

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: A71-00026
Date Received: 8/30/1993
Receipt No: W006715
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: THEODORE M WELP
Address: 13891 E SPEEDWAY RD
TUCSON AZ

85748

602-885-4566

AND

Name: D ELAINE WELP
Address: 13891 E SPEEDWAY RD
TUCSON AZ

85748

602-885-4566

2. Date of Priority: MAY 1, 1902

3. Source: IRON CREEK

Trib. to: VALLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	13E	5		SE	SE		CUSTER
		7		SE	NE		CUSTER
		8		NW	NW		CUSTER

5. Description of diverting works:
HEADGATES, DITCHES, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.000		

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

8. Total consumptive use is 548.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10N	13E	4	NE		SW		IRR	15.0
			NW		SW		IRR	25.0
							Section Acres	40.0
		5	SW		NE		IRR	15.0
			SE		NE		IRR	3.0
			SW		NW		IRR	20.0
			SE		NW		IRR	16.0
			NE		SW		IRR	40.0
			NW		SW		IRR	38.0
			SW		SW		IRR	30.0
			SE		SW		IRR	25.0
			NW		SE		IRR	40.0
			SW		SE		IRR	15.0
							Section Acres	242.0
		6	SE		NE		IRR	10.0
							Section Acres	10.0
							Total Acres	292.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
71-00027

14. Remarks:

THIS CLAIM REPRESENTS AN AMENDMENT OF CLAIM A71-10628 INWHICH BOTH 71-00026 & 71-00027 WERE COMBINED. BY AMENDING THIS CLAIM RIGHT 71-00026 IS BEING SEPARATED PRESERVING THE 5/1/1902 PRIORITY. A SEPARATE CLAIM FOR RIGHT 71-00027 WITH THE 6/1/1902 PRIORTIY IS BEING FILED IN CONJUNCTION WITH THIS AMENDMENT.

5/21/97 tf; OWNERSHIP CHANGED OCAMICA TO WELP PER WARRANTY DEED RECEIVED 6/17/94.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

DAN J. CAVANAGH

Decree Plaintiff

WM. MERRITT, ET AL.

vs

Decree Defendant



RECEIVED

JUN 17 1994

Department of Water Resources
Southern Region Office

June 7, 1994

Idaho Department of Water Resources
Souther Region
222 Shoshone Street East
Twin Falls, ID 83301

Re: Order No. 19811

Ptn. Sections 4, 5, & 6 T10N, R13E B.M. - Custer County
Welp/Ocamica, TTEE of Trusts A and C

Dear Ladies:

In connection with the above mentioned order, please find attached copies/originals of the following documents:

 x New Property Owner/Notice of Change of Water Right Ownership. **ORIGINAL.**

If you have any questions, please feel free to call me.

Sincerely,

SAWTOOTH TITLE COMPANY


Jan L. Burrell
Vice President

JLB/nls

Attachments



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

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

DATE OF CLOSING: June 1, 1994

JUN 17 1994

LEGAL DESCRIPTION OF PROPERTY: Township 10 N. Range 13 E. Department of Water Resources
Section 4, 5 & 6, 1/4 of 1/4 of 1/4, Govt. Lot , BM. Southern Region Office
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet. See attached description.

- ☐ 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: 71-0026 (A 71-00026), 71-0027 (A 71-00027) & A 71-10059
- ☐ Name and Address of Former Owner/Claimant(s) (Seller): Marie L. Ocamica
6098 Plantation
Boise, ID 83703
- ☐ New Owner/Claimant (Purchaser): Theodore M. Welp and D. Elaine Welp
- ☐ New Mailing Address: 13891 E. Speedway Road
Tucson, AZ 85748
- ☐ New Telephone Number: (602) 885-4566
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: See attached Deed
(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): *Theodore M. Welp* Date June 1, 1994
D. Elaine Welp Date June 1, 1994
- ☐ Signature of Former Owner/Claimant(s): *Marie L. Ocamica* Date June 1, 1994
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: _____ By: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

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

RECEIVED

P02

206543

JUN 17 1994

Department of Water Resources
Southern Region Office

WARRANTY DEED

FOR VALUE RECEIVED, MARIE L. OCAMICA as Trustee of Trust C of The Tom and Marie Ocamica Family Trust U/T/A dated December 5, 1991, as to an undivided 59.97016% interest and MARIE L. OCAMICA as Trustee of Trust A of the Tom and Marie Ocamica Family Trust U/T/A dated December 5, 1991, as to an undivided 40.02984% interest, hereinafter referred to as the Grantor, hereby grants, bargains, sells and conveys unto THEODORE M. WELP and D. ELAINE WELP, whose address is 13891 E. Speedway Road, Tucson, Arizona 85748, hereinafter referred to as the Grantee, the following described premises situated in Custer County, State of Idaho, to-wit:

Land

The following real property located in Township 10 North, Range 13 East, Boise Meridian, Custer County, Idaho:

The N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4;
U.S. Government Lots 1 and 2, the S $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, and the S $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5; and
The SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6.

SUBJECT TO taxes and assessments for the year 1994 and easements, reservations and restrictions of record or apparent including without limitation, easements recorded as Instrument no. 143240, 143241 and 142355 and right of way deeds recorded in Book 20 of Deeds at page 410 and Book 36 of Deeds at page 335, records of the Custer County Recorder, Custer County, Idaho, and subject to Public Law 92-400 creating the Sawtooth National Recreation Area and regulations promulgated thereunder, published March 29, 1974 in Volume 39, Federal Register, pages 11544 and 11547.

EXCEPTING THEREFROM the following seven parcels of land:

Parcel No. 1

A parcel of land in U.S. Government Lot 1, Section 5, Township 10 North, Range 13 East, Boise Meridian, more particularly described as follows:

Commencing at the Northeast corner of Section 5, Township 10 North, Range 13 East, Boise Meridian;

THENCE South 89°46' West, 872.00 feet along the Section Line to the point of beginning;

THENCE continuing South 89°46' West along the Section line 436.00 feet;

THENCE South 00°09' West, 1000.00 feet;

THENCE North 89°46' East 436.00 feet;

0206543

WARRANTY DEED 1
OCAMICA\WARRANTY.DED

Custer County Reg. of
Sawtooth Title Co.

Time 2:55 P.M.

June 6 1994
Ethel M. Peck, Clerk
Wendy Murphy
Deputy
\$ 21⁰⁰

THENCE North 00°09' East 1000.00 feet to the point of beginning, containing 10.009 acres, more or less.

Parcel No. 2

A parcel of land in U.S. Government Lot 1, Section 5, Township 10 North, Range 13 East, Boise Meridian, Custer County, Idaho, described as follows:

Beginning at the Northeast corner of Section 5, Township 10 North, Range 13 East, Boise Meridian;

THENCE South 89°46' West along the Section Line 436.00 feet;

THENCE South 00°09' West, 1000.00 feet;

THENCE North 89°46' East, 436.00 feet to the East line of Section 5;

THENCE North 00°09' East, 1000.00 feet along the East line of Section 5 to the point of beginning containing 10.009 acres, more or less.

Parcel No. 3

A parcel of land in U.S. Government Lot 1, Section 5, Township 10 North, Range 13 East, Boise Meridian, Custer County, Idaho, described as follows:

Commencing at the Northeast corner of Section 5, Township 10 North, Range 13 East, Boise Meridian;

THENCE South 89°46' West, 436.00 feet along the Section Line to the point of beginning;

THENCE continuing South 89°46' West along the Section Line 436.00 feet;

THENCE South 00°09' West 1000.00 feet;

THENCE North 89°46' East 436.00 feet;

THENCE North 00°09' East 1000.00 feet to the point of beginning, containing 10.009 acres, more or less.

Parcel No. 4

A fraction of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5 in Township 10 North, Range 13 East, Boise Meridian, more particularly described as follows, to-wit:

Beginning at a steel pin which lies North 89°19' West along the Section Line, 1318.35 feet from the Section Corner common to Sections 5, 4, 8 and 9, Township 10 North, Range 13 East, Boise Meridian;

THENCE continuing along the Section Line North 89°19' West, 649.45 feet to a steel pin;
 THENCE North 00°54' East, 859.76 feet to a steel pin on the Southerly right-of-way line of State Highway No. 21;
 THENCE South 80°49'15" East along said right-of-way line 656.66 feet to a steel pin;
 THENCE South 00°54' West, 762.70 feet to the point of beginning, contain 12.102 acres;

Parcel No. 5

A parcel of land in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 10 North, Range 13 East, Boise Meridian, Custer County, Idaho, more particularly described as follows, to-wit:

Beginning at a steel pin which lies North 89°19' West, 1967.80 feet along the Section Line from the Section Corner common to Sections 4, 5, 8 and 9, Township 10 North, Range 13 East, Boise Meridian;
 THENCE continuing along said Section Line North 89°19' West, 484.97 feet;
 THENCE North 00°54' East, 932.17 feet to a point on the Southerly right-of-way line of State Highway 21;
 THENCE South 80°49'15" East along said right-of-way line 490.00 feet;
 THENCE South 00°54' West, 859.76 feet to the point of beginning, containing 10.026 acres, more or less, and

Parcel No. 6

A parcel of land in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 10 North, Range 13 East, Boise Meridian, Custer County, Idaho, more particularly described as follows, to-wit:

Beginning at a steel pin which lies North 89°19' West 2452.77 feet along the Section Line from the Section Corner common to Sections 4, 5, 8 and 9, Township 10 North, Range 13 East, Boise Meridian;
 THENCE continuing along said section line North 89°19' West 230.03 feet to a steel pin which lies North 89°19' West, 47.03 feet from the South $\frac{1}{4}$ Section Corner of Section 5;
 THENCE North 00°54' East, 966.53 feet to a point on the Southerly right-of-way line of State Highway 21;

THENCE South 80°49'15" East, along said right-of-way line 232.41 feet;
 THENCE South 00°54' West, 932.17 to the point of beginning, containing 5.029 acres, more or less.

Parcel No. 7

Parcels of land being on both sides of the center line of State Highway No. 21, Project No. FH-25-6(2) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the SE¼NE¼ of Section 6 and the SW¼ and the SW¼SE¼ of Section 5, Township 10 North, Range 13 East, Boise Meridian, described as follows, to-wit:

Commencing at the West quarter corner of Section 5, Township 10 North, Range 13 East, Boise Meridian;

THENCE Southerly along the West line of said Section 5 a distance of 270.00 feet, more or less, to a point in a line parallel with and 66.00 feet Northeasterly from the center line of said state Highway No. 21, Project No. FH-25-6(2) Highway Survey and being the REAL POINT OF BEGINNING:

THENCE along said parallel line as follows:
 South 49°37'45" East - 725.00 feet, more or less, to a point opposite Station 2994+80.74 of said Highway survey, Southeasterly along a spiral curve left having a central angle of 4°00' a distance of 395.39 feet to a point opposite Station 2998+80.74 of said Highway Survey, Southeasterly along a 2798.79 foot radius curve left 1132.87 feet to a point opposite Station 3010+40.32 of said Highway Survey, Southeasterly along a spiral curve left having a central angle of 4°00' a distance of 395.39 feet to a point opposite Station 3014+40.32 of said Highway Survey, South 80°49'15" East - 1692.00 feet, more or less, to a point in the Easterly line of the SW¼SE¼ of Section 5;

THENCE Southerly along said Easterly line 134.00 feet, more or less, to a point in a line parallel with and 66.00 feet Southerly from the center line of said Highway Survey;

THENCE along said last parallel line as follows:

206543

North 80°49'15" West 1713.00 feet, more or less, to a point opposite Station 3014+40.32 of said Highway Survey, Northwesterly along a spiral curve right having a central angle of 4°00' a distance of 404.61 feet to a point opposite Station 3010+40.32 of said Highway Survey, Northwesterly along a 2930.79 foot radius curve right 1186.29 feet to a point opposite Station 2998+80.74 of said Highway Survey, Northwesterly along a spiral curve right having a central angle of 4°00' a distance of 404.61 feet to a point opposite Station 2994+80.74 of said Highway Survey, North 49°37'45" West 2330.00 feet, more or less, to a point in the West line of the SE¼NE¼ of Section 6, Township 10 North, Range 13 East, Boise Meridian;
THENCE Northerly along said last West line 172.00 feet, more or less to a point in a line parallel with and 66.00 feet Northeasterly from the center line of said Highway Survey;
THENCE South 49°37'45" East along said last parallel line 1720.00 feet, more or less, to the REAL POINT OF BEGINNING.

Excepting from the above Parcel No. 7 all that portion thereof lying in the NE¼SE¼ of Section 6, Township 10 North, Range 13 East, Boise Meridian.

Highway Station Reference: 2970+95 to 2982+69 and 2988+11.96 to 3031+45.

Parcel No. 7 contains approximately 16.69 acres.

Water Rights

The following described water rights and claims to water rights:

- (1) That certain water right decreed to John Brown by the District Court of the Sixth Judicial District of the State of Idaho, County of Custer, Case No. 1363, dated January 16, 1940, in the matter of Cavannaugh v. Merit, et al. and assigned Water Right No. 71-0026 by the Idaho Department of Water resources for 150 miner's inches (3.0 cfs) from Iron Creek, priority May 1, 1902, together with the claim made by the Mortgagee thereon, Claim No. A71-00026, filed in the

District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, Case No. 39567 in the matter entitled In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System.

(2) That certain water right decreed to John Brown by the District Court of the Sixth Judicial District of the State of Idaho, County of Custer, Case No. 1363, dated January 16, 1940, in the matter of Cavannaugh v. Merit, et al. and assigned Water Right No. 71-0027 by the Idaho Department of Water Resources for 200 miner's inches (4.0 cfs) from Iron Creek, priority June 1, 1902, together with the claim made by Mortgagee thereon, Claim No. A71-00027 filed in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, Case No. 39576 in the matter entitled In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System.

(3) That certain claim to a water right filed in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, Case No. 39576 in the matter entitled In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Claim No. A71-10059, 0.180 cfs of water from springs for domestic and irrigation purposes, with an amended claim of priority of June 6, 1924, for the domestic use and a priority of June 1, 1970, for the irrigation use which was for eight acres of pasture.

Improvements to Land

All improvements to the land described above which comprise, in their major portion one dwelling house and its fixtures, one tack shed, one livestock scale, fences and irrigation works.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anyway appertaining, the reversion and reversions, remainder and remainders, rents,

issues and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity.

TO HAVE AND TO HOLD all and singular the property, together with the appurtenances, unto the Grantee, Grantee's successors, heirs and assigns forever.

AND Grantor shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantee, Grantee's successors, heirs and assigns against Grantor and Grantor's successors, heirs and assigns and against all and every person and persons whomsoever lawfully claiming the same.

IN WITNESS WHEREOF, Grantor has hereunto executed this Deed the 1st day of June, 1994.

Marie L. Ocamica
MARIE L. OCAMICA as Trustee for
Trust A and Trust C of The Tom
Marie Ocamica Family Trust

STATE OF IDAHO)
 : ss.
County of Ada)

On this 1st day of June, 1994, before me, the undersigned Notary Public in and for said State, personally appeared Marie L. Ocamica, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of Trust A and Trust C of The Tom and Marie Ocamica Family Trust, and acknowledged to me that such she executed this instrument as the trustee.

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

W. H. H.
Notary Public for Idaho
Residing at Boise Idaho
My Commission Expires 2-27-97

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: A71-00026
Date Received: 11/16/1989 8/30/93
Receipt No: W006715, 062846
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ESTATE OF TOM J OCAMICA 208-853-4640
Address: 6098 PLANTATION
BOISE ID 83703
OR
Name: MARIE L OCAMICA 208-853-4640
Address: 6098 PLANTATION
BOISE ID 83703

2. Date of Priority: MAY 1, 1902

3. Source: IRON CREEK Trib. to: VALLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	13E	5		SE	SE		CUSTER
		7		SE	NE		CUSTER
		8		NW	NW		CUSTER

5. Description of diverting works:
HEADGATES, DITCHES, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.000		

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

8. Total consumptive use is 548.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

COPY

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	13E	4	NE	SW		IRR	15.0
			NW	SW		IRR	25.0
			Section Acres				40.0
		5	SW	NE		IRR	15.0
			SW	NW		IRR	20.0
			SE	NW		IRR	16.0
			NE	SW		IRR	40.0
			NW	SW		IRR	38.0
			SW	SW		IRR	30.0
			SE	SW		IRR	25.0
			NW	SE		IRR	40.0
			SW	SE		IRR	15.0
			SE	NE		IRR	3.0
			Section Acres				242.0
		6	SE	NE		IRR	10.0
			Section Acres				10.0
			Total Acres				292.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
71-00027

14. Remarks:
THIS CLAIM REPRESENTS AN AMENDMENT OF CLAIM A71-10628 INWHICH BOTH 71-00026 & 71-00027 WERE COMBINED. BY AMENDING THIS CLAIM RIGHT 71-00026 IS BEING SEPARATED PRESERVING THE 5/1/1902 PRIORITY. A SEPARATE CLAIM FOR RIGHT 71-00027 WITH THE 6/1/1902 PRIORTIY IS BEING FILED IN CONJUNCTION WITH THIS AMENDMENT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

DAN J. CAVANAGH

Decree Plaintiff

WM. MERRITT, ET AL.

vs Decree Defendant

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	13E	4	NE	SW		IRR	5.0
			NW	SW		IRR	20.0
						Section Acres	25.0
		5	SW	NE		IRR	15.0
			SW	NW		IRR	20.0
			SE	NW		IRR	16.0
			NE	SW		IRR	40.0
			NW	SW		IRR	38.0
			SW	SW		IRR	30.0
			SE	SW		IRR	25.0
			NW	SE		IRR	40.0
			SW	SE		IRR	15.0
						Section Acres	239.0
		6	SE	NE		IRR	10.0
						Section Acres	10.0
						Total Acres	274.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
71-00027

14. Remarks:

THIS CLAIM REPRESENTS AN AMENDMENT OF CLAIM A71-10628 INWHICH BOTH 71-00026 & 71-00027 WERE COMBINED. BY AMENDING THIS CLAIM RIGHT 71-00026 IS BEING SEPARATED PRESERVING THE 5/1/1902 PRIORITY. A SEPARATE CLAIM FOR RIGHT 71-00027 WITH THE 6/1/1902 PRIORTIY IS BEING FILED IN CONJUNCTION WITH THIS AMENDMENT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

DAN J. CAVANAGH
Decree Plaintiff

WM. MERRITT, ET AL.
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

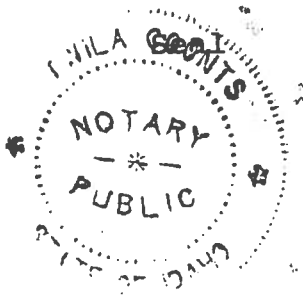
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Marie L. Deanna Date: 8-13-93

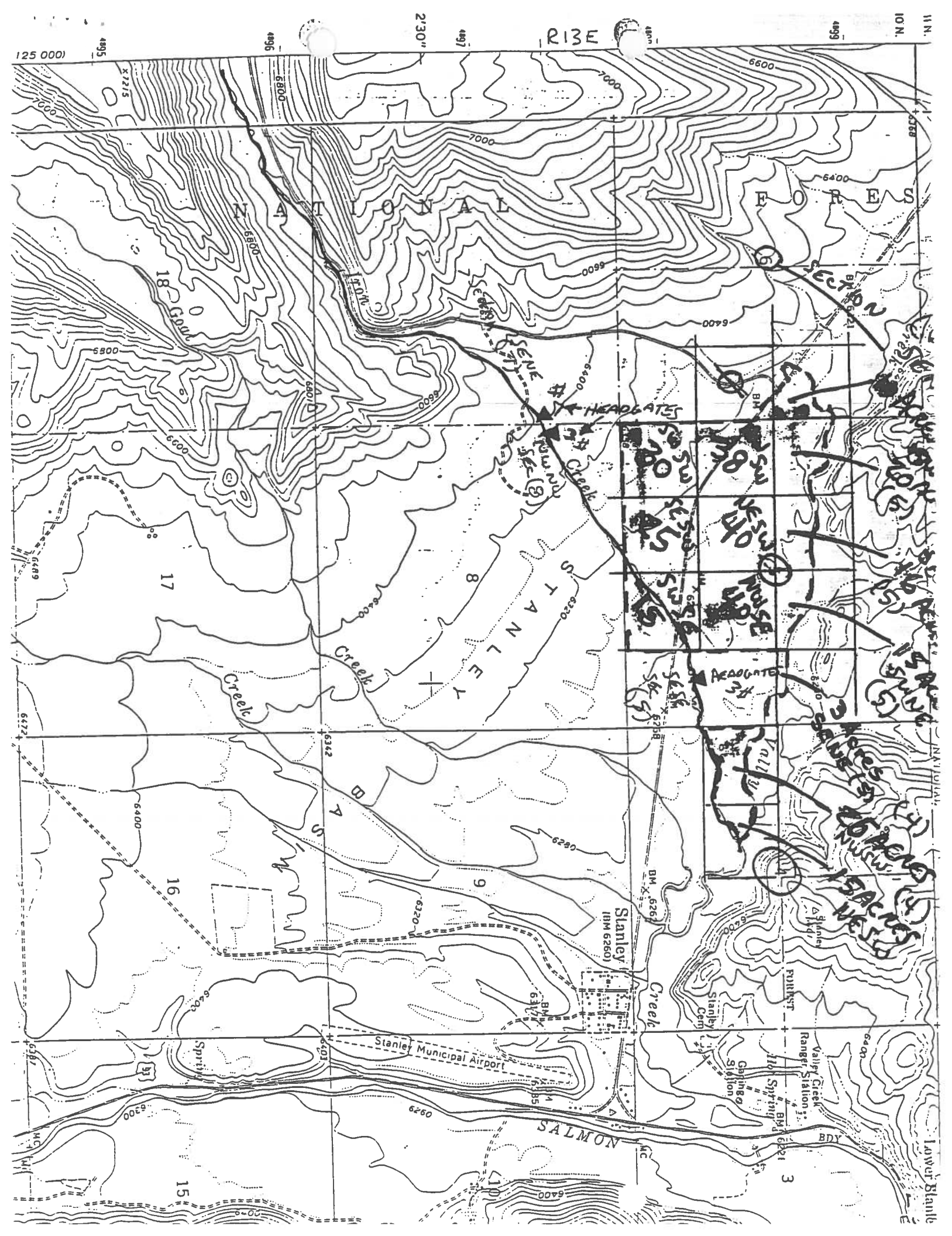
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of August 19 93 Jwila Coontz
Notary Public



Residing at Boide
My Commission Expires 7/9/94





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 12, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

THEODORE M WELP
D ELAINE WELP
PO BOX 270
STANLEY ID 83278

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No. A71-00026B, A71-00027B, A71-10059
Change of Address Notification

Dear Claimant(s):

Thank you for notifying us of your change in Address on the water right claim(s) referenced above. Our records have been updated accordingly. Enclosed you will find computer printouts of your claims showing the requested change.

If you have any questions, please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 12, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

THEODORE M WELP
D ELAINE WELP
PO BOX 270
STANLEY ID 83278

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No. A71-00026B, A71-00027B, A71-10059
Change of Address Notification

Dear Claimant(s):

Thank you for notifying us of your change in Address on the water right claim(s) referenced above. Our records have been updated accordingly. Enclosed you will find computer printouts of your claims showing the requested change.

If you have any questions, please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

71-00027B

AJ0743NP
(00-124)

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

06/22/99 14:24:17
Page 1

Water Right Number - R71-000268

Prefix Translation:

RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

WELP

THEODORE M

1 - PO BOX 270

2 -

3 -

City- STANLEY

Phone - 208-774-3631

1 - PO BOX 270

2 -

3 -

City- STANLEY

Phone - 208-774-3631

WELP

D ELAINE

State- ID Zip- 83278

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +

05/01/1902

17 SOUTHERN

D - DECREED

IRON CREEK

VALLEY CREEK

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +

10N 13E 5 SW SE SW (37) CUSTER
NE SW SE (37) CUSTER
NW SE SE (37) CUSTER
NE SE NE (37) CUSTER
NE NW NW (37) CUSTER

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

01 - IRRIGATION

05/01

10/31

2.560

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +

2.560

0.0

+ - - - - Twn - - - - - Rng - - - - - Sec - - - - - Tract - - - - - Lot - - - - - Acres - - - - - Code - - - - - Description - - - - - County - - - - - +

10N	13E	4	NW SW	7.5	01	IRRIGATION	(37)	CUSTER
10N	13E	5	SW NE	12.6	01	IRRIGATION	(37)	CUSTER
10N	13E	5	SE NE	0.5	01	IRRIGATION	(37)	CUSTER
10N	13E	5	SW NW	19.0	01	IRRIGATION	(37)	CUSTER
10N	13E	5	SE NW	19.9	01	IRRIGATION	(37)	CUSTER
10N	13E	5	NE SW	39.8	01	IRRIGATION	(37)	CUSTER
10N	13E	5	NW SW	36.1	01	IRRIGATION	(37)	CUSTER
10N	13E	5	SW SW	38.0	01	IRRIGATION	(37)	CUSTER
10N	13E	5	SE SW	31.2	01	IRRIGATION	(37)	CUSTER
10N	13E	5	NW SE	39.8	01	IRRIGATION	(37)	CUSTER
10N	13E	5	SW SE	5.2	01	IRRIGATION	(37)	CUSTER
10N	13E	6	SE NE	27.9	01	IRRIGATION	(37)	CUSTER

Total Acres: 277.5

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - 71-00027B

-----+----- Remarks

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 277.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 71-000268, 71-000278 & 71-10059.

DIVERSION DESCRIBED ABOVE:

LOWER DITCH NESENE S7: 71-000268 & 71-000278.

LOWER DITCH NESENE S7: 71-000268 & 71-000278.

DITCH AT NENNAH S8: 71-00026B, 71-00027B & 71-00026C

DITCH AT SWS5: 71-000268, 71-00027B, 71-00026A, 71-00027A

& 71-00026C.

DITCH AT NESWE SS: 71-000268, 71-000278, 71-00011, 71-00012 &

71-00013.

DITCH AT NWSESE S5: 71-000268, 71-000278, 71-00011, 71-00012 & 71-00013.

```
+-----+-----+-----+-----+-----+-----+-----+-----+
7100026                                     Old Water Right Numbers
```

C13 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER

- IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 71:

WATER RIGHT NO.

NONE

NONE

- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER

- RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.

NONE

- ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED

- CONJUNCTIVELY.

[illegible]+ - Decree Date - +
00/00/0000

AJ0743NP
(00-124)

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

06/22/99 14:24:19
Page 3

Water right number - R71-000268

Prefix Translation: RESEARCH

Date: 06/22/1999 User Id: AMERRITT Subject: RECOMMENDATION
DRAFTED FOR SFS CONSIDERATION.

Audit Fields - - +
06/22/99 AMERRITT

Adjudication Rights Dates and Flags Area		Comments
Court Report Filing	- 00/00/0000	Field Inspection Made
Objection Filed Date	- 00/00/0000	Field Inspection Flag
Response Filed Date	- 00/00/0000	Verified Date
Claim Received Date	- 08/30/1993	Last Amended Date
		Receipt Number
		POU Ownership Flag
		Name Connector
	- AND	
		Civil Case Number
		Old Case Number
		Old Judicial District
		Temporary Right
		Water District
		Federal/State Indicator
		Presumption Flag
		Notice of Error Flag

39576

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

06/22/99 09:48:16
Page 1

Water Right Number - 71-000268

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
WELP

THEODORE M

- 1 - PO BOX 270
- 2 -
- 3 -

City- STANLEY
Phone - 208-774-3631

State- ID Zip- 83278

WELP

D ELAINE

- 1 -
- 2 -
- 3 -

City- STANLEY
Phone - 208-774-3631

State- ID Zip- 83278

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1902 17 SOUTHERN D - DECREED

+ - - Source - - - - + - - Tributary - - - - +
IRON CREEK VALLEY CREEK

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name
10N	13E	5	SW SE SW	(37)		CUSTER		
			NE SW SE	(37)		CUSTER		
			NW SE SE	(37)		CUSTER		
		7	NE SE NE	(37)		CUSTER		
		8	NE NW NW	(37)		CUSTER		

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		05/01	10/31		2.900	2.56

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + - - Total Div. Capacity - - + - - Total Consumptive Use - - + - - KW Usage - - +
2.900 2.56 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
10N	13E	4	NW SW	7.5		01	IRRIGATION	(37) CUSTER
10N	13E	5	SW NE	12.6		01	IRRIGATION	(37) CUSTER
10N	13E	5	SE NE	0.5		01	IRRIGATION	(37) CUSTER
10N	13E	5	SW NW	19.0		01	IRRIGATION	(37) CUSTER
10N	13E	5	SE NW	19.9		01	IRRIGATION	(37) CUSTER
10N	13E	5	NE SW	39.8		01	IRRIGATION	(37) CUSTER
10N	13E	5	NW SW	36.1		01	IRRIGATION	(37) CUSTER
10N	13E	5	SW SW	38.0		01	IRRIGATION	(37) CUSTER
10N	13E	5	SE SW	31.2		01	IRRIGATION	(37) CUSTER
10N	13E	5	NW SE	39.8		01	IRRIGATION	(37) CUSTER
10N	13E	5	SW SE	5.2		01	IRRIGATION	(37) CUSTER
10N	13E	6	SE NE	27.9		01	IRRIGATION	(37) CUSTER

Total Acres: 277.5

+ - Decree Date - +
00/00/0000

Water right number - 71-000268

Prefix Translation: WATER RIGHT

+ - - - - - Comments - - - - - +
Date: 06/29/1998 User Id: AMERRITT Subject: COPIED FROM REMARKS
THIS CLAIM REPRESENTS AN AMENDMENT OF CLAIM A71-10628 INWHICH BOTH 71-00026 & 71-00027 WERE COMBINED. BY AMENDING THIS CLAIM
RIGHT 71-00026 IS BEING SEPARATED PRESERVING THE 5/1/1902 PRIORITY. A SEPARATE CLAIM FOR RIGHT 71-00027 WITH THE 6/1/1902
PRIORITY IS BEING FILED IN CONJUNCTION WITH THIS AMENDMENT. *****
5/21/97 tf; OWNERSHIP CHANGED OCAMICA TO HELP PER WARRANTY DEED RECEIVED 6/17/94.
Date: 07/21/1998 User Id: AJU10-DS Subject: AJU10 CONDITION UPDATE OF RECORD THRU AJU10.
CONDITION CODE(S) C13 ADDED IF NOT ALREADY PART
Date: 08/11/1998 User Id: TFWCETT Subject: ADDRESS CHANGE
ADDRESS CHANGED PER NOTICE OF ERROR REC'D 8/11/98.

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 11/10/1998 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 01/14/1999 Field Inspection Flag - 00/00/0000 Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 08/13/1993 Old Judicial District -
Claim Received Date - 08/30/1993 Last Amended Date - 00/00/0000 Temporary Right - P
Proof Due Date - 00/00/0000 Proof Made Date - 00/00/0000 Water District -
Licensed Date - 00/00/0000 Receipt Number - W006715 Federal/State Indicator - S
POU Ownership Flag - Y Presumption Flag -
Name Connector - AND Notice of Error Flag -

RECEIVED

July 22, 1998

AUG 11 1998

Department of Water Resources
Southern Region

NOTICE OF ERROR
REPLY

(Change 6 address)

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: August 14, 1998

3 Water right number 71-10059 ; 71-00026B & 71-00027B

THEODORE M WELP
D ELAINE WELP

~~13891 E SPEEDWAY RD~~
~~TUCSON AZ 85748~~

P.O. Box 270
Stanley, Id. 83278

Daytime Telephone Number:

Evening Telephone Number:

> 208-774-3631

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:

8/7/98

SIGNATURE:


Please print your name: THEODORE M. WELP

71-00026B
RECEIVED

JAN 25 1999

Department of Water Resources
Southern Region

RECEIVED

JAN 15 1999

OFFICE OF THE
ATTORNEY GENERAL

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

In Re SRBA)

A. Subcase No. 71-00026B

Case No. 39576)

STANDARD FORM 1

OBJECTION

_____)
Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Dorothy Giffin

Address: P. O. Box 109
Stanley, Idaho 83278

Daytime Phone (208) 774-3525

Name & Address of Attorney, if any:
ROGER D. LING
LING, NIELSEN & ROBINSON
615 H Street, P. O. Box 396
Rupert, Idaho 83350

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

Name: Theodore M. Welp and D. Elaine Welp

Address: P. O. Box 270
Stanley, Idaho 83278

MAIL



D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es).)

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 2.56 CFS
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Water Rights Nos. 71-00026 and 71-00027
were decreed for the irrigation of 302.1 acres with 350 miners inches. Fifteen (15) acres of objector are
irrigated with .35 cfs, leaving only 2.56 cfs under this claim.

VERIFICATION (Must be Completed)

State of Idaho)
)
County of Minidoka)

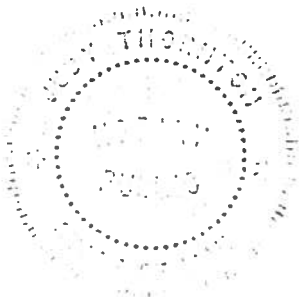
Roger D. Ling, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

Signature of person filing objection

Roger D. Ling
Attorney signing in representative capacity

Subscribed and sworn to before me on: January 13, 1999



Judy Thornton Barnes
Notary Public for the State of Idaho
Residing at: Rupert, Idaho
My Commission Expires: 02/03/1999

INSTRUCTION FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on January 13, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

Name: Theodore M. Welp and D. Elaine Welp

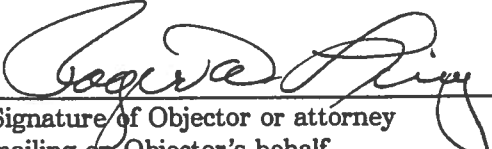
Address: P. O. Box 270
Stanley, Idaho 83278

3. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734



Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED

JAN 25 1999

Department of Water Resources
Southern Region

RECEIVED

JAN 14 1999

Department of Water Resources
Adjudication Bureau

RECEIVED

JAN 14 1999

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase No. 71-00026B

STANDARD FORM 1

OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Dorothy Giffin
Address: P. O. Box 109
Stanley, Idaho 83278
Daytime Phone (208) 774-3525

Name & Address of Attorney, if any:
ROGER D. LING
LING, NIELSEN & ROBINSON
615 H Street, P. O. Box 396
Rupert, Idaho 83350

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

Name: Theodore M. Welp and D. Elaine Welp
Address: P. O. Box 270
Stanley, Idaho 83278

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es).)

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 2.56 CFS
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Water Rights Nos. 71-00026 and 71-00027
were decreed for the irrigation of 302.1 acres with 350 miners inches. Fifteen (15) acres of objector are
irrigated with .35 cfs, leaving only 2.56 cfs under this claim.

VERIFICATION (Must be Completed)

State of Idaho)

County of Minidoka)

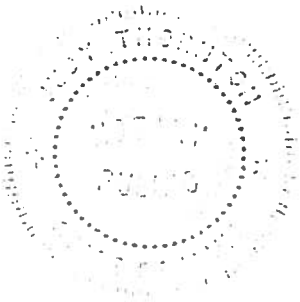
Roger D. Ling, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

Signature of person filing objection

Roger D. Ling
Attorney signing in representative capacity

Subscribed and sworn to before me on: January 13, 1999



Judy Horvath Barnes
Notary Public for the State of Idaho
Residing at: Rupert, Idaho
My Commission Expires: 02/03/1999

INSTRUCTION FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on January 13, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

Name: Theodore M. Welp and D. Elaine Welp

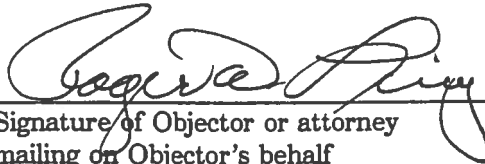
Address: P. O. Box 270
Stanley, Idaho 83278

3. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734



Signature of Objector or attorney
mailing on Objector's behalf

Hello Doug:

Here's a list of the objected to water rights in basin 71. Dave and Peter will be picking up the original claims for filing with the court Tuesday morning. Southern also should have received copies of the basin 71 objections for the claim file--do you know if you did??

71-00026A	71-00026B	71-00028	71-00029	71-00033B
71-00034C	71-00035C	71-00036B	71-02047A	71-02047B
71-02054	71-02085B	71-04006	71-04018	71-04021
71-10057	71-10080	71-10081	71-10117	71-10139
71-10197	71-10631	71-10763	71-10764	

I'm trying to double check the overlaps (unobjected to) involved--we'll need those original claims also for Tuesday. They are:

71-00027B 71-10059

THANKS FOR YOUR HELP!! Any questions, call me at 327-5458.

FAX MEMORANDUM

TO: DOUG JONES - SOUTHERN AJ SUPERVISOR
FROM: VICKI KELLY - PARALEGAL
DATE: 2/10/99



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

156-97

1/4/99

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

JAN - 5 1999

LING, NIELSEN
& ROBINSON

Roger Ling
Ling, Nielsen & Robinson
PO BOX 396
RUPERT ID 83350-0396

RE: 71-00026 & 71-00027

Dear Roger,

Enclosed are printouts of the computer records for the recommended parts of the above listed decreed rights. The Estate of Tom J Ocamica had originally filed for the entire rights. However, the USFS had filed competing claims for a portion of original decree (Cavanagh v Merritt) award.

During claim review information was requested from the USFS to support partial ownership. Deeds from Ocamica through to the present were supplied supporting chain of water right appurtenance (i.e. no reservation of water made during land sale).

Since ownership by the USFS is apparent then the Welp's claims were recommended for the proportional rate. For numerical reference consistency the claims were renumbered by adding a "B" suffix.

Please give me a call if you have other questions.

Sincerely,
Douglas

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

LING, NIELSEN & ROBINSON

ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

RECEIVED
JAN 04 1999
Department of Water Resources
Southern Region

December 31, 1998

Allen D. Merritt, P.E.
Southern Region Manager
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301

Re: Basin 71 Director's Report

Dear Allen:

Would you please provide me with the Director's recommendations from the Director's Report for Basin 71 for Water Right Nos. 71-00026 and 71-00027. I would appreciate copies of these recommendations as soon as possible as the time for filing Objections expires on January 14, 1999. If there is any charge for the copies, please advise me and it will be promptly remitted to you.

Very truly yours,


Roger D. Ling

RDL:jkb

Probably need
71-00026 A & B
71-00027 A & B

Replied 1/4/99

AJ0743NP
(00-124)

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

06/29/98 11:11:46
Page 1

Water Right Number - R71-000268

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
WELP

THEODORE M

1 - 13891 E SPEEDWAY RD
2 -
3 -

State- AZ Zip- 85748

WELP

D ELAINE

City- TUCSON
Phone - 602-885-4566
1 - 13891 E SPEEDWAY RD
2 -
3 -
City- TUCSON
Phone - 602-885-4566

State- AZ Zip- 85748

+ - - Priority Date - - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1902 17 SOUTHERN D - DECREED

Source - - - - - +
IRON CREEK

Tributary - - - - - +
VALLEY CREEK

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

10N 13E 5 SW SE SW (37) CUSTER
NE SW SE (37) CUSTER
NW SE SE (37) CUSTER
7 NE SE NE (37) CUSTER
8 NE NW NW (37) CUSTER

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

01 - IRRIGATION 05/01 09/30

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.900 2.900 0.0

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

10N	13E	4	NW SW	7.5	01	IRRIGATION	(37)	CUSTER
10N	13E	5	SW NE	12.6	01	IRRIGATION	(37)	CUSTER
10N	13E	5	SE NE	0.5	01	IRRIGATION	(37)	CUSTER
10N	13E	5	SW NW	19.0	01	IRRIGATION	(37)	CUSTER
10N	13E	5	SE NW	19.9	01	IRRIGATION	(37)	CUSTER
10N	13E	5	NE SW	39.8	01	IRRIGATION	(37)	CUSTER
10N	13E	5	NW SW	36.1	01	IRRIGATION	(37)	CUSTER
10N	13E	5	SW SW	38.0	01	IRRIGATION	(37)	CUSTER
10N	13E	5	SE SW	31.2	01	IRRIGATION	(37)	CUSTER
10N	13E	5	NW SE	39.8	01	IRRIGATION	(37)	CUSTER
10N	13E	5	SW SE	5.2	01	IRRIGATION	(37)	CUSTER
10N	13E	6	SE NE	27.9	01	IRRIGATION	(37)	CUSTER

Total Acres: 277.5

Prefix Translation: RESEARCH

+ - - Diversion Means - HEADGATES, DITCHES, GRAVITY FLOWS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 71-00027B

-----+-----Remarks

POD TWO POINTS OF DIVERSION LOCATED IN NESENE S07, T01N, R13E.

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 277.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 71-000268, 71-000278 & 71-10059.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINTS OF

DIVERSION DESCRIBED ABOVE:

UPPER DITCH NESENE S7: 71-000268, 71-000278 & 71-10726.

LOWER DITCH NESENE S7: 71-000268 & 71-00027B.

DITCH AT NENAWA S8: 71-00026B & 71-00027B.

DITCH AT SWSESW S5: 71-00026B, 71-00027B, 71-00026A & 71-00027A.

DITCH AT NESWSE S5: 71-00026B, 71-00027B, 71-00011, 71-00012 &

71-00013. 71-00034B 71-00037B 71-00011 71-00012 8
STON AT NUSCEF CE

71-00013.

```
+-----+ Old Water Right Numbers -----+
```

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

+ - - +	- Decree Plaintiff	- - - +
DAN J. CAVANAGH		
+ - - +	- Decree Defendant	- - - +
WM. MERRITT, ET AL.		
+ -	- Decree Date	-
00/00/0000		

Date:	06/29/1998	User Id:	AMERRITT	Subject:	COPIED FROM REMARKS	Comments:
THIS CLAIM REPRESENTS AN AMENDMENT OF CLAIM A71-10628 INWHICH						
RIGHT 71-00026 IS BEING SEPARATED PRESERVING THE 5/1/1992						
PRIORITY IS BEING FILED IN CONJUNCTION WITH THIS AMENDMENT.						
5/21/97 ttf; OWNERSHIP CHANGED OCAMICA TO WELP PER WARRANTY DEED						
BOTH 71-00026 & 71-00027 WERE COMBINED. BY AMENDING THIS CLAIM						
PRIORITY. A SEPARATE CLAIM FOR RIGHT 71-00027 WITH THE 6/1/1992						

RECEIVED 6/17/94.						

+ - - Audit Fields - - +
06/29/98 AMERRITT

+-----Adjudication Rights Dates and Flags Area-----+

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	08/30/1993	Last Amended Date	-	08/13/1993	Temporary Right	-	P
			Case Number	-	1006715	Judicial District	-	

POU Ownership Flag	- Y	Federal/State Indicator	- S
Name Connector	- AND	Presumption Flag	-

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

71-00026B

71-00027B

DATE: 6/29/98, 1998

REVIEWED BY AD

STANLEY BASIN SOIL REVIEW								
SOIL TYPE	OPTIMUM ROTATION	BORDER EFF	BORDER CFS/AC	FURROW EFF	FURROW CFS/AC	MAD	PF	BORDER / FURROW
AM1	4.00	3.5	0.30	22.3	0.05	1.00	1.14	6.09
BG1	5.00	5.8	0.19	34.3	0.03	1.32	1.13	5.99
CNB	7.00	7.8	0.14	47.3	0.02	1.82	1.11	6.20
GO1	14.66	25.5	0.04	24.6	0.04	3.65	1.07	0.96
LA4	4.00	3.7	0.30	23.6	0.05	1.06	1.14	6.46
PY1	5.66	6.3	0.17	37.9	0.03	1.46	1.12	5.98
RD1	5.66	6.3	0.17	37.9	0.03	1.46	1.12	5.98
RP1	4.33	6.9	0.16	35.2	0.03	1.13	1.13	5.18
SN1	2.66	2.47	0.45	15.4	0.07	0.69	1.14	6.30
ST1	3.33	3.2	0.36	20.3	0.05	0.91	1.14	6.65
TN1	4.66	4.2	0.26	26.9	0.04	1.21	1.13	6.44
TP4	9.33	9.5	0.11	60.0	0.02	2.31	1.10	6.24
WG1	2.66	2.4	0.45	14.9	0.07	0.67	1.14	6.12
WV1	13.00	17.4	0.06	50.3	0.02	3.24	1.08	2.91

The rate per acre calculations are based upon a 300 foot run at a 2% slope. An 8 hour set time was also used. Individual graded border evaluations, soil characteristics work sheets, and peak irrigation diversion requirement work sheets have been created and archived separately for each soil type.

Where actual rotation is shorter than the optimal rotation, optimal rotation is the criteria to be used for the recommendation analysis and, therefore, the rotation percentage adjustment is not necessary. The rate becomes the acres per soil type times the rate per acre from the above chart.

SOIL TYPE	OPTIMAL ROTATION / (chart)	ACTUAL ROTATION / (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
Sn1	2.66	10	* 9.6	* 0.45	= 1.15 CFS
Am1	4.00	10	* 79.9	* 0.30	= 9.59 CFS
Rpl	4.33	10	* 166.7	* 0.16	= 11.55 CFS
Rd1	5.66	10	* 20.3	* 0.17	= 1.95 CFS
St1	7.33	10	0.7	0.36	0.08

TOTAL ACRES _____

DECREED RATE = 24.32

CLAIMED DIVERSION RATE = _____

ORIGINAL HUBBLE RATE = _____

MEASURED DIVERSION RATE = _____

71-00026 B

71-00027 B

AIM NUMBERS _____

DATE

6/23/28

AGENT

AD

TRANSFER NUMBER _____

HOMESTEAD ENTRY NO. _____

CLAIMED ACRE TOTAL _____

GEOGRAPHIC INFO ACRES _____

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM							3.1												
GIS	10N	13E	6				24.8												
ECOM							27.9												27.9
CLAIM															23.8				
GIS	10N	13E	5			12.6	0.5			19.0	19.9	39.8	11.6	38.0	3.7		4.4		
ECOM													36.1		31.2		5.2		242.1
CLAIM																			
GIS			4										7.5						7.5
ECOM																			
CLAIM																			
GIS																			
ECOM																			

B71-DBPOD.SHP

277.5

NOS DESCRIPTION

			Sum	Am	Rp	Rd	Su	St
121	2 pts	NESENE Sec 7	2.6	0.5	2.6	2.2	7.1	0.7
122		NESENE Sec 7		19.2	106.9	16.6		
124		NESENE Sec 8		10.4	4.0	1.5		
125		SWSESW Sec 5		4.7	51.4	20.3		
26		NESENE Sec 5		26.1	1.8			
28		NWSESE Sec 5		2.0				
B71-DBPOU.SHP				0.8	166.7			
				14.1				
				1.9	tar			
				79.9				

SHAPE NOS

182 - 7.5
 183 - 0.8
 184 - 189.1
 185 - 3.7
 186 - 3.1
 190 - 73.4

277.3

DBF TABLES UPDATED

B71-DBPOD.DBF

B71-DBPOU.DBF

IDAHO DEPARTMENT OF WATER RESOURCES
EXEL PROGRAM

FOR RIGHT NO: 71-00026

BY: ADM

DATE: 6/23/98

BASE RATE: 3.00 CFS

CREATED ON 2-1-94
BY ADM & KKC
MODIFIED DATE
5/5/98 BY ADM

OWNER	CLAIMED RATE	ACRES FOUND	FIRST SHARE OF BASE RATE	POTENTIAL SHARE OF BASE RATE	FIRST CUT	2ND ACRE ITERATION	2ND SHARE ITERATION	POTENTIAL SHARE OF REMAINING	SECOND CUT	PRELIM RATE SUMMARY	RATE PER ACRE
R71-00026A USES	0.12	9.6	3.38	0.100		9.6	3.38	0.100	0.100	0.100	0.010
R71-00026B WELP	3.00	277.5	96.78	2.900		277.5	96.78	2.900	2.900	2.900	0.010

0.10

2.90

SUMS	3.12	287.1	100.08	3.000	0.000	287.1	100.08	3.000	3.000	3.000
			FIRST ITERATION BALANCE							
			NOT ALLOCATED ==>		3.000 CFS					

TOTAL POTENTIAL
ALLOCATED RATE
BEFORE HUBBLE ==>
BALANCE NOT
ALLOCATED ==>

3.000 CFS
0.000 CFS



DEPARTMENT OF WATER RESOURCES

STATES
F THE INTERICLAIM
AL SURVEY

T. R. S. Q/Q INIT

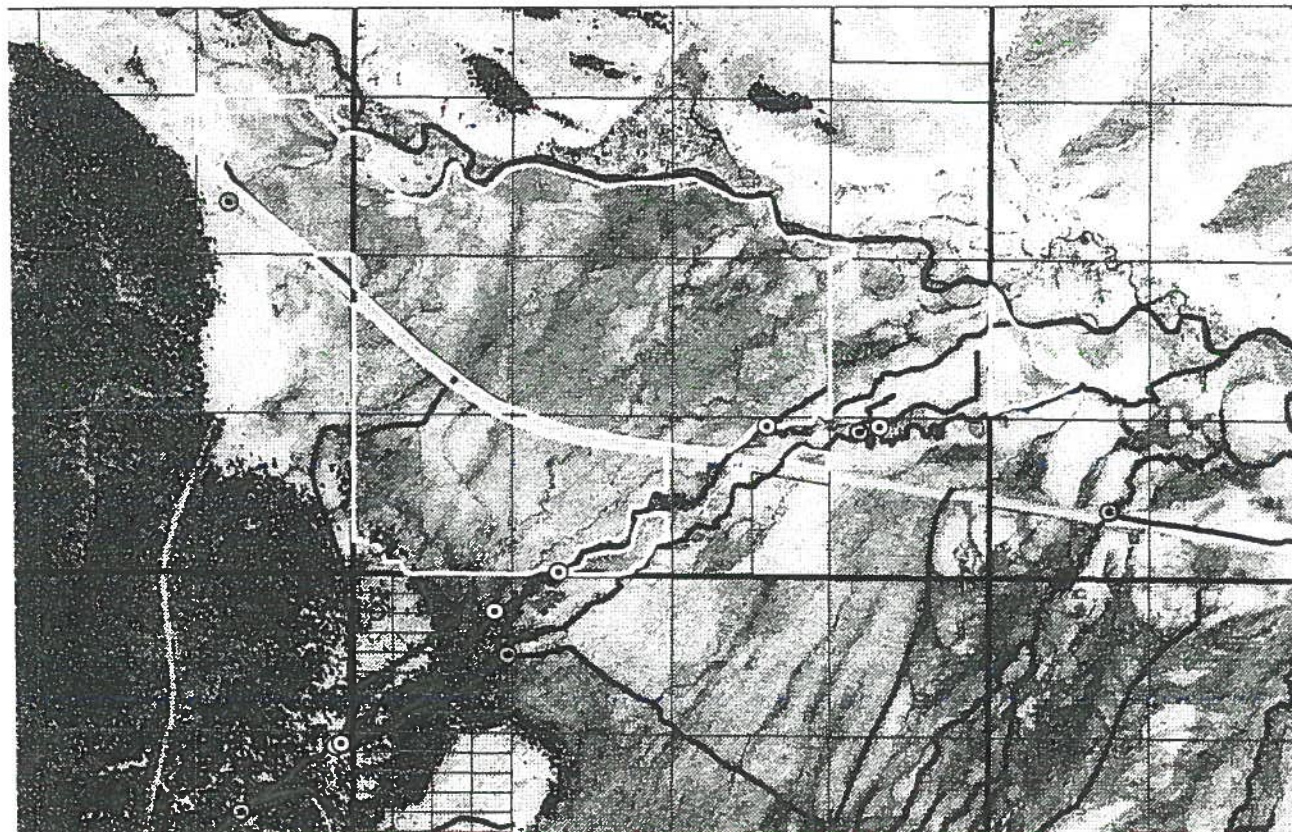
P/D
PHOTO V-19
PT.&ID.

*7000 exceptions
Basin 7 Basin 7*



IDAHO DEPARTMENT OF WATER RESOURCES

71-00026B & 71-00027B



1320 0 1320 2640 3960 5280 6600 Feet

POU:

TWP 10N, RGE 13E, SEC 4, 5 & 6

POD:

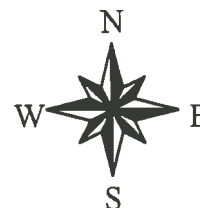
IRON CREEK -

2 PTS IN NESENE SEC 7;

NENWNW SEC 8;

SWSESW, NESWSE, NWSESE SEC 5;

TWP 10N, RGE 13E



RECOMMENDED PLACE OF USE

○ RECOMMENDED POINT OF DIVERSION

□ SECTION LINES

□ QUARTER QUARTER LINES

∧ STREAM AND DITCH CHANNELS

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY JUNE 1998
BY ALLEN MERRITT

COPY

RECEIVED

SEP 13 1993

State of Idaho
Department of Water Resources
**REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

RECEIVED
AUG 30 1993
Department of Water Resources

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

MARIE L. OCAMICA, individually and as
Personal Representative of the Estate of Tom J. Ocamica (208) 853-4640
Name of Claimant Phone Number

6098 Plantation Boise ID 83703
Mailing Address City State Zip

Custer January 1, 1990
County(s) where place of use is located Date claim originally due

71-00027
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

At the recommendation of the Department rights 71-00026 and 71-00027 were
combined into A71-00026 on the understanding that both adjudicated rights
had a single priority and later changed by the Department to A71-10628.
Since the priority dates are different A71-10628 is being amended back to
A-71-00026 and this new claim is filed for A71-00027

Claimant requests an extension to December 1, 19 93

* Marie L. Ocamica August 13, 19 93
Signature Date of request

Title Individually and as Personal Representative

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to August 30, 19 93
Signed this 2 day of Sept, 19 93

Director or his designated agent

DAVID B. SHAW

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

WESTBERG, McCABE & COLLINS

CHARTERED

ATTORNEYS & COUNSELORS AT LAW
733 NORTH SEVENTH STREET
P.O. BOX 2836
BOISE, IDAHO 83701-2836

RECEIVED

AUG 30 1993

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

Department of Water Resources
Southern Region Office
FAX (208) 336-2121
TELEPHONE (208) 336-5200

August 27, 1993

Mr. Allen Merritt
Water Right Supervisor
Department of Water Resources
Southern Region
222 Shoshone East
Twin Falls, ID 83301

Re: Tom J. Ocamica and Marie L. Ocamica,
Claim No. A71-00026 and A71-00027

Dear Mr. Merritt:

I talked with Dave Shaw regarding the above water rights and he asked me to forward them directly to him. A copy of my cover letter together with the enclosures is enclosed with this letter.

I want to point out to you that I have made one substantive change to both the amended claim and the new claim on the description of the land being irrigated. We increased the total number of acres being irrigated to 18 after reviewing the aerial photos and checking the property boundaries and ownership. All of the land where the place of use is being made is owned by the claimant.

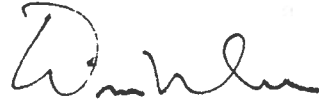
Vickie Beach, Mrs. Ocamica's daughter, said that you wanted information from the deeds her parents gave to the people who had purchased some small parcels which had been part of the ranch. I do not have those deeds but understand from Mrs. Beach that there was no specific reservation of a water right by the Ocamicas when those conveyances were made. I do, however, want to point out that a some of parcels had not been irrigated. Mrs. Ocamica is going ahead and claiming the full amount of the adjudicated right for the balance of the land she owns believing that the water probably had been used solely on the land they retain. There may be a minor exception for part of a small parcel of land and lies adjacent to the highway. However, in looking at the photos we cannot tell for certain whether that parcel had been irrigated in its entirety prior to the sale. In any event, Mrs. Ocamica and the estate are claiming the entire adjudicated right.

Mr. Allen Merritt
August 27, 1993
Page 2

You will note that the amount of water claimed is just over an inch to the acre. As you know, the Ocamicas have been using considerably in excess of that amount believing that the duty of water for the land involved would support a claim to a greater amount than the adjudicated right. The amount of the use was confirmed by you with your measurements. It would seem to me that the Ocamicas should also file a third claim for that excess. I would appreciate your letting me know if you feel that is going to be necessary.

Very truly yours,

WESTBERG, McCABE & COLLINS, Ctd.

A handwritten signature in dark ink, appearing to read 'W. D. Collins', with a stylized, cursive script.

William D. Collins

WDC/cp

Enclosures

cc: Vickie Beach w/enclosures
Marie Ocamica w/enclosures

COPY

WESTBERG, McCABE & COLLINS
CHARTERED

ATTORNEYS & COUNSELORS AT LAW
733 NORTH SEVENTH STREET
P.O. BOX 2836
BOISE, IDAHO 83701-2836

RECEIVED

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

August 27, 1993

AUG 30 1993

Department of Water Resources
Southern Region Office

Mr. David Shaw,
Snake River Adjudications Claims Supervisor
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Dear Dave:

I am enclosing an amended Notice of Claim to Water Right under the SRBA to amend claim no. A71-10628 back to A71-00026 and a new Notice of Claim to Water Right to be identified as a 71-00027. These water rights are out of Iron Creek, a tributary to Valley Creek west of Stanley.

The history regarding the claims is somewhat convoluted. Mr. Ron Howerton the Western Region in 1989 prepared the Notice of Claim for Mr. Ocamica. He combined two adjudicated rights 71-00026 and 71-00027 which were decreed in 1940 by the Sixth Judicial District, County of Custer, in the case of Cavannagh vs. Merritt, et al. Those two rights should not have been put into a single claim since the priorities were different, May 1, 1902 for 3.0 cfs and June 1, 1902 for 4.0 cfs.

In February 1992, Jeannie Robertson of the Southern Region changed claim no. A71-00026 to A71-10628 for the purpose of showing that the earlier two decreed rights were being combined as a single claim.

In conferring with Mr. Alan Merritt of the southern region earlier this month, he told me that the department would adjust the two priorities of the decreed rights to the later priority unless an amended claim and a new claim were filed. Therefore, we are filing the amended claim and the new claim. I am enclosing my client's personal check in the amount of \$50 for filing the new claim and a second check in the amount of \$50 as a late fee for that claim.

I am also enclosing a Notice of Change of Water Right Ownership from Tom J. Ocamica and Marie L. Ocamica to the Estate of Tom J. Ocamica and Marie L. Ocamica. I am also enclosing a Request for Extension of Time to file the new claim.

Mr. David Shaw
August 18, 1993
Page 2

I would like to request a waiver of both the \$50 for the second filing and the \$50 for the late fee. If there is an appropriate form for requesting this waiver, please forward it to me and I will return it executed. The reason the waiver is requested is that the department was in error in recommending to Mr. Ocamica to file a single claim. A copy of Mr. Howerton's letter of September 21, 1989 is enclosed. In other words, he prepared the single claim in error and recommended that it be filed. He had assumed the priority dates under the two decreed rights were the same. They apparently are not.

Very truly yours,

WESTBERG, McCABE & COLLINS, Ctd.

A handwritten signature in dark ink, appearing to read 'William D. Collins', with a stylized, cursive script.

William D. Collins

WDC/cp

cc: Vickie Beach
Marie L. Ocamica
Alan Merritt w/Enclosures

AJ0743NP
(00-124)

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

06/29/98 10:40:19
Page 1

Water Right Number - R71-00026

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
WELP

THEODORE M

1 - 13891 E SPEEDWAY RD
2 -
3 -

State- AZ Zip- 85748

WELP

D ELAINE

City- TUCSON
Phone - 602-885-4566
1 - 13891 E SPEEDWAY RD
2 -
3 -

State- AZ Zip- 85748

RENUMBERED 71-000268

City- TUCSON
Phone - 602-885-4566
1 -
2 -
3 -

State- ID Zip- 0

*** O - ORIGINAL OWNER ***
OCAMICA

ESTATE OF TOM J

1 - 6098 PLANTATION
2 -
3 -

State- ID Zip- 83703

OCAMICA

MARIE L

City- BOISE
Phone - 208-853-4640
1 - 6098 PLANTATION
2 -
3 -

State- ID Zip- 83703

BROWN

JOHN

City- BOISE
Phone - 208-853-4640
1 -
2 -
3 -

State- ID Zip- X

+ - - Priority Date - - +
05/01/1902

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +

+ - - Status - - - +
Z - SEE REMARKS

+ - - Source - - - - +
IRON CREEK
RENUMBERED 71-000268

+ - - Tributary - - - - +
VALLEY CREEK

+ - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County
10N 13E 5 SE SE (37) CUSTER
7 SE NE (37) CUSTER
8 NW NW (37) CUSTER

Water right number - R71-00026

Prefix Translation: RESEARCH

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/15	10/15		3.000	

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Consumptive Use - +	+ - KW Usage - +
3.000		548.0	

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
Total Acres:								

+ - Diversion Means - HEADGATES, DITCHES, GRAVITY FLOWS

+ - Non-Irrigation Use - NONE

+ - Other Rights for Same Use - 71-00027

+ - Remarks

GEN SEE 71-000268.

+ - 7100026 Old Water Right Numbers

+ - Conditions of Approval
No Conditions of Approval found.

+ - Decree Plaintiff	+ - Decree Defendant	+ - Decree Date
DAN J. CAVANAGH	WM. MERRITT, ET AL.	00/00/0000

Date: 06/29/1998 User Id: AMERRITT Subject: COPIED FROM REMARKS
THIS CLAIM REPRESENTS AN AMENDMENT OF CLAIM A71-10628 INWHICH BOTH 71-00026 & 71-00027 WERE COMBINED. BY AMENDING THIS CLAIM
RIGHT 71-00026 IS BEING SEPARATED PRESERVING THE 5/1/1902 PRIORITY. A SEPARATE CLAIM FOR RIGHT 71-00027 WITH THE 6/1/1902
PRIORITY IS BEING FILED IN CONJUNCTION WITH THIS AMENDMENT. *****
5/21/97 tf; OWNERSHIP CHANGED OCAMICA TO WELP PER WARRANTY DEED RECEIVED 6/17/94.

+ - Audit Fields - +
06/29/98 AMERRITT

+ - Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/30/1993	Last Amended Date	- 08/13/1993	Temporary Right	- P
		Receipt Number	- W006715	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	-
				Notice of Error Flag	-

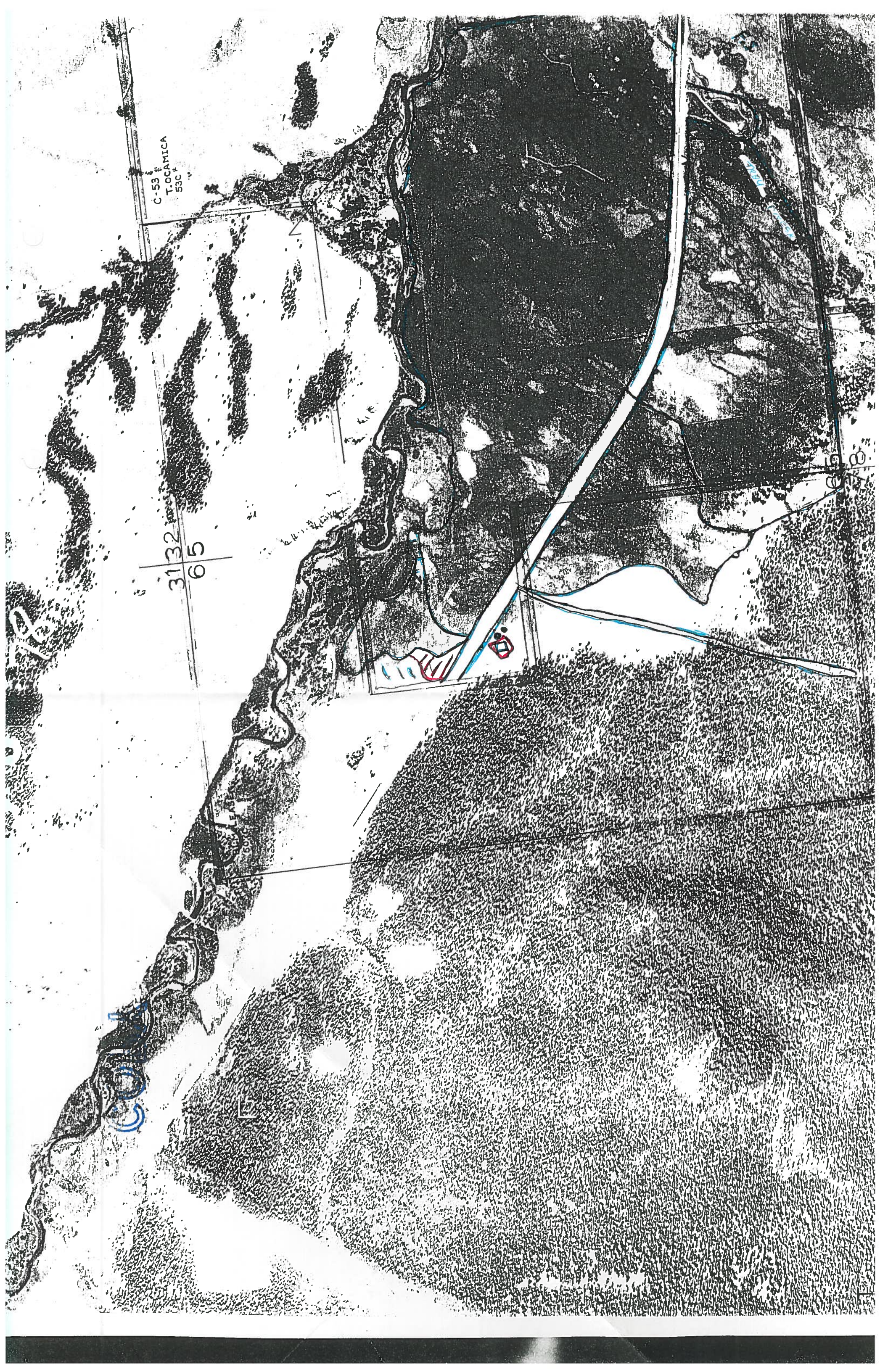
C-53
T.OCAMICA
53C

3132
65

COCA

COCA

COCA



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:45:55
06/15/98
1
CLAIM NUMBER: A71-00026

LAST: OCAMICA
ADDRESS: 6098 PLANTATION
CITY: BOISE
PHONE NUMBER: 208-853-4640
STATE: ID ZIP: 83703
FIRST: ESTATE OF TOM J

OWNER CODE: 0

LAST: OCAMICA
ADDRESS: 6098 PLANTATION
CITY: BOISE
PHONE NUMBER: 208-853-4640
STATE: ID ZIP: 83703
FIRST: MARIE L

OWNER CODE: 0

LAST: BROWN
ADDRESS:
CITY: X
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: X
FIRST: JOHN

OWNER CODE: 0

LAST: WELP
ADDRESS: 13891 E SPEEDWAY RD
CITY: TUCSON
PHONE NUMBER: 602-885-4566
STATE: AZ ZIP: 85748
FIRST: THEODORE M

OWNER CODE: C

LAST: WELP
ADDRESS: 13891 E SPEEDWAY RD
CITY: TUCSON
PHONE NUMBER: 602-885-4566
STATE: AZ ZIP: 85748
FIRST: D ELAINE

OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE EXAMINER
Y () N ()

CLAIM REMARKS: GEN THIS CLAIM REPRESENTS AN AMENDMENT OF CLAIM A71-10628 INWHICH BOTH 71-00026 & 71-00027 WERE COMBINED. BY AMENDING THIS CLAIM RIGHT 71-00026 IS BEING SEPARATED PRESERVING THE 5/1/1902 PRIORITY. A SEPARATE CLAIM FOR RIGHT 71-00027 WITH THE 6/1/1902 PRIORITY IS BEING FILED IN CONJUNCTION WITH THIS AMENDMENT.

5/21/97 tf; OWNERSHIP CHANGED OCAMICA TO WELP PER WARRANTY DEED RECEIVED 6/17/94.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A71-00026 PRIORITY DATE: 05-01-1902 STAGE: D

B. WR RECORD: # 71-00026 PRIORITY DATE: 05-01-1902 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y() N()

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N()

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW) Y() N()

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A() Y() N()

FIELD EXAM COMPLETED

N/A() Y() N()

FIELD EXAM SENT TO STATE OFFICE

N/A() Y() N()

LICENSE ISSUED

N/A() Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED? N/A() Y() N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y() N()

NOTES:

RECOMMENDED PRIORITY DATE:

05-01-1902

REVIEWED BY _____

DATE _____

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A71-00026	10N 13E	5		SE	SE				CUSTER		
A71-00026	10N 13E	7		SE	NE				CUSTER		
A71-00026	10N 13E	8		NW	NW				CUSTER		

OTHER AJ CLAIMS WITH SAME AJ POD MR RECORDS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX	
A71-00011	R71-00011	71-00011
A71-00012	R71-00012	71-00012
A71-00013	R71-00013	71-00013
A71-00025A	R71-00025A	71-00025
A71-00025B	R71-00025B	71-00027
A71-00026A		71-02041
A71-00027		
A71-00027A		
A71-10628		
A71-10726		
A71-10833		

SOURCE: IRON CREEK TRIB: VALLEY CREEK

B. MR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
71-00026	10N 13E	7		SE	NE				CUSTER		

OTHER MR RECORDS WITH SAME MR POD AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX	
71-00025		A71-00025A
71-00027		A71-00025B
		A71-00026A
		A71-00027
		A71-00027A
		A71-10628
		A71-10726
		R71-00025B

SOURCE: IRON CREEK TRIB: VALLEY CREEK

- C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()
- * IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.
- D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()
- E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
TON 13E	5	NW	SE	SW		OCAMICA, TOM J	A71-10628 / 25.0	-			
			SE	SW		HAKKINS, G. P.		71-02009 / 40.0			
			NW	SE		WELP, THEODORE M	A71-00026 / 40.0	71-00026 /			37.0
			NW	SE		WELP, THEODORE M	A71-00027 / 40.0	71-00027 /			
TON 13E	5	NW	NW	SE		OCAMICA, TOM J	A71-10628 / 40.0	-			
			NW	SE		HAKKINS, G. P.		71-02009 / 40.0			
			SE	SE		WELP, THEODORE M	A71-00026 / 15.0	71-00026 /			41.0
			SE	SE		WELP, THEODORE M	A71-00027 / 15.0	71-00027 /			
TON 13E	5	SW	SW	SE		US DEPT OF AGRICULTURE	A71-00026A / 13.0	-			
			SW	SE		GIFFEN, HOWARD A	A71-10138 /	-			
			SW	SE		OCAMICA, TOM J	A71-10628 / 15.0	-			
			SW	SE		US DEPT OF AGRICULTURE	A71-00027A / 13.0	-			
TON 13E	5	SW	SW	SE		GIFFEN, DOROTHY	71-10138 /	-			
			SW	SE		GIFFEN, DOROTHY	A71-10139 / 15.0	-			
			SW	SE		GIFFEN, DOROTHY	71-07175 / 11.0	-			
			SW	SE		HAKKINS, G. P.	71-02009 / 30.0	-			
TON 13E	6	SE	SE	NE		WELP, THEODORE M	A71-00026 / 10.0	-			37.0
			SE	NE		WELP, THEODORE M	A71-00027 / 10.0	-			
			SE	NE		WELP, THEODORE M	A71-10059 /	-			
			SE	NE		WELP, THEODORE M	R71-10059 /	-			
TON 13E	6	SE	SE	NE		OCAMICA, TOM J	A71-10628 / 10.0	-			
			SE	NE				-			
			SE	NE				-			
			SE	NE				-			

ADDITIONAL POU FOUND

TOTAL ACRES	A71-00026	292.00	475.00
POU COUNTY: CUSTER			

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV.		VOL. /ACRE
				RATE/ACRE	DIV. VOL.	
A71-00026	IRON CREEK	WELP, THEODORE M	3.000	0.010		
A71-00026A	IRON CREEK	US DEPT OF AGRICULTURE	0.120	0.009		
A71-00027	IRON CREEK	WELP, THEODORE M	4.000	0.013		
A71-00027A	IRON CREEK	US DEPT OF AGRICULTURE	0.163	0.012		
R71-10059	SPRINGS	WELP, THEODORE M	0.180	0.022		
A71-10059	SPRINGS	WELP, THEODORE M	0.180	0.022		
A71-10139	IRON CREEK	GIFFEN, DOROTHY	0.300	0.020		
A71-10628	IRON CREEK	OACAMICA, TOM J	7.000	0.025		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A71-10138	DOMESTIC	GIFFEN, HOWARD A	FROM 01-01 TO 12-31	0.040 CFS	
71-10138	DOMESTIC	GIFFEN, DOROTHY	FROM 01-01 TO 12-31	0.040 CFS	
A71-10059	DOMESTIC	WELP, THEODORE M	FROM 01-01 TO 12-31	0.020 CFS	
R71-10059	DOMESTIC	WELP, THEODORE M	FROM 01-01 TO 12-31	0.020 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 71-00027

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

A. AU CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A71-00026 IRRIGATION	FROM 04-15 TO 10-15	3.000 CFS	
TOTAL DIVERSION RATE/VOLUME		3.000 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
71-00026 IRRIGATION	FROM TO	3.000 CFS	
TOTAL DIVERSION RATE/VOLUME		3.000 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N()

NOTES: _____

AJ CLAIM TOTAL DIVERSTON RATE: 3.000 CFS
WR ROOT RIGHT TOTAL DIVERSTON RATE: 3.000 CFS

A. IS THE CLAIMED TOTAL DIVERSTON RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()
B. CAN THE CLAIMED TOTAL DIVERSTON RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSTON RATE? Y() N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSTON RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSTON RATE BE VERIFIED BY FIELD EXAM? Y() N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE 1b. CALCULATIONS
ACRES x 0.02 CFS/ACRE = CFS
(Taken from pou review)

IS A DIVERSTON RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()
IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSTON VOLUME

CLAIMED DIVERSTON VOLUME = AF/A
ACRES x DIVERSTON VOL. AF/A FOR AREA =

TOTAL DIVERSTON VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 548.0 AF/A
ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

HR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

PURPOSE OF USE	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
	FROM	TO			
IRRIGATION	04-15	10-15	DATABASE EXAMINER 3.000	DATABASE EXAMINER	DATABASE EXAMINER 548.0
TOTAL FOR THIS RIGHT			3.000		548.0

NON-IRRIGATION USES CLAIMED: NONE

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE): _____

EXPLANATORY CONDITIONS (CODE): _____

EXPLANATORY REMARKS (CODE): _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____ ACCEPTED AS CLAIMED _____ NEEDS REVIEW _____
FORFEIT/ABANDON _____ () () ()
ADDITIONAL DIV. AMOUNT _____ () () ()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 71-00026
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
4.000

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
71-00026	A71-00026	3.000	-	-	71-00026	3.000
71-00027	A71-00026A	0.120	-	-	71-00027	4.000
-	A71-10628	7.000	-	-	-	-

TOTAL CFS 10.120

4.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE N FIELD EXAMINER Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED
IN FILE?

() ORTHOPHOTOQUAD	DATE OF PHOTO	IDWR ID NO.	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED	IDWR ID NO.	Y() N()
() NAPP	DATE OF PHOTO	IDWR ID NO.	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO		Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO		Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO		Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY		Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED		Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP		Y() N()
() OTHER	DATE		Y() N()
() OTHER	DATE		Y() N()
() OTHER	DATE		Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF
PAGES

NOTES

() LICENSING FIELD EXAM	DATE OF FIELD EXAM		
() WATER RIGHT LICENSE	DATE LICENSE SIGNED		
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED		
() SYSTEM DESCRIPTION	DATE DRAWN		
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN		
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED		
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED		
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED		
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED		
() OTHER	DATE		
() OTHER	DATE		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:45:55
06/15/98
17
CLAIM NUMBER: A71-00026

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

TOTAL DIVERSION:	3.00 CFS
CONSUMPTIVE USE:	548.00 AFA

CUSTER County
CUSTER County
CUSTER County

292.0

RECEIVED 6/17/94.

Field Inspection Flag:
Presumption Flag: