

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 37-20808
Date Received: 10/2/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOAN MYLNAR Phone: (208)788-3108
22 BUTTERCUP RD
HAILEY ID 83333

TIMOTHY MYLNAR Phone: (208)788-3108
22 BUTTERCUP RD
HAILEY ID 83333

2. Date of Priority: 03/24/1883

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	20	SE SW NW	BLAINE	

5. Description of diverting works:

DAM, HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.03	

7. Total Quantity Appropriated is:
0.03 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	18E	4	NW	SE	IRRIGATION	1
					Section Acres	1
					Total Acres	1

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-13396.

15. Basis of Claim: Decreed



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 7, 2002

JOAN MYLNAR
TIMOTHY MYLNAR
22 BUTTERCUP RD
HAILEY ID 83333

RE: SRBA Claim(s) 37-13396 (Part)

Dear Mr. and Mrs. Mylnar:

Pursuant to the notification that you bought a portion of the property to which the above referenced adjudication claim is appurtenant, the department has split the original claim. Your portion has been numbered 37-20808.

Enclosed please find your copy of the claim. Review the document and should you have any questions or corrections, please contact this office.

As we discussed on the phone, there is no fee due for owner changes on claims in an active adjudication (such as the SRBA); consequently, I am returning your check 1297 in the amount of \$100.00.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

RECEIVED
AUG 26 2002
 Department of Water Resources
 Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-13396		✓			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) MIKE MCGRAW
4. New Owner/Claimant(s) 37881 S. ESTAMIA DR.
- Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address MARANA, AZ. 85653
- City, State and ZIP Code TIM AND JOAN MYLNAR
- New Telephone Number 22 BUTTERCUP RD.
5. Date you acquired the property HAILEY, ID. 83333
- (208-788-3108)
- 9/28/94

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>1 1/2 in.</u>	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>1 1/2 in.</u>	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by [Signature] Date 8/26/02 Fee _____
 Received by [Signature] Date _____ Receipt No. _____
 Processed by [Signature] AJ Date 10/2/02 WR _____ Date _____



WARRANTY DEED

For Value Received **MICHAEL J. MCGRAW, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY,**

the Grantor hereby grants, bargains, sells, conveys and warrants unto **TIMOTHY J. MYLNAR AND JOAN SUSAN MYLNAR, HUSBAND AND WIFE,**

the Grantee whose current address is: **22 BUTTERCUP ROAD, HAILEY, IDAHO 83333**

the following described premises, to-wit:

Lot 2 of MCGRAW SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 179826, records of Blaine County, Idaho.

This conveyance is subject to the following restrictions:

- 1) Any house built on the property shall have at least 1,000.00 square feet of floor space on the ground floor.
- 2) Existing Irrigation ditch on West side of property (if it runs on lot 4) to remain.
- 3) There is to be a fifteen (15) foot setback from the property line adjoining lots 3 and 1 of McGraw Subdivision in which no structures of any kind may be built, no vehicles of any kind may be parked or placed, and no material of any kind may be placed with the exception of a domestic well.

ACCEPTED AND APPROVED BY

ACCEPTED AND APPROVED BY

Timothy J. Mylnar

Joan Susan Mylnar

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

Dated: **September 20, 1994**

X *Michael J. McGraw*
MICHAEL J. MCGRAW

State of **CALIFORNIA**

County of X *Orange* ss.

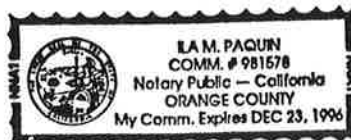
On this X *22nd* day of **September**, **1994**, before me, the undersigned, a Notary Public, in and for said State, personally appeared **MICHAEL J. MCGRAW**

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that **he** executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL)

X *La M. Paquin*
Notary Public
Residing at: *San Juan Capistrano, CA*
Commission Expires: *12-23-96*



02/14/2007

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

RIGHT NUMBER: 37-20808
NAME AND ADDRESS: JOAN MYLNAR
22 BUTTERCUP RD
HAILEY ID 83333

TIMOTHY MYLNAR
22 BUTTERCUP RD
HAILEY ID 83333

Box 21

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.030 CFS
PRIORITY DATE: 03/24/1883
POINT OF DIVERSION:

T03N R18E S20 SWNW Within BLAINE County
Water diverted from Headgate 22 delivered through Hiawatha Canal

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.030 CFS

PLACE OF USE: IRRIGATION in BLAINE County
T02N R18E S04 NWSE 1.00

1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-13396.

12/19/2006

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

RIGHT NUMBER: 37-20808
NAME AND ADDRESS: JOAN MYLNAR
22 BUTTERCUP RD
HAILEY ID 83333
TIMOTHY MYLNAR
22 BUTTERCUP RD
HAILEY ID 83333

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.030 CFS
PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S20 SESWNW Within BLAINE County
Water diverted from Headgate 22 delivered through Hiawatha Canal

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.030 CFS

15

The use of water for irrigation under this right may begin as early as April and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in BLAINE County
T02N R18E S04 NWSE 1.00

1 ACRES TOTAL

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

WATER IS DELIVERED THROUGH HIAWATHA CANAL.

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.

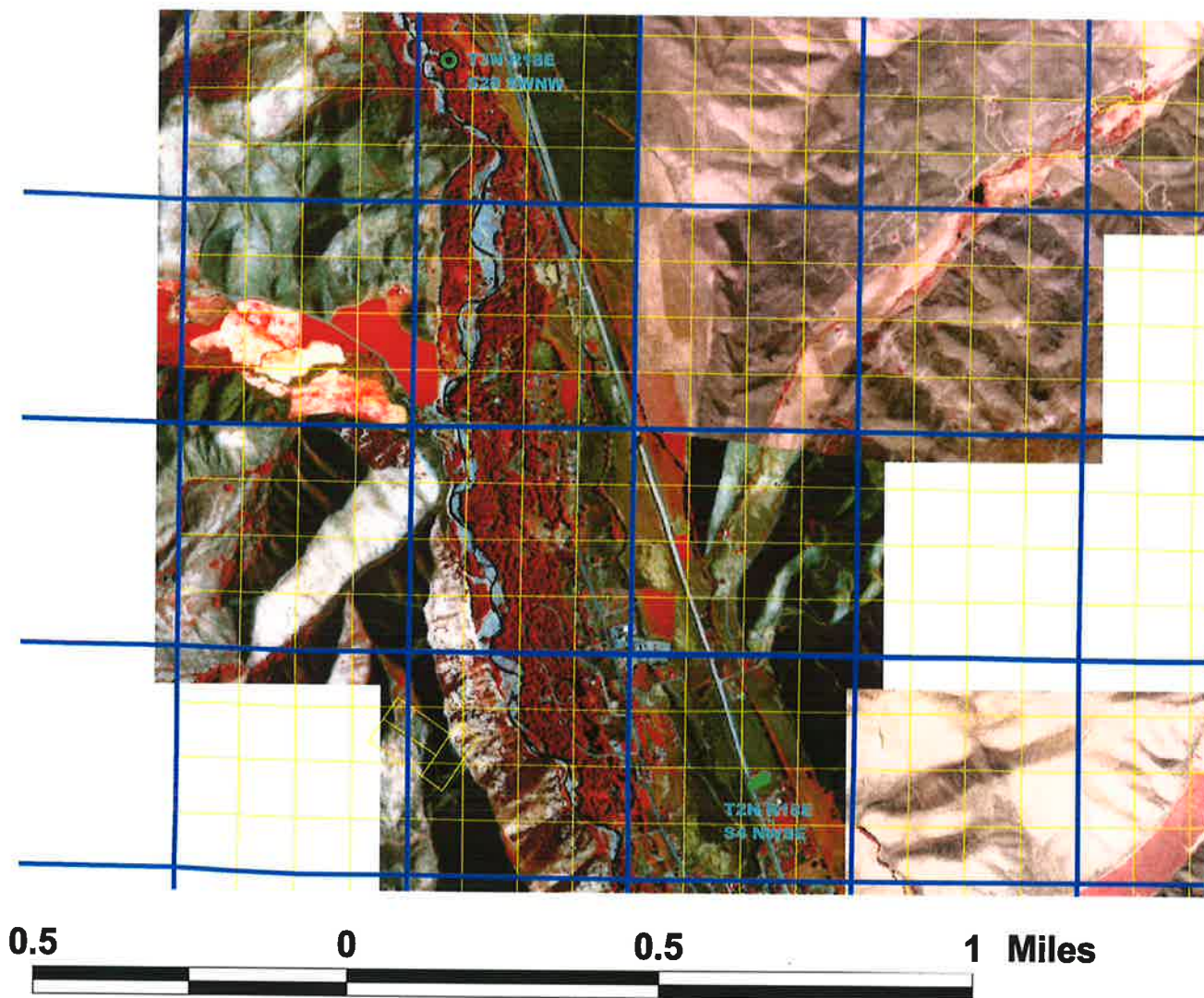
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-13396.



**State of Idaho
Idaho Department of Water Resources
Western Region**

**T3N R18E SECTION(S) 20
T2N R18E SECTION(S) 4
WATER RIGHT(S) : 37-20808**



- Point of Diversion
- ▭ Place of Use
- ▭ Section Lines
- ▭ Quarter Quarter Lines

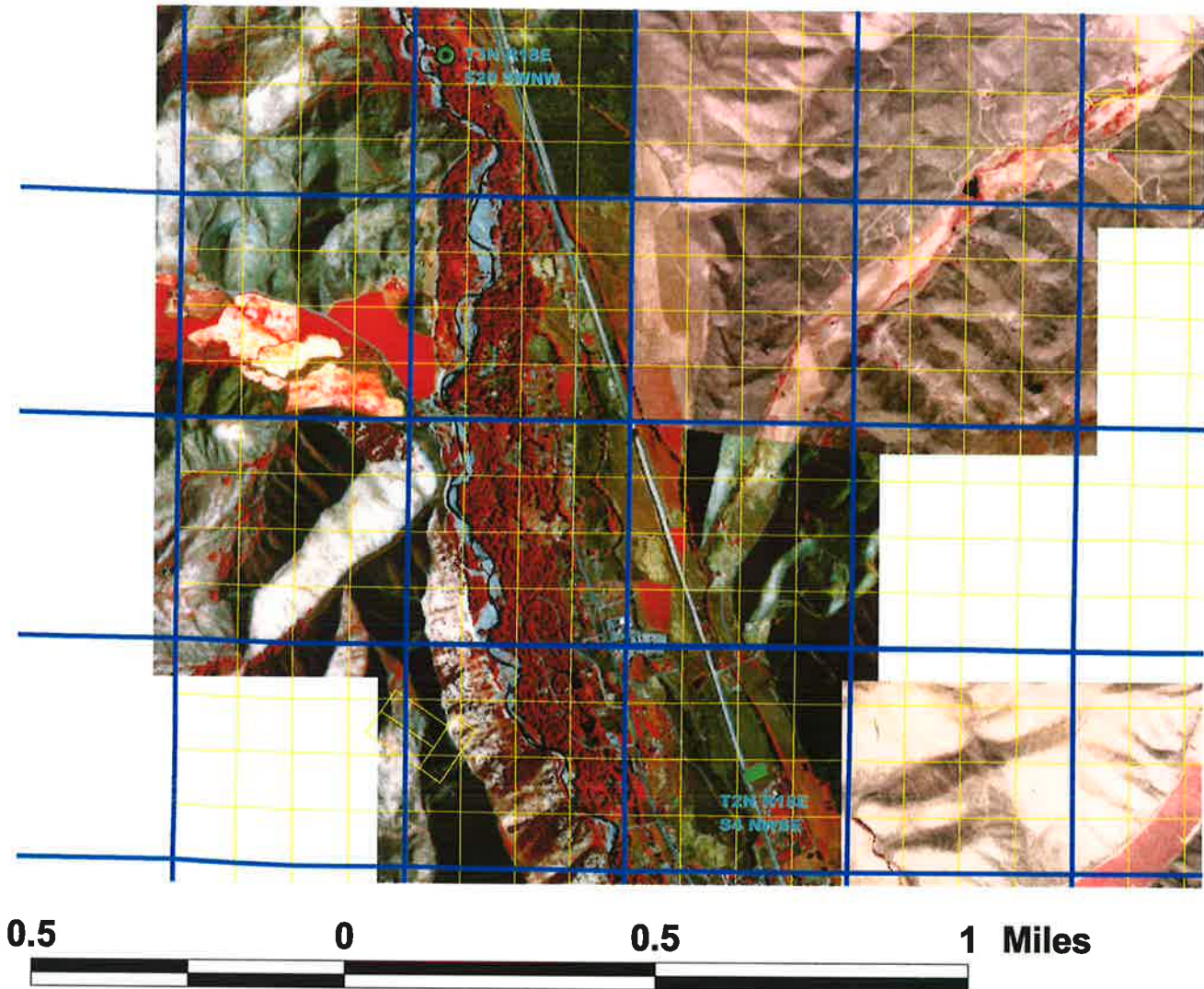
**GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: December 2006**





**State of Idaho
Idaho Department of Water Resources
Western Region**

**T3N R18E SECTION(S) 20
T2N R18E SECTION(S) 4
WATER RIGHT(S) : 37-20808**

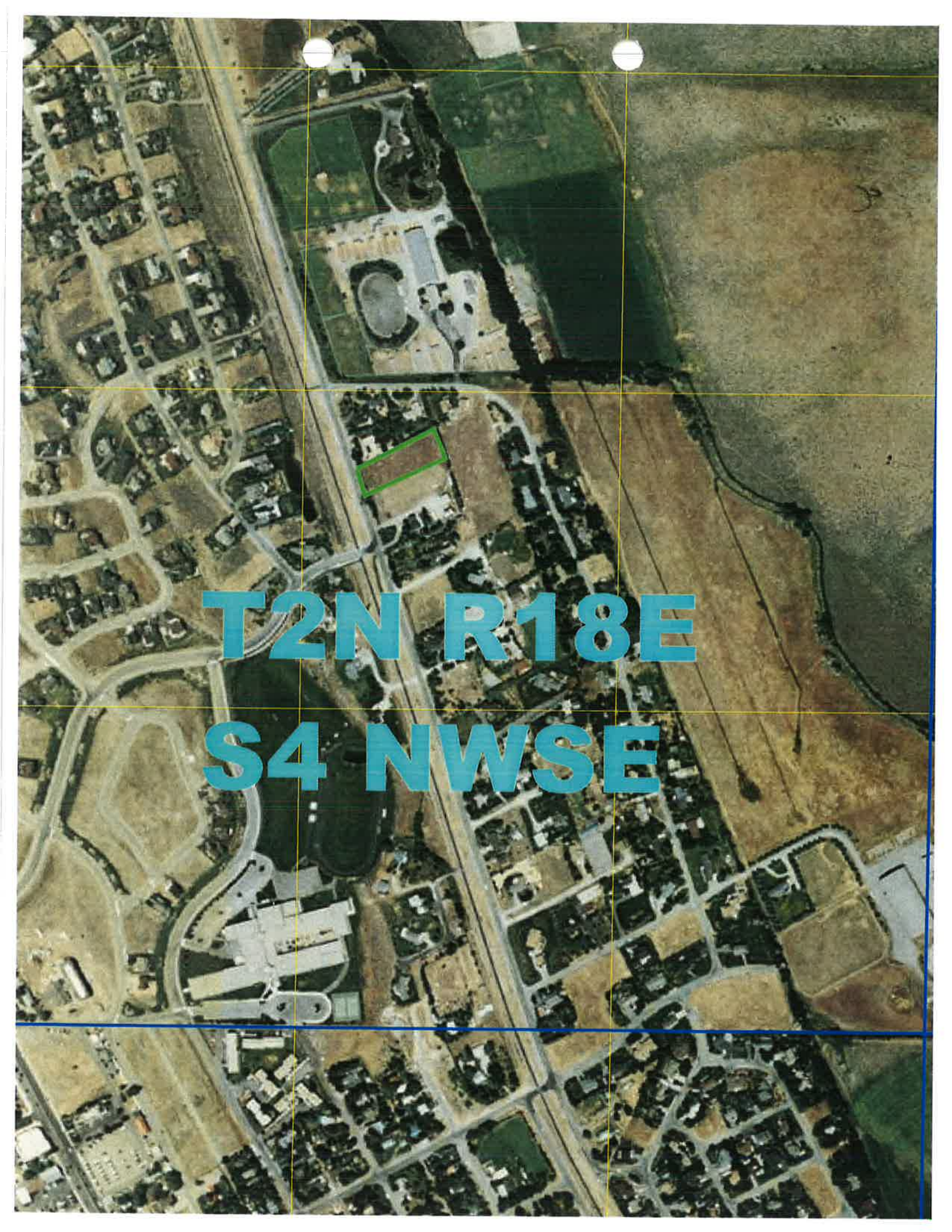


Total Irrigated Acres = 1 acre(s)

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

**GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: December 2006**



An aerial photograph of a suburban area. A green rectangular highlight is drawn on a lot in the center-left. The lot is surrounded by other residential lots and a road. The text "T2N R18E" and "S4 NWSE" is overlaid in large blue letters. The image is divided into four quadrants by a vertical yellow line and a horizontal yellow line. The top-left and bottom-right quadrants are further divided by a diagonal blue line. The top-right and bottom-left quadrants are further divided by a diagonal yellow line. The text "T2N R18E" is located in the top-left quadrant, and "S4 NWSE" is located in the bottom-left quadrant.

T2N R18E
S4 NWSE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20808 V1

WATER RIGHT NUMBER: 37-20808 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MICHAEL MC GRAW 33602 MOON RING CT DANA POINT, CA 92629 (714)493-6610
Current Owner	JOAN MYLNAR 22 BUTTERCUP RD HAILEY, ID 83333 (208)788-3108
Current Owner	TIMOTHY MYLNAR 22 BUTTERCUP RD HAILEY, ID 83333 (208)788-3108

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SE1/4SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	4															1.0		1.0

Total Acres: 1

Conditions of Approval:

1. G05 Water diverted from Headgate 22 delivered through Hiawatha Canal
2. WATER IS DELIVERED THROUGH HIAWATHA CANAL.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20808 V1

4. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-13396.
5. S37 The use of water for irrigation under this right may begin as early as April 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Remarks:Comments:

1. dnelson 12/18/2006 POU and POD Shapes
Comment: Place of use and Point of diversion were created based on maps supplied with claim.
2. dnelson 12/19/2006 Season of Use
Comment: Corrected season of use to 4/15 to 10/31

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	11/28/2006 12:23:34 PM	dsmith			Active
Priority Date	11/28/2006 12:24:05 PM	dsmith			Active
POD	11/28/2006 12:25:34 PM	dsmith			Active
Source	11/28/2006 12:26:33 PM	dsmith			Active
POU	11/28/2006 12:29:10 PM	dsmith			Active
Use	11/28/2006 12:29:31 PM	dsmith			Active
Season	11/28/2006 12:29:55 PM	dsmith			Active
Quantity	11/28/2006 12:30:14 PM	dsmith			Active
Summary			11/28/2006	dsmith	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-20808 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	11/3/2006 4:57:45 PM	CFRITSCH	Bulk Copy
POD	11/28/2006 12:26:10 PM	dsmith	Updated shape
POU	11/28/2006 12:28:43 PM	dsmith	Updated shape for Active POU
POU	11/28/2006 12:29:11 PM	dsmith	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Contacts	11/28/2006 12:23:35 PM	dsmith	(No) 1. Do you want to schedule an appointment? Comment for 1: Sufficient info in file
General	11/28/2006 12:24:06 PM	dsmith	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Source	11/28/2006 12:26:33 PM	dsmith	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Use	11/28/2006 12:29:32 PM	dsmith	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20808 V1

Quantity	11/28/2006 12:30:14 PM	dsmith	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required?
Summary	11/28/2006 12:31:11 PM	dsmith	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	11/28/2006 12:25:34 PM	dsmith	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (Yes) 10. Is a POD remark and/or condition required?
Season	11/28/2006 12:29:55 PM	dsmith	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?

Water Supply Bank:

11/28/2006

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

RIGHT NUMBER: 37-20808

NAME AND ADDRESS: JOAN MYLNAR
22 BUTTERCUP RD
HAILEY ID 83333

TIMOTHY MYLNAR
22 BUTTERCUP RD
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.030 CFS

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S20 SESWNW Within BLAINE County

Water diverted from Headgate 22 delivered through Hiawatha Canal

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

0.030 CFS

The use of water for irrigation under this right may begin as early as April 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S04

NWSE 1.00

1 ACRES TOTAL

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

WATER IS DELIVERED THROUGH HIAWATHA CANAL.

_____ CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS 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 - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-13396.

*Per Joan Mylnar, the irrigation system
has been used for 3 years.*

Send as prelim