

Pam M. Warthen
7061 Canyon Creek Road
Mtn. Home, Idaho 83647

November 29, 2017

RECEIVED

DEC 04 2017

WATER RESOURCES
WESTERN REGION

Chad Jones
IDWR
2735 Airport Way
Boise, Idaho 83705-5082

RE: WATER RIGHT NO. 61-252C & 61-10033A

Dear Chad,

After receiving notice of the above water rights being transferred back into Chester Tindall and Theodore W. Hoffman's names in your letter of June 29, 2017, I responded to you by phone July 7, 2017. Our conversation indicated that I would have more to present to the IDWR in regards as to where the water rights should rightfully be used. At that time you indicated that the IDWR would be willing to listen, examine other resources, and work with me in this matter.

In the past, having been led to believe that I did not have water rights on my property, I was confused because water has always been used on my property. Despite the fact that the original owner assumed continued ownership, I was also led to believe that I had the "right" to use the water. After conferring with the IDWR, I realized that the location of the property was the key component in determining water right usage. In this case, the place of use has been decreed to be on my property by the SRBA Court. That decree has not been timely appealed by anyone and thus the legal principle of res judicata prohibits the issue from being re-decided.

Even though the issue has been decided by the SRBA Court and the principle of res judicata applies, it is my feeling that other contributing factors should also be brought out into the open and discussed. I have summarized the information that I feel would help in dealing with water rights in question. Also, copies of official documents that apply to this controversy are available, and I have attached copies of some of them for your convenient reference.

It is my belief that these water rights are for my property. Having lived on the property for 40 years and having a knowledge of the history first hand, I have been honest and truthful in discussing the past history, use of the water and why the rights actually belong to me as owner of the property. It is my desire that you and your office will give careful consideration to all of the information I have supplied. I have been honest and forthright in my summary and documentation. If you need any further information concerning this material, please contact me.

It is my hope that we can address this issue and come to a conclusion prior to the 2018 irrigation season. Thank you for your time. I hope to hear from you in the near future.

Sincerely,



Pam M. Warthen

Enclosures

"ON GOING" ISSUES LEADING UP TO WATER OWNERSHIP DISPUTE

Between Pam M. Warthen and Ted Hoffman

PROPERTY BACKGROUND INFORMATION RELATING TO:

Water Right Numbers: 61-252C & 61-10033A located on the property owned by Pam M. Warthen

- November 1977: Pam M. Warthen and husband, Michael D. Warthen (now deceased) moved onto the property.
- January 1978: Pam and Mike Warthen purchased the 8.8 acres from Lloyd Hansen (now deceased)
 - This included the original ranch home and outbuildings
 - The purchase also included Mr. Hansen splitting off 2.19 acres of his large field that was in front of the Warthen home.
 - Despite the deed clause saying all water rights would be retained by Mr. Hansen...
 - **MR. HANSEN VERBALLY GUARANTEED THAT THE WATER WOULD CONTINUE TO BE USED FOR THE WARTHEN PORTION OF THE PROPERTY...WHICH IT WAS.**
 - Possible reasons for the deed language:
 - We were a young couple with a 2 year old and one on the way. Mike worked for Farm Home Administration which may cause us to be transferred and have to sell the place back to Lloyd Hansen. (However...40 years later, Pam is still on the property with no plans for moving.)
 - Mr. Hansen knew that the water was allotted for the Warthen property and he did not need the water for his property.
- **RESULTS: CONTINUOUS USE OF THE WATER RIGHTS ON THE WARTHEN PROPERTY:**
 - 1887 to 2015.... (128 years) water has been continuously used to water the property now owned by Pam M. Warthen that was part of the original ranch.
 - NOTE: Water was blocked by Mr. Ted Hoffman in 2015 which will be explained further in this documentation.
 - PEOPLE who have continued to use the water rights in question on the Warthen property after it was purchased by Pam and Mike Warthen.
 - 1978 - 1980 Lloyd Hansen
 - June 30, 1980 Sold his property to Chet Tindall
 - 1980 - 1990 Pam M. Warthen
 - (Myself) hired by Chet Tindall to water his ranch including continuing to use the water rights for the Warthen property.
 - 1991 - 2000 Bill Bieroth
 - Hired hand for Chet moved on to the ranch, as result took over the irrigation including water to the Warthen property
 - 2000 Ranch sold to Ted Hoffman.
 - 2001 Ted Hoffman, new owner, continued to send water to the Warthen acreage.
(In fact Mr. Hoffman asked Pam M. Warthen if she would be interested in irrigating for him. However, Pam could not due to time schedules with horse team.)
 - 2001 Bill Bieroth
 - Who decided to stay on as the hired hand for a while for the new owner Ted Hoffman, continued to water the Warthen property.
 - Jeremy Mink took over when he married Ted Hoffman's daughter, Kate. He continued to water the Warthen property.
- **IN SUMMARY:**
 - The water rights have been continuously used on my (Pam M. Warthen) property for 38 years of the 40 years I have owned and lived on the property.
 - Missing only the last 2 years when Ted Hoffman blocked the ditch in 2015 and refuses to allow water to the Warthen acreage.

ISSUES AND EVENTS (AND POSSIBLE ALTERNATIVE MOTIVES OF HOFFMAN) LEADING TO DISCORD OF WARTHEN/HOFFMAN AND RESULTING WATER DISPUTE

POSSIBLE ALTERNATIVE MOTIVES OF HOFFMAN:

- Desire to force Pam out thus allowing purchase of Pam's property. (**Shutting off the water to Pam's property the latest of several events.**)

(**NOTE:** Pam's husband, Michael D. Warthen passed away in December, 1994 leaving the property in Pam's name only. Pam has not remarried and presently is living alone on the property)

- **WARTHEN / HOFFMAN RELATIONSHIP AS NEIGHBORS:**
 - Year 2000, Mr. Hoffman as the new owner called Pam Warthen saying he would like her property and wondered if she would be willing to move. He indicated that he felt the property if ever sold should go to his family as they owned part of the old ranch.
 - Pam's answer ... "No this has been my home for 23 years" ...we bought it for me to work and enjoy."
 - Mr. Hoffman again indicated he felt the property should be his or his families if Pam should ever move as it was part of the old ranch.
 - At this time, Pam and family were allowed to continue riding horses on and across the Hoffman property and also to access the BLM land as had been done for the 23 years Pam had lived on her property.
- **HOFFMAN BEHAVIORS FOLLOWING PAM'S REFUSAL TO MOVE** (possibly in an effort to make things difficult for Pam to continue to live on her property with Hoffman as a neighbor.)
 - Others that Hoffman had talked to reported to me (Pam) that he may try and "scare Pam out" by putting stakes up as if housing would be closing in on her. (Stakes were never put in.)
 - Hoffman used firearms to the extreme... "above and beyond" normal activity for target practice, hunting, harassing, and venting emotions even in the night on the Hoffman land, close to the Warthen property, as well as the BLM ground. This behavior continues year round.
 - Hoffman allowed several irresponsible "hunters" to hunt on his property, even firing towards the Warthen home and acreage. (To my knowledge without insurance to cover this type of activity.)
 - Pam was accused of "running hunters off" ...yet in reality...one of the hunters were approached by Pam and daughter in an effort to offer other areas to hunt along the Snake River that their friends had offered them vs near populated areas.
 - Hoffman threatened Pam with the fact he was planning on opening a shooting range as a "Gun Club" by her and would be using her lane to do so. (An easement had been given to the prior owner, Chet Tindall, to access the ranch **only**. Hoffman now has an access on his own property to all of his fields.)
- **ABUSE OF LANE EASEMENT and FIREARMS:**
 - Horses were let out on the road while exiting Pam's lane.
 - Pam's dog was hurt by being run over by Hoffman's daughter.
 - Allowed hunters to use Pam's lane to access hunting on his ground.
 - Year 2008, Pam's dog was shot....leading her to believe Hoffman was at fault.
 - Hunters using lane as Pam was burying her dog.
 - Pam locked her lane to prevent more hunters until the issue was resolved...
 - Pam contacts attorney for help in remedying the situation with Hoffman
 - Later discovered it was not Hoffman who shot the dog.
 - Use of firearms continued for target shooting, hunting, for venting emotions, and harassing.
 - Pam was told that Mr. Hoffman tried to harass Pam and her daughter who lived with her at the time by shooting close to her home, and even shooting over her daughter's head while she was riding her horse.

- ACCESS TO BLM LAND THROUGH MR. HOFFMAN'S PROPERTY ALTERED

- Mr. Hoffman verbally agreed that Pam and family could continue to ride horses and access BLM ground across his property in their meeting in 2008 regarding the use of firearms and her lane.
- For approximately 5 years prior to 2017, Mr. Hoffman did not reside on the ranch full time because he accepted employment in another community.
- Hoffman's daughter Kate Mink, and son-in-law Jeremy Mink, now live on the ranch as tenants.
- During this time, Pam was informed by son-in-law Jeremy that if Pam was accessing the BLM across their property Pam (and family when home) would have to call Jeremy to let him know they were out there.
- Pam responded that it had been cleared with Mr. Hoffman in 2008 of which the Minks were unaware of the agreement. However, they agreed upon Pam using a text to communicate vs a phone call.
- Jeremy also requested that Pam keep dogs on leash when taking them to the BLM land.
- Pam and family did comply with both requests in an effort to "get along as neighbors".

EVENTS LEADING TO MR. HOFFMAN'S "NEXT STEP"...THAT OF BLOCKING WATER TO THE WARTHEN PROPERTY (SUMMER OF 2015)

January 24, 2015

- Pam and daughter, Jodi, walked to the neighboring Ireland property to have a picnic across the creek on the Ireland side of the creek.
 - Complied with the Hoffman request to "text" they were "out there"
 - Despite knowing Pam and daughter, Jodi were "out there", Jeremy Mink had allowed other people to hunt birds that day.
 - The hunters began shooting into the brush towards the Ireland property where the picnic was taking place.
 - In response, Pam whistled and yelled they were across the creek.
 - Hunters left, only to return about half hour later and began shooting into the same brush with Pam and daughter right in line of their fire.
 - Again Pam and Jodi gave loud yells and whistles and had to pack up and leave the area to go to their home.
 - Later that day Pam and Jeremy talked of the incident on the phone and Pam and Jodi were blamed for being "loud" and confronting the hunters, even though they were the ones being shot at and were **NOT** on the Hoffman property.
 - Again, Pam and daughter were falsely accused of "running people off of the Hoffman property" even though not even on the Hoffman property and were merely leaving for their own safety.
- RESULTS:
 - Pam felt the need to communicate as neighbors and wrote a letter attached to homemade bread and jam to Hoffman, his daughter and Jeremy's mailbox seeking "peace and a better communication".
 - The response to Pam was "STAY OFF OUR PROPERTY".
 - As a result it would be shutting off the access to the BLM land that has been used for 23 years by Pam (and family).
 - Having used the path to the BLM across property (now owned by Hoffman) for 23 years, Pam was told by friends and neighbors that Pam should have the right to continue to do so.

- PAM SEEKS LEGAL COUNSEL:

- Pam contacted an attorney and was told she should be okay to access the BLM land due to past use.
- About a month later, Pam (After texting Jeremy that she was going to go to the BLM land) did walk to the BLM land crossing over the Hoffman property.
- Pam's attorney notified Hoffman that the access to the BLM land should be available for Pam's use.
- HOFFMAN'S RESPONSE (possibly in "RETALIATION") after receiving the attorney's letter...
 - **HOFFMAN PUT A LOCK ON THE GATE preventing any use of the path to the BLM.**
 - **Although the LETTER DID NOT INVOLVE WATER RIGHTS, in SUMMER OF 2015, HOFFMAN SHUT OFF WATER TO THE WARTHEN PROPERTY IN RESPONSE TO THE ATTORNEY'S LETTER BY BLOCKING THE WATER FROM REACHING THE WARTHEN SIDE OF THE ORIGINAL FIELD.**

EFFORTS BY PAM TO RESTORE WATER TO PROPERTY UNTIL ISSUE COULD BE RESOLVED:

- SOUGHT RENTAL WATER THROUGH THE IDWR

- Met with Ashley Newby July 1, 2015
- Pam explained that she had been **told** she had no water rights even though the water was used on her property.
- Rental water was possible from Mary Horgan
- Ashley also discovered that the water rights that Hoffman had blocked **were for Pam's property.**
 - NO. 61-252C had been left in Chet Tindall's name
 - NO. 61-10033A had **"mistakenly been put in Ted Hoffman's name"**.
- Ashley suggested the rights be transferred to the correct property.
- Legal dispute from Hoffman's attorney as to who owned the water rights erupted.
- Pam did rent the water for the 2016 season to make sure she had water.

- RESULTS OF WATER RENTAL THROUGH THE IDWR

- 2016: HOFFMAN REFUSED TO LET RENTAL WATER DOWN THE DITCH
- 2016 Pam's drive/lane ended out being flooded by Hoffman in effort to **keep water off Pam's field.**
- 2017: HOFFMAN AGAIN REFUSED TO LET RENTAL WATER DOWN THE DITCH.
- 2017: An overabundance of water this season was indicated as the water was overflowing the pond supply indicating continued efforts to keep water out of reach for Pam's portion of the field.
- 2017: Hoffman has gone to the extreme of having dams set further down his ditch area in an effort to make sure no drainage can reach Pam's ditch that has been used to water her field. Otherwise the ditch does seep up the water and can make at least Pam's ditch area green. In doing so, he is even drying up part of his own field that adjoins the part purchased by Pam in order to make sure Pam's land is dry this year.
- POSSIBLE MOTIVE OF HOFFMAN by trying to "dry up the small 2.19 acres of Pam's property in the middle of the old ranch that has continuously received water and is surrounded by water on the surrounding fields.
 - Keep Pam from having access to his property and the BLM land.
 - Trying to "drive Pam out".
 - Desire to purchase Pam's property :
 - Hoffman's attorney has put pressure in communications to accept a "life time lease".
 - Hoffman has repeatedly (in legal communications about the issue) has said he wants "right of first refusal" to buy Pam's property in return for water to Pam's acreage.
 - Personal Gain:
 - The final communication between the two parties ended with Hoffman requesting that Pam pay Hoffman \$25,000 plus a yearly rental fee for water.
 - **NOTE:** Pam refused the offer because she felt it was outrageous and further more DOES NOT recognize Hoffman as the owner of the water rights as they are in dispute at the present time.

- **EFFORTS TO CONTACT CHET TINDALL FOR TRANSFER OF WATER RIGHTS DURING EFFORTS TO RENT WATER:**
 - When conflict about water rights occurred, , Chet Tindall (owner prior to Hoffman) was in a Mountain Home nursing home and could not “act for self”.
 - Water rights being challenged by Hoffman.
 - Chet Tindall passed away in the middle of this issue on August 25, 2015.
 - Pam was contacted by Chet’s daughter Shannon Boyer as the one named by Chet as the “Personal Representative” for the estate.
 - Shannon told Pam that she felt these water rights were not transferred to Hoffman by her Dad, Chet Tindall, because they belonged on Pam’s property and that she felt Chet saved them for Pam.
 - Shannon wanted to make sure the water rights went to Pam and planned to sign them over to her.
 - Hoffman threatened to sue not only Shannon, but the Estate if she did.
 - Shannon took the “threat” seriously, and the rights were consequently disclaimed by Chet’s estate.
 - At this time Hoffman’s attorney was led to believe many false statements concerning the relationship between Chet and Pam while Pam was employed by Chet.
 - **NOTE:** The Tindall family was split in their efforts to deal with the Estate and water issue...
 - Jason Tindall, a grandson of Chet Tindall, was friends with Hoffman and had been allowed to hunt on the Hoffman property. He wanted to have Hoffman have the water rights thus going against Shannon who was Chet’s personal representative.

RESULTS:

- Despite these obstacles, Pam continued to seek a peaceable solution, willing to compromise and try to build a neighborly relationship that all could live with. However, the efforts were not reciprocated.

2017 RECENT EVENTS WITH THE IDWR:

- Pam submitted a Notice of Security Interest letting the IDWR know she still had an interest in the water rights claimed by Ted Hoffman.
- Chad Jones contacted Pam...again recognizing the water rights were on her property and all that was needed was the filing of a change of ownership form.
- This process took place...listing Pam as the owner because the water rights were on her property.
- Hoffman was notified and his attorney responded with the one clause of the Warranty deed saving the water rights for Lloyd Hansen (owner at the time).
- At present, Chad Jones put the water rights back into Chet Tindall (deceased) and Ted Hoffman’s names.
- Pam was notified by Chad Jones of the action...leaving it open for further documentation.
- Pam responded that she would be submitting more information and documentation.

DOCUMENTATION SUPPORTING THE FACT THAT WATER RIGHTS SHOULD BE IN PAM WARTHEN'S NAME

- **COURT DECREES: Stating Water Rights are to go with the Warthen property**
 - Water Right NO. 61-252C
 - Partial decree SRBA, 23 April 2001
 - FULL DECREE as of 26 August 2014
 - Water Right NO. 61-10033A
 - Partial decree SRBA, 23 April 2001
 - FULL DECREE as of 26 August 2014
 - **Hoffman** notified on **April 07, 2000** that both water rights were recommended to be decreed for use on Pam's property, yet he **DID NOT OBJECT** until 15 years later after the decrees were rendered. Chet Tindall also was notified on April 07, 2000, and he did not object, in fact as noted above, that was the way he wanted it.
 - Under the legal principle of "**RES JUDICATA**"....The court has already decided the water rights go with Pam's land and the issue cannot be re-decided.
 - Two of the IDWR specialists, Ashley Newby and Chad Jones, have indicated to Pam that the water rights go with the land no matter whose name is listed as the owner of the water rights. Thus agreeing with the court decrees.

ADDITIONAL DOCUMENTATION AVAILABLE CONCERNING ABOVE INFORMATION UPON REQUEST

- Irrigation records kept by Pam while working for Chet Tindall on the entire original Ranch.
- Photos and Videos
 - Hunting activity and results of hunters by Pam's house and property.
 - Over abundant supply of water blocked from reaching Pam's ditch.
 - Ditch overflow flooding Pam's lane by blocking the ditch to her property.
 - Field dryness and subsequent damage to field due to lack of water.
 - Field results caused by efforts to keep any water from reaching Pam's field.
- Personal statements:
 - Richard Hansen (son of Lloyd Hansen) use of water on Pam's land
 - Bill Bieroth (hired hand for Chet Tindall and Ted Hoffman) use of water on Pam's land
 - Pam Warthen (self... irrigated for Chet Tindall) knows how the water is used and capability on properties. Irrigation records kept by Pam.
 - Shannon Boyer (Chet Tindall's daughter) knowledge of Chet's relationship with Pam

MISCELLANEOUS FACTORS TO CONSIDER**HISTORY OF WATER USE:**

- Covered in the previous testimony of Pam

HISTORY OF PROBLEMS RELATED TO WHY WATER NOT DELIVERED AFTER 2015

- Covered in the previous testimony of Pam.

NEED FOR WATER TO PAM'S PROPERTY:

- Property used for raising hay and pasture for horses.

PERSONAL HISTORY AND BACKGROUND INFORMATION:

- PAM
 - Public, Civil, and Criminal records available to all (but Pam has no criminal history)
 - Character References upon request denoting known for:
 - Honesty and integrity
 - Authenticity
 - Fairness
 - Respectful
 - Genuine
 - Credibility

FINAL STATEMENT:

I testify that the information included in this documentation is true to the best of my knowledge;

Signed:

Pam M. Warthen

Pam M. Warthen

Date: November 29, 2017

RECEIVED

DEC 04 2017

WATER RESOURCES
WESTERN REGION

ORIGINAL

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

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

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 26 2014	
By _____	Clerk
_____	Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

FINAL UNIFIED DECREE

I. PROCEDURE

On June 17, 1987, the State of Idaho, ex rel. A. Kenneth Dunn in his official capacity as Director of the Idaho Department of Water Resources, filed a petition in the above-entitled Court seeking commencement of a "general adjudication inter se of all rights arising under state or federal law to the use of surface and ground waters from the Snake River basin water system and for the administration of such rights." *Petition* at 2. On November 19, 1987, this Court issued its *Commencement Order* thereby initiating the above-entitled general stream adjudication of all rights to the use of the waters of the Snake River Basin within the State of

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

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 61-00252C

2001 APR 23 AM 8:33

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CHESTER J TINDALL
550 N 8TH E ST
MOUNTAIN HOME, ID 83647

SOURCE: CANYON CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.13 CFS

PRIORITY DATE: 07/27/1887

POINT OF DIVERSION: T02S R06E S35 NENESE (Injection) Within Elmore County
S36 SENESE (Rediversion)
NWNENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.13 CFS

PLACE OF USE: Irrigation Within Elmore County
T02S R06E S35 SESE 2.4
T03S R06E S02 LOT 01 (NENE) 4.1
6.5 Acres Total

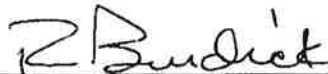
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 6.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-10033A

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

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

RULE 54(b) CERTIFICATE

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



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 7, 2000

CHESTER J TINDALL
550 N 8TH E ST
MOUNTAIN HOME ID 83647

Re: Original Notice of Claim to a Water Right No. 61-00252A

Renumbered to Notice of Claim to a Water Right No. 61-00252C

Dear Claimant:

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by adding alpha suffixes to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new claim number when corresponding with our office.

Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning this ownership change, or the enclosed information, please feel free to contact this office.

Sincerely,

Adjudication Section
Western Region Office

DB:db

Enclosure

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 NO. 61-00252A

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

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: April 7, 2000



Signature of IDWR Representative

AJ5856NP

IDAMO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: APR-6-2000
PAGE: A-1

RIGHTS FROM: SOURCE: CANYON CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 61-00252C
NAME & ADDRESS: CHESTER J TINDALL
550 N 8TH E ST
MOUNTAIN HOME ID 83647
SOURCE: CANYON CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 0.13 CFS
PRIORITY DATE: 07/27/1887
POINT OF DIVERSION: T02S R06E S36 NW1/4NW
S35 NENESE (INJECTION) Within ELMORE County
SENESE (REDIVERSION)
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 03-15 11-15 0.13 CFS
PLACE OF USE: IRRIGATION Within ELMORE County
T02S R06E S35 SESE 2.4
T03S R06E S02 Lot 1 (NENE) 4.1
6.5 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 6.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NO.: 61-10033A.

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 61:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

AJ5856NP

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

DATE: APR-6-2000
PAGE: A-2

RIGHTS FROM:	SOURCE: CANYON CREEK	TRIBUTARY: SNAKE RIVER
RIGHT NUMBER:	61-00252C (CONT)	

EXPLANATORY MATERIAL: (CONT)

USE OF THIS RIGHT IS COMBINED WITH WATER FROM
MOUNTAIN HOME IRRIGATION DISTRICT.

RIGHT NO. 61-10033A & B ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED AS; T02S, R06E, S35, SE/4.

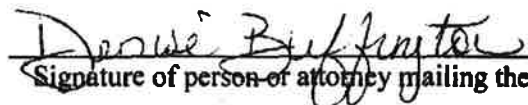
RIGHT NO. 61-00252D IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

CERTIFICATE OF MAILING

I certify that on April 7, 2000, 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:
CHESTER J TINDALL
550 N 8TH E ST
MOUNTAIN HOME ID 83647
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
CHESTER J TINDALL
550 N 8TH E ST
MOUNTAIN HOME ID 83647

TED HOFFMAN
RITA HOFFMAN
RT 1 BOX 815
MOUNTAIN HOME ID 83647
4. One Copy to:
Each party in the subcase or attorney of record:
N/A
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

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

In Re SRBA)
Case No. 39576)

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

Water Right 61-10033A

2001 APR 23 AM 8:33

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS:

CHESTER J TINDALL
550 N 8TH E ST
MOUNTAIN HOME, ID 83647

SOURCE:

CANYON CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY:

0.53 AFY

PRIORITY DATE:

12/31/1959

POINT OF DIVERSION:

T02S R06E S35

SENESE

Within Elmore County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

Irrigation Storage

01-01 TO 12-31

0.53 AFY

Irrigation from Storage

03-15 TO 11-15

0.53 AFY

PLACE OF USE:

Irrigation from Storage

Within Elmore County

T02S R06E S35

SESE 2.4

T03S R06E S02 LOT 01 (NENE) 4.1

6.5 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 6.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-002520 & 61-10034.

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

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

RULE 54(b) CERTIFICATE

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


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 7, 2000

CHESTER J TINDALL
550 N 8TH E ST
MOUNTAIN HOME ID 83647

Re: Original Notice of Claim to a Water Right No. 61-10033

Renumbered to Notice of Claim to a Water Right No. 61-10033A

Dear Claimant:

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by adding alpha suffixes to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new claim number when corresponding with our office.

Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning this ownership change, or the enclosed information, please feel free to contact this office.

Sincerely,

Adjudication Section
Western Region Office

DB:db

Enclosure

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
Water Right 61-10033

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): 61-10033

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
4/6/2000

61-10033

PAGE 1

From (Claimant/Seller):

Water Right Number: 61-10033

Name of Claimant: CHESTER J TINDALL
Address: 550 N 8TH E ST
MOUNTAIN HOME ID 83647
Phone: (208) 587-3798

To (Claimant/Purchaser):

Water Right Number: 61-10033A

Name of Claimant: CHESTER J TINDALL
Address: 550 N 8TH E ST
MOUNTAIN HOME ID 83647
Phone: (208) 587-3798

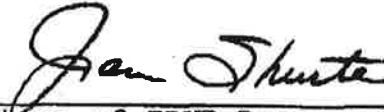
Water Right Number: 61-10033B

Name of Claimant: TED HOFFMAN
RITA HOFFMAN
Address: RT 1 BOX 815
MOUNTAIN HOME ID 83647
Phone: (208) 587-6374

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: April 6, 2000

A handwritten signature in cursive script, appearing to read "Jan Shute", is written above a horizontal line.

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 7, 2000 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:

CHESTER J TINDALL
550 N 8TH E ST
MOUNTAIN HOME ID 83647
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

CHESTER J TINDALL
550 N 8TH E ST
MOUNTAIN HOME ID 83647

TED HOFFMAN
RITA HOFFMAN
RT 1 BOX 815
MOUNTAIN HOME ID 83647
4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
5. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Dennie Buffington
Signature of person or attorney mailing the form

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: APR-6-2000
PAGE: A-1

RIGHTS FROM: SOURCE: CANYON CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 61-10033A

NAME & ADDRESS: CHESTER J TINDALL
550 N 8TH E ST
MOUNTAIN HOME ID 83647

SOURCE: CANYON CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.53 AFY

PRIORITY DATE: 12/31/1959

POINT OF DIVERSION: T02S R06E S35 SESE Within ELMORE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	01-01 12-31	0.53 AFY
IRRIGATION FROM STORAGE	03-15 11-15	0.53 AFY

PLACE OF USE: IRRIGATION FROM STORAGE Within ELMORE County

T02S R06E S35	SESE	2.4
T03S R06E S02	Lot 1 (NENE)	4.1
6.5 ACRES TOTAL		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 6.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00252D & 61-10034.

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

AJ5856NP

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

DATE: APR-6-2000
PAGE: A-2

RIGHTS FROM:	SOURCE: CANYON CREEK	TRIBUTARY: SNAKE RIVER
RIGHT NUMBER:	61-10033A (CONT)	

EXPLANATORY MATERIAL: (CONT)

USE OF THIS RIGHT IS COMBINED WITH WATER FROM
MOUNTAIN HOME IRRIGATION DISTRICT.

RIGHT NO. 61-00252C & D ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.