

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: A74-00250
Date Received: 4/30/1990
Receipt No: X999999
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: LYNNE A HERBST 208-756-2584
Address: PO BOX 21
TENDoy ID 83468
OR
Name: ROBIN R HERBST 208-756-2584
Address: PO BOX 21
TENDoy ID 83468

2. Date of Priority: OCT 1, 1909

3. Source: AGENCY CREEK Trib. to: LEMHI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	24E	20	SW	NE	SW		LEMHI

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.300		

7. Total Quantity Appropriated is:
0.300 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	24E	20	NE	SW		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
19N	24E	20	SE SW		IRR	5.5

Section Acres 15.5

Total Acres 15.5

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

TRANS. 3396.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

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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: A74-00250
Date Received: 4/30/1990
Receipt No: X999999
Received By: RAW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LYNNE A. HERBST 208-756-2584
Address: P.O. BOX 21
TENDROY, ID 83468
OR
Name: JOHN F. HERBST 208-756-3107
Address: BOX 259, RT. 1
SALMON, ID 83467
OR
Name: EMMA HERBST 208-756-3107
Address: BOX 259, RT. 1
SALMON, ID 83467

2. Date of Priority: OCT 01, 1909

3. Source: AGENCY CREEK Trib. to: LEMHI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	24E	20	SW	NE	SW		LEMHI

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.300		

7. Total Quantity Appropriated is:
0.300 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A74-00250

Page 1

Date: 04/30/90

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DEC 14 1992

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: 74-00250

DATE RECEIVED: 4-30-90

RECEIPT NO: X999979

RECEIVED BY:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: JOHN F. HERBST
ADDRESS: P.O. BOX 21
TENDOO, ID

83468

NAME: EMMA HERBST
ADDRESS: P.O. BOX 21
TENDOO, ID

83468

2. DATE OF PRIORITY: OCT 01, 1909

3. SOURCE: AGENCY CREEK

TRIB. TO: LEMHI RIVER

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
19N	24E	20	SW	NE	SW		LEMHI

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S	(OR)	A.F.A.
IRRIGATION	03/15	11/15	0.300		

7. TOTAL QUANTITY APPROPRIATED IS:

0.300 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:



10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
19N	24E	20	NE	SW		IRR	10.0
			SE	SW		IRR	5.5
SECTION ACRES							15.5
TOTAL ACRES							15.5

11. PLACE OF USE IN COUNTIES: LEMHI, LEMHI

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:
TRANS. 3396.

15. BASIS OF CLAIM: DECREED
CASE NUMBER:
COURT :
DECREE DATE:

DECREE PLAINTIFF

VS

DECREE DEFENDANT

16. SIGNATURE(S)

(A.) BY SIGNING BELOW, I/WE ACKNOWLEDGE THAT I/WE HAVE RECEIVED, READ AND UNDERSTAND THE FORM ENTITLED "HOW YOU WILL RECEIVE NOTICE IN THE SNAKE RIVER BASIN ADJUDICATION." (B.) I/WE DO ____ DO NOT ____ WISH TO RECEIVE AND PAY A SMALL ANNUAL FEE FOR MONTHLY COPIES OF THE DOCKET SHEET.

NUMBER OF ATTACHMENTS: _____

FOR INDIVIDUALS:

I/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S): X John F. Herbst DATE: 4-30-90

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF

TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF Jeremi) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 30th DAY
OF April 19 90
Helen Harrington
NOTARY PUBLIC

SEAL

RESIDING AT Helen Harrington, Notary Public
Residing at Boise, Idaho
MY COMMISSION My Commission Expires December 1, 1994
DATE: 02/08/90 678



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

AUGUST 16, 1993

SHERMAN F FUREY III
116 N CENTER ST
SALMON ID 83467

RE: CHANGE IN OWNERSHIP FOR A74-00250, -00735, -00736,
-00737, -00739, -00740, -00741, -00742, AND -07147

Dear Mr. Furey:

The request for Change in Ownership concerning your clients' Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect your clients as the new owners.

Enclosed are typed Notices with your clients' names shown as the current owners. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your clients' records.

Respectfully submitted,

Jo Thompson

for Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:jt

Enclosure: Notice(s) of Claim

File: P

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FUREY & FUREY

CHARTERED

ATTORNEYS AT LAW

116 N. CENTER STREET

SALMON, IDAHO 83467

SHERMAN F. FUREY, III

SHERMAN F. FUREY, JR.
OF COUNSEL

TELEPHONE
(208) 756-2577

FAX

August 11, 1993

RECEIVED

AUG 15 1993

Idaho Department of Water Resources
Eastern Region Office
900 N. Skyline
Idaho Falls, Idaho 83402

Department of Water Resources
Eastern District Office

Re: Snake River Basin Adjudication

Gentlemen:

You are notified that John F. Herbst and Emma H. Herbst, husband and wife, have conveyed to Lynn A. Herbst and Robin R. Herbst, husband and wife, the real estate described in the enclosed copy of Warranty Deed between said parties and, as a result, Lynn A. Herbst and Robin R. Herbst are now the owners of this real estate.

All notices and other communications regarding the water rights on those lands should now be addressed as follows:

Lynn A. Herbst and Robin R. Herbst
P. O. Box 21
Tendoy, Idaho 83468

If you need any further information from us to satisfy your requirements, I would appreciate it if you would let me know as soon as possible.

Thank you.

Sincerely yours,

FUREY & FUREY, Chartered


Sherman F. Furey III

SFIII:ps

Enclosures

cc: Lynn A. Herbst
John F. Herbst

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type

(see instructions on back of page)

DATE OF CLOSING: July 16, 1993

POOR ORIGINAL

AUG 16 1993

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Department of Water Resources
 Section _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM. Eastern District Office
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet.

SEE EXHIBIT "A" ANNEXED HERETO.

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

- [] Water Right Number(s)
Assigned by IDWR:

174-00250, 174-00735, 00736, 00737, 00739, 00740,
00741, 00742, 07147

- [] Name and Address of Former Owner/Claimant(s)(Seller): John F. Herbst and Emma H. Herbst

Route 1, Box 259Salmon, Idaho 83467

- [] New Owner/Claimant (Purchaser):

Lynn A. Herbst and Robin R. Herbst

- [] New Mailing Address:

P. O. Box 21Tendoy, Idaho 83468

- [] New Telephone Number: (208) 756-2584

- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- [] Attach proof of ownership, describe proof attached:

See Warranty Deed annexed hereto

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s)

Lynn A. Herbst
Robin R. Herbst

Date

7/16/93

Date

7/16/93

- [] Signature of Former Owner/Claimant(s):

John F. Herbst
Emma H. Herbst

Date

7/16/93

Date

7/16/93

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

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APR 18 1994

WARRANTY DEED

For Value Received, JOHN F. HERBST and EMMA H. HERBST, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto LYNN A. HERBST and ROBIN R. HERBST, Husband and Wife, whose current address is P. O. Box 21, Tendoy, Idaho 83468, the Grantees, those premises in Lemhi County, Idaho, more particularly described on Exhibit "A" annexed hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances except current taxes and assessments and that they will warrant and defend the same from all other lawful claims whatsoever.

DATED: July 16, 1993

John F. Herbst
John F. Herbst

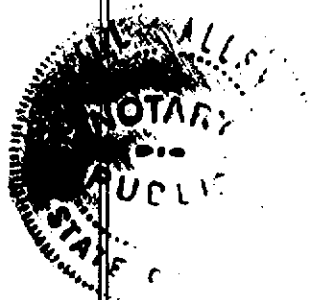
Emma H. Herbst
Emma H. Herbst

STATE OF IDAHO)
:ss.
County of Lemhi)

On this 16th day of July, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN F. HERBST and EMMA H. HERBST, known to me to be the persons 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 seal the day and year in this certificate first above written.

For Allie
Notary Public for Idaho
Residing at Salmon, Idaho
Commission Expires: 2-19-97



MICROFILMED
APR 18 1994

A tract of land embracing a fraction of the SE1/4NW1/4, fraction of the SW1/4NE1/4, fraction of the E1/2SW1/4, fraction of the W1/2SE1/4 of Section 17; the W1/2NW1/4, fraction of the E1/2NW1/4, the NW1/4SW1/4, fraction of the E1/2SW1/4 of Section 20; fraction of the NE1/4NW1/4 of Section 29; all in Township 19 North, Range 24 East, Boise Meridian, and more particularly described as follows, to-wit:

Beginning at a point 41 feet west of the northeast corner of the SE1/4NW1/4 of Section 17, run thence South 6 degrees 42' East 800.0 feet; thence South 5 degrees 01' East, 1,410.5 feet; thence South 0 degrees 53' West, 450.2 feet; thence South 8 degrees 23' West, 827.5 feet; thence South 9 degrees 15' West, 507.0 feet, from which point the South one-quarter corner of Section 17 bears North 59 degrees 41' East 37.2 feet; thence continuing South 9 degrees 15' West, 1,225.0 feet; thence South 8 degrees 42' West, 1,472.4 feet; thence South 1 degree 07' East, 856.0 feet; thence South 7 degrees 52' East, 970.5 feet; thence South 17 degrees 11' East, 489.1 feet; thence South 7 degrees 18' East, 584.4 feet; thence South 6 degrees 59' East, 650 feet, more or less to the east line of the NE1/4NW1/4 of Section 29; thence south to the southeast corner of said NE1/4NW1/4 of Section 29; thence west to the southwest corner of said NE1/4NW1/4 of Section 29; thence north to the southeast corner of the NW1/4SW1/4 of Section 20; thence west to the southwest corner of said NW1/4SW1/4 of Section 20; thence north to the northwest corner of the NW1/4NW1/4 of Section 20; thence east to the northeast corner of said NW1/4NW1/4 of Section 20; thence north to the northwest corner of the SE1/4NW1/4 of Section 17; thence east to a point 41 feet west of the northeast corner of the SE1/4NW1/4 of Section 17, the place of beginning, containing 410.30 acres, more or less.

EXCEPTING FROM THE DESCRIBED PREMISES, A tract of land consisting of 30.68 acres, more or less, formerly occupied by the Gilmore and Pittsburg Railroad Company, limited (now abandoned) for right-of-way purposes.

ALSO EXCEPTING THEREFROM, A tract of land consisting of .30 acres, more or less, conveyed by Fred Pattee and Phoebe Pattee to School District No. 8, and recorded in Book W of Deeds, at page 180, records of Lemhi County, Idaho.

ALSO EXCEPTING THEREFROM, A tract of land consisting of 1.00 acres, more or less, conveyed by Fred Pattee and Phoebe Pattee to School District No. 8, and recorded in Book X of Deeds, page 107, records of Lemhi County, Idaho.

ALSO EXCEPTING THEREFROM, A tract of land consisting of .23 acres, more or less, conveyed by Fred Pattee and Phoebe Pattee to Alice R. Reese, and recorded in Book W of Deeds, page 309, records of Lemhi County, Idaho.

ALSO EXCEPTING, That tract of land heretofore sold to Kenneth Anderson and consisting of about 10 acres and recorded in Book 47 of Deeds, page 13, records of Lemhi County, Idaho.

Meaning and intending to except any tract of land heretofore sold which said sales are of record in the office of the County Recorder of Lemhi County, Idaho.

Together with all water, water rights, ditch and ditch rights, range and range rights, used in connection therewith.

State of Idaho)
County of Lemhi) ss No. **219113**

This instrument was filed for record at
the request of Bill Allen Eserow
at 11:15 o'clock A m July 19 1993
and duly filmed and indexed in the
records of Lemhi County

Alberta Wiederick

Ex-Officio Recorder

By Debra Waller Deputy

Fee: 9.00

EXHIBIT "A" (Page 2)

MICROFILMED

APR 18 1994

A tract of land embracing a fraction of the SE1/4NW1/4, ^{Down 1/4} fraction of the SW1/4NE1/4, fraction of the ~~E1/2SW1/4~~, ^{NE1/4} fraction of the ~~W1/2SE1/4~~ of Section 17; the ~~W1/2NW1/4~~, fraction of the ~~E1/2NW1/4~~, the ~~NW1/4SW1/4~~, fraction of the ~~E1/2SW1/4~~ of Section 20; fraction of the NE1/4NW1/4 of Section 29; all in Township 19 North, Range 24 East, Boise Meridian, and more particularly described as follows, to-wit:

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Meaning and intending to except any tract of land heretofore sold which said sales are of record in the office of the County Recorder of Lemhi County, Idaho.

Together with all water, water rights, ditch and ditch rights, range and range rights, used in connection therewith.

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: 3956
Ident. No. 74-00250

ATTACHMENT TO
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly:

Name of claimant(s) John F. or Emma or Lynn A. Herbst

Mailing Address
(including zip code)

(John F. or Emma)

Box 259, Route 1

Salmon, Idaho 83467

(Lynn)

P.O. Box 21

Tendoy, ID 83468

(208) 756-2584

Phone Number

(208) 756-3107

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DEC 14 1992