

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: A74-00741  
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: LYNN A HERBST 208-756-2584  
Address: PO BOX 21  
TENDOEY ID 83468  
OR  
Name: ROBIN R HERBST 208-756-2584  
Address: PO BOX 21  
TENDOEY ID 83468

2. Date of Priority: JAN 8, 1908

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 |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 19N      | 24E   | 29      | SE     | NW     |     |     | 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 | 4.300 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.060 |      |        |

7. Total Quantity Appropriated is:  
4.300 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   | 17      | NE            | SW  |     | IRR | 22.0  |
|          |       |         | SE            | SW  |     | IRR | 32.0  |
|          |       |         | NW            | SE  |     | IRR | 5.0   |
|          |       |         | SW            | SE  |     | IRR | 3.0   |
|          |       |         | Section Acres |     |     |     | 62.0  |
|          |       | 20      | NE            | NW  |     | IRR | 34.0  |
|          |       |         | NW            | NW  |     | IRR | 11.0  |
|          |       |         | SW            | NW  |     | IRR | 4.0   |
|          |       |         | SE            | NW  |     | IRR | 26.0  |
|          |       |         | NE            | SW  |     | IRR | 6.0   |
|          |       |         | Section Acres |     |     |     | 81.0  |
|          |       |         | Total Acres   |     |     |     | 143.0 |

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:

DIV. L-31.

AC. IRR. = 143.1.

WATER HAS BEEN USED ON AN EXCHANGE BASIS FROM AN UNNAMED SOURCE  
LOCATED WITHIN NENW, S29, T19N, R24E.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

\_\_\_\_\_  
Decree Plaintiff

vs

\_\_\_\_\_  
Decree Defendant

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: A74-00741  
Date Received: 4/30/1990  
Receipt No: X999999  
Received By:                     

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

|          |                |              |
|----------|----------------|--------------|
| 1. Name: | LYNN 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        |

A7400741



2. Date of Priority: JAN 08, 1908

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 |
| 19N      | 24E   | 29      | SE     | NW     |     |     | 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 | 4.300 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.060 |      |        |

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A74-00741

Page 1

Date: 04/30/90

MICROFILMED  
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: 74-00741  
DATE RECEIVED: 4-30-90  
RECEIPT NO: X999999  
RECEIVED BY: *RLT*

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

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

83468

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

83468

2. DATE OF PRIORITY: JAN 08, 1908

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 |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 19N      | 24E   | 29      | SE     | NW     |     |     | LEMHI  |

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

| PURPOSE    | FROM  | TO    | C.F.S. | (CR) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 4.300  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.060  |      |        |

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

A.F.A.

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

MICROFILMED

10. PLACE OF USE:

| TOWNSHIP | RANGE | SECTION | 1/4           | OF | 1/4 | LOT | USE | ACRES |
|----------|-------|---------|---------------|----|-----|-----|-----|-------|
| 19N      | 24E   | 17      | NE            |    | SW  |     | IRR | 22.0  |
|          |       |         | SE            |    | SW  |     | IRR | 32.0  |
|          |       |         | NW            |    | SE  |     | IRR | 5.0   |
|          |       |         | SW            |    | SE  |     | IRR | 3.0   |
|          |       |         | SECTION ACRES |    |     |     |     | 62.0  |
|          |       | 20      | NE            |    | NW  |     | IRR | 34.0  |
|          |       |         | NW            |    | NW  |     | IRR | 11.0  |
|          |       |         | SW            |    | NW  |     | IRR | 4.0   |
|          |       |         | SE            |    | NW  |     | IRR | 26.0  |
|          |       |         | NE            |    | SW  |     | IRR | 6.0   |
|          |       |         | SECTION ACRES |    |     |     |     | 81.0  |
|          |       |         | TOTAL ACRES   |    |     |     |     | 143.0 |

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:

DIV. L-31.

AC. IRR. = 143.1.

WATER HAS BEEN USED ON AN EXCHANGE BASIS FROM AN UNNAMED SOURCE  
LOCATED WITHIN NENW, S29, T19N, R24E.

15. BASIS OF CLAIM: DECREE

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): John F. Werst 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 Seneca ) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 30 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

74-00741

PAGE 3

DATE: 02/08/90

2061

DEC 14 1992

**MEMORANDUM**

**DATE:** January 02, 1996

**TO:** Ernie Carlsen, Eastern Region

**FROM:** Bob Foster, Salmon *et*

**RE:** A74-00741

The enclosed documents and information were received in my office on the above date. These items are in regards to the possible change of priority date for A74-00741. There appears to be substantial documentation of the development of the water right and the priority date issue should be considered when the claim is verified in the SRBA.

RECEIVED  
JAN 05 1996  
Department of  
Eastern District Office

RECEIVED  
NOV 15 1996



JAN 04 1886

Department of Interior  
Eastern District Office

In regard to water right  
# A74-00741 Priority change from  
Apr 8-1908 to April 1, 1873

### Exhibit A

Refers to water claim that did  
irrigate the ground, now irrigated by  
#A74-00741 and part of A74-00739.

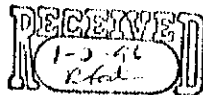
### Exhibit B

Water Right from Agency Creek is  
traded to Indian Dept. for a ditch  
and water out of Lemhi River to irrigate  
same ground. <sup>dated June 22, 1886,</sup> Diversion later to be <sup>known as</sup> L-31A.

### Exhibit C and D

Are affidavits of T.B. Sharkey and  
C.W. Snook concerning the trade of water  
ditches and places of use of L-31A.

In 1907 or 1908 another ditch ~~was built~~  
built for the Pattee Brothers, later ~~known as~~ <sup>known as</sup> L-31  
known by L-31



A74-00739  
\* F

~~AGG~~

Some of the ground originally irrigated from the original 1873 water claim from Agency Creek, then <sup>was</sup> irrigated from the ditch the Indian Department built (L 31A). <sup>A74-00739</sup> was then irrigated from L 31. (A74-00741)

Exhibit F

Refers to homestead entry ~~and~~ and final proof.

It is my belief that the ground irrigated by Exhibit A in 1873 is the same ground being irrigated now by A74-00741, priority of Jan 8, 1908 and ~~A74-0073~~ part of A74-00739, priority of April 1, 1873, And that A74-00741 priority date should be changed to April 1, 1873 to coincide with the date the ground was first irrigated

Exhibit F Map

Lynn A. Herbert

1521576

NOV 15 1996

DEFENDANT'S EXHIBIT "A"

BOOK ORIGINAL  
1-3-96  
R. J. Pattee

Notice is hereby given that I the undersigned claim all the water that can be carried or run in the old Fort Lemhi ditch, taken from the Creek now known as the Agency Creek about two miles above Fort Lemhi, and conveyed to my Ranch at Fort Lemhi by said ditch for irrigating purposes.

Salmon City, Lemhi County, Idaho Territory.

May 26th, 1873.

J.B.Pattee

Filed for record in this office this 26th day of May A.D. 1873 at 9 o'clock P.M. and duly recorded on the 27th day of May A.D. 1873 at 8 o'clock A.M. in record of water rights Book A page 138.

John Hogan

County Recorder.

State of Idaho

) ss

County of Lemhi)

I, W.C.Smith, County Recorder in and for the County and State aforesaid do hereby certify that the above and foregoing is a full, true and complete copy of a notice of water location of J.B.Pattee as the appears of record in my office in Book A of water rights at page 138.

In Testimony whereof I have hereunto set my hand and affixed my official seal this 18th day of July, 1910.

W.C.Smith,

By

*J. K. Kelly*

Deputy

County Recorder.

RECEIVED

JAN. 04 1996

Department of Water Resources  
Eastern District Office

POOR ORIGINAL

DEFENDANT(S) EXHIBIT "B"

RECEIVED  
1-2-96  
Rlt

NOTICE is hereby given that the undersigned has located and claimed ( 10000 ) Ten Thousand inches of the water of the Lemhi River taken out at or near the point of the Bluff about three or four hundred yards above the so called High Bridge on the Lemhi Reservation or Agency, and conveyed by ditch to my Ranch for agricultural and other purposes, said Water Right has been turned over to me by the "Indian Department" as an equivalent for was used by said department, that was located and claimed by the undersigned

Dated at Fort Lemhi Idaho

June 22nd 1886.

J.B.Pattee

Claimant,

Filed for record in this office this 22nd day of June A.D. 1888, at 30 Minutes past 10 clock P.M, and duly and duly recorded,

John Hogan

County Recorder

State of Idaho,

County of Lemhi.) ss

I, W.C.Smith, County Recorder in and for the State and County aforesaid do hereby certify that the foregoing is a full, true and complete copy of the notice of water location of J.B.Pattee as the same appears of record in my office in Book A of Water Rights at page 345, records of Lemhi County, Idaho.

In witness whereof, I have hereunto set my hand and affixed my official seal this 18th day of June, 1910.

W.C.Smith,

County Recorder.

By

*J.H. Kintley Jr.*

Deputy.

IN THE DISTRICT COURT OF THE SIXTH  
JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE  
COUNTY OF LEMHI.

Henrietta Pattee et al  
P l a i n t i f f s .

vs.

A F F I D A V I T .

William M. Carpenter et al.  
D e f e n d a n t s .

STATE OF IDAHO,  
County of Lemhi.

F.B. Sharkey, being first duly sworn according to law,  
deposes and says:

I.

*what now is*  
That he is and has been a resident of the County of Lemhi,  
State of Idaho, for the last Forty-four (44) years, and during that  
time has resided continuously since the fall of 1872 approximately  
one and one-half miles from Agency Creek, so called.

II.

That the buildings first erected on the Lemhi Indian Reservation  
for indian and government purposes, were situated near the mouth of  
Agency Creek a short distance easterly of the road leading from Sun-  
field to Junction, and that the persons and officers <sup>in charge</sup> thereof, then  
first began to use the waters of said Agency Creek for beneficial  
purposes.

III.

That about the year 1886 this affiant in a conversation with  
J.B. Pattee, now deceased, one of plaintiffs' predecessors in inter-  
est in their claim to the right to, use the waters of said Agency  
Creek, as he has been informed, ~~said J.B. Pattee~~ <sup>was</sup> informed ~~him~~ that  
~~he~~ <sup>his son J.B. Pattee</sup> had entered into an agreement with the government through the  
officials of said Lemhi Indian Reservation, whereby said J.B. Pattee  
had relinquished all his right, title and interest to the Waters of  
said Agency Creek to the U.S. Government for its Indian Department,  
in consideration that said Government <sup>would</sup> construct for him a ditch

that would convey and conduct water from the Lemhi River at a sufficient elevation to irrigate the land which he was then in possession of; that thereafter said ditch was so constructed by the U.S. Government, and thereafter the said land of the said J.B. Pattee was irrigated therefrom.

IV.

That thereafter the land now occupied by said Carpenter was reclaimed, irrigation ditches constructed thereon, and water appropriated ~~therefrom~~ <sup>said creek</sup> ~~for irrigation~~ and used for irrigating the same up to the time the said improvements were offered for sale in 1907 by the U.S. Government.

V.

That the point of appropriation of water from said ~~Agency Creek~~ Agency Creek by said J.B. Pattee prior to said alleged contract of release to the U.S. Government was situated approximately between fifty and one hundred feet easterly of said road, and at no time was indicated to be further up said Creek and further easterly of said road, by any ditch, or head gate constructed by said J.B. Pattee.

VI.

That said ditch constructed by the U.S. Government pursuant to said contract with said J.B. ~~Pattee~~ <sup>Pattee</sup> is still in existence and capable of conducting sufficient water to irrigate all the land that was irrigated ~~therefrom~~ by water from Agency Creek prior to said contract ~~which~~ and owned by said Pattee.

VII.

That land now occupied by ~~the~~ Fred B. Pattee and Joseph I. Pattee is also capable of being irrigated from said Lemhi River Ditch,

VIII.

That any land of plaintiffs, or any one of them, situated on the bar, so called, easterly of said road, has never been irrigated by water taken ~~from~~ from said Agency Creek, except forty acres on which water from said creek was conducted in the fall of 1909 for the first time; that the amount of land on said bar claimed by plaintiffs, or some of them, is 120 acres.

*J. B. Pattee*

Exhibit "D"

POOR ORIGINAL

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI.

RECEIVED  
1-2-96  
R.H.

Henrietta Pattee et al.

Plaintiff.

vs.

AFFIDAVIT.

William M. Carpenter et al.

Defendant.

STATE OF IDAHO

County of Lemhi.

C.W. Snook, being first duly sworn according to law, deposes and says:

1.

That he is and has been a resident of what now is the County of Lemhi, State of Idaho, for the last thirty years, and during that time from the fall of 1907 to 1909 resided on land and premises lying immediately west of land now occupied by defendant, William M. Carpenter, at a place nearer the mouth of Agency Creek, and that for twenty-two years prior to said 1907, affiant resided about seven miles distant from said Agency Creek, during all of which time he was acquainted with conditions existing as to the use of water from said Agency Creek.

11.

That he is well acquainted with a certain ditch constructed for the purpose of conducting water from the Lemhi River at or near a point of the bluff about three or four hundred yards above the so-called High Bridge, in a northerly direction to and on to the lands of the plaintiffs in the above entitled action, and that in conversations had with the plaintiff, Fred B. Pattee, the said Fred has claimed the ownership of said ditch and the right to use all the water therein for himself and the other plaintiffs herein.

111.

That said Lemhi River Ditch before reaching lands of plaintiffs emptied its water in to said Agency Creek at a point westerly of land

POOR ORIGINAL

of said William M. Carpenter nearer the mouth of the Creek, and about fifty yards easterly of the road leading from Sunfield to Junction; and a short distance below ~~xxxxxxxixxxxxixxxxxxx~~ said point where the waters of said ditch were emptied in to said Creek, the said Plaintiffs, and their predecessor in interest always had their headgate up to the fall of 1909, and never did have any head gate on or above land occupied by said Carpenter.

IV.

That all and the same lands of plaintiffs and their predecessor in interest are capable of being irrigated from water flowing in said Lemhi River Ditch as were ever irrigated from water taken from Agency Creek prior to the construction of said Lemhi River Ditch.

V.

That affiant in conversation with J.B. Pattee during his lifetime, and the plaintiffs herein was informed and given to understand that the said J.B. Pattee had entered into some kind of an Agreement with the Indian Department of the United States Government whereby he had acquired the ownership of said Lemhi River Ditch and the waters therein flowing in lieu of certain rights relinquished to the use of water from said Agency Creek.

VI.

That affiant has no interest in the above entitled action whatsoever.

Chas. D. Duff

Subscribed and sworn to before me this 26th day of July, A.D. 1910.

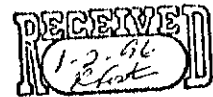
Enoch M. Whitcomb

Notary Public.



Exhibit "E"

DEPARTMENT OF THE INTERIOR,  
UNITED STATES LAND OFFICE,



Hailey Idaho, April 21, 1906

Aug. F. Duclos,

Lemhi Agency, Idaho.

Dear Sir:

Replying to your letter of the 17th instant you are respectfully advised that Joseph B Pattee filed a homestead entry on the NE $\frac{1}{4}$ SW $\frac{1}{4}$  Sec 20 T 19N R 24 EBM and 120 acres running immediately north thereof. Final proof was made June 6, 1887, FC 46. By letter "C" May 6, 1882 all of section 20 and other land was withheld from entry on account of Indian Reservation and by letter "C" Aug 9, 1894 the said NE $\frac{1}{4}$ SW $\frac{1}{4}$  sec 20 was canceled from the said homestead entry and final certificate of Joseph B Pattee.

The memorandum of the lands withheld in 1882 was made upon the plat in lead pencil and in consequence have become very indistinct. No notation was made on the tract books, and in consequence thereof on last February 12, 1906 when Henrietta Pattee presented an application to enter the said forty acres as a desert claim, it was accepted and the entry allowed under Desert entry No. 1477.

Our action in allowing this entry of Henrietta Pattee evidently was in error, and the facts have this day been reported to the Hon. Commissioner of the General Land Office with request for instructions looking toward the cancellation of the entry.

In case Henrietta Pattee desires to relinquish the land in the meantime, a relinquishment will settle the matter.

Very respectfully,

NOV 15 1906  
*[Signature]*  
Regret



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

MICROFILMED

APR 19 1994

Form 42-1409(7)

POOR ORIGINAL

# 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

AUG 13 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:

A74-00250, A74-00735, ~~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 259

Salmon, Idaho 83467

- [ ] New Owner/Claimant (Purchaser):

Lynn A. Herbst and Robin R. Herbst

- [ ] New Mailing Address:

P. O. Box 21

Tendoy, 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:

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Original to be mailed to Idaho Department of Water Resources 19 1994  
 Copies to Former Owner and New Owner

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. A74-00741

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 1997

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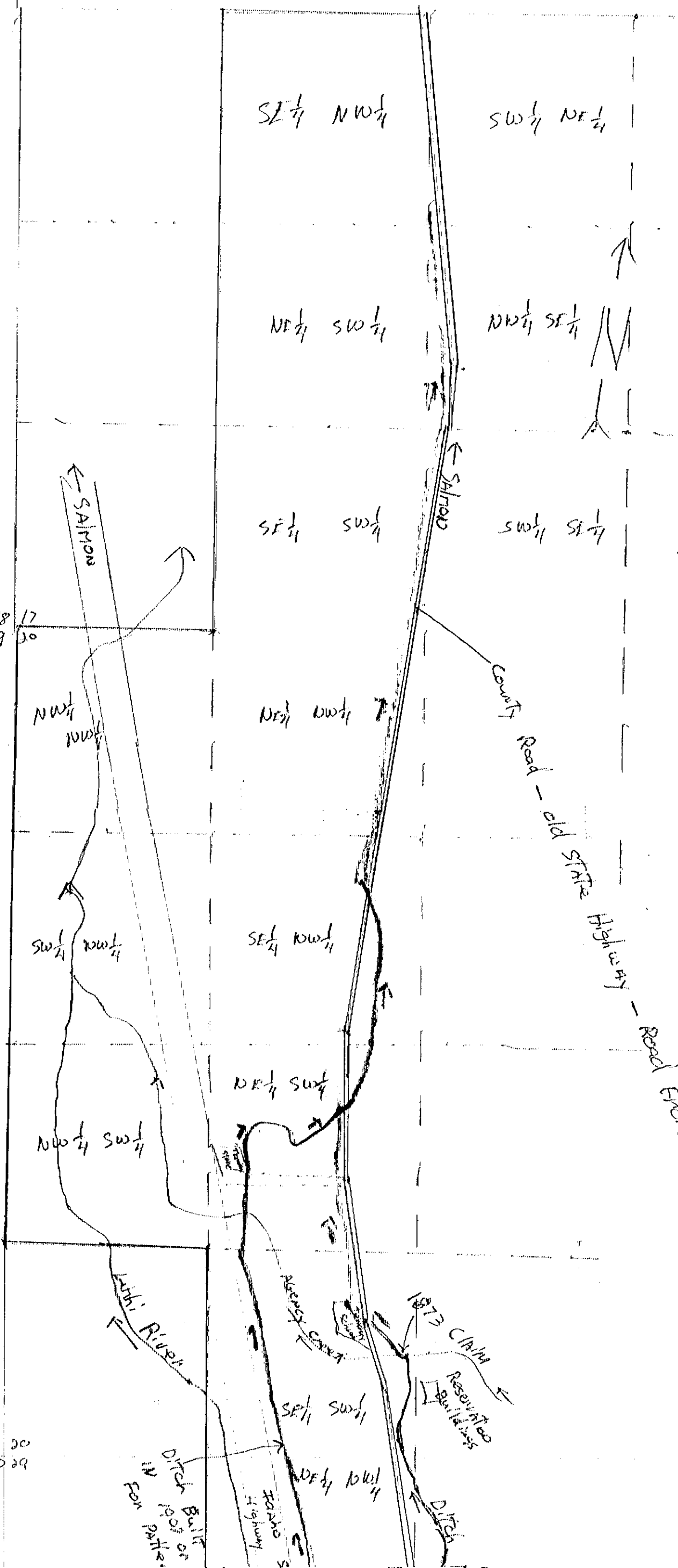


Exhibit F