

GOODING COUNTY

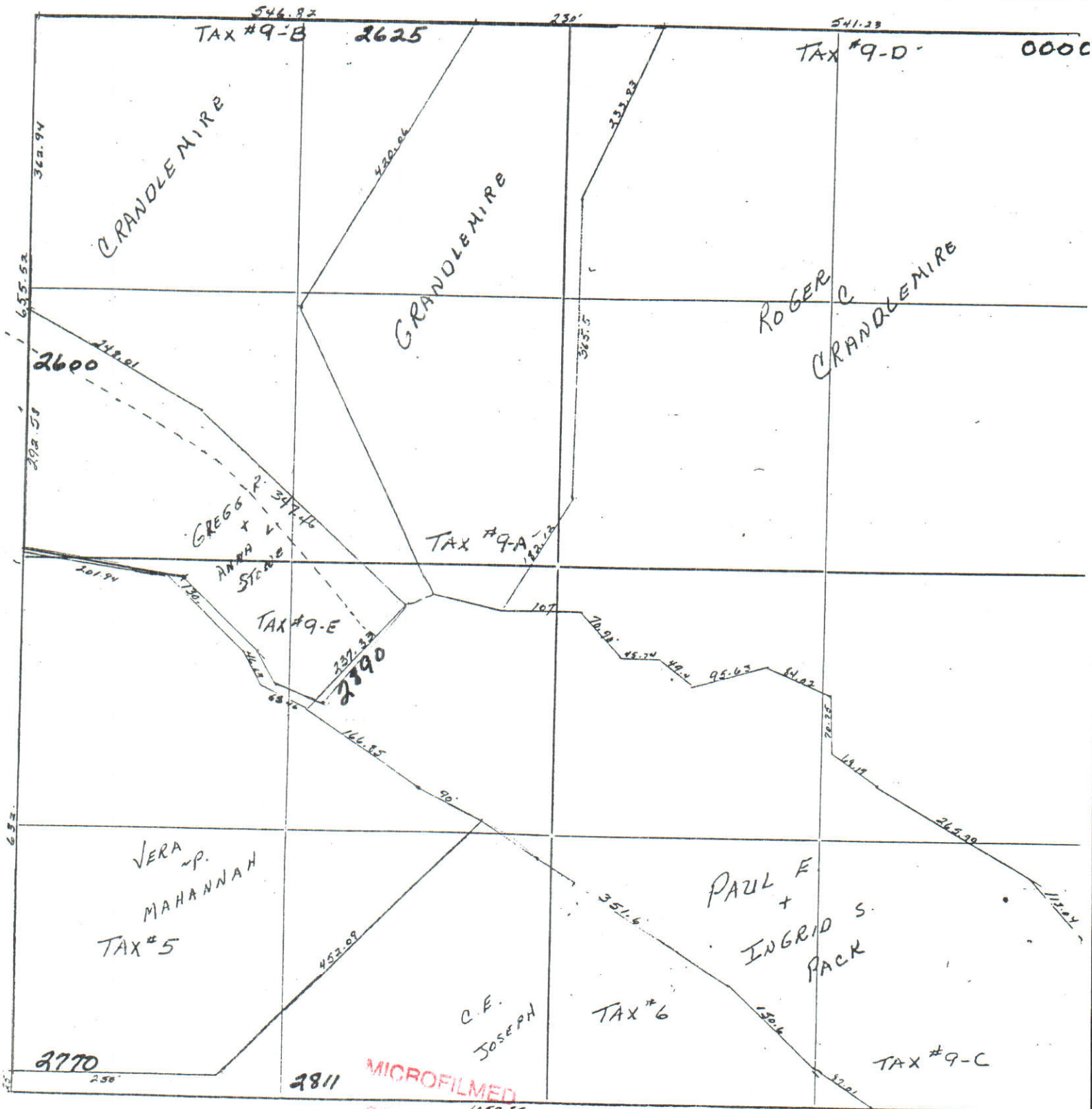
Hwy. Dist. _____ City _____

Sec. 6 Twp. 85 Rng. 14E

Sch. Dist. _____ Cem. Dist. _____

Fire Dist. _____

LOT 3 - (NE 1/4 NW 1/4)



MICROFILMED
FEB 15 2002

FOR ASSESSMENT
USE ONLY

RECEIVED
JAN 18 2002
Department of Water Resources
Southern Region

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

RECEIVED
JAN 18 2002
WATER RESOURCES
WESTERN REGION

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

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
36-02604					

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)

Vera Mohanach
3014 Nat'l. Fish Hatchery Rd. Hagerman, ID

4. New Owner/Claimant(s)

David and Jeanne Hagerman
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

3014 Nat'l. Fish Hatchery Rd

City, State and ZIP Code

Hagerman, ID 83332

New Telephone Number

(208) 837-6451

5. Date you acquired the property

08/21/01

MICROFILMED
FEB 21 2002

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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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)

C. I. P. M. T.
Jan A. Maestas

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.

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For Office Use Only

Received by Janis Fontaine Date 1/15/02 Fee 25.00
 Received by JF Date 1/15/02 Receipt No. W028627
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

For Value Received **Vera P. Mahannah, a widow**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Jean A. Maestas and David P. Maestas, wife and husband

whose address is: **3014 Nat. Fish Hatchery Road, Hagerman, ID 83332**

Hereinafter called the Grantee, the following described premises situated in **Gooding** County, Idaho, to-wit:

See legal description attached hereto and made a part of

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: July 17, 2001

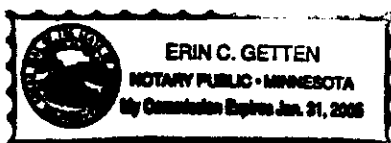
Vera P. Mahannah BY: Virginia Juffer, her attorney in fact
Vera P. Mahannah BY: Virginia Juffer, her attorney in fact

STATE OF Minnesota

COUNTY OF ^{ss.} Ramsay

On this 18 day of July, 2001, before me the undersigned, personally appeared Virginia Juffer, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument as the attorney in fact of Vera P. Mahannah, and acknowledged to me that she subscribed the name of Vera P. Mahannah, and her own name as attorney in fact.

Erin C. Getten
Notary Public of Minnesota
Residing at: Wells Fargo Bank
Commission Expires: 1-31-05



Instrument # **191334**

GOOSING, GOODING, IDAHO

2001-07-20

03:34:26 No. of Pages: 2

Recorded for: TWIN FALLS

HELEN EDWARDS

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

Fee: \$6.00

MICROFILM

JUL 25 2002

Archibald

EXHIBIT A

Order No. G010240

Township 8 South, Range 14, East of the Boise Meridian, Gooding County, Idaho

Section 6: That part of Government Lot 3, described as follows:

BEGINNING at a point 25 feet North of the Southwest corner of said Lot 3;
Thence Easterly and parallel to the South boundary of said Lot 3 a distance of 250 feet;
Thence North $46^{\circ}10'$ East a distance of 452.90 feet to the Brailsford-Owens Ditch;
Thence Northwesterly along the Brailsford-Owens Ditch to the West boundary of said Lot 3;
Thence South along the West boundary of said Lot 3 to the POINT OF BEGINNING.

MICROFILMED
JUL 15 2009

SCHEDULE A

Order Number: GG-03075

**TOWNSHIP 8 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING
COUNTY, IDAHO**

Section 6: That part of Government Lot 3, described as follows:

Beginning at a point 25 feet North of the Southwest corner of said Lot 3;
Thence Easterly and parallel to the South boundary of said Lot 3 a distance of 250
feet;
Thence North $46^{\circ}10'$ East a distance of 452.90 feet to the Brailsford-Owens Ditch;
Thence Northwesterly along the Brailsford-Owens Ditch to the West boundary of
said Lot 3;
Thence South along the West boundary of said Lot 3 to the POINT OF
BEGINNING.

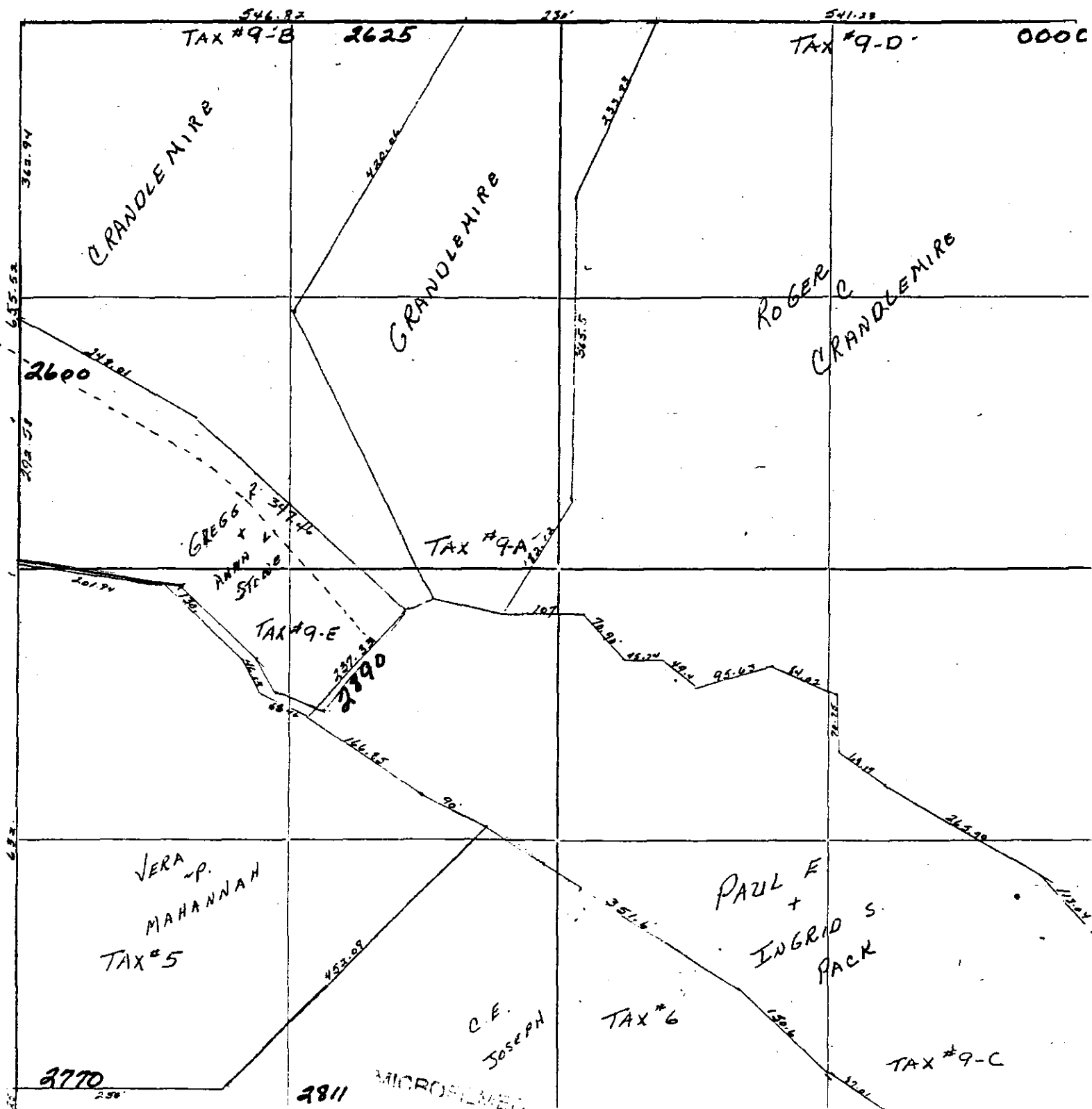
Jan DPH

MICROFILMED
SEP 26 2002

Sec. 6 Twp. 8 S Rng. 14 E

LOT 3 - (NE⁴ N₄

Fire Dist. _____



**FOR ASSESSMENT
USE ONLY**

SRBA

SUBCASE SUMMARY REPORT 36-02604

[Return to SRBA Home Page](#)

SRBA
01-22-2002

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 36-02604 FILE#: 00000
CLAIMANT: MAHANNAH, C J & VERA

3014 NATL FISH HATCHERY RD

HAGERMAN ID 83332

STATUS: PD ISSUED

WATER SOURCE: SPRINGS, RILEY CREEK

**** PARTIES INVOLVED ****

C J & VERA MAHANNAH C PRO SE

**** ROA ENTRIES ****

01-15-1998	PARTIAL DECREE FILED	01-15-1998
01-15-1998	CERTIFICATE OF MAILING - PARTIAL DECREE	
08-05-1999	SUPPLEMENTAL DIRECTOR'S REPORTS, RP 1, BASIN 36 PERIOD OF USE & CONJUNCTIVE MANAGEMENT	
08-27-2001	AMENDMENT TO PARTIAL DECREE RE: IRRIGATION SEASON OF USE AND CONJUNCTIVE MANAGEMENT	08-27-2001

[Return to SRBA Home Page](#)

MICROFILMED
JUN 25 2002

SRBA

DIRECTORS REPORT 36-02604

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 36-02604

*
* THIS DIRECTORS REPORT HAS BEEN AMENDED SINCE *
* IT WAS 1ST FILED. *
*

This Electronic Director's Report is NOT accurate.
For accurate information see the printed copy of the
Director's Report on file with the Court or IDWR.

Name and Address: C J MAHANNAH
VERA MAHANNAH
3014 NATL FISH HATCHERY RD
HAGERMAN, ID 83332

Source: SPRINGS Tributary: RILEY CREEK

Quantity: .12 CFS

Priority Date: 08-27-1964

Diversion Point: T08S R14E S06 LOT 3 (SWNENW) Within Gooding County

Purpose and

Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	03-15 TO 11-15	.10 CFS
	Domestic DOMESTIC, 1 HOME	01-01 TO 12-31	.02 CFS

Place of Use: Irrigation Within Gooding County
T08S R14E S06 LOT 3 (NENW) 5
5 Acres Total

Domestic
Same as Other Use

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License MICROFILMED

DEC 2 8 2002

[Return to SRBA Home Page](#)

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 36-02604

1998 JAN 15 AM 11:29

FILED
TWIN FALLS, IDAHO

NAME & ADDRESS: C J MAHANNAH
VERA MAHANNAH
3014 NATL FISH HATCHERY RD
HAGERMAN ID 83332

SOURCE: SPRINGS TRIBUTARY: RILEY CREEK

QUANTITY: 0.12' CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 08/27/1964

POINT OF DIVERSION: T08S R14E S06 LOT 3 (SWNW) Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.1 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.02 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T08S R14E S06 Lot 3 (NENW) 5
5 ACRES TOTAL

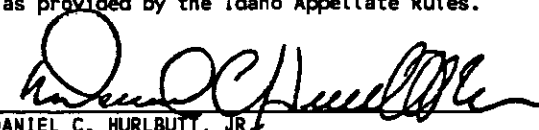
DOMESTIC Within GOODING County
T08S R14E S06 NENW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

MICROFILMED

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-02604

DEC 29 1997

PAGE 1
DEC-29-1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

January 29, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAVID MAESTAS
JEAN MAESTAS
3014 NATIONAL FISH HATCHERY RD
HAGERMAN ID 83332

RE: Change of Ownership for Water Right 36-2604

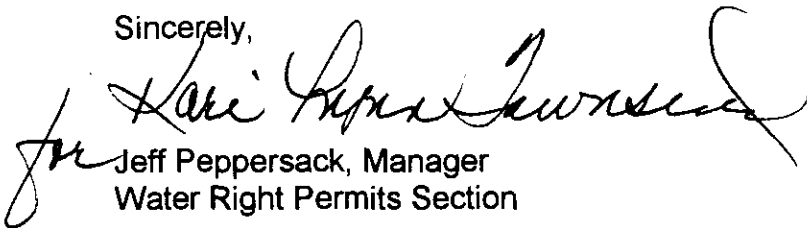
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED
JAN 29 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 23, 2002

DAVID MAESTAS
JEAN MAESTAS
3014 NAT'L FISH HATCHERY RD
HAGERMAN ID 83332

RE: Change in Ownership of Decreed Water Right 36-02604

Dear Mr. & Mrs. Maestas:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

✓ **Signature:** Signatures of both parties are required when "and" is used as the name connector. (Ownership change form is enclosed)

✓ **Evidence of Water Right Ownership:** copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question.

The Deed of Trust is not signed by the sellers of the property and therefore is not considered proof of ownership. We are returning it for your records. Please furnish our office with a copy of a Warranty Deed, Title Policy, Contract of Sale or other legal document showing your ownership of the property. We will be happy to complete the processing of your request upon receipt of the required documentation.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within **30 days** we will return your notice and all attachments and your notice will not be processed.

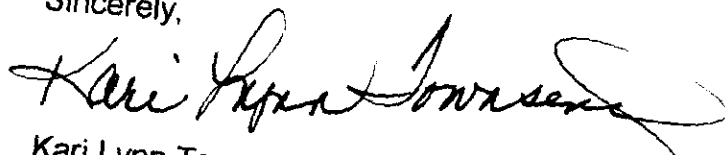
Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

RECORDED

JAN 23 2002

Please feel free to contact the Department if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Kari Lynn Townsend". The signature is fluid and extends across the width of the line.

Kari Lynn Townsend
Secretary

KLT/k

Enclosures

MICROFILMED

FEB 2 1981

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

Department of Water Resources

GORDON O. GLASMANN

being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 22 day of August,

19 74, and the date of the last publication was on the 29

day of August, 19 74.

Subscribed and sworn to before me this 29

day of August, 19 74.
(SEAL)

Gordon H. Hild
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>44</u>	<u>44</u>
Number of Insertions	<u>2</u>	<u>2</u>
Lines tabular at	315c	
<u>44</u> Lines straight at	21c	<u>9.24</u>
<u>44</u> Subsequent lines at	15c	<u>6.60</u>
TOTAL COST		<u>15.84</u>

COPY OF NOTICE

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that C. J. Mahannah & Vera Mahannah, Route 1, Hagerman, Idaho, have received an approved Permit No. 32039/36-2604 issued by the Idaho Department of Water Administration authorizing the diversion of 0.12 cubic feet per second of water from two unnamed springs, tributary to Riley Creek. The priority to be established under this permit is August 27, 1964, and the permit was approved August 28, 1964.

Water is to be diverted by pump and pump line from a point within Lot 3 (NE 1/4 NW 1/4) of Sec. 6, Twp. 8 S, Rge. 14 E, B.M., Gooding County, to be used for domestic purposes and irrigation of 5 1/2 acres in Lot 3 (NE 1/4 NW 1/4), Sec. 6., Twp. 8 S, Rge. 14 E, B.M.

Proof of the application of the water to beneficial use was submitted to the Department on August 5, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, 83707, within ten (10) days of the last date of publication of this notice.

R. KEITH HIGGINSON
Director
Pub. 8-22,29

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

Wkg # 2000

No 148

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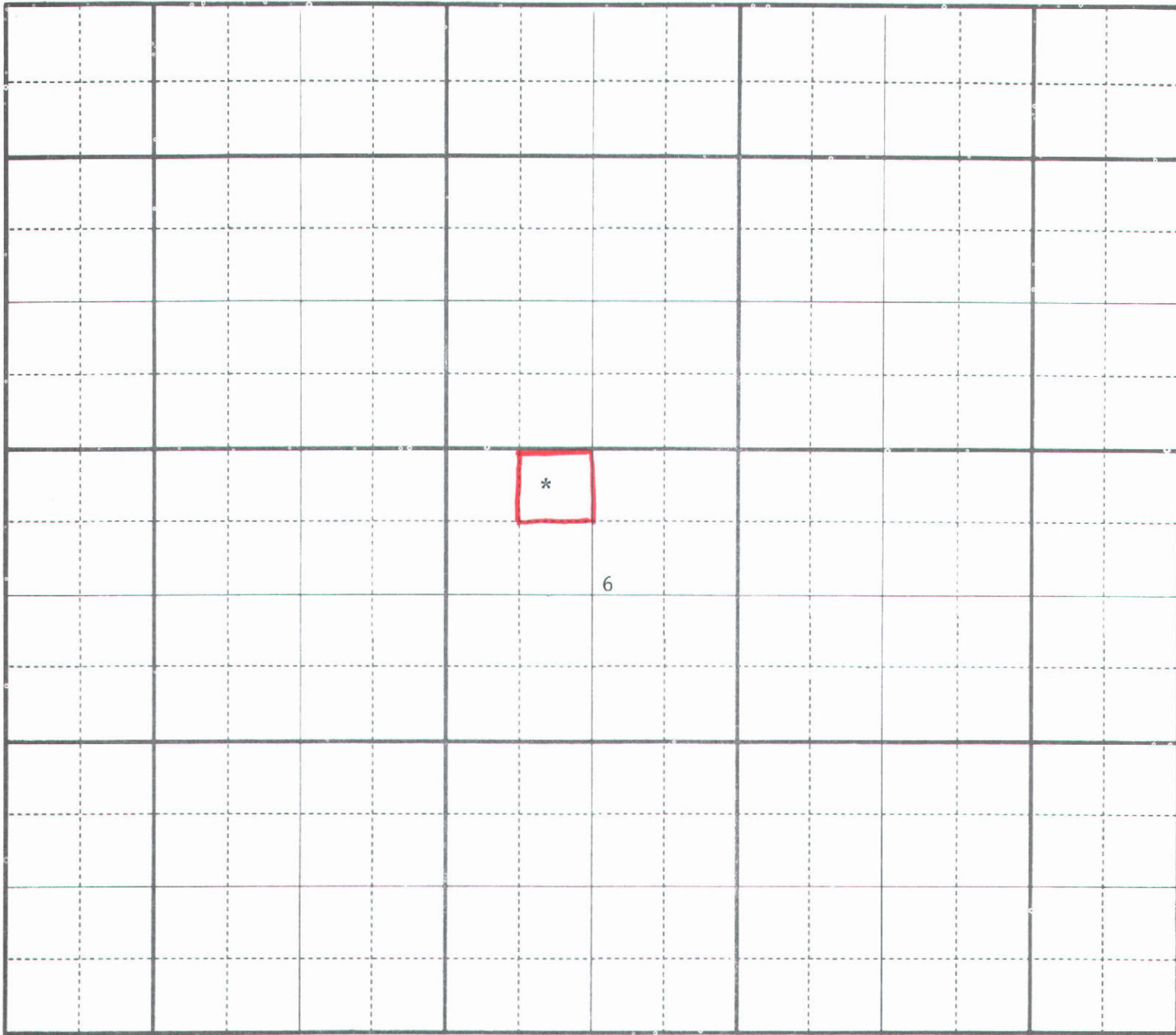


Diagram of System

NAME OF APPLICANT C. J. MAHANNAG & VERA MAHANNAG

Form No. 0

LOT 3, SECTION 6, TOWNSHIP 8 SOUTH-RANGE 14 EAST.

BRAILS FORD - OWNE'S DITCH

X SPRING

X SPRING

5 1/2 ACRES

WEST BOUNDARY

NORTH 46° 10' EAST

452.09'

SOUTH

250'

RILEY CREEK

Permit Map No. 32039

As Approved AUG 28 1964

CARL E. TAPPAN
State Reclamation Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

532039

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

August 27, 2001

VERA MAHANNAH
C J MAHANNAH
3014 NATL FISH HATCHERY RD
HAGERMAN, ID 83332

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 36-02604. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on January 15, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

MICROFILMED

MAR 27 2002

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)

Water Right 36-02604

Case No. 39576)

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on January 15, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

THEREFORE, IT IS ORDERED that the period of use for the irrigation element of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 11-15

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS FEBRUARY 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 30, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 AND AFTER NOVEMBER 15 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.***

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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.

Dated August 27, 2001

Roger Burdick
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
MAR 27 2002

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 36-02604

1992 JUN 15 AM 11:29

FILED
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

NAME & ADDRESS: C J MAHAMNAH
VERA MAHAMNAH
3014 NATL FISH HATCHERY RD
MAGERMAN ID 83332

SOURCE: SPRINGS TRIBUTARY: RILEY CREEK

QUANTITY: 0.12¹ CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 08/27/1964

POINT OF DIVERSION: T08S R14E S06 LOT 3 (SWNEW) Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.1 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.02 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T08S R14E S06 Lot 3 (NEW) 5
5 ACRES TOTAL

DOMESTIC Within GOODING County
T08S R14E S06 NEW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-02604

PAGE 1
DEC-29-1997

MICROFILMED
MAR 27 2002

This
Right has been
Decreed in the
SRBA.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 32039/36-2604 Priority August 27, 1964 Amount 0.12 cfs

THIS IS TO CERTIFY, that C. J. Mahannah & Vera Mahannah
of Hagerman, Idaho, have ~~xxx~~ complied with the terms and conditions of Permit
No. 32039/36-2604 issued pursuant to Application for Permit dated August 27, 1964,
and has submitted proof to the Department of Water Resources on August 5, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.14 cfs of water from two unnamed springs,
tributary to Riley Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u> from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>0.02</u> cfs and			<u>1.2 acre feet</u>
<u>Irrigation</u> from <u>March 15</u> to <u>Nov. 15</u> at <u>0.10</u> cfs and			<u>20 acre feet or</u>
			<u>4.0 af per acre</u>

(both dates inclusive)

Subject, however, to the condition that no more than 0.12 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
21.2 acre feet per year, said waters to be diverted within ~~the~~ Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of
Sec. 6, Twp. 8 S, Rge. 14 E, B. M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8 S	14 E	6					X												Five

Total number of acres irrigated Five

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19 day of
November, 19 74.

MICROFILMED

Director

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

Department of Water Resources

GORDON O. GLASMANN

, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 22 day of August,

1974, and the date of the last publication was on the 29

day of August, 1974.

[Signature]

Subscribed and sworn to before me this 29

day of August, 1974.
(SEAL)

[Signature]
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>44</u>	<u>44</u>
Number of Insertions	<u>2</u>	<u>2</u>
Lines tabular at	315c	
<u>44</u> Lines straight at	<u>44</u> 21c	<u>9.24</u>
<u>44</u> Subsequent lines at	<u>44</u> 15c	<u>6.60</u>
TOTAL COST		<u>15.84</u>

COPY OF NOTICE

[Faded text, likely a copy of a notice or permit, partially obscured by a dark stamp.]

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

Wkg # 2000

No 148

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 32039/36-2604)

in the name of C. J. & VERA MAHANNAH)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

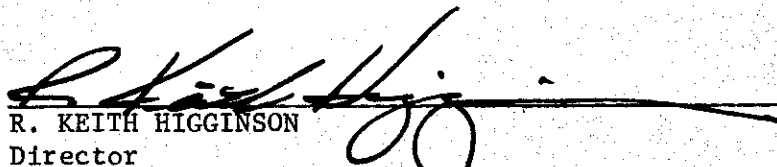
WHEREAS, on August 1, 1968, the Department of Water Resources (formerly the Department of Water Administration) adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 32039/36-2604 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in a newspaper of general circulation in the county in which the point of diversion lies.
 - b. The permittee will not be required to submit proof of completion of works as originally specified, but will be required to submit proof to the Department of Water Resources of the application of the water to beneficial use on or before August 28, 1974. The permit holder should be aware that failure to complete one-fifth (1/5) of the works within one-half (1/2) of the time originally set for completion of works may be grounds for cancellation at the instance of the Department.

Dated this 19 day of August, 1974


R. KEITH HIGGINSON
Director

DDR:JG

MICROFILMED

Dave P. Nicholson
Hagerman, Idaho

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 40173
PERMIT No. 32039
DISTRICT No.

36-2604

1. Name of Applicant: C. J. Mahannah & Vera Mahannah
2498 Beverly Road
Postoffice address: St. Paul 4, Minn. County: Ramsey State: Minnesota

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand: (c) Bond to be issued:
(b) Treasury stock: (d) Other resources:

2. Quantity of water claimed: .06 cu.ft. from each spring / 0.12 cubic feet per second.

3. Source of water supply: two springs unnamed which is a tributary of Riley Creek

4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B.M., and is in the Lot 3 (NE 1/4)
of section 6 , T. 8 S. , R. 14 E. , B. M., County of Gooding

5. Water is to be used for Domestic & irrigation

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.
(b) Amount of power generated: H.P., under feet head.
(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 1000.00

8. Kind of works: Electric pump, pipe & sprinkling system

9. Height of dam two feet; length of dam at top 12' feet; length of dam at bottom 2'
feet; material used in dam: concrete & rock, with overflow spillway

10. Size of headgate: Width none feet; height No feet.

11. Ditch: Width at bottom fee; width at water line feet; depth of water feet;
dimensions of flume:

Diameter of pipe 2" inches; length of conduit 500' miles
Average grade per mile 30 feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 0 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

Two unnamed springs - listed in property deed

✓

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

s/ C. J. Mahamah & Vera / Mahamah Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. August 27, 1964

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 32039
Recorded in Book 112 Page 32039 Approved August 28, 1964
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before October 28, 1964 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before February 28, 1967
The whole of said work to be completed on or before August 28, 1969
Beneficial use of water appropriated in accordance herewith, to be made on or before August 28, 1969

WITNESS My hand this 28th day of August, 1964
s/ RALPH W. THOMAS, Deputy State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 28th day of August, 1964.
Countersigned: STATE OF IDAHO

(SEAL) By s/ ARNOLD WILLIAMS Secretary of State. By s/ ROBERT E. SMYLLIE Governor.

REMARKS: All of the 5 1/2 acres can be irrigated from the two springs located on the upper north end of this property.

14.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8 S.	14 E.	6					L. 3 5 1/2												5 1/2 acres
See Extension of Time to August 28, 1974 in folder.																			

LICENSE ISSUED FOR 1/2 SEC. FT.
LICENSE P

This
Right has been
Decreed in the
SRBA.

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MAR 27 2002

November 22, 1974

Re: Permit No. 32039/36-2604

C. J. & Vera Mahannah
Route 1
Hagerman, Idaho 83332

Dear Mr. & Mrs. Mahannah:

Enclosed is a copy of the water license issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

MICROFILMED

October 28, 1974

C.J. & Vera Mahannah
Route # 4
Hagerman, Idaho 83332

Dear Mr. & Mrs. Mahannah:

A representative of this Department has made an examination of the works covered by your permit No. 32039/36-2604 and has found the following:

Quantity of water diverted: 0.14 cfs Source: two unnamed springs

Amount of water that can be recognized as beneficially used under Idaho law: 0.12 cfs

Point of diversion: Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Sec. 6, Twp. 8 S, Rge. 14 E, B.M.

Beneficial use: Domestic purposes and the irrigation of five acres within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, Twp. 8 S, Rge. 14 E, B.M.

Priority date established: August 27, 1964

If you do not concur with these findings please contact us within 10 days, otherwise a license will be issued as set forth above.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR
cc: Southern District Office

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T

[illegible]

SECRET

256 89 104

BIOGRAPHY



DATE OF EXAM 10-5-74

ACREAGE

Found 5.

Recommended 5

Irrigation Requirement 4.0 Ac Ft/Ac

USE

Irrigation Q = .10 c.f.s. V = 20.0 AF/Ann. from March-15 to Nov-15
Domestic Q = .04 c.f.s. V = 1.2 AF/Ann. from Jan 1 to Dec 31
Livestock Q = c.f.s. V = AF/Ann. from to

245

Is water co-mingled? yes no ✓

Name source:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no ✓

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured ✓ Method of measurement ✓

Total Q recommended .14 cfs Meter No. ✓ Type ✓ Condition ✓

Total V recommended 21.2 Ac Ft/Ann.

Recommended Amendments:

P.D. ✓
Place of Use ✓
Other ✓
None ✓

MEASUREMENT CALCULATION:

Q = .10 Irr (5 Acres) (.02 cfs)
Q = .04 Dom. Single Family house hold use.
Q = .14 Total
V = 20.0 Irr (4.0 Irr Req) (5 Acres)
V = 1.2 Single Family house hold use.
V = 21.2 Total

SYSTEM DESCRIPTION:

Centurip pump & motor sta - Rite Motor
7 1/2 Hp
3213 TCR 30 gal/presure tank.
Montgomery Ward 24132 3 Hp domestic

REMARKS:

Sprinkler system is operated by 7.5 hp motor.
1/3 hp is used for domestic use.

Examiner's Signature Larry Funderburg Date 10-5-74

Checked by Bob Haynes Date 10-22-74

Approved by Date

September 18, 1974

Re: Permit No. 32039/36-2604

C. J. & Vera Mahannah
Route #1
Hagerman, ID 83332

Dear Mr. & Mrs. Mahannah:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions concerning the field exam, please contact our District Office in Twin Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

MICROFILMED

August 14, 1974

Re: Permit No. 32039/36-2604 - C. J. & Vera Mahannah

Gooding County Leader
Box 56
Gooding, ID 83330

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing time for you to submit to us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact this office immediately.

The expense of the publication is to be paid by: C. J. & Vera Mahannah
Route #1
Hagerman, ID 83332

to whom you should furnish an affidavit of publication.

Very truly yours,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

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NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that C.J. Mahannah & Vera Mahannah, Route 1,
Hagerman, Idaho, have ~~has~~ received an approved Permit No.
32039/36-2604 issued by the Idaho Department of Water Administration auth-
orizing the diversion ~~amount~~ of 0.12 cubic feet per second ~~amount~~
~~amount~~ of water from two unnamed springs, tributary to Riley Creek.
The priority to be established under this permit is August 27, 1964,
and the permit was approved August 28, 1964.

Water is to be diverted by X Pump & pipeline
from a point within ~~the~~ Lot 3 (NE1/4NW1/4) of Sec. 6, Twp. 8 S, Rge. 14 E, B.M.,
Gooding County,
to be used for domestic purposes and irrigation of 5 1/2 acres
in ~~the~~ Lot 3 (NE1/4NW1/4), Sec. 6, Twp. 8 S, Rge. 14 E, B.M.,

Proof of the application of the water to beneficial use was ~~submitted~~
submitted to the Department on ~~October 5, 1974~~ X Aug. 5, 1974. Any protest
against the issuance of the license for the above referenced permit should
be filed with the Idaho Dept. of Water Administration, Statehouse, Boise,
Idaho, 83707, within ten (10) days of the last date of publication of this
notice ~~or the permit will be void and the applicant will be liable for the cost of the permit and the cost of the notice.~~
~~or the permit will be void and the applicant will be liable for the cost of the permit and the cost of the notice.~~

R. KEITH HIGGINSON

Director

Published in the Gooding County Leader, Gooding, Idaho,
on X August 22 and X August 29.

Permit No. 32039/36-2604

Director:

You are hereby authorized to have the above notice published at my expense
in the Gooding County Leader of Gooding, Idaho;
published in the county in which the works are situated.

C.J. Mahannah-Vera Mahannah Route 1, Hagerman, Idaho 83332
(Signature) (Address)

Aug. 2, 1974
(Date)

MICROFILMED

August 14, 1974

Re: Permit No. 32039/36-2604

C. J. & Vera Mahannah
Route #1
Hagerman, ID 83332

Dear Mr. & Mrs. Mahannah:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a permit holder to make proof of beneficial use of water. The enclosed Order modifies your permit to comply with these rules and regulations.

As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a newspaper as prescribed by the Department. We have caused the legal notice for this permit to be published in the Gooding County Leader on August 22, and August 29, 1974.

You will be required to submit an affidavit of publication to this office. The affidavit may be obtained from the above mentioned newspaper, upon payment of the publication fee. We have asked the newspaper to bill you direct. Upon receipt of the affidavit of publication, we will then schedule a field examination.

If you have any questions concerning this matter, please feel free to contact us.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

UNRECORDED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Identification No. _____

Permit No. 32039/36-2604

RECEIVED
AUG 5 1974
Department of Water Resources

1. a) Name of Permit Holder C. J. Mahannah & Vera Mahannah
b) Post Office Address Route 1, Hagerman, Idaho 83332
2. Permit Number 32039/36-2604
3. Date of Priority that you are prepared to establish August 27, 1964
4. a) Source from which water was appropriated two unnamed springs, tributary to Riley Creek
b) Location of the point of diversion: Lot 3 1/4 (NE 1/4 NW 1/4) 1/4, Section 6
Township 8 S, Range 14 E, Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
amount 0.11 for irrigation purposes from 3/15 to 11/15 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount 0.04 for domestic purposes from 1/1 to 12/31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.12 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: estimated by permit holder
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: Unnamed springs tributary to Riley Creek
b) Describe the agreement or understanding by which you take water from the works: N/A
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Three earthen dam diversions (1-4 ft. in height). Domestic system: 1/3 h.p. centrifugal pump, pressure tank and 100 foot galvanized pipe line. (Continued see remarks No. 10).
b) Describe the type and size of measuring device which you have installed at your point of diversion: n/a
c) Give well drillers name and address and date the well was completed n/a

Exam typed 9/8/74 by ja

MICROFILMED

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Domestic use located Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) Section 6
Township 8S, Range 14E

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8 S	14 E	6					Lot 3 5 $\frac{1}{2}$												5 $\frac{1}{2}$

10. Remarks: Sprinkler irrigation system 7 $\frac{1}{2}$ h.p. centrifugal pump and 3,000 feet of buried galvanized and plastic pipeline. Surface irrigation system: $\frac{1}{2}$ h.p. centrifugal pump and 500 feet of plastic and aluminum pipeline.

The above information is a true statement of the extent to which the above numbered permit has been developed.

AUG 2 - 1974 (Date) [Signature] (Signature)
Wendell Mahannah

State of Idaho)
 County of Gooding) ss.

On this 2nd day of August, 19 74, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
 Notary Public residing at Wendell, Idaho

My commission expires 12-7-75

July 18, 1974

Clare N. Mahannah
10965 Mt. Rose Road
Reno, Nevada 89502

Dear Mr. Mahannah:

Your July 17th letter raised several questions concerning the water rights that have been developed on your parents land in Twin Falls County.

A water right, for the use of surface water, could be developed in Idaho, Before May 20, 1971, by simply diverting the water and placing it to a beneficial use. You can see that this method of obtaining a water right could lead to some questions about the quantity of water used, or the first date of use, since there was no record made of that use. On the other hand, if you would apply for a permit to appropriate the water now, the priority of that right would be the date the application was filed or 1974.

Therefore, if you feel it is important to perfect this right immediately, and retain the priority date of the first use of the water, then that must be done through a District Court proceeding.

However, if there is no urgency in having the right determined, a Claim to an Existing Water Right form could be filed to preserve the information concerning the existence of the right for future use by the court, if that is ever necessary. A claim form is enclosed for your consideration.

The last date that a water right could be established by diversion and beneficial use was May 20, 1971.

The third question could be answered in a civil suit. However, there are two principles of which you should be aware. First, the granting of a water right permit does not convey with it a right-of-way or easement across the land of another person, but that must be obtained separately. Second, private waters may not be diverted by anyone other than the land owner without his written permission. Section 42-218, Idaho Code, speaks of

RECEIVED

private water and its diversion as follows:

"The Department of Water Resources is hereby prohibited from issuing or granting permits to divert or appropriate the waters of any lake not exceeding five acres in surface area at highwater mark, pond, pool, or spring in this state, which is located or situated wholly or entirely upon the lands of a person or corporation, except to the person or corporation owning said land, or with his or its written permission, executed and acknowledged as required for the conveyance of real estate."

We have enclosed a water users handbook that contains general information concerning obtaining water rights in Idaho. A compilation of Idaho Water Laws and regulations, which we will send upon request, is also available for \$10.00.

If you have additional questions, or wish to purchase a copy of the Idaho Water Laws, please let us know.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

BDF:jg
Enc: Claim form
Water Users Handbook

UNRECORDED

July 14, -1974

RECEIVED

JUL 17 1974

Department of Water Resources

Ms. D.D. Reich
Water Rights Supervisor
State of Idaho
Department of Water Administration
Boise, Idaho, 83707

Dear Ms. Reich:

I am writing this letter in behalf of my folks, Mr. C.J. Mahannah and Vera Mahannah, who live in Hagerman, Idaho. Because you were so helpful in assisting my folks in preparing the "Proof of Application of Water to Beneficial Use" (Permit No. 3209/36-2604) which is forthcoming in August, 1974, I'm also directing the following inquiry to you.

In addition to the folk's homesite in Hagerman, they own a section of summer grazing land in Twin Falls County. This land, which was originally homesteaded by our family in the early 1900's under, I believe, "the Taylor Homestead Grazing Act" has been improved (fencing, stock-watering springs, cabin, etc.), in accordance with this "Homestead Act", and maintained for grazing purposes up to the present time. Currently my folks lease the grazing rights to a neighboring cattleman.

Two small stock-watering springs were developed on this property and maintained for stock water, but to my folk's knowledge have not been filed on for "proof of beneficial use" with the State of Idaho. Our inquiries, therefore, are as follows:

1. Under Idaho's basic doctrine of prior appropriation, should these springs be filed upon in order to perfect a water right for stock-watering use?

2. Does Idaho recognize vested rights and if so, what is the latest date that these vested rights are recognized?

3. Again, in accordance with Idaho State water law, can a first private party gain access for construction and maintenance of a water conveyance system (pipeline, canal, ditch, etc.) through a second private party's deeded land, against the wishes of the same second party (owner of the land), in order to perfect a water right from a water source that is also located on the second party's deeded land?

I hope that you do not find these inquiries too ambiguous. Perhaps your office has published a review of Idaho State Water Law that would answer these questions? If so, I would like to purchase this publication(s). Thank you for your assistance.

Sincerely yours,

Clare N. Mahannah
Clare N. Mahannah
10965 Mt. Rose Road
Reno, NV 89502

cc: C.J. Mahannah

RECEIVED

June 18, 1974

Re: Permit No. 32039/36-2604

C.J. & Vera Mahannah
Route # 1
Hagerman, Idaho 83332

Dear Mr. & Mrs. Mahannah:

Pursuant to your letter of June 15th, I have taken the liberty of typing a proof affidavit for your use in submitting proof under the above referenced permit. The only items you need to complete on the proof affidavit are items 6 & 7(a). Also you need to have your signatures notarized before a notary public.

I am also enclosing the advertising authorization. If you will please sign the authorization, the Department will cause the notice to be published for two consecutive weeks in the Gooding County Leader. We will notify you of the dates the notice will be published and instruct the newspaper to send the bill for publication to you. When you pay the newspaper, they are to furnish you with an affidavit of publication which you then submit to us for our file. Upon receipt of the affidavit of publication from the newspaper, the Department can then schedule a field examination.

I have typed the Department's address on the stamped envelope you sent so that you may use it to return the proof affidavit and advertising authorization. If you have any further questions in this matter, please feel free to call me anytime.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr

Enc: Proof affidavit
Advertising authorization
Stamped envelope

MICROFILMED

Hagerman, Idaho
June 15, 1974

RE: Permit No: 32039/36-2604

Mr. R. Keith Higginson, Director
Department of Idaho Water Administration
Statehouse--Annex 2
Boise, Idaho 83707

Dear Sir:

- 1--Would it be permissible for you to fill out a sample copy of Affidavit of Proof for our Permit? There is a portion that was answered as non-applicable for our small project?
- 2--August 28, 1974 is the deadline date however the actual deadline date for receipt of Affidavit in Boise office preparatory for final inspection would be---?
- 3--We pay newspaper publishing fee but your Department handles placing the notice?

We are enclosing a stamped self-addressed envelope and do so appreciate hearing from you.

Sincerely,

C.J. Mahannah and Vera Mahannah
C.J. Mahannah and Vera Mahannah
Route #1
Hagerman, Idaho 83332

Tel. No. 837-6675

MICROFILMED

CONVERSATION MEMORANDUM

DATE 6-12-74FILE 36-2604NAME OF PARTY Mr + Mrs MahommedEMPLOYEE Darlene Reish

RE: Phoned permit holders this date and explained
amendment was not needed to change their "ministry work."
Our proof form had them very confused and upset
so also advised them regarding its completion. Very nice
people - glad that I called and instead of trying to
answer by letter.

MICROFILMED

Hagerman, Id 83332
June 8, 1974

RECEIVED

JUN 11 1974

Department of Water Administration

Mr. R. Keith Higginson, Director
Dep't. of Idaho Water Administration
Statehouse--Annex 2
Boise, Idaho 83707

Dear Sir:

We have received the 60 day reminder for completion of our work toward the approval of the water Permit No. 32039/36-2604. This notice was forwarded from our former home in Minnesota to us here in Idaho.

We have been living here on our place since February, 1972. First in a trailer, then in August, 1973, into our home. Our domestic water system has been in use all of this time.

We are doing much of the work ourselves and have used the gravity pipes we laid several years before we moved out here for irrigation purposes--garden, trees and general maintenance.

At present we are in the process of laying out an underground sprinkler system for the major portion of the acreage and hope to comply with all of the requirements. At this point we are not sure if the Water Surveyor will think an Amendment form is necessary but just in case he does may we have one?

We do appreciate your consideration and advice. Any further suggestions would be greatly appreciated.

C. J. Mahannah & Vera Mahannah

C. J. Mahannah & Vera Mahannah
Route #1
Hagerman, Idaho 83332

MICROFILMED

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)



Show to whom, date and address
where delivered



Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

25329

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

6-4-74

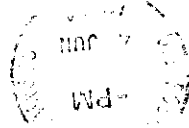
3

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

36-2604

Due 8/28/74

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.
• If special services are desired, check block(s) on other side.
• Moisten gummed ends and attach to back of article.

RETURN
TO



DEPARTMENT OF WATER ADMINISTRATION

STATEHOUSE - ANNEX #2

BOISE, IDAHO 83702

MICROFILMED

PS Form 3811 Nov. 1970 c35-16-81277-1

May 31, 1974

CERTIFIED MAIL

25379

Re: Permit No. 32039/36-2604

C. J. Mahannah & Vera Mahannah
2498 Beverly Road
St. Paul, Minnesota 55104

One of the conditions of approval of your water Permit No. ~~32039/36-2604~~ (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before August 28, 1974. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit

MICROFILMED

December 24, 1970

Re: Application for Permit No. 36-7143

Mr. C. J. Mahannah
2498 Beverly Road
St. Paul, Minnesota 55104

Dear Mr. Mahannah:

We have received your letter of December 17, 1970. It would appear from the information in the Application for Permit No. 36-7143, that Mr. C. Earle Joseph owns 4.6 acres of ground in Lot 3 Sec. 6, Twp. 8 S., Rge. 14 E., B.M. From the information in your Permit No. 36-2604 it would appear that you also have 5½ acres in Lot 3. The information in the application and the permit is not sufficient to identify which particular spring either of you are diverting from; therefore, we are enclosing a copy of Mr. Joseph's application.

You should bear in mind that any permit which is approved is subject to all prior water rights. This means that the appropriation of Idaho's public water is subject to "first in time first in right" doctrine. When your permit was approved, you were subject to this doctrine as would Mr. Joseph be subject to all prior rights if his permit were approved. This means that only when water is available for a particular priority can that water right be exercised.

With this understanding, we would assume that there would not be an infringement of any water right you may perfect under your permit. If you still feel that there would be an infringement, please submit a formal protest describing in detail the nature of your protest.

If we can assist you further, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh

Enclosure

May 2, 1969

C
Re: Permit No. 32039

O
C. J. Mahannah and Vera Mahannah
2498 Beverly Road
St. Paul 4, Minneapolis 55104

Dear Mr. and Mrs. Mahannah:

P
Please find enclosed your APPROVED application for extension of time
for the above referenced permit. your extension has been granted to August
28, 1974. If the Department may be of any assistance, please contact us.

Very truly yours,

Y
Donald W. McElldowney
Appropriation Examiner

DWM:TC

Enc: copy of extension

32039

RECEIVED

MAY 12 1969

Department of Reclamation

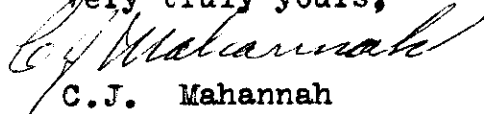
2498 Beverly Road
St. Paul, Minnesota
55104
May 7, 1969

Dear Mr. McEldowney:

The APPROVED application for extension of time for our Permit No. 32039 arrived today. We thank you so much for the prompt attention you have given our problems, it is greatly appreciated.

This other Permit No. 63-7076 has been enclosed accidentally and we are returning it immediately.

Very truly yours,


C.J. Mahannah

32039

April 10, 1969

Re: Permit No. 32039

Mr. C. J. Mahannah
2498 Beverly Road
St. Paul, Minnesota 55104

Dear Mr. Mahannah:

Your letter of March 17, 1969 indicates a need for a request for an extension of time under your existing permit. We are enclosing an extension of time form for your use in requesting this extension. We can give no assurance at this time as to whether the extension will be granted, however, it is a more practical approach than to have the permit cancelled and then have to refile.

If the extension is not approved, it will be possible to refile. This would also be in the event that you were unable to perfect the water rights under the permit referenced.

In completing the extension form, state in detail the amount of work you have completed and the requested time, up to five years, that you will require to complete the work.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: Extension of time form

32039

2498 Beverly Road
St. Paul, Minnesota 55104
March 17, 1969

RECEIVED

MAR 19 1969

Department of Reclamation

Mr. Robert W. Hamilton
Supervisor Water Distribution
State of Idaho
Department of Idaho
Boise, Idaho

Dear Mr. Hamilton:

In the fall of 1964 we bought a small parcel of land, approximately 5½ acres, located in Gooding County near Hagerman, Idaho. The Real Estate Broker is Mr. Dave P. Nicholson of Hagerman. There are two unnamed springs on this parcel and at the time of purchase we were advised to consider filing on these. This has been done, Application No. 40173 and Permit No. 32039 which was approved August 28, 1964.

We have returned each year since then but one. That year circumstances beyond our control prevented that. We've dug trenches and laid pipe that utilizes the natural flow for irrigating the lower areas. Small trees have been planted and also Crested Wheat Grass. Some of this has grown. Year before last we let the water run but last summer when we left we shut the water off due to excessive moss and water cress growth in the ditches.

We plan on building a permanent home here and use this water for our home as well as irrigational purposes. At one time we were both Idaho residents and have been back almost once a year or more since 1929. I own property in Twin Falls County and plan this Hagerman location as our retirement home.

I probably will not be retiring for approximately two more years and this permit expires this next September. We do hope to go out again this year, probably in June.

Mr. George Lemmons is Water Master of Water District No. 63 of Hagerman. He is the one who advised us to present our problem to you. Would it be out of order for us to ask if you could suggest that we could consider a reasonable effort has been made to prove up on the springs or that we should refile? Is it possible to refile? If we are out of order please advise us.

Any information that you would care to give us would be greatly appreciated.

Sincerely,

C. J. Mahannah

C. J. Mahannah

copy to:

Mr. George Lemmon, Watermaster

32039

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

MAY 1 1969

APPLICATION FOR EXTENSION OF TIME

State of Idaho)
County of Gooding)

Department of Reclamation
Permit No. 32039

C.J. Mahannah & Vera Mahannah of 2498 Beverly Road, St. Paul
(name) (address)

State of Minnesota, being first duly sworn, upon his oath deposes and says:
(55104)

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Waters of the State of Idaho No. 32039.

That under the terms and conditions of said permit, work thereunder was required to be completed by August 28, 1969.

That he has heretofore performed the following work described under said permit:

Returned each year but one. Trenches dug & pipe laid that utilizes natural flow for irrigating lower areas. Small trees have been planted and Crested Wheat Grass some of which are growing.

Costing \$ 245.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Plan this location as permanent home & use this water for home and irrigational purposes. At one time we were both Idaho residents & have been back almost once a yr. since 1929. I also own property in Twin Falls County. Retirement approx. 1971 prevents building & completing this by time original permit expires.

WHEREFORE, he asks that the State Reclamation Engineer extend the time for the completion of obligations under said permit to August 28, 1974.

C.J. Mahannah - Vera Mahannah
(signature)

Subscribed and sworn to before me this 28th day of April, 1969

W. J. SMITH
Notary Public, Ramsey County, Minn.
My Commission Expires Jan. 27, 1975.

(notary public)

My commission expires

Date of receipt at office of Department of Reclamation

ACTION OF STATE RECLAMATION ENGINEER

I, R. Keith Higginson, State Reclamation Engineer of the State of Idaho, hereby approve the above application for extension of time for Permit No. 32039 to August 28, 1974.

Witness my hand this 2nd day of May, 1969.

R. Keith Higginson
State Reclamation Engineer

* If other than the holder, Power of Attorney must be supplied.

Form 12

32039

September 10, 1964

Re: Permit No. 32039
C. J. & Vera Mahannah

Mr. Dave Nicholson,
Hagerman, Idaho.

Dear Mr. Nicholson:

We enclose Permit No. 32039 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 32406 which was issued covering payment in the amount of \$ 5.00 for the filing fee of the above mentioned permit.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.

EPR:pmk

cc: C. J. & Vera Mahannah
2498 Beverly Road
St. Paul 4, Minn.

B32039

NAME OF APPLICANT C. J. MAHANNAG & VERA MAHANNAG

Form No. 0

LOT 3, SECTION 6, TOWNSHIP 8 SOUTH - RANGE 14 EAST.

BRAILS FORD - OMNES DITCH

X SPRING

X SPRING

5 1/2 ACRES

WEST BOUNDARY

NORTH 46° 10' EAST

452.04'

SOUTH

250'

RILEY CREEK

Permit Map No. 32039
As Approved AUG 28 1964
CARL E. TAPPAN
State Reclamation Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

32039

August 20, 1964

RE: Application for Permit
C. J. Mahannah

Dave P. Nicholson
Hagerman,
Idaho

Dear Mr. Nicholson:

Returned herewith is the application for permit with attached check for \$5.25.

The quantity claimed has been reduced to 0.12 cfs., the maximum allowable without proof that additional water is required. The answer to question 4 has been changed to agree with the map and other statements.

Kindly see that the questions 7 to 11 are answered. No. 13 has been changed as 5 years should be ample time to complete this work and use the water.

No. 14 has been altered.

Kindly see that all answers are correct and return with the proper filing fee of \$5.00.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:ct

Enc. Application for permit
Check No. 390, \$5.25

832039

DAVE P. NICHOLSON -- Real Estate Broker

Farms

Ranches

River Frontage Property

HAGERMAN, IDAHO

Aug 18-64

PHONE 837-4731

Idaho Dept of Reclamation

Boise Ida

RECEIVED
AUG 20 1964

Department of Reclamation

Dear Sirs: The enclosed application for water ~~was~~ sent to me by the party that is buying the described parcel of ground.

I would appreciate it very much if you will send the permit to me as soon as processed as I am holding the papers to complete the sale.

Yours truly,

Dave P. Nicholson

In the Valley of the Thousand Springs

832039