

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 47-2502 V1

WATER RIGHT NUMBER: 47-2502 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KATHI L MEYERS 3921 N 3300 E TWIN FALLS, ID 83301 (208)733-4952
Current Owner	ROBERT J MEYERS 3921 N 3300 E TWIN FALLS, ID 83301 (208)733-4952
Attorney	MICHAEL C CREAMER GIVENS PURSLEY LLP 601 W BANNOCK ST PO BOX 2720 BOISE, ID 83701-2720 (208)388-1200
Original Owner	KEN MULBERRY ENTERPRISES PO BOX H KIMBERLY, ID 83341 (208)423-5555

Priority Date: 06/04/1949

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
ROCK CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.780 CFS	
	<u>Total Diversion:</u>	0.780 CFS	

Location of Point(s) of Diversion

ROCK CREEK	NW 1/4SE1/4NW 1/4	Sec. 22, Twp 11S, Rge 18E, B.M.
TWIN FALLS 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	
11S	18E	22					39.0												39.0

Total Acres: 39

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

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1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. S20 Use of this right is combined with water from Twin Falls Canal Co.
3. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands below.

Remarks:Comments:

1. akriwox 2/27/2006 field exam
Comment: conducted on 1-25-2006 by Glen Gier

2. akriwox 2/27/2006 POU
Comment: recommended as licensed although 1987 shows less irrigation occurring

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/OR
Water District Number: 470
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:SubCase:

SubCase Number: 47-2502
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: akriwox
Basis of Claim: License
Date Filed: 10/16/2007 Objection Status: Active
Date Filed: 9/25/2007 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 47-2502 V1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 47-2137 V1

WATER RIGHT NUMBER: 47-2137 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KEN MULBERRY ENTERPRISES PO BOX H KIMBERLY, ID 83341 (208)423-5555
Lienholder	THE MUTUAL LIFE INSURANCE CO OF NEW YORK ATTN BONNIE TERRELL ASST VP 4412 74TH ST #F100 LUBBOCK, TX 79424 (806)792-1073

Priority Date: 04/29/1918

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	ROCK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.560 CFS	
	<u>Total Diversion:</u>	0.560 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	SW1/4SW1/4SW1/4	Sec. 23, Twp 11S, Rge 18E, B.M.
TWIN FALLS 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	
11S	18E	22							28.0										28.0

Total Acres: 28

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 47-2137 V1

Comments:

1. akriwox 11/16/2005 Transfer Needed

Comment: Previous owner sold the licensed place of use to one person but had previously sold the water right to Mr Mulberry. Mulberry was informed that in order to use the licensed water he had to file a transfer and move it to his claimed POU, which he has not done. Therefor, the recommended POU is as licensed, not claimed. Letter was sent to Mr Mulberry on November 9, 2005.

2. akriwox 11/16/2005 POU

Comment: 28 acres of irrigation located using 1987 imagery.

3. akriwox 11/16/2005 CFS

Comment: Adjusted to reflect acres of irrigation.

4. akriwox 11/16/2005 Source

Comment: THE SOURCE OF THIS WATER IS A SEEP STREAM THAT HAS BEEN CHanneled IN A DITCH AND DUMPED INTO ROCK CREEK STREAM BED WHERE THE WATER IS THEN RE-DIVERTED FROM ROCK CREEK WITH A 40 HP PUMP AND DELIVERED TO SPRINKLERS.

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:SubCase:

SubCase Number: 47-2137

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: akriwox

Basis of Claim: License

Date Filed: 9/14/2007 Objection Status: Active

Date Filed: 9/25/2007 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 47-2137

WATER RIGHT NUMBER: 47-2137

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KEN MULBERRY ENTERPRISES PO BOX H KIMBERLY, ID 83341 (208)423-5555
Lienholder	THE MUTUAL LIFE INSURANCE CO OF NEW YORK ATTN BONNIE TERRELL ASST VP 4412 74TH ST #F100 LUBBOCK, TX 79424 (806)792-1073

Priority Date: 04/29/1918

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	ROCK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.600 CFS	
	<u>Total Diversion:</u>	0.600 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	SW1/4SW1/4SW1/4	Sec. 23, Twp 11S, Rge 18E, B.M.
TWIN FALLS 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	
11S	18E	22																	30.0
																			30.0

Total Acres: 30

Conditions of Approval:

- THE SOURCE OF THIS WATER IS A SEEP STREAM THAT HAS BEEN CHanneled IN A DITCH AND DUMPED INTO ROCK CREEK STREAM BED WHERE THE WATER IS THEN RE-DIVERTED FROM ROCK CREEK WITH A 40 HP PUMP AND DELIVERED TO SPRINKLERS.
***** LIENHOLDER ADDED 10/25/94 ADM | ADDRESS CHANGE FOR LIENHOLDER 7/30/1999 SS.

Remarks:

This is claim objected to in SRBA
This puts it on the place when trustee
proposed. Recommendation does not
support this move.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 47-2137

Comments:

Dates and Other Information:

Claim Received Date: 12/13/1988

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 47-15262 V1

WATER RIGHT NUMBER: 47-15262 V1

Owner Type Name and Address
 Current Owner LEX R CHRISTIANSEN
 PO BOX 950
 TWIN FALLS, ID 83301
 (208)423-6210

Priority Date: 03/15/1947

Basis: Beneficial Use

Status: Active

Source Tributary
 WASTE WATER ROCK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.360 CFS	
<u>Total Diversion:</u>		0.360 CFS	

Location of Point(s) of Diversion

WASTE WATER	SW1/4SE1/4NW1/4	Sec. 22, Twp 11S, Rge 18E, B.M.
TWIN FALLS County		
WASTE WATER	SW1/4SW1/4NW1/4	Sec. 22, Twp 11S, Rge 18E, B.M.
TWIN FALLS 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	
11S	18E	22																	18.0
																			18.0

Total Acres: 18

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. G16 This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

Remarks:

*This overlaps
 with original
 2nd were 47-2137 is recommended.*

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 47-15262 V1

Comments:

1. akriwox 5/23/2006 Source & PODs

Comment: Appears to be only waste water being used for this claim, based on submitted evidence of priority letter and field exam. E of P letter states that "the water source that was used ORIGINATED from...claim A47-2479A". License 47-2479 pods will not be recognized as pods for this claim, actual waste water pods for this POU are located in Section 22...as shown and described by Kirk Christiansen to field examiner. Letter was sent on October 5, 2005 to Pam Christiansen to amend claim to reflect actual pods and to do a change of ownership, an appointment was made, but Ms. Christiansen never came in.

2. akriwox 5/23/2006 field exam

Comment: Conducted by Lee Peterson on September 7, 2005. Field examiner was met by Kirk Christiansen and shown the pou and pods for this claim.

3. akriwox 5/23/2006 POU & CFS

Comment: 1987 imagery shows @ 18 acres of irrigation. CFS adjusted to reflect actual irrigated acres.

4. akriwox 5/23/2006 Priority Date

Comment: Based on submitted Evidence of Priority written by Don Dean in 1995, 3-15-1947 can be recognized.

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:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

SRBA

SUBCASE SUMMARY REPORT 47-15262

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SRBA
03-06-2008

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 47-15262 FILE#: 00000
CLAIMANT: CHRISTIANSEN, LEX R
PO BOX 950

TWIN FALLS ID 83301
STATUS: UNOBJECTED TO W/R SPECIAL MASTER:
WATER SOURCE: WASTE WATER TRIBUTARY: ROCK CREEK

**** PARTIES INVOLVED ****

LEX R CHRISTIANSEN C PRO SE

**** ROA ENTRIES ****

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SUBCASE SUMMARY REPORT 47-02137

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SRBA
03-06-2008

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 47-02137 FILE#: 00833
CLAIMANT: KEN MULBERRY ENTERPRISES
PO BOX H

KIMBERLY ID 83341
STATUS: AT ISSUE SPECIAL MASTER: DOLAN, TERRENCE A.
WATER SOURCE: UNNAMED STREAM TRIBUTARY: ROCK CREEK
ISSUES: SOURCE OF WATER
0

**** PARTIES INVOLVED ****

KEN MULBERRY ENTERPRISES	C PRO SE
TWIN FALLS CANAL COMPANY	O ATTY: BARKER, ROSHOLT & SIMPSON LLP
IGWA INC	R ATTY: RANDALL C BUDGE
KEN MULBERRY	O PRO SE

**** ROA ENTRIES ****

09-14-2007	OBJ 01 F/B TWIN FALLS CANAL COMPANY	RB	11-21-2007 0001
09-25-2007	LODGED: LATE OBJ 01 F/B MULBERRY, KEN		
11-21-2007	RESPONSE TO OBJ 0001 F/B IGWA INC		0001

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