

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)
_____)

A. Subcase

45-10891

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: TIM PAYTON, PRESIDENT BIRCH CREEK WATERUSERS

Address: 1900 SOUTH 478 WEST

OAKLEY, IDAHO 83346

Daytime Phone: (208) 862-3224

Name & Address of Attorney, if any:

TRAVIS L THOMPSON

113 MAIN AVENUE WEST, SUITE 303

TWIN FALLS, IDAHO 83301-6167

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

Name: SHARON PAPP-OKELBERRY

Address: 106 WEST MAIN

OAKLEY ID 83346

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: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: SEE E BELOW
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☒ **Period of Year**
Should be: SEE E BELOW
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):** VARIOUS ISSUES WITH ADDITIONAL
POINTS OF DIVERSION, POINT OF WATER MEASUREMENT, HISTORICAL EARLY SEASON USE PRIOR
TO 3/15, AND REFERENCE TO SEPTEMBER 10, 1992 WATER ROTATION AGREEMENT.

F.

VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of TWIN FALLS)

TRAVIS L THOMPSON, 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: DECEMBER 30, 2004



Crystal Winney Vincent
Notary Public for STATE OF IDAHO

Residing at: TWIN FALLS

My Commission Expires: APRIL 8, 2010

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 DECEMBER 30, 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:

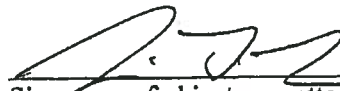
Name: SHARON PAPP-OKELBERRY
Address: 106 WEST MAIN
 OAKLEY ID 83346

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

COPY

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: A45-10891
Date Received: 5/30/1989
Receipt No: MO03738
Received By: BA5

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHARON PAPP-OKELBERRY 208-862-3304
Address: 106 WEST MAIN
OAKLEY, ID 83346

2. Date of Priority: DEC 05, 1882

3. Source: BIRCH CREEK Trib. to: GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	22E	33	SW	SE	SW		CASSIA

5. Description of diverting works:
GRAVITY FEED INTO LATERAL WITH PUMP TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13S	22E	33	SE	SW		DOMEST	

11. Place of use in counties: CASSIA

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

A45-10891

Page 1

Date: 05/30/89

MICROFILMED

MAR 08 1993

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS BASED ON BIRCH CREEK DECREED WATER FROM 1885, 1881,
AND 1882 FOR A COMBINED RIGHT OF 1.667 INCHES OR 0.033 CFS

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

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: 0

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): X Sharon McKelvey Date: 5/30/89
Date:

State of Idaho)
County of Cassia) ss.

Subscribed and sworn (or affirmed) before me this 30 day
of May 19 89

Bruce A. Schuld
Notary Public

Seal

Residing at BRUCE A. SCHULD, NOTARY PUBLIC
RESIDING AT BOISE, IDAHO
My Commission Expires MY COMMISSION EXPIRES APRIL 11, 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

TIM PAYTON
478 W 1900 S
OAKLEY ID 83346

June 30, 2006

Dear Mr. Payton,

I recently received a letter from Special Master, Terrance Dolan, in which he asked me to contact you and attempt to clarify a couple of questions regarding some Birch Creek rights.

45-156 – The point of diversion for this right is located in Township 16 South, Range 21 East, Section 22. This is actually several miles from the point of diversion in Township 14 South, Range 22 East, Section 14, which is used by the Birch Creek Water Users and is an entirely different **Birch Creek**. The old decree upon which 45-156 was based, said **Birch Creek** and the USGS quad map also calls it **Birch Creek**, not Little Birch Creek or Burch Creek. As you know, there are many creeks in Idaho with the same name (Dry, Cottonwood, Rock) but we always use the name on the USGS map for consistency, even though they may be known by a different name locally. Mr. Bedke may have another right (45-10411) but it has nothing to do with this right or how it is administered.

45-10891 – When Ms. Papp-Okelberry filed her claim, she stated it was a combination of three old decrees. When a claim is filed combining rights with different priority dates, it is our policy that the latest priority date is used. Delroy Mitton (45-10754) and Terrence Myers (45-11104) also filed their original claims this way and their claims were decreed as **1882** rights. They then filed two additional claims each to split out the other two rights and priority dates. Mitton has 45-13964 (1875) and 45-13965 (1881) and Myers has 45-13966 (1875) and 45-13967 (1881). I believe Ms. Papp-Okelberry was contacted but she has never responded. If Ms. France now owns the property, she will need to file the proper paperwork with us in order to do an ownership change. She could petition the court to file additional late claims or file a Motion to Set Aside her Partial Decree and amend it to 1875 with the smaller diversion rate.

I hope this helps to answer your questions. Feel free to give me a call if you need additional information or clarification.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

cc: Special Master, Terrance A. Dolan
Travis Thompson
Chris Bromley

RECEIVED
APR 08 2004

Department of Water Resources
Southern Region



- ☒ Not Deliverable As Addressed
☐ Unable To Forward
☐ Insufficient Address
☐ Moved, Left No Address
☐ Undelivered ☐ Refused
☐ Attempted - Not Known
☐ No Such Street ☐ Number
☐ Vacant ☐ Illegible
☐ No Mail Receipts
☐ Box Closed - No Order
☐ Returned For Better Address
☐ Postage Due

IDAHO DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

TO

~~PAPP-OKELBERRY~~
~~PO BOX 107~~
~~OAKLEY ID 83346~~

RP0KDD02013DD5C

Michael Gallagher

P.O. Box 54

ID 83346

Oakley

Aggie Valley Water

45-10891

**IDAHO DEPARTMENT OF WATER
RESOURCES**

1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

TO

PAPP-OKELBERRY
106 W. MAIN
OAKLEY ID 83346
Robert 107



- ☒ Not Deliverable As Addressed
Unable To Forward
☐ Insufficient Address
☐ Moved, Left No-Address
☐ Unclaimed ☐ Refused
☐ Attempted - Not Known
☐ No Such Street ☐ Number
☐ Vacant ☐ Illegible
☐ No Mail Receipts
☐ Box Closed - No Order
☐ Returned For Better Address
☐ Postage Due _____

13801-517

1/2

10/5/04
10/5/04
10/5/04

03/16/2004

**NOTICE OF ERROR
REPLY**

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: See cover letter

Water right number: 45-10891

SHARON PAPP-OKELBERRY

106 W MAIN

OAKLEY ID 83346

Telephone Number: (208)862-3304

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

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

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: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

03/10/2004

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

RIGHT NUMBER: 45-10891

NAME AND ADDRESS: SHARON PAPP-OKELBERRY
106 W MAIN
OAKLEY ID 83346

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 0.010 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.269 CFS AT THE POINT OF MEASUREMENT IN THE
SESESE OF SECTION 14, T14S, R22E. COMBINED RIGHT NOS.: 45-79A,
45-79J, 45-79K, 45-79L, 45-79M, 45-79N, 45-79P, 45-79Q, 45-79R,
45-79S, 45-79T, 45-79U, 45-10008, 45-10249, 45-10690, 45-10754,
45-10767, AND 45-10891.

The quantity of water under this right shall not exceed 13,000 gallons per
day.

PRIORITY DATE: 12/05/1882

POINT OF DIVERSION:
T14S R22E S14 SESESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	03/15 11/15	0.010 CFS
Domestic use is for 1 lawn.		

PLACE OF USE: DOMESTIC Within CASSIA County
T13S R22E S33 SESW

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

PROPERTY IS ALSO KNOWN AS PART OF LOT 2, BLK 13, OAKLEY
TOWNSITE. PARCEL NO. OK002013005C.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-79G.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM OAKLEY CANAL CO.

03/16/2004

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

RIGHT NUMBER: 45-10891

NAME AND ADDRESS: SHARON PAPP-OKELBERRY
106 W MAIN
OAKLEY ID 83346

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 0.010 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.269 CFS AT THE POINT OF MEASUREMENT IN THE
SESESE OF SECTION 14, T14S, R22E. COMBINED RIGHT NOS.: 45-79A,
45-79J, 45-79K, 45-79L, 45-79M, 45-79N, 45-79P, 45-79Q, 45-79R,
45-79S, 45-79T, 45-79U, 45-10008, 45-10249, 45-10690, 45-10754,
45-10767, AND 45-10891.

The quantity of water under this right shall not exceed 13,000 gallons per
day.

PRIORITY DATE: 12/05/1882

POINT OF DIVERSION:
T14S R22E S14 SESESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	03/15 11/15	0.010 CFS
Domestic use is for 1 lawn.		

PLACE OF USE: DOMESTIC Within CASSIA County
T13S R22E S33 SESW

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

PROPERTY IS ALSO KNOWN AS PART OF LOT 2, BLK 13, OAKLEY
TOWNSITE. PARCEL NO. OK002013005C.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-79G.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM OAKLEY CANAL CO.

VERIFIED BY JK 1/28/04

01/28/2004

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

RIGHT NUMBER: 45-10891

NAME AND ADDRESS: SHARON PAPP-OKELBERRY
106 W MAIN
OAKLEY ID 83346

SOURCE: BIRCH CREEK TRIBUTARY: GOOSE CREEK

QUANTITY: 0.010 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/05/1882

POINT OF DIVERSION:
T14S R22E S14 SESESE Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	03/15 11/15	0.010 CFS
Domestic use is for 1 lawn.		

PLACE OF USE: DOMESTIC Within CASSIA County
T13S R22E S33 SESW

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

PROPERTY IS ALSO KNOWN AS PART OF LOT 2, BLK 13, OAKLEY TOWNSITE. PARCEL NO. OK002013005C.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-79G.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM OAKLEY CANAL CO.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-10891 V1

WATER RIGHT NUMBER: 45-10891 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SHARON PAPP-OKELBERRY 106 W MAIN OAKLEY, ID 83346 (208)862-3304

Priority Date: 12/05/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIRCH CREEK	GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	03/15 to 11/15	0.010 CFS	
	<u>Total Diversion:</u>	0.010 CFS	

Location of Point(s) of Diversion

BIRCH CREEK	SE1/4SE1/4SE1/4	Sec. 14, Twp 14S, Rge 22E, B.M.
CASSIA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	22E	33												X					

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. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
3. S21 USE OF THIS RIGHT IS COMBINED WITH WATER FROM OAKLEY CANAL CO.
4. X01 Domestic use is for 1 lawn.

Remarks:

1. Explanatory PROPERTY IS ALSO KNOWN AS PART OF LOT 2, BLK 13, OAKLEY TOWNSITE. PARCEL NO. OK002013005C.
2. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-79G.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-10891 V1

Comments:

1. WHITE 7/22/1992 COPIED FROM REMARKS

Comment: THIS CLAIM IS BASED ON BIRCH CREEK DECREED WATER FROM 1885, 1881, AND 1882 FOR A COMBINED RIGHT OF 1.667 INCHES OR 0.033 CFS

2. jroberts 12/16/2003 Basis of Recommendation

Comment: The remarks in this claim said it was a combination of 1885, 1881 and 1882 water from Birch Creek but I think it probably meant 1875, 1881 and 1882. I am recommending as part of 45-79G for 1882 water with a diversion rate of .01 cfs, with the standard season of use, and the point of diversion in the SESESE Section 14, like all other city water out of Birch Creek, instead of their individual points of redirection at their property. The original claim was for 0.03 cfs but information in the old water master records indicates this property had 25/48 inches of 1882 water, or 0.01 cfs. They could make additional claims for their portions of 1875 (45-77J) and 1881 (45-78E) water. (Needs O/C to Michael Gallagher, who has now sold to a France?)

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: NONE RECEIVED

State or Federal: S

Owner Name Connector:

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:

	75	81	82
~~Adams~~ ~~Cont show~~			
~~Bates~~	1	$\frac{3}{16}$	$\frac{1}{16}$
~~Ray Mutton~~	$\frac{1}{2}$	$\frac{5}{16}$	$\frac{25}{48}$
~~Ann Belke~~	$\frac{3}{4}$	$\frac{3}{8}$	$\frac{3}{8}$
~~Ray C Belke~~	$\frac{1}{2}$	$\frac{1}{4}$	$\frac{1}{4}$
~~Ed Bell Birch Creek Ranch~~		2	
~~Joe Bell~~	$1\frac{3}{4}$	$\frac{2}{32}$	$1\frac{3}{32}$
~~Pur Jones (Carl Black)~~	$\frac{5}{16}$	$\frac{5}{16}$	$\frac{25}{48}$
~~Frank Buckley (Lloyd E Smith)~~	$\frac{1}{16}$	$\frac{1}{16}$	$\frac{5}{48}$
~~Bill Burch~~	$\frac{1}{4}$	$\frac{3}{32}$	$\frac{5}{32}$
~~John A. Clark~~ ~~Woe~~			10
~~John C Clark~~ ~~never held~~		~~$\frac{7}{32}$~~	
~~Max Cooper~~	$\frac{5}{16}$	$\frac{5}{16}$	$\frac{25}{48}$
~~Newell Dayley~~			
~~Joe Ellison~~ ~~Sold~~	1		
~~Arlo Harard~~	$\frac{1}{16}$	$\frac{1}{12}$	$\frac{1}{12}$
~~Verda Lee~~	1		
~~Carl Sarringe~~ ~~Tom McKnight~~	$\frac{5}{16}$	$\frac{5}{16}$	$\frac{25}{48}$
~~Carl Sarringe (Dan)~~	$\frac{1}{16}$	$\frac{1}{4}$	$\frac{1}{4}$
~~Ralph Sarringe~~	$\frac{5}{16}$	$\frac{5}{16}$	$\frac{25}{48}$
~~Golden Wargen (Melford)~~	$\frac{5}{8}$	$\frac{5}{16}$	$\frac{25}{32}$
~~Ed Hunter~~	$\frac{1}{32}$	$\frac{3}{12}$	$\frac{10}{16}$
~~Wm. H. Hopper~~	~~$\frac{1}{2}$~~	~~$\frac{2}{16}$~~	~~$\frac{5}{16}$~~
~~Herbert Hardy~~			
~~Chyle Judd~~	1	$\frac{1}{2}$	$\frac{3}{8}$
~~Wm. G. Bida~~	$\frac{5}{16}$	$\frac{5}{16}$	$\frac{25}{48}$
~~Carl Smith~~		$\frac{1}{16}$	
~~Ralph Smith (Bert Nelson)~~	$\frac{1}{16}$	$\frac{1}{12}$	$\frac{1}{12}$
~~Paul Baker (Ben Seano) sold~~	1	$\frac{3}{8}$	$1\frac{3}{8}$
~~Annie Baker~~	$\frac{3}{16}$	$\frac{3}{16}$	$\frac{10}{48}$
~~Merriel Petersen~~	$\frac{1}{16}$	$1\frac{1}{2}$	$\frac{1}{4}$
~~Samuel Stringham (George Smith)~~	1		
~~Clayton Smith~~	$\frac{3}{4}$	$\frac{3}{8}$	$\frac{3}{8}$
~~Wilford Sagers~~	1	$\frac{1}{2}$	$\frac{1}{2}$
~~Walt Southworth~~	$\frac{1}{2}$	$\frac{5}{16}$	$\frac{25}{48}$
~~Joe Sarringe (Wm. Sarringe)~~	$\frac{5}{16}$	$\frac{5}{16}$	$\frac{25}{48}$
~~Elmer Taylor~~	$\frac{3}{8}$	$\frac{5}{8}$	$\frac{12}{48}$
~~Ed War (Cliff Bell)~~	$\frac{5}{16}$	$\frac{5}{16}$	$\frac{25}{48}$
~~Earl Whiteley~~	$\frac{1}{2}$	$\frac{1}{4}$	$\frac{1}{4}$
~~W B Whiteley~~	$\frac{1}{16}$	$\frac{1}{16}$	$\frac{5}{48}$

$\frac{1}{8} = .125$
 $\frac{1}{6} = .166$
 $\frac{1}{3} = .333$
 $\frac{1}{2} = .500$
 $\frac{5}{6} = .833$
 $\frac{3}{8} = .375$
 $\frac{5}{16} = .312$
 $\frac{7}{8} = .875$
 $\frac{1}{16} = .062$
 $\frac{1}{12} = .083$

MICROFILMED
 MAR. 05 1993

BIRCH CREEK WATER USERS 45-B

Water Master - Robert Bee
45b

NAME:		volume used in	2000		
1	ANDERSON, BOB	0	\$35.00		
2	ADAMS, ERNEST	0	\$35.00		
3	AMMIOTT, MIKE	0	\$35.00		
4	BEDKE, ERIC	0	\$35.00		
5	BEDKE, RAY C.	0	\$35.00		
6	BELL, CLIFF	2.04	\$35.00		
7	BURCH, GOLDEN	0	\$35.00		
8	BUCKLEY, R. / N MCMURRY	0	\$35.00		
9	COOPER, MAX	2.04	\$35.00		
10	DAYLEY, KENDALL	8.04	\$42.43		
11	FEHLMAN, ROBERT	4.76	\$35.00		
12	FONSBECK, CLYDENE	0	\$35.00		
13	GARRARD, EDNA	2.55	\$35.00		
14	GEE, LAVERDA	7	\$36.95		
15	GORRINGE, BRENDON	2.04	\$35.00		
16	HAINES, MRS CLOYCE	2.72	\$35.00		
17	HALE, JAMES	6.8	\$35.00		
18	HARPER, ARNOLD	0	\$35.00		
19	LUKER, DAN	1.36	\$35.00		
20	Eis, PAUL	0	\$35.00		
21	GARY NAGEL	0	\$35.00		
22	JUDD, DAVID	0	\$35.00		
23	ROBERT MANNING	556.8	\$2,939.29		
24	McBRIDE, JAMES	1.36	\$35.00		
25	McMURRY, NORMAN	0	\$35.00		
26	McKNIGHT, TIM	2.38	\$35.00		
27	MULLARD, GARY	1.02	\$35.00		
28	MYERS, T.R.	1.36	\$35.00		
29	MITTON, STEVEN	0	\$35.00		
30	MULHLESTEIN, CLINT	3.23	\$35.00		
31	PAYTON, CHARLES	352.6	\$1,861.34		
32	PAYTON, TIM	0	\$35.00		
33	PETERSON, MURIAL	0	\$35.00		
34	PETERSON, NELS	0	\$35.00		
35	QUALLS, CINDY	0	\$35.00		
36	RANDALL, ILLA	4.08	\$35.00		
37	DAVID MUNK	0	\$35.00		
38	STRINGHAM, LONNIE	0	\$35.00		
39	VERDINE, MARCUS	0	\$35.00		
40	WHITELEY, EARL	0	\$35.00		
41	WHITELEY, READ	0	\$35.00		
42	OAKLEY CANAL CO.		\$440.00		
TOTALS		958.1	\$8,615.00		

AMOUNTS WORKED ON 5.2789

6615.014

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-79G

WATER RIGHT NUMBER: 45-79G

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JACOB DAYLEY OAKLEY, ID 83342

Priority Date: 12/05/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIRCH CREEK	GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.269 CFS	
	<u>Total Diversion:</u>	0.269 CFS	

Location of Point(s) of Diversion

BIRCH CREEK

Place of UseIRRIGATION Within CASSIA County

T13S R22E S33	NENW	T13S R22E S33	SENW
T13S R22E S33	NESW	T13S R22E S33	SESW

Conditions of Approval:Remarks:

1. General TRANS. 824, 1019, 2268, 2298.
ACTUAL DIV. RATE = 0.2685 CFS.
P/D UNKNOWN. DESCRIBED DIFFERENTLY IN TRANS. 2268 & 2298.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/29/97

PAGE: 30

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SHARON PAPP-OKELBERRY 106 WEST MAIN OAKLEY ID 83346 (208) 862-3304	12/05/1882	DOMESTIC	01-01 12-31	0.03 CFS	
TOTAL DIVERSION:					0.03 CFS	

Water Source: BIRCH CREEK

Tributary to: GOOSE CREEK

Stage: DECREED

Point(s) of Diversion:

T13S R22E S33

SWSESW

CASSIA County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
13S	22E	33	:															:
D*																		

POU County: CASSIA

Other Rights: NONE

Remarks: ~~SEN~~ ^{EXP} OK 0020130056

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: N11 & N13
Presumption Flag:Comments: Date: 07/22/1992 User-ID: WHITE Subject: COPIED FROM REMARKS
THIS CLAIM IS BASED ON BIRCH CREEK DECREED WATER FROM 1885, 1881,
AND 1882 FOR A COMBINED RIGHT OF 1.667 INCHES OR 0.033 CFS

Audit: 07/22/92 WHITE 03/30/95 POST-STD

Remarks say comb. of 1885, 1881, & 1882 water - I think it probably
meant 1875 and will recommend as part of 45-77J for .01
(needs o/c to Michael Gallagher per Cassia Cty. tax lot info.)

23-98

this claim seems to
represent .01 from
each st.: 77, 78, & 79
but with 79's priority
date . . .

WATER RIGHT NUMBER - A45-10891

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - + + - FIRST NAME - - + + - - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
PAPP-OKELBERRY

SHARON

1 - 106 WEST MAIN
2 -
3 -
CITY- OAKLEY
PHONE - 208-862-3304

STATE- ID ZIP- 83346

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - - +
12/05/1882 ERROR IN REGION D - DECREED

+ - - - - - SOURCE - - - - - + + - - - - - TRIBUTARY - - - - - +
BIRCH CREEK GOOSE CREEK

+ - - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)
13S 22E 33 SW SE SW (31) CASSIA

+ - - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME
43 - DOMESTIC 01/01 12/31 0.030

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.030 0.0

+ - - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY
13S 22E 33 SE SW 43 DOMESTIC (31) CASSIA

+ - - DIVERSION MEANS - GRAVITY FEED INTO LATERAL WITH PUMP TO SPRINKLER SYSTEM

+ - - NON-IRRIGATION USE -

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - - REMARKS - - - - - +
THIS CLAIM IS BASED ON BIRCH CREEK DECREED WATER FROM 1885, 1881,
AND 1882 FOR A COMBINED RIGHT OF 1.667 INCHES OR 0.033 CFS

+ - - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 05/30/89 SCHULD

MICROFILMED
OCT 26 1994

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

OK 002 013005B

VERIFIED
OCT 3 1 1991

CERTIFIED
DEC 3 1991
WATER EXAMINER