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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FEB 20 2001 NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Per # 141446

Department of Water Resources

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, 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
	84-10168			84-10173	
	84-10169				
	84-10170				
	84-10171				
	84-10172				

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts. *Paid \$150.00*

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) are 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)

*DANIEL AND JACQUELYN CATHCART
234 S BEVERLY GLEN BLVD.
LOS ANGELES, CA 90024*

4. New Owner/Claimant(s)

*DAVID JAMES ERIKSEN AND SHARON MCKIBBEN ERIKSEN
As Trustees For the: DAVID JAMES ERIKSEN & SHARON MCKIBBEN ERIKSEN*
Name Connector (Check one): ☒ and ☐ or ☐ and/or ☐ Family Trust

New Mailing Address

HC 11 Box 73-F

City, State and ZIP Code

KAMIAH, ID. 83536

New Telephone Number

208 935-2353

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5. Date you acquired the property

Aug. 10, 1992

OCT 04 2002

See file 84-10168 for support documentation

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)

David J. Emery
Sharon M. Emery

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.

For Office Use Only			
Received by <u>JP</u>	Date <u>2/15/01</u>	Fee <u>605 x 6 = 4150.00 total</u>	MICROFILMED OCT 04 2002
Received by <u>JP</u>	Date <u>2/15/01</u>	Receipt No. <u>NC14146</u>	
Processed by _____	AJ Date _____	WR _____ Date _____	

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 84-10171

2002 MAR -6 PM 2:13

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: DAVID JAMES ERIKSEN & SHARON
MCKIBBEN ERIKSON FAMILY TRUST
HC 11 BOX 73-F
KAMIAH, ID 83536

SOURCE: SPRING TRIBUTARY: CROCKER CREEK
GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 01/01/1930

POINT OF DIVERSION: T34N R05E S28 NWNESE Within Idaho County
NWNESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Stockwater Within Idaho County
T34N R05E S28 NESE

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.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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OCT 04 2002

SRBA

PARTIAL DECREE 84-10171

Issued on 12-29-2000.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	DANIEL C CATHCART JACQUELYN C CATHCART 234 S BEVERLY GLEN BLVD LOS ANGELES, CA 90024		
SOURCE:	SPRING GROUNDWATER	TRIBUTARY: CF	
QUANTITY:	0.04 CFS THE QUANTITY OF WATER UNDER THIS RIGHT IS GALLONS PER DAY.		
PRIORITY DATE:	01/01/1930		
POINT OF DIVERSION:	T34N R05E S28	NWSWSE	Within Id
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE Stockwater	PERIOD OF USE 01-01 TO 12-31	
PLACE OF USE:	Stockwater T34N R05E S28 SWSE		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS V
THE QUANTITY OF WATER DECREED FOR THIS W
DETERMINATION OF HISTORICAL BENEFICIAL USE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GE
NECESSARY FOR THE DEFINITION OF THE RIGHTS C
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
DETERMINED BY THE COURT AT A POINT IN TIME N
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTI

[Return to SRBA Home Page](#)

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OCT 04 2002

MEMORANDUM

Dated: December 10, 2001

To: 84-10168, 84-10169, 84-10170, ~~84-10171~~, 84-10172, and 84-10173

From: Roxanne Brown

Re: Change of Ownership

David and Sharon Eriksen submitted a change of ownership form for these rights on February 20 2001, with an associated warranty deed. The legal description contained on the deed did not match the legal descriptions for rights 84-10168, 84-10169, 84-10171 and 84-10173.

Jeff Peppersack wrote a letter to the Eriksens on March 30 2001 summarizing our difficulty processing the change of ownership. The Eriksens subsequently spoke with IDWR adjudication staff and sought to have the partial decrees of these rights set aside so as to correct the descriptions of the points of diversion and places of use.

Standard Form 5 (SF5) documents were prepared for the Eriksens and the request of the SRBA Court and sent to them on December 10, 2001. These documents corrected the points of diversion and places of use on 84-10168, 84-10169, 84-10171 and 84-10173. The documents also change the name of the water right owner to the "David James Eriksen & Sharon McKibben Eriksen Family Trust" as shown on the February 20 2001 ownership change form.

The database records were also changed for 84-10170 and 84-10172 to represent the new ownership. A copy of the corrected information was sent to the Eriksens with the SF5s.

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OCT 04 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 10, 2001

David and Sharon Eriksen
Hc11 Box 73-F
Kamiah, ID 83536

Re: Snake River Basin Adjudication (SRBA)
Subcase Nos. 84-10168, 84-10169, 84-10171, 84-10173

Dear Mr. And Mrs. Eriksen:

Please find enclosed a Standard Form 5/Amended Claim form for each of your water rights captioned above. These documents are the standard settlement agreement forms used by the SRBA Court to both amend water right claims and resolve objections. Attached to each of the forms is the description (recommendation) of your water right showing the changes made based upon our discussions and the map you submitted.

Please review these documents carefully. If the information contained on each of the Standard Form 5/Amended Claim forms meets with your approval, please sign the first page where indicated, initial the recommendation print-out (the second page) and follow the instructions on the Certificate of Mailing page for filing the documents with the SRBA Court. Be sure to keep a copy of the signed documents for your records.

Should you have any questions, please don't hesitate to contact me at 208-327-7925. Thank you for your cooperation.

Sincerely yours,

Roxanne Brown
Sr. Water Resource Agent
Idaho Dept. of Water Resources

Enclosures (4)

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OCT 04 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	)	SUBCASE NO.: 84-10171
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	<u>AMENDED CLAIM</u>
	)	
	)	For Domestic and Stockwater Rights
	)	

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
David James Eriksen & Sharon McKibben
Eriksen Family Trust

IDWR CONCURRENCE:

Roxanne Brown 12/10/01
Roxanne Brown date
Sr. Water Resource Agent
Idaho Dept. of Water Resources

David James Eriksen, Trustee date

Sharon McKibben Eriksen, Trustee date

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OCT 04 2002

IDAHO DEPARTMENT OF WATER RESOURCES 12/10/2001
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

WATER RIGHT NO. 84-10171

NAME AND ADDRESS: DAVID JAMES ERIKSEN & SHARON MCKIBBEN ERIKSEN FAMILY TRUST
HC 11 BOX 73-F
KAMIAH ID 83536

SOURCE: GROUND WATER TRIBUTARY:
SPRING TRIBUTARY: CROCKER CREEK

QUANTITY: 0.04 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1930

POINT OF DIVERSION:

T34N R05E S28 NWNESE Within IDAHO County
T34N R05E S28 NWNESE Within IDAHO County

RP

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.04 CFS

PLACE OF USE: STOCKWATER Within IDAHO County
T34N R05E S28 NESE

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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CERTIFICATE OF MAILING

I certify that on _____, 2001, I delivered the original and copies of this form to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☐ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Office of the Attorney General	☐ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

IDWR Document Repository	☐ overnight mail
P.O. Box 83720	☐ regular mail
Boise, ID 83720-0098	☐ hand-delivered
	☐ facsimile

3. Copies to all parties to the subcase:

David James Eriksen & Sharon McKibben	☐ overnight mail
Eriksen Family Trust	☐ regular mail
HC 11 Box 73-F	☐ hand-delivered
Kamiah, ID 83536	☐ facsimile

Signature of person mailing this document

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OCT 04 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

March 30, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAVID ERIKSEN
HC 11 BOX 73-F
KAMIAH ID 83536

RE: Change in Ownership of Water Right Nos. 84-10168, 84-10169, 84-10170, 84-10171,
84-10172 and 84-10173

Dear Mr. Eriksen:

This letter is a follow-up to our recent phone conversation regarding the ownership change for the water rights referenced above to the David James Eriksen & Sharon McKibben Eriksen Family Trust. I have completed a review of the place of use for each of the water rights.

The results of my review indicate that there is insufficient documentation to process an ownership change for water right nos. 84-10168, 84-10169, 84-10171 and 84-10173. I have prepared a map of the locations of the water rights as decreed and the locations indicated on the warranty deed submitted with your ownership change notice. I have also included a computer-generated report for each of those water rights. Because the Department cannot process the ownership change without proper documentation, we will hold any action on those water rights pending receipt of the necessary documentation.

Regarding water right nos. 84-10170 and 84-10172, the documentation you have submitted is sufficient to process the ownership change. You will be advised when the database records have been changed to reflect the new ownership.

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 on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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OCT 04 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

March 19, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAVID JAMES ERIKSEN & SHARON MC KIBBEN ERIKSEN
TRUSTEES FOR THE DAVID JAMES ERIKSEN &
SHARON MC KIBBEN ERIKSEN FAMILY TRUST
HC 11 BOX 73-F
KAMIAH ID 83536

RE: Change in Ownership of Water Rights 84-10168, 69 71 & 73

Dear Mr. & Mrs. Eriksen:

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:

✓ Legal Description of Property

During our review of the documentation you submitted we found some discrepancies between that documentation and the legal description of the place of use for the water right(s) indicated in your notice. I have enclosed a copy of the water right decrees for your reference. Also enclosed is a copy of the deed you furnished.

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.

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

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosures

MAIL ROOM

APR 3 4 2002