

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: A37-00039 C
Date Received: 6/10/1988
Receipt No: S000391
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARLIN KELLY DENNIS 208-764-2397
Address: P.O. BOX 213
FAIRFIELD, ID 83327

AND/OR

Name: JANET LYNN DENNIS 208-764-2397
Address: P.O. BOX 213
FAIRFIELD, ID 83327

2. Date of Priority: AUG 04, 1884

3. Source: SOLDIER CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	14E	9	NW	NW	NW		CAMAS

5. Description of diverting works:
24' CONCRETE DAM & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.000		

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

8. Total consumptive use is 146.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	14E	9	NW	NW		IRR	10.0

A37-00039

Page 1

Date: 08/28/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	14E	9	SW	NW		IRR	30.0
			SE	NW		IRR	18.4
Section Acres							58.4
Total Acres							58.4

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
37-4412

14. Remarks:

CLAIM HAS BEEN FILED FOR FLOODWATERS OF 2.0 CFS UNDER THE
ADUDICATION.

CHANGE OF OWNERSHIP 8/29/90 BY JG.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

RECEIVED

AUG 27 1990

CHANGE IN OWNERSHIP

Department of Water Resources Page 1
Southern Region Office

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): A-3700039, A-370004412, A-3710118

[] Name and Address of
Former Claimant(s): N. E. Leek and Patricia A. Leek
Fairfield, Idaho

/

[] New Claimant(s): ARLIN KELLY DENNIS and JANET LYNN DENNIS

[] New Mailing Address: Box 213, Fairfield, Idaho 83327

New Telephone Number: (208) 764 - 2397

[] Does the change in ownership result in a splitting of the water right claimed? yes xx no
If yes, then describe the portion of the water right that is now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached: COPY OF RECORDED WARRANTY 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 claimant.)

[] Signature of New Claimant(s): Arlin Kelly Dennis
Janet Lynn Dennis
Arlin Kelly Dennis
Janet Lynn Dennis

Date: August 21, 1990

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FEB 22 1990

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s): _____

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: 8/29/90 By: JG

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 8/29/90 By: JG

Claim Numbers of Split, if any:

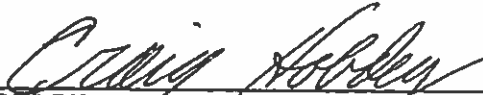
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FEB 22 1993

ACKNOWLEDGMENT

STATE OF IDAHO)
County of Gooding) ss.

On this 20th day of July, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared THERESA L. DENNIS, known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that she executed the same.

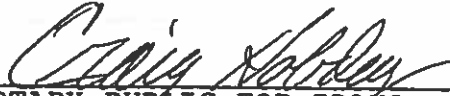
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this instrument first above written.


NOTARY PUBLIC FOR IDAHO;
Residing at Gooding
Commission Expires: 10-24-94

STATE OF IDAHO)
County of Gooding) ss.

On this 20th day of July, 1990, before me, the undersigned, Notary Public in and for said State personally appeared THERESA L. DENNIS known to me to be the person whose name is subscribed to the within instrument as the Attorney in Fact for PHYLLIS IRENE PETTEWAY, CHAPMAN BALLARD LEEK, and FRANCES P. MCCONNELL and acknowledged to me that she executed the name of Phyllis Irene Petteway, Chapman Ballard Leek and Frances P. McConnell thereto as principal, and her own name as Attorney in Fact.

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


NOTARY PUBLIC FOR IDAHO;
Residing at Gooding
Commission Expires: 10-24-94

MICROFILMED

FEB 22 1993

WARRANTY DEED

COPY

For Value Received PATRICIA LEEK, CHAPMAN BALLARD LEEK, PHYLLIS IRENE
PETTEWAY, FRANCES P. MCCONNELL, and THERESA L. DENNIS

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
ARLIN KELLY DENNIS and JANET LYNN DENNIS, husband and wife
Box 213
Fairfield, Idaho 83327

Hereinafter called the Grantee, the following described premises situated in Camas County, Idaho,
to-wit:

TOWNSHIP 1 NORTH, RANGE 14 EAST BOISE MERIDIAN
Section 9: NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$

Together with all water rights appurtenant thereto.

RECEIVED

AUG 27 1990

Department of Water Resources
Southern Region Office

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee
and to the successors heirs and assigns of the Grantee forever. 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: July 20, 1990.

Patricia A. Leek
Patricia Leek

Frances P. McConnell by Theresa L. Dennis
Frances P. McConnell-Attorney in Fact
Phyllis Irene Petteway by Theresa L. Dennis
Phyllis Irene Petteway-Attorney in Fact

Chapman Ballard Leek by Theresa L. Dennis
Chapman Ballard Leek-Attorney in Fact Theresa L. Dennis

STATE OF IDAHO, COUNTY OF Camas

On this 20th day of July, 1990,
before me, a notary public in and for said State, per-
sonally appeared

PATRICIA LEEK

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged
to me that she executed the same.

William M. Colter Notary Public
Residing at Mountain View, Idaho.
Commission Expires: 07-17-1995

and for Record as the Highest ad-
vised for Record as the Highest ad-
vised for Record as the Highest ad-
vised for Record as the Highest ad-
STATE OF IDAHO }
County of Camas }
I hereby certify that this instrument
was filed for record in my office at:
11:45 AM on 7-20-90
duly recorded in Book 27
06505 Page 571
Theresa L. Dennis
County Recorder

66008

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FEB 22 1993

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: A37-00039
Date Received: 6/10/1988
Receipt No: S000391
Received By: SEC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: N.E. LEEK 208-764-2311
Address: BOX 310
FAIRFIELD, ID 83327

AND/OR

Name: PATRICIA A. LEEK
Address: FAIRFIELD, ID 83327

2. Date of Priority: AUG 04, 1884

3. Source: SOLDIER CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	14E	9	NW	NW	NW		CAMAS

5. Description of diverting works:
24' CONCRETE DAM AND DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.000		

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

8. Total consumptive use is 146.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	14E	9	NW		NW		IRR	10.0
			SW		NW		IRR	30.0
			SE		NW		IRR	18.4
							Section Acres	58.4
							Total Acres	58.4

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
37-4412 SPRING

14. Remarks:

CLAIM HAS BEEN FILED FOR FLOODWATERS OF 2.0 CFS UNDER THE
ADUDICATION.

15. Basis of Claim: DECREED

Water Right Number:

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

MICROFILMED
FEB 22 1993

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: 1

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): *[Signature]* Date: 6-10-88

Date: _____

State of Idaho)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 10th day

of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at *Gooding Id*

My Commission Expires 10/16/1992

DESERT

OTTO
FLORENCE
A5

A-334

T9 NB
LEE K

A-173

A-173

X 5.5

58.4

169

119

119

312

74

28

32

330

129

129

129

129

8

357 NB

Ed Smith

Ed Smith

A 43

144

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EB 22 555

05/02/2006

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

RIGHT NUMBER: 37-39C

NAME AND ADDRESS: ARLIN KELLY DENNIS
RT 1 BOX 1278
FAIRFIELD ID 83327

JANET LYNN DENNIS
RT 1 BOX 1278
FAIRFIELD ID 83327

SOURCE: SOLDIER CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 1.170 CFS

PRIORITY DATE: 08/04/1884

POINT OF DIVERSION:

T01N R14E S9 NWNWNW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
1.170 CFS

PLACE OF USE: IRRIGATION Within CAMAS County

T01N R14E S09	SWNE	0.60	T01N R14E S09	NENW	0.60
T01N R14E S09	NWNW	7.20	T01N R14E S09	SWNW	23.00
T01N R14E S09	SENW	27.00			

58.4 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



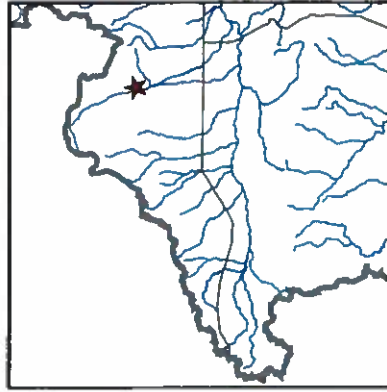
Idaho Department of Water Resources

SRBA Recommendation:

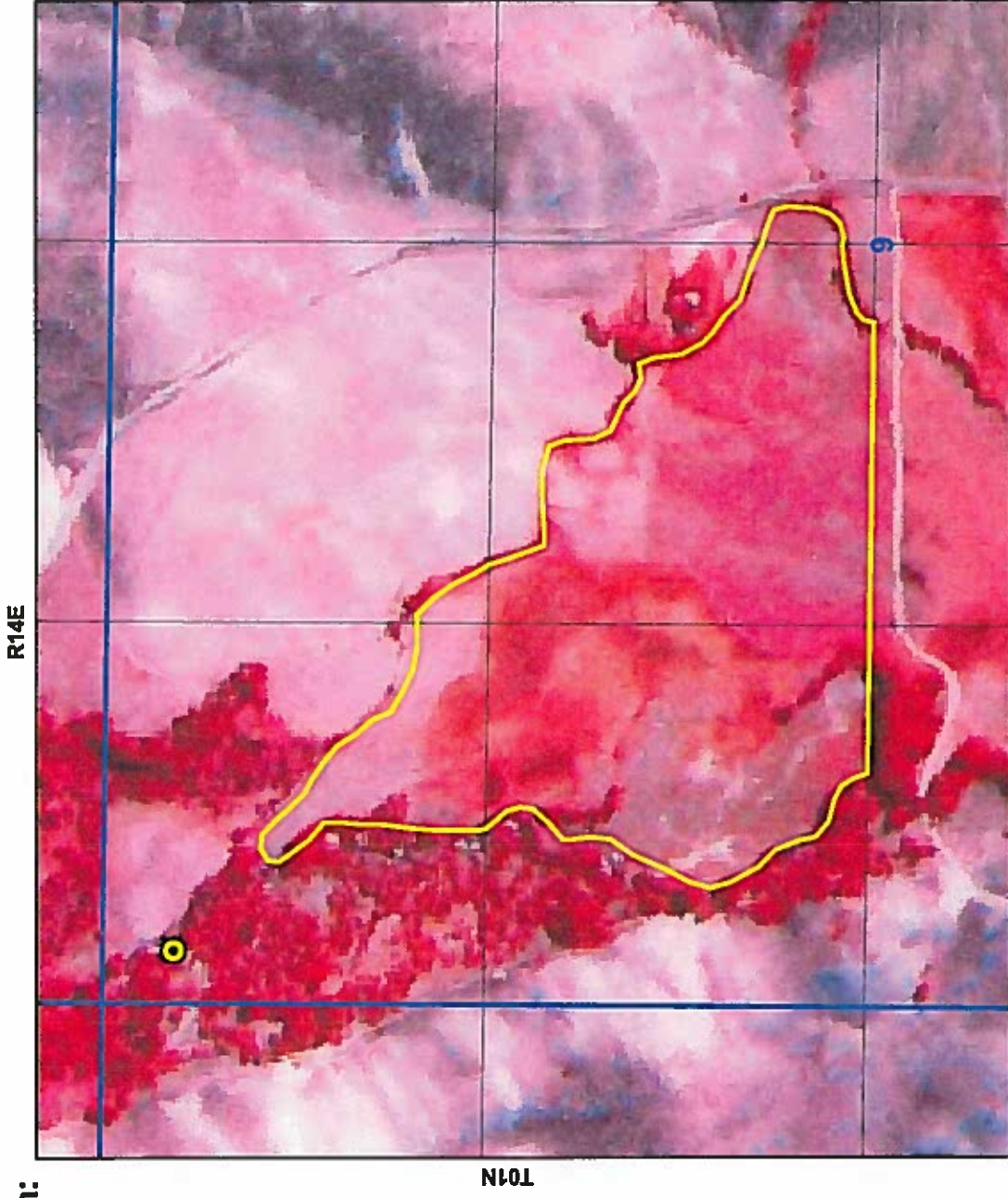
37-39C

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Camas County
IDWR Basin 37



Prepared by M. Anders
On Tuesday, May 2, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-39C

Background Data

- Source is Soldier Creek to tributary to Camas Creek
- Priority date search indicates:
 - 37-39 originally decreed for 2.0 cfs on 4 QQ
 - SRBA claims:
 - 37-39A claimed 0.56 cfs for Irrigation of 36 acres
 - 37-39B claimed 0.02 cfs for Irrigation of 1 acre
 - 37-39C claimed 2.0 cfs for Irrigation of 58.4 acres
 - overclaimed

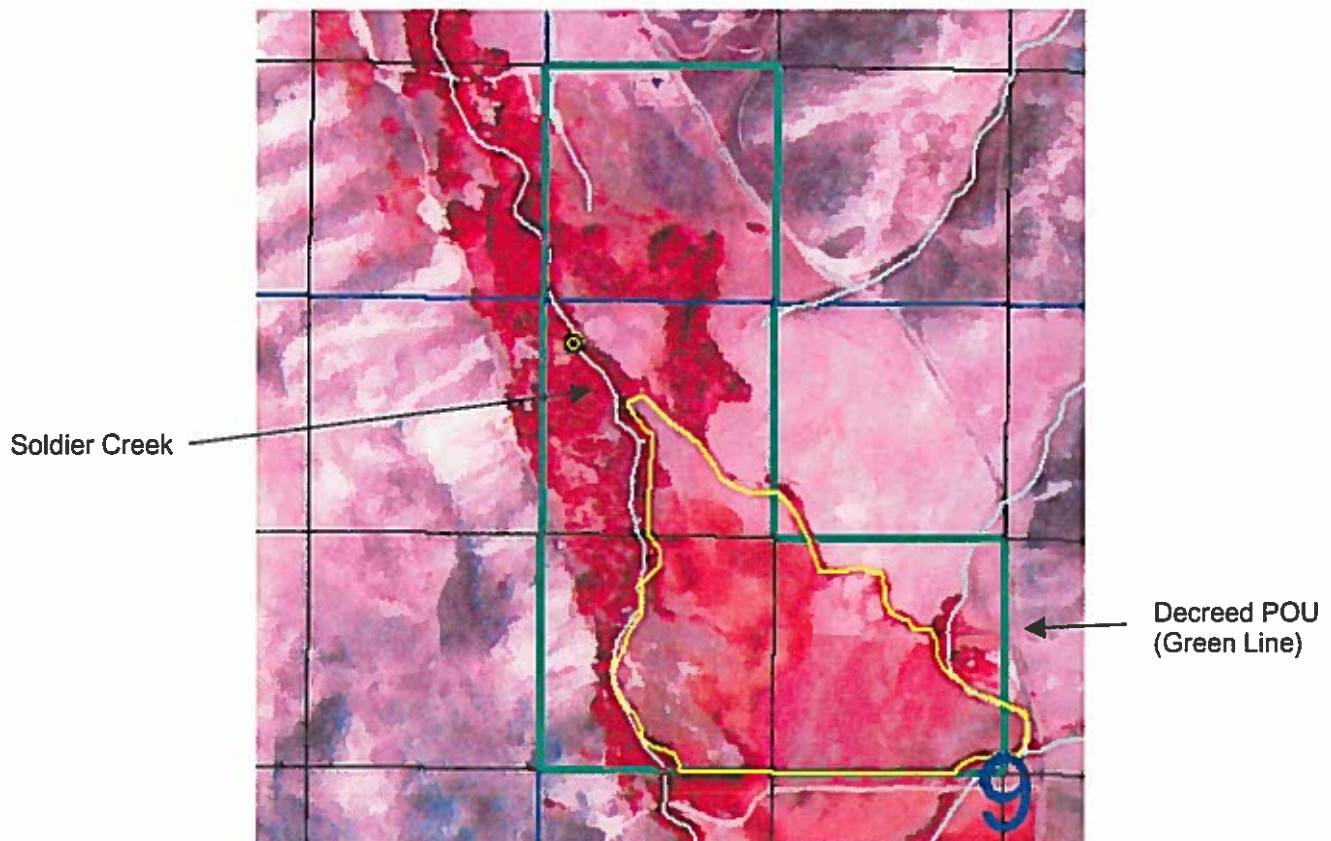
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T1N R14E Section 9

- Found 59 acres of Irrigation
- Recommendations:
 - 37-39A – 0.56 cfs for Irrigation of 28 acres
 - 37-39B – Disallowed – no proof that claimant owns a portion of 37-39
 - 37-39C – 1.17 cfs for Irrigation of 58.4 acres
 - unclaimed – 0.27 cfs
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

<u>Basin</u>	<u>Sequence Suffix</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
37	39 C	Decreed	1884-08-04	2	SOLDIER CREEK IRRIGATION		DENNIS, ARLIN KELLY	Cl wrAdjudicationCl
37	39 A	Decreed	1884-08-04	0.56	SOLDIER CREEK IRRIGATION		FLORENCE JR, OTTO	(Cui wrAdjudicationCl
37	39 B	Decreed	1884-08-04	0.02	SOLDIER CREEK IRRIGATION		RENFROW, JACK F	(Curre wrAdjudicationCl
37	39	Decreed	1884-08-04	2	SOLDIER CREEK IRRIGATION		BALLARD, PHILIP E	(Curre wrWaterRight

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Water Right Number(s): 37-4412 , 37-10118 37-39

Previous Mailing Address: _____
Box 213

New Mailing Address:

A Kelly Dennis
Rt 1 Box 1279
Fairfield Idaho 83327

Telephone Number: (208) 358-2397, 764 1397

Signature of all Claimant(s): A Kelly Dennis

Please print your name below your signature.

A Kelly Dennis

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177

Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701

SCANNED
08-08-05

*Record previously modified on 6/24/05
by Djonas*

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-39

WATER RIGHT NUMBER: 37-39

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PHILIP E BALLARD RT 1 BOX 1330 FAIRFIELD, ID 83327

Priority Date: 08/04/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOLDIER CREEK	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

SOLDIER CREEK

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	14E	4											X						
01N	14E	9					X	X	X										

Conditions of Approval:Remarks:Comments:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

28-Aug-1990 16:29

Arlin Kelly &/or Janet Lynn Dennis
P.O. Box 213
Fairfield, ID 83327

Re: Adjudication Water Right No.(s) A37-00039, 04412 & 10118

Dear Mr. & Mrs. Dennis:

The Department has changed the record of the current owner as you requested on the above listed adjudication water right. Please find enclosed a copy of the computer record of the claim(s) noting the change in claimant. Please review the record and if you have any corrections, please contact this office.

Sincerely,

Judy Givens
Adjudication Secretary

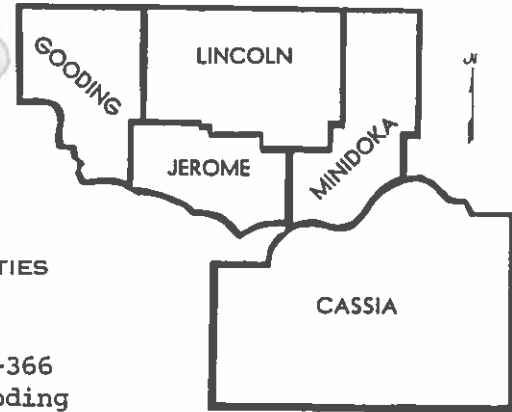
Encl:

c.c. Janet Gorrell
Land Title & Escrow
Gooding

MICROFILMED
FEB 22 1990

Land Title and Escrow, Inc.

COMPLETE SERVICE — 5 IDAHO COUNTIES



REFER TO: CL-366
OFFICE: Gooding

August 24, 1990

RECEIVED

AUG 27 1990

Department of Water Resources
Southern Region Office

Mrs. Laurie White
Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Dear Laurie:

Please find enclosed executed Change in Ownership and copy of Warranty Deed transferring water right numbers A-3700038, A-370004412 and A-3710118 to new claimants Arlin Kelly Dennis and Janet Lynn Dennis. Please process and forward to this office the change of ownership. This letter is also to advise you that Farmers Home Administration, 157 Main Street, Gooding, Idaho 83330, has a security interest in the land and water rights as set forth on the Warranty Deed.

Should you have questions, please contact this office.

Thank you for your assistance.

Sincerely,

Janet

Janet Gorrell
Manager-Gooding

Enclosures

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-4842 - FAX 324-8981

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

MICROFILMED
FEB 22 1991