

03/18/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-10036

NAME AND ADDRESS: WAYNE H SERMON
120 E 300 N
AMERICAN FORK UT 84003-1713

SOURCE: DRAIN

TRIBUTARY: SINKS

QUANTITY: 0.380 CFS

PRIORITY DATE: 06/01/1958

POINT OF DIVERSION:

T01N R44E S7 NWSWNE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.38 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S07 SWNE 19.0

19 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

02/17/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-10036 **DISALLOWED**

NAME AND ADDRESS: WAYNE H SERMON
120 E 300 N
AMERICAN FORK UT 84003-1713

SOURCE: DRAIN TRIBUTARY: SINKS

QUANTITY: 0.000 CFS

PRIORITY DATE: 06/01/1958

POINT OF DIVERSION:
T01N R44E S7 NWSWNE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.0 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County
T01N R44E S07 SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
EXPLANATORY MATERIAL: Beneficial Use

**DISALLOWED pending evidence of priority. Transfer
application required.**

pb3

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: A23-10036
Date Received: 9/21/1988
Receipt No: E002745
Received By: gr

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WAYNE H SERMON
Address: 3100 N AMMON ROAD
IDAHO FALLS, ID

208-523-7438

83401

2. Date of Priority: JUN 01, 1958

3. Source: DRAIN

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	44E	7	NW	SW	NE		BONNEVILLE

5. Description of diverting works:
HAND DUG PIT WHICH IS 8' DEEPW/ PUMP TO SPRINKLER LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.380		

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

A.F.A.

8. Total consumptive use is

38.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	44E	7	SW	NE		IRR	19.0

Section Acres 19.0

A23-10036

Page

1

Date: 02/02/89

MICROFILMED

NOV 06 1984

A2310036



10. Place of Use: Continued

Total Acres 19.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:
SWAN FALLS APP. 23-7096/7097 FOR SAME PLACE. THIS CLAIM IS FILED
TO RECORD HISTORICAL USE.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED

NOV 06 1989

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 A23-10036
Date Received 9-21-88
Receipt Number E002745
88

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) WAYNE H. SERMON Phone (208) 523-7438
Mailing Address 3100 N. AMMON ROAD, IDAHO FALLS, ID. Zip 83401
2. Date of Priority (Only one (1) per claim) JUNE 1, 1958
3. Source of water supply (a) DRAIN
which is tributary to (b) SINKS
4. a. Location of existing point of diversion is: Township 1N Range 44E Section 7,
NW 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of BOUNDEVILLE
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. HAND DUG PIT WHICH IS 8'
DEEP w/ PUMP TO SPRINKLER LINES.

MICROFILMED

NOV 16 1982

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/1 to 11/1 amount 0.38 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.38 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 38 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
1N	44E	7			19														19

Total number of acres irrigated 19

11. In which county (ies) are lands listed above as place of use located? BONNEVILLE

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: SWAN FALLS APP. 23-7096/7097 FOR SAME PLACE.
THIS CLAIM IS FILED TO RECORD HISTORICAL USE.

Last Name SERMON Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use Y Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 Y wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Wayne H. Serrmon Date 9-21-88
Date _____

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 21 day of September 19 88

SEAL

Notary Public [Signature]

Residing at Idaho Falls, Id.

My Commission Expires 22 Aug 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

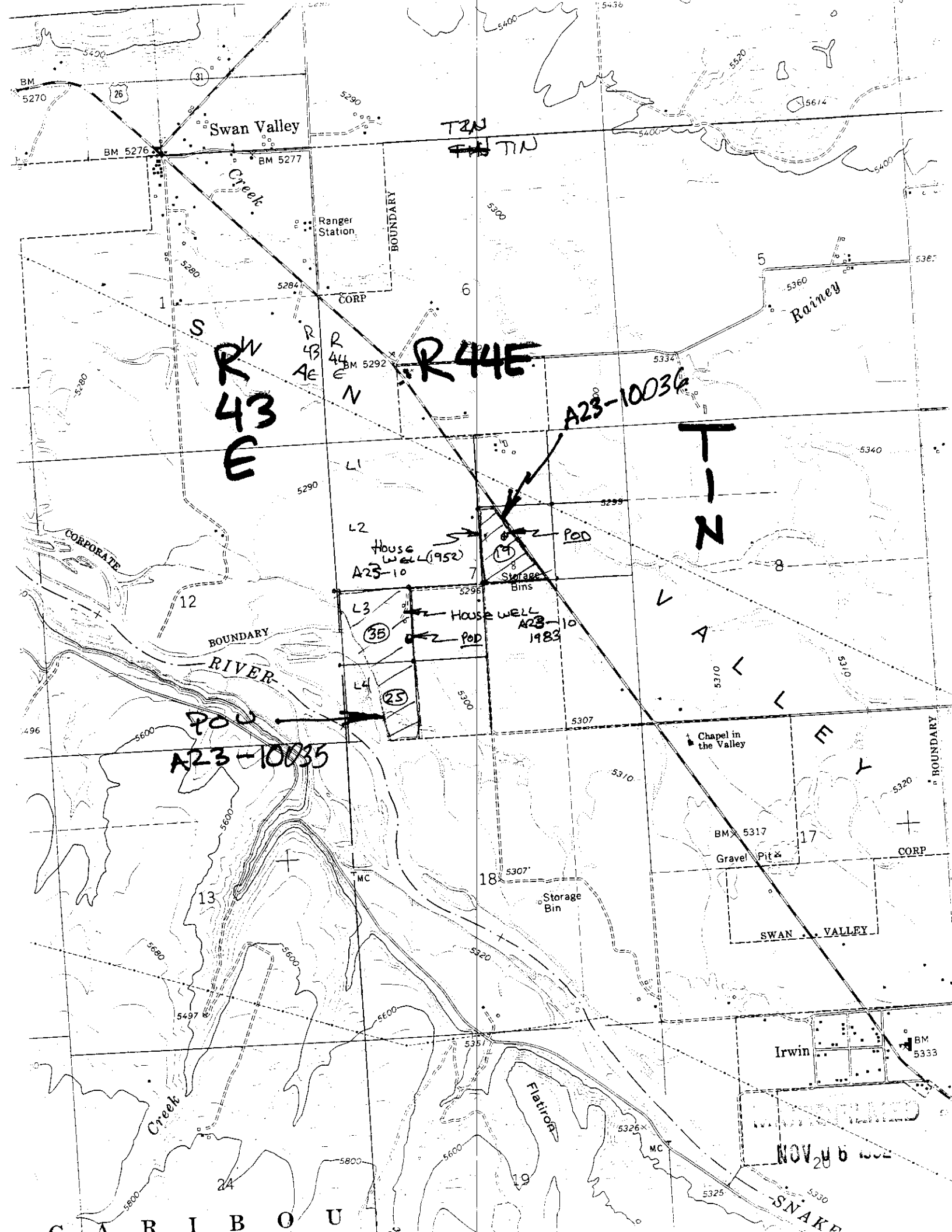
Address _____

Date _____

Last Name Serrmon Ident. Number _____

MICROFILMED

NOV 06 1992
Copies White-State, Yellow-Claimant



02/17/2004

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-10036

WAYNE H SERMON
120 E 300 N
AMERICAN FORK UT 84003-1713

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): Claim should be allowed at .380 cfs. OK
This claim was processed w/o a copy of our "Evidence of Priority", which was accidentally not included. We have an affidavit for "evidence of priority" + will include it w/ this error notice reply.

2. Describe the changes you wish to make in the proposed recommendation:
We seek the allowance of this claim for .380 cfs based on the attached copy of "Evidence of Priority".

3. Give a brief explanation as to why you disagree with these portions:
We have an affidavit of "Evidence of Priority". It was not included with the first claim but is attached to this claim.

I AGREE with this proposed recommendation; no changes need to be made.

DATE: _____

SIGNATURE: _____

Please print your name: _____

JEFF SERMON

IDWR Regional Office,

3/18/04 Changed Recommendation: 19AC
@ 0.38 cfs. Affidavit of
Priority Evidence

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.

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ACQUIRED UNDER STATE LAW

1. Name: WAYNE H SERMON
Address: 3100 N AMMON ROAD
IDAHO FALLS, ID

83401

208-523-7438

A2310036

2. Date of Priority: JUN 01, 1958

Trib. to: SINKS

3. Source: DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	44E	7	NW	SW	NE		BONNEVILLE

5. Description of diverting works:
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IRRIGATION	04/01	11/01	0.380		

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

A.F.A.

8. Total consumptive use is 38.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	44E	7	SW	NE		IRR	19.0

Section Acres 19.0

A23-10036

Page

1

Date: 02/02/89

MICROFILMED
NOV 06 1984



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 17, 2004

Wayne Sermon
3100 N Ammon Rd
Idaho Falls ID 83401

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 23-10036

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of June 1, 1958, from a drain.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

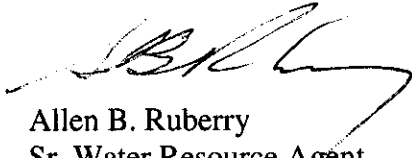
For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

February 24, 2004

**Wayne H Sermon
120 E 300 N
American Fork UT 84003-1713**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 23-10036

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

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It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

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It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date **within 30 days of the date of this letter, referencing all documents with the corresponding claim number.** If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

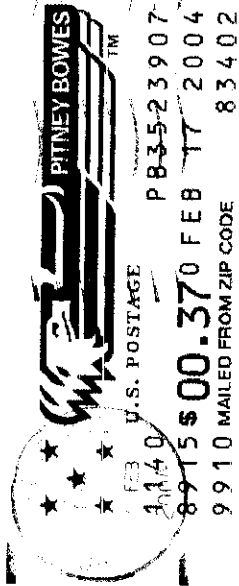
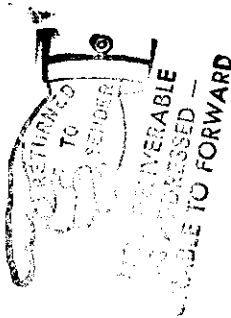
RECEIVED

FEB 20 2004

Department of Water Resources
Eastern Region

WAYNE SERMON
3100 N AMMON RD
IDAHO FALLS ID 83401

1/2



83401+1820

TAKE CHECK PAYABLE TO:

2003 TAX BILL/RECEIPT

PARCEL NUMBER
RPH0000007540

CODE AREA 7-0000

BILL# 31535

1ST HALF DUE 76.89

2ND HALF DUE 76.89

FULL DUE 153.78

TOT MV

15.5

10:23

TOT ACS

6.4

TOT ACS

68.3

TAXING DISTRICT

STATE

COUNTY

GEN SCHOOL

SWAN VALLEY

92 SCHOOL

S V FIRE

AMBULANCE

DISTRICT TOTAL

WATER DIST 01

AMOUNT DUE

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C.U.

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Page _____ of _____

Transfer No. _____

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

amount No change in Water Right purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

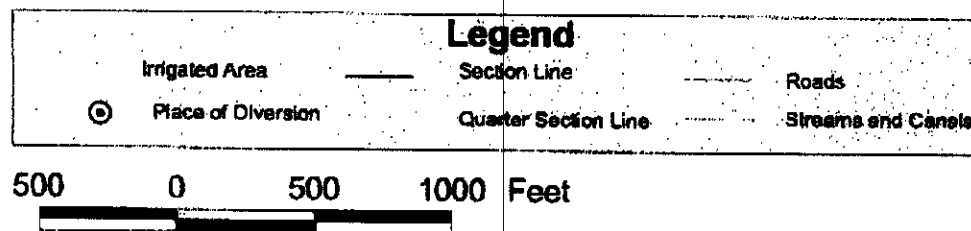
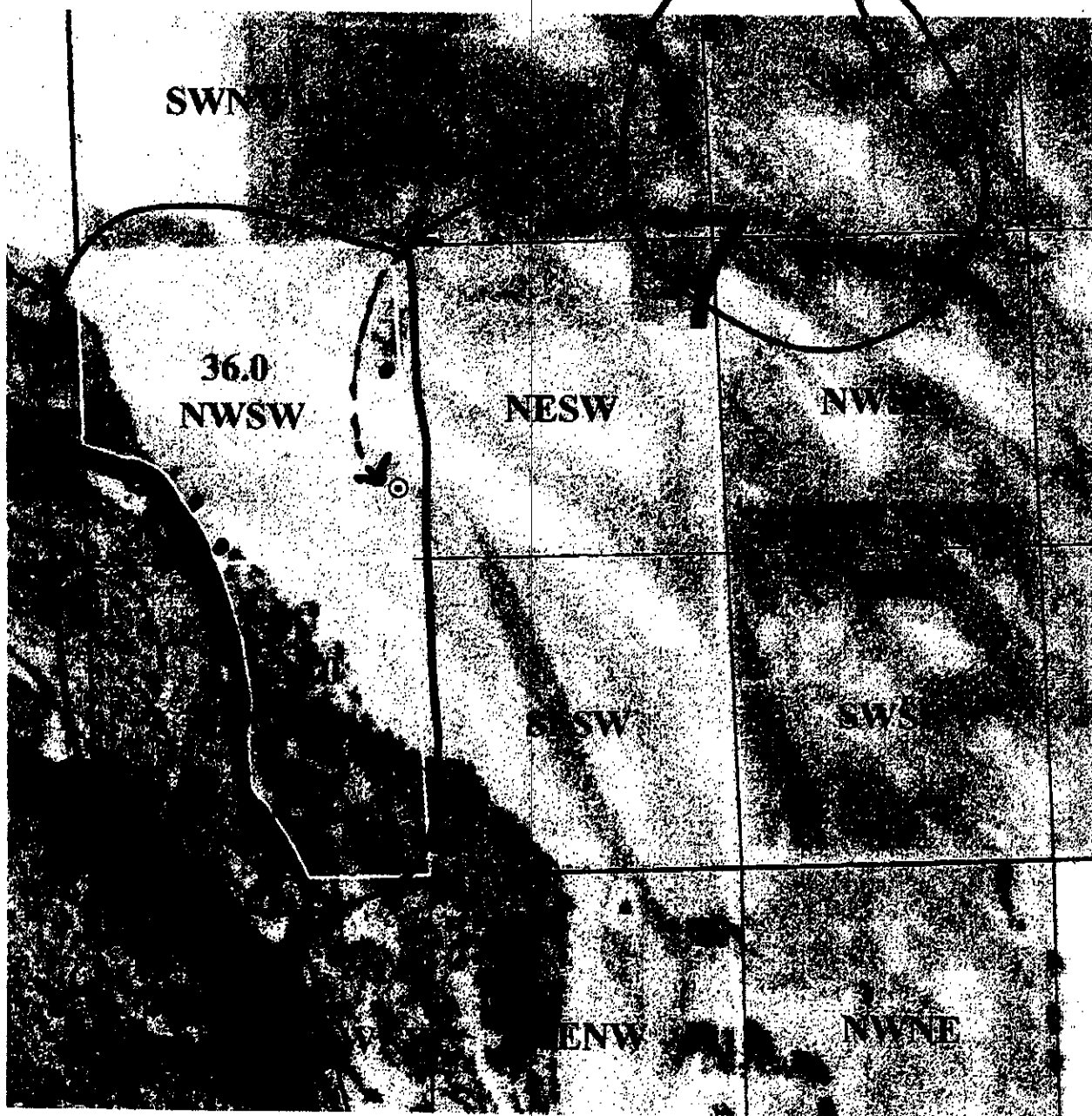
3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

Water Right Claim Number 23-10035
Townships , 5N38E, 1N44E

06/13/2001

SPATIAL
DYNAMICS

Page _____ of _____

PART 3

E. CHANGES IN NATURE OF USE

1. New Nature of Use Amount(cfs/sf-ft) Hours/days/year Period of Use
No change in Nature of Use _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

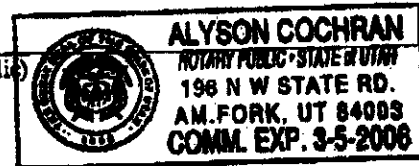
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.
 I understand that any willful misrepresentations made in this application may result in voiding its approval.

X [Signature] Resident
 (Signature of Applicant) German Investments LLC

Subscribed and sworn to before me this 24 day of FEB, 2004

Alyson Cochran
 (Notary Public)

My commission expires 3-5-06



FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments
 Received by _____ Date _____ Protest filed by _____
 Prelim. Check by _____ Fee _____
 Receipted by _____ Date _____
 Published in _____ Copies of protest forwarded by _____
 Pub. Dates _____ Hearing held by _____ Date _____
 Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial
 _____ received _____ by _____
 Copy of transfer sent to lien holder _____

TOTAL P.05

Contacts Data Entry Form

Water Right No. A2310036

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>Richard Powell</u>					
Name connector: and _____, or _____, and/or _____						
Current Owner						
Current Owner						
Representing Attorney:			Phone Number:			
Accompanied By:			Phone Number:			
Relationship to Claimant:						
Date of Field Exam:			Time:			

Directions to Property (if different from above) and/or update owner information:

BENEFICIAL USE TO WAYNE SERMON.WATER RIGHT WAS NOT SOLD WITH
THE SALE OF THIS PROPERTY RETAINED
BY WAYNE SERMON TRUST CONTRACT ATTACHED2/16/04 ① MAILED REQUEST FOR PRIORITY EVIDENCE② DISALLOWED PENDING EVIDENCE③ CLAIMANT CONTACT RE'D:RECOMMENDED TO SERMON ON POWSON LAND.TX RE'D TO Δ POW/POW.

Reviewer: _____

Date: _____

DISALLOWED = 1/3 PENDINGTX RE'D Δ POW/POW.

02/17/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-10036 **DISALLOWED**
NAME AND ADDRESS: WAYNE H SERMON
120 E 300 N
AMERICAN FORK UT 84003-1713
SOURCE: DRAIN TRIBUTARY: SINKS
QUANTITY: 0.000 CFS **.380**
PRIORITY DATE: 06/01/1958
POINT OF DIVERSION:

T01N R44E S7 NWSWNE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.0 CFS **.380**

PLACE OF USE: IRRIGATION Within BONNEVILLE County
T01N R44E S07 SWNE

see
attached
claim

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EXPLANATORY MATERIAL: Beneficial Use

**DISALLOWED pending evidence of priority. Transfer
application required.**

Evidence of Priority attached.
Transfer will follow as directed

February 17, 2004

**Wayne Sermon
3100 N Ammon Rd
Idaho Falls ID 83401**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 23-10036

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of June 1, 1958, from a drain.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date **within 30 days of the date of this letter, referencing all documents with the corresponding claim number.** If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

PAGE 2 OF 8 - RE-21 PURCHASE ALES A MENT

PROPERTY ADDRESS: SUN VALLEY HIGHWAY AND CATTANOWA RD: 13426. OTHER TERMS AND/OR CONDITION: ADDFE8. OCCUPANCY: BUYER ☐ does ☒ does not intend to occupy property as BUYER's primary residence.

7. ITEMS INCLUDED & EXCLUDED IN THIS SALE: All existing fixtures and things that are attached to the property are INCLUDED in THE PURCHASE PRICE (unless excluded below), and shall be transferred free of liens. These include, but are not limited to, all attached floor coverings, attached television antennas, satellite dish and receiving equipment, attached plumbing, bathroom and lighting fixtures, window screens, screen doors, storm windows, storm doors, window coverings, garage door opener(s) and transmitter(s), exterior house, plants or shrubbery, water heating apparatus and fixtures, attached fireplace equipment, awnings, venting, cooling and heating systems, built-in and "drop-in" ranges (but excluding all other ranges), fuel tanks and irrigation fixtures and equipment, all water systems, wells, springs, water, water rights, ditches and ditch rights, if any, that are appurtenant thereto that are now on or used in connection with the premises and shall be included in the sale unless otherwise provided herein.

The following additional items are specifically:

(A) INCLUDED IN THIS SALE:

ALL REAL PROPERTY
BUYER TO ASSUME ALL PAYMENTS AND OBLIGATIONS OF CURRENT
SAN HANKE CDP CONTRACT ON SUBJECT PROPERTY AND SHALL
PURCHASE SUBJECT PROPERTY IN AS IS CONDITION. (JES 5/26/04)

(B) EXCLUDED IN THIS SALE: NATURAL RIGHTS AND ALL PERSONAL PROPERTY.

PERSONAL PROPERTY TO BE REMOVED NO MORE THAN
30 DAYS AFTER CLOSING. AS PURCHASER CAN HAVE SAID
PERSONAL PROPERTY REMOVED AFTER 30 DAYS SELLER WAIVES ALL
RIGHTS TO PERSONAL PROPERTY - BUYER TO HAVE FULL DISCRETION AS TO REMOVE

8. TITLE CONVEYANCE: Title of SELLER is to be conveyed by warranty deed, unless otherwise provided, with title to be marketable and free from all liens, mortgages, judgments, liens, encumbrances, building or use restrictions, building and zoning regulations and ordinances of any government unit, and rights of way and easements established or of record. Liens, encumbrances or defects to be discharged by SELLER may be paid out of purchase money at date of closing. No liens, encumbrances or defects, which are to be discharged or removed by BUYER or to which title is taken subject to, exist unless otherwise specified in this Agreement.

9. TITLE INSURANCE:

(A) TITLE COMMITMENT: Prior to closing the transaction, ☐ SELLER or ☐ BUYER shall furnish to BUYER a commitment of a title insurance policy showing the condition of the title to said premises. BUYER shall have 2 business days from receipt of the commitment or not less than twenty-four (24) hours prior to closing, within which to object in writing to the condition of the title as set forth in the commitment. If BUYER does not so object, BUYER shall be deemed to have accepted the conditions of the title. It is agreed that if the title of said premises is not marketable, or cannot be made so within 10 business days after notice containing a written statement of defect is delivered to SELLER, BUYER'S Earnest Money deposit will be returned to BUYER and SELLER shall pay for the cost of this insurance commitment fee, escrow and legal fees, if any.

(B) STANDARD COVERAGE OWNER'S POLICY: SELLER shall within a reasonable time after closing furnish to BUYER a title insurance policy in the amount of the purchase price of the premises showing marketable and insurable title subject to the liens, encumbrances and defects elsewhere set out in this Agreement to be discharged or assumed by BUYER. The risk assumed by the title company in the standard coverage policy is limited to matters of public record.

(C) EXTENDED COVERAGE LENDER'S POLICY (Mortgagee policy): The lender may require that BUYER (Borrower) furnish an Extended Coverage Lender's Policy. This extended coverage lender's policy considers matters of public record and additionally insures against certain matters shown in the public record. This extended coverage lender's policy is solely for the benefit of the lender and only protects the lender.

(D) EXTENDED COVERAGE OWNER'S POLICY: A standard title policy does not cover certain potential problems or risks such as liens (i.e. a tax claim against premises for payment of some debt or obligation, boundary disputes, claims of easement and other matters of claims if they are not of public record at time of closing.) However, under Idaho law, such potential claims against the premises may have become legal obligations before the purchase of the home and yet may not be of public record until after the purchase. It is recommended that BUYER talk to a title company about what it offers in the way of extended coverage title policies and endorsements. This extended coverage owner's policy is for the benefit of the owner and provides similar coverage to that provided by the extended coverage lender's policy.

Extended Coverage Owner's Policy requested ☐ Yes ☒ No. Additional premium paid by: ☐ BUYER ☐ SELLER.

BUYER and SELLER acknowledge receipt of copy of this page, which constitutes Page 2 of 8 Pages
BUYER'S initials CL DATE 5/26/03 SELLER'S initials CL DATE 5/26/03
This form is printed and distributed by the Idaho Association of REALTORS®, Inc. / Ada County Association of REALTORS®, Inc. This form has been designed for
in provided only for use by real estate professionals who are also members of the National Association of REALTORS®.

Copyright Idaho Association of REALTORS®, Inc. / Ada County Association of REALTORS®, Inc. All rights reserved.

184 RESI Effective Date 06/01

BROKER: Clayton Real Estate & Development, Inc. Richard J. Clayton Jr. 5/26/03 Printed using pdFORMach® Software, v. 10

RECEIVED

JUL 3 1985

IN THE MATTER OF:

Application for
Permit 23-7096

AFFIDAVIT

Department of the Interior
Eastern District Office

State of Idaho
County of _____

23 ~~35~~ - 10035

23 ~~35~~ - 10036

E.R. Bithell

being first duly sworn,

deposes and says:

Mr. Wayne Hermon began irrigating
his land which is adjacent to mine, in 1958
he irrigated with a sprinkler system using
a tractor driven pump, to pump the water
from a hole which was dug with a backhoe.

E. R. Bithell
(Signature)

Subscribed and sworn to before me this 2 day of July, 1985.

Jay Zuehlke
(Notary Public)

Residing at Palisades, N.Y. 83437.
My Commission Expires 8-25-88

MICROFILMED

SEP 15 1989

RECEIVED

JUL 3 1985

AFFIDAVIT

Department of Land Resources
Eastern District Office

IN THE MATTER OF:

Application for
Permit 23-7096

State of Idaho
County of _____

23 ~~35~~ - 10035
23 ~~35~~ - 10036

E.R. Bithell

being first duly sworn,

deposes and says:

Mr Wayne Sermon began irrigating
his land which is adjacent to mine, in 1958
he irrigated with a sprinkler system using
a tractor driven pump, to pump the water
from a hole which was dug with a backhoe.

E. R. Bithell
(Signature)

Subscribed and sworn to before me this 2 day of July, 1985.

Jay Zuehlke
(Notary Public)

Residing at Palisades, W. 83437.
My Commission Expires 8-25-88

SEP 15 1989

MICROFILMED

Priority Date Data Entry Form

Claim Number: A 23 10036

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1 JUNE 1958 Claimed Basis: BENEFICIAL USE

Recommended Priority Date: _____ Recommended Basis: _____

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

BENEFICIAL USE ClaimAFFIDAVIT OF E.R. BITHOU attests to 1958.

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: A2310036

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____, County:____

Source:____ Tributary:____

Claimed Point of Diversion: T 1N, R 44E, Sec. 7, NW, SW, NE, County: BOYERVILLESource: DRAIN Tributary: SINKS

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____, County:____

Source:____ Tributary:____

☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? pod. Tag # AO 009528

Document how the POD and Source were verified and/or Pump and Motor data:

pump + Equipment T WERE REPAIRED
By SEEDMAN TRUST.

Transfers Changing POD _____

Reviewer: _____

Date: _____

Water Right No(s).



GPS DATA:

Tag # AO 009528 Location: T-1N R. 44E SEC. 7. SW NE.

Diversion Data:

Source: Sand point. Trib to: Ground Water

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

CHANGE OF OWNERSHIP. 6/6/03 THE
PREVIOUS OWNER RETAINED ALL EQUIPMENT
PUMP MOTOR. MAIN LINE & PIPE. PREVIOUS
OWNER. WAYNE SERMON.
* ALSO RETAINED WATER RIGHT.

Field Exam Date: 1-17-04 Agent: NICK OLSON

Place Of Use Data Entry Form

Claim Number: A 2310036☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
1N	44E	7	SW	NE	Brownsville		19	Irrigation

Total Acres 19

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

property was sprinkled with tractor
pump & sprinkler lines but all equipment
& pump was retained by seller. Section
trust verification & contract attached

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: A2310036☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/1	11/1		

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

IPWR STD 80u 4/15 To 10/31

Reviewer: _____

Date: _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>23-10036</u>				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Wayne Sermon

4. New Owner/Claimant(s)

Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

Richard Powell

City, State and ZIP Code

6571 S 46 E, Idaho Falls, ID 83406

New Telephone Number

208 522-7455

5. Date you acquired the property

6-JUNE 03

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

R. E. Powell

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____

Date _____

Fee _____

Received by _____

Date _____

Receipt No. _____

Processed by _____

Date _____

WR _____ Date _____

23-10036

BONNEVILLE COUNTY RECORDER
1116298 JUN 6 '03 PM 4 09

1116298

WARRANTY DEED

Order No.: 3030306960

FOR VALUE RECEIVED

Sermon Investments, LLC

522-7655

INSTRUMENT NO.	1116298
DATE	6-06-03
INST. CODE	205
IMAGED PGS	1
FEE	3.00
STATE OF IDAHO COUNTY OF BONNEVILLE } ss	
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By	<i>R. Longmore</i> Deputy
Request of	ATEC

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Richard R. Powell and Gayle H. Powell, Husband and Wife

whose current address is

6571 S 46th E Idaho Falls ID 83406

the grantee(s), the following described premises, in Bonneville County, Idaho, TO WIT:

Township 1 North, Range 44 East of the Boise Meridian, Bonneville County, Idaho Section 7; Lots 3 and 4; and beginning at the Southwest Corner of the Northeast Quarter and running thence North 1320 feet; thence East 277 feet to the highway; thence Southeasterly along highway to the South line of the Northeast Quarter; thence West 1111 feet, more or less, to the point of beginning. LESS highway right of way.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 6/06/2003

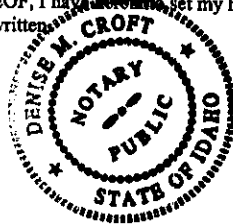
Sermon Investments, LLC

[Signature] Managing member Sermon Investments LLC

State of Idaho }
County of Bonneville } ss.

On this 6th day of June, 2003, before me, a Notary Public in and for said state, personally appeared John Sermon known or identified to me to be the Managing Member in the Limited Liability Company known as Sermon Investments LLC who executed the foregoing instrument, and acknowledged to me that he executed the same in said LLC name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
Notary Public for the State of

Residing at:

Commission Expires:

Residing in Bonneville County
Commission Expires: 2-27-04

CRP-1

(01-30-97)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

CONSERVATION RESERVE PROGRAM CONTRACT

7. COUNTY OFFICE ADDRESS AND PHONE NO. (area code)

BONNEVILLE COUNTY FSA
1120 E LINCOLN, SUITE B
IDAHO FALLS, ID 834011. ST. & CO. CODE & C/D
16-L2. SIGN-UP NUMBER
163. CONTRACT NUMBER
4424. ACRES FOR ENROLLMENT
14.25. FARM NUMBER
206. TRACT NUMBER(S)
288. OFFER (Select one)
STANDARD
ENVIRONMENTAL PRIORITY9. CONTRACT PERIOD
FROM MM-DD-YYYY TO MM-DD-YYYY
10-01-1998 09-30-2008

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (who may be referred to as "Owner", "Operator", and "Tenant", respectively) on the farm identified above. The undersigned person or persons may hereafter collectively be referred to as "the Participant". The Participant agrees to place the designated acreage into the Conservation Reserve Program ("CRP") for the stipulated contract period from the date the Contract is executed by the CCC or other use set by CCC. The Participant also agrees to implement on such designated acreage the Conservation Plan developed for such acreage and approved by the CCC and the Participant. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract including the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, the Participant acknowledges that a copy of the Appendix for the applicable sign-up period has been provided to such person. Such person also agrees to pay such liquidated damages in an amount specified in the Appendix if the Participant withdraws prior to CCC acceptance or rejection. The terms and conditions of this contract are contained in this Form CRP-1 and in the CRP-1 Appendix and any addendum thereto. BY SIGNING THIS CONTRACT PRODUCERS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS: CRP-1; CRP-1 Appendix and any addendum thereto; CRP-2; and if applicable, CRP-15 and CRP-1 Continuation.

10. OFFER FOR PERMISSION TO ALLEY CROP

In order to participate in CRP under CP19, Alley Cropping, I/we submit an offer of \$_____ per acre reduction, from the amount specified in item 11A, in the annual rental payments for permission to produce agricultural commodities on eligible acres in accordance with the provisions for alley cropping set out in the applicable regulations. I/we understand that for each year of the CRP contract the annual rental payment will be reduced by the amount agreed to above, which reduction must be a reduction of at least 50 percent in the annual rental payment.

11A. Rental Rate Per Acre (\$)

\$29.00

B. Annual Contract Payment (\$)

\$412.00

C. First Year Payment (\$)

(Item 11C applicable only to continuous signup when the first year payment is prorated.)

12. Identification of CRP Land (See Reverse for additional space)

A. Tract No.

B. Field No.

C. Practice

D. Acres

E. Total C/S

28

1, 2

CP4D

14.2

13. OWNERS, OPERATORS, AND TENANTS

A. OPERATOR NAME AND ADDRESS

RICHARD POWELL
6571 S 46TH E
IDAHO FALLS, ID 83401

SOCIAL SECURITY NUMBER

5 1 8 - 4 8 - 1 5 6 9

SIGNATURE

100 %

DATE

7-21-03

B. OWNER NAME AND ADDRESS

SOCIAL SECURITY NUMBER

SIGNATURE

%

DATE

C. NAME AND ADDRESS

SOCIAL SECURITY NUMBER

SIGNATURE

%

DATE

14. CCC USE ONLY - Payments according to the shares are approved.

SIGNATURE OF CCC REPRESENTATIVE

DATE

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended, and regulations promulgated at 7 CFR PART 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 651, 1001; 18 USC 714m; and 31 USC 3729, may be applicable to the information provided.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0125. The time required to complete this information collection is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.

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Original - County Office Copy



Owner's Copy



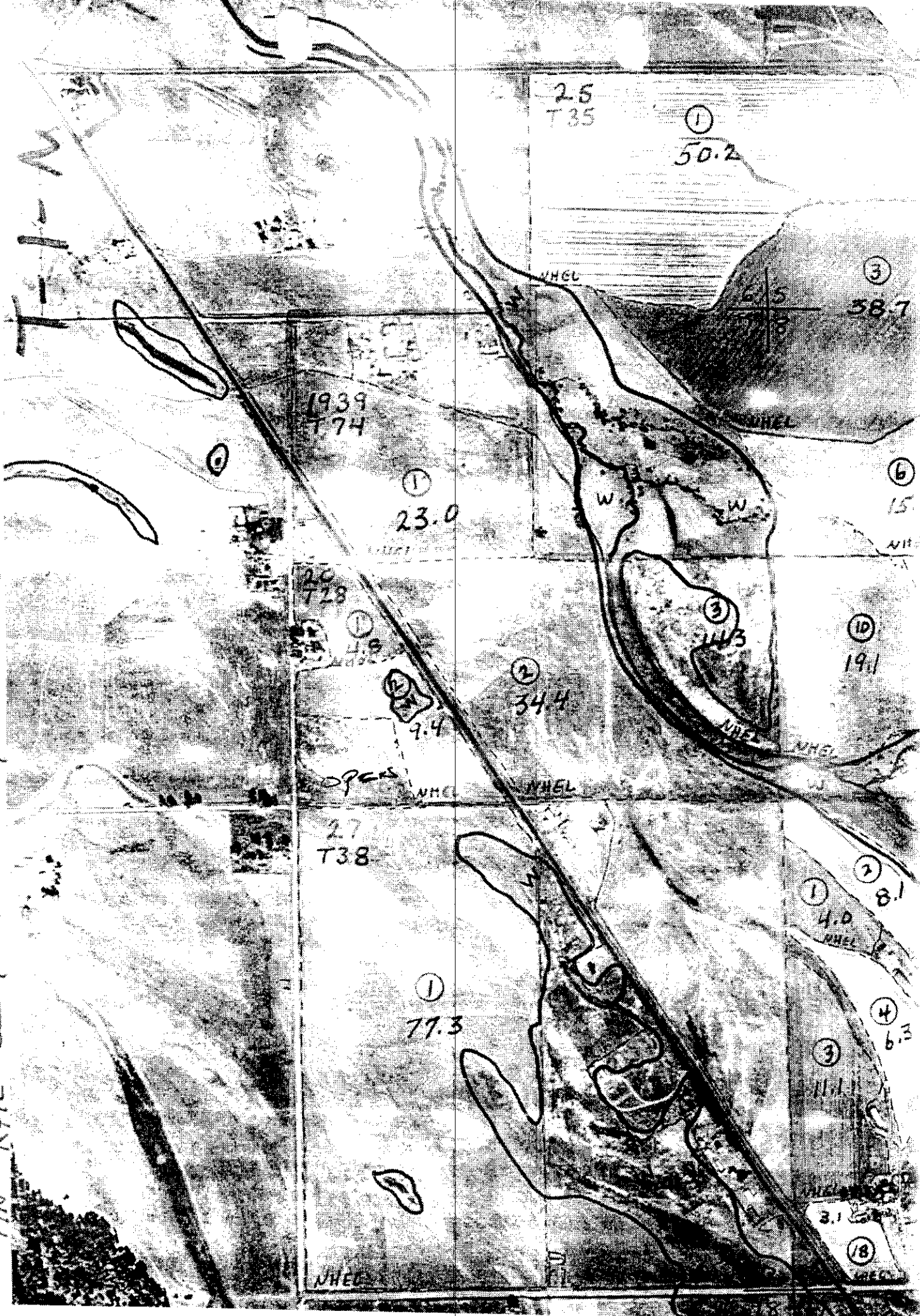
Operator's Copy



NRCS Copy

WAYNE SERMON

TIN R44E SEC 7 MAP NN-7



9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Sermon, Wayne H.CLAIMMENT NO. A23-10036DATE RECEIVED 9-21-88CK # 1974AMOUNT \$ 229 -

YES

NO

1. Is the name and address complete with zip code? ☒ YES ☐ NO2. Is a priority date entered? ☒ YES ☐ NO

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? ☒ YES ☐ NO(b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO5. Is there a description of the diverting works? ☒ YES ☐ NO6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NOIs the period of use included? ☒ YES ☐ NOIs a quantity claimed for each use? ☒ YES ☐ NO7. Is a total quantity claimed entered? ☒ YES ☐ NO8. If required is a consumptive use entered? ☒ YES ☐ NO N/AIs the consumptive use correct? ☒ YES ☐ NO N/A9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4. ☒ YES ☐ NO10. Is (are) the place(s) of use entered? ☒ YES ☐ NO11. Is (are) the county(ies) entered? ☒ YES ☐ NO12. Is the ownership of p.u. checked? ☒ YES ☐ NO13. Are other water rights listed or "none" checked? ☒ YES ☐ NO14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A15. Is the basis of the claim checked? ☒ YES ☐ NO16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) ☒ YES ☐ NOHas the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NOIs the fee enclosed correct? ☒ YES ☐ NOIf this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/AShould this claim be receipted and data entered? ☒ YES ☐ NOClaim checked by: CS

MICROFILMED

Comments:

NOV 06 1992

2745

Log for claim 23-10036

Spatial Dynamics LTD

6/13/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	7	SWNE	19	23	
Totals:			19	23	

SEE NOTES IN 23-10035. PARTICULARLY REGARDING
PERMITS 23-7096 AND 7097.

→ STAYS w/ SERMON

→ To Richard Power
w/ 23-10036

→ DIFFERENT PARCELS

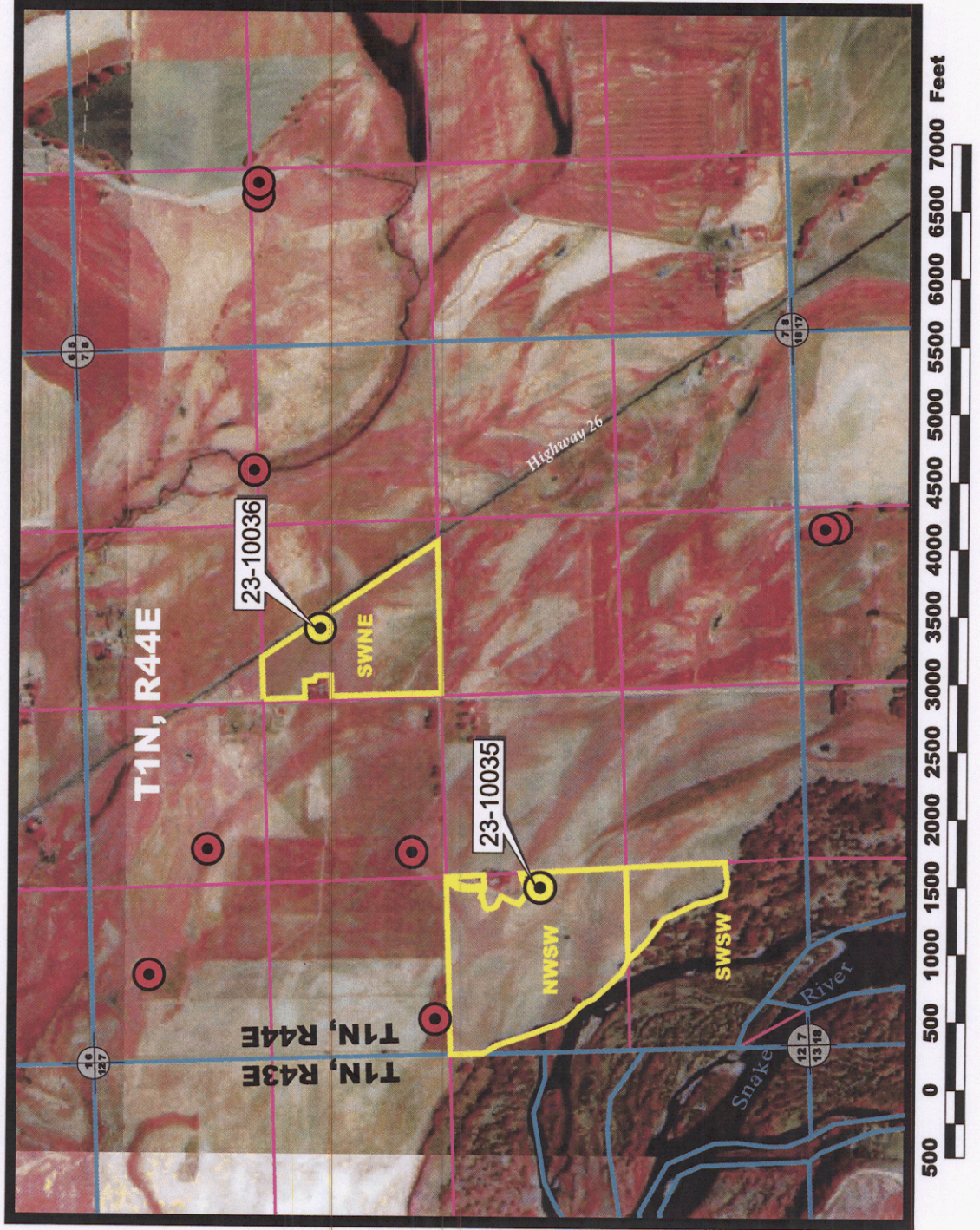
ALL WATER RIGHTS ARE RETAINED BY SERMON
TRUST AT THIS TIME 17 JAN 2004



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
23-10035,
23-10036

Place of Use: (parts of)
T1N, R44E Sec. 7
W2SW (23-10035)
SWNE (23-10036)

Point(s) of Diversion:
T1N, R44E Sec. 7
NWNWSW (23-10035)
NWSWNE (23-10036)

LEGEND

- Point of Diversion
- SESE Place of Use
- Section
- Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: March 2004

65
78

Richard Powell
RPH00000071222
23-10035 (23-07096 permit)

Wayne Sermon Trust
RPH00000075401
23-10036 (23-07097 permit)

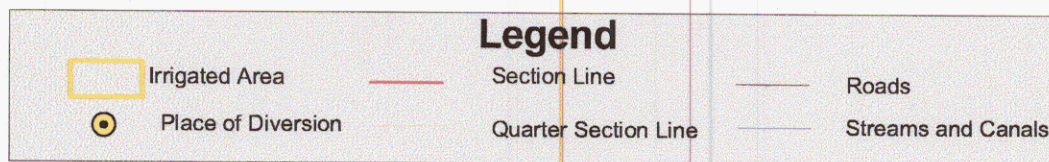
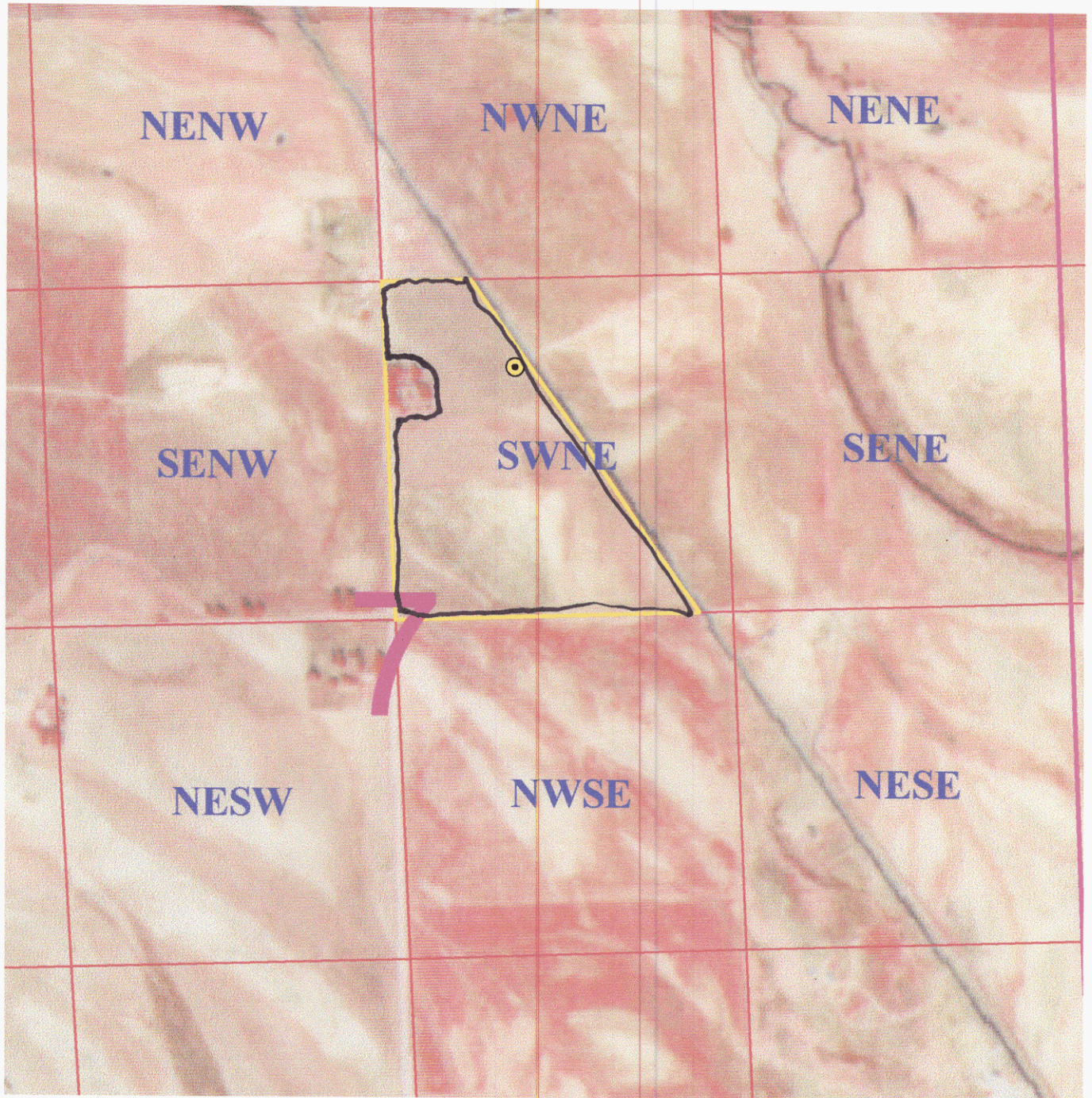
26

16
127

T1N, R43E
T1N, R44E

Water Right Claim Number 23-10036
Township , 1N44E

06/13/2001



SPATIAL
DYNAMICS