

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: **A41-10246**
Date Received: 8/ 4/1999
Receipt No: S022425
Received By: See

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

1. Name: MERRILL E WALKER 208-548-2343
Address: PO BOX 336
ROCKLAND ID 83271
OR
Name: DONNA D WALKER 208-548-2343
Address: PO BOX 336
ROCKLAND ID 83271

2. Date of Priority: MAY 1, 1985

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	31E	33	SW	NE			POWER

5. Description of diverting works:
2 INCH LINE FROM SPRING TO HOUSE AND BARN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
1 HOUSE, 25 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	31E	33	NE	SW		STOCK	
			NE	SW		DOMEST	

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
NONE

14. Remarks:

EASEMENT WAS OBTAINED FROM ARTHUR NIELSON TO APPROPRIATE SPRING
AND DIVERT SAME IN PIPE TO SUPPLY WATER TO HOUSE & BARN.

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: _____

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

Identification No. H41-10246

Date Received

Receipt Number 5022425 *see*

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

- Name of Claimant (s) Merrill E. and/or Donna D. Walker Phone (208) 548-2343
Mailing Address P.O. Box 336 Rockland, ID Zip 83221
- Date of Priority (Only one per claim) 1 May 1985 Month/Day/Year
- Source of water supply (Check one) () Groundwater or Other () (a) Spring
which is tributary to (b) None Name or kind of source
- Location of point of diversion is: Township 9S Range 31E
Section 33 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____, B.M.,
County of Powder
Additional points of diversion if any: _____
- Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. 2" water line from spring to house and barn.
- Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Domestic purposes from Jan 1 to Dec 31 amount .04 (cfs)
For Stockwater purposes from Jan 1 to Dec 31 amount .02 (cfs)
(Both dates are inclusive)
- Total quantity claimed .04 (cfs)
- Total consumptive use claimed is de minimus
- Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 House 25 cattle

RECEIVED
JUL 15 1999
Department of Water Resources
Boise, Idaho

RECEIVED
AUG 02 1999
Department of Water Resources
Boise, Idaho

10. Place of use is: Township: 25 Range 31 E
Section 33, NE 1/4 of SW 1/4, Govt. Lot _____ B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

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

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.
(X) None or _____

14. Remarks: Easement was obtained from Arthur Nielson to appropriate spring & divert same in pipe to supply water to house & barn

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 1

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

Signature of Claimant (s) Merrill E. Walker Date 6 Jul 99

Date _____

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

of _____ Title _____
Organization _____, that I have signed the foregoing
document in the space below as _____ of _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of Douglas) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 6 day of July 1999

SEAL

Notary Public Kim A. Dean

Residing at Rockland, ed

My Commission Expires 1/12/02

Last Name _____ Ident No. _____
Copies: White-State, Yellow-Claimant

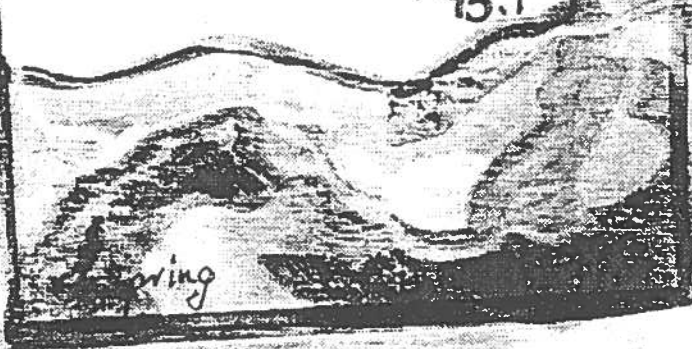
T 494

100% Spring Creek

T-494 # 501
Merrill
Walker

CRP

1-93.1



x Point of use

28 27

33 2

33

29 Jul 1999

RECEIVED

AUG 02 1999

Department of Water Resources
Sutton Barker

Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: SRBA Claim No. A41-04031 and additional filings

Dear Mr. Clelland;

We wish to have the two additional filings be included in the SRBA.

Enclosed find affidavits verifying beneficial use of the Spring Creek Water in claim #A41-04031.

Priority date of 1880 was established by court house records in your files. Beneficial use cannot be established back to that early date. However we don't think we should lose that date because the rules have changed. We have land deeds showing this water being transferred from owner to owner to our present ownership. Deeding water with the land was the way those people did business and should be honored as such.

Hope this information is sufficient. Thank you for your help in this matter.

Sincerely,

Merrill E. Walker

Merrill E. Walker
P.O. Box 336
Rockland, Idaho 83271

4
enc.

A41-10246



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

SOUTHERN REGION

July 21, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MERRILL E WALKER
DONNA D WALKER
PO BOX 336
ROCKLAND ID 83271

RE: SRBA CLAIM NOS. 41-04031, 41-10094, 41-10238 & 41-10239

Dear Mr. & Mrs. Walker,

You recently submitted several checks, claims, and ownership changes with our department and the following is a summary of the review of those documents.

First, the changes of ownership on 41-04031 & 41-10094 do not require payment of fees so I am returning your checks #3470 & 3471; each for \$25.00. Secondly, I have enclosed the receipt and claim copy for the two new claims you have filed; A41-10238 & A41-10239. Third, you will find the remaining two claims being returned along with the checks attached; checks #3466 & #3467 each for \$25.00. These each claim surface water after 1971 and therefore are required to be licensed under the mandatory permit statutes. However, if you still wish to file these claims in the SRBA simply return them with a letter stating you still want them filed.

Finally, enclosed you will find a brochure "Evidence of Priority" which describes the establishment of the priority date of your water right. Your claim A41-04031 lists a priority date of 1880, which has not been supported by any further documentation or evidence. In order to recommend the right as a valid irrigation right, I will need evidence of the use for irrigation. At this time, I cannot confirm the claim for irrigation.

Sincerely,

Steve Clelland

Sr. Water Resource Agent

A41-10246

Post SFS

11/21/2000

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

RIGHT NUMBER: 41-10246

NAME AND ADDRESS: DONNA D WALKER
MERRILL E WALKER
PO BOX 336
ROCKLAND, ID 83271

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 01/03/1918

POINT OF DIVERSION: T09S R31E S33 SWNE Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	1-01 12-31	0.02 CFS
DOMESTIC	1-01 12-31	0.04 CFS

PLACE OF USE:

STOCKWATER Within POWER County
T09S R31E S33 NESW
DOMESTIC Within POWER County
T09S R31E S33 NESW

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RECEIVED
NOV - 1 2000
Department of Water Resources
Adjudication Bureau

NOV - 2 2000
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

Subcase 41-10246
(Insert Water Right Number)

Case 39576

STANDARD FORM 5

AMENDED CLAIM

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date: 2 Nov. 00

x Merrill E. Walker
(Claimant)

(Objector)

Royann Brown 11/2/00
IDWR Concurrence

Attorney for IDWR

(✓ Data Entry Done for SF5)
11/21/00 SCC

10/31/2000

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

RIGHT NUMBER: 41-10246
NAME AND ADDRESS: DONNA D WALKER
MERRILL E WALKER
PO BOX 336
ROCKLAND, ID 83271

NOV - 2 2000
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY:

0.04 CFS

PRIORITY DATE:

~~05/01/1985~~

The quantity of water under this right shall not exceed 13,000 gallons per day. 1/3/1918

POINT OF DIVERSION: T09S R31E S33 SWNE Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF
USE

QUANTITY

DOMESTIC
STOCKWATER

1-01 12-31
1-01 12-31

0.04 CFS
0.02 CFS

PLACE OF USE:

DOMESTIC Within POWER County
T09S R31E S33 NESW
STOCKWATER Within POWER County
T09S R31E S33 NESW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

*RPB
mew*

CERTIFICATE OF SERVICE

I certify that on 11/2, 2000, I caused to be served true and correct copies of the Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

2. Copies to:

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

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Donna D. & Merrill E. Walker
P.O. Box 336
Rockland, ID 83271

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form

**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 39576

) Subcase _____
)
)
)
)
)
)
)

(Insert Water Right Number)

STANDARD FORM 5

AMENDED CLAIM

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date: _____

(Claimant)

(Objector)

IDWR Concurrence

Attorney for IDWR

**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

Subcase _____

(Insert Water Right Number)

Case 39576

STANDARD FORM 5

AMENDED CLAIM

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date: _____

(Claimant)

(Objector)

IDWR Concurrence

Attorney for IDWR

**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 39576

Subcase _____

(Insert Water Right Number)

STANDARD FORM 5

AMENDED CLAIM

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date: _____

(Claimant)

(Objector)

IDWR Concurrence

Attorney for IDWR

In Re SRBA	)	Subcase No.: 41-10246
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Approved as to form Date

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

RIGHT NUMBER: 41-10246

NAME AND ADDRESS: DONNA D WALKER
MERRILL E WALKER
PO BOX 336
ROCKLAND, ID 83271

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/01/1985

POINT OF DIVERSION: T09S R31E S33 SWNE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1-01 12-31	0.04 CFS
STOCKWATER	1-01 12-31	0.02 CFS

PLACE OF USE:

DOMESTIC Within POWER County
T09S R31E S33 NESW
STOCKWATER Within POWER County
T09S R31E S33 NESW

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

RECEIVED

FEB 22 2000

Department of Water Resources
Twin Falls

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 41-10246
(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Merrill E. Walker
Address: P.O. Box 336
Rockland, ID 83271
Daytime Phone: (208) 548-2343

Name & Address of Attorney, if any:

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH
YOU ARE RESPONDING

Name: Merrill E. Walker
Address: P.O. Box 336
Rockland, ID 83271

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☒ Priority Date *Sept. 1966. Verification submitted with objection.*
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
11. Recommendation
 - ☐ This water right should not exist.
 - ☒ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
County of Power)ss.

Merrill E. Walker, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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

Merrill E. Walker
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: February 9, 2000
Kim H. Dean
Notary Public for Idaho
Residing at: Rockland
My Commission Expires: 1/12/02

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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.

F.

CERTIFICATE OF MAILING

I certify that on 10 February, 2000, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

Name: Merrill E. Walker

Address: P.O. Box 336
Rockland, ID 83221

3. One copy to the party who filed the objection at the following address:

Name: Merrill E. Walker

Address: P.O. Box 336
Rockland, ID 83221

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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

Merrill E. Walker
Your signature or signature of attorney mailing on your behalf

RECEIVED

DEC 28 1999

Department of Water Resources

RECEIVED

DEC 30 1999

Department of Water Resource
Santiam Region

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 41-10246

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: Merrill E. Walker

Address: P.O. Box 336

Rockland, ID 83271

Daytime Phone: (208) 548-2343

Name & Address of Attorney, if any:

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

Name: Merrill E. & Donna D. Walker

Address: P.O. Box 336

Rockland, ID 83271

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: _____

4. ☒ Priority Date

Should be: Sept 1966

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): The appropriation of

This spring was made in the fall of 1966 as
recorded in the minutes of the Bench Ditch Irrigation
Co. (see attached affidavit and copy of minutes)

F.

VERIFICATION (Must be Completed)

State of Idaho)
County of Power)ss.

Merrill E. Walker, 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.

Merrill E. Walker
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 22, 1999



Lorri Robinson
Notary Public for Power
Residing at: Rockland
My Commission Expires: 7-23-04

INSTRUCTIONS FOR MAILING

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

G.

CERTIFICATE OF MAILING

I certify that on December 22, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Merrill E. & Donna D. Walker
Address: P.O. Box 336
Rockland, ID 83271

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Merrill E. Walker
Signature of Objector or attorney
mailing on Objector's behalf

AFFIDAVIT

STATE OF IDAHO

SS.

COUNTY OF POWER

KNOW ALL YE MEN BY THESE PRESENTS.

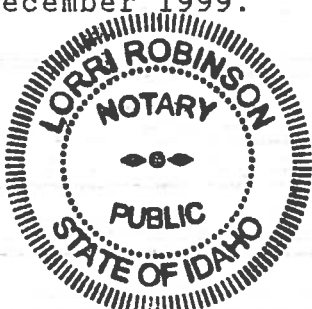
That on this 22 day of December 1999, personally came and appeared before me Merrill E. Walker of Rockland known, and known to me, who after being first duly sworn, deposes and says:

This copy of The minutes of The Bench Ditch
Irrigation Co. are True and correct as They
were written in 1966 on page 12 of The
minute book.

FURTHER AFFIANT SAYETH NOT:

Merrill E. Walker

SUBSCRIBED TO AND SWORN TO before me this 22 day of
December 1999.



Lorri Robinson

My Commission Expires: 7-23-04

'66 Progress Report

Richard Stanger who works for Empire Construction in Fayetteville was hired to work on the ditch. He was paid \$375 for his labor + back hoe.

The moss was treated once during the season.

Because of a shortage of water the Bench Ditch Well was pumped. This dried up the springs to One Walker's property and so a spring was piped for about $\frac{3}{4}$ mi. from the Art Nielson property to furnish him water for domestic use. No work was done in the fall of '66 on the ditch.

Jack Robinson Secy.

March 22, 1967

The Annual Bench Ditch Meeting was held in the Home Ec. Bldg. of the Rockland School March 22 at 3:30 PM.

The following people were present: Lynn White, Alvin Ralphs, Keith Moss, Merrill Walker, Dick Nelson, Melvin Nelson, Clifford Nelson, Richard May and Jack Robinson.

Directors elected for the following year are Clifford Nelson + Richard May to fill two year terms. Keith Moss to finish Jay Seamons term of 1 yr. Alvin Ralphs + Everal McNeil were elected last year. Richard May was elected Pres.
v. p. sec. Ditch Condition was discussed + a crew were to throw weeds out of the ditch Mar. 27th

Old (D) Number -

State- ID Zip- 83271

State- ID Zip- 83271

Source - - - - - +
SPRING
Tributary - - - - - +
SINKS

09S	31E	33	SM NE	(77)	POWER
-----	-----	----	-------	------	-------

04 - STOCKWATER
43 - DOMESTIC

0.040

Total Acres:

+ - - Non-Irrigation Use - 1 HOUSE, 25 CATTLE

+ - - Other Rights for Same Use - NONE

GEN	NO LAWFUL APPROPRIATION SHOWN.	Remarks

AJ0743NP
(00-124)

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

08/04/99 14:44:22
Page 2

Water right number - R41-10246

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
+ - - - - No Old Water Right Numbers Found - - - - - +

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

+ - - - - Decree Plaintiff - - - - - +
+ - - - - Decree Defendant - - - - - +

+ - - - - Comments - - - - - +
Date: 08/04/1999 User Id: SCELLEMAN Subject: COPIED FROM REMARKS
EASEMENT WAS OBTAINED FROM ARTHUR NIELSON TO APPROPRIATE SPRING AND DIVERT SAME IN PIPE TO SUPPLY WATER TO HOUSE & BARN.

Date: 08/04/1999 User Id: SCELLEMAN Subject: DISALLOWAL
SURFACE WATER APPROPRIATED IN 1985 VIOLATES PERMIT STATUTE.
MR. WALKER. ARTHUR NIELSON DOES NOT HAVE AUTHORITY TO APPROPRIATE WATER TO

+ - - - - Audit Fields - - - - - +
08/04/99 SCELLEMAN

+ - - - - 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 - 00/00/0000 Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 08/04/1999 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - S022425 Water District - 41
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - OR Presumption Flag -
Notice of Error Flag -



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

SOUTHERN REGION

August 4, 1999

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**MERRILL E WALKER
DONNA D WALKER
PO BOX 336
ROCKLAND ID 83271**

RE: SRBA CLAIM NOS. 41-10246 & 41-10247 & 41-04031

Dear Mr. & Mrs. Walker,

Your Claims have been successfully recorded with our department and will appear in the up coming Director's Report for Basin 41. Enclosed are the computer copies for your records.

I have reviewed the affidavits you submitted for 41-04031 and will recommend the right with a priority of 1929.

If you have further questions feel free to contact me at our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Clelland', written over a horizontal line.

Steve Clelland

Sr. Water Resource Agent