

RECEIVED

JUN 10 2008

DEPARTMENT OF
WATER RESOURCES

MARK R. FULLER (ISB No. 2698)
DANIEL R. BECK (ISB No. 7237)
FULLER & CARR
410 MEMORIAL DRIVE, SUITE 201
P.O. Box 50935
IDAHO FALLS, ID 83405-0935
TELEPHONE: (208) 524-5400

ATTORNEY FOR ALWYN AND BETTY NEDROW

**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. 21-00079
Case No. 39576) AFFIDAVIT OF DANIEL BECK RE:
JUNE 18, 2008 HEARING
_____)

STATE OF IDAHO)
County of Bonneville) ss.

Daniel R. Beck, being first duly sworn upon his oath states
and alleges as follows:

1. Affiant is a resident of Bonneville County, State of Idaho and executes this Affidavit upon his personal knowledge.
2. Affiant is an attorney representing the Owners of Water Right 21-00079, Alwyn and Betty Nedrow.
3. Attached as Exhibit "A" hereto is a true and correct copy of a Stipulation and Judgment dated June 1, 1981, which Affiant obtained from the Idaho Department of Water Resources online file for Water Right No. 21-00079.

4. Attached as Exhibit "B" hereto is a true and correct copy of a Notice of Claim to a Water Right, which Affiant obtained from the Idaho Department of Water Resources online file for Water Right No. 21-00079.

5. Attached as Exhibit "C" hereto is a true and correct copy of a Partial Decree, which Affiant obtained from the Idaho Department of Water Resources online file for Water Right No. 21-00079.

8. Further this Affiant sayeth naught.

DATED this 5th day of June, 2008.

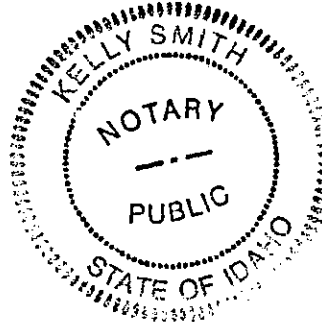


Daniel R. Beck
Attorney-Betty and Alwyn Nedrow

SUBSCRIBED AND SWORN to before me this 5th day of June, 2008.



Notary Public for Idaho
Residing at: Rigby
My Commission Expires: 06-28-2011



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the following described pleading or document on the attorney listed below on this 6th day of June, 2008:

Document Served:

AFFIDAVIT OF DANIEL BECK
RE: JUNE 18, 2008 HEARING

Original to:

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

☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery

Copies to:

Arcadia Canal & Reservoir LTD
1361 N. 3125 E.
Ashton, ID 83420

☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery

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

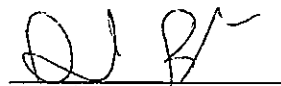
☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery

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

☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery

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

☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery



Daniel R. Beck
FULLER & CARR

01-B

DAVID H. LEROY
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 384-2400

The Document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office having been filed 6-3-81.
Attest: _____ 1981
Paul J. _____, Clerk of the District Court, Seventh Judicial District in and for _____ County, Idaho.
By _____

DON A. OLOWINSKI
Deputy Attorney General
Chief, Natural Resources Division

PHILLIP J. RASSIER
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720
Telephone: (208) 334-4448

Filed
6-3-81
Pauline Calonge

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

ALWYN NEDROW and BETTY E.
NEDROW, his wife,

Plaintiffs,

vs.

RONALD D. CARLSON, Watermaster
of Water District No. 1 of the
State of Idaho; ALL UNKNOWN
CLAIMANTS OF 600 MINER'S INCHES
OF THE WATERS OF SNOW CREEK, A
TRIBUTARY TO THE SNAKE RIVER
DIVERTED FROM SAID CREEK IN THE
S $\frac{1}{4}$ OF THE NW $\frac{1}{4}$; SW $\frac{1}{4}$; AND LOTS 4
AND 5 OF SECTION 32; TOWNSHIP 9
NORTH, RANGE 42 EAST, BOISE
MERIDIAN IN FREMONT COUNTY, IDAHO,

Defendants.

Case No. 7388

STIPULATION
AND
JUDGMENT

COME NOW all parties to the above-entitled action by and through their respective counsel, J. D. Hancock, attorney for plaintiffs, Phillip J. Rassier, Deputy Attorney General for the Idaho Department of Water Resources, attorney for the defendant watermaster, and Ray W. Rigby, attorney for George E. Nedrow and Gaylene Nedrow, and stipulate and agree as follows:

1. That Alywn Nedrow is the owner of a right to 75 inches (1.5 cfs) of water as decreed on December 16, 1910 in the case of Rexburg Irrigation Company vs. Teton Irrigation Canal Company

STIPULATION AND JUDGMENT - Page 1

RECEIVED
JUN 15 1981
MAY 13 1996
Department of Water Resources
Eastern District Office

EXHIBIT A

Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2100

(6th Jud. Dist., Fremont Co.), to Simington Nedrow with a priority date of June 19, 1893 from "springs on land" for irrigation use on the "SW $\frac{1}{4}$ of Sec. 32, T. 9N., R. 42E., B.M., containing 160 acres", and subsequently identified by the Department of Water Resources as decreed right No. 21-0079.

2. That prior to 1969, the place of use for right No. 21-0079 was transferred by the plaintiffs or their predecessors in interest to 110 acres of land within the SW $\frac{1}{4}$ of Sec. 32, Twp. 9N Rge. 42E, B.M., to include that area located on the west side of Snow Creek, and the point of diversion of the water right was transferred to two points on Snow Creek, one each within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 32, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 32, Twp. 9N, Rge. 42E, B.M., for irrigation use from April 1 to November 1.

3. That a measuring device of a type approved by the Department of Water Resources shall be permanently installed and maintained as part of the diverting works at each point of diversion and at such locations as may be required by the watermaster including measuring devices to measure amounts of water diverted into Snow Creek from other sources.

4. That this action brought by the above-named plaintiffs for a decree quieting title to certain water rights in Snow Creek, tributary to the Henry's Fork of the Snake River in Fremont County, Idaho, shall be fully compromised, settled and resolved upon the court's approval of this stipulation of the parties and entry of judgment by the court.

5. That each party to this action shall bear their own costs and attorney's fees.

6. That the trial date set for June 5, 1981 in this action shall be vacated.

DATED this 1st day of June, 1981.


J. D. HANCOCK
Attorney for Plaintiffs

STIPULATION AND JUDGMENT - Page 2

RECORDED

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Phillip J. Rassier
PHILLIP J. RASSIER
Deputy Attorney General
Department of Water Resources

Ray W. Rigby
RAY W. RIGBY
Attorney for George E. Nedrow and
Gaylene Nedrow

JUDGMENT

Upon stipulation of the parties hereto, and good cause
appearing therefor,

IT IS HEREBY ORDERED ADJUDGED AND DECREED That the above-
entitled case shall be fully compromised, settled and resolved as
set forth in the foregoing stipulation of the parties.

DATED This 1 day of June, 1981.

Willard C. Burton
WILLARD C. BURTON
District Judge

NOTICE OF ENTRY

I HEREBY CERTIFY that on this 4th day of June, 1981, I
mailed a certified copy of the foregoing Stipulation & Judgment to
the following parties:

Phillip J. Rassier
Deputy Attorney General
Statehouse
Boise, Idaho 83720

J. D. Hancock, Esq.
Smith, Hancock & Moss
30 South 2nd West
Rexburg, Idaho 83440

Ray W. Rigby, Esq.
Rigby, Thatcher, Andrus,
Barton & Walters, Chartered
25 North 2nd East
Rexburg, Idaho 83440

S. J. [Signature]
Clerk

BY: _____
Deputy

RECEIVED
MAY 19 1986

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: A21-00079
Date Received: 12/13/1988
Receipt No: EQO 5210
Received By: BA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALWYN NEDROW
Address: RT. 1 BOX 74
ASHTON, ID
OR
Name: BETTY E. NEDROW
Address:

208-652-3384

83420

A2100079



2. Date of Priority: JUN 19, 1893
3. Source: SNOW CREEK Trib. to: SNAKE RIVER, HENRY
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	42E	32	SE	SW	NW		FREMONT
			SW	NE	SW		FREMONT

5. Description of diverting works:
2 PONDS ON PROPERTY STORE WATER. PUMPS FROM POND INTO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.500		

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

8. Total consumptive use is 482.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A21-00079

Page 1

Date: 12/13/88

EXHIBIT B

MICROFILMED
OCT 20 1992

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
09N	42E	32	SW	NW		IRR	35.0
			SE	NW		IRR	20.0
			NE	SW		IRR	18.0
			NW	SW		IRR	30.0
			SW	SW		IRR	17.0
			SE	SW		IRR	30.0
			SW	SE		IRR	26.0
			SE	SE		IRR	17.0

Section Acres 193.0

Total Acres 193.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

A21-07280, 07080, 07081, & APP 4 PERMIT 21-07391

14. Remarks:

AC. IRR. = 110.

TRANSFERRED FROM ORIGINAL P/D BY DECREE OF 6-1-1981.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 6/01/1981

ALWYN NEDROW, ET. AL.

Decree Plaintiff

RONALD D. CARLSON

VS

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

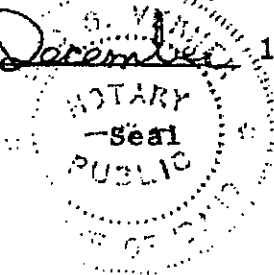
For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Alwyn Pedrow Date: 12/13/88
Date:

State of Idaho)
County of Sonneville) SS.

Subscribed and sworn (or affirmed) before me this 13 day
of December 1988



[Signature]
Notary Public

Residing at Idaho Falls, ID
My Commission Expires 22 Aug 1994

83

82

5'

80

79

78

Storage Bin

T8N

42E

ALUYN

NEGROW

A21-00079

MICROFILMED

OCT 20 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 21-00079

NAME AND ADDRESS: ALWYN NEDROW
BETTY E NEDROW
1250 N 3100 E
ASHTON, ID 83420

SOURCE: SNOW CREEK TRIBUTARY: HENRYS FORK

QUANTITY: 1.50 CFS

PRIORITY DATE: 06/19/1893

POINT OF DIVERSION: T09N R42E S32 SESWNW Within Fremont County
SWNESW

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 1.50 CFS

PLACE OF USE: Irrigation Within Fremont County
T09N R42E S32 SWNW 38.0 SENW 40.0
NESW 38.0 NWSW 34.0
LOT 2 (SWSW) 40.0 LOT 3 (SESW) 38.0
LOT 4 (SWSE) 32.0 LOT 5 (SESE) 14.0
274.0 Acres Total

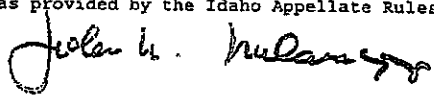
The rights listed below are limited to the irrigation of a
combined total of 274 acres in a single irrigation season.
Combined Right Nos.: 21-79, 21-7080, 21-7081, 21-7280
This right is limited to the irrigation of 110 acres within the
place of use described above in a single irrigation season.

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. 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.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication