



44°26'48.83" N 113°38'30.61" W

© 2010 Google
Image USDA Farm Service Agency
Image © 2010 DigitalGlobe
elev 6344 ft

Jun 24, 2009

Google
© 2008
Eye alt 6518 ft

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 73-12037

WATER RIGHT NUMBER: 73-12037

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAWN M SULLIVAN PO BOX 205 SWAN VALLEY, ID 83449 (208)483-2005
Current Owner	ROBERT P SULLIVAN PO BOX 205 SWAN VALLEY, ID 83449 (208)483-2005
Current Owner	GARNEY B HALL 1955 OAK WY ARROYO GRANDE, CA 93420 (805) 489-6983
Original Owner	M LINDEN WRING HC 62 BOX 1130 ELLIS, ID 83235 (208)876-4404
Original Owner	BIG CREEK RANCH LLC PO BOX 3823 KETCHUM, ID 83340 (208)726-4276
Current Owner	VICTORIA F HALL 1955 OAK WY ARROYO GRANDE, CA 93420 (805) 489-6983

Priority Date: 05/10/1911

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG CREEK	PAHSIMEROI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 12/01	6.400 CFS	
	<u>Total Diversion:</u>	6.400 CFS	

Location of Point(s) of Diversion

BIG CREEK	SE1/4SE1/4NE1/4	Sec. 21, Twp 13N, Rge 24E, B.M.
CUSTER 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	
13N	24E	19			40.0	40.0											40.0		120.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 73-12037

13N 24E 20	40.0	40.0	40.0	40.0	40.0	200.0
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Total Acres: 320

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Claim Received Date: 2/24/2005
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 73
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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SubCase:

SubCase Number: 73-12037
 Class: 1
 SF5 Filed Date:
 Special Master Recom Signed Date:
 Attorney Assigned:
 Adjudication Agent: rbrown (N/A)
 Basis of Claim: Decreed
 Date Filed: 11/29/2007 Objection Status: Active

Water Supply Bank:

RECEIVED

FEB 27 2009

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.

(Please print or type)

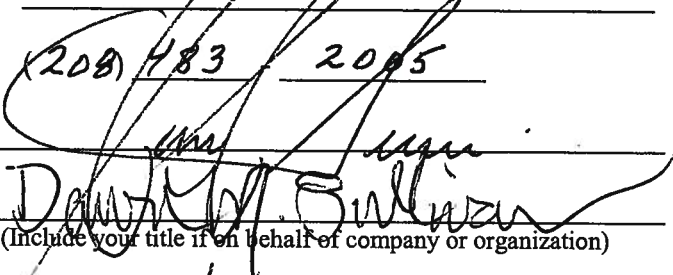
[] Water Right Number(s): 73-12037 - AJ

[] Name(s): DAWN M SULLIVAN
ROBERT P SULLIVAN

[] Old Mailing Address: 5537 E MORADA LN
STOCKTON CA 95212

[] New Mailing Address: P.O. Box 205
SWAN VALLEY ID 83449

Telephone Number: (208) 483 2005

[] Signature(s) of Owner(s): 
(Include your title if on behalf of company or organization)

Date: 2/21/09

Send to:

~~IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800~~

~~IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190~~

~~IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161~~

~~IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033~~

Records updated 3-3-09
NAP prepared

SCANNED

MAR 02 2009

ATT: Carter F

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 73-12037
Date Received: 11/27/1989
Receipt No: M005256
Received By:

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

1. Name of Claimant(s)

DAWN M SULLIVAN Phone: (209) 931-2305
ROBERT P SULLIVAN
5537 E MORADA LN
STOCKTON CA USA 95212

GARNEY B HALL Phone: (805) 489-6983
VICTORIA F HALL
1955 OAK WY
ARROYO GRANDE CA USA 93420

2. Date of Priority: 05/10/1911

3. Source: BIG CREEK Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13N	24E	21	SE SE NE	CUSTER	

5. Description of diverting works:

CONCRETE HEADGATE TO EARTHEN CANAL (FIRST DIV. ON CREEK)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	12/01	6.4	

7. Total Quantity Appropriated is:
6.4 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
13N	24E	19	SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NW	SE		IRRIGATION	40
						Section Acres	120
13N	24E	20	NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
						Section Acres	200
						Total Acres	320

11. Place of use in counties: CUSTER, LEMHI

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

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 73-12038
Date Received: 11/27/1989
Receipt No: M005256
Received By:

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

1. Name of Claimant(s)

BIG CREEK RANCH LLC Phone: (208)726-4276
PO BOX 3823
KETCHUM ID USA 83340

2. Date of Priority: 05/10/1911

3. Source: BIG CREEK Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13N	24E	21	SE SE NE	CUSTER	

5. Description of diverting works:

CONCRETE HEADGATE TO EARTHEN CANAL (FIRST DIV. ON CREEK)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	12/01	3.2	

7. Total Quantity Appropriated is:
3.2 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
13N	24E	20	NE	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
					Section Acres	80
13N	24E	21	NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
					Section Acres	80
					Total Acres	160

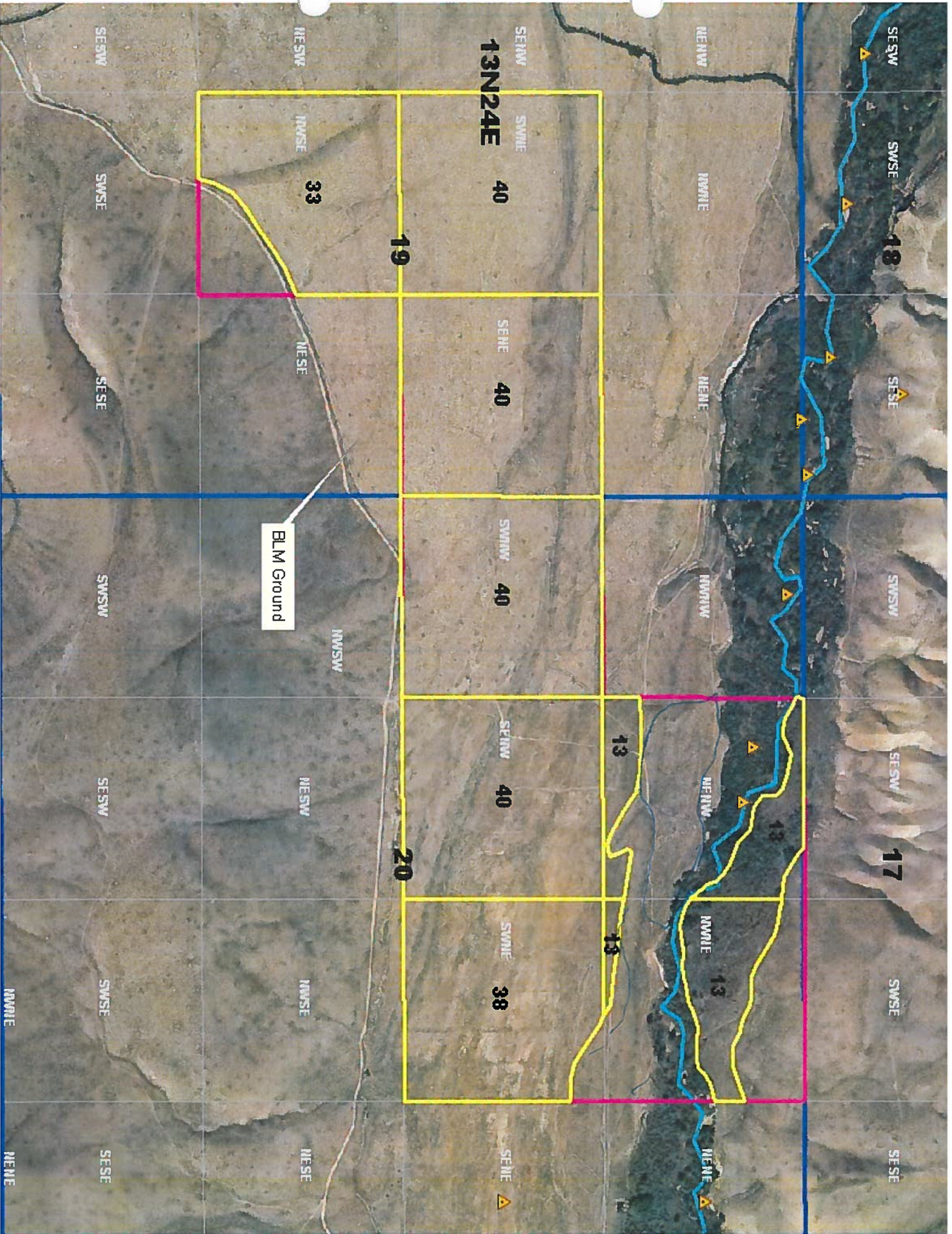
11. Place of use in counties: LEMHI, CUSTER

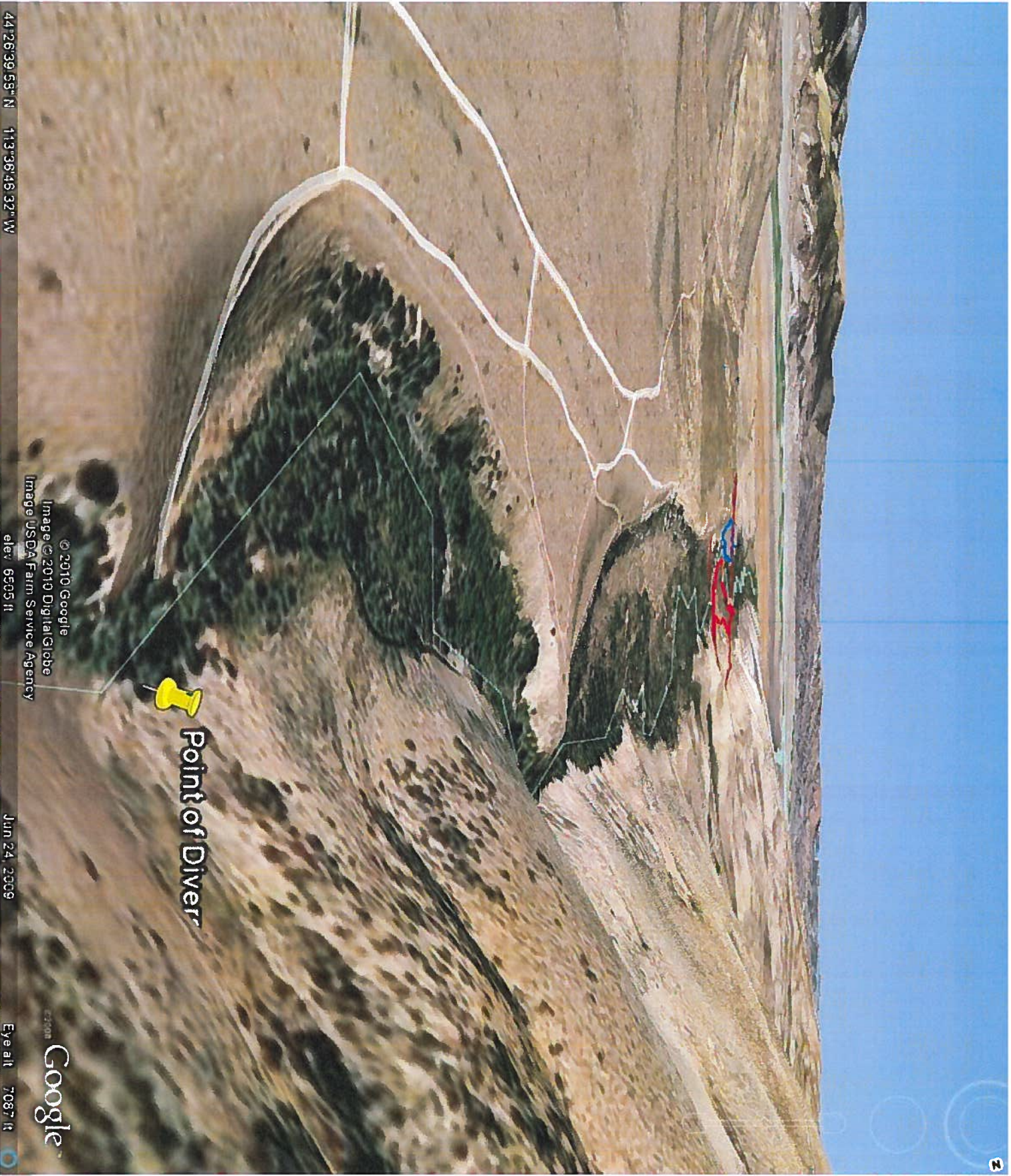
12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed





44°26'39.53" N 113°36'45.32" W

© 2010 Google
Image © 2010 DigitalGlobe
Image USDA Farm Service Agency
elev: 6505 ft

Jun 24, 2009

Google
Eye alt 7087 ft

Conversation Memorandum

Date: December 9, 2009

To: File 73-12037

From: Craig L. Saxton 

Re: Conversation with Ted O'Neil regarding 73-12037

After exchanging phone messages, on December 9, 2009, I spoke with Ted O'Neil, water master for Basin 73. I called to ask him about the place of use claimed under SRBA claim 73-12037.

I informed Ted that Robert Sullivan objected to IDWR's recommendation of 84.9 acres arguing that the recommendation should have described 230-290 acres. Ted verified that I was talking about Big Creek water on the south side of the creek in Custer county.

Ted said that Sullivan's property was part of what they call the Wring place and has been divided into 4 pieces. Ted said that he thought there was ditches on the property, but said that the recommendation of 80 acres of irrigated ground is probably about right.

He said the ground (POU not recommended) used to be irrigated but it hasn't been for a while. He did not make a guess at how long it has not been irrigated.

Saxton, Craig

From: Saxton, Craig
Sent: Wednesday, April 14, 2010 10:15 AM
To: 'mail.custertel.net'
Subject: RE: Sullivan-subcase 73-12037
Attachments: 73-12037 Draft POU (4-14-10).jpg

Good Morning Curt,

I don't suppose you could identify the 30 acres they are talking about from the attached map? I wonder if your clients are talking about some property owned by the BLM in Section 19?

Anyway, I would need to know specifically what acreage your clients feel is missing.

Thanks,
c

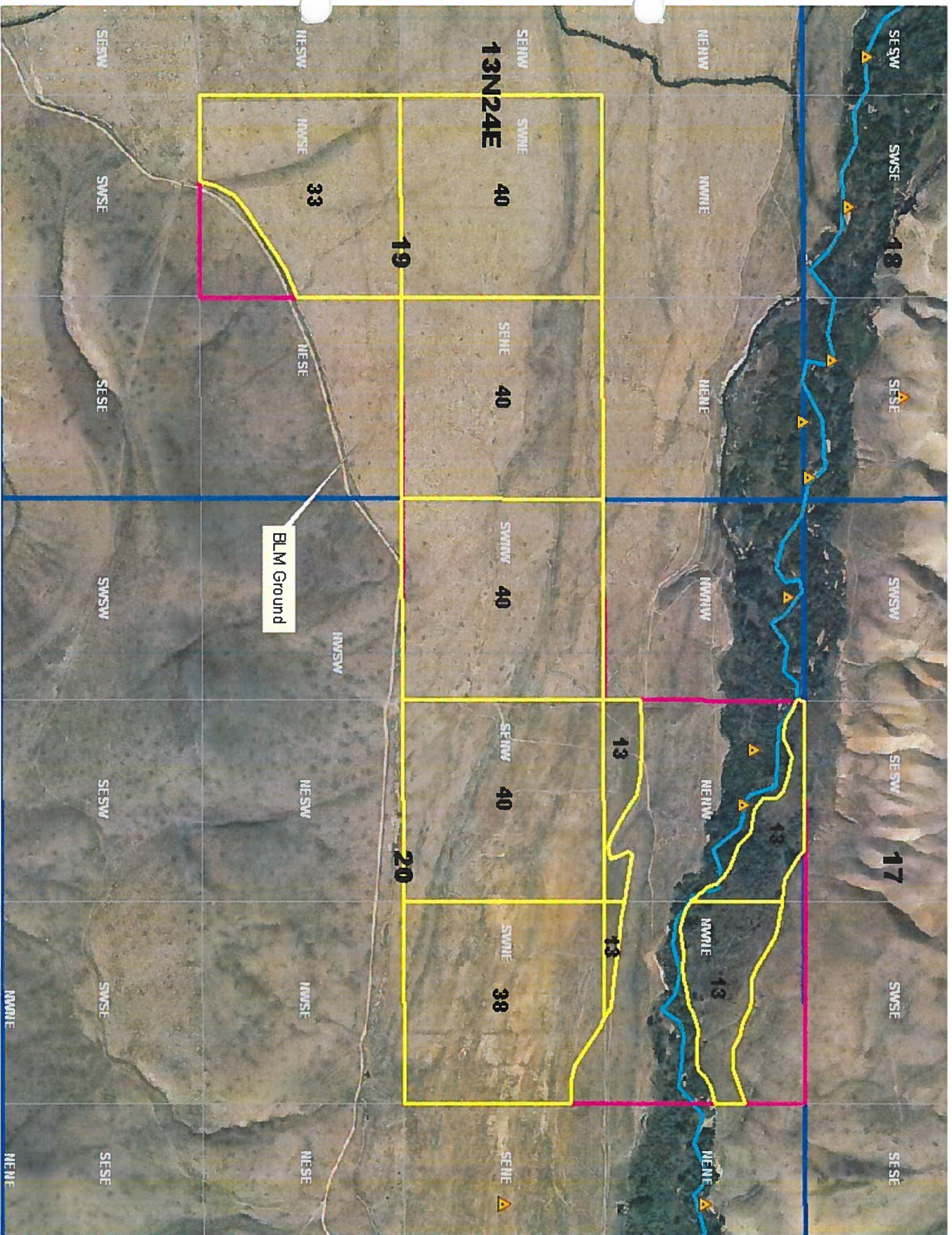
From: mail.custertel.net [mailto:cthomsen@custertel.net]
Sent: Wednesday, April 14, 2010 9:46 AM
To: Saxton, Craig
Subject: Sullivan-subcase 73-12037

Craig-- I was able to speak with the clients yesterday. They are willing to live with the 4.6 CFS, but believe that the approx. 30 acres on the "lower" end of the ranch excluded by your recommendation should be included in the acreage. They tell me there is a ditch running through the 30 acres, and it was used for irrigation. Maybe Ted O'Neal can shed some light on this.

If we cannot agree on this point, then I think we have at least narrowed the issues as we can agree on everything else.

Let me know what you think.

Curt R. Thomsen



Saxton, Craig

From: Saxton, Craig
Sent: Thursday, April 08, 2010 10:33 AM
To: 'mail.custertel.net'
Subject: Sullivan/Hall subcase 73-12037
Attachments: 73-12037 Draft v2 Rec.doc; 73-12037 v2 Letter to Attorney (3-10-10).PDF; 73-12037_01.jpg; 12-6-06 Shaff to Sullivan.PDF; Page fm old decree.PDF

Good Morning Mr. Thomsen,

There is a status conference set for subcase 73-12037 on April 15, 2010. On March 10, 2010 I sent you a proposal for an amended recommendation for 73-12037. I was wondering if you had a chance to look it over and discuss it with your client?

Thanks,

Craig L. Saxton
craig.saxton@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 10, 2010

CURT R THOMSEN
PO BOX 600
CHALLIS ID 83226

RE: Snake River Basin Adjudication (SRBA) Subcase 73-12037
Your Client(s): Robert and Dawn Sullivan, Garney and Victoria Hall

Dear Mr. Thomsen,

I am responding to your letter dated January 14, 2010. Thank you for getting me that information for review so quickly. I apologize that it has taken me so long to get back to you.

I have reviewed the information you submitted and feel that there is enough evidence to support that additional acreage was historically irrigated under this water right.

For your review, I am enclosing a DRAFT revised recommendation along with a map outlining the proposed amended place of use.

In your January 14, 2010 letter, you asked if I could explain why the Department can only support a diversion rate of 4.6 cfs. In short, the additional 1.8 cfs claimed above the 4.6 cfs that was recommended, is claimed to be from a decreed right 73-24 described in Maelzer v. Smith adjudicated in 1921. This water right was not decreed to your client's property and IDWR does not have evidence showing it was transferred from the decreed place of use to your clients ground. For your convenience I have enclosed a letter dated December 6, 2006, where Donald Shaff addresses this issue with Mr. Sullivan. Perhaps that letter will help explain the Departments stance.

Please look over the information enclosed. If your clients agree with the revised recommendation, we can circulate settlement documents for signature. As always, please feel free to contact me with any questions.

Sincerely,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau
craig.saxton@idwr.idaho.gov

Enclosure(s)

03/09/2010

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

Draft

Draft

RIGHT NUMBER: 73-12037

NAME AND ADDRESS: DAWN M SULLIVAN
PO BOX 205
SWAN VALLEY ID 83449

ROBERT P SULLIVAN
PO BOX 205
SWAN VALLEY ID 83449

GARNEY B HALL
1955 OAK WY
ARROYO GRANDE CA 93420

VICTORIA F HALL
1955 OAK WY
ARROYO GRANDE CA 93420

SOURCE: BIG CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 4.600 CFS

PRIORITY DATE: 05/10/1911

POINT OF DIVERSION:

T13N R24E S21 SESENE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.600 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T13N R24E S19	SWNE	40.00	T13N R24E S19	SENE	40.00
T13N R24E S19	NWSE	33.00	T13N R24E S20	NWNE	13.00
T13N R24E S20	SWNE	38.00	T13N R24E S20	NENW	13.00
T13N R24E S20	SWNW	40.00	T13N R24E S20	SENW	40.00

257 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 - Decreed

R23E

Point of Diversion

Place of Use

State Outline

Townships

PLS Sections

Quarter Quarters



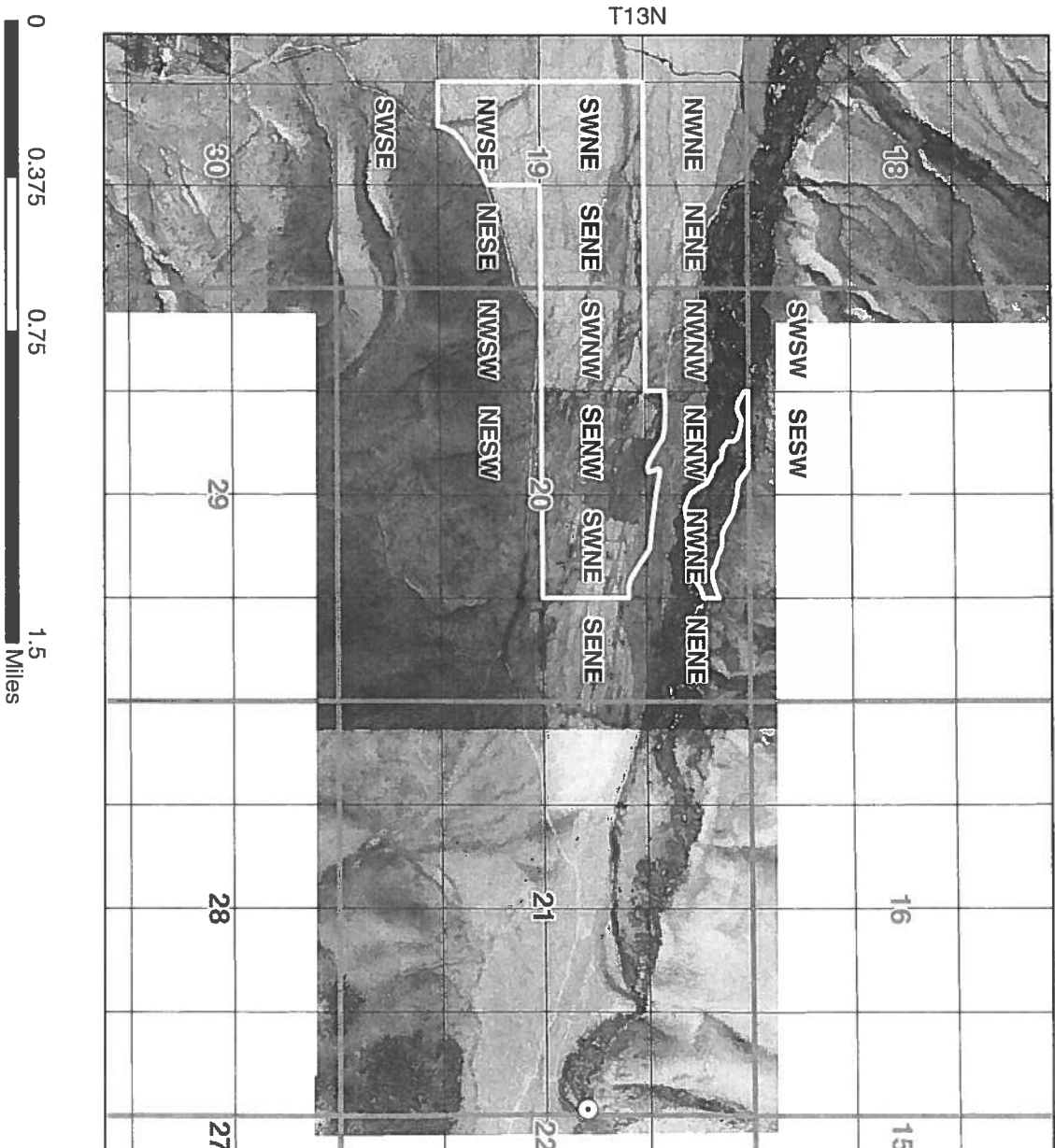
Custer, Lemhi Counties

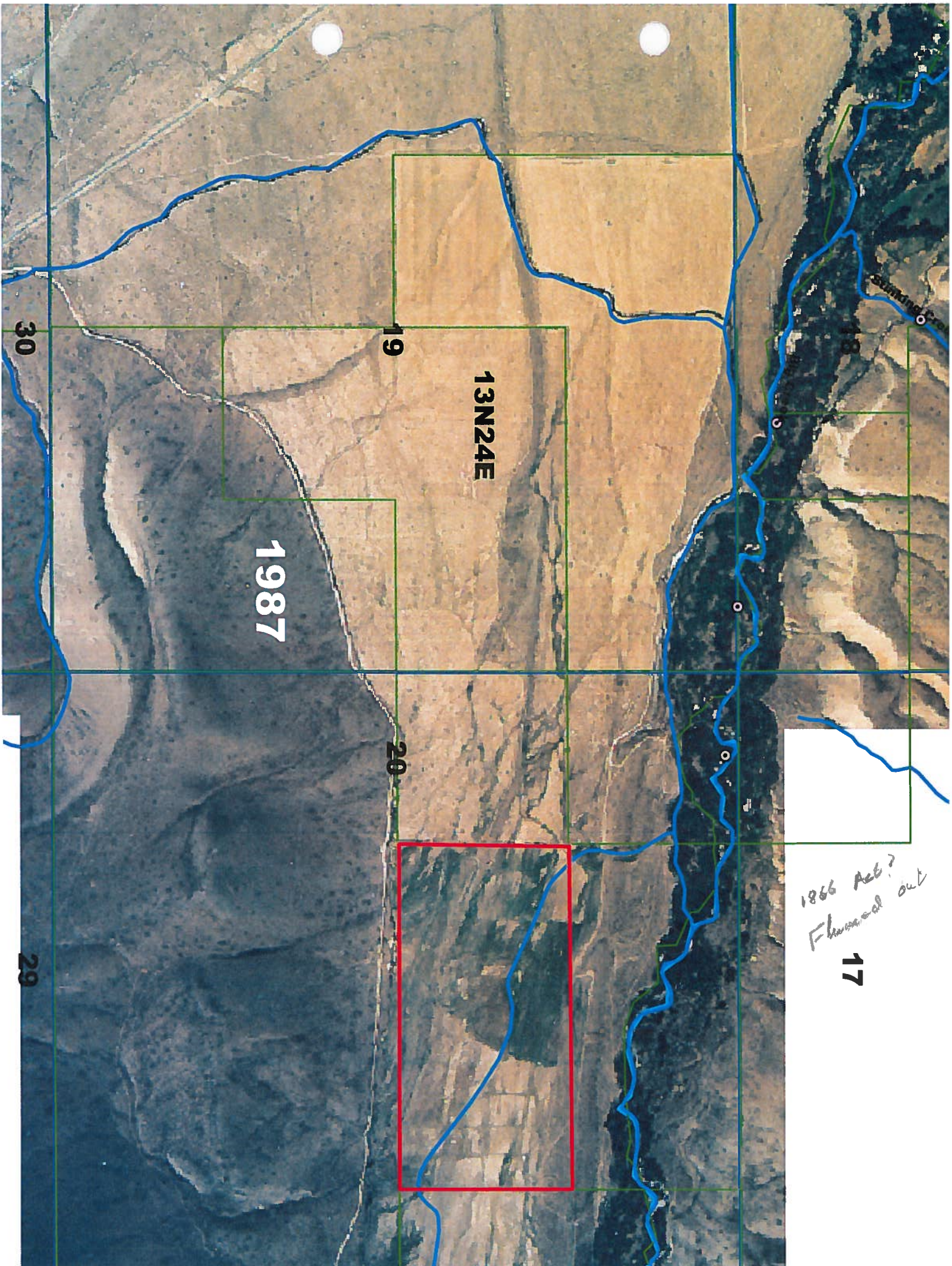
IDWR Basin 73

Prepared by Craig Saxton

On March 10, 2010

1987/88 Aerial Photography





13N24E

1987

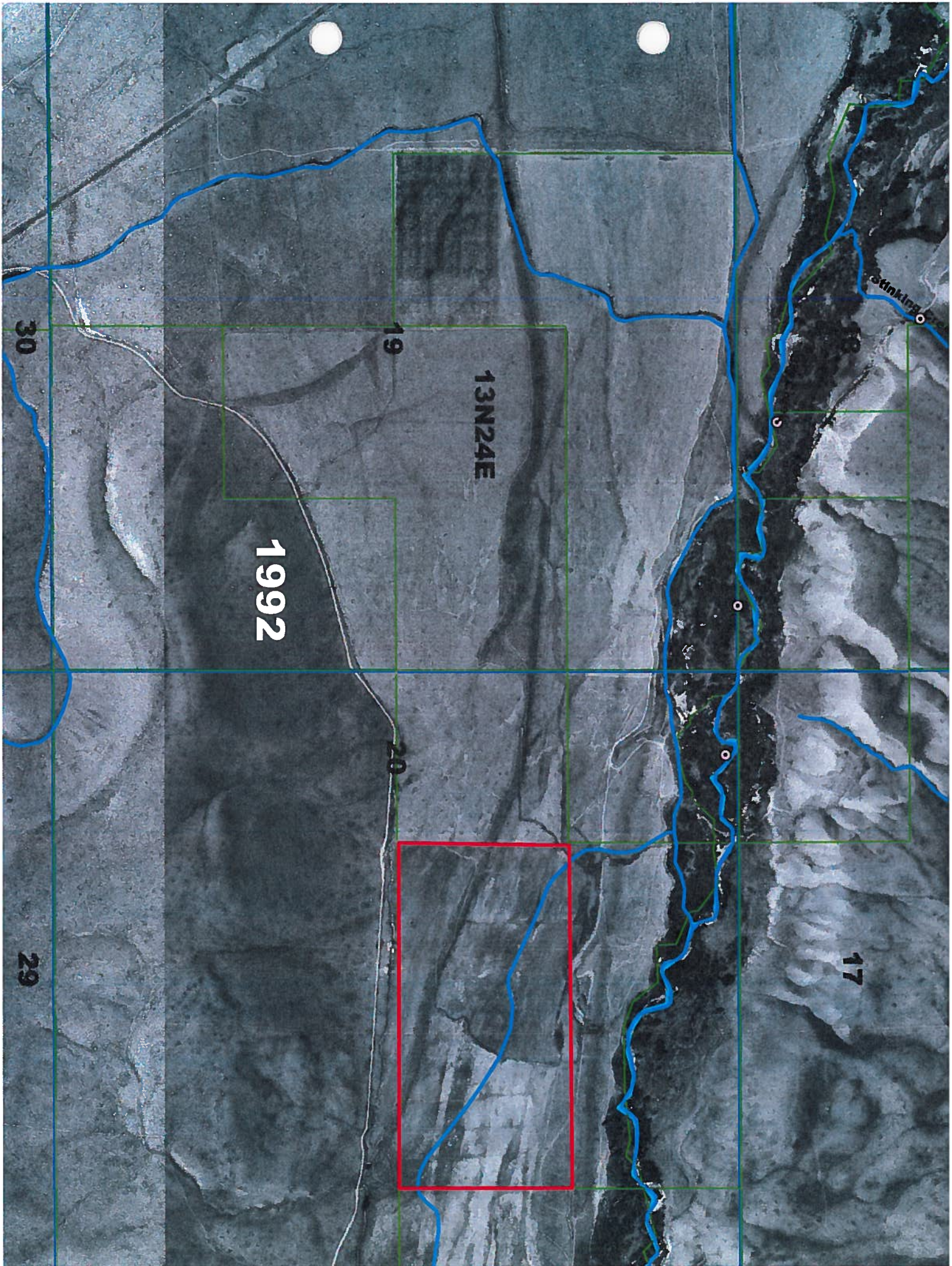
19

20

30

29

1866 Act?
Flashed out
17



13N24E

1992

19

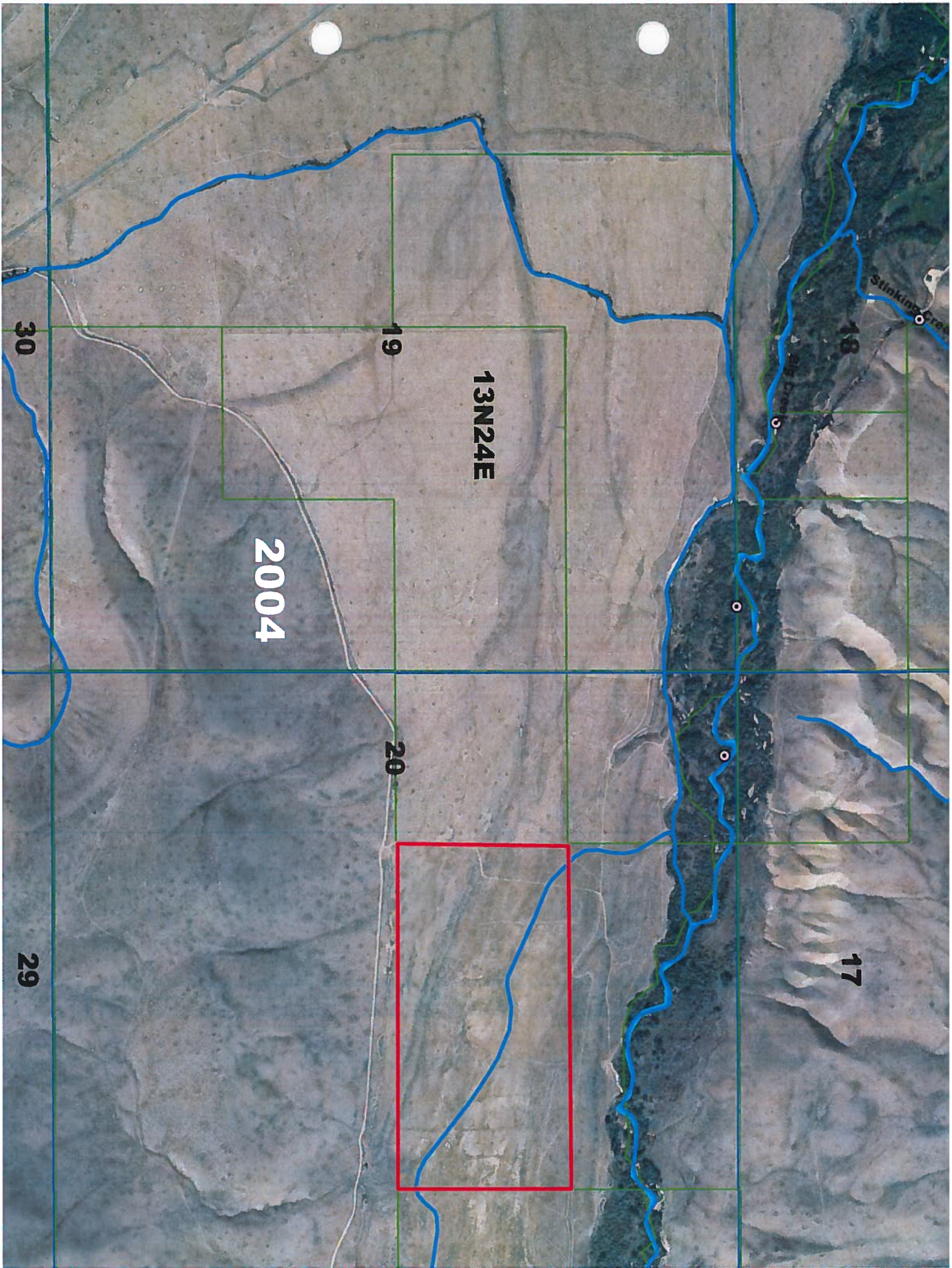
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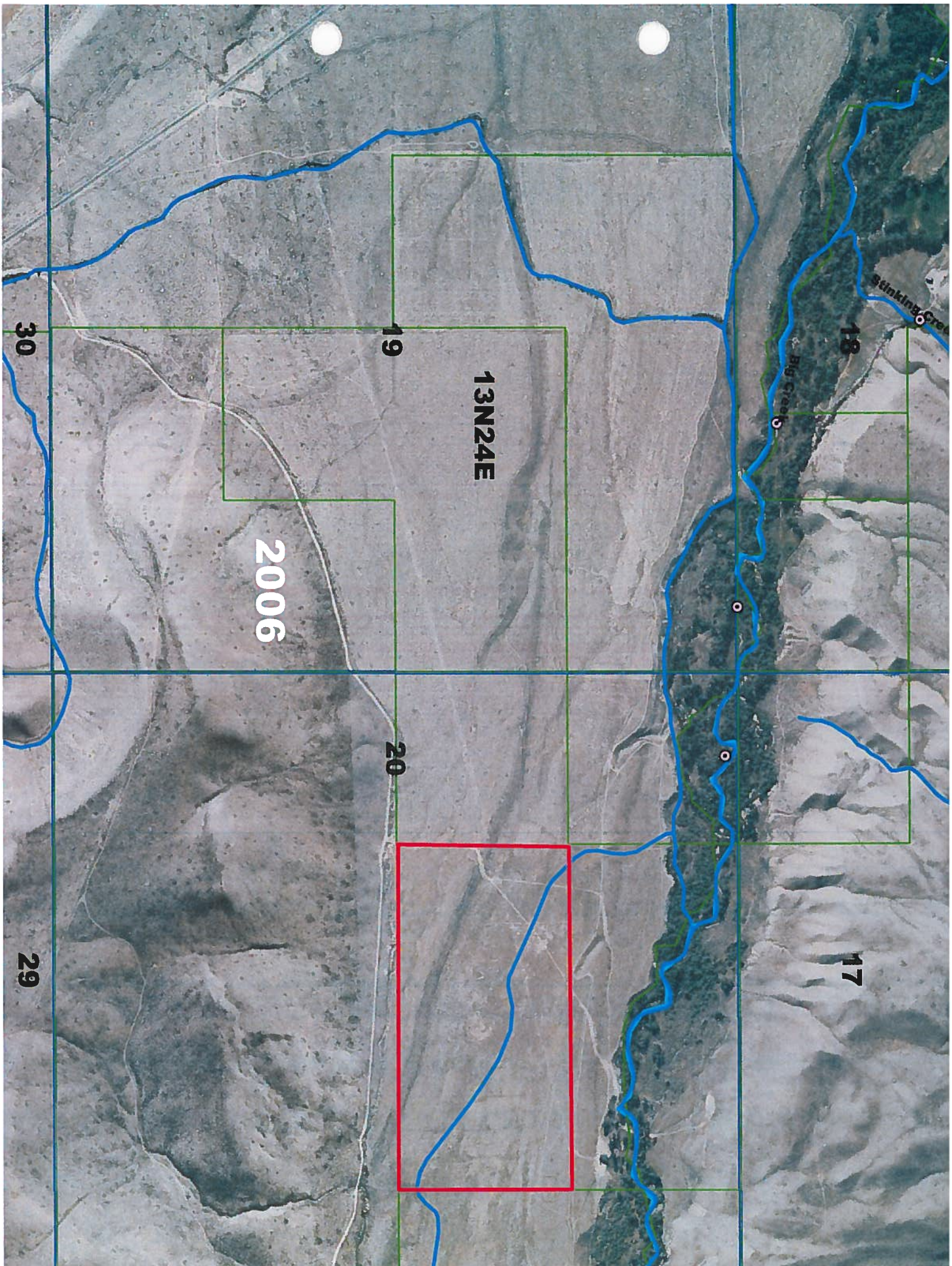
30

29

17

Stinking





2006

13N24E

19

20

18

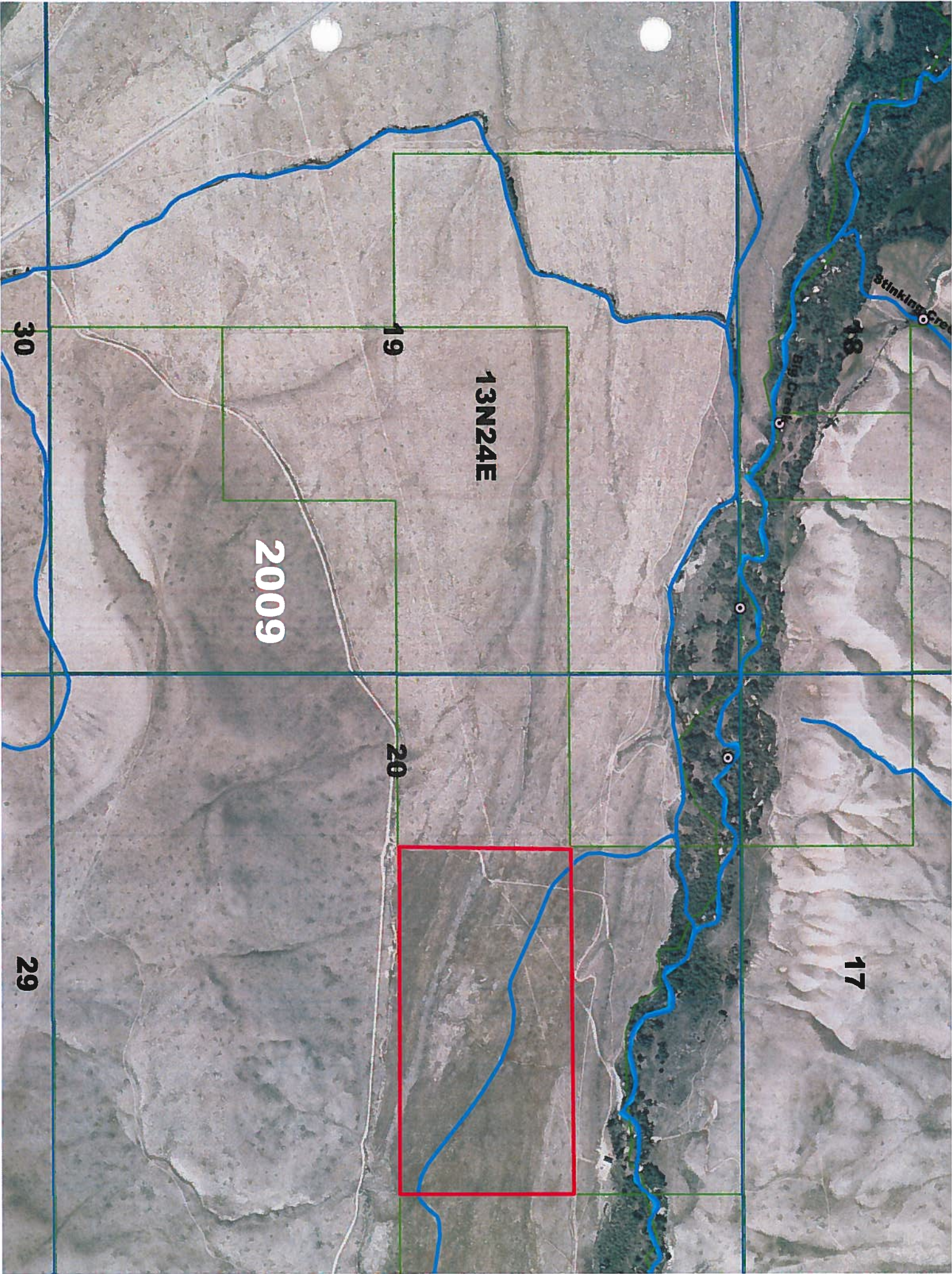
17

30

29

Stinking Creek

Big Creek



Conversation Memorandum

Date: December 9, 2009

To: File 73-12037

From: Craig L. Saxton

Re: Conversation with Ted O'Neil regarding 73-12037

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I informed Ted that Robert Sullivan objected to IDWR's recommendation of 84.9 acres arguing that the recommendation should have described 230-290 acres. Ted verified that I was talking about Big Creek water on the south side of the creek in Custer county.

Ted said that Sullivan's property was part of what they call the Wring place and has been divided into 4 pieces. Ted said that he thought there was ditches on the property, but said that the recommendation of 80 acres of irrigated ground is probably about right.

He said the ground (POU not recommended) used to be irrigated but it hasn't been for a while. He did not make a guess at how long it has not been irrigated.

Saxton, Craig

From: mail.custertel.net [cthomsen@custertel.net]
Sent: Tuesday, December 08, 2009 10:31 AM
To: Saxton, Craig
Subject: Re: Snake River Basin Adjudication claim 73-12037: Sullivan

Craig-- I understand and appreciate your position. Thank you for the heads up.

Curt

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

From: [Saxton, Craig](#)
To: mail.custertel.net
Cc: [robert sullivan](#)
Sent: Tuesday, December 08, 2009 10:03 AM
Subject: RE: Snake River Basin Adjudication claim 73-12037: Sullivan

Mr. Thomsen,

My understanding is that this is just a status conference as well.

I do agree that aerial photos do not necessarily show what it on the ground. I apologize that I miss communicated that. Sounds like we just need to see how the transfer goes and take it from there. All I wanted to convey was that if asked about the status of objection resolution by the Special Master, IDWR's response will be that we have not reached a resolution yet. I just didn't want that to come out of nowhere and I wanted to make sure you and your client could see what I was looking at.

Thanks,
Craig

From: mail.custertel.net [mailto:cthomsen@custertel.net]
Sent: Tuesday, December 08, 2009 9:41 AM
To: Saxton, Craig
Cc: robert sullivan
Subject: Re: Snake River Basin Adjudication claim 73-12037: Sullivan

Mr. Saxton-- thank you for your email. The process agreed with the IDWR representatives at the first scheduling conference was to file a transfer application and determine if that resolved the issue. We are still trying to get an application into a form where IDWR will accept it for processing and hope to get something filed with IDWR next week.

As far as the irrigation issue, my understanding from the man working the land was that flood irrigation was used to raise pasture grass and crested wheat grass for the cattle operations. I am not sure what you are looking for in terms of "signs of irrigation" but there was a delivery system in place before and after 1987, low ditches to move water, and the photographs show both green and brown areas. The brown areas are obviously cleared fields without the native sage brush where there was either pasture or crested wheat grass. There are of course green areas that show irrigation for grass outside the creek bottoms.

Aerial photos do not necessarily show what is on the ground. An in person look discloses that the land had been cleared of sage brush in large part, and grass and crested wheat grass established for livestock feed.

We can, of course, deal with this formally at a trial if we cannot resolve it, assuming the IDWR transfer process does not resolve the issues.

My understanding is that the upcoming hearing on the 10th is just a further status conference to set further dates, including a trial date. Do you understand it to be an actual initial hearing?

I would be pleased to know what Ted has to offer about the matter. Please call me if you have any Qs.

Curt R. Thomsen

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

From: [Saxton, Craig](#)

To: mail.custertel.net

Cc: [Bromley, Chris](#) ; [Courtney, Andrea](#)

Sent: Tuesday, December 08, 2009 8:27 AM

Subject: RE: Snake River Basin Adjudication claim 73-12037: Sullivan

Dear Mr. Thompson,

I really appreciate you getting back to me. Is it your clients intent is to cover the additional acreage sought, through the transfer process rather than through the adjudication? I think a transfer might be a good way to go.

The problem with trying to address the acreage issue through the adjudication/objection process is going to be gathering historical evidence. I reviewed the affidavit you sent in. Despite the affidavit, I am still do not feel that there is currently enough information to support irrigation claimed in section 19 and in the SWNW of section 20. I am attaching photos dating from 1987 to 2009. These do not appear to show signs of irrigation. It looks like the fields might have been worked or dry farmed, but it really doesn't appear to be irrigated. I have tried to contact Ted O'Neal (watermaster) without success, to see what he knows about the irrigation practice on the property .

I feel we would need additional evidence to support that the additional acreage claimed is a valid place of use for this water right.

I just wanted to let you know where IDWR stood before the initial hearing.

Please feel free to contact me with any questions.

Respectfully,

Craig Saxton

(208) 287-4916

From: mail.custertel.net [<mailto:cthomsen@custertel.net>]

Sent: Tuesday, November 24, 2009 4:02 PM

To: Saxton, Craig

Subject: Re: Snake River Basin Adjudication claim 73-12037: Sullivan

Craig-- we prepared and filed with IDWR and the Court in the SRBA action an Affidavit from Mr. Zeigler about the history of use, etc.

We also prepared an Application for Transfer, which included the affidavit of Zeigler, and other data and sent it to IDWR along with the filing fee for processing. IDWR sent it back **without filing** requesting some additional signatures and more data **before they would take the Application and begin processing**. We are now trying to obtain the additional signatures and will revise the Application upon receipt to attempt to address the issues raised by IDWR, and will submit it again. This may not happen before 12-10 as the people involved are out of state and we also have to deal with the BLM.

That is pretty much where we are now. If you have any Qs please get back to me. I do want to resolve this smoothly and timely for all concerned.

Curt R. Thomsen

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

From: [Saxton, Craig](#)

To: cthomsen@custertel.net

Sent: Tuesday, November 24, 2009 3:22 PM

Subject: Snake River Basin Adjudication claim 73-12037: Sullivan

Dear Mr. Thomsen,

Monica Van Bussum met with you on 8-11-09 at an initial hearing regarding and objection filed to the recommendation for Snake River Basin Adjudication claim 73-12037.

Notes in the file indicate that your client was going to research the history of water right 73-24 in search of evidence for an accomplished transfer.

There is an upcoming status conference scheduled for December 10, 2009, and I have not received any correspondence from you or your client. I just wanted to touch base with you and see where we were at.

Thanks for your time,

Craig L. Saxton

Water Right Supervisor

Craig.saxton@idwr.idaho.gov

ORIGINAL

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

Curt R. Thomsen, Esq., ISB #2072

THOMSEN STEPHENS LAW OFFICES, PLLC

2635 Channing Way

Idaho Falls, ID 83404

2009 OCT 16 AM 10 55

and

THOMSEN STEPHENS LAW OFFICES, PLLC

P. O. Box 600

112 South Seventh Street

Challis, ID 83226

Telephone (208) 879-6655

Fax (208) 879-6672

522-1230

Attorney for Robert and Dawn Sullivan

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

In Re SRBA)

Water Right: 73-12037

Case No. 39576)

AFFIDAVIT

STATE OF IDAHO)

) ss.

County of Custer)

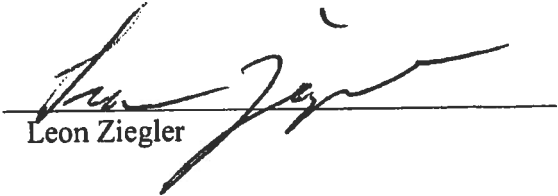
Leon Ziegler, being first duly sworn upon oath, deposes and says:

1. My name is Leon Ziegler. This affidavit is made from my personal knowledge.
2. I am 69 years of age and I have lived in the Pahsimeroi Valley my entire life.
3. I am very familiar with the property formerly known as the Wring Ranch, now owned by Robert Sullivan. My property is very close to the Wring Ranch property, and I have, in the past, leased this property and used it myself for cattle

- grazing operations. Because of the property's close proximity to me I have observed the usage of the property by the prior owners, including their cultivation and irrigation practices.
4. I last leased the property for my use in the year 2005. During the time that I used the property, we grazed cattle on the property and we irrigated the property through flood irrigation. The flood irrigation was used to maintain the stands of crested wheat grass and pasture grass for the livestock.
 5. The Wring property has been in irrigated crested wheat grass and pasture grass for the last 25-30 years. Prior to that, the property was cultivated by growing alfalfa for hay production when it was owned by the Wring family.
 6. From my observation, prior to the time I leased the property, virtually all of the property was irrigated for alfalfa/hay production initially, and later for growing crested wheat grass and pasture grass, by flood irrigation means. A siphon was used in part to transport water from the stream above the Wring Ranch property, taking water out on the North side of the stream and transporting it to the South side of the stream and down to the Ranch property.
 7. The Wring family sold to Dreyer and Brown. Dreyer and Brown, in some fashion, then transferred the property to the present owner, Robert Sullivan.
 8. Based on my own experience and based on my observations of others' practices, it appears that all of the property was irrigated with flood irrigation except for the too steep side hills and the creek bottom, and approximately 34 acres in the bench area North of Big Creek. Other than the bench area, the steep side hills and the

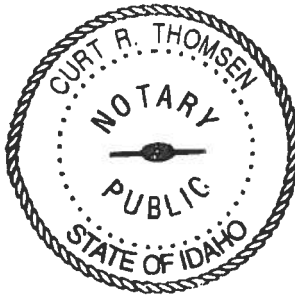
creek bottom, the entire acreage was irrigated. I am not certain as to the exact number of acres but I believe it is 230-290 acres of irrigated ground.

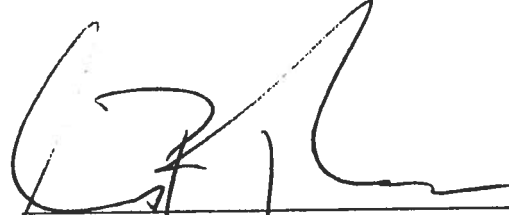
9. I understand that Dreyer and/or Brown have retained a portion of the old Wring Ranch in their ownership. I do not know their exact acreage but it is approximately 80-90 acres.
10. All of the Wring Ranch property that could be irrigated was flood irrigated prior to November 19, 1987, and has been irrigated since November 1987. I personally irrigated the property when it was under the ownership of Dreyer and Brown as a tenant. The agricultural use of the land has changed slightly in that the alfalfa has been replaced by crested wheat grass and pasture grass, but all of the irrigable land has been irrigated and used in conjunction with livestock grazing prior to November 1987 and since.


Leon Ziegler

SUBSCRIBED AND SWORN to on oath before me this 8 day of OCTOBER,

2009.




Notary Public for Idaho

Residing at: CHALLIS ID

My Commission Expires: 12-13-13

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Challis and Idaho Falls, Idaho; that on the 14 day of Oct., 2009, I caused a true and correct copy of the foregoing **AFFIDAVIT-LEON ZEIGLER** to be served upon the following persons at the addresses below their names either by depositing said document in the United States mail with the correct postage thereon or by hand delivering or by transmitting by facsimile as set forth below.

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
PO BOX 27074
TWIN FALLS ID 83303-2707

☒ Mail
☐ Hand Delivery
☐ Facsimile

CLIVE STRONG
OFFICE OF THE ATTORNEY GENERAL
PO BOX 44449
BOISE ID 83711-4449

☒ Mail
☐ Hand Delivery
☐ Facsimile

UNITED STATE DEPT OF JUSTICE
ENVIRONMENT & NATURAL
RESOURCE DIVISION
550 W FORT STREET
MSC 033
BOISE ID 83724

☒ Mail
☐ Hand Delivery
☐ Facsimile

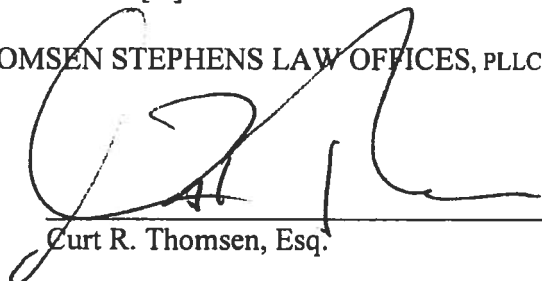
ROBERT & DAWN SULLIVAN
PO BOX 205
SWAN VALLEY ID 83449

☒ Mail
☐ Hand Delivery
☐ Facsimile

GARNEY & VICTORIA HALL
1955 OAK WAY
ARROYO GRANDE CA 93420

☒ Mail
☐ Hand Delivery
☐ Facsimile

THOMSEN STEPHENS LAW OFFICES, PLLC

By: 

Curt R. Thomsen, Esq.

CRT:mmmb
6614.001/Affidavit - Ziegler

Saxton, Craig

From: Saxton, Craig
Sent: Tuesday, November 24, 2009 3:22 PM
To: 'cthomsen@custertel.net'
Subject: Snake River Basin Adjudication claim 73-12037: Sullivan

Dear Mr. Thomsen,

Monica Van Bussum met with you on 8-11-09 at an initial hearing regarding and objection filed to the recommendation for Snake River Basin Adjudication claim 73-12037.

Notes in the file indicate that your client was going to research the history of water right 73-24 in search of evidence for an accomplished transfer.

There is an upcoming status conference scheduled for December 10, 2009, and I have not received any correspondence from you or your client. I just wanted to touch base with you and see where we were at.

Thanks for your time,

Craig L. Saxton
Water Right Supervisor
Craig.saxton@idwr.idaho.gov

MVB 8/11/2009 initial hearings

73-12037

There might be two approaches here.

Sullivan is unhappy with 84.9 ac. irrigated; he wants closer ~~to~~ to the 320 in the claim. However, with 4.6 cfs recommended, he might want to transfer some of the water to pick up additional acreage.

Depending on what he finds, he might seek an accomplished transfer on 73-24. If they can't find anything to support an accomplished transfer, they might just go for the acreage transfer described above.

So...

- 1) It looks like they will file a transfer to pick up more acreage. They envision having trouble finding evidence of continued use ~~of~~ of water on those acres, but they are going to try.
- 2) ~~They~~ They will be looking for evidence of accomplished transfer for 73-24.

There is some question about an old flume on (S) side of creek that might have been used. We discussed possibility of filing a late claim.

I told them we would not have recommended acreage on north side of creek.

Mr. Sullivan is represented by Curt Thomsen of Challis.

Thomsen Stephens Law Offices
PO Box 600
Challis 83226
Phone 208.879.6655
Fax 208.879.6672
cthomsen@custertel.net

Saxton, Craig

From: Diana Delaney [ddelaney@srba.state.id.us]
Sent: Friday, August 07, 2009 4:24 PM
To: Cooley-Denney, Suzy; Shaff, Don; Bromley, Chris; Saxton, Craig
Subject: RE: 73-12037 & 73-24A

Wow, I missed this e-mail!

I don't have a problem grouping them together, although it's probably too late to send out a notice now. It would probably make sense to move the 73-12037 (Sullivan) to 8/12 at 11:30. I only have 1 phone number for Sullivan and it's a California number. There is no answer. Any one know how to reach Sullivan by phone, we could tell them not to come on 8/11 but instead come on 8/12 at 11:30.

From: Cooley-Denney, Suzy [mailto:suzy.cooley-denney@idwr.idaho.gov]
Sent: Monday, July 27, 2009 12:03 PM
To: Diana Delaney
Subject: FW: 73-12037 & 73-24A

Hi Diana ~

As you can see from the messages below, 73-12037 was not identified as an uncontested overlap for 73-24A and 73-24A is not identified as an uncontested overlap for 73-12037. Their individual hearings on the issue are on different day's. Is it to late to reschedule the hearings for the same date & time?

Thanks for all of your help!!

~ Suzy

From: Shaff, Don
Sent: Monday, July 27, 2009 10:27 AM
To: Saxton, Craig; Bromley, Chris
Cc: Cooley-Denney, Suzy
Subject: RE: 73-12037 & 73-24A

Suzy, would you let Diana know about these circumstances. Perhaps the Court would reschedule and give Notice of having the hearings at the same time. The issue of owning the right are the same.
Thanks,

Don Shaff
(208)287-4921
don.shaff@idwr.idaho.gov
Happiness is a journey, not a destination.

8/18/2009

From: Saxton, Craig
Sent: Monday, July 27, 2009 11:22 AM
To: Bromley, Chris; Shaff, Don
Cc: Cooley-Denney, Suzy
Subject: 73-12037 & 73-24A

Hey Everyone,

To make a long story short, 73-12037 (Sullivan) claimed (in combination with other rights) decreed right 73-24. We did not recommend 73-24 as part of the claimed combination of rights because there is no evidence of ownership.

73-24A (Whitworth Ranches) claims all of 73-24 but was recommended as disallowed because there is no evidence that they own 73-24.

So 73-12037 and 73-24A are competing claims, both claiming old decreed right 73-24. We didn't recommend 73-24 to either of them because neither can show they own it.

My question is should we let each party know about the other's initial hearing? In other words, 73-12037 was not identified as an uncontested overlap for 73-24A and 73-24A is not identified as an uncontested overlap for 73-12037. Their individual hearings on the issue are on different day's.

(Note: BLM has filed a response to the objection to 73-24A, noting that if we do recommend it as a valid right, part of the POU is on BLM ground.)

Any thoughts? Perhaps they don't need to know about each other. I just thought I would pass that on.

Craig

8/18/2009

Adjudication Recommendation Report 73-12037 V1

WATER RIGHT NUMBER: 73-12037 V1

7-27-09:
See Don's letter.
- 73-24A is a
competing claim that
has been disallowed
but objected to.
(Whitworth Ranches) C. Sample

Status: Active

PAHSIMEROI RIVER

4.600 CFS

CUSTER County

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-12037 V1

Total Acres: 84.9

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:Comments:

1. rbrown 2/24/2005 POD
Comment: Updated shape

2. rbrown 2/24/2005 POU
Comment: Updated Shape

3. rbrown 2/24/2005 POU
Comment: Updated PLS

4. rbrown 2/24/2005 Quantity
Comment: The original claim combined 73-20, 73-21 and 73-24. This portion of the claim includes the land originally claimed under 73-21. The irrigation method appears to be wild flooding, with little control. The three decreed rights have not been consolidated into a single distribution system. This is a recommendation of 73-21 only.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number: 73
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	2/24/2005 10:31:53 AM	rbrown			Active
POD	2/24/2005 10:32:17 AM	rbrown			Active
Source	2/24/2005 10:33:57 AM	rbrown			Active
Use	2/24/2005 10:34:09 AM	rbrown			Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 73-12037 V1

Season	2/24/2005 10:34:27 AM	rbrown	Active
POU	2/24/2005 10:34:48 AM	rbrown	Active
Quantity	2/24/2005 10:34:49 AM	rbrown	Active
Quantity	2/24/2005 10:35:32 AM	rbrown	Active
Contacts	2/24/2005 12:40:41 PM	rbrown	Active
Summary	02/24/2005	rbrown	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	2/24/2005 10:32:17 AM	rbrown	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Use	2/24/2005 10:34:09 AM	rbrown	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POU	2/24/2005 10:34:48 AM	rbrown	(Yes) 1. Is the basis of this claim a Decree or License?
Summary	2/24/2005 1:11:21 PM	rbrown	(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. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Contacts	2/24/2005 12:40:41 PM	rbrown	(No) 1. Do you want to schedule an appointment?

Comment for 1: in-office review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-12037 V1

Priority Date	2/24/2005 10:31:54 AM	rbrown	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Source	2/24/2005 10:33:57 AM	rbrown	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Season	2/24/2005 10:34:28 AM	rbrown	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	2/24/2005 10:34:49 AM	rbrown	(Yes) 1. Is the basis of this claim a Decree or License?
Quantity	2/24/2005 10:35:33 AM	rbrown	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

SubCase:

SubCase Number: 73-12037
 Class: 1
 SF5 Filed Date:
 Special Master Recom Signed Date:
 Attorney Assigned:
 Adjudication Agent: rbrown (N/A)
 Basis of Claim: Decreed
 Date Filed: 11/29/2007 Objection Status: Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 73-12037 V1

Water Supply Bank:

WATER RESOURCE COPY-1999

BIGCKWT2.XLS

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	#78	BIG CREEK CUSTER	MONTH	OCT	1999								OCT	MAY	JUNE	JUL
2	#	NAME--- PAGE 8	C.F.S.	1	2	3	4	5	6	7			TOTALS	TOTALS	TOTALS	TOTALS
3	#1	LEON ZIEGLER	5.48 #1	5.46												
4	#2	BERT HATCH'93(CUNNINGHAM)	8.30 #2	8.3												
5	#3	LARRY WHITTIER'93 (JAMES)	4.50 #3	4.5												
6	#4	LARRY WHITTIER'93 (JAMES)	3.20 #4	3.2												
7	#5	PIES GRAZ do L. TRITHART	7.20 #5	OUT												
8	#6	JERRY FLYNT'98(WRING EST.)	8.00 #6	2.5												
9	#7	LEON ZIEGLER	6.00 #7	OUT												
10	#8	JERRY FLYNT'98(WRING EST.)	6.20 #8	2.0									73-20	173-21		
11	#9	D.BARNES'95(WUNSCH/BALDWIN '95	9.60 #9	Did NOT USE												
12																
13																
14	#78	BIG CREEK LEMHI COY	C.F.S.													
15	#1	JUDD WHITWORTH	12.80 #1	8.2												
16	#2	JERRY FLYNT'98(WRING EST.)	6.00 #2	4.5												
17	#3	GEORGE MILLER'93 (PHILLIP)	2.80 #3	2.8												
18	#4	LEE WATSON'93 (D. HAMILTON)	3.20 #4	3.2												
19	#5	JUDD WHITWORTH	9.60 #5	9.6												
20	#6	JOHN FOLSOM'98(G.MADSEN)	5.00 #6	5.0												
21		#6-250" SUPPLIMENT PAH.RIV														
22		TO EXTENT OF 520"														
23																
24		** #1-ZIEGLER BOUGHT PT.CUNNINGHAM PLACE														
25		WITH .98CFS WATER-273"TOTAL														
26		** #2-HATCH-(CUNNINGHAM HAS .98 CFS LESS WATER														
27		BECAUSE OF SALE OF LAND**														
28																
29		#9-WUNSCH SOLD TO DON BARNES 'SEP '95														
30		ADDRESS- HC 62 BOX 2190 MAY, ID 83253														
31		#6 CUSTER-#8CUSTER-#2 LEMHI-SOLD TO JERRY FLYNT 1996														
32		ADRESS- P.O.BOX 3823 102 SUTTON PLACE														
33		KETCHUM, ID 83340														
34		#6-LEMHI- MADSEN-SOLD TO JOHN FOLSOM														
35		HC 62 BOX 2026														
36		MAY, ID 83253														

Need Proof that 73-24
was transferred to the POW under
73-12037 & 73-12038.

Both ranches need to (Laatz and
Sullivan) have more water to reach
their irrigation requirements. For 12038
I've calculated 12038 to obtain 3.13 cfs
if 1.60 cfs stands because 73-24 hasn't
been proved up on, the the additional
cfs will need to be recommended on a
high flow claim with ~~on~~ a June 1921 priority,
after Smith vs. Maerler. It appears in the
letter from Sullivan that the acres were
being revitalized during the adjudication
processes. Finally if they are to file
high flows then they should be for
the system capacity, not the duty of
water. The best way to determine
this is a high flow measurement.
A good secondary will be to do
a narrowing analysis.

- Should be 1946 USGS aerial photos of
this area at base State Library contacted
Lib @ BSU on 2/4/09

84.9 ac total

Reach 1	2 ft wide		
3085.4 ft		12 acres	0.36 cfs
Reach 2	2 ft wide		
14183.9 ft		7.1 acres	0.21 cfs
Reach 3	2 ft wide		
994.2 ft		14 acres	0.42 cfs
Reach 4	2 ft wide		
2068 ft		20 acres	0.6 cfs
Reach 5	2 ft wide		
12141 ft		10.1 acres	0.3 cfs
Reach 6	2 ft wide		
1204.6		21.7 acres	0.65 cfs

need 2.92 cfs at the
point of entry into the property
to irrigate

CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: wadsworth

BY: NLA

DATE: 0-Jan-1900

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	3085	2.0	1.50	0.12	0.36	2.54	0.0460	0.02	2.92
2	1484	2.0	1.50	0.06	0.21	2.18	0.0258	0.02	2.44
3	994	2.0	1.50	0.04	0.42	1.97	0.0191	0.04	2.18
4	2068	2.0	1.50	0.08	0.60	1.55	0.0506	0.08	1.72
5	1214	2.0	1.50	0.05	0.30	0.95	0.0484	0.06	1.04
6	1209	2.0	1.50	0.05	0.65	0.65	0.0705	0.17	0.70
7				0.00		0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	10054			0.38	2.54			0.38	

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE WIDTH = AVERAGE TOP WIDTH OF WATER SURFACE IN REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY;
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH;
IF MULTIPLE RIGHTS WITHIN REACH, DELIVERY LOSSES SHOULD BE
PRORATED BASED ON SIZE OF DELIVERY FOR EACH RIGHT WITHIN REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

Notes:

- 1 Length & width of ditch determination based on GIS imagery.
- 2 Seepage factor based on California Department of Water Resources inspection manual's value for gravelly clay loam to silty loam types. Soil Type determined by field survey and SSURGO GIS data

Post-It® Fax Note	76/1	Date	# of pages
To: <u>Rob & Sullivan</u>	From: <u>Jonie Burg</u>		
Co/Dest:	Co: <u>IDWR</u>		
Phone #	Phone # <u>208-525-7161</u>		
Fax # <u>209-464-8771</u>	Fax # <u>208-525-7177</u>		

RECEIVED

DEC 06 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

A. Subcase 73-12037

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: ROBERT P. AND DAWN M. SULLIVAN

Address: 5537 EAST MORADA LANE

STOCKTON, CALIFORNIA 95212

Daytime Phone: 209-464-8772

Name & Address of Attorney, if any:

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

Name: ROBERT P. & DAWN M. SULLIVAN/GARNEY B. & VICTORIA F.

Address: 5537 EAST MORADA LANE

HALL

STOCKTON, CALIFORNIA 95212

12. Subject to the Director's approval, the following information should be included in the Director's Report: (Type)

13. Name and address

14. Source

15. Quantity

16. Priority Date 5/10/1911

17. Point of Diversion

18. Instream Flow Beginning and Ending Point

19. Purpose of Use

20. Period of Year

21. Place of Use

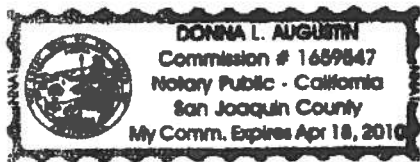
22. Object because

23. Reasons for foregoing objections: WRONG AMOUNT/WRONG AREA

OUR PURCHASE OF THIS PROPERTY WAS DUE IN LARGE PART TO THE DETRIMENTAL RELIANCE ON THE TERMS OF THE WATER ALLOCATION FOUND WITH THIS DEED. TO REDUCE OR NEGATE THE TERMS ON WHICH WE RELIED WOULD DESTROY THE USE, ENJOYMENT AND PRODUCTIVITY OF OUR LAND CAUSING GREAT HARDSHIP TO THE OWNERS OF SAID PROPERTY

JURAT

State of CALIFORNIA
County of SAN JOAQUIN } ss.



Subscribed and sworn to (or affirmed) before me
this 26th day of November 2007.

(1) Robert P. Sullivan
Date Month Year
Name of Signer(s)

(2) _____
Name of Signer(s)

Donna Augustin
Signature of Notary Public

OPTIONAL

Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Standard Form Objection

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

**RIGHT THUMBPRINT
OF SIGNER #1**

Top of thumb here

**RIGHT THUMBPRINT
OF SIGNER #2**

Top of thumb here

P.

VERIFICATION (must be completed)

State of California

County of San Joaquin

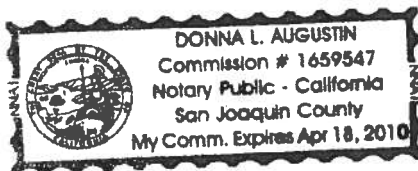
Robert P. Sullivan, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by J.C. §§ 42-1401 A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 26, 2007



Donna L. Augustin
Notary Public for CALIFORNIA
Residing at: 9526 Oakwilde Ave
My Commission Expires: Apr. 18, 2010

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on NOVEMBER 29, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons.

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: ROBERT P. & DAWN SULLIVAN
Address: 5537 EAST MORADA LANE
STOCKTON, CALIFORNIA 95212

3. Copies to:

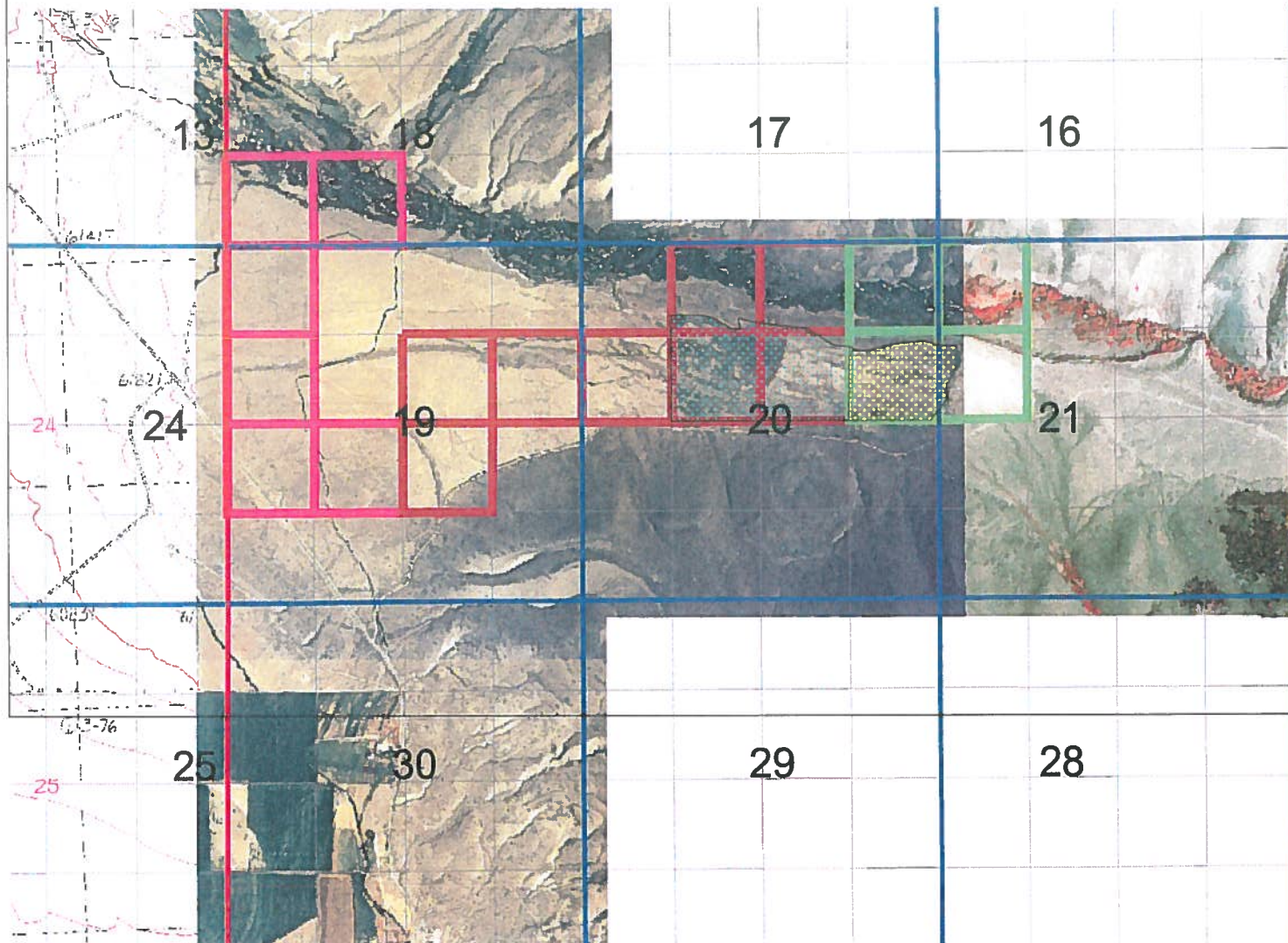
U. AR Document Depository
PO Box 83720
Boise, ID 83720-0090

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

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

RP / Dawn
Signature of objector or attorney
mailing on Objecter's behalf

Review of former Claim 73-10014 Of Linden Wring



0.7 0 0.7 1.4 Miles

- 73-12038_Laatz_POU
- 73-12037_Sullivan-Hall_POU
- Township
- Sections
- 73-20_Decree_POU
- 73-21_Decree_POU
- 73-24_Decree_POU
- Quarter-Quarter/Lot



D.V.S.
12-05-06
IDWR

RIGHT NUMBER: 73-12037

NAME AND ADDRESS: DAWN M SULLIVAN
5537 E MORADA LN
STOCKTON CA 95212

ROBERT P SULLIVAN
5537 E MORADA LN
STOCKTON CA 95212

GARNEY B HALL
1955 OAK WY
ARROYO GRANDE CA 93420

VICTORIA F HALL
1955 OAK WY
ARROYO GRANDE CA 93420

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.600 CFS

PLACE OF USE:	<u>IRRIGATION Within CUSTER County</u>					
	T13N R24E S20	NWNE	1.4	T13N R24E S20	SWNE	38.0
	T13N R24E S20	NENW	5.5	T13N R24E S20	SENW	40.0

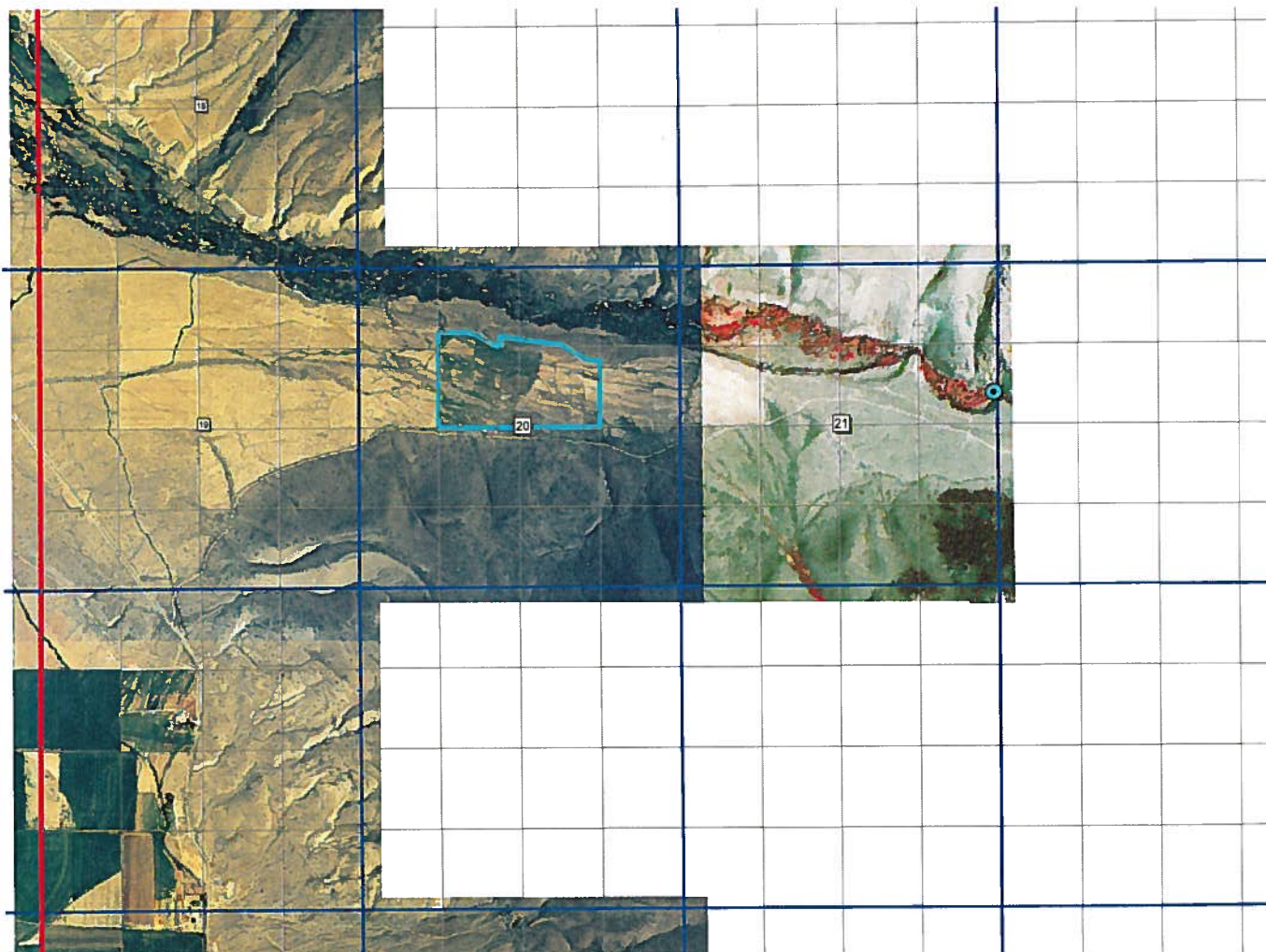
84.9 ACRES TOTAL

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: Decreed

Water Right No. 73-12037



0.7 0 0.7 1.4 Miles



prepared by:

GIS/Remote Sensing
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83702
- 208. 327.4800 -

Roxanne Brown
February 24, 2005
1988 True Color Photography

● Point of Diversion
73-12037



12/10/2004 11:25 4...-833
12/10/2004 06:55 2094648791

SULLIVAN CONST CO

PAGE 01
PAGE 01

DECEMBER 10, 2004

ATTACHMENT TO:

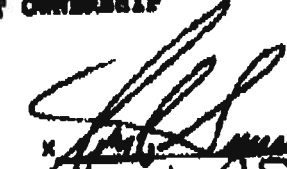
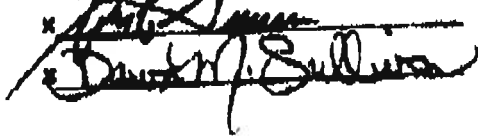
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

NEW OWNERS NAMES AND ADDRESSES:

ROBERT P. SULLIVAN
DAWN H. SULLIVAN

5537 EAST MORADA LANE
STOCKTON, CALIFORNIA 95212

209-931-2305

x 
x 

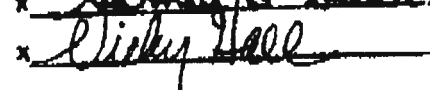
GANNY B. HALL
VICTORIA F. HALL

1955 OAK WAY
ARROYO GRANDE, CALIFORNIA 93420

805-489-6983

3

805-489-6983

x 
x 

HP LaserJet 3100
Printer/Fax/Copier/Scanner

CONFIRMATION REPORT for
WATER RESOURCES
2083275400
Dec-9-04 12:19PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
245	12/9 12:17PM	1'33"	2094648791	Send	3/ 3	EC 96	Completed

Total 1'33" Pages Sent: 3 Pages Printed: 0



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0096
Phone: (208) 287-6000 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DRICHER
Director

FAX Transmittal Cover Sheet

Number of pages including this one 3

Date 12/9/04

To: 2094648791

Fax No: 209 464 8791

From: 2083275400

Fax No

Phone No 208 287-4914

Subject: Please add return to form it # 20700 signature
to # 20700 return form to 20700

In Addition: There is now a way to research water rights over the Internet. The system is a graphical or text query system and can be accessed from the IDWR home page:

<http://www.idwr.state.id.us>

From that link, select "Snake River Basin Adjudication" toward the lower left hand of the screen. Then select "Map" or "Text" on the next page.

"TEXT" lets you search water rights via Name, Legal, Source, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search".

"MAP" allows you to search water rights graphically.

Use the tools on the Left side of the screen to Zoom in and out. To find out what each button does, hold the cursor over the button for a second. To the Right side of the screen are different layers that can be turned on or off. As you zoom in to your place in question, different layers will appear on the right side of the screen.

A HELP function is available within the application or you can call 1-800-451-4129 or (208) 327-7906 for help.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX Transmittal Cover Sheet

Number of pages including this one: 3

Date: 12/19/04

To: Robert Sullivan

Fax No.: (209) 464-8791

From: Roxanne Brown

Fax. No.: _____

Phone No.: (208) 287-4914

Subject: Please add names to form at #4, obtain signatures at #7 and return form to my attention.

In Addition: There is now a way to research water rights over the Internet. The system is a graphical or text query system and can be accessed from the IDWR home page:

<http://www.idwr.state.id.us>

From that link, select "Snake River Basin Adjudication" toward the lower left hand of the screen. Then select "Map" or "Text" on the next page.

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A HELP function is available within the application or you can call 1-800-451-4129 or (208) 327-7906 for help.

Split/Overlap Analysis – Water Right No. 73-10014

Twp	Rng	Sec	Q-Q	Lot	Water Right Number			
					73-10014	73-12037	73-12038	
13N	24E	19	S0NE		40			
			SENE		40			
			NWSE		40			
		20	NENE		40			
			NONE		40	1.4		
			S0NE		40	38		
			SENE		40		33	
			NENW		40	5.5		
			SUNW		40			
			SENW		40	40.0		
		21	NNNW		40			
			SUNW		40		3.8	
					480.0	84.9	36.8	

Claimed: $9.6 \text{ cfs} / (84.9 \text{ ac} + 36.8 \text{ ac}) = 0.08 \text{ cfs/acre}$

Decrees: 73-20 1.6 cfs decreed on 73-12038 land
 73-21 4.6 cfs decreed on 73-12037 land
 73-24 not associated with either parcel

73-24 is not recommended under either of these rights.

Right No.	Rate of Diversion	Irrigated acres	Rec. Diversion (cfs)
73-10014	9.6	480	