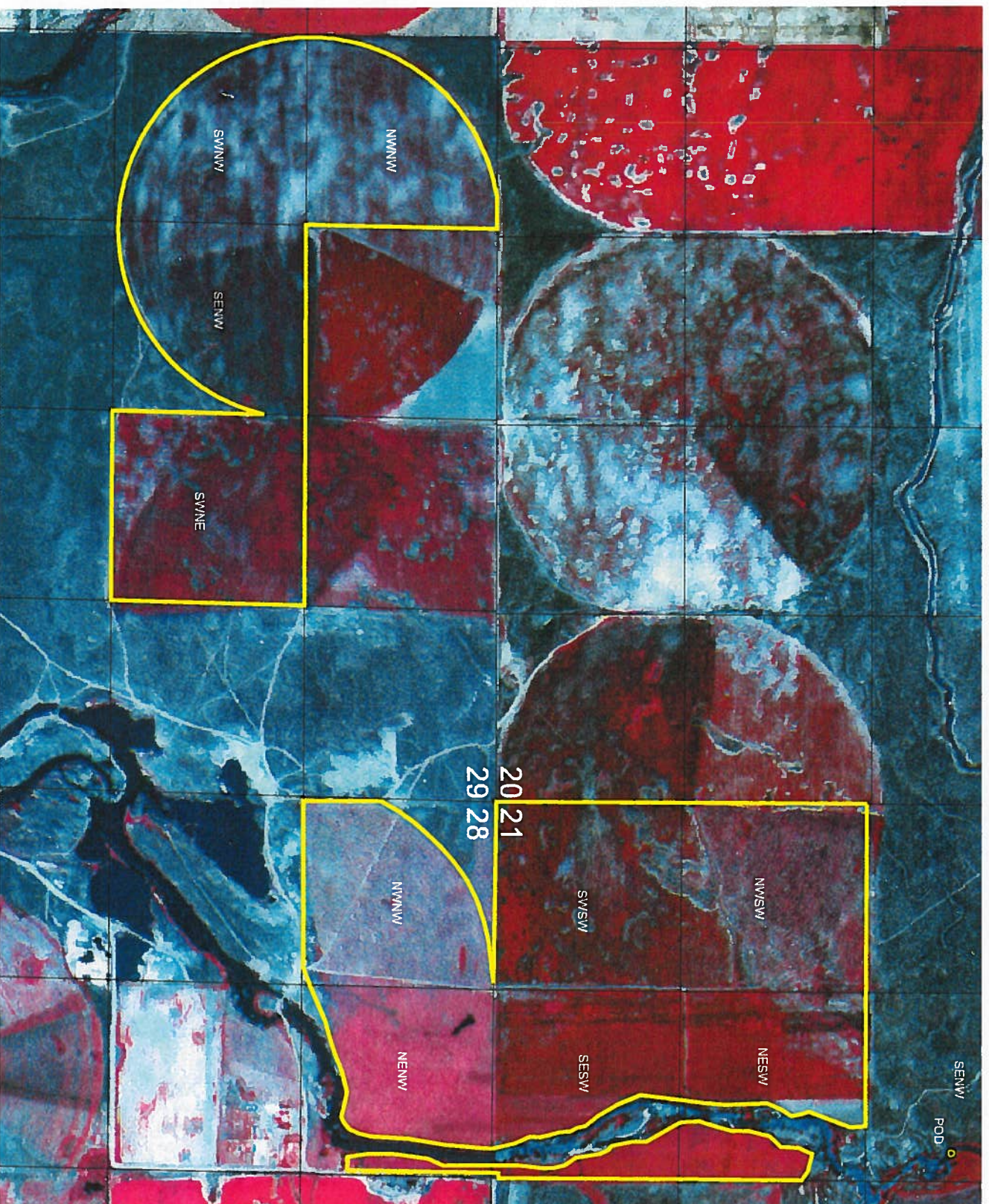


37-239D & 37-240D

**T06S R14E
S21 S28
& S29**



1000 0 1000 2000 3000 4000 5000 Feet

Map prepared by: Carter Fritschle
Date prepared: 10/15/03
1987-1988 NAPP photography
Idaho Department of Water Resources

10/15/2003

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

RIGHT NUMBER: 37-240D

NAME AND ADDRESS: LINDA JOY MC CABE
5201 WAVECREST WY
OXNARD CA 93030

ROBERT MC CABE
5201 WAVECREST WY
OXNARD CA 93030

SOURCE: MALAD RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.920 CFS

PRIORITY DATE: 08/29/1895

POINT OF DIVERSION:

T06S R14E S21 SENW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.920 CFS

PLACE OF USE:

IRRIGATION Within GOODING County

T06S R14E S21	NESW	32.0	T06S R14E S21	NWSW	40.0
T06S R14E S21	SWSW	40.0	T06S R14E S21	SESW	33.0
T06S R14E S28	NENW	29.0	T06S R14E S28	NWNW	33.0
T06S R14E S29	SWNE	41.0	T06S R14E S29	NWNW	32.0
T06S R14E S29	SWNW	30.0	T06S R14E S29	SENW	33.0

343 ACRES TOTAL

RIGHT NOS. 37-239D AND 37-240D ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 343 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHT NOS. 37-239D, 37-240D, 37-607D AND 37-608D ARE LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 370 ACRES IN A SINGLE
IRRIGATION SEASON.

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: Decreed

WATER IS DELIVERED THROUGH THE LOWER FROST DITCH.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS
RESERVOIR DIST. NO. 2.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

Ward M. Bryan)

of)

Gooding, Idaho)

For a Transfer of Water Right in)
Water District No. 7-AB, County)
of Gooding, State of Idaho)

ORDER GRANTING TRANSFER

NO. 985

WHEREAS, On the 27th day of April, 1962, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of the application of Ward M. Bryan of Gooding, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form, and;

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 7th day of May, 1962.

GEO. N. CARTER
State Reclamation Engineer
By

CARL E. TAPPAN, Assistant
State Reclamation Engineer

RECORDED
INDEXED
MAY 10 1962
CLERK

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 985

THIS IS TO CERTIFY, That Ward M. Bryan of Gooding, Idaho, is the owner of and using a certain water right of 120 miners inches, or 2.4 cubic feet per second, of the waters of Big Wood River, with priority as follows:

40 inches or .80 cubic feet per second with priority
of April 15, 1883;
34 inches or .68 cubic feet per second with priority
of August 29, 1884;
46 inches or .92 cubic feet per second with priority
of June 1, 1895;

said water being decreed to Ward M. Bryan by Judge D. H. Sutphen of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Gooding, in the case of

W. M. CADY,

Plaintiff

vs.

WARD M. BRYAN and ERMA G. BRYAN
husband and wife; and MANS COFFIN
Watermaster for Water District
7-AB of the State of Idaho;

Defendants

said decree bearing date of December 16, 1957, and being appurtenant to the following described lands, to-wit:

SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21;
NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, all in
Township 6 South, Range 14
E. B. M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, Idaho, in Volume 6 of Decrees, at Page 1117 thereof;

That said Ward M. Bryan has become the owner of said water right by mesne conveyance;

And that now upon the application of Ward M. Bryan of Gooding, Idaho, for the transfer of 120 miners inches, or 2.4 cubic feet per second of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 2.4 cubic feet per second of the waters of Big Wood River

RECORDED

upon the above described lands is hereby abandoned, and the lands under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant by this Certificate for irrigation purposes, are described as follows, to-wit:

SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21; N $\frac{1}{2}$ NW $\frac{1}{4}$,
Section 28; W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
Section 29, all in Township 6 South,
Range 14 E. B. M.,

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purpose and shall not exceed the following amount, to-wit:

2.4 cubic feet per second with priority as follows:

.80	cubic	feet	per	second	with	priority	of	April	15,	1883;
.68	"	"	"	"	"	"	"	"	August	29, 1884;
.92	"	"	"	"	"	"	"	"	June	1, 1895;

That the water right hereby transferred has heretofore been conducted from Big Wood River to the first above described lands through private ditch with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 6 South, Range 14 E. B. M.;

That the water right hereby transferred will hereafter be conducted to the last above described lands through private ditch with no change in point of diversion;

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands last above described as provided by the laws of the State of Idaho;

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 7th day of May, 1962.

GEO. N. CARTER
State Reclamation Engineer
By

CARL E. TAPPAN, Assistant
State Reclamation Engineer

MICROFILMED

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: **A37-00240D**

Date Received: 7/13/1990

Receipt No: S012494

Received By: _____

corrected copy

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

1. Name: ROBERT MC CABE 805-985-1011
Address: 5201 WAVECREST WAY
OXNARD CA 93030

AND/OR

Name: LINDA JOY MC CABE 805-985-1011
Address: 201 WAVECREST WAY
OXNARD CA 93030

2. Date of Priority: AUG 29, 1895

3. Source: MALAD RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	14E	21	SE	SE	NW		GOODING

5. Description of diverting works:
LOWER FROST HEADGATE #39

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.920		

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

8. Total consumptive use is 1179.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	14E	21	NE	SW		IRR	40.6

MICROFILMED
OCT 24 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	14E	21	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
						Section Acres	160.0
		28	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
						Section Acres	80.0
		29	SW	NE		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	33.0
						Section Acres	153.0
						Total Acres	393.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

37-0607D, 0608D, A37-07379, A37-07191, A37-07476

14. Remarks:

EXPANDED USE IS CLAIMED UNDER SEC. 42-1416 OF IDAHO CODE.

OWNERSHIP CHANGE 10/10/90 BY JG.

15. Basis of Claim: DECREED

Case Number:

Court : FOURTH

Decree date: 12/13/1909

S. C. FROST, ET. AL.

Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL
vs Decree Defendant

MICROFILMED
OCT 24 1994

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 _____

MICROFILMED
OCT 24 1994

12/1/93

Memo to file A37-00240 D

Crystal Vincent from Rosholt's office called today to ask why the cts amount and the priority date changed on this claim during the ownership change from Meller → McCabe. We looked on the data base and it had the correct (original) cts amount and priority date. We printed up a new copy for our files.

Jeanie Robertson

MICROFILMED
OCT 24 1994

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: A37-00240D

Date Received: 3/21/1989

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT MC CABE 805-985-1011
Address: 5201 WAVECREST WAY
OXNARD, CA 93030

AND/OR

Name: LINDA JOY MC CABE 805-985-1011
Address: 201 WAVECREST WAY
OXNARD, CA 93030

2. Date of Priority: AUG 29, 1884

3. Source: MALAD RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	14E	21	SE	NW			GOODING

5. Description of diverting works:
LOWER FROST HEADGATE #39

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.680		

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

8. Total consumptive use is 1881.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	14E	21	NE	SW		IRR	40.0

A37-00240D

Page 1

Date: 03/15/91

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	14E	21	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			Section Acres				160.0
		28	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			Section Acres				80.0
		29	SW	NE		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	33.0
			Section Acres				153.0
			Total Acres				393.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
37-0607D, 0608D, A37-07379, A37-07191, A37-07476

14. Remarks:
EXPANDED USE IS CLAIMED UNDER SEC. 42-1416 OF IDAHO CODE.

OWNERSHIP CHANGE 10/10/90 BY JG.

15. Basis of Claim: DECREED

Case Number:

Court : FOURTH

Decree date: 12/13/1909

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

JAN 18 1991

First American Title Company

P.O. BOX 446, 102 FIFTH AVENUE EAST, GOODING, IDAHO 83330
TELEPHONE (208) 934-4427

Department of Water Resources
Southern Region Office

Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

Attn: Judy Givens

Re: McCabe/Mellen

Dear Judy:

You returned this Change in Ownership form to me some time ago along with a list of water rights with the legal description I was concerned with.

I have removed the number that was in question. However, I cannot find 37-00607D or 37-00608D on your list but I have a proof showing those two numbers. Anyway, I hope this is OK now and you can officially transfer to McCabe's name.

Thanks!

Sincerely,

FIRST AMERICAN TITLE COMPANY

Susan M. Bolton

Enclosures

MICROFILMED
FEB 22 1993

RECEIVED

JAN 18 1991

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

Department of Water Resources
Southern Region Office

[] Water Right Number(s): 37-07476; 37-07379; 37-07191; 37-00239D

[] Name and Address of Former Claimant: Jon and Lana L. Mellen, Route 1, Box 2015

Fairfield, ID 83327

[] New Claimant(s): Robert McCabe and Linda Joy McCabe

5201 Wavecrest Way, Oxnard, CA 93030

[] New Mailing Address: 5201 Wavecrest Way, Oxnard, CA 93030

New Telephone Number: (805) 985 - 1011

[] 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

[] Signature of New Claimant(s): Robert McCabe
Linda Joy McCabe
Date: 8/24/90

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: 3/15/91 By: SC

Further Action Needed:
Further Action Taken

Date: By:
Final Review and Data-Entry
Date: 3/15/91 By: SC

Claim Numbers of Split, if any:

RECEIVED

OCT - 2 1990

Department of Water Resources
Southern Region Office

MICROFILMED
FEB 22 1993

RECEIVED *filed*WARRANTY DEED

JAN 18 1991

Department of Water Resources
Southern Region Office

JON MELLEN and LANA L. MELLEN, husband and wife, as Grantor, hereby grants, bargains, sells and conveys to ROBERT MCCABE and LINDA JOY MCCABE, husband and wife, as Grantee, whose address is 5201 Wavecrest Way, Oxnard, California 93030, for the sum of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, certain real property, located in Gooding County, Idaho, which is more particularly described on Exhibit "A", attached and incorporated by reference.

This conveyance is subject to taxes and assessments for the year 1990 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to the tenancies described in the Agreement for Purchase of Real Property, dated July 4, 1990, between Grantor and Grantee, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show. This conveyance is also subject to that certain Mortgage executed by Grantor, to Norwest Agricultural Credit, Inc., as Mortgagee, recorded on April 11, 1988, under Instrument No. 131759 with the Gooding County Recorder, which Mortgage and Promissory Note secured thereby have been assumed by the Grantee.

This conveyance is also subject to that certain UCC Financing Statement covering certain personal property therein described, wherein the Debtor is the Grantor and the Secured Party is Norwest Agricultural Credit, Inc. This Financing Statement was filed with the Gooding County Recorder on April 11, 1988, under Instrument No. 131761 and with the Secretary of State for Idaho.

This conveyance shall include any and all appurtenances, hereditaments, tenements, reversions, remainders, easements, rights-of-way, water rights and grazing permits in anyway appertaining to the property herein described.

The Grantor covenants to the Grantee that they are the owner in fee simple of said premises; that the premises are free from all encumbrances, except as set forth above and that the Grantor will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 30th day of August, 1990.

Jon Mellen
Jon Mellen

Lana L. Mellen
Lana L. Mellen

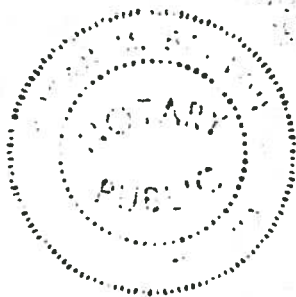
STATE OF IDAHO)
) ss.
County of GOODING)

On this 30th day of August, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared JON MELLEN and LANA L. MELLEN, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing

MICROFILMED
FEB 22 1993

instrument and acknowledged to me that they executed the same.

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



Susan M. Salter
Notary Public for Idaho
Residing at: Gooding, Idaho
My Commission Expires: 10-16-92

142128

STATE OF IDAHO, COUNTY OF GOODING

Filed for record of 2 P 31
of Aug 1990

By [Signature] fee 9.00

MICROFILMED
FEB 22 1993



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

15-Mar-1991 15:14

Susan M. Bolton
First American Title Co.
P.O. Box 446
102 Fifth Ave. East
Gooding, ID 83330

Re: Adjudication Claim(s): A37-07476, 37-07379, 37-07191, 37-00239D
A37-00240D, 37-00607D, 37-00608D

Dear Ms. Bolton:

After passing these poor files, listed above, back and forth, I think the Department has changed the records of the current owner as you requested. Please find enclosed copy(s) of the computer record of the claim(s) noting the change in claimant.

Please review the record(s) and if you have any corrections, please contact me at this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures

MICROFILMED
FEB 22 1993

EXHIBIT A

The Southeast Quarter and the East half of the Southwest Quarter of Section 20, Township 6 South, Range 14, East of the Boise Meridian, Gooding County, Idaho.

The Southwest Quarter of Section 21, Township 6 South, Range 14, East of the Boise Meridian, Gooding County, Idaho.

27 The North half of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 28, Township 6 South, Range 14, East of the Boise Meridian, Gooding County, Idaho.

The Northwest Quarter and the West half of the Northeast Quarter of Section 29, Township 6 South, Range 14, East of the Boise Meridian, Gooding County, Idaho.

MICROFILMED
FEB 22 1993

SD-33	LAST NAME: MC CABE				STATE		
S E L	FIRST NAME	O W N	WATER RIGHT NO.	PRIORITY DATE	SOURCE	TOTAL DIVERSION	USE CODE DESC
MC	CABE	C	A37-00240D				
	ROBERT	C	A37-00607D	08/15/1886	MALAD RIVER	1.290	01 IRR
	LINDA JOY	C	A37-00607D	08/15/1886	MALAD RIVER	1.290	01 IRR
	ROBERT	C	A37-07379	09/21/1974	GROUNDWATER	3.960	01 IRR
	LINDA JOY	C	A37-07379	09/21/1974	GROUNDWATER	3.960	01 IRR
	ROBERT	C	A37-07476	01/07/1976	GROUNDWATER	1.400	01 IRR
	LINDA JOY	C	A37-07476	01/07/1976	GROUNDWATER	1.400	01 IRR
	ROBERT	C	A37-00239D	08/29/1884	MALAD RIVER	0.680	01 IRR
	LINDA JOY	C	A37-00239D	08/29/1884	MALAD RIVER	0.680	01 IRR
	ROBERT	C	A37-00608D	04/15/1887	MALAD RIVER	0.422	01 IRR
	LINDA JOY	C	A37-00608D	04/15/1887	MALAD RIVER	0.422	01 IRR
	ROBERT	C	A37-07191	01/05/1973	GROUNDWATER	4.610	01 IRR
	LINDA JOY	C	A37-07191	01/05/1973	GROUNDWATER	4.610	01 IRR

END OF DATA...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE
 (ENTER=CONTINUE) (GOLD 7=THIS QUERY)

(MENU _____)

MICROFILMED
 FEB 22 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. E, Twin Falls, Idaho 83301

(208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 18, 1990

Re: A37-00240D

LANA L MELLE
RT 1 BOX 1092
FAIRFIELD ID 83327

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
FEB 22 1993

A 37-00240D

P A Y E E: DETACH THIS STATEMENT BEFORE DEPOSITING

NELSON, RSHOLT, ROBERTSON, TOLMAN
AND TUCKER, CHARTERED

DATE	INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
7/12/90		1-514 SRBA Fees Re: Mellen			100.00
RECEIVED JUL 12 1990 Department of Water Resources Southern Region Office					

RM-8

SO12494 for above stub
CK #1123 for LOT Corp (John Heller)
returned to FR-K 8/29/90

JAR

copy
not to

It appears to me that the \$100 check to IDWR on the LBT Corp acct is in response to the Dept. sending Jan + Jana Mellen their copy of the late claim along with a receipt for our \$100 check. ~~the~~

IDWR is holding the check @ my suggestion - should I ask them to return check to Mellen simply stating no balance on acct?

74

MICROFILMED
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

RECEIVED

JUL 12 1990

Ident. Number: A37-00240D

Date Received: 6/26/1990

Receipt No: 5012494

Received By: R. J. H.

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LANA L. MELLEN
Address: RT. 1 BOX 1092
FAIRFIELD, ID 83327
AND/OR
Name: JON MELLEN
Address: RT. 1 BOX 1092
FAIRFIELD, ID 83327
2. Date of Priority: AUG 29, 1895
3. Source: MALAD RIVER Trib. to: SNAKE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	14E	21	SE	NW			GOODING
5. Description of diverting works:
LOWER FROST HEADGATE #39
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.920		
7. Total Quantity Appropriated is:
0.920 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 1179.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

06/26/90
MICROFILMED
FEB 22 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	14E	21	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
							Section Acres	160.0
		28	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
							Section Acres	80.0
		29	SW		NE		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	33.0
							Section Acres	153.0
							Total Acres	393.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

37-0607D, 0608D, A37-07379, A37-07191, A37-07476, A37-00239D

14. Remarks:

EXPANDED USE IS CLAIMED UNDER SEC. 42-1416 OF IDAHO CODE.

15. Basis of Claim: DECREED

Case Number:

Court : FOURTH

Decree date: 12/13/1909

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):

John Mullen
Rona Mullen

Date:

7/11/90

Date:

7/11/90

State of Idaho)

County of

Twin Falls

) SS.

Subscribed and sworn (or affirmed) before me this 11 day

of

July

19

90

John A. Resnati
Notary Public

Seal

Residing at

Twin Falls

My Commission Expires

1991