

06/07/2006

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

RIGHT NUMBER: 75-4121F

NAME AND ADDRESS: ROBERT W ROWLAND
BOX 4328
BURBANK CA 91505

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.230 CFS

PRIORITY DATE: 09/09/1915

POINT OF DIVERSION:

T24N R21E S34 SWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 11/01	0.010 CFS
IRRIGATION	04/01 11/01	0.230 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T24N R21E S27	NWSE	0.20	T24N R21E S27	SWSE	8.70
T24N R21E S27	SESE	2.40			

STOCKWATER Within LEMHI County

T24N R21E S27	NWSE	T24N R21E S27	SWSE
T24N R21E S27	SESE		

11.3 ACRES TOTAL

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

Property is within Homestead Entry Survey No. 101.

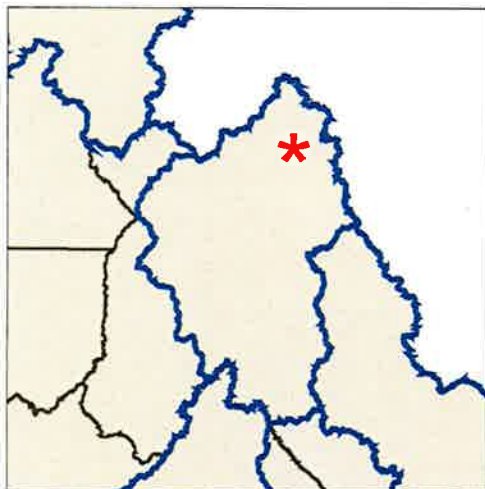
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources



Adjudication Claim Number: **75-4121 F**



Legend

- Section Lines
- 24N21E GCDB



0 0.2 0.4 Miles

A scale bar showing distances of 0, 0.2, and 0.4 miles.

Prepared by M. Van Bussum
On Tuesday, May 10, 2005
1991 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A75-04/21D A75-04/21F

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: 818-802-0356
☐ No Change ADDRESS
☒ NEW ADDRESS: P.O. Box 4328 Burbank, CA 91503
2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:
GPS Site Tag No.: _____

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

0.02 cfs/acre
75-4121 0.05 cfs/stock | *ACDEF 0.01 cfs/stock*
Total 0.05

SCANNED

OCT 08 2001

December 29, 1999

Robert W. Rowland
914 North Avon
Burbank, California 91505

Dear Mr. Rowland:

Last week I wrote you about the water rights for your land in Salmon, Idaho. I sent you a claim form for the water rights for Lot 3, and indicated that I would change the ownership of the water rights for Lot 2 into your name.

I have now changed the ownership of claim A75-04121F, associated with Lot 2, to your name. In making this change, a small error in the original filing became apparent. The attached Amended Claim corrects this error.

Please review this claim form, and return it with a notarized signature if it appears acceptable. No fees are required; the former owners paid all required fees.

Feel free to call me at (208) 525-7161 if you have questions.

Sincerely,

Bryce A. Contor

December 23, 1999

Robert W. Rowland
914 N Avon
Burbank, California 91505

Re: Signed Claim A75-04121D

Dear Mr. Rowland:

I am working on the change of ownership for the water rights associated with the land you have purchased in Salmon, Idaho. According to the documents I have, you have purchased Lot 2 and Lot 3 of the Holcomb Division No. 2.

The original water right on the Holcomb Division was right 75-04121. Idaho is in the process of a General Adjudication of all water rights tributary to the Snake River. In that Adjudication, all "old" water rights must be newly claimed, examined, recommended, and finally decreed by the court. We are in the midst of this long process.

In investigating your change of ownership, I discovered that original right 75-04121 has not been entirely claimed in the Adjudication.

A former owner of Lots 1 and 2 filed claim A75-04121B for part of the original right. Based on the documentation I have, I plan to split that claim proportionally between Lot 1 and Lot 2, and change the ownership of the portion appurtenant to Lot 2 to your name. It may take a few days for the notification of this split and change of ownership to reach you.

However, the portion of the original right 75-04121 appurtenant to Lot 3 needs a signed Claim Form and payment of fees to be properly filed. Please review the attached forms and maps. If you believe they fairly represent your claim to a water right for Lot 3, please return the forms with a notarized signature and fees. The fees are:

Claim Fee	\$50.00
Acreage Fee	\$13.30
Late Fee	<u>\$50.00</u>
Total	\$113.30

This will complete the filing of your claims. The next step of the Adjudication will be investigation by Idaho Department of Water Resources, probably in the year 2003. Later, you will have an opportunity to address errors or disagreements, first informally with the department and then formally with the court, if necessary. If all goes well you will receive a decree on your water right sometime in 2004 or 2005.

Please call me at (208) 525-7161 if you have questions or concerns.

Sincerely,

Bryce A. Contor

To: A75-04121
A75-04121A
A75-04121B
A75-04121C
A75-04121D
Fr: Bryce A. Contor
Date: 12/23/1999
Re: Splits, Change of Ownership, Amended Claims

A75-04121 E
A75-04121 F
Bryce

History:

1. Original water right was a beneficial use claim for approximately 88 acres. From this claim, record A75-02141 was prepared. There is no corresponding signed claim. This water right covered basically the full extent of what is now Holcomb Division No. 2.
2. Claim A75-04121A was originally filed by Maynard and Ester Holcomb on what appears to be only Lot 5 of Holcomb Division No. 2, approximately 33 acres. In 1990, ownership was changed to Henry and Zelma Savage.
3. Claim A75-04121B was originally filed by Glen and Terry Goddard. The claim referenced Lots 1 and 2 of Holcomb Division No. 1. An October 1999 amended claim by Glen and Terry Goddard clarifies that this should be Lots 1 and 2 of Holcomb Division No. 2. However, the legal description claims only land in T24N R21E Section 27 SWSE. The attached map shows that Lots 1 and 2 actually extend also into the NESE, NWSE, SWSE, and SESE of section 27.
4. These two claims left the original water right underclaimed by about 30 acres.
5. In July of 1999, David and Vickie Neinke presented a change of ownership form and adequate documentation showing their purchase of Lot 4. I erroneously assumed that record A75-04121 represented an original adjudication claim and that splits A75-04121A and B had failed to distribute all of the original claim. Consequently, I created A75-04121C for Lot 4 and assigned it to Neinkes. I also created claim A75-04121D for Lot 3 and assigned it to Holcombs, who I thought had been the original claimants for the full original right.
6. In December of 1999, I looked at a change of ownership request from Robert Rowland, who presented documentation of a chain of title for Lot 3 from Holcombs to himself, with a request to change ownership of claim A75-02141D. I also found documentation in file A75-04121B that indicates Rowland is also now the owner of Lot 2, which would be part of claim A75-04121B.

Action Needed:

1. A75-04121A:

No action needed.

2. A75-04121B

Claim needs to be split to accommodate sale of Lot 2 to Rowland.

Lot 2 portion needs ownership changed to Rowland.

Both claims need to be amended to reflect correct legal description of POU.

→ A75-04121 E
→ A75-04121 F

3. A75-04121C

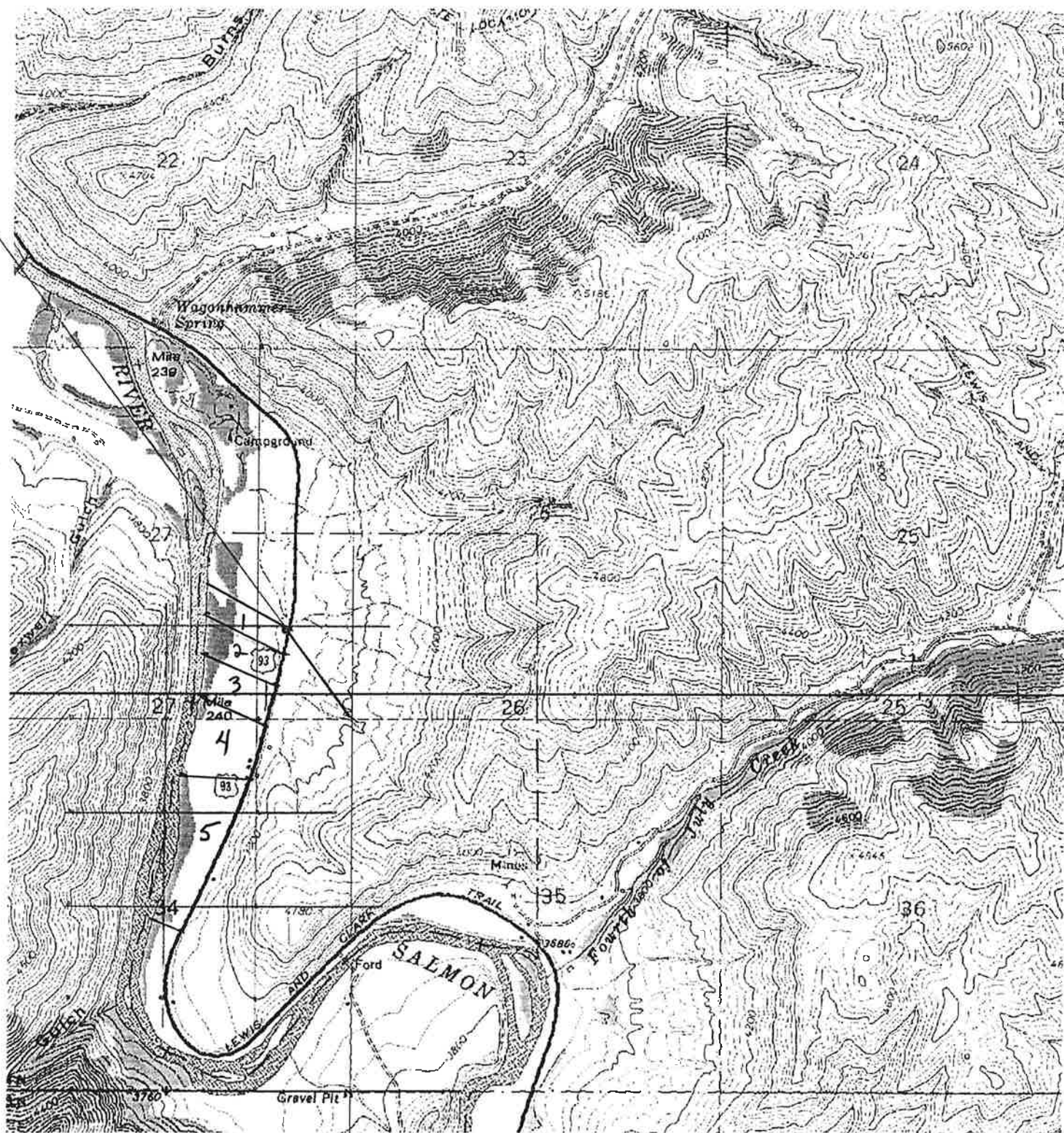
Neinke's need to sign a claim.

4. A75-04121D

Rowland needs to sign a claim.

Individual files contain copies of new or amended claims and correspondence I have sent out to accomplish these needed actions.

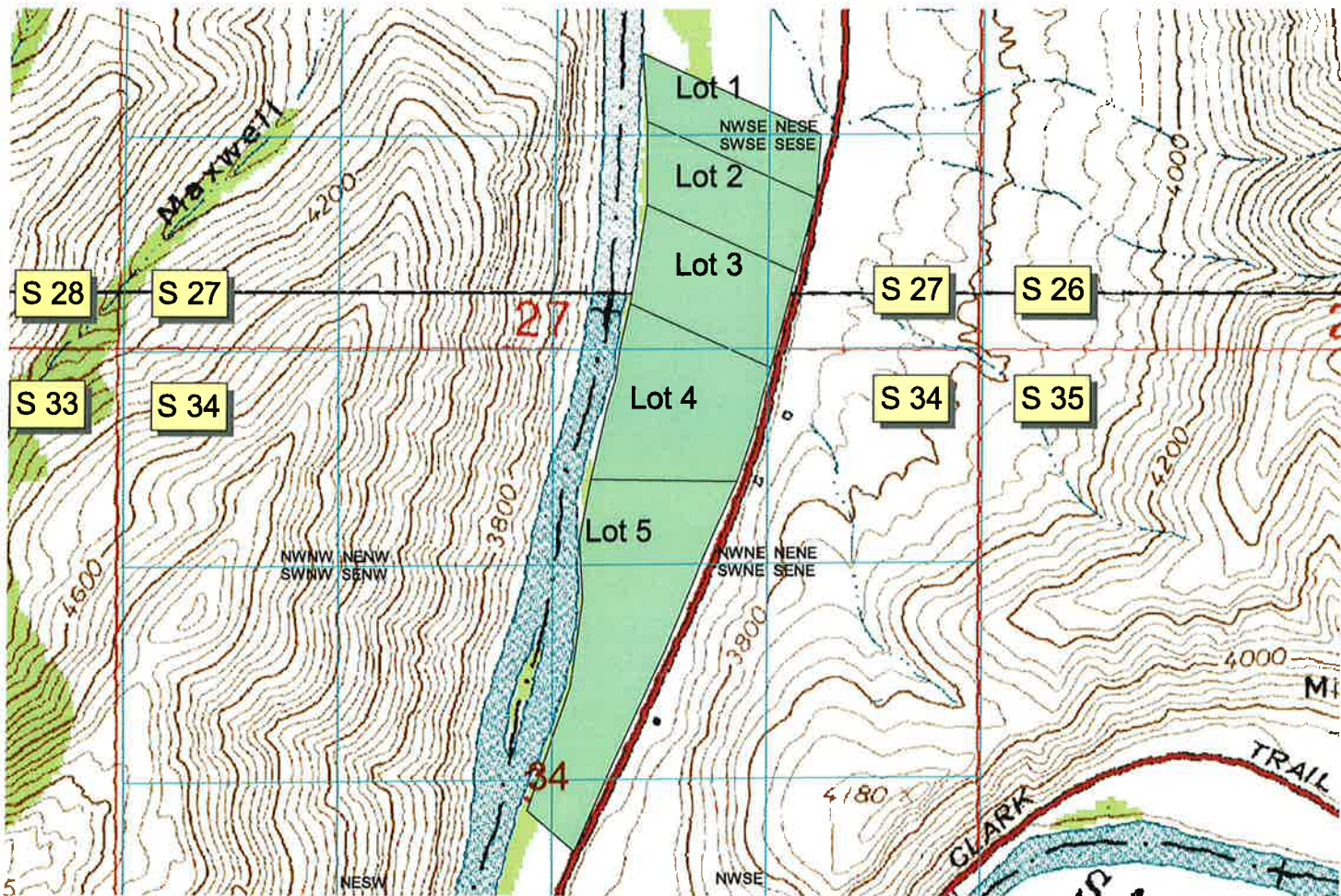
Idaho Department of Water Resources



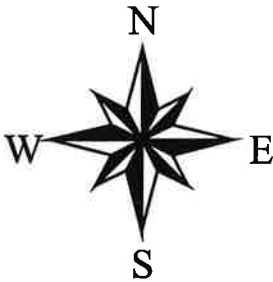
Prepared from plat maps in file A75-04121 B 12/23/99 B. Conton

Idaho Department of Water Resources

Holcomb Division No. 2



Township 24N Range 21E
Sections 27 and 34



Prepared Using Metes And
Bounds Description From
Subdivision Plat, Overlaid
On USGS Map

SCANNED

OCT 01 2000

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

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

CIVIL CASE NUMBER: 39576

RECEIVED

JAN 31 2000

Ident. Number: A75-04121F

Date Received: 5/24/1990

Receipt No: E014676

Received By:

Department of Water Resources
Eastern Region

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ROBERT W ROWLAND
Address: 914 NORTH AVON
BURBANK CA

818-566-1341

91505

2. Date of Priority: SEP 9, 1915

3. Source: SALMON RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	21E	34	SW	SE			LEMHI

5. Description of diverting works:
DAM /DITCHES TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.660		
STOCKWATER	04/01	11/01	0.020		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

S/ 05 HEAD HORSES AND 20 SHEEP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	21E	27	NW	SE		IRR	0.2
			NW	SE		STOCK	
			SW	SE		IRR	8.5

A7504121F



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
24N	21E	27	SW		SE		STOCK	
			SE		SE		IRR	2.6
			SE		SE		STOCK	

Section Acres 11.3

Total Acres	11.3
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11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
NONE

14. Remarks:

NOTE THERE IS ONLY ONE P.D. WHICH MAY EXTEND INTO SESE OF SEC. 34

ORIGINAL CLAIM A75-04121B SPLIT INTO A75-04121E AND A75-04121F
BY CHANGE OF OWNERSHIP 12/99

CLAIM AMENDED TO MORE CORRECTLY DESCRIBE LEGAL LOCATION OF PLACE
OF USE 12/1999. BCONTOR.

PLACE OF USE KNOWN AS HOLCOMB DIVISION 2 LOT 2.

15. Basis of Claim: STATUTORY CLAIM

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: 2

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): [Signature] Date: 1/26/00
Date: _____

State of ~~Idaho~~ California)
County of Los Angeles) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of January 19 2000

Diane Sfetku
Notary Public

Seal

Residing at Burbank, CA

My Commission Expires 8-30-02



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: A75-04121F
Date Received: 5/24/1990
Receipt No: E014676
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

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Address: 914 NORTH AVON
BURBANK CA

818-566-1341

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2. Date of Priority: SEP 9, 1915

3. Source: SALMON RIVER

Trib. to: SNAKE RIVER

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7. Total Quantity Appropriated is:
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A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

S/ 05 HEAD HORSES AND 20 SHEEP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	21E	27	NW	SE		IRR	0.2
			NW	SE		STOCK	
			SW	SE		IRR	8.5

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	21E	27	SW	SE		STOCK	
			SE	SE		IRR	2.6
			SE	SE		STOCK	

Section Acres 11.3

Total Acres 11.3

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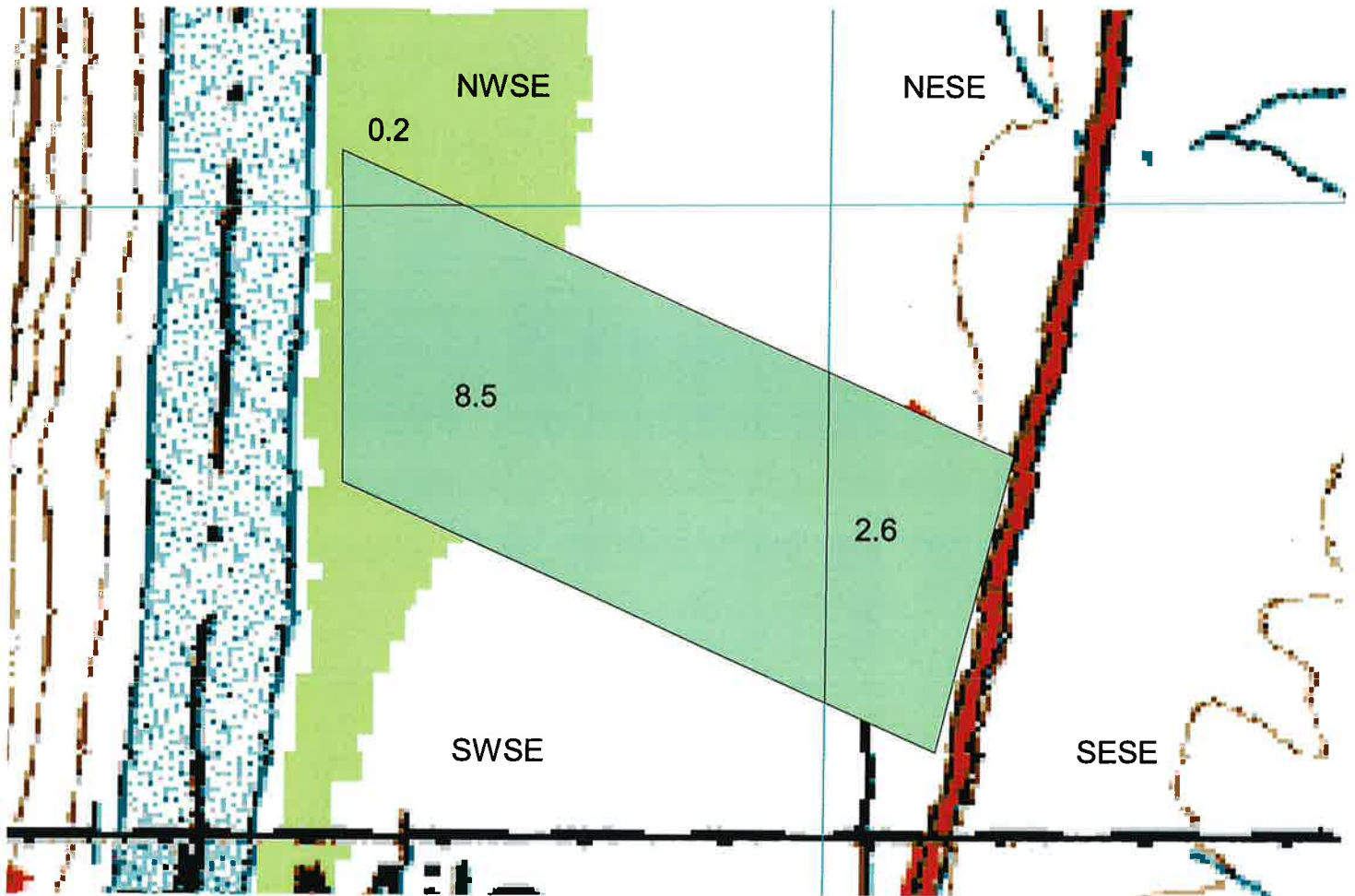
PLACE OF USE KNOWN AS HOLCOMB DIVISION 2 LOT 2.

15. Basis of Claim: STATUTORY CLAIM

Idaho Department of Water Resources

Holcomb Division No. 2

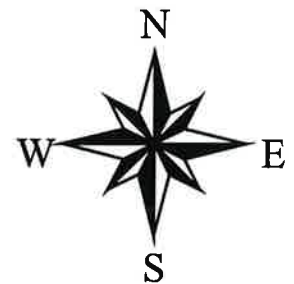
Lot 2



0 1320 Feet

Township 24N Range 21E

Section 27

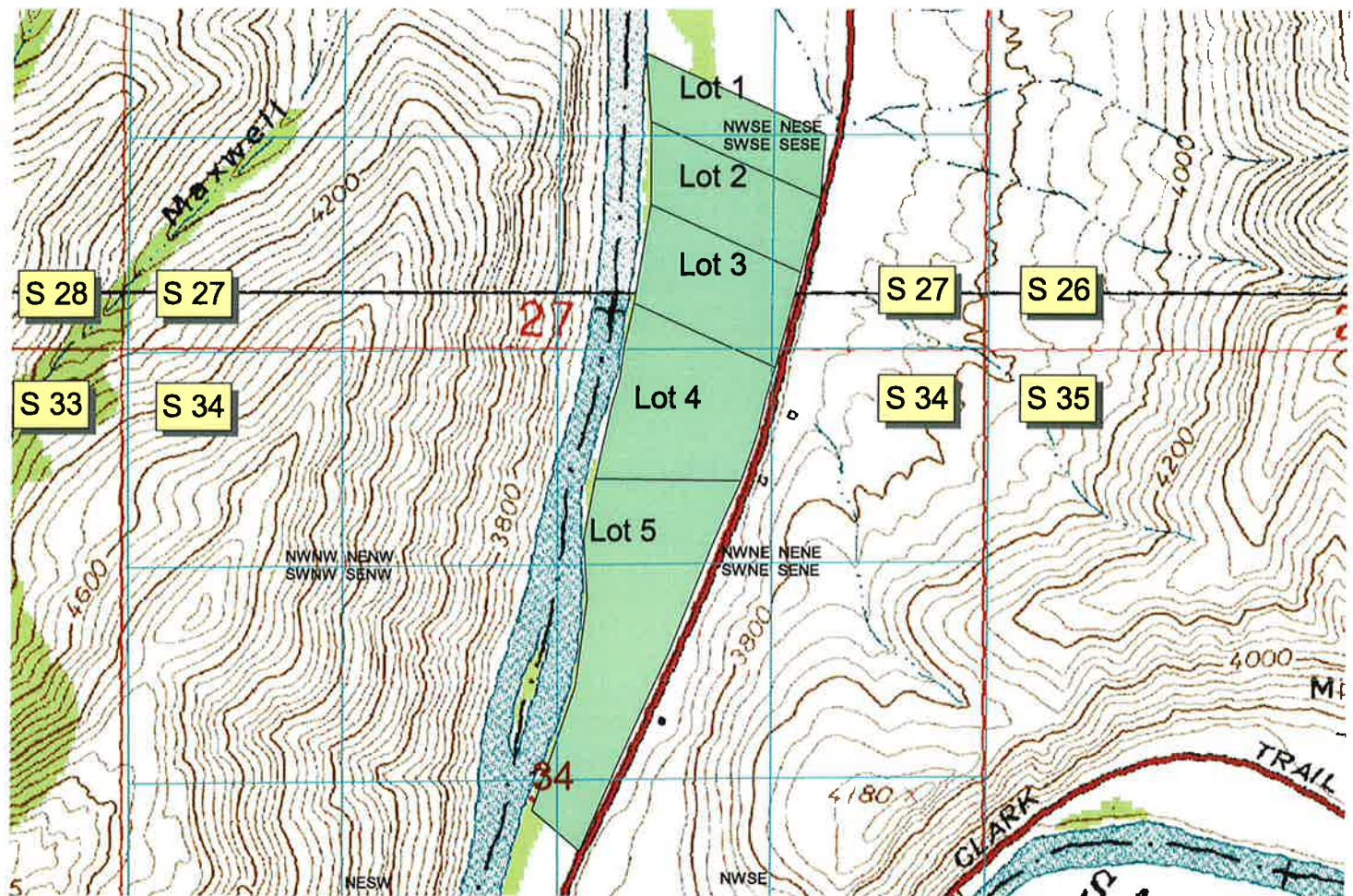


Prepared Using Metes And
Bounds Description From
Subdivision Plat, Overlaid
On USGS Map

GIS Illustration based on
1987/88 NAPP Photography
Prepared by Bryce A. Contor
December, 1999

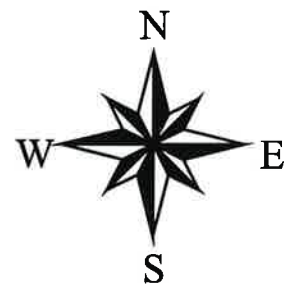
Idaho Department of Water Resources

Holcomb Division No. 2



0 1320 Feet

Township 24N Range 21E
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