

This Right is based on

A72-02073 C

See this file for REVIEW.

SEE ALSO 'DISALLOWED' FILE

A72-02073 B (DISALLOWED)

For photos & pou REVIEWS.

COPY

1999 DEC 17 PM 2: 23

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)
Case No. 39576) SUBCASE NOS. 72-02073C,
) 72-02073D, 72-02073E
)
) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☒ Yes ☐ No

From (Claimant/Seller):

Robert R Boren
Marjorie D Boren
1002 E Bannock
Boise ID 83702

To (Claimant/ Purchaser):

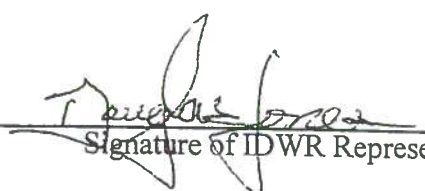
Robert R Boren
Marjorie D Boren
1002 E Bannock
Boise ID 83702

Ross Beale
Velma Beale
647 W 24th
Burley ID 83318

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

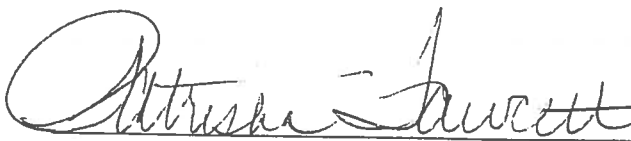
DATED: 12/17/99


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 12/17, 1999, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

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:
Claimant/Seller for Substitution of Party or attorney of record:
Robert R Boren
Marjorie D Boren
1002 E Bannock
Boise ID 83702
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Ross Beale
Velma Beale
647 W 24th
Burley ID 83318
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

AJ5859NP

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

DATE: DEC-17-1999

PAGE: A-1

RIGHT NUMBER:

72-02073C

~~1999 DEC 17 PM 1:03~~

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

SPLIT RIGHT: SEE RIGHT NOS. 72-02073D AND 72-02073E

FILED _____

AJ5856NP

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

DATE: DEC-17-1999
PAGE: A-1

1999 DEC 17 PM 1:03

RIGHTS FROM: SOURCE: GARDNER CREEK

TRIBUTARY: SALMON RIVER
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

RIGHT NUMBER: 72-02073D

FILED

NAME & ADDRESS: MARJORIE D BOREN
ROBERT R BOREN
1002 E BANNOCK
BOISE ID 83702

SOURCE: GARDNER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.07 CFS

PRIORITY DATE: 12/12/1930

POINT OF DIVERSION: T11N R16E S30

NWSNE

Within CUSTER County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
0.07 CFS

PLACE OF USE:

IRRIGATION
T11N R16E S30
2 ACRES TOTAL

Within CUSTER County
NWSE 2

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

PROPERTY IS ALSO KNOWN AS TRACT 1433, H.E.S. 322.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 72-02073A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

AJ5856NP

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

DATE: DEC-17-1999
PAGE: A-2

1999 DEC 17 PM 1:03

RIGHTS FROM: SOURCE: GARDNER CREEK TRIBUTARY: SALMON RIVER
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

RIGHT NUMBER: 72-02073E

FILED _____

NAME & ADDRESS: ROSS BEALE
VELMA BEALE
647 WEST 24TH
BURLEY ID 83318

SOURCE: GARDNER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 12/12/1930

POINT OF DIVERSION: T11N R16E S30 NWSWNE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		04-01 10-31	0.04 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T11N R16E S30 NESE 1
1 ACRES TOTAL

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

PROPERTY IS ALSO KNOWN AS TRACT 1330, H.E.S. 322.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.



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

December 17, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERT R BOREN
MARJORIE D BOREN
1002 E BANNOCK
BOISE ID 83702

RE: SRBA Claim(s) 72-02073C

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Ross and Velma Beale

AJ0749NP
No. R72-02073E

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/16/99
PAGE: 2

=====

Dates: Exam Made Date: Verified Date: 12/16/1999 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: C
Presumption Flag:

AJ0749NP
No. R72-02073E

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/16/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROSS BEALE	12/12/1930	IRRIGATION	04-01 10-31	0.040 CFS	
C	VELMA BEALE					
	647 WEST 24TH					
	BURLEY ID 83318					
	(208) 678-3269					
					TOTAL DIVERSION:	0.040 CFS

D MARJORIE D BOREN
D ROBERT R BOREN
1002 E BANNOCK
BOISE ID 83702
(208) 342-4368

Water Source: GARDNER CREEK Tributary to: SALMON RIVER Stage: LICENSE

Point(s) of Diversion: T11N R16E S30 NWSME CUSTER County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S : Lt Ac Lt Ac Lt Ac	SENE	SENE	SENE	SENE	
11N 16E 30 :					01
					TOTAL ACRES
					1.0

POU County: CUSTER

Other Rights: NONE

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C16 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 72:
- | WATER RIGHT NO. | SOURCE |
|-----------------|---|
| NONE | NONE |
| | THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN THE SNAKE RIVER BASIN: |
| WATER RIGHT NO. | SOURCE |
| NONE | NONE |
| | ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY. |

Remarks: GEN PROPERTY IS ALSO KNOWN AS TRACT 1330, H.E.S. 322.

AJ0749NP
No. R72-02073E

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/16/99
PAGE: 2

=====

Dates: Exam Made Date:

Verified Date: 12/16/1999 Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag: C
Presumption 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 16, 1999

ROSS & VELMA BEALE
647 WEST 24TH
BURLEY ID 83318

RE: Change of Ownership of SRBA claim 72-02073C

Dear Mr. & Mrs. Beale,

Pursuant to your request for a change in ownership and/or the notification that you presently own the property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owner as you requested for right 72-02073C. This resulted in a split of the base right and your new portion is now labeled 72-02073E.

Please find enclosed a copy of your adjudication report, as it now appears in our records. Please refer to this number in your future correspondence with IDWR. I have also enclosed an updated GIS layout of your place of use.

If you have any further corrections or questions please contact our office.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

Memorandum

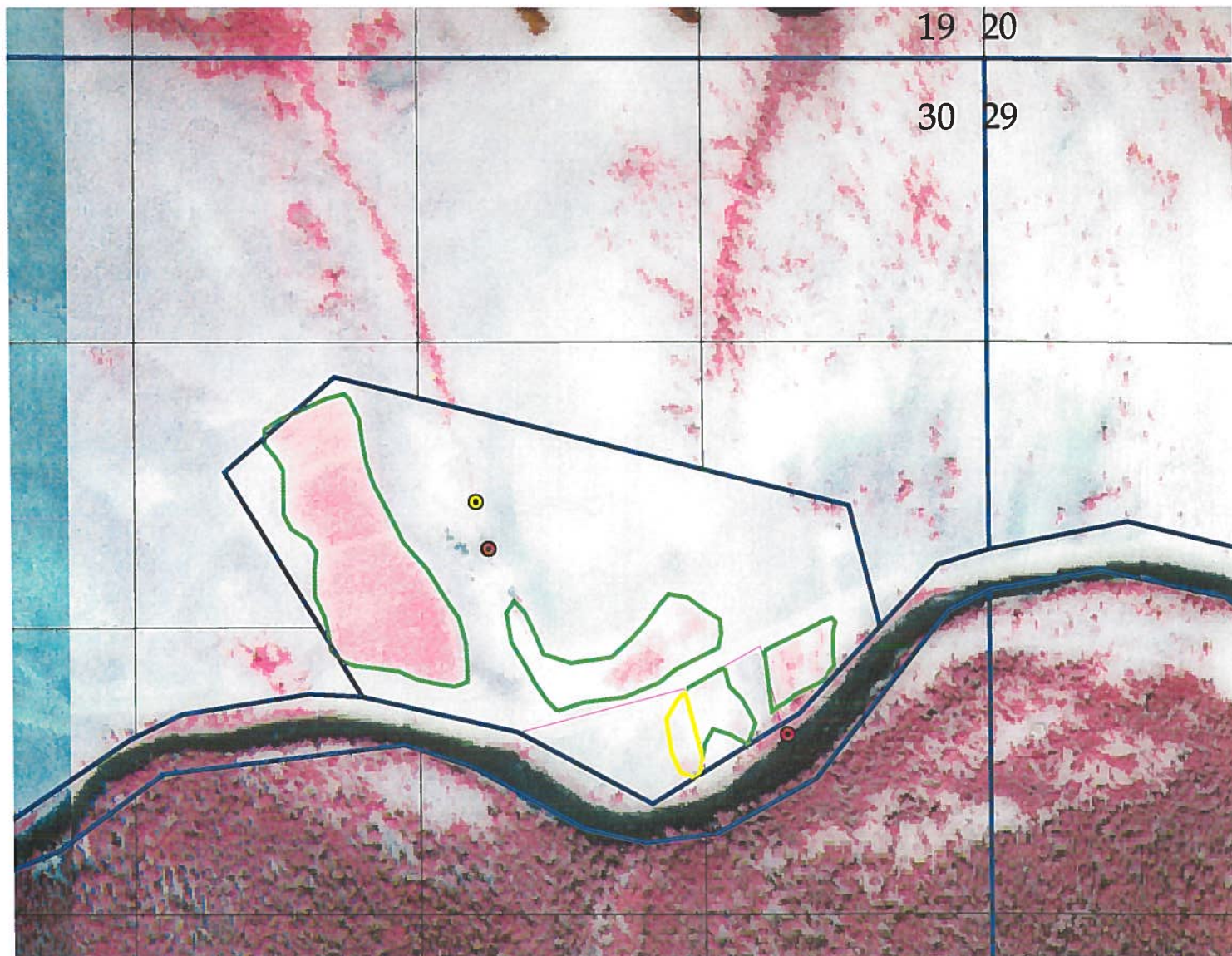
To: FILE A72-02073B
CC: 72-02073 C, D & E
From: STEVE CLELLAND
Date: 12/16/99
Re: RECOMMENDATIONS

This right was disallowed as Part B and the owners, Beale, filed the Objection. It was found during a GIS review of the POU that the property had been recommended a water right but under the right number 72-02073C, which belonged to Boren. The simplest way to correct the error appears to be the filing of a change of ownership of the water right and show the 1-acre of the C-part to belong to Beales instead of Boren. Beales agreed to this and they sought approval from Boren who has faxed me confirmation of his agreement to the split of a portion of his right. After the split is processed, Beales will notify the court of their wish to withdraw the Objection to their original right -- Part B. Part C is split into Parts D & E.

CONFIDENTIAL

IDAHO DEPARTMENT OF WATER RESOURCES

72-02073E



660 0 660 1320 Feet

-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

TWN: 11N
RNG: 16E
SEC: 30
NWSE



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND
***** REVISED *****
DATE: December 16, 1999



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

NOV 17 1999

Department of Water Resources
Northern Region

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s)
Assigned by IDWR: 72-02073C
- [] Name and Address of Former Owner/Claimant(s)(Seller): ROBERT + MARJORIE BOREN
- [] New Owner/Claimant (Purchaser): ROSS + VELMA BEALE
- [] New Mailing Address: 647 W 24th
BURLEY, IDA 83318
- [] New Telephone Number: (208) 878-3269

- [] 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:

Approx. 1 ACRE to BEALE
REMAINING 2 ACRES to BOREN

- [] Attach proof of ownership, describe proof attached: DEED & PLAT MAP (GIS BY SCC & IDWR OF POU & PLATS)

(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): Ross Beale Date 11-17-99
Velma Beale Date _____
- [] Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

FOR IDWR USE ONLY: 11/17/99 SCC
Initial Review and Data-Entry
Date: 12-15-99 By: SCC
Further Action Needed:
SPLIT RTS.
Further Action Taken
Date: 12-16-99 By: SCC
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

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

SEE Letter from R. BOREN Acknowledging this ACTION and his APPROVAL.

PART C SPLIT INTO PARTS: D - BOREN
E - BEALE

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

THIS INDENTURE, Made this 30th day of August, 1965,
 in the year of our Lord one thousand nine hundred and Sixty-five, between
 Robert Boren and Marjorie Boren, husband and wife
 of Sunbeam, County of Custer, State of Idaho
 the parties of the first part, and Ross Beale and Velma Beale
 of Burley, County of Cassia, State of Idaho,
 the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
 One and No/100 _____ DOLLARS,

lawful money of the United States of America, Together with agreed settlement of joint
 interest in real property to them in hand paid by the said
 parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
 and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties
 of the second part, and to their heirs and assigns forever, all of the following described real estate,
 situated in Custer, County of _____, State of Idaho, to-wit:

That portion of H. E. S. No. 322 IN approximate
 Township 11 N., (Range 15 East) Boise Meridian, being
 described as follows, to-wit: _____

Commencing at the intersection of the Easterly
 Boundary of said H. E. S. No. 322 and the
 Southerly Right-of-way line of U. S. Highway
 93 a distance of 970.0 feet to the point of
 beginning of this description; continuing thence
 Southwesterly along said Highway Right-of-way
 line ~~the~~ 790.0 feet to a point on the Northerly
 bank of the Salmon River; thence Easterly along
 the Northerly bank of said Salmon River to a
 point which lies S. 14 degrees 23 minutes E.
 from the point of beginning; thence N. 14
 degrees 23 minutes W. 470 feet, more or less,
 to the point of beginning.

approximately 16
 770
 555
 215

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto
 belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
 issues and profits thereof; and all estate, right, title and interest in and to the said property, as well
 in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together
 with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever
 and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable
 possession of the said parties of the second part, their heirs and assigns, against the said parties
 of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully
 claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Robert Boren [Seal]
Marjorie Boren [Seal]
[Seal]
[Seal]

STATE OF IDAHO }
County of Cassia } ss.

On this 31st day of August in the year 1965, before me
Marie Burgess, a Notary Public
in and for said State, personally appeared Robert Boren and Marjorie Boren, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

My commission expires

Dec. 23, 1968

Marie Burgess
Notary Public for the State of Idaho,
Residing at Burley, Idaho

13

No. _____

WARRANTY DEED

TO

TO

Dated _____, 19____

STATE OF IDAHO }
County of _____ } ss.

I hereby certify that this instrument was filed for record at request of _____

at _____ minutes past _____ o'clock _____ M., this _____ day of _____, A. D. 19____

in my office, and duly recorded in Book _____ of _____ at page _____

By _____ Ex-Officio Recorder.
Deputy.

Fees, \$ _____

Mail to _____

BY THE COMPANY, BOISE

W.M. Local
188942
188877
HES #322

Apprentice

066590

ROSS B-4/e
35- 113
T- 138051A

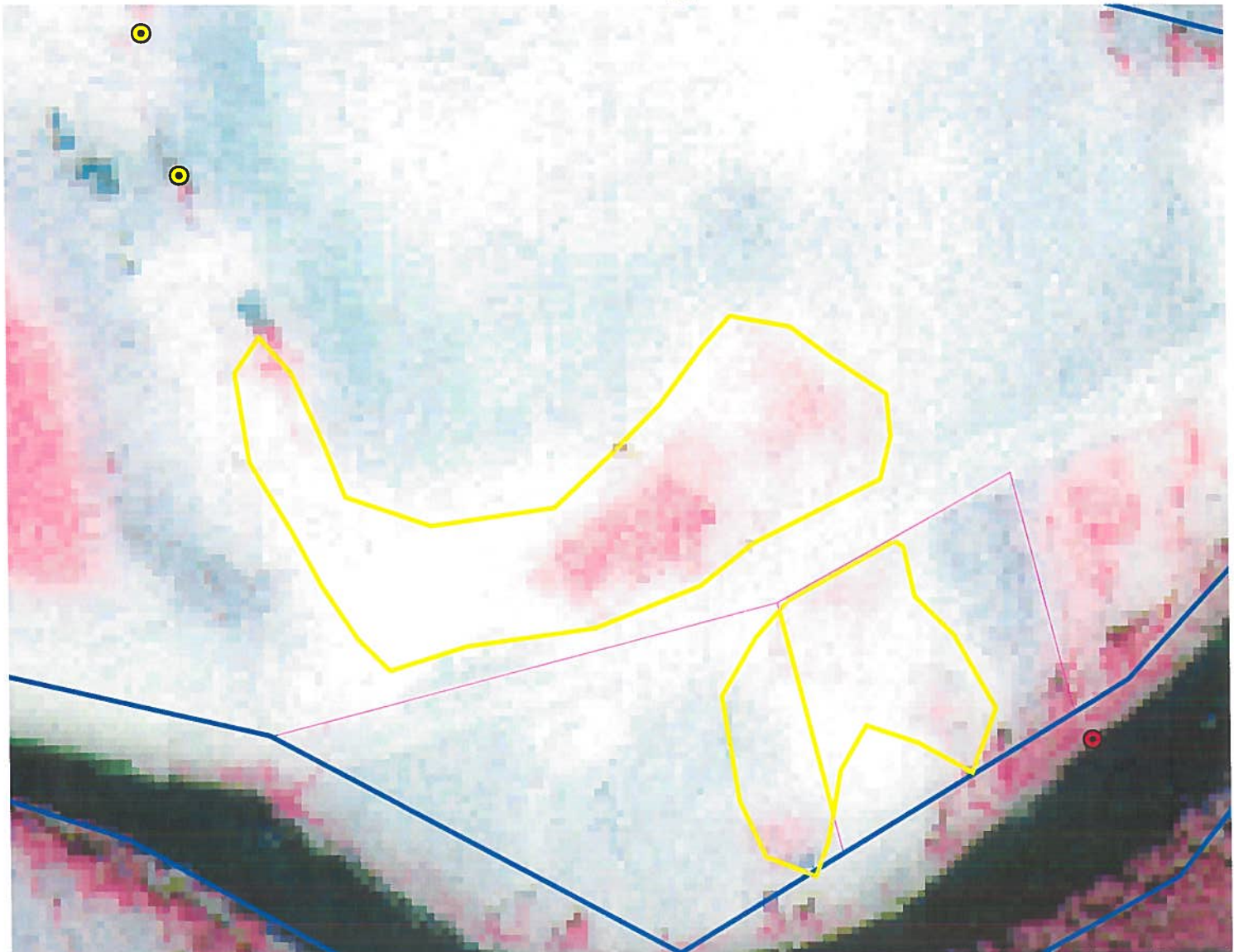
Robert 3-412
N/A
BORE
S 1140-23E-400

7-378
1-22
5-393
Mark H. Kragge
414-237-3371
914-23-296

18233
 18233
 18233

IDAHO DEPARTMENT OF WATER RESOURCES

72-02073 parts



660 0 660 Feet

-  **RECOMMENDED PLACE OF USE**
-  **RECOMMENDED POINT OF DIVERSION**
-  **SECTION LINES**
-  **QUARTER-QUARTER LINES**
-  **STREAMS & DITCH CHANNELS**

TWN: 11N
RNG: 16E
SEC: 30



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND
***** REVISED *****
DATE: November 17, 1999

RECEIVED**DEC 15 1999**Department of Water Resources
Southern Region

To: Steve Clelland
Idaho Department of Water Resources
Fax: 208.736.3037
From: Robert R. Boren
Re: Water Right 72-02073B

I have reviewed the map of the properties involved with this claim provided me by Ross C. Beale on November 22, 1999. They appear to me to be reasonably consistent with the use of irrigation water as I described it to you in my letter sent last spring. If you have further questions, please contact me at
HC 67 Box 742
Clayton Idaho 83227

Or e-mail at rboren@cyberhighway.net

Claim No. see below

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Steve Clelland



11/17/99 10:45 AM

NAME:

ROSS BEALE

RE:

RESOLVE OBJ B72

He and his wife came in to meet with me and try to resolve the issues around their Obj. on right 72-02073B. We were unable to settle everything back in January of 1999 when the Dir. Rept. was filed and it appeared a beneficial use may be best to describe the claimed right in use. Today we plotted in the deed over the GIS shape files of the recommended POU and found that part of the Boren recommendation is actually owned by the Beale's. I suggested the best and easiest way to "fix" the discrepancy is to file a change of ownership. This would split the part C into D & E and the part B would still remain disallowed but the Beale's would now have the 1 acre of irrigation they have shown proof for. I called to our Attorney, Sara D. and she would like to discuss this with Dave T. before committing. She thought we may have to get an objection on the Boren right to "fix" the POU error properly; since no change of ownership actually occurred.

Clelland, Steve

From: Denniston, Sara
Sent: Tuesday, November 23, 1999 4:11 PM
To: Clelland, Steve
Subject: Use of change of ownership

Steve,

I have not been able to talk to Dave about your proposed use of a change of ownership form in the Beale case because he has been out in meetings and has now taken off for vacation.

In the meantime, regardless of what Dave says, I stand by my opinion that a change of ownership is not the proper way to correct mistakenly recommending a portion of one person's place of use to another person. I'd say as long as Beale claimed the entire place of use, we can sign an SF5 giving Beale his entire POU. The person who accidentally got a portion of Beale's POU can't establish a valid water right on Beale's land since they don't own it or have permission to irrigate it. Does the other person have an objection on their right? If not, we can get Beale to file a motion for late objection on the other person's water right.