

Water Right Number - R36-15443

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
MITCHELL

VIRGIL D

1 - 55 E 300 S

2 -

3 -

City- JEROME

Phone - 208-324-8314

1 - 55 E 300 S

2 -

3 -

City- JEROME

Phone - 208-324-8314

State- ID Zip- 83338

State- ID Zip- 83338

MITCHELL

LAURA E

VERIFIED BY

9-10-92

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1919 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

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

Twn	Rng	Sec	Tract	Lot	RFlg	County
09S	17E	6	NW NE	2	(53)	JEROME

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
43 - DOMESTIC		01/01	12/31		0.020	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.020 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	17E	6	NW NE	2		43 DOMESTIC		(53) JEROME

Total Acres:

+ - - Diversion Means - WELL AND PUMP BURIED LINES TO HOME.

+ - - Non-Irrigation Use - DOMESTIC, ONE ROCK HOME WITHOUT LAWN; STOCK, 30 HEAD RANGE CATTLE

+ - - Other Rights for Same Use - 36-10820 FROM SAME P/D

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

RIGHT NO. 36-10820 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.
PROPERTY IS ALSO KNOWN AS PARCEL NO. RL09S17E060601.

FEB 21 1993

MICROFILMED

Water right number - R36-15443

Prefix Translation: RESEARCH

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

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

No Old Water Right Numbers Found

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

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

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

Date: 09/10/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS

THIS CLAIM IS FOR THE ORIGINAL ROCK HOME, NOT THE TRAILER HOUSE MOVED IN IN 1978.

Date: 09/10/1992 User Id: CHRISTEN Subject: BASIS FOR RECOMMENDATION

THE ORIGINAL CLAIM 36-10820 WAS FOR TWO HOMES BUT THE CLAIMANT WANTED A PRIORITY DATE FOR EACH HOME THEREFORE THIS CLAIM WAS
CREATED. THIS CLAIM IS FOR THE ORIGINAL ROCK HOME AND AN AFFIDAVIT WAS SUBMITTED WHICH INDICATED THAT THE PRIORITY SHOULD
BE 1919. I ACCEPT THE CLAIMANT'S REPRESENTATION OF THEIR WATER USE AND RECOMMEND THIS CLAIM FOR ADJ. I CALLED THE JEROME COUNTY
ASSESSOR'S OFFICE AND CONFIRMED THAT TWO HOMES DO EXIST AND THAT THEY ARE BOTH INCLUDED WITHIN THE TAX PARCEL LISTED. KKC 9-10-92

+ - - Audit Fields - - +

09/10/92 CHRISTEN

+ - - - - 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	- 09/10/1992	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 09/10/1992	Verified Date	- 09/10/1992	Old Judicial District	-
Claim Received Date	- 09/10/1992	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S014949	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	- E

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FEB 21 1993

CLAIM NO. 36 - 15443

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

(use in place of the CVR for small Domestic/Stock exams)

1. ☒ No Change **NAME**
NEW OWNER: _____
☐ No Change **ADDRESS**
NEW ADDRESS: _____
2. ☒ No Change - **DATE OF PRIORITY:** Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____
(if the priority date, based on your exam, seems questionable, explain in remarks.)
3. ☒ No Change - **SOURCE**
☐ Source is different than that claimed:
Source found: _____
4. ☒ No Change - **POINT OF DIVERSION**
☐ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4
5. ☒ No Change - **DESCRIPTION OF DIVERTING WORKS**
☐ Incomplete desc., complete items missing, **IF KNOWN.**
Additional comments in remarks.
HP of pump _____ Pump Ser. # _____ Pumping water level _____
Well depth _____ Motor Ser. # _____ Static water level _____
Casing size _____ Method of irr. _____
6. ☒ No Change - **WATER USES**
☐ Different uses, (list uses found).
Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☒ No Change - **TOTAL VOLUME**
☐ Incomplete on claim, the total is, -- -- _____ cfs _____ af
☐ Change found, the new total is, -- -- -- _____ cfs _____ af
8. **N/A**
9. ☒ No Change - **NON-IRRIGATION USES:** Completed on claim
☐ Incomplete on claim - Exam found:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____

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FEB 21 1993

10. ☐ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4,

Remarks: (Comments pertinent to field examination)

this claim was created to establish a priority date for the
original home located at the listed Parcel#. The
orig claim A36-10820 was for two homes @ 1988 priority
and was amended to one home @ 1978 priority (mobile home)

This home (a Rock Home) was in existence prior to the mobile
home. The system development description given by claimants
appears valid therefore I recommend this right as claimed.
The parcel # was verified through a phone call to Jerome G. Asmus.
Both homes exist and are included on parcel # R109517E 060601

ATTACHMENTS:

Attached to
This Form.

Attachments are
in Permit File.

PHOTOS (optional) ☐

MAP ☐

SYSTEM DIAGRAM ☐

☐ Changes found during exam or additional information in the permit
file, see permit file.

DATE EXAM CONDUCTED: 9-10-92

FIELD EXAMINER:

Signature

Kelly K. Christensen

MICROFILMED
FEB 21 1993

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A36-15443**
Date Received: 9/10/1992
Receipt No: S014949
Received By: KKC

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

1. Name: VIRGIL D MITCHELL 208-324-8314
Address: 55 E 300 S
JEROME ID 83338

AND/OR

Name: LAURA E MITCHELL 208-324-8314
Address: 55 E 300 S
JEROME ID 83338

2. Date of Priority: JUN 1, 1919

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	17E	6	NW	NE		2	JEROME

5. Description of diverting works:
WELL AND PUMP BURIED LINES TO HOME.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, ONE ROCK HOME WITHOUT LAWN; STOCK, 30 HEAD RANGE CATTLE

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FEB 21 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	17E	6	NW NE	2	DOMEST	

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
36-10820 FROM SAME P/D

14. Remarks:

THIS CLAIM IS FOR THE ORIGINAL ROCK HOME, NOT THE TRAILER HOUSE
MOVED IN IN 1978.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Laura E. Mitchell Date: 9/10/92

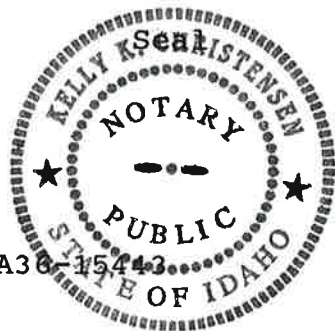
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 10th day
of Sept 19 92

Kelly K. Christensen
Notary Public

Residing at Kimberly
My Commission Expires 8-2-98



IN THE MATTER OF:

For claim
A36-15443

AFFIDAVIT

State of Idaho

County of SEROME

deposes and says:

Harold Gregg

being first duly sworn,

To the best of my knowledge
this well was drilled in 1919.
5th E 300th S Jerome, Idaho 83338

Harold Gregg
(signature)

Subscribed and sworn to before me this 10th day of September 19 92.

Michael D. Maples
(notary public)

FILED
FEB 21 1993

Residing at SEROME, ID

My commission expires 8-7-98



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

December 23, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM A VAN DYK
3535 INLAND EMPIRE BLVD
ONTARIO CA 91764

RE: REQUEST FOR ASSISTANCE RE WATER RIGHTS FOR:
TEO AND GRETA ALBERS, TRUSTEES

DEAR MR. VAN DYK,

Thank you for your update on the changes of ownership that have occurred for the water right claims 36-10820 and 36-14144. Enclosed please find the required "Notice of Change of Water Right Ownership" form which needs to be completed for each of these rights. I believe it will be less confusing to use one form for each right instead of both rights on one form.

Site #1:

Part 2. A. of the Change of Ownership form mentioned above appears to be completed with the deeds submitted in your December 17, 1996 correspondence. Completion of the form and submission of a plat map (2.B.) will complete the claimants duties to change the ownership of the water right as decreed **36-10820**.

Regarding the mobile home use, the above claim IS for the mobile home. The other household use is claimed as **36-15443** and was recommended as such. I have enclosed a copy of this right for your information. It would appear the same deeds, maps and form will be sufficient to change the ownership of both these rights.

You have stated the amount decreed under these rights should be greater than that shown. Both the above rights were recommended in the full amount claimed by the previous owners/claimants. If greater amounts are to be recommended, the claims will first have to be amended through the SRBA court. I have enclosed the necessary forms and information to facilitate this step if your clients should choose to file these Late Amended Claims (Standard Form 4, SF4). Upon approval by the court of the late amendments, the Dept. can then proceed to revise its recommendation and issue an amended Director's Report.

Site #2:

No recorded water right was found for the property listed in the Waggoner's Deed to Albers. I searched the records for the name

A36-15443

Waggoner and found nothing recorded for that name either. It appears there is no filing for a water right at Site #2.

If your clients would like to record a water right for this site they again would need to file the same form as described above - SF4 - Motion to File a Late Claim.

Site #3:

The water right number you provided, 36-14144, for this site matches with the metes & bounds description in the deed from Johnson to Albers. However, the right is listed as belonging to Betty Lou Crozier. In order to complete the change of ownership of this right to your clients the deeds showing the ownership trail from Crozier to Albers will need to be submitted along with the Change of Ownership form and map as stated in the above paragraphs of Site #1.

Since this SRBA process can be confusing at times, even for those of us with daily exposure, please feel free to call me if you have questions or need of further assistance in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steve Clelland", with a stylized, cursive flourish at the end.

STEVE CLELLAND
Water Resource Agent

ENC:

WILLIAM A. VAN DYK

Attorney-At-Law

A Professional Corporation
(909) 941-2550

3535 Inland Empire Boulevard
Ontario, CA 91764

December 17, 1996

DEC 23 1996

Mr. Steve Clelland
IDAHO DEPT. OF WATER RESOURCES
Western Regional Office
1341 Fillmore Street N., Ste. 200
Twin Falls, ID 83301

Department of Water Resources
Caldwell, Idaho

RE: My Clients/Property Owners: Teo and Greta Albers, Trustees
Property Site #1: 55 E. 300 S., Jerome, Jerome County, Idaho
Property Site #2: 327 S. 100 E., Jerome, Jerome County, Idaho
Property Site #3: 337 S. 100 E., Jerome, Jerome County, Idaho
Property Sites Acquired by Albers in 1996 and 1995
Request for Clarification and Assistance re Water Rights

Dear Mr. Clelland:

This letter follows our telephone discussion of December 16, 1996, wherein I reviewed with you the fact that my clients, Teo and Greta Albers, recently (in 1996) acquired ownership of two real property sites located in Jerome County; the sites are above referenced as Property Site #1 ("Site #1") and Property Site #2 ("Site #2"). [In addition, the Albers also acquired ownership of a third real property site in Jerome County in January of 1995 -- above referenced as Property Site #3 -- ("Site #3").]

Prior to acquisition of ownership by the Albers, Site #1 was owned by Virgil D. and Laura E. Mitchell. The Mitchells recently received a four page notice from the Idaho Department of Water Resources relating to the adjudication of water rights. A copy of this four page notice (the first two pages of which appear to be a pre-printed guide provided by the Department of Water Resources, the third page of which appears to be a court/litigation document entitled "Partial Decree Pursuant to IRCP 54(b) For Water Right 36-10820", and the fourth page of which appears to be a "Certificate of Mailing" provided with/relating to the Partial Decree) was provided by the Mitchells to my clients and is enclosed herewith. It was and is this notice which prompted my telephone call to you on December 16; the information which follows is the information you requested/suggested I provide to you.

Ownership of Site #1 was acquired by the Albers from the Mitchells on June 3, 1996. [Site #1 was acquired by the Albers as a replacement property in a 1031 tax deferred exchange and, in connection therewith, acquired via "sequential deeding" (i.e., via deed from the owner to the 1031 accommodator and, thereafter, from the 1031 accommodator or intermediary to the ultimate owner/purchaser - the Albers); thus, the Mitchells deeded the property to the Albers' 1031 accommodator or intermediary, Transmutation Properties, Inc. ("TPI"), and TPI, in turn, deeded the property to the Albers. A copy of the Mitchell to TPI Warranty Deed, recorded on June 3, 1996 as document number 962396, and

COPY

Mr. Steve Clelland
IDAHO DEPT. OF WATER RESOURCES
December 17, 1996
Page Two

a copy of the TPI to Albers Warranty Deed, recorded on June 3, 1996 as document number 962398, are enclosed herewith.] Site #1 was and is comprised of an approximate ten acre site, and is improved with an occupied residential structure and a residentially occupied mobilehome. [The ownership certificate relating to the residentially occupied mobilehome, reflecting title in the Albers, is also enclosed herewith.] A few head of cattle were and are grazed on the acreage.

Ownership of Site #2 was acquired by the Albers from William B. Waggoner and Phyllis M. Waggoner on September 18, 1996. [Site #2 was also acquired by the Albers as a replacement property under their 1031 tax deferred exchange but was acquired via "direct deeding" (i.e., via deed from the owner/Waggoners directly to the Albers, ultimate owner/purchaser); a copy of the Waggoner to Albers Warranty Deed, recorded on September, 1996 as document number 963950 is enclosed herewith.] Site #2 was and is comprised of an approximate eleven acre site, and is improved with an occupied residential structure and various agricultural related structures, including a horse barn and tack room. (The prior owner housed and trained approximately one dozen horses on the site; the Albers intend to graze livestock on the acreage.)

Ownership of Site #3 was acquired by the Albers from Calvin C. and Marilyn Johnson on January 5, 1995. Site #3 is an approximate four acre site improved with an occupied residential structure and an approximate 30 foot by 40 foot shop/commercial building.

With regard to Site #1:

1. The "Partial Decree" recites that the "purpose and period of use" is "domestic 1 home" receiving 0.02 CFS. Given the fact that the property is improved with both a permanent residential structure as well as a residentially occupied mobilehome and the fact that 0.02 CFS is allowed for "in-house water usage" and 0.02 CFS allowed for "out of house water usage", the Partial Decree should have, at a minimum, have allocated and recited: (1) "domestic 2 homes" and (2) 0.08 CFS. [You indicated that additional allocation may be appropriate if livestock is being/has historically been watered on the premises; as above noted, a few head of livestock have been historically grazed on the acreage.]

2. The records/files of the Department of Public Resources ("IDWR") and the records/files of the Fifth Judicial District ("Court") apparently identify the owner's name and address as Virgil D. and Laura E. Mitchell, at 55 E. 300 S., Jerome. The records/files of both the Court and IDWR should be promptly updated to reflect ownership of Site #1 vested in and held by Teo Albers and Greta Albers; the mailing address of the Albers is 13437 Mountain Avenue, Chino, California 91710. ✓

Mr. Steve Clelland
IDAHO DEPT. OF WATER RESOURCES
December 17, 1996
Page Three

Note: During our telephone discussion, you inquired about the date when the mobilehome had been placed upon the property. The Mitchells, unfortunately, are at their "winter home" in Nevada and, consequently, I have been unable to reach the Mitchells. Based upon the records relating to the mobilehome, it would appear that the mobilehome was placed on the property site not earlier than 1974 and not later than 1978. (Enclosed, you will find a copy of the Certificate of Title to the mobilehome which the Mitchells "endorsed over"; you will note that the mobilehome was manufactured in 1974 and that title was issued to the Mitchells not later than August 2 of 1978.)

With regard to Site #2:

1. I do not know whether the sellers/prior owners [the Waggoners] of Site #2 participated in and/or were the recipients of any "Partial Decree". I also do not know if the sellers (a couple who are in the process of dissolving their marriage and have relocated out of state) can be located. Based upon our discussion, it would appear that this property site should have been allocated or awarded not less than 0.04 CFS for the residential structure and additional CFS for the livestock usage/occupancy. Please check your records and advise me of what information, if any, you have with regard to the adjudication of and/or determination of water interests regarding Site #2.

2. The records/files of the Department of Public Resources ("IDWR") and the records/files of the Fifth Judicial District ("Court") and the records/files of both the Court and IDWR should be promptly updated to reflect ownership of Site #2 vested in and held by Teo Albers and Greta Albers; the mailing address of the Albers is 13437 Mountain Avenue, Chino, California 91710. ✓

With regard to Site #3:

1. I do not know whether the sellers/prior owners [the Johnsons] of Site #3 participated in and/or were the recipients of any "Partial Decree". My clients did receive a letter from the Idaho Department of Water Resources, addressed to "New Property Owner", dated January 19, 1996 relating to an apparent substitution of parties in the pending adjudication and identifying a Notice of claim number 36-14144; a copy of this letter and the "Standard Form 3" attached thereto, is enclosed with this letter. My clients delivered this document to the Idaho real estate broker who handled the sale for completion and processing inasmuch as the Albers do not know where the sellers/Johnsons may be. The broker advises that it is making no progress in completing and processing the form. Based upon our discussion, it would appear that this property site should have been allocated or awarded not less than 0.04 CFS for the residential structure and, perhaps, additional CFS for the shop/commercial building. Please check your records and advise me of what information, if any, you have with regard to the adjudication

Mr. Steve Clelland
IDAHO DEPT. OF WATER RESOURCES
December 17, 1996
Page Four

of and/or determination of water interests regarding Site #2.

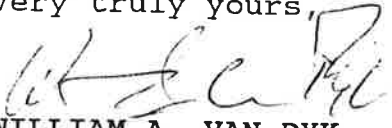
2. The records/files of the Department of Public Resources ("IDWR") and the records/files of the Fifth Judicial District ("Court") and the records/files of both the Court and IDWR should be promptly updated to reflect ownership of Site #3 vested in and held by Teo Albers and Greta Albers; the mailing address of the Albers is 13437 Mountain Avenue, Chino, California 91710. ✓

Upon your receipt of this letter and its enclosures, please contact me and advise me of what steps, if any, my clients need to undertake in ✓

order to have their water rights and interests with regard to the above three property sites properly determined and adjudicated and what documentation, if any, is required to be filed by my clients to facilitate a correct determination/adjudication and to assure that all notices with regard to the water rights adjudication are sent to them.

The Albers and I appreciate your professional courtesy and assistance in this matter.

Very truly yours,


WILLIAM A. VAN DYK

WAV/lb