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Department of Water Resources
Adjudication Bureau

Claimants:

Dick J. Veenendaal and Sigrid E. Veenendaal

Attorney Name and Address:

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

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 No. 36-00039C

)

) AFFIDAVIT IN SUPPORT OF

Case No. 39576

) MOTION FOR SUMMARY JUDGMENT

)

* * * * *

Dick J. Veenendaal, being first duly sworn upon oath, deposes and says:

1. I, Dick J. Veenendaal, am a claimant of a previously decreed water right, which is the water right before the Court in this subcase. I make the foregoing and following statements in this affidavit based on my personal knowledge and beliefs and I am otherwise competent to testify regarding those statements.

2. I own real property described in the deed attached to this affidavit as Exhibit "A" and incorporated by reference into this affidavit. Exhibit "A" is a duplicate of my deed, which is recorded in the official property records of the Gooding County Recorder's Office, Gooding, Idaho. I also own the water right claimed in this subcase.

H_LH
Chartered
Hepworth,
Lezamiz &
Hohnhorst

1 3. The real property described in Exhibit "A" includes decreed,
2 appurtenant water rights. The water right involved in this subcase is appurtenant to that real
3 property. I acquired that water right as successor in interest in the real property to E.W.
4 Dilatush and Alice I. Dilatush and Charles C. Carey, to whom the right was decreed in the
5 case of *New International Mortgage Bank v. Idaho Power Company, et al*, Equity No. 1602,
6 in the District Court of the United States, for the District of Idaho, Southern Division.

7 4. I request this Court take judicial notice of the contents of the final
8 decree entered in that case, dated March 22, 1932, and decreed by the Honorable Charles
9 Cavanah, Federal District Court Judge. A certified copy of that decree is in the files of this
10 Court.

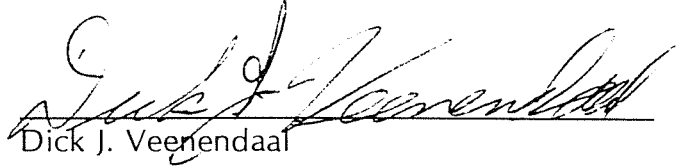
11 5. Attached to this affidavit as Exhibit "B" and incorporated into it is a
12 duplicate of the portion of the *New International Mortgage Bank* decree which shows the
13 water right I acquired through E.W. Dilatush and Alice I. Dilatush and Charles C. Carey.

14 6. My water right has been used and exercised on the real property
15 identified in Exhibit "A" and which is also identified in Exhibit "B". The purposes for which
16 that right has been used and is being used are set forth in the attached Exhibit "C," along
17 with the periods and places of use and other elements of my right. Exhibit "C," which is
18 incorporated into this affidavit, shows how my decreed right has been beneficially used and
19 how it should be decreed.

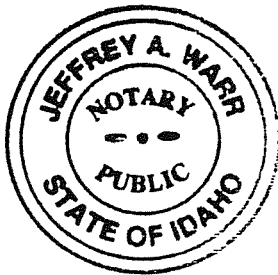
20 7. I have never intended to abandon my right or any part of it. I do not
21 believe that any of my predecessors in interest to the right intended to, or did abandon the
22 water right or any part of it. Since I have owned the water right, there has not been a
23

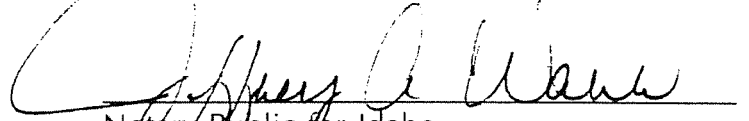
1 continuous five-year period of nonuse. I understand and believe that there has never been
2 a continuous five-year period of nonuse of the right.

3 Dated May 27th, 1996.

4 
5 Dick J. Veenendaal

6
7 Subscribed and Sworn to before me this 27th day of May, 1996.




Notary Public for Idaho
Residing at: Swain Falls, ID
My Commission Expires: 10/30/03

WARRANTY DEED

FOR VALUE RECEIVED

EDWARD C. SHOKAL AND RUTH C. SHOKAL, husband and wife

the Grantor s, do hereby grant, bargain, sell and convey unto

DICK JEROLD VEENENDAAL AND SIGRID E. VEENENDAAL, husband and wife

the Grantees, whose address is Route 1, Hagerman, Idaho 83332

the following described premises, to-wit:

Lot 6 in Block 2, WILLOW BROOK SUBDIVISION, Gooding County, Idaho as the same is platted in the official plat thereof, now of record in the office of the County Recorder of said County.

Subject to those certain restrictive and protective covenants dated August 13, 1979, and recorded with the office of the Gooding County Recorder State of Idaho, on the 13th day of August, 1979 as Instrument No. 78288

Together with the tenements, hereditaments, and appurtenances thereunto belonging, including all water and ditch rights appurtenant thereto, and including seven (7) shares of water from the Buckeye Ditch Company for irrigation purposes.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, that they the owner s in fee simple of said premises; that said premises are free from all encumbrances except reservations of record, easements of record, and general taxes for the year 1985 and subsequent years, which are not yet due and payable.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: August 8, 1985

Edward C. Shokal

Ruth C. Shokal

STATE OF IDAHO, COUNTY OF Gooding

On this 8th day of August, 1985,
before me, a notary public in and for said State, personally

DEF MAY 85

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116343

STATE OF IDAHO
COUNTY OF JEROME, SS
RECORDED AT REQUEST
Pioneer Title Co.

85 AUG 8 AM 11 35

MARGARET F. CLEMENTS, REC.
J.P. HOF FEE 2.00

appeared Edward C. Shokal and Ruth C. Shokal, husband and wife

known to me to be the persons who genuinely
subscribed to the within instrument, and acknowledged to
me that they executed the same.


Notary Public

Helding at _____, Idaho

RICK BERNIEN
NOTARY PUBLIC
FOR THE STATE OF IDAHO
Residing: Jerome, Idaho
My Commission Expires July 1971

PIONEER TITLE COMPANY
OF JEROME COUNTY
161 East Main Street
Jerome, Idaho 83338 • 208 324-2341

Direct ☒ _____
Indirect ☐ _____

WARRANTY DEED

ALL INTEREST RECEIVED BY JEAN B. FLETCHER, a single person continuously since the death of her husband on June 21, 1981, residing at 2625 East Southern Avenue, C 116, Tempe, Arizona, Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto DICK JEROLD VEENENDAAL and SIGRID E. VEENENDAAL, husband and wife, residing at Route #1, Hagerman, Idaho, Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho,

Lot 7, Block 2, Willow Brook Subdivision, located in Section 11, Township 7 South, Range 13, East of the Boise Meridian, according to the plat thereof on file in the office of the Gooding County Recorder, Gooding County, Idaho.

Subject to those certain restrictive and protective covenants dated August 13, 1979, and recorded with the office of the Gooding County Recorder, State of Idaho, on the 13th day of August, 1979, as Instrument No. 78288.

Together with the tenements, hereditaments, and appurtenances thereunto belonging, including all water and ditch rights appurtenant thereto, and including seven (7) shares of water from the Buckeye Ditch Company for irrigation purposes.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED: August 8, 1985

Jean B. Fletcher
Jean B. Fletcher
Grantor

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this 8th day of August, 1985, before me a Notary Public in and for the State, personally appeared Jean B. Fletcher, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

Sarah Q. Wright
Notary Public for Arizona
Residing at 2543 E. LA JOLLA

116450

STATE OF IDAHO
COUNTY OF COCONO, SS
RECEIVED AT REQUEST
By *Ann Allen*
'85 AUG 15 AM 10 23
MARGARET F. CLEMENTS, REC.
DEP. *Rec* FEE *2.00*

7 2 =

Residing at 2543 E. CAJON
Tempe, AZ 85282 2

My Commission Expires Jan 1, 1988



NAME	AMOUNT OF WATER IN SECOND FEET AND SOURCE	PRIORITY OF APPROPRIATION	DIVERSION POINT
	from the said quarter corner first above mentioned and is 729 feet south of the section line between said sections 2 and 11; thence north 80 degrees 28' west 949 feet to a point (which point is 573.8 feet south of a point on the section line between said sections 2 and 11 in said Twp. and Range aforesaid 1320 feet west from the said quarter corner between sections 2 and 11 first above mentioned;) thence north 80 degrees 28' west 199.1 feet to a point; thence south 23 degrees 40' west about 2269 feet to a point 290 feet east from the quarter corner on the west boundary line of section 11, Twp. 7 S. R. 13 E. B. M.; thence east along the south boundary line of Lot 3 of said Section 11 to the southeast corner of said Lot 3; thence north along the east boundary line of said Lot 3 to the northeast corner thereof; thence east along the south boundary line of Lot 2, in said section 11 to the southeast corner of said Lot 2; thence north along the east boundary line of said Lot 2 to the place of beginning.		
CONDIT, JAMES E. AND JENNIE M. CONDIT	.5 Spring (Said Buitt Spring is located on the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 19, Twp. 7 S. R. 14 E. B. M.) The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ (also known as Lot 3) of Section 19, Twp. 7 S. R. 14 E. B. M.	April 1, 1930	Buitt Spring
DILATUSH, E. W., AND ALICE I. DILATUSH, AND CHARLES C. CAREY	2.4 Billingsley Creek .3 Spring (Said unnamed spring arises in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 11, Twp. 7 S. R. 13 E. B. M. at a point 1085 feet north 2 degrees 2' west from the southeast corner of said tract of land. That the point of diversion of said Granger Ditch is on the bank of Billingsley Creek about 100 feet below the diversion point of said Buckeye Ditch and from the diversion point of said Granger Ditch the quarter section corner common to secs. 11 and 12 Twp. 7 S. R. 13 E. B. M. bears south 31 degrees 27' east a distance of 833.4 ft.	Jan. 2, 1891 Jan. 2, 1891	Granger Ditch Unnamed Spring
	Beginning at the southeast corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 11, Twp. 7 S. R. 13 E. B. M.; thence west along the forty line 1075'; thence north 20 degrees 49' east 820 feet; thence north 24 degrees 34' east 450 feet; thence south 81 degrees 26' east 593 feet to the east forty line, thence south along the forty line 1122 feet to the point of beginning.		
ELIASON, ARMEDIA	.8 Spring .4 Spring	Dec. 12, 1901 April 4, 1910	Weatherby Springs; (Hoagland Tunnel) Weatherby Springs;
	The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 36, Twp. 7 S. R. 13 E. B. M. excepting therefrom, however, the following described tract of land: Beginning at the quarter corner between Sections 25 and 36 of said township and range, running thence east 399 feet to the center of the public highway, thence in a southwesterly direction in the center of said highway 278 feet, thence westerly along the north bank of the Clifford Ditch 370 feet, to the west boundary line of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 36, thence north along said west boundary line 257 feet to the point of beginning, said tract of land excepted containing 2.2 acres, more or less, and the property herein described containing 37.8 acres, more or less.		

WATER RIGHT ELEMENTS

- | | | |
|-----|---|---|
| 1. | Name and Address of Claimant: | Dick J. Veenendaal and Sigrid E. Veenendaal
P.O. Box 512
Hagerman, ID 83332 |
| 2. | Source of Water: | Billingsley Creek |
| 3. | Quantity of Water Used: | .28 cfs |
| 4. | Date of Priority: | January 2, 1891 |
| 5. | Legal Description of the Point of Diversion: | Township 7 South, Range 13 East, Boise Meridian, Section 11, SE1/4SE1/4NE1/4, Gooding County, Idaho |
| 6. | Purpose of Use: | Irrigation; Diversion System Maintenance; Stockwater; Wildlife; Recreation; Aesthetics; Domestic |
| 7. | Period of Year Water is used for such Purposes: | Irrigation purpose is used during the irrigation season; All other purposes are used year around |
| 8. | Legal Description of the Place of Use: | Irrigation: Township 7 South, Range 13 East, Boise Meridian, Section 11, NW1/4SE1/4 - 2 acres
Other Purposes: Place of use is in each quarter section where there are irrigated acres and in the delivery system from the point of diversion to the property |
| 9. | Annual Volume of Consumptive Use: | 9 afa |
| 10. | Conditions on the Exercise of Water Right: | None |
| 11. | Remarks necessary for Definition: | None |