfs)

7. Total quantity claimed 0.02 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 Household; 25 Cattle and/or Horses

10. Place of use is: Township: 2N Range 6E Section 3 SE $\frac{1}{4}$ of NW

$\frac{1}{4}$, Govt. Lot _____, B.M., County of Elmore for **DOMESTIC AND STOCK**

Additional places of use, if any T2N, R6E, NW1/4 of NE1/4 instream stock

11. In which county (ies) are lands listed above as place of use located? Elmore

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____
None known

14. Remarks: _____

15. Basis of Claim (Circle One) **Beneficial Use** Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs. Defendant _____

If applicable provide IDWR Water Right Number N/A

16. Signature(s)

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

Number of Attachments 1 (map)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Arleen A. DeMeyer, Jr. Date 12/19/02
Personal Representative of the Estate of Margarette Elizabeth Odum DeMeyer

For Organizations: I do solemnly swear or affirm that I am _____ Date _____

_____ Title
of _____, that I have signed the foregoing
Organization

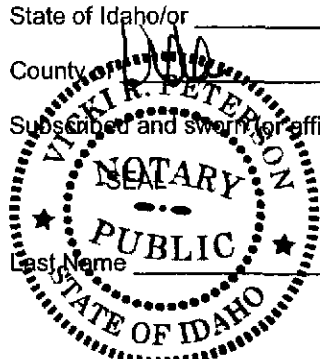
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____
Title of Organization _____

State of Idaho/or _____)

County _____) ss.

Subscribed and sworn (or affirmed) before me this 19th day of December, 2002

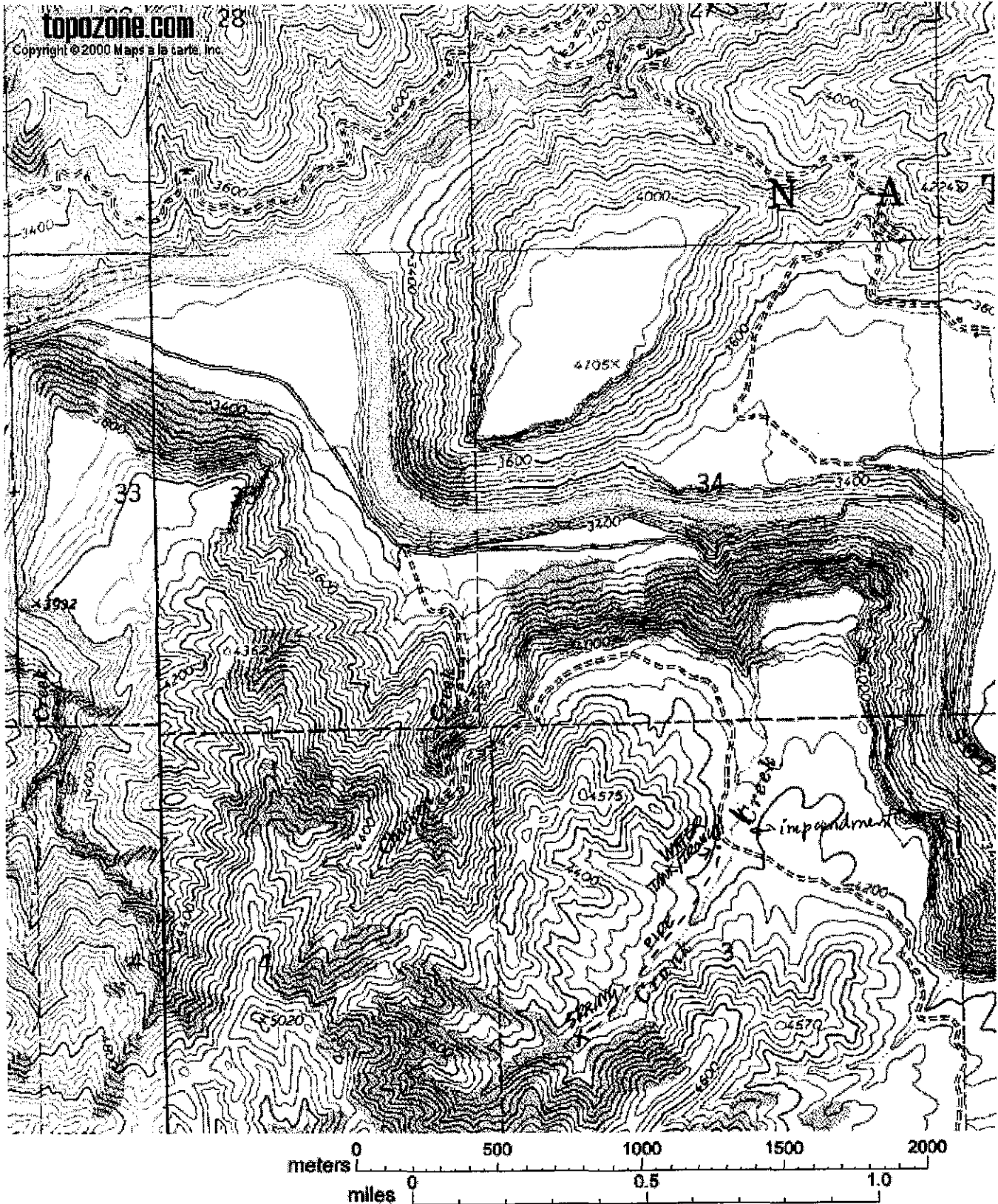


Notary Public [Signature]
Residing at [Signature]
My Commission Expires 12-24-2004

Last Name _____ Ident. No. _____

TopoZone.com

Map center is UTM 11 602997E 4822312N - **LONG GULCH** quad [Quad Info]



Receipt Details for ID W029936

Status	Adjustment Type	Version
		3

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
12/20/2002 1:42:26 PM	12/23/2002 3:13:43 PM	WESTERN	\$100.00	Check
Payer		PERKINS COIE LLP		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1905			
Card Expiration Date	Credit Card Transaction #		

Comment Notice of Claim to a Water Right 63-31600, 63-31601 & 63-31602
Change of ownership: 63-17060

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$75.00	ADJUDICATION FILING FEE	42503	0337			1155
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	62140	0229	21		1155

Refund(s):

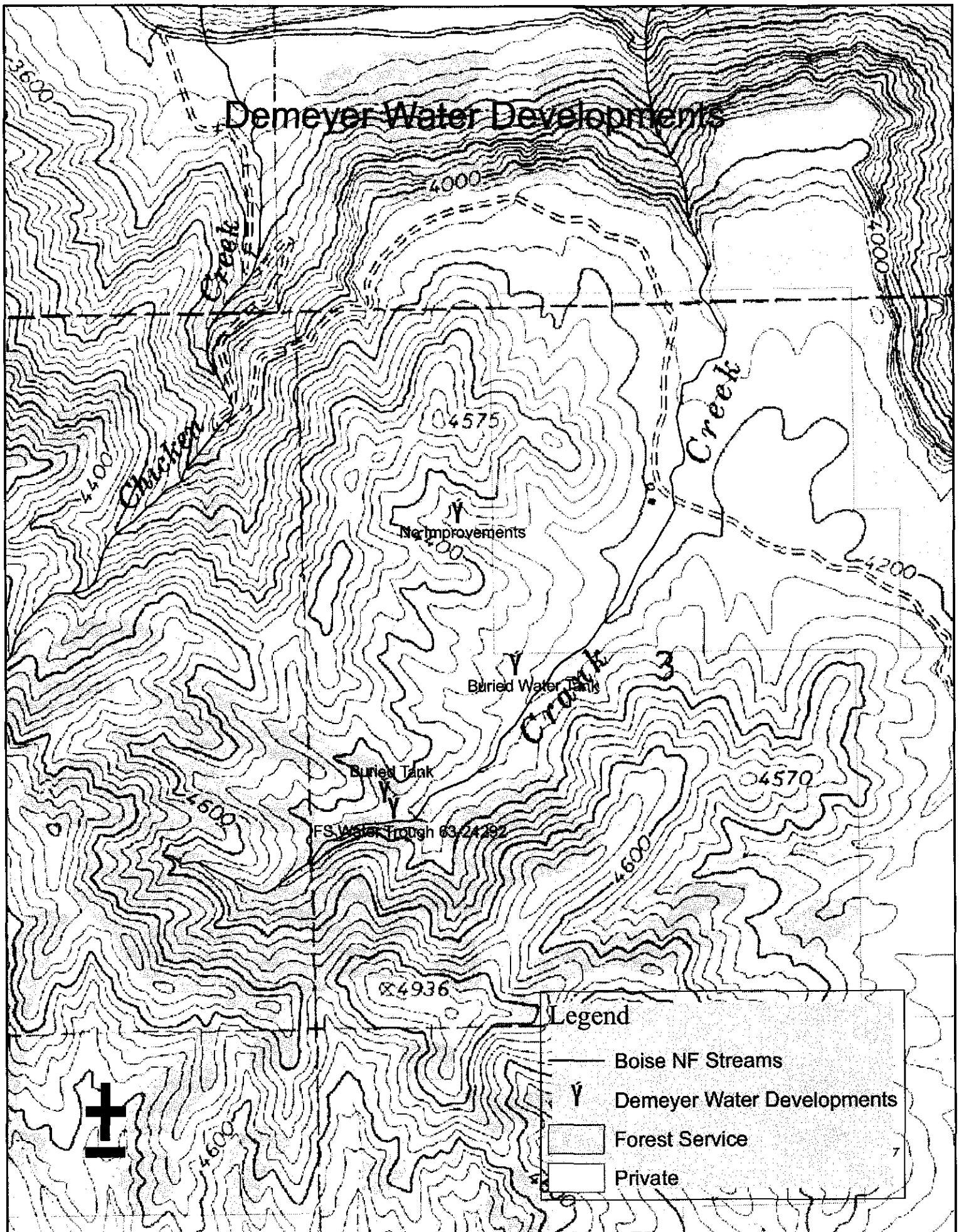
Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
--------------	-----------------	--------------	--------	------

Print Report

Demeyer Water Developments



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-31601

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

2007 JAN 25 PM 2 03

NAME AND ADDRESS: ESTATE OF MARGARETTE ELIZABETH
ODOM DE MEYER
ARLEN A DE MEYER JR, PRSNL REP
MAYFIELD STAGE HC 39
BOISE, ID 83716

SOURCE: SPRING TRIBUTARY: CRANK CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 04/01/1945

POINT OF DIVERSION: T02N R06E S03 SENW Within Elmore County
SENW
NESW
NESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	04-01 TO 11-01	0.02 CFS
	Domestic	04-01 TO 11-01	0.02 CFS

Domestic use is for internal use in a home and does not include
irrigation.

PLACE OF USE:	Stockwater		Within Elmore County
	T02N R06E S03	NWNE	SENW
	Domestic		Within Elmore County
	T02N R06E S03	SENW	

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

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

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).

RECOMMENDATION

JAN 25 2007

Lawrence B. Smith
SPECIAL MASTER

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

2007 JAN 25 PM 2 04

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

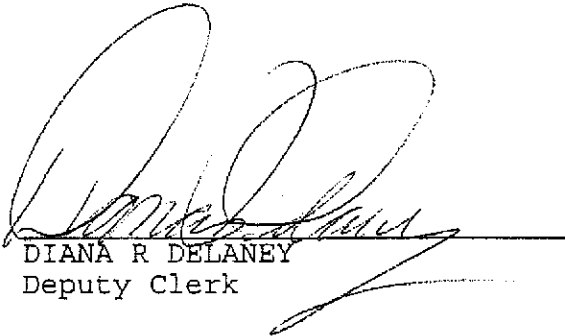
Water Right(s): 63-31601

On January 25, 2007, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED January 25, 2007.


DIANA R DELANEY
Deputy Clerk

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

2007 JAN 25 PM 2 04

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-31601

CERTIFICATE OF MAILING

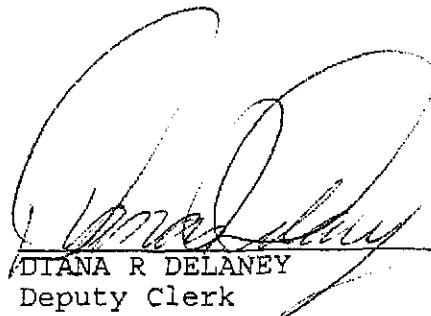
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on January 25, 2007, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ESTATE OF MARGARETTE ELIZABETH
ODOM DE MEYER
ARLEN A DE MEYER JR, PRSNL REP
MAYFIELD STAGE HC 34
BOISE, ID 83716
Phone: 208-343-9894

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

PAGE 1
01/25/07

DISTRICT COURT - IDAHO
TWIN FALLS CO., IDAHO
FILED

2007 JUN 25 PM 2 03

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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND CONCLUSIONS
	)	OF LAW
	)	
	)	FOR WATER RIGHT 63-31601

I. FINDINGS OF FACT

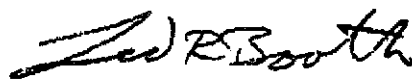
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On April 21, 2006, the United States of America acting through the USDA Forest Service filed an objection to the *Director's Report*, asserting that the point of diversion for this water right is on Forest Service land. On January 23, 2007, the parties the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water right 63-31601 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated January 25, 2007.



Theodore R. Booth
Special Master
Snake River Basin Adjudication

02/21/2007

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

RIGHT NUMBER: 63-31601

NAME AND ADDRESS: ESTATE OF MARGARETTE ELIZABETH ODOM DE MEYER
ARLEN A DE MEYER JR PERSONAL REPRESENTATIVE
MAYFIELD STAGE HC 34
BOISE ID 83716

SOURCE: SPRING TRIBUTARY: CRANK CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 04/01/1945

POINT OF DIVERSION:

T02N R06E S3 SENW Within ELMORE County
T02N R06E S3 SENW Within ELMORE County
T02N R06E S3 NESW Within ELMORE County
T02N R06E S3 NESW Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	04/01 11/01	0.020 CFS
STOCKWATER	04/01 11/01	0.020 CFS

Domestic use is for internal use in 1 home and does not include irrigation.

PLACE OF USE: STOCKWATER in ELMORE County

T02N R06E S03 NWNE T02N R06E S03 SENW

DOMESTIC in ELMORE County

T02N R06E S03 SENW

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 - Beneficial Use

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

Stockwater use is for up tp 25 range cattle and/or horses.

**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

Subcase No. 63-31601

Case No. 39576

Standard Form 5

**AMENDED CLAIM
FOR DOMESTIC & STOCKWATER RIGHTS**

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Estate of Margaret Elizabeth Odom De Meyer
Arlen A De Meyer, Jr Personal Representative

Arlen A. De Meyer, Jr.
Arlen A De Meyer, Jr Date

OBJECTOR:

United States on behalf of the
USDA Forest Service

David L. Negri 1/23/07
David L. Negri Date

IDWR CONCURRENCE:

Vicky Music 1-23-07
Vicky Music Date

ATTORNEY FOR IDWR:

Nick Spencer 1-23-07
Nick Spencer Date

11/30/2006

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

RIGHT NUMBER: 63-31601

NAME AND ADDRESS: ESTATE OF MARGARETTE ELIZABETH ODOM DE MEYER
ARLEN A DE MEYER JR PERSONAL REPRESENTATIVE
MAYFIELD STAGE HC 34
BOISE ID 83716

SOURCE: SPRING

TRIBUTARY: CRANK CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 04/01/1945

POINT OF
DIVERSION:

T02N R06E S3 ~~NWSW~~ Within ELMORE County
T02N R06E S3 SENW Within ELMORE County
T02N R06E S3 SENW Within ELMORE County
T02N R06E S3 NESW Within ELMORE County
T02N R06E S3 NESW Within ELMORE County

NBS
VLM
AR-
DN

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	04/01 11/01	0.020 CFS
STOCKWATER	04/01 11/01	0.020 CFS

Domestic use is for internal use in 1 home and does not include irrigation.

PLACE OF USE: STOCKWATER in ELMORE County

T02N R06E S03 NWNE T02N R06E S03 SENW

DOMESTIC in ELMORE County

T02N R06E S03 SENW

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 - Beneficial Use

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

Stockwater use is for up tp 25 range cattle and/or horses.

CERTIFICATE OF MAILING

I certify that on January 23, 2007, I mailed the original and copies of this form, including all attachments, 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. Copy to:

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

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724

3. Copies to all parties to the subcase (insert names and addresses here):

Estate Of Margarette Elizabeth Odom De Meyer
Arlen A De Meyer, Personal Representative
Mayfield Stage HC 34
Boise, ID 83716



Signature of person mailing documents

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

Subcase No. 63-31601

Case No. 39576

Standard Form 5

AMENDED CLAIM
FOR DOMESTIC & STOCKWATER RIGHTS

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Estate of Margaret Elizabeth Odom De Meyer
Arlen A De Meyer, Jr Personal Representative

Arlen A. De Meyer, Jr.
Arlen A De Meyer, Jr Date

OBJECTOR:

United States on behalf of the
USDA Forest Service

David L. Negri 1/23/07
David L. Negri Date

IDWR CONCURRENCE:

Vicky Music 1-23-07
Vicky Music Date

ATTORNEY FOR IDWR:

Nick Spencer 1-23-07
Nick Spencer Date

11/30/2006

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

RIGHT NUMBER: 63-31601

NAME AND ADDRESS: ESTATE OF MARGARETTE ELIZABETH ODOM DE MEYER
ARLEN A DE MEYER JR PERSONAL REPRESENTATIVE
MAYFIELD STAGE HC 34
BOISE ID 83716

SOURCE: SPRING

TRIBUTARY: CRANK CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 04/01/1945

POINT OF
DIVERSION:

T02N R06E S3 NW6W Within ELMORE County
T02N R06E S3 SE6W Within ELMORE County
T02N R06E S3 SE6W Within ELMORE County
T02N R06E S3 NE6W Within ELMORE County
T02N R06E S3 NE6W Within ELMORE County

NBS
JLM
RL-
DN

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	04/01 11/01	0.020 CFS
STOCKWATER	04/01 11/01	0.020 CFS

Domestic use is for internal use in 1 home and does not include irrigation.

PLACE OF USE: STOCKWATER in ELMORE County

T02N R06E S03	NWNE	T02N R06E S03	SE6W
<u>DOMESTIC in ELMORE County</u>			
T02N R06E S03	SE6W		

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 - Beneficial Use

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

Stockwater use is for up to 25 range cattle and/or horses.

CERTIFICATE OF MAILING

I certify that on January 23, 2007, I mailed the original and copies of this form, including all attachments, 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. Copy to:

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

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724

3. Copies to all parties to the subcase (insert names and addresses here):

Estate Of Margarette Elizabeth Odom De Meyer
Arlen A De Meyer, Personal Representative
Mayfield Stage HC 34
Boise, ID 83716



Signature of person mailing documents

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

Right Number: 63-31601

Name and Address: ESTATE OF MARGARETTE ELIZABETH ODOM DE MEYER
ARLEN A DE MEYER JR PERSONAL REPRESENTATIVE
MAYFIELD STAGE HC 34
BOISE, ID 83716

Source: SPRING Tributary: CRANK CREEK

Quantity: .02 CFS

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

Priority Date: 04-01-1945

Diversion Point: T02N R06E S03 ~~NWSW~~ Within Elmore County
NESW

Purpose and

Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	04-01 TO 11-01	.02 CFS
	Domestic	04-01 TO 11-01	.02 CFS

Domestic use is for internal use in 1 home and does not
include irrigation.

Place of Use: Stockwater Within Elmore County
T02N R06E S03 NWNE SENW

Domestic Within Elmore County
T02N R06E S03 SENW

Other Provisions Necessary for Definition / 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 - Beneficial Use

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

Stockwater use is for up to 25 range cattle and/or
horses.

Music, Vicky

From: Harvey, Becky
Sent: Monday, January 22, 2007 4:22 PM
To: Music, Vicky
Subject: FW: DeMeyer



Suggested Water
Right Descript...



GIS Map.pdf



SF5 AMENDED.doc

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

From: Steven M Spencer [mailto:sspencer@fs.fed.us]
Sent: Monday, January 22, 2007 1:56 PM
To: Shurte, Jan; Harvey, Becky
Subject: DeMeyer

This is some of the information I am coming to the initial hearing with tomorrow. I've been on the ground with Mr. De Meyer, but have nothing final with him. I'll have hard copies and have the information electronically on a thumb drive / memory stick, too. If you have any questions please give me a call. See you tomorrow.

(See attached file: Suggested Water Right Description.doc) (See attached file: GIS Map.pdf) (See attached file: SF5 AMENDED.doc)

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite 110
Boise, ID 83706

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

RECEIVED
APR 24 2005
DEPARTMENT OF
WATER RESOURCES

**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: 63-31601
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 USDA Forest Service

Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724

Daytime Phone: (208) 334-1936

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

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

Name: Estate of Margaret Elizabeth Odom DeMeyer

Address: Arlen A DeMeyer Jr, Personal Representative
Mayfield Stage HC 34
Boise, ID 83716

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: See E below
2. ☒ **Source**
Should be: See E below
3. ☒ **Quantity**
Should be: See E below
4. ☒ **Priority Date**
Should be:
5. ☒ **Point(s) of Diversion**
Should be: See E below
6. ☐ **Instream Flow Description**
Should be:
7. ☒ **Purpose(s) of Use**
Should be: See E below
8. ☒ **Period of Year**
Should be: See E below
9. ☒ **Places of Use**
Should be: See E below

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 point of diversion for this water right as shown in the Directors Report Recommendation is on National Forest System (NFS) land. The claimant is not authorized to occupy and use NFS and for this purpose. In addition, Forest Service and IDWR records indicate that the water use for this claim appears to have already been decreed in the SRBA as 63-09371.

F. VERIFICATION (Must be Completed)

State of Idaho)
County of Ada) ss.

Michael Collette , 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.

Michael Collette

(Signature of person filing objections)

Dan Nege

(Attorney signing in representative capacity)

Subscribed and sworn before me on:

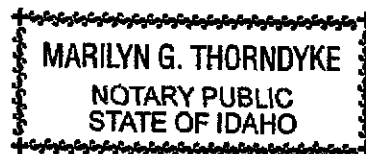
APR 29 2006

Marilyn G. Thorndyke

Notary Public for: *Idaho*

Residing at: *Boise*

Commission Expires: *4-16-2010*



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 APR 20 2006, 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:

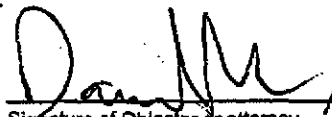
Name: Estate of Margaret Elizabeth Odom DeMeyer
Address: Arlen A DeMeyer Jr, Personal Representative
Mayfield Stage HC 34
Boise, ID 83716

3. Copies to:

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

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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



Signature of Objector or attorney
mailing on Objector's behalf

09/13/2005

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

RIGHT NUMBER: 63-31601

NAME AND ADDRESS: ESTATE OF MARGARETTE ELIZABETH ODOM DE MEYER
ARLEN A DE MEYER JR PERSONAL REPRESENTATIVE
MAYFIELD STAGE HC 34
BOISE ID 83716

SOURCE: SPRING

TRIBUTARY: CRANK CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 04/01/1945

POINT OF DIVERSION:

T02N R06E S3 NWSW Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	04/01 11/01	0.020 CFS
STOCKWATER	04/01 11/01	0.020 CFS

Domestic use is for internal use in 1 home and does not include irrigation.

PLACE OF USE: STOCKWATER Within ELMORE County

T02N R06E S03 NWNE T02N R06E S03 SENW

DOMESTIC Within ELMORE County

T02N R06E S03 SENW

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 - Beneficial Use

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

Stockwater use is for up tp 25 range cattle and/or horses.

Adjudication Recommendation Report 63-31601 V1

WATER RIGHT NUMBER: 63-31601 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ESTATE OF MARGARETTE ELIZABETH ODOM DE MEYER ARLEN A DE MEYER JR PERSONAL REPRESENTATIVE MAYFIELD STAGE HC 34 BOISE, ID 83716
Representative	ARLEN A DE MEYER JR MAYFIELD STAGE HC 34 BOISE, ID 83716 (208)343-9894

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	CRANK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	04/01 to 11/01	0.020 CFS	
STOCKWATER	04/01 to 11/01	0.020 CFS	
	Total Diversion:	0.020 CFS	

SPRING NW1/4SW1/4 Sec. 3, Twp 02N, Rge 06E, B.M.
ELMORE County

DOMESTIC

[illegible]

STOCKWATER

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31601 V1

Conditions of Approval:

1. N09 The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
2. X02 Stockwater use is for up tp 25 range cattle and/or horses.
3. X01 Domestic use is for internal use in 1 home and does not include irrigation.
4. 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.
5. N14 The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

Remarks:Comments:

1. vmusic 9/13/2005 GROUNDWATER

Comment: LISTED AS SOURCE AND POD BUT SOURCE IS THE SPRING. NO WELL. GROUNDWATER DELETED UNDER SOURCE AND POD.

2. vmusic 9/14/2005 POD

Comment: CLAIMED POD ON FEDERAL LAND ? AT THE SPRING RATHER THAN WHERE CLAIMANTS DIVERSION WORKS ARE ON THEIR PROPERTY.

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:
State or Federal:
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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			04/13/2005	lharris	Active
Contacts	9/13/2005 4:26:47 PM	vmusic			Active
Priority Date	9/13/2005 4:27:26 PM	vmusic			Active
POD	9/13/2005 4:27:52 PM	vmusic			Active
Source	9/13/2005 4:28:26 PM	vmusic			Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31601 V1

POU	9/13/2005 4:29:00 PM	vmusic	Active
POU	9/13/2005 4:29:17 PM	vmusic	Active
Use	9/13/2005 4:30:07 PM	vmusic	Active
Season	9/13/2005 4:31:02 PM	vmusic	Active
Quantity	9/13/2005 4:32:03 PM	vmusic	Active
Summary		09/13/2005 vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	9/13/2005 4:27:27 PM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - NOT REQUIRED FOR USE
POD	9/13/2005 4:27:53 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	9/13/2005 4:28:26 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - NOT REQUIRED FOR USE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31601 V1

POU	9/13/2005 4:29:00 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU?
POU	9/13/2005 4:29:18 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - AERIALS
Use	9/13/2005 4:30:08 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (Yes) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - NOT REQUIRED FOR USE
Season	9/13/2005 4:31:02 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a <i>transferred beneficial use right</i> that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - IDWR STANDARD FOR USE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31601 V1

Quantity	9/13/2005 4:32:03 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - NOT REQUIRED FOR DE MINIMUS D AND S
Summary	4/13/2005 1:24:44 PM	lharris	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?
Contacts	9/13/2005 4:26:48 PM	vmusic	(No) 1. Do you want to schedule an appointment?
Summary	9/13/2005 4:36:11 PM	vmusic	Comment for 1: DESKTOP REVIEW (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	9/14/2005 10:23:24 AM	vmusic	Updated shape for Active POU
POD	9/14/2005 10:22:07 AM	vmusic	Updated shape

Water Supply Bank:

IMPORTANT MESSAGE

FOR

DATE

TIME

A.M.
P.M.

WHILE YOU WERE OUT

SM

noF

PHONE NO.

TELEPHONED

PLEASE CALL

I CAME TO SEE YOU

WILL CALL AGAIN

WANTS TO SEE YOU

RUSH

RETURNED YOUR CALL

MESSAGE

SIGNED

OfficeMax

OM 97295

~~2NR05 53~~

4 homesteads on Fiddler
Cr.

Wibbel Brothers

Royer Brothers

CONVERSATION MEMORANDUM

TO: CLAIM FILE NO. 63-31601

FROM: VICKY L MUSIC, SR. WATER RESOURCE AGENT, IDWR / WESTERN REGION

SUBJECT: PHONE CALL FROM ARLEN DE MEYER

DATE: 7/13/2006

CC:

Mr. DeMeyer is the son of Margarete. He called to let me know that he had a meeting set up with the USFS regarding their objection to this claim. Arlen said that the claim was wrong and he is no longer represented by an attorney. He will call me back after the meeting. Arlen's phone no. is 343-9894.

This property was homesteaded in 1918 by "Royer". It was also owned by Tony Kluge before his mother owned it. Mr. De Meyer is very knowledgeable about this area.

VLM

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31601

WATER RIGHT NUMBER: 63-31601

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ESTATE OF MARGARETTE ELIZABETH ODOM DE MEYER ARLEN A DE MEYER JR PERSONAL REPRESENTATIVE MAYFIELD STAGE HC 34 BOISE, ID 83716
Representative	ARLEN A DE MEYER JR MAYFIELD STAGE HC 34 BOISE, ID 83716 (208)343-9894

Priority Date: 04/01/1945 ✓

Basis: Beneficial Use

Status: Active

*end of priority not required*SourceTributary? ~~GROUND WATER~~
SPRING

CRANK CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	04/01	to 11/01	0.020 CFS	
STOCKWATER	04/01	to 11/01	0.020 CFS	
<u>Total Diversion:</u>			0.020 CFS	

Location of Point(s) of DiversionGROUND WATER ~~SE 1/4 NW 1/4 SW 1/4~~ Sec. 3, Twp 02N, Rge 06E, B.M.

ELMORE County

SPRING

SE 1/4 NW 1/4 SW 1/4

Sec. 3, Twp 02N, Rge 06E, B.M.

ELMORE County

C

*on fed land?*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	
02N	06E	3																	

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	06E	3																	

x01 Dam use for 1 household - internal
 x02 HH SW is for 25 range cattle and/or horses.
 x03 Quota a det of his bld
 x04 " for DIS not 40 > 13K bld

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31601

04/13/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
31601	Claim	02N	06E	3	NW	NE		STOCKWATER		ESTATE OF MARGARETTE ELIZABETH ODOM DE MEYER
31601	Claim	02N	06E	3	SE	NW		STOCKWATER		ESTATE OF MARGARETTE ELIZABETH ODOM DE MEYER
31601	Claim	02N	06E	3	SE	NW		DOMESTIC		ESTATE OF MARGARETTE ELIZABETH ODOM DE MEYER
9371	Water Right	02N	06E	3	SE	NW		DOMESTIC		DENISE L MC MURDIE