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Documents
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JUL 23 2001

Department of Water Resources

2000 OCT 31 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILEDIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIn Re SRBA)
Case No. 39576)PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-08002NAME AND ADDRESS: ELWOOD H GRAY
MARY ANNE GRAY
1305 JOHNSON ST
BOISE, ID 83705

SOURCE: UNNAMED STREAM TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 0.06 CFS

PRIORITY DATE: 06/01/1963

POINT OF DIVERSION: T15N R03E S19 SWNE Within Valley County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
Irrigation	04-15 TO 10-15	1.20 AFY 0.02 CFS

PLACE OF USE: Irrigation T15N R03E S19 NESW 1.0 Within Valley County
1.0 Acres Total

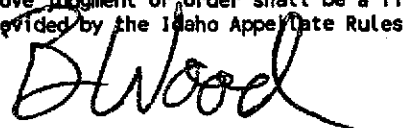
Domestic Within Valley County
Same as Irrigation

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.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 4, 2005

STEVEN GRAY
PO BOX 3687
KODIAK AK 99615

RE: Change in Ownership of Decreed Water Right 65-8002

Dear Mr. Gray:

The Department of Water Resources acknowledges receipt of the additional information you submitted in support of your Notice of Change in Water Right Ownership filed on May 19, 2000 for the water right no. referenced above. The Snake River Basin Adjudication (SRBA) Court issued a partial decree describing the water right(s) with a place of use different than your property as described in the documentation you originally submitted. We have reviewed your additional information and found that it is not sufficient to resolve the place of use discrepancy.

In order to process your change in ownership, we need documentation to show that you own the water right(s) or the property described as the place of use for the water right(s). If you believe that the SRBA Court issued the partial decree(s) with an error in the description of the place of use, you may be able pursue one of the following options with the Court.

- 1) Motion to set-aside – a motion filed with the SRBA Court which, if granted, would provide a process to correct the partial decree. You would need to provide justification for the correction.
- 2) Motion to file late claim – a motion filed with the SRBA Court which, if granted, would allow you to file a new claim for your existing water use. A late claim would be investigated for validity and accuracy by the Department.

Please contact **Danni Smith** of this office at **208-287-4910** if you have questions related to the SRBA. Ms. Smith can assist you with the SRBA Court's processes.

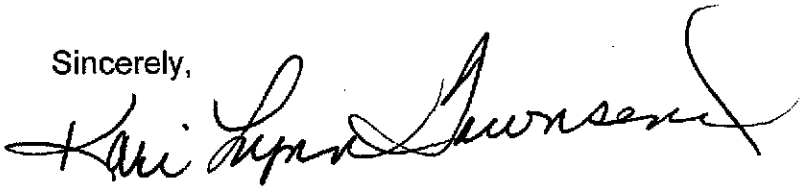
As additional alternatives, you could pursue one of the following options with the Department.

- 1) New Appropriation – an application for permit filed with the Department to develop a new water right. If a permit is approved, the priority date is the date that the application is filed. Some areas of the state are closed to new development. Please note that a water right permit is not required for certain domestic uses from a ground water source.
- 2) Water Right Transfer – an application filed with the Department to change an existing water right. In this case, the purpose of the transfer would be to change the place of use (and possibly the point of diversion) to your property description. You would need to provide evidence of ownership or authorization from the current owner of record before the Department could process the application.

If you choose to file an application for permit or transfer with the Department, you may be able to apply any fees submitted with your Notice of Change in Water Right Ownership to the application. Please contact staff from the Water Right Permits section of this office if you have additional questions related to the applications described above.

Please let us know within 30 days how you plan to proceed. If we do not hear from you within 30 days we will return your Notice of Change in Water Right Ownership and all attachments and refund any fees submitted with your notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", with a large, sweeping flourish at the end.

Kari Lynn Townsend
Secretary

KLT:k

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

RECEIVED

MAY 19 2000

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

RECEIVED

JUN 12 2000

WATER RESOURCES
WESTERN REGION

1. Water Right No(s): _____

Adjudication Claim No(s): 65-080022. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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

Elwood H and/or Mary Anne Gray
1305 Johnson St. Boise, id 83705

4. New Owner/Claimant(s)

Steven Gray and/or Mary Gray

New Mailing Address

Name Connector (Check one): ☐ and, ☐ or, ☒ and/orP.O. Box 3687

City, State and ZIP Code

Kodiak, AK 99615

New Telephone Number

(907) 486-4543

5. Date you acquired the property

2/10/99

6. ^{yes.} Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right 28.5 Acres Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s)

Steven Gray
Mary A. Gray

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

QUITCLAIM DEED

FOR VALUE RECEIVED, Mary Anne Gray does hereby convey, release, remise and forever quitclaim unto Steven Philip Gray and Mary Anne Gray, husband and wife, whose current address is Box 3687, Kodiak, Alaska 99615, the following described premises, to-wit:

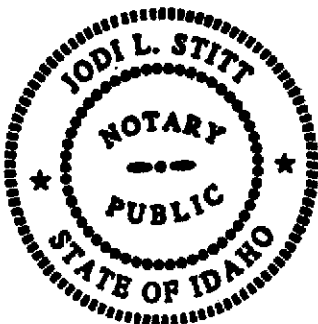
LOT 4A-16, SUBDIVISION CR-4, VALLEY COUNTY, IDAHO ACCORDING TO THE VALLEY COUNTY RECORDER'S BOOK No. 10 OF MISCELLANEOUS RECORDS THEREOF FILED IN VALLEY COUNTY ON AUGUST 16, 1961, INSTRUMENT No. 57151, LOCATED IN THE SW ¼ NE ¼, SECTION 19, TOWNSHIP 15 NORTH, RANGE 3 EAST, BOISE MERIDIAN.

DATED: February 10, 1999.

Mary Anne Gray
MARY ANNE GRAY

STATE OF IDAHO)
County of Ada) : ss.

On this 10th day of February, 1999, before me, a notary public in and for the said State, personally appeared MARY ANNE GRAY, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Jodi L. Stitt
Notary Public for Idaho
Residing at: Boise Idaho
My Commission Expires 9-16-2004

238489
Paul
JAN 2 19
3.00
JAN 2 19
Mary Anne Gray

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by MARY ANNE GRAY, as Personal Representative of the Estate of ELWOOD HOWELL GRAY, deceased, GRANTOR, to MARY ANNE GRAY, a single person, as GRANTEE, whose current address is 1305 Johnson, Boise, Idaho, County of Ada, State of Idaho 83705.

WHEREAS, GRANTOR, is the qualified personal representative of said Estate, filed as Probate Number 3P-16932, in Ada County, State of Idaho, and said authority is evidenced by Letters Testamentary recorded on September 20, 1994, as Instrument No. 206862 in the Record's Office of Valley County, State of Idaho.

THEREFORE, for valuable consideration received, GRANTOR, quitclaims, transfers, and conveys to GRANTEE, her heirs and assigns forever, the real estate located in Valley County, State of Idaho, more particularly described in Exhibit "A" attached hereto, and incorporated as if set forth in full herein.

Together with all appurtenances.

EXECUTED THIS 13th day of June, 1995.

Mary Anne Gray
MARY ANNE GRAY
Personal Representative of the
Estate of ELWOOD HOWELL GRAY,
Deceased

STATE OF IDAHO)
COUNTY OF ADA) ss.

On the 13th day of June, 1995, before me, a notary public, personally appeared MARY ANNE GRAY, known to me to be the person whose name is subscribed to the within instrument, as personal representative of the Estate of ELWOOD HOWELL GRAY, deceased, and acknowledged to me that she executed the same as such personal representative.

John A. Albrecht
Notary Public for Idaho
Residing at: Boise, Idaho
Commission Expires: 1998

211520

TYPE: Deed #10

LELAND HEINRICH

VALLEY COUNTY RECORDER

BY: Mary Anne Gray

FEE: 6.00

'95 JUN 14 PM 2

Schroeder

REQUESTED BY Gray

RECORDED

RECEIVED

JUL 23 2001

Department of Water Resources

July 17, 2001

State of Idaho
Department of Water Resources
Attn: Sally Sherman
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83-720-0098

Re: water rights #65-8002, 65-27205

17205
≡

Dear Sally Sherman:

My mother Mary Anne Gray forward the enclosed letter to me. She transferred the property and water rights to me. I have previously sent your department a copy of the deed and have received some correspondence from your office. I believe my mother also confirmed that the water rights were also transferred to me. Please direct your future correspondence to me. I am not sure what mail was sent by the SRBA court but please notify them to mail the document to me. My mother is 81 years of age and I would prefer not to bother her any further.

There was a problem with the legal description since one of the numbers had been inverted. As I recall they were trying to simplify the procedure to use when there was a typographical err. Even court judgments can generally be easily corrected when there are typographical errors and I assume once the procedure is simplified, we can correct the adjudication.

Thank you for your attention in this matter.

Steve Gray

Steven Gray
P.O. Box 3687
Kodiak, Alaska 99615
907.486.8505 (work phone)
907.486.2777 (fax)
907.486.4543 (home phone)

STEVEN P. GRAY

A PROFESSIONAL CORPORATION

ATTORNEY AT LAW

326 Center Avenue, Suite 203

Kodiak, Alaska 99615

(907) 486-8505 (FAX) 486-2777

RECEIVED

AUG 01 2001

WATER RESOURCES
WESTERN REGION

RECEIVED

AUG -2 2001

Department of Water Resources

Bx 652



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

RECEIVED

JUL 23 2001

Department of Water Resources

July 6, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ELWOOD H GRAY
MARY ANNE GRAY
5277 KOOTENAI ST APT 66
BOISE ID 83705-2677

STEVEN P. GRAY
Box 3687
Kodiak, AK 99615

RECEIVED

AUG 01 2001

WATER RESOURCES
WESTERN REGION

RECEIVED

AUG - 2 2001

RE: Snake River Basin Adjudication (SRBA)

Water Rights #65-8002, 65-17205

PO 10-31-00

PO 11-20-98

Dear Water Right Holders:

Department of Water Resources

Mail sent to you by the SRBA Court was returned to the SRBA Court by the Postal Service. We received the returned mail on July 2. The Postal Service advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list **any other water rights you have**, and return this letter by July 31, 2001. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally Sherman

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Steven P. Gray

Telephone No.

907.486.8505

STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

65-8002
65-17205



NAME AND ADDRESS:

ELWOOD H GRAY
MARY ANNE GRAY
1305 JOHNSON ST
BOISE, ID 83705

GRAY305* 837052001 1799 05 11/04/00
FORWARD TIME EXP RTN TO SEND
GRAY, MARY ANNE
5277 KOOTENAI ST APT 66
BOISE ID 83705-2677

RETURN TO SENDER

837 2516027 2707





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

June 23, 2000

Steven or Mary Gray
PO Box 3687
Kodiak, AK 99615

Re: Change of ownership for 65-08002:

Mr. and Mrs. Gray:

In reviewing your quitclaim deed for the above mentioned water right, I came across a discrepancy. The property you acquired from Mary Anne Grey is located in the S W $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 19, T15N, R03E. I have verified this legal description with the subdivision plat filed with Valley County.

When this water right claim was decreed in the Payette River Adjudication, it was incorrectly located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$. Subsequently when your mother filed the claim in the Snake River Basin Adjudication (SRBA), it was filed in the wrong location, and our recommendation in the SRBA was the same as the Payette River Adjudication.

Because this is a decreed right, we can not change the recommendation. The only way to make the legal description correct is for the claimant, your mother, to file an objection to the water right. The 120-day period for filing an objection to this claim has passed, however, a letter can be written to the court requesting a late objection. I spoke with Ms. Gray yesterday and she asked that I contact you. I am enclosing the objection form. If you have the power of attorney, you may sign the form for your mother, otherwise please fill it out and have her sign and notarize.

To correct this water right the following must occur as soon as possible:

- A letter to the court requesting a late objection. Reason being, you did not realize a discrepancy in the place of use until filing a change of ownership form.
- Objection form filled out and notarized sent to the Court, IDWR, Natural Resources Division, and Department of Justice.
- Once the objection has been filed, we can change our recommendation and thus the change of ownership.

I apologize for this cumbersome process. The Department is working with the legal staff to try to amend this procedure.

If you have any questions, please call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sue Bock".

Sue Bock
Sr. Water Resource Agent

Enclosure: Objection form, water right profile