

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: A74-07147
Date Received: 4/30/1990
Receipt No: M006799
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
TENDON ID 83467
OR
Name: ROBIN R HERBST 208-756-2584
Address: PO BOX 21
TENDON ID 83468

2. Date of Priority: NOV 16, 1981

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	20	SW	NW			LEMHI
		29	SE	NW			LEMHI

5. Description of diverting works:
HEADGATE, DITCH, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.880		132.00

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

8. Total consumptive use is 110.0 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	SW		SW		IRR	3.0
			SE		SW		IRR	8.0
			Section Acres					11.0
		20	NW		NW		IRR	19.0
			SW		NW		IRR	13.0
			NW		SW		IRR	1.0
			Section Acres					33.0
			Total Acres					44.0

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:

THE POINT OF DIVERSION IN SEC. 29 WAS INCORRECTLY DESCRIBED ON THE LICENSE. THE CORRECTION LOCATION IN SEC. 29, THE SE1/4 OF THE NW1/4 IS THE SAME POINT OF DIVERSION AS DESCRIBED IN WATER RIGHTS 74-00740, 00741 AND 00742.

THIS AMENDED CLAIM REFLECTS APPLICANT LYNN HERBST'S CONTENTION THAT LICENSE EXAM INCORRECTLY LOCATED POINTS OF DIVERSION AND THIS IS A CORRECTION. HWJ 7-26-93

15. Basis of Claim: LICENSE

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RECEIVED

AUG 31 1993

Department of Water Resources
Eastern District Office

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

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AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JOHN F. HERBST 208-756-3107
Address: BOX 259, RT. 1
SALMON ID 83468
OR
Name: EMMA HERBST 208-756-3107
Address: BOX 259, RT. 1
SALMON ID 83468
OR
Name: LYNN A. HERBST 208-756-2584
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A74-07147

Page 1

Date: 07/26/93

APR 19 1994

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15. Basis of Claim: LICENSE

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): Legun G. Herbert Date: 8-11-93

Date: _____

State of Idaho)
County of LENAHI) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of AUGUST 19 93
Tim Allen
Notary Public

Seal

Residing at SALMON
My Commission Expires 2/19/97

Original Sent to Lynn Herbst
For Signature. AWS 7-26-93

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
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Address:	P.O. BOX 21	
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Number of attachments: _____

MICROFILMED

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 _____

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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
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Ident. Number: A74-07147
Date Received: 4/30/1990
Receipt No: MO96799
Received By: RLJ

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OR
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SALMON, ID 83468
OR
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A74-07147

Page 1

Date: 04/30/90

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DEC 14 1992

9. Non-irrigation uses:

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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. Herbst Date: 4-30-90

Date: _____

State of Idaho)
County of Genchi) 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 Expires December 1, 1994



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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APR 19 1994

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

POOR ORIGINAL

RECEIVED

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, 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 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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APR 19 1994

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

LYNN A. & ROBIN R. HERBST
P.O. Box 21
Tendoy, Idaho 83468

RECEIVED

JUL 23 1993

July 22, 1993

Harold Jones
Idaho Department of Water Resources
900 N. Skyline
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

Dear Harold,

Just to get the paperwork straight, we need to
straighten out the filing on Water Right License 74-07147.
This license shows three points of diversion for 44 acres
located in 5 different legal subdivisions. The license and
the subsequent filing in the Snake River Adjudication should
be corrected as follows.

Point of Diversion - T19N R24E S29 SENW (L-31)
Place of Use:

T19N R24E S17
SWSW - 3 Acres
SESW - 8 Acres

T19N R24E S20
NWNW - 17 Acres
SWNW - 5 Acres

Total 33 Acres

Point of Diversion - T19N R24E S20 SWNW (L-30AA)
Place of Use:

T19N R24E S20
NWNW - 2 Acres
SWNW - 8 Acres
NWSW - 1 Acre

Total 11 Acres

These corrections eliminate the point of diversion
incorrectly filed as T19N R24E SENW (there never has been a
diversion at this point) and locates specific acreage to
each of the two remaining points of diversion.

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APR 19 1994

I have just filed a change in ownership for all water rights and licenses filed to John F. Herbst on this ranch as I have purchased the ranch from my father. In the process of filing the change of ownership, I located a letter to my father dated March 27, 1989 from Jim Johnson indicating some action to correct this license; however, I find no copy of the changes. Apparently Dad paid an amendment fee on this to straighten it out (Receipt No. C005530), but all the information in our files indicates that it is still wrong. Thank you for helping us straighten this out.

Sincerely,


Lynn A. Herbst

cc: Rick Sager

MICROFILMED
APR 19 1994