

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

08/18/2006

NOTICE OF ERROR
REPLY

RECEIVED

SEP 15 2006

IDWR/North

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: September 22, 2006

Water right number: 79-4120

ALBERT W MILLS
HC 1 BOX 65A
WHITE BIRD ID 83554
Telephone Number: (208)839-2385

THERESA A MILLS
HC 1 BOX 65A
WHITE BIRD ID 83554
Telephone Number: (208)839-2385

CORRECT ADDRESS SINCE 2001

HCO1 BOX 50

White Bird, Id. 83554

SAME AS ABOVE

made chg
9-18-06
AS

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

SLATE CREEK, Quantity 0.030 CFS
02/15 11/30 AS STATED IN 08/18/2006

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

RETAIN QUANTITY OF 0.060 CFS

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

OUR IRRIGATION NEEDS REQUIRE ALL OF
0.060 CFS - WE HAVE ORCHARD, GARDEN &
LAWN AREA

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

Albert Mills

08/18/2006

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

RIGHT NUMBER. 79-4120
NAME AND ADDRESS: ALBERT W MILLS
HC 1 BOX 65A
WHITE BIRD ID 83554

THERESA A MILLS
HC 1 BOX 65A
WHITE BIRD ID 83554

SOURCE: SLATE CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.030 CFS
PRIORITY DATE: 07/01/1967
POINT OF DIVERSION: T27N R01E S36 NENW Within IDAHO County
PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	02/15 11/30	0.030 CFS
PLACE OF USE:	<u>IRRIGATION Within IDAHO County</u>		
	T27N R01E S36 NENW	0.80	
	0.8 ACRES TOTAL		

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

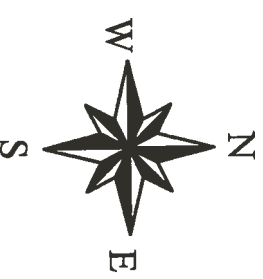
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

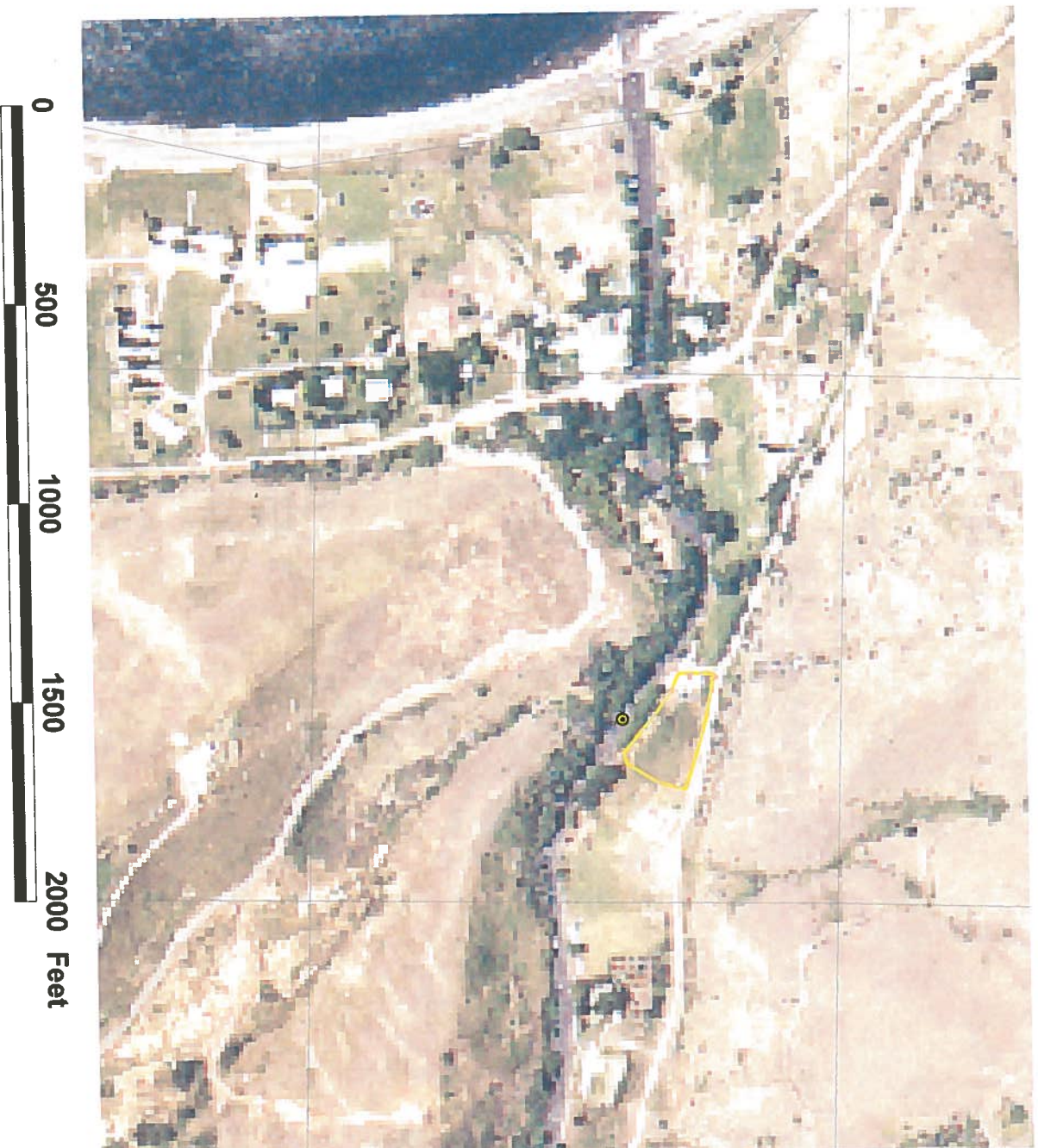
79-4120

T27N R01E
Section(s) 36

● Point of Diversion
□ Place of Use



Map prepared by: Greg Taylor
Date Prepared: February 11, 2005
Photography: Aerial photo
Idaho 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 79-4120
Date Received: 5/25/88
Receipt No: C000919
Received By:

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

1. Name of Claimant(s): ALBERT W MILLS Phone: (208) 839-2385
HC 1 BOX 65A
WHITE BIRD ID USA 83554

THERESA A MILLS Phone: (208)839-2385
HC 1 BOX 65A
WHITE BIRD ID USA 83554

2. Date of Priority: 07/01/1967

3. Source: SLATE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
27N	01E	36	NE NW	IDAHO	

5. Description of diverting works:

PUMP, PIPELINE & SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.06	

7. Total Quantity Appropriated is:
0.06 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
27N	01E	36	NE NW		IRRIGATION	1
					Section Acres	1
					Total Acres	1

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:

14. Remarks:

Ownership changed by DB 2/14/2001.

15. Basis of Claim: Beneficial Use

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

RECEIVED
FEB 09 2001
WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
79-10106					
A79-04120					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) NELDA DARLENE LONG
4. New Owner/Claimant(s) 522 COTTONWOOD STREET Apt #108
WOODLAND, CA. 95695
- Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address ALBERT W. MILLS AND THERESA A. MILLS
4001 BOX 65A
- City, State and ZIP Code WHITE BIRD, ID. 83554
- New Telephone Number (208)-839-2385
5. Date you acquired the property 1-31-01

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

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

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

7. Signature of New Owner(s) or Claimant(s) Robert W. Math
(include title if applicable) Theresa A. Miller

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

No fee for A79-04120

TRUE AND CERTIFIED COPY

WARRANTY DEED

0415312

THIS INDENTURE, by and between **NELDA DARLENE LONG, an unmarried woman**, hereinafter referred to as Grantor, and **ALBERT W. MILLS and THERESA A. MILLS, husband and wife**, of HC 01 Box 65-A, White Bird, Idaho 83554 hereinafter referred to as the Grantees;

WITNESSETH:

That the said Grantors, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations to them in hand paid by the said Grantees, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents do grant, bargain, sell, convey and confirm unto the said Grantees, their heirs and assigns, all the following described real property situate in the County of Idaho, State of Idaho, to wit:

**Township 27 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 36: A parcel of land located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, more particularly described as follows:**

BEGINNING at a point on the Southerly line of the County Road, from which point the West 1/16 corner common to Sections 25 and 36, said Township and Range, bears N63°11'W, 667.6 feet;

Thence S69°E, 260 feet along the Southerly line of said County Road to a 5/8" x 30" rebar, from which point the said W 1/16 Corner bears N64°48'W, 926.6 feet and the N $\frac{1}{4}$ Corner of said Section 36 bears N51°01'E, 603.3 feet;

Thence S78°33'E, 25 feet along the Southerly line of said County Road;

Thence S22°25'W, 100 feet, to a 5/8" x 30" rebar;

Thence S22°25'W, 50 feet, to the center of Slate Creek;

Thence N78°33'W, 25 feet, along the center of Slate Creek;

Thence N54°53'W, 266.4 feet, along the center of Slate Creek;

Thence N22°25'E, 85 feet to the PLACE OF BEGINNING.

All bearings being based on the stated direction of U.S. Forest Road 233.5 Survey.

TOGETHER WITH, all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, the reversion and reversions, the remainder and remainders, rents, issues, and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity of the said Grantors.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantees, their heirs and assigns forever.

And the said Grantors, for themselves, their heirs, executors, and administrators, do covenant, grant, bargain, and agree to and with the said Grantees, their heirs and assigns, that at the time of the ensembling and delivery of these presents they were well seized of the premises above conveyed as of good, sure, perfect, absolute, and indefeasible estate of inheritance, in fee simple, and have good right, full power, and lawful authority to grant, bargain, sell, and convey the same in the manner and form aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments, and encumbrances of whatever kind or nature whatsoever. **EXCEPT:**

- (1.) Taxes for the year 2001 are an accruing lien not yet due or payable.
- (2.) EASEMENT dated December 17, 1930 by and between E.J. NICHOLS and MINNIE NICHOLS and THE PACIFIC TELEPHONE and TELEGRAPH COMPANY, including the terms and conditions thereof, recorded February 11, 1931 as Instrument Number 94935, records of Idaho County, Idaho.
- (3.) RIGHT OF WAY EASEMENT dated June 10, 1992 by and between SHEILA LIVINGSTON and IDAHO COUNTY LIGHT AND POWER COOPERATIVE ASSOC., INC., a corporation,

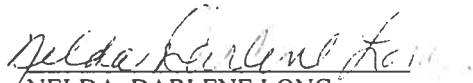
including the terms and conditions thereof, recorded June 15, 1992 as Instrument Number 363769, records of Idaho County, Idaho.

- (4.) Any claim arising from the changes in the center line of Slate Creek and the center line described in the legal description of the subject property.
- (5.) Right, title and interest of the State of Idaho within the natural bed of the Slate Creek below the ordinary high water line, and also excepting any artificial accretions waterward of said ordinary high water line.
- (6.) Matters as shown on Surveys: recorded May 15, 1981 as Instrument Number 291057; recorded November 13, 1981 as Instrument Number 295216; recorded February 27, 1985 as Instrument Number 318615; recorded July 9, 1991 as Instrument Number 359034, records of Idaho County, Idaho.

And that the above bargained premises, in the quiet and peaceable possession of the said Grantees, their heirs and assigns, against all and every person or persons lawfully claiming or to claim whole or any part thereof, the said Grantors will and shall WARRANT AND FOREVER DEFEND.

That this Deed is given by Grantors to Grantees not on account of any default in any security agreements or arrangements which pertain to the real property hereinabove written and described, but is given for full consideration paid by Grantees to Grantors.

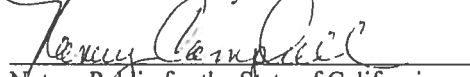
IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals this 25th day of January, 2001.


NELDA DARLENE LONG

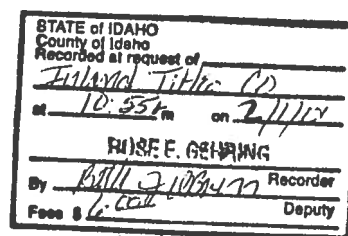
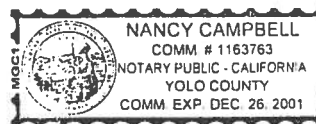
State of California)
County of Volco) ss

On January ~~25th~~ ^{25TH}, 2001 before me, NANCY CAMPBELL, personally appeared NELDA DARLENE LONG, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.


Notary Public for the State of California
My commission expires: 12/26/2001

Seal



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: A79-04120
Date Received: 5/25/1988
Receipt No: C000919
Received By: _____

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

1. Name: HERBERT D LONG
Address: HC 01 BOX 50
WHITEBIRD ID 83554

Name: N DARLENE BIGGS
Address: HC 01 BOX 50
WHITEBIRD ID 83554

2. Date of Priority: JUL 1, 1967

3. Source: SLATE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
27N	01E	36	NE	NW			IDAHO

5. Description of diverting works:
PUMP, PIPELINE & SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

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AUG 08 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
27N	01E	36	NE	NW		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	1.0
					Total Acres	1.0

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: 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: _____

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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 _____

MICROFILMED

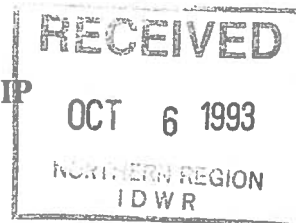
AUG 08 1994



NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
 (see instructions on back of page)

RECEIVED
 OCT 12 1993
 Idaho Department of Water Resources



DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 27N Range 1E
 Section 36, 1/4 of NE 1/4 of NW 1/4 Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
 Assigned by IDWR: 79-4120

☐ Name and Address of Former
 Owner/Claimant(s)(Seller): ROSS M. LIVINGSTON

HCO 1 Box 50

WHITEBIRD, ID. 83554

☐ New Owner/Claimant
 (Purchaser): _____

☐ New Mailing Address: HERBERT D. LONG AND N. DARLENE BIGGS

HCO 1 Box 50

WHITEBIRD, ID. 83554

☐ New Telephone Number: () _____

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of _____
 proof attached: _____

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

☐ Signature of New
 Owner/Claimant(s) Herbert D. Long

Date 10-4-93

N. Darlene Biggs

Date 10-4-93

☐ Signature of Former
 Owner/Claimant(s): _____

Date _____

Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10-15-93 By: Jed

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 10-15-93 By: Jed

Claim Numbers of Split, if any:

MICROFILMED
 AUG 08 1994

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

RECEIVED

370617

OCT 6 1993

NORTHERN REGION
IDWRWARRANTY DEED

TRACTED ()

FILMED ()

ASSESSOR ()

THIS INDENTURE, Made on this 13 day of Sept, 1993, by and between ~~SHELLA LIVINGSTON~~, a single woman, hereinafter referred to as party of the first part, and HERBERT D. LONG and N. DARLENE BIGGS, *joint tenants with right of survivorship* ~~husband and wife~~, hereinafter referred to as the parties of the second part.

W I T N E S S E T H :

That the said party of the first part, for and in consideration of good and valuable consideration, to her in hand paid by the parties of the second part, the receipt thereof is hereby acknowledged, by these presents does hereby grant, bargain, sell, convey and confirm, unto the said parties of the second part, and to their, successors and assigns forever, the following described real property, situated in the County of Idaho, State of Idaho, to wit:

See Exhibit "A" attached hereto and incorporated herein as if set forth in full.

SUBJECT to Reservations in patents or state grants; or in acts authorizing the issuance thereof; mineral rights, water rights, claims or title to minerals or water.

TOGETHER WITH ALL AND SINGULAR, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances, unto the said parties of the second part, and to their heirs, successors and assigns forever.

And, party of the first part and her heirs, successors and

1 assigns, hereby covenants to and with said parties of the second
2 part and their heirs, successors and assigns the party of the first
3 part is lawfully seized in fee simple of the above granted premises
4 free from all encumbrances and that the party of the first part
5 will warrant and defend the above premises against all and every
6 person and persons whomsoever lawfully claiming or to claim the
7 same.

8
9 IN WITNESS WHEREOF, the party of the first part has hereunto
10 set her hand and seal in the day and year hereinabove first
11 written.

12 Sheila Livingston
SHEILA LIVINGSTON

13 STATE OF IDAHO)
14 County of Blaine) ss.

15 On this 13 day of Sept., 1993, before me, the undersigned a
16 Notary Public in and for the State of Idaho, personally appeared
17 SHEILA LIVINGSTON, known to me to be the person whose name is sub-
scribed to the within and forgoing instrument, and acknowledged to
18 me that she executed the same.

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

22 Mary E. Underwood
Notary Public in and for the
23 State of Idaho; Residing at
24 Idaho Falls, therein.
My commission expires: 7-8-96

25 **MAIL DEED TO:**

26 HERBERT D. LONG
27 N. DARLENE BIGGS

28 **MAIL TAX NOTICES TO:**

HERBERT D. LONG
N. DARLENE BIGGS

P.O. Box 5813

Idaho Falls, ID 83403

STATE of IDAHO	
County of Idaho	ss
Recorded at request of <u>Inland Title</u>	
at <u>55</u> minutes past <u>10</u> o'clock <u>A</u> M,	
this <u>14</u> day of <u>Sept.</u> , 19 <u>93</u>	
ROSE E. GETTING	
By <u>Ruth L. Underwood</u>	Recorder
Fees \$ <u>1.00</u>	Deputy

PAGE -2-
WARRANTY DEED

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AUG 08 1994

EXHIBIT "A"

A parcel of ground situated in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 27 North, Range 1 East, Boise Meridian, Idaho County, Idaho, more particularly described as follows: Beginning at a 5/8" x 30" rebar set on the South line of the County Road, from which point the West 1/16 corner between Sections 25 and 36 bears N. 64°48' W., 926.6 feet and the North Quarter corner of said Section 36 bears N. 51°01' E., 603.3 feet,

thence S. 22°25' W., 150 feet to the center line of Slate Creek,
thence S. 78°33' E., 25 feet along the center of Slate Creek,
thence N. 22°25' E., 50 feet to a 5/8" x 30" rebar,
thence continuing N 22°25' E., 100 feet to a 5/8" x 30" rebar set on the South line of said road,
thence N. 78°33' W., 25 ft. along said South line to the place of beginning.

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AUG 08 1994

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: A79-04120
Date Received: 5/19/1988
Receipt No: C000919
Received By: entered S. L.
7-29-88

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROSS M. LIVINGSTON
Address: HC01, BOX 50
WHITE BIRD, ID 83554
208-839-2458
2. Date of Priority: JUL 01, 1967
3. Source: SLATE CREEK Trib. to: SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
27N	01E	36	NE		NW		IDAHO
5. Description of diverting works:
PUMP, PIPELINE & SPRINKLER SYSTEM
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		
7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
27N	01E	36	NE	NW		IRR	1.0
Section Acres							1.0
Total Acres							1.0

A79-04120

Page 1

Date: 07/29/88

MICROFILMED

OCT 06 1992

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: 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 _____

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: 39356

Ident. Number A79-04120Date Received 5-19-88Receipt Number 48745C000919

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Ross M. Livingston Phone (208) 839-2458Mailing Address ACO. 1 Box 50 Whitebird Id Zip 835542. Date of Priority (Only one (1) per claim) 7-1-19673. Source of water supply (a) Slate Creek
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 27N Range 1E Section 36,
1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of Idaho

Additional points of diversion if any: _____

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. Pump with pipeline & Sprinkler
system

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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 0.06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.06 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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	
27N	1E	36				1													1

Total number of acres irrigated 1

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

12. Do you own the property listed above as place of use? Yes ☒ 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.
_____ or None (☒)

14. Remarks:

Last Name Livingston Ident No. 79-4120

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Copies: White - State Yellow - Claimant

Scale: 2 inches equals 1 mile

T 27 N R 1 E

Point of Divergence

Slate creek

36

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Last Name Livingston

Ident No. 79-4120

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 79-4120
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) x Ross M. Livingston Date 5-19-88

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 Idaho) SS.

Subscribed and sworn (or affirmed) before me this 19th day of May 19 88

SEAL

Notary Public Carter F. Fitch

Residing at Engle, Id

My Commission Expires 3-21-94

Please Print Name

17. Notice of Appearance:

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 _____

Address _____

Date _____

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OCT 06 1992

Last Name Livingston Ident. Number _____

Copies White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 14, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ALBERT W MILLS
THERESA A MILLS
HC 01 BOX 65A
WHITEBIRD ID 83554

Re: Notice of Claim to a Water Right No. A79-04120

Dear Claimants:

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

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

Water right number 79-10106 has been decreed by the SRBA Court, and is being processed at our State Office. If you have questions regarding that change, please contact Karilynn Townsend at 327-7900.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB:db

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 15, 1993

Re: Notice of Claim to a Water Right No. A79-04120

Herbert D. Long
N. Darlene Biggs
HC 01 Box 50
Whitebird, ID 83554

Mr. Long & Ms. Biggs:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

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

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

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1
Enclosure

cc: Ross Livingston

MICROFILMED
AUG 08 1994

AL
MILLS -
SLATE
CR.

839-2385

15 gpm 1 HP

2 pumps - other is

4 HP.