

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: A47-02137
Date Received: 12/13/1988
Receipt No: S004441
Received By: AP

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

AMENDED

1. Name: KEN MULBERRY ENTERPRISES 208-423-5556
Address: PO BOX H
KIMBERLY ID 83341

2. Date of Priority: APR 29, 1918

3. Source: UNNAMED STREAM Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	18E	23	SW	SW	SW		TWIN FALLS

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.600		

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	18E	22	NW	NW		IRR	30.0

Section Acres 30.0

Total Acres

30.0 MICROFILMED

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
NONE

14. Remarks:
THE SOURCE OF THIS WATER IS A SEEP STREAM THAT HAS BEEN CHanneled
IN A DITCH AND DUMPED INTO ROCK CREEK STREAM BED WHERE THE WATER
IS THEN RE-DIVERTED FROM ROCK CREEK WITH A 40 HP PUMP AND
DELIVERED TO SPRINKLERS.

15. Basis of Claim: LICENSE

Water Right Number: 13560

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 Organizations:

I do solemnly swear or affirm that I am Partner of
Title

Ken Mulharg Enterprises, that I have signed the foregoing
Organization

document in the space below as Partner of
Title

Ken Mulharg Enterprises and that the statements contained in the
Organization

foregoing document are true and correct.

Bennett A. Mulharg
Signature of Authorized Agent

Partner Ken Mulharg Enterprises
Title and Organization

April 24, 1992
Date

60/3

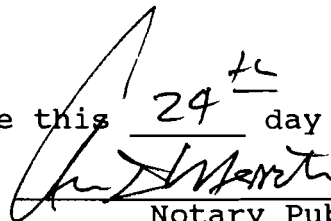
MICROFILMED

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 24th day

of April 19 92


Notary Public

Seal

Residing at Kinsley, ID

My Commission Expires 6/30/92



MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 25, 1994

David M Brown
The Mutual Life Insurance Co of New York
One Mid Rivers Mall Dr
Suite 120
St Peters, MO 63376

RE: Lienholder addition to SRBA Records A47-00129, A47-00130,
A47-00131, A47-00132, A47-02137, A47-02257, A47-02468,
A47-02478, A47-02502, A47-02548, A47-02550, A47-13605 &
A47-14363

Dear Mr. Brown:

In response to your September 26, 1994 letter our office has changed the electronic record for the above listed Snake River Basin Adjudication (SRBA) claims. Please find enclosed copies of proof reports for these changed records.

Your letter requested we also change A36-15131. Since your letter indicated that only Kenneth & Jennifer Mulberry, Ken Mulberry Enterprises or Mulberry Enterprises property was mortgaged, this change was **not** made since the claim is in the name of "Russet Valley Produce" and/or "Russet Valley Produce Profit Sharing".

Your letter also seemed to request changes to several Twin Falls Canal Co. stock certificates. Since our department does not deal with these records I recommend you contact the Twin Falls Canal Co. directly.

In checking our database I found three other SRBA claims (A47-12694, A47-12721 & A47-10012) in the name of "Ken Mulberry Enterprises". Please find listings of these records for your review. Please note that since these claims were not specifically listed in your "Exhibit B" these records were **not** changed either.

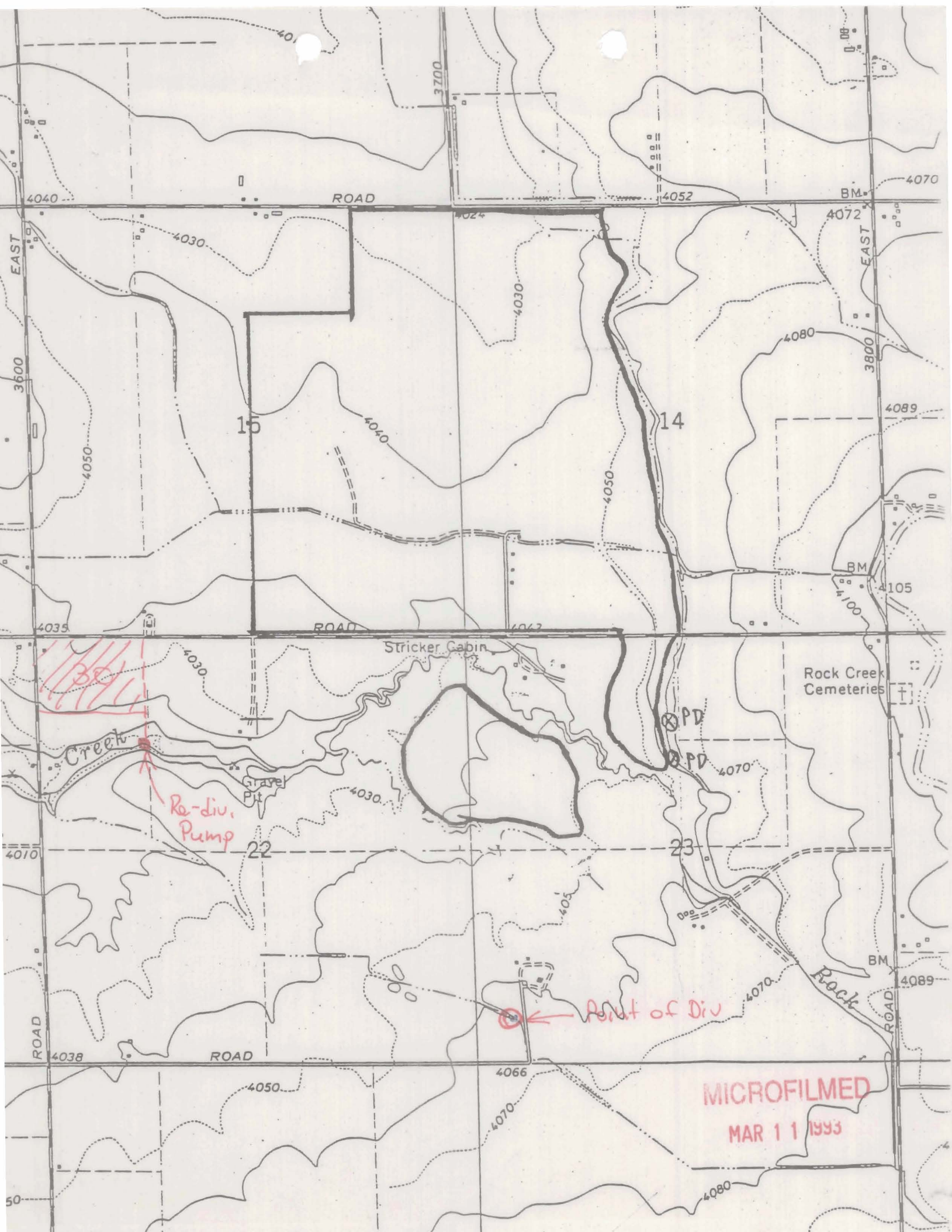
If you have questions please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Allen Merritt'.

Allen Merritt
Acting Southern Region Manager

CC: Ken Mulberry Enterprises



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: [REDACTED]
Date Received: 12/13/1988
Receipt No: S004441
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KEN MULBERRY ENTERPRISE 208-423-5555
Address: P.O. BOX H.
KIMBERLY, ID 83341

2. Date of Priority: APR 29, 1918

3. Source: UNNAMED STREAM Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	18E	22		SE	NW		TWIN FALLS

5. Description of diverting works:
20HP PUMP, GRAVITY IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	18E	22	SW	NW		IRR	30.0
Section Acres							30.0
Total Acres							30.0

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
A47-02502

14. Remarks:
OWNERSHIP CHANGED 7/11/90 BY JG.

15. Basis of Claim: LICENSE

Water Right Number: 13560

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

RECEIVED

JUN 28 1990

Department of Water Resources

CHANGE IN OWNERSHIP

Page 1

Southern Region Office

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): A47-02502 A47-02137

[] Name and Address of Former Claimant(s): RONALD YANKEE

[] New Claimant(s): Ken Mulberry Enterprises

[] New Mailing Address: P.O. Box H.
Kimberly, Idaho 83341

New Telephone Number: (208) 423-5555

- [] Does the change in ownership result in a splitting of the water right claimed? yes ☒ no
If yes, then describe the portion of the water right that is now claimed by the new owner:

- [] Attach proof of ownership.

Describe proof attached:

(Proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former claimant.)

[] Signature of New Claimant(s): Ken Mulberry Enterprises

Ken Mulberry

Date: 6-17-90

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OCT 27 1994

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s): _____

Date: _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 7/11/90 By: AC

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 7/11/90 By: AC

Claim Numbers of Split, if any:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

11-Jul-1990

Ken Mulberry Enterprises
P.O. Box H.
Kimberly, ID 83341

Re: Claim No(s). A47-02502 & A47-02137'

Dear Claimant(s):

Pursuant to the notification that you presently own the property in which the above referenced adjudication claim(s) is appurtenant, the Department has changed the record(s) of the current owner as you requested. Please find enclosed copy(s) of the computer record of the claim(s) noting the change in claimant. Please review the record(s) and if you have any corrections, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Judy Givens', is written above the typed name.

Judy Givens
Adjudication Secretary

Encls:

MICROFILMED
OCT 27 1991



WARRANTY DEED

For Value Received

RONALD C. YANKE and LINDA L. YANKE, husband and wife

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto
KEN MULBERRY ENTERPRISES, a partnership composed of Kenneth A.
Mulberry and Jennifer Mulberry
whose address is: Box H, Kimberly, Idaho 83341

Hereinafter called the grantee, the following described premises, in Twin Falls County, Idaho,
to-wit:

Per Exhibit -A- attached hereto and made a part hereof

TOGETHER WITH THE FOLLOWING:

40 shares of stock in the Twin Falls Canal Company

0.78 c.f.s. of water from Rock Creek, License No. 47-2502, formerly
No. 45-2208, priority date 6/4/49.

0.6 c.f.s. of water from West Rock Creek, License No. 47-2137,
priority date 4/29/18.

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

Dated: December 11, 1989

Ronald C. Yanke
RONALD C. YANKE

Linda L. Yanke
LINDA L. YANKE

STATE OF IDAHO, COUNTY OF Ada

On this 13th day of December, 1989,
before me, a notary public in and for said State, per-
sonally appeared Ronald C. Yanke and
Linda L. Yanke, husband and wife

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

[Signature]
Notary Public
Residing at Meridian, Idaho
Comm. Expires July 12, 1995

STATE OF IDAHO, COUNTY OF Twin Falls

I hereby certify that this instrument was filed for record at
the request of TitleFact, Inc.

at 50 minutes past 11:00 o'clock A m.,
this DEC 14 1989 day of
19, in my office, and duly recorded in Book
of Deeds at page

RICHARD A. PENCE

Ex-Officio Recorder

By Valerie Phillips Deputy.

Fees \$ 6.00
Mail to: Grantee above

INSTRUMENT

NOTIFIED

921025

EXHIBIT -A-

Township 11 South, Range 18 E., B.M., Twin Falls County, Idaho
Section 22: Part of the NW1/4NW1/4 and part of the NE1/4NW1/4
described as follows:

BEGINNING at the North 1/4 section corner of Section 22 said
corner marked by a 1/2" rebar which shall be the POINT OF
BEGINNING;

THENCE South 0°11'28" West along the 1/4 section line for
1319.45 feet to a 5/8" rebar at the SE corner of the
NE1/4NW1/4;

THENCE North 89°16'37" West along the east line of the
NE1/4NW1/4 for 20.00 feet to a point;

THENCE North 0°11'28" West parallel to the east line of the
NE1/4NW1/4 for 208.71 feet to a point;

THENCE North 89°16'37" West for 208.71 feet to a 1/2" rebar;

THENCE South 0°11'28" East for 199.51 feet to a 1/2" rebar;

THENCE South 0°11'28" East for 9.20 feet to a point on the
south line of the NE1/4NW1/4;

THENCE North 89°16'37" West along the south line of the
NE1/4NW1/4 for 1098.92 feet to a 5/8" rebar at the SW
corner of the NE1/4NW1/4;

THENCE North 0°07'52" West along the west line of the
NE1/4NW1/4 for 199.39 feet to a 1/2" rebar;

THENCE South 80°33'44" West for 535.18 feet to a 1/2" rebar;

THENCE South 88°44'27" West for 799.40 feet to a P.K. Nail on
section line;

THENCE North 0°04'18" West along section line for 1006.61 feet
to a P.K. Nail, said nail lying South 0°04'18" East for
235.00 feet from the NW corner of Section 22;

THENCE South 89°17'15" East for 235.00 feet to a 1/2" rebar;

THENCE North 0°04'18" West for 235.00 feet to a P.K. Nail on
section line;

THENCE South 89°17'15" East along section line for 2417.48 feet
to the POINT OF BEGINNING.

SUBJECT TO: A county road right-of-way along the west and north
sides.

TOGETHER WITH: An easement for ingress and egress described as
follows:

BEGINNING at the north 1/4 section corner of Section 22,
Township 11 South, Range 18 E., B.M. said corner marked by a
1/2" rebar which shall be the POINT OF BEGINNING;

THENCE South 0°11'28" East along the 1/4 section line for
1095.63 feet to a point;

THENCE North 89°16'37" West for 20.00 feet to a point;

THENCE South 0°11'28" East for 208.71 feet to a point on the
south line of the NE1/4NW1/4;

THENCE South 89°16'37" East along the south line of the
NE1/4NW1/4 for 20.00 feet to a 5/8" rebar at the SE corner
of the NE1/4NW1/4;

THENCE South 89°13'44" East along the south line of the
NW1/4NE1/4 for 25.00 feet to a point;

THENCE North 0°11'28" West for 1319.44 feet to a point on
section line;

THENCE North 89°11'58" West along section line for 25.00 feet to
the POINT OF BEGINNING.

MICROFILMED

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: A47-02137
Date Received: 12/13/1988
Receipt No: S004441
Received By: W

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RONALD C. YANKE 208-342-8901
Address: P.O. BOX 5411
BOISE, ID 83705

2. Date of Priority: APR 29, 1918

3. Source: UNNAMED STREAM Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	18E	22	SE	NW			TWIN FALLS

5. Description of diverting works:
20HP PUMP, GRAVITY IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	18E	22	SW	NW		IRR	30.0

Section Acres 30.0

Total Acres 30.0

A47-02137

Page 1

Date: 12/13/88

NOT FILMED
JAN 11 1989

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
A47-02502

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 13560

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.

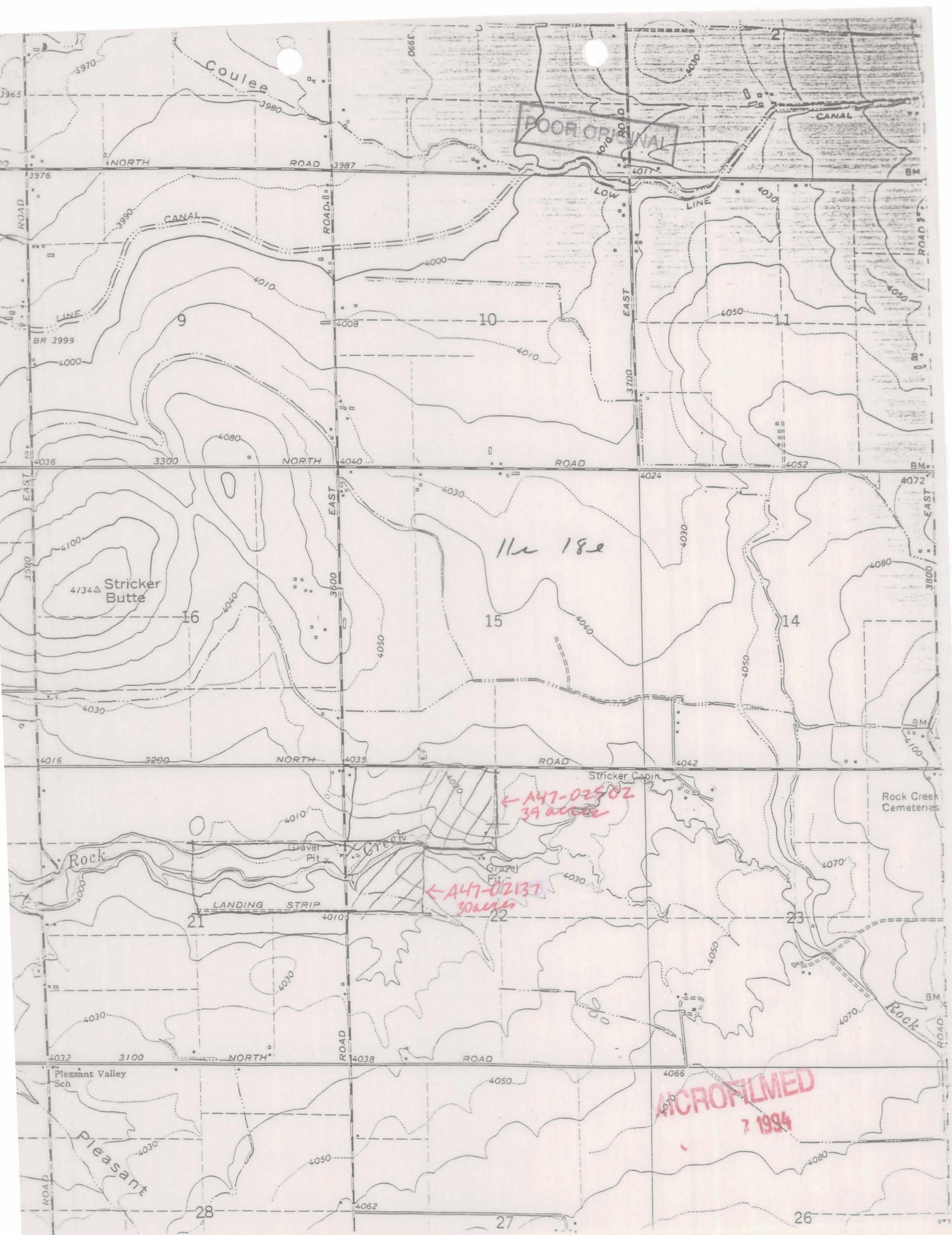
Signature of Claimant(s): Ronald C. White Date: 12-13-88
by C. B. Deppner Date:

State of Idaho)
County of TC) SS.

Subscribed and sworn (or affirmed) before me this 13 day ch
of Dec 19 88 Loi White
Notary Public

Seal

Residing at TC
My Commission Expires 5/94



PHONE 423-5555
CONVERSATION MEMORANDUM

NAME OF PARTY KEN MULBERRY
EMPLOYEE: STEVE CLELLAND

DATE 4-26-91 9:10 am
FILE A47-02137

RE: Change of Ownership

I informed Mr. Mulberry that he did not own the land that is licensed under this claim, according to his Warranty Deed. I told him that water rights are real property and are appurtenant to the property they are licensed on. I mentioned the listing of the water right in the Warranty Deed may not be sufficient to transfer the water right. I then ask Mr. Mulberry if he wished to maintain claim + ownership of this claim? Would he assign change of ownership to Rex Christianien? He said no he will continue claim on the water right since that is how the property was represented when sold to him.

MICROFILMED
OCT 27 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

20-May-1991 09:18

R. KEITH HIGGINSON
Director

KEN MULBERRY ENTERPRISE
P O BOX H
KIMBERLY ID 83341

RE: A47-02137

DEAR MR. MULBERRY,

YOU MAY RECALL A PHONE CONVERSATION WITH ME ON APRIL 26, 1991 DURING WHICH I EXPLAINED LEX CHRISTIANSEN HAD FILED TO CHANGE OWNERSHIP OF THE CLAIM ABOVE. YOU TOLD ME YOU WOULD PURSUE THE CLAIM AS FILED WITH YOUR PREVIOUS CHANGE OF OWNERSHIP.

AFTER LEGAL STAFF REVIEW OF THIS SITUATION IT HAS BEEN DETERMINED THAT THE SRBA CLAIM IN QUESTION WILL REMAIN IN YOUR NAME. HOWEVER, PURSUANT TO IDAHO CODE § 42-222 YOU MUST FILE A TRANSFER OF A WATER RIGHT WITH IDWR BEFORE YOU CAN USE THE WATER ELSEWHERE. I HAVE ENCLOSED THAT FORM FOR YOUR USE.

IF YOU HAVE FURTHER QUESTIONS PLEASE CONTACT OUR OFFICE.

SINCERELY,

STEVE CLELLAND
WATER AGENT, SR.

ENC:

MICROFILMED
OCT 27 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

20-May-1991 09:18

R. KEITH HIGGINSON
Director

LEX R. CHRISTIANSEN
323 CRESTVIEW
TWIN FALLS ID 83301

RE: A47-02137 CHANGE OF OWNERSHIP

DEAR MR. CHRISTIANSEN,

YOU RECENTLY SUBMITTED A CHANGE OF OWNERSHIP FOR THE ABOVE CLAIM TO OUR OFFICE. THIS CLAIM ALSO HAD A CHANGE OF OWNERSHIP FILED BY KEN MULBERRY ENTERPRISE. TO RESOLVE THIS SITUATION THE FILE WAS REVIEWED BY OUR LEGAL STAFF. BASED ON THIS LEGAL REVIEW IDWR CANNOT ACCEPT YOUR CHANGE OF OWNERSHIP SINCE THE WATER RIGHT WAS PREVIOUSLY SOLD BY WARRANTY DEED TO KEN MULBERRY ENTERPRISE.

IF YOU WISH TO PURSUE THIS WATER RIGHT AND CHALLENGE MR. MULBERRY'S CLAIM TO OWNERSHIP, YOU MUST FILE A CLAIM IN YOUR NAME AND PAY THE APPROPRIATE FEES. THE MATTER WOULD THEN BE DETERMINED IN THE SRBA.

IF YOU HAVE FURTHER QUESTIONS PLEASE CONTACT OUR OFFICE.

SINCERELY,

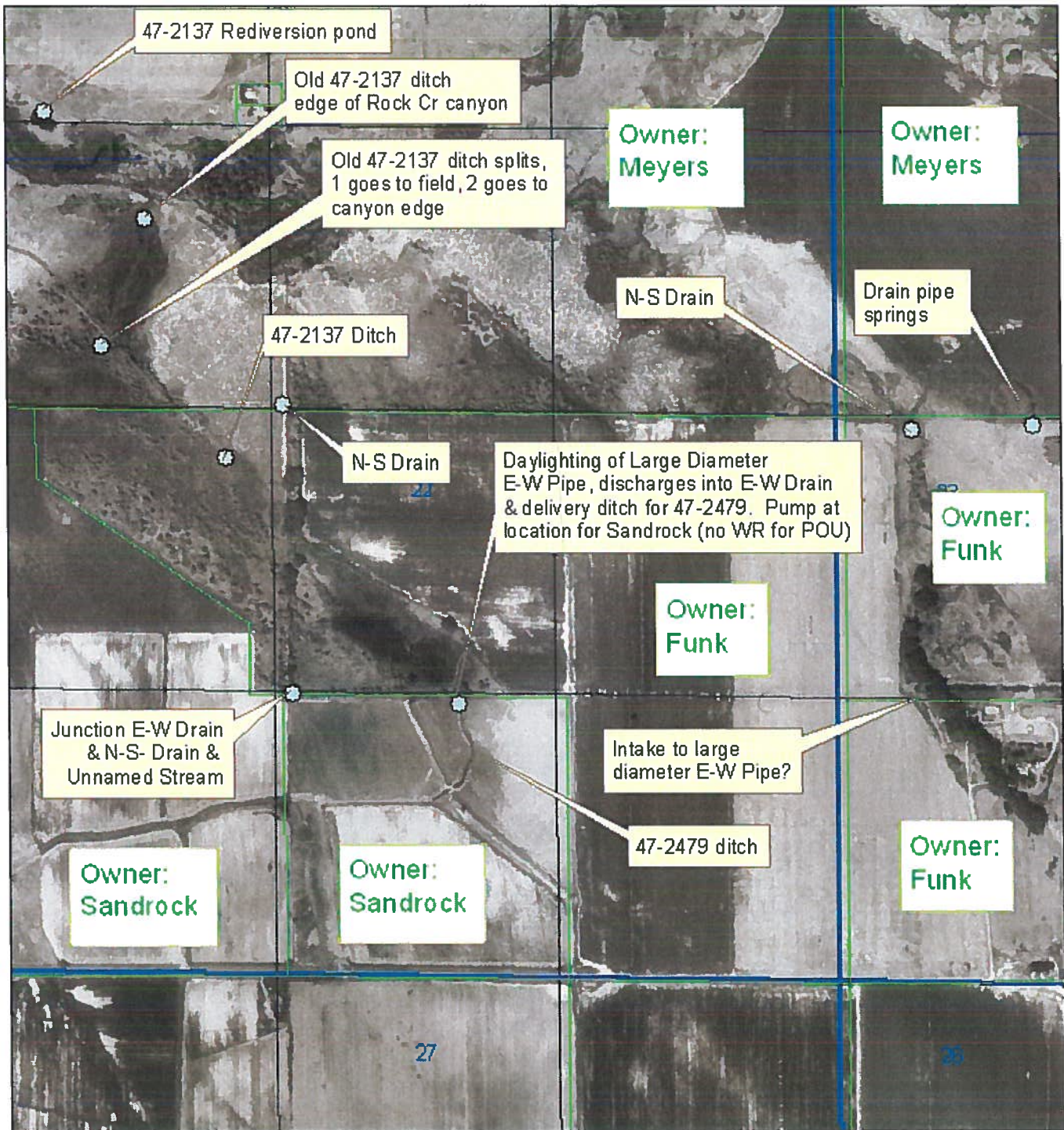
A handwritten signature in dark ink, appearing to read 'Steve Clelland', is written over a horizontal line.

STEVE CLELLAND
WATER AGENT, SR.

ENC:

RECORDED
OCT 27 1994

IDAHO DEPARTMENT OF WATER RESOURCES



47-2137 Analysis of Source and Diversion



1992 Imagery
D. Jones
11/15/2011



nickel
utte

16

3600 E

5

3200 N

NORTH

4055

ROAD

Stricker Cabin

Grave

Gravel
Pt.

Creek

LANDING STRIP

21

22

4311
2479A
17285
17281

47-213
4/24/18

100
3100 N

NORTH

ROAD

4038

ROAD

4050

4056

4070

4050

47-2137



1987 Aerial Photo



12/01/2005

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

RIGHT NUMBER: 47-2137

NAME AND ADDRESS: KEN MULBERRY ENTERPRISES
PO BOX H
KIMBERLY ID 83341

SOURCE: UNNAMED STREAM

TRIBUTARY: ROCK CREEK

QUANTITY: 0.560 CFS

PRIORITY DATE: 04/29/1918

POINT OF DIVERSION:

T11S R18E S23 SWSWSW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.560 CFS

PLACE OF USE: IRRIGATION Within TWIN FALLS County

T11S R18E S22 SWNW 28.0

28 ACRES TOTAL

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

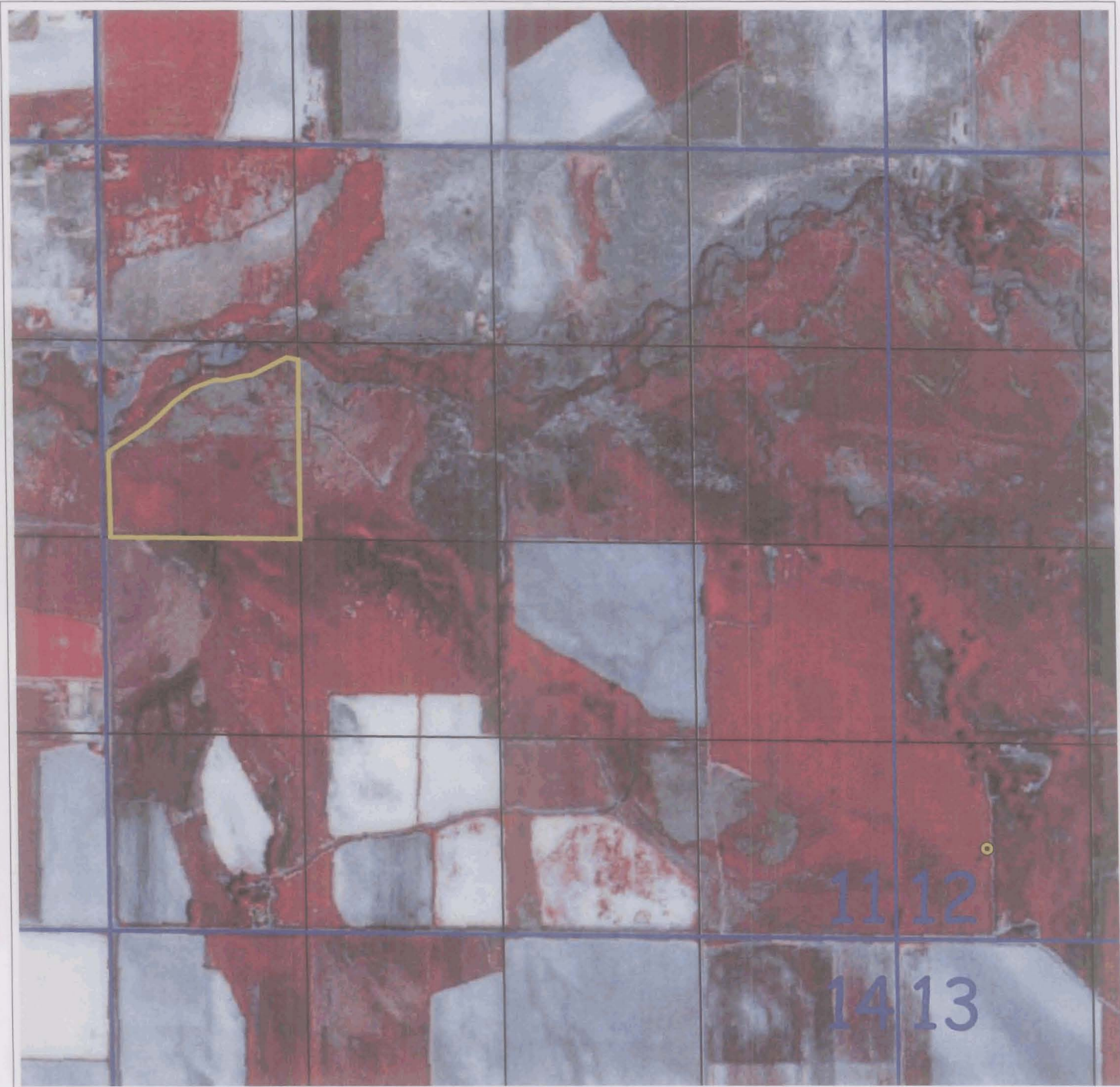
Idaho Department of Water Resources

Right(s): 47-2137

Recommended Place of Use

TWP 11S RNG 18E S11

Prepared November 16, 2005



660 0 660 1320 Feet

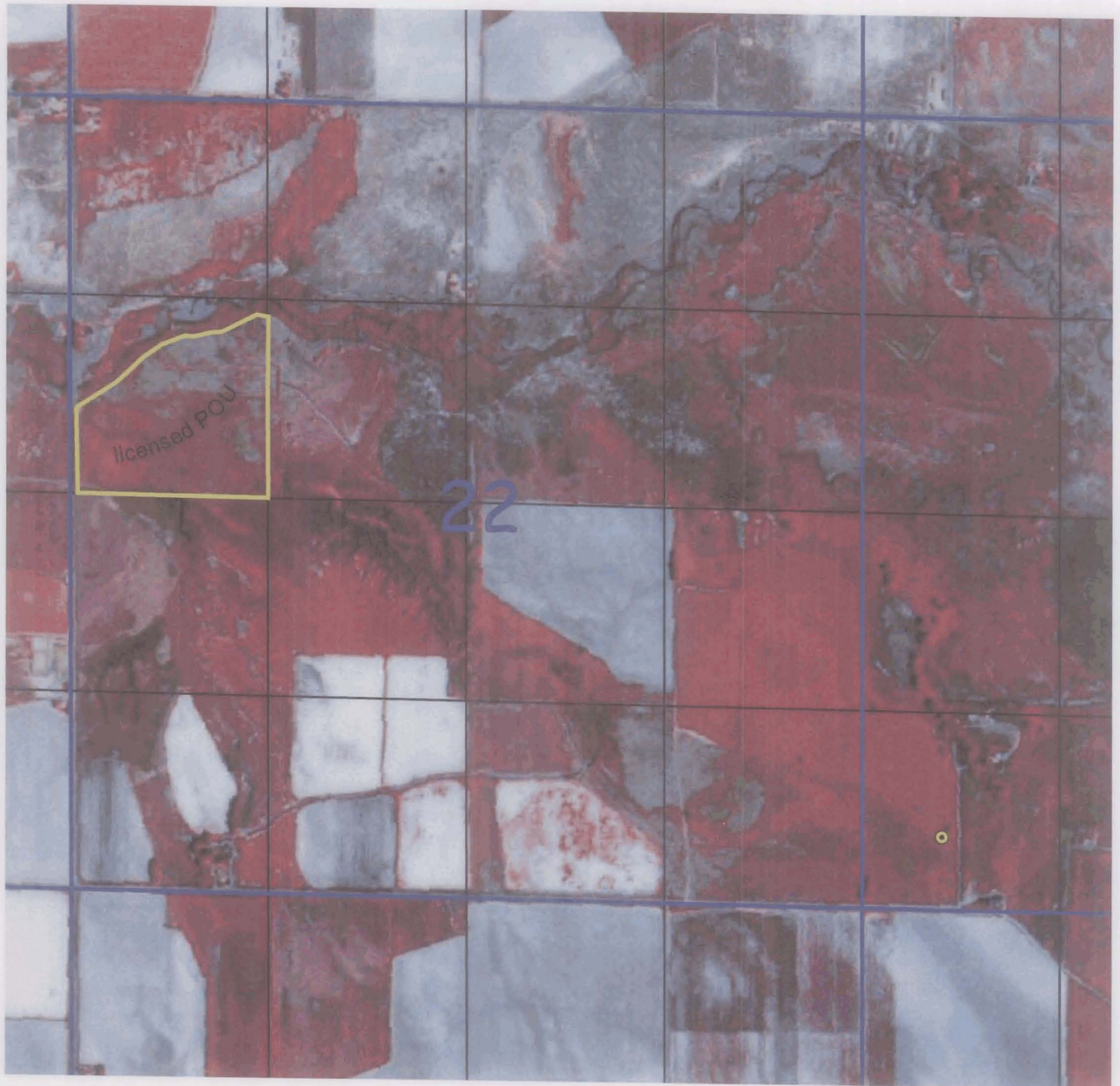
- Recommended Point of Diversion
- Recommended Place of Use
- Section Lines
- Quarter Section Lines



GIS Place of Use Presentation
1987 NAPP Aerial Photography

Prepared by Amanda Kriwox

47-2137 Licensed POU



30 acres licensed

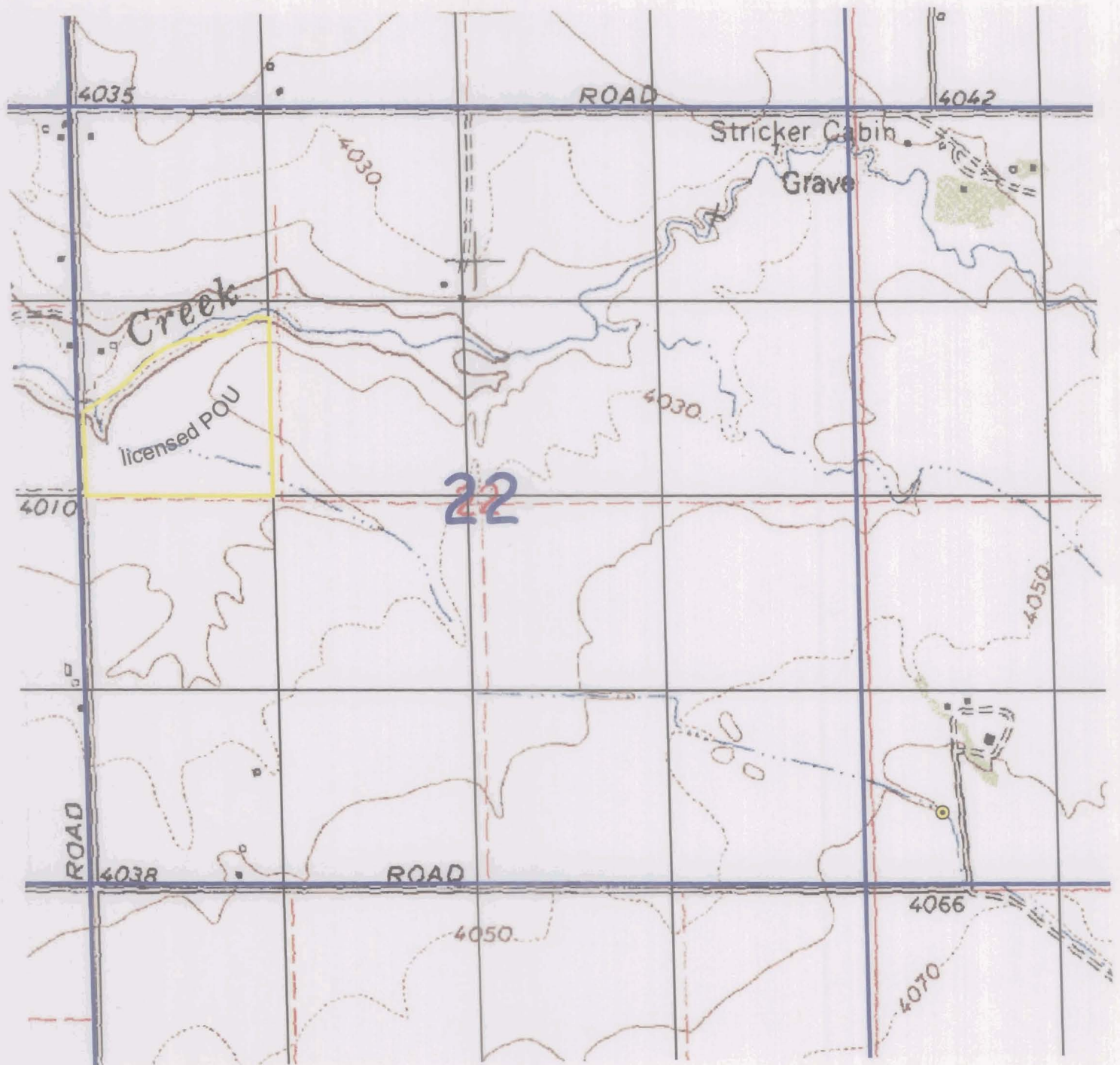
28 acres found

$$(28 \times 0.02) = 0.56 \text{ cfs}$$

1987 imagery



47-2137 Licensed POU



quad



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 DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER

November 9, 2005

Kenneth Mulberry
PO Box H
Kimberly, Idaho
83341

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM(S): 47-2137

Dear Mr. Mulberry,

The Idaho Department of Water Resources (IDWR) is presently investigating water right claims in the Twin Falls County area in preparation for submittal of Director's Report recommendations to the SRBA Court in the next few months. We are in the process of evaluating SRBA claim 47-2137; 11S 18E S22.

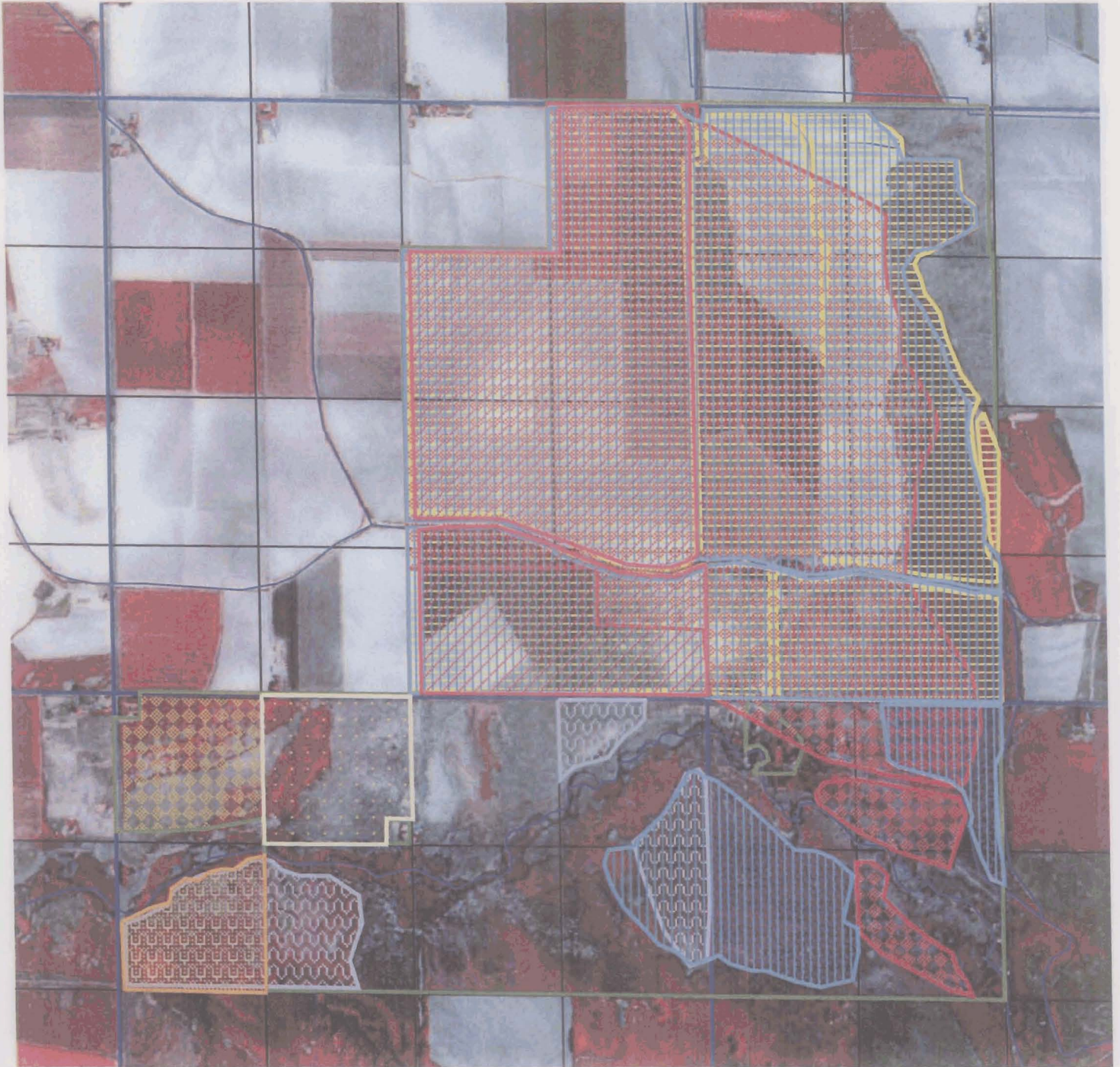
In reviewing the water right/adjudication file for License 47-2137, I find that there is a conflict between the licensed place of use and the claimed place of use. Apparently the original owner of the place of use and water right, Ronald Yanke, sold you the water right for license 47-2137 (0.6cfs of water from Rock Creek with an April 29, 1918 priority date) but sold the appurtenant place of use to Lex Christiansen in 1991. A memo in the 47-2137 adjudication file from Senior Water Resource Agent Steve Clelland states that in April of 1991 he spoke with you by phone and discussed your options for this situation, namely that in order to move the place of use for 47-2137 from the licensed location to the claimed location, a transfer will have to be completed through IDWR. Because a transfer has not been completed, I am required to make a preliminary SRBA recommendation for this license on the licensed place of use. Please contact any of our Water Right Agents to discuss your options to transfer this water to your claimed place of use; Corey Skinner, Jeanie Robertson, or Jim Stanton.

Sincerely,

Amanda Kriwox
Water Resource Agent
Idaho Department of Water Resources



Mulberry Rock Creek & Ground Water



1987 imagery

Mulberry: Rock Creek and Ground Water

	47-2502 1949 RC		47-2137 1918 WW		47-129&130 1882/83 RC
	2548_2550 1951/1953 GW		47-2478 1910 RC		Mulberry_owns.shp
	2257_2468 1950/1955 GW		47-131 1885 RC		
	Claimed2137		47-132 1883 RC		

Lucina

4-29-1918

Unnamed Stream trib to Rock Creek
 irig + domestic

30 acres @ 0.60 cfs

pod → 11S 18E S23 SW SW

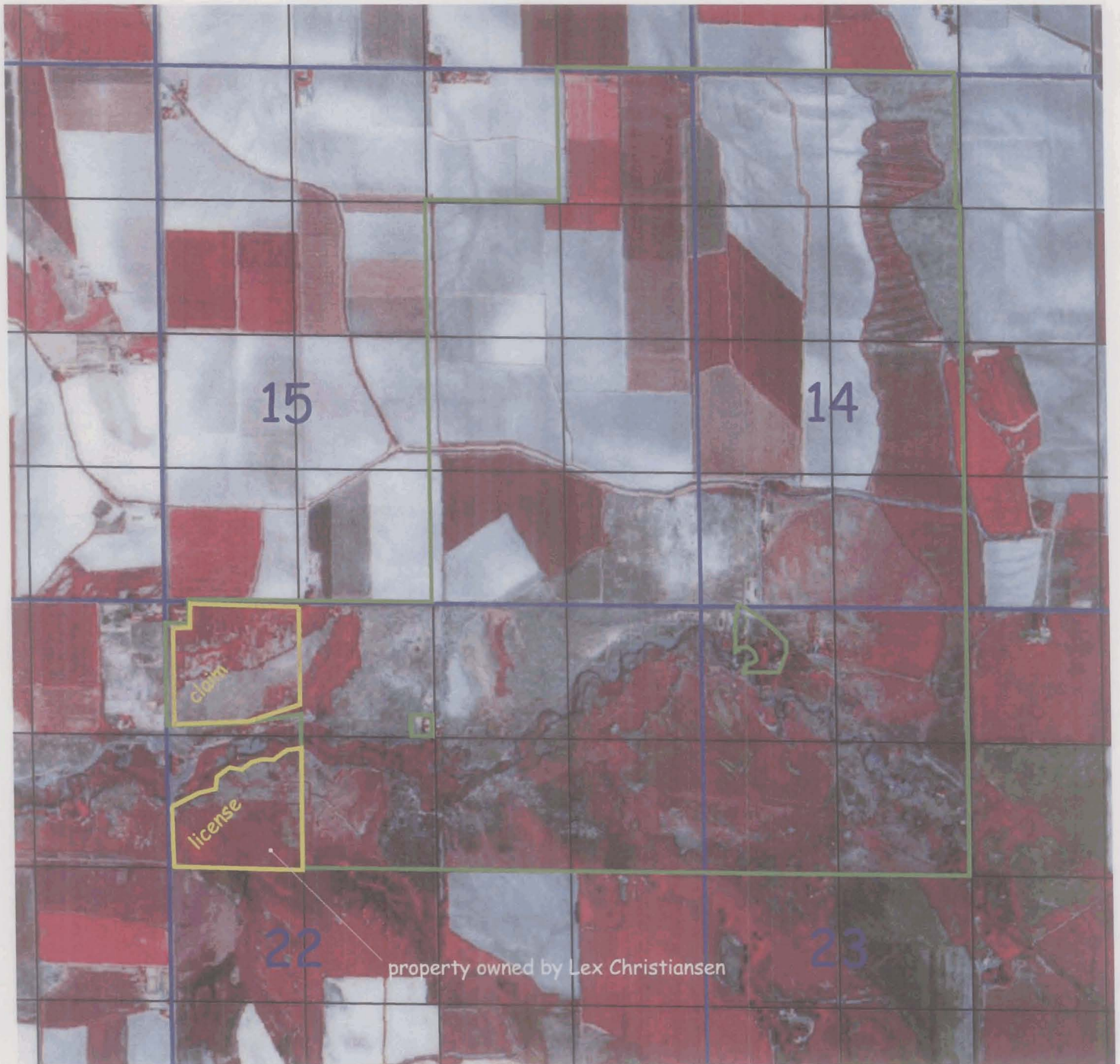
↳ 11S 18E S22 SW NW

Claim: 30 acres in 11S 18E S22 NW NW.

* Letter in file ⇒ in 1989 the original claimant sold the water right to Mulberry but not the app. property. In 1991 the orig. claimant sold the property to someone else. Mulberry was instructed by IDWR that he must file a transfer before he could use 44-2134 water elsewhere. In 1992 Mulberry amended his claim & identified the NW NW POB but he never has filed a transfer to legally move the water.

off 9-8-05: I alerted B47 attorney to the situation.

A47-2137 Claimed vs Licensed ROU



1987 imagery

24 140

Log for claim A47-02137

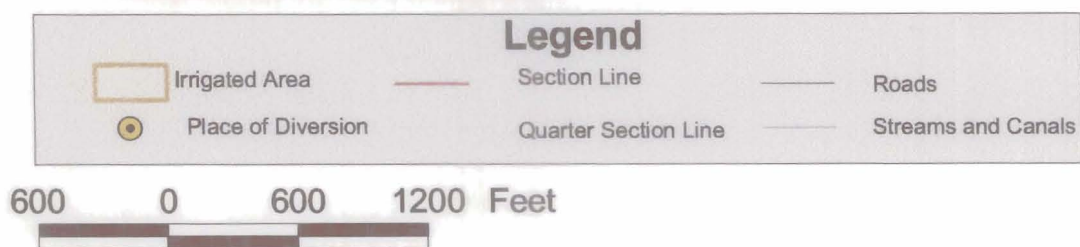
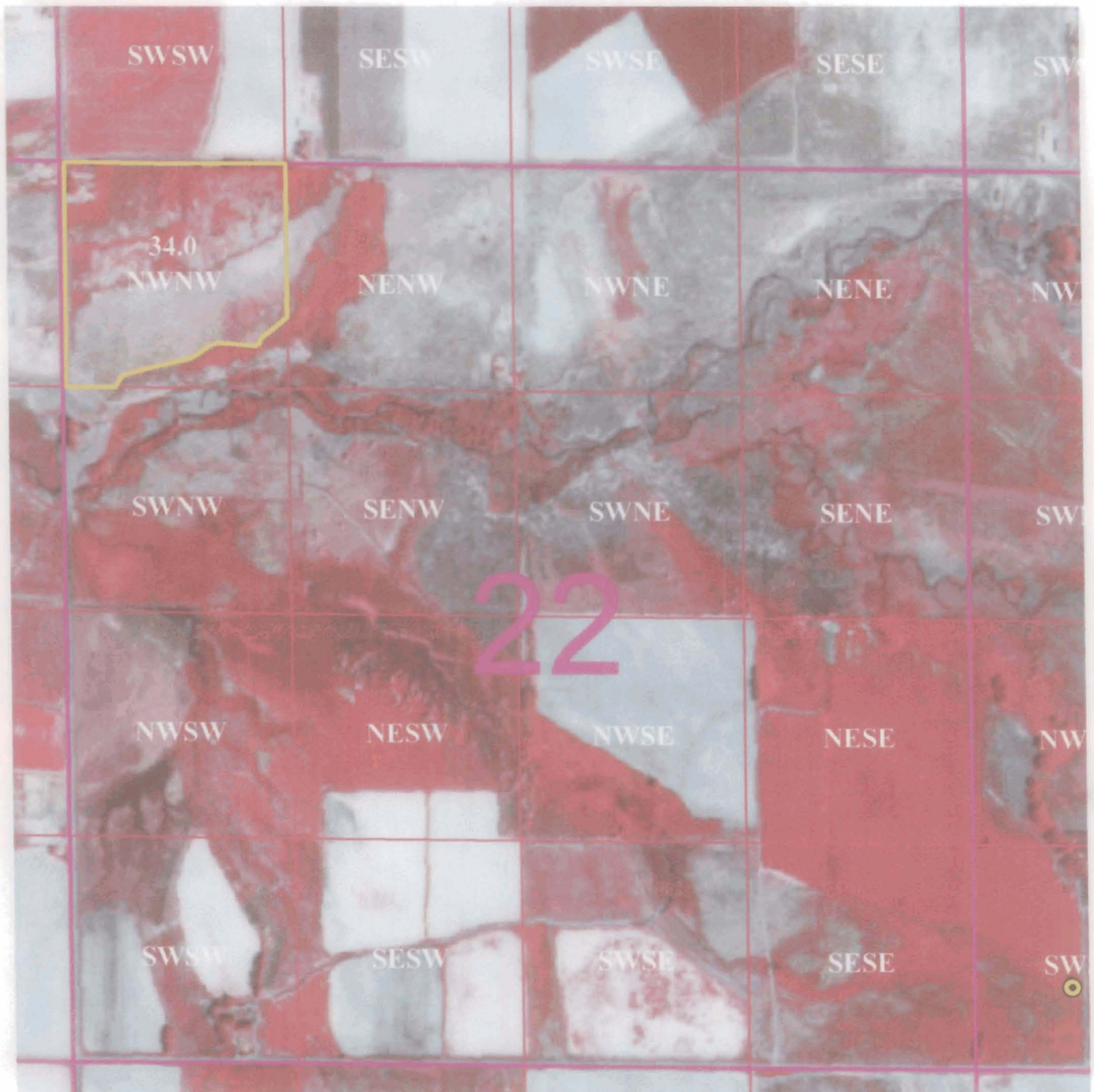
Spatial Dynamics LTD

10/19/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s18e	22	NWNW	30	34	
Totals:			30	34	

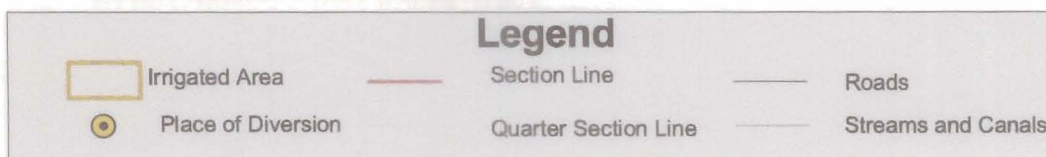
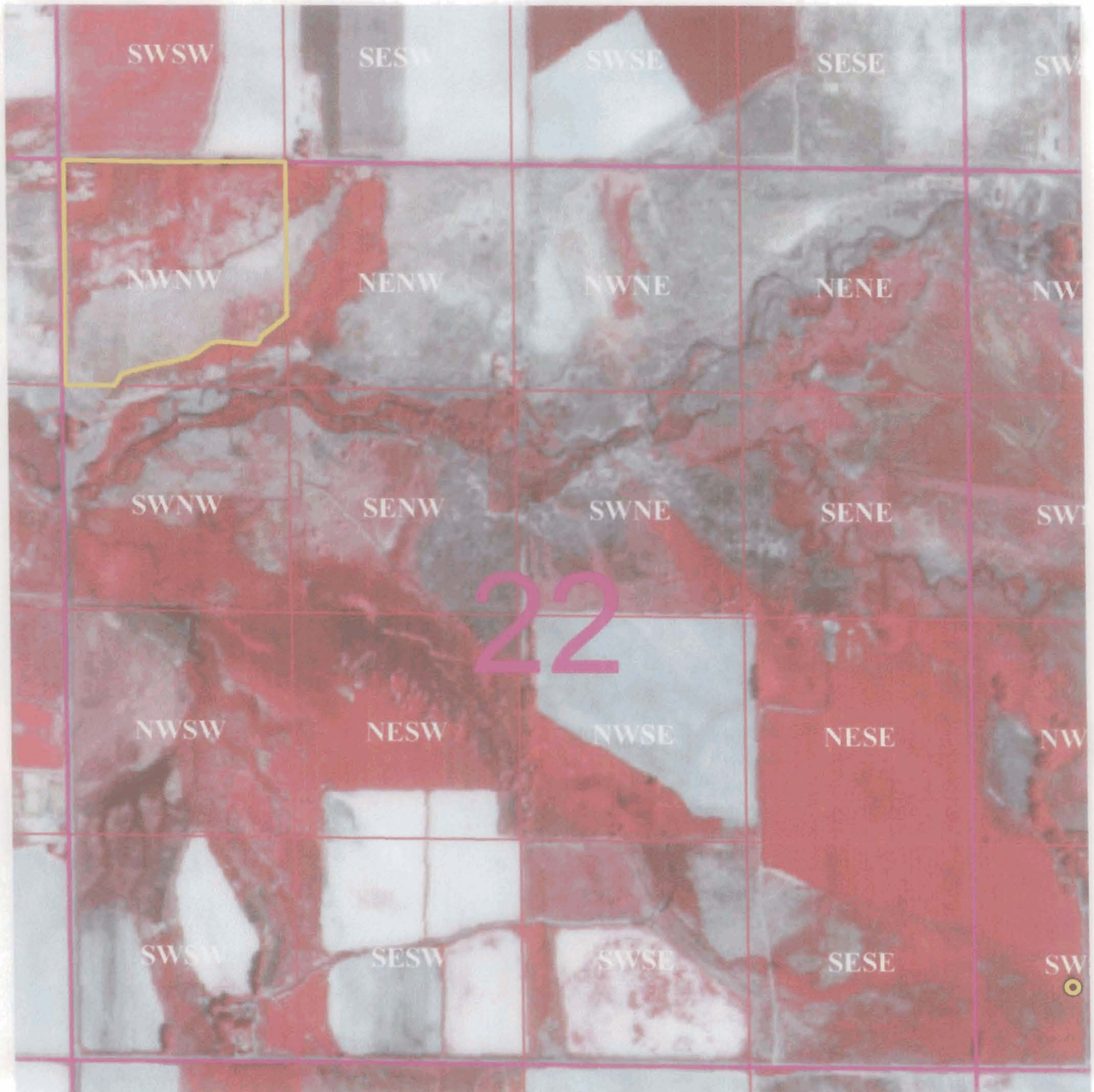
Water Right Claim Number A47-02137
Township , 11S18E

10/19/2000



Water Right Claim Number A47-02137
Township , 11S18E

10/19/2000

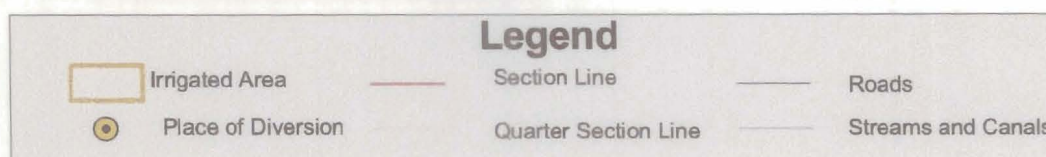
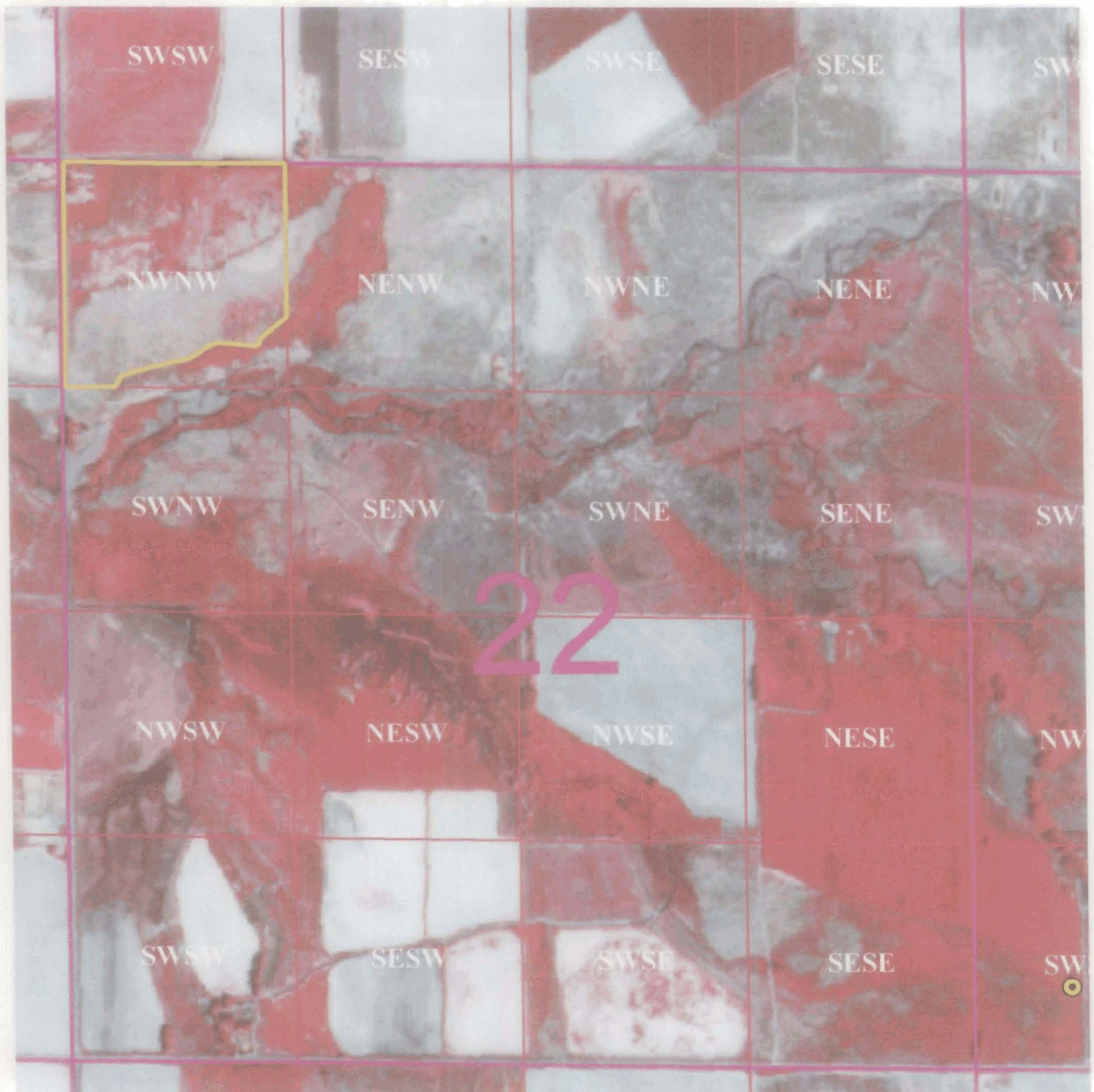


600 0 600 1200 Feet



Water Right Claim Number A47-02137
Township , 11S18E

10/19/2000



600 0 600 1200 Feet



AJ5809NP
No. A47-02137

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/03/00
PAGE: 172

```
=====
OWNER          PRIORITY  USE PERIOD  DIVERSION  DIVERSION
CODE          NAME & ADDRESS  DATE      WATER USE  FROM  TO  RATE      VOLUME
-----
C  KEN MULBERRY ENTERPRISES  04/29/1918  IRRIGATION  04-01 10-31  0.600 CFS
    PO BOX H
    KIMBERLY ID 83341
    (208) 423-5556
                                TOTAL DIVERSION:  0.600 CFS
                                CONSUMPTIVE USE:      90.00 AFA
=====
```

Water Source: UNNAMED STREAM Tributary to: ROCK CREEK Stage: LICENSE

Point(s) of Diversion: T11S R18E S23 SWSWSW TWIN FALLS County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																									
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM																				
-----																						----																			
11S 18E 22 :																						30	:																		30.0
																				TOTAL ACRES		:	30.0																		

POU County: TWIN FALLS

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:
A01-0020925

Remarks: GEN THE SOURCE OF THIS WATER IS A SEEP STREAM THAT HAS BEEN CHanneled
IN A DITCH AND DUMPED INTO ROCK CREEK STREAM BED WHERE THE WATER
IS THEN RE-DIVERTED FROM ROCK CREEK WITH A 40 HP PUMP AND
DELIVERED TO SPRINKLERS.

LIENHOLDER ADDED 10/25/94 ADM
|
ADDRESS CHANGE FOR LIENHOLDER 7/30/1999 SS.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 12/13/88 WHITE 07/11/90 GIVENS 04/24/92 MERRITT 10/25/94 AMERRITT
03/30/95 POST-STD 07/30/99 SSHerman

State of Idaho
License and Certificate of Water Right

Water License No. 13560
Water District No. 30

Amount 0.6 sec. ft.
Priority 4/29/19

THIS IS TO CERTIFY that **Alice A. Pope** of **Kimberly, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **April 29**, 19 **19**; that Permit No. **13560** was issued under said application; that Certificate of Completion of works, with a carrying capacity of **0.8** second feet, was issued thereunder on **April 12**, 19**19**, showing that said works were completed on the **2nd** day of **April**, 19 **19**; and that on the **10th** day of **May**, 19 **19**,

Alice A. Pope

of **Kimberly, State of Idaho**, made proof to the satisfaction of the **Commissioner of Reclamation** of Idaho, of a right to the use of the waters of **an unnamed stream**, a tributary of **Rock Creek**, for the purpose of **irrigation and domestic uses**, under Use Permit No. **13560** of the **Commissioner of Reclamation**, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the **Commissioner of Reclamation** of Idaho and entered of record in Volume **5** of Licenses, at page **2487**, on the **17th** day of **October**, 19 **19**;

The right hereby confirmed dates from **April 29**, 19 **19**;

The Point of Diversion is located in the **SW ¼ SW ¼, Sec. 23**, Twp. **11 S.**, R. **18 E.**, B.M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **0.6** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	18 E.	22	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	30
Total area irrigated:					30

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the **Commissioner of Reclamation** of Idaho, affixed at Boise, Idaho, this **17th** day of **October**, 19 **19**.

W. G. Swendsen.

(SEAL)

Commissioner of Reclamation.

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

47-~~2~~37

Application No. 19259
Permit No. 13560
District No. 30

1. Name of Applicant: ALICE A. POPE

Postoffice address: Kimberly

County: Twin Falls

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: 4/5 cubic feet per second.

3. Source of water supply: Unnamed stream which is a tributary of Rock Creek

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B. M., and is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
of Section 23 , T. 11 S., R. 18 E. , B. M., County of Twin Falls .

5. Water is to be used for: Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$100.00

8. Kind of works: Ditch and dam

9. Height of dam: 4 feet; length of dam at top 10 feet; length of dam at bottom 2
feet; material used in dam earth and stone

10. Size of headgate: Width none to be used feet; height feet.

11. Ditch: Width at bottom 2 feet; width at water line 2 $\frac{1}{2}$ feet; depth of water 1
feet; dimensions of flume none
Diameter of pipe none inches; length of conduit 1 miles.
Average grade per mile 20 feet.

12. The time required for the completion of such work is one years.

13. The time required for the complete application of the water to the proposed use is none additional years.

14. The land to be irrigated is described in the following tabulation: See Remarks.

14 Twp	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11 S.	18 E.	22					40												40
			----- Permit No: 13560 CERTIFICATE OF COMPLETION OF WORKS. -----																
To All Whom It May Concern:																			
This is to certify that Alice A. Pope of Kimberly, County of Twin Falls, and State of Idaho, the holder of Permit No. 13560, issued upon Application No. 19259 bearing date of priority of April 29, 1918, authorizing the diversion of four-fifth second feet of the waters of Unnamed stream which is a tributary of Rock Creek County of Twin Falls, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use four-fifths second feet of the waters of Unnamed stream which is a tributary of Rock Creek that the point of diversion of said waters is in the SW¼SW¼, Section 23, Township 11 South, Range 18 East, Boise Meridian and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW¼NW¼, Section 22, Township 11 South, Range 18 East, B. M.																			
Witness my hand this 12th day of April, A. D. 1919.																			
W. G. Swendsen, Commissioner of Reclamation of the State of Idaho.																			
License issued for <u>2.6</u> second feet																			
82487																			

(This report must be sworn to when not made by an attache of the State Engineer's office.)

STATE OF IDAHO, }
County of _____ } ss.

_____, being first duly sworn, deposes and says that the
statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 19____

My commission expires _____

Notary Public

DIST. 30

Alice K. Pope

Kimberly *North Creek*

Permit 13560

Instructions To Examiners

1. Examiners will not be permitted to examine any of the records in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own rights in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.

REPORT OF ENGINEER

This proof is for Beneficial UseIn Water District No. 30

1. State name of applicant and number of permit: Alice A. Pope- Permit 13560
2. State source of water supply: Unnamed Stream, - drainage water
3. Location of point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23, T. 11 S., R. 18 E., B.M.
100 ft below mouth of drain pipe
4. Describe works as they exist, giving dimensions and capacities of same: No head gate, ditch 1 $\frac{1}{2}$ ft bottom, 1 $\frac{1}{2}$ ft deep. Capacity 1 $\frac{1}{2}$ mfd.
5. State whether or not water has been turned into works of diversion: Yes
6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 22, T. 11 S., R. 18 E., B.M.
30 acres in cultivation
7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system? Neather parties
9. Give names and amount of each right:
10. What large stream would the water here appropriated finally reach? Snake River
11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:
None

Remarks:

This examination was made on the 27 day of Sept 1919

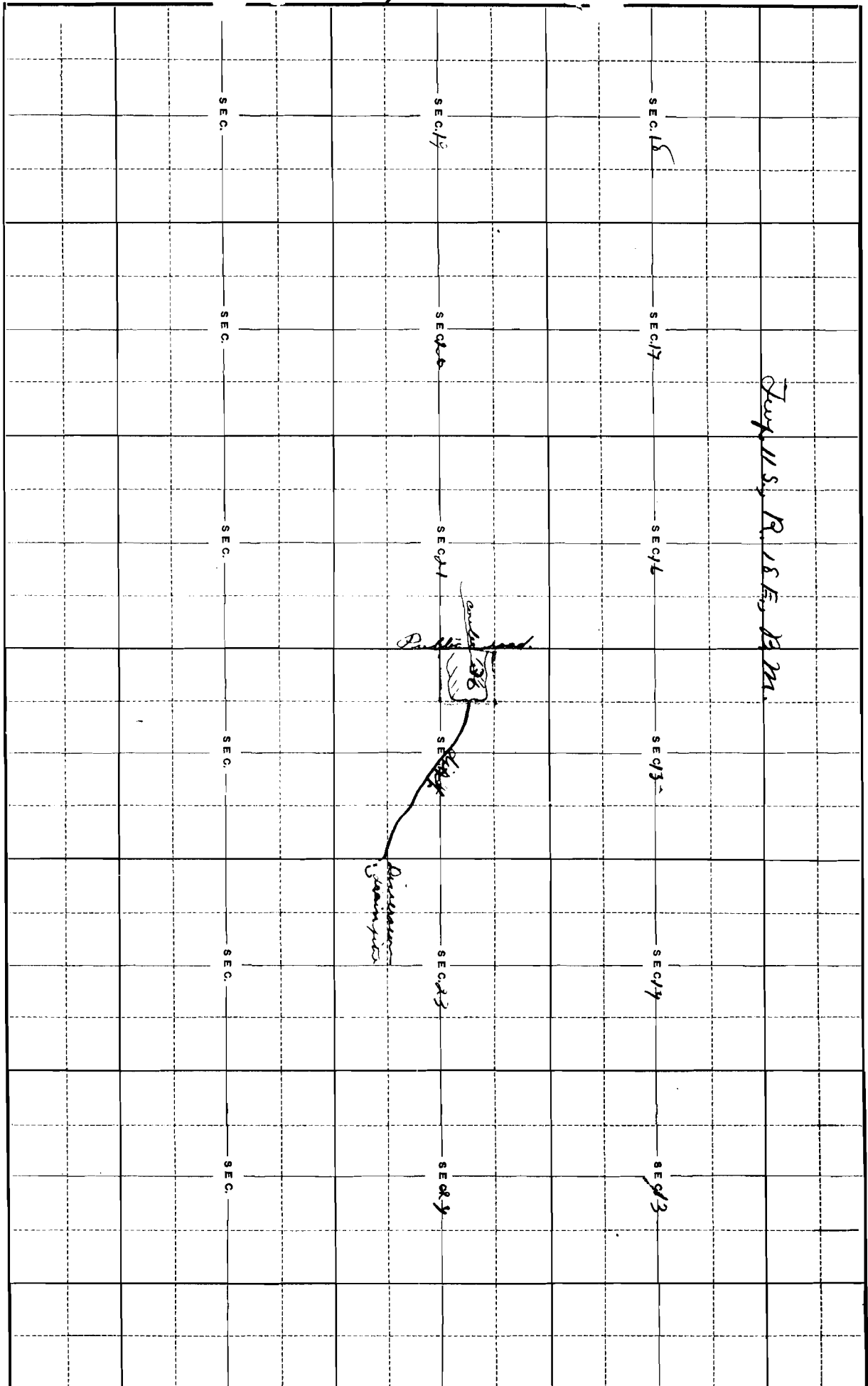
(Signed)

R. G. Pierce

Examiner.

13560

NAME OF APPLICANT C. L. & A. Pope, - Perami 135-60.



SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.

13560