



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

DEC 27 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 21, 2001

RAIDA LOVELAND
LAMAR LOVELAND
PO BOX 777
HAGERMAN ID 83332

Re: Snake River Basin Adjudication (SRBA)
Water Right(s) #36-51A, 36-51H, 36-54A, 36-7323, 36-13162, 36-13163
Change of Address

Records modified 12-27-01.

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by January 11, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Lamar Loveland
Claimant Signature

837-4300
Telephone No.

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S. POSTAL SERVICE
PS FORM 3547

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S. POSTAL SERVICE
PS FORM 3547

Snake River Basin Adjudication
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

ADDRESS SERVICE
REQUESTED



LOVE450 833502006 1801 07 11/29/01
FORM 3547

LOVELAND
18950 AUTUMN WAY
MONUMENT CO 80132-9017



LOVELAND, LARRY E
RT 3 BOX 3269
RUPERT ID 83350

1450

36-7580
36-12046

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

JUN 27 1989

Department of Water Resources
Southern Region Office

Ident. Number: ~~A36-00054~~
Date Received: 7/25/1988
Receipt No: S001083
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WALTEN E. MILDREN 208-837-4770
Address: BOX 510
HAGERMAN, ID 83332

AND/OR

Name: MARJORIE J. MILDREN 208-837-4770
Address: BOX 510
HAGERMAN, ID 83332

2. Date of Priority: JUN 26, 1881

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	2	NE	SE			GOODING

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A36-00054A

A36-00054

Page 1

Date: 06/15/89

MICROFILMED
OCT 11 1989

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	2	NE	SE		IRR	4.0
Section Acres							4.0
Total Acres							4.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
YES A36-00051, A36-07323

14. Remarks:
P/U & P/D INCOMPLETE. SEE FILE.
THIS PROPERTY WAS SOLD BY JACK MARTIN TO MR.MRS. MILDREN
ON JUNE 1, 1989.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
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: 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): *Edith E. Millen* Date: 6-20-89
Margaret J. Millen Date: 6-20-89

State of Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of June 19 89

Lythone Jensen
Notary Public

Seal

Residing at Hammerman, Idaho
My Commission Expires 5-10-91

WARRANTY DEED

For Value Received, Jack M. Martin and Lillias P. Martin, husband and wife, of 8601 Roberts Drive # 2-2, Dunwoody, Georgia, 30350, the Grantors, do hereby grant, bargain, sell and convey unto Walten E. Mildren and Marjorie J. Mildren, husband and wife, whose current address is Route # 1, Hagerman, Idaho, 83332, the Grantees, all of their right, title and interest in and to certain real property located in Gooding County, Idaho, and more particularly described as follows, to-wit:

TRACT I

Township 7 South, Range 13 East of the Boise Meridian

Section 2: Part of the NE1/4SE1/4 described as follows:

Beginning at a point on the Easterly right-of-way of U.S. Highway No. 30, Project F-2361 (18) according to the survey thereof, which point is 208.00 feet South and 30 feet East of the Southwest corner of said NE1/4SE1/4;

Thence Northwesterly along said Highway right-of-way, 855.65 feet to a point on said right-of-way opposite Station 238 + 69.56;

Thence N 88°22' E, 440.00 feet to the True Point of Beginning;

Thence N 1°38' W, 129.83 feet;

Thence N 88°22' E, 76.87 feet;

Thence N 0°48' W, 463.70 feet more or less to a point 107 feet 3 inches (107.25 feet measured) South of the North boundary of said NE1/4SE1/4;

1 Thence East parallel with the North boundary of
2 said NE1/4SE1/4 to point of intersection with the
East boundary of said NE1/4SE1/4;

3 Thence South along the East boundary of said
4 NE1/4SE1/4 to point 592.83 feet North of the
Southeast corner of said NE1/4SE1/4;

5 Thence West 587.19 feet;

6 Thence S 85°35' W, 246.03 feet;

7 Thence N 64°48' W, 103.40 feet;

8 Thence S 88°22' W, 94.80 feet to the True Point of
Beginning.

9 TRACT II

10 An existing road right-of-way for ingress and
11 egress along the West line of said NE1/4SE1/4 and running a
12 distance of approximately 625 feet North from the Southwest
13 corner of said NE1/4SE1/4 and also a road right-of-way 25 feet
in width and running parallel to the South boundary line of
said property, a distance of approximately 475 feet East from
the West line of said NE1/4SE1/4, as set forth in microfilmed
instrument No. 28712.

14 Together with thirty (30) miner's inches of water
15 from the John Bell Ditch being part of Water Right
16 Number A 36-00051; Water Right A 36-00054 for .4
C.F.S.; and State of Idaho Water Right License 36-
7323 for .06 C.F.S.

17 TO HAVE AND TO HOLD the premises, with appurtenances
18 unto the said Grantees and to the Grantees' heirs and assigns
19 forever. And the said Grantors do hereby covenant to and with
20 the Grantees that Jack M. Martin and Lillias P. Martin are the
21 owners in fee simple of said premises; that the premises are
22 free from encumbrances except as described above and that the
23 Grantors will warrant and defend the same from all lawful
claims whatsoever.



Hepworth,
Jungster,
& Lázamiz

WARRANTY DEED - 2

MICROFILMED
OCT 11 1994

1 DATED: June 1, 1989

3 Jack M. Martin
4 JACK M. MARTIN

5 Lillias P. Martin
6 LILLIAS P. MARTIN

7 STATE OF Georgia)
8) ss.
9 COUNTY OF Fulton)

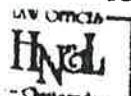
10 On this 1st day of June, 1989, before
11 me, the undersigned, a Notary Public in and for said County
12 and State, personally appeared JACK M. MARTIN and LILLIAS P.
13 MARTIN, husband and wife, known to me to be the persons whose
14 names are subscribed to the foregoing instrument, and
15 acknowledged to me that they executed the same.

16 IN WITNESS WHEREOF, I have hereunto set my hand and
17 affixed my official seal the day and year last above written.

18 Ramona B. Hess
19 Notary Public for _____
20 Residing at: _____
21 My Commission Expires: _____

22 WLN\91228WAR.DEE\LDZ

23 Ramona B. Hess
Notary Public, Fulton County, Georgia
My Commission Expires November 24, 1991



depworth,
tunger, & lczamiz

WARRANTY DEED - 3

First American Title
JUN 2 PM 1989

MICROFILMED
OCT 11 1994

136861

INPUT: AJ_SELECTION:HHT-BROWN-NOA4.SEL

TYPE OF ACTION: ADD

MODIFY ALL FIELDS FLAG:

LAST NAME: BROWN

ADDRESS LINE 1: HEPWORTH NUNGESTER LEZAMIZ

ADDRESS LINE 3: PO BOX 389

CITY: TWIN FALLS

STATE: ID ZIP: 833030389

FIRST NAME: PATRICK D

ADDRESS LINE 2:133 SHOSHONE ST N

PHONE NUMBER: (208) 734-7510

36-00029B. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00039F. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00039P. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00051A. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00054A. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00125A. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-07323. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10673. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00039F. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00039P. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00051A. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00054A. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00125A. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-07323. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10220. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10673. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-00792F. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-07852. ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

RECEIVED

APR 06 1993

Department of Water Resources
Southern Region OfficeMICROFILMED
OCT 11 1994

N.C.A.

C.C.

OCT 11 1994

RECEIVED

HEPWORTH, NUNGESTER & LEZAMIZ,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510
Attorneys for Claimant
(PPK\21530SUP.NO3\lmr)

RECEIVED

MAR 02 1993

Department of Water Resources
Adjudication Bureau

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)

Case No. 39576

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as director)
of the Idaho Department of)
Water Resources,)

HAGERMAN WATER RIGHT OWNERS,
INC. AND ITS INDIVIDUAL
MEMBERS' THIRD SUPPLEMENTAL
NOTICE OF APPEARANCE

Petitioner,

vs.

United States; State of Idaho;)
and all claimants to the use)
of water from the Snake River)
Basin Water System,)

Respondents.

* * * * *

COMES NOW the law firm of Hepworth, Nungester & Lezamiz
and supplements its Notice of Appearance to add on behalf of

LAW OFFICES

HNL

Chartered
Hepworth,
Nungester,
& Lezamiz

THIRD SUPPLEMENTAL NOTICE OF APPEARANCE - 1

1993 OCT 11
MICROFILMED

Hagerman Water Right Owners, Inc. and its individual members, the following individuals:

Mavencamp, John V.	A36-00189A
Mavencamp, John V.	A36-10766
Zabala, Ignacio Nick	A36-08320

Dated this 1 day of March, 1993.

HEPWORTH, NUNGESTER & LEZAMIZ,
CHARTERED

By 
Patrick D. Brown
Attorneys for Respondents

CERTIFICATE OF MAILING

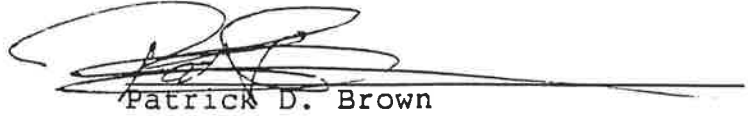
The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the respondents in this matter, certifies that he caused to be mailed a copy of the above and foregoing THIRD SUPPLEMENTAL NOTICE OF APPEARANCE on the 1 day of March, 1993, to:

Snake River Adjudication (original)
District Court
P.O. Box 27070
Twin Falls, ID 83303-0126

Chief, Natural Resources Division (1)
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

OCT 11 1994
MICROFILMED

The United States Department of Justice (1)
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83734



Patrick D. Brown

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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: ~~A36-00054~~ ^{A36-00054A}
Date Received: 7/25/1988 ^{B 2/1/91}
Receipt No: S001083
Received By: Law

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK MARTIN 208-837-4594
Address: BOX 281
HAGERMAN, ID 83332

AND/OR

Name: LILLIAS MARTIN 208-837-4594
Address: BOX 281
HAGERMAN, ID 83332

2. Date of Priority: JUN 26, 1881

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	2	NE	SE			GOODING

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A36-00054A
A36-00054

Page 1

Date: 07/25/88

MICROFILMED
JAN 21 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	2	NE	SE		IRR	4.0
Section Acres							4.0
Total Acres							4.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
YES A36-00051, A36-07323

14. Remarks:
P/U & P/D INCOMPLETE. SEE FILE.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

MICROFILMED
JAN 21 1993

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): Jack Martin Date: 7/25/88

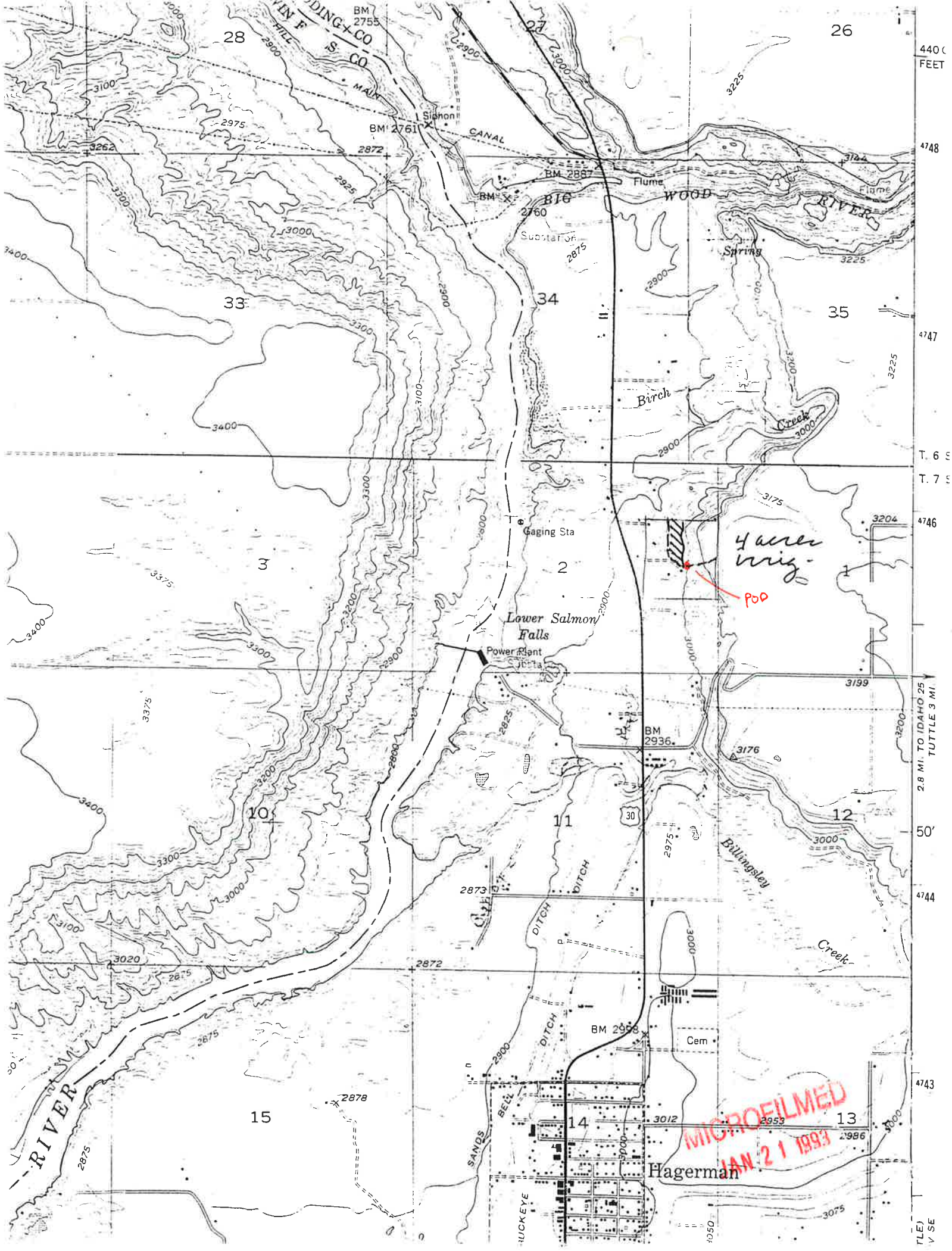
Date: _____

State of Idaho)
County of T-F) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of July 19 88 Low White
Notary Public

Seal

Residing at T.F.
My Commission Expires 5/95



MICROFILMED
JAN 21 1993

Hagerman

LUCKEYE

SANDS

Cem

BM 2958

11

Lower Salmon Falls

Power Plant

Gaging Sta

34

BIG

WOOD

RIVER

12

Billingsley

Creek

13

15

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33

28

26

35

440 (FEET

4748

4747

4746

2.8 MI. TO IDAHO 25

TUTTLE 3 MI.

50'

4744

4743

(LE) V SE



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

05-Feb-1991 09:13

WALTEN E MILDREN
P O BOX 510
HAGERMAN ID 83332

RE: SRBA Claim A36-00054 number change to A36-00054A

Dear Claimants:

In our review of the claims filed in the Snake River Basin Adjudication we have found it necessary to renumber your claim as described above. This action may have been taken as a result of one of the following described situations:

A. We are correcting a duplication of numbers made when the claims were initially taken.

B. We are correcting the number since it was initially assigned in the wrong basin.

C. We have matched an existing water right number with the water use you claimed and for continuity have changed the number to correspond.

D. We have reviewed the water right record corresponding to the your initial claim and have found that the water right record does not exactly correspond so a new number has been assigned.

Please note that the change in the number of your claim does not affect the validity of your claim. Please refer to the new number in all future correspondence. Please find enclosed a copy of the computer record of A36-00054A. If you have any questions please feel free to contact our office.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enc:

MICROFILMED
JAN 21 1991

1999 FEB -1 PM 4:31

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

**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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 36-00054A
	)	

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation that this water right be disallowed.

An objection to this water right was filed by the claimant. Subsequently, on December 17, 1998, the claimant withdrew his objection and requested that this water right be decreed as recommended in the Director's Report.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-00054A*.

DATED: February 1, 1999.



FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-00054A

1999 FEB -1 PM 4:31

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: MARJORIE J MILDREN
WALTEN E MILDREN
PO BOX 5715
SUN CITY WEST, AZ 85376

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.09 CFS

USE OF THIS RIGHT WITH RIGHT 36-00051A IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.12 CFS.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION:

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

Irrigation

PERIOD OF USE

03-15 TO 11-15

QUANTITY

0.09 CFS

PLACE OF USE: Irrigation Within Gooding County
T07S R13E S02 NESE 3.0
3.0 Acres Total

USE OF THIS RIGHT WITH RIGHT 36-00051A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 3.0 ACRES IN A SINGLE
IRRIGATION SEASON.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

FEB - 1 1999

SPECIAL MASTER

1999 FEB -1 PM 4: 32
DISTRICT COURT-SRBA
TWIN FALLS
DISTRICT OF THE

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-00051A
36-00054A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on February 01, 1999, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

SAND SPRINGS RANCH PARTNERSHIP
Represented by:
JOSEPHINE P. BEEMAN
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

CERTIFICATE OF MAILING

PAGE 1
02/01/99

COMMUNICATION DOCUMENTATION

I told Nick Z. he could fix the POD via a transfer or I told him he could try and write to the court to get it re-opened. I gave him the court's address and phone and he was going to pursue that aspect.

RECEIVED
JAN 10 2000
Department of Water Resources
Southern Region

Nick,

January 6, 2000

Recently I had an appointment at the Department of Water Resources with Steve Clelland, to do a "Notice of Change of Water Right Ownership" on the property I purchased. We went over all the water rights recorded with the department of water resources on my property and there are 3 recorded on the Spring located east of my house and 1 recorded on the John Bell ditch:

36-07323 - Spring - License

36-00051A - John Bell ditch - Decreed

36-00054A - Spring - Decreed

36-00054B - Spring - Decreed

I asked Steve where the water rights for spring water diverted to you was and he said that none of these are recorded to go to you. He looked up your spring water rights and found that there was not any recorded with the diversion point from the Spring (east of my house) that you are diverting water from on my property.

Steve said that you have records in Boise that state you have a decreed Spring water right but that the diversion point is located on your property. He said that you need to come into the Department of Water Resources and correct this discrepancy.

Steve said, either your diversion point is wrong on the your water right records, or you are diverting water from the wrong Spring (diversion point). He said he would be glad to have both of us come into his office and straighten this matter out.

Also, I have went over the escrow contracts and papers, Title Insurance papers, legal descriptions together with all easements recorded, and all water rights recorded and decreed, of Walten E Mildren selling the property to Joseph A Shea Jr. and Joseph A Shea Jr. selling the property to me.

I can not find any recorded records, documents or any mention of this spring (east of my house) on my property being used as a diversion point for your Spring water rights.

Please contact Steve Clelland at the department of water resources, phone 208-736-3033, so that we might get this discrepancy cleared up.

Thank you,

Lamar Loveland

CC sent to:

Department of Water Resources
Steve Clelland, Sr. Water Resource Agent
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

36-00054 A
36-10314

*Steve, This is a
copy of the letter
I sent to Nick Zebala.
Hope he responds.
Thanks.
Lamar*

COPY

1999 DEC 22 AM 11: 38

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDINGS
)
)

Subcase No. 36-00051A, 36-00054A,
36-07323

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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: _____

12/17/99


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 12/22, 1999, 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
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Joseph A Shea Jr
Marsha Morello
PO Box 777
Hagerman ID 83332
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Lamar Loveland
Raida Loveland
17890C Hwy 30
Hagerman ID 83332
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy 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

AJ5856NP

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

DATE: DEC-21-1999
PAGE: A-5

RIGHT NUMBER: 36-00051A

NAME & ADDRESS: LAMAR LOVELAND
RAIDA LOVELAND
PO BOX 771
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.12 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-00054A, IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.12 CFS.

0.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSS
FOR DELIVERY OF THIS RIGHT.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S11 NESENE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	02-15 11-30	0.12 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S02 NESE 3
3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-00054A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 3 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.

AJ5856NP

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

DATE: DEC-21-1999
PAGE: A-6

RIGHT NUMBER: 36-00054A

NAME & ADDRESS: LAMAR LOVELAND
RAIDA LOVELAND
PO BOX 771
HAGERMAN ID 83332

SOURCE: SPRING
TRIBUTARY: SNAKE RIVER

QUANTITY: 0.09 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-00051A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.12 CFS.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S02
SENESE
Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	02-15 11-30	0.09 CFS

PLACE OF USE: IRRIGATION
T07S R13E S02
3 ACRES TOTAL
Within GOODING County
NESE 3

USE OF THIS RIGHT WITH RIGHT NO. 36-00051A IS LIMITED TO
THE IRRIGATION OF OF COMBINED TOTAL OF 3 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
RIGHT NOS. 36-00054B & 36-07323 ARE ALSO DIVERTED THROUGH POINT
DIVERSION DESCRIBED ABOVE.

AJ5856NP

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

DATE: DEC-21-1999
PAGE: A-10

RIGHT NUMBER: 36-07323

NAME & ADDRESS: LAMAR LOVELAND
RAIDA LOVELAND
PO BOX 771
HAGERMAN ID 83332

SOURCE: SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.06 CFS
4.6 AFY

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

PRIORITY DATE: 03/27/1973

POINT OF DIVERSION: T07S R13E S02 SENESE

Within GOODING County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
0.02 CFS

DOMESTIC 1 HOME

01-01 12-31

4.0 AFY
0.04 CFS
0.6 AFY

PLACE OF USE: IRRIGATION
T07S R13E S02
1 ACRES TOTAL

Within GOODING County
NESE 1

DOMESTIC
T07S R13E S02

Within GOODING County
NESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC 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 - LICENSE



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

December 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LAMAR LOVELAND
RAIDA LOVELAND
17890C HWY 30
HAGERMAN ID 83332

RE: SRBA Claim(s) 36-00051A, 36-00054A, 36-07323

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Joseph Shea Jr and Marsha Morello

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.

RECEIVED
NOV 29 1999
Department of Water Resources

1. Water Right No(s): A36-00051A^{VM}, A36-00054^{VA}, 36-7323
 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 for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Joseph A. Shea, Jr. and Marsha Mortello
17890C US Highway 30, Hagerman ID. 83332

4. New Owner/Claimant(s) Lamar Loveland and Raida Loveland
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address P.O. Box 771
 City, State and ZIP Code Hagerman ID. 83332
 New Telephone Number Rupert (208) 436-9863 ^{Hagerman} 837-6617

5. Date you acquired the property 6-4-99

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____

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.

7. Signature of New Owner or Claimant(s) Lamar Loveland Raida Loveland
Lamar Loveland Raida Loveland
 (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..

WARRANTY DEED

For Value Received

**Joseph A. Shea Jr. And Marsha A. Morello,
Husband And Wife.**

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

**Lamar Loveland And Raida Loveland,
Husband And Wife.**

the grantee(s), whose current address is

17890C US HIGHWAY 30, HAGERMAN, ID. 83332

the following described premises, to-wit:

See Attached Exhibit "A"

180819

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of **GOODING TITLE & ESCROW**

25 min. past 2 o'clock P.m. this 4th
of June, 1999 6:00
By Penny Archibald Deputy

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) 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 he/she/they will warrant and defend the same from all claims whatsoever.

Dated: June 4, 1999

Joseph A. Shea Jr.
JOSEPH A. SHEA JR.

Marsha A. Morello
MARSHA A. MORELLO

STATE OF IDAHO

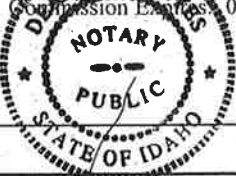
: ss

COUNTY OF GOODING

On This 4th day of JUNE, in the year 1999, before me, a Notary Public in and for said State, personally appeared **Joseph A. Shea Jr. And Marsha A. Morello**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Penny Archibald
Notary Public of Idaho
Residence: WIDELL, Idaho
Commission Expires 03/22/02



TITLE & ESCROW
COMPANIES

EXHIBIT A

G990186

RP07S13E027461

Township 7 South, Range 13, East of the Boise Meridian, Gooding County, Idaho

Section 2: Part of the Northeast Quarter of the Southeast Quarter, described as follows:

BEGINNING at a point on the Easterly right of way of U. S. Highway No. 30, Project F-2361(18) according to the survey thereof, which point is 208.00 feet South and 30 feet East of the Southwest corner of said Northeast Quarter of the Southeast Quarter;

Thence Northwesterly along said Highway right of way 855.65 feet to a point on said right of way opposite Station 238+69.56;

Thence North 88°22' East 440.00 feet to the TRUE POINT OF BEGINNING;

Thence North 1°38' West 129.83 feet;

Thence North 88°22' East 76.87 feet;

Thence North 0°48' West 463.70 feet, more or less, to a point 107.3 feet (107.25 feet measured) South of the North boundary of said Northeast Quarter of the Southeast Quarter;

Thence East parallel with the North boundary of said Northeast Quarter of the Southeast Quarter to a point of intersection with the East boundary of said Northeast Quarter of the Southeast Quarter;

Thence South along the East boundary of said Northeast Quarter of the Southeast Quarter to a point 592.83 feet North of the Southeast corner of said Northeast Quarter of the Southeast Quarter;

Thence West 587.19 feet;

Thence South 85°35' West 246.03 feet;

Thence North 64°48' West 103.40 feet;

Thence South 88°22' West 94.80 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH an easement for an existing road right of way for ingress and egress along the West line of said Northeast Quarter of the Southeast Quarter running a distance of approximately 625 feet North from the Southwest corner of said Northeast Quarter of the Southeast Quarter and also a road right of way 25 feet in width running parallel to the South boundary line of said property a distance of approximately 475 feet East from the West line of said Northeast Quarter of the Southeast Quarter as set forth in Instrument No. 28712.

1999 AUG 13 PM 2:35

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHOIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS FILED _____

In Re SRBA)
Case No. 39576) NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS
Water Rights 36-07323, 36-00051A
and 36-00054A

IDWR has completed the following Administrative Proceeding:

☐ Change of Address
☒ Substitution of Party
☐ I.C. 42-222 Transfer

SUBSTITUTION OF PARTY //

Does the change in "ownership" result in a splitting of the water
right claimed? ☐ Yes ☒ NoIf yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

Water Right(s): 36-07323, 36-00051A and 36-00054A

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
8/5/1999

36-07323, 36-00051A and 36-00054A

PAGE 1

From (Claimant/Seller):

Name of Claimant: WALTEN E MILDREN
MARJORIE J MILDREN
Address: PO BOX 5715
SUN CITY WEST AZ 85376

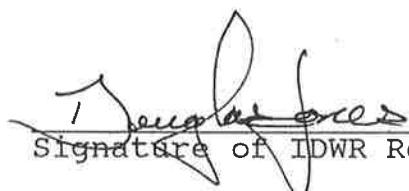
To (Claimant/Purchaser):

Name of Claimant: MARSHA A MORELLO
JOSEPH A SHEA JR
Address: PO BOX 777
HAGERMAN ID 83332
Phone: (208) 837-4403

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 Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 8/9/99



Signature of IDWR Representative

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
8/5/1999

36-07323, 36-00051A and 36-00054A

PAGE 2

COPIES

CERTIFICATE OF MAILING

I certify that on 8/13/99 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
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:

WALTEN E MILDREN
MARJORIE J MILDREN
PO BOX 5715
SUN CITY WEST AZ 85376
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

MARSHA A MORELLO
JOSEPH A SHEA JR
PO BOX 777
HAGERMAN ID 83332
4. One Copy to:
Each party in the subcase, or attorney of record:
5. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

AJ5856NP

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

DATE: AUG-5-1999
PAGE: A-1

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00051A

NAME & ADDRESS: JOSEPH A SHEA JR
MARSHA A MORELLO
PO BOX 777
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.12 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-00054A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.12 CFS.
0.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSS
FOR DELIVERY OF THIS RIGHT.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S11 NESENE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	02-15 11-30	0.12 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S02 NESE 3
3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-00054A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 3 ACRES IN A SINGLE
IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.

AJ5856NP

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

DATE: AUG-5-1999
PAGE: A-2

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00054A

NAME & ADDRESS: JOSEPH A SHEA JR
MARSHA A MORELLO
PO BOX 777
HAGERMAN ID 83332

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.09 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-00051A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.12 CFS.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S02 SENESE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	02-15 11-30	0.09 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S02 NESE 3
3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-00051A IS LIMITED TO
THE IRRIGATION OF OF COMBINED TOTAL OF 3 ACRES IN A SINGLE
IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
RIGHT NOS. 36-00054B & 36-07323 ARE ALSO DIVERTED THROUGH POINT
DIVERSION DESCRIBED ABOVE.

AJ5856NP

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

DATE: AUG-5-1999
PAGE: A-3

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-07323

NAME & ADDRESS: JOSEPH A SHEA JR
MARSHA A MORELLO
PO BOX 777
HAGERMAN ID 83332

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.06 CFS
4.6 AFY

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

PRIORITY DATE: 03/27/1973

POINT OF DIVERSION: T07S R13E S02 SENESE Within GOODING County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	03-15 11-15	0.02 CFS
			4.0 AFY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS
			0.6 AFY

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S02 NESE 1
1 ACRES TOTAL

DOMESTIC Within GOODING County
T07S R13E S02 NESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

AJ0749NP
No. R36-00054A

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

DATE: 08/04/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOSEPH A SHEA JR	06/26/1881	IRRIGATION	02-15 11-30	0.090 CFS	
C	MARSHA A MORELLO PO BOX 777 HAGERMAN ID 83332 (208) 837-4403			TOTAL DIVERSION:	0.090 CFS	
D	WALTEN E MILDREN					
D	MARJORIE J MILDREN PO BOX 5715 SUN CITY WEST AZ 85376					

Water Source: SPRING

Tributary to: SNAKE RIVER

Stage: DECREE

Point(s) of Diversion:

T07S R13E S02

SENESE

GOODING County

Place of use Legal Description for: IRRIGATION

												NE				NW				SW				SE								
												NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:						
07S	13E	2	:									:							:							:	3.0					
																								03	:	3.0						
																								TOTAL ACRES	:	3.0						

POU County: GOODING

Other Rights: 36-00051A

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 36-00051A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.12 CFS.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 36-00051A IS LIMITED TO
THE IRRIGATION OF OF COMBINED TOTAL OF 3 ACRES IN A SINGLE
IRRIGATION SEASON.

EXP RIGHT NOS. 36-00054B & 36-07323 ARE ALSO DIVERTED THROUGH POINT
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date: 08/04/1999 Objection Filed Date:

Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag:



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

☒ Water Right Number(s): 3607323
3600051A
3600054A

☐ Old Mailing Address: Lot 39
30600 N. PIMA Rd
Scottsdale, AZ 85262

☐ New Mailing Address: P.O. Box 777
Hagerman Id 83332

☐ New Telephone Number: (208) 837-4403

☐ Signature of Claimant(s): Joseph A Shea, Jr

Date: August 4, 1999

FOR IDWR USE ONLY
Initial Review and Data Entry

Date: 8/4/99 By: sc

Further Action Needed: NCAP to SEBA court

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

Modify the change of ownership record
for these claims.

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.

** form filed previously
new address filed
8/4/99 see*

1. Water Right Number(s) A 36-00051A, -54A, -7323
Adjudication Claim Number(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 for parcel of ten acres or less. (These are usually on file with the county.) OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) WALTEN E. MILDREN AND M. JOAN MILDREN
P.O. BOX 5715
SUN CITY WEST, ARIZONA 85376

4. New Owner/Claimant(s) JOSEPH A. SHEA JR AND MARSHA A. MORELLO

New Mailing Address

Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR

30600 NORTH PIMA ROAD, #39

City, State and ZIP Code

SCOTTSDALE, AZ 85262

New Telephone Number

(602) 488-16102

*UPDATE:
New
Address*

5. Date you acquired the property 7-31-98 per Warranty Deed #176555, Copy attached

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

30/1/17 Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____

cubic feet per second

Number of homes _____

Other uses _____

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.

7. Signature of New Owner/Claimant(s)

Joseph A. Shea, Jr
MARSHA A. MORELLO

Date

1-5-99

Date

1-5-99

*8/4/99
Data Entry
Complete
see*

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

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Attorney

Steve Chelland

WARRANTY DEED

#G-27124

For Value Received

WALTEN E. MILDREN AND M. JOAN MILDREN, TRUSTEES UNDER THE GENE
AND JOAN MILDREN LIVING TRUST DATED MARCH 29, 1995

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

JOSEPH A. SHEA JR. and MARSHA A. MORELLO, HUSBAND AND WIFE
Address: 30600 NORTH PIMA ROAD, #39, Scottsdale, AZ 85262

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

SEE EXHIBIT "A" ATTACHED HERETO

SUBJECT TO:

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

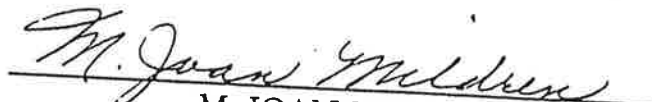
Assessments of any local irrigation district.

TAXES for 1998 and subsequent years, which are a lien but not yet due and payable.

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

Dated: July 31st, 1998


WALTEN E. MILDREN, Trustee


M. JOAN MILDREN, Trustee

STATE OF IDAHO

COUNTY OF GOODING

)
) ss.
)

On this 31st day of July, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared WALTEN E. MILDREN and M. JOAN MILDREN, known or identified to me to be the persons whose names are subscribed to the within instrument as Trustees for the GENE AND JOAN MILDREN LIVING TRUST DATED MARCH 29, 1995, and acknowledged to me that they executed the same as such Trustees.

BETTY FREDERICKSEN
NOTARY PUBLIC
STATE OF IDAHO


Notary Public



SUBJECT TO:

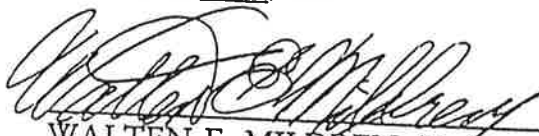
All reservations in patents or deeds in the chain of title.

Assessments of any local irrigation district.

TAXES for 1998 and subsequent years, which are a lien but not yet due and payable.

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

Dated: July 31st, 1998


WALTEN E. MILDREN, Trustee


M. JOAN MILDREN, Trustee

STATE OF IDAHO

COUNTY OF GOODING

)
) ss.
)

On this 31st day of July, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared WALTEN E. MILDREN and M. JOAN MILDREN, known or identified to me to be the persons whose names are subscribed to the within instrument as Trustees for the GENE AND JOAN MILDREN LIVING TRUST DATED MARCH 29, 1995, and acknowledged to me that they executed the same as such Trustees

 BETTY FREDERICKSEN
NOTARY PUBLIC
STATE OF IDAHO
Gooding County, Idaho
Commission Expires 2-29-2000


Notary Public
Residing at: Gooding
My Commission expires: 2-29-2000

176555

STATE OF IDAHO, COUNTY OF GOODING
Filed for record at the request of Land Title & Escrow Inc.
42 min. past 3 o'clock A.m. this 31st
of July, 19 98 600
By Emmy Archuleta Deputy

CONTINUATION

SCHEDULE A

Order Number: G-27124

TRACT I

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 2: Part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows:

Beginning at a point on the Easterly right-of-way of U.S. Highway No. 30, Project F-2361 (18) according to the survey thereof, which point is 208.00 feet South and 30 feet East of the Southwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence Northwesterly along said Highway right-of-way, 855.65 feet to a point on said right-of-way opposite Station 238 + 69.56;

Thence North 88°22' East, 440.00 feet to the TRUE POINT OF BEGINNING;

Thence North 1°38' West, 129.83 feet;

Thence North 88°22' East, 76.87 feet;

Thence North 0°48' West, 463.70 feet more or less to a point 107 feet 3 inches (107.25 feet measured) South of the North boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence East parallel with the North boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ to a point of intersection with the East boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence South along the East boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ to point 592.83 feet North of the Southeast corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence West 587.19 feet;

Thence South 85°35' West, 246.03 feet;

Thence North 64°48' West, 103.40 feet;

Thence South 88°22' West, 94.80 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT AS FOLLOWS:

TRACT II

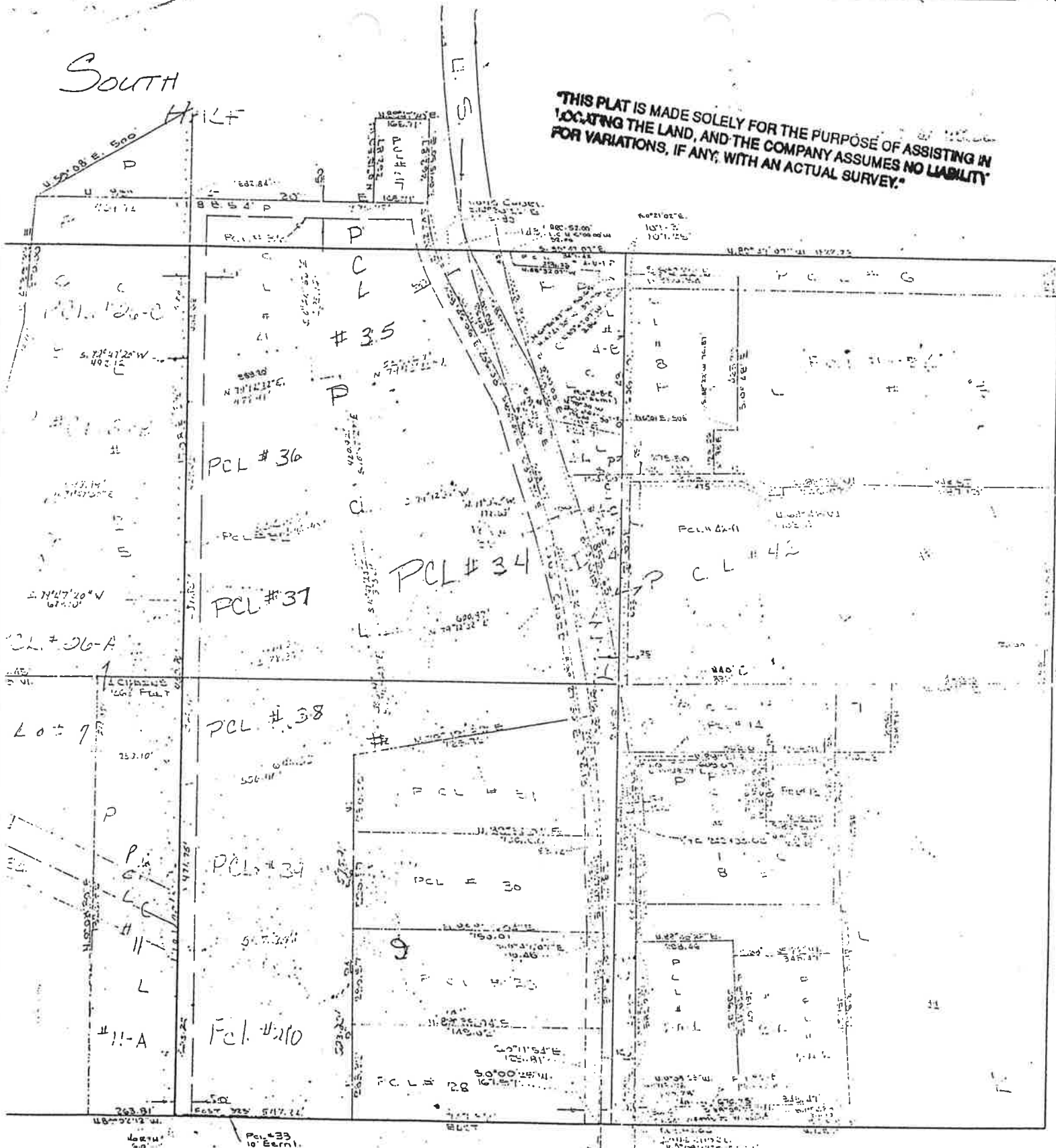
An existing road right-of-way for ingress and egress along the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ and running a distance of approximately 625 feet North from the Southwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ and also a road right-of-way 25 feet in width and running parallel to the South boundary line of said property, a distance of approximately 475 feet East from the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ as set forth in microfilmed Instrument Number 28712.

TOGETHER with thirty (30) miner's inches of water from the John Bell Ditch being a part of Water Right Number A 36-00051; Water Number A36-00054 for .4 C.F.S.; and State of Idaho Water Right License 36-7323 for .06 C.F.S.,

SOUTH

Half

THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN
LOCATING THE LAND, AND THE COMPANY ASSUMES NO LIABILITY
FOR VARIATIONS, IF ANY, WITH AN ACTUAL SURVEY.



SCALE 1"=400

TRANSMITTAL COVER SHEET

TO: Lisa @ GOODING
LAND TITLE & ESCROW
FAX # 934-5890

TOTAL PAGES SENT: 13
(including cover sheet)

DOCUMENT DESCRIPTION: PROFILE REPORTS OF SNAKE RIVER BASIN
ADJUDICATION CLAIM RECORDS: A36-00051A, 36-00051A, R36-00051A,
A36-07323, R36-07323, A36-00054A, 36-00054A, R36-00054A
FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033
FAX: 736-3037

CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page. (\$0.50
minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: _____ Please remit to the above address.

SENDER: Corey Skinner

COMMENTS: _____

PLEASE NOTE: THESE CLAIMS HAVE NOT YET
BEEN SETTLED IN THE SNAKE RIVER BASIN
ADJUDICATION. THE RECORDS WITH THE
"R PREFIX" (R36-00051A, R36-07323, AND R36-00054A)
REPRESENT "WORKING COPIES" OF CLAIM
RECOMMENDATIONS AND ARE SUBJECT TO
CHANGE.

To: Steve

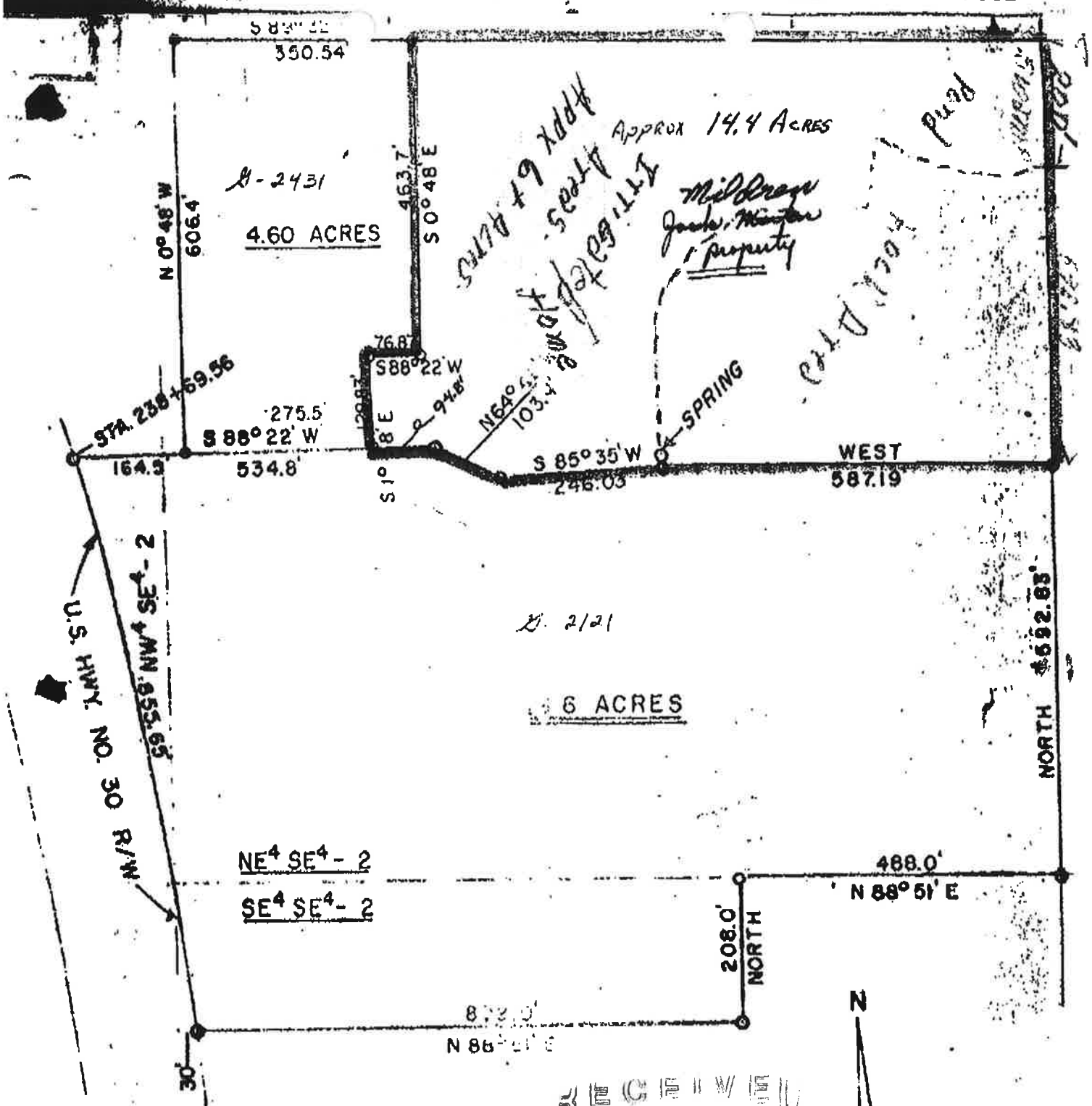
Plot Plan As Requested.
As Near As I Can Tell
There Is 64 Acres
Irrigated.

Gene Mildren
PO-Box 510
Hagerman

RECEIVED

JUL 31 1998

Department of Water Resource
Southern Region



PLAT OF SURVEY

JUL 31 1998

TRACT IN NW⁴SE⁴, NE⁴SE⁴ & SE⁴SE⁴

Department of Water Resources
Southern Region

SEC. 2, T. 7 S., R. 13 E., B.M.

GOODING CO., IDAHO

APRIL 7, 1969



6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 36-00051A &
36-00054A

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

□

7/21/98 3:54 PM

NAME:

WALTEN MILDREN

CALLOUT

RE:

ACRES IN PARCEL IRRIG.

I called to discuss his irrigated parcel... he stated he owns 14 acres and thinks he irrigates about 4 acres. I explained how I arrived at my result of 3 acres total using field exams and aerial maps and GIS overlays. I explained how Mr. Pat Brown ask the court to re-instate the licensed 1 acre versus my recommendation of listing the irrigated acres under the decreed rights. I told him any agreed acreage would have 1 acre listed in the license and the balance in the decreed rights 51A & 54A.

He will provide a plat map with the irrigated lands drawn in to show the claimed acreage. I gave him my mailing address and fax number. Upon receiving the map I will copy the info into our GIS data and calculate the acres; even Mr. Mildren agreed it is difficult to measure the acreage onsite.

★

837-4770

MILDERN

51A-54A

★ MAD?

★ GIS Area?

302A?

Call Milder: *

- discuss areas
- GIS Map?

7/2/98 writing our Fax of Map *

AJ0749NP
No. R36-00054A

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

DATE: 05/14/98
PAGE: 1

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARJORIE J MILDREN	06/26/1881	IRRIGATION	03-15 11-15	0.06 CFS	
C	WALTEN E MILDREN					
	PO BOX 510					
	HAGERMAN ID 83332					
	(208) 837-4770					
				TOTAL DIVERSION:	0.06 CFS	

Water Source: SPRING

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T07S R13E S02

SENESE

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	13E	2	:																	:	2.0
																			TOTAL ACRES	:	2.0

POU County: GOODING

Other Rights: 36-00051A

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 36-00054A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.09 CFS.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 36-00051A IS LIMITED TO
THE IRRIGATION OF OF COMBINED TOTAL OF 2 ACRES IN A SINGLE
IRRIGATION SEASON.

EXP RIGHT NOS. 36-00054B & 36-07323 ARE ALSO DIVERTED THROUGH POINT
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date: 05/14/1998 Objection Filed Date:

Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag:

MILDREN

5/11/98

See

- per Hearing
w/ Hammerle
- 7323 — license will be Rec'd as (L)
 - reduce the (2) decreed rights by 1.0 Acre in response.
(in supplemental Dir. Rep.)
 - * pending amendments on - 54A & - 51A
→ investigate amendments ASAP
5/18 trial to be vacated (Class I)
- "GIS on Disk" (will send priority listing of rights)

-0054A

was 3 acres @ 0.09 cfs (.03/Ac)

this right overlaps w/ -0051A but not
w/ -7323.

Rec'd: 2 Acres @ 0.03 cfs/Ac = .06 cfs
(no conveyance loss)
combined use limits w/ -0051A.

From: DWR60::SCLELLAN "Steve at Southern" 25-FEB-1998 14:43:55.28
To: DWR03::JMARSHAL
CC: SCLELLAN
Subj: INITIAL HEARING 36-00054A 36-07323

John,

Here is a quick synopsis of the hearing today.

Pat and I attempted to resolve the issues of objection for the two rights listed above. Another right, 36-00051A, was not part of this action; unclear why that is so. We were unable to settle at this time.

36-07323: Basically want the 1 acre and 0.02 cfs added back to the license. I tried to show Pat how this is a duplication of the water and acres listed in 36-00054A; both the same spring source.

36-00054A: wants the entire amount claimed of 0.40 cfs. Apparently is having some water studies done to support the rate claimed. Pat thought maybe by Brockway?

TRIAL: May 18, 1998 10:00 am

IDWR to supply the following;

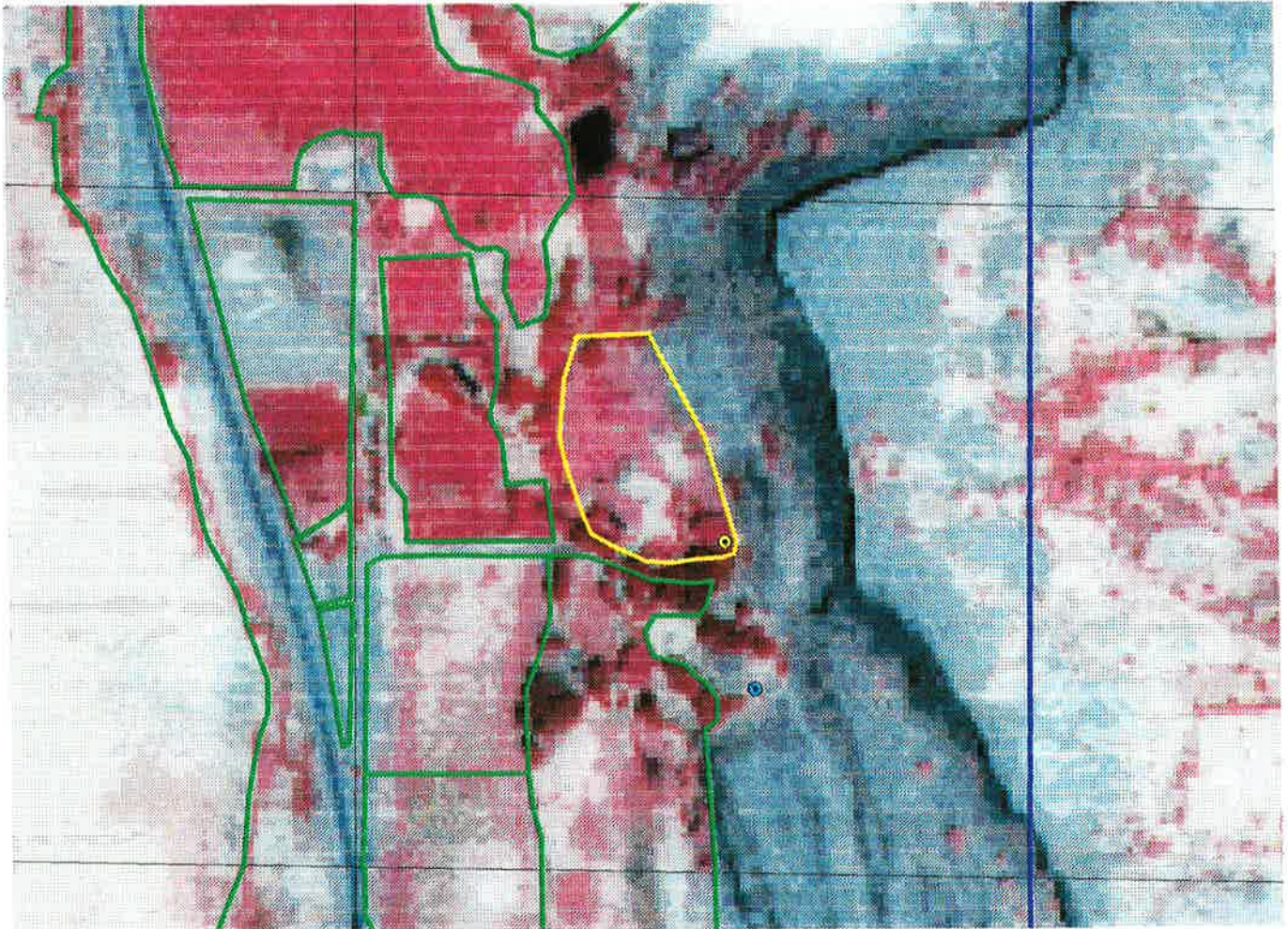
- Certified copy of the License 36-07323.
- Copies of the License exam report and records.
- Portion of the 1932 decree for 36-00054.
- Pro rata split of 36-00054.
- GIS shape file map. (I gave one copy of this to Pat today)

Copies of these items to Pat Brown by APRIL 18, 1998.

Call me if have questions.
Steve

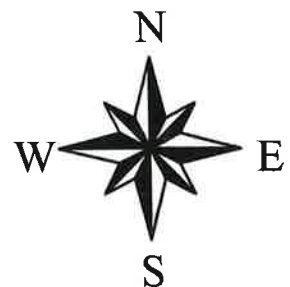
IDAHO DEPARTMENT OF WATER RESOURCES

36-00051A & 36-00054A
36-07323



660 0 660 Feet

TNS 7S, RNG 13E
SEC 2, NESE



⊙ Recommended Point of Diversion



RECOMMENDED Place of use



Section lines



Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATE: FEBRUARY 25, 1998
BY: STEVE CLELLAND

POLYGON CREATED ON 604 () _____
ATTRIBUTES OF B36-POU.SHP (571) _____
ATTRIBUTES OF B36-POD.SHP (578) Spring
558 John Bell

SUBCASE NO. 36-00054A

	CLAIM (7/25/88)	AMENDED CLAIM (6/20/89)	RECOMMENDATION	OBJECTION
NAME	Jack & Lillias Martin	Walten & Marjorie Mildren	Walten & Marjorie Mildren	Walten & Marjorie Mildren
BASIS OF CLAIM	Decree	Decree	Decree	
SOURCE	Springs	Springs	Spring	
QUANTITY	0.40 cfs	0.40 cfs	0.09 cfs	XX as decreed
PRIORITY DATE	6/26/1881	6/26/1881	6/26/1881	
PURPOSE OF USE	Irrigation	Irrigation	Irrigation	XX add stockwater; wildlife habitat; aesthetic
PERIOD OF USE	1/1 - 12/31	1/1 - 12/31	3/15 - 11/15	XX - 1/1 - 12/31 for all uses
POINT OF DIVERSION	T07S R13E S2	T07S R13E S2	T07S R13E S2	
PLACE OF USE	T07S R13E S2 4.0 acres	T07S R13E S2 4.0 acres	T07S R13E S2 3.0 acres	XX - 4 acres - error in place of use description.
remarks		"This property was sold by Jack Martin to Mr./Mrs. Mildren on 6/1/1989."	"Use of this right with right no. 36-00051A is limited to a total combined diversion rate of 0.12 cfs, ~~a total combined annual consumptive use volume of 9.0 af~~ , and to the irrigation of a combined total of 3.0 acres in a single irrigation season. ~~0.03 cfs of right no. 36-00051A is limited to use for conveyance losses in delivery of right no. 36-00054A.~~ Right no. 36-00054B is also diverted through point of diversion described above."	XX all remarks stricken

.03 / Ac

S.O. FYI ~~SA~~

RECEIVED
JAN 21 1998
Department of Water Resources

Walten E. Mildren

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

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

*Records Modified 01-22-98,
as*

In Re SRBA

)
) Subcase Nos. 36-00051A, 36-00054A
) and 36-07323
)

Case No. 39576

) NOTICE OF APPEARANCE
)

COMES NOW the firm of Hepworth, Lezamiz & Hohnhorst, Chartered, and
appears on behalf of Walten E. Mildren, Claimant in the above entitled matter.

Dated this 20 day of January, 1998.

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED

By: 
Patrick D. Brown

6/9/94

COMMUNICATION DOCUMENTATION

AJ - 0005 412
00051A

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IDWR Employee/Agent Kelly K Christensen

CUSTOMER:
JOE SHAY

DATE: December 5, 1997 2:46 pm

SUBJECT: STATUS OF 36-07323, 00054, AND 00051
phone (X) walk-in()

He is considering purchasing the Mildron property and wants to be able to irrigate about 10 acres. I explained that the rights are for 3 acres of irrigation. I also gave him a general overview of the adjudication process as he is from out of state. I explained the general procedures for adj claim review and recomenations. I also gave him general info concerning these claims.

SUBCASE NO. 36-00054A

	CLAIM (7/25/88)	AMENDED CLAIM (6/20/89)	RECOMMENDATION	OBJECTION
NAME	Jack & Lillias Martin	Walten & Marjorie Mildren	Walten & Marjorie Mildren	Walten & Marjorie Mildren
BASIS OF CLAIM	Decree	Decree	Decree	
SOURCE	Springs	Springs	Spring	
QUANTITY	0.40 cfs	0.40 cfs	0.09 cfs	XX as decreed
PRIORITY DATE	6/26/1881	6/26/1881	6/26/1881	
PURPOSE OF USE	Irrigation	Irrigation	Irrigation	XX add stockwater; wildlife habitat; aesthetic
PERIOD OF USE	1/1 - 12/31	1/1 - 12/31	3/15 - 11/15	XX - 1/1 - 12/31 for all uses
POINT OF DIVERSION	T07S R13E S2	T07S R13E S2	T07S R13E S2	
PLACE OF USE	T07S R13E S2 4.0 acres	T07S R13E S2 4.0 acres	T07S R13E S2 3.0 acres	XX - 4 acres - error in place of use description.
remarks		"This property was sold by Jack Martin to Mr./Mrs. Mildren on 6/1/1989."	"Use of this right with right no. 36-00051A is limited to a total combined diversion rate of 0.12 cfs, a total ~~combined annual~~ ~~consumptive use volume~~ ~~of 9.0 af~~ , and to the irrigation of a combined total of 3.0 acres in a single irrigation season. ~~0.03 cfs of right no. 36-~~ ~~00051A is limited to~~ ~~use for conveyance~~ ~~losses in delivery of~~ ~~right no. 36-00054A.~~ Right no. 36-00054B is also diverted through point of diversion described above."	XX all remarks stricken 54B & 7323 are in POD

Remarks are
not correct as listed.
See
10/24/97

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED
OCT 1 1988

RECEIVED
APR 30 1993
Department of Water Resources
Adjudication Bureau

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

Case No. A36-00054A
(You must insert the
water right number you
are objecting to)

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

OBJECTION

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

36-00054A -0001/
93-04-0061

Respondents.

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

MICROFILMED

OCT 11 1994

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Walten E. Mildren and/or Marjorie J. Mildren

Address: P. O. Box 510

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Priority date June 26, 1881

0.40 cfs

Water right decreed 3/22/32 pursuant to

New International Mortgage Bank v. Idaho

Power Company;

2. Owner of the water right:

Name: Walten E. Mildren and/or Marjorie J. Mildren

Address: P. O. Box 510

Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

P.O. Box 389, Twin Falls, ID 83303

Attorney Phone No.: (208) 734-7510

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - a. ☒ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☒ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.

(Over)

MICROFILMED
OCT 11 1994

12. ☐ Water Right Recommendation: I object to:
- a. ☐ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☒ Other: I object to: See attached

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

See Page 7

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

0.40 cfs maximum quantity; Use for Irrigation 0.40 cfs from 1/1 to 12/31; Stockwater 0.02 cfs from 1/1 to 12/31; Wildlife Habitat 0.40 cfs from 1/1 to 12/31; Aesthetic 0.40 cfs from 1/1 to 12/31; place of use: 4 acres; consumptive use: to be changed accordingly; remarks-all remarks stricken

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.



Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____

See Hagerman Water Right Owners, Inc.'s

Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

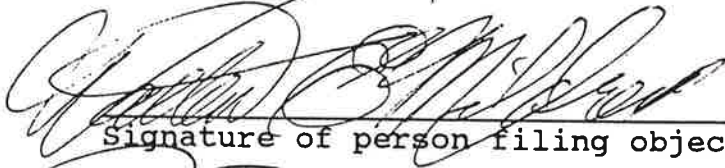
County of ~~Twin Falls~~ Gooding

WALTER E. MILDEN

(Name of person filing objection)

sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. Sec 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing objection

By: 

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 19th day of April,
1993.



Notary Public for Idaho

Residing at: HAGERMAN, IDAHO

My Commission Expires: 5-10-97

(Over)

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name: Walten E. Mildren/Marjorie J. Mildren

Owner's address: P. O. Box 510

Hagerman, Idaho 83332

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

Box 3, 3a and 10 - IDWR recommends an amount less than decreed and/or beneficially used. A reduction in water right would constitute a taking.

Box 7 - Beneficially used for purposes set forth in notice of claim.

Box 8 - IDWR recommends a period of use less than decreed and/or beneficially used. A reduction in water right would constitute a taking.

Box 9 - Director's Report fails to accurately state the place of use.

Box 11 - This is beyond the statutory authority vested in the Director.

CHANGES TO DIRECTOR'S REPORT, page 4

Objectors reserve the right to claim all purposes of use and quantities of use as shown by the evidence at trial.

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Question 14., page 4, Other

I.

GENERAL RESPONSE

Except as specifically admitted herein, objectors deny each and every allegation contained in the Director's Report, any related or subsidiary pleadings, and/or any attachments thereto.

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

The objectors admit that Part I of the Director's recommendation contains some claims to water rights appropriated under state law from Reporting Area 3. The objectors deny all other averments because the objectors lack sufficient knowledge or information upon which to form a belief as to the truth of the averments.

III.

TABLE OF CONTENTS

.. (DRP-I at 2nd and 3rd unnumbered pages)

The objectors admit that the Table of Contents reflects the page numbers of the referenced sections and deny all other averments based upon the objectors' lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments and because any averment, expressed or implied, is so

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indefinite that it prevents the objectors from knowing what would be admitted or denied.

IV.

INTRODUCTION

1. INSTRUCTIONS FOR USING THIS REPORT PART I. (DRP-I at page 1)

The objectors admit that Part I consists of seven sections; that the description of the water system includes a brief description of Reporting Area 3 and an illustration of the boundaries of the reporting area; that the water rights and the list of the recommended rights are grouped alphabetically by source and listed chronologically by priority date; that the rights or claims in the list of claims/rights not recommended are listed numerically by water right number; and that brief instructions are found at the beginning of the applicable sections. The objectors deny that any description or any implication that the description of the water system or the illustrations are true and accurate due to lack of knowledge or information regarding the truth of the averment; deny that the general provisions apply to all water rights or define or limit classes of water rights; and deny that the general provisions "will affect your water right," based upon insufficient knowledge or information upon which to form a belief as to the truth of the averments.

2. SCOPE OF THE ADJUDICATION. (DRP-I at page 1 - 3)

The objectors deny all averments in paragraph a., due to lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments.

Regarding paragraph b., the objectors lack sufficient information or knowledge upon which to form a belief as to whether water rights which are not claimed in the adjudication will or will not exist upon entry of the court's decree and, therefore, deny such averment. The objectors admit that the court entered an order dated January 17, 1989, but presently lack sufficient knowledge to know whether any of the other averments concerning the court's order are true or accurate and, therefore, deny the same. The objectors deny that a right must be adjudicated before water may be distributed by the director. The objectors deny all other averments in paragraph b.

3. PURPOSE OF THIS REPORT PART I. (DRP-I at page 3 - 4)

The objectors admit that portion of the first sentence which states "This report contains the Director's recommendations to the SRBA District Court as to the nature and extent of water rights," but deny that such recommendations "are necessary for administration of water rights in Reporting Area 3," and further deny the Director has authority to "administer" such rights.

Regarding the second paragraph, the objectors admit that all water rights remain subject to the applicable law generally, but deny the remainder of the second paragraph.

Regarding the third paragraph of this section, the objectors deny all averments therein based upon lack of knowledge or information upon which to form a belief as to the truthfulness of the averments.

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

1. **BOUNDARIES OF BASIN.** (DRP-I at pages 4 - 6)

Regarding the first paragraph of this section, the objectors deny all averments due to a lack of knowledge or information upon which to admit or deny.

Regarding the second, third and fourth paragraphs of this section, the objectors admit that as broad statements, those paragraphs are generally accurate but the statements are so broad and attenuated from any matter relevant to the objectors' water right that the objectors are unable to know what would be implicitly admitted or denied and therefore, deny the same.

With respect to the fifth paragraph of this section, the objectors lack sufficient knowledge or information upon which to form a belief as to the truth of any matter averred and, therefore, deny the averments.

2. **WATER SOURCES.** (DRP-I at page 6)

The objectors admit that the Snake River Plain Aquifer is the source of outflows of springs located along the Snake River Canyon Wall in the Hagerman Valley. The objectors presently lack sufficient knowledge or information upon which to form an opinion as to the truth of the other averments set out in this section and, therefore, deny the same.

3. **DEVELOPMENT OF WATER USE.** (DRP-I at pages 6 - 9)

The objectors admit that numerous factual and historical averments are set out in this section, which may be accurate, but

these objectors have no basis for knowing whether some or all of the averments are intended to relate to the objectors' claims and, thus, are prevented from knowing what would be admitted or denied. Therefore, the averments are denied.

VI.

GENERAL PROVISIONS

GENERAL PROVISIONS 1 - 8 APPLY TO ALL WATER RIGHTS IN BASIN 36.
(DRP-I at page 9)

The objectors deny that "General Provisions 1 - 8" apply to all water rights in Basin 36 as the statements are so broad and attenuated from any matter relevant to the objectors' water rights, that the objectors are unable to know what would be explicitly admitted or denied. The objectors also specifically deny that general provisions 1-8 apply to the objectors' right.

1. EFFECT OF ADJUDICATION. (DRP-I at page 9)

With respect to paragraph a., the objectors presently have no knowledge or information upon which to form a belief as to the truth of whether a future decree would supersede prior decrees, or whether unclaimed rights would cease to exist and, therefore, deny the same.

Regarding paragraph b., the objectors deny that the Director has any powers to administer water rights other than those specifically delegated by the Legislature of the State of Idaho, and which do not violate the objectors' state and federal constitutional rights, and therefore the averments are denied.

2. GENERAL ADMINISTRATIVE PROVISIONS. (DRP-I at pages 9 - 10)

The objectors admit paragraphs a. and b.

3. CONJUNCTIVE ADMINISTRATION (DRP-I at page 10)

The objectors deny the conjunctive administration provisions based upon the objectors' lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments and because any averment expressed or implied is so indefinite that it prevents the objectors from fairly understanding what would be admitted or denied. Additionally, the objectors deny that the Department of Water Resources has any statutory or regulatory authority for the "conjunctive administration" as therein described.

4. ADMINISTRATION OF GROUND WATER RIGHTS (DRP-I at page 10)

The objectors deny the averments within this section.

5. ADMINISTRATION OF BASIN 36 RELATIVE TO THE SNAKE RIVER (DRP-I at page 10)

The objectors admit that the springs are hydrologically interconnected with the Snake River Aquifer, but deny all other averments based upon the objectors' lack of sufficient information or knowledge upon which to form a belief as to the averments herein. The objectors additionally deny any said averments expressed or implied because the averments are so indefinite and generalized as to prevent the objectors from fairly understanding what would be admitted or denied.

6. ADMINISTRATION OF SMALL DOMESTIC AND STOCK WATER RIGHTS (DRP-I at page 11)

The objectors admit that part of the first sentence of subparagraph a. to the effect that "small domestic and stock water rights from surface water are not subject to administration," but deny the balance of said sentence and said paragraph.

The objectors admit the first sentence of paragraph b., and deny the balance of that paragraph because the criteria set forth therein ("if the director determines that administration is necessary") is so ambiguous, indefinite and uncertain that it prevents the objectors from knowing what would be admitted or denied, and by further reason of the fact that no statutory or regulatory authority exists conferring such sweeping and unlimited authority upon the Director or the Department.

The objectors deny the averments in paragraph c. as the averments are inaccurate and because the objectors lack sufficient knowledge or information upon which to form a belief as to the truth of the matters averred.

7. MEASURING DEVICES AND CONTROL WORKS (DRP-I at page 11)

The objectors deny all averments contained herein as such averments are based upon an indeterminate subjective standards which are so ambiguous and indefinite as to prevent the objectors from fairly knowing what would be admitted or denied. Additionally, no statutory or regulatory authority exists conferring such sweeping and unlimited authority upon the Director or the Department as is alleged in this paragraph.

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8. FIRE FIGHTING PURPOSES (DRP-I at page 11)

The objectors admit that subparagraph a. and subparagraph b. are generally accurate statements of present law, but deny the averments are in any way relevant to defining the objectors' right.

9. CONSUMPTIVE USE (DRP-I at page 12)

The objectors lack sufficient knowledge or information upon which to form a belief as to the truth of any matter averred and, therefore, deny the same.

GENERAL PROVISION 10 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE (DRP-I at page 12)

The objectors deny that "General Provision 10" applies to all water rights in Basin 36 shown with domestic use as a purpose of use as the statements are so broad and attenuated from any matter relevant to the objectors' water rights, that the objectors are unable to fairly understand what would be explicitly admitted or denied and, therefore, deny the same.

10. DOMESTIC USE (DRP-I at page 12)

The objectors deny that the definition of "domestic use" contained in paragraphs a., b., and c. is consistent or in conformity with the definition of such term for purposes of the Idaho Constitution, or statutory definition contained in I.C. Section 42-111 as now, or as heretofore in effect at relevant times. The objectors further deny that the limitations set forth therein exist, are in force, or apply or serve in any way to limit objectors' rights.

GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE. (DRP-I at page 13)

The objectors deny that "General Provision 11" applies to all water rights in Basin 36 shown with stock water use as a purpose of use as the statements are so broad and attenuated from any matter relevant to the objectors' water right, that the objectors are unable to fairly understand what would be admitted or denied and, therefore, deny the same.

11. STOCK WATER USE (DRP-I at page 13)

The objectors deny the averments herein as beyond the scope and applicability of the definition as provided by Idaho law as now, or as heretofore in effect at relevant times. The objectors further deny that the limitations set forth therein limit the objectors' right or are relevant to the right.

GENERAL PROVISIONS 12 - 16 APPLY TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH IRRIGATION AS A PURPOSE OF USE (DRP-I at page 13)

The objectors deny that "General Provisions 12 - 16" apply to all water rights in Basin 36 shown with irrigation as a purpose of use as the statements are so broad and attenuated from any matter relevant to the objectors' water right that the objectors are unable to fairly understand what would be admitted or denied.

12. IRRIGATION USE. (DRP-I at pages 13 - 14)

The objectors deny all averments based upon the objectors' lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments and because

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prevent the objectors from fairly knowing what would be admitted or denied; because the standard utilized ("as determined by the director") is ambiguous, subjective and indefinite so as to prevent objectors from knowing what would be admitted or denied; and because it is both expressly and implicitly in excess of the power and authority conferred upon the State of Idaho, the Director or the Department by the Constitutions of the United States and State of Idaho, pertinent provisions of the Idaho Code or valid applicable regulations, if any, adopted by the Department in conformity with law. Therefore, the objectors deny the same.

13. DIVERSION VOLUME FOR IRRIGATION. (DRP-I at page 14)

The objectors admit that Figure 1 generally depicts certain lands in Basin 36; however, the objectors deny all other averments including that the amounts set forth are the maximum annual volume of water reasonably required at the field headgate for irrigation, either within Basin 36 in general, or upon objectors' real property in particular. The objectors additionally deny that the maximum annual volumes per acre set forth is that which is "reasonably required for irrigation unless a higher annual diversion volume is reasonably required due to conveyance losses, method of irrigation or field conditions;" because the standard utilized ("as determined by the director") is ambiguous, subjective and indefinite so as to prevent objectors from knowing what would be admitted or denied; and because it is both expressly and implicitly in excess of the power and authority conferred upon the State of Idaho, the Director or the Department

by the Constitutions of the United States and State of Idaho, pertinent provisions of the Idaho Code or valid applicable regulations, if any, adopted by the Department in conformity with law. Therefore, the objectors deny the same.

14. CONSUMPTIVE USE FOR IRRIGATION. (DRP-I at page 14 and 15)

The objectors admit that the recommended water rights contained within the Director's Report show only the irrigation use listed unless otherwise indicated in "Remarks." The objectors deny all other averments contained within this section, including the amount of maximum annual volume of consumptive use per acre in the northern and southern portions of the basin, all of which is beyond the scope of any power or authority vested in the Director or the Department, and contrary to fact; historical use; established, vested, decreed, licensed or permitted rights.

15. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION. (DRP-I at page 15)

The specific averments have no relationship to or basis in fact relating to the individual needs or rights of the objectors, and accordingly, objectors deny this section in its entirety. In addition, no statutory or regulatory authority exists conferring upon the Director, or the Department, the power to limit use and ownership of objectors' private property rights as alleged.

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16. DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE. (DRP-I at page 15 - 16)

The objectors deny the averments contained in this section in its entirety.

17. INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS. (DRP-I at page A-i, A-ii and A-iii)

The objectors admit that each water right in the list of recommended water rights includes a description including right number, name and address, source, maximum quantity, consumptive use, priority date, point of diversion, purpose of use, period of use, place of use, basis of right and others. The objectors lack sufficient knowledge or information upon which to form a belief as to the truth of any matter averred in said descriptions other than that the descriptions allegedly include the Director's or Department's version of the facts as they relate to the matters identified. Objectors deny the accuracy of the substantive allegations or information set forth with regard to the objectors' right.

18. IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW. (DRP-I, pages A-1 - B-25)

The objectors lack sufficient knowledge or information upon which to form a belief as to the truth of any matter averred in said recommended water rights other than those specific admissions contained in Questions 1 - 12 of the attached individual objection, and therefore deny the same.

DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36)

(DIRECTOR'S REPORT PART II)

I.

Objectors do not understand the allegations, averments or contents of Part II of the Director's Report for Reporting Area 3 (Basin 36) to pertain or relate to objectors or their claims, and do not believe any response is required. To the extent a response is required, objectors deny the same in its entirety.

DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36)

(DIRECTOR'S REPORT PART III)

I.

No report denominated as Part III of the Director's Report for Reporting Area 3 (Basin 36) has been filed, and accordingly objectors are unable to admit, deny or otherwise response to the same. Objectors do not understand that the contemplated subject matter of such Part III will relate or pertain to objectors or their claims, and no response is required in any case. To the extent any response is required, objectors deny the same in its entirety.

VIII.

AFFIRMATIVE DEFENSES

Pursuant to I.R.C.P. 8(c), objectors herewith state the following matters of affirmative defense or avoidance:

AFFIRMATIVE DEFENSE NO. 1

The objectors' water right is an incorporeal form of real property (as defined by Idaho Code Sections 7-703, 73-114, 55-101,

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and like statutes) protected by Section 14, Article 1, of the Idaho Constitution, and the Fifth Amendment to the United States Constitution, and allege that the actions of the Director in recommending, limiting and/or regulating said rights is an unconstitutional infringement upon and a taking of private property, without just compensation and violation thereof.

AFFIRMATIVE DEFENSE NO. 2

The adjudication authorization legislation, I.C. Section 42-1401, et seq., on its face and as applied by the Director and the Department constitutes an improper delegation of constitutional power and authority conferred upon the executive, legislative and/or judicial branches of government and as such violate the provisions governing separation of powers set forth in Article 2, Section 1, Idaho Constitution.

AFFIRMATIVE DEFENSE NO. 3

The procedure set forth in the adjudication authorization legislation, statutes, I.C. Section 42-1401, et seq., and any rules, regulations, procedures, policies or standards promulgated by the Director and/or the Department, if any, are vague and so lacking in reasonable specificity so as to render them impossible of reasonable comprehension, or consistent and meaningful application.

AFFIRMATIVE DEFENSE NO. 4

The procedures, rules, regulations, policies or standards, if any, adopted, implemented and applied by the Department and/or the Director violate the equal protection and due

process clauses of the Fourteenth Amendment, United States Constitution, and Article 1, Sections 2 and 13, Idaho Constitution.

AFFIRMATIVE DEFENSE NO. 5

The adjudication authorization legislation, Idaho Code Section 42-1401, et seq., and the actions of the Director and Department in recommending, limiting and/or regulating the objectors' water right constitutes a violation of 42 U.S.C. Section 1983.

AFFIRMATIVE DEFENSE NO. 6

The water right owned by the objectors is the subject of valid existing decrees issued by the Director and Department, which decrees are binding upon the State of Idaho, the Department and the Director. As a result, the State of Idaho, the Department and the Director are precluded by the doctrines of res judicata, collateral estoppel, judicial estoppel and the like from relitigating or questioning the validity, existence or priority of such right, and/or from taking any position in the Director's Report, or otherwise, which is inconsistent with such decrees.

AFFIRMATIVE DEFENSE NO. 7

The Director's recommendations are contrary to decreed rights, historical use and extent licenses and permits issued by the Department. There has been no forfeiture nor abandonment of the objectors' water rights, nor have the objectors' water rights been prescriptively or adversely possessed, nor have such decrees been vacated or such licenses and permits revoked.

AFFIRMATIVE DEFENSE NO. 8

The Directors' Report fails to state a claim to the extent the same asserts a forfeiture, abandonment, prescriptive or adverse acquisition or loss, or loss resulting from estoppel, of the objectors' water right in the absence of any fact upon which forfeiture, abandonment, prescriptive or adverse acquisition for loss, or loss resulting from estoppel, may be based or asserted.

AFFIRMATIVE DEFENSE NO. 9

The objectors' water right is an incorporeal form of real property, as defined by Idaho Code Sections 7-703, 73-114, 55-101, and like statutes, and, as such, pursuant to Idaho Code Section 7-904, et. seq., the actions of the Director in attempting to limit, reduce and/or regulate such rights, and the assertion of some inconsistent proprietary ownership or right to use or control by the State of Idaho, constitutes an unauthorized and invalid taking of private property without the payment of just compensation, or compliance with statutory requirements, all in violation of Title 7, Chapter 7, Idaho Code.

AFFIRMATIVE DEFENSE NO. 10

The actions of the Director, the Department and their agents, servants and employees in recommending, limiting, reducing and/or regulating objector's water rights, either as alleged in the Director's Report or as in fact applied, violates objectors' rights as secured by Art. 1, Section 1; Art. 15, Sections 3, 4 and/or 5; and/or as otherwise provided in the Constitution of the State of Idaho.

AFFIRMATIVE DEFENSE NO. 11

The various allegations, statements and assertions contained in the Director's Report concerning the Department and/or the Director's position or intentions with regard to the adjudication, as well as the implementation of statutes and/or regulations, as well as the administration of water or management of water rights or claims to the beneficial uses of water, if implemented, constitute a violation of various provisions the United States and Idaho constitutions, and/or a violation of the letter, spirit and/or intent of various statutes enacted by the legislature, and/or constitute an exercise of purported authority or powers either in excess of those conferred by law, or in a manner inconsistent with those conferred by law, or both.

AFFIRMATIVE DEFENSE NO. 12

The individual recommendations relating to the specific water right of the objectors as set forth in the Director's Report are (1) not based upon substantial evidence and/or are not, in fact, the product of any reasonable, complete or accurate investigation as required by law; (2) are the product of arbitrary and capricious action on the part of the Department or the Director; (3) have been made in excess of the constitutional and statutory authority of the Department and the Director; (4) have been made upon an unlawful and invalid procedure; (5) are affected by various and sundry errors of law; and/or (6) are clearly erroneous in view of the reliable, probative and substantial evidence.

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AFFIRMATIVE DEFENSE NO. 13

The Director's Report is a pleading subject to the provisions of the Idaho Rules of Civil Procedure, including, but not limited to the requirement of I.R.C.P. 8(a)(1) that such pleadings contain a clear and plain statement of the facts, demonstrating an entitlement to relief. The Director's Report violates such provision.

AFFIRMATIVE DEFENSE NO. 14

The Director's Report fails to state a claim upon which relief may be granted.

AFFIRMATIVE DEFENSE NO. 15

The Director's Report is subject to, and must comply with, the requirements of Idaho Code Section 42-1411. The Director's Report does not comply with the requirements of the statute.

AFFIRMATIVE DEFENSE NO. 16

In conducting the investigation and compiling the Director's Report, the Department and the Director have not complied with the requirements of Idaho Code Section 42-1410.

AFFIRMATIVE DEFENSE NO. 17

In conducting the investigation and compiling the Director's Report, the Department and the Director have not complied with the requirements of Idaho Code Section 42-1416.

AFFIRMATIVE DEFENSE NO. 18

The procedures specified in the authorizing legislation and procedural rules promulgated in accordance therewith serve to

deny objectors due process of law in violation of Amendment Fourteen to the Constitution of the United States and Art. 1, Section 13, Idaho Constitution.

AFFIRMATIVE DEFENSE NO. 19

The "General Provisions" and "Other Statements" contained in the Director's Report, along with the Claims Investigation Manual, Adjudication Memoranda and other materials of a similar nature used or employed by the Department, the Director and/or their agents, servants and/or employees constitute rules and regulations which were required to be proposed, promulgated, adopted and approved in conformity with the Administrative Procedures Act and other applicable statutory provisions. The Department, Director and their agents, servants and employees have failed to comply with such requirements, and accordingly, the "General Provisions," "Other Statements", Claims Investigation Manual and the like are invalid, void and of no force or effect.

AFFIRMATIVE DEFENSE NO. 20

Neither the "General Conditions," the Claims Adjudication Manual, Adjudication Memoranda or other promulgations, adoptions, policies, or the like have been submitted to or approved by the Legislature as required by Idaho Code Section 67-5217.

AFFIRMATIVE DEFENSE NO. 21

The relief requested by the Department and the Director in the Director's Report are beyond and in excess of the subject matter jurisdiction of the Court.

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AFFIRMATIVE DEFENSE NO. 22

The actions of the Legislature, or the Department and the Director to enact, adopt, implement or enforce statutes, regulations, rules or policies subsequent to November 19, 1987, and to apply or enforce the same for the purpose of, or with the effect of recommending, diminishing or altering objectors' water rights, constitute a violation of Amendment Fourteen, United States Constitution; Art. 1, Section 13, Idaho Constitution; the SRBA authorization legislation; and Idaho Code Sections 73-101 and 73-106.

AFFIRMATIVE DEFENSE NO. 23

These proceedings are subject to the requirements and provisions of Idaho Code Sections 12-117, 12-121, 12-123 and I.R.C.P. 11, and the provisions of the private attorney general doctrine, and other related doctrines, and the Department, Director and State of Idaho are obligated to objectors for the payment and reimbursement of any and all reasonable costs or attorney fees incurred herein.

AFFIRMATIVE DEFENSE NO. 24

The Director's Report asserts what amounts to be a taking of private property by power of eminent domain as governed by Idaho Code Section 7-701 et seq., and as such, venue is therefore improper.

AFFIRMATIVE DEFENSE NO. 25

The Department and the Director are equitably estopped from seeking any reduction in the quantity, quality or priority of

objectors' water rights by virtue of prior statements, representations and actions of the Department, Director or their agents, servants and employees.

AFFIRMATIVE DEFENSE NO. 26

The Department and the Director are barred by laches and the applicable statutes of limitation, including, but not limited to, Idaho Code Sections 5-202, 5-203, 5-204, 5-206, 5-207, 5-208, 5-215, 5-218, 5-219(2), 5-224 and/or 5-241.

AFFIRMATIVE DEFENSE NO. 27

Objectors hereby reserve the right to assert any further affirmative defenses not expressly stated herein, but which subsequently become apparent.

WHEREFORE, the objectors pray for judgment as follows:

1. That the State of Idaho take nothing by reason of its Directors' Report, and that this action, and any claims asserted against objectors, be dismissed.
2. That a decree be entered adjudicating the existence, validity, amount and priority of objectors' water rights in accordance with objectors' claims.
3. That to the extent the acts of the Department or Director constitute a taking of objectors' property for public use, that objectors be allowed and awarded just compensation therefor.
4. That the objectors be allowed all costs of suit and reasonable attorney fees incurred herein.
5. For such further relief to which the Court finds objectors justly entitled.

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(WATER\21530ANS)

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 the Rights to the Use of Water
from the Snake River Basin
Water System

Case No. 36-00054A -0001

The State of Idaho, ex rel.
R. Keith Higinson in his
official capacity as Director
of the Idaho Department of
Water Resources,

RESPONSE TO OBJECTION

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

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2. Person who filed objection:

Name: WALTEN E & MARJORIE MILDREN
Address: PO BOX 510
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. |☒| Quantity: I respond to the objection concerning:
- 3a. |☒| The total quantity of water used in cubic feet per second.
7. |☒| Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. |☒| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. |☒| Place of Use: I respond to the objection concerning:
- 9b. |☒| The number of irrigated acres within each forty (40) acre subdivision.
10. |☒| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. |☒| Remarks: I respond to the objection concerning the "remarks" listed with the water right.

14. ☒ Other: I respond to the objection concerning:

ALL MATTERS RAISED IN THE CLAIMANT'S ANSWER,
AFFIRMATIVE DEFENSES, AND PRAYER FOR RELIEF.

REASONS SUPPORTING EACH BOX CHECKED

In response to the Statement of the Claimant's Interest in this water right, IDWR responds as follows: Although this water right was decreed in the New International Mortgage Bank v. Idaho Power Company decree, IDWR denies that the claimant is thereby presently entitled to a quantity of .40 cfs.

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402); (3) the recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

In response to Statement of the Objection item 7, and all allegations of the objection regarding that item, IDWR responds that it recommended the same purpose of use that was identified on the notice of claim and that was found when the claim was investigated. By identifying in the objection stockwater, wildlife, and aesthetics as additional uses that the claimant did not list on the notice of claim, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection item 8, and all allegations of the objection regarding that item, IDWR responds as follows: The decree asserted by the claimant does not contain a period of use decreed for this water right. Idaho Code 42-

(Over)

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1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The irrigation season of use cannot exceed the period in which water may be beneficially used. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report.

In response to Statement of the Objection 9 and 9.b, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the total number of acres within each 40 acre subdivision upon which IDWR found water was beneficially used for irrigation under this water right.

In response to Statement of the Objection item 10 and all allegations of the objection regarding that item, IDWR responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2) Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. (3) Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided for by Idaho Code Sec. 42-1401A(2). (5) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, IDWR responds that it has authority pursuant to Idaho Code Sec. 42-1411(2)(j)

to include in its recommendations of water rights acquired under state law and recommended in the director's report "such other matters as are necessary to define the right." The remark or remarks objected to are necessary to adequately describe and define this water right.

In response to Statement of the Objection item 14, and all allegations of the objection regarding that item, IDWR responds as follows: See attachment entitled "IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant".

In response to the sentence listed in Changes to the Director's Report, whereby the claimant attempts to "reserve the right to claim all purposes of use and quantities of use as shown by the evidence at trial," IDWR responds as follows: Insofar as this purported reservation of rights may constitute an attempt to reserve the right to amend at trial the claimant's notice of claim, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim just as a party must obtain leave of the court to file a late claim after the director's report is filed.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

	No. of Pages
Notice of Claim No. A36-00054A	6
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4

(Over)

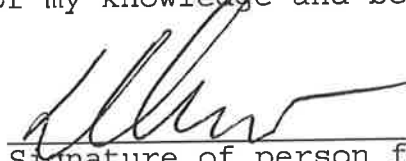
VERIFICATION (Must be Completed)

State of IDAHO

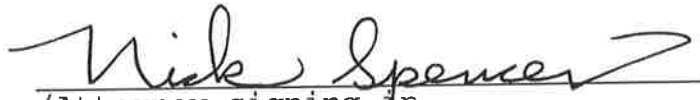
County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing response

By: 
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 31st day of August,
1993.


Notary Public for Idaho
Residing at: _____
My Commission expires _____

Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of August, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

See No. 3

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: HEPWORTH NUNGESTER & LEZAMIZ
Address: PATRICK D BROWN
& PENELOPE PARKER
PO BOX 389
TWIN FALLS ID 83303

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734


Signature of Respondent or attorney
mailing on Respondent's behalf

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

JUN 27 1989

Department of Water Resources
Southern Region Office

Ident. Number: ~~A36-00054~~
Date Received: 7/25/1988
Receipt No: 5001083
Received By: *B.V. 7K*

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WALTEN E. MILDREN 208-837-4770
Address: BOX 510
HAGERMAN, ID 83332

AND/OR

Name: MARJORIE J. MILDREN 208-837-4770
Address: BOX 510
HAGERMAN, ID 83332

2. Date of Priority: JUN 26, 1881

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	2	NE	SE			GOODING

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. ✓ (or)	A.F.A.
IRRIGATION	01/01	12/31	0.400	

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A36-00054A

~~A36-00054~~

Page 1

Date: 06/15/89

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JAN 21 1993
00 JAN 1 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	2	NE SE		IRR	4.0
Section Acres						4.0
Total Acres						4.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
YES A36-00051, A36-07323

14. Remarks:
P/U & P/D INCOMPLETE. SEE FILE.
THIS PROPERTY WAS SOLD BY JACK MARTIN TO MR.MRS. MILDREN
ON JUNE 1, 1989.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

MICROFILMED
JAN 21 1993
OCT 11 1994

16. Signature(s)

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

Number of attachments: 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): *Robert E. Nielsen* Date: 6-20-89
Margaret J. Nielsen Date: 6-20-89

State of Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of JUNE 19 89

Clyde Jensen
Notary Public

Seal

Residing at HAGERMAN, Idaho
My Commission Expires 5-10-91

WARRANTY DEED

For Value Received, Jack M. Martin and Lillias P. Martin, husband and wife, of 8601 Roberts Drive # 2-2, Dunwoody, Georgia, 30350, the Grantors, do hereby grant, bargain, sell and convey unto Walten E. Mildren and Marjorie J. Mildren, husband and wife, whose current address is Route # 1, Hagerman, Idaho, 83332, the Grantees, all of their right, title and interest in and to certain real property located in Gooding County, Idaho, and more particularly described as follows, to-wit:

TRACT I

Township 7 South, Range 13 East of the Boise Meridian

Section 2: Part of the NE1/4SE1/4 described as follows:

Beginning at a point on the Easterly right-of-way of U.S. Highway No. 30, Project F-2361 (18) according to the survey thereof, which point is 208.00 feet South and 30 feet East of the Southwest corner of said NE1/4SE1/4;

Thence Northwesterly along said Highway right-of-way, 855.65 feet to a point on said right-of-way opposite Station 238 + 69.56;

Thence N 88°22' E, 440.00 feet to the True Point of Beginning;

Thence N 1°38' W, 129.83 feet;

Thence N 88°22' E, 76.87 feet;

Thence N 0°48' W, 463.70 feet more or less to a point 107 feet 3 inches (107.25 feet measured) South of the North boundary of said NE1/4SE1/4;

1 Thence East parallel with the North boundary of
2 said NE1/4SE1/4 to point of intersection with the
East boundary of said NE1/4SE1/4;

3 Thence South along the East boundary of said
4 NE1/4SE1/4 to point 592.83 feet North of the
Southeast corner of said NE1/4SE1/4;

5 Thence West 587.19 feet;

6 Thence S 85°35' W, 246.03 feet;

7 Thence N 64°48' W, 103.40 feet;

8 Thence S 88°22' W, 94.80 feet to the True Point of
Beginning.

9 TRACT II

10 An existing road right-of-way for ingress and
11 egress along the West line of said NE1/4SE1/4 and running a
12 distance of approximately 625 feet North from the Southwest
13 corner of said NE1/4SE1/4 and also a road right-of-way 25 feet
in width and running parallel to the South boundary line of
said property, a distance of approximately 475 feet East from
the West line of said NE1/4SE1/4, as set forth in microfilmed
instrument No. 28712.

14 Together with thirty (30) miner's inches of water
15 from the John Bell Ditch being part of Water Right
16 Number A 36-00051; Water Right A 36-00054 for .4
C.F.S.; and State of Idaho Water Right License 36-
7323 for .06 C.F.S.

17 TO HAVE AND TO HOLD the premises, with appurtenances
18 unto the said Grantees and to the Grantees' heirs and assigns
19 forever. And the said Grantors do hereby covenant to and with
20 the Grantees that Jack M. Martin and Lillias P. Martin are the
21 owners in fee simple of said premises; that the premises are
22 free from encumbrances except as described above and that the
Grantors will warrant and defend the same from all lawful
23 claims whatsoever.

1 DATED: June 1, 1989

2
3 Jack M. Martin
4 JACK M. MARTIN

5 Lillias P. Martin
6 LILLIAS P. MARTIN

7
8 STATE OF Georgia)
9 COUNTY OF Fulton) ss.

10 On this 1st day of June, 1989, before
11 me, the undersigned, a Notary Public in and for said County
12 and State, personally appeared JACK M. MARTIN and LILLIAS P.
13 MARTIN, husband and wife, known to me to be the persons whose
14 names are subscribed to the foregoing instrument, and
15 acknowledged to me that they executed the same.

16 IN WITNESS WHEREOF, I have hereunto set my hand and
17 affixed my official seal the day and year last above written.

18 Ramona B. Hess
19 Notary Public for _____
20 Residing at: _____
21 My Commission Expires: _____

22 WLN\91228WAR.DEE\LDZ

23 Ramona B. Hess
Notary Public, Fulton County, Georgia
My Commission Expires November 24, 1991

POOR ORIGINAL

WARRANTY DEED - 3

W. H. H. & Co.
Hepworth,
Fungster,
& Lczamir

136861
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IDWR'S RESPONSE TO ANSWER, AFFIRMATIVE DEFENSES AND PRAYER FOR
RELIEF OF CLAIMANT

This portion of the response addresses the multi-page attachment to the objection (hereinafter "the attachment"), wherein the claimant admits or denies all sections of Parts I, II, and III of the director's report, asserts 27 affirmative defenses, and alleges a prayer for relief. The attachment contains the following sections, corresponding to the various sections of the director's report:

- (1) I. GENERAL RESPONSE
- (2) II. DESCRIPTIVE SUMMARY, (first unnumbered page of Part I of the director's report)
- (3) III. TABLE OF CONTENTS (second and third unnumbered pages of Part I of the director's report)
- (4) IV. 1. INSTRUCTIONS FOR USING THIS REPORT PART I (page 1 of Part I of the director's report)
- (5) IV. 2. SCOPE OF THE ADJUDICATION (pages 1-3 of Part I of the director's report)
- (6) IV. 3. PURPOSE OF THIS REPORT PART I (pages 3-4 of Part I of the director's report)
- (7) V. 1. BOUNDARIES OF BASIN (pages 4-6 of Part I of the director's report)
- (8) V. 2. WATER SOURCES (page 6 of Part I of the director's report)
- (9) V. 3. DEVELOPMENT OF WATER USE (pages 6-9 of Part I of the director's report)
- (10) VI. GENERAL PROVISIONS 1-8 APPLY TO ALL WATER RIGHTS IN BASIN 36 (page 9 of Part I of the director's report)
- (11) VI. General Provision 1. EFFECT OF ADJUDICATION (page 9 of Part I of the director's report)
- (12) VI. General Provision 2. GENERAL ADMINISTRATIVE PROVISIONS (pages 9-10 of Part I of the director's report)
- (13) VI. General Provision 3. CONJUNCTIVE ADMINISTRATION (page 10 of Part I of the director's report)
- (13) VI. General Provision 4. ADMINISTRATION OF GROUND WATER RIGHTS (page 10 of Part I of the director's report)
- (14) VI. General Provision 5. ADMINISTRATION OF BASIN 36 RELATIVE TO THE SNAKE RIVER (page 10 of Part I of the director's report)
- (15) VI. General Provision 6. ADMINISTRATION OF SMALL DOMESTIC AND STOCK WATER RIGHTS (page 11 of Part I of the director's report)
- (16) VI. General Provision 7. MEASURING DEVICES AND CONTROL

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- WORKS (page 11 of Part I of the director's report)
- (17) VI. General Provision 8. FIRE FIGHTING PURPOSES (page 11 of Part I of the director's report)
 - (18) VI. General Provision 9. CONSUMPTIVE USE (page 12 of Part I of the director's report)
 - (19) VI. GENERAL PROVISION 10 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE (page 12 of Part I of the director's report)
 - (20) VI. General Provision 10. DOMESTIC USE (page 12 of Part I of the director's report)
 - (21) VI. GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE (page 13 of Part I of the director's report)
 - (22) VI. General Provision 11. STOCK WATER USE (page 13 of Part I of the director's report)
 - (23) VI. GENERAL PROVISIONS 12-16 APPLY TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH IRRIGATION AS A PURPOSE OF USE (page 13 of Part I of the director's report)
 - (24) VI. General Provision 12. IRRIGATION USE (pages 13-14 of Part I of the director's report)
 - (25) VI. General Provision 13. DIVERSION VOLUME FOR IRRIGATION (page 14 of Part I of the director's report)
 - (26) VI. General Provision 14. CONSUMPTIVE USE FOR IRRIGATION (pages 14-15 of Part I of the director's report)
 - (27) VI. General Provision 15. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION (page 15 of Part I of the director's report)
 - (28) VI. General Provision 16. DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE (pages 15-16 of Part I of the director's report)
 - (30) VI. 17. INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS (pages A-i through A-iii of Part I of the director's report)
 - (31) VI. 18. IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW (pages A-1 through B-25 of Part I of the director's report)
 - (32) DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART II)
 - (33) DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART III)

The attachment also contains part VIII, AFFIRMATIVE DEFENSES (pp. 20 through 28) and a PRAYER FOR RELIEF (untitled, p. 28).

In response to each of the items enumerated above IDWR responds that pursuant to Section 4 a.(2)(c) of SRBA Administrative Order 1, Rules of Procedure, IDWR generally denies each and every allegation, if any, contained in each enumerated portion of the attachment. IDWR affirmatively responds that neither SRBA Administrative Order 1, Rules of Procedure, nor Title 42, Chapter 14, Idaho Code, make provision for IDWR to affirm, amplify, or otherwise respond to the claimant's admissions, or to deny the claimant's denials, and that IDWR therefore does not believe that it is required to do so. Title 42, Chapter 14, Idaho Code solely defines the content and scope of the director's report. It is to contain a description of the water system and is to provide a recommendation as to each water right claimed and as to those matters necessary for administration of those water rights. Therefore, the content and scope of the objection is limited to those same matters. The attachment to the present objection asserts or otherwise raises matters not directly addressing the elements of the water right as recommended, the description of the water system, or the general provisions. Rather, the attachment raises broad issues as to the constitutional, statutory and administrative efficacy of the entire adjudication process. All such issues should be raised by means of motions to designate basinwide issues and similar procedural vehicles specifically designed to provide for basinwide notice and participation. They should not be permitted to divert the focus of any individual subcase away from the issues directly connected to the elements of the water right and the administration thereof. Therefore, because the attachment to the present objection is not within the scope of the statutory purpose of an objection it should be stricken.

However, in the event that the court should determine that all or part of the attachment is properly within the scope of the objection, IDWR further responds as follows:

IDWR affirmatively responds that all statements within the director's report are properly included therein pursuant to Title 42, Chapter 14, Idaho Code, and in particular pursuant to Idaho Code §§ 42-1411 and 42-1412(8); and that the provisions of the Idaho Rules of Civil Procedure regarding pleadings are inapplicable to the extent that they are in conflict with the statutory requirements. Therefore IDWR denies all allegations directed at the contents of the director's report.

As to the enumerated portions of the attachment addressing the listings of recommended water rights, abstracts of federal reserved water right claims, or negotiated agreements, other than the individual recommendation that is the subject of this objection, IDWR responds that such claims or agreements are not brought before this court by this objection.

Responding to the 27 affirmative defenses asserted in the attachment, IDWR generally denies each and every affirmative defense asserted. IDWR further responds that affirmative defense numbers 1, 2, 4, 5, 10, 11, 12, 18, and 22, asserting various violations of civil or constitutional rights, fail to comply with the requirements I.R.C.P. 9(b) providing that in all averments of violation of civil or constitutional rights the factual circumstances constituting such violation must be stated with particularity. Accordingly, IDWR asserts that those affirmative defenses should be stricken.

In response to that portion of the multi-page attachment to the objection wherein the claimant asserts a prayer for relief, IDWR responds as follows:

1. IDWR denies that the director's report asserts any claims against the claimant; rather, the director's report contains only the recommendation of the director as to how the claimant's water right should be decreed and administered.
2. IDWR denies that the claimant is entitled to have the water right decreed as claimed unless in the director's report the water right has been recommended as claimed.
3. IDWR denies that any acts upon its part constitute the taking of private property for which just compensation should be allowed and awarded.
4. IDWR denies that the claimant is entitled to recover court costs and reasonable attorney fees.
5. IDWR denies that the claimant by this objection has raised any claims against IDWR entitling such claimant to any relief other than the eventual judicial determination and decree of the various elements of the claimant's water right, if any, and of those related matters necessary to describe and administer that water right.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

17-Mar-1993

WALTEN E MILDREN
PO BOX 510
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00051A, 36-00054A, 36-07323

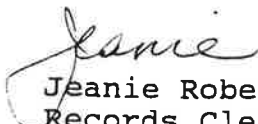
Dear Mr. Mildren:

Please find enclosed the copies of documents you recently requested contained in the above referenced SRBA file(s) as of this date. Please note that copies of orthophoto quad maps or NAPP photography or aerial slides which may have been used in the review of your claim(s) have not been included since they are not easily reproduced. These items are however available for your review at our office. Please also note that in some situations some water rights may have other associated files which contain privileged information between IDWR staff and our legal council which has not been copied.

Please remit the following for the cost of the copies and postage:

\$9.19

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

Mildren
47
39
37
 $123 \times 5 = 6.15$
Post. 2.90
ent. 14
9.19

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OCT 11 1994

RECEIVED

MAR 11 1993

Department of Water Resources
Southern Region Office

3-9-93
(Date)

IDAHO DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone St. East
Twin Falls, Idaho 83301-6602

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in
my file as it relates to water right number A36-07323 A36-00054e
A36-00051

Please advise me of any documents in my file which you are not
releasing to me and why they are not being released.

Please bill me for the copy charge.

Sincerely,

William B. Milder
(Name)

Box 510
(Address)

Hayden 83732
(City, State, Zip Code)

cc: David B. Shaw, Adjudication Bureau Chief
Idaho Department of Water Resources
1301 North Orchard Street
Statenhouse Mail
Boise, Idaho 83720-9000

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OCT 11 1994

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



MICROFILMED

JAN 21 1993

NOTICE OF ERROR FORM

AUG-24-1992

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

RECEIVED

SEP 22 1992

Department of Water Resources

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

1. Water right number: 36-00054A

2. Name: MARJORIE J. MILDREN

WALTEN E. MILDREN

Address: Box 510

HAGERMAN, IDAHO 83332

Weekday Telephone Number: 837-4770

RECEIVED

SEP 20 1992

Department of Water Resources

Boise, Idaho 83720-9000

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JAN 21 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes made on the copy.)

3. Describe the portion of proposed recommendation with which you disagree:
We have 14 acres of land and use water to irrigate, home use, livestock water and fish propagation.
4. Describe the changes you wish to have made in the proposed recommendation:
We need the 0.40 cubic feet per second for these purposes.
5. Describe why you disagree with the proposed recommendation:
Needed for irrigation, home use and livestock
How could I have a purposed tree farm, livestock and fish propagation ?
6. Date: Sept. 9, 1992

SIGNATURE

A handwritten signature in dark ink, appearing to read "William E. McGary", is written over a horizontal line. The signature is fluid and cursive.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Oct-1992

WALTEN E MILDREN
BOX 510
HAGERMAN ID 83332

RE: RESPONSE TO NOTICE OF ERROR FOR CLAIM 36-00054A

Dear Mr Mildren

Your original claim was for four acres and a field examination determined that three acres were irrigated, therefore, three acres were recommended. The domestic use, the livestock use, and fish propagation were never a portion of your original claim and based upon Idaho Code we are unable to add uses to a claim.

Your NOE also questions the basis for recommendation of an amount that is less than the amount shown in a previous decree.

Under Idaho law, a water right is limited to the amount of water beneficially used for the purposes for which the water right was established. The amount of water beneficially used is limited to the amount that is actually used and is reasonably required. For irrigation purposes, a reasonable amount is the amount required using irrigation methods that are reasonably efficient under current circumstances. If the amount of a water right shown in a decree is greater than the amount that is beneficially used, then the portion that is not beneficially used is forfeited.

The amount proposed to be recommended for your claim is based on the amount of water determined to be beneficially used for the recommended uses, based on available data and current methods of analysis. To support recommendation of a greater amount, you will need to submit evidence of beneficial use of a greater amount to IDWR.

MICROFILMED
21 1994

MILDREN
PAGE 2
18-Oct-1992

If you still disagree with IDWR's recommendations, you will have an opportunity to file an objection to the Director's Report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process. As part of the objection process, IDWR will work with the claimants to resolve disputed issues, including efforts to obtain additional data which will be shared with the water users.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

MICROFILMED
JAN 21 1993

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED
JAN 21 1981

Water Right Number - R36-00054A

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - - - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
MILDREN

MARJORIE J

1 - PO BOX 510

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4770

MILDREN

WALTEN E

1 - PO BOX 510

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4770

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/26/1881 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
SPRING SNAKE RIVER

+ - - - - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County

07S 13E 2 SE NE SE (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/01

10/31

0.090

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.090 9.0

+ - - - - Place of Use - - - - - +

Twn Rng Sec Tract Lot Acres Code Description County

07S 13E 2 NE SE 3.0 01 IRRIGATION (47) GOODING

Total Acres: 3.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-00051A

+ - - - - Remarks - - - - - +

USE OF THIS RIGHT WITH RIGHT NO. 36-00051A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.12 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 9.0 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 3.0 ACRES IN A SINGLE IRRIGATION SEASON.MICROFILMED
JAN 21 1993

Water right number - R36-00054A

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +

0.03 CFS OF RIGHT NO. 36-00051A IS LIMITED TO USE FOR
CONVEYANCE LOSSES IN DELIVERY OF RIGHT NO. 36-00054A.
RIGHT NO. 36-00054B IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

NEW INTERNATIONAL MORTGAGE BANK

+ - - - - Decree Defendant - - - +

IDAHO POWER COMPANY

+ - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

Date: 01/02/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW

Date: 07/31/1992 User Id: WORSTELL Subject: COPIED FROM REMARKS

THIS PROPERTY WAS SOLD BY JACK MARTIN TO MR. & MRS. MILDREN ON JUNE 1, 1989.

+ - - Audit Fields - - +

07/31/92 WORSTELL

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 07/31/1992	Old Judicial District	-
Claim Received Date	- 07/25/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001083	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED

JUL 1 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:02:28
06/29/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00054 ^A

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	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								
POINT OF DIV	Y			N		4HT 7/30/92		
SOURCE				Y	1,2,5			
PLACE OF USE	Y		7-24-90 SCC/HHT	Y	1,2,5			
DIV. AMOUNT CFS/VOLUME				Y	1,2,4,5			
CONSUMPTIVE USE	-			Y	6. Decree			
PURPOSES				Y				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			Y	6. Stds			
REMARKS	Y			N				
				Y				

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP 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.

See also A36-00051

MICROFILMED
JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:02:28
06/29/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00054

LAST: MILDREN
ADDRESS: P.O. BOX 510
CITY: HAGERMAN
PHONE NUMBER: 208-837-4770

FIRST: MARJORIE J.
STATE: ID ZIP: 83332

OWNER CODE: C

LAST: MILDREN
ADDRESS: P.O. BOX 510
CITY: HAGERMAN
PHONE NUMBER: 208-837-4770

FIRST: WALTON E.
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: THIS PROPERTY WAS SOLD BY JACK MARTIN TO MR. & MRS. MILDREN
ON JUNE 1, 1989.

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JAN 21 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED

JAN 21 1993

A. AJ CLAIM: # A36-00054 PRIORITY DATE: 06-26-1881 STAGE: D
B. WR RECORD: # 36-00054 PRIORITY DATE: 06-26-1881 STAGE: D

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) N N

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

REMARKS:

RECOMMENDED PRIORITY DATE:
06-26-1881

REVIEWED BY

DATE

11-23-90

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JAN 21 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00054	07S	13E	2		NE	SE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-07323 NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-04033
36-07323

SOURCE: SPRINGS

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-00054	07S	13E	2		NE	SE		GOODING
36-00054	07S	13E	2		NW	SE		GOODING
36-00054	07S	13E	2		SE	SE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-04033
36-07323
36-08320
36-00075
36-07089

A36-07323 NONE
A36-10314
A36-04033
A36-10199
A36-10260
A36-07089
A36-00054B
A36-10312
A36-08320
A36-10356
A36-00075

SOURCE: SPRINGS

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER
Y

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JAN 21 1993

REMARKS:

Single spring box found with various sized pipelines being served

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
==	==	Same	SE	==	==	==	==

SOURCE: SPRINGS

TRIB: SNAKE RIVER

REVIEWED BY: SCC DATE: 11-23-90

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JAN 21 1993

A. ROOT WATER RIGHT NUMBERS: A36-00054
A36-00054B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	2	NE	SE		MILDREN, MARJORIE J.	A36-00054 / 4.0	36-00054 /	23.0	3.0	3.0
						LAUGHLIN, CRAIG J.	A36-00051D / 12.0	- /			
						GOSSI, PHILLIP C.	A36-04033 /	36-04033 /			
						DAHLGREN, KATHARYN	A36-10199 /	- /			
						GOSSI, PHILLIP C.	A36-10260 /	- /			
						DAHLGREN, KATHARYN	A36-00051B /	- /			
						DAHLGREN, KATHARYN	A36-00054B / 4.0	- /			
						GOSSI, MARILYN L.	A36-00076A / 1.0	- /			
						LAUGHLIN, CRAIG J.	A36-07089 / 12.0	- /			
						MILDREN, MARJORIE J.	A36-00051 / 4.0	36-00051 /			
						MILDREN, WALTON E.	A36-07323 / 1.0	36-07323 / 1.0			
						LEWELLEN, ROY		36-00076 /			
TOTAL ACRES							A36-00054	4.00	23.00		3.0

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

Y

PRESUMPTION FLAG:

REMARKS:

Acres Not within tolerances. Same acres also irrigated by A36-00051 @ 0.01 cfs/ac.

RECOMMENDATIONS:

TOTAL ACRES: 3.0

REVIEWED BY: SC

DATE: 11-23-90

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JAN 21 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00054 IRRIGATION	FROM 01-01 TO 12-31	.400 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.400 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00054 IRRIGATION	FROM TO	.400 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.400 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(X)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(X) N() Explain in remarks, below.

REMARKS:

3-15 to 11-15

Decree

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JAN 21 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 0.400 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.400 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?

FIELD
DATABASE EXAMINER

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

Y

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: A36-00051, A36-07323

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00054	SPRINGS	MILDREN , MARJORIE J.	0.400	0.100		
A36-00051D	BILLINGSLEY CREEK	LAUGHLIN , CRAIG J.	0.600	0.040		
A36-00054B	SPRINGS	DAHLGREN , KATHARYN	0.050	0.012		
A36-00076A	BILLINGSLEY CREEK	GOSSI , MARILYN L.	0.480	0.048		
A36-07089	SPRINGS	LAUGHLIN , CRAIG J.	0.360	0.024		
A36-00051	BILLINGSLEY CREEK	MILDREN , MARJORIE J.	1.200	0.300		
A36-00051B	BILLINGSLEY CREEK	DAHLGREN , KATHARYN	0.150	0.037	16.10	4.02
A36-07323	SPRING	MILDREN , WALLEN E.	0.060	0.060	4.60	4.60

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-04033	STOCKWATER	GOSSI , PHILLIP C.	FROM 01-01 TO 12-31	.020 CFS	
A36-04033	DOMESTIC	GOSSI , PHILLIP C.	FROM 01-01 TO 12-31	.040 CFS	
A36-10199	DOMESTIC	DAHLGREN , KATHARYN	FROM 01-01 TO 12-31	.040 CFS	
A36-10260	DOMESTIC	GOSSI , PHILLIP C.	FROM 01-01 TO 12-31	.040 CFS	
A36-10260	STOCKWATER	GOSSI , PHILLIP C.	FROM 01-01 TO 12-31	.020 CFS	
A36-00051B	STOCKWATER	DAHLGREN , KATHARYN	FROM 04-01 TO 08-31	.020 CFS	

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JAN 21 1993

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE 0.03
ACRES 3 x 0.02 CFS/ACRE = 0.09 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 12.0 AF/A
ACRES 3 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =
TOTAL CONSUMPTIVE USE 9.0 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A
ACRES 3 x DIVERSION VOL. AF/A FOR AREA 4 =
TOTAL DIVERSION VOLUME 12 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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JAN 21 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	01-01	12-31	~~0.400~~	<u>0.09</u>	~~12.0~~	<u>12.0</u>	~~12.0~~	<u>9.0</u>
TOTAL FOR THIS RIGHT			~~0.400~~				~~12.0~~	

REVIEWED BY:

SCE

DATE:

11-23-90

~~WR proportional rate = $\frac{0.4 \text{ cfs}}{120 \text{ Ac}} = 0.003 \text{ cfs/Ac}$~~

~~* allow 0.03 cfs/Ac since not all lands claimed~~

Add. limited combined Rts =

See attached sheet for Remarks.

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JAN 21 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED
(~~X~~)
()
()
()

NEEDS
REVIEW
()
(~~X~~) *legal review*
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00054

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.400

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-00054	0.400	-		36-00054	0.400
-	A36-00054B	0.050	-		-	
TOTAL CFS		0.450				0.400

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
N
N

REMARKS:

*This is the Split review file for this WR#. Allowed extra cfs in some cases due to unclaimed
Canyon Rims etc. legal review for unclaimed portions.*

AUTHENTICATION:

SIGNATURE: Steve Chell

DATE: 11-23-90

NAME OF FIELD EXAMINER: _____ TITLE: _____

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JAN 21 1993

SYSTEM CLAIM NUMBERS

236 00054A

AGENT

INITIALS

DATE

HAT

KAC

7/30/92

CLAIM NO.
OR ENTRY
ORDER

REMARK

CODE

ENTRY DATA

CONDITION
CODE

STAGE

OR
STATUSPRESUMPTION
CODE

ED9

36-00051A, 0.12^{cf} 9AFA

D04

0.03^{cf}, 36-00051A, 36-00054A

F05

36-00054B

Remove diversion volume

Transfer existing remarks to comments

Check Period of use

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JAN 21 1993

T6S
T7S
JOHN
BELL
DITCH

CONVEYANCE

Hawthorn
15,000
4'

Crown
15,000
4

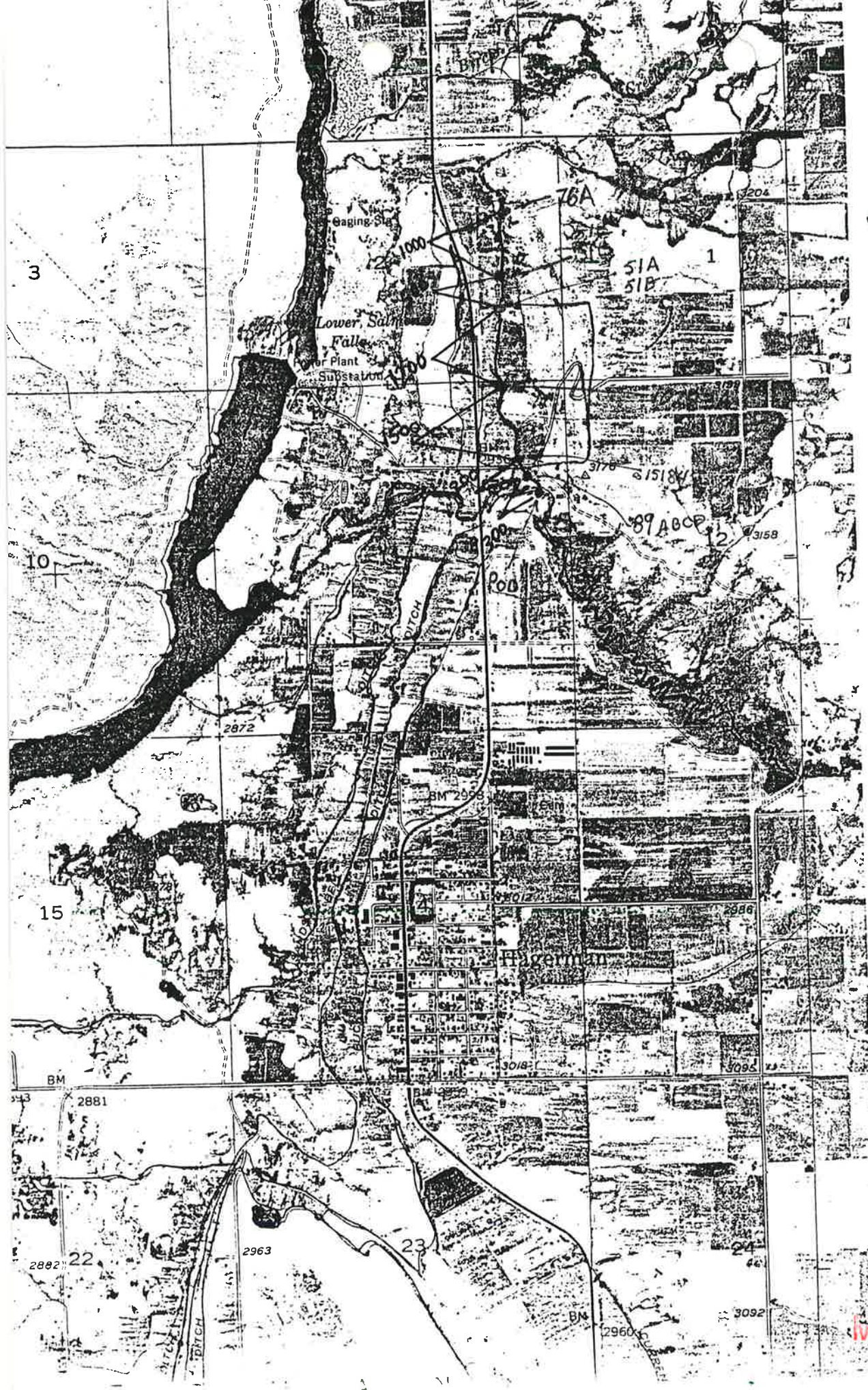
Red Island
19,750
15,000
18

Sands
13,000

Bell
23,000
7

Brucke

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JAN 21 1993



CONVEYANCE LOSS - WORSTELL

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	300	4.0	2.00	0.03	0.12	1.43	0.0212	0.00	1.84 - 87 A, B, C, D
2	200	4.0	2.00	0.02	0.22	1.31	0.0154	0.01	1.69 - 15124
3	1500	4.0	2.00	0.15	0.24	1.09	0.1391	0.04	1.45 - 10243 A
4	1200	3.0	2.00	0.09	0.21	0.85	0.1070	0.06	1.05 - 51 A, B
5	500	3.0	2.00	0.04	0.16	0.64	0.0592	0.05	0.75 - 51 E, C
6	1000	3.0	2.00	0.08	0.48	0.48	0.1579	0.24	0.56 - 76 A
7	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	
8				0.00		0.00	0.0000	0.00	
9				0.00		0.00	0.0000	0.00	
10				0.00		0.00	0.0000	0.00	
11				0.00		0.00	0.0000	0.00	
12				0.00		0.00	0.0000	0.00	
13				0.00		0.00	0.0000	0.00	
14				0.00		0.00	0.0000	0.00	
15				0.00		0.00	0.0000	0.00	
16				0.00		0.00	0.0000	0.00	
17				0.00		0.00	0.0000	0.00	
18				0.00		0.00	0.0000	0.00	
19				0.00		0.00	0.0000	0.00	
20				0.00		0.00	0.0000	0.00	
TOTALS	4700			0.41	1.43			0.41	

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE WIDTH = AVERAGE TOP WIDTH OF REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

JOHN BELL

DITCH

7-29-92

SCC

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JAN 21 1993