

11/15/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 78-4059

DRAKE DIXON
C/O BRYAN DEVENY
BOX 116
RIGGINS ID 83549

KATHLEEN DIXON
C/O BRYAN DEVENY
BOX 116
RIGGINS ID 83549

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/28/06

SIGNATURE: Bryan L. DeJeny - P.O.A.

Please print your name: Bryan G. DeJeny

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

RECEIVED
NOV 28 2006
IDWR/North

SCANNED
NOV 30 2006

06/21/2006

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

RIGHT NUMBER: 78-4059

NAME AND ADDRESS: DRAKE DIXON
C/O BRYAN DEVENY
BOX 116
RIGGINS ID 83549

KATHLEEN DIXON
C/O BRYAN DEVENY
BOX 116
RIGGINS ID 83549

SOURCE: SHINGLE CREEK

TRIBUTARY: RAPID RIVER

QUANTITY: 0.140 CFS

PRIORITY DATE: 05/01/1905

POINT OF DIVERSION:

T23N R01W S1 SWNE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
0.140 CFS

PLACE OF USE:

IRRIGATION Within IDAHO County

T23N R01E S06 Lot 6 NWSW 11.00 T23N R01E S06 Lot 7 SWSW 7.00

18 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 - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

RECEIVED
JUN 29 2006
IDWR/North

DURABLE POWER OF ATTORNEY

I, DRAKE D. DIXON, 5280 N.W. Highway 99 West, Corvallis, OR 97330, herein appoint BRYAN DEVENY, Box 166, Riggins, ID 83549, as my agent and attorney-in-fact to act for me in certain special, lawful ways, but only with respect to the following subjects by which I have placed my initials:

DDD To make and endorse checks payable to the principal or to the principal's order, and to deposit the same into the savings account at First Bank, Grangeville, Idaho. The agent shall also have the power to transfer money from the savings account to my checking account at First Bank, account number 0430017208, when necessary to pay the bills listed below.

DDD To pay all legitimate bills. The bills and their approximate amount to be expected are:

Incomes Taxes (state and federal)	\$1,200.00
Homeowner's Insurance	\$ 300.00
Vehicle Insurance	\$ 200.00
Property Taxes	\$ 500.00
Accountant (H&R Block, Jerry Johnston)	\$ 200.00
Vehicle/Trailer Registrations	\$ 80.00
Credit Card Bill	\$6,000.00
Property Maintenance	\$1,000.00
Miscellaneous Expenses	\$ 300.00

DDD To manage, maintain, repair and conserve the real property I own which consists of 31 acres and a residence and outbuildings, and which is located at HC 69, Box 111, Riggins, Idaho.

DDD To pay on my behalf real property taxes or assessments on the above real property.

DDD All income tax matters, which shall include the signing of federal, state and local income tax returns prepared by my accountant Jerry Johnston, and the payment of taxes due and collection of refunds into the previously-identified savings account at First Bank.

DDD To manage, maintain, repair and conserve the personal property I own located on the real property and in the residence described above, including using the 1986 GMC flatbed pickup truck.

DDD To receive all of my mail which shall come to my mailbox at HC 69, Box 111, Riggins, Idaho, and to pick up any mail located at the Riggins post office.

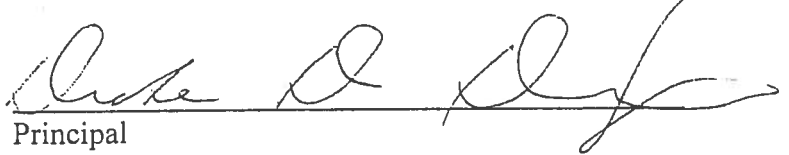
[illegible]

This Power of Attorney shall continue to be effective even though I become disabled or incapacitated, but shall automatically terminate upon my death.

I agree that any person or third party who receives a copy of this document may act under it. I agree to indemnify that person or third party for any claims that arise against him or her due to objectively reasonable reliance on this Power of Attorney.

VERIFICATION

I, Drake D. Dixon, the Principal, whose name is signed to the foregoing instrument, being first duly sworn, hereby declare to the undersigned authority that I signed and execute this instrument as a Special Power of Attorney on the 16th day of JUNE, 2000, and that I sign it willingly, and that I execute it as my own free and voluntary act for the purposes therein expressed.

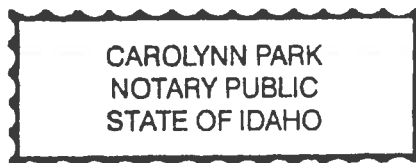

Principal

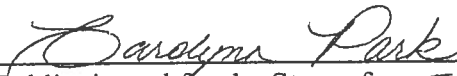
STATE OF IDAHO)
 : ss
County of Idaho)

On this 16th day of JUNE, 2000, before me, the undersigned Notary Public for the State of Idaho, personally appeared Drake D. Dixon, swore to and acknowledged before me by this 16th day of JUNE, 2000.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(NOTARY SEAL)




Notary Public, in and for the State of IDAHO
residing at GRANGEVILLE, ID.
Commission expires: MARCH 02, 2006

My Commission Expires: 3/2/06

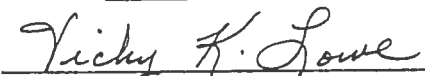
ACKNOWLEDGEMENT BY AGENT

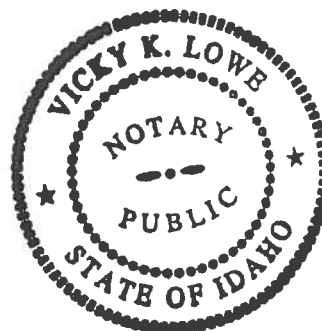
BY ACCEPTING OR ACTING UNDER THIS APPOINTMENT, I, BRYAN DEVENY, ASSUME THE FIDUCIARY AND OTHER LEGAL DUTIES AND RESPONSIBILITIES OF AN AGENT AND ATTORNEY-IN-FACT.

SIGNED this 17 day of January, 2000


BRYAN DEVENY

SUBSCRIBED AND SWORN TO before me this 17th day of January, 2000


NOTARY PUBLIC, State of Idaho
Residing at: Liggins Idaho
Commission expires: 4-27-2005



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: **A78-04059**
Date Received: 7/27/1988
Receipt No: W000704
Received By: _____

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

1. Name: DRAKE DIXON 208-628-3614
Address: HC 69 BOX 111
RIGGINS ID 83549
OR
Name: KATHLEEN DIXON 208-628-3614
Address: HC 69 BOX 111
RIGGINS ID 83549

2. Date of Priority: MAY 1, 1905

3. Source: SHINGLE CREEK Trib. to: RAPID RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	01W	1	NW	SE			IDAHO

5. Description of diverting works:
FLOOD IRRIGATED VIA DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.700		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

AUG 08 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
23N	01E	6	NE	NE		IRR	11.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01E	6	NW	NE		IRR	6.0
			SW	NE		IRR	10.0
			NW	SW		IRR	8.0
						Section Acres	35.0
						Total Acres	35.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:
CHANGE IN OWNERSHIP COMPLETED BY L.R.W. ON 5/11/93.

15. Basis of Claim: STATUTORY CLAIM

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: _____

MICROFILMED
AUG 08 1994

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 _____

MICROFILMED

AUG 08 1994

RECEIVED

APR 28 1993

Department of Water Resources
Western Regional Office

CHANGE IN OWNERSHIP

This form is used for purposes of notifying IDWR of a change in ownership of an Adjudication Claim.

[] Water Right Number(s): A78-04058, A78-04059

[] Name and Address of Former Claimant(s): Firmin Gotzinger
Pollock, ID

[] New Claimant(s): Drake Dixon and/or
Kathleen Dixon

[] New Mailing Address: HC 69 Box III
Pollock, ID 83254

[] New Telephone Number: (208) 628-3614

[] Does the change in ownership result in a spitting of the water right(s) claimed? ☒ Yes ☐ No
If yes, then describe the portion of the water right that is now claimed by the new owner(s): (see map)
6 acres - A78-04058, all of
A78-04059.

[] Attach proof of ownership:
Describe proof attached: Deed + Adjudication
(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): Kathleen Dixon
Drake Dixon
Date 4-16-93

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: A78-04059
Date Received: 7/27/1988
Receipt No: W000704
Received By: EJR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FIRMIN GOTZINGER 208-628-3413
Address: HC 2 BOX 600
CROSS O RANCH INC.
POLLOCK, ID 83547

2. Date of Priority: MAY 01, 1905

3. Source: SHINGLE CREEK Trib. to: RAPID RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01W	1	NW	SE			IDAHO

5. Description of diverting works:
FLOOD IRRIGATED VIA DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.700		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01E	6	NE	NE		IRR	11.0
			NW	NE		IRR	6.0
			SW	NE		IRR	10.0

A78-04059

Page 1

Date: 08/17/88

MICROFILMED
OCT 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	01E	6	NW SW		IRR	8.0
Section Acres						35.0
Total Acres						35.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 _____

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: A78-04059
Date Received: 6/24/1988 07/29/88
Receipt No: W000707
Received By: _____

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FIRMIN GOTZINGER 208-628-3413
Address: HC 2 BOX 600
POLLOCK, ID Cross & Ranch Inc 83547

2. Date of Priority: MAY 01, 1905

3. Source: SHINGLE CREEK Trib. to: RAPID RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01W	1		NW	SE		IDAHO

5. Description of diverting works:

*Flood irrigate via ditches
& EIR per phone conversation 08/15/88)*

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.700		

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

A.F.A.

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01E	6	NE	NE		IRR	11.0
			NW	NE		IRR	6.0
			SW	NE		IRR	10.0
			NW	SW		IRR	8.0

Section Acres 35.0

A78-04059

Page 1

Date: 06/24/88

MICROFILMED
OCT 05 1992

10. Place of Use: Continued

Total Acres 35.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

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): Heimir Hoberger Date: July 25 - 1988

Date: _____

State of Idaho)
County of Idaho) ss.

Subscribed and sworn (or affirmed) before me this 25 day

of July 19 88

Seal

Charles S. Workman
Notary Public

Residing at Reggie
My Commission Expires July 8, 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public water of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1988. Exempted from this filing are single family domestic use as defined in Section 42-230(e), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

Name: CROSS O RANCH

Address:

POLLOCK, ID 83547

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: MAY 01, 1905

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. Exceptions are that claims may be filed on single family domestic uses from ground water, or on stock drinking from any source.

2. Source: SHINGLE CREEK Trib. to: RAPID RIVER

3. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.700		
STOCKWATER	01/01	12/31	0.060		

4. Total Quantity Appropriated is:
0.700 C.F.S. (and/or) A.F.A.

5. A) Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	01W	1	NW	SE			IDAHO

B) Description of diverting means:

6. A) Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
23N	01E	6	NE		NE		IRR	11.0
			NW		NE		IRR	6.0
			SW		NE		IRR	10.0
			NW		SW		IRR	8.0
							Section Acres	35.0
							Total Acres	35.0

B) Non-irrigation uses:
S/472 RANGE.

7. If you are claiming water as a member of an organization, list name of organization: _____

8. Remarks:

State of Idaho)
County of Idaho) SS.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Firmen Gatzinger
(Claimant)

Sworn to before me this 25 day of July, 19 88.

Charles L. Workman
Notary Public
Residing at Reynolds

My commission expires July 8, 1993

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Exception	Forwarded to	Date
Prelim. check by _____	Date _____	filed by:	claimant by:	
Fee received by _____	Date _____			
Published in _____				
Dates _____				

	YES	NO
Is the name and address complete with zip code?	☒	☐
Is priority date entered?	☒	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd). A Permit is required for surface water developed after May 20, 1971 (except for instream stockwater).	☒	☐
(a) Is a source entered?	☒	☐
(b) Is a tributary to entered? (if required)	☒	☐
Is the legal description of the p.d. complete?	☒	☐
Is there a description of the diverting works?	☒	☐
Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form.	☒	☐
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
Is a total quantity claimed entered?	☒	☐
Is the consumptive use correct?	☒	☐
If required is a consumptive use entered?	☒	☐
Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim.	☒	☐
0. Is (are) the place(s) of use entered?	☒	☐
1. Is (are) the county(ies) entered?	☒	☐
2. Is the ownership of p.u. checked?	☒	☐
3. Are other water rights listed or "none" checked?	☒	☐
4. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐
15. Is the basis of the claim checked?	☒	☐
16. Is the claim signed by the claimant? Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
Has the claim been signed, sealed, and dated by a notary?	☒	☐
Is the fee enclosed correct?	☒	☐
Should this claim be receipted and data entered?	☒	☐
If this claim is based on an existing water right, has the identification number been entered?	☒	☐
	N/A	

Claim checked by: LW

$$1 \quad 10 \text{ gal} \div 1 \frac{59}{60} \text{ min} = 5 \text{ gpm}$$

$$2 \quad 10 \text{ gal} \div 1 \frac{47}{60} = 5.6 \text{ gpm}$$

$$3 \quad 5 \div 1 \frac{14}{60} = 4 \text{ gpm}$$

$$4 \quad 5 \div 1 \frac{13}{60} = 4 \text{ gpm}$$

$$5 \quad 10 \div 1 \frac{38}{60} = 6.1 \text{ gpm}$$

$$6 \quad 5 \div 1 \frac{5}{60} = 4.6 \text{ gpm}$$

$$7 \quad 5 \div 1 \frac{15}{60} = 4 \text{ gpm}$$

$$8 \quad 5 \div 1 \frac{6}{15} = 4.6 \text{ gpm}$$

$$9 \quad 10 \div 1 \frac{15}{60} = 8 \text{ gpm}$$

$$+ 2 \text{ AT } 5 \text{ gpm} = 10 \text{ gpm}$$

$$\text{Flood } 10 \div 1 \frac{78}{60} = 7.7 \text{ gpm}$$

$$63.6 \text{ gpm} \cdot 14 \text{ ft}$$

18 acres



78-4059



Photo 1: POD, looking southeast.



Photo 2: Diversion control. Excess back into Shingle Creek.

78-4059

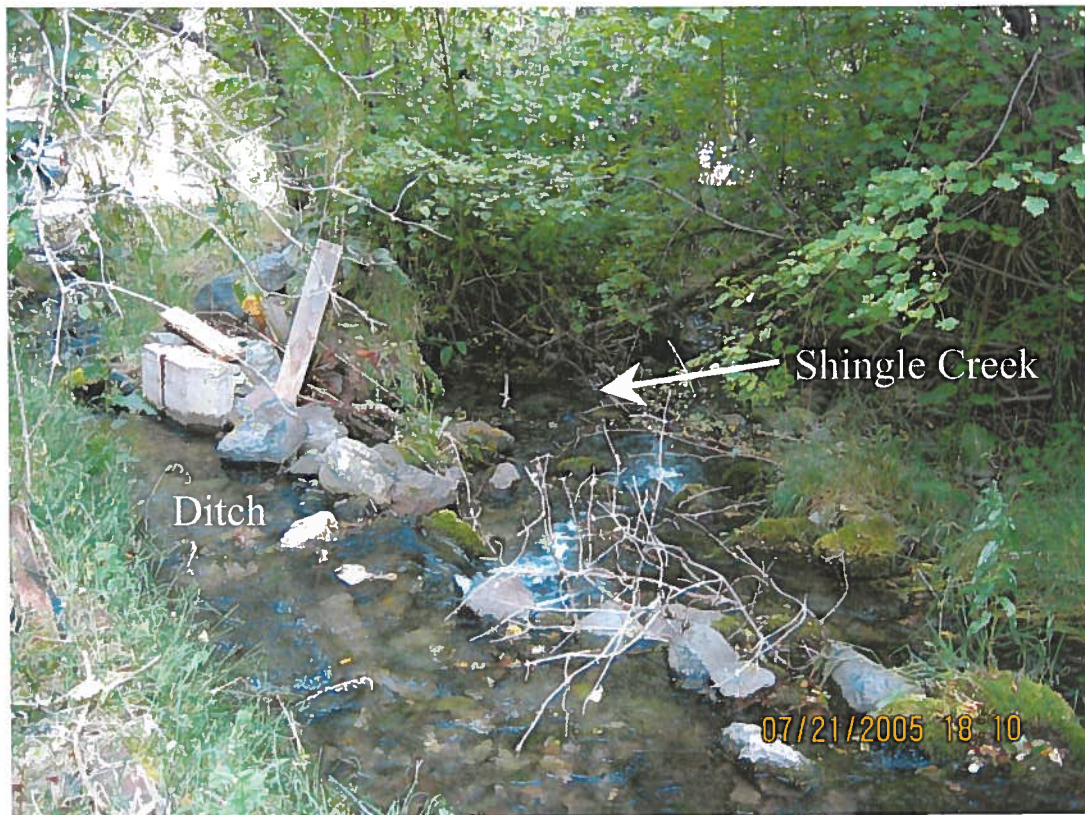


Photo 1: POD, looking southeast.



Photo 2: Diversion control. Excess back into Shingle Creek.

~~WRONG MAP~~

~~Need NW 1/4~~

Sec. 1

178-4059

SWNE

SENE

SWNW

NWSE

NESE

NWSW

SWSE

SESE

SWSW

NW/NE

NENE

NW/NW

New POD

Old
POD

Ditch Replaced
by pipe

Ditch to cross

Cut
Pipe

Original
Ditch

Tank &
Beginning of
Sprinkler System

POU

Common
POU

1 6
12 7

78-4059

R1W

R1E

Old ditch
New Pipe

cross

ditch

back
sprinkler

OK original ditch

Drake River

Roy
Travis

cross

R10

12
7

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

06/29/2005

WATER RIGHT NO. 78-4059

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DRAKE DIXON
Current Owner	KATHLEEN DIXON HC 69 BOX 111 RIGGINS, ID 83549 (208)628-3614
Original Owner	FIRMIN GOTZINGER CROSS O RANCH INC HC 2 BOX 600 POLLOCK, ID 83547 (208)628-3413

Priority Date: 05/01/1905
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
SHINGLE CREEK	RAPID RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	11/01	0.7 CFS	
Total Diversion			0.7 CFS	

Location of Point(s) of Diversion:

SHINGLE CREEK|NWSE|Sec. 01|Township 23N|Range 01W|IDAHO County

Jim - this a
computer print out
of 78-4059
If you are down there
you might check
it out

Brian Deveny Reuter
628-3372

Place(s) of use:

Place of Use Legal Description: IRRIGATION IDAHO County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
23N	01E	6		NENE	11		NWNE	6		SWNE	10			
				NWSW	8									

Total Acres: 35

Conditions of Approval:

1. CHANGE IN OWNERSHIP COMPLETED BY L.R.W. ON 5/11/93.

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

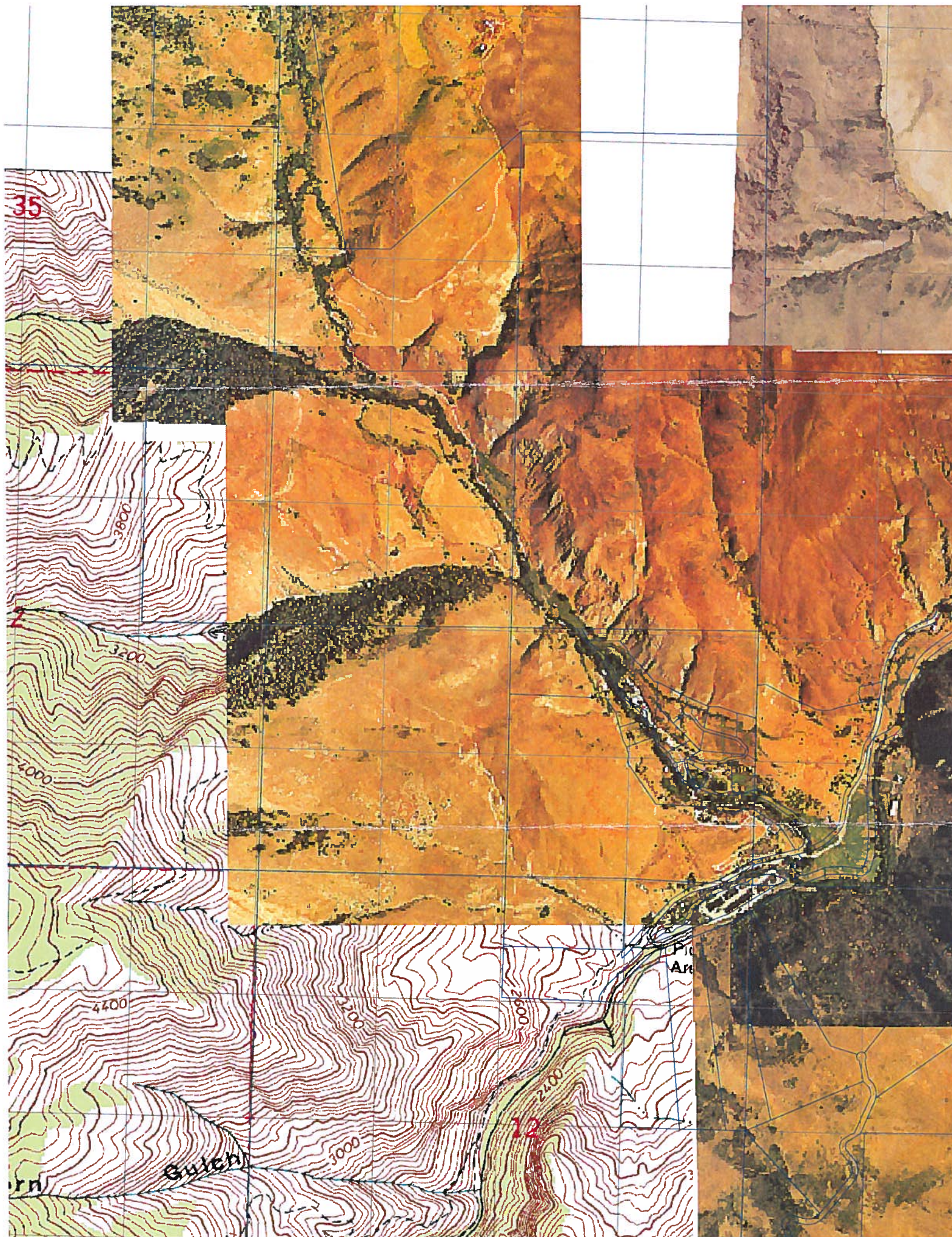
Swan Falls Dismissed:

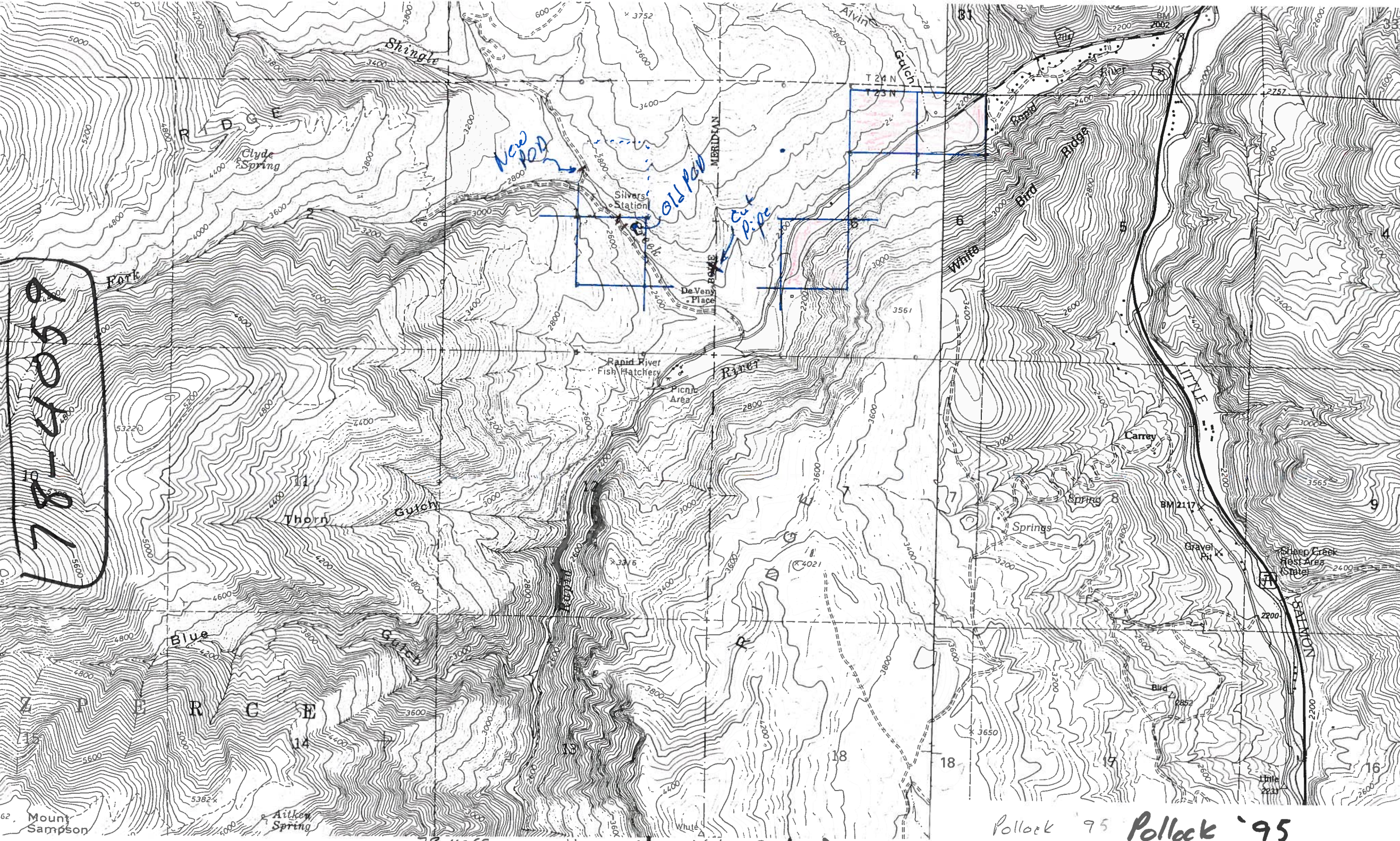
DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close





78-4059

New POW

Old POW

Cut Pipe

Pollock '95 Pollock '95

78-4059

7-21-05

Claim gives old POD - Temp 23W Rye & W Sec 1

GPS - $45^{\circ} 24' 41.3''$

$116^{\circ} 24' 2.3''$

POD changed before 1972 because changed to sprinkler
& needed elevation for pressure.

accomplish by → Brian McNary → Thought transfer was Submitted.

Now POD (current) ~~SW NE~~ SW NE Sec 1

GPS $45^{\circ} 21' 50.8''$

$116^{\circ} 24' 12.3''$

4WAM

Common POD with

4WAM No longer
Gross-O
Silver Station (L.S. Gout)
Youth with a Mission

Part of POD is in common E 78-4058 B (Irrigation)

Used on lower portion of 78-4055 (only)
because of Circuity.

Measurements:

1 - 1:59 (10)

4 - 1:13 (5)

7 - 1:15 (5)

2 - 1:47 (10)

5 - 1:38 (10)

8 - 1:06 (5)

3 - 1:14 (5)

6 - 1:05 (5)

9 - 1:15 (10)

+ 2 lawn sprinklers that

appear to run abt same as others.

Flood Part

→ 78 sec / 10 gal

←

Sprinkler irrigation is done through a series of incoable
plastic lines (black pally), hoses & Sprinklers.

Photo # 65 POD - looking E

66 " " "

67 Typical Sprinkler E

In common
E 78-4058 B
POD

Plat # 68 - Old & New ditch NW

#69 - " " "

#70 - Main Pipe (PVC) is 6" Line was cut & plugged about May (end of May) (West)

#71 - Works & Temp. outlet SW.

#72 - Works S.

#73 - Old ditch NW

#74 - POB SE - Creek on Right

#75 - Control in diversion SSW

#76 - Site of Lower original diversion.

6" PVC runs in bottom of ditch. Line had been cut by someone other than Reuter (Brian DeVray) or owner (Dixon). Repaired (temp) with bushing & valve & 1 1/2" poly line.

Brian DeVray stated he wanted to repair but only after there were 'better' people to work with at Subdivision

Cut Pipe GPS 45° 21' 33.5"
116° 23' 37.7"

Silver Creek Address:

Silver's Range Station Admin Site
Forest Service

P.O. 116 Kiggins

83549

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: **A78-04059**
Date Received: 7/27/1988
Receipt No: W000704
Received By: _____

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

1. Name: DRAKE DIXON 208-628-3614
Address: HC 69 BOX 111
RIGGINS ID 83549
OR
Name: KATHLEEN DIXON 208-628-3614
Address: HC 69 BOX 111
RIGGINS ID 83549

2. Date of Priority: MAY 1, 1905

3. Source: SHINGLE CREEK Trib. to: RAPID RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	01W	1	NW	SE			IDAHO

5. Description of diverting works:
FLOOD IRRIGATED VIA DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.700		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

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10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
23N	01E	6	NE	NE		IRR	11.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
23N	01E	6	NW		NE		IRR	6.0
			SW		NE		IRR	10.0
			NW		SW		IRR	8.0
							Section Acres	35.0
							Total Acres	35.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:
CHANGE IN OWNERSHIP COMPLETED BY L.R.W. ON 5/11/93.

15. Basis of Claim: STATUTORY CLAIM

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: _____

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AUG 08 1994

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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AUG 08 1994

RECEIVED

APR 28 1993

Department of Water Resources
Western Regional Office

CHANGE IN OWNERSHIP

This form is used for purposes of notifying IDWR of a change in ownership of an Adjudication Claim.

- [] Water Right Number(s): A78-04058, A78-04059
- [] Name and Address of Former Claimant(s): Firmin Gotzinger 2700 O Ranch
Pollock, ID
- [] New Claimant(s): Drake Dixon and/or
Kathleen Dixon
- [] New Mailing Address: HC 69 Box III
Flagstaff, AZ 86001
- [] New Telephone Number: (208) 628-3514
- [] Does the change in ownership result in a spitting of the water right(s) claimed? ☒ Yes ☐ No
If yes, then describe the portion of the water right that is now claimed by the new owner(s): (see map)
6 acres - A78-04058, all of
A78-04059.
- [] Attach proof of ownership:
Describe proof attached: Deed + 1/2 acre map
(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): Kathleen Dixon
Drake Dixon
- Date 4-16-93

Revised 01/91

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: A78-04059
Date Received: 7/27/1988
Receipt No: W000704
Received By: EJR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FIRMIN GOTZINGER 208-628-3413
Address: HC 2 BOX 600
CROSS O RANCH INC.
POLLOCK, ID 83547

2. Date of Priority: MAY 01, 1905

3. Source: SHINGLE CREEK Trib. to: RAPID RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01W	1	NW	SE			IDAHO

5. Description of diverting works:
FLOOD IRRIGATED VIA DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.700		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01E	6	NE	NE		IRR	11.0
			NW	NE		IRR	6.0
			SW	NE		IRR	10.0

A78-04059

Page 1

Date: 08/17/88

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01E	6	NW	SW		IRR	8.0

Section Acres 35.0

Total Acres 35.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 _____

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: A78-04059
Date Received: 6/24/1988 07/29/88
Receipt No: 6000707
Received By: _____

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FIRMIN GOTZINGER 208-628-3413
Address: HC 2 BOX 600
POLLOCK, ID *Cross & Ranch Inc* 83547

2. Date of Priority: MAY 01, 1905

3. Source: SHINGLE CREEK Trib. to: RAPID RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01W	1		NW	SE		IDAHO

5. Description of diverting works:

*Flood irrigate via ditches
\$4.2K per phone conversation 02/15/88)*

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.700		

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

A.F.A.

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01E	6	NE	NE		IRR	11.0
			NW	NE		IRR	6.0
			SW	NE		IRR	10.0
			NW	SW		IRR	8.0

Section Acres 35.0

A78-04059

Page 1

Date: 06/24/88

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OCT 05 1992

10. Place of Use: Continued

Total Acres 35.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

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): Hermin Sabinger Date: July 25 - 1988

Date: _____

State of Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 25 day

of July 19 88

Seal

Charles L. Workman
Notary Public

Residing at Reggie
My Commission Expires July 8, 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public water of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1988. Exempted from this filing are single family domestic use as defined in Section 42-230(e), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

Name: CROSS O RANCH
Address:

POLLOCK, ID 83547

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: MAY 01, 1905

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. Exceptions are that claims may be filed on single family domestic uses from ground water, or on stock drinking from any source.

2. Source: SHINGLE CREEK Trib. to: RAPID RIVER

3. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.700		
STOCKWATER	01/01	12/31	0.060		

4. Total Quantity Appropriated is:
0.700 C.F.S. (and/or) A.F.A.

5. A) Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01W	1	NW	SE			IDAHO

B) Description of diverting means:

6. A) Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01E	6	NE	NE		IRR	11.0
			NW	NE		IRR	6.0
			SW	NE		IRR	10.0
			NW	SW		IRR	8.0
						Section Acres	35.0
						Total Acres	35.0

B) Non-irrigation uses:
S/472 RANGE.

7. If you are claiming water as a member of an organization, list name of organization: _____

8. Remarks:

State of Idaho)
County of Blaine) SS.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Firmen Gatzinger
(Claimant)

Sworn to before me this 25 day of July, 19 88.

Cherlene L. Workmen
Notary Public
Residing at Regina

My commission expires July 8, 1992

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Exception	Forwarded to	Date
Prelim. check by _____	Date _____	filed by:	claimant by:	
Fee received by _____	Date _____			
Published in _____				
Dates _____				

Y, 1988 SR3A CLAIMS RECEIVING CHECKLIST
IMANT'S NAME Gotzinger, Filmin CLAIM IDENT. NO. A78-09059
E RECEIVED 07/27/88 CK # 118 AMOUNT \$ 536.00

	YES	NO
Is the name and address complete with zip code?	☒	☐
Is priority date entered?	☒	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd). A Permit is required for surface water developed after May 20, 1971 (except for instream stockwater).		
(a) Is a source entered?	☒	☐
(b) Is a tributary to entered? (if required)	☒	☐
Is the legal description of the p.d. complete?	☒	☐
Is there a description of the diverting works?	☒	☐
Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form.		
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
Is a total quantity claimed entered?	☒	☐
Is the consumptive use correct?	☒	☐
If required is a consumptive use entered?	☒	☐
Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim.		
. Is (are) the place(s) of use entered?	☒	☐
. Is (are) the county(ies) entered?	☒	☐
. Is the ownership of p.u. checked?	☒	☐
. Are other water rights listed or "none" checked?	☒	☐
. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐
i. Is the basis of the claim checked?	☒	☐
j. Is the claim signed by the claimant? Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
Is the claim been signed, sealed, and dated by a notary?	☒	☐
Is the fee enclosed correct?	☒	☐
Would this claim be receipted and data entered?	☒	☐
If this claim is based on an existing water right, has the identification number been entered?	☒	☐

Claim checked by: LW



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

Date May 11, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

[DRAKE OR KATHLEEN DIXON
HC 69 BOX 111
RIGGINS ID 83549
[]

COPY FOR YOUR RECORDS
DO NOT RETURN

Notice of Claim No.(s) A78-04058B, A78-04059

Dear Claimant:

Enclosed is a copy(s) of the above referenced claim(s) which reflect the change in ownership of the land and appurtenant water rights covered by this claim(s).

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim(s) for final court decree.

If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosure(s)

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AUG 08 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 11, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

FIRMIN GOTZINGER
CROSS O RANCH INC
HC 2 BOX 600
POLLOCK ID 83547

Dear Mr. Gotzinger:

We have received the change in ownership request for two Notices of Claim to a Water Right, numbers A78-04058 and A78-04059, appurtenant to the property purchased by the Dixons. This letter is to notify you that the ownership change has been completed.

Since claim number A78-04058 was split, I am enclosing a copy of your portion of the claim reflecting the split. Nine acres was left to you and six acres went to the Dixons.

If this is incorrect or if you have any questions, be sure to contact me.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosure: A78-04058A

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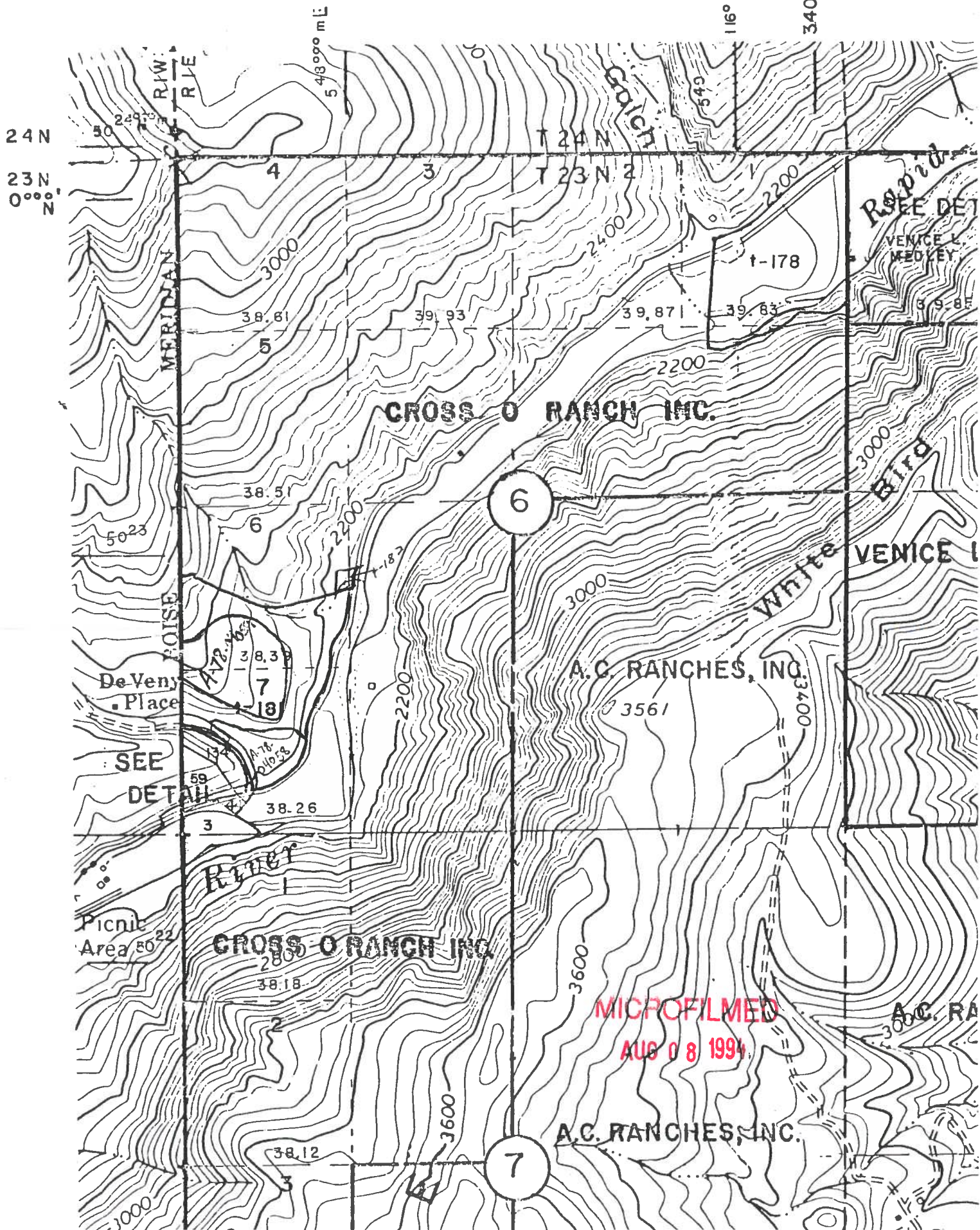
365658

C O R P O R A T I O N
W A R R A N T Y D E E DRECORDED
APR 28 1993Department of Water Resources
Boise Regional Office

1 For Value Received, CROSS O RANCH, INC.,
2 Corporation, of Pollock , State of
3 Idaho , hereinafter called the GRANTOR , does hereby
4 grant, bargain, sell and convey unto DRAKE DIXON and KATHLEEN
5 DIXON, husband and wife, of ~~P. O. Box 1141~~ HC 69-Box 111, Riggins,
6 State of Idaho 83549 , hereinafter called the GRANTEEES , the
7 following described real property and premises, situated in
8 Idaho County, State of Idaho, to-wit:
9 A parcel of land situated in the SW1/4 of Section
10 6, Township 23 North, Range 1 East, Boise Meridian,
11 Idaho County, Idaho, comprising 31.6943 acres,
12 more or less, more particularly described in Schedule
13 "A", hereunto attached and incorporated herein by
14 reference.
15 TO HAVE AND TO HOLD such real property and premises, with
16 their appurtenances, unto the Grantees , their heirs and assigns
17 forever. The Grantor doeshereby covenant to and with the
18 Grantees that it is are the owner in fee simple of such
19 premises, that the premises are free from all encumbrances
20 except the taxes for the year 1992, not yet payable,
21 and that the Grantor will warrant and defend the same against
all lawful claims whatsoever.

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AUG 08 1994

116° 22' 30"
340° 00' E



SCHEDULE "A"

A parcel of land situated in the SW $\frac{1}{4}$ of Section 6, T23N, R1E, Boise Meridian, Idaho County, Idaho, which is more particularly described as follows:

Commencing at the section corner common to Sections 6 and 7, T23N, R1E, and Sections 1 and 12, T23N, R1W. Thence N00°01'54"W along section line between Sections 1 and 6, 897.31' to a 5/8"X30" IR with plastic cap marked PLS 5165 which is at centerline of Shingle Creek Road. This is THE POINT OF BEGINNING

Thence N00°01'54"W, along section line 1,152.36' to a 5/8"X30" IR with plastic cap marked PLS 5165

Thence S67°24'01"E, 624.27' to a 5/8"X30" IR with plastic cap marked PLS 5165

Thence N86°02'58"E, 268.01' to a 5/8"X30" IR with plastic cap marked PLS 5165

Thence N78°40'17"E, 311.32' to a 5/8"X30" IR with plastic cap marked PLS 5165

Thence N82°23'21"E, 162.03' to a 5/8"X30" IR with plastic cap marked PLS 5165 which is on Westerly R.O.W. of county road.

Thence S08°31'23"W along Westerly R.O.W. of county road, 180.39'

Thence S19°57'45"W along Westerly R.O.W. of county road, 222.94'

Thence S17°36'41"W along Westerly R.O.W. of county road, 308.43'

Thence S26°27'22"W along Westerly R.O.W. of county road, 281.74'

Thence S11°39'32"W along Westerly R.O.W. of county road, 323.09'

Thence S25°33'51"W along Westerly R.O.W. of county road, 92.89'

Thence S48°08'48"W along Westerly R.O.W. of county road, 156.41'

Thence S58°26'02"W along Westerly R.O.W. of county road, 144.77'

Thence N88°36'57"W along Westerly R.O.W. of county road, 109.01' to centerline of Shingle Creek Road

Thence N13°10'33"E along centerline of Shingle Creek Road, 99.76'

Thence N22°43'12"W along centerline of Shingle Creek Road, 117.97'

Thence N48°58'46"W along centerline of Shingle Creek Road, 145.34'

Thence N58°42'13"W along centerline of Shingle Creek Road, 161.55'

Thence N50°42'50"W along centerline of Shingle Creek Road, 108.78'

Thence N76°04'23"W along centerline of Shingle Creek Road, 183.71' to THE POINT OF BEGINNING

This parcel contains 31.6943 acres more or less.

SCHEDULE "A"

MICROFILMED

AUG 08 1994

