

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: A74-00708
Date Received: 5/ 8/1990
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEVEN R. HERBST 208-756-4748
Address: RT. 1 BOX 6
SALMON, ID 83467

AND

Name: JANNA LYNN HERBST 208-756-4748
Address: RT. 1 BOX 6
SALMON, ID 83467

2. Date of Priority: JUN 1, 1906

3. Source: LEMHI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
21N	22E	10	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	3.920		

7. Total Quantity Appropriated is:
3.920 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
21N	22E	4	SW	NW		IRR

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
21N	22E	4	NW	SW		IRR	13.0
Section Acres							37.0
		5	SW	NE		IRR	25.0
			SE	NE		IRR	27.0
			NE	NW	3	IRR	2.0
			SE	NW		IRR	26.0
			NE	SW		IRR	10.0
			NE	SE		IRR	1.0
			NW	SE		IRR	2.0
Section Acres							93.0
Total Acres							130.0

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:

AC. IRR.=130.5.

DIV. L-3.

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: _____

MICROFILMED

DEC 14 1992

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A74-00708
Date Received: 5/08/1990
Receipt No: X999999
Received By: RME

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: R. CLEE STOKES
Address: P.O. BOX 501
SALMON, ID

83467

2. Date of Priority: JUN 01, 1906

3. Source: LEMHI RIVER

Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
21N	22E	10		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	3.920		

7. Total Quantity Appropriated is:
3.920 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 of	Lot	Use	Acres
21N	22E	4	SW	NE		100	11.0
			NW	SE		100	11.0

Section Acres 37.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
21N	22E	5	SW NE		IRR	25.0
			SE NE		IRR	27.0
			NE NW	3	IRR	2.0
			SE NW		IRR	26.0
			NE SW		IRR	10.0
			NE SE		IRR	1.0
			NW SE		IRR	2.0
Section Acres						93.0
Total Acres						130.0

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:

AC. IRR.=130.5.

DIV. L-3.

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: 74-00708

DATE RECEIVED: 5/8/90

RECEIPT NO:

RECEIVED BY: RME

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: RICHARD STOKES
ADDRESS: P.O. BOX 501
SALMON, ID

83467

NAME: CLEE R. STOKES
ADDRESS: P.O. BOX 501
SALMON, ID

83467

2. DATE OF PRIORITY: JUN 01, 1906

3. SOURCE: LEMHI RIVER

TRIB. TO: SALMON RIVER

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
21N	22E	10	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	3.920		

7. TOTAL QUANTITY APPROPRIATED IS:
3.920 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

74-00708

PAGE 1

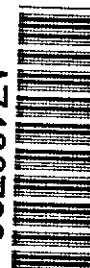
DATE: 02/08/90

1962

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DEC 14 1992

A7400708



10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
21N	22E	4	SW	NW		IRR	24.0
			NW	SW		IRR	13.0
			SECTION ACRES				37.0
		5	SW	NE		IRR	25.0
			SE	NE		IRR	27.0
			NE	NW	3	IRR	2.0
			SE	NW		IRR	26.0
			NE	SW		IRR	10.0
			NE	SE		IRR	1.0
			NW	SE		IRR	2.0
			SECTION ACRES				93.0
			TOTAL ACRES				130.0

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:

AC. IRR.=130.5.
DIV. 1-3.

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): R. Cleo Stokes DATE: 5-8-90

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 Lewiston) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 8 DAY
OF May 19 90

John Dale Cook
NOTARY PUBLIC

SEAL

RESIDING AT Boise

MY COMMISSION EXPIRES 6/2/94
DATE: 02/08/90 1964

74-00708

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DEC 14 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

JULY 11, 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

FUREY & FUREY CHARTERED
116 N CENTER STREET
SALMON ID 83467

RE: CHANGE IN OWNERSHIP FOR A75-10638, A74-00708, AND
A74-0070 FOR STEVEN R AND JANNA LYNN HERBST

Dear Mr. Furey:

The request for Change in Ownership concerning your client's Notices of Claim in the above reference has been processed and the Notices modified to reflect your client as the new owner.

Enclosed are typed Notices with your client's name shown as the current owner. 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 client's records.

Respectfully submitted,

Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosure

File: "P"

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DEC 14 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

JUL 10 1991

Department of Water Resources
Eastern District Office

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

See description on Warranty Deed annexed hereto as Exhibit "A".

☐ 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:

A75-10638, A75-10641, A74-00708, A74-00709

☐ Name and Address of Former Owner/Claimant(s)(Seller): Richard Clee Stokes and Abbie Stokes, husband and wife

801 N. St. Charles

Salmon, Idaho 83467

☐ New Owner/Claimant (Purchaser):

Steven R. Herbst and Janna Lynn Herbst, husband and wife

☐ New Mailing Address:

Route 1, Box 6

Salmon, Idaho 83467

☐ New Telephone Number: (208) 756 - 4748

☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no

If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

A75-10638, A74-00708, A74-00709 (None of the water rights are

split -- Water Right No. A75-10641 is retained by the Sellers and
therefore "split" from the original group of four rights.)

☐ Attach proof of ownership, describe proof attached:

See Warranty Deed annexed hereto as Exhibit "A"

(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)

Steven R. Herbst
Janna Lynn Herbst

Date June 22, 1991

Date June 22, 1991

☐ Signature of Former Owner/Claimant(s):

Date _____

Date _____

(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:

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DEC 14 1992

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

STATE OF IDAHO
COUNTY OF LEMHI

I ALBERTA WIEDERRICK, CLERK OF THE DISTRICT COURT OF THE
SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND
FOR THE COUNTY OF LEMHI, DO HEREBY CERTIFY THAT THE
PROCEEDING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON
FILE IN THIS OFFICE
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND
AFFIXED MY OFFICIAL SEAL THE 27th DAY OF June 1991
ALBERTA WIEDERRICK, CLERK

By Deanne Gray DEPUTY

6-4843-G

WARRANTY DEED

For Value Received RICHARD CLEE STOKES and ABBIE STOKES, Husband and Wife, the Grantors, do hereby grant, bargain, sell and convey unto STEVEN R. HERBST and JANNA LYNN HERBST, Husband and Wife, the Grantees, whose current address is Route 1, Box 6, Salmon, Idaho 83467, the 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. 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 incumbrances except current taxes and assessments, but subject to all easements and rights-of-way appearing on the premises or of record, the easement described in the foregoing real estate description, reservations in favor of the United States or the State of Idaho and the standard printed exceptions appearing in a current title commitment and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: June 1, 1991

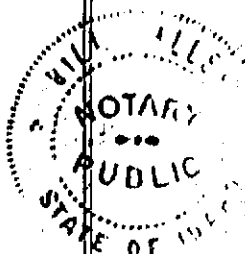
Richard Stokes
Clee Stokes

Abbie Stokes
Abbie Stokes

STATE OF IDAHO)
).ss
County of Lemhi)

On this 13th day of June, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared RICHARD CLEE STOKES and ABBIE STOKES, 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 first above written.



NOT
RE
MY

State of Idaho
County of Lemhi

210652
ss No.

This instrument was filed for record at
the request of American Land Title
at 4:00 o'clock P. M. 6-17 1991
and duly filmed and indexed in the
records of Lemhi County

Alberta Winderlich

Ex-Officio Recorder

By Jerry G. Norton Deputy
Fees 98⁰⁰ 10

A parcel of land located in the S2 NW4, and the N2SW4 Section 4, and U.S. Government Lots 2 and 3, S2NE4, N2SE4, NE4SW4, S2NW4, Section 5, all in T. 21 N., R. 22 E., B.M., Lemhi County, Idaho more particularly described as follows:

Commencing at the North Quarter Corner of said Section 5, a distance of 1354.96 feet on a bearing of S. 0° 23' 02" E. along the east boundary of Lot 3 to a point on the southerly right-of-way of North St. Charles Street and being the REAL POINT OF BEGINNING.

Thence N. 84° 21' 48" E. 262.03 feet along said right of way;

Thence a distance of 90.21 feet along a curve concave to the northwest having a radial of N. 5° 38' 12" W. 95.00 feet and a central angle of 54° 24' 14" along said right of way;

Thence N. 89° 44' 12" E. 978.09 feet to a point on the east boundary of Lot 2;

Thence S. 0° 28' 13" E. 150.00 feet to the southeast corner of Lot 2;

Thence N. 89° 44' 12" E. 1312.51 feet to the northeast corner of the SE4NE4;

Thence S. 0° 33' 25" E. 178.88 feet along the east boundary of Section 5 to a point on an existing fence;

Thence S. 77° 51' 39" E. 1328.95 feet along said fence;

Thence S. 66° 25' 16" E. 723.97 feet along said fence;

Thence S. 34° 31' 55" W. 1588.59 feet to a point on an existing fence;

Thence N. 66° 20' 20" W. 1948.89 feet along said fence;

Thence N. 74° 18' 53" W. 313.71 feet along said fence;

Thence N. 55° 40' 23" W. 641.52 feet along said fence;

Thence S. 55° 18' 37" W. 792.15 feet along said fence;

Thence N. 70° 52' 24" W. 134.77 feet to a point on the

east right of way of the old Idaho Power Company Canal;

Thence S. 7° 52' 44" E. 794.85 feet along said east right of way;

Thence S. 12° 21' 23" E. 664.26 feet along said east right of way;

Thence S. 89° 56' 38" W. 241.21 feet along said south boundary to a point in the center of the Lemhi River;

Thence N. 62° 58' 17" W. 231.09 feet along the center of the Lemhi River;

Thence N. 63° 06' 42" W. 247.90 feet along said center;

Thence N. 58° 27' 09" W. 421.51 feet along said center;

Thence N. 40° 03' 30" W. 177.09 feet along said center;

EXHIBIT "A"

Thence N. 1° 32' 00" E. 200.00 feet to an existing fence corner;
 Thence N. 0° 54' 54" W. 213.56 feet along said fence;
 Thence N. 66° 51' 03" W. 258.96 feet along said fence;
 Thence S. 78° 56' 52" W. 87.95 feet to a point on the easterly bank of the Lemhi River;
 Thence N. 45° 31' 16" W. 308.69 feet along said bank;
 Thence N. 15° 54' 19" W. 245.59 feet along said bank;
 Thence N. 18° 08' 21" W. 458.43 feet along said bank;
 Thence N. 20° 46' 56" W. 221.02 feet along said bank;
 Thence N. 14° 15' 12" W. 221.29 feet to a point on the southeasterly right of way of North St. Charles Street;
 Thence the following courses and distances along said right of way:

Thence N. 62° 00' 21" E. 37.49 feet;
 Thence a distance of 176.65 feet along a curve concave to the northwest having a radial of N. 27° 59' 39" W. 725.00 feet and a central angle of 13° 57' 38",
 Thence N. 48° 02' 44" E. 282.34 feet;
 Thence N. 41° 25' 59" E. 180.22 feet;
 Thence a distance of 4.81 feet along a curve concave to the southeast having a radial of S. 48° 34' 01" E. 125.00 feet and a central angle of 2° 12' 15" to a point on the Stokes House parcel;
 Thence S. 36° 59' 42" E. 246.16 feet along said house parcel;
 Thence N. 50° 30' 17" E. 354.54 feet along said house parcel to a point on the south right of way of North St. Charles Street;
 Thence a distance of 202.75 feet along a curve concave to the southwest having a radial of S. 5° 24' 12" W. 625.00 feet and a central angle of 18° 35' 12",
 Thence S. 66° 00' 37" E. 92.77 feet;
 Thence a distance of 219.76 feet along a curve concave to the northeast having a radial of N. 23° 59' 24" E. 425.00 feet and a central angle of 29° 37' 36",
 Thence N. 84° 21' 49" E. 55.94 feet to the REAL POINT OF BEGINNING, said parcel contains 202.744 Acres.

SUBJECT TO: An access easement more particularly described as follows:

Commencing at the west corner of the Stokes house parcel as mentioned in the above described parcel and being the REAL POINT OF BEGINNING.

Thence a distance of 4.81 feet along a curve concave to the southeast having a radial of S. 46° 21' 46" E. 125.00 feet and a central angle of 2° 12' 15" along said county road;

Thence S. 41° 25' 59" W. 35.19 feet along said county road;

Thence S. 46° 20' 24" E. 241.43 feet to the south corner of the Stokes house parcel;

Thence N. 36° 59' 42" W. 246.16 feet to the REAL POINT OF BEGINNING.

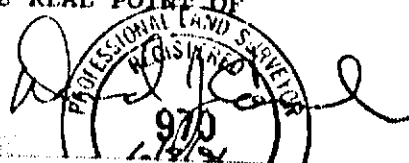


EXHIBIT "A"

RECEIVED

JUL 10 1991

FUREY & FUREY
CHARTERED
ATTORNEYS AT LAW
116 N CENTER STREET
SALMON, IDAHO 83467

Department of Water Resources
Eastern District Office

(208) 756-2577

SHERMAN F. FUREY, JR.
SHERMAN F. FUREY, III

July 8, 1991

Idaho Department of Water Resources
Eastern Region Office
150 Shoup Avenue #15
Idaho Falls, Idaho 83402

Re: Snake River Basin Adjudication

Gentlemen:

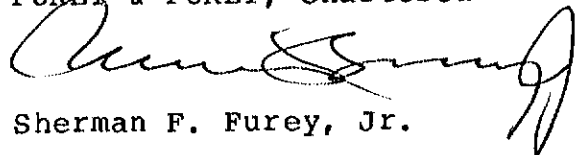
Enclosed is your form 42-1409(7), "New Property
Owner Notice of Change of Water Right Ownership".

This concerns the sale by Richard Clee Stokes and
Abbie Stokes, husband and wife, of a ranch to Steven R.
Herbst and Janna Lynn Herbst, husband and wife. Description
of the affected premises is annexed to the form.

If you have any questions or if you need further
information, please don't hesitate to let me know.

Very truly yours,

FUREY & FUREY, Chartered



Sherman F. Furey, Jr.

SFJ:ps

Enclosure

cc: Mr. & Mrs. Richard Clee Stokes
Mr. & Mrs. Steven R. Herbst
Mr. & Mrs. Clyde Nelson

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DEC 14 1992