

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 1-7035 V1

WATER RIGHT NUMBER: 1-7035 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LUIS J GONZALES PO BOX 265 BURLEY, ID 83318
Current Owner	ROBERT T OAKES 422 W 90 N BURLEY, ID 83318 (208)677-4610
Current Owner	SUSAN KAYLEEN OAKES 422 W 90 N BURLEY, ID 83318 (208)677-4610
Original Owner	CARY R DARLING 422 STAR DR BURLEY, ID 83318 (208)678-9236
Original Owner	TAMMIE DARLING 422 STAR DR BURLEY, ID 83318 (208)678-9236

Priority Date: 09/10/1979

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.030 CFS	2.40 AF
	<u>Total Diversion:</u>	0.030 CFS	2.40 AF

Location of Point(s) of Diversion

SNAKE RIVER	NW1/4NE1/4NE1/4	Sec. 21, Twp 10S, Rge 22E, B.M.
CASSIA 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	
10S	22E	21	.6																.6

Total Acres: 0.6

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 1-7035 V1

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. Place of use is located within Lots 12 and 13, Starr Park Subdivision.
3. 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.
4. X23 When water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Water District 01 Rental Pool, or shall otherwise mitigate the depletion of water caused by this water use.
5. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Remarks:

Comments:

1. mholliday 8/17/2005 recommendation
Comment: Claim based on permit which has since been licensed. Recommended as licensed.
2. KJACKSON 11/21/05 OWNERSHIP CHANGE COMPLETED.

Water Supply Bank:

08/18/2005

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

RIGHT NUMBER: 1-7035

NAME AND ADDRESS: CARY R DARLING
422 STAR DR
BURLEY ID 83318

TAMMIE DARLING
422 STAR DR
BURLEY ID 83318

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.030 CFS
2.400 AFY

When water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Water District 01 Rental Pool, or shall otherwise mitigate the depletion of water caused by this water use.

PRIORITY DATE: 09/10/1979

POINT OF DIVERSION:

T10S R22E S21 NWNENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.030 CFS 2.40 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R22E S21 NENE 0.6

0.6 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 - License

Use of water under this water right will be regulated by the watermaster of State Water District No. 01.

Place of use is located within Lots 12 and 13, Starr Park Subdivision.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

08/17/2005

NOTICE OF ERROR
REPLY

CHANGE OF
OWNERSHIP ENCLOSED

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 1-7035

CARY R DARLING
422 STAR DR
BURLEY ID 83318
Telephone Number: (208)678-9236

TAMMIE DARLING
422 STAR DR
BURLEY ID 83318
Telephone Number: (208)678-9236

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

NAME OF OWNERS - SEE "CHANGE IN
WATER RIGHT OWNERSHIP" Form

2. Describe the changes you wish to make in the proposed recommendation:

New OWNERS ROBERT & KAYLEEN OAKES
422 STAR DR. (422 W. 90 N.)
Burley ID 83318

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/5/05

SIGNATURE: Robert T. Oakes & S. Kayleen Oakes

Please print your name: ROBERT T. OAKES & S. Kayleen Oakes

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED

NOV 15 2005

Department of Water Resource:
Eastern Region

PROFIT

SCANNED

NOV 17 2005

KWS
11/16

01-7035

Recieved NOE back in mail. Contacted Cassia
County assessor office. They gave this address:
Robert Oakes
Kaylene Oakes
422 W 90 N
Burley ID 83318

sent change of ownership form⁸ and letter. Also
sent copies of NOE and PDR.

kmj 11/2/05

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. 5th Ave. DR.
IDAHO FALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED

NO DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD

CARY E. DARLING
TAMMIE DARLING
422 STAR DR
BURLEY ID 83318

PROFILED

SCANNED
NOV 03 2005

NOV 03 2005
5:50 PM
3354 MAIL ROOM ZIP

November 2, 2005

ROBERT OAKES
KAYLENE OAKES
422 W 90 N
BURLEY ID

RE: CHANGE IN OWNERSHIP FOR: A01-07035

Dear Claimant:

It has come to our attention that you may have recently purchased a tract of land in Cassia County. The property to which I am referring was most recently owned by Cary R and Tammie Darling. The legal description is as follows:

T10S, R22E, SEC 21 NE/NE

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you questions regarding this matter, please call 525-7161.

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure(s)

SCANNED

NOV 03 2005

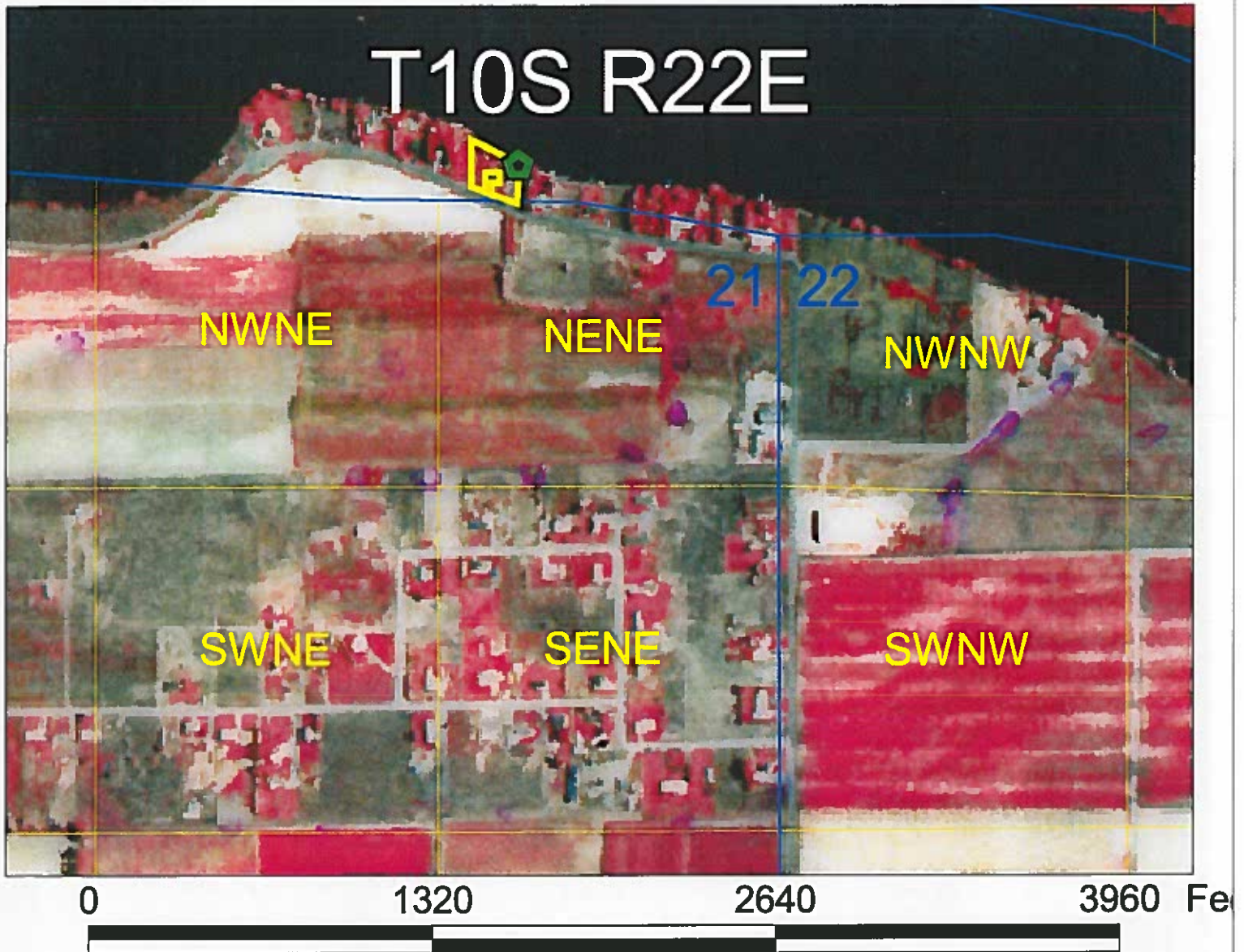
PROFILED



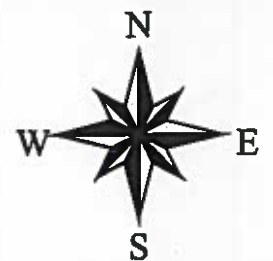
Department of Water Resources

Claim No.: 01-07035

T10S R22E



- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: August 2005

November 21, 2005

ROBERT T OAKES
SUSAN KAYLEEN OAKES
422 W 90 N
BURLEY ID 83318

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT A01-7035

Dear Claimant:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Katy Jackson
Office Specialist 1

Enclosure

OK JC
11-18-05

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
1-7035 or					
A01-D7035					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Cary & Tammie Darling
422 Star Dr. Burley, ID 83318

4. New Owner/Claimant(s)

Robert T. & Susan Kayleen Oakes
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

422 Star Drive (422 W. 90 N.)

City, State and ZIP Code

Burley, ID 83318

New Telephone Number

208.677-4610

5. Date you acquired the property

Oct. 26, 2004

*Ownership Change
Completed
11/24/05 KRW*

RECEIVED

NOV 15 2005

Department of Water Resources
Eastern Region

298704

WARRANTY DEED

#39655

For Value Received

GAIL WHITE, a married woman

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

ROBERT T. OAKES and S. KAYLEEN OAKES, husband and wife
Address: 422 West 90 North, Burley, ID 83318

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

Lot 12 and the E½ of Lot 13 in the Star Park Subdivision, Cassia County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2004 and subsequent years

Declaration Imposing Restrictions and Agreements, as to Star Park Subdivision, recorded June 30, 1961 as Instrument No. 2366 on Film No. 7, records of Cassia County, Idaho.

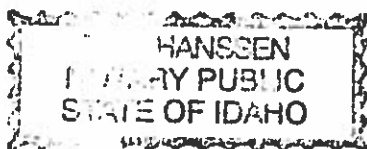
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all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

Dated: October 26, 2004

Gail White
GAIL WHITE

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 27th day of October, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared GAIL WHITE, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Lina Hansen
Notary Public
Residing at: Rupert, ID
My Commission expires: 05/07/09

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
2004 OCT 27 PM 4 30

298704
CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN
RECORDER
FEE 300 DEPUTY LD

298703

WARRANTY DEED

#39655

For Value Received

FRANK WHITE, a married man

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

ROBERT T. OAKES and S. KAYLEEN OAKES, husband and wife
Address: 422 West 90 North, Burley, ID 83318

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

Lot 12 and the E½ of Lot 13 in the Star Park Subdivision, Cassia County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

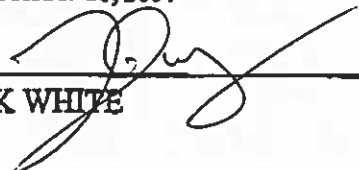
All reservations in patents or deeds in the chain of title.

Taxes for 2004 and subsequent years

Declaration Imposing Restrictions and Agreements, as to Star Park Subdivision, recorded June 30, 1961 as Instrument No. 2366 on Film No. 7, records of Cassia County, Idaho.

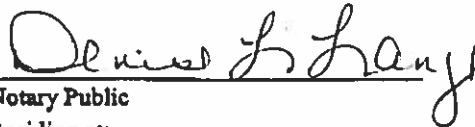
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all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

Dated: October 26, 2004


FRANK WHITE

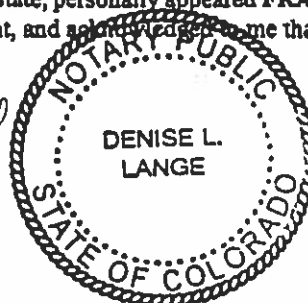
STATE OF Colorado,
COUNTY OF Garfield } ss.

On this 26th day of October, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared FRANK WHITE, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public

Residing at:

My Commission expires: 1-5-2005



DENISE L. LANGE
0406 ARROWHEAD TRAIL

RECORDED AT THE REQUEST OF
LAND TITLE & ESGROW

2004 OCT 27 PM 4 29

CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN
RECORDER
FEE 300 DEPUTY 46

298703

OAKES, Robert T.
& OAKES, Kayleen h/w
422 West 90 North
Burley, Id 83318

STAR PARK SUB

Lot 12 Blk 1, *Star Park Sub*
E $\frac{1}{2}$ of Lot 13 Blk 1

236-9

00020001012

3-3-94

013A

combined into 012A
Luis J Gonzales
Nina Basterrechea

3-3-94

#chgd

122153 Theodore Raaymaker to Luis J Gonzalez 10-30-78

122846 *deleted* Luis J Gonzalez to Luis Joel Gonzalez, Nina Basterrechea
1-9-80

155460 QC Luis Joel Gonzalez & Nina Basterrechea to Luis Joel
Gonzales etux (Nina) 10-6-83

202656 WD Luis Joel Gonzales etux to Thomas E Yadon etux (Carmen)

229592 Special POA - Thomas E Yadon to Carmen Yadon 3-10-94 5-1-90

229593 WD Thomas E Yadon by POA Carmen Yadon etux (Carmen) to Cary R
Darling etux (Tammie) 3-11-94

280089 QC Frank White to Gail White 2/28/2002

280090 WD Cary R Darling etux (Tammie) to Gail White 2/28/2002

281010 QC Gail white to Frank White etux (gail) 4/17/2002

287592 QC Gail White to Frank White 3-11-03

Star Park Sub *dist 86 A-94A-99* *MOY*

H

288118 QC Frank White to Frank White etux (Gail) 4/16/2003
298703 WD Frank White to Robert T Oakes etux (Kaylean) 10/26/2004
298704 WD Gail White to Robert T Oakes etux (Kaylean) 10/26/2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

March 1, 1995

R. KEITH HIGGINSON
DIRECTOR

CARY AND TAMMIE DARLING
422 STAR DR
BURLEY ID 83318

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim #A01-07035 and A45-12754

Dear Claimants:

We have received and processed your two Notices of Claim referenced above, and have enclosed copies for your records. Also enclosed are your receipts for the filing fees on these water right claims.

Since you requested the docket sheet on #A01-07035, I have enclosed an order form for your possible use.

If you have any questions, please contact me.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region

Enclosures:

Notices of Claim Referenced Above
Receipts #C032226 and C032230
Docket Sheet Order Form

February 23, 1995

Donald V. Shaff
Manager, Adjudication Section
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RECEIVED

FEB 27 1995

Department of Water Resources

RE: •Snake River Basin Adjudication (SRBA)
 Cassia County - Notice of Claim #A01-07035
 •Filing Fee/Notice of Claim on our Well Water
 •Your letter dated November 21, 1994

Dear Mr. Shaff:

We have enclosed two (2) checks as requested in the above referenced letter. We understand the \$51 is a filing fee required on Notice of Claim #A01-07035 and the \$25 is a filing fee required on a Notice of Claim for our well water.

The notarized 'Notice of Claim to a Water Right' for our well water is enclosed.

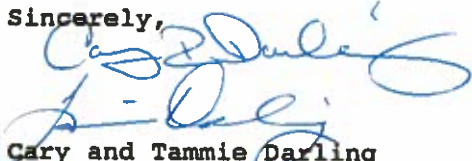
We also understand that the Water Right License #A01-07035 presently issued in Luis Gonzales' name will be recommended for Decree in our name upon receipt of this \$51 filing fee.

Please call if there is anything else needed to process these claims. We can be reached at home (208)678-9236 or at work (208)423-6564 (Tammie's).

Also, please note our mailing address change. The Postal Service changed the mailing address to accomodate the E-911 Emergency System. We have not moved.

Thank you for your attention to this matter.

Sincerely,


Cary and Tammie Darling
422 Star Drive
Burley, Idaho 83318

Enclosures: Copy of your letter dated November 21, 1994
 Copy of Water Right License No. 01-07035
 Notarized 'Notice of Claim to a Water Right' (2 pg)
 Checks: #5299 to IDWR for \$51 and #5300 to IDWR for \$25

A01-07035

State of Idaho
Department of Water Resources

RECEIVED

FEB 27 1995

WATER RIGHT LICENSE

WATER RIGHT NO. 01-07035

Department of Water Resources

Priority: September 10, 1979

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

2.4 AF

This is to certify, that LUIS J GONZALES

PO BOX 265

BURLEY ID 83318

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 10, 1979; and has submitted Proof of Beneficial Use on August 29, 1984. An examination indicates that the works have a diversion capacity of .030 cfs of water from:

SNAKE RIVER

tributary to COLUMBIA RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
-----------------------	----------------------	--------------------------	----------------------

IRRIGATION

04/01 to 10/31

0.03 CFS

2.4 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENE), Sec. 21, Township 10S, Range 22E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10S	22E	21	Lot 1(NENE)	0.6		0.6

Total number of acres irrigated: 0.6

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. No water may be diverted under this right until adequate supplemental water is obtained for the irrigation season when the natural flow is not available.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 21, 1994

CARY AND TAMMIE DARLING
RT 4 BOX 4109D
BURLEY ID 83318

COPY FOR YOUR
INFORMATION

RECEIVED

FEB 27 1995

Department of Water Resources

RE: Snake River Basin Adjudication (SRBA)
Cassia County - Notice of Claim #A01-07035

Dear Mr. and Mrs. Darling:

Notice of Claim A01-07035 just reached my desk this morning.

I've been assured the license will be issued soon and sent to your address. Because we do not have an Assignment of Permit to you, the license must be issued in Gonzales' name. However, with the Notice of Claim the water right will be recommended for Decree in your name.

Before we can process your Notice of Claim, we need the filing fee of \$50.00 plus \$1.00 per acre irrigated. Please remit \$51.00 to IDWR and send it to this office.

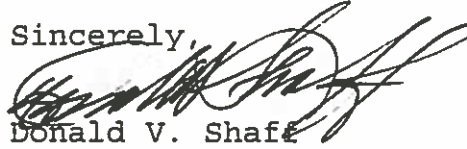
I have enclosed a form with instructions for filing on your well water as well as a pamphlet on small domestic and stockwater claims. The filing fee for this use is \$25.00.

You marked on your Notice of Claim that you want to receive the docket sheet. The docket sheet can be requested from the SRBA Court by calling 208/736-3011.

Upon receipt of your filing fee(s) we will process Notice of Claim A01-07035 and send you a copy for your records.

Please contact me at 208/327-7932 if you have any questions.

Sincerely,


Donald V. Shaff
Manager, Adjudication Section

DVS:ss:state:region:tf
Enclosures:

Short Form w/Instructions
D&S Quick Guide
cc: B. Chapman

I realized I had it
included our phone #'s.

Tammi's Work: 423-6564

Our home: 678-9236

A01-07035

SD-56 XXXXX

Idaho Department of Water Resources
Adjudication Mailing Data Entry Screen

Date: 11/21/94
Time: 11:00:28

County No: 31 County Name: CASSIA

Last: DARLING First: TAMMIE
Address: 623 E 18TH LN

City: BURLEY State: ID ZIP Code: 83318 Source CT

☒ Commencement	☐ Docket Sheet	☐ Monthly Status Report
☐ Water User Handbook	☐ Water Law Handbook	☐ Long Claim Form
☐ Short Claim Form	☐ Federal Claim Form	☐ Miscellaneous
☐ Application		

Expired Year: Form Mail Date: __/__/__

Round #1 Mail Date: 3/06/89 Round #2 Mail Date:
Round #1 Deadline: __/__/__ Round #2 Deadline: __/__/__
Certified Number:

(Enter=Continue) (GOLD2=Update) (GOLD3=Delete) (GOLD7=Name Search) (GOLD8=Exit)

CONCLUDED OTHER PROPERTY THAN A01-07035
BY CLAMANTS' 4/27/94 LETTER ABOUT
"RECENTLY PURCHASED A HOME."
NO LATE FEES DUE.

[Signature]
11-21-94

A01-07035

ACTION REQUIRED

RECEIVED

FROM: Jim, Southern

MAY 13 1994

Department of Water Resources

TO: Cindy Zimmerman 5-12-94

Looks like a problem for you. Licensing exam has not been done on this; file is still in Southern. I don't think we can change permittee without assignment from original owner, who is long gone. But since we already told people that everything was OK and that nothing needed to be done, maybe we would make an exception here. Permit looks ~~OK~~ OK, just needing an exam. Appears to be question of permit validity, just of ownership. Thanks.



202656

WARRANTY DEED

For Value Received

LUIS JOEL GONZALEZ, also known as LUIS GONZALEZ, and NINA GONZALEZ,
husband and wife

the grantors do hereby grant, bargain, sell and convey unto
THOMAS E. YADON and CARMEN YADON, husband and wife

COPY

the grantees, the following described premises, to-wit:

Lot 12 and the E $\frac{1}{2}$ of Lot 13 in the STAR PARK SUBDIVISION, as the same is platted in the official plat thereof, now of record in the office of the County Recorder of the County of Cassia, State of Idaho.

SUBJECT TO:

General taxes for the year 1989, and subsequent years.

Declarations Imposing Restrictions and Agreements, as to STAR PARK SUBDIVISION, recorded June 30, 1961 as Instrument No. 2366 on Film No. 7, records of Cassia County, Idaho.

Grantees herein jointly and severally hereby assume and covenant to perform all the terms and conditions of the obligation set forth in that certain Promissory Note executed by Luis Joel Gonzalez and Nina Gonzalez, husband and wife and delivered to Cameron-Brown Company in the amount of \$70,065.00, dated June 9, 1986 and that certain Deed of Trust, securing said Promissory Note of even date therewith, upon the property conveyed in the deed, which Deed of Trust is recorded on June 13, 1986 as Instrument No. 179066 on Film No. 181, records of Cassia County, Idaho, including, but not limited to, the obligation to repay the debt.

Notary Public for the State of Idaho
 State of Idaho
 County of Cassia
 Notary for Cassia County
 By ABM
 Secretary

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

Dated: May 1, 1989

Luis Joel Gonzalez
 LUIS JOEL GONZALEZ, aka
 LUIS GONZALEZ

Nina Gonzalez
 NINA GONZALEZ

A01-07035

April 27, 1994

Mr. Jim Stanton
State of Idaho
Department of Water Resources
222 Shoshone East
Twin Falls ID 83301

RECEIVED
APR 29 1994
Department of Water Resources
Southeastern Office

Ref: Water Right Number 01-07035

Dear Mr. Stanton,

We recently purchased a home on the snake river from Thomas and Carmen Yadon. Included in the contract was a water right. Mr. Larry Roberts of Land Title & Escrow contacted the IDWR, namely Wendy Murphy, to find out what needed to be done to get this water right in our name. Ms. Murphy responded that nothing needed done, that the water right was pertinent to the ground. (Copies of these letters are attached.)

Since that time I've been in contact with Wendy Murphy, Gregory Taylor, and Frank Hitchcock of IDWR to find out why we haven't received anything on the water right. This has turned out to be a complicated matter, but my understanding is that something called 'an assignment' did in fact need done. That in fact it is still in the name of the original owner, Mr. Luis J. Gonzales. Mr. Gonzales' last known address was in Henderson, NV.

Since so many years have passed, we are requesting that you change the water right into our name without further complications if at all possible.

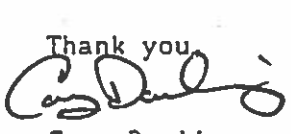
I'm not sure who 'dropped the ball' on these 'assignments'; all I know is that when we bought the home, we were told by everyone, including IDWR that everything was done that needed done.

Please advise as soon as possible. We would really like this matter taken care of before Mrs. Yadon, whom we bought the property from, moves to New Mexico in May in case her assistance is needed.

We have also enclosed the completed 'Notice of Claim' that Gregory Taylor sent us to fill out.

We also would like to put in a claim on the well water on the property. Would you please send us the paperwork needed to complete this. I believe Mr. Hitchcock said we would need to get that from his office.

Thank you,


Cary Darling and Tammie Darling

Enclosures

cc: Mr. Frank Hitchcock

COPY

February 18, 1994

Larry Roberts
Land Title and Escrow, Inc.
P.O. Box 177
Burley, ID 83318

Re: Ton Yadon

Dear Mr. Roberts:

Enclosed is a copy of the water right attached to Mr. Yadon property. Water Resources required no action to change the water right, it is pertinent to the ground. However, Water District 01 would need to be informed of the new owner's name and address in order to correct our billing.

We have since moved from the 150 Shoup address and are now located at 900 N. Skyline Dr., Idaho Falls, Idaho.

Very truly yours,

Wendy Murphy
Adm. Assistant

enclosure

A01-07035



COPY

Water Right Number - 01-07035

Prefix Translation:

WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
GONZALES

LUIS J.

1 - P. O. BOX 265
2 -
3 -

City- BURLEY
Phone -

State- ID Zip- 83318

Priority Date - - -
09/10/1979

Region - - -
17 SOUTHERN

Stage - - -
P - PERMIT

Status - - -

Source - - -
SNAKE RIVER

Tributary - - -

Twn	Ring	Sec	Tract	Lot	Rfsg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
10S	22E	21	NE NE	1		(31) CASSIA				

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15		0.040	

Total Div. Rate - - - + - Total Div. Volume - - + - Total Div. Capacity - -
0.040

Twn	Ring	Sec	Tract	Lot	Acres	Code	Description	County
10S	22E	21	NE NE	1	1.0	01	IRRIGATION	(31) CASSIA
					Total Acres:	1.0		

- - - Diversion Means - PUMP AND PIPELINE

- - - Non-Irrigation Use -

- - - Other Rights for Same Use -

REMARKS
FURTHER DESCRIBED AS LOT 12 STARR PARK SUBDIVISION

Old Water Right Numbers -
No Old Water Right Numbers found.

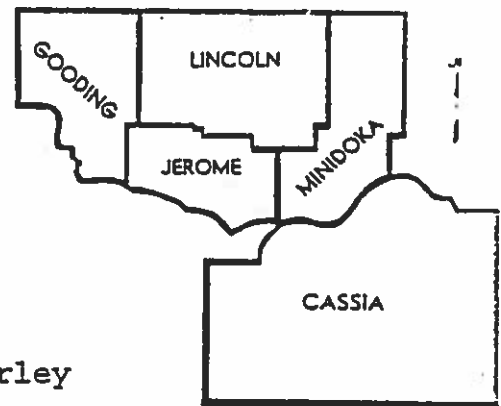
Conditions of Approval
01D - A lockable device, subject to the approval of the Department,
shall be installed on the diverting works in a manner that will
provide the watermaster suitable control of the diversion.
005 - Use of water under this right is subject to control by the
watermaster of State Water District No. Adistrict.

RECEIVED
FEB 9 1994
Department of Water Resources
Eastern District Office
C 1994

Department of Water Resources
Eastern District Office

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: Burley
OFFICE:

February 8, 1994

Mr. Ronald D. Carlson
Watermaster
State of Idaho
Water District #1
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

COPY
RECEIVED

APR 20 1994

Department of Resources
Soil Conservation Service

Re: Tom Yadon

Dear Mr. Carlson:

Enclosed is a copy of a statement for the water that Mr. Yadon has provided for me. He is in the process of selling his property in Burley, Cassia County, Idaho that is in within Water District #1.

I am unaware of what type of water right this is and perhaps you can either inform me of what type of water right it is and if it can be transferred and what the procedure is or direct me to someone in the State of Idaho Department of Water that can advise me as to this water right.

Thank you for your assistance.

Very truly yours,
LAND TITLE AND ESCROW, INC.


Larry Roberts
Manager

LR/tel
enc.

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

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5880

BOX 111, RUPERT, IDAHO 83350
PHONE 438-0808 - FAX 1199

A01-07035



State of Idaho

Water District 1

RONALD CARLSON
WATERMASTER
(208) 525-7172

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

COPY

COMMITTEE OF NINE

CHAIRMAN
Paul Berggren
Blackfoot

VICE CHAIRMAN
Jim Shawver
Egan

SECRETARY
Reed Murdock
Blackfoot

Jeff Marotz
Ashton

Reed Oldham
Rexburg

Claude Storer
Idaho Falls

Dale Rockwood
Idaho Falls

Leonard Beck
Burley

Robert Schaer
Buhl

ALTERNATE
Dave Rydallch
St. Anthony

ADVISORY
Muriel Kunz
Victor

Larry Moore
Hayburn

Jim Bright
Murtaugh

Richard Oneida
Shoshone

John Rosholt
Twin Falls

R. Keith Higginson
Boise

July 15, 1991

Tom Yadon

IN ACCOUNT WITH:
WATER DISTRICT NO. 1
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

Delivery of 4 24-hour second feet
of water during the 1990 irrigation season:

1990 Charge	\$ <u>20.00</u>
1989 Balance	\$ <u> </u>
1990 Total Amount Due . .	\$ <u>20.00</u>

Please make check payable to: Water District 1.

RONALD D. CARLSON
Watermaster

Attn: Water
Copy

1993
20.00

Water
District

A01-07035



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 21, 1994

CARY AND TAMMIE DARLING
RT 4 BOX 4109D
BURLEY ID 83318

J E G E U W

RE: Snake River Basin Adjudication (SRBA)
Cassia County - Notice of Claim #A01-07035

NOV 23 1994
Department of Water Resources
Southern Region Office

Dear Mr. and Mrs. Darling:

Notice of Claim A01-07035 just reached my desk this morning.

I've been assured the license will be issued soon and sent to your address. Because we do not have an Assignment of Permit to you, the license must be issued in Gonzales' name. However, with the Notice of Claim the water right will be recommended for Decree in your name.

Before we can process your Notice of Claim, we need the filing fee of \$50.00 plus \$1.00 per acre irrigated. Please remit \$51.00 to IDWR and send it to this office.

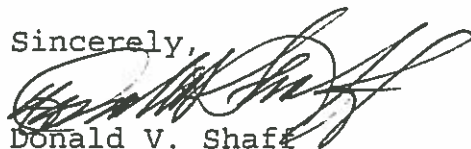
I have enclosed a form with instructions for filing on your well water as well as a pamphlet on small domestic and stockwater claims. The filing fee for this use is \$25.00.

You marked on your Notice of Claim that you want to receive the docket sheet. The docket sheet can be requested from the SRBA Court by calling 208/736-3011.

Upon receipt of your filing fee(s) we will process Notice of Claim A01-07035 and send you a copy for your records.

Please contact me at 208/327-7932 if you have any questions.

Sincerely,


Donald V. Shaft
Manager, Adjudication Section

DVS:ss:state:region:tf
Enclosures:

Short Form w/Instructions
D&S Quick Guide
cc: B. Chapman

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
OCT 27 1994
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 01-7035

1. Owner: Cary & Tammie Darling Phone No. 8628-9236 home
423-6564 work

Current Address: Rt. 4 Box 4109D, Burley, ID 83318

2. Accompanied by: Mr. Darling EXAM DATE: 9-8-94

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Snake River tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	1	NW	NE	NE	21	10S	22E	Cassia	

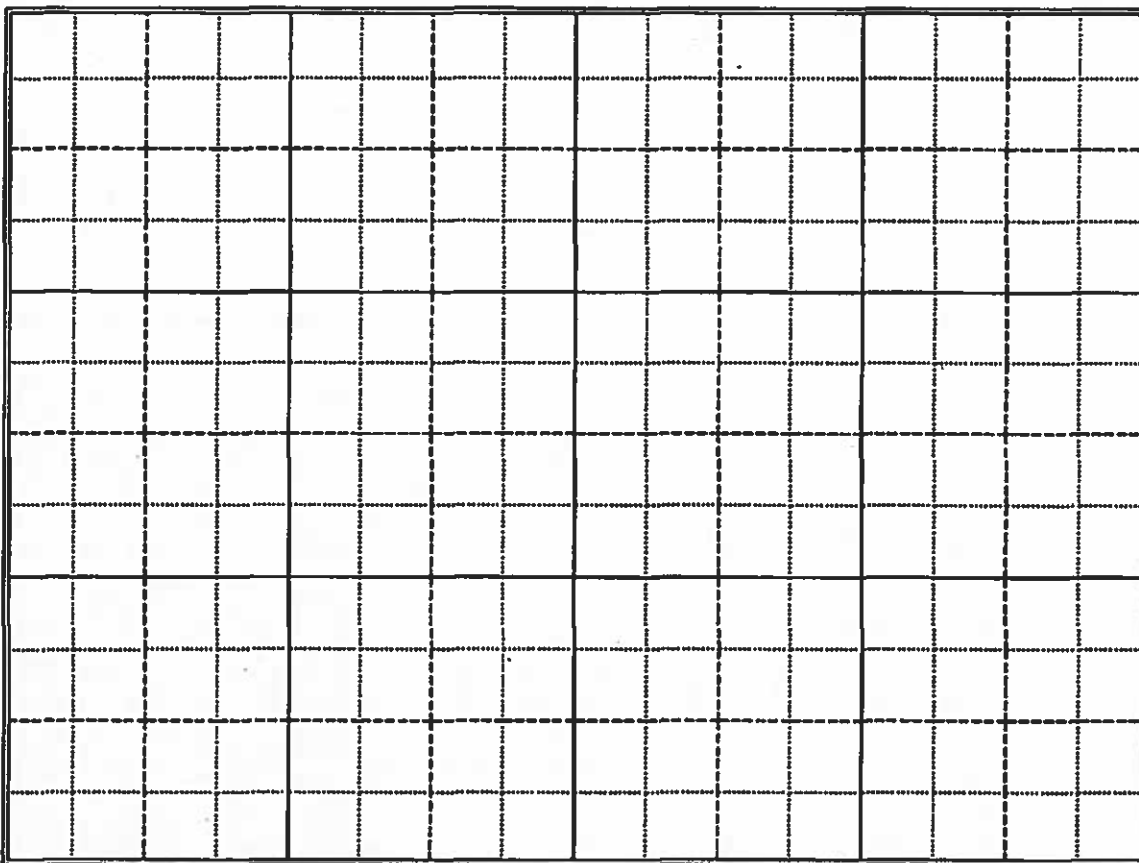
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	22E	21	0.6																0.6

DEC 13 1994

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/plpe I.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Model Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GE	1	5EC38PN3011	Myers	67286

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: System is mostly 3-gpm Flow-control Rainbirds. Measured
26 & 32 psi in 2 heads.

DEC 13 1994

E. NARRATIVE/REMARKS/COMMENTS

Pipeline into Snake River, pump to ~~5~~ hoses for ⁵movable sprinklers. Property ownership of Lot 12 & E 1/2 of Lot 13 of Starr Park Subdivision by the Darlings confirmed by Cassia Co, assessor. Permit holder (Mr. Gonzales) is no longer involved with the property - his address is unknown.

Mr. Darling stated that he bought the 1 1/2 lots together with the river pump already established. So even though the permit only mentions Lot 12, the license should be issued to cover both parcels. Total irrigated acreage is within permit limits. All is watered but home & driveway, about 0.6 acres, assumes 80% of property is watered.

Use of pump requires annual rental of stored water from District 01 watermaster.

Have conditions of permit approval been met? ☒ yes ☐ no

RECEIVED
DEC 13 1994

Additional Computation Sheets Attached

$5 \times 3 \text{ gpm} = 15 \text{ gpm}$. Allow 0.04 cfs permitted amount.

1. Volume Calculations for Irrigation:

$$V_{ir} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 0,6 \times 4 = 2,4$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.04 \times 214 \times 1.9835 = 17$$

$$V = \text{Smaller of } V_{I.B.} \text{ and } V_{D.B.} =$$

H. RECOMMENDATIONS

1. Recommended Amounts

	Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
		From	To		
*	Irrigation	4-1	10-31	0.04	2.4
Totals:				0.04	2.4

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name J E Stanton Date 9-12-94

Reviewer	Date
----------	------

* See attached explanation memo.

SEAL

1944

DEC 13 1994

01-0762

Atank Park 00020

Range 22

10

Section NE 1/4 21 Township

DEC 13 1994

Snake River

STARR PARK SUBDIVISION



Lot 1
31.80

T 2775
P 236-11
2.25A
RP 010A
318.35

T 2774
P 234-1
1.1A
RP 014.9
272.55

T 3627
P 236-12
1.1A
RP 014.9
272.55

TG147 IN LOTS 1, 2 AND 3.

RP 0300
128.40 ± A TTL

T 2936
P 235
1.1A
RP 0599
208

T 2279
P 234-4
2.5A
RP 1810
206.25

T 3357
P 248-15
1.85A
RP 1810
371

T 3332
P 248-13
1.14A
RP 1810
371

Atank Park 00021

1	T 3332	P 247-1	.98A
2	P 247-2	98A	371
3	P 247-3	.95A	
4	P 247-4	.5A	
5	P 247-5	.98A	
6	P 247-6	.98A	
7	P 247-7	.98A	
8	P 247-8	.98A	
9	P 247-9	.98A	
10	P 247-10	.98A	
11	P 247-11	.98A	
12	P 247-12	.98A	
13	P 247-13	.98A	
14	P 247-14	.98A	
15	P 247-15	.98A	
16	P 247-16	.98A	
17	P 247-17	.98A	
18	P 247-18	.98A	
19	P 247-19	.98A	
20	P 247-20	.98A	
21	P 247-21	.98A	

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: A01-07035
Date Received: 4/22/1994
Receipt No: C032230
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CARY R DARLING 208-678-9236
Address: 422 STAR DR
BURLEY ID 83318
AND/OR
Name: TAMMIE DARLING 208-678-9236
Address: 422 STAR DR
BURLEY ID 83318

2. Date of Priority: SEP 10, 1979

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	22E	21	NE	NE		1	CASSIA

5. Description of diverting works:
PUMP AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		

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

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	22E	21	NE	NE	1	IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	1.0
					Total Acres	1.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

FURTHER DESCRIBED AS LOT 12 AND THE EAST 1/2 OF LOT 13, STARR
PARK SUBDIVISION
OWNERSHIP CHANGE, GONZALES/DARLING 2/28/95.

15. Basis of Claim: PERMIT

RECEIVED

APR 29 1994

Department of Water Resources
Snake River

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: A01-07035
Date Received: 4/22/1994
Receipt No: 2032230
Received By: R. Tolson

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CARY R DARLING 208-678-9236
Address: RT 4 BOX 4109D
BURLEY ID 83318
AND/OR
Name: TAMMIE DARLING 208-678-9236
Address: RT 4 BOX 4109D
BURLEY ID 83318

2. Date of Priority: SEP 10, 1979

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	22E	21	NE	NE		1	CASSIA

5. Description of diverting works:
PUMP AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		

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

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	22E	21	NE	NE	1	IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	1.0
					Total Acres	1.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

FURTHER DESCRIBED AS LOT 12 STARK PARK SUBDIVISION

and the E 1/2 of LOT 13

15. Basis of Claim: PERMIT

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 X 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):

Cary Pauling
J. DeJ

Date: 4-27-94

Date: 4-27-94

State of Idaho)
County of Mindoba) SS.

Subscribed and sworn (or affirmed) before me this 27 day
of April 19 94

Willie H. H. H.
Notary Public

Seal

Residing at Seaburn
My Commission Expires 8/13/94

