

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 63-19616

NAME AND ADDRESS: ESTATE OF NELLIE GRAVES
C/O GERALDINE CRUSE EXECUTOR
131 DELAWARE
NAMPA, ID 83651

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 07/15/1929

POINT OF DIVERSION: T01N R02W S21 SESESE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Canyon County
	T01N R02W S21	SESE	
	Domestic		Within Canyon County
	T01N R02W S21	SESE	

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

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


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

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AUG 15 2002

MEMORANDUM

Dated: February 1, 2002

To: file 63-19616

From: Roxanne Brown

Re: Legal description on Partial Decree

Lloyd and Joan Noe filed a *Notice of Change of Water Right Ownership* with Western Region in 1998. The Warranty Deed offered as evidence of ownership did not match the legal description given on the Director's Report recommendation of the claim.

A Partial Decree was issued by the SRBA Court in 2000 and sent to the owner of record: the Estate of Nellie Graves.

On December 20 2001, IDWR sent a letter to Mr. Noe outlining his options to correct the Partial Decree. I met with Mr. Noe February 1 2002 to further discuss his options.

The legal description of the Place of Use and Point of Diversion are apparently correct, except for the designation of the Section. The claim was made for a home in Section 24 and the recommendation, and Partial Decree, show the location as Section 21. Mr. Noe's Warranty Deed is for a home in Section 24.

I gave Mr. Noe the SRBA Court's address and discussed the procedure to set aside the Partial Decree. He indicated that he will be corresponding with the Court on this matter.

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AUG 15 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

December 20, 2001

LLOYD D NOE
JOAN B NOE
6601 W DICKMAN RD
MELBA ID 83641

RE: Change in Ownership of Decreed Water Right 63-19616

Dear Mr. & Mrs. Noe:

The Department of Water Resources acknowledges receipt of the additional information you submitted in support of your Notice of Change in Water Right Ownership filed on December 1, 1998 for the water right no(s) referenced above. The Snake River Basin Adjudication (SRBA) Court issued a partial decree describing the water right(s) with a place of use different than your property as described in the documentation you originally submitted. We have reviewed your additional information and found that it is not sufficient to resolve the place of use discrepancy.

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

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

Please contact Roxanne Brown of this office at 327-7900 if you have questions related to the SRBA. Ms. Brown can assist you with the SRBA Court's processes.

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

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

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

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

Sincerely,



Kari Lynn Townsend
Secretary

KLT:k

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

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

1. Water Right or Adjudication Claim No(s): 63-19616
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND**
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR**
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Estate of Nellie Graves
C/O Geraldine Cruise Executor
4. New Owner/Claimant(s) Lloyd D. Noe Joan B. Noe
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
 New Mailing Address 6601 W DICKMAN Rd
 City, State and ZIP Code MELBA ID 83641
 New Telephone Number 208 495-2885
5. Date you acquired the property 1/23/90
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate _____ Number and type of stock live stock + house
 Diversion rate in CFS _____ Number of homes 1 Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Lloyd D. Noe and Joan B. Noe
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

RECEIVED

FEB 2

Department of Water Resources

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INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

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SEP 15 2002

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: October 30, 1998
PAGE: 1

RIGHT NUMBER: 63-19616

NAME AND ADDRESS: ESTATE OF NELLIE GRAVES
C/O GERALDINE CRUSE EXECUTOR
131 DELAWARE
NAMPA ID 83651

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

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

PRIORITY-DATE: 07/15/1929

POINT OF DIVERSION T01N R02W S21 SESESE Within CANYON County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within CANYON County

T01N R02W S21 SESE

DOMESTIC Within CANYON County

T01N R02W S21 SESE

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

STOCKWATER, 50 RANGE CATTLE

PARCEL NO. 3R 16750-000

PROPERTY ALSO KNOWN AS BLK 61, YALE PARK ADDITION.

Jan 13
7 to 10 PM
million
warranty deed

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AUG 15 2002

in the year of our Lord one thousand and nine hundred and ninety , between
Geraldine Cruse, Helen Bell, Mary Thomson and Eleanor Grant, the sole
heirs and distributees of the estate of Nellie B. Graves, a widow,
deceased,
of Nampa , County of Canyon , State of Idaho

the parties of the first part, and Lloyd D. Noe and Joan B. Noe, husband and
wife,

of Nampa , County of Canyon , State of Idaho

the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

---One hundred ten thousand & no/100-----DOLLARS,
lawful money of the United States of America, to them in hand paid by the said
parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties
of the second part, and to their heirs and assigns forever, all of the following described real estate,
situated in said, County of Canyon , State of Idaho, to-wit:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, Township 1 North, Range 2,
West of the Boise Meridian, Canyon County, Idaho.

NE $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; Section 25, Township 1 North,
Range 2, West of the Boise Meridian, Canyon County, Idaho.

TOGETHER with all water, water rights, ditches
and rights-of-way for ditches thereunto appertaining, or
used in connection therewith.

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AUG 15 2002

Signed, sealed and delivered in presence of

2002 5 1 5

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Geraldine Cruse (Seal)
Helen Bell (Seal)
Thomas Grant (Seal)
Raymond (Seal)

STATE OF IDAHO

County of **Canyon**

ss.

On this 23rd day of **January**

in the year 19 **90**, before me

Richard L. Riordan

, a Notary Public in and for

said State, personally appeared **Geraldine Cruse, Helen Bell**

known to me to be the person **s** whose names **are** subscribed to the within instrument, and acknowledged to me that **they** executed the same.

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



Richard L. Riordan

Notary Public for the State of Idaho,
Residing at **Nampa**, Idaho

My comm. exp. May 22, 1992.

No.

WARRANTY DEED

— TO —

Dated _____, 19____

STATE OF IDAHO,

County of _____ } ss.

I hereby certify that this instrument was filed
for record at request of _____

at _____ minutes past _____

o'clock _____ M., this _____ day

of _____, A. D. 19____

in my office, and duly recorded in Book _____

of _____ at page _____

Ex-Officio Recorder.

By _____ Deputy.

Fee, \$ _____

Mail to _____

No Color
Documents
In File
