

RECEIVED

JUL 21 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 18 2008

By _____ Clerk
Deputy Clerk

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) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-23165
) and 63-32442

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On June 19, 2007, the Riverside Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report* for water right 63-23165, asserting that the source of water should be described as wastewater. Water right 63-32442 was identified by IDWR as an uncontested overlapping right. On June 13, 2008, the Riverside Irrigation District filed a *Notice of Withdrawal of Objection*. Accordingly, there are no outstanding objections to these water right claims.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein IT IS RECOMMENDED that water rights 63-23165 and 63-32442 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated July 18, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication

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

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 18 2008	
By _____	Clerk
Deputy Clerk	

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-23165

NAME AND ADDRESS: IVAN G MARTIN
MURIEL G MARTIN
PO BOX 567
PARMA, ID 83660

SOURCE: WASTE WATER TRIBUTARY: SOUTE BOISE DRAIN

QUANTITY: 0.62 CFS

This right when combined with Right No. 63-32442 shall provide
no more than .02 cfs per acre.

PRIORITY DATE: 03/01/1950

POINT OF DIVERSION: T05N R06W S13 SWSWSE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.62 CFS

PLACE OF USE: Irrigation T05N R06W S13 NWSE 3.0 SWSE 28.0
31.0 Acres Total Within Canyon County

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION	
JUL 18 2008	
_____ SPECIAL MASTER	
PAGE 1	Jun-12-2008

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 18 2008

By _____ Clerk

Deputy Clerk

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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

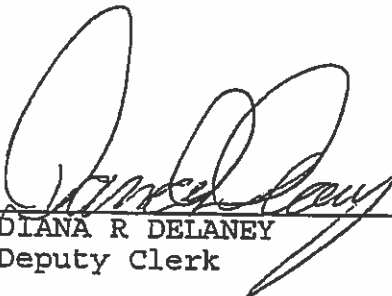
Water Right(s): 63-23165
63-32442

On July 18, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

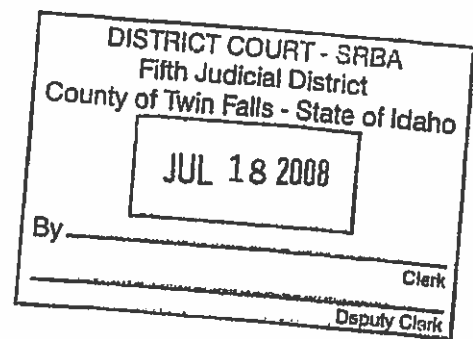
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED July 18, 2008.



DIANA R DELANEY
Deputy Clerk



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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 63-23165
63-32442

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 18, 2008, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

RIVERSIDE IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

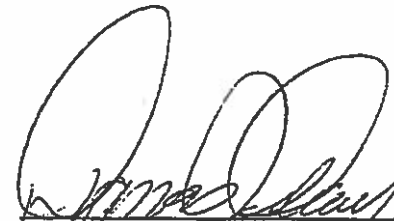
USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
07/18/08

IVAN G MARTIN
MURIEL G MARTIN
PO BOX 567
PARMA, ID 83660
Phone: 208-722-5056



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 24 2008

By _____
Clerk
Deputy Clerk

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

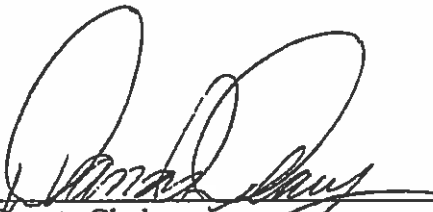
Case No. 39576

SUBCASE: 63-23165 and 63-32442

NOTICE VACATING INITIAL HEARING

NOTICE IS GIVEN THAT the Initial Hearing set for June 26, 2008, at 10:45 a.m. is
vacated.

DATED June 24, 2008.


Deputy Clerk
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE VACATING INITIAL HEARING was mailed on June 24, 2008, with sufficient first-class postage to the following:

RIVERSIDE IRRIGATION DISTRICT

Represented by:

ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

IVAN G MARTIN

MURIEL G MARTIN

PO BOX 567

PARMA, ID 83660

Phone: 208-722-5056

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

Albert P. Barker, ISB # 2867
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Suite 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

RECEIVED

JUN 16 2008

DEPARTMENT OF
WATER RESOURCES

Attorneys for Riverside Irrigation District

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 No. 63-23165
)
)
)
)
)
)

NOTICE OF WITHDRAWAL
OF OBJECTION

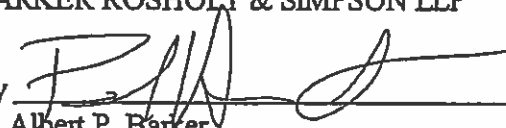
COME NOW, the above-named Objectors, by and through their attorney of record,
Albert P. Barker, Barker Rosholt & Simpson LLP, pursuant to I.R.C.P. Rule 41(a)(1) and move this
Court for an Order Granting Withdrawal of their Objections in the abovereferenced matter.

The Objector, Riverside Irrigation District, voluntarily withdraws its Objections previously
filed in this matter and having done so prior to the initial hearing, request that an order of dismissal
of its Objection be entered by the Court.

DATED this 13th day of June, 2008.

BARKER ROSHOLT & SIMPSON LLP

By


Albert P. Barker

Paul L. Arrington

Attorneys for Riverside Irrigation District

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of June, 2008, I mailed the original and copies of this notice to the following persons, by mailing the original and/or copies, postage prepaid 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, Idaho 83303-2707

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

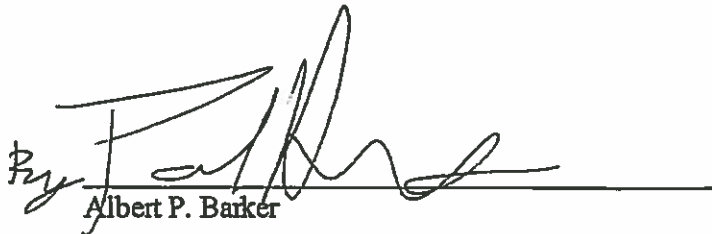
Name: Ivan G. & Muriel G. Martin
Address: P. O. Box 567
Parma, ID 83660

3. Copies to:

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

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

United States Department of Justice
Environmental/Natural Resource Div
550 West Fort Street, MSC 033
Boise, ID 83724


Albert P. Barker

RECEIVED

MAY 26 2008
DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 04:07
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) ORDER SETTING SUBCASE(S)
Case No. 39576) FOR INITIAL HEARING
) SUBCASE NOS: 63-23165 63-32442

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 26, 2008 at 10:45 AM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 23, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008,
with sufficient first-class postage to the following:

RIVERSIDE IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

IVAN G MARTIN
MURIEL G MARTIN
PO BOX 567
PARMA, ID 83660
Phone: 208-722-5056

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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

RECEIVED
JUN 18 2007
DEPARTMENT OF
WATER RESOURCES

In Re SRBA) A. Subcase 63-23165
(Insert water right number)
)
Case No. 39576) STANDARD FORM 1
) OBJECTION
_____)

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Riverside Irrigation District
Address: PO Box 1080
Parma, ID 83660
Daytime Phone: 208-880-3449

Name & Address of Attorney, if any:

Albert P. Barker
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: Muriel and Ivan Martin
Address: PO Box 567
Parma, ID 83660

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: The source should be described as waste waters, and waste waters belong to the Riverside Irrigation District.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
- 10 ☐ **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 OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Riverside Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Riverside Irrigation District. Proposed waste water remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of ADA)

ALBERT D. BARRETT, 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)

[Signature]

(Attorney signing in representative capacity)

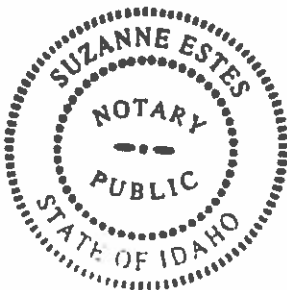
Subscribed and sworn to before me on: June 18, 2007

Suzanne Estes

Notary Public for Idaho

Residing at: Boise

My Commission Expires: June 1, 2012



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 JUN 18 2007, 200 , 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:

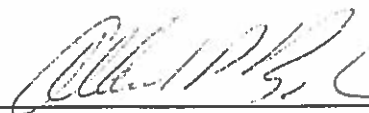
Name: Muriel and Ivan Martin
Address: PO Box 567
Parma, ID 83660

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Signature of objector or attorney
mailing on Objector's behalf

12/10/2006

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

RIGHT NUMBER: 63-23165

NAME AND ADDRESS: IVAN G MARTIN
PO BOX 567
PARMA ID 83660

MURIEL G MARTIN
PO BOX 567
PARMA ID 83660

SOURCE: WASTE WATER

TRIBUTARY: SOUTH BOISE DRAIN

QUANTITY: 0.620 CFS

This right when combined with Right No. 63-32442 shall provide no more than .02 cfs per acre.

PRIORITY DATE: 03/01/1950

POINT OF
DIVERSION: T05N R06W S13 SWSWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.620 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R06W S13	NWSE	3.00	T05N R06W S13	SWSE	28.00
---------------	------	------	---------------	------	-------

31 ACRES TOTAL

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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.

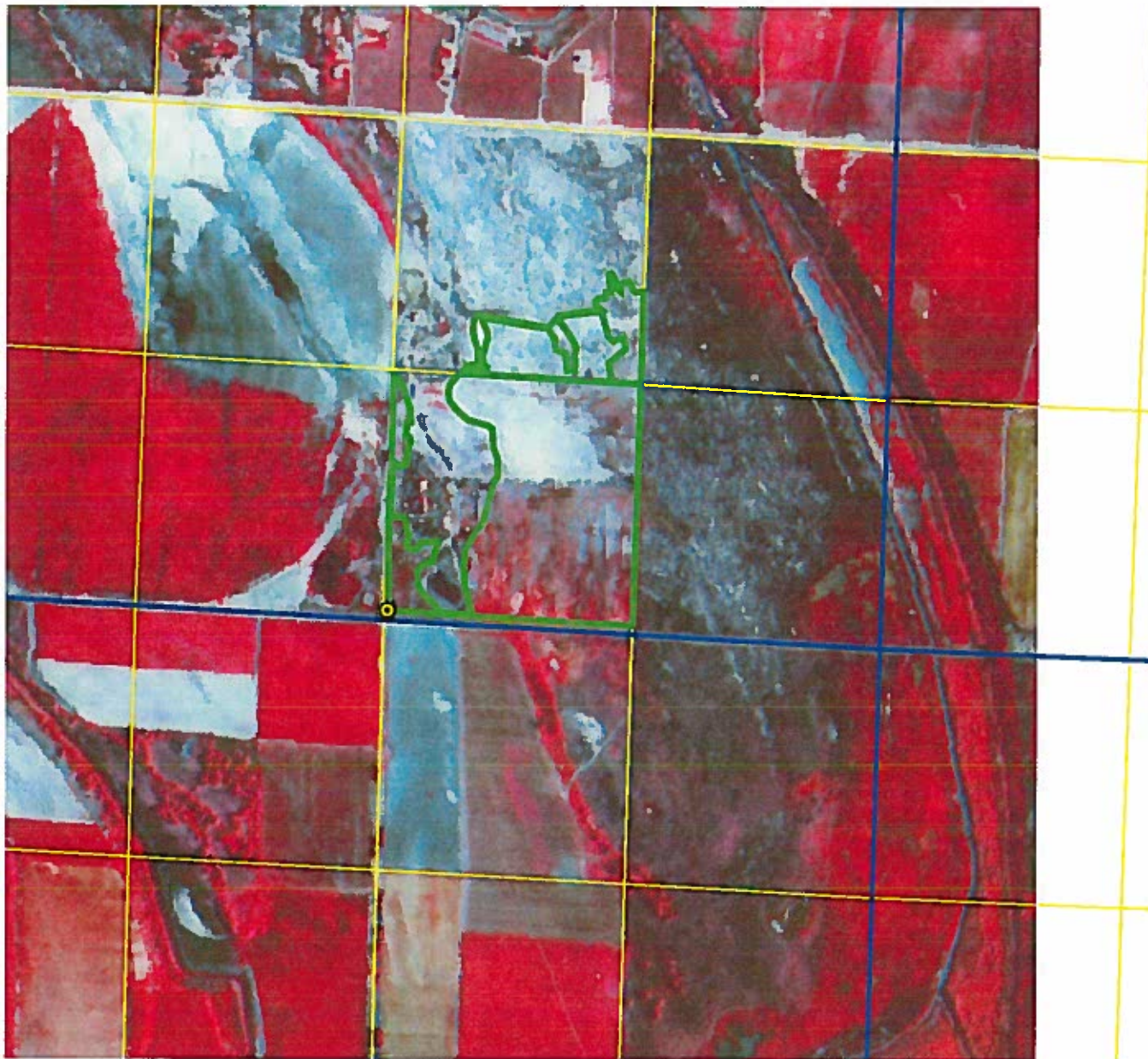
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

63-23165

05N 06W Section 13



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 31

500 0 500 Feet



IDWR
Prepared by: Lori Graves
Date: 09-11-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-23165 V1

WATER RIGHT NUMBER: 63-23165 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IVAN G MARTIN PO BOX 567 PARMA, ID 83660 (208)722-5056
Current Owner	MURIEL G MARTIN PO BOX 567 PARMA, ID 83660 (208)722-5056

Priority Date: 03/01/1950

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	SOUTH BOISE DRAIN

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.620 CFS	
	<u>Total Diversion:</u>	0.620 CFS	

Location of Point(s) of Diversion

WASTE WATER	SW1/4SW1/4SE1/4	Sec. 13, Twp 05N, Rge 06W, B.M.
CANYON County		

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	
05N 06W 13															3.0	28.0	31.0

Total Acres: 31

Conditions of Approval:

1. C18 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.
2. E62 This right when combined with Right No. 63-32442 shall provide no more than .02 cfs per acre.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-23165 V1

Comments:

1. Igraves 9/11/2006 Receipt

Comment: Claimant originally paid \$100 for an application for permit, which was then converted to pay for this claim and two domestic claims. Acres were not covered. Claimant then filed claim 63-32442 9/15/06 and paid for the acres per receipt W034687.

2. Igraves 9/11/2006 Priority Date

Comment: Don Cone submitted an affidavit for the priority date without qualifications. Upon department request, claimants then submitted a letter explaining how Don Cone was qualified to write the affidavit. Priority date was advanced to 1950 based on the affidavit.

3. Igraves 9/11/2006 Tributary

Comment: Tributary was clarified to South Boise Drain per the topo map.

4. Igraves 9/11/2006 Overlaps

Comment: Claimants verified that they do not have surface water shares from Riverside Irrigation District. Ground water right 63-32442 covers the same acres for irrigation.

5. Igraves 9/11/2006 Parcel Nos.

Comment: Irrigation is within Parcel Nos. R2616901000 and R2616901100.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-23165

WATER RIGHT NUMBER: 63-23165

Owner Type Name and Address

Current Owner IVAN G MARTIN
 PO BOX 567
 PARMA, ID 83660
 (208)722-5056

Current Owner MURIEL G MARTIN
 PO BOX 567
 PARMA, ID 83660
 (208)722-5056

Priority Date: ~~03/15/1945~~ 3/1/1950 per affidavit

Basis: Beneficial Use

Status: Active

Source

WASTE WATER

Tributary~~BOISE RIVER~~

S Boise Drain per topo

Beneficial Use

IRRIGATION

From To

~~3/15~~ to 11/15Diversion Rate~~0.800 CFS~~Annual Volume

.62

3/1

Total Diversion:

0.800 CFS

.62

X

Location of Point(s) of Diversion

WASTE WATER

CANYON County

SW1/4SW1/4SE1/4

Sec. 13, Twp 05N, Rge 06W, B.M.

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	
05N 06W 13															40.0		40.0
															3	28	31

Total Acres: 40 31

1. NOTE: THIS CLAIM ORIG. CAME IN AS AN APP. FOR PERMIT, HOWEVER, IT WAS FOUND THAT THE USE HAD BEEN DONE FOR 40 YRS, SO THIS CLAIM WAS SOLICITED. THE ORIG. RECEIPT NO. C015812 WAS FOR TWO \$25 CLAIMS(A63-23167&68)AND THE APP. FOR PERMIT FEE FOR \$50. ON 6-1-1990 GENE GIBSON REQUESTED THE \$50 APP. FOR PERMIT FEE BE TRANSFERRED TO COVER THE FILING FEE FOR THIS CLAIM. HOWEVER, THIS CLAIM IS FOR 40 ACRES OF IRRIG., THEREFORE, THE FEE IS \$90. BRUCE SCHULD REFERENCES RECEIPT NO. C015793 STATING IT COVERS THE LATE FEE(ALTHOUGH NONE IS DUE) AND THE REST OF THIS FEE. HOWEVER THIS RECEIPT HAS BEEN VOIDED AND APPEARS TO HAVE BEEN FOR THE SAME CHECK NO. AND WAS REDONE AS RECEIPT NO. C015812 ON THE SAME DAY BECAUSE THERE WAS AN APP. FOR PERMIT AND TWO CLAIMS AT THAT TIME RATHER THAN 3 CLAIMS. THEREFORE, FROM MY REVIEW IT APPEARS THAT AN ADDITIONAL \$40 IS NOW DUE, AND WILL BE BILLED TO CLAIMANT JS, 8-22-90. AS \$50 HAS BEEN PD. ON C015812, BUT NOT YET SHOWN AS ADJ. CODE, I AM PUTTING X777777 AS RECT, UNTIL FIXED & \$40 PD

Dates and Other Information:

Claim Received Date: 3/21/1990

add E62 - combined
rate limit

MEMORANDUM

TO: ADJUDICATION FILE 63-23165

FROM: DANIEL A. NELSON

DATE: 9/7/06

SUBJECT: FIELD EXAMINATION

On 9/1/2006 I visited the site described in adjudication claim file 63-23165. This claim was filed for irrigation of 40 acres in the SWSE. The actual irrigation was for pastures that ran in out of old cars, construction equipment and other treasures. Even though some of the water may channel through some of the more cluttered spots in the pastures, I couldn't call this actual irrigation. Therefore, I drew place of use where it was obvious where water was being used. The ditch used for irrigation circled the pastures, and did supply a small amount of irrigation in the NWSE. Most of this ground is not suitable for row crops, so pastureland is basically the best use for this ground.

There was no water flowing through the ditch at the time of the exam, but it was obvious that the water had recently flowed onto the ground and that irrigation had occurred just a few days earlier. The water comes onto the property from the west to east through a culvert under the road. The water can be immediately diverted into the first pasture, or continue traveling in the ditch to the east for $\frac{1}{4}$ miles. The ditch then turns north for approximately $\frac{3}{8}$ of a mile and meanders west back to a drain.

Most of the ground irrigated is in the SWSE, because the NWSE is very rocky and barely able to sustain sagebrush. However, there are three small pockets on the south side of the ditch that are irrigated when water is available. I included these acres, because they are irrigated grass for the north pasture. With all the acres combined I found a total of 31 acres irrigated. The Manning's formula showed that the capacity of the ditch was 1.64 cfs, which does sound reasonable for this area. Therefore, I would suggest that this claim be recommended for 0.62 cfs, 139.5 afa for irrigation use for 31 acres.

T5N R6W S13

NWSE
3 ac

NESE

SWSE
28 ac

SESE

O

MANNING EQUATION CHANNEL CAPACITY RESULTS

09-07-2006

File Number: 63-23165

Claimant: Martin

Channel measured: Irrigation/Wastewater ditch

Date of measurement: 9/1/2006

Measurement location:

At the point where ditch crosses under road onto the property or point of diversion.

Calculation prepared by: Dan Nelson

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 100 feet.

The upstream and downstream rod readings are 4.36 and 4.64 feet.

The channel cross section is 1.96 ft-sq.

The wetted perimeter is 3.84 feet.

The hydraulic radius is 0.51 feet.

The slope is 0.0028

The roughness coefficient is 0.0600

The flow velocity is 0.839 ft/sec.

The rate of flow is 1.64 cfs.

CROSS SECTION NUMBER 1

For File Number 63-23165 for the Irrigation/Wastewater ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.40
2	1.13	1.13	1.00
3	1.11	1.11	1.50
4	1.13	1.13	2.00
5	0.52	0.52	2.50
6	0.00	0.00	2.90

The area for this cross section is 1.98 square feet
and the wetted perimeter is 3.72 feet.

CROSS SECTION NUMBER 2

For File Number 63-23165 for the Irrigation/Wastewater ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.30
2	1.14	1.14	1.00
3	1.00	1.00	1.50
4	0.96	0.96	2.00
5	0.67	0.67	2.50
6	0.00	0.00	3.00

The area for this cross section is 2.00 square feet
and the wetted perimeter is 3.77 feet.

CROSS SECTION NUMBER 3

For File Number 63-23165 for the Irrigation/Wastewater ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.40
2	0.32	0.32	1.00
3	0.87	0.87	1.50
4	0.90	0.90	2.00
5	0.82	0.82	2.50
6	0.55	0.55	3.00
7	0.38	0.38	3.50
8	0.00	0.00	3.80

The area for this cross section is 1.90 square feet
and the wetted perimeter is 4.01 feet.

MANNING'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS				
earth	.020	✓	(1)	negligible	.000		(1)	
rock	.025		(2)	minor	.010	✓	(2)	
fine gravel	.024		(3)			.015		(3)
coarse gravel	.028		(4)	appreciable	.020		(4)	
						.030		(5)
				severe	.040		(6)	
						.050		(7)
						.060		(8)
SURFACE IRREGULARITY				VEGETATION				
smooth	.000		(1)	low	.005		(1)	
minor	.005		(2)			.010		(2)
moderate	.010	✓	(3)	medium	.015	✓	(3)	
severe	.020		(4)			.020		(4)
						.025		(5)
				high		.030		(6)
						.040		(7)
						.050		(8)
				very high		.060		(9)
						.075		(10)
						.100		(11)
VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION				DEGREE OF MEANDERING				
gradual	.000		(1)	minor	1.00	✓	(1)	
occasional	.005	✓	(2)	appreciable	1.15		(2)	
frequent	.010		(3)	severe	1.30		(3)	
	.015		(4)					

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 9/1/2006

FILE NUMBER 63-23165



The top photo shows where the ditch enters the property and is the true point of diversion. The first point where is diverted is the small ditch with the canvas dam.

The picture below shows the pasture where the waster is used.



ADDITIONAL INFORMATION NEEDED FOR IRRIGATION FIELD EXAMS

Field Examiners, please complete the following checklist. Mark "unknown" or N/A if information doesn't apply or information is unavailable.

IF CURRENT OWNER DOES NOT MATCH PROOF REPORT PLEASE GIVE NEW OWNER CHANGE OF OWNERSHIP FORM TO COMPLETE.

1.) Pump information:

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

2.) Lift (distance from pump to water) _____

3.) How was lift determined (well log, measurement, owner)? _____

4.) Pressure against pump (this is checked using the owner's psi gauge, your gauge, or an estimate by owner) _____

5.) Was a measurement made? _____ If no can a measurement be made at a latter time? _____

6.) What type of measurement device was used? _____

7.) Is there a pump curve available for pump? _____

8.) Please fill out the following:

Number of sprinklers _____

Sprinkler nozzle size _____

Number of Pivots (include gpm rating for each pivot) _____

F2000

9.) Please outline all acres irrigated on attached aerial photo. _____ DONE

10.) Please clearly mark all points of diversion on map and GPS. _____ DONE

11.) Please clearly mark all mainlines, ditches, and other conveyances.
_____ DONE

12.) Pictures taken of place of use and point of diversion. _____ DONE

13.) Please show where and how water from other sources are diverted into the irrigation system.

FIELD EXAMINERS NOTES (descriptions, other uses, questions, ect.)

FLUOR IRRI
49550 WATER
DOESN'T
INTO POND

Transect 1		Transect #2		3
.4 Edge		.3 Edge		.4 Edge
1.0	1.13	1.0	1.14	1.0
1.5	1.11	1.5	1.00	1.5
2.0	1.13	2.0	0.96	2.0
2.5	0.52	2.5	1.67	2.5
2.9	Edge	3.0	Edge	3.0
				3.5
				3.8 Edge

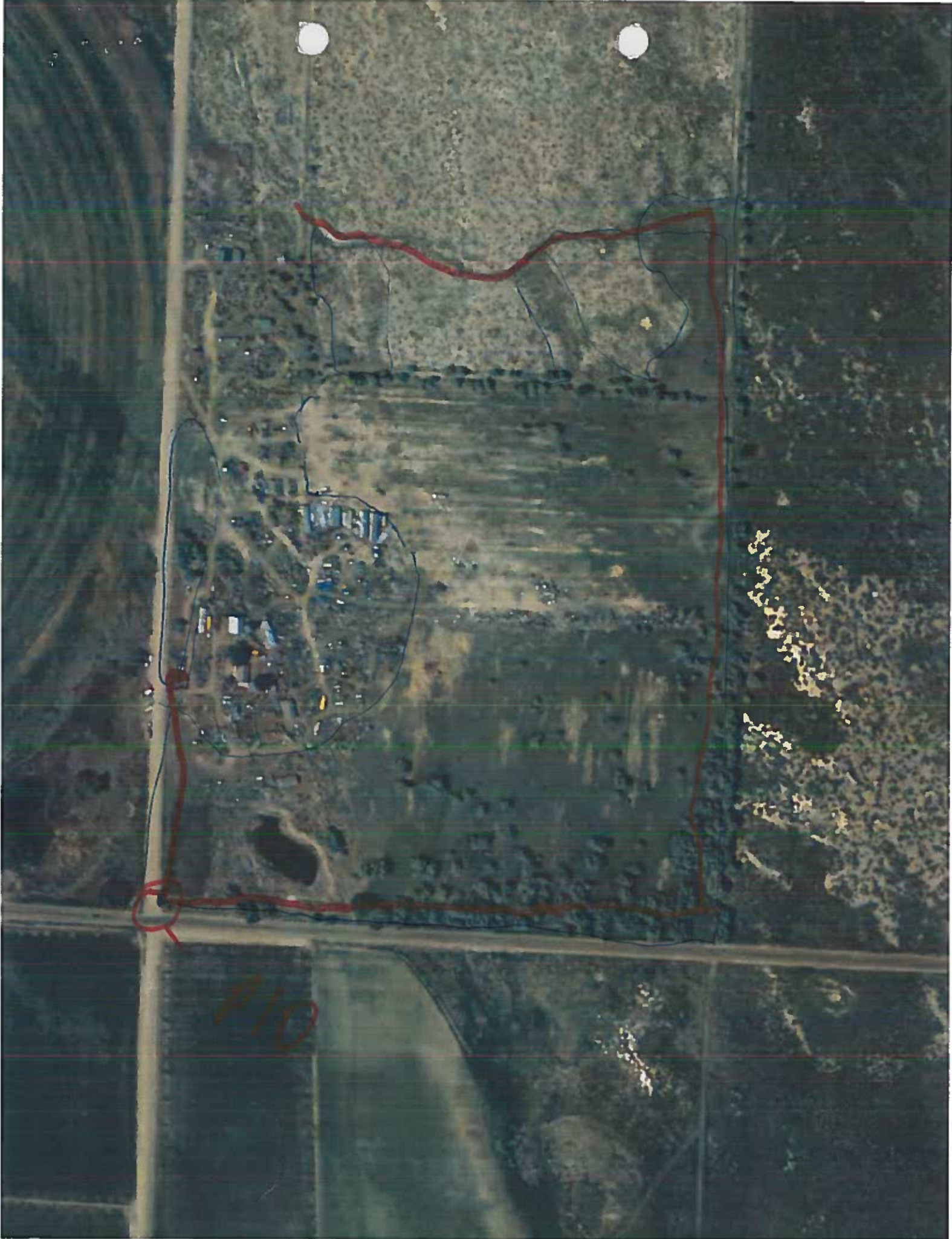
4.36

4.64

100 FT -

DATE EXAM CONDUCTED _____

FIELD EXAMINER _____





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

August 28, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

IVAN AND MURIEL MARTIN
PO BOX 567
PARMA ID 83660

COPY

**RE: FIELD EXAM REQUEST FOR SNAKE RIVER BASIN ADJUDICATION
(SRBA) CLAIM NUMBER 63-23165**

Dear Mr. and Ms. Martin:

I have tried several times to contact you to set a time to perform a field inspection of your SRBA claim 63-23165. I left several messages, but have not received a response to set a time to come out verify this claim. Without verification of your water right the agent working on your SRBA claim will be required to recommend that this claim be disallowed due to no beneficial use found.

Our agencies is under a very strict deadline that requires that I perform the field exam for this claim, or return the claim to the agent with a designation of no beneficial use found. I want to give you every opportunity to pursue this water right through to fruition, but unfortunately, I cannot wait any longer. **If I cannot perform the field exam by 9/11/2006, I will be forced to return the claim to be disallowed. Please contact me at the above address as soon as possible to set an appointment to examine this water right.** My schedule is very limited, so the sooner you call the better chance you will have to comply with the 9/11/2006 deadline.

If you have any questions or concerns please contact me at the above address.

Respectfully,

Daniel A. Nelson

Senior Agent

Western Region Office - IDWR

FIELD EXAM MEMO

DATE: 6/19/2006

TO: Dan Nelson

FR: Lori Graves

RE: A63-23165

Claimants returned the 2004 photo showing the direction of water flow, which is attached to their affidavit.

There seems to be some confusion noted in the file regarding the amount of money claimant's originally paid and were refunded. Too much time has lapsed to worry about it now.

I asked Muriel about the apparent pond, which is not covered by a claim or water right. She stated that the pond was the result of gravel excavation in the early 1960's and that they now use the resulting ground water. I told her that the time they started to beneficially use the ground water was important because it would dictate what kind of form needed to be filed...an SRBA claim (pre 1963) or an application for permit (post 1963). I have included both forms in the file for the claimants.

If the wastewater flows through the pond and can fill the pond in less than 24 hours, nothing further is need for the pond.

Items needed for this claim include:

1. P/d location
2. System capacity
3. Acres irrigated
4. System diagram

Note: Muriel stated that they do not have surface water shares.

Thanks Dan.

June 15, 2006

Greetings:

In response to your telephone conversation, I am writing to tell you who Don Cone is.

Back in 1945 Don married Joan Martin's sister - (Joan Martin was the owner of the farm where the water rights are in question.) As Don lived in the area, and he and Joan were both young men trying to establish their own farms, they worked together on a lot of their farming, and livestock raising. Therefore he would have known when Joan got water to irrigate his pasture.

I did not arrive on the place until 1950, but I am sure Joan had been using this waste water for at least four years at that time.

I hope this helps you with the picture.

Respectfully yours,

Muriel G. Martin
(Mrs. Joan Martin)

RECEIVED

JUN 16 2006

WATER RESOURCES
WESTERN REGION

Mead

RECEIVED

JUN 12 2006

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
63-23165)
)
)

AFFIDAVIT

State of Idaho)
County of Canyon)

I Don Cone

deposes and says: The Waste Water From
Irrigated Land South & Southwest of
The Martin farm has been used when
available ever since 1950 or longer.
Water has been Pumped from existing
Pond on Martin farm.

Don Cone
(Signature)





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 17, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MURIEL & IVAN MARTIN
PO BOX 567
PARMA ID 83660

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No: A63-23165

Dear Claimants,

In the past, you submitted the above referenced claim during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim for your reference only, it is not necessary to return this print-out. You indicated, when this claim was filed, that the water right was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date."

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right if water availability problems arise in the future.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, an accurate location of your diversion and acres irrigated needs to be identified on the attached aerial photo. Please also provide as much detail about your diversion works as possible and specify if you also use water from Riverside Irrigation District.. If more information is needed, you will be receiving a call from us in order to set-up an appointment for a field exam.

Page 2

The above requested information needs to be submitted by June 7, 2006. Please let me know if you may not be able to submit the information or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully,

A handwritten signature in black ink, appearing to read "Lori Graves". The signature is fluid and cursive, with the first name "Lori" and last name "Graves" clearly distinguishable.

Lori Graves
Sr. Water Resource Agent

Enclosure: "Evidence of Priority" Pamphlet/Affidavit
Notice of Claim A63-23165
Aerial Photo

Idaho Dept. of Water Resources Place of Use Comparison Report

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-23165

WATER RIGHT NUMBER: 63-23165

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IVAN G MARTIN PO BOX 567 PARMA, ID 83660 (208)722-5056
Current Owner	MURIEL G MARTIN PO BOX 567 PARMA, ID 83660 (208)722-5056

Priority Date: 03/15/1945

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.800 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

WASTE WATER	SW1/4SW1/4SE1/4	Sec. 13, Twp 05N, Rge 06W, B.M.
CANYON County		

Place of Use

IRRIGATION																		
Twp Rge Sec		NE		NW		SW		SE										
05N 06W 13		NE		NW		SW		SE		NE		NW		SW		SE		Totals
																		40.0
																		40.0

Total Acres: 40

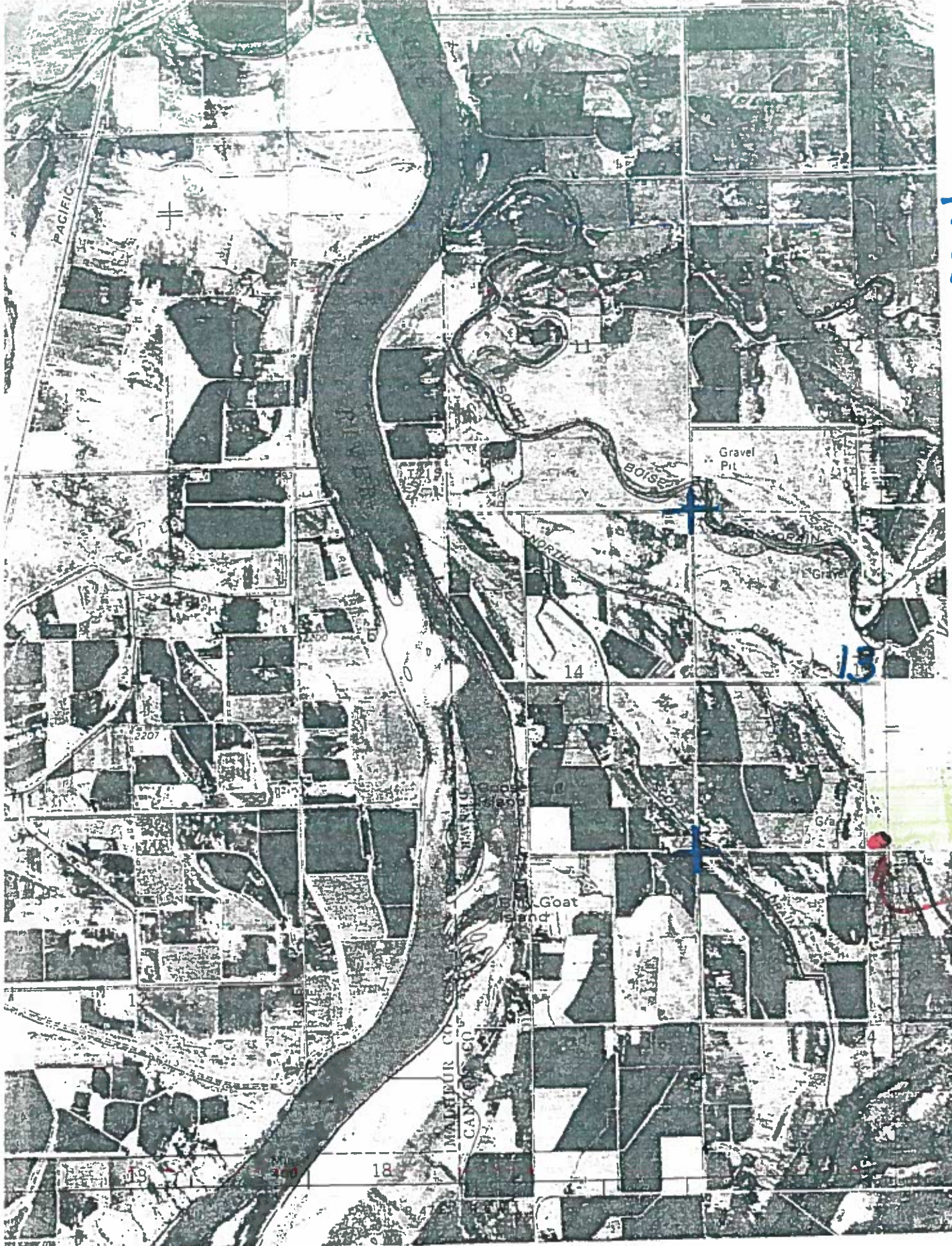
Conditions of Approval:

- NOTE: THIS CLAIM ORIG. CAME IN AS AN APP. FOR PERMIT, HOWEVER, IT WAS FOUND THAT THE USE HAD BEEN DONE FOR 40 YRS, SO THIS CLAIM WAS SOLICITED. THE ORIG. RECEIPT NO. C015812 WAS FOR TWO \$25 CLAIMS(A63-23167&68)AND THE APP. FOR PERMIT FEE FOR \$50. ON 6-1-1990 GENE GIBSON REQUESTED THE \$50 APP. FOR PERMIT FEE BE TRANSFERRED TO COVER THE FILING FEE FOR THIS CLAIM. HOWEVER, THIS CLAIM IS FOR 40 ACRES OF IRRIG., THEREFORE, THE FEE IS \$90. BRUCE SCHULD REFERENCES RECEIPT NO. C015793 STATING IT COVERS THE LATE FEE(ALTHOUGH NONE IS DUE) AND THE REST OF THIS FEE. HOWEVER THIS RECEIPT HAS BEEN VOIDED AND APPEARS TO HAVE BEEN FOR THE SAME CHECK NO. AND WAS REDONE AS RECEIPT NO. C015812 ON THE SAME DAY BECAUSE THERE WAS AN APP. FOR PERMIT AND TWO CLAIMS AT THAT TIME RATHER THAN 3 CLAIMS. THEREFORE, FROM MY REVIEW IT APPEARS THAT AN ADDITIONAL \$40 IS NOW DUE, AND WILL BE BILLED TO CLAIMANT JS, 8-22-90. AS \$50 HAS BEEN PD. ON C015812, BUT NOT YET SHOWN AS ADJ. CODE, I AM PUTTING X777777 AS REC'T, UNTIL FIXED & \$40 PD

Dates and Other Information:

Claim Received Date: 3/21/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 Mitigation Plan: False

Combined Use Limits:



TSN
R6E

770 000 FE
(IDAHO)

← POU

POD

48 45000m.N

43°45'

160 000 FEET (IDAHO)

4 99000m.E.

117°00'



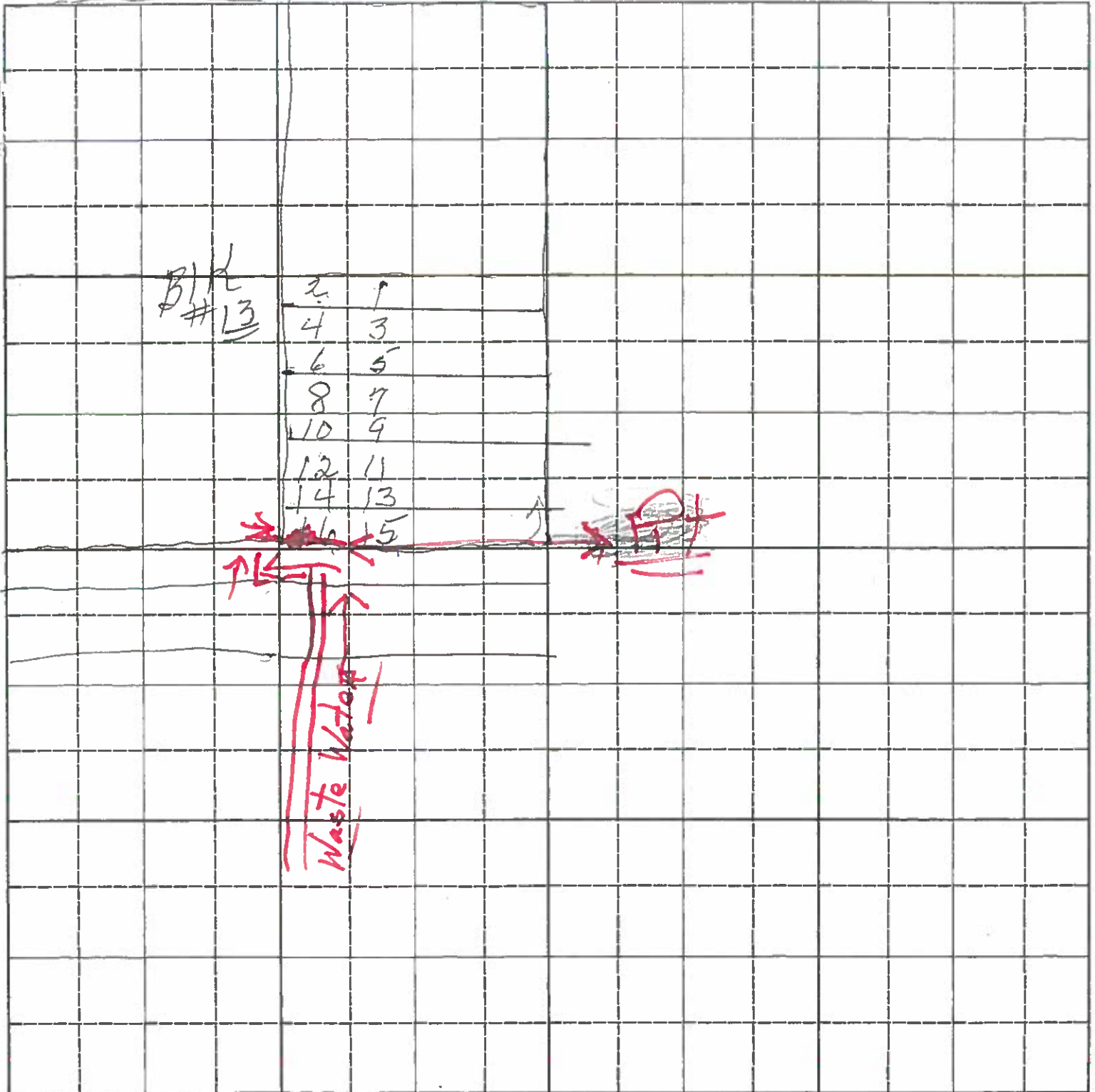
R6W

#C015812

See Attachment

Sec. # 13 - 5 ac. lots - (16) = 80 ac

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Martin Ivan G. Muriel G.
(Applicant)

Rec. # 2015912

Martin, Joan G., Muriel G.



Scott P.T. Rd

Pin Rd.

North
40

South
40

French Rd.

Marker Rd.

Scott Pitt Rd.

~~Roswell Hy 18~~

5

Control

7/26/1990

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Martin

CLAIM IDENT. NO.

A63-

DATE RECEIVED

3/27/91

CK #

0015812

AMOUNT \$

90

Required

- | | YES | NO | Info? |
|--|-------------------------------------|-------------------------------------|-------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☐ | ☒ | |
| Is the consumptive use correct? | ☐ | ☒ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated?
(see Item No. 17 for checking other water rights) | ☐ | ☒ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the basis of claim is shown as license, permit or decree is the existing water right number listed? (If yes, compare claim with the existing water right and either attach a proof report or state in comments that existing right was compared to claim) | ☒ | ☐ | |
| 17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. on the claim? (If yes, describe these rights in "Comments") NOTE: If the claim is for domestic/stockwater this check is not as necessary unless it is indicated there is an existing right | ☒ | ☐ | |
| 18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☐ | ☐ | |
| 19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☐ | ☐ | * |
| 20. Has the claim been signed, sealed, and dated by a notary? | ☐ | ☐ | * |
| 21. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 22. Is the fee enclosed correct? | ☒ | ☐ | * |

. Should this claim be receipted and data entered?

Claim checked by: James A. Schults

Date: 7/31/90

Claim must be returned to claimant:

Claimant must be notified of modifications: ___(Yes)___ X (No)

Receipt Prepared by: S.O. Date: 5/23/90

aim data entered by: DAS Date: 7/31/90 Checked by: _____ Date: _____

Checked by: _____ Date: _____

nt to claimant by: _____ Date: _____

Comments: Claims paid on 11/15/2012 = \$100.00
for \$100 Domestic fees = \$25 + \$25 + \$50 (late fee) = \$100
Immigration Claim = \$50 + \$40 acc fee plus \$50 late fee = \$140
∴ there is an overpayment of \$40

Adel Consumptive Use of 140 AFA

NOTE: Receipt # C015793 voided & Receipt No. C015812 re-issued for same CK. NO. etc. Total pmt. was pd. by the Martin's was \$100 under CK. NO. 1108 & now under Receipt No. C015812. Deeyou, \$40 is due for the 40 acres shown.

There are A63-23167 - 25
A63-23168 - 25
A63-23165 - 90
TOTAL \$140

PD. -100

DUE 40

See Remarks on Claim A63-23165
for further explanation.

September 3, 1990

Dear Sir:

I have a question concerning the copies of claims of water rights which you sent me a few weeks ago.

There are the papers on the waste water, and the well, both of which are on the south forty of our acreage. However the papers which should be for a well on the north forty look exactly like the description of the other well. Is this the way it should be?

The Civil Case Number is 39576 and the identification Number is A63-23165

I will appreciate you checking this out and letting me know if a correction is needed. ^(OK) (KGBAN)

Thank you.

RECEIVED

SEP 05 1990

Department of Water Resources
Western Regional Office

Muriel G. Martin
P.O. Box 567
Parma, Idaho

83660

U3-23167 - NWSE - NORTH 40 - DOMESTIC/STOCK

U3-23168 - SWSE - SOUTH 40 - DOMESTIC/STOCK

TO: NANCY HANDZEL

FROM: GENE GIBSON 

DATE: 06/01/1990

SUBJECT: TRANSFER OF FUNDS

Nancy on 03/21/90 we received a Application For Permit from Muriel G. Martin. The filing fee paid for this application was \$50.00 according to receipt number C015812. An Adjudication Claim with a fee of \$50.00 should have been filed instead of the application. The applicant would like to transfer the fees paid on the application to the fee owed on the adjudication claim. Thank you for your assistance in this matter.

Gene

Fee paid on Application	Receipt Number	C015812	\$50.00
Fee owed on Adjudication Claim			<u>50.00</u>
Refund due			\$ 0.00

RECEIPT IS FROM THE STATE FILE

SD-01 IDAHO DEPARTMENT OF WATER RESOURCES
RECEIPT ENTRY SCREEN

DATE 08/22/90
TIME 17:03:11

REC/NO - C015812 AR/NO - _____
FROM: - MARTIN, MURIEL G.

RECEIPT TYPE - CK DOC/NO - 1108
REMARKS -

TYPE OF PAYMENT
ADJUDICATION FEES
APPLICATION FOR PERMIT

PROGRAM	ACCT	CLASS	FEE
410162	9337	6490	50.00
610199	1238	6390	50.00

TOTAL DUE - 100.00

WR/NO
A6323168

WR FEE
25.00

WR/NO
A6323167

WR FEE
25.00

WR/NO

WR FEE

(ENTER=INQUIRE)
(GOLD6=2ND/COPY REC)

(GOLD1=ADD/PRINT REC)
(GOLD7=LASER/COPY REC)

(GOLD2=CHANGE)

(GOLD3=VOID)
(MENU _____)

*Need \$50 to go to A63-23165
plus another \$40 for their
40 acres.*

RECEIPT IS FROM THE STATE FILE

SD-01

IDAHO DEPARTMENT OF WATER RESOURCES
RECEIPT ENTRY SCREEN

DATE 08/22/90
TIME 12:51:56

REC/NO - C015812 AR/NO -
FROM: - MARTIN, MURIEL G.

RECEIPT TYPE - CK DOC/NO - 1108
REMARKS -

TYPE OF PAYMENT

ADJUDICATION FEES
APPLICATION FOR PERMIT

PROGRAM	ACCT	CLASS	FEE
410162	9337	6490	50.00
610199	1238	6390	50.00

TOTAL DUE - 100.00

WR/NO	WR FEE	WR/NO	WR FEE	WR/NO	WR FEE
A6323165	25.00	A6323167	25.00		

A63-23168 - error \$25 fee

(ENTER=INQUIRE) (GOLD1=ADD/PRINT REC) (GOLD2=CHANGE) (GOLD3=VOID)
(GOLD6=2ND/COPY REC) (GOLD7=LASER/COPY REC) (MENU _____)

A63-23165 is ~~now~~ ~~showing~~ X77777 until this
receipt is filed & \$40 returned for
40 acrs.

RECEIVED

MAR 22 1990

Form 202
6/85

Department of Water Resources
Western Regional Office

STATE OF IDAHO

Ident. No. _____

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

MAR 21 1990

Department of Water Resources

1. Name of applicant Ivan G. Martin and Muriel G. Martin Phone 208-55056
Post office address P.O. Box 567 Parma, Idaho - 83660

2. Source of water supply Riverside which is a tributary of Bainier River

3. Location of point of diversion is _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot 9-16

Sec. 13 Township 5 N Range 6 W 2 N B.M. Canyon County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 6.4 for Irrigation purposes from 3.15 to 11.15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) _____ and/or (b) 100
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. waste water, gravity
flow - Riverside Ditch - End of water from
Lot 15 - Blk 12 - Sec 13.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? no

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
_____ years (minimum 1 year).

12. Remarks:

[illegible]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Muriel G. Martin
(Applicant)

Received by C. Wong Date 3/21/90 Time 10:30 a.m.
Preliminary check by [Signature]

Fee \$ _____ Received by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

Idaho No. _____, and said application is hereby _____

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before

_____, 19 _____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: _____

Source

Map Showing P.O.D. & P.O.U.
Diversion Rate?

Total

Time for Completion
of Acres in each 1/4

RECEIVED
MAY 02 1990

Department of Water Resources
Western Regional Office

RECEIVED
MAY 03 1990

Department of Water Resources

4-23-90	N/A
4-26-90	N/A
4-27-90	N/A
4-30-90	N/A
5-1-90	N/A

722-5389 ← work
722-5056 ← home

Talked to Mrs Martin 5-1-90 She said they
have been using this for over 40 years. Has
sent maps and other material. Need to look
for info showing it a large dam

Helen I just found out you have the info. claims
for these people. I talked to her on Tue. She said
they have used the waste water for over 40 years.
Seemed confused on why we had an application for
a new waste right when it should have been

SD-165 IDAHO DEPARTMENT OF WATER RESOURCES DATE 06/04/90
DETAIL RECEIPT SUMMARY SCREEN TIME 08:10:23

REC/NO - C015793 AR/NO - RECEIPT TYPE - CK DOC/NO - 1108
FROM: - MARTIN, MURIEL G. REMARKS -

VOIDED RECEIPT

TYPE OF PAYMENT	PROGRAM	ACCT	CLASS	FEE
ADJUDICATION FEES AND LATE FEE	410162	9337	6490	100.00

TOTAL DUE - 100.00

WR/NO	WR FEE	WR/NO	WR FEE	WR/NO	WR FEE
	25.00		25.00		50.00

Date Recd. 3/21/90

(ENTER=CONTINUE)

(GOLD7=SELECTION SCREEN)

(GOLD8=EXIT TO MENU)

SD-165 IDAHO DEPARTMENT OF WATER RESOURCES DATE 06/04/90
DETAIL RECEIPT SUMMARY SCREEN TIME 08:05:21

REC/NO - C015812 AR/NO - RECEIPT TYPE - CK DOC/NO - 1108
FROM: - MARTIN, MURIEL G. REMARKS -

MOST CURRENT RECEIPT

TYPE OF PAYMENT	PROGRAM	ACCT	CLASS	FEE
ADJUDICATION FEES	410162	9337	6490	50.00
APPLICATION FOR PERMIT	610199	1238	6390	50.00

TOTAL DUE - 100.00

WR/NO	WR FEE	WR/NO	WR FEE	WR/NO	WR FEE
	25.00		25.00		

Date Recd 3/21/90

(ENTER=CONTINUE)

(GOLD7=SELECTION SCREEN)

(GOLD8=EXIT TO MENU)

RECEIPT IS FROM THE STATE FILE

SD-01

IDAHO DEPARTMENT OF WATER RESOURCES

RECEIPT ENTRY SCREEN

DATE 08/22/90

TIME 16:56:07

REC/NO - C015793 AR/NO - _____

FROM: - MARTIN, MURIEL G.

RECEIPT TYPE - CK DOC/NO - 1108

REMARKS -

VOIDED RECEIPT

TYPE OF PAYMENT

ADJUDICATION FEES AND LATE FEE

PROGRAM

ACCT

CLASS

FEE

410162

9337

6490

100.00

TOTAL DUE -

100.00

WR/NO

WR FEE

25.00

WR/NO

WR FEE

25.00

WR/NO

WR FEE

50.00

(ENTER=INQUIRE)

(GOLD1=ADD/PRINT REC)

(GOLD2=CHANGE)

(GOLD3=VOID)

(GOLD6=2ND/COPY REC)

(GOLD7=LASER/COPY REC)

(MENU _____)

Original Receipt.

NOTE: Voided Receipt

RECEIVED

APR 20 1990

4-18-90

Dear Sir;

Department of Water Resources

My sonas a map, which I have tried to place in the Sec. 13, Block 13. Hope that this will make it clearer for you. I appreciate your help.

Yours truly,

Muriel G. Martin



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

March 23, 1990

Mr. & Mrs. Ivan Martin
P. O. Box 567
Parma, ID 83660

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RE: Snake River Basin Adjudication (SRBA) - Canyon

Dear Claimant:

We are returning your Notice of Claim to a Water Right filed for you property in this County. () You received your receipt for the filing fee earlier, or (X) we are also enclosing Receipt # C015812 in the amount of \$25.00, for the filing fee.

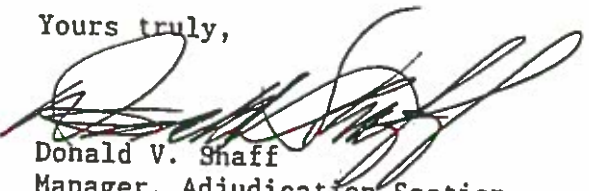
(X) Item #4 of the claim form requires a description of the Point(s) of Diversion to the nearest 40 acre parcel or preferably to the nearest 10 acre parcel. Two ways that you can get the legal for your property is to describe it yourself or by submitting a detailed map with the claim.

In the first instance, you should plot the point of diversion on a U.S.G.S. or other land survey map noting the Township, Range and Section. Next, divide the section into four smaller squares or 160 acre parcels, divide the 160 acre parcel in which the Point of Diversion lies into four smaller squares or 40 acre parcels, and then divide the 40 acre parcel in which the Point of Diversion lies into four squares or 10 acre parcels. Starting with the smallest parcel in which the Point of Diversion lies, describe the location. In other words, the NE, NW, SW, or SE 1/4 (10 acres) of the NE, NW, SW, or SE 1/4 (40 acres) of the NE, NW, SW, or SE 1/4 (160 acres) of Section Township and Range.

As an alternative, you might mark the location of your home on a street map or other map from which we can define the necessary legal description, or come to our office at 1301 N. Orchard for assistance.

If you wish to file your claim, please return the documents to this office. If you will make the necessary corrections before April 23, 1990 you will not be assessed a late filing fee. Please do not hesitate to contact this office if you have any questions or concerns.

Yours truly,



Donald V. Shaff

Manager, Adjudication Section

DVS;DSRA1
Enclosures

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: A63-23165
Date Received: 3/21/1990
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MURIEL G. MARTIN 208-722-5056
Address: P.O. BOX 567
PARMA, ID 83660

AND/OR

Name: IVAN G. MARTIN 208-722-5056
Address: P.O. BOX 567
PARMA, ID 83660

2. Date of Priority: MAR 15, 1945

3. Source: WASTE WATER Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	06W	13	SW	SW	SE		CANYON

5. Description of diverting works:
GRAVITY FLOW THROUGH HEADGATE AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

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

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

SCANNED
APR 11 2008

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	06W	13	SW	SE		IRR	40.0
Section Acres							40.0
Total Acres							40.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

NOTE: THIS CLAIM ORIG. CAME IN AS AN APP. FOR PERMIT, HOWEVER, IT WAS FOUND THAT THE USE HAD BEEN DONE FOR 40 YRS, SO THIS CLAIM WAS SOLICITED. THE ORIG. RECEIPT NO. C015812 WAS FOR TWO \$25 CLAIMS(A63-23167&68)AND THE APP. FOR PERMIT FEE FOR \$50. ON 6-1-1990 GENE GIBSON REQUESTED THE \$50 APP. FOR PERMIT FEE BE TRANSFERRED TO COVER THE FILING FEE FOR THIS CLAIM. HOWEVER, THIS CLAIM IS FOR 40 ACRES OF IRRIG., THEREFORE, THE FEE IS \$90. BRUCE SCHULD REFERENCES RECEIPT NO. C015793 STATING IT COVERS THE LATE FEE(ALTHOUGH NONE IS DUE) AND THE REST OF THIS FEE. HOWEVER THIS RECEIPT HAS BEEN VOIDED AND APPEARS TO HAVE BEEN FOR THE SAME CHECK NO. AND WAS REDONE AS RECEIPT NO. C015812 ON THE SAME DAY BECAUSE THERE WAS AN APP. FOR PERMIT AND TWO CLAIMS AT THAT TIME RATHER THAN 3 CLAIMS. THEREFORE, FROM MY REVIEW IT APPEARS THAT AN ADDITIONAL \$40 IS NOW DUE, AND WILL BE BILLED TO CLAIMANT JS, 8-22-90. AS \$50 HAS BEEN PD. ON C015812, BUT NOT YET SHOWN AS ADJ. CODE, I AM PUTTING X777777 AS REC'T, UNTIL FIXED & \$40 PD

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: _____

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 _____

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 A63-23165Date Received 3-21-90Receipt Number CO15812 277777

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAY 23 1990

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) IVAN G & /or MURIEL G MARTIN Phone (208) 722-5056Mailing Address PO Box 567 Parma, Idaho Zip 836602. Date of Priority (Only one (1) per claim) 3-15-19453. Source of water supply (a) WASTE WATER
which is tributary to (b) BOISE RIVER4. a. Location of existing point of diversion is: Township 5N Range 6W Section 13,
SW 1/4 of SW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of CANYON

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. GRAVITY FLOW, DITCHES, HEADGATES

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3-15 to 11-15 amount .8 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .8 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	6W	13															40		40

Total number of acres irrigated 40

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

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.
_____ or None ()

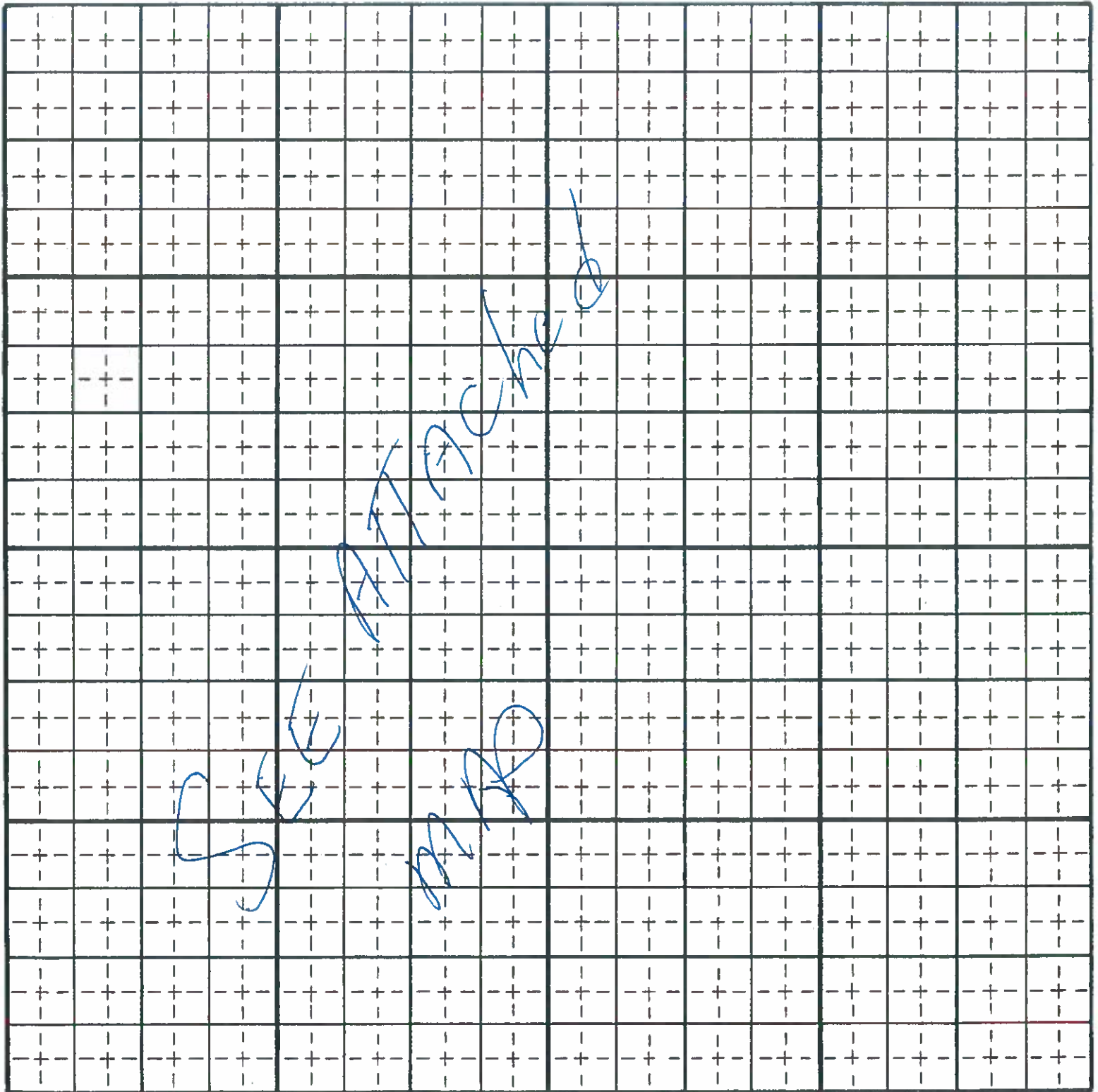
14. Remarks: This WATER Right was originally filed AS A Application for Permit 3-21-90
revised AS Adj. Claim 5-4-90.

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Marcial G. Martin Date 5-22-90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho for _____)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 22nd day of May 19 90

SEAL

Notary Public Handa J. Burt

Residing at Pasadena, Idaho

My Commission Expires 2.9.92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant