

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: A36-07323
Date Received: 7/25/1988
Receipt No: S001083
Received By: *[Signature]*

JUN 27 1989

Department of Water Resources

Southern Region Office

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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

AND/OR

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

2. Date of Priority: MAR 27, 1973

3. Source: SPRING 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	03/15	11/15	0.020		4.00
DOMESTIC	01/01	12/31	0.040		0.60

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 4.60 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE

A36-07323

Page 1

Date: 06/15/89

MICROFILMED

FEB 03 1994

MICROFILMED

OCT 19 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	2	NE	SE		DOMEST IRR	1.0
						Section Acres	1.0
						Total Acres	1.0

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, A36-00054

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

15. Basis of Claim: LICENSE

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 M. May* Date: 6-20-89
Mary Jane J. Swick 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

C. J. [Signature]
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
Number A 36-00051; Water Right A 36-00054 for .4
16 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.



Hepworth,
Jungster,
& Lezamiz

WARRANTY DEED - 2

MICROFILMED
MICROFILMED
FEB 03 1993
OCT 19 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)

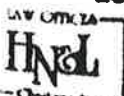
10 On this 1st day of June, 1989, before
11 me, the undersigned, a Notary Public in and for said County
12 and State, personally appeared JACK M. MARTIN and LILLIAS P.
13 MARTIN, husband and wife, known to me to be the persons whose
14 names are subscribed to the foregoing instrument, and
15 acknowledged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



Hepworth,
Yungster,
& Lutz

WARRANTY DEED - 3

136861
JUL 2 1989
FEB 03 1993
MICROFILMED
FEB 03 1993

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 19 1994

N.C.A.

S.C.

OCT 19 1994

MICROFILMED

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

THIRD SUPPLEMENTAL NOTICE OF APPEARANCE - 1

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

3
4 Mavencamp, John V. A36-00189A
Mavencamp, John V. A36-10766
5 Zabala, Ignacio Nick A36-08320

6 Dated this 1 day of March, 1993.

7 HEPWORTH, NUNGESTER & LEZAMIZ,
8 CHARTERED

9 By 
Patrick D. Brown
Attorneys for Respondents

10 CERTIFICATE OF MAILING

11 The undersigned, a resident attorney of the State of
12 Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin
13 Falls, Idaho 83303, and one of the attorneys for the respondents
14 in this matter, certifies that he caused to be mailed a copy of the
15 above and foregoing THIRD SUPPLEMENTAL NOTICE OF APPEARANCE on the
16 1 day of March, 1993, to:

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

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

1
2 The United States Department of Justice (1)
3 Environment and Natural Resources Division
4 550 West Fort Street, Box 33
5 Boise, ID 83734

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Patrick D. Brown

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: A36-07323
Date Received: 7/25/1988
Receipt No: S001083
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK M. MARTIN 208-837-4594
Address: P.O. BOX 28
HAGERMAN, ID 83332

2. Date of Priority: MAR 27, 1973

3. Source: SPRING 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	03/15	11/15	0.020		4.00
DOMESTIC	01/01	12/31	0.040		0.60

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 4.60 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	2	NE	SE		DOMEST IRR	1.0
Section Acres							1.0

A36-07323

Page 1

Date: 07/25/88

MICROFILMED
MICROFILMED
OCT 12 1994 MS.
FEB 03, 1993

Total Acres 1.0

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

14. Remarks:

15. Basis of Claim: LICENSE

(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 Don White
Notary Public

Seal

Residing at T.F

My Commission Expires 5/95

MICROFILMED

FEB 03 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

JAN 10 2002

December 21, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JACK M MARTIN
LILLIAS P MARTIN
1024 GRIDLEY DR
HAGERMAN ID 83332

Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Water Right(s) #2-218, ~~36-55W, 36-8852~~
Change of Address

36-55AG, 36-7323

Dear Water Right Holders:

updated records 1/10/02.40

RECEIVED

JAN 28 2002

Department of Water Resources
Southern Region

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 7862
Technical Records Specialist
Adjudication Bureau

SS:region

#####

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

Jack M Martin
Claimant Signature

208-837-6301
Telephone No.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

December 21, 2001

KARL J. DREHER
Director

JACK M MARTIN
LILLIAS P MARTIN
1024 GRIDLEY DR
HAGERMAN ID 83332

Re: Snake River Basin Adjudication (SRBA)
Water Right(s) #2-218, 36-55W, 36-8652
Change of Address *ok*

36-55AG 36-7323 WR

Dear Water Right Holders:

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.

Claimant Signature

Telephone No.

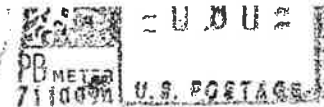
*12-28-01 Realtor Cliff
Jensen called
4 Jack Martin.
FAX @ 2-218 to
him.*

garcia

Valley View Estates

ADDRESS SERVICE
REQUESTED

NOV 23 '01



☐ INSUFFICIENT ADDRESS
☐ NO SUCH NUMBER
☐ UNCLAIMED ☐ REFUSED
☐ ATTEMPTED NOT KNOWN
☐ NO SUCH STREET
☐ NO NAME
☒ NO RECEIPTABLE
☐ DELIVERABLE AS
RETURNED TO SENDER
DATE _____
REASON _____

36-55W

36-55AG
2-218

house this label
405

1024 Gridley Drive

MARTIN, JACK M
PO BOX 28
HAGERMAN ID 83332

Lillas P.

CID 3/0755 WR 36-8652 & pe
3/0756 WC, AS 2-218 et al
3/0757 aj 36-55AF orig owner
3/0758 aj 36-55AG Disallowed

3/0759
WR 36-7323
Not Recomm Current Owner

Right 17 35088

Don Sheet
Reed Str.

4449
33711-4449

ADDRESS SERVICE
REQUESTED

NOV 23 01
PB METER
711000 U.S. POSTAGE

RETURNED TO SENDER

☐ INSUFFICIENT ADDRESS
☐ NO SUCH NUMBER
☐ UNCLAIMED ☐ REFUSED
☐ ATTEMPTED NOT KNOWN
☐ NO SUCH STREET
☐ VACANT
☐ NO RECEPTACLE
☒ NOT DELIVERABLE AS
ADDRESSED - UNABLE
TO FORWARD
ROUTE NO. _____ DATE _____
GARR/INITIALS _____

36-55AG
2-218

P.D. dis.
rec.

source for
div 5 label

1024 Gridley Dr

MARTIN, LILLIAS P
1012 GRIDLEY DR
HAGERMAN ID 83332

Jack M.
needs ltr.

on list

CID 289437
aj. 2-218
36-55W
Dir Rpt only

CID 289438
aj. 36-55AF
Dir g owner



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

December 21, 2001

KARL J. DREHER
DIRECTOR

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

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

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

RETURN TO SENDER

fee due 60¢

U.S. POSTAL SERVICE
PS FORM 3547

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

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]
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
4.0 AFY
0.04 CFS
0.6 AFY

DOMESTIC 1 HOME

01-01 12-31

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, A36-00054A, 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 Matscha 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 PO 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

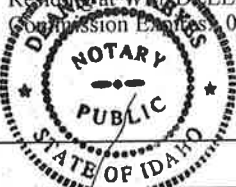
: ss

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.

Deanna M. H. Reyes
 Notary Public of Idaho
 Residing at 1111 W. 1st St., 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.

COPY

1999 AUG 13 PM 2:35

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

IN 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 ☒ No

If 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

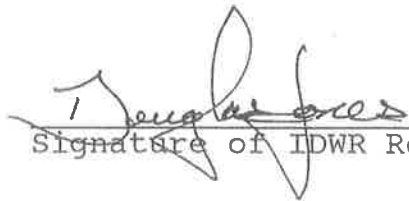
To (Claimant/Purchaser):

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

CC-1

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

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: 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. 36-000548 & 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
	DOMESTIC 1 HOME	01-01 12-31	4.0 AFY
			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. R36-07323

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	03/27/1973	IRRIGATION	03-15 11-15	0.020 CFS	4.00 AFA
C	MARSHA A MORELLO PO BOX 777 HAGERMAN ID 83332 (208) 837-4403		DOMESTIC	01-01 12-31	0.040 CFS	0.60 AFA
TOTAL DIVERSION:					0.060 CFS	4.60 AFA

D WALTEN E MILDREN
D MARJORIE J MILDREN
PO BOX 5715
SUN CITY WEST AZ 85376

Water Source: SPRING

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:

T07S R13E S02

SENESE

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
07S	13E	2	:					:					:					:	01				:	1.0
TOTAL ACRES																							1.0	

Place of use Legal Description for: DOMESTIC

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

POU County: GOODING

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N10 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N12 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
- NOT EXCEED 13,000 GALLONS PER DAY.

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): 36073 23
36000 51A
36000 54A
- ☐ 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 Shear, Jr
- Date: August 4, 1999

FOR IDWR USE ONLY
Initial Review and Data Entry
Date: 8/4/99 By: see
Further Action Needed:
NCAAP to SRBA 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) 488-6102

*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.

30/11 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.

Steve Chelland

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.

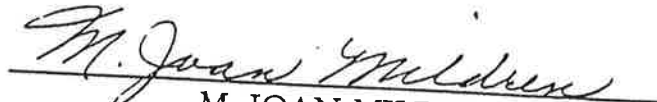
Assessments of any local irrigation district.

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:

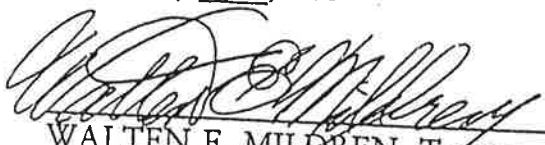
All reservations in patents or deeds in the chain of title.

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

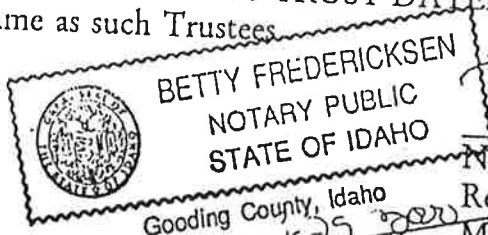

M. JOAN MILDREN, Trustee

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



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, 1998 600
By Denny 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

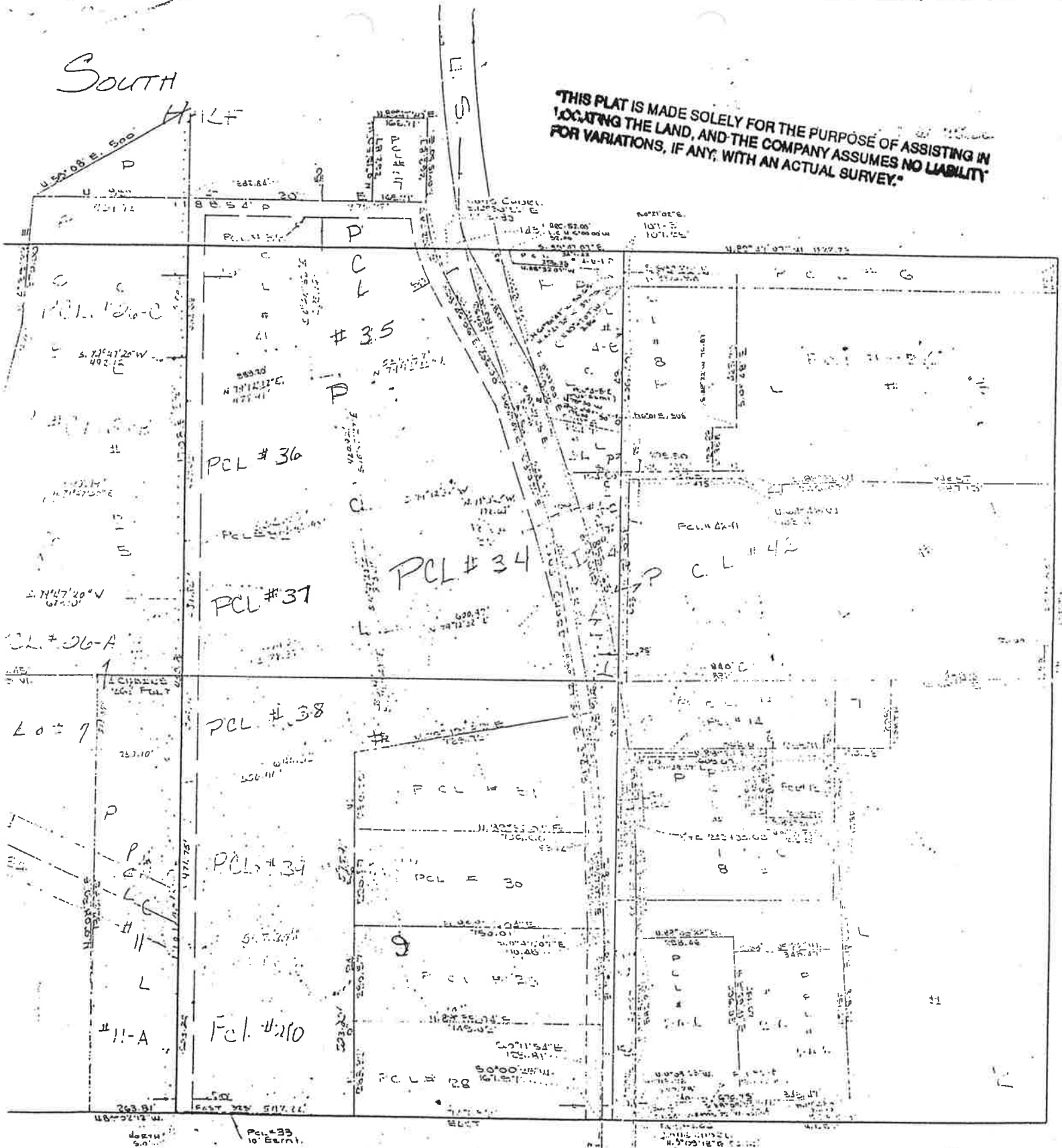
An existing road right-of-way for ingress and egress along the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ and running a distance of approximately 625 feet North from the Southwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ and also a road right-of-way 25 feet in width and running parallel 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: JEFF WARR

TOTAL PAGES SENT: 3

(including cover sheet)

DOCUMENT DESCRIPTION:

SFS for MILDREN

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: Steve Clelland

COMMENTS: _____

05/14 14:16
97358820
00:01:07
04
OK
STANDARD
ECM

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

TIME : 05/14/1998 14:18
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT

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

DATE: MAY-14-1998

PAGE: A-1

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-07323

NAME AND ADDRESS: WALTEN E MILDREN
MARJORIE J MILDREN
PO BOX 510
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
	<u>IRRIGATION</u>	<u>03-15 11-15</u>	<u>0.02 CFS</u>
			<u>4.0 AFY</u>
	<u>DOMESTIC 1 HOME</u>	<u>01-01 12-31</u>	<u>0.04 CFS</u>
			<u>0.6 AFY</u>

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S02 NESE 1
1 ACRES TOTAL
0 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

See
NBS

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 36-07323
(Insert Water Right Number)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

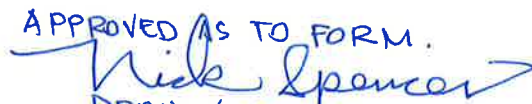
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date: 5-14-98



IDWR Concurrence

APPROVED AS TO FORM.

DEPUTY ATTORNEY GENERAL

Claimant

Objector

Claimant/Attorney

Objector/Attorney

Claimant/Attorney

Objector/Attorney

AJ0749NP
No. R36-07323

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	WALTEN E MILDREN	03/27/1973	IRRIGATION	03-15 11-15	0.02 CFS	4.00 AFA
C	MARJORIE J MILDREN		DOMESTIC	01-01 12-31	0.04 CFS	0.60 AFA
	PO BOX 510					
	HAGERMAN ID 83332			TOTAL DIVERSION:	0.06 CFS	4.60 AFA
	(208) 837-4770					

Water Source: SPRING

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:

T07S R13E S02

SENESE

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
07S	13E	2	:					:					:					:					:	1.0
TOTAL ACRES																							1.0	

Place of use Legal Description for: DOMESTIC

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

POU County: GOODING

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N10 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N12 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
- NOT EXCEED 13,000 GALLONS PER DAY.

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

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

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

RECEIVED

SEP 26 1974

Department of Water Resources
Southern District OfficeLicense of Water Right No. 36-7323 Priority March 27, 1973 Amount 0.06 cfsTHIS IS TO CERTIFY, that JACK M. MARTIN

of Hagerman, Idaho has complied with the terms and conditions of Permit
No. 36-7323 issued pursuant to Application for Permit dated March 27, 1973
and has submitted proof to the Department of Water Administration on April 5, 1974
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 0.06 cfs of water from an unnamed spring
tributary to the Snake River and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u> from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.04</u> cfs and <u>0.6</u> acre foot		
<u>Irrigation</u> from <u>March 15</u> to <u>Nov. 15</u>	at <u>0.02</u> cfs and <u>4.0</u> acre foot		
from _____ to _____	at _____ cfs and _____		
(both dates inclusive)			

Subject, however, to the condition that no more than 0.06 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
4.6 acre feet per year, said waters to be diverted within the NE 1/4 of Sec. 2,
Twp. 7 S, Rge. 13 E, B. M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7 S	13 E	2													X				One

Total number of acres irrigated One

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this // day of
September 19 74

Director

MILDREN

5/11/98

See

- 7323 - license will be Rec'd as (L)
- Reduce the (2) decreed rights by 1.0 Acre in response.
(in supplemental Dir. Rep.)

per Hearing
w/ Hammerle

- * pending amendments on - S/A & S/A
→ investigate amendments ASAP
5/18 trial to be vacated (Class I)

"GIS on Disk" (will send priority listing of rights)

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

SUBCASE NO. 36-07323

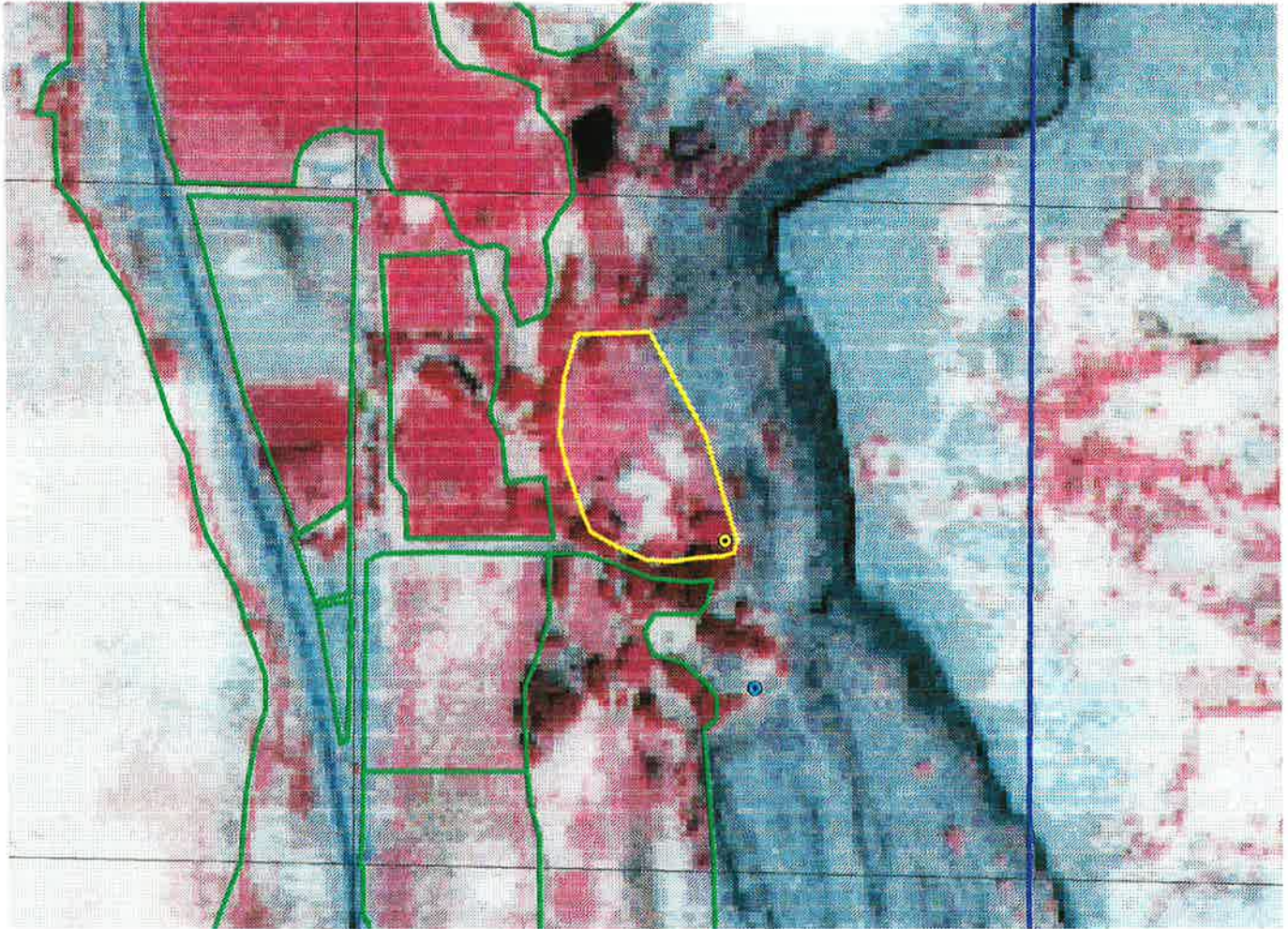
	CLAIM (7/25/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Walten &/or Marjorie Mildren	Walten &/or Marjorie Mildren	Disallowed (see notes) <i>Walten Mildren</i> <i>Marjorie Mildren</i>	
BASIS OF CLAIM	License	License	<i>License</i>	
SOURCE	Spring	Spring	<i>Spring</i>	
QUANTITY	0.060 cfs	0.060 cfs	<i>.04 cfs</i>	
PRIORITY DATE	3/27/1973	3/27/1973	<i>3/27/1973</i>	
PURPOSE OF USE	Irrigation/Domestic	Irrigation /Domestic	<i>Domestic</i>	
PERIOD OF USE	Irr.: 3/15 - 11/15 Dom.: 1/1 - 12/31	Irr.: 3/15 - 11/15 Dom.: 1/1 - 12/31	<i>1/1 - 12/31</i>	
POINT OF DIVERSION	T07S R13E S2	T07S R13E S2	<i>T07S R13E S02</i>	
PLACE OF USE	T07S R13E S2 1 acre	T07S R13E S2 1 acre	<i>T07S R13E S02</i>	
REMARKS			<i>Rights listed below are also diverted through point of diversion described above, & the total combined rate of diversion of these rights is limited to .18 cfs. Other rights nos.: 36-00054A, 36-00054B.</i>	

Notes: This right was recommended disallowed. In its response, IDWR recommended the changes shown above in italics. IDWR also responded that the irrigation use was recommended as water rights 36-00051A and 36-00054A .

Claimant objected that this right had not been recommended & indicated he wanted the Director's Report changed to reflect the place of use, point of diversion, acreage & source pursuant to the license. Maximum quantity of 0.06 cfs.; 0.02 cfs for irrigation (from 3/15 - 11/15) & 0.04 cfs for domestic (1/1 - 12/31). Claimant/objector did not specifically object to each individual item.

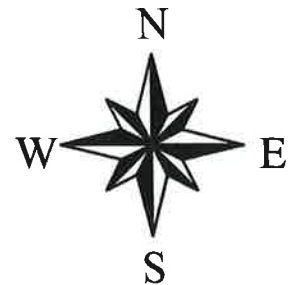
IDAHO DEPARTMENT OF WATER RESOURCES

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

CLAIM NUMBERS 36-00051A
-00054A
-07323

DATE 2/25/98
 AGENT see

TRANSFER NUMBER _____

GEOGRAPHIC INFO ACRES 2.5

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	75	13E	2													1			
GIS																2.5			2.5
CLAIM																			
GIS																			
CLAIM																			
GIS																			
CLAIM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B43 -DBPOU.DBF _____
 B43 -DBPOD.DBF _____

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

S.O. FYE ~~say~~

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

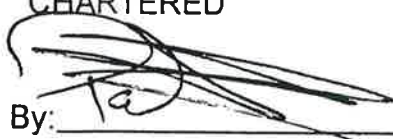
Case No. 39576

) **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

SUBCASE NO. 36-07323

	CLAIM (7/25/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Walten &/or Marjorie Mildren	N/A	Disallowed (see notes) <i>Walten Mildren</i> <i>Marjorie Mildren</i>	
BASIS OF CLAIM	License		<i>License</i>	
SOURCE	Spring		<i>Spring</i>	
QUANTITY	0.060 cfs		<i>.04 cfs</i>	
PRIORITY DATE	3/27/1973		<i>3/27/1973</i>	
PURPOSE OF USE	Irrigation/Domestic		<i>Domestic</i>	
PERIOD OF USE	Irr.: 3/15 - 11/15 Dom.: 1/1 - 12/31		<i>1/1 - 12/31</i>	
POINT OF DIVERSION	T07S R13E S2		<i>T07S R13E S02</i>	
PLACE OF USE	T07S R13E S2 1 acre		<i>T07S R13E S02</i>	
REMARKS			<i>Rights listed below are also diverted through point of diversion described above, & the total combined rate of diversion of these rights is limited to .18 cfs. Other rights nos.: 36-00054A, 36-00054B.</i>	

Notes: This right was recommended disallowed. In its response, IDWR recommended the changes shown above in italics. Claimant objected that this right had not been recommended & indicated he wanted the Director's Report changed to reflect the place of use, point of diversion, acreage & source pursuant to the license. Maximum quantity of 0.06 cfs.; 0.02 cfs for irrigation (from 3/15 - 11/15) & 0.04 cfs for domestic (1/1 - 12/31). Claimant/objector did not specifically object to each individual item.

CERTIFICATE OF SERVICE

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 claimants in this matter, certifies that on the 20 day of January, 1998, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

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

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

U.S. Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Director of IDWR
P. O. Box 83720
Boise, ID 83720-0098

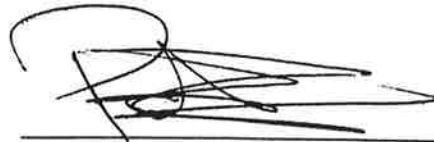
☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Jeffrey C. Fereday
Givens, Pursley & Huntley
P. O. Box 2720
Boise, ID 83701-2720

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Josephine P. Beeman
Beeman & Hofstetter, PC
608 W. Franklin St.
Boise, ID 83702

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)



Patrick D. Brown

(61163NOA.J20)llm

M.F. Copy of
36-7323
Exam Report

2. Source of water supply: Groundwater ☒ Surface water ☒ Unnamed spring ☐
Tributary to Snake River ☐

3. Water will be used for the following purposes:

Amount: 0.04 c.f.s. for domestic
AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(no. day) inclusive (no. day)

Amount	0.02	cts for	irrigation	
		AF/Annum		(nature of use)

Period of Use from **Mar. 15** to **Nov. 15**
(no day) inclusive (no day)

Amount	cts. for AF/Annuum	(nature of use)

Period of Use from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses

4 Total amount to be appropriated:

Max Rate of Diversion 0.06 cubic feet per second and annual volume AF/Annul

5. Location of Point(s) of Diversion:

Township 7S, Range 13E, E/W, B.M., Section 2, Subdivision NE $\frac{1}{4}$ SE $\frac{1}{4}$, Gooding County
Township _____, Range _____, E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County
Township _____, Range _____, E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County
Other Points of Diversion _____, _____ County

Other Points of Diversions:

Description of diverting works: Diversion box in spring w/domestic lines & sprinkler system.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE _____ **1**

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 19 1994

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. 36-07323 -0001

The State of Idaho, ex rel.)
R. Keith Higginson 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)

2. Person who filed objection:

Name: WALTEN & 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

12. ☒ Water Right Recommendation: I respond to the objection concerning:

12b. ☒ This water right not being recommended.

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

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

REASONS SUPPORTING EACH BOX CHECKED

In response of Statement of the Objection items 12 and 12.b, IDWR responds there is an error in the description of this water right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law."

In response to the sentence listed in Changes to the Director's Report, whereby the objectors state irrigation use should be included in this water right, IDWR responds the irrigation use is recommended as water rights 36-00051A from Billingsley Creek and

36-00054A from the same spring that are each for the same land. IDWR denies this part of the objection.

In response to Statement of the Objection item 14, and all allegations of the objection regarding that item, see attached "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.

In response to the claimant's description of interest in the water right, IDWR responds as follows: (1) the objectors claimed the water right in question as a licensed right ; (2) the claimant now asserts that the right is also decreed; and (3) to the extent that the claimant is now attempting to assert a different basis for the 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's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

☒ 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:

(Over)

	No. of Pages
Notice of Claim No. A36-07323	6
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4
Recommended Water Rights Acquired Under State Law	1

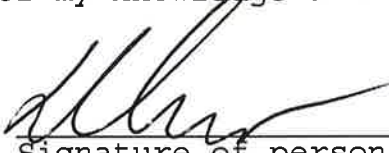
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

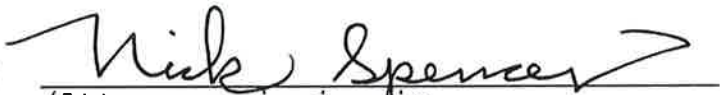
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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.



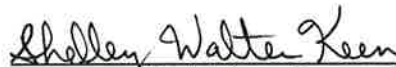
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 1st day of September, 1993.



Notary Public for Idaho

Residing at: Boise, Idaho

My Commission expires: July 31, 1997

(Over)

MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of SEPTEMBER, 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

Ident. Number: A36-07323
Date Received: 7/25/1988
Receipt No: S001083
Received By: Q.V. W.

JUN 27 1989

Department of Water Resources
Southern Region Office
AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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

AND/OR

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

2. Date of Priority: MAR 27, 1973

3. Source: SPRING 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	03/15	11/15	0.020		4.00
DOMESTIC	01/01	12/31	0.040		0.60

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 4.60 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE

A36-07323

Page 1

Date: 06/15/89

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FEB 03 1993

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	2	NE	SE	DOMEST IRR	1.0
Section Acres						1.0
Total Acres						1.0

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, A36-00054

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

15. Basis of Claim: LICENSE

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): [Signature] Date: 6-20-89
Margie J. Swidner 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

[Signature]
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;

WARRANTY DEED - 1

POOR ORIGINAL

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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

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.
MARTIN, husband and wife, known to me to be the persons whose
names are subscribed to the foregoing instrument, and
acknowledged to me that they executed the same.

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

15 Ramona B. Hess
16 Notary Public for Georgia
17 Residing at: Atlanta
18 My Commission Expires: Nov 24, 1991

19 WLN\91228WAR.DEE\LDZ

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

20
21
22
23
POOP ORIGINAL

WARRANTY DEED - 3

LAW OFFICE
H&L
- Certified -
Hepworth,
Younger,
& Lezama

1366667
JUNE 2 1989
FEB 03 1993
OCT 19 1994
MICROFILMED

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

- 173
110060755
- 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.

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

DATE: AUG-31-1993

PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SPRING		TRIBUTARY: SNAKE RIVER				
36-07323	WALTEN E MILDREN MARJORIE J MILDREN PO BOX 510 HAGERMAN ID 83332	03/27/1973	DOMESTIC	01-01 12-31	.04 CFS	LICENSE
TOTAL QUANTITY:					.04	CFS
NON-IRRIGATION-USES:						
DOMESTIC, 1 HOME						
POINT OF DIVERSION:						
T07S R13E S02 SENESE						
PLACE OF USE: DOMESTIC						
T07S R13E S02 NESE						
REMARKS: RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO .18 CFS. OTHER RIGHTS NOS.: 36-00054A, 36-00054B.						

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OCT 19 1994



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
Jeanie Robertson
Records Clerk

Encl:

Mildren
47
39
37
123 x 5 = 6.15
Post. 2.90
env. 14
9.19

MICROFILMED
OCT 19 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. Menden
(Name)

Box 510
(Address)

Harlem 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 19 1994

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. A36-07323
(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,

36-07323 -0001/
93-04-0314

vs.

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

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 19 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:

Water License No. 36-7323; Priority date March
27, 1973; Water right decreed 03/22/32 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)

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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.

0.06 cfs maximum quantity; Use for Irrigation 0.02 cfs from 3/15
to 11/15; Domestic 0.04 cfs from 1/1 to 12/31; place of use;
point of diversion acreage & source: pursuant to attached
Water License

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" and Water License

VERIFICATION (Must be Completed)

State of Idaho

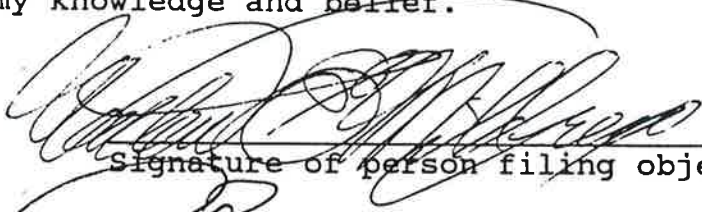
County of ~~Twin Falls~~ Gooding

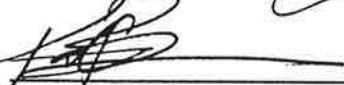
WALTER E. MILDREN

(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)

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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 12 - IDWR recommends a disallowance of a claim that has been licensed and/or beneficially used.

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.

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

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.

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

averments expressed and implied are so indefinite and vague as to 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.

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,

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 license issued by the Director and Department, which license is 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 license.

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.

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.

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.

(WATER\LICENSES.A)

State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 36-7323 Permit, March 27, 1973 Amount 0.06 cfs

THIS IS TO CERTIFY that JACK M. MARTIN
of Hagerman, Idaho has complied with the terms and conditions of Permit
No. 36-7323 issued pursuant to Application for Permit dated March 27, 1973
and has submitted proof to the Department of Water Administration on April 5, 1974
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.06 cfs of water from an unnamed spring
tributary to the Snake River and that the permit holder has applied to a beneficial use
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic	from Jan. 1 to Dec. 31	at 0.04 cfs and	0.6 acre feet
Irrigation	from March 15 to Nov. 15	at 0.02 cfs and	4.0 acre feet
	from to	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.06 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
4.6 acre feet per year, said waters to be diverted within the NE 1/4 of Sec. 2,

Twp. 7 S, Rge. 13 E, B.M.

in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7 S	13 E	2													X				One

Total number of acres irrigated One

POOR ORIGINAL

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this // day of
September 19 74

POOR ORIGINAL

Director

MICROFILMED
OCT 18 1995

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED

FEB 03 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

RECEIVED

SEP 22 1992

Department of Water Resources

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

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS:

SEP-24-1992

1. Water right number:

36- 07323

2. Name:

WALTEN E. & MARJORIE J. MILDREN

Address: Box 510

HAGERMAN, IDAHO 83332

Weekday Telephone Number:

837-4770

FEB 03 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:

This is a back up spring for claim # A36-00051.
also is used for irrigation, domestic and fish propagation.

4. Describe the changes you wish to have made in the proposed recommendation:
It to be allowed.

5. Describe why you disagree with the proposed recommendation:

Needed to run the farm.

6.

Date:

9-19-98

SIGNATURE





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

08-Oct-1992

Walten E. and Marjorie J. Mildren
Box 510
Hagerman ID 83332

RE: Snake River Basin Adjudication (SRBA)
Notice of Error - A36-07323

Dear Mr. and Mrs. Mildren:

We are in receipt of the Notice of Error on the above referenced claim. We are not making any changes to the recommendation at this time.

A field examination of the water use claimed in the above referenced claim found that the source, place of use and purposes were claimed on A36-00054A and the water right has been recommended under that number. If this is incorrect, please forward documentation to this effect October 14, 1992. If no further evidence is provided or the evidence is not supportive, this claim will remain as proposed in the Director's Report.

If you still do not agree with the proposed IDWR recommendation to the court, you may file an objection with the court after you receive the final recommendation of your water right. The objection process will be explained when you receive your final recommendation of your water right.

Sincerely,

Helen Harrington-Thornton
Water Resource Agent

HHT

MICROFILMED

FEB 03 1993

Water Right Number - R36-07323

Prefix Translation:

RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

MILDREN

WALTEN E

1 - PO BOX 510

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4770

MILDREN

MARJORIE J

1 - PO BOX 510

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4770

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/27/1973 17 SOUTHERN I - DISALLOWED+ - - - - 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

0.020

43 - DOMESTIC

01/01

12/31

0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.060 3.0

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

Twn Rng Sec Tract Lot Acres Code Description County

07S 13E 2 NE SE 1.0 01 IRRIGATION

(47) GOODING

07S 13E 2 NE SE 43 DOMESTIC

(47) GOODING

Total Acres: 1.0

+ - - Diversion Means -

+ - - Non-Irrigation Use - DOMESTIC/ 1 HOME

+ - - Other Rights for Same Use - 36-00051, 36-00054

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

RECOMMENDED AS RIGHT NO. 36-00054A.

FEB 03 1993
MICROFILMED

Water right number - R36-07323

Prefix Translation: RESEARCH

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

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

No Old Water Right Numbers Found

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

P06 - RECOMMENDED AS RIGHT NO. _____: This is included for a
- claim that is PROPOSED to be disallowed because the right claimed
- is recommended pursuant to another right. The remark indicates
- the water right number of the OTHER right that is proposed to be
- recommended. If you are not mailed a notice of the recommendation
- of the OTHER right, then the OTHER right is recommended in
- another claimant's name.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - 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 TO MR. & MRS. MILDREN BY MR. & MRS.

JACK MARTIN ON JUNE 1, 1989.

Date: 08/03/1992 User Id: WHITE Subject: DATA ENTRY

DELETED REMARKS, PER LKH.

Date: 09/23/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)

RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A.

CLAIM VERIFIED 8/10/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/08/1992 User Id: THORNTON Subject: NOTICE OF ERROR RECONCILIATION

CHANGED FLAG FROM A TO B.

SENT LETTER DISCUSSING DISALLOWAL DUE TO COVERAGE BY 36-00054A.

+ - - Audit Fields - - +

10/08/92 THORNTON

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

Court Report Filing - 00/00/0000
Objection Filed Date - 00/00/0000
Response Filed Date - 00/00/0000
Claim Received Date - 07/25/1988

Field Inspection Made - 00/00/0000
Field Inspection Flag -
Verified Date - 00/00/0000
Last Amended Date - 00/00/0000
Receipt Number - S001083
POU Ownership Flag - Y
Name Connector - AND/OR

Civil Case Number - 39576
Old Case Number -
Old Judicial District -
Temporary Right - P
Water District - 36A
Federal/State Indicator - S
Presumption Flag -
Notice of Error Flag - B

FEB 03 1993

MICROFILMED

R PROOF



CVR



MAPS



PHOTOS



MISC

MICROFILMED

FEB 03 1993

Water Right Number - R36-07323

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

MILDREN

WALTEN E

1 - PO BOX 510

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4770

MILDREN

MARJORIE J

1 - PO BOX 510

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4770

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/27/1973 17 SOUTHERN I - DISALLOWED+ - - - - 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 0.020
43 - DOMESTIC 01/01 12/31 0.040+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.060 3.0+ - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 2 NE SE 1.0 01 IRRIGATION (47) GOODING
07S 13E 2 NE SE 43 DOMESTIC (47) GOODING

Total Acres: 1.0

+ - - Diversion Means -

+ - - Non-Irrigation Use - DOMESTIC/ 1 HOME

+ - - Other Rights for Same Use - 36-00051, 36-00054

+ - - - - - - - - - - - - - Remarks - - - - - +
RECOMMENDED AS RIGHT NO. 36-00054AMICROFILMED
FEB 03 1993

Water right number - R36-07323

Prefix Translation: RESEARCH

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

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

No Old Water Right Numbers Found

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

P06 - RECOMMENDED AS RIGHT NO. _____: This is included for a
- claim that is PROPOSED to be disallowed because the right claimed
- is recommended pursuant to another right. The remark indicates
- the water right number of the OTHER right that is proposed to be
- recommended. If you are not mailed a notice of the recommendation
- of the OTHER right, then the OTHER right is recommended in
- another claimant's name.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - 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 TO MR. & MRS. MILDREN BY MR. & MRS.

JACK MARTIN 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 | - |

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FEB 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:47:13
07/03/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07323

| 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 | | | | N | | HHT
7/30/92 | | |
| POINT OF DIV | Y | | | N | | | | |
| SOURCE | | | | N | | | | |
| PLACE OF USE | Y | | 7-24-90
SCC/HHT | N | | | | |
| DIV. AMOUNT
CFS/VOLUME | | | | N | | | | |
| CONSUMPTIVE USE | | | | N | | | | |
| PURPOSES | | | | N | | | | |
| PERIOD OF USE | | | | N | | | | |
| BASIS OF CLAIM | | | | N | | | | |
| REMARKS | Y | | | N | | | | |

"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.

DISALLOW - Recommended as 36-00054A

See pg. 12

MICROFILMED
FEB 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:47:13
07/03/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-07323

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

FIRST: WALTEN E.
STATE: ID ZIP: 83332

OWNER CODE: C

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

FIRST: MARJORIE J.
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

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

MICROFILMED
FEB 03 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
FEB 03 1993

A. AJ CLAIM: # A36-07323 PRIORITY DATE: 03-27-1973 STAGE: L

B. WR RECORD: # 36-07323 PRIORITY DATE: 03-27-1973 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
N

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
03-27-1973

REVIEWED BY

gcl

DATE

11-23-90

MICROFILMED

FEB 03 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|-----------|------|------|------|-----|-----|-----|-----|---------|
| A36-07323 | 07S | 13E | 2 | | NE | SE | | GOODING |

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-00054 NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-00054
36-04033

SOURCE: SPRING

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|----------|------|------|------|-----|-----|-----|-----|---------|
| 36-07323 | 07S | 13E | 2 | | NE | SE | | GOODING |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-00054
36-04033

A36-00054 NONE
A36-10314
A36-04033
A36-10199
A36-10260
A36-07089
A36-00054B

SOURCE: SPRING

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER
N
N

REMARKS:

Some spring is covered under A36-00054 ; same Diversion

MICROFILMED
FEB 03 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | COUNTY |
|-------|-------|-------|-------|-------|-------|-------|--------|
| _____ | _____ | _____ | SE | _____ | _____ | _____ | 47 |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |

SOURCE: SPRING

TRIB: SNAKE RIVER

REVIEWED BY: SCC DATE: 11-23-90

Δ claim

MICROFILMED

FEB 03 1993

A. ROOT WATER RIGHT NUMBERS: A36-07323

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 , WALTEN E. | A36-07323 / 1.0 | 36-07323 / 1.0 | 23.0 | 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 , MARJORIE J. | A36-00054 / 4.0 | 36-00054 / | | | |
| | | | | | | LEWELLEN , ROY | | 36-00076 / | | | |
| 07S | 13E | 2 | | | | MILDREN , WALTEN E. | A36-07323 / | - / | | | |
| | | | | | | ZABALA , CARMEN M. | A36-10312 / | - / | | | |
| | | | | | | GOSSI , PHILLIP C. | A36-04033 / | 36-04033 / | | | |
| | | | | | | GOSSI , PHILLIP C. | A36-10260 / | - / | | | |
| | | | | | | DAHLGREN , KATHARYN | A36-00054B / | - / | | | |
| | | | | | | LAUGHLIN , CRAIG J. | A36-07089 / | - / | | | |
| | | | | | | NORTH SIDE CANAL CO. | | 01-00212 / | | | |
| | | | | | | NORTH SIDE CANAL CO. | | 01-00213 / | | | |
| | | | | | | NORTH SIDE CANAL CO. | | 01-00215 / | | | |
| | | | | | | NORTH SIDE CANAL CO. | | 01-00220 / | | | |
| TOTAL ACRES | | | | | | | A36-07323 | 1.00 | 1.00 | 23.00 | 1.0 |

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
N

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FEB 03 1993

PRESUMPTION FLAG:

REMARKS:

this acre is also covered by A36-00051 & A36-00054

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FEB 03 1993

RECOMMENDATIONS:

TOTAL ACRES: 1.0

REVIEWED BY: SC

DATE: 11-23-90

A. AJ CLAIMED USES:

| | PURPOSES | MONTH/DAY | | DIVERSION QUANTITY |
|-------------------------------------|------------|---------------------|----------|--------------------|
| A36-07323 | IRRIGATION | FROM 03-15 TO 11-15 | .020 CFS | 4.00 AF/A |
| A36-07323 | DOMESTIC | FROM 01-01 TO 12-31 | .040 CFS | .60 AF/A |
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | | .060 CFS | 4.60 AF/A |

B. WR RECORDED USES:

| | PURPOSES | MONTH/DAY | | DIVERSION QUANTITY |
|-------------------------------------|------------|---------------------|----------|--------------------|
| 36-07323 | IRRIGATION | FROM 03-15 TO 11-15 | .020 CFS | 4.00 AF/A |
| 36-07323 | DOMESTIC | FROM 01-01 TO 12-31 | .040 CFS | .60 AF/A |
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | | .060 CFS | 4.60 AF/A |

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) | N | <u>N</u> |

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(X)

Explain in remarks, below.

REMARKS:

MICROFILMED
FEB 03 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 0.060 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.060 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER
Y N

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, A36-00054

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|-------------------|-----------------------|-----------|----------------|-----------|----------------|
| A36-07323 | SPRING | MILDREN , WALTEN E. | 0.060 | 0.060 | 4.60 | 4.60 |
| A36-00051D | BILLINGSLEY CREEK | LAUGHLIN , CRAIG J. | 0.600 | 0.040 | | |
| 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 | | |
| A36-00054 | SPRINGS | MILDREN , MARJORIE J. | 0.400 | 0.100 | | |
| A36-00051B | BILLINGSLEY CREEK | DAHLGREN , KATHARYN | 0.150 | 0.037 | 16.10 | 4.02 |

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

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|------------|------------|---------------------|---------------------|----------|----------|
| A36-07323 | DOMESTIC | MILDREN , WALTEN E. | FROM 01-01 TO 12-31 | .040 CFS | .60 AF/A |
| 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 | |
| A36-10312 | STOCKWATER | ZABALA , CARMEN M. | FROM 01-01 TO 12-31 | .020 CFS | |
| A36-00054B | STOCKWATER | DAHLGREN , KATHARYN | FROM 04-01 TO 08-30 | .020 CFS | |
| A36-07089 | STOCKWATER | LAUGHLIN , CRAIG J. | FROM 01-01 TO 12-31 | .020 CFS | |
| A36-07089 | DOMESTIC | LAUGHLIN , CRAIG J. | FROM 01-01 TO 12-31 | .040 CFS | |

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

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

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 3.0 AF/A
ACRES 1 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =
TOTAL CONSUMPTIVE USE 3.0 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 4.60 AF/A
ACRES 1 x DIVERSION VOL. AF/A FOR AREA 4.0 =
TOTAL DIVERSION VOLUME 4.0 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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RECOMMENDATIONS:

| REC.
PURPOSES | REC. PERIOD
FROM TO | REC. DIV
RATE CFS | REC. DIV
VOL. AF/A | REC. CONS.
USE |
|----------------------|------------------------|----------------------|-----------------------|-------------------|
| IRRIGATION | 03-15 11-15 | DATABASE 0.020 | DATABASE 4.00 | DATABASE |
| DOMESTIC | 01-01 12-31 | EXAMINER 0.040 | EXAMINER 0.60 | EXAMINER 3.0 |
| TOTAL FOR THIS RIGHT | | 0.060 | 4.60 | |

REVIEWED BY:

sa

DATE:

11-23-90

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

| | ACCEPTED
AS CLAIMED | NEEDS
REVIEW |
|------------------------------|------------------------|-----------------|
| OWNERSHIP _____ | () | () |
| FORFEIT/ABANDON _____ | () | () |
| ADDITIONAL DIV. AMOUNT _____ | () | () |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-07323

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.060

EXAMINER

CFS

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| - | A36-07323 | 0.060 | - | | 36-07323 | 0.060 |
| | TOTAL CFS | 0.060 | | | | 0.060 |

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
Y

FIELD
EXAMINER

OK

REMARKS:

*This claim is for the same source and use as A36-00054A and has
been recommended as such. HAT 7/30/92*

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

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FEB 03 1993

