

No Color
Documents
In File

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	Water Right 57-00284
	)	

PAGE 1
MAY-3-1999

SRBA

SUBCASE SUMMARY REPORT 57-00284

[Return to SRBA Home Page](#)

SRBA
05-03-1999

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 57-00284 FILE#: 00666
CLAIMANT: HOLTON, DAVID L & BETTY J
STATUS: PD ISSUED
WATER SOURCE: SQUAW CREEK, SNAKE RIVER

****** PARTIES INVOLVED ******

DAVID L & BETTY J HOLTON PRO SE

****** ROA ENTRIES ******

12-06-1996	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING	12-06-1996
12-06-1996	AMENDED DIRECTORS REPORT FILED (SUBSTITUTE PARTY - HOLTON FROM ROESER)	
06-23-1997	PARTIAL DECREE FILED	06-23-1997
06-23-1997	CERTIFICATE OF MAILING - PARTIAL DECREE	

[Return to SRBA Home Page](#)

All or Part of the
SRBA Decree file
has been merged into
this Water Right file.

See Adjudication microfilm
for additional SRBA
information.

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED
MAY 14 1993
Department of Water Resources

I, LAWRENCE S. WALKER, hereby assign to James Roeser and Carlene Roeser
of Star Route, Marsing, ID 83639
Address

All my right, title, and interest in and to Permit No. 57-00284
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the
State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

Made this 19th day of Nov, 1991.

Lawrence S. Walker
Permit Holder Lawrence S. Walker

Spouse of Permit Holder

State of Idaho)
County of Ada) ss

On this 19th day of November, 1991, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he ~~(she)~~ ~~(they)~~ executed the same.

Delbert S. Crump
Notary Public residing at Boise, Idaho

s e a l

My commission expires:
10/23/93

RECORDED

MAY 21 1993

RECEIVED

MAY 14 1993

ASSIGNMENT
(Water Rights)

Department of Water Resources

THIS ASSIGNMENT entered into as of the 19th day of Nov., 1991, by and between LARRY WALKER (hereinafter "Assignor"), and JAMES ROESER and CARLENE ROESER, husband and wife (hereinafter "Assignees"),

WITNESSETH:

WHEREAS, Assignor desires to assign all of his right, title and interest in, to and under the water and water rights set forth and described on Exhibit "A" attached hereto and by this reference made a part hereof, together with all applications, permits, shares of stock in water and canal companies, and all licenses, permits, applications and all rights to water now owned or hereafter perfected in the water adjudication matters now in process, and Assignee is desirous of accepting same;

NOW, THEREFORE, for good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, Assignor has assigned, transferred and conveyed, and by these presents does assign, transfer and convey unto Assignees all of Assignor's right, title and interest, if such exist, in, to and under all applications, permits, shares of stock in water and canal companies and all licenses, permits, applications and rights to water now owned or hereafter perfected in the water adjudication matters now in process, including but not limited to those items set forth and described on Exhibit "A" attached hereto.

By their execution hereof, Assignees hereby agree to assume and perform all duties and obligations under said water rights and to hold Assignor harmless from any liability for performance or nonperformance of such obligations.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

ASSIGNEES:

Larry Walker
Larry Walker

ASSIGNOR:

James Roeser
James Roeser
Carlene Roeser
Carlene Roeser

MICROFILMED

MAY 21 1993

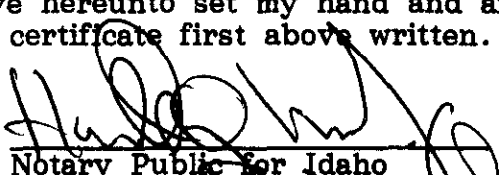
STATE OF IDAHO)

) ss.

County of

On this 19th day of November 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared LARRY WALKER, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho

Residing at:

My commission expires: 9/18/92

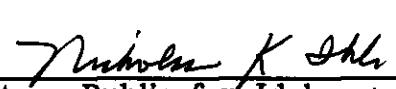
STATE OF IDAHO)

) ss.

County of Ada

On this 26th day of April, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES ROESER and CARLENE ROESER, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 1/31/94

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MAY 21 1993

IDaho DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

12/07/89 14:48:19
Page 1

Water Right Number - 57-02019

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 3262

Last Name - + First Name - + Address - +

Priority Date - + 11/05/1907 14 Region - + L - LICENSE Status - +

Source - + SQUAW CREEK + Tributary - + SNAKE RIVER +

Twn Rng Sec Tract Lot Rflg County Point of Diversion - +

Code Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION 1.000
43 - DOMESTIC

Total Div Rate - + Total Div. Volume - + Total Div. Capacity - +
1 000

Twn Rng Sec Tract Lot Acres Place of Use Code Description County

Total Acres: 65.0

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use -

P/D SW CORNER, S25, T1N, R5W.

Conditions of Approval - +
No Conditions of Approval found.

Decree Plaintiff - + Decree Defendant - + Decree Date - +
00/00/0000

Audit Fields -

Water Rights Dates and Flags Area - +

Proof Due Date - 00/00/0000 Field Exam Made - 00/00/0000 Field Exam Fee -
Approved/Denied - 00/00/0000 Protested Date - 00/00/0000 Swan Falls -
Proof Made Date - 00/00/0000 Hearing Date - 00/00/0000 Temporary Right - P

EX-111

D

WR0726NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

12/07/89 14:48:19
Page 2

Water right number - 57-02019

Adj. flag translation: Standard Water Right Number

	Water Rights Dates and Flags Area	Standard Water Right Number
Start Work Date - 00/00/0000	Verified Date - 03/12/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 57E
Licensed Date - 06/07/1979	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000		

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

12/07/89 14:49:36
Page 1

Water Right Number - 57-02091 Adj. Ping Translation: Standard Water Right Number Old (D) Number - 11535

Last Name - + First Name - + Address - +

Priority Date - + Region - + Stage - + Status - +
08/15/1915 14 L - LICENSE

Source - + Tributary - +
SQUAW CREEK, WEST FORK SNAKE RIVER

Point of Diversion - +
Twn Rng Sec Tract Lot Rflg County

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 1.160
43 - DOMESTIC

Total Div. Rate - + Total Div. Volume - + Total Div. Capacity - +
1.160

Twn Rng Sec Tract Lot Acres Code Description County

Total Acres: 58.0

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use -

Remarks -
No Remarks found.

Conditions of Approval -
No Conditions of Approval found.

Decree Plaintiff - + Decree Defendant - + Decree Date - +
00/00/0000

Audit Fields -

Water Rights Dates and Flags Area -

Proof Due Date - 00/00/0000 Field Exam Made - 00/00/0000 Field Exam Fee -
Approved/Denied - 00/00/0000 Protested Date - 00/00/0000 Swan Falls -
Proof Made Date - 00/00/0000 Hearing Date - 00/00/0000 Temporary Right - P

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

12/07/89 14:49:36
Page 2

Water right number - 57-02091

Adj. flag translation: Standard Water Right Number

Start Work Date	- 00/00/0000	Verified Date	- 02/26/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 06/07/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

REPORT

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS SUMMARY REPORT

DATE: 09/11/90
PAGE: 1

RMG
MR-NUMBER: 57-02321
CURRENT OWNER: LAWRENCE S. WALKER

PRIORITY DATE:
09-05-1961

STAGE:
DECREED

COUNTY: Owyhee
SOURCE: SQUAW CREEK
WATER USE:
IRRIGATION STORAGE
IRRIGATION FROM STORAGE
TOTAL:
DIVERSION RATE:
TRIBUTARY: SNAKE RIVER
DIVERSION VOLUME:
PERIOD FROM: PERIOD TO:

REMARKS: DECREE GIVEN LIC. NUMBER.

POINT OF DIVERSION: Twp Rge Sec Tract Lot
01N 05W 25 NW SW

PLACE OF USE: Twp Rge Sec Tract Lot Acres
01N 04W 25 SE NE
01N 04W 30 NE NW
01N 04W 30 NW NW
01N 04W 30 SW NW
01N 04W 30 SE NW

MR-NUMBER: 57-00284
CURRENT OWNER: H. S. WALKER
ELIZABETH WALKER
LAWRENCE WALKER
PRIORITY DATE: 06-01-1900
STAGE: DECREED

SOURCE: SQUAW CREEK
WATER USE: IRRIGATION
DOMESTIC
STOCKWATER
DIVERSION RATE: 1.720
TRIBUTARY: SNAKE RIVER
DIVERSION VOLUME: 1.720
PERIOD FROM: PERIOD TO:
TOTAL: 1.720

DECREE PLAINTIFF: ADAM H. BLACKSTOCK
DECREE DEFENDANT: GEORGE JOHNSTONE ET. AL.

PLACE OF USE: Twp Rge Sec Tract Lot Acres
01N 04W 30 NE NW
01N 04W 30 NW NW
01N 04W 30 SE NW
01N 04W 25 SW NE
01N 05W 25 SE NE
01N 05W 25 NE SW
01N 05W 25 NE SE
01N 05W 25 NW SE

MR-NUMBER: 57-02019
CURRENT OWNER: JAMES R. KEITH
COUNTY: Owyhee
PRIORITY DATE: 11-05-1907
STAGE: LICENSE
WATER-DIST: 57E

HR-NUMBER: 57-02019 (cont'd)

SOURCE: SQUAW CREEK
WATER USE:
IRRIGATION
DOMESTIC

TRIBUTARY: SNAKE RIVER
DIVERSION RATE: 1.000
DIVERSION VOLUME:

PERIOD FROM: PERIOD TO:

TOTAL: 1.000

REMARKS: P/D SW CORNER, S25, T1N, R5W.

POINT OF DIVERSION:	Twp	Rge	Sec	Tract	Lot
	01N	05W	25	SW SW	
PLACE OF USE:	Twp	Rge	Sec	Tract	Lot
	01N	05W	25	SW NE	25.0
	01N	05W	25	SE NE	15.0
	01N	05W	25	NE SW	25.0
TOTAL ACRES:					65.0

END OF REPORT

SMITH, MILLER & WESTON
ATTORNEYS AT LAW
1801 ELLIS STREET
P. O. BOX 1116
CALDWELL, IDAHO 83605
TELEPHONE NO 459-3646

Case No. 3070
District Court, Owyhee County, Idaho
Date Filed MAR 13 1973
BARBARA JAYO Clerk
By _____ Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

ADAM H. BLACKSTOCK and MILDRED J.
BLACKSTOCK, husband and wife,

Plaintiffs,

-vs-

GEORGE JOHNSTONE and JUANITA
JOHNSTONE, husband and wife;
EVERETT LARSEN and VENET LARSEN,
husband and wife; EVERETT CLARK
and EDITH CLARK, husband and wife;
JOSEPH W. WALKER and ORA WALKER,
husband and wife; LAWRENCE WALKER;
W. S. WALKER and ELIZABETH WALKER,
husband and wife; RAYMOND MEININGER;
DARRELL D. LARSEN; EARL E. CUMMINGS;
CHIPMUNK GRAZING ASSOCIATION, an
Idaho corporation; HENRY DIXON;
CHARLES TYSON and the unknown
owners or claimants of any rights
to the use of the waters of Squaw
Creek, in Owyhee County, Idaho,

Defendants.

CASE NO. 3070

WR#57-00284

JUDGMENT AND DECREE

The above entitled matter came on regularly to be
heard this 8th day of February, 1973, before the Court
sitting without a jury, the plaintiffs appearing in person and
by their attorney, ROBERT P. TUNNICLIFF of Miller, Weston and
Tunnicliff, and the defendants, JOSEPH W. WALKER and ORA WALKER,
husband and wife, LAWRENCE WALKER, W. S. WALKER and ELIZABETH
WALKER, husband and wife having filed an Answer in the matter
and further having filed a Withdrawal of said Answer and a

RECORDED
MAY 21 1993

Consent to the Entry of a Default and Refusal to Plead Further, and the defendants, DARRELL D. LARSEN, CHARLES TYSON, GEORGE JOHNSTONE and JUANITA JOHNSTONE, husband and wife, EVERETT LARSEN and VENET LARSEN, husband and wife, EVERETT CLARK and EDITH CLARK, husband and wife, RAYMOND MEININGER and EARL E. CUMMINGS, each having failed to answer, and it appeared to the Court that service was made upon the last named defendants, and each of them, the default of the last named defendant, and each of them, was duly entered, and the parties having waived Findings of Fact and Conclusions of Law, the matter was submitted to the Court for its judgment.

NOW, THEREFORE, Pursuant to the Motion of plaintiffs, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That all lands lying within the drainage of Squaw Creek in the County of Owyhee, State of Idaho, are arid in character and require the artificial application of water to render it valuable for agricultural purposes.

2. That the quantity of water required for the successful irrigation of said lands measured at its point of diversion is one miner's inch per acre measured under a four inch pressure at its point of diversion.

3. That all of the usable water of Squaw Creek in the County of Owyhee, State of Idaho, has been appropriated on the dated, in the amounts and for the lands hereinafter set forth, to-wit:

57-0282 a. That the plaintiffs, ADAM H. BLACKSTOCK and MILDRED J. BLACKSTOCK, husband and wife, and their predecessors in interest, did appropriate and divert from the waters of Squaw Creek in Owyhee County, Idaho, as of the date of 1892, 100 miner's inches of water and did appropriate the same for

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MAY 21 1993

beneficial use on the following described land, to-wit:

Lots 3 and 4 and the Southwest Quarter of the Northwest Quarter, Section 3, Township 1 North, Range 4 West of the Boise Meridian; the North Half of the Southwest Quarter; the Southwest Quarter of the Southwest Quarter; the Northwest Quarter of the Southeast Quarter Section 4, Township 1 North, Range 4 West of the Boise Meridian; South Half of the South Half, Section 34, Township 2 North, Range 4 West of the Boise Meridian.

That said water was appropriated for irrigation, domestic and stock purposes; and that since said date of appropriation, said water has been continually used to a beneficial use on said lands.

57-0283 b. That the defendants, JOSEPH W. WALKER and ORA WALKER, husband and wife, and their predecessors in interest, did appropriate and divert from the waters of Squaw Creek in Owyhee County, Idaho, as of the date of 1894, 43 miner's inches of water and did appropriate the same for a beneficial use on the following described land, to-wit:

Southeast Quarter of the Northwest Quarter; Southwest Quarter of the Northeast Quarter; North Half of the Northwest Quarter; Northwest Quarter of the Southeast Quarter, Section 1, Township 1 South, Range 5 West of the Boise Meridian.

That said water was and is used for irrigation, domestic and stock purposes and that since said date of appropriation, said water has been continually used to a beneficial use on said lands.

57-0284 c. That the defendants, W. S. WALKER and ELIZABETH WALKER, husband and wife, and LAWRENCE WALKER, and their predecessors in interest, did appropriate and divert from the waters of Squaw Creek in Owyhee County, Idaho, as of the date 1900, 86 miner's inches of water and did appropriate the same for beneficial use on the following described land, to-wit:

South Half of the Northeast Quarter; Northeast Quarter of the Southwest Quarter; North Half of the Southeast Quarter, Section 25, Township 1 North, Range 5 West of the Boise Meridian; Northwest Quarter of Section 30,

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MAY 21 1993

Township 1 North, Range 4 West of the Boise Meridian.

That said water was and is used for irrigation, domestic and stock purposes and that since said date of appropriation, said water has been continually used to a beneficial use on said lands.

57-0285 d. That the defendants, JOSEPH W. WALKER and ORA WALKER, husband and wife, and their predecessors in interest, did appropriate and divert from the waters of Squaw Creek in Owyhee County, Idaho, as of the date of 1916, 40 miner's inches of water and did appropriate the same for a beneficial use on the following described land, to-wit:

South Half of the Southeast Quarter;
Northeast Quarter of the Southeast Quarter;
Section 1, Township 1 South, Range 5 West
of the Boise Meridian; Northeast Quarter
of Section 12, Township 1 South, Range 5
West of the Boise Meridian.

That said water was and is used for irrigation, domestic and stock purposes and that since said date of appropriation, said water has been continually used to a beneficial use on said lands.

57-2205 e. That ADAM H. BLACKSTOCK and MILDRED J. BLACKSTOCK, husband and wife, did, on the 13th day of January, 1953, appropriate, pursuant to State of Idaho Permit No. 23378, 98 miner's inches of water for use on the following described real property, to-wit:

Southwest Quarter of the Southwest Quarter,
Section 35, Township 2 North, Range 4 West
of the Boise Meridian; Northwest Quarter of
the Northwest Quarter; Southwest Quarter of
the Northwest Quarter; Northwest Quarter of
the Southwest Quarter; Northeast Quarter of
the Southwest Quarter, Section 2, Township 1
North, Range 4 West of the Boise Meridian.

That said water was and is used for irrigation, domestic and stock purposes and that since said date of appropriation, said water has been continually used to a beneficial use on said lands.

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MAY 21 1993

57-2207

f. That ADAM H. BLACKSTOCK and MILDRED J.

BLACKSTOCK, husband and wife, did, on the 30th day of March, 1953, appropriate, pursuant to State of Idaho water use permit, 50 miner's inches of water for use on the following described real property, to-wit:

East Half of the Northwest Quarter, Northwest Quarter of the Northeast Quarter, Section 4, Township 1 North, Range 4 West of the Boise Meridian.

57-2321

g. That LAWRENCE WALKER did appropriate, on the 5th day of September, 1961, 60 acre feet of storage right of the waters of Squaw Creek, with storage on the following described real property, to-wit:

Northeast Quarter of the Northeast Quarter Section 35, Township 1 North, Range 5 West of the Boise Meridian; Northwest Quarter of the Southeast Quarter; Northeast Quarter of the Southeast Quarter, Section 25, Township 1 North, Range 5 West of the Boise Meridian.

That said water is used for irrigation on the following described real property, to-wit:

Southeast Quarter of the Northeast Quarter Section 25, Township 1 North, Range 5 West; Northwest Quarter of Section 30, Township 1 North, Range 4 West of the Boise Meridian.

That all parties hereto, their agents, employees, and successors in interest are hereby permanently enjoined and restrained from any and all interference with the diversion of or the use of the waters of said Squaw Creek, except as hereinbefore provided.

Dated this 8th day of March, 1973.

[Signature]
DISTRICT JUDGE

STATE OF IDAHO }
County of Owyhee } ss.

I hereby certify that the foregoing
instrument is a correct copy
of a

Case # 3070

Received
Dated MAR 13 1973

[Signature]
Title Clerk of the District Court

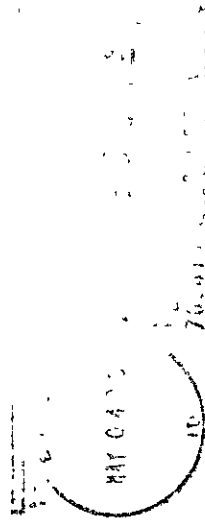
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MAY 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706-2237

RETURN SERVICE
REQUESTED

PRESORTED
FIRST CLASS



RECEIVED
MAY 10 1999

Department of Water Resources

HOLT 630X 636872016 1898 08 05/07/99
RETURN TO SENDER
HOLT ON
PO BOX 700
BOISE ID 83639-0700

AUTOMATICALLY POSTED





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

May 4, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID L HOLTON
BETTY J HOLTON
16630 ROSE BRIAR LANE
Nampa ID 83687

RE: Change of Ownership for Permits 57-02321 & 57-00284

Dear Mr. & Mrs. Holton:

This letter is to advise you that my letter of March 5, 1999 was written in error.

The ownership change that you requested was processed by our Adjudication section and no further action is required.

I apologize for any inconvenience you may have been caused in this matter.

Sincerely,

A handwritten signature in cursive script, reading 'Kari Lynn Townsend'.

Kari Lynn Townsend
Secretary

/k