

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: A43-00270
Date Received: 6/13/1989
Receipt No: S008194
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: RENUMBERED RIGHT
Address: X ID 0

2. Date of Priority: JUN 1, 1873

3. Source: CASSIA CREEK Trib. to: SNAKE RIVER
RENUMBERED RIGHT

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	25E	6	NW	SW	NE		CASSIA

5. Description of diverting works:
VIA RICE LEASY DITCH, HEADGATES AND DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.100		
STOCKWATER	01/01	12/31	0.030		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 339.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE S/100 BEEF

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	28	SW	NW		IRR	23.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	28	NW	SW		IRR	32.0
			SW	SW		IRR	3.2
						Section Acres	58.2
		29	SE	NE		IRR	1.3
			NE	SE		IRR	22.0
			NW	SE		IRR	0.2
			SW	SE		IRR	3.0
			SE	SE		IRR	28.0
						Section Acres	54.5
						Total Acres	112.7

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:

SPRINGS AND SUB-WATER FROM IRRIGATION ALSO USED BY CLAIMANT IN
NE~~SE~~ OF SEC. 29.

DWR NOTE

THIS BENEFICIAL USE CLAIM IS BASED ON DECREED WR 43-00270 AND
STATUTORY CLAIM 43-04142. TRIBUTARY IS RAFT RIVER NOT SNAKE R.
P/U FOR DOMESTIC & STOCK USE NOT GIVEN.

|

OTHER WATER RIGHTS:

A43-00267, -00268, -00269, -00270, -00271.

CONFORMED ATTORNEY MAILING ADDRESS DMS

CLAIM AMENDED TO CORRECT PLACE OF USE AND POINT OF DIVERSION.
CLAIM ALSO AMENDED TO DELETE REFERENCE TO 43-04142 AND TO ADD
43-00416 AS BEING COMBINED WITH THIS RIGHT. 43-00416 HAS THE
SAME PRIORITY DATE AND HAS BEEN USED WITHIN THE SAME PPU FOR A
LONG PERIOD OF TIME. THE CLAIM IS RENUMBERED TO BETTER IDENTIFY
THAT THIS IS A COMBINED RIGHT CLAIM. KKC 4-24-00

15. Basis of Claim: BENEFICIAL USE

Christensen, Kelly

Subject: 43-00267, 43-00268 43-00269, 43-00270, 43-00271, 43-11223 adams
Entry Type: Meeting
Contact: melvin adams

Start: Mon 4/24/00 1:30 PM
End: Mon 4/24/00 1:30 PM
Duration: 0 hours

He brought in 2 change of ownership forms, one from himself and one from his sister Verda Vee Villarma along with the "First and Final Accounting" of the estate of the former owner along with the "Petition for Determination of Testacy and Settlement and Distribution". The documents identified the property and that they had joint ownership. Based upon the information provided I placed both names on each claim.

I reviewed the claims with Melvin and after discussing them, he elected to amend the place of use for the Cassia Creek rights and to change the basis, the reference to 43-04142 as the springs identified in the claim weren't actually being diverted. 43-00416 was not claimed during the first claims taking period. This right has the same priority date as 43-00270 and has historically been used within the PPU with 43-00270 and the other Cassia Creek rights. As a part of the amendment process he elected to combine 43-00270 and 43-00416 under the claim number 43-00270. The place of use was modified to change the acres by quarter-quarter but the overall place of use acreage did not increase. It is all within the decreed place of use covered by the rights listed above. Both Cassia Creek diversions were found and have historically been used with all rights, therefore, both P/Ds were added to all Cassia Creek claims. I then renumbered A43-00240 to A43-11223 to better identify that the claim represents a combination of the two rights.

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: _____
Adjudication Claim No(s).: A43-00267, A43-00268, A43-00269, A43-00270, A43-00271

2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s).
(These are usually attached to your deed or on file with the county.)
OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant VERDA E. ANDERSON
Box 473, ELBA, IDAHO 83326

4. New Owner/Claimant(s) VERDA VEE VILLARMA
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address Box 938
City, State and ZIP Code WRANGELL, ALASKA 99929
New Telephone Number (907) 874-3552

5. Date you acquired the property SEPTEMBER 9, 1995

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s). Verda Vee Villarma

- Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): A43-00267
 Adjudication Claim No(s): A43-00268, -00269, -00270, -00271

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Verda E Anderson
Box 473, Elba Idaho 83326

4. New Owner/Claimant(s) Melvin R. Adams
 Name Connector (Check one): [] and, [] or, ☒ and/or M.R.A.
 New Mailing Address Box 57
 City, State and ZIP Code Albion Idaho 83311
 New Telephone Number (208) 673-6293

5. Date you acquired the property September 9, 1995

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Melvin R. Adams
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

1 Brent C. Tingey, Esq.
2 LING, NIELSEN & ROBINSON
3 Attorneys at Law
4 P.O. Box 396
Rupert, Idaho 83350
Telephone: (208) 436-4717

5 Attorneys for Personal Representative

6
7
8 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
9 STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

10 - - - - -
11 IN THE MATTER OF THE ESTATE) Case No. SP 96-00046
12 OF)
13 VERDA ELIZA ANDERSON,) PETITION FOR DETERMINATION
14 Deceased.) OF TESTACY AND SETTLEMENT
AND DISTRIBUTION

15 - - - - -
16 The Petitioner respectfully shows as follows:

17 1. Verda Eliza Anderson died on September 9, 1995.
18 Petitioner is the duly appointed, qualified and acting Personal
19 Representative of the above-named estate, having been appointed
20 Personal Representative in informal proceedings.

21 2. Petitioner has filed a true Inventory and
22 Appraisement of all property of the estate known to Petitioner.

23 3. No publication of a notice to creditors was
24 required in this matter.

25 4. All debts of the decedent and of the estate, and
26 all expenses of administration thus far incurred, and all taxes

27
28 PETITION FOR DETERMINATION OF TESTACY AND
SETTLEMENT AND DISTRIBUTION - 1

1
2 that have been attached to or accrued against the estate have
3 been paid.

4 5. Petitioner has filed a Final Account, attached
5 hereto, detailing all receipts and disbursements in the
6 administration of the estate and the estate is in a condition
7 to be closed.

8 6. On January 19, 1996, the decedent's Will was
9 admitted to probate in informal proceedings in which the
10 testacy status of the decedent was not finally determined. The
11 Will previously admitted to probate in informal proceedings is
12 the Last Will of the decedent and the testacy status of the
13 decedent shall be determined at this time, following notice to
14 the heirs and devisees of the decedent.

15 7. That the decedent's daughter, Kathleen Kay
16 Anderson, died on February 5, 1994 and that the share of the
17 decedent's estate which was to be placed in trust for the
18 benefit of Kathleen Kay Anderson shall be added pro rata to the
19 shares that are effectively disposed of as provided in the Last
20 Will and Testament of the decedent.

21 8. The decedent's will directs the property
22 remaining after the payment of debts, claims, taxes, costs and
23 expenses be distributed as follows:

24 A one-half share of each to the following:

25 Melvin Reo Adams and Verda V. Villarma.

26 WHEREFORE, petitioner prays that:

1
2 1. The Court set a time and place for hearing this
3 petition.

4 2. Following notice to the heirs and devisees, a
5 formal order of testacy of the decedent be entered determining
6 that the decedent died testate and the Will previously admitted
7 to informal probate is the Last Will of the decedent.

8 3. The Final Account of the Personal Representative
9 be allowed and settled.

10 4. The Personal Representative of the estate be
11 authorized to distribute the assets remaining, and any other
12 property of the decedent or of the estate not known or
13 discovered, to the persons entitled according to the terms of
14 the decedent's Will, as set forth above.

15 DATED this 5th day of ^{March, 1996.} ~~November, 1995.~~

16
17 Melvin Reo Adams
18 Melvin Reo Adams
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Brent C. Tingey, Esq.
LING, NIELSEN & ROBINSON
Attorneys at Law
P.O. Box 396
Rupert, Idaho 83350
Telephone: (208) 436-4717

Attorneys for Personal Representative

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

IN THE MATTER OF THE ESTATE)
OF)

Case No. SP 95-00046

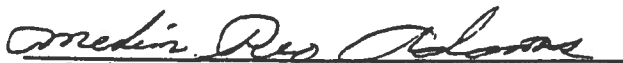
VERDA ELIZA ANDERSON,
Deceased.

NOTICE OF HEARING OF
PETITION FOR DETERMINATION
OF TESTACY AND SETTLEMENT
AND DISTRIBUTION

Notice is hereby given that the Personal Representative of the above named estate has filed his Final Account and Petition for Settlement and Distribution of the above named estate, a copy of which is attached hereto.

Hearing upon said account and petition will be held on March 29, 1996 at 11:00 o'clock a.m., in the above named Court, at which time objections to said account and petition will be heard.

DATED this 5th March, 1996 day of ~~November, 1995~~.


Melvin Reo Adams
Personal Representative

Brent C. Tingey, Esq.
 LING, NIELSEN & ROBINSON
 Attorneys at Law
 P.O. Box 396
 Rupert, Idaho 83350
 Telephone: (208) 436-4717

Attorneys for Personal Representative

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

IN THE MATTER OF THE ESTATE) Case No. SP 96-00046
 OF)
)
 VERDA ELIZA ANDERSON,) FIRST AND FINAL
) ACCOUNTING
 Deceased.)

The Personal Representative of the above estate
 charges himself as follows:

<u>ITEM</u>	<u>AMOUNT</u>
Value of the inventory of said estate per the inventory on file herein:	
Separate Property	121,000.00
Increase in value of separate property . . (Rent payments)	6,000.00
TOTAL CHARGES	<u>\$127,000.00</u>

The Personal Representative is entitled to credits as
 follows:

<u>ITEM</u>	<u>AMOUNT</u>
Funeral expenses	4,554.00
Legal fees - Ling, Nielsen & Robinson . . .	389.00

LING, NILSEN & ROBINSON

ATTORNEYS AT LAW

RUPERT, IDAHO 83350

Total Credits	4,943.00
Balance of property available for distribution	122,057.00
Real Property - one-half interest in real property situated in Cassia County, Idaho, Township 13, Range 25 East, Boise Meridian, as more particularly described as follows: In Section 28: Northwest quarter of the Southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), the Southwest Quarter of the Northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), and the Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$). In Section 29: The East half of the Southeast quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$), the North- west quarter of the Southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$). The South half of the North- east quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$), beginning at the Northeast corner of the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 29 running thence West 12 rods, thence South 67 rods, thence East 12 rods, thence North 67 rods to the point of beginning. Together with Class I Taylor Grazing Rights for 196 AUMs; together with all appurtenances thereunto belonging or anywise appertaining thereto. Ten head of cows	5,000.00
Ten head of calves	3,500.00
Cash	1,057.00

DATED this 5th day of ^{March}~~February~~, 1996.

Melvin Reo Adams
Melvin Reo Adams
Personal Representative

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: A43-00270
Date Received: 6/13/1989
Receipt No: S008194
Received By: ScC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEWAYNE R. ANDERSON 208-638-5583
Address: P.O. BOX 743
ELBA, ID 83326

2. Date of Priority: JUN 01, 1873

3. Source: CASSIA CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	25E	29	SW	SE	SE		CASSIA

5. Description of diverting works:
VIA RICE LEASY DITCH, HEADGATES AND DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.100		
STOCKWATER	01/01	12/31	0.030		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 339.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE S/100 BEEF

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	28	SW	NW		IRR	27.0

A43-00270

Page 1

Date: 06/13/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	28	NW	SW		IRR	30.0
			SW	SW		IRR	5.0
						Section Acres	62.0
		29	SE	NE		IRR	5.0
			NE	SE		IRR	25.0
			NW	SE		IRR	5.0
			SE	SE		IRR	16.0
						Section Acres	51.0
						Total Acres	113.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:

SPRINGS AND SUB-WATER FROM IRRIGATION ALSO USED BY CLAIMANT IN
NE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SEC. 29.

DWR NOTE

THIS BENEFICIAL USE CLAIM IS BASED ON DECREED WR 43-00270 AND
STATUTORY CLAIM 43-04142. TRIBUTARY IS RAFT RIVER NOT SNAKE R.
P/U FOR DOMESTIC & STOCK USE NOT GIVEN.

OTHER WATER RIGHTS:

A43-00267, -00268, -00269, -00270, -00271.

15. Basis of Claim: BENEFICIAL USE

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 _____

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MAR 02 1993

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 A43-00270

Date Received _____

Receipt Number _____

RECEIVED

JUN 09 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) DeWayne R. Anderson Phone (208) 638-5583Mailing Address Box 743, Elba, Idaho Zip 833262. Date of Priority (Only one (1) per claim) June 1, 18733. Source of water supply (a) Cassia Creek
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 13S Range 25E Section 29,
SW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of CassiaAdditional points of diversion if any: NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Claimant's diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ is from the end of a branch of Cassia Creek known as the Rice Leasy ditch. Water is diverted to claimant at the point through headgate and excess is returned to Cassia Creek. Water is diverted at both locations in ditches of claimant and spread upon claimant's lands by gravity irrigation. Domestic use is 100 ft. deep well with 6 in. casing, 1 $\frac{1}{2}$ H.P. pump and lines to house and corrals. Stockwater use is from creek and well.

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MAR 02 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 2.1 or _____
 For Stockwater purposes from 1/1 to 12/31 amount .03 or _____
 For Domestic purposes from 1/1 to 12/31 amount .04 or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.17 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 339 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) One household and beef cattle of 100 head

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
13S	25E	29				5									25	5		16	51
		28						27				30	5						62

Total number of acres irrigated 113

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes X No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Rock Springs Gulch Creek (Rocky Gulch) and Quacking Asp Spring or None ()

14. Remarks: Springs and sub water from irrigation also used by claimant in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29.

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MAR 02 1993

Last Name Anderson Ident No. _____

Copies: White -State, Yellow-Claimant

R 23

T 1415

GULCH CREEK

IRRIGATED
LANDS

T 13 S, R 25 E

38
T 1416

DISSECTION
POINT

DITCH

DISSECTION
POINT

14.2

110.4

2

233

3

11.8

HEL

29

28

21.7

HEL

32

33

ROAD

43

T 1421

QUICKING
ASP SPRING

Last Name Anderson

Ident. No.

MICROFILMED

MAR 02 1993

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree ☒

If applicable provide IDWR Water Right Number _____ Amended Dec. 6, 192
Court U.S. District Court Case Number 992 Decree Date Oct. 18, 1928
Plaintiff vs Defendant Albion Idaho Land Company v. Adams, et al.

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 do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) DR Anderson Date 6-8 1989

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Minidoka) SS.

Subscribed and sworn (or affirmed) before me this 8th day of June 19 89

SEAL

Notary Public Roger D. Ling

Residing at Rupert, Idaho

My Commission Expires 10/30/94

Please Print Name

17. Notice of Appearance:

Roger D. Ling

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Roger D. Ling

Address P.O. Box 696, Rupert, Idaho 83350

Date June 8, 1989

Last Name Anderson Ident. Number _____

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MAR 02 1993

Copies White-State, Yellow-Claimant

Old (D) Number -

[illegible]

1 -
2 -
3 -
City
Phone

	+ -	- Priority Date	- - +	+ - - - Region	- - - +	+ - - Stage	- - - +	+ - - Status	- - - +
				17		D - DECREE			
		06/01/1873							

```

+ - - - - Source - - - - - +
CASSIA CREEK
+ - - - - Tributary - - - - - +
RAFT RIVER

```

Twn	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion
+	-	-	-	-	-	-	-

Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume
+	-	-	-	-	-	+

2.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
2.000

	Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
--	-----	-----	-----	-------	-----	-------	--------------	-------------	--------

13S	25E	28	SW NW	01	IRRIGATION	31	CASSIA
13S	25E	28	NW SW	01	IRRIGATION	31	CASSIA
13S	25E	28	SW SW	01	IRRIGATION	31	CASSIA
13S	25E	29	NE SE	01	IRRIGATION	31	CASSIA
13S	25E	29	SE SE	01	IRRIGATION	31	CASSIA

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - -

	Remarks	
	No Remarks found.	

+ - - - - +
- - - - -
+ - - - - +

- - Conditions of Approval - - - - -
No Conditions of Approval found.

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Water right number - 43-00270

+ - - - Decree plaintiff - - - +

JOBE ADAMS ET. AL., AMENDED

+ - - Audit Fields -

[illegible]

Proof Due Date	-	00/00/0000
Approved/Denied	-	00/00/0000
Proof Made Date	-	00/00/0000
Start Work Date	-	00/00/0000
Order Show Cause	-	00/00/0000
Licensed Date	-	00/00/0000
Decree Date	-	04/08/1929

Field Exam Made	-	00/00/0000	Field Exam Fee	-
Protested Date	-	00/00/0000	Swan Falls	-
Hearing Date	-	00/00/0000	Temporary Right	- P
Verified Date	-	05/20/1985	DLE/Caray Act	-
Receipt Number	-		Water District	- 43C
Appl Received	-	00/00/0000	Transfer/Amended	-

Field Exam Fee
Swan Falls
Temporary Right
DLE/Carey Act
Water District
Transfer/Amended

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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 43-04142 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
ANDERSON

DEWAYNE R.

1 - BOX 473
2 -
3 -

State- ID Zip- 83326

City- ELBA
Phone -

VERDA

1 - BOX 473
2 -
3 -

State- ID Zip- 83326

City- ELBA
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1873 17 S - STATUTORY CLAIM

+ - - Source - - - - - + + - - - - - Tributary - - - - - +
SPRINGS CASSIA CREEK

+ - - - - - - - - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

13S 25E 29 NE SE (31) CASSIA
13S 25E 29 SE SE (31) CASSIA

+ - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume
Code Description Period From Period To

01 - IRRIGATION 04/01 11/01 0.600
04 - STOCKWATER 01/01 12/31 0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.600

+ - - - - - - - - - - - Place of Use - - - - - Description County
TwN Rng Sec Tract Lot Acres Code

13S 25E 29 NE SE 20.0 01 IRRIGATION (31) CASSIA
13S 25E 29 SE SE 10.0 01 IRRIGATION (31) CASSIA

Total Acres: 30.0

+ - - Diversion Means - PIPELINE, DITCHES

+ - - Non-Irrigation Use - S/80 SHEEP

+ - - Other Rights for Same Use -

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MAR 02 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

.Aug. 25 1989

Re: A43-00267
A43-00268
A43-00269
A43-00270
A43-00271

•DEWAYNE R ANDERSON
•P O BOX 743
•ELBA ID 83326

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of you claim(s), please contact this office.

Yours truly,

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

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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MAR 02 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-00270
DEWAYNE R. ANDERSON
P.O. BOX 743

ELBA

ID 83326

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date**, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date"**.

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

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MAR 02 1993

LING, NIELSEN & ROBINSON

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON
DAVID W. HALEY
BRENT C. TINGEY

ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

January 13, 1992

RECEIVED

JAN 15 1992

Department of Water Resources
Southern Region Office

Mr. Allen Merritt, P.E.
Water Rights Supervisor
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Snake River Adjudication Claim No. A43-00270
Duane R. Anderson - Claimant

Dear Mr. Merritt:

I was recently provided a copy of your letter to Duane R. Anderson dated December 5, 1991 in regard to the above claim. In that form letter, you requested evidence of priority relating to this claim by February 3, 1992.

I have several concerns with this letter, the first of which is that the Department is not providing the attorney of record on these claims a copy of such notices. This gives me a great deal of concern, as some of my clients may be receiving such notices and believe that I, as their attorney, have also received the notice and will respond. Hopefully, this is not the case, but it certainly could occur. My second concern is the lack of detail in your letter and the Claims Proof Reading Report. My review of the Decree in the Albion-Idaho Land Company, Case No. 992, filed April 15, 1929, indicates that a Decree was granted for 2.1 cfs for the irrigation of 113 acres described in the claim, with a priority date of June 1, 1873. We included in this claim a claim for a domestic and stockwater use with that same priority, for the reasons that a homestead existed at the time the water was first diverted, establishing the right to the Decree. Within the memory of man, that homestead has existed since that date and has used water for domestic and stockwater purposes. We certainly would be able to provide a copy of the deed or patent, showing the ownership of the land at that time. However, we have no individuals living, to our knowledge, that could testify as to the fact that water was used in conjunction with this homestead for domestic and stockwater uses. Ultimately, domestic use and stockwater use was diverted from a shallow

I talked with Mr. Ling 5/14/92 and we discussed this matter. He indicated Mr. Anderson has died and Mr. Ling will provide evidence of priority.

AD

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Mr. Allen Merritt
January 13, 1992
Page 2

well, which we believe is or could be considered tributary to Cassia Creek.

Would you please advise us as to whether or not your concern is with the domestic and stockwater claim included, or relates to the entire claim. If it relates to the entire claim, we will attempt to obtain a copy of the Decree above-referred to. However, the Decree should be described in your records, showing a right to 2 cfs and an additional .1 cfs for five (5) acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and was ultimately purchased to apply to the land described from Merritt Bucher before 1922.

Very truly yours,



Roger D. Ling

RDL:rah

cc: Duane R. Anderson

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MAR 02 1993