

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 45-571A
Date Received: 6/7/1989
Receipt No: X999999
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARTHA BEDKE
42 E BASIN RD
OAKLEY ID USA 83346

Phone: (208)862-3697

BRUCE BEDKE
42 E BASIN RD
OAKLEY ID USA 83346

Phone: (208)862-3697

2. Date of Priority: 05/01/1882

3. Source: GRAVEYARD SPRINGS

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14S	23E	8	NW SE	CASSIA	

5. Description of diverting works:

STOCK TANKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	1/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.04 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
14S	23E	8	SW NE	STOCKWATER	
			NW SE	STOCKWATER	

RECEIVED
NOV 13 2003
Department of Water
Southern Region

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

Ownership Change from Firth to Bedke, warranty deed attached.

Amended Claim to correct the Place of Use to the SWNE and NWSE of Section 8, T14S, R23E and change the Diversion Rate to 0.02 cfs, per stockwater portion of original decree 45-571.

PORTION OF 45-00571 DECREE.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

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): Bruce Bedke

Date: 10/15/03

Martina J. Bedke

Date: 10/15/03

State of Idaho)
County of Twin Falls) SS.

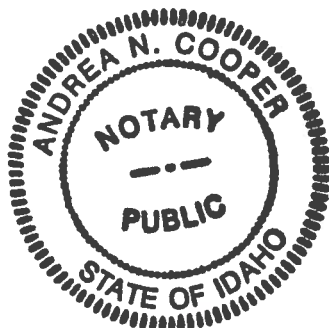
Subscribed and sworn (or affirmed) before me this
of 10-15-03 20__

Andrea N. Cooper

Notary Public

Residing at Twin Falls

My commission Expires 8-5-08



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NOV 13 2003

Department of Water Resources
Southern Region

November 11, 2003

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

Attn: Jeanie Robertson

RE: Ownership Change and Amended Claim 45-571A (Firth), Amended Claim 45-10793, New Claims 45-13600 & 45-13601.

Dear Jeanie,

Enclosed please find our notarized copies of the 3 Whittle water rights, (Amended Claim 45-10793, New Claims 45-13600 & 45-13601), the Firth water right (Amended Claim 45-571A), and a check for \$200 as payment for all. Sorry this took so long, but I hope we can consider these matters settled.

If you have any other questions, please contact us at: 208 862-3697.

Thank you.

Sincerely,

Bruce and Marty Bedke

RECEIVED

NOV 13 2003

Department of Water Resources
Southern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 17, 2003

BRUCE & MARTHA BEDKE
42 E BASIN RD
OAKLEY ID 83346

RE: Ownership Change and Amended Claim 45-571A (Firth), Amended Claim
45-10793, New Claims 45-13600 & 45-13601

Dear Mr. & Mrs. Bedke,

Enclosed is your copy of 45-571A showing the ownership of this claim has now been changed to Bedke per your submitted ownership change form and warranty deed from Firth.

I have also enclosed an **AMENDED** version of this claim, which corrects the Place of Use and the Diversion Rate to match the stockwater portion of original decree 45-571. Please sign, have notarized, and return to me as soon as possible.

I again amended 45-10793 to split off the combined 1880 rights and show only 2/1/1880 on this claim. Sign & have notarized, return to me.

Then I created two other claims (45-13600 & 45-13601) to show the other two 1880 priority dates. These will require notarized signature and a **\$50.00 filing fee each**.

Please call for an appointment if you wish to bring the claims in person or have any questions.

Sincerely,

Jeanie Robertson
St. Water Resource Agent

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 45-571A
Date Received: 6/7/1989
Receipt No: X999999
Received By: 

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

1. Name of Claimant(s)

MARTHA BEDKE
42 E BASIN RD
OAKLEY ID USA 83346

Phone: (208)862-3697

BRUCE BEDKE
42 E BASIN RD
OAKLEY ID USA 83346

Phone: (208)862-3697

2. Date of Priority: 05/01/1882

3. Source: GRAVEYARD SPRINGS

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14S	23E	8	NW SE	CASSIA	

5. Description of diverting works:

STOCK TANKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 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
14S	23E	8	NW NE	STOCKWATER	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

Ownership Change from Firth to Bedke, warranty deed attached.

PORTION OF 45-00571 DECREE.

15. Basis of Claim: Decreed

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

RECEIVED
SEP 11 2003
 Department of Water Resources
 Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
_____	<u>571</u>	<u>A</u>	_____	_____	_____
_____	<u>590</u>	<u>A</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) John + Carolyn Firth
215 200 W Paul Idaho 83347
4. New Owner/Claimant(s) Bruce Bedke Martha Bedke
 Name Connector (Check one): [] and, [] or, ☒ and/or
- New Mailing Address c/o 42 East Basin Road
- City, State and ZIP Code Oakley, Idaho (83346)
- New Telephone Number (208) 862-3697
5. Date you acquired the property 10/23/1990

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

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

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

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Bruce Beake 9/11/03

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

For Office Use Only

Received by X Date 9-11-03 Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by X AJ Date 9-17-03 WR _____ Date _____

COPY

FURNISHED BY *Land Title and Escrow*

21759 -

210291

WARRANTY DEED

INDEXED
RECEIVED
SEP 11 2003
Department of Water Resources
Southern Region

For Value Received

John K. Firth and Carolyn H. Firth, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
Bruce B. Bedke and Martha J. Bedke, husband and wife
Address: Oakley, Idaho 83346

Hereinafter called the Grantee, the following described premises situated in CASSIA County, Idaho,
to-wit:

TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 5: S $\frac{1}{2}$ SW $\frac{1}{4}$ - 80

Section 6: Lot 5 and SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 7: Lots 1 and 2, E $\frac{1}{2}$ E $\frac{1}{2}$

Section 8: W $\frac{1}{2}$, and the following described tract:

Beginning at the Northwest corner of the
NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 8;
Thence East to a point 2 rods East of
Warm Springs;
Thence South 4 rods;
Thence West to the road on the West line
of said property;
Thence North to The Point of Beginning.

Section 17: N $\frac{1}{2}$ NW $\frac{1}{4}$

TOGETHER WITH .036 cfs of License No. 45-0590 for stock
water purposes.

See EXHIBIT "A" for attached Exceptions

EXHIBIT "A"

Taxes for 1990 and subsequent years.

Well Construction and Operating Agreement between Jesse R. Bedke and Marguerite Bedke, husband and wife; and M. Roy Steel and Iona Steel, husband and wife, dated September 29, 1961 and recorded October 6, 1961 as Instrument No. 3678 on Film No. 9, records of Cassia County, Idaho.

Federal Land Bank Mortgage from John K. Firth and Carolyn H. Firth, husband and wife, as Mortgagors, to The Federal Land Bank of Spokane, a corporation, dated February 9, 1988 and recorded February 26, 1988 as Instrument No. 193864 on Film No. 196, records of Cassia County, Idaho.

MORTGAGE REAMORTIZATION AGREEMENT, between John K. Firth and Carolyn H. Firth, husband and wife and The Federal Land Bank of Spokane, a corporation, dated May 19, 1988 and recorded May 31, 1988 as Instrument No. 195732 on Film No. 199, records of Cassia County, Idaho.

Presented to and platted by me
this 5th day of Nov 1990
Martell C. Hallford
Assessor Cassia County
By DM
Deputy

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 220
OCT 31 4 00 PM '90
CASSIA COUNTY, IDAHO
FRANK H. HEARNS
RECORDED
FEE 600 DEED
LAND TITLE & ESCROW

210291

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: A45-00571A
Date Received: 6/07/1989
Receipt No: X999999
Received By: tw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN FIRTH 208-438-5508
Address: RT 1 BOX 1036
PAUL, ID 83347

2. Date of Priority: MAY 01, 1882

3. Source: GRAVEYARD SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	23E	8	NW	SE			CASSIA

5. Description of diverting works:
STOCK TANKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	23E	8	NW	NE		STOCK	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:
PORTION OF 45-00571 DECREE.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 3/27/1987

A. KENNETH DUNN

Decree Plaintiff

vs

KYLE ADAMS

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: _____

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): John Smith Date: 6-7-89

Date: _____

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of June 19 89 Don White
Notary Public

Seal

Residing at TF
My Commission Expires 5/94



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

- Wade & Linda Zollinger
- Rt. 1 Box 143A
- Oakley ID 83346

CECIL D. ANDRUS
GOVERNOR

RECEIVED

KEITH HIGGINSON
DIRECTOR

MAILING DATE: Aug 3, 1993

RESPONSE DATE: Aug. 23, 1993

AUG 06 1993
Department of Water Resources
Southern Region Office

RE: NOTICE OF CLAIM NO[S]: 445-00571A

Dear Claimant(s):

We are currently preparing the Notice(s) of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Our research indicates there may have been a change in either the ownership or address for the above claim(s). IDWR records currently show the following name and address for the owner of the claim(s) listed above:

- John Firth
- Rt. 1 Box 1036
- Paul ID 83347

If our current records, as listed above, are not correct please complete the enclosed Change in Ownership or Change of Address form, as appropriate, to correct our records.

Your response must be received in this office by the Response Date indicated above. If no response is received from you, all further legal notices concerning the claim(s) will be sent to the name and address shown above. If you have claims other than those referenced here, please contact the Department so we may assist you in updating the information for all your claims. Should you have any questions, or feel that you need assistance, please contact IDWR at 1-800-451-4129.

Sincerely,

Donald V. Shaff
Manager Adjudication Section

state:region

Enclosures:

- Change of Ownership Form
- Change of Address Form

DATE: 11/05/97
PAGE: 1

Audit: 08/09/93 SMITH 10/31/93 DUNN1 03/30/95 POST-STD

Water Right Number - 45-00571

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
FAIRCHILD

KENNETH

FAIRCHILD

LE ROY

1 -
2 -
3 -
City- OAKLEY
Phone -
State- ID Zip- 83346

1 -
2 -
3 -
City- OAKLEY
Phone -
State- ID Zip- 83346

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1882 17 D - DECREED

GRAVEYARD SPRINGS

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
Twn Rng Sec Tract Lot RFlg County Point of Diversion - - - - - +
14S 23E 8 NW SE (31) CASSIA

+ - - - - Code Description Period From Period To Water Use - - - - - Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15
04 - STOCKWATER 01/01 12/31 0.050 0.70

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.050 0.70

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
14S	23E	5	SW SE		3.0	01	IRRIGATION	(31) CASSIA
14S	23E	5	SE SE		20.0	01	IRRIGATION	(31) CASSIA
14S	23E	8	SW NE			04	STOCKWATER	(31) CASSIA
14S	23E	8	NW SE			04	STOCKWATER	(31) CASSIA

Total Acres: 23.0

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

MAR 07 1993
MICROFILMED

MS PROOF R

Adj. flag translation: Standard Water Right Number

Remarks -
No Remarks found.

Conditions of Approval - -
No Conditions of Approval found.

Decree Defendant - - - +
KYLE ADAMS

Water Rights Dates and Flags Area

Decree Date	-	03/27/1987	Appl Received	-	00/00/0000	Field Exam Fee	-
Licensed Date	-	00/00/0000	Receipt Number	-		Swan Falls	-
Order Show Cause	-	00/00/0000	Verified Date	-	06/10/1985	Temporary Right	- P
Start Work Date	-	00/00/0000	Hearing Date	-	00/00/0000	DLE/Carey Act	-
Proof Made Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Water District	- 45A
Approved/Denied	-	00/00/0000	Field Exam Made	-	00/00/0000	Transfer/Amended	-
Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000		-

DECLASSIFIED

VERIFIED BY

9/17/03

09/17/2003

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

RIGHT NUMBER: 45-571A
NAME AND ADDRESS: BRUCE BEDKE
42 E BASIN RD
OAKLEY ID 83346
MARTHA BEDKE
42 E BASIN RD
OAKLEY ID 83346

SOURCE: GRAVEYARD SPRINGS TRIBUTARY: SINKS
QUANTITY: 0.020 CFS
0.700 AFY
PRIORITY DATE: 05/01/1882
POINT OF DIVERSION:

T14S R23E S8 NWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS 0.70 AFY

PLACE OF USE: STOCKWATER Within CASSIA County

T14S R23E S08	SWNE	T14S R23E S08	NWSE
---------------	------	---------------	------

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

PARCEL NO. 14S23E080000

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: Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-571.

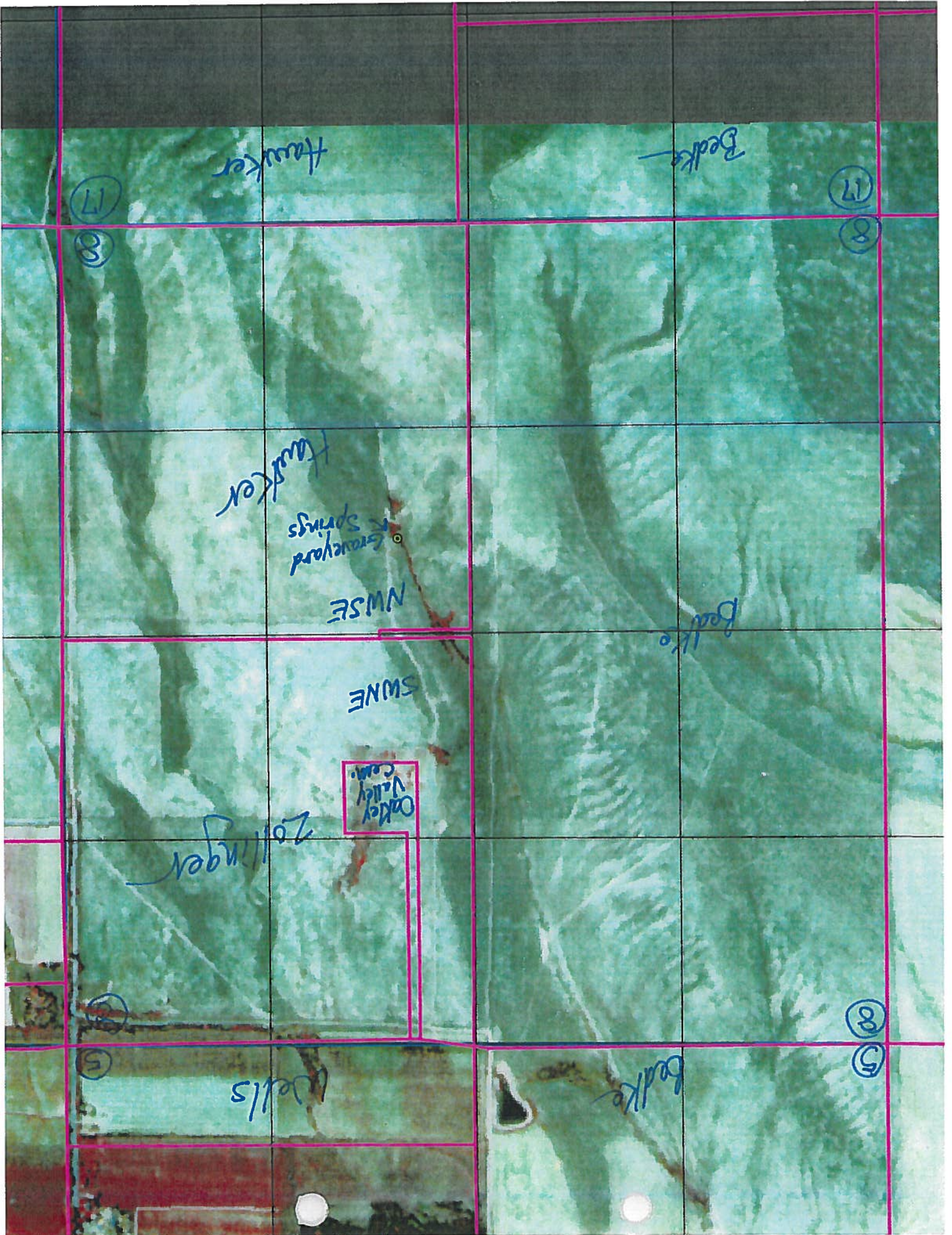
Bedke

Wells

45-571

- originally decreed to the SWNE & NWSE of Section 8 for .02 cfs stockwater
- Bruce Bedke owns a sliver at the bottom of the SWNE & the top of the NWSE (Sec. 8) for stockwater use
- claimed by Firth in the NWNE of Sec. 8
- Bedke bought from Firth, but the NWNE ^{of 8} not conveyed (this owned by Zollinger)
- claimed wrong? s/b NWSE? (per decree)
- no chain of title from Firth to Zollinger but there is from Firth to Bedke
- change - 571A to Bedke - have him amend to correct PDU & div. rate

Be



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-571A V1

WATER RIGHT NUMBER: 45-571A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRUCE BEDKE 42 E BASIN RD OAKLEY, ID 83346
Original Owner	JOHN FIRTH 21 S 700 W PAUL, ID 83347 (208)438-5508
Current Owner	MARTHA BEDKE 42 E BASIN RD OAKLEY, ID 83346 (208)862-3697

Priority Date: 05/01/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GRAVEYARD SPRINGS	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	0.70 AF
<u>Total Diversion:</u>		0.020 CFS	0.70 AF

Location of Point(s) of Diversion

GRAVEYARD SPRINGS	NW1/4SE1/4	Sec. 8, Twp 14S, Rge 23E, B.M.
CASSIA County		

Place of Use

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	
14S	23E	8			X												X		

Conditions of Approval:

1. 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.

Remarks:

1. General PARCEL NO. 14S23E080000
2. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-571.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-571A V1

Comments:

1. SMITH 8/9/1993 COPIED FROM REMARKS
Comment: PORTION OF 45-00571 DECREE.

2. jroberts 9/17/2003 Basis of Recommendation
Comment: Ownership Change and warranty deed finally submitted by Bruce Bedke from Firth. Claim was amended to correct the place of use and diversion rate to match the decree. Recommended as claimed. (The irrigation portion of the decree has not been claimed.)

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: NONE RECEIVED
State or Federal: S
Owner Name Connector: AND/OR
Water District Number: 45A
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

01/21/2003

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

RIGHT NUMBER: 45-571A
NAME AND ADDRESS: WADE ZOLLINGER
1994 S 100 E
OAKLEY ID 83346

LINDA ZOLLINGER
1994 S 100 E
OAKLEY ID 83346

SOURCE: GRAVEYARD SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS
0.700 AFY

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION:

T14S R23E S8 NWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01/01 12/31

QUANTITY
0.020 CFS
0.70 AFY

PLACE OF USE: STOCKWATER Within CASSIA County

T14S R23E S08 NWNE

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

PARCEL NO. 14S23E080000

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: Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-571.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-571A V1

WATER RIGHT NUMBER: 45-571A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOHN FIRTH 21 S 700 W PAUL, ID 83347 (208)438-5508
Current Owner	WADE ZOLLINGER 1994 S 100 E OAKLEY, ID 83346 (208) 862-3402
Current Owner	LINDA ZOLLINGER 1994 S 100 E OAKLEY, ID 83346 (208) 862-3402

Priority Date: 05/01/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GRAVEYARD SPRINGS	SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	0.70 AF
	<u>Total Diversion:</u>	0.020 CFS	0.70 AF

Location of Point(s) of Diversion

GRAVEYARD SPRINGS	NW1/4SE1/4	Sec. 8,	Twp 14S,	Rge 23E, B.M.
CASSIA County				

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	23E	8		X															

Conditions of Approval:

1. 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.

Remarks:

1. General PARCEL NO. 14S23E080000

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-571A V1

2. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-571.

Comments:

1. SMITH 8/9/1993 COPIED FROM REMARKS
Comment: PORTION OF 45-00571 DECREE.

2. jroberts 1/21/2003 Basis of Recommendation
Comment: Recommending the stockwater portion (.02 cfs, .7 AF) of the decree to Wade Zollinger, who owns the property according to Cassia County Assessor records. John Firth, who Zollinger said is his brother-in-law, filed the claim for .04 cfs in NWNE of Sec. 8, but never owned this property. Letters to Firth were not answered. The decree was also for stockwater use in the NWSE of Section 8. This land is owned by Hawker but covered by stockwater from 45-592, same source of Graveyard Springs. The irrigation portion of the decree has not been claimed.

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: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number: 45A
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

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			01/21/2003	jroberts	Active
Summary			01/21/2003	jroberts	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	1/21/2003 4:44:16 PM	jroberts	Edited point location
POD	1/21/2003 4:44:38 PM	jroberts	Edited PLS
POU	1/21/2003 4:46:46 PM	jroberts	Edited shape boundary
POU	1/21/2003 4:46:58 PM	jroberts	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-571A V1

Summary	1/21/2003 4:56:07 PM	jroberts	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right?
Summary	1/21/2003 4:56:19 PM	jroberts	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-571

WATER RIGHT NUMBER: 45-571

Owner Type Name and Address
 Current Owner KENNETH FAIRCHILD
 OAKLEY, ID 83346
 Current Owner LE ROY FAIRCHILD
 OAKLEY, ID 83346

Priority Date: 05/01/1882

Basis: Decreed

Status: Active

Source
 GRAVEYARD SPRINGS

Tributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	
STOCKWATER	1/01 to 12/31	0.020 CFS	0.70 AF
IRRIGATION	3/15 to 11/15	0.050 CFS	
<u>Total Diversion:</u>		0.050 CFS	0.70 AF

Location of Point(s) of Diversion

GRAVEYARD SPRINGS
 CASSIA County

NW1/4SE1/4

Sec. 8, Twp 14S, Rge 23E, B.M.

Place of Use

STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
14S	23E	8	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
			X			X	

Total Acres: 0

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
14S	23E	5	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
						3.0 20.0	23.0

Total Acres: 23

Conditions of Approval:

- only stockwater
 use claimed as part A
 - disallow? different P.O.
 - not in decree
 - no fees paid
 - irrigation not claimed
 .02 decreed to stockwater
 .04 claimed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-571

WATER RIGHT NUMBER: 45-571

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	KENNETH FAIRCHILD
	OAKLEY, ID 83346
Original Owner	LE ROY FAIRCHILD
	OAKLEY, ID 83346

Priority Date: 05/01/1882

Basis:

Status: [See Remarks](#)

<u>Source</u>	<u>Tributary</u>
GRAVEYARD SPRINGS	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.050 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	0.70 AF
	<u>Total Diversion:</u>	0.050 CFS	0.70 AF

Location of Point(s) of Diversion

GRAVEYARD SPRINGS	NW1/4SE1/4	Sec. 8,	Twp 14S,	Rge 23E, B.M.
CASSIA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	23E	5															3.0	20.0	23.0

Total Acres: 23

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	
14S	23E	8															X		

Remarks:

1. General

THIS RIGHT HAS BEEN SPLIT AND CLAIMED AS FOLLOWS: A45-00571A: 0.04 CFS, STOCK USE ONLY



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 20, 2002

JOHN FIRTH
RT. 1 BOX 1036
PAUL ID 83347

RE: Adjudication Claim 45-571A

Dear Claimant,

In June of 1989, you filed an adjudication claim for some stockwater use on a portion of water right 45-571, from Graveyard Springs near Oakley, Idaho. I am in the process of reviewing claims in this area so they can be recommended to the court for decree, the next phase in this adjudication process.

You claimed the use in the NWNE of Section 8, T14S, R23E. According to the Cassia County Assessor's office, you no longer own this property. If you no longer have an interest in this property, the new owners will need to file an ownership change for this right. I will contact them and send the proper forms. If this is not correct, please contact me at the office at (208) 736-3033.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 20, 2002

WADE & LINDA ZOLLINGER
1994 S 100 E
OAKLEY ID 83346

RE: Adjudication Claim 45-571A

Dear Mr. & Mrs. Zollinger,

In June of 1989, John Firth filed an adjudication claim for some stockwater use on a portion of water right 45-571, from Graveyard Springs near Oakley. I am in the process of reviewing claims in this area so they can be recommended to the court for decree, the next phase in this adjudication process.

He claimed the use in the NWNE of Section 8, T14S, R23E. According to the Cassia County Assessor's office, you now own this property. I have enclosed a Notice of Change in Water Right Ownership form to change ownership of this claim if you are still using the water. Please complete the form, sign on page 2 and return to me as soon as possible with the required documents so we can update our records. No fees are due at this time.

If you have any questions, feel free to give me a call at the office.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

*if no contact from either
Firth or Zollinger, just
"disallow" cause Firth's no
longer own the property and
it was claimed differently
than decreed anyway, with
no fees paid...*

DEPARTMENT OF WATER RESOURCES

Fillmore Street, Suite 200

1ST Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

215. 700 W

resent to ↑ 83347-873/

JOHN FIRTH
RT. 1 BOX 1036
PAUL ID 83347

☒ MAILED, LEFT NO ADDRESS
☒ NOT DELIVERABLE AS ADDRESSED
☐ UNABLE TO FORWARD
☐ ATTEMPTED - NOT KNOWN
☐ UNCLAIMED - NOT RETURNED
☐ NO SUCH STREET - UNKNOWN
☐ DO NOT RESIDE IN THIS DISTRICT
☐ INCORRECTLY ADDRESSED
☐ FOR NAME NOT ON FILE
☐ FROM ~~UNKNOWN~~ THE OFFICE

* claim filed by Firth but he never owned this property

- recommend to Zollinger,
who owns the property,
as the stockwater portion
to part of the original
decreed pou ...



0 0 0
1 1 1

WATER RIGHT NUMBER - A45-00571A

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

LAST NAME FIRST NAME ADDRESS

*** C - CURRENT OWNER ***
FIRTH

JOHN

1 - RT 1 BOX 1036
2 -
3 -

CITY- PAUL

PHONE - 208-438-5508

STATE- ID ZIP- 83347

PRIORITY DATE 05/01/1882 REGION ERROR IN REGION STAGE D - DECREED STATUS

SOURCE GRAVEYARD SPRINGS SINKS TRIBUTARY

TWN 14S 23E 3 NW SE (31) CASSIA POINT OF DIVERSION STREAM INDEX (BLANK IF NO INDEX CODE)

CODE 04 - STOCKWATER 01/01 12/31 0.040 WATER USE PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

TOTAL DIV. RATE 0.040 TOTAL DIV. VOLUME TOTAL DIV. CAPACITY TOTAL CONSUMPTIVE USE KW USAGE

TWN 14S 23E 3 NW NE 04 STOCKWATER (31) CASSIA PLACE OF USE DESCRIPTION COUNTY

DIVERSION MEANS - STOCK TANKS

NON-IRRIGATION USE - S/100 BEEF STOCK

OTHER RIGHTS FOR SAME USE - NONE

REMARKS PORTION OF 45-00571 DECREE.

OLD WATER RIGHT NUMBERS NO OLD WATER RIGHT NUMBERS FOUND.

CONDITIONS OF APPROVAL NO CONDITIONS OF APPROVAL FOUND.

DEGREE PLAINTIFF A. KENNETH DUNN DEGREE DEFENDANT KYLE ADAMS DEGREE DATE 03/27/1987

AUDIT FIELDS - 06/07/89 WHITE

MICROFILMED
OCT 27 1984

WATER RIGHT NUMBER - A45-00571A

PREFIX TRANSLATION: ADJUDICATION CLAIM

[illegible]

COURT REPORT FILING	-	00/00/0000	FIELD INSPECTION MADE	-	00/00/0000	CIVIL CASE NUMBER	-	39576
OBJECTION FILED DATE	-	00/00/0000	FIELD INSPECTION FLAG	-		OLD CASE NUMBER	-	
RESPONSE FILED DATE	-	00/00/0000	VERIFIED DATE	-	06/10/1985	OLD JUDICIAL DISTRICT	-	
CLAIM RECEIVED DATE	-	06/07/1989	LAST AMENDED DATE	-	00/00/0000	TEMPORARY RIGHT	-	P
PROOF DUE DATE	-	00/00/0000	PROOF MADE DATE	-	00/00/0000	WATER DISTRICT	-	45A
LICENSED DATE	-	00/00/0000	RECEIPT NUMBER	-	X999999	FEDERAL/STATE INDICATOR	-	S
CLAIMS TAPE ERROR FLG	-		POU OWNERSHIP FLAG	-	Y	PRESUMPTION FLAG	-	
FEE EXEMPT FLAG	-		NAME CONNECTOR	-		NOTICE OF ERROR FLAG	-	

14523E080000

Zollinger, Wade & Linda
Rt 1 Box 143 A
Oakley 83346

CHANGE OF OWNERSHIP
LETTER SENT 8-3-93 *Ans*

DATA ENTRY

ENTERED 6-9-93 DML
CHECKED 10/17/93 DML

Verified By
Topo Map/Ortho-PQ
Aerial Photo Records
Visual Aids
Natural Features
Other (See Remarks)
Cross/Adjacent
Witness
Plotted Records
IPWR Records

DATA ENTRY

10-31-75
ENTERED
11/1/93
CHECKED

VERIFIED
FEB 14 1993

CERTIFIED
FEB 29 1993
WATER EXAMINER