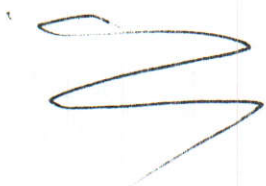


No Color
Documents
In File





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 6, 2004

ROSE OXARANGO
3416 MEADOW DR
BOISE ID 83706

**RE: RENTAL OF WATER RIGHTS LEASED TO THE WATER SUPPLY
BANK. WATER RIGHT NOS. 36-7030**

Dear Ms. Oxarango:

The department has requested the issuance of a state warrant in the amount of \$113.85 as payment to you for the rental of 11.5 acre-feet of the above referenced water right from the Water Supply Bank managed by the Idaho Water Resource Board.

In accordance with Water Supply Bank rule 35.01, *IDAPA 37.02.03*, return for the rental is ninety percent (90%) of the gross amount received at a rental rate of \$11.00 per acre-foot of water. The Controller's office will issue the warrant within the next twenty (20) days.

If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cynthia Bridge Clark', is written over a horizontal line.

Cynthia Bridge Clark
Water Allocation Bureau

MICROFILMED
JAN 15 2004



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 6, 2004

DAVID SUCHAN
607 N 1050 W
PAUL ID 83347

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK. WATER
RIGHT NO. 36-7030**

Dear Mr. Suchan:

Please find enclosed a receipt in the amount of \$126.50 and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 11.5 acre-feet of ground water for irrigation use in 2003.

If you have questions, please feel free to contact me.

Sincerely,

Cynthia Bridge Clark
Water Allocation Bureau

Encl: 2

MICROFILMED

JAN 15 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 36-7030

[] Name(s): Rae Orango

[] Old Mailing Address: P.O. Box A

Rupert Idaho
83350

[] New Mailing Address: C/O Barinaga

3416 Meadow Dr
Boise, Idaho
83706

Telephone Number: (208) 344-1538 HOME

208 342-7392

cell 859-1250

[] Signature(s) of Owner(s) Rae Orango

(Include your title if on behalf of company or organization)

Date: 1-6-04

MICROFILMED

JAN 15 2004

MEMORANDUM

TO: Debbie Allen
FROM: Cynthia Bridge Clark
RE: WATER SUPPLY BANK RENTAL FEE – 36-7030
DATE: January 4, 2004

The following information is provided to document the request for a state warrant compensating the owner of the above referenced water right(s) for rental of a portion of the rights from the Water Supply Bank. A copy the receipt for the rental payment is attached.

Please have a state warrant prepared in the amount of \$113.85 and sent to the owner of the water right at the following address:

ROSE OXARANGO
3416 MEADOW DR
BOISE ID 83706

Attach: 1

~~MICROFILMED
JAN 15 2004~~

MICROFILMED
JAN 15 2004

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

RECEIVED
NOV 21 2003
Idaho Water Resource Board

The Idaho Water Resource Board ("Board") being authorized to operate a Water Supply Bank ("bank") and to contract by and through the Director of the Idaho Department of Water Resources ("Director") for rental of water from the bank agrees to rent water as follows:

1. Renter: David Suchan
2. Address: 607 N 1050 W, Paul, ID 83347
3. Source of water: Ground water
4. Volume of water rented: 11.5 AF Max rate: 0.07 cfs
5. Diversion period: August 20 to 22, 2003
6. Use of water: Irrigation
7. a) Renter's point of diversion:

Legal description: NENE Section 28, T8S, R22E, B.M., Minidoka County

b) Renter's place of use:

Legal description: SWSW, SESW, NWSW, NESW Section 21, T8S, R22E, B.M.

8. The right from which water will be rented is 36-7030

The undersigned renter agrees to pay \$ 126.50 for rental of the above described water and agrees to use the water in compliance with the Water Supply Bank rules and in compliance with the conditions of water use shown below:

Conditions of water use under this agreement:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Upon Department request, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director and shall report the amount of water diverted at the end of the irrigation season.

MICROFILMED

JAN 15 2004

3. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
5. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
6. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
7. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
8. This rental does not authorize the construction of a well.

Dated this 18 day of November, 2003.

by David Suchan
for Donna Suchan

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and, IDAPA 37.02.03030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 5th day of January, 2004

Karl J. Dreher
for KARL J. DREHER, Director
Department of Water Resources

01/03

Before the Idaho Water Resource Board

RECEIVED

OCT 20 2003

Department of Water Resources

**APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK**

Applicant David Suchan Phone 208 438-2820
Address 607 N. 1050 W.
City Paul State Id Zip Code 83347

A. DESCRIPTION OF WATER SOUGHT TO RENT

1. Source of water SRBA
tributary to _____
2. Maximum volume of water 32 A/ft used $\approx$ 10.45 AF.
3. Maximum rate of diversion 1300 GPM at 35 PSI cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of intended use Irrigation
2. Location of point of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28,
Township ~~8S~~ 8S, Range 22E, B.M. Minidoka County.
3. Season of use: From 8-20-03 to 8-22-03
4. Description of diverting works:
Pump HP $\approx$ 400 (Diesel) Lift 450 ft Pump type turbine
Canal name, if appropriate _____
5. Place of use:
 - a. If water is for irrigation, describe the number of acres to be irrigated by
40-acre tract, section, township and range.

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 21 8S ~~22E~~

SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 21 8S 22E

NW $\frac{1}{4}$ ~~SE~~ SW $\frac{1}{4}$ Sec 21 8S 22E

NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 21 8S 22E

MICROFILMED

JAN 15 2004

- b. If water is not for irrigation, describe the nature of the intended use and the place of use.
- _____
- _____
- _____

6. Describe any other water rights used for the same purposes as rental water sought under this application.

36-2697

7. Who owns the property at the point of diversion?

Jim Schaffer

8. Who owns the property at the place of use?

Donna Suchan

9. Are you seeking a rental for more than one (1) year? NO (yes or no)

If yes, for how many years? _____

10. Remarks: 2 days of diversion used approx 10.45 AF
during which the turbine on water right 36-2697
was removed and replaced
- _____
- _____

Oct 15, 2003
 Date

David Suchan
 Signature of Applicant

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____

Published in _____ Pub. dates _____

Protests filed by _____

Hearing held by _____

Action recommended _____

MICROFILMED
 JAN 15 2004

Important Information About Your Water Right

August 27, 2001

ROSE OXARANGO
PO BOX A
RUPERT, ID 83350

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 36-07030. 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

APR 15 2004
SCANNED

APR 14 2003

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 36-07030

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: 04-01 10-15

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 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

SCANNED

2003

Roger Burdick

ROGER BURDICK

Presiding Judge

Snake River Basin Adjudication

MICROFILMED

2001 8 28

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 36-07030

1998 JAN 15 PM 12:00

FILED

NAME & ADDRESS: ROGER R OXARANGO
ROSE OXARANGO
PO BOX A
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.7 CFS
140.0 AFY

PRIORITY DATE: 06/07/1968

POINT OF DIVERSION: T09S R24E S25 NWNWNE Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	0.7 CFS 140.0 AFY

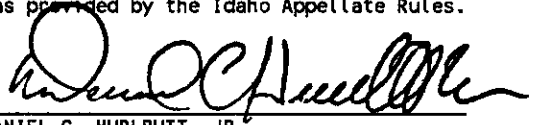
PLACE OF USE: IRRIGATION Within MINIDOKA County
T09S R24E S25 NWNE 35
35 ACRES TOTAL

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

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 36-07030

MICROFILMED

PAGE 1
DEC-11-1997

SCANNED

APR 14 2003

Idaho Department of Water Resources Receipt

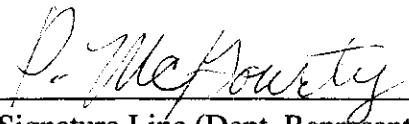
Receipt ID C071688

Payment Amount \$126.50 Date Received 11/20/2003 11:50:45 AM Region State Status
Payment Type Check Check Number 1201

Payer SUCHAN FARM
Comment WATER BANK RENTAL AGREEMENT

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$12.65	WATER BANK-DEPARTMENT SHARE	0229	21	55109	1205
\$113.85	WATER BANK-OWNER SHARE	0229	21	55109	1205


Signature Line (Dept. Representative)

MICRO
JAN 1 2 2004

MEMORANDUM

To: File 36-7030

From: Cynthia Bridge Clark

Date: November 5, 2003

Re: Rental of water from the State Water Supply Bank

A turbine used for diversion of ground water under water right number 36-2697 became inoperable in August of the 2003 irrigation season. The rental applicant, David Suchan, obtained permission from his neighbor to use a nearby well to continue irrigating until the turbine was repaired. The applicant contacted the department requesting to rent water through the Water Supply Bank ("bank") to authorize use of his neighbor's well for approximately two days. As per conversations with Glen Saxton, Allen Merritt and myself, the applicant was instructed to submit an application to rent water from the bank and to quantify the volume of water diverted. The applicant later documented that he diverted water for two days at 1300 gallons per day. The estimated volume of water rented was calculated to be approximately 11.5 af.

MICROFILMED
JAN 15 2004



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

November 5, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAVID SUCHAN
607 N 1050 W
PAUL ID 83347

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK.
WATER RIGHT NO(S). 36-7030**

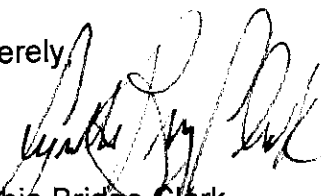
Dear Mr. Suchan:

The department acknowledges receipt of your application to rent water from the Water Supply Bank. Please find enclosed a Water Supply Bank Rental Agreement for your review and signature. Upon signature and return of the agreement, together with the rental fee described below, the department also will sign the agreement and will return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

The rental fee is **\$126.50** and was calculated as \$11.00 per acre-foot times 11.5 acre-feet. Please send a check made payable to the Idaho Department of Water Resources together with the signed rental agreement. Also return the signed agreement and fee to my attention so I can complete the processing.

If you have questions, please feel free to contact me.

Sincerely,



Cynthia Bridge-Clark
Water Allocation Bureau

Encl: 1

c: Allen Merritt – IDWR Southern Region

MICROFILMED
JAN 15 2004

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board ("Board") being authorized to operate a Water Supply Bank ("bank") and to contract by and through the Director of the Idaho Department of Water Resources ("Director") for rental of water from the bank agrees to rent water as follows:

1. Renter: David Suchan
2. Address: 607 N 1050 W, Paul, ID 83347
3. Source of water: Ground water
4. Volume of water rented: 11.5 AF Max rate: 0.07 cfs
5. Diversion period: August 20 to 22, 2003
6. Use of water: Irrigation
7. a) Renter's point of diversion:
Legal description: NENE Section 28, T8S, R22E, B.M., Minidoka County
b) Renter's place of use:
Legal description: SWSW, SESW, NWSW, NESW Section 21, T8S, R22E, B.M.
8. The right from which water will be rented is 36-7030

The undersigned renter agrees to pay \$ 126.50 for rental of the above described water and agrees to use the water in compliance with the Water Supply Bank rules and in compliance with the conditions of water use shown below:

Conditions of water use under this agreement:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Upon Department request, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director and shall report the amount of water diverted at the end of the irrigation season.

MICROFILMED
JAN 15 2004

3. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
5. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
6. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
7. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
8. This rental does not authorize the construction of a well.

Dated this _____ day of _____, 2003.

by _____
for _____

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and, IDAPA 37.02.03030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this ____ day of _____, 2003.

KARL J. DREHER, Director
Department of Water Resources

JAN 15 2004

MEMORANDUM

To: File 36-7030

From: Cynthia Bridge Clark

Date: November 5, 2003

Re: Rental of water from the State Water Supply Bank

A turbine used for diversion of ground water under water right number 36-2697 became inoperable in August of the 2003 irrigation season. The rental applicant, David Suchan, obtained permission from his neighbor to use a nearby well to continue irrigating until the turbine was repaired. The applicant contacted the department requesting to rent water through the Water Supply Bank ("bank") to authorize use of his neighbor's well for approximately two days. As per conversations with Glen Saxton, Allen Merritt and myself, the applicant was instructed to submit an application to rent water from the bank and to quantify the volume of water diverted. The applicant later documented that he diverted water for two days at 1300 gallons per day. The estimated volume of water rented was calculated to be approximately 11.5 af.

MICROFILMED

JAN 15 2004



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 15, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROSE OXARANGO
3416 MEADOW DR
BOISE ID 83706

**RE: APPLICATION TO LEASE WATER RIGHT NO. 36-07030 TO THE WATER
SUPPLY BANK**

Dear Ms. Oxarango:

The department has reviewed the above referenced application which you submitted to the department on May 12, 2000.

Please consider that the water right offered for lease has been accepted into the Water Supply Bank ("bank") until you petition to remove it. Several items to keep in mind in connection with the lease are as follows:

1. The monetary return to the water right owner for rental of a right from the bank is \$2.25 per acre-foot of water per year for water which is rented.
2. There is no payment if the right is not rented from the bank.
3. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
4. A right accepted into the bank stays in the bank until it is released by the Board or until the lease term expires.
5. While a water right is in the bank, forfeiture provisions are stayed.

If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Glen Saxton'.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: Regional Office

MICROFILMED
JUN 15 2004

RECEIVED

MAY 12 2000

Form No. 42-1761
3-92

Department of Water Resources

Water Supply Bank No. _____

Water Right No. 36-07030

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE
WATER SUPPLY BANK

Name of Seller/Lessor Rose Oxarango Phone (208) 344-1538

Post office address 3416 Meadow Dr., Boise, ID 83706

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 36-07030 Decreed to Roger R. & Rose Oxarango
(Name)

in case of State of Idaho vs United States, et al.

dated Jan. 15, 1998 in 5th Judicial Dist. county of Twin Falls
(Name of court)

b. License No. _____ Issued by the Idaho Department of Water Resources.

c. Permit No. _____ Issued by the Idaho Department of Water Resources.

2. Source of water Groundwater tributary to _____

3. Date of priority June 7, 1968

4. Water is used for the following purposes:

amount 0.70 for irrigation purposes from 4-01 to 10-31

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

5. Total amount of water under right: a. 0.70 cubic feet per second
&/or

b. 140 acre feet per annum

6. Location of point of diversion is NW ¼ of NE ¼ of Section 25

Township 9S Range 24E, B.M. in Minidoka County

Additional points of diversion, if any _____

MICROFILMED
MAY 15 2004

7. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	24E	25		35															35

Total number of acres to be irrigated 35

B. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease, omit part B.)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

MICROFILMED
1991 5 2006

C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

1. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right.

See attached profile report of decree.

2. Describe the frequency of water use under the right, or portion thereof, during the past 5 years. Attach water-master records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture:

The right has not been used during the last 5 years but has been protected
from forfeiture by an approved application for extension of time to avoid
forfeiture of a water right.

3. Describe the relative availability of water to fill the right, or portion thereof. Attach evidence to support the availability:

N/A This water has always been available to use.

4. Describe any other water rights with the same purpose and place of use as the right, or portion thereof. Will the present place of use continue to receive water from any source? If so, describe.

None

5. If the water right is a permit, describe the work accomplished toward developing the right.

N/A

6. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

7. If the right is included in an ongoing adjudication, a copy of the claim must be provided with this application.

MICROFILMED

JUN 15 2004

8. Draw a map indicating the point(s) of diversion and place of use of the right, or portion thereof. Show clearly the land involved by section, township and range.

[illegible]

SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED

1982

DATE: 05/10/00
PAGE: 1

DIVERSION RATE
DIVERSION VOLUME

140.00 AFA

THE

140.00 AFA

Stage: DECEED

MINIDOKA County

SE

SESE : !

Lt AC Lt AC :

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
84

• •

Objection Filed Date:

MICROFILMED
JAN 15 2001



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 11, 2000

ROSE OXARANGO
3416 MEADOW DR
BOISE, ID 83706

Dear Mrs. Oxarango:

Enclosed is an Application to Sell or Lease a Water Right to the Water Supply Bank form, which has been completed by this office on your behalf. I ask that you read through this form and if it meets with your approval please sign it and return it to this office.

If you have any questions please contact either Glen Saxton or myself at 327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Drew-Ellis".

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Encl.

MICROFILMED
JAN 15 2004

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE
WATER SUPPLY BANK

Name of Seller/Lessor Rose Oxarango Phone (208)344-1538

Post office address 3416 Meadow Dr., Boise, ID 83706

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 36-07030 Decreed to Roger R. & Rose Oxarango
(Name)

in case of State of Idaho vs United States, et al.

dated Jan. 15, 1998 in 5th Judicial Dist. county of Twin Falls
(Name of court)

b. License No. _____ Issued by the Idaho Department of Water Resources.

c. Permit No. _____ Issued by the Idaho Department of Water Resources.

2. Source of water Groundwater tributary to _____

3. Date of priority June 7, 1968

4. Water is used for the following purposes:

amount 0.70 for irrigation purposes from 4-01 to 10-31

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

5. Total amount of water under right: a. 0.70 cubic feet per second
&/or

b. 140 acre feet per annum

6. Location of point of diversion is NW ¼ of NE ¼ of Section 25

Township 9S Range 24E, B.M. in Minidoka County

Additional points of diversion, if any _____

MICROFILMED
JAN 15 2004

7. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	24E	25		35															35

Total number of acres to be irrigated 35

B. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease, omit part B.)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum

2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____

Range _____, B.M., _____ County

Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

MICROFILMED
APR 15 2004

C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

1. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right.

See attached profile report of decree.

2. Describe the frequency of water use under the right, or portion thereof, during the past 5 years. Attach water-master records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture:

The right has not been used during the last 5 years but has been protected
from forfeiture by an approved application for extension of time to avoid
forfeiture of a water right.

3. Describe the relative availability of water to fill the right, or portion thereof. Attach evidence to support the availability:

N/A This water has always been available to use.

4. Describe any other water rights with the same purpose and place of use as the right, or portion thereof. Will the present place of use continue to receive water from any source? If so, describe.

None.

5. If the water right is a permit, describe the work accomplished toward developing the right.

N/A

6. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

7. If the right is included in an ongoing adjudication, a copy of the claim must be provided with this application.

MICRONIMED

JAN 4 5 2004

8. Draw a map indicating the point of diversion and place of use of the right-of-portion thereof. Show clearly the land involved by section, township and range.

A blank sheet of graph paper featuring a uniform grid of squares. The grid consists of 10 columns and 10 rows, creating a total of 100 small square units. The lines are thin and black, set against a white background. There are no margins, text, or other markings on the page.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED

SEP 15 2004

9. Remarks _____

D. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale

 X For lease for an indefinite period
~~period from~~ ~~xxxxxx~~ ~~to~~ ~~xxxxxx~~
(year) (year)

_____ As a gift to the State of Idaho.

2. The minimum payment acceptable to the Seller/Lessor is: (Include the method of determining the minimum payment)

\$2.25/acre foot

3. Payment contingent on subsequent sale or leasing of this right, or portion thereof, is:

 X Acceptable _____ Not Acceptable

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

(Date)

(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

MICROFILMED

MAY 15 2004

RECEIVED

MAR 23 2000

MEMO

Department of Water Resources

FROM: Allen Merritt 

DATE: March 20, 2000

TO: Extension of Time to Avoid Forfeiture of a Water Right
Water Right(s): 36-07030

In the Name of: Rose Oxarango

SUBJECT: Review and Recommendation

This extension is filed on a right recently decreed in the SRBA. The application on its face indicates that the last use was in 1990.

This application needs to be reviewed by administration and the legal staff. Approval or denial will set a precedent.

Based on my current understanding of policy I recommend the application be denied.



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 24, 2000

Roger or Rose Oxarango
P.O. Box A
Rupert, ID 83350

NOTICE TO RESUME WATER USE

RE: Licensed Water Right No. 36-07030

Dear Water Right Holder:

One of the conditions of the department's approval of the application for Extension of Time to Avoid Forfeiture of a Water Right, filed in 1995 for the above referenced decreed right, was that beneficial use of water be resumed on or before **June 1, 2000**.

Enclosed is a form, which when submitted, will notify the department that you have again established beneficial use of water as authorized by the decree.

Failure to resume the use of water for the water right and to notify the department of resumed use, will be cause for the water to revert back to the state and again be available for appropriation.

Please fill out and return the resumption of beneficial use form within **sixty (60) days** of receipt of this letter and address your correspondence to my attention.

Please contact me at (208)327-7953, if you have any questions concerning this matter.

Sincerely,

Deborah Drew-Ellis

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Enclosure

C: IDWR Southern Region

RECEIVED
MAR 29 2000
Department of Water Resources
Southern Region

26-07030

KO-

THOMAS G. MAILE, IV
Attorney at Law
380 West State Street
Eagle, Idaho 83616
Phone: (208) 939-1000

Attorneys for Defendants

RECEIVED
JAN 11 2000
Department of Water Resources

RECEIVED

MAR 21 2000

Department of Water Resources

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
ROGER OXARANGO a.k.a. ROGER J.)
OXARANGO a.k.a. ROGER JEAN)
OXARANGO and ROSE OXARANGO)
a.k.a. S. ROSE OXARANGO a.k.a.)
SARA R. OXARANGO, and SARA)
OXARANGO, Husband and Wife,)
)
Defendants.)
_____)

Case No. CIV97-0085-S-EJL

ANSWER

COMES NOW, the Defendants, and as and for an answer to Plaintiff's Complaint on file herein, admits, denies and alleges as hereinafter set forth and provides as follows:

FIRST DEFENSE

Plaintiff's Complaint, and each count thereof, fails to state a cause of action against these answering Defendants upon which relief may be granted.

SECOND DEFENSE

These answering Defendants deny each and every allegation contained in Plaintiff's Complaint not specifically admitted herein.

THIRD DEFENSE

I

These answering Defendants admit the allegations contained in Paragraph I of Plaintiff's Complaint; however, relative to the Exhibit "A" referenced therein, the Defendants do not admit any writings apparently added to said exhibit after the execution by Defendants.

II

These answering Defendants admit the allegations contained in Paragraph II of Plaintiff's Complaint; however, relative to the Exhibit "B" & "C" referenced therein, the Defendants do not admit that said exhibits are true and correct of said mortgages.

III

These answering Defendants deny each and every allegation contained in Paragraphs III, IV, V, VI, VII, VIII, IX, and X of Plaintiff's Complaint.

FIRST AFFIRMATIVE DEFENSE

Defendants allege that Plaintiff failed to exercise due care and failed to supervise the loans provided to the Idaho Bank and Trust of Malad Idaho as either direct loans and/or emergency guaranteed loans to the Defendants, in a reasonable, prudent, commercially reasonable and customary manner, and is thereby barred from pursuing this action.

SECOND AFFIRMATIVE DEFENSE

The Plaintiff failed to take reasonable steps to pursue this action in a timely fashion, and is

guilty of laches.

THIRD AFFIRMATIVE DEFENSE

The Plaintiff failed to take reasonable steps to mitigate the claimed or alleged arrearage on the mortgages associated with this litigation.

FOURTH AFFIRMATIVE DEFENSE

Defendants allege the affirmative defense of equitable estoppel and/or Quasi-Estoppel in not pursuing the foreclosure of the Defendants' property subject hereto.

FIFTH AFFIRMATIVE DEFENSE

That Plaintiff waived any right to collect said sums allegedly due under the mortgages subject hereto based upon it's negligence in supervising and/or processing the applications of the mortgages subject to these proceedings and advancing monies thereafter and/or processing the applications and advancing monies thereafter relating to the emergency guaranteed loans and/or direct loans provided to Idaho Bank and Trust of Malad, Idaho in 1975 and/or 1976 for the alleged benefit of the Defendants.

SIXTH AFFIRMATIVE DEFENSE

That Plaintiff waived any right to collect said sums allegedly due under the mortgages subject hereto based upon it's negligence in supervising and/or processing the applications of the mortgages subject to these proceedings and advancing monies thereafter and/or processing the applications and advancing monies thereafter relating to the emergency guaranteed loans and/or direct loans provided to Idaho Bank and Trust of Malad, Idaho in 1975 and/or 1976 for the alleged benefit of the Defendants, due to the fact that Idaho Bank and Trust of Malad, Idaho during 1975, 1976 and 1979, committed acts of fraud or misrepresentation concerning the claim of necessity and/or the need for

such emergency guaranteed loans, direct loans, and the loans subject to these proceedings and as such the mortgages subject hereto are "void."

SEVENTH AFFIRMATIVE DEFENSE

That Plaintiff as holder of said loans has waived any right to collect said sums allegedly due under the mortgages subject hereto based upon the fact that it knew and/or should have known in supervising and/or processing the applications of the mortgages subject to these proceedings and advancing monies thereafter and/or processing the applications and advancing monies thereafter relating to the emergency guaranteed loans and/or direct loans provided to Idaho Bank and Trust of Malad, Idaho in 1975 and/or 1976 for the alleged benefit of the Defendants, that Idaho Bank and Trust of Malad, Idaho during 1975, 1976 and 1979 and/or it's agents committed acts of fraud or misrepresentation concerning the necessity and/or the need for such emergency guaranteed loans, direct loans, and the loans subject to these proceedings and as such the mortgages subject hereto are "void."

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff is estopped from bringing this action due to the fact that there has been an accord and satisfaction.

NINTH AFFIRMATIVE DEFENSE

Plaintiff is barred from pursuing this claim against Defendants due to "fraud in the inducement" on the contracts, promissory notes and/or mortgages.

TENTH AFFIRMATIVE DEFENSE

Plaintiff is barred from pursuing this claim against Defendants due to "fraud" on the contracts, promissory notes and/or mortgages.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff is barred from pursuing this claim against Defendants due to the lack of and/or failure of consideration.

TWELFTH AFFIRMATIVE DEFENSE

That the Plaintiff is barred from pursuing the current claims against the Defendants due to the fact that the Plaintiff advanced the monies associated with the mortgages subject to these proceedings in violation of Federal Law and relevant Federal Regulations, including but not limited to the following particulars:

1. Defendants were not eligible for such loans, either as direct loans or emergency guaranteed loans;
2. Plaintiff failed to obtain required written documentation from legally organized lending institutions indicating the Defendants were unable to obtain credit elsewhere;
3. Plaintiff failed to obtain the requisite "claims of Loss" from Idaho Bank and Trust of Malad, Idaho relating to the 1975 and/or 1976 direct loans and/or emergency guaranteed loans which allegedly necessitated the mortgages herein;
4. Plaintiff advanced to Idaho Bank and Trust of Malad, Idaho, sums relating to the 1975 and/or 1976 direct loans and/or emergency guaranteed loans which resulted in the mortgages herein, when in fact there were no obligations due and owing under the 1975 and/or 1976 loans above referenced;
5. Plaintiff, after advancing sums to Idaho Bank and Trust of Malad, Idaho relating to the 1975 and/or 1976 direct loans and/or emergency guaranteed loans which resulted in the mortgages herein, failed to properly service and/or determine the continued necessity of the loans

with the Defendants three years after the loans were made and failed to make such determination every two years thereafter;

6. Plaintiff advanced to Idaho Bank and Trust of Malad, Idaho sums relating to the 1975 and/or 1976 direct loans and/or emergency guaranteed loans which resulted in the mortgages herein for a loan period in excess of twenty (20) years in violation of Federal Law;

Defendants reserve the right to assert such additional affirmative acts or offense as may later be developed and/or become known through discovery and leave of Court is requested to amend said Answer as soon as the same becomes known to Defendants.

THIRTEENTH AFFIRMATIVE DEFENSE

That the Plaintiff is a barred in proceeding against the Defendants herein due to the fact that Idaho Bank and Trust of Malad, Idaho, after obtaining monies from the Plaintiff relating to the 1975 and/or 1976 direct loans and/or emergency guaranteed loans which resulted in the mortgages herein, became insolvent and the Federal Deposit Insurance Corporation became said Bank's receiver, and ultimately resolved all issues with the Defendants relative to the loans and Plaintiff is now estopped from re-litigating said issues.

FOURTEENTH AFFIRMATIVE DEFENSE

The Plaintiff is barred in pursuing this action by the Statute of Limitations.

FIFTEENTH AFFIRMATIVE DEFENSE

The Plaintiff is barred in pursuing this action by the Statute of Frauds.

SIXTEENTH AFFIRMATIVE DEFENSE

That Plaintiff as holder of said loans acted in concert with Idaho Bank and Trust of Malad Idaho, in 1975 and/or 1976 for the alleged benefit of the Defendants, and Plaintiff together with

Idaho Bank and Trust of Malad, Idaho during 1975, 1976 and 1979 set upon a course of action and conduct in procuring either direct loans and/or emergency guaranteed loans without the knowledge and/or input of the Defendants in supervising and/or processing the applications, and advancing monies thereafter and/or processing the applications and advancing monies thereafter relating to the emergency guaranteed loans and/or direct loans provided to Idaho Bank and Trust of Malad Idaho, in 1975 and/or 1976 and/or in paying off emergency loans and/or direct loans that were not yet due and owing, all for the alleged benefit of the Defendants when in fact and truth there was no benefit to the Defendants and as such Plaintiff breached it's fiduciary with the Defendants during 1975, 1976 and 1979 concerning the necessity and/or the need for such emergency guaranteed loans, direct loans, and the loans subject to these proceedings and as such the mortgages subject hereto are "void."

SEVENTEENTH AFFIRMATIVE DEFENSE

The Plaintiff is barred in pursuing this action by the Defendants' Bankruptcy.

EIGHTEENTH AFFIRMATIVE DEFENSE

The Plaintiff is barred in pursuing this action by the Doctrine of Res Judicata.

REQUEST FOR ATTORNEY'S FEES

As a result of the filing of Plaintiff's Complaint, these answering Defendants have been required to retain legal counsel to defend said action, and Defendants are entitled to recover attorneys fees by reasons of the provisions contained in the promissory notes and mortgages annexed to the Plaintiff's Complaint; The Federal Agricultural Credit Act of 1978; Idaho Code Sections 12-120 and 12-121.

WHEREFORE, these answering Defendants pray that Plaintiff's Complaint be dismissed with prejudice, that Plaintiff take nothing hereby, that the mortgages subject to these proceedings be

declared as void; that Defendants be awarded their costs and attorneys fees incurred and for such further relief as may be just in the premises.

DATED this 17 day of July, 1997.


THOMAS G. MAILE, attorney
for the Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17 day of July, 1997, I mailed a true and correct copy of the foregoing ANSWER by placing the same in the United States Mail, postage prepaid, to those so indicated, addressed as follows:

Betty H. Richardson
United States Attorney
Andrea M. Pogue
Assistant United States Attorney
District of Idaho
877 West Main Street, Suite 201
Boise, Idaho 83702


THOMAS G. MAILE

EXTENSION OF TIME TO AVOID FORFEITURE

ANALYSIS SHEET

1. INITIAL REVIEW BY: P. SKINNER
2. RIGHT NUMBER 36-07030 APPLICANT ROSE OXARANGO
3. TYPE OF RIGHT: ☒ Decree ☐ License ☐ Claim
(SRBA)
4. Is reason for request extension given on application?
☒ Yes ☐ No (If No, return Application)

5. CHECK:
- (a) ☒ Source ☒ Priority ☒ Amount ☒ Purpose
- ☒ Period of Use DECREEED 04/01 TO 10/31
R36-07030 SAYS 04/01 TO 10/15 APPLICATION SAYS 04/01 TO 10/15
- (b) ☒ Description of Point(s) of Diversion
- (c) ☒ Description of Place of Use
- (d) ☒ Check for correct Signature, Notarization, Fee

6. OWNERSHIP OF RIGHT

Applicant's ownership confirmed by:

- (a) ☐ Copy of Tax Notice, Deed, or other _____ in file.
- (b) ☒ County Assessor records. Date Contacted 01/21/2000
ASSESSOR RECORDS SHOW ROGER OXARANGO AS PROPERTY OWNER
7. Is the right in a Watermaster District? ☐ Yes ☒ No Dist. _____
(If Yes, send copy to Watermaster)

FINAL REVIEW IN REGION by AO

- (a) Is Application published correctly? ☒ Yes ☐ No
- (b) Protest Received? ☐ Yes ☒ No

RECOMMENDED ACTION

☒ Approve
☐ Deny

Conditions: _____

* NOTE APPLICATION SAYS WATER HAS NOT BEEN USED SINCE 1990.
HOWEVER, RIGHT WAS DECREED IN S.R.BA. ON 01/15/1998. P.S.

**SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION**

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Holmes, being first duly sworn, deposes and is a legal clerk of the South Idaho Press, a newspaper published at Burley, Idaho, in the county aforesaid. The paper is of general circulation therein. Deponent that the printed notice attached hereto was published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing with issue dated February 21, 2000, and ending with the

February 28, 2000.

Ruth Holmes

STATE OF IDAHO)
COUNTY OF)
MINIDOKA)

On this 28th day of February in the year of 2000 before me, a Notary Public, personally appeared Ruth Holmes, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Kay Moore
Notary Public for Idaho
Residing at: Paul, Idaho
My commission expires: 09-20-2001

Cost of Publication 38.88
Affidavit Fee 5.00
Total Cost 43.88

OK
MB
3/15/00

RECEIVED
MAR 01 2000

Department of Water Resources
Southern Region

RECEIVED
MAR 01 2000
Department of Water Resources
Southern Region

00-064
**NOTICE OF APPLICATION FOR
EXTENSION OF TIME TO AVOID FOR-
FEITURE**
Notice is hereby given that Rose Oxarango, PO Box A, RUPERT ID 83350 has applied to the Department of Water Resources for an Extension of Time to Avoid Forfeiture of a water right due to non-use during litigation.
Water Right No. 36-07030
Priority Date: 06/07/1968
Source: ground water
Use: irrigation (0.70 cfs)
Point(s) of Diversion: NWNE, S25
Place of Use: 35 acres within NWNE, S25, all T09S, R24E; Minidoka County.
Any protest against the proposed application must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before March 10, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.
Karl J. Dreher, Director
Published in the South Idaho Press on February 21 and 28, 2000.

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICAT

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Holmes, being first duly sworn, deposes and says that she is a legal clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing with the issue dated February 21, 2000, and ending with the issue dated

February 28, 2000.

Ruth Holmes

STATE OF IDAHO)
COUNTY OF)
MINIDOKA)

On this 28th day of February in the year of 2000 before me, a Notary Public, personally appeared Ruth Holmes, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Larry Moore
Notary Public for Idaho

Residing at: Paul, Idaho

My commission expires: 09-20-2001

Cost of Publication 38.88
Affidavit Fee 5.00
Total Cost 43.88

OK
MB
3/15/00

RECEIVED

MAR 01 2000

Department of Water Resources
Southern Region

RECEIVED

MAR 11 2000

Department of Water Resources
Southern Region

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE

Notice is hereby given that Rose Oxarango, PO Box A, RUPERT ID 83350 has applied to the Department of Water Resources for an Extension of Time to Avoid Forfeiture of a water right due to non-use during litigation.

Water Right No. 36-07030

Priority Date: 06/07/1968

Source: ground water

Use: irrigation (0.70 cfs)

Point(s) of Diversion: NWNE, S25

Place of Use: 35 acres within NWNE, S25, all T09S, R24E; Minidoka County.

Any protest against the proposed application must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before March 10, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on 02/21 & 02/28/00.

20



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

February 14, 2000

**ATTN LEGALS DEPT
SOUTH IDAHO PRESS
230 E MAIN ST
BURLEY ID 83318**

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 19 2000

JAN 11 2000

Department of Water Resources
Southern Region

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

Department of Water Resources

Section 42-222, Idaho Code, provides that a water right shall be lost and forfeited and the water right revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

1. Name of water right holder Rose Oxarango
2. Mailing address PO Box A, Rupert, ID 83350
3. The right was obtained or is evidenced by:
 - a. Decree to _____ in Case of _____
 - vs. _____, Dated _____ in _____
(Name of Court)
 - Court, County of _____. Fully describe decree _____

- b. License No. 36-07030 c. Claim No. _____
- d. SRBA No. A36-07030
4. Source of water groundwater tributary to _____
(Name of stream or source)
5. Date of priority of right 6-7-1968
6. Description of Right:

amount 0.70 for irrigation purposes from 4/1 to 10/15
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
7. Point of Diversion NW 1/4 NE 1/4 of Sec. 25 Twp. 9S Rge. 24E County Minidoka

8. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE													
9S	24E	25		35															35

Total Acres 35

36-07030

9. Give the last date when water was put to beneficial use 1990

Length of extension of time requested 5 years, or until _____ (Date)

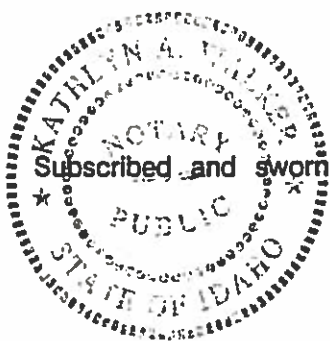
10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use

I am requesting an extension of time, because this litigation with EHA is still on going, and repairing the pump at this time would create a hardship at this point. I am in hope that this issue will soon be resolved. My husband Roger passed away Nov 2, 1998.

See attached documentation.

The information contained in this application is true to the best of my knowledge.

Rose Arango
(Signature of Applicant)



Subscribed and sworn to before me this 11 day of January, 192000.

Kathryn A. Walker
(Notary Public)

My commission expires 2/15/2005 Residing at Boise, Idaho

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby _____ said application subject to the following conditions or reasons:

Signed this _____ day of _____, 19 _____.

(DIRECTOR)

FOR DEPARTMENT USE ONLY

Date Received 1/11/2000 \$100 FEE Receipted by KW Date 1/11/2000 Receipt # C0477713
Preliminary ☒ by PSKINNER Publication prepared by MB Pub. approved by _____ Date 2/10/00
Published in So. ID. Press Dates Published 02/21 + 02/28/00
Protests filed by _____
Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for - ☐ APPROVAL / ☐ DENIAL By _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 8, 1995

Roger or Rose Oxarango
P.O. Box A
Rupert, ID 83350

RECEIVED

MAY 11 1995

RE: Water Right No. 36-07030

Claim No. A36-07030

Department of Water Resources
Southern Region

Dear License Holder:

Enclosed is a copy of the approved Application for Extension of Time to Avoid Forfeiture of a Water Right. Please note that you must resume use of the water on or before June 1, 2000.

Please notify the Department as soon as you resume use. If you have not notified the Department, 60 days prior to June 1, 2000, the Department will notify you by certified mail of the need to do so.

If you have any questions, or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Region Office

RECEIVED

Water Right No. 36-07030

MAR 15 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region Application for Extension of Time to Avoid Forfeiture
of a Water Right

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee.

1. Name of water right holder Roger & Rose CIXARANGA
Post office address P.O. Box A, Rupert, Idaho 83350

2. The right was obtained or is evidenced by:

a. Decree to _____ in Case of _____
(Name)

vs. _____, Dated _____ in _____
(Name of Court)

Court, County of _____. Fully describe decree _____

b. License No. 36-07030 Issued by the Department of Water Resources.

c. Claim No. A 36-07030 on file with the Department of Water Resources.

3. Source of water GROUND WATER tributary to _____
(Name of stream or source)

4. Date of priority of right 6-7-68

5. Amount of water a. 0.70 c.f.s. and/or

b. 140.0 acre feet/annum

6. Water is used for IRRIGATION from APRIL 1 to 10-15

from _____ to _____

from _____ to _____

(Purpose)

(Month-Day)

(Month-Day)

7. Location of point of diversion is NW 1/4 NE 1/4 of Section 25

Township 9, Range 24, B.M., in MINIDOKA County;

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

Twp.	Rge.	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	
9	24	25		35															

Total number of acres irrigated 35

9. Give last date when water was applied to beneficial use 1990 56,010 KWH
Length of extension of time requested 5 years, or until _____ (Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use We are requesting an extension of time, because we are in the rebuilding process of our ranching business, due to a prior unforeseen bankruptcy situation. The pump needs extensive and expensive repairs. Because of the financial hardship at the present time we are in need of the non-use. However we plan to repair it and put it into use as soon as possible.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

Roger Clarence
(Signature of Applicant)

Subscribed and sworn to before me this 10th day of March, 19 95.

Bonnie J. Durani
(Notary Public)

My commission expires 4-30-98

Residing at Burley, Id

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

Resumption of water to a beneficial use shall occur on or before June 1, 2000.

Approval of this extension does not preclude review of the validity and extent of the water right in the Snake River Basin Adjudication.

Witness my hand this 5th day of May, 19 95.

J. Glen Saylor
Chief, Water Allocation Bureau

For Department Use Only

Received by J. F. Stanton Date 3-15-95 Time 10 AM Preliminary check by MTS
Fee \$ 100.00 Receipted by 5017866 Date 3-15-95 Publication prepared by mtb
Published in So Id Press Dates 4/10 + 4/17/95
Publication approved by mtb Date 4/25/95 Protests filed by: None

Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for Approval // Denial by ADM