

Saxton, Craig

From: Saxton, Craig
Sent: Monday, February 01, 2010 11:32 AM
To: Ridgeway, Renea
Cc: Bromley, Chris
Subject: SF5 ready: 67-10191 v2 rec.docx
Attachments: 67-10191 v2 rec.docx

Hey Renea,

We have a hearing scheduled on 2-23-2010 for this subcase (67-10191). I met with the claimant this morning and came to an agreement. It is ready for SF5 circulation if at all possible.

Let me know if you need anything else from me.

Thanks,
c

02/01/2010

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

RIGHT NUMBER: 67-10191

NAME AND ADDRESS: MARILYN M HOLLON
3127 US HWY 95
CAMBRIDGE ID 83610

RICHARD HOLLON
3127 US HWY 95
CAMBRIDGE ID 83610

SOURCE: LITTLE WEISER RIVER **TRIBUTARY:** WEISER RIVER

QUANTITY: 1.400 CFS
~~1.030 CFS~~

This right when combined with all other rights shall provide no more than .02 cfs per acre.

PRIORITY DATE: 05/04/1940

POINT OF DIVERSION:

T14N R02W S1 NESW Within ADAMS County

**PURPOSE AND
PERIOD OF USE:**

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 10/31	<u>1.400 CFS</u> 1.030 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R02W S17	SWNW	<u>24.00</u>	17.0
T14N R02W S17	SENEW	<u>34.00</u>	27.0
T14N R02W S17	NESW	<u>12.00</u>	6.0
T14N R02W S17	NESW	11.5	

70.0 ACRES TOTAL
~~51.5 ACRES TOTAL~~

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Little Weiser Irrigation District.



Idaho Department of Water Resources

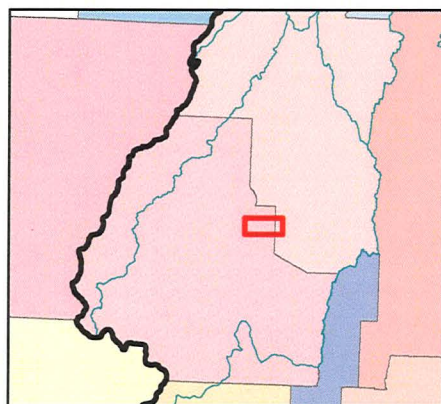
Adjudication Recommendation

67-10191

(IRRIGATION)

Legend

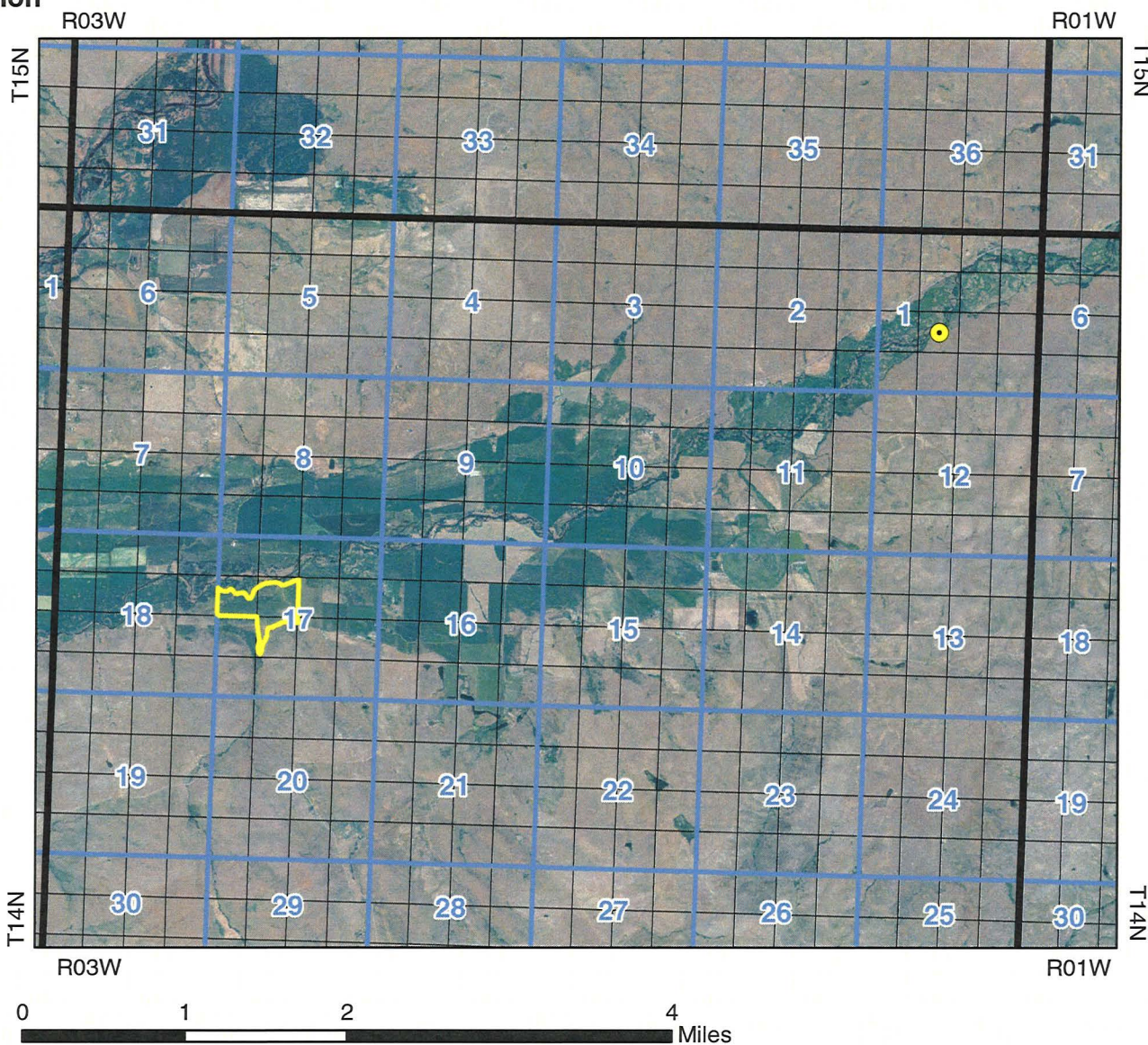
-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67

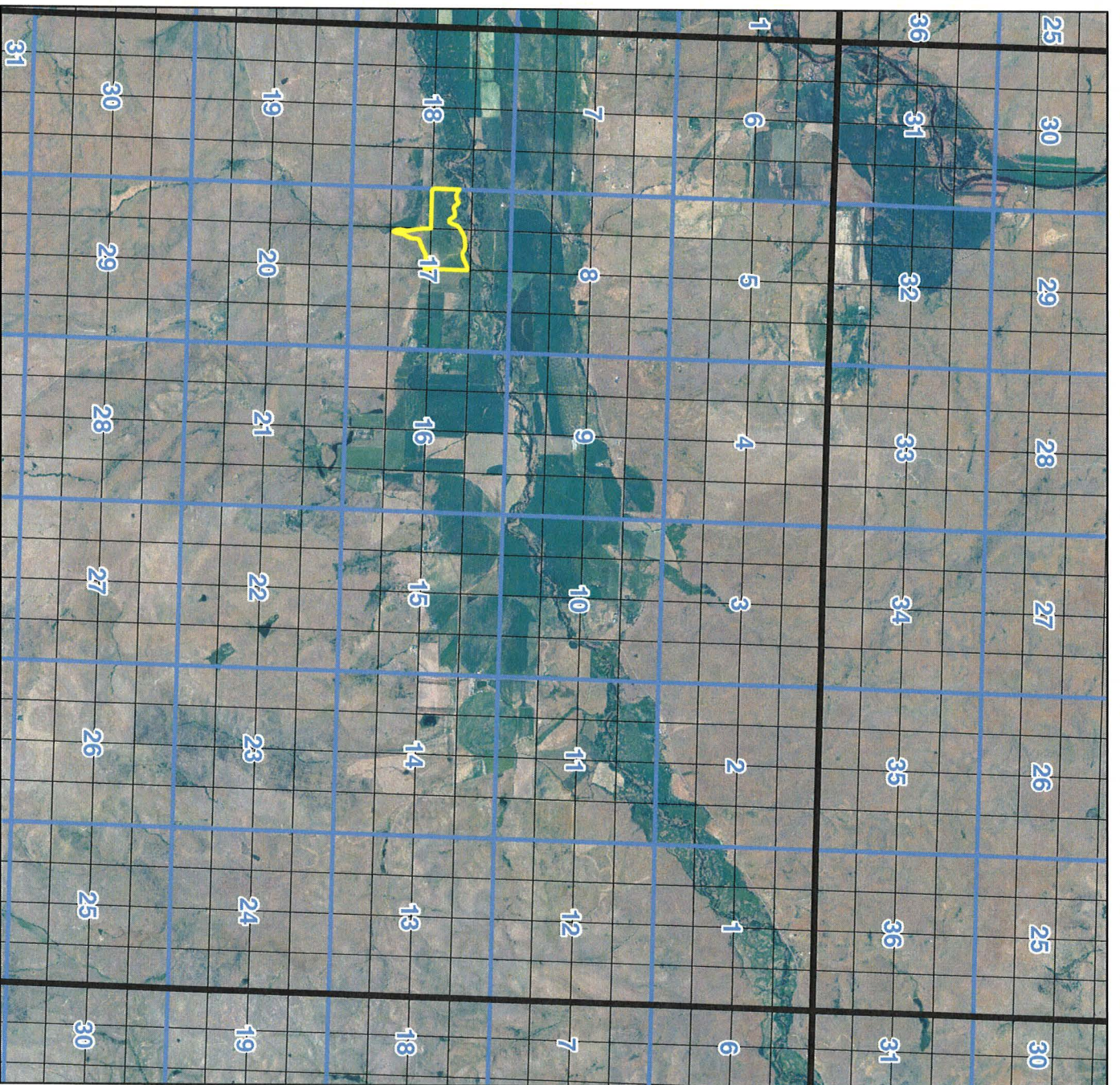
Prepared by Craig Saxton

2004 Aerial Photography





67-10191





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 9, 2009

CLAY HOLLON
3127 HWY 95
CAMBRIDGE ID 83610

RE: Place of use question for 67-10191

Dear Mr. Hollon,

Per our conversation, I am enclosing several maps that show the place of use claimed under water right 67-10191.

Pick one or more of the enclose maps and please draw in the irrigated place of use as it should look. In addition, please draw in any ditches that would show how water is delivered to the place of use.

Please return the map(s) to me in the enclosed postage paid envelope.

Feel free to give me a call if you have any questions.

Sincerely,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

Enclosure(s)

Saxton, Craig

From: Saxton, Craig
Sent: Thursday, June 11, 2009 8:05 AM
To: Special Master Booth
Subject: McKee Brothers (67-464 & 67-10622) vs. Hollon (67-10191)
Attachments: Hollon vs McKee Bros.jpg

Good Morning Ted,

I do not see any reason the McKee Brothers rights couldn't move forward. 67-10191 (Hollon) was identified as an uncontested overlap probably because 1.5 acres of the POU for 67-10191 was recommended in the same QQ (NWSW) as 67-464 and 67-10622 (McKee). However, as shown in the attached JPG, 67-10191 does not actually overlap the POU for 67-464 and 67-10622.

In addition, I looked through Hollon's Motion to Alter or Amend and do have some thoughts on the subject that I would be happy to share with you if appropriate.

Let me know if there is any other information I can provide.

Thanks,

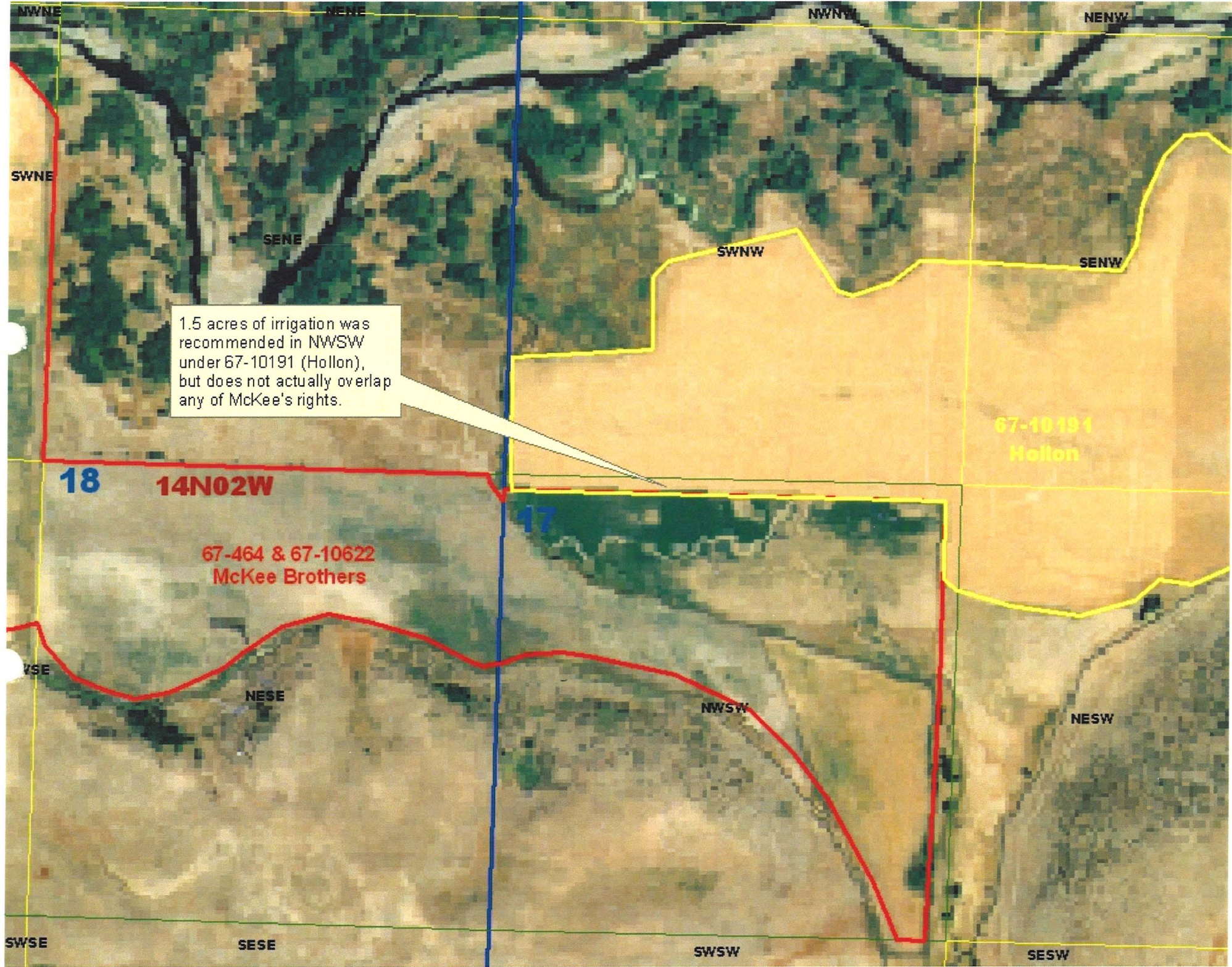
Craig

9-4-09: I don't see Evidence
to Change POU to
Reflect 80 ac.

- Because Claimant uses
Lost Valley Shares, Can
Rec Claimed Priority date.
- Could adjust POU
to some Degree.

C. Saxton

5-27-09



1.5 acres of irrigation was recommended in NWSW under 67-10191 (Hollon), but does not actually overlap any of McKee's rights.

67-10191
Hollon

14N02W

67-464 & 67-10622
McKee Brothers

18

17

RECEIVED

MAY 28 2009

DEPARTMENT OF
WATER RESOURCES

cc: W.A.

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

Subcase 67-10191
(Insert water right number)

DOMESTIC AND
STOCK WATER RIGHT
OBJECTION

46-49 P.D.

Records
up dated
NCA P
PMP
5-28-09

Treat this
as change of
Address.
BQ

Please fill in the following information:

B NAME AND ADDRESS OF PERSON OBJECTING

Name: Richard and Marilyn Holton
Address: 3127 US HWY 95
Cambridge Idaho 83610
Daytime Phone: 1-208-257-3400

Name & Address of Attorney, if any:

Trent Nelson
1284 W. Flint Meadow Dr. Suite D
Kaysville Ut. 84037

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

Name: Same
Address: _____

DISTRICT COURT - SRBA
 Fifth Judicial District
 County of Twin Falls - State of Idaho

MAY 22 2009

By _____ Clerk
 _____ Deputy Clerk

**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)

Subcase 67-10191
 (Insert water right number)

Case No. 39576)

**DOMESTIC AND
 STOCK WATER RIGHT
 OBJECTION**

Please fill in the following information:

NAME AND ADDRESS OF PERSON OBJECTING

Name: Richard and Marilyn Hollon
 Address: 3127 US HWY 95
Cambridge Idaho 83610
 Daytime Phone: 1-208-257-3400

Name & Address of Attorney, if any:

Trent Nelson
1284 W. Flint Meadow Dr. Suite D
Kaysville Ut. 84037

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Same
 Address: _____

☒ I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: 80 acres
4. ☒ Priority Date
Should be: June 21 1921
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☒ Place of Use
Should be: 80 acres

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

☒ REASONS SUPPORTING OBJECTION(S): We strenuously

object to your proposal to take away our water rights. Our water is essential for the successful operation of our ranch and the cultivation of our crops. You would be placing a great hardship on us and our family operation! as far as we know we have never been notified that our water rights were in jeopardy in any way.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.

County of Washington

Richard & Marilyn Hollon, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

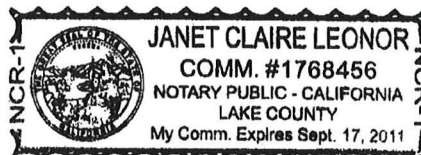
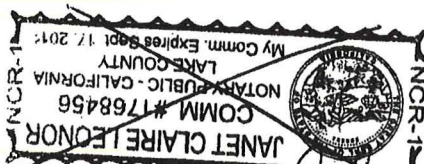
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Richard Hollon Marilyn Hollon
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 20 May 2009

Janet Claire Leonor
Notary Public for California State Lake County
Residing at: 16157 16th Ave
My Commission Expires: Sept 17, 2011



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.



CERTIFICATE OF MAILING

I certify that on May 20, 1992009, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name:

Address:

Richard & Marilyn Holton

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Richard Holton Marilyn Holton
Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED

APR 21 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
APR 20 2009
By _____ Clerk
Deputy Clerk

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 67-10191

I. FINDINGS OF FACT

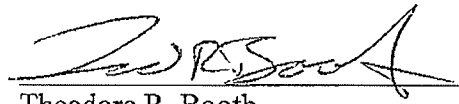
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

On August 17, 2007, the claimant of the water right 67-10622, McKee Brothers, Inc., filed an objection to the *Director's Report* for that right, asserting that the right should not be disallowed. Water right 67-10191 identified as uncontested overlapping right. On April 18, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in subcase 67-10622, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 67-10191 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

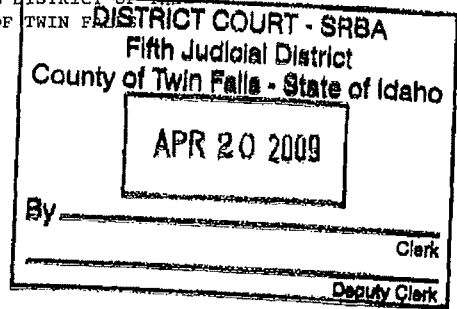
Dated April 20, 2009


Theodore R. Booth
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL
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 67-10191



NAME AND ADDRESS: MARILYN HOLLON
RICHARD HOLLON
PO BOX 51
CLEARLAKE PARK, CA 95424

SOURCE: LITTLE WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 1.03 CFS

This right when combined with all other rights shall provide no
more than .02 cfs per acre.

PRIORITY DATE: 05/04/1940

POINT OF DIVERSION: T14N R02W S01 NESW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	1.03 CFS

PLACE OF USE:	Irrigation	Within Washington County
	T14N R02W S17	SNNW 17.0 SENW 27.0 NESW 6.0 NWSW 1.5
	51.5 Acres Total	

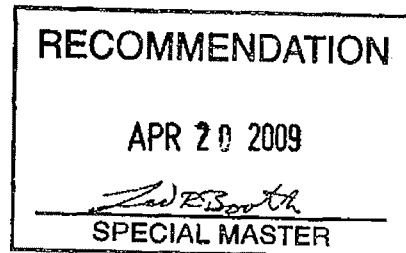
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

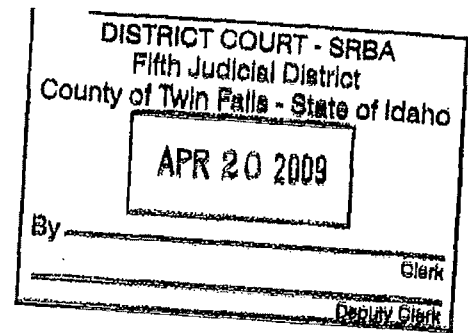
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

John M. Melanson
Presiding Judge of the
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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

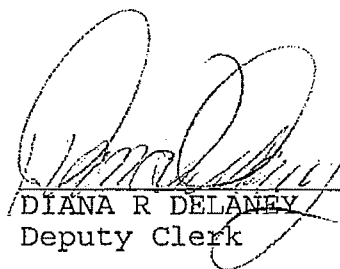
Water Right(s): 67-10191

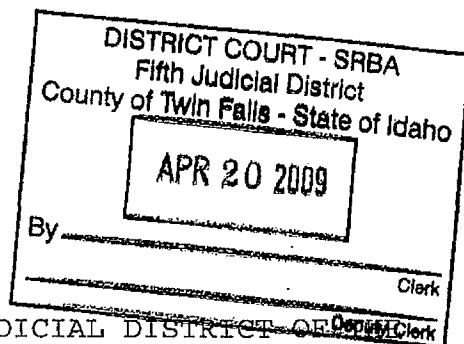
On April 20, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED April 20, 2009.


DIANA R DELANEY
Deputy Clerk



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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

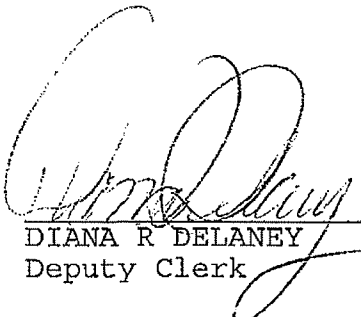
Water Right(s): 67-10191

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 April 20, 2009, with sufficient first-class postage prepaid to the following:

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

MARILYN HOLLON
RICHARD HOLLON
PO BOX 51
CLEARLAKE PARK, CA 95424



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
04/20/09

11/14/2006

RECEIVED

DEC 22 2006

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-10191

MARILYN HOLLON
PO BOX 51
CLEARLAKE PARK CA 95424

RICHARD HOLLON
PO BOX 51
CLEARLAKE PARK CA 95424

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

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

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

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

DATE: 12-1-2006

SIGNATURE:

Richard Hollon

Please print your name:

RICHARD HOLLON

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

DEC 22 2006

12/04/2006

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

RIGHT NUMBER: 67-10191

NAME AND ADDRESS: MARILYN HOLLON
PO BOX 51
CLEARLAKE PARK CA 95424

RICHARD HOLLON
PO BOX 51
CLEARLAKE PARK CA 95424

SOURCE: LITTLE WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 1.030 CFS

This right when combined with all other rights shall provide no more than .02
cfs per acre.

PRIORITY DATE: 05/04/1940

POINT OF DIVERSION:

T14N R02W S1 NESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	1.030 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R02W S17	SWNW	17.00	T14N R02W S17	SENW	27.00
T14N R02W S17	NESW	6.00	T14N R02W S17	NWSW	1.50

51.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

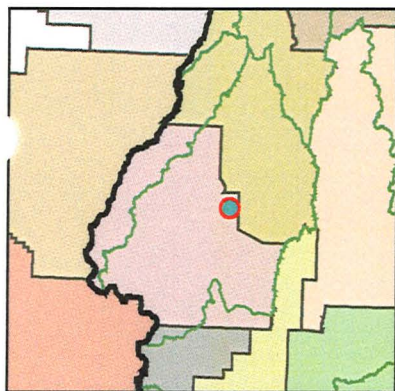
SRBA Recommendation:

67-10191

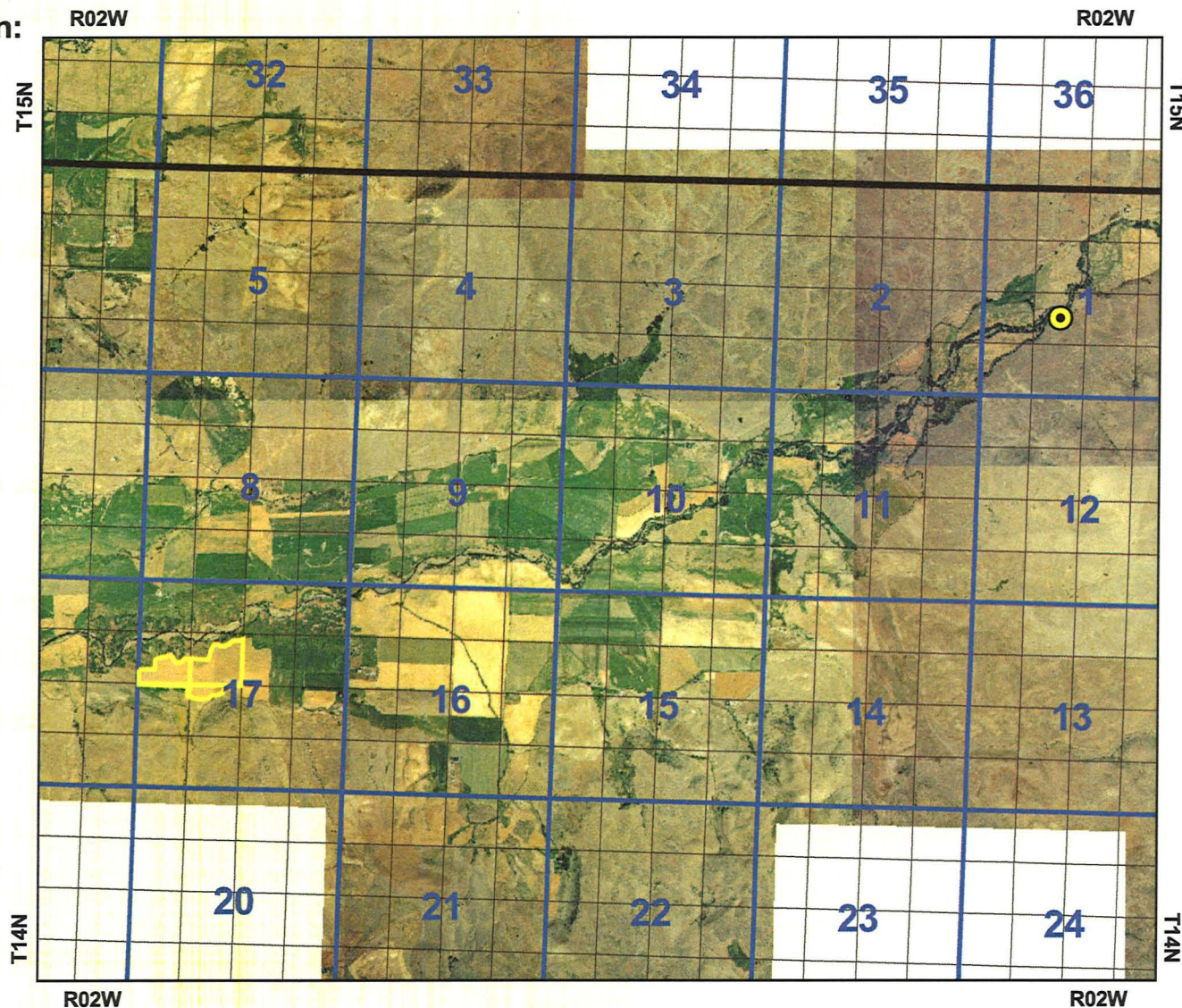
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



0 2 4 Miles

Prepared by L. Graves
On Monday, December 4, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-10191

WATER RIGHT NUMBER: 67-10191

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARILYN HOLLON PO BOX 51 CLEARLAKE PARK, CA 95424
Current Owner	RICHARD HOLLON PO BOX 51 CLEARLAKE PARK, CA 95424
Original Owner	W X RANCH C/O MAUDE WOOD 3105 HWY 95 CAMBRIDGE, ID 83610 (208)257-3812

Priority Date: 06/21/1921

Basis: Beneficial Use

Status: Active

Source

LITTLE WEISER RIVER

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

10/31

Total Diversion:

Diversion Rate

4.600 CFS

4.600 CFS

1.03

Annual VolumeLocation of Point(s) of Diversion

LITTLE WEISER RIVER

ADAMS County

NE1/4SW1/4

Sec. 1, Twp 14N, Rge 02W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
14N	02W	17	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
									-30.0	-40.0	10.0								80.0
									17	27	6	1.5							51.5

Total Acres: 80

Conditions of Approval:

1.

WATER DELIVERED THROUGH THE SCHWENKFELDER DITCH AND THE GLADHART
EXTENSION DITCH.
ADDRESS CHANGED PER CLAIMANT REQUEST. DB 8/30/99

Remarks:

add E62 - limited to 1" when combined

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10191 V1

WATER RIGHT NUMBER: 67-10191 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARILYN HOLLON PO BOX 51 CLEARLAKE PARK, CA 95424
Current Owner	RICHARD HOLLON PO BOX 51 CLEARLAKE PARK, CA 95424
Original Owner	W X RANCH C/O MAUDE WOOD 3105 HWY 95 CAMBRIDGE, ID 83610 (208)257-3812

Priority Date: 05/04/1940

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	1.030 CFS	
	<u>Total Diversion:</u>	1.030 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER	NE1/4SW1/4	Sec. 1, Twp 14N, Rge 02W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	02W	17							17.0	27.0	6.0	1.5							51.5

Total Acres: 51.5

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E62 This right when combined with all other rights shall provide no more than .02 cfs per acre.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10191 V1

Comments:

1. Igraves 12/4/2006 Overlaps

Comment: Storage water from Little Weiser Irrigation District is also used on the same acres. The original claimant is also listed on the Lost Valley Reservoir Co. shareholders list as having 150 class A shares from parent right 67-81, however, not sure how that water is delivered to the property.

2. Igraves 12/4/2006 Priority

Comment: Proof of priority was not submitted. Because the recommended acres were found irrigated during the 5/3/1940 licensing field exam for Little Weiser Irrigation District license 67-2385, we know the irrigation system was in place and can recommend 5/4/1940 as the priority date rather than disallowing the claim.

3. Igraves 12/4/2006 Parcel No.

Comment: Irrigation is within Parcel No. RP14N02W172400.

4. Igraves 12/4/2006 Ditch Capacity

Comment: According to watermaster records on file with the department, Schwenkfelder Ditch has the capacity for 52.36 cfs, which exceeds the existing/claimed water rights that use the ditch, including this claim (per Craig Saxton).

5. Igraves 12/4/2006 P/D

Comment: Claim states that the water is delivered through the Schwenkfelder Ditch and the Gladhart Extension Ditch.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

11/14/2006

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

RIGHT NUMBER: 67-10191

NAME AND ADDRESS: MARILYN HOLLON
PO BOX 51
CLEARLAKE PARK CA 95424

RICHARD HOLLON
PO BOX 51
CLEARLAKE PARK CA 95424

SOURCE: LITTLE WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 06/21/1921

POINT OF DIVERSION:
T14N R02W S1 NESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	3/15 11/15	1.600 CFS
PLACE OF USE:	<u>IRRIGATION in WASHINGTON County</u>		
	T14N R02W S17 SWNW 30.00	T14N R02W S17 SENW	40.00
	T14N R02W S17 NESW 10.00		
	80 ACRES TOTAL		

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

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

WATER DELIVERED THROUGH THE SCHWENKFELDER DITCH AND THE GLADHART EXTENSION DITCH.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CONVERSATIONAL MEMORANDUM

Date: September 12, 2005

To: File 67-10191

From: Craig L. Saxton

Subject: Evidence of priority

Received a message from Richard Hollon (707-994-1822) regarding EOP. Called back and spoke with his wife. They wanted an extension on the deadline as they were out of town. I told them no problem, just get it to me ASAP.

With further review, I found that this claim, claims the exact same POU as 67-2385 (Little Weiser Irrigation District). I called back and spoke with Richard and asked if he paid shares to them. He said he didn't know, they just bought the property in April. He told me to call their son, Clay Hollon (257-3400) as he ran the place. I called Clay and left a message to have him call me back.

It looks to me like this is a competing claim with 67-2385 and will be disallowed.

September 13, 2005:

Spoke with Clay Horton this morning (7:30 am) and he feels that the water use out of the Little Weiser River is not only company water but a privately held water right. He is going to look into it and get back to me. They also use Lost Valley Reservoir and Ben Ross Reservoir water shares.

Later that Morning:

Clay called back again and said that he spoke with someone on the board of Little Weiser Irrigation district and that they are claiming that they own all the water delivered from the Little Weiser. I told Clay that it really sounds like Little Weiser Irrigation owns the water right and his fathers claim is a duplicate claim. That at this time, I plan to disallow the claim as it will be recommended under Little Weiser Irrigation district. He agreed reluctantly and will continue to look into it and call me back if he finds other information.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

August 30, 1999

DIRK KEMPTHORNE
GOVERNOR

Re: Notice of Claim to a Water Right No. A67-10191

KARL J. DREHER
DIRECTOR

W X RANCH
3105 HWY 95
CAMBRIDGE ID 83610

Dear Claimants:

Enclosed is a copy of the above referenced claim which reflects the change address.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'Denise Buffington'.

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:db

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-10191

WATER RIGHT NUMBER: 67-10191

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARILYN M HOLLON 3127 US HWY 95 CAMBRIDGE, ID 83610 (208)257-3400
Current Owner	RICHARD HOLLON 3127 US HWY 95 CAMBRIDGE, ID 83610 (208)257-3400
Original Owner	W X RANCH C/O MAUDE WOOD 3105 HWY 95 CAMBRIDGE, ID 83610 (208)257-3812

Priority Date: 06/21/1921

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.600 CFS	
<u>Total Diversion:</u>		1.600 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER	NE1/4SW1/4	Sec. 1, Twp 14N, Rge 02W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	02W	17							30.0	40.0	10.0								80.0

Total Acres: 80

Conditions of Approval:

1. WATER DELIVERED THROUGH THE SCHWENKFELDER DITCH AND THE GLADHART EXTENSION DITCH.
ADDRESS CHANGED PER CLAIMANT REQUEST. DB 8/30/99

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-10191

Comments:

1. csaxton 12/4/2006 POD
Comment: Correlated PODID 174756 from SpatialDataID 373016 to SpatialDataID 47812
2. csaxton 12/4/2006 POD
Comment: Correlated PODID 174756 from SpatialDataID 373016 to SpatialDataID 47812

Dates and Other Information:

Claim Received Date: 9/14/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

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: **A67-10191**
Date Received: 9/14/1989
Receipt No: W005944
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: W X RANCH 208-257-3461
Address: 3105 HWY 95
CAMBRIDGE ID 83610

2. Date of Priority: JUN 21, 1921

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	02W	1	NE	SW			ADAMS

5. Description of diverting works:
HEADGATE FOR SCHWENKFELDER DITCH, GRAVITY FLOW, FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATERING.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	02W	17	SW	NW		IRR	30.0
			SE	NW		IRR	40.0
			NE	SW		IRR	10.0

**SCANNED
APR 08 2004**

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	80.0
					Total Acres	80.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
C. BEN ROSS RES. RTS.

14. Remarks:
WATER DELIVERED THROUGH THE SCHWENKFELDER DITCH AND THE GLADHART
EXTENSION DITCH.
ADDRESS CHANGED PER CLAIMANT REQUEST. DB 8/30/99

15. Basis of Claim: BENEFICIAL USE

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED

AUG 30 1999

WATER RESOURCES
WESTERN REGION

[] Water Right Number(s):

A67-10191

[] Claimant Name(s):

WX Ranch

[] Old Mailing Address:

HC 68, Box 2050
Cambridge ID 83610

[] New Mailing Address:

3105 Hwy 95
Cambridge ID 83610

Telephone Number:

(208) 257-3461

[] Signature of Claimant(s):

X *Ferry Anderson*

Date:

8-30-99

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: A67-10191
Date Received: 9/14/1989
Receipt No: 4005944(8/30)
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: W. X. RANCH 208-257-3461
Address: HC 68, BOX 2050
CAMBRIDGE, ID 83610

2. Date of Priority: JUN 21, 1921

3. Source: LITTLE WEISER RIVER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	02W	1		NE	SW		ADAMS

5. Description of diverting works:
HEADGATE FOR SCHWENKFELDER DITCH, GRAVITY FLOW, FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATERING.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	02W	17	SW	NW		IRR	30.0
			SE	NW		IRR	40.0
			NE	SW		IRR	10.0
						Section Acres	80.0

A67-10191

Page 1

Date: 09/14/89

MICROFILMED
OCT 05 1992

10. Place of Use: Continued

Total Acres 80.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
C. BEN ROSS RES. RTS.

14. Remarks:
WATER DELIVERED THROUGH THE SCHWENKFELDER DITCH AND THE GLADHART
EXTENSION DITCH.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
OCT 05 1992

16. Signature(s)

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

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am A PARTNER of
WX RANCH Title
Organization, that I have signed the foregoing
document in the space below as A PARTNER of
WX RANCH Title
Organization and that the statements contained in the
foregoing document are true and correct.

Terry Anderson
Signature of Authorized Agent
PARTNER, WX RANCH
Title and Organization
9-14-89
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of September 19 89

Jan Thurtell
Notary Public

Seal

Residing at Meridian ID
My Commission Expires 9-14-94



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 4, 2005

RICHARD AND MARILYN HOLLON
PO BOX 51
CLEARLAKE PARK CA 95424

RE: Snake River Basin Adjudication (SRBA)
**Notice of Change in Water Right Ownership #67-491, 67-10191 and
67-14238**

Dear Mr. and Mrs. Hollon:

Enclosed are copies of Notices of Claim #67-491 and 67-10191. Thank you for your patience.

We did not change Notice of Claim #67-14238 because the legal description for the place of use for this claim (T14N R2W Sec. 30, NWSW) was not among the lands included in this sale.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claims. Please call me at 1/800-451-4129 if you have any questions or concerns.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosures:

Copies of Notices of Claim #67-491 and 67-10191