

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-04067
Date Received: 1/8/90
Receipt No: E011510
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

VIRGIL T GERMER Phone: (208)775-3782

5268 W PORTNEUF RD
INKOM ID USA 83245

2. Date of Priority: 04/01/1945

3. Source: PAPOOSE CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	35E	23	SE SE	BANNOCK	

5. Description of diverting works:

HEADGATE TO PIPE/DITCH/PIPE TO SPRINKLER LINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.26	

7. Total Quantity Appropriated is:
0.26 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	23	NE	SE	IRRIGATION	13
					Section Acres	13
					Total Acres	13

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Statutory Claim

A29-04067 original claim sent to Fifth Judicial Court in
Twin Falls. This right is part of Smith v.
Scofield

CA 9-28-92

MICROFILMED

APR 12 1994

DO NOT FILM

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 29-4067

<u>Owner Type</u> Current Owner	<u>Name and Address</u> VIRGIL T GERMER 5268 W PORTNEUF RD INKOM, ID 83245 (208)775-3782
Attorney	REED W LARSEN PO BOX 1391 POCATELLO, ID 83204
Attorney	REED W LARSEN RACINE OLSON NYE COOPER & BUDGE CHARTERED PO BOX 1391 POCATELLO, ID 832041391 (208)232-6101

Priority Date: 04/01/1971
Basis: Beneficial Use
Status: Active

<u>Source</u> PAPOOSE CREEK	<u>Tributary to</u> PORTNEUF RIVER
--------------------------------	---------------------------------------

<u>Beneficial Use</u> IRRIGATION	<u>From</u> 4/01	<u>To</u> 10/31	<u>Diversion Rate</u> 0.22 CFS	<u>Volume</u>	<u>Subuse Code</u>
Total Diversion	0.22 CFS				

Location of Point(s) of Diversion:

PAPOOSE CREEK SWSESE Sec. 23 Township 07S Range 35E BANNOCK County

IRRIGATION Use:
Acre Limit: 11.1

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	35E	23		NESE	11.1									

Total Acres: 11.1

Remarks:

1. General RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM OTHER SOURCES FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 29 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN REMARKS LIMITING THE COMBINED USE OF THIS RIGHT AND THE RIGHTS FROM THE OTHER SOURCES.
THE CONSUMPTIVE USE VOLUME OF THIS RIGHT SHALL NOT EXCEED 33.3 AF IN A SINGLE

IRRIGATION SEASON.

Dates:

Licensed Date:
Claim Received Date: 01/08/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SP5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates: No dates found

Other Information:

Receipt Number(s): E011510
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log: No log entries

Log for claim A29-04067

Spatial Dynamics BTD

8/31/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	NESE	13	33	Indiscernible
Totals:			13	33	

AJ5809NP
No. A29-04067

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 177

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VIRGIL T GERMER 5268 W PORTNEUF RD INKOM ID 83245 (208) 775-3782	04/01/1945	IRRIGATION	04-01 11-01	0.260 CFS	
TOTAL DIVERSION:					0.260 CFS	

Water Source: PAPOOSE CREEK

Tributary to: PORTNEUF RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T07S R35E S23

SESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
MENE		MWNE		SWNE		SENE		MENW		MWNW		SWNW		SENW		NESW		MWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
07S	35E	23	:		:		:		:		:		:		:		:		:		:		:		:		:		:		13.0	
TOTAL ACRES																												13.0				

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-10101 29-10102 A29-10094 A29-10101 A29-10102 R29-04067

Other Water Rights Listing Overlapping Place(s) of Use:

A29-04065 A29-04156 A29-04425 A29-07658 A29-10696 A29-10698 R29-04067

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 01/08/90 VERNER 03/01/93 FRAZEE 03/29/95 POST-STD

Section 42-225a, Idaho Code

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Papoose Ck.
, tributary to, Portneuf River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount <u>0.26</u>	Use <u>Irrigation</u>	Period of Use: From <u>Apr. 1</u>	To <u>Nov. 1</u>
Amount _____	Use _____	Period of Use: From _____	To _____
Amount _____	Use _____	Period of Use: From _____	To _____
(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)	

- (3) Total quantity of water claimed: 0.26 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) May, 1938

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

SE ¼ SE ¼, Sec. 23 Twp. 7S Rge. 35E B. M. County of Bannock

Additional points of diversion:

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. concrete box in creek with screen and pipeline

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

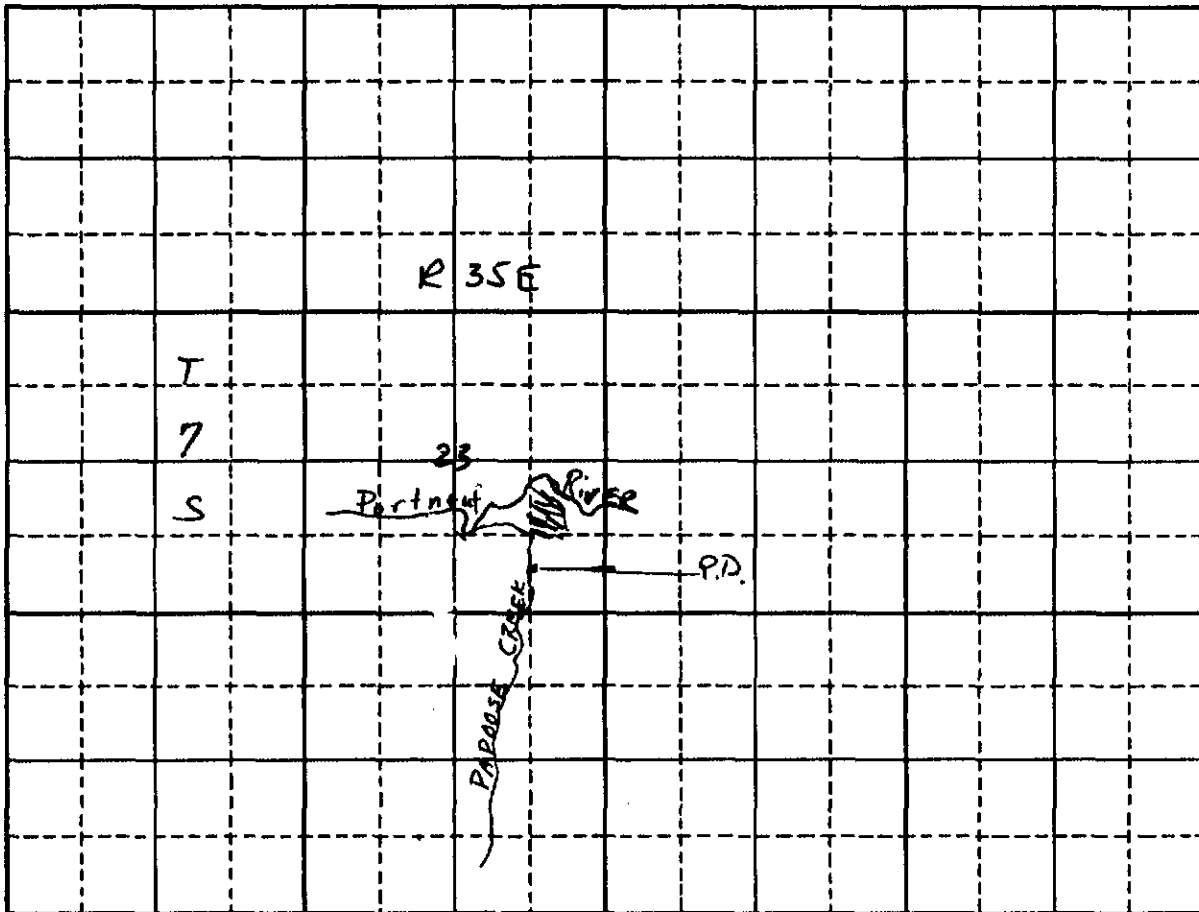
[illegible]

Total No. of acres 13

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:**

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

) ss.

County of Bonneville)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 30th day of August, 1976.

Hymen Martin Palmer
(Claimant)

Loren O'Halloran
Notary Public

Residing at Idaho Falls, Id

My commission expires March 21, 1979

For Department Use Only

Received by <u>WJ</u>	Date <u>8-30-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>WJ</u>	Date <u>8/30/76</u>		claimant by:	
\$10.00 fee received by <u>WJ</u>	Date <u>8-30-76</u>			
Approved for publication by <u>me</u>	Date <u>9-23-76</u>			
Published in <u>Idaho State Journal</u>				
Dates <u>Sept. 14, 15, 1976</u>				

State of Idaho
Department of Water Resources

RECEIVED
APR 24 1986

ASSIGNMENT OF ~~PERMIT~~ CLAIM

Department of Water Resources

I, Mrs. H. Martin Palmer, hereby assign to ^{virgil} ~~virgil~~ T. or Laura Germer
of 5268 W. Portneuf Rd. Inkom, Idaho 83245
Address

CHECK ONE

☒ All my right, title, and interest in and to ^{CLAIM} ~~Permit~~ No. _____
to appropriate the public waters of the State of Idaho.

☒ The following described portion of my right, title, and interest in and to ^{CLAIM} ~~Permit~~
No. 29-4067 to appropriate the public waters of the State of Idaho.

(Describe that portion of the ^{claim} ~~permit~~ being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

0.26 cfs or 13 miners inches for use on 13. acers located in

the NE4SE4 S23 T7s R 35 E ~~Tax~~ Parcel Number R4013039000.

Made this 21 day of April, 19 86.

Mrs. H. Martin Palmer
CLAIM ~~Permit~~ Holder

Spouse of ~~Permit~~ Holder
Claim

State of Idaho)
County of Bannock) ss.

On this 21 day of April, 19 86, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

John W. Moore
Notary Public residing at
Boak, ID

My commission expires:

life

RECORDED

JK

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
	GERMER						
	VIRGIL	C	A29-07659	08/25/1982	GROUNDWATER	0.040	04 STOCK 43 DOMEST
	LAURA	C	A29-07659	08/25/1982	GROUNDWATER	0.040	04 STOCK 43 DOMEST
	VIRGIL	C	A29-10698	06/10/1928	PORTNEUF RI	0.260	01 IRR
	VIRGIL	C	R29-07659	08/25/1982	GROUNDWATER	0.040	04 STOCK 43 DOMEST
	LAURA	C	R29-07659	08/25/1982	GROUNDWATER	0.040	04 STOCK 43 DOMEST
	VIRGIL T	C	A29-04067	04/01/1945	PAPOOSE CRE	0.260	01 IRR
	VIRGIL	C	A29-07658	08/25/1982	GROUNDWATER	0.150	01 IRR 49 FIRE
	LAURA	C	A29-07658	08/25/1982	GROUNDWATER	0.150	01 IRR 49 FIRE
	LAURA	C	A29-10698	06/10/1928	PORTNEUF RI	0.260	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

Modified all
+ AZ9-10101 - Crossall
Suffield - A+R29-04064B
- - - 10103

Palmer AZ9-10102
Matthews A+R29-04064C
Thompson AZ9-04064D



OTack NOA
to each record
A + R?

NOA.

MICROFILMED
APR 12 1994

INPUT: _SELECTION:FRAZEE-NAME-SIMPLOT.SEL

TYPE OF ACTION: ADD

MODIFY ALL FIELDS FLAG:

LAST NAME: YOUNG, GRAY OR BRUCE BELZER
ADDRESS LINE 1: J R SIMPLOT CO LEGAL DEPT
ADDRESS LINE 3: PO BOX 27
CITY: BOISE

FIRST NAME:

ADDRESS LINE 2: 999 MAIN ST STE 1300

STATE: ID ZIP: 837070027

PHONE NUMBER: (208) 389-7318

36-02208 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02212 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02213 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02542 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02619 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02620 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02648A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02648B ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02729 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04006 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04179 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04180 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04181 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04182 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04256 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-07333 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-07636 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-08154 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-13319 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-13320 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
57-02202 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
57-02203 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A01-04058 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A01-10101 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-00006 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-00015 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-00060 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-00076 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-00087 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02053 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02118 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02139 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02166 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02220 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02221 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02222 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02241 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02409 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-07027 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-07040 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-07382 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-10002 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-10026 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-10049 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-07423 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-07451 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-07113 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-07164 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-07169 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

*You have N.O.A. copy.
- Sel*

RECEIVED

APR 01 1993

Department of Water Resources
Eastern District Office

Printout attached to ea. claim?
J. R. Simplot

APR 12 1994
OFFICE

INPUT: _SELECTION:FRASEE-NAME-SIMPLOT.SEL

TYPE OF ACTION: ADD
MODIFY ALL FIELDS FLAG:

LAST NAME: YOUNG, GRAY OR BRUCE BELZER
ADDRESS LINE 1: J R SIMPLOT CO LEGAL DEPT
ADDRESS LINE 3: PO BOX 27
CITY: BOISE

FIRST NAME:
ADDRESS LINE 2:999 MAIN ST STE 1300
PHONE NUMBER: (208) 389-7318

STATE: ID ZIP: 837070027

A25-13297 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A25-13298 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A27-02138 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A27-02168 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A27-07126 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A27-07294 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A27-11241 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A27-11242 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A27-11338 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A29-02375 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A29-02501 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A29-02502 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A29-04088 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A29-04307 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A29-04311 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A29-04312 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A29-04313 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A29-04489 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A29-07036 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A29-07763 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A29-11312 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A29-11313 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-02054 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-02075 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-02076A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-02076B ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-02119 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-02125 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-07007 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-07053 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-07061 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-10092 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A35-02413 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A35-04175 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A35-04189 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A35-08114 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A35-08131 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A35-08162 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A35-11480 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-02208 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-02212 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-02213 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-02542 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-02619 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-02620 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-02648 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-02729 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-04006 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-04179 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

APR 12 1994
MICROFILME

GRAY YOUNG
BRUCE BELZER
Attorneys at Law
J. R. Simplot Company Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707
(208) 389-7318
(208) 389-7515 Telefacsimile

Attorneys for J. R. Simplot Company

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CASSIA

In Re the General Adjudication
of Rights to the Use of Water
From the Snake River Drainage
Basin Water System.

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States;
The State of Idaho;
and All Claimants to the Use
of Water from the Snake River
Basin Water System,

Respondents.

ALICE FOSHA, HELEN FLINT, and
BEVERLY ADAMS, individuals,

Plaintiffs,

vs.

A. KENNETH DUNN, Director of the
Department of Water Resources
of the State of Idaho,

Twin Falls County
Civil Case No. 39576

and

Cassia County
Civil Case No. 13770-12-83

NOTICE OF APPEARANCE

*Don modified thru
C.A.N. program.
4-1-93*

RECEIVED

APR 01 1993

Department of Water Resources
Eastern District Office

MICROFILMED

APR 12 1994

Defendants.)

IN THE MATTER OF THE GENERAL)
DETERMINATION OF RIGHTS TO THE)
USE OF GROUNDWATER DIVERTED)
FROM SECTIONS 19, 20, 21, 28, 29,)
30, 31, 32, AND 33, T. 11 S.,)
R. 27 E., B.M.)

A. KENNETH DUNN, Director of the)
Department of Water Resources)
of the State of Idaho,)

Counterplaintiff,)

vs.)

ALICE FOSHA, HELEN FLINT, and)
BEVERLY ADAMS, individuals,)

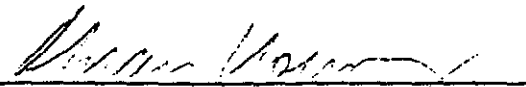
Counterdefendants.)

TO ALL PARTIES:

GRAY YOUNG, Assistant General Counsel, J. R. Simplot
Company, hereby enters his appearance as co-counsel on behalf
of J. R. Simplot Company in this action. All notices to
J. R. Simplot Company should be delivered to the following
address:

Gray Young
Bruce Belzer
J. R. Simplot Company
Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707

DATED this 20th day of January, 1992.

By 
GRAY YOUNG
Assistant General Counsel

4507v/1-20-92/1:42

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF APPEARANCE was mailed this 20th day of January, 1992, in an envelope with sufficient first-class postage prepaid thereon to the following:

Idahome Farms, Inc.
1925 Oakley Avenue
Burley, ID 83318

Dennis Jay Harper
Star Route
Declo, ID 83323

Roland Allen Land &
Livestock
Star Route
Malta, ID 83342

Mark J. Taylor
Strong & Hanni
5th Floor, Boston Building
Salt Lake City, UT 84111
Attorney for Fosha, et al.

Leo A. Jardine
Jardine, Linebaugh,
Brown & Dunn
Suite 400
370 East South Temple
Salt Lake City, UT 84111
Attorney for Raft River Ranches, Inc.

A. Lynne Krogh-Hampe
Deputy Attorney General
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237


VICKI SPANGLER

Reed W. Larsen
RACINE, OLSON, NYE, COOPER
& BUDGE, CHARTERED
P.O. Box 1391 - Center Plaza
Pocatello, ID 83204-1391
Telephone: (208) 232-6101

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In Re the General Adjudication of
Rights to the Use of Water from
the Snake River Drainage Basin
Water System,

Case Nos. 39576 ✓
41798

The State of Idaho, ex rel.
R. Keith Higginson in his official
capacity as director of the Idaho
Department of Water Resources,

AMENDED NOTICE OF
APPEARANCE

Petitioner,

vs.

Document No.
92-01-011

United States; State of Idaho; and
all unknown claimants to the use
of water from the Snake River
Drainage Basin Water System,

Respondents.

THERON J. SMITH and CARMA B.
SMITH, husband and wife,

Plaintiffs,

vs.

AMENDED NOTICE OF APPEARANCE - 1

MICROFILMED
APR 12 1994

JAY SCOFFIELD and TARA)
SCOFFIELD, husband and wife;)
GRACE PALMER, a single person;)
BILLIE JEANNE CROXALL, a single)
person; VIRGIL T. GERMER and)
LAURA GERMER, husband and wife;)
KEITH HIGGINSON, director of the)
Idaho Department of Water Resources,)
and JOHN DOES I, II, III and IV,)
Defendants.)

TO: THE ABOVE-NAMED PLAINTIFFS AND THEIR ATTORNEY OF RECORD:

COMES NOW Reed W. Larsen, of the firm of Racine, Olson, Nye, Cooper & Budge, Chartered, and hereby enters an amended appearance on behalf of Defendants Virgil Germer and Laura Germer, husband and wife, Thomas R. Thompson and Tracy Thompson, husband and wife, and Joseph E. Matthews and Tahna Matthews, husband and wife, in the above matter and hereby gives notice of their representation by the firm of Racine, Olson, Nye, Cooper & Budge, Chartered. All future pleadings and correspondence and notice should be sent to the undersigned counsel.

Thomas R. Thompson and Tracy Thompson are the predecessors in interest to the property owned by the Defendant Grace Palmer and Joseph E. Matthews and Tahna Matthews are the successors in interest of property owned by Billie Jean Croxall, Defendants in the above action, and as such they are proper parties to appear and defend this litigation.

AMENDED NOTICE OF APPEARANCE - 2

MICROFILMED

APR 12 1994

DATED this 31 day of December, 1991

RACINE, OLSON, NYE, COOPER
& BUDGE, CHARTERED

By 

REED W. LARSEN

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 31 day of December, 1991, a true, correct and complete copy of the foregoing was mailed, postage prepaid, to the following:

Thomas J. Holmes
P.O. Box 967
Pocatello, ID 83204

Isaac McDougall
P.O. Box 4048
Pocatello, ID 83205

Billie Jeanne Croxall
5230 W. Portneuf Road
Inkom, ID 83245

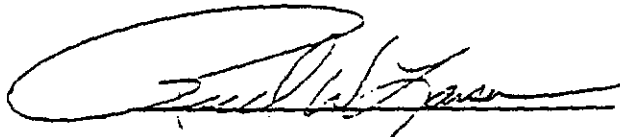
Grace Palmer
5208 W. Portneuf Road
Inkom, ID 83245

Jim Jones
Attorney General
Statehouse, Room 210
Boise, ID 83720

Peter C. Monson
U.S. Attorney
Land & Natural Resources Div.
Indian Resources Section
P.O. Box 44378
Washington, D.C. 20026

A. Lynne Krogh-Hampe
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Jay and Tara Scoffield
5195 West Portneuf Road
Inkom, ID 83245



AMENDED NOTICE OF APPEARANCE - 3

MICROFILMED

APR 12 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-04067
Date Received: 1/8/90
Receipt No: E011510
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

VIRGIL T GERMER Phone: (208)775-3782

5268 W PORTNEUF RD
INKOM ID USA 83245

2. Date of Priority: 04/01/1945

3. Source: PAPOOSE CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	35E	23	SE SE	BANNOCK	

5. Description of diverting works:

HEADGATE TO PIPE/DITCH/PIPE TO SPRINKLER LINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.26	

7. Total Quantity Appropriated is:
0.26 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	23	NE	SE	IRRIGATION	13
					Section Acres	13
					Total Acres	13

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Statutory Claim

A29-04067 original claim sent to Fifth Judicial Court in
Twin Falls. This right is part of Smith v.
Scofield

CA 9-28-92

MICROFILMED

APR 12 1994

DO NOT FILM