
RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-04159

NAME & ADDRESS: RANDY BATES
SHASTA BATES
1274 W 50 S
BLACKFOOT ID 83221

SOURCE: GROUNDWATER

QUANTITY: 0.07 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/09/1935

POINT OF DIVERSION: T03S R33E S01 SWSNW Within BINGHAM County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	0.07 CFS
	STOCKWATER	01-01 12-31	0.03 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County
T03S R33E S01 SENW 4
4 ACRES TOTALSTOCKWATER Within BINGHAM County
T03S R33E S01 SENWDOMESTIC Within BINGHAM County
T03S R33E S01 SENW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

PROFIT

SCANNED
AUG 26 2005

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: FEB-17-2000
PAGE: A-2

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-04159 (CONT)

EXPLANATORY MATERIAL: (CONT)

STOCKWATER, 6 HORSES, 30 SHEEP, 5 CATTLE, 5 GOAT

EDWIN ED
FEB 17 2000

SCANNED
AUG 26 2005

AJ0749NP
No. R35-04159

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/04/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SHIRLEY MERRILL	01/09/1935	IRRIGATION	04-01 10-31	0.07 CFS	
C	RICHARD S MERRILL		STOCKWATER	01-01 12-31	0.03 CFS	
			DOMESTIC	01-01 12-31	0.04 CFS	
TOTAL DIVERSION:					0.07 CFS	

Water Source: GROUNDWATER Tributary to: Stage: BENEFICIAL USE
Point(s) of Diversion: T03S R33E S01 SWSENW BINGHAM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
03S	33E	1	:					:					:					:					:	4.0
TOTAL ACRES																							4.0	

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
03S	33E	1	:					:					:					:					:	

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
03S	33E	1	:					:					:					:					:	

POU County: BINGHAM

Non-Irrigation Uses: 1 HOME

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP STOCKWATER, 6 HORSES, 30 SHEEP, 5 CATTLE, 5 GOAT

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

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

SCANNED
AUG 26 2005

PROVIDED

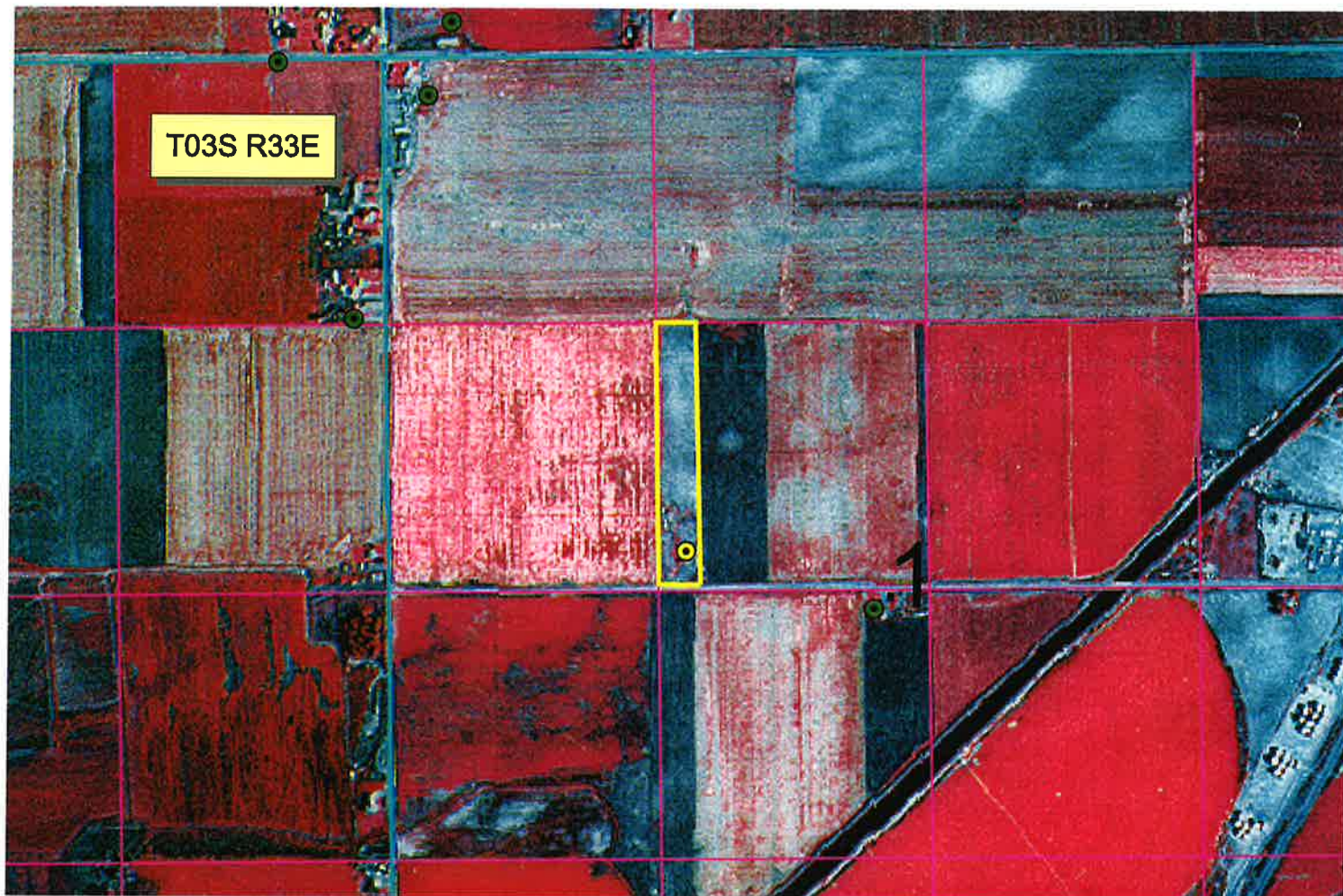


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 35-04159



0 300 600 900 1200 1500 Feet

LEGEND



Point of Diversion



Place of Use



Section Line



Quarter-section line



SCANNED

AUG 26 2005

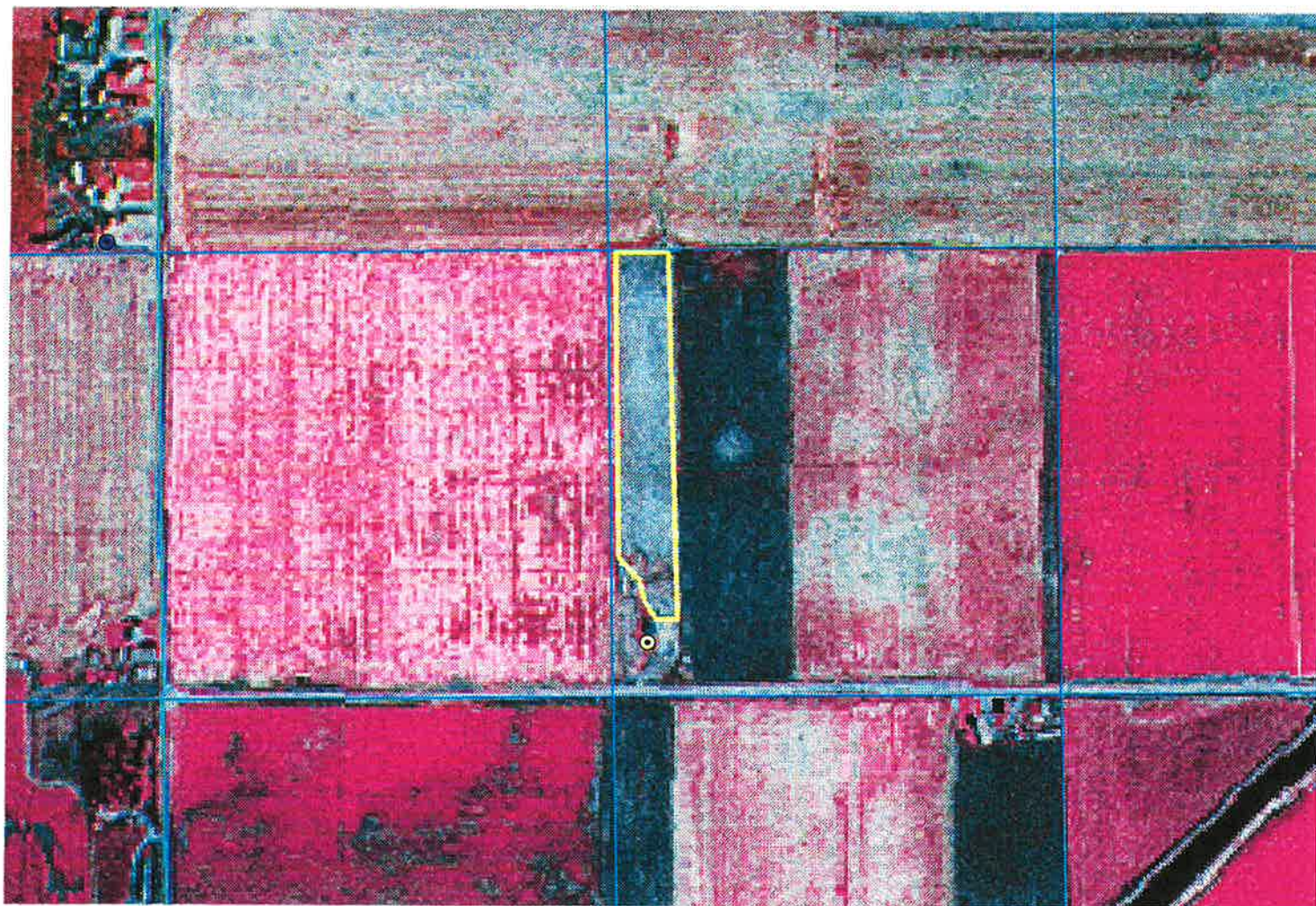
GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: February 2000

IDAHO DEPARTMENT OF WATER RESOURCES

RICHARD S MERRILL

Water Right No(s).

35-04159



0 1320 2640 Feet



Point of Diversion
Location



Place of Use
Boundary

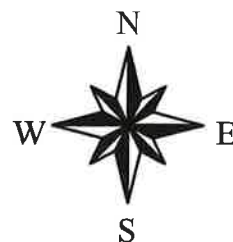


Section Lines



Quarter/Quarter Lines

Township(s) 03S, Range(s) 33E
Section(s) 01



SCANNED

AUG 26 2005

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: Greg Taylor
Date: Dec. 4, 1998

PROFILED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

17:03:59
05/29/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A35-04159

LAST: KY SAR
ADDRESS: 1274 WEST 50 SOUTH
CITY: BLACKFOOT
PHONE NUMBER: 208-684-5207

FIRST: JUDITH L.

STATE: ID ZIP: 83221

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

FIELD EXAMINATION INFORMATION

CONTACT PERSON:

DATE OF FIELD EXAM: *Drive by 4-2-93*
2/21/93

APPOINTMENT MADE: V() N()

PHONE NUMBER: () -

TIME: : A() P()

ACCOMPANIED BY:

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / REMARKS:

See page 5

To Mr. Concerned:
We were unaware we could claim
the original well and not just
the replacement.
Would you please reconsider
and replace the date with
the year 1935.

Thank you
J. L. Kyser

RECEIVED

JUL 16 1991

A. AJ CLAIM: # A35-04159 PRIORITY DATE: ¹⁻⁹⁻¹⁹⁰⁰~~01-01-1963~~ STAGE: J Amended 7-26-91
B. WR RECORD: # 35-04159 PRIORITY DATE: 01-01-1963 STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE FIELD
N EXAMINER
X

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)
IF YES EXPLAIN.

REMARKS: Evidence that was submitted in the form of a homestead Entry dated
1900 was for "ditches & water rights" for the SE 1/4 sec. 01. This claim
is for NW 1/4 sec. 01.

Affidavit from Jane Wood supports A35 Priority

Earliest date that can be recommended is start of irrigation
season - A35 - Evidence does not mention fact that
the use is still taking place and has been since
1935

RECOMMENDED PRIORITY DATE:
~~01-01-1963~~

REVIEWED BY [Signature]

DATE 2-23-93

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A35-04159	03S	33E	1	SW	SE	NW		BINGHAM

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
35-04159	03S	33E	1		SE	NW		BINGHAM

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE

NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER
N
N

REMARKS:

PER CO, NAPP, ASCS, Drive-by 4-8-93

TIME AGE SEC.

SOURCE: 6 ROUNDMATER

REVIEWED BY:

TRIM:

DATE

25-27-2

4-8-93

107 7/7

107

ALBUQUERQUE

A. ROOT WATER RIGHT NUMBERS: A35-04159

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	HR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
03S	33E	1	SE	NW		KYSAR, JUDITH L.	A35-04159 / 6.0	35-04159 / 6.0	39.0	4.0	4.0
			SE	NW		WOOD, JANE C.	A35-07731 / 32.0	35-07731 / 32.0			
			SE	NW		LING, ROGER D.	A01-0002320/32.0	- /			
			SE	NW		LING, ROGER D.	A01-0029720/32.0	- /			
			SE	NW		LING, ROGER D.	A35-0254320/32.0	- /			
			SE	NW		ABERDEEN SPRINGFIELD CANAL CO.	A35-0424620/32.0	- /			
			SE	NW		LING, ROGER D.	A01-0206460/32.0	- /			
			SE	NW		LING, ROGER D.	A01-0206860/32.0	- /			
			SE	NW		LING, ROGER D.	A01-02068H0/32.0	- /			
03S	33E	1	SE	NW		KYSAR, JUDITH L.	A35-04159 /	35-04159 / 6.0	39.0		
			SE	NW		WOOD, JANE C.	A35-07731 / 32.0	35-07731 / 32.0			
			SE	NW		LING, ROGER D.	A01-0002320/32.0	- /			
			SE	NW		LING, ROGER D.	A01-0029720/32.0	- /			
			SE	NW		LING, ROGER D.	A35-0254320/32.0	- /			
			SE	NW		ABERDEEN SPRINGFIELD CANAL CO.	A35-0424620/32.0	- /			
			SE	NW		LING, ROGER D.	A01-0206460/32.0	- /			
			SE	NW		LING, ROGER D.	A01-0206860/32.0	- /			
			SE	NW		LING, ROGER D.	A01-02068H0/32.0	- /			
03S	33E	1	SE	NW		KYSAR, JUDITH L.	A35-04159 /	35-04159 / 6.0	39.0		
			SE	NW		WOOD, JANE C.	A35-07731 / 32.0	35-07731 / 32.0			
			SE	NW		LING, ROGER D.	A01-0002320/32.0	- /			
			SE	NW		LING, ROGER D.	A01-0029720/32.0	- /			
			SE	NW		LING, ROGER D.	A35-0254320/32.0	- /			
			SE	NW		ABERDEEN SPRINGFIELD CANAL CO.	A35-0424620/32.0	- /			
			SE	NW		LING, ROGER D.	A01-0206460/32.0	- /			
			SE	NW		LING, ROGER D.	A01-0206860/32.0	- /			
			SE	NW		LING, ROGER D.	A01-02068H0/32.0	- /			
TOTAL ACRES							A35-04159	6.00	18.00	117.00	

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(✓)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
H

After further review, using H.S.,
and discussion w/ Mr. Merrill on Dec. 4, 1998,
four (4) acres of irrigation are recommended. The
Rate is recommended at 3/gpm. or 0.07 cfs
H.S.
12-4-98

2 acres not recommended

*because of home, outbuildings
and corral*

*other portion does
not appear to be irr.
and hasn't been for
several years*

Dom.

Stocks

PRESUMPTION FLAG:

REMARKS:

Recommend Domestic / Stock w/no irra PER OQ: NAPP, ASCS?
Driveby 4-8-93

RECOMMENDATIONS:

TOTAL ACRES: ①

REVIEWED BY: HJS

DATE: 4-8-93
~~3-12-93~~

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A35-04159 IRRIGATION	FROM 04-01 TO 11-01	120 CFS
A35-04159 DOMESTIC	FROM 01-01 TO 12-31	.040 CFS
A35-04159 STOCKWATER	FROM 01-01 TO 12-31	.030 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.190 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
35-04159 IRRIGATION	FROM 04-01 TO 11-01	.120 CFS
35-04159 DOMESTIC	FROM 01-01 TO 12-31	.040 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.160 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	<u>N</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	<u>Y</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	<u>Y</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(✓) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() EXPLAIN IN REMARKS, BELOW.

REMARKS:

Domestic, 1 Home = 0.04 CFS Dom.
Stockwater, = 0.03 CFS Stockwater
0.07

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 0.190 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.160 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **
** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN REMARKS. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y AL

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POB AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A35-04159	GROUNDWATER	KYSAR, JUDITH L.	0.190	0.031		
A35-07731	GROUNDWATER	WOOD, JANE C.	1.010	0.012		
A35-0424620	GROUNDWATER	ABERDEEN SPRINGFIELD CANAL CO.	2.440			
A01-0206460	SNAKE RIVER	LING, ROGER D.			57133.00	1.61
A01-0206860	SNAKE RIVER	LING, ROGER D.			129940.00	3.66
A01-02068H0	SNAKE RIVER	LING, ROGER D.			22660.00	0.64

NO RIGHTS WITH SAME POB BUT NOT USED FOR IRRIGATION

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

ACRES _____ X 0.02 CFS/ACRE = _____ CFS
(TAKEN FROM P/U REVIEW)

1B. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 15.0 AF/A

ACRES _____ X CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ X DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

NO IRR. Present

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	4-1	10-31	.08		16		13	
DOMESTIC	1-1	12-31	.04					
Stockwater	1-1	12-31	.03					
TOTAL FOR THIS RIGHT								

REVIEWED BY: Off. [Signature]

DATE: 2-23-93

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
()	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 35-04159

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.160

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A35-04159	0.190	-		35-04159	0.160
TOTAL CFS		0.190				0.160

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

DATABASE
N

FIELD
EXAMINER

REMARKS:

Recommend 0.07 cfs for D/S

AUTHENTICATION:

SIGNATURE: *[Signature]*

DATE: *2-23-93*

NAME OF FIELD EXAMINER: *[Signature]*

TITLE: *Asst. Water Agent*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

17:03:59
05/29/91

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A35-04159

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	Drive-by FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			4-8-93					
POINT OF DIV	Y		4/1	Y	6	4/1	4/1	4/1
SOURCE			4/1	N	1,2,4,5			
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y		4/1	Y	1,2,4,5			
CONSUMPTIVE USE	-		4/1	Y				
PURPOSES	Y							
PERIOD OF USE	Y		4/1	Y	5			
BASIS OF CLAIM	Y		4/1	Y	6			
REMARKS			4/1	N	6			

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RANDY & SHASTA BATES
1274 W 50 S
BLACKFOOT ID 83221

RE: Notice of Change of Water Right Ownership (NCO) for 35-04159 and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. & Mrs. Bates:

On February 11, 2000, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree

Technical Records Specialist

Enclosure

cc: Richard & Shirley Merrill

SCANNED

AUG 26 2005

PROFILED

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

)
)
)
Water Rights: 35-04159

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party **MERRILL - BATES**
- ☐ I.C. § 42-222 transfer

- ☐ point of diversion ☐ place of use
- ☐ period of use ☐ nature of use
- ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 15 Feb 2000

Ernest Carlson

Signature of IDWR Representative

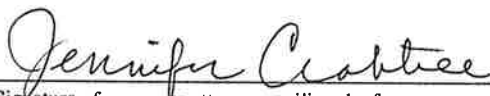
PROFILED

SCANNED
AUG 26 2005

CERTIFICATE OF MAILING

I certify that on 2/18, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
RICHARD & SHIRLEY MERRILL
PO BOX 473
BLACKFOOT ID 83221
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
RANDY & SHASTA BATES
1274 W 50 S
BLACKFOOT ID 83221
4. One copy to:
Each party in the subcase, or attorney of record
N/A
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

PROFILED

SCANNED
AUG 26 2005

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 35-04159
Adjudication Claim No(s): _____
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim 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 Richard and Shirley Merrill
PO Box 473 Blackfoot, ID 83221
4. New Owner/Claimant(s) Randy and Shasta Bates
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 1274 W. 50 S.
City, State and ZIP Code Blackfoot, ID 83221
New Telephone Number (208) 684-3298
5. Date you acquired the property September, 1999
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____	Number and type of stock _____
Diversion rate in CFS _____	Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s) Randy Bates and Shasta Bates

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

PROFIT

AUG 26 2005

40994

Warranty Deed

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

FEE 3.00 DEP 0

1999 AUG 24 PM 4:34

RECORDED AT THE REQUEST OF

FIRST AMERICAN TITLE COMPANY

482382

RECEIVED

FEB 07 2000

Department of Water Resources
Eastern Region

For Value Received **RICHARD S MERRILL and SHIRLEY MERRILL, husband and wife**

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

RANDY BATES and SHASTA BATES, husband and wife

whose address is: 1274 WEST 50 SOUTH, BLACKFOOT, ID, 83221

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

Township 3 South, Range 33 E.B.M., Bingham County, Idaho

Section 1: W. 200 feet of the SE $\frac{1}{4}$ NW $\frac{1}{4}$

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, including all water, water rights, ditch and ditch rights.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: AUGUST 23 1999

PROFILED

SCANNED

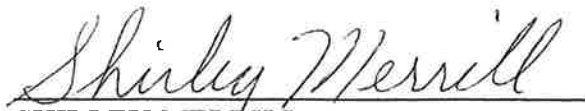
AUG 26 2005

ditch rights.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: AUGUST 23, 1999

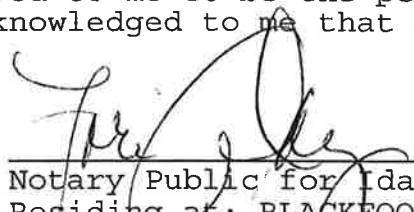

RICHARD S MERRILL


SHIRLEY MERRILL

STATE OF IDAHO)
 : ss.
COUNTY OF BINGHAM)

On this 23RD day of AUGUST, 1999, before me the undersigned, a Notary Public in and for the said county and state, personally appeared RICHARD S MERRILL AND SHIRLEY MERRILL, known or proved to me to be the persons who executed the foregoing instrument, and acknowledged to me that they executed the same.




Notary Public for Idaho
Residing at: BLACKFOOT, IDAHO
My Commission Expires: 10/21/2003

482382

PROFILE

SCANNED
AUG 26 2005

LEGAL DESCRIPTION

Township 3 South, Range 33 E.B.M., Bingham County, Idaho
Section 1: W. 200 feet of the SE¹/₄NW¹/₄

PROFILED

RB, SP

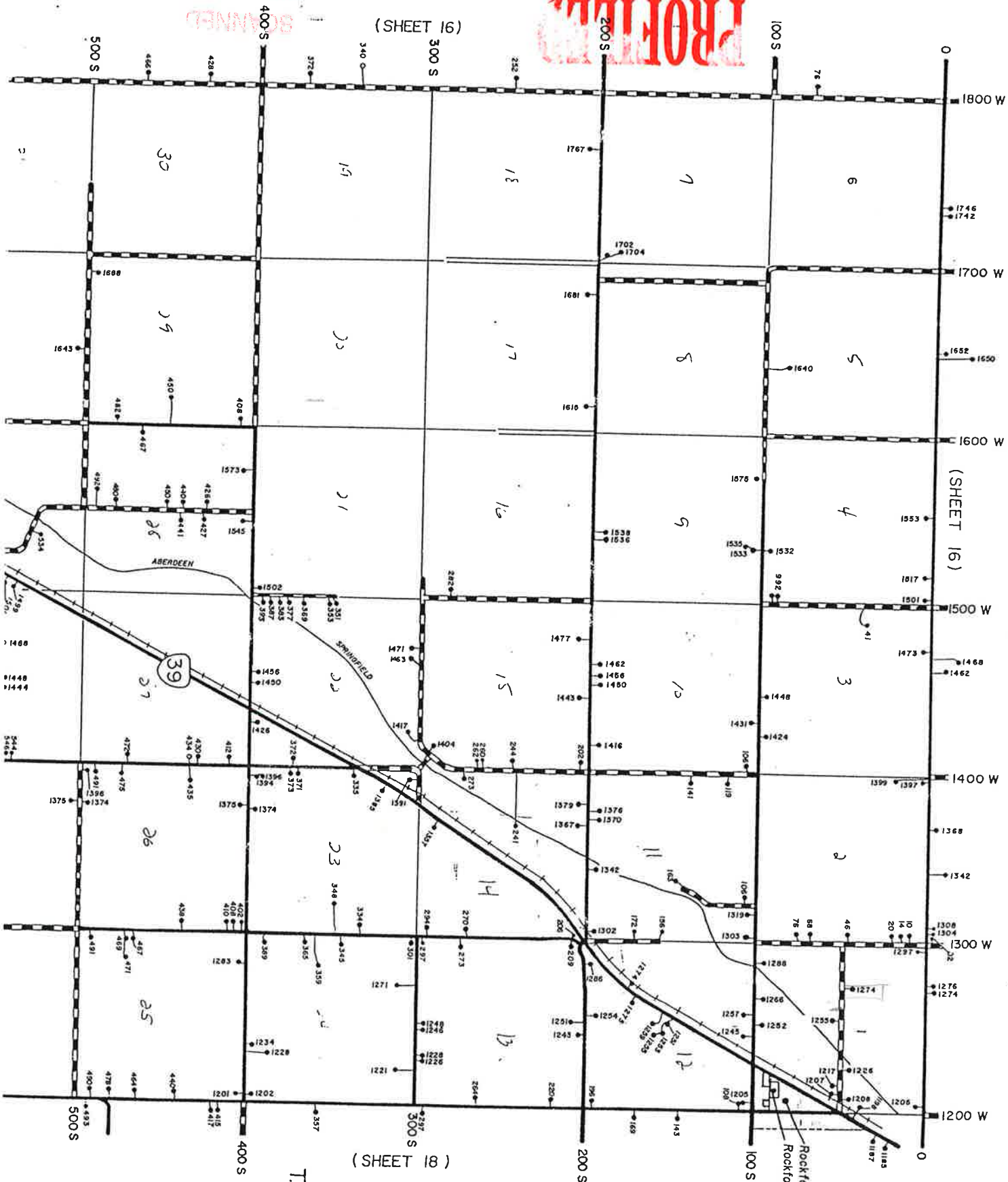
SCANNED
AUG 26 2005

AUG 26 2005

SCANNED

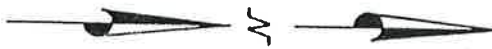
(SHEET 16)

PROFILE



(SHEET 18)

T. 3 S., R. 33 E.





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 26, 2000

RANDY & SHASTA BATES
1274 W 50 S
BLACKFOOT ID 83221

THE "NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP" FOR 35-04159 HAS BEEN RETURNED FOR THE FOLLOWING ITEM(S):

☒ COPY OF DEED, TITLE POLICY, CONTRACT OF SALE, OR OTHER LEGAL DOCUMENT indicating your ownership of the property and water rights in question,

☒ LEGAL DESCRIPTION OF PROPERTY

☒ PLAT OF PROPERTY OR SURVEY MAP (usually on file with the county)

☐ USDA FARM SERVICE AGENCY (FORMERLY ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

PLEASE ENCLOSE THE REQUESTED ITEM(S) AND RESUBMIT THE ENTIRE PACKET TO THIS OFFICE AND WE WILL PROCESS YOUR CHANGE OF OWNERSHIP AS SOON AS POSSIBLE.

PROFILED

SCANNED
AUG 26 2005

FEBRUARY 21, 1995

SHIRLEY MERRILL
1274 W 50 S
BLACKFOOT ID 83221

RE: CHANGE IN OWNERSHIP FOR A35-04159

Dear Shirley:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a typed Notice with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

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AUG 26 2005

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NOV 15 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A35-04159
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): JUDITH KY SAR
1274 W 50 S
BLACKFOOT ID 83221
- ☐ New Owner/Claimant (Purchaser): Shirley Merrill + Richard S.
- ☐ New Mailing Address: 1274 W 50 S
BLACKFOOT ID 83221
- ☐ New Telephone Number: (208) _____ - _____ (?)
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Shirley Merrill Date 2/10/95
Richard S. Merrill Date 2/10/95
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

SCANNED

AUG 26 2005

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NOV 15 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

PROFILE

ESCROW INSTRUCTIONS

Escrow Number 6937-M

Officer MICHELLE PETERSON

Date February 9, 1995

Buyer: RICHARD S. MERRILL and SHIRLEY MERRILL, husband and wife

To: FIRST AMERICAN TITLE COMPANY, BLACKFOOT, IDAHO

I hereby agree to purchase the hereinafter described property for a total consideration of \$50,000.00 and will on or before FEBRUARY 10, 1995 hand you said consideration, which is payable as follows:

\$20,100.00 EARNEST MONEY HELD BY FIRST AMERICAN TITLE CO. THE BALANCE OF \$29,900.00 TO BE PAID CASH AT CLOSING.

I will deliver to you any additional funds and execute any instruments which are necessary to comply with the terms hereof, all of which you may use when you hold for me

AN EXECUTED WARRANTY DEED FROM THE SELLER

and when you can issue your standard coverage form policy of title insurance with liability of \$50,000.00, on the property described on attached Order No. 34126

SHOWING TITLE VESTED IN RICHARD S. MERRILL and SHIRLEY MERRILL, husband and wife

FREE OF ENCUMBRANCES EXCEPT

1. Paragraphs 1-6, & 9 of Schedule B of Commitment for Title Insurance, Order No. 34126, a copy of which is attached hereto.
2. Deed of Trust (or Mortgage) of record securing a note with an approximate unpaid balance of \$N/A with interest at the rate of (SEE NOTE)% per annum in favor of N/A.

OTHER INSTRUCTIONS:

ITEM #8 OF THE COMMITMENT WILL BE AMENDED TO READ 1994 TAXES IN THE AMOUNT OF \$477.62 HAVE BEEN PAID IN FULL.

PRORATE AND/OR ADJUST THE FOLLOWING AS OF: FEBRUARY 10, 1995.

1. Taxes based on the amount of the last tax statement of the Tax Collector issued prior to the close of escrow. (If the amount of the new tax bill issued by the Tax Collector after close of escrow is more or less than the amount used for proration purposes, the difference, if any, will be adjusted by the parties herein outside of escrow.) Sellers are to forward to buyers any present or future tax bills on property herein.
2. Levies and assessments of N/A.
3. Interest on all existing trust deeds, improvements assessments and/or bonds taken over by Buyers.
4. Rental per rent statement handed you.
5. Charge the buyer and credit the seller the amount of any funds held in an impound account, if any, in connection with an existing loan.

You are to hold for me -0- shares of water stock of the N/A Company.

I hereby agree to hold you harmless from the failure of the transfer of water to myself regardless of the reason or cause. The transfer of water is being done as an accommodation for me. I understand that you have not made a search of the water rights to this land. I further understand that you are not making any representation and warranty concerning said water rights.

I hereby agree to pay charges including usual Buyers escrow fee and any advances and expenses that are properly chargeable to me regardless of the consummation of this escrow. At the close of escrow, you are to deliver all documents, etc., to the persons entitled thereof.

PROFILED

NOV 15 1996

CLOSING ESCROW INSTRUCTIONS, Page 2
Escrow No. 6937-M

GENERAL PROVISIONS

All disbursements shall be made by your check. All funds received in this escrow shall be deposited in one or more of your general escrow accounts with any bank doing business in the State of Idaho and may be transferred to any other general escrow account or accounts. Upon specific instructions from all parties to this escrow, you may hold funds as otherwise instructed herein.

The expression "close of escrow" means the date on which instruments referred to herein are filed for record unless otherwise indicated herein.

Recordation of any instruments delivered through this escrow, if necessary or proper in the issuance of a policy of title insurance called for, is hereby authorized.

You are to furnish a copy of these instructions, amendments thereto, closing statements and/or any other documents deposited in this escrow, to the lender or lenders, the real estate broker or brokers and/or the attorney or attorneys involved in this transaction upon request of such lenders, brokers or attorneys.

Should you, before or after close of escrow, receive or become aware of any conflicting demands or claims with respect to this escrow or the rights of any of the parties hereto, or any money or property deposited herein or affected hereby, you shall have the right to discontinue any or all further acts on your part until such conflict is resolved to your satisfaction, and you shall have the further right to commence or defend any action or proceedings for the determination of such conflict.

The parties hereto jointly and severally agree to pay all costs, damages, judgments and expenses, including reasonable attorney's fees suffered or incurred by you in connection with, or arising out of this escrow, including, but without limiting the generality of the foregoing, a suit in interpleader brought by you.

If any party to this escrow selects to cancel these instructions because of the failure of any party to comply with any of the terms hereof within the time limits provided herein, said party so electing to cancel shall deliver to escrow agent a written notice to the other party and escrow agent demanding that said other party comply with the terms hereof within ten days from the receipt of said notice by escrow agent; that these instructions shall hereupon become canceled. When the written notice is delivered to escrow agent by the party so electing to cancel, escrow agent shall within five days thereafter send a copy of said notice to the other party in the manner provided by law and the usual practices of the escrow agent.

In the event said other party shall fail within said ten day period to comply with all of the terms hereof, these instructions shall become canceled and escrow agent is thereupon authorized: (a) first, to pay to the party electing to cancel any earnest money deposited hereunder by said other party, after deducting any charges; (b) second, to pay to said other party, any other money deposited hereunder by said other party, after deducting any charges remaining unpaid; (c) third, to pay to the party electing to cancel, any money deposited by said party, after deducting any charges remaining unpaid; and (d) fourth, to return all documents deposited hereunder to the party who delivered the same except documents executed by more than one party, which shall be marked "canceled" and retained in the files of escrow agent.

Both Seller and Buyer acknowledge by their signatures hereon the following: I have been specifically informed that First American Title Company (hereinafter designated "First American") is not licensed to practice law and no legal advice has been offered by First American or any of its employees. I have been further informed that First American is acting only as escrow holder and that it is forbidden by law from offering any advice to any party respecting the merits of this escrow transaction or the nature of the instruments utilized, and that it has not done so. I have not been referred by First American to any named attorney or attorneys or discouraged from seeking advice of any attorney, but have been requested to seek legal counsel of my own choosing at my own expense, if I have doubt concerning any aspect of this transaction.

I further declare all instruments to which I am a party, if prepared by First American, have been prepared under the direction of my attorney or myself, an particularly declare that copying legal descriptions from title reports onto forms of deeds, etc., or reforming of legal descriptions or agreements, is, or will be solely at my direction or request.

I have been afforded adequate time and opportunity to read and understand these escrow instructions and all other documents referred to therein.

Any amendments of and/or supplement to any instructions must be in writing. If any "Earnest Money Agreements", "Receipt and Agreements to Purchase" or the like are attached to these instructions and one or more terms of said agreements conflict with or vary from these instructions, these instructions shall, nevertheless, control.

The Seller agrees to sell and the Buyer agrees to buy the property herein described upon the terms hereof.

Richard S. Merrill
Buyer
Shirley Merrill
Buyer
Address: 1274 W 50 S
Blackfoot ID 83221

SELLER: CONNIE MARTIN, PERSONAL REPRESENTATIVE OF THE ESTATE OF JUDITH L. KYSAR, DECEASED

I/We approve of the foregoing instructions, agree to be bound thereof, and agree to sell and will deliver to you papers, instructions and/or funds required from me within the time limits specified herein, which you are authorized to deliver when you can issue your policy of title insurance as set forth above. You are instructed to use the money and record the instruments to comply with said escrow instructions and to pay all encumbrances of record necessary, without further approval including prepayment penalties to show title as herein provided. I agree to pay your usual sellers escrow fee, drawing of documents and such other charges which are advanced for my account regardless of the consummation of this escrow. I also agree to pay the policy of title insurance premium and recording fees which are properly chargeable to me.

At the close of this transaction, you are authorized to pay commissions to the following:

BLACKFOOT REAL ESTATE

At the close of this escrow, you are to mail any documents and your check or check payable to the Seller.

Seller

Seller

Address:

PROFILED

SCANNED
AUG 26 2005

MICROFILMED
NOV 15 1996



SCHEDULE B - SECTION 1

Requirements

The following requirements must be met:

- (a) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- (b) Pay us the premiums, fees and charges for the policy.
- (c) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- (d) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- (e) Release(s) or Reconveyance(s) of items(s) as per buyers and/or lenders instructions.
- (f) Other:
- (g) You must give us the following information:
 - 1. Any off record leases, surveys, etc.
 - 2. Statement(s) of identity, all parties.
 - 3. Other:

Certified Copy of Letters Testamentary, SP-95-52, Judith Lynn Kysar, Deceased, be recorded of public record.

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AUG 26 2005

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NOV 15 1996



SCHEDULE A

1. Commitment Date: February 1, 1995, at 9:00 a.m.

2. Policy or Policies to be issued: Policy Amount

[X] (a) Owner's Standard Policy \$50,000.00
Form 1402-92 (10/17/92)
Proposed Insured: RICHARD S. MERRILL and SHIRLEY MERRILL

3. A fee simple interest in the land described in this Commitment is owned, at the Commitment Date, by THE HEIRS AND DEVISEES OF JUDITH L. KYSAR, Deceased.

4. The Land referred to in this Commitment is described as follows:

Township 3 South, Range 33 E.B.M., Bingham County, Idaho
Section 1: W. 200 feet of the SE~~1~~/~~4~~NW~~1~~/~~4~~

PROFILED

SCANNED
AUG 26 2005

MICROFILMED
NOV 15 1996

Verified Drive-by
4-8-93 A/I.

R35-04159

NHEL 1
56.5
NAPI, Capascs

NHEL 2
57.7

HEL 3
35.6

T
3
3

R33E

NHEL 7
35.8



Place of Use
Claimed
P.D.

NO IRR Evident
for several years

T1906
2847

NEL 5
14.3

ABERDEEN CANAL
Rockford W. Rd.

T1908
2702

NHEL 1
25.3

2 NHEL
8.5

T2102
2017

HEL 1
4.1

HEL 2
64.5

2 HEL
6.0
SPRINGFIELD

T1915
3282

9.2

ROCKFORD

3 NHEL
21.0

HEL 3
9.3

HEL 4
12.1

2
35.2

2
11/12

STATE OF IDAHO
County of Bingham
certify the foregoing is a true and correct copy of
as original on file and record in the office of the
clerk and Executive Recorder of Bingham County,
IDaho
Dated JUL 2 2 1991

JEAN ESPLIN
Deputy Executive Recorder
Bingham County
Idaho

RECEIVED

JUL 23 1991

Department of Water Resources
Eastern District Office

Know all men by these presents that I do hereby
certify and declare that I am married, and that
I do now at the time of making this declaration
actually reside with my family on the land
and premises hereinafter described.

That my family consists of a wife and six children
That the land and premises on which I reside are
bounded and described as follows, to wit: The south
east quarter of section one (1), in township three
(3) south of range thirty three (33) east of the Boise
Meridian in Bingham County, Idaho, contain-
ing 60 acre more or less together with all
ditch and water rights thereunto belonging or
in anywise appertaining; that it is my inten-
tion to use and claim said tract of land and
premises above described, together with the
dwelling house thereon and its appurtenances
as a homestead, and I do hereby select and
claim the same as a homestead.

That the actual cash value of said premises
I estimate to be Seven hundred dollars.

In Witness Whereof I have hereunto set my
hand and seal this ninth day of January
1900.

Daniel J. Maudock
Signed in the presence of
J. M. Stevens
State of Idaho
County of Bingham

On this ninth day of Jan-
uary 1900 personally appeared before me
Geo. F. Hagon a Clerk District Court in and
for said County and State Daniel J. Maudock
known to me to be the identical person
described in and who executed the foregoing
instrument, and who acknowledged to me
that he executed the same freely and volun-
tarily and for the uses and purposes therein
mentioned.

In Witness Whereof I have hereunto set my hand
and affixed my official seal at Blackfoot, in said
County and State the day and year in this certificate first
above written.

Recorded at request of
D. J. Maudock
Jan'y 9 1900 at 4 P. M. Geo. F. Hagon Recorder
by J. M. Stevens Deputy

JULY 19, 1991

JUDITH L KYSAR
1274 WEST 50 SOUTH
BLACKFOOT ID 83221

Dear Ms. Kysar:

As requested in your note attached to the "evidence of priority" submitted, I have amended the Notice (A35-04159) to reflect a priority date of January 1, 1935.

Enclosed are copies of the Notice of Claim. One has been marked 'State Copy' and the other has been marked 'Personal Copy'.

Please sign the 'State Copy' in front of a Notary and return to my attention by August 1, 1991. Keep the copy marked 'Personal' for your records.

If you have any questions, please call 525-7161.

Respectfully submitted,

Eric Verner
Water Rights Agent, Senior

EV:jt

Enclosure

PROFILED

SCANNED
AUG 26 2005

MICROFILMED
DEC 10 1992

RECEIVED

JUL 16 1991

July 12, 1991

Department of Water Resources
Eastern District Office

I, Jane Wood, attest that I lived next to this property since 1935 and that this property was being irrigated at that time, and animals were being watered and a home was resided in and the well was being used.

Jane C. Wood
Jane Wood

SCANNED

AUG 26 2005

MICROFILMED

DEC 10 1992

17-Jun-1991

JUDITH KYSAR
1274 W 50 S
BLACKFOOT ID 83221

RE: **Evidence of Priority**
NO. A35-04159

Dear Claimant:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by JULY 15, 1991, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

PROFILE

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AUG 26 2005

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DEC 10 1992

JUDITH KYSAR
A35-04159

page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Eric Verner
Senior Water Agent

EV:rb

Enc. Brochure on "Evidence of Priority"
Proof Report

PROFILED

SCANNED
AUG 26 2005

MICROFILMED
DEC 10 1992

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: A35-04159
Date Received: 5/ 4/1989
Receipt No: M003372
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: RICHARD S MERRILL
Address: 1274 W 50 S
BLACKFOOT ID 83221

AND/OR

Name: SHIRLEY MERRILL
Address: 1274 W 50 S
BLACKFOOT ID 83221

2. Date of Priority: JAN 9, 1900

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	33E	1	SW	SE	NW		BINGHAM

5. Description of diverting works:
WELL 50' DEEP, 6" CASING, PUMP, STOCK TANKS, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.120		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ ONE HOUSEHOLD; S/ 6 HORSES, 30 SHEEP, 5 BEEF CATTLE, 5 GOATS

MICROFILMED

NOV 15 1996

SCANNED

AUG 26 2005

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03S	33E	1	SE		NW		IRR	6.0
			SE		NW		DOMEST	
			SE		NW		STOCK	

Section Acres 6.0

Total Acres	6.0
-------------	-----

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
NONE

14. Remarks:
CHANGED OWNERSHIP 2/14/95/JT/GT

15. Basis of Claim: BENEFICIAL USE

PROFILES

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: A35-04159
Date Received: 5/ 4/1989
Receipt No: M003372
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JUDITH L. KYSAR 208-684-5207
Address: 1274 WEST 50 SOUTH
BLACKFOOT, ID 83221

2. Date of Priority: JAN 1, 1935

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	33E	1	SW	SE	NW		BINGHAM

5. Description of diverting works:
WELL 50' DEEP, 6" CASING, PUMP, STOCK TANKS, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.120		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ ONE HOUSEHOLD; S/ 6 HORSES, 30 SHEEP, 5 BEEF CATTLE, 5 GOATS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	33E	1	SE	NW		IRR	6.0
			SE	NW		DOMEST	

A35-04159

Page 1

SCANNED
AUG 26 2005

Date: NOV 7 1991

MICROFILMED

State of Idaho)
County of Bingham) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of July 19 91

John P. Exler
Notary Public

Seal

Residing at Blackfoot, Idaho
My Commission Expires 1/1993

PROFIT

SCANNED
AUG 26 2005

MICROFILMED
NOV 15 1996

RECEIVED

JUL 23 1991

Department of Water Resources

Eastern District Office

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: A35-04159

Date Received: 5/4/1989

Receipt No: M003372

Received By:

JUL 26 1991

Department of Water Resources

Eastern District Office

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JUDITH L. KYSAR 208-684-5207
Address: 1274 WEST 50 SOUTH
BLACKFOOT, ID 83221

2. Date of Priority: JAN 9, 1935 1900 JK DE-7-26-91 / JK

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
03S	33E	1	SW SE NW		BINGHAM

5. Description of diverting works:
WELL 50' DEEP, 6" CASING, PUMP, STOCK TANKS, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.120		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ ONE HOUSEHOLD; S/ 6 HORSES, 30 SHEEP, 5 BEEF CATTLE, 5 GOATS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03S	33E	1	SE NW		IRR	6.0
			SE NW		DOMEST	

A35-04159

Page

1 AUG 26 2005

Date: 07/19/91

DEC 10 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	33E	1	SE	NW		STOCK	

Section Acres	6.0
---------------	-----

Total Acres	6.0
-------------	-----

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): John A. Ryan Date: 7-22-91

Date: _____

SCANNED

AUG 26 2005

A35-04159

Page

2

Date: 07/19/91

PROFILED

MICROFILMED

DEC 10 1992

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of July 19 91
John P. Epler
Notary Public

Seal

Residing at Blackfoot, Idaho
My Commission Expires 1/1993

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A35-04159

Date Received: 5/04/1989

Receipt No: 2003372

Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JUDITH L. KYSAR 208-684-5207
Address: 1274 WEST 50 SOUTH
BLACKFOOT, ID 83221

2. Date of Priority: JAN 01, 1963

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	33E	1	SW	SE	NW		BINGHAM

5. Description of diverting works:

WELL 50' DEEP, 6" CASING, PUMP, STOCK TANKS, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.120		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.030		

7. Total Quantity Appropriated is:

0.190 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

15.0 Acre Feet Per Annum.

9. Non-irrigation uses:

D/ ONE HOUSEHOLD; S/ 6 HORSES, 30 SHEEP, 5 BEEF CATTLE, 5 GOATS

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03S	33E	1	SE	NW		IRR	6.0

A35-04159

Page 1

Date: 05/04/89

A3504159



PROFILED

SCANNED
AUG 26 2005

MICROFILMED

DEC 10 1982

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03S	33E	1	SE SE	NW NW	DOMEST STOCK	
Section Acres						6.0
Total Acres						6.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

PROFILE

SCANNED
AUG 26 2005

MICROFILMED

DEC 10 1992

16. Signature(s)

(a.) By signing below, I/~~We~~ acknowledge that I/~~We~~ have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/~~We~~ do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): J. L. Ryan Date: 5-4-89

Date: _____

State of Idaho)
County of Bingham) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of May 19 89

Anna B. [Signature]
Notary Public

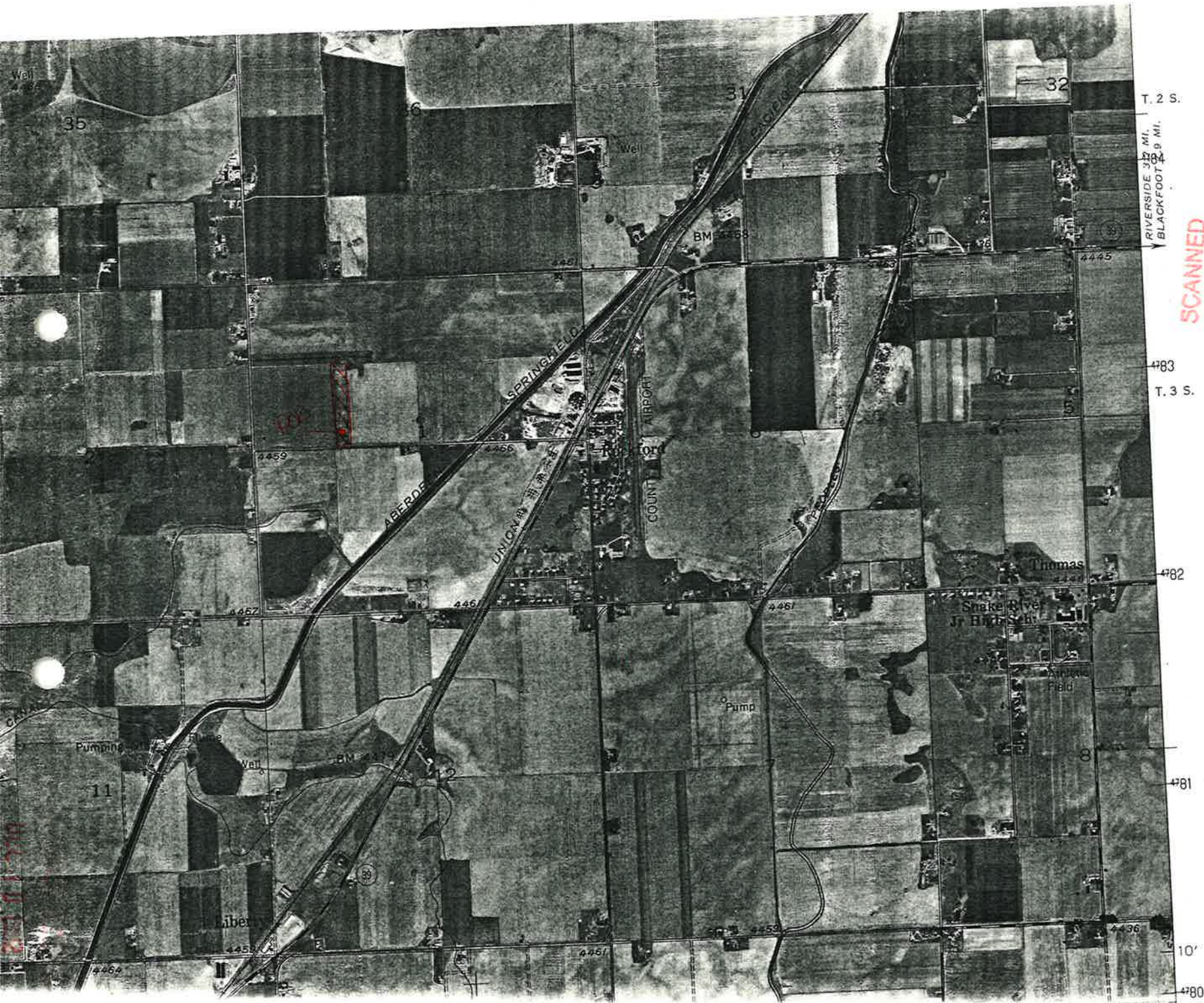
Seal

Residing at Boise Idaho
My Commission Expires 12/1/1994

PROFITED

SCANNED
AUG 26 2005

MICROFILMED
DEC 10 1992



SCANNED

AUG 26 2005

PROHIBIT

T2

T3