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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 65-4213
Date Received: 1/13/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DARYL HART Phone: (208)634-0572 and

PO BOX 1311
MC CALL ID USA 83638

MARCHELLE HART Phone: (208)634-0572 and

PO BOX 1311
MC CALL ID USA 83638

VERLA WITT Phone: (208)634-1343 and

13968 TURNER LN
MC CALL ID USA 83638

FAUSTINO RAMOS Phone: (208)634-³²³⁷~~3120~~ and

PO BOX 1543
MC CALL ID USA 83638

2. Date of Priority: 05/01/1959

3. Source: UNNAMED STREAM Trib. to: LAKE FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
18N	03E	34	SE SW	VALLEY	

5. Description of diverting works:

Wildlife use in pond

6. Water is used for the following purposes:

SCANNED

JUL 26 2005

Purpose
WILDLIFE

From To C.F.S.
04/15 10/15 0.4

(or) A.F.A

7. Total Quantity Appropriated is:
0.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
18N	03E	34	SE	SW	WILDLIFE	

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used: 65-4214 & 65-22915

14. Remarks:

15. Basis of Claim: Decreed

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: _____

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): Marcella A Hart Date: 1-12-05

Date:

State of Idaho)
County of Ada) SS.

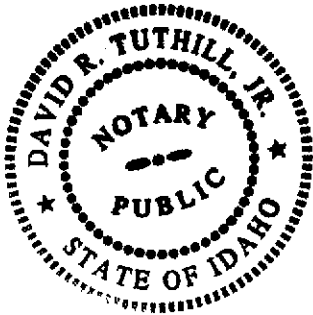
Subscribed and sworn (or affirmed) before me this
of 13th Jan 2005

David R Tuthill Jr

Notary Public

Residing at Boise

My commission Expires Sept 10, 2008



Number of attachments: _____

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): *[Signature]* Date: 1/13/05

Date:

State of Idaho)
County of Ada) SS.

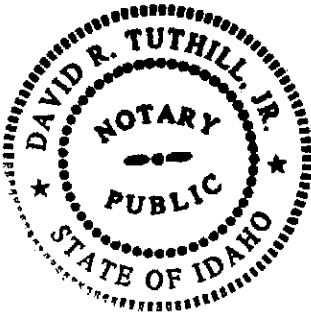
Subscribed and sworn (or affirmed) before me this 13th
of Jan 2005

David R Tuthill

Notary Public

Residing at Boise Id

My commission Expires Sept 10, 2008



Number of attachments: _____

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): *Faustino Ramon* Date: *1/13/05*

Date: _____

State of Idaho)
County of *Ada*) SS.

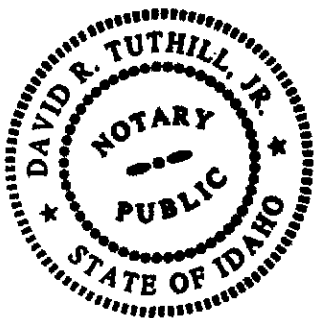
Subscribed and sworn (or affirmed) before me this *13th*
of *Jan* 2005

David R Tuthill

Notary Public

Residing at *Boise Id*

My commission Expires *Sept 10, 2008*



Number of attachments: _____

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): *[Signature]* Date: 1-03-05

Date:

State of Idaho)
County of Ada) SS..

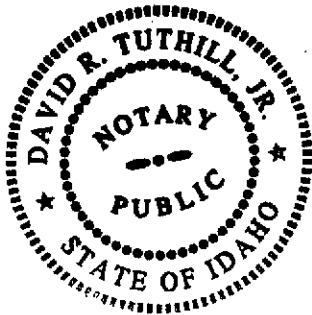
Subscribed and sworn (or affirmed) before me this 13th
of Jan 2005

David R Tuthill Jr

Notary Public

Residing at Boise Id

My commission Expires Sept 10, 2008



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 65-04213

NAME AND ADDRESS:

DARYL HART
P O BOX 1311
MC CALL, ID 83638

FAUSTINO RAMOS
P O BOX 1543
MC CALL, ID 83638

MARCHELLE HART
PO BOX 1311
MC CALL, ID 83638

VERLA WITT
13968 TURNER LN
MC CALL, ID 83638

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN - 5 / 2006

By _____ Clerk
_____ Deputy Clerk

SOURCE: UNNAMED STREAM TRIBUTARY: LAKE FORK

QUANTITY: 0.40 CPS

PRIORITY DATE: 05/01/1959

POINT OF DIVERSION: T18N R03E S34 SESW Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Wildlife	04-15 TO 10-15	0.40 CPS

PLACE OF USE: Wildlife Within Valley County
T18N R03E S34 SESW

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

BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER OCTOBER 18, 1977.

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3. IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT TO IDAHO CODE SECTION 42-222 OR SUCCESSOR STATUTE, NOTHING IN THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY FROM DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN THE EVENT OF INJURY.

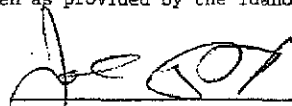
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

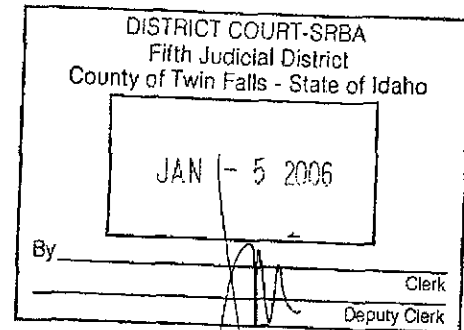
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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



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

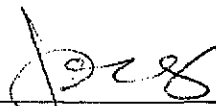
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right: 65-04213
	)	
_____	)	

On November 7, 2005, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 5, 2006.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

2006 JAN 05 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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): 65-04213

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 65-04213 was mailed
on January 05, 2006, with sufficient first-class postage prepaid
to the following:

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

DARYL HART
P O BOX 1311
MC CALL, ID 83638

FAUSTINO RAMOS
P O BOX 1543
MC CALL, ID 83638

MARCHELLE HART
PO BOX 1311
MC CALL, ID 83638

VERLA WITT
13968 TURNER LN
MC CALL, ID 83638

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/05/06

MEMORANDUM

RECEIVED

JAN 14 2005

WATER RESOURCES
WESTERN REGION

TO: IDWR Water Right/SRBA Files:
65-4213
65-4213A
65-4213B (renumbered as 65-22877)
65-4213C (renumbered as 65-22878)
65-4214
65-4214A (renumbered as 65-22879)
65-22805
65-22915
65-xxxxx (new app for Faustino Ramos)

FROM: Dave Tuthill 

DATE: January 12, 2005

RE: Resolution of SRBA Objections

SRBA claims originating from water rights in the Payette River Basin Adjudication (PRBA) numbered 65-4213 and 65-4214 have been the subject of significant water right conflict and discussion during the past year. This memorandum describes a solution to this conflict, as negotiated in a meeting in the McCall law offices of Brian McMahan on December 13, 2004. Those present at the meeting included Daryl and Marchelle Hart, Verla Witt, Faustino Ramos, Brian McMahan (attorney for Faustino Ramos), Chris Bromley and Dave Tuthill. This memorandum is being sent to the parties for review prior to a follow-up meeting designed to be a final review and signature process.

To simplify the discussion each water right will be briefly discussed in numerical order. The necessary action is identified. Documents describing the water right are provided as attachments.

65-4213, 65-4213A, 65-4213B (renumbered as 65-22877), 65-4213C (renumbered as 65-22878)

Water right number 65-4213 was decreed in the PRBA in the amount of 0.40 cfs with priority date 5/1/1959 for irrigation use. Claims have been submitted for portions of this water right as follows:

65-4213A	Claim for 0.14 cfs submitted by Faustino Ramos
65-4213B	Renumbered as 65-22877, submitted for .08 cfs/8AFA by Verla Witt, Marchelle Hart and Daryl Hart
65-4213C	Renumbered as 65-22878, submitted for .06 cfs by Verla Witt, Marchelle Hart and Daryl Hart

Solution: 65-4213 for .40 cfs submitted by all four parties above

SCANNED

JUL 26 2005

65-4214, 65-4214A (renumbered as 65-22879)

Water right number 65-4214 was decreed in the PRBA in the amount of 0.38 cfs with priority date of 4/15/1928 for irrigation use. Claims have been submitted for this water right as follows:

65-4214	Claim for 0.38 cfs submitted by Faustino Ramos
65-4214A	Renumbered as 65-22879, submitted for .06 cfs/8AFA by Verla Witt, Marchelle Hart and Daryl Hart

Solution: 65-4214 for .38 cfs submitted by all four parties above

65-22805

Water right number 65-22805 is a permit in the name of Faustino Ramos for the use of ground water in a new pond (Ramos Pond) located downstream from the pond described in the rights above (Turner Pond).

65-22915

Water right number 65-22915 is an application in the name of all four parties for year-around aesthetic storage and wildlife storage in the pond which receives water under 65-4213 and 65-4214 (Turner Pond).

65-xxxxx (new app for Faustino Ramos)

This as-yet-unnumbered application in the name of Faustino Ramos is for use of the unnamed stream in Ramos Pond. It is intended to be filed after signature and payment in the amount of \$100 are rendered.